From:	Trials
To:	Nguyen, Jean; Trials
Cc:	Quincy Lu; Arjomand, Mehran; Jim Glass; Yap, Alex S.; MoFo_Insta360-IPRs; Yuan, Anna Y.; Joseph Milowic III; John McKee; QE-GoPro-Arashi Vision; Patrick Schmidt
Subject:	RE: IPR2024-01052: Request for Authorization to File Motion to Strike Sur-reply Arguments
Date:	Tuesday, September 16, 2025 10:45:24 AM
Attachments:	image001.png image002.png

Counsel:

The Board has considered the parties' e-mails. Petitioner may file a motion to strike addressing the issues in Petitioner's e-mail and not exceeding five pages within 5 business days of the Board's approval of Petitioner's request. Patent Owner may file a response not exceeding five pages with within 5 business days of the service of the opening motion.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

UNITED STATES PATENT AND TRADEMARK OFFICE

From: Nguyen, Jean <JNguyen@mofo.com>
Sent: Monday, September 15, 2025 9:02 PM
To: Trials <Trials@USPTO.GOV>
Cc: Quincy Lu <quincylu@quinnemanuel.com>; Arjomand, Mehran <MArjomand@mofo.com>; Jim Glass <jimglass@quinnemanuel.com>; Yap, Alex S. <AYap@mofo.com>; MoFo_Insta360-IPRs <MoFo_Insta360-IPRs@mofo.com>; Yuan, Anna Y. <AYuan@mofo.com>; Joseph Milowic III <josephmilowic@quinnemanuel.com>; John McKee <johnmckee@quinnemanuel.com>; QE-GoPro-Arashi Vision <qe-gopro-arashivision@quinnemanuel.com>; Patrick Schmidt <patrickschmidt@quinnemanuel.com>
Subject: RE: IPR2024-01052: Request for Authorization to File Motion to Strike Sur-reply Arguments

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Dear Honorable Board,

Petitioner is available for a conference between 1:30-2:30 pm and 4-5 pm ET on Wed., Sept.

17, or between 12-2 pm PT on Friday, Sept. 19 in the event the Board determines that a conference is necessary.

Petitioner is surprised at Patent Owner's contentions that Petitioner's request is premature, considering that Petitioner had provided its detailed request to Patent Owner since September 1. Patent Owner delayed providing its position on whether it would oppose Petitioner's request until today, even though the parties have corresponded and met and conferred on this issue multiple times.

Respectfully Submitted,

Jean Nguyen
Counsel for Petitioner

From: Quincy Lu <quincylu@quinnemanuel.com>
Sent: Monday, September 15, 2025 10:24 AM
To: Nguyen, Jean <JNguyen@mofo.com>; Trials <Trials@USPTO.GOV>
Cc: Arjomand, Mehran <MArjomand@mofo.com>; Jim Glass <jimglass@quinnemanuel.com>; Blumenkopf, Bryan <BBlumen@mofo.com>; Yap, Alex S. <AYap@mofo.com>; MoFo_Insta360-IPRs <MoFo_Insta360-IPRs@mofo.com>; Mao, Stella <SMao@mofo.com>; Joseph Milowic III <josephmilowic@quinnemanuel.com>; John McKee <johnmckee@quinnemanuel.com>; QE-GoPro-Arashi Vision <qe-gopro-arashivision@quinnemanuel.com>; Patrick Schmidt <patrickschmidt@quinnemanuel.com>
Subject: RE: IPR2024-01052: Request for Authorization to File Motion to Strike Sur-reply Arguments

External Email

Dear Honorable Board,

Petitioner's email is premature, as Petitioner did not obtain Patent Owner's position before sending its request. Specifically, Petitioner requested Patent Owner's position on Friday, 9:30 pm ET, and sent the below email over the weekend before receiving Patent Owner's response. Petitioner has also yet to request Patent Owner's availability for a conference with the board. Should the Board require a hearing, Patent Owner is available today, between 2-3 and 4-5 pm ET and tomorrow between 1-5 pm ET.

Patent Owner opposes Petitioner's request. Each of the alleged "new" arguments that are subject to Petitioner's request, copied below, were either set forth in Patent Owner's response or properly responsive to Petitioner's reply arguments:

1. *"There is a presumption of nexus for secondary considerations"*: This argument was originally set forth in the POR at 69-75
2. *"Despite Voss' clear disclosure of pillar/letter boxing . . ."*: This argument was originally set forth in the POR at 32-35
3. *"Insta's Chinese application describes the state of the art"*: This argument is properly responsive to Petitioner's new Reply argument; specifically, that a POSITA would understand Thomason to determine the size of a viewing window frame-by-frame. Petitioner did not raise this argument in the Petition. Should Patent Owner's responsive argument be struck, Petitioner's argument in their Reply at 11-13 should also be struck.
4. *"Location can be determined to be the same across frames":* This argument was originally set forth in the POR at 35-39 and is properly responsive to Petitioner's mischaracterization that our position does not allow the location of the viewing window to stay the same across frames.

Respectfully submitted,
Quincy Lu

Quincy Lu
Of Counsel, Quinn Emanuel Urquhart & Sullivan, LLP

From: Nguyen, Jean <JNguyen@mofo.com>
Sent: Sunday, September 14, 2025 4:31 PM
To: Trials <Trials@USPTO.GOV>
Cc: Arjomand, Mehran <MArjomand@mofo.com>; Jim Glass <jimglass@quinnemanuel.com>; Blumenkopf, Bryan <BBlumen@mofo.com>; Yap, Alex S. <AYap@mofo.com>; MoFo_Insta360-IPRs <MoFo_Insta360-IPRs@mofo.com>; Mao, Stella <SMao@mofo.com>; Joseph Milowic III <josephmilowic@quinnemanuel.com>; John McKee <johnmckee@quinnemanuel.com>; QE-GoPro-Arashi Vision <qe-gopro-arashivision@quinnemanuel.com>; Patrick Schmidt <patrickschmidt@quinnemanuel.com>
Subject: IPR2024-01052: Request for Authorization to File Motion to Strike Sur-reply Arguments

[EXTERNAL EMAIL from jnguyen@mofo.com]

Dear Honorable Board,

Petitioner respectfully requests authorization to file a motion to strike the following arguments in Patent Owner's Sur-reply (Papers 39 and 40) in IPR2024-01052, as they present improper new theories of unpatentability:

1. There is a presumption of nexus for secondary considerations (Sur-reply at 26);

2. Despite Voss' clear disclosure of pillar/letter boxing, Voss's "inset rectangle" is not ***configured*** to define the extents of visual content for horizon-leveling because it "oscillates" between being optically filed and pillar boxing (Sur-reply at 18);
3. Insta's Chinese application describes the state of the art (Sur-reply at 5-6); and
4. Location can be determined to be the same across frames (Sur-reply at 10).

Petitioner requests the following:

1. **Opening motion**: 5 pages to be filed within 5 business days of the Board's approval of Petitioner's request
2. **Opposition**: 5 pages to be filed within 5 business days of the service of the opening motion

Petitioner and Patent Owner have conferred, and Patent Owner has not indicated whether or not it opposes this request.

Respectfully Submitted,

Jean Nguyen, Ph.D.
Of Counsel
jnguyen@mofo.com
T: +1 (213) 892-5295

Morrison Foerster
707 Wilshire Boulevard
Los Angeles, CA 90017-3543

MORRISON FOERSTER

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