IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners

v.

SNAPAID, LTD.
Patent Owner

U.S. PATENT NO. 10,659,682

Case IPR2025-01522

OPPOSITION TO PATENT OWNER'S REQUEST FOR DISCRETIONARY DENIAL

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LIST OF EXHIBITS[1]

Exhibit No.	Description
1001	U.S. Patent No. 10,944,682
1002	*Curriculum Vitae* of Dan Schonfeld
1003	Declaration of Dan Schonfeld in support of *Inter Partes* Review
1004	U.S. Patent No. 8,508,622 ("Anon")
1005	U.S. Pat. App. Pub. No. 2010/0149361 ("Takeuchi")
1006	U.S. Pat. App. Pub. 2009/0296989 ("Ramesh")
1007	U.S. Pat. App. Pub. 2010/0246939A1 ("Aisaka")
1008	U.S. Pat. App. Pub. No. 2008/0013851 ("Ishiwata")
1009	Liu et al., "Image Quality Assessment Using Multi-Method Fusion" IEEE 2012
1010	U.S. Pat. App. Pub. No. 2011/0222724 ("Yang")
1011	U.S. Patent No. 8,009,198 ("Alhadef")
1012	U.S. Patent No. 8,682,097 ("Steinberg")
1013	U.S. Pat. App. Pub. No. 2012/0201427 ("Jasinski")
1014	U.S. Pat. App. Pub. No. 2002/0110286 ("Cheatle")
1015	U.S. Pat. App. Pub. No. 2012/0177352, ("Pillman")
1016	File History of U.S. Patent No. 10,944,682
1017	Che-Hua Yeh et al., "Personalized Photograph Ranking and Selection System," 2010 ("Yeh")
1018	Cavalcanti, et al., "A Survey on Automatic Techniques for Enhancement and Analysis of Digital Photography," 2013 ("Cavalcanti")

[1] Unless otherwise specified, citations are to the original page, column, and line numbers in exhibits, and all emphasis is added unless otherwise noted.

I. INTRODUCTION

The '682 patent issued in 2020. Samsung's Petition therefore represents a challenge early in the life of the patent. SnapAid's arguments for discretionary denial are unpersuasive and unsupported by relevant facts or precedent. **First**, SnapAid's reliance on the age of earlier patents in the family does not and cannot create settled expectations for the recently issued '682 patent, which has been in force for less than six years and only recently asserted. Although SnapAid spends much of its brief attempting to establish that Samsung had knowledge of the original PCT application and the older patents that issued from that application—**Samsung does not challenge any of these older patents in IPR**. The record before the Office establishes that the '682 patent and the other patents Samsung does challenge claim independent inventions: not one of those patents is subject to a terminal disclaimer over any of the older three. And SnapAid's own positions, both in its past interactions with Samsung and in the present litigation, concede that the patents Samsung has challenged in IPR stand on their own. The Office has repeatedly emphasized that IPR challenges early in the life of a patent are favored. That is what Samsung has done here. SnapAid's alleged settled expectations in older, unchallenged patents should have little or no impact on whether its recently issued patents merit PTAB review.

Second, SnapAid's assertion that no efficiencies are gained by Samsung's *Sotera*+ stipulation because its three older patents are not challenged in IPR is unfounded and contrary to both the record and Board precedent. The *Fintiv* factors strongly support institution: the Board's Final Written Decision will issue **before** the district court trial, and the parties and court have not yet made significant investments in the parallel litigation—claim construction, expert discovery, and final contentions all remain outstanding. Samsung acted diligently, filing its petition within five months of service of the complaint and before SnapAid served infringement contentions, as reflected in the district court's scheduling order, which weighs heavily against discretionary denial under Board precedent—*Fintiv* and *Snap v. SRK Tech*. The fact that three patents remain unchallenged does not undermine the substantial efficiencies achieved by resolving the validity of the majority of asserted patents in a single, expert forum. Institution will allow the Board to address the core patentabilty issues for five of the eight asserted patents, significantly narrowing the issues for trial and reducing the burden on the district court. Moreover, Samsung's broad *Sotera*+ stipulation precludes duplicative validity arguments in district court, eliminating the risk of inconsistent outcomes and ensuring that institution will promote, not hinder, judicial economy.

Third, the examiner's failure to discover and apply the primary reference applied in the Petition, Anon, constitutes a material error that undermines the

integrity of the examination process for the '682 patent. This error is highly relevant to the question of discretionary denial and strongly supports the position that such a denial would be inappropriate in light of the incomplete and materially deficient prior art record.

II. SNAPAID HAS NOT FORMED SETTLED EXPECTATIONS

SnapAid contends that Samsung "selectively avoided challenging the Asserted Patents that issued more than six years ago" and further contends that "while [the] '682 patent has been in force for about five and a half years, the '682 patent is a direct descendant from unchallenged Asserted Patents that go back nine years with a common specification and generally related claim scope." Discretionary Denial ("DD") Brief at 11. The Director has consistently recognized that settled expectations do not weigh in favor of discretionary denial where the challenged patent has not been in force for a significant period or where early challenges are involved, such as the case is here. *See e.g., Suzhou Mojawa Intelligent Elec. Co., Ltd. v. Shenzhen Shokz Co., Ltd.*, IPR2025-00842, Paper 14, Director Decision (Sept. 19, 2025) ("the challenged patents have not been in force for a significant period of time (issued in 2021 and 2022). Accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial."); and *Intel Corp. v. Advanced Cluster Sys., Inc.* IPR2025-00913, Paper 13, Director Decision (Sept. 19, 2025) (same).

SnapAid nevertheless argues for discretionary denial by contending that the '682 patent should benefit from alleged settled expectations attaching to three older patents—patents that it concedes Samsung has not challenged in IPR. DD Brief at 9. In this regard, SnapAid's reliance on *Apple Inc. v. Apex Beam Techs. LLC* is misplaced. DD Brief at 9-10. In the *Apex Beam* decision, the Director referred the petitions to the Board making clear that "[a]lthough there may be good reasons why a patent owner has strong settled expectations in a patent that has been in force for two, three, or four years, Patent Owner has not sufficiently articulated such reasons in these proceedings. In the absence of such information, Patent Owner has not demonstrated that it has developed strong settled expectations that favor discretionary denial." *Apple Inc. v. Apex Beam Techs. LLC*, IPR2025-00896, Paper 10, Director Decision (Sept. 3, 2025). That is the case here, as explained below, SnapAid does not sufficiently articulate reasons why settled expectations could exist for the recently issued patents at issue in these proceedings.

At bottom, SnapAid's alleged settled expectations rely exclusively on the age of certain patents within the asserted family **that are not subject to challenge before the Board**. SnapAid presents no other facts suggesting that its recently issued patents have acquired any settled expectations. Nowhere does SnapAid allege that the patents that Samsung has actually challenged—including the '682 patent—have ever been previously asserted in litigation prior to the current district court

action or adjudicated elsewhere. Nor does SnapAid claim that any party, including Samsung or any third party, has ever taken a license to the '682 patent or any of the other asserted patents. SnapAid makes no allegation that the '682 patent has been commercialized, widely adopted, or otherwise recognized in a manner that would give rise to any industry acquiescence. Simply put, SnapAid does not point to any conduct or representations by Samsung or others that would suggest the '682 patent—the patent at issue here—has acquired a status that would warrant the application of the settled-expectations doctrine.

To the contrary, the only facts SnapAid relies on are (1) the mere passage of time since the issuance of certain older, unchallenged patents in the family, and (2) the existence of communications with Samsung that referenced the patent family generally. SnapAid asserts that it made detailed disclosures to Samsung in both 2015 and 2017 and alleges that this scenario aligns with recent decisions denying institution under Section 314(a), citing *Amazon.com Servs. LLC v. Audio Pod, LLC*, IPR2025-00757, Paper 15 at 3 (Aug. 14, 2025). In contrast to *Amazon*, however, SnapAid's disclosures to Samsung identify several separate inventions, each with its own technical focus. For example, in Ex. 2019, SnapAid identifies at least five categories of disclosures A-E (e.g., A. "Real time assessment of picture quality" and C. "Estimating and using relative head pose and camera field-of-view") and provide separate "Short summery {sic} of inventions." Each of these categories is described

as a separate technical solution, and the documentation provides summaries of their unique contributions and applications. *Id.*

SnapAid's marketing and technical presentations (Ex. 2014) reinforce their belief that their portfolio consists of "individual patents:" This presentation represents SnapAid's belief that it was in possession of multiple, distinct inventions, not incremental improvements or embodiments of a single inventive concept. Moreover, SnapAid's Complaint is consistent with each of its asserted patents as being patentably distinct. *See e.g.,* Ex. 2001 ¶ 62 ("None of the claims of the '682 Patent are representative of the '682 Patent's other claims or claims of the other Asserted Patents"). According to SnapAid, the claims of the '682 patent recite "specific improvements over prior art and conventional systems, apparatuses, and methods and represent meaningful limitations and/or inventive concepts." *See e.g.,* Ex. 2001 ¶ 61.

This distinction is critical. The fact that SnapAid itself has repeatedly emphasized the individuality of its patents undermines any presumption that the older, unchallenged patents cover the same subject matter as the newer, challenged patents—such as the '682 patent. No basis exists to assume that the settled expectations, if any, associated with SnapAid's older patents extend to the '682 patent or any other later-issued patent in the family. Each patent stands on its own, as acknowledged by SnapAid's own representations.

Indeed, the prosecution histories of SnapAid's patents confirm this point. The Examiner of the application that led to the '682 patent recognized the application to cover subject matter patentably distinct and different from SnapAid's earlier patents as the Examiner never made an obviousness-type double patenting rejection and never required a terminal disclaimer over those earlier patents. Indeed, of the eight patents claiming priority to SnapAid's original PCT application, only U.S. Patent No. 11,671,702 is subject to a terminal disclaimer, and that terminal disclaimer is tied to U.S. Patent No. 10,944,901. Both the '702 and '901 patents are recently issued and are currently subject to IPR challenges by Petitioner. With the exception of the '702/'901 pairing, SnapAid's six other patents are not subject to any terminal disclaimer and are therefore presumed to be patentably distinct from one another. **Notably, none of the five patents challenged in IPR or post-grant review (PGR) are subject to a terminal disclaimer to the older SnapAid patents**.

Nevertheless, contrary to its own Complaint and the file history of the '682 patent, SnapAid now asserts that claim 17 of the '682 patent has "similar scope" to claim 1 of the unchallenged '226 and '537 patents. DD Brief at 5–6. This assertion is incorrect. Claim 17 of the '682 patent expressly requires "obtaining a second value" that "is a combination of at least one of digital camera exposure, focus and under or over exposure," and "analyzing the captured image via deep learning algorithms for detecting or recognizing" objects or characteristics "to obtain a third

value (QI3)," aspects that are not found in claim 1 of the '226 or '537 patents. Moreover, claim 17 of the '682 patent specifies a particular set of quality indicators, including not only values responsive to device motion and camera exposure, but also values of exposure, focus, and over- and under-exposure. Claim 1 of the '226 and '537 patents are not directed to this combination of quality indicators.

The file history of the '682 patent demonstrates that the Examiner believed—albeit mistakenly—that the combination of limitations recited in claim 17, which are absent from claim 1 of the '226 and '537 patents, constitutes the point of novelty of the '682 patent. The examiner expressly found that the prior art did not disclose the elements of claim 17 (or claim 1). *See* EX1016 at 315-16. Accordingly, neither SnapAid's Complaint nor the '682 patent file history supports SnapAid's argument that claim 17 of the '682 patent and claim 1 of the '226 and '537 patents "have similar scope."

In sum, SnapAid has not established any settled expectations regarding the '682 patent. The '682 patent issued less than six years ago, and the SnapAid patents are presumptively patentably distinct, as evidenced by the absence of terminal disclaimers, the lack of obviousness-type double patenting rejections, and SnapAid's own representations that each patent embodies a separate and independent inventive contribution. SnapAid's disclosures and marketing materials further confirm SnapAid's belief that its portfolio consists of multiple, distinct inventions, not

incremental variations of a single concept. Moreover, SnapAid has not articulated any specific reliance or investment that would give rise to settled expectations, and the distinctions in claim scope—particularly the unique limitations of the '682 patent—further undermine any such argument. Accordingly, the record does not support discretionary denial under § 314(a) for settled expectations.

III. *FINTIV* FACTORS WEIGH IN FAVOR OF INSTITUTION

The application of the *Fintiv* factors in this case strongly supports institution of IPR. The following analysis addresses each *Fintiv* factor in detail, confirming that the balance of considerations supports proceeding with review.

A. Factor 1: The *Sotera*+ Stipulation Minimizes Duplicative Investment Even Absent a Stay

No motion to stay has been filed, so the Board should not infer the outcome of such a motion. *Sand Revolution II,* LLC *v. Cont'l Intermodal Grp. – Trucking LLC*, IPR2019-01393, Paper 24 at 7 (June 16, 2020) (informative). Furthermore, if trial is instituted, Samsung's *Sotera*+ stipulation will significantly reduce the potential for duplicative investment between the PTAB and the Eastern District of Texas ("EDTex"), even in a scenario where a stay of the EDTex case is not achieved. Under the *Sotera*+ stipulation, Samsung has agreed not to pursue in EDTex any invalidity grounds that were raised or could reasonably have been raised in the PTAB proceeding, including any ground based on prior art patents or printed publications, as well as combinations involving system prior art and the references asserted in the

IPR. Ex. 2025 ('682 Sotera+ Stipulation Email). This broad commitment ensures that, regardless of the outcome at the PTAB, the same invalidity arguments will not be relitigated in the district court. *See e.g., Tesla, Inc. v. Intell. Ventures II LLC*, IPR2025-00217, Paper No. 9, Director Decision (June 13, 2025) ("Other considerations, however, counsel against discretionary denial. For example, Petitioner has filed a broad stipulation").

By making this stipulation, Samsung effectively narrows the scope of issues that EDTex must address, focusing the court's attention on other aspects of the case such as infringement, damages, or validity challenges outside the scope of the PTAB review (e.g., under §§ 101 or 112) in IPR. This approach substantially reduces the risk of duplicative work, conflicting decisions, and unnecessary expenditure of resources by both the parties and the judiciary. The Director has recognized that such broad stipulations "reduce[] the concern of inconsistent outcomes or significant duplication of efforts." *See e.g., Samsung Elects. Co., v. Wilus Inst. of Standards and Tech.*, IPR2025-00933, Paper No. 11, Director Decision (Oct. 10, 2025).

Because the claims in the five challenged patents are not the same as those in the three unchallenged patents, the district court's role with respect to the challenged patents will be substantially narrowed. The *Sotera*+ stipulation ensures that all prior art-based invalidity grounds that could be raised in the PTAB will not be relitigated in the district court for those five patents. As a result, to the extent the three

unchallenged patents remain in the litigation, have not been otherwise disposed of or dismissed, the jury and the court can focus their validity analysis exclusively on those patents, while for the five challenged patents, the district court's attention will be limited to issues outside the scope of the IPR—such as infringement, damages, and any validity challenges under Sections 101 or 112.

This division of labor means that, even if a stay is not granted, the existence of the *Sotera*+ stipulation will substantially reduce the overlap and complexity of issues before the district court. The court and jury will not be required to revisit the same prior-art-based invalidity arguments for the five challenged patents, thereby streamlining the proceedings and conserving judicial resources. The practical effect is that the district court's adjudication of validity will be largely confined to the three unchallenged patents, while the five challenged patents will proceed on a more limited set of issues, minimizing the risk of duplicative efforts and inconsistent outcomes.

B. Factor 2: The Anticipated FWD Predates the EDTex Trial Date

When the Board's projected FWD is scheduled to issue before the district court trial—here by over one month—this timing, in combination with a broad *Sotera*+ stipulation, weighs strongly in favor of institution and against discretionary denial. Director decisions have repeatedly recognized that the key consideration is whether the FWD will precede the district court trial, as this sequencing allows the

Board's decision to inform and potentially streamline the district court proceedings, thereby reducing the risk of duplicative efforts and inconsistent outcomes. For example, in *Apple Inc. v. Apex Beam Techs. LLC*, the Director denied discretionary denial where the FWD was projected to issue three weeks before the district court trial, finding that this timing reduced the concern of inconsistent outcomes or significant duplication of efforts. *See Apex Beam Techs.*, IPR2025-00896 at 2.

C. Factor 3: The Overall Investment in EDTex Has Been Limited

The record does not support SnapAid's assertion that there has been significant investment in the EDTex litigation. According to the scheduling order, Ex. 2002, the case remains in its early stages, with trial not scheduled until April 19, 2027. Key pretrial deadlines, such as the final invalidity theories (April 5, 2027) and final election of asserted claims (March 29, 2027), are set for just weeks before trial, and the parties are still in the process of exchanging contentions and written discovery. The claim construction hearing is set for October 22, 2026 and the scheduling order indicates that mediation and expert-related motions are contingent on future events, such as the issuance of the claim construction order, further underscoring that the case has not yet reached advanced stages of litigation or significant judicial investment.

Under *Fintiv* and *Sotera*, if a claim construction hearing in the parallel district court litigation is scheduled to occur after the institution of (which is the case here),

this timing indicates that the district court has not yet made significant substantive investment in resolving the patent issues, such as issuing claim construction orders or conducting key hearings. As emphasized in *Sotera*, when the court and parties have not yet completed major milestones like the *Markman* hearing, the overall investment in the parallel proceeding is considered limited, and much substantive work remains to be done. *Sotera Wireless, Inc., v. Masimo Corp.*, IPR2020-01019, Paper 12 at 16 (Dec. 1, 2020) (precedential) ("although the parties and the District Court have invested some effort in the parallel proceeding to date, further effort remains to be expended in this case before trial"). This limited investment, particularly when the *Markman* hearing and related orders are still pending, weighs against discretionary denial and in favor of institution, as it reduces concerns about duplicative efforts and inefficiency, and supports the PTAB's goal of balancing fairness, efficiency, and patent quality.

Furthermore, Samsung acted diligently in seeking IPR by filing its petition just five months after SnapAid served its district court complaint on April 10, 2025, and notably before SnapAid is scheduled to serve its infringement contentions, as confirmed by the scheduling order, which sets the schedule for contentions and other case milestones. Ex. 2002. Under the *Fintiv* framework, the Board considers whether a petitioner filed its petition expeditiously upon learning which claims are asserted, and prompt filing weighs against discretionary denial. *See Apple v. Fintiv*,

IPR2020-00019, Paper 11 at 11–12 (Mar. 20, 2020) (precedential). Similarly, in S*nap v. SRK Tech.*, IPR2020-00820, Paper 15 at 12–13 (Oct. 21, 2020) (precedential) the Board found that when a petition is filed early in the litigation—before significant investment by the parties or the court—this factor weighs against denying institution. Here, Samsung's prompt action, well within the one-year statutory window and before the case advanced to substantive contentions, demonstrates diligence and supports institution.

D. Factor 4: The *Sotera*+ Stipulation Substantially Reduces Overlap

As discussed above, for each of the five PTAB proceedings, Samsung agreed to enter a *Sotera*+ stipulation. By making these stipulations, Samsung has significantly narrowed the scope of issues that EDTex would need to address if the trials are instituted. SnapAid argues that, even though Samsung has agreed not to pursue in EDTex any prior art grounds that were or could have been raised in the IPRs—including combinations involving system prior art and the references asserted in the four IPRs—Samsung could still assert the same or similar prior art against the three unchallenged but related SnapAid patents in EDTex. SnapAid's concerns, however, are overstated.

The *Sotera*+ stipulation substantially narrows the scope of issues that the EDTex must address regarding the five SnapAid patents challenged in the IPR/PGRs. By unequivocally precluding Samsung from asserting in EDTex any

invalidity grounds that were or could have been raised in the IPR/PGRs for these patents, the stipulation ensures that all such arguments are resolved exclusively in the PTAB. This eliminates duplicative litigation and the risk of inconsistent outcomes for these five patents, streamlining the EDTex proceedings and focusing its attention on only those issues that are outside the scope of the IPR/PGRs.

While SnapAid points to the three unchallenged patents as a source of potential overlap, the existence of related but unchallenged patents does not undermine the efficiency gained by removing all prior-art-based invalidity disputes for the five challenged patents from EDTex's docket. As a result of the *Sotera*+ stipulation, to the extent the three unchallenged patents remain in the litigation and haven't been otherwise disposed of or dismissed, the jury and the court can focus their validity analysis exclusively on those patents, while for the five challenged patents, the district court's attention will be limited to issues outside the scope of the IPR—such as infringement, damages, and any validity challenges under Sections 101 or 112. The *Sotera*+ stipulation here thus achieves the core purpose of the Director's discretionary denial framework: it meaningfully reduces the burden on the district court, avoids duplicative adjudication, and promotes judicial economy for the patents actually at issue in this IPR. Any remaining overlap is limited and does not outweigh the substantial narrowing of issues accomplished by the stipulation.

E. Factor 5: The Identity of the Parties Is Not Dispositive

The Director has held that the identity of parties is only one factor and is not dispositive. *See e.g., Cambridge Indus. USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00434, Paper No. 11, Director Decision (June 26, 2025).

F. Factor 6: The Merits of the Petition are Strong

SnapAid argues that the Petition is not compelling because it relies on complex, multi-reference combinations. This assertion is incorrect. To avoid any reliance on expert testimony to "fill gaps," the Petition instead uses secondary references to teach the various combinations of quality indicator weights and values. Specifically, while the primary reference, Anon, discloses the core of the claimed invention—a composition and feedback engine that uses a "weighted combination of parameters" to make suggestions to a user—secondary references such as Takeuchi are cited to teach specific parameters. For example, as detailed in the Petition, claim 17 of the '682 patent is directed to a method for estimating the quality of at least one image from a stream of images, using a device that includes a digital camera module, at least one optical lens, image sensor, motion or location sensor, and processor. The method involves obtaining and weighting multiple quality indicators (QIs) based on image and sensor data: (QI1) device motion (from motion or location sensor); (QI2) exposure, focus, or under- and over-exposure; and (QI3) object detection and recognition (using deep learning algorithms).

Anon similarly describes a system and method for analyzing image quality using an image capturing device. The system analyzes multiple image-based characteristics, computes a composition measure, and provides user feedback or suggestions to improve the image before capture. Anon explicitly contemplates using a neural network for the detection and recognition of objects within the image:

> Other inputs might include an indication of where in the image the subject is (e.g., ***find faces and draw a rectangle around the most prominent face in the image***, …). This input can be used to influence how various characteristics are weighted.

EX1004, 3:62-4:3 and 8:47-48.

The secondary references applied in the Petition teach additional quality indicators that a POSA would have been motivated to use as inputs for Anon's composition and feedback engine. For example, Takeuchi teaches determining a value from a combination of multiple factors, including digital camera exposure, focus, and under- or over-exposure. *See* EX1005, ¶¶ [0084], [0090], [0137]. [0147]. Ramesh teaches a computer vision system for detecting and tracking multiple objects using a probabilistic framework. *See* EX1006, ¶¶ [0025], [0030], [0034]. And Ishiwata teaches using a focus lens output with the gyro sensor to detect—and correct—camera shake. *See* EX1008, ¶ [0057].

IV. EVIDENCE OF MATERIAL ERROR BY THE OFFICE FURTHER

WEIGHS AGAINST DISCRETIONARY DENIAL

The failure of the examiner to discover and apply Anon during prosecution of the '682 patent constitutes a material error that weighs heavily against any discretionary denial. Other than the examiner's statement of reasons for allowance provided with the January 7, 2020, notice of allowance, which merely copied the method steps recited by claim 1 and 17 and concluded that "the prior art does not teach" them, the Examiner provided no indication as to why the claims were allowable. *See* EX1016 at 315-16.

Along with the Office Action rejecting claims 1-21 on July 25, 2019, the Examiner provided a notice of references cited. EX1016 at 102. Each of these references is assigned specific CPC and USPC codes that correspond to the technological field and subject matter, such as image analysis, digital camera modules, and image processing technologies, indicating that the cited documents are relevant to the '682 patent's technical area. Given the breadth and specificity of these classifications, any comprehensive search that revealed the listed references would necessarily encompass the same technological fields and subject matter as Anon. Therefore, a highly relevant reference such as Anon should have been discovered in any search that identified the cited references, as it would fall within the same classification scope and search parameters.

Yet it was not. Anon is classified in H04N 5/76; H04N 5/228; H04N 5/222; G06K 9/62; and G06K 9/64—classifications that overlap directly with those searched and relied upon in the examination of the '682 patent. EX1004, cover. The omission of Anon from the list of considered references is not a mere oversight, but a significant lapse given the clear overlap in both classification and technological domain. Moreover, the subject matter of Anon is highly material to the claims of the '682 patent. Anon discloses a system and method for providing automatic, real-time feedback on image composition using a camera, with an integrated engine that analyzes image characteristics and external context to suggest adjustments and improve aesthetic quality. EX1004, Abstract. This is directly relevant to the '682 patent's focus on real-time assessment of picture quality. Both patents address the core problem of assisting users in capturing better photographs or videos through real-time analysis and feedback, and both employ similar technological approaches involving the evaluation of image-based and external factors to generate actionable recommendations.

Given these facts, the examiner's failure to identify and consider Anon during examination deprived the Office of the opportunity to fully and properly assess the patentability of the '682 claims in light of highly relevant prior art. This is not a trivial omission: Anon's teachings would have had a direct and substantial impact on the scope and patentability of the '682 patent's claims. The materiality of Anon

is underscored by its direct overlap in both classification and subject matter, and its absence from the record cannot be justified by the volume of prior art or by minor differences in terminology. The error is particularly acute in a field as crowded and well-classified as digital imaging, where the expectation of thorough prior art consideration is especially high.

In sum, the examiner's failure to discover and apply the Anon patent represents a material error that undermines the integrity of the examination process for the '682 patent. This error is highly relevant to the question of discretionary denial and strongly supports the position that such a denial would be inappropriate in light of the incomplete and materially deficient prior art record. *See Carbyne, Inc. v. Tritech Software Sys.*, IPR2025-00959, Paper 11 at 2, Director Decision (Oct. 3, 2025) (finding discretionary denial not appropriate where petitioner sufficiently demonstrates that a prior art reference appears to disclose the "purportedly missing claim limitations" over which the Examiner allowed claims); *Samsung Elecs. Co., Ltd. v. Wilus Inst. of Standards and Tech. Inc.*, IPR2025-00935, Paper 12 at 2–3, Director Decision (Sept. 26, 2025).

V. CONCLUSION

SnapAid's request for discretionary denial does not present circumstances that warrant denial under Board and Director precedent. The Petition should proceed to institution and be addressed on the merits.

Dated: December 15, 2025

Respectfully submitted,

/s/ Robert A. Appleby

Robert A. Appleby
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Reg. No. 40,897

CERTIFICATE OF COMPLIANCE

This Opposition to Patent Owner's Request for Discretionary Denial complies with the 20-page limitation as mandated by the Interim Director Discretionary Process III.C.

/Robert A. Appleby/
Robert A. Appleby (Reg. No. 40,897)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on December 15, 2025, via electronic service.

December 15, 2025

/Robert A. Appleby/
Robert A. Appleby (Reg. No. 40,897)