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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/015,245	06/05/2023	9699444	VDP444	5884

7590 07/26/2023

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EXAMINER	
HUGHES, DEANDRA M	

ART UNIT	PAPER NUMBER
3992	

MAIL DATE	DELIVERY MODE
07/26/2023	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/015,245* .

PATENT UNDER REEXAMINATION *9699444* .

ART UNIT *3992* .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting Request For Ex Parte Reexamination	Control No. 90/015,245	Patent Under Reexamination 9699444	
	Examiner DEANDRA M HUGHES	Art Unit 3992	AIA (FITF) Status No

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed 05 June 2023 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a)☐ PTO-892, b)☑ PTO/SB/08, c)☐ Other: ____

1. ☑ The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

/DEANDRA M HUGHES/ Reexamination Specialist, Art Unit 399	/CHRISTINA Y. LEUNG/ Primary Examiner, Art Unit 3991	

cc:Requester (if third party requester)

ORDER GRANTING REQUEST FOR *EX PARTE* REEXAMINATION

Acknowledgements

1. This is an order granting *Ex Parte* Reexamination of claims 26 and 27 of U.S. Patent No. 9,699,444, ("'444 Patent") issued July 4, 2017 and filed on July 22, 2016 as U.S. Application No. 15/217,612 ("'612 Application"), entitled "FASTER STATE TRANSITIONING FOR CONTINUOUS ADJUSTABLE 3DEEPS FILTER SPECTACLES USING MULTI-LAYERED VARIABLE TINT MATERIALS."

2. The '444 Patent issued with claims 1-27 ("Patented Claims"). Claims 1, 26, and 27 have been requested for *ex parte* reexamination. Since the requester did not request reexamination of claims 2-25 and did not assert the existence of a substantial new question of patentability for those claims (see 35 U.S.C. § 311(b); see also 37 CFR 1.915b and 1.923 and MPEP §2240), those claims will not be reexamined.

3. Examiners find the following litigation involving the '444 Patent.

- *Visual Effect Innovations, LLC v. NVIDIA Corp.* no. 3:17-cv-03187 (N.D. Cal.);
- *Visual Effect Innovations, LLC v. Samsung Electronics America, Inc. et al.*, no. 2:17-cv-00645 (E.D. Tex.);
- *Visual Effect Innovations, LLC v. LG Electronics USA, Inc.,* no. 1:17-cv-01275 (D. Del.);
- *Visual Effect Innovations, LLC v. LG Electronics USA, Inc.,* no. 1:17-cv-00687 (D. Del.);
- *Visual Effect Innovations, LLC v. Sony Electronics Inc.,* no. 1:17-cv-01276 (D. Del.);
- *Samsung Electronics Co. LTD and Samsung Electronics America, Inc. v. Visual Effect Innovations, LLC,* IPR2018-01733 (P.T.A.B.).
- *Sony Corporation v. Visual Effect Innovations, LLC,* IPR2018-01628 (P.T.A.B.).

4. Examiners do not find any previous and/or co-pending *Ex parte* reexaminations or supplemental examinations for the '444 Patent.

Evidence Considered

5. The following is the evidence considered in this order:

(1) US 6,744,440 B1 to Nakamura published Jun. 1, 2004 ("Nakamura");

(2) US 6,061,103 to Okamura published May 9, 2000 ("Okamura");

(3) US 6,853,385 to MacInnis et al. published Feb. 8, 2005 ("MacInnis");

(4) US 2010/0253611 A1 to Takagi et al. published Oct. 7, 2010 ("Takagi");

(5) US 2011/0228048 A1 to Wei et al. published Sep. 22, 2011 ("Wei");

(6) US 6,693,619 to Miura et al. published Feb. 17, 2004 ("Miura");

(7) US 8,576,336 to Johnson filed Dec. 9, 2009 ("Johnson");

(8) "Premiere 5.1 for Macintosh & Windows: Visual Quickstart Guide," Peachpit Press, 1999 ("Bolante");

(9) "Adobe Premiere 5.0 User Guide for Macintosh and Windows," Adobe Systems Incorporated, 1998 ("Adobe Guide").

Proposed Substantial New Questions of Patentability ("SNQs")

6. The following SNQs are alleged to present an SNQ as to claims 1, 26, and 27:

(1) Claims 26-27 are alleged to be anticipated Okamura by or alternatively, unpatentable over the combination of the Okamura and MacInnis (see Request 42-53);

(2) Claims 26-27 is alleged to be anticipated by Bolante (see Request 53-60);

(3) Claims 26-27 are alleged to be anticipated by Adobe Guide (see Request 60-64);

(4) Claims 26-27 is alleged to be anticipated by Miura (see Request 64-71);

(5) Claims 26-27 are alleged to be unpatentable over the combination of the Miura and MacInnis (see Request 71-77);

(6) Claim 1 is alleged to be anticipated by Nakamura (see Request 77-83);

(7) Claims 26-27 are alleged to be unpatentable over the combination of the Johnson and MacInnis (see Request 84-91);

(8) Claims 26-27 are alleged to be unpatentable over the combination of the Takagi and Wei (see Request 92-97).

Priority

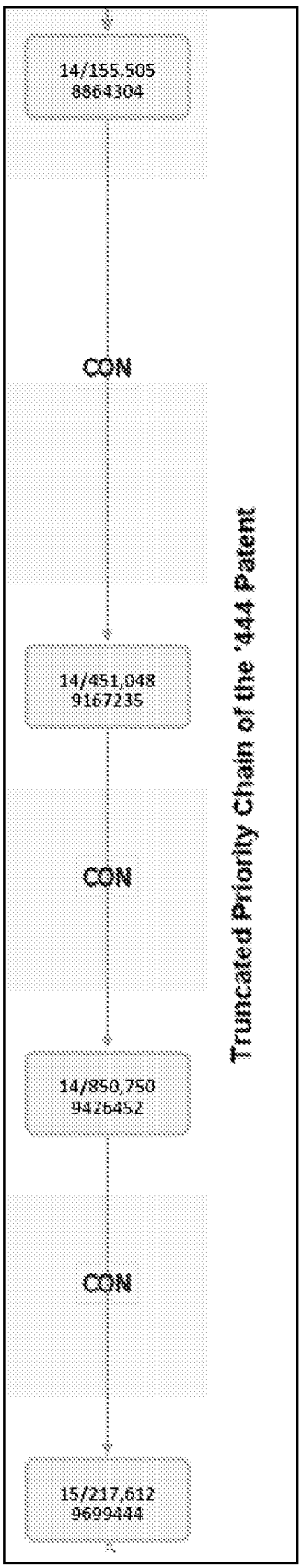
7. The following are the U.S. Patents and U.S. Patent Applications cited in this examination of the '444 Patent's priority claims (hereafter "the specifications of the priority claims"):

- USP 9,426,452 filed Sept. 10, 2015 and issued Aug. 23, 2016 ("'452 Patent");
- USP 9,167,235 filed Aug. 4, 2014 and issued Oct. 20, 2015 ("'235 Patent");
- USP 8,864,304 filed Jan. 15, 2014 and issued Oct. 21, 2014 ("'4304 Patent");
- USP 8,657,438 filed Jan. 22, 2013 and issued Feb. 25, 2014 ("'438 Patent");
- USP 7,508,485 filed Oct. 30, 2007 and issued Mar. 24, 2009 ("'485 Patent");
- USP 7,030,902 filed Jan. 22, 2002 and issued Apr. 18, 2006 ("'902 Patent");
- USP 7,405,801 filed Mar. 10, 2006 and issued Jan. 29, 2008 ("'801 Patent");
- USP 7,218,339 filed Apr. 12, 2006 and issued May 15, 2007 ("'339 Patent");
- USP 7,522,257 filed Mar. 10, 2006 and issued Apr. 21, 2009 ("'257 Patent");
- USP 7,604,348 filed Nov. 20, 2008 and issued Oct. 20, 2009 ("'348 Patent");
- USP 7,850,304 filed Sept. 8, 2009 and issued Dec. 14, 2010 ("'0304 Patent");
- US Patent App. No. 12/938,495 filed Nov. 3, 2010 ("'495 Application");
- U.S. Provisional App. No. 60/263,498 filed Jan. 23, 2001 ("'498 Provisional Application");
- U.S. Provisional App. No. 60/664,369 filed Mar. 23, 2005 ("'369 Provisional Application"); and
- U.S. Provisional App. No. 60/661,847 filed on Mar. 15, 2005 ("'847 Provisional Application").

8. Of the specifications of the priority claims, Examiners find the claimed "*image frame*" is disclosed only in the '452 Patent, the '235 Patent, the '4304 Patent, and the '348 Patent. The priority chain is broken with respect to the '348 Patent because the '4304 Patent was filed Jan. 15, 2014 and the '348 Patent was issued Oct. 20, 2009. Thus, the priority chain is truncated right before the '4304 Patent and the priority analysis is focused on the support for claims 1, 26, and 27 found in the '452 Patent, the '235 Patent, and the '4304 Patent.

Of the specifications of the priority claims, Examiners find the claimed "*expand the image frame*" of independent claim 1 and "*expanding the first image frame*" of independent claim 26 is expressly disclosed only in the '452 Patent (col.40:41-50), the '498 Provisional Application (pg. 29), and the '235 Patent (col.38:37-46). However, the '4304 Patent incorporates by reference the '498 Provisional Application (see '4304 Patent, col.1:24-25). As such, the '4304 Patent also discloses the claimed "*expand/expanding the image frame*" of independent claims 1 and 26 by way of incorporation by reference to the '498 Provisional Application.

Because the '4304 Patent specificaiton is the earliest filed Patent that supports the limitations of claims 1, 26, and 27, the presumed effective filing date of claims 1, 26, and 27 of the instant *ex parte* reexamination is **Jan. 15, 2014**.



Basis of the Substantial New Question of Patentability

9. Under MPEP §2242, for a substantial new question ("SNQ") of patentability to be present, it is only necessary that: (A) the prior art patents and/or printed publications raise a substantial question of patentability regarding at least one claim, i.e., the teaching of the (prior art) patents and printed publications is such that a reasonable examiner would consider the teaching to be important in deciding whether or not the claim is patentable; and (B) the same question of patentability as to the claim has not been decided by the Office in an earlier concluded examination or review of the patent, raised to or by the Office in a pending reexamination or supplemental examination of the patent, or decided in a final holding of invalidity (after all appeals) by a federal court in a decision on the merits involving the claim.

Relevant Prosecution History

10. The '612 Application was filed on July 22, 2016 and allowed on first action with two cited references (US 2014/0125890 to Xie issued May 8, 2014 and US 5,552,841 to Gallorini issued Sep. 3, 1996), neither of which were discussed in the Notice of Allowance.

As to independent claim 1, the claim was allowed because the Examiner found the prior art did not disclose or make obvious the limitations of "*generate a bridge frame, wherein the bridge frame is a non-solid color, wherein the bridge frame is different from the 1st image frame and different from the modified image frame; blend the modified image frame with the bridge frame to generate a blended modified image frame; and*

display the blended modified image frame" in combination with the other limitations of the claim.

As to independent claim 26, the claim was allowed because the Examiner found the prior art did not disclose or make obvious the limitations of "*generate a bridge frame, wherein the bridge frame is a solid color, wherein the bridge frame is different from the 1st image frame and different from the modified image frame; display the modified image frame; and display the bridge frame*" in combination with the other limitations of the claim.

--The teaching that forms the basis of the SNQ--

11. Based on the prosecution history of the '444 Patent, Examiners consider the following teaching by the (prior art) patents and printed publications to be a teaching that a reasonable Examiner would consider important in deciding whether claim 1 of the '444 Patent is patentable:

- **obtain a 1st image frame from a 1st video stream;**
- **expand the 1st image frame to generate a modified image frame,**
  - **wherein the modified image frame is different from the 1st image frame;**
- **generate a bridge frame,**
  - **wherein the bridge frame is a non-solid color,**
  - **wherein the bridge frame is different from the 1st image frame and different from the modified image frame;**
- **blend the modified image frame with the bridge frame to generate a blended modified image frame; and**
- **display the blended modified image frame.**

Based on the prosecution history of the '444 Patent, Examiners consider the following teaching by the (prior art) patents and printed publications to be a teaching that a reasonable Examiner would consider important in deciding whether claims 26 and 27 of the '444 Patent are patentable:

- **obtain a 1st image frame from a 1st video stream;**
- **generate a modified image frame by performing at least one of**
  - **expanding the 1st image frame,**
  - **shrinking the 1st image frame,**
  - **removing a portion of the 1st image frame,**
  - **stitching together the 1st image frame with a 2nd image frame,**
  - **inserting a selected image into the 1st image frame, and**
  - **reshaping the 1st image frame,**
  - **wherein the modified image frame is different from the 1st image frame;**
- **generate a bridge frame,**
  - **wherein the bridge frame is a solid color,**
  - **wherein the bridge frame is different from the 1st image frame and different from the modified image frame;**
- **display the modified image frame; and**
- **display the bridge frame.**

In addition, this teaching of the (prior art) patents and printed publications would be considered "new" if the same question of patentability as to the claims has not been decided by the Office in the '612 Application. In this proceeding, all (prior art) patents and printed publications would be considered "new" because no references were discussed in the prosecution of the '612 Application.

ORDER FOR EX PARTE REEXAMINATION

SNQ (1): Claims 26-27 are alleged to be anticipated by Okamura or alternatively, unpatentable over the combination of the Okamura and MacInnis (see Request 42-53).

12. Examiners find the teachings of Okamura alone form the basis of the SNQ. Okamura was published May 9, 2000, which is before the presumed effective filing date of the '444 Patent (i.e., Jan. 15, 2014).

Examiners find the teachings of MacInnis is cumulative to the teachings of Okamura. MacInnis was published Feb. 8, 2005, which is before the presumed effective filing date of the '444 Patent (i.e., Jan. 15, 2014).

Examiners agree that figure 39 of Okamura reasonably teaches the claimed processor's step of "*obtain a 1st image frame from a 1st video stream*" via separator circuits (#111 and #112) and frame memory (#113L).

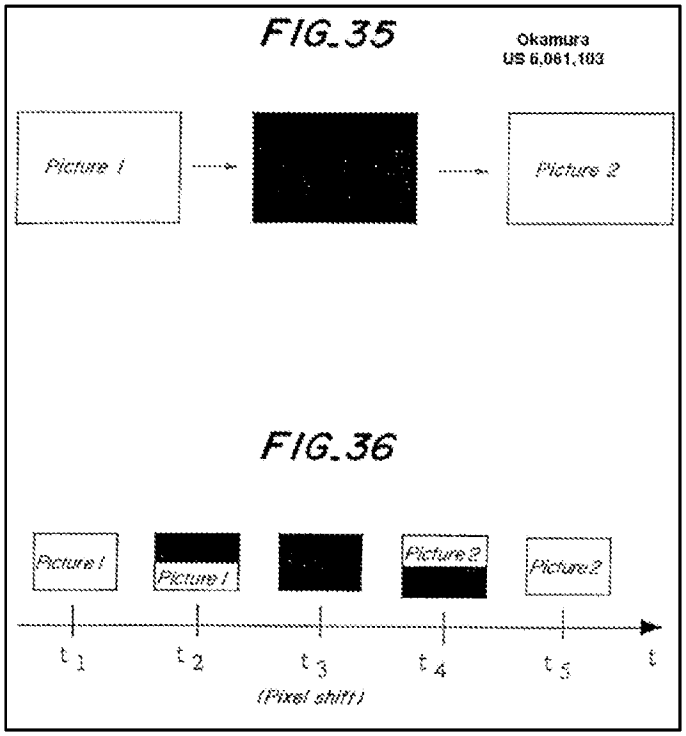
Examiners agree that Okamura reasonably teaches the processor's step of "*generates a modified image frame by removing a portion of the 1st image frame*" because Okamura's teaching at figure 36 showing that at time t_2, half of the image frame of Picture 1 at t_1 is removed by rewriting it with black pixels so as to create a different image essentially removes a portion of the image frame identified as Picture 1 of figure 36 (see Request 49 citing Okamura col.22:57-23:3).

Examiners agree that Okamura reasonably teaches the processor's step of "*generate a bridge frame, wherein the bridge frame is a solid color*" because picture 1, which is wholly replaced by the black image at frame shown at t_3 of figure 36, is likely to be a bridge frame.

Examiners agree that Okamura reasonably teaches "*the bridge frame is different from the 1st image frame and different from the modified image frame*" because, in

Okamura's figure 36, the frame at t_1 is likely to read on the "*1st image frame*," the frame at t_2 is likely to read on the "*modified image frame*," and the image at t_3 is likely to read on the "*bridge frame*."

Examiners agree that Okamura reasonably teaches *"display the modified image frame"* and *"display the bridge frame"* because the frames at t_2 and t_3, which are likely to read on the "*modified image frame*" and "*bridge frame*," respectively, is described by Okamura as 'consecutively displayed by the shifting control' (see col.23:25-38).



For the above reasons, Examiners find Okamura alone forms the basis of the SNQ as to claims 26-27.

To the extent that MacInnis is cited to teach "*a processor*," Examiners find MacInnis is cumulative to the teaching of Okamura because one of ordinary skill in the art understands that figure 39 is a processor because it processes an image signal.

SNQ (2): Claims 26-27 is alleged to be anticipated by Bolante (see Request 53-60).

13. Examiners find the teachings of Bolante do not form the basis of the SNQ. Bolante was published in 1999, which is before the presumed effective filing date of the '444 Patent (i.e., Jan. 15, 2014).

First, Examiners do not agree that Bolante's teaching of manipulating digital video reasonably teaches the claimed processor's step of "*obtain a 1st image frame from a 1st video stream*" because the generic manipulation of video does not necessarily involve obtaining an image frame from a video stream (see Request 54-55).

Second, Examiners do not agree that Bolante's teaching of superimposing an opaque background over a video clip reasonably teaches the processor's step of "*generate a bridge frame…wherein the bridge frame is different from the 1st image frame and different from the modified image frame*" because a video clip is not an image frame. Moreover, because Bolante does not teach 'obtaining an image frame,' an image frame may not be obtained via the apparatus taught by Bolante so as to superimpose an opaque background over the obtained image frame (see Request 58-59).

For the above reasons, Examiners find Bolante **does not** form the basis of the SNQ as to claims 26-27.

[The remainder of this page is intentionally left blank.]

SNQ (3) Claims 26-27 are alleged to be anticipated by Adobe Guide (see Request 60-64).

14. Examiners find the teachings of Adobe Guide do not form the basis of the SNQ. Adobe Guide was published in 1998, which is before the presumed effective filing date of the '444 Patent (i.e., Jan. 15, 2014).

Examiners agree that page 17 of Adobe Guide reasonably teaches the claimed processor's step of "*obtain a 1st image frame from a 1st video stream*." Adobe Guide discloses a Timebase menu that specifies the frames per second of video clips to be imported for a video program, which likely reads on the claimed "*obtain a 1st image from a 1st video stream*" because importing a video stream necessarily obtains a 1st image frame because the video is comprised of multiple frames, any of which may be labeled the 1st image frame.

Examiners agree that Adobe Guide reasonably teaches the processor's step of "*generates a modified image frame by...expanding/shrinking the 1st image frame*" because Adobe Guide's disclosure of selecting an aspect to change the frame size likely reads on the "*expanding/shrinking removing a portion of the image frame*" (see Request 61 citing Adobe Guide 62, 156, 284, 285).

Examiners agree that Adobe Guide reasonably teaches the processor's step of "*generates a modified image frame by...removing a portion of the 1st image frame*" because Adobe Guide's disclosure of a garbage matte function, which lets the user mask out undesired objects from an image. likely reads on the "*removing a portion of the 1st image frame*" (see Request 62 citing Adobe Guide 274-275).

Examiners agree that Adobe Guide reasonably teaches the processor's step of "*generates a modified image frame by...stitching together the 1st image frame with a 2nd*

image frame" because the disclosed split screen feature can be used to generate an image that combines two images together (see Request 62 citing Adobe Guide 275).

Examiners do not agree, however, that Adobe Guide reasonably teaches the processor's step of "*generate a bridge frame, wherein the bridge frame is a solid color.*" While Adobe Guide discloses a background matte feature where a full frame matte of solid color is added to the clip so that the clip fades into the background color, which is black, Examiners do not find that the last frame, which is the frame that fades to black, is likely to read on the read on the claimed "*bridge frame*" because the frame is not a bridge to another frame (see Request 63 citing Adobe Guide 42). Rather, Examiners find the frame that fades to black is the last frame of the video clip (see Adobe Guide 42). Because Adobe Guide does not reasonably teach generation of a "*bridge frame*," Examiners find Adobe Guide **does not** form the basis of the SNQ as to claims 26-27.

[The remainder of this page is intentionally left blank.]

SNQ (4) Claims 26-27 is alleged to be anticipated by Miura (see Request 64-71).

15. Examiners find the teachings of Miura do not form the basis of the SNQ. Miura was published Feb. 17, 2004, which is before the presumed effective filing date of the '444 Patent (i.e., Jan. 15, 2014).

Examiners do not agree that Miura's resolution convertor reasonably teaches the processor's step of "*generates a modified image frame by...expanding/shrinking the 1st image frame*" because resolution conversion increases or decreases the amount of detail an image holds but does not expand/shrink the image frame itself (see Request 71-72 citing Miura col.3:4-10).

Because Miura does not reasonably teach "*generation of a modified image frame*" by any one of the claimed steps, Examiners find Miura **does not** form the basis of the SNQ as to claims 26-27.

[The remainder of this page is intentionally left blank.]

SNQ (5) Claims 26-27 are alleged to be unpatentable over the combination of the Miura and MacInnis (see Request 71-77).

16. Examiners find the teachings of the combination of Miura and MacInnis do not form the basis of the SNQ.

As discussed previously, Examiners do not agree that Miura's resolution convertor reasonably teaches the processor's step of "*generates a modified image frame by...expanding/shrinking the 1st image frame*" because resolution conversion increases or decreases the amount of detail an image holds but does not expand/shrink the image frame itself (see Request 71-72 citing Miura col.3:4-10). The Request alleges, however, that MacInnis teaches expanding an image frame through the process of upscaling images and shrinking an image frame through the process of downscaling images (see Request 72 citing MacInnis col.3:50-56, 44:14, and col.44:45-53). The Request alleges the motivation to combine is the desire to scale down before writing to memory and scaling up after reading from memory (see Request 75 citing MacInnis col.43:58-44:14).

Because the upscaling/downscaling disclosed by MacInnis pertains to the file size of the image (i.e., in terms of how much memory the image file will use) and not to the size of the image frame, Examiners do not agree combining Miura with MacInnis would reasonably teach generating "*a modified image by…expanding/shrinking the image frame*" (see MacInnis description of video scaler at col.43:57-46:43).

For the above reasons, Examiners find the combination of Miura and MacInnis **does not** form the basis of the SNQ as to claims 26-27.

SNQ (6) Claim 1 is alleged to be anticipated by Nakamura (see Request 77-83).

17. Examiners find the teachings of Nakamura do not form the basis of the SNQ. Nakamura was published Jun. 1, 2004, which is before the presumed effective filing date of the '444 Patent (i.e., Jan. 15, 2014).

Examiners do not agree that Nakamura reasonably teaches "*generate a bridge frame, wherein the bridge frame is a non-solid color, wherein the bridge frame is different from the 1st image frame and different from the modified image frame*" as alleged by the Request at 80-82 because the gray pattern image disclosed by Nakamura is not likely to read on the claimed "*bridge frame*."

Specifically, it is understood that figure 30 (#I_a) is alleged to read on the claimed "*1st image frame*" and the enlarged image output by enlarging means (#110) is alleged to read on the claimed "*modified image frame*," which is generated by expanding the "*1st image frame*" (see Request 79-80). Nakamura's disclosed gray pattern image, however, is not likely to read on the claimed "*bridge frame*" because nothing about the disclosed image gray pattern suggests it is a "*bridge frame*." In other words, Nakamura's gray pattern image is merely used to generate a textured image and not as a bridge from one frame to another. As such, Examiners find the teachings of Nakamura **do not** form the basis of the SNQ as to claim 1.

[The remainder of this page is intentionally left blank.]

SNQ (7) Claims 26-27 are alleged to be unpatentable over the combination of the Johnson and MacInnis (see Request 84-91).

18. Examiners find the combination of Johnson and MacInnis do not form the basis of the SNQ. Johnson was filed Dec. 9, 2009, which is before the presumed effective filing date of the '444 Patent (i.e., Jan. 15, 2014).

As stated in the Request, Johnson does not expressly disclose the processor's step of "*generates a modified image frame by...expanding/shrinking the 1st image frame*" (see Request 86). The Request alleges, however, that MacInnis teaches a video scaler expanding an image frame through the process of upscaling images and shrinking an image frame through the process of downscaling images (see id. citing MacInnis col.12:46-48 and 2:37-40). The Request provides the Declaration of Dr. Immanuel Freedman as the motivation to combine Johnson and MacInnis (see id. citing Ex. 1003, ¶107).

Because the upscaling/downscaling disclosed by MacInnis pertains to the file size of the image (i.e., in terms of how much memory the image file will use) and not to the size of the image frame, Examiners do not agree combining Johnson with MacInnis would reasonably teach generating "*a modified image by…expanding/shrinking the image frame*" (see MacInnis description of video scaler at col.43:57-46:43).

For the above reasons, Examiners find the combination of Johnson and MacInnis **does not** form the basis of the SNQ as to claims 26-27.

[The remainder of this page is intentionally left blank.]

SNQ (8) Claims 26-27 are alleged to be unpatentable over the combination of the Takagi and Wei (see Request 92-97).

19. Examiners find the combination of Takagi and Wei do not form the basis of the SNQ. Takagi was published Oct. 7, 2010, which is before the presumed effective filing date of the '444 Patent (i.e., Jan. 15, 2014). Wei was published Sept. 22, 2011, which is before the presumed effective filing date of the '444 Patent (i.e., Jan. 15, 2014).

Examiners find Takagi does not expressly disclose the processor's step of "*generates a modified image frame by...expanding/shrinking the 1st image frame*" (see Request 94). However, the Request alleges it would have been obvious to POSITA to generate a modified image frame by scaling the images to be displayed in order to fit the resolution or aspect ratio of the LCD panel (see id. citing Ex. 1003, ¶122). The Request cites Wei as disclosing a display system that is configured to scale and/or adjust the resolution of the images contained in the video signal (see id. citing Wei ¶[0023] and fig. 4 scaling engine #3408).

Because resolution conversion increases or decreases the amount of detail an image holds but does not expand/shrink the image frame itself, Examiners do not agree that the combination of Takagi and Wei reasonably teaches generating "*a modified image by…expanding/shrinking the image frame.*"

For the above reasons, Examiners find the combination of Takagi and Wei **does not** form the basis of the SNQ as to claims 26-27.

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Order

20. A review of the post grant history for the underlying patent indicates that there have been two Office post grant challenges made to the patent (Reexamination Proceedings or *Inter Partes* Review, Post Grant Review, Covered Business Method trials). Both of the post grant challenges (i.e., IPR2018-01628 and IPR2018-01733) were terminated prior to decision on the petition for *Inter Partes* Review. Accordingly, a discretionary denial of reexamination pursuant to 35 USC 325(d) is not applicable.

21. Because Examiners consider the new teachings of Okamura to be important in deciding whether the '444 Patent claims are patentable and there is no basis to reject the request under 35 USC §325(d), *Ex Parte* Reexamination of claim 26 and 27 is ORDERED.

Conclusion

22. The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving **Patent No. 9,699,444** throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)).

Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

23. All correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:

By U.S. Postal Service Mail to:
Mail Stop *Ex Parte* Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to:
(571) 273-9900
Central Reexamination Unit

Signed:

/DEANDRA M HUGHES/
Reexamination Specialist, Art Unit 3992

Conferees:

/CHRISTINA Y. LEUNG/
Primary Examiner, Art Unit 3991
/MICHAEL FUELLING/
Supervisory Patent Examiner, Art Unit 3992