

Filed: December 10, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MYPORT TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2025-01465
Patent 10,721,066

**PATENT OWNER'S PRELIMINARY RESPONSE
TO PETITION FOR *INTER PARTES* REVIEW**

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EXHIBIT LIST

Exhibit No.	Description
2001	October 13, 2020, letter from Patent Owner to Petitioner
2002	Three subsequent letters dated January 12, 2021, March 19, 2021, and April 19, 2021, exchanged between Patent Owner and Petitioner
2003	Parallel Litigation at ECF Nos. 37 and 38
2004	Patent Owner's original complaint filed against Petitioner dated December 6, 2024, in Parallel Litigation

Pursuant to 35 U.S.C. § 313 and 37 C.F.R. § 42.107, Patent Owner MyPort Technologies, Inc. (“MyPort” or “Patent Owner”) hereby provides a preliminary response to the petition for *inter partes* review (“IPR”) (Paper 2, herein “Petition” or “Pet.”).

I. INTRODUCTION

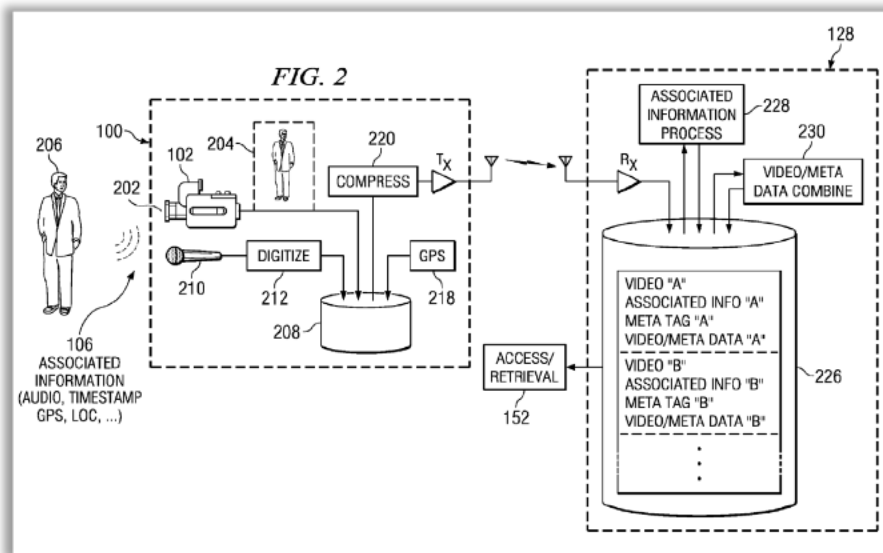
The Petition requests cancellation of claims 6–17 of U.S. Patent No. 10,721,066 (the “’066 Patent,” herein EX-1001). The Petition raises two grounds, one requiring a combination of Spatharis and Manjunath, and the other requiring a combination of Fuller and Jain. The Petition should be denied because it fails to show a sufficient likelihood that Petitioner will prevail as to any claim. Critically, each claim requires a *single* “data capture device” to capture *both* location and time information. The Petition, however, fails to identify any such data capture device disclosed in the asserted prior art. This is fatal to this IPR and, as explained in greater detail below, institution should be denied.

II. LEVEL OF ORDINARY SKILL IN THE ART

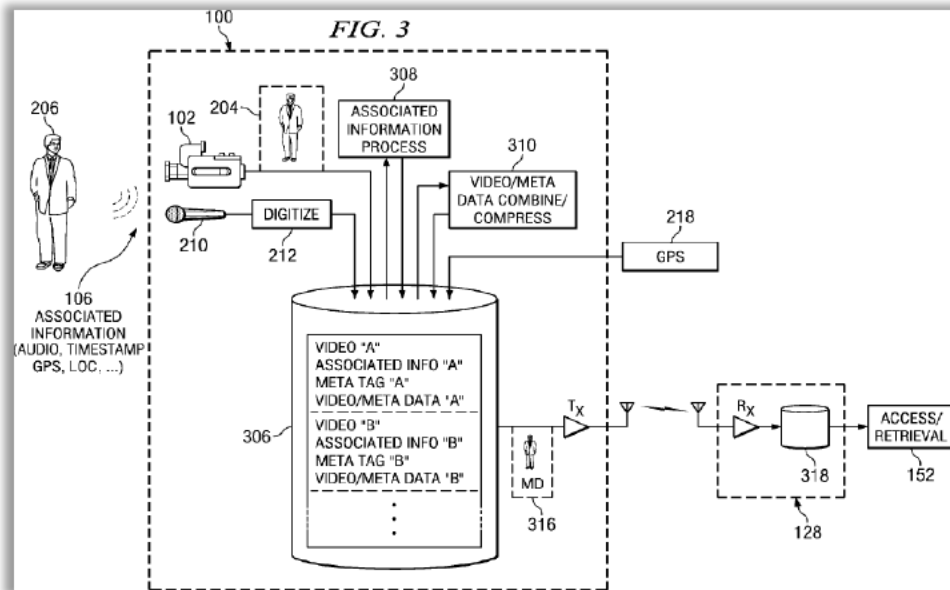
For deciding institution only, Patent Owner does not contest Petitioner’s proffered definition of the level of a person of ordinary skill in the art (“POSITA”). Patent Owner, however, reserves the right to do so in subsequent filings, if necessary.

III. OVERVIEW OF THE '066 PATENT

The '066 Patent generally describes and claims methods for capturing images and creating searchable “context tags” related to the images. The images and their context tags may be stored in association with each other on an image capture device or on a separate network computer, such as in a database. The context tags enhance search and retrieval of the images. Figure 2 illustrates an embodiment in which the images and associated context tags are stored in a database 226 on a storage facility 128, whereas Figure 3 illustrates an embodiment in which the images and associated context tags are stored in a database 306 on a capture device 100.



EX-1001, Fig. 2.



Id., Fig. 3.

According to the '066 Patent, “audio describing the image” may be captured for “context”:

[A]t the time of information capture, the capture device may gather additional information from the operator by means of a secondary data converter 108 that relates to defining the context of the data element. For example, after a camera/video recorder takes a picture/video, a microphone [210 in Figures 2-3] (the secondary data converter) might capture the audio describing the image or the audio from the video just captured. This “context description element” 110 is stored along with the data element and the meta data.

Id., 4:47–55.

The '066 Patent continues to describe how the image (“data element” 204 in Figs. 2–3), the context description elements, and optionally meta data (*e.g.*, time, date, location, operator identification) can be combined into “a composite data set”:

At this point, the capture device 100 has in its internal temporary storage the data element, the meta data and optionally the context description element. It now creates a composite data set using one of a number of well-known algorithms for combining multiple data sets into a single data set.

Id., 4:56–61.

Optionally, the data may also be encrypted. *Id.*, 5:1–15. Next, the “context tags” are created and added:

Context tags 146 are searchable elements derived from either the data element 104 [204 in Figures 2-3] itself or from the context description element 110. For example, if the data element 104 is a still photograph or video, the storage facility may create context tags that describe elements of the scene or image(s), such as “animal,” or “dog,” or “Spot,” depending on the mechanism that converts the information in the data element or the context description element into a tag.

[E]quipment analyze[s] the data elements (photograph, movie, audio recording, etc.) and create[s] 148 a set of appropriate tags. For audio files, this may include a speech-to-text algorithm; for still or moving images, it may include image recognition and identification.

Whatever the method used, at the end of the process the set of data to store includes the data element 102 [sic, 104], the context element

110, and meta data 106 that now includes a set of searchable tags specific to that image, video, audio or other media. 146, presumed that, as image and voice recognition improve; this task can be fully automated. Therefore, the preferred embodiment of this invention is to have the task automated.

Id., 5:62–6:14.

As noted above, two examples of “context tags” are generated from “a speech-to-text” algorithm of the context description element 110 in the form of “audio describing the image” or “image recognition and identification.” *Id.*, 4:52–53, 6:5–7. Both types of context tags are searchable. *Id.*, 5:62–64 (“Context tags 146 are searchable elements derived from either the data element 104 itself or from the context description element 110.”).

IV. THE CHALLENGED CLAIMS

Petitioner challenges independent claims 6 and 13, and dependent claims 7–12 and 14–17 of the ’066 Patent in Ground 1 as being obvious over Spatharis in view of Manjunath. The same claims are challenged in Ground 2 as being obvious over Fuller in view of Jain.

V. CLAIM CONSTRUCTION

The ’066 Patent’s challenged claims are to be construed “using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b).” 37 C.F.R. § 42.100(b) (Nov. 13, 2018). The

Petition does not seek construction of any terms in the '066 Patent. For this filing, Patent Owner does not propose that the Board expressly construe any claims, but reserves the right to do so in subsequent filings, if necessary.

VI. RELATED PROCEEDINGS

A. Related Patents and IPR Petitions

The '066 Patent is one of a family of patents, three of which MyPort has asserted against the Petitioner in the related litigation. The two other asserted patents (U.S. Patent Nos. 9,832,017 (the "'017 Patent") and 10,237,067 (the "'067 Patent") are a parent and grandparent of the '066 Patent. The Petitioner simultaneously filed four IPR petitions against each of the asserted patents.¹ The other IPRs are IPR2025-01464 (against the '017 Patent), IPR2025-01466 (against the '067 Patent), and IPR2025-01467 (against the '998 Patent).

The '017, '066, and '067 Patents have similar claim sets (17 claims with claims 1, 6, and 13 in independent form). The '067 Patent claims differ from the '017 Patent claims in that the '067 Patent additionally recite, for example,

¹ MyPort's original complaint included assertion of a fourth patent—U.S. Patent No. 11,188,998 (the "'998 Patent"). MyPort, however, has removed this patent from its proposed amended complaint and is no longer asserting infringement by Apple for this patent.

encryption and decryption or capturing location and time information for images. The '066 Patent claims differ from the other two patents in that its claims are in method form. The '998 Patent claims differ from the claims involved in the other three asserted patent IPRs.

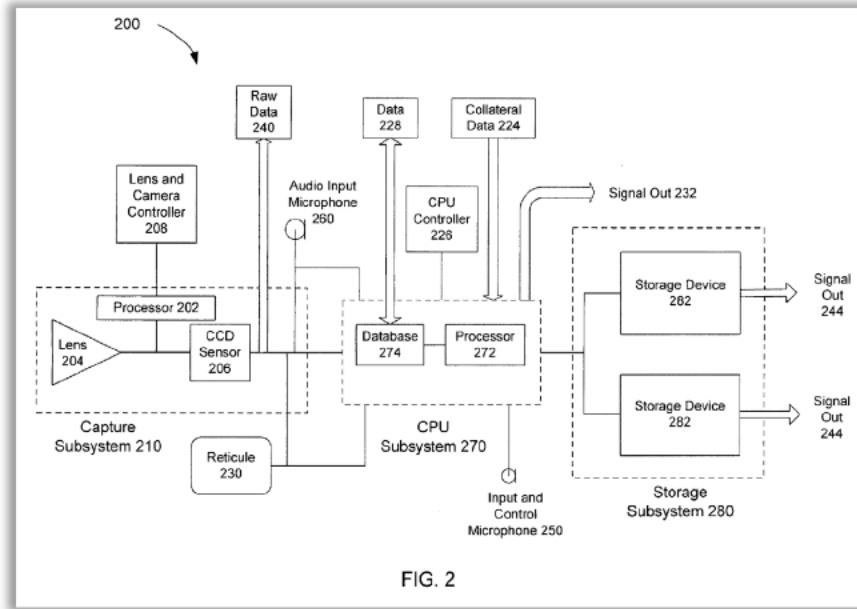
B. Related Litigation

Patent Owner filed suit in the United States District Court for the District of Delaware against Petitioner asserting infringement of the four patents on December 6, 2024. EX-1010. Petitioner filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on March 21, 2025. In the motion, Petitioner argued that all asserted claims are directed to ineligible subject matter under 35 U.S.C. § 101. On September 23, 2025, the court granted Petitioner's motion to dismiss and further ordered that Patent Owner may file a motion for leave to file an amended complaint. Patent Owner has since filed its motion for leave and filed its amended complaint on October 30, 2025. The amended complaint no longer asserts the '998 Patent against Petitioner and includes additional facts to address the patent eligibility issues raised by Petitioner.

VII. THE ASSERTED PRIOR ART REFERENCES

A. Spatharis

Spatharis generally relates to a camera system for extracting, processing, and sending metadata associated with audio and/or video data. EX-1009, Abstract, ¶ 6. The camera system relied upon in the Petition is shown in Figure 2 (below).



Id., Fig. 2.

As shown in Figure 2, the camera system includes capture subsystem 210 for capturing image data, audio input microphone 260 for capturing audio data, and a block for collateral data 224, which is configured to capture other collateral data.

Id., Fig. 2, ¶¶ 31–33. Examples of collateral data include additional markings and annotating data that can be used by the system to process image and/or sound data.

Id., ¶ 33.

The data obtained from capture subsystem 210, audio input microphone 260, and collateral data 224 are all input to a central CPU subsystem 270. *Id.*, Fig. 2.

CPU subsystem 270 includes a processor 272 and a database 274. *Id.*, Fig. 2, ¶ 29.

Once the input data is processed by CPU subsystem 270, it can be output from the camera system via output signal 232. *Id.*, Fig. 2. Output signal 232 can be

a processed signal that contains audio and/or video with associated metadata (*i.e.*, enriched data). *Id.*, ¶ 34. Processed data can also separately be sent to storage subsystem 280, which includes multiple storage devices 282. *Id.*, Fig. 2. Output signals 244 from those storage devices 282 facilitate downloading of the stored content and/or associated metadata into asset-management, archiving, or library systems. *Id.*, ¶ 34.

B. Manjunath

Manjunath is a book entitled “Introduction to MPEG-7.” Manjunath provides a general overview of the MPEG-7 standard, “as well as insights, into the critical elements of the standard and information that is pertinent to understanding MPEG-7 and its practical use.” EX-1010, 30.

C. Fuller

Fuller discloses a digital capture system 100. Fuller’s Figure 4, reproduced below, illustrates an example of the path of audio and video data and the generation of metadata. EX-1005, 4:66–5:3.

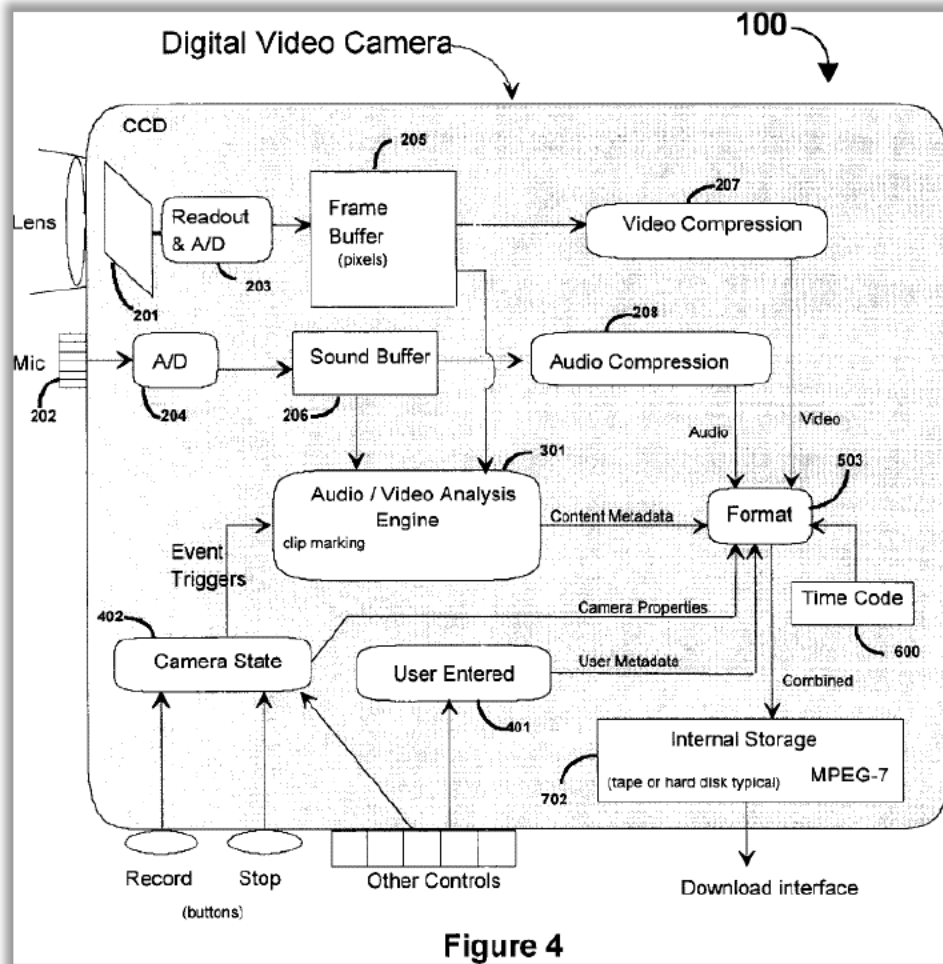


Figure 4

Id., Fig. 4.

Video data and audio data are digitized and stored in respective buffers 205 and 206. That data is then split into two paths where (1) the analysis engine 301 accesses the buffers 205 and 206 to perform metadata extraction and (2) video and audio may be compressed by respective compression 207 and 208. *See id.*, 5:43–45, 7:43–46, 7:51–53. The formatting unit 503 packages the audio, video, and metadata. *Id.*, 8:5–8. The resulting MPEG-7 data may be stored in a storage unit 702. *Id.*, 8:8–10.

D. Jain

Jain is a patent directed to a system and method for video cataloging. EX-1006, Abstract. In Jain, videos are cataloged according to predefined or user definable metadata. *Id.* The metadata is used to index and then retrieve encoded video. *Id.*

VIII. LEGAL STANDARDS

A. Standard for Granting an IPR

The Board may only authorize an IPR be instituted where “the information presented in the petition ... shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a); 37 C.F.R. § 42.108(c). The Petitioner bears the burden of showing that the statutory threshold is met. Office Patent Trial Practice Guide, 77 FED. REG. 48,756 (Aug. 14, 2012). A Petition must provide “[a] full statement of the reasons for the relief requested, including a detailed explanation of the significance of the evidence including material facts, and the governing law, rules, and precedent.” 37 C.F.R. § 42.22(a)(2).

B. Obviousness Standard

“A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains.” 35 U.S.C. § 103(a). The obviousness analysis requires several threshold inquiries.

If a single element of the claim is absent from the prior art, the claim cannot be considered obvious. *In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993) (reversing obviousness rejection where prior art did not teach or suggest all claim limitations); *Garmin Int’l, Inc. v. Patent of Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 15, 15 (PTAB Jan. 9, 2013) (denying institution under § 103 where the prior art did not disclose all claim limitations).

Obviousness is resolved based on factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of ordinary skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

The conclusion of obviousness based on a combination of references must be supported with an explicit analysis of a reason to combine those references. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). Such reasons must be more than “mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

**IX. PETITION FAILS TO DEMONSTRATE A REASONABLE
LIKELIHOOD OF PREVAILING ON GROUND 1**

**A. Independent Claim 6: The Petition Fails To Show That Spatharis
Includes A Single “Data Capture Device” That Captures Both
Location And Time Information**

The Petition contends that Limitation 6.8 is disclosed by Spatharis. Pet., 25.

Specifically, the Petition maps the claimed “data capture device” found in Limitation 6.8 to “specialized applications and/or hardware” mentioned in paragraph 40 of Spatharis. *Id.* The Petition then claims that Spatharis teaches using the “specialized applications and/or hardware” to capture location and time information. *Id.* The Petition’s argument is flawed for at least the following reasons.

First, there is no disclosure in Spatharis regarding any specific device that would capture location and time information. Indeed, the Petition does not even attempt to identify any such specific device. Instead, the Petition latches on to language generically mentioning “applications and/or hardware” in paragraph 40 of Spatharis to try and invalidate the claims. But such vagueness violates the “particularity” requirement of 35 U.S.C. § 312(a)(3) and the “specific[ity]” requirement of 37 C.F.R. § 42.104(b)(4) (“The petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon.”). For example, is the Petition relying on hardware, software, or both? If hardware, what specific hardware? If software, what specific software? If both,

where is that combination of hardware and software actually disclosed? The Petition lacks these fundamental details, which should be fatal to the IPR.

Second, the Petition’s claim about what Spatharis teaches is incorrect. Specifically, Spatharis does not teach that the “applications and/or hardware” mentioned in paragraph 40 of Spatharis capture location and time information. Instead, Spatharis states that customizable data—such as time and GPS data—can be received by the CPU subsystem. EX-1009, 40. Spatharis is silent as to the source of that customizable data.

Then, after mentioning that customizable data (*e.g.*, time and GPS data) can be received by the CPU subsystem, Spatharis specifically states that “[*o*]ther collateral data” generated by “applications and/or hardware” may also be entered into the CPU subsystem. *Id.* In other words, Spatharis’ express teaching is that the “applications and/or hardware” mentioned in paragraph 40 specifically generate data *other than* time and GPS data. The Petition’s attempt to rewrite Spatharis’ specification to suit its current needs should be rejected. The Petition also lacks any relevant obviousness arguments to fill in the gaps in the Petition’s analysis.

Third, Limitation 6.8 is clear that the “data capture device” must capture “location information, and time information.” In other words, according to the claim’s express language, *both* the location and time information must be captured by the *same device*—*i.e.*, the claimed “data capture device.” Thus, to prevail in this

proceeding, the Petition was required to point to a *single* “data capture device” that captures *both* types of information.

The Petition, however, never even claims that any single device would capture both location and time information. *See generally* Pet., 29–30. Thus, the Petition fails to satisfy Petitioner’s burden of proving obviousness. *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016) (“To satisfy its burden of proving obviousness, a petitioner cannot employ mere conclusory statements. The petitioner must instead *articulate* specific reasoning, based on evidence of record, to support the legal conclusion of obviousness.”) (emphasis added).

Even if the Board could add or entertain arguments beyond those explicitly and clearly presented in the Petition (which would be improper²), paragraph 40 of Spatharis lacks any teachings about the use of a single device to capture the combination of both location and time information. Thus, any new arguments would still be unsupported by Spatharis.³

Based on the foregoing, the Petition fails to establish a *prima facie* case of obviousness. *In re Magnum Oil Tools*, 829 F.3d at 1380.

² *Netflix, Inc. v. DivX, LLC*, 84 F.4th 1371, 1377 (Fed. Cir. 2023).

³ The Petition also lacks any related obviousness arguments to address the shortcomings of Spatharis’ disclosures addressed herein.

B. Independent Claim 13 and Dependent Claims 7–12, 14–17

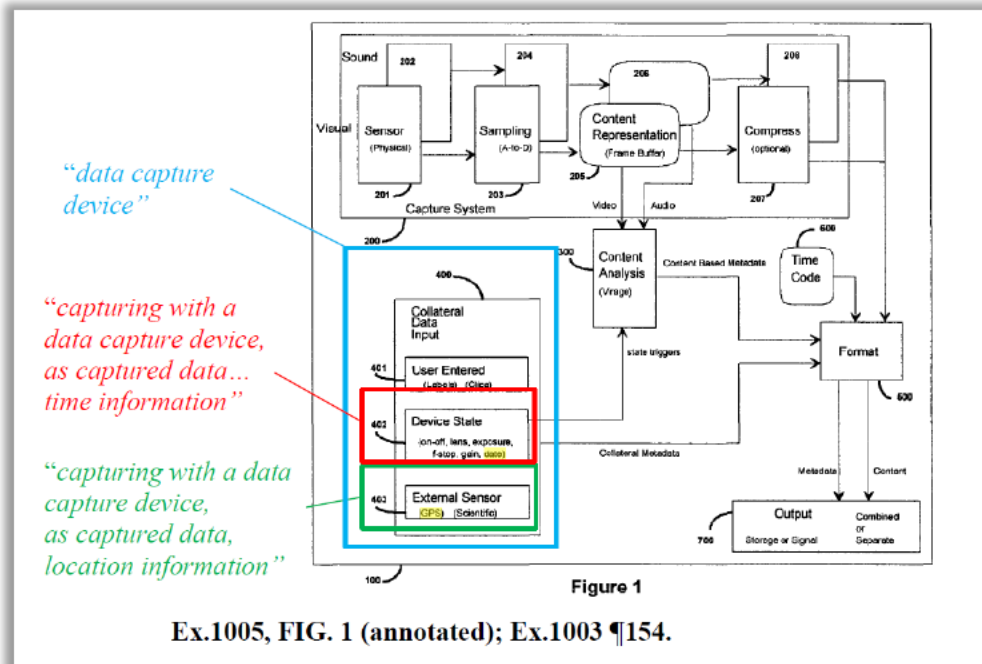
Claims 6 and 13 recite the same limitations as to the “data capture device.”

Thus, Petitioner has failed to make a *prima facie* case of obviousness for independent claim 13 for the same reasons discussed above and incorporated by reference for claim 6. Further, Petitioner’s analysis for dependent claims 7–12 and 14–17 fail to cure the deficiencies for independent claim 6. Thus, for the same reasons stated above for independent claim 6, Petitioner fails to make a *prima facie* case of obviousness for dependent claims 7–12 and 14–17.

X. PETITION FAILS TO DEMONSTRATE A REASONABLE LIKELIHOOD OF PREVAILING ON GROUND 2

A. Independent Claim 6: The Petition Fails To Show That Fuller Includes A Single “Data Capture Device” That Captures Both Location And Time Information

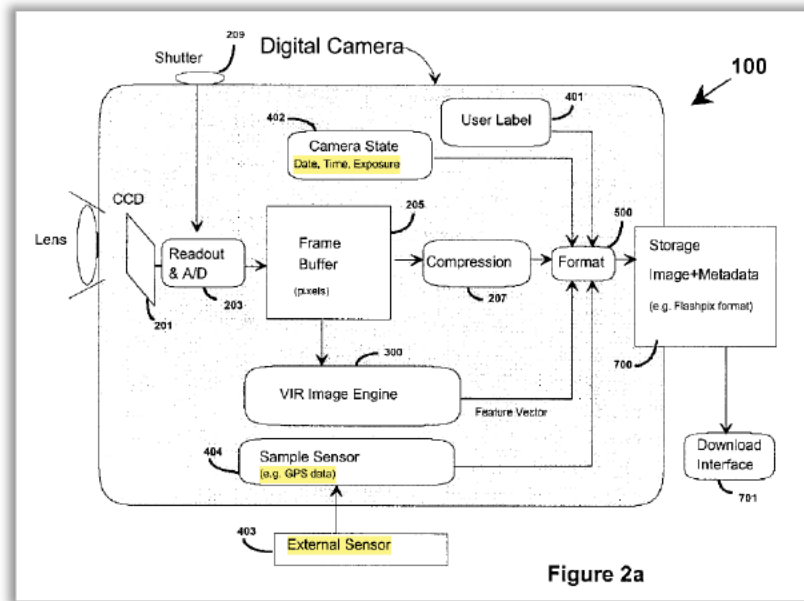
The Petition contends that Limitation 6.8 is disclosed by Fuller as shown below. Pet., 57. The Petition is wrong and institution should be denied.



As explained above, Limitation 6.8 requires a “data capture device” to be used to capture both location and time information. The Petition maps the claimed “data capture *device*” to collateral data input 400 (as shown above). But collateral data input 400 is *not a device*. Rather, it is a box including different concepts about how data can be obtained by the camera. EX-1005, 5:48–57. Because collateral data input 400 is not a device, the Petition fails to identify any specific device that would satisfy the “data capture device” limitation. The Petition therefore fails to establish a *prima facie* case of obviousness.

In addition, Fig. 1 of Fuller teaches and/or suggests that *two* different devices are used to capture location and time information. Specifically, Fig. 1 of Fuller teaches that an external sensor is used to obtain information at block 403 (e.g., GPS information) and some other internal means is used to obtain device

state information at block 402 (e.g., time/date information). EX-1005, 5:48–57; Pet., 57 (highlighting date and GPS information obtained from an external sensor included in two different boxes). This is made even more clear in Fig. 2, where external sensor 403 is depicted outside of the digital camera and box 402 is internal to the camera.



EX-1005, Fig. 2a.

Fuller certainly does not disclose that the external sensor that was used to obtain GPS information is also used to obtain time/date information. Accordingly, Fuller does not disclose the use of a *single* device to capture the combination of *both* location and time information as required by Limitation 6.8. The Petition therefore fails to establish a *prima facie* case of obviousness.

B. Independent Claim 13 and Dependent Claims 7–12, 14–17

Claims 6 and 13 recite the same limitations as to the “data capture device.”

Thus, Petitioner has failed to make a *prima facie* case of obviousness for independent claim 13 for the same reasons discussed above and incorporated by reference for claim 6. Further, Petitioner’s analysis for dependent claims 7–12 and 14–17 fail to cure the deficiencies for independent claim 6. Thus, for the same reasons stated above for independent claim 6, Petitioner fails to make a *prima facie* case of obviousness for dependent claims 7–12 and 14–17.

XI. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests the Board deny the Petition and not institute trial.

Dated: December 10, 2025

Respectfully Submitted,

/Rex Hwang/

Rex Hwang (Reg. No. 56,206)

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CERTIFICATE OF WORD COUNT

Pursuant to 37 C.F.R. § 42.24(b), the undersigned hereby certifies that the word-process Microsoft Office word count for the foregoing **PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW**, excluding the table of contents, table of authorities, claim listing, certificate of word count, and certificate of service, totals 3,369 words, which is less than the 14,000 words allowed under 37 C.F.R. § 42.24(b)(1).

Dated: December 10, 2025

Respectfully Submitted,

/Rex Hwang/

Rex Hwang (Reg. No. 56,206)
Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on December 10, 2025, a true and correct copy of the foregoing **PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW** was served via electronic mail upon the attorneys of record for Petitioner at the following addresses:

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