

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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INTELLIGENT PROTECTION MANAGEMENT CORP.,  
Petitioner,

v.

CISCO TECHNOLOGY, INC.,  
Patent Owner

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Case No. IPR2025-01588  
U.S. Patent No. 8,830,293

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## I. INTRODUCTION

Should the Director consider that the Petition should not be discretionarily denied for the reasons set forth in Paper 8, Patent Owner Cisco Technology, Inc. (“Cisco”) additionally submits that denial of institution is appropriate for failing to establish a reasonable likelihood of success on the merits. As explained in both Patent Owner's Brief in support of Discretionary Denial (Paper 8) and this POPR below, IPM's Petition fails to establish a reasonable likelihood of success on the merits.

*First*, Intelligent Protection Management Corp.'s (“IMP”) IPR Petition sets forth two Grounds, both of which rely on “Tyso” (EX1004). But as explained in both Patent Owner's Brief in support of Discretionary Denial (Paper 8) and below in Section III, Tyso is not prior art. Tyso is not entitled to the priority date of its earlier-filed provisional application (EX1005) because that provisional application does not provide adequate written description support under §112 for any of Tyso's claims. Consequently, Tyso post-dates the '293 Patent and is not available as prior art.

*Second*, even if Tyso did qualify as prior art—which, to be clear, it does not—Tyso fails to teach or suggest “scaling the video frames of the first video

stream and repositioning in a first direction.” *See* Pet. at 30-34. Tysso, the primary reference asserted for this limitation, teaches resizing *only the participants* to the same size as each other for display—not scaling or repositioning whole videoconferencing frames *that include both participant and background image*. Moreover, Tysso relies on the bare assertion that a POSITA would have been motivated to do this without even attempting to argue how a POSITA would have had a reasonable expectation of success in achieving the claimed “scaling the video frames of the first video stream and repositioning in a first direction the resulting pictures in the video frames of the first video stream to produce a first sequence of scaled video frames” when Tysso only teaches resizing *only the participants* to the same size.

For at least these reasons, the Petition fails to establish a reasonable likelihood of success on the merits and should be denied institution.

## II. CLAIM CONSTRUCTION

Claims in an *inter partes* review are construed in accordance with their ordinary and customary meaning as understood by a POSITA. 37 C.F.R. § 42.100(b); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313-16 (Fed. Cir. 2005) (*en banc*).

The Petition argues that elements [1.c], [3.a], [10.d], [11.b], [13.c], and [15.a] in claims 1, 3, 10, 11, 13, and 15 require the scaling of video frames, and that the claims should be construed to require that scaling to occur *prior* to removing background images from those frames. Pet. at 11-12.

Because the precise construction of the claim terms is not required for the purposes of the Director's institution decision on the merits, Patent Owner does not provide an explicit construction of any claim terms. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017). Patent Owner reserves all rights to provide the proper construction of one or more of the claim terms at a later time and/or in a different venue.

**III. PETITIONER'S RELIANCE ON A REFERENCE THAT IS NOT PRIOR ART IS FATAL TO BOTH GROUNDS**

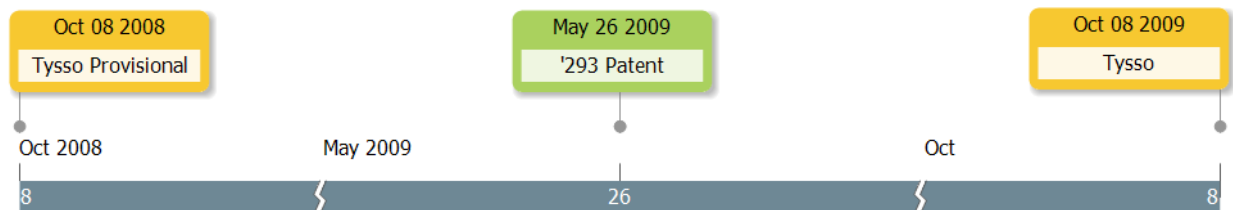
The Petition presents two Grounds based on (1) Tysso alone or (2) Tysso in combination with another reference ("GIMP").

Ground of Unpatentability	
<b>1</b>	Ground 1: Claims 1-20 are obvious under 35 U.S.C. § 103 in view of Tysso
<b>2</b>	Ground 2: Claims 1-20 are obvious under 35 U.S.C. § 103 over Tysso in view of GIMP

Pet. at 3.

But Tysso is only available as prior art if the provisional application that Tysso claims priority to (“Tysso Provisional”) (1) describes the claims of the ’293 Patent *and* (2) provides written description support for at least one claim of Tysso. *In re Riggs*, 131 F.4th 1377, 1384 (Fed. Cir. 2025). And Petitioner bears the burden to demonstrate that Tysso can rely on Tysso Provisional to be effective as prior art. *See, e.g., Google LLC v. Ikorongo Technology, LLC*, IPR2021-00058, Paper 14 at 10 (PTAB May 10, 2021) (holding that “the burden of production, for the purposes of establishing a priority date for asserted prior art, rests on the Petitioner”). Here, Tysso is not prior art to the ’293 Patent because the Tysso Provisional does not provide adequate written support for any claims of Tysso.

As illustrated below, Tysso was not filed until October 8, 2009—*more than four months after the filing date of the ’293 Patent*. Petitioner, therefore, must rely on the filing date of Tysso Provisional to contend that Tysso qualifies as prior art under 35 U.S.C. § 102(e).



Petitioner, at pages 14-19 of the Petition, attempts to “demonstrate support in the [Tysso] provisional application for *the claims of the [Tysso] patent.*” *Dynamic Drinkware*, 800 F.3d at 1381-82. But Petitioner falls far short of making that showing. For independent claim 1, Petitioner offers only bare string citations—without further explanation, elaboration, or even reproduction of the underlying text. For the remaining independent claims, Petitioner merely refers back to the same purported support cited for claim 1. *See* Pet. at 14-19.

Petitioner’s chart for independent claims 1, 12, 16, 18, and 21 are reproduced below. As shown, Petitioner provides simple string cites—without further explanation, elaboration, or even reproduction of the underlying text—for independent claim 1. For the remaining independent claims, Petitioner merely refers back to the same support as those provided for claim 1.

<b>Tysso Claim</b>	<b>Petitioner’s Proffered Support in Tysso Provisional</b>
1. A method to cause a video conferencing system to display a plurality of participants, comprising:	2:10 – 25; 7:1 – 19.
receiving, at a multipoint control unit, video data including sound and image data from a plurality of endpoints connected to the multipoint control unit, the video data corresponding to participants located at each of the plurality of endpoints, at least one of the	2:13 – 16; 7:7 – 8; Fig. 1 (endpoint 2).

endpoints capturing video data corresponding to more than one participant;	
extracting, at the multipoint control unit, participant image data from the sound and image data included in the video data;	6:37 – 38.
processing, at the multipoint control unit, the extracted participant image data to have a same appearance;	3:32 – 35; 4:11 – 14.
combining, at the multipoint control unit, the processed participant image data to generate a merged image data of participants from other endpoints, the merged image data excluding surrounding background image data corresponding to each of the participants, images of the participants overlapping in the merged image data;	Fig. 1; 3:15 – 17; 3:32 – 35; 5:3 – 5.
transmitting the merged image data from the multipoint control unit to a respective endpoint; and	Fig. 1; 6:26 – 30.
displaying, at a monitor of the respective endpoint, the merged image data received from the multipoint control unit, the monitor displaying participants from other endpoints as being located in a same room.	Fig. 1; 6:26 – 30.
12. A video conferencing system for displaying a plurality of participants as being located in a single room, comprising: [...].	Claim 12 is a system claim reciting components configured to perform operations substantially similar to steps claimed in claim 1. Thus, examples of support for claim 12 are identical to those cited for claim 1.

16. A multipoint control unit device for a video conferencing system comprising: [...].	Claim 16 is a device claim reciting components configured to perform operations substantially similar to steps claimed in claim 1. Thus, examples of support for claim 16 are identical to those cited for claim 1 above.
18. An endpoint device in a video conferencing system, comprising: [...].	Claim 18 is a device claim reciting components configured to perform operations substantially similar to steps claimed in claim 1. Thus, examples of support for claim 18 are identical to those cited for claim 1 above.
21. A non-transitory computer-readable medium storing computer-readable instruction thereon, the computer-readable instructions when executed by a computer cause the computer to perform a method comprising: [...].	Claim 21 recites operations substantially similar to steps claimed in claim 1. Thus, examples of support for claim 21 are identical to those cited for claim 1 above.

Pet. at 14 – 19.

The passages proffered by the Petition to show §112 support for Tysson’s claims fail on at least two points. **First**, Tysson requires in all independent claims that participant image data be extracted “from sound and image data” or from “video data,” but Tysson’s provisional application only discloses extracting participant image data more narrowly “from the background” and gives no support for the broader extracting limitations included in Tysson’s claims. **Second**, Tysson requires that images from various video streams be “combined at the multipoint control unit” while the provisional application does not disclose that limitation at all.

### A. Legal Standard

In an IPR, “there are two distinct burdens of proof: a burden of persuasion and a burden of production.” *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (citing *Tech. Licensing Corp. v. Videotek, Inc.*, 545 F.3d 1316, 1326-27 (Fed. Cir. 2008)). Petitioner “ha[s] the initial burden of production” to demonstrate that the reference Petitioner relies on is indeed prior art. *Id.* at 1379.

A prior art reference can sometimes rely on an earlier-filed U.S. provisional application's filing date as the prior art date. However, to be afforded the benefit of that earlier filing date, the Petitioner must prove two things. **First**, Petitioner must show that the prior art provisional application reads on the challenged claims. **Second**, Petitioner must prove that the “the disclosure of the provisional application provides *support for the claims in the reference patent* in compliance with §112, ¶ 1.” *Dynamic Drinkware*, 800 F.3d at 1381 (citing *In re Wertheim*, 646 F.2d 527, 537 (CCPA 1981); see also *Roku, Inc. v. Anonymous Media Rsch. Holdings, LLC*, IPR2024-01054, Paper 9 at 9 (PTAB Feb. 10, 2025) (holding that Petitioner “bears the burden of production of arguments and/or evidence to show that [the asserted reference] is entitled to the benefit of its provisional filing date”); *Google LLC v. Ikorongo Technology, LLC*, IPR2021-00058, Paper 14 at 10 (PTAB May 10, 2021)

(holding that “the burden of production, for the purposes of establishing a priority date for asserted prior art, rests on the Petitioner”).

The provisional application can satisfy the §112 requirement if it provides “sufficient enough detail that a person of ordinary skill in the art will understand that the inventor truly ‘possessed the invention as claimed.’” *Duke Univ. v. Sandoz Inc.*, No. 24-1078, 2025 WL 3210322 at \*3 (Fed. Cir. Nov. 18, 2025) (citing *Regents of the Univ. of Minnesota v. Gilead Scis., Inc.*, 61 F.4<sup>th</sup> 1350, 1355 (Fed. Cir. 2023)). But it must support “the entire scope of the claimed invention.” *Juno Therapeutics, Inc. v. Kite Pharma, Inc.*, 10 F.4<sup>th</sup> 1330, 1337 (Fed. Cir. 2021). A written description that “merely renders the invention obvious” does not satisfy §112. *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1352 (Fed. Cir. 2010) (*en banc*).

**B. Tyso is Not Prior Art Because Its Provisional Application Gives No Written Description Support For “Extracting” Limitation**

All independent claims of Tyso (claims 1, 12, 16, 18, and 21) recite versions of the same “extracting” limitation. For that limitation, Petitioner points to the following passages:

Tyso Claim	Tyso Provisional
1. extracting, at the multipoint control unit, participant image data <i>from the sound and image data</i> included in the video data.	If the MCU receives video signals from an endpoint where participants have not been extracted <i>from the background</i> , the MCU will perform this process. 6:37-38.

12. the multipoint control unit extracting participant image data <b><i>from the sound and image data</i></b>	Presumably “identical to those cited for claim 1.”
16. an extracting unit configured to extract participant image data <b><i>from the sound and image data</i></b> included in the video data;	
18. an extraction unit configured to extract participant image information <b><i>from the video data</i></b> ;	
21. extracting participant image data <b><i>from the sound and image data</i></b> included in the video data	

As shown above, each of Tysson’s independent claims require extracting “participant image data/information” “***from the sound and image data***” or “***from the video data***.” EX1005 at claims 1, 12, 15, 18, and 21. But Petitioner relies on passages that only discuss extracting “***from the background***.” Petitioner provides no explanation whatsoever how the claimed “sound and image data” and “video data” are equivalent to the “background” described in Tysson Provisional. Indeed, these three terms are not equivalent to each other for the following two reasons.

***First***, as claim 1 of Tysson confirms, “video data” claimed in claim 18 includes more than just “sound and image data” claimed in claims 1, 12, 16, and 21 because “video data ***includ[es]*** sound and image data.” EX1001 at claim 1. “Including” is an open-ended term. See M.P.E.P. §2111.03.I (“The transitional term ‘comprising’,

which is synonymous with 'including,' ..., is inclusive or open-ended and does not exclude additional, unrecited elements or method steps.”). Hence, “video data” claimed in claim 18 includes more than just sound and image data, and any purported written description support for the “video data” must capture that distinction.

*Second*, the term “background” discussed in the Tyso Provisional may not necessarily encompass both “sound and image data” (and “video data” which, as explained above, may include even more information than “sound and image data”). Specifically, as the following examples demonstrate, while Tyso Provisional utilizes the term “background” in connection with “image data,” Tyso Provisional never explicitly utilizes the term “background” in connection with “sound data”:

- “In this case the endpoint comprises means for extracting *image data* from each participant *from the background* in such a way that only the participant is included in *the image data*.” EX1005 at 3:26-29.
- “There are different known ways of extracting only the image data of one or more participants from the *background of an image*. One way of doing this is by using techniques comprising *a synthetic blue screen* by using an algorithm that analyzes different parameters of the background image. Another way is to use pattern recognition for recognizing faces and bodies. Depth information for each pixel in an image is also a feasible way of extracting *image data belonging to the background*.” EX1005 at 4:15-20.

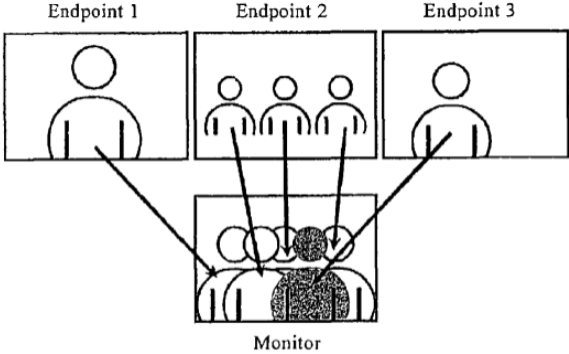
- “Primatte is a high-end chroma key technology used in motion picture, television and photographic host applications to remove solid coloured *backgrounds (usually greenscreen or bluescreen* since these colour values are far away from the colour value of the skin and replace them with transparency to facilitate replacement of the *background.*”  
EX1005 at 4:28-32.

Indeed, it is altogether possible that “participant image data” can be extracted from an initial data set that includes both image and sound (and other) data (as the Tyso claims requires) or from an initial data set where the sound data has already been removed such that the participant image data need only be extracted from background image data (as may be supported by Tyso Provisional).

And to be clear, it was the Petitioner’s burden to explain how these passages in Tyso Provisional provide written description support and Petitioner has not even attempted to do so. *See* Petition at 14-19. Simply put, the Tyso claims may claim a method of image extraction that is broader than what Tyso Provisional disclosed initially, and Petitioner has not demonstrated that written description support exists. *See LizardTech, Inc. v. Earth Res. Mapping, Inc.*, 424 F.3d 1336, 1345-46 (Fed. Cir. 2005) (holding that a claim directed to “creating a seamless array of DWT coefficients generically” lacked adequate written description when the specification only taught “a particular method for creating a seamless DWT”).

**C. Tyso's "Combining At The MCU" Limitation Does Not Have Written Description Support in The Tyso Provisional**

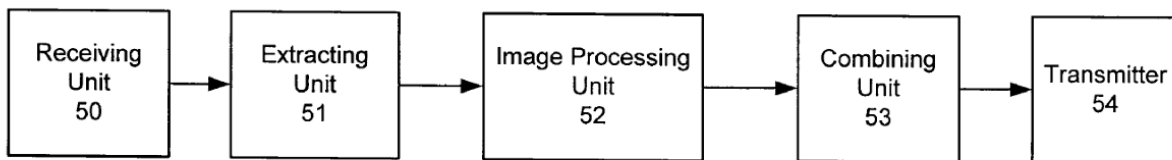
Petitioner alleges the following passages from Tyso Provisional provide §112 support for the "combining" limitation:

Tyso Claims	Tyso Provisional
<p>1. combining, <u>at the multipoint control unit</u>, the processed participant image data to generate a merged image data of participants from other endpoints</p>	<div style="text-align: center;">  <p style="text-align: center;">Endpoint 1      Endpoint 2      Endpoint 3</p> <p style="text-align: center;">Monitor</p> </div> <p>Fig. 1.</p> <p>Figure 1 illustrates the concept of the present invention where a plurality of participants located at different end point locations are merged and presented on a single monitor. 3:15-17.</p> <p>The second step is to process and extract image data of participants from their backgrounds, if this has not already been done at one or more endpoints as said above, and processing the extracted image data in such a way that the images of each participant appears to have similar appearance. 3:32-35.</p> <p>The resulting images of the participants will then be presented aligned horizontally and overlapped on a monitor. This process</p>

Tyso Claims	Tyso Provisional
	is performed dynamically according to the number of participants in the video conference. 5:3-5.
12. at least one endpoint connected to the multipoint control unit and configured to display <b>merged image data of the participants <u>received from the multipoint control unit</u></b>	Presumably “identical to those cited for claim 1.”
16. A <b><u>multipoint control unit device</u></b> for a video conferencing system comprising. . . a combining unit configured <b><u>to combine the processed participant image data into a merged participant image data</u></b>	
18. to receive, <b><u>from the multipoint control unit, a merged participant image data</u></b>	
21. receiving, <b><u>at a multipoint control unit,</u></b> video data. . . combining the processed participant image data <b>to generate a merged image data</b>	

As shown above, each of Tyso’s independent claims require **“combining” participant images at the “multipoint control unit” (“MCU”)** to generate “a merged image data of participants.” EX1005 at claim 1; *see also id.* at claims 12, 15, 18, and 21. But the passages cited by Petitioner from Tyso Provisional do not mention anything at all about the **MCU, or combining at MCU.** The passages relied on by Petitioner only broadly and generically describe merging participants and presenting

them on a single monitor, without any explanation or indication whether merging is the same as combining, or where such merging occurs. Indeed, the Tysso Provisional does not use the word “combining,” and does not include FIG. 4 which was a new figure added when the '293 Patent was filed. FIG. 4 is a “functional diagram of a multipoint control unit” that includes a “combining unit 53”:



**Figure 4**

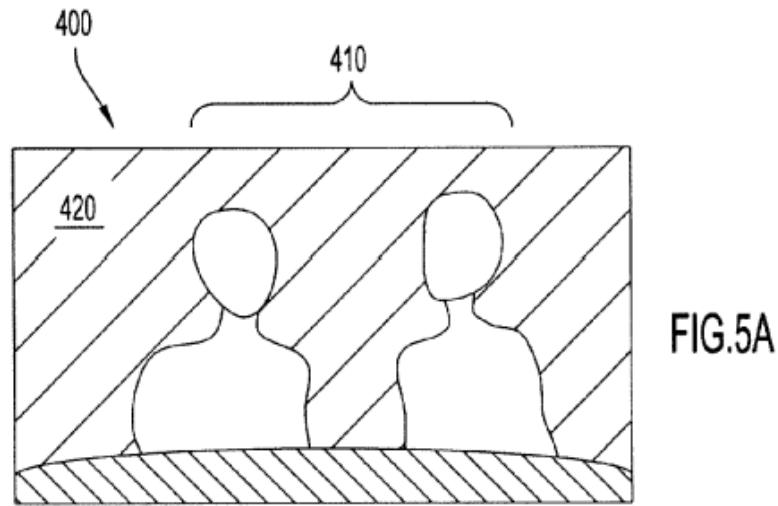
EX1004, FIG. 4. The '293 Patent describes that the “combining unit 53 merges the processed participant images into a merged data wherein the participant images are overlapped and a participant that is speaking is highlighted.” EX1004, 2:49-51. However, in the Tysso Provisional, there is no figure or description regarding a “combining unit” in the MCU. Hence, the Tysso Provisional does not include support for “*combining, at the multipoint control unit, the processed participant image data to generate a merged image data of participants from other endpoints.*” And the Federal Circuit has found written description support to be

lacking in such situations. *See Purdue Pharma L.P. v. Faulding Inc.*, 230 F.3d 1320, 1328 (Fed. Cir. 2000) (“[T]he specification does not clearly disclose to the skilled artisan that the inventors ... considered the ratio ... to be part of their invention. ... There is therefore no force to Purdue’s argument that the written description requirement was satisfied because the disclosure revealed a broad invention from which the [later-filed] claims carved out a patentable portion.”); *see also Regents of the Univ. of Minnesota v. Gilead Scis., Inc.*, 61 F.4<sup>th</sup> 1350, 1356-1358 (Fed. Cir. 2023) finding no benefit under 35 U.S.C. §120, because the earlier-filed applications did not provide sufficient blaze marks to provide the later-filed claims with sufficient support under 35 U.S.C. §112(a.).

#### **IV. EVEN IF TYSSO WERE PRIOR ART, NEITHER TYSSO ALONE NOR IN COMBINATION WITH GIMP MAKES THE '293 PATENT OBVIOUS UNDER §103**

##### **A. Tyssso Does Not Teach Or Render Obvious “Scaling The Video Frames Of The First Video Stream”**

All independent claims 1, 10, and 13 recite “each of the first and second real-time video streams comprising *video frames* containing a picture comprising *a subject image and a background image.*” EX1001, claims 1, 10, and 13. An exemplary video frame showing both a subject image and a background image is reproduced below:



EX1001, FIG. 5A.

Independent claims 1, 10, and 13 also recite “*scaling the video frames* of the first video stream *and repositioning* in a first direction the *resulting pictures in the video frames* of the first video stream to produce a first sequence of scaled video frames.” EX1001, claims 1, 10, and 13. An exemplary scaling operation that scales *both* the subject image *and* the background image in the video frame is reproduced below:

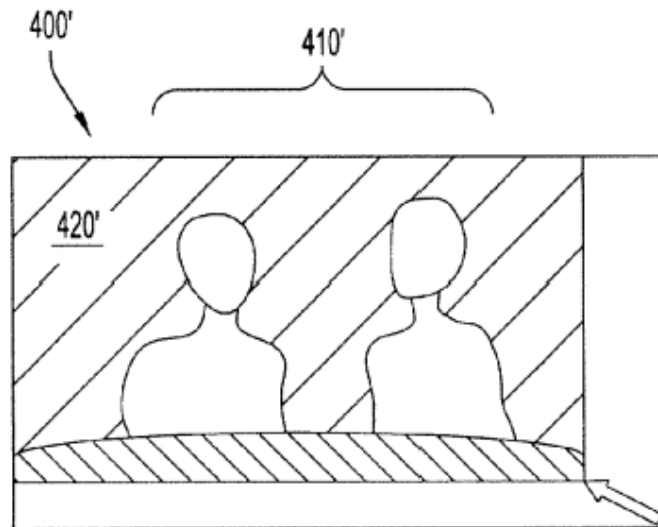


FIG.5C

EX1001, FIG. 5C.

In contrast, Tysson discloses ***first*** separating images of participants from their respective backgrounds ***and then*** subsequently resizing those *participants* to the *same size*, as illustrated by Tysson Figure 1. In other words, Tysson only discloses scaling and repositioning ***only*** the subject image—and ***not*** the background image.

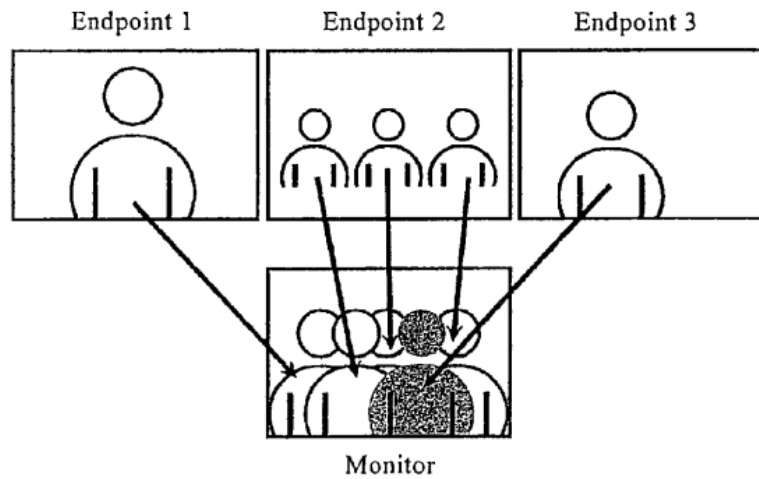


Fig. 1

EX1005, Fig. 1.

Petitioner attempts to cure this deficiency by arguing that scaling and repositioning only the subject image—and not the whole frame—“would merely be an engineering design choice.” *See* Pet. at 32-33. However, the Petition provides no objective evidence for this assertion, merely citing to its expert’s conclusory opinion that repeats almost verbatim the arguments laid out in the Petition itself. *Id.* (citing EX1003, ¶¶70-71). The Board has routinely found that expert testimony that merely repeats the Petition verbatim or nearly so is entitled to little weight. *See Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624, Paper 9 at 15 (PTAB Aug. 24, 2022) (precedential) (“We have reviewed this excerpt from Dr. Jones’ declaration and note that it merely repeats, verbatim, the conclusory assertion for which it is offered to

support. . . . Thus, the cited declaration testimony is conclusory and unsupported, adds little to the conclusory assertion for which it is offered to support, and is entitled to little weight.”); *see also Sling TV L.L.C. v. Uniloc 2017 LLC*, IPR2019-01391, Paper 7 at 19-20 (PTAB Feb. 25, 2020) (“Petitioner points only to Dr. Storer's testimony, which simply repeats (nearly verbatim) the conclusions articulated in the Petition. . . . Consequently, Petitioner has not sufficiently shown that a person of skill in the art would have understood Brailean to disclose the disputed limitation.”).

Moreover, even if the Board were to credit Petitioner's expert's conclusory statements about an “engineering design choice,” the Petition nowhere argues—nor even makes the conclusory assertion—that a POSITA would have had a reasonable expectation of success in modifying Tyso to scale and reposition whole frames rather than individual participants. *See In re Warsaw Orthopedic, Inc.*, 832 F.3d 1327, 1333 (Fed. Cir. 2016) (holding that whether an invention is unpatentable under §103 depends on whether a POSITA 1) “would have been motivated to combine the prior art to achieve the claimed invention” and 2) “whether there would have been a reasonable expectation of success in doing so.” *In re Warsaw Orthopedic, Inc.*, 832 F.3d 1327, 1333 (Fed. Cir. 2016); *see also American Honda Motor Co., Inc. v. Neo Wireless LLC*, IPR2023-00797, Paper 29 at 32 (PTAB Sept. 3, 2024) (denying

institution, in part, because “Petitioner does *not* argue, let alone with particularity, that the skilled artisan *at the relevant time* would have reasonably expected success.”).

### **B. GIMP Does Not Overcome Tysso's Shortcomings**

The second ground offered in the Petition to purportedly show that the '293 Patent is invalid under §103 is a combination between Tysso and GIMP, a 2007 user manual for an image processing software. Pet. at 2. *See also* Ex1006.

In an IPR petition, the “Petitioner has the responsibility to make plain its challenges to the disputed claims.” *Nearmap US, Inc. v. Eagle View Techs.*, IPR2024-00716, Paper 9 at 13 (PTAB October 8, 2024). “It is not the Board’s responsibility to weave together Petitioners evidence into a cohesive case.” *Id.* Petitioner cannot ask the Board “to play archaeologist with the record.” *Parus Holdings, Inc. v. Google LLC*, 70 F.4th 1365, 1372 (Fed. Cir. 2023).

The Petition offers no additional support in GIMP for its argument that the scaling and repositioning limitation would have been obvious based on Tysso in combination with GIMP. The only purported support Petitioner offers is its expert’s conclusory statement that “as noted above, Tysso in combination with GIMP suggests to a POSITA scaling entire video frames as layers.” Pet. at 65 (quoting

Ex1003 at ¶¶158-59). It repeats the same conclusory statement for all three independent claims. Pet. at 65, 67, 69. The Petition does not direct the reader to what its expert referred to as “noted above.” Petitioner cannot expect Patent Owner or the Board to “weave together Petitioners evidence into a cohesive case.” *Nearmap US*, IPR2024-00716, Paper 9 at 13.

Furthermore, there is nothing in GIMP or the Petition to suggest—even in light of *Tysso*—that resizing and repositioning whole video frames when merging them into a combined video stream would have been obvious to a POSITA. Petitioner has the burden not only to show that each element of the '293 Patent was known in the prior art (*KSR*, 550 U.S. at 418), but also that a POSITA would be motivated to combine them and have a reasonable expectation success in doing so. *In re Warsaw*, 832 F.3d at 1333. Petitioner has not met that burden, and only once repeats its expert's conclusory statement that a POSITA “would have been motivated to combine the imaging techniques of GIMP with *Tysso* as discussed.” Pet. at 64 (quoting Ex1003 at ¶154). And as with *Tysso* alone, the Petition does not even assert that a POSITA would have had a reasonable expectation of success in making the *Tysso*/GIMP combination, even if motivated to do so. Accordingly, GIMP does not add any merit to the Petition's second ground.

**V. CONCLUSION**

For the reasons discussed above, Patent Owner respectfully requests that the Board denies institution of this *inter partes* review proceeding.

Dated: January 9, 2026

Respectfully submitted,

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**CERTIFICATION UNDER 37 C.F.R. § 42.24(D)**

I hereby certify that this Patent Owner's Preliminary Response, excluding the portions exempted under 37 C.F.R. § 42.24(a), has 4,292 words as counted by the word-processing system used to prepare this document, in compliance with 37 C.F.R. § 42.24(d).

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a complete copy of Patent Owner's Preliminary Response and corresponding exhibits were caused to be served on counsel of record for the Petitioner by filing this document through PRACTICE and by sending this document via electronic mail to the following addresses:

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