

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., LG ELECTRONICS U.S.A., INC., and VIZIO, INC.
Petitioner,¹

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner.

Case IPR2024-00351
U.S. Patent No. 9,510,040

PATENT OWNER SUR-REPLY

¹ VIZIO, Inc. filed a petition in IPR2024-00694 and was joined as petitioner in this proceeding.

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. CLAIM CONSTRUCTION.....	1
III. INDEPENDENT CLAIMS 1, 11, AND 21 ARE PATENTABLE OVER KIM, LEE-1, AND CHOI (GROUND 1)	1
A. Kim, Lee-1, and Choi Fail to Teach Limitation 1.6 “Wherein at Least One of the Sources is Highlighted as Being Associated with the First Content Information” that was Retrieved and Displayed Pursuant to Limitations 1.3- 1.4	1
B. Kim, Lee-1, and Choi Fail to Teach Limitations 1.5 and 1.7 “Wherein the Global Panel Includes a List of Sources of Content ... Wherein the Sources Include ... An Electrical Input Associated With the Television”	10
IV. CLAIMS 2 AND 12 ARE PATENTABLE OVER KIM, LEE-1 AND CHOI (GROUND 1)	13
A. Kim, Lee-1, and Choi Fail to Teach Limitation 2.1 for “Identifying a User Associated With the Received Indication”	13
B. Kim, Lee-1, and Choi Fail to Teach Limitation 2.2 for “Retrieving One or More Settings Associated with the Identified User”	15
C. Kim, Lee-1, and Choi Fail to Teach Limitation 2.3 for “Retrieving, From Memory, Content Information Associated With the Identified User”	18
V. CLAIMS 4 AND 14 ARE PATENTABLE OVER KIM, LEE-1, AND CHOI (GROUND 1)	19

VI. CLAIMS 3, 5, 13, AND 15 ARE PATENTABLE OVER KIM, LEE-1, AND CHOI (GROUND 1)	20
VII. CLAIMS 2 AND 22 ARE PATENTABLE OVER KIM, LEE-1, CHOI, AND LEE-2 (GROUND 2)	21
A. Kim, Lee-1, Choi, and Lee-2 Fail to Teach Limitation 2.1 for “Identifying a User Associated With the Received Indication”	21
B. Kim, Lee-1, Choi, and Lee-2 Fail to Teach Limitation 2.2 for “Retrieving One or More Settings Associated With the Identified User”	23
VIII. CLAIMS 3 AND 13 ARE PATENTABLE OVER KIM, LEE-1, CHOI, AND LEE-2 (GROUND 2)	23
IX. CLAIMS 6, 16, AND 22 ARE PATENTABLE OVER KIM, LEE-1, CHOI, AND LEE-2 (GROUND 2)	23
A. Kim, Lee-1, Choi, and Lee-2 Fail to Teach Limitation 6.1 for “Identifying At Least One of a Content Source and a Content Information Currently Being Displayed Via a Television”	23
B. Kim, Lee-1, Cho, and Lee-2 Fail to Teach Limitation 6.2 for “Selecting a Panel Type Based on the Identified At Least One of [a] Content Source and Content Information Being Displayed via the Television”	24
X. CONCLUSION	25

TABLE OF AUTHORITIES

Page(s)

CASES

<i>Electa Instrument, S.A. v. O.U.R. Scientific Int’l, Inc.</i> , 214 F.3d 1302 (Fed. Cir. 2000)	8
<i>Nazomi Communications, Inc. v. ARM Holdings, PLC</i> , 403 F.3d 1364 (Fed. Cir. 2005)	9
<i>Oatey Co. v. IPS Corp.</i> , 514 F.3d 1271 (Fed. Cir. 2008)	9
<i>SIMO Holdings Inc. v. Hong Kong UCloudLink Network Technology LTD</i> , 983 F.3d 1367 (Fed. Cir. 2021)	8, 9

EXHIBIT LIST (PATENT OWNER)	
Ex. 2001	Third Amended Docket Control Order, Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc. et al., No. 2:22-cv-00494 (E.D. Tex. Jan. 3, 2024), ECF No. 54
Ex. 2002	Petition for Inter Partes Review Under 35 U.S.C. § 312 and 37 C.F.R. § 42.104, Vizio, Inc. v. Multimedia Techs. Pte. Ltd., IPR2024-00696 (PTAB) (filed Mar. 14, 2024)
Ex. 2003	Westlaw Litigation Analytics Report for Hon. Rodney Gilstrap, for 3/27/2023 to 3/27/2024
Ex. 2004	Docket Control Order, Multimedia Techs. Pte. Ltd. v. Vizio, Inc., No. 2:23-cv-00124 (E.D. Tex. Aug. 4, 2023), ECF No. 46
Ex. 2005	Report and Recommendation re: Motion to Dismiss, Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc. et al., No. 2:22-cv-00494 (E.D. Tex. Mar. 1, 2024), ECF No. 61
Ex. 2006	Defendants' Invalidity Contentions, Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc. et al., No. 2:22-cv-00494 (E.D. Tex.) (filed Sept. 28, 2023)
Ex. 2007	Petition for Inter Partes Review Under 35 U.S.C. § 312 and 37 C.F.R. § 42.104, Vizio, Inc. v. Multimedia Techs. Pte. Ltd., IPR2024-00694 (PTAB) (filed Mar. 14, 2024)
Ex. 2008	Defendant's Invalidity Contentions, Multimedia Techs. Pte. Ltd. v. Vizio, Inc., No. 2:23-cv-00124 (E.D. Tex. Sept. 28, 2023)
Ex. 2009	Order Adopting Report and Recommendations, Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc. et al., No. 2:22-cv-00494 (E.D. Tex. Mar. 28, 2024), ECF No. 65

Ex. 2010	Challenged claims of '040 Patent from Petition
Ex. 2011	Declaration of Rajeev Surati
Ex. 2012	C.V. of Rajeev Surati
Ex. 2013	U.S Pat. No. 8,863,219 (Brown)
Ex. 2014	U.S. Pat. Pub. 2011-0320476 (McRae)
Ex. 2015	Deposition of Dr. Andrew Lippman in IPR2024-00351 7/15/2024
Ex. 2016	Provisional App. No. 61/583,609 filed 1/6/2012 (Kim Provisional)

I. INTRODUCTION

U.S. Patent No. 9,510,040 (“the ’040 Patent”) is assigned to Multimedia Technologies Pte., Ltd. (“Multimedia” or “Patent Owner”). As explained below, the Petitioner’s Reply fails to rehabilitate the defective arguments in the Petition. Accordingly, each of the Challenged Claims should be confirmed.

II. CLAIM CONSTRUCTION

The Petition stated that no express construction was required for the claims. Pet., 9. The Patent Owner has applied the ordinary and customary meaning of the claim terms in the context of the ’040 Patent, as discussed below.

III. INDEPENDENT CLAIMS 1, 11, AND 21 ARE PATENTABLE OVER KIM, LEE-1, AND CHOI (GROUND 1)

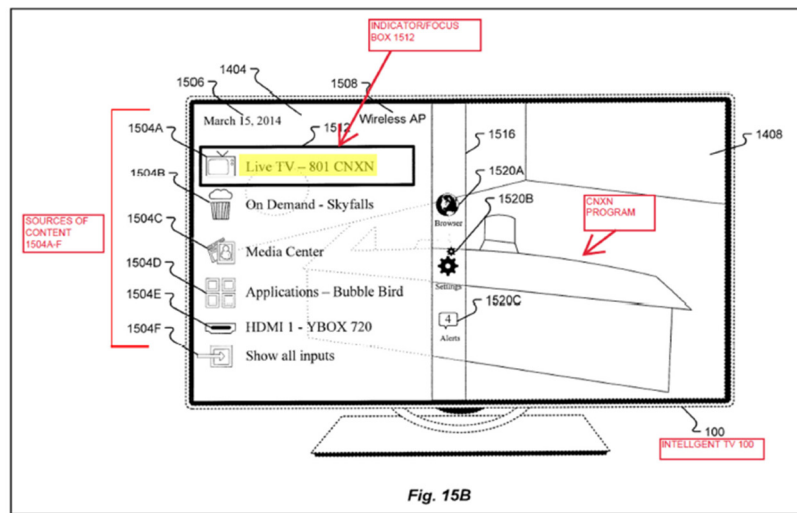
A. Kim, Lee-1, and Choi Fail to Teach Limitation 1.6 “Wherein at Least One of the Sources is Highlighted as Being Associated with the First Content Information” that was Retrieved and Displayed Pursuant to Limitations 1.3-1.4

The Petitioner’s theory is that the received “*selection by a user*” and “*received indication*” in 1.1-1.2 is the user selecting a home screen key to access the home screen 1300 of Kim’s Figure 19, and the retrieved and displayed “*first content*

information” of 1.3-1.4 is the descriptive text/thumbnails presented in certain card objects of Kim. Pet., 17, 20, 23-31, 39-40.² POR, 15-17; Reply, 6.

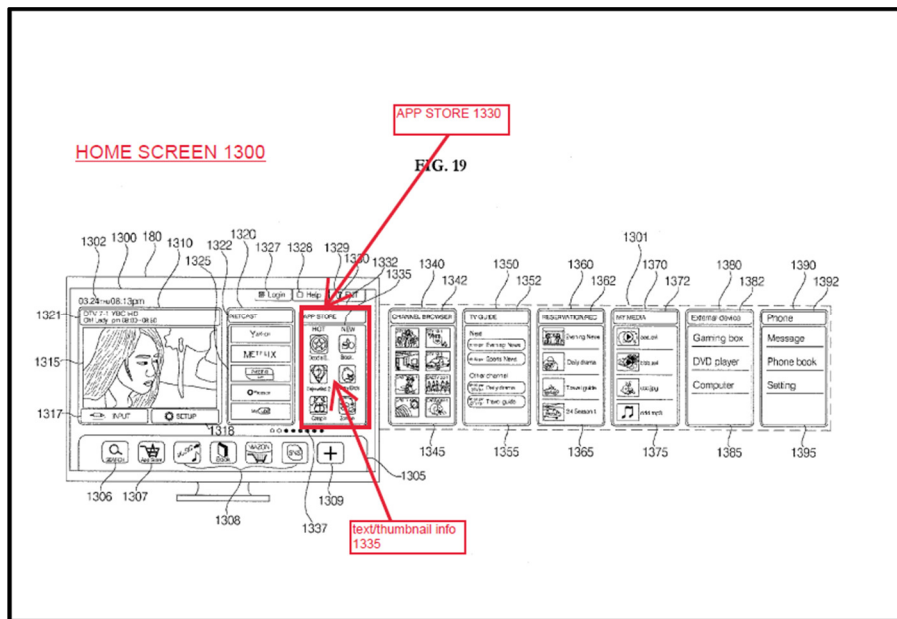
Limitation 1.6 provides that the content source is highlighted because it is associated with the first content information that has been retrieved and displayed. The highlighting of a content source as being associated with displayed content is supported by Figures 15B-15C of the '040 Patent. For example, in Figure 15B the content source LiveTV-801 CNXN 1504A is highlighted because the CNXN program is being displayed. Likewise, in Figure 15C, the On Demand – Skyfalls content source 1504B is highlighted because the Skyfalls program is being displayed. Figure 15B illustrating limitation 1.6 is shown below:

² The Petitioner identified the text/thumbnails in five card objects in Kim as allegedly meeting 1.3-1.4: (A) App Store 1330, (B) Reservation recordings 1360, (C) My Media 1370, (D) Channel Browser 1340, and (E) Broadcast 1310. Pet, 28-31.



POR, 18 ('040 Patent, annotated). The Petitioner's Reply does not dispute that Figures 15A-15B provide support for limitation 1.6 as described. See Reply, 6-10.

The fundamental problem with the Petitioner's theory is that neither Kim nor Lee-2, alone or in combination, provides for highlighting a card object because the text/thumbnaill information within it has been displayed. For example, the App Store card object 1330 (alleged "*source of content*") is not highlighted because the text/thumbnaill information 1335 (alleged "*first content information*") is presented within it, as depicted below:



Ex. 1005 (Kim), Fig. 19 (annotated).

Rather, a POSITA would readily understand from Kim that each of the five card objects (“*sources of content*”) and its text/thumbnails (“*first content information*”) are **automatically displayed together** when the user invokes the home screen. Kim, [0193]-[0215]. POR, 20; Surati Decl., ¶¶ 128-129. The Reply does not dispute that the text/thumbnails are automatically displayed with the card object in Kim. See Reply, 6-10.

The Reply misleadingly cites to [0211] of Kim for the assertion that an “already displayed” card object may be highlighted “so that it is distinguished.” Reply, 6-7 (citing Kim, [0211]). That passage is irrelevant in two respects. First, the card object and its text/thumbnail information were “**already displayed**,” meaning

that the card object is not being highlighted because the text/thumbnail information is displayed per 1.6 and 1.3-1.4.

Second, [0211] of Kim discloses that the **phone card object 1390** may be highlighted based on the **detection of an incoming call**. Kim, [0211]. The Petitioner tries to backtrack, asserting that it never relied on the phone card/incoming call embodiment as teaching limitation 1.6. Reply, 9-10. But the Petition explicitly made that assertion. Pet., 46 (citing [0211] phone card/incoming call embodiment of Kim as disclosing “*highlighted as being associated with the first content information*” ... “as recited in the claim.”).

The Reply does not dispute that even if the modification was made (e.g., having App Store card object 1330 highlight upon an incoming call), the result would not meet limitation 1.6 because the App Store card object would not be highlighted because its text/thumbnail information 1335 (alleged “*first information content*”) was retrieved and displayed per 1.6 and 1.3-1.4. Instead, it is being highlighted because there is an incoming call. POR, 22-24; Surati Decl., ¶¶ 133-137. See Reply, 6-10.

The Reply references [0228] of Kim regarding the use of color or tint on the card objects. Reply, 7. However, that passage describes the use of highlighting to **distinguish partially-displayed card objects from fully-displayed card objects** on Kim’s home screen 1300. Kim, [0228]. See Fig. 21 (partially displayed card

object 1340 compared to displayed card objects 1320-1330). Thus, [0228] teaches highlighting a card because it is partially-displayed, not because its text/thumbnail information (alleged “*first content information*”) has been retrieved and displayed per limitations 1.6 and 1.3-1.4. See POR, 21; Surati Decl., ¶ 147.

The Reply argues again that it would be obvious for a card object “to be highlighted so that it is distinguished from other card objects and readily identified by the user.” Reply, 7, 10. However, this generic reasoning is inapt because it is not tied to the claim language of limitation 1.6, which provides that the card object is highlighted because the “*first content information*” (text/thumbnail information) has been retrieved and displayed per 1.3-1.4. POR, 24. Even if one of the five card objects (e.g., the App Store object 1330) was highlighted to “distinguish it” from other card objects, that does not meet limitation 1.6’s requirement that the card object be highlighted because its text/thumbnail information (e.g., text/thumbnail 1335 in App Store object) has been retrieved and displayed per limitation 1.6. Surati Decl., ¶¶ 135-138. POR, 24-27.

The Reply argues that it would be obvious to modify Kim’s home screen 1300 based on Figure 33B of Lee-2. Reply, 7. However, the Favorite Channels card object in Figure 33B of Lee-2 is highlighted because a “favorite channel key” was selected on the previous user interface of Figure 33A. Ex. 1010 (Lee-2), 38:3-11, Figs. 33A-33B. Thus, Lee-2 teaches highlighting the Favorite Channels card object because the

user selected it using the favorite channel key, not because the text/thumbnail information 2065 (alleged “*first content information*”) is displayed as required by limitations 1.6 and 1.3-1.4. Even if Kim was modified based on this teaching of Lee-2, the result does not meet limitation 1.6. POR, 26-27; Surati Decl., ¶ 142. The Reply does not dispute that its own expert confirmed this understanding of Figure 33B of Lee-2 during deposition. POR, 27 (citing Ex. 2015, 199:15-18).

The fundamental problem with the Petitioner’s various arguments is that they are not tied to the language of limitations 1.6 and 1.3-1.4. The issue is not whether it was generically known to highlight a card object. The issue is whether there is a teaching of highlighting a card object (alleged “*source[] of content*”) because its text/thumbnail information (alleged “*first content information*”) has been displayed, per limitation 1.6. The Petitioner’s arguments consistently fail to conform to the claim language.

The Petitioner disputes the Patent Owner’s application of the language of limitation 1.6, suggesting that the claim is being “redrafted.” Reply, 8. However, the Petitioner provides no explanation on how the claim language is allegedly being modified. *Id.* The Patent Owner applies the plain and ordinary language of limitation 1.6 in conjunction with limitations 1.3-1.4, which the Petitioner does not specifically dispute. The Patent Owner provided specification support for this ordinary

understanding of the claim language, which the Petitioner also does not dispute on reply. See POR, 17-19, 27-30 (citing '040 Patent, Figs. 15B-15C). See Reply, 7-8.

The Petitioner also presents an improper new claim construction argument that the interpretation of limitations 1.6 and 1.3-1.4 should be expanded to encompass Figure 16 of the '040 Patent. Reply, 8-9. This new argument should have been presented in the Petition and should be disregarded. See Reply, 8-9.

This new argument fails on the merits. Figures 15B-15C indisputably disclose a content source that is highlighted as corresponding to the content being displayed, consistent with limitations 1.6 and 1.3-1.4. '040 Patent, 30:65-67, 32:9-17, Figs. 15B-15C. POR, 17-19; Surati Decl., ¶¶ 125-127. On the other hand, Figure 16 explores how a “focus box” can be moved from one input source to another. '040 Patent, Fig. 16, 32:33-39. Figure 16 does not address the relationship between a selected input source and the content being displayed. '040 Patent, 32:9-33:31, Fig. 16. Figure 16, unlike Figures 15B-15C, does not correspond to limitations 1.6 and 1.3-1.4. The claim should not be redrafted to encompass Figure 16. See Reply, 8-9.

It is well established that a claim need not be construed to encompass all disclosed embodiments. *SIMO Holdings Inc. v. Hong Kong UCloudLink Network Technology LTD*, 983 F.3d 1367, 1378 (Fed. Cir. 2021) (“each claim need not cover every embodiment”); *Electa Instrument, S.A. v. O.U.R. Scientific Int’l, Inc.*, 214 F.3d 1302, 1308 (Fed. Cir. 2000). In fact, in a related IPR, the Petitioner cited to *Nazomi*

Communications, Inc. v. ARM Holdings, PLC, 403 F.3d 1364, 1369 (Fed. Cir. 2005) as holding that the “claims may embrace ‘different subject matter than is illustrated in the specific embodiments in the specification.’” See Petitioner Reply, Paper 22, IPR2024-00352 (Dec. 3, 2024), 10.

In *Oatey Co. v. IPS Corp.*, the Federal Circuit stated that “where claims can **reasonably** [be] interpreted to include a specific embodiment, it is incorrect to construe the claims to exclude that embodiment, absent **probative evidence [to] the contrary.**” 514 F.3d 1271, 1276–77 (Fed. Cir. 2008) (emph. added). Here, it is not reasonable to reinterpret limitation 1.6 to encompass Figure 16, which does not correspond to the language of the limitation. There is evidence to the contrary because Figures 15B-15C provide disclosure corresponding to limitation 1.6, whereas Figure 16 does not.

Just like in the *SIMO* case, limitation 1.6 should not be rewritten to encompass Figure 16 because “(1) the claim language itself [is] probative evidence” that the Figure 16 embodiment is excluded from the claim; “(2) [the] construction does cover a disclosed embodiment,” e.g., Figures 15B-15C, and (3) Figure 16 is not described as a “preferred embodiment in the specification” of the ’040 Patent. *SIMO*, 983 at 1379-80.

Accordingly, the Petitioner’s attempt to rewrite limitation 1.6 to exclude the language that the content source is highlighted “*as being associated with the*

[retrieved and displayed] first content information” should be rejected. See Reply, 8-9.

For the reasons set forth above, the proposed combination fails to teach or suggest limitation 1.6.

B. Kim, Lee-1, and Choi Fail to Teach Limitations 1.5 and 1.7 “Wherein the Global Panel Includes a List of Sources of Content ... Wherein the Sources Include ... An Electrical Input Associated With the Television”

The combination of Kim, Lee-1, and Choi fails to teach limitations 1.5 and 1.7 providing that “*the global panel includes a list of sources of content ... wherein the sources include ... an electrical input associated with the television.*” ’040 Patent, Cl. 1.

The Reply argues that the Patent Owner’s construction excludes “numerous ’040 patent examples.” Reply, 12. The Reply cites the ’040 Patent at 6:16-20, but that passage (cited at POR, 31, Surati Decl. ¶ 151) supports the claim construction. The Reply references port interface 352 of Figure 3 of the ’040 Patent. Reply, 12-13. This is off-point because port interface 352 is an internal component in the Intelligent TV 100; it is not an electrical input to the television per limitation 1.7.³

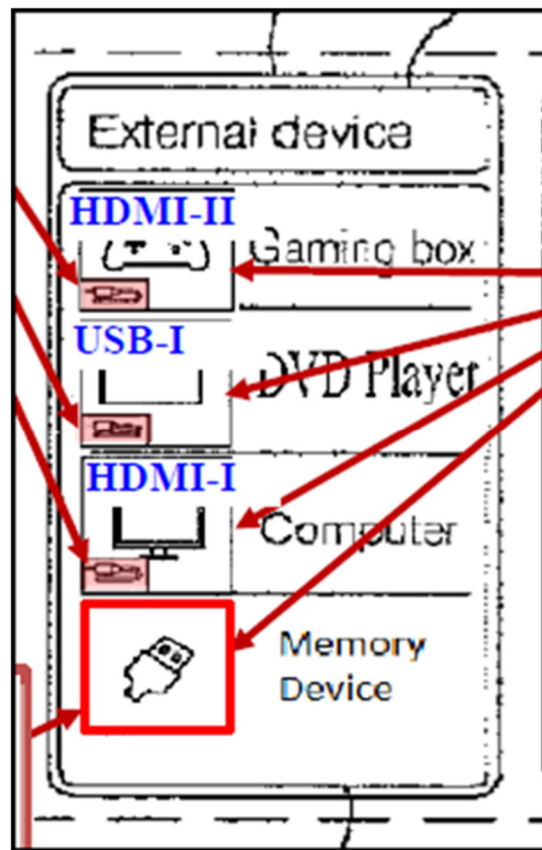
³ The Patent Owner’s expert correctly testified that port interface 352 was not relevant to the construction of limitation 1.7. See Reply, 13 (citing Ex. 1015).

The relevant part of Figure 3 is the I/O module 348 corresponding to various input ports. '040 Patent, 17:51-58, Fig. 3.

The Reply does not meaningfully contest that modifying Kim according to Choi (Ex. 1007) would render an external device card object 1380 with icons indicating which devices are connected, but no indications of an input port connected to an external device to meet limitations 1.5 and 1.7. See Reply, 14-15. See POR, 34-37, Surati Decl., ¶¶ 155-162.

The Petitioner argues that it would be obvious to further modify the Kim/Choi combination to change Choi's generic icons to "specific [input port] symbols" that "identify[] a corresponding input port, e.g., HDMI port, USB port, CVBS port, etc." Pet., 43, 45; Reply, 14-15.

A POSITA would not make the proposed further modification to Kim/Choi to add identifiers of specific input ports (USB, HDMI, etc.) because it would clutter the display with information the user does not need, as the Petitioner's expert testified in deposition. POR, 39-42 (citing deposition testimony of Dr. Lippman at Ex. 2015, 212:6-10, that "the user wouldn't have to know that kind of technical information, like whether it's a USB or a component video or an HDMI connection.")). The Reply does not dispute the correctness of Dr. Lippman's statement. The proposed further modification of Kim/Choi would produce a card object display like the following:



POR, 41-42 (annotated, excerpted Fig. 19 of Kim). Surati Decl., ¶ 166. The Reply does not dispute the depiction of the proposed modified Kim/Choi combination. See Reply, 15-17. A POSITA would not make the proposed further modification because it would render a display counter to the objective of Kim of providing a user-friendly home screen. See Surati Decl., ¶¶ 166-167.

Accordingly, the combination of Kim and the other references fails to meet limitations 1.5 and 1.7.

**IV. CLAIMS 2 AND 12 ARE PATENTABLE OVER KIM, LEE-1
AND CHOI (GROUND 1)**

**A. Kim, Lee-1, and Choi Fail to Teach Limitation 2.1 for
“Identifying a User Associated With the Received Indication”**

The Reply argues that limitation 2.1 is improperly construed but does not explain how or why. Reply, 19. Notably, the Reply does not dispute the specification support provided by the Patent Owner or the testimony of the Patent Owner’s expert, Dr. Surati, on the ordinary and customary meaning of the claim language in view of the specification. Surati Decl., ¶¶ 176-177. See Reply, 19-20.

The Petitioner’s theory is that the “*received indication*” of the user for limitations 1.1-1.2 is the user’s selection of a home key button in Kim. Pet., 20, 22. See POR, 49-50. The Petitioner provides no disclosure in Kim that a user is identified per limitation 2.1 based on the user selecting the home key to access the home screen. See Reply, 19-20.

The Petitioner argues that a user may login to the App store or the network by selecting the login button 1327 after the home screen is displayed. Pet., 56-57; Reply, 19. But the user’s login is an operation subsequent to and separate from the user selecting the home key (allege “*received indication*”). POR, 49-50. Kim, [0192], [203], Fig. 19. Indeed, the login operation involves three additional, separate user inputs **after** the user accesses the home screen: (1) selection of the login object

1327, (2) entry of user name, and (3) entry of a password. POR, 50 n.5. The Reply does not dispute this. See Reply, 19-20.

Thus, any identification of the user is based on the login process, not based on the “*received indication*” (home key selection) per limitations 2.1 and 1.1-1.2. There is no “*identifying a user associated with the received indication*” per limitation 2.1. Surati Decl., ¶¶ 178-180.

On reply, the Petitioner newly argues that the user could already be logged-in and then the user could select the home key to access the home screen. Reply, 20. This reverse sequence “login-then-home screen” theory is an improper new argument first presented on reply that should be disregarded. See Pet., 56-58. Even so, the Petitioner provides no evidence from Kim or its expert supporting this reverse-sequence “login-then-home screen” argument. Reply, 20. Further, this new argument has the sequence backwards. The natural reading of the claim is that the user makes the selection (“*received indication*”) for the global panel in limitations 1.1-1.2, and then the user is identified (“*identifying a user*”) based on that selection in limitation 2.1. The Petitioner’s new reverse sequence argument does not meet limitation 2.1 in conjunction with limitations 1.1-1.2.

The Reply makes another argument that “it would have been obvious for Kim’s controller 170 ... to identify the **already logged in** or pre-registered user **based on pressing the home key/go-to-home screen [button]**, so that

corresponding user settings may be retrieved from memory.” Reply, 20 (emph. added). This is another improper new theory first made on reply that should be rejected. See Pet., 56-58. The evidence the Petitioner cites for this new theory does not address it at all. Reply, 20 (citing Lippman Decl.), ¶¶168-177) (only disclosing the user accessing the home screen and then logging in for limitation 2.1).

Additionally, the purported rationale for this new theory that the user would be identified “so that corresponding user settings may be retrieved” is misplaced. Reply, 20. The corresponding user settings, allegedly the optional application menu items 1308 in Figure 19, are not different for different users of the television, so there is no need to identify the user before retrieving them. See Kim, [0215]-[0217]. See POR, 53-54 (the user-set optional applications are not “tied to a specific user”) (citing Kim, [0215]-[0217], Surati Decl., ¶ 188).

Accordingly, the proposed combination with Kim does not meet limitation 2.1.

B. Kim, Lee-1, and Choi Fail to Teach Limitation 2.2 for “Retrieving One or More Settings Associated with the Identified User”

Limitation 2.2 provides for “*retrieving one or more settings associated with the identified user.*” The Petitioner seems to argue (it is unclear) that the claimed user settings are somehow satisfied in connection with the optional application menu

items 1308, which are depicted in Kim's home screen 1300 of Figure 19. Pet., 58. Kim, Fig. 19, [0215]-[0217]. POR, 51.

The Reply, like the Petition, does not clearly identify what in Kim meets the claimed retrieved user settings of 2.2: (1) the displayed **thumbnails** 1308 representing the optional applications, (2) the optional **applications themselves** stored in memory, or (3) some **unspecified settings data** stored in memory identifying (1) or (2). POR, 54-55. Reply, 21-23. On Reply, the Petitioner again fails to identify the claimed user settings: "The Petition explained that the '**the user's settings** for the application menu item 1308' correspond to the **claimed 'settings'**". Reply, 22-23.⁴ The Reply does not identify "the user's settings."

Limitation 2.2 is not satisfied whether the alleged retrieved user settings are the optional applications themselves, the thumbnails 1308 identifying them, or some

⁴ The Petitioner cites to [0238] of Kim. Reply, 23. That passage relates to settings for the tabs 1810 in the App Store screen of Figure 25. Kim, [0235]-[0238], Fig. 25. It has nothing to do with the optional application menu items 1308 that are the basis for the Petitioner's theory for limitation 2.2. The citation to the deposition of the Patent Owner's expert at Ex. 1015, 150:11-15 does not support the Petitioner's argument whatsoever.

other data related to them. This is because the optional applications are not associated with a specific user. The Petitioner provides no evidence from its expert or otherwise to rebut the Patent Owner's expert's explanation: "[A] POSITA would understand Kim as teaching that the user-set applications and any associated thumbnails are optional applications that are the same for all users of the television." Accordingly, the optional applications are not "*associated with the identified user*" per limitation 2.2." POR, 53-54 (citing Kim, [0215], [0217]). See Surati Decl., ¶ 188 (citing Kim, [0215], [0217]). The Reply does not rebut this argument and evidence. See Reply, 21-23.

The Petitioner argues that limitation 2.2 does not require that the retrieved user settings are associated with a specific user. Reply, 21-22. However, the claim language provides for (2.1) "*identifying a user* associated with the received indication"; and (2.2) "retrieving ... settings *associated with the identified user*." The plain and ordinary meaning of the claim language is that the user settings are retrieved based on the identified user. Surati Decl., ¶ 188.

The Reply argues that it would be obvious for the controller to identify an already logged-in user in response to selection of the home key "so that **corresponding user settings** may be retrieved from memory ... to display user set application icons on the home screen." Reply, 20 (emph. added). This is the same argument made for limitation 2.1 that fails as explained above in Section IV.A. The

argument also fails because, once again, it fails to identify what are the “corresponding user settings.”

The Petitioner asserts that “the thumbnails in application menu item 1308 are specific to the individual user that was logged [in] or pre-registered.” Reply, 23. This argument would improperly read “*associated with the identified user*” out of limitation 2.2. The argument is based on a conjectured scenario that a user may “login [], download user set application items 1308, and then access the home screen later.” Reply, 22. This is an improper new argument. And no evidence is cited to support this new theory. See Reply, 21-23. The cited deposition testimony of Patent Owner’s expert, Dr. Surati, indicates that a user could login and then access the home screen again with its display of optional applications. Ex. 1015, 101:2-5, 104:7-13. See Reply, 20. That does not correspond to the Petitioner’s new theory that a user may login, download optional applications, and then access the home screen later.

Accordingly, the proposed combination with Kim does not meet limitation 2.2.

**C. Kim, Lee-1, and Choi Fail to Teach Limitation 2.3 for
“Retrieving, From Memory, Content Information Associated
With the Identified User”**

The ordinary and customary understanding of the claim language of limitation 2.3 in conjunction with 2.1 is that content information is retrieved based on the

identified user. The Reply argues that the Patent Owner has applied an incorrect construction but does not explain why. Reply, 23.

The Petitioner and its expert assert that the retrieved thumbnails for the user-set optional applications 1308 in Figure 19 of Kim are the retrieved “*content information*” of limitation 2.3. Pet., 59; Lippman Decl., ¶ 173. POR, 55. But the thumbnails for the optional applications 1308 are not “*associated with the identified user*” per limitation 2.3 because they are not associated with particular users. See Section IV.B above. They are the same for all users. Surati Decl., ¶ 193. See Surati Decl., ¶ 188 (citing Kim, [0215], [0217]).

Accordingly, the proposed combination with Kim does not meet limitation 2.3.

V. CLAIMS 4 AND 14 ARE PATENTABLE OVER KIM, LEE-1, AND CHOI (GROUND 1)

The Petitioner argues that the claimed second indication is Kim’s user selecting a thumbnail in either the Channel Browser card object 1340 or the MyMedia card object 1370 from the home screen in Figure 19 of Kim. POR, 56-57; Pet., 61-64.

The Petitioner’s theory for the Channel Browser object/My Media object is that the object provides a link to content on a content server, which is based on Kim’s embodiment of scrolling card objects in [0287]-[0294]. Pet., 58. The scrolling card

objects disclosure is a separate embodiment in Kim that does not reference Figure 19, which is the focal point of the Petitioner's obviousness theory. The Petitioner references an unspecified "second card object" or a "third object" that has a link to a content provider or storage device. Kim, [0289], [0293]. However, Kim does not remotely suggest that the "second card object" corresponds to the Channel Browser or the "third card object" corresponds to the My Media object, as asserted. See Kim, [0287]-[0294]. Reply, 24-25.

The Reply argues that the Petitioner is "rel[ying] on the combined teachings" of the two embodiments. Reply, 25. However, nowhere does the Petition articulate that the teachings from the Channel Browser/My Media card objects from Figure 19 are being combined with the teachings of the "second card object"/"third card object" from the scrolling cards embodiment in paragraphs [0287]-[0294]. Nor does the Petition articulate a reason to combine those teachings. See Pet, 62-64.

Therefore, the combination does not meet limitation 4.2.

VI. CLAIMS 3, 5, 13, AND 15 ARE PATENTABLE OVER KIM, LEE-1, AND CHOI (GROUND 1)

Claims 3, 5, 13, and 15 are patentable for the reasons set forth in the POR. POR, 56 (Ground 1: Claims 3, 13), 62 (Ground 1: Claims 5, 15). The Reply does not separately address Claims 3, 5, 13, and 15. Reply, 26.

VII. CLAIMS 2 AND 22 ARE PATENTABLE OVER KIM, LEE-1, CHOI, AND LEE-2 (GROUND 2)

A. Kim, Lee-1, Choi, and Lee-2 Fail to Teach Limitation 2.1 for “Identifying a User Associated With the Received Indication”

The Petitioner asserts that the display of the user B’s favorite channels in Figure 39B meets “*identifying a user associated with the **received indication***” in limitation 2.1. Pet., 78-79. Surati Decl., ¶ 216. See Reply, 26. However, limitation 2.1 calls for identifying a user based on the “*received indication*,” which is the selection of a **home key button or go-to-home button** to invoke the home screen, as alleged by the Petitioner for limitations 1.1-1.2. See Pet., 20-21 (limitation 1.1), 23 (limitation 1.2).

The Favorite Channel List of Figure 39B of Lee-2 is displayed based on the user’s selection of the **favorite channel object 2019** on a home screen, **not the user’s selection of the home key button** to invoke the home screen, per the Petitioner’s argument on limitations 1.1-1.2. Lee-2, 41:41-43 (“Referring to FIG. 39B, upon selection of the favorite channel object 2019 [in FIG. 39A], a favorite channel list screen including a favorite channel list is displayed fullscreen.”), 41:51-54, Figs. 39A-39B. For that reason, the display of user B’s favorite channels in the Favorite Channel List does not teach or suggest “*identifying a user associated with the **received indication***” of limitation 2.1. Surati Decl., ¶ 217. POR, 64-65.

The Petitioner argues that to access Figure 39B of Lee-2, “the user would have already been logged in or pre-registered with the television.” Reply, 27. However, there is no disclosure in Lee-2 or Kim that a user accessing the Favorite Channel List of Figure 39B of Lee-2 would be already logged in or pre-registered. See Lee-2, 41:32-67, Figs. 39A-39B. See Lee-2, 38:3-11, Fig. 33B. Even if a user was already logged-in or preregistered, the Favorite Channel List of Figure 39B is not displayed in response to a user selecting the home key button, as required by the Petitioner’s application of the references to limitations 1.1-1.2.⁵

The Reply argues that the Patent Owner is not addressing the proposed combination of references, but that is incorrect. Reply, 28. See POR, 63-64. Even if Kim is combined with the Favorite Channel List of Figure 39B of Lee-2, there is no identification of a user **based on a user’s selection of the home key** for the home screen per limitations 1.1-1.2.

Accordingly, Claim 2 is patentable because limitation 2.1 is not satisfied.

⁵ The Reply (at 27) asserts that the Patent Owner’s expert failed to cite to Lee-2 in explaining its operation. That is incorrect. See Surati Decl., ¶¶ 217-219 (citing Lee-2 at 41:41-43, 41:51-54, Figs. 39A-39B).

B. Kim, Lee-1, Choi, and Lee-2 Fail to Teach Limitation 2.2 for “Retrieving One or More Settings Associated With the Identified User”

Limitation 2.2 provides for “*retrieving one or more settings associated with the identified user.*” The Petitioner identifies the channel setup menu 3930 in Figure 39B of Lee-2 as allegedly meeting limitation 2.2. Pet., 80-81. See Reply, 28-29. However, Lee-2 does not disclose that the channel setup menu 3930 is specific to the user.

VIII. CLAIMS 3 AND 13 ARE PATENTABLE OVER KIM, LEE-1, CHOI, AND LEE-2 (GROUND 2)

Claims 3 and 13 are patentable for the reasons set forth in the POR. POR, 68 (Ground 2: Claims 3, 13). The Reply does not separately address Claims 3 and 13 for Ground 2. Reply, 29.

IX. CLAIMS 6, 16, AND 22 ARE PATENTABLE OVER KIM, LEE-1, CHOI, AND LEE-2 (GROUND 2)

A. Kim, Lee-1, Choi, and Lee-2 Fail to Teach Limitation 6.1 for “Identifying At Least One of a Content Source and a Content Information Currently Being Displayed Via a Television”

For limitation 6.1, the Petitioner relies on Figure 32B of Lee-2. The Reply argues that its argument for limitation 6.1 does not involve highlighting a thumbnail. Reply, 29-30. But that is contradicted by its expert. Lippman Decl., ¶ 309 (“It would have been obvious to a POSITA that the currently watched channel (e.g., DTV 7-1)

is ‘*identif[ied]*’ to that it may be included in the FAVORITE CH card object 2060 as a corresponding highlighted thumbnail.”) (emph. added).

B. Kim, Lee-1, Cho, and Lee-2 Fail to Teach Limitation 6.2 for “Selecting a Panel Type Based on the Identified At Least One of [a] Content Source and Content Information Being Displayed via the Television”

The Petitioner argues that the display of the Favorite Channel object 2060 meets this limitation. Pet., 86 (“the prior art discloses selecting to display a FAVORITE CH card object (*‘the selected panel type’*)”). The Petitioner explains that selecting a Favorite Channel card object with a highlighted thumbnail image meets limitation 6.2. Pet., 86.

However, the Favorite Channel object 2060 (alleged “*panel type*”) in Lee-2 is not selected based on an identified content source for currently displayed content per limitation 6.2 along with limitation 6.1. Rather, the Favorite Channel object is selected based on the user selecting the favorite channel key. Lee-2, 37:61-67 (selection of “a local key or ... a favorite channel key” invokes the Favorite Channel card object 2060 in Fig. 32B), Figs. 32A-32B, 38:3-11 (same), Figs. 33A-33B. POR, 72. Surati Decl., ¶¶ 235-237. See Reply, 31.

Accordingly, the combination of Kim and Lee-2 does not meet limitation 6.2.

X. CONCLUSION

For the foregoing reasons, the Challenged Claims should be confirmed as patentable.

Respectfully submitted,

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Date: January 9, 2025

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This Patent Owner Sur-Reply (“Sur-Reply”) consists of 4,933 words, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. The Sur-Reply complies with the type-volume limitation of 5,600 words as mandated in 37 C.F.R. § 42.24. In preparing this certificate, counsel has relied on the word count of the word-processing system used to prepare the paper (Microsoft Word).

Respectfully submitted,

/Stephen T. Schreiner/

Date: January 9, 2025

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following document was served by electronic service, by agreement between the parties, on the date below:

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The names and address of the parties being served are as follows:

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