

REQUEST FOR DIRECTOR REVIEW

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC. and LG ELECTRONICS U.S.A., INC.
Petitioners,

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner.

Case IPR2024-00351¹
U.S. Patent No. 9,510,040

**PATENT OWNER REQUEST FOR DIRECTOR
REVIEW OF FINAL WRITTEN DECISION**

¹ IPR2024-00351 was joined with IPR2024-00694 filed by VIZIO, Inc.

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I. INTRODUCTION

Pursuant to 37 C.F.R § 42.75(a), Multimedia Technologies Pte., Ltd. (“Patent Owner”) requests Director Review of the decision finding all challenged claims unpatentable in the *inter partes* review (“IPR”) of U.S. Patent No. 9,510,040 (the “’040 Patent”). *See* Paper 32 (“Decision” or “FWD”).

The Board’s decision rests on fundamental errors of law, errors of fact, and an abuse of discretion. The Director should grant this request for Director Review and reverse the Board’s decision.

II. BACKGROUND

LG Electronics Inc. (“LG” or “Petitioner”) challenged certain claims of the ’040 Patent. The claims of the ’040 Patent are generally directed to improved user interfaces for enhanced televisions. POR, 2-5 (addressing independent Claim 1).

Petitioner argued that independent Claims 1, 11, and 21 were unpatentable based on the combination of Kim (Ex. 1005), Lee-1 (Ex. 1006), and Choi (Ex. 1007. Pet., Paper 1, 10. Independent Claims 1 is representative of independent Claims 11 and 21.

The Board disagreed with Patent Owner’s plain and ordinary meaning construction of limitation 1.6. FWD, 27-35. The Board then erroneously found that Kim met limitation 1.6. FWD, 30-35.

III. ARGUMENT

The Board’s analysis in this case seems to bend over backwards to contort the claim language so that it reads onto the prior art. The Board’s erroneous claim construction and concomitant finding of obviousness should be reversed by the Director.

A. The Board Erred as a Matter of Law In Its Construction of Limitation 1.6 For a Source of Content “*Highlighted As Being Associated With*” Currently-Displayed First Content Information

The claim language is construed based on its ordinary and customary meaning as understood by the person of ordinary skill in the art (POSITA) considering the intrinsic evidence consisting of (1) the claim language, (2) the specification, and (3) the prosecution history. *David Netzer Consulting Eng’r LLC v. Shell Oil Co.*, 824 F.3d 989, 993-94 (Fed. Cir. 2016); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-15 (Fed. Cir. 2005).

1. Claim Language

The claim language of independent Claim 1 is straightforward. The claim recites a “*method of displaying content on a television,*” including:

- “*retrieving . . . first content information*” and “*displaying ...the retrieved [first] content information*” on the television (limitations 1.3-1.4); and

- displaying “a list of sources of content ... wherein at least **one of the sources is highlighted as being associated with** the [displayed] first content information” (limitation 1.6).

Ex. 1001 ('040 Patent), Cl. 1.

The plain meaning of limitation 1.6 is that (1) there is a list of content sources, and (2) one of the content sources is highlighted to indicate that it is the source of the currently-displayed content. In the context of the claim, “*as being associated with*” reflects that the highlighted source **corresponds to** the currently-displayed content. The content source is highlighted to convey to the viewer that it is the source for the content currently being displayed.

In its papers, Patent Owner repeatedly set forth this plain and ordinary meaning. See POR, 17 (“In other words, one of the content sources ... is highlighted **because it is associated with** the ‘*first content information*’ that is retrieved and displayed in limitations 1.3-1.4.”), 18 (“content source ... is highlighted **because it corresponds to** the program [] being displayed”), 26; Sur-reply, 2, 6 (emph. added).

The Board first erred as a matter of law because it never conducted the threshold step of ascertaining the plain and ordinary meaning of the claim language. *Phillips*, 15 F.3d at 1314 (analysis starts with the claim language).

Instead, the Board dove right into the specification and did not link it back to the language of the claim. FWD, 27-31.

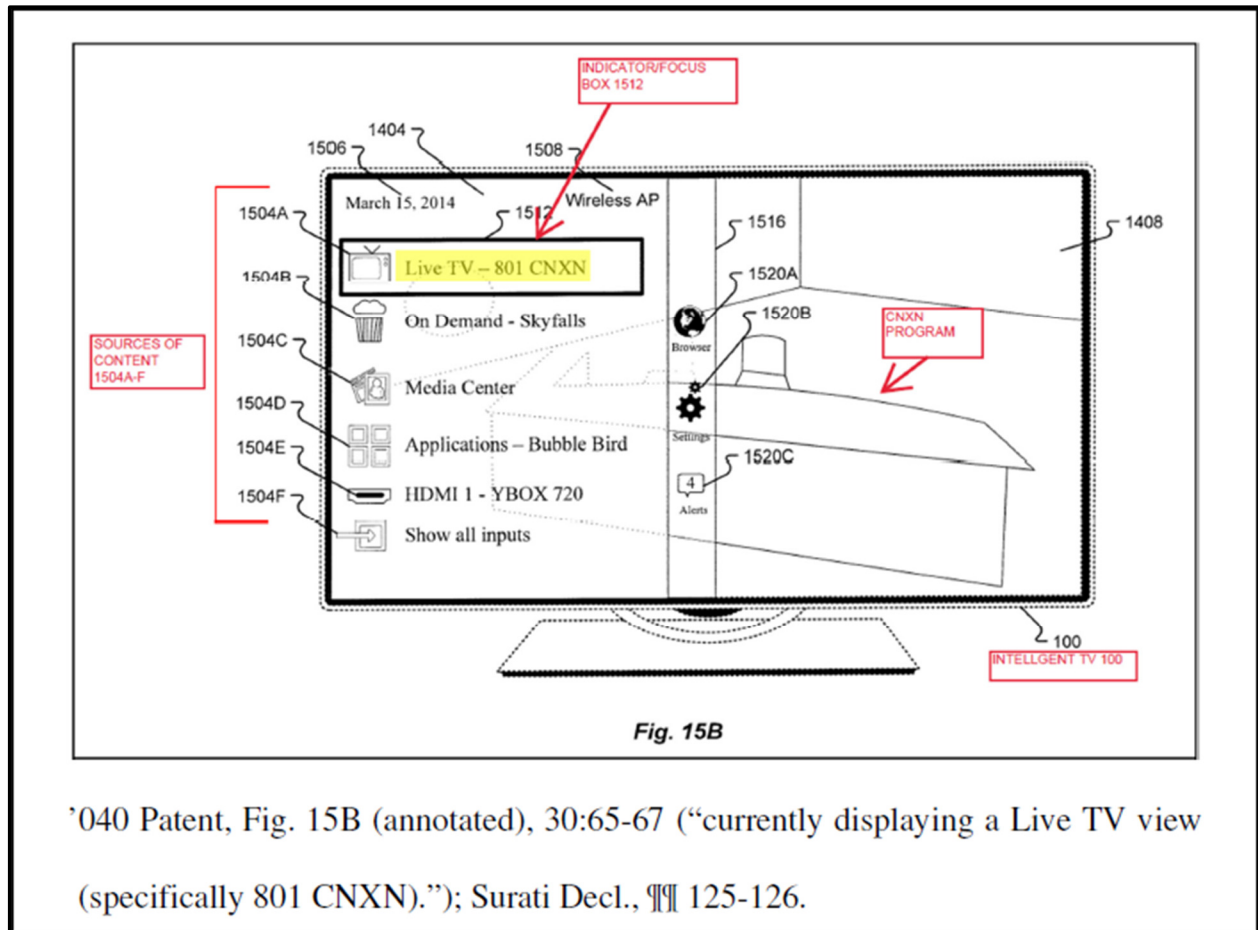
The Board also erroneously asserts that Patent Owner's construction was that "the display of the first content [] **cause[s] the highlighting** of a displayed source identifier." FWD, 28 (emph. added). That is a mischaracterization. As Patent Owner repeatedly explained, the content source is highlighted "because it corresponds to" the currently-displayed first content. See, e.g., POR, 18.

2. Specification

The Board's analysis of the specification proceeds from its mischaracterization that Patent Owner's construction "require the display of first content to cause the highlighting of a displayed source identifier." FWD, 28. The Board's analysis of the specification is tainted from the start.

Patent Owner stated: "The '040 Patent discloses that a content source may be highlighted when it corresponds to information content that is being displayed." POR, 17. Patent Owner explained: "For example, Figure 15B of the '040 Patent illustrates that the content source 'Live TV-801' 1504A on the left hand side is highlighted with a box 1512 because **it corresponds to** the program 'CNXN' that is being displayed on the right hand side." POR, 17-18 (emph. added). Patent

Owner provided annotated Figure 15B illustrating that the content source 1504A is highlighted as being the source for the content CNXXN currently being displayed:

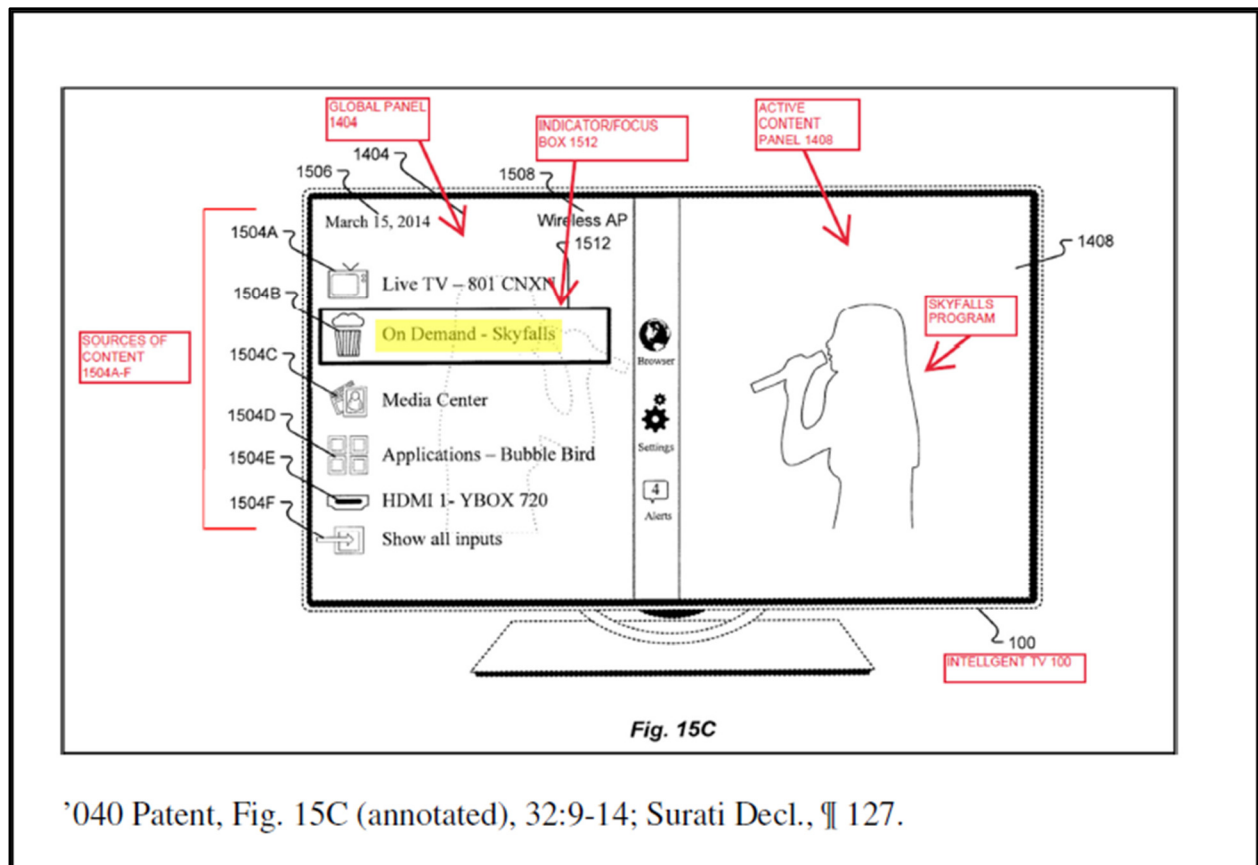


POR, 17-18.

The Board ***does not dispute*** that Figure 15B discloses that the “*source[] of content*” LiveTV-801 CNXXN on the left hand side is highlighted as being the content source for the “*first content information*” CNXXN program displayed on the right hand side. See FWD, 27-31. A POSITA would readily understand the benefit of highlighting the source because the left hand side of Figure 15B has multiple

content sources 1504A-1504F, and it is informative for the user to know which one is providing the content on the right hand side. POR, 29-30.

Then we have Figure 15C. “Figure 15C illustrates that the ‘On Demand-Skyfalls’ content source 1504B on the left hand side is highlighted because it corresponds to the program ‘Skyfalls’ being displayed on the right hand side.” POR, 18. Patent Owner provided this annotation of Figure 15C:



POR, 18-19.

As with Figure 15B, the Board does not dispute that Figure 15C discloses that the “*source[] of content*” on the left hand side is highlighted as being the

content source for the “*first content information*” displayed on the right hand side.

See FWD, 27-31.

Accordingly, the specification provides multiple examples supporting the plain and ordinary meaning understanding of limitation 1.6 provided by Patent Owner.

The Board argues that the specification describes highlighting “occurs when a *user selects* a source” and “[t]hus, the specification is clear that the highlighting function results from *user selection* of the source and the corresponding association of the first content information from that source flows from that user selection.” FWD, 30 (orig. italics). First, the Board is confusing matters of causation and correlation. Second, the Board’s statement confirms that the highlighting of the source indicates its “corresponding association,” in the Board’s words, with the first content information.

In other words, in that embodiment, a user selection causes the corresponding content to be displayed and that content source to be highlighted, meaning that the content source is indeed “*highlighted as being associated with*” the displayed content, just as recited in the claim. The Board is trying to manufacture a conflict between the specification and the claim language that does not exist.

The Board never articulates what it regards to be the proper construction of limitation 1.6. See FWD, 27-31. That is an abuse of discretion. But it is apparent that it does not require that a content source is highlighted as being associated with currently-displayed content. The Board’s overly expansive construction would encompass highlighting a content source even if the content source *did not correspond* to currently-displayed content. The Board’s construction thus improperly reads limitation 1.6 out of the claim. *Maxwell v. J. Baker, Inc.*, 86 F.3d 1098, 1105 (Fed. Cir. 1996) (improperly broadening scope of claims); *Unique Concepts, Inc. v. Brown*, 939 F.2d 1558, 1563 (Fed. Cir. 1991) (claim not to be construed to remove limitation).

In sum, in the context of the claim, “*as being associated with*” in limitation 1.6 reflects that the highlighted content source corresponds to the currently-displayed first information content, consistent with its plain and ordinary meaning in view of the specification.

B. The Board Erred in Finding that Kim Teaches a Content Source Being “*Highlighted As Being Associated With*” Currently-Displayed First Content Information

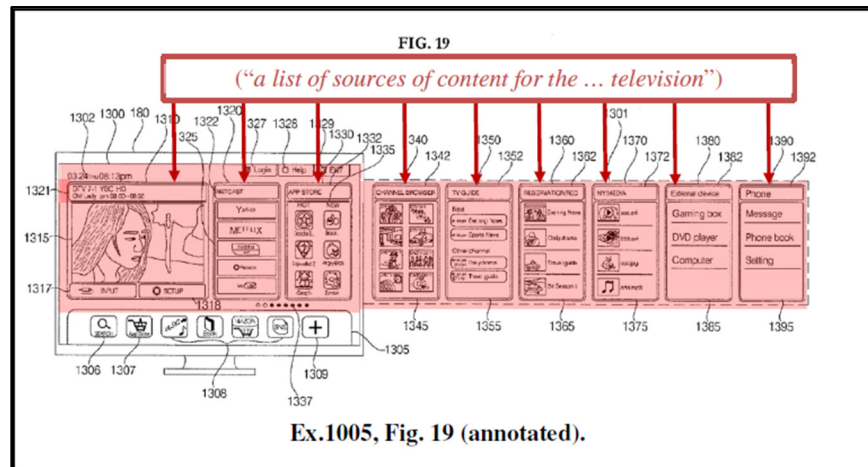
The Board’s incorrect finding of obviousness is premised on its erroneous understanding of limitation 1.6. See FWD, 30-35.

Kim discloses a home screen for a television including a plurality of different windows known as “card objects,” and a display configuration where each card object contains a group of selectable thumbnails within it. POR, 8-9 (citing Kim, [0094], [0098], Fig. 19).

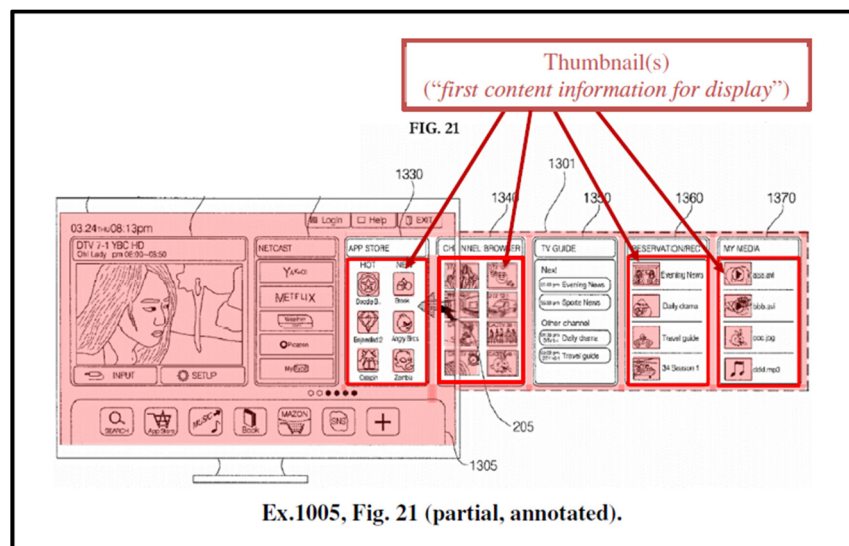
From the start, the Board fails to appreciate that Kim is an impertinent reference because its alleged “*sources of content*” (card objects) and “*first information content*” (thumbnails) ***are always displayed together***—the thumbnails are ***displayed within*** the card objects. Thus, the sources of content are ***intrinsically associated*** with the first information content because each card object contains its thumbnails. This is undisputed. As such, Kim does not highlight card objects to associate them with their thumbnails, and there would never be a reason to highlight a card object to associate it with its thumbnails pursuant to limitation 1.6, because Kim’s display automatically associates the source with the content.

As illustrated below, the Board and Petitioner allege that the claimed “*sources of content*” of limitation 1.5 are Kim’s card objects, such as Application Store 1330 and Channel Browser 1340. POR, 19 (citing Kim, Ex. 1005, Fig. 19). The claimed “*first content information*” of limitations 1.3-1.4 allegedly maps to the thumbnails displayed within the card objects, such as the thumbnails 1335 displayed within the App Store card object and the thumbnails 1345 displayed

within the Channel Browser card object 1340. These positions are illustrated in the
Petition:



Pet., 40.

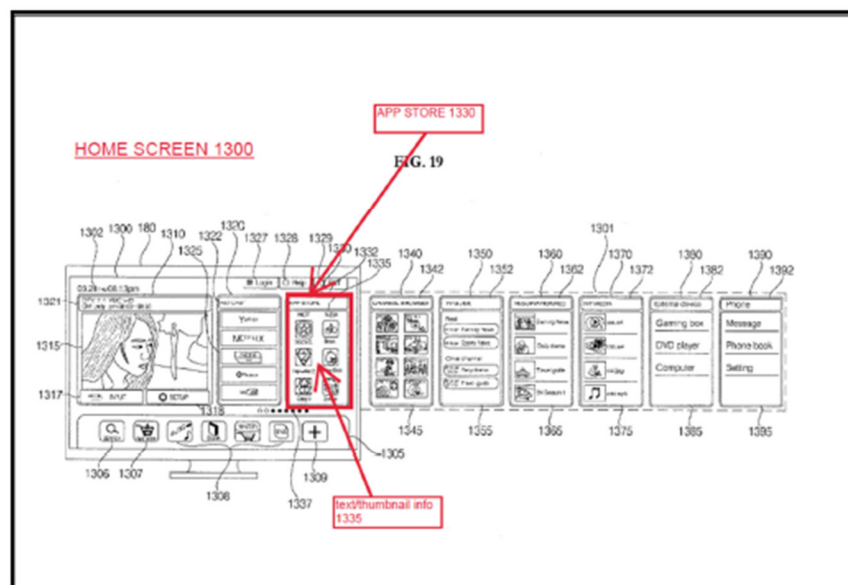


Pet., 30.

Patent Owner explained that none of the card objects ("*sources of content*") is highlighted in Figure 19, let alone is any card object highlighted as being associated with the thumbnails ("*first content information*") that are already

displayed within that card object. POR, 19. There is no need to highlight a card object because it is already associated with the thumbnails that are contained within it.

There would be no reason to highlight a card object per limitation 1.6 because Kim's card object and its thumbnails are *presented together* with the thumbnails *inside the card object*, thus naturally associating the card object ("source") with its thumbnails ("first content information"). As Patent Owner stated: "For example, the App Store card object 1330 (alleged 'source of content') is not highlighted because the text/thumbnailed information 1335 (alleged 'first content information') is presented *within it*," as depicted below:



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

Sur-reply, 3-4 (presenting annotated Fig. 19 of Kim).

Patent Owner pointed out that the Petitioner did not dispute that the card objects and their thumbnails are automatically presented together with the thumbnails within the card objects. Sur-Reply, 4 (citing Reply, 6-10). And indeed, the Board *agrees* that the card objects and the thumbnails within them are automatically displayed together in Kim. FWD, 33 (“We do not see any error in Multimedia’s statement”). The nature of Kim’s display is that the alleged “*sources*” are naturally associated with the alleged “*first information content*.”

Nonetheless, the Board gives several examples of how Kim’s home screen could be modified to highlight a card object. But none corresponds to the language of limitation 1.6.

For example, the Board asserts that the generic teaching of “highlight[ing] or emphasiz[ing] a card object” was known in the art. FWD, 31. There is no dispute about that. The Board then asserts that “this same technique of visually distinguishing a card object would apply to Kim’s card objects” to distinguish one card object from the others. FWD, 31. Here, the Board is improperly conflating highlighting to **distinguish amongst different card objects** with highlighting to **indicate a card object is associated** with its thumbnails, as required by Petitioner’s read of the claim onto Kim. The Board never demonstrates that Kim

teaches, or that Kim could or would be modified, for a card object to be highlighted to indicate it “*as being associated with*” the thumbnails already displayed within the card object.

The Board again refers to another instance in Kim’s disclosure where a card object is highlighted to distinguish one card object from other card objects. FWD, 32 (citing Kim, [0228]). The Board disregards Patent Owner’s evidence-based explanation that Kim’s paragraph [0228] teaches highlighting a partially-displayed card to distinguish it from fully-displayed card objects, “not because its [text/thumbnail] information content ([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 Board’s proposed modification does not meet limitation 1.6. The Board is again disregarding the plain meaning of limitation 1.6 in applying it to Kim.

Similarly, the Board cites Petitioner’s alternative theory that “where the APP STORE card object 1330 is already displayed on the display 180 (see Figure 21), it would have been obvious . . . for the APP STORE card object 1330 to be highlighted **so that it is distinguished from the other card objects** and readily identified by the user.” FWD, 32 (citing Pet., 46-47) (emph. added). Once again, distinguishing one card object from the other card objects does not correspond to

limitation 1.6 applied to Kim, which would require that a card object is highlighted to indicate it is associated with the thumbnails displayed within it. Kim does not do that, and there would never be any reason for Kim to do so because the card object and thumbnails are already displayed together so that the card object is already associated with its thumbnails—an undisputed point in this IPR. Sur-reply, 6 (citing POR, 24-17, Surati Decl., ¶¶ 135-138).

The Board refers to Figure 21 of Kim as allegedly teaching that a card object might be highlighted to reflect that the card object has been selected by a pointer. FWD, 33. Once again, that does not correspond to the language of limitation 1.6. It can plainly be seen in Kim’s Figure 21 that every card object (“*source of content*”) has its thumbnails (“*first content information*”) displayed within that card object. Regardless of whether a pointer is used, there is no highlighting of a card object to associate it with thumbnails already displayed within it, and there would be no reason to do so.

Finally, the Board refers to Kim’s disclosure that a card object might be highlighted to reflect that an incoming call is being received. FWD, 32. See Sur-reply, 5. That does not correspond to limitation 1.6 because the card object is being highlighted to reflect that an incoming call is detected, not because the thumbnail

information within the card object has been displayed, as would be required by limitation 1.6.

In sum, the Board fails to appreciate that Kim is a fundamentally defective reference because it has a display configuration where the alleged “*sources of content*” (card objects) and “*first information content*” (thumbnails) are displayed together so that the source is already naturally associated with its content. Sur-reply, 3. This is undisputed. As such, it is not surprising that Kim does not teach or suggest highlighting a content source pursuant to limitation 1.6.

IV. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests Director Review of the Board’s decision and a determination that the FWD should be reversed.

Respectfully submitted,

/James T. Carmichael/
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Date: May 30, 2025

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This paper contains 15 pages, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. This paper complies with the type-volume limitation of 15 pages as mandated in 37 C.F.R. § 42.24(a)(1)(v).

Respectfully submitted,

/James T. Carmichael/

Date: May 30, 2025

CERTIFICATE OF SERVICE

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

**PATENT OWNER REQUEST FOR DIRECTOR REVIEW
OF FINAL WRITTEN DECISION**

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