

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner.

IPR2024-00352
Patent 9,247,174 B2

Before ST. JOHN COURTENAY III, MICHAEL R. ZECHER, and
SHARON FENICK, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively, “Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–14 (“the challenged claims”) of U.S. Patent No. 9,247,174 B2 (Ex. 1001, “the ’174 patent”). Petitioner filed a Declaration of Andrew Lippman, Ph.D. (Ex. 1003) with the Petition. Multimedia Technologies Pte. Ltd (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. *See* 35 U.S.C. § 314 (2018); 37 C.F.R. § 42.4(a) (2022). Under 35 U.S.C. § 314(a), we may not authorize an *inter partes* review unless the information in the petition and the preliminary response “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.”

Upon consideration of the Petition, the Preliminary Response, and the evidence of record, we determine that the information presented in the Petition demonstrates that there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one challenged claim of the ’174 patent.

I. INTRODUCTION

A. *Real Parties in Interest*

Petitioner identifies LG Electronics, Inc. and LG Electronics U.S.A., Inc. as the real parties-in-interest. Pet. 100. Patent Owner identifies itself, Multimedia Technologies Pte. Ltd., as the real party-in-interest. Paper 4, 2.

B. *Related Matters*

The parties identify the following related district court litigation:
Multimedia Technologies Pte. Ltd. v. LG Electronics Inc. et al., No. 2:22-cv-

00494 (E.D. Tex.) (filed Dec. 23, 2022); *Multimedia Technologies Pte. Ltd. v. Vizio, Inc.*, No. 2:23-cv-00124, (E.D. Tex.) (filed Mar. 24, 2023). Pet. 100; Paper 4, 2.

We note that in addition to this Petition, Petitioner filed the following three other petitions challenging related patents owned by Multimedia: (1) *LG Electronics, Inc. v. Multimedia Technologies Pte. Ltd.*, IPR2024-00351, Paper 1 (PTAB Dec. 20, 2023) (challenging claims 1–6, 11–16, 21, and 22 of U.S. Patent No. 9,510,040 B2); (2) *LG Electronics, Inc. v. Multimedia Technologies Pte. Ltd.*, IPR2024-00353, Paper 3 (PTAB Dec. 22, 2023) (LG Corrected Petition) (challenging claims 1–4, 6, 8–10, 12–17, and 19 of U.S. Patent No. 9,055,254 B2); and (3) *LG Electronics, Inc. v. Multimedia Technologies Pte. Ltd.*, IPR2024-00354, Paper 1 (PTAB Dec. 22, 2023) (challenging claims 1–18 of U.S. Patent No. 10,419,805 B2)). Paper 4, 2 (Patent Owner’s Mandatory Notices).

C. The ’174 patent

The ’174 patent is entitled “Panel user Interface for an Intelligent Television,” and relates to methods for displaying content on an intelligent television. Ex. 1001, code (57). According to the ’174 patent, there “is a need for an Intelligent TV with intuitive user interfaces and with seamless user interaction capability.” *Id.* at 2:3–5.

Figure 14, reproduced below, is a diagram of a television display according to the ’174 patent:

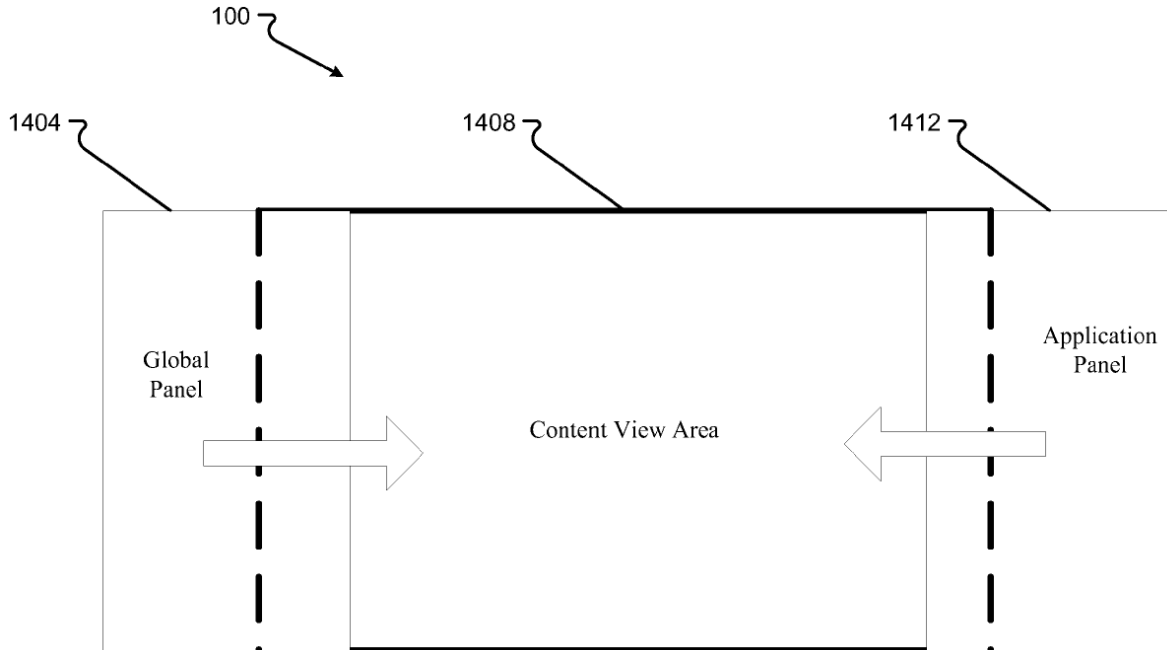


Figure 14 illustrates Intelligent TV 100, displaying global panel 1404, active content view 1408, and application panel 1412. *Id.* at 30:39–40.

“The content displayed in the application panel 1412 depends on the content displayed in content view area 1408.” *Id.* at 32:16–17. The ’174 patent discloses application panel 1412 may comprise an application panel navigation bar 1604, a content area 1608, and a hotkey legend 1612. *Id.* at 32:47–49; *see also* Fig. 16A. “[D]epending on the active content area currently selected or being viewed, the panel content area 1608 may change and/or may be presented in a different way (i.e., have a slightly different look or content).” *Id.* at 33:1–6.

Within the application panel 1412, multiple content area panels are possible, based on the content of navigation. *Id.* at 35:26–29. Panel types can be categorized, and each category may include several panel types within it. *Id.* at 35:38–44. Figures 17A and 17B illustrate a number of panel types, such as “Series Info,” “Collection Info,” Photo Album Info,” “Device

Info,” “Video Info,” “Movie Info,” “Episode Info,” “Videos,” “Movies,” “TV Shows,” “Most Viewed,” and “Search Results.” *Id.* at Figs. 17A, 17B.

As an example, if “Info” is selected on navigation bar 1604, a panel may display based on the panel type “Series Info” 1704A, or any other panel type in the “Info Views” category. *Id.* at 35:29–45; *see also id.* at Fig. 17A. Figure 20C, reproduced below, illustrates the layout and content of the display in the situation just described.

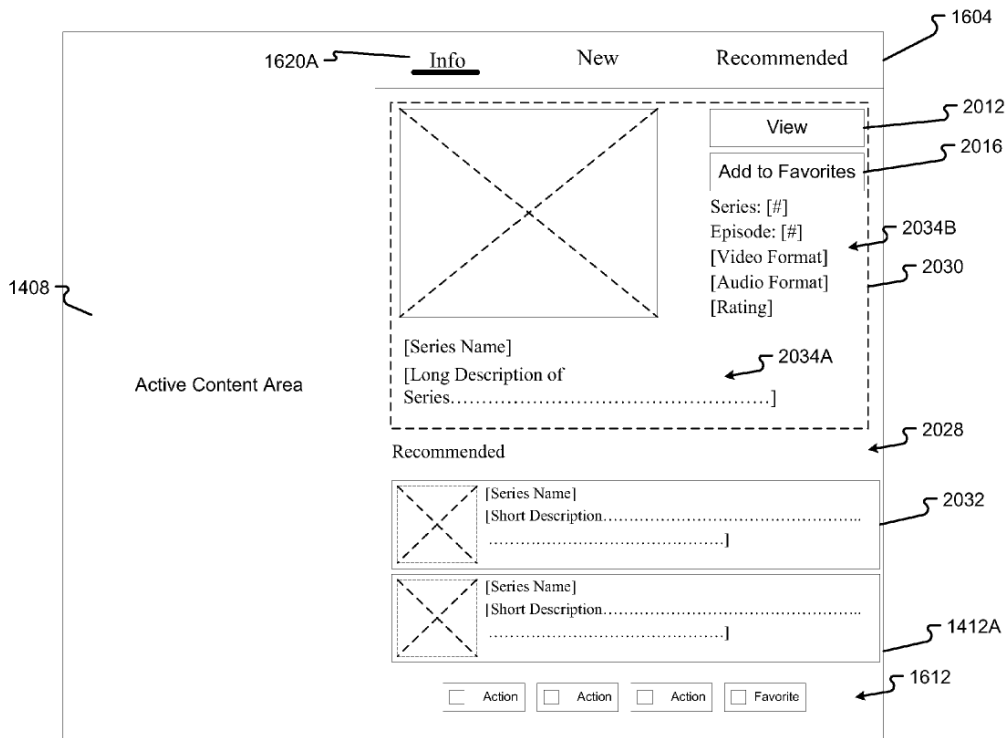


Fig. 20C

Figure 20C shows content area 1408, and info panel 1412A, which includes menu bar 1604, and information from “panel type 1704A.” *Id.* at 39:61–66. “The series panel type 1704A may include series information 2034A and 2034B, a view button 2012, a favorite button 2016, and a thumbnail display of the series information 2008.” *Id.* at 40:1–4.

D. Illustrative Claim

Petitioner challenges claims 1–14 of the '174 patent. Pet. 6.

Claim 1, one of two independent claims, is illustrative of the challenged claims, and recites the following (Petitioner's bracketing and identifiers added):

- [1.0] A method for displaying content on a television, comprising:
 - [1.1] receiving a first input via an input device associated with the television;
 - [1.2] in response to the first input, displaying, via the television, an application panel interface;
 - [1.3] determining content currently being shown on the television;
 - [1.4.1] identifying at least one of a content source and content information [1.4.2] associated with the content currently being displayed via the television;
 - [1.5.1] based on the content and the at least one of the content source and the content information, providing a first content panel in the application panel interface, [1.5.2] wherein the first content panel is a first type of application panel;
 - [1.6] receiving a first directional input via the input device associated with the television;
 - [1.7.1] determining, based on a first direction associated with the first directional input, a second content panel to display via the television in the application panel interface, [1.7.2] wherein the second content panel is a second type of application panel;
 - [1.8] retrieving, from memory, a second content information based on the second type of content panel; and
 - [1.9] displaying, via the television, the second content information in the second content panel.

Ex. 1001, 48:57–49:16; Pet. 102–103.

E. Prior Art

Petitioner submits the following references as evidence of obviousness:

Prior Art	Exhibit No.
Istvan, US 2002/0060750 A1 (published May 23, 2002)	1006
Machida, US 2007/0047920 A1 (published Mar. 1, 2007)	1008
Woods, US 2010/0262938 A1 (published Oct. 14, 2010)	1005

a. Summary of Woods (Ex. 1005)

Woods is titled “Systems and Methods for Generating a Media Guidance Application with Multiple Perspective Views.” Ex. 1005, code (54).

Woods describes that interactive program guides for media content available via the Internet, cable and satellite television, and radio often display “guide listings in a single perspective view grid indexed by time and program source (e.g., a television channel). In particular, the guide listings appear flat on the screen.” *Id.* ¶ 2.

Woods discloses instead “a media guidance application with multiple perspective views.” *Id.* ¶ 3. Woods discloses that a “first of a plurality of media guidance objects may be displayed in a first perspective view that appears flat on the screen,” but that a “second media guidance object may be displayed in a second perspective view that appears to be going into the screen.” *Id.* at code 57. This creates “the appearance of a fold between the first and second media guidance application objects at a location where the first perspective view changes into the second perspective view.” *Id.* Figure 5D, reproduced below, “shows an illustrative display screen of user profile representations displayed in different perspectives.” *Id.* ¶ 17.

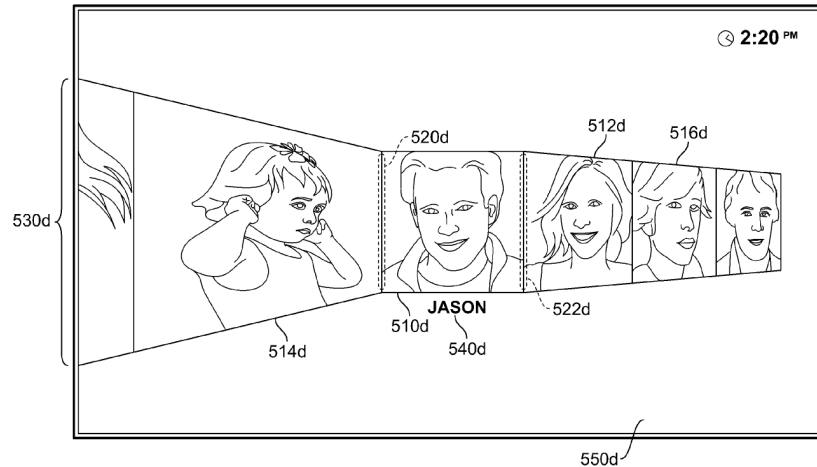


Figure 5D shows display screen 550d, with “continuous array 530d of user profile representations,” which “may include a first user profile representation 514d displayed in a first perspective view, a second user profile representation 510d displayed in a second perspective view and third and fourth user profile representations 512d and 516d displayed in a third perspective view.” *Id.* ¶¶ 112, 116. Figure 5D also shows folds 520d and 522d. *Id.* ¶ 117.

Woods discloses a display that provides “program scheduling information,” e.g., “program listings,” for a variety of time periods. *Id.* ¶ 152; *see also id.* at Fig. 9.

Figure 10, reproduced below, shows a display that provides a “selected program listing” of a program selected from the program listings:

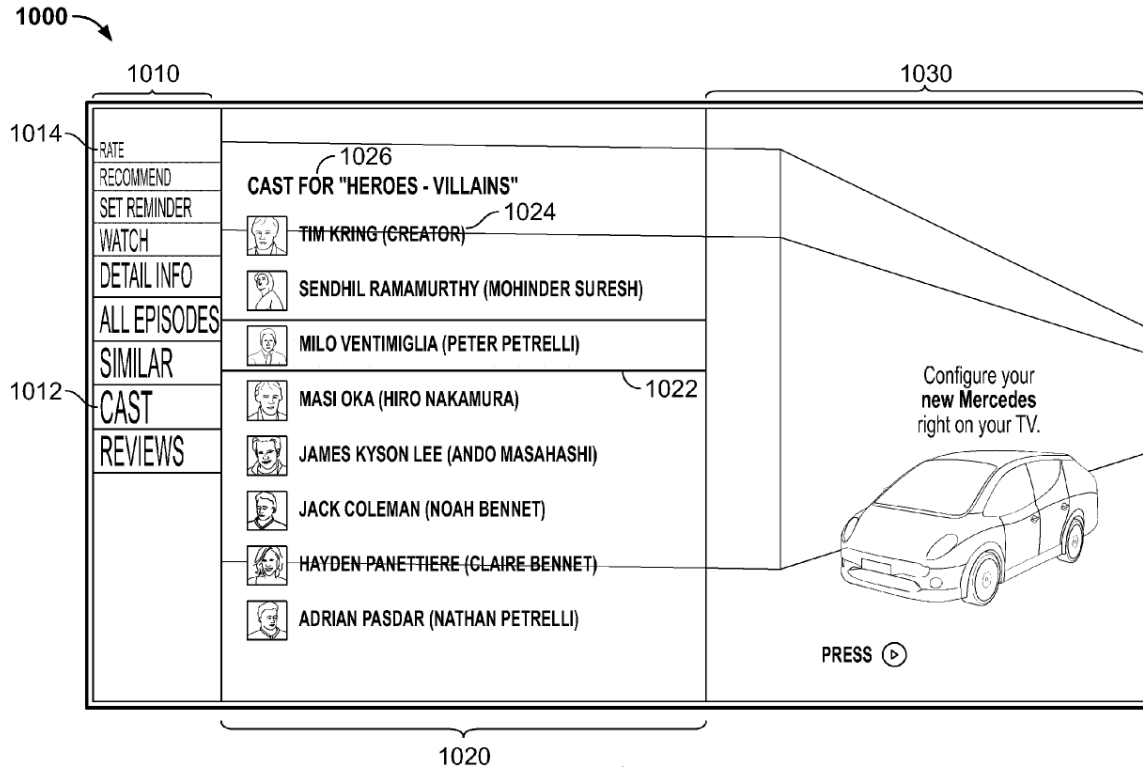


Figure 10 illustrates display screen 1000, with functions menu bar 1010, function options region 1020, and media region 1030. *Id.* ¶ 170. “As the user navigates to select different menu bars by, for example, pressing an up/down arrow key or using a movable cursor (e.g., mouse), media guidance objects associated with the selected menu bar are displayed.” *Id.* ¶ 132.

Figure 10 further illustrates the result of selecting “CAST” from menu bar 1010, which displays a “selectable list of all or most of the cast members that are present in the media asset corresponding to the selected program listing.” *Id.* ¶ 178. Figure 10 further illustrates “highlight region 1022 over the desired cast member” a user is ready to select on the display. *Id.* ¶ 180. A “user may select one of the cast member indicators (e.g., names or pictures) that is displayed in the list by, for example, pressing up/down

arrow keys to position [the] highlight region 1022 over the desired cast member.” *Id.*

Figure 11, reproduced below, illustrates a display that represents “information corresponding to an option or item selected from region 1020.” *Id.* ¶ 183.

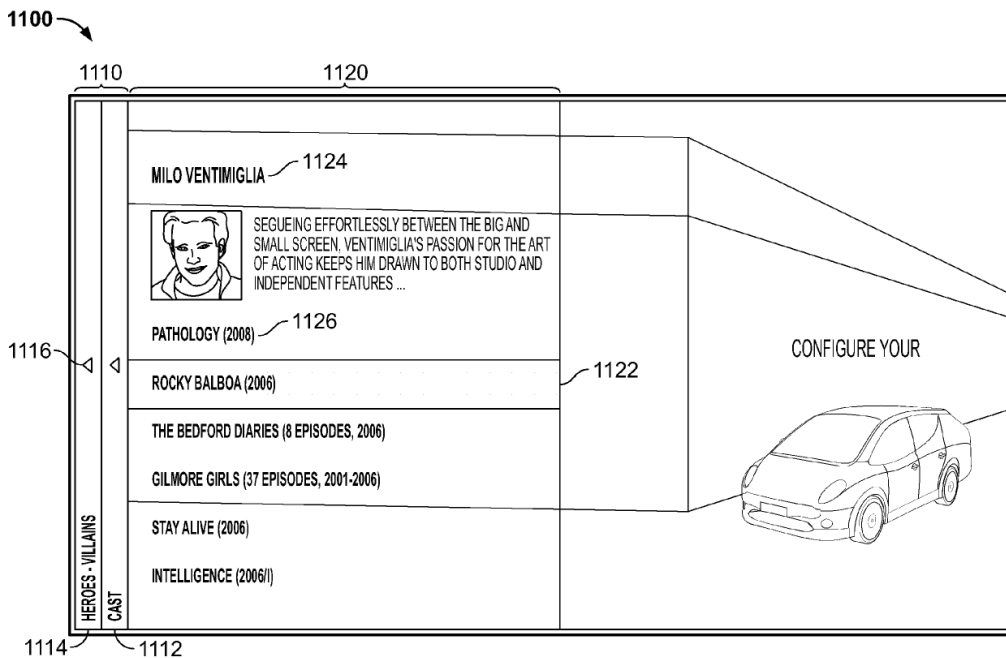


Figure 11 shows display screen 1100, which includes identifiers 1110, information region 1120, which shows the program previously selected in identifier 1114, function “CAST” previously selected on the screen in Figure 10 in identifier 1112, and information about the cast member selected. *Id.* ¶¶ 183–184.

b. Summary of Istvan (Ex. 1006)

Istvan is titled “Single-Button Remote Access to a Synthetic Channel Page of Specialized Content,” and “pertains to a user interface to television broadcasts and Internet content.” Ex. 1006, code (54), ¶ 3.

Istvan describes that prior art user interfaces for Internet-enabled televisions are “limited in their capabilities and do not provide for user-

friendly access to both broadcast television (TV) and Internet content.” *Id.*

¶ 4. Istvan claims it “provides for user-friendly access to both broadcast television and Internet content via a single integrated user interface.” *Id.* ¶ 6.

A diagram of an exemplary user interface is shown in Figure 6, reproduced below.

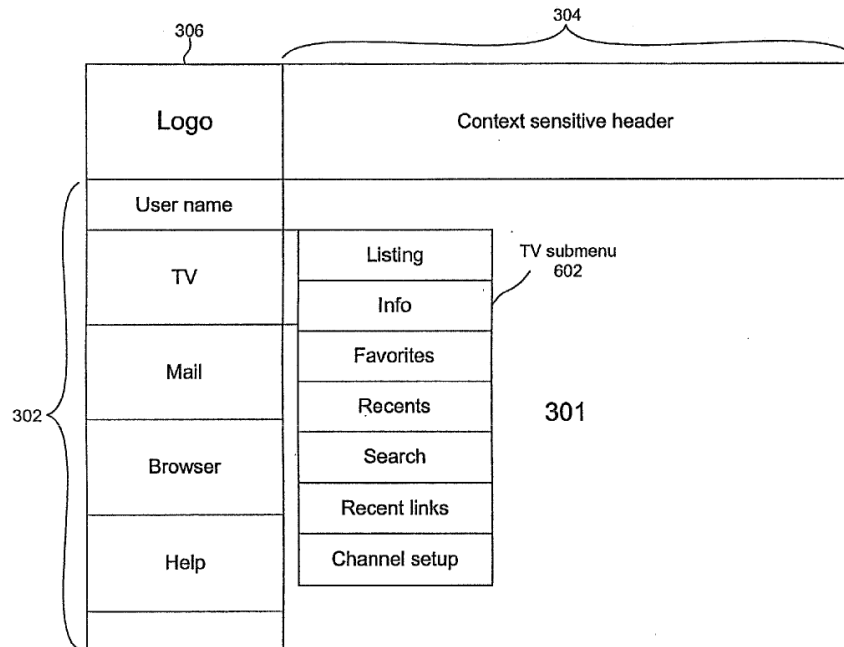


Figure 6 shows a television user interface, with primary on-screen television control menu 302, and with TV submenu 602 activated over reduced-size television viewing area 301. *Id.* ¶¶ 40, 54. Submenu 602 includes selections such as “Listing,” “Info,” and “Favorites.” *Id.* at Fig. 6; *see also id.* ¶¶ 54–57.

c. Summary of Machida (Ex. 1008)

Machida is titled “Multimedia Player with Plurality of Operation Panels.” Ex. 1008, code (54). Machida relates “to image rendering techniques for reproduction control of digital contents by using user operation interfaces,” and is “for an apparatus which reproduces digital contents.” *Id.* ¶ 2.

Machida describes that a conventional digital broadcasting compatible HDD/DVD (Hard Disk Drive/ Digital Video Disk) decoder (i.e., a digital content reproduction apparatus) requires, in addition to channel tuning, a number of control keys (e.g., reproduce, stop, fast forward, fast backward, temporary stop), as well as keys such as “up,” “down,” “right,” “left,” “decide,” and “four-color keys for operation control of data broadcasting.” *Id.* ¶ 3. Machida describes that a user interface is typically required to display all the control keys, so a “wide operation panel rendering area is used” on-screen. *Id.* ¶ 5. Machida discloses it is “an object of the present invention to display automatically only usable operation keys.” *Id.* ¶ 7.

Figures 2 to 4, reproduced below, show a diagram of a user interface on a monitor, along with two examples of operation panels for display in the operation panel display area of the user interface:

FIG. 2

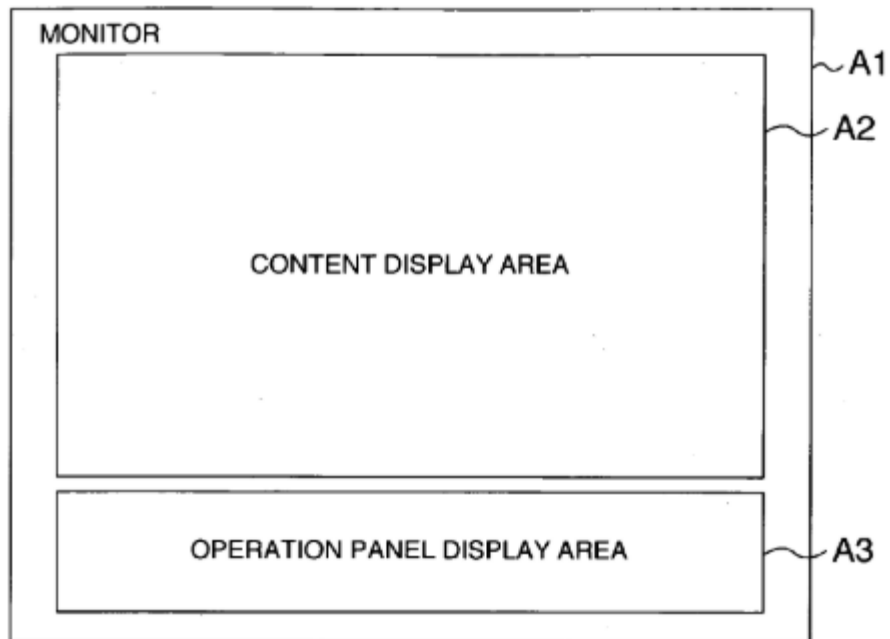


FIG. 3



FIG. 4

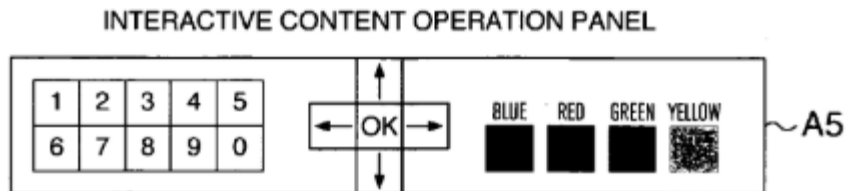


Figure 2 shows a monitor A1 with both content display area A2, and “operation panel display area” A3. *Id.* ¶ 31. Figures 3 and 4 show two examples of operations panels for display in area A3, with “linear content

operation panel” A4, depicted in Figure 3, and, “interactive content operation panel” A5, depicted in Figure 4. *Id.*

Machida discloses that “linear content operation panel A4 and interactive content operation panel A[5] are displayed exclusively and are not displayed at the same time.” *Id.* ¶ 33. Operation panel A4 is displayed during “reproduction of linear contents such as moving image contents.” *Id.* ¶ 31. Operation panel A5 is displayed during “reproduction of interactive contents such as data broadcast contents.” *Id.* ¶ 32.

F. The Asserted Grounds of Unpatentability

Petitioner challenges claims 1–14 of the ’174 patent based upon the following grounds:

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–14	103(a) ¹	Woods
6, 8, 14	103(a)	Woods, Istvan
1–14	103(a)	Woods, Machida
6, 8, 14	103(a)	Woods, Machida, Istvan

Pet. 12. Patent Owner disputes Petitioner’s asserted grounds of unpatentability. *See generally* Prelim. Resp.

¹ The Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (“AIA”), amended 35 U.S.C. § 103, effective on March 16, 2013. The ’174 patent claims the benefit of filing dates prior to the effective date of the applicable AIA amendments. *See* Ex. 1001, code (60). Therefore, we refer to the pre-AIA version of 35 U.S.C. § 103.

II. LEVEL OF ORDINARY SKILL IN THE ART

We consider the asserted grounds of unpatentability in view of the understanding of a person of ordinary skill in the art (POSITA). In assessing the level of ordinary skill in the art, various factors may be considered, including the “type of problems encountered in the art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology; and educational level of active workers in the field.” *In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995) (quoting *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 955, 962 (Fed. Cir. 1986)). “[O]ne or more factors may predominate.” *Id.*

Relying on the declaration testimony of Dr. Lippman, Petitioner contends that an ordinarily skilled artisan for the ’174 patent “would have had a bachelor’s degree in Electrical Engineering, Software Engineering, or Computer Engineering, or equivalent training, and approximately two years of experience working in the field of television systems and networking, human-computer interaction, or related technologies,” and that a “[l]ack of professional experience can be remedied by additional education, and vice versa.” Pet. 10 (citing Ex. 1003 ¶¶ 18–20).

At this stage, Patent Owner “adopts Petitioner’s definition of a person of ordinary skill in the art.” Prelim. Resp. 30.

For purposes of this Decision, we adopt Petitioner’s definition of the level of ordinary skill in the art. On the present record, we are satisfied that this definition comports with the level of skill necessary to understand and implement the teachings of the ’174 patent and the asserted prior art. *See Okajima v. Bourdeau*, 261 F.3d 1350, 1355 (Fed. Cir. 2001) (explaining that the prior art itself can reflect appropriate level of ordinary skill in art).

III. CLAIM CONSTRUCTION

In interpreting the claims of the '174 patent, we “us[e] the same claim construction standard that would be used to construe the claim[s] in a civil action under 35 U.S.C. [§] 282(b).” *See* 37 C.F.R. § 42.100(b) (2023). Accordingly, our claim construction standard is the same as that of a district court. *See id.* Under the standard applied by district courts, claim terms are generally given their plain and ordinary meaning, as would have been understood by a person of ordinary skill in the art at the time of the invention and in the context of the entire patent disclosure. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc). “There are only two exceptions to this general rule: (1) when a patentee sets out a definition and acts as his own lexicographer, or (2) when the patentee disavows the full scope of a claim term either in the specification or during prosecution.” *Thorner v. Sony Comput. Entm’t Am. LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012).

Petitioner does not propose claim construction for any term, although it identifies two terms it contends are defined in the Specification of the '174 patent. Pet. 11. Patent Owner does not dispute Petitioner’s statements on claim construction. Prelim. Resp. 30.

For purposes of this Decision, we determine that no aspects of the challenged claims require explicit construction. *See, e.g., Realtime Data, LLC v. Iancu*, 912 F.3d 1368, 1375 (Fed. Cir. 2019) (“The Board is required to construe ‘only those terms . . . that are in controversy, and only to the extent necessary to resolve the controversy.’” (quoting *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999))). To the extent necessary for institution, we note a disagreement between the parties

regarding the term “application panel” in claims 1 and 10, and address it below. *See infra* § VI.A.10.

IV. PRINCIPLES OF LAW

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify “with particularity . . . the evidence that supports the grounds for the challenge to each claim”)). This burden of persuasion never shifts to Patent Owner, except in certain limited circumstances not present here. *See Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (discussing the burden of proof in *inter partes* review).

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter 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. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of ordinary skill in the art; and (4) when in evidence, objective

evidence of nonobviousness.² *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). “[W]hen a patent claims a structure already known in the prior art that is altered by the mere substitution of one element for another known in the field, the combination must do more than yield a predictable result.” *KSR*, 550 U.S. at 416 (citing *United States v. Adams*, 383 U.S. 39, 50–51 (1966)). An obviousness inquiry is not limited to the prior art’s preferred embodiment. *See, e.g., Pfizer, Inc. v. Apotex, Inc.*, 480 F.3d 1348, 1370 (Fed. Cir. 2007). We also recognize that prior art references must be “considered together with the knowledge of one of ordinary skill in the pertinent art.” *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994) (citing *In re Samour*, 571 F.2d 559, 562 (CCPA 1978)).

V. DISCRETIONARY DENIAL UNDER 35 U.S.C. § 314(a)

A. Parties Arguments

Petitioner contends that we should not exercise our discretion to deny the Petition under § 314(a), primarily because it stipulates “if instituted, Petitioner will not pursue in District Court the specific grounds asserted here, or on any other ground that was raised or could have been reasonably raised in this IPR.” Pet. 98 (citing Interim Procedure for Discretionary Denials in AIA Post-grant Proceedings with Parallel District Court Litigation at 3, *available at* https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf. (“Director Memo”)) (emphasis omitted).

² Patent Owner does not present arguments or evidence of secondary considerations (i.e., objective indicia of non-obviousness) in its Preliminary Response. *See generally* Prelim. Resp. Therefore, secondary considerations do not constitute part of our analysis herein.

In response, Patent Owner contends that we should exercise our discretion to deny the Petition under § 314(a) because, among other reasons, Petitioner failed to file a stipulation consistent with the holding set forth in *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A) (“*Sotera*”). Prelim. Resp. 12–17. After Patent Owner filed its Preliminary Response, we granted Petitioner authorization to file a “Notice of *Sotera* Stipulation,” asserting that a stipulation according to *Sotera* was entered in the district court case where Petitioner is a party. *See* Ex. 1012.

B. Fintiv Analysis

It is well-settled that institution of an IPR is discretionary. *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1367 (Fed. Cir. 2016) (“[T]he [U.S. Patent and Trademark Office] is permitted, but never compelled, to institute an IPR proceeding.”); 35 U.S.C. § 314(a) (“The Director *may not* authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 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.” (emphasis added)). In *Fintiv*, the Board discussed potential applications of *NHK Spring Co. v. Intri-Plex Techs., Inc.*, IPR2018-00752, Paper 8 (PTAB Sept. 12, 2018) (precedential), as well as a number of other cases dealing with discretionary denial under § 314(a). *Fintiv* identifies a non-exclusive list of six factors parties may consider addressing, particularly where there is a related district court case involving the same patent and whether such a case provides any basis for discretionary denial. *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at

5–16 (PTAB Mar. 20, 2020) (precedential). Those factors include the following:

1. whether the court granted a stay or evidence exists that one may be granted if a proceeding is instituted;
2. proximity of the court’s trial date to the Board’s projected statutory deadline for a final written decision;
3. investment in the parallel proceeding by the court and the parties;
4. overlap between issues raised in the petition and in the parallel proceeding;
5. whether the petitioner and the defendant in the parallel proceeding are the same party; and
6. other circumstances that impact the Board’s exercise of discretion, including the merits.

Id. at 5–6.

On June 21, 2022, the Director issued interim guidance in the form of a memo that further clarifies how we should approach analyzing the *Fintiv* factors. *See* Director’s Memo. Notably, the Director stated that “the PTAB [Patent Trial and Appeal Board] will not discretionarily deny institution in view of parallel district court litigation where a petitioner presents a stipulation not to pursue in a parallel proceeding the same grounds or any ground that could have been reasonably raised before the PTAB.” Director’s Memo at 3.

In its Preliminary Response, Patent Owner contends that Petitioner fails to provide a proper *Sotera* stipulation for two reasons: (1) Petitioner did not file its stipulation in the U.S. District Court for the Eastern District of Texas, which is handling the two parallel district court cases; and, (2) Petitioner’s stipulation would have little, if any, impact on the district court

case where Vizio, Inc. (“Vizio”) is a party. Prelim. Resp. 12–17. We do not agree with Patent Owner’s arguments.

As an initial matter, we do not share Patent Owner’s view that a *Sotera* stipulation must be filed in the two parallel district court cases. *See* Prelim. Resp. 13–16. This same argument was raised previously in another proceeding before the Board. *See Taiwan Semiconductor Mfg. Co. Ltd. v. Alidouble, Inc.*, IPR2023-00369, Paper 7 at 10 (PTAB July 12, 2023) (Institution Decision) (declining to discount petitioner’s stipulation because petitioner did not file it in the district court). In *Taiwan Semiconductor*, patent owner urged the Board to exercise discretion to deny institution under § 314(a) in light of a parallel district court litigation because, in part, petitioner had not filed the stipulation in the district court. *Id.* at 9. The Board disagreed and found that the Director’s Memo does not require that such a stipulation be filed in the district court, only that the petitioner must “stipulate[]” or “present[] a stipulation.” *Id.* (citing Director’s Memo at 3, 7).

Here, we agree with the Board’s reasoning in *Taiwan Semiconductor* case, and we understand the Director’s Memo as only requiring Petitioner to “stipulate[]” or “present[] a stipulation.” The Director’s Memo is silent regarding any requirement for Petitioner to file a stipulation in the district court case where Petitioner is a party. Director’s Memo at 3, 7.

Even if *arguendo* Petitioner’s *Sotera* stipulation should also be filed in district court, here Petitioner did file a “Notice of *Sotera* Stipulation” in the district court case where Petitioner is a party. Ex. 1012. This Notice states that “[LG] hereby stipulate[s], consistent with the stipulation made by the [p]etitioner in *Sotera* that, if the PTAB institutes an IPR in response to [LG’s] petition against [Multimedia’s] U.S. Patent No. 9,247,174 (IPR2024-

00352), [LG] will not pursue in this litigation the grounds raised or any other grounds that could have reasonably been raised before the PTAB in that instituted proceeding.” *Id.* at 2. Consequently, the purpose of Petitioner’s *Sotera* stipulation has been achieved here because it “mitigates any concerns of duplicative efforts between the district court and the Board, as well as concerns of potentially conflicting decisions.” *Sotera*, Paper 12 at 19 (citing *Sand Revolution II, LLC v. Cont’l Intermodal Group – Trucking LLC*, IPR2019-01393, Paper 24 at 12 (PTAB June 16, 2020) (Decision Granting Request for Rehearing) (informative)).

Although Patent Owner is correct that Petitioner’s *Sotera* stipulation would have little, if any, impact on the district court case where Vizio is a party (*see* Prelim. Resp. 16–17), the Director’s interim guidance does not condition or otherwise qualify the effect of a *Sotera* stipulation on our exercise of discretion to deny this Petition based on any remaining defendants in the parallel district court cases that are not subject to the stipulation (*see* Director Memo at 7, 9). Put simply, Petitioner has filed a *Sotera* stipulation in this proceeding and, as a result, we will not exercise our discretion to deny its’ Petition.

VI. GROUND 1 – ALLEGED OBVIOUSNESS OVER WOODS

Petitioner contends that claims 1–14 of the ’174 patent are unpatentable under 35 U.S.C. § 103(a) as obvious over Woods. Pet. 13–80. Patent Owner opposes, arguing that at least two of the claim limitations are not taught by Woods. Prelim. Resp. 31–36.

A. *Claim 1*

1. *Preamble [1.0]*

The preamble of claim 1 recites: “[a] method for displaying content on a television, comprising.” Ex. 1001 (col. 48).

To the extent the preamble is treated as limiting, Petitioner contends that Woods teaches the preamble of claim 1, because “Woods discloses user equipment 300 which may be, for example, a television set.” Pet. 16. Patent Owner does not specifically address the preamble in the Preliminary Response. *See generally* Prelim. Resp.

Based upon our review, we preliminarily find Petitioner has shown that Woods teaches or suggest the preamble [1.0] of claim 1.

2. *Limitation [1.1]*

Limitation [1.1] of claim 1 recites: “receiving a first input via an input device associated with the television.” Ex. 1001 (col. 48).

Petitioner again notes that “Woods discloses user television equipment 300 (*“the television”*),” referring to television 300, as depicted in Wood’s Figure 3. Pet. 18–19 (citing Ex. 1005 ¶ 37, Fig. 3). Petitioner further notes that Woods discloses that a “user may control the control circuitry 304 using user input interface 310.” Pet. 19 (citing Ex. 1005 ¶ 53, Fig. 3) (emphasis omitted). Petitioner thus contends that Woods teaches or suggests limitation [1.1].

Patent Owner does not specifically address limitation [1.1] in the Preliminary Response. *See generally* Prelim. Resp.

Based upon our review, we preliminarily find Petitioner has shown that Woods teaches or suggests limitation [1.1] of claim 1.

3. *Limitation [1.2]*

Limitation [1.2] of claim 1 recites: “in response to the first input, displaying, via the television, an application panel interface.” Ex. 1001 (col. 48).

Petitioner notes “First, as discussed at [1.1], Woods discloses receiving a user’s input command to select a program listing (*‘first input’*).” Pet. 22 (emphasis omitted). Petitioner further notes:

Second, Woods discloses that in response to the user selecting a program listing (*“in response to the first input”*), the television displays to the user display screen 1000 with functions menu bar 1010 and function options region 1020 that together teach an *“application panel interface.”* Ex.1005, [0170]; *see also* Ex.1005, [0036] (“A user may indicate a desire to access media information by selecting a selectable option provided in a display screen...**In response to the user’s indication, the media guidance application may provide a display screen with media information....**”).

Pet. 22–23 (alterations in original).

Petitioner refers to Woods’ Fig. 10, and contends that in response to the user selecting the program listing corresponding to “‘Heroes,’ (see Ex.1005, [0184]), the television displays screen 1000 with functions menu bar 1010 and function options region 1020, which together correspond to ‘*an application panel interface.*’” Pet. 23. Petitioner thus contends that Woods teaches or suggests limitation [1.2].

Patent Owner does not specifically address limitation [1.2] in the Preliminary Response. *See generally* Prelim. Resp.

On this record, we preliminarily find Petitioner has shown that Woods teaches or suggests limitation [1.2].

4. *Limitation [1.3]*

Limitation [1.3] of claim 1 recites: “determining content currently being shown on the television.” Ex. 1001 (col. 48).

Petitioner notes “First, as discussed at the preamble [1.0], Woods discloses user television equipment 300 (“*the television*”).” Pet. 27 (emphasis omitted).

Petitioner further notes:

Second, Woods teaches “*determining content currently being shown*” because Woods discloses that the processing circuitry 306 of the user television equipment 300 highlights or brings to focus the program guide listing corresponding to the content currently tuned and displayed on the television.

“When the user first enters screen 900, processing circuitry 306 may **highlight or bring into focus ... the currently tuned program or program being currently accessed.**” Woods further discloses that “**The currently tuned or accessed program may also be displayed** behind the program schedule information.” Ex.1005, [0155]. To do this, the “program schedule information displayed in screen 900 may be partially transparent such that both the program schedule information and the currently tuned to or accessed program can be seen simultaneously.” *Id.*

Pet. 27.

Petitioner contends: “Woods’ processing circuitry 306 ‘*determine[es] the content currently being shown on the television*’ because it highlights or focuses that content within the program guide of Fig. 9.” Pet. 27 (alteration in original). Petitioner thus contends that Woods teaches or suggests limitation [1.3].

Patent Owner does not specifically address limitation [1.3] in the Preliminary Response. *See generally* Prelim. Resp.

On this record, we preliminarily find Petitioner has shown that Woods teaches or suggests limitation [1.3].

5. *Limitation [1.4.1]*

Limitation [1.4.1] of claim 1 recites: “identifying at least one of a content source and content information.” Ex. 1001 (col. 48).

Petitioner contends either a content source or content information teaching in Woods is sufficient as an initial matter of claim construction. Pet. 32. Petitioner contends that Woods identifies both the claimed “content source” and “content information” in the form of a media content source, a program source, and broadcasters. Pet. 32 (citing Ex. 1005 ¶¶ 36, 65, 153). Petitioner contends the claimed “content information” is identified in Woods’ paragraph 155 (regarding the currently tuned program) and as depicted in Figure 9: “program source 950 and program source information at the bottom of the screen (e.g., broadcaster ‘NBC’).” Pet. 33. Petitioner thus contends that Woods teaches or suggests limitation [1.4.1].

Patent Owner does not specifically address limitation [1.4.1] in the Preliminary Response. *See generally* Prelim. Resp.

On this record, we preliminarily find Petitioner has shown that Woods teaches or suggests limitation [1.4.1].

6. *Limitation [1.4.2]*

Limitation [1.4.2] of claim 1 recites: “[the content source and content information are] associated with the content currently being displayed via the television.” Ex. 1001 (col. 48).

As evidence in support of the obviousness of limitation [1.4.2], Petitioner points to, *inter alia*, “Figure 10 [of Woods that] illustrates an

example in which the identified ‘cast’ information is displayed on the television screen with the currently tuned television program (HEROES-VILLIANS, *See* [1.3]).” Pet. 41. Petitioner thus contends that Woods teaches or suggests limitation [1.4.2].

Patent Owner does not specifically address limitation [1.4.2] in the Preliminary Response. *See generally* Prelim. Resp.

On this record, we preliminarily find Petitioner has shown that Woods teaches or suggests limitation [1.4.2].

7. *Limitation [1.5.1]*

Limitation [1.5.1] of claim 1 recites: “based on the content and the at least one of the content source and the content information, providing a first content panel in the application panel interface.” Ex. 1001 (col. 49).

Petitioner argues that, “[a]s discussed at elements [1.4.1]-[1.4.2], Woods discloses identifying source and content information (*‘the content source and the content information’*) about the program currently being displayed on the television (*‘the content’*).” Pet. 43. As an initial issue of claim construction, Petitioner emphasizes “the ’174 patent defines a panel as ‘a user interface displayed in at least a portion of the display.’” Pet. 43 (quoting Ex. 1001, 7:36–37). Given this claim interpretation, Petitioner asserts that Woods’ “Fig[ure]10 illustrates an example where the indicator of the menu bar is focused on ‘cast.’ Accordingly, option regions 1020 displays a first “list of options or items” related to the cast, which teaches claimed *‘first content panel.’*” Pet. 43. Petitioner thus contends that Woods teaches or suggests limitation [1.5.1].

Patent Owner does not specifically address limitation [1.5.1] in the Preliminary Response. *See generally* Prelim. Resp.

On this record, we preliminarily find Petitioner has shown Woods teaches or suggests limitation [1.5.1].

8. *Limitation [1.5.2]*

Limitation [1.5.2] of claim 1 recites: “wherein the first content panel is a first type of application panel.” Ex. 1001 (col. 49).

Petitioner contends, “as discussed at [1.5.1], Woods discloses that function options region 1020 has a first list of options or items (*‘first content panel’*).” Pet. 46. Petitioner further contends:

Woods explains that when the menu bar 1010 has the “cast” indicator highlighted the list of options or items of the function options region 1020 (*“first content panel”*) is a “cast” type of application panel (*“first type of application panel”*). “As the user brings different indicators into focus, the list of options or items displayed in function options region 1020 may change to correspond to the indicator of the function in focus.” Ex.1005, [0175].

Pet. 46 (alterations in original). Petitioner thus contends that Woods teaches or suggests limitation [1.5.2].

Patent Owner does not specifically address limitation [1.5.2] in the Preliminary Response. *See generally* Prelim. Resp.

On this record, we preliminarily find Petitioner has shown that Woods teaches or suggests limitation [1.5.2].

9. *Limitation [1.6]*

Limitation [1.6] of claim 1 recites: “receiving a first directional input via the input device associated with the television.” Ex. 1001 (col. 49).

Petitioner initially notes that “*the input device associated with the television*” of limitation [1.6] is taught by user input interface 310, as shown by Woods in Figure 3, which depicts television 300. Pet. 47.

Petitioner secondly contends that “Woods teaches a “*first directional input*” because Woods discloses that “[t]he indicators of functions displayed in functions menu bar 1010 may be brought into focus or selected by pressing **an up/down key**.” Pet. 47 (quoting Ex. 1005 ¶ 173) (alteration in original). Petitioner also relies upon paragraphs 132, 230, and 177 of Woods. Pet. 47–48. *See also* Pet. 48 (citing Ex. 1003 ¶ 124).

In particular, Petitioner notes that Woods describes “**the user may press an up arrow key three times**” to move the indicator “between the ‘cast’ function and ‘detailed description function,’” in which “receiving a directional input (e.g., by pressing an up key or a mouse cursor directional input) corresponds to ‘*receiving a first directional input*,’” as recited in claim 1. Pet. 48 (citing Ex. 1005 ¶ 176). Petitioner asserts this is similar to the description in the ’174 patent: “Ex.1001, 34:24-27 (‘The two fundamental rules of navigating on the application panel 1412 are: (1) Left-Right and (2) Up-Bottom. Using the left and right arrows on the D-Pad navigates between the various panel views 1620.’).” Pet. 48. Petitioner thus contends that Woods teaches or suggests limitation [1.6].

Patent Owner contends that the “alternative” proffered by Petitioner “contorts the language of the ’174 Patent’s claims, and requires the ‘directional input’ of the claim comprise[s] selecting the enter button, not the directional keys themselves.” Prelim. Resp. 35 (citing Pet. 51–52 (quoting Ex. 1003 ¶¶ 133–136)). Patent Owner urges that “Petitioner offers no support for a read of ‘directional input’ that encompasses

pressing an ‘enter’ button, and Patent Owner is not aware of any.” Prelim. Resp. 35–36.

However, we find nothing in the language of limitation [1.6] of claim 1 (“receiving a first directional input via the input device associated with the television”) that would preclude the user from selecting the “enter” key after pressing the “up” arrow key three times to move the indicator focus between the “cast” function and the “detail info” function, as depicted by Woods in Figure 10.

And Petitioner additionally notes: “Woods explains that a user may use an arrow key to select an option within the options region 1020 (of Figure 10).” Pet. 51 (citing Ex.1005 ¶ 180) (after pressing up/down arrow keys, the “user may press an enter or confirm key to receive a display of information about the selected cast member.”). Pet. 51–52.

We preliminarily find that Woods’ description of pressing up or down (directional) arrow keys (¶¶ 176, 180) teaches or suggests “*receiving a first directional input* via the input device associated with the television,” as recited in limitation [1.6]. See Pet. 48 (citing Ex. 1005 ¶ 176) (“In particular, to bring the ‘detailed description’ function into focus, the user may press an up arrow key three times.”).

Therefore, even if the “enter” key is used in or after the cast member selection, following the use of the up/down arrow (directional) keys to highlight region 1022 over the desired cast member (*see* Woods’ Figure 10; as described in Woods at paragraph 180, and as cited by Petitioner on page 51 of the Petition), we preliminarily find Petitioner has shown that Woods teaches or suggests limitation [1.6].

10. *Limitation [1.7.1]*

Limitation [1.7.1] of claim 1 recites: “determining, based on a first direction associated with the first directional input, a second content panel to display via the television in the application panel interface.” Ex. 1001 (col. 48).

Petitioner notes that, “as discussed at [1.2], Woods discloses functions menu bar 1010 and function options region 1020 (collectively ‘*the application panel interface*’).” Pet. 49. Petitioner also notes that, “as discussed at [1.6], Woods discloses a directional input such as pressing an up key or a mouse cursor directional input (‘*the first directional input*’).” Pet. 49.

Petitioner contends “Woods teaches a ‘*second content panel*’ by disclosing that the ‘the list of options or items displayed in function options region 1020 **may change** or be updated as each indicator of the function is brought into focus.’” Pet. 49 (quoting Ex. 1005 ¶ 175). Petitioner explains: “For example, when the focus in menu bar 1010 changes from ‘cast’ to ‘detailed description,’ the list of options and items in region 1020 **changes** to a second list of options displayed within region 1020.” Pet. 49 (citing Ex. 1005 ¶ 176). Petitioner thus contends that Woods teaches or suggests limitation [1.7.1].

Patent Owner does not specifically address limitation [1.7.1] in the Preliminary Response. *See generally* Prelim. Resp.

On this record, we preliminarily find Petitioner has shown that Woods teaches or suggests teaches limitation [1.7.1].

11. *Limitation [1.7.2]*

Limitation [1.7.2] of claim 1 recites: “wherein the second content panel is a second type of application panel.” Ex. 1001 (col. 48).

Petitioner contends:

Woods teaches a “*second type of application panel*” because Woods discloses that when the menu bar 1010 has the “detailed description” highlighted, the list of options or items of the function options region 1020 changes from “cast” type of information to the “detailed description” type of information. Thus, the second list of options or items of the function options region 1020 (“second content panel”) is a “detailed description” type of application panel (“second type of application panel”).

Pet. 52.

Petitioner acknowledges that “Woods does not illustrate an example display of the other types of content from the menu bar 1010,” however Petitioner contends that “Woods makes clear that different types of content panels ‘may be tailored to the particular function in focus.’” Pet. 52 (quoting Ex.1005 ¶ 177). Petitioner provides an annotated version of Woods’ Figure 10, and contends Woods teaches or suggests that when the menu bar 1010 has the “detailed description” highlighted, the “list of options or items of the function options region 1020 in [the] application interface changes accordingly.” Pet. 53 (citing Ex. 1003 ¶ 140). Petitioner thus contends “Woods’ interface of Figure 10 is structured like the ’174 patent interface of Figure 21A,” and therefore teaches “a second type of content panel,” as required by limitation [1.7.2]. See Pet. 53–54 (citing Ex. 1003 ¶¶ 137–143). Petitioner thus contends that Woods teaches or suggests limitation [1.7.2].

Patent Owner contends that Woods does not teach “a second type of application panel,” as claimed. Prelim. Resp. 31. Patent Owner argues that

the portions of Woods identified by Petitioner merely teach a single type of panel that “shows different information depending on which tab a user selects.” *Id.* Patent Owner urges that the “second content panel” identified by Petitioner is simply a second list of options displayed within the application panel, and not a second type of application panel. Prelim. Resp. 34 (citing Pet. 49). Patent Owner contends that, “at most, Woods teaches a series of content panels, all of which are the same type of application panel contrary to Claims 1 and 10 of the ’174 Patent.” Prelim. Resp. 35.

Based on the preliminary record, we are not persuaded by Patent Owner’s argument because it is predicated on an overly narrow interpretation of the claim term “panel.” As noted by Dr. Lippman, the ’174 patent sets forth a definition for the claim term “panel”:

The term “panel,” as used herein, can mean a user interface displayed in at least a portion of the display. The panel may be interactive (e.g., accepts user input) or informational (e.g., does not accept user input). A panel may be translucent whereby the panel obscures but does not mask the underlying content being displayed in the display. Panels may be provided in response to a user input from a button or remote control interface.

Ex. 1003 ¶ 38 (quoting Ex. 1001, 7:36–44).

We credit Dr. Lippman’s testimony as to the broad exemplary definition of the claim term “panel” expressly set forth in the ’174 patent description (*id.*), and on this record, we preliminarily find Petitioner has shown that Woods’ function option region 1020 that displays “detailed description” content information teaches or suggests limitation [1.7.2] “wherein the second content panel is a second type of application panel.” Pet. 102.

12. Limitation [1.8]

Limitation [1.8] of claim 1 recites: “retrieving, from memory, a second content information based on the second type of content panel.” Ex. 1001 (col. 48).

Petitioner initially contends, “as discussed at [1.7.1]-[1.7.2], Woods’ media guidance application displays a ‘detailed description’ type of panel (*‘second type of application panel’*).” Pet. 55. Petitioner further contends “Woods discloses retrieving from storage 308, a second content information corresponding to the ‘detailed description’ type, which renders this limitation obvious.” Pet. 57 (citing Ex.1003 ¶¶ 145–51). Petitioner further notes: “In the example where region 1120 in Fig. 11 is a second content panel, it would have similarly been obvious to retrieve content from memory.” Pet. 57 (citing Ex. 1005 ¶ 186; Ex. 1003 ¶¶ 152–153). Petitioner thus contends that Woods teaches or suggests limitation [1.8].

Patent Owner does not specifically address limitation [1.8] in the Preliminary Response. *See generally* Prelim. Resp.

On this record, we preliminarily find Petitioner has shown that Woods teaches or suggests limitation [1.8].

13. Limitation [1.9]

Limitation [1.9] of claim 1 recites: “displaying, via the television, the second content information in the second content panel.” Ex. 1001 (col. 48).

Petitioner first argues that, “as discussed the preamble [1.0], Woods discloses user television equipment 300 (*‘the television’*).” Pet. 58. Petitioner secondly argues that, “consistent with the discussion at elements [1.7.1] and [1.8] and as analyzed below, Woods *‘display[s]’* via the television, detailed description content information within region 1020.”

Pet. 58 (alteration in original). Petitioner further contends: “As each of the function indicators between the ‘cast’ function and ‘detailed description function’ is brought into focus, the list of options or items displayed in function options region 1020 may change.” Pet. 58 (citing Ex. 1005 ¶¶ 65, 156, 176]. Petitioner thus contends that Woods teaches or suggests limitation [1.9].

Patent Owner does not specifically address limitation [1.9] in the Preliminary Response. *See generally* Prelim. Resp.

On this record, we preliminarily find Petitioner has shown that Woods teaches or suggests limitation [1.9].

14. Conclusion for Claim 1 under Ground 1

Having considered the arguments and evidence presented by both the Petitioner and Patent Owner, we determine that Petitioner has established a reasonable likelihood that it would prevail in showing that the subject matter of independent claim 1 would have been obvious over Woods, considered as a single reference under 35 U.S.C. § 103(a).

B. Claims 2–14 under Ground 1

Petitioner also argues claims 2–14 are obvious over Woods. Pet. 60–80. With respect to independent system claim 10, Petitioner notes that Woods discloses [10.0] “[s]ystems and methods are provided for navigating a media guidance application.” Pet. 78 (citing Ex. 1005, code (57)). (alteration in original). Petitioner contends: “[l]imitations [10.1]–[10.9] are substantially similar to limitations [1.1]–[1.9], and therefore are unpatentable for the *same reasons* as described above.” Pet. 80 (citing Ex. 1003 ¶¶ 225–233) (emphasis added).

With respect to the remaining dependent claims 2–9 and 11–14, Patent Owner does not separately and substantively argue dependent claims 2–9 and 11–14 of the ’174 patent. *See generally* Prelim. Resp. 31–36. Significantly, remaining independent claim 10 is argued by Patent Owner together with claim 1. *Id.*

We have reviewed the record, and find Petitioner’s evidence and arguments are sufficient at this juncture regarding the obviousness of claims 2–14 under Ground 1.

VII. GROUND 2 – ALLEGED OBVIOUSNESS OVER WOODS and ISTVAN

Petitioner also contends that claims 6, 8, and 14 would have been obvious over the combination of Woods and Istvan. *See* Pet. 80–90.

Patent Owner contends that “Petitioner’s Ground 2 fails for at least the *same reasons* as Ground 1.” Prelim. Resp. 36 (emphasis added). Patent Owner summarizes: “Woods in view of Istvan does not render obvious Claims 6, 8, and 14 of the ’174 Patent at least for the same reasons Woods alone does not render obvious those claims.” *Id.*

Because Petitioner has demonstrated a reasonable likelihood of success in demonstrating that at least one claim of the ’174 patent is unpatentable, we institute on all challenged claims and all grounds raised in the Petition. *See* 37 C.F.R. § 42.108(a) (2023). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of dependent claims 6, 8, and 14 under Ground 2.

VIII. GROUND 3 – ALLEGED OBVIOUSNESS OVER WOODS AND MACHIDA

Although we consider Machida at this stage to be essentially cumulative over Woods for the reasons discussed by Petitioner above for Ground 1, Petitioner alternatively contends that claims 1–14 would have been obvious over the combination of Woods and Machida. Pet. 90–98. In particular, Petitioner argues:

To the extent Patent Owner argues that the claimed “*first content panel*” and “*second content panel*” must be predetermined, such would have been obvious in view of Woods. As explained above, Woods describes how the list of options and items (“*first content panel*”) of one type can change—as opposed to update—to a different set of options and items (“*second content panel*”) based on the user’s directional navigation. Nevertheless, Machida teaches that it was known in the art to predefine at least two different panels and, based on context, interchangeably display them within the same display area.

Pet. 90 (citing Ex. 1003 ¶ 265).

Petitioner alternatively relies upon Machida’s linear content operation panel A4, depicted in Figure 3, and the interactive content operation panel A5, depicted in Figure 4, as teaching “it was known in the art to use the same panel area to change between two different types of panels with predefined functions.” Pet. 92 (citing Dr. Lippman Decl. Ex. 1003 ¶¶ 266–268).

Regarding the rationale for modifying Woods with Machida, Petitioner explains: “A POSITA would have found it obvious to use predetermined panels as suggested by Woods and explicitly taught by Machida because doing so allows for precise, uniform, and consistent arrangement of the user interface elements according to design.” Pet. 94.

Consistent with *KSR*, 550 U.S. at 416, Petitioner further explains that “[t]he combination of Woods and Machida merely represents combining prior art elements (Woods’ options and items/Machida’s panels) according to known methods (interchangeable, predetermined panels for display within the same predefined display area) to yield predictable results (changing content panels based on context).” Pet. 95.

Petitioner contends:

A POSITA would have had a reasonable expectation of success in implementing Woods’ options and items according to Machida’s panel technique, given the similarities in the two systems. Any modification needed to Woods, in order to accommodate the teachings of Machida, including implementing in software cast, detailed description, episode types of panels (or any other types of predetermined panels) that are interchangeably displayed within the same region 1020, would have been within the level of ordinary skill in the art. The expectation of success is also evidenced by the art of record.

Pet. 95 (citing Ex. 1009 ¶¶ 34–37, 45; Figs. 4A–4D; Ex. 1010, Figs. 4–7; Ex. 1011 ¶ 194; Ex. 1003 ¶¶ 269–277).

Patent Owner disagrees with Petitioner regarding Ground 3. Prelim. Resp. 37. Patent Owner urges that Machida does not relate to a television, but rather to a “digital content reproduction apparatus” that comprises tools not generally found with the televisions disclosed in Woods, such as a *mouse* and *keyboard*. *Id.* (citing Ex. 1008 ¶ 29) (emphasis added).

However, on the present record and for the purposes of institution, we find persuasive Petitioner’s argument that Woods expressly describes that a “user may control the control circuitry 304 using user input interface 310. User input interface 310 may be any suitable user interface, such as a remote control, *mouse*, trackball, keypad, *keyboard*, touch screen, touch pad, stylus

input, joystick, voice recognition interface, or other user input interfaces.”
Ex. 1005 ¶ 53 (as cited in Petition at page 19) (emphasis added).

Patent Owner further contends that a “POSA would not understand the operation panels of Machida to be relevant to a television environment,” and that Machida performs panel selection automatically and not as a direct result of user selection, and therefore Machida “teaches away from combining Machida with Woods, particularly with respect to the panels described in Woods.” Prelim. Resp. 39.

But Machida expressly describes a television environment in paragraph 35, which explicitly contemplates “TV type services, data broadcasting services, and data added TV services.” Moreover, we preliminarily are of the view that Patent Owner is imputing an overly narrow construction to at least claim 1 regarding the term “panel,” as discussed *supra*. Further, a reference does not teach away if it merely expresses a general preference for an alternative invention but does not “criticize, discredit, or otherwise discourage” investigation into the invention claimed. *In re Fulton*, 391 F.3d 1195, 1201 (Fed. Cir. 2004). For at least these reasons, we preliminarily find that Petitioner’s arguments regarding claims 1–14 under Ground 3 over Woods and Machida are sufficient at this juncture.

IX. GROUND 4 – ALLEGED OBVIOUSNESS OVER WOODS, MACHIDA, AND ISTVAN

Petitioner also contends that claims 6, 8, and 14 would have been obvious over the combination of Woods, Machida, and Istvan: “The analysis for claims 6, 8, and 14 is *similar* to that of Ground 2, but additionally relies

on the analysis in Ground 3 with respect to the independent claims.” Pet. 98 (emphasis added) (citing Ex. 1003 ¶ 285).

Patent Owner contends that “Woods in view of Machida and Istvan does not render obvious Claims 6, 8, and 14 of the ’174 Patent at least for the *same reasons* Woods in view of Machida alone [under Ground 2] does not render obvious those claims.” Prelim. Resp. 41 (emphasis added).

Because Petitioner has demonstrated a reasonable likelihood of success in demonstrating that at least one claim of the ’174 patent is unpatentable, we institute on all challenged claims and all grounds raised in the Petition. *See* 37 C.F.R. § 42.108(a) (2023). Therefore, at this stage of the proceeding, it is not necessary for us to provide an assessment of dependent claims 6, 8, and 14 under Ground 4.

X. CONCLUSION

After considering the arguments presented in the Petition, the Preliminary Response, and the evidence of record, we determine that Petitioner has demonstrated at least a reasonable likelihood of success in proving that at least one claim of the ’174 patent is unpatentable as obvious over Woods under Ground 1 and over Woods and Machida under Ground 3.

Accordingly, we institute an *inter partes* review of all challenged claims (i.e., claims 1–14) on all grounds set forth in the Petition. Our determinations at this stage of the proceeding are based on the evidentiary record currently before us. This decision to institute trial is not a final decision as to the patentability of any claim for which we have instituted an *inter partes* review. *See TriVascular, Inc. v. Samuels*, 812 F.3d 1056, 1068 (Fed. Cir. 2016) (noting that “there is a significant difference between a Petitioner’s burden to establish a ‘reasonable likelihood of success’ at

institution, and actually proving invalidity by a preponderance of the evidence at trial”). We will base any final decision on the full record developed during trial.

XI. ORDER

In consideration of the foregoing, it is hereby

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is instituted for claims 1–14 of the ’174 patent on all the unpatentability grounds asserted in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which commences on the entry date of this decision.

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