

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.
Petitioners,¹

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner.

Case IPR2024-00352
Patent 9,247,174

EXHIBIT 2011

DECLARATION OF RAJEEV SURATI

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

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I. INTRODUCTION

1. My name is Dr. Rajeev Surati. I have been retained as an expert witness to provide my independent opinion in regards with matters at issue in the *inter partes* review of U.S. Pat. No. 9,247,174 (“the ’174 Patent”) in IPR2024-00352 proceeding. I have been retained by Multimedia Technologies Pte. Ltd. (“Multimedia”), the Patent Owner, in this proceeding. The Petitioner in this case is LG Electronics, Inc. and LG Electronics U.S.A., Inc. (“LG”). Vizio, Inc. (“Vizio”) is also a Petitioner due to the motion for joinder and petition filed in IPR2024-00696. General reference to the Petitioner in this declaration shall be understood to refer to LG.

2. Unless otherwise noted, the statements made herein are based on my personal knowledge, and if called to testify about this declaration, I could and would do so competently and truthfully.

3. A detailed record of my professional qualifications including cases in which I was an expert is being submitted herewith as Exhibit 2012 and is summarized in Section II, *infra*.

4. I am being compensated for my work in this matter at the rate of \$665/hour. I am also being reimbursed for reasonable and customary expenses associated with my work and testimony in this investigation. My compensation is not contingent on the outcome of this matter or the specifics of my testimony.

5. I am not a legal expert and offer no opinions on the law. However, I have been informed by counsel of the various legal standards that apply, and I have applied those standards in arriving at my conclusions.

6. In this declaration, I have been asked to address certain invalidity opinions relating to the '174 Patent, specifically those provided by LG in its Petition, Paper 1 ("Petition") challenging the '174 Patent and the accompanying declaration of Dr. Andrew Lippman, Ex. 1003 ("Lippman Decl." or "Lippman declaration"), regarding the alleged invalidity of the '174 Patent. I note that a petition filed by Vizio is a copycat petition that presents the same grounds and expert testimony. See IPR2024-00696. The Petitioner and Dr. Lippman argue that Claims 1-14 ("Challenged Claims") are unpatentable.

7. In this expert declaration, I provide my opinions in response to the Grounds in the Petition and the Lippman declaration, as well as the basis for my opinions. As I explain in detail later in this expert report, based on my study of the '174 Patent, the Lippman declaration, and various references cited by Petitioner and Dr. Lippman, it is my opinion that the Challenged Claims are patentable over the cited references alone or in the various combinations in the Grounds.

8. I have found multiple limitations in the Challenged Claims that are not disclosed by any one of those references or a proposed combination of references. I identify those undisclosed limitations on a claim-by-claim, reference-by-reference

basis. I also identify proposed combinations of references in a Ground or proposed modifications of a reference in a Ground that fail to render claims obvious because a person of ordinary skill in the art (“POSITA”) would not have an apparent reason to combine or modify the references as proposed by the Petitioner and Dr. Lippman. That said, my decision not to address a limitation in a Challenged Claim should not be interpreted as an admission that such a limitation is found in the references in the Ground cited by Petitioner and Dr. Lippman, or that a POSITA would have an apparent reason to combine or modify references in a manner meeting the limitation.

9. I submit this declaration having reviewed the ’174 Patent, the Challenged Claims, the ’174 Patent file history, and various references cited by Petitioner in its Petition and/or in the Lippman declaration. The material I have considered includes but is not limited to the items set forth below:

PETITIONER MATERIALS CONSIDERED	
Paper 1	Petition
Paper 16	Institution Decision dtd 5/21/2024
Ex. 1002	Prosecution History of the ’174 Patent
Ex. 1003	Declaration of Dr. Lippman
Ex. 1005	U.S. Pat. Pub. No. 2010/0262938 (Woods)

Ex. 1006	U.S. Pat. Pub. No. 2002/0060750 (Istvan)
Ex. 1007	<i>“CurioView: TV Recommendations Related to Content Being Viewed,”</i> Hideki Sumiyoshi, IEEE International Symposium on Broadband Multimedia System and Broadcasting 2010 (CurioView)
Ex. 1008	U.S. Pat. Pub. 2007/0047920 (Machida)

10. I have also considered materials from the following list of Patent Owner’s list of exhibits:

PATENT OWNER MATERIAL CONSIDERED	
Ex. 2010	Challenged Claims (annotated per Petition)
Ex. 2013	Deposition Transcript of Dr. Andrew Lippman in IPR2024-00352 7/16/2024

11. I have also considered other materials, such as web sites and text materials in doing background research on the issues presented in this IPR.

12. My opinions as set forth in this expert declaration are based on these sources of information, together with my education, training, and experience, including my work in the field of the ’174 Patent.

II. QUALIFICATIONS AND PROFESSIONAL EXPERIENCE

13. My complete qualifications and professional experience are described in my Curriculum Vitae, a copy of which is submitted as Ex. 2012. The following is a brief summary of my relevant qualifications and professional experience.

14. I have provided my full background in the curriculum vitae included here as Exhibit 2012. My CV details my experience in electrical engineering and computer science and also includes a list of publications I have authored or co-authored.

15. I attended the Massachusetts Institute of Technology (MIT) from 1988 to 1999, during which, I earned a Bachelor of Science (1992), Master of Science (1995) and a Doctor of Philosophy (1999) in Electrical Engineering and Computer Science. My Ph.D. thesis was entitled “Scalable Self-Calibrating Technology for Large Scale Displays.”

16. Between 1989-1999 I was employed as a researcher/programmer at the MIT Artificial Intelligence Lab. At the lab I worked for Thomas F. Knight Jr. Ph.D., one of the noted inventors of the first bit mapped displays for computers as well as many other notable accomplishments. The lab is also noted for its excellence in machine vision.

17. In 1996 I began working on a Ph.D. thesis related to the display of multimedia across large displays. My Ph.D. thesis system was a special kind of display allowing one to create ultra-high resolution displays composed of multiple projectors tiled with a slight overlap so that a camera-based feedback system could create an inverse map to drive the system such that a person would only see a continuous seamless display with no bezel or overlap. The camera-based system

required imaging and decoding of 2d fiducials, and thus I became an expert at machine vision for the purpose of decoding and encoding 2d fiducials such as bar codes – the optical systems involved, the systems programming, etc. Today, this technology is better known as automatic calibration for projection mapping or structured light. My experience, along with a patent I developed and licensed based on my Ph.D. thesis, was used to create a new startup company named Scalable Display Technologies that works with a variety of Pro AV display companies' products.

18. I am a named inventor on U.S. Pat. No. 6,456,339, "Super-resolution Display," which reflects my Ph.D. work.

19. In 2004, I founded Scalable Display Technologies (SDT), and I have been the President and Chairman of the company since the founding. Among its operations, SDT operates in the Audio Video domain and has licensed software and firmware to various companies including Hitachi and NEC. I also wrote a network-synchronized media playback system involving encoding and decoding of video and audio content as well as real time recording and video capture, a product known as "ScalablePlayer." This product was written on top of the DirectShow system from Microsoft. In conjunction with this, for some show demonstration systems, I wrote a desktop application in C# that allowed one to preview and select different inputs and outputs. As part of this system I worked on several home theater systems that

involved integrating and enabling the kind of functionality that the patents in this case address. These were computer systems and hardware systems that managed the input and display of content on 110 inch plus often curved screens. Things being interfaced and displayed on the system included a multitude of input options from TV tuners, cablebox , DVD and Xbox 360.

20. Additionally, at SDT I have worked with most of the major video wall control manufacturers on customizing their systems to work with large display walls using overlapping projectors. These include Jupiter Systems, RGB Spectrum Matrox, and Datapath. In addition, I helped architect and specify some special video wall GPU functions for both AMD and NVIDIA.

21. I have received additional patents, including: U.S. Pat. No. 8,817,111, “System and method of calibrating a display system free of variation in system input resolution”; U.S. Pat. No. 8,994,757, “System and method for providing improved display quality by display adjustment and image processing using optical feedback”; U.S. Pat. No. 9,215,455, “System and method of calibrating a display system free of variation in system input resolution”; U.S. Pat. No. 9,369,683, “System and method for calibrating a display system using manual and semi-manual techniques”; and U.S. Pat. No. 9,497,447, “System and method for color and intensity calibrating of a display system for practical usage.”

22. In 2000, I started a company known as “photo.net” which was a large online photography community where I worked with many consumer electronics manufacturers in the digital camera business. There, I implemented a photo sharing system involving the delivery of multimedia content. Additionally, I worked on e-commerce capabilities that involved some product configuration options. In running photo.net I became intimately familiar with implementing file systems for use with multimedia and super high performance image encoding/decoding systems as well as real time delivery of high bandwidth content.

23. In 1996, I founded Flash Communications, which was focused on technology related to U.S. Pat. No. 5,943,478 and associated technology that I had developed related to pop-up two-way messaging over the Internet. I am one of the named co-inventors of U.S. Pat. No. 5,943,478, which is entitled “System for Popup Messaging over the Internet,” which describes a two-way messaging system like AOL Instant Messenger and MIT’s Zephyr service built at Internet scale.

24. In 1998, Flash Communications was sold to Microsoft Corporation, and Flash Communications’ messaging technology was incorporated into Microsoft’s Messenger service and Microsoft Exchange 2000 Instant Messaging Server.

25. While working at Microsoft between 1999 and 2000, I implemented an XML-based protocol that formed a basis for the Extensible Messaging and Presence Protocol (XMPP), which is now an IETF standard for the Exchange Instant

Messaging Server. I participated internally with the program management team on helping specify this protocol for the IETF standardization process.

26. Also while at Microsoft, I invented and was named as an inventor on other patents related to instant messaging, including: U.S. Pat. No. 6,415,318, “Inter-enterprise messaging system using bridgehead servers”; U.S. Pat. No. 6,604,133, “Inter-enterprise messaging system using bridgehead servers”; and U.S. Pat. No. 6,260,148, “Methods and systems for message forwarding and property notifications using electronic subscriptions.”

27. Between 2000 and 2004, I worked as a consultant and investor at Nexaweb Corporation, where I helped implement several two-way messaging features over HTTP.

28. I am on the advisory boards of several technology companies, including UnifySquare, which is a unified communications/real time collaboration consultancy; Paneve, which develops general purpose ASICs coupled with compiler technology; Nexaweb, which develops real time web application frameworks using HTTPS; Antix Labs, which develops compiler technology for universal gaming platform; and Permabit, which develops content addressable storage.

29. For my contributions as an inventor and entrepreneur, I have received several awards, including the Global Indus Technovator Award 2009 and Laureate of 2009 Computer World Honors Program.

III. RELEVANT LEGAL STANDARDS

A. Burden of Proof

30. I understand that Petitioner LG Electronics (“LG”) has the burden of proving unpatentability by a preponderance of the evidence. 35 U.S.C. § 316(e). Preponderance of the evidence “means the greater weight of evidence, evidence which is more convincing than the evidence which is offered in opposition to it.” *Hale v. Dep’t of Transp.*, 772 F.2d 882, 885 (Fed. Cir. 1985).

B. Obviousness (35 U.S.C. § 103)

31. I also understand that a patent may be rendered “obvious” based on an alleged prior art reference or a combination of such references in view of what a person of ordinary skill in the art would understand based on his or her knowledge and the references. I understand that a patent cannot be properly granted for subject matter that would have been obvious to a person of ordinary skill in the art at the time of the alleged invention, and that a patent claim directed to such obvious subject matter is invalid under 35 U.S.C. § 103. It is also my understanding that in assessing the obviousness of claimed subject matter one should evaluate obviousness over the prior art from the perspective of one of ordinary skill in the art at the time the invention was made (and not from the perspective of either a layman or a genius in that art).

32. I have been informed that the following factors must be evaluated to determine whether the Petitioner has met its burden of proof that a claimed invention is obvious:

1. The scope and content of the prior art relied upon by Petitioner;
2. The difference or differences, if any, between each claim of the patent and the prior art;
3. The level of ordinary skill in the art at the time the invention of the patent was made; and
4. Any objective indicia of non-obviousness, such as: (1) commercial success of an embodiment; (2) a long-felt need; (3) skepticism; (4) failure by others to find the solution provided by the claimed invention; (5) copying by others of the subject matter of the claim invention; (6) unexpected results of the claimed invention; (7) acceptance of others and industry praise; and (8) licensing of the patents.

33. I have been informed that to prevail on obviousness the Petitioner must establish that (1) the prior art teaches or suggests each of the limitations of the claim; (2) there exists an apparent reason to combine and/or modify the prior art as proposed; and (3) a person of ordinary skill would have a reasonable expectation of success that the proposed combination and/or modification of the prior art would operate for its intended purpose.

34. I have been informed that a claim is not proved obvious merely by demonstrating that each of the elements was independently known in the prior art. I have been informed that many, if not all, inventions rely on building blocks already known, and claimed inventions almost of necessity will likely be combinations of what is already known.

35. I have been informed that it is important in the obviousness inquiry to identify whether a POSITA at the time of the invention would have motivation to combine or modify the prior art references in the manner proposed by the Petitioner so as to arrive at the claimed invention. Put another way, a finding of obviousness should be supported by an apparent reason to combine or modify the prior art references as proposed by the Petitioner.

36. I have been informed that it is important in the obviousness inquiry that it is understood how the references are combined, including how the combination of references is supposed to work. An explanation of the operation of the combined references is often a prerequisite to determining whether a POSITA would have been motivated or had a reason to make the proposed combination/modification and would have had a reasonable expectation of success.

37. In assessing obviousness, I understand that the ordinary creativity and common sense of the person of ordinary skill in the art is relevant. I also understand that it is normally impermissible for common sense, common knowledge or

background knowledge to be applied to fill gaps in prior art that fails to teach or suggest a limitation of the claim. I also understand that the obviousness inquiry should guard against hindsight bias or hindsight reconstruction where after-the-fact reasoning is applied to combine prior art elements using the claim as a template, without establishing that, as of the date of the invention, there exists a motivation to combine or apparent reason to combine or modify the prior art as proposed.

38. In assessing obviousness, I have been instructed that, in order to qualify as proper prior art for an obviousness analysis, a reference must qualify as analogous art. I have been informed that a reference qualifies as analogous art with respect to the claims if it is either: (1) from the same field or endeavor as the patent; or (2) the reference is reasonably pertinent to the particular problem addressed by the invention. I have also been informed that for a reference to be reasonably pertinent, it must logically have commended itself during the ordinary course of development to an inventor's attention in considering the problem.

39. In assessing obviousness, I have also been instructed that, as noted above, secondary considerations can often be probative evidence of non-obviousness and can serve to avoid hindsight bias. I have been instructed that secondary considerations can be sufficient to overcome a prima facie case of obviousness.

IV. LEVEL OF ORDINARY SKILL IN THE ART AND PRIORITY DATE

40. My opinions in this declaration are based on the understandings of a person of ordinary skill in the art, which I understand is sometimes referred to as an “ordinary artisan” or by the acronym “POSITA” (Person of Ordinary Skill in the Art), as of the time of the invention. For purposes of this Declaration, I have been instructed to use August 17, 2012, as the time of invention (priority date), which I understand is the date that the Petitioner is using. See Ex. 1003 [Lippman Decl.], ¶ 19; Pet., 10.

41. I understand that the person of ordinary skill in the art is a hypothetical person who is presumed to have known the relevant art at the time of the invention. By “relevant,” I mean relevant to the Challenged Claims of the ’174 Patent.

42. I understand that, in assessing the level of skill of a person of ordinary skill in the art, one should consider the type of problems encountered in the art, the prior solutions to those problems found in the prior art, the rapidity with which innovations are made, the sophistication of the technology, the level of education of active workers in the field, and my own experience working with those of skill in the art at the time of the invention.

43. In this case, Dr. Lippman has asserted in his declaration that a person of ordinary skill in the art as of the time of 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.” Ex. 1003 [Lippman Decl.], ¶ 19.

44. I believe that Dr. Lippman’s definition of the POSITA is reasonable and I have applied it in my analysis. I was at the time of invention, and am currently, one of more than ordinary skill in the art through my education, research, and work experience. As of the date of the invention, I was very familiar with the types of problems encountered in the field. Indeed, I am very familiar with people having this level of skill in the area of user interfaces in the field of television systems and networking and human-computer interaction.

V. THE ’174 PATENT

45. The Petition challenges Claims 1-14 of the ’174 Patent as obvious based on four grounds:

- Ground 1 challenging Claims 1-14 (relying on Woods),
- Ground 2 challenging Claims 6, 8, and 14 (relying on Woods and Istvan),
- Ground 3 challenging Claims 1-14 (relying on Woods and Machida), and
- Ground 4 challenging Claims 6, 8, and 14 (relying on Woods, Machida, and Istvan).

See Pet., 12.

A. Overview of the ’174 Patent

46. The '174 Patent is related to methods and systems for displaying content on a television. In the art, the trend of consolidation and convergence led to so-called Smart TVs, Intelligent TVs, and other enhanced TVs (hereinafter, "Smart TV" or "enhanced television") providing multiple functions and access to multiple different sources of content including Internet content and broadcast television content:

As such, consolidating home devices leads to integrating features and functionality into the television. The emergence of the Smart Television (Smart TV) is evidence of the trend to consolidate functionality into the television. A Smart TV is generally conceived as a device that integrates access to the Internet and Web 2.0 features into television sets. The Smart TV represents the trend of technological convergence between computers and television sets. The Smart TV generally focuses on online interactive media, Internet TV, on-demand streaming media ... traditional broadcast media.

'174 Patent, 1:51-62.

47. Regarding Smart TVs, Intelligent TVs, and other enhanced TVs, the '174 Patent explains that there was a need for a user interface that would provide for improved navigation to content and features:

Unfortunately, most Smart TVs have yet to provide seamless and intuitive user interfaces for navigating and/or executing the various features of the Smart TV. As such, there are still issues with the consolidation of features and the presentation of these features in Smart

TVs. There is a need for an Intelligent TV with intuitive user interfaces and with seamless user interaction capability.

'174 Patent, 1:62-2:2.

48. The '174 Patent generally describes the use of multi-panel user interfaces having a plurality of panels enabling, for example, a user to view currently-viewed content in one panel and view other related content and/or information and/or functions in other panels:

For example, the current disclosure provides a panel system that aides in the navigation of an intelligent television. For example, a multi-panel system is provided that satisfies the following: allows a user to watch a primary program while surfing the internet, checking social media, and checking a system error, etc. Moreover, **information may be displayed in one content area that specifically depends on or [is] contextually dependent on the primary program or active content area.** The panel system allows for a same pattern of navigation—all resulting in a unified experience for a user. In another area, an **application panel** is provided that allows quick access to core functionality, provides an unobtrusive design which **allows for the active media to always be in view**, provides a consistent user experience across all applications, and provides **focused contextual content.**

'174 Patent, 3:55-4:2 (emph. added); 30:6-8 (“The panel system is designed to provide a quick access to extended functionality while still maintaining visibility into the main content view.”).

49. The disclosure and claims of the '174 Patent are directed to the application panel interface providing an (1) application panel content area which displays information content that is dependent on or based on (2) the content that is currently displayed in an active content area on the display, such as content information and/or the source of content for the currently-displayed content. '174 Patent, Figs. 16A-16C, Cl. 1.

50. In the Summary of the Invention section, the '174 Patent discloses a series of embodiments where content information is currently-viewed in an active content area. A user makes an input which is processed to determine a content panel (e.g., an application panel) to be displayed. First content information (e.g., default information for the application panel such as a navigation bar) is retrieved. Next, the system identifies at least one of a content source and content information for currently-displayed content on the television (e.g., a broadcast channel source or the currently-viewed program in the active content area). Then a (first) content panel type (e.g., Info panel view 1620A or Recommended panel view 1620C) is selected based on identified content source and content information. Second content information (e.g., information about the currently-displayed program or recommendations based on the currently-displayed program) is retrieved from memory. The application panel for the selected panel type (e.g., Info panel view 1620A or Recommended panel view 1620C) is displayed including the first content

information (e.g., default information for application panel 1412) and the second content information (e.g., information about the currently-displayed program or recommendations based on the currently displayed-program). See '174 Patent, 2:10-25, Figs. 16B, 19B.

51. The result is that a currently-viewed program is displayed in the active content area 1408 and a separate application panel 1412 presents an Info panel 1412A or Recommended panel 1412C displaying information based on or dependent on the currently-viewed program. The user can make other selections of options or objects on the Info panel or Recommended panel to “drill down” to find more information or content related to the currently-viewed program. See Figs. 16B, 19B. For example, the user can make a second directional input, and a second content panel type will be selected based on the second input. '174 Patent, 2:29-33 (“Further yet, this method may further include: receiving a second directional input via the input device; and determining, based on a second direction associated with the second directional input, a second content panel to display via the television.”).

52. The '174 Patent repeatedly describes the application panel interface 1412 as providing content and functionality that is based on or dependent on the currently-viewed program in the active content area 1408 (all emph. added):

The content displayed in the application panel 1412 depends on the content displayed in content view area 1408. Stated another way,

application panel 1412 is contextually dependent upon the **source of content and the content itself** in content view area 1408.

'174 Patent, 32:16-20 (emph. added).

The [application] panel content area [1608] is also **active content area specific** ...

'174 Patent, 33:1-3.

Application panel 1412 may then display context specific information **corresponding to the active content area 1408**.

'174 Patent, 33:61-63.

The information panel [1412A] provides the user with information **related to the current active review**.

'174 Patent, 37:31-32.

Additionally, as the info panel 1412A is used to navigate through various recommendations information **about the displayed content**, the info panel 1412A itself does not obstruct the user from viewing content displayed on the screen of the intelligent television.

'174 Patent, 37:50-54.

Application panel 1412 may then display context specific information **corresponding to the active content area 1408**.

'174 Patent, 37:59-61.

For example, an additional information region 1662 may display a mini-list of recommended shows displaying the show name and show description and **pertaining to the active content area 1408**. For example, a mini-list of recommended shows 1662 displaying the show name and show description and pertaining to the active content area 1408 may be displayed in the application panel 1412. Alternatively, a mini-list of the next episodes displaying the show name and show

description may be provided in additional information section 1662. Moreover, additional information **pertaining to the active content area** 1408 may be presented to a user in the additional information region 1662.

'174 Patent, 38:5-16, Fig. 20A.

53. The '174 Patent discloses various embodiments involving the application panel interface, such as:

In embodiments, a method of displaying content on a television is provided, comprising: receiving a first directional input via an input device associated with the television; determining, based on a first direction associated with the first directional input, a content panel to display via the television; retrieving, from a memory, a first content information for displaying in the content panel; identifying at least one of a content source and a second content information currently being displayed via the television; selecting a panel type based on the identified at least one of content source and second content information currently being displayed via the television; retrieving, from memory, a third content information based on the selected panel type; and displaying, via the television, the retrieved first content information and the third content information in the content panel based on the selected panel type.

'174 Patent, 2:10-25.

54. The '174 Patent discloses that the determined content panel can be the application panel interface, and the selected panel that is displayed in the application panel interface can be an Info panel, Search panel, a Recommended panel, a Favorite

panel, or other panel type corresponding to panel view tabs 1620A-F. '174 Patent, 2:45-47, 3:16-18, 3:50-53, Figs. 16A-B.

55. The '174 Patent provides a general description of the application panel interface as follows:

As further illustrated in FIG. 14, an Intelligent TV 100 may display an application panel 1412. ... That is, the application panel 1412 may be displayed in such a manner as to provide a user the ability to view content displayed in con[t]ent view area 1408. ... The application panel 1412 may provide quick access to core functionality of the Intelligent TV 100 such that the active content in the content view area 1408 is always in view. Moreover, the application panel 1412 may provide a consistent user experience across all applications and may include focused contextual content.

'174 Patent, 30:39-57, Fig. 14.

56. Figure 16A of the '174 Patent depicts an embodiment of the application panel 1412 on the right hand side and the active content view area 1408 on the left hand side of the television display:

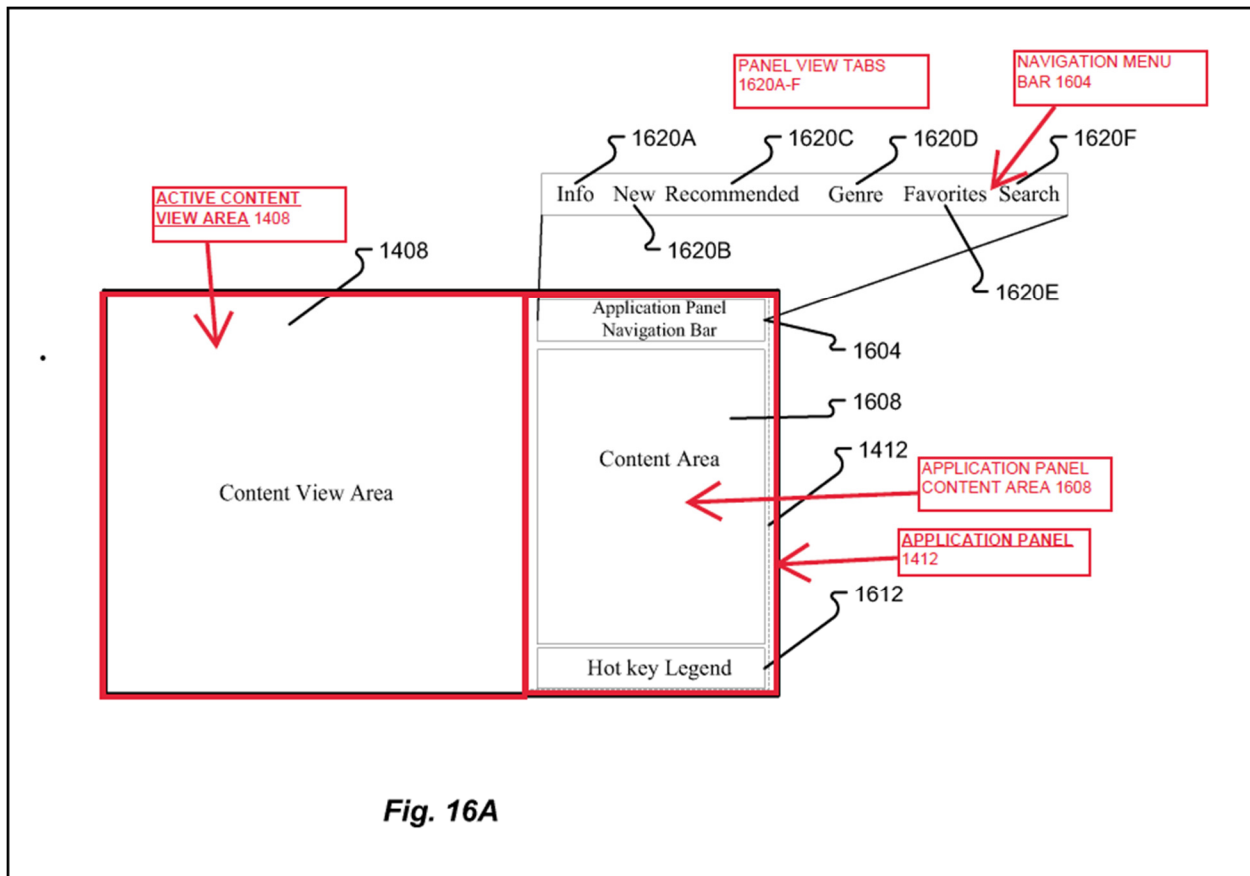


Fig. 16A

'174 Patent, Fig. 16A (annotated).

57. As depicted in Figure 16A, there is an active content view area 1408 on the left hand side, and on the right hand side there is the application panel interface 1412 that includes the application panel content area 1608 and the navigation bar 1604. The navigation bar 1604 has multiple panel view tabs 1620A-F for displaying the application panel in multiple panel views, including (1) Information 1620A, (2) New 1620B, (3) Recommended 1620C, (4) Genre 1620D, (5) Favorites 1620E, and (6) Search 1620F. '174 Patent, Fig. 16A, 4:7-9 ("The application panel in on demand includes six views (info, new, recommended, genre, favorites, and search).").

58. The '174 Patent explains that the user can navigate the application panel interface while the currently-displayed program is presented in the active content view area:

The panel system provides quick access to extended functionality while still maintaining visibility into the main content view. The panel system allows the user to continue watching a primary program while surfing, checking social media, checking a system error, etc. The panel system is easy to navigate and contextually relevant, designed to provide quick access to extended functionality while still maintaining visibility into the main content view.

'174 Patent, 4:29-36.

59. The '174 Patent describes Figure 16A as follows:

As previously discussed, the Intelligent TV 100 may further include an application panel 1412 as shown in FIG.16A. **The content displayed in the application panel 1412 depends on the content displayed in content view area 1408.** Stated another way, **application panel 1412 is contextually dependent upon the source of content and the content itself in content view area 1408.** ... The application panel 1412 also provides customized information for each application. ... The navigation bar 1604 appears in multiple places throughout the system. ... Moving between tabs [1620A-1620F] in a navigation bar 1604 happens as soon as the focus is moved to the next item.

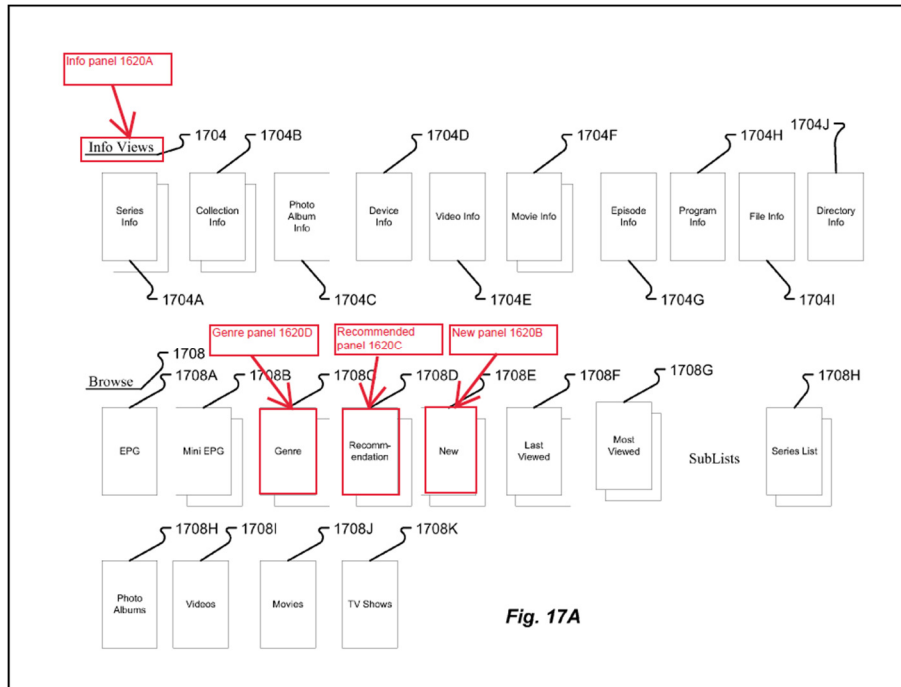
'174 Patent, 32:14-37 (emph. added), Fig. 16A.

60. The '174 Patent provides additional details on the configuration and operation of the application panel 1412 depicted in Figure 16A:

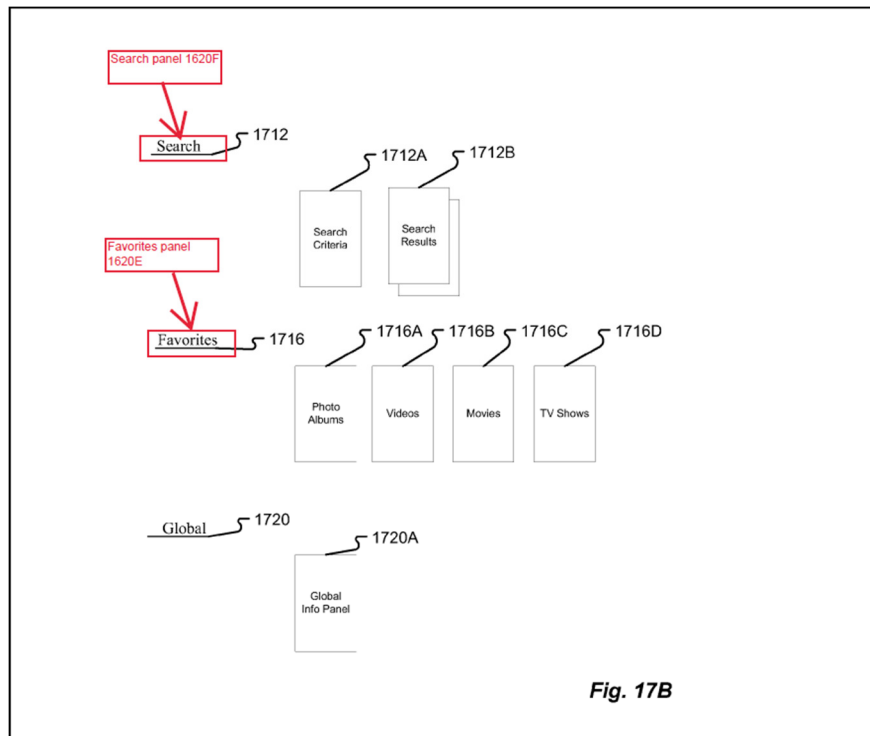
The application panel 1412 may comprise application panel elements comprising an application panel navigation bar 1604, a content area 1608, and a hotkey legend 1612. The application panel navigation bar 1604 is presented such that the navigation pattern and content remain consistent across applications. ... For example, the panel navigation bar 1604 may include fixed tab regions (also called tabs or panel views herein) 1620A-1620F corresponding to navigable menus and further comprising Info, New, Recommended, Genre, Favorites, and Search.

'174 Patent, 32:47-59, Fig. 16A.

61. As discussed, the '174 Patent discloses that a different panel view is displayed in the application panel content area 1608 in application interface 1412 depending on which of panel view tabs 1620A-F is selected (Info 1620A, New 1620B, Recommended 1620C, Genre 1620D, Favorites 1620E, and Search 1620F). The content for the selected panel view is based on or dependent on the currently-viewed program in the active content area 1408. '174 Patent, Figs. 16A-B. Additionally, for each panel view (Info, New, Recommended, Favorites, etc.) there are different **types** of content panels that are used for that panel view. Figures 17A-B illustrate the different content panel **types** used for the various panel views corresponding to panel view tabs 1620A-F:



'174 Patent, Fig. 17A (annotated)



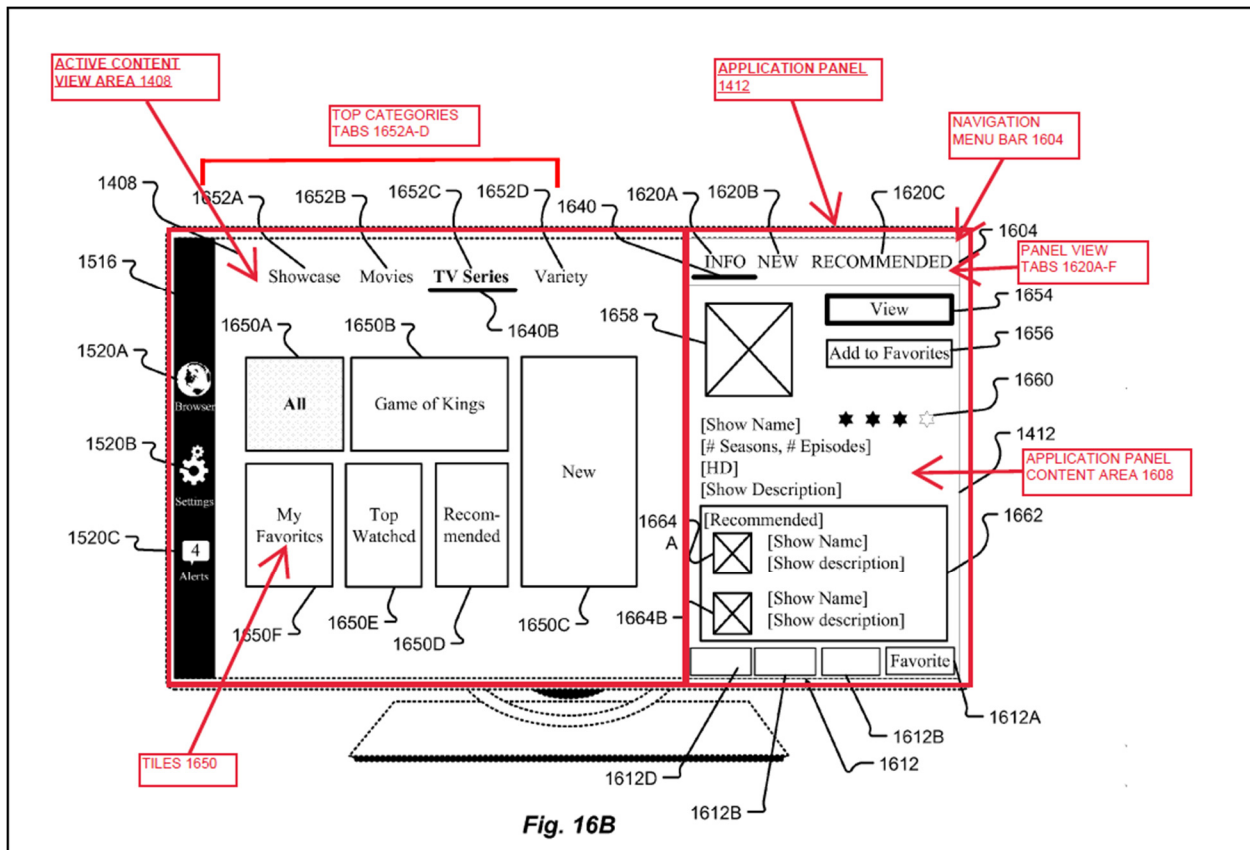
'174 Patent, Fig. 17B (annotated).

62. The '174 Patent describes the **different types** of content area panels that can be used by each of the content panel views 1620A-1620F as follows:

As illustrated in FIGS. 17A-17B, multiple content area panels are provided in accordance with embodiments of the present disclosure. Each panel may be provided based on the context of a navigation. For example, if the panel and navigation bar 1604 indicates that the focus is upon the “Info” panel tab (also called the info panel herein) 1620A, **a panel based on the Info Views 1704 category, such as “Series Info” 1704A**, may display content related to the current active view. As another example, when the focus of the panel and navigation bar 1604 is upon the “Favorites” panel tab 1620E, **a panel based on the Favorites 1716 category, such as “Videos” 1716B**, may display content related to the current active view. The categories of panels may include, but are not limited to, “Info Views” 1704 having **panel types** corresponding to 1704A-1704J; “Browse” 1708 having **panel types** corresponding to 1708A-1708K; “Search” 1712 having **panel types** 1712A-1712B; “Favorites” 1716 having panel types 1716A-1716D; and “Global” 1720 having a **panel type** of 1720A. More or less panel categories and panel types may be provided.

'174 Patent, 35:26-45 (emph. added)

63. Figure 16B of the '174 Patent depicts the application panel interface 1412 on the right hand side and the active content area 1408 on the left hand side with panel view tabs 1620A-F (only tabs 1620A-C are shown) for different panel views:



'174 Patent, Fig. 16B (annotated).

64. Figure 16B is described as follows in the '174 Patent:

FIG.16B shows one embodiment of the user interface and behavior for the application panel 1412 in the video on demand application 456, including three of the application panels 1412 six panel views: Info, New, Recommended, Genre, Favorites, and Search. FIG.16B also shows the Master View with top categories 1652 and tiles 1650. ... Within each top category in the Master View, content is organized in collections represented by tiles. An “All” collection that contains all the media content within this top category is available if needed. As an example, the top category “Movies” 1652B can have the following

tiles: All 1650A, My Favorites 1650F. Top Watched 1650E, New 1650C, Recommended 1650C, etc.

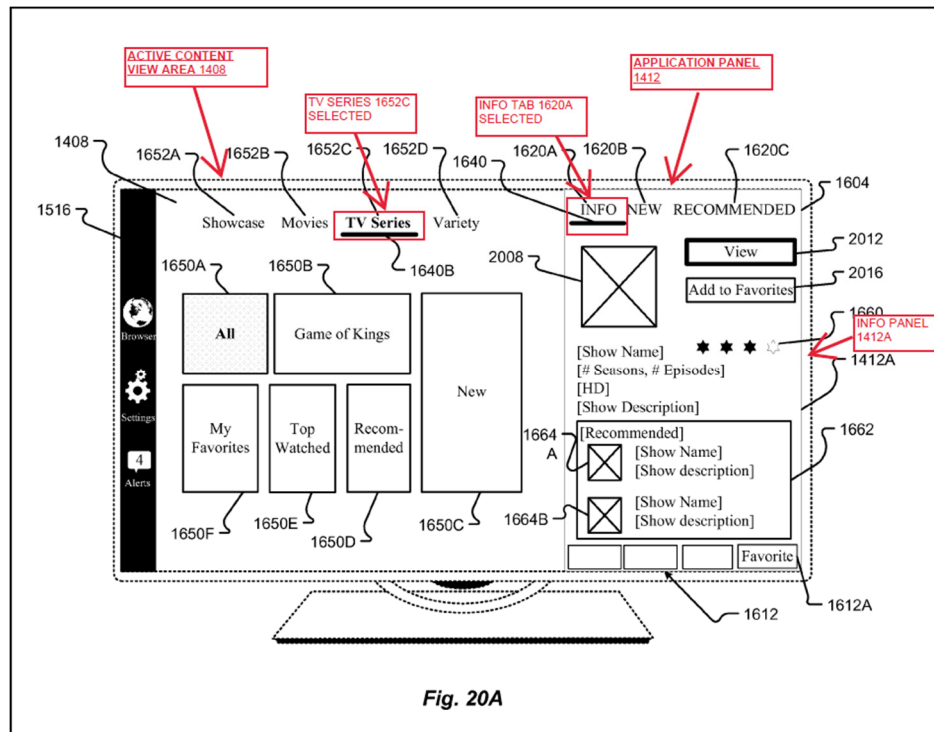
'174 Patent, 33:26-45.

65. The '174 Patent describes that a user may select one of the panel view tabs 1620A-F to have a specific panel displayed in in the application panel interface 1412. For example, the user may select Info tab 1620A (reflected by the indicator 1640) which causes the display of information in application panel area 1608 that is based on the content displayed in the active content area 1408 on the left:

In accordance with some embodiments of the present invention and as previously described, a user may select a tab 1620A corresponding to info, as illustrated in FIG.16B[]. An indicator, such as indicator 1640, may display which panel view 1620A-C is selected or has the current focus. **Application panel 1412 may then display context specific information corresponding to the active content area 1408.** For example, application panel 1412 may include information specific to On Demand—for example a show name and the number of seasons, episodes, etc. Additionally, a large thumbnail image 1658 corresponding to a specific show may be displayed in the application panel 1412, for example in the large information view contents for a TV series 1652C top category. ... Moreover, additional information pertaining to the active content area 1408 may be presented to a user.

'174 Patent, 33:57-34:8 (emph. added).

66. Figure 20A illustrates that when Info panel view 1620A is selected, an Info panel 1412A is presented in application panel interface 1412:



'174 Patent, Fig. 20A.

67. The '174 Patent describes that the content presented in the application panel 1412 as Info panel 1412A in Figure 20A is based on the content displayed in the active content area 1408:

The information panel provides the user with **information related to the current active view**. For example, **if the user is watching Episode 5 of a TV series ... then the information panel provides the information about Episode 5**. Alternatively, if the user is watching LiveTV, then Information Panel provides the **information on currently playing program**, the channel, etc. The on demand info panel 1412A provides contextual content and helps the viewer quickly access related functionality.

'174 Patent, 37:31-39 (emph. added).

68. The '174 Patent describes Figure 20A as providing an Info panel 1412A in application panel interface 1412 as follows:

FIG. 20A shows one embodiment of the user interface and behavior for the application panel 1412 in the video on demand application 456 when the info panel 1620A is selected, including three of the application panels 1412 six views: Info 1620A, New 1620B, Recommended 1620C, Genre, Favorites, and Search. ... Additionally, as the info panel 1412A is used to navigate through various recommendations information **about the displayed content**, the info panel 1412A itself does not obstruct the user from viewing content displayed on the screen of the intelligent television.

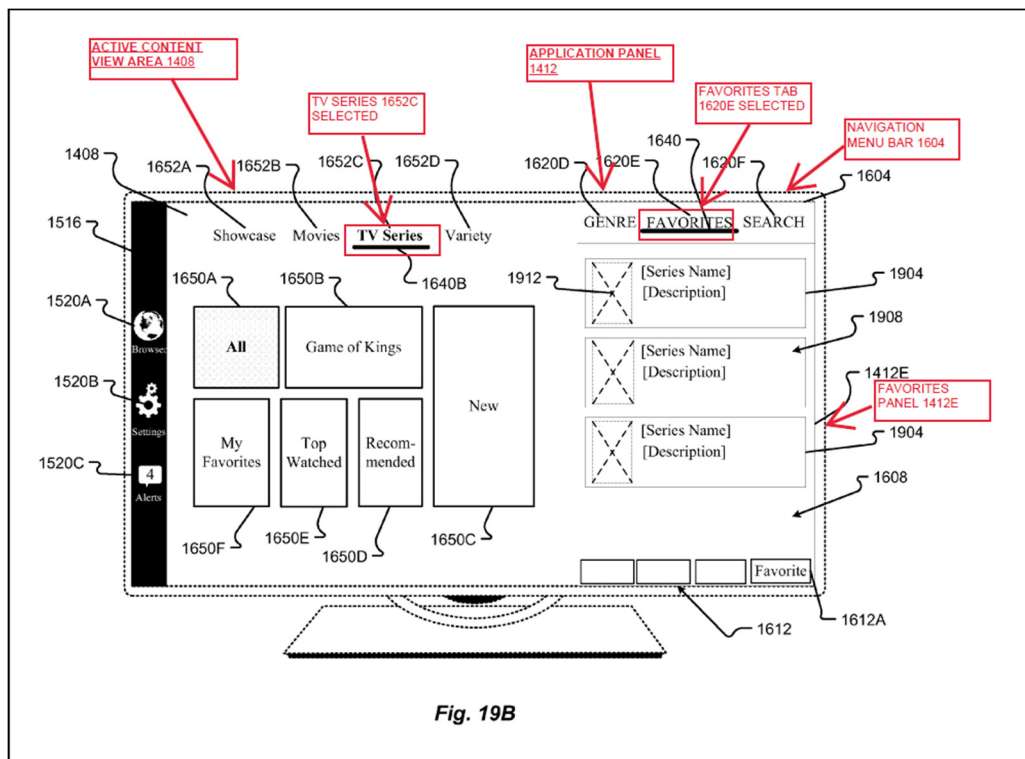
In accordance with some embodiments of the present invention and as previously described, a user may select a panel view 1620A corresponding to info, as illustrated in FIG. 20A. An indicator, such as indicator 1640, may display which tab 1620A-C is selected or has the current focus. Application panel 1412 may then **display context specific information corresponding to the active content area 1408**. The application panel 1412 may include information specific to the video on demand application 456—for example a show name and the number of seasons, episodes, etc. Additionally, a thumb nail image 2008 corresponding to a specific show may be displayed in the info panel 1412A. The thumbnail 2008 may be a large thumbnail that is a large poster view for the series.

'174 Patent, 37:41-67 (emph. added). The '174 Patent describes that when “the user has selected TV Series 1652C, the info panel 1412A allows the user to get

information on that series before the user watches the series.” ’174 Patent, 38:37-39.

The Info panel 1412A may include different **types** of content panels, such as the series info panel type 1704A. ’174 Patent, Figs. 17A, 20B, 35:29-33 (“The categories of panels may include, but are not limited to, ‘Info Views’ 1704 having panel types corresponding to 1704A-1704J”), 39:21-23 (“When the info panel view 1620A has a focus, an **info panel type**, such as series info 1704A, may be presented in a detailed information region”) (emph. added)

69. Figure 19B depicts the application panel 1412 where the Favorites panel view 1620E has been selected so that a Favorites panel 1412E is presented:



’174 Patent, Fig. 19B (annotated).

70. The '174 Patent describes the Favorites panel 1412E in application panel 1412 for when the TV Series tab 1652C has been selected in the active content area 1408:

For example FIG. 19A illustrates an example of an application panel 1412 when "Favorites" is selected. In such an instance, one of the favorites panel 1412[E] ... provides a list [of] recommendations based on content that a user has marked as special or favorite. ...

FIG. 19B shows the favorites panel 1412E when the user selects TV Series 1652C within the on demand application 456. ... The user may select content within the content active area 1408 by selecting different top categories such as "Showcase" 1652A, "Movies" 1652B, "TV Series" 1652C, or "Variety" 1652D. Additionally, an indicator, such as indicator 1640B, may display which top category 1652 is selected or has the current focus. The indicator 1640B may be a box, line, spotlight, highlight, etc. in various embodiments. Within each top category 1652A-D the user may make additional selections to choose the desired content. For example, when the user has selected "TV Series" 1652C, the user may make additional selections such as "All" 1650A TV series, a specific TV series "Game of Kings" 1650B, "New" 1650C TV series, "My Favorites" 1650F TV series, "Top Watched" 1650E TV series, or "Recommended" 1650D TV series. Thus, if TV Series 1652C is selected and All content 1650A is selected, the favorites panel 1412E may show a list 1908 of favorite TV series.

'174 Patent, 36:31-37:15, Figs. 19A-B.

71. Thus, when the Favorites panel view 1620E is selected for application panel 1412 and TV Series 1640B and All 1650A are selected in the active content area 1408, the application panel 1412 will be a Favorites panel 1412E that displays favorites corresponding to TV series.

72. The '174 Patent describes that the user can make further selections to “drill down” to receive more information about the content in the active content area 1408 and present it in, for example, the Info panel 1412A in application panel 1412:

An indicator, such as indicator 1640, may display which tab 1620A-C is selected or has the current focus. The indicator 1640 may be a box, line, spotlight, highlight, etc. in various embodiments. The user may select content within the content active area 1408 Master View by selecting different top categories such as “Showcase” 1652A, “Movies” 1652B, “TV Series” 1652C, or “Variety” 1652D. Additionally, an indicator, such as indicator 1640B, may display which top category is selected or has the current focus. The indicator 1640B may be a box, line, spotlight, highlight, etc. in various embodiments. Within each top category 1652A-D, the user may make additional selections to choose the desired content. For example, when the user has selected the top category “TV Series” 1652C, the user may make additional content selections by selecting tiles 1650 such as an “All” 1650A tile, a specific TV series “Game of Kings” tile 1650B, a “New” tile 1650C, a “My Favorites” tile 1650F, a “Top Watched” tile 1650E, or a “Recommended” tile 1650D. Thus, if top category TV Series 1652C is selected and the Game of Kings tile 1650B is selected, the info panel

1412A content area 1408 may show information about that specific TV series.

'174 Patent, 38:44-64, Fig. 20A.

73. Figure 20B is related to Figure 20A. Figure 20B shows the application panel 1412 as the Info panel 1412A because the Info panel view tab 1620A has been selected or is in focus. '174 Patent, 39:18-37, Fig. 20B. Figure 20C presents another embodiment where the Info panel 1412A is presented because the Info panel view tab 1620A is in focus in the application panel 1412. 39:61-40:11, Fig. 20C.

74. Figures 21A-B illustrate the application panel 1412 as a Recommended panel 1412C because the Recommended panel view 1620C is selected or in focus:

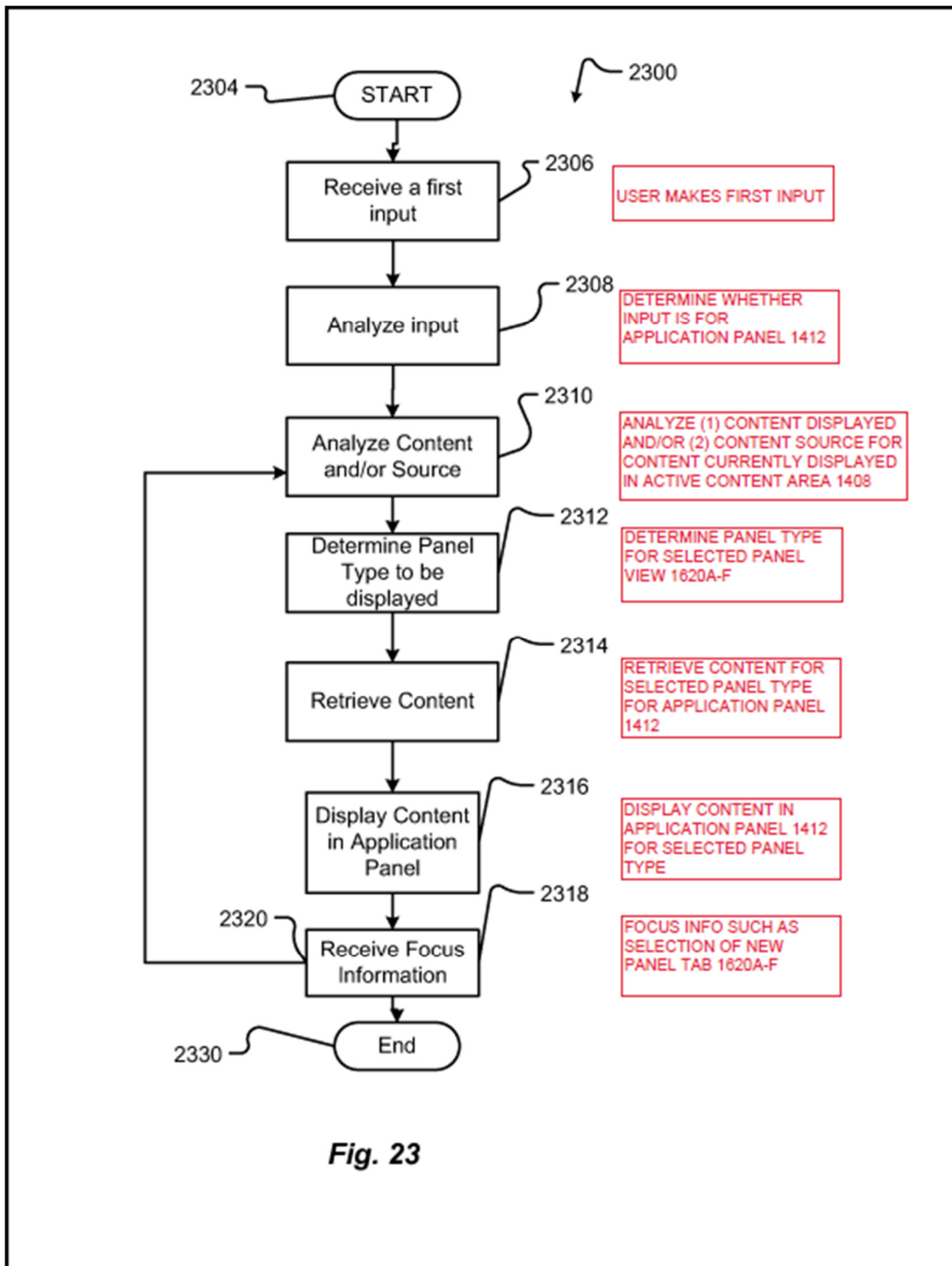
In accordance with some embodiments of the present disclosure, application panel 1412 may display recommended content when the recommended tab 1620C has the focus, as illustrated in FIGS. 21A and 21B. For example, based on one or more content that has been viewed by a user and/or based on **content currently being viewed in the active content area 1408**, recommended content may be displayed in application panel 1412. The recommended content may include content area 2104 containing an image thumbnail 2108, and information associated with the content, such as a series name and a short description.

In some embodiments, the recommended panel 1412C provides a collection of recommendations from the content provider. These recommendations are contextual and based on the current series. The order of the recommendations is controlled by the video on demand

service. The type of recommendations shown is **contextual to the media type in focus in the active content area 1408**. The recommended panel 1412C provides the user with recommended contents **related to the current active view**. For example, if the user is watching Episode 5 of a TV series in video on demand, then the recommended panel 1412C provides recommended TV series related to Episode 5.

'174 Patent, 40:37-59 (emph. added), Figs. 21A-B.

75. Figure 23 illustrates an exemplary method for selecting and displaying one or more panels 1412 by a user, where a panel type is selected based on the (1) content itself and/or (2) the content source for content currently displayed in the active content area 1408:



'174 Patent, Fig. 23 (annotated), 41:52-42:20. [Note: Change description of 2312 to say select panel view type based on which panel view 1620A-F is selected.]

76. The '174 Patent describes the method of Figure 23 as follows.

Method 2300 is initiated at step 2304. Step 2304 may flow to step 2306 where an intelligent television 100 receives an input from a remote or channel changer associated with a user. Based on the remote or channel changer input, the step 2306 may flow to step 2308, where the input received is analyzed. If, at step 2308, it is determined that the analyzed input corresponds to the display of an application panel, such as application panel 1412, then, at step 2310, the content displayed in the active content area 1408 and/or the source is analyzed. At step 2312, a panel type is selected; the panel type may correspond to one or more panel types as described with reference to FIGS. 17A-17B. At step 2314, content information to populate the panel type is retrieved, and the content is then displayed at step 2316 in the application panel. After step 2316, additional focus information may be received at step 2318. Upon receiving additional focus information, the method 2400 may repeat at step 2310, where the content in the active content area and/or the source is analyzed. Alternatively, or in addition, the method 2400 may end at 2330.

'174 Patent, 41:67-42:20.

B. The Claimed Invention

77. According to independent Claim 1, the invention provides [1.0] a method for displaying content on a television, including [1.1] receiving a first input via an input device; [1.2] in response to the first input, displaying via the television an application panel interface; [1.3] determining content being currently shown on

the television; [1.4] identifying at least one of a [a] content source and [b] content information associated with the content currently being displayed on the television; [1.5.1] based on the [determined] content and the at least one of the [identified] [a] content source and the [b] content information, providing a first content panel in the application panel; [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 in the application panel interface; [1.7.2] wherein the second content panel is a second type of application panel; [1.8] retrieving a second content information based on the second type of content panel; and [1.9] displaying the second content information in the second content panel. ' 174 Patent, Cl. 1.²

VI. CLAIM CONSTRUCTION

78. I understand that claims of the patent-at-issue in this IPR are generally interpreted according to their ordinary and customary meaning in the art taking into consideration the so-called “intrinsic evidence” of the patent consisting of (1) the claim language; (2) the specification; and (3) the prosecution history.

² Patent Owner has numbered the limitations consistent with the numbering provided in the Petition.

79. I understand that claim terms may be explicitly defined in the patent specification, or they may be implicitly defined through consistent usage in the specification. I also understand that the scope of claim terms may be limited by statements in the specification or prosecution history where the applicant clearly disavows or disclaims subject matter, acts as his/her own lexicographer or otherwise indicates the meaning of claim terms through statements made by the applicant.

80. I understand that for purposes of the institution stage the Board found there was no need to provide express constructions of any claim terms. Instn. Dec., Paper 9, 16-17.

81. I have applied the ordinary and customary meaning of the claim terms as understood in the context of the '174 Patent. This includes the ordinary and customary meaning of “application panel interface” in connection with limitation 1.2, discussed in Section VIII below.

VII. SUMMARY OF THE PRINCIPAL APPLIED REFERENCES

A. Woods (Ex. 1005)

82. Woods, entitled “Systems and Methods for Generating a Media Guidance Application with Multiple Perspective Views, is generally directed to a media guidance application (e.g., a program guide) that provides media guidance objects (e.g., program listings) that are displayed in multiple perspectives on the screen. Ex. 1005 [Woods], Abstract. For example, a first perspective view may

“appear[] flat on the screen” and a second perspective view may “appear to be going into the screen.” Woods, Abstract. There may be the appearance of a fold between the first perspective view and the second perspective view. Woods, Abstract, [0003]-[0005], [0032], [0073], [0112], Fig. 5D.

83. Woods explains that the invention is directed to media guidance applications such as interactive program guides:

Due to the overwhelming volume of media content (e.g., video and audio) available to the average person (e.g., via the Internet, cable and satellite television and radio), interactive media guidance applications, such as interactive program guides, have gained widespread popularity. Typically, interactive program guides present guide listings in a single perspective view grid indexed by time and program source (e.g., a television channel).

Woods, [0002].

84. Woods states that “the term ‘focus’ or being into focus should be understood to mean to change the appearance of a displayed item or object to make the item or object more visually prominent than other items or objects.” Woods, [0032].

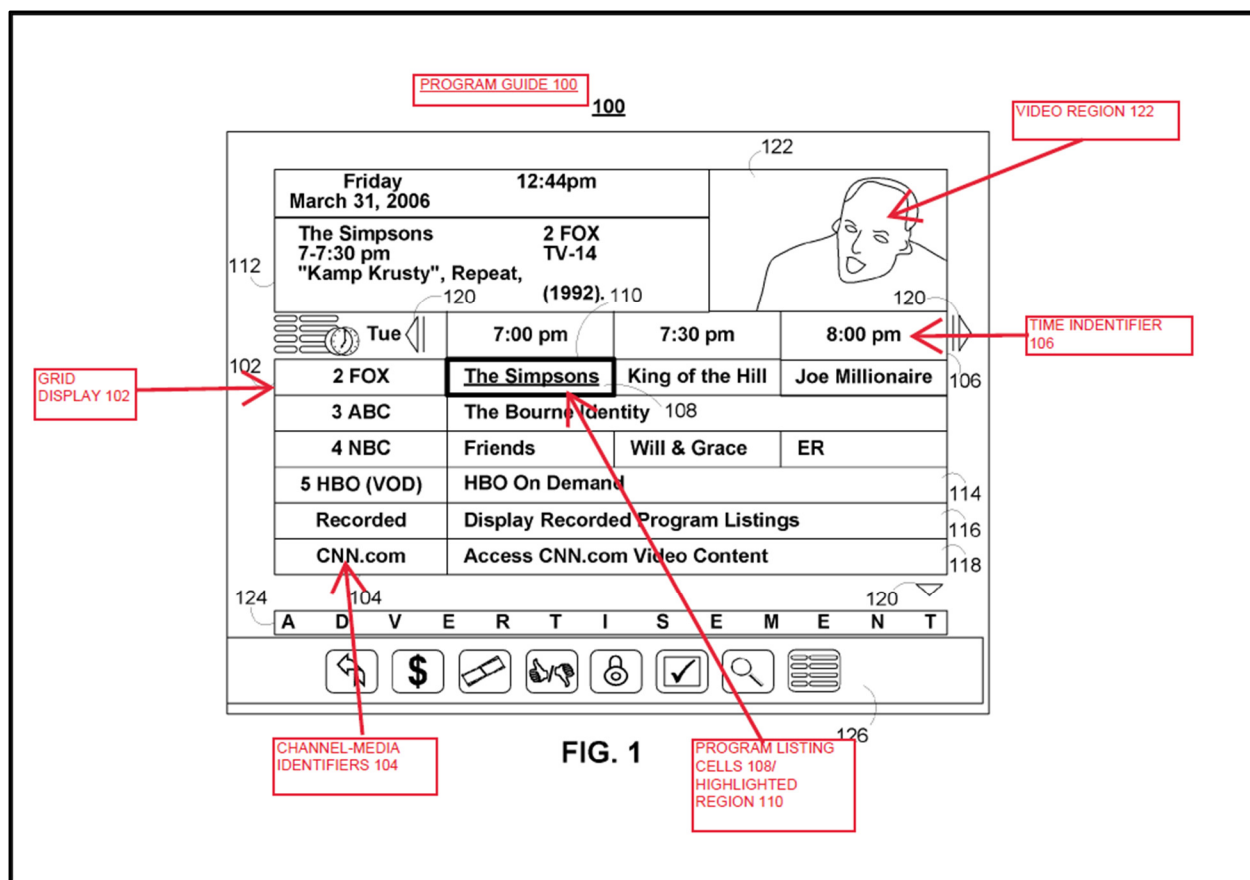
85. Woods describes an interactive media guidance application such as an interactive program guide:

Interactive media guidance applications may take various forms depending on the media for which they provide guidance. One typical type of media guidance application is an interactive television program

guide. Interactive television program guides (sometimes referred to as electronic program guides) are well-known guidance applications that, among other things, allow users to navigate among and locate many types of media content including conventional television programming (provided via traditional broadcast, cable, satellite, Internet, or other means), as well as pay-per-view programs, on-demand programs (as in video-on-demand (VOD) systems), Internet content (e.g., streaming media, download able media, Webcasts, etc.), and other types of media or video content. ... Guidance applications also allow users to navigate among and locate multimedia content.

Woods, [0034].

86. Figure 1 of Woods illustrates a basic program listings display 100 (program guide) that provides selectable program listing cells 108 (e.g., highlighted region 110) corresponding to time identifiers 106 and channel identifiers 104:



Woods, Fig. 1 (annotated).

87. Woods discloses that the “user can select program listings” by moving the highlight region 110. Woods, [0040] (“Video region 122 may allow the user to view and/or preview programs that are currently available, will be available, or were available to the user.”).

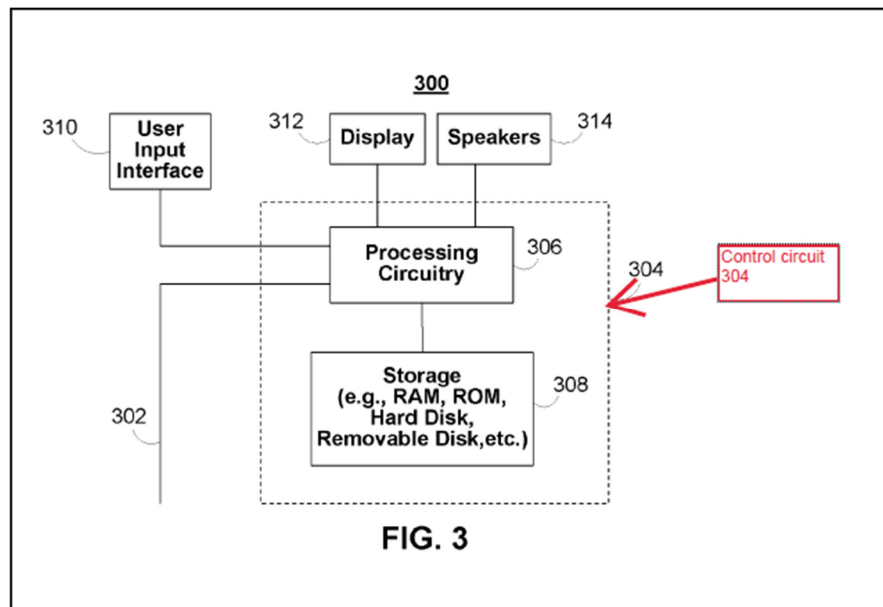
88. The options region 126 may provide further options for the user to select from the program guide:

Options region 126 may allow the user to access different types of media content, media guidance application displays, and/or media guidance application features. Options region 126 may be part of

display 100 (and other display screens of the present invention), or may be invoked by a user by selecting an on-screen option or pressing a dedicated or assignable button on a user input device. The selectable options within options region 126 may concern features related to program listings in grid 102 or may include options available from a main menu display.

Woods, [0043].

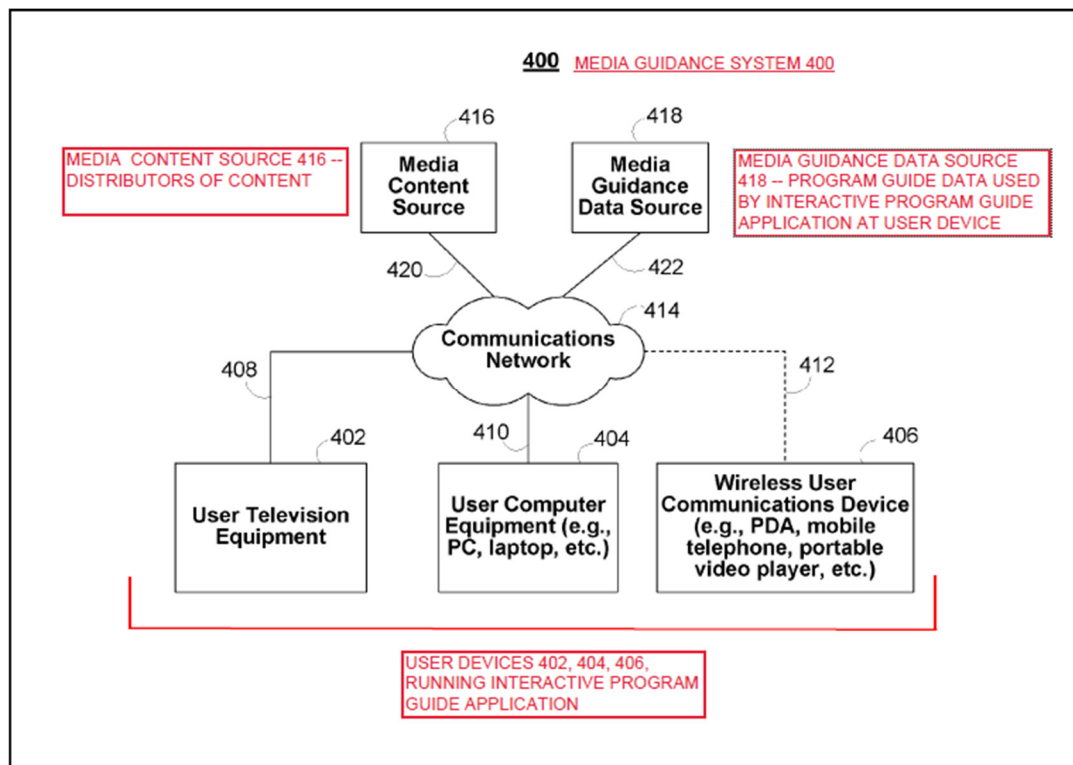
89. Figure 3 of Woods depicts a user equipment device 300 that includes control circuit 304 that interfaces with a user input interface 310, display 312, and storage 308:



Woods, Fig. 3 (annotated), [0048]-[0053].

90. Figure 4 of Woods depicts media guidance system 400, including user equipment 402/404/406 (user devices) interfacing through a network with media content source 416 and media guidance data source 418. Woods describes the media

content source 416 as being one or more distributors of content, such as a broadcast transmission facility, cable headend, satellite transmission facility, etc. Woods describes the media guidance data source 418 as providing media guidance data (program guide data) to be used to navigate a media guidance application (interactive program guide or IPG) running on the user equipment:



Woods, Fig. 4 (annotated), [0059]-[0072].

91. Woods describes the media content source 416 as follows:

[0063] System 400 includes media content source 416 and media guidance data source 418 coupled to communications network 414 via communication paths 420 and 422, respectively. ...

[0064] Media content source 416 may include one or more types of **media distribution equipment including a television distribution**

facility, cable system headend, satellite distribution facility, programming sources (e.g., television broadcasters, such as NBC, ABC, HBO, etc.), intermediate distribution facilities and/or servers, Internet providers, on-demand media servers, and other media content providers. ... Media content source 416 may include cable sources, satellite providers, on-demand providers, Internet providers, or other providers of media content. Media content source 416 may also include a remote media server used to store different types of media content (including video content selected by a user), in a location remote from any of the user equipment devices.

[0071] In a third approach, users of user equipment devices inside and outside a home can use their media guidance application to **communicate directly with media content source 416 to access media content.**

Woods, [0063]-[0064], [0071] (emph. added).

92. Accordingly, a POSITA would understand that the user device is connected to multiple content distributors at media content source 416. A user device can access media content from one of the multiple content distributors 416. Woods does not teach or suggest that a user device uses the media content source 416 to identify a content source or content information for a currently-displayed program on a television.

93. As for the media guidance data source 418, Woods describes it as follows:

[0065] Media guidance data source 418 may provide **media guidance data**, such as **media listings**, media-related information (e.g., broadcast times, broadcast channels, media titles, media descriptions, ratings information (e.g., parental control ratings, critic's ratings, etc.), genre or category information, actor information, logo data for broadcasters or providers logos, etc.), media format (e.g., standard definition, high definition, etc.), advertisement information (e.g., text, images, media clips, etc.), on-demand information, and any **other type of guidance data that is helpful for a user to navigate** among and locate desired media selections.

[0066] Media guidance application data may be provided to the user equipment devices using any suitable approach. In some embodiments, the **guidance application may be a stand-alone interactive television program guide** that receives program guide data via a data feed ...

Woods, [0065]-[0066] (emph. added).

94. Accordingly, Woods describes the media guidance data source 418 as providing program scheduling information to be presented in a media guidance application such as an interactive program guide running on the user device. Woods does not teach or suggest that a user device uses the media guidance data source 418 to identify a content source or content information for a currently-displayed program on a television.

95. Figure 9 of Woods is a program guide presented in multiple perspectives. Dr. Lippman refers to the program guide of Figure 9 as an “interactive program guide” with “program listing[s].” Ex. 1003 [Lippman Decl.], ¶ 48. The

FIG. 9

96. In the program guide of Figure 9, program source information region 950 (vertical column) identifies sources of content such as CBS, C-SPAN, NBC, and so forth. A first time interval region 910 provides program listings from 4-5 PM, a

second time interval region 920 provides program listings from 5-6 PM, and so forth.

Woods describes the program guide of Figure 9 as follows:

FIG. 9 shows an illustrative display screen 900 of **program scheduling information** displayed in different perspectives in accordance with an embodiment of the invention. In particular, screen 900 illustrates the implementation where the media guidance objects discussed in connection with screens 500a-c represent program scheduling information. For example, screen 900 may include program source information region 950 displayed in a first perspective view, program schedule information region associated with a first time interval 910 displayed in a second perspective view and program schedule information region associated with second and third time intervals 920 and 930 displayed in a third perspective view. Program source information region 950 may correspond to first media guidance object 514a, program schedule information region (e.g., **program listings** display region) associated with the first time interval 910 may correspond to second media guidance object 510a, program schedule information region (e.g., program listings) associated with the second time interval 920 may correspond to third media guidance object 512a, and program schedule information region (e.g., **program listings**) associated with the third time interval 930 may correspond to fourth media guidance object 516a (FIG. 5a).

Woods, [0152] (emph. added).

97. Woods explains that the program source information region 950 identifies the source of the various programs that are listed:

Program source information region 950 may include text (e.g., source name), icons (e.g., source logo), or any other visual indicator that is unique to a particular program source that allows the user to associate the program source information with the program source of the programs. Program sources may include any television channels, Internet websites (e.g., HULU.com), user devices, servers, or any other delivery source or device of media assets.

Woods, [0153].

98. Woods discloses that when the user opens the program guide 900 a program listing corresponding to a currently-tuned program may be highlighted or otherwise brought into focus. Woods, [0155].

When the user first enters screen 900, processing circuitry 306 may **highlight or bring into focus the program listings** corresponding to the **currently tuned program or program being currently accessed**. The currently tuned or accessed program may also be displayed behind the program schedule information. In particular, 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. **Information about the currently tuned to or accessed program may also be displayed at, for example, the bottom of the screen.** The information may include the title or name of the program or media asset being accessed, the program source of the program or media asset and a short description of the program or media asset.

Woods, [0155] (emph. added).

99. Thus, the currently-tuned program may be listed at the bottom of the guide, as is the case in Figure 9, which lists the currently-tuned program as “SHOWTIME DEXTER: THE DAMAGE A MAN CAN DO” at 2:20 PM. Woods, [0155], Fig. 9. A POSITA would understand Woods’ Figure 9 as providing a program guide where the currently-tuned program is Showtime-Dexter, whereas the selected program listing is Heroes-Villains 912 that is highlighted (in-focus). Woods, Fig. 9.

100. Woods describes that a user can navigate among the various program listings in Figure 9 to select a particular program listing:

The user may navigate within portions of the media guidance objects to **select a desired program listing** corresponding to a media asset. For example, the user may navigate up/down within program source information region 950 to select a desired program source.

Woods, [0156] (emph. added).

101. Woods also describes that a program listing the user has selected may be “in-focus” so that it is distinguished in some fashion from other program listings:

The program listing information (e.g., titles, video, icon, image, caption) displayed within each program listing in the program schedule information regions may appear similar to the manner in which items within menu bar 740 are displayed (FIG. 7). In particular, the information displayed in program listings that are not in focus and that are further away from **the program listing in focus** may be displayed as text or information that is gradually smaller in size than the text or

information that is displayed for the program listing in focus. Alternatively, information displayed in program listings that are not in focus and that are further away from the **program listing in focus** may be displayed as text or information that is gradually decreasing in brightness (or less bright) (e.g., with a fading effect) than the brightness of the text or information that is displayed for the program listing in focus.

Woods, [0164] (emph. added).

102. Woods describes that a user can navigate the program guide screen 900 of Figure 9 using left/right arrow keys and up/down arrow keys to select a program to be in-focus:

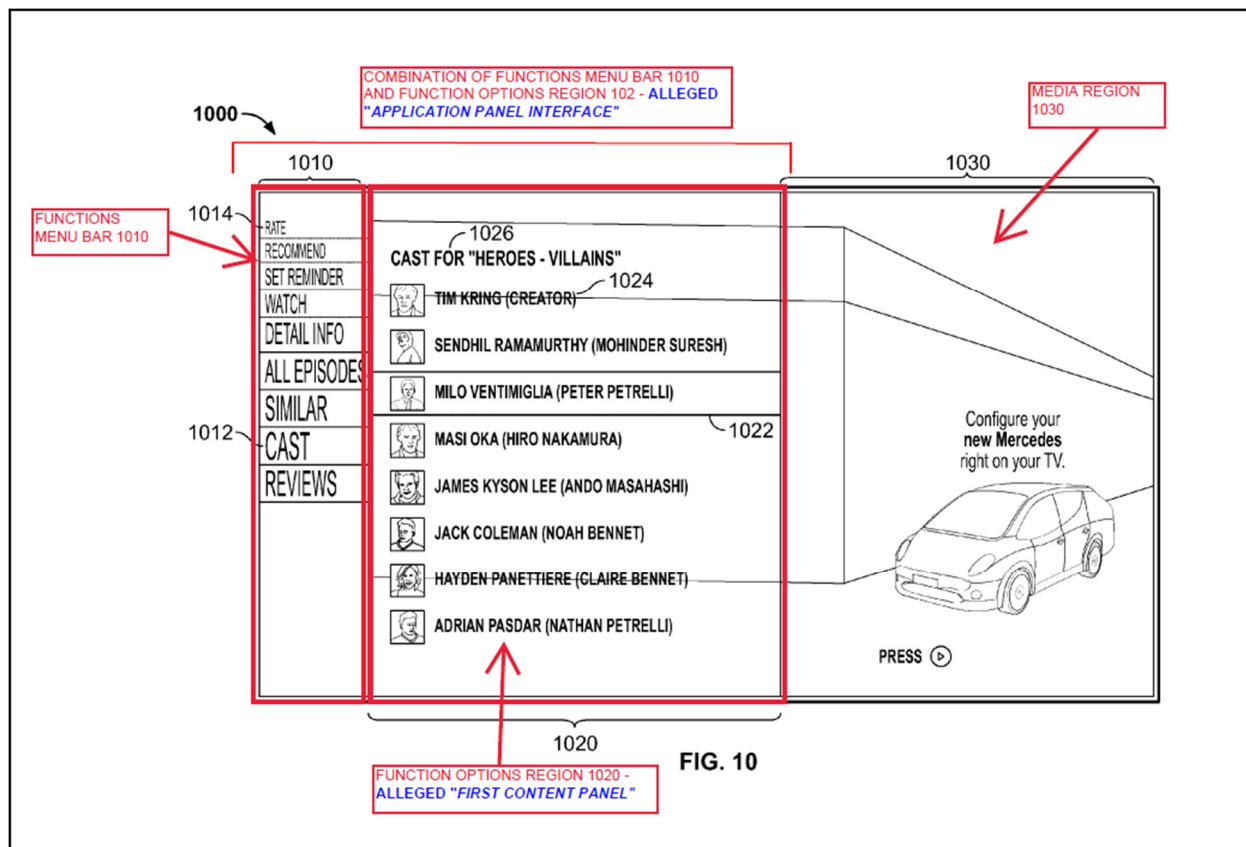
[0165] The user may press a right/left arrow key to browse through program listings in the time domain. For example, the user may press the right arrow key to **bring into focus** program listings that correspond to media assets that are broadcast later in time that are provided on the same program source. Similarly, the user may press the left arrow key to bring into focus program listings that correspond to media assets that are broadcast earlier in time that are provided on the same program source in focus.

[0166] The user may press up/down arrow keys to navigate to different program listings that are displayed within a program schedule information region that correspond to different program sources. In particular, as the user presses up/down arrow keys, program listings associated with different program sources may be **brought into focus** (e.g., presented in an expanded view).

Woods, [0165]-[0166] (emph. added).

103. A POSITA would understand Woods to be describing that the user can select different program listings to be in-focus so that the user can seek further information. A POSITA would understand Figures 9-10 as illustrating that the user selects the program listing for Heroes-Villains 912 in Figure 9 to receive a new display with further information about “Heroes-Villains” as depicted in Figure 10 of Woods. Woods, [0165]-[166], Figs. 9-10. I note that this occurs while a different program is currently-tuned, Showtime-Dexter. See Woods, Fig. 9.

104. Figure 10 of Woods is a program-specific display (specific to Heroes-Villains) that provides information and options when a user selects a specific program listing such as Heroes-Villains 912 on the program guide of Figure 9:



Woods, Fig. 10 (annotated).

105. Woods describes Figure 10 as follows:

[0170] FIG. 10 shows an illustrative display screen 1000 of functions corresponding to a **selected program listing** displayed accordance with an embodiment of the invention. Screen 1000 may include a functions menu bar 1010, function options region 1020 and a media region 1030.

[0171] Functions menu bar 1010 may display of list of indicators of functions **associated with the media asset corresponding to the program listing selected from screen 900 (FIG. 9)** or a media asset selected in accordance with other embodiments of the invention. Some of the functions that may be associated with a particular media asset may include requests for reviews, a list of the cast members, list of

similar media assets, broadcast or schedule information of the media asset (which may include other air times of the media asset), a list of all episodes of the media asset, detailed description of the media asset, watch or access the media asset, set or schedule reminders for the media asset, schedule a recording for the media asset, provide a rating for the media asset.

[0172] Functions menu bar 1010 may display the list of functions in perspective relative to each other as shown and described above in connection with menu bars 810 and 820 (FIG. 8). ... In particular, the function indicator in focus may be “cast” 1012 and may have a first size. The indicator of a function that is not in focus may be “rate” 1014 which may have a second size that is different than the first size of the indicator of function “cast” 1012.

[0173] The indicators of functions displayed in functions menu bar 1010 may be brought into focus or selected by pressing an up/down key.

Woods, [0170]-[0173] (all emph. added).

106. Woods describes that the media region 1030 can display the currently-tuned program or other video content:

Media region 1030 may provide a display of an advertisement, a video, a clip, the currently tuned television program, icon, image, text or any other suitable media. For example, media region 1030 may provide a video clip or textual description of the media asset corresponding to the program listing selected from screen 900 (FIG. 9) or a media asset selected in accordance with other embodiments of the invention. Media

region 1030 may also be selectable (e.g., using a movable cursor or highlight region).

Woods, [0174].

107. Woods discloses that the function options region 1020 may display a list of “options or items” based on the selected function (e.g., Cast) in the functions menu bar 1010. The function options region 1020 can be viewed as a submenu of the functions menu bar 1010. Woods describes that as the selected function in functions menu 1010 changes, the list of options or items in function options region 1020 will change. For example, Figure 10 illustrates the display with the Cast function 1012 in-focus, and the function options region 1020 provides a list of cast members of the program Heroes-Villains. If the user changes the focus from Cast to Detail Info on the function menu 1010, the function options region 1020 will change to provide detailed information on the program:

[0175] Function options region 1020 may display a list of options or items relating to the indicator of the **function in focus** in functions menu bar 1010. 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. In particular, 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.

[0176] For example, when the “cast” function indicator is in focus and the user desires to bring the “detailed description” function indicator

into focus which may be, for example, three indicators away from the “cast” function indicator, the list of options or items displayed in function options region 1020 may change three times. In particular, to bring the “detailed description” function into focus, the user may press an up arrow key three times. 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. In particular, the first time the up arrow key is pressed, the list of options or items displayed in function options region 1020 may change to display options corresponding to “similar assets” function indicator, the second time, the list of options or items displayed in function options region 1020 may change to display options corresponding to “all episodes” function indicator and the third time, the list of options or items displayed in function options region 1020 may change to display options or items corresponding to “detailed description” function indicator.

[0177] For the sake of brevity, the discussion of the options or items provided in function options region 1020 is based on having the request for cast members function selected or placed in focus. However, any other function in functions menu bar 1010 may be selected in a similar manner (e.g., by placing the function focus or selecting the function with a moveable cursor or highlight region) and as a result the list displayed in function options region 1020 may be tailored to the particular function in focus.

[0178] Options or items provided in function options region 1020 when the **“cast” function indicator is in focus** may include a selectable list

of all or most of **the cast members** that are present in the media asset **corresponding to the selected program listing**. For example, when the media asset corresponding to the program listing is “Heroes,” **a list of the cast members in Heroes** may be displayed. ...

[0180] The items or options displayed in the list in region 1020 may be selected. For example, the 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 a highlight region 1022 over the desired cast member. The user may press an “enter” or “confirm” key to receive a display of information about the selected cast member. For example, the user may highlight or select the actor “Milo Ventimiglia” and as a result a display of information about that actor may be provided as shown in screen 1100 (FIG. 11).

Woods, [0175]-[0178], [0180] (emph. added).

108. By way of summary, Figure 9 of Woods provides a program guide displaying information on multiple programs and multiple sources including program listings. If a user selects a program listing on Figure 9 (e.g., Heroes), then the program-specific display of Figure 10 is presented. Figure 10 provides information and options specific to the selected program listing (e.g., Heroes). I note that the content presented in region 1020 is for a selected function (e.g., Cast) based on the program listing Heroes that was selected in Figure 9. A POSITA would readily understand that the content presented in region 1020 is not based on the

currently-displayed content (e.g., Mercedes ad) in media region 1030 or the currently-tuned content Showtime – Dexter from Figure 9. Woods, Figs. 9-10.

109. I therefore disagree with the Petitioner's and its expert's assertion that Woods "describes an interactive television guide that provides regions 1010/1020 to display information about the program currently being displayed (in media region 1030)." Pet., 15; Lippman Decl., ¶ 51. On the contrary, function bar 1010/region 1020 (allegedly the "*application panel interface*") is **independent** of the currently-viewed content in media region 1030. Instead, Figures 9-10 of Woods teach that the content presented in function bar 1010/region 1020 is based on the program listing (Heroes) selected from the interactive program guide in Figure 9, not based on the content displayed in media region 1030. Indeed, the content displayed in media region 1030 in Figure 10 is an advertisement for Mercedes. The content displayed in regions 1010/1020 is based on the selected program listing for Heroes, not the Mercedes advertisement.

110. If a user selects an item from the program-specific display of Figure 10 (e.g., Milo Ventimiglia from the list of cast members), a third level display providing information on the selected item (Milo Ventimiglia) is presented in Figure 11. Woods, Figs. 9-11.

111. Figure 11 is presented below:

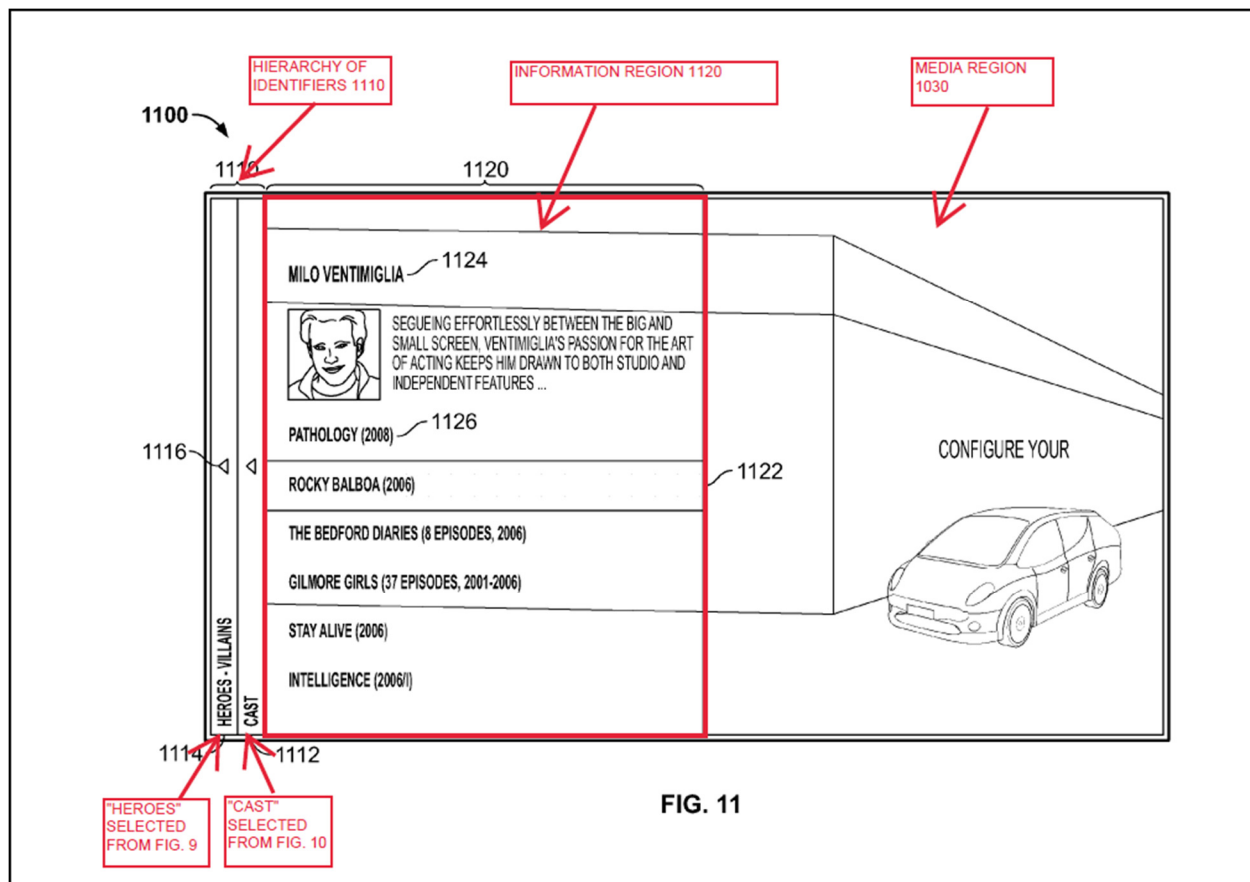


FIG. 11

Woods, Fig. 11 (annotated), [0183]-[0187].

112. Woods discloses the third-level display screen of Figure 11 as follows:

[0183] FIG. 11 shows an illustrative display screen 1100 of information corresponding to an option or item selected from region 1020 in accordance with an embodiment of the invention. Screen 1100 may include a hierarchy of identifiers 1110, an information region 1120 and media region 1030.

[0184] The identifiers displayed in hierarchy of identifiers 1110 may correspond to previously selected items that are associated with a media asset. For example, as the user selects (or confirms selections) of items from previous menus, an identifier may be added to hierarchy of

identifiers 1110 to remind the user of the previous selections. In particular, the user may first have selected a program listing corresponding to the media asset “Heroes.” Accordingly, the first identifier 1114 in hierarchy of identifiers 1110 may identify the selection of the media asset “Heroes” by providing a picture, video, text or other information that identifies that media asset to the user. After the user selected the media asset, the user may have selected an item corresponding to a function from functions menu bar 1010 (FIG. 10) that provided a list of cast members. Accordingly, the second identifier 1112 in hierarchy of identifiers 1110 may identify the function “cast” from which the item selection was made by providing a picture, video, text or other information that identifies that function selection to the user. Second identifier 1112 may be displayed adjacent to and/or under first identifier 1114 of the first selection of the media asset.

[0185] The user may browse through prior selections in the hierarchy by, for example, pressing a left arrow key. For example, when “cast” is identified at the bottom of the hierarchy (indicating that items associated with the cast function were last displayed in region 1120), the user may press a left arrow key and as a result, the items associated with the cast function may be displayed in region 1120 in the same manner as shown in region 1020 (FIG.10). Second identifier 1112 for the cast function may be removed from the hierarchy. A subsequent selection of the left arrow key may bring up a display in region 1120 of information corresponding to the selected media asset since as first identifier 1114 in the hierarchy may indicate a media asset selection. ...

[0186] Information about the selected item from the items displayed in region 1020 may be displayed in region 1120. For example, when the actor (e.g., Milo Ventimiglia) is the item that is selected from the items corresponding to the “cast” function indicator, information about the actor may be displayed in region 1120. The information may include a picture of the actor, a short description about the actor and other media assets which feature the selected actor. The information may be retrieved from local storage or from a website or remote source via the Internet.

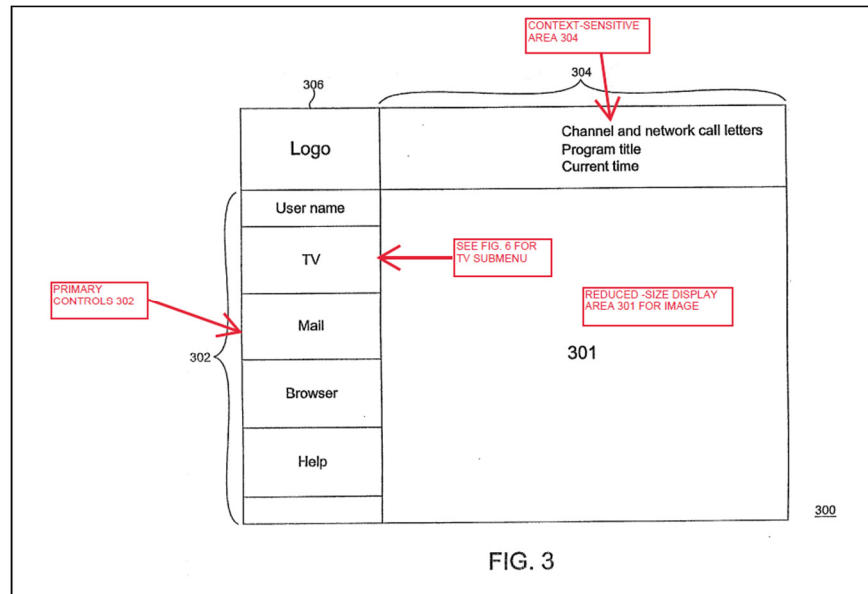
[0187] The user may navigate between the items of information displayed in region 1120 by, for example, pressing an up/down arrow key. Once an item of information is identified with a highlight region or with a movable cursor, the user may confirm the selection to receive information about the selected item of information. For example, when the selected item of information displayed in region 1120 is other media assets in which the actor was featured, information about the media asset may be provided as shown in screen 1200 (FIG. 12).

Woods, [0183]-[0187].

B. Istvan (Ex. 1006)

113. Istvan, entitled “Single Button Remote Access to a Synthetic Content Page of Specialized Content,” is generally directed to a method of displaying multimedia content on an enhanced television, including the display of the television content in a display area and a synthetic channel page having selectable functions and submenus. Ex. 1006 [Istvan], Abstract, Figs. 3, 6.

114. Figure 3 of Istvan depicts a user interface 300 including a reduced-area 301 for displaying the program, primary controls 302 which provide system-level functions, and a context-sensitive area 304 having information related to the program being displayed in area 301:



Istvan, Fig. 3 (annotated), [0040]-[0044].

115. Istvan describes the user interface of Figure 3 as follows:

[0040] FIG. 3 depicts an example layout 300 of a user interface (UI) which has been activated in accordance with an embodiment of the present invention. In one embodiment, when the UI is activated, the full-size display (see FIG. 2) shrinks in an “animated” fashion (i.e. with visible motion to a viewer) to occupy a reduced-size area 301 of the display. ...

[0041] The UI includes a group of primary or “permanent” controls 302 on a first side of the reduced-size area 301, a context-sensitive area 304 on a second side of the reduced size area 301 (perpendicular to the first

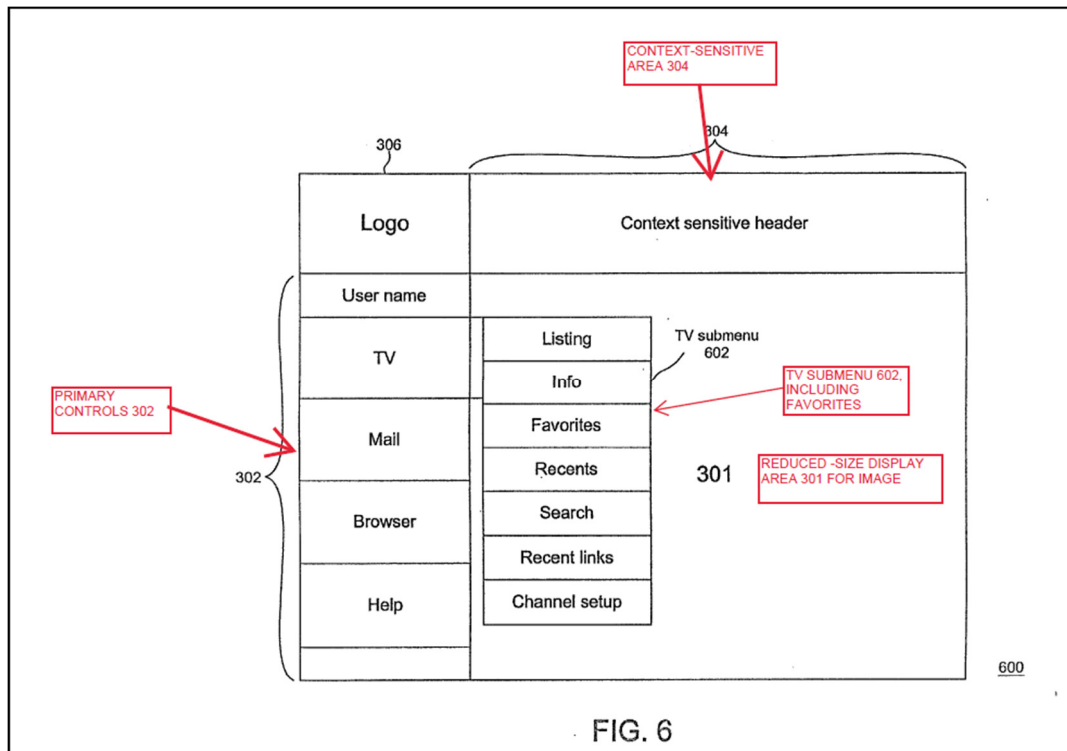
side), and a logo area 306 at the intersection of the two sides. In the example layout 300 shown in FIG. 3, the primary controls 302 include user (“user name”), TV, mail, browser, and help controls or control icons.

[0042] Selection of these primary control icons typically reveals a corresponding submenu. For purposes of illustration, described in detail below are a selection of such submenus. First, an example of a user submenu 502 is described below in relation to FIG. 5. Second, an example of the TV Submenu 602 is described below in relation to FIG. 6. ...

[0043] The context-sensitive area 304 may display different information (non-selectable items) and control icons (selectable items) depending upon the content in the display area 301. Initially, the context-sensitive area 304 may display information on the TV content currently being displayed in the display area 301. The information may include, for example, channel number/network call letters, program title, and current time.

Istvan, [0040]-[0043].

116. If a user selects a system-level function in primary controls 302 such as “TV”, a new user interface is presented that includes a TV submenu 602 with its own system-level functions that can be selected for more information:



Istvan, Fig. 6 (annotated).

117. Istvan describes the TV submenu 602 below:

[0054] FIG. 6 depicts an example layout 600 of a UI with a TV submenu 602 activated in accordance with an embodiment of the present invention. The TV submenu 602 is activated by selecting the “tv” on-screen control from the group of primary controls 302. The TV submenu 602 may include various selections.

[0057] The TV “favorites” selection provides a user with a list of his/her favorite TV channels. When a TV channel is selected from the favorite list, then the embedded TV display changes to that channel.

Istvan, [0054], [0057].

C. Machida (Ex. 1008)

118. Machida, entitled “Multimedia Player with Plurality of Operation Panels,” is generally directed to a digital content reproducing apparatus having a plurality of user operation interfaces, including a “linear content operation panel” and an “interactive content operation panel.” The linear content operation panel and the interactive content operation panel are mutually exclusive. The apparatus monitors incoming content and automatically switches between the linear content operation panel and the interactive content operation panel. Ex. 1008 [Machida], Abstract.

119. Machida discloses that a digital content reproducing apparatus needs different user operation interfaces depending on the incoming digital content:

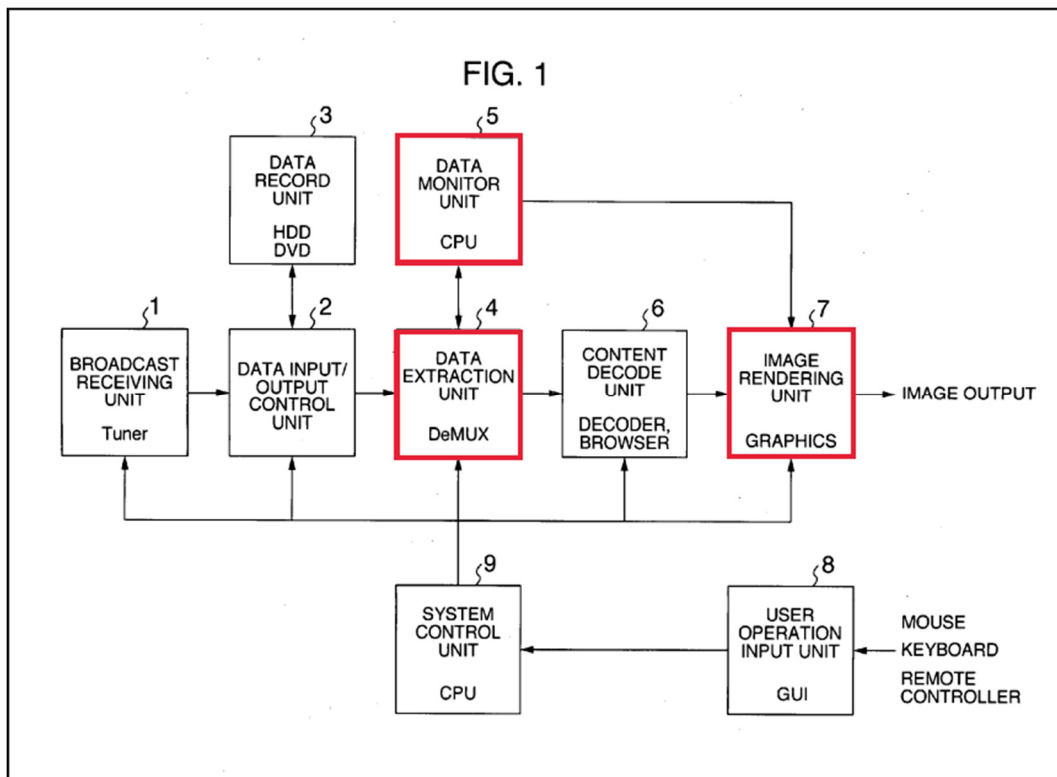
[0008] According to the digital content reproduction apparatus of the present invention, a **plurality of user operation interfaces** of the same size are provided, **information on digital contents is monitored**, and upon occurrence of a **change in the information, the user operation interfaces are automatically and exclusively displayed in the same panel rendering area** so that only usable operation keys can be displayed. Information on digital contents is monitored and display is controlled in accordance with digital content attributes.

[0009] According to the present invention, a plurality of user operation interfaces of the same size are provided, information on digital contents is monitored, and upon occurrence of a change in the information, the user operation interfaces are automatically and exclusively displayed in

the **same panel rendering area** so that only usable operation keys can be displayed and a user operation learning time can be shortened.

Machida, [0008]-[0009] (emph. added).

120. Figure 1 depicts the digital content reproduction apparatus:

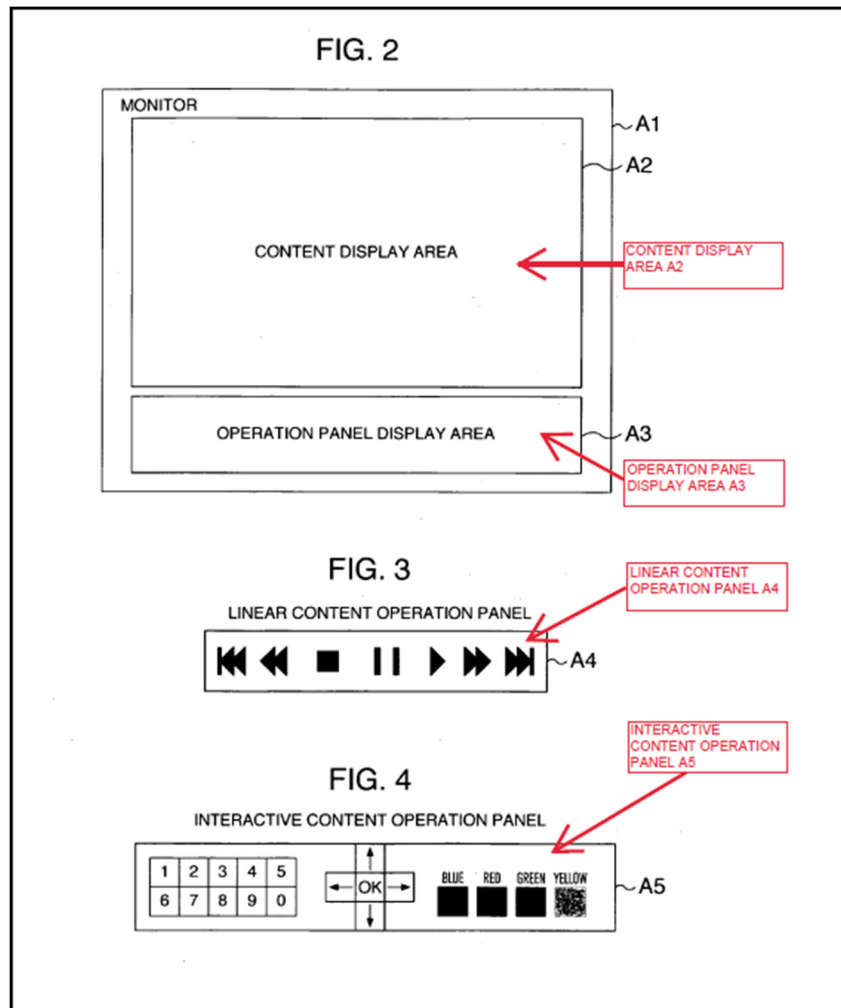


Machida, Fig. 1 (annotated).

121. Machida generally describes that digital data received by a broadcast receiving unit 1 is processed by a data extraction unit/demultiplexer 4 that is monitored by a data monitor/CPU 5. Based on the digital data processed at the data extraction unit 4, the data monitor 5 instructs the image rendering unit 7 to provide a user operation interface corresponding to the monitored digital data. Then the

decoded content and the selected user operation interface are superimposed and presented as the image output to the user. Machida, [0029].

122. Figure 2 of Machida depicts a monitor with a content display area 2 and an operation panel display area A3. The operation panel display area A3 will display either a linear content operation panel A4 (Figure 3) or an interactive content operation panel A4 (Figure 4). Machida, Figs. 2-4. Thus, there are two different operation panels A4 or A5, one of which is selected to be presented in the operation panel display area A3 depending on the nature of the incoming digital data. Figures 2-4 are presented below:



Machida, Figs. 2-4.

123. A POSITA would readily understand that the two operation panels are for playback/navigation of content displayed on a TV monitor, and they are quite distinct from the function options menu 1020 of Woods' Figure 10 that the Petitioner alleges to be the claimed "*first content panel*" and "*second content panel*." Woods describes the automatic selection between the two operation panels A4 and A5 based on whether the received content is linear content such as moving video or instead interactive content:

[0031] FIGS. 2 to 4 show image display states during digital broadcast reproduction. A monitor A1 has a content display area A2 and an operation panel display area A3. During reproduction of **linear contents such as moving image contents**, a **linear content operation panel A4 is displayed** in the operation panel display area A3, the linear content operation panel providing functions of reproduce, stop, temporary stop, fast forward, fast backward, previous skip, next skip and the like.

[0032] During **reproduction of interactive contents such as data broadcast contents**, an **interactive content operation panel A5 is displayed** in the operation panel display area A3, the interactive content operation panel providing functions of numerical keys from 0 to 9, up/down/right/left keys, a decide key, blue/red/green/yellow keys and other keys.

[0033] The linear content operation **panel A4 and interactive content operation panel A5 are displayed exclusively** and are not displayed at the same time. The functions provided by the linear content operation panel A4 and interactive content operation panel A5 are not limited to those described above, but the functions may be increased or decreased in accordance with the apparatus function.

Machida, [0031]-[0033] (emph. added).

VIII. CLAIMS 1-14 ARE PATENTABLE OVER WOODS (GROUND 1)

A. Independent Claims 1 and 10 are Patentable Over Woods

124. Woods fails to teach or suggest at least the following limitations of Claim 1:

- Limitation 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,*” where “*the content*” was determined for the currently-displayed content pursuant to limitation 1.3, and the “*content source*” and/or the “*content information*” was identified for the currently-displayed content pursuant to limitation 1.4.
- Limitation 1.2: “*in response to the first input, displaying, via the television, an application panel interface.*”
- Limitations 1.5.2 and 1.7.2 “*wherein the first content panel is a first type of application panel*” and “*wherein the second content panel is a second type of application panel.*”
- Limitation 1.7: “*determining ... a second content panel [that is] a second type of application panel*” based on a second user input.

125. Independent Claim 10 has limitations similar to Claim 1 and is patentable for at least the same reasons.

B. Woods Fails to Teach or Suggest Limitation 1.5.1 That “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”

126. Limitation 1.5.1 recites “*providing a first content panel in the application panel interface*” “*based on the [determined] content and the [identified] at least one of the content source and the content information*” for the content “*currently being displayed via the television.*” In other words, limitation 1.5.1 provides that the first content panel is determined based on (a) the content that was determined for the currently-displayed content in limitation 1.3, and (b) the content source and/or the content information that was identified for the currently-displayed content in limitation 1.4.

1. Disclosure in ’174 Patent

127. The ’174 Patent discloses that a content panel such as an Information panel 1412A (when Info panel view 1620A is selected) or a Favorites panel 1412E (when Favorites panel view 1620E is selected) can be presented in the application panel interface 1412. ’174 Patent, Figs. 16A-B, 19A-B, 20A-B. The information presented in the content panel (e.g., Info panel 1412A or Favorites panel 1412E) is determined based on the content source and/or content information for the content that is currently-displayed in the active content area 1408.

128. The '174 Patent consistently describes the application panel interface 1412 as providing content and functionality that is based on or dependent on the currently-displayed content in the active content area 1408 (all emph. added):

The content displayed in the application panel 1412 depends on the content displayed in content view area 1408. Stated another way, application panel 1412 is contextually dependent upon the **source of content and the content itself** in content view area 1408.

'174 Patent, 32:16-20 (emph. added), 33:1-3, 33:61-63, 37:31-32, 37:50-54, 37:59-61, 38:5-16, Fig. 19B, Fig. 20A. See '174 Patent, 2:18-21 (“selecting a panel type based on the identified at least one of content source and second content information currently being displayed via the television”).

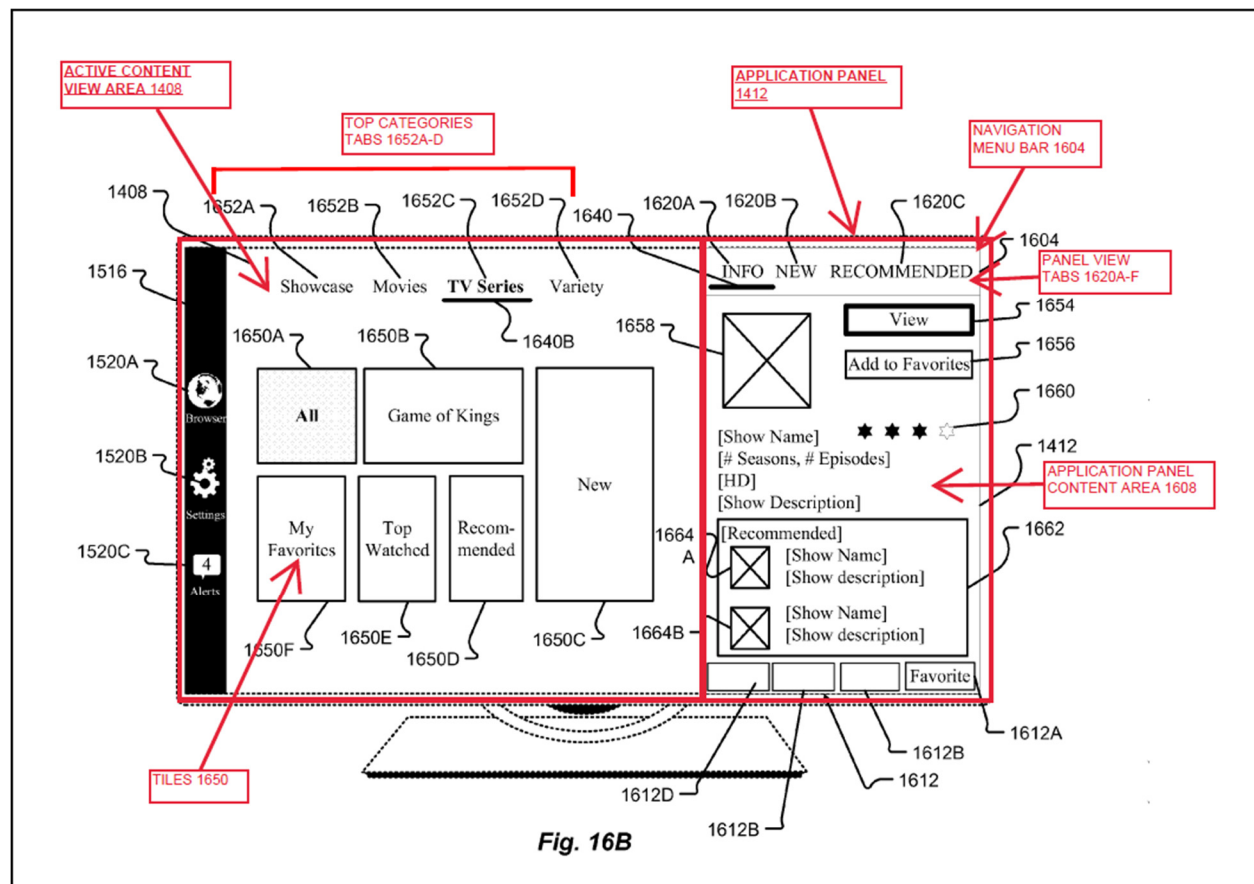
129. As depicted in Figure 16A of the '174 Patent, there is an active content view area 1408 on the left hand side, and on the right hand side there is the application panel interface 1412 that includes the application panel content area 1608 and the navigation bar 1604. The navigation bar 1604 has multiple panel view tabs 1620A-F for displaying the application panel in multiple views, including (1) Information 1620A, (2) New 1620B, (3) Recommended 1620C, (4) Genre 1620D, (5) Favorites 1620E, and (6) Search 1620F. '174 Patent, Fig. 16A, 4:7-9 (“The application panel in on demand includes six views (info, new, recommended, genre, favorites, and search).”).

130. The '174 Patent describes Figure 16A as follows:

As previously discussed, the Intelligent TV 100 may further include an application panel 1412 as shown in FIG.16A. **The content displayed in the application panel 1412 depends on the content displayed in content view area 1408.** Stated another way, **application panel 1412 is contextually dependent upon the source of content and the content itself in content view area 1408.**

'174 Patent, 32:14-20 (emph. added), Fig. 16A.

131. In Figure 16B, the '174 Patent depicts the application panel interface 1412 on the right hand side and the active content area 1408 on the left hand side:



'174 Patent, Fig. 16B (annotated).

132. Figure 16B is described as follows in the '174 Patent:

FIG.16B shows one embodiment of the user interface and behavior for the application panel 1412 in the video on demand application 456, including three of the application panels 1412 six panel views: Info, New, Recommended, Genre, Favorites, and Search. FIG.16B also shows the Master View with top categories 1652 and tiles 1650. ... Within each top category in the Master View, content is organized in collections represented by tiles. An “All” collection that contains all the media content within this top category is available if needed. As an example, the top category “Movies” 1652B can have the following tiles: All 1650A, My Favorites 1650F. Top Watched 1650E, New 1650C, Recommended 1650C, etc.

’174 Patent, 33:26-45.

133. The ’174 Patent describes that a user may select one of the panel view tabs 1620A-F to have a specific panel view displayed in the application panel interface 1412. For example, the user may select Info tab 1620A which causes the display of information in Info panel 1412A that is based on the content displayed in the active content area 1408 on the left:

In accordance with some embodiments of the present invention and as previously described, a user may select a tab 1620A corresponding to info, as illustrated in FIG.16B[]. An indicator, such as indicator 1640, may display which panel view 1620A-C is selected or has the current focus. **Application panel 1412 may then display context specific information corresponding to the active content area 1408.** For example, application panel 1412 may include information specific to

On Demand for example a show name and the number of seasons, episodes, etc.

'174 Patent, 33:57-66 (emph. added).

134. Using the Info panel 1620A as an example, the '174 Patent describes how the content presented in the application panel 1412 as an Info panel 1412A is based on the content displayed in the active content area 1408:

The information panel provides the user with **information related to the current active view**. For example, if the user is watching Episode 5 of a TV series from Video On Demand, then **the information panel provides the information about Episode 5**. Alternatively, if the user is watching LiveTV, then Information Panel provides the **information on currently playing program**, the channel, etc. The on demand info panel 1412A provides contextual content and helps the viewer quickly access related functionality.

'174 Patent, 37:31-39 (emph. added). Accordingly, the Info panel 1412A provides information that is based on the content source (VOD source or broadcast channel) and content information (Episode 5 or LiveTV broadcast program) for the content currently-displayed in active content area 1408.

135. Figure 20A illustrates the application panel 1412 presented as an Info panel 1412A based on Info panel view 1620A selected in the application panel and TV Series 1652C selected in the active content area 1408:

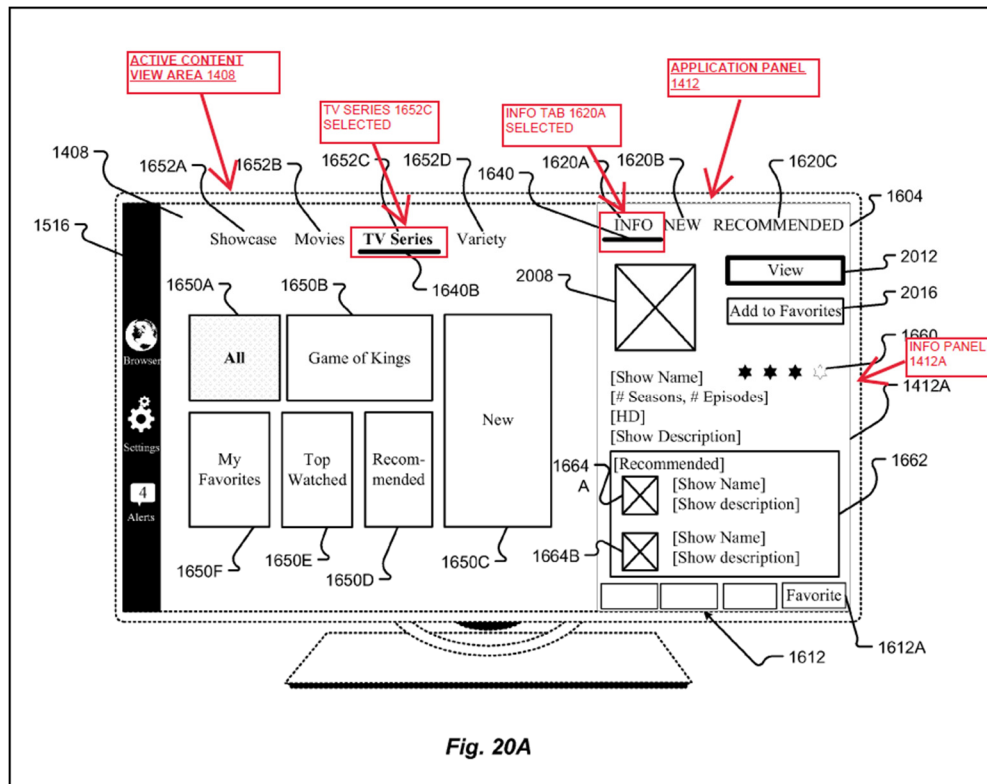


Fig. 20A

'174 Patent, Fig. 20A (annotated).

136. The '174 Patent describes Figure 20A as providing an Info panel 1412A in application panel 1412 as follows:

FIG. 20A shows one embodiment of the user interface and behavior for the application panel 1412 in the video on demand application 456 when the info panel 1620A is selected ... Additionally, as the info panel 1412A is used to navigate through various recommendations information **about the displayed content**, the info panel 1412A itself does not obstruct the user from viewing content displayed on the screen of the intelligent television.

In accordance with some embodiments of the present invention and as previously described, a user may select a panel view 1620A corresponding to info, as illustrated in FIG. 20A. An indicator, such as

indicator 1640, may display which tab 1620A-C is selected or has the current focus. Application panel 1412 may then **display context specific information corresponding to the active content area 1408**. The application panel 1412 may include information specific to the video on demand application 456—for example a show name and the number of seasons, episodes, etc. Additionally, a thumb nail image 2008 corresponding to a specific show may be displayed in the info panel 1412A.

'174 Patent, 37:41-65 (emph. added). Thus, the Info panel 1412A will display information corresponding to the currently-displayed content in active content area 1408 for TV Series.

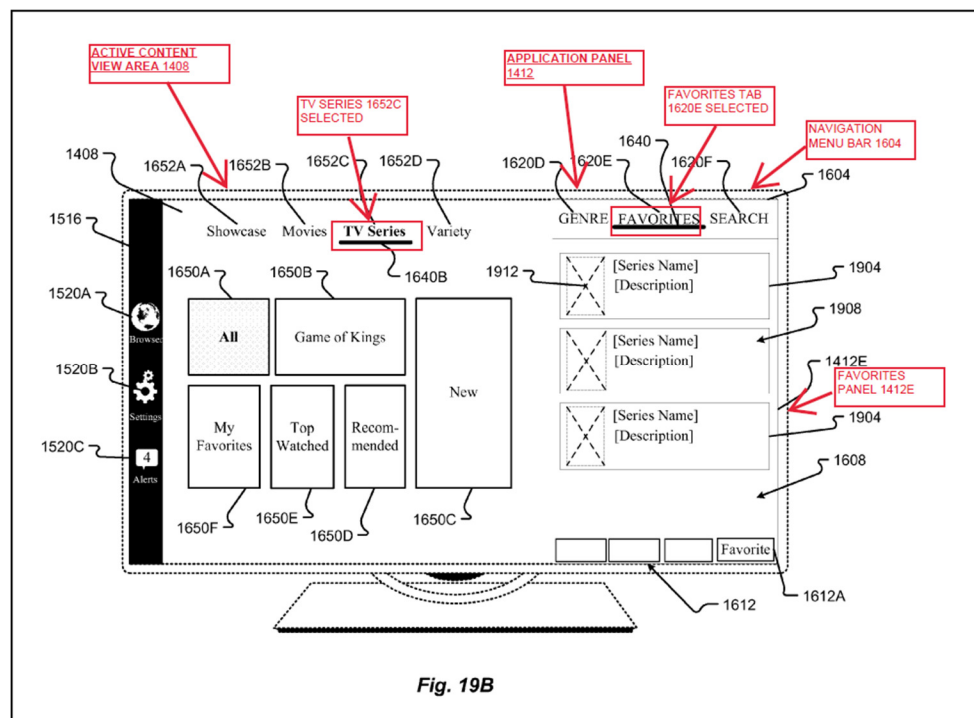
137. The '174 Patent describes that the user can make further selections to “drill down” to receive more information about the content in the active content area 1408 and present it in in the Info panel 1412A in application panel 1412:

The user may select content within the content active area 1408 Master View by selecting different top categories such as “Showcase” 1652A, “Movies” 1652B, “TV Series” 1652C, or “Variety” 1652D. Additionally, an indicator, such as indicator 1640B, may display which top category is selected or has the current focus. ... Within each top category 1652A-D, the user may make additional selections to **choose the desired content**. For example, when the user has selected the top category “TV Series” 1652C, the user may make **additional content selections** by selecting tiles 1650 such as an “All” 1650A tile, a specific TV series “Game of Kings” tile 1650B, a “New” tile 1650C, a “My Favorites” tile 1650F, a “Top Watched” tile 1650E, or a

“Recommended” tile 1650D. Thus, if top category TV Series 1652C is selected and the Game of Kings tile 1650B is selected, **the info panel 1412A content area 1408 may show information about that specific TV series.**

’174 Patent, 38:47-64, Fig. 20A. Accordingly, the Info panel 1412A in the application panel 1412 will display information corresponding to the currently-displayed content in active area 1408 for the Game of Kings series.

138. Figure 19B depicts the application panel 1412 where the Favorites panel view 1620E has been selected so that a Favorites panel 1412E is presented:



’174 Patent, Fig. 19B (annotated).

139. The '174 Patent describes the Favorites panel 1412E presented in the application panel 1412 as follows for when the TV Series tab 1652C has been selected in the active content area 1408:

For example FIG. 19A illustrates an example of an application panel 1412 when “Favorites” is selected. In such an instance, one of the favorites panel 1412[E] ... provides a list [of] recommendations based on content that a user has marked as special or favorite. ...

FIG. 19B shows the favorites panel 1412E when the user selects TV Series 1652C within the on demand application 456. ... The user may select content within the content active area 1408 by selecting different top categories such as “Showcase” 1652A, “Movies” 1652B, “TV Series” 1652C, or “Variety” 1652D. Additionally, an indicator, such as indicator 1640B, may display which top category 1652 is selected or has the current focus. ... Within each top category 1652A-D the user may make additional selections to choose the desired content. For example, when the user has selected “TV Series” 1652C, the user may make additional selections such as “All” 1650A TV series, a specific TV series “Game of Kings” 1650B, “New” 1650C TV series, “My Favorites” 1650F TV series, “Top Watched” 1650E TV series, or “Recommended” 1650D TV series. Thus, if TV Series 1652C is selected and All content 1650A is selected, the favorites panel 1412E may show a list 1908 of favorite TV series.

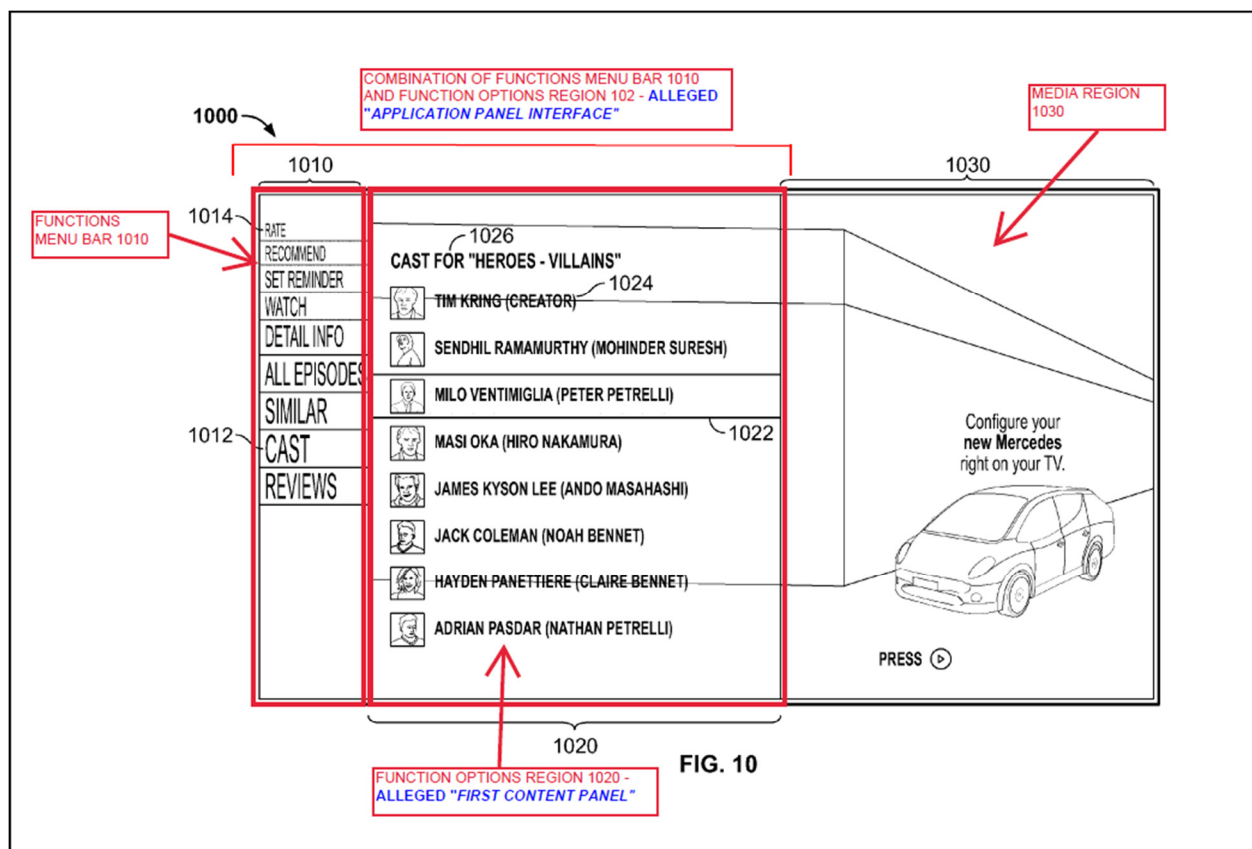
'174 Patent, 36:31-37:15, Figs. 19A-B.

140. Thus, when the Favorites panel view 1620E is selected for application panel 1412, and TV Series 1640B and All 1650A are selected in the active content

area 1408, the application panel 1412 will be a Favorites panel 1412E that displays favorites information corresponding to the TV series content currently-displayed in active display area 1408.

2. Woods Does Not Disclose That Regions 1010/1020 in Figure 10 Are Based on the Displayed Content in Media Region 1030 to Meet Limitation 1.5.1

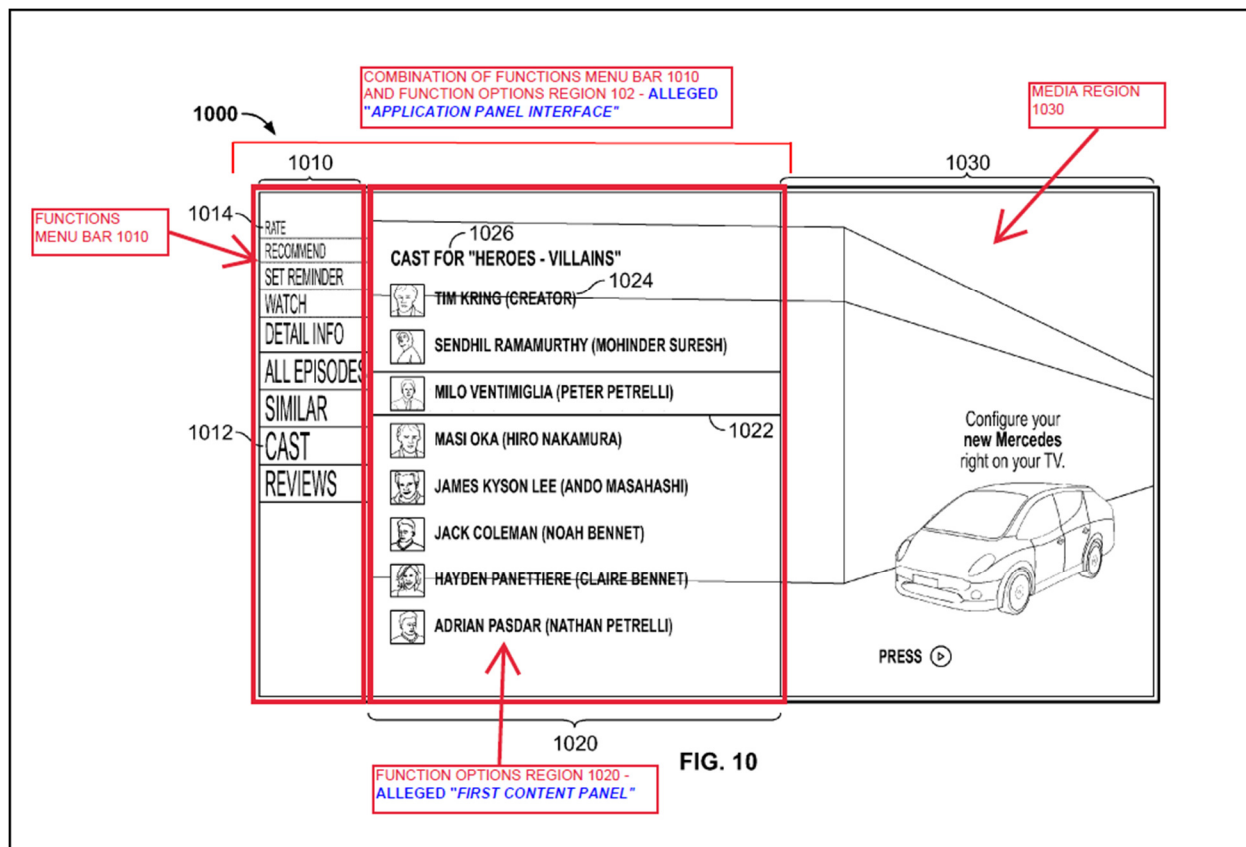
141. The Petitioner argues that the claimed “*application program interface*” is the combination of function region 1010 and options region 1020 in display 1000 of Figure 10 of Woods, and the claimed “*first content panel*” is options region 1020:



Woods, Fig. 10 (annotated). See Pet., 42-44.

142. A POSITA would understand that Woods Figure 10 does not meet limitation 1.5.1 because the information in options region 1020 (alleged “*first content panel*”) is not based on the currently-displayed content in media region 1030.

143. The Petitioner asserts that the information displayed in region 1020 (alleged “*first content panel*”) is based on the program content “that is currently displayed in region 1030.” Pet., 40-41; Lippman Decl., ¶ 104. However, a POSITA would readily understand that the information displayed in region 1020 is based on the **selected program listing** (e.g., Heroes 912) made by the user in Figure 9, not the currently-displayed content in media region 1030 of Figure 10. In fact, region 1020 of Figure 10 presents information about the selected program listing for Heroes and is not based on the Mercedes advertisement displayed in media region 1030:



Woods, Fig. 10 (annotated).

144. Woods describes Figure 10 as follows:

[0170] FIG. 10 shows an illustrative display screen 1000 of functions corresponding to a **selected program listing** displayed accordance with an embodiment of the invention. Screen 1000 may include a **functions menu bar 1010**, **function options region 1020** and a media region 1030.

[0171] Functions menu bar 1010 may display of list of indicators of functions associated with the **media asset** corresponding to the **program listing selected** from screen 900 (FIG. 9) or a media asset selected in accordance with other embodiments of the invention. Some of the functions that may be associated with a particular media asset

may include requests for reviews, a list of the cast members, list of similar media assets, broadcast or schedule information of the media asset (which may include other air times of the media asset), a list of all episodes of the media asset, detailed description of the media asset, watch or access the media asset, set or schedule reminders for the media asset, schedule a recording for the media asset, provide a rating for the media asset.

Woods, [0170]-[0171] (all emph. added).

145. Woods discloses that the function options region 1020 displays a list of “options or items” for the selected function (e.g., Cast) in the functions menu bar 1010 based on the **selected program listing** 912 (Heroes). Woods describes that selecting a different indicator in functions menu bar 1010 causes the function options region 1020 to present different information on the Heroes program that is the selected program listing:

[0175] Function options region 1020 may display a list of options or items relating to the indicator of the function in focus in functions menu bar 1010. 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. In particular, 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.

[0178] Options or items provided in function options region 1020 when the “cast” function indicator is in focus may include a selectable list of

all or most of the cast members that are present in the media asset **corresponding to the selected program listing**. For example, when the media asset corresponding to the program listing is “Heroes,” **a list of the cast members in Heroes** may be displayed. ...

Woods, [0175], [0178] (emph. added).

146. Accordingly, Woods teaches that options region 1020 (alleged “*first content panel*”) displays information based on the “selected program listing” (Heroes) from the program guide of Figure 9. The Petitioner admits that region 1020 displays information “corresponding to the program listing selected from screen 900.” Pet., 41. Options region 1020 does not display information based on the currently-viewed content in media region 1030 in Figure 10. The point is confirmed because the media region 1030 in Figure 10 provides a Mercedes advertisement, which is not related to the information for the selected program listing of Heroes that is displayed in region 1020 of Figure 10. Woods, Fig. 10.

147. In deposition, the Petitioner’s expert agreed that media region 1030 depicted an advertisement for Mercedes, which is unrelated to the content presented for Heroes in region 1020 in Figure 10. Ex. 2013 [Dep. Tr. Lippman], 72:14-17 (Q: “What does that appear to be displaying? A: “In that illustration?” Q: “Yes.” A: “Something like a Mercedes ad.”), 151:1-7 (A. “Well, in the scenario that Woods demonstrates, he actually shows you a Mercedes commercial. So he doesn’t show you the content that you are currently watching on live television.”).

148. Woods describes that the media region 1030 can display an advertisement (like the Mercedes ad), a currently-tuned program, or other video content:

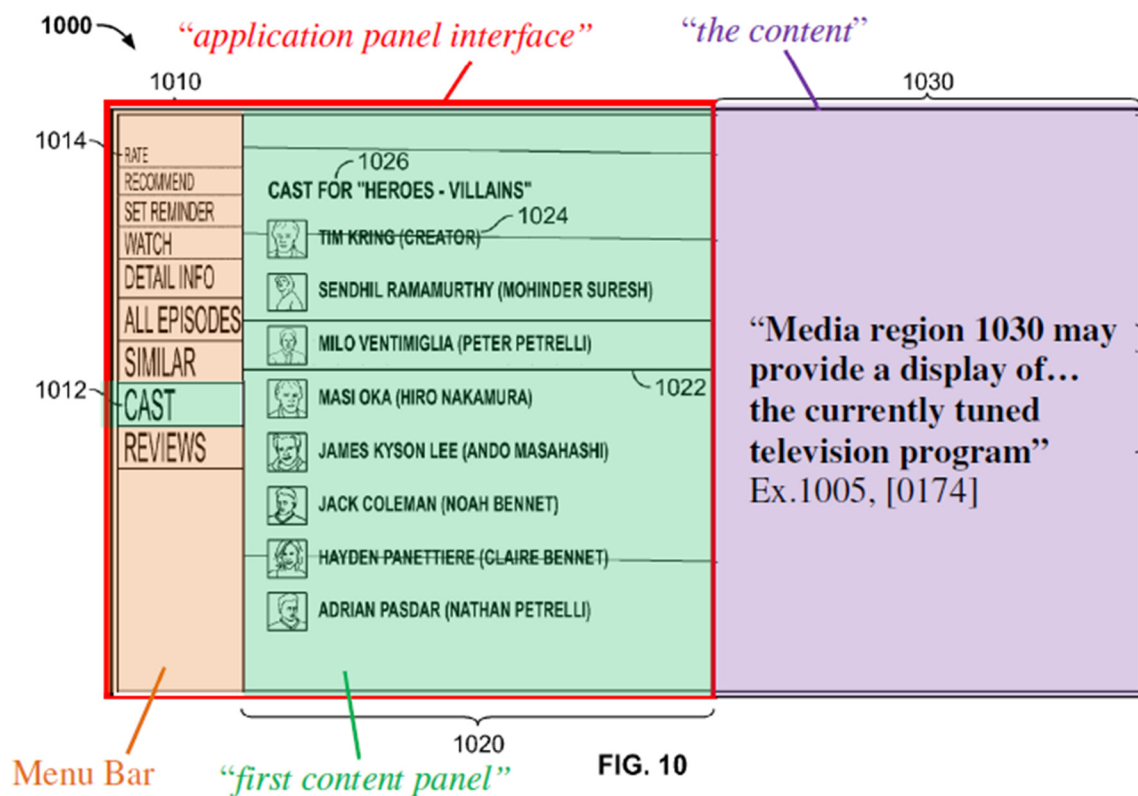
Media region 1030 may provide a display of an advertisement, a video, a clip, the currently tuned television program, icon, image, text or any other suitable media. For example, media region 1030 may provide a video clip or textual description of the media asset corresponding to the program listing selected from screen 900 (FIG. 9) or a media asset selected in accordance with other embodiments of the invention. Media region 1030 may also be selectable (e.g., using a movable cursor or highlight region).

Woods, [0174]. A POSITA would readily understand that Woods does not teach or suggest that the content presented in options region 1020 is based on the content displayed in the media region 1030. Media region 1030 could display content related to the selected program listing (e.g., a video clip from Heroes). Still, the content presented in region 1020 is based on the selected program listing 912 for Heroes from Fig. 9, not the video clip in media region 1030.

149. It is very clear from Woods' disclosure that the information displayed in region 1020 is **determined independently** of the currently-viewed content in media region 1030. Nowhere does Woods disclose that the content in region 1020 is determined based on the currently-displayed content in region 1030. Regardless of whether media region 1030 displays an advertisement, a clip from Heroes, or some

other content, the content presented in options region 1020 is based on the selected program listing from Figure 9, not what is displayed in media region 1030. Accordingly, region 1020 is not a “*first content panel*” that is based on the currently-displayed content in media region 1030, and thus does not meet limitation 1.5.1.

150. The Petitioner presents a modified Figure 10 (Pet., 42, 44; Lippman Decl., ¶¶ 105, 111) depicting a “currently tuned television program” in media region 1030:



Ex.1005, Fig. 10 (modified/annotated); Ex.1003, ¶111.

Woods, Fig. 10 (modified and annotated by Petitioner).

151. The Petitioner’s modified Figure 10 does not change the analysis regarding limitation 1.5.1. As explained previously, the information in region 1020 (alleged “*first content panel*”) is based on the selected program listing from the program guide (Heroes), not based on the currently-tuned program. The information in options region 1020 is **not** “based on the currently displayed program (e.g., Heroes),” as alleged. Pet., 44; Lippman Decl., ¶¶ 111-112. Instead, the information in region 1020 is based on the **selected program guide listing** (Heroes) **from the program guide** of Figure 9. As I stated above, nowhere does Woods teach or suggest that the content displayed in region 1020 is determined based on the content displayed in media region 1030.

152. In sum, the content displayed in region 1020 is determined **independently** from the content displayed in media region 1030. Thus, region 1020 is not the claimed “*first content panel*” based on a content source or content information for the currently-displayed content in media region 1030. Limitation 1.5.1 is not satisfied by Woods.

3. The Alleged Background Knowledge from the Extraneous References of Istvan and CurioView Does Not Cure the Deficiencies of Woods Regarding Limitation 1.5.1

153. The Petitioner and its expert present a back-up argument by reference to Istvan and CurioView, which allegedly reflect background knowledge in the art. Pet., 45 (referencing Ex. 1006 [Istvan] and Ex. 1007 [CurioView]); Lippman Decl.,

¶ 114. However, these extraneous references allegedly disclosing background knowledge fail to fill the gap in Woods for limitation 1.5.1.

154. Ground 1 does not identify Istvan or CurioView as a reference. These references are presented as allegedly representing what was known in the art at the time of the invention of the '174 Patent. The alleged background knowledge these references support is “displaying information about the content currently being viewed by a user.” Pet., 45. However, the claim does not generically provide for “displaying information about the content currently viewed.” Rather, it provides for providing a “*first content panel [that is] a first type of application panel*” that is based on “*identifying ... a content source [and/or] content information*” for currently-displayed content, pursuant to limitations 1.4 and 1.5.1. The alleged background knowledge does not meet that requirement.

155. Furthermore, the claimed “*first content panel*” is provided in an “*application panel interface*,” which is a special panel interface as discussed in more detail with respect to limitation 1.2 below. The alleged background knowledge does not pertain to an “*application panel interface*.” Additionally, the claimed first content panel is a “*first type of application panel*,” and the alleged background knowledge does not pertain to types of application panels. In short, the alleged background knowledge is not tied to the claim language.

156. The Petitioner and its expert also have not provided any argument or supporting evidence that a POSITA would have an apparent reason to combine the alleged background knowledge of “displaying information about the content currently being viewed by a user” with Woods. See Pet., 45; Lippman Decl., ¶ 114.

157. A POSITA would not have reason to combine the alleged background knowledge of “displaying information about the content currently being viewed by a user” with display 1000 of Figure 10 of Woods. As discussed above, the purpose of regions 1010 and 1020 is to present information based on a **program listing** selected from a **program guide**, not information based on “content currently being viewed by a user.” See Section VIII.B.2 above. Accordingly, there is no reason to modify the program listing-based regions 1010/1020 to instead be based on currently-viewed programming.

158. Furthermore, a POSITA would not make the proposed modification because the result would run counter to the objective of Woods of providing information based on the selected program listing. A POSITA would not have made the proposed modification.

159. The Petitioner also makes no showing that the proposed modification to Woods based on the alleged background knowledge would have a reasonable expectation of success. See Pet., 45; Lippman Decl., ¶ 114. In this case, there would

not be a reasonable expectation of success for the reasons explained above as to why a POSITA would not have reason to make the combination.

160. Accordingly, the alleged background knowledge does not fill the gap in Woods regarding limitation 1.5.1.

C. Woods Fails to Teach or Suggest Limitation 1.2 for “In Response to the First Input, Displaying ... an Application Panel Interface”

161. Limitation 1.2 provides for “*displaying ... an application panel interface*” in response to a user input. A POSITA would understand the ordinary and customary meaning of “*application panel interface*” as referring to a panel interface providing information that is determined based on currently-displayed program content.

1. The ’174 Patent Consistently Describe the Application Panel Interface As a Panel Interface That Provides Information Determined Based on Currently-Displayed Program Content

162. The specification of the ’174 Patent repeatedly and consistently describes an “*application panel interface*” as being a panel interface that provides information that is determined based on currently-displayed program content. See ’174 Patent, Figs. 16A-16C. For example, the ’174 Patent discloses (all *emph. added*):

[A]n **application panel** is provided that allows quick access to core functionality, provides an unobtrusive design which allows for the active

media to always be in view, provides a consistent user experience across all applications, and provides **focused contextual content**.

'174 Patent, 3:65-4:2.

The content displayed in the application panel 1412 **depends on the content displayed in content view area 1408**. Stated another way, application panel 1412 is contextually dependent upon the **source of content and the content itself** in content view area 1408.

'174 Patent, 32:16-20.

The [application] panel content area [1608] is also **active content area specific ...**

'174 Patent, 33:1-3.

Application panel 1412 may then display context specific information **corresponding to the active content area 1408**.

'174 Patent, 33:61-63.

The information panel [1412A] provides the user with information **related to the current active review**.

'174 Patent, 37:31-32.

Application panel 1412 may then display context specific information **corresponding to the active content area 1408**.

'174 Patent, 37:59-61.

For example, an additional information region 1662 may display a mini-list of recommended shows displaying the show name and show description and **pertaining to the active content area 1408**. For example, a mini-list of recommended shows 1662 displaying the show name and show description and pertaining to the active content area 1408 may be displayed in the application panel 1412. Alternatively, a

mini-list of the next episodes displaying the show name and show description may be provided in additional information section 1662. Moreover, additional information **pertaining to the active content area 1408** may be presented to a user in the additional information region 1662.

'174 Patent, 38:5-16, Fig. 20A.

163. As a further example, Figure 20A depicts the application panel interface 1412 providing information based on the Game of Kings program in active content area 1408:

Thus, if top category TV Series 1652C is selected and the Game of Kings tile 1650B is selected, the info panel 1412A content area 1408 may show information about that specific TV series.

'174 Patent, 38:61-64, Fig. 20A.

164. Accordingly, the repeated and consistent characterization of application panel interface in the specification is that it refers to a panel interface providing information that is determined based on currently-displayed program content.

2. Woods Does Not Teach or Suggest the “Application Panel Interface” of Limitation 1.2

165. The Petitioner and its expert assert that the claimed “*application panel interface*” of limitation 1.2 is the combination of the functions region 1010 and options region 1020 in Figure 10 of Woods. Pet., 22-26; Lippman Decl., ¶¶ 70-74. The Petitioner identifies the alleged “*application panel interface*” as follows:

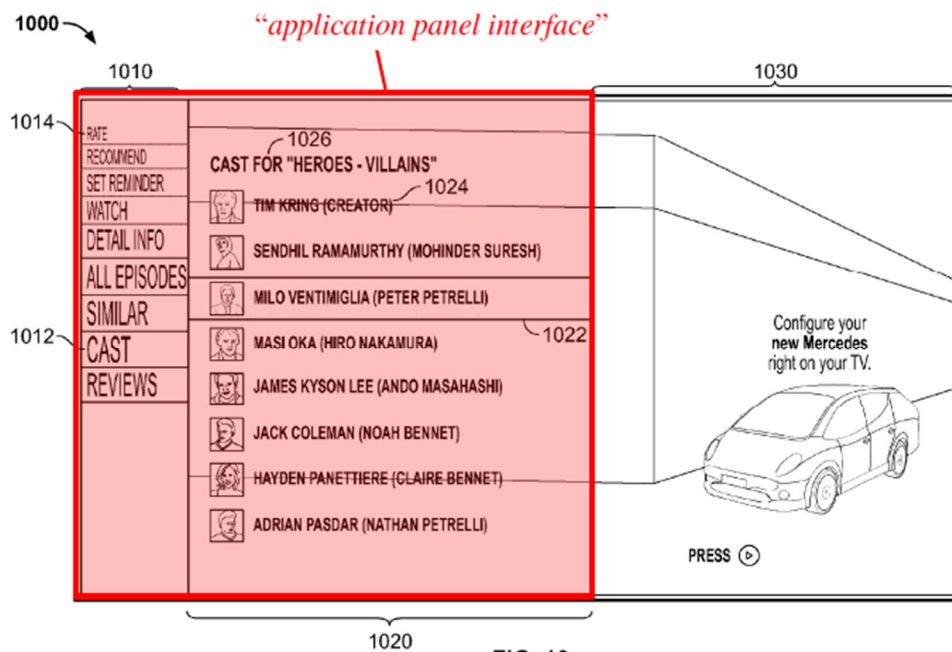


FIG. 10

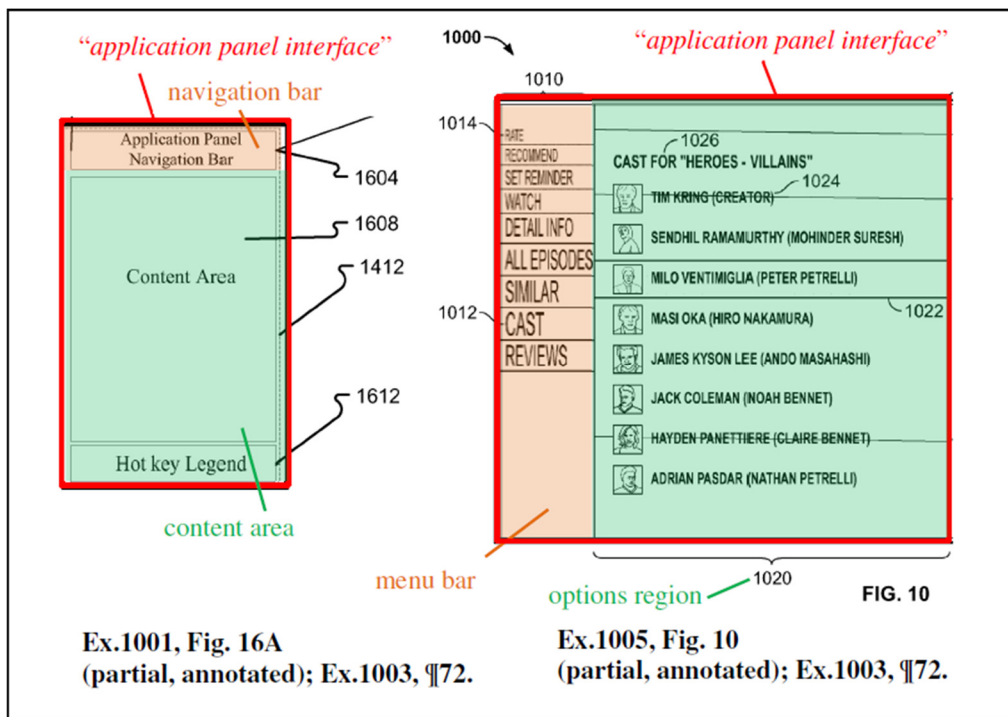
Ex.1005, Fig. 10 (annotated); Ex.1003, ¶71.

Pet., 24 (Woods, Fig. 10, annotated by Petitioner); Lippman Decl., ¶ 71.

166. However, function region 1010 and options region 1020 of Figure 10 are determined based on the program listing selected by the user from the program guide of Figure 9, as admitted multiple times by the Petitioner and its expert. Pet., 23 (“As shown below in Fig. 10, in response to the **user selecting the program listing** corresponding to ‘Heroes’ ... the television displays screen 1000 with functions menu bar 1010 and function options region 1020.”); Lippman Decl., ¶ 71 (same); Pet., 26 (“Thus, Woods discloses that in response to the **user’s input command to select a program listing** ... displaying, via the television, a functions menu bar 1010 and a function options region 1020 ...”); Lippman Decl., ¶ 74 (same) (all emph. added).

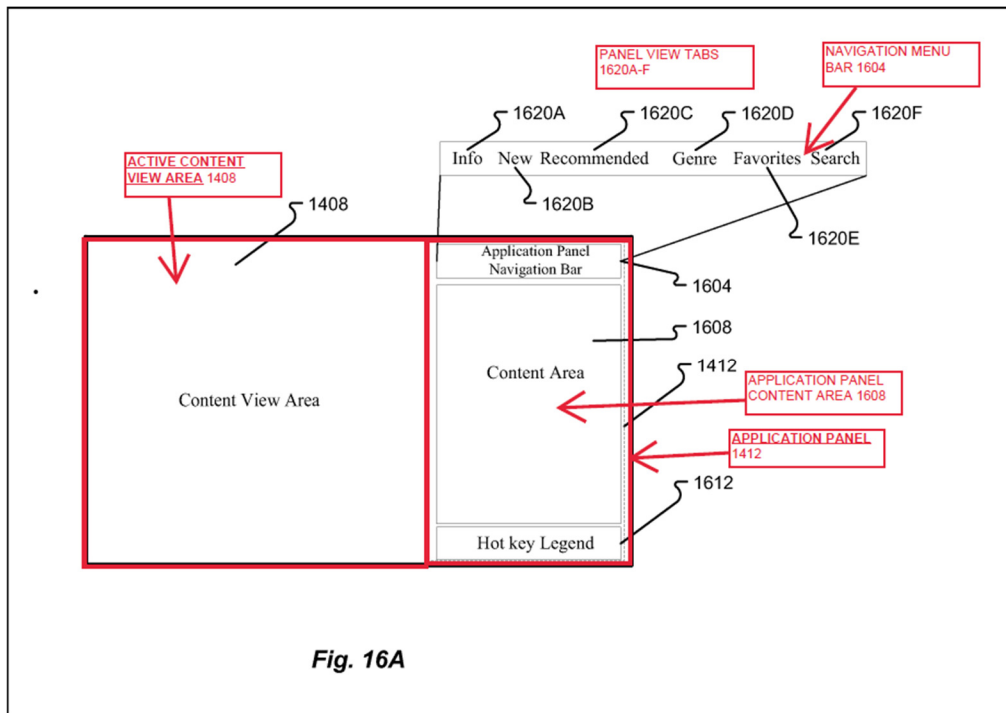
167. The function region 1010 and options region 1020 are not determined based on the currently-displayed content in media region 1030 (e.g., Mercedes advertisement). Indeed, Woods teaches that the information in function region 1010 and options region 1020 is **determined independently** of any currently-displayed content in media region 1030. For this reason and the reasons set forth in Section VIII.B.2, Woods does not teach or suggest an “*application panel interface*” providing information that is determined based on currently-displayed program content in media region 1030 to satisfy limitation 1.2.

168. The Petitioner and its expert never establish that region 1010 and region 1020 in Woods meet limitation 1.2 for the claimed “*application panel interface*.” See Pet., 22-26; Lippman Decl., ¶¶ 70-74. The Petitioner presents a comparison of Figure 16A of the ’174 Patent and Figure 10 of Woods:



Pet., 26 (Petitioner’s excerpted and annotated Fig. 16A of ’174 Patent and Fig. 10 of Woods).

169. The comparison highlights the distinction between Woods and the claimed “*application panel interface*.” The full Figure 16A of the ’174 Patent is presented below:



'174 Patent, Fig. 16A (annotated).

170. Figure 16A includes active content area 1408 with currently-displayed content. As described throughout the '174 Patent, the application panel interface 1412 is based on the currently-displayed content in active content area 1408. See Section VIII.B.1. On the other hand, the information in functions region 1010 and options region 1020 in Figure 10 of Woods is based on the selected program listing from the program guide, not the currently-displayed content in media region 1030. See Section VIII.B.2.

171. Accordingly, limitation 1.2 for displaying an “*application panel interface*” is not met by Woods.

D. Woods Fails to Teach or Suggest Limitations 1.5 and 1.7 for Providing a “First Content Panel [that] Is a First Type of Application Panel” and Providing a “Second Content Panel [that] Is a Second Type of Application Panel.”

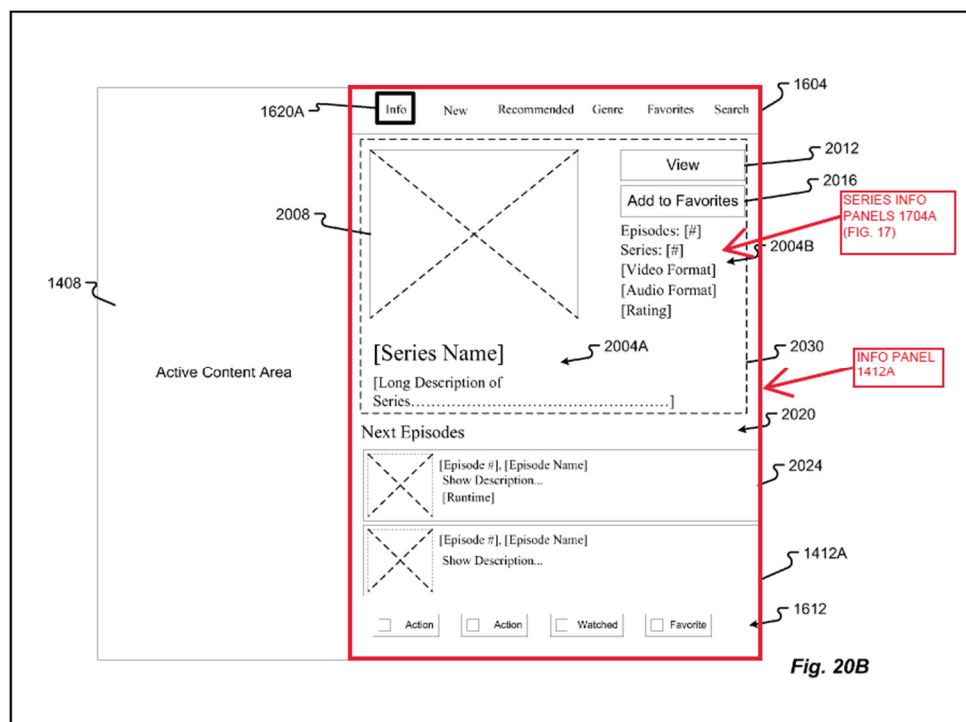
172. Limitations 1.5 and 1.7 provide for “*a first content panel in the application panel interface [that] is a first type of application panel*” and “*a second content panel ... in the application panel interface [that] is a second type of application panel.*”

1. Disclosure in '174 Patent

173. The '174 Patent discloses a user interface including an application panel interface 1412 that is based on an active content area 1408. The application panel includes panel view tabs 1620A-E that can be selected to provide different panel views in the application panel, such as an Info panel 1412A when the Info panel view 1620A is selected. '174 Patent, Figs. 16A-B, 20A-B, 32:46-62. The Info panel 1412A may be presented using a **specific panel type** such as the series panel 1704A from Figure 17A. See '174 Patent, Fig. 20B. '174 Patent, Figs. 17A, 20B, 35:38-40 (“The categories of panels may include, but are not limited to, ‘Info Views’ 1704 having **panel types corresponding to 1704A-1704J**”), 39:21-23 (“When the info panel view 1620A has a focus, an **info panel type, such as series info 1704A**, may be presented in a detailed information region”). In another example, a Favorites panel 1412E can be provided when the Favorites panel view 1620E is selected. '174 Patent, Figs. 16A-B, 19A-B. The Favorites panel 1412E may be presented using a

specific panel type such as the **panel types 1716C-D** from Figure 17B. '174 Patent, Figs. 17B, 19A, 36:17-19 (for the Favorite panel 1412E “the **panel type will correspond to one of 1716C and 1716D** depending on whether the user has selected movies on demand or TV series”).

174. For example, Figure 20B depicts an Info panel 1412A presented when the Info panel view 1620A is selected:



'174 Patent, Fig. 20B (annotated). The Info panel 1412A uses the panel type 1704A for Series Info from Figure 17A.

175. The '174 Patent describes Figure 20B as follows:

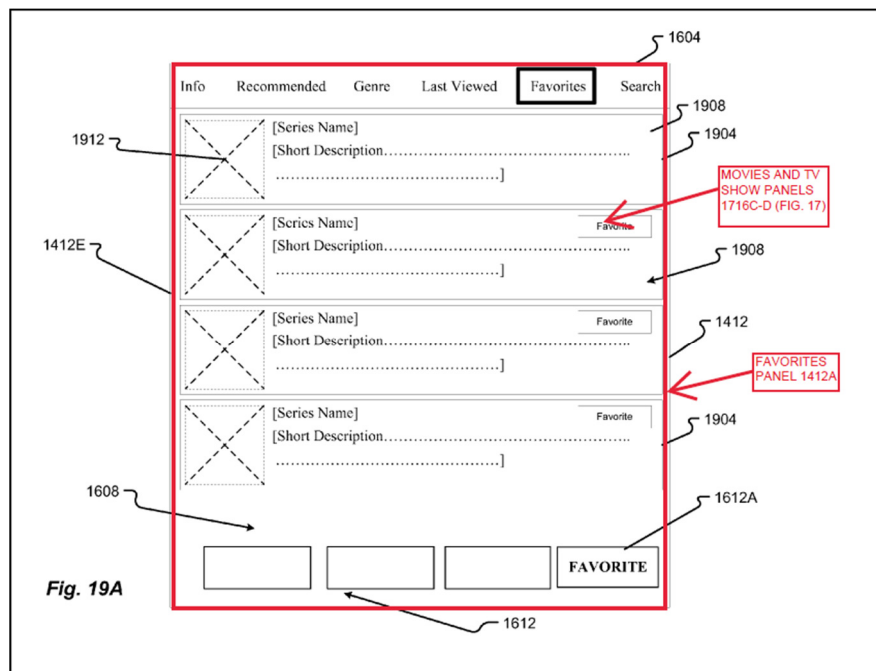
FIG. 20B depicts an example when the info panel tab 1620A has a focus, i.e., the info panel 1412A is selected and shown, in accordance with some embodiments of the present disclosure. When the info panel

view 1620A has a focus, **an info panel type, such as series info 1704A**, may be presented in a detailed information region 2030. The series info 1704A may be presented when the content displayed in the content active area 1408 is associated with content having series information, such as video on demand 456 TV series 1652C. ... The series information 2004A and 2004B may comprise information related to or associated with content having series information, such as a TV series, or the like.

'174 Patent, 39:18-32 (emph. added), Fig. 20B.

176. Thus, the '174 Patent discloses that selecting Info panel view 1620A results in the display of *“a first content panel [that is] a first type of application panel”* per limitation 1.5.

177. In another example, Figure 19A depicts a Favorites panel 1412E presented when the Favorites panel view 1620E is selected:



'174 Patent, Fig. 19A (annotated). The Favorites panel 1412E has the panel type 1704C for Movies or 1704D for TV Shows from Figure 17B. '174 Patent, Fig. 17B. Thus, the Favorites panel 1412E correspond to a “*a second content panel [that is] a second type of application panel*” per limitation 1.7.

178. The '174 Patent describes Figure 19A as follows:

For example FIG. 19A illustrates an example of an application panel 1412 when “Favorites” is selected. In such an instance, one of the favorites panel 1412A corresponding to 1716C-1716D provides a list [of] recommendations based on content that a user has marked as special or favorite. The favorites panel 1412A provides a favorites list 1908 comprising a vertical scrollable collection of items 1904 that a user has marked as a favorite. In some embodiments, it offers a series name and a short description.

'174 Patent, 36:31-39 (emph. added), Fig. 19A.

179. Accordingly, the '174 Patent discloses an Info panel 1412A and a Favorites panel 1412F that correspond to the “*first content panel [that] is a first type of application panel*” and a “*second content panel [that] is a second type of application panel.*”

2. The Function Options Region 1020 in Woods is a Single Content Panel Presenting Two Different Sets of Information, Not A First Content Panel Of a First Type of Application Panel and a Second Content Panel of a Second Type of Application Panel

180. The Petitioner asserts that Woods options region 1020 is the claimed “*first content panel*” and it is a “*first type of application panel*” when it presents “Cast” information as depicted in Figure 10. Pet., 45-46; Lippman Decl., ¶¶ 116-118.

181. First, Woods does not even discuss types of content panels. The Petitioner argues that the same Woods options region 1020 is a “*second content panel*” that is a “*second type of application panel*” when it presents different information such as “detailed information” when “Detail Info” is selected. Pet., 48-50; Lippman Decl., ¶¶ 127-129.

182. In each case, the same options region panel 1020 is used. Woods, Fig. 10. In the first case, the options region panel 1020 is displayed with “cast” information such as the cast members of Heroes. In the second case, the options region panel 1020 is displayed with “detailed information” about Heroes. Woods is merely inserting two different sets of information into a single content panel type, options region panel 1020, not using two different types of content panels.

183. Indeed, Woods explains that options region 1020 initially displays cast information and then it replaces that information with detailed information:

[0175] Function options region 1020 may display a list of options or items relating to the indicator of the function in focus in functions menu bar 1010. 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. In particular, 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.

[0176] For example, when the “cast” function indicator is in focus and the user desires to bring the “detailed description” function indicator into focus which may be, for example, three indicators away from the “cast” function indicator, the **list of options or items displayed in function options region 1020 may change** three times. In particular, to bring the “detailed description” function into focus, the user may press an up arrow key three times. 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.

[0178] Options or items provided in function options region 1020 when the **“cast” function indicator is in focus** may include a selectable list of all or most of **the cast members** that are present in the media asset **corresponding to the selected program listing**. For example, when the media asset corresponding to the program listing is “Heroes,” **a list of the cast members in Heroes** may be displayed. ...

Woods, [0175]-[0176], [0178] (emph. added).

184. The above passages demonstrate that Woods' options region 1020 is a single type of content panel displaying different sets of information; options region 1020 is not multiple types of content panels, as required by limitations 1.5 and 1.7 of Claim 1.

185. On the other hand, the '174 Patent discloses multiple content panels of different panel types, such as (1) the Info panel 1412A having panel type 1704A in Figure 20B, and (2) the Favorites panel 1412E having panel type 1716C in Figure 19A, as explained above in Section VIII.D.1 above. Woods' disclosure of a single content options region panel 1020 with different sets of information is a single panel type, and thus does not meet limitations 1.5 and 1.7.

186. This point was raised in the Patent Owner Preliminary Response. The Decision on Institution (DI) did not reach the issue that Woods is displaying two different sets of information in a single type of content panel (options region panel 1020), not presenting two different types of content panels. See POPR, Paper 6, at 33-35; Instn. Dec., 32-33. The DI focused on the fact that the term "panel" is broadly described in the '174 Patent. Instn. Dec., 33. However, the claim recites not just a "panel," but a "*first type of application panel*" and a "*second type of application panel*." Woods does not meet limitations 1.5 and 1.7.

3. The Petitioner’s Alternative Argument that Information Region 1120 in Figure 11 of Woods is the Second Content Panel of a Second Type of Panel Is Without Merit

187. The Petitioner provides an alternative argument that the information region 1120 in display 1100 of Figure 11 is the claimed “*second content panel*” of a “*second type of application panel*.” Figure 11. Pet., 51-52; Lippman Decl., ¶¶ 133-136.

188. If a user selects an item from the program-specific display of Figure 10 (e.g., Milo Ventimiglia from the list of cast members), a third-level display providing information on the selected item (Milo Ventimiglia) is presented in Figure 11. Woods, Figs. 9-11. Figure 11 is presented below:

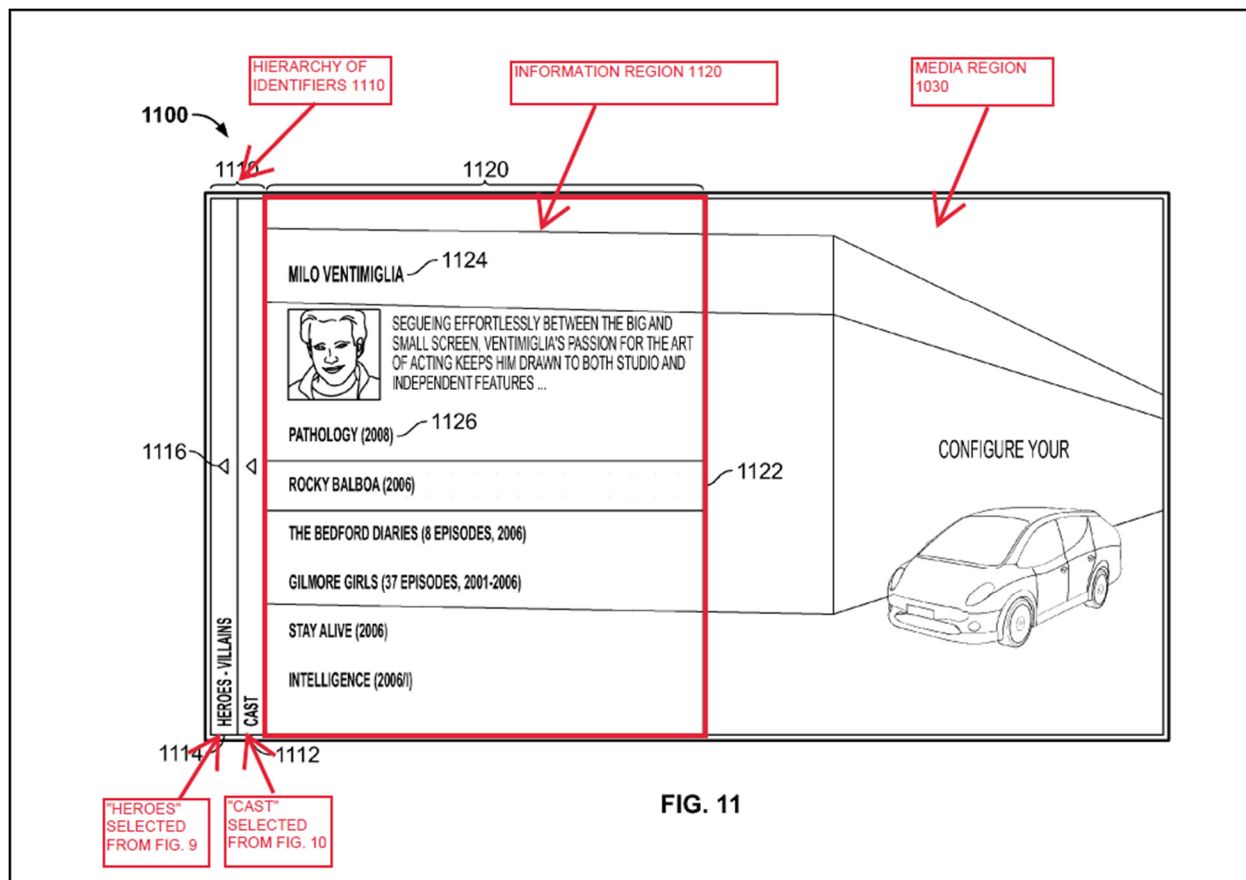


FIG. 11

Woods, Fig. 11 (annotated), [0183]-[0187].

189. Woods describes the third-level display screen of Figure 11 as follows:

[0183] FIG. 11 shows an illustrative display screen 1100 of information corresponding to an option or item selected from region 1020 in accordance with an embodiment of the invention. Screen 1100 may include a hierarchy of identifiers 1110, an information region 1120 and media region 1030.

[0184] The identifiers displayed in hierarchy of identifiers 1110 may correspond to previously selected items that are associated with a media asset. For example, as the user selects (or confirms selections) of items from previous menus, an identifier may be added to hierarchy of

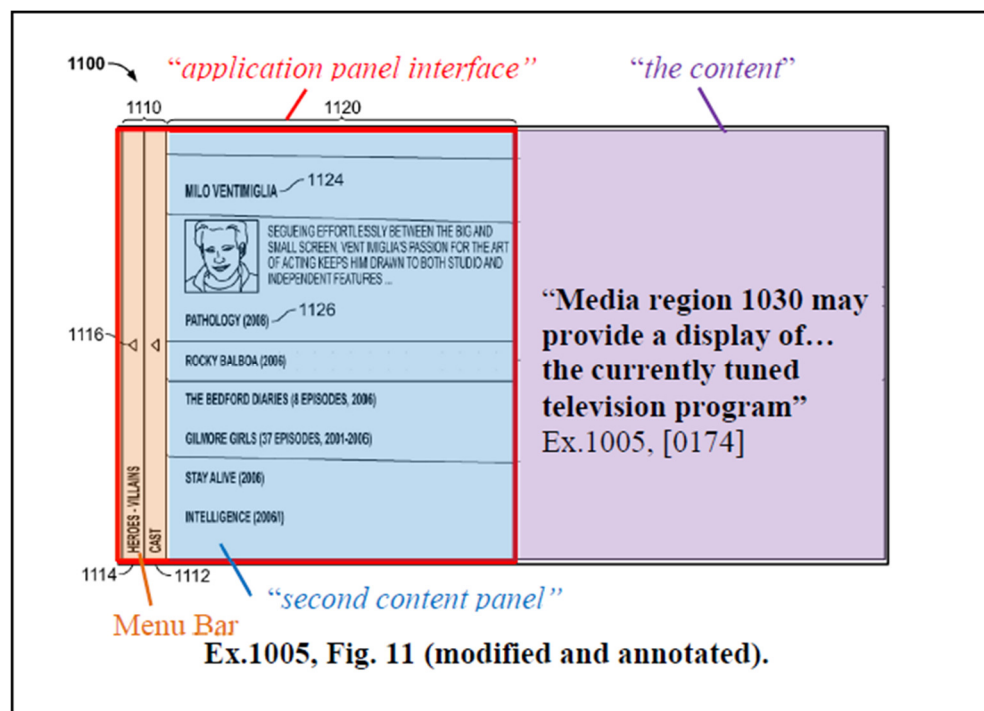
identifiers 1110 to remind the user of the previous selections. In particular, the user may first have selected a program listing corresponding to the media asset “Heroes.” Accordingly, the first identifier 1114 in hierarchy of identifiers 1110 may identify the selection of the media asset “Heroes” by providing a picture, video, text or other information that identifies that media asset to the user. After the user selected the media asset, the user may have selected an item corresponding to a function from functions menu bar 1010 (FIG. 10) that provided a list of cast members. Accordingly, the second identifier 1112 in hierarchy of identifiers 1110 may identify the function “cast” from which the item selection was made by providing a picture, video, text or other information that identifies that function selection to the user. Second identifier 1112 may be displayed adjacent to and/or under first identifier 1114 of the first selection of the media asset.

[0185] The user may browse through prior selections in the hierarchy by, for example, pressing a left arrow key. For example, when “cast” is identified at the bottom of the hierarchy (indicating that items associated with the cast function were last displayed in region 1120), the user may press a left arrow key and as a result, the items associated with the cast function may be displayed in region 1120 in the same manner as shown in region 1020 (FIG.10). Second identifier 1112 for the cast function may be removed from the hierarchy. A subsequent selection of the left arrow key may bring up a display in region 1120 of information corresponding to the selected media asset since as first identifier 1114 in the hierarchy may indicate a media asset selection. ...

[0186] Information about the selected item from the items displayed in region 1020 may be displayed in region 1120. For example, when the actor (e.g., Milo Ventimiglia) is the item that is selected from the items corresponding to the “cast” function indicator, information about the actor may be displayed in region 1120. The information may include a picture of the actor, a short description about the actor and other media assets which feature the selected actor. The information may be retrieved from local storage or from a website or remote source via the Internet.

Woods, [0183]-[0186].

190. According to the Petitioner, the second content panel of a second type would be the information region 1120 labeled as the “second content panel” below:



Pet., 51 (Fig. 11 annotated by Petitioner).

191. However, the claim requires that the first content panel of a first type of application panel and the second content panel of a second type of application panel are each presented in the same application panel interface (“in **the** application panel interface”), as set forth in limitations 1.5 and 1.7. According to the Petitioner, the “*application panel interface*” for the “*first content panel*” for limitation 1.5 corresponds to regions 1010 and 1020 in Figure 10:

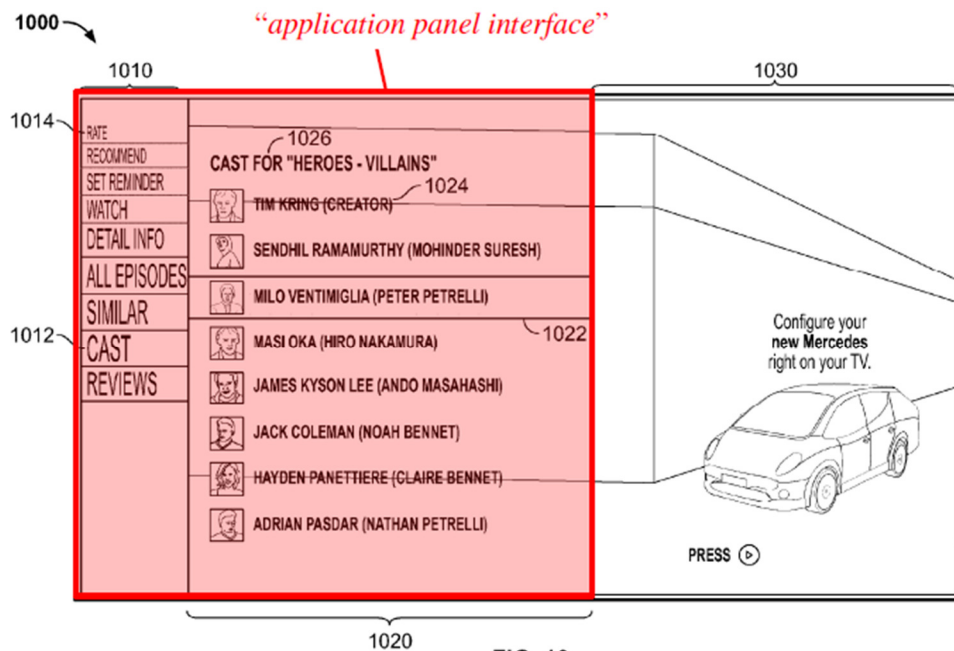


FIG. 10

Ex.1005, Fig. 10 (annotated); Ex.1003, ¶71.

Pet., 24 (Woods, Fig. 10, annotated by Petitioner); Lippman Decl., ¶ 71.

192. Thus, the alleged “*application panel interface*” in Petitioner’s annotated Figure 11 (regions 1110 and 1120) for the “*second content panel*” in limitation 1.7 is different from the alleged “*application panel interface*” in Petitioner’s annotated Figure 10 for the “*first content panel.*” Accordingly,

Petitioner’s alterative argument does not meet the requirement that the first content panel of a first panel type and the second content panel of a second panel type are presented in the same “*application panel interface*.”

193. Accordingly, Woods does not meet limitations 1.5 and 1.7 for a first content panel of a first panel type and a second content panel of a second panel type.

E. Woods Does Not Disclose “Determining ... a Second Content Panel [that] is a Second Type of Application Panel” in Response to a User Input

194. Limitation 1.7 provides for “*determining ... a second content panel [that is] a second type of application panel*” that is based on a user input.

195. As discussed above for limitations 1.5 and 1.7 regarding the “*first content panel*” and the “*second content panel*,” Woods discloses the display of an options region panel 1020 in Figure 10. As explained by the Petitioner, options region panel 1020 first displays “cast” information. Then the focus on the menu bar changes from “cast” to “detailed description” so that the options region panel 1020 instead displays “detailed description information.”

196. The Petitioner states:

For example, in the context of [1.5.1], functions options region 1020 had first list of options or items (“first content panel”) that facilitated the presentation of “cast” type of information. In the context of the present [1.7.1], a POSITA would have understood that the functions options region 1020 **changes** to a second list of options or items

(“second content panel”) displayed within region 1020 that facilitate the presentation of “detailed description” type of information.

Pet., 49 (original emph.).

197. Woods thus discloses that firstly, the options region panel 1020 is displayed with “cast” information, and secondly, when the user makes an input to select a different function, different information (“detailed information”) is displayed within options region panel 1020. When the user makes that input, the options region panel 1020 (alleged “*second content panel [that is]] a second type of application panel*”) is **not determined in response to the user’s input** because the options region panel 1020 is **already present** and on display. Woods thus does not teach or suggest that a new panel type is determined in response to the user input of selecting a new function per limitation 1.7. In contrast, the ’174 Patent describes in detail (in an exemplary embodiment) how a panel type is determined in response to a user input:

The method 2400 starts 2401 when a user sends a request to activate a panel. The user may activate a panel through various commands, such as by selecting the application panel button, touching the touch sensitive display screen 212, by speaking a voice command, by providing a gesture using the gesture capture regions 224, 228, by operating a pointing device 168i, and/or the like. **An input event manager 508 is operable to receive the request 2402 and is operable to determine the type of panel requested 2404.** After determining the type of panel requested 2404, the input event manager 508 can send the

request to the panel manager 536. The panel manager is operable to retrieve metadata from memory 308 associated with the media item that had focus when the user requested activation of the panel and based on **the type of panel requested**. ... After the personal metadata is retrieved, the panel manager can **display the requested application panel type** 2406.

After the user has activated a panel, **the user may request a new panel type** by navigating left or right using various commands. **The input event manager 508 is operable to determine if a user requests a new panel type**. If a user requests a new panel type 2408, the input event manager receives the request 2402, **determines the type of panel requested** 2404, and sends the request to the panel manager 536 which can **display the requested panel type** 2406.

'174 Patent, 42:37-67 (emph. added). In Woods, there is no determination of a *“second content panel [that is] a second type of application panel”* in response to a user input per limitation 1.7.

198. The Petitioner's analysis points to the fact that the information in the options region 1020 “change[s] or [is] updated” when the user makes the new input. Pet., 49-50. But the mere change of information in the already-displayed options region 1020 is not *“determining ... a second content panel ... [that] is a second type”* **in response to the new user input** per limitation 1.7. The options region 1020 is **already present** when the user makes the new input, so it is not determined in response to the user input, as required by limitation 1.7. The Petitioner also makes a

back-up argument that the information region 1120 in Figure 11 is the claimed second content panel of a second type. Pet., 51. But the information region 1120 is not the claimed second content panel in the same “*application panel interface*” as the first content panel, as required by Claim 1, as explained above in Section VIII.D.3. Woods does not meet limitation 1.7.

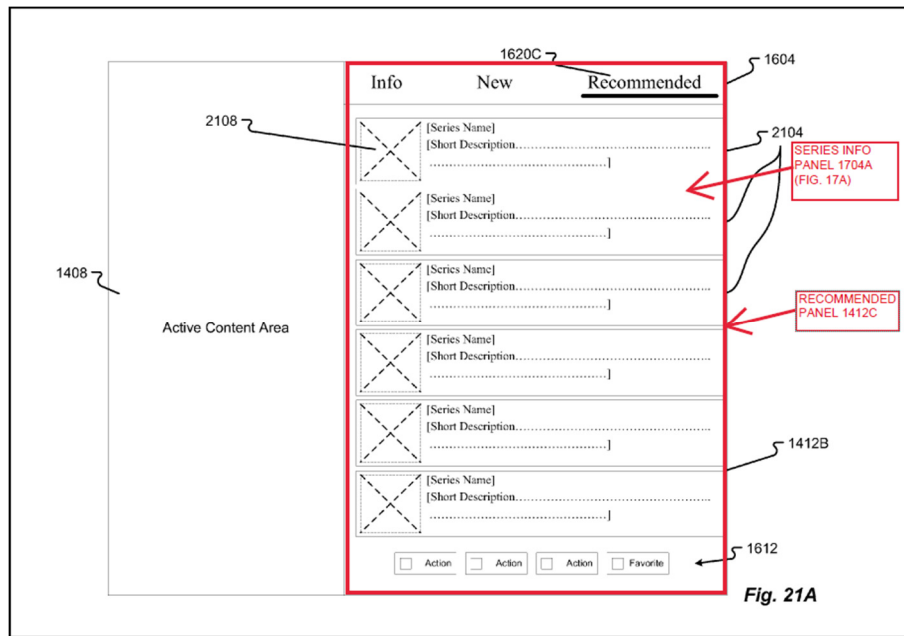
F. Claims 2-3, 5 and 11-13 Are Patentable Over Woods

199. Dependent Claims 2-3, 5 and 11-13 are patentable over Woods for at least the same reasons as Claims 1 and 10.

G. Claim 4 Is Patentable Over Woods

200. Claim 4 provides for “*receiving a second directional input*” and “*determining, based on a second direction associated with the second directional input, a third content panel to display.*”

201. The '174 Patent discloses that a user can select Recommended panel view 1620C to cause the display of a Recommended panel 1412C. The Recommended panel 1412C presents a series panel type 1704A or a movies panel type 1708J. '174 Patent, 35:26-45, Figs. 16B, 17A. Figure 21A is presented below:



'174 Patent, Fig. 21A, 40:37-67. The '174 Patent states that “[i]f the user is watching Episode 5 of a TV series in video on demand [in active content area 1408], then the recommended panel 1412C provides recommended TV series related to Episode 5.”)

202. The Petitioner asserts that the “*third content panel*” is the options region 1020 of Woods when “Reviews” are presented in options region 1020. Pet., 65-66. However, as discussed in Section VIII.D, Woods uses the same content panel (options region 1020) with different information (reviews information). Woods does not teach or suggest “*determining ... a third content panel*” pursuant to Claim 4.

203. The Petitioner offers an alternative argument that information region 1220 in Figure 12 of Woods is the claimed “*third content panel*.” Pet., 66-67. This argument fails because information region 1220 is not presented in regions

1010/1020 of Figure 10 (allegedly, the “*application panel interface*”) and thus it is not the claimed “*third content panel*.” See Section VIII.D.3.

H. Claims 6 and 14 Are Patentable Over Woods

204. Claim 6 provides that “*the second content information [displayed in the second content panel] comprises information associated with content information marked as favorite.*” Claim 14 is similar and is patentable for at least the same reasons as Claim 6.

205. For example, as discussed previously, the ’174 Patent discloses that a Favorites panel 1412E with favorites information is displayed if the user selects Favorites panel view 1620E. See ’174 Patent, Figs. 16A, 19A-B. The Favorites panel 1412E in application panel 1412 will present favorites information based on the currently-displayed content in active content area 1408.

206. Under the Petitioner’s theory for limitations 1.8-1.9, the “*second content information*” is the “detailed information” presented in options region 1020 for the Detail Info option in functions region 1010 based on the program listing (Heroes) selected in the program guide of Figure 9 of Woods. Pet., 49-50, 57.

207. Woods makes a general reference that a user can set favorite information for channels or programs. Woods, [0043], [0060]. However, Woods does not remotely teach or suggest that the “detailed information” for the Detail Info option presented for Heroes in the user interface of Figure 10 would include

information indicating favorite channels or programs. Woods, Fig. 10. For this reason, Claim 6 is patentable over Woods.

208. The Petitioner argues that that there would be occasions when the currently-tuned program happens to be one that the user marked as a favorite. Pet., 69-70. However, even in that case the displayed second information content (“detailed information” for Detail Info) would not include favorites information for the reason stated in the paragraph immediately above. See Woods, Figs. 9-10.

209. The Petitioner also makes a back-up argument that it would be obvious to modify Woods’ functions bar 1010 to add a tab for favorites. Pet., 70-72. However, this obviousness theory fails because the Petitioner’s theory is that the “*application panel interface*” is met by regions 1010/1020 of Figure 10. Figure 10 of Woods is a **program-specific display** for information related to a **selected program listing** (Heroes) from the program guide of Figure 9. Functions bar 1010 provides **program-specific functions** like Rate, Cast, Detail Info, and so forth, for the selected program. Woods, Fig. 10. A POSITA would not have reason to modify functions bar 1010 to add a favorites function that is system-level information for all possible channels/programs, not program-specific information.

210. The Petitioner and its expert also reference options region 126 but that pertains to the program listings display of Figure 1 of Woods. Figure 1 is a different embodiment from Figure 10, which is the basis for the Petitioner’s obviousness

theory. Figure 1 does not teach or suggest displaying favorites, and it does not teach or suggest the alleged “*application panel interface*” allegedly met by regions 1010/1020 of Figure 10. Accordingly, Figure 1 does not fill the gap in Woods regarding Claim 6, nor does it provide a reason to modify Figure 10 of Woods to add a favorites function tab.

211. Accordingly, Claim 6 is patentable over Woods.

I. Claim 7 Is Patentable Over Woods

212. Claim 7 provides that the “*second content information comprises information associated with TV series episode content information.*”

213. The ’174 Patent discloses in Figure 20B an Information panel 1412A in application panel 1412 that presents episode information in 2004B and 2024 based on the currently-displayed program in active content area 1408. ’174 Patent, Fig. 20B. Further, Figure 17 illustrates that Info Views can include a panel for episode information 1704G. ’174 Patent, Fig. 17A.

214. Woods does not teach or suggest that the alleged “*second content panel*” (Woods region 1020) with “*second content information*” (“detailed information”) includes “*TV series episode content information.*” See Woods, Fig. 10, [0176].

215. The Petitioner argues that there would be occasions when a currently-tuned program in **media region 1030** of Woods is a TV series. Pet., 72-73. However,

the “*second content information*” is allegedly delivered by options region 1020 for limitations 1.7-1.8. Thus, any content in the media region 1030 is not relevant. The Patent Owner has already established that the information presented in regions 1010/1020 of Woods is based on the selected program listing from the program guide of Figure 9, and is not based on the currently-viewed program in region 1030, whatever that program might be. Accordingly, Woods does not teach or suggest that the claimed “*second content information*” is TV series episode content information per Claim 7.

216. The Petitioner presents another argument based on Woods’ functions menu bar 1010 including an “All Episodes” function. Pet., 73. Woods discloses that the All Episodes function provides “a list of all episodes of the media asset” that “corresponds to the program listing selected from screen 900 (FIG. 9).” Woods, [0171]. However, the Petitioner’s theory for limitation 1.7 is that the “*second content panel*” is region 1020 providing “detailed information” when the **Detail Info** function is selected in functions bar 1010. Pet., 49-50. Accordingly, the Petitioner’s theory for Claim 7 based on selecting All Episodes in functions bar 1010 as the “*second content information*” contradicts its theory for Claim 1 which is that the “*second content information*” is based on selecting Detail Info in functions bar 1010.

217. Accordingly, Claim 7 is patentable over Woods.

J. Claim 8 Is Patentable Over Woods

218. Claim 8 provides that “*the second type of content panel is a search panel.*”

219. The ’174 Patent discloses a Search panel view 1620F that will render a search panel 1412F as the application panel interface 1412. ’174 Patent, Figs. 16A, 22. Figure 17B depicts several search panel types 1712A-B. ’174 Patent, Fig. 17B.

220. The Petitioner’s theory for Claim 1 is that the “*second type of content panel*” is met by Figure 10 of Woods where the options region 1020 presents “detailed information” when the Detail Info function is selected in region 1010. Pet., 49-50. Options region 1020 is not a search panel and the “detailed information” provided does not include a search option. Thus, Woods does not teach or suggest that options region 1020 is a search panel.

221. The Petitioner refers to a completely different embodiment in Figure 8 of Woods, which is a display having **system-level settings** 820, such as TV Guide, Search, tips, and so forth. Woods, Fig. 8. See Pet., 75. Figure 10 of Woods, on the other hand, provides a **program-specific** options region 1020 relating to a specific program listing (Heroes). It is my opinion that a POSITA would not modify the program-specific options region 1020 of Figure 10 to include system-level settings from Figure 8.

222. The Petitioner and its expert do not establish that a POSITA would have a reason to modify Figure 10 of Woods to include the functions search menu from Figure 8 or that there would be a reasonable expectation of success. Pet., 75-76. The assertion is presented without any analysis:

Accordingly, it would have been obvious for the menu bar 1010 to include a “search” option as shown elsewhere in Woods, as shown below at modified and annotated Figure 10.

Pet., 75; Lippman Decl., ¶ 215 (*verbatim*).

223. Accordingly, Claim 8 is patentable over Woods.

K. Claim 9 Is Patentable Over Woods

224. Claim 9 is patentable for at least the same reasons as Claim 1.

IX. CLAIMS 6, 8, AND 14 ARE PATENTABLE OVER WOODS AND ISTVAN (GROUND 2)

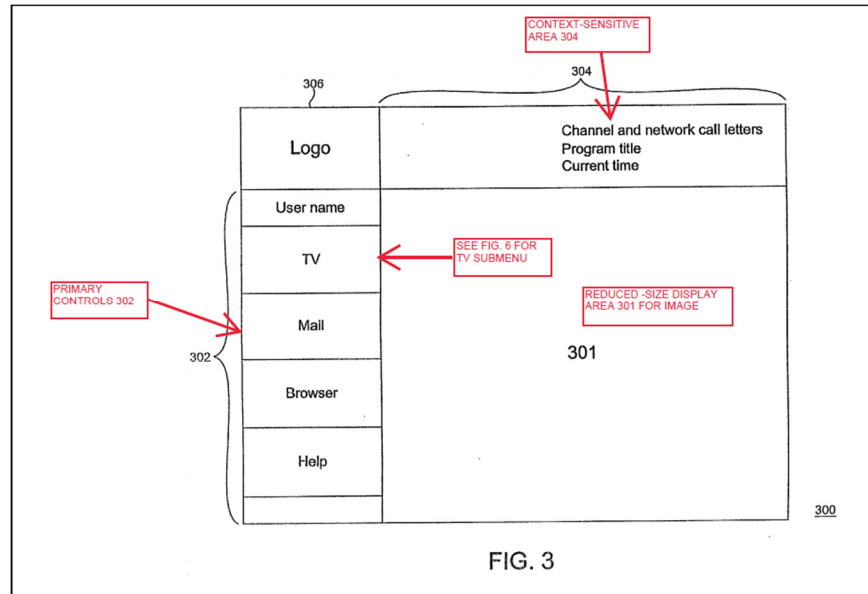
225. Claims 6 and 14 provide that “*the second content information comprises information associated with content information marked as favorite.*”

226. Claim 8 provides that “*the second type of content panel is a search panel.*”

A. Istvan (Ex. 1006)

227. Istvan is generally directed to interactive program guides. Figure 3 of Istvan depicts a user interface 300 including a reduced-area 301 for displaying a program, primary controls 302 that provide system-level functions, and a context-

sensitive area 304 having information related to the program being displayed in area 301:



Istvan, Fig. 3 (annotated), [0040]-[0044].

228. Istvan describes the user interface of Figure 3 as follows:

[0041] The UI includes a group of primary or “permanent” controls 302 on a first side of the reduced-size area 301, a context-sensitive area 304 on a second side of the reduced size area 301 (perpendicular to the first side), and a logo area 306 at the intersection of the two sides. In the example layout 300 shown in FIG. 3, the primary controls 302 include user (“user name”), TV, mail, browser, and help controls or control icons.

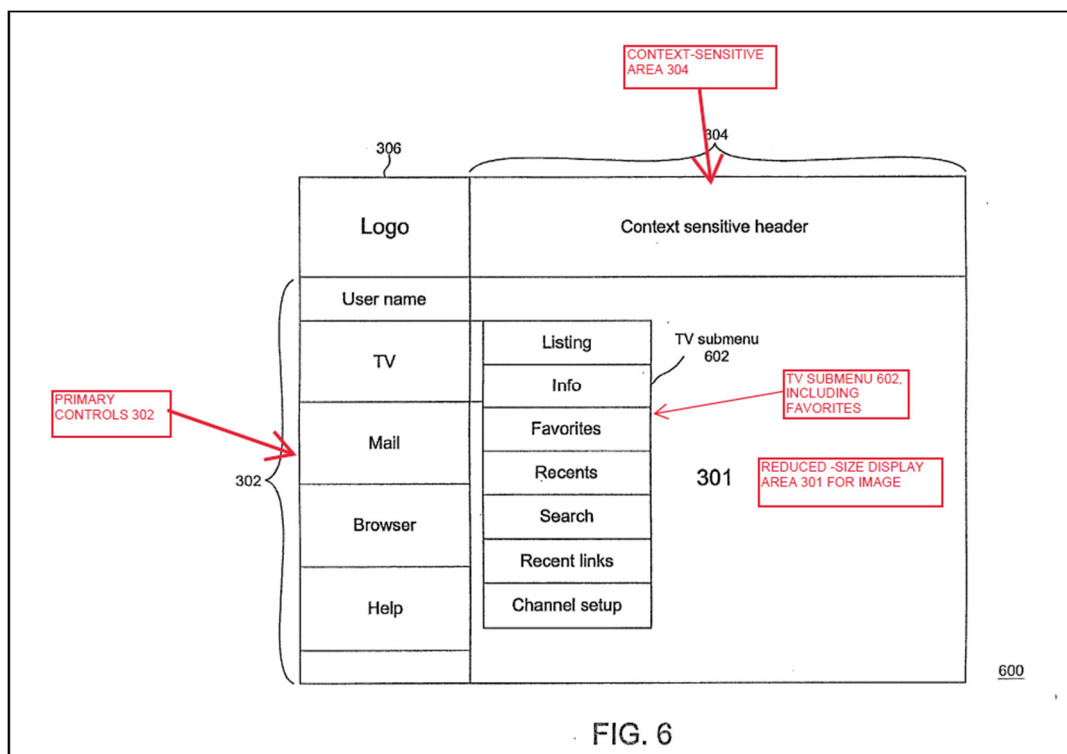
[0042] Selection of these primary control icons typically reveals a corresponding submenu. For purposes of illustration, described in detail below are a selection of such submenus. First, an, example of a user submenu 502 is described below in relation to FIG. 5. Second, an

example of the TV Submenu 602 is described below in relation to FIG.

6. ...

Istvan, [0041]-[0042].

229. If a user selects a system-level function in primary controls 302 such as “TV”, a new user interface is presented that includes a TV submenu 602 with its own system-level functions that can be selected for more information:



Istvan, Fig. 6 (annotated).

230. Istvan describes that a TV submenu 602 as follows:

[0054] FIG. 6 depicts an example layout 600 of a UI with a TV submenu 602 activated in accordance with an embodiment of the present invention. The TV submenu 602 is activated by selecting the

“tv” on-screen control from the group of primary controls 302. The TV submenu 602 may include various selections.

[0057] The TV “favorites” selection provides a user with a list of his/her favorite TV channels. When a TV channel is selected from the favorite list, then the embedded TV display changes to that channel.

Istvan, [0054], [0057].

B. Claims 6, 18, and 14 Are Patentable Over Woods and Istvan

231. The Petitioner’s theory for Claim 1 is that the “*second type of content panel*” is met by the options region 1020 presenting “detailed information” when Detail Info is selected in region 1010 in Figure 10 of Woods. Pet., 49-50. In that mode, options region 1020 does not display favorites information (Claims 6, 14). Pet., 49, 52. Options region 1020 does not present a search panel (Claim 8). Woods on its own does not render Claims 6, 8, and 14 unpatentable.

232. For Claims 6 and 14, the Petitioner relies on Istvan’s disclosure of a program guide (Figure 3) having a system-level TV control 302 that can be selected to provide a system-level TV submenu control 602 (Figure 6) including a favorites function. Istvan, Figs., 3, 6.

233. For Claim 8, the Petitioner relies on the system-level TV control 302 that can be selected to provide a search function. Istvan, Figs. 3, 6.

234. The Petitioner’s proposal is to modify the function menu 1010 in Figure 10 of Woods to include a favorites function and a search function based on Istvan to attempt to meet Claims 6, 8, and 14. Pet., 83-85; Lippman Decl., ¶¶ 250-251.

1. The Proposed Combination Does Not Meet the Limitations in Claims 6, 8, and 14

235. Even if the proposed combination was made, it would not meet the limitations of Claims 6, 8, and 14, because the result would be a functions menu 1010 including a favorites function and a search function, which would produce an options region 1020 with different information (a different “*second content panel*” with different “*second content information*”) from the options region 1020 with “detailed information” (original “*second content panel*”) that the Petitioner relies on for limitation 1.7. See Pet., 49-50.

236. The Petitioner’s theory for Claim 1 is that the claimed “*second content panel*” is the options region 1020 displaying “detailed information” on the selected program listing (Heroes) when the Detail Info function is selected. Pet., 49 (“a POSITA would have understood that the functions options region 1020 changes to a second list of options or items (‘*second content panel*’) displayed within region 1020 that facilitate the presentation of ‘detailed description’ type of information.”), 52 (“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*’).”).

237. Thus, the Petitioner’s proposal for Claims 6, 8, and 14 to modify Woods’ function menu 1010 to include a favorites function and a search function would result in options region 1020 presenting favorites information or a search bar. But the claims require that the favorites/search panel be in the same “*second content information*” in the same “*second content panel*” as Claim 1, which according to the Petitioner for limitation 1.7 is the display of “detailed information” when the Detail Info function is selected in functions bar 1010. The Petitioner’s theory for Claims 6, 8, and 14 contradicts and cannot be reconciled with its theory for Claim 1.

2. A POSITA Would Not Modify Woods as Proposed

238. A POSITA would not have reason to make the proposed modification of Woods’ function bar to add a favorite function and a search function. Istvan discloses a **system-level** program guide providing information for all channels and programs. Istvan, [0006], [0032]-[0033], [0038], [0054], Figs., 3, 6. The settings in Istvan for favorites and search in TV submenu 602 are **system-level settings**, not program-specific settings. Istvan, Fig. 6.

239. Figure 10 of Woods, on the other hand, is a user interface providing a **program-specific** options region 1020 relating to a selected program listing and based on the selected **program-specific function** from function menu 1010. Woods, Figs. 9-10. As depicted in Figure 10 of Woods, options region 1020 (alleged “*second content panel*” with “*second content information*”) provides **program-specific**

information for the selected program listing of Heroes. Further, the functions menu 1010 provides **program-specific functions** like Detail Info, Cast, and Reviews pertaining to a specific program. Woods, Fig. 10. A POSITA would not modify the program-specific functions region 1010 of Woods to include system-level settings like favorites and search from Istvan.

240. Regarding options region 1020, a POSITA would not have reason to it so that the “detailed information” about the selected program listing (Heroes) would further include a favorites function and a search function. A favorites function and search function are not program-specific, and accordingly a POSITA would not include them in the program-specific information provided for the selected program listing in options region 1020.

241. The Petitioner and its expert never address whether a POSITA would have an apparent reason to combine the specific option region 1020 display they rely on for limitation 1.7 (“*second content panel*” with “*second content information*”) with Istvan. See Pet., 84-85; Lippman Decl., ¶¶ 245-252. The Petitioner’s theory for Claims 6, 8, and 14 is not linked to what the Petitioner asserts is the “*second content panel*” in Claim 1, which is options panel 1020 with “detailed information” on a selected program listing. Instead, the Petitioner contradicts its theory for Claim 1 by asserting that for Claims 6, 8, and 14 the “*second content panel*” can instead be a “‘favorites’ option” or a “search option.” Pet., 86, 88.

242. Accordingly, a POSITA would not have reason to make the proposed modification to Woods, and thus Claims 6, 8, and 14 are patentable over the proposed combination of Woods and Istvan.

X. CLAIMS 1-14 ARE PATENTABLE OVER WOODS AND MACHIDA (GROUND 3)

243. The Petitioner relies on Machida (Ex. 1008) only to preemptively address an argument that the first content panel and the second content panel in Claim 1 (and Claim 10) must be predetermined. Pet., 90. The Petitioner relies on Machida's alleged teaching of selecting between two predefined panels for presentation in a display area. Pet., 90. I note that the Board determined that Machida was cumulative of Woods. Instn. Dec., 37. The Petitioner acknowledges that the "analysis of claims 1-14 with respect to Ground 3 is nearly identical to that of Ground 1." Pet., 94-95.

244. Independent Claim 1 is patentable because limitation 1.2, limitation 1.5, and limitation 1.7 are not met by Woods. See Section VIII above. Accordingly, there is no need for an argument based on whether the first content panel and second content panel are predetermined. Accordingly, independent Claims 1 and 10 and the various dependent claims are patentable over Woods and Machida for at least the same reasons set forth for Ground 1 in Section VIII.

245. Even though it is unnecessary to address the issue, my opinion is that a POSITA would not combine the teachings of Machida with Woods.

246. Machida (Ex. 1008) is generally directed to a digital content reproducing apparatus having a plurality of “user operation interfaces,” including a “linear content operation panel” and an “interactive content operation panel.” Machida, Figs. 2-4. The linear content operation panel and the interactive content operation panel are mutually exclusive. The apparatus monitors incoming content and automatically switches between the linear content operation panel and the interactive content operation panel. Machida, Abstract.

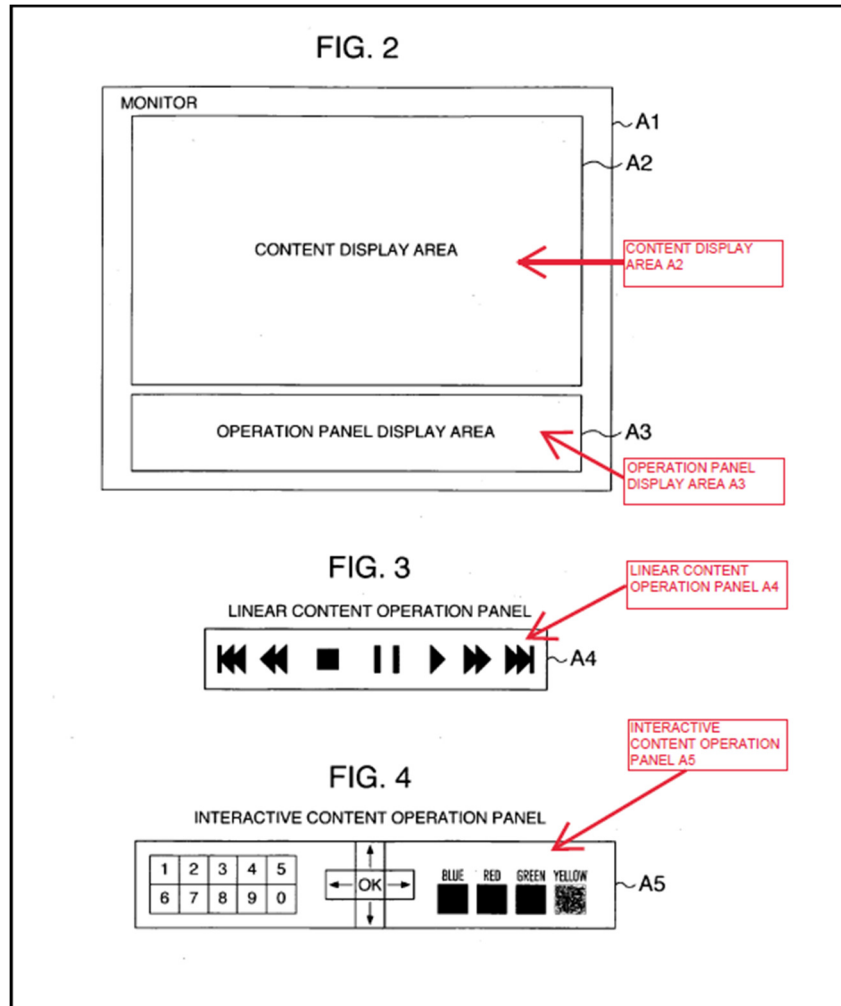
247. Machida discloses that a digital content reproducing apparatus uses different user operation interfaces based on monitoring the incoming digital content and selecting an appropriate “operational panel” for that digital content:

[0008] According to the digital content reproduction apparatus of the present invention, a plurality of user operation interfaces of the same size are provided, information on digital contents is monitored, and upon occurrence of a change in the information, the user operation interfaces are automatically and exclusively displayed in the same panel rendering area so that only usable operation keys can be displayed. Information on digital contents is monitored and display is controlled in accordance with digital content attributes.

Machida, [0008].

248. Figure 2 of Machida depicts a monitor with a content display area 2, and an operation panel display area A3. The operation panel display area A3 will display either a linear content operation panel A4 or an interactive content operation

panel A4. Machida, Figs. 2-4. Thus, one of two different operation panels A4 and A5 is selected to be presented in the operation panel display area A3 depending on the nature of the incoming digital data. Figures 2-4 are presented below:



Machida, Figs. 2-4.

249. Woods describes that the automatic selection between the two operation panels A4 and A5 is based on whether the received content is linear content such as moving video or it is interactive content:

[0031] FIGS. 2 to 4 show image display states during digital broadcast reproduction. A monitor A1 has a content display area A2 and an operation panel display area A3. During reproduction of **linear contents such as moving image contents**, a **linear content operation panel A4 is displayed** in the operation panel display area A3, **the linear content operation panel providing functions of reproduce, stop, temporary stop, fast forward, fast backward, previous skip, next skip and the like.**

[0032] During **reproduction of interactive contents such as data broadcast contents**, an **interactive content operation panel A5 is displayed** in the operation panel display area A3, **the interactive content operation panel providing functions of numerical keys from 0 to 9, up/down/right/left keys, a decide key, blue/red/green/yellow keys and other keys.**

Machida, [0031]-[0032] (emph. added).

250. A POSITA would readily understand that the two user operation panels of Machida are for **playback/navigation of content** displayed in the content display area of a TV monitor. They are quite distinct from the function options menu 1020 of Woods' Figure 10 that the Petitioner alleges to be the claimed "*first content panel*" (when displaying "cast information" for a selected program listing like Heroes) and the claimed "*second content panel*" (when displaying "detailed information" for the same selected program listing).

251. A POSITA would not combine the teachings of either of the operational panels of Machida with Woods. The options region 1020 in Figure 10 of Woods displays “options or items” based on a **selected program listing** such as Heroes. Woods, [0175], Fig. 10. Options region 1020 **does not provide for the playback or navigation of displayed content in media region 1030**. Woods, [0175]-[0178], [0180], Fig. 10. See Section VIII.B.2, VIII.C. A POSITA would have no reason to apply Machida’s teachings of operational panels for the playback/navigation of displayed content to Woods, which does not provide for the playback/navigation of displayed content in media region 1030 using options region 1020. Woods, Fig. 10. Further, the playback controls (play, fast forward, reverse, pause, etc.) of linear operational panel A4 for playback of video in Machida have no application to the “options or items” in options region 1020 of Woods. Likewise, the navigation controls (numbers 0-9, etc.) for interactive content operational panel A5 for navigating interactive content have no application to options region 1020 of Woods.

252. Additionally, the Petitioner argues that the teaching of one of Machida’s operational panels would be applied to Woods’ options region 1020 displaying “cast information,” and the other operational panel of Machida would be applied to options region 1020 displaying “detailed information.” Pet., 93-94, 96-97; Lippman Decl., ¶ 272. However, a POSITA would not make the proposed combination of Machida and Woods. A POSITA would not modify Woods’ options

region 1020 displaying cast information with either of Machida's operational panels for playback of content. As noted before, Woods options region 1020 does not perform playback of content displayed in media region 1030. Likewise, Woods' options region 1020 displaying detailed information about a selected program listing does not perform playback of content displayed in media region 1030. Accordingly, a POSITA would not make the proposed combination.

253. Claims 1-14 are thus patentable over Woods and Machida.

XI. CLAIMS 6, 8, AND 14 ARE PATENTABLE OVER WOODS, MACHIDA, AND ISTVAN (GROUND 4)

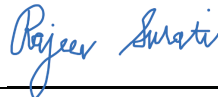
254. The Petitioner's entire analysis for Ground 4 consists of the following: "The analysis for claims 6, 8, and 14 is similar to that of Ground 2, but additionally relies on the analysis in Ground 3 with respect to the independent claims." Pet., 98.

255. Accordingly, the Patent Owner responds that Claims 6, 8, and 14 are patentable for at least the reasons set forth above for Ground 2 and Ground 3.

XII. CONCLUSION

256. I hereby declare that all statements made herein of my own knowledge are true and all statements made herein on information and belief were and are believed by me to be true, and that all statements herein were and are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,



Rajeev Surati

Dated: August 23, 2024