

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner.

Case IPR2024-00352
U.S. Patent No. 9,247,174

PATENT OWNER SUR-REPLY

¹ VIZIO, Inc. filed a petition in IPR2024-00696 and was joined as petitioner in this proceeding.

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Ex. 2002	Petition for Inter Partes Review Under 35 U.S.C. § 312 and 37 C.F.R. § 42.104, Vizio, Inc. v. Multimedia Techs. Pte. Ltd., IPR2024-00696 (PTAB) (filed Mar. 14, 2024)
Ex. 2003	Westlaw Litigation Analytics Report for Hon. Rodney Gilstrap, for 3/27/2023 to 3/27/2024
Ex. 2004	Docket Control Order, Multimedia Techs. Pte. Ltd. v. Vizio, Inc., No. 2:23-cv-00124 (E.D. Tex. Aug. 4, 2023), ECF No. 46
Ex. 2005	Report and Recommendation re: Motion to Dismiss, Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc. et al., No. 2:22-cv-00494 (E.D. Tex. Mar. 1, 2024), ECF No. 61
Ex. 2006	Defendants' Invalidity Contentions, Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc. et al., No. 2:22-cv-00494 (E.D. Tex.) (filed Sept. 28, 2023)
Ex. 2007	Petition for Inter Partes Review Under 35 U.S.C. § 312 and 37 C.F.R. § 42.104, Vizio, Inc. v. Multimedia Techs. Pte. Ltd., IPR2024-00694 (PTAB) (filed Mar. 14, 2024)
Ex. 2008	Defendant's Invalidity Contentions, Multimedia Techs. Pte. Ltd. v. Vizio, Inc., No. 2:23-cv-00124 (E.D. Tex. Sept. 28, 2023)
Ex. 2009	Order Adopting Report and Recommendations, Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc. et al., No. 2:22-cv-00494 (E.D. Tex. Mar. 28, 2024), ECF No. 65
Ex. 2010	Challenged claims of '174 Patent from Petition

Ex. 2011	Declaration of Rajeev Surati
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I. INTRODUCTION

U.S. Patent No. 9,247,174 (“the ’174 Patent”) is assigned to Multimedia Technologies Pte., Ltd. (“Multimedia” or “Patent Owner”). As explained below, the Petitioner’s Reply fails to rehabilitate the defective arguments in the Petition.

II. CLAIM CONSTRUCTION

The Patent Owner has applied the ordinary and customary meaning of the claim terms as understood in the context of the ’174 Patent, as discussed below.

III. INDEPENDENT CLAIMS 1 AND 10 ARE PATENTABLE OVER WOODS (GROUND 1)

A. Woods Fails to Teach or Suggest the “Application Panel Interface” of Limitation 1.2

1. Interpretation of “Application Panel Interface”

The “*application panel interface*” of limitation 1.2 encompasses a panel interface that provides information that is determined or based on currently-displayed program content. POR, 31-32.

The “*application panel interface*” is repeatedly and consistently and described in the ’174 Patent as a panel providing information that is based on currently-displayed program content. POR, 32-34; ’174 Patent, 32:16-17 (“The content displayed in the application panel 1412 depends on the content displayed in the content view area 1408”), 32:17-20 (“the application panel 1412 is contextually dependent on the ... content itself [displayed] in content view area 1408”), 33:1-3,

37:31-32, 37:59-61, 38:5-16, 38:61-64. Figs. 16A-16B, 20A. See Surati Decl., ¶¶ 161-163.

The Petitioner dramatically charges the Patent Owner with committing the “cardinal sin” of misreading the claim language to include an unrecited feature. Reply, 6-7. Yet, the Reply does not clearly identify the unrecited feature. Reply, 6-8.

Tellingly, the Petitioner does not dispute that the multiple citations to the specification of the '174 Patent repeatedly and consistently describe the application panel interface as providing information based on the currently-displayed program content. See Reply, 6-8. The Reply also does not dispute the evidence provided by the Patent Owner’s expert, Dr. Surati. Ex. 2011 (Surati Decl.), ¶¶ 161-164. See Reply, 6-8.

The Petitioner’s sole argument is that there is no “explicit definition” for the claim term. Reply, 7. But it is well established that the repeated and consistent characterization in the specification informs the meaning of a claim term, which is the case here. The Reply declines to address any of the case law citations provided by the Patent Owner on this point. See Reply, 6-8 (declining to address *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315, 1321 (Fed. Cir. 2005); *GPNE Corp. v. Apple Inc.*, 830 F.3d 1365, 1370 (1370);) *VirnetX, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1318

(Fed. Cir. 2014); *Irdeto Access, Inc. v. Echostar Satellite Corp.*, 383 F.3d 1295, 1300 (Fed. Cir. 2004)). See POR, 34 (citing same).

2. Woods Fails to Teach the “Application Panel Interface”

The Petitioner asserts that the claimed “*application panel interface*” is the combination of the functions menu bar 1010 and the function options region 1020 in Figure 10 of Woods. POR, 34-35 (citing Pet., 22-26). However, the functions bar 1010/options region 1020 of Woods are based on the user **selecting a program listing** (e.g., Heroes) 912 in the program guide of Figure 9, not **the currently-displayed program** as would be required by limitation 1.2. POR, 34-36.

The Reply admits that the functions bar 1010/options region 1020 are based on selecting a program listing from the program guide of Figure 9. Reply, 8 (“Woods further explains that Figure 10’s functions menu bar 1010 and options region 1020 correspond to the ‘program listing’ selected from Figure 9”). The Reply does not dispute that the Petition and its expert admitted multiple times that the functions bar 1010/options region 1020 of Woods’ Figure 10 is determined based on selecting a program listing. See POR, 35-36 (citing Pet., 23, Pet., 26) (“in response to the user’s input command to **select a program listing** ... displaying ... a functions menu bar 1010 and a function options region 1020”), Lippman Decl., ¶¶ 71, 74 (same)). See Reply, 5-8.

As the Patent Owner's expert, Dr. Surati, explained, the functions menu 1010/options region 1020 information is determined **independently** of the currently-displayed content. Rather, the functions bar 1010/options region 1020 is based on the **selected program listing** from the program guide of Figure 9. See Surati Decl., ¶¶ 142-149, 166-167. The Petitioner does not dispute this evidence provided by Dr. Surati. Reply, 5-8.

The Petitioner argues that functions menu 1010/options region 1020 (alleged "*application panel interface*") in Woods' Figure 10 are "analogous" to Figure 16A of the '174 Patent. Reply, 6. First, the analysis is defective because it is comparing the prior art to the specification of the '174 Patent, instead of comparing the prior art to the claim. *TQ Delta, LLC v. DISH Network LLC*, 929 F.3d 1350, 1357 (Fed. Cir. 2019) (relevant inquiry is the comparing the prior art to the patent claim). The Petitioner knows this analysis is improper. Reply, 10 (any "purported distinctions between the specification and the prior art are not relevant to the Petition's analysis of the claim language") (citing *Phillips*).

Even so, the disclosures are not the same. In Figure 16A of the '174 Patent, the information in the application panel 1412 is based on the currently-displayed information in the active content area 1408. '174 Patent, 32:16-17. That is not the case in Figure 10 of Woods, where the function bar 1010 and options region 1020 in Figure 10 are based on the selected program listing from the program guide of Figure

9, not currently-displayed program content. See Pet., 36-38; Surati Decl., ¶¶ 168-171.

The Reply references Woods’ disclosure that when a user opens the program guide of Figure 9, the program listing corresponding to the currently-tuned program may be highlighted. Woods, [0155]. Reply, 8. This is off-point because it pertains to the program guide of Figure 9, not Figure 10 with its function bar 1010/options region 1020 that allegedly are the “*application panel interface*.”

The Reply references Woods’ disclosure that media region 1030 in Figure 10 may display “the currently tuned television program.” Woods, [0174]. Reply, 8. But that does alter the relevant functionality of Woods, which is that the function bar 1010/options region 1020 information is based on the selected program listing (e.g., Heroes 912), not based on the content displayed in media region 1030 as limitation 1.2 would require. See Surati Decl., ¶¶ 142-149, 166-167. Ultimately, the Petitioner tacitly admits the distinction. Reply, 8 (“menu bar 1010 and options region 1020 correspond to the ‘program listing’ **selected from Figure 9**”). Reply, 5-8.

Accordingly, Woods fails to meet limitation 1.2 for an “*application panel interface*.”

B. Woods Fails to Teach Limitation 1.5.1 for “Providing a First Content Panel in the Application Panel Interface” “Based on the Content” that is Currently-Displayed

1. “Providing a First Content Panel” Based on Currently-Displayed Content

Limitation 1.5.1 along with Limitation 1.4 sets forth “*providing a first content panel in the application panel interface*” “*based on the content*” “*currently being displayed.*” POR, 18.

One example in the '174 Patent specification is the display of an Info panel 1412A (“*first content panel*”) that provides information based on the content displayed in active content area 1408. '174 Patent, 33:57-66, 37:31-45, 38:47-64. See Woods, Fig. 16B, 20A-20C. POR, 18-22. Surati Decl., ¶¶ 133-137. Another example is the display of a Favorites panel 1412E that provides information based on currently-displayed content such as a TV series. '174 Patent, 36:31-37:15, Fig. 19A. Surati Decl., ¶¶ 138-140. See POR, 22.

2. Woods’ Options Region 1020 Does Not Meet Limitation 1.5.1 for a First Content Panel Based on Currently-Displayed Content

The Petitioner’s argument is that the claimed “*application program interface*” is the combination of function region 1010 and options region 1020 in Figure 10 of Woods, and the claimed “*first content panel*” is options region 1020. However, the options region 1020 does not meet limitation 1.5.1 because it is based on the **selected program listing** from Figure 9, not the currently-displayed content in media region 1030. POR, 23-25. Surati Decl., ¶¶ 144.

Woods expressly states that the options/items information in options region 1020 is based on the selected program listing: If Cast is selected in menu 1010, the options region 1020 provides “a selectable list of ... cast members that are present in the media asset corresponding to the **selected program listing**.” Woods, [0178]. Surati Decl., ¶¶ 144-145. POR, 24-25. Options regions 1020 is not based on the currently-displayed content, even if the displayed content happens to correspond to the selected program listing. Woods, [0174]. POR, 26-28. Surati Decl., ¶ 148.

The Patent Owner’s expert Dr. Surati provides *unrebutted* evidence supported by extensive citation to Woods demonstrating that (1) the information in options region 1020 is determined based on the **selected program listing**, not any currently-displayed content in media region 1030, and (2) the information in options region 1020 is determined **independently** of any currently-displayed content. Surati Decl., ¶¶ 143-149, 166-167.

The Reply references the disclosure in Woods that when a user opens the program guide of Figure 9, the program listing corresponding to the currently-tuned program may be highlighted. Woods, [0155]. Reply, 8. As discussed for limitation 1.2, this is off-point because it pertains to the program guide of Figure 9, not Figure 10 with its options region 1020 that is allegedly the “*first content panel*.”

The Reply concedes that options region 1020 is displayed based “upon **selecting** the highlighted currently tuned program,” i.e., options region 1020 is

displayed based on **selecting the program listing** for currently-tuned Heroes. Reply, 9. For the Cast function cited by the Petitioner (Reply, 9), options region 1020 will display the cast information for Heroes because the Heroes program listing 912 was selected, regardless of whether the currently-displayed program is Dexter (Figure 9 of Woods), the Mercedes ad (Figure 10 of Woods), Heroes (Petitioner's modified Figure 10), or something else. Woods, Figs. 9-10. Surati Decl., ¶¶ 144-146, 148.

The Petitioner asserts that the Patent Owner only addresses Figure 10 of Woods with the Mercedes advertisement, not Petitioner's modified Figure 10 that allegedly would be displaying the Heroes program. Reply, 11. This is incorrect. See POR, 26-27; Surati Decl., ¶¶ 148-149. The Reply misses the germane point, which is that options region 1020 is based on **the selected program listing, not the currently-displayed content** as would be required by limitation 1.5.1.

The Petitioner argues that in its modified scenario the options region 1020 would be presenting information "about" the currently-displayed program. Pet., 12. But that does not meet limitation 1.5.1 which requires that for "*providing a first content panel*" "**based on**" the determined currently-displayed content. That the options region 1020 may have information "about" a currently-displayed program, as Petitioner puts it, does not alter the fact that the options region 1020 is **based on** the selected program listing for Heroes.

The Petitioner protests that it “analyzed the example where the user is watching Heroes, and then selects Heroes [program listing] from the guide [Figure 9] to obtain additional information about Heroes [Figure 10].” Reply, 11. Again, the Petitioner is missing the point that the options region 1020 (alleged “*first content panel*”) is determined based on the **selected program listing** 912 for Heroes in the program guide of Figure 9, not based on the **currently-displayed program**, even if it happens to be the Heroes program, as in the Petitioner’s conjured scenario.

The elephant in the room is that the Petitioner and its expert provide *no rebuttal* to the evidence from Dr. Surati that in Woods (1) the options region 1020 is based on the **selected program listing**, not currently-displayed content in media region 1030, and (2) the options region 1020 is determined **independently** of any currently-displayed content. See unrebutted Surati Decl., ¶ 149 (“the information displayed in region 1020 is **determined independently** of the currently-viewed content” in Woods; instead, “the content presented in options region 1020 is based on the **selected program listing** from Figure 9.”), 151-152 (same), 166 (functions bar 1010/options region 1020 are presented “in response to the **user selecting the program listing**” for Heroes), 167 (“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.”). See Surati Decl., ¶¶ 143-149, 166-167.

The Reply and its expert have no answer to the arguments and evidence from Dr. Surati supporting the POR. See Reply, 8-15.

3. The Patent Owner Applies the Ordinary and Customary Meaning for Limitation 1.5.1

The Petitioner quibbles about whether the first content panel is “determined” based on the currently-displayed content. Reply, 12-13. The Patent Owner explained that the content panel is “based on or dependent on” the currently-displayed content. POR, 19. That is consistent with the language of limitation 1.5.1 in conjunction with limitations 1.3-1.4. Limitation 1.5.1 recites “*providing a first content panel*” “***based on***” “*the [determined] content and at least one of the [identified] content source and the content information.*” The ordinary meaning of the language is clear and consistent with the specification’s disclosure discussed in Section III.B.1. See POR, 18-22 (citations that content panel is “based on,” “depends on,” etc.).

The Petitioner does not identify the “non-existent claim limitations” and “claim additions.” Reply, 13-14. The Reply also fails to explain how its unspecified construction of the limitation changes the outcome that Woods fails to meet limitation 1.5.1. More often than not, the Petitioner relies on bare attorney argument for its arguments. See Reply, 12-14.

The Petitioner’s attempt (Reply, 12-13) to rewrite the claimed first content panel being “*based on*” the currently-displayed content to the first panel being

“about” the currently-displayed content should be rejected. It is contrary to the ordinary English language understanding of the claim language, the specification, and the unrebutted evidence provided by the Patent Owner’s expert. See Surati Decl., ¶¶ 127-128, 133-140. See POR, 18-22. The Petitioner does not cite its expert, Dr. Lippman, in support of this new and incorrect construction. Reply, 12-13.

The Petitioner is exposed when it states that “when a user selects **the [program listing for the]** currently-tuned program ... the options region displays options and items relate to the cast (*‘first content panel’*) **for that** currently-tuned program.” Reply, 13 (rewriting “*based on*” as “for that”). That is different from the options region 1020 being provided ***based on*** the currently-tuned program per limitation 1.5.1. The Petitioner’s own description confirms that the options region 1020 is based on the user’s selection of the program listing. Reply, 13.

4. The Alleged Background Knowledge Does Not Cure the Deficiency of Woods

The Petitioner argues it was common knowledge to “display[] information about the content currently viewed by a user.” Pet., 45. This general knowledge is not tied to the claim language. It does not fill the gap in Woods because it does not teach a “*first content panel*” in an “*application panel interface*,” where the “*first content panel*” is “*provided*” “*based on*” currently-displayed content. POR, 29-30. Surati Decl., ¶¶ 153-160.

The Petitioner admits that “the Petition does not propose modifying Woods” based on the alleged common knowledge. Reply, 15. The Petitioner now asserts that the common knowledge shows that the Petitioner-hypothesized scenario of a user selecting the program listing for Heroes while Heroes is currently-tuned is a “likely” scenario. Perhaps. But that does not alter the fact that the options region 1020 in Woods is based on the selected program listing, not the currently-displayed content, and thus limitation 1.5.1 is not satisfied. See Surati Decl., ¶¶ 142-149, 166-167 (unrebutted by Reply).

The Petitioner also asserts that the “Woods system, in at least the example presented by Petitioner, renders obvious what is recited in the claim.” Reply, 15. It has already been established that the options region 1020 is based on the user **selecting the program listing** for Heroes regardless of whether Heroes is displayed in media region 1030. The Petitioner states that it has not proposed any modification to Woods (Reply, 14-15), and thus no obviousness theory is presented to close the gap between Woods and limitation 1.5.1.

C. Woods Fails to Teach 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”

1. Disclosure in '174 Patent Specification

The specification describes that a “*first content panel*” of a “*first type of application panel*” and a “*second content panel*” of a “*second type of application panel*” are provided in the application panel interface. POR, 39-41; Surati Decl., ¶¶ 173-179 (citing to '174 Patent). The reply does not dispute the specification support provided by Patent Owner and its expert for limitations 1.5 and 1.7. Reply, 15-22.

For example, an Info panel 1412A (“*first content panel*”) may be presented using a specific **panel type** such as the series panel 1704A (“*first type of application panel*”) from Figure 17A. See '174 Patent, Figs. 17A, 20B (Info panel 1412A), 35:38-40 (may include “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”). POR, 39. Surati Decl., ¶¶ 173-176.

An example of a “*second content panel*” corresponds to Favorites panel 1412E presented using a specific panel type (“*second type of application panel*”) such as one of panel types 1716C-D of Figure 17B. '174 Patent, Figs. 17B, 19A, 36:17-19 (panel type is 1716C or 1716D). POR, 40-41. Surati Decl., ¶¶ 177-178.

2. Woods Fails to Teach the “First Content Panel” and the “Second Content Panel” as Claimed

The Petitioner argues that the claimed “*first content panel [that is] a first type of application panel*” is Woods’ options region 1020 with cast information presented

based on the user selecting Cast in functions menu 1010. The Petitioner argues that the “*second content panel [that is] a second type of application panel*” is the same options region 1020 but with detailed information presented based on the user selecting Detail Info in functions menu 1010. Pet., 45-50; Reply, 16-17.

Woods at best discloses a **single content panel type** (options region 1020) populated with **two different sets of information, not two different types of content panels** per limitations 1.5 and 1.7. POR, 42-43. Woods confirms this: “As the user brings different indicators [in functions menu 1010] into focus, ... the list of options or items displayed in function options region 1020 **may change or be updated.**” Woods, [0175]. Surati Decl., ¶¶ 181-186. The Petitioner’s expert agreed with this understanding in deposition (POR, 44, citing Ex. 2013 [Dep. Tr. Lippman], 75:1-5), a point the Petitioner does not dispute on reply. See Reply, 15-22. The Petitioner’s argument disregards the claim language in limitations 1.5 and 1.7 providing that there are two **types** of application panels. Reply, 17.

The Petitioner argues there is “nothing recited in the claim” “or even described in the specification of the ’174 Patent” that is different from Woods. Reply, 15-16. Not so. Woods does not teach or suggest that options region 1020 (alleged “*first/second content panel*”) uses different types of content panels like the different types of content panels disclosed in Figures 17A-17B of the ’174 Patent for the

various content panels such as the Info panel 1412A or the Favorites panel 1412E. See Section III.C.1 above.

The Petitioner compares Figure 20C of the '174 Patent to a modified Figure 10 of Woods. Reply, 16. The functionality is not the same. In Figure 20C, the Info panel 1412A uses the **panel type** Series Info type 1704A (*“first type of application panel”*). '174 Patent, 39:64-40:1, Fig. 20C, 38:3-5, 39:21-23.² In Figure 10 of Woods, options region 1020 (alleged *“first content panel”*) does not have a panel type. The Board was correct in recognizing that the '174 Patent discloses content panels (e.g., Info panel 1412A) having different **types** of content panels such as described in Figures 17A-17B. Instn. Dec., 4-5.

3. The Petitioner’s Theory on Reply Improperly Reads Out Limitations 1.8-1.9

The Petitioner’s argument for limitations 1.5 and 1.7 is that displaying options region 1020 with cast information makes it a first content panel that is a *“first type of application panel,”* and displaying the same options region 1020 with detailed description information renders options region 1020 a second content panel that is a *“second type of application panel.”* Reply, 16-17. See Pet., 43, 46, 49, 52.

² As noted in Section III.A, the Petitioner’s repeated arguments that compare Woods to the specification of the '174 Patent are improper.

However, that argument reads limitations 1.8 and 1.9 out of the claims. Limitation 1.8 provides for “*retrieving, from memory, a **second content information based on the second type of content panel***” and limitation 1.9 provides for “*displaying ... the **second content information in the second content panel***.” The Petitioner argues that the display of detailed description information in options region 1020 renders it a “*second type of application panel*” for limitation 1.7. But then the Petitioner argues that the same detailed information (e.g., detailed information such as “title or name of the program,” “short description of the program,” etc.) is the “*second content information*” that is “*retrieved [and displayed] based on the second type of content panel*” for limitations 1.8-1.9. Pet., 56-57.

The Petitioner’s argument that detailed information in options region 1020 renders it a “*second type of application panel*” improperly reads out limitations 1.8-1.9, which the Petitioner alleges are met by the retrieval and display of that same information.

4. The Patent Owner’s Analysis Conforms with the Claim Language

The Petitioner charges that the Patent Owner’s argument has no basis in the claim language but never explains why. Reply, 17-18.

The Petitioner references the Board’s Decision on Institution (DI). Reply, 18. The DI supports the Patent Owner’s application of the claim language including the first/second “*type[s] of application panel.*” In the DI, the Board recognized that the specification discloses that different content panels can be displayed using different “panel type[s].” Instn. Dec., 4 (citing panel types 1704A-1720E in Figs 17A-17B). In the case of an Info panel 1412A [*“first content panel”*], the “panel type” would be “‘Series Info 1704A’ or any other panel type in the ‘Info Views’” panel types in Figure 17A. Instn. Dec., 5 (citing Fig. 20C, Info panel 1412A using panel type 1704A, Fig 17A).

The Patent Owner’s argument comports with the ordinary and customary meaning of limitations 1.5 and 1.7 in the context of the ’174 Patent specification.

5. The Petitioner is Incorrect that Patent Owner’s Argument Contradicts the Specification

The Petitioner next levies the accusation that the Patent Owner’s argument “has no basis in the specification.” Reply, 19. In the POR, the Patent Owner and its expert provide a detailed explanation relating the claim language to the specification—evidence that goes rebutted by the Petitioner on reply. POR, 39-41. Surati Decl., ¶¶ 173-179.

The Petitioner engages in another improper exercise comparing the Woods reference to the specification of the ’174 Patent. Reply, 19-20 (comparing Figure

16A of the '174 Patent to Figure 10 of Woods). *See TQ Delta*, 929 F.3d at 1357. Even so, the Petitioner's comparison fails to acknowledge, as the Board recognized in its DI, that the '174 Patent teaches that the "*application panel interface*" 1412 of Figure 16A provides "*content panel[s]*" using "*specific type[s] of application panel[s]*," such as those disclosed in Figures 17A-17B. See Section III.C.1; '174 Patent, 35:26-45, Figs. 16A, 17A-17B, 20B (Info panel 1412A), 38:3-5.

6. The Petitioner's Back-Up Theory Based on Figure 11 of Woods is Without Merit

The Petitioner's back-up argument is that the "*first content panel [that] is a first type of application panel*" is options region 1020 in Figure 10 of Woods, and the "*second content panel [that] is a second type of application panel*" is information region 1120 in Figure 11 of Woods. Pet., 51-52. See POR, 45-48. Surati Decl., ¶¶ 187-193.

This argument fails because the Petitioner defined the alleged "*application panel interface*" for limitations 1.2/1.5 to be the combination of functions menu 1010 and options region 1020 in Figure 10 of Woods. Pet., 24. Now, in its back-up argument the Petitioner is claiming the "*application panel interface*" is the combination of hierarchy of identifiers 1110 and information region 1120 in Figure 11. See Pet., 51-52. The Petitioner's alternative argument fails because it relies on

an alleged “*application panel interface*” for limitation 1.7 that contradicts its definition of the “*application panel interface*” for limitations 1.2/1.5. POR, 47.

On reply, the Petitioner does not dispute that its alternative theory for limitation 1.7 relies on an alleged “*application panel interface*” that contradicts its definition of the “*application panel interface*” for limitations 1.2/1.5. Reply, 21-22. The Petitioner just responds, without explanation, that “an alternate, by definition, is different.” Reply, 22. The Petitioner does address the disconnect between its backup theory for limitation 1.7 and its theory for limitations 1.2/1.5.

Woods fails to meet limitations 1.5 and 1.7 of Claim 1 of the ’174 Patent.

IV. CLAIM 4 IS PATENTABLE OVER WOODS

Woods’ options region 1020 does not meet limitation 4.2 for the third content panel for the same reasons set forth above for the first content panel and the second content panel. See Section III.B-C. See Reply, 23-24.

V. CLAIMS 6 AND 14 ARE PATENTABLE OVER WOODS

For Claim 6, the Petitioner argues that a POSITA would modify the functions menu 1010 in Woods to add a favorites function. Pet., 70-72. That argument fails for two reasons. First, the Petitioner’s theory for limitation 1.7 is that the second content panel is met by the user selecting Detail Info in menu 1010. If the user selects (a hypothetical) Favorites button in menu 1010, then the Petitioner’s theory for Claim 6 contradicts its theory for limitation 1.7 of Claim 1. Second, a POSITA would

not have reason to modify the **program-specific** display of Figure 10 (displays information about the selected program listing for Heroes) to include a **system-level** function like Favorites that is not program-specific. POR, 54-55. Surati Decl., ¶¶ 207-210. The Petitioner does not even address this evidence provided by Dr. Surati. See Reply, 24-25.

VI. CLAIM 7 IS PATENTABLE OVER WOODS

The Petitioner's alternate theory for All Episodes being selected in functions menu 1010 of Figure 10 of Woods contradicts its theory for limitation 1.7, which is based on selecting the Detail Info function, not the All Episodes function. POR, 56-57. Reply, 26-27.

VII. CLAIM 8 IS PATENTABLE OVER WOODS

Claim 8 provides that the “*second type of content panel*” of limitation 1.7 is a “*search panel*.”

For Claim 8, the Petitioner refers to a different embodiment in Woods, Figure 8, which is a **system-level settings display** (or the options region 126 in Figure 1, which also has system-level settings), **not a program-specific display** like Figure 10 of Woods. Woods, Fig. 8, [0146] (submenu bar 820 with selectable system-level options). A POSITA would not modify the **program-specific display** of Figure 10 to include a **system-level** search option. Surati Decl., ¶¶ 221-222. See Reply, 28.

On Reply, the Petitioner argues that the limitations for the second content panel type and second information could be met by information in options region 1020 other “than the ‘detailed information’ option[]” by selecting a different function in menu 1010. Reply, 27-28. The Petitioner is trying to forward an improper new theory on reply that should be rejected. *Intel. Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016). See *NetFlix, Inc. v. DivX, LLC*, 984 F.4th 1374, 1378-79 (Fed. Cir. 2023); *Yita LLC v. MacNeil IP LLC*, 69 F.4th 1356, 1366–67 (Fed. Cir. 2023); *MModal LLC v. Nuance Communications, Inc.*, 846 Fed.Appx. 900, 906 (Fed. Cir. 2021). See Consolidated Trial Practice Guide (Nov. 2019), 73-74.

The Petition clearly states that the second content panel/second type of panel is allegedly met by a user selecting the detailed description option—not by selecting other options in functions menu 1010. See Pet., 49, 52 (“Woods teaches a ‘*second type of application panel*’ because Woods discloses ... the menu bar 1010 has the ‘**detailed description**’ highlighted”). Nowhere does the Petition identify using a function other than the detailed information function in menu 1010 for options region 1020 to allegedly meet limitation 1.7.

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

As discussed above for Claim 8 in Section VII, the Petitioner now improperly tries to change its theory by arguing that any option in functions menu 1010 besides the Detail Info function could be selected to meet limitations 1.7-1.8. Reply, 31. However, the Petition only asserted that the Detail Info function for detailed information could meet limitations 1.7-1.8. See Section VII (Claim 8).

The Petitioner argues that the Patent Owner's arguments rely on improper bodily incorporation. Reply, 29. However, it is indisputable that the Petitioner is relying on modifying Woods' functions menu 1010 to further include a Favorites function and a Search function. Pet., 81 ("A POSITA would have found it obvious for Woods' functions menu bar 1010 [in Figure 10] to include additional selections such as 'favorites' or 'search'"). See Reply, 30.

Even if Woods' functions menu 1010 is modified to include a Favorites option and a Search option, the combination fails to satisfy Claim 6 or Claim 8. This is because the Petitioner relies on the Detail Info option in menu 1010 to allegedly meet the second content panel/second content information limitations by providing detailed information in options region 1020. Selecting a newly-added Favorites option or Search option in the proposed modified functions menu 1010 contradicts the Petitioner's theory for limitations 1.7-1.8. The Petitioner cannot switch horses

on its obviousness theory in going from independent Claim 1 to dependent Claim 6 or Claim 8. POR, 61-62. Surati Decl., ¶¶ 235-237. Reply, 31.

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

The only clue provided by the Petitioner for Ground 3—which the Board found to be “essentially cumulative” over Ground 1—is that it preemptively addresses the argument “that the claimed ‘*first content panel*’ and ‘*second content panel*’ must be predetermined.” Pet., 90. See Instn. Dec., 37. Indeed, 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.

Machida teaches selecting between two operational panels A4 and A5 to be inserted into an operational panel display area A3. The operational panel (linear content operational panel A4 or interactive content operational panel A5) is selected based on the nature of the incoming content as being linear content (e.g., video) or interactive content (data broadcasting). The selected operational panel is used to display content in a content display area A2. Machida, Abstract, [0008], [0031]-[0032], Figs. 2-4. Surati Decl., ¶¶ 246-249.

A POSITA would understand that the two user operational panels A4 and A5 are used for playback/navigation of content presented in the display area A3. Surati

Decl., ¶ 249. POR, 64-67. The predefined functions for the two operational panels are to play or navigate content that is presented in a display area.

The proposed combination of the teaching of Machida for switching between two panels for purposes of the playback of content with Woods would not meet limitation 1.5 (“*first content panel [that] is a first type of application panel*”) or limitation 1.7 (“*second content panel [that] is a second type of application panel*”).

The Petitioner proposes (1) applying the teaching of one of Machida’s playback panels to Woods’ options region 1020 for cast information, and (2) applying the other Machida playback panel to Woods’ options region 1020 with detailed information. Pet., 93-94. However, Woods’ options region 1020 is for displaying “options or items” information about a **selected program listing** (e.g., Heroes). Woods, [0175], Fig. 10. Woods’ options panel 1020 is not used for the **playback of program content**. The only available window in Woods’ Figure 10 for the playback of content is media region 1030, not the options region 1020 that the Petitioner relies upon for limitations 1.5 and 1.7.

Additionally, limitations 1.8-1.9 provide for retrieving and displaying “*second content information based on the second type of content panel*.” The alleged type of content panel provided by Machida (panel A4 or panel A5) is determined based on detecting the nature of incoming content. Machida, [0008], [0029]. There is no retrieval of “*second content information*” in Machida based on the selection of the

playback panel A4 or A5. There is no retrieval of “*second content information*” in Woods based on the user selecting Detail Info to provide detailed information on the selected program in the options region 1020. Indeed, the Petition does not even address limitations 1.8-1.9 in Ground 3. See Pet., 95-98. Reply, 32-33. The Machida/Woods’ combination does not meet limitations 1.8-1.9 in addition to limitations 1.5 and 1.7.

Additionally, a POSITA would not make the proposed combination for the reasons previously set forth by the Patent Owner and its expert. POR, 67-69; Surati Decl., ¶¶ 250-253.

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

Claims 6, 8, and 14 are patentable for the reasons set forth in Ground 2 and Ground 3. Surati Decl., ¶¶ 254-255.

XI. CONCLUSION

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

Respectfully submitted,

/Stephen T. Schreiner/
Stephen T. Schreiner, Reg. No. 43,097
CARMICHAEL IP, PLLC

Date: January 9, 2025

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This Patent Owner Sur-Reply (“Sur-Reply”) consists of 5,485 words, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. The Sur-Reply complies with the type-volume limitation of 5,600 words as mandated in 37 C.F.R. § 42.24. In preparing this certificate, counsel has relied on the word count of the word-processing system used to prepare the paper (Microsoft Word).

Respectfully submitted,

/Stephen T. Schreiner/

Date: January 9, 2025

CERTIFICATE OF SERVICE

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

PATENT OWNER SUR-REPLY

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

<u>LG Electronics:</u> David L. McCombs Gregory P. Huh Calmann J. Clements HAYNES AND BOONE, LLP 2801 N. Harwood St., Suite 2300 Dallas, TX 75201 david.mccombs.ipr@haynesboone.com gregory.huh.ipr@haynesboone.com calmann.clements.ipr@haynesboone.com	<u>Vizio</u> Steven W. Hartsell Rex Hwang Sarah E. Spires Paul J. Skiermont Ryan A. Hargrave Michael D. Ricketts Skiermont Derby LLP 601 Elm Street, Suite 4400 Dallas, Texas 75201 VIZIO_SDTeam@skiermontderby.com shartsell@skiermontderby.com rhwang@skiermontderby.com sspires@skiermontderby.com
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Respectfully submitted,

/Stephen T. Schreiner/

Date: January 9, 2025