UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner

IPR2024-00353
U.S. Patent No. 9,055,254

AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST

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I. INTRODUCTION

Multimedia's Patent Owner Request for Director Review of Final Written Decision ("Request," Paper 29) relies on mischaracterizations of the Final Written Decision. There was no error in the Final Written Decision.

II. PATENT OWNER'S ARGUMENTS MISREPRESENT THE FWD

A. PATENT OWNER'S "OVERVIEW OF THE BOARD'S FINDINGS" IS INCORRECT

Patent Owner's overview misrepresents the Final Written Decision. Patent Owner asserts that the "Board does not clearly state whether the WD-Manual is publicly accessible from actual dissemination or from being publicly accessible on the Internet, or both." Request, 4. This is incorrect. The Board explicitly stated: "we find the WD-Manual qualifies as a prior art printed publication to the '254 patent because it was disseminated to the interested public." FWD, 22. Accordingly, Patent Owner's positions are premised on a clear misrepresentation of the Board's findings.

B. THE BOARD'S DECISION DID NOT ERR IN FINDING PUBLIC ACCESSIBILITY

Patent Owner states the Board "found that WD-Manual was publicly accessible ***by virtue of actual dissemination to a single person***." Request, 5 (emphasis added). This is not accurate. The Board held that the WD-Manual was "***disseminated to the interested public***." FWD, 22 (emphasis added).

To support finding that the WD-Manual was disseminated to the interested public, the Board relied on four "uncontested showings":

> (1) the WD TV Live Hub system was offered for sale with specific reference to "[t]he full set of features and list of file compatibility . . . available on WD's website" no later than March 3, 2011; (2) that the www.wdc.com webpage was organized in such a manner that the interested public was capable of accessing the WD-Manual via a URL; (3) that the interested public was provided with the ability to download the WD-Manual from the www.wdc.com webpage as a PDF in "English" no later than December 3, 2010; and (4) that at least one user did, indeed, download the WD-Manual and then provided others with a hyperlink to download WD-Manual no later than May 28, 2011.

FWD, 21-22.

These four findings show that the Board did not rely solely on the evidence that a single person downloaded the WD-Manual. Instead, the Board examined the "facts and circumstances surrounding the reference's disclosures to members of the public." *In re Klopfenstein*, 380 F.3d 1345, 1350 (Fed. Cir. 2004). Here, the reference was downloadable from a webpage organized in such a manner that the interested public was capable of accessing the manual, the manual was available in English from the web site and a member of the public did, in fact, download the

manual. The totality of these facts led the Board to reach the conclusion that the WD-Manual was disseminated to the interested public.

C. THE BOARD DID NOT RELY ON MERE TECHNICAL ACCESSIBILITY

Patent Owner argues that the "Board failed to appreciate the difference between the mere 'technical accessibility' of a document on the Internet with its 'public accessibility' within the meaning of the law on printed publications." Request, 8. Not only did the Board appreciate the difference, it held that the evidence "establishes ***more than the mere technical accessibility of the WD-Manual; it established public accessibility***." FWD, 25.

In more detail, the Board addressed Patent Owner's technical accessibility argument by finding the evidence demonstrates that the interested public could download the WD-Manual (citing to Ex. 1012 and 1022) and that Ex. 1023 demonstrates: "(1) where the interested public could access the WD-Manual at the www.wdc.com webpage; and (2) that an interested person actually found the WD-Manual online and then shared that location with others." FWD, 25.

Accordingly, Patent Owner's argument that the "Board failed to appreciate the difference" misrepresents the Board's holdings, reasoning and analysis.

D. THE EVIDENCE ESTABLISHES PUBLIC ACCESSIBILITY VIA THE INTERNET

First, Patent Owner argues that "the Board does not even apply the *Samsung*

framework." Request, 10. This is untrue. On page 13 of the Final Written Decision, the Board quotes *Samsung* as part of the legal standard and framework on which it conducts its analysis.

Second, Patent Owner fails to acknowledge, much less address, the full legal framework and analysis conducted by the Board. Not only did the Board acknowledge the *Samsung* framework, it applied case law that specifically addresses Patent Owner's arguments regarding indexing a document found on the Internet. As the Board noted, *Voter Verified* held that "indexing is not 'a necessary condition for a reference to be publicly accessible'; it is but one among many factors that may bear on public accessibility." FWD, 13, 23 (quoting *Voter Verified, Inc. v. Premier Election Sols., Inc.*, 698 F.3d 1374, 1380 (Fed. Cir. 2012)). *In re Lister* held that "indexing is not an absolute prerequisite to establishing online references . . . as printed publications within the prior art." FWD, 13-14 (quoting *In re Lister*, 583 F.3d 1307, 1312 (Fed. Cir. 2009)). *Suffolk Techs* held that "a printed publication need not be easily searchable after publication if it was sufficiently disseminated at the time of its publication." FWD, 23-24 (quoting *Suffolk Techs., LLC v. AOL Inc.*, 752 F.3d 1358, 1365 (Fed. Cir. 2014).)

So, while Patent Owner argues in its Request about the Board's purported failure to address indexing, the Patent Owner chooses to ignore the actual legal

framework applied by the Board to determine that the uncontested evidence overcomes the need for indexing because the WD-Manual was disseminated to the interested public.

As examples of some of the evidence relied upon by the Board:

- Ex. 1020 shows that the WD TV Live Hub system (which the WD-Manual describes) was "initially available exclusively at Best Buy online and at all 1,093 Best Buy stores nationwide" and that the "full set of features and list of file compatibility is available on WD's website." Id. at 2. FWD, 20.
- Ex. 1022 establishes that the interested public was provided with the ability to download the WD-Manual from the www.wdc.com webpage as a PDF in "English" from "library / WD Documentation." FWD, 24-25.
- Ex. 1023 establishes that the WD-Manual was accessible to the interested public. FWD, 21.

Accordingly, Patent Owner's arguments about indexing are moot, because the uncontested evidence establishes that the WD-Manual was disseminated to the interested public.

Respectfully submitted,

Dated: June 2, 2025
/David L. McCombs/
David L. McCombs
Lead Counsel for Petitioners
Registration No. 32,271

HAYNES AND BOONE, LLP
2801 N. Harwood St., Suite 2300
Dallas, Texas 75201
Customer No. 27683

CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e), service was made on Multimedia as detailed below.

Date of service June 2, 2025

Manner of service Electronic Email:
jim@carmichaelip.com; schreiner@carmichaelip.com;
stevemcbride@carmichaelip.com;
mitch@carmichaelip.com; chris.gerson@srz.com;
patent@srz.com;
MultiMediaTechnologiesIPRs@carmichaelip.com

Documents served **AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST**

Persons served James T. Carmichael
Stephen Schreiner
Stephen McBride
Minghui Yang
CARMICHAEL IP, PLLC
8607 Westwood Center Drive, Suite 270
Tysons, VA 22182

Christopher M. Gerson (pro hac vice to be filed)
SCHULTE ROTH & ZABEL LLP
919 Third Avenue
New York, New York 10022

/David L. McCombs/
David L. McCombs
Lead Counsel for Petitioners
Registration No. 32,271