UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG ELECTRONICS, INC., LG ELECTRONICS U.S.A., INC., and VIZIO, INC.,[1]
Petitioners,

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner.

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Case IPR2024-00354
U.S. Patent No. 10,419,805

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PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW OF THE FINAL WRITTEN DECISION

[1] VIZIO, INC. filed a petition in IPR2024-00699 and was joined as a petitioner in this proceeding.

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I. INTRODUCTION

Patent Owner Multimedia Technologies Pte. Ltd. ("Multimedia") respectfully requests Director review of the Board's May 19, 2025 Final Written Decision ("FWD") finding claims 1 and 10 of U.S. Patent 10,419,805 (the "'805 Patent") unpatentable. Paper 34. The FWD invalidated these claims because it found a combination of two references – Melnychenko and Chen – discloses "organizing data according to a format corresponding to each of a plurality of subservices" because the prior art taught two unrelated concepts: "organizing data according to file types" in Chen and "subservices" in Melnychenko.

The Board erred because the FWD [1] fails to credit the testimony of both parties' experts that "file types" are unrelated to "subservices" and [2] fails to address Multimedia's arguments that, because "file types" are unrelated to "subservices", the combination does not teach the claimed limitation. Multimedia argued—supported by the testimony of both parties' experts—that because "file types" are unrelated to "subservices", any resulting combination would still organize by file type format and not organize by subservice format. The Board was wrong to substitute its own judgment where both sides' experts agreed that the prior art taught two unrelated concepts and wrong to ignore Multimedia's argument that the combination would not teach the claims. Respectfully, the Director should grant review and reverse the Board.

II. BACKGROUND

LG challenged certain claims of the '805 Patent. Multimedia respectfully requests Director review of the Board's determination with respect to two – claims 1 and 10.

Claims 1 and 10 recite steps of a processor [1] "receiving data[] from one of a corresponding subservice of a plurality of subservices, wherein the plurality of subservices comprises a video-on-demand (VOD) subservice, an electronic programming guide (EPG) subservice, and a media subservice" and [2] "organizing the data according to a pre-defined format ***corresponding to each of the plurality of subservices***." Ex. 1001, claim 10. Thus, claims 1 and 10 unambiguously require that the format for organizing data "correspond[] to subservices." Paper 28, 2-3.

LG never alleged that any prior art organized data according to a subservice format. Paper 28, 3. Instead, it alleged that one prior art (Melnychenko) taught "subservices," and another prior art (Chen) taught "organizing by a file type format." *Id*. According to LG, this rendered obvious "organizing by a subservice format." *Id*. But Multimedia's expert testified that file type formats and subservice formats are unrelated. Paper 19, 31-32 (*citing* Ex.2010, ¶128-133). A single file type could be used in multiple subservices, and a single subservice could use multiple file types. *Id*. Rather than rebutting Multimedia's expert, LG's expert

agreed. Paper 28, 5 (*citing* Ex. 2012, 34:14-36:10). Thus, there is no reason a POSITA would organize by subservice format based on a teaching to organize by file type format. Paper 19, 31-32.

In view of this evidence, before the Board may find claims 1 and 10 obvious, the FWD must at a minimum explain why a POSITA would "organize by a subservice format" based on teachings of "organizing by a file type format" and "subservices." But the Board never did so.

III. ARGUMENT

The Board made two legal errors that caused it to incorrectly conclude that the combination of Melychenko and Chen taught "organizing…data according to a…format corresponding to…subservices" based on Melychenko's teaching of "subservices" and Chen's teaching of "organizing data according to a format corresponding to file types":

i. *First*, it failed to credit the testimony of both parties' experts that "subservices" and "file types" are unrelated concepts and there is no motivation anywhere to combine the two.

ii. *Second,* it failed to address Multimedia's arguments that, because the parties' experts agree that "file types" are unrelated to "subservices", the combination would not teach the claimed limitation.

Because the Board substituted its own judgment against the consensus of both parties' experts and ignored Multimedia's argument based on both parties' experts' testimony that a POSITA would not combine two unrelated concepts to arrive at the claimed invention, the FWD merits Director review and reversal.

A. The Board's findings on Melychenko and Chen

Multimedia made two patentability arguments with respect to the "organizing, by the processor, the data according to a pre-defined format corresponding to each of the plurality of subservices, wherein the pre-defined format comprises one of a VOD data model, an EPG data model and a media data model" limitation: one based on Multimedia's proposed construction for this term and one based on the claim's explicit requirement that the format "correspond[s to] subservices." Paper 28, 2, 6. The Board rejected Multimedia's proposed construction and the bulk of the FWD is directed to this issue. FWD, 14-22, 36-44. To be clear, Multimedia is not seeking Director review of its claim construction argument and is only seeking Director review of its other argument based on the required "organizing data according to a format corresponding [to] subservices," although it explicitly preserves the claim construction issue for appeal.

Although the FWD extensively addresses Multimedia's claim construction argument and even suggests the decision "turns upon" this construction (FWD, 42 ("[O]ur analysis of disputed step 1.2.1 turns upon our claim construction for the

term 'pre-defined format'…")), Multimedia's briefing explicitly presented the two issues as independent. Paper 28, 2-3 (""Even if the Board does not adopt Patent Owner's construction of the term 'organizing… the data according to a pre-defined format corresponding to each of the plurality of subservices,' the plain claim language still unambiguously requires organizing data according to a format corresponding to subservices… Because a file type format is not a subservice format, the prior art cannot disclose or suggest the challenged claims.").

With respect to Multimedia's "organizing" argument, the FWD only makes a few relevant findings. First, the Board determined that Melynchenko organizes data supplied by subservices. FWD, 44 ("We agree with Petitioner that Melnychenko teaches the organization of data in its metadata pre-processor. …Therefore, we agree with Petitioner that 'Melnychenko discloses that received metadata is from a media guidance data source, which renders obvious that the received data is 'from one of a corresponding subservice.'"). In other words, Melnychenko teaches subservices, and organizes data provided by those subservices. Second, the Board also determined "that Chen teaches the organization of received metadata in a predefined order." FWD, 45. Petitioner admits and the FWD concedes that the order is of file types. FWD, 40 ("[i]n Figure 3, MP3 metadata table 30(1), JPEG metadata table 30(2), and MPEG-4 metadata table 30(3) are illustrated to be organized"). From this, the FWD simply concludes

that "organizing by a format corresponding to subservices" is obvious. FWD, 45-46. But the FWD never addresses the expert testimony that "subservices" and "file types" are unrelated. Nor does the FWD addresses Multimedia's arguments that, because "file types" are unrelated to "subservices", the combination would not suggest the claimed limitation.

B. The Board erred by failing to credit the expert testimony that the prior art taught two unrelated concepts

The FWD's first error is failing to credit (or even address) the consensus of both parties' experts that a file type format is completely unrelated to a subservice format, and that as a result LG's proposed combination does not support organizing according to a subservice format. Paper 28, 3-6.

Multimedia's expert testified that a single subservice may provide data of multiple file types, and a single file type may be used by multiple subservices. Ex. 2010, ¶128. Thus, file type formats are completely unrelated to subservice formats. POR, 31-32. LG's expert agreed, conceding that multiple file types may be used by a single subservice. Ex. 2012, 34:14-35:20 ("I suppose you could consider an MP3 to be video on demand…Video content can be represented or formatted as MPEG-1, MPEG-2, MPEG-4. Well, yeah."). The record shows that both parties' experts agreed that there is no relationship between a file type format, as used in the art, and a subservice format, as recited by the claims. Paper 28, 2-6. Nor does the FWD

identify any connection between the file type format taught by Chen and the claimed subservice format that would suggest to a POSITA to modify Chen to arrive at the claims. FWD, 45-46.

Critically, because "file types" and "subservices" are unrelated, Multimedia's expert testified that "[e]ven if Chen's teachings are applied to Melnychenko, a POSITA would at most organize files received from each subservice according to a format based on the type of the file" as taught by Chen. Ex. 2010, ¶129. Nothing in Melnychenko or Chen suggests making the additional modification of organizing by subservice format, rather than file type format as in Chen. *Id*. The FWD entirely ignores this expert testimony.

At a minimum, the Board is required to address this testimony and explain why a POSITA would make a modification contrary to the expert testimony. *In re Gartside*, 203 F.3d 1305, 1314 (Fed. Cir. 2000) ("[T]he Board's opinion must explicate its factual conclusions."). But the Board instead substituted its own judgment over the experts by concluding without evidence that the combination renders claims 1 and 10 obvious. The Board thus committed legal error that warrants Director review.

C. The Board erred by failing to address Multimedia's argument that, by attempting to combine two unrelated concepts, the combination would not teach the claims

Because both parties' experts agreed that "file types" and "subservices" are unrelated, Multimedia argued the combination does not teach the claimed requirement to organize according to a subservice format. The FWD erred for a second time by failing to address Multimedia's argument or explain why a POSITA, in view of Chen's teaching to organize according to a file type format, would instead organize according to a subservice format.

As Multimedia explained, because a single subservice may provide data of multiple file types, organizing data according to file type would not organize the data according to a pre-defined format corresponding to the type of subservice, because the format would be shared among all subservices providing data of that file type. Ex. 2010, ¶128. Chen explicitly teaches multiple signal sources each providing media of a different file type (MP3, JPEG, or MPEG-4). POR, 29-31. Thus, Chen teaches the same type of subservice (media) providing data in three different file types. *Id*. "When Chen applies its metadata table based on MP3, JPEG, or MPEG-4 content, it does so regardless of the type of subservice (that is, MP3 files are organized according to the MP3 format regardless of whether the source is VOD, EPG, or media; JPEG files are organized according to the JPEG format regardless of whether the source is VOD, EPG, or media; and MPEG-4 files

are organized according to the MPEG-4 format regardless of whether the source is VOD, EPG, or media)." *Id*.

The FWD, citing LG's expert, suggests that Chen is not limited to "MP3, JPEG, and MPEG-4." FWD, 45. But even if Chen is not limited to file types, the FWD does not explain—as it is required to—how Chen can be expanded to encompass organizing according to a subservice format based on its own teachings and Melnychenko's. Multimedia argued that a POSITA would not modify Chen's teaching of organizing by file type format to organize by subservice format because these disclosures are unrelated and there is no rationale to do so. Paper 28, 5-6. Indeed, LG asserts that Chen itself teaches multiple subservice sources, but notably does not assert that Chen organizes according to a format corresponding to subservices. *Id*. If Chen teaches multiple subservices but does not teach organizing according to a format corresponding to subservices, that is evidence that organizing by a format corresponding to subservices is not obvious in view of the prior art combination. *Id*. Thus, "even if Chen's teachings are applied to Melnychenko, a POSITA would at most organize files received from each subservice according to a format based on the type of the file." Paper 28, 4. Not only does the FWD fail to address Multimedia' argument, but there is no explanation anywhere in the FWD why a POSITA would make the required modification when it is neither taught nor suggested by the prior art.

The Board's failure to address Multimedia's arguments and explain why a POSITA would make the required modification is thus a second legal error that warrants Director review.

IV. CONCLUSION

For the foregoing reasons, the Director should reverse the Board's determination that claims 1 and 10 are unpatentable.

Respectfully submitted,

/James T. Carmichael/

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Date: May 30, 2025

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This paper contains 10 pages, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. This paper complies with the type-volume limitation of 15 pages as mandated in 37 C.F.R. § 42.24(a)(1)(v).

Respectfully submitted,

/James T. Carmichael/

Date: May 30, 2025

CERTIFICATE OF SERVICE

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

PATENT OWNER REQUEST FOR DIRECTOR REVIEW OF FINAL WRITTEN DECISION

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

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