

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner.

IPR2024-00722
Patent 9,232,168 B2

Before MICHAEL R. ZECHER and SHARON FENICK,
Administrative Patent Judges.

FENICK, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5(a)

Vizio Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–7 and 10–15 of U.S. Patent No. 9,232,168 B2 (Ex. 1001, “the ’168 patent”). Multimedia Technologies Pte. Ltd. (“Patent Owner”) filed a Preliminary Response (Paper 11, “Prelim. Resp.”).

Between the filing of the Petition and the filing of the Preliminary Response, a claim construction order issued in a case involving the ’168 patent in the U.S. District Court for the Eastern District of Texas. Ex. 2001 (claim construction order in *Multimedia Technologies PTE. Ltd. v. LG Electronics Inc.*, 2:22-cv-0494-JRG-RSP (E.D. Tex. June 30, 2024)) (“District Court Claim Construction Order”). Patent Owner discusses the District Court Claim Construction Order in its Preliminary Response. Prelim. Resp. 1–2, 8–14.

Our regulations state that “[a]ny prior claim construction determination concerning a term of the claim in a civil action . . . that is timely made of record in the *inter partes* review proceeding will be considered.” 37 C.F.R. § 42.100(b); *see also* Consolidated Trial Practice Guide,¹ 46–48 (Nov. 2019) (“The Board will give such other claim construction determinations appropriate weight.”).

We therefore determine that it would be useful to the panel to fully understand the parties’ positions regarding the relevant determinations in the District Court Claim Construction Order.

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

ORDER

Accordingly, it is

ORDERED that within five business days of the date of this Order, Petitioner is authorized to file a Preliminary Reply, no longer than five pages, that addresses the District Court Claim Construction Order; and

FURTHER ORDERED that within five business days of the filing date of any Petitioner's Preliminary Reply, Patent Owner may file a Preliminary Sur-reply, no longer than five pages, responsive to the Preliminary Reply.

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