

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner.

IPR2024-00723
Patent 9,578,384 B2

Before ST. JOHN COURTENAY III, MICHAEL R. ZECHER and
SHARON FENICK, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. *Background and Summary*

Vizio Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–12 (“challenged claims”) of U.S. Patent No. 9,578,384 B2 (Ex. 1001, “the ’384 patent”). Multimedia Technologies Pte. Ltd. (“Patent Owner”) filed a Preliminary Response (Paper 11, “Prelim. Resp.”).

Under 35 U.S.C. § 314(a), we may not authorize an *inter partes* review unless the information in the Petition “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons that follow, we institute an *inter partes* review as to the challenged claims of the ’384 patent on all grounds of unpatentability presented.

B. *Real Parties in Interest*

Petitioner names only itself as a real party in interest. Pet. 110. Patent Owner names only itself as a real party in interest. Paper 9 (Patent Owner’s Second Amended Mandatory Notices), 1.

C. *Related Matters*

Petitioner informs us that the ’384 patent is at issue in: *Multimedia Technologies Pte. Ltd. v. VIZIO, Inc.*, No. 2:22-cv-00124 (E.D. Tex.) and *Multimedia Technologies Pte. Ltd. v. LG Electronics Inc.*, No. 2:22-cv-00494 (E.D. Tex.). Pet. 110. Patent Owner identifies those cases, and additionally informs us of other *inter partes* review proceedings that could affect or be affected by a decision in this proceeding: IPR2024-00351, IPR2024-00352, IPR2024-00353, IPR2024-00354, IPR2024-00694, IPR2024-00696, IPR2024-00699, and IPR2024-00722. Paper 9, 1–2.

D. The '384 Patent

The '384 patent is titled “Systems and Methods for Providing Video On Demand in an Intelligent Television,” and concerns user interfaces for providing video on demand (“VOD”) on an intelligent television intended to “allow the user to utilize the intelligent television more easily and more effectively.” Ex. 1001, codes (54), (57); *see id.* at 19:11–16 (defining VOD).

Figure 16, reproduced immediately below, is “a flowchart view of an embodiment of a method for providing VOD in an [i]ntelligent TV” by “provid[ing] a series of contextual and easily understood panels to navigate through VOD content.” *Id.* at 22:64–65, 43:41–42.

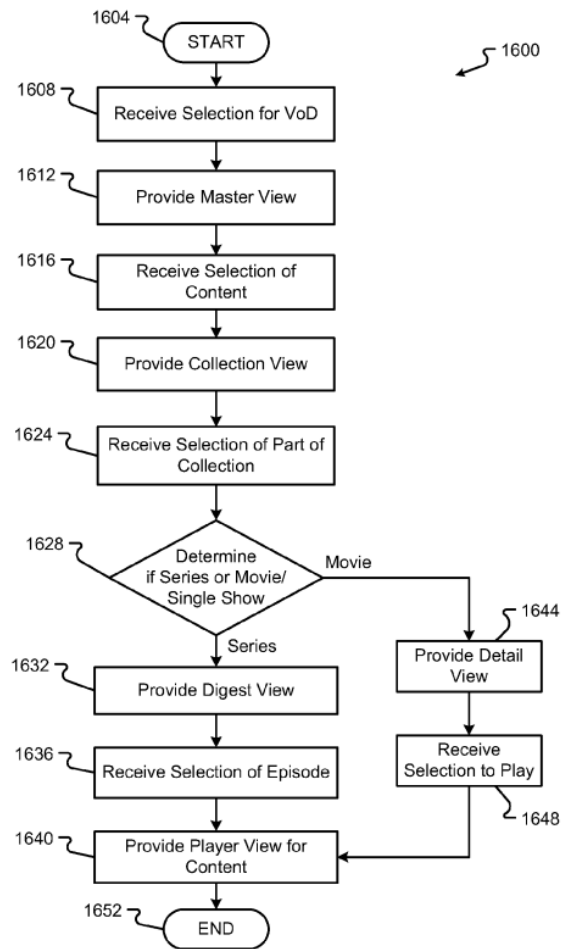


Fig. 16

Figure 16 depicts a flowchart that includes steps specifying the receipt of selections and the provision of views by an intelligent TV; in one portion, the flowchart includes a decision diamond that leads to the provision of either a digest view or a detail view. *Id.* at 43:59–44:3, 44:52–45:31.

The intelligent TV as described in the '384 patent receives selections for VOD content and displays user interfaces, which may include user interfaces (views) in a hierarchical order of four types. *Id.* at 44:4–25, 45:40–42, Fig. 16 (elements 1608, 1612, 1616, 1620, 1624, 1632, 1636, 1640, 1644, 1648), Fig. 18. First, a master view selection is a top tier user interface that allows the user to select a type of collection. *Id.* at 44:9–12. Second, a collection view displays a list of media based on a target or sort criteria. *Id.* at 44:12–13. Third, when a user makes a selection of content from the collection view, a digest view or detail view is provided, depending on whether the user selection was of a series (yielding a digest view) or of a single show, movie, or episode movie (yielding a detail view). *Id.* at 44:13–16, 44:52–45:31, Fig. 16 (elements 1628, 1632, 1644). A digest view shows a view of a television series or series of episodes, where a description or view of the series and a set of episodes is provided, with the ability to select one or more episodes in the series. *Id.* at 44:16–18, 45:6–8. A detail view provides information specific to a single show, movie, or episode. *Id.* at 44:19–21, 45:21–24. Lastly, from either of the digest or detail views, the user may select content to play or select a play icon, and the intelligent TV then provides a player view providing the selected content to the user. *Id.* at 44:21–25, Fig. 16 (elements 1636, 1648, 1640).

Figure 17, reproduced immediately below, is “a view of an embodiment of a user interface for an [i]ntelligent TV” depicting four tiers

of views that a user might navigate to select and play VOD content. *Id.* at 22:66–67, 44:4–25.

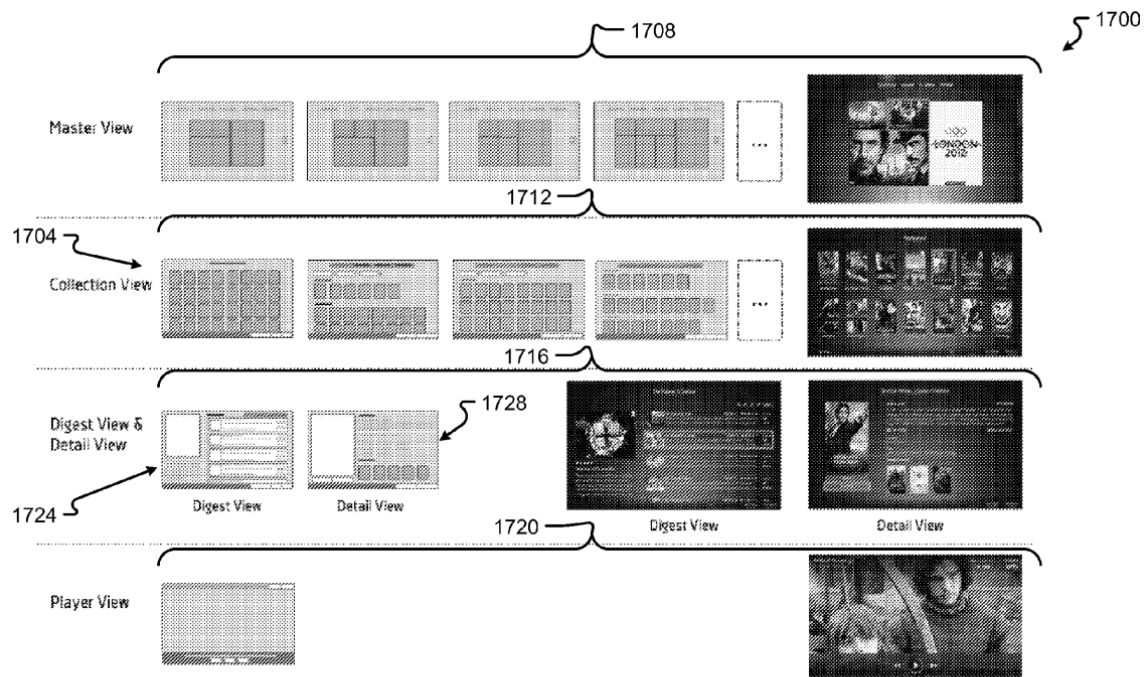


Fig. 17

Figure 17 includes four rows of labelled views: (1) master view, (2) collection view, (3) digest view and detail view, and (4) player view. *Id.* at 44:4–25, Fig. 17. Digest view is shown both as element 1724 and in a second view reproduced in the third row of views, and detail view is shown both as element 1728 and also in a second view reproduced in the third row of views. *Id.* at 44:13–21, 44:58–66, 45:5–31, Fig. 17.

E. Illustrative Claims

Claims 1, 2, and 11 are independent. Claims 1, 3, 4, and 5, reproduced below with limitation identifications in brackets corresponding to those used in the Petition, are illustrative.

1. [1.0] A method for providing video-on-demand (VOD) in an intelligent television, the method comprising:

- [1.1] receiving, by a processor of the intelligent television, a first selection for a VOD content;
- [1.2] in response to the first selection, providing, by the processor, a master view of the VOD content, wherein the master view presents two or more collections of the VOD content organized by a characteristic of the VOD content;
- [1.3] receiving, by the processor, a second selection for a VOD content;
- [1.4] in response to the second selection, providing, by the processor, a collection view of VOD content, wherein the collection view presents two or more items of the VOD content having the characteristic;
- [1.5] receiving, by the processor, a third selection for a VOD content;
- [1.6] in response to the third selection, providing, by the processor, either a detail view or a digest view of VOD content, wherein the detail view presents information about a selected item of the VOD content, and wherein the digest view presents information about a set of the VOD content that are associated with a series, wherein providing either a detail view or a digest view of the VOD content comprises:
 - [1.7] determining, by the processor, if the selection in the collection view is for a series or one of a movie or single show;
 - if the selection in the collection view is for a series, providing, by the processor, the digest view; and
 - if the selection in the collection view is for one of a movie or single show, providing, by the processor, a detail view, [1.8] wherein a navigation to view VOD content is an ordered set of user interfaces, and wherein the order includes a master view at a top level, a collection view at a second level, either a digest view or detail view at a third level, and a player view at a fourth and bottom level.

3. The method as defined in claim 1, wherein the digest view provides a listing of two or more episodes associated with the series.

4. The method as defined in claim 3, further comprising:
receiving a fourth selection of an episode in the digest view;
and

in response to the fourth selection, providing a player to present the episode to the user.

5. The method as defined in claim 4, further comprising:
receiving a fifth selection of a user interface device to play the movie or single show; and

in response to the fifth selection, providing a player to present the movie or single show to the user.

Ex. 1001, 56:35–57:5, 57:49–61.

F. Evidence

Petitioner relies on the following patent evidence.

Name	Patent Document	Exhibit
Hunleth	US 7,634,793 B2	Ex. 1021
Hunt	US 8,365,235 B2	Ex. 1020
Ma	US 2012/0054679 A1	Ex. 1022
Kim	US 2012/0054794 A1	Ex. 1019

Petitioner relies on the following non-patent literature evidence.

Name	Non-Patent Literature Title	Author	Exhibit
TechnoBuffalo	“Connected TV: VIZIO LED HDTV with VIA Apps Part 1 of 2” and “Connected TV: VIZIO LED HDTV with VIA Apps Part 2 of 2”	Noah Kravitz ¹	Exs. ² 1005– 1017
MissingRemote	“Apple TV Netflix Walkthrough”	Andrew Van Til ³	Ex. 1018

G. Prior Art and Asserted Grounds

Petitioner asserts that claims 1–12 would have been unpatentable on the following grounds:

Claim(s) Challenged	35 U.S.C. § ⁴	Reference(s)/Basis
1–12	103(a)	Kim, TechnoBuffalo, MissingRemote, Hunt, Hunleth
1–12	103(a)	Kim, Ma, Hunt, Hunleth

Pet. 1–2.

¹ On the present record, we understand Noah Kravitz to be an author of the TechnoBuffalo videos. *See* Ex. 1005, 0:00–0:05; Ex. 1011, 0:00–0:05; Ex. 1017, 0:33–0:35; Ex. 1025 (Declaration of Noah Kravitz) ¶ 4.

² The two TechnoBuffalo videos were broken up into 13 exhibits by Petitioner due to upload size limitations. Pet. 5 n.4.

³ On the present record, we understand Andrew Van Til to be an author of the MissingRemote video. *See* Ex. 1018, 0:02–0:05; Ex. 1026 (Declaration of Andrew Van Til) ¶ 3.

⁴ The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112–29, 125 Stat. 284 (2011), amended 35 U.S.C. § 103, effective March 16, 2013. Because the earliest claimed priority date of the ’384 patent is before March 16, 2013, we apply the pre-AIA version of § 103. *See* Ex. 1001, code (60) (claiming priority to numerous provisional applications, including six provisional applications filed before March 16, 2013). Our analysis in this Decision would be the same if we applied the AIA version of § 103.

II. ANALYSIS

A. *Legal Standards*

“In an [*inter partes* review], the petitioner has the burden from the onset to show with particularity why the patent it challenges is unpatentable.” *Harmonic Inc. v. Avid Tech., Inc.*, 815 F.3d 1356, 1363 (Fed. Cir. 2016) (citing 35 U.S.C. § 312(a)(3) (requiring *inter partes* review petitions to identify “with particularity ... the evidence that supports the grounds for the challenge to each claim”)). This burden of persuasion does not shift to Patent Owner. *See Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015) (citing *Tech. Licensing Corp. v. Videotek, Inc.*, 545 F.3d 1316, 1326–27 (Fed. Cir. 2008)) (discussing the burden of proof in *inter partes* review).

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are “such that the subject matter as a whole would have been obvious . . . to a person having ordinary skill in the art to which said subject matter pertains.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved based on underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) objective evidence of nonobviousness, i.e., secondary considerations.⁵ *See Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966).

“To satisfy its burden of proving obviousness, a petitioner cannot employ mere conclusory statements. The petitioner must instead articulate

⁵ On the present record, neither party has raised evidence or arguments relating to objective evidence of nonobviousness.

specific reasoning, based on evidence of record, to support the legal conclusion of obviousness.” *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016). We analyze the asserted grounds with the principles stated above in mind.

B. Level of Ordinary Skill in the Art

Petitioner asserts, citing the testimony of its declarant Dr. Henry Houh (Ex. 1003) that:

A person of ordinary skill in the art (“POSITA”) in August of 2012 would have been knowledgeable and familiar with [user interfaces] in consumer products that are pertinent to the ’384 Patent. A POSITA would have had a bachelor’s degree in Electrical, Software, or Computer Engineering, or equivalent training, and approximately two years of experience working in the field of television and/or digital video systems, human-computer interaction, or related technologies. Lack of professional experience can be remedied by additional education, and vice versa.

Pet. 15 (citing Ex. 1003 ¶ 21). At present, Patent Owner does not dispute this definition. Prelim. Resp. 9–10.

The definition proposed by the Petitioner appears to be consistent with the problems and solutions in the ’384 patent and prior art of record and is supported by expert testimony. We adopt this definition for the purpose of this Decision.

C. Claim Construction

Petitioner asserts that no claims require express construction. Pet. 16. Patent Owner does not explicitly propose any claim constructions. Prelim. Resp. 9.

Without making any specific claim-construction argument, Petitioner cites portions of the specification of the ’384 patent relating to “intelligent TV” (as recited directly or by dependency in claims 1–10) and for

“computer-readable medium” (as recited in claims 11 and 12). Pet. 16 (citing Ex. 1001, 15:42–45, 17:65–18:1).

Without making any specific claim-construction argument, Patent Owner cites language from the specification of the ’384 patent relating to the term “detail view” (Ex. 1001, 45:21–24), and language from the specification of the ’384 patent relating to “digest view” (Ex. 1001, 44:16–18). Prelim. Resp. 11. As discussed below, certain of Patent Owner’s arguments regarding specific grounds asserted appear to implicitly relate to the proper construction of “digest view,” a term that appears in each independent claim, and these arguments are discussed below with reference to the claim limitations these arguments pertain to. *Infra* § II.D.6.c.1.

To the extent that the parties rely upon claim construction arguments during the course of trial, these arguments should be explicit and should appear in a clearly designated section of briefing. Such arguments should “point out the specific portions of the specification, prosecution history, and relevant extrinsic evidence” to be considered, with explanations of the relevancy of that evidence to the arguments presented. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide,⁶ 84 Fed. Reg. 64,280, at 44–49 (Nov. 2019).

We determine that no express construction of any claim term is necessary for the purpose of institution. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017) (only those terms that are in controversy need be construed, and only to the extent necessary to resolve the controversy) (citing *Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999)).

⁶ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

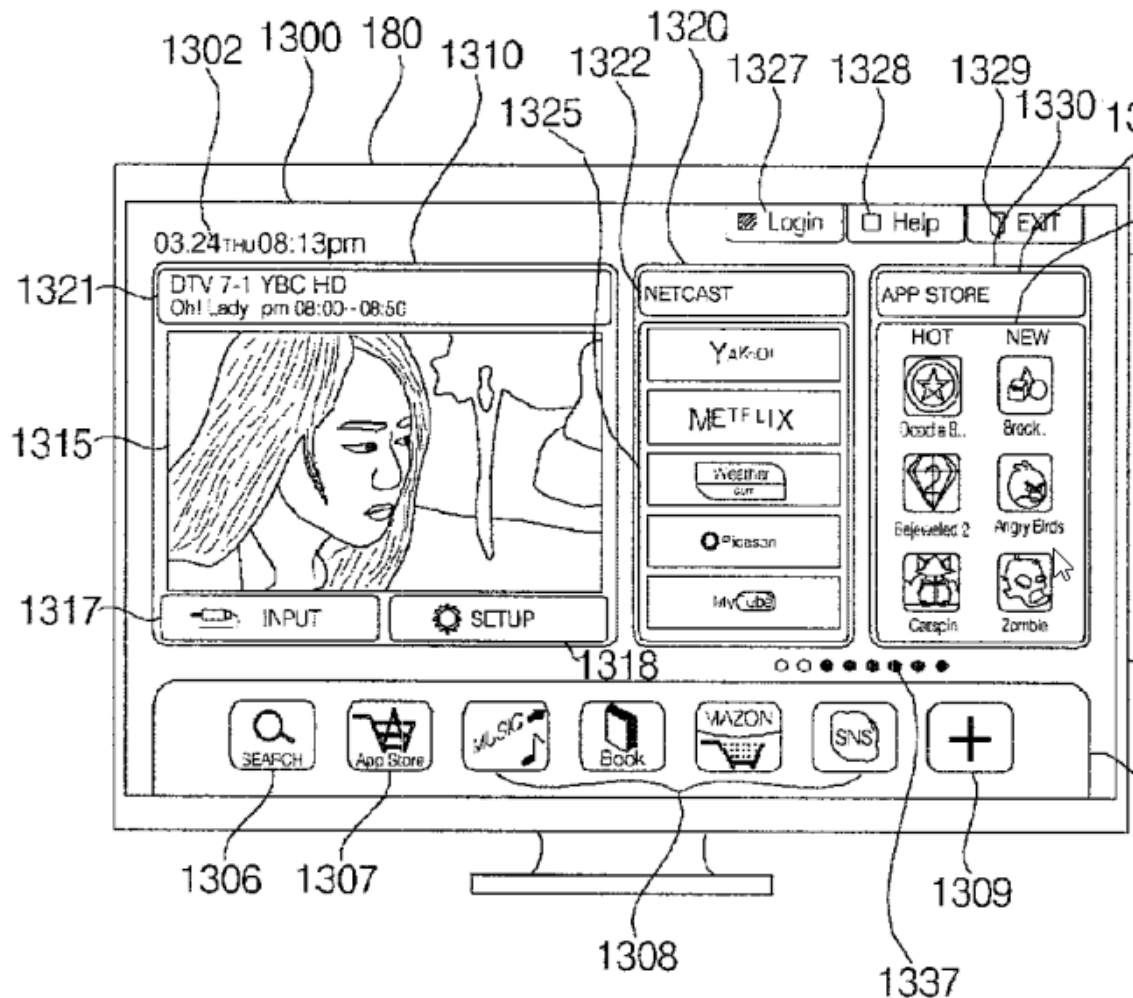
D. Asserted Obviousness of Claims 1–12 over Kim, TechnoBuffalo, MissingRemote, Hunt, and Hunleth

Petitioner argues that claims 1–12 are unpatentable as obvious over a combination of Kim, TechnoBuffalo, MissingRemote, Hunt, and Hunleth. Pet. 16–77. Patent Owner presents arguments relating to whether Petitioner has shown that the proposed combination teaches a “digest view of VOD content” as recited in each independent claim. Prelim. Resp. 1, 11–21. We begin with a description of the prior art references, and then discuss the parties’ contentions and provide our analysis.

1. Kim

Kim is a published application titled “Image Display Apparatus and Method for Operating the Same,” and discloses a multifunctional display including the display of card objects in different areas of a display, and the updating of the card objects displayed. Ex. 1019, codes (54), (57). Kim discloses that the card objects may be of various types, such as, e.g.: a display of a received broadcast image; a list of content providers (“CPs”); a list of applications; a thumbnail list of broadcast channels; a broadcast program guide; a recorded program list; a list of multimedia files; a list of connected external devices; and a list of phone functionalities. *Id.* ¶¶ 94, 195, 196, 201, 205–211, 221, Fig. 19.

A portion of Figure 19 of Kim is reproduced immediately below, showing an exemplary home screen on a display:



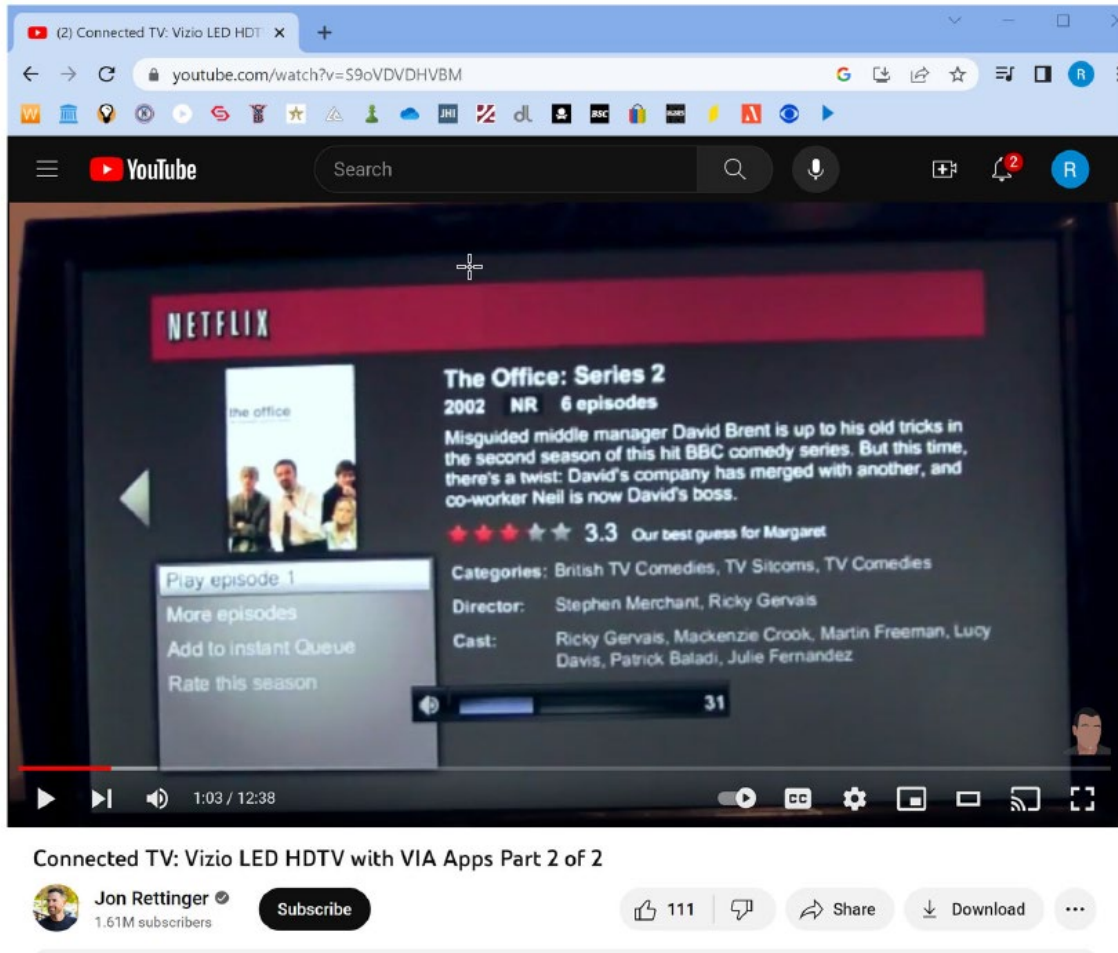
Id. ¶¶ 21, 192. The reproduced portion of Figure 19 shows home screen 1300, which may be a default home screen configuration displayed upon power on, displayed on display 180. *Id.* ¶¶ 21, 192, 193. Card object 1310 displays a broadcast image. *Id.* ¶¶ 193, 195, 197. Card object 1320 displays a list of CPs available. *Id.* ¶¶ 193, 195, 201. “[I]f a specific CP is selected from the CP list 1325, a list of content available from the selected CP may be displayed on the display 180.” *Id.* ¶ 201. Card object 1330 provides a list of applications. *Id.* ¶¶ 193, 195. Other available card objects may be arranged in a hidden area (shown in the complete version of Figure 19) and

may be shifted or scrolled on to the display to replace some or all displayed card objects. *Id.* ¶¶ 196, 197.

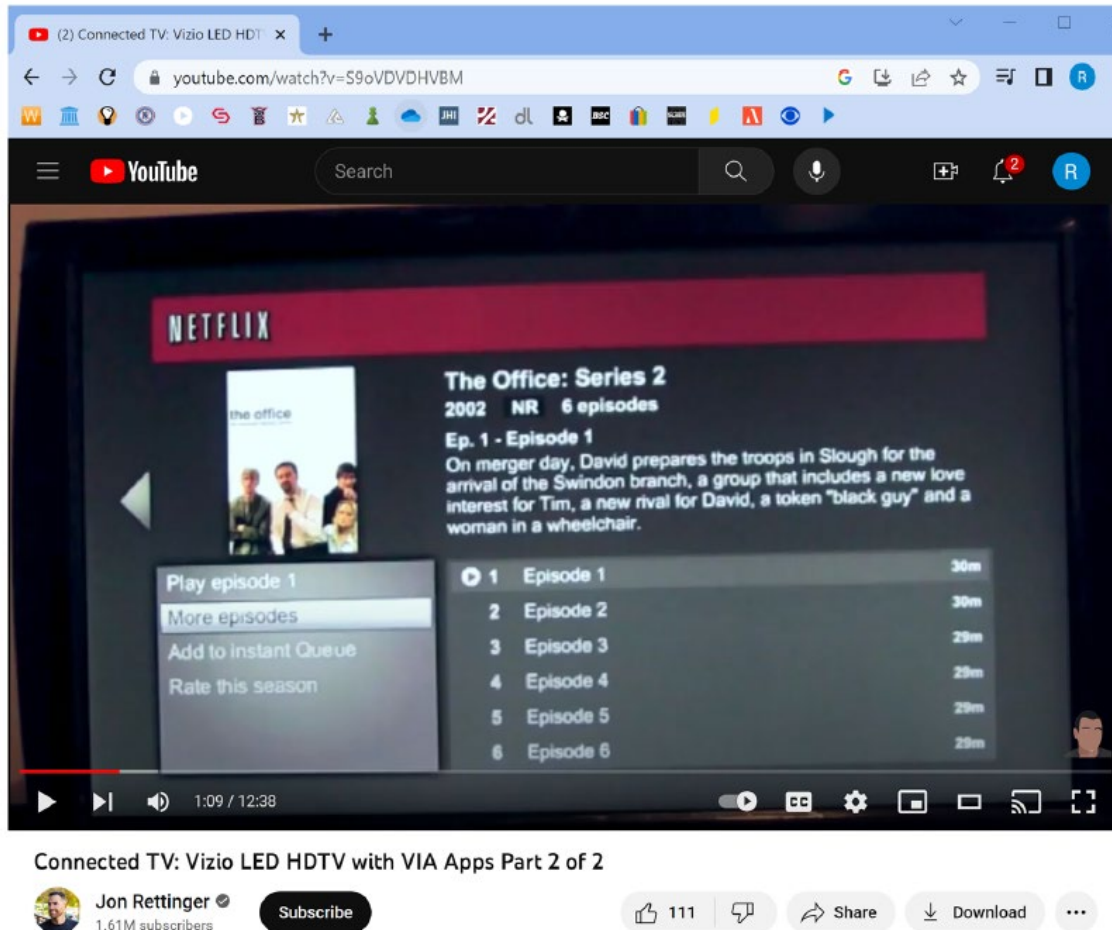
2. *TechnoBuffalo*

TechnoBuffalo is a two-part review of a VIZIO product, asserted to have been posted to YouTube in January, 2011. Ex. 1011–Ex. 1017; Ex. 1025 ¶¶ 4–6. TechnoBuffalo demonstrates the user interface of Netflix, a CP, on a VIZIO television. *Id.*

In the TechnoBuffalo videos, a user launches the Netflix app from a list of possible selections. Ex. 1010, 0:21–1:00. The user then navigates to a “Genres” selection from a menu that includes “New Arrivals” and “Genres.” Ex. 1011, 0:29–0:45. As this occurs, the presentation on the screen of the television changes from a display with 10 images listed under two headings (“New Arrivals: Movies” and “New Arrivals: TV”) to one with different images under headings including “Television” and “Action & Adventure.” *Id.* at 0:33–0:45. The user selects an image for “The Office” *Id.* at 0:45–0:49. The resulting display, relating to the second series of The Office, is reproduced below:



Id. at 1:03 (as reproduced at Pet. 41) (“the TechnoBuffalo 1:03 view”). The display includes an image, a title (“The Office: Series 2”), a description of the season, and menu items. When “More episodes” is selected another display, reproduced immediately below, is displayed. *Id.* at 1:06–1:09.



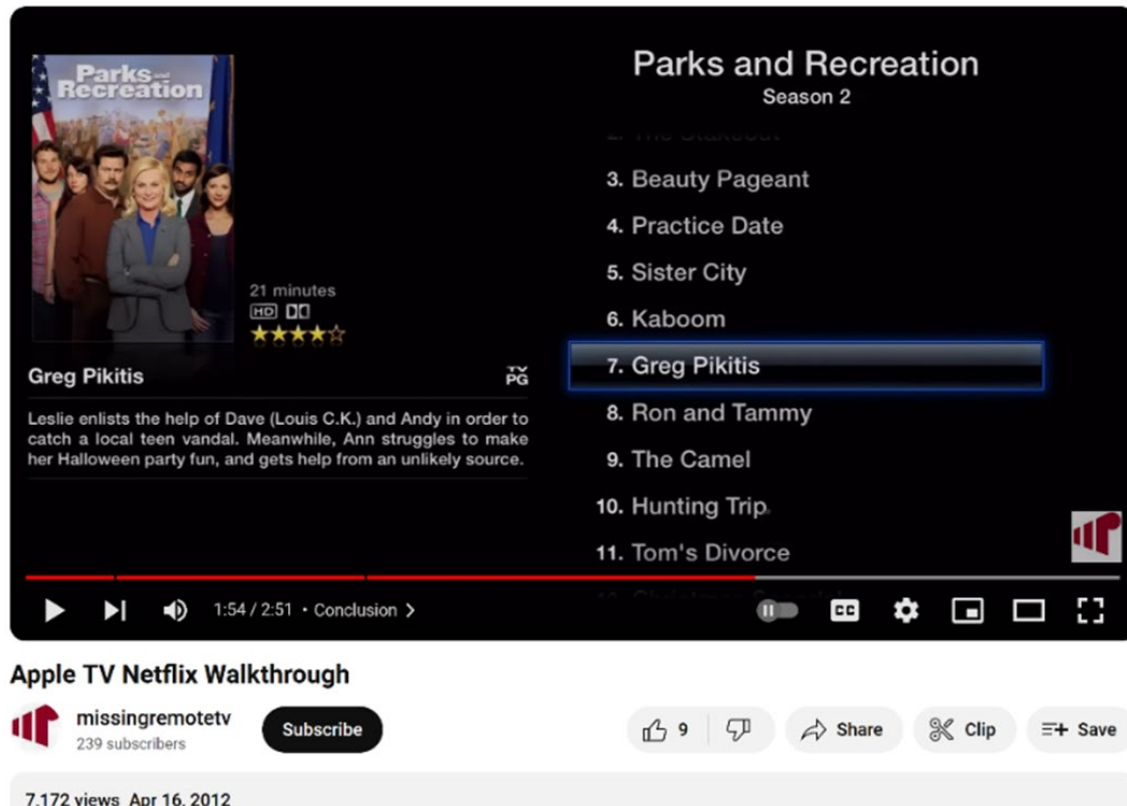
Id. at 1:09 (as reproduced at Pet. 42) (“the TechnoBuffalo 1:09 view”). In this resulting display, a description of the first episode is presented, along with a listing of additional episodes in the season. *Id.*

3. *MissingRemote*

MissingRemote is a video titled “Apple TV Netflix Walkthrough,” asserted to have been posted to YouTube in April, 2012. Ex. 1018; Ex. 1026 ¶¶ 3–5. MissingRemote provides a walkthrough of Netflix’s user interface on an Apple TV device. Ex. 1018, 0:00–0:18.

During the walkthrough, a selection of “Recently Watched” is made from a screen offering “Suggestions for You,” “Just for Kids,” and “Recently Watched,” among others. *Id.* at 0:18. The screen changes to

display different images, each associated with a show. *Id.* at 1:42–1:51.
When a show is selected, an additional interface, reproduced immediately below, is displayed listing episode titles for a season of a show. *Id.* at 1:52–1:56.



Ex. 1018, 1:54 (reproduced from Pet. 10) (“the MissingRemote 1:54 view”).
This screen includes an image, the title of a show, a listing of episode names, and a description of one episode. *Id.*

Selecting a title from this interface yields a screen that describes the episode and provides an icon labelled “play.” *Id.* at 2:05–2:12.

4. *Hunt*

Hunt is titled “Trick Play of Streaming Media” and describes a user interface for the playing of streaming media such as streaming video.

Ex. 1020, codes (54), (57), 1:15–16, 5:47–61, Figs. 5–8, 11, 12. As part of

the disclosure, Hunt presents examples of what it terms “poster screen[s]” and “springboard screen[s].” *Id.* at 5:3–12, 5:20–24, Figs. 5–8, 11, 12.

A poster screen may include a large image (a “poster image”) and optionally additional images, each representing an available audiovisual program. *Id.* at 16:14–16, 16:23–30, 16:42–57. When a poster screen is being displayed, a user selection may change which program is displayed with the large image. *Id.* at 16:51–17:32, Figs. 5–7.

A springboard screen may be displayed when a user selects a poster image on a poster screen. *Id.* at 17:33–38, Fig. 8. The springboard screen may include a poster image for the selected program, metadata such as plot summary, and functional options for the program to allow a user to watch the program or a preview of the program. *Id.* at 17:44–61.

Hunt additionally describes springboard screens for selecting an episode from among a plurality of episodes associated with a series. *Id.* at 18:33–36, Figs. 11, 12. Figure 11, which is reproduced below, shows a springboard screen for a series television program. *Id.* at 18:36–38.

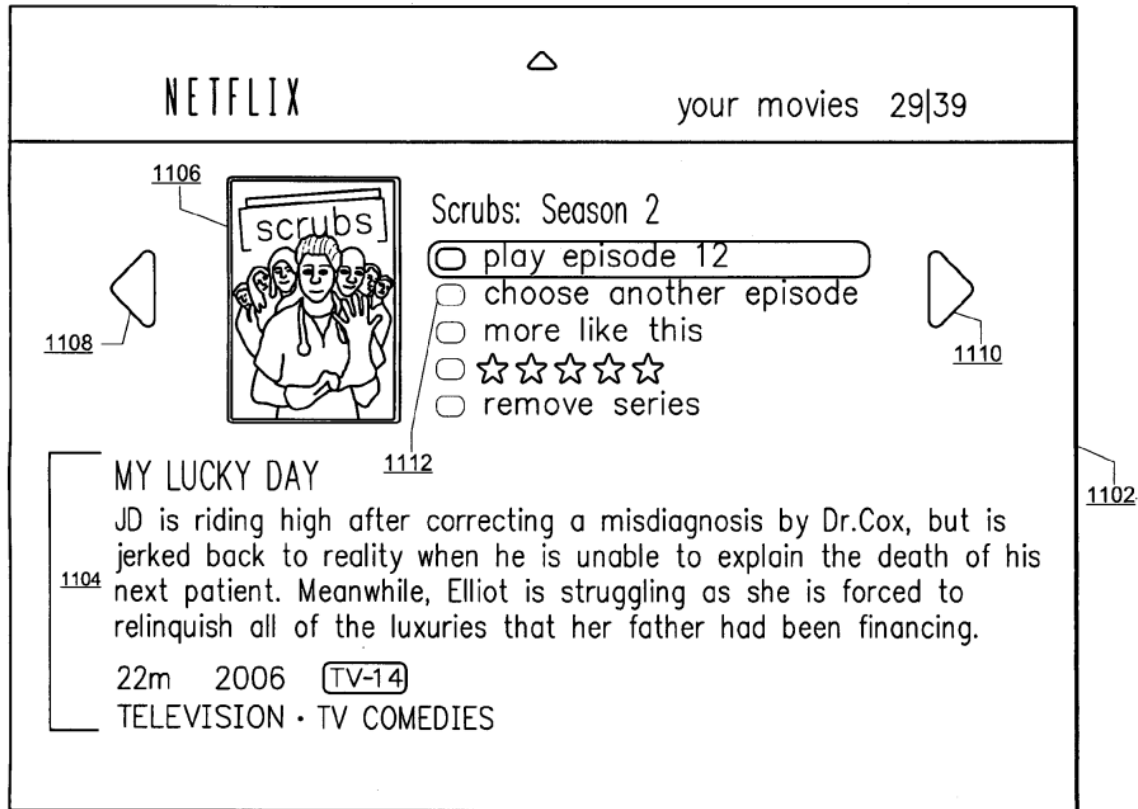


FIG. 11

Figure 11 depicts springboard screen 1102 including metadata 1104 describing a specific episode, a poster image of that episode, and movement icons 1108 and 1110, which can be used to select alternative episodes. *Id.* at 18:36–45. Functional options allowing a user to play the displayed episode or “choose another episode” 1112 are provided. *Id.* at 18:52–55, 18:64–65. If the user selects the “choose another episode” option, the display of Figure 12, reproduced below, is generated and displayed. *Id.* at 18:64–66.

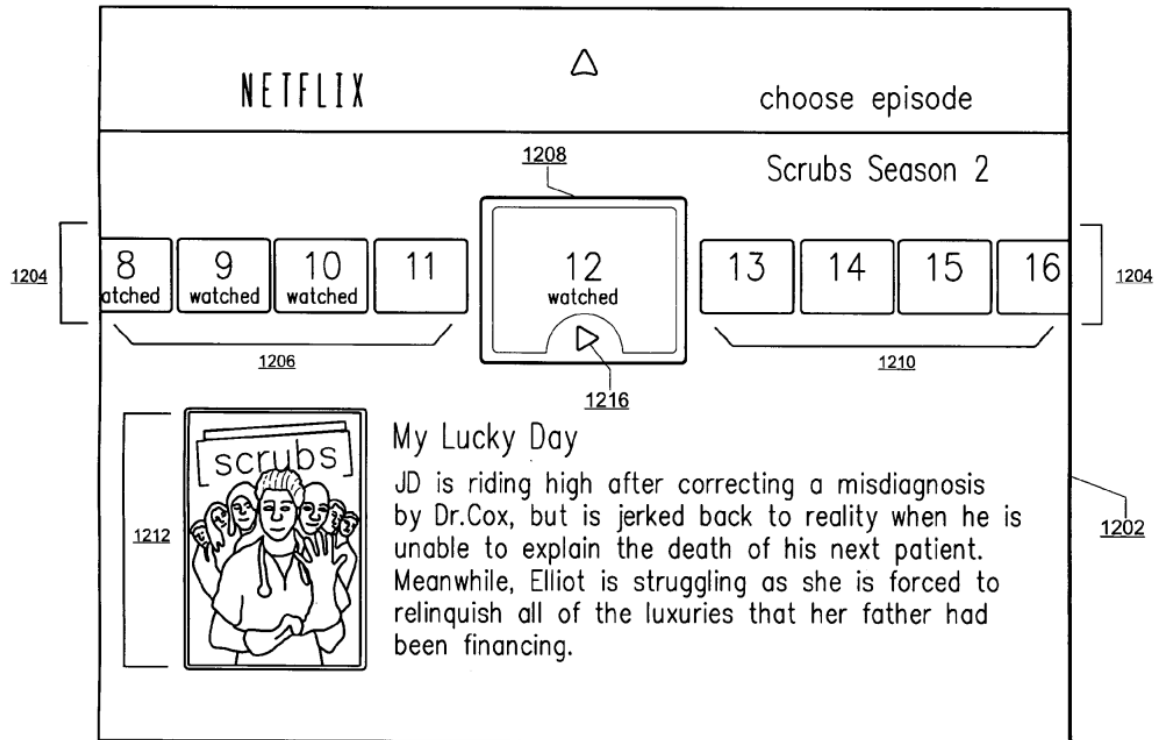


FIG. 12

Figure 12 depicts screen display 1202 with ordered list of icons 1204 representing episodes in the series, with one icon 1208 representing a currently selected episode displayed with more prominence than the other icons. *Id.* at 18:67–19:11. Metadata 1212 in screen display 1202 corresponds to the currently selected episode. *Id.* at 19:53–56.

5. *Hunleth*

Hunleth concerns communicating and processing data in interactive television networks. Ex. 1021, 3:7–10. Hunleth describes exemplary user interface screens that can be generated for a user. *Id.* at 3:45–50, 4:19–23. In one such screen, a plurality of media objects, such as DVD cover art, are displayed as available for user selection. *Id.* at 4:35–37. When a user preliminarily selects an object, it is magnified as shown in Figure 1B of Hunleth, reproduced immediately below. *Id.* at 4:37–40.



FIG. 1B

Figure 1B depicts a screen of a user interface in which different movie icons appear, with one icon magnified. *Id.* After a further user selection of the magnified image, Figure 2, reproduced immediately below, is displayed. *Id.* at 4:48–55.

DRAMA

 APOLLO 13	APOLLO 13 (1995) Length: 120 Minutes Price: \$3.99 BUY / WATCH TRAILER / BACK Massively popular, fast-paced retelling of near-disaster space mission. Much to enjoy for fans of suspense and special effects. Well-developed characters appeal even to those who don't like typical Hollywood epics. Actors: Tom Hanks, Bill Paxton, Kevin Bacon, Gary Sinise, Ed Harris
	Tom Hanks American leading actor Tom Hanks has become one of the most popular stars in contemporary American cinema. Born July 9, 1956, in Concord, CA. Rated by Empire Magazine as 17th out of The Top 100 Movie Stars of All Time in October 1997, Hanks is married to actress Rita Wilson, with whom he appeared in <i>Volunteers</i> (1985). Filmography Saving Private Ryan The Green Mile Forrest Gump Road to Perdition Apollo 13 Philadelphia Toy Story Cast Away

FIG. 2

Figure 2 is a user interface screen including the image from Figure 1B, and including additional metadata about the selection, such as runtime, price, and actor information. *Id.* at 4:45–55. Hyperlinks in this interface can allow the user to jump to interface screens associated with related movies or with actors identified. *Id.* at 4:60–5:2.

6. Claim 1

a) *Combination of Kim, TechnoBuffalo, MissingRemote, Hunt, and Hunleth*

Petitioner contends that Hunt, TechnoBuffalo, and MissingRemote each provide details of the operation of the Netflix platform, and that any differences between the user interfaces presented would have been understood by one of ordinary skill as design alternatives in implementing such a platform. Pet. 16–18 (citing Ex. 1010; Ex. 1011, 0:43, 1:10; Ex. 1018, 0:09, 2:10; Ex. 1003 ¶¶ 103–105, 107, 108). Petitioner argues one

of ordinary skill in the art would have combined these details with Kim’s intelligent TV home screen including CP applications because Kim’s recited CP applications include Netflix, under the name “Metflix.” *Id.* at 18–19 (citing Ex. 1019 ¶¶ 63, 159, 201, Fig. 19; Ex. 1003 ¶ 109). Lastly, Petitioner argues Hunleth’s disclosure of displays following a user selection of a movie in a collection view would have supplemented the disclosures in Hunt, TechnoBuffalo, MissingRemote, and Kim to provide details regarding the use of metadata to generate user interfaces. *Id.* at 19 (citing Ex. 1021, 2:63–3:3, 4:45–51, 5:2–17, Fig. 1B, Fig. 2; Ex. 1003 ¶¶ 110–111).

Petitioner contends that Hunt, TechnoBuffalo, MissingRemote, and Hunleth are natural extensions of Kim that provide additional details about user interface design and generation, and that it would have been obvious for one of ordinary skill in the art to use the teachings of the other references on Kim’s apparatus for details regarding the selection of a CP provider, with predictable results and a reasonable expectation of success. *Id.* at 19–21 (citing Ex. 1003 ¶¶ 112–119). Additionally, Petitioner argues that the combination uses metadata to provide a user interface appropriate to the type of content selected by a user that would have been made by one of skill in the art, and that the user would have had a reasonable expectation of success in this combination. *Id.* at 55 (citing Ex. 1003 ¶¶ 185–186, 197–200).

At this time, Patent Owner does not dispute Petitioner’s assertions regarding the combination of Kim, TechnoBuffalo, MissingRemote, Hunt, and Hunleth. Nor, at this time, does Patent Owner rebut Petitioner’s assertion that one of ordinary skill in the art would have been motivated to make this combination and would have had a reasonable expectation of success in doing so.

On the present record, we determine that Petitioner has shown a reasonable likelihood that it will prevail in showing one of ordinary skill in the art would have combined and used the details regarding a content provider user interface provided in TechnoBuffalo, MissingRemote, Hunt, and Hunleth, and would have used the relevant teachings of these references to provide details relating to the user interfaces provided by a CP provider on an intelligent television, such as that of Kim. *See* Ex. 1003 ¶¶104–106, 109–110, 112. We additionally determine that Petitioner has shown a reasonable likelihood that it will prevail in showing that one of ordinary skill in the art would have been motivated to make this combination, and would have had a reasonable expectation of success in doing so. *See id.* ¶¶113–119.

b) Claim 1 – Limitations 1.0 through 1.5

For the preamble⁷ of claim 1 (denoted limitation 1.0 by Petitioner), reciting “providing VOD in an intelligent television,” Petitioner argues that Kim’s smart TV teaches an intelligent television. Pet. 22 (citing Ex. 1019 ¶¶40, 63, 282–289, Fig. 19; Ex. 1003 ¶¶120–121). Petitioner further argues that Kim’s disclosure of “Content on Demand” applications providing audio/visual content to Kim’s television, along with its disclosure of “Metflix” as a content provider, teaches Netflix as a content provider of VOD. *Id.* at 23 (citing Ex. 1019 ¶¶40, 63, 201, Fig. 19; Ex. 1003 ¶¶86, 122). Petitioner additionally argues that TechnoBuffalo teaches the features

⁷ The parties do not address whether the preamble is limiting. Because we determine that Petitioner has sufficiently shown the subject matter of the preamble to be taught by the asserted combination of art, we do not address this issue. *See Nidec Motor Corp.*, 868 F.3d at 1017.

of the preamble via the smart VIZIO HDTV with apps including Netflix. *Id.* at 23–24 (citing Ex. 1010, 0:29, 0:32; Ex. 1003 ¶ 123).

For the first portion of limitation 1.1 of claim 1, “receiving, by a processor of the intelligent television, a first selection . . .” Petitioner cites Kim’s controller 170, which is or includes a processor, and which controls Kim’s image display and receives user input signals from a remote or from local input keys. Pet. 24–27 (citing Ex. 1019 ¶¶ 86–87, 89, 145, 166, Fig. 6; Ex. 1003 ¶¶ 124–128). Petitioner argues that Kim’s controller would receive selections, including a first selection for content from the menus on the display. *Id.* at 27 (citing Ex. 1003 ¶ 129). Petitioner additionally argues that it would have been obvious to one of ordinary skill that the television in TechnoBuffalo would have incorporated a processor that would receive user selections. *Id.* at 27–28 (citing Ex. 1003 ¶¶ 130–132). Petitioner also argues, regarding other references to the processor, that Hunt and Hunleth teach or suggest that the views recited in other limitations are provided by the processor. *Id.* at 37–38 (citing Ex. 1020, 9:32–33, 16:16–22; Ex. 1021, 11:23–34, 29:12–22; Ex. 1003 ¶¶ 157–158).

With respect to the balance of limitation 1.1, that the first selection is “for a VOD content,” Petitioner contends that each of Kim and TechnoBuffalo teach the selection of a CP providing video content. Pet. 28–29 (citing Ex. 1019 ¶ 201 (selection of a CP from a CP list), Fig. 19; Ex. 1010 (displaying Netflix app at 0:29, followed by selection of Netflix app); Ex. 1003 ¶¶ 133–135).

For the master view provided “in response to the first selection,” Petitioner argues that Kim teaches that the selection of a CP would result in displaying “a list of content available from the selected CP.” Pet. 30 (citing Ex. 1019 ¶ 201; Ex. 1003 ¶ 137). Petitioner additionally cites

TechnoBuffalo’s display of a view including a display of images titled “New Arrivals: Movies” and a second titled “New Arrivals: TV.” *Id.* at 30–31 (citing Ex. 1011, 0:32; Ex. 1003 ¶¶ 138–139). Petitioner cites this display and the first display presented in MissingRemote, which similarly includes a list of collections of content organized by characteristic. *Id.* at 32–33 (citing Ex. 1011, 0:32; Ex. 1018, 0:21; Ex. 1003 ¶¶ 144–145).

Limitations 1.3 and 1.4 of claim 1 recite “receiving . . . a second selection for VOD content” and, in response, providing a collection view that presents two or more items of content having the selected characteristic. Ex. 1001, 56:44–49. Petitioner argues that a selection of a category is shown in each of TechnoBuffalo and MissingRemote, each of which results in the display by the television of a menu displaying multiple items of content corresponding to the selected category. Pet. 34–36 (citing Ex. 1011, 0:32, 0:47; Ex. 1018, 0:21, 1:51; Ex. 1003 ¶¶ 148, 150–153).

For “the third selection” of limitation 1.5 of claim 1, Petitioner argues that the selection of a piece of content corresponding to a third selection is taught by TechnoBuffalo or MissingRemote. *Id.* at 38–40 (citing Ex. 1011, 0:47; Ex. 1018, 1:51; Ex. 1003 ¶¶ 159–161).

At this time, Patent Owner does not present any argument regarding Petitioner’s assertions as to limitations 1.0 through 1.5 of claim 1.

We determine, on this preliminary record, that Petitioner has shown a reasonable likelihood that it will prevail in showing limitations 1.0 through 1.5 of claim 1 would have been obvious. On the present record, we find sufficiently persuasive Petitioner’s arguments regarding its combination of Kim’s processor and other structure and Kim’s exemplary home screen (as seen in Ex. 1019, Fig. 19), along with TechnoBuffalo and MissingRemote’s walk through of the menu screens, the corresponding views of collections of

content organized by a characteristic of the content, and then of specific collections and the content included (as seen in Ex. 1010, 0:29, 0:32; Ex. 1011, 0:32, 0:47; Ex. 1018, 0:21, 1:51), all of which is supported by Dr. Houh’s declaration (Ex. 1003 ¶¶ 120–135, 137–139, 144–145, 148, 150–153, 157–161).

c) Limitations 1.6 and 1.7

Limitations 1.6 and 1.7 describe providing a detail view (which “presents information about a selected item of the VOD content”) or a digest view (which “presents information about a set of the VOD content that are associated with a series”) based on a determination regarding “the third selection” (in the collection view). Ex. 1001, 56:52–67. If the third selection is for a series, the digest view is provided, and if it is for a movie or single show, the detail view is provided. *Id.*

(1) Provision of a “digest view”

(a) The Parties’ Positions

Petitioner argues TechnoBuffalo teaches that, if the user selects a TV series, then a digest view is provided, as in the TechnoBuffalo 1:03 view. Pet. 40–41; *see also id.* at 44 (citing MissingRemote as disclosing that a TV series selection would yield a digest view). Petitioner contends that the TechnoBuffalo 1:03 view is a digest view, because “it presents information (*e.g.*, number of episodes, synopsis of entire season, ratings for season, menu items for ‘More episodes’) about a set of VOD content” that is associated with a series. *Id.* at 41.

Petitioner alternatively argues that the TechnoBuffalo 1:09 view, which is displayed after a further selection is made from the TechnoBuffalo 1:03 view, is itself a digest view, because “it presents information (*e.g.*, year, rating, number of episodes (6), episode lengths) about a set of VOD content”

associated with a series. *Id.* at 42. Petitioner further argues that the presentation of either of these views would have been a design choice, and that presenting only the second view would have been a substitution of one known element for another to obtain a predictable result. *Id.* at 42–43 (citing Ex. 1003 ¶ 167). Additionally, Petitioner cites Hunt’s Figures 11 and 12 as digest views, and asserts that one of ordinary skill would have found it obvious to display one of Hunt’s views in response to a third selection of series content. *Id.* at 43–44 (citing Ex. 1020, 18:33–51, Fig. 11, Fig. 12; Ex. 1003 ¶¶ 168–169).

Lastly, Petitioner cites the MissingRemote 1:54 view and argues that this view is a digest view presented upon the selection of a series “because it presents information (e.g., episode titles) about a set of VOD content (e.g., episodes in Season 2) that are associated with a series (e.g., ‘Parks and Recreation’).” *Id.* at 44.

Patent Owner agrees that the TechnoBuffalo 1:03 view is a digest view, but argues that the TechnoBuffalo 1:09 view, the asserted digest views from Hunt, and the Missing Remote 1:54 view are not digest views. Prelim. Resp. 1, 15–18. Patent Owner asserts that the description in a digest view must be of “the *entire series* or season,” and that, of the alleged digest views cited by Petitioner, only the TechnoBuffalo 1:03 view does so, with the other asserted views only providing information about a single episode. *Id.* at 15–18. Without explicitly requesting claim construction (*see* Prelim. Resp. 10–11) Patent Owner appears to rely on language from the ’384 patent specification, which describes an exemplary digest view (element 1724 in Figure 17 of Ex. 1001) as providing “a description of the series and a set of episodes.” Prelim. Resp. 11, 12–13 (each quoting Ex. 1001, 44:16–18), 15–18. Patent Owner additionally cites an additional example of a digest view

seen in the '384 patent's Figure 17 (with no element number, but labeled as a digest view). *Id.* at 12–13.

Although Patent Owner agrees that the TechnoBuffalo 1:03 view is a digest view, Patent Owner also argues that the Petition “alleges that [TechnoBuffalo] presents *either* the [TechnoBuffalo 1:03 view] or the [TechnoBuffalo 1:09 view] based on a selection for a TV series.” Prelim. Resp. 19. Thus, Patent Owner asserts, “the Petition alleges that a selection for a series will result in *either* a detail view or a digest view being presented” for a series. *Id.* Patent Owner contends the requirement in claim 1 that a digest view be provided upon the selection of a series is not taught or suggested by the combination, which Patent Owner asserts “may provide a detail view even if the selection is for a series.” *Id.*

(b) Our Analysis

We determine that Petitioner has shown it is likely to prevail in showing that the asserted combination teaches or suggests a digest view being provided in response to the selection of a series.

On the preliminary record, no claim construction of “digest view” has been requested, and to the extent Patent Owner indirectly presents a claim construction argument, we decline to read the exemplary description of a digest view in the '384 patent specification into limitations 1.6 and 1.7. Rather, in our view, the plain language of claim 1 controls because it recites that a digest view “presents information about a set of the VOD content that are associated with a series,” as recited in limitation 1.6. Ex. 1001, 56:55–57.

We find that Petitioner has sufficiently shown on this record that each of the TechnoBuffalo 1:03 view, the TechnoBuffalo 1:09 view, and the MissingRemote 1:54 view teaches or suggests the presentation of

“information about a set of the VOD content that are associated with a series,” as recited. Patent Owner agrees that the TechnoBuffalo 1:03 view is a digest view. Petitioner sufficiently shows the TechnoBuffalo 1:09 view is a digest view as it presents the “year, rating, number of episodes . . . , [and] episode lengths” for the displayed series. *See* Pet. 42 (citing Ex. 1003 ¶ 165). Similarly, Petitioner sufficiently shows that MissingRemote 1:54 view presents episode titles about episodes in the displayed season. *See id.* at 44 (citing Ex. 1003 ¶ 171). Petitioner argues alternatively that each of these would have been presented upon selection of a series in its proposed combination. Pet. 42–43, 44. We determine, in both cases, that presenting information regarding multiple individual episodes to be a sufficient showing that each presents “information about a set of the VOD content that are associated with a series,” as required by claim 1 for a digest view.

Additionally, even if we were to adopt Patent Owner’s proposed strictures on “digest view,” the TechnoBuffalo 1:03 view constitutes a digest view under such a construction, as, for example, the “synopsis of entire season” on that view teaches the presentation of information about a set of the VOD content that are associated with the series. Ex. 1003 ¶ 164 (cited at Pet. 41); *see* Prelim. Resp. 15 (acknowledging that this view is a digest view). The Petition does not assert that the proposed combination would result in a system in which either the TechnoBuffalo 1:03 or the TechnoBuffalo 1:09 view would be displayed upon the selection of a series (as Patent Owner asserts, Prelim. Resp. 19), but rather that the TechnoBuffalo 1:03 view is taught as being presented in TechnoBuffalo as a result of a series selection and, that, “[a]lternatively,” one of ordinary skill would have made the design choice to display the TechnoBuffalo 1:09 view as a direct result of the selection of a series. Pet. 42–43; Ex. 1003 ¶ 167.

Thus, at this stage in the proceeding, we determine that Petitioner has presented sufficient evidence that would support a finding that the asserted combination teaches or suggests the display of a view with information about a set of the content associated with the selected series.

We note that we do not reach this preliminary finding based on Petitioner's assertions with respect to Hunt's Figures 11 and 12. Petitioner asserts that these are digest views but, on the present record, we do not make a determination on any showing regarding which elements from among these figures are asserted to teach or suggest the required "information about a set of the VOD content that are associated with a series" as per limitation 1.6. *See* Pet. 43, 93; Ex. 1003 ¶¶ 167, 181, 291.

(2) *Balance of Limitations 1.6 and 1.7*

Petitioner asserts that each of Hunt and Hunleth teaches a detail view in response to the selection of a movie, and that one of ordinary skill would have found it obvious to include this in the asserted combination as a feature of a content provider, such as Netflix. Pet. 44–46 (citing Ex. 1021, 5:46–51, Fig. 1B, Fig. 2; Ex. 1011, 0:47; Ex. 1020, 17:17–18, 17:33–38, Fig. 7, Fig. 8; Ex. 1003 ¶¶ 172, 174–176).

Petitioner additionally asserts that Hunt discloses different views in response to the selection of a series and the selection of a movie, and that one of ordinary skill in the art would have used the different user interface designs to respond to the needs of the user in selecting different types of media. *Id.* at 49–52 (citing Ex. 1020, 18:33–51, Figs. 7, 8, 11, 12; Ex. 1003 ¶¶ 181–190).

At this time, Patent Owner does not present any additional argument regarding Petitioner's assertions as to the balance of limitations 1.6 and 1.7.

We determine, on this preliminary record, that Petitioner has shown a reasonable likelihood that it will prevail in showing limitations 1.6 and 1.7 of claim 1 would have been obvious. On the present record, we find sufficiently persuasive Petitioner's arguments regarding the presentation of a screen including information about a movie if a movie has been selected from a collection view, and information about a set of content associated with a series if a series was selected, as per the recitations of limitations 1.6 and 1.7 of claim 1. TechnoBuffalo and MissingRemote teach digest view screens relating to a series selection, Hunt and Hunleth teach information screens responsive to a movie or single show selection, and the combination and cited testimony support the provision of the appropriate screen in response to the user's selection from a collection view, as detailed above with respect to Petitioner's allegations.

d) Limitation 1.8

Limitation 1.8 recites that "a navigation to view VOD content is an ordered set of user interfaces," including a master view, a collection view, a digest or detail view, and a player view. Ex. 1001, 56:67–57:5. Petitioner relies on previously cited views to teach a master view, a collection view, and a digest or detail view. Pet. 57 (citing Ex. 1003 ¶ 202). For the "player view," Petitioner asserts that TechnoBuffalo teaches such a view. Pet. 57 (citing Ex. 1011, 1:51; Ex. 1003 ¶ 201).

At this time, Patent Owner does not present any argument regarding Petitioner's assertions as to limitation 1.8 of claim 1.

We determine, on this preliminary record, that Petitioner has shown a reasonable likelihood that it will prevail in showing limitation 1.8 of claim 1 to be taught or suggested in the asserted combination, for the reasons discussed above with reference to the master view, collection view, digest or

detail view, and relating to the TechnoBuffalo teaching of a player view screen. Ex. 1011, 1:51; Ex. 1003 ¶ 201.

e) Conclusion – Claim 1 over Kim, TechnoBuffalo, MissingRemote, Hunt, and Hunleth

For the reasons above, we determine that Petitioner sufficiently shows a reasonable likelihood of prevailing in showing claim 1 would have been obvious over the asserted combination of Kim, TechnoBuffalo, MissingRemote, Hunt, and Hunleth.

7. Claim 3⁸

Claim 3 depends from claim 1, and further specifies that “the digest view provides a listing of two or more episodes associated with the series.” Ex. 1001, 57:49–51.

Petitioner asserts that this is shown in the TechnoBuffalo 1:09 view and in the MissingRemote 1:54 view, each of which includes a listing of episodes in the selected season of the series. Pet. 60–61 (citing Ex. 1011, 1:09; Ex. 1018, 1:54; Ex. 1003 ¶¶ 211–213), 64.

Patent Owner does not present any additional arguments regarding Petitioner’s assertions as to claim 3.

We determine, on this record, that Petitioner has shown a reasonable likelihood that it will prevail in showing claim 3 to be taught or suggested in the asserted combination, based on the TechnoBuffalo 1:09 view and the MissingRemote 1:54 view, each of which includes a listing of episodes. Ex. 1011, 1:09; Ex. 1018, 1:54; Ex. 1003 ¶¶ 211–213.

⁸ Claim 2 is independent, and we address claims 3–9, which depend from claim 1, before proceeding to address claim 2.

8. *Claims 4 and 5*

Claim 4 depends from claim 3, and further recites providing a player that presents an episode to a user in response to the user selection of the episode. Ex. 1001, 57:52–56. Claim 5 depends from claim 4, and further recites a user selection of a movie or single show and a player presenting the movie or single show to the user. *Id.* at 57:57–61.

With respect to claim 4, Petitioner argues that the TechnoBuffalo 1:03 view includes a “Play episode 1” menu item, and that the TechnoBuffalo 1:09 view includes a play button, and that one of ordinary skill in the art would have understood that, in response to the selection, a player would present the episode to the user. Pet. 65–67 (citing Ex. 1011, 1:03, 1:09, 1:51; Ex. 1003 ¶¶ 222–223). Similarly, Petitioner argues that user selection of an episode title from the MissingRemote 1:54 view would have resulted in a player presenting that episode to the user. *Id.* at 67–68 (citing Ex. 1018, 1:54; Ex. 1003 ¶ 225).

With respect to claim 5, Petitioner argues that, after presenting Hunt’s detail view (as described with reference to limitations 1.6 and 1.7), it would have been understood by one of ordinary skill in the art that the selection of play in the detail view would have caused the movie to play in a player. *Id.* at 63–64 (citing Ex. 1011, 1:09; Ex. 1020, Fig. 7, Fig. 8; Ex. 1003 ¶ 219), 68 (citing Ex. 1003 ¶ 226).

Patent Owner does not present any additional arguments regarding Petitioner’s assertions as to claims 4 or 5.

We determine, on this record, that Petitioner has shown a reasonable likelihood that it will prevail in showing claims 4 and 5 to be taught or suggested by the asserted combination, based on the TechnoBuffalo 1:03 view, the TechnoBuffalo 1:09 view, the MissingRemote 1:54 view, the Hunt

Figure 8 view and the testimony of Dr. Houh. Ex. 1011, 1:03, 1:09; Ex. 1018, 1:54; Ex. 1003 ¶¶ 222–223, 225.

9. *Claims 6–9*

Claim 6 is dependent on claim 1 and further requires that “a master view includes at least two user-selectable devices to view a collection view based on one of two or more criteria.” Ex. 1001, 57:62–64. Claim 7 is dependent on claim 6 and further requires that “the master view includes a navigation bar to select between types of content.” *Id.* at 57:65–67. Claim 8 is dependent on claim 7 and further requires that “the types of content include showcase content, movies content, television series content, or variety content.” *Id.* at 58:1–3. Claim 9 is dependent on claim 8 and further requires that “the master layout includes user-selectable devices for viewing a collection of content based on special topics, newest content, top watched content, recommended content, or favorites content.” *Id.* at 58:4–8.

For these claims, Petitioner cites TechnoBuffalo’s selectable areas that allow collections to be viewed, such as collections based on “suggested content, new content, content organized by genre.” Pet. 69–70 (citing Ex. 1011, 0:32; Ex. 1003 ¶ 228). Petitioner notes (with reference to claim 7) that this includes a navigation bar. *Id.* at 71 (citing Ex. 1003 ¶ 230). Petitioner notes (with reference to claim 8) that this includes movie and television content. *Id.* at 73 (citing Ex. 1003 ¶ 234). Petitioner further asserts that this display includes options for selecting newest content (“New Arrivals”) and recommended content (“Suggestions for You”). *Id.* at 74–75 (citing Ex. 1003 ¶ 237).

Petitioner additionally argues that MissingRemote includes selectable areas that allow a collection to be viewed based on criteria such as “suggested, recently watched, and new content.” *Id.* at 70 (citing Ex. 1018,

0:21; Ex. 1003 ¶ 229). Petitioner cites MissingRemote as including a navigation bar as well. *Id.* at 71–72. Additionally, Petitioner argues that MissingRemote allows selections based on television content. *Id.* at 73–74 (citing Ex. 1003 ¶ 236).

Patent Owner does not present any additional arguments regarding Petitioner’s assertions as to claims 6–9.

We determine, on this record, that Petitioner has shown a reasonable likelihood that it will prevail in showing claims 6–9 to be taught or suggested by the asserted combination, based on TechnoBuffalo’s screen (Ex. 1011, 0:32) for claims 6–9 and MissingRemote’s screen (Ex. 1018, 0:21) for claims 6–8, combined with the cited testimony of Dr. Houh.

10. Claims 2 and 10–12

Claims 2 and 10–12 are argued by Petitioner on substantially the same basis as the claims addressed above. Pet. 58–64, 75–77. Patent Owner presents no additional arguments with respect to these claims.

For the reasons presented above, we determine that Petitioner has shown a reasonable likelihood that it will prevail in showing claims 2 and 10–12 to be taught or suggested by the asserted combination.

E. Asserted Obviousness of Claims 1–12 over Kim, Ma, Hunt, and Hunleth

Petitioner additionally argues that claims 1–12 are unpatentable as obvious over a combination of Kim, Ma, Hunt, and Hunleth. Pet. 78–107.

Because we have found Petitioner has shown a reasonable likelihood of prevailing in showing that claims 1–12 are taught or suggested by the combination including Kim, TechnoBuffalo, MissingRemote, Hunt, and Hunleth, we institute on all grounds for all challenged claims. 37 C.F.R. § 42.108(a); *see SAS Inst. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018).

We provide the following discussion regarding the second ground presented for the benefit of the parties in this proceeding.

I. Ma

Ma is titled “Menuing Structure for Favorite Media Content,” and describes user interfaces for presenting, on a monitor such as a TV set, information regarding media content to users of a media device. Ex. 1022, codes (54), (57), ¶¶ 2–4, 21. Users can interact with Ma’s user interfaces through a remote control device. *Id.* ¶ 84. Ma’s Figure 2, reproduced immediately below, is an example screen shot of a top level-media menu that a user can interact with. *Id.* ¶¶ 14, 23.

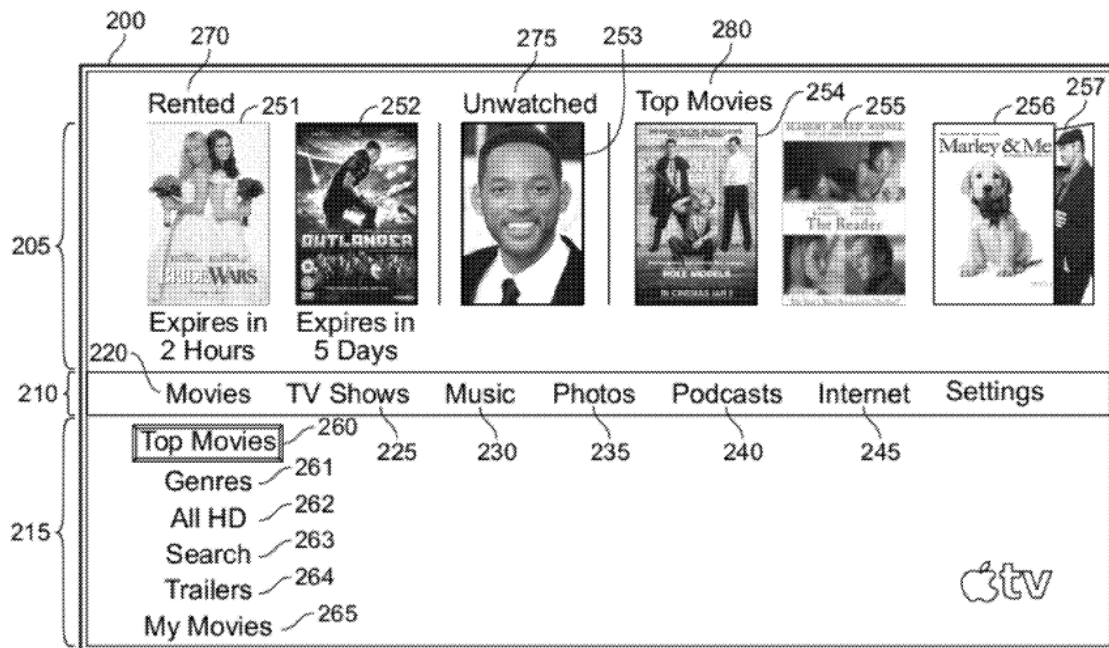


FIG. 2

Menu 200 includes shelf region 205 displaying individual items of media content, media type category region 210, and sub category region 215, in which sub-category menu options are displayed for a selected media type category. *Id.* ¶ 23. A user, using a remote, can select an element of the user interface, such as “Top Movies” subcategory choice 260, or can change the

category, for example by switching to “TV Shows” category 225. *Id.* ¶¶ 24–26. A user can also select one of the individual items of media content displayed in shelf region 205; these media content items change in response to a change of the media type category. *Id.* ¶¶ 26, 28, 29. Items in shelf region 205 may also be grouped into different groups, e.g., the groups shown in shelf region 205 in Figure 2 have group headings “Rented,” “Unwatched,” and “Top Movies.” *Id.* ¶ 29, Figs. 2–5.

Ma additionally describes a favorites menu that provides a user with shortcuts for favorite media items or series, with each displayed in an image representing the item or series. *Id.* ¶¶ 54, 62, Fig. 5B. Selecting an image representing a TV series can cause a “season screen” to be displayed, which displays shortcuts pointing to episodes for a season of the series. *Id.* ¶¶ 62–63, Fig. 5C. Figure 5C, reproduced below, is an example of a season screen. *Id.* ¶ 63.

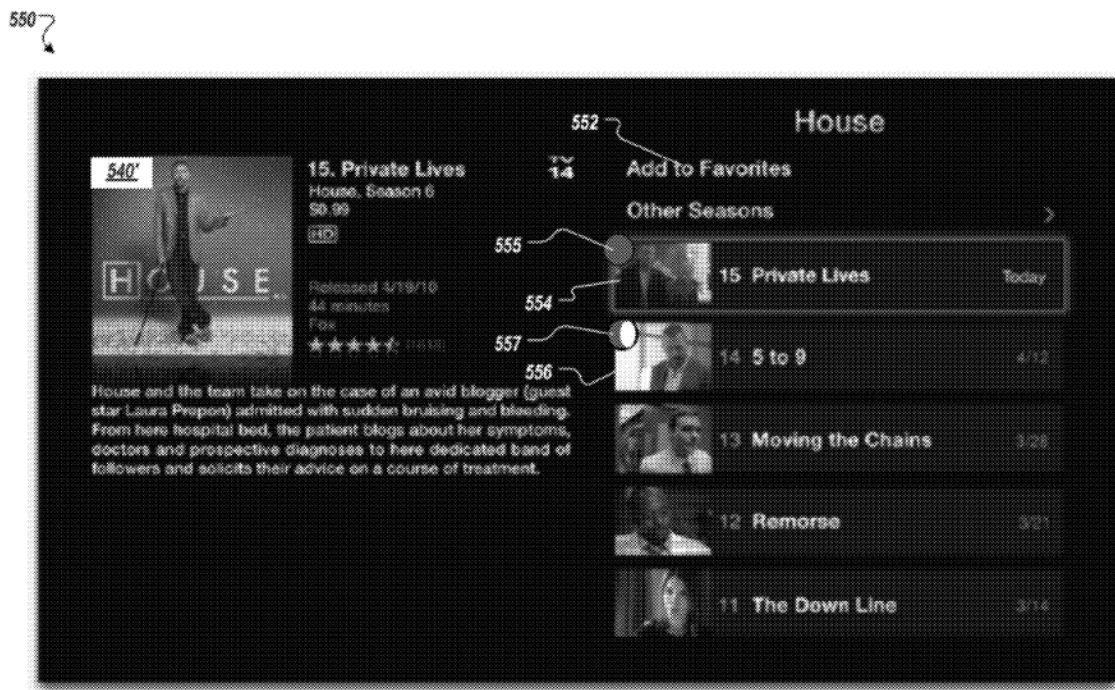


FIG. 5C

Figure 5C shows season screen 550 that includes shortcuts 554 and 556 to episodes. *Id.* ¶ 63, Fig. 5C. A description of a specific episode appears on the left side of season screen 550. *Id.*, Fig. 5C.

2. Claim 1

a) Claim 1 – Arguments Presented and Analysis

Petitioner argues that one of ordinary skill would have combined Kim's teachings regarding a home screen for intelligent TVs, including a list of CPs, with Ma's exemplar CP providing VOD. Pet. 78 (citing Ex. 1019 ¶ 201, Fig. 19; Ex. 1003 ¶ 251), 81–82. Petitioner argues that Kim in combination with Hunt and Hunleth provides additional details about presenting menus to a user and (in the case of Hunleth) to provide details about the use of metadata to generate user interfaces. *Id.* (citing Ex. 1021, 4:45–51, 5:2–17, Fig. 1B, Fig. 2; Ex. 1003 ¶¶ 252–253). Petitioner argues

that this combination would allow accurate, rich, fast, and advanced user interfaces, that one of ordinary skill in the art would be motivated to make the combination, and would have had a reasonable expectation of success in doing so. *Id.* at 79–81 (citing Ex. 1003 ¶¶ 254–260).

Petitioner argues that Ma, in this combination, teaches or suggests aspects of limitations 1.1–1.4, in its menu structure including the top-level media menu of Ma and the menu described after selection of a sub-category for top movies or favorites, as implemented by one of ordinary skill in the art. *Id.* at 81–90 (citing Ex. 1022 ¶¶ 23, 24, 30, 53, Fig. 2, Fig. 3, Fig. 5B; Ex. 1003 ¶¶ 263, 264, 266–279, 281). Petitioner further argues that a third selection for VOD content (as per limitation 1.5); a digest view (as per limitation 1.6); the provision of a digest or a detail view; and the ordered set of user interfaces are further taught or suggested, in the combination, by Ma’s selection of a TV series and display of a series screen for the selected TV series or by Ma’s selection of a movie. *Id.* at 91–93, 97–99 (citing Ex. 1022 ¶¶ 54, 63, Fig. 5, Fig. 5B, Fig. 5C; Ex. 1003 ¶¶ 285–290, 297, 299). Petitioner additionally presents similar arguments to those addressed above with respect to these limitations and the teachings of Kim, Hunt, and Hunleth. Pet. 81–99.

Specifically with respect to a “digest view,” Petitioner argues that “Ma’s ‘series screen’ represents a ‘digest view’ as it presents information about a set of VOD content (e.g., TV episodes) that are associated with a series (e.g., ‘House’).” Pet. 92–93 (citing Ex. 1022 ¶ 63, Fig. 5C; Ex. 1003 ¶¶ 288–289). Petitioner further argues that, in its proposed combination, Hunt’s Figure 11 or Figure 12 would have been obvious to present in response to the selection of a TV series in Figure 5B of Ma. *Id.* at 93 (citing Ex. 1020, Fig. 11, Fig. 12; Ex. 1003 ¶¶ 290–292).

Patent Owner contends that Ma’s Figure 5C is not a detail view, as it “provides a description of the *single episode* ‘Private Lives’ (‘House’ Season 6 Episode 15), not the *entire* ‘House’ season 6.” Prelim. Resp. 18–19. However, this argument appears to be based on Patent Owner’s claim construction arguments, which we do not adopt. *See supra* Section II.D.6.c.1.b. Additionally, Petitioner cites Ma’s shortcuts 554 and 556, which include titles and images. Pet. 92–93 (citing Ex. 1022 ¶¶ 63, Fig. 5C (elements 554, 556); Ex. 1003 ¶¶ 288–289). Patent Owner’s arguments do not appear to discuss these shortcuts. Prelim. Resp. 18–19. As we institute on all grounds for all challenged claims, the parties may present arguments regarding the construction of “digest view” and regarding whether Figure 5C of Ma teaches or suggests a digest view. *See* Pet. 44 (arguing that the MissingRemote 1:54 view is a digest view “because it presents information (e.g., episode titles) about a set of VOD content . . . that are associated with a series (e.g., ‘Parks and Recreation’).”), 92–93 (asserting that Ma’s Figure 5C presents information about TV episodes associated with a series.)

With respect to Hunt’s teachings of a digest view, the parties may address the construction of “digest view” and the sufficiency of the showing that Figures 11 and 12 teach or suggest a digest view. *See supra* § II.D.6.c.1.b; Pet. 43, 93; Ex. 1003 ¶¶ 167, 181, 291.

3. *Claims 2–12*

Petitioner’s showings for claims 2–12 substantially relate to the showings for these claims with respect to the prior ground or with respect to the teachings of Ma and Hunt described above. Pet. 99–107. At this time, Patent Owner raises no additional arguments with respect to these claims, and we institute on all grounds for all challenged claims without further analysis of Petitioner’s showing with respect to these claims for this ground.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that *inter partes* review of all challenged claims of U.S. Patent No. 9,578,384 B2 is *instituted* with respect to all grounds of unpatentability set forth in the Petition; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is given of the institution of a trial commencing on the entry date of this Decision.

IPR2024-00723
Patent 9,578,384 B2

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