

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,

Petitioner

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,

Patent Owner.

Case No. IPR2024-00723

U.S. Patent No. 9,578,384

PATENT OWNER'S RESPONSE

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2003	CV of Rajeev Surati, Ph.D.
2004	Transcript of Deposition of Henry Houh

I. INTRODUCTION

Patent Owner Multimedia Technologies PTE. Ltd. (“Multimedia” or “Patent Owner”) respectfully requests that the Board confirm the patentability of Challenged Claims 1-12.

The ’384 Patent’s claims are directed to a system of providing Video-On-Demand (VOD) content with navigable views for a user to select and play VOD content. In a “collection view,” the user may select either “a series” or “a movie or a single show,” and is then presented either a “digest view” of “information about a set of the VOD content that are associated with a series” if the selection is for a series, or a “detail view” of “information about a single episode” if the selection is for a movie or a single show. The claims – by use of the word “either” – unambiguously require presenting a view that is *either* a detail view or a digest view – not a view that can be both a detail view and a digest view. This makes sense because the claims are structured to present a different view depending on whether the selection is for a series or for a movie or a single show, not to present an equivalent view regardless of the selection.

By contrast, Petitioner’s prior art does not present a view that is either a detail view or a digest view. Instead, Petitioner’s prior art at most teaches presenting a screen that can be both a detail view and a digest view. This cannot

satisfy the claims. For this reason, which was not addressed by the Institution Decision, the Final Written Decision should find all Challenged Claims patentable in view of Petitioner's prior art.

II. BACKGROUND

A. The '384 Patent

U.S. Patent 9,578,384 (the "'384 Patent") is directed to methods and systems for providing video-on-demand (VOD) in an intelligent television. According to the '384 Patent, "[t]here is a need for an intelligent TV with intuitive user interfaces and with seamless user interaction capability." Ex.1001, 2:6-7. The '384 Patent therefore describes improved user interfaces for providing VOD content, the "interfaces includ[ing] unique visual representations and organizations that allow the user to utilize the intelligent television more easily and more effectively." Ex.1001, abstract. "Further, the user interfaces provide unique process of transitioning between the VOD content." *Id.*

In one embodiment, the intelligent TV provides "views for the VOD content [that] are broken down into a series of hierarchical steps that allow the user to easily navigate through VOD content." *Id.*, 44:4-8. "A master view [is] a top tier user interface that allows the user to select a type of collection[. A collection view[] uses a list of media based on a target or sort criteria. The user may then

select some type of content from the collection view[] to be provided in either a digest view[] or a detail view[.]” *Id.*, 44:9-25.

In these embodiments, the user is presented with two options upon a selection in the collection view: a digest view if the selection is for a series, and a detail view if the selection is for a movie or single show. Ex.1001, 44:13-20 (“The user may then select some type of content from the collection view 1808 to be provided in either a digest view 1724 or a detail view 1728 in tier 1716, 1812. A digest view 1724 shows a view of a television series or series of episodes, where a description of the series and a set of episodes is provided. If there is no series with the content selected, the detail view 1728 may be provided, which gives information for the content which was selected.”).

The ’384 Patent describes a detail view as an interface for a single show, movie, or episode: “In the detail view provided by the user interface application 468, in step 1644, the user interface application 468 provides information specific about a ***single show, movie, or episode***.” *Id.*, 45:21-24. By contrast, the ’384 Patent describes a digest view as an interface for a television series or series of episodes as a whole: “A digest view 1724 shows a view of ***a television series or series of episodes***, where a description of the series and a set of episodes is provided. If there is no series with the content selected, the detail view

1728 may be provided, which gives information for the content which was selected.” *Id.*, 44:16-18 (emphasis added).

Figure 17 shows example master views, collection views, digest views (highlighted in red), and detail views (highlight in blue):

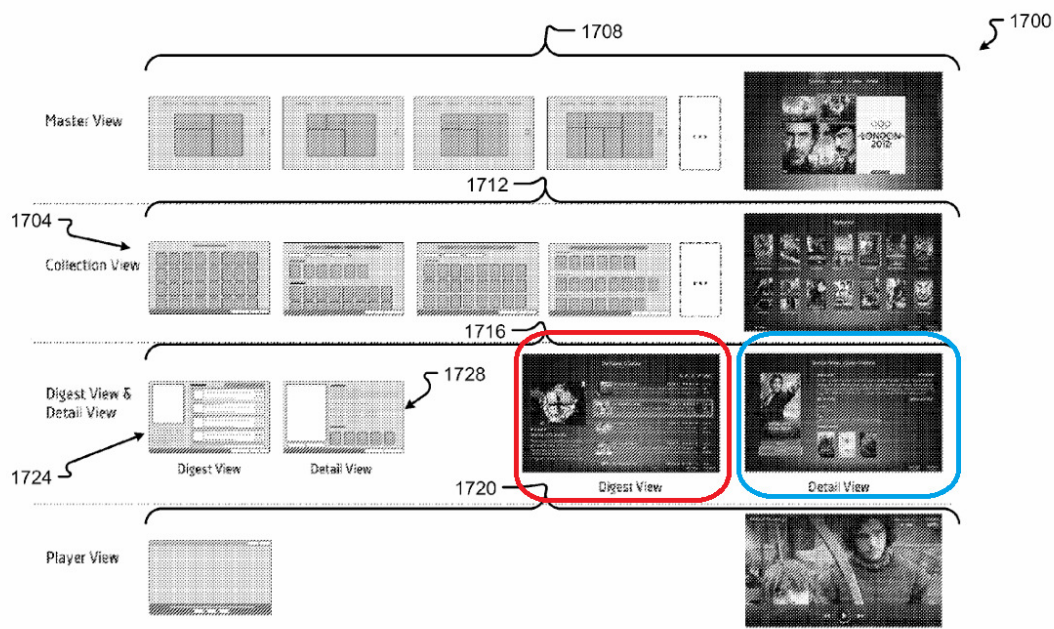


Fig. 17

Id., Fig. 17.

B. Petitioner’s Cited References

The Petition asserts two grounds of invalidity: Ground 1 challenging claims 1-12 under 35 U.S.C. §103 based on Kim, TechnoBuffalo, MissingRemote, Hunt,

and Hunleth; and Ground 2 challenging claims 1-12 under §103 based on Kim, Ma, Hunt, and Hunleth.

1. Kim (Ex. 1019)

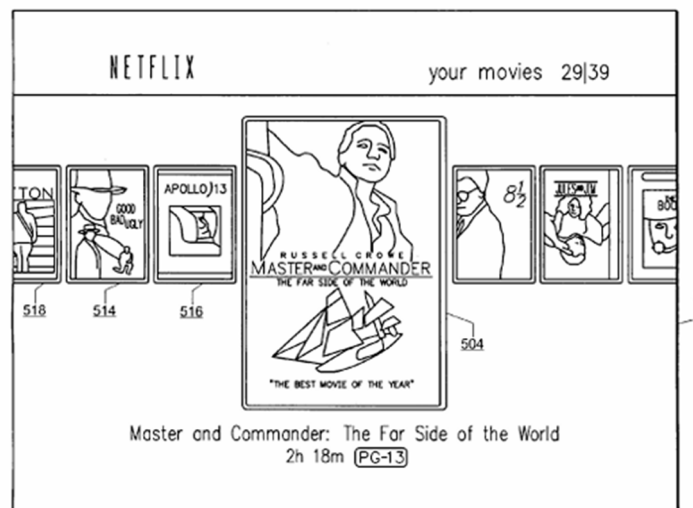
US Patent Application Publication 2012/0054794 to Kim (“Kim”) describes a “multifunctional display device” consisting of a number of “card object” panels displayed in different portions of the display, along with “a method of controlling” the same. Ex.1019, Abstract. Kim describes this display as a “home screen” for smart television content. *Id.* at [0094], [0192]. Consistent with this function, Kim notes that it “may be set as an initial screen that may be displayed when the image display apparatus 100 is powered on or wakes up from a standby mode” or “may be a default screen which may be displayed when a local key on the display apparatus 100 or a home key on the remote controller 200 is selected.” *Id.* at [0192].

Consistent with its role as a centralized home screen, Kim’s display incorporates a wide variety of program-specific menus. *Id.* at [0195]-[0197], [0220]-[0221]. These include: (1) a “BROADCAST” card displaying a “broadcast image 1315 received through the tuner 110” alongside program information describing the contents of that image, (2) a “NETCAST” card listing all available content providers on the television, (3) an “APP STORE” card providing “a

plurality of icons representing applications available” to the user “for download or purchase,” (4) a “CHANNEL BROWSER” card listing “a plurality of broadcast channels” that have been favorited by the user or are otherwise of particular import, (5) a “TV GUIDE” card providing a “program list” of future programming, (6) a “RESERVATION/REC” card providing “a reserved (e.g., a scheduled recording) or recorded program list,” (7) a “MY MEDIA” card listing “multimedia files available on the [smart tv] or a device connected” to it, (8) an “EXTERNAL DEVICE” card providing “a list of connected external devices” and (9) a “PHONE” card providing call-related information and permitting users to make phone calls from the smart tv. *Id.* at [0197]-[0212]. Kim instructs that the home screen may additionally include a wide variety of “application menu items” assembled in an “application compact view menu”—including a search function, direct access to an AppStore, and options to access the internet and an email server (with the possibility of additional, optional application menu items). *Id.* at [0215]-[0217].

2. Hunt (Ex. 1020)

U.S. Patent 8,365,235 to Hunt (“Hunt”) describes video interfaces for the “trick play of streaming media.” Ex.1020, title. Fig. 6 shows an example of Hunt’s user interface:



Ex.1020, Fig. 6. Here, the user is shown “successive still images [that] support the selection of audiovisual programs from among a library or set of available programs.” Ex.1020, 16:11-13. Based on the user’s selection of a movie in Fig. 6, the user may be presented with a “springboard screen” as shown in Fig. 11 that displays information about the user’s selected movie:

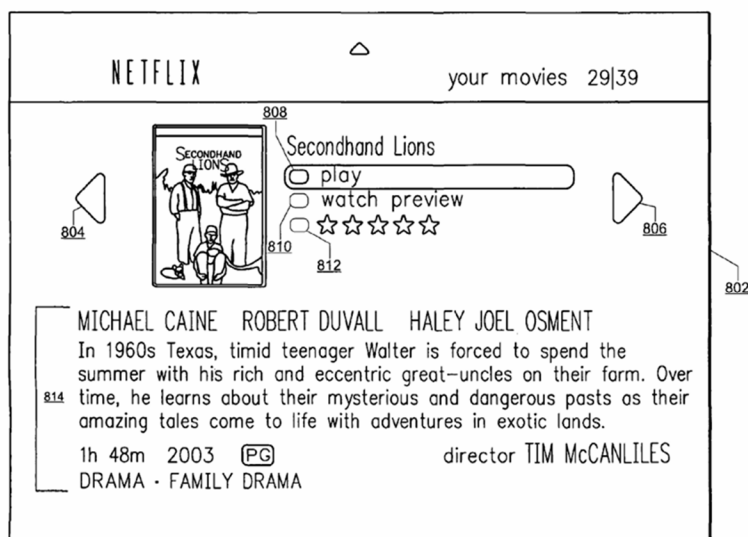


FIG. 8

Ex.1020, Fig. 8, 17:33-43. If the user selects a season among a plurality of seasons, the user is instead presented with the “springboard screen” shown in Fig. 11:

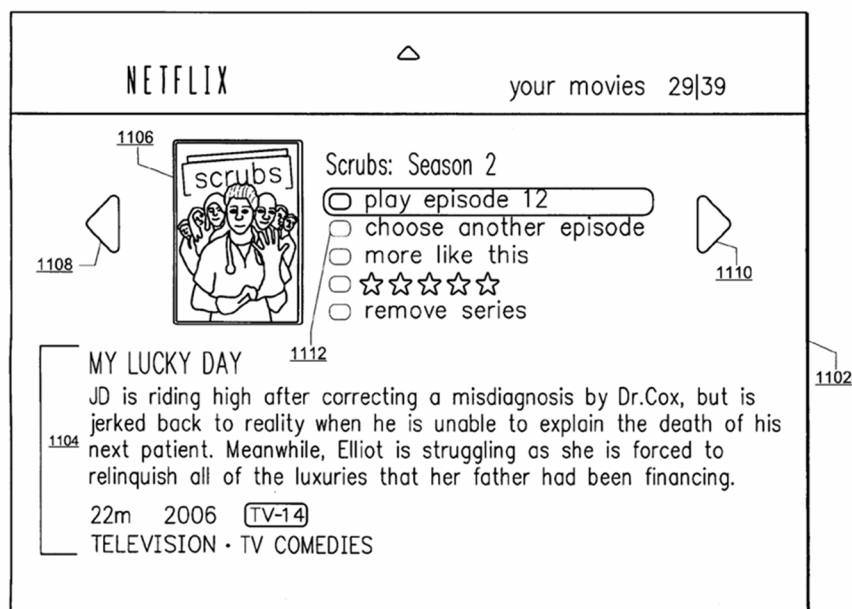
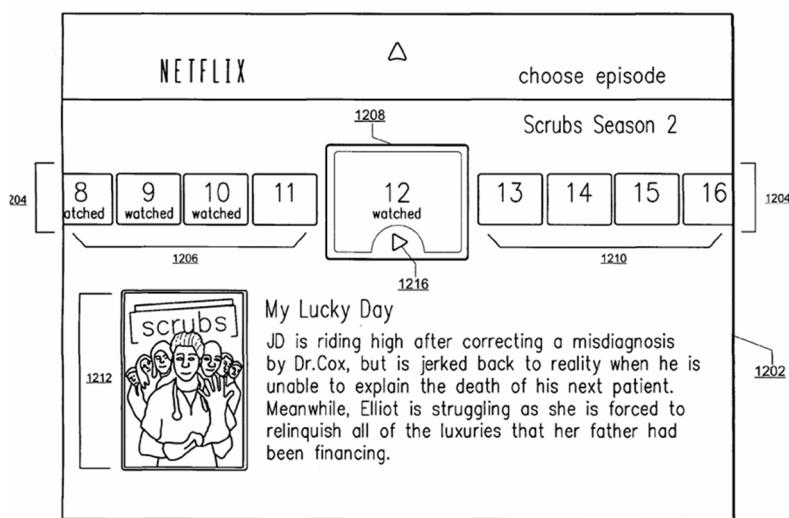


FIG. 11

Ex.1020, Fig. 11, 18:46-52 (“In an embodiment, the springboard screen 1102 is displayed in response to a user selecting a particular season of a series program, from among a plurality of available seasons, using a poster screen interface such as that of FIG. 5, FIG. 6, FIG. 7, except that poster images for seasons are displayed rather than poster images for movies.”). The “springboard screen” of Fig. 11 further includes a “Choose another episode” option to display the screen of Fig. 12 to choose another episode:



Ex.1020, Fig. 12, 18:65-19:3.

3. Hunleth (Ex. 1021)

U.S. Patent 7,634,793 to Hunleth (“Hunleth”) describes “methods for zoomable interfaces” including “specialized user interface features, such as hover-

zooming.” Ex.1021, title, abstract. Hunleth’s Fig. 1 “shows a user interface having a plurality of media objects available for selection as images, e.g. DVD cover art.” Ex.1021, 4:35-40. Hyperlinks can transition to the detailed view shown in Fig. 2. *Id.*, 8:50-63.

4. TechBuffalo (Ex. 1011-1017)

TechBuffalo is a YouTube video titled “Connected TV: VIZIO LED HDTV with VIA Apps Part 2 of 2.” The video is part of a series on connected TVs and shows Netflix’s UI on a VIZIO HDTV.

5. MissingRemote (Ex. 1018)

MissingRemote is a YouTube video titled “Apple TV Netflix Walkthrough.” The video provides a walkthrough of Netflix’s UI of the Apple TV.

6. Ma (Ex. 1022)

U.S. Patent Application Publication 2012/0054679 to Ma (“Ma”) describes menus for favorite media content. Ex.1022, title. Fig. 2 shows an exemplary menu in the form of a shelf having seven different movies. Ex.1022, [0028].

III. CLAIM CONSTRUCTION

Besides the order of steps and construction of the term “providing either a detail view or a digest view of VOD content” discussed further below, Patent Owner interprets all claim terms in accordance with their plain and ordinary

meaning consistent with the specification and file history of the '384 Patent.

Phillips v. AWH Corp., 415 F.3d 1303, 1313-1318 (Fed. Cir. 2005); 83 Fed. Reg. 51,340, 51,342 (Oct. 11, 2018). The patentability of the Challenged Claims does not turn on the construction of any other term and thus no other term requires express construction. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017).

A. Claimed order of steps

The Challenged Claims must be read as reciting a specific order of steps because the claim language, as a matter of logic and grammar, “requires that the steps be performed in the order written.” *Mformation Tech. v. Research in Motion Ltd.*, 764 F.3d 1392, 1398-99 (Fed. Cir. 2014). Specifically, Claim 2 requires in order: [1] receiving a first selection for VOD content, [2] in response to the first selection, providing a master view of the VOD content, [3] receiving a second selection for VOD content, [4] in response to the second selection, providing a collection view of the VOD content, [5] receiving a third selection for VOD content, [6] in response to the third selection, providing either a digest view or a detail view depending on whether the third selection is for a series or for a movie or a single show, [7] receiving a fourth selection of an episode, [8] in response to the fourth selection, providing a player to present the episode, [9] receiving a fifth

selection of a user interface device to play a movie or single show, and [10] providing a player to present the movie or single show. Claim 1 and its dependent claims 4 and 5 recite substantially the same order.

The claim language requires this specific order because each claim step cannot be performed without performing the preceding step. For example, step 2 (providing a master view) occurs in response to the first selection; thus, step 1 (receiving the first selection) must occur before it. Ex.2002, ¶¶56-65. Likewise, step 4 must occur after step 3, step 6 must occur after step 5, step 8 must occur after step 7, etc. *Id.*, 59-60. The petitioner's expert Dr. Houh confirmed this requirement. Ex.2003, 88:14-15 ("In my understanding that's – there would be a required ordering."), 89:4-90:3 (Giving the fourth selection as "another example of things that do require an ordering and that there is a fourth selection before there can be the player providing – player provided to present the episode to the user... So that's another example of certain steps in the claim language requiring an ordering."). Moreover, the claims require that step 4 (providing the collection view) occur after step 2 (providing the master view) because the claims further explicitly state that "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." Ex.2002, ¶¶60. The logic of the claims is

that the user navigates the views in order, starting at the top level master view to browse collections, and proceeds through the views in the claimed order to select a particular VOD content to view at the player at the bottom level. *Id.* For the same reason, step 6 must occur after step 4 and step 8 must occur after step 6. *Id.* Finally, step 10 must occur after step 8 because the '384 Patent specifies that the “user interface device” is a navigation control that permits the user to change between (or navigate) different VOD content: “The user may select a thumbnail within one of the user interface devices shown in FIGS. 21 through 25. The selection may be made using a directional pad 760 to change the focus onto one of the thumbnails and, using the OK button 764, select that thumbnail.” Ex.1001, 47:57-63; Ex.2002, ¶¶61-64. The '384 Patent provides multiple examples of the user using the “user interface device” to select among and switch between series, episodes, movies, or single shows. Ex.1001, 47:27-35 (providing an example of selecting episodic content where “user interface device 2504 may sequence through a series of thumbnails representing different types of series. For example, the user interface device 2504 shows a ‘Game of Thrones’ thumbnail. However, the next sequenced thumbnail may apply to the TV series ‘Homeland.’ Thus, the user may view more types of content within one area of user interface 2500 than that shown in any instant of time. These types of sequenced or moving thumbnails may be used in

any of the user interfaces described hereinabove.”), 46:15-23 (giving the example of Fig. 21 of the user selecting movie or single show content where “the user may put the focus (e.g., the focus is currently on the ‘Showcase’ selection 2104 in FIG. 21) on one of the text displays in navigation bar 2120 in user interface 2100, and then select an OK button 764 to select the material for that user interface device 2104-2116.”), 46:56-60 (providing other examples). In other words, the final claim steps require, consistent with the specification, that the system receives a selection for an episode, provides a player for the episode, receives a selection to change the VOD content through the user interface device, and in response provides a player for the movie or single show. Ex.2002, ¶¶61-64.

For these reasons, the claim steps must be performed in the order recited.

B. “Providing either a detail view or a digest view of VOD content”

Patent Owner submits that “providing either a detail view or a digest view of VOD content” should be construed as “providing either [1] a view of information about a single episode without information that is associated with a series or [2] a view of information about a set of the VOD content that are associated with a series without information only about a single episode.”

This construction is a natural reading of the claims and further supported by intrinsic and extrinsic evidence. First, the claim language at issue is “providing *either* a detail view or a digest view of the VOD content.” The word “either” unambiguously requires presenting a view that is *either* a detail view or a digest view, not presenting a view that can be *both* a detail view and a digest view. The word “either” requires that the provided “detail view” and “digest view” are mutually exclusive and precludes providing any view that can be both a detail view and a digest view in response to the third selection.

Second, the remaining claim language further confirms this requirement that the provided detail view and digest view are mutually exclusive. Specifically, the claims state “*wherein providing either a detail view or a digest view of the VOD content comprises determine 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, provide the digest view...; if the selection in the collection view is for one of a movie or single show, provide a detail view.*” This wherein clause provides that the third selection which determines whether the detail view or digest view is presented is a binary choice: either the third selection is a series, or the third selection is a movie or single show. Ex.2002, ¶67. Then, in response to this binary choice, the user is provided the digest view if the selection is a series or provided

the detail view if the selection is a movie or single show. *Id.* Because the third selection that triggers the outcome is a binary choice, it follows that the results of that binary choice must be mutually exclusive. *Id.* It makes no sense to be presented with the same results (a view that can be both a detail view and a digest view) if the user is required to make a binary choice between two options. Such a result would negate the purpose of the selection. In other words, the claims are structured to present a different view depending on whether the selection is for a series or for a movie or a single show and it would not make sense to present an equivalent view regardless of the selection. Thus, the explicit claim language supports this construction.

This construction is consistent with the specification. Ex.2002, ¶¶68-69. The embodiments of the '384 Patent specifically “contrast” the digest view, which is for series with multiple episodes, with the detail view, which is for a movie or single show:

The VOD subservice 620 may then determine if the received selection is a movie, a single show, a series, or other types of content. In this way, the VOD subservice 620 can determine if a digest view or a detail view should be provided. If the selection is associated with a series with two or more episodes, a digest view 1724 should be provided. In contrast, if

a single show, movie, or a series with only a single episode is selected, a detail view 1728 should be provided.

Ex.1001, 44:58-66. The specification exclusively contemplates that the provided detail view is distinct from the provided digest view. Ex.2002, ¶¶68-69. There is not a single embodiment in the '384 Patent of providing a view that can be considered both a detail view and a digest view in response to the third selection.

Finally, both parties' experts agree with this construction. Patent Owner's expert Dr. Surati agrees that a person of ordinary skill would understand from the claim language and specification that the provided detail view and digest view are mutually exclusive. Ex.2002, ¶¶66-70. And Petitioner's expert Dr. Houh similarly testified that the word "either" does not mean "both." Ex.2003, 85:17-86 ("Q. On line 27 it says, providing either a detail view or a digest view. You agree that either is not both; right? A. It says either. The word is 'either,' not 'both.'"). Thus, there is uniform agreement that the claims require presenting a view that is either a detail view or a digest view, not presenting a view that can be both a detail view and a digest view.

Accordingly, the Board should adopt Patent Owner's proposed construction of "providing either a detail view or a digest view of VOD content."

IV. LEVEL OF ORDINARY SKILL

Patent Owner is agreeable to Petitioner's position that the priority date of the '384 Patent is August 17, 2012. Pet., 2. For the purposes of this Response, Patent Owner applies Petitioner's definition that the "person of ordinary skill in the art ('POSITA') in August of 2012 would have been knowledgeable and familiar with UIs 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.

Patent Owner's expert Dr. Surati meets the required level of ordinary skill as of August 2012. Ex.2002, ¶44.

V. PETITIONER'S EXPERT DR. HOUH

Petitioner relies almost exclusively on the declaration testimony of Dr. Henry Houh. Dr. Houh is a hired expert witness who has not been involved in the field of television and digital video systems (outside litigation) for a decade or more. Ex.2003, 13:2-14. Rather than working in the field, Dr. Houh's experience with television and digital video systems instead comes from his involvement in some

150 IPR proceedings and other litigation. *Id.*, 8:14-9:15. Virtually 100% of Dr. Houh's earned income is from expert witness fees. *Id.*, 9:18-10:6. As he admitted during deposition, 90% of his work involves giving IPR petitioners opinions that patents are invalid. *Id.*, 6:12-17. The Board should consider Dr. Houh's lack of experience in the industry when weighing his testimony.

VI. CLAIMS 1-12 ARE PATENTABLE OVER PETITIONER'S PRIOR ART

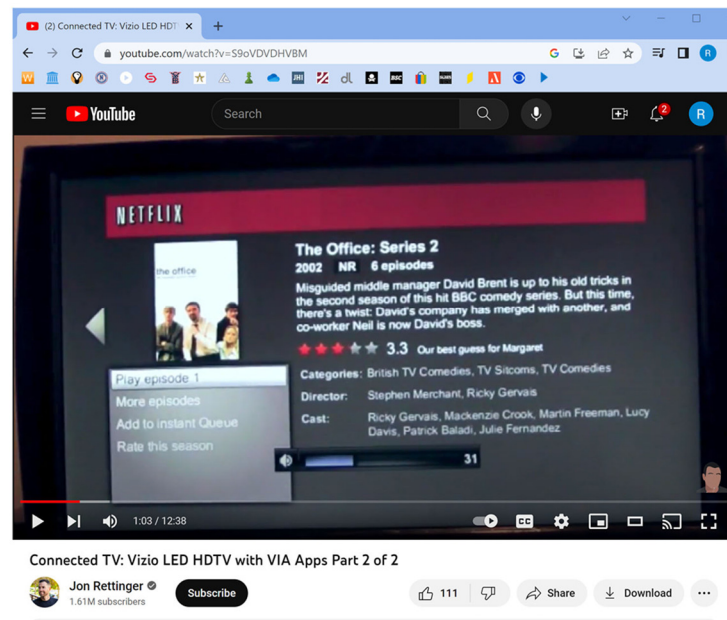
A. Claims 1, 2, and 11: The prior art does not suggest "providing either a detail view or a digest view of VOD content" (Grounds 1 and 2)

Every independent Challenged Claim recites "providing either a detail view or a digest view of VOD content" that comprises either "providing the digest view" if a third selection is for a series or "providing the detail view" if the third selection is for a movie or a single show. As explained in Section III above, the correct construction of the claim term "providing either a detail view or a digest view of VOD content" is "providing either [1] a view of information about a single episode without information that is associated with a series or [2] a view of information about a set of the VOD content that are associated with a series without information only about a single episode." Correctly construed, the Challenged Claims require that, when the third selection is for a series, the provided digest

view cannot also be a detail view, and when the third selection is for a movie or single show, the provided detail view cannot also be a digest view. In other words, the provided digest view and detail view must be mutually exclusive.

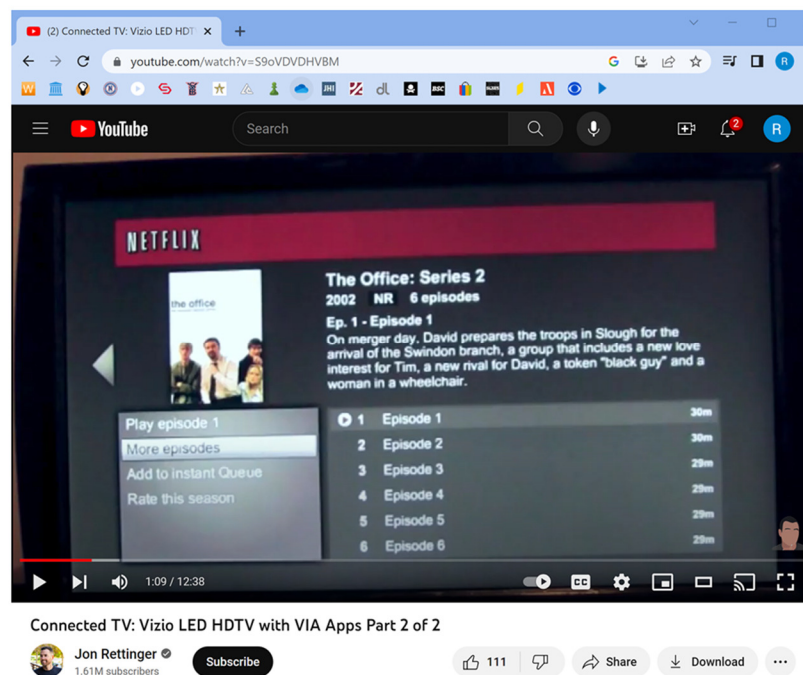
None of Petitioner's prior art suggests "providing either a detail view or a digest view of VOD content" under the correct construction. Rather than providing a view that is purely a digest view (and not a detail view) in response to a selection for a series, the prior art at most teaches providing a hybrid of the two that is indisputably both a detail view and a digest view in response to a selection for a series. Providing a view that can be *both* a detail view and a digest view, however, cannot satisfy the claimed requirement to provide *either* a detail view or a digest view. Ex.2002, ¶¶106-114.

First, the Petition argues that the following screen from TechnoBuffalo2 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 (e.g., television episodes in Season 2) that is associated with a series (e.g., 'The Office')":



Pet., 41. This is consistent with the Institution Decision’s finding that a digest view “presents information about a set of the VOD content that are associated with a series.” DI, 27. But the Institution Decision also found that a detail view “presents information about a selected item of the VOD content.” *Id.* Under this finding, the TechnoBuffalo2 screen is also unquestionably a detail view because it presents information (“Play episode 1”) about a selected item of the VOD content. Because the correct construction of “providing either a detail view or a digest view of VOD content” excludes providing a view that can be both a detail view and a digest view, providing the TechnoBuffalo2 screen above cannot satisfy the claims. Ex.2002, ¶109.

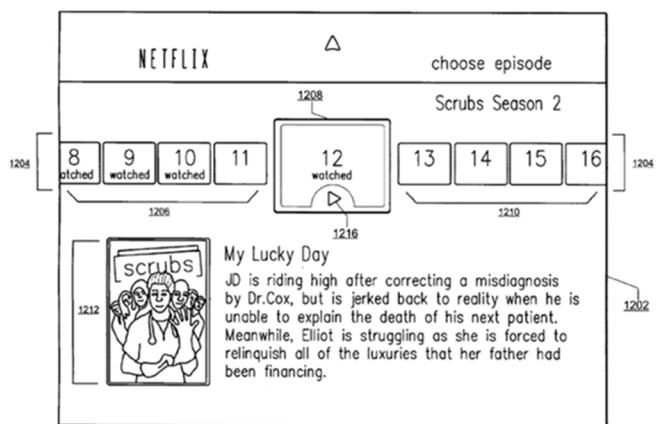
Alternatively, the Petition identifies this TechnoBuffalo2 screen as a digest view because “it presents information (e.g., year, rating, number of episodes (6), episode lengths) about a set of VOD content (e.g., episodes in Season 2) that are associated with a series (e.g., ‘The Office’)”:



Pet., 42. But this screen also presents information about a selected item of the VOD content (“Play episode 1,” “EP 1 – Episode 1,” and a synopsis of episode 1) and is also indisputably a detail view. Ex.2002, ¶110. Although the Institution Decision considered whether this screen is a digest view, it never considered whether the same screen is a detail view, and it never considered whether providing a screen that can be both a detail view and a digest view satisfies the

claimed requirement to provide “either” a detail view or a digest view. For the reasons stated in Section III, this screen, as both a detail view and a digest view, cannot satisfy the claims.

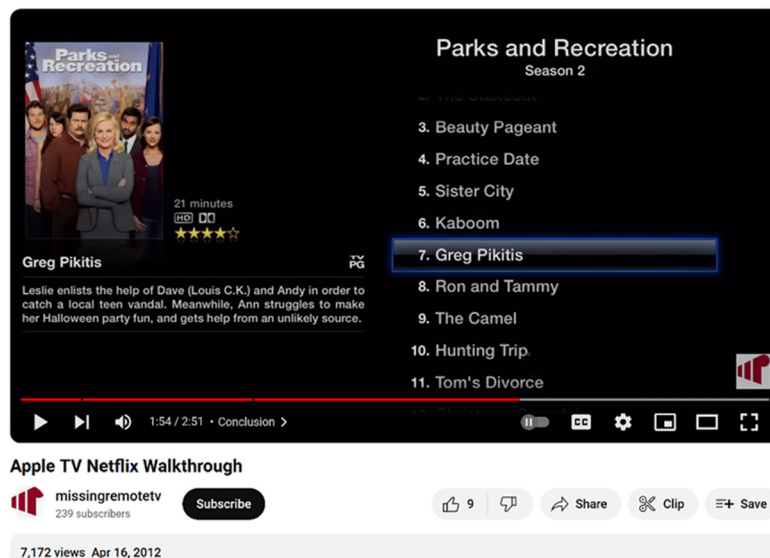
The Petition then identifies Hunt’s Figures 11 and 12 as digest views:



Pet., 43. But as above, these Figures present both information about a set of the VOD content that are associated with a series (“Scrubs: Season 2”) and information about a selected item of the VOD content (“My Luck Day,” season 2 episode 12, and its synopsis). Thus, Figures 11 and 12 can be considered both a detail view and a digest view, and cannot satisfy the claimed requirement to present either a detail view or a digest view. Ex.2002, ¶111.

The Petition then alleges the following screen from MissingRemote is a digest view “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’):



Pet., 44. But this screen presents both information about a set of the VOD content that are associated with a series (“Parks and Recreation Season 2” and listing episode of season 2) and information about a selected item of the VOD content (“Greg Pikitis,” season 2 episode 7, and its synopsis). Ex.2002, ¶112. Thus, this MissingRemote screen can be considered both a detail view and a digest view, and cannot satisfy the claimed requirement to present either a detail view or a digest view. *Id.*

Finally, the Petition alleges that Ma's Figure 5C is 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')":

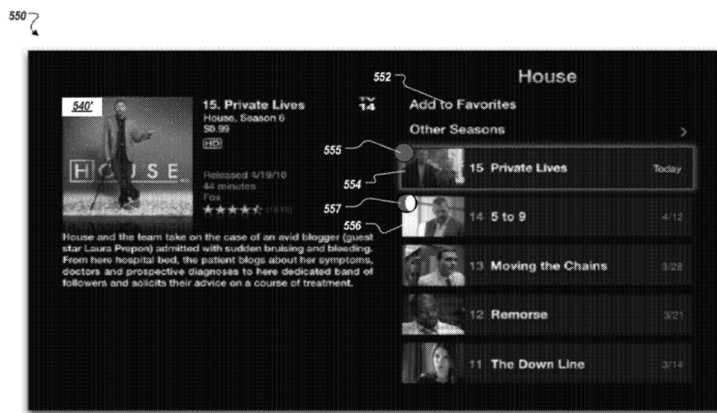


FIG. 5C

Pet., 92. But Figure 5C presents both information about a set of the VOD content that are associated with a series (episodes of "House" Season 6) and information about a selected item of the VOD content ("Private Lives," season 6 episode 15, and its synopsis). Ex.2002, ¶113. Thus, Figure 5C can be considered both a detail view and a digest view, and cannot satisfy the claimed requirement to present either a detail view or a digest view. *Id.*

Each of these disclosures are directly contrary to the claimed requirement of providing *either* a detail view or a digest view. As explained in Section III, providing a screen that can be both a detail view and a digest view cannot satisfy a requirement to provide either the detail view or the digest view. For these reasons,

Petitioner's prior art does not suggest "providing either a detail view or a digest view of VOD content."

B. Claims 2 and 5: The prior art does not suggest the claimed order of steps (Grounds 1 and 2)

As explained in Section III.A above, claims 2 and 5 recite a specific order of steps where the user navigates "an ordered set of user interfaces" including 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." Furthermore, the recited series of steps require "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" and then "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" in that order. The prior art does not suggest the claimed order of steps.

Petitioner's theory is that the prior art discloses selecting an episode in the digest view would present a player to allow users to watch the episode. Pet., 62 ("TechnoBuffalo2 discloses that selecting 'Episode 5' (fourth selection) from the digest view results in the player being presented (below). The same applies for Hunt's digest view, which is similar to TechnoBuffalo's digest view."), 63 ("As to

MissingRemote, a POSITA would have understood that selecting ‘Greg Pikitis’ (‘fourth selection’) from the digest view would have resulted in that episode being played by the TV.”), 101 (“In Ma, a POSITA would have understood that selecting an episode from Fig. 5C would result in a player being presented to allow users to watch the episode.”), 102 (“Hunt also teaches displaying a player for VOD content in response to a user selection of an episode.”).¹ The Petition then theorizes that selecting play in the detail view presented in response to the third selection is the fifth selection and would also present a player. Pet., 63-64 (“[I]t would have been obvious to present a detail view in response to a third selection as taught by Hunt... From there, a POSITA would have understood that receiving a fifth selection of a UI device (e.g., receiving a selection of ‘play’ in Fig. 8) would have caused the movie to play because the ultimate desire of a user is to watch VOD content.”), 102-103 (making the same argument as on pages 63-64).

Petitioner’s theory, however, does not match the claimed order of steps. Ex.2002, ¶¶115-118. Under Petitioner’s theory, if the third selection is for a series, the prior art presents the digest view, where the fourth selection of an episode in the digest view presents a player. But if the third selection is for a movie or single

¹ Petitioner’s argument for claim 5 merely refers to its argument for element 2.7.

show, the prior art presents the detail view, where the fifth selection of “play” in the detail view presents a player. This theory misses the navigation steps directed to changing the presented player from one for an episode to one for a movie or single show as in the final claim steps. Ex.2002, ¶¶117-118. As discussed in Section III, the claimed “user interface device” of the fifth selection permits the user to select among and switch between series, episodes, movies, or single shows. Thus, the claims specify an order of steps for presenting a player for an episode in the digest view, and then selecting (from the digest view) the user interface device to present a player for a movie or single show. This sequence is entirely absent from the Petition – Petitioner has not presented any prior art teaching of first presenting a player for an episode and then presenting a player for a movie or single show as required by the claimed order of steps. Ex.2002, ¶¶117-118.

The prior art thus fails to suggest the order of steps required by claims 2, 4, and 5.

VII. CONCLUSION

For the foregoing reasons, the Board should confirm the patentability of claims 1-12.

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS

This Patent Owner's Response (the "POR") consists of 5,299 words, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. The POR complies with the type-volume limitation of 14,000 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).

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Date: February 21, 2025

CERTIFICATE OF SERVICE

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

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