

SKIERMONT DERBY

LLP

Dallas

Los Angeles

PETITIONER'S DEMONSTRATIVE EXHIBITS

SEPTEMBER 3, 2025

ORAL ARGUMENT

VIZIO, INC.,

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.

U.S. PATENT NO. 9,578,384

IPR2024-00723

REX HWANG, COUNSEL FOR PETITIONER

I. BRIEF OVERVIEW OF THE CLAIMED INVENTION

Figure 17 Shows A Preferred Embodiment Of The Invention

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

- receiving, by a processor of the intelligent television, a first selection for a VOD content;
- 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;
- receiving, by the processor, a second selection for a VOD content;
- 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;
- receiving, by the processor, a third selection for a VOD content;
- 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:

- 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, 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.

EX-1001 ('384 Patent), Claim 1

A. Overview of the '384 Patent and Invention

46. The '384 Patent broadly relates to interfaces for an intelligent television to provide video-on-demand (VOD). Ex.1001, abstract. "The user interfaces include unique visual representations and organizations that allow the user to utilize the intelligent television more easily and more effectively." *Id.* "Further, the user interfaces provide unique process of transitioning between the VOD content." *Id.*

EX-2002 (Surati Decl.), 15

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

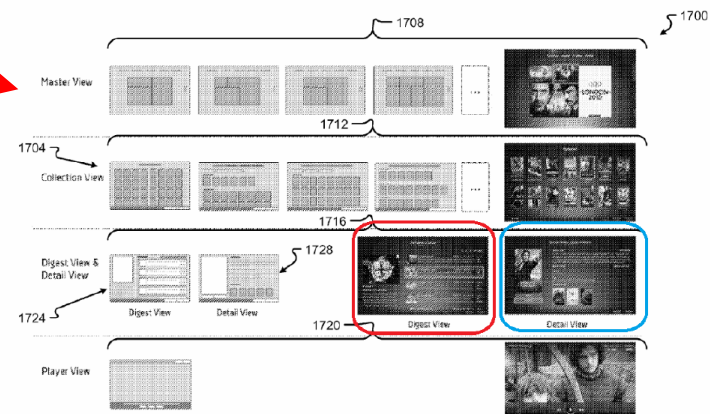


Fig. 17

Id., Fig. 17.

EX-2002 (Surati Decl.), 16
VIZIO Ex. 1054, Page 3 of 39
VIZIO v. MMT, IPR2024-00723

Patent Owner's Expert Relies On Figure 17 To Show What is Covered By Claim 1

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

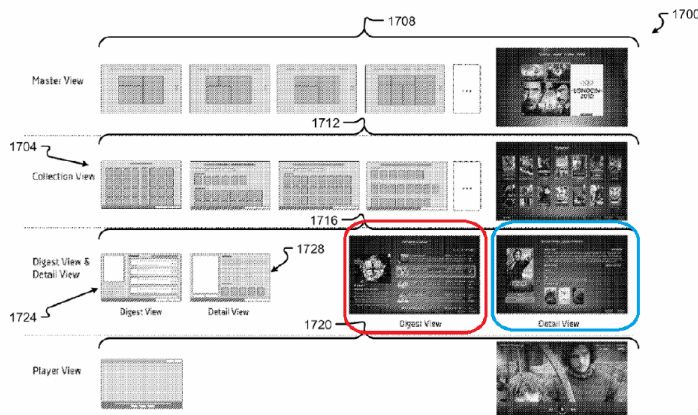


Fig. 17

Id., Fig. 17.

EX-2002 (Surati Decl.), 16; POR, 4

24 Q. Would you agree that Figure 17 falls within
25 the scope of Claim 1?

1 ATTORNEY YANG: Object to scope.

2 A. Claim 1? Just hold on, sorry. I think that's
3 fair.

EX-1053 (Surati Dep. Tr.), 60:24–61:3

23 Q. But you used Figure 17, amongst other things,
24 to inform your view of what "providing either a detail
25 view or a digest view of VOD content" would mean to a

1 person of ordinary skill in the art. Is that a fair
2 statement?

3 A. Yeah. And you can kind of see that they're
4 being delineated as two separate things.

EX-1053 (Surati Dep. Tr.), 59:23–60:4

Issues Raised By Patent Owner To Avoid Invalidity Are Limited

1. A method for providing video-on-demand (VOD) in an intelligent television, the method comprising:
receiving, by a processor of the intelligent television, a first selection for a VOD content;
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;
receiving, by the processor, a second selection for a VOD content;
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;
receiving, by the processor, a third selection for a VOD content;
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:
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, 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.

EX-1001 ('384 Patent), Claim 1

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

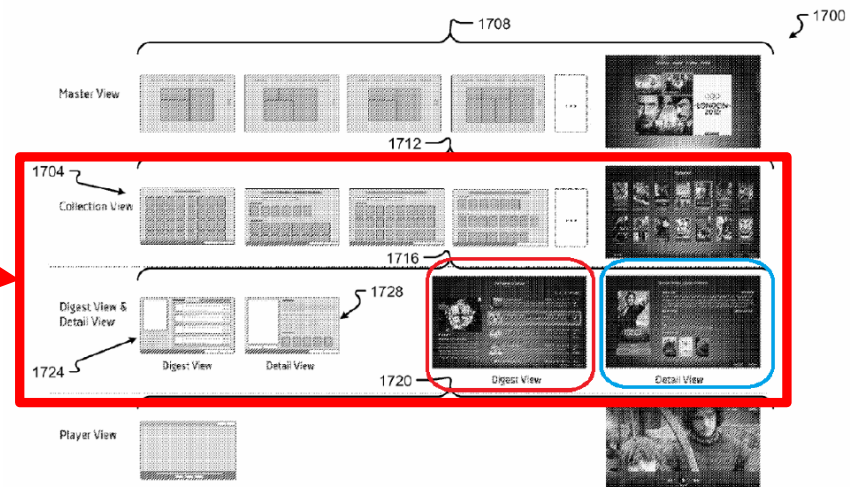


Fig. 17

Id., Fig. 17.

EX-2002 (Surati Decl.), 16

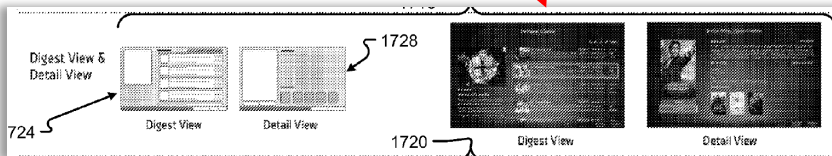
The Specification Provides Guidance For Interpreting The Disputed Phrase

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

EX-1001 ('384 Patent), Claim 1

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.").

POR, 3



EX-1001 ('384 Patent), Fig. 17

22 Q. Just to make sure we're looking at the same
23 one, can you read the sentence that starts on line 13 of
24 column 44 for the record.

25 A. Yeah. The user may then select some type of

1 content from the collection view 1808 to be provided in
2 either a digest view 1724 or detail view 1728 in tier
3 1716, 1812. That's the sentence.

4 Q. The sentence you just read refers to digest
5 view 1724 or detail view 1728. Correct?

6 A. Correct.

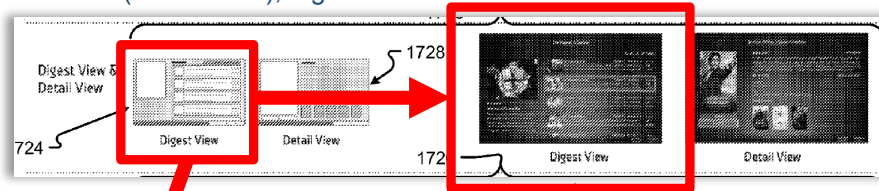
7 Q. Would you agree that the sentence would inform
8 a person of ordinary skill in the art about how the
9 phrase "either digest view or detail view" should be
10 interpreted in the context of the '384 patent's claims?

11 A. It's part of it, sure.

EX-1053 (Surati Dep. Tr.), 61:22–62:11

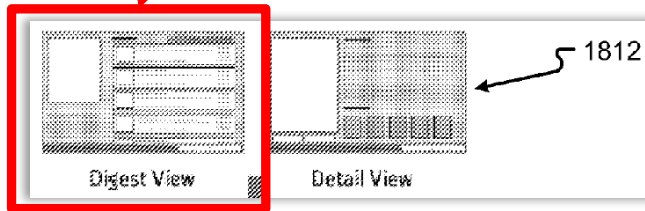
The Figures Collectively Disclose A Single Preferred Embodiment For A Digest View

EX-1001 ('384 Patent), Fig. 17



1 Would you agree that Figure 35 is consistent
2 with what was shown in Figure 17 for the digest view?
3 A. I do.

EX-1053 (Surati Dep. Tr.), 64:1-3



EX-1001 ('384 Patent), Fig. 18

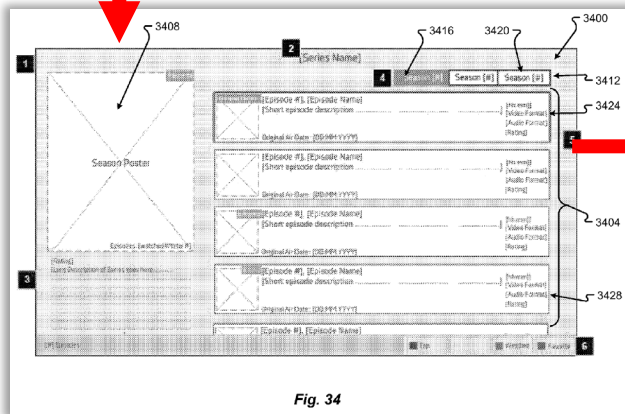


Fig. 34

EX-1001 ('384 Patent), Fig. 34

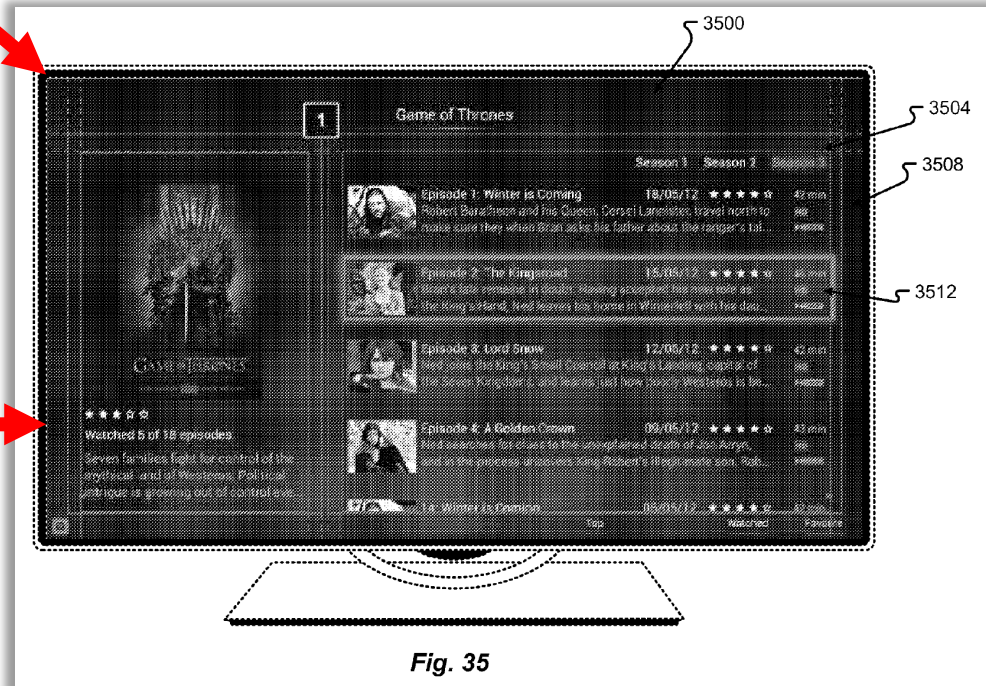


Fig. 35

EX-1001 ('384 Patent), Fig. 35

**II. PATENT OWNER'S CLAIM
CONSTRUCTION POSITIONS AS TO
CLAIM 1 ARE IRRELEVANT AND/OR
MERITLESS**

Patent Owner's Proposed Construction Relating To Claim 1

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.”

POR, 14 (annotated)

- Patent Owner attempts to construe the terms “digest view” and “detail view” under the guise of construing the entire phrase.

1. It is Unnecessary To Construe Claim 1 Based On The Board's Prior Conclusion

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.

Institution Decision, 29

- Patent Owner does not dispute this interpretation.

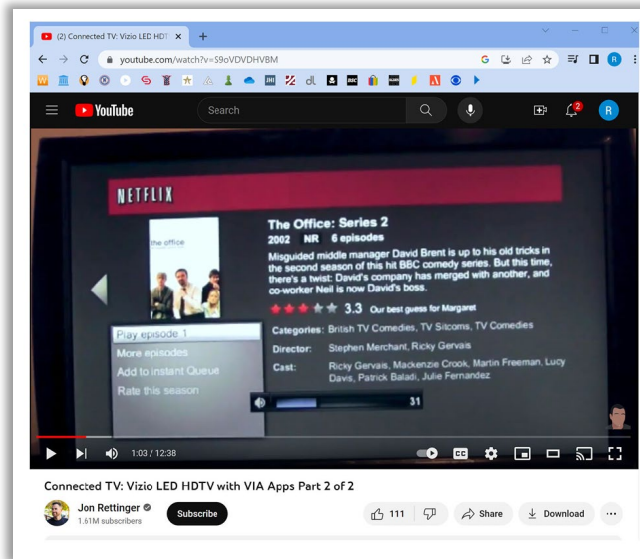
2. It Is Unnecessary To Construe Claim 1 Because Patent Owner Abandons Its Construction

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.”

POR, 14

- Patent Owner’s proposed construction states that a detail view cannot include information associated with a series.
- Patent Owner abandons this construction because the digest views in the Petition include information associated with a series.
- Patent Owner’s construction defeats its own argument that digest views relied upon in the Petition qualify as both digest and detail views.

2. It Is Unnecessary To Construe Claim 1 Because Patent Owner Abandons Its Construction (cont'd)



EX-2002 (Surati Decl.), 48

19 I'm just looking at your opinions on page 45.
20 And at the top, you include a screenshot of a digest
21 view. Correct?
22 A. Right.
23 Q. Now, according to your proposed
24 construction -- and I'm not talking about anything else,
25 but according to your proposed construction, the view on

EX-1053 (Surati Dep. Tr.), 100:19–25

1 the top of page 45 would not qualify as a detail view.
2 Correct?

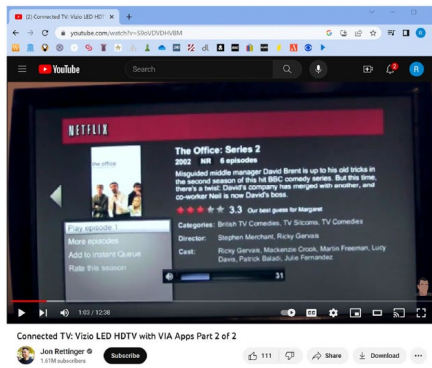
10 A. So all I'm going to say is -- so what I would
11 say is the -- under the proposed construction as
12 written, it would not qualify. But it would qualify
13 under what I wrote in the explanation of that
14 declaration under the institution's decision.

EX-1053 (Surati Dep. Tr.), 101:1–2, 10–14

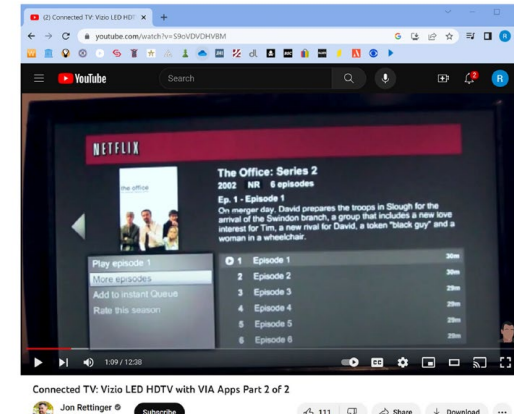
3. It Is Unnecessary To Construe Digest And Detail Views Given Patent Owner's Admissions

- Patent Owner admits that the prior art displayed digest views in response to selections of a series in the collection view.

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



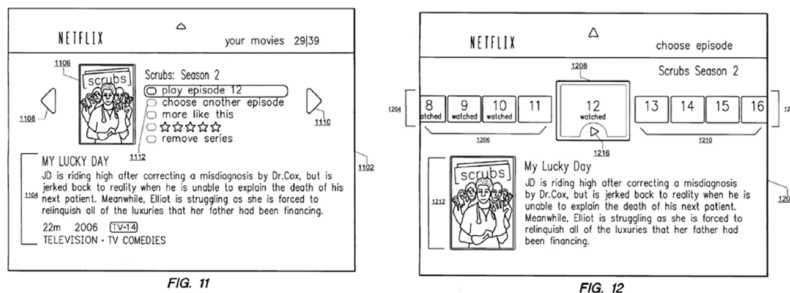
claimed requirement to provide “either” a detail view or a digest view. For the reasons stated in Section III, this screen, as both a detail view and a digest view, cannot satisfy the claims.

POR, 22-23

3. It Is Unnecessary To Construe Digest And Detail Views Given Patent Owner's Admissions (cont'd)

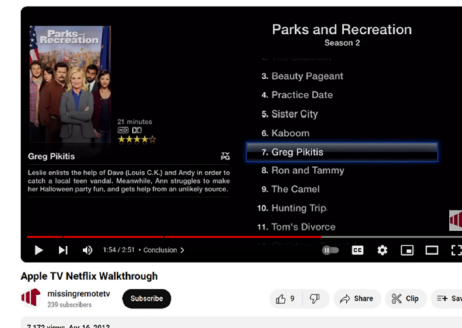
- Patent Owner admits that the prior art presented digest views in response to selections of a series in the collection view. (cont'd)

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.

POR, 23



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.*

POR, 24

3. It Is Unnecessary To Construe Digest And Detail Views Given Patent Owner's Admissions (cont'd)

- Patent Owner admits that the prior art presented digest views in response to selections of a series in the collection view. (cont'd)

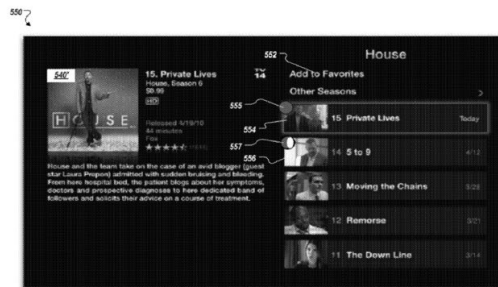


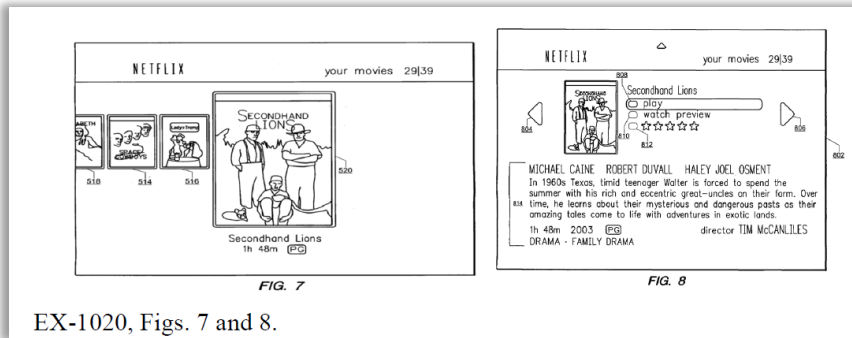
FIG. 5C

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.*

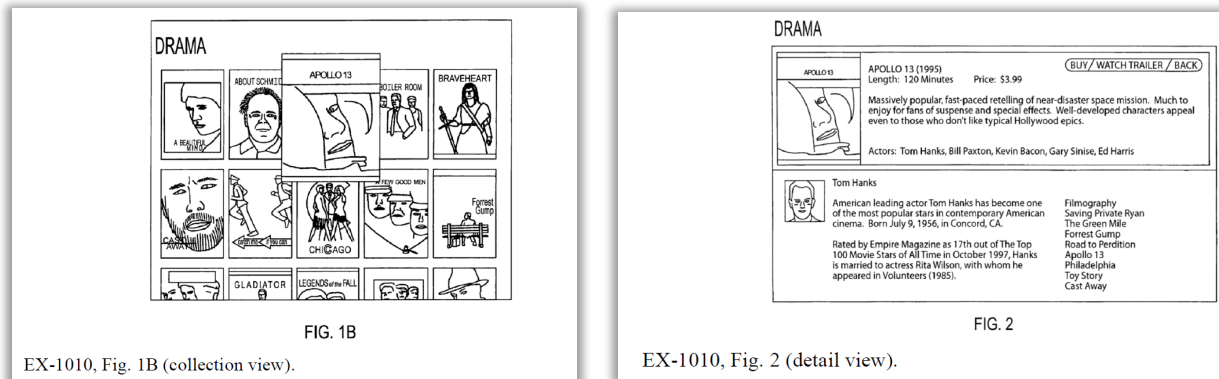
POR, 25

3. It Is Unnecessary To Construe Digest And Detail Views Given Patent Owner's Admissions (cont'd)

- Patent Owner does not dispute that it was obvious to present detail views (different from the digest views) in response to selections of a movie in the collection view.



Pet., 45



Pet., 46

Patent Owner Has Advanced Different Constructions And Related Conclusions

Second, another TechnoBuffalo2 screenshot:



Pet., 42 (“This is also 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’).”). **This example, however, does not show a digest view. This screen does not provide a description of Series 2 of “The Office”—the *entire series* or season, but rather a description of only Series 2 Episode 1—a *single episode* of that series.** Thus, applying the classification of the ’384 Patent, this screen would properly be understood to be a detail view.

POPR, 16

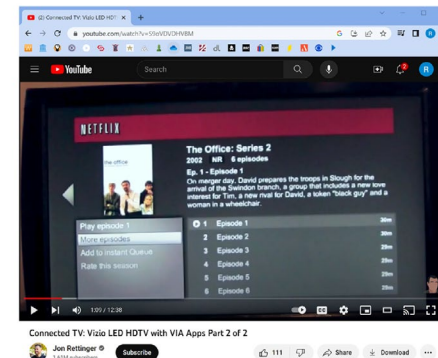
V.

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.”

POR, 14

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’):”



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.

Patent Owner Improperly Seeks To Import Limitations Into The Claims

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.”

POR, 14

- **No** clear disavowal of claim scope; thus, improper to import negative limitations into the claim
- **No** written description support for the negative limitation
- **Not** supported by the preferred embodiment; figures have information about single episodes

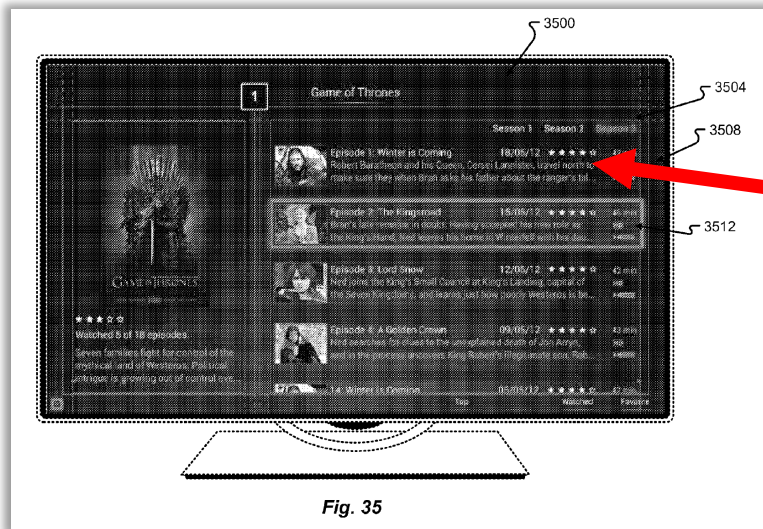


Fig. 35

EX-1001 ('384 Patent), Fig. 35

III. THE PRIOR ART TEACHES AND SUGGESTS “PROVIDING EITHER A DETAIL VIEW OR A DIGEST VIEW OF VOD CONTENT”

Patent Owner Does Not Dispute It Was Obvious To Make A Third Selection In A Collection View

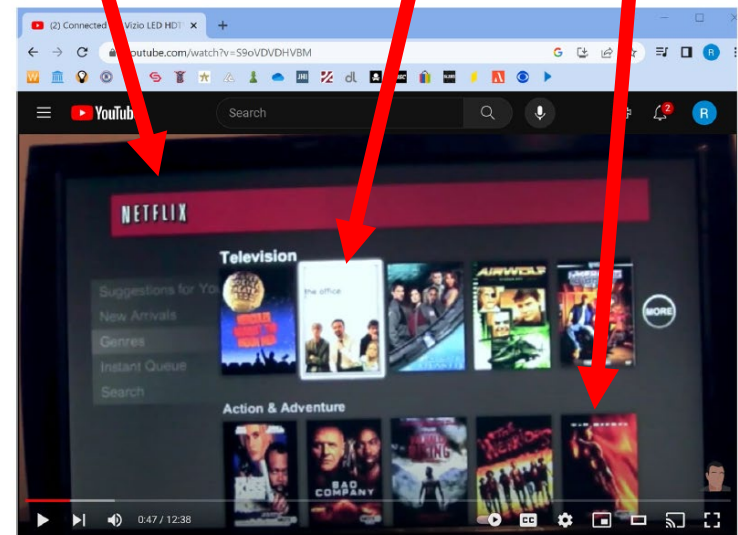
1. A method for providing video-on-demand (VOD) in an intelligent television, the method comprising:

- receiving, by a processor of the intelligent television, a first selection for a VOD content;
- 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;
- receiving, by the processor, a second selection for a VOD content;
- 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;
- receiving, by the processor, a third selection for a VOD content;

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:

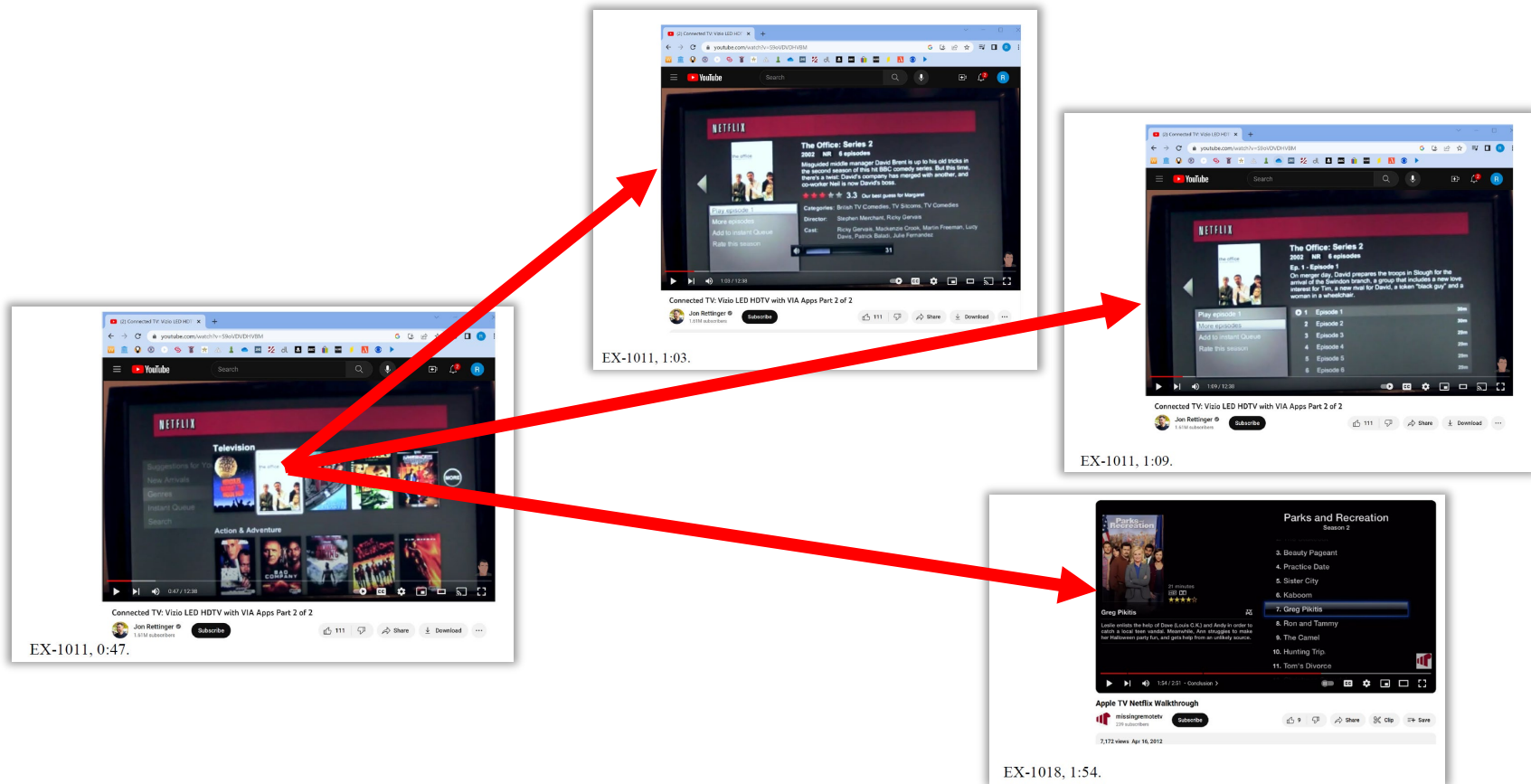
- determining, by the processor, if the selection in the collection view is for a series or one of a movie or single show;
- if the selection in the collection view is for a series, providing, by the processor, the digest view; and
- if the selection in the collection view is for one of a movie or single show, providing, by the processor, a detail view, wherein a navigation to view VOD

The third selection is for a series or movie in the collection view.



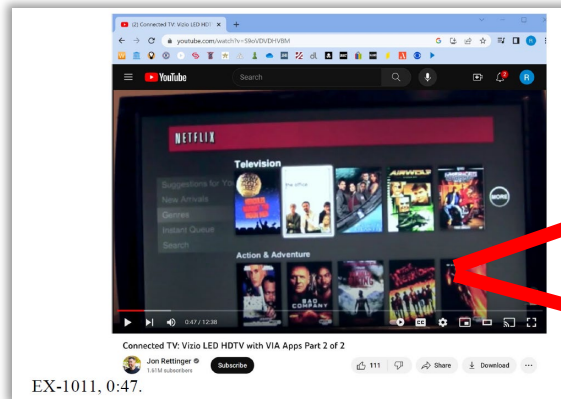
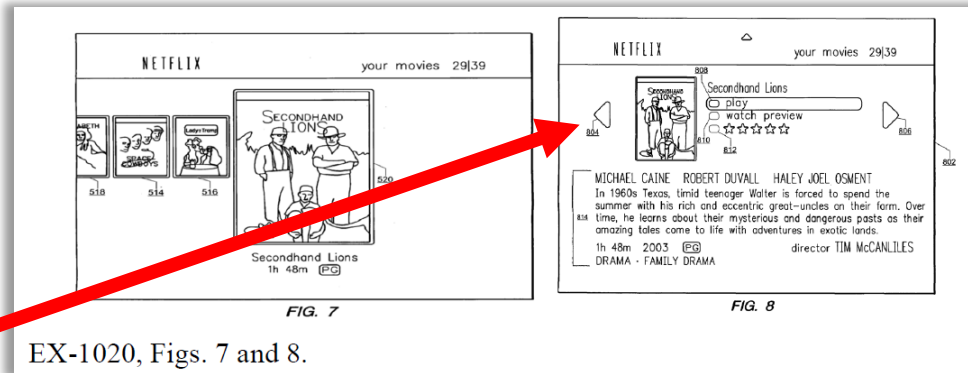
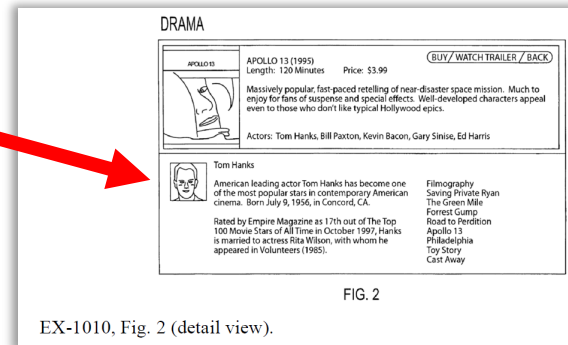
EX-1011, 0:47.

The Prior Art Discloses Design Alternatives For When A Series Is Selected



- Patent Owner does not dispute that the design alternatives would have been obvious.
- Patent Owner also concedes the images above are digest views and that content could eventually be played in player views.

The Prior Art Discloses Design Alternatives For When A Movie Is Selected



- Patent Owner does not dispute that the design alternatives would have been obvious.
- Patent Owner concedes the above right are all detail views and that content could eventually be play in player views.

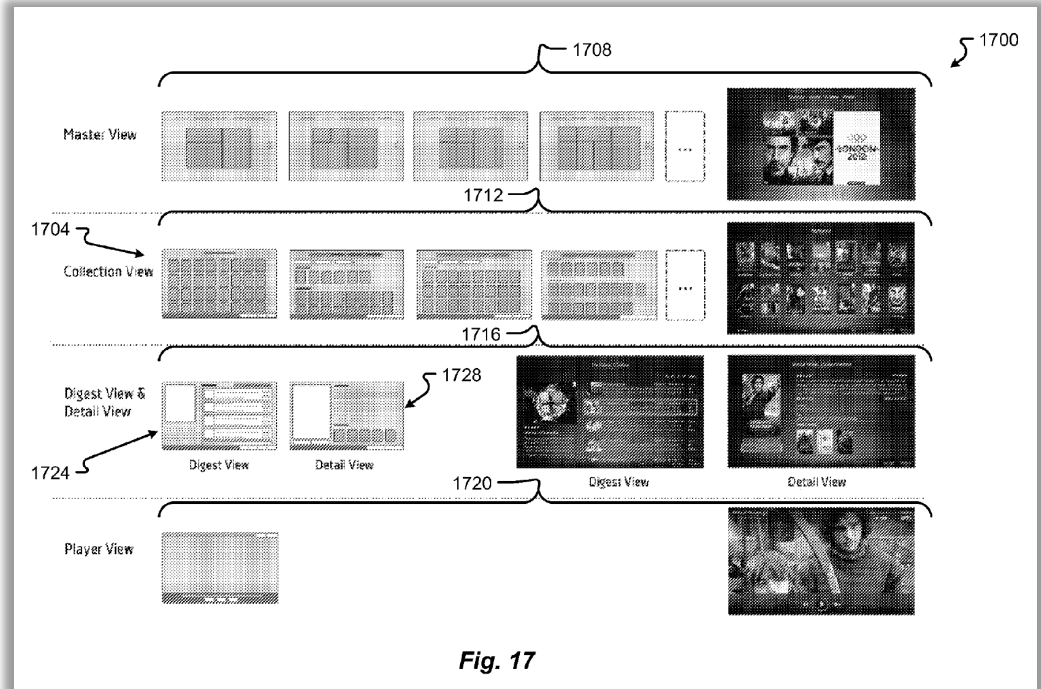
Patent Owner's Argument Regarding Claim 1 Is Meritless

- Patent Owner argues that the digest views relied upon in the Petition cannot satisfy the limitation for a digest view within the larger phrase “providing either a detail view or a digest view of VOD content” because they also qualify as detail views. But to make that argument:
 - Patent Owner proposes then **abandons its own construction** because it would undermine its underlying substantive argument.
 - Patent Owner **relies on a limited construction** of detail view that **the Board never made**, without explaining why the Board’s prior interpretation should be rejected.
 - Ignores plain and express claim language that **detail views focus on a single title** and **digest views include multiple episodes**.
- Patent Owner’s attempt to read in or imply negative limitations that would disqualify views from satisfying the digest view limitation must be rejected in the absence of any clear disavowal of claim scope.

Patent Owner's Argument Is Inconsistent With The Patent's Teachings

The views for the VOD content are broken down into a series of hierarchical steps that allow the user to easily navigate through VOD content. For example, the hierarchical steps may be as shown in FIG. 17 and FIG. 18. In one non-limiting example, a set of user interfaces 1700, 1800 proceed through four categories to play VOD content. A master view selection 1708, 1804 is a top tier user interface that allows the user to select a type of collection shown in tier 1712. A collection view 1704, 1808 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 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. From one of these views, the user may then select a particular content to play or select a play icon, which may then provide a player view 1816 in tier 1720. In the player view 1816, the actual content is provided to the user and played per their selection.

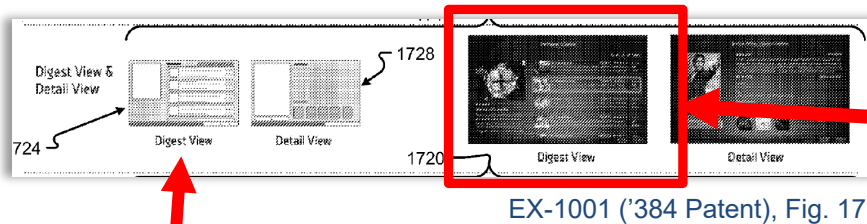
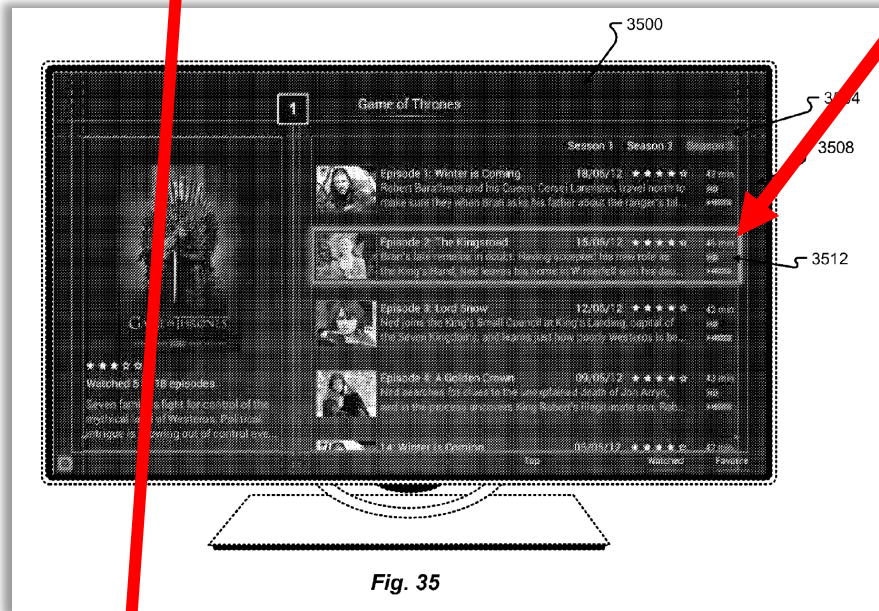
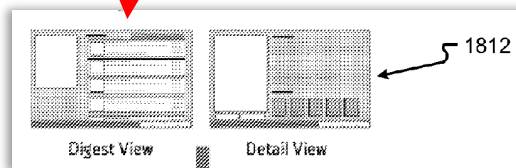
EX-1001 ('384 Patent), 44:4-25



EX-1001 ('384 Patent), Fig. 17

- Patent teaches that selecting “either” a detail view or a digest view could result in a digest view that includes information about a selected item of VOD content.

Patent Owner's Argument Reads Out The Preferred Embodiment



The preferred embodiment presents information about a selected item of VOD content. Both sides rely on Figure 17.

- Patent Owner argues that the Fig. 35 embodiment falls outside the scope of the claims. Sur-Reply, 5 (arguing that not every embodiment needs to be claimed).
- Patent Owner's attempt to exclude that preferred embodiment is improper. *On-Line Techs., Inc. v. Bodenseewerk Perkin-Elmer GmbH*, 386 F.3d 1133, 1138 (Fed. Cir. 2004).

Patent Owner's Arguments Lack Credibility

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.

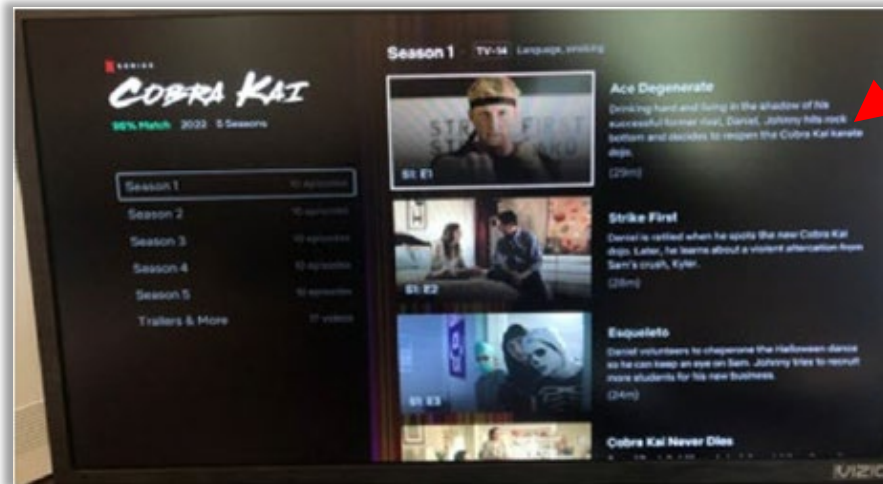
POR, 17

V.

The Reply's argument that Fig. 35 of the '384 Patent permits both views under the claim language is also wrong. Paper 23, 20. Not every embodiment needs to be claimed. *SIMO Holdings*, 983 F.3d at 1378-79. Here, Fig. 35 provides one embodiment of a digest view that does not implicate the "either / or" language recited by the claims. The '384 Patent shows other example digest views, such as Fig. 18, that does implicate the "either / or" language recited by the claims and does not show information about a single episode. '384 Patent, 45:32-42. The word "either" is unambiguous on its own, and embodiments in the '384 Patent support this reading.

Sur-Reply, 5

Patent Owner's Argument Before The Board Is Undermined By Its Litigation Position

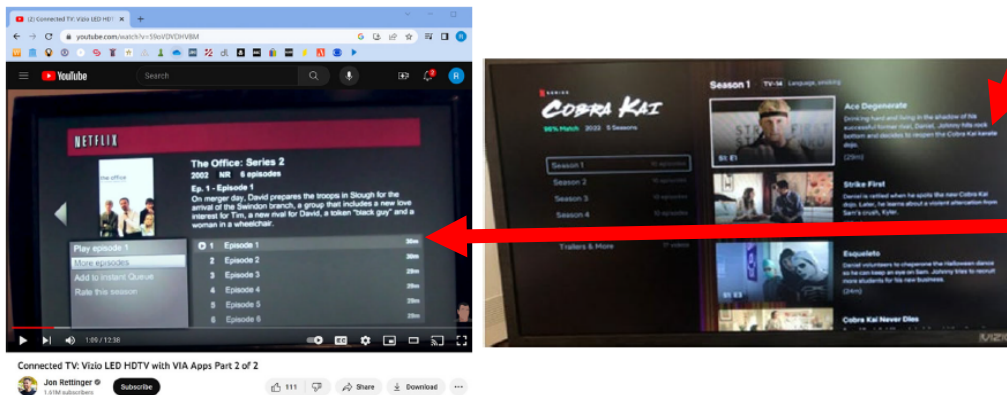


EX-1023, 6-7

- The accused digest view includes information about a selected item of VOD content.
- Thus, the accused digest view also qualifies as a detail view according to Patent Owner's argument.
- Patent Owner's positions cannot be reconciled.

Patent Owner's Argument Before The Board Is Undermined By Its Litigation Position (cont.)

Nor are Multimedia's Infringement Contentions from the underlying VIZIO litigation inapposite with this construction. There, the identified digest view includes information about each of multiple different episodes in the digest, rather than only the details of single episode or show, as in the prior art, and as shown below. *Compare* Ex.1011, 1:09 (TechoBuffalo 2 screen, left, asserted "digest view") *with* Ex.1023 (Multimedia's Infringement Contentions), 7 (right, accused "digest view"):



Sur-Reply, 6

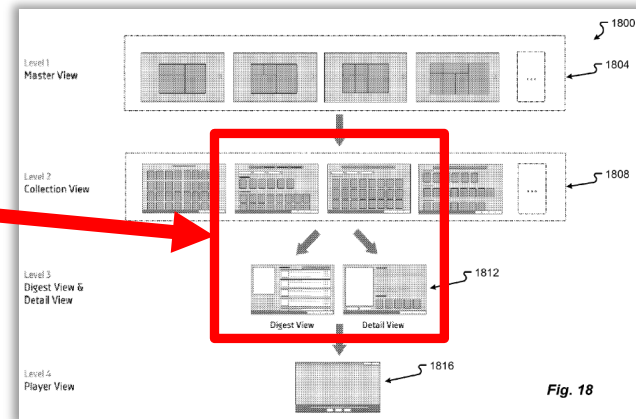
- Patent Owner tries to identify differences between digest views, but the comparison is flawed.
- Relevant inquiry under Patent Owner's argument is whether the accused digest view includes information about a selected item of VOD content. Both views include that information.
- The digest view on the left includes information about each episode (e.g., episode number, length).

**IV. PATENT OWNER'S POSITIONS
AS TO CLAIMS 2 AND 5 ARE
IRRELEVANT AND/OR MERITLESS**

No Requirement That An Episode Be Selected Before A Movie

- Patent Owner argues that the fourth selection to present a player view for an episode (claim 4) must have occurred before the fifth selection to present a player view for a movie (claim 5).
- Claim 5 does not recite a specific order. Patent Owner improperly reading limitations into claims.
- Express claim language makes clear that a user was free to select a movie or episode from the collection view.

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, wherein a navigation to view VOD



EX-1001 ('384 Patent), Fig. 18

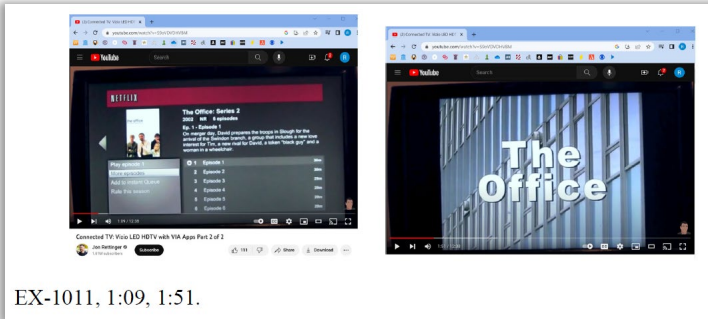
- Patent Owner argues that Fig. 18 is not covered by claims 2 and 5. Sur-Reply, 2. Yet, it tracks the claims including the “if” limitations, which Patent Owner ignores.

The Petition Shows How Claims 4 And Then 5 Would Be Satisfied By The Prior Art

- The Petition shows how the fourth and fifth selection limitations were obvious in view of the prior art.

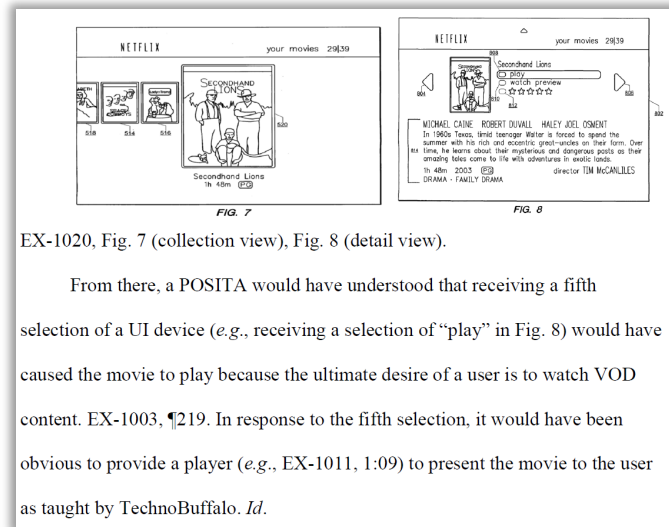
TechnoBuffalo2 discloses that selecting “Episode 5” (fourth selection) from the digest view results in the player being presented (below). The same applies for Hunt’s digest view, which is similar to TechnoBuffalo’s digest view. EX-1003,

¶216.



EX-1011, 1:09, 1:51.

See, e.g., Pet., 62-63



EX-1020, Fig. 7 (collection view), Fig. 8 (detail view).

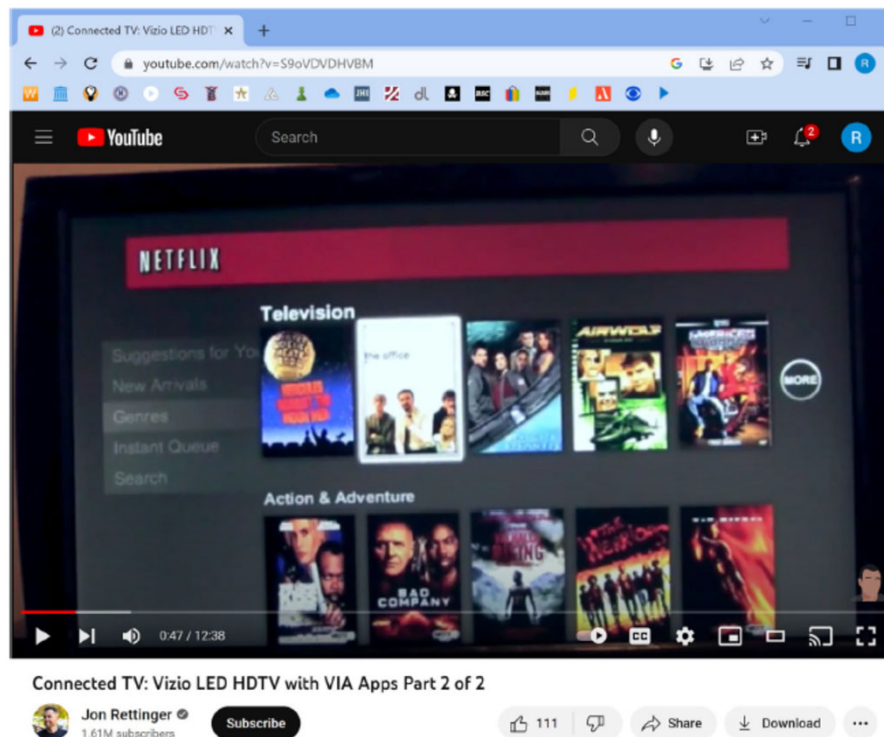
From there, a POSITA would have understood that receiving a fifth selection of a UI device (e.g., receiving a selection of “play” in Fig. 8) would have caused the movie to play because the ultimate desire of a user is to watch VOD content. EX-1003, ¶219. In response to the fifth selection, it would have been obvious to provide a player (e.g., EX-1011, 1:09) to present the movie to the user as taught by TechnoBuffalo. *Id.*

See, e.g., Pet., 64

- Patent Owner’s “conditional” argument is irrelevant. Sur-Reply, 2. The Petition addressed instances where a series and a movie are selected. See, e.g., Pet. 62-64.

Watching An Episode Then Watching A Movie Was Obvious

- Even assuming, *arguendo*, a TV show needed to be watched before a movie, it would have been obvious to play a TV episode before playing a movie.
- Nothing in the '384 Patent claims to have invented a novel order for viewing on-demand content using systems like Netflix.



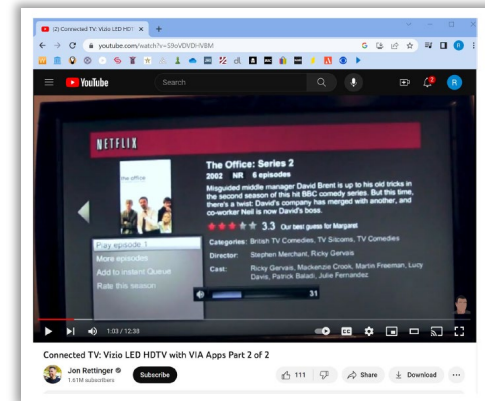
Pet., 39 (collection view)

The Prior Art Was Designed To Be Flexible

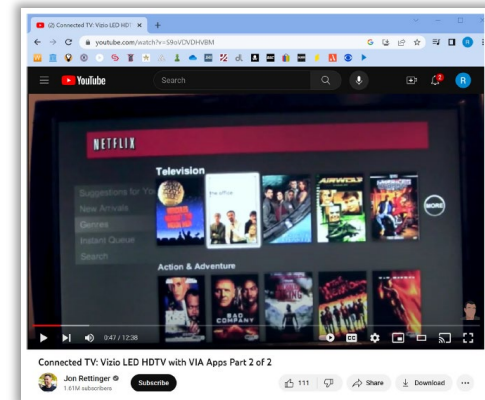
- Netflix (i.e., prior art) was designed to allow users to watch an episode (e.g., The Office) then go back to the collection view to watch a movie. See, e.g., EX-1018, 1:40-2:14, 2:30-2:46; EX-1053, 42:3-6, 43:16-44:16, 45:5-24, 50:4-14, 51:16-52:3.

10 A user could watch an episode of The Office --
11 A. Okay.
12 Q. -- based on what you see on page --
13 A. 41.
14 Q. -- 41 of the petition. Correct?
15 A. I agree.
16 Q. And then after watching that episode, a user
17 could go back to the view that's shown on page 39 of the
18 petition. Correct?
19 ATTORNEY YANG: Object to form and foundation.
20 A. I think it's possible to get back to that
21 screen, yeah.
22 BY ATTORNEY HWANG:
23 Q. And then from the screen on page 39 of the
24 petition, the viewer could then select another piece of
25 content that the user wanted to watch. Correct?
1 A. Sure.

EX-1053 (Surati Dep. Tr.), 43:10-44:16



Pet., 41 (digest view)



Pet., 39 (collection view)

The Reply Properly Rebuts Patent Owner's New Claim Construction Argument

- Patent Owner argues that Petitioner should be precluded from rebutting Patent Owner's new "claimed order" argument. Sur-Reply, 4.
- Federal Circuit has made it clear that it is proper to expand on previously made arguments to refute, rebut, explain and discredit Patent Owner's new argument. *Rembrandt Diagnostics, LP v. Alere, Inc.*, 76 F.4th 1376, 1383-84 (Fed. Cir. 2023).

*1384 In other circumstances, we have held that a reply may be proper if it is responsive and simply expands on previously raised arguments. For example, in *Ericsson*, we reversed the Board's decision to exclude the petitioner's reply argument in part because the petitioner had "merely expand[ed] on a previously argued rationale as to why the prior art disclosures are insubstantially distinct from the challenged claims." 901 F.3d at 1381. We cautioned the Board not to parse "arguments on reply with too fine of a filter." *Id.* at 1380; see also *Chamberlain Grp., Inc. v. One World Techs., Inc.*, 944 F.3d 919, 925 (Fed. Cir. 2019) ("Parties are not barred from elaborating on their arguments on issues previously raised."); *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1081–82 (Fed. Cir. 2015) (reasoning that rebuttal evidence should be responsive such that it is offered "to explain, repel, counteract, or disprove the evidence of the adverse party").

[8] And in *Apple Inc. v. Andrea Electronics Corp.*, we found that the Board abused its discretion in excluding "another example" of the same prior-art reference's algorithm used in both the petition and reply to "further explain" its legal argument. 949 F.3d 697, 706 (Fed. Cir. 2020). We concluded that the petitioner's reply asserted the same "legal ground" as its petition because it relied on the "same prior art" to support the "same legal argument." *Id.* (explaining that

"responsive" arguments "eliminate[]" "any ambiguity" of a new argument). Thus, the very nature of the reply and sur-reply briefs are to respond (whether to refute, rebut, explain, discredit, and so on) to prior raised arguments within the confines of 37 C.F.R. § 42.23(b).

- The Reply merely rebuts Patent Owner's new "claimed order" argument by expanding on previously made arguments based on same prior art.

Patent Owner Uses Its Claimed Order Argument To Import Limitations Into The Claims

- Patent Owner improperly attempts to import several implied claim limitations into the claims through its “claimed order” argument. This is the true goal of the proposed construction.
- Patent Owner’s Reply makes several vague arguments about what claims 2 and 5 require if those claims require an episode to be played before a movie.

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.

POR, 14

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.

POR, 28

Patent Owner Uses Its Claimed Order Argument To Import Limitations Into The Claims (con'd)

- Dr. Surati was asked to clarify Patent Owner's vague and indirect positions at his deposition.
- His answers verified that Patent Owner is attempting to import numerous limitations into the claims under the guise of arguing that the steps must be performed in order.
- The Sur-Reply does not dispute any aspect of Dr. Surati's testimony.

4 Q. In paragraph 64, is it your opinion that the
5 system needs to go directly from the episode in a series
6 to a movie using the user interface device? And the
7 word "direct" is what I'm really looking at here. Does
8 there need to be a direct link between the series and
9 the movie?

11 A. I think so, for at least Claim 5.

EX-1053 (Surati Dep. Tr.), 73:4-11

21 So according to Claims 4 and 5, is it your
22 understanding that the user interface device must be
23 located in the digest view?

1 now I understand your question. So yes, that's correct.

EX-1053 (Surati Dep. Tr.), 76:21-77:1

10 Is it your understanding of Claims 4 and 5
11 that the user must go from the player for an episode for
12 a series to a player for a movie using the user
13 interface device without any intermediate steps?
14 A. That's correct.

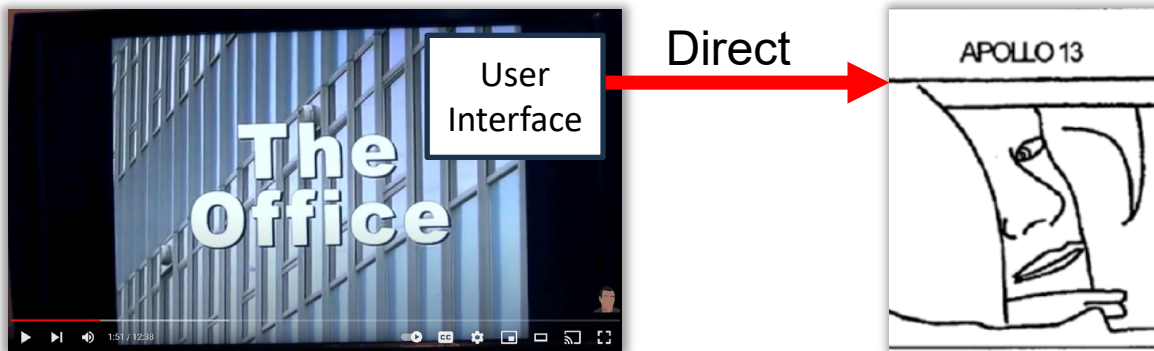
EX-1053 (Surati Dep. Tr.), 77:10-14

2 Q. And is it your opinion that the claim requires
3 where the fourth selection would start the episode and
4 then the next selection made by the user must then
5 transition to a movie for Claim 5?
6 A. That's what it says.

EX-1053 (Surati Dep. Tr.), 80:2-6

Patent Owner Uses Its Claimed Order Argument To Import Limitations Into The Claims (con'd)

- In summary, Patent Owner attempts to import the following implied limitations into the claims through its “claimed order” argument.
 - The claimed “user interface device” must be a special controller uniquely capable of toggling between TV shows and movies.
 - The “user interface device” must be located within the player view.
 - There must be a direct transition from a player for an episode to a player for a movie using the “user interface device” without any intermediate steps.
- Dr. Surati unable to explain how this invention would work or where the specification supports this interpretation at his deposition. EX-1053, 81:5-17, 81:5-17, 82:17-83:13.

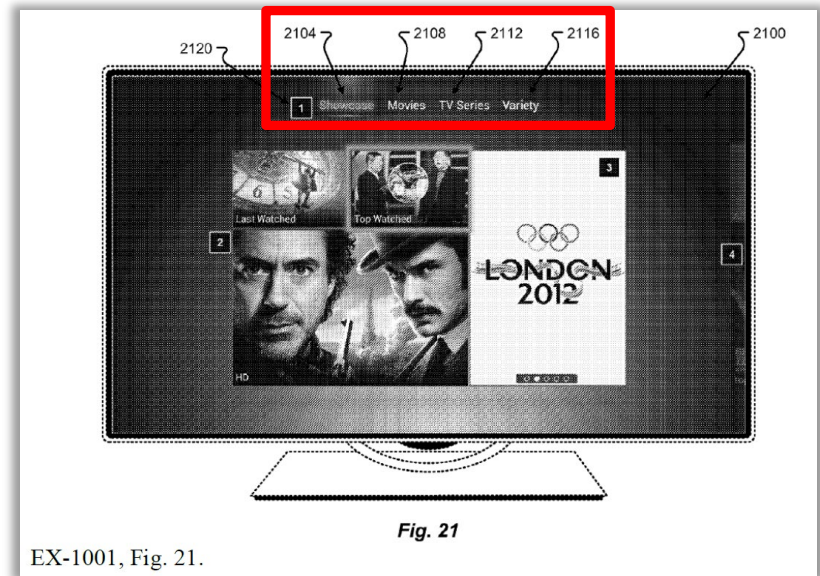


A User Interface Device Is Just A Button, Not A Special Controller

- The specification fails to support Patent Owner's interpretation of what a user interface device is in the context of the '384 Patent.

The user may then use the directional pad 760, or some other remote control button on remote control 700, to select one of the four user interface devices, 2104 through 2116, on the navigation bar 2120. For example, 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.

EX-1001 ('384 Patent), 46:15–23



Claims Do Not Require Direct Transition From One Player To Another

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 ('384 Patent), Claims 4 and 5

- Contrary to what Patent Owner and its expert argues, claims 4 and 5 do not recite that the user interface device must be located within the player view for the episode.
- Nor do the claims include any language requiring a direct transition from a player view for an episode to a player view for a movie.
- The claims can be satisfied by a user using the collection view to select a movie and TV show without the use of some special controller.