

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DOLBY LABORATORIES, INC.,  
Petitioner

v.

INTERDIGITAL MADISON PATENT HOLDINGS, SAS,  
Patent Owner

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Case IPR2026-00252  
U.S. Patent No. 9,185,268

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**PATENT OWNER PRELIMINARY RESPONSE  
UNDER 37 C.F.R. § 42.107(a)**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
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**TABLE OF CONTENTS**

|      |                                                                                                                                                           |    |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| I.   | INTRODUCTION .....                                                                                                                                        | 1  |
| II.  | CLAIM CONSTRUCTION .....                                                                                                                                  | 2  |
| A.   | The District Court’s Claim Constructions.....                                                                                                             | 2  |
| B.   | The Board should not countenance Petitioner’s gamesmanship in failing to address the district court constructions.....                                    | 5  |
| III. | ARGUMENTS THAT APPLY TO ALL GROUNDS .....                                                                                                                 | 9  |
| A.   | Petitioner fails to show that Jones fails teaches the claimed non-reference type displays having a non-reference color gamut.....                         | 9  |
| B.   | Jones fails to teach providing mastered color corrected picture content for display on non-reference type displays. ....                                  | 11 |
| 1.   | Jones’s digital master is a display-agnostic universal master..                                                                                           | 12 |
| 2.   | Jones’s “variations” do not teach the claimed mastered color corrected content. ....                                                                      | 17 |
| IV.  | ARGUMENTS THAT APPLY TO GROUNDS 1 AND 2 .....                                                                                                             | 20 |
| A.   | Jones fails to teach that the source picture content is mastered only for non-reference type displays.....                                                | 20 |
| B.   | Petitioner fails to show that a POSA would have combined Jones and Ollivier.....                                                                          | 23 |
| 1.   | Petitioner’s use of Ollivier’s translation module to generate LUTs directly from video data is incompatible with its actual operation.....                | 25 |
| 2.   | Ollivier’s LUTs are generated from and applied to the original file sequence, not to a color corrected digital master. ....                               | 30 |
| V.   | ARGUMENTS THAT APPLY TO GROUNDS 3 THROUGH 5 .....                                                                                                         | 35 |
| A.   | Yeung fails to teach a reference type display having a reference color gamut.....                                                                         | 35 |
| B.   | Yeung fails to teach mastering source picture content to provide mastered color corrected picture content for display on the reference type displays..... | 38 |
| VI.  | THE PETITION SHOULD BE DENIED BECAUSE PETITIONER FAILS TO NAME ALL REAL PARTIES-IN-INTEREST AND                                                           |    |

|                                                                                                                                                                                                                         |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| CANNOT CORRECT THE ISSUE WITHOUT CREATING A<br>TIME-BAR. ....                                                                                                                                                           | 42 |
| A. RPI Legal Standards.....                                                                                                                                                                                             | 44 |
| B. Disney is an unnamed RPI to the Petition.....                                                                                                                                                                        | 46 |
| 1. Disney has a “preexisting, established relationship” with Dolby.<br>.....                                                                                                                                            | 47 |
| 2. Disney has a clear “interest in” and “benefit[s] from” this IPR,<br>and desires review of the ’268 patent. ....                                                                                                      | 48 |
| 3. Dolby is representing Disney’s interest in filing this IPR. ....                                                                                                                                                     | 49 |
| 4. There is apparent collaboration between Dolby and Disney in<br>defending against the InterDigital-Disney Litigation, suggesting<br>Disney had control over (or at least the opportunity to control)<br>this IPR..... | 50 |
| 5. Dolby’s business model and reasons for filing Petition. ....                                                                                                                                                         | 53 |
| C. Dolby cannot correct its RPI listing without creating a time-bar. ....                                                                                                                                               | 54 |
| VII. CONCLUSION.....                                                                                                                                                                                                    | 54 |

**PATENT OWNER'S EXHIBIT LIST**

| <b>Exhibit No.</b> | <b>Description</b>                                                                                                                                                                          |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2001               | Complaint, <i>Dolby Laboratories, Inc. et al. v. InterDigital, Inc. et al.</i> , No. 2:26-CV-02269 (C.D. Cal. March 3, 2026), ECF No. 1                                                     |
| 2002               | InterDigital, Inc. Form 10-K (Annual Report - 2025), United States Securities and Exchange Commission, File No. 1-33579                                                                     |
| 2003               | “Licensing at InterDigital,” InterDigital, Inc., available at <a href="https://www.interdigital.com/licensing">https://www.interdigital.com/licensing</a> (last accessed February 20, 2026) |
| 2004               | Docket Sheet, <i>InterDigital, Inc. et al. v. The Walt Disney Company et al.</i> , No. 2:25-cv-00895 (C.D. Cal.), April 14, 2026                                                            |
| 2005               | Order re Defendants’ Motion to Continue Case Schedule, <i>InterDigital, Inc. et al. v. The Walt Disney Company et al.</i> , No. 2:25-cv-00895 (C.D. Cal. March 27, 2026), ECF No. 166       |
| 2006               | Declaration of Ryan Pohlman (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL)                                                                                                                      |
| 2007               | Federal Court Management Statistics, December 31, 2025                                                                                                                                      |
| 2008               | Order re Transfer (Related Cases), <i>Dolby Laboratories, Inc. et al. v. InterDigital, Inc. et al.</i> , No. 2:26-CV-02269 (C.D. Cal. March 26, 2026), ECF No. 20                           |
| 2009               | Complaint, <i>Dolby Laboratories, Inc. et al. v. InterDigital, Inc. et al.</i> , No. 2:26-CV-02270 (C.D. Cal. March 3, 2026), ECF No. 1                                                     |
| 2010               | U.S. Patent Application Publication No. 2009/0109344 A1 to Ollivier et al., published April 30, 2009                                                                                        |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2011        | Espacenet Bibliographic Data Page for International Patent Application Publication No. WO 2007/050091 A1 (“Ollivier”), available at <a href="https://worldwide.espacenet.com/publicationDetails/biblio?DB=EPODOC&amp;II=0&amp;ND=3&amp;adjacent=true&amp;locale=en_EP&amp;FT=D&amp;date=20070503&amp;CC=WO&amp;NR=2007050091A1&amp;KC=A1#">https://worldwide.espacenet.com/publicationDetails/biblio?DB=EPODOC&amp;II=0&amp;ND=3&amp;adjacent=true&amp;locale=en_EP&amp;FT=D&amp;date=20070503&amp;CC=WO&amp;NR=2007050091A1&amp;KC=A1#</a> (last accessed April 14, 2026) |
| 2012        | Order re Claim Construction, <i>InterDigital, Inc. et al. v. The Walt Disney Company et al.</i> , No. 2:25-cv-00895 (C.D. Cal. April 7, 2026), ECF No. 170                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2013        | European Patent No. EP 2132923 B1 to Doser et al., issued March 13, 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2014        | Espacenet Bibliographic Data Page for U.S. Patent No. 9,185,268, available at <a href="https://worldwide.espacenet.com/publicationDetails/biblio?CC=US&amp;NR=9185268B2&amp;KC=B2&amp;FT=D&amp;ND=4&amp;date=20151110&amp;DB=EPODOC&amp;locale=en_EP#">https://worldwide.espacenet.com/publicationDetails/biblio?CC=US&amp;NR=9185268B2&amp;KC=B2&amp;FT=D&amp;ND=4&amp;date=20151110&amp;DB=EPODOC&amp;locale=en_EP#</a> (last accessed April 14, 2026)                                                                                                                   |
| 2015        | “InterDigital Awarded Injunction Against Disney by German Court,” InterDigital, Inc. Press Release, November 24, 2025, available at <a href="https://ir.interdigital.com/news-events/press-releases/news-details/2025/InterDigital-awarded-injunction-against-Disney-by-German-court-5ad043c60/default.aspx">https://ir.interdigital.com/news-events/press-releases/news-details/2025/InterDigital-awarded-injunction-against-Disney-by-German-court-5ad043c60/default.aspx</a> (last accessed April 14, 2026)                                                             |
| 2016        | “InterDigital Signs License Agreement with Panasonic,” InterDigital, Inc. Press Release, available at <a href="https://ir.interdigital.com/news-events/press-releases/news-details/2024/InterDigital-signs-license-agreement-with-Panasonic/default.aspx">https://ir.interdigital.com/news-events/press-releases/news-details/2024/InterDigital-signs-license-agreement-with-Panasonic/default.aspx</a> (last accessed April 14, 2026)                                                                                                                                     |
| 2017        | “InterDigital Renews License Agreement with Sony,” InterDigital, Inc. Press Release, available at <a href="https://ir.interdigital.com/news-events/press-releases/news-details/2026/InterDigital-renews-license-agreement-with-Sony/default.aspx">https://ir.interdigital.com/news-events/press-releases/news-details/2026/InterDigital-renews-license-agreement-with-Sony/default.aspx</a> (last accessed April 14, 2026)                                                                                                                                                 |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                        |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2018        | Final Judgment, Case Ref. No. 7 O 1311/25, Munich Regional Court I, November 21, 2025, with English-language translation                                                                                                                                                                                           |
| 2019        | Order on Motion to Compel, <i>InterDigital, Inc. v. The Walt Disney Co.</i> , Case No. 2:25-cv-00895-WLH-BFM (C.D. Cal. Mar. 5, 2026)                                                                                                                                                                              |
| 2020        | E-mail Correspondence Between Counsel for Petitioner and Counsel for Patent Owner, April 1 to April 21, 2026 (redacted to remove communications not directly related to any joint defense agreement(s) between The Walt Disney Company and Dolby Laboratories, Inc.)                                               |
| 2021        | Memorandum of Points and Authorities in Support of Defendants' Motion to Stay Pending Resolution of Related Proceedings, <i>InterDigital, Inc. v. The Walt Disney Co.</i> , Case No. 2:25-cv-00895-WLH-BFM (C.D. Cal. May 1, 2026)                                                                                 |
| 2022        | Tentative Order re Claim Construction, <i>InterDigital, Inc. et al. v. The Walt Disney Company</i> , No. 2:25-cv-00895 (C.D. Cal. October 24, 2025)                                                                                                                                                                |
| 2023        | Docket Entries, <i>InterDigital, Inc. et al. v. The Walt Disney Company</i> , No. 2:25-cv-00895 (C.D. Cal.), May 15, 2026                                                                                                                                                                                          |
| 2024        | License Agreement (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL – OUTSIDE COUNSEL'S EYES ONLY)                                                                                                                                                                                                                         |
| 2025        | License Agreement (CONFIDENTIAL – PROTECTIVE ORDER MATERIAL – OUTSIDE COUNSEL'S EYES ONLY)                                                                                                                                                                                                                         |
| 2026        | “Dolby Vision debuts with Disney’s ‘Tomorrowland’ and Disney*Pixar’s ‘Inside Out,’” AnimationExpress.com, accessed at <a href="https://animationxpress.com/latest-news/dolby-vision-debuts-with-disney/">https://animationxpress.com/latest-news/dolby-vision-debuts-with-disney/</a> (last accessed May 18, 2026) |

| Exhibit No. | Description                                                                                                                                                                                                                                                                                                                    |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2027        | “Disney+ in Dolby Vision,” Dolby, accessed at <a href="https://www.dolby.com/experience/home-entertainment/articles/disney-in-dolby-vision/">https://www.dolby.com/experience/home-entertainment/articles/disney-in-dolby-vision/</a> (last accessed May 18, 2026)                                                             |
| 2028        | “Where to Watch Content in Dolby Vision,” Dolby, accessed at <a href="https://www.dolby.com/experience/home-entertainment/articles/where-to-watch-content-in-dolby-vision/">https://www.dolby.com/experience/home-entertainment/articles/where-to-watch-content-in-dolby-vision/</a> (last accessed May 18, 2026)              |
| 2029        | “Dolby and Disney Announce Extended Theatrical Collaboration,” Dolby, accessed at <a href="https://news.dolby.com/en-WW/170514-dolby-and-disney-announce-extended-theatrical-collaboration/">https://news.dolby.com/en-WW/170514-dolby-and-disney-announce-extended-theatrical-collaboration/</a> (last accessed May 18, 2026) |
| 2030        | Defendants’ Answer, <i>InterDigital, Inc. v. The Walt Disney Company</i> , No. 2:25-cv-00895 (C.D. Cal. March 31, 2025)                                                                                                                                                                                                        |
| 2031        | ’268 Patent DocketNavigator Case Search                                                                                                                                                                                                                                                                                        |

## I. INTRODUCTION

The Director should deny the Petition because Petitioner has not met its burden to show a reasonable likelihood that any of the challenged claims of U.S. Patent No. 9,185,268 (“the ’268 patent”) are unpatentable. The Petition relies on the combination of Jones, Ollivier, and Osaki for independent claims 1, 12, and 20, and on the combination of Jones and Yeung for independent claims 6, 15, and 25. Both combinations fail.

At the outset, Petitioner fails to address the claim constructions adopted in the co-pending district court litigation involving the ’268 patent. This is despite the fact that Petitioner was aware of the parties’ proposed constructions and the court’s preliminary constructions *before* Petitioner filed its Petition. For instance, Petitioner does not even argue that Jones teaches “non-reference type displays having a non-reference color gamut,” according to the court’s construction, and Jones fails to teach it in any event. As Petitioner relies on Jones for this element in all Grounds, the Director should deny the Petition on this basis alone.

Moreover, Petitioner fails to show that Jones teaches mastering source picture content for display on such non-reference type displays under any construction of the term, or relatedly, that Jones teaches *only* mastering the source picture content for such display types. Petitioner relies on Jones’s “digital master,” which is a universal, display-agnostic master that is explicitly “devoid of display

specific transforms.” EX1004, 3:31-42. Thus, Petitioner cannot show that Jones’s digital master is mastered for display on the non-reference type displays having a non-reference color gamut—let alone that it is mastered *only* for such displays.

Petitioner further fails to show that a POSA would have combined Jones and Ollivier in the manner proposed by Petitioner. Petitioner’s combination was crafted by bolting Ollivier’s color correction system onto Jones’s digital mastering system in a manner that is incompatible with Ollivier’s architecture and contrary to its explicit design goals. The combination was formed based on improper hindsight using the claims as a roadmap.

Finally, Petitioner fails to show that Yeung teaches a reference-type display having a reference color gamut or providing mastered color corrected picture content for display on such display types. Petitioner fails to point to, and Yeung does not disclose, a single-color gamut, let alone a reference color gamut as claimed.

For these and the below reasons, the Director should deny the Petition for failing to show a reasonable likelihood of unpatentability.

## **II. CLAIM CONSTRUCTION**

### **A. The District Court’s Claim Constructions**

Patent Owner has asserted the ’268 patent against the Walt Disney Company and related entities (collectively “Disney”) in the following co-pending civil

action: *InterDigital, Inc. v. The Walt Disney Company*, 2:25-cv-00895 (C.D. Cal.)

(“InterDigital-Disney Litigation”). In this action, the parties proposed competing constructions in a joint statement filed on August 15, 2025. EX1053. The parties’ proposed constructions are shown below.

| <b>Claim Term</b>                                                                                                                             | <b>InterDigital’s Proposed Construction</b>                                                                                                                                                                                                                   | <b>Disney’s Proposed Construction</b>                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “[a] reference type display[] having [a] reference color gamut”                                                                               | “display capable of accurately displaying colors in accordance with a standardized color gamut”                                                                                                                                                               | “a display that supports a standardized color gamut”                                                                                                                                                           |
| “[a] non-reference type display[] having [a] non-reference color gamut”                                                                       | “display capable of displaying colors in accordance with a color gamut other than the reference color gamut”                                                                                                                                                  | “a display that does not support a standardized color gamut”                                                                                                                                                   |
| “at least one of a non-reference type display having a non-reference color gamut and a reference type display having a reference color gamut” | “Plain and ordinary meaning: one or both of a display capable of accurately displaying colors in accordance with a standardized color gamut and a display capable of displaying colors in accordance with a color gamut other than the reference color gamut” | “at least one of each category of displays selected from category (1) a non-reference type display having a nonreference color gamut and category (2) a reference type display having a reference color gamut” |

EX1053, 10, 14, 18.

The district court held the claim construction hearing on October 24, 2025, and issued its preliminary constructions the same day. EX2022; EX2023. The court issued its final claim construction order on April 7, 2026. EX2012, 16-19. The

preliminary and final constructions are identical, and are shown below. *See*

EX2012, 16-19; EX2022, 16-19.

| Claim Term                                                                                                                                    | District Court Construction                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “[a] reference type display[] having [a] reference color gamut”                                                                               | “a reference type display having a standardized color gamut”                                                                                                                                                                                                  |
| “[a] non-reference type display[] having [a] non-reference color gamut”                                                                       | “a non-reference type display that does not have a standardized color gamut”                                                                                                                                                                                  |
| “at least one of a non-reference type display having a non-reference color gamut and a reference type display having a reference color gamut” | “Plain and ordinary meaning: one or both of a display capable of accurately displaying colors in accordance with a standardized color gamut and a display capable of displaying colors in accordance with a color gamut other than the reference color gamut” |

In particular, the district court construed the claimed “reference type display having a reference color gamut” as “a reference type display having a *standardized* color gamut.” This is supported by the ’268 patent, which states that “current standards” are used “in determining the reference color gamut (RCG) for displays.” EX1001, 1:15-25; *see also* EX2012, 16-18. In the district court, both parties agreed with the court that a “reference color gamut” refers to a “standardized color gamut.” EX2012, 16. The dispute was over the meaning of the word “having,” but the Court determined that the plain and ordinary meaning of the term sufficed. EX2012, 17.

The district court construed the claimed “non-reference type display having

a non-reference color gamut” as “a non-reference type display that *does not* have a standardized color gamut.” EX2012, 17-18 (emphasis original). The district court construed this term “in line with the parties’ agreement on the related language in the [reference type] claim.” EX2012, 17. That is, the court held that if a reference color gamut is standardized, then a non-reference color gamut is not standardized.

Finally, the district court construed the term “at least one of a non-reference type display having a non-reference color gamut and a reference type display having a reference color gamut” to be a *disjunctive* list—i.e., that only one of these display types is required to satisfy the element. EX2012, 18-19. The court found that *SuperGuide Corp. v. DirecTV Enters., Inc.* does not apply “because several embodiments in the ’268 Patent depict only one of the two displays as inputs for the color correction system.” EX2012, 19; *see also* EX1001, 10:13-67.

**B. The Board should not countenance Petitioner’s gamesmanship in failing to address the district court constructions.**

Petitioner does not substantively address the district court constructions despite being aware of the parties’ proposed constructions and the court’s preliminary constructions when it filed its Petition. This amounts to improper gamesmanship, particularly because Petitioner’s products are implemented by the accused products in the co-pending litigation. *See* EX1052 (asserting that “the Disney Accused Instrumentalities are color corrected using Dolby Vision”). Petitioner seeks inconsistent claim constructions between forums to strengthen its

non-infringement position in district court while avoiding the implications of those constructions for its invalidity positions here. The Director should reject this gamesmanship and should deny the Petition. *See Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 4 (P.T.A.B. Nov. 3, 2025) (precedential) (“The Board’s claim construction rules are designed to ensure that the Board correctly construes claim terms and to minimize inconsistency in claim construction between forums.”); *Ford Motor Company v. AutoConnect Holdings LLC*, IPR2025-01342, Paper 27 at 3 (P.T.A.B. May 12, 2026) (informative) (“[I]t is appropriate to deny institution when a Petitioner’s conduct demonstrates that the dispute ‘is less about a litigation alternative and more about inconsistent positions to gain an upper hand in the overall litigation.’”).

Disney is a licensee of the accused Dolby Vision product, and has stated that Petitioner, not Disney, is the “true defendant” in that proceeding. EX2021, 1, 7; *see also id.*, 9 (Patent Owner’s infringement contentions “rely entirely on Dolby’s materials for all substantive claim limitations”). Petitioner has also agreed to “comply with existing contractual indemnity obligations to Disney.” EX2001, ¶11; EX2021, 10. Petitioner thus has a substantial interest in the claim construction and non-infringement positions proffered by Disney in district court.

When it filed its Petition, Petitioner was well aware of Disney’s proposed constructions, as well as the constructions the court was likely to, and ultimately

did, adopt.<sup>1</sup> Despite this, the Petition asserts that “no claim terms need be expressly construed to resolve issues of controversy in the present Petition.” Pet., 3. But as shown below, this is incorrect. Petitioner fails to show, or even allege, that the asserted references satisfy the claims under the district court’s constructions (preliminary or final), or even under Disney’s proposed constructions.

This was strategic. Petitioner sought to leverage inconsistent constructions between forums to twist the claims “like a nose of wax, in one way to avoid invalidity and another to find infringement.” *Data Engine Techs. LLC v. Google LLC*, 10 F.4th 1375, 1381 (Fed. Cir. 2021) (cleaned up). For instance, in district court, Disney argued that “at least one of a nonreference type display... and a reference type display” is a conjunctive list requiring both display types, undoubtedly to strengthen its non-infringement position. EX2012, 18. In this proceeding, Petitioner argues the opposite, that this element merely requires a *disjunctive* list, because its asserted references do not teach performing color correction using both display types. *See* Pet., 26 n.3. As another example, Disney

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<sup>1</sup> Petitioner filed its Petition on February 9, 2026, well after the claim construction hearing and issuance of the court’s preliminary constructions on October 24, 2025. *See* EX2022; EX2023; EX1056; EX1057; *see also* Pet., 3 (acknowledging the preliminary and proposed constructions).

argued in district court that a “non-reference type display” is a “display that does not support a standardized color gamut,” again in an effort to strengthen its non-infringement position. EX2012, 17-18. But here, Petitioner does not propose or even address this construction and, as explained below in Section III.A, fails to show that its asserted references teach a non-reference type display that does not support a standardized color gamut.

Petitioner was fully aware of how the district court constructions could affect its Grounds in this proceeding when it filed its Petition. Rather than provide a fulsome and forthright analysis of these constructions, the Petition seeks to hide the ball. It deliberately and strategically seeks inconsistent claim constructions between forums. *See* Pet., 3. The Director should reject this gamesmanship and should deny the Petition.

The Director should also reject Petitioner’s attempt to distance itself from the district court constructions because, as explained below, Disney is a real party-in-interest, or at least privy, in this proceeding. Petitioner justified its inconsistent claim construction positions because it is “not a party” in the district court. Pet., 3. But Disney is. And, consequently, Disney’s district court constructions should be attributed to Petitioner here. To allow otherwise would invite gamesmanship between related entities that each have a common interest in rendering an asserted patent unpatentable.

Further strengthening the case for denial, Petitioner recently filed a declaratory judgment action against Patent Owner in *Dolby Lab 'ys., Inc. v. InterDigital, Inc.*, No. 2:26-cv-02269 (C.D. Cal.) (“Dolby’s DJ Action”), seeking a ruling of noninfringement and invalidity of the ’268 patent. EX2001. This action is before Judge Wesley Hsu, the same judge as the Disney action. EX2008. Judge Hsu will likely adopt the same constructions as he did in the Disney action, which, if Petitioner’s constructions are adopted here, will enable Petitioner to directly leverage inconsistent claim constructions between forums where Petitioner itself is a named party. The Director should not enable Petitioner to garner this unfair advantage and should deny the Petition.

### **III. ARGUMENTS THAT APPLY TO ALL GROUNDS**

Each independent claim requires providing mastered color corrected picture content for display on non-reference type displays having a non-reference color gamut. Each of Petitioner’s Grounds relies on Jones for this element. But Jones fails to teach non-reference type displays having a non-reference color gamut, and further fails to teach providing mastered color corrected picture content for such displays.

#### **A. Petitioner fails to show that Jones fails teaches the claimed non-reference type displays having a non-reference color gamut.**

All independent claims require “non-reference type displays having a non-reference color gamut.” As explained above, the district court construed a non-

reference type display having a non-reference color gamut as “a non-reference type display that does not have a *standardized* color gamut.” EX2012, 17-18. Petitioner solely relies on Jones for this element, but fails to show, or even allege, that the Jones teach this element under this construction. Thus, to the extent the Board adopts the court’s construction for this term, the Petition fails for this reason alone.

Indeed, Petitioner relies on Jones’s “display device 30” and “projector 54” as the alleged non-reference type displays having non-reference color gamuts. Pet., 27-29, 30-31. Petitioner argues that Jones’s “[d]isplay device 30 is an example of a non-reference type display because Jones describes it as a ‘wider-gamut device such as a digital projector’ with a color gamut that is different from the color gamuts of certain output displays (e.g., CRT displays).” Pet., 27-28. Petitioner similarly alleges that “Jones suggests (or renders obvious) that, in some instances, projector 54 ... is a display device with a wide gamut, and thus, also represents an example of a non-reference type display.” Pet., 28-29 (emphasis omitted); *see also id.*, 30-31. That is, Petitioner argues that Jones’s display 30 and projector 54 are non-reference type displays because they have wider color gamuts than CRT displays.

Petitioner does not, however, allege that Jones’s devices do not have a *standardized* color gamut, as construed by the district court. By arguing only that Jones’ displays have a “wide” color gamut, Petitioner fails to show that Jones

satisfies this element *under the district court's construction*. See Pet., 28-31. In other words, Petitioner has not set forth an express showing of how Jones's "wide" color gamut allegedly discloses a *non-standardized* color gamut. This is despite the fact that Petitioner was well aware of the court's *identical* preliminary construction when it filed its Petition. See Section II *supra*. All of the Petition's Grounds rely on Jones for this element, so to the extent the Board adopts this construction, the Petition fails.

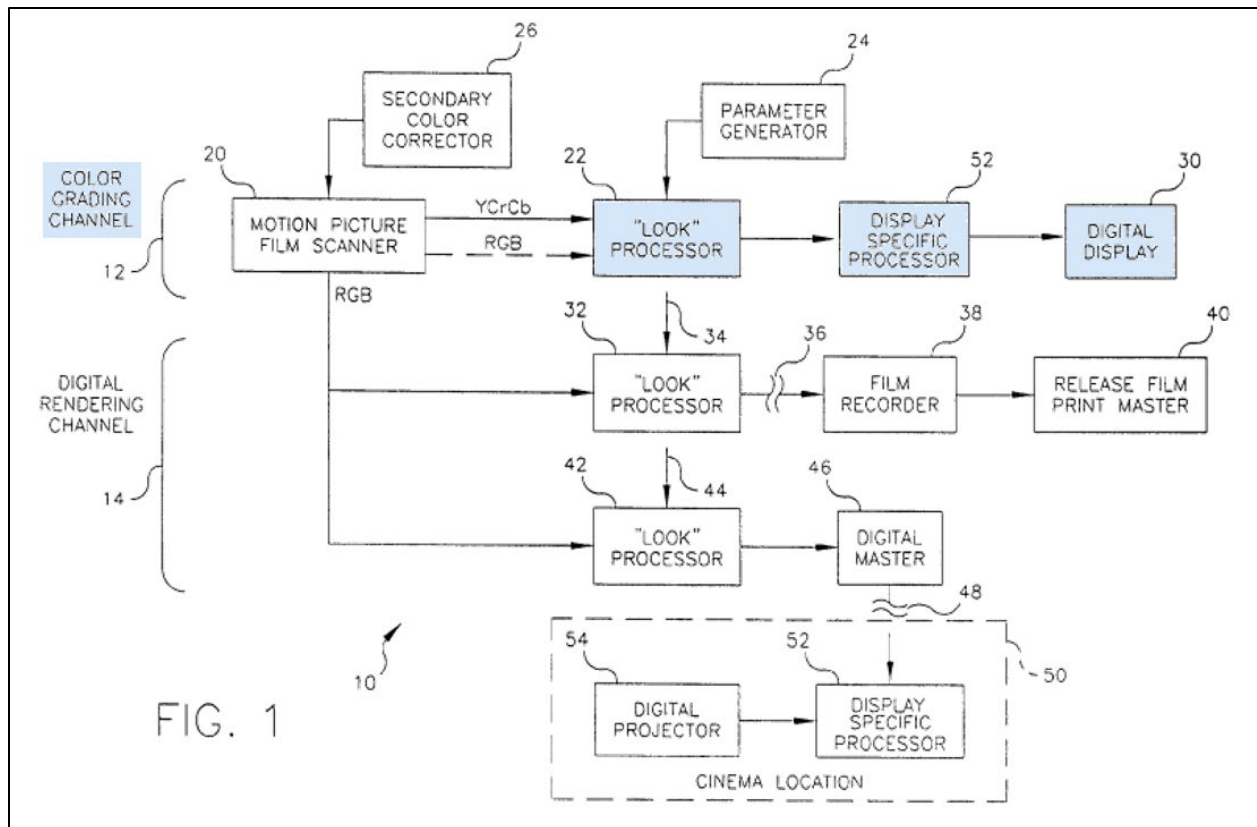
**B. Jones fails to teach providing mastered color corrected picture content for display on non-reference type displays.**

All independent claims require mastering the source picture content to provide "mastered color corrected picture content for display on the non-reference type displays having a non-reference color gamut." Petitioner alleges that Jones satisfies this element through its "digital master 46," which is allegedly mastered for playback on a projector 54. Pet., 29-30. Petitioner is wrong. At the outset, as explained above, Petitioner fails to show that projector 54 is a non-reference type display having a non-reference color gamut according to the district court's construction. Moreover, even if projector 54 was a non-reference type display as claimed, Jones's digital master 46 is not mastered color corrected picture content *for display on* projector 54. Indeed, digital master 46 is "devoid of display specific transforms," and is thus not mastered *for display on* non-reference type displays having a non-reference color gamut. EX1004, 3:36-44. Jones's "variations" do not

provide a different result.

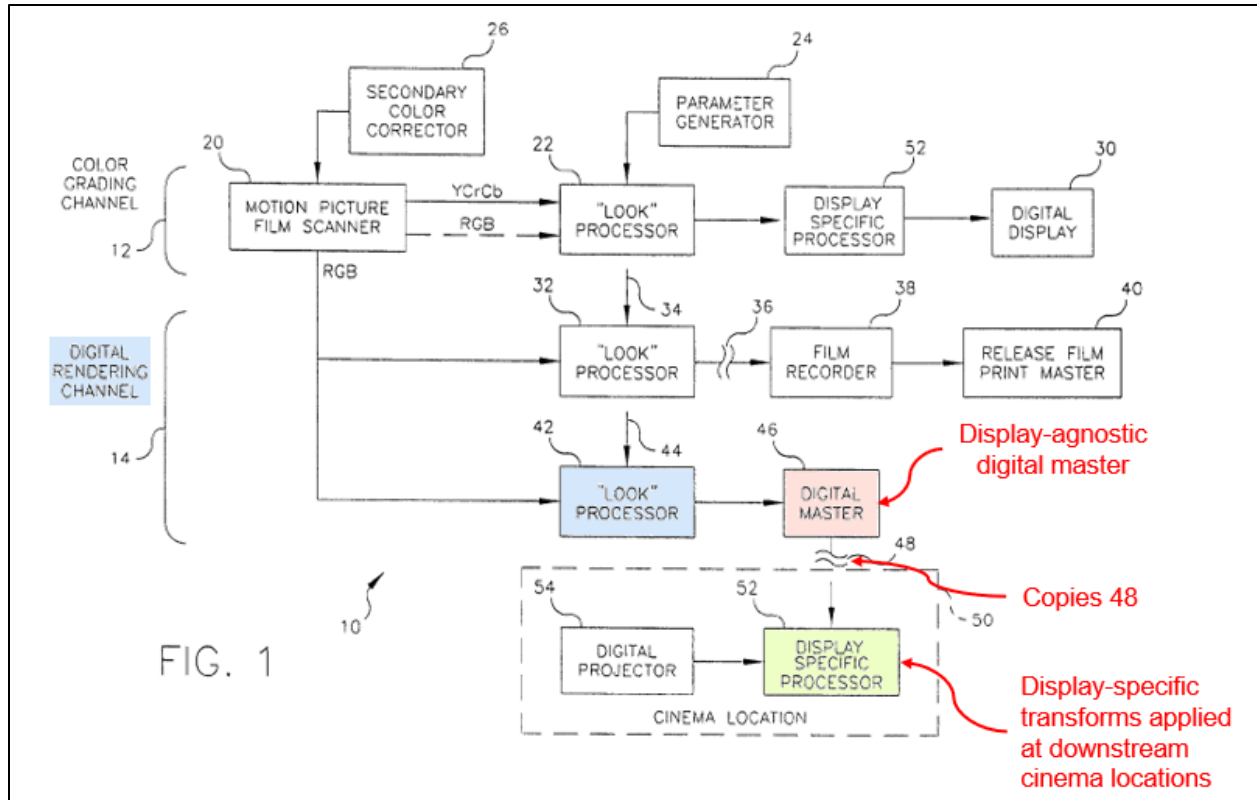
**1. Jones's digital master is a display-agnostic universal master.**

Jones's display mastering system includes a dual channel architecture, including a color grading channel 12 and a digital rendering channel 14. EX1004, 5:40-54. The color grading channel is a "preview channel" that enables a colorist to "pre-visualize a particular 'look'" on digital display 30 "without actually rendering the 'look' into the digital source data." EX1004, 3:60-4:5, 4:39-48, 5:40-54, 6:35-37. As shown in the Figure below, in the color grading channel, a "look processor 22" applies "creative and standard film 'look' parameters" to the input digital motion picture signals. EX1004, 6:17-20. The look processor also applies "display specific transforms to the digital signals" to enable the digital signals to be properly viewed on digital display device 30. EX1004, 6:35-45. For instance, the display specific transforms include algorithms "for re-mapping any output values that are out of the gamut of the display device such that such values would be within the display device gamut." EX1004, 6:45-49. However, these parameters and transforms are not "actually render[ed] ... into the digital source data" in the color grading channel. The color grading channel does not generate a digital master—it is a "preview channel." EX1004, 5:40-51.



EX1004, FIG. 1 (annotated).

The digital master is instead generated by Jones's digital rendering channel 14. As shown below, in this channel, a (different) look processor 42 separately applies the "look" parameters to the digital source data. EX1004, 7:3-18. Crucially though, it does not apply the display specific transforms—the "display specific transforms are not imparted to the signals." EX1004, 7:3-18. The processed digital source signals thus "include the rendered 'look' but are **devoid of display specific transforms.**" EX1004, 3:36-44 (emphasis added), *see also id.*, 4:39-49, 5:48-51. These processed signals (which are devoid of display specific transforms) are "recorded as [the] digital master 46." EX1004, 7:9-14.



EX1004, FIG. 1 (annotated).

Jones’s digital master thus includes creative “look” parameters that specify “the appearances produced by either a standard motion picture print film and/or adjustments applied to a standard appearance to obtain a creative effect.” EX1004, Abstract. It does not include the display specific transforms that re-map color values that are outside of display 30’s color gamut. Consequently, in the digital master, “colors provided by the ‘look’ processor [] that are out of gamut” are **not** “re-mapped into the gamut of the” display 30. EX1004, 6:43-56.

As shown in the Figure above, once the digital master is generated, the system creates “[m]any digital copies 48” of the master and distributes these copies “to a plurality of cinema locations 50.” EX1004, 7:14-18. These cinema locations

modify the copies in their respective processors 52, using “projector specific transforms” for their respective display or projector devices. EX1004, 7:14-18. Again, the projector specific transforms “re-map[] any output values that are out of the gamut of the display device such that such values would be within the display device gamut.” EX1004, 6:40-56. The respective cinemas then “project” the processed output “for a viewing audience with a digital projector 54.” EX1004, 7:14-18.

Jones’s digital master 46 is display-agnostic. It does not include the gamut-remapping projector-specific transforms. EX1004, 6:40-56. It is a universal master that is copied and distributed to a plurality of cinema locations 50, which apply their own display specific transforms based on the color gamuts of their respective display devices. EX1004, 7:14-18. Thus, because it is not intended for any particular device type or color gamut digital master 46 is not mastered color corrected picture content for display on the non-reference type displays having a non-reference color gamut, as claimed.

This conclusion is supported by the ’268 patent, which confirms that “mastered content” for particular color gamuts is provided “directly” to displays having that color gamut “without the use or need of... a color gamut mapping.” EX1001, 9:24-26, *see also* 9:63-67 (“On the content consumer side 690, the RCG mastered content is provided directly to the RCG display 692 without the need for

a color gamut mapping, and the CG2 mastered content is provided directly to the CG2 display 694 without the need for a color gamut mapping.”), 10:55-58, 11:25-29; EX1003, ¶53 (“a CG2 display can present the mastered CG2 content without requiring [a gamut mapping] transformation”). Conversely, in Jones, the plurality of cinemas each apply their own color gamut mapping processes to the digital master 46 using their own display specific transforms. EX1004, 6:40-56, 7:3-18. Jones thus does not teach this element.

Petitioner argues that Jones satisfies this element because the colorist in the color grading channel 12 uses a “wider-gamut display,” such as display device 30, to create the look parameters. *See* Pet., 30 (“use of the wide-gamut display in pre-visualization to ensure the Jones-like master provides a creative “look” suggests that the master embodies color information relating to (for display) on a similar wider-gamut display type (non-reference type display)”, *see also* 35 (“film content is mastered [] for a wider-gamut non-reference class because the mastering step is performed by rendering the colorist-established look into the master based on pre-visualization on a wider-gamut device”). This argument fails for the reasons provided above.

Indeed, Petitioner ignores that digital master 46 does not include the display-specific gamut re-mapping transforms that were applied in the color grading channel. The color grading channel represents a “pre-visualization” of the color

grading process. The display-specific transforms applied in this channel are not “actually render[ed]... into the digital source data” in the color grading channel, and are not applied to the digital master in the digital rendering channel. EX1004, 5:40-44 (display-specific “look” is “applied to the data stream in real-time to pre-visualize the ‘look’... *without actually rendering the ‘look’ into the digital source data*”) (emphasis added).

As explained, look processor 22 in the color grading channel provides color values “that are out of the gamut of the display device.” These colors are “undisplayable” by the display device. EX1004, 10:1-4. The display specific transforms re-map these color values “into the gamut of” display device 30. EX1004, 6:45-56. But because digital master 46 does not include the display specific transforms, it still contains color values that are out of the gamut of display device 30. Thus, even though the colorist used display device 30 to generate the creative look parameters imparted to digital master 46, digital master 46 is not *for display* on display 30 as claimed because it contains such out of gamut color values. It is also not *for display* on projector 54 for similar reasons.

**2. Jones’s “variations” do not teach the claimed mastered color corrected content.**

Jones’s disclosed “variations” do not provide a different outcome. *See* EX1004, 7:19-30. In one such variation, Jones explains that “projector specific transforms may be implemented by the ‘look’ processor 42” in the digital

rendering channel, but only “if the requirement of the specific projector 54 is known during the rendering stage.” EX1004, 7:21-24. This variation does not teach the claimed mastered color corrected content.

At the outset, Petitioner does not rely on this embodiment. The Petition does not cite to it or discuss it for this claim element. *See* Pet., 29-32. But even if it did, Jones would still not satisfy the element because the variation’s display specific rendering does not describe *mastering* source picture content. It does not replace digital master 46—it is a different rendering for a specific display created in addition to the digital master. Indeed, Jones states merely that “projector specific transforms may be implemented ... during the rendering stage.” EX1004, 7:21-24. It does not refer to this display specific rendering as a digital master. And for good reason. This rendering is intended for a particular display, it is not copied and distributed to a cinema locations because it includes transforms specific to one particular display.

In this variation, digital master 46 is still generated without display specific transforms and is still copied and distributed to “a plurality of cinema locations 50,” which apply their own “projector specific transforms” for their respective display devices. EX1004, 7:3-18. This variation simply discloses that if the requirement of a certain projector is known by Jones’s display mastering system, the look processor may apply the transforms for that display in addition to the

digital master. EX1004, 7:21-24 (“if the requirement of *the specific projector 54* is known” (emphasis added)). That is, at most, this variation describes an additional, display-specific rendering alongside the master—it does not redefine the master itself as display-specific.

Moreover, the display-specific rendering also does not satisfy this claim element because it is not for display on *non-reference type displays* having a non-reference color gamut. It is a rendering for a “specific projector 54,” not a class of display types having a shared color gamut. Jones teaches that the display specific transforms “allow each display device to be characterized individually.” EX1004, 5:23-27. Jones’s disclosure of a single rendering *for a single specific projector* is thus not commensurate with the claim’s requirement of mastered color corrected content for display on *a class of displays*: non-reference type displays having a non-reference color gamut.

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Thus, because Jones’s digital master 46 is devoid of display-specific transforms, and is thus display-agnostic, Petitioner fails to show that Jones teaches mastering the source picture content to provide mastered color corrected picture content for display on the non-reference type displays having a non-reference color gamut, as claimed. Moreover, Jones’s display-specific variation does not provide a different result because it is an additive rendering for a particular display, not

mastered color corrected picture content for display on the class of the non-reference type displays. Each of the Petition's Grounds relies on Jones for this element, and thus each fail for these reasons.

#### **IV. ARGUMENTS THAT APPLY TO GROUNDS 1 AND 2**

Petitioner's Grounds 1 and 2 rely on the combination of Jones, Olliver, and Osaki against independent claims 1, 12, and 20. Each of these independent claims requires that source picture content is mastered *only for* the non-reference type displays having the non-reference color gamut. Petitioner relies on Jones for this element, but fails to show that Jones teaches it. Moreover, Petitioner fails to show that a POSA would have combined Jones and Ollivier in the manner proposed by Petitioner.

##### **A. Jones fails to teach that the source picture content is mastered only for non-reference type displays.**

Independent claims 1, 12, and 20 require that "the source picture content is mastered *only for* the non-reference type displays having the non-reference color gamut." Petitioner argues that Jones satisfies this element because Jones's digital master 46 "is mastered based on only [] a digital projector." Petitioner is wrong. Because Jones's digital master 46 is a universal, display-agnostic digital master, it not conditioned for any particular color gamut, and is provided for display on a plurality of display types, including reference type displays.

As explained above in Section III.B, Jones's digital master 46 is devoid of

display specific transforms and is not mastered for non-reference type displays having the non-reference color gamut. Thus, Jones does not teach mastering source picture content for non-reference type displays having the non-reference color gamut at all. But even if it did, it still does not teach mastering source picture content *only for* such displays.

Petitioner argues that Jones satisfies this element because Jones's digital master 46 "is mastered based on only [] a digital projector." Pet., 35. Petitioner again ignores that Jones's digital master 46 is devoid of display specific transforms. EX1004, 3:36-44, 4:39-49, 5:48-51, 7:3-18. Indeed, because digital master 46 is a universal, display-agnostic digital master, it is not mastered *only* for a class of non-reference display types having a non-reference color gamut. *See* discussion in Section III.B. Content that is not mastered for any particular color gamut is not, as a matter of logic, mastered only for display types having a specific non-reference color gamut.

Moreover, Petitioner also ignores that digital master 46 is *copied and distributed* to "a plurality of cinema locations," each having their own display device (e.g., projector). EX1004, 7:14-18. To the extent digital master 46 comprises mastered color corrected picture content for display on one projector 54, as alleged by Petitioner, it also equally comprises mastered color corrected picture content for display on each projector 54 at each cinema location 50.

By Petitioner’s own admission, some of these projectors include reference type displays having a reference color gamut. Indeed, Petitioner admits that such projectors are non-reference type displays only “*in some instances.*” Pet., 36 (“in some instances, digital projector 54 is [] a wider-gamut display device (relative to CRT displays), and thus, represents an example of a non-reference type display for which a master is authored”), *see also* 28, 30, 31, 61; EX1003, ¶150. This admission is fatal to Petitioner’s argument. Under its own theory, Jones’s digital master 46 is *for display on both* reference *and* non-reference type displays. Petitioner thus fails to show that Jones discloses mastering source picture content *only for* the non-reference type displays having the non-reference color gamut.

Jones’s above-described “variation” fares no better. *See* EX1001, 7:19-24; Section III.B.2 *supra*. Again, Petitioner does not rely on this element. But even if it did, and even if this variation’s display-specific renderings represent mastered color corrected content (they do not), it follows that, in this variation, Jones creates respective “digital masters” for multiple projectors at multiple cinema locations (i.e., including the display-specific transforms for each respective projector). And as just explained, Petitioner admits that these projectors are non-reference type displays only “in some instances.” Pet., 36. Petitioner fails to show that the remaining projectors are non-reference type displays as claimed. Moreover, as also explained, any such display-specific digital masters would be just that—specific to

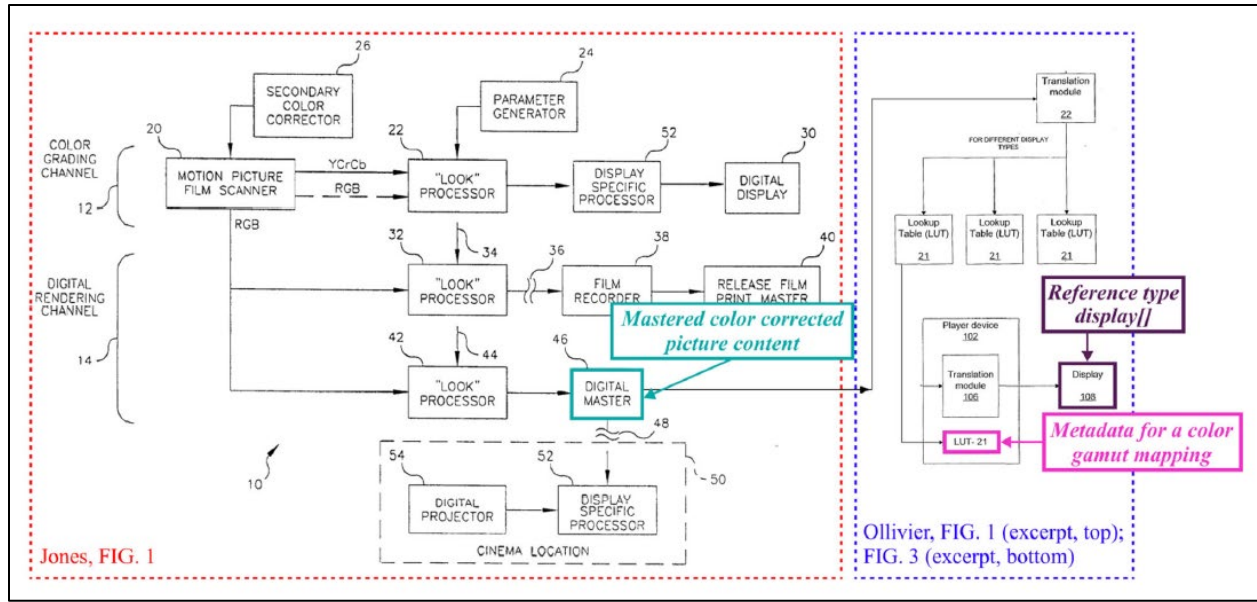
individual displays, not *a class of display types* having the non-reference color gamut. *See* EX1004, 5:23-27 (display specific transforms “allow each display device to be characterized individually”).

Petitioner thus fails to show that Jones discloses mastering source picture content only for the non-reference type displays having the non-reference color gamut, whether in its main embodiment or in this variation.

**B. Petitioner fails to show that a POSA would have combined Jones and Ollivier.**

Petitioner fails to show that a POSA would have been motivated to combine Jones and Ollivier in the manner expressly proposed in the Petition. The proposed Jones-Ollivier system employs Ollivier’s translation module in a manner that is incompatible with the translation module’s actual functionality and that renders the combined system inoperable. Petitioner’s failure to explain how or why a POSA would implement such an incompatible architecture confirms that this combined system was crafted based on improper hindsight using the claims as a roadmap.

The Petition includes a figure that provides “[a]n example of the Jones-Ollivier system.” Pet., 19, 34. As shown below, the figure splices together Jones’s Figure 1 (left) with excerpts from Ollivier’s Figures 1 and 3 (right). Critically, the system employs Ollivier’s translation module 22 to receive Jones’s digital master 46 and to create lookup tables (LUTs) directly from this master.



Pet., 34.

The Petition relies on this specific arrangement to satisfy the claimed requirement of “generating metadata... that color transforms the mastered color corrected picture content.” As shown above, Petitioner relies on Ollivier’s display-specific LUTs 21 (as further modified based on Osaki) as the claimed “metadata,” and on Jones’s digital master 46 as the claimed mastered color corrected picture content. Pet., 29-30, 32. To satisfy the claims under these mappings, the LUTs 21 must therefore transform Jones’s digital master for display on reference-type displays.

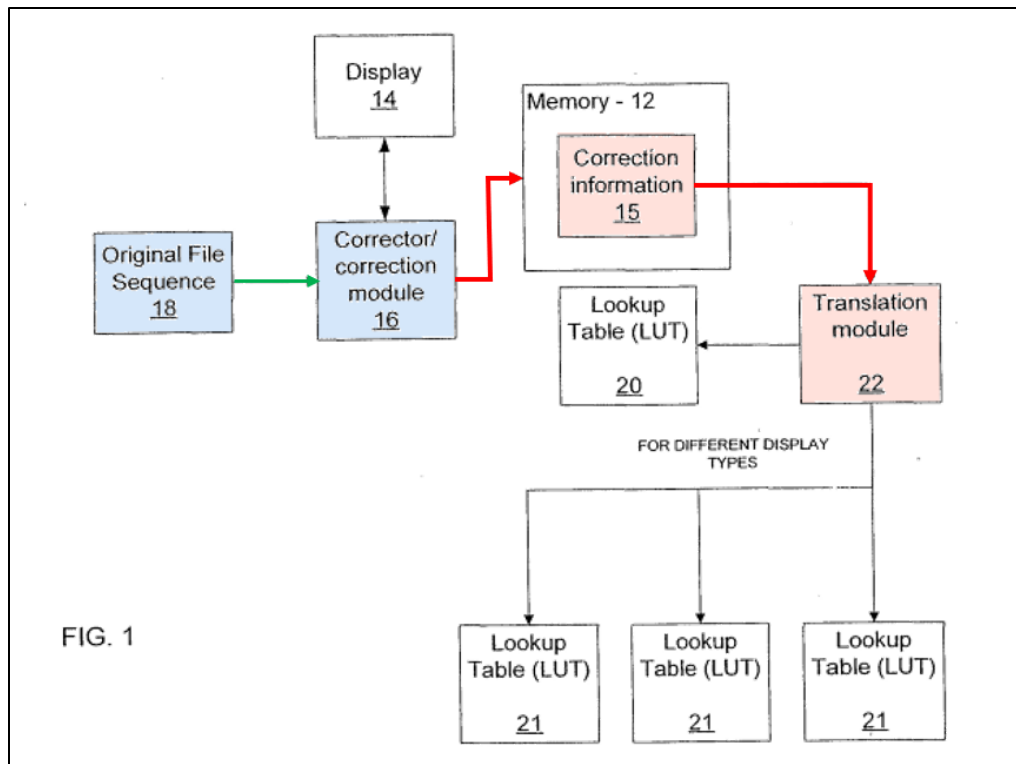
Recognizing this, Petitioner crafted its proposed system by bolting portions of Ollivier onto Jones’s display mastering system such that Ollivier’s translation module receives and generates the LUTs directly from Jones’s digital master 46. But this arrangement fails for two reasons. First, Ollivier’s creation-side translation

module 22 does not directly process video data to generate the LUTs. It processes metadata in the form of “correction information” that Petitioner explicitly omits from its combination. Second, Ollivier’s system does not generate the LUTs from a color-corrected digital master as proposed by Petitioner. It generates these LUTs from the raw unedited original video file. The proposed combination is thus incompatible with Ollivier’s teachings and also renders the combined system inoperable.

**1. Petitioner’s use of Ollivier’s translation module to generate LUTs directly from video data is incompatible with its actual operation**

Petitioner’s proposed combination is incompatible with Ollivier’s actual disclosure because it employs translation module 22 to perform an operation it is not configured to perform—generating lookup tables (LUTs) directly from video data (in the form of Jones’s digital master 46). Indeed, Ollivier’s translation module neither receives nor processes video data, and does not generate the LUTs directly from video data. Instead, as shown in the below figure, it operates solely on “correction information” determined by a separate “correction module 16.”

EX1005, 5:14-25. The translation module receives this correction information from memory and converts it into a lookup table (LUT). EX1005, 2:17-25, 5:32-6:4.

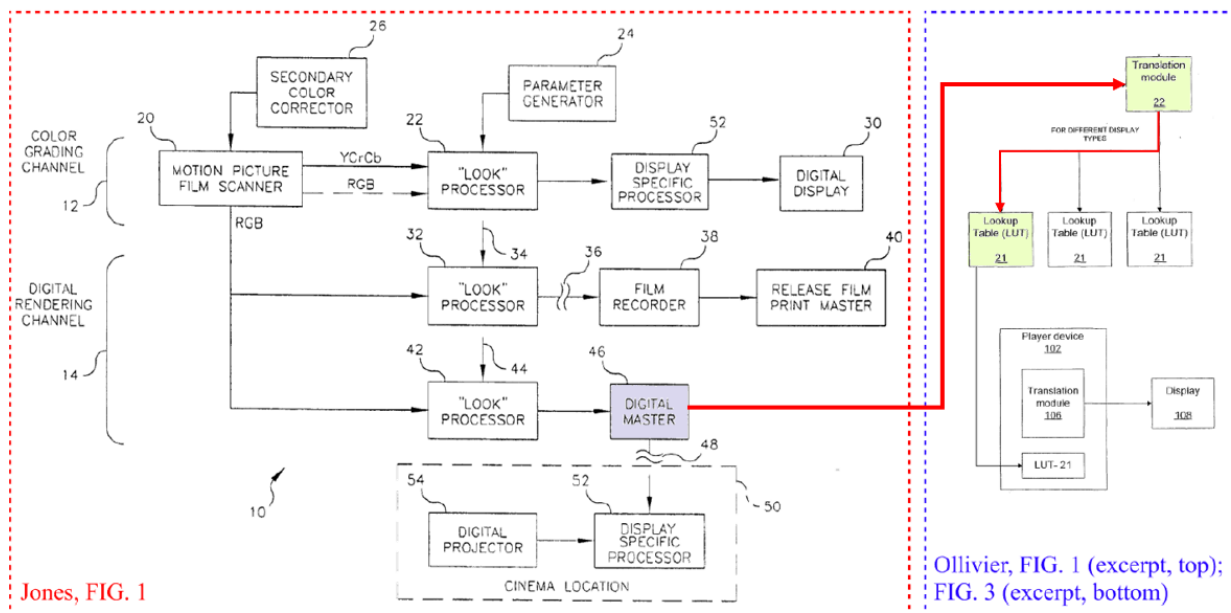


EX1005, FIG. 1 (annotated).

The correction information is not video data. It is metadata representing “changes or enhancements” to the video data, such as “color correction, granularity, pixel averaging, blending or any other editing to either the video or audio components of the file sequence.” EX1005, 5:14-32. Consistent with this design, Ollivier maintains the “original video sequence ... in its original form,” and stores the correction information separately. EX1005, 2:17-21, 5:14-25; *see also* EX1003, ¶93.

Petitioner’s combination ignores this architecture. It omits correction module 16 and correction information 15 entirely, and instead employs translation module 22 to receive and operate directly on video data in the form of Jones’s digital

master 46. According to Petitioner, “the Jones-Ollivier system would have yielded a Jones-like master (e.g., master 46)” that would be provided to Ollivier’s translation module 22, which would “generat[e]... a display specific LUT (e.g., LUT 21) to conform the content for a selected output display type.” Pet., 19-20, 22, 25; *see also* EX1003, ¶¶103 (“a POSITA would have implemented... Ollivier’s display-specific LUT generation... applied to Jones’s master 46”), 110 (“Ollivier describes a translation module 22 that generates display-specific LUTs”). This is depicted in Petitioner’s below figure. Pet., 19.



Pet., 19 (annotated).

This architecture is inoperable. As explained, Ollivier’s translation module 22 does not receive or operate on video data. EX1005, 2:21-25, 5:32-6:4, 6:32-7:6. It is configured only to convert preexisting correction information (i.e., metadata captured during the color-correction process) into LUT form. EX1005, 5:32-6:4,

6:32-7:6. By contrast, Jones’s digital master is the finalized output of the color-correction process, prior to distribution. EX1004, 3:31-44. Its pixel values have already been adjusted to incorporate correction information in the form of the “look” parameters. EX1004, 3:31-44, 7:3-18.

The digital master thus does not comprise separately specified correction information; it contains only the pixel values resulting from application of that correction information. For Ollivier’s translation module to generate LUTs from a digital master, it would first have to derive or reconstruct correction information from the rendered video itself. That is, it would have to reverse engineer the correction parameters from finalized pixel values. Ollivier discloses no such operation and no mechanism for extracting correction metadata from video data. To the contrary, Ollivier’s architecture depends on capturing correction information upstream, via correction module 16, and storing it separately from the video stream. EX1005, 2:17-21, 5:14-25.

Indeed, Petitioner’s omission of correction module 16 from the proposed combination further highlights its inoperability. In Ollivier, the correction module performs the color-correction process on the original, unedited video sequence and generates the correction information that the translation module later converts into LUTs. EX1005, 5:14–25. Petitioner omits the correction module entirely because, under Petitioner’s theory, there is no role for it since Jones’s digital master is

substituted for the original file sequence. But that substitution itself demonstrates the flaw in the combination: Jones's digital master has already been color corrected and thus no longer provides the correction information that Ollivier's translation module requires. Petitioner eliminates the very module that generates the necessary correction metadata, confirming that the combination is hindsight-driven and technically inoperable as disclosed.

Petitioner thus fails to show that a POSA would have been motivated to combine Jones and Ollivier as proffered, or that the POSA would have had a reasonable expectation of success in doing so. Indeed, Petitioner does not allege that the translation module would be adapted in any way to operate on a digital master. It argues only, and in conclusory fashion, that the combination would include "combining prior art elements according to known methods to yield predictable results," and that Ollivier merely "supplies implementation details" for generating LUTs. Pet., 22.

This confirms that the combination was formed using improper hindsight. As explained, to satisfy the claims, Petitioner must show that Ollivier's display-specific LUTs (alleged metadata) transform digital master 46 (alleged mastered color corrected picture content) for display on reference type displays. Petitioner's attempt to do this employs Ollivier in a manner incompatible with its teachings, and consequently renders the combined system inoperable—it cannot generate

LUTs directly from Jones’s digital master 46. *In re ICON Health & Fitness, Inc.*, 496 F.3d 1374, 1382 (Fed. Cir. 2007) (“[A] reference teaches away from a combination when using it in that combination would produce an inoperative result.”). Petitioner crafted and presented its obvious combination in a particular manner and failed to explain how or why the references would be adapted to render the combination operable. *Personal Web Techs., LLC v. Apple, Inc.*, 848 F.3d 987, 994 (Fed. Cir. 2017) (“[C]lear, evidence-supported account of the contemplated workings of the combination is a prerequisite to adequately explaining and supporting a conclusion that a relevant skilled artisan would have been motivated to make the combination and reasonably expect success in doing so.”); *Samsung Elecs. Co. v. Elm 3DS Innovations, LLC*, 925 F.3d 1373, 1383 (Fed. Cir. 2019) (“We will not fault the Board for analyzing Petitioners’ obviousness grounds in the way presented in the Petition.”).

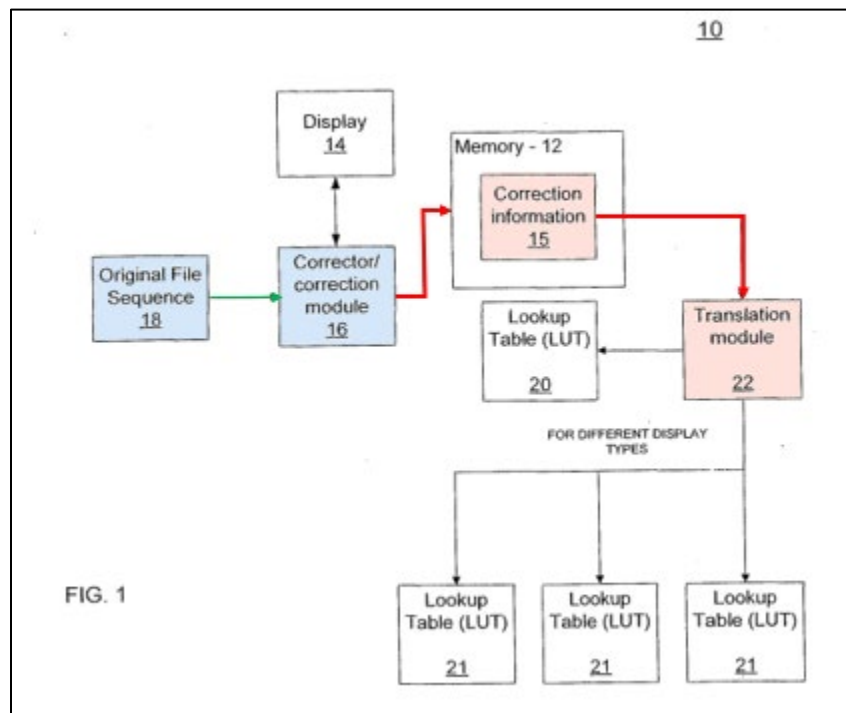
Petitioner’s Grounds 1 and 2 fail for this reason.

**2. Ollivier’s LUTs are generated from and applied to the original file sequence, not to a color corrected digital master.**

Petitioner’s combination fails for an additional, related reason. Even if a POSA were to modify Ollivier’s translation module 22 to process video data to generate the LUTs, Petitioner still fails to show that a POSA would have adapted the translation module to process Jones’s *digital master 46* rather than the original,

unedited video file.

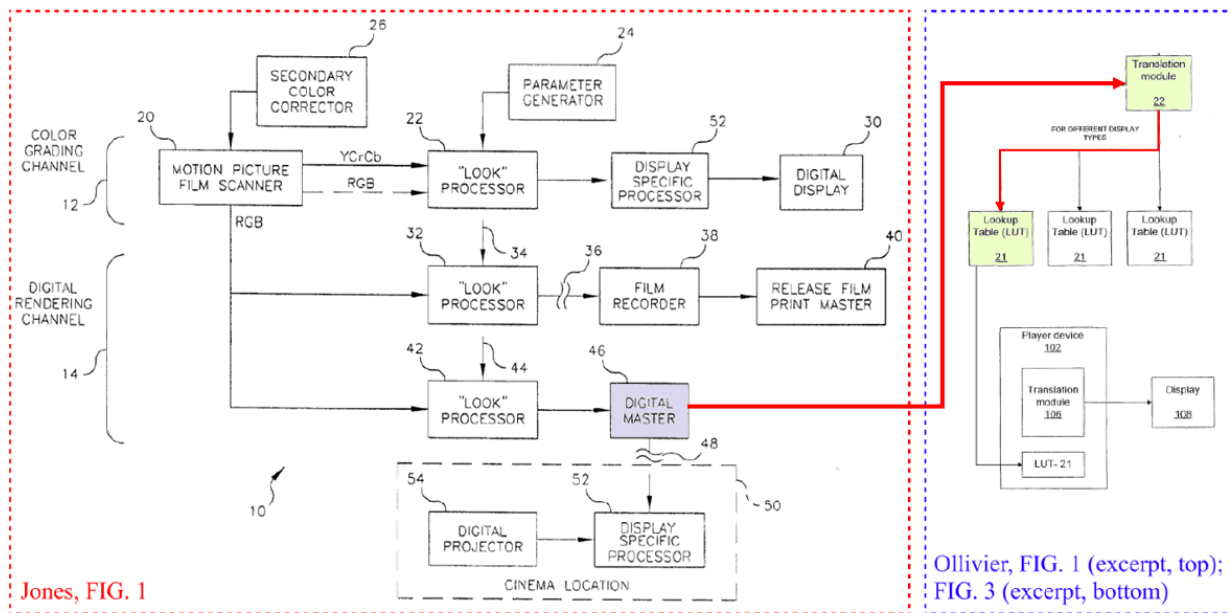
As explained above, and as shown below, Ollivier's correction information and corresponding LUTs are created by correcting an Original File Sequence 18, which is the original, unedited video sequence—not a color-corrected digital master. EX1005, 5:14-6:2. The original file sequence includes “unedited video” and serves as a “baseline or raw video signal [] for rendering digital information.” EX1005, 5:26-27. Correction module 16 receives and “correct[s]” an “original video image” to create “correction information” for the video. EX1005, 5:14-25. The translation module then converts the “correction information” into an LUT 20. EX1005, 5:32-6:4.



EX1005, FIG. 1 (annotated).

Petitioner's combination departs from this architecture. It employs the

translation module to generate the LUTs directly from Jones's already color corrected digital master—not from the original file sequence. Pet., 19, 22, 25; *see also* EX1003, ¶¶103, 110. Petitioner offers no explanation for this departure. It simply concludes that Ollivier “supplies a mechanism to generate and distribute mapping information (e.g., display-specific LUTs 21) enabling [Jones's master 46] to be reproduced on narrower-gamut reference-class devices.” Pet., 18, *see also* 20 (Ollivier “provide[s] mapped output *from the Jones-like master*” (emphasis added)). Petitioner never explains why, let alone how, a POSA would re-engineer Ollivier's system to derive LUTs from a finalized master rather than from the original video data, as explicitly taught by Ollivier.



Pet., 19 (annotated).

This lack of explanation further confirms improper hindsight. Petitioner relies on Ollivier's display-specific LUTs 21 as the claimed “metadata,” and

merely assumes—without technical analysis or citation—that a POSA would generate these LUTs from Jones’s digital master 46. Pet., 17-22, 25, 32, 46. That assumption is contrary to Ollivier and unsupported by the Petition.

Nor would a POSA have been motivated to combine Jones and Ollivier in this manner in any event. Ollivier’s display-specific LUTs 21 (alleged metadata) are generated from a common baseline: the original, unedited file sequence. To generate LUTs 21, translation module 22 first translates the correction information into a LUT 20 representing creative corrections made to the original, unedited video using a first display device. EX1005, 6:3-7:6. To generate LUT 21, the translation module then repeats the color correction process on the *same original file sequence*, this time “using a different display device,” yielding new correction information and a corresponding LUT 20A. EX1005, 6:23-33. The translation module then determines the differences between LUT 20 and LUT 20A and uses those differences to generate display-specific LUT 21. EX1005, 6:34-7:3.

The original file sequence thus “provides the baseline or raw video signal... for rendering digital information.” EX1005, 5:26-27. The LUTs are generated from this baseline by determining how corrections applied to the same *original* pixel values differ across display devices. By contrast, digital master 46 has already been color corrected. The original unedited pixels have already been adjusted to implement color corrections. A POSA would not have sought to use the digital

master as the input for LUT generation because it already has color corrections baked in and would eliminate the common reference required to compute correction differences across displays.

Moreover, Petitioner's approach defeats Ollivier's explicit design goals of "maintaining an original video sequence in its original form" and "determining and saving information about color or other adjustments made to a raw, original video signal at the very early stage of post-production color correction." EX1005, 2:17-25, 4:12-16. Petitioner's proposed combined system does the opposite: it converts the original file sequence into a color corrected digital master and then attempts to derive LUTs from that master, at the end of the post-production pipeline.

Jones's own disclosures further undermine Petitioner's combination. Like Ollivier, Jones teaches determining "look" parameters and display specific transforms from the original, unedited "digital motion picture signals," *prior to creation of the digital master*. EX1004, 5:52-61, 6:40-49, 8:66-9:3. It does not teach determining such parameters by processing digital master 46. Indeed, the digital master represents the final output of the creation-side color correction process that is copied and distributed to cinemas for display. EX1004, 7:9-18.

Thus, neither reference teaches determining LUTs from a color corrected digital master. To the extent a POSA would have combined Jones and Ollivier at all, the POSA would not have done so in the manner alleged by Petitioner. This

proposed combination is unsupported by the references themselves, technically incompatible with Ollivier's LUT-generation mechanism, and justified only by hindsight using the claims as a roadmap.

## **V. ARGUMENTS THAT APPLY TO GROUNDS 3 THROUGH 5**

Petitioner's Grounds 3-5 rely on the combination of Jones and Yeung to challenge independent claims 6, 15, and 25. These claims require providing mastered color corrected picture content for display on reference type displays having a reference color gamut. Petitioner relies on Yeung for this element but fails to show that Yeung teaches the claimed reference type displays or providing mastered color corrected picture content for such displays.

### **A. Yeung fails to teach a reference type display having a reference color gamut.**

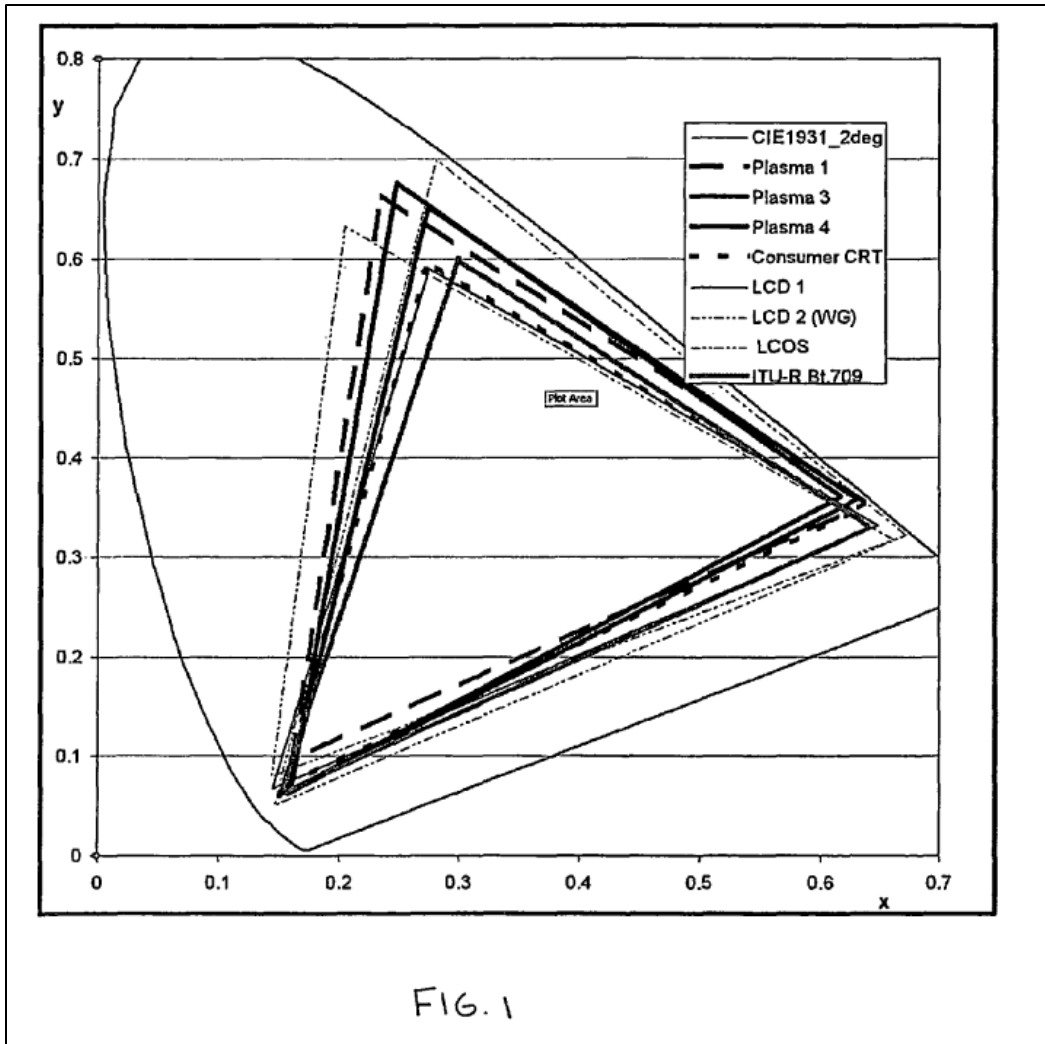
Independent claims 6, 15, and 25 require providing mastered color corrected picture content for display on reference type displays having a reference color gamut. Petitioner relies on Yeung's disclosure of a "CRT device" as the alleged reference type display having a reference color gamut. Pet., 63. Petitioner again fails to address the district court's construction for this term: "a reference type display having a standardized color gamut." EX2012, 17. Petitioner fails to show, and Yeung fails to teach, that Yeung's CRT devices have a standardized color gamut.

In particular, Petitioner argues that Yeung teaches this element because its

distribution masters are “for display on a CRT display in [a] home environment.”

Pet., 67, *see also* 63 (alleging that a display associated with a packaged media version (e.g., CRT device) is a “reference type display”). But Yeung does not disclose the color gamuts of such displays. Indeed, Yeung does not disclose any particular color gamut, let alone a standardized one. Although it teaches a “gamut mapper” that “maps the color gamut of an image input color space to the color gamut of a display image output color space,” it does not teach conversion to any particular color gamut. EX1007, ¶31, *see also* ¶41 (“A color gamut mapping step 330 reduces colors according to output device (e.g. film to TV).”). Nor does it describe the color gamut of any particular display.

The '268 patent confirms that consumer display devices, including CRT devices, do not necessarily have reference color gamuts. For instance, Figure 1 of the '268 patent shows “color gamut measurements of currently available displays.” EX1001, 2:56-58. This Figure shows example color gamuts for different display technologies, including CRT displays. The '268 patent further explains that “**none of the color gamuts of the various available displays are equal to the reference color [gamut]**... which, in this example, corresponds to ITU-R Bt. 709.” EX1001, 2:60-63 (emphasis added).



EX1001, FIG. 1.

That is, none of the consumer display devices in Figure 1, including the consumer CRT, have a reference color gamut. Indeed, the '268 patent further explains that “there is significant variation in the color gamuts used in various displays currently available,” and that “there can be significant differences between different display technologies, as well as between two representatives of the same display technology.” EX1001, 1:66-2:6, 2:50-53.

Thus, as Yeung does not mention any particular color gamut for its

consumer displays, Yeung fails to teach a reference type display device having a reference color gamut under the district court’s construction, or any reasonable construction, for this term. Petitioner’s Grounds 3-5 fail for this reason alone.

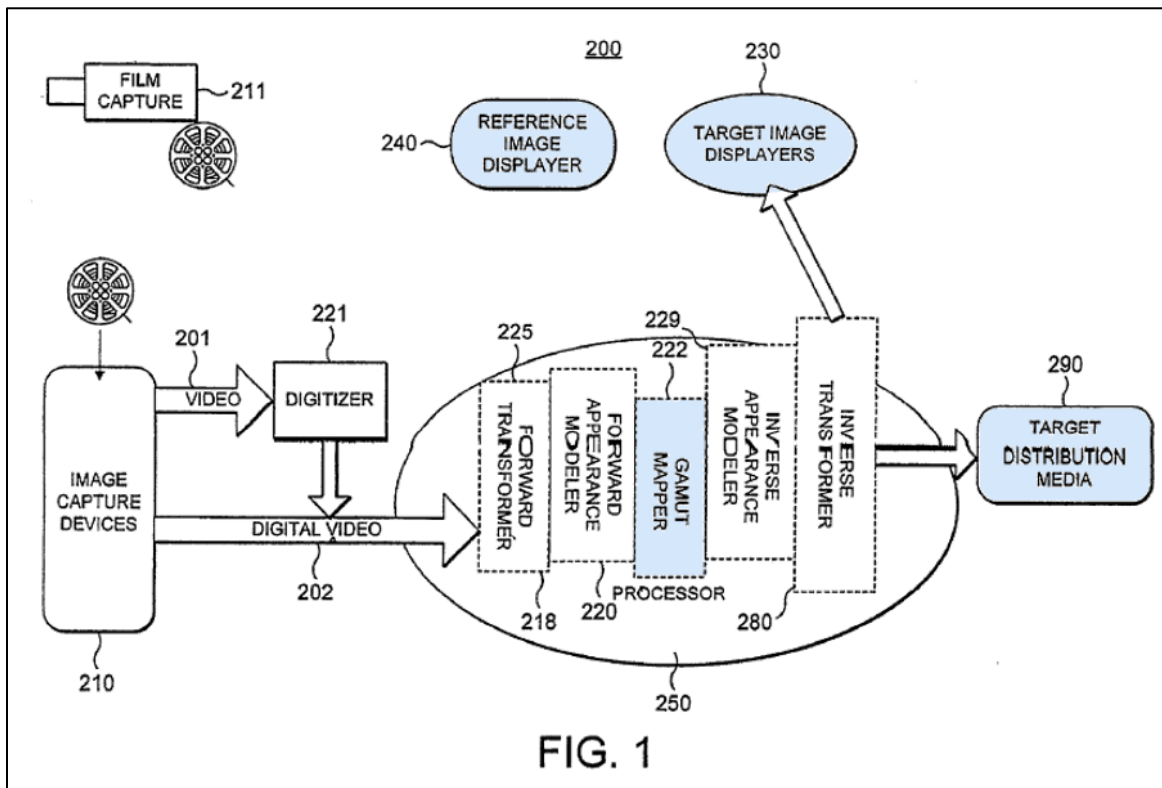
**B. Yeung fails to teach mastering source picture content to provide mastered color corrected picture content for display on the reference type displays.**

Petitioner’s Grounds 3-5 also fail for an additional, related reason. Not only does Yeung fail to teach the claimed reference type displays, it also fails to teach providing “mastered color corrected picture content for display on the reference type displays having a reference color gamut,” as required by independent claims 6, 15, and 25. Petitioner relies on Yeung’s “distribution masters” for this element. Pet., 62-66. But Petitioner fails to show that these distribution masters are for display on reference type displays, as claimed.

As explained above, Yeung does not disclose a specific color gamut—whether standardized or not—for any display. Petitioner nevertheless relies on Yeung’s distribution masters 720 and 722 as the claimed reference master because they are “for display on a display associated with a packaged media version (e.g., CRT device).” Pet., 62-63. Petitioner is wrong.

As shown in the figure below, in Yeung, a colorist creates the distribution masters by comparing video data displayed on a “reference image displayer 240” to the same video data displayed on a “target image displayer 230.” EX1007, ¶¶33,

57. During this process, the colorist operates “color adjustment controls” to adapt color parameters. EX1007, ¶34. A gamut mapper 222 “maps the color gamut of an image input color space to the color gamut of [the target display’s] output color space.” EX1007, ¶¶31. In other words, the gamut mapper “reduces colors according to output device (e.g. film to TV).” EX1007, ¶41.



EX1007, FIG. 1 (annotated).

Thus, Yeung’s gamut conversions are device specific. They are performed to match the appearance of a particular target display, not to map content to a reference or standardized color gamut. These gamut conversions are performed based on the target display’s gamut, whether reference or not, so that the images displayed on the target display (and other similar devices) “match the look of the

reference image 240.” EX1007, ¶37.

And as explained above, Yeung does not disclose the color gamut of any of its devices. As also explained, the ’268 patent confirms that consumer devices have varying color gamuts, which are often not reference gamuts. EX1001, 1:66-2:6, 2:50-63 (“[N]one of the color gamuts of the various available displays are equal to the reference color [gamut].”). Yeung thus fails to teach providing mastered color corrected picture content for display on the reference type displays having a reference color gamut, as claimed.

Recognizing that Yeung itself does not teach this element, Petitioner turns to the ’268 patent’s specification to salvage its Grounds. In particular, Petitioner argues that, because the ’268 patent specification identifies “digital video disks (DVDs), television broadcasts, and/or via video over Internet Protocol (VoIP)” as being “encoded in a color space with a reference color gamut,” a POSA would have allegedly thus recognized that Yeung’s “distribution master for the ‘DVD’ packaged media version is an example of [reference] *mastered color corrected picture content*.” Pet., 64-65 (citing EX1001, 2:29-37). But this is incorrect for the reasons provided above.

Yeung is not concerned with reference, or standardized, color gamuts. Its gamut mapping converts color gamuts according to the specific characteristics of the target display device, regardless of the device’s color gamut. EX1007, ¶¶31,41.

Even to the extent DVDs or television broadcasts are generally encoded in a color space with a reference color gamut, this is not reflected in Yeung's operation. Its distribution masters are device-specific; they are not mapped to any particular reference color gamut.

That a target display may happen to have a reference gamut is immaterial. This claim element requires providing "mastered color corrected picture content *for display on* the reference type displays having a reference color gamut." That is, the mastered color corrected picture content is generated specifically for a reference color gamut. This is not what Yeung teaches.

Yeung does not distinguish between reference and non-reference gamuts. Indeed, Yeung's distribution masters are created using a target display device, which serves as a baseline representative of the class of display to which the master will be distributed. EX1007, ¶¶33, 37. But the class is not determined with reference to color gamut. It is determined with respect to "distribution environments." *See* Pet., 62-63.

That is, there is one distribution master for network television (720) and one master for packaged media (722). EX1007, ¶¶37, 66, FIG. 5. These masters are displayed on every device in the respective distribution paths, regardless of their color gamut. EX1007, ¶¶37, 66, FIG. 5. Indeed, these devices do not share a common color gamut. For instance, Yeung explains that such devices include

“high definition television displays 233, standard definition television displays 231, digital cinema displays 232, Liquid Crystal Diode (LCD) displays 234 (including Liquid Crystal on Sil[i]con LCoS) displays, and projection television displays.” EX1007, ¶33; *see also* EX1001, 1:66-2:6, 2:50-63. In other words, each distribution master is intended to be displayed on displays with a wide array of color gamuts, including non-reference color gamuts.

Yeung thus does not generate mastered color corrected picture content specifically *for display on* reference type displays having a reference color gamut. It does not disclose any particular color gamut, let alone a reference one. Its gamut mapping process is performed for specific devices, regardless of whether they have a reference gamut or not. Petitioner’s Grounds 3-5 fail for this reason.

**VI. THE PETITION SHOULD BE DENIED BECAUSE PETITIONER FAILS TO NAME ALL REAL PARTIES-IN-INTEREST AND CANNOT CORRECT THE ISSUE WITHOUT CREATING A TIME-BAR.**

The Director should deny the Petition because it fails to name all real parties-in-interest (RPIs). “A petition filed under section 311 may be considered *only if* ... the petition identifies all real parties in interest.” 35 U.S.C. § 312(a)(2) (emphasis added); *see also* 37 C.F.R. §§ 42.8(b)(1), 42.104. A petition that fails to name all RPIs cannot be considered. *Corning Optical Commc’ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 at 23-24 (P.T.A.B. Aug. 18, 2015) (precedential except § II.E.1) (“*Corning*”); “Precedential designation of *Corning*

*Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (P.T.A.B. Aug. 18, 2015) (except for § II.E.1),” USPTO Memorandum, Oct. 28, 2025 (“*Corning Memo*”), 1. Such incomplete petitions “will not be accorded a filing date until the petition satisfies all of the ... requirements.” 37 C.F.R. § 42.106; 35 U.S.C. § 312; *Corning*, Paper 68 at 24-25; *see also Yangtze Memory Techs. Co., Ltd. v. Micron Tech., Inc.*, IPR2025-00098, Paper 38 at 6 (P.T.A.B. Jan. 15, 2026) (informative) (“*YMTC*”) (A “Petitioner’s failure to provide clarity as to its actual identity is fatal to its petitions.”).

The Petition names Petitioner (Dolby Laboratories, Inc.), Dolby Laboratories Licensing Corporation, and Dolby International AB as the only real parties-in-interest. *See, e.g., Pet.*, 84. However, Dolby’s customer The Walt Disney Company (“Disney”) is also an additional RPI and should have been identified as such in the Petition. Many of the relevant considerations point to this conclusion. Disney has a “preexisting, established relationship” with Dolby. Disney has a clear “interest in” and “benefit[s] from” this IPR, and desires review of the ’268 patent. Dolby is representing Disney’s interest in filing this IPR. Finally, there is apparent collaboration between Dolby and Disney in defending against the InterDigital-Disney Litigation, suggesting Disney had control over (or at least the opportunity to control) this IPR.

Further, Dolby cannot now correct its RPI listing. Under current Office

policy, adding a new RPI requires according the Petition a new filing date. *See Corning*, Paper 68 at 23-25; *Curium US LLC v. Universität Heidelberg*, IPR2025-01582, Paper 11 at 3 (Squires Feb. 25, 2026) (informative) (“*Curium*”) (“Petitioner’s amendment of its RPI disclosures results in according the Petition a new filing date.”). Because this Petition was filed on the very last day of Disney’s 1-year period in which to timely file an IPR challenging the ’268 patent, according a new filing date results in the Petition being time-barred under 35 U.S.C. § 315(b). Accordingly, the Petition must be denied.

**A. RPI Legal Standards**

“Determining whether a non-party is a ‘real party in interest’ ... takes into account both equitable and practical considerations, with an eye toward determining whether the non-party is a clear beneficiary that has a preexisting, established relationship with the petitioner.” *Applications in Internet Time, LLC v. RPX Corp.*, 897 F.3d 1336, 1351 (Fed. Cir. 2018) (“*AIT*”). “[A] patent owner must produce some evidence that tends to show that a particular third party should be named a real party in interest.” *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1244 (Fed. Cir. 2018). But after the RPI issue is placed in dispute, the petitioner has the burden “to bring forth evidence or arguments demonstrating that it named all RPIs.” *YMTC*, Paper 38 at 8 (citing *Worlds*, 903 F.3d at 1242). Indeed, Petitioner “bear[s] the burden of persuasion” to show that it has named all RPIs. *Worlds*, 903

F.3d at 1242; *Tianma Microelectronics Co., Ltd. v. LG Display Co., Ltd.*, IPR2025-01579, Paper 12 at 9-10 (Squires Mar. 18, 2026) (precedential).

As the Federal Circuit has recognized, RPI has an “expansive formulation.” *AIT*, 897 F.3d at 1351. Whether an unnamed party is an RPI “is a highly fact-dependent question,” which may be shown through “direct or circumstantial” evidence. *Corning*, Paper 68 at 14-15; *Taylor v. Sturgell*, 553 U.S. 880 (2008). Determining whether an unnamed party is an RPI involves consideration of several factors, which Board precedent and guidance has identified as including: (i) the nature of the entity filing the petition (i.e., petitioner’s business model); (ii) petitioner’s explanation of its own interest in the IPRs; (iii) whether petitioner takes the unnamed party’s interest into account when determining whether to file the IPR petition; (iv) the relationship between the petitioner and the unnamed party; (v) the unnamed party’s relationship to the petition itself; (vi) the unnamed party’s “interest in” and “benefit from” the IPR; (vii) whether petitioner can be said to be representing that interest; (viii) whether the unnamed party desired review of the patent; (ix) the degree to which the unnamed party “exercised or could have exercised control over” the petition; and (x) whether the unnamed party funds, directs, or controls the petition. *See RPX Corp. v. Applications in Internet Time, LLC*, IPR2015-01750, Paper 128 at 10-11 (P.T.A.B. Oct. 2, 2020) (precedential) (“*RPX*”) (listing factors); *Corning*, Paper 68 at 14-16; PTAB Trial

Practice Guide (“TPG”)<sup>2</sup>, § D.1. “[A]t a general level, the ‘real party-in-interest’ is the party that desires review of the patent.” TPG, § D.1.

**B. Disney is an unnamed RPI to the Petition.**

As the Federal Circuit has recognized, “a nonparty to an IPR can be a real party in interest even without entering into an express or implied agreement with the petitioner to file an IPR petition.” *AIT*, 897 F.3d at 1354; *see also RPX*, Paper 128 at 25. Considering the factors identified by the Board in its precedential decisions and guidance, it becomes apparent that Disney is an unnamed RPI to this proceeding.<sup>3</sup>

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<sup>2</sup> <https://www.uspto.gov/patents/ptab/trial-practice-guide>

<sup>3</sup> At minimum, Disney is in privity with Dolby here. Privity is a “more expansive notion” than RPI and encompasses parties that do not necessarily need to be identified as RPIs. *AIT*, 897 F.3d at 1363 (Reyna J., concurring); TPG, §D.1. Although a finding of Disney being in privity with Dolby would not implicate the time-bar, the relationship is highly relevant to the Director’s consideration of the discretionary issues raised in InterDigital’s Brief on Discretionary Denial (Paper 7), in particular to the *Fintiv* analysis and that Dolby’s invalidity and claim construction positions are inconsistent with those raised by Disney in the InterDigital-Disney Litigation.

**1. Disney has a “preexisting, established relationship” with Dolby.**

“[W]hen it comes to evaluating the relationship between a party bringing a suit and a non-party, the common law seeks to ascertain who, from a ‘practical and equitable’ standpoint, will benefit from the redress that the chosen tribunal might provide.” *AIT*, 897 F.3d at 1349. Further, this analysis is done “with an eye toward determining whether the non-party is a clear beneficiary that has a preexisting, established relationship with the petitioner.” *Id.* at 1351; *see also RPX*, Paper 128 at 20-21.

There is no dispute that Disney is Dolby’s customer. EX2001, ¶3. The relationship is longstanding, since at least 2015. *See* EX2026 (April 2015 article identifying two Disney movies that “will be the first Dolby Vision titles to be shown at Dolby Cinema locations around the globe”). Dolby prominently highlights its relationship with Disney on Dolby’s website. *See, e.g.*, EX2027; EX2028. And Dolby executives tout the relationship in media interviews. EX2026 (“Dolby is thrilled to collaborate with Disney and Pixar to push the cinematic boundaries through the powerful combination of Dolby Vision and Dolby Atmos,” Dolby Laboratories, president and CEO, Kevin Yeaman.); EX2029 (“Dolby and Disney share a rich history and mutual desire to bring the most spectacular cinematic experiences to audiences across the globe,” Doug Darrow, Senior Vice President, Cinema Business Group, Dolby Laboratories).

Further, this customer relationship is specifically tied to Dolby's validity challenge of the '268 patent. As Dolby identifies in its DJ Action, which challenges the validity of the '268 patent, InterDigital's infringement contentions against Disney in the InterDigital-Disney Litigation are premised on Disney's incorporation and use of Dolby Vision the "Disney Accused Instrumentalities." *See* EX2001, ¶23; *see also* EX1050, ¶¶39, 543-548; EX1052 (Exhibit D.2 to InterDigital-Disney Litigation complaint).

**2. Disney has a clear "interest in" and "benefit[s] from" this IPR, and desires review of the '268 patent.**

"[T]he focus of the real-party-in-interest inquiry is on the patentability of the claims challenged in the IPR petition, bearing in mind who will benefit from having those claims canceled or invalidated." *AIT*, 897 F.3d at 1348; *RPX*, Paper 128 at 23. The Board must consider whether Disney "has an interest in and will benefit from" this IPR. *AIT*, 897 F.3d at 1353; *RPX*, Paper 128 at 15. It is clear that they do and they will.

Disney is accused of infringing the '268 patent in the InterDigital-Disney Litigation. EX1050, ¶1. Because of this pending litigation, invalidation of the '268 patent would provide a clear benefit to Disney. *RPX*, Paper 128 at 24-25 ("[B]ecause of the pending litigation, the invalidation of the challenged patents would provide a benefit to [unnamed party]."). Further, Disney desires review of the '268 patent claims and, thus, has an interest in this IPR. Indeed, Disney itself

challenges the validity of the '268 patent claims in district court, asserting both an affirmative defense and counterclaim of invalidity in the InterDigital-Disney Litigation. EX2030, ¶574, counterclaims ¶¶129-133.

**3. Dolby is representing Disney's interest in filing this IPR.**

The Federal Circuit in *AIT* instructed the Board to consider “whether, and under what circumstances, [Petitioner] takes a particular client’s [or customer’s] interests into account when determining whether to file IPR petitions.” *AIT*, 897 F.3d at 1353; *RPX*, Paper 128 at 17. The Board must further consider whether Dolby “can be said to be representing [Disney’s] interest” in filing this IPR. *AIT*, 897 F.3d at 1353; *RPX*, Paper 128 at 25. Again, the answer is yes.

Dolby is not accused of infringement of the '268 patent. In fact, the InterDigital-Disney Litigation is the only district court litigation in which the '268 patent is or has been asserted. *See* EX2031. And Dolby’s DJ Action focuses primarily on Disney as a Dolby customer against which the '268 patent—challenged in this IPR—has been asserted. EX2001. By its own admission, Dolby is representing Disney’s interests in the Dolby DJ Action. Indeed, the complaint affirmatively states that “Dolby brings this case ... to protect its customers,” namely Disney. EX2001, ¶11. It only stands to reason that Dolby is likewise protecting Disney’s interests in filing this IPR, which was filed just one month before its DJ action. *See, e.g., Ventex Co., Ltd. v. Columbia Sportswear N. Am.,*

*Inc.*, IPR2017-00651, Paper 52 at 8-9 (P.T.A.B. Jan. 24, 2019) (precedential)

(finding that, *inter alia*, petitioner’s “express desire to shield its customers and potential buyers from infringement lawsuits ... strongly suggest that [petitioner] filed the Petition, at least in part, on [customer’s] behalf.”).

**4. There is apparent collaboration between Dolby and Disney in defending against the InterDigital-Disney Litigation, suggesting Disney had control over (or at least the opportunity to control) this IPR.**

Another “common consideration [in determining whether a non-party is an RPI] is whether the non-party exercised or could have exercised control over a party’s participation in a proceeding.”<sup>4</sup> TPG, § D.1.

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<sup>4</sup> InterDigital has filed a Motion for Additional Discovery, requesting that the Board order Dolby to produce any existing joint defense agreement(s) (“JDA”) between Dolby and Disney that relate(s) to the ’268 patent. Paper 9. This Motion is still pending. InterDigital believes any JDA will include information relevant to the issue of Disney’s control over, or at least opportunity to control, this IPR, and intends to request supplemental briefing on this issue if the requested discovery is authorized. Tellingly, despite opposing InterDigital’s Motion (Paper 10), Dolby has refused to resolve the issue by simply either confirming the non-existence of any JDA or affirmatively stating that any such JDA does not include provisions regarding Disney’s *opportunity* to control this IPR and/or Disney’s and Dolby’s

There are five asserted patents in the InterDigital-Disney Litigation.

EX1050, ¶1. Dolby and Disney appear to have coordinated efforts to challenge the validity of these patents. Indeed, within the span of 18 days, Dolby filed the instant IPR and Disney filed two additional *ex parte* reexaminations (Control Nos. 90/015,968 and 90/016,017, regarding U.S. Patent Nos. 11,381,818 and 8,406,301, respectively), which collectively challenge three non-overlapping patents from the InterDigital-Disney Litigation. For the remaining two patents at issue in the InterDigital-Disney Litigation (U.S. Patent Nos. 8,085,297 and 10,805,610), Disney alleged the asserted claims were indefinite during claim construction. *See* EX2012, 15-16, 19-21.

Without formal coordination, it is highly unlikely that Dolby just happened to select the one asserted patent to challenge in this IPR that Disney was not planning to challenge via other means. This apparent coordination in the avenues by which to present an early validity challenge to all five asserted patents—without overlap—strongly suggests Disney had at least shared control over the decision-making related to invalidity challenges.

Further still, the complaint in the Dolby DJ Action indicates “Dolby will comply with existing contractual indemnity obligations to Disney.” EX2001, ¶25.

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common interest in initiating review of the '268 patent.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Underscoring the intertwined relationship and coordinated litigation strategy between Dolby and Disney, on May 1, 2026, Disney filed a motion to sever three patents, including the '268 patent, from the InterDigital-Disney Litigation, and to stay all proceedings as to those patents. EX2021. The grounds for such extraordinary relief as to the '268 patent rest entirely on Dolby's DJ Action. *Id.*

Although each considered on its own, these facts (including any JDA) may

be insufficient to show collaboration, taken together they tend to show a relationship “defined by mutual legal obligations and commonality of interest,” and at least suggest collaboration and coordination regarding issues related to this proceeding. *See Volkswagen Grp. of Am., Inc. v. Arigna Tech. Ltd.*, IPR2021-01263, Paper 16 at 13-14 (P.T.A.B. Jan. 21, 2022).

**5. Dolby’s business model and reasons for filing Petition.**

Other factors the Board must consider include the nature of the Petitioner and Petitioner’s own interest in the IPRs. *AIT*, 897 F.3d at 1353-54; *RPX*, Paper 128 at 10. These factors do not affect the analysis here. Dolby’s business model does not implicate any of the factors discussed in *AIT* or *RPX*, which focused on *RPX*’s status as membership organization whose purpose is to “protect its members from the threat of patent litigation.” *RPX*, Paper 128 at 15; *id.* at 11-15. And even if Dolby has its own reasons for filing an IPR, those reasons would not undermine Disney’s status as an RPI. *See AIT*, 897 F.3d at 1347 (noting that Congress did not intend for there to be only one interested party per case “even where the petitioning party might separately have its own interest in initiating an IPR”); *id.* at 1353 (the RPI inquiry “is not an either-or proposition”).

\* \* \*

Accordingly, for the reasons discussed, Disney is an RPI to this proceeding and, therefore, the Petition cannot be considered.

**C. Dolby cannot correct its RPI listing without creating a time-bar.**

Even if Dolby were to now attempt to correct its RPI listing, Disney's status as an RPI would implicate the time-bar under 35 U.S.C. § 315(b). If Dolby were to update its mandatory notices to include Disney as an RPI, a new filing date must be accorded to the Petition. *See Corning*, Paper 68 at 23-25; *Curium*, Paper 11 at 3.

The complaint in the InterDigital-Disney Litigation was served on February 7, 2025. That complaint asserted the '268 patent against Disney. The instant IPR was filed on February 9, 2026, the very last day of Disney's one-year window to file an IPR. Any update to the filing date, thus, results in the Petition being time-barred under § 315(b).

**VII. CONCLUSION**

The Petition fails to show a reasonable likelihood that any of the challenged claims is unpatentable as obvious in view of the cited art and, therefore, the Director should deny institution.

Respectfully submitted,

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**CERTIFICATE OF WORD COUNT (37 C.F.R. § 42.24(d))**

1. This Patent Owner Preliminary Response complies with the type-volume limitation of 14,000 words, comprising 11,175 words, excluding the parts exempted by 37 C.F.R. § 42.24(a)(1).

2. This Patent Owner Preliminary Response complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word 2016 in 14-point Times New Roman font.

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**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))**

I certify that the above-captioned **PATENT OWNER PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107(a)** and associated Exhibits 2022-2031 were served in their entireties on May 18, 2026, upon the following parties via electronic mail:

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