Tentative Decision

Multimedia Technologies Pte. Ltd. v. Vizio, Inc.

Case No. 2:25-cv-00577-WLH-AS

HRG: May 9, 2025

NOTE: If both parties submit on the tentative ruling, please advise the Courtroom Deputy (WLH_Chambers@cacd.uscourts.gov) and no appearance will be required.

I. BACKGROUND

On March 24, 2023, Plaintiff Multimedia Technologies Pte. Ltd. ("Plaintiff") filed a complaint for patent infringement against Defendant Vizio, Inc ("Defendant") in the Eastern District of Texas. (Complaint, Docket No. 1). The complaint alleges that Defendant infringed on ten of Plaintiff's patents: United States Patent Numbers 9,077,928 ("'928 patent"); 9,215,393 ("'393 patent"); 9,185,325 ("'325 patent"); 10,419,805 ("'805 patent"); 9,055,255 ("'255 patent"); 9,247,174 ("'174 patent"); 9,510,040 ("'040 patent"); 9,578,384 ("'384 patent"); 9,426,527 ("'527 patent"); and 9,232,168. The patents pertain to Smart Televisions ("smart TVs"). (*See generally* Complaint).

In January of 2025, in a case brought by Plaintiff against a different defendant, the Eastern District of Texas issued an order regarding the validity of the '325, '805, '255, '174, '040, '384 and '527 patents. *Multimedia Techs. Pte. Ltd. v. LG Elecs. Inc.*, No. 2:22-CV-00494-JRG-RSP, 2025 WL 366397 (E.D. Tex. Jan. 6, 2025), *report and recommendation adopted*, No. 2:22-CV-00494-JRG-RSP, 2025 WL 366476 (E.D. Tex. Jan. 31, 2025) ("LG Decision"). Also in January of 2025, the instant case was transferred from the Eastern District of Texas to this Court. (Docket No. 119).

On April 11, 2025, Defendant filed a renewed motion for judgment on the pleadings[1] as to the seven patents at issue in the LG Decision and two additional patents: the '928 and '393 patents. (Mot., Docket No. 192). Defendant argues that all claims from the nine patents are directed to patent-ineligible subject matter and are invalid. (*See generally* Mot.). Plaintiff filed a timely opposition (Opp'n, Docket No. 193), documents related to the LG Decision and excerpts from the certified file histories of the '928 and '393 patents. ('928 Patent File History, Docket No. 193-6; '393 Patent File History, Docket No. 193-5). Defendant filed a timely reply brief. (Reply, Docket No. 194).

II. LEGAL STANDARD

A. Patent Eligibility

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." 35 U.S.C. § 101. Abstract ideas are not patent eligible. *Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356, 1361 (Fed. Cir. 2018); *Alice Corp. Pty. v. CLS Bank Int'l*, 573 U.S. 208, 218 (2014) ("The abstract ideas category embodies the longstanding rule that an idea of itself is not patentable.") (cleaned up).

Courts determine if a claim's subject matter is patent eligible by applying a two-step framework, articulated by the Supreme Court in *Alice*. *Broadband iTV, Inc. v. Amazon.com, Inc.*, 113 F.4th 1359, 1367 (Fed. Cir. 2024), cert. denied, No. 24-827, 2025 WL 1151241 (U.S. Apr. 21, 2025). In the first step, courts determine if the claims at issue are "directed to" an abstract idea. *Id.* In doing so, courts look to the claims' language and the patent's specification to determine the character of

[1] The Court granted Plaintiff's Motion to Strike Defendant's previous motions for judgment on the pleadings for failure to comply with Local Rule 11-6.1. (Docket No. 189).

the claims as a whole. *Id.* If claims are not directed to an abstract idea, the inquiry ends. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1339 (Fed. Cir. 2016) (explaining that because the claims were not directed to an abstract idea, the court need not reach *Alice* step two).

If a court determines that claims are directed to an abstract idea, the court determines if the claims contain an "'inventive concept' sufficient to 'transform' the claimed abstract idea into a patent-eligible application." *Core Wireless*, 880 F.3d at 1361. A "transformation into a patent-eligible application requires more than simply stating the abstract idea while adding the words 'apply it.'" *Simio, LLC v. FlexSim Software Prods.*, Inc., 983 F.3d 1353, 1363 (Fed. Cir. 2020) (citing *Alice*, 573 U.S. at 217). Instead, there must be "an element or combination of elements that is sufficient to ensure that the patent in practice amounts to significantly more than a patent on the abstract idea itself." *Id.*

B. Resolving Patent Eligibility on a Motion for Judgment on the Pleadings

"[W[hether a claim recites patent eligible subject matter is a question of law which may contain underlying facts." *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018). A court may determine patent eligibility on a motion for judgment on the pleadings when "there are no factual allegations that, taken as true, prevent resolving the eligibility question as a matter of law." *Beteiro, LLC v. DraftKings Inc.*, 104 F.4th 1350, 1355 (Fed. Cir. 2024) (outlining rule for 12(b)(6) motions); *GoTV Streaming, LLC v. Netflix, Inc.*, No. 2:22-cv-07556, 2023 WL 4239824, at *1 (C.D. Cal. May 24, 2023) (explaining that 12(c) motions for judgement on the pleadings are reviewed under the same standard as 12(b)(6) motions to dismiss). Accordingly, to survive a motion for judgment on the pleadings regarding patent eligibility, the complaint, underlying patent or matters

subject to judicial notice must raise a question of fact regarding the patent's eligibility. *Broadcom Corp. v. Netflix Inc*., 677 F. Supp. 3d 1010, 1018 (N.D. Cal. 2023).

C. Representativeness

Subject matter eligibility is determined at a claim level; eligibility findings extend to the challenged claim and any other claim for which the challenged claim is representative. *Mobile Acuity Ltd. v. Blippar Ltd.*, 110 F.4th 1280, 1291 (Fed. Cir. 2024) (quoting *Cleveland Clinic Found. v. True Health Diagnostics LLC*, 859 F.3d 1352, 1360 (Fed. Cir. 2017)). "The patent challenger who identifies a claim as representative of a group of claims bears the initial burden to make a prima facie showing that the group of claims are 'substantially similar and linked to the same' ineligible concept." *Id.* at 1290. Once the challenger meets the initial burden, the "burden shifts to the patent owner to present non-frivolous arguments as to why the eligibility of the identified representative claim cannot fairly be treated as decisive of the eligibility of all claims in the group." *Id.* If the patent owner presents a non-frivolous argument, the patent challenger then bears to burden to prove that the representative claim is indeed representative or that each separate claim is ineligible for patenting. *Id.* at 1291.

III. Representative Claims

Defendant argues that the following claims are representative of all claims in the corresponding patent: claim 1 of the '928 patent (Mot. at 3-5); claim 1 of the '393 patent (*id*. at 5-6); claim 1 of the '174 patent (*id*. at 16-17); claim 1 of the '040 patent (*id.* at 17-18); claim 1 of the '255 patent (*id.* at 23-24); claim 1 of the '805 patent (*id.* at 28); claim 1 of the '384 patent (*id*. at 35-36); and, claim 7 of the '527 patent (*id.* at 36-37). In each relevant section, Defendant provides a brief analysis explaining why the other independent and dependent claims are substantially similar to the concepts in the representative claims. In its opposition

brief, Plaintiff responded to all arguments in a single paragraph, arguing that Vizio failed to provide sufficient analysis. (Opp'n at 42-3). The Court finds(a) Defendant met its initial burden to make a prima facie showing that its identified representative claims are indeed representative of the patents; and (b) Plaintiff failed to meet its own burden to present arguments that the identified representative claim cannot fairly be treated as decisive of eligibility of all claims in the patent. As such, the Court treats as representative of the corresponding patent the following claims: claim 1 of the '928 patent; claim 1 of the '393 patent; claim 1 of the '174 patent; claim 1 of the '040 patent; claim 1 of the '255 patent; claim 1 of the '805 patent; claim 1 of the '384 patent; and claim 7 of the '527 patent.

IV. THE '325 PATENT

Claim 1 of the '325 patent was invalidated by the Eastern District of Texas under 35 U.S.C. § 101. LG Decision at *13. Defendant argues that the remaining independent and dependent claims of the '325 patent are, similarly, directed an at ineligible subject matter and should be invalidated. (Mot. at 33-35). In its opposition brief, Plaintiff notes that it "does not plan to contest here the Texas Court's determination that certain claims from the '325 patent are ineligible, and has offered to VIZIO to dismiss that patent." (Opp'n at 2 n.1). Pursuant to this statement, the Court **DISMISSES** claims against Vizio based on the '325 patent. Because the patent is no longer before the Court, the Court cannot rule on its validity and **DENIES** as moot the Motion as to the '325 patent.

V. '928 AND '393 PATENTS

Defendant argues that the representative claims in the '928 and '393 patents (the "Reporting Patents") are directed to the abstract idea of collecting, reporting and transmitting information and do not include an inventive concept. The Eastern

District of Texas did not examine these patents. *See generally* LG Decision.

Representative claim 1 of the '928 patent recites:

1. A method of electronic component operation, whereby the component performs:
    one or more of capturing and receiving data associated with usage of a television including one or more of activity data, application data, application manager data, system time/date information and activity data associated with another component of the television;
    storing the data;
    determining whether a report is a first report associated with a first power-up of the television;
    determining a report number for the report, the report number usable to estimate when the report was generated;
    generating the report by aggregating the one or more of the captured and received data and appending the determined report number to the report, wherein the first report is formatted to include first report information, and subsequent reports include customized information; and
    transmitting the report.

Representative claim 1 of the '393 patent recites:

1. A method of reporting status of a television, comprising:
    a processor determining that a new reporting period has begun;
    in response to the processor determining that the new reporting period has begun, the processor formatting a report having at least one attribute of the television, wherein the report comprises a set of core data associated with substantially static attributes of the television;
    the processor storing the report in a non-volatile memory associated with the television;
    the processor maintaining the stored report in the non-volatile memory until a transmission period, wherein a delay exists between storing the report and the transmission period;
    the processor determining that a new transmission period has begun;
    in response to the processor determining that the new transmission period has begun and during the transmission period, the processor determining that the stored report is unsent;

if the report is unsent, the processor transmitting the stored report to a receiver;
determining one or more of if the report was successfully transmitted and if the report was successfully received; and
in response to one or more of successfully transmitting and successfully receiving the stored report, the processor deleting the transmitted report from the non-volatile memory.

A. Alice Step One

When considered as a whole, the representative claims in the '928 patent and the '393 patent are directed to the idea of collecting information, storing identified information, sending information and determining if the information was properly transmitted. The Federal Circuit has found that each of these concepts is an abstract idea. *Intell. Ventures I LLC v. Cap. One Fin. Corp.*, 850 F.3d 1332, 1340 (Fed. Cir. 2017) ("We conclude that the patent claims are, at their core, directed to the abstract idea of collecting, displaying, and manipulating data."); *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass'n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014) (finding patents were directed to abstract concept of collecting data, recognizing certain data in the data set and storing that recognized data in memory); *Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1337 (Fed. Cir. 2017) (affirming district court's finding that patents were directed to abstract idea of "(1) sending information, (2) directing the sent information, (3) monitoring the receipt of the sent information, and (4) accumulating records about receipt of the sent information.") Further the Reporting Patents recite methods for reporting in "result-based, functional language" that "does not sufficiently describe how to achieve these results in a non-abstract way." *Id.*

The fact that the processes described in the Reporting Patents could be performed using a pencil and paper supports the Court's finding that the claim are directed to an abstract idea. *PersonalWeb Techs. LLC v. Google LLC*, 8 F.4th

1310, 1316 (Fed. Cir. 2021) (noting that functions that can be performed using a pencil and paper are a "telltale sign of abstraction."). Defendant persuasively argues that, as to the representative claim in the '393 patent, a person could use a paper log to manually collect data on television usage, save that information until a designated time period, send a report on the information, confirm that the report was sent and selectively delete the report. Likewise, as to the representative claim in '928 patent, a user could use a paper log to capture information regarding television usage, prepare a report based on the information, assign a number to the report based on when the report was generated and send various reports. That the representative claims in the '393 and '928 patents would automate these steps do not render them non-abstract. *eResearchTechnology, Inc. v. CRF, Inc*, 186 F. Supp. 3d 463, 474 (W.D. Pa. 2016), *aff'd sub nom. EResearchTechnology, Inc. v. CRF, Inc.*, 681 F. App'x 964 (Fed. Cir. 2017) (finding that a patent to "use[] an electronic device to obtain clinical trial data that would otherwise be collected by pen-and-paper diary" was directed to an abstract idea.); *BSG Tech*, 899 F.3d at 1285 ("If a claimed invention only performs an abstract idea on a generic computer, the invention is directed to an abstract idea at step one.").

Plaintiff's argument that the '393 and '928 patents are directed to a "specific means or method that improves the relevant technology" is unavailing. (Opp'n at 35 (*citing Contour IP Holding LLC v. GoPro, Inc.*, 113 F.4th 1373, 1379 (Fed. Cir. 2024)). Unlike the claims at issue in *Contour*, which identified "specific, technological means" to improve the real time viewing capabilities of a camera, the Reporting Patents identify no specific means to improve reporting on smart TVs. The claims identify no impediment to reporting in prior system nor any novel data structure or configuration to improve data collection and reporting. Though plaintiff argues that flowcharts demonstrate a novel, non-abstract infrastructure, the flowcharts at issue merely outline steps related to data collecting and reporting,

which the Federal Circuit has determined to be abstract. '393 patent, Fig. 16; '928 patent, Fig. 1.

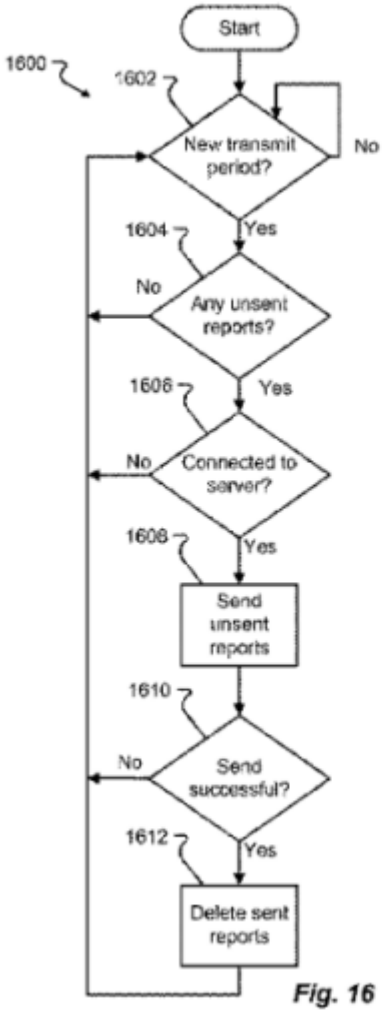

Fig. 16

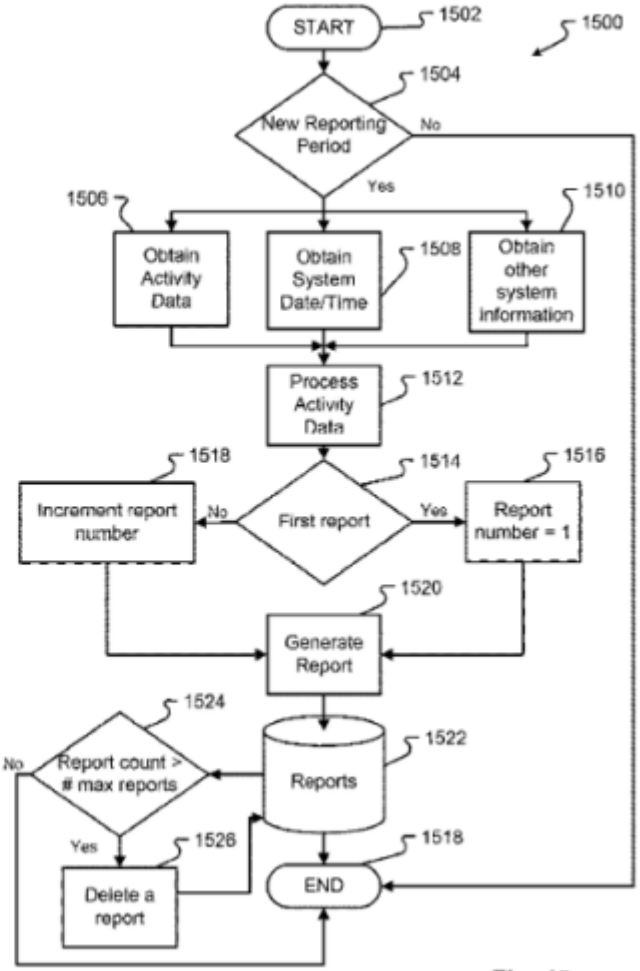

Fig. 15

'393 patent, Fig. 16; '928 Patent, Fig. 15. The Court finds that the Reporting Patents are directed at abstract ideas.

B. <u>Alice Step Two</u>

Nothing in the Reporting Patents' representative claims transforms the claims into something more than the abstract idea of collecting information, storing information, sending information and determining if the information was properly

transmitted. Plaintiff is correct that determining whether a claim element or combination of elements is inventive can be a fact-intensive inquiry. (Opp'n at 38 (citing *Berkheimer*, 881 F.3d at 1368)). Plaintiff's patent, complaint and matters appropriate for judicial notice, however, raise no issue of fact regarding the presence of an inventive concept. Instead, the claims' limitations "simply describe the abstract method without providing more." *Int'l Bus. Machines Corp. v. Zillow Grp., Inc.*, 50 F.4th 1371, 1379 (Fed. Cir. 2022). Like other claims which have failed *Alice* step two, the "the recited limitations neither improve the functions of the computer itself, nor provide specific programming, tailored software, or meaningful guidance for implementing the abstract concept." *Intell. Ventures*, 850 F.3d at 1342. The claims' mention of technologies like a "processor" do not change the analysis because "'an abstract idea implemented on generic computer components, without providing a specific technical solution beyond simply using generic computer concepts in a conventional way' do not suffice at step two." *Id.*

Plaintiff contends that the timing sequence, i.e. the "periods" for generation, storage, and transmission of reports, and the selective report deletion outlined in the '393 patent are inventive concepts. (Opp'n at 38-39). Plaintiff likewise contends that the '938 patent embraces the inventive concept of generating a report in a particular format where the first report includes "first report information" and subsequent reports are labeled with an appended report number and include customized data. (Opp'n at 41-42).

Plaintiff cites to arguments made by Reporting Patents' applicants that prior art did not include a report generating period, a determination that the report was unsent, and determinations of a report number. (Opp'n at 38-9 (citing '393 Patent File History at 16-17, 24); Opp'n at 41-42 (citing '928 Patent File History at 9)). Because the U.S. Patent Examiner ultimately issued a Notice of Allowance on the claims, Plaintiff argues that the Patent File History plausibly suggests that the

report generating period, a determination that the report was unsent and the determination of report numbers are inventive. (Opp'n at 39).

Even if the Court were to consider the arguments of the Reporting Patents' applicants, the fact that report timing sequence, selective report deletion and report designation were not reflected in prior art do not render those concepts inventive. *Mobile Acuity*, 110 F.4th at 1294 ("To the extent [plaintiff' is suggesting that its alleged 'inventive concept' is not found in the prior art, that contention is unavailing at step two, as a claim for a new abstract idea is still an abstract idea.") (cleaned up). The report timing sequence, selective report deletion and report designation are all abstract ideas and a "claim for a new abstract idea is still an abstract idea." *Synopsys*, 839 F.3d at 1151.

The Court finds the Reporting Patents distinguishable from the examples of claims saved at *Alice* step two provided by Plaintiff. The representative claims of the Reporting Patents are distinguishable from those in *Aatrix*, where plaintiff's complaint contained "numerous," detailed allegations on how the claimed technology solved for *specific problems* in prior art; *Bascom*, where an inventive concept was found in a non-conventional and non-generic arrangement of tools; and *Berkheimer* where an inventive feature parsed data in an purportedly unconventional manner and the patent's specification detailed how the improvement increased efficiency and computer functionality. *Aatrix Software, Inc. v. Green Shades Software, Inc.*, 882 F.3d 1121, 1127 (Fed. Cir. 2018); *Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (Fed. Cir. 2016)*; Berkheimer.*, 881 F.3d at 1369.

Because the Court finds that the representative claims of the Reporting Patents are directed to abstract concepts and are not transformed into "something more" by an inventive concept, the Court **GRANTS** Defendant's Motion as to the Reporting Patents and finds the '928 patent and '393 patents invalid.

VI. ’174, ’040, ’255, ‘527, ’384 AND ’805 PATENTS

Plaintiff contends that six of the patents at issue in the instant Motion—the ’174, ’040, ’255, ‘527, ’384 and ’805 patents—are directed to non-abstract improved user interfaces. Defendant contends that the representative claims of all six patents are directed towards abstract ideas and do not supply an inventive concept. The Eastern District of Texas previously found that claims of all six patents were directed to patent-eligible subject matter. (*See generally* LG Decision). While the Court finds portions of the Eastern District of Texas’s order persuasive, the Court conducts an independent analysis of the subject-matter eligibility of each representative claim. *See Sims v. Amazon.com, Inc.*, No. 220CV04389FLAASX, 2022 WL 739524, at *7 (C.D. Cal. Jan. 27, 2022) (“[A] district court ruling, is not binding authority.”).

A. Alice Step One

Plaintiff argues that the ’174, ’040, ’255, ‘527, ’384 and ’805 patents are analogous to the user interface patents in *Core Wireless*, which the Federal Circuit concluded were *not* directed to an abstract idea. The Court also finds *Data Engine*, in which the Federal Circuit likewise found that user interface patents were not directed to an abstract idea, instructive. Defendant contends that the representative claim for each patent is directed to an abstract concept and supplies no inventive concept which transforms the claim into something other than the abstract idea itself. While Defendant cites to a range of cases, the two most relevant cases are *Broadband* and *Trading Technologies*, where the Federal Circuit found that patent claims were directed to abstract ideas, even though the claims were related to a user interfaces. The court’s inquiry is, therefore, whether the patents are more like

the user interface patents in *Core Wireless* and *Data Engine* or the user interface patents in *Broadband* and *Trading Technologies.*[2]

In *Core Wireless*, the Federal Circuit found patent eligible specific "claims [which] disclose[d] an improved user interface for electronic devices, particularly those with small screens." *Core Wireless Licensing S.A.R.L. v. LG Elecs.*, Inc., 880 F.3d 1356, 1363 (Fed. Cir. 2018). The representative claim recited:

> A computing device comprising a display screen, the computing device being configured to display on the screen a menu listing one or more applications, and additionally being configured to display on the screen an application summary that can be reached directly from the menu, wherein the application summary displays a limited list of data offered within the one or more applications, each of the data in the list being selectable to launch the respective application and enable the selected data to be seen within the respective application, and wherein the application summary is displayed while the one or more applications are in an un-launched state.

U.S. Patent No. 8,713,476 at Claim 1. The Federal Circuit rejected defendant's argument that the patent was directed to the abstract idea of an index and

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[2] The Court does not address every case cited by Defendant in briefing regarding '174, '040, '255, '527, '384 and '805 patents. Some cited cases address patents that do not pertain to user interfaces. *See Intell. Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1311 (Fed. Cir. 2016) (patents related to email screening software); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016) (patents related to displaying data but providing no interface to interact with the data); *Trinity Info Media, LLC v. Covalent, Inc.*, 72 F.4th 1355, 1358 (Fed. Cir. 2023) (patents related to connecting users based on polls); and *Customedia Techs., LLC v. Dish Network Corp.*, 951 F.3d 1359, 1364 (Fed. Cir. 2020) (patents related to targeted advertising). Other cases are distinguishable from *Core Wireless* and *Data Engine* on more specific grounds, *Int'l Bus. Machines*, 50 F.4th at 1381 (explaining that the representative claim was much broader than asserted claims in *Core Wireless* given that it was not limited to a device), or are otherwise unhelpful for determining the distinction between *Core Wireless* and *Broadband*. *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1240 (Fed. Cir. 2016) (decided before *Core Wireless* and *Broadband* and discussed by neither case).

concluded instead that the claims are "directed to an improved user interface for computing devices." *Core Wireless*, 880 F.3d at 1362. Whereas conventional user interfaces required a user to switch views or drill through many layers to get to desired data or functionality, the patent claims disclosed a "specific manner of displaying a limited set of information to the user" which resulted in an improved user interface. *Id.* at 1363. The claimed user interface made it easier and more efficient for a user to navigate computing devices, particularly those with small screens, and therefore improved the functioning of the devices. *Id.*

Similarly, in *Data Engine Techs. LLC v. Google LLC*, the Federal Circuit found that patent claims were "directed to a specific method for navigating through three-dimensional electronic spreadsheets" and were therefore not abstract. *Data Engine Techs. LLC v. Google LLC*, 906 F.3d 999, 1008 (Fed. Cir. 2018). The patent specification and claims in *Data Engine* noted the then-existing technological problem of non-user friendly spreadsheets which required users to search through complex menu system to find commands to execute simple tasks. *Id.* The patent claims solved the technological problem by "providing a highly intuitive, user-friendly interface with familiar notebook tabs for navigating the three-dimensional worksheet environment." *Id.* In this way, the claimed invention "improv[ed] computers' functionality as a tool able to instantly access all parts of complex three-dimensional electronic spreadsheets." *Id.* at 1007-08.

In *Trading Technologies*, by contrast, the Federal Circuit found that patents related to graphical user interfaces for an electronic system for trading were not patent eligible. *Trading Techs. Int'l, Inc. v. IBG LLC*, 921 F.3d 1084 (Fed. Cir. 2019). The representative claim of the first patent at issue recited a computer-based method for facilitating orders by traders, detailed how information should be displayed to users and noted how a user would place an order. *Id.* at 1092. The Court affirmed the patent Board's conclusion that the claim was directed to "the

abstract idea of graphing (or displaying) bids and offers to assist a trader to make an order." *Id.* The Federal Circuit distinguished the claims from those at issue in *Core Wireless* by noting that the claims "do not improve the functioning of the computer, make it operate more efficiently, or solve any technological problem" but merely "recite a purportedly new arrangement of generic information that assists traders in processing information more quickly." *Id.* at 1093.

In *Broadband*, the Federal Circuit similarly found that claims from two patents related to user interfaces were directed to an abstract idea. 113 F.4th at 1368-1372. While *Broadband* did not discuss *Trading Technologies*, it explored the distinction between the claims in *Broadband* and those in *Core Wireless* and *Data Engine*. *See id.* at 1368 ("[T]he fact that the claims involve a user interface does not automatically put the claims in the same category as Core Wireless and Data Engine."). The representative claim of the first patent at issue in *Broadband* recited an electronic program guide automatically created using metadata from video content. *Id.* The guide was generated in a "plurality of layers" comprising particular display templates, which the user navigated through in a drill-down manner. *Id.* at 1363. At *Alice* step one, the Federal Circuit concluded that claims from the first patent were directed to the abstract idea of "receiving metadata and organizing the display of video content based on that metadata." *Id.* Though the *Broadband* claims discussed a program guide—a type of user interface—the Federal Circuit concluded that, unlike the claims at issue in *Core Wireless* and *Data Engine*, the claims "do not recite an improved structure or function within a user guide, but rather, are directed to arranging content in a particular order." *Id.* at 1368. The patent's mention of organizing data according to templates did not constitute an improved structure because the "use of templates to create the electronic programming guide *is not the claimed advance*." *Id.* at 1369 (emphasis added).

The Federal Circuit found that claims from a second patent were likewise directed to "the abstract idea of collecting and using viewing history data to recommend categories of video content." *Id.* at 1371. The Federal Circuit noted that though the goal of the patent was to "reduce the number of keypresses needed for a viewer to navigate to a title of interest," the claims were not directed to "an improved structure or function of a user interface." *Id.* at 1371-72. Instead, the claims were "directed to reordering content within a user guide based on viewing history, which does not rise to a technological solution to a technological problem." *Id.* at 1372.

The Court notes that there is some tension between *Trading Technologies* and *Broadband* on the one hand and *Core Wireless* and *Data Engine* on the other, a tension which the Court must navigate when evaluating six remaining patents at issue in this Motion. The Court derives the following principles from *Trading Technologies*, *Broadband*, *Core Wireless* and *Data Engine*: 1) Claims are not directed to an abstract idea when their character as a whole focuses on improving the structure of a user interface in a way that solves a technological problem or improves a technology's function. 2) By contrast, claims which are merely directed to reordering information or data within an interface are directed to an abstract principle.

i. *'174, '040 and '255 Patents*

The Court first evaluates whether the '174, '040 or '255 patents are directed to an abstract idea. Representative Claim 1 of the '040 patent recites:

1. A method of displaying content on a television, comprising:
receiving, by a processor, an indication associated with a selection by a user;
determining, by the processor, based on the received indication, a global panel to display via the television;
retrieving, by the processor, from memory, a first content information for display in the global panel;

and displaying, via the television, the retrieved content information in the global panel, wherein the global panel includes a list of sources of content for the intelligent television, wherein at least one of the sources is highlighted as being associated with the first content information, and wherein the sources include a live television source, a video on demand source, a media center source, an applications source, and an electrical input associated with the television.

Representative Claim 1 of the ’174 patent recites:

1. A method for displaying content on a television, comprising:
receiving a first input via an input device associated with the television; in response to the first input, displaying, via the television, an application panel interface;
determining content currently being shown on the television;
identifying at least one of a content source and content information associated with the content currently being displayed via the television;
based on the content and the at least one of the content source and the content information, providing a first content panel in the application panel interface, wherein the first content panel is a first type of application panel;
receiving a first directional input via the input device associated with the television;
determining, based on a first direction associated with the first directional input, a second content panel to display via the television in the application panel interface, wherein the second content panel is a second type of application panel;
retrieving, from memory, a second content information based on the second type of content panel;
and displaying, via the television, the second content information in the second content panel.

Finally, representative Claim 1 of the ’255 patent recites:

1. A method of presenting a user interface implemented on an intelligent television (TV), comprising:
running, via a processor associated with the intelligent television, a live TV application, wherein the live TV application is configured to control one or more interactive user functions of the intelligent TV;

presenting, substantially simultaneously via a display of the intelligent TV, live TV broadcast content, wherein the live TV broadcast content is presented to a first portion of the display, wherein the first portion of the display includes substantially an entire area of a screen of the TV; receiving a first live TV application input at the intelligent TV;

determining, by the processor and in response to receiving the first live TV application input, a first live TV application feature to present via the display, wherein the one or more interactive user functions of the intelligent TV are controlled via the first live TV application feature;

presenting, via the display, the first live TV application feature to a second portion of the display, wherein the second portion of the display overlaps at least a portion of the first portion of the display, wherein the second portion of the display includes less than the entire area of the screen of the TV, and wherein at least part of the second portion is either transparent or translucent;

receiving a home screen input at the intelligent TV;

determining, by the processor and in response to receiving the home screen input, a global panel feature to present via the display, wherein the one or more interactive user functions of the intelligent TV are controlled via the global panel feature;

and presenting, via the display, the global panel feature to a third portion of the display, wherein the third portion of the display overlaps at least a portion of the first portion of the display, wherein the third portion of the display includes less than the entire area of the screen of the TV, wherein at least part of the third portion of the display is either transparent or translucent, and wherein a first location of the third portion of the display is different from a second location of the second portion of the display.

Like the Eastern District of Texas, the Court finds that the representative claims of the '174, '040 and '255 patents are analogous to the claims in *Core Wireless*. LG Decision at *5-*8. Just as the claims in *Core Wireless* were directed to improved user interfaces for computers, particularly with small screens, the representative claims in the '174, '040 and '255 patents are directed to improved user interfaces for Smart TVs. The claimed global panel interface, application panel interface and interface for displaying live TV are improved structures which

allow users to more easily navigate smart TVs, therefore improving the functionality of smart TVs. *Core Wireless*, 880 F.3d at 1363.

The specifications of the patents explain that then-existing technologies had yet to provide seamless and intuitive user interfaces for navigating the range of features available on smart TVs. ('174 patent at 1:62-67; '040 patent at 2:21-26; '255 patent at 1:56-61). The '174, '040 and '255 patents disclose specific, new user interfaces which improve the functionality of a smart TV by allowing a user to more efficiently navigate a smart TV's features. The '174 patent recites an application panel interface and content panels which increase user efficiency by allowing a user to access additional information and functions without needing to exit their current application or interrupt their viewing. (*See generally* '174 patent). The '040 patent likewise outlines a global panel which provides consistent access to high level actions across all applications without obstructing a user's view of their content. (*See generally* '040 patent). The '255 patent provides a structure for displaying a translucent or transparent global panel over live television to allow a user to access functionality while watching live television. (*See generally* '255 patent). Each patent dictates the structure of the interface. These claims are, therefore, directly analogous to those in *Core Wireless* and are directed to a patent-eligible subject matter.

ii. *'384 and '527 Patents*

The Court next evaluates whether the '384 patent and '527 patents—both which relate to the display of video-on-demand ("VOD") content—are directed to abstract ideas. Representative claim 1 of the '384 patent recites:

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

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

Representative claim 7 of the ’527 patent recites:

1. An intelligent television system comprising:
a memory operable to store video-on-demand (VOD) content;
and a processor in communication with the memory, the processor that:
executes a VOD data service that:
receives content for two or more items of VOD content;
determines metadata characteristics for the two or more items of VOD content; creates a file for each item of VOD content;
stores the metadata characteristics with the content in the file for each of the two or more items of VOD content;
and receives a criteria to sort the two or more items of VOD content, wherein the criteria is associated with three or more metadata characteristics, wherein the metadata characteristics include one or

> more of a location at which the content was created, a time at which the content was created, or a genre associated with the content;
>
> and executes a user interface application in communication with the VOD data service, the user interface application operable to provide a first view of two or more thumbnails associated with each of the two or more items of VOD content based on the metadata characteristic and the criteria, wherein the first view includes two or more thumbnails associated with the two or more items of VOD content, and wherein the first view is sorted based on at least three of the metadata characteristics.

The Court agrees with the Eastern District of Texas that, when read as a whole, the representative claims in the '384 and '527 patents are directed to a patent eligible subject matter. (LG Decision at *13-14, *8-9). The representative claims are directed to improved interfaces for VOD content; the claims focus on structures to aid a user in navigating VOD content on a smart TV to address the then-existing problem of unintuitive user interfaces.

The claimed interfaces for VOD content include "unique visual representations and organizations that allow the user to utilize the intelligent television more easily and more effectively" and provide an "unique process" of transitioning between the VOD content. ('527 patent at Abstract; '383 patent at Abstract). The representative claims recite specific, improved structures for navigating VOD content on a smart TV. The representative claim of the '384 patent outlines a master view, collection view, detail view and digest view of VOD content, details how a user navigates through these views and explains the information provided in each view. ('384 patent, 56:35-67, 57:1-5). Likewise, the representative claim of the '527 patent details the specific thumbnail views provided to users. ('527 patent 57:33-42). These claims are analogous to the claims in *Data Engine* where a claimed "highly intuitive, user-friendly interface" provided a solution to the technological problem of non-user friendly spreadsheets. 906 F.3d 1007-08.

The Court agrees with the Eastern District of Texas that the '384 patent is distinguishable from the patent in *Broadband* which automated the creation of a hierarchical arranged program guide. LG Decision at *14. While both that patent and the '384 patent invoke a hierarchical user interface, the claim in *Broadband* did not "recite an improved structure or function within a user guide." *Broadband*, 113 F.4th at 1368. Here, the representative claim not only recites an improved structure but is directed to improving the structure of a VOD interface.

Likewise, the Court agrees with the Eastern District of Texas that the '527 patent is distinguishable from the patent in *Broadband* even though both patents mention organizing content based on metadata. LG Decision at *9. The relevant claim in *Broadband* was directed to organizing data based on metadata, which the Federal Circuit determined was an abstract idea. The specification and claim language of the representative claim in '527 patent confirm that claims are directed not to merely organizing content within an existing structure, but to providing an improved user interface for navigating VOD content. Further, by detailing the thumbnails and views presented to users, the representative claim of the '527 patent recites an improved structure for the user interface; something which was missing in the *Broadband* claim.[3] Accordingly, the Court finds that the '384 and '527 patents are directed to patent-eligible subject matter.

iii. *The '805 patent*

Finally, the Court evaluates whether the '805 patent—which outlines the "data service system"— is directed to an abstract idea.

[3] As explained in Section VI.A, *supra*, the claim in *Broadband* referenced putting content into templates. The Federal Circuit found that portion of the claim irrelevant given that the templates were not the claimed advance. Here, by contrast, the Court finds that the claimed advance *is* an improved structure for an interface by which to navigate VOD content.

Representative claim 1 recites:

1. A method of providing content for a television (TV), the system comprising:
    receiving, by a processor, data relevant to one or more scheduled events from one of a corresponding subservice of a plurality of subservices, wherein the plurality of subservices comprises a video-on-demand (VOD) subservice, electronic programming guide (EPG) subservice, and a media subservice
    organizing, by the processor, the data according to a pre-defined format corresponding to each of the plurality of subservices, wherein the pre-defined format comprises one of a VOD data model, an EPG data model and a media data model, wherein organizing the data according to the pre-defined format comprises converting the data received from the subservice into the pre-defined format of the corresponding data model and wherein each of the VOD data model, EPG data model, and media data model provide a uniform format for the plurality of subservices; and
    providing, by the processor, the organized data to one or more of a plurality of content provider modules of the TV.

Plaintiff urges the Court to adopt the Eastern District of Texas's finding that the representative claim is "appropriately in line with *Core Wireless*." (Opp'n at 22 (citing LG Decision at *8)). The Court diverges from the Eastern District of Texas and finds that the representative claim of the '805 patent is directed to the abstract idea of organizing data into a specific format, an idea which *Broadband* and *Trading Technologies*, hold to be abstract. *Broadband*, 113 F.4th at 1368; *Trading Technologies*, 921 F.3d at 1092. Unlike the representative claims in the '174, '040, '255, '384 and '527 patents, claim 1 of the '805 patent does not focus on a structure for an improved user interface. Indeed, neither the abstract of the patent nor the representative claim includes the term "user interface." Instead, like the claims at issue in *Broadband* and *Trading Technologies*, the representative claim focuses on organizing the display of data. That the representative claim references a "pre-defined format" does not mean that the claim recites an improved

structure. Neither the specification nor the claims defines the format nor explains how "converting data" into a pre-defined, uniform format solves a then-existing technological problem or improves a smart TV. (*See generally* '805 patent).

B. Alice Step 2

Because the Court has found that the claims in the '174, '040, '255, '384 and '527 patents were not directed to an abstract idea, the Court need not reach the second step of the *Alice* inquiry regarding those claims. *McRO*, 837 F.3d at 1312. ("If the claims are not directed to an abstract idea, the inquiry ends."). The Court need only determine if, as a matter of law, the '805 patent fails to present an inventive concept.

In its opposition brief, Plaintiff notes that Defendant "fails to analyze or rebut" the inventive aspects of the '805 patents: receiving searchable data from a plurality of subservices, organizing the data into a data model and displaying searchable data on the television. (Opp'n at 68 (citing '805 2:16-3:20)). In its reply brief, Defendant fails to address this argument. (*See generally* Reply). Because "the burden to prove the ineligibility of any patent claim stays with the patent challenger at all times," *Mobile Acuity Ltd.*, 110 F.4th at 1291, the Court **DENIES**, without prejudice, Defendant's Motion as to the '805 patent.

VII. CONCLUSION

For the foregoing reasons the Court **GRANTS** the Motion as to '928 patent and '393 patent and **DENIES** the Motion as to all other patents.