

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP., DELL INC., AND DELL TECHNOLOGIES INC.,
Petitioner,

v.

GENERAL VIDEO, LLC,
Patent Owner.

IPR2025-01037
U.S. Patent No. 9,843,786

**PETITIONERS' RESPONSE TO PATENT OWNER'S REPLY
IN SUPPORT OF DISCRETIONARY DENIAL**

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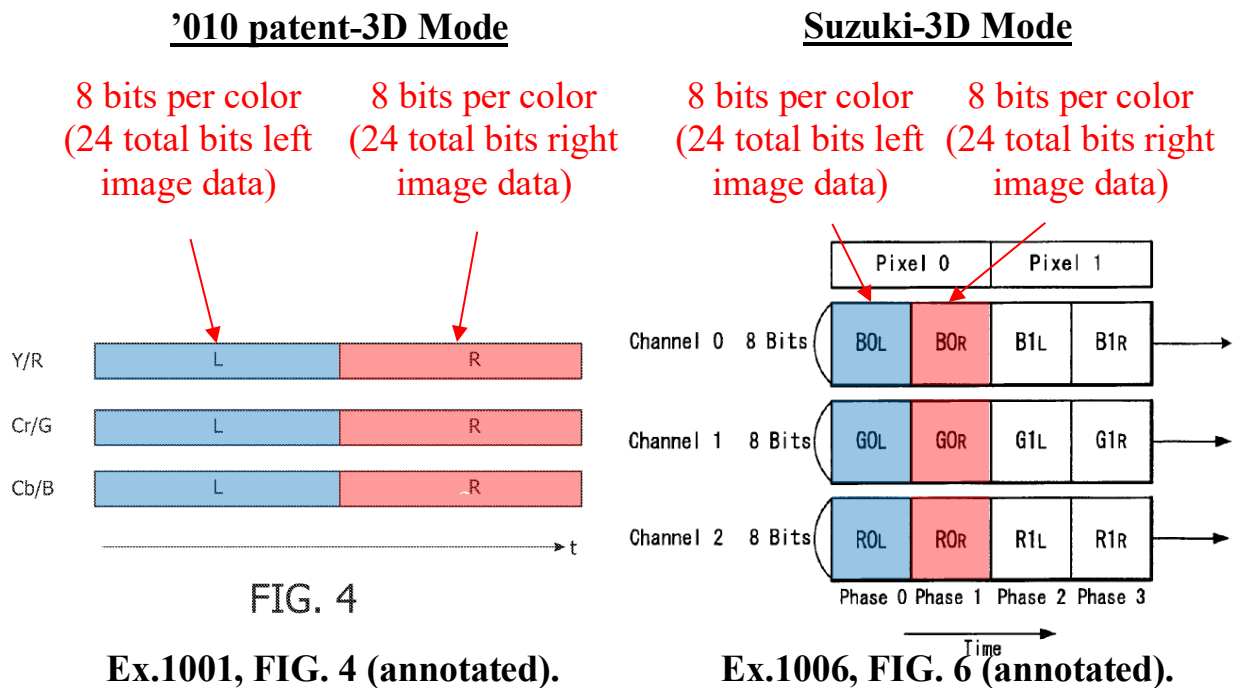
The Director should refer the Petition to a merits panel. First, Patent Owner does not dispute that *Suzuki* teaches the feature identified as the reasons for allowance, which demonstrates that the Examiner materially erred by allowing the '786 patent to issue. Second, Patent Owner concedes that it delayed over seven years to file suit, which supports Petitioners' settled expectations that the '786 patent would not be asserted. Third, in a recent development on October 2, the district court denied Patent Owner's motion to modify the scheduling order in related Dell litigation, thereby ensuring a trial more than three months after the final written decision. Each of these facts weigh against discretionary denial.

I. The Office erred in a manner material to patentability.

Importantly, Patent Owner *never* disputes (and therefore concedes) that *Suzuki* teaches the exact feature identified by the Examiner in the reasons for allowance. *See* Papers 7, 9, 10, *generally*. Ignoring the feature identified by the Examiner as the reasons for allowance, Patent Owner presents generic arguments directed to “*other [limitations] in the claim.*” Paper 10, 3. This is nothing more than an attempt to deflect from the inescapable conclusion that the Examiner materially erred by overlooking *Suzuki's* teachings that impact patentability.

Petitioners' Opposition brief explains in detail that even though *Suzuki* was listed on an IDS, “the Examiner materially erred by overlooking certain teachings in the prior art [*Suzuki*] on the IDS” that impact the patentability of the challenged

claims. Paper 8, 1-6, 11-12; *Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13, 5-6 (PTAB May 19, 2025) (precedential). Specifically, *Suzuki* contradicts the Examiner’s determination that the prior art “does not disclose specifics about the interface having its known data carrying capacity operating in two different modes of transmitting 2D/3D image as claimed.” Paper 8, 1-6; Ex.1002, 16. One of the “two ... modes” is shown in *Suzuki*’s Figure 3, which illustrates an HDMI 1.3 interface in 2D mode, transmitting 48 bits per image data with deep color. See Ex.1006, [0019]-[0020], [0035], FIG. 3.



The second mode is shown in *Suzuki*’s Figure 6, which just like the ’786 patent’s Figure 4 (above), uses the total capacity of 48 bits to transmit 24-bit left eye data and 24-bit right eye data for 3D mode.

Patent Owner's reliance on *BMW of N.A.* is misplaced because in that case the prior art was given a "greater degree of consideration and evaluation...than the scenario where a reference is merely listed on an IDS." *BMW of N.A. v. Stragent, LLC*, IPR2021-00419, Paper 21, 6-7 (P.T.A.B. Mar. 21, 2022). By contrast, *Suzuki* was "merely listed on an IDS." Moreover, Patent Owner gives no consideration to the Director's precedential opinion in *Ecto World*, which explains that "[a] petitioner also may point to the fact that even though the asserted prior art is listed on an IDS, the Examiner did not issue any prior art rejections during examination, so the Examiner materially erred by overlooking certain teachings in the prior art on the IDS." *Ecto World* at 5; see also *Shenzen Chic Elecs. Co., Ltd. v. Pilot, Inc.*, IPR2023-00810, Paper 12, 21 (PTAB July 16, 2025) (internal citation omitted) (the Examiner erred because there was no "substantive evaluation of [the prior art previously presented to the Office in an IDS] in an Office action during prosecution"). Precedent supports the finding of Examiner error.

Patent Owner is also wrong on the merits. Patent Owner argues that "Suzuki, alone or in combination with the Petition's other art, does not teach" "other [limitations] in the claim," including that "*signaling information comprises information with respect to a multiplexing scheme used in a second mode for enabling a second audio-visual device to determine a decoding scheme to be used to decode a stereoscopic image format being used in the second mode,*" as recited

in claim 1. Paper 10, 4 (claim 13 has a similar language). This is incorrect. As the Petition explained, “*Tu* in combination with *Suzuki* discloses that the signaling information (e.g., VSDB data) identifies which mode is being used (e.g., using a predetermined bit position)” and that the VDDB data ““indicates the configuration of the transmission data,’ including ‘the number of bits constituting one pixel in the data’” in 3D mode. Paper 3, 64-66. The Petition also provided ample motivation for combining *Tu* and *Suzuki*. Paper 3, 18-27. Accordingly, the combination of *Tu* and *Suzuki* discloses the “other [limitations] in the claim” that Patent Owner now disputes. This further demonstrates that “it is an appropriate use of Office resources to review the potential error.” *Anthony Inc., v. Controltec, LLC*, IPR2025-00559, Paper 9 at 2 (PTAB Jul. 16, 2025).

II. Patent Owner's delay in asserting the '786 patent weighs against discretionary denial.

Patent Owner mischaracterizes Petitioners' Opposition brief, which explains that after Dell declined a license to the MPEG LA patent pool in 2015, Patent Owner delayed nearly seven years to assert the '786 patent against Dell's products. Paper 8, 6-7. Patent Owner's argument that “MPEGLA made it clear that it disagreed with Dell's position” and that “between July 27, 2020 and February 1, 2022, MPEGLA and Dell exchanged dozens of emails and had multiple calls regarding the DP SEP license” is beside the point. Paper 10, 2. The facts remain

that Dell explicitly declined a license in 2015, and Patent Owner waited over nine years from that decision to file suit. This delay counsels against discretionary denial. *See Apple v. Ferid Allani*, IPR2025-00856, Paper 11, 2 (PTAB Sep. 11, 2025) (referring an IPR of a 13-year-old patent “because Patent Owner did not assert the challenged patent against Petitioner until eleven years after the parties’ discussion about that patent”).

III. Trial in related Dell litigation will be three months after the Final Written Decision.

Since Petitioners filed their Opposition brief, on October 2, Judge Albright issued an Order denying Patent Owner’s motion to modify the scheduling order. Ex.1051. This confirms Petitioners’ position that *Fintiv* Factor 2 weighs against denial because the trial date for Petitioner Dell’s case in WDTX is currently set for March 29, 2027, which would occur *three months after* the final written decision (December 23, 2026). Ex.1042,7. Patent Owner’s argument regarding EDTX litigation is meritless for the reasons discussed in the Opposition. Paper 8, 13-14. Patent Owner also fails to address related litigation in DDE, which will have a trial date *more than a year* after the final written decision. With the court’s recent denial of Patent Owner’s motion, this *Fintiv* factor continues to weigh against denial.

Response to Patent Owner's Reply in Support of Discretionary Denial
IPR2025-01037 (U.S. Patent 9,843,786)

Date: October 7, 2025

Respectfully submitted,

/Gregory P. Huh/

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PETITIONERS' EXHIBIT LIST

Ex.1001	U.S. Patent No. 9,843,786.
Ex.1002	Prosecution History of U.S. Patent No. 9,843,786.
Ex.1003	Declaration of Dr. Dan Schonfeld under 37 C.F.R. § 1.68.
Ex.1004	<i>Curriculum Vitae</i> of Dr. Dan Schonfeld.
Ex.1005	U.S. Patent Pub. No. 2008/0134237 (“Tu”).
Ex.1006	U.S. Patent Pub. No. 2007/0296859 (“Suzuki”).
Ex.1007	U.S. Patent Pub. No. 2004/0027452 (“Yun”).
Ex.1008	U.S. Patent Pub. No. 2009/0153737 (“Glen”).
Ex.1009	U.S. Patent Pub. No. 2008/0187028 (“Lida”).
Ex.1786	U.S. Patent No. 6,914,637 to Wolf (“Wolf”).
Ex.1011	Texas Instruments HDMI Design Guide.
Ex.1012	Understanding HDMI Ver 1.3.
Ex.1013	High-Definition Multimedia Interface, Specification Version 1.3 (June 2006).
Ex.1014	U.S. Patent Pub. No. 2786/0269137.
Ex.1015	U.S. Patent No. 7,394,499.
Ex.1016	U.S. Patent No. 6,932,640.
Ex.1017	U.S. Patent Pub. No. 2006/0209880.
Ex.1018	HDMI Cable Versions, Limitations.
Ex.1019	U.S. Patent No. 4,256,367.
Ex.1020	U.S. Patent Pub. No. 2005/0198682.

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Ex.1021	<i>Reserved</i>
Ex.1022	U.S. Patent Pub. No. 2786/0073574.
Ex.1023	U.S. Patent Pub. No. 2009/0278984.
Ex.1024	U.S. Patent Pub. No. 2009/0172218.
Ex.1025	U.S. Patent Pub. No. 2786/0033627.
Ex.1026	U.S. Patent Pub. No. 2008/0172708.
Ex.1027	U.S. Patent Pub. No. 2006/0215994.
Ex.1028	U.S. Patent No. 5,283,640.
Ex.1029	3D Video Quality Evaluation.
Ex.1030	U.S. Patent Pub. No. 2008/0232680.
Ex.1031	U.S. Patent Pub. No. 2006/0050383.
Ex.1032	U.S. Patent Pub. No. 2008/0151040.
Ex.1033	U.S. Patent Pub. No. 2008/0055401.
Ex.1034	U.S. Patent Pub. No. 2006/7864392.
Ex.1035	U.S. Patent Pub. No. 2007/0257902.
Ex.1036	U.S. Patent Pub. No. 2006/0786385.
Ex.1037	The Digital Versatile Disks - USC Viterbi School of Engineering.
Ex.1038	U.S. Patent Pub. No. 2004/0143847.
Ex.1039	<i>Reserved</i>
Ex.1040	MPEG LA Letter to Dell re DisplayPort License (2015-03-18).
Ex.1041	Dell Letter to MPEG LA re DisplayPort (2015-07-13).
Ex.1042	WDTX Agreed Scheduling Order.

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Ex.1043	Judge Moses Order 1/31/24.
Ex.1044	Total Transfers to Judge Albright (LexMachina).
Ex.1045	Patent Transfers to Judge Albright (LexMachina).
Ex.1046	Federal District Court Cases for Judge Albright.
Ex.1047	EDTX First Amended Docket Control Order.
Ex.1048	March 26, 2025, UPSTO Memorandum, " <i>Interim Procedure for PTAB Workload Management</i> ".
Ex.1049	DDE Lenovo Complaint for Declaratory Judgment of Non-Infringement and Invalidity.
Ex.1050	General Video, LLC's Preliminary Disclosure of Asserted Claims and Infringement Contentions to Dell (Served 2025-03-19).
Ex.1051 (NEW)	Judge Albright Order on 10/2/25 denying General Video's motion to modify the schedule.

CERTIFICATE OF SERVICE

The undersigned certifies, under 37 C.F.R. § 42.6, that service was made on the Patent Owner as detailed below.

Date of service October 7, 2025

Manner of service Electronic Email: pmcandrews@mcandrews-ip.com;
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Documents served **Petitioners' Response to Patent Owner's Reply in Support of Discretionary Denial; Exhibit 1051**

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