

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTEL CORP., DELL INC., and DELL TECHNOLOGIES INC.,

Petitioner,

v.

GENERAL VIDEO, LLC,

Patent Owner.

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Case IPR2025-01038

Patent No. 7,359,437

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**PATENT OWNER'S REPLY IN SUPPORT OF ITS REQUEST FOR  
DISCRETIONARY DENIAL OF INSTITUTION**

**EXHIBIT LIST**

Exhibit #	Description
2001	Declaration of Matthew G. McAndrews
2002	Docket Report for <i>General Video, LLC v. Dell Inc. et al.</i> , Case No. 1-24-cv-01530 (W.D. Tex.)
2003	Docket Report for <i>General Video, LLC v. Lenovo Group Limited</i> , Case No. 5-24-cv-00122 (E.D. Tex.)
2004	Docket Report for <i>General Video, LLC v. HP Inc.</i> , Case No. 5-24-cv-00123 (E.D. Tex.)
2005	Docket Report for <i>General Video, LLC v. ASUSTeK Computer, Inc. et al.</i> , Case No. 5-24-cv-00126 (E.D. Tex.)
2006	Defendants' Preliminary Invalidity Contentions (without exhibits) (May 19, 2025) in <i>General Video, LLC v. Dell Inc. et al.</i> , Case No. 1-24-cv-01530 (W.D. Tex.)
2007	Unused
2008	Defendant HP Inc.'s Invalidity Contentions (without exhibits) (June 26, 2025) in <i>General Video, LLC v. HP Inc.</i> , Case No. 5-24-cv-00123 (E.D. Tex.)
2009	Defendant's Preliminary Invalidity Contentions (without exhibits) (June 23, 2025) in <i>General Video, LLC v. ASUSTeK Computer, Inc. et al.</i> , Case No. 5-24-cv-00126 (E.D. Tex.)
2010	Statistics for Judge Albright on Contested Motions to Stay Pending IPR (taken from Docket Navigator on 8/1/25)
2011	Statistics for Judge Schroeder on Contested Motions to Stay Pending IPR (taken from Docket Navigator on 8/1/25)
2012	Docket Control Order (4/22/25) in consolidated cases of <i>General Video, LLC v. Lenovo Group Limited</i> , Case No. 5-24-cv-00122 (E.D. Tex.), <i>General Video, LLC v. HP Inc.</i> , Case No. 5-24-cv-00123 (E.D. Tex.), and <i>General Video, LLC v. ASUSTeK Computer, Inc. et al.</i> , Case No. 5-24-cv-00126 (E.D. Tex.)
2013	Scheduling Order (3/24/25) in <i>General Video, LLC v. Dell Inc. et al.</i> , Case No. 1-24-cv-01530 (W.D. Tex.)
2014	<a href="https://www.via-la.com/licensing-2/displayport/displayport-licensees/">https://www.via-la.com/licensing-2/displayport/displayport-licensees/</a>
2015	<a href="https://www.via-la.com/wp-content/uploads/Final-June-1-2025-DisplayPort-Attachment-1.pdf">https://www.via-la.com/wp-content/uploads/Final-June-1-2025-DisplayPort-Attachment-1.pdf</a>
2016	<a href="https://web.archive.org/web/20210616083136/https://">https://web.archive.org/web/20210616083136/https://</a>

Exhibit #	Description
	<a href="http://www.mpegla.com/programs/displayport/licensees/">www.mpegla.com/programs/displayport/licensees/</a>
2017	MPEGLA June 1, 2021 DisplayPort Attachment 1
2018	March 18, 2015 Ltr. from Dean Skandalis of MPEGLA to Chad Anson of Dell Inc.
2019	March 12, 2015 Ltr. from Dean Skandalis of MPEGLA to Ron Friedman of Intel Corp.
2020	Plaintiff General Video, LLC's Opposed Motion for Entry of Scheduling Order That "Generally Tracks" the Court's Exemplary Schedule (6/18/25) and Replacement Exhibit A (6/19/25) filed in <i>General Video, LLC v. Dell Inc. et al.</i> , Case No. 1-24-cv-01530 (W.D. Tex.)
2021	Joint Notice Regarding Settlement & Request to Vacate Case Management Conference (8/23/17) in <i>Lattice Semiconductor Corporation v. Technicolor SA et al.</i> , No. 4-16-cv-00668 (N.D. Cal.)
2022	Defendants' Motion to Dismiss in Part Plaintiff's Complaint for Failure to State a Claim (December 12, 2024) in <i>General Video, LLC v. Dell Inc. et al.</i> , Case No. 1-24-cv-01530 (W.D. Tex.)
2023	Email Chain Between MPEGLA and Dell from April 3, 2015 to May 7, 2015
2024	Email Chain Between MPEGLA and Dell from July 13, 2015 to September 2, 2015
2025	July 2020 Emails from MPEGLA to Dell
2026	Email Chain Between MPEGLA and Dell from July 27, 2020 to October 30, 2020
2027	Email Chain Between MPEGLA and Dell from November 2, 2020 to December 9, 2020
2028	Email Chain Between MPEGLA and Dell from November 23, 2021 to February 1, 2022

Petitioners' Opposition to Patent Owner's Request for Discretionary Denial ignores critical facts that undermine Petitioners' "settled expectations" argument and fails to show that the Examiner materially erred in issuing the 437 Patent.

*First*, regarding "settled expectations," as explained in Patent Owner's Request (Paper 8), in March 2015, MPEGLA – a patent pool administrator that licensed the 437 Patent as part of the DisplayPort ("DP") standard-essential patent ("SEP") portfolio – informed Dell that (i) it needed to license the DP SEP portfolio, (ii) use of DP technology infringed each DP SEP patent in the portfolio, and (iii) the list of DP SEP patents would be amended by the periodic posting of an updated list on a specific webpage for which the Internet address was provided. Ex. 2018 at 1-3, 7. MPEGLA subsequently followed up with Dell on the license. *See* Ex. 2023. On June 1, 2021, the 437 Patent was posted on the webpage. Ex. 2017. Dell, however, asserts that it informed MPEGLA on July 13, 2015 that it did not need the license, "Patent Owner cites no subsequent communication informing Dell that MPEGLA had added the '437 patent to the list in 2021," and "[t]he 16 years of silence since issuance and failure to bring suit . . . created settled expectations for Petitioners that they would not be sued." Paper 9 at 8-9; Ex. 1019.

But this paints a false narrative. Dell's July 13, 2015 response was not the end of the story – far from it. MPEGLA immediately responded to Dell on July 17, 2015 explaining in detail why Dell did in fact need a license, that all the DP SEP patents

were essential, and that, *if Dell believed any of the patents should be invalidated, it should “pursue appropriate action in the . . . patent office[].”* Ex. 2024. So MPEGLA made it clear that it disagreed with Dell’s position and challenged Dell to back up its assertion of invalidity at the patent office. Dell’s failure to rise to that challenge settled expectations in favor of validity.

And, contrary to Petitioners’ assertion that there were “years of silence,” there were many more subsequent communications between MPEGLA and Dell regarding the DP SEP license. At least between July 27, 2020 and February 1, 2022,<sup>1</sup> MPEGLA and Dell exchanged dozens of emails and had multiple calls regarding the DP SEP license (which by June 1, 2021 included the 437 Patent).<sup>2</sup> See Ex. 2025-2028. On January 14, 2022, in response to Dell’s statement that it did not move forward with the license in 2015 because its component supplier was allegedly licensed, MPEGLA stated that its licenses do not cover upstream suppliers, so “Dell will need to conclude our DisplayPort License in order to be covered under all of the

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<sup>1</sup> Discovery is ongoing in the parallel Dell litigation, and Patent Owner expects to uncover more MPEGLA/Dell communications related to the DP SEP license.

<sup>2</sup> Given that the 437 Patent was added to the DP SEP portfolio in 2021 and that independent experts determined it is a DP SEP, Petitioners did not have settled expectations that their DP products don’t infringe. Ex. 2018 at 1; Paper 9 at 1, 9-10.

essential patents included in the agreement.” *See* Ex. 2028.

Thus, Dell cannot credibly claim that it had settled expectations that it would not be sued or that there were “years of silence.” And given that MPEGLA was trying to negotiate a license including the 437 Patent through at least 2022, Patent Owner did unreasonably delay bringing suit.

Also regarding “settled expectations,” Petitioners erroneously argue that the Applicant withheld Kim and that the Examiner erred in failing to find Kim. Paper 9 at 1-7. Kim is a continuation-in-part of Shin, which was submitted in an IDS, and, *as Petitioners point out*, Kim would have been easy to locate based on knowledge of Shin, so the Applicant hardly “kept silent” about Kim. Paper 8 at 31-32; Paper 9 at 5-6. Further, as Patent Owner showed in its Request (but Petitioners did not address), Kim is *cumulative* of Shin and Myers (which were before the Examiner). *See* Paper 8 at 31-35; Paper 9 at 11. Thus, Applicant did not withhold a material reference, and the Examiner did not err in not citing a cumulative reference.

*Second*, Petitioners are wrong in asserting that the Examiner erred by allegedly overlooking Kim because the “allowable subject matter . . . required placing the ‘set of inventive code words’ (auxiliary data) between bursts of video data,” and “Kim teaches the very concepts the Examiner deemed allowable.” Paper 9 at 3-5, 12-13. First, Petitioners overgeneralize and mischaracterize the reasons for allowance, which go on for three pages and do not refer to a “set of inventive code

words (auxiliary data).” *See* Ex. 1002 at 208-210. Second, in applying the second part of the *Advanced Bionics* framework, it is improper to limit the patentable distinctions of a claim to those noted in the reasons for allowance as Petitioners do. *See BMW of N.A. v. Stragent, LLC*, IPR2021-00419, Paper 21 at 10 (P.T.A.B. Mar. 21, 2022); *Para-Ordnance Mfg. v. SGS Importers Int’l*, 73 F.3d 1085, 1087 (Fed. Cir. 1995) (“the claimed invention should be considered as a whole; there is no legally recognizable ‘heart’ of the invention”).

Even so, Kim does not teach features identified in the reasons for allowance. The one claim limitation (from challenged claim 1, which is not relevant to this IPR) Petitioners quote in support of their characterization of the reasons – “the transmitter is configured to transmit to the receiver over the serial link a first burst of the video code words followed by a burst of the selected code words followed by a second burst of the video code words” (Paper 9 at 3) – is not taught by Kim alone or in combination with Shin and Myers. As Patent Owner has shown, while Kim teaches encoding audio input data, it does not teach encoding that input data into selected code words that are members of a robust subset of a full code word set, and it would not have been obvious to so modify Kim. *See* IPR2025-01039, Paper 10 at 14-17.

Also, “transmitting over the link a first burst of the encoded control words between a[] first burst of the video code words and the burst of the selected code words, and a second burst of the encoded control words between the burst of the

selected code words and a[] second burst of the video code words” (recited in challenged claim 41) is listed in the reasons for allowance, Ex. 1002 at 210, but, as Patent Owner has shown, that limitation is not taught or rendered obvious by Kim for similar reasons. *See* Paper 10 at 14-17. And the challenged claims of the 437 Patent include other limitations that are not taught or rendered obvious by Kim, alone or in combination with Shin and Myers. *See* Paper 10 at 6-14, 18-19; IPR2025-01039, Paper 10 at 6-14, 18-25.

Thus, Petitioners have failed to demonstrate that “previously presented art teaches the limitations of the challenged claims, and that no reasonable examiner could have found otherwise.” *Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13 at 6 (P.T.A.B. May 19, 2025). Indeed, at a bare minimum, “reasonable minds can disagree” regarding the Examiner’s purported treatment of the prior art, so “it cannot be said that the Office erred in a manner material to patentability.” *Advanced Bionics, LLC v. Med-El Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 at 9 (P.T.A.B. Feb. 13, 2020).

***Lastly***, the district court’s recent denial of Patent Owner’s request to modify the scheduling order in the parallel Dell litigation is not significant under *Fintiv* because the other parallel cases in the Eastern District of Texas will get to trial almost three months before any final decision here, and the Dell litigation will be essentially trial ready by then. *See* Paper 8 at 13-17; Ex. 1025 at 1; Ex. 1020 at 7.

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that the Patent Owner's Reply in Support of its Request for Discretionary Denial in connection with *Inter Partes Review* Case IPR2025-01038 and Exhibits 2023-2028 were served on October 3, 2025 by electronic mail to:

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