

Petitioner's Trial Presentation
Inter Partes Review

IPR2013-00127

U.S. Patent No. 6,587,067

“Universal Remote Control With
Macro Command Capabilities”

Oral Hearing: April 8, 2014, 1 p.m.

URC Exhibit 1017

URC v. UEI

Case IPR2013-00127

Argument Overview

- Two main points:
 - Patent Owner has not proved a date of invention earlier than the prior art references
 - The prior art shows both of two “key” features of the claims (characterized as key by Patent Owner)
 - direct entry method of matching remote to appliances of different manufacturers, and
 - assigning a command macro to a macro pushbutton

Earliest Priority and Prior Art Dates

- Earliest Possible Priority date
 - '067 Patent priority date: Oct. 14, 1987
- Prior Art Dates
 - CORE: September 1, 1987*
 - (*Board Decision Institution of IPR, paper 13 at p.13)
 - Evans: June 25, 1987
 - Wozniak: June 23, 1987
 - Magnavox: April 9, 1987
 - Rumbolt: November 20, 1985**
 - (**Patent Owner is not attempting to antedate Rumbolt)

Reduction to Practice Proof is Inadequate

- Patent Owner's reduction to practice proof fails for several reasons:
 - All evidence comes from co-inventors – no independent corroboration (Paper 21, pg. 1)
 - No specific dates or indication of features/differences between three prototypes referenced by co-inventor Ellis (*Id.*, pg. 3)
 - No evidence of testing (*Id.*, pg. 4)
 - Patented invention was admitted to be primarily software-based, yet the vast majority of Patent Owner's evidence is directed to hardware (e.g., schematics, photos of units, PCB artwork, etc.) (Ex. 1015, pg. 57)

No Independent Corroborating Evidence

- All evidence relied upon to prove reduction to practice was attached to co-inventor Ellis' declaration
 - Much of the documentary evidence was actually produced by Darbee – another co-inventor (Petitioner's Reply to Patent Owner's Response (Paper 21), pg. 2)
 - In order to establish an actual reduction to practice, an inventor's testimony must be corroborated by independent evidence. *Cooper v. Goldfarb*, 154 F.3d 1321, 1330 (Fed. Cir. 1998); *Mahurkar v. C.R. Bard Inc*, 79 F.3d 1572 (Fed. Cir. 1996)
 - No independent evidence to corroborate statements in Ellis' declaration

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