

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIVERSAL REMOTE CONTROL, INC.  
Petitioner,

v.

UNIVERSAL ELECTRONICS, INC.  
Patent Owner.

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Case IPR2013-00127  
Patent 6,587,067

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Before: SALLY C. MEDLEY, HOWARD B. BLANKENSHIP, and  
WILLIAM V. SAINDON, *Administrative Patent Judges*.

RECORD OF ORAL HEARING

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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Case No. IPR2013-00127

Patent No. 6,587,067

and

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and

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The above-entitled matter came on for hearing on Tuesday, April 8, 2014, commencing at 12:59 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.



1 begin with the presentation of its case with regard to challenged  
2 claims on which basis the Board instituted trial.

3           Thereafter, Patent Owner, you will respond to Petitioner's  
4 presentation and then, Petitioner, you may reserve rebuttal time to  
5 respond to Patent Owner's presentation.

6           Petitioner, you may begin and how much time would you  
7 like to reserve, if any?

8           MR. BIANCHI: Your Honor, would you like paper copies  
9 of the presentation for today?

10           JUDGE MEDLEY: Yes, please, if you -- you may  
11 approach the bench. Thank you.

12           MR. BIANCHI: Your Honor, we would like to reserve 15  
13 minutes for rebuttal. I'd also like to leave open the option that Mr.  
14 Reynolds be allowed to argue on rebuttal, if necessary.

15           JUDGE MEDLEY: That's fine.

16           MR. BIANCHI: Okay.

17           JUDGE MEDLEY: You may proceed.

18           MR. BIANCHI: Thank you, Your Honor. I appreciate that.  
19 In our case today we would like to drive home two major points about  
20 the IPR. The first point that we'd like to make is that all through -- all  
21 of the testimony that's been developed and all of the documents of  
22 record, to this date Patent Owner still has not proved a date of  
23 invention earlier than the prior art references, and we'll talk a little bit  
24 more about those prior art references in the upcoming slides.

1 I'm referring now to slide/page number 2 of your materials.  
2 So, in brief, what we're arguing is that the Patent Owner has not  
3 produced evidence of the invention working for its intended purposes.  
4 There are some very phasal statements to that effect in the record,  
5 but there is no evidence of testing.

6 The second point we would like to make is that the prior art  
7 does show all of the key features as characterized by Patent Owner,  
8 for example, the direct entry method of matching remote -- the remote  
9 to appliances of different manufacturers and also the assigning a  
10 command macro to a macro pushbutton.

11 I refer now to page 3 of the materials. What we put on this  
12 page are some of the dates of interest, including the priority date for  
13 the '067 patent, which was filed on October 14, 1987. There are also  
14 relevant dates to the prior art that we have used in our petition and as  
15 is instituted in this proceeding for trial.

16 And of those different references, I would just like to note  
17 that at no time has the Patent Owner attempted to antedate the  
18 Rumbolt reference, which is the last one listed there back to  
19 November 20, 1985. I want to make that perfectly clear. We also  
20 want to remind the Board that in its Institution Order that it attributed  
21 to the CORE user manual, which is the first prior art reference listed  
22 there, September 1, 1987 based on some additional publications in the  
23 record.

24 At no time did Patent Owner also show -- attempt to show  
25 conception and then diligence, so this is strictly a case of where Patent

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