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Paper 14
Entered: March 12, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIVERSAL REMOTE CONTROL, INC.,
Petitioner,

v.

UNIVERSAL ELECTRONICS, INC.,
Patent Owner.

Case IPR2014-01084
Patent 7,126,468 B2

Before HOWARD B. BLANKENSHIP, SALLY C. MEDLEY, and LYNNE E. PETTIGREW, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

DECISION
Denying Petitioner's Request for Rehearing
37 C.F.R. § 42.71

Petitioner, Universal Remote Control, Inc., filed a Request for Rehearing of our Decision (Paper 9, "Dec.") instituting *inter partes* review of claims 27, 28, 33, 35, 45, and 49 of U.S. Patent No. 7,126,468 B2 (Ex. 1001, "the '468 patent"). Paper 11 ("Req."). In its Request, Petitioner

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seeks reconsideration of the decision with respect to claims 1, 2, 11, 29, and 46, for which *inter partes* review was denied. Req. 1.

A request for rehearing "must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed." 37 C.F.R. § 42.71(d). The party challenging a decision bears the burden of showing the decision should be modified. *Id.* For the reasons provided below, Petitioner's request for rehearing is *denied*.

Claims 1, 2, and 11

In our Decision, we concluded that the information presented did not show a reasonable likelihood that Petitioner would prevail in establishing that independent claim 1, and claims 2 and 11 depending therefrom, are anticipated by Cohen.[1] Dec. 9–10. Specifically, we determined Petitioner did not show sufficiently that Cohen discloses the following step of claim 1: "determining at the recipient device if the transmission from the remote control is intended to command an operation of one of the plurality of intended target appliances." *Id.*

Petitioner argues in its Request that our Decision "overlook[ed] the substance of the disclosure of Cohen" cited by Petitioner and relied on in the Petition to show that the "determining" step of claim 1 is disclosed in Cohen. Req. 2. The disclosure of Cohen relied upon by Petitioner is the following sentence: "The IR signal [received from the remote control] is changed to electrical impulses that IR decoder 52 [of monitor 34] translates to generate a signal indicating the component of the home entertainment

[1] U.S. Patent No. 5,235,414, issued Aug. 10, 1993 (Ex. 1005, "Cohen").

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center being operated on and in what manner." Ex. 1005, 4:51–55; *see* Paper 1, 22 ("Pet."). Petitioner now contends that, according to this sentence, decoder 52 in Cohen identifies the component of the home entertainment system, i.e., the target appliance, operated by the signal, and "if there is no identification, then the device that the signal is intended for is **not** a target." Req. 2–3.

We are not persuaded that we overlooked a matter previously addressed by Petitioner. First, Petitioner did not present this argument in the Petition, which merely quotes the relied-upon sentence from Cohen and states that decoder 52 receives transmissions from remote controls, decodes them, and communicates with microprocessor 53. *See* Pet. 22. Moreover, we are not persuaded Petitioner has shown sufficiently that Cohen discloses a system that operates as Petitioner suggests. In explaining how its system functions, Cohen describes step 74, in which microprocessor 53 checks if the received signal is valid, and thus should be logged, by "determin[ing] if the received IR signal is intended for a device that is not being monitored by the present invention," such as a children's toy. Ex. 1005, 5:62–67. In contrast, the sentence relied on by Petitioner for disclosing the "determining" step does not indicate decoder 52 performs a similar function of determining if the signal is intended for a target device or some other device.

We further note that although step 74 might appear to correspond to the recited "determining" step, Petitioner relies on step 74 as disclosing the limitation following the "determining" step in claim 1: "when the transmission from the remote control is determined to be intended to command an operation of one of the plurality of intended target appliances, *comparing* the transmission from the remote control against a plurality of

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commands maintained within the recipient device." Pet. 22–23 (emphasis added). Because Petitioner contends step 74 satisfies the "comparing" step of claim 1, Petitioner cannot also rely on step 74 for disclosing the "determining" step of claim 1. *Cf. Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1371 (Fed. Cir. 2008) (holding that a reference cannot anticipate unless it discloses all of the claim limitations arranged or combined in the same way as recited in the claim).

For these reasons, Petitioner has not shown that we misapprehended or overlooked any argument in the Petition regarding the "determining" step of claim 1 or the substance of the disclosure in Cohen relied upon in the Petition. Thus, Petitioner has not demonstrated we should modify our Decision with respect to independent claim 1 and dependent claims 2 and 11.

Claims 29 and 46

In our Decision, we also concluded that the information presented did not show a reasonable likelihood that Petitioner would prevail in establishing that Cohen anticipates dependent claims 29 and 46, which recite "wherein the data is maintained within a state table." Dec. 13. Petitioner proposed that a "state table," under its broadest reasonable construction, "simply associates one or more functions each with a corresponding state." Pet. 11. Although we did not provide in our Decision an explicit construction of the term "state table," we agreed with Patent Owner that to the extent Petitioner argued a "state table" could be something other than a table, Petitioner ignored the plain language of the term, which requires a "table." Dec. 6 (citing Prelim. Resp. 5). We further determined that Petitioner had not shown sufficiently that Cohen discloses storing channel

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selection information, alleged by Petitioner to be state data, in a "table." *Id.* at 13.

Petitioner now argues, without support, that a "table" is "merely a graphical illustration of associations between bits of data." Req. 5. According to Petitioner, the state table in Figure 4 of the '468 patent is a graphical illustration of data with associations to other data stored in memory. *Id.* Based on this, Petitioner appears to conclude that any data stored in memory is stored in a table, and, therefore, Cohen's channel selection information, stored in memory, is data "maintained within a state table," as recited in claims 29 and 46. *Id.* at 5–6.

We are not persuaded by Petitioner's argument that any data stored in memory is stored in a table. In the context of computer programming, one ordinary and customary meaning of "table" is "a data structure usually consisting of a list of entries, each entry being identified by a unique key and containing a set of related values, . . . often implemented as an array of records [or] a linked list."[2] The disclosure in Cohen upon which Petitioner relies indicates that channel selection information is stored in memory, but does not specify that the information is stored in a "table," as that term is understood by a person of ordinary skill in the art. *See* Pet. 25 (citing Ex. 1005, 4:4–5, 5:22–25). Thus, we are not persuaded that we misapprehended or overlooked Petitioner's argument when we determined that Petitioner did not show sufficiently in its Petition that Cohen's channel selection information is stored in a state table. *See* Dec. 13. Accordingly, Petitioner has not demonstrated we should modify our Decision with respect to claims 29 and 46.

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[2] MICROSOFT COMPUTER DICTIONARY 510 (5th ed. 2002).

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