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.,[1]
Patent Owner.

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Case IPR2014-01084
Patent 7,126,468 B2

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

PETTIGREW, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

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[1] Patent Owner represents that the owner of the patent and real party-in-interest is Universal Electronics, Inc. Paper 4. Office assignment records indicate, however, that U.S. Bank National Association is the owner of the patent. Patent Owner should update Office assignment records to be consistent with its representations made in Paper 4 of this proceeding.

I. INTRODUCTION

We have jurisdiction to hear this *inter partes* review under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. For the reasons discussed herein, Petitioner has shown by a preponderance of the evidence that claims 27, 28, 33, 35, 45, and 49 of U.S. Patent No. 7,126,468 B2 are unpatentable.

A. *Procedural History*

Petitioner, Universal Remote Control, Inc., filed a Petition for *inter partes* review of claims 1, 2, 11, 27–29, 33, 35, 45, 46, and 49 of U.S. Patent No. 7,126,468 B2 (Ex. 1001, "the '468 patent"). Paper 1 ("Pet."). Patent Owner, Universal Electronics, Inc., filed a Preliminary Response. Paper 8. On January 9, 2015, we instituted an *inter partes* review of claims 27, 28, 33, 35, 45, and 49 of the '468 patent on one asserted ground of unpatentability, pursuant to 35 U.S.C. § 314. Paper 9 ("Dec.").

Subsequent to institution, Patent Owner filed a Patent Owner Response (Paper 16, "PO Resp."), and Petitioner filed a Reply (Paper 18, "Pet. Reply"). An oral hearing was held on September 2, 2015, and a transcript of the hearing is included in the record (Paper 25, "Tr.").

B. *Related Matters*

According to the parties, the '468 patent is involved in the following lawsuit: *Universal Electronics, Inc. v. Universal Remote Control, Inc.*, No. SACV 13-00984-AG-JPR (C.D. Cal.). Pet. 1; Paper 4, 2.

C. *The '468 Patent*

The '468 patent relates to a system and method for monitoring remote control transmissions. Ex. 1001, 1:15–17. The system includes a command receiver that monitors remote control transmissions for the purpose of

updating state tables for one or more remotely controllable appliances.
Id. at 2:5–7, 4:25–28. The command receiver may be a device separate from the appliances, or it may be integrated into one or more appliances.
Id. at 4:28–31. The state tables may be maintained in the command receiver or at a location physically separate from the command receiver, such as a personal computer. *Id.* at 5:20–26. The state tables store parameters representative of one or more states of the appliances. *Id.* at 4:64–66. Figure 4 of the '468 patent illustrates examples of state tables for controllable appliances:

TV device (function)	State
power	1 ("on")
volume	6 ("volume up activated 6Xs")
mute	0 ("off")
.	
.	
.	

VCR device (function)	State
power	0 ("off")
play	1 ("on")
FF	0 ("not active")
.	
.	
.	

FIGURE 4

As shown in Figure 4, a "state table attempts to reflect the state of an appliance by storing parameters that are indicative of the transmission of commands to an appliance." *Id.* at 4:67–5:3. State tables may be queried to determine the present state of an appliance. *Id.* at 2:7–9.

D. *Illustrative Claim*

Claims 27 and 35 are independent. Claims 28 and 33 depend from claim 27, and claims 45 and 49 depend from claim 35. Claim 27 is illustrative of the claimed subject matter:

> 27.   A method of updating a data representative of a current state of an intended target appliance, comprising:
>
>   receiving a transmission from a remote control; and
>
>   comparing the transmission from the remote control to a plurality of commands to determine if the transmission from the remote control is one for commanding an operation of the intended target appliance and to update the data to represent the current state of the intended target appliance which will result from the intended target appliance performing the operation commanded.

Id. at 14:55–64.

E. Ground of Unpatentability

We instituted an *inter partes* review of claims 27, 28, 33, 35, 45, and 49 on the sole ground of anticipation by Cohen[2] under 35 U.S.C. § 102(b). Dec. 10–13, 17–18.

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, we construe claim terms in an unexpired patent according to their broadest reasonable construction in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b). Consistent with the broadest reasonable construction, claim terms are presumed to have their ordinary and customary meaning as understood by a person of ordinary skill in the art in the context of the entire patent disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). An inventor may provide a meaning for a term that is different from its ordinary meaning by defining the term in the specification with

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

reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994).

We construe the claim terms below in accordance with these principles. No other terms require express construction for purposes of this Final Written Decision.

1. *"update"*

The term "update" appears in independent claims 27 and 35 in connection with updating data to represent the current state of a target appliance that will result when the target appliance performs an operation specified by a command. *See* Ex. 1001, 14:61–64, 15:23–26. In our Decision on Institution, we determined that the broadest reasonable construction of "update" is "bring up to date," based on the term's ordinary and customary meaning. Dec. 7 (citing THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE 1889 (4th ed. 2006)). In so doing, we rejected Patent Owner's argument that the term should be construed to mean "rewrite." *Id.*

Patent Owner does not challenge our construction of "update" in its Patent Owner Response, nor does Petitioner challenge the construction in its Reply. For this Final Written Decision, after considering the complete record, we maintain our construction of "update" as "bring up to date."

2. *"state"*

Claim 27 is directed to a method of updating "data representative of a state of a target appliance" and recites "updat[ing] the data to represent the current state of the intended target appliance which will result from the intended target appliance performing the operation commanded" by a "transmission from the remote control." Ex. 1001, 14:55–56, 14:59–64.

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