

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 IPR2014-01104
Patent 5,414,761

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

MEDLEY, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Universal Remote Control, Inc., filed a Petition requesting an *inter partes* review of claims 1, 9, 10, and 14–17 of U.S. Patent No. 5,414,761 (Ex. 1001, “the ’761 patent”) under 35 U.S.C. §§ 311–319. Paper

1 (“Petition” or “Pet.”). Patent Owner, Universal Electronics, Inc., filed a Preliminary Response. Paper 8 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314. Section 314 provides that an *inter partes* review may not be instituted “unless . . . the information presented in the petition . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons that follow, we institute an *inter partes* review of claims 1, 9, 10, and 14–17 of the ’761 patent.

A. Related Proceedings

According to Petitioner, the ’761 patent is involved in the following lawsuit: *Universal Electronics, Inc. v. Universal Remote Control, Inc.*, No. SACV 13-00984 AG (JPRx) (C.D. Cal.). Pet. 1.

B. The ’761 Patent

The ’761 patent relates to a remote control that includes input circuitry with a set of keys or pushbuttons for inputting commands to the remote control, infrared signal output circuitry for supplying an infrared signal to a controlled device, and a central processing unit (CPU) coupled to the input circuitry. Ex. 1001, Abstract. Memory is coupled to the CPU, which stores code data for generating infrared light to control an apparatus. *Id.* Memory may be updated from outside the remote control through data coupling circuitry and structure coupled to the CPU. *Id.*

Figure 20 of the '761 patent is reproduced below.

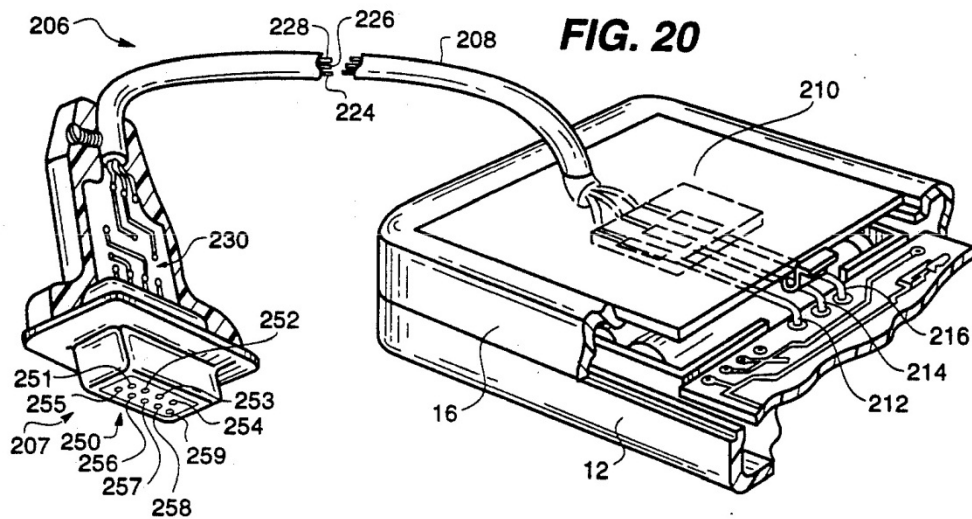


Figure 20 is a fragmentary perspective view of a connector having conversion circuitry and a battery case cover by which data can be input into the RAM of the operating circuitry of a remote control device. Ex. 1001, 4:28–33. Signal coupling and converting assembly 206 includes connector assembly 207, cable 208, and cover plate 210 for battery compartment 45 (Fig. 7). Cover plate 210 has three pins 212, 214, and 216 on its underside, which are positioned to connect with three serial ports 1, 2, and 3 (Fig. 7) of the control device. *Id.* at 19:43–49. Pins 212, 214, and 216 are connected by three wire conductors 224, 226, and 228 in cable 208 to connector assembly 207, which contains conversion circuitry 230. Conversion circuitry 230 (Figs. 21, 22) enables using some of the nine sockets 250 of connector assembly 207 for communication with serial ports 1, 2, and 3 via pins 212, 214, and 216. *Id.* at 19:49–59.

C. Illustrative Claim

Each of claims 1, 14, 15, 16, and 17 is independent. Claim 1, reproduced below, is illustrative.

1. A remote control system with data coupling including: a remote control comprising input means including a set of keys or pushbuttons for inputting commands into the remote control, infrared signal output means including IR lamp driver means for supplying an infrared signal to a controlled device, a central processing unit (CPU) coupled to the input means and to the signal output means, memory means coupled to the CPU and data coupling means including receiving means coupled to the CPU for enabling at least one of (a) instruction codes or (b) code data for creating appropriate IR lamp driver instructions for causing the infrared signal output means to emit infrared signals which will cause specific functions to occur in a specific controlled device, for operating a variety of devices to be controlled, to be supplied from outside the remote control through the receiving means directly to the CPU for direct entry to the memory to enable the remote control to control various devices to be controlled upon the inputting of commands to the keys of the input means and a data transmission system including coupling means for coupling the receiving means to a computer, directly, through a telephone line, through a modem and a telephone line, or through decoding means and a television set which receives a television signal containing at least one of the instruction codes or the code data.

Id. at 22:51–23:9.

D. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability under 35 U.S.C. § 103(a) against claims 1, 9, 10, and 14–17:

References	Challenged Claims
Wozniak, ¹ CS-232 Manual, ² and Hastreiter ³	1, 9, 10, and 14–17
Ciarcia ⁴ and Hastreiter	1, 9, 10, and 14–17

II. ANALYSIS

A. Claim Interpretation

The '761 patent has expired and, thus, cannot be amended. For claims of an expired patent, the Board's claim interpretation is similar to that of a district court. *See In re Rambus, Inc.*, 694 F.3d 42, 46 (Fed. Cir. 2012). "In determining the meaning of the disputed claim limitation, we look principally to the intrinsic evidence of record, examining the claim language itself, the written description, and the prosecution history, if in evidence." *DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.*, 469 F.3d 1005, 1014 (Fed. Cir. 2006) (citing *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–17 (Fed. Cir. 2005) (en banc)). However, there is a "heavy presumption" that a claim term carries its ordinary and customary meaning. *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002).

¹ U.S. Patent No. 4,918,439, issued Apr. 17, 1990 (Ex. 1007).

² R. Karr, D. Sokol, & T.J. Schmidt, *CORE Serial Interface (CS-232) Manual* (rev. 3.0, 1988). (Ex. 1010).

³ U.S. Patent No. 4,667,181, issued May 19, 1987 (Ex. 1008).

⁴ Steve Ciarcia, *Build a Trainable Infrared Master Controller*, BYTE, Mar. 1987, at 113. (Ex. 1009).

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