

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

Applicant:	Darbee	Universal Remote Control, Inc.
Case No.:	IPR2014-01104	v.
Filing Date:	October 8, 1993	Universal Electronics, Inc.
Patent No.:	5,414,761	Trial Paralegal: Cathy Underwood
Title:	REMOTE CONTROL SYSTEM	Attorney Doc.: 059489.144300

**NOTICE OF OBJECTIONS TO EVIDENCE**

**Mail Stop PATENT BOARD**

Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Universal Electronics, Inc. (“UEI”) hereby provides notice of its objections to Petitioner’s evidence, as follows:

**OBJECTION #1: – Petitioner’s Reply and All Accompanying Exhibits, Including Mr. Gafford’s Declaration, Were Not Timely Filed**

UEI objects to Petitioner’s Reply (Paper Nos. 20 and 21) and all exhibits accompanying Petitioner’s Reply (Exs. 1043 and 1050-1063), including the declaration of Mr. Gafford, all of which were not timely filed in accordance with

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Docket Alarm (Eric J. Meiners)

the Patent Trial and Appeal Board's (the "Board's") Scheduling Order of January 6, 2015 (Paper No. 10).

**OBJECTION #2: – Petitioner's Failure to Apprise the Board of Evidence Directly Contradicting Its Argument that Mr. Cook Relied on the Filing Date of the Application in Construing the Claims**

UEI objects under Federal Rule of Evidence 106 to Petitioner's characterization of Mr. Cook's Declaration as being "fundamentally flawed, unreliable, and unhelpful" because Mr. Cook construed the claims as of the filing date of the application. (URC Reply at 1-2.) Mr. Cook testified that his opinion would not have changed regardless of whether the priority date was based on the application in question or an earlier parent application. (Ex. 1054 at 741-51.)

**OBJECTION #3: – Exhibit 1043 Directed to the Product Specification for the Intel 8254 Programmable Interval Timer**

In addition to Objection #1 above, UEI objects to Exhibit 1043, and any reliance thereupon in Petitioner's Reply, as irrelevant under FRE 401 and improper new evidence and arguments in a reply. § 42.23(b); *Office Trial Practice Guide*, 77 Fed Reg. 48756, 48767 (August 14, 2012) ("A reply may only respond to arguments raised in the corresponding opposition. § 42.23. While replies can help crystalize issues for decision, a reply that raises a new issue or belatedly presents evidence will not be considered and may be returned."). Petitioner should have cited Exhibit 1043 with its Petition. Further, Exhibit 1043 is irrelevant, because Petitioner has not asserted any invalidity grounds based on Exhibit 1043.

**OBJECTION #4: – The Gafford Declaration**

In addition to Objection #1 above, UEI objects to Mr. Gafford's Declaration, and any reliance thereupon in Petitioner's Reply, as improper new evidence and arguments in a reply. § 42.23(b); *Office Trial Practice Guide*, 77 Fed Reg. 48756, 48767 (August 14, 2012) ("A reply may only respond to arguments raised in the corresponding opposition. § 42.23. While replies can help crystalize issues for decision, a reply that raises a new issue or belatedly presents evidence will not be considered and may be returned.").

**OBJECTION #5: – Exhibit 1057 Regarding Excerpts from the September 12, 2013 Deposition of Jak Hee You**

In addition to Objection #1 above, UEI objects to Exhibit 1057, and any reliance thereupon in Petitioner's Reply, as being incomplete under Federal Rule of Evidence 106. UEI also objects to Exhibit 1057 based on Federal Rule of Evidence 1003, as Exhibit 1057 is illegible and appears to be corrupted.

IPR2014-01104

U.S. Patent No. 5,414,761

Respectfully Submitted,  
GREENBERG TRAURIG, LLP

Date: July 1, 2015

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the below date, I caused the foregoing to be served upon the following counsel of record via electronic mail (with counsel's agreement):

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Date: July 1, 2015

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