

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIVERSAL REMOTE CONTROL, INC.,
Petitioner,

v.

UNIVERSAL ELECTRONICS, INC.,
Patent Owner.

Cases IPR2014-01102 (Patent 5,228,077)
IPR2014-01103 (Patent 5,552,917)
IPR2014-01104 (Patent 5,414,761)
IPR2014-01106 (Patent 5,255,313)¹

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

MEDLEY, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

¹ This order addresses issues that are the same in the identified cases. We exercise our discretion to issue one order to be filed in each case. The parties are not authorized to use this style heading.

IPR2014-01102 (Patent 5,228,077)
IPR2014-01103 (Patent 5,552,917)
IPR2014-01104 (Patent 5,414,761)
IPR2014-01106 (Patent 5,255,313)

On July 2, 2015, a conference call was held involving counsel for the parties and Judges Blankenship and Medley. Petitioner requested the conference call to discuss the late filing of Petitioner's replies and exhibits in support of the replies. Petitioner requests the Board excuse the late filings. Patent Owner opposes.

According to counsel for Petitioner, Petitioner ran into technical difficulties when it filed its papers in the four proceedings, resulting in the filing of replies and exhibits a day late. Petitioner contacted the Board the day after Petitioner's papers were due to alert the Board of the late filing. Patent Owner explained that they opposed excusing the late filings because it would set a bad precedent to accept late filings. Patent Owner also argued that it would be prejudiced if we excused the late filings, because Patent Owner would be compressed for time to meet Due Date 4. Patent Owner seeks authorization to file a motion to expunge the late-filed documents.

A late action will be excused on a showing of good cause or upon a Board decision that consideration on the merits would be in the interests of justice. 37 C.F.R. § 42.5(c)(3). Upon weighing the prejudice to Patent Owner of the one day late filing versus the prejudice to Petitioner if we do not consider, on the merits, the replies and exhibits, we determine that it is in the interests of justice to consider the late-filed documents.

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's request for us to excuse the late filing of its replies and exhibits is *granted*;

IPR2014-01102 (Patent 5,228,077)
IPR2014-01103 (Patent 5,552,917)
IPR2014-01104 (Patent 5,414,761)
IPR2014-01106 (Patent 5,255,313)

FURTHER ORDERED that Patent Owner's request to file a motion to expunge is *denied*; and

FURTHER ORDERED that Due Date 4 is reset to expire on July 17, 2015.

IPR2014-01102 (Patent 5,228,077)
IPR2014-01103 (Patent 5,552,917)
IPR2014-01104 (Patent 5,414,761)
IPR2014-01106 (Patent 5,255,313)

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