

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.,  
Patent Owner.

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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)<sup>1</sup>

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

MEDLEY, *Administrative Patent Judge*.

DECISION

Denying Patent Owner's Motion to Seal Demonstratives and  
Expunging Demonstrative Exhibit  
*37 C.F.R. §§ 42.54 and 42.7(a)*

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<sup>1</sup> 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 August 17, 2015, two business days prior to the scheduled August 19, 2015 hearing, Patent Owner filed a Motion to Seal Demonstratives (Paper 41<sup>2</sup>) and a demonstrative exhibit under seal (Exhibit 2070). In essence, Patent Owner seeks for us to hold the hearing in private, unavailable to the public. For the reasons provided below, we *deny* Patent Owner's Motions to Seal Demonstratives and *expunge* the confidential version of its demonstrative exhibits.

There is a strong public policy in favor of making information filed in an *inter partes* review open to the public, especially because the proceeding determines the patentability of claims in an issued patent, and, therefore, affects the rights of the public. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). The default rule is that oral hearing and all papers filed in an *inter partes* review are open and available for access by the public; only confidential information may be protected from disclosure upon a showing of good cause. *See* 35 U.S.C. §§ 316(a)(1), 316(a)(7); 37 C.F.R. §§ 42.14, 42.54(a).

Patent Owner filed requests for oral hearing in each proceeding, but did not request that the hearing be held privately, unavailable to the public. Nor did Patent Owner seek authorization to present confidential information during the hearing. Paper 33. Based on representations made by the parties in their respective requests for hearing, on July 28, 2015, we granted the requests for hearing, and indicated that the hearing "will be open to the public for in-person attendance." Paper 34. Patent Owner did not notify us of its intent to present confidential information at

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<sup>2</sup> Citations are to IPR2014-01102.

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

the hearing within a reasonable timeframe. Indeed, the hearing for these proceedings is scheduled for tomorrow, August 19, 2015 and is scheduled to be open to the public. Requesting us to notify the public that they cannot now attend, less than a day prior to the hearing, is unreasonable and late. Accordingly, Patent Owner's Motion to Seal Demonstratives, requesting the August 19, 2015 to be held in private is *denied*, and the confidential version of Patent Owner's demonstratives will be *expunged*.

Consistent with our Order (Paper 34), the hearing will be open to the public, and, therefore, the parties must maintain the confidentiality of those materials covered under the agreed upon protective order (Exhibit 2065). Under 37 C.F.R. § 42.12, the Board may impose sanctions against a party who violates a protective order. *See* 35 U.S.C. § 316(a)(6).

Upon consideration, it is

ORDERED that Patent Owner's Motions to Seal Demonstratives are *denied*;

FURTHER ORDERED that the confidential version of Patent Owner's demonstrative exhibit be *expunged* from the record in each proceeding.

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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