

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

Applicant:	Dresti et al.	Universal Remote Control, Inc.
Case No.:	IPR2014-01109	v.
Filing Date:	November 6, 2002	Universal Electronics, Inc.
Patent No.:	7,831,930	Trial Paralegal: Cathy Underwood
Title:	SYSTEM AND METHOD FOR DISPLAYING A USER INTERFACE FOR A REMOTE CONTROL APPLICATION	Attorney Doc.: 059489.143600

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:

Certificate of Filing: I hereby certify that this correspondence is being electronically filed with the USPTO on July 1, 2015.

Date: _____ (Certificate Topic)

OBJECTION #1: – Petitioner’s Failure to Apprise the Board of Evidence Directly Contradicting Its Argument Regarding Mr. Cook’s Purported “Admission” Regarding the Meaning of to “Interact with” a Displayed Favorite Channel List

UEI objects to Petitioner’s Reply (Paper Nos. 25 and 26) to the extent it attempts to characterize Mr. Cook’s testimony as an “admission” that to scroll through or view the example favorite channel list in Fig. 17a of U.S. Patent No. 7,831,930 (“the ’930 Patent”) are ways in which one could “interact with” the favorite channel list as recited in claim 1, without apprising the Board of Mr. Cook’s testimony that directly contradicts Petitioner’s position. (URC Reply at 3 – 4.) Mr. Cook testified that in the context of claim 1, one cannot scroll through or view a favorite channel list to “interact with” the favorite channel list as recited in claim 1. (Ex. 1054 in IPR2014-01103 at 733-41.) Therefore, UEI objects to this characterization as violating Federal Rule of Evidence 106.

OBJECTION #2: – Petitioner’s Failure to Apprise the Board of Evidence Directly Contradicting Its Argument Regarding Mr. Cook’s Purported “Admission” Realistic Allegedly Discloses that Channel Numbers Are Displayed on the Remote

UEI objects to Petitioner’s Reply (Paper Nos. 25 and 26) to the extent it attempts to characterize Mr. Cook’s testimony as an “admission” that Realistic teaches that “a channel number from the favorite channel list is displayed when the favorite channel mode is active,” without apprising the Board of Mr. Cook’s testimony that directly contradicts Petitioner’s position (Petitioner Reply at 9 –

10.) Mr. Cook testified that the Realistic publication does not teach that a channel number is displayed on the remote when the favorite channel mode is active. (Ex. 1052 at 729-32.) UEI objects to this characterization as violating Federal Rule of Evidence 106.

OBJECTION #3: – The Radio Shack and Los Angeles Times Articles, and Petitioner’s Discussion of Those Articles in Its Reply, Are Irrelevant and Untimely New Evidence and Arguments

UEI objects to the Radio Shack and Los Angeles Times articles as irrelevant under FRE 401 and untimely new evidence pursuant to 37 C.F.R. § 42.23(b). *See also 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.”) These articles are not relevant because they do not discuss the Realistic *publication* at issue in this trial. Instead, the Radio Shack and Los Angeles Times articles purport to discuss the Realistic *remote*, which is not at issue in this trial, nor can it be. *See* 35 U.S.C. § 311(b) (limiting the prior art that may be asserted in inter partes reviews to patents or printed publications). UEI likewise objects to the corresponding discussion in the Petitioner’s Reply, which is erroneous. (URC Reply at 24-25.) Furthermore, any information tending to prove that the Realistic

publication is indeed prior art to the '930 Patent should have been submitted with the Petition. *See* 37 C.F.R. § 42.104; *see also* 37 C.F.R. § 42.23(b).

Respectfully Submitted,
GREENBERG TRAURIG, LLP

Date: July 1, 2015

/Eric J. Maiers/
By: Eric J. Maiers, Reg. No. 59,614
James J. Lukas, Reg. No. 59,114
Matthew J. Levinstein, *Pro Hac Vice*
Rob R. Harmer, Reg. No. 68,048
77 West Wacker Drive, Suite 3100
Chicago, Illinois 60601
(312) 456-8400

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):

Douglas A. Miro
Keith Barkaus
Jeannie Ngai
Ostrolenk Faber LLP
1180 Avenue of the Americas New
York, NY 10036
Telephone: (212) 596-0500
Facsimile: (212) 382-0888
dmiro@ostrolenk.com
kbarkaus@ostrolenk.com
JNgai@ostrolenk.com

Peter H. Kang, Reg. No. 40,350
Theodore W. Chandler, Reg. No. 50,319
Ferenc Pazmandi, Reg. No. 66,216
Sidley Austin LLP
1001 Page Mill Rd.
Building One
Palo Alto, CA 94304
Telephone: (650) 565-7000
Facsimile: (65) 565-7100
pkang@sidley.com
tchandler@sidley.com
fpazmandi@sidley.com
urc@sidley.com

Date: July 1, 2015

/s/ Cynthia Tapia
Cynthia Tapia