# 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 Attorney Doc.: 059489.143600

METHOD FOR

DISPLAYING A USER INTERFACE FOR A REMOTE CONTROL

**APPLICATION** 

# PRELIMINARY RESPONSE OF PATENT OWNER PURSUANT TO 37 C.F.R. § 42.107

#### **Mail Stop PATENT BOARD**

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

 $\underline{\text{Certificate of Filing}}\text{: I hereby certify that this correspondence is being electronically filed with the USPTO on this } 8^{\text{th}} \text{ day of October 2014}.$ 



## **TABLE OF CONTENTS**

				ELIMINARY RESPONSE PURSUANT TO	1			
I. III. III. IV.	INTRODUCTION							
	A. B.	The Petition Does Not Establish that Realistic and ProntoEdit Are Prior Art to the '930 Patent Under 35 U.S.C. § 102(b)						
		<ol> <li>2.</li> <li>3.</li> </ol>	The Petition's Obviousness Analysis under Ground 1 Does Not Apply the Requisite Graham Factors at least Because the Petition Does Not Identify Any Differences Between the Claim Limitations and the Alleged Prior Art The Petition Does Not Identify Why One Having Ordinary Skill in the Art Would Have Been Motivated to Combine Realistic and Evans Realistic and Evans Do Not Teach or Suggest Various Elements of Claim 1		14			
			a. b.	Realistic and Evans Do Not Describe Displaying At Least One of the Plurality of Lists of Favorite Channels in the Display of the Hand Held Device Realistic and Evans Do Not Describe A Hand Held Device that Permits a User to Interact with A Favorite Channel List				
	C.			Reasonable Likelihood that Claim 1 Is Obvious in ntoEdit and Realistic (Ground 2)	28			
		1.	Does Becau	Not Apply the Requisite <i>Graham</i> Factors at least use the Petition Does Not Identify Any Differences the Claim Limitations and the Alleged Prior Art	28			



	2.	The	Petition Fails to Identify Why One Having Ordinary	
		Skill	in the Art Would Be Motivated to Combine	
		Pron	toEdit and Realistic	30
	3.	Pron	toEdit and Realistic Fail to Teach or Suggest	
		Vari	ous Elements of Claim 1	34
		a.	The Petition Fails to Explain How the	
			Combination of ProntoEdit and Realistic Describe	
			the Whereby Clause of Claim 1	34
		b.	Neither ProntoEdit nor Realistic Describe An	
			Electronically Readable Media Having Instructions	
			that Allow a Plurality of Lists of Favorite Channels	
			to Be Defined for Display in a Display of a Hand	
			Held Device	37
V.	CONCLUS	ION.		40



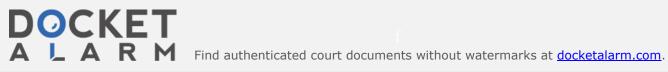
#### **TABLE OF AUTHORITIES**

#### **Federal Cases**

Bruckelmyer v. Ground Heaters, Inc., 445 F.3d 1374 (Fed. Cir. 2006)	11
CCS Fitness, Inc. v. Brunswick Corp., 288 F.3d 1359 (Fed. Cir. 2002)	6
Graham v. John Deere, 383 U.S. 1 (1966)	12, 13
In ResQNet.com, Inc. v. Lansa, Inc., 594 F.3d 860 (Fed. Cir. 2010)	11
<i>In re Klopfenstein</i> , 380 F.3d 1345 (Fed. Cir. 2004)	10, 11
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)	13
Kyocera Wireless Corp. v. Int'l Trade Comm'n, 545 F.3d 1340 (Fed. Cir. 2008)	10
Mahurkar v. C.R. Bard, Inc., 79 F.3d 1572 (Fed. Cir. 1996)	10
Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005)	7
<i>In re Robertson</i> , 169 F.3d 743 (Fed. Cir. 1999)	9
Texas Digital Sys., Inc. v. Telegenix, Inc., 308 F.3d 1193 (Fed. Cir. 2002)	7
Therasense, Inc. v. Becton, Dickinson & Co., 560 F. Supp. 2d 835 (N.D. Cal. 2008)	10
P.T.A.B. Decisions	
3D-Matrix, Ltd. v. Menicon Co., IPR2014-00398, Paper No. 11 (P.T.A.B. Aug. 1, 2014)	9
Dominion Dealer Solutions, LLC v. AutoAlert, Inc., IPR2013-00222 Paper No. 12 (P.T.A.B. Aug. 12, 2013)	16 32



eBay, Inc. v. Paid, Inc., CBM2014-00125, Paper 15 (P.T.A.B. Sept. 30, 2014)	13
Eizo Corp. v. Barco N.V., IPR2014-00358, Paper 11 (P.T.A.B. July 23, 2014)	13
Fidelity Nat'l Info. Servs., Inc. v. DataTreasury Corp., IPR2014-00489, Paper 9 (P.T.A.B. Aug. 13, 2014)	38
Heart Failure Techs., LLC v. CardioKinetix, Inc., IPR2013-00183, Paper No. 12 (P.T.A.B. July 31, 2013)	16
Moses Lake Indus., Inc. v. Enthone, Inc., IPR2014-00243, Paper 6 (P.T.A.B. June 18, 2014)	13
<i>OpenTV, Inc. v. Cisco Technology, Inc.</i> , IPR2013-00329, Paper 9 (P.T.A.B. Nov. 29, 2013)	17
Printing Indus. of Am. v. CTP Innovations, LLC, IPR2013-00474, Paper 16 (P.T.A.B. Dec. 31, 2013)	27
SAS Institute, Inc. v. ComplementSoft, LLC, IPR2013-00581, Paper No. 15 (P.T.A.B. Dec. 30, 2013)	16
Synopsis v. Mentor Graphics Corp., IPR2012-00042, Paper No. 16 (P.T.A.B. Feb. 22, 2013)	10
TRW Auto. US LLC v. Magna Elecs. Inc., IPR2014-00296, -297, -298, Papers 15, 15, 19 (P.T.A.B. July 3, 2014)	
Federal Statutes	
35 U.S.C. § 102	12
35 U.S.C. § 102(a)	10
35 U.S.C. § 102(a) – (b)	11
35 U.S.C. § 102(b)	10
35 U.S.C. § 313	1
35 U.S.C. § 314(a)	8
Regulations	
37 C.F.R. § 42.6(a)(3)	38
37 C.F.R. § 42.100(b)	



# DOCKET

# Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## **Real-Time Litigation Alerts**



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## **Advanced Docket Research**



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

### **Analytics At Your Fingertips**



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

#### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

#### **LAW FIRMS**

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

#### **FINANCIAL INSTITUTIONS**

Litigation and bankruptcy checks for companies and debtors.

#### **E-DISCOVERY AND LEGAL VENDORS**

Sync your system to PACER to automate legal marketing.

