

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIVERSAL REMOTE CONTROL, INC.,
Petitioner,

v.

UNIVERSAL ELECTRONICS, INC.,¹
Patent Owner.

Case IPR2014-01112
Patent RE39,059 E

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

CAPP, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
37 C.F.R. § 42.108

¹ Patent Owner represents that the owner of the patent and real party-in-interest is Universal Electronics, Inc. Paper 4. Office assignment records indicate, however, that U.S. Bank National Association is the owner of the patent. Patent Owner should update Office assignment records to be consistent with its representations made in Paper 4 of this proceeding.

Petitioner Universal Remote Control, Inc. filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 13–17, 19–26, and 30 of U.S. Patent No. RE39,059 E (Ex. 1001, the “’059 patent”). Patent Owner Universal Electronics, Inc. filed a Preliminary Response (Paper 8, “Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314(a). We conclude that Petitioner has failed to show a reasonable likelihood of prevailing in challenging these claims and we decline to institute *inter partes* review.

I. BACKGROUND

A. The ’059 patent (Ex. 1001)

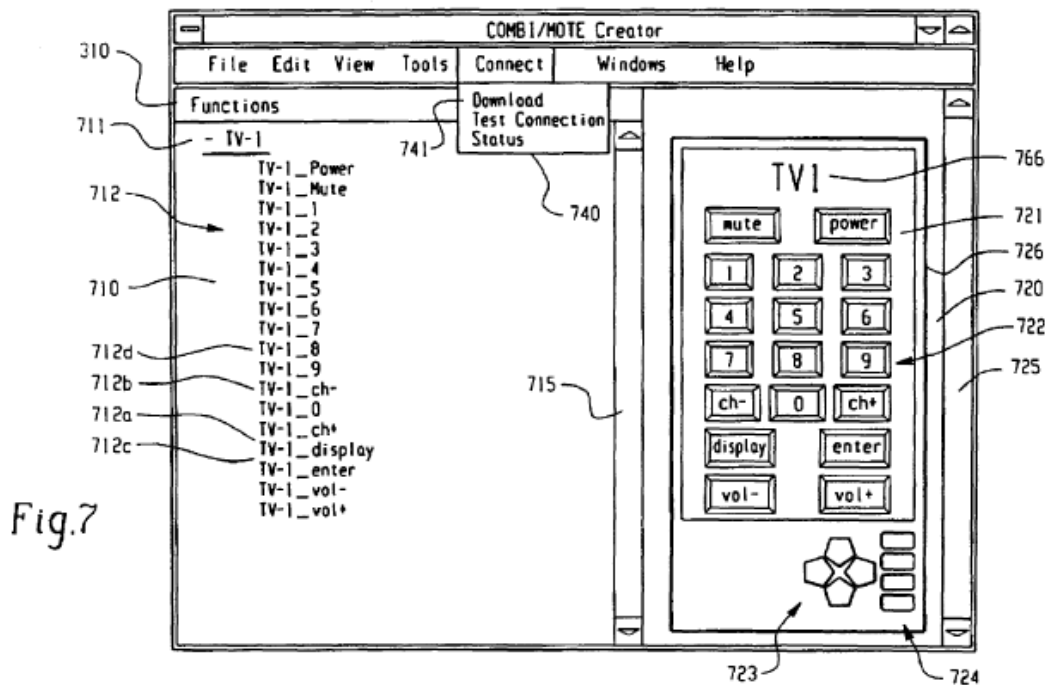
The ’059 patent, titled *Computer Programmable Remote Control*, relates to “remote control devices for electronic products.” Ex. 1001, 1:30–31. The invention features a remote control development program that allows the remote control to be programmed by a user from a personal computer using an object-oriented user interface. *Id.* at 3:20–24. After being programmed, the remote can issue multiple commands with a single key press. *Id.* at 3:23–26.

The remote control has a graphic display with a touch screen overlay that allows the remote control to be programmed with soft keys. *Id.* at 5:53–55. In order to program the remote control, the remote control connects to a personal computer through a docking station or USB port. *Id.* at 6:1–21.

The remote control development software allows the user to create and edit “screen objects” on the personal computer and then download the screen objects to the remote control unit. *Id.* at 7:32–35. A screen object comprises a screen layout and soft key objects. *Id.* at 7:35–49. A soft key object, in turn, comprises a graphic representing a soft key that will be

displayed on the screen of the remote control. *Id.* at 7:38–44. The soft key also comprises: (1) a text label for the graphic, (2) a tagname for the command that will issue when the soft key is pressed, and (3) a location for the graphic on the display. *Id.*

The remote control development software includes preconfigured screen objects that are downloaded to and maintained in a database when the software is installed on the computer. *Id.* at 7:50–55. An example of a screen object is depicted in Figure 7 of the '059 Patent shown below.



“Figure 7 is a screen shot of a screen object layout screen of a remote control development program.” *Id.* at 3:65–67. “The right pane 720 shows a representation 726 of the programmable remote control unit 200, with a representation 721 of the appearance of the screen object in the programmable remote control unit’s display 221. . . .” *Id.* at 10:1–5. The representation 721 includes the name of the multimedia device (TV1) that will be controlled by the remote control. *Id.* at 10:5–7. The representation

721 also includes soft keys 722 corresponding to the keys of a remote control unit. *Id.* at 10:7–10. The representation 721 mimics the key sizes and locations of the remote control unit. *Id.* at 10:10–13. The left pane 710 is a display of screen object information. The left pane 710 shows the screen object's name 711 and a list 712 of tagnames of the commands in the screen object. *Id.* at 10:14–17. Soft key objects may include more than one command. *Id.* at 11:13–14. In programming commands for a soft key object, tagnames may be dragged from the left pane 710 and dropped onto representations of the desired object in the right pane 720. *Id.* at 11:14–16.

Next, the screen objects are downloaded from the computer to the remote control unit. *Id.* at 11:53–55. Once loaded with screen objects, the remote control unit is ready for use. *Id.* at 12:8–11. The remote control displays soft keys and other features of a screen object on the remote control's display and then generates the commands of the soft key objects when the soft keys are pressed. *Id.* at 12:18–29.

B. Illustrative Claim

Petitioner challenges claims 13–17, 19–26, and 30. Claim 13, reproduced below, an independent claim, is illustrative:

13. A remote control development program for use in connection with a general purpose computer comprising a processor, an operating system, a short term memory, a long term memory, a graphics display and a user input device, the remote control development program comprising:

a set of instructions on a computer-readable medium, the instructions configured to cause the general purpose computer to provide a user with the ability to edit a screen object comprising a screen layout definition and at least one key object which is a soft key object, the screen object providing for a screen display and commands associated

therewith wherein each soft key object comprises a representation of a soft key, a location for displaying the representation of the soft key, and a tagname for a command which is to be issued when the soft key is activated, the command comprising a message which, when received by a given multimedia processing unit, causes the multimedia processing unit to alter a defined setting of the multimedia processing unit in a predictable manner; and wherein the instructions are further configured to cause the general purpose computer to:

- (a) display a representation of the appearance of the screen object;
- (b) display information regarding the screen object and the key objects of the screen object;
- (c) accept user input via object oriented tools for creating and editing soft key objects;
- (d) display tagnames for commands which may be assigned to soft key objects in the screen object; and
- (e) accept user selections of commands to assign to soft key objects in the screen object.

C. The Asserted Grounds of Unpatentability

Petitioner challenges claims 13–17, 19–26, and 30 of the '059 patent as unpatentable:

- (1) under 35 U.S.C. § 103(a) over Lexicon² and Ciarcia³; and
- (2) under 35 U.S.C. § 103(a) over AMX⁴ and Admitted Prior art.

² LEXICON, INC., LEXICON 500T SYSTEM CONTROLLER: OWNER'S GUIDE AND PROGRAMMING MANUAL (1994) (Ex. 1003).

³ Steve A. Ciarcia, *Build a Trainable Infrared Master Controller*, BYTE, 113–123 (March, 1987) (Ex. 1004).

⁴ AMX, COLOR PASSIVE-MATRIX LCD TOUCH PANELS (FIRMWARE VERSION G2 OR LOWER) INSTRUCTION MANUAL (1996) (Ex. 1005).

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