

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

In re Application of: Paul D. Arling
and Patrick H. Hayes

Universal Remote Control, Inc.

Patent No.: 8,243,207

v.

Filed: September 29, 2009

Universal Electronics, Inc.

Issued: August 14, 2012

Case No. IPR2014-01146

Assignee: Universal Electronics Inc.

Trial Paralegal: Amy Kattula

Title: SYSTEM AND METHOD
FOR MONITORING REMOTE
CONTROL TRANSMISSIONS

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

REPLY DECLARATION OF JAMES T. GEIER

Background and Qualifications

1. My name is James T. Geier. My prior experience and education are summarized in my previously filed declaration in the above matter dated July 10, 2014 (Ex. 1003). A copy of my current CV is attached hereto as Appendix A.
2. I have been retained in this matter by Universal Remote Control, Inc. ("Petitioner" or "URC") to rebut the analysis and opinion provided by Mr. Alex

Cook in his declaration filed on March 25, 2015 (Ex. 2029) and certain statements made by Patent Owner in the Response of the same date (Paper 12).

3. I am being compensated at the rate of \$300 per hour for my work. My fee is not contingent on the outcome of any matter or on any of the technical positions I explain in this declaration. I have no financial interest in Petitioner.

4. I still have no financial interest in the Patent Owner or the '207 patent nor to my recollection have I ever had any contact with the Patent Owner, or the inventors of the '207 patent, Paul Arling or Patrick Hayes.

5. I have carefully reviewed the Patent Owner's Response (Paper 12) and the declaration of Mr. Cook (Ex. 2029) in support thereof as well as his deposition testimony related to his declaration (Ex. 1054).

6. For convenience, all of the information that I considered in arriving at my opinions is listed in Appendix B.

7. Mr. Cook and I generally agree on the relevant field of the '207 Patent as set forth in paragraph 15 of my prior declaration. See Ex. 1003, ¶15 and Ex. 2029, ¶16.

8. As previously noted, I have extensive experience in the relevant field, including experience relating to wireless communications and configuration of system components.

9. As previously explained, I have been informed that "a person of ordinary skill in the relevant field" is a hypothetical person to whom an expert in the relevant field could assign a routine task with reasonable confidence that the task would be successfully carried out. I have been informed that the level of skill in the art is evidenced by the prior art references. As I previously noted, the prior art discussed herein demonstrates that a person of ordinary skill in the art, at the time the '207 patent was filed, would have a bachelors degree in electrical engineering, telecommunications, or computer science (or an equivalent degree) with two years experience in the communications industry and was aware of programmable universal remote controls, home systems with components controllable by remote controls and/or other components and configurable setups for the home systems. Mr. Cook apparently agrees that these qualifications would be common to one of skill in the art. *See* Ex. 2029, ¶18.

10. Mr. Cook, however, indicated that one of skill in the art must also have “design experience with universal remote controls as well as direct user experience with home entertainment systems and the unique problems presented in dealing with a system of components, designed for different components and supplied by different manufacturers.” *Id.* I disagree that one of ordinary skill in the art would need these additional qualifications.

11. As is recognized in the ‘207 patent, universal remote controls that

controlled multiple components of an entertainment system were well known and used at the time of the invention disclosed in the '207 patent such that the design of the remote control itself is not relevant. *See* Ex. 1001, col. 1, ll. 7-13.

12. The approach to system control taken in the '207 patent is no different than that taken when controlling any multi-component system, which would have been well known to anyone with the education and industry experience that Mr. Cook and I both agree would be common to one skilled in the art. *See* ¶ 9, *infra* and Ex. 2029, ¶18.

13. Nonetheless, even assuming the unnecessarily high level of skill that Mr. Cook requires, one skilled in the art would understand that the '831 publication discloses all of the features of claims 13-15. That is, the higher level of skill required by one of ordinary skill in the art in accordance with Mr. Cook's experience would not affect my opinion that the '831 publication, as understood by one skilled in the art, discloses all of the limitations of claims 13-15 of the '207 patent as set forth in my prior declaration dated July 2014 in this matter. *See* Ex. 1003.

14. Based on my experience, I have an established understanding of the relevant field in the relevant timeframe and qualify as at least one of ordinary skill in the art even in view of Mr. Cook's inappropriately high skill level requirement for one of ordinary skill in the art.

15. In its Decision to Institute Trial, the Board identified the term “configuration of the entertainment device” as a common term in each of claims 13, 14 and 15 that required construction. *See* Ex. 1046 (Paper 10), p. 9. Neither Patent Owner nor Petitioner previously identified this term as requiring construction.

16. Based on my review of the ‘207 patent, I believe that the meaning of this term is clear in view of the plain language of the claims. Specifically, claim 13 specifies “the configuration of the entertainment device comprises at least one of the plurality of devices being used as an audio visual input source device for the entertainment device and at least one of the plurality of devices being used as an audio visual output destination device for the entertainment device.” Ex. 1001, col. 12, ll. 15-20. That is, this term merely requires indicating at least one input device to the entertainment device and at least one output device of the entertainment device.

17. Based on my review of the ‘207 patent, neither the claim language nor the specification of the ‘207 explicitly limits how the indication of the input device and the output device is implemented.

18. I agree with the Board’s conclusion that as properly construed, the entertainment device and associated input and output appliances may be ‘configured’ by “selectively powering on and powering off the input and output

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