

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Applicant:	Arling, et. al	)	Universal Remote Control, Inc.
		)	
Case No.:	IPR2014-01146	)	v.
		)	
Filing Date:	09/29/2009	)	Universal Electronics, Inc.
		)	
Patent No.:	8,243,207	)	Trial Paralegal: Amy Kattula
		)	
Title:	System and Method	)	Attny Doc.: 059489.144400
	For Activity Based	)	
	Configuration of an	)	
	Entertainment System	)	

**PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION TO  
EXCLUDE CERTAIN INADMISSIBLE TESTIMONY OF PATENT  
OWNER'S EXPERT ALEX COOK**

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Certificate of Filing: I hereby certify that this correspondence is being electronically filed with the USPTO on this 5<sup>th</sup> day of August, 2015.

## EXHIBIT LIST

- Ex. 2001 *Mohawk Resources Ltd. V. Vehicle Service Group, LLC*, Case IPR2014-00464, Paper 10 (Aug. 29, 2014)
- Ex. 2002 *Edmund Optics, Inc. v. Semrock, Inc.*, Case IPR2014-00583, Paper 9 (P.T.A.B. Sept. 19, 2014)
- Ex. 2003 *3D-Matrix, Ltd. v. Menicon Co.*, Case IPR2014-00398, Paper No. 11 (P.T.A.B. Aug. 1, 2014)
- Ex. 2004 *Eizo Corp. v. Barco N.V.*, IPR2014-00358, Paper 11 (P.T.A.B. July 23, 2014)
- Ex. 2005 *Moses Lake Indus., Inc. v. Enthone, Inc.*, IPR2014-00243, Paper 6 (P.T.A.B. June 18, 2014)
- Ex. 2006 *Moses Lake Indus., Inc. v. Enthone, Inc.*, IPR2014-00246, Paper 6 (P.T.A.B. June 18, 2014)
- Ex. 2007 *eBay, Inc. v. Paid, Inc.*, CBM2014-00125, Paper 15 (P.T.A.B. Sept. 30, 2014)
- Ex. 2008 *Synopsis v. Mentor Graphics Corp.*, IPR2012-00042, Paper No. 16 (P.T.A.B. Feb. 22, 2013)
- Ex. 2009 *Dominion Dealer Solutions, LLC v. AutoAlert, Inc.*, IPR2013-00222, Paper No. 12 (P.T.A.B. Aug. 12, 2013)
- Ex. 2010 *SAS Institute, Inc. v. ComplementSoft, LLC*, IPR2013-00581, Paper No. 15 (P.T.A.B. Dec. 30, 2013)
- Ex. 2011 *Heart Failure Techs., LLC v. CardioKinetix, Inc.*, IPR2013-00183, Paper No. 12 (P.T.A.B. July 31, 2013)
- Ex. 2012-2016 INTENTIONALLY SKIPPED
- Ex. 2017 Trial Transcript from *Universal Electronics, Inc. v. Universal Remote Control, Inc.*, No. 8:12-cv-00329-AG-JPR (C.D. Cal.), Dkt. No. 398-1

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- Ex. 2018 Universal Remote Control, Inc.'s ("URC's") Initial Disclosures from *Universal Electronics, Inc. v. Universal Remote Control, Inc.*, No. 8:12-cv-00329-AG-JPR (C.D. Cal.)
- Ex. 2019 URC's Response to UEI's Interrogatory at No. 6 from *Universal Electronics, Inc. v. Universal Remote Control, Inc.*, No. 8:12-cv-00329-AG-JPR (C.D. Cal.)
- Ex. 2020 Ohsung Website Printout, available at [http://www.ohsungec.com/02\\_affli/02\\_foreign/06.aspx](http://www.ohsungec.com/02_affli/02_foreign/06.aspx).
- Ex. 2021 URC's Amended Initial Disclosures from *Universal Electronics, Inc. v. Universal Remote Control, Inc.*, No. 8:12-cv-00329-AG-JPR (C.D. Cal.)
- Ex. 2022 Defendant Ohsung Electronics, USA, Inc.'s Answer to Second Amended Complaint, Dkt. No. 76, from *Universal Electronics Inc., v. Universal Remote Control, Inc., Ohsung Electronics Co., Ltd., and Ohsung Electronics U.S.A., Inc.*, Case No. SACV 13-00984 AG (JPRx) (C.D. Cal.)
- Ex. 2023 LinkedIn Profile of Jak You, available at <https://www.linkedin.com/pub/jak-you/92/8a5/6b>.
- Ex. 2024 09/05/2013 M. Hurley Email to L. Kenneally
- Ex. 2025 Amended Notice of 30(b)(6) Deposition to URC from *Universal Electronics, Inc. v. Universal Remote Control, Inc.*, No. 8:12-cv-00329-AG-JPR (C.D. Cal.)
- Ex. 2026 Joint Stipulation Staying Action Pending Petitions for *Inter Partes* Review of All Asserted Claims, Dkt. No. 87 from *Universal Electronics Inc., v. Universal Remote Control, Inc., Ohsung Electronics Co., Ltd., and Ohsung Electronics U.S.A., Inc.*, Case No. SACV 13-00984 AG (JPRx) (C.D. Cal.)
- Ex. 2027 Joint Statement of the Parties Pursuant to Order Staying Action (ECF No. 88) and Joint Request to Continue Status Conference, Dkt. No. 102 from *Universal Electronics Inc., v. Universal Remote Control,*

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*Inc., Ohsung Electronics Co., Ltd., and Ohsung Electronics U.S.A., Inc., Case No. SACV 13-00984 AG (JPRx) (C.D. Cal.)*

- Ex. 2028 URC NY Secretary of State, Division of Corporations, Entity Information Website Printout
- Ex. 2029 Declaration of Alex Cook
- Ex. 2030 Transcript of 07/22/2015 Cross-Examination of James T. Geier

## I. INTRODUCTION

The Board should deny Petitioner's Motion to Exclude (Paper No. 26) because Petitioner has failed to meet its burden to show that any evidence is inadmissible. Specifically, with respect to the redirect examination of UEI's expert, Mr. Cook, Petitioner has not provided any analysis why any of Patent Owner's counsel's redirect questions is leading. Instead, Petitioner concludes without support that the Board should simply disregard all challenged questions and answers, presumably because they confirm the validity of the challenged claims.

## II. LEGAL STANDARDS

A motion to exclude evidence must explain *why* the cited evidence is not admissible. *Liberty Mutual Insurance Co. v. Progressive Casualty Insurance Co.*, CBM2012-00002, Paper 66, at 61 (P.T.A.B. Jan. 23, 2014) (citing 77 Fed. Reg. 48765, 48767 (Aug. 14, 2012)). The motion to exclude must also: (a) identify where in the record the objection was originally made; (b) identify where in the record the evidence sought to be excluded was relied upon by an opponent; (c) address objections to exhibits in numerical order; and (d) explain each objection. *Id.*

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