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Present: The Honorable **James V. Selna, U.S. District Court Judge**

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Lisa Bredahl

Not Reported

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: [IN CHAMBERS] Order re Claim Construction**

Plaintiff Universal Electronics Inc. (“UEI” or “Plaintiff”) and Defendant Roku, Inc. (“Roku” or “Defendant”) have submitted proposed claim constructions for terms contained in nine of UEI’s patents. See, e.g., Docket No. 70. Both parties have submitted opening and responsive claim construction briefs. UEI Op. Br., Docket No. 84; Roku Op. Br., Docket No. 83; UEI Resp. Br., Docket No. 89; Roku Resp. Br., Docket No. 88.

A hearing was held on the parties’ claim construction disputes on August 5, 2019 and all matters were taken under submission.

The Court construes the claim terms identified herein.

**I. BACKGROUND**

Nine of UEI’s patents are currently at issue:

- U.S. Pat. 7,589,642 (“the ’642 patent”). Compl., Docket No. 1, Ex. A.
- U.S. Pat. 8,004,389 (“the ’389 patent”). Id. Ex. B.
- U.S. Pat. 9,911,325 (“the ’325 patent”). Id. Ex. C
- U.S. Pat. 9,716,853 (“the ’853 patent”). Id. Ex. D
- U.S. Pat. 7,782,309 (“the ’309 patent”). Id. Ex. E
- U.S. Pat. 7,821,504 (“the ’504 patent”). Id. Ex. F
- U.S. Pat. 7,821,505 (“the ’505 patent”). Id. Ex. G

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- U.S. Pat. 7,895,532 (“the ’532 patent”). Id. Ex. H
- U.S. Pat. 8,015,446 (“the ’446 patent”). Id. Ex. H

These nine patents generally cover devices and methods related to a universal remote control. The patents belong to four patent families, each family sharing a common specification.

**A. The Mui Patents**

The parties refer to the ’642 Patent, the ’389 Patent, and the ’325 Patent collectively as “the Mui Patents.” The Mui Patents generally describe systems for using a “remote control device” in combination with, for instance, a “key code generator device” to control a user appliance. The remote control device and key code generator device respond to a pressed key on the remote control device by transmitting signals back and forth between the remote control device, key code generator device, and user appliance in various ways.

UEI alleges that Roku infringes Claims 3, 6, 23, and 25 of the ’642 Patent. UEI Op. Br. at 1. Claims 3 and 6 depend from Claim 1. Claims 23 and 25 depend from Claim 2. Claim 1 recites:

1. A method comprising:
  - (a) receiving a keystroke indicator signal from a remote control device, wherein the keystroke indicator signal indicates a key on said remote control device that a user has selected;
  - (b) generating a key code within a key code generator device using the keystroke indicator signal;
  - (c) modulating said key code onto a carrier signal, thereby generating a key code signal; and
  - (d) transmitting said key code signal from said key code generator device to said remote control device.

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UEI also alleges that Roku infringes Claims 2–3, 8–11, 13, and 15 of the '389 Patent. UEI Op. Br. at 1. Claims 13 and 15 depend from Claim 12, Claims 8–11 depend from Claim 4, and Claim 3 depends from Claim 2. Claim 2 recites:

2. A method comprising:
  - (a) receiving a keystroke indicator signal from a remote control device, wherein the keystroke indicator signal indicates a key on said remote control device that a user has selected;
  - (b) generating a key code within a key code generator device using the keystroke indicator signal, wherein said key code is part of a codeset that controls an electronic consumer device;
  - (c) modulating said key code onto a carrier signal, thereby generating a key code signal;
  - (d) transmitting said key code signal from said key code generator device; and
  - (e) identifying said codeset using input from a user of said remote control device, wherein said codeset is identified when said user stops pressing a key on said remote control device.

UEI also alleges that Roku infringes Claim 2 of the '325 Patent. UEI Op. Br. at 1. Claim 2 depends from Claim 1, which recites:

1. A first device for transmitting a command to control a functional operation of a second device, the first device comprising:
  - a receiver;
  - a transmitter;
  - a processing device coupled to the receiver and the transmitter; and
  - a memory storing instructions executable by the processing device, the instructions causing the processing device to:
    - generate a key code using a keystroke indicator received from a third device in communication with first device via use of the receiver, the keystroke indicator having data that indicates an input element of the third device that has been activated;
    - format the key code for transmission to the second device; and

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transmit the formatted key code to the second device in a key code signal via use of the transmitter;  
wherein the generated key code comprises a one of a plurality of key code data stored in a codeset, wherein the one of the plurality of key code data is selected from the codeset as a function of the keystroke indicator received from the third device, wherein each of the plurality of key code data stored in the codeset comprises a series of digital ones and/or digital zeros, and wherein the codeset further comprises time information that describes how a digital one and/or a digital zero within the selected one of the plurality of key code data is to be represented in the key code signal to be transmitted to the second device.

**B. The '853 Patent**

The '853 Patent (also referred to by the parties as the "Arling Patent") generally relates to "methods for appliance control" by using "a controlling device, such as a remote control, smart phone, tablet computer, etc." '853 Patent at 1:63–64. In particular, and similar to the Mui Patents, the '853 Patent discloses a Universal Control Engine ("UCE") that uses various methods to transmit a command function from the controlling device to the target appliance. *Id.* at 2:29–33.

UEI alleges that Roku infringes Claim 5 of the '853 Patent. UEI Op. Br. at 1. Claim 5 depends on Claim 1, which recites:

1. A universal control engine, comprising:  
a processing device; and  
a memory device having stored thereon instructions executable by the processing device, the instructions, when executed by the processing device, causing the universal control engine to respond to a detected presence of an intended target appliance within a logical topography of controllable appliances which includes the universal control engine by using an identity

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associated with the intended target appliance to create a listing comprised of at least a first communication method and a second communication method different than the first communication method for use in controlling each of at least a first functional operation and a second functional operation of the intended target appliance and to respond to a received request from a controlling device intended to cause the intended target appliance to perform a one of the first and second functional operations by causing a one of the first and second communication methods in the listing of communication methods that has been associated with the requested one of the first and second functional operations to be used to transmit to the intended target appliance a command for controlling the requested one of the first and second functional operations of the intended target appliance.

**C. The Janik Patents**

The parties refer to the '309 Patent, the '504 Patent, and the '505 Patent as the "Janik Patents." The Janik Patents generally disclose using a "universal controlling device" through various interfaces, such as touch-sensitive surfaces.

UEI alleges that Roku infringes Claim 1 of the '309 Patent. UEI Op. Br. at 1. Claim 1 recites:

1. A method for using a universal controlling device comprised of a display having a touch-sensitive surface to transmit data to one or more appliances located remotely from the controlling device, comprising:
  - causing one or more graphical user interfaces comprised of graphical user interface icons to be displayed in the display of the universal controlling device;
  - accepting via the touch-sensitive surface of the universal controlling device a first input type indicative of a selection of a displayed graphical user interface icon;

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