

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROKU, INC.,
Petitioner

v.

UNIVERSAL ELECTRONICS, INC.,
Patent Owner

Case IPR2019-01612
Patent 7,589,642

**DECLARATION OF DR. SAMUEL H. RUSS IN SUPPORT OF
PETITIONER ROKU INC.'S REPLY TO PATENT OWNER'S RESPONSE**

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Declaration of Dr. Samuel H. Russ
U.S. Patent No. 7,589,642

I, Dr. Samuel H. Russ, declare as follows:

I. INTRODUCTION

1. I am the same Dr. Samuel H. Russ who submitted a prior declaration (EX1003) in this matter, which I understand was filed on September 18, 2019. I have been retained on behalf of Roku, Inc. for the above-captioned *inter partes* review proceeding.

2. I understand that the Patent Owner has submitted a response in this case. I also understand that the Patent Owner's expert witness, Dr. Michael D. Sprenger, has submitted a declaration in support of the Patent Owner's response. I have been asked to provide my technical review, analysis, and insight regarding both the Patent Owner's response and Dr. Sprenger's declaration in support thereof.

3. My background and qualifications were provided in paragraphs 3-10 of my previous declaration, and my CV was provided as EX1004. My statements in paragraphs 11 and 28-38 of my prior declaration regarding my review of U.S. Patent No. 7,589,642 ("642 patent") and related materials remain unchanged, as do my understandings of the relevant legal principles stated in paragraphs 12-27.

4. Since my prior declaration, I have reviewed and considered the following additional materials:

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Paper	Description
7	Decision Granting Institution
16	Patent Owner's Response

Exhibit	Description
1033	Deposition Transcript of Michael D. Sprenger, taken September 15, 2020 (IPR2019-01612).
1034	Deposition Transcript of Michael D. Sprenger, taken September 16, 2020 (IPR2019-01613).
1035	Deposition Transcript of Michael D. Sprenger, taken September 16, 2020 (IPR2019-01614).
2003	Declaration of Michael D. Sprenger in Support of Patent Owner's Response to the Petition for Inter Partes Review of U.S. Patent No. 7,589,642
2007	Prosecution History of U.S. Patent No. 9,355,553
2011	Declaration of Dr. Samuel H. Russ (IPR2019-01613)

5. I have also considered all other materials cited herein. My work on this case is being billed at my normal hourly rate, with reimbursement for actual expenses. My compensation is not contingent upon the outcome of this *inter partes* review proceeding.

6. In his declaration, Dr. Sprenger makes several statements regarding the '642 patent, the prior art references, and the relevant technology at issue in this proceeding, which I believe to be inaccurate and misleading. My responses to these statements are detailed below.

II. CLAIM CONSTRUCTION

7. I first turn to the area of claim construction. In my opening declaration, submitted in support of the Petition for *inter partes* review directed to

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