

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

ROKU, INC.,  
Petitioner,

v.

UNIVERSAL ELECTRONICS INC.,  
Patent Owner.

---

Case IPR2019-01614  
U.S. Patent 9,911,325

---

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE  
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Universal Electronics Inc. (“Patent Owner” or “UEI”) hereby objects to the admissibility of evidence submitted by Roku, Inc. (“Petitioner”) with its Petition for *Inter Partes* Review of Claims 1-5 and 7 of U.S. Patent No. 9,911,325 (“the ’325 Patent”), as set forth below. The following exhibits are inadmissible based on either the rules of these proceedings or the Federal Rules of Evidence (“FRE”).

Patent Owner objects to Exhibits 1009<sup>1</sup>-1026 as improperly incorporated by reference under 37 C.F.R. §§ 42.22(a)(2) and 42.6(a)(3). These exhibits were never cited in the Petition and are therefore in violation of the Board’s rules that the Petition contain “a detailed explanation of the significance of the evidence” and “prohibiting argument made in a supporting document from being incorporated by reference into a petition.” *See Intervet Inc. a/k/a/ Merck Animal Health v. Boehringer Ingelheim Vetmedica, Inc.*, IPR2018-01788, Paper 9 at 8-9 (P.T.A.B. April 16, 2019).

Patent Owner objects to those portions of Exhibit 1003 that address Exhibits 1009-1026 as improper incorporation by reference under 37 C.F.R. §§ 42.22(a)(2) and 42.6(a)(3), as well as the other portions of Exhibit 1003 not cited or otherwise relied on in the Petition. Patent Owner further objects to Exhibit 1003 under FRE

---

<sup>1</sup> Petitioner appears to have meant to cite to Exhibit 1009 in the Petition but instead made a typographical error and cited to Exhibit 1010, which does not support the proposition in, nor is it related to, the associated text in the Petition. Patent Owner has thus objected to both exhibits for completeness.

702 to the extent the opinions contained in Exhibit 1003 are conclusory and lack sufficient explanation.

Patent Owner additionally objects to Exhibits 1010-1013 and 1015-1017 as hearsay under FRE 801-802, and as lacking authentication under FRE 901. Patent Owner objects to those portions of Exhibit 1003 that address Exhibits 1010-1013 and 1015-1017 under FRE 702 as conclusory and lacking sufficient explanation. Petitioner objects to Exhibit 1003 under FRE 702 because it is not based on sufficient facts or data, and is not the product of reliable principles and methods.

Patent Owner further objects to Exhibit 1027 as irrelevant, confusing, and misleading under FRE 401, 402 and 403, and as incomplete under FRE 106 for failure to provide all related evidence.

Patent Owner reserves the right to revise, modify, or assert additional or further objections.

Dated: April 30, 2020

*/s. Benjamin Pleune/*

---

Benjamin S. Pleune  
Reg. No. 52,421  
ALSTON & BIRD LLP  
Bank of America Plaza, Suite 4000  
101 South Tryon Street  
Charlotte, NC 28280-4000  
Telephone: (704) 444-1000  
Facsimile: (704) 444-1111  
Email: ben.pleune@alston.com

*Counsel for Patent Owner  
Universal Electronics Inc.*

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.8 and 42.6(e), the undersigned hereby certifies that the foregoing was served electronically in its entirety on the following:

Jon E. Wright, Reg. No. 50,720  
Lestin L. Kenton, Reg. No. 72,314  
Daniel S. Block, Reg. No. 68,395  
Timothy L. Tang, Reg. No. 75,187  
jwright-PTAB@sternekessler.com  
lkenton-PTAB@sternekessler.com  
dblock-PTAB@sternekessler.com  
ttang-PTAB@sternekessler.com  
PTAB@sternekessler.com

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, D.C. 20005  
TEL.: 202-772-8758  
FAX: 202-371-2540

Dated: April 30, 2020

/s. Benjamin Pleune/

Benjamin S. Pleune  
Reg. No. 52,421  
ALSTON & BIRD LLP  
Bank of America Plaza, Suite 4000  
101 South Tryon Street  
Charlotte, NC 28280-4000  
Telephone: (704) 444-1000  
Facsimile: (704) 444-1111  
Email: ben.pleune@alston.com

*Counsel for Patent Owner Universal  
Electronics Inc.*