

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ROKU, INC.,  
Petitioner

v.

UNIVERSAL ELECTRONICS, INC.,  
Patent Owner

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Case IPR2019-01614  
Patent 9,911,325

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

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Petitioner, Roku, Inc., objects to the admissibility of the following evidence submitted by Patent Owner, Universal Electronics, Inc. 37 C.F.R. § 42.64(b)(1).

These objections are being timely filed within 5 business days after service of the evidence to which these objections are directed.

**Exhibit 2012: August 19, 2020 Transcript, *Certain Electronic Devices, Including Streaming Players, Televisions, Set Top Boxes, Remote Controllers, and Components Thereof*, ITC Inv. 337-TA-1200**

Petitioner objects to this document because it is being improperly submitted with the Patent Owner's Sur-Reply. As explained in the Consolidated Trial Practice Guide, November 2019, the "sur-reply *may not* be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness." TPG, 73 (emphasis added). Here, Patent Owner attempts to subvert this rule and attempts to improperly submit additional evidence with its Sur-Reply.

Petitioner further objects to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403 (e.g., this document is improperly being used to mischaracterize Petitioner's disagreement with UEI's addition of a negative limitation to the construction of "key code signal").

Case IPR2019-01614  
U.S. Patent No. 9,911,325

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Lestin L. Kenton/

Lestin L. Kenton, Reg. No. 72,314  
Counsel for Petitioner  
Roku, Inc.

Date: November 20, 2020

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(202) 371-2600

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)** was electronically served via e-mail in its entirety on November 20, 2020, upon the following Attorneys for Patent Owner:

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Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Lestin L. Kenton/

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