

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROKU, INC.,
Petitioner,

v.

UNIVERSAL ELECTRONICS INC.,
Patent Owner.

Case IPR2019-01615
U.S. Patent 9,716,853

**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, 3, 5, and 7 of U.S. Patent No. 9,716,853 (“the ’853 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 1007-1009, 1011, 1019-1020, 1022, 1024-1033, and 1036 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 Exhibits 1003, 1043, and 1048-1049 that address Exhibits 1007-1009, 1011, 1019-1020, 1022, 1024-1033, and 1036 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 Exhibits 1003, 1043, and 1048-1049 not cited or otherwise relied on in the Petition. Patent Owner further objects to Exhibits 1003, 1043, and 1048-1049 under FRE 702 to the extent the opinions

contained in Exhibits 1003, 1043, and 1048-1049 are conclusory and lack sufficient explanation.

Patent Owner further objects to Exhibits 1009 and 1019 as not cited or discussed by either the Petition or Exhibits 1003, 1043, or 1048-1049.

Patent Owner additionally objects to Exhibits 1008, 1010-1011, 1019-1020, 1022, 1024-1033, 1036, 1042, 1044, and 1045-1046 as hearsay under FRE 801-802, and as lacking authentication under FRE 901. Patent Owner objects to those portions of Exhibits 1003, 1043, and 1048-1049 that address Exhibits 1008, 1010-1011, 1019-1020, 1022, 1024-1033, 1036, 1042, 1044, and 1045-1046 under FRE 702 as conclusory and lacking sufficient explanation. Petitioner objects to Exhibits 1003, 1043, and 1048-1049 under FRE 702 because each is not based on sufficient facts or data, and is not the product of reliable principles and methods.

Patent Owner further objects to Exhibits 1009, 1016, and 1019 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: May 1, 2020

/S. Benjamin Pleune/
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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:

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