

1 Jonathan D. Baker (SBN 196062)
jdbaker@dickinsonwright.com
2 Craig Y. Allison (SBN 161175)
3 callison@dickinsonwright.com
4 DICKINSON WRIGHT RLLP
800 W. California Avenue, Suite 110
5 Sunnyvale, CA 94086
Telephone: (408) 701-6200
6 Facsimile: (844) 670-6009

7
8 Steven R. Daniels (SBN 235398)
sdaniels@dickinsonwright.com
9 Michael D. Saunders (SBN 259692)
msaunders@dickinsonwright.com
10 DICKINSON WRIGHT PLLC
11 607 W. 3rd Street, Suite 2500
12 Austin, Texas 78701
Telephone: (512) 770-4200
13 Facsimile: (844) 670-6009

14 *Attorneys for Defendant Roku, Inc.*
15 Additional counsel on signature page

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 UNIVERSAL ELECTRONICS INC.,
19 a Delaware Company,

20 Plaintiff,

21 v.

22 ROKU, INC.,
23 a Delaware Company,

24 Defendant.

Case No. 8:18-cv-01580-JVS-ADS

**ROKU'S RESPONSE TO
PLAINTIFF'S OPENING CLAIM
CONSTRUCTION BRIEF**



TABLE OF CONTENTS

	Page
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
INTRODUCTION	1
I. Disputed Terms of the Mui Patents.....	1
A. “key code signal” (‘642, ‘389, and ‘325 Patents).....	1
1. UEI’s Construction is Unsupported by Evidence and Improperly Ignores Contradictory Evidence	1
2. UEI’s Arguments Against Roku’s Construction are Unpersuasive.....	3
B. “key code generator device” (‘642 and ‘389 Patents)	6
II. Disputed Terms of the Arling Patent	11
A. “by using an identity ...” (‘853 Patent)	11
III. Disputed Terms of the Janik Patents.....	14
A. “universal controlling device” (‘309, ‘504, and ‘505 Patents).....	14
B. “second data ...” (‘309, ‘504, and ‘505 Patents).....	16
C. “second input type ...” (‘309, ‘504, and ‘505 Patents).....	18
IV. Disputed Terms of the Scott Patents	18
A. “automatically created” (‘532 Patent).....	18
B. “sequence of instructions” (‘532 Patent)	19
C. “causing the automatically created sequence of instructions ...” (‘532 Patent).....	21
D. “event journal” (‘446 Patent).....	24
CONCLUSION.....	25

TABLE OF AUTHORITIES

CASE	PAGE
<i>Abbott Labs. v. Novopharm Ltd.</i> , 323 F.3d 1324 (Fed. Cir. 2003)	15
<i>ATLAS IP, LLC v. Medtronic, Inc.</i> , 809 F.3d 599 (Fed. Cir. 2015)	5
<i>Blonder-Tongue Labs, Inc. v. Univ. of Ill. Foundation</i> , 402 U.S. 313 (1971).....	17
<i>Edwards Lifesciences LLC v. Cook Inc.</i> , 582 F.3d 1322 (Fed. Cir. 2009)	15
<i>Indacon, Inc. v. Facebook, Inc.</i> , 824 F.3d 1352 (Fed. Cir. 2016)	4
<i>Intamin Ltd. v. Magnetar Techs., Corp.</i> , 483 F.3d 1328 (Fed. Cir. 2007)	13
<i>Interactive Gift Express, Inc. v. CompuServe Inc.</i> , 256 F.3d 1323 (Fed. Cir. 2001)	23
<i>Intervet, Inc. v. Merial Ltd.</i> , 617 F.3d 1282 (Fed. Cir. 2010)	4
<i>Kraft Foods, Inc. v. International Trading Co.</i> , 203 F.3d 1362 (Fed. Cir. 2000)	5
<i>Merck & Co. v. Teva Pharmaceuticals USA</i> , 395 F.3d 1364 (Fed. Cir. 2005)	24
<i>Nichia Corp. v. Everlight Americas, Inc.</i> , 855 F.3d 1328 (Fed. Cir. 2017)	20
<i>Rambus Inc. v. Hynix Semiconductor, Inc.</i> , 569 F. Supp. 2d 946 (N.D. Cal. 2008).....	17
<i>Rembrandt Wireless Techs., LP v. Samsung Elecs. Co.</i> , 853 F.3d 1370 (Fed. Cir. 2017)	15
<i>Ruckus Wireless v. Innovative Wireless Solutions, LLC</i> , 824 F.3d 999 (Fed. Cir. 2016)	2

1 *Sears Petroleum & Transport Corp. v. Archer Daniels Midland Corp.*,
2 Case No. 5:03-CV-1120, 2007 WL 2156751 (N.D.N.Y.
3 July 24, 2007) 17

4 *Syneron Med. Ltd. v. Invasix, Inc.*,
5 No. 8:16-CV-00143, Dkt. No. 261, 2018 WL 4696971 (C.D. Cal.
6 Sept. 5, 2018) 8

7 *Tandon Corp. v. US Intern. Trade Com'n*,
8 831 F.2d 1017 (Fed. Cir. 1987) 21

9 *Trustees of Columbia Univ. v. Symantec*,
10 811 F.3d 1359 (Fed. Cir. 2016) 2

11 *Uniloc USA, Inc. v. Autodesk, Inc.*,
12 No. 2:15-CV-1187-JRG-RSP, 2016 WL 3647977
13 (E.D. Tex. July 7, 2016) 8

14 *Universal Elecs., Inc. v. Peel Techs., Inc.*,
15 2014 WL 5488896 (C.D. Cal. Sept. 17, 2014) 16, 17, 18

16 *Williamson v. Citrix*,
17 792 F.3d 1339 (Fed. Cir. 2015) 7, 9

INTRODUCTION

In its opening claim construction brief, Roku explained how each of its constructions is supported by the intrinsic record of the asserted patents. By contrast, UEI’s brief demonstrates that UEI’s constructions are contrary to the evidence and disregard binding holdings from the Federal Circuit. Accordingly, as discussed in further detail below, the Court should adopt Roku’s constructions.

I. Disputed Terms of the Mui Patents

A. “key code signal” (‘642, ‘389, and ‘325 Patents)

Claim Term	UEI’s Construction	Roku’s Construction
“key code signal” 642 Patent claims 1, 2, 5-6, 10, 12- 13, 15, 20 389 Patent claims 1-2, 4, 8	a signal containing a key code	A signal which contains a modulated key code for controlling a specific type, brand, and model of consumer electronic device. Excludes signals containing key codes to be stored on the remote control for later use in generating IR signals.

In its opening claim construction brief, Roku demonstrated that: (1) “key code signal” lacks any established meaning in the technical field; (2) that the specification makes clear that the “key code signal” contains a modulated key code for controlling a specific type, brand and model of consumer electronic device; and (3) that UEI disclaimed signals containing key codes to be stored on the remote control for later use in generating IR signals. By contrast, UEI’s proposed construction is unsupported by evidence, improperly ignores clear disclaimers in the file history, and fails to account for how the term is used in the specification.

1. UEI’s Construction is Unsupported by Evidence and Improperly Ignores Contradictory Evidence

UEI repeatedly argues that its construction is the “plain and ordinary

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.