

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROKU, INC.,
Petitioner,

v.

UNIVERSAL ELECTRONICS, INC.,
Patent Owner.

IPR2019-01615
Patent 9,716,853 B2

Record of Oral Hearing
Held Virtually: January 25, 2021

Before PATRICK M. BOUCHER, MINN CHUNG, and SHARON FENICK,
Administrative Patent Judges.

IPR2019-01615
Patent 9,716,853 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Monday, January 25, 2021, commencing at 1:00 p.m., EST, by video/by telephone.

1 P R O C E E D I N G S

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3 JUDGE FENICK: Good day. This is a trial hearing for
4 IPR2019-01615, which relates to U.S. Patent 9,716,853. The
5 Petitioner is Roku, Inc., and the Patent Owner Universal
6 Electronics, Inc.

7 I'm Sharon Fenick, and joining me are Judges Chung
8 and Boucher.

9 This time, we'd like to ask to -- counsel to
10 introduce themselves and anyone else that you have with you,
11 starting with Petitioner, please.

12 MR. WRIGHT: Good afternoon, Your Honors, and may it
13 please the Board. This is Jon Wright from Sterne, Kessler,
14 Goldstein & Fox, representing the Petitioner, Roku. And on
15 the line is my colleague, Ali Allawi, also from Sterne,
16 Kessler.

17 And I'm not sure if anyone else is on the public
18 line.

19 JUDGE FENICK: Thank you.

20 And for Patent Owner, please.

21 Patent Owner, we're not hearing you if you're
22 speaking.

23 MR. LUKAS: Hello. Can you hear me now?

24 JUDGE FENICK: Now we can.

25 MR. LUKAS: Sorry about that. I'm here for the
26 Patent Owner. This is James Lukas of the law firm Greenberg

1 Traurig. And also with me is Ben Gilford. I believe on
2 behalf of Patent Owner there also might be Ben Pleune of
3 Alston & Bird.

4 JUDGE FENICK: Thank you.

5 Mr. Wright mentioned the public audio line has been
6 requested for this hearing. Additionally, a full transcript
7 is being taken and will become part of the hearing record in
8 due course.

9 According to our hearing order, each side has one
10 hour in order to -- in order to present. We'll start with
11 the Petitioner because the Petitioner has the burden in this
12 case. Petitioner can reserve time, followed by the Patent
13 Owner who can also reserve time.

14 Every member of the Panel has a copy of the
15 demonstrative exhibits that were filed by both sides. And,
16 in addition, we each have access to the entire record of the
17 proceeding in case you choose to refer to something that's
18 not on the slides but is in the record. When conducting the
19 presentation, if you could, please take care to refer to
20 slide number, exhibit, or page number that you're discussing
21 for the record, which will make it easier for us to follow
22 your presentation and also help with clarity in the
23 transcript.

24 If you could, please make sure you introduce yourself
25 before you speak for the benefit of the court reporter. And
26 if you could please mute yourselves when not presenting, that

1 will also help with the clarity of our proceeding here.

2 This time, are there any questions from either side?

3 Mr. Wright?

4 MR. WRIGHT: No, Your Honor.

5 JUDGE FENICK: Thank you.

6 Mr. Lukas.

7 MR. LUKAS: No, Your Honor.

8 JUDGE FENICK: Thank you.

9 Mr. Wright, as I said, you'll go first. Would you
10 like to reserve time for rebuttal?

11 MR. WRIGHT: I -- I would, Your Honor. I'd like to
12 reserve 15 minutes.

13 JUDGE FENICK: Thank you. Please proceed, and -- and
14 I'll let you know when the 45 minutes elapses.

15 ORAL ARGUMENT ON BEHALF OF THE PETITIONER

16 MR. WRIGHT: Thank you, Your Honor. And may it
17 please the Board, again, this is Jon Wright from Sterne,
18 Kessler, representing the Petitioner, Roku.

19 And I'll begin on slide 2, which has the instituted
20 grounds. So slide 2 simply reproduces the Board's chart on
21 the institution decision, and it accurately reflects the
22 substance of the petition. Chardon is the primary reference,
23 and the petition explains how Chardon discloses every element
24 of every challenged claim. And the petition also sets forth
25 how it relies on HDMI and Stecyk to supplement Chardon. And,
26 again, the Board's institution decision accurately captures

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