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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

- - -

THE HONORABLE JAMES V. SELNA, JUDGE PRESIDING

UNIVERSAL ELECTRONICS, INC.,)
Plaintiff,)
vs.)
ROKU, INC.,) SACV-18-01580-JVS
Defendant.)
-----)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Santa Ana, California

August 5, 2019

SHARON A. SEFFENS, RPR
United States Courthouse
411 West 4th Street, Suite 1-1053
Santa Ana, CA 92701
(714) 543-0870

SHARON A. SEFFENS, U.S. DISTRICT COURT REPORTER



1 APPEARANCES OF COUNSEL:

2 For the Plaintiff:

3 RYAN W. KOPPELMAN
4 TIMOTHY R. WATSON
5 ALSTON & BIRD, LLP
6 1950 University Avenue, 5th Floor
7 East Palo Alto, CA 94303
8 (650) 838-2000

9 EVAN WILLIAM WOOLLEY
10 ALSTON & BIRD, LLP
11 333 South Hope Street, 16th Floor
12 Los Angeles, CA 90071
13 (213) 576-1000

14 For the Defendant:

15 JONATHAN D. BAKER
16 DICKINSON WRIGHT, PLLC
17 800 West California Avenue, Suite 110
18 Sunnyvale, CA 94086
19 (408) 701-6200

20 MICHAEL D. SAUNDERS
21 DICKINSON WRIGHT, PLLC
22 607 West 3rd Street, Suite 2500
23 Austin, TX 78701
24 (512) 770-4200

25 ALSO PRESENT:

Rick Firehammer
General Counsel for UEI
Jeremy Black
Assistant General Counsel for UEI

Joseph Hollinger
Roku Vice-President of Litigation & Intellectual Property

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1 SANTA ANA, CALIFORNIA; MONDAY, AUGUST 5, 2019; 2:31 P.M.

02:31 2 THE CLERK: Item No. 14, SACV-18-01580-JVS,

02:31 3 Universal Electronics, Inc., versus Roku, Inc.

02:31 4 Appearances please, counsel.

02:31 5 MR. KOPPELMAN: Good afternoon, Your Honor. Ryan

02:31 6 Koppelman for plaintiff UEI, and joining me today is Evan

02:31 7 Woolley and Tim Watson from my firm. Also with us in the

02:32 8 gallery is Rick Firehammer, General Counsel for UEI, and

02:32 9 Jeremy Black, Assistant General Counsel for UEI.

02:32 10 THE COURT: Good afternoon. Welcome.

02:32 11 MR. BAKER: Good afternoon, Your Honor. Jonathan

02:32 12 Baker and Michael Saunders on behalf of defendant Roku, Inc.

02:32 13 With us today in the gallery is Joseph Hollinger,

02:32 14 Vice-President of Litigation and Intellectual Property at

02:32 15 Roku.

02:32 16 THE COURT: Good afternoon. Welcome.

02:32 17 Which terms are we going to discuss this

02:32 18 afternoon?

02:32 19 MR. KOPPELMAN: Good afternoon, Your Honor. Ryan

02:32 20 Koppelman.

02:32 21 The plaintiff and defendant conferred, and what we

02:32 22 had agreed upon is as follows. We would like to present

02:32 23 argument on terms numbered in the tentative 1, 2, 3, 4, and

02:32 24 8, those five terms. So term 1 is "key code signal;" term 2

02:32 25 "key code generator device"; term 3 "by using an identity,"

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02:32 1 dot, dot, dot; term 4 "universal controlling device"; and
02:33 2 term 8 "causing the automatically created sequence of
02:33 3 instructions," dot, dot, dot.

02:33 4 THE COURT: Okay.

02:33 5 MR. KOPPELMAN: What we also worked out is we
02:33 6 would like to go term by term. On the first four, Roku will
02:33 7 go first, present first, and then we will respond. We will
02:33 8 have a short period for a reply. And then on Term 8, UEI
02:33 9 will go first, and Roku will respond, and we will have a
02:33 10 short reply.

02:33 11 THE COURT: Very good.

02:33 12 MR. KOPPELMAN: Thank you, Your Honor.

02:33 13 MR. BAKER: Your Honor, may I approach with a copy
02:33 14 of our presentation to the Court?

02:33 15 THE COURT: You may.

02:33 16 MR. BAKER: I have some extra copies for the
02:33 17 clerks.

02:34 18 (Document handed to the Court)

02:34 19 THE COURT: Mr. Saunders.

02:34 20 MR. SAUNDERS: Thank you, Your Honor.

02:34 21 Let me begin with the term "key code signal,"
02:34 22 which appears in each of the three Mui patents in this case.
02:34 23 I am going to focus on a couple of key points of law and
02:34 24 fact that we think were overlooked in the tentative order.

02:34 25 But just to refresh what the claim construction

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02:34 1 disputes were, Roku's claim construction position had
02:34 2 essentially three different issues on that, and they are
02:34 3 broken up in the tentative appropriately as three different
02:34 4 issues: the first involving modulation, the second
02:34 5 involving a specific type of brand of device, and the third
02:34 6 about a disclaimer of stored key codes.

02:35 7 Today we are going to be submitting on the
02:35 8 tentative as to the second of those three issues, but I will
02:35 9 be addressing the modulation issue as well as the disclaimer
02:35 10 about storage issue. So it boils down to the two issues I
02:35 11 will be talking about are does the key code single contain a
02:35 12 modulated key code and has UEI disclaimed signals containing
02:35 13 key codes to be stored on a remote control for later use in
02:35 14 generating IR signals?

02:35 15 So I will turn first to the modulation and
02:35 16 specifically the part of the tentative order dealing with
02:35 17 modulation on pages 12 and 13 where the Court stated that:
02:35 18 "Roku does not otherwise sufficiently argue that the
02:35 19 applicant demonstrated a clear intent to limit the meaning
02:35 20 of this term in the specification or during prosecution of
02:35 21 the patent."

02:35 22 It's obviously a very important doctrine in patent
02:35 23 law, but it is not a doctrine that applies here. We cited
02:36 24 one case in our brief that the Federal Circuit has held
02:36 25 multiple times when we have a coined term claim like the

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