

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROKU, INC.
Petitioner

v.

UNIVERSAL ELECTRONICS INC.
Patent Owner

Case IPR No. IPR2019-01615
U.S. Patent 9,716,853

DECLARATION OF STEVE VENUTI

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P.O. Box 1450
Alexandria, VA 22313-1450

I, Steve Venuti, do hereby declare and state:

1. I am a citizen of the United States, and reside at 128 Whitney Avenue, Los Gatos, California, 93050

2. I make the following statements in this declaration based on my personal knowledge.

3. I first joined HDMI Licensing, LLC (now HDMI Licensing Administrator, Inc.) in September, 2002 and retired from HDMI Licensing, LLC in March of 2015. At the time of my retirement I was serving as President of HDMI Licensing, LLC, a role that I had been in since April, 2008. Prior to being President, from September, 2005 to March, 2008, I was the Vice President of Marketing of HDMI Licensing, LLC.

4. This declaration relates to the publication of version 1.3a of the HDMI Specification ("the HDMI Specification"). HDMI Licensing, LLC released the HDMI Specification on November 10, 2006. At that time, I was the Vice President of Marketing of HDMI Licensing, LLC. The HDMI Specification generally relates to an interface that combines uncompressed high-definition video, multi-channel audio, and data in a single digital interface to provide crystal--clear digital quality over a single cable. The HDMI Specification is required in order to implement HDMI-compliant interfaces. A true and correct copy of the HDMI Specification (to be clear, version 1.3a) is attached to this declaration as Attachment A.

5. HDMI Licensing, LLC is, and has been since November, 2002, the licensing agent responsible for administering the licensing of the HDMI Specification, promoting HDMI technology and providing education on the benefits of the HDMI interface to retailers and consumers. In my role as Vice President of Marketing of HDMI Licensing, LLC, I was personally involved in promoting the adoption the HDMI Specification, and thus I am personally knowledgeable about its contents. One of my responsibilities in that role was to encourage the adoption of the HDMI Specification by consumer electronics and PC manufacturers worldwide, and I am personally knowledgeable about those efforts.

6. To encourage adoption of the HDMI Specification, HDMI Licensing, LLC made that specification freely available by way of the website at <http://hdmi.org>. I was personally responsible for the promotion of the HDMI Specification by way of its distribution on the hdmi.org website, and thus have personal knowledge that the HDMI Specification was available on that website at least as of November 10, 2006 when the specification was released.

7. Attachment B supports, and is consistent with, my recollection that the HDMI Specification was accessible to the public as of November 10, 2006. Attachment B is the archive.org copy of the June 16, 2007 version of the hdmi.org download page for the HDMI Specification.

8. As noted above, by that time, the current version of the HDMI Specification was 1.3a and that version was available for download from the hdmi.org download page. Attachment B explains that "[t]he HDMI technical specification is available to HD device, display, component, and test equipment manufacturers at no charge." With respect to version 1.3a, that statement is accurate, and was accurate as of November 10, 2006 when the HDMI Specification was released.

9. To encourage the adoption of the HDMI Specification, HDMI Licensing, LLC allowed the public, as of November 10, 2006, to access the HDMI Specification via that website, including allowing the public to download a copy of the specification. HDMI Licensing, LLC intended for the HDMI Specification to be distributed as widely as possible and thus placed no restriction on such downloading or on the redistribution of the specification.

10. To obtain a copy of the HDMI Specification, as of November 10, 2006, a member of the public would need only to complete the identification information on the download form. The form included no confidentiality or special membership requirements. It merely required entry of basic information identifying the downloader. Activating the submit button would then provide a link from which the HDMI Specification could be directly downloaded. I was

personally responsible for coordinating the development of this download functionality.

11. Part of my responsibilities as Vice President of Marketing of HDMI Licensing, LLC was to make the relevant public aware of the HDMI Specification and its availability. We did this through several mechanisms. For example, through a tab on the hdmi.org website as well as through promotion of the availability of the HDMI Specification at industry events such as DisplaySearch and at HDMI Licensing, LLC press events.

12. In my role of encouraging the adoption of the Specification, I communicated with representatives of manufacturers of consumer electronics and personal computers who were interested in using the HDMI Specification to implement audiovisual interfaces in their products. As part of that implementation process, I am personally aware of a number of people outside of HDMI Licensing LLC, including at various manufacturers, who were aware of the availability of the HDMI Specification on the hdmi.org website in the late 2006 time frame and who actually downloaded the HDMI Specification from the website between November 2006 and late 2007. For example, sometime in the 2007 time frame, HDMI Licensing, LLC reviewed the number of downloads of the HDMI specification from the hdmi.org website and found that there had been more than 30,000 downloads of the 1.0- 1.3a specifications.

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