

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
Patent 9,716,853 B2

**PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN
DECISION AND ORDER DENYING PETITIONER'S
REQUEST FOR REHEARING**

via PTAB E2E
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

via CM/ECF
United States Court of Appeals for the Federal Circuit

INTRODUCTION

Roku, Inc.’s (“Petitioner”) appeal stems from the Patent Trial and Appeal Board’s Judgement Final Written Decision finding that Petitioner failed to show that claims 1, 3, 5, and 7 of U.S. Patent No. 9,716,853 (“the ’853 Patent”) are unpatentable, entered on April 13, 2021 (Paper 33, “Final Written Decision”), and the Order Denying Petitioner’s Request for Rehearing, entered on August 17, 2021 (Paper 35, “Rehearing Request Denial”) in the above-captioned *inter partes* review of the ’853 Patent. This notice is timely filed within 63 days of the Rehearing Request Denial. 37 C.F.R. § 90.3(a)(1).

PETITIONER’S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), Petitioner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 33) and the Rehearing Request Denial (Paper 35).

PETITIONER’S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner’s issues on appeal include at least: (i) the Board’s finding that claims 1, 3, 5, and 7 of the ’853 Patent are not unpatentable as obvious over Chardon; (ii) the Board’s finding that claims 1, 3, 5, and 7 of the ’853 Patent are not unpatentable as obvious over Chardon and

HDMI 1.3a; (iii) the Board's finding that 1, 3, 5, and 7 of the '853 Patent are not unpatentable as obvious over the combination of Chardon and Stecyk; (iv) the Board's finding that claims 1, 3, 5, and 7 of the '853 Patent are not unpatentable as obvious over the combination of Chardon, Stecyk, and HDMI 1.3a; (v) the Board's denial of Petitioner's Request for Rehearing; and (vi) any finding or determination supporting or related to the aforementioned issues, including claim constructions, as well as all other issues decided adversely to Petitioner in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Petitioner is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jon E. Wright/

Jon E. Wright
Registration No. 50,720
Attorney for Petitioner

Date: October 14, 2021

1100 New York Avenue, N.W.
Washington, D.C. 20005
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CERTIFICATION OF FILING

The undersigned certifies that, along with electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION AND ORDER DENYING PETITIONER'S REQUEST FOR REHEARING** is being filed by U.S.P.S. Priority Mail Express® with the Director on October 14, 2021 at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION AND ORDER DENYING PETITIONER'S REQUEST FOR REHEARING** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on October 14, 2021.

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION AND ORDER DENYING PETITIONER'S REQUEST FOR REHEARING** was served electronically via e-mail on October 14, 2021, in its entirety on the following:

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