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

17 UNIVERSAL ELECTRONICS INC.,  
18 a Delaware Company,

19 Plaintiff,

20 v.

21 ROKU, INC.,  
22 a Delaware Company,

23 Defendant.

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

**ROKU'S OPENING CLAIM  
CONSTRUCTION BRIEF**



**TABLE OF CONTENTS**

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

BACKGROUND ..... 1

LEGAL STANDARDS ..... 3

ARGUMENT ..... 4

    I.    THE TEN DISPUTED TERMS FOR CONSTRUCTION AT  
          THE CLAIM CONSTRUCTION HEARING ..... 4

        A.    “key code signal” (Mui ’642, ’389 and ’325 Patents) ..... 4

            1.    The “key code signal” contains a *modulated* key  
                    code ..... 4

            2.    The “key code signal” controls a specific type,  
                    brand, and model of consumer electronic device ..... 6

            3.    UEI has disclaimed signals containing key codes to  
                    be stored on the remote control for later use in  
                    generating IR signals from the scope of “key code  
                    signal” ..... 8

        B.    “key code generator device” (Mui ’642, ’389 and ’325  
                Patents) ..... 9

            1.    “key code generator device” should be construed as  
                    a means-plus-function limitation because “device”  
                    is a nonce word and “key code generator” is purely  
                    functional ..... 9

            2.    The specification does not contain adequate  
                    corresponding structure for generating key codes ..... 11

        C.    “by using an identity associated with the intended target  
                appliance to create a listing comprised of at least a first  
                communication method and a second communication  
                method different than the first communication method for  
                use in controlling each of at least a first functional  
                operation and a second functional operation of the  
                intended target appliance” (Arling ’853 Patent) ..... 13

1                   1.    The “by using an identity” phrase modifies the “to  
2                   create a listing” phrase.....13

3                   2.    The listing must contain at least two different  
4                   communication methods, each of which can control  
5                   and is associated with the same two or more  
6                   functional operations of the same, single target  
7                   appliance .....14

8                   3.    UEI has disclaimed selecting a communication  
9                   protocol and thereafter using the selected  
10                  communication protocol for all commands sent to  
11                  the target appliance .....16

12                 D.    “universal controlling device” (Janik ’309, ’504, and ’505  
13                 Patents).....17

14                 E.    “second data representative of the motion made across the  
15                 touch-sensitive surface” (Janik ’309 Patent) .....18

16                 F.    “second input type indicative of a motion made across the  
17                 touch-sensitive surface” / “second input type indicative of  
18                 a moving touch made across the touch-sensitive surface”  
19                 (Janik ’309, ’504, and ’505 Patents) .....19

20                 G.    “automatically created” (Scott ’532 Patent) .....20

21                 H.    “sequence of instructions” (Scott ’532 Patent).....20

22                 I.    “causing the automatically created sequence of  
23                 instructions to be executed by the controlling device in  
24                 response to a selection of a user input element of the  
25                 controlling device” (Scott ’532 Patent) .....22

26                 J.    “event journal” (Scott ’446 Patent).....24

27                 CONCLUSION.....25

28

**TABLE OF AUTHORITIES**

<b>CASE</b>	<b>PAGE</b>
<i>Brand Indus., Ltd. v. Harvest Int’l Corp.</i> , 2016 WL 1452402 (N.D. Iowa April 13, 2016).....	19
<i>Computer Docking Station Corp. v. Dell, Inc.</i> , 519 F.3d 1366 (Fed. Cir. 2008) .....	3
<i>Cont’l Circuits LLC v. Intel Corp.</i> , 915 F.3d 788 (Fed. Cir. 2019) .....	17, 25
<i>Edwards Lifesciences LLC v. Cook Inc.</i> , 582 F.3d 1322 (Fed. Cir. 2009) .....	17, 25
<i>Elkay Mfg. Co. v. EBCO Mfg. Co.</i> , 192 F.3d 973 (Fed. Cir. 1999) .....	16
<i>Eon Corp. v. Silver Springs Networks</i> , 815 F.3d 1314 (Fed. Cir. 2016).....	19
<i>Gentry Gallery, Inc. v. Berkline Corp.</i> , 134 F.3d 1473 (Fed. Cir. 1998) .....	3
<i>Indacon, Inc. v. Facebook, Inc.</i> , 824 F.3d 1352 (Fed. Cir. 2016) .....	3, 4, 5
<i>Joao Control &amp; Monitoring Sys., LLC v. Protect Am., Inc.</i> , No. 1-14-CV-134-LY, 2015 WL 4937464 (W.D. Tex. Aug. 18, 2015).....	11
<i>Johnson Worldwide Assocs., Inc. v. Zebco Corp.</i> , 175 F.3d 985 (Fed. Cir. 1999) .....	17
<i>Mantech Envtl. Corp. v. Hudson Envtl. Servs., Inc.</i> , 152 F.3d 1368 (Fed. Cir. 1998) .....	24
<i>Markman v. Westview Instruments, Inc.</i> , 52 F.3d 967 (Fed. Cir. 1995), <i>aff’d</i> 517 U.S. 370 (1996).....	3
<i>Mobile Telecom. Techs., LLC v. Blackberry Corp.</i> , 2016 WL 6271703 (N.D. Tex. May 6, 2016).....	12
<i>O2 Micro Int’l Ltd. v. Beyond Innovation Tech. Co., Ltd.</i> , 521 F.3d 1351 (Fed. Cir. 2008) .....	19, 25

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

**TABLE OF AUTHORITIES (cont.)**

*Phillips v. AWH Corp.*,  
415 F.3d 1303 (Fed. Cir. 2005) .....3, 4

*Power Integrations, Inc. v. Fairchild Semicon. Int’l, Inc.*,  
711 F.3d 1348 (Fed. Cir. 2013) .....5, 21

*Randall May Int’l Inc. v. Pearl Corp.*,  
2014 WL 2930725 (C.D. Cal. Mar. 11, 2014) (Selna, J.) .....19, 20

*Renishaw PLC v. Marposs Societa’ per Azioni*,  
158 F.3d 1243 (Fed. Cir. 1998) .....1

*Ruckus Wireless, Inc. v. Innovative Wireless Sols., LLC*,  
824 F.3d 999 (Fed. Cir. 2016) .....7

*Springs Window Fashions LP v. Novo Indus.*,  
323 F.3d 989 (Fed. Cir. 2003) .....3, 9, 14

*Trustees of Columbia Univ. v. Symantec*,  
811 F. 3d 1359 (Fed. Cir. 2016) .....4, 21

*Tuna Processors, Inc. v. Hawaii Int’l Seafood, Inc.*,  
327 F. App’x 204 (Fed. Cir. 2009) .....24

*Universal Elecs., Inc. v. Peel Techs., Inc.*,  
2014 WL 5488896 (C.D. Cal. Sept. 17, 2014) .....19

*Verizon Servs. Corp. v. Vonage Holdings Corp.*,  
503 F.3d 1295 (Fed. Cir. 2007) .....7

*Williamson v. Citrix*,  
792 F.3d 1339 (Fed. Cir. 2015) .....9, 10, 11, 12

*WMS Gaming, Inc. v. Int’l Game Tech.*,  
184 F.3d 1339 (Fed. Cir. 1999) .....12

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