

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before The Honorable Cameron R. Elliot
Administrative Law Judge**

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING STREAMING PLAYERS,
TELEVISIONS, SET TOP BOXES,
REMOTE CONTROLLERS, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1200

**RESPONSE OF RESPONDENT ROKU, INC. TO THE
COMPLAINT OF UNIVERSAL ELECTRONICS INC.
AND NOTICE OF INVESTIGATION**

RESPONDENT:

ROKU, INC.
1155 Coleman Avenue
San Jose, CA 95110

COUNSEL FOR RESPONDENT:

Jonathan D. Baker
Craig Y. Allison
DICKINSON WRIGHT RLLP
800 W. California Avenue, Suite 110
Sunnyvale, CA 94086

Steven R. Daniels
Michael D. Saunders
DICKINSON WRIGHT PLLC
607 W. 3rd Street, Suite 2500
Austin, Texas 78701

Matthew J. Rizzolo
Brendan McLaughlin
ROPES & GRAY LLP
2099 Pennsylvania Ave NW
Washington, DC 20006

Andrew Thomases
ROPES & GRAY LLP
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303

Matthew R. Shapiro
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036-8704

Pursuant to Commission Rule 210.13, 19 C.F.R § 210.13, Respondent Roku, Inc. (“Roku”) hereby responds to the Complaint filed by Universal Electronics, Inc. (“UEI” or “Complainant”) on April 16, 2020, and to the Notice of Investigation issued by the United States International Trade Commission (“Commission”) on May 18, 2020. As to the Notice of Investigation, Roku admits that such an investigation exists and that Roku is named as one of the respondents therein. Roku otherwise denies the existence of the predicates and requirements for liability under such investigation, and therefore, denies the allegations in the Notice of Investigation to the extent such allegations exist.

As an initial matter, Roku denies that it has engaged in unfair competition or violated Section 337 of the Tariff Act of 1930, as amended, by importing, selling for importation, or selling within the United States after importation any device that infringes any valid or enforceable intellectual property right at issue in this investigation. Roku further denies that any patent claims at issue in this investigation are valid or enforceable. Roku denies that Complainant will be able to satisfy its burden to demonstrate infringement of any patent claims at issue in this Investigation. Roku further denies that a domestic industry as required by Section 337 exists or is in the process of being established. Roku denies that Complainant is entitled to any of the relief it seeks. Roku further reserves the right to amend or supplement its response based on additional facts or developments that become available or that arise after the filing of this Response. Roku responds to the Complaint by admitting only those facts expressly admitted below and denying all others averred in the Complaint.

For ease of reference, Roku has adopted the headings set forth in the Complaint. To the extent that such headings themselves contain factual or legal characterizations, however, Roku denies such characterizations. Also for ease of reference, Roku has repeated the language of the allegations and assertions from the Complaint before Roku’s answers to such allegations and

..

assertions. Except as expressly admitted below, Roku denies all factual and legal characterizations in such assertions and allegations set forth in the Complaint.

...

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	COMPLAINANT UEI.....	8
	A. QuickSet.....	9
III.	PROPOSED RESPONDENTS.....	12
	A. Roku.....	12
	B. TCL.....	13
	C. Hisense.....	17
	D. Funai	20
IV.	THE TECHNOLOGY AND ACCUSED PRODUCTS AT ISSUE.....	22
	A. The Roku Accused Products.....	22
	B. The TCL Accused Products	24
	C. The Hisense Accused Products.....	28
	D. The Funai Accused Products	30
V.	THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTIONS PER 19 CFR 210.12(a)(9)(vi).....	32
	A. Ownership of the Asserted Patents	32
	B. The Mui Patents	32
	1. U.S. Patent No. 9,911,325.....	33
	2. U.S. Patent No. 7,589,642.....	35
	C. The Haughawout Patents	37
	1. U.S. Patent No. 7,969,514.....	37
	2. U.S. Patent No. 10,600,317.....	40
	D. The Arling Patents	43
	1. U.S. Patent No. 10,593,196.....	43
	2. U.S. Patent No. 9,716,853.....	46
	E. Foreign Counterparts of the Asserted Patents.....	49
	F. Licensees Under the Asserted Patents	49
VI.	THE PROPOSED RESPONDENTS' UNLAWFUL AND UNFAIR ACTS.....	49
	A. Roku.....	54
	1. Infringement of U.S. Patent No. 9,911,325	56
	2. Infringement of U.S. Patent No. 7,589,642	57
	3. Infringement of U.S. Patent No. 7,969,514	57

4.	Infringement of U.S. Patent No. 10,600,317	58
5.	Infringement of U.S. Patent No. 10,593,196	58
6.	Infringement of U.S. Patent No. 9,716,853	59
7.	Indirect Infringement Related to Roku TVs	59
B.	TCL.....	62
1.	Infringement of U.S. Patent No. 9,911,325	64
2.	Infringement of U.S. Patent No. 7,589,642	65
3.	Infringement of U.S. Patent No. 7,969,514	65
4.	Infringement of U.S. Patent No. 10,600,317	66
C.	Hisense.....	66
1.	Infringement of U.S. Patent No. 9,911,325	68
2.	Infringement of U.S. Patent No. 7,589,642	69
3.	Infringement of U.S. Patent No. 7,969,514	69
4.	Infringement of U.S. Patent No. 10,600,317	70
D.	Funai	71
1.	Infringement of U.S. Patent No. 9,911,325	73
2.	Infringement of U.S. Patent No. 7,589,642	73
3.	Infringement of U.S. Patent No. 7,969,514	74
4.	Infringement of U.S. Patent No. 10,600,317	74
VII.	SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE	75
A.	Roku.....	75
B.	TCL.....	80
C.	Hisense.....	82
D.	Funai	83
VIII.	HARMONIZED TARIFF SCHEDULE NUMBERS.....	85
IX.	RELATED LITIGATION	85
A.	District Court Litigation.....	86
B.	<i>Inter Partes</i> Review	87
X.	DOMESTIC INDUSTRY.....	90
A.	Technical Prong	91
1.	Summary of the Domestic Industry Products	91
2.	The QuickSet Domestic Industry Products.....	92
3.	The UEI Domestic Industry Products.....	98

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.