

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable Cameron 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

**RESPONDENT ROKU, INC.'S JULY 10, 2020 SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO COMPLAINANT'S
THIRD SET OF INTERROGATORIES (NOS. 37, 42-46)**

Pursuant to the United States International Trade Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.27 and 210.29, and the Ground Rules in this Investigation, Roku, Inc. ("Roku") supplements its responses to the Complainant's Third Set of Interrogatories (Nos. 37, 42-46). Discovery is in its early stages and Roku reserves the right to supplement or amend these objections and responses as discovery progresses and as permitted by 19 C.F.R. § 210.27.

Roku's response to any interrogatory is not an admission or acknowledgment that such information is relevant to this action or, where appropriate, that any particular information exists, is non-privileged, or is admissible in evidence. Roku's response shall not prejudice its right to assert at the time of taking testimony, in argument, or at any other subsequent proceeding in this action, that such information is inadmissible, irrelevant, immaterial, or not the proper basis for discovery, and is without prejudice to any objection to any future use of such information that Roku may make. The following responses are based upon information and documentation that is currently available and specifically known to Roku following a reasonable and ongoing

investigation, and are given without prejudice to Roku's right to produce or rely on subsequently discovered, uncovered, or learned information. It is anticipated that further discovery, independent investigation, and analysis may lead to the discovery of additional documents, supply additional facts, and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to additions to, changes to, or variation from the information set forth herein.

GENERAL OBJECTIONS

Roku makes the following general objections to Complainant's Interrogatories, which Roku expressly incorporates by reference into each of its Responses to Complainant's Interrogatories, regardless of whether the general objections are specifically incorporated into the specific objections and responses below. By providing a specific objection to any interrogatory, or any of the "Definitions" and "Instructions," Roku does not waive or otherwise limit these general objections. Furthermore, reference to these general objections in any specific response, or with regard to specific "Definitions" and "Instructions," shall not waive or otherwise limit the applicability of these general objection to each and every interrogatory and each "Definition" and "Instructions." Additionally, Roku's General Objections set forth in Roku's Responses to Complainant's First Set of Interrogatories to Roku (Nos. 1-5) and Complainant's Second Set of Interrogatories to Roku (Nos. 6-32), Complainant's Third Set of Interrogatories to Roku (Nos. 33-47), and Complainant's Fourth Set of Interrogatories to Roku (Nos. 48-51) are hereby incorporated by reference as if set forth fully herein.

1. Roku is responding to each interrogatory as it interprets and understands each interrogatory with respect to the issues in this Investigation. If Complainant asserts a different

interpretation of any interrogatory, Roku reserves the right to supplement or amend its responses or objections.

2. Roku objects to each interrogatory and each of Complainant’s “Instruction” and “Definitions” to the extent it is inconsistent with or attempts to impose obligations beyond those imposed by International Trade Commission (“ITC”) Rules (including without limitation 19 C.F.R. §§ 210.27, 210.29, and 210.30), Administrative Law Judge (“ALJ”) Elliot’s Ground Rules, any applicable Procedural Schedule in this matter, any other relevant Order issued by the ALJ or the ITC, and any agreement or stipulation between Roku, the other Respondents, and/or Complainant.

3. Roku objects to Complainant’s definitions of “Roku,” “You,” “your,” and “yours,” as overbroad to the extent they include anyone other than Roku, Inc. UEI’s definition improperly expands the scope of its Interrogatories to include non-parties to this Investigation. Unless otherwise noted, Roku will construe “Roku” and “You” as referring to Roku, Inc.

4. Roku objects to the definition of “Respondents” as overbroad to the extent it includes parties other than the named Respondents. UEI’s definition improperly expands the scope of its Interrogatories to include non-parties to this Investigation. Unless otherwise noted, Roku will construe “Respondents” as referring to the named Respondents to the Investigation.

5. Roku objects to UEI’s definition of “Imported Roku Products” on the ground that it is overbroad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it encompasses “all Roku products that have been or are imported, sold for importation, and/or sold after importation in the United States since 2014.” Violation of Section 337 is assessed at the time of the complaint, and per the parties’ agreement, Roku will consider disclosure of technical information for any product imported on

or after January 1, 2016. Roku further objects to UEI's definition to the extent Interrogatories incorporating the phrase "Imported Roku Products" seek production of information or documents relating to products that are not accused in this Investigation.

6. Roku objects to UEI's definition of "Imported Accused Products" on the ground that it is overbroad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it encompasses "all Respondents' products that have been or are imported, sold for importation, and/or sold after importation in the United States since 2014." Roku further objects to UEI's definition to the extent Interrogatories incorporating the phrase "Imported Accused Products" seek production of information or documents relating to products that are not accused in this Investigation. Roku further objects to UEI's definition to the extent it seeks the production of information or documents not within Roku's possession, custody and/or control. Where Interrogatories are directed to "Imported Accused Products," Roku will limit its initial responses to the imported Roku products identified in the Complaint and will meet and confer with Complainant about the relevance of other products to the Asserted Patents and the subject matter of the Investigation. To the extent Complainant reasonably requires technical information on certain unaccused or third party products to determine whether Complainant does, in fact, elect to accuse those products, Roku will work with Complainant on providing such technical information.

7. Roku objects to UEI's definition of "Imported TCL Products" on the ground that it is overbroad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it encompasses "all of TCL's products that have been or are imported, sold for importation, and/or sold after importation in the United States since 2014." Roku further objects to UEI's definition to the extent Interrogatories incorporating

the phrase “Imported TCL Products” seek production of information or documents relating to products that are not accused in this Investigation. Roku further objects to UEI’s definition to the extent it seeks the production of information or documents not within Roku’s possession, custody and/or control.

8. Roku objects to UEI’s definition of “Imported Hisense Products” on the ground that it is overbroad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it encompasses “all of Hisense’s products that have been or are imported, sold for importation, and/or sold after importation in the United States since 2014.” Roku further objects to UEI’s definition to the extent Interrogatories incorporating the phrase “Imported Hisense Products” seek production of information or documents relating to products that are not accused in this Investigation. Roku further objects to UEI’s definition to the extent it seeks the production of information or documents not within Roku’s possession, custody and/or control.

9. Roku objects to UEI’s definition of “Imported Funai Products” on the ground that it is overbroad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence to the extent it encompasses “all of Funai’s products that have been or are imported, sold for importation, and/or sold after importation in the United States since 2014.” Roku further objects to UEI’s definition to the extent Interrogatories incorporating the phrase “Imported Funai Products” seek production of information or documents relating to products that are not accused in this Investigation. Roku further objects to UEI’s definition to the extent it seeks the production of information or documents not within Roku’s possession, custody and/or control.

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