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April 8, 2021

VIA EDIS

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, S.W., Room 112A
Washington, DC 20436

Re: In the Matter of Certain Televisions, Remote Controls, and Components Thereof,
Inv. No. 337-TA-_____

Dear Secretary Barton:

Pursuant to Commission Rule 210.8 and 210.12, enclosed for filing on behalf of the Complainant Roku, Inc. (“Complainant”), please find documents in support of Complainant’s request that the Commission commence an investigation pursuant to the provisions of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

Consistent with the Commission’s notice entitled “Temporary Change to Filing Procedures,” 85 Fed. Reg. 157798 (Mar. 19, 2020), Complainant is filing this Complaint electronically via EDIS and is not submitting paper copies, CD-ROMs, or other physical media.

Complainant’s electronic submission includes the following documents:

1. One (1) electronic copy of the Complainant’s Verified Complaint, pursuant to Commission Rule 210.8(a)(1)(i).
2. One (1) electronic copy of the public exhibits to the Verified Complaint, pursuant to Commission Rules 210.8(a)(1)(i) and 201.12(a)(9).
3. One (1) electronic copy of the confidential exhibits to the Verified Complaint, pursuant to Commission Rules 201.6(c) and 210.8(a)(1)(ii).

Honorable Lisa R. Barton
April 8, 2021
Page 2

4. One (1) electronic copy of the Asserted Patents pursuant to Commission Rule 210.12(a)(9)(i);¹
5. One (1) electronic copy of the assignment records for the Asserted Patents pursuant to Commission Rule 210.12(a)(9)(ii).²
6. One (1) electronic copy of the U.S. Patent and Trademark Office prosecution histories for the Asserted Patents pursuant to Commission Rule 210.12(c)(1).³
7. One (1) electronic copy of each patent and applicable pages of each technical reference mentioned in the prosecution history of each Asserted Patent pursuant to Commission Rule 210.12(c)(2).
8. One (1) electronic copy of a letter and certification requesting confidential treatment of confidential information contained in the Confidential Exhibits pursuant to Commission Rule 201.6(b) and 210.5(d).
9. One (1) electronic copy of a statement regarding the Public Interest pursuant to Commission Rule 210.8(b).

Thank you for your assistance with this matter. Please contact me with any questions regarding this filing.

Sincerely,



Jonathan D. Baker
Counsel for Complainant
Roku, Inc.

¹ Complainant has ordered certified copies of the Asserted Patents and will promptly file those documents with the Commission upon receipt.

² Complainant has ordered certified copies of the assignment records for the Asserted Patents and will promptly file those documents with the Commission upon receipt.

³ Complainant has ordered certified copies of the prosecution histories for the Asserted Patents and will promptly file those documents with the Commission upon receipt.



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The Honorable Lisa R. Barton
Secretary to the Commission
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500 E Street, S.W., Room 112A
Washington, DC 20436

*Re: In the Matter of Certain Televisions, Remote Controls, and Components Thereof,
Inv. No. 337-TA-_____*

REQUEST FOR CONFIDENTIAL TREATMENT

Dear Secretary Barton:

Pursuant to Commission Rules 210.5(d) and 201.6(b), Complainant Roku, Inc. respectfully requests confidential treatment of the confidential business information contained in Confidential Exhibits 5C, 18C, 29C, 42C, 43C, filed herewith.

The information contained in the documents for which Complainant seeks confidential treatment comprises confidential information, including:

- (a) confidential information regarding new products that have not yet been commercially released (Confidential Exhibit 43C);
- (b) a confidential list of licensees to the Asserted Patents (Confidential Exhibit 18C);
- (c) confidential terms of a patent purchase and license agreement (Confidential Exhibit 42C);
- (d) confidential financial information regarding Complainant's domestic investments (Confidential Exhibit 5C);
- (e) personal financial and other information that may not be public (Confidential Exhibit 29C);

Honorable Lisa R. Barton
April 8, 2021
Page 2

The foregoing information qualifies as confidential business information pursuant to Commission Rule 201.6 because substantially identical information is not available to the general public, because the disclosure of such information would cause substantial competitive harm to Complainant and third parties, and because unauthorized disclosure of this information would likely impair the Commission's ability to obtain similar information in the future, which is necessary to perform its statutory function.

Thank you for your consideration of this matter. Please contact me with any questions regarding this request.

Sincerely,



Jonathan D. Baker
Counsel for Complainant
Roku, Inc.

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

In the Matter of

**CERTAIN TELEVISIONS, REMOTE
CONTROLS, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-_____

COMPLAINANT’S PUBLIC INTEREST STATEMENT

Complainant Roku, Inc. (“Roku” or “Complainant”) submits this public interest statement, as required by 19 C.F.R. § 210.8(b). As discussed below, the remedy sought against the Proposed Respondents Universal Electronics, Inc. (“UEI”), LG, Samsung, Charter, Altice, and WOW¹ will not have an adverse effect on public health or welfare, competitive conditions in the U.S. economy, production of like or directly competitive articles in the United States, or U.S. consumers.

I. THE REQUESTED REMEDY WILL NOT HARM THE PUBLIC INTEREST

The Accused Products in this matter are Proposed Respondents’ televisions, remote controls, and components thereof that infringe the Asserted Patents. As a result, the requested remedy is directed only at those specific infringing products manufactured by or on behalf of Proposed Respondents and sold for importation, imported, and/or sold after importation into the United States (the “Accused Products”). Thus, the only potentially relevant public interest inquiry

¹ The Proposed Respondents are: (i) Universal Electronics Inc., Gemstar Technology (Qinzhou) Co. Ltd., Gemstar Technology (Yangzhou) Co. Ltd., C.G. Development Ltd., Universal Electronics BV, UEI Brasil Controles Remotos Ltda. and CG México Remote Controls, S. de R.L. de C.V. (collectively, “UEI”); (ii) LG Electronics Inc. and LG Electronics USA, Inc. (collectively, “LG”); (iii) Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., (collectively, “Samsung”); (iv) Charter Communications, Inc., Charter Communications Holdings, LLC, Charter Communications Operating, LLC and Spectrum Management Holding Company, LLC (collectively, “Charter”); (v) Altice USA, Inc., CSC Holdings, LLC d/b/a Optimum-Cablevision, Cablevision Systems Corp. and Cequel Communications, LLC d/b/a Suddenlink Communications (collectively, “Altice”); and (vi) Wideopenwest, Inc. (“WOW”).

is whether the exclusion of this discrete subset of articles, not televisions or remote controls generally, necessitates the denial of Section 337 relief based on the statutory public interest factors. As shown below, there are no public interest concerns implicated by this small subset of devices that would implicate public interest for at least three reasons.

First, the exclusion order would not exclude devices that specifically implicate the significant national security or public health issues upon which the ITC has precluded or reduced relief in the past.² Second, the Proposed Respondents' Accused Products represent a minority of the U.S. market for televisions and remote controls. Third, any demand gap felt by the exclusion order could be made up by Roku, Roku's customers and business partners, the Proposed Respondents themselves, and/or the Proposed Respondents' competitors. Roku expands on these reasons below.

II. SPECIFIC PUBLIC INTEREST INQUIRIES

A. The Commission has a Strong Public Interest in Protecting Intellectual Property Rights

The ITC has made clear that the protection of intellectual property rights is squarely within the public interest.³ That protection is to be denied only in limited situations.⁴ The question with

² See *Certain Fluidized Supporting Apparatus*, Inv. Nos. 337-TA-182/188, Comm'n Op. (Oct. 5, 1984); *Certain Inclined-Field Acceleration Tubes*, Inv. No. 337-TA-67, Comm'n Op. (Dec. 29, 1980); *Certain Automatic Crankpin Grinders*, Inv. No. 337-TA-60, Comm'n Op. (Dec. 17, 1979); see also *Personal Data & Mobile Communication Devices*, Inv. No. 337-TA-710, Comm'n Op., at 81 n.56 (Dec. 29, 2011) (stating that the ITC "does not believe that the mere fact that a technological field has been determined to provide benefits to the economy is sufficient to excuse infringement of a patent in that field").

³ See, e.g., *Certain Digital Television Prods. & Certain Prods. Containing Same & Methods of Using Same*, Inv. No. 337-TA-617, Comm'n Op., at 9 (Aug. 23, 2009) ("*Digital TV Products*").

⁴ See *Certain Baseband Processor Chips & Chipsets, Transmitter & Receiver (Radio) Chips, Power Control Chips, & Prods. Containing Same, Including Cellular Tel. Handsets*, Inv. No. 337-TA-543, Comm'n Op., at 153 (June 19, 2007) ("[T]he statute requires relief for an aggrieved patent holder, except in those limited circumstances in which the statutory public interest concerns are so great as to trump the public interest in enforcement of [IPR].").

respect to the public interest, then, is not whether a “balancing” of factors merely favors a remedy, but rather whether competing interests of such great significance exist with regard to only the Accused Products that the strong public policy of protecting IP rights must give way. As shown below, the interest in protecting IP rights far outweighs any public interest concerns, if any, that may be implicated by the investigation.

B. Exclusion of the Accused Products Would Not Implicate Public Health, Safety, or Welfare Concerns

The Accused Products do not invoke any specific public health, safety, or welfare concerns. Moreover, the general availability of televisions and/or remote controls will not be affected, such that current customers can continue to use their existing devices, and non-infringing televisions and remote controls will remain widely available.

C. Like Articles are Available to Satisfy Demand for Excluded Accused Products

If the Commission enters an exclusion order, the technologies embodied in the relevant infringed patents will continue to be available. Thus, any U.S. consumer with a desire for those technologies will have access to ample substitutes containing those features from Roku or Roku’s licensees or Roku’s authorized manufacturer partners.

Regarding televisions, the accused televisions are a small portion of the U.S. market for televisions. Accordingly, Respondents themselves, their competitors, and/or Roku’s licensees and authorized television partners, such as TCL, Hisense, and Funai, would easily be able to fill any demand gap felt by the requested remedies, if any.

With respect to remote controls, the Accused Products include remote controls that implement specific setup procedures. Again, these Accused Products represent a small portion of the U.S. market for remote controllers. Roku, Roku’s approved manufacturers and licensees, and/or the Proposed Respondents’ competitors would easily be able to fill any gap in demand gap related to

the requested remedies, if any.

The availability of televisions and remote controllers from Roku, Roku's approved manufacturers and licensees, and/or the Proposed Respondents' competitors will ensure that, even if the requested remedy issues, U.S. consumers will still have ample choices for televisions and remote controls. The requested remedy will not result in any shortage of televisions or remote controls in the United States.⁵

D. There Is Sufficient Capacity to Replace Excluded Accused Products

There is no question that Roku, Roku's approved manufacturers and licensees, or competitors of the Proposed Respondents have the capacity to replace the volume of Accused Products subject to the requested remedial orders within a commercially reasonable time. Complainant is presently unaware of any manufacturing constraints in the industry that would impede the supply of replacement products.⁶

E. The Remedy Has No Relevant Public Interest Impact on U.S. Consumers

As discussed above, even if the Commission issues the requested remedy, consumers will continue to have access to televisions and remote controls from numerous sources. Accordingly, the requested relief will have no relevant public interest impact on U.S. consumers.⁷

⁵ See *Certain Agric. Tractors Under 50 Power Take-off Horsepower*, USITC Pub. 3026, Inv. No. 337-TA-380, Comm'n Op., at 34 (Mar. 1997) (concluding that orders at issue had limited economic impact due to considerable competition from other non-infringing goods).

⁶ See *Certain Optical Disk Controller Chips*, Inv. No. 337-TA-506, Comm'n Op., at 61 (Sept. 28, 2005) (issuing remedy where "there is no evidence that the U.S. demand for the covered products cannot be met by other entities, including the Complainants").

⁷ See *Digital TV Prods.*, Comm'n Op., at 15-16 (finding that any adverse effect on U.S. consumers resulting from remedy would be minimal, given the range of available products, and would not outweigh the benefit of protecting complainant's IPR).

III. CONCLUSION

For the foregoing reasons, no public interest concerns preclude the issuance of the proposed remedy against the Proposed Respondents in this matter.

Dated: April 08, 2021

Respectfully submitted,

/s/ Jonathan D. Baker

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

In the Matter of

**CERTAIN TELEVISIONS, REMOTE
CONTROLS, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-_____

**COMPLAINT UNDER SECTION 337
OF THE TARIFF ACT OF 1930, AS AMENDED**

Complainant:

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TABLE OF CONTENTS

I. INTRODUCTION 1

II. THE PARTIES..... 3

 A. Complainant Roku 3

 B. Proposed Respondents 4

 1. UEI 4

 2. LG 6

 3. Samsung..... 7

 4. Charter..... 7

 5. Altice..... 8

 6. WOW 9

III. THE ACCUSED PRODUCTS AT ISSUE..... 10

 A. The UEI Accused Products..... 10

 B. The LG Accused Products 12

 C. The Samsung Accused Products..... 13

 D. The Charter Accused Products..... 16

 E. The Altice Accused Products..... 17

 F. The WOW Accused Products 18

IV. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTIONS 19

 A. U.S. Patent No. 8,378,875..... 19

 B. U.S. Patent No. 7,388,511..... 21

 C. Foreign Counterparts of the Asserted Patents..... 22

 D. Licensees Under the Asserted Patents 22

V. UNLAWFUL AND UNFAIR ACT OF THE PROPOSED RESPONDENTS 22

 A. Infringement of U.S. Patent No. 8,378,875 23

 1. UEI’s Infringement of the ’875 Patent..... 23

 2. Charter’s Infringement of the ’875 Patent 25

 3. Altice’s Infringement of the ’875 Patent 26

 4. WOW’s Infringement of the ’875 Patent..... 28

 B. Infringement of U.S. Patent No. 7,388,511 29

 1. UEI’s Infringement of the ’511 Patent..... 29

TABLE OF CONTENTS (cont.)

| | | |
|-------|---|----|
| 2. | LG’s Infringement of the ’511 Patent..... | 33 |
| 3. | Samsung’s Infringement of the ’511 Patent..... | 35 |
| VI. | SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE | 37 |
| A. | UEI..... | 37 |
| B. | LG | 39 |
| C. | Samsung..... | 39 |
| D. | Charter..... | 40 |
| E. | Altice..... | 41 |
| F. | WOW | 41 |
| VII. | HARMONIZED TARIFF SCHEDULE INFORMATION | 42 |
| VIII. | DOMESTIC INDUSTRY | 42 |
| A. | Technical Prong | 42 |
| 1. | U.S. Patent No. 8,378,875..... | 43 |
| 2. | U.S. Patent No. 7,388,511..... | 44 |
| B. | Economic Prong..... | 45 |
| IX. | RELATED LITIGATION | 46 |
| X. | REQUESTED REMEDIAL ORDERS..... | 47 |
| A. | Limited Exclusion Order..... | 47 |
| B. | Cease and Desist Order..... | 47 |
| XI. | RELIEF | 48 |

TABLE OF EXHIBITS

| Exhibit No. | Description |
|-------------|--|
| 1. | U.S. Patent No. 8,378,875 |
| 2. | U.S. Patent No. 7,388,511 |
| 3. | Copy of Assignment Record for U.S. Patent No. 8,378,875 |
| 4. | Copy of Assignment Record for U.S. Patent No. 7,388,511 |
| 5C. | Confidential Declaration of Kevin Bright |
| 6. | <i>Universal Electronics, All products Web Page</i> , https://www.uresupport.com/all-products/?section-id=117 |
| 7. | <i>Charter Spectrum URC 1160</i> , https://www.uresupport.com/urc_product/charter-spectrum-urc1160/ |
| 8. | <i>Optimum URC 2464</i> ; https://www.uresupport.com/urc_product/optimum-urc2464/ |
| 9. | <i>Wow! Experience Remote</i> , https://www.uresupport.com/urc_product/wow-remote/?product-provider=7486 |
| 10. | <i>LG 55NANO81ANA Smart TV Web Page</i> , https://www.lg.com/us/tvs/lg-55nano81ana-4k-uhd-tv# |
| 11. | <i>LG Smart TV 2020 – URC Support – Frequently Asked Questions</i> , https://www.uresupport.com/urc_product/lg-smart-tv-2020/ |
| 12. | <i>Samsung QN55Q70TAFXZA Smart TV Web Page</i> ; https://www.samsung.com/us/televisions-home-theater/tvs/qled-4k-tvs/55-class-q70t-qled-4k-uhd-hdr-smart-tv-2020-qn55q70tafxza |
| 13. | <i>Samsung Smart TV 2020 – URC Support – Frequently Asked Questions</i>), https://www.uresupport.com/urc_product/samsung-smart-tv-2020/ |
| 14. | <i>Charter, Charter Spectrum URC1160 Remote control Web Page</i> , https://www.spectrum.net/support/remote/spectrum-guide-remote |
| 15. | <i>Optimum Remote Control Programming Web Page</i> https://www.optimum.net/FAQ/#/answers/a_id/3829 |
| 16. | <i>WOW Ultra Remotes Support</i> , https://www.wowway.com/docs/wow/documents-support-ultra/ultra-remotes.pdf |
| 17. | List of Foreign Counterparts for Asserted Patents |
| 18C. | Confidential List of Licensees Under the Asserted Patents |
| 19. | Claim Chart showing Infringement of U.S. Patent No. 8,378,875 via UEI Accused Products |
| 20. | Claim chart showing Infringement of U.S. Patent No. 8,378,875 via Charter Accused Products |

TABLE OF EXHIBITS (cont.)

| Exhibit No. | Description |
|-------------|--|
| 21. | Claim Chart Showing Infringement of U.S. Patent No. US 8,378,875 via Altice Accused Products |
| 22. | Claim Chart Showing Infringement of U.S. Patent No. 8,378,875 via WOW Accused Products |
| 23. | <i>Replace a Lost or Damaged Remote Control</i> , https://www.spectrum.net/support/tv/replace-lost-or-damaged-remote-control/ |
| 24. | <i>Replacement of a Remote Control</i> , https://www.optimum.net/FAQ/#/answers/a_id/331/kw/replacement%20remote |
| 25. | <i>WOW TV FAQs</i> , https://www.wowway.com/support/tv |
| 26. | Claim Chart Showing Infringement of U.S. Patent No. 7,388,511 via LG Accused Products (55NANO81ANA TV and Magic Remote Control) |
| 27. | Claim Chart showing Infringement of U.S. Patent No. US 7,388,511 via Samsung Accused Products (Samsung QN55Q70TAFXZA TV and Samsung Universal Remote Control) |
| 28. | Declaration of Dino Hadzibegovic |
| 29C. | Confidential Receipts for the Purchase of Exemplary Accused Products |
| 30. | UEI URC 7935 OFA Streamer Remote Control Photographs |
| 31. | <i>Universal Electronics, Inc. importation records from March 18,2021</i> ; https://www.importgenius.com/ |
| 32. | <i>Crane Worldwide Logistics importation records from February 2, 2021</i> ; https://www.importgenius.com/ |
| 33. | UEI URC 1160 Charter Spectrum Remote Control Photographs |
| 34. | <i>UEI URC 1160 Charter Spectrum remote control photographs</i> , https://fccid.io/MG3-R31160B |
| 35. | <i>Universal Electronics, Inc. importation records from July 18,2021</i> ; https://www.importgenius.com/ |
| 36. | UEI URC 2464 Optimum Remote Control Photographs |
| 37. | UEI URC 2135 WOW! Experience Remote Control Photographs |
| 38. | LG ThinQ AI, Model No. 55NANA81ANA Television Photographs |
| 39. | <i>LG Electronics U.S.A. Inc. importation records from September 10, 2020</i> ; https://www.importgenius.com/ |
| 40. | Samsung 55” Q70T 4KSmart QLED TV, Model No. QN55Q70TAF photographs |

TABLE OF EXHIBITS (cont.)

| Exhibit No. | Description |
|-------------|---|
| 41. | <i>Samsung Electronics America Inc. importation records from May 30, 2020,</i> https://www.importgenius.com/ |
| 42C. | Confidential Patent Purchase Agreement Between Home Control Singapore Pte. Ltd. D/B/A Omni Remotes and Roku Inc. |
| 43C. | Confidential Feature Guide for new Roku Remote Control |
| 44C. | Confidential Claim chart for U.S. Patent No. 8,378,875 via Roku Domestic Industry Products (new Roku remote control) |
| 45. | <i>Roku Ultra LT Web Page,</i> https://www.roku.com/products/roku-ultra-lt |
| 46. | <i>How do I set up my Roku® enhanced remote to control my TV?,</i> https://support.roku.com/article/115013019828 |
| 47. | Claim Chart for U.S. Patent No. 7,388,511 via Roku Domestic Industry Products (Roku Ultra LT and Roku Remote) |
| 48. | <i>Streamer Remote URC 7935 User Manual, OneForAll,</i> https://www.oneforall.us/sites/default/files/2019-05/711949%20QSG%20ENG%20URC7935%20Walmart%20%20RDN1060319.pdf |
| 49. | Photographs of URC 7935 Teardown Images |
| 50. | <i>16-Bit Microcontroller with Infrared Module, Maxim Integrated Products, 2011,</i> https://datasheets.maximintegrated.com/en/ds/MAXQ610.pdf |
| 51. | <i>SR-002-R Remote Control Users Guide, Spectrum,</i> https://d15yx0mnc9teae.cloudfront.net/sites/default/files/User_Manual_SR002R.pdf |
| 52. | <i>1160 Charter Spectrum Remote 2015 Teardown Internal Photos Full page photo Universal Electronics,</i> https://fccid.io/MG3-1160/Internal-Photos/Internal-Photos-2714082 |
| 53. | <i>Qorvo GP565, Qorvo,</i> https://www.qorvo.com/products/p/GP565 |
| 54. | <i>GP565 RF4CE Communications Controller for Remote Control Product Brief, GP_P007_PB_06535 V2.00, Qorvo, 2017;</i> https://www.qorvo.com/products/d/da006198 |
| 55. | <i>URC2464 Remote Control User's Guide, Optimum, Universal Electronics, 2014,</i> https://www.urcsupport.com/wp-content/uploads/2020/09/Optimum-Manual-ENG-Span.pdf |
| 56. | <i>WOW URC 2135 User Manual,</i> https://www.urcsupport.com/wp-content/uploads/2020/08/WOW-Remote_URC2135-FNL.pdf |
| 57. | <i>Wow URC 2135 Teardown Internal Photos,</i> https://fccid.io/MG3-2135/Internal-Photos/Internal-Photos-3168480 |

TABLE OF EXHIBITS (cont.)

| Exhibit No. | Description |
|-------------|---|
| 58. | <i>LG NanoCell 81 Series 2020 55 inch Class 4K Smart UHD NanoCell TV w/ AI ThinQ® (54.6" Diag)</i> , https://www.lg.com/us/tvs/lg-55nano81ana-4k-uhd-tv# |
| 59. | <i>LG TV Owner's Manual, LED TV, 2020</i> , https://gscs-b2c.lge.com/downloadFile?fileId=9X76ZwBS1TIQGBKDpaLQ |
| 60. | <i>LG TV User Guide</i> , https://gscs-b2c.lge.com/downloadFile?fileId=mkYY1ZIJPdh0Jbeon2vqDA |
| 61. | <i>QuickSet Cloud, QuickSet Frameworks</i> , https://quicksetcloud.com/technology/ |
| 62. | <i>QuickSet Cloud, Start Building A Smarter Home With QuickSet</i> , https://quicksetcloud.com/quickset-in-action/ |
| 63. | <i>Owner's Manual, Magic Remote, AN-MR19BA, LG Electronics Inc., 2019</i> , https://www.lg.com/us/support/product/lg-AN-MR19BA.AUS |
| 64. | <i>Panasonic Blu-ray Disc Player Model No. DP-UB420 User Manual, TQBS0234, Panasonic Corporation of North America, 2019</i> , https://eww.pavc.panasonic.co.jp/bd/UB420_330_320/DP-UB420_P_EN_TQBS0234.pdf |
| 65. | <i>High-Definition Multimedia Interface Specification Version 1.3a, by Hitachi, Ltd., Matsushita Electric Industrial Co., Ltd., Philips Consumer Electronics International, B.V., Silicon Image, Inc., Sony Corporation, Thomson Inc., and Toshiba Corporation, November 10, 2006</i> , https://ez.analog.com/cfs-file/_key/telligent-evolution-components-attachments/00-317-00-00-00-05-21-37/HDMISpecification13a.pdf |
| 66. | <i>Panasonic DMR-EZ28K DVD Recorder Support Page</i> , https://shop.panasonic.com/support-only/DMR-EZ28K.html?t=manuals |
| 67. | <i>LG TV - Simplink Function</i> , https://www.lg.com/uk/microsites/tv/simplink-function |
| 68. | <i>55" Class Q70T QLED 4K UHD HDR Smart TV (2020)</i> , https://www.samsung.com/us/televisions-home-theater/tvs/qled-4k-tvs/55-class-q70t-qled-4k-uhd-hdr-smart-tv-2020-qn55q70tafxza/ |
| 69. | <i>Samsung TV User Manual, dated March 4, 2020</i> , https://www.samsung.com/us/support/owners/product/qled-tv-q70t-2020 |
| 70. | <i>Samsung TV E-Manual, dated November 16, 2020</i> , https://www.samsung.com/us/support/owners/product/qled-tv-q70t-2020 |
| 71. | <i>Why is my Roku® enhanced remote not controlling volume and power on my TV?</i> , https://support.roku.com/article/360004786894 |
| 72. | <i>What type of remote does my Roku® device use?</i> ", https://support.roku.com/article/115013256808 |

TABLE OF EXHIBITS (cont.)

| Exhibit No. | Description |
|--------------------|---|
| 73. | <i>Vizio M-Series Quantum 55" Class (54.5" diag) 4K HDR Smart TV</i> , https://www.vizio.com/en/tv/m-series/M55Q7-H1 |
| 74. | <i>Vizio M-Series Quantum Manual</i> , Vizio, 2020, http://cdn.vizio.com/user-manual/PDF/2020/TV/M7-Series_M50Q7-H1_M50Q7-H61_M55Q7-H1_M65Q7-H1_UM-ENG.pdf |
| 75. | <i>VIZIO M-Series™ All-in-One 2.1 Home Theater Sound Bar</i> , https://www.vizio.com/en/sound-bar/m-series/M21d-H8 |
| 76. | <i>Vizio Soundbar User Manual Model: M21d-H8</i> , Vizio, 2020, http://cdn.vizio.com/misc/KBIimages/models/m21dh8/manual.pdf |
| 77. | <i>Hardware Specifications</i> , https://developer.roku.com/docs/specs/hardware.md |
| 78. | <i>Roku Express</i> , https://www.roku.com/products/roku-express |
| 79. | <i>Roku Express +</i> , https://www.roku.com/products/roku-express-plus |
| 80. | <i>Roku Premiere</i> , https://www.roku.com/products/roku-premiere |
| 81. | <i>Roku Premiere +</i> , https://www.roku.com/products/roku-premiere-plus |
| 82. | <i>Roku Streaming Stick +</i> , https://www.roku.com/products/streaming-stick-plus |
| 83. | <i>Roku Ultra</i> , https://www.roku.com/products/roku-ultra |
| 84. | <i>Streaming Specifications</i> , https://developer.roku.com/docs/specs/media/streaming-specifications.md |

TABLE OF APPENDICES

| Appendix | Description |
|-----------------|--|
| A | Copy of Prosecution History of U.S. Patent No. 8,378,875 |
| B | Copy of References cited in Prosecution History of U.S. Patent No. 8,378,875 |
| C | Copy of Prosecution History of U.S. Patent No. 7,388,511 |
| D | Copy of References cited in Prosecution History of U.S. Patent No. 7,388,511 |

I. INTRODUCTION

1. This Complaint is filed by Roku, Inc. (“Roku”) pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”). Roku respectfully requests that the U.S. International Trade Commission (“Commission”) institute an investigation relating to the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain televisions, remote controls, and components thereof (collectively “the Accused Products”) without Roku’s authorization. The Accused Products include at least the products listed in Section III of the Complaint.

2. The proposed respondents are: (i) Universal Electronics Inc., Gemstar Technology (Qinzhou) Co. Ltd., Gemstar Technology (Yangzhou) Co. Ltd., C.G. Development Ltd., Universal Electronics BV, UEI Brasil Controles Remotos Ltda., and CG México Remote Controls, S. de R.L. de C.V. (collectively, “UEI”); (ii) LG Electronics Inc. and LG Electronics USA, Inc. (collectively, “LG”); (iii) Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (collectively, “Samsung”); (iv) Charter Communications, Inc., Charter Communications Holdings, LLC, Charter Communications Operating, LLC, and Spectrum Management Holding Company, LLC (collectively, “Charter”); (v) Altice USA, Inc., CSC Holdings, LLC d/b/a Optimum-Cablevision, Cablevision Systems Corp., and Cequel Communications, LLC d/b/a Suddenlink Communications (collectively, “Altice”); and (vi) Wideopenwest, Inc. (“WOW”).¹ The Proposed Respondents continue to harm Roku’s domestic industry and to violate Section 337 through unlawful and unauthorized sale for importation into the United States, importation into the United States, and/or sale within the United States after importation of Accused Products which embody or are used to practice the inventions claimed in Roku’s patents without Roku’s authorization.

¹ Collectively, UEI, LG, Samsung, Charter, Altice, and WOW are referred to herein as the “Proposed Respondents.”

3. The Proposed Respondents are infringing, directly or indirectly, one or more claims of U.S. Patent Nos. 8,378,875 (the “’875 patent”); and 7,388,511 (the “’511 patent”) (collectively “the Asserted Patents”) through the sale for importation into the United States, importation, and/or sale within the United States after importation of the Accused Products:

| U.S. Patent No. | Asserted Claims | Proposed Respondents |
|------------------------|------------------------|---|
| 8,378,875 | 1-5, 8-11, 14 | <ul style="list-style-type: none"> • UEI • Charter • Altice • WOW |
| 7,388,511 | 5 | <ul style="list-style-type: none"> • UEI • LG • Samsung |

Table 1

4. The unlawful activities of the Proposed Respondents include the manufacture, sale for importation into the United States, importation, and/or sale within the United States after importation of the Accused Products.

5. An industry in the United States relating to articles protected by the ’511 patent exists within the meaning of 19 U.S.C. §§ 1337(a)(2) and 1337 (a)(3). Roku makes significant domestic investments in plant and equipment and labor and capital, and likewise makes substantial domestic investments in research and development relating to articles protected by this patent. Ex. 5C.

6. Furthermore, an industry in the United States relating to articles protected by the ’875 patent is in the process of being established within the meaning of 19 U.S.C. §§ 1337(a)(2) and 1337(a)(3). Roku is actively engaged in steps leading to the development of new technologies that practice the ’875 patent, and there is a significant likelihood that a relevant domestic industry will be established. Ex. 5C.

7. Roku seeks a permanent limited exclusion order directed towards the Proposed Respondents that excludes from entry into the United States all infringing products, manufactured by or for the Proposed Respondents or any of their subsidiaries, related companies, or agents.

8. Roku also seeks cease and desist orders pursuant to 19 U.S.C. § 1337(f) prohibiting the Proposed Respondents or any of their subsidiaries, related companies, and agents from, among other things, engaging in the importation, marketing, advertising, provision of services, distribution, offering for sale, sale after importation, use after importation, licensing, and/or other transfers within the United States after importation of all infringing products.

9. Further, Roku requests that the Commission impose a bond upon Proposed Respondents' importation of infringing products during the 60-day Presidential review period, pursuant to 19 U.S.C. § 1337(j), to prevent further injury to Roku's domestic industry relating to the Asserted Patents.

II. THE PARTIES

A. Complainant Roku

10. Complainant Roku is a public corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 1155 Coleman Avenue, San Jose, California 95110.

11. Roku pioneered streaming media content to the TV and is the leading TV streaming platform in the United States by hours streamed. By the end of 2020, Roku had 51.2 million active accounts. Roku users streamed 58.7 billion hours of content in 2020. Roku manufactures and sells Roku streaming players, Roku-branded speakers, and accessories. Roku also partners with third party TV manufactures for the development of Roku-branded TVs.

12. Roku's mission is to be the TV streaming platform that connects the entire TV ecosystem. Roku enables users to access a wide selection of content by connecting their Roku

device to the Roku streaming platform via a home broadband network. Roku also enables content publishers to build and monetize large audiences and provide advertisers with unique capabilities to engage consumers. Roku invests significant resources to provide an industry-leading platform for Roku's users, content publishers and advertisers.

B. Proposed Respondents

1. UEI

13. On information and belief, **Universal Electronics Inc.** is a Delaware corporation with its headquarters at 15147 N. Scottsdale Road, Suite H300, Scottsdale, Arizona 85254.

14. On information and belief, **Gemstar Technology (Qinzhou) Co. Ltd.** is a company organized under the laws of the People's Republic of China with its principal place of business at Hedong Industrial Park, Qinzhou, Guangxi Province, 535000 China.

15. On information and belief, **Gemstar Technology (Yangzhou) Co. Ltd.** is a company organized under the laws of the People's Republic of China with its principal place of business at 1 Junsheng Road Industry Park, Fanshui Industrial Zone, Baoying, Yanzhou, Jiangsu Province, 225800 China.

16. On information and belief, **C.G. Development Ltd.** is a company organized under the laws of the Hong Kong with its principal place of business at One Harbourfront, 18 Tak Fung Street, Hung Hom Kowloon, Hong Kong.

17. On information and belief, **Universal Electronics BV** is a company organized under the laws of the Netherlands with its principal place of business at Colosseum 2, 7521 PT Enschede, Netherlands.

18. On information and belief, **UEI Brasil Controles Remotos Ltda.** is a company organized under the laws of Brazil with its principal place of business at Avenida Torquato

Tapajos, no 4010 Galpao 04, Colonia Santo Antonio, CEP:69093-018, Manaus – Amazonas – Brasil.

19. On information and belief, **CG México Remote Controls, S. de R.L. de C.V.** is a company organized under the laws of Mexico with its principal place of business at Séptima No. 840-B, Parque Industrial Monterrey, Apodaca, NUEVO LEON, 66603, Mexico

20. On information and belief, Gemstar Technology (Qinzhou) Co. Ltd., Gemstar Technology (Yangzhou) Co. Ltd., C.G. Development Ltd., Universal Electronics BV, UEI Brasil Controles Remotos Ltda., and CG México Remote Controls, S. de R.L. de C.V are wholly-owned subsidiaries of Universal Electronics Inc. Universal Electronics Inc. and its subsidiaries are collectively referred to as “UEI.”

21. On information and belief, UEI designs, develops, manufactures, imports, and sells a variety of remote control products for use in controlling home electronics devices. UEI’s customers include consumer electronics manufacturers, video service providers such as cable and satellite companies, and end users. On information and belief, UEI owns and operates manufacturing and assembly factories in China, Mexico and Brazil.

22. On information and belief, UEI also designs, develops, licenses, and distributes software and hardware solutions that incorporate or implement its QuickSet technology. On information and belief, UEI’s QuickSet technology can be embedded in home electronics devices such as televisions or delivered as a cloud-based service to enable universal remote setup and control. On information and belief, QuickSet enables universal remote control device set-up using automated and guided on-screen instructions and a wireless two-way communication link between the remote and the QuickSet-enabled device.

23. On information and belief, UEI designs, develops, manufactures (or has manufactured on its behalf), imports into the United States, sells for importation into the United States, and/or sells after importation into the United States the UEI Accused Products (as further described below) that infringe the Asserted Patents.

2. LG

24. On information and belief, **LG Electronics Inc.** is a South Korean corporation with a principal place of business at LG Twin Tower 128, Yeoui-daero, Yeongdeungpo-gu, Seoul, Korea 07336.

25. On information and belief, **LG Electronics USA, Inc.**, a Delaware corporation with a principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, United States.

26. On information and belief, LG Electronics USA, Inc. is a wholly owned subsidiary of LG Electronics Inc. LG Electronics Inc. and LG Electronics USA, Inc. are collectively referred to as “LG.”

27. On information and belief, LG designs, develops, manufactures, imports, and sells a variety of consumer electronics products, including televisions that incorporate UEI’s QuickSet technology.

28. On information and belief, LG designs, develops, manufactures (or has manufactured on its behalf), imports into the United States, sells for importation into the United States, and/or sells after importation into the United States the LG Accused Products (as further described below) that infringe the ’511 patent.

3. Samsung

29. On information and belief, **Samsung Electronics Co., Ltd.** is a corporation organized and existing under the laws of Korea with its principal place of business at 129, Samsung-Ro, Maetan-Dong, Yeongtong-Gu, Suwon-Si, Gyeonggi-do, 16677, Republic of Korea.

30. On information and belief, **Samsung Electronics America, Inc.** is a corporation organized and existing under the laws of the state of New York, having its principal place of business at 85 Challenger Rd., Ridgefield Park, New Jersey 07660.

31. On information and belief, Samsung Electronics America, Inc. is a wholly-owned subsidiary of Samsung Electronics Co., Ltd. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. are collectively referred to as “Samsung.”

32. On information and belief, Samsung designs, develops, manufactures, imports, and sells a variety of consumer electronics equipment and products, including televisions that incorporate UEI’s QuickSet technology.

33. On information and belief, Samsung designs, develops, manufactures (or has manufactured on its behalf), imports into the United States, sells for importation into the United States, and/or sells after importation into the United States the Samsung Accused Products (as further described below) that infringe the ’511 patent.

4. Charter

34. On information and belief, **Charter Communications, Inc.** is a Delaware corporation with its principal place of business at 400 Atlantic Street, Stamford, Connecticut 06901.

35. On information and belief, **Charter Communications Holdings, LLC** is a Delaware company with its principal place of business at 12405 Powerscourt Drive, St. Louis, Missouri 63131.

36. On information and belief, **Charter Communications Operating, LLC** is a Delaware company with its principal place of business at 12405 Powerscourt Drive, St. Louis, Missouri 63131.

37. On information and belief, **Spectrum Management Holding Company, LLC** is a Delaware company with its principal place of business at 400 Atlantic Street, Stamford, Connecticut 06901.

38. On information and belief, Charter Communications Holdings, LLC, Charter Communications Operating, LLC and Spectrum Management Holding Company are subsidiaries of Charter Communications, Inc. Charter Communications, Inc. and its subsidiaries are collectively referred to as “Charter.”

39. On information and belief, Charter is a broadband and cable operator that provides television services to subscribers in various states throughout the United States. Charter provides its services under the Spectrum brand.

40. On information and belief, Charter designs, develops, manufactures (or has manufactured on its behalf), imports into the United States, sells for importation into the United States, and/or sells after importation into the United States the Charter Accused Products (as further described below) that infringe the '875 patent.

5. Altice

41. On information and belief, **Altice USA, Inc.** is a Delaware corporation with its principal place of business at One Court Square West, Long Island City, New York 11101.

42. On information and belief, **CSC Holdings, LLC d/b/a Optimum-Cablevision** is a Delaware company with its principal place of business at 1111 Stewart Ave., Bethpage, New York 11714-3533.

43. On information and belief, **Cablevision Systems Corp.** is a Delaware corporation with its principal place of business at 1111 Stewart Ave., Bethpage, New York 11714-3533.

44. On information and belief, **Cequel Communications, LLC d/b/a Suddenlink Communications** is a Delaware company with its principal place of business at 1 Court Square West, Long Island City, New York 11101.

45. On information and belief, CSC Holdings, LLC d/b/a Optimum-Cablevision, Cablevision Systems Corp., and Cequel Communications, LLC d/b/a Suddenlink Communications are subsidiaries of Altice USA Inc. Altice USA Inc. and its subsidiaries are collectively referred to as “Altice.”

46. On information and belief, Altice is a broadband and cable operator that provides television services to subscribers in various states throughout the United States. Altice provides its services under the Optimum and Suddenlink brands.

47. On information and belief, Altice designs, develops, manufactures (or has manufactured on its behalf), imports into the United States, sells for importation into the United States, and/or sells after importation into the United States the Altice Accused Products (as further described below) that infringe the '875 patent.

6. WOW

48. On information and belief, Wideopenwest, Inc. (“WOW”) is a Delaware corporation with its principal place of business at 7887 E. Belleview Ave., Ste. 1000, Englewood, Colorado 80111.

49. On information and belief, WOW is a broadband and cable operator that provides television services to subscribers in various states in the United States.

50. On information and belief, WOW designs, develops, manufactures (or has manufactured on its behalf), imports into the United States, sells for importation into the United

States, and/or sells after importation into the United States the WOW Accused Products (as further described below) that infringe the '875 patent.

III. THE ACCUSED PRODUCTS AT ISSUE

51. Pursuant to 19 C.F.R. § 210.12(a)(12), the Accused Products include televisions and remote controls that incorporate the infringing technology.

A. The UEI Accused Products

52. The UEI Accused Products that infringe one or more of the Asserted Patents include but are not limited to the following UEI remote controls:

| U.S. Patent No. | Asserted Claims | The UEI Accused Products |
|-----------------|-------------------|---|
| 8,378,875 | 1-5, 8-11, 14 | <ul style="list-style-type: none"> • URC 6420 OFA Simple 2 • URC 7140 OFA Essence 4 • URC 8200 Slate • Videotron Illico Remote |
| 8,378,875 | 1-5, 8, 10-11, 14 | <ul style="list-style-type: none"> • URC 6820 OFA Zapper+ • URC 7115 OFA Evolve TV • URC 7125 OFA Evolve 2 • URC 7145 OFA Evolve 4 • URC 7880 OFA Smart Control 8 (US) • URC 7980 OFA Smart Control 8 • URC 7935 OFA Streamer Remote • URC 7955 OFA Smart Control 5 |
| 8,378,875 | 1-4, 8-11, 14 | <ul style="list-style-type: none"> • URC 6410 OFA Simple TV |
| 8,378,875 | 1-5, 8-10, 14 | <ul style="list-style-type: none"> • URC 2020BC2 Champ • URC 2020B0 Champ • URC 2025B1 Champion • URC 2025B2 Champion • URC 2025B1-BB Eclipse • URC 2025B2-BB Eclipse • URC 2060 Charter • URC 2060B0 Royal • URC 2068 Pulse RF • URC 2069 Pulse IR |

| U.S. Patent No. | Asserted Claims | The UEI Accused Products |
|-----------------|-----------------|---|
| | | <ul style="list-style-type: none"> • URC 2125 Champion Plus • URC 2125 Rogers • URC 2135 Experience • URC 2135 UEI WOW! Experience Remote • URC 2464 Optimum • URC 6800 Proton • URC 6810 Neutron • URC 7110 OFA Essence TV • URC 7120 OFA Essence 2 • URC 7130 OFA Essence 3 • URC 8820 Cox |
| 8,378,875 | 1-5, 8, 10, 14 | <ul style="list-style-type: none"> • URC 1160 Charter Spectrum |
| 8,378,875 | 1-4, 8-10, 14 | <ul style="list-style-type: none"> • URC 2220 Cox Mini IR • URC 3220 Cox Mini RF |
| 8,378,875 | 1-4, 8, 10, 14 | <ul style="list-style-type: none"> • URC 1035 Universal A/C Remote |

Table 2

53. For example, exemplary infringing UEI products are shown below:



Exs. 6-9.

B. The LG Accused Products

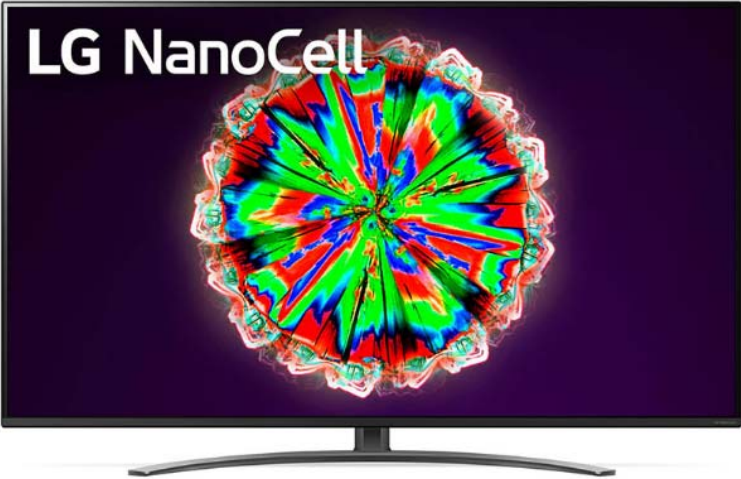
54. The LG Accused Products that infringe one or more of the Asserted Patents include but are not limited to the following television models that incorporate UEI’s QuickSet technology and their associated remote controls:

| U.S. Patent No. | Asserted Claims | The LG Accused Products |
|-----------------|-----------------|---|
| 7,388,511 | 5 | <ul style="list-style-type: none"> • NanoCell TVs <ul style="list-style-type: none"> ○ LG NanoCell 80 Series 2020 ○ LG NanoCell 81 Series 2020 ○ LG NanoCell 85 Series 2020 ○ LG NanoCell 90 Series 2020 ○ LG NanoCell 91 Series 2020 ○ LG NanoCell 99 Series 2020 ○ LG NanoCell 75 Series 2021 ○ LG NanoCell 90 Series 2021 ○ LG NanoCell 99 Series 2021 ○ LG NanoCell 81 Series 4K ○ LG NanoCell 86 Series 4K ○ LG NanoCell 90 Series 4K ○ LG NanoCell 95 Series 4K ○ LG NanoCell 97 Series ○ LG NanoCell 99 Series 8K ○ LG QNED MiniLED 90 Series 2021 ○ LG QNED MiniLED 99 Series 2021 • 4K OLED TVs: <ul style="list-style-type: none"> ○ LG B9 4K Smart OLED TV ○ LG BX 4K Smart OLED TV ○ LG C1 4K Smart OLED TV ○ LG C9 4K Smart OLED TV ○ LG CX 4K Smart OLED TV ○ LG E9 Glass 4K Smart OLED TV ○ LG G1 4K Smart OLED TV ○ LG GX 4K Smart OLED TV ○ LG WX 4K Smart OLED TV ○ LG SIGNATURE W9 Wallpaper 4K Smart OLED TV ○ LG SIGNATURE OLED TV RX • 4K UHD TVs <ul style="list-style-type: none"> ○ LG Class 4K Smart UHD TV ○ LG UHD 70 Series 4K HDR Smart LED TV |

| U.S. Patent No. | Asserted Claims | The LG Accused Products |
|-----------------|-----------------|--|
| | | <ul style="list-style-type: none"> ○ LG UHD 73 Series 4K HDR Smart LED TV ○ LG UHD 85 Series 4K HDR Smart LED TV ○ LG UN 4K Smart UHD TV ○ LG Class 4K HDR Smart LED TV ○ 4K HDR Smart LED TV ○ 4K HDR Smart LED UHD TV (at least including UK6090PUA and UK6300PUE) ● 8K OLED TVs <ul style="list-style-type: none"> ○ LG SIGNATURE ZX 8K Smart OLED TV ○ LG SIGNATURE Z9 8K Smart OLED TV |

Table 3

55. For example, the LG NanoCell 81 Series 2020 Smart TV (Model number: 55NANO81ANA), which includes UEI’s QuickSet technology, is shown below:



Exs. 10-11.

C. The Samsung Accused Products

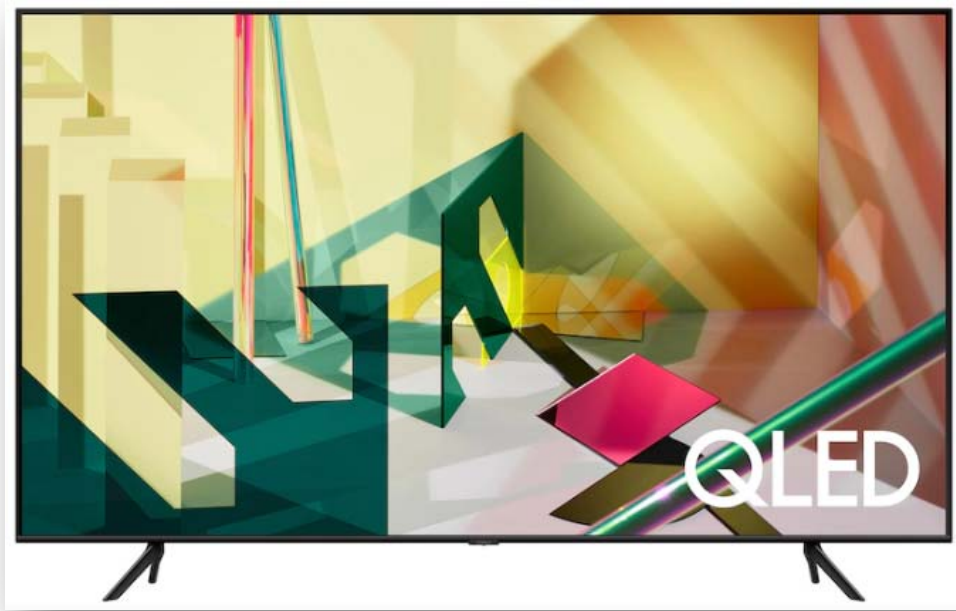
56. The Samsung Accused Products that infringe one or more of the Asserted Patents include but are not limited to the following television models that incorporate UEI’s QuickSet technology and their associated remote controls:

| U.S. Patent No. | Asserted Claims | The Samsung Accused Products |
|-----------------|-----------------|--|
| 7,388,511 | 5 | <ul style="list-style-type: none"> • 8K QLED Series <ul style="list-style-type: none"> ○ QN800A ○ QN900A ○ Q800T ○ Q900 ○ Q900TS ○ Q950TS • 4K QLED Series <ul style="list-style-type: none"> ○ Q60A ○ Q70A ○ Q80A ○ QN85A ○ QN90A ○ Q60T ○ Q70T ○ Q80T ○ Q90T ○ Q50R ○ Q60R ○ Q80R ○ Q6DT ○ Q8DT ○ Q6F ○ The Frame QLED 4K ○ The Terrace QLED 4K ○ The Serif QLED 4K • 6000 Series <ul style="list-style-type: none"> ○ HU6840 ○ JU6000 ○ JU6500 ○ KU6300 ○ MU6070 ○ MU6290 ○ MU6300 ○ NU6080 ○ NU6900 ○ TU6950 ○ TU6980 ○ EH6000 ○ F6300 ○ F6400 ○ H6350 |

| U.S. Patent No. | Asserted Claims | The Samsung Accused Products |
|-----------------|-----------------|---|
| | | <ul style="list-style-type: none"> ○ K6500 ● 7000 Series <ul style="list-style-type: none"> ○ KU7000 ○ MU7500 ○ NU7100 ○ RU7100 ○ RU7300 ○ TU7000 ○ TU700D ● 8000 Series <ul style="list-style-type: none"> ○ MU8000 ○ MU8500 ○ NU8500 ○ RU8000 ○ TU8000 ○ TU8200 ○ TU8300 ○ TU800D ● 9000 Series <ul style="list-style-type: none"> ○ RU9000 ○ TU9000 |

Table 4

57. For example, the Samsung QN55Q70TAFXZA Smart TV, which includes UEI’s QuickSet technology, is shown below:



Exs. 12-13.

D. The Charter Accused Products

58. The Charter Accused Products that infringe one or more of the Asserted Patents include, but are not limited to the following remote controls:

| U.S. Patent No. | Asserted Claims | The Charter Accused Products |
|-----------------|-----------------|--|
| 8,378,875 | 1-5, 8-10, 14 | <ul style="list-style-type: none"> • URC 2060 • URC 2068 Pulse RF • URC 2069 Pulse IR • URC 2464 |
| 8,378,875 | 1-5, 8, 10, 14 | <ul style="list-style-type: none"> • SR-002-R (Charter Spectrum URC 1160) |

Table 5

59. For example, the SR-002-R (Charter Spectrum URC 1160) is shown below:



Exs. 6-7, 14.

E. The Altice Accused Products

60. The Altice Accused Products that infringe one or more of the Asserted Patents include, but are not limited to the following remote controls:

| U.S. Patent No. | Asserted Claims | The Altice Accused Products |
|-----------------|-----------------|--|
| 8,378,875 | 1-5, 8-10, 14 | <ul style="list-style-type: none"> • URC 2068 Pulse RF • URC 2069 Pulse IR • Optimum Silver with “O” Button Remote (URC 2464) |

Table 6

61. For example, the Optimum URC 2464 is shown below:



Exs. 6, 8, 15.

F. The WOW Accused Products

62. The WOW Accused Products that infringe one or more of the Asserted Patents include, but are not limited to the following remote controls:

| U.S. Patent No. | Asserted Claims | The WOW Accused Products |
|-----------------|-----------------|---|
| 8,378,875 | 1-5, 8-10, 14 | <ul style="list-style-type: none"> • WOW! Experience Remote (URC 2135) |

Table 7

63. For example, the WOW! Experience Remote (URC 2135) is shown below:



Exs. 6, 9, 16.

64. This identification of exemplary Accused Products above for each of the Proposed Respondents is intended for illustration and is not intended to limit the scope of the investigation. Any remedy should extend to all present and future infringing products made by Proposed Respondents.

65. Without discovery, Roku cannot exhaustively identify all devices imported and/or sold within the United States after importation that infringe or are used to infringe the Asserted Patents. Roku reserves its right to supplement its allegations, to further amend this Complaint, and to add respondents and accused products in the future if necessary.

IV. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE INVENTIONS²

A. U.S. Patent No. 8,378,875

66. United States Patent No. 8,378,875 is entitled “Method of programming a universal remote control” and issued on February 19, 2013. The named inventors are Michael Walter Paul D’Hoore, Juergen Forscht, and Rogier Louis Jacques Willem Thissen. The ’875 patent expires on December 11, 2029, and is based on PCT Application No. PCT/B2007/050714, filed on March 5, 2007, and claims priority to European Patent Application No. 06111201, filed on March 15, 2006.

67. The ’875 patent has five (5) independent claims and ten (10) dependent claims.

² The non-technical descriptions of the inventions are presented for the purpose of providing a general background regarding the inventions. The non-technical descriptions are not intended to set forth, and should not be understood as setting forth, any position regarding claim construction or any other substantive aspects of patent law concerning the Asserted Patents.

68. Roku owns, by assignment, all right, title, and interest in and to the '875 patent. Copies of the recorded assignment documents related to the '875 patent accompany this Complaint as Exhibit 3.

69. A copy of the '875 patent is being submitted with this Complaint as Exhibit 1.³ A copy of the U.S. Patent and Trademark Office file history for the '875 patent is being submitted with this Complaint as Appendix A, and a copy of the patents and applicable pages of each technical reference mentioned in the file history are being submitted with this Complaint as Appendix B.

70. Per 19 C.F.R. § 210.12(a)(9)(vi), the following is a nontechnical description of the patented technology of the '875 patent. Consumer electronics devices from different manufactures typically use different codesets for enabling a remote control to control their functional operations. Universal remote controls were developed in order to allow a single remote control to control devices from multiple manufacturers. Such universal remote controls frequently contain a database of infrared codesets for use in controlling devices from different manufacturers. However, given the large number of codesets stored in the database, one problem is enabling the user to quickly and easily select the correct codeset for use in controlling a particular device. Finding the correct codeset can be difficult because of the large number of possible codesets. The prior art methods for setting up a universal remote control all had drawbacks, such as being tedious to enter the necessary codeset information, taking a long time to find a working codeset, and/or consuming a lot of storage space.

³ To the extent uncertified copies of the Asserted Patents, their assignments, and/or their prosecution histories are not submitted with the Complaint, they have been ordered and will be filed as soon as they are available.

71. The '875 patent is generally directed to an improved universal remote control and method of setting up a universal remote control. The improved method includes the steps of entering a configuration mode, accepting an identifier entry, and scanning through remote control codesets. The step of scanning comprises: in case that the identifier entry is a brand-identifier, iterating through the remote control code sets corresponding to the brand and testing the remote control codesets, and in case that the identifier-entry is a codeset-identifier, testing the remote control codeset corresponding to the codeset-identifier.

B. U.S. Patent No. 7,388,511

72. United States Patent No. 7,388,511 is entitled "System for Remote Control of Identical Devices" and issued on June 17, 2008. The named inventor is Frank Amand. The '511 patent expires on June 21, 2023, and is based on PCT Application No. PCT/BO2/04604, filed on October 31, 2002, and claims priority to European Patent Application No. 01204612, filed on November 29, 2001.

73. The '511 patent has six (6) independent claims.

74. Roku owns, by assignment, all right, title, and interest in and to the '511 patent. Copies of the recorded assignment documents related to the '511 patent accompany this Complaint as Exhibit 4.

75. A copy of the '511 patent is being submitted with this Complaint as Exhibit 2. A copy of the U.S. Patent and Trademark Office file history for the '511 patent is being submitted with this Complaint as Appendix C, and a copy of the patents and applicable pages of each technical reference mentioned in the file history are being submitted with this Complaint as Appendix D.

76. Per 19 C.F.R. § 210.12(a)(9)(vi), the following is a nontechnical description of the patented technology of the '511 patent. Many consumer electronics products, such as televisions

and videocassette recorders (VCRs) can be controlled by a remote control device. However, many devices, particularly those from the same manufacturer, use the same or overlapping remote control codes. As such, a consumer may have two or more controllable devices in their home entertainment system that will respond to the same signal from the remote control. As a result, if the two controllable devices are situated fairly close to each other, a signal from the remote control device may cause both devices to respond even though the user was intending to control only one of the devices. The '511 patent is generally directed to a system that allows the remote control signal to operate only the intended device by use of a coding device that adds a device identifier to the user command. When the controllable devices receive a control signal, each device examines the device identifier in the control signal to determine if the command is addressed to it, and will respond to the command only if the identifier matches its own identifier.

C. Foreign Counterparts of the Asserted Patents

77. A table identifying the foreign patents and applications corresponding to the Asserted Patents is included as Exhibit 17. To the best of Roku's knowledge, information, and belief, there is no other foreign patent issued or foreign patent application pending, filed, abandoned, withdrawn, or rejected corresponding to the Asserted Patents.

D. Licensees Under the Asserted Patents

78. To the extent known to Roku, a list of licensees under the Asserted Patents is provided in Confidential Exhibit 18C.

V. UNLAWFUL AND UNFAIR ACT OF THE PROPOSED RESPONDENTS

79. The Proposed Respondents have engaged in unfair trade practices, including the sale for importation, importation, and sale after importation of certain televisions, remote controls, and components thereof that infringe the asserted claims of the Asserted Patents. More specifically, the Proposed Respondents, directly and/or indirectly, literally and/or under the

doctrine of equivalents, infringe one or more of the Asserted Patents with the Accused Products that are manufactured and/or assembled outside the United States, sold for importation into United States, imported into the United States, and/or sold after importation in the United States. These activities by the Proposed Respondents constitute a violation of Section 337.

80. The Proposed Respondents have knowledge of the Asserted Patents and their infringing activity based at least on the public filing of this Complaint and receipt of a copy of this Complaint by the Proposed Respondents. The receipt of this Complaint by the Proposed Respondents provides them with knowledge of the Asserted Patents and their infringing acts so that continuing acts by the Proposed Respondents demonstrates an intent to induce others to infringe the Asserted Patents.

81. At a minimum, together with the service of this Complaint, the Notice of Investigation that will be published by the Commission in the Federal Register (should the Commission institute an investigation) will serve as notice to the Proposed Respondents of the Asserted Patents and the Proposed Respondents' infringing activities.

82. Additionally, UEI has knowledge of the Asserted Patents and its infringing activity by way of service of the district court complaint in the companion litigation which asserts the same Asserted Patents and which demonstrates UEI's infringement in connection with the Accused Products.

A. Infringement of U.S. Patent No. 8,378,875

1. UEI's Infringement of the '875 Patent

83. On information and belief, UEI directly and/or indirectly infringes claims 1-5, 8-11 and 14 of the '875 patent, literally and/or under the doctrine of equivalents.

84. For example, exemplary claim charts applying independent claims 1, 10, 11 and 14 of the '875 patent to the UEI Accused Products are attached as Exhibits 19-22. Exhibits 19-22

show that the UEI Accused Products infringe at least these claims. Exhibits 19-22 show that UEI directly infringes the '875 patent claims. Exhibits 19-22 also show that UEI indirectly infringes the '875 patent claims by inducing and/or contributing to UEI's customers' and/or end users' direct infringement of the '875 patent claims.

85. UEI directly infringes the apparatus claims by making, using, offering to sell, selling within the United States, and/or importing into the United States the UEI Accused Products. UEI directly infringes the method claims by using the UEI Accused Products in an infringing manner within the United States, including in testing and demonstrating the UEI Accused Products.

86. UEI has induced, and continues to induce UEI's customers and/or end users to infringe the asserted claims. UEI has taken active steps to encourage and facilitate direct infringement by UEI's customers and/or end users of the UEI Accused Products, with knowledge of that infringement, such as providing the UEI Accused Products, contracting for the distribution of the UEI Accused Products, by marketing the UEI Accused Products, and by creating and/or distributing user manuals, web pages, marketing materials, and/or similar materials with instructions on using the UEI Accused Products in an infringing manner. The use of the UEI Accused Products in accordance with UEI's instructions results in infringement of the asserted claims.

87. UEI has also contributorily infringed, and continues to contributorily infringe, the asserted claims by offering to sell, selling, and importing into the United States the UEI Accused Products that perform the claimed methods for setting up a remote control, knowing that the UEI Accused Products are especially made for use in infringing the '875 patent, and are not staple articles of commerce suitable for a substantial non-infringing use. In particular, the UEI Accused

Products are remote controls that need to be set up by the user in order to be operable to control the target devices. The UEI Accused Products contain components, including executable code, that specifically implement the claimed methods for setting up the remote controls. Indeed, these components are especially built to perform the accused functionalities.

2. Charter's Infringement of the '875 Patent

88. On information and belief, one or more of the Charter Accused Products directly and/or indirectly infringes claims 1-5, 8-10, and 14 of the '875 patent, literally and/or under the doctrine of equivalents.

89. For example, a claim chart applying independent claims 1, 10, and 14 of the '875 patent to the Charter Accused Products is attached as Exhibit 20. Exhibit 20 shows that the Charter Accused Products infringe at least these claims. Exhibit 20 shows that Charter directly infringes the '875 patent claims. Exhibit 20 also shows that Charter indirectly infringes the '875 patent claims by inducing and/or contributing to Charter's customers' and/or end users' direct infringement of the '875 patent claims.

90. Charter directly infringes the apparatus claims by making, using, offering to sell, selling within the United States, and/or importing into the United States the Charter Accused Products. Charter directly infringes the method claims by using the Charter Accused Products in an infringing manner within the United States, including in testing and demonstrating the Charter Accused Products.

91. Charter has induced, and continues to induce Charter's customers and/or end users to infringe the asserted claims. Charter has taken active steps to encourage and facilitate direct infringement by Charter's customers and/or end users of the Charter Accused Products, with knowledge of that infringement, such as providing the Charter Accused Products, contracting for the distribution of the Charter Accused Products, by marketing the Charter Accused Products, and

by creating and/or distributing user manuals, web pages, marketing materials, and/or similar materials with instructions on using the Charter Accused Products in an infringing manner. The use of the Charter Accused Products in accordance with Charter's instructions results in infringement of the asserted claims.

92. Charter has also contributorily infringed, and continues to contributorily infringe, the asserted claims by offering to sell, selling, and importing into the United States the Charter Accused Products that perform the claimed methods for setting up a remote control, knowing that the Charter Accused Products are especially made for use in infringing the '875 patent, and are not staple articles of commerce suitable for a substantial non-infringing use. In particular, the Charter Accused Products are remote controls that need to be set up by the user in order to be operable to control the target devices. The Charter Accused Products contain components, including executable code that specifically implement the claimed methods for setting up the remote controls. Indeed, these components are especially built to perform the accused functionalities.

93. On information and belief, Charter sells or leases the Charter Accused Products to its subscribers. Ex. 14. On information and belief, Charter also provides replacement remote controls and may charge a fee. Ex. 23.

3. Altice's Infringement of the '875 Patent

94. On information and belief, Altice directly and/or indirectly infringes claims 1-5, 8-10, and 14 of the '875 patent, literally and/or under the doctrine of equivalents.

95. For example, a claim chart applying independent claims 1, 10, and 14 of the '875 patent to the Altice Accused Products is attached as Exhibit 21. Exhibit 21 shows that the Altice Accused Products infringe at least these claims. Exhibit 21 shows that Altice directly infringes the '875 patent claims. Exhibit 21 also shows that Altice indirectly infringes the '875 patent claims

by inducing and/or contributing to Altice's customers' and/or end users' direct infringement of the '875 patent claims.

96. Altice directly infringes the apparatus claims by making, using, offering to sell, selling within the United States and/or importing into the United States the Altice Accused Products. Altice directly infringes the method claims by using the Altice Accused Products in an infringing manner within the United States, including in testing, and demonstrating the Altice Accused Products.

97. Altice has induced, and continues to induce Altice's customers and/or end users to infringe the asserted claims. Altice has taken active steps to encourage and facilitate direct infringement by Altice's customers and/or end users of the Altice Accused Products, with knowledge of that infringement, such as providing the Altice Accused Products, by contracting for the distribution of the Altice Accused Products, by marketing the Altice Accused Products, and by creating and/or distributing user manuals, web pages, marketing materials, and/or similar materials with instructions on using the Altice Accused Products in an infringing manner. The use of the Altice Accused Products in accordance with Altice's instructions results in infringement of the asserted claims.

98. Altice has also contributorily infringed, and continues to contributorily infringe, the asserted claims by offering to sell, selling, and importing into the United States the Altice Accused Products that perform the claimed methods for setting up a remote control, knowing that the Altice Accused Products are especially made for use in infringing the '875 patent, and are not staple articles of commerce suitable for a substantial non-infringing use. In particular, the Altice Accused Products are remote controls that need to be set up by the user in order to be operable to control the target devices. The Altice Accused Products contain components, including executable code

that specifically implement the claimed methods for setting up the remote controls. Indeed, these components are especially built to perform the accused functionalities.

99. On information and belief, Altice sells or leases the Altice Accused Products to its subscribers. Ex. 15. On information and belief, Altice also provides replacement remote controls for a fee. Ex. 24.

4. WOW's Infringement of the '875 Patent

100. On information and belief, WOW directly and/or indirectly infringes claims 1-5, 8-10, and 14 of the '875 patent, literally and/or under the doctrine of equivalents.

101. For example, a claim chart applying independent claims 1, 10, and 14 of the '875 patent to the WOW Accused Products is attached as Exhibit 22. Exhibit 22 shows that the WOW Accused Products infringe at least these claims. Exhibit 22 shows that WOW directly infringes the '875 patent claims. Exhibit 22 also shows that WOW indirectly infringes the '875 patent claims by inducing and/or contributing to WOW's customers' and/or end users' direct infringement of the '875 patent.

102. WOW directly infringes the apparatus claims by making, using, offering to sell, selling within the United States and/or importing into the United States the WOW Accused Products. WOW directly infringes the method claims by using the WOW Accused Products in an infringing manner within the United States, including in testing, and demonstrating the WOW Accused Products.

103. WOW has induced, and continues to induce WOW's customers and/or end users to infringe the asserted claims. WOW has taken active steps to encourage and facilitate direct infringement by WOW's customers and/or end users of the WOW Accused Products, with knowledge of that infringement, such as providing the WOW Accused Products, by contracting for the distribution of the WOW Accused Products, by marketing the WOW Accused Products,

and by creating and/or distributing user manuals, web pages, marketing materials, and/or similar materials with instructions on using the WOW Accused Products in an infringing manner. The use of the WOW Accused Products in accordance with WOW's instructions results in infringement of the asserted claims.

104. WOW has also contributorily infringed, and continues to contributorily infringe, the asserted claims by offering to sell, selling, and importing into the United States the WOW Accused Products that perform the claimed methods for setting up a remote control, knowing that the WOW Accused Products are especially made for use in infringing the '875 patent, and are not staple articles of commerce suitable for a substantial non-infringing use. In particular, the WOW Accused Products are remote controls that need to be set up by the user in order to be operable to control the target devices. The WOW Accused Products contain components, including executable code, that specifically implement the claimed methods for setting up the remote controls. Indeed, these components are especially built to perform the accused functionalities.

105. On information and belief, WOW sells or leases the WOW Accused Products to its subscribers. Ex. 16. WOW also provides replacement remote controls for a fee. Ex. 25.

B. Infringement of U.S. Patent No. 7,388,511

1. UEI's Infringement of the '511 Patent

106. On information and belief, UEI directly and/or indirectly infringes claim 5 of the '511 patent, literally and/or under the doctrine of equivalents. For example, claim charts applying independent claim 5 of the '511 patent to a representative LG Accused Product and a representative Samsung Accused Product are attached as Exhibits 26 and 27.

107. On information and belief, UEI directly infringes claim 5 of the '511 patent at least when UEI or those acting on UEI's behalf, such as employees, officers, directors, principals, agents, consultants, and/or representatives, perform the claimed method during product testing or

demonstration of the LG Accused Products and Samsung Accused Products as shown in Exhibits 26 and 27.

108. On information and belief, UEI also indirectly infringes claim 5 of the '511 patent by inducing LG and Samsung, as well as the customers and end users of the LG Accused Products and the Samsung Accused Products, to directly infringe as shown in Exhibits 26 and 27. UEI has taken and continues to take active steps to encourage and facilitate direct infringement by LG, Samsung, and the customers and end users of the LG Accused Products and Samsung Accused Products, with knowledge of that infringement. UEI has and continues to encourage, instruct, assist and aid LG and Samsung to incorporate UEI's QuickSet technology into the LG Accused Products and Samsung Accused Products to enable those products to perform the claimed method by enabling the connection and control of attached devices, controlling whether user commands from the remote control are sent to attached devices via IR from the remote control or via HDMI-CEC from the LG Accused Products and Samsung Accused Products, and by enabling the LG Accused Products and Samsung Accused Products to perform the function of the claimed coding device by receiving user commands from the remote control and adding a device identifier to user commands.

109. On information and belief, UEI's QuickSet technology is responsible for determining whether an attached device should be controlled by IR commands sent from the remote control to the device, or alternately by HDMI-CEC commands sent from the LG Accused Products and Samsung Accused Products to the device. UEI's QuickSet technology is also responsible for configuring the LG Accused Products and Samsung Accused Products and their associated remote controls to transmit user commands to control the attached devices using either IR or HDMI-CEC. When UEI's QuickSet technology configures the LG Accused Products and

Samsung Accused Products to use IR commands to control an attached device, UEI's QuickSet technology is responsible for determining the appropriate IR codeset to use for controlling that device and programming the remote control to use that IR codeset. When UEI's QuickSet technology configures the LG Accused Products and Samsung Accused Products to use HDMI-CEC commands to control an attached device, UEI's QuickSet technology is responsible for receiving user commands from the remote control, causing the addition of a device identifier to the user commands, and causing the transmission of the user commands with the device identifier to the attached devices using HDMI-CEC.

110. On information and belief, UEI also induces infringement by LG and Samsung by creating and distributing software development kits, user manuals, white papers, datasheets, marketing materials, and similar documentation and materials with instructions on incorporating and using UEI's QuickSet technology in the LG Accused Products and Samsung Accused Products. The use of UEI's QuickSet technology in the LG Accused Products and Samsung Accused Products in the intended fashion with various external devices results in infringement of the asserted claim.

111. On information and belief, UEI also induces infringement by LG and Samsung and their respective customers and end users by operating the QuickSet Cloud service and providing cloud transactions via QuickSet Cloud that enable the LG Accused Products and Samsung Accused Products to perform the claimed method. Moreover, in providing these cloud transactions, UEI has knowledge that it is facilitating the configuration of the LG Accused Products and Samsung Accused Products to control like controllable devices in an infringing manner.

112. On information and belief, UEI also induces customers and end users of LG Accused Products and Samsung Accused Products to directly infringe by encouraging, instructing,

assisting, and aiding those customer and end users to connect external devices to LG Accused Products and Samsung Accused Products and to configure those products to control such external devices either via IR or HDMI-CEC. For example, on information and belief, UEI's contributes to the user interface instructions that are displayed to the user to enable the connection and configuration of the LG Accused Products and Samsung Accused Products to control external devices, and UEI operates its QuickSet Cloud service that provides configuration data to the LG Accused Products and Samsung Accused Products during the setup process to enable the user to configure the LG Accused Products and Samsung Accused Products to control the external devices in an infringing manner.

113. Additionally, on information and belief, UEI and LG jointly induce infringement by end users of the LG Accused Products. On information and belief, UEI and LG work together to design, develop, and integrate the QuickSet technology into the LG Accused Products. On information and belief, UEI and LG also collaborate in the development of the user interface instructions, user manuals, and other documentation that encourage and instruct users to connect external devices and configure the LG Accused Products to control those devices in an infringing manner.

114. Additionally, on information and belief, UEI and Samsung jointly induce infringement by end users of the Samsung Accused Products. On information and belief, UEI and Samsung work together to design, develop, and integrate the QuickSet technology into the Samsung Accused Products. On information and belief, UEI and Samsung also collaborate in the development of the user interface instructions, user manuals, and other documentation that encourage and instruct users to connect external devices and configure the Samsung Accused Products to control those devices in an infringing manner.

2. LG's Infringement of the '511 Patent

115. On information and belief, LG directly and/or indirectly infringes claim 5 of the '511 patent, literally and/or under the doctrine of equivalents. For example, claim charts applying independent claim 5 of the '511 patent to a representative LG Accused Product is attached as Exhibit 26.

116. On information and belief, LG directly infringes claim 5 of the '511 patent at least when LG or those acting on LG's behalf, such as employees, officers, directors, principals, agents, consultants, and/or representatives, perform the claimed method during product testing or demonstration of the LG Accused Products as shown in Exhibit 26.

117. On information and belief, LG also indirectly infringes claim 5 of the '511 patent by inducing the customers and end users of the LG Accused Products to directly infringe as shown in Exhibit 26. LG has taken and continues to take active steps to encourage and facilitate direct infringement by LG's customers and end users of the LG Accused Products, with knowledge of that infringement. For example, LG has and continues to encourage, instruct, assist and aid its customers and end users in practicing the claimed method by incorporating UEI's QuickSet technology into the LG Accused Products to enable those products to perform the claimed method by enabling the connection and control of attached devices, controlling whether user commands from the remote control are sent to attached devices via IR from the remote control or via HDMI-CEC from the LG Accused Products, and by enabling the LG Accused Products to perform the function of the claimed coding device by receiving user commands from the remote control and adding a device identifier to user commands. LG also induces infringement by incorporating on-screen instructions that are displayed to the user during setup operations that encourage the user to connect the LG Accused Products to external devices using an HDMI connection and to configure the LG Accused Products and their associated remote controls to control the attached devices using

HDMI-CEC. LG also induces infringement by selling the LG Accused Products that are designed and intended to connect to and control external devices in the claimed manner. The use of the LG Accused Products containing UEI's QuickSet technology in their intended fashion with various external devices results in infringement of the asserted claim.

118. On information and belief, LG also induces infringement by customers and end users of the LG Accused Products by enabling those products to connect to the QuickSet Cloud service and engaging in cloud transactions via QuickSet Cloud that enable the LG Accused Products to perform the claimed method. Moreover, in engaging in these cloud transactions, LG has knowledge that it is facilitating the configuration of the LG Accused Products to control like controllable devices in an infringing manner.

119. On information and belief, LG also induces infringement by creating and distributing user manuals, white papers, web pages, marketing materials, and/or similar materials with instructions on connecting the LG Accused Products to external devices using an HDMI connection and configuring the LG Accused Products and their associated remote controls to control the attached devices using HDMI-CEC.

120. Additionally, on information and belief, UEI and LG jointly induce infringement by end users of the LG Accused Products. On information and belief, UEI and LG work together to design, develop, and integrate the QuickSet technology into the LG Accused Products. On information and belief, UEI and LG also collaborate in the development of the user interface instructions, user manuals, and other documentation that encourage and instruct users to connect external devices and configure the LG Accused Products to control those devices in an infringing manner.

3. Samsung's Infringement of the '511 Patent

121. On information and belief, Samsung directly and/or indirectly infringes claim 5 of the '511 patent, literally and/or under the doctrine of equivalents. For example, claim charts applying independent claim 5 of the '511 patent to a representative Samsung Accused Product is attached as Exhibit 27.

122. On information and belief, Samsung directly infringes claim 5 of the '511 patent at least when Samsung or those acting on Samsung's behalf, such as employees, officers, directors, principals, agents, consultants, and/or representatives, perform the claimed method during product testing or demonstration of the Samsung Accused Products as shown in Exhibit 27.

123. On information and belief, Samsung also indirectly infringes claim 5 of the '511 patent by inducing the customers and end users of the Samsung Accused Products to directly infringe as shown in Exhibit 27. Samsung has taken and continues to take active steps to encourage and facilitate direct infringement by Samsung's customers and end users of the Samsung Accused Products, with knowledge of that infringement. For example, Samsung has and continues to encourage, instruct, assist and aid its customers and end users in practicing the claimed method by incorporating UEI's QuickSet technology into the Samsung Accused Products to enable those products to perform the claimed method by enabling the connection and control of attached devices, controlling whether user commands from the remote control are sent to attached devices via IR from the remote control or via HDMI-CEC from the Samsung Accused Products, and by enabling the Samsung Accused Products to perform the function of the claimed coding device by receiving user commands from the remote control and adding a device identifier to user commands. Samsung also induces infringement by incorporating on-screen instructions that are displayed to the user during setup operations that encourage the user to connect the Samsung Accused Products to external devices using an HDMI connection and to configure the Samsung

Accused Products and their associated remote controls to control the attached devices using HDMI-CEC. Samsung also induces infringement by selling the Samsung Accused Products that are designed and intended to connect to and control external devices in the claimed manner. The use of the Samsung Accused Products containing UEI's QuickSet technology in their intended fashion with various external devices results in infringement of the asserted claim.

124. On information and belief, Samsung also induces infringement by customers and end users of the Samsung Accused Products by enabling those products to connect to the QuickSet Cloud service and engaging in cloud transactions via QuickSet Cloud that enable the Samsung Accused Products to perform the claimed method. Moreover, in engaging in these cloud transactions, Samsung has knowledge that it is facilitating the configuration of the Samsung Accused Products to control like controllable devices in an infringing manner.

125. On information and belief, Samsung also induces infringement by creating and distributing user manuals, white papers, web pages, marketing materials, and/or similar materials with instructions on connecting the Samsung Accused Products to external devices using an HDMI connection and configuring the Samsung Accused Products and their associated remote controls to control the attached devices using HDMI-CEC.

126. Additionally, on information and belief, UEI and Samsung jointly induce infringement by end users of the Samsung Accused Products. On information and belief, UEI and Samsung work together to design, develop, and integrate the QuickSet technology into the Samsung Accused Products. On information and belief, UEI and Samsung also collaborate in the development of the user interface instructions, user manuals, and other documentation that encourage and instruct users to connect external devices and configure the Samsung Accused Products to control those devices in an infringing manner.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

127. Proposed Respondents sell for importation into the United States, import into the United States, and/or sell within the United States after importation the Accused Products.

A. UEI

128. On information and belief, the UEI Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by UEI and/or its authorized agents.

129. For example, Exhibit. 29C at § B contains a receipt from Walmart showing the purchase of a UEI URC 7935 OFA Streamer Remote product for delivery to an address in the United States. Exs. 28, 29C. Exhibit 30 contains photographs of the UEI URC 7935 OFA Streamer Remote product, product packaging and user manual that was included with the product. The back of the UEI URC 7935 OFA Streamer Remote product shows that it was “Made in China” and imported into the United States. Ex. 30 at 23. The UEI URC 7935 OFA Streamer Remote product package also shows that the product was “Imported into the US by: Universal Electronics Inc.” Ex. 30 at 4. The front page of the user manual for the UEI URC 7935 OFA Streamer Remote product also shows that the product was made in China and imported into the United States. Ex. 30 at 17.

130. As an additional example, on information and belief, Exhibit 31 contains importation records from ImportGenius (<https://www.importgenius.com/>) showing that on March 18, 2021, UEI imported 4,457 remote controls, including UEI URC 7935 OFA Streamer Remote products.

131. As an additional example, on information and belief, Exhibit 32 contains importation records from ImportGenius (<https://www.importgenius.com/>) showing that on

February 2, 2021, Crane Worldwide Logistics imported 1,908 remote controls on behalf of UEI, including the UEI URC 7935 OFA Streamer Remote products.

132. As an additional example, Exhibit 29C at § A contains a receipt from Amazon showing the purchase an SR-002-R (UEI URC 1160 Charter Spectrum) remote control for delivery to an address in the United States. Exs. 28, 29C. Exhibit 33 also contains photographs of the SR-002-R (UEI URC 1160 Charter Spectrum) product, product packaging and user manual that was included with the product. The back of the UEI URC 1160 Charter Spectrum product shows that it was “Made in Philippines” and imported into the United States. Ex. 33 at 7.

133. As an additional example, Exhibit 34 contains internal and external pictures of UEI URC 1160 Charter Spectrum remote control. The back of the UEI URC 1160 Charter Spectrum product shows that it was “Made in China” and imported into the United States. Ex. 34 at 14.

134. As an additional example, on information and belief, Exhibit 35 contains importation records from ImportGenius (<https://www.importgenius.com/>) showing that on July 18, 2020, UEI imported 2,160 cartons of UEI URC 1160 Charter Spectrum products.

135. As an additional example, Exhibit 29C at § D contains a receipt from eBay showing the purchase of a UEI URC 2464 Optimum remote control for delivery to an address in the United States. Exs. 28, 29C. Exhibit 36 also contains photographs of the UEI URC 2464 Optimum product and product packaging. The back of the UEI URC 2464 Optimum product shows that it was “Made in China” and imported into the United States. Ex. 36 at 6.

136. As an additional example, Exhibit 29C at § C contains a receipt from eBay showing the purchase of a UEI URC 2135 WOW! Experience remote control for delivery to an address in the United States. Exs. 28, 29C. Exhibit 37 also contains photographs of the UEI URC 2135 WOW! Experience product, product packaging and user manual that was included with the

product. Ex. 37. The back of the UEI URC 2135 WOW! Experience product shows that it was “Made in China” and imported into the United States. Ex. 37 at 11.

B. LG

137. On information and belief, the LG Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by LG and/or its authorized agents.

138. For example, Exhibit 29C at § E is a receipt from a Best Buy store in Frisco, Texas, showing the purchase of an LG ThinQ AI, Model No. 55NANO81ANA television. Exs. 28, 29C. Exhibit 38 contains photographs of the product and product packaging indicating that the LG ThinQ AI, Model No. 55NANO81ANA television is “Assembled in Mexico” and imported into the United States. Ex. 38 at 6.

139. As an additional example, on information and belief, Exhibit 39 contains importation records from ImportGenius (<https://www.importgenius.com/>) showing that on September 10, 2020, LG Electronics U.S.A. Inc. imported 69 counts of LG products including LG’s ZX 8K Smart OLED TVs.

C. Samsung

140. On information and belief, the Samsung Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by Samsung and/or its authorized agents.

141. For example, Exhibit 29C at § F is a receipt from a Best Buy store in Frisco, Texas, showing the purchase of a Samsung 55” Q70T 4K Smart QLED TV, Model No. QN55Q70TAF. Exs. 28, 29C. Exhibit 40 contains photographs of the product and product packaging indicating that the Samsung 55” Q70T 4K Smart QLED TV, Model No. QN55Q70TAF is “Made in Mexico” and imported into the United States. Ex. 40 at 6.

142. As an additional example, on information and belief, Exhibit 41 contains importation records from ImportGenius (<https://www.importgenius.com/>) showing that on May 30, 2020, Samsung Electronics America Inc. imported 2178 counts of Samsung products including Samsung's UN65TU8000FXZA Smart TVs.

D. Charter

143. On information and belief, the Charter Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by Charter and/or its authorized agents.

144. For example, Exhibit 29C at § A contains a receipt from Amazon showing the purchase an SR-002-R (UEI URC 1160 Charter Spectrum) remote control for delivery to an address in the United States. Exs. 28, 29C. Exhibit 33 also contains photographs of the SR-002-R (UEI URC 1160 Charter Spectrum) product, product packaging and user manual that was included with the product. The back of the UEI URC 1160 Charter Spectrum product shows that it was "Made in Philippines" and imported into the United States. Ex. 33 at 7.

145. As an additional example, Exhibit 34 contains internal and external pictures of the UEI URC 1160 Charter Spectrum remote control. The back of the UEI URC 1160 Charter Spectrum product shows that it was "Made in China" and imported into the United States. Ex. 34 at 14.

146. As an additional example, on information and belief, Exhibit 35 contains importation records from ImportGenius (<https://www.importgenius.com/>) showing that on July 18, 2020, UEI imported 2,160 cartons of UEI URC 1160 Charter Spectrum products.

147. On information and belief, Charter sells or leases the SR-002-R (UEI URC 1160 Charter Spectrum) product to its subscribers. Ex. 14. On information and belief, Charter also provides replacement remote controls and may charge a fee. Ex. 23.

E. Altice

148. On information and belief, the Altice Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by Altice and/or its authorized agents.

149. For example, Exhibit 29C at § D contains a receipt from eBay showing the purchase of a UEI URC 2464 Optimum remote control for delivery to an address in the United States. Exs. 28, 29C. Exhibit 36 also contains photographs of the UEI URC 2464 Optimum product and product packaging. The back of the UEI URC 2464 Optimum product shows that it was “Made in China” and imported into the United States. Ex. 36 at 6.

150. On information and belief, Altice sells or leases the UEI URC 2464 Optimum remote control product to its subscribers. Ex. 15. On information and belief, Altice also provides replacement remote controls for a fee. Ex. 24.

F. WOW

151. On information and belief, the WOW Accused Products are manufactured abroad, sold for importation into the United States, imported into the United States, and/or sold after importation into the United States by WOW and/or its authorized agents.

152. For example, Exhibit 29C at § C contains a receipt from eBay showing the purchase of a UEI URC 2135 WOW! Experience remote control for delivery to an address in the United States. Exs. 28, 29C. Exhibit 37 also contains photographs of the UEI URC 2135 WOW! Experience product, product packaging and user manual that was included with the product. Ex. 37. The back of the UEI URC 2135 WOW! Experience product shows that it was “Made in China” and imported into the United States. Ex. 37 at 11.

153. On information and belief, WOW sells or leases the UEI URC 2135 WOW! Experience remote control product to its subscribers. Ex. 16. WOW also provides replacement remote controls for a fee. Ex. 25.

VII. HARMONIZED TARIFF SCHEDULE INFORMATION

154. The Accused Products are believed to fall within at least Heading No. 8526 of the Harmonized Tariff Schedule of the United States (“HTS”). More specifically, these products may be classified under Subheading Nos. 8526.92 and 8526.92.50. These HTS numbers are intended for illustration only and are not intended to restrict the scope of any exclusion order or other remedy by the Commission.

VIII. DOMESTIC INDUSTRY

155. A domestic industry as required by Section 337(a)(2) and as defined by Section 337(a)(3) exists in the United States and/or is in the process of being established. Roku has made significant investment in plant and equipment, employed significant labor and capital, and made substantial investments in engineering, research and development related to products and services that embody the Asserted Patents. Roku has either owned or been licensed under the Asserted Patents at the time of the relevant domestic industry activities. Ex. 42C.

A. Technical Prong

156. The following table provides a summary of the Asserted Patents and the claims being practiced by the respective Domestic Industry Products:

| U.S. Patent No. | Practiced Claims | Domestic Industry Products |
|-----------------|------------------|--|
| 8,378,875 | 1-4, 8, 10, 14 | Roku’s remote controls that incorporate the claimed setup method of the ’875 patent, including the new Roku remote control. |
| 7,388,511 | 5 | Roku’s streaming players, including, but not limited to the following Roku products and models: Roku Ultra, Roku Ultra LT, Roku Express, Roku Express+, Roku |

| | | |
|--|--|--|
| | | Premiere, Roku Premiere+, Roku Streaming Stick, Roku Streaming Stick+, Roku Streaming Stick+ HE, and Roku remote controls. |
|--|--|--|

Table 8

157. Collectively, the Domestic Industry Products for the '875 patent, including but not limited to the products listed in the table above for the '875 patent, are referred to herein as “'875 Domestic Industry Products.”

158. Collectively, the Domestic Industry Products for the '511 patent, including but not limited to the products listed in the table above for the '511 patent, are referred to herein as “'511 Domestic Industry Products.”

1. U.S. Patent No. 8,378,875

159. For purposes of this Complaint, Roku submits that the new Roku remote control is representative of the '875 Domestic Industry Products. Technical information regarding the representative '875 Domestic Industry Product, including a feature guide, is included in Confidential Exhibit 43C. Roku employees are and have been actively engaged in implementing features covered by the '875 Patent in the new Roku remote control which is currently under development. Thus, as discussed in more detail below, a domestic industry related to articles protected by the '875 patent is in the process of being established by Roku.

160. Roku’s own making, using, testing, selling, offering for sale, and importation into the United States of the '875 Domestic Industry Products satisfies the technical prong of domestic industry.

161. When commercially available, Roku intends to knowingly and intentionally induce customers and end users of the '875 Domestic Industry Products to directly practice claims of the '875 patent charted below, by encouraging, instructing, and aiding one or more persons in the United States to use the '875 Domestic Industry Products in a manner that practices the patent

claims. Further, Roku intends to knowingly and intentionally contribute to customers' and end-users' direct practicing of the claims charted below. The components of the '875 Domestic Industry Products that will practice the claimed functionalities are not staple articles of commerce, and are not capable of substantial non-infringing use.

162. For example, a claim chart applying independent claims 1, 10 and 14 of the '875 patent to an exemplary new Roku remote control in development is attached as Confidential Exhibit 44C.

2. U.S. Patent No. 7,388,511

163. For purposes of this Complaint, Roku submits that the Roku Ultra LT is representative of the '511 Domestic Industry Products. Information regarding the representative '511 Domestic Industry Product, such as photographs and specifications, is included in Exhibit 45.

164. Roku directly practices claim 5 of the '511 patent at least when Roku or those acting on Roku's behalf, such as employees, officers, directors, principals, agents, consultants, and/or representatives, perform the claimed method during product testing of the '511 Domestic Industry Products.

165. Additionally, Roku knowingly and intentionally induces Roku's customers and end users of the '511 Domestic Industry Products to practice claim 5 of the '511 patent, by encouraging, instructing, and aiding one or more persons in the United States to use the '511 Domestic Industry Products in a manner that practices the claim 5 of the '511 patent. For example, Roku encourages, instructs and aids Roku's customers and end users to connect Roku players to non-Roku TVs and soundbars via HDMI, and encourages, instructs and aids Roku's customers and end users to use Roku remote controls and Roku players to control volume on such TVs and soundbars via HDMI-CEC. Ex. 46.

166. A claim chart applying independent claim 5 of the '511 patent to an exemplary Roku Ultra LT product is attached as Exhibit 47.

B. Economic Prong

167. A domestic industry exists and/or is in the process of being established under 19 U.S.C. §§ 1337(a)(2), 1337(a)(3)(A), (B), and/or (C) by virtue of Roku's significant and substantial investments in facilities, equipment, labor, capital, engineering, and research and development related to its products that practice or embody the Asserted Patents.

168. Roku conducts a variety of product-related activities directed to the respective Domestic Industry Products in the United States, including research and development, engineering, sales, and marketing. Roku has incurred and continues to incur significant expenditures related to domestic facilities that enable those activities, including rent, utilities, equipment, and repairs and maintenance. Further details regarding Roku's investments in facilities related to the respective Domestic Industry Products are provided in the Confidential Declaration of Kevin Bright, attached as Confidential Exhibit 5C.

169. Additionally, many Roku employees perform work related to the Domestic Industry Products. These employees' activities, all of which are important to Roku's business, include ongoing research and development, as well as engineering, sales, and marketing. These employees are located in the United States, either in Roku's facilities or remotely throughout the United States. Roku invests a significant amount of money in salaries, incentives, and other compensation for these individuals. Further details regarding Roku's investment in labor related to the Domestic Industry Products are provided in the Confidential Declaration of Kevin Bright, attached as Confidential Exhibit 5C.

170. Roku's domestic investments include activities relating to new Roku remote control that will practice the '875 patent. Roku has taken significant, tangible steps towards the

establishment of this new domestic industry, including investments in: (i) plant and equipment per 19 U.S.C. § 1337(a)(3)(A); (ii) labor and capital per 19 U.S.C. § 1337(a)(3)(B); and/or (iii) engineering and research and development per 19 U.S.C. § 1337(a)(3)(C). As a result of these steps and activities, there is a significant likelihood that this new domestic industry with respect to articles protected by the '875 patent will be established in the future.

IX. RELATED LITIGATION

171. Pursuant to 19 C.F.R. § 210.12(a)(5), Roku provides the following statement regarding whether the Asserted Patents have been the subject of any court or agency litigation.

172. The Asserted Patents are being asserted against UEI in a companion district court litigation that is being concurrently filed in the Central District of California. There are no current or past litigations and/or investigations involving the Asserted Patents.

173. In addition, Roku and UEI are currently involved in the following district court litigations, ITC investigations and *inter partes* review proceedings that do not involve the Asserted Patents:

a) ITC Investigation

1. *Certain Electronic Devices, Including Streaming Players, Televisions, Set Top Boxes, Remote Controllers, and Components Thereof*, Inv. No. 337-TA-1200. This ITC investigation is ongoing and the hearing is scheduled for April 19, 2021.

b) District Court Litigation

1. *Universal Electronics Inc. v. Roku, Inc.*, Case No. 8:18-cv-01580 (C.D. Cal.). This litigation is currently stayed pending the outcome of the related *Inter Partes* Reviews and pending the outcome of the related ITC investigation.
2. *Universal Electronics Inc. v. Roku, Inc.*, Case No. 8:20-cv-00701 (C.D. Cal.). This litigation is currently stayed pending the outcome of the related ITC investigation.

c) Inter Partes Review Proceedings

1. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2019-01612 (PTAB)
2. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2019-01613 (PTAB)
3. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2019-01614 (PTAB)
4. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2019-01615 (PTAB)
5. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2019-01619 (PTAB)
6. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2019-01620 (PTAB)
7. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2019-01621 (PTAB)
8. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2021-00261 (PTAB)
9. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2021-00262 (PTAB)
10. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2021-00263 (PTAB)
11. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2021-00264 (PTAB)
12. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2021-00299 (PTAB)
13. *Roku, Inc. v. Universal Electronics Inc.*, IPR No. 2021-00455 (PTAB)

X. REQUESTED REMEDIAL ORDERS

A. Limited Exclusion Order

174. Pursuant to Section 337(d), Roku respectfully requests that a Limited Exclusion Order (LEO) be entered against the Proposed Respondents and their subsidiaries and affiliates in order to remedy the Proposed Respondents' violation of Section 337 and to prevent such future violations by Proposed Respondents.

B. Cease and Desist Order

175. Cease and desist orders against all Proposed Respondents are appropriate under Section 337(f), which provides that the Commission may issue such an order against any person violating Section 337, in addition to exclusion orders issued under Section 337(d). On information and belief, the Proposed Respondents maintain a commercially significant domestic inventory of the Accused Products in amounts sufficient to undercut an exclusion order. At least for the foregoing reasons, cease and desist orders are appropriate to remedy, and prevent, the widespread violation of Section 337 by the Proposed Respondents.

XI. RELIEF

WHEREFORE, by reason of the foregoing, Roku respectfully requests that the United States International Trade Commission:

1. Institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, to determine that Proposed Respondents have violated Section 337 based on the sale for importation into the United States, importation, and/or sale or offer for sale within the United States after importation of the Accused Products;

2. Schedule and conduct a hearing on permanent relief pursuant to 19 U.S.C. §§ 1337(d) and (f);

3. Issue a permanent limited exclusion order specifically directed to the Proposed Respondents and their subsidiaries and affiliates, excluding from entry into the United States the Accused Products;

4. Issue a permanent cease and desist order prohibiting the Proposed Respondents, their subsidiaries, related companies, and agents from, among other things, engaging in the importation, sale for importation, marketing, advertising, providing of services, offering for sale, sale after importation, distribution, use after importation, licensing, and/or other transfers within the United States after importation of the Accused Products;

5. Impose a bond upon the Proposed Respondents' importation of the Accused Products during the 60-day presidential review period pursuant to 19 U.S.C. § 1337(j) to prevent further injury to the domestic industry; and

6. Issue such other and further relief as the Commission deems just and proper under the law, based upon the facts determined by the investigation and the authority of the Commission.

Respectfully submitted,

Date: April 8, 2021

/s/ Jonathan D. Baker

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