

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROKU, INC.

Petitioner,

v.

CANON KABUSHIKI KAISHA

Patent Owner.

Case IPR2020-00343

U.S. Patent No. 8,713,206

**PETITIONER'S RESPONSES TO PATENT OWNER'S
INTERROGATORIES (NOS. 1-2)**

Pursuant to Rules 26 and 33 of the Federal Rules of Procedure, Petitioner Roku, Inc. (“Petitioner”) hereby objects and provides the following responses to Patent Owner Canon Kabushiki Kaisha’s (“Patent Owner”) Interrogatories to Petitioner (Nos. 1-2) as follows:

Petitioner responds to Patent Owner’s Interrogatories as it interprets and understands each Interrogatory set forth therein. If Patent Owner subsequently asserts an interpretation of any Interrogatory that differs from Petitioner’s understanding of that Interrogatory, Petitioner reserves the right to supplement, revise, amend, or modify its objections and/or responses.

These answers are made solely for the purpose of IPR2020-00343. No incidental or implied admissions are intended by the answers herein. Petitioner’s responses to these Interrogatories do not constitute admissions relative to the existence of any documents or information, to the relevance or admissibility of any documents or information, or to the truth or accuracy of any statement or characterization contained in Patent Owner’s requests. The fact that Petitioner has answered part or all of any Interrogatory is not intended to be, and shall not be construed to be, a waiver by Petitioner of any part of any objection to any Interrogatory. All objections as to relevance, authenticity, or admissibility of any document are expressly reserved.

GENERAL OBJECTIONS

1. Petitioner objects to each Interrogatory to the extent that it is inconsistent with, or imposes obligations beyond those required by, the Federal Rules of Civil Procedure, 35 U.S.C. § 316(a)(5), 37 C.F.R. § 42.51, or the Board's Order Granting In Part Patent Owner's Motion for Additional Discovery.

2. Petitioner objects to these Interrogatories as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent that they are not within the scope of permissible discovery as set forth in the Federal Rules of Civil Procedure, 35 U.S.C. § 316(a)(5), 37 C.F.R. § 42.51, or the Board's Order Granting In Part Patent Owner's Motion for Additional Discovery.

3. Petitioner objects to these Interrogatories to the extent that the information requested is not currently within the possession, custody, or control of Petitioner.

4. Petitioner objects to these Interrogatories to the extent that they call for disclosure of information that is not ascertainable by means of a reasonably diligent search, including without limitation information that is not maintained by Petitioner in the normal course of business or that is no longer maintained by Petitioner.

5. Petitioner objects to these Interrogatories to the extent that they seek to compel Petitioner to generate or create information and/or documents that do not already exist.

6. Petitioner objects to these Interrogatories to the extent that they are harassing or would lead to unnecessary delay or needless increase in the cost of this action.

7. Petitioner objects to each Interrogatory to the extent that it seeks information protected from discovery by the attorney-client privilege, the work-product doctrine, the common-interest privilege, and/or any other applicable privilege, immunity, or protection. Nothing contained in Petitioner's responses is intended to be, or in any way shall be deemed, a waiver of any such applicable privilege or doctrine.

8. Petitioner objects to these Interrogatories on the grounds that they are vague, ambiguous, unduly burdensome, and not proportional to the needs of the case to the extent that they require Petitioner to construe, interpret, or define unclear terms in these Interrogatories.

9. Defendants' agreement to produce any category of information or documents is not a representation that any such documents or information in that category actually exist in Defendants' possession, custody, or control, or can be

located through a reasonable search, or that such documents or information are relevant or proportional to the needs of the case.

10. Petitioner objects to these Interrogatories to the extent that they purport to require Petitioner to anticipate Patent Owner's future claims or defenses and/or other developments in this action. Petitioner provides these responses to Patent Owner's Interrogatories based solely on the information presently known to it. Petitioner's responses herein are given without prejudice to Petitioner's right to amend or supplement in accordance with Fed. R. Civ. P. 26(e).

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Petitioner objects to Patent Owner's Instructions to the extent they purport to create requirements or obligations beyond the requirements set forth in the Federal Rules of Civil Procedure, 35 U.S.C. § 316(a)(5), 37 C.F.R. § 42.51, or the Board's Order Granting In Part Patent Owner's Motion for Additional Discovery. Petitioner will not comply with any Instructions that purport to create or impose obligations different from, or greater than, those required by the foregoing rules or orders.

2. Petitioner objects to the Instructions to the extent that they seek information protected from disclosure by the attorney-client privilege, work-product doctrine, common-interest privilege and/or any other applicable privilege or exemption.

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