

1 MATTHEW R. WALSH  
2 19197 GOLDEN VALLEY RD #333  
3 SANTA CLARITA, CA 91387  
4 (661) 644-0012

5 Plaintiff In Pro Per,

6 **UNITED STATES DISTRICT COURT**  
7 **CENTRAL DISTRICT OF CALIFORNIA**

MATTHEW R. WALSH  
Plaintiff In Pro Per,

vs.

ROKOKO ELECTRONICS  
(AND DOES 1 THROUGH 50,  
INCLUSIVE)

Defendant

Case No.: 2:25-CV-05340-ODW-RAO

*[Hon. Rozella A. Oliver, Courtroom  
590]*

Hearing Date: February 4, 2025  
Hearing Time: 10:00 AM

**DECLARATION OF MATTHEW R.  
WALSH re: ESTOPPEL AND  
PRECLUSION**

8 I, Matthew R. Walsh, declare I am the Plaintiff in this matter. I have  
9 personal knowledge of the following facts and if called as a witness I could and  
10 would testify competently hereto. All text, images and exhibits herein are true and  
11 accurate copies which I have received or have made and I am authenticating all of  
12 them under the penalty of perjury.  
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15 **DEFENSE AGAINST TORTIOUS INTERFERENCE FAILS**

16 The gravamen of the issue as plead is that Defendant’s firmware was  
17 intentionally designed to destroy gen1 hardware to force legacy users  
18 to upgrade and then manufactured false premises to avoid repairs and  
19 parts while always being aware of Plaintiff’s contracts; and that  
20 Defendant for five years had been misappropriating and infringing  
21 upon Plaintiff’s intellectual property, along with a team of investors  
22 who brought in knowing of the intention to use it/sell it/sublicense it  
23 to others.

24 To avoid admitting liability or perjuring themselves, the Defendant  
25 instead claimed every fact they now attempt to use as dispositive was  
26 not relevant to any claim – or defense of *any party*. Including them.  
27 This has created a contradictory position which amounts to estoppel.

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29 **REQUEST FOR ADMISSION NO. 32.** *Admit that changes to your*  
30 *firmware caused Plaintiff’s equipment to stop working.*

31 **RESPONSE:** *.... Rokoko objects ... not relevant to a claim or defense of*  
32 *any party*

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**REQUEST FOR ADMISSION NO. 30.** *Admit you refused to provide Plaintiff with parts from about September 2024 through about April 2025.*

**RESPONSE:** *“Rokoko objects ... not relevant to a claim or defense of any party”*

**REQUEST FOR ADMISSION NO. 31.** *Admit you refused to repair or replace Plaintiffs equipment from about September 2024 through about April 2025.*

**RESPONSE:** *Rokoko objects ... not relevant to a claim or defense of any party*

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**DEFENSE AGAINST INTELLECTUAL PROPERTY**

**MISAPPROPRIATION FAILS**

The crux of the issue as plead is that Defendant’s took Plaintiff’s IP without his knowledge or consent. Defendants rely on the phrase “Plaintiff voluntarily uploaded the data to Rokoko’s platform.” Defendant implies by way of their ‘Teams’ platform; while Plaintiff (and Defendant in their motion) demonstrate secret harvesting code.

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**ADMISSION:** Defendant’s openly admit in the motion Plaintiff’s data has been *uploaded* to their systems (“*Plaintiff voluntarily uploaded the data to Rokoko’s platform.*”) the word voluntarily requires a legal conclusion and as of now, Plaintiff maintains Defendants had no authorization to collect, the Court must accept that as true in a 12(b)(6).

**REQUEST FOR ADMISSION NO. 22.** *Admit that even without a ‘Teams’ subscription, you still collect User-Content animations.*

**RESPONSE:** *“Rokoko objects ... not relevant to any claim or defense in this action.”*

**REQUEST FOR ADMISSION NO. 41.** *Admit that Rokoko Studio contains a web server with a ‘SECRET AREA’ default realm.*

**RESPONSE:** *“Rokoko further ... irrelevant to any claims or defenses of any party to this action.”*

**REQUEST FOR ADMISSION NO. 46.** *Admit your software uses MQTT keep-alive to perform NAT hole punching.*

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**RESPONSE:** *“Rokoko further objects ... not relevant to any claims or defenses of any party in this action.”*

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**DEFENSE AGAINST INTELLECTUAL PROPERTY INFRINGEMENT**

**FAILS**

The crux of this issue is that Defendants have used Plaintiff’s intellectual property for profit in many different ways. Defendants’ pitched investors on this very topic since 2022. One of the infringement uses is AI training, as plead.

**REQUEST FOR ADMISSION NO. 23.** *Admit that before this lawsuit was filed, you considered or conducted AI training using user animations*

**RESPONSE:** *“Rokoko further objects ... not relevant to any claim or defense in this action.”*

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**DEFENSE AGAINST DMCA CLAIMS FAIL**

94 **INTERROGATORY NO. 10.** *Identify all instances in which Rokoko*  
95 *communicated to users that their animation data, with or without*  
96 *CMI, could be resold, licensed, or used for AI/ML purposes and when.*

97 **RESPONSE:** *“Rokoko further objects ... not relevant to any claims or*  
98 *defenses of any party to this case”*

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101 **DEFENSE AGAINST RICO CLAIMS FAILS**

102 The crux of this issue is Defendants’ investors and equity shareholders  
103 (intended DOE’s) engaged in a planned racketeering operation  
104 together.

105 **REQUEST FOR ADMISSION NO. 4.** *Admit that Rokoko Care*  
106 *(“CoCo”) and Rokoko Electronics share common ownership.*

107 **RESPONSE:** *“Rokoko further objects ... not relevant to any claim or*  
108 *defense of any party to this action.”*

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110 **REQUEST FOR ADMISSION NO. 7.** *Admit that Trifork has owned*  
111 *approximately 22% of Rokoko Care (“CoCo”). **RESPONSE:***

112 *“Rokoko further objects ... not relevant to any claim or defense of any*  
113 *party to this action”*

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**REQUEST FOR ADMISSION NO. 22.** *Admit that Defendant did not*

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*disclose to the Danish government the existence of its continued*

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*operations in California after receiving multi-million-dollar funding*

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*or investments.*

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**RESPONSE:** *“Rokoko further objects ... unrelated to any claims or*

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*defenses of any party to this action.”*

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I declare under penalty of perjury under the laws of the United States of America

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that the foregoing is true and correct.

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Executed this 19th day of January, 2025, in Santa Clarita, California.

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Matthew R. Walsh  
Plaintiff In Pro Per

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