

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  
19197 GOLDEN VALLEY RD #333  
SANTA CLARITA, CA 91387,

Plaintiff In Pro Per,

vs.

ROKOKO ELECTRONICS  
(AND DOES 1 THROUGH 50,  
INCLUSIVE)  
31416 AGOURA RD STE 118  
WESTLAKE VILLAGE, CA  
91361

Defendant

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

Before: Hon. Otis D. Wright II  
Courtroom 5D

**SUPPLEMENTAL DECLARATION  
IN SUPPORT OF PLAINTIFF'S  
MOTION TO DEEM ADMISSIONS  
ADMITTED**

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

15 **INTRODUCTION**

16 I submit this supplemental declaration solely to address Defendants’  
17 opposition responses to Plaintiff’s Requests for Admission and to clarify why  
18 amendment would not cure the defects identified in Plaintiff’s Motion to Deem  
19 Admissions Admitted. This declaration is limited to record citations demonstrating  
20 that Defendants’ few denials contradict even the simplest examples of their own  
21 sworn statements and filings.

22 **No new evidence is presented in this filing, none of this can come as a**  
23 **surprise to the Defendants’ in any way as it is simply an index towards docket**  
24 **entries and pages upon the record which they have already been privy to.**

25 Plaintiff did not issue RFA’s to fact find, he issued them simply to narrow  
26 and limit later discovery and evidentiary disputes over the already present evidence  
27 and admissions on the record, as this document will show.

28  
29 **PAGE 1 through 8 demonstrate Admissions which are simple to answer**  
30 **and demonstrably binary in their answers.**

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32 **PAGE 9 through 19 demonstrate Defendant’s answers are already provided**  
33 **by the record for every RFA.**

35 **DEFENDANT’S MADE DEMONSTRABLY FALSE STATEMENTS**  
36 **SURROUNDING EVEN SIMPLE INNOCULOUS REQUESTS**

- 37  
38 • **REQUEST FOR ADMISSION NO. 35.** *Admit that Mikkel Overby’s initial*  
39 *declaration contains a handwritten signature placed by him.*

40 **DEFENDANT OBJECTED AND STATED:** “...Rokoko objects that this  
41 *Request fails to identify the “initial declaration” ... overbroad as to time and*  
42 *scope.”*

43 ○ **RECORD REFLECTS**

- 44 ■ Docket number ‘ONE’, attachment four:



45 “ Mikkel Overby ”

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47 • **REQUEST FOR ADMISSION NO. 8.** *Admit that when Mikkel Overby*  
48 *stated “The Denmark office is approximately 886.4 square meters with a 62*  
49 *square meter basement” that the square meter measurements were falsely*  
50 *portrayed.*

51 **DEFENDANT OBJECTED AND STATED:** Denied.

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○ **RECORD REFLECTS:**

- *“The Denmark office is approximately **886.4 square meters** with a 62 square meter basement.” (Dkt #1-4)*
- *“Rokoko’s Copenhagen office, which is approximately **86.4 square meters** with a 62 square meter basement” (Dkt #62)*

- **REQUEST FOR ADMISSION NO. 17.** *Admit that Mikkel Overby’s declaration (Dkt #1) stated the “HQ” is “86.4 square meters” but then in a later declaration contradicted himself in Dkt #62 by stating it was “886.4 square meters”*

**DEFENDANT OBJECTED AND STATED:** *“...unable to formulate a response or otherwise admit in good faith... **Denied.**”*

- **RECORD REFLECTS:** (see RFA #8 above)

- **REQUEST FOR ADMISSION NO. 4** *Admit that you filed your motion to dismiss hours after the 7-3 conference on June 26, 2025, while knowing seven days were required prior to doing so.*

**DEFENDANT OBJECTED AND STATED:** *“...Denied.”*

- **RECORD REFLECTS:**

- 72           ▪ Post-conference e-mail: [“*Thu 6/26/2025 6:14 PM.... Mr.*
- 73                     *Walsh, Attached please find courtesy copies of as-filed*
- 74                     *documents in connection with the above-entitled case.*”]
- 75           ▪ Dkt #42 (“Motion to Dismiss”) Meet and Confer Certification:
- 76                     [“*This Motion is made following the... June 26, 2025 meet and*
- 77                     *confer discussions between counsel for Rokoko and the Plaintiff*
- 78                     *pursuant to Local Rule 7-3. See Certification of Katherine*
- 79                     *Ellena attached hereto*”]
- 80           ▪ Dkt #42 (“Motion to Dismiss”) has an ECF header of “*Case*
- 81                     *2:25-cv-05340-ODW-RAO Document 42 Filed 06/26/25 Page 1*
- 82                     *of 34 Page ID #:837*”

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84       • **REQUEST FOR ADMISSION NO. 12.** *Admit that Counsel knew pro hac*

85                     *vice applications were required to be filed prior to practicing law before this*

86                     *Court including but not limited to authoring and filing documents.*

87       **DEFENDANT OBJECTED:** [“*Rokoko objects to the extent this Request is*

88                     *vague and ambiguous with respect to the undefined term “Counsel” ....*”]

89           ○ **RECORD REFLECTS:**

- [*“you will not be added back to the docket until your Pro Hac Vice status has been resolved.”*] (Dkt #7)

- **REQUEST FOR ADMISSION NO. 13.** *Admit that Emily Graue continued calling and e-mailing Plaintiff after the Court removed her from the docket.*

**DEFENDANT OBJECTED AND STATED:** [*“Rokoko objects to the extent this Request is vague and ambiguous with respect to the terms “calling” and “emailing” ... and ... “removed her from the docket.”*]

- **RECORD REFLECTS:**

- [*“Non-Resident Attorney Emily Graue.... You have been **removed as counsel of record** from the docket in this case”*] (Dkt #7) *“Case 2:25-cv-05340-ODW-RAO Document 7 Filed **06/15/25** Page 1 of 1 Page ID #:461”*
- [*“Mon 6/16/2025 2:15 PM... Mr. Walsh, Defendant Rokoko Electronics, via counsel Reed Smith LLP, will be filing... Best, **Emily Graue, Associate**”*] (Graue e-mail)
- [*“Mon **6/16/2025** 3:38 PM... Thanks for your note, Mr. Walsh. We understand ... Best, **Emily Graue, Associate**”*] (Graue e-mail)

- Dkt #45, p17 (Ex 4) shows phone calls from Emily Graue on 6/16/2025

- **REQUEST FOR ADMISSION NO. 14.** *Admit that when Counsel stated “That additional attorneys have been included in signature blocks indicating that pro hac petitions were pending” this was a false statement as no application had been submitted prior to **June 17, 2025.***

**DEFENDANT OBJECTED AND STATED:** [*“...Rokoko objects to the extent this Request is vague and ambiguous with respect to the undefined term “Counsel” ...”*]

- **RECORD REFLECTS:**

- (Dkt #17) *“APPLICATION of Non-Resident Attorney Emily H. Graue to Appear Pro Hac Vice on behalf of Defendant Rokoko Electronics (Pro Hac Vice Fee - \$500 Fee Paid, Receipt No. ACACDC-39925587) filed by Defendant Rokoko Electronics. (Ellena, Katherine) (Entered: **06/17/2025**)”*

- **REQUEST FOR ADMISSION NO. 25.** *Admit that Counsel threatened Plaintiff with penal codes and “all statutory and civil remedies” once he stated he transcribed the meet and confer on June 26, 2025.*

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**DEFENDANT OBJECTED AND STATED:** [*“Rokoko objects that this Request is vague and ambiguous with respect to the term “threatened” and undefined term “Counsel”... ”*]

○ **RECORD REFLECTS:**

- *“...you have violated Penal Code § 625 and we expressly reserve all rights to seek **all available statutory and civil remedies...**” (Ellena e-mail Mon 7/7/2025 11:31 PM)*

- **REQUEST FOR ADMISSION NO. 26.** *Admit that during the June 26, 2025 Local Rule 7-3 conference, Counsel for Defendant raised their voices at Plaintiff, laughed or giggled at Plaintiff, and made disparaging or condescending comments about Plaintiff's status, filings or actions as a pro se litigant.*

**DEFENDANT OBJECTED AND STATED:** [*“Rokoko ... vague and ambiguous with respect to the terms “raised their voices”, “laughed”, “giggled”, “disparaging”, and “condescending”... ”*]

149 **THE RECORD ANSWERS ALL OF DEFENDANT’S OBJECTIONS**  
150 **ON PLAINTIFF’S REQUESTS FOR ADMISSIONS**

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152 **REQUEST FOR ADMISSION NO. 1.** Admit that the metadata provided by  
153 Plaintiff of the PDF documents filed by Defendants in this action reflects  
154 that the documents were last modified in the Eastern Time Zone.

155 a. Dkt #117-8, p5 -14 (“metadata”)

156 **REQUEST FOR ADMISSION NO. 2.** Admit that attorney Emily Graue affixed the  
157 typed signature “/s/ Katherine J. Ellena” to one or more PDF filings in this  
158 action.

159 a. Dkt #117-8, p5 -14 (“metadata”)

160 **REQUEST FOR ADMISSION NO. 3.** Admit that in Defendants’ filings concerning  
161 jurisdiction, Defendants did not disclose the property located at 44 Tehama  
162 Street, San Francisco, California.

163 a. Dkt #70, p10 – 11 (“property records”)

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

166 a. Dkt #1-1, p 58-62

167 b. Dkt 114-1 p153 (Ex. 45) (“Rokoko Electronics is listed as the  
168 company which owns Rokoko Care/CoCo Care the product in their  
169 EULA”)

170 **REQUEST FOR ADMISSION NO. 5.** Admit that Rokoko Care (“CoCo”) and  
171 Rokoko Electronics have held joint or overlapping board meetings.

172 a. DocuSign records clearly show this

173 **REQUEST FOR ADMISSION NO. 6.**

174 **REQUEST FOR ADMISSION NO. 7.** Admit that Rokoko Care (“CoCo”) and  
175 Rokoko Electronics share assets.

176 a. Dkt #1-1, p 58-62

177 **REQUEST FOR ADMISSION NO. 8.** Admit that Trifork has owned approximately  
178 22% of Rokoko Care (“CoCo”).

179 a. Dkt #114-1, p152-154 aka Am. Compl. Ex. 45

180 **REQUEST FOR ADMISSION NO. 9.** Admit that the office depicted in Plaintiff’s  
181 photographs was used by Defendants as a headquarters location.

182 a. The name is on the door.

183 b. Dkt #52, p 48 (“google maps”)

184 c. Dkt #52 p61-63 (“private investigator photos”)

185 **REQUEST FOR ADMISSION NO. 10.** Admit that Mikkel Overby’s  
186 declaration in this action falsely states it was executed in Copenhagen,  
187 Denmark.

- 188 a. Dkt #62-1, p3 (“declaration”)
- 189 b. Dkt #117-10 p 10-17 (ex 1, 2) (“metadata, docusign, ip traces”)

190 **REQUEST FOR ADMISSION NO. 11.** Admit that Defendants represented in  
191 filings with this Court that Rokoko had no business ties to California.

- 192 a. Dkt #1-4 p 4 (*“At no point ... was Rokoko a citizen of California.*  
193 *Rokoko has only ever been a Delaware corporation with a principal*  
194 *place of business in Denmark.”*)

195 **REQUEST FOR ADMISSION NO. 12.** Admit that Jakob Balslev is the CEO,  
196 CFO, and Secretary of Rokoko Electronics

- 197 a. Dkt #117-11 p11 & p20-21 (ex 1,4)

198 **REQUEST FOR ADMISSION NO. 13.** Admit that attorneys from Reed Smith  
199 LLP assisted in drafting Mikkel Overby’s declaration in this action.

- 200 a. Dkt #117-10 p 10-17 (ex 1, 2) (“metadata, docusign, ip traces”)

201 **REQUEST FOR ADMISSION NO. 14.** Admit that attorney Emily Graue  
202 assisted in drafting Katherine J. Ellena’s declaration in this action.

- 203 a. Dkt #117-10, p19-23 (Ex 3)

204 **REQUEST FOR ADMISSION NO. 15.** Admit you knew Plaintiff needed his  
205 motion capture equipment to operate in order to finish his video game.

206 a. Common sense.

207 **REQUEST FOR ADMISSION NO. 16.** Admit that investors who witnessed  
208 the 2022 pitch deck knew of the Company's intentions to use "User  
209 Content" (including but not limited to Animation Data).

210 a. Dkt #114-1 p 158-162 (ex. 47) ("pitch deck")

211 **REQUEST FOR ADMISSION NO. 17.** Admit that before March 2025, your  
212 terms of service never granted you the rights to use or resell user animations.

213 a. Dkt #139 p7-35 (Ex 6, 7) ("2020-2022 terms")

214 b. Dkt #139 p7-35 (Ex 6, 7) ("2020-March 29, 2025 terms")

215 c. Dkt #114-1 p146-150 (Ex 43) ("March 30, 2025 retroactive terms")

216 **REQUEST FOR ADMISSION NO. 18.** Admit that after March 2025, your  
217 terms of service were changed to grant you the right to "anonymize"  
218 animations and resell them to third parties.

219 a. Dkt #114-1 p146-150 (Ex 43) ("March 30, 2025 retroactive terms")

220 **REQUEST FOR ADMISSION NO. 19.** Admit that you supply, offer and/or  
221 resell user animations for financial gain.

222 a. Dkt #114-1 p 101 (Ex 28) ("*thousands of million-dollar animation*  
223 *assets*" to their users "for the price of a coffee")

224 b. Dkt #114-1 p 167, 170-173 (Ex 49) (“selling commercially”)

225 **REQUEST FOR ADMISSION NO. 20.** Admit that your third party recipients  
226 of the animations supply, offer and/or resell user animations for financial  
227 gain.

228 a. Dkt #114-1 p 113-115 (Ex 33)

229 **REQUEST FOR ADMISSION NO. 21.** Admit that your animations contain  
230 CMI including but not limited to (authors name, unique serial numbers,  
231 other unique identifiers).

232 a. Dkt #114-1 p 177-179 (Ex 51)

233 **REQUEST FOR ADMISSION NO. 22.** Admit that Plaintiff does not have an  
234 active ‘Teams’ subscription and has never purchased one.

235 a. Dkt #114-1 p 136-140 (Ex 40)

236 **REQUEST FOR ADMISSION NO. 23.** Admit that even without a ‘Teams’  
237 subscription, you still collect User-Content animations.

238 a. Dkt #114-1 p 131-134 (Ex 39) (“code”)

239 b. Dkt #114-1 p 117 (Ex 34) (“video evidence of harvesting”)

240 c. Dkt #114-1 p 131-134 (Ex 39) (“code”)

241 d. Dkt #114-1 p 99 (Ex 27) (“users must pay to get data back”)

242 e. Dkt #114-1 p 131-134 (Ex 39) (“paid plan tier if you don’t want your  
243 data used by Rokoko, code, admissions”)

244 **REQUEST FOR ADMISSION NO. 24.** Admit that before this lawsuit was

245 filed, you considered or conducted AI training using user animations.

- 246 a. Dkt #114-1 p 188 (Ex 55) (“website admissions”)
- 247 b. Dkt #114-1 p 165 (Ex 48) (“website admissions”)
- 248 c. Dkt #114-1 p 173 (Ex 50) (“2022 pitch deck admissions”)
- 249 d. Dkt #114-1 p 188 (Ex 47) (“pitch deck 2022 admissions”)

250 **REQUEST FOR ADMISSION NO. 25.** Admit you do not have a working,

251 user-controlled opt-out mechanism for data collection.

- 252 a. Dkt #114-1 p 131-134 (Ex 39)

253 **REQUEST FOR ADMISSION NO. 26.** Admit that your claim of having

254 “teams” at offices worldwide was inaccurate.

- 255 a. Compl. Ex 69-74 (“all locations are mailbox/hotdesks”)
- 256 b. Dkt #62-1 (“Overby Decl.”, “Rokoko has **one** employee in
- 257 California”)
- 258 c. Dkt #117-4 p.6 (“all addresses, no offices, no staff”)

259 **REQUEST FOR ADMISSION NO. 27.** Admit that your employee counts in

260 marketing materials and websites overstated the number of employees.

- 261 a. Dkt #114-1 p.163 (ex. 47) (“side by side contradictions”)
- 262 b. Dkt #117-4 p.6 (“side by side contradictions”)

263 c. Dkt #62-1 (“Overby Decl.”, “Rokoko has **one** employee in  
264 California”)

265 d. Dkt #117-4 p.6 (“all addresses, no offices, no staff”)

266 **REQUEST FOR ADMISSION NO. 28.** Admit you receive live telemetry from  
267 customers including but not limited to sensor status, sensor firmware  
268 versions, if it is within an error state, the error type or message

269 a. Dkt #114-1 p.47-48 (ex. 12) (“metadata, http dumps, and code”)

270 **REQUEST FOR ADMISSION NO. 29.** Admit you received telemetry  
271 demonstrating Plaintiff’s sensors were in mixed boot states

272 a. Dkt #114-1 p.47-48 (ex. 12) (“metadata, http dumps, and code”)

273 **REQUEST FOR ADMISSION NO. 30.** Admit you made the following  
274 statement *“We will therefore offer to send you what you have listed below on  
275 the condition that this closes the case immediately.”* -- *“we are willing to go  
276 further and help you get quickly back to your projects”* -- *“That will allow  
277 both you and us to go back to work, which ultimately should be the goal.”*

278 a. Compl. Ex. 166-168 (“Overby e-mail”)

279 **REQUEST FOR ADMISSION NO. 31.** Admit you refused to provide Plaintiff  
280 with parts from about September 2024 through about April 2025.

281 a. Dkt #59 p.201-292 (Ex 186-193) (“e-mails”)

282 **REQUEST FOR ADMISSION NO. 32.** Admit you refused to repair or replace  
283 Plaintiff's equipment from about September 2024 through about April 2025.

284 a. Dkt #59 p.201-292 (Ex 186-193) ("e-mails")

285 **REQUEST FOR ADMISSION NO. 33.** Admit that changes to your firmware  
286 caused Plaintiff's equipment to stop working.

287 a. Dkt #114-1 p35-38 (Ex. 10) ("code, metadata, xml dump, http dumps,  
288 developer admissions, firmware, later admissions on website")

289 **REQUEST FOR ADMISSION NO. 34.** Admit your motion capture suits  
290 cannot be used with any other operating software but your own.

291 **REQUEST FOR ADMISSION NO. 35.** [https://support.rokoko.com/hc/en-](https://support.rokoko.com/hc/en-us/articles/20850513060113-Rokoko-Smartsuit-Pro-II-FAQs)  
292 [us/articles/20850513060113-Rokoko-Smartsuit-Pro-II-FAQs](https://support.rokoko.com/hc/en-us/articles/20850513060113-Rokoko-Smartsuit-Pro-II-FAQs) ("*Can I use*  
293 *the Smartsuit Pro II or Smartgloves without Rokoko Studio? No, both the*  
294 *Smartsuit Pro II and Smartgloves are designed to be used with the Rokoko*  
295 *Studio software to capture, process, or stream motion data. Rokoko Studio is*  
296 *compatible with both PC and Mac and offers the following features:*")

297 **REQUEST FOR ADMISSION NO. 36.** Admit that you disclaim warranties.

298 a. Admitted.

299 **REQUEST FOR ADMISSION NO. 37.** Admit you have modified the terms of  
300 service *without* notification to customers.

301 a. Compl. Ex. 169 ("the only notification across 3 full terms rewrites")

302 **REQUEST FOR ADMISSION NO. 38.**

Admit you stated to customers “By

303 *continuing to use Rokoko products after march 22, 2025, you’ll be agreeing*  
304 *to the updated terms”*

305 a. Compl Ex. 169 (“the email”)

306 b. Dkt #114-1 p.171 (Ex. 50) (“the email”)

307 **REQUEST FOR ADMISSION NO. 39.**

Admit “anonymizing” includes at a

308 minimum to remove CMI

309 a. Dkt #114-1 p.148 (ex 44) (“admissions”)

310 b. Dkt #114-1 p.179 (ex 51) (“admissions”)

311 **REQUEST FOR ADMISSION NO. 40.**

Admit one animation is generally five

312 segments

313 a. Dkt #141-1 p.167 (“admission”)

314 **REQUEST FOR ADMISSION NO. 41.**

Admit you collected Plaintiff’s

315 intellectual property (“animations”)

316 a. Dkt #114-1 p 117 (Ex 34) (“video evidence of harvesting”)

317 **REQUEST FOR ADMISSION NO. 42.**

Admit that you have more than one

318 employee in California

319 a. Dkt #117-6 p.10, L.179 (“names and roles of employees”)

320 b. Dkt #73-3 p.5, L.23 (“names and roles of employees”)

321 c. Dkt #68 p16 (ex G) (“hiring in california”)

322 **REQUEST FOR ADMISSION NO. 43.** Admit that Rokoko Studio contains a  
323 web server with a “SECRET AREA” default realm.

324 a. Dkt #114-1 p.108 (“code”)

325 **REQUEST FOR ADMISSION NO. 44.** Admit that Rokoko Studio includes  
326 functionality that can remotely disable customer use of the software.

327 a. Dkt #114-1 p.192-193 (ex. 57) (“code”)

328 b. Dkt #114-1 p.141 (Ex. 41) (“code”)

329 **REQUEST FOR ADMISSION NO. 45.** Admit Rokoko Studio can  
330 automatically mark that customers have consented to the EULA whether  
331 they actually did or not.

332 a. Dkt #114-1 p.192-193 (ex. 57) (“code”)

333 b. Dkt #114-1 p.141 (Ex. 41) (“code”)

334 **REQUEST FOR ADMISSION NO. 46.** Admit that Rokoko Studio included  
335 undocumented functionality permitting remote access by Rokoko personnel.

336 a. Dkt #114-1 p.141 (Ex. 41) (“backdoor code”)

337 **REQUEST FOR ADMISSION NO. 47.** Admit that Rokoko Studio has a time-  
338 based feature which forces a user to connect to the internet to use the  
339 software in order for their animations to be synchronized with your servers.

340 a. Dkt #114-1 p.122 (Ex. 36) (“code”)

341 b. Dkt #114-1 p.124 (Ex. 36) (“admissions”)

342 **REQUEST FOR ADMISSION NO. 48.** Admit your software uses MQTT  
343 keep-alive to perform NAT hole punching.

344 a. Dkt #114-1 p.120 (Ex. 35) (“code”)

345 **REQUEST FOR ADMISSION NO. 49.** Admit some or all of your senior staff  
346 lives and works in or around Tranbjerg.

347 a. DocuSign records and IP traces

348 **REQUEST FOR ADMISSION NO. 50.** Admit some or all of your senior staff  
349 lives and works in or around Fyn.

350 a. DocuSign records and IP traces

351 **REQUEST FOR ADMISSION NO. 51.** Admit some or all of the user-  
352 animation data used in the making of Rokoko Care “CoCo” came from  
353 Rokoko user-content.

354 a. Dkt #73-1, ex 20, p63 (“name changed to avoid confusion”)

355 b. Dkt #114-1 p.152-154 (ex. 45) (“admissions”)

356 **REQUEST FOR ADMISSION NO. 52.** Admit that your marketing materials  
357 included inaccurate customer or user counts.

358 a. Dkt #78 p12 (“admissions”)

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360 Dated this January 31, 2026, in Santa Clarita, California.

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Matthew R. Walsh  
Plaintiff In Pro Per

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