

1 Katherine J. Ellena (SBN 324160)
kellena@reedsmith.com
2 Gerardo V. Gorospe IV (SBN 352854)
vgorospe@reedsmith.com
3 REED SMITH LLP
515 South Flower Street, Suite 4300
4 Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
5 Facsimile: +1 213 457 8080

6 Michael B. Galibois (*pro hac vice*)
mgalibois@reedsmith.com
7 Emily Graue (*pro hac vice*)
egraue@reedsmith.com
8 REED SMITH LLP
10 South Wacker Drive, 40th Floor
9 Chicago, IL 60606-7507
Telephone: +1 312.207 1000
10 Facsimile: +1 312.207 6400

11 *Attorneys for Defendant,*
12 Rokoko Electronics

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 MATTHEW R. WALSH

2 Plaintiff,

3 vs.

4 ROKOKO ELECTRONICS, and
5 DOES 1 through 50, inclusive,

6 Defendant.

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

[Assigned to Hon. Otis D. Wright, II,
Courtroom 5D; Hon. Rozella A. Oliver,
Courtroom 590]

**DECLARATION OF JAKOB
BALSLEV IN SUPPORT OF
DEFENDANT ROKOKO
ELECTRONICS' MOTION FOR
SUMMARY JUDGMENT**

*[Concurrently Filed With Motion for
Summary Judgment; Separate
Statement of Uncontroverted Facts;
Declaration of Ricardo Tobon;
Declaration of Mikkel Overby;
Declaration of Gerardo V. Gorospe;
Compendium of Evidence; Application
to File Under Seal; Declaration of
Gerardo V. Gorospe ISO App. to Seal;
[Proposed] Order]*

**State Court Action Filed: May 12,
2025**

Removal Date: June 12, 2025

Discovery Cutoff: August 10, 2026

Trial Date: March 9, 2027

Hearing Date: September 28, 2026

Time: 1:30 p.m.

Place: Courtroom 5D

DECLARATION OF JAKOB BALSLEV

I, Jakob Balslev, declare:

1. I am one of the founders of and current CEO of Defendant Rokoko Electronics (“Rokoko”). In that role, I am familiar with Rokoko’s products and the process through which users register for the platform, its Rokoko Studio software platform, its Terms of Use (including any changes), its data-storage practices, and its licensing of motion capture data. I make this declaration based on my personal knowledge, on Rokoko’s business records maintained in the ordinary course of business, and on information made available to me in my capacity as CEO of Rokoko. If called as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Rokoko’s Motion for Summary Judgment brought against Plaintiff Matthew R. Walsh (“Plaintiff”).

3. In addition to my responsibilities as CEO, I am deeply involved in Rokoko’s product development and have throughout the company’s history played a central role in the development of its motion capture technology and products. I have extensive knowledge of motion capture technology and of how Rokoko’s products are developed and operate, including Rokoko’s use of artificial intelligence and machine learning. I was directly involved in and informed about the development of Rokoko’s AI products and the processes used to train and validate the underlying models.

4. Rokoko has never sublicensed Mr. Walsh’s motion capture data to a third party and Mr. Walsh’s motion capture data (“MoCap Data”) is not part of any of Rokoko’s generative AI or motion capture products.

5. In April 2026, nearly one year after Mr. Walsh filed this lawsuit, Rokoko entered into a single, confidential third-party motion-data sublicensing agreement. The specific terms of that agreement, including the identity of the

1 third party to the agreement, are subject to strict confidentiality and non-
2 disclosure provisions. However, Mr. Walsh's MoCap Data was never included
3 in, and was pre-emptively removed from, the dataset underlying the April 2026
4 sublicense deal. A true and correct copy of email correspondence, dated
5 January 31, 2026, between myself and a third-party data broker, which confirms
6 that Rokoko "removed the motion data from Matthew Walsh from the data
7 [Rokoko] shared" in connection with the April 2026 sublicense deal, produced
8 in this action bearing Bates number ROKOKO-PRIV_0000131, is attached
9 hereto as **Exhibit D**.

10 6. On or about April 23, 2026, I exchanged internal communications with
11 Mikkel Overby and Paul Schreiner, (Rokoko's Senior AI Engineer responsible
12 for overseeing the training and validation of Rokoko's AI models), with regard
13 to whether Mr. Walsh's MoCap Data had ever been involved in training AI
14 models for Rokoko's products. Mr. Schreiner confirmed that Mr. Walsh's
15 MoCap Data has never been used to train any of Rokoko's products, and the AI
16 model supporting Rokoko's products has never seen Mr. Walsh's data during
17 training or learned from it. A true and correct copy of my April 23, 2026
18 internal communications via Slack, produced in this action bearing Bates
19 number ROKOKO_00001837, is attached hereto as **Exhibit C**.

20 7. When a model is trained on data, that data is used to actually create and
21 improve the model. The model processes the training examples, calculates its
22 errors, and adjusts its internal parameters or weights based on those examples.
23 In that sense, the model learns from the training data.

24 8. A validation dataset is fundamentally different. It is kept separate from
25 the training data and is not used to teach or update the model. The model is
26 already trained when validation takes place. A simple analogy would be testing
27 an already-built speedometer by driving at a known speed and checking what it
28

1 displays. The test merely validates whether the speedometer is working
2 accurately, but does not build, modify, or improve it.

3 9. Mr. Walsh's MoCap Data was one of the assets against which the
4 performance of an already-trained model was validated, but did nothing to
5 contribute to training, improving, or determining the parameters of Rokoko's
6 internal software. The model had never seen Mr. Walsh's MoCap Data during
7 training, and nothing in the model was changed as a result.
8

9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct. Executed on this 23rd day of August,
11 2026, in Copenhagen, Denmark.
12

13 
14 _____
15 Jakob Balslev
16
17
18
19
20
21
22
23
24
25
26
27
28