

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

OPENTV, INC.,
Patent Owner.

IPR2014-00267
Patent 7,409,437

**AFFIDAVIT OF CLEMENT S. ROBERTS IN SUPPORT OF
PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION**

I, Clement S. Roberts, being duly sworn and upon oath, hereby attest to the following:

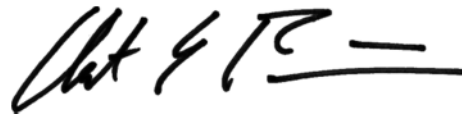
- i. I am a member in good standing of the Bar of California (#209203), as well as the following Federal Courts:
 - a) U.S. Court of Appeals for the Second Circuit;
 - b) U.S. Court of Appeals for the Federal Circuit;

- c) U.S. District Court for the Northern District of California;
 - d) U.S. District Court for the Central District of California; and
 - e) U.S. District Court for the Southern District of California.
- ii. I have not been suspended or disbarred from practice before any court or administrative body.
 - iii. I have never had an application for admission to practice before any court or administrative body denied.
 - iv. No sanction or contempt citation has been imposed against me by any court or administrative body.
 - v. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations.
 - vi. I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
 - vii. I have not applied to appear *Pro Hac Vice* before the Office in any other proceeding in the last three years.
 - viii. I am an experienced litigation attorney, with experience in many litigations involving patent infringement in District Courts across the country, including experience with fact and expert document and

deposition discovery, claim construction, *Markman* hearings, motion practice, trials and hearings, and investigations before the International Trade Commission.

- ix. I am counsel for Petitioner Netflix, Inc., the defendant in related on-going litigations in which U.S. Patent No. 7,409,437 is and was asserted by the Patent Owner. I am familiar with the subject matter at issue in this proceeding as a result of my representation of Netflix, Inc. in those related litigations, including the prior art that Petitioner presents in this proceeding, as well as issues of claim construction.

Date: August 6, 2014



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