

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEALS BOARD

NETFLIX, INC.
Petitioner

v.

OPENTV, INC.
Patent Owner

Case No.: IPR2014-00269
Patent No.: 6,233,736

**DECLARATION OF MATTHEW V. TOPIC IN SUPPORT OF PATENT
OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF MATTHEW
V. TOPIC PURSUANT TO 37 C.F.R. § 42.10(C)**

Mail Stop *Inter Partes* Review
Commissions for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Matthew V. Topic, do hereby declare as follows:

1. I am a member in good standing of the State Bar of Illinois.
2. I am an experienced patent litigation attorney with more than seven (7) years of experience. In that time, I have served as counsel in numerous patent infringement lawsuits.

OpenTV Ex. 2001

3. I have never been suspended or disbarred from practice before any court or administrative body.
4. I have never had an application for admission to practice before any court or administrative body denied.
5. I have had no sanctions or contempt citations imposed against me by any court or administrative body.
6. 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 C.F.R.
7. I agree to 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).
8. I am concurrently applying to appear *pro hac vice* in four (4) co-pending cases before the Board: IPR2014-00252, IPR2014-00267, IPR2014-00269, and IPR2014-00274. I have not applied to appear *pro hac vice* in any other proceedings before the Office in the last three (3) years.
9. I am familiar with the subject matter at issue in this proceeding and particularly with the patent at issue in this proceeding. I represent Patent Owner OpenTV, Inc. in the pending district court case *OpenTV, Inc. v. Netflix, Inc.*, Case No. 1:12-cv-01733 (D. Del.) which also involves U.S. Patent No. 6,233,736.

10. I am actively involved in all aspects of the pending district court case, including the issues of invalidity and claim construction concerning U.S. Patent No. 6,233,736.
11. I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements are punishable by fine or imprisonment or both. *See* 18 U.S.C. § 1001.

Date: February 14, 2014

Respectfully submitted,

/s/ Matthew V. Topic

Matthew V. Topic
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, Illinois 60654
Telephone: (312) 862-2000
Fax: (312) 862-2200
Email: mtopic@kirkland.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Declaration of Matthew V. Topic in Support of Patent Owner's Motion for Admission *Pro Hac Vice* of Matthew V. Topic Pursuant to 37 C.F.R. § 42.10(C) was served on February 14, 2014, via e-mail, pursuant to agreement by the parties, directed to counsel of record for the Petitioner at the following:

Andrew S. Ehmke
andy.ehmke.ipr@haynesboone.com
Scott Jarratt
scott.jarratt.ipr@haynesboone.com
HAYNES AND BOONE, LLP
2323 Victory Ave., Suite 700
Dallas, Texas 75219

/s/ Eugene Goryunov _____