

Filed on behalf of: OpenTV, Inc.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.

Petitioner

v.

OPENTV, INC.

Patent Owner

Case IPR2014-00269

Patent 6,233,736

DECLARATION OF DAVID E. WACHOB

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I, David E. Wachob, declare as follows:

I. Introduction

1. I have been retained by OpenTV, Inc. (“OpenTV”) as an independent expert consultant in *Inter Partes* Review No. IPR2014-00269 before the United States Patent and Trademark Office. I understand that this proceeding involves U.S. Patent No. 6,233,736 (“the ’736 patent”) (Ex. 1001). Although I am being compensated for the time I spend on this matter, no part of my compensation depends on the outcome of this proceeding, and I have no other interest in this proceeding.

2. I have been asked to consider whether certain references disclose or suggest the features recited in the claims of the ’736 patent. My opinions are set forth below.

II. Qualifications

3. I received a B.S. from Drexel University, and an M.E. from the Florida Atlantic University, both in Electrical Engineering. My curriculum vitae, which includes a more detailed summary of my background, experience, patents and publications, is attached as Appendix A.

4. As detailed below, based on my experience at WorldGate Communications, which I co-founded and where I was involved in interactive television design and development, General Instrument, where I was involved in CATV system design and development, and Motorola, prior to priority claim of the ’736 patent, I meet the requirements for the hypothetical person of ordinary skill in

the art. In each of these positions I also managed people meeting the hypothetical person of ordinary skill in the art.

5. I am not an attorney and offer no legal opinions, but in the course of my work, I have had experience studying and analyzing patents and patent claims from the perspective of a person skilled in the art. I have previously served as a patent analysis and research consultant and hold 24 patents, with many others pending.

III. Materials Reviewed

6. In forming my opinions, I have reviewed: the '736 Patent, the prosecution history of the '736 patent, and Exhibits 1001-1006 and 2004-2006.

IV. Overview of the '736 Patent

A. Patented Technology

7. The '736 patent relates to an electronic information access system and, more specifically, to a media online services access system, which provides direct, automated access to an online information provider through an address provided with a video program. Ex. 1001 at 1:11, 9:48-12:10. At the time of invention, media receiving and display systems were linked to interactive information providers in only limited ways. *Id.* at 1:16-18. Specifically, two types of systems were known. In the first type of system, the user did not have direct access to the information. For example, “some television and radio broadcasters have begun announcing an Internet address for viewer inquiries during the course of program transmission. Access to this Internet address requires the user to utilize his or her computer.” *Id.* at 1:26-29. In the

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