

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUGHES NETWORK SYSTEMS, LLC and
HUGHES COMMUNICATIONS, INC.,

Petitioners,

v.

CALIFORNIA INSTITUTE OF TECHNOLOGY,

Patent Owner.

Case IPR2015-00059 (Patent 7,916,781)

Case IPR2015-00060 (Patent 7,421,032)

Case IPR2015-00061 (Patent 8,284,833)

Case IPR2015-00067 (Patent 7,116,710)

Case IPR2015-00068 (Patent 7,116,710)

Case IPR2015-00081 (Patent 8,284,833)

**DECLARATION OF TIMOTHY JEZEK IN SUPPORT OF PETITIONERS'
REPLY BRIEF REGARDING IDENTIFICATION OF REAL PARTIES-IN-
INTEREST**

I, Timothy Jezek, declare:

1. I am currently employed at Hughes Network Systems, LLC as in-house Intellectual Property Counsel. I have been working at Hughes since November, 2010. I have personal knowledge of the facts set forth herein, and, if called to testify in person, could and would testify competently thereto. I have been the Hughes in-house counsel responsible for the pending district court case captioned *California Institute of Technology v. Hughes Communications, Inc. et al.*, No. 13-CV-07245 (CACD) (the “Caltech litigation”) since its filing.

2. I am over the age of 18, have never been convicted of a felony or crime of moral turpitude and am legally competent to make this declaration.

3. Hughes Network Systems, LLC and Hughes Communications, Inc. (“Petitioners”) are Delaware corporations, and both entities are subsidiaries of EchoStar Corporation (“EchoStar”).

4. The decision to file the above captioned Petitions for *inter partes* review (the “Petitions”) was made entirely by Petitioners’ in-house counsel responsible for litigation and intellectual property matters. The decision to file the Petitions was made independently of DISH Network Corporation, DISH Network L.L.C., or dishNET Satellite Broadband L.L.C. (collectively, “DISH”).

5. DISH did not direct, control, or suggest the filing of these Petitions. DISH did not provide any input into the content of the Petitions. DISH did not participate in the preparation or filing of the petitions.

6. Petitioners did not receive any reimbursement, payment, or any other funding from DISH (or any other non-party) related to the filing of the Petitions. All attorneys' fees and costs incurred in preparing and filing the Petitions were borne by Petitioners alone.

7. Neither EchoStar nor Petitioners sought or obtained approval to file the Petitions from any member of the Boards of EchoStar or DISH, including Charles Ergen.

8. No person involved in the decision to file the Petitions, nor in the preparation of the petitions, is an employee of DISH.

9. Petitioners have not acted as a proxy for DISH in these proceedings in any way.


10. DISH and EchoStar are separate publicly-traded companies with different stock trading symbols ("DISH" and "SATS," respectively). Each company is governed by its own board of directors, has its own management team, and has separate budgets, financial statements, and operations.

11. Attached as Exhibit 1071 is a non-confidential portion of a larger omnibus summary judgment filing made under seal in the pending Caltech

litigation. The Exhibit contains that portion of the filing dealing with a motion for summary judgment to dismiss DISH from the pending Caltech litigation. The motion was filed on March 5, 2015 and lays out the basis for dismissal. The motion correctly states that Caltech failed to present any expert testimony in the district court case on the issue of infringement as to any DISH product. As a result, Petitioners anticipate that the patent owner's allegations directed to the DISH products will be dismissed from the Caltech litigation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the results of these proceedings.

March 18, 2015



Timothy Jezek