

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NFL ENTERPRISES LLC,
Petitioner

v.

OPENTV, INC.,
Patent Owner

CASE: IPR2017-02092
Patent No. 6,233,736 B1

Before PATRICK E. BAKER, *Trial Paralegal*.

**DECLARATION OF RACHAEL P. McCLURE IN SUPPORT OF
MOTION TO APPEAR *PRO HAC VICE***

I, Rachael P. McClure, declare as follows:

1. I am an Associate with the law firm of Vinson & Elkins LLP. I have personal knowledge of the following facts, except those stated on information and belief, which I believe to be true. If called to testify, I could and would testify competently to the contents hereof.

Pro Hac Order, Part 2 (b)(i) – Membership in Good Standing of a State Bar:

2. I am a member in good standing of the Bar of the States of New York.

Pro Hac Order, Part 2 (b)(ii) – No Suspension or Disbarments:

3. I have not been suspended or disbarred from practice before any court or administrative body.

Pro Hac Order, Part 2 (b)(iii) – No Application for Admission Denied:

4. I have not been denied on any application to practice before any court or administrative body.

Pro Hac Order, Part 2 (b)(iv) – No Sanctions or Contempt Citations:

5. I have not been sanctioned or cited for contempt by any court or administrative body.

Pro Hac Order, Part 2 (b)(v) -- Compliance with Rules:

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 37 C.F.R.

Pro Hac Order, Part 2 (b)(vi) – Subject to Professional Responsibility Rules and Jurisdiction:

7. I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.*, and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

Pro Hac Order, Part 2 (b)(vii) – Other Proceedings Before the Office:

8. I have not appeared *pro hac vice* in any other proceedings before the Office.

Pro Hac Order, Part 2 (b)(viii) – Familiarity with the Subject Matter:

9. I have familiarity with the subject matter at issue in the proceeding because I have over 5.5 years of experience in litigating patent suits, I have litigated patent validity issues in federal court on many occasions, and because I represent the Petitioner in the related proceeding *Nagravision SA and OpenTV, Inc. v. NFL Enterprises LLC*, No. 2:17-cv-3919-AB-SK, filed in the U.S. District Court for the Central District of California, concerning U.S. Patent Nos. 7,996,861, 7,421,729, 7,028,327, 7,950,033, 7,055,169, 7,020,888, 6,233,736, and 6,154,172, and represented the Petitioner in *OpenTV, Inc. v. NFL Enterprises LLC*, No. 2:17-cv-00031-JRG-RSP filed in the U. S. District Court for the Eastern District of Texas where the Patent Owner previously asserted the '736 Patent and then voluntarily dismissed that action on May 24, 2017.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and 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 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. I hereby acknowledge that

any willful false statement made in this declaration is punishable under 18 U.S.C.
§ 1001 by fine or imprisonment of not more than five (5) years, or both.

Executed on March 28, 2018, at New York, NY.

/Rachael P. McClure/
Rachael P. McClure

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