UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETFLIX, INC. and

ROKU, INC.

Petitioners,

v.

UNILOC 2017 LLC,

Patent Owner.

_____

PTAB Case No. IPR2020-00041

Patent No. 8,407,609 B2

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AFFIDAVIT OF MATTHEW C. BERNSTEIN IN SUPPORT OF PETITIONERS' UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. §42.10(c)

I, Matthew C. Bernstein, being duly sworn and upon oath, hereby apply to appear *pro hac vice* before the Office in *inter partes* review proceedings under PTAB Case No. IPR2020-00041.

I hereby attest to the following:

1.   I am a member in good standing of the state Bar of California, the Southern, Central, and Northern Districts of California, the Eastern District of Texas, the United States Court of Appeals for the Federal Circuit, and the United States Supreme Court.

2.   I have never been suspended or disbarred from practice before any court or administrative body.

3.   I have never had an application for admission to practice before any court or administrative body denied.

4.   No sanction or contempt citation has been imposed against me by any court or administrative body.

5.   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 37 C.F.R. Part 42.

6.   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).

7.   I have applied, and have been admitted by the Office, to appear *pro hac vice* before the Office in the last three (3) years. I have applied to appear before the PTAB in the following PTAB proceedings:

    i.   *HTC Corporation et al. v. Advanced Audio Devices, LLC*
        Cases: IPR2014-01154 (Patent 6,587,403 B1)
                  IPR2014-01155 (Patent 7,289,393 B2)
                  IPR2014-01156 (Patent 7,817,502 B2)
                  IPR2014-01157 (Patent 7,933,171 B2)
                  IPR2014-01158 (Patent 8,400,888 B2)

    ii.   *HTC Corporation et al. v. NFC Technology, LLC*
        Cases: IPR2014-01198 (Patent 6,700,551 B2)
                  IPR2014-01199 (Patent 7,665,664 B2)
                  IPR2015-00384 (Patent 7,665,664 B2)

    iii. *Starbucks Corporation v. Ameranth, Inc.*
        Cases: CBM2015-00091 (Patent 6,384,850)
                  CBM2015-00099 (Patent 6,871,325)

    iv.   *Microsoft Corporation v. Bradium Technologies LLC*
        Cases: IPR2015-01432 (Patent 7,139,794)
                  IPR2016-00449 (Patent 8,924,506)
                  IPR2016-01897 (Patent 9,253,239)

    v.   *Netflix, Inc. and Roku, Inc. v. Convergent Media Solutions, LLC*
        Case: IPR2016-01761 (Patent 8,850,507)

    vi.   *Roku, Inc. v. Convergent Media Solutions, LLC*
        Case: IPR2016-01762 (Patent 8,893,212)

    vii. *Netflix, Inc. v. Convergent Media Solutions, LLC*
        Cases: IPR2016-01811 (Patent 8,527,640)
                  IPR2016-01812 (Patent 8,640,183)
                  IPR2016-01813 (Patent 8,689,273)
                  IPR2016-01814 (Patent 8,914,840)

viii.   *Amazon.com, Inc. et al. v. Digital Media Technologies, Inc*
        Cases: IPR2017-00284 (Patent 8,964,764)
                    IPR2017-00285 (Patent 9,300,657)

ix.   *T-Mobile US, Inc. et al v. Barkan Wireless Access Technologies, L.P.*
        Cases: IPR2017-01098 (Patent 8,559,369)
                    IPR2017-01099 (Patent 9,042,306)

x.   *HTC Corporation et al. v. Electronic Scripting Products. Inc.*
        Cases: IPR2018-01032 (Patent 8,553,935)

8.   I am an experienced litigation attorney with more than 20 years of experience representing clients in patent cases involving computer hardware and software, semiconductors, Internet and e-commerce, hand held computers, and other mobile devices. I regularly litigate patent cases in various forums including the United States Court of Appeals for the Federal Circuit, various federal district courts, and the International Trade Commission. Through my experience in patent litigation matters, I have represented clients in many phases of litigation including discovery, Markman hearings, jury trials, and appeals. My biography is attached hereto as Appendix A.

9.   I have an established familiarity with the subject matter at issue in this proceeding. I am lead counsel for Petitioners in the related district court case (*Uniloc 2017 LLC v. Netflix, Inc.,* Case No. 8:18-cv-2055-GW-DFMx (C.D. Cal.) (filed November 17, 2018)). I also represented Petitioners as lead counsel in other court cases involving similar technology (*Digital Media Technologies, Inc. v.*

Amazon.com, Inc., Case No. 4:16-cv- 00244 (N.D. Fla.) (filed April 26, 2016),

Digital Media Technologies, Inc. v. Hulu, LLC, Case No. 4:16-cv-00245 (N.D.

Fla.) (filed April 26, 2016), and *Digital Media, Technologies, Inc. v. Netflix, Inc.*,

Case No. 4:16-cv-00243 (N.D. Fla.) (filed April 26, 2016); *Convergent Media*

Solutions, LLC v. AT&T, Inc., 3:15-cv-2156-M (N.D. Tex.)(filed June 26, 2015)

TransVideo Electronics Ltd. v. Hulu, LLC, 1:13-cv-01399 (D. Del.) (filed August

7, 2013), *TransVideo Electronics Ltd. v. Netflix, Inc.*, 1:12-cv-01743 (D. Del.)

(filed December 20, 2012)).

  10.   I am familiar with the technologies and issued claims in the 8,407,609

Patent. I am familiar with the prior art references cited in PTAB Case

No. IPR2020-00041 and the associated invalidity grounds before the PTAB.

  I hereby declare 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 further

declare 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 the Title 18 of the United States Code.

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