

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C.,

PETITIONER

V.

BROADBAND ITV, INC.,

PATENT OWNER

CASE IPR2020-001267

U.S. PATENT NO. 10,028,026

**DECLARATION OF CLEMENT ROBERTS IN SUPPORT OF
PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE***

I, Clement Roberts, hereby declare as follows:

1. I am currently an attorney at Orrick, Herrington, & Sutcliffe LLP. I am member in good standing of the State Bar of California. I was admitted to the California State Bar on April 6, 2001. My California Bar membership number is 209203. I am admitted to practice before the District Courts of the Northern, Central and Southern Districts of California as well as the Eastern District of Texas. I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court. Since 2001, I have practiced in the field of intellectual property litigation, particularly patent litigation.

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

3. I have never had a court or administrative body deny my application for admission to practice.

4. I have never had any sanctions or contempt citations imposed on 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 part 42 of 37 C.F.R.

6. I agree to be subject to the United States Patent and Trademark Office 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. Prior to the applications I made in IPR2020-01267, -01280, -01332, and -01359, I have not previously applied to appear *pro hac vice* before the office.

8. I am an experienced litigation attorney, with particular experience in patent infringement litigations in District Courts across the country, including experience with fact and expert deposition discovery, claim construction, *Markman* hearings, motion practice, trials, and hearings.

9. I am familiar with the subject matter at issue in this proceeding and in the related litigation in the United States District Court for the Western District of Texas, in which U.S. Patent No. 10,028,026 had been asserted by the Patent Owner *Broadband iTV, Inc v. DISH Network, L.L.C., Case No. 6:19-cv-716-ADA* (W.D. Tex., filed December 19, 2019). I also am familiar with the prior art raised in this IPR proceeding, including: U.S. Patent No. 8,434,118 to Gonder et al (Ex. 1005, “Gonder”), U.S. Patent No. 7,159,233 to Son et al. (Ex. 1006, “Son”), and U.S. Patent Application Publication No. 2001/0030667 to Kelts (Ex. 1007, “Kelts”). I have reviewed the briefs and papers filed in this proceeding.

10. I declare that all statements made herein of my own knowledge are true and correct 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 Section 1001 of Title 18 of the United States Code.

Dated: April 27, 2021

/Clement Roberts/

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