

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 IPR2020-01267
U.S. Patent No. 10,028,026

DECLARATION OF LEIGHTON CHONG

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Leighton Chong, declare and state as follows:

1. I have been a registered patent attorney since May 16, 1975. My registration number is 27,621. I am licensed to practice law in New York and Hawaii. I currently reside in Honolulu, Hawaii. I am an of counsel attorney at Ostrager Chong Flaherty & Broitman P.C.

2. In 2003, I began working with Broadband iTV, Inc. (“BBiTV”) in efforts to protect the young company’s intellectual property, which included a software platform BBiTV was developing relating to video-on-demand technology. I worked primarily with Milton Diaz Perez, the inventor of the patent at issue in this proceeding, and Clifton Kagawa, Mr. Perez’s boss, to develop BBiTV’s intellectual property strategy.

3. On March 3, 2004, I met with Mr. Perez [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] As was commonly
my practice, a patent application would undergo several drafts to incorporate in
writing the full disclosure of the invention. That was the case here. [REDACTED]
[REDACTED]
[REDACTED]

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4. [REDACTED]

[REDACTED]

5. [REDACTED]

[REDACTED]. I corresponded with Mr. Perez on March 18 and March 19, 2004, [REDACTED].
[REDACTED]. See EX2064; EX2065.

6. On March 29, 2004, Mr. Perez sent me a first draft of the patent specification. See EX2068. On March 30, 2004, I wrote to Mr. Perez [REDACTED].
[REDACTED]. EX2179.

7. On March 31, 2004, I sent Mr. Perez and Mr. Kagawa the March Draft of what would become the filed '192 application. See EX2060; EX2061.

8. In April and May 2004, Mr. Perez and I continued corresponding about preparation of the patent application, as evidenced by emails exchanged on April 22 and April 24, and May 27, 2004. See EX2181-EX2184.

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9. From mid-May through June 14, I was working on revising the March Draft pursuant to Mr. Perez's feedback. [REDACTED]

[REDACTED]

[REDACTED]. EX2102.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

EX2105.

10. Mr. Perez, who lived in California at the time, and I, who lived in Hawaii at the time, arranged to meet in-person to discuss the disclosure of the draft '192 application on the evening of June 15 when Mr. Perez would be in Hawaii where BBiTV was based. EX2106. [REDACTED]

[REDACTED]

[REDACTED]. I met with Mr. Perez again on June 22, 2004, to review and discuss the draft '192 application. EX2107. Mr. Perez and I met again on June 24, 2004, to further discuss my edits and revisions to the draft '192 application (as the planned meeting on June 23 was cancelled due to Mr. Perez's busy schedule at BBiTV). EX2108. After the June 24, 2004 meeting, Mr. Perez

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and I decided that Mr. Perez should continue working on the drawings for the '192 application in light of our conversation. EX2109. Mr. Perez sent me a list of questions about the application on June 29. EX2117. [REDACTED]

[REDACTED]

EX2118. Mr. Perez also completed a draft of these drawings, which I received on June 30, 2004. *See, e.g.*, EX2110-2116.

11. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] EX2119 [REDACTED]

[REDACTED]

[REDACTED] EX2121. [REDACTED]

[REDACTED]

[REDACTED]. EX2121;

EX2122.

12. Mr. Perez and I met on July 27 to finalize the application. EX2121-EX2122. [REDACTED]

[REDACTED]

[REDACTED] *See* EX2185 [REDACTED]

[REDACTED]

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