

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DISH NETWORK L.L.C.,  
Petitioner

v.

BROADBAND ITV, INC.,  
Patent Owner

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

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**DECLARATION OF CLIFTON KAGAWA**

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

I, Clifton Kagawa, declare and state as follows:

1. I am Chief Executive Officer and a director and founder of Broadband iTV, Inc. (“BBiTV”). I reside in Hawaii and have been the CEO of BBiTV since 2001.

2. My background as a businessman includes having served as a board member and Asia Pacific Chairman and Chief Executive Officer for international public relations firm Hill & Knowlton. I held a similar position with international public relations firm Burson-Marsteller and served on parent company Young & Rubicam’s advisory board of directors. Prior to working in Asia with these firms, I was majority shareholder of Hawaii-based Communications-Pacific, one of the top 50 independent public relations firms in the U.S. at the time of its acquisition by London-based WPP Group. I am and have been active in community organizations including serving on the boards of the Rotary Club of Honolulu, Hawaii Chamber of Commerce, Aloha United Way, the Economic Development Corporation of Honolulu, and Chaminade University.

3. BBiTV was formed in year 2001. BBiTV built its business as an operating company for five years, and later shifted its focus toward IP development and licensing. Chief Technology Officer Milton Diaz Perez is the inventor of all BBiTV patents and continues in that role. The company has not acquired any of its patents; instead, its entire portfolio of patents stems directly

from the leading-edge interactive television platform, Web CMS, and VOD applications that BBiTV, led by Mr. Perez, designed and launched from 2003 through 2006.

4. BBiTV's board of directors consists of myself along with senior experienced professionals such as Mr. Tony Thornley, who formerly served as President and Chief Operating Officer of QUALCOMM Incorporated; who served as President and Chief Executive Officer of Callaway Golf Company; and who worked for Nortel Networks for 16 years, serving in various financial and information systems management positions including Vice President of Public Networks, Vice President of Finance NT World Trade, and Corporate Controller Northern Telecom Limited. BBiTV's business and board of directors are described on our web site: <https://www.broadband-itv.com/>.

5. BBiTV was an early contributor in the development of on-demand and interactive technology for the cable sector. The company began operating in 2001 in Hawaii, which was known in the cable industry then as one of the most innovative cable markets due to it being an island market removed from major US metropolitan markets. This has allowed it to become a natural technology test bed.

6. BBiTV launched two critical, first-to-market development projects in the US. These included an interactive community channel enabling community members to communicate, as well as to buy and sell goods and services, and a Web

platform allowing content producers, businesses, community organizations, and individuals to publish video content directly to the television. BBiTV has also designed systems for television video personals, video greeting cards, talent contests and promotions, and music videos. These projects, among other work and R&D, became the basis for the beginning of BBiTV's patent portfolio.

7. In its time as an operating company, BBiTV launched *Promo!* in partnership with Oceanic Time Warner Cable (TWC) (now Charter Communications), which to my knowledge was the nation's first interactive cable channel featuring long form videos on local and national products and services in 2003. BBiTV continued its partnership with Oceanic Time Warner Cable and also launched the "TVClassifieds" application in 2005. The company was also a consultant on other Oceanic Time Warner Cable applications in 2005 and 2006.

8. Mr. Milton Perez joined BBiTV during April or May of 2003, as a consultant.

9. Mr. Perez is an inventor, and he became Chief Technology Officer for BBiTV in September 2003. He has held that position through present day, and continues today as our CTO. His responsibilities have included overseeing the company's technology development projects, using his over 35 years of experience in software and product development and 25 years developing interactive platforms for the lodging, cable, and web industries. Mr. Perez's

past experience includes serving as Senior Vice President of engineering and network, from 1998 to 2002, at StarMedia Network, Inc., the largest operator of community and portal websites in Latin America. StarMedia was acquired, in part, by Yahoo! and other web media companies. Mr. Perez is also the former Vice President of Engineering at GuestServe, a San Francisco company that developed highly advanced, cost-effective interactive TV systems for cable. GuestServe was acquired by SeaChange, Inc., a leader in digital video servers. Mr. Perez holds a BS in Electrical Engineering and a BA in Art History from Columbia University.

10. At BBiTV, we tasked Mr. Perez with assisting with the company's efforts to commercialize a product to sell ads on cable networks. When he joined the company, we had a product, *Promo!*, which was a VOD-based advertising product built on the Scientific Atlanta XOD platform, and publicly accessible on Time Warner Cable Oceanic ("TWC") channel 327. He worked on improving the capabilities of the *Promo!* system, which essentially led to replacing that system and developing a replacement platform.

11. As I explain in more detail in this declaration, I was personally involved in the events, and I know and corroborate Mr. Perez's conception of the inventions described in the '026 patent by March 30, 2004, which BBiTV then filed the parent application of on July 30, 2004. In February 2004, Mr. Perez

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