

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC, and
NETFLIX, INC.,
Petitioners,

v.

UNILOC 2017 LLC,
Patent Owner.

PTAB Case No. IPR2020-00008

Patent No. 9,721,273 B2

**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. IPR2020-00008.

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)).

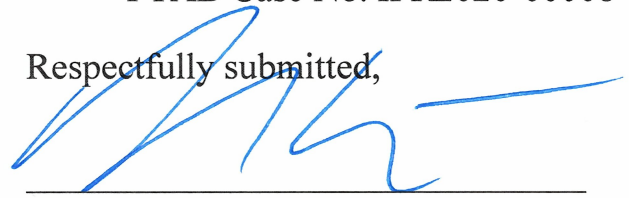
10. I am familiar with the technologies and issued claims in the 9,721,273
Patent. I am familiar with the prior art references cited in PTAB Case
No. IPR2020-00008 and the associated invalidity grounds before the PTAB.

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.

Affidavit of Matthew C. Bernstein
PTAB Case No. IPR2020-00008

Dated: December 27, 2019

Respectfully submitted,



Matthew C. Bernstein
Perkins Coie LLP
11452 El Camino Real, Suite 300
San Diego, CA 92130

APPENDIX A

Professional Biography



MATTHEW BERNSTEIN | PARTNER

Managing Partner, San Diego;

Co-Managing Partner, Taipei (Perkins Coie Foreign Legal Affairs Attorneys at Law)

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Matt is a go-to patent litigator and trial attorney for his U.S. and international clients with a record of successful results for his clients. Whether it is negotiating early zero-dollar settlements, winning dispositive motions, or prevailing at trial and at the federal circuit, Matt works with his clients to find the most efficient, cost-effective ways to achieve their goals. Having represented both plaintiffs and defendants in district courts throughout the U.S., the International Trade Commission (ITC) and at the Patent Trial and Appeal Board (PTAB), Matt sees the big strategic picture, but also knows how to actually implement case-specific strategies. He recently tried five patent jury cases in district court and two patent cases at the ITC. He's also handled dozens of *inter partes* reviews, including arguing at the oral hearings (trial) and at the federal circuit.

Some of Matt's recent patent litigation successes include:

- Successfully defended a software company in the second-largest patent infringement case in U.S. history.
- Successfully defended Taiwanese handset manufacturer in ITC action, including obtaining a finding of no liability at hearing/trial and at the Federal Circuit.
- Obtained zero-dollar dismissals with prejudice for clients in the Eastern District of Texas, District of Delaware, Southern District of Texas, Southern District of California, Western District of Washington, and the District of Minnesota.
- Invalidated all challenged claims of five audio patents through IPR, and successfully affirmed the PTAB's decision at the Federal Circuit.
- Successfully invalidated a digital rights management patent at the motion to dismiss stage under *Alice* / 101 for three of the largest streaming companies, and successfully affirmed the decision at the Federal Circuit.
- Obtained stipulated judgment of noninfringement for two streaming clients in the District of Delaware following a successful early *Markman*.
- Obtained a jury verdict of infringement, willful infringement, significant damages and validity against a major semiconductor company, and then obtained a permanent injunction, enhanced damages and attorneys' fees from the district court.
- Obtained a jury verdict on liability and significant damages for a computer hardware company, and then obtained injunction, enhanced damages and attorneys' fees from the district court.

He has litigated and counseled clients in a wide variety of technologies and industries, including computer software and hardware, mobile, electronics, e-commerce, medical devices, media, automotive systems, weapons systems, biotechnology and others. In addition to his patent infringement work, Matt also represents clients in trademark, trade secret, trade dress, copyright and government contract matters.

Matt's intellectual property and litigation skills have been recognized in both San Diego and nationally. He has been named a Top Attorney, Best Lawyer, Best of the Bar, and Super Lawyer.

BIO IN OTHER LANGUAGES

Simplified Chinese Bio | 中文简体

PROFESSIONAL RECOGNITION

- Named in *The Best Lawyers in America*, Practicing in: Commercial Litigation; Litigation - Intellectual Property; Litigation - Patent, 2015 - 2020
- Super Lawyer (Intellectual Property), 2013 - 2019
- Named in *Best Lawyers*, San Diego, Practicing in: Litigation - Intellectual Property, 2015 - 2016
- *San Diego Business Journal's*, Best of the Bar, 2014 - 2017
- Named a "Top Attorney" (Intellectual Property Litigation) in San Diego by the *San Diego Daily Transcript*, 2007 - 2013, 2015; San Diego Top Attorney Emeritus in 2014
- Recipient of the Wiley W. Manuel award for Pro Bono Service

PROFESSIONAL LEADERSHIP

- State Bar of California
- San Diego County Bar Association
- The Fellows of the American Bar Foundation
- American Bar Association
- American Intellectual Property Law Association
- Intellectual Property Owners Association

RELATED EMPLOYMENT

- Fish & Richardson P.C., San Diego, CA, Partner
- DLA Piper (formally Gray Cary Ware & Freidenrich), San Diego, CA, Associate
- United States Agency for International Development, Washington, D.C., Law Clerk

EXPERIENCE

PATENT LITIGATION

IN THE MATTER OF CERTAIN MOVABLE BARRIER OPERATOR SYSTEMS AND COMPONENTS THEREOF, U.S. INTERNATIONAL TRADE COMMISSION INVESTIGATION NO. 337-TA-1118

Lead counsel for Respondents Nortek Security & Control LLC f/k/a Linear, LLC, Nortek, Inc., and GTO Access Systems, LLC in a three-patent case before ALJ McNamara concerning garage door and gate openers; pending.

THE CHAMBERLAIN GROUP, INC. V. NORTEK SECURITY & CONTROL LLC

U.S. District Court for the Southern District of California

Counsel for Nortek Security & Control LLC f/k/a Linear, LLC in a three-patent case before Judge Janis L. Sammartino and Magistrate Judge Andrew G. Schopler concerning garage door and gate openers; pending.

UNILOC 2017 LLC, V. NETFLIX, INC., ET AL.

U.S. District Court for the Central District of California

Lead counsel for Hulu, Netflix, and Roku in a patent case related to presenting audio and visual content on a computer or computer network; pending.

CLOUDING IP, LLC, V. MICROSOFT CORPORATION

U.S. District Court for the District of Delaware

Lead counsel for Microsoft in 15 patent case related to cloud computing.

NONEND INVENTIONS, N.V. V. MICROSOFT CORPORATION, ET AL.

U.S. District Court for the Eastern District of Texas

Lead counsel for Microsoft, HTC America, HP, and Fujitsu in patent case related to media streaming.

BRADIUM TECHNOLOGIES LLC V. MICROSOFT CORPORATION

U.S. District Court for the District of Delaware

Lead counsel for Microsoft in patent case related to mapping software.

AMERANTH, INC. V. STARBUCKS CORP.

U.S. District Court for the Southern District of California

Lead counsel for Starbucks in patent litigation related to online menu generation and mobile payment.

STARBUCKS CORP. V. NEOMEDIA TECHNOLOGIES, INC.

U.S. District Court for the Western District of Washington

Lead counsel for Starbucks in patent litigation related to QR codes.

LEMAIRE ILLUMINATION TECHNOLOGIES, LLC V. HTC CORPORATION

U.S. District Court for the Eastern District of Texas

Lead counsel for HTC Corporation in patent litigation related to controlling and powering a solid-state light source such as a light-emitting diodes (LED).

NFC TECHNOLOGY LLC V. HTC AMERICA, INC. ET AL.

U.S. District Court for the Eastern District of Texas

Lead counsel for HTC America in patent litigation related to near field communications.

AGIS SOFTWARE DEVELOPMENT, LLC V. HTC CORPORATION

U.S. District Court for the Eastern District of Texas

Lead counsel for HTC in a patent case related to mapping location services.

ELECTRONIC SCRIPTING PRODUCTS, INC. V. HTC AMERICA, INC., ET AL.

U.S. District Court for the Northern District of California

Lead counsel for HTC America in a patent case related to virtual reality technologies.

ADVANCED AUDIO DEVICES, LLC V. HTC AMERICA, INC.

U.S. District Court for the Northern District of Illinois

Lead counsel for HTC America in patent litigation related to audio playlists.

DISPLAY TECHNOLOGIES, LLC V. HTC AMERICA, INC.

U.S. District Court for the Western District of Washington

Lead counsel for defendant HTC America in a single patent case before Judge Jones involving NFC and Bluetooth wireless connectivity. Case dismissed with prejudice.

R&D ENTERPRISES OF SAN JOSE, LLC V. DERMA ART TECHNOLOGIES, INC., ONE INK SEVEN LLC, ET AL.

U.S. District Court for the District of Minnesota

Lead counsel for Derma Art Technologies, Inc. and Painful Pleasures, Inc. in patent cases related to tattoo ink technology.

BARKAN WIRELESS ACCESS TECHNOLOGIES, L.P. V. T-MOBILE US, INC. ET AL.

U.S. District Court for the Eastern District of Texas

Lead counsel for T-Mobile in a patent case related to wireless networking.

ROTHSCHILD STORAGE RETRIEVAL INNOVATIONS, LLC. V. HTC CORPORATION, ET AL.

U.S. District Court for the Northern District of California

Lead counsel for HTC America and HTC Corp. in patent case related to distributing wireless images.

E-WATCH, INC., ET AL. V. APPLE, INC., ET AL.

U.S. District Court for the Eastern District of Texas

Lead counsel for HTC America and HTC Corp. in patent litigation related to mobile image systems.

CHINOOK LICENSING DE, LLC V. HULU, LLC

U.S. District Court for the District of Delaware

Lead counsel for Hulu in patent litigation related to online recommendations.

TRANSMEDIA ELECTRONICS, LTD. V. HULU, LLC

U.S. District Court for the District of Delaware

Lead counsel for Hulu in patent litigation related to video distribution systems.

TRANSMEDIA ELECTRONICS, LTD. V. NETFLIX, INC.

U.S. District Court for the District of Delaware

Lead counsel for Netflix in patent litigation related to video distribution systems.

ZIPLINK, INC. V. MICROSOFT CORPORATION

U.S. District Court for the District of Connecticut

Lead counsel for Microsoft in patent litigation related to anti-spoofing and anti-spam technologies.

OROSTREAM LLC V. NHL INTERACTIVE CYBERENTERPRISES, LLC

U.S. District Court for the Eastern District of Texas
Lead counsel for NHL Interactive in patent litigation related to distributing media content.

OROSTREAM LLC V. ZUFFA, LLC

U.S. District Court for the Eastern District of Texas
Lead counsel for Zuffa in patent litigation related to distributing media content.

INMOTION IMAGERY TECHNOLOGIES, LLC V. CYBERLINK.COM CORP. D/B/A TEXAS CYBERLINK CORP

U.S. District Court for the Eastern District of Texas
Lead counsel for Cyberlink in patent litigation related to video indexing system.

OVERLAND STORAGE, INC., V. QUALSTAR CORPORATION

U.S. District Court for the Southern District of California
Lead counsel for Qualstar in patent litigation related to media libraries.

ORIENTVIEW TECHNOLOGIES LLC, V. JUST FABULOUS, INC.

U.S. District Court for the District of Delaware
Lead counsel for Just Fabulous in patent litigation related to online marketing.

TIERRAVISION INC. V. MICROSOFT CORPORATION

U.S. District Court for the Southern District of California
Lead counsel for Microsoft in patent litigation related to mobile mapping functionality.

TRANSCENIC INC. V. GOOGLE INC., ET AL.

U.S. District Court for the District of Delaware
Lead counsel for Microsoft in patent litigation related to street level imagery.

LODSYS, LLC V. HULU

U.S. District Court for the Eastern District of Texas
Lead counsel for Hulu in patent litigation related to online reviews.

FIGA V. HTC CORPORATION

U.S. District Court for the District of Massachusetts
Lead counsel for HTC in patent litigation related to caller-id functionality on mobile phones.

LBS INNOVATIONS, LLC V. AARON BROTHERS, INC., ET AL.

U.S. District Court for the Eastern District of Texas
Lead counsel for Adams Golf in patent litigation related to online store locators.

LBS INNOVATIONS LLC V. BP AMERICA INC., ET AL.

U.S. District Court for the Eastern District of Texas
Lead counsel for McDonald's, Starbucks, Target, Costco, U.S. Bank and others in patent litigation related to online store locators.

LBS INNOVATIONS, LLC V. SALLY BEAUTY SUPPLY LLC, ET AL

U.S. District Court for the Eastern District of Texas
Lead counsel for Sally Beauty in patent litigation related to online store locators.

COMPRESSION TECHNOLOGY SOLUTIONS LLC V. CA. INC., ET AL.

U.S. District Court for the Eastern District of Missouri
Lead counsel for Quest Software in patent litigation related to data compression.

ZIPLINK, INC. V. TIME WARNER CABLE INC.

U.S. District Court for the District of Connecticut
Lead counsel for Time Warner in patent litigation related to anti-spoofing and anti-spam technologies.

STYLEPATH, INC. V. JUST FABULOUS, INC.

U.S. District Court for the Central District of California
Lead counsel for Just Fabulous in patent litigation related to online marketing.

E.DIGITAL CORPORATION V. INTEL CORPORATION

U.S. District Court for the Southern District of California
Counsel for Intel in patent litigation related to flash memory.

FLASHPOINT TECHNOLOGY INC. V. HTC CORPORATION, ET AL.

U.S. District Court for the District of Delaware
Counsel for HTC in patent litigation concerning 10 patents related to mobile technologies; pending.

FLASHPOINT TECHNOLOGY INC. V. HTC CORPORATION, HTC AMERICA INC., ET AL.

U.S. International Trade Commission

Counsel for HTC in patent litigation concerning camera functionality in smart phones; win at trial and initial ID. ITC proceeding 337-TA-726

FUJINON CORPORATION V. HTC CORPORATION AND HTC AMERICA INC.

U.S. District Court for the Southern District of Texas

Counsel for HTC in patent litigation concerning optical lens structures found in cellular phones; pending.

LARGAN PRECISION, COMPANY LTD. V. FUJINON CORPORATION

U.S. District Court for the Northern District of California

Counsel for Largan in patent litigation concerning optical lens structures; dismissed.

TREEFROG DEVELOPMENTS, INC. D/B/A LIFEPROOF V. SEIDIO, INC.

U.S. District Court for the Southern District of California

Counsel for LifeProof in patent litigation related to iPhone cases.

TREEFROG DEVELOPMENTS, INC. D/B/A LIFEPROOF V. JOY FACTORY, INC.

U.S. District Court for the Southern District of California

Counsel for LifeProof in patent litigation related to iPhone cases.

TREEFROG DEVELOPMENTS, INC. D/B/A LIFEPROOF V. KLEARKASE, LLC, ET AL.

U.S. District Court for the Southern District of California

Counsel for LifeProof in patent litigation related to iPhone cases.

ATEN INTERNATIONAL COMPANY, LTD. V. BELKIN CORPORATION

U.S. District Court for the Central District of California

Counsel for ATEN in patent litigation related to KVM switches.

NONEND INVENTIONS, N.V. V. AMAZON.COM, INC., ET AL

U.S. District Court for the Eastern District of Texas

Counsel for Amazon in patent case related to streaming and sharing media.

CLOUDING IP, LLC, V. AMAZON.COM, INC. AND AMAZON WEB SERVICES, LLC

U.S. District Court for the District of Delaware

Counsel for Amazon in multiple patent case related to cloud computing.

CLOUDING IP, LLC, V. RACKSPACE HOSTING, INC., ET AL.

U.S. District Court for the District of Delaware

Counsel for Rackspace in multiple patent case related to cloud computing.

CLOUDING IP, LLC, V. DROPBOX, INC.

U.S. District Court for the District of Delaware

Counsel for Dropbox in multiple patent case related to cloud computing.

SIMPLEAIR, INC., V. MICROSOFT CORPORATION, ET AL.

U.S. District Court for the Eastern District of Texas

Counsel for HTC in two patent case related to remote notification technology for mobile devices; plaintiff voluntarily dismissed claims against HTC.

LUCENT TECHNOLOGIES V. MICROSOFT CORPORATION*

U.S. District Court for the Southern District of California

Federal Circuit Court of Appeals

Defended Microsoft in patent litigation jury trial related to audio encoders and decoders.

Z4 TECHNOLOGIES, INC. V. MICROSOFT CORPORATION AND AUTODESK INC.*

U.S. District Court for the Eastern District of Texas

Federal Circuit Court of Appeals

Defended Microsoft in patent litigation jury trial related to software anti-piracy.

MICROTUNE, L.P. V. BROADCOM CORP.*

U.S. District Court for the Eastern District of Texas

Represented Microtune in patent litigation jury trial related to integrated TV tuners.

CROSSROADS SYSTEMS, INC. V. CHAPARRAL NETWORK STORAGE, INC.*

U.S. District Court for the Western District of Texas

Federal Circuit Court of Appeals

Represented Crossroads Systems in patent litigation jury trial related to storage routers.

CROSSROADS SYSTEMS, INC. V. PATHLIGHT TECHNOLOGY, INC.*

U.S. District Court for the Western District of Texas
Represented Crossroads Systems in patent litigation jury trial related to storage routers.

POLAROID CORP. V. HEWLETT-PACKARD CO.*

U.S. District Court for the District of Delaware
Defended Hewlett-Packard in patent litigation related to image enhancement algorithms.

PRODUCT ACTIVATION CORP. V. AUTODESK, INC.*

U.S. District Court for the Eastern District of Texas
Defended Autodesk in patent litigation related to software anti-piracy.

HÅKAN LANS AND UNIBOARD AKTIEBOLAG V. HEWLETT-PACKARD CO.*

U.S. District Court for the District of Columbia
Federal Circuit Court of Appeals
Defended Hewlett-Packard in patent litigation related to digital graphics.

DIGITAL DEVELOPMENT CORP. V. HEWLETT-PACKARD CO.*

U.S. District Court for the Northern District of California
Defended Hewlett-Packard in patent litigation related to computer data integrity.

TYPERIGHT KEYBOARD CORP. V. MICROSOFT CORPORATION*

U.S. District Court for the Southern District of California
Defended Microsoft in patent litigation related to ergonomic keyboards.

ORION IP LLC V. AMERICAN SUZUKI MOTOR CORP.*

U.S. District Court for the Eastern District of Texas
Defended American Suzuki Motor Corp. in patent litigation related to online advertising and online parts ordering.

ALPHATEC SPINE, INC. V. X-SPINE SYSTEMS, INC.*

U.S. District Court for the Southern District of California
Lead counsel for patent holder Alphatec Spine in patent litigation related to cervical plate and fixation systems.

ALPHATEC SPINE, INC. V. THEKEN SPINE LLC, ET AL.*

U.S. District Court for the Southern District of California
Lead counsel for patent holder Alphatec Spine in patent litigation related to cervical plate and fixation systems. The case favorably settled.

SEQUAL TECHNOLOGIES, INC. V. INOGEN, INC.*

U.S. District Court for the Southern District of California
Represented patent holder Sequal in patent litigation related to portable oxygen concentrators. The case favorably settled.

INTELLECTUAL PROPERTY LITIGATION

LORILLARD TOBACCO CO. V. B&L LIQUOR*

U.S. District Court for the Central District of California
Represented Lorillard Tobacco in litigation involving trademark and counterfeit.

LORILLARD TOBACCO CO. V. J&J LIQUOR*

U.S. District Court for the Central District of California
Represented Lorillard Tobacco in trademark and counterfeit litigation.

DR. SEUSS ENTERPRISES, L.P. V. SOFT THINGS, INC.*

U.S. District Court for the Southern District of California
Represented Dr. Seuss Enterprises in trademark, trade dress and copyright litigation.

METABOLIFE INTERNATIONAL, INC. V. ONTRACK WELLNESS, INC.*

U.S. District Court for the Southern District of California
Represented Metabolife International in trademark and trade dress litigation.

ORINCON CORP. V. INTELLIGENT AUTOMATION CORP.*

Superior Court of California, San Diego County
Represented Orincon in trade secret and unfair competition litigation.

MICROTUNE INC. V. BROADCOM*

U.S. District Court for the Western District of Texas
Represented Microtune in antitrust litigation.

MICROTUNE INC. V. SILICON WAVE INC.*

Superior Court of California, San Diego County
Represented Microtune in breach of contract litigation.

* Prior Experience

NEWS

09.09.2019

Perkins Coie Recognized as a Leading Firm in 2019 IPR Intelligence Report

Press Releases

Perkins Coie is pleased to announce that the firm and ten partners were recognized as leaders in *inter partes* review ("IPR") in Patexia's 2019 IPR Intelligence Report, an annual comprehensive report of IPR data and analysis over the last five years.

08.15.2019

Best Lawyers® 2020 Recognizes 283 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 282 of its attorneys were selected by their peers for inclusion in the 2020 edition of *The Best Lawyers in America®*.

12.05.2018

Perkins Coie Moves San Diego Office

Press Releases

Perkins Coie has announced that its San Diego office will relocate on December 10, 2018 to 11452 El Camino Real, Suite 300. The firm's new 37,000-square-foot space will accommodate the office's recent and planned growth in its existing and additional practice areas.

11.13.2018

Perkins Coie Attorneys Mentioned in Law360 - Fed. Circ. Upholds Win for Netflix In Online Viewing IP Row

General News

Law360

Dan Bagatell, Matthew Bernstein, Andrew Dufresne and Martin Gilmore mentioned as counsel for Netflix in "Fed. Circ. Upholds Win for Netflix In Online Viewing IP Row, and article in *Law360*, regarding the Federal Circuit court upholding the lower court decision that Digital Media Technologies Inc.'s patent was invalid.

11.09.2018

Partner Dan Bagatell Quoted in Law360 - Netflix, DMT Spar Over Online Viewing Patent In Fed. Circ.

General News

Law360

Dan Bagatell was quoted in "Netflix, DMT Spar Over Online Viewing Patent In Fed. Circ.," an article in *Law360*, regarding the patent infringement case brought against Netflix Inc. and how U.S. District Judge Mark E. Walker used the Alice test to rule in favor of Netflix.

08.20.2018

Best Lawyers® 2019 Recognizes 277 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 277 of its attorneys were selected by their peers for inclusion in the 2019 edition of *The Best Lawyers in America®*.

03.19.2018

Perkins Coie Team Mentioned in Law360 - HTC Beats \$45M Virtual Reality Patent Suit, For Now

General News

Law360

The Perkins Coie team representing HTC America Inc. was mentioned in the *Law360* article, "HTC Beats \$45M Virtual Reality Patent Suit, For Now," regarding a California federal judge's decision to dismiss a \$45 million lawsuit against HTC America Inc.

08.15.2017

Best Lawyers® 2018 Recognizes 281 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 281 of its attorneys were selected by their peers for inclusion in the 2018 edition of *The Best Lawyers In America®*.

08.15.2016

Best Lawyers® 2017 Recognizes 252 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 252 of its attorneys were selected by their peers for inclusion in the 2017 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession.

08.17.2015

Best Lawyers® 2016 Recognizes 245 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 245 of its attorneys were selected by their peers for inclusion in the 2016 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession; a more than 10 percent increase over the 221 firm attorneys recognized by *Best Lawyers* in the 2015 edition.

08.18.2014

Best Lawyers® 2015 Recognizes 221 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 221 of its attorneys were selected by their peers for inclusion in the 2015 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession.

08.07.2013

Perkins Coie Partners Named to The Daily Transcript's 2013 Top Attorneys List

Press Releases

Perkins Coie is pleased to announce that two partners in the firm's San Diego office have been named by their peers to *The Daily Transcript's* 2013 Top Attorneys list.

08.02.2012

Perkins Coie Attorneys Named to The Daily Transcript's 2012 Top Attorneys List

Press Releases

Perkins Coie is pleased to announce that four partners in the San Diego office have been named by their peers to *The Daily Transcript's* 2012 Top Attorneys list. The annual listing recognizes the best lawyers in 14 categories that cover the private, corporate, academic, and government practice in San Diego County.

PUBLICATIONS

02.09.2017

Patent Litigation Strategies Against Patent Trolls

Articles

Lexis Practice Advisor Journal

The majority of patent cases are brought by non-practicing entities (NPEs), also called patent trolls or patent assertion entities (PAEs). These parties litigate or license their patents but have no real products or services. NPE Lawsuits are commonly brought against U.S. companies and pose unique challenges. For example, many NPEs are represented on a contingent fee basis, and because NPEs do not have products, a defendant typically cannot level the playing field by asserting its own patents against the NPE. Whether you should litigate aggressively through trial or try to negotiate a quick settlement depends on your view of NPEs and the circumstances of the case.

12.13.2015

35 U.S.C. § 101: Post-Alice Landscape

Articles

NTUT Journal of Intellectual Property Law and Management

07.15.2015

Judge Mayer's Quest for Section 101 Reform in the U.S.

Articles

Managing Intellectual Property: The Global IP Resource

5.17.2010

How has the change in pleading requirements, implemented by recent Supreme Court decisions, affected patent infringement cases? And how can companies overcome this strategy for dismissal by patent infringers?

Articles

Expert Insights: Intellectual Property

02.25.2010

Beware Patent Markers

Articles

PRESENTATIONS

09.10.2019

Patent Attacks: Pros, Cons, Advantages, Disadvantages and Lessons Learned at the District Court, ITC and PTAB

Speaking Engagements

ACC / San Diego, CA

09.12.2018 | 2018年9月12日 &

09.17.2018 | 2018年9月17日

From Idea to Money: Patent Enforcement, Licensing and Procurement - What Every Taiwanese Company Needs to Know | 專利IP資產管理策略、美國PTAB專利舉發 & AI人工智能之專利趨勢分析

Speaking Engagements

Taipei, Taiwan

Zhubei City, Taiwan

03.16.2018 | 2018年3月16日

Looking Back at the Year of the Rooster & Looking Ahead to the Year of the Dog: Key U.S. & Taiwanese Patent Cases | 2017~2018年迎新犬送舊雞 -- 美台重要專利案例回顧

Seminars

10.30.2017 | 2017年10月30日

Something Old & New in IP Law | 專利新潮舊浪 - 管理美國專利訴訟常犯10大錯誤 & AI 人工智能時代之專利智財最新趨勢

Speaking Engagements

Taipei, Taiwan

10.2017 | 2017年10月

Latest Update of U.S. IP Litigation, IP Law and Others | 2016與2017年美國專利訴訟、IP法律及其最新變化 -- 台灣科技業必知與宜採相關因應策略研討會

Seminars

Participated on a panel analyzing patent law decisions from the U.S. Supreme Court and Federal Circuit from 2016 and 2017, their impact on Taiwanese companies and how Taiwanese companies can protect their brands from confusion in the U.S.

03.14.2017 & 03.17.2017

Perkins Attorneys Present Product Liability Workshop in Taiwan

Speaking Engagements

Product Liability Workshop Organized by: Chinese National Federation of Industries / Taipei, Taiwan

08.23.2016 | 2018年9月12日 &

08.26.2016 | 2018年9月17日

The Reshaping of U.S. Patent Law: What You Need to Know and Strategies for Success | 美國專利法之重新塑造: 為了成功, 您需要知道哪些事和哪些策略

Speaking Engagements

Taipei, Taiwan

Hsinchu City, Taiwan

11.06.2015

Global Strategies for Litigation of Computer Software

Speaking Engagements

Japan Institute of Intellectual Property / Tokyo, Japan

10.30.2015

Strategies for Patent Troll Litigation

Speaking Engagements

4th Intellectual Property Series, Konish & Nakamura / Nagoya, Japan

07.14.2015

Post Alice Landscape: A Litigator's View on Alice's Impact on Patent Litigation and Prosecution

Speaking Engagements

OPLA / Portland, Oregon

06.25.2014

Getting the Most Value from Outside Counsel

Speaking Engagements
Chunghwa Picture Tube Lecture Series / Taoyuan City, Taiwan

05.22.2014

How to Deal with U.S. Patent Lawsuits

Speaking Engagements
Taipei, Taiwan / Taichung, Taiwan

01.29.2014

2014 Advanced Complex Litigation Series

Speaking Engagements
San Diego, CA

AREAS OF FOCUS

PRACTICES

- Patent Litigation
- Taiwan Practice
- ITC Litigation
- Post-Grant Proceedings
- Japan Practice
- Inter Partes Review (IPR)
- Covered Business Method Review (CBM)
- Reexaminations & Reissues
- Intellectual Property Law
- China Practice

INDUSTRIES

- Internet & E-Commerce
- Communications
- Food & Beverage
- Interactive Entertainment
- Media Law
- Medical Device
- Retail & Consumer Products
- Semiconductor
- Blockchain Technology & Digital Currency
- Artificial Intelligence, Machine Learning & Robotics

BAR AND COURT ADMISSIONS

- California
- U.S. Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of Texas

EDUCATION

- The George Washington University Law School, J.D., 1998
- Tufts University, B.A., 1995