

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Duration Media LLC
Petitioner,

v.

Rich Media Club LLC
Patent Owner.

Case IPR2023-00953
U.S. Patent 11,443,329

**AMENDED DECLARATION IN SUPPORT OF MOTION FOR *PRO HAC*
VICE ADMISSION OF DAVID P. BERTEN PURSUANT TO 37 C.F.R. §
42.10(c)**

This affidavit is given in support of Rich Media Club LLC's Motion for *Pro Hac Vice* Admission.

1. I am a Partner at the law firm of Global IP Law Group, LLC.
2. I have over 30 years of patent litigation experience.
3. I have been a litigator in over 50 patent infringement cases in Federal courts across the United States.
4. I am a member in good standing of the State Bar of Illinois and I am also admitted to practice in the United States District Courts for the Northern District of Illinois, the Northern District of California, the District of Colorado, the Western District of Michigan, the Eastern District of Michigan, the Western District of Wisconsin, and the Eastern District of Wisconsin; the United States Court of Appeals for the Federal Circuit, the Third Circuit, and the Seventh Circuit; and the Supreme Court of the United States.
5. I have read and understand the pleadings submitted by Patent Owner and Petitioner in this proceeding. I have reviewed in detail U.S. Patent 11,443,329, which is the patent challenged in this proceeding. I have also reviewed the Exhibits submitted in this proceeding.
6. I am counsel for Rich Media Club LLC in three related matters asserting claims for infringement of the patent at issue in this proceeding. The matters are *Rich Media Club, LLC v. Duration Media, LLC*, Case No. 2:22-cv-

02086 (District of Arizona); *Rich Media Club, LLC v. DMG Media Limited*, Case No. 2:23-cv-00388 (Eastern District of Texas) (to be admitted via *Pro Hac Vice*); and *Rich Media Club, LLC v. ResearchGate GmbH*, Case No. 2:23-cv-00362 (Eastern District of Texas) (to be admitted via *Pro Hac Vice*).

7. I have never been suspended or disbarred from practice before any court or administrative body. I have never been denied admission to practice before any court or administrative body.

8. I have never been subject to sanctions or contempt citations from any court or administrative body.

9. I have read and will comply with the Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)) and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.

10. I understand that 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).

11. I have requested *pro hac vice* admission to appear in the following proceedings, all terminated, that were open in the three years prior to the filing of the Petition in the case: IPR2019-00505 terminated 3/17/2020; IPR2019-00627 Final Written Decision entered 8/31/2020; IPR2019-00628 Final Written Decision entered 8/31/2020; IPR2019-00629 Final Written Decision entered 10/8/2020;

IPR2019-00646 Final Written Decision entered 10/8/2020; IPR2019-00505 terminated 10/23/2020; IPR2020-00745 terminated 10/29/2020; IPR2020-00746 terminated 10/29/2020.

Pursuant to 28 U.S.C § 1746 I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 27, 2023

/David P. Berten/
David P. Berten

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