UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUBOTV MEDIA, INC. & YANKA INDUSTRIES, INC.,
Petitioners,

v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner.

IPR2024-00917
IPR2024-00918
IPR2024-00919

AYLO FREESITES LTD,
Petitioner,

v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner.

IPR2024-00940

Attorney Docket No.: 081841.0227

DECLARATION OF MARK MITCHELL IN SUPPORT OF PATENT OWNER RESPONSE

I, Mark Mitchell, hereby declare as follows:

1. I am the Manager of Business Intelligence at Brigham Young University ("BYU") Broadcasting, where I have worked since May of 2003. I make this declaration based upon my personal knowledge and in my personal capacity.

2. I have been asked by DISH Technologies L.L.C. ("Patent Owner" or "DISH") to recount my experience with MOVE Networks, Inc. ("MOVE") in connection with their successful implementation of adaptive bitrate ("ABR") streaming technology for BYU Broadcasting.

3. I have previously provided sworn testimony regarding the implementation of MOVE's ABR streaming technology to stream content for BYU Broadcasting in and around 2005 in connection with the *In re Certain Fitness Devices, Streaming Components Thereof, and Systems Containing the Same*, Inv. No. 337-TA-1265, case at the International Trade Commission (the "ITC case"). A true and correct copy of the deposition is attached as Exhibit 2128.

4. As part of that deposition, I testified about the use of the MOVE Media Player to stream the October 2005 general conference for the Church of Jesus Christ of Latter-Day Saints, and its continued use allowing a live stream of BYU TV over the internet. EX2128, 16:17-20, 27:17-25. A plaque commemorating this achievement states "BYU TV launches live stream using Move Networks' adaptive bitrate technology, essentially making BYU TV the first television network to stream its signal uninterrupted and free of charge 24/7 on the internet." EX2128, 28:9-29:13; EX2120. This adaptive bitrate technology for the MOVE Media Player allowed for continuous viewing even in times of network congestion, by shifting the quality, "to prevent the stream from buffering." EX2128, 29:14-30:7. At the same time, BYU TV also offered a Windows Media Stream, but the stream using the MOVE Media Player "was definitely better than our Windows Media stream by leaps and bounds." *Id*. at 90:17-91:6.

5. I fully incorporate my previously provided deposition testimony into this declaration.

6. I am not being compensated for my services in this matter, and I have no financial interest in the outcome of this matter. If called upon to do so, I am prepared to testify as a witness in this regard.

7. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed by me to be true. I reserve the right to supplement and/or amend my testimony in response to any positions taken by Petitioner and/or its witnesses in reports, declarations, affidavits, or testimonies whether in response to my report testimony or in amendment to their previous reports and testimonies to the extent such positions are relevant to the subject matter I have addressed herein.

I declare under I declare under penalty of perjury that the foregoing is true and correct.

Signature:

_____
Mark Mitchell

Executed On February 24, 2025 at Provo, Utah