

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

fuboTV MEDIA INC. AND YANKA INDUSTRIES, INC.,
Petitioners,

v.

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

IPR2024-00917
Patent 10,757,156 B2

DECLARATION OF PETER RATCLIFFE ESQ.

fuboTV Media Inc.
Exhibit 1037
fuboTV v. Dish
IPR2024-00917, -00918, -00919
Ex. 1037-001

EXHIBIT
2

I, Peter Ratcliffe Esq, hereby declare as follows:

1. I am of sound mind and make this declaration based upon my personal knowledge and in my professional capacity.

2. I am a practising solicitor in England and Wales and admitted to the New York Bar with over 23 years of professional experience. I am currently the Legal Director for intellectual property rights (“IPR”) at British Telecommunications PLC (“BT”) and the BT Group of companies, a position which I have held since October 2019. I have been a lawyer at BT since 2003. Before my current role with BT, I have served as the Chief Counsel of IPR and Head of the Agreements and Trademarks Division. Prior to my joining BT, I was the Head of IP and a senior lawyer for mmO2 plc (now part of Telefonica UK Limited), which was a mobile network operator providing mobile services throughout the UK.

3. In my current role, I am responsible and accountable for all intellectual property legal matters at BT and in the BT Group of companies. In my role, I have access to BT business records and files concerning intellectual property commercialization and licensing activities kept in the company’s ordinary course of business, which includes business records and documents related to BT’s research and development.

4. BT, is a network services provider. BT is not a manufacturer. BT engages with network equipment manufacturers, and other third parties, when it needs to test, trial or procure (‘commercialize’) products or services.

5. I also note that BT is one of the world’s oldest telecommunications companies and that, due to BT’s significance in world history, BT has built an archive of records extensively documenting its research, development, history, and commercialization. Known as the “BT Archives,” the archive includes records such as minutes, advertising material, photographs, and

major collections of the company's history. A link to an online version of the archive can be accessed through this link (<https://www.bt.com/about/bt/our-history/bt-archives>).

6. I have reviewed WO 02/49343 (which I will refer to as "the '343 Application"), which is a patent application filed by BT. I understand that this patent application may be relevant to ongoing legal proceedings concerning certain patents owned by DISH Technologies L.L.C.

7. The '343 Application lists as inventors Messrs. Anthony Leaning and Richard Whiting. Messrs. Leaning and Whiting were BT employees at the time the material in the '343 Application was developed.

8. Messrs. Leaning and Whiting are no longer employees of BT.

9. After reviewing the '343 Application, I contacted current serving researchers in BT's R&D center ("Adastral Park"), I contacted the BT Archives, and I reviewed all available records concerning BT's own commercialization and licensing activities. I also contacted (through current researchers at Adastral Park) the manager and team leader of the research team where Messrs. Leaning and Whiting worked during their development of the material in the '343 Application Mr. Mike Whybray (who has since retired from BT).

10. Mr. Whybray informed me that, although the audio teachings of the '343 Application were commercialized as part of internal trials, the video teachings of the '343 Application were never commercialized. According to BT's own records the '343 Application was never separately licensed outside of certain entire 'patent portfolio' licences that BT has entered into with third parties in the normal course of BT's own patent commercialization efforts.

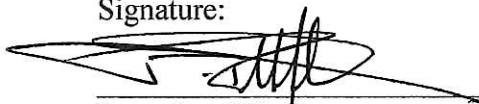
11. From the relevant time frame of 1995 through to the present, I could not find any BT business record indicating that the '343 Application was ever included as a named patent in a

license or commercialized (other than an acknowledgment from Mr. Whybray that the audio element was commercialized as part of internal trials).

12. 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 declarations, affidavits, or testimonies in response to my testimony to the extent such positions are relevant to the subject matter I have addressed herein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature:

A handwritten signature in black ink, appearing to read 'Peter Ratcliffe', written over a horizontal line.

Peter Ratcliffe Esq.
Legal Director IPR, British
Telecommunications PLC

Executed on March 18, 2025 at Burgess Hill, West Sussex, U.K.