

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,
PETITIONER,

v.

IARNACH TECHNOLOGIES, INC.,
PATENT OWNER.

CASE IPR2024-01286
PATENT 8,942,378

DECLARATION OF ERIC J. ENGER

I, Eric J. Enger, declare:

¶1. I am over the age of eighteen, I am of sound mind, and I am fully competent to testify. This declaration is based upon my personal knowledge, or, if so stated, upon information and belief.

¶2. I am an attorney at the law firm of Heim, Payne & Chorush LLP, and I am one of the attorneys representing the Patent Owner, Iarnach Technologies, Inc., in a parallel litigation *Iarnach Technologies Ltd. v. Charter Communications, Inc.*, No. 2:24-cv-00230 (E.D. Tex. filed Apr. 5, 2024). *See* Paper 5 § II.

¶3. There have been about 17,000 pages of documents produced in the litigation. Patent Owner has reviewed those documents.

¶4. Patent Owner and Petitioner have answered tens of interrogatories on myriad topics.

¶5. Even though Patent Owner points to portions of the DPoE v2.0 standards for infringement in its infringement contentions, Petitioner's position is that it does not infringe the '378 Patent.

¶6. The Patent Owner has issued third-party subpoenas.

¶7. Petitioner has deposed Gerry Padian, a member of Patent Owner's Board of Directors. On December 5, 2024, Patent Owner will depose Dan Boglioli, Petitioner's Vice-President and Associate General IP Counsel.

¶8. These statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

¶9. Per 28 U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed in Houston, Texas on November 21, 2024.

A handwritten signature in black ink, appearing to read "Eric Enger", written over a horizontal line.

Eric Enger