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16 Attorneys for Defendant and Counterclaimant,
 17 BLOCKBUSTER INC.

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

20 NETFLIX, INC., a Delaware corporation,

21 Plaintiff,

22 v.

23 BLOCKBUSTER, INC., a Delaware
 24 corporation,

25 Defendant.

26 AND RELATED COUNTERCLAIMS

Case No. C 06 2361 WHA (JCS)

**DECLARATION OF TONY CHEN IN
 SUPPORT OF BLOCKBUSTER'S
 MOTION FOR SUMMARY JUDGMENT
 OF INVALIDITY AND NON-
 INFRINGEMENT**

Hearing Date: August 2, 2007
 Time: 8:00 A.M.
 Courtroom: 9, 19th Floor

Complaint Filed: April 4, 2006
 Trial Date: September 17, 2007

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1 I, Tony Chen, declare:

2 1. I am an attorney duly admitted to practice before this Court and the courts of the
3 State of California, and am a partner in Bingham McCutchen, LLP, Counsel for Defendant and
4 Counterclaimant Blockbuster. This declaration is submitted in support of Blockbuster's Motion
5 for Summary Judgment of Invalidity and Non-Infringement. If called as a witness I would and
6 could testify to the following:

7 2. I attended the deposition of Linda Verin that took place on April 5, 2007. I have
8 reviewed the excerpts attached as Exhibit J to the Declaration of William J. O'Brien in Support
9 of Blockbuster's Motion for Summary Judgment of Invalidity and Non-Infringement ("O'Brien
10 Declaration"), which accurately represent the proceedings.

11 3. I attended the deposition of Mark Ramm that took place on March 23, 2007. I
12 have reviewed the excerpts attached as Exhibit P to the Declaration of the O'Brien Declaration,
13 which accurately represent the proceedings.

14 I declare under penalty of perjury that the foregoing is true and correct. Executed this
15 14th day of June, 2007 in Santa Monica, California.

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/s/

Tony Chen