

1 Kathryn D. Zalewski (SBN 263119)
Kathryn.Zalewski@wilmerhale.com
2 WILMER CUTLER PICKERING
HALE AND DORR LLP
3 950 Page Mill Road
Palo Alto, California 94304
4 Telephone: (650) 858-6000
Facsimile: (650) 858-6100

5 Natalie Hanlon Leh (pro hac vice)
Natalie.HanlonLeh@wilmerhale.com
6 Mary (Mindy) V. Sooter (pro hac vice)
Mindy.Sooter@wilmerhale.com
7 WILMER CUTLER PICKERING
HALE AND DORR LLP
8 1225 Seventeenth Street, Suite 2600
9 Denver, Colorado 80202
Telephone: (720) 274-3135
10 Facsimile: (702) 272-3133

11 *Attorneys for Plaintiff and Counterclaim-*
Defendant
12 *Comcast Communications, LLC*

Michael K. Plimack (SBN 133869)
mplimack@cov.com
Winslow Taub SBN 233456)
wtaub@cov.com
Nathan E. Shafroth (SBN: 232505)
nshafroth@cov.com
David M. Jolley (SBN: 191164)
djolley@cov.com
Alice J. Ahn (SBN: 245723)
aahn@cov.com
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000

Robert T. Haslam (SBN 71134)
rhaslam@cov.com
COVINGTON & BURLING LLP
333 Twin Dolphin Drive
Redwood Shores, CA 94065
Telephone: (650) 632-4700

Attorneys for Defendants and Counterclaim-
Plaintiffs
Open TV, Inc. and Nagravision SA

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

16 COMCAST CABLE COMMUNICATIONS,)
17 LLC,)

18 Plaintiff,)

19 v.)

20 OPENTV, INC., and NAGRAVISION SA,)

21 Defendants.)

Case No. 3:16-cv-6180-WHA

**STIPULATION RESOLVING ALL
OUTSTANDING ISSUES IN DISPUTE IN
PENDING CASE AND FOR DISMISSAL
OF ALL CLAIMS AND
COUNTERCLAIMS; [PROPOSED]
ORDER**

22
23 Pursuant to Civil Local Rule 7-12, Plaintiff and Counterclaim-Defendant Comcast Cable
24 Communications, LLC (“Comcast”) and Defendants and Counterclaim-Plaintiffs OpenTV, Inc. and
25 Nagravision SA (collectively, “OpenTV”) (“the Parties”), by and through their undersigned counsel,
26 respectfully submit: (i) a Stipulation to resolve all outstanding issues in dispute in the above-captioned
27
28

1 case (the “N.D. Cal. Litigation”) and for dismissal of all claims and counterclaims between the Parties in
2 this action; and (ii) a Proposed Order.

3
4 **STIPULATION**

5 WHEREAS, the Parties wish to resolve all outstanding issues in dispute between the Parties in
6 the N.D. Cal. Litigation and to dismiss without prejudice all claims and counterclaims between the
7 Parties this action, resulting in the termination of all ongoing litigation between the Parties in the
8 Northern District of California. Accordingly,

9 **IT IS HEREBY STIPULATED**, by and between Comcast and OpenTV, through their
10 respective counsel of record, that OpenTV has provided Comcast with covenants not to sue on the
11 following patents: U.S. Patent Nos. 6,895,595 (the “’595 Patent”); 6,985,586 (the “’586 Patent”);
12 6,345,389 (the “’389 Patent”); 7,028,327 (the “’327 Patent”); 7,243,139 (the “’139 Patent”); 6,530,082
13 (the “’082 Patent”); 7,900,229 (the “’229 Patent”); 6,725,461 (the “’461 Patent”); 5,907,322 (the “’322
14 Patent”); and 6,799,328 (the “’328 Patent”).

15 **IT IS FURTHER STIPULATED** that Comcast will terminate the Inter Partes Review (“IPR”)
16 proceedings it has initiated on the ’389 Patent and ’327 Patent, and that Comcast will not initiate any
17 future IPR proceedings involving the ’595 Patent, the ’586 Patent, the ’389 Patent, the ’327 Patent, the
18 ’139 Patent, the ’229 Patent, the ’461 Patent, the ’322 Patent, the ’328 Patent, or the ’082 Patent
19 provided neither OpenTV nor any future assignee of these patents threatens or brings any further action
20 against Comcast on these patents.

21 **IT IS FURTHER STIPULATED** that OpenTV will not appeal this Court’s August 4, 2017
22 Order re Pilot Motions for Summary Judgment.

23 **IT IS FURTHER STIPULATED** that Comcast will not file any motion for attorneys’ fees in
24 connection with the Parties’ pilot motions for summary judgment; nor will either party file any motion
25 for fees, costs, or sanctions arising out of any other aspect of this N.D. Cal. Litigation.

26 **IT IS FURTHER STIPULATED** that, subject to the Court’s approval, the Second Amended
27 Complaint of Comcast will be dismissed without prejudice.

28 **IT IS FURTHER STIPULATED** that, subject to the Court’s approval, the Counterclaims

1 brought by OpenTV in response to Comcast's Second Amended Complaint will be dismissed without
2 prejudice.

3 **IT IS FURTHER STIPULATED** that, subject to the Court's approval, each party shall bear its
4 own costs and fees for this N.D. Cal. Litigation.

5 **IT IS SO STIPULATED.**

6
7 Dated: August 15, 2017

/s/ Natalie Hanlon Leh

Natalie Hanlon Leh
Counsel for Plaintiff

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11 Dated: August 15, 2017

/s/ Michael K. Plimack

Michael K. Plimack
Counsel for Defendants

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14 **ATTESTATION**

15 I, Michael Plimack, hereby attest, pursuant to Civil L.R. 5-1, that I have received authorization to
16 electronically sign and file this document from each of the persons identified in the signature block.
17

18 Dated: August 15, 2017

/s/ Michael K. Plimack

Michael K. Plimack
Counsel for Defendant

19
20
21 **ORDER**

22 **IT IS SO ORDERED.**

23
24
25 Dated: _____, 2017

26
27
28 _____
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE