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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 OPENTV, INC., NAGRAVISION S.A., and
21 NAGRA FRANCE S.A.S.

22 Plaintiffs,

23 v.

24 APPLE INC.,

25 Defendant.

Case No.

**COMPLAINT FOR
PATENT INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiffs OpenTV, Inc., Nagravision S.A. (“Nagravision”), and Nagra France S.A.S. (“Nagra
2 France”) (collectively “OpenTV” or “Plaintiffs”) for their complaint against Defendant Apple Inc.
3 (“Apple”), allege as follows:

4 1. Plaintiffs, members of The Kudelski Group of companies, bring this patent infringement
5 action to stop Apple from continuing its wrongful and unlicensed use of OpenTV’s patented
6 technologies for, among other things, storing, providing, managing, delivering, securing, playing,
7 and viewing interactive content on smartphones, tablets, computers, digital televisions, and other
8 devices.

9 2. The Kudelski Group and its subsidiaries OpenTV, Inc., Nagravision, and Nagra France
10 France have a long and distinguished history of innovation, and today these companies design and
11 manufacture widely used, critically acclaimed, and award winning digital media technologies,
12 employ hundreds of employees in the United States and thousands worldwide, and protect their
13 research and development investment with a robust patent portfolio comprising thousands of patents
14 reflecting the efforts of years of innovation and effort by numerous inventors and engineers.
15 Plaintiffs encourage innovation by licensing their intellectual property portfolio, but enforce their
16 patent rights when necessary to protect their research investment and protect the fruits of the efforts
17 of their employees from unauthorized use.

18 3. Apple’s products and services, including its iOS-based mobile devices (e.g., the iPhone, iPad,
19 and iPod Touch), its Apple TV, iTunes, and App Store products and services, and its OS X-based
20 computers, make pervasive use of OpenTV’s patented technology and infringe one or more of the
21 following five United States patents (the “Asserted Patents”):

- 22 • 6,148,081 titled “Security model for interactive television applications” (“the ’081
23 patent”) (Exhibit A hereto);
- 24 • 6,233,736 titled “Media online services access system and method” (“the ’736
25 patent”) (Exhibit B hereto);
- 26 • 7,055,169 titled “Supporting common interactive television functionality through
27 presentation engine syntax” (“the ’169 patent”) (Exhibit C hereto);

- 1 • 7,644,429 titled “Broadcast and reception, and conditional access system therefor”
- 2 (“the ’429 patent”) (Exhibit D hereto); and
- 3 • 7,725,740 titled “Generating a root key for decryption of a transmission key allowing
- 4 secure communications” (“the ’740 patent”) (Exhibit E hereto).

5 4. Plaintiffs seek damages in an amount adequate to compensate them for Apple’s infringement,
6 a permanent injunction barring Apple from continuing to infringe OpenTV’s patents, and attorneys’
7 fees and costs associated with this action.

8 **I. JURISDICTION AND VENUE**

9 5. This lawsuit is a civil action for patent infringement arising under the patent laws of the
10 United States, 35 U.S.C. § 101 et seq. This Court has subject-matter jurisdiction pursuant to 28
11 U.S.C. §§ 1331 and 1338(a).

12 6. This Court has personal jurisdiction over Apple because Apple resides and has its primary
13 place of business in Cupertino, California, within this District. This Court also has personal
14 jurisdiction over Apple because Apple has committed, contributed to, and induced acts of patent
15 infringement and has regularly and systematically conducted and solicited business in this District
16 by and through at least its sales and offers for sale of Apple products and services, and other
17 contractual arrangements with Apple subscribers, customers, developers, distributors and third-party
18 service providers using Apple products and services located in and/or doing business in this District.

19 7. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and 1400(b) because Apple
20 resides in this District, has a regular and established place of business in this District, and has
21 committed acts of infringement in this District.

22 **II. INTRADISTRICT ASSIGNMENT**

23 8. This action for patent infringement is assigned on a district-wide basis under Civil L.R.
24 3-2(c).

25 **III. THE PARTIES**

26 **A. Plaintiffs OpenTV, Inc., NagraVision S.A., and Nagra France S.A.S.**

27 9. OpenTV, Inc. is a Delaware corporation whose principal place of business in the United
28 States is located in San Francisco, California.

1 10. Nagravision S.A. is a Switzerland corporation whose principal place of business is located in
2 Cheseaux, Switzerland.

3 11. Nagra France S.A.S. is a French corporation whose principal place of business is located in
4 Paris, France.

5 12. OpenTV, Inc., Nagravision, and Nagra France are subsidiaries of Kudelski SA. Kudelski SA
6 and its subsidiaries make up the various companies of The Kudelski Group. The history of The
7 Kudelski Group is one highlighted by over 60 years of innovation, award winning products, and
8 loyal, long-term customers who entrust The Kudelski Group with their business. Today, The
9 Kudelski Group is a major employer in the United States, Europe, Asia, and elsewhere, providing
10 jobs in manufacturing, engineering, research and development, marketing, sales, and many other
11 specialties with around 3,000 employees worldwide.

12 13. In 1951, Stefan Kudelski created the first company in what became The Kudelski Group and
13 launched the now legendary “Nagra” line of portable recording devices for cinema, TV, and radio
14 recording. Stefan Kudelski’s recording devices, and the inventions in them, were considered
15 revolutionary throughout the movie industry. The Nagra devices allowed precise synchronization of
16 audio tape with film, providing filmmakers with studio sound quality during on-location filming.

17 14. Throughout his career, Stefan Kudelski received numerous awards and honors for his
18 technological achievements, including four Academy Awards, two Emmy Awards, and Gold Medals
19 from the Society of Motion Picture & Television Engineers, the Audio Engineering Society, Lyra,
20 and Eurotechnica. Mr. Kudelski also was recognized by the FBI for his technology contribution in
21 audio recording. After Mr. Kudelski’s death in 2013, he was honored in the “in memoriam”
22 presentation during the 86th Annual Academy Awards in March 2014, described by a single word:
23 Inventor.

24 15. The success of the products that The Kudelski Group manufactured and sold in its early years
25 allowed the company to grow and expand. In 1989, The Kudelski Group expanded the scope of its
26 technological innovation by launching its first conditional access systems for pay TV. Over the next
27 decade, The Kudelski Group continued to expand its technology development in the digital

28 television domain, providing global, universally compatible solutions to manage, organize, enhance

1 market, and secure digital content, regardless of whether it was transmitted over managed or
2 unmanaged networks, broadcast linearly or on-demand.

3 16. Today, digital television is The Kudelski Group's core business. The Kudelski Group has
4 become a world leader in digital security and convergent media solutions for the delivery of digital
5 and interactive content. The Kudelski Group's innovations are continuously contributing to the
6 evolution of the digital television ecosystem, enabling operators to extend their multimedia offerings
7 across the entire digital ecosystem to numerous client devices through traditional managed networks
8 as well as Internet delivery.

9 17. Within The Kudelski Group, the principal operating company responsible for developing and
10 implementing innovative solutions for securing digital television content is NagraVision.
11 NagraVision provides innovative solutions for accessing interactive television content and creates
12 innovative security and access control solutions that provide optimal levels of protection throughout
13 the content distribution chain, from creation to consumption. NagraVision products and services
14 include open conditional access systems, digital rights management, and integrated on-demand
15 solutions for content providers and digital television operators over broadcast, broadband, and
16 mobile platforms. NagraVision's technologies are used by over 120 pay-television operators in the
17 United States and internationally to deliver secure television content to a wide range of devices. In
18 particular, NagraVision has been an industry leader in recent years in the development of
19 technologies to secure delivery of paid content to mobile devices or to multiple devices connected by
20 a local wired or wireless network.

21 18. The Kudelski Group has also grown as a leader in the digital television domain through
22 acquisitions of pioneering technology companies, including such notable companies as Lysis,
23 Livewire, MediaGuard, SmarDTV, OpenTV, Inc., and most recently, Conax, a global provider of
24 content protection for digital TV services over broadcast, broadband, and connected devices.

25 19. OpenTV was founded in 1996 as Thomson Sun Interactive, LLC, a joint venture of Thomson
26 Multimedia SA and Sun Microsystems, Inc. In 1997, Thomson Sun Interactive LLC was converted
27 into a newly-formed corporation—OpenTV, Inc. From its inception, OpenTV, Inc. has been

28 Dedicated to developing and commercializing cutting-edge patented technologies required for the

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