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19
20 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
21 **SAN JOSE DIVISION**

22 OPENTV, INC., NAGRAVISION S.A.,
and NAGRA FRANCE S.A.S.

23 Plaintiffs,

24 v.

25 APPLE INC.,

26 Defendant.

CASE NO. 5:15-cv-02008-EJD (NMC)

**PLAINTIFFS' ANSWER TO
DEFENDANT APPLE INC.'S
COUNTERCLAIMS**

DEMAND FOR JURY TRIAL

1 Plaintiffs OpenTV, Inc. (“OpenTV”) and NagraVision, S.A. (“NagraVision”)
2 answer Defendant Apple Inc.’s (“Apple”) Counterclaims. This Answer is based on
3 OpenTV’s and NagraVision’s knowledge as to its own activities and upon information
4 and belief as to the activities of others. OpenTV and NagraVision deny the allegations
5 and characterizations in Apple’s Counterclaims unless expressly admitted in the
6 following paragraphs. The numbered paragraphs herein correspond to the like-
7 numbered paragraphs of Apple’s Counterclaims.

8 **NATURE AND BASIS OF THE ACTION**

9 109. OpenTV and NagraVision admit the allegations in this paragraph.

10 **JURISDICTION AND PARTIES**

11 110. OpenTV and NagraVision admit that the Court has subject matter
12 jurisdiction over this controversy, and that OpenTV, NagraVision, and Nagra France
13 S.A.S. have asserted and are asserting infringement of the Asserted Patents by Apple,
14 and that Apple has denied those allegations in its pleadings (although Plaintiffs
15 disagree with Apple’s denials). Except as expressly admitted herein, OpenTV and
16 NagraVision deny each remaining allegation set forth in this paragraph.

17 111. OpenTV and NagraVision admit the allegations in this paragraph.

18 112. OpenTV and NagraVision admit the allegations in this paragraph.

19 113. OpenTV and NagraVision admit the allegations in this paragraph.

20 114. OpenTV and NagraVision admit that they consent to personal jurisdiction
21 of this Court for purposes of this action, including Apple’s counterclaims. Except as
22 expressly admitted herein, OpenTV and NagraVision deny each remaining allegation
23 set forth in this paragraph.

24 115. OpenTV and NagraVision admit that they filed their Complaint here and
25 that venue for Apple’s counterclaims is proper here. Except as expressly admitted
26 herein, OpenTV and NagraVision deny each remaining allegation set forth in this
27 paragraph.

28

1 **FIRST COUNTERCLAIM**

2 **ALLEGED NON-INFRINGEMENT OF U.S. PATENT NO. 6,233,736**

- 3 116. OpenTV and Nagravision incorporate their responses to paragraphs 109-
4 115 as if fully set forth here.
- 5 117. OpenTV and Nagravision admit the allegations in this paragraph.
- 6 118. OpenTV and Nagravision admit the allegations in this paragraph with
7 respect to the '736 patent but deny any allegations as to a "7369 Patent."
- 8 119. OpenTV and Nagravision deny the allegations in this paragraph.

9 **SECOND COUNTERCLAIM**

10 **ALLEGED NON-INFRINGEMENT OF U.S. PATENT NO. 7,055,169**

- 11 120. OpenTV and Nagravision incorporate their responses to paragraphs 109-
12 115 as if fully set forth here.
- 13 121. OpenTV and Nagravision admit the allegations in this paragraph.
- 14 122. OpenTV and Nagravision admit the allegations in this paragraph.
- 15 123. OpenTV and Nagravision deny the allegations in this paragraph.

16 **THIRD COUNTERCLAIM**

17 **ALLEGED NON-INFRINGEMENT OF U.S. PATENT NO. 7,725,740**

- 18 124. OpenTV and Nagravision incorporate their responses to paragraphs 109-
19 115 as if fully set forth here.
- 20 125. OpenTV and Nagravision admit the allegations in this paragraph.
- 21 126. OpenTV and Nagravision admit the allegations in this paragraph.
- 22 127. OpenTV and Nagravision deny the allegations in this paragraph.

23 **REQUEST FOR JURY TRIAL**

- 24 128. No response is required.

25 **PRAYER FOR RELIEF**

26 Paragraphs (a) through (f) set forth the statement of relief requested by Apple to
27 which no response is required. Plaintiffs deny that Apple is entitled to any of the
28 requested relief, and Plaintiffs' deny Apple's allegations in its Prayer for Relief.

1 Dated: March 3, 2016

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