

1 Robert F. McCauley (SBN 162056)
robert.mccauley@finnegan.com
2 Jacob A. Schroeder (SBN 264717)
jacob.schroeder@finnegan.com
3 FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
4 3300 Hillview Avenue
Palo Alto, CA 94304-1203
5 Telephone: (650) 849-6600
Facsimile: (650) 849-6666

6 Gerald F. Ivey (*pro hac vice*)
7 Smith R. Brittingham IV (*pro hac vice*)
Elizabeth A. Niemeyer (*pro hac vice*)
8 John M. Williamson (*pro hac vice*)
Rajeev Gupta (*pro hac vice*)
9 Aidan C. Skoyles (*pro hac vice*)
Cecilia Sanabria (*pro hac vice*)
10 FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
11 901 New York Avenue, NW
Washington, DC 20001-4413
12 Telephone: (202) 408-4000
Facsimile: (202) 408-4400

13 Stephen E. Kabakoff (*pro hac vice*)
14 FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
15 3500 SunTrust Plaza
303 Peachtree Street, N.E.
16 Atlanta, GA 30308-3263
Telephone: (404) 653- 6400
17 Facsimile: (404) 653-6444

18 *Attorneys for Plaintiffs*
OpenTV, Inc., Nagravision S.A., and Nagra France S.A.S.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO 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)

**DECLARATION OF RAJEEV GUPTA
IN SUPPORT OF PLAINTIFFS'
OPENING CLAIM CONSTRUCTION
BRIEF**

Date: May 12, 2016

Time: 1:30 p.m.

Judge: Honorable Edward J. Davila

Courtroom: 4, 5th Floor

1 I, Rajeev Gupta, declare as follows:

2 1. I am an attorney licensed to practice in the District of Columbia and admitted pro hac vice to
3 practice before this Court, and am a partner with Finnegan, Henderson, Farabow, Garrett & Dunner,
4 LLP, counsel of record for OpenTV, Inc., NagraVision S.A., and Nagra France S.A.S, in the above-
5 titled action.

6 2. I have personal knowledge of the facts contained in this Declaration, and if called upon to do
7 so, I could and would testify competently thereto.

8 3. I submit this Declaration in support of Plaintiffs' Opening Claim Construction Brief.

9 4. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,233,736.

10 5. Attached as Exhibit 2 is a true and correct copy of U.S. Patent No. 7,055,169.

11 6. Attached as Exhibit 3 is a true and correct copy of U.S. Patent No. 7,725,740.

12 7. Attached as Exhibit 4 is a true and accurate copy of an excerpt from the United States Patent
13 and Trademark Office prosecution history for U.S. Patent No. 6,233,736 including a Response to
14 Office Action dated December 5, 2000 and Bates stamped OPENTV2008-00001622 –
15 OPENTV2008-00001627.

16 8. Attached as Exhibit 5 is a true and accurate copy of an excerpt from the *Random House*
17 *Webster's College Dictionary* 1305 (2000), Bates stamped OPENTV2008-00009970 –
18 OPENTV2008-00009972.

19 9. Attached as Exhibit 6 is a true and accurate copy of an excerpt from *The Random House*
20 *Dictionary of the English Language* 1896 (2d ed. Unabridged 1987), Bates stamped OPENTV2008-
21 00009966 – OPENTV2008-00009968.

22 10. Attached as Exhibit 7 is a true and accurate copy of an excerpt from the *American Heritage*
23 *College Dictionary* 1354 (1997), Bates stamped OPENTV2008-00009960 – OPENTV2008-
24 00009962.

25 11. Attached as Exhibit 8 is a true and accurate copy of an excerpt from *The Compact Oxford*
26 *English Dictionary* 58 (2d ed. 1987), Bates stamped OPENTV2008-00009963 – OPENTV2008-
27 00009965.

1 12. Attached as Exhibit 9 is a true and accurate copy of an excerpt from *The American Heritage*
2 *College Dictionary* 1354 (3d ed. 2000), Bates stamped OPENTV2008-00009973 – OPENTV2008-
3 0009975.

4 13. Attached as Exhibit 10 is a true and accurate copy of an excerpt from *Merriam-Webster's*
5 *Collegiate Dictionary* 1170 (10th ed. 2001), Bates stamped OPENTV2008-00009437 –
6 OPENTV2008-00009439.

7 14. Attached as Exhibit 11 is a true and accurate copy of an excerpt from the United States
8 Patent and Trademark Office prosecution history for U.S. Patent No. 7,055,169 including a listing of
9 the claims as filed, Bates stamped OPENTV2008-00001895 – OPENTV2008-00001898.

10 15. Attached as Exhibit 12 is a true and accurate copy of an excerpt of the *IEEE 100: The*
11 *Authoritative Dictionary of IEEE Standards Terms*, 264, 505-06 (7th ed. 2000), Bates stamped
12 OPENTV2008-00009701 – OPENTV2008-00009705

13 16. Attached as Exhibit 13 is a true and accurate copy of an excerpt from the United States
14 Patent and Trademark Office prosecution history for U.S. Patent No. 7,055,169 including an Office
15 Action dated October 15, 2004, Bates stamped OPENTV2008-00001895 – OPENTV2008-
16 00001898.

17 17. Attached as Exhibit 14 is an expert declaration of Dr. Kevin Almeroth.

18 18. Attached as Exhibit 15 is a true and accurate copy of *Netflix, Inc. v. OpenTV, Inc.*, IPR2014-
19 00269, 2014 WL 2889586 (Jun. 24, 2014).

20 19. I declare under penalty of perjury under the laws of the United States that the foregoing is
21 true and correct and that this declaration was executed on March 29, 2016, at Washington, DC.

22
23 By: 
24 Rajeev Gupta
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