

EXHIBIT 10

DECLARATION OF MELODY DRUMMOND HANSEN
IN SUPPORT OF DEFENDANT APPLE INC.'S MOTION
TO PRECLUDE RELIANCE ON CERTAIN
INVENTION DATES AND TO STRIKE CERTAIN ALLEGATIONS

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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
23 NAGRA FRANCE S.A.S.

24 Plaintiffs,

25 v.

26 APPLE INC.,

27 Defendant.

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

**PLAINTIFFS' RESPONSES AND
OBJECTIONS TO DEFENDANT
APPLE INC.'S FIRST SET OF
REQUESTS FOR THE PRODUCTION
OF DOCUMENTS AND THINGS
(NOS. 1-153)**

1 **PROPOUNDING PARTY:** Defendant Apple Inc.

2 **RESPONDING PARTY:** Plaintiffs OpenTV, Inc., Nagravision S.A., and Nagra France S.A.S.

3 **SET NO.:** One (Nos. 1-153)

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs OpenTV, Inc.,
5 Nagravision S.A., and Nagra France S.A.S. (collectively, “OpenTV” or “Plaintiffs”) hereby respond
6 and object to the First Set of Requests for the Production of Documents and Things propounded by
7 defendant Apple Inc. (“Apple”) as follows:

8 **GENERAL OBJECTIONS**

9 1. Plaintiffs object to the definition of “OpenTV” as overly broad, unduly burdensome,
10 and seeking information that is not within OpenTV, Inc.’s possession, custody, or control. Plaintiffs
11 will respond only on behalf of OpenTV, Inc. for requests directed at OpenTV, Inc.

12 2. OpenTV objects to the definition of “Nagravision” as overly broad, unduly
13 burdensome, and seeking information that is not within Nagravision S.A.’s possession, custody, or
14 control. Plaintiffs will respond only on behalf of Nagravision S.A. for requests directed at
15 Nagravision S.A.

16 3. OpenTV objects to the definition of “Nagra France” as overly broad, unduly
17 burdensome, and seeking information that is not within Nagra France S.A.S.’s possession, custody,
18 or control. Plaintiffs will respond only on behalf of Nagra France S.A.S. for requests directed at
19 Nagra France S.A.S.

20 4. OpenTV objects to the definition of “The Kudelski Group” as overly broad, unduly
21 burdensome, and seeking information that is not within Plaintiffs’ possession, custody, or control.
22 Plaintiffs will respond on behalf of OpenTV, Inc., Nagravision S.A., and Nagra France S.A.S. for
23 requests directed at The Kudelski Group.

24 5. OpenTV objects to the definition of “you,” “your,” and “Plaintiffs” as overly broad
25 and unduly burdensome, and seeking information that is not within Plaintiffs’ possession, custody,
26 or control. Plaintiffs will respond on behalf of OpenTV, Inc., Nagravision S.A., and Nagra France
27

1 S.A.S. for requests directed at “you,” “your,” and “Plaintiffs.” Plaintiffs are expressly not responding
2 on behalf of any entity that is not a party to this litigation.

3 6. OpenTV objects to all definitions, instructions, and document requests to the extent
4 they seek to impose obligations upon OpenTV that are broader than or inconsistent with the Federal
5 Rules of Civil Procedure and the Local Rules or court orders of the Northern District of California.

6 7. OpenTV objects to all definitions, instructions, and document requests to the extent
7 they seek the disclosure of information protected by the attorney-client privilege, attorney work
8 product doctrine, or any other applicable privilege or protection, as provided by any applicable law
9 (sometimes referred to collectively herein as “privileged” information). OpenTV does not intend to
10 produce such privileged or protected documents or information. OpenTV’s inadvertent disclosure of
11 any such documents or information is not to be deemed a waiver of any objection, privilege, or
12 protection, and OpenTV expressly reserves the right to object to the introduction during motion
13 practice, at trial, or any other use of such information that may be disclosed. In addition, OpenTV
14 objects to each request and all other definitions and instructions to the extent they seek and/or
15 require OpenTV to produce a privilege log for documents or information covered by work product
16 protection if such documents or information were created after April 9, 2014, as agreed upon by the
17 parties in the Joint Case Management Statement. *See* Dkt. No. 57. OpenTV additionally objects to
18 the extent these requests seek a log of privileged communications beyond the requirements of
19 Federal Rule of Civil Procedure 26.

20 8. OpenTV objects to all definitions, instructions, and document requests to the extent
21 they are vague, overly broad, unduly burdensome, exceed the boundaries of discoverable
22 information, or fail to describe the information sought with the required reasonable particularity.

23 9. OpenTV objects to the definitions, instructions, and document requests to the extent
24 they are overly broad and unduly burdensome and do not include any reasonable limitation as to
25 time.

26 10. OpenTV objects to the definitions, instructions, and document requests to the extent
27 they seek information unbounded as to time and geographic location, in particular to the extent they

28 seek extrajurisdictional information

1 11. OpenTV objects to the definitions, instructions, and document requests to the extent
2 they seek information that is irrelevant, immaterial, not related to any claim or defense, and/or not
3 reasonably calculated to lead to the discovery of admissible evidence, including to the extent they
4 seek information directed to claims that are not at issue in this litigation.

5 12. OpenTV objects to the definitions, instructions, and document requests to the extent
6 they seek information that is irrelevant, immaterial, not related to any claim or defense, and/or not
7 reasonably calculated to lead to the discovery of admissible evidence, including to the extent they
8 seek information directed to entities that are not parties to this litigation.

9 13. OpenTV objects to all definitions, instructions, and document requests to the extent
10 the burden or expense of the proposed discovery outweighs their likely benefit, given the needs of
11 the case, the amount in controversy, the parties' resources, the importance of the issues at stake in
12 the litigation, and the importance of the proposed discovery in resolving the issues.

13 14. OpenTV objects to all definitions, instructions, and document requests to the extent
14 they seek production of documents that contain confidential financial, proprietary, trade secret, or
15 other confidential or competitively sensitive business information relating to OpenTV or any third
16 party. OpenTV reserves the right to object that certain documents or things are so confidential and
17 sensitive that they will not be produced even pursuant to a protective order.

18 15. OpenTV objects to all definitions, instructions, and document requests to the extent
19 they seek to impose upon OpenTV an obligation to investigate or discover information, materials, or
20 documents from third parties or services that are more or equally accessible to Apple. OpenTV will
21 not produce documents in the custody or control of any other persons or non-parties that are not in
22 the possession, custody, or control of OpenTV.

23 16. OpenTV objects to all definitions, instructions, and document requests to the extent
24 they seek information that is beyond the scope of this litigation, is not relevant, or that falls outside
25 the parameters of discoverable information under Federal Rule of Civil Procedure 26.

26 17. OpenTV objects to each request to the extent it seeks information contrary to the
27 provisions of the Stipulation and Order Regarding Discovery of Electronically Stored Information

28 for Patent Litigation, Dkt. No. 65

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