

EXHIBIT 6

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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March 4, 2016

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Re: OpenTV, Inc. et al. v. Apple Inc., No. 5:15-cv-02008-EJD: Discovery Meet and Confer Follow-Up

Dear Elizabeth:

I write to follow up on certain topics discussed in the parties' discovery meet and confer on February 11, 2016.

OpenTV's Responses to Apple's Interrogatories

Interrogatory No. 8—Conception and Reduction to Practice of Claimed Inventions

Apple's February 2, 2016 letter identified a number of deficiencies with OpenTV's response regarding conception and reduction to practice of the inventions claimed in OpenTV's asserted patents.

For the '169 Patent, OpenTV identified a conception date "as early as June 2001," but did not describe the conception, identify any documents supporting that conception date, or describe or identify any documents relating to diligence in reducing the claimed invention to practice. On our call, **OpenTV indicated that it was basing the June 2001 conception date on privileged documents that OpenTV has not produced.** OpenTV indicated that it would tell Apple in the "next few weeks" whether it would rely on those privileged documents and assert the June 2001 date. It has now been three weeks since our call and OpenTV has had Apple's invalidity contentions for three months, but OpenTV has still failed to provide this critical information. Apple requests that no later than March 11, OpenTV supplement its response to Interrogatory No. 8, including to (a) confirm whether OpenTV will rely on a conception date of June 2001, and

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(b) if so, to describe the bases for asserting that conception date and its diligence, produce all documents supporting OpenTV's contentions (responsive to Apple's Requests for Production, including Nos. 5-8), and supplement its identification of documents supporting OpenTV's conception date, diligence, and reduction to practice for the '169 Patent.

For the '736 Patent, OpenTV's response asserted a reduction to practice by February 8, 1996. On our call, you indicated that OpenTV was not currently intending to rely on a conception date for the '736 Patent earlier than February 8, 1996, and was not withholding any information or documents based on privilege. On February 26, however, OpenTV indicated for the first time that it will rely on a conception date of September 14, 1995, based on a document in the '736 File History. That document was produced only as part of the file history and the production numbers do not overlap with the production numbers that OpenTV identified in its response as allegedly providing "additional information regarding the conception of the asserted claims." OpenTV, moreover, has not described or identified any diligence between that asserted conception date and the alleged reduction to practice of the '736 Patent. Apple requests that no later than March 11, OpenTV (a) explain its failure to disclose this earlier conception date in OpenTV's October 15, 2015 infringement contentions or December 23, 2015 interrogatory responses, (b) produce all documents supporting OpenTV's contentions (responsive to Apple's Requests for Production, including Nos. 5-8), and (c) supplement its interrogatory response to identify the alleged conception date, describe its diligence, and identify all documents supporting the conception date, diligence, and reduction to practice for the '736 Patent.

For the '740 Patent, on our call, you indicated that OpenTV does not currently plan to allege a conception date earlier than May 28, 2003, the filing date of the Swiss application to which the '740 claims priority, and is not withholding as privileged any documents related to conception or diligence. Apple requests that no later than March 11, OpenTV confirm that it will not assert a conception date for the '740 Patent earlier than May 28, 2003.

OpenTV's response also referred generally to certain produced documents as providing "additional information regarding the conception of the asserted claims," citing 500 pages of documents (OPENTV2008-00008615-OPENTV2008-00009148), but OpenTV did not identify which documents related to alleged conception of which patent claims. On our call, you indicated that OpenTV would look into identifying by production number which documents are relevant to which asserted patents. Apple requests that no later than March 11, OpenTV supplement its interrogatory response to identify the particular production numbers corresponding to each of the asserted patents and/or particular claims.

OpenTV's delayed identification of conception dates and production of documents related to conception and diligence is prejudicial to Apple's preparation of its invalidity case as well as petitions for *inter partes* review Apple is preparing on asserted claims. Apple also is prejudiced because documents related to the alleged inventions claimed in the asserted patents are potentially relevant to claim construction and to other defenses including non-infringement. It is imperative that OpenTV produce all documents related to conception, diligence, and/or reduction to practice for the asserted patents, which have been known to OpenTV since it filed

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applications for or acquired those patents. Apple therefore requests that no later than March 18, OpenTV produce all such documents. Apple also reserves the right to revise its proposed constructions, to seek additional terms for construction, to amend its invalidity contentions, and to bring other defenses based on any newly identified documents related to conception or diligence.

Interrogatory No. 13—License Agreements Related to Asserted Patens and Comparable Licenses

Interrogatory No. 13 seeks information regarding license agreements relating to the OpenTV Asserted Patents and all other license agreements OpenTV considers comparable. As stated in Apple's February 2 letter, OpenTV's response relied on FRCP 33(d) but identified no documents, and OpenTV refused to produce documents in response to certain related Apple Requests for Production. On our call, OpenTV indicated that you were waiting for permission from third parties to produce. You also indicated that you would investigate whether OpenTV has any lists of licensees, and if it does, OpenTV will produce such lists. Apple requests that OpenTV provide the status of its requests to third parties to produce the requested licenses and its investigation into whether any lists of licensees exist.

OpenTV's Responses to Apple's Requests for Production of Documents

On our call, you indicated that OpenTV will consider supplementing its responses to Apple's requests for production to state whether any responsive materials are being withheld on the basis OpenTV's objections, as required under FRCP 34(b)(2)(C). Apple requests that by March 18, OpenTV confirm whether it will supplement its responses and if so, the date by which OpenTV intends to do so.

With respect to Apple's Request for Production Nos. 27, 31, 35, 137, and 141 regarding the production of documents related to the Kudelski Group, you indicated that OpenTV's position is that OpenTV does not have possession, custody, or control of such documents. You agreed, however, that OpenTV would investigate whether the Kudelski Group makes products that compete with Apple and would confirm whether OpenTV will continue to assert Apple's awareness of asserted patents through alleged awareness of the Kudelski Group's portfolio. Apple requests that by March 18, OpenTV confirm its positions on these two topics.

Sincerely,

/s/ Jay Choi

Jay Choi

for O'Melveny & Myers LLP