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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 BRIAN PLATT  
RESPONDING TO APPLE'S MOTION  
TO SEAL AND IN SUPPORT OF  
PLAINTIFFS' ADMINISTRATIVE  
MOTION TO PARTIALLY FILE  
UNDER SEAL DEFENDANT'S  
MOTION TO PRECLUDE AND  
CERTAIN SUPPORTING EXHIBIT**

1 I, BRIAN PLATT, declare as follows:

2 1. I am an in-house attorney for Plaintiffs OpenTV, Inc., Nagra Vision S.A., and Nagra  
3 France S.A.S (collectively, "OpenTV") in the above-titled action. I submit this declaration to  
4 respond to Apple's Administrative Motion to File Under Seal (ECF No. 84) and in support of  
5 Plaintiffs' Administrative Motion to Partially File Under Seal Defendant's Motion to Preclude and  
6 Supporting Exhibit filed concurrently herewith. The matters stated herein are based upon my  
7 personal knowledge and belief, and, if called as a witness, I would testify as to the following  
8 statements.

9 2. I have reviewed Defendant Apple Inc.'s Motion to Preclude Reliance on Certain  
10 Invention Dates and to Strike Certain Allegations (ECF No. 85) ("Apple's Motion"), portions of  
11 which Apple Inc. ("Apple") requested be filed under seal in Apple's Administrative Motion to File  
12 Under Seal (ECF No. 84) because they contain confidential OpenTV information (described below).  
13 I have also reviewed Exhibits 2, 7, and 8 to the Declaration of Melody Drummond Hansen in  
14 Support of Defendant's Motion ("Hansen Exhibits 2, 7, and 8"), which Apple requested to be sealed  
15 in their entireties because they contain OpenTV information.

16 3. For the reasons set forth below, OpenTV requests that the Court seal the same  
17 portions of Apple's Motion that Apple requested be sealed. OpenTV also requests that the Court seal  
18 some but not all of Hansen Exhibit 7, i.e., OpenTV requests that the Court seal the highlighted  
19 portions of Hansen Exhibit 7 being lodged herewith. OpenTV does not request that the Court seal  
20 Hansen Exhibits 2 or 8 to Apple's Motion.

21 4. Like Apple and all other technology companies I am aware of, OpenTV treats the  
22 development of its inventions as confidential and proprietary information within OpenTV.  
23 Disclosure of details relating to the development of the invention that led to U.S. Patent No.  
24 7,725,740 ("the '740 patent") to the public or competitors would or could cause OpenTV  
25 commercial and competitive harm.

26 5. The '740 patent "generally concerns the domain of security modules." '740 Patent at  
27 1:12-14. Specifically, it describes a method for generating keys to secure a hardware system from

28 outside attacks, potentially hackers. Publicizing the development data relating to that security

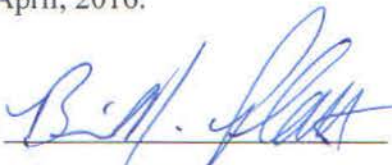
1 system and when it was potentially incorporated into OpenTV's products, and information related to  
2 same, would provide would-be hackers with information about the security protocols present (or not  
3 present) in certain OpenTV products, and when such security protocols may have been implemented,  
4 that would otherwise remain secret. Such public disclosure would weaken the strong security  
5 protocols that OpenTV has worked to develop and market to its customers as part of its competitive  
6 advantage over its competitors in the marketplace. Accordingly, development dates and related  
7 information relating to the invention claimed in the '740 patent are important and confidential  
8 information for OpenTV, and public disclosure of this information would or could cause OpenTV  
9 competitive harm. As such, OpenTV respectfully requests that the development date of the '740  
10 patent and related information be filed under seal.

11 6. The development date of the invention that led to the '740 patent and related  
12 information appears in (1) those highlighted portions of Apple's Motion (at pages 6, 7, 9, and 12)  
13 that Apple requested be sealed and which OpenTV requests be sealed, and (2) those highlighted  
14 portions of Hansen Exhibit 7 that OpenTV is lodging herewith.

15 7. Regarding Hansen Exhibits 2 and 8, which are portions of OpenTV's responses to  
16 Apple's First Set of Interrogatories, Apple requested that both Exhibits be filed under seal in their  
17 entirety. Upon further review, OpenTV has determined that Exhibits 2 and 8 need not be filed under  
18 seal.

19 8. Good cause exists to seal those limited portions of Apple's Motion and Hansen  
20 Exhibit 7 described above, because those portions disclose information relating to OpenTV's  
21 development and development date of the security modules that led to the '740 patent. The redacted  
22 information is highly confidential and nonpublic information, disclosure of which to the public or  
23 competitors would cause OpenTV irreparable harm for the reasons set forth in paragraph 5 above.

24 9. I declare under penalty of perjury under the laws of the United States that the  
25 foregoing is true and correct. Executed this 18th day of April, 2016.

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By:   
Brian Platt

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DECLARATION OF BRIAN PLATT IN SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION TO FILE UNDER SEAL  
Case No. 5:15-cv-02008-EJD (NMC)