

EXHIBIT 7
REDACTED VERSION OF ENTIRE
DOCUMENT FOR PUBLIC FILING

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

Case No. 5:15-CV-02008-EJD

From: Niemeyer, Elizabeth <Elizabeth.Niemeyer@finnegan.com>
Sent: Monday, March 14, 2016 6:50 AM
To: Choi, Jay
Cc: Drummond Hansen, Melody; Cook, Brian; OpenTV-Apple-2008
Subject: RE: OpenTV v. Apple (N.D. Cal. 5:15-cv-02008-EJD): Discovery Response Deficiencies

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Dear Jay:

We are reviewing the questions that you raised in your March 4 letter and expect to provide a more detailed update shortly. The following, however, should preliminarily address the issues you raised.

Regarding the September 14, 1995 conception date of the '736 patent, as we previously informed you, that date is clearly identified in the invention disclosure document in the file history. That information should have been included in our interrogatory response, and we will shortly serve a supplemental response to Apple's interrogatory to make that clear. To the extent we locate additional information relating to Apple's requests, including information on diligence, we will promptly produce it and/or further supplement our interrogatory response. If we identify documents that require supplementation of OpenTV's 3-2 production, we would consult with you before filing a motion to supplement.

As to the '740 patent invention date, we did state that we had not identified an earlier invention date for purposes of this litigation. We are continuing to investigate the possibility of an earlier invention date and, in the interest of disclosure, may supplement our response to disclose an invention date of [REDACTED]. Those efforts are ongoing, but we cannot confirm that we will never assert an earlier date, either in this litigation or in any inter partes review proceeding you might request.

Regarding OpenTV's identification of OPENTV2008-00008615-OPENTV2008-00009148 in response to interrogatory no. 8, the range includes only 21 documents. We are still considering whether we can separately identify smaller ranges of documents for each of the asserted patents.

Regarding interrogatory no. 13, we expect to supplement Plaintiffs' response shortly.

Concerning your inquiry regarding Plaintiffs' responses to Apple's requests for production, Plaintiffs are not currently withholding any documents on the basis of the objections raised, aside from privilege, although the objections generally describe the parameters used in collecting documents for production. If we identify documents being withheld on the basis of any non-privilege objection, we will notify Apple. Please confirm that Apple will likewise notify us if it identifies documents being withheld on the basis of its non-privilege objections.

Regarding your inquiry whether Plaintiffs plan to rely on any products of Kudelski Group for a lost profits analysis, Plaintiffs do not plan to rely on any product made by any entity other than the Plaintiffs.

Sincerely,
Elizabeth

-----Original Message-----

From: Choi, Jay [mailto:jchoi@omm.com]
Sent: Friday, February 05, 2016 1:54 PM
To: Niemeyer, Elizabeth

Cc: Drummond Hansen, Melody; Cook, Brian; OpenTV-Apple-2008
Subject: RE: OpenTV v. Apple (N.D. Cal. 5:15-cv-02008-EJD): Discovery Response Deficiencies

Elizabeth,

Yes, 10 am PT/1 pm ET will work.

Best,
Jay

-----Original Message-----

From: Niemeyer, Elizabeth [mailto:Elizabeth.Niemeyer@finnegan.com]
Sent: Friday, February 05, 2016 10:29 AM
To: Choi, Jay
Cc: Drummond Hansen, Melody; Cook, Brian; OpenTV-Apple-2008
Subject: Re: OpenTV v. Apple (N.D. Cal. 5:15-cv-02008-EJD): Discovery Response Deficiencies

Jay,

Since the call may take a while, are you available earlier in the day (e.g., 10 am PT/1 pm ET)?

Sincerely,
Elizabeth

On Feb 5, 2016, at 1:04 PM, Choi, Jay <jchoi@omm.com<mailto:jchoi@omm.com>> wrote:

Elizabeth,

Thank you for your response. Would 2:30pm PT/5:30pm ET work for you?

Best,
Jay

From: Niemeyer, Elizabeth [mailto:Elizabeth.Niemeyer@finnegan.com]
Sent: Friday, February 05, 2016 8:28 AM
To: Choi, Jay
Cc: OpenTV-Apple-2008
Subject: RE: OpenTV v. Apple (N.D. Cal. 5:15-cv-02008-EJD): Discovery Response Deficiencies

Dear Jay,

Please let us know if you are available Thursday (2/11) afternoon (e.g., 1 p.m. PT/4 p.m. ET) for a call. If so, we can use the following dial-in number:

Dial-in: 888-546-0543
Passcode: 202-408-4478

Sincerely,
Elizabeth

Elizabeth A. Niemeyer | Attorney at Law | Finnegan, Henderson, Farabow, Garrett & Dunner, LLP | 901 New York Avenue, NW, Washington, DC 20001-4413 | (202) 408-4238 | fax (202) 408-4400 | elizabeth.niemeyer@finnegan.com <<mailto:elizabeth.niemeyer@finnegan.com>>

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From: Choi, Jay [<mailto:jchoi@omm.com>]
Sent: Tuesday, February 02, 2016 12:48 PM
To: Niemeyer, Elizabeth
Subject: OpenTV v. Apple (N.D. Cal. 5:15-cv-02008-EJD): Discovery Response Deficiencies

Dear Elizabeth,

Please see the attached letter regarding deficiencies in OpenTV's objections and responses to Apple's First Set of Interrogatories and First Set of Requests for Production.

Sincerely,

Jay Choi
O'Melveny & Myers LLP
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111
415-984-8746
jchoi@omm.com <<mailto:jchoi@omm.com>>

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