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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 WILLIAM
GOLDMAN IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO PARTIALLY FILE
UNDER SEAL PLAINTIFFS'
OPPOSITION TO DEFENDANT'S
MOTION TO PRECLUDE RELIANCE
ON CERTAIN INVENTION DATES
AND TO STRIKE CERTAIN
ALLEGATIONS AND CERTAIN
SUPPORTING EXHIBIT**

1 I, WILLIAM GOLDMAN, declare as follows:

2 1. I am an in-house attorney for Plaintiffs OpenTV, Inc., Nagravision S.A., and Nagra
3 France S.A.S (collectively, "OpenTV") in the above-titled action. I submit this declaration in support
4 of Plaintiffs' Administrative Motion to Partially File Under Seal Plaintiffs' Opposition to
5 Defendant's Motion to Preclude Reliance on Certain Invention Dates and to Strike Certain
6 Allegations and Certain Supporting Exhibit filed concurrently herewith. The matters stated herein
7 are based upon my personal knowledge and belief, and, if called as a witness, I would testify as to
8 the following statements.

9 2. I have reviewed OpenTV's Opposition to Defendant's Motion to Preclude Reliance
10 on Certain Invention Dates and to Strike Certain Allegations ("OpenTV's Opposition") and Exhibit
11 4 to the Declaration of Elizabeth A. Niemeyer in Support of OpenTV's Opposition ("Niemeyer
12 Exhibit 4").

13 3. For the reasons set forth below, OpenTV requests that the Court seal portions of
14 OpenTV's Opposition and Niemeyer Exhibit 4, as both documents disclose OpenTV confidential
15 and proprietary information.

16 4. Like Apple and all other technology companies I am aware of, OpenTV treats the
17 development of its inventions as confidential and proprietary information within OpenTV.
18 Disclosure of details relating to the development of the invention that led to U.S. Patent No.
19 7,725,740 ("the '740 patent") to the public or competitors would or could cause OpenTV
20 commercial and competitive harm.

21 5. The '740 patent "generally concerns the domain of security modules." '740 Patent at
22 1:12-14. Specifically, it describes a method for generating keys to secure a hardware system from
23 outside attacks, potentially by hackers. Publicizing the development date relating to that security
24 system and when it was potentially incorporated into OpenTV's products, and information related to
25 same, would provide would-be hackers with information about the security protocols present (or not
26 present) in certain OpenTV products, and when such security protocols may have been implemented,
27 that would otherwise remain secret. Such public disclosure would weaken the strong security
28 protocols that OpenTV has worked to develop and market to its customers as part of its competitive

1 advantage over its competitors in the marketplace. Indeed, OpenTV was previously victimized by a
2 hacking scandal by a competitor several years ago that involved cracking and leaking the encryption
3 scheme for a legacy version of Nagravision's conditional access system. Accordingly, development
4 dates and related information relating to the invention claimed in the '740 patent are important and
5 confidential information for OpenTV, and public disclosure of this information would or could cause
6 OpenTV competitive harm. As such, OpenTV respectfully requests that the development date of the
7 '740 patent and related information be filed under seal.

8 6. The development date of the invention that led to the '740 patent and related
9 information appears in OpenTV's Opposition and Niemeyer Exhibit 4 lodged herewith.

10 7. Good cause exists to seal those limited portions of OpenTV's Opposition and of
11 Niemeyer Exhibit 4 described above, because those portions disclose information relating to
12 OpenTV's development and the development date of the security modules that led to the '740 patent.
13 The redacted information is highly confidential and nonpublic information, disclosure of which to
14 the public or competitors would cause OpenTV irreparable harm for the reasons set forth at least in
15 paragraph 5 above.

16 8. I declare under penalty of perjury under the laws of the United States that the
17 foregoing is true and correct. Executed this 27th day of April, 2016.

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19 By: 
20 William Goldman

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