

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE HAYWARD S. GILLIAM

OPENTV, INC., and NAGRAVISION,	)	
SA,	)	
	)	
Plaintiffs,	)	
	)	
VS.	)	NO. C 14-1622 HSG
	)	
APPLE, INC.,	)	
	)	San Francisco, California
Defendant.	)	Wednesday
	)	April 22, 2015
	)	12:30 p.m.

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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**Reported By:** *Debra L. Pas, CSR 11916, CRR, RMR, RPR*  
*Official Reporter - US District Court*  
*Computerized Transcription By Eclipse*

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BRIAN COOK, ESQ.**

**Also Present:**

**Brian Platt, Esq.  
Chuck Fish, Esq.**

- - -

*Debra L. Pas, CSR, CRR, RMR, RPR*

P R O C E E D I N G S

1  
2 **April 22, 2015**

12:33 p.m.

3 **THE CLERK:** We're calling C14-1622 OpenTV, Inc., et  
4 al versus Apple, Inc.

5 Please step forward and state your appearances for the  
6 record, please.

7 **MR. BRITTINGHAM:** Good afternoon, your Honor. Smith  
8 Brittingham with Finnegan Henderson on behalf of OpenTV.

9 With me here at counsel table is Gerry Ivey, Steve  
10 Kabakoff, Rob McCauley.

11 And, also, two in-house counsel with, Brian Platt and  
12 Chuck Fish.

13 **THE COURT:** All right. Good afternoon  
14 Mr. Brittingham.

15 **MR. BRITTINGHAM:** Thank you.

16 **MR. RILEY:** Good afternoon, your Honor. George Riley  
17 of O'Melveny and Myers for Apple.

18 I'm joined by my colleagues from O'Melveny and Myers,  
19 Luann Simmons, Ryan Yagura and Brian Cook.

20 **THE COURT:** Good afternoon, Mr. Riley.

21 **MR. RILEY:** Thank you.

22 **THE COURT:** Okay. So we're here for two purposes.  
23 One is the hearing on the motion to supplement the Local  
24 Rule 3-2(b) production, and then from there we'll segue into  
25 the claim construction hearing.

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1 I've read the papers on the motion for leave to  
2 supplement, have a few questions. I don't know how the parties  
3 propose to proceed on that.

4 But I suppose since it's OpenTV's motion, Mr. Brittingham,  
5 you can start.

6 **MR. BRITTINGHAM:** Your Honor, I'm happy to present  
7 argument, which would probably duplicate much of what you  
8 already read in the motion papers.

9 We do believe the motion should be granted. I'm happy to  
10 answer your questions, but if you would like me to go forward  
11 with argument until you feel the need to interrupt me, I would  
12 be happy to do so.

13 **THE COURT:** Let me ask, it seems to me there are a  
14 couple questions. One is, obviously, without going into  
15 attorney-client privileged material, generally what was it that  
16 took three months to make the waiver decision?

17 **MR. BRITTINGHAM:** So the decision came after,  
18 essentially, the disclosures in Apple's invalidity contentions.  
19 So those, as you know, were in October and the documents were  
20 produced in January.

21 During that time, first we had to evaluate the prior art  
22 itself and determine the nature of it and what the dates were,  
23 whether there were prior art reference that's could be sworn  
24 behind, as we sometimes say, or we could pre-date what the  
25 earlier conception date or whether the art was the type of art

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