

EXHIBIT 4

**REDACTED VERSION OF ENTIRE
DOCUMENT FOR PUBLIC FILING**

Niemeyer, Elizabeth

From: Niemeyer, Elizabeth
Sent: Tuesday, April 05, 2016 5:01 PM
To: Rowland, Clarence; OpenTV-Apple-2008
Cc: #Apple OpenTV Team; Yagura, Ryan K.; Drummond Hansen, Melody; Simmons, Luann
Subject: RE: OpenTV v. Apple, Case No. 15-2008 - Meet and confer

Dear Clarence,

Thank you for your message. We have no conflict with a September 15 hearing date. We are still investigating whether the proposed exhibits may be filed publicly—we understand that Apple will file the papers under seal if it does not receive a response before filing its paper. Regarding Apple's motion, as noted during our call, since OpenTV has not sought leave to amend its Patent L.R. 3-2 production, we consider Apple's motion as to the '740 and '169 patents premature. As also noted, we would be surprised if Apple can claim it was unaware of the '736 invention disclosure, which was submitted during the prosecution of the '736 patent and served with OpenTV's Patent L.R. 3-2 production. We will, however, address whatever arguments Apple makes in its motion.

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

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From: Rowland, Clarence [mailto:crowland@omm.com]
Sent: Monday, April 04, 2016 2:17 PM
To: Niemeyer, Elizabeth; OpenTV-Apple-2008
Cc: #Apple OpenTV Team; Yagura, Ryan K.; Drummond Hansen, Melody; Simmons, Luann
Subject: RE: OpenTV v. Apple, Case No. 15-2008 - Meet and confer

Dear Elizabeth,

Thank you for meeting and conferring with us on Thursday.

As we discussed, Apple's intends to move to strike all qualifying language (e.g., "at least as early as") in OpenTV's Rule 3-1(f) and 3-2(b) disclosures and to preclude OpenTV from relying on conception and reduction to practice dates, and supporting documentation, other than what was specifically identified in its October 15, 2015 Patent L.R. 3-1(f) and 3-2(b) disclosures.

We understand that OpenTV will oppose Apple's motion. We understand that you are not aware of an OpenTV conflict with a September 15, 2016 hearing date, but you planned to check with other members of your team to confirm. If we do not hear from you by the end of the day tomorrow (Tuesday) about a conflict with September 15, we will assume the date is acceptable.

We understand that you are still investigating whether OpenTV will agree that Apple may file redacted exhibits, rather than filing a motion to seal that would require OpenTV to file a supporting declaration. Please let us know by the end of the day tomorrow (Tuesday) whether OpenTV agrees that Apple may file the excerpted exhibits as public versions.

To summarize the points we discussed on our call, Apple disagrees with OpenTV's assertion that Patent L.R. 3-1(f) does not require disclosure of conception dates. OpenTV did not identify any earlier conception date for the '740 Patent or the '736 Patent in its Patent L.R. 3-1(f) disclosure, and we understand that OpenTV still has not decided whether it will assert an earlier date for the '740 Patent.

We also disagree with your assertion that OpenTV complied with Patent L.R. 3-2(b). Patent L.R. 3-2(b) required OpenTV to produce "all documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent-in-suit or the priority date identified pursuant to Patent L.R. 3-1(f), whichever is earlier" and L.R. 3-2 required OpenTV to identify by production number the documents belonging to category 3-2(b). OpenTV has suggested it may rely on a June 2001 conception date for the '169 Patent and an [REDACTED] conception date for the '740 Patent. On our call, you confirmed that OpenTV has produced no documents to support either date, OpenTV has not yet decided whether it will waive privilege to the June 2001 document to support the earlier conception date for the '169 Patent, and OpenTV has not yet identified documents supporting an earlier conception date for the '740 Patent.

Also, on February 26, OpenTV suggested for the first time that it may assert a September 14, 1995 conception date for the '736 Patent based on a publicly available document in the '736 Patent file history. But OpenTV's Patent L.R. 3-1(f) disclosure did not identify the September 14, 1995 date, and OpenTV's Patent L.R. 3-2(b) disclosure did not identify the file history as the supporting documentation for the a conception date. Instead, OpenTV identified the file history simply as a file history under Patent L.R. 3-2(c).

If we have misunderstood any of OpenTV's positions, please let us know.

Sincerely,

Clarence

Clarence Rowland
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From: Niemeyer, Elizabeth [<mailto:Elizabeth.Niemeyer@finnegan.com>]
Sent: Wednesday, March 30, 2016 1:39 PM
To: Rowland, Clarence; OpenTV-Apple-2008
Cc: #Apple OpenTV Team; Yagura, Ryan K.; Drummond Hansen, Melody; Simmons, Luann
Subject: RE: OpenTV v. Apple, Case No. 15-2008 - Meet and confer

Dear Clarence,

Thank you for your message. Let's talk tomorrow (3/31) at 4:30 p.m. ET.

During our call, please let us know what Apple is proposing to move to strike and the basis for any such motion. As set forth in the Patent Local Rules and as the parties briefed in Apple I, Patent L.R. 3-1(f) does not require OpenTV to disclose "conception dates" as part of its infringement contentions, only "priority dates." Patent L.R. 3-1(f) ("For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled.") OpenTV has not changed any of its priority dates from the dates first identified in its infringement contentions. Patent Local Rule 3-2(b) required OpenTV to produce documents that evidence a conception date earlier than the priority date, which we did. OpenTV has not sought to supplement its production, but if we determine it is appropriate to supplement OpenTV's production, as we previously informed you, we will seek leave to do so.

Regarding the documents attached to your email, we are reviewing them and will let you know our position as soon as possible on filing them under seal.

Sincerely,
Elizabeth

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From: Rowland, Clarence [<mailto:crowland@omm.com>]

Sent: Tuesday, March 29, 2016 9:41 PM

To: Niemeyer, Elizabeth; OpenTV-Apple-2008

Cc: #Apple OpenTV Team; Yagura, Ryan K.; Drummond Hansen, Melody; Simmons, Luann

Subject: OpenTV v. Apple, Case No. 15-2008 - Meet and confer

Dear Elizabeth,

On Friday, April 1, 2016, or soon thereafter, Apple intends to file a motion to preclude OpenTV from relying on conception dates other than those identified in its October 15, 2015 Patent L.R. 3-1(f) disclosure and to strike language to the contrary in OpenTV's disclosures and discovery responses. We would like to have a meet and confer to discuss. We are generally available tomorrow before 12:30 p.m. and after 2:00 p.m., on Thursday after 1:30 p.m., and on Friday after 4:00 p.m. (all times Pacific).

We intend to attach to the motion several exhibits that are documents that OpenTV has marked Attorneys' Eyes Only. We have removed significant portions of the exhibits that are irrelevant to the motion, and we suspect you may not want to file the remaining portions under seal. Please let us know if we can file all of the attached exhibits publicly. If you would like these exhibits sealed, then please let us know which exhibits you would like filed under seal and we will file them under seal, and you will need to file a supporting declaration under N.D. Cal. L.R. 79-5(e). If we do not hear back from you on this issue by Friday, then we will proceed with filing under seal the exhibits that you have marked AEO.

Thank you,

Clarence

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