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18 Attorneys for Defendant
19 **APPLE INC.**

20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
22 **SAN JOSE**

23 OpenTV, Inc., NagraVision, SA, and Nagra
24 France S.A.S.,

25 Plaintiffs,

26 v.

27 Apple Inc.,

28 Defendant.

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

**DECLARATION OF LUANN L.
SIMMONS IN SUPPORT OF
DEFENDANT APPLE, INC.'S
MOTION TO STAY**

Date: September 15, 2016

Time: 9:00 a.m.

Judge: Honorable Edward J. Davila

Courtroom: 4

1 I, Luann L. Simmons, declare:

2 1. I am a partner with the law firm of O'Melveny & Myers LLP, counsel for
3 defendant Apple Inc. ("Apple") in the above-captioned litigation.

4 2. I submit this declaration in support of Apple's Motion to Stay. I have personal
5 knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and
6 would do so competently.

7 3. Apple has filed with the United States Patent and Trademark Office ("USPTO")
8 petitions for *Inter Partes* Review of U.S. Patent Nos. 7,725,740 ("the '740 Patent") and 6,233,736
9 ("the '736 Patent") and Covered Business Method Patent Review of U.S. Patent No. 7,055,169
10 ("the '169 Patent"). The filing dates and USPTO case numbers for Apple's petitions are
11 identified in the following table.

Patent	USPTO Case Number	Filing Date
'740 Patent	IPR2016-00961	April 28, 2016
'736 Patent	IPR2016-00992	April 29, 2016
'169 Patent	CBM2016-00066	May 2, 2016

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16 4. Attached as **Exhibit 1** is a true and correct copy of a document titled "Patent Trial
17 and Appeal Board Statistics, 3/31/2016" downloaded from the USPTO website at:
18 <http://www.uspto.gov/patents-application-process/appealing-patent-decisions/statistics/aia-trial->
19 [statistics.](http://www.uspto.gov/patents-application-process/appealing-patent-decisions/statistics/aia-trial-)

20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct. Executed this 3rd day of May, 2016, in San Francisco, California.
22

23
24 /s/ Luann L. Simmons

25 Luann L. Simmons
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