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Filed: March \_\_, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETFLIX, INC.  
Petitioner

v.

OPENTV, INC.  
Patent Owner

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Case IPR2014-00269  
Patent 6,233,736

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**Patent Owner's Preliminary Response  
to Petition for *Inter Partes* Review  
of U.S. Patent No. 6,233,736**

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## I. PRELIMINARY STATEMENT

The patented technology at issue relates to Over-the-Top delivery of content (such as movies, television, and other media) over the Internet, which forms a foundation for Patent Owner OpenTV's highly successful digital television business. That business includes over 200 million digital set-top boxes and televisions shipped to consumers with OpenTV software and 80 worldwide customers that run OpenTV solutions. Indeed, The Kudelski Group, of which OpenTV is a subsidiary, has been innovating in the content industry for more than 60 years, and its founder, Stefan Kudelski, has received numerous awards for his innovations in the industry, including recently being honored in memoriam as an inventor by the Academy of Motion Picture Arts and Sciences at the 86<sup>th</sup> Annual Academy Awards in March 2014.

OpenTV formally notified Petitioner Netflix Inc. that it was using OpenTV's patented technology in its streaming video service, including the '736 patent, and on December 19, 2012, after nearly 12 months of Netflix ignoring OpenTV's repeated requests for a license, OpenTV reluctantly filed a patent infringement lawsuit against Netflix in Delaware. *See* OPENTV Exhibit 2002, Complaint in *OpenTV, Inc., v. Netflix, Inc.* Netflix could no longer ignore OpenTV's patents, but instead of addressing the matter directly, Netflix continued its delay tactics, waiting until the very last moment to file a flawed and incomplete petition for *inter*

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