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12 NDS Group PLC and NDS Americas, Inc.

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 Groupe Canal+ S.A., et al.,

17 Plaintiffs,

18 v.

19 NDS Group PLC, et al.,

20 Defendants.

Case No. C02-01178 (VRW)

**DECLARATION OF JOSETTE S.
PINEL IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
MOTION TO EXPEDITE
DISCOVERY**

Judge: Hon. Vaughn R.
Walker

Date of Hearing: April 18, 2002

21 I, JOSETTE S. PINEL, hereby declare under penalty of perjury pursuant to 28 U.S.C.
22 §1746 as follows:

23 1. I am currently employed as a legal secretary with the law firm of
24 O'Melveny & Myers LLP, counsel for NDS Group PLC and NDS Americas ("NDS").
25 Unless otherwise noted, the facts set forth in this declaration are personally known to me.

26 2. I am a native French speaker. I was born in Paris, France and lived there
27 until I was 18 years old. I have a B.A. in Medieval Literature from the Sorbonne and a
28 M.A. in English from Canterbury University in Canterbury, England. I have lived in the
United States for 30 years and am a United States citizen. I am a fluent speaker of both

1 English and French.

2 3. I have reviewed the document, written in French, attached hereto as Exhibit
3 A. The English translation of the document attached hereto as Exhibit A is as follows:

4 5 October 2001

5 I, the undersigned Gilles KAEHLIN, director of Canal+, gave this
6 day to Chris TARNOVSKY a total of 24 access cards containing
7 Canal+ technology and software programs used to support the
8 decryption of audio and video services made by this company.

8 This group of cards has been given for the use of analyzing and
9 testing the cards and hardware and software, in order to bring up to
10 date any eventual weaknesses.

10 At the end of these tests, Mr. TARNOVSKY promises to return said
11 cards, even if they are damaged, and to keep confidential the results
12 he obtained, he will also not be able to communicate anything to
13 parties outside of the Canal+ group, which is represented by Gilles
14 KAEHLIN.

13 The Canal+ business will not attack (prosecute) Mr. TARNOVSKY
14 for possessing these cards or for the results of his efforts to analyze
15 the function of the cards

15 Approved: Chris Tarnovsky
16 (Signature, illegible)

17
18 I declare under penalty of perjury under the laws of The United States of
19 America that the foregoing is true and correct and that this declaration was executed on
20 April 2, 2002 at San Francisco, California.

21
22 
23 _____
24 JOSETTE S. PINEL

23 SF1:463393.1

24
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27
28

EXHIBIT A

Le 05 Octobre 2001

Je soussigné Gilles KÄHLIN,
directeur des Moyens généraux du
groupe CANAL+, a bien remis
ce jour à Chris TARNOVSKY un
lot de 24 cartes provenant du groupe
CANAL+, personnalisées par la société
CT Technologies et supportant des programmes
permettant de décrypter les programmes
audiovisuels du groupe.

Ce lot lui a été remis aux
fins d'analyse et de tests tant hardware
que software permettant de mettre à jour
d'éventuelles faiblesses.

A l'issue de ces tests, M^r
TARNOVSKY s'engage à nous faire retour des
cartes même endommagées, et à garder
confidentiel les résultats obtenus, qu'il
ne pourra en aucune façon communiquer
à des tiers, en dehors du groupe CT représenté
par Gilles KÄHLIN.

Le groupe CT s'engage pour sa part
à ne pas poursuivre M^r TARNOVSKY, tant pour la
détention de ces cartes que pour le résultat
de ses analyses.

en 2 pages
Chris Tarnovsky

