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17 EHOSTAR SATELLITE CORP., et al.,  
18 Plaintiffs,  
19 v.  
20 NDS GROUP PLC, et al.,  
21 Defendants.

Case No. SA CV 03-950 DOC(ANx)  
**DEFENDANTS' RESPONSES TO  
PLAINTIFF EHOSTAR  
COMMUNICATIONS  
CORPORATION'S FIRST SET OF  
INTERROGATORIES**

24 NDS Group PLC and NDS Americas, Inc. (collective)  
25 with Rules 26 and 33 of the Federal Rules of Civil Procedure  
26 Responses to EchoStar Communications Corporation's ("Ech  
27 Interrogatories to NDS.

CASE NO.  
SA CV 03-950 DOC (JTLx)  
EHOSTAR SATELLITE CORP., et al.

vs.

NDS GROUP PLC, et al

RESPONSES  
Ca

PLAINTIFF'S EXHIBIT 1073

DATE \_\_\_\_\_ IDEN.

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BY \_\_\_\_\_  
Deputy Clerk

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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

ECHOSTAR SATELLITE CORP., et al.,  
Plaintiffs,  
v.  
NDS GROUP PLC, et al.,  
Defendants.

Case No. SA CV 03-950 DOC(ANx)  
**DEFENDANTS' RESPONSES TO  
PLAINTIFF ECHOSTAR  
COMMUNICATIONS  
CORPORATION'S FIRST SET OF  
INTERROGATORIES**

NDS Group PLC and NDS Americas, Inc. (collectively "NDS"), in accordance  
with Rules 26 and 33 of the Federal Rules of Civil Procedure, hereby submits these  
Responses to EchoStar Communications Corporation's ("EchoStar's") First Set of  
Interrogatories to NDS.

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INTERROGATORY RESPONSES

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21 **INTERROGATORY NO. 5:**

22 Identify and Describe each instance when you reverse engineered, examined,  
23 tested, analyzed, modified, altered, or accessed any EchoStar Access Card, including,  
24 without limitation, the date, location, all Persons involved, and reasons why the Access  
25 Card was reverse engineered, examined, tested, analyzed, modified, altered or accessed.

26 **RESPONSE TO INTERROGATORY NO. 5:**

27 NDS objects to this Request on the basis of each and every General Objection set  
28 forth above. NDS further objects on the basis that this Request seeks information



1 protected from disclosure by privilege. NDS further objects on the basis that this Request  
2 is overly broad. NDS further objects on the basis that this Request exceeds the scope of  
3 permissible discovery under the FRCP. NDS further objects on the basis that this Request  
4 is vague and ambiguous with respect to the terms "reverse engineered," "accessed," and  
5 "involved." NDS shall interpret the term "accessed" to mean "interacted with an  
6 EchoStar Access Card in an effort to retrieve its contents or understand its operation."  
7 NDS shall interpret the term "reverse engineered" to mean "examined an EchoStar Access  
8 Card, and any contents NDS derived therefrom, to understand the operation of that card."  
9 NDS shall interpret the term "involved" to mean "directly participating in such activity."

10 Subject to and without waiving any of its objections, NDS responds as follows:

11 NDS reverse engineered, examined, tested, analyzed, modified, altered, or accessed  
12 one or more EchoStar Access Cards: (a) at various times throughout 1998 and beginning  
13 in approximately May 1998; (b) at Bristol, England and Haifa, Israel; (c) the persons  
14 involved were David Mordinson and Zvi Shkedy; and (d) the primary reason was to  
15 prepare material in anticipation of litigation or for trial. Oliver Kömmerling may also  
16 have been involved, and he may also have conducted such activity at his lab in Germany.

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16 **INTERROGATORY NO. 7:**

17 Identify and Describe Your relationship (whether business, employee, agency,  
18 independent contractor, or other) with: (1) Christopher Tarnovsky, (2) George Tarnovsky,  
19 (3) Reuven Hasak, (4) John Norris, (5) Oliver Kommerling, (6) Allen Menard, (7) Dave  
20 Dawson, (8) Shawn Quinn, (9) Todd Dale, (10) Andre Sergei, (11) Stanley Frost, (12)  
21 Edwin Bruce, and (13) Brian Sommerfield, including but not limited to when each was  
22 hired or retained, the Basis or scope of the relationship, compensation, supervision, and  
23 purpose of hire or retainer.

24 **RESPONSE TO INTERROGATORY NO. 7:**

25 NDS objects to this Request on the basis of each and every General Objection set  
26 forth above. NDS further objects on the basis that this Request is vague and ambiguous  
27 with respect to the terms "Basis or scope of the relationship," "supervision," and "purpose  
28 of hire or retainer." NDS further objects that portions of this Request violate the privacy

1 rights of NDS employees. NDS further objects on the basis that  
2 this interrogatory comprises at least 13 in number including all discrete subparts within  
3 the meaning of FRCP 33. NDS will promptly supplement this response when Plaintiffs  
4 either (a) rephrase this interrogatory so that it comprises only a single interrogatory  
5 including discrete subparts or (b) advise NDS that it is Plaintiffs' intention that NDS  
6 respond to this interrogatory as 13 in number including all discrete subparts.

7 **INTERROGATORY NO. 8:**

8 Identify and Describe each screenname, alias, pseudonym, handle, or nickname  
9 (collectively "Alias") used by Christopher Tarnovsky from January 1998 through the  
10 present in either a work-related or personal capacity.

11 **RESPONSE TO INTERROGATORY NO. 8:**

12 NDS objects to this Request on the basis of each and every General Objection set  
13 forth above.

14 Subject to and without waiving any of its objections, NDS responds as follows:

15 Christopher Tarnovsky has used, on at least one occasion, the following  
16 pseudonyms: Mike George; Shrimp or da Shrimp; Arthur Von Neumann; Von; Vonrat;  
17 and Vonrola.

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**PROOF OF SERVICE**

I, Pilar Leña, declare:

I am a citizen of the United States and employed in San Francisco County, California, at the office of a member of the bar of this Court at whose direction this service was made. I am over the age of eighteen years and not a party to the within action. My business address is 275 Battery Street, Suite 2600, San Francisco, California 94111. On November 23, 2005, I served the following:

- DEFENDANTS' RESPONSES TO PLAINTIFF ECHOSTAR COMMUNICATIONS CORPORATION'S FIRST SET OF INTERROGATORIES
- DEFENDANTS' RESPONSES TO PLAINTIFF ECHOSTAR COMMUNICATIONS CORPORATION'S FIRST SET OF REQUESTS FOR PRODUCTION

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below in the attached service list. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States that the above is true and correct. Executed November 23, 2005, at San Francisco, California.

Pilar Leña  
Pilar Leña

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