IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Hair	§	Attorney Docket No.:
United States Patent No.: 5,966,440	§	104677-5006-804
Formerly Application No.: 08/471,964	§	Customer No. 28120
Issue Date: October 12, 1999	§	
Filing Date: June 6, 1995	§	Petitioner: Apple, Inc.
Former Group Art Unit: 380	§	
Former Examiner: Hoa T. Nguyen	§	

For: Method for Transmitting a Desired Digital Video or Audio Signal

MAIL STOP PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF DAVID M. SCHWARTZ IN SUPPORT OF PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF UNITED STATES PATENT NO. 5,966,440 PURSUANT TO 35 U.S.C. § 321, 37 C.F.R. § 42.304

I, David M. Schwartz, declare as follows:

1. I founded CompuSonics Corp. in 1982, originally as CompuSound, Inc. The company name was changed to CompuSonics in 1984. I served as the President of CompuSonics Corp. from 1982 until 1989. I co-founded CompuSonics Video Corp. in 1986. I will refer here to CompuSonics Corp. and CompuSonics Video Corp. as "CompuSonics."

2. I provide this Declaration in connection with the above-identified Covered Business Method Patent Review proceeding that is being requested at the United States Patent and Trademark Office by Apple Inc. under 35 U.S.C. § 321, 37 C.F.R. § 42.304. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. I am being compensated by Apple Inc. for time spent in connection with factual research/investigation at a rate of $400/hr. This compensation is not in any way contingent on the outcome of this proceeding.

4. While at CompuSonics, I and others developed what I refer to here as "the CompuSonics system." The CompuSonics system, among other technologies, included digital recorder/players, which CompuSonics referred to as DSPs. DSP stood for Digital Signal Processors. Among other functionality, including playback of stored digital data, these digital recorder/players could download digital data from a remote source to a local disk. We called this technology "Telerecording."

5. Each of Exhibits 1309, 1310, 1311, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1323, 1324, 1333, and 1342 is a public disclosure of features of the CompuSonics system, as outlined below. These exhibits individually and collectively describe functionality and application of the CompuSonics system.

6. Exhibit 1309 hereto, "Joint Telerecording Push: CompuSonics, AT&T Link," *Billboard* (Oct. 5, 1985), is a public disclosure of features of the CompuSonics system.

7. Exhibit 1310 hereto, David Needle, "From the News Desk: Audio/digital interface for the IBM PC?," *InfoWorld*, vol. 6, no. 23, p. 9, June 4, 1984, , is a public disclosure of features of the CompuSonics system.

8. Exhibit 1311 hereto, Larry Israelite, "Home Computing: Scenarios for Success," *Billboard*, Dec. 15, 1984, is a public disclosure of features of the CompuSonics system.

9. Exhibit1315 hereto is a true and correct copy of a diagram, entitled that I created illustrating CompuSonics' telerecording technology, dated 1985 and entitled "CompuSonics Digital Audio Telecommunication System." This diagram was shown to the public via presentation at businesses, conferences, lectures, and industry events. Page numbers and an exhibit label have been added to this document but no other alterations have been made. Exhibit 1315 is a public disclosure of features of the CompuSonics system.

10. Exhibit 1316 hereto is a true and correct copy of a letter dated July 16, 1984 authored by and sent to the Shareholders of CompuSonics by me, David M. Schwartz. This document bears identification numbers at the bottom right corner of each page. Page numbers and an exhibit label have been added to this document but no other alterations, other than the aforementioned numbers, have been made. Exhibit 1316 is a public disclosure of features of the CompuSonics system.

11. Exhibit 1317 hereto, Hyun Heinz Sohn, "A High Speed Telecommunications Interface for Digital Audio Transmission and Reception," presented at the 76th AES Convention, October 8-11, 1984, is a public disclosure of features of the CompuSonics system. Mr. Sohn was an employee of CompuSonics, and I supervised his preparation of this paper.

12. Exhibit 1318 hereto is a true and correct copy of a letter dated October 10, 1985 authored by and sent to the Shareholders of CompuSonics by me, David M. Schwartz. This document bears identification numbers at the bottom right corner of each page. Page numbers and an exhibit label have been added to this document but no other alterations, other than the aforementioned numbers, have been made. Exhibit 1318 is a public disclosure of features of the CompuSonics system.

13. Exhibit 1319 hereto is a true and correct copy of a document entitled, "CompuSonics Video Application Notes," copyrighted 1986 by CompuSonics. I recognize this document as CompuSonics marketing materials that were distributed

and made publically available by CompuSonics to current and potential customers and current and potential shareholders in 1986 and 1987. This document bears identification numbers at the bottom right corner of each page. Page numbers and an exhibit label have been added to this document but no other alterations, other than the aforementioned numbers, have been made. Exhibit 1319 is a public disclosure of features of the CompuSonics system.

14. Exhibit 1320 hereto is a true and correct copy of a diagram, entitled "Digital Audio Software Production/Distribution," which I created. This diagram was shown to the public via presentation at businesses, conferences, lectures, and industry events. As one example, I presented this diagram during a lecture at Stanford University in 1987 with John Stautner, excerpts of which are referenced in this Declaration as Exhibit 1321. Page numbers and an exhibit label have been added to this document but no other alterations have been made. Exhibit 1320 is a public disclosure of features of the CompuSonics system.

15. Exhibit 1321, Parts 1-11, hereto is a true and correct copy of excerpts from a video of a lecture that I gave at Stanford University in 1987 with John Stautner. I prepared the excerpts in this Exhibit, Parts 1-10, from the complete video recording of the aforementioned lecture, which I can make available to the United States Patent & Trademark Office upon request. The excerpt in this Exhibit, Part 11, has been prepared at my request. I can make the complete video recording of the

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