

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Hulst et al.	§	Attorney Docket No.:
United States Patent No.: 8,033,458	§	104677-5008-814
Formerly Application No.: 12/943,847	§	Customer No. 28120
Issue Date: October 11, 2011	§	
Filing Date: November 10, 2010	§	Petitioner: Apple Inc.
Former Group Art Unit: 2887	§	
Former Examiner: Thien M. Le	§	

For: Data Storage and Access Systems

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**DECLARATION OF ANTHONY J. WECHSELBERGER IN SUPPORT OF
APPLE INC.'S PETITION FOR COVERED BUSINESS METHOD
PATENT REVIEW OF UNITED STATES PATENT NO. 8,033,458
PURSUANT TO 35 U.S.C. § 321, 37 C.F.R. § 42.304**

I, Anthony J. Wechselberger, declare as follows:

I. INTRODUCTION

1. My name is Anthony Wechselberger. I am the President of Entropy Management Solutions (EMS), a consulting company I founded in 1999. I have been retained by Apple Inc. to provide assistance regarding U.S. Patent No. 8.033,458 (“the ’458 patent”). Specifically, I have been asked to consider the validity of claims 1, 6, 8, 10, and 11 of the ’458 patent (“the challenged claims”) under 35 U.S.C. § 101, the validity of claims 6, 8, 10, and 11 under 35 U.S.C. § 103, and the validity of claim 11 under 35 U.S.C. § 112. I have personal knowledge of the facts and opinions set forth in this declaration, and, if called upon to do so, I would testify competently thereto.

2. My areas of expertise include broadcast and broadband content distribution networks and communications infrastructures (Internet, broadcast, cable, satellite and wireless mediums) including one-way and two-way interactive architectures, computer networks, communications systems technologies and equipment, various content and information distribution and merchandizing channels, digital television, digital cinema, interactive media/multimedia systems, Internet technologies (including but not limited to delivering content via the Internet, communications standards and protocols), digital rights management (DRM), physical media and file based and streaming content delivery, and other areas of expertise

relevant to the technologies of this matter. Attached hereto as Appendix A is a true and correct copy of my Curriculum Vitae describing my background and experience.

3. I am currently the President of Entropy Management Solutions (“EMS”), a position I have held since I founded the company in 1999. In this capacity I perform consulting services related to technology and business development, content management, distribution and merchandizing, systems engineering and product design in the areas of industrial and consumer broadband and multimedia technologies and associated commercial systems.

4. I have forty years of experience working with high technology systems related to military, commercial, and consumer communication systems and networks. I have held various design, leadership and executive positions in, for example, engineering, operations, sales and marketing, and product management at leading companies in those fields, such as TV/COM International, Inc. (TV/COM) and Oak Communications, Inc. Over many years I have published and/or presented a number of articles and papers related to content/information creation, transmission/distribution and reception/consumption in various media sectors, including cable, satellite, broadcast/wireless, Internet and digital cinema. Attached as part of Appendix A is a list of my publications.

5. I specialize in the areas of digital communications technologies, systems and networks, including infrastructures, signal processing, network management and command and control, and information security as used for content management,

merchandizing and delivery. My background includes much experience with interactive and client-server technologies, such as those used in broadband and Internet networks. “Network management and command and control” refers to the technical oversight and management of communication systems and equipment within a distribution system to direct both the transmission equipment (*e.g.*, network infrastructures, servers, hubs, nodes, head ends and uplinks etc.) and receiving equipment (*e.g.*, personal computer, television, set top box, handset/mobile device or other consumer appliance) as to communications, applications and set-up and operation in order to perform required features and functions. The “required features and functions” of course includes the managed delivery of content over a network from content suppliers to content consumers according to specified constraints—which in digital delivery systems is commonly referred to as Digital Rights Management (DRM).

6. As a Vice President at Oak Communications (1980s) and Chief Technology Officer at TV/COM (1990s), I was involved in the development of terrestrial broadcast, satellite uplink and cable head end industrial equipment for television transmissions, as well as consumer appliance equipment such as set top boxes (STB) and other home based or home networked devices. All of these architectures included computer control systems for network and associated network device command and control, and for management of content distribution and consumer appliance functions. These systems are all “addressable,” meaning that the

STB is controlled by a head end management computer, which executes so called “conditional access system” (CAS) computer programs, as to which content (programs and/or networks) is accessible by the consumer via the STB. CAS technology is a form of DRM applied to real-time content delivery and consumption systems such as those used in the pay television industries.

7. I was involved from the start with the development and evolution of modern consumer digital audio and video communications systems and technologies. In 1991, my employer, TV/COM, and I began to participate in the International Organization for Standardization (ISO) MPEG-2 digital television standards initiatives, and, in the following year, in both the both the European Digital Video Broadcast (DVB) and U.S. Advanced Television Systems Committee (ATSC) forums (which were based upon MPEG-2). I was an active participant and contributor to the first two standard-setting bodies, and was a voting member of the ATSC. As Chief Technology Officer of TV/COM, I developed a business strategy based on supporting open international standards for digital television (DTV). In the mid 1990s, as the technologies and standards in support of DTV moved towards implementation, the dawn of the Internet age arrived. This had a dramatic impact on the way broadband systems engineers like me began to plan for the future. This is because the concept of convergence—the melding of traditional broadband communications systems and equipment, computers and computer networks, and the telecommunications worlds—was changing the communications infrastructure and

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