

113189

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael Tasler)	
)	
Filed:	September 27, 2010)	
)	Art Group: 2111
For:	ANALOG DATA GENERATING AND)	
	PROCESSING DEVICE FOR USE WITH A)	
	PERSONAL COMPUTER)	
)	
Application No.:	12/891,443)	
)	Confirmation No.:
Examiner:	na)	1408

NOTICE UNDER MPEP §1442.04
REGARDING PENDING LITIGATION

Board of Patent Appeals and Interferences
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Notice Under MPEP §1442.04 providing the Final Invalidity Contentions filed by defendants in the ongoing multi-district litigation proceeding styled *In Re Papst Licensing Digital Camera Patent Litigation*. An Information Disclosure Statement, listing the documents newly cited in the Invalidity Contentions was filed on March 17, 2011.

Respectfully submitted,
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Exhibit A - Part 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE PAPST LICENSING GMBH & CO.
KG LITIGATION**

This Document Relates To:

ALL CASES

**Misc. Action No. 07-493 (RMC)
MDL Docket No. 1880**

**THE FIRST WAVE CAMERA MANUFACTURERS' FINAL INVALIDITY
CONTENTIONS (CORRECTED)**

Pursuant to this Court's Sixth Practice and Procedure Order: Regarding Scheduling ("Procedure Order"), dated September 2, 2010 (Dkt. No. 372), defendants Fujifilm Corporation; Fujifilm U.S.A., Inc.; Fujifilm Japan; Matsushita Electric Industrial Co., Ltd.; Victor Company of Japan, Ltd.; Panasonic Corporation of North America; JVC Company of America; Olympus Corporation; Olympus Imaging America Inc.; Samsung Techwin Co.; Samsung Opto-Electronics America, Inc.; Nikon Corporation; and Nikon, Inc. (collectively, the "First Wave Camera Manufacturers", or "Camera Manufacturers") submit the following Final Invalidity Contentions ("Invalidity Contentions") in response to the Papst Licensing GmbH & Co. KG's Asserted Claims and Infringement Contentions ("Infringement Contentions") submitted by plaintiff Papst Licensing GmbH & Co. KG ("Papst") on October 13, 2010 (Dkt. No. 379).

The Camera Manufacturers have served these corrected invalidity contentions in response to Papst's complaints that Papst did not completely understand the originally filed First Wave Camera Manufacturers' Final Invalidity Contentions (Dkt. No. 395) ("Final Invalidity Contentions"). The Camera Manufacturers believe that the Final Invalidity Contentions do provide sufficient detail and are compliant with the Court's Procedure Order, but now serve these corrected invalidity contentions pursuant to Fed. R. Civ. P. 26(e) to eliminate certain

typographical errors and to resolve certain issues raised by Papst. The Camera Manufacturers have provided Papst with these corrected invalidity contentions pursuant to an agreement reached between counsel of all parties.¹

PRELIMINARY STATEMENTS

The Camera Manufacturers base these Invalidity Contentions on their current knowledge, understanding, and belief as to the facts and information available as of the date of these contentions. As explained in The Camera Manufacturers' Motion for Sanctions Pursuant to Fed. R. Civ. P. 16(f) and 37(b) (Dkt. No. 388), Papst's Infringement Contentions, including Papst's proposed constructions of claim language, are unintelligible, overly expansive and ignore the Court's claim constructions² pursuant to the Modified Order Regarding Claims Construction, dated November 24, 2009 (Dkt. No. 337) and the associated Memorandum (Dkt. No. 336).

Papst's Infringement Contentions (which are, at least in part and by Papst's own admission, based on claim constructions that are inconsistent with the Court's claim constructions) do not provide the Camera Manufacturers with sufficient information to understand the bases for Papst's infringement allegations under the Court's constructions, and thereby permit the Camera Manufacturers to identify all of the prior art that might be invalidating. This is the subject of the Camera Manufacturers' Motion for Sanctions that is pending decision by the Court. The Camera Manufacturers have based these Invalidity Contentions on the Court's construction of claim terms in addressing relevant prior art — however, with regard to certain terms that Papst has indicated it will continue to construe contrary to the Court's construction, the Camera Manufacturers have additionally identified and charted prior art that would be pertinent under Papst's improper constructions.

¹ Pursuant to a telephone call between the Camera Manufacturers and Papst on December 16, 2010, and confirmed in a letter from Jerold Schnayer to Steven Routh on December 17, 2010.

² See, e.g., Papst's Infringement Contentions (Dkt. No. 379), ("Papst maintains its position...", "Papst objects to...") pp. 6, 17, 19, 20, 21, 36, 40, 41, 42, 46, 47, 48, 50, 71, 75, 77.

In particular, Papst's Infringement Contentions ignore or distort the Court's constructions of the claim limitations "interface device" (which, properly construed, must be "stand-alone") and "second connecting device" (which, properly construed, must permit a user "readily to attach and detach" the interface device with a plurality of dissimilar data transmit/receive devices). Accordingly, if Papst prevails on its distorted view of the proper constructions of those claim limitations, then the Camera Manufacturers offer the cited references as showing that the prior art contained those limitations. Additionally, aside and apart from those two limitations, the cited references show that the other limitations of the asserted claims were present in the prior art to support invalidating obviousness contentions and combinations under 35 U.S.C. § 103.

To the extent Papst's Infringement Contentions are understandable, certain of these Invalidity Contentions are based on Papst's constructions regarding claims 1, 2, 3, 5, 7, 11, 14 and 15 of U.S. Patent No. 6,470,399 ("the '399 Patent"), claims 1, 2, 6, 7, 8, 9, 12, 13, 15, 16, 17 and 18 of U.S. Patent No. 6,895,449 ("the '449 Patent"), and Papst's application of those constructions to the accused products. Papst did not provide any contentions suggesting that the Camera Manufacturers infringe other claims of these patents or any other patent. Consequently, in reliance thereon, the Camera Manufacturers have not separately addressed the other claims in the '399 and '449 Patents (the "Patents-in-Suit" or "Asserted Patents").

In addition, the Camera Manufacturers have not received all of the documents that may be relevant to their Invalidity Contentions. Further relevant material may be revealed during discovery. The Camera Manufacturers also have not had the opportunity to complete the deposition of the named inventor of the '399 and '449 Patents and/or other persons having potentially relevant information.

Further, the Camera Manufacturers have had little or no discovery concerning the alleged conception and reduction to practice by the named inventor of the subject matter of the asserted patents. Accordingly, the Camera Manufacturers do not presently have a basis for assessing the date(s) to which Papst might be entitled as an earliest conception date or the named inventor's diligence, if any, through reduction to practice. The Camera Manufacturers may seek documents

from third parties in discovery that establish earlier dates of conception and reduction to practice, as appropriate, in order to demonstrate such third parties' earlier dates of invention under 35 U.S.C. § 102(g). Moreover, Papst's Infringement Contentions do not identify the priority date to which each asserted claim allegedly is entitled as required by the Procedure Order. Lacking any such identification (or analysis showing the '399 and '449 Patents are entitled to any earlier priority date), the Camera Manufacturers presume, for purposes of invalidity, that the respective U.S. application filing dates serve as the relevant dates.

In the claim charts accompanying these Invalidity Contentions, the Camera Manufacturers identify specific portions of prior art references that disclose the elements of the asserted claims. Although the Camera Manufacturers have attempted to identify at least one citation per element for each reference, each and every disclosure of the same element in the reference is not necessarily identified. The lack of a citation for an element should not be deemed an admission that the element is not disclosed or is not inherent in the reference. In an effort to focus the issues, the Camera Manufacturers identify only exemplary portions of cited references. It should be recognized that persons of ordinary skill in the art generally read a prior art reference as a whole and in the context of other publications and literature. To understand and interpret any specific statement or disclosure within a prior art reference, such persons would rely on other information within the reference, along with other publications and their general scientific or engineering knowledge.

The Camera Manufacturers consequently may rely upon other portions of the prior art references and on other publications and expert testimony to provide context, as aids to understanding and interpreting the portions that are identified, or to establish that a person of ordinary skill in the art would have been motivated to modify or combine certain of the cited references so as to render the claims obvious.

Certain limitations in the asserted claims may be disclosed in the prior art by the disclosure of certain characteristics. By way of example only, a disclosure of interface communication using only standard protocols (e.g., the SCSI protocol) may also constitute a

disclosure of using only the standard communication drivers for that protocol. Nothing contained in these Invalidity Contentions or any accompanying exhibits or claim charts should be understood or deemed to be an express or implied admission or contention with respect to any correlation between the limitations of the asserted claims and other characteristics of the subject matter in the prior art references.

Where the Camera Manufacturers identify a particular figure in a prior art reference, the identification should be understood to encompass the caption and description of the figure and any text relating to the figure in addition to the figure itself. Similarly, where an identified portion of text refers to a figure, the identification should be understood to include the figure.

IDENTIFICATION OF EACH ITEM OF PRIOR ART

The Court's Procedure Order (p. 3, 3(a)) requires the Camera Manufacturers to identify each item of prior art that allegedly anticipates each asserted claim or renders it obvious.

Below are tables identifying the individual items of prior art that the Camera Manufacturers assert anticipate and/or render obvious each of the asserted claims of the '399 and '449 Patents providing the information requested by the Court's Procedure Order. For the sake of convenience, each prior art reference has been provided a unique identifier beginning with the letter "A", which may be subsequently utilized as shorthand for a particular reference as well as the Exhibit number for the associated claim chart.

The prior art is identified in separate tables below according to the type of prior art:

- Table I: United States Patent Prior Art;
- Table II: Foreign Patent Prior Art;
- Table III: Non-Patent References; and
- Table IV: Prior Art Products.

Table I: United States Patent Prior Art

U.S. Patent No.	Title	Inventor	Filing Date for 102(e) purpose	Publication or Issue Date	Category of Prior Art	Invalidity Chart
4,901,275	Analog Data Acquisition Apparatus and Method Provided With Electro-Optical Isolation	Hardie et al.	9/4/1987	2/13/1990	102(b)	A1
5,297,124	Tape Drive Emulation System for a Disk Drive	Plotkin et al.	4/24/1992	3/22/1994	102(b)	A2
5,430,855	Disk Drive Array Memory System Using Nonuniform Disk Drives	Walsh	2/6/1991; 8/31/1994	7/4/1995	102(b)	A3
5,440,699	System by which a remote computer receives screen images from and transmits commands to a host computer	Farrand et al.	7/24/1991	8/8/1995	102 (b)	A4
5,463,772	Transparent peripheral file systems with on-board compression, decompression, and space management	Thompson et al.	4/23/1993	10/31/1995	102 (b)	A5 / A68
5,479,206	Imaging System, Electronic Camera, Computer System for Controlling Said Electronic Camera, And Methods of Controlling Same	Ueno, et al.	2/2/1993	12/26/1995	102(b)	A6
5,493,335	Single Sensor Color Camera With User Selectable Image Record Size	Parulski, et al.	6/30/1993	2/20/1996	102(b)	A7
5,499,378	Small Computer System Emulator for Non-local SCSI Devices	McNeill	6/21/1994	3/12/1996	102(b)	A8
5,506,692	Image Handling Apparatus Having File System Emulation Means	Murata	6/14/1994	4/9/1996	102(b)	A9
5,508,821	Image Scanner and Image Forming Apparatus With An Interface for Connection With an External Computer	Murata	3/23/1993	4/16/1996	102(b)	A10
5,532,825	Add-On Scanner for Existing Ink Jet Printer	Lim et al.	8/30/1993	7/2/1996	102(b)	A12
5,539,535	Portable Electronic Still Camera Recording Optical Images of Subjects in a Memory Which Facilitates	Aizawa, et al.	3/22/1994	7/23/1996	102(b)	A13

U.S. Patent No.	Title	Inventor	Filing Date for 102(e) purpose	Publication or Issue Date	Category of Prior Art	Invalidity Chart
	Memory Access From an External Request					
5,548,782	Apparatus for Preventing Transferring of Data With Peripheral Device for Period of Time In Response to Connection or Disconnecting of the Device with the Apparatus	Michael et al.	5/7/1993	8/20/1996	102(b)	A14
5,692,159	Configurable digital signal interface using field programmable gate array to reformat data	Shand	5/19/1995	11/25/1997	102(e)	A15
5,724,155 (JP 7-202982)	Electronic imaging system	Saito	12/30/1994	3/3/1998	102(b) (JP counterparts)	A11
5,576,757	Electronic Still Video Camera with Direct Personal Computer (PC) Compatible Digital Format Output	Roberts, et al.	1/20/1990 (parent)	1/19/1996	102(b) (parent)	A84
5,754,227	Digital Electronic Camera Having an External Input/Output Interface Through Which The Camera is Monitored and Controlled	Fukuoka	9/28/1995	3/19/1998	102(e)	A16
5,802,325	Mass Memory Card with Input/Output Function	Le Roux	3/20/1995	PCT Pub. 01/20/1994; Issue 9/1/1998	102(b)	A17
5,806,072	Electronic Imaging Apparatus Having Hierarchical Image Data Storage Structure for Computer Compatible Image Data Management	Kuba et al.	12/21/1992	9/8/1998	102(e)	A18
5,812,879	External Multiple Peripheral Interface to Computer Serial Port Using Individually Configured Parallel Port Terminals	Moro	4/19/1993	9/22/1998	102(e)	A19
5,815,205	External Communication Interface for a Digital Camera	Hashimoto, et al.	2/21/1996	9/29/1998	102(e)	A21
5,841,471	Timing Control for a Digitally Interfaced Camera Using Variable Line Readout Intervals	Endsley et al.	9/12/1996	11/24/1998	102(e)	A22

U.S. Patent No.	Title	Inventor	Filing Date for 102(e) purpose	Publication or Issue Date	Category of Prior Art	Invalidity Chart
5,844,961	Filmless Digital X-Ray System	McEvoy, et al.	7/26/1996 7/26/1995	12/1/1998	102(e)	A23
5,848,420	System and Method for Accessing Date of a Digital Camera from a Personal Computer	Xu	6/14/1996	12/8/1998	102(e)	A24
5,914,748	Method and Apparatus for Generating a Composite Image Using the Difference of Two Images	Parulski et al.	8/30/1996	6/22/1999	102(e)	A25
5,915,106	Method and System for Operating a Scanner Which Emulates a Disk Drive	Ard	3/20/1997	6/22/1999	102(e)	A26
5,920,709	Bus Interface for IDE Device	Hartung, et al.	11/18/1996 6/4/1996	7/6/1999	102(e)	A27
5,926,208	Video Compression and Decompression Arrangement Having Reconfigurable Camera and Low-Bandwidth Transmission Capability	Noonen et al.	9/6/1996	7/20/1999	102(e)	A28
5,928,347	Universal Memory Card Interface Apparatus	Jones, et al.	11/18/1997	7/27/1999	102(e)	A29
5,969,750	Moving picture camera with universal serial bus interface	Hsieh	9/4/1996	10/19/1999	102(e)	A30
5,974,161	Detachable card for capturing graphics	York	3/1/1996	10/26/1999	102(e)	A31 / A65
5,991,530	Interface device receivable in card storage device slot of host computer	Okada et al.	10/22/1997 Continuation of application filed 1/31/94	11/23/1999	102(e)	A32
6,005,613	Multi-mode Digital Camera with Computer Interface Using Data Packets Combining Image and Mode Data	Endsley, et al.	9/12/1996	12/21/1999	102(e)	A33
6,081,856	Adapter and method for emulating the operation of a peripheral device of a computer	Comer	12/2/1997	6/27/2000	102(e)	A34
6,088,532	Image Signal Reading Operation Control Device	Yamamoto et al.	12/29/1995	7/11/2000 (JP counterparts were published on July 23, 1996)	102(b)	A35
6,098,116	Process control system including a method and apparatus for	Nixon et al.	4/12/1996	8/1/2000	102(e)	A36

U.S. Patent No.	Title	Inventor	Filing Date for 102(e) purpose	Publication or Issue Date	Category of Prior Art	Invalidity Chart
	automatically sensing the connection of devices to a network					
6,111,604	Digital Camera which Detects a Connection to an External Device	Hashimoto et al.	2/21/1996	8/29/2000	102(e)	A37
6,344,875	Digital Camera which Detects a Connection to an External Device	Hashimoto, et al.	2/21/1996 4/10/2000†	2/5/2002	102(e)	A37
7,046,276	Digital Camera with External Connection Detection and Mode Switching Capabilities	Hashimoto, et al.	2/21/1996 1/6/2002†	3/16/2006	102(e)	A37
6,182,145	Method and apparatus for parallel port interconnection	Schuman et al.	1/22/1997	1/30/2001	102(e)	A38
6,298,388	Electronic apparatus and method for discriminating whether a first or second card is attached thereto	Taguchi	9/16/1994	10/2/2001	102(e)	A39
5,854,945	Bar Code Scanner with Keyboard Simulation	Criscito, et al.	1/21/1997	12/29/1998	102(a) / 102(e)	A63
5,663,901	Computer Memory Cards Using Flash EEPROM Integrated Circuit Chips and Memory-Controller System	Wallace, et al.	9/12/1995	9/2/1997	102(a) / 102(e)	A66
5,570,146	Digital Image Recording Device	Collette	5/31/1994	10/29/1996	102(b)	A67
5,291,584	Methods and Apparatus for Hard Disk Emulation	Challa, et al.	7/23/1991	3/1/1994	102(b)	A69
5,226,168	Semiconductor Memory Configured to Emulate Floppy and Hard Disk Magnetic Storage Based Upon a Determined Storage Capacity of the Semiconductor Memory	Kobayashi, et al.	4/24/1990	7/6/1993	102(b)	A70
4,896,262	Emulation Device for Converting Magnetic Disc Memory Mode Signal from Computer into Semiconductor Memory Access Mode Signal for Semiconductor Memory	Wayama, et al.	2/22/1985	1/23/1990	102(b)	A71
5,917,545	Electronic Still Camera That Can Be Directly Inserted In An External Device	Kowno, et al.	8/27/1996	6/29/1999	102(e)	A80

U.S. Patent No.	Title	Inventor	Filing Date for 102(e) purpose	Publication or Issue Date	Category of Prior Art	Invalidity Chart
6,670,985	Image sensing apparatus including a card device connectable to an information processing device	Karube, et al.	9/27/1995	12/30/2003	102(e)	A85
5,371,885	High Performance File System	Letwin	9/29/1989	12/6/1994	102(b)	A86
5,129,036	Broadcast Digital Sound Processing System	Dean	3/30/1990	7/7/1992	102(e)	A87
5,231,501	Still Video Apparatus	Sakai	5/22/1990	7/27/1993	102(b)	A88
5,475,441	Electronic Camera with Memory Card Interface to a Computer	Parulski et al.	12/10/1992	12/12/1995	102(b)	A100
5,402,170	Hand-Manipulated Electronic camera Tethered to a Personal Computer	Parulski et al.	12/11/1991	3/28/1995	102(b)	A103
5,742,934	Flash Solid State Disk Card with Selective Use of An Address Conversion Table Depending on Logical and Physical Sector Numbers	Shinohara	9/13/1995	4/21/1998	102(b)	A104

Table II: Foreign Patent Prior Art

Patent No.	Inventor or Author	Publication or Issue Date	Category of Prior Art	Invalidity Chart
JP 02-051727	Kiyotaka Ouchi et al.	2/21/1990	102(b)	A43
JP 04-309156	Yasutada Kashiwagi	10/30/1992	102(b)	A44
JP 06-083917	Koji Kajita	3/25/1994	102(b)	A41
JP 08-130702	Satomi Tanaka et al.	5/21/1996	102(b)	A40
JP 08-328990	Tadashi Uewaki, et. al.	12/13/1996	102(b)	A42
JP 08-223341	Izumi Miyake	8/30/1996	102(b)	A45
JP 07-177406	Hirokazu Hisayoshi	7/14/1995	102(b)	A46
European Pat. App. 0705037A2	Yukuo et al. (Canon)	3/4/1996	102(b)	A89

Table III: Non-Patent References

Publication Title	Author or Publisher	Publication or Issue Date M/D/Y	Category of Prior Art	Appendix No.
Design and Construction of a Universal Data Acquisition and Control System for Scanning Probe Microscopy	Tasler	05/ /96 (more than one year before the '399 effective U.S. filing date, 03/03/98)	102(b)	A48
PC-based Data Acquisition in an Industrial Environment	Steve Martin	1990	102(b)	A50
Data Disasters: What Not To Do	Michael Lang	Dec-93	102(b)	A49
Designing Control Units That Interface Peripherals to the IBM I/O Channel	Richard Keele	1/31/1989	102(b)	A51
The SCSI Bus and IDE Interface Book	Friedhelm Schmidt	6/17/1995 (German version published as early as 1993 - need to get copy)	102(b)	A47
"Device Class Definition for Human Interface Devices (HID)" version 1.0 - Final		6/21/1997 (A draft of this specification was published in 1996. We are now trying to obtain a copy of the published draft.)	102(b)	A52
"July 1996 Apple article on SCSI drivers"		7/3/1996	102(b)	A53
"Derived Virtual Devices: A Secure Distributed File System Mechanism"		9/17/1996	102(b)	A54
32MByte High Performance Solid State Disk	Unno, et al.	April 1996	102(a) / 102(b)	A72
Nikon Digital Camera E100 User's Manual	Nikon	11/1/1996	102(a) / 102(b)	A64
Sandisk Website (www.sandisk.com)	SanDisk	At least as early as November 14, 1996	102(a) / 102(b)	A78 / A79
TRI/+ Program Shippable Products Catalog - DeskLab	Digital Equipment Corp./ Gradient Technology, Inc.	October 1992	102(a) / 102(b)	A73
DeskLab 216 User Manual	Gradient Technology, Inc.	At least as early as 1992	102(a) / 102(b)	A90
DASM-FGM Brochure	Analogic Corp.	1992	102(a) / 102(b)	A91
Cheops: A Reconfigurable Data-Flow System for Video Processing, V. M. Bove, Jr., J. A. Watlington, IEEE Trans. Circ. Sys. Video Tech. Vol.5, No. 2, April 1995, p.140-149	V.M. Bove, et al.	Apr-95	102(b)	A92

Publication Title	Author or Publisher	Publication or Issue Date M/D/Y	Category of Prior Art	Appendix No.
IEEE - P1451 Documents	Various (see chart)	1995-1998	102/103	A93
Reference: "Real-Time Visualization of Cardiac Arrhythmias," by Marcus R. Young, et al., IEEE, published 1992, 0-7803-0785-2/92\$03.00 OIEEE, pages 1244-1245.	Marcus R. Young, et al.,	1992	102(b)	A94
Reference: "Real-time Data Acquisition within a Standard UNIX Environment," published May 18, 1993, appearing in Instrumentation and Measurement Technology Conference, 1993, IMTC/93, Conference Record, IEEE, ISBN: 0-7803-1229-5, pages 687-689.	IEEE	18-May-93	102(b)	A95
"Vision Systems for Quality Control," by Paul K. Gallagher, ISBN # 0-7803-2639-3, Northcon 95. IEEE Technical Applications Conference and Workshops Northcon95, pages 381 - 388, issue date: October 12, 1995.	Paul K. Gallagher	12-Oct-95	102(b)	A96
Advanced MS-DOS (Microsoft Press)	Ray Duncan	1986	102(b)	A97
CS5326 Data Sheet	Crystal Semiconductor	March, 1992	102(b)	A98
Microprocessors and Programmed Logic	Kenneth Short	1981	102(b)	A99
Principles of Interfacing Computers to Medical Equipment	Francis	Dec. 1990	102(b)	See B7
Kodak DCS200 camera user manual	Kodak	1992-93	102(b)	A56
Kodak DC25 camera user manual	Kodak	1996 (upon information and belief)	102(b)	A57
Kodak DCS1, DCS 3, DCS 5. Collectively, the "DCS Cameras" camera user manual	Kodak	1997	102(b)	A58

Table IV: Prior Art Products

Product	Date on Sale or Used in the U.S.	Category of Prior Art	Appendix No.
Casio QV-10 camera	Before 03/04/96	102(b)	A55
Kodak DCS200 camera	1992-93	102(b)	A56
Kodak DC25 camera	1996	102(b)	A57
Kodak DCS1, DCS 3, DCS 5. Collectively, the "DCS Cameras"	Jul-95	102(b)	A58
Macintosh PowerBook 180 + Quadra	1992	102(b)	A59
HP PhotoSmart C5340	3/17/1997	102(a)	A62
Better Light Company Scanning Camera Back (commercial embodiment of U.S. Pat. No. 5,570,146)	1994	102(b)	A67
Hewlett-Packard 88396/88395 SCSI/Parallel Interfaces ("JetLag")	At least as early as 1987	102(b)	A83
Nikon E100 CoolPix Camera	At least as early as January 1997	102(a) / 102(b)	A64
OKI 32 Mbyte PCMCIA ATA SSD Card	At least as early as April 1996	102(a) / 102(b)	A72
Polaroid PDC 2000 Camera	At least as early as 1996	102(a) / 102(b)	A77
SanDisk FlashDisk series and CompactFlash series	At least as early as 1994	102(a) / 102(b)	A78
SanDisk FlashDrive series	At least as early as 1995	102(a) / 102(b)	A79
DeskLab 216	At least as early as 1992	102(a) / 102(b)	A101
Analogic Corp. DASM-AD14	At least as early as 1992	102(a) / 102(b)	A81
Universal Laboratory Interface (ULI)	First sold 1995	102(b)	A102

For the prior art products, the Camera Manufacturers have identified the dates on which such products were sold, on sale or used in the U.S. based on their current knowledge. See Table IV and Ex. 'A.' In addition, for the Nikon E100 CoolPix Camera, invoices, including information regarding purchasers and shipping dates have been produced to Papst. See NIKON-P_K000020126 - NIKON-P_K000020135. Further information regarding sale, offer for sale and

use dates for the prior art products will be sought by the Camera Manufacturers during discovery, as outlined in the discovery plan for invalidity to be filed by the Camera Manufacturers in accordance with the Court’s Sixth Practice and Procedure Order.

Concurrent with the service of these Invalidity Contentions, the Camera Manufacturers collectively will produce to Papst all of the items of prior art identified above to the extent not previously produced. To the extent any such item is not in English, the Camera Manufacturers will produce a certified English translation of the portion(s) relied upon.

IDENTIFICATION OF EACH ITEM OF PRIOR ART

The Court’s Procedure Order (p. 3, 3(b)) requires the Camera Manufacturers to indicate whether each item of prior art anticipates each asserted claim or renders the asserted claim obvious, and to explain why the prior art renders the asserted claim obvious, including an identification of any combinations of prior art showing obviousness.

The Summary Invalidity Chart below indicates those references that anticipate various claims of the Patents-in-Suit under 35 U.S.C. § 102, and also indicates multiple combinations of references (obviousness grouping charts Bn) that render various claims of the Patents-in-Suit obvious under 35 U.S.C. § 103. The Camera Manufacturers have provided individual references and combinations of references as described below. However, the identification of any particular combination does not preclude the applicability of other references and combinations.

Table V: Summary Invalidity Chart

	’399 Patent								’449 Patent											
	<u>1</u>	2	3	5	7	<u>11</u>	<u>14</u>	15	<u>1</u>	2	6	7	8	9	12	13	15	16	<u>17</u>	<u>18</u>
Anticipating																				
USPN 5,463,772 (A5/A68)	•	•	•		•		•	•	•	•	•	•	•	•			•	•		•
USPN 5,506,692, USPN 5,508,821	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

	'399 Patent									'449 Patent												
	<u>1</u>	2	3	5	7	<u>11</u>	<u>14</u>	15		<u>1</u>	2	6	7	8	9	12	13	15	16	<u>17</u>	<u>18</u>	
(A9/A10)																						
USPN 5,802,325 (A17)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•		•	•	•	•	
USPN 5,806,072 (A18)	•	•	•	•	•	•	•	•	•							•			•	•	•	
USPN 5,815,205 (A21)	•		•	•		•	•															
USPN 5,915,106 (A26)	•	•	•	•		•	•	•														
USPN 6,005,613 (A33)	•						•															
USPN 6,088,532 (A35)	•		•			•	•															
USPN 6,111,604 (A37)	•		•	•			•															
SCSI Bus Book (A47)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	
Casio QV-10 Camera (A55)	•			•		•	•		•													
Kodak DCS200 Camera (A56)	•			•		•	•															
Kodak DCS1, DCS 3, DCS 5. Collectively, the "DCS Cameras" (A58)	•			•		•	•															
Macintosh PowerBook 180 + Quadra (A59)	•	•	•	•		•	•	•														
HP PhotoSmart C5340 (A62)	•	•	•	•	•	•	•	•	•						•				•	•	•	
USPN 5,854,945 (A63)	•		•	•		•	•															
Nikon E100 CoolPix	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	

	'399 Patent									'449 Patent												
	<u>1</u>	2	3	5	7	<u>11</u>	<u>14</u>	15		<u>1</u>	2	6	7	8	9	12	13	15	16	<u>17</u>	<u>18</u>	
Camera (A64)																						
USPN 5,663,901 (A66)										•	•	•	•	•	•	•	•	•	•	•	•	•
USPN 5,570,146 (A67)	•	•		•	•	•	•	•														
USPN 5,291,584 (A69)										•	•	•	•	•	•	•	•	•	•	•	•	•
USPN 5,226,168 (A70)										•	•	•	•	•	•	•	•	•	•	•	•	•
USPN 4,896,262 (A71)										•	•							•				•
32MByte High Performance Disk (A72)										•	•	•	•	•	•	•	•			•	•	•
TRI+ Program Shippable Products Catalog - DeskLab (A73)	•	•	•	•	•	•	•	•	•							•	•	•	•	•	•	•
Polaroid PDC 2000 Camera (A77)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Sandisk (A78/79)										•		•	•	•	•			•	•	•	•	•
USPN 5,917,545 (A80)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Analogic Corp. DASM-AD14 (A81)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
HP Jet Lag (A83)	•	•	•	•	•	•	•	•	•	•		•						•	•	•	•	•
USPN 6,670,985 (A85)	•		•				•		•	•						•		•	•			•
USPN 5,231,501 (A88)	•		•	•		•	•															
DeskLab User Manual (A90)	•	•	•	•	•	•	•	•	•	•	•				•	•	•	•	•	•	•	•

	'399 Patent									'449 Patent												
	<u>1</u>	2	3	5	7	<u>11</u>	<u>14</u>	15		<u>1</u>	2	6	7	8	9	12	13	15	16	<u>17</u>	<u>18</u>	
DASM-FGM Brochure (A91)	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•
Cheops (A92)	•	•	•	•	•	•	•	•		•								•	•	•	•	
IEEE - P1451 Documents (A93)	•	•			•	•	•	•		•								•		•	•	
Real-time Data Acquisition (A95)	•	•			•		•	•														
USPN 5,475,441 (A100)						•																
DeskLab 216 Product (A101)	•	•	•	•	•	•	•	•		•	•				•	•	•	•	•	•	•	•
ULI User's Manual (A102)	•		•			•	•															
USPN 5,402,170 (A103)	•					•	•															
Combinations rendering obvious																						
B1																						
DeskLab 216 Product (A101)	•	•	•	•	•	•	•	•		•	•	○	○	○	•	•	•	•	•	•	•	•
USPN 5,506,692 (Murata) (A9)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
B2																						
SCSI Bus Book (A47)	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•
USPN 5,506,692 (Murata) (A9)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
B3																						
USPN 5,463,772 (A5/A68)	•	•	•	○	•	○	•	•		•	•	•	•	•	•	○	○	•	•	○	•	•
USPN 5,508,821 (A10)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○

	'399 Patent									'449 Patent												
	<u>1</u>	2	3	5	7	<u>11</u>	<u>14</u>	15		<u>1</u>	2	6	7	8	9	12	13	15	16	<u>17</u>	<u>18</u>	
USPN 5,371,885 (A86)										○	○	○	○	○	○	○	○	○	○	○	○	○
SCSI Bus Book (A47)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
B4																						
USPN 5,463,772 (A5/A68)										•	•	•	•	•	•	○	○	•	•	○	•	•
MS-DOS Book (A97)											○	○	○	○	○	○	○	○	○			
SCSI Bus Book (A47)										•	•	•	•	•	•	•	•	•	•	•	•	•
B5																						
USPN 5,231,501 (A88)	•	○	•	•	○	•	•	○		○	○	○	○	○	○	○	○	○	○	○	○	○
SCSI Bus Book (A47)	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•	•	•	•
USPN 5,506,692 (Murata) (A9)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
B6																						
Tasler Thesis (A48)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
USPN 5,506,692 (Murata) (A9)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
B7																						
Universal Laboratory Interface User's Manual (ULI) (A102)	•	○	•		○	•	•	○		○	○							○	○	○	○	
Baillière's Clinical Obstetrics (Francis) (B7)		○			○			○		○	○							○	○	○	○	
B8																						
EP 0705037 (A89)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○

	'399 Patent									'449 Patent												
	<u>1</u>	2	3	5	7	<u>11</u>	<u>14</u>	15		<u>1</u>	2	6	7	8	9	12	13	15	16	<u>17</u>	<u>18</u>	
USPN 5,506,692 (Murata) (A9)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
B9																						
USPN 5,129,036 (A87)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
USPN 5,506,692 (Murata) (A9)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
SCSI Bus Book (A47)	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●
CS5326 Datasheet (A98)	○	○	○	○	○	○	○	○														
B10																						
Kodak DCS200 (A56)	●	○	○	●	○	●	●	○		○	○	○	○	○	○	○	○	○	○	○	○	○
SCSI Bus Book (A47)	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●
USPN 5,506,692 (Murata) (A9)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
B11																						
Kodak DCS1, DCS3, DCS5 (A58)	●	○	○	●	○	●	●	○		○	○	○	○	○	○	○	○	○	○	○	○	○
SCSI Bus Book (A47)	●	●	●	●	●	●	●	●		●	●	●	●	●	●	●	●	●	●	●	●	●
USPN 5,506,692 (Murata) (A9)	○	○	○	○	○	○	○	○		○	○	○	○	○	○	○	○	○	○	○	○	○
B12																						
USPN 5,802,325 (A17)	●	●	●	●	●	●	●	●		●	●	●	●	●	●		●	●	●	●		●
Universal Laboratory Interface User's Manual (ULI) (A102)	●	○	●		○	●	●	○		○	○							○	○	○	○	

	'399 Patent									'449 Patent										
	<u>1</u>	2	3	5	7	<u>11</u>	<u>14</u>	15	<u>1</u>	2	6	7	8	9	12	13	15	16	<u>17</u>	<u>18</u>
B13																				
USPN 5,815,205 (A21)	●	○	●	●	○	●	●	○	○	○	○	○	○	○	○	○	○	○	○	○
USPN 6,111,604; 6,344,875; 7,046,276 (A37)	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
USPN 5,742,934 (A104)	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○

● = Anticipating reference under 35 U.S.C. § 102

○ = References rendering obvious under 35 U.S.C. § 103

Table V. Part 2

References relied upon for showing the notoriety of various claimed features
USPN 4,901,275 (A1)
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“July 1996 Apple article on SCSI drivers” (A53)
Kodak DCS200 camera user manual (A56)
Kodak DC25 camera (A57)
Nikon Digital Camera E100 User's Manual (A64)
Better Light Company Scanning Camera Back (commercial embodiment of U.S. Pat. No. 5,570,146) (A67)
32MByte High Performance Solid State Disk (A72)
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“Vision Systems for Quality Control,” by Paul K. Gallagher, ISBN # 0-7803-2639-3, Northcon 95. IEEE Technical Applications Conference and Workshops Northcon95, pages 381 - 388, issue date: October 12, 1995. (A96)
Microprocessors and Programmed Logic (A99)

ANTICIPATION AND OBVIOUSNESS CHARTS

The Court’s Procedure Order (p. 3, 3(c)) requires the Camera Manufacturers to provide charts identifying where specifically in each alleged item of prior art each limitation of each