

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: James M. Barton, et al..
U.S. Patent No.: 6,233,389 Attorney Docket No.: 39843-0037IP1
Issue Date: May 15, 2001
Appl. Serial No.: 09/126,071
Filing Date: July 30, 1998
Title: Multimedia Time Warping System

DECLARATION OF JOHN MICHAEL STRAWN, PhD

TABLE OF CONTENTS

I.	QUALIFICATIONS AND BACKGROUND INFORMATION.....	7
II.	LEGAL PRINCIPLES.....	12
	<i>A. Anticipation</i>	<i>12</i>
	<i>B. Obviousness.....</i>	<i>13</i>
III.	OVERVIEW OF CONCLUSIONS FORMED	14
IV.	BACKGROUND KNOWLEDGE ONE OF SKILL IN THE ART WOULD HAVE HAD PRIOR TO THE PRIORITY DATE OF THE '389 PATENT	15
	<i>A. Overview of the '389 Patent.....</i>	<i>16</i>
	<i>B. Background Prior Art - Sampat</i>	<i>20</i>
	<i>C. Other Background Prior Art.....</i>	<i>25</i>
	<i>D. Person of Ordinary Skill in the Art.....</i>	<i>26</i>
V.	INTERPRETATIONS OF THE '389 PATENT CLAIMS AT ISSUE	27
VI.	ANALYSIS OF SAMPAT (CLIENT SIDE) (CLAIMS 31 AND 61)	32
	<i>A. Preambles of Claims 31 and 61</i>	<i>36</i>
	<i>B. Physical Data Source Features of Claims 31 and 61</i>	<i>36</i>
	<i>C. Source Object Features of Claims 31 and 61</i>	<i>42</i>
	<i>i. First Function - Extracts Video and Audio Data from a Physical Data Source</i>	<i>44</i>
	<i>ii. Second Function - Obtains a Buffer from a Transform Object</i>	<i>44</i>
	<i>iii. Third Function - Converts Video Data into Data Streams</i>	<i>45</i>
	<i>iv. Fourth Function - Fills the Buffer with the Streams</i>	<i>46</i>
	<i>v. Source Object - Conclusion</i>	<i>47</i>
	<i>D. Transform Object Features of Claims 31 and 61</i>	<i>47</i>

E.	<i>Sink Object Features of Claims 31 and 61</i>	52
i.	First Function - Obtains Data Stream Buffers from a Transform Object	53
ii.	Second Function - Outputs the Streams to a Video and Audio Decoder	54
iii.	Sink Object - Conclusion	56
F.	<i>Automatic Flow Control Features of Claims 31 and 61</i>	57
i.	Automatic Flow Control - Construction.....	57
ii.	Source Object - Automatic Flow Control.....	60
iii.	Sink Object - Automatic Flow Control	62
G.	<i>Decoder Features of Claims 31 and 61</i>	65
H.	<i>Control Object Features of Claims 31 and 61</i>	67
i.	Control Object – Receives Commands that Control the Flow of Broadcast Data	67
ii.	Control Object – Sends Flow Command Events	70

VII. ANALYSIS OF SAMPAT (CLIENT SIDE) IN VIEW OF MICROSOFT VIDEO FOR WINDOWS AND SOUNDBLASTER (CLAIMS 31 AND 61) 72

A.	<i>Video Decoder Features of Claims 31 and 61</i>	73
B.	<i>Audio Decoder Features of Claims 31 and 61</i>	75
C.	<i>Obviousness Conclusion for Claims 31 and 61</i>	78

VIII. ANALYSIS OF SAMPAT (SERVER SIDE) (CLAIMS 31 AND 61) 78

A.	<i>Preambles of Claims 31 and 61</i>	81
B.	<i>Physical Data Source Features of Claims 31 and 61</i>	82
C.	<i>Source Object Features of Claims 31 and 61</i>	89
i.	First Function - Extracts Video and Audio Data from a Physical Data Source	90
ii.	Second Function - Obtains a Buffer from a Transform Object.....	91
iii.	Third Function - Converts Video Data into Data Streams.....	92
iv.	Fourth Function - Fills the Buffer with the Streams	94
v.	Source Object - Conclusion.....	95
D.	<i>Transform Object Features of Claims 31 and 61</i>	95

<i>E. Sink Object Features of Claims 31 and 61</i>	99
i. First Function - Obtains Data Stream Buffers from a Transform Object	100
ii. Second Function - Outputs the Streams to a Video and Audio Decoder	102
iii. Sink Object - Conclusion	104
<i>F. Automatic Flow Control Features of Claims 31 and 61</i>	105
i. Automatic Flow Control - Construction.....	105
ii. Source Object - Automatic Flow Control.....	107
iii. Sink Object - Automatic Flow Control	110
<i>G. Decoder Features of Claims 31 and 61</i>	113
<i>H. Control Object Features of Claims 31 and 61</i>	113
i. Control Object – Receives Commands that Control the Flow of Broadcast Data	114
ii. Control Object – Sends Flow Command Events	118

IX. ANALYSIS OF SAMPAT (SERVER SIDE) IN VIEW OF MICROSOFT VIDEO FOR WINDOWS, SOUNDBLASTER, AND GERBER (CLAIMS 31 AND 61)120

<i>A. Physical Data Source Temporarily Stores Video and Audio Data of Claims 31 and 61</i>	121
<i>B. Video Decoder Features of Claims 31 and 61</i>	127
<i>C. Audio Decoder Features of Claims 31 and 61</i>	129
<i>D. Obviousness Conclusion for Claims 31 and 61</i>	132

X. SECONDARY CONSIDERATIONS.....133

XI. ADDITIONAL REMARKS137

TABLE OF FIGURES

Figure 1. [SE1001, '389 Patent FIG. 1.].....	16
Figure 2. [SE1001, '389 Patent FIG. 8.].....	17
Figure 3. [SE1001, '389 Patent FIG. 9 (annotated)].....	19
Figure 4. [SE1004, Sampat FIG. 1.]	21
Figure 5. [SE1004, Sampat FIG. 16 (annotated)].....	22
Figure 6. [SE1004, Sampat FIG. 19 (annotated)].....	23
Figure 7. [SE1004, Sampat FIG. 20 (annotated)].....	24
Figure 8. [SE1018 (Bescos), 4 (annotated)]	26
Figure 9. [SE1004, Sampat FIG. 1 (annotated for Sampat's Client Side).]	34
Figure 10. [SE1004, Sampat FIG. 18 (annotated)].....	35
Figure 11. [SE1004, Sampat FIG. 20 (annotated)].....	35
Figure 12. [SE1004, Sampat FIG. 1 (annotated)].....	38
Figure 13. [SE1004, Sampat FIG. 15 (annotated)].....	39
Figure 14. [SE1004, Sampat FIG. 15 (annotated)].....	41
Figure 15. [SE1004, Sampat FIG. 20 (annotated), see also 17:50-59, 17:64-67.] ..	45
Figure 16. [SE1004, Sampat FIG. 18 (annotated)].....	49
Figure 17. [SE1004, Sampat FIG. 17 (annotated)].....	50
Figure 18. [SE1004, Sampat FIG. 20 (annotated)].....	53
Figure 19. Flow control in Sampat Fig. 20 and '389 patent Fig. 9.....	59
Figure 20. [SE1004, Sampat FIG. 20 (annotated)].....	61
Figure 21. [SE1004, Sampat FIG. 20 (annotated)].....	64
Figure 22. [SE1004, Sampat FIG. 17 (annotated)].....	66
Figure 23. [SE1004, Sampat FIG. 18 (annotated)].....	68
Figure 24. [SE1004, Sampat FIG. 13 (annotated)].....	69
Figure 25. [SE1004, Sampat FIG. 18 (annotated)].....	71
Figure 26. [SE1004, Sampat FIG. 1 (annotated)].....	79
Figure 27. [SE1004, Sampat FIG. 15 (annotated)].....	80
Figure 28. [SE1004, Sampat FIG. 16 (annotated)].....	81
Figure 29. [SE1004, Sampat FIG. 15 (annotated)].....	83
Figure 30. [SE1004, Sampat FIG. 15 (annotated)].....	85
Figure 31. [SE1004, Sampat FIG. 15 (annotated)].....	88
Figure 32. [SE1004, Sampat FIG. 16 (annotated)].....	91
Figure 33. [SE1004, Sampat FIG. 19 (annotated)].....	92
Figure 34. [SE1004, Sampat FIG. 19 (annotated)].....	95
Figure 35. [SE1004, Sampat FIG. 16 (annotated)].....	97
Figure 36. [SE1004, Sampat FIG. 19 (annotated)].....	101
Figure 37. [SE1004, Sampat FIG. 16 (annotated)].....	103

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.