

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.: 39843-0037IP2
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.....	6
II. LEGAL PRINCIPLES	11
A. <i>Anticipation</i>	11
B. <i>Obviousness</i>	12
III. OVERVIEW OF CONCLUSIONS FORMED	13
IV. BACKGROUND KNOWLEDGE ONE OF SKILL IN THE ART WOULD HAVE HAD PRIOR TO THE PRIORITY DATE OF THE '389 PATENT.....	13
A. <i>Overview of the '389 Patent</i>	14
B. <i>Background Prior Art – Platform SDK</i>	18
C. <i>Other Background Prior Art</i>	27
D. <i>Person of Ordinary Skill in the Art</i>	28
V. INTERPRETATIONS OF THE '389 PATENT CLAIMS AT ISSUE	29
VI. ANALYSIS OF PLATFORM SDK (CLAIMS 31 AND 61) – ANTICIPATION.....	34
A. <i>Preambles of Claims 31 and 61</i>	35
B. <i>Physical Data Source Features of Claims 31 and 61</i>	35
C. <i>Source Object Features of Claims 31 and 61</i>	45
i. First Function - Extracts Video and Audio Data from a Physical Data Source.....	47
ii. Second Function - Obtains a Buffer from a Transform Object	50
iii. Third Function - Converts Video Data into Data Streams	53
iv. Fourth Function - Fills the Buffer with the Streams	54
v. Source Object - Conclusion	54
D. <i>Transform Object Features of Claims 31 and 61</i>	55

<i>E. Sink Object Features of Claims 31 and 61</i>	<i>62</i>
i. First Function - Obtains Data Stream Buffers from a Transform	
Object	64
ii. Second Function - Outputs the Streams to a Video and Audio	
Decoder	67
iii. Sink Object - Conclusion	70
<i>F. Automatic Flow Control Features of Claims 31 and 61</i>	<i>71</i>
i. Automatic Flow Control - Construction.....	71
ii. Source Object - Automatic Flow Control.....	72
iii. Sink Object - Automatic Flow Control	81
iv. Automatic Flow Control Features - Conclusion	88
<i>G. Decoder Features of Claims 31 and 61.....</i>	<i>89</i>
<i>H. Control Object Features of Claims 31 and 61</i>	<i>91</i>
i. Control Object – Receives Commands that Control the Flow of	
Broadcast Data	91
ii. Control Object – Sends Flow Command Events	95
<i>I. Anticipation Analysis - Conclusion.....</i>	<i>101</i>
 VII. ANALYSIS OF PLATFORM SDK (CLAIMS 31 AND	
61) – OBVIOUSNESS	101
 VIII. SECONDARY CONSIDERATIONS.....	108
 IX. ADDITIONAL REMARKS	112

TABLE OF FIGURES

Figure 1. [SE1001, '389 Patent FIG. 1.]	14
Figure 2. [SE1001, '389 Patent FIG. 8.]	16
Figure 3. [SE1001, '389 Patent FIG. 9 (annotated).]	17
Figure 4. Platform SDK documentation user interface.	20
Figure 5. [SE1004, 2266-2267 (annotated).]	22
Figure 6. [SE1004, 143 (annotated).]	23
Figure 7. [SE1001, '389 Patent FIG. 9, SE1004 143 (both annotated).]	25
Figure 8. [SE1018 (Bescos), 4 (annotated).]	28
Figure 9. [SE1004, 2267 (annotated).]	37
Figure 10. [SE1004, 1172 (annotated).]	39
Figure 11. [SE1004, 2267 (annotated).]	41
Figure 12. [SE1004, 2270-2271].	42
Figure 13. [SE1004, 2256 (annotated).]	49
Figure 14. [SE1004, 2260 (annotated).]	50
Figure 16. [SE1004, 146 (annotated).]	52
Figure 17. [SE1004, 146 (annotated).]	54
Figure 18. [SE1004, 143 (annotated).]	56
Figure 19. [SE1004, 143 (annotated).]	59
Figure 20. [SE1004, 143 (annotated).]	61

Figure 21. [SE1004, 143 (annotated)]	63
Figure 22. [SE1004, 146 (annotated).]	66
Figure 23. [SE1004, 143 (annotated).]	66
Figure 24. [SE1004, 143 (annotated).]	68
Figure 25. [SE1001, ‘389 Patent FIG. 9, SE1004 146 (both annotated).].....	77
Figure 26. [SE1004, 143 (annotated).]	79
Figure 27. [SE1004, 143 (annotated).]	82
Figure 25. [SE1001, ‘389 Patent FIG. 9, SE1004 146 (both annotated).].....	84
Figure 28. [SE1004, 143 (annotated).]	86
Figure 29. [SE1004, 2267 (annotated).]	90
Figure 30. [SE1004, 143 (annotated).]	92
Figure 31. [SE1004, 34 (annotated).]	94
Figure 32. [SE1004, 143 (annotated).]	97
Figure 33. [SE1004, 143 (annotated).]	100
Figure 34. [SE1004, 192.]	104
Figure 35. [SE1004, 143 (annotated).]	106

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.