

**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

**Mail Stop Patent Board**

Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT  
NO. 6,233,389 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42**

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION</b> .....	1
<b>II.</b>	<b>REQUIREMENTS FOR IPR</b> .....	3
	<b>A.</b> Grounds for Standing.....	3
	<b>B.</b> Challenge and Relief Requested.....	3
<b>III.</b>	<b>BACKGROUND</b> .....	7
	<b>A.</b> Overview of the '389 Patent .....	7
	<b>B.</b> Prior Art .....	11
	<b>C.</b> Claim Construction under 37 C.F.R. §§ 42.104(b)(3).....	17
<b>IV.</b>	<b>APPLICATION OF PRIOR ART TO CHALLENGED CLAIMS</b> .....	22
	<b>A.</b> GROUND 1: Claims 31 and 61 are Anticipated under § 102(a) by Platform SDK.....	23
	<b>B.</b> GROUND 2: Claims 31 and 61 are Obvious under § 103 over Platform SDK 71	
<b>V.</b>	<b>Redundancy</b> .....	78
<b>VI.</b>	<b>CONCLUSION</b> .....	77
<b>VII.</b>	<b>MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)</b> .....	80
	<b>A.</b> Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1).....	80
	<b>B.</b> Related Matters Under 37 C.F.R. § 42.8(b)(2).....	80
	<b>C.</b> Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3).....	80
	<b>D.</b> Service Information .....	81

## EXHIBITS

- SE1001 U.S. Pat. No. 6,233,389 to Barton et al. (“the ’389 patent”)
- SE1002 Prosecution History of the ’389 patent (Serial No. 09/126,071)
- SE1003 Declaration of Declaration of John Michael Strawn, Ph.D.
- SE1004 Microsoft Platform Software Development Kit (January 1998)  
(Excerpts including DirectShow SDK and Broadcast  
Architecture Programmer’s Reference) (“Platform SDK”)
- SE1005 Disc Image of Microsoft Developer Network Platform SDK  
(DISC 6) (January 1998)
- SE1006 U.S. Patent No. 6,061,692 to Thomas et al. (“Thomas”)
- SE1007 *Giant Stakes in Cable*, CNET (11/5/1997) (“CNET”)
- SE1008 *Microsoft Releases DirectShow SDK – Universal Playback for  
DVD, Digital Video and Audio, and the Internet*, Microsoft  
(12/10/1997)
- SE1009 Declaration of Rohan Coelho Regarding Public Availability of  
Microsoft Platform SDK
- SE1010 Coelho, Rohan et al., *DirectX, RDX, RSX, and MMX  
Technology, A Jumpstart Guide to High Performance APIs*,  
(1998).
- SE1011 Claim Construction Order, *TiVo Inc. v. Echostar  
Communications Corp., et al.*, 2:04-cv-00001 (8/18/2005)

- SE1012 Claim Construction Order, *TiVo, Inc. v. AT&T Inc., et al.*, 2:09-cv-00259 (10/13/2011)
- SE1013 Claim Construction Order, *TiVo, Inc. v. Verizon Comm'n, Inc. et al.*, 2:09-cv-00257 (3/12/2012)
- SE1014 Memorandum Opinion and Order, *Motorola Mobility, Inc. et al. v. TiVo, Inc.*, 5:11-cv-00053 (12/06/2012)
- SE1015 Exhibit A, Preliminary Infringement Claim Chart for U.S. Pat. No. 6,233,389, Samsung Mobile Devices (“Infringement Contentions”)
- SE1016 Prosecution History of *Ex Parte* Reexamination of claims 1, 3-5, 15-18, 20-25, 32, 34-36, 46-49, and 51-55 of the '389 patent (Serial No. 90/007750) (“First Reexam”)
- SE1017 Prosecution History of *Ex Parte* Reexamination of claims 31 and 61 of the '389 patent (Serial No. 90/009329) (“Second Reexam”)
- SE1018 Bescos, Jesus et al., *From Multimedia Stream Models to GUI Generation* (1997) (“Bescos”)
- SE1019 Exhibit A, Supplemental Preliminary Infringement Claim Chart for U.S. Pat. No. 6,233,389, Samsung Mobile Devices (“Supplemental Infringement Contentions”)

- SE1020            Microsoft Corporation, *Microsoft Broadcast Technologies White Paper, Broadcast-Enabled Computer Hardware Requirements* (1997)
- SE1021            Microsoft Corporation, *Microsoft Broadcast Technologies White Paper, Introduction to Broadcast Architecture* (1997)
- SE1022            Microsoft Corporation, *MSBDN Receiver Board Implementation, Introduction to Broadcast Architecture* (1997)
- SE1023            Microsoft Corporation, *Innovating in Broadcasting Media, From the Web to Digital Television* (April 1997)

# 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.