

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner

v.

TOUCHSTREAM TECHNOLOGIES, INC.
Patent Owner

Patent No. 8,356,251

Filing Date: September 26, 2011

Issue Date: January 15, 2013

Title: PLAY CONTROL OF CONTENT ON A DISPLAY DEVICE

Inter Partes Review No.: IPR2024-00321

DECLARATION OF DAVID B. LETT

**IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *et seq.***

Declaration in Support of Petition 1 of 2

TABLE OF CONTENTS

	Page
1. INTRODUCTION	1
2. PROFESSIONAL BACKGROUND AND QUALIFICATIONS	1
3. MATERIALS CONSIDERED	7
4. UNDERSTANDING OF APPLICABLE LEGAL STANDARDS	11
5. THE RELEVANT ART AND LEVEL OF ORDINARY SKILL IN THE RELEVANT ART	16
6. CLAIM CONSTRUCTION	17
7. OVERVIEW OF THE '251 PATENT	22
7.1. PROSECUTION HISTORY	23
8. OVERVIEW OF THE PRIOR ART	29
8.1. STREAMING FORMATS AND VOD	29
8.2. MEDIA PLAYERS	30
8.3. APPLICATIONS ON TVS AND STBS	32
8.4. DEVICE CASTING	33
8.5. REMOTE VIEWING	33
8.6. FILE EXTENSIONS AND MIME TYPES	35
8.7. APPLICATION PROGRAMMING INTERFACES (APIS)	37
8.8. LOOK-UP TABLES (LUTS)	38
8.9. U.S. PAT. NO. 8,660,545 – REDFORD (EX. 1005)	39
8.10. U.S. PUB. NO. 2008/0235588 – GONZE (EX. 1006)	53
8.11. U.S. PAT. NO. 8,327,403 – CHILVERS (EX. 1007)	57
8.12. U.S. PUB. NO. 2007/0155506 - MALIK (EX. 1008)	62
8.13. U.S. PUB. NO. 2006/0107299 - BARTFELD (EX. 1018)	64
9. IDENTIFICATION OF HOW CLAIMS ARE UNPATENTABLE	68
10. SUMMARY OF OPINIONS WITH RESPECT TO THE '251 PATENT	71

11. REDFORD, REDFORD-GONZE, REDFORD-BARTFELD, AND REDFORD-GONZE-BARTFELD RENDER CLAIMS 1-2, 5, 7-11, 16, AND 18-26 OBVIOUS	72
11.1. INDEPENDENT CLAIM 1	72
11.2. DEPENDENT CLAIM 2	117
11.3. DEPENDENT CLAIM 5: “THE METHOD OF CLAIM 1 WHEREIN THE UNIVERSAL COMMAND REPRESENTS AN INSTRUCTION TO PLAY THE VIDEO CONTENT, TO STOP PLAYING THE VIDEO CONTENT OR TO PAUSE PLAYING THE VIDEO CONTENT.”	124
11.4. DEPENDENT CLAIM 7: “THE METHOD OF CLAIM 1 WHEREIN THE VIDEO CONTENT IS STREAMING MEDIA.”	125
11.5. DEPENDENT CLAIM 8: “THE METHOD OF CLAIM 1 WHEREIN THE SYNCHRONIZATION CODE IS UNIQUELY ASSOCIATED WITH THE DISPLAY DEVICE ON WHICH THE VIDEO CONTENT IS TO BE PLAYED.”	125
11.6. DEPENDENT CLAIM 9: “THE METHOD OF CLAIM 8 WHEREIN THE SYNCHRONIZATION CODE IS DIFFERENT FROM AN IP ADDRESS ASSOCIATED WITH THE DISPLAY DEVICE AND IS DIFFERENT FROM A MAC ADDRESS ASSOCIATED WITH THE DISPLAY DEVICE.”	131
11.7. DEPENDENT CLAIM 10: “THE METHOD OF CLAIM 8 WHEREIN ASSIGNING A SYNCHRONIZATION CODE INCLUDES ASSIGNING A RANDOMLY GENERATED CODE TO THE DISPLAY DEVICE EACH TIME THE DISPLAY DEVICE CONNECTS TO THE SERVER SYSTEM.”	132
11.8. INDEPENDENT CLAIM 11	134
11.9. DEPENDENT CLAIM 16: “THE SYSTEM OF CLAIM 11 WHEREIN THE UNIVERSAL COMMAND REPRESENTS AN INSTRUCTION TO PLAY THE VIDEO CONTENT, TO STOP PLAYING THE VIDEO CONTENT OR TO PAUSE PLAYING THE VIDEO CONTENT.”	167

11.10.DEPENDENT CLAIM 18: “THE SYSTEM OF CLAIM 11 WHEREIN THE VIDEO CONTENT IS STREAMING MEDIA.”	168
11.11.DEPENDENT CLAIM 19: “THE SYSTEM OF CLAIM 11 WHEREIN THE SYNCHRONIZATION CODE IS UNIQUELY ASSOCIATED WITH THE DISPLAY DEVICE ON WHICH THE VIDEO CONTENT IS TO BE PLAYED.”	168
11.12.DEPENDENT CLAIM 20: “THE SYSTEM OF CLAIM 19 WHEREIN THE SYNCHRONIZATION CODE IS DIFFERENT FROM AN IP ADDRESS ASSOCIATED WITH THE DISPLAY DEVICE AND IS DIFFERENT FROM A MAC ADDRESS ASSOCIATED WITH THE DISPLAY DEVICE.”	169
11.13.DEPENDENT CLAIM 21: “THE SYSTEM OF CLAIM 19 WHEREIN THE SERVER SYSTEM IS CONFIGURED TO ASSIGN AS THE SYNCHRONIZATION CODE A RANDOMLY GENERATED CODE EACH TIME THE DISPLAY DEVICE CONNECTS TO THE SERVER SYSTEM.”	170
11.14.INDEPENDENT CLAIM 22	171
11.15.DEPENDENT CLAIM 23: “THE METHOD OF CLAIM 22 WHEREIN THE DISPLAY DEVICE COMPRISES A TELEVISION SET WITH A DISPLAY SCREEN.”	215
11.16.DEPENDENT CLAIM 24: “THE METHOD OF CLAIM 22 WHEREIN THE DISPLAY DEVICE COMPRISES A LAPTOP OR PERSONAL COMPUTER.”	215
11.17.DEPENDENT CLAIM 25: “THE METHOD OF CLAIM 22 WHEREIN EACH OF THE FIRST AND SECOND COMMANDS REPRESENTS AN INSTRUCTION TO PLAY THE RESPECTIVE VIDEO FILE, TO STOP PLAYING THE RESPECTIVE VIDEO FILE OR TO PAUSE PLAYING THE RESPECTIVE VIDEO FILE.”	218
11.18.DEPENDENT CLAIM 26: “THE METHOD OF CLAIM 22 WHEREIN THE DISPLAY DEVICE CHECKS WHETHER THE RESPECTIVE MEDIA PLAYER NEEDED TO PLAY THE PARTICULAR ONE OF THE VIDEO FILES ALREADY IS LOADED IN THE DISPLAY DEVICE BEFORE	

	OBTAINING A COPY OF THE MEDIA PLAYER OVER THE INTERNET.”	218
12.	REDFORD-CHILVERS, REDFORD-GONZE-CHILVERS, REDFORD-BARTFELD-CHILVERS AND REDFORD-GONZE- BARTFELD-CHILVERS RENDER CLAIMS 2-4 AND 12-15 OBVIOUS.....	220
12.1.	DEPENDENT CLAIM 2.....	220
12.2.	DEPENDENT CLAIM 3: “THE METHOD OF CLAIM 1 WHEREIN CONVERTING THE COMMAND INTO CORRESPONDING PROGRAMMING CODE TO CONTROL THE MEDIA PLAYER INCLUDES USING INFORMATION IN A LOOK-UP TABLE.”	233
12.3.	DEPENDENT CLAIM 4: “THE METHOD OF CLAIM 3 WHEREIN THE LOOK-UP TABLE STORES A PLURALITY OF SPECIFIC COMMANDS, EACH OF WHICH REPRESENTS, RESPECTIVELY, A CORRESPONDING COMMAND FOR A DIFFERENT MEDIA PLAYER.”	234
12.4.	DEPENDENT CLAIM 12.....	235
12.5.	DEPENDENT CLAIM 13.....	247
12.6.	DEPENDENT CLAIM 14: “THE SYSTEM OF CLAIM 11 WHEREIN THE LOOK-UP TABLE STORES A CORRESPONDENCE BETWEEN THE UNIVERSAL COMMAND AND A PLURALITY OF SPECIFIC COMMANDS, EACH OF WHICH IS FOR A DIFFERENT MEDIA PLAYER.”	248
12.7.	DEPENDENT CLAIM 15: “THE SYSTEM OF CLAIM 14 THE SERVER SYSTEM IS CONFIGURED TO CONVERT THE UNIVERSAL COMMAND BY SELECTING FROM AMONG THE PLURALITY OF SPECIFIC COMMANDS STORED IN THE LOOK-UP TABLE.”	249
13.	REDFORD-MALIK, REDFORD-GONZE-MALIK, REDFORD- BARTFELD-MALIK, AND REDFORD-GONZE-BARTFELD- MALIK RENDER CLAIMS 6 AND 17 OBVIOUS	250

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.