

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. 11,048,751

Filing Date: August 25, 2017

Issue Date: June 29, 2021

Title: PLAY CONTROL OF CONTENT ON A DISPLAY DEVICE

Inter Partes Review No.: IPR2024-00324

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 2 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..... | 15 |
| 6. CLAIM CONSTRUCTION..... | 16 |
| 7. OVERVIEW OF THE '751 PATENT..... | 21 |
| 7.1. Prosecution History | 22 |
| 7.1.1. Prosecution History of the '998 Application | 22 |
| 7.1.2. Prosecution History of the '289 Patent..... | 23 |
| 7.1.3. Prosecution History of the '195 Patent..... | 23 |
| 7.1.4. Prosecution History of the '751 Patent..... | 25 |
| 8. OVERVIEW OF THE PRIOR ART..... | 27 |
| 8.1. Streaming Formats and VOD | 27 |
| 8.2. Media Players | 28 |
| 8.3. Applications on TVs and STBs | 30 |
| 8.4. Device Casting..... | 31 |
| 8.5. Remote Viewing | 31 |
| 8.6. File Extensions and MIME Types | 33 |
| 8.7. Application Programming Interfaces (APIs)..... | 35 |
| 8.8. Look-Up Tables (LUTs)..... | 36 |
| 8.9. U.S. Pat. No. 9,490,998 – Danciu (Ex. 1112)..... | 37 |
| 8.10. U.S. Pub. No. 2009/0172757 – Aldrey (Ex. 1115)..... | 50 |
| 8.11. U.S. Pub. No. 2004/0078812 – Calvert (Ex. 1111)..... | 55 |
| 8.12. U.S. Pub. No. 2009/0248802 - Mahajan (Ex. 1114)..... | 62 |
| 9. OPINIONS WITH RESPECT TO THE '751 PATENT..... | 66 |

| | | |
|-----|---|-----|
| 9.1 | DANCIU IN VIEW OF MAHAJAN AND/OR DANCIU IN VIEW OF MAHAJAN AND CALVERT RENDERS CLAIMS 1-20 OBVIOUS..... | 66 |
| 9.2 | ALDREY IN VIEW OF MAHAJAN RENDERS CLAIMS 1-20 OBVIOUS..... | 116 |
| 10. | CONCLUSION..... | 149 |
| | CLAIM LISTING APPENDIX..... | 150 |

I, David B. Lett, declare that I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would do so competently.

1. INTRODUCTION

1. I have been retained as an expert witness on behalf of the Petitioner, Comcast Cable Communications, LLC, for the above-referenced *inter partes* review proceeding.

2. I have been asked to provide a declaration regarding certain matters pertaining to U.S. Patent No. 11,048,751 (“the ’751 Patent”) (Ex. 1101) and the unpatentability grounds set forth in the Petition for this proceeding. My experience with television distribution systems, Set Top Boxes (STBs), Electronic Program Guides (EPGs), Video on Demand (VOD), and content delivery systems provides me with an understanding of the subject matter described and claimed in the ’751 Patent.

3. I am being compensated at my usual consulting rate of \$350 per hour for my work on this matter. My compensation is in no way dependent upon my opinions or testimony or the outcome of this proceeding. I have no financial interest in the party or in the outcome of this proceeding.

2. PROFESSIONAL BACKGROUND AND QUALIFICATIONS

4. I am a technical consultant and product development industry veteran with expertise in electronics, software, hardware, video, audio, and data

communications, having led product development organizations in cable, satellite, consumer electronics, home automation, asset tracking, remote tank logistics, and alarm industries. My current curriculum vitae is attached as Ex. 1103 and some highlights follow.

5. I earned my B.S. in Electrical Engineering (1982) with high honors from the University of Tennessee in Knoxville, Tennessee. I also attended the Georgia Institute of Technology from 1986 to 1987, completing 40% of the required degree hours for the M.S. Electrical Engineering program.

6. From 1982 to 1985, I worked at Scientific Atlanta as an Electrical Engineer designing video, audio, and data communications equipment for the cable television industry. I designed software and hardware including addressable data transmitters, video sync suppression scramblers, transaction format converters, and data channel monitors for addressable Cable Television systems and Set Top Boxes.

7. From 1983 to 1985, while working at Scientific Atlanta, I also worked as an Assistant Professor at DeVry Institute of Technology, teaching courses in electronics and microprocessor hardware/software.

8. From 1985 to 1990, I worked at Wegener Communications as a Senior Electrical engineer, designing satellite communications equipment including forward error correction (FEC) coding systems, PSK modems, and analog control systems for RF modulators and PSK demodulators. I was promoted to the Hardware

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.