

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
<p><b>839-1.</b> A method for handling <i>audio/video source information</i>, the method comprising:</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video”</b> – <i>see</i> ‘995 claim 1 – AGREED</p> <p><b>“audio/video source information”</b> – <i>see</i> ‘995 claim 1.</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u></p> <p><b>“audio/video source information”</b> – the entirety of the data intended to be transmitted, not segments of that data.</p>	<p><b>“audio/video source information”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘839 - 1:25-43, 1:56-63, 2:1-23, 5:35-40, 8:11-33, 8:38-50, 9:23-10:9, 20:32-44, 11:51-12:11. ‘995 FH - APBU 89-91; ‘839 FH - APBU 361, 364-365; ‘932 FH - APBU 232-235, 238-239; 705 FH - APBU 551, 620-621, 648-650.</p> <p><u>EXTRINSIC EVIDENCE:</u> Claim Construction Order in <i>Burst.com v. Microsoft</i>; Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; expert testimony; <u>Webster’s II New Riverside University Dictionary</u>, (1988); <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p>
<p>receiving audio/video source information;</p>				
<p><i>compressing the received audio/video source information</i> into a <i>time compressed representation</i> thereof <i>having an associated burst time period that is shorter than a time period associated with a real time representation</i> of the received audio/video source information;</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“compressing the received audio/video source information”</b> – “reducing the number of bits necessary to represent the audio/video source information.”</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 Fig. 2, 2:42-51, 4:19-27, 4:63-5:35, 5:59-60, 9:12-15, 9:25-26.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>Modern Dictionary of Electronics</i> (6<sup>th</sup> Ed. 1984) and <i>Webster’s New Collegiate Dictionary</i> (1981) (definition for compress); expert</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“time compressed representation”</b> – a representation of the audio/video source information that is compressed in time without using data compression.</p>	<p><b>“time compressed representation”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘839 - 2:47-58, 4:29-5:39, 8:5-26, 12:17-33, 11:68:12:10; ‘995-4:63-5:24, 8:50-57; ‘995 FH - APBU 38-46, 72-89, 90-91; ‘932 FH - APBU 234-235; ‘705 FH - APBU 551-552, 620-621,</p>

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	<p><u>PROPOSED CONSTRUCTION:</u></p> <p><b>“time compressed representation . . . having an associated burst time period that is shorter than a time period associated with a real time representation” – see ’995 claim 1</b></p>	<p>testimony.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p><i>See ’995 claim 1; see also ’839 Figs. 3 &amp; 4, 2:52-58, 8:18-20, 10:6-9, 11:28-32, 11:48-12:11, 12:25-27, 12:38-45.</i></p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p><i>Modern Dictionary of Electronics (6<sup>th</sup> Ed. 1984) and Webster’s New Collegiate Dictionary (1981) (definition for compress); expert testimony.</i></p>	<p><b>“having an associated burst time period (that is shorter than a time period associated with a real time representation)”</b> - the time compressed representation has a burst transmission time of definite duration that is known at the time of compression to be shorter than the time required to play the source information in real time.</p>	<p>648-653.</p> <p><u>EXTRINSIC EVIDENCE:</u> expert testimony; <u>Webster’s II New Riverside University Dictionary</u>, (1988); <u>Modern Dictionary of Electronics</u>, 6th ed. (1984); Gitlin, Hayes, &amp; Weinstein, <u>Data Communications Principles</u> (Plenum Press, 1992); Graf &amp; Sheets, <u>Video Scrambling &amp; Descrambling for Satellite and Cable TV</u> (Newnes, 2nd edition, 1998);_United States Patent No. 5,440,334.</p> <p><b>“having an associated burst time period ...”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘839 - 8:5-26; ‘995 - 8:50-57; ‘995 FH - APBU 38-46, 72-89, 90-91; ‘932 FH - APBU 232-233.</p> <p><u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; Claim Construction Order in <i>Burst.com v. Microsoft</i>; expert testimony; <u>Webster’s II New Riverside University Dictionary</u>, (1988);_ <u>Modern Dictionary of Electronics</u>, 6th ed. (1984); Gitlin, Hayes, &amp; Weinstein, <u>Data Communications Principles</u> (Plenum Press, 1992); Graf &amp; Sheets, <u>Video Scrambling &amp; Descrambling for Satellite and Cable TV</u> (Newnes, 2nd edition, 1998); United States Patent No. 5,440,334.</p>

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<p><i>storing</i> said time compressed representation of the received audio/video source information; and</p>				
<p><i>transmitting, in said burst time period</i>, the stored time compressed representation of the received audio/video source information <i>to a selected destination</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting”</b> – No construction required. Alternatively, “sending”</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“in said burst time period”</b> – <i>see</i> ‘995 claim 1 (“in a time period that is shorter than the time required for normal playback”).</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting . . . to a selected destination”</b> – “sending to an external device that is capable of playback and is selected by a user”</p>	<p><u>INTRINSIC EVIDENCE:</u>            ‘995 Abstract, 1:34-37, 1:50-57, 7:45-66, 8:29-57, 9:55-10:21; ‘839 Figs. 3 &amp; 4; 11:28-32, 11:48-12:11, 12:25-27, 12:38-45.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>IEEE Standard Dictionary of Electrical and Electronics Terms</i> (4<sup>th</sup> Ed. 1988) (definition for transmit); expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1; <i>see also</i> ‘839 Figs. 3 &amp; 4, 11:48-12:11, 12:25-27, 12:38-45.</p> <p><u>EXTRINSIC EVIDENCE:</u>            Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>            ‘995 Abstract, 1:34-37, 1:50-57, 7:45-66, 8:29-57, 9:55-10:21; ‘839 Figs. 3 &amp; 4, 11:28-32, 11:48-12:11, 12:25-27, 12:38-45.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting”</b> - sending to a remote location; excludes transferring through an interface to a storage device.</p> <p><b>“in said burst time period”</b> – in the burst transmission time of definite duration that is known at the time of compression to be shorter than the time required to play the source information in real time.</p>	<p><b>“transmitting”</b>  <u>INTRINSIC EVIDENCE:</u> ‘839 - Abstract, 1:36-43, 1:59-63, 2:14-18, 2:19-23, 8:18-20, 8:24-26, 8:60-61, 9:12-13, 10:7-10:9, 11:3, 11:30-32, 11:51-56, 12:12-17, 12:25-33; 995-8:50-57; ‘995 FH - APBU 89, 90-91, 121-123; ‘705 FH - APBU 551-552, 620-621, 649-653.</p> <p><u>EXTRINSIC EVIDENCE:</u> expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p> <p><b>“in said burst time period”</b>  <u>INTRINSIC EVIDENCE:</u> ‘839 - 8:5-26; ‘995 - 8:50-57; ‘995 FH - APBU 38-46; 72-89, 90-91; ‘932 FH - APBU 232-233.</p> <p><u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; Claim Construction Order in <i>Burst.com v. Microsoft</i>; expert testimony; <u>Webster’s II New Riverside University Dictionary</u>, (1988); <u>Modern Dictionary of</u></p>

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		‘995 PH: 3/12/90 OAR at 18-20 and claims; ‘932 PH: 5/7/90 OAR at 5-6; and ‘705 PH: 5/26/98 OAR at 11, 15 and claims.  <u>EXTRINSIC EVIDENCE:</u> Expert testimony.		Electronics, 6th ed. (1984); Gitlin, Hayes, & Weinstein, <u>Data Communications Principles</u> (Plenum Press, 1992); Graf & Sheets, <u>Video Scrambling &amp; Descrambling for Satellite and Cable TV</u> (Newnes, 2nd edition, 1998); United States Patent No. 5,440,334.
<b>839-2.</b> A method as in claim 1 further comprising the steps of:				
<i>editing</i> the stored time compressed representation of said audio/video source information; and	<u>PROPOSED CONSTRUCTION:</u> <b>“editing”</b> – <i>see</i> ‘995 claim 20.	<u>INTRINSIC EVIDENCE:</u> <i>See</i> ‘995 claim 20; <i>see also</i> ‘839 12:46-52.  <u>EXTRINSIC EVIDENCE:</u> <i>Webster’s New Collegiate Dictionary</i> (1981) (definition for edit); expert testimony.	<u>PROPOSED CONSTRUCTION:</u> <b>“editing”</b> - modifying the representation of the audio/video source information (does not include the function of creating a playlist)	<b>“editing”</b>  <u>INTRINSIC EVIDENCE:</u> ‘839 - 6:49-62, 6:63-7:5, 10:15-19, 10:27-31, 12:46-52; ‘995 - 6:26-37, 6:40-48.  <u>EXTRINSIC EVIDENCE:</u> Claim Construction Order in <i>Burst.com v. Microsoft</i> ; IEEE Standard Dictionary of Electrical and Electronics Terms, 4th ed. (1988); Webster’s II New Riverside University Dictionary (1988).
storing the edited time compressed representation of said audio/video source information.				
<b>839-3.</b> A method as in claim 2 further comprising the step of <i>monitoring</i> the stored, time compressed representation of said audio/video source information <i>during editing</i> .	<u>PROPOSED CONSTRUCTION:</u> <b>“monitoring . . . during editing”</b> – No construction required. Alternatively, “observing and/or listening during editing”	<u>INTRINSIC EVIDENCE:</u> ‘995 6:23-48, 6:53-62, 9:31-54; <i>see also</i> ‘839 8:30-33, 9:64-10:9, 12:46-52.  <u>EXTRINSIC EVIDENCE:</u> <i>Webster’s New Collegiate Dictionary</i>	<u>PROPOSED CONSTRUCTION:</u> <b>“monitoring ... during editing”</b> - watching (for video) and/or listening (for audio)... during editing.	<b>“monitoring ... during editing”</b>  <u>INTRINSIC EVIDENCE:</u> ‘839 - 6:53-7:9, 10:10-32; ‘705 FH - APBU 537.  <u>EXTRINSIC EVIDENCE:</u> IEEE Standard Dictionary of Electrical and

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		(1981) (definition for monitor); expert testimony.		<u>Electronics Terms</u> , 4th ed., (1988); <u>Webster's II New Riverside University Dictionary</u> (1988).
<p><b>839-7.</b> A method as in claim 1 wherein the step of storing comprises storing the time compressed representation of said audio/video source information in a <i>semiconductor memory</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“semiconductor memory”</b> – <i>see</i> ‘995 claim 7 – AGREED</p>			
<p><b>839-8.</b> A method as in claim 1 wherein:</p>				
<p>said audio/video source information comprises <i>analog</i> audio/video source information;</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“analog”</b> – <i>see</i> ‘995 claim 8 – AGREED</p>			
<p>said method further comprises the step of converting said analog audio/video source information to corresponding <i>digital</i> audio/video source information;</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“digital”</b> – <i>see</i> ‘995 claim 8 – AGREED</p>			
<p>said step of compressing comprises compressing said corresponding digital audio/video source information into a digital time compressed representation thereof having an associated burst time period that is shorter than a time period associated with a real time representation of said digital audio/video source information; and</p>				
<p>said step of storing comprises storing</p>				

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said digital time compressed representation of said corresponding digital audio/video source information.				
<b>839-9.</b> A method as in claim 1 wherein:				
said audio/video source information comprises digital audio/video source information;				
said step of compressing comprises compressing said digital audio/video source information into a digital time compressed representation thereof having an associated burst time period that is shorter than a time period associated with a real time representation of said digital audio/video source information; and				
said step of storing comprises storing said digital time compressed representation of said digital audio/video source information.				
<b>839-15.</b> A method as in claim 9 wherein said audio/video source information comprises information received from a <i>computer</i> .	<u>PROPOSED CONSTRUCTION:</u> <b>“computer”</b> – see ‘995 claim 15 – AGREED			
<b>839-16.</b> A method as in claim 9 wherein said audio/video source information comprises information received over a <i>fiber optic</i> transmission line.	<u>PROPOSED CONSTRUCTION:</u> <b>“fiber optic”</b> – see ‘995 claim 16 – AGREED			

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<p><b>839-17.</b> A method for handling audio/video source information, the method comprising:</p>				
<p>receiving <i>audio/video source information</i> as a <i>time compressed representation</i> thereof, said time compressed representation of said audio/video source information <i>being received over an associated burst time period that is shorter than a real time period associated with real time playback</i> of said audio/video source information;</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video source information”</b> – <i>see</i> ‘995 claim 1.</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“time compressed representation . . . being received over an associated burst time period that is shorter than a real time period associated with real time playback”</b> – <i>see</i> ‘995 claim 17.</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 17; <i>see also</i> ‘839 Figs. 3 &amp; 4, 11:48-12:11, 12:25-27, 12:38-45.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 17.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>audio/video source information:</b>  <i>see</i> ‘839 Patent, Claim 1</p> <p><b>time compressed representation:</b>  <i>see</i> ‘839 Patent, Claim 1</p> <p><b>“being received over an associated burst time period that is shorter than a real time period associated with real time playback”</b> – the time compressed representation is received in a burst time of definite duration that is shorter than the time required to play the source information in real time.</p>	<p><b>“being received over an associated burst time period”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘839 - 8:5-26; ‘995 - 8:50-57; ‘995 FH - APBU 38-46, 72-89, 90-91; ‘932 FH - APBU 232-233.</p> <p><u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; Claim Construction Order in <i>Burst.com v. Microsoft</i>; expert testimony; <u>Webster’s II New Riverside University Dictionary</u>, (1988); <u>Modern Dictionary of Electronics</u>, 6th ed. (1984); Gitlin, Hayes, &amp; Weinstein, <u>Data Communications Principles</u> (Plenum Press, 1992); Graf &amp; Sheets, <u>Video Scrambling &amp; Descrambling for Satellite and Cable TV</u> (Newnes, 2nd edition, 1998); United States Patent No. 5,440,334.</p>
<p><i>storing</i> the time compressed</p>				

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<p>representation of said received audio/video source information; and</p>				
<p><i>transmitting, in said burst time period</i>, the stored time compressed representation of said received audio/video source information <i>to a selected destination</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting”</b> – <i>see</i> above.</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“in said burst time period”</b> – <i>see</i> ‘995 claim 1 (“in a time period that is shorter than the time required for normal playback”).</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting . . . to a selected destination”</b> – <i>see</i> above (“sending to an external device that is capable of playback and is selected by a user”)</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> above.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1; <i>see also</i> ‘839 Figs. 3 &amp; 4, 11:48-12:11, 12:25-27, 12:38-45.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>IEEE Standard Dictionary of Electrical and Electronics Terms</i> (4<sup>th</sup> Ed. 1988) (definition for transmit); expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>transmitting:</b> <i>see</i> ‘839 Patent, Claim 1</p> <p><b>“in said burst time period”</b> – the stored time compressed representation is transmitted in the same time of definite duration as it was received. This time must be shorter than the time required to play the source information in real time.</p>	<p><b>“in said burst time period”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘839 - 8:5-26; ‘995 - 8:50-57; ‘995 FH - APBU 38-46, 72-89, 90-91; ‘932 FH - APBU 232-233.</p> <p><u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; Claim Construction Order in <i>Burst.com v. Microsoft</i>; expert testimony; <u>Webster’s II New Riverside University Dictionary</u>, (1988); <u>Modern Dictionary of Electronics</u>, 6th ed. (1984); Gitlin, Hayes, &amp; Weinstein, <u>Data Communications Principles</u> (Plenum Press, 1992); Graf &amp; Sheets, <u>Video Scrambling &amp; Descrambling for Satellite and Cable TV</u> (Newnes, 2nd edition, 1998); United States Patent No. 5,440,334.</p>
<p><b>839-19.</b> A method as in claim 17 wherein said audio/video source information comprises information received over a <i>communications link</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“communications link”</b> – “a connection between one device and another provided by one or more</p>		<p><u>PROPOSED CONSTRUCTION:</u>  <b>“multiplicity”</b> - two or more; usually a fairly large number.</p>	<p><b>“multiplicity”</b></p> <p><u>INTRINSIC EVIDENCE:</u></p>



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<p>from a <i>video library storing a multiplicity of programs</i> of audio/video source information as time compressed representations thereof <i>for selective retrieval</i> by a user in an associated burst time period.</p>	<p>media over which information can be transmitted and received” – AGREED (<i>See Exhibit A to Joint Claim Construction Statement</i>)</p> <p>“<b>multiplicity</b>” – No construction necessary. Alternatively, “a large number”</p>	<p><u>INTRINSIC EVIDENCE:</u> ‘995 7:67-8:2.</p> <p><u>EXTRINSIC EVIDENCE:</u> <i>Webster’s New Collegiate Dictionary</i> (1981) and <i>American Heritage Dictionary</i> (1982) (definition for multiplicity); expert testimony.</p>	<p>“<b>communications link</b>” – AGREED</p>	<p><u>EXTRINSIC EVIDENCE:</u> <u>Landis on Mechanics of Claim Drafting</u>, 5th ed. (2005).</p>
<p><b>839-20.</b> A method as in claim 1 further comprising the steps of:</p>				
<p><i>selectively decompressing</i> the stored time compressed representation of said audio/video source information;</p>	<p><u>PROPOSED CONSTRUCTION:</u> “<b>selectively decompressing</b>” – No construction required. Alternatively, “decompressing some or all of the stored time compressed representation selected by a user”</p>	<p><u>INTRINSIC EVIDENCE:</u> <i>See</i> ‘995 claim 20; <i>see also</i> ‘839 Fig. 4; 12:46-52.</p> <p><u>EXTRINSIC EVIDENCE:</u> Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u> “<b>selectively decompressing</b>” - decompressing the portion of the stored time compressed representation selected by a user.</p>	<p>“<b>selectively decompressing</b>”</p> <p><u>INTRINSIC EVIDENCE:</u> ‘839 - 6:53-7:9, 10:10-32, ‘705 FH - APBU-00000649.</p> <p><u>EXTRINSIC EVIDENCE:</u> <u>Webster’s II New Riverside University Dictionary</u> (1988).</p>
<p><i>editing</i> the selectively decompressed time compressed representation of said audio/video source information; and</p>	<p><u>PROPOSED CONSTRUCTION:</u> “<b>editing</b>” – <i>see</i> ‘995 claim 20.</p>	<p><u>INTRINSIC EVIDENCE:</u> <i>See</i> ‘995 claim 20; <i>see also</i> ‘839 12:46-52.</p> <p><u>EXTRINSIC EVIDENCE:</u> Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u> <b>editing:</b> <i>see</i> ‘839 Patent, Claim 2</p>	
<p>storing the edited selectively</p>				

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decompressed time compressed representation of said audio/video source information.				
<b>839-21.</b> A method as in claim 1 further comprising the steps of:				
<i>selectively decompressing</i> the stored time compressed representation of said audio/video source information;	<u>PROPOSED CONSTRUCTION:</u> “ <b>selectively decompressing</b> ” – <i>see</i> above.	<u>INTRINSIC EVIDENCE:</u> <i>See</i> above. <u>EXTRINSIC EVIDENCE:</u> <i>See</i> above.		
<i>editing</i> the selectively decompressed time compressed representation of said audio/video source information;	<u>PROPOSED CONSTRUCTION:</u> “ <b>editing</b> ” – <i>see</i> above.	<u>INTRINSIC EVIDENCE:</u> <i>See</i> above. <u>EXTRINSIC EVIDENCE:</u> <i>See</i> above.		
recompressing the edited selectively decompressed time compressed representation of said audio/video source information; and				
storing the recompressed edited selectively decompressed time compressed representation of said audio/video source information.				
<b>839-22.</b> A method as in claim 1 further comprising the steps of:				
selectively decompressing the stored time compressed representation of said audio/video source information; and				
visually displaying the selectively				

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decompressed time compressed representation of said audio/video source information for viewing by a user.				
<b>839-23.</b> A method as in claim 8 further comprising the steps of:				
selectively decompressing the stored digital time compressed representation of said corresponding digital audio/video source information;				
editing the selectively decompressed digital time compressed representation of said corresponding digital audio/video source information; and				
storing the edited selectively decompressed digital time compressed representation of said corresponding digital audio/video source information.				
<b>839-26.</b> A method as in claim 9 further comprising the steps of:				
selectively decompressing the stored digital time compressed representation of said digital audio/video source information;				
editing the selectively decompressed digital time compressed representation of said digital audio/video source information; and				

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p>storing the edited selectively decompressed digital time compressed representation of said digital audio/video source information.</p>				
<p><b>839-27.</b> A method as in claim 26 further comprising the step of <i>visually displaying</i> the selectively decompressed digital time compressed representation of said digital audio/video source information <i>for selective viewing by a user during editing</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“visually displaying ... for selective viewing by a user during editing”</b> – No construction required. Alternatively, “displaying at least the representation selected by a user”</p>	<p><u>INTRINSIC EVIDENCE:</u>                      ‘995 6:23-52; 9:31-54; ‘839 8:30-33; 9:64-10:9, 12:46-52.  <u>EXTRINSIC EVIDENCE:</u>                      Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“visually displaying ... for selective viewing by a user during editing”</b> - showing the portion of the representation selected by a user on a screen or other visual display during editing.</p>	<p><b>“visually displaying ... for selective viewing by a user during editing”</b>  <u>INTRINSIC EVIDENCE:</u> ‘839 - 6:53-7:9, 10:10-32; ‘705 FH - APBU 537. ‘705 FH – APBU 649  <u>EXTRINSIC EVIDENCE:</u> Webster’s II <u>New Riverside University Dictionary</u> (1988).</p>
<p><b>839-28.</b> A method as in claim 9 further comprising the steps of:</p>				
<p>selectively decompressing the stored digital time compressed representation of said digital audio/video source information; and</p>				
<p>visually displaying the selectively decompressed digital time compressed representation of said digital audio/video source information for selective viewing by a user.</p>				
<p><b>839-44.</b> A method as in claim 1 further comprising the step of <i>recording</i> the stored time compressed representation of said audio/video source information <i>onto</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“recording ... onto a removable recording medium”</b> – Not subject to §112 ¶6, and no construction required. Alternatively, “copying on</p>	<p><u>INTRINSIC EVIDENCE:</u>                      ‘995 Fig. 2, 1:29-33, 1:51-53, 2:4-7, 2:13-17, 2:37-41, 3:38-4:16, 8:60-63, 9:4-30, 10:1-5, 10:29-36; ‘839 Fig. 3, 6:37-42, 8:30-33, 9:64-10:9, 10:60-</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“recording ... onto a removable recording medium”</b> - Limited to structures disclosed under §112 ¶6: removable magnetic tape, removable</p>	<p><b>“recording ... onto a removable recording medium”</b>  <u>INTRINSIC EVIDENCE:</u> ‘839 – Fig. 2</p>

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
<i>a removable recording medium.</i>	a storage medium that can be removed”	61 <u>EXTRINSIC EVIDENCE:</u> <i>Modern Dictionary of Electronics</i> (6 <sup>th</sup> Ed. 1984) (definition for record); expert testimony.	magnetic disk, removable WORM optical disk, or removable erasable optical disk.	& 3; 3:51-4:28; 9:37-10:10; 11:8-16 <u>EXTRINSIC EVIDENCE:</u> <u>Webster's II New Riverside University Dictionary</u> (1988)
<b>839-45.</b> A method as in claim 2 further comprising the step of recording the edited time compressed representation of said audio/video source information onto a removable recording medium.				
<b>839-46.</b> A method as in claim 45 further comprising the step of visually displaying the time compressed representation of said audio/video source information stored on said removable recording medium for selective viewing by a user.				
<b>839-47.</b> A method as in claim 17 further comprising the step of recording the time compressed representation of said audio/video source information onto a removable recording medium.				
<b>839-48.</b> A method as in claim 20 further comprising the step of recording the edited decompressed time compressed representation of said audio/video source information onto a removable recording medium.				

Claim Chart for US Patent 5,164,839

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
<p><b>839-49.</b> A method as in claim 1 further comprising the steps of:</p>				
<p>selectively decompressing the stored time compressed representation of said audio/video source information; and</p>				
<p>recording the selectively decompressed time compressed representation of said audio/video source information onto a removable recording medium.</p>				
<p><b>839-50.</b> A method as in claim 22 further comprising the steps of:</p>				
<p>recording the selectively decompressed time compressed representation of said audio/video source information onto a removable recording medium; and</p>				
<p>visually displaying the selectively decompressed time compressed representation of said audio/video source information for viewing by a user.</p>				
<p><b>839-51.</b> A method as in claim 9 wherein said digital audio/video source information is received from a <b>CD-ROM</b>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“CD-ROM”</b> – Compact-Disc Read Only Memory” – AGREED (<i>See Exhibit A to Joint Claim Construction Statement</i>)</p>		<p><u>PROPOSED CONSTRUCTION:</u>  <b>“CD-ROM” - AGREED</b></p>	

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p><b>839-52.</b> A method as in claim 9 wherein said digital audio/video source information is received from an <i>erasable optical disk</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“erasable optical disk”</b> – “an optical disk storage medium that has read/write/erase capabilities” – AGREED (<i>See</i> Exhibit A to Joint Claim Construction Statement)</p>		<p><u>PROPOSED CONSTRUCTION:</u>  <b>“erasable optical disk”</b> – AGREED</p>	
<p><b>839-58.</b> A method as in claim 1 further comprising the steps of:</p>				
<p>selectively decompressing the stored time compressed representation of said audio/video source information; and</p>				
<p><i>recording</i> the selectively decompressed stored time compressed representation of said audio/video source information <i>onto a magnetic storage medium</i>.</p>				
<p><b>839-59.</b> A method as in claim 22 further comprising the step of recording the selectively decompressed time compressed representation of said audio/video source information onto a <i>magnetic recording medium</i>.</p>				
<p><b>839-73.</b> A method for handling audio/video source information, the method comprising:</p>				
<p>receiving <i>audio/video source information</i> comprising a <i>multiplicity</i> of <i>video frames</i> in the form of one or more <i>full motion</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video source information”</b> – <i>see</i> ‘995 claim 1.</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.  <u>EXTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>audio/video source information:</b>  <i>see</i> ‘839 Patent, Claim 1</p>	

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p><i>video programs</i>;</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“multiplicity of video frames in the form of one or more full motion video programs”</b> – No construction necessary. Alternatively, “movies and other video materials represented by multiple images in a temporal sequence and providing the sense of motion when viewed sequentially”</p>	<p>Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>            ‘995 1:14-18, 4:28-54, 5:9-18, 6:30-48; ‘839 1:21-24.            ‘705 PH: 5/26/98 OAR at 15-16 and claims.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>Modern Dictionary of Electronics</i> (6<sup>th</sup> Ed. 1984) (definition for frame); expert testimony.</p>	<p><b>multiplicity:</b> see ‘839 Patent, Claim 19</p> <p><b>“video frames”</b> - individual images intended to be displayed in sequence.</p> <p><b>“[at least one] full motion video program”</b> - an entire audio/video program made of video frames that are displayed in sequence to make a moving picture.</p>	<p><b>“video frames”</b>  <u>INTRINSIC EVIDENCE:</u> ‘839 - 4:64-5:2; ‘932 FH - APBU 234.  <u>EXTRINSIC EVIDENCE:</u> <u>McGraw-Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p> <p><b>“[at least one] full motion video program”</b>  <u>INTRINSIC EVIDENCE:</u> 839 - 4:64-5:2; ‘705 FH - APBU 652; ‘932 FH - APBU 234  <u>EXTRINSIC EVIDENCE:</u> Claim Construction Order in <i>Burst.com v. Microsoft</i>; Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; <u>Webster’s II New Riverside University Dictionary</u> (1988).</p>
<p>compressing said received audio/video source information into a <i>time compressed representation</i> thereof <i>having an associated burst time period that is shorter than a time period associated with a real</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>            See ‘995 claim 1 for all terms.</p>	<p><u>INTRINSIC EVIDENCE:</u>            See ‘995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>            See ‘995 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>source information:</b> see ‘839 Patent, Claim 1</p> <p><b>time compressed representation:</b></p>	



CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<i>time representation</i> of said received audio/video source information;			see ‘839 Patent, Claim 1  <b>having an associated burst time period ...</b> : see ‘839 Patent, Claim 1	
<i>storing</i> the time compressed representation of said received audio/video source information; and				
<i>transmitting, over a microwave channel, in said burst time period,</i> the stored time compressed representation of said received audio/video source information <i>to a selected destination.</i>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting”</b> – <i>see</i> above.</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“in said burst time period”</b> – <i>see</i> ‘995 claim 1 (“in a time period that is shorter than the time required for normal playback”).</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting . . . to a selected destination”</b> - <i>see</i> above.</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> above.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1; <i>see also</i> ‘839 Figs. 3 &amp; 4, 11:48-12:11, 12:25-27, 12:38-45.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.</p> <p><u>EXTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>transmitting:</b> <i>see</i> ‘839 patent, Claim 1</p> <p><b>in said burst time period:</b> <i>see</i> ‘839 Patent, Claim 1</p>	
<b>839-76.</b> A method for handling <i>audio/video source information</i> , the method comprising:	<p><u>PROPOSED CONSTRUCTION:</u>  <i>See</i> ‘995 claim 1.</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>source information:</b> <i>see</i> ‘839 Patent, Claim 1</p>	
receiving <i>audio/video source information</i> comprising a	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video source information”</b> -</p>	<p><u>INTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>source information:</b> <i>see</i> ‘839 Patent,</p>	

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p><i>multiplicity</i> of <i>video frames</i> in the form of one or more <i>full motion video programs</i>;</p>	<p>See ‘995 claim 1.</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“multiplicity of video frames in the form of one or more full motion video programs”</b> – see Burst’s construction for claim 73</p>	<p>See ‘995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>  See above.</p> <p><u>EXTRINSIC EVIDENCE:</u>  See above.</p>	<p>Claim 1</p> <p><b>multiplicity:</b> see ‘839 Patent, Claim 19</p> <p><b>video frames:</b> see ‘839 Patent, Claim 73</p> <p><b>full motion video program:</b> see ‘839 Patent, Claim 73</p>	
<p>compressing said received audio/video source information into a <i>time compressed representation</i> thereof <i>having an associated burst time period that is shorter than a time period associated with a real time representation</i> of said received audio/video source information;</p>	<p><u>PROPOSED CONSTRUCTION:</u>  See ‘995 claim 1.</p>	<p><u>INTRINSIC EVIDENCE:</u>  See ‘995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  See ‘995 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>time compressed representation:</b> see ‘839 Patent, Claim 1</p> <p><b>having an associated burst time period:</b> see ‘839 Patent, Claim 1</p>	
<p><i>storing</i> the time compressed representation of said received audio/video source information on one or more <i>magnetic disks</i>; and</p>				
<p><i>transmitting, in said burst time period</i>, the stored time compressed representation of said received audio/video source information <i>to a</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“in said burst time period”</b> – see ‘995 claim 1 (“in a time period that is shorter than the time required for</p>	<p><u>INTRINSIC EVIDENCE:</u>  See ‘995 claim 1; see also ‘839 Figs. 3 &amp; 4, 11:48-12:11, 12:25-27, 12:38-45.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>transmitting:</b> see ‘839 patent, Claim 1</p>	

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<i>selected destination.</i>	normal playback”).  <u>PROPOSED CONSTRUCTION:</u> <b>“transmitting . . . to a selected destination”</b> – <i>see</i> above.	<u>EXTRINSIC EVIDENCE:</u> Expert testimony.  <u>INTRINSIC EVIDENCE:</u> <i>See</i> above. <u>EXTRINSIC EVIDENCE:</u> <i>See</i> above.	<b>in said burst time period:</b> <i>see</i> ‘839 Patent, Claim 1	
<b>839-77.</b> A method for handling audio/video source information, the method comprising:			<u>PROPOSED CONSTRUCTION:</u> <b>source information:</b> <i>see</i> ‘839 Patent, Claim 1	
receiving <i>audio/video source information</i> as a <i>time compressed digital representation</i> thereof, said audio/video source information comprising a <i>multiplicity of video frames in the form of one or more full motion video programs</i> selected from a <i>video library storing a multiplicity of full motion video programs</i> in a time compressed digital representation thereof for <i>selective retrieval</i> , said time compressed digital representation of the received audio/video source information <i>being received in an associated burst time period that is shorter than a time period with a real time representation</i> of said received audio/video source information;	<u>PROPOSED CONSTRUCTION:</u> <b>“audio/video source information”</b> – <i>see</i> ‘995 claim 1.  <u>PROPOSED CONSTRUCTION:</u> <b>“time compressed digital representation . . . being received in an associated burst time period that is shorter than a time period with a real time representation”</b> – “a digital version of audio/video source information having a reduced number of bits that is received over an external communications link in a time period that is shorter than the time required for normal playback”	<u>INTRINSIC EVIDENCE:</u> <i>See</i> ‘995 claim 1. <u>EXTRINSIC EVIDENCE:</u> Expert testimony.  <u>INTRINSIC EVIDENCE:</u> ‘995 1:34-37, 1:50-57, 2:42-51, 4:19-27, 4:63-5:35, 5:59-60, 7:55-8:2; 9:12-15, 9:25-26; <i>see also</i> ‘839 Figs. 3 & 4, 11:48-12:11, 12:25-27, 12:38-45. ‘705 PH: 5/26/98 OAR at 11, 13, 15-16 and claims. <u>EXTRINSIC EVIDENCE:</u> Expert testimony.	<u>PROPOSED CONSTRUCTION:</u> <b>source information:</b> <i>see</i> ‘839 Patent, Claim 1  <b>time compressed representation:</b> <i>see</i> ‘839 Patent, Claim 1  <b>being received over an associated burst time period:</b> <i>see</i> ‘839 Patent, Claim 17 \ 	

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“multiplicity of video frames in the form of one or more full motion video programs”</b> - <i>see</i> above.</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u>  <i>See</i> above.</p>	<p><b>multiplicity:</b> <i>see</i> ‘839 Patent, Claim 19   <b>video frames:</b> <i>see</i> ‘839 Patent, Claim 73   <b>full motion video program:</b> <i>see</i> ‘839 Patent, Claim 73</p>	
<p><i>storing</i> the time compressed digital representation of said received audio/video source information; and</p>				
<p><i>transmitting, in said burst time period</i>, the stored time compressed digital representation of said received audio/video source information <i>to a selected destination</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting”</b> – <i>see</i> above.   <u>PROPOSED CONSTRUCTION:</u>  <b>“in said burst time period”</b> – <i>see</i> ‘995 claim 1 (“in a time period that is shorter than the time required for normal playback”).</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u>  <i>See</i> above.   <u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1; <i>see also</i> ‘839 Figs. 3 &amp; 4, 11:48-12:11, 12:25-27, 12:38-45.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>transmitting:</b> <i>see</i> ‘839 patent, Claim 1   <b>in said burst time period:</b> <i>see</i> ‘839 Patent, Claim 1</p>	

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CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting . . . to a selected destination”</b> – <i>see</i> above.</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u>  <i>See</i> above.</p>		