

1 PARKER C. FOLSE III (WA Bar No. 24895 – *Admitted Pro Hac Vice*)
 pfolse@susmangodfrey.com
 2 IAN B. CROSBY (WA Bar No. 28461 – *Admitted Pro Hac Vice*)
 icrosby@susmangodfrey.com
 3 FLOYD G. SHORT (WA Bar No. 21632 – *Admitted Pro Hac Vice*)
 fshort@susmangodfrey.com
 4 SUSMAN GODFREY, L.L.P.
 5 1201 Third Avenue, Suite 3800
 6 Seattle, Washington 98101-3000
 (206) 516-3880 Tel
 7 (206) 516-3883 Fax

8 SPENCER HOSIE (CA Bar No. 101777)
 shosie@hosielaw.com
 9 BRUCE WECKER (CA Bar No. 078530)
 bwecker@hosielaw.com
 10 HOSIE McARTHUR LLP
 11 One Market, 22nd Floor
 12 San Francisco, CA 94105
 (415) 247-6000 Tel.
 13 (415) 247-6001 Fax

14 *(additional attorneys listed on signature page)*

15 ATTORNEYS FOR DEFENDANT
16 BURST.COM, INC.

17
18 UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO)

20 APPLE COMPUTER, INC.,

21 Plaintiff/Counterdefendant,

25 BURST.COM, INC.,

26 Defendant/Counterclaimant.
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§ Case No. 3:06-CV-00019 MHP
 §
 § **DECLARATION OF LESLIE V.**
 § **PAYNE IN SUPPORT OF**
 § **DEFENDANT BURST.COM, INC.’S**
 § **REPLY BRIEF ON**
 § **CLAIM CONSTRUCTION**
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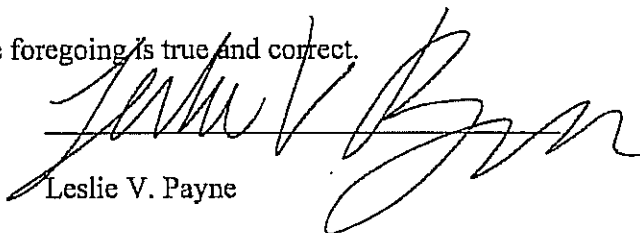
1 I, Leslie V. Payne, submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

- 2 1. I am a partner of the law firm Heim, Payne & Chorush, L.L.P., counsel for Burst.com,
3 Inc. ("Burst") in the above-captioned action. I make this declaration in support of Burst's
4 Reply Brief on Claim Construction. I have personal knowledge of the facts stated herein,
5 and, if called to testify as a witness, I could and would testify competently thereto.
6
- 7 2. Attached here as **Exhibit 27** is a true and correct copy of a document titled "Using the
8 Time Compression Plug-In" (Exhibit 6 to Burst.com's Reply Brief in the Microsoft case).
9
- 10 3. Attached here as **Exhibit 28** is a true and correct copy of an article titled "Time
11 Compression: Systems Concerns, Usage, and Benefits," by Omoigui, et al. (Exhibit 7 to
12 Burst's Reply Brief in the Microsoft case).
13
- 14 4. Attached here as **Exhibit 29** is a true and correct copy of an article titled "Video
15 Compression: A Codec Primer" by T. Jay Fowler (Exhibit 8 to Burst's Reply Brief in the
16 Microsoft case).
17
- 18 5. Attached here as **Exhibit 30** is a true and correct copy of excerpts from *Multimedia*
19 *Demystified: A Guide to the World of Multimedia from Apple Computer, Inc.*, (Random
20 House 1993) (Exhibit 9 to Burst's Reply Brief in the Microsoft case).
21
- 22 6. Attached here as **Exhibit 31** is a true and correct copy of an article titled "Efficient
23 listening with two ears: Dichotic time compression and spatialization," by Barry Arons
24 (Exhibit 10 to Burst's Reply Brief in the Microsoft case).
25
- 26 7. Attached here as **Exhibit 32** is a true and correct copy of excerpts from the deposition
27 transcript of Joel Halpern dated November 13, 2006 (other excerpts were attached as
28 Exhibit 8 to my first declaration).

- 1 8. Attached here as **Exhibit 33** is a true and correct copy of U.S. Patent No. 4,563,710
- 2 (Baldwin).
- 3 9. Attached here as **Exhibit 34** is a true and correct copy of QuickTime Streaming Server
- 4 Darwin Streaming Server Administrator's Guide (2002).
- 5 10. Attached here as **Exhibit 35** is a true and correct copy of a document titled "VCR-ET
- 6 Technical Summary" (1989).
- 7 11. Attached here as **Exhibit 36** is a true and correct copy of U.S. Patent No. 5,724,450
- 8 (Chen et al.).
- 9 12. Attached here as **Exhibit 37** is a true and correct copy of *Patent Local Rule 4-3 Joint*
- 10 *Claim Construction and Prehearing Statement*; Court's Docket No. 59, Exhibit E.
- 11 13. Attached here as **Exhibit 38** is a true and correct copy of MANUAL OF PATENT
- 12 EXAMINING PROCEDURES § 706.03(o) (5th Ed. 1989).
- 13
- 14
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- 16

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed December 22, 2006

19 

20 Leslie V. Payne

21 MICHAEL F. HEIM (TX Bar No. 9380923 - Admitted Pro Hac Vice)

22 LESLIE V. PAYNE (TX Bar No. 0784736 - Admitted Pro Hac Vice)

23 HEIM, PAYNE & CHORUSH, L.L.P.

24 600 Travis Street, Suite 6710

25 Houston, TX 77002

(713) 221-2000 Tel.

(713) 221.2021 Fax

26 ROBERT J. YORIO (CA Bar No. 93178)

27 V. RANDALL GARD (CA Bar No. 151677)

28 COLBY B. SPRINGER (CA Bar No. 214868)

CARR & FERRELL LLP

2200 Geng Road

1 Palo Alto, CA 94303
2 (650) 812-3400 Tel.
3 (650) 812-3444

4 **ATTORNEYS FOR DEFENDANT**
5 **BURST.COM, INC.**

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