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 16 BURST.COM, INC.

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

20	APPLE COMPUTER, INC.,	§	Case No. 3:06-CV-00019 MHP
21		§	
22	Plaintiff/Counterdefendant,	§	<b>DECLARATION OF LESLIE V.</b>
23		§	<b>PAYNE IN SUPPORT OF</b>
24		§	<b>DEFENDANT BURST.COM, INC.'S</b>
25		§	<b>REPLY BRIEF ON</b>
26		§	<b>CLAIM CONSTRUCTION</b>
27	BURST.COM, INC.,	§	
28	Defendant/Counterclaimant.	§	

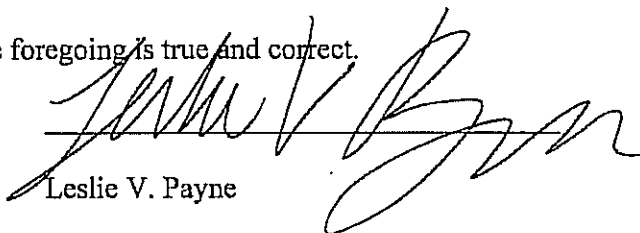
1 I, Leslie V. Payne, submit this declaration pursuant to 28 U.S.C. § 1746 and declare as follows:

- 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) (5<sup>th</sup> Ed. 1989).
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17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed December 22, 2006



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