

# **EXHIBIT 37**

Claim Chart for US Patent 5,995,705

CLAIM LANGUAGE	BURST'S CLAIM CONSTRUCTION	BURST'S EVIDENCE	APPLE' CLAIM CONSTRUCTION	APPLE'S EVIDENCE
<p><b>705-1.</b> An audio/video <i>transceiver apparatus</i> comprising:</p>	<p><u>PROPOSED CONSTRUCTION:</u>                      “transceiver apparatus” – see ‘995 claim 1 – AGREED</p>	<p><u>INTRINSIC EVIDENCE:</u>                      See ‘995 claim 1.  <u>EXTRINSIC EVIDENCE:</u>                      See ‘995 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u>                      “transceiver”: see ‘995 Patent, Claim 1 – AGREED</p>	
<p><i>input means for receiving audio/video source information</i>, said audio/video source information comprising a <i>multiplicity</i> of video frames collectively representing at least one <i>full motion video program</i>;</p>	<p><u>PROPOSED CONSTRUCTION:</u>                      “audio/video source information”- see ‘995 claim 1                      “multiplicity” – No construction necessary. Alternatively, “a large number.”</p>	<p><u>INTRINSIC EVIDENCE:</u>                      ‘995 7:67-8.2.  <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><u>PROPOSED CONSTRUCTION:</u>                      “audio/video source information: see ‘839 Patent, Claim 1.                      “multiplicity”: see ‘839 Patent, Claim 19.</p>	
	<p>“multiplicity of video frames in the form of one or more full motion video programs” – see ‘839 claim 73.</p>	<p><u>INTRINSIC EVIDENCE:</u>                      See ‘839 claim 73.  <u>EXTRINSIC EVIDENCE:</u>                      See ‘839 claim 73.</p>	<p>“video frames”: see ‘839 Patent, Claim 73.</p>	
	<p>“input means for receiving audio/video source information” – see ‘995 claim 1.</p>	<p><u>INTRINSIC EVIDENCE:</u>                      See ‘995 claim 1; see also ‘839 Figs. 3 &amp; 4, 2:38, 2:52-58, 11:24-28, 11:48-12:11, 12:25-27, 12:38-45.</p>	<p>“input means for receiving audio/visual source information” - Limited to structures disclosed under §112 ¶6: video line or camera input line 15, TV RF tuner 16, auxiliary digital input port 17, fiber optic port</p>	<p>“input means for receiving audio/visual source information”  <u>INTRINSIC EVIDENCE:</u> ‘705-7:12-17; 7:35-40; 7:45-47; 7:57-66; 9:4-8; 11:21-23; 11:26-51; Figs. 2-3 and</p>

CLAIM LANGUAGE	BURST'S CLAIM CONSTRUCTION	BURST'S EVIDENCE	APPLE' CLAIM CONSTRUCTION	APPLE'S EVIDENCE
<p><i>compression means, coupled to said input means, for compressing said audio/video source information into a digital time compressed representation thereof, wherein said digital time compressed representation of said audio/video source information is capable of being transmitted in a burst transmission time period that is substantially shorter than a time period associated with real time viewing by a receiver of said audio/video source information;</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>                      "audio/video source information" – see '995 claim 1                      "digital" – see '839 claim 8 – AGREED                      "compression means" – see '995 claim 1                      "compressing said audio/video source information" – see '995 claim 1.</p>	<p><u>EXTRINSIC EVIDENCE:</u>                      See '995 claim 1.  <u>INTRINSIC EVIDENCE:</u>                      See '995 claim 1.  <u>EXTRINSIC EVIDENCE:</u>                      See '995 claim 1.  <u>INTRINSIC EVIDENCE:</u>                      See '995 claim 1.  <u>EXTRINSIC EVIDENCE:</u>                      See '995 claim 1.  <u>INTRINSIC EVIDENCE:</u>                      See '995 claim 1.  <u>EXTRINSIC EVIDENCE:</u>                      See '995 claim 1.</p>	<p>18, auxiliary analog audio and digital input ports, point-to-point microwave transceiver, or satellite transceiver.  <u>PROPOSED CONSTRUCTION:</u>                      "audio/video source information": see '839 Patent, Claim 1.                      "time compressed representation": see '839 Patent, Claim 1.                      "compression means... for compressing said audio/video source information...": see '995 Patent, Claim 1.</p>	<p>associated text.  <u>EXTRINSIC EVIDENCE:</u> Burst's claim construction briefing in <i>Burst v. Microsoft</i>; expert testimony; <u>McGray Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p>
<p><i>digital time compressed representation . . . capable of being transmitted in a burst transmission</i></p>	<p>"digital time compressed representation . . . capable of being transmitted in a burst transmission</p>	<p><u>INTRINSIC EVIDENCE:</u>                      '995 1:34-37, 1:53-57, 2:46-51, 7:60-66, 10:28-31; '839 2:52-58,</p>	<p>"is capable of being transmitted in a burst transmission time period that is substantially shorter than a</p>	<p>"is capable of being transmitted in a burst transmission time period</p>

<p><b>CLAIM LANGUAGE</b></p> <p><i>storage means</i>, coupled to said compression means, <i>for storing said digital time compressed representation</i> of said audio/video source information; and</p>	<p><b>BURST'S CLAIM CONSTRUCTION</b></p> <p>time period that is substantially shorter than a time period associated with real time viewing” – “a digital version of audio/video source information having a reduced number of bits that allows data transfer over an external communications link in a time period that is substantially shorter than the time required for normal playback”</p>	<p><b>BURST'S EVIDENCE</b></p> <p>8:18-20, 10:6-9, 11:28-32, 11:51-12:10, 12:23-27; 839 2:52-58, 8:18-20, 10:6-9, 11:28-32, 11:51-12:10, 12:23-27.          *705 PH: 5/26/98 OAR at 11, 13, 15-16 and claims.  <u>INTRINSIC EVIDENCE:</u>          Expert testimony.</p>	<p><b>APPLE' CLAIM CONSTRUCTION</b></p> <p>time period associated with real time viewing” - the time compressed representation is such that it is known at the time of compression that it is capable of being transmitted in a burst time period of definite duration that is substantially shorter than the time required to play the representation in real time.</p>	<p><b>APPLE'S EVIDENCE</b></p> <p>that is substantially shorter than a time period associated with real time viewing”  <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.  <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; Webster's II New Riverside University Dictionary, (1988); <u>Modern Dictionary of Electronics</u>, 6th ed. (1984); Githin, 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>storage means</i>, coupled to said compression means, <i>for storing said digital time compressed representation</i> of said audio/video source information; and</p>	<p><b>PROPOSED CONSTRUCTION:</b></p> <p>“storage means” – Apple did not previously identify this term. Not subject to § 112 ¶6, and no construction necessary. Alternatively, “a medium in which data is retained for subsequent retrieval”.</p>	<p><u>INTRINSIC EVIDENCE:</u>          ‘995 Abstract, Fig. 2, 1:29-33, 2:13-17, 2:59-62, 3:32, 4:13-16, 4:22-23, 5:27, 5:36-45, 6:8-17, 6:20-22, 9:12-26, 9:33-43, 9:55-61, 10:1-5, 10:9-21; ‘839 Abstract, Figs. 3 &amp; 4, 6:37-42, 8:30-33, 9:65-10:11, 11:29-35, 11:66-12:4, 12:23-25, 12:38-40.  <u>EXTRINSIC EVIDENCE:</u>  <i>Modern Dictionary of Electronics</i> (6<sup>th</sup> Ed. 1984) and <i>IEEE Standard Dictionary of Electrical and</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>          “storage means...for storing said digital time compressed representation...” - Limited to structures disclosed under § 112 ¶6: DRAM, SRAM, CMOS memory, optical disc memory, bubble memory, magnetic disk, or digital paper.</p>	<p>“storage means...for storing said digital time compressed representation...”  <u>INTRINSIC EVIDENCE:</u> ‘705-6:16-29; Figs. 2-3 and associated text  <u>EXTRINSIC EVIDENCE:</u> Burst's claim construction briefing in <i>Burst v. Microsoft</i>; expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 4th</p>

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<p><i>transmission means, coupled to said digital time compressed representation of said audio/video source information away from said audio/video transceiver apparatus in said burst transmission time period.</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>                      "transmission means" - Subject to § 112 ¶6: "an audio/video transmitter/receiver such as a modem, a fiber optic transceiver, microwave transceiver, satellite transceiver, plus equivalents"</p> <p>"transmitting . . . away" – "sending to an external device capable of playback"</p>	<p><u>INTRINSIC EVIDENCE:</u>                      '995 Abstract, Fig. 2, 1:34-37, 1:50-56, 2:46-51, 3:28-37, 7:32-8:6, 8:20-23, 8:29-57, 9:55-68, 10:6-13; '839 Figs. 3 &amp; 4, 2:38, 2:52-58, 8:18-20, 11:24-28, 11:48-12:11, 12:25-27, 12:38-45.  <u>EXTRINSIC EVIDENCE:</u>                      Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>                      See '995 claim 1; see also '839 Figs. 3 &amp; 4, 11:28-32, 11:48-12:45.  <u>EXTRINSIC EVIDENCE:</u>                      See '995 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u>                      "transmission means...for transmitting...away from said audio/video transceiver apparatus in said burst transmission time period" - Limited to structures disclosed under § 112 ¶6: fiber optic port 18, point-to-point microwave transceiver, or satellite transceiver.</p>	<p>ed. (1989).</p> <p>"transmission means...for transmitting...away from said audio/video transceiver apparatus in said burst transmission time period"  <u>INTRINSIC EVIDENCE:</u> '705-7:57-8:7, 11:24-51  <u>EXTRINSIC EVIDENCE:</u> Expert testimony; McGraw Hill Dictionary of Scientific and Technical Terms, 4th ed. (1989).</p>
<p><b>705-2.</b> The audio/video transceiver apparatus of claim 1, further comprising editing means, coupled to said storage means, for editing the digital time compressed representation of said audio/video source information stored in said storage means and for storing the edited digital time compressed representation of said audio/video source information in said storage means.</p>	<p><u>PROPOSED CONSTRUCTION:</u>                      "editing means" – see '995 claim 2.</p>	<p><u>INTRINSIC EVIDENCE:</u>                      See '995 claim 2; see also '839 12:46-52.  <u>EXTRINSIC EVIDENCE:</u>                      See '995 claim 2.</p>	<p><u>PROPOSED CONSTRUCTION:</u>                      "editing means... for editing the digital time compressed representation...and for storing...": see '995 Patent, Claim 20.</p>	
<p><b>705-3.</b> The audio/video transceiver</p>	<p><u>PROPOSED CONSTRUCTION:</u></p>	<p><u>INTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u></p>	<p>"transmission means...configured</p>

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<p>apparatus of claim 2, wherein said <i>transmission means</i> is configured to receive the edited digital time compressed representation of said audio/video source information and to transmit the edited digital time compressed representation of said audio/video source information away from said audio/video transceiver apparatus in said burst transmission time period.</p> <p>705-12. A method for handling audio/video source information, the method comprising the steps of:</p> <p>receiving <i>audio/video source information</i>, said audio/video source information comprising a <i>multiplicity of video frames</i> collectively constituting at least one <i>full motion video program</i>;</p>	<p>"transmission means" – see above</p>	<p>See above.</p> <p><u>INTRINSIC EVIDENCE:</u> See above.</p>	<p>"transmission means...configured to receive the edited digital time compressed representation..." - Limited to structures disclosed under §112 ¶6: fiber optic port 18, point-to-point microwave transceiver, or satellite transceiver.</p>	<p>to receive the edited digital time compressed representation..."</p> <p><u>INTRINSIC EVIDENCE:</u> '705-7:57-8:7; 11:3-7; 11:24-51; Figs. 2-3 and associated text</p> <p><u>EXTRINSIC EVIDENCE:</u> Expert testimony; <u>McGray Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p>
<p>compressing the received audio/video source information into</p>	<p><u>PROPOSED CONSTRUCTION:</u> "multiplicity" – see above.</p> <p>"multiplicity of video frames collectively constituting at least one full motion video program" – see '839 claim 73.</p> <p><u>PROPOSED CONSTRUCTION:</u></p>	<p><u>INTRINSIC EVIDENCE:</u> See '995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u> See '995 claim 1.</p> <p><u>INTRINSIC EVIDENCE:</u> See above.</p> <p><u>EXTRINSIC EVIDENCE:</u> See above.</p> <p><u>INTRINSIC EVIDENCE:</u> See '839 claim 73.</p> <p><u>EXTRINSIC EVIDENCE:</u> See '839 claim 73.</p> <p><u>INTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u> "audio/video source information": see '839 Patent, Claim 1.</p> <p>"multiplicity": see '839 Patent, Claim 19.</p> <p>"video frames": see '839 Patent, Claim 73.</p> <p><u>PROPOSED CONSTRUCTION:</u></p>	

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<p>a <i>digital time compressed representation</i> thereof, the digital time compressed representation of said audio/video source information <i>having an associated burst transmission time period that is substantially shorter than a time period associated with real time viewing</i> by a receiver of said audio/video source information;</p>	<p>"audio/video source information" -- see '995 claim 1.</p> <p>"digital" -- see '995 claim 8 -- AGREED</p> <p>"compressing the received audio/video source information" -- see '839 claim 1.</p> <p>"digital time compressed representation . . . having an associated burst transmission time period that is substantially shorter than a time period associated with real time viewing" -- "a digital version of audio/video source information having a reduced number of bits that allows data transfer over an external communications link in a time period that is substantially shorter than the time required for normal playback"</p>	<p>See '995 claim 1. <u>EXTRINSIC EVIDENCE:</u> See '995 claim 1.</p> <p><u>INTRINSIC EVIDENCE:</u> See '839 claim 1. <u>EXTRINSIC EVIDENCE:</u> See '839 claim 1.</p> <p><u>INTRINSIC EVIDENCE:</u> '995 1:34-37, 1:53-57, 2:46-51, 7:60-66, 10:28-31; '839 2:52-58, 8:18-20, 10:6-9, 11:28-32, 11:51-12:10, 12:23-27; 839 2:52-58, 8:18-20, 10:6-9, 11:28-32, 11:51-12:10, 12:23-27. '705 PH: 5/26/98 OAR at 11, 13, 15-16 and claims. <u>EXTRINSIC EVIDENCE:</u> Expert testimony.</p>	<p>"audio/video source information": see '839 Patent, Claim 1.</p> <p>"time compressed representation:" see '839 Patent, Claim 1.</p> <p>"having an associated burst time period": see '839 Patent, Claim 1.</p>	
<p>storing the digital time compressed representation of said audio/video source information; and</p> <p><i>transmitting, in said burst transmission time period</i>, the stored digital time compressed</p>	<p><u>PROPOSED CONSTRUCTION:</u> "transmitting...to a selected destination" -- see '839 claim 1.</p>	<p><u>INTRINSIC EVIDENCE:</u> See '839 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u> "transmitting": see '839 Patent, Claim 1.</p>	

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representation of said audio/video source information <i>to a selected destination</i> .		<u>EXTRINSIC EVIDENCE:</u> See '839 claim 1.		
705-13. The method of claim 12, further comprising the steps of:				
editing the stored time compressed representation of said audio/video source information; and				
storing the edited time compressed representation of said audio/video source information.				
705-21. A method for handling audio/video source information, the method comprising the steps of:				
receiving <i>audio/video source information</i> as a <i>digital time compressed representation</i> thereof, said audio/video source information comprising a <i>multiplicity of video frames</i> collectively constituting at least one <i>full motion video program</i> selected from a <i>video library storing a plurality</i> of video programs in a digital time compressed representation thereof <i>for selective retrieval</i> ;	<p><u>PROPOSED CONSTRUCTION:</u>                      "audio/video source information"- see '995 claim 1.                      "digital" – see '839 claim 8 – AGREED                      "multiplicity" – see above.</p>	<p><u>INTRINSIC EVIDENCE:</u> See '995 claim 1.  <u>EXTRINSIC EVIDENCE:</u> See '995 claim 1.    <u>INTRINSIC EVIDENCE:</u> See above.  <u>EXTRINSIC EVIDENCE:</u> See above.</p>	<p><u>PROPOSED CONSTRUCTION:</u>                      "audio/video source information": see '839 Patent, Claim 1.                      "video library": see '839 Patent, Claim 19.                      "multiplicity": see '839 Patent, Claim 19.</p>	



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	<p>"digital time compressed representation" – "a digital version of audio/video source information having a reduced number of bits."</p> <p>"multiplicity of video frames collectively constituting at least one full motion video program" – .see '839 claim 73.</p>	<p><u>INTRINSIC EVIDENCE:</u> '995 1:34-37, 1:53-57, 2:46-51, 7:60-66, 10:28-31; '839 2:52-58, 8:18-20, 10:6-9, 11:28-32, 11:51-12:10, 12:23-27; 839 2:52-58, 8:18-20, 10:6-9, 11:28-32, 11:51-12:10, 12:23-27. '705 PH: 5/26/98 OAR at 11, 13, 15-16 and claims. <u>EXTRINSIC EVIDENCE:</u> Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u> See '839 claim 73. <u>EXTRINSIC EVIDENCE:</u> See '839 claim 73.</p>	<p>"time compressed representation": see '839 Patent, Claim 1.</p> <p>"video frames": see '839 Patent, Claim 73.</p>	
<p>said at least one video program being received by a receiver in a burst transmission time period that is substantially shorter than a time period associated with real-time viewing" – "being received of said at least one video program;</p>	<p><u>PROPOSED CONSTRUCTION:</u> "being received . . . in a burst transmission time period that is substantially shorter than a time period associated with real-time viewing" – "being received . . . over an external communications link in a time period that is substantially shorter than the time required for normal playback."</p>	<p><u>INTRINSIC EVIDENCE:</u> '995 1:34-37, 1:53-57, 2:46-51, 7:60-66, 10:28-31; '839 2:52-58, 8:18-20, 10:6-9, 11:28-32, 11:51-12:10, 12:23-27; 839 2:52-58, 8:18-20, 10:6-9, 11:28-32, 11:51-12:10, 12:23-27. '705 PH: 5/26/98 OAR at 11, 13, 15-16 and claims. <u>EXTRINSIC EVIDENCE:</u> Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u> "being received . . . in a burst transmission time period . . ." – see '839 Patent, Claim 17.</p>	
<p>storing the digital time compressed representation of said audio/video source information; and</p>				

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<p><i>transmitting, in said burst transmission time period, the stored digital time compressed representation of said audio/video source information to a selected destination.</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  “transmitting” – see ‘839 claim 1.</p> <p><u>PROPOSED CONSTRUCTION:</u>  “in said burst time period” – see ‘995 claim 1 (“in a time period that is shorter than the time required for normal playback”).</p> <p><u>PROPOSED CONSTRUCTION:</u>  “transmitting . . . to a selected destination” – see ‘839 claim 1.</p>	<p><u>INTRINSIC EVIDENCE:</u>  See ‘839 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  See ‘839 claim 1.</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>EXTRINSIC EVIDENCE:</u>  See ‘995 claim 1.</p> <p><u>INTRINSIC EVIDENCE:</u>  See ‘839 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  See ‘839 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  “transmitting”: see ‘839 patent, Claim 1</p> <p>“in said burst time period”: see ‘839 Patent, Claim 1.</p>	