

1 PARKER C. FOLSE III (WA Bar No. 24895 – *Pro Hac Vice*)  
 pfolse@susmangodfrey.com  
 2 IAN B. CROSBY (WA Bar No. 28461 – *Pro Hac Vice*)  
 icrosby@susmangodfrey.com  
 3 FLOYD G. SHORT (WA Bar No. 21632 – *Pro Hac Vice*)  
 fshort@susmangodfrey.com  
 4 JOHN M. NEUKOM (WA Bar. No. 36986 – *Pro Hac Vice*)  
 jneukom@susmangodfrey.com  
 5 SUSMAN GODFREY, L.L.P.  
 1201 Third Avenue, Suite 3800  
 6 Seattle, Washington 98101-3000  
 7 (206) 516-3880 Tel  
 8 (206) 516-3883 Fax

9 SPENCER HOSIE (CA Bar No. 101777)  
 shosie@hosielaw.com  
 10 BRUCE WECKER (CA Bar No. 078530)  
 bwecker@hosielaw.com  
 11 HOSIE McARTHUR LLP  
 One Market, 22nd Floor  
 12 San Francisco, CA 94105  
 13 (415) 247-6000 Tel.  
 14 (415) 247-6001 Fax

15 *(additional attorneys listed on signature page)*

16  
 17 Attorneys for Defendant/Counterclaimant  
 BURST.COM, INC.

18  
 19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

21	APPLE COMPUTER, INC.,	§	
22		§	CASE NO. C06-00019 MHP
23	Plaintiff/Counterdefendant,	§	
24		§	PATENT LOCAL RULE 4-3
25	v.	§	JOINT CLAIM CONSTRUCTION AND
26		§	PREHEARING STATEMENT
27	BURST.COM, INC.,	§	
28		§	
	Defendant/Counterclaimant.	§	

1 Pursuant to Patent Local Rule (“PLR”) 4-3, Plaintiff Apple Computer, Inc. (“Apple”) and  
2 Defendant Burst.com, Inc. (“Burst”) jointly submit, through their respective counsel, this Joint  
3 Claim Construction and Prehearing Statement regarding the February 8, 2007, Claim  
4 Construction Hearing regarding U.S. Patent Nos. 4,963,995 (“the ’995 Patent”), 5,164,839 (“the  
5 ’839 Patent”), 5,995,705 (“the ’705 Patent”), and 5,057,932 (“the ’932 patent”), and the Pre-  
6 hearing Tutorial on February 1, 2007.  
7

8 **A. Agreed Claim Constructions (PLR 4-3(a)).**

9 The parties attach hereto their proposed constructions of the claim terms, phrases, and/or  
10 clauses on which the parties agree. *See* Exhibit A.  
11

12 **B. Disputed Claim Constructions and Joint Claim Construction Chart  
13 (PLR 4-3(b)).**

14 The parties attach hereto joint claim construction charts for each of the four patents that  
15 include each party’s proposed construction of each disputed claim term, phrase, or clause,  
16 together with an identification of all references from the specification or prosecution history that  
17 support that construction, and an identification of any extrinsic evidence known to the party on  
18 which it intends to rely either to support its proposed construction of the claim or to oppose the  
19 other party’s proposed construction of the claim. *See* Exhibits B - E. Burst believes that an  
20 alternative version of the charts attached as Exhibits B – E may assist the Court, and intends to  
21 provide a sample at the October 10, 2006, status conference. The issue of testimony of  
22 percipient and/or expert witnesses is addressed below in Section D.  
23

24 **C. Length of Time for Claim Construction Hearing (PLR 4-3(c)).**

25 The parties have not reached agreement on the length of time necessary for the Claim  
26 Construction Hearing. Burst believes that a total of four hours – two hours per side – is  
27

1 sufficient to present the parties' respective positions on construction of the important disputed  
2 terms. Apple believes that reserving five hours would be preferable and should be sufficient,  
3 given the disputes as presently articulated.

4  
5 **D. Need for Live Testimony at the Claim Construction Hearing (PLR 4-3(d)).**

6 The parties have agreed, as incorporated in the Court's scheduling order, that they will  
7 disclose the identities of their experts on October 20, 2006, when the parties exchange their  
8 expert reports. The expert reports, therefore, will include a summary of the experts' opinions in  
9 sufficient detail to permit a meaningful deposition of the expert, as required under Patent Local  
10 Rule 4-3(d). Neither party plans to call any percipient witnesses to testify at the Claim  
11 Construction Hearing. Burst did not plan to call any expert witnesses to testify live at the  
12 Hearing, but Apple has advised that it may do so, and therefore Burst may do so as well.  
13 However, these positions are subject to the parties' discussion with the Court at the upcoming  
14 Pre-hearing Conference on October 10, 2006, at which time the parties hope to learn the Court's  
15 preferences regarding both live testimony by experts at the Claim Construction Hearing and the  
16 total amount of Hearing time that the Court intends to schedule.

17  
18  
19 **E. The Tutorial Prior to the Claim Construction Hearing (PLR 4-3(e)).**

20 With respect to the Pre-Hearing Tutorial scheduled for February 1, 2006, the parties  
21 agree that a total of two to three hours, or 60 to 90 minutes per side, is sufficient. Apple believes  
22 that a total of three hours would be preferable. At the Initial Case Management Conference  
23 ("ICMC"), the Court stated that the tutorial should be a non-argumentative, non-testimonial  
24 presentation on the technology at issue in the patents, the technology at the time the patents were  
25 filed, and the technology of the products and instrumentalities accused of infringement. At the  
26  
27

1 status conference on October 10, 2006, the parties wish to confirm their understanding of the  
2 Court's expectations regarding the content of the tutorials. The parties propose that each party  
3 be allowed to allocate its one-hour presentation as it wishes between presentation by counsel and  
4 a non-testimonial presentation by an expert. Burst anticipates that it will use an expert during  
5 part of its presentation at the tutorial. Apple anticipates making its presentation primarily  
6 through counsel.  
7

8 At the ICMC, the parties discussed with the Court the possibility that the parties might  
9 prepare and submit recorded tutorial presentations on DVD together with this Pre-hearing  
10 Statement and Joint Claim Construction Chart. At the ICMC, the Court expressed a willingness  
11 to consider such DVD presentations, but indicated that they should be non-argumentative.  
12 Following further discussions between the parties, and in light of the Prehearing Tutorial that  
13 will occur on February 1, 2006, the parties determined and agreed not to prepare and submit  
14 DVD tutorials.  
15

16  
17  
18 Dated: October 3, 2006.

Respectfully submitted,

19 /s/ Parker C. Folse III

20 PARKER C. FOLSE III  
(WA Bar No. 24895- *Pro Hac Vice*)  
pfolse@susmangodfrey.com  
21 IAN B. CROSBY  
(WA Bar No. 28461- *Pro Hac Vice*)  
icrosby@susmangodfrey.com  
22 FLOYD G. SHORT  
(WA Bar No. 21632- *Pro Hac Vice*)  
fshort@susmangodfrey.com  
23 JOHN M. NEUKOM  
(WA Bar. No. 36986 – *Pro Hac Vice*)  
jneukom@susmangodfrey.com  
24 SUSMAN GODFREY, L.L.P.  
1201 Third Avenue, Suite 3800  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

WEIL, GOTSHAL & MANGES LLP  
Silicon Valley Office  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3000  
Facsimile: (650) 802-3100

Attorneys for Plaintiff and Counterdefendant  
APPLE COMPUTER, INC.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE

I hereby certify that on the date written above, that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. The Court or the CM/ECF system will send notification of such filings to all CM/ECF participants.

/s/ Nicholas Brown

**EXHIBIT A**

<b>CLAIM TERM</b>	<b>AGREED-UPON CONSTRUCTION</b>
<p>“audio/video”            (‘995: 1, 2, 3, 7, 8, 9, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 44, 47, 51, 52, 80; ‘839: 1, 2, 3, 7, 8, 9, 15, 16, 17, 19, 20, 22, 23, 26, 27, 28, 44, 45, 46, 47, 48, 49, 50, 51, 52, 58, 59, 73, 76, 77; ‘705: 1, 2, 3, 12, 13, 21; ‘932: 4)</p>	<p>“audio only, video only, or audio and video (i.e. audio and/or video)”</p>
<p>“transceiver apparatus”            (‘995: 1, 2, 3, 7, 8, 9, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 44, 47, 51, 52, 80; ‘705: 1, 2, 3; ‘932: 4)</p>	<p>“a combination of components, in a common housing, that transmits and receives data”</p>
<p>"semiconductor memory"            (‘995: 7; ‘839: 7)</p>	<p>“a form of memory that stores information in a semiconductor”</p>
<p>"analog"            (‘995: 8; ‘839: 8)</p>	<p>“information in the form of continuously varying physical quantities”</p>
<p>"digital"            (‘995: 8, 9, 15, 16, 23, 24, 25, 26, 27, 28, 51; ‘839: 8, 9, 23, 26, 27, 28, 51, 52, 77; ‘705: 1, 2, 3, 12, 21)</p>	<p>“information in the form of digits or discrete quantities”</p>
<p>"computer"            (‘995: 15; ‘839: 15)</p>	<p>“any device capable of accepting information, applying prescribed processes to the information, and supplying the results of these processes”</p>
<p>"fiber optic"            (‘995: 16; ‘839: 16)</p>	<p>“fibers for sending or receiving information in optical form”</p>
<p>"erasable optical disk"            ( ‘839: 52)</p>	<p>“an optical disk storage medium that has read/write/erase capabilities”</p>
<p>"erasable optical disk means"            (‘995: 52)</p>	<p>“an optical disk storage medium that has read/write/erase capabilities”</p>
<p>"CD-ROM"            ( ‘839: 51)</p>	<p>“Compact-Disc Read Only Memory.”</p>



"CD-ROM means" (‘995: 51)	“Compact-Disc Read Only Memory”
"communications link" (‘839: 19)	“a connection between one device and another provided by one or more media over which information can be transmitted and received”
“storing ... programs ... for selective retrieval” (‘839: 19, 77)	“storing programs so that a user can select which program(s) to retrieve.”

Claim Chart for US Patent 4,963,995

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p><b>995-1.</b> An <i>audio/video transceiver apparatus</i> comprising:</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video”</b> – See Exhibit A to Joint Claim Construction Statement</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“transceiver apparatus”</b> – “a combination of components, in a common housing, that transmits and receives data”- AGREED (See Exhibit A to Joint Claim Construction Statement)</p>		<p><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video”</b> -AGREED (See Exhibit A to Joint Claim Construction Statement)</p> <p><b>“transceiver”</b> – AGREED (See Exhibit A to Joint Claim Construction Statement)</p>	
<p><i>input means for receiving audio/visual source information;</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/visual source information”</b> and <b>“audio/video source information”</b> – “an audio and/or video work that can be received from one or more sources and that has a temporal dimension”</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“input means”</b> – Not subject to §112 ¶6: “an input port or terminal capable of receiving information”</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 Abstract, Fig. 2, 1:7-18, 1:40-62, 2:1-7, 2:18-22, 5:28-32, 7:1-8:2.  ‘995 PH: 3/12/90 OAR at 18-20 and claims; ‘705 PH: 5/26/98 OAR at 15-16 and claims.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>  ‘995 Fig. 2, 2:27-32, 3:28-37, 7:1-7, 7:23-8:6, 8:29-57, 10:6-21.</p> <p><u>EXTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video source information”</b>: see ‘839 Patent, Claim 1.</p> <p><b>“input means for receiving audio/visual source information”</b> - Limited to structures disclosed under §112 ¶6: video line or camera input line 15, TV RF tuner 16, auxiliary</p>	<p><b>“input means for receiving audio/visual source information”</b>  <u>INTRINSIC EVIDENCE:</u> ‘995 - 7:1-7; 7:23-28; 7:32-37; 7:45-55; 8:60-63;</p>

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
		<p><i>Modern Dictionary of Electronics</i> (6<sup>th</sup> Ed. 1984) and <i>IEEE Standard Dictionary of Electrical and Electronics Terms</i> (4<sup>th</sup> Ed. 1988) (definition for input); expert testimony.</p>	<p>digital input port 17, or fiber optic port 18.</p>	<p>Fig. 2 and associated text  <u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p>
<p><i>compression means</i>, coupled to said input means, <i>for compressing said audio/video source information</i> into a <i>time compressed representation</i> thereof <i>having an associated time period that is shorter than a time period associated with a real time representation</i> of said audio/video source information;</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“time compressed representation . . . having an associated time period that is shorter than a time period associated with a real time representation”</b> - “a 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 shorter than the time required for normal playback”</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“compressing said 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 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, 10:28-31.  ‘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>  ‘995 Fig. 2, 2:42-51, 4:19-27, 4:63-5:35, 5:59-60, 9:12-15, 9:25-26.  <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 testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>time compressed representation:</b>  see ‘839 Patent, Claim 1.  <b>having an associated time period:</b>  see ‘839 Patent, Claim 1.</p> <p><b>“compression means...for compressing said audio/video source information...”</b> - Limited to structures disclosed under §112 ¶6:  None.</p>	<p><b>“compression means...for compressing said audio/video source information...”</b>  <u>INTRINSIC EVIDENCE:</u> ‘995 - 4:48-54; 4:63-5:24; Fig. 2 and associated text; ‘839 - 4:64-5:2; 5:16-39; Figs. 2-3 and associated text; ‘995 FH - APBU 38-46, 72-89, 90-91; ‘932 FH - APBU 234-235; ‘705 FH - APBU 551-552, 620-621, 648-653.</p>

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“compression means”</b> - Subject to §112 ¶6: “a compressor/decompressor executing a compression algorithm, plus equivalents”</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>  Expert testimony.</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.</p>
<p><i>random access storage means</i>, coupled to said compression means, <i>for storing the time compressed representation</i> of said audio/video source information; and</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“random access storage means”</b> - Not subject to §112 ¶6: “storage that provides for random access to any given segment of stored audio/video source information”</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 Fig. 2, 2:13-17, 2:59-66, 3:32, 4:13-16, 4:22-23, 5:27, 5:36-45, 6:8-22, 9:12-28, 9:33-43, 9:55-61, 10:1-21.</p> <p>‘995 PH: 3/12/90 OAR at 18-20 and claims; ‘932 PH: 5/7/90 OAR at 5-6.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“random access storage means...for storing the time compressed representation...”</b> - Limited to structures disclosed under §112 ¶6: DRAM, SRAM, CMOS memory, or optical disc memory.</p>	<p><b>“random access storage means...for storing the time compressed representation...”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘995 - 6:8-19; Fig. 2 and associated text</p> <p><u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p>
<p><i>output means</i>, coupled to said random access storage means, <i>for receiving</i> the time compressed audio/video source information stored in said random access storage means <i>for transmission away from said audio/video transceiver apparatus</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“output means”</b> – Not subject to §112 ¶6: “an output port or terminal capable of transmitting information”</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 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.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Modern Dictionary of Electronics (6<sup>th</sup> Ed. 1984) and IEEE Standard Dictionary of Electrical and Electronics Terms (4<sup>th</sup> Ed. 1988) (definition for output); expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“output means...for receiving...for transmission away from said audio/video transceiver apparatus”</b> - Limited to structures disclosed under §112 ¶6: fiber optic port 18 that delivers audio/video signals to a fiber optic telephone line.</p>	<p><b>“output means...for receiving...for transmission away from said audio/video transceiver apparatus”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘995-7:45-64; 8:50-57; 9:62-68; Fig. 2 and associated text</p> <p><u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; expert testimony.</p>

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“the time compressed audio/video source information...for transmission away from said audio/video transceiver apparatus”</b>  – “sending the time compressed representation to an external device capable of playback, where the representation is sent in a time period that is shorter than the time required for normal playback”</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 Abstract, 1:34-37, 1:50-57, 7:45-66, 8:29-57, 9:55-10:21.  ‘995 PH: 3/12/90 OAR at 18-20 and claims; ‘932 PH: 5/7/90 OAR at 5-6; ‘705 PH: 5/26/98 OAR at 11, 15 and claims.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><b>time compressed:</b> see ‘839 Patent, Claim 1.  <b>“audio/video source information”:</b> see ‘839 Patent, Claim 1.</p>	
<p><b>995-2.</b> An audio/video transceiver apparatus as in claim 1 further comprising <i>editing means</i>, coupled to said random access storage means, <b>for editing the time compressed representation</b> of said audio/video source information stored in said random access storage means and <b>for restoring the edited time compressed representation</b> of said audio/video source information in said random access storage means; and wherein said output means is operative for receiving the edited time compressed representation of said audio/video source information stored in said random access storage means for transmission away from said audio/video transceiver apparatus.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“editing means”</b> - Subject to §112 ¶6: “a processor executing stored editing software, plus equivalents”</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 Abstract, Fig. 2, 1:57-59, 6:23-48, 6:53-62, 9:31-54.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“editing means...for editing the time compressed representation...and for restoring the time compressed representation”</b> - Limited to structures disclosed under §112 ¶6: (1) Digital control unit 14 which includes (a) CPU (Intel 80286 or 80386 or Motorola 68020 or 68030), (b) ROM (TI TMS47256) and (c) integrated circuit controller; and (2) user interface control panel, light pen or mouse.</p>	<p><b>“editing means...for editing ...and for restoring...”</b>  <u>INTRINSIC EVIDENCE:</u> ‘995 - 6:23-48; 6:53-62; 9:31-41; Fig. 2 and associated text  <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>

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p><b>995-3.</b> An audio/video transceiver apparatus as in claim 2 further comprising <i>monitor means for enabling the user to selectively identify the time compressed representation</i> of said audio/video source information stored in said random access storage means during editing.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“monitor means”</b> – Not subject to §112 ¶6, and no construction necessary. Alternatively, “a display”</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 6:30-52, 8:24-26, 9:32-54, 10:22-28.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“monitor means for enabling the user to selectively identify the time compressed representation...”</b> - Limited to structures disclosed under §112 ¶6: flat panel video display built into the VCR-ET, television coupled to an RF modulator, or a computer monitor.</p>	<p><b>“monitor means for enabling the user to selectively identify the time compressed representation...”</b>  <u>INTRINSIC EVIDENCE:</u> ‘995 - 6:38-44; 6:49-52; 10:21-27  <u>EXTRINSIC EVIDENCE:</u> Expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p>
<p><b>995-7.</b> An audio/video transceiver apparatus as in claim 1 wherein said random access storage means comprises a <i>semiconductor memory</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“semiconductor memory”</b> – “a form of memory that stores information in a semiconductor” – AGREED (<i>See Exhibit A to Joint Claim Construction Statement</i>)</p>			
<p><b>995-8.</b> An audio/video transceiver apparatus 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> – “information in the form of continuously varying physical quantities” – AGREED (<i>See Exhibit A to Joint Claim Construction Statement</i>)</p>			
<p>said audio/video transceiver apparatus further comprises <i>analog to digital converter means for converting said analog audio/video source information to</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“digital”</b> – “information in the form of digits or discrete quantities” – AGREED (<i>See Exhibit A to Joint Claim Construction Statement</i>)</p>			

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p><i>corresponding digital audio/video source information;</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“analog to digital converter means”</b> – Not subject to §112 ¶6, and no construction necessary. Alternatively, “a circuit that changes analog information into digital information”</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 Fig. 2, 2:18-22, 4:17-27, 4:32-47, 4:54-62, 6:3-7, 9:12-15.  ‘995 PH: 3/12/90 OAR at 19 and claims.  <u>EXTRINSIC EVIDENCE:</u>  <i>Modern Dictionary of Electronics</i> (6<sup>th</sup> Ed. 1984) and <i>IEEE Standard Dictionary of Electrical and Electronics Terms</i> (4<sup>th</sup> Ed. 1988) (definition for analog to digital converter); expert testimony.</p>	<p><b>“analog to digital converter means for converting said analog audio/video source information to corresponding digital audio/video source information”</b> - Limited to structures disclosed under §112 ¶6: Burr-Brown ADC 600.</p>	<p><b>“analog to digital converter means for converting said analog audio/video source information to corresponding digital audio/video source information”</b>  <u>INTRINSIC EVIDENCE:</u> ‘995 - 4:57-62; Fig. 2 and associated text  <u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; expert testimony.</p>
<p>said compression means is operative for compressing said corresponding <i>digital</i> audio/video source information into a <i>digital</i> time compressed representation thereof having an associated time period that is shorter than a time period associated with a real time representation of said <i>digital</i> audio/video source information; and</p>				
<p>said random access storage means is operative for storing said <i>digital</i> time compressed representation of said corresponding <i>digital</i> audio/video source information.</p>				

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p><b>995-9.</b> An audio/video transceiver apparatus as in claim 1 wherein:</p>				
<p>said audio/video source information comprises digital audio/video source information;</p>				
<p>said compression means is operative for compressing said digital audio/video source information into a digital time compressed representation thereof having an associated 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 random access storage means is operative for storing said digital time compressed representation of said digital audio/video source information;</p>				
<p><b>995-15.</b> An audio/video transceiver apparatus is in claim 9 wherein said input means is coupled to an external <i>computer</i> and said digital audio/video source information comprises computer-generated audio/video information.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“computer”</b> – “any device capable of accepting information, applying prescribed processes to the information, and supplying the results of these processes” – AGREED (<i>See Exhibit A to Joint Claim Construction Statement</i>)</p>			
<p><b>995-16.</b> An audio/video transceiver</p>	<p><u>PROPOSED CONSTRUCTION:</u></p>			



CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p>apparatus as in claim 9 wherein said input means comprises a <i>fiber optic</i> input port coupled to a fiber optic transmission line and said digital audio/video source information comprises information received over said fiber optic transmission line.</p>	<p>“<b>fiber optic</b>” – “fibers for sending or receiving information in optical form” – AGREED (<i>See</i> Exhibit A to Joint Claim Construction Statement)</p>			
<p><b>995-17.</b> An audio/video <i>transceiver</i> apparatus comprising:</p>	<p><u>PROPOSED CONSTRUCTION:</u>  “<b>transceiver apparatus</b>” – <i>see</i> above (AGREED)</p>			
<p><i>input means for receiving 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 said audio/video source information;</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  “<b>audio/video source information</b>” – <i>see</i> above.</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 said audio/video source information</b>” – “a 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”</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p> <p><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.</p> <p>‘705 PH: 5/26/98 OAR at 11, 13, 15-16 and claims.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</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>receiving...as a time compressed representation:</b> <i>see</i> ‘839 Patent, Claim 17.</p> <p><b>being received over an associated burst time period:</b> <i>see</i> ‘839 Patent, Claim 17.</p>	

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“input means”</b> - <i>see</i> above</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><b>“input means for receiving audio/video source information as a time compressed representation thereof...”</b> - Limited to structures disclosed under §112 ¶6: fiber optic port 18.</p>	<p><b>“input means for receiving audio/video source information as a time compressed representation thereof...”</b>  <u>INTRINSIC EVIDENCE:</u> ‘995 - 7:32-37; 7:45-64; 8:29-44; 8:50-57; 9:62-68; 10:14-20; Fig. 2 and associated text  <u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p>
<p><i>random access storage means</i>, coupled to said input means, <i>for storing the time compressed representation</i> of said audio/video source information received by said input means; and</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“random access storage means”</b> – <i>see</i> above   For all other terms, <i>see</i> above</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>random access storage means...for storing the time compressed representation:</b> <i>see</i> ‘995 Patent, Claim 1.</p>	
<p><i>output means</i>, coupled to said random access storage means, <i>for receiving</i> the time compressed representation of said audio/video source information stored in said random access storage means <i>for transmission away from said audio/video transceiver apparatus</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“output means”</b> – <i>see</i> above   <u>PROPOSED CONSTRUCTION:</u>  <b>“the time compressed representation of said audio/video source information...for</b></p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.   <u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>output means...for receiving...for transmission away from said audio/video transceiver apparatus:</b> <i>see</i> ‘995 Patent, Claim 1.</p>	

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
	<b>transmission away from said audio/video transceiver apparatus</b> – “sending the time compressed representation to an external device capable of playback, where the representation is sent in a time period that is shorter than the time required for normal playback”	Expert testimony.		
<b>995-19.</b> An audio/video transceiver apparatus as in claim 17 in combination with a video library, coupled via a communication link with said audio/video transceiver apparatus, said video library storing a multiplicity of items of audio/video source information in said time compressed representation for selective retrieval, in said associated burst time period over said communication link.				
<b>995-20.</b> An audio/video transceiver apparatus as in claim 1 further comprising:				
<i>decompression means</i> , coupled to said random access storage means, <b>for selectively decompressing said time compressed representation</b> of said audio/video source information stored in said random access storage means; and	<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”	<u>INTRINSIC EVIDENCE:</u> ‘995 1:57-59; 2:59-64; 4:19-26; 5:43-45; 5:57-63; 6:23-48; 9:18-30.  <u>EXTRINSIC EVIDENCE:</u> Expert testimony.	<u>PROPOSED CONSTRUCTION:</u> <b>selectively decompressing:</b> see ‘839 Patent, Claim 20.  <b>“decompression means...for selectively decompressing said time compressed representation ...”</b> -	<b>“decompression means...for selectively decompressing...”</b>  <u>INTRINSIC EVIDENCE:</u> ‘995 - 4:48-54;

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“decompression means”</b> - Subject to §112 ¶6: “a compressor/decompressor executing a decompression algorithm, plus equivalents”</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>  Expert testimony.</p>	<p>Limited to structures disclosed under §112 ¶6: None.</p>	<p>4:63-5:24; Fig. 2 and associated text  <u>EXTRINSIC EVIDENCE:</u> Claim Construction Order in <i>Burst.com v. Microsoft</i>; Burst’s Claim Construction Briefing in V; expert testimony; <u>Webster’s II New Riverside University Dictionary</u>, (1988).</p>
<p><i>editing means</i>, coupled to said random access storage means and decompression means, <i>for editing said selectively decompressed time compressed representation</i> of said audio/video source information, <i>and for storing</i> said edited selectively decompressed time compressed representation of said audio/video source information <i>in said random access storage means</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“editing”</b> – No construction required. Alternatively, “modifying”</p> <p><b>“editing means”</b> – <i>see</i> above</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 Abstract, 6:23-48, 6:53-62, 9:31-54.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>Webster’s New Collegiate Dictionary</i> (1981) (definition for edit); expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.</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><b>“editing means...for editing said selectively decompressed time compressed representation... and for storing...”</b> - Limited to structures disclosed under §112 ¶6: (1) Digital control unit 14 which includes (a) CPU (Intel 80286 or 80386 or Motorola 68020 or 68030), (b) ROM (TI TMS47256) and (c) integrated circuit controller; (2) user interface control panel, light pen or mouse; and (3) VME bus, Intel’s Multibus, or Optobuss.</p>	<p><b>“editing means...for editing said selectively decompressed time compressed representation... and for storing...”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘995 - 6:23-48; 6:53-68; 9:31-41; Fig. 2 and associated text  <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);</p>

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
				<u>McGraw Hill Dictionary of Scientific and Technical Terms</u> , 4th ed. (1989).
<b>995-21.</b> An audio/video transceiver apparatus as in claim 1 further comprising:				
decompression means, coupled to said random access storage means, for selectively decompressing said time compressed representation of said audio/video source information stored in said random access storage means; and				
<i>editing means</i> , coupled to said random access storage means an decompression means, <i>for editing said selectively decompressed time compressed representation</i> of said audio/video source information;	<u>PROPOSED CONSTRUCTION:</u> “ <b>editing means</b> ” – <i>see</i> above	<u>INTRINSIC EVIDENCE:</u> <i>See</i> above. <u>EXTRINSIC EVIDENCE:</u> Expert testimony.	<u>PROPOSED CONSTRUCTION:</u> “ <b>editing means...for editing said selectively decompressed time compressed representation...</b> ” - Limited to structures disclosed under §112 ¶6: (1) Digital control unit 14 which includes (a) CPU (Intel 80286 or 80386 or Motorola 68020 or 68030), (b) ROM (TI TMS47256) and (c) integrated circuit controller; and (2) user interface control panel, light pen or mouse.	“ <b>editing means...for editing said selectively decompressed time compressed representation...</b> ” <u>INTRINSIC EVIDENCE:</u> ‘995 - 6:23-48; 6:53-62; 9:31-41; Fig. 2 and associated text <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).
wherein said <i>compression means</i> is operative <i>for recompressing the</i>	<u>PROPOSED CONSTRUCTION:</u>	<u>INTRINSIC EVIDENCE:</u>	<u>PROPOSED CONSTRUCTION:</u>	“ <b>compression means...for</b>

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p><i>edited selectively decompressed time compressed representation</i> of said audio/video source information; and</p>	<p>“<b>compression means</b>” – <i>see</i> above</p>	<p><i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p>“<b>compression means...for recompressing...</b>” - Limited to structures disclosed under §112 ¶6:  None</p>	<p><b>recompressing...</b>  <u>INTRINSIC EVIDENCE:</u> ‘995 - 4:48-54; 4:63-5:24; Fig. 2 and associated text  <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.</p>
<p>wherein said <i>random access storage means</i> is operative <i>for storing the recompressed</i> selectively decompressed time compressed representation of said audio/video source information.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  “<b>random access storage means</b>” – <i>see</i> above</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  “<b>random access storage means...for storing the recompressed...</b>” - Limited to structures disclosed under §112 ¶6: DRAM, SRAM, CMOS memory, or optical disc memory.</p>	<p>“<b>random access storage means...for storing the recompressed...</b>”  <u>INTRINSIC EVIDENCE:</u> ‘995 - 6:8-19; Fig. 2 and associated text  <u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p>
<p><b>995-22.</b> An audio/video transceiver apparatus as in claim 1 further comprising:</p>	<p><u>PROPOSED CONSTRUCTION:</u>  “<b>audio/video</b>” – <i>See</i> above – AGREED</p> <p><u>PROPOSED CONSTRUCTION:</u>  “<b>transceiver apparatus</b>” – <i>see</i> above – AGREED</p>			

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
decompression means, coupled to said random access storage means, for selectively decompressing the time compressed representation of said audio/video source information stored in said random access storage means; and				
<i>monitor means for enabling the user to view</i> the selectively decompressed time compressed representation of said audio/video source information.	<u>PROPOSED CONSTRUCTION:</u> “ <b>monitor means</b> ” – <i>see</i> above	<u>INTRINSIC EVIDENCE:</u> <i>See</i> above. <u>EXTRINSIC EVIDENCE:</u> Expert testimony.	<u>PROPOSED CONSTRUCTION:</u> “ <b>monitor means for enabling the user to view...</b> ” - Limited to structures disclosed under §112 ¶6: flat panel video display built into the VCR-ET, television coupled to an RF modulator, or a computer monitor.	“ <b>monitor means for enabling the user to view...</b> ” <u>INTRINSIC EVIDENCE:</u> ‘995 - 6:38-44; 6:49-52; 10:21-27 <u>EXTRINSIC EVIDENCE:</u> Expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u> , 4th ed. (1989).
<b>995-23.</b> An audio/video transceiver apparatus as in claim 8 further comprising:				
decompression means, coupled to said random access storage means, for selectively decompressing the digital time compressed representation of said corresponding digital audio/video source information stored in said random access storage means; and				

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p>editing means, coupled to said random access storage means and decompression means, for editing the decompressed digital time compressed representation of said corresponding digital audio/video source information and for then storing the edited decompressed digital time compressed representation of said corresponding digital audio/video source information in said random access storage means.</p>				
<p><b>995-24.</b> An audio/video transceiver apparatus as in claim 23 further comprising monitor means for enabling the user to <i>selectively view</i> the decompressed digital time compressed representation of said corresponding digital audio/video source information <i>during editing</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“monitor means”</b> – <i>see</i> above</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“selectively view . . . during editing”</b> – No construction necessary. Alternatively, “view selection(s) of . . . during editing”</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> above.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>  ‘995 6:23-48, 9:31-54.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“monitor means...for enabling the user to selectively view...”</b> - Limited to structures disclosed under §112 ¶6: (1) flat panel video display built into the VCR-ET, television coupled to an RF modulator, or a computer monitor and (2) user interface control panel, light pen or mouse.</p> <p><b>“selectively view ... during editing”</b> – viewing the portion of the representation selected by a user on during editing.</p>	<p><b>“monitor means...for enabling the user to selectively view...”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘839 - 6:53-7:9, 10:10-32, ‘995 - 6:38-44; 6:49-52; 10:21-27; ‘705 FH - APBU-00000649.</p> <p><u>EXTRINSIC EVIDENCE:</u> 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><b>“selectively view ... during editing”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘839 - 6:53-</p>



CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
				7:9, 10:10-32, '995 - 6:38-44; 6:49-52; 10:21-27; '705 FH - APBU-00000649.  <u>EXTRINSIC EVIDENCE</u> : Expert testimony; <u>Webster's II New Riverside University Dictionary</u> (1988).
<b>995-25.</b> An audio/video transceiver apparatus as in claim 8 further comprising:				
decompression means, coupled to said random access storage means, for selectively decompressing the digital time compressed representation of said corresponding digital audio/video source information stored in said random access storage means; and				
monitor means, coupled to said decompression means, for enabling the user to selectively view the decompressed digital time compressed representation of said corresponding digital audio/video source information.				
<b>995-26.</b> An audio/video transceiver apparatus as in claim 9 further comprising:				
decompression means, coupled to said random access storage means,				

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
for selectively decompressing the digital time compressed representation of said digital audio/video source information stored in said random access memory means; and				
editing means, coupled to said random access storage means and decompression means, for editing the decompressed digital time compressed representation of said digital audio/video source information;				
said random access storage means thereafter being operative for storing the edited decompressed digital time compressed representation of said digital audio/video source information in said random access storage means.				
<b>995-27.</b> An audio/video transceiver apparatus as in claim 26 further comprising monitor means for enabling the user to selectively view the decompressed digital time compressed representation of said digital audio/video source information during editing.				
<b>995-28.</b> An audio/video transceiver apparatus as in claim 9 further				

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
comprising:				
decompression means, coupled to said random access storage means, for selectively decompressing the digital time compressed representation of said digital audio/video source information stored in said random access memory means; and				
monitor means, coupled to said decompression means, for enabling the user to selectively view the decompressed digital time compressed representation of said digital audio/video source information.				
<p><b>995-44.</b> An audio/video transceiver apparatus as in claim 1 further comprising <i>recording means, including a removable recording medium</i> coupled to said random access storage means, <i>for storing</i> the time compressed representation of said audio/video source information stored in said random access storage means onto said removable recording medium.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“recording means”</b> - Subject to §112 ¶6: “an audio/video recording unit such as a video cassette recorder, WORM drive, erasable optical disk drive, or other optical drive, plus equivalents”</p>	<p><u>INTRINSIC EVIDENCE:</u>  ‘995 2:37-41, 3:38-4:16, 9:4-30, 10:29-36.  <u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“recording means, including a removable recording medium ... for storing ... ”</b> - Limited to structures disclosed under §112 ¶6: recording unit that uses removable magnetic tape, removable WORM optical disk, or removable erasable optical disk, and shunt switch.</p>	<p><b>“recording means, including a removable recording medium ... for storing ... ”</b>  <u>INTRINSIC EVIDENCE:</u> ‘995 - 3:38-4:16; 5:63-6:2; 9:4-30; Fig. 2 and associated text  <u>EXTRINSIC EVIDENCE:</u> Burst’s Claim Construction Briefing in <i>Burst.com v. Microsoft</i>; expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 4th ed. (1989).</p>
<p><b>995-47.</b> An audio/video transceiver apparatus as in claim 17 further</p>				

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<p>comprising recording means, including a removable recording medium, coupled to said random access storage means, for storing the time compressed representation of said audio/video source information stored in said random access storage means onto said removable recording medium.</p>				
<p><b>995-51.</b> An audio/video transceiver apparatus as in claim 9 further comprising <i>CD-ROM means for providing said digital audio/video source information.</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“CD-ROM means”</b> – “Compact-Disc Read Only Memory” – AGREED (<i>See Exhibit A to Joint Claim Construction Statement</i>)</p>			
<p><b>995-52.</b> An audio/video transceiver apparatus as in claim 9 further comprising <i>erasable optical disc means for providing said digital audio/video source information.</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“erasable optical disc means”</b> – “an optical disk storage medium that has read/write/erase capabilities” – AGREED (<i>See Exhibit A to Joint Claim Construction Statement</i>)</p>			
<p><b>995-80.</b> An audio/video transceiver apparatus as in claim 1 further comprising editing means, coupled to said random access storage means, for editing said time compressed representation of said audio/video source information and for then storing the edited time compressed representation of said audio/video source information in said random</p>				

<b>CLAIM LANGUAGE</b>	<b>BURST'S PROPOSED CONSTRUCTION</b>	<b>BURST'S EVIDENCE</b>	<b>APPLE'S PROPOSED CONSTRUCTION</b>	<b>APPLE'S EVIDENCE</b>
access storage means.				

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>

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
	<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”</b> – see ’995 claim 1</p>	<p>testimony.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>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.</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p><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 testimony.</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>

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<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>



CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
		‘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

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
		(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>				

Claim Chart for US Patent 5,164,839

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
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			

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<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>				

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<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>

CLAIM LANGUAGE	BURST’S PROPOSED CONSTRUCTION	BURST’S EVIDENCE	APPLE’S PROPOSED CONSTRUCTION	APPLE’S EVIDENCE
<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>				

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
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				

Claim Chart for US Patent 5,164,839

CLAIM LANGUAGE	BURST'S PROPOSED CONSTRUCTION	BURST'S EVIDENCE	APPLE'S PROPOSED CONSTRUCTION	APPLE'S EVIDENCE
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.  <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.  <u>EXTRINSIC EVIDENCE:</u>            See ‘995 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>source information:</b> see ‘839 Patent, Claim 1  <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 audio/video source information, 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> – <i>see</i> 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>  <i>See</i> above.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> above.</p>	<p>Claim 1</p> <p><b>multiplicity:</b> <i>see</i> ‘839 Patent, Claim 19</p> <p><b>video frames:</b> <i>see</i> ‘839 Patent, Claim 73</p> <p><b>full motion video program:</b> <i>see</i> ‘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>  <i>See</i> ‘995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>time compressed representation:</b> <i>see</i> ‘839 Patent, Claim 1</p> <p><b>having an associated burst time period:</b> <i>see</i> ‘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> – <i>see</i> ‘995 claim 1 (“in a time period that is shorter than the time required for</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>PROPOSED CONSTRUCTION:</u>  <b>transmitting:</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>selected destination.</i></p>	<p>normal playback”).</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting . . . to a selected destination”</b> – <i>see</i> above.</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>See</i> above.</p>	<p><b>in said burst time period:</b> <i>see</i> ‘839 Patent, Claim 1</p>	
<p><b>839-77.</b> A method for handling audio/video source information, the method comprising:</p>			<p><u>PROPOSED CONSTRUCTION:</u>  <b>source information:</b> <i>see</i> ‘839 Patent, Claim 1</p>	
<p>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;</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 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”</p>	<p><u>INTRINSIC EVIDENCE:</u> <i>See</i> ‘995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u> Expert testimony.</p> <p><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 &amp; 4, 11:48-12:11, 12:25-27, 12:38-45. ‘705 PH: 5/26/98 OAR at 11, 13, 15-16 and claims.</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> <p><b>time compressed representation:</b> <i>see</i> ‘839 Patent, Claim 1</p> <p><b>being received over an associated burst time period:</b> <i>see</i> ‘839 Patent, Claim 17</p> <p>\</p>	



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>	

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><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>		

CLAIM LANGUAGE	BURST'S CLAIM CONSTRUCTION	BURST'S EVIDENCE	APPLE' CLAIM CONSTRUCTION	APPLE'S EVIDENCE
<p><b>932-4.</b> An audio/video <i>transceiver apparatus</i> comprising:</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transceiver apparatus”</b> – <i>see</i> ‘995 claim 1 – AGREED</p>			
<p><i>input means for receiving audio/video source information</i>, said audio/video source information comprising a <i>multiplicity of video frames</i> in the form of one or more <i>full motion video programs</i>;</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>“multiplicity”</b> – No construction necessary. Alternatively, “a large number.”</p> <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> ‘839 claim 73.</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“input means for receiving 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>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><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘839 claim 73.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘839 claim 73.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1; <i>see also</i> ‘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><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video source information”</b>: <i>see</i> ‘839 Patent, Claim 1</p> <p><b>multiplicity</b>: <i>see</i> ‘839 Patent, Claim 19</p> <p><b>video frames</b>: <i>see</i> ‘839 Patent, Claim 73</p> <p><b>full motion video programs</b>: <i>see</i> ‘839 Patent, Claim 73</p> <p><b>“input means for receiving audio/visual source information”</b> - Limited to structures disclosed under §112 ¶6: point-to-point microwave</p>	<p><b>“input means for receiving audio/visual source information”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘932-11:53-12:11; Figs. 2-3 and associated text;</p>

CLAIM LANGUAGE	BURST’S CLAIM CONSTRUCTION	BURST’S EVIDENCE	APPLE’ CLAIM CONSTRUCTION	APPLE’S EVIDENCE
		<u>EXTRINSIC EVIDENCE:</u> Expert testimony.	transceiver, or satellite transceiver.	‘932 FH-APBU 200; 212; 216-17; 231-34  <u>EXTRINSIC EVIDENCE:</u> Burst’s claim construction briefing in Burst v. Microsoft; expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u> , 4th ed. (1989).
<i>compression means</i> , coupled to said input means, <i>for compressing</i> said audio/video source information into a <i>time compressed representation</i> thereof <i>having an associated time period that is shorter than a time period associated with a real time representation</i> of said audio/video source information;	<u>PROPOSED CONSTRUCTION:</u> “ <b>compression means</b> ” – <i>see</i> ‘995 claim 1  For all other terms, <i>see</i> ‘995 claim 1.	<u>INTRINSIC EVIDENCE:</u> <i>See</i> ‘995 claim 1. <u>EXTRINSIC EVIDENCE:</u> <i>See</i> ‘995 claim 1.	<u>PROPOSED CONSTRUCTION:</u> <b>time compressed representation:</b> <i>see</i> ‘839 Patent, Claim 1  “ <b>having an associated time period ...</b> ”: <i>see</i> ‘839 Patent, Claim 1.  <b>compression means...for compressing said audio/video source information...</b> : <i>see</i> ‘995 Patent, Claim 1	
<i>random access storage means</i> , coupled to said compression means, <i>for storing the time compressed representation</i> of said audio/video source information, <i>said random access storage means comprising one or magnetic disks</i> ; and	<u>PROPOSED CONSTRUCTION:</u> “ <b>random access storage means</b> ” – <i>see</i> ‘995 claim 1.	<u>INTRINSIC EVIDENCE:</u> <i>See</i> ‘995 claim 1; <i>see also</i> ‘839 Fig. 4; 6:37-42; 12:23-27. <u>EXTRINSIC EVIDENCE:</u> <i>See</i> ‘995 claim 1.	<u>PROPOSED CONSTRUCTION:</u> “ <b>random access storage means...for storing the time compressed representation... said random access storage means comprising one or magnetic disks</b> ” - magnetic disk.	“ <b>random access storage means...for storing the time compressed representation... said random access storage means comprising one or magnetic disks</b> ” <u>INTRINSIC EVIDENCE:</u> ‘932-6:28-42; Figs. 2-3 and associated text <u>EXTRINSIC EVIDENCE:</u> Burst’s claim construction briefing in Burst v. Microsoft; expert testimony;

CLAIM LANGUAGE	BURST’S CLAIM CONSTRUCTION	BURST’S EVIDENCE	APPLE’ CLAIM CONSTRUCTION	APPLE’S EVIDENCE
				McGraw Hill Dictionary of Scientific and Technical Terms, 4th ed. (1989).
<p><i>output means</i>, coupled to said random access storage means, <i>for receiving</i> the time compressed audio/video source information stored in said random access storage means <i>for transmission away from said audio/video transceiver apparatus</i></p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“output means”</b> – <i>see</i> ‘995 claim 1</p> <p><u>PROPOSED CONSTRUCTION:</u>  <b>“the time compressed representation of said audio/video source information...for transmission away from said audio/video transceiver apparatus”</b> – “sending the time compressed representation to an external device capable of playback, where the representation is sent in a time period that is shorter than the time required for normal playback”</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1; <i>see also</i> ‘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><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1; <i>see also</i> ‘839 Figs. 3 &amp; 4, 11:28-32, 11:48-12: 45.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“output means...for receiving... [and] for transmission away from said audio/video transceiver apparatus”</b> - Limited to structures disclosed under §112 ¶6: point-to-point microwave transceiver, or satellite transceiver.</p>	<p><b>“output means...for receiving... [and] for transmission away from said audio/video transceiver apparatus”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘932-11:51-12:11; Figs. 2-3 and associated text; ‘932 FH-APBU 200; 212; 216-17; 231-34</p> <p><u>EXTRINSIC EVIDENCE:</u> Burst’s claim construction briefing in Burst v. Microsoft; expert testimony.</p>

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>  <b>“transceiver apparatus”</b> – <i>see</i> ‘995 claim 1 – AGREED</p>		<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transceiver”</b>: <i>see</i> ‘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>  <b>“audio/video source information”</b>- <i>see</i> ‘995 claim 1</p> <p><b>“multiplicity”</b> – No construction necessary. Alternatively, “a large number.”</p> <p><b>“multiplicity of video frames in the form of one or more full motion video programs”</b> – <i>see</i> ‘839 claim 73.</p> <p><b>“input means for receiving 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>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><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘839 claim 73.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘839 claim 73.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1; <i>see also</i> ‘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><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video source information:</b> <i>see</i> ‘839 Patent, Claim 1.</p> <p><b>“multiplicity”</b>: <i>see</i> ‘839 Patent, Claim 19.</p> <p><b>“video frames”</b>: <i>see</i> ‘839 Patent, Claim 73.</p> <p><b>“input means for receiving audio/visual source information”</b> - 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><b>“input means for receiving audio/visual source information”</b>  <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
		<u>EXTRINSIC EVIDENCE:</u> See ‘995 claim 1.	18, auxiliary analog audio and digital input ports, point-to-point microwave transceiver, or satellite transceiver.	associated text. <u>EXTRINSIC EVIDENCE:</u> Burst’s claim construction briefing in Burst v. Microsoft; expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u> , 4th ed. (1989).
<p><i>compression means</i>, coupled to said input means, <i>for compressing said audio/video source information</i> into a <i>digital time compressed representation</i> thereof, wherein said digital time compressed representation of said audio/video source information is <i>capable of being transmitted in a 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><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video source information”</b> – see ‘995 claim 1</p> <p><b>“digital”</b> – see ‘839 claim 8 – AGREED</p> <p><b>“compression means”</b> – see ‘995 claim 1</p> <p><b>“compressing said audio/video source information”</b> – see ‘995 claim 1.</p> <p><b>“digital time compressed representation . . . capable of being transmitted in a burst transmission</b></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 ‘995 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</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>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><u>PROPOSED CONSTRUCTION:</u>  <b>“audio/video source information”:</b> see ‘839 Patent, Claim 1.</p> <p><b>“time compressed representation”:</b> see ‘839 Patent, Claim 1.</p> <p><b>“compression means...for compressing said audio/video source information...:</b> see ‘995 Patent, Claim 1.</p> <p><b>“is capable of being transmitted in a burst transmission time period that is substantially shorter than a</b></p>	<p><b>“is capable of being transmitted in a burst transmission time period</b></p>

CLAIM LANGUAGE	BURST'S CLAIM CONSTRUCTION	BURST'S EVIDENCE	APPLE' CLAIM CONSTRUCTION	APPLE'S EVIDENCE
	<p><b>time period that is substantially shorter than a time period associated with real time viewing”</b>  – “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>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><b>time period associated with real time viewing”</b> - 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>that is substantially shorter than a time period associated with real time viewing”</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.  <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>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><u>PROPOSED CONSTRUCTION:</u>  “<b>storage means</b>” – 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>  “<b>storage means...for storing said digital time compressed representation...</b>” - Limited to structures disclosed under §112 ¶6: DRAM, SRAM, CMOS memory, optical disc memory, bubble memory, magnetic disk, or digital paper.</p>	<p>“<b>storage means...for storing said digital time compressed representation...</b>”  <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>



CLAIM LANGUAGE	BURST'S CLAIM CONSTRUCTION	BURST'S EVIDENCE	APPLE' CLAIM CONSTRUCTION	APPLE'S EVIDENCE
		<i>Electronics Terms</i> (4 <sup>th</sup> Ed. 1988) (definition for storage); expert testimony.		ed. (1989).
<p><i>transmission means</i>, coupled to said storage means, <i>for transmitting</i> said digital time compressed representation of said audio/video source information <i>away from said audio/video transceiver apparatus in said burst transmission time period</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmission means”</b> - 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><b>“transmitting . . . away”</b> – “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.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1; <i>see also</i> ‘839 Figs. 3 &amp; 4, 11:28-32, 11:48-12: 45.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmission means...for transmitting...away from said audio/video transceiver apparatus in said burst transmission time period”</b> - Limited to structures disclosed under §112 ¶6: fiber optic port 18, point-to-point microwave transceiver, or satellite transceiver.</p>	<p><b>“transmission means...for transmitting...away from said audio/video transceiver apparatus in said burst transmission time period”</b></p> <p><u>INTRINSIC EVIDENCE:</u> ‘705-7:57-8:7, 11:24-51</p> <p><u>EXTRINSIC EVIDENCE:</u> Expert testimony; <u>McGraw Hill Dictionary of Scientific and Technical Terms</u>, 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>  <b>“editing means”</b> – <i>see</i> ‘995 claim 2.</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 2; <i>see also</i> ‘839 12:46-52.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘995 claim 2.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“editing means... for editing the digital time compressed representation...and for storing...”</b>: <i>see</i> ‘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><b>“transmission means...configured</b></p>

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

CLAIM LANGUAGE	BURST’S CLAIM CONSTRUCTION	BURST’S EVIDENCE	APPLE’ CLAIM CONSTRUCTION	APPLE’S EVIDENCE
<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>“<b>audio/video source information</b>” – <i>see</i> ‘995 claim 1.</p> <p>“<b>digital</b>” – <i>see</i> ‘995 claim 8 – AGREED</p> <p>“<b>compressing the received audio/video source information</b>” – <i>see</i> ‘839 claim 1.</p> <p>“<b>digital time compressed representation . . . having an associated burst transmission time period that is substantially shorter than a time period associated with real time viewing</b>” – “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><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> ‘839 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u> <i>See</i> ‘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.</p> <p><u>EXTRINSIC EVIDENCE:</u> Expert testimony.</p>	<p>“<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>having an associated burst time period</b>”: <i>see</i> ‘839 Patent, Claim 1.</p>	
<p><i>storing</i> 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> “<b>transmitting...to a selected destination</b>” – <i>see</i> ‘839 claim 1.</p>	<p><u>INTRINSIC EVIDENCE:</u> <i>See</i> ‘839 claim 1.</p>	<p><u>PROPOSED CONSTRUCTION:</u> “<b>transmitting</b>”: <i>see</i> ‘839 Patent, Claim 1.</p>	

CLAIM LANGUAGE	BURST'S CLAIM CONSTRUCTION	BURST'S EVIDENCE	APPLE' CLAIM CONSTRUCTION	APPLE'S EVIDENCE
representation of said audio/video source information <i>to a selected destination</i> .		<u>EXTRINSIC EVIDENCE:</u> <i>See</i> '839 claim 1.		
<b>705-13.</b> 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.				
<b>705-21.</b> 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> ;	<u>PROPOSED CONSTRUCTION:</u> “ <i>audio/video source information</i> ”- <i>see</i> '995 claim 1.  “ <i>digital</i> ” – <i>see</i> '839 claim 8 – AGREED  “ <i>multiplicity</i> ” – <i>see</i> above.	<u>INTRINSIC EVIDENCE:</u> <i>See</i> '995 claim 1.  <u>EXTRINSIC EVIDENCE:</u> <i>See</i> '995 claim 1.   <u>INTRINSIC EVIDENCE:</u> <i>See</i> above.  <u>EXTRINSIC EVIDENCE:</u> <i>See</i> above.	<u>PROPOSED CONSTRUCTION:</u> “ <i>audio/video source information</i> ”: <i>see</i> '839 Patent, Claim 1.  “ <i>video library</i> ”: <i>see</i> '839 Patent, Claim 19.  “ <i>multiplicity</i> ”: <i>see</i> '839 Patent, Claim 19.	

CLAIM LANGUAGE	BURST’S CLAIM CONSTRUCTION	BURST’S EVIDENCE	APPLE’ CLAIM CONSTRUCTION	APPLE’S EVIDENCE
	<p><b>“digital time compressed representation”</b> – “a digital version of audio/video source information having a reduced number of bits.”</p> <p><b>“multiplicity of video frames collectively constituting at least one full motion video program”</b> – 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.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p> <p><u>INTRINSIC EVIDENCE:</u>  See ‘839 claim 73.</p> <p><u>EXTRINSIC EVIDENCE:</u>  See ‘839 claim 73.</p>	<p><b>“time compressed representation”</b>: see ‘839 Patent, Claim 1.</p> <p><b>“video frames”</b>: see ‘839 Patent, Claim 73.</p>	
<p>said at least one video program <i>being received</i> by a receiver <i>in a burst transmission time period that is substantially shorter than a time period associated with real-time viewing</i> by a receiver of said at least one video program;</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“being received . . . in a burst transmission time period that is substantially shorter than a time period associated with real-time viewing”</b> – “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.</p> <p><u>EXTRINSIC EVIDENCE:</u>  Expert testimony.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“being received . . . in a burst transmission time period . . .”</b> – see ‘839 Patent, Claim 17.</p>	
<p><i>storing</i> the digital time compressed representation of said audio/video source information; and</p>				

CLAIM LANGUAGE	BURST’S CLAIM CONSTRUCTION	BURST’S EVIDENCE	APPLE’ CLAIM CONSTRUCTION	APPLE’S EVIDENCE
<p><i>transmitting, in said burst transmission time period</i>, the stored digital time compressed representation of said audio/video source information <i>to a selected destination</i>.</p>	<p><u>PROPOSED CONSTRUCTION:</u>  <b>“transmitting”</b> – <i>see</i> ‘839 claim 1.</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> ‘839 claim 1.</p>	<p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘839 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘839 claim 1.</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>  <i>See</i> ‘995 claim 1.</p> <p><u>INTRINSIC EVIDENCE:</u>  <i>See</i> ‘839 claim 1.</p> <p><u>EXTRINSIC EVIDENCE:</u>  <i>See</i> ‘839 claim 1.</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>	