

NETFLIX, INC. v. BLOCKBUSTER INC.

Case No. 06 2361 WHA (JCS)

EXHIBIT O

TO

**DECLARATION OF WILLIAM J. O'BRIEN IN SUPPORT OF
BLOCKBUSTER'S BRIEF ON CLAIM CONSTRUCTION**

Filed on December 27, 2006

); either of the movable folds of skin and muscle
er the eyeball
EPHAROPLASTY
n (1947): makeup used to emphasize the contour

c pl of EYE
nor, -d-pa-n (1817) 1: a drink intended to excite
nor startling, surprising, or enlightening (her blue
-eye-open-ing \-n\ adj
(1790): the lens or combination of lenses at the
l instrument
n (1941): something that excites, astonishes
-eye-pop-pling \-p-p\ adj
an imperfect rhyme that appears to have identical
ilarity of spelling (as move and love)
n (1845): a visor that shields the eyes from strain
on with a headband
); a cosmetic cream or powder in one of various
to the eyelids to accent the eyes
(1599): the range of the eye: VIEW
(13c) 1: SIGHT 4a 2 archaic: OBSERVATION
(44): 'ORDIT
: to be read only by the person addressed
(1530): something offensive to view (the old face)

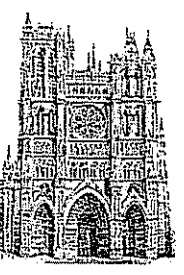
(1862) 1: a spot of color 2 a: a simple visual
pigmented cells covering a sensory terminus
all pigmented body of various unicellular algae
gal diseases of cultivated grasses (as corn, wheat
acterized by yellowish oval lesions on the leaves
(1854): one of the movable peduncles bearing a
zopod crustacean
n (1874): weariness or a strained state of the eye
z) n pl (1590) obs: organic eye attachments for
sak at death or blindness
(ca. 1545): a canine tooth of the upper jaw
); POINT OF VIEW (an alien eye view)
w\sh\ n (ca. 1859) 1: an eye lotion 2: m\l\es
ments, actions, or procedures
(1926): corrective or protective devices (as glasses
the eyes
(1598): LOOK, GLANCE
-nas\ n (1539): one who sees an occurrence or
gives a report on what he or she has seen
fr. AF, journey, eyre, fr. error to travel - more z
ircuit traveled by an itinerant justice in medieval
he presided over
of AERIE
-raf \v\ey-r\ar\ [leel, fr. ON, money (in pl), prob
in] (ca. 1927) - see krona at MONEY table

-k\el\ n [LL] (bef. 12c): EZEKIEL
k\el\ n [LL Ezechiel, fr. Heb Y\eh\ezq\el\] (1508)
l prophet of the sixth century B.C. 2: a prophet
wish and Christian Scripture written by Ezekiel

+zine (as in fanzine) (1992): an electronic ma
ld Wide Web
fr. Heb 'Ezra] (1540) 1: a Hebrew priest, scribe
dism of the fifth century B.C. in Babylon and Jeru
book of canonical Jewish and Christian Scriptures

FABULOUS
dj (1638) 1 a: of, relating to, or in the manner of
Quintus Fabius Maximus known for his defeat of
nd Punic War by the avoidance of decisive comb
DILATORY 2 [the Fabian Society; fr. the man
rather than revolutionary change in government
ed a society of socialists organized in England
ist principles gradually - Fabian n - Fablian
fr. AF, fr. L fabula conversation, story, play, fr.
at BAN] (14c): a fictitious narrative or statement
of supernatural happenings b: a narrative
a useful truth; esp: one in which animals speak
ings c: FALSEHOOD, LIE
lling \-b\o\ll\y\ vi (14c) archaic: to tell fables
out as if true - fabler \-b\o\ll\ar\ n
); FICTITIOUS 2: told or celebrated in fables
is (the team's ~ coach)
pl -aux \-o\z\ [F, fr. OF, dim. of fable] (1800)
: frankly coarse, and often cynical tale in rena
th and 13th centuries
MF fabrique, fr. L fabrica workshop, structure

(15c) 1 a: STRUCTURE, BUILDING b: underlying structure; FRAME-
WORK (the ~ of society) 2: an act of constructing; ERECTION;
specif: the construction and maintenance of a church building 3 a
specif: structural plan or style of construction b: TEXTURE, QUALITY -
used chiefly of textiles c: the arrangement of physical components
(as of soil) in relation to each other 4 a: CLOTH 1a b: a material
that resembles cloth 5: the appearance or pattern produced by the
shapes and arrangement of the crystal grains in a rock
fab-ri-cant \fa-bri-kant\ n (1757): MANUFACTURER
fab-ri-cate \fa-bri-kat\ v -cat-ed; -cat-ing [ME, fr. L fabricatus, pp.
of fabricari, fr. fabrica] (15c) 1 a: INVENT, CREATE b: to make up
for the purpose of deception (accused of fabricating evidence) 2
for CONSTRUCT, MANUFACTURE; specif: to construct from diverse and
var. standardized parts - fab-ri-ca-tor \fa-bri-k\ator\ n
fab-ri-ca-tion \fa-bri-k\ash-n\ n (15c) 1: the act or process of fabri-
cating 2: a product of fabrication; esp: LIE, FALSEHOOD
fabric softener n (1965): a product used to make laundered fabrics
softer and fluffier
fab-u-lar \fa-by\lar\ adj (1684): of, relating to, or having the form of
a fable
fab-u-list \fa-by\list\ n (1593) 1: a creator or writer of fables 2: LI-
AR - fabulist or fab-u-lis-tic \fa-by\lis-tik\ adj
fab-u-lous \fa-by\l\as\ adj [ME, fr. L fabulosus, fr. fabula] (15c) 1 a
resembling or suggesting a fable: of an incredible, astonishing, or ex-
aggerated nature (~ wealth) b: WONDERFUL, MARVELOUS (had a
time) 2: told in or based on fable SYN see FICTITIOUS - fab-u-
lously adv - fab-u-lous-ness n
fab-ur 1 facsimile 2 faculty
fac abbr forward air controller
FAC abbr also fa-çade \fa-'s\ad\ n [F façade, fr.
façade, fr. facia face, fr. VL *facia] (ca.
1681) 1: the front of a building; also: any
face of a building given special architectural
treatment (a museum's east ~) 2: a false,
superficial, or artificial appearance or effect
fac-ile \fas\ n, often attrib [ME, fr. AF, fr. VL
facia, fr. L facies make, form, face, fr. facere
to make, do - more at DO] (13c) 1 a: the
front part of the head that in humans extends
from the forehead to the chin and includes
the mouth, nose, cheeks, and eyes b: the
face as a means of identification: COUNTEN-
NANCE (would know that ~ anywhere) 2
archaic: PRESENCE, SIGHT 3 a: facial ex-
pression (a friendly ~) b: a facial expres-
sion of distaste or displeasure (he made a ~
when he saw the test results) c: MAKEUP
3a(1) 4 a (1): outward appearance (put a
good ~ on it) (2): the aspect of something that is perceptible or ob-
vious upon superficial examination (the theory is absurd on its ~
-Kim Neely) b: DISGUISE, PRETENSE c (1): ASSURANCE, CONFIDENCE
(maintaining a firm ~ in spite of adversity) (2): EFFRON-
TERY (how anyone could have the nerve to ask that question) d: DIGNI-
TY, PRESTIGE (afraid to lose ~) 5: SURFACE: a (1): a front, upper,
or outer surface (2): the front of something having two or four sides
(3): FACADE (4): an exposed surface of rock (5): any of the plane
surfaces that bound a geometric solid b: a surface specially prepared:
as (1): the principal dressed surface (as of a disk) (2): the right side
(as of cloth or leather) (3): an inscribed, printed, or marked side
c: striking surface (as of a tool) (the ~ of the golf club) (the ~ of an
anvil) d (1): the surface (as of type) that receives the ink and trans-
fers it to the paper (2): a style of type 6: the end or wall of a mine
tunnel, drift, or excavation at which work is progressing 7: FACE
VALUE 8: PERSON (lots of new ~ around here) - In one's face
: directly and aggressively in one's presence (dunked the ball in his
face) - often used with get to describe aggressively confrontational
speech or behavior (his boss got in his face about being late) - In the
face of also in face of: face-to-face with: DESPITE (fearless in the
face of danger) - to one's face: in one's presence or so that one is
fully aware of what is going on
face vb faced; fac-ing vt (15c) 1: to confront impudently 2 a: to
line near the edge esp. with a different material b: to cover the front
or surface of (faced the building with marble) 3: to meet face-to-face
or in competition 4 a: to stand or sit with the face toward b: to
have the front oriented toward (a house facing the park) 5 a: to rec-
ognize and deal with straightforwardly (~ the facts) b: to master by
confronting with determination - used with down (faced down his
critics) 6 a: to have as a prospect: be confronted by (~ a grim fu-
ture) b: to be a prospect or a source of concern for (the problems
that ~ us) c: to bring face-to-face (he was faced with ruin) 7: to
make the surface of (as a stone) flat or smooth 8: to cause (troops) to
face in a particular direction on command ~ vi 1: to have the face
or front turned in a specified direction 2: to turn the face in a spec-
ified direction - face the music: to meet an unpleasant situation, a
danger, or the consequences of one's actions
face angle n (1913): an angle formed by two edges of a polyhedral an-
gle
face card n (1826): a king, queen, or jack in a deck of cards
face-centered \fas-'sen-tard\ adj (1913): relating to or being a crys-
tal space lattice in which each cubic unit cell has an atom at the center
and at the corners of each face - compare BODY-CENTERED
face-cloth \fas-'kl\oth\ n (1602): WASHCLOTH
face cord n (ca. 1926): a unit of wood cut for fuel equal to a stack 4 x
8 feet with lengths of pieces from about 12 to 16 inches
faced adj comb form: having (such) a face or (so many) faces (rosy-
faced) (two-faced)
face-down \fas-'daun\ adv (1830): with the face down (sliding ~)
face-first \fas-'f\ast\ adv (1880): with the face foremost (hit the wall
~) - face-first adj
face fly n (1961): a European dipteran fly (Musca autumnalis) that is
similar to the housefly, is widely established in No. America, and causes
distress to livestock by clustering about the face



facade 1

face-less \fas-'l\as\ adj (1568) 1 a: lacking character or individuality
: NONDESCRIPT (the ~ masses) b: not identified: ANONYMOUS (a
~ accuser) 2: lacking a face - face-less-ness n
face-lift \fas-'l\ift\ n (1934) 1: plastic surgery on the face and neck to
remove defects and imperfections (as wrinkles or sagging skin) typical
of aging 2: an alteration, restoration, or restyling (as of a building)
intended esp. to modernize - face-lift vt
face mask n (1906): a mask covering the face (as in football)
face-off \fas-'o\f\ n (1896) 1: a method of beginning play (as in hock-
ey or lacrosse) in which two opponents face each other and attempt to
gain control of a puck or ball dropped or placed between them 2
: CONFRONTATION
face off vt (1948): to be in or come into opposition or competition
(politicians facing off against each other in a televised debate)
face-plant \fas-'plant\ n (1982): a sudden face-first fall
face-plate \fas-'pl\at\ n (1841) 1: a disk fixed with its face at right an-
gles to the live spindle of a lathe for the attachment of the work 2 a
: a protective plate for a machine or device b: a protective cover for
the human face (as of a diver) 3: the glass front of a cathode-ray tube
on which the image is seen
fac-er \fas-'s\ar\ n (15c) 1: one that faces 2 Brit: a sudden often stun-
ning check or obstacle
face-saver \fas-'s\av-er\ n (1923): something (as a compromise)
that saves face - face-sav-ing \-s\av-ing\ adj or n
fac-et \fas-'s\at\ n [F facette, dim. of face] (1625) 1: a small plane sur-
face (as on a cut gem) - see BRILLIANT illustration 2: any of the def-
inable aspects that make up an subject (as of contemplation) or an ob-
ject (as of consideration) 3: the external corneal surface of an omma-
tidium 4: a smooth flat circumscribed anatomical surface (as of a
bone) - fac-et-ed or fac-et-ted \fas-'s\at-ed\ adj
fa-cete \fas-'s\et\ adj [L facetus] (1603) archaic: FACETIOUS, WITTY
fa-cet-i-ae \fas-'s\et-ee-, -ee-, -ee\ n pl [L, fr. pl. of facetia jest, fr. facetus ele-
gant, witty] (1529): witty or humorous writings or sayings
face time n (1978) 1: the amount of time one spends appearing on
television 2: time spent in a face-to-face meeting with someone 3
: time spent at one's place of employment esp. beyond normal work
hours
fa-cet-i-ous \fas-'s\et-ee-sh\as\ adj [MF facetieux, fr. facetia jest, fr. L facetia]
(1599) 1: joking or jesting often inappropriately: WAGGISH (just be-
ing ~) 2: meant to be humorous or funny: not serious (a ~ re-
mark) SYN see WITTY - fa-cet-i-ous-ly adv - fa-cet-i-ous-ness n
face-to-face adv or adj (14c) 1: within each other's sight or presence
(met and talked ~) (a ~ consultation) 2: in or into direct contact
or confrontation (came ~ with the problem)
face-up \fas-'s\ap\ adv (1891): with the face up
face up vi (1920): to confront or deal directly with someone or some-
thing previously avoided - usu. used with to (faced up to my fears)
face value n (1876) 1: the value indicated on the face (as of a postage
stamp or a stock certificate) 2: the apparent value or significance (if
their remarks may be taken at face value)
facia var of FASCIA 3
fa-cial \fas-'sh\al\ adj (ca. 1818) 1: of or relating to the face (~ expres-
sions) 2: concerned with or used in improving the appearance of the
face - fa-cial-ly \-sh\al-lee\ adv
facial n (1914): a facial treatment
facial index n (ca. 1889): the ratio of the breadth of the face to its
length multiplied by 100
facial nerve n (ca. 1818): either of the seventh pair of cranial nerves
that supply motor fibers esp. to the muscles of the face and jaw and
sensory and parasympathetic fibers to the tongue, palate, and fauces
-facient adj comb form [L facient-, faciens (as in calefacient-, calefa-
ciens making warm, prp. of calefacere to warm)]: making: causing
(somnifacient)
fa-cies \fas-'sh\(\e-)z\ n, pl facies [NL, fr. L, face] (ca. 1736) 1: gener-
al appearance (a plant species with a particularly distinct ~) 2: an
appearance and expression of the face characteristic of a particular
condition esp. when abnormal (adenoid ~) 3: a part of a rock or
group of rocks that differs from the whole formation (as in composi-
tion, age, or fossil content)
fac-ile \fas-'s\al\ adj [MF, fr. L facilis, fr. facere to do - more at DO]
(15c) 1 a (1): easily accomplished or attained (a ~ victory) (2)
: SHALLOW, SIMPLISTIC (I am not concerned... with offering any ~
solution for so complex a problem - T. S. Eliot) b: used or compre-
hended with ease c: readily manifested and often lacking sincerity or
depth (~ tears) 2 archaic: mild or pleasing in manner or disposition
3 a: READY, FLUENT (~ prose) b: POISED, ASSURED SYN see EASY
- fac-ile-ly \-s\al-lee\ adv - fac-ile-ness \-s\al-nas\ n
fa-cil-i-tate \fas-'s\il-ee-tat\ vt -tat-ed; -tat-ing (1611): to make easier
: help bring about (~ growth) - fa-cil-i-ta-tive \-t\at-iv\ adj
fa-cil-i-ta-tion \fas-'s\il-ee-t\ash-n\ n (1619) 1: the act of facilitating
: the state of being facilitated 2 a: the lowering of the threshold for
reflex conduction along a particular neural pathway esp. from repeat-
ed use of that pathway b: the increasing of the ease or intensity of a
response by repeated stimulation
fa-cil-i-ta-tor \fas-'s\il-ee-t\ator\ n (1799): one that facilitates; esp: one
that helps to bring about an outcome (as learning, productivity, or
communication) by providing indirect or unobtrusive assistance, guid-
ance, or supervision (the workshop's ~ kept discussion flowing
smoothly)
fa-cil-i-ta-to-ry \fas-'s\il-ee-t\ator-ee\ adj (1944): inducing or involved in
facilitation esp. of a reflex action
fa-cil-i-ty \fas-'s\il-ee-t\ee\ n, pl -ties (1531) 1: the quality of being easily
performed 2: ease in performance: APTITUDE 3: readiness of com-
pliance 4 a (1): something that makes an action, operation, or course
of conduct easier - usu. used in pl. (facilities for study) (2): LAVATO-
RY 2 - often used in pl. b: something (as a hospital) that is built, in-
stalled, or established to serve a particular purpose

\a\ abut \a\ kitten, F table \or\ further \a\ ash \a\ ace \a\ mop, mar
\a\ out \ch\ chin \e\ bet \e\ easy \e\ go \a\ hit \a\ ice \a\ job
\y\ sing \o\ go \o\ law \o\ boy \ih\ thin \ih\ the \u\ loot \u\ foot
\y\ yet \zh\ vision, beige \k, ^, ce, ur, ^ see Guide to Pronunciation