

NETFLIX, INC. v. BLOCKBUSTER INC.

Case No. 06 2361 WHA (JCS)

EXHIBIT Q

TO

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

Filed on December 27, 2006

(13c) *fecund* *Vi-kond*, *'fē-kənd* adj [ME, fr. AF, fr. L. *secundus* — more at FERTILE] (15c) 1 : fruitful in offspring or vegetation: PROLIFIC 2 : intellectually productive or inventive to a marked degree (*a ~ imagination*) syn set FERTILE — *fe-cun-di-ty* *'fē-kən-də-tē*, *fē-kən-dētē* n *fecundatore*, *fr. secundus* (ca. 1631) 2 : to make fecund 2: IMPREGNATE — *fecun-da-tion* *'fē-kən-dā-shən*, *'fē-kən-dē-shən*, *'fē-kən-dētē-nēshən* n

federal *fi-dər'ē-lē* adj [federal] (1916) 1 often not cap : a federal agent, Fed. *Vie-vid* n (short for *federal*) 2 a : FEDERAL RESERVE BOARD b : FEDERAL RESERVE SYSTEM

fedayee *fi-dā-yē*, *'fē-dā-yē* n, pl. *fe-da-yeen* *'fē-yēn* [Ar *sidi*, *lit.* one who sacrifices himself] (1955) : a member of an Arab commando group operating esp. against Israel — usu. used in pl.

federal *fi-dər'ē-lē* adj [L *foeder-*, *foedus* compact, league; akin to L *fides* to trust — more at *BIDE*] (1660) 1 archaic : of or relating to a compact or treaty 2 a : formed by a compact between political units that surrender their individual sovereignty to a central authority but retain limited residuary powers of government 2 b : of or constituting a form of government in which power is distributed between a central authority and a number of constituent territorial units 3 c : of or relating to the central government of a federation as distinguished from the governments of the constituent units 3 cap : advocating or friendly to the principle of a federal government with strong centralized powers; esp. of or relating to the American Federalists 4 often cap : of, relating to, or loyal to the federal government or the Union armies of the U.S. in the American Civil War 5 cap : being or belonging to a style of architecture and decoration current in the U.S. following the American Revolution — *federal* *al-i-*ly *'fē-dər-əlē* adv

Federal *n* (1861) 1 : a supporter of the U.S. government in the Civil War; esp. a soldier in the federal armies 2 : FED 1 — usu. used in pl.

federal case *n* (1955) : BIG DEAL *<don't make a federal case out of it>*

federal court *n* (1789) : a court established by a federal government; esp. one established under the constitution and laws of the U.S.

federal district *n* (ca. 1934) : a district set apart as the seat of the central government of a federation

federal district court *n* (1948) : a district trial court of law and equity that hears cases under federal jurisdiction

federal-er-al-ese *'fē-dər-əlēz*, *'fē-dər-ərēz*, *'fē-dər-ərēz* *n* (1944) : BUREAU-CRATESE federal funds *n pl* (1950) : reserve funds lent overnight by one Federal Reserve bank to another

federal-ism *'fē-dər-izm*, *'fē-dər-izm* *n* (1787) 1 a often cap : the distribution of power in an organization (as a government) between a central authority and the constituent units — compare CENTRALISM 2 b : support or advocacy of this principle 2 cap : Federalist principles

federal-ist *'fē-dər-ist* *n* (1787) 1 : an advocate of federalism; also often cap : an advocate of a federal union between the American colonies after the Revolution and of the adoption of the U.S. Constitution 2 often cap : WORLD FEDERALIST 2 cap : a member of a major political party in the early years of the U.S. favoring a strong centralized national government — federalist adj, often cap

federal-iza-tion *'fē-dər-izā-shən*, *'fē-dər-izā-shōn* *n* (ca. 1860) 1 : the act of federalizing 2 : the state of being federalized

federal-ize *'fē-dər-īz*, *'fē-dər-īz*, *'fē-dər-īz* *v-i-za-d*, *v-i-za-ling* (1801) 1 : to unite in or under a federal system 2 : to bring under the jurisdiction of a federal government

Federal Reserve bank *n* (1914) : one of 12 reserve banks set up under the Federal Reserve Act to hold reserves and discount commercial paper for affiliated banks in their respective districts

Federal Reserve Board *n* (1920) : a 7-member board of governors overseeing the Federal Reserve System

Federal Reserve System *n* (1919) : the central banking system of the U.S. consisting of 12 districts with a Federal Reserve bank in the principal commercial city of each district

feder-a-tive *'fē-dər-ə-tiv*, *'fē-dər-ə-tiv* adj [L *foederatus*, *fr. foeder-*, *foedus*] (1710) : united in an alliance or federation: FEDERATED

feder-a-tor *'fē-dər-ə-tōr*, *'fē-dər-ə-tōr* *v-i-at-ed*, *v-i-at-ing* (1580) : to join in a federation

federated church *n* (1898) : a local church uniting two or more congregations that maintain different denominational ties — compare UNION CHURCH

feder-a-tion *'fē-dər-ə-tē-shən*, *'fē-dər-ə-tē-shōn* *n* (1787) 1 : an encompassing political or societal entity formed by uniting smaller or more localized entities: a : a federal government b : a union of organizations 2 : the act of creating or becoming a federation; esp. : the forming of a federal union

feder-a-tive *'fē-dər-ə-tiv*, *'fē-dər-ə-tiv* adj (1690) : of, relating to, or formed by federation (*a ~ republic*) — feder-a-tive-ly adv

feder-a-tion *'fē-dər-ə-tē-n* *n* [Fédératō (1882), drama by V. Sardou] (1891) : a low fed flat hat with the crown creased lengthwise

fedor-a *'fē-dōr-ə* *n* (1882), drama by V. Sardou] (1891) : a low fed flat hat with the crown creased lengthwise

fed up *adj* (1900) : tired, sated, or disgusted beyond endurance

feces *'fē-sēz* *n* [ME, fr. AF, fr. *seis*, of Gmc origin; akin to OE *seof* cattle, property, OHG *siwu* cattle; akin to L *pucis* cattle, *pecunia* money] (14c) 1 a (i) : an estate in land held in feudal law from a lord on condition of homage and service (2) : a piece of land so held b : an inherited or heritable estate in land 2 a : a fixed charge b : a sum paid or charged for a service — in fee : in absolute and legal possession

fee *n* /fee/; fee-ing (15c) 1 chiefly Scot : HIRE 2 : tip 2 feeble *'fē-bēl*, *'fē-bēl* adj [fee-blē, *'fē-bēl* or, *'fē-bēl-ēs*] [ME *fēblē*, fr. AF, fr. L *fibilis* lamentable, wretched, fr. *fēre* to weep — more at BLEAT] (12c) 1 a : markedly lacking in strength b : indicating weakness 2 a : deficient in qualities or resources that indicate vigor, authority, force, or efficiency b : INADEQUATE, INFERIOR syn see WEAK — fee-ble-ness *'fē-bēl-nēs* *n* — fee-bly *'fē-bēlē* adv

feeble-minded *'fē-bēl-mīndēd* adj (1534) 1 obs : INRESOLUTE, VACILLATING 2 : mentally deficient 3 : FOOLISH, STUPID — fee-ble-minded-ly adv — fee-ble-minded-ness *n*

feeble-mindedness *'fē-bēl-mīndēs-nēs* *n* (1674) : somewhat feeble

feed *Vēd* vb fed *'fēd*; feed-ing [ME *fedēn*, fr. OE *fēdan*; akin to OE *fēda* food — more at FOOD] *v* (bef. 12c) 1 a : to give food to b : to give as food 2 a : to furnish something essential to the development, sustenance, maintenance, or operation of (reading ~ the mind) b : to supply (material to be operated on) to a machine 3 : to produce

or provide food for 4 a : SATISFY, GRATIFY b : SUPPORT, ENCOURAGE 5 a (1) : to supply for use or consumption (2) : CHANNEL, ROUTE b (1) : to supply (a signal) to an electronic circuit (2) : to send (as by wire or satellite) to a transmitting station for broadcast 6 : to supply (a fellow actor) with cues and situations that make a role more effective 7 : to pass a ball or puck to (a teammate) esp. for a shot at the goal ~ vi 1 a : to consume food: EAT b : PREY — used with *on, upon, or off* 2 : to become nourished or satisfied or sustained as if by food 3 a : to become channeled or directed b : to move into a machine or opening in order to be used or processed

feed *n* (1576) 1 b : an act of eating b : MEAL; esp : a large meal 2 a : food for livestock; specif: a mixture or preparation for feeding livestock b : the amount given at each feeding 3 a : material supplied (as to a furnace or machine) b : a mechanism by which the action of feeding is effected c : the motion or process of carrying forward the material to be operated upon (as in a machine) d : the act or process of feeding a signal (as an audio or video transmission); also : the signal being fed 4 : the action of passing a ball or puck to a team member who is in position to score

feed-back *'fēd-bäk* *n* (1919) 1 : the return to the input of a part of the output of a machine, system, or process (as for producing changes in an electronic circuit that improve performance or in an automatic control device that provide self-corrective action) 2 a : the partial revision of the effects of a process to its source or to a preceding stage b : the transmission of evaluative or corrective information about an action, event, or process to the original or controlling source; also : the information so transmitted 3 : a rumbling, whining, or whistling sound resulting from an amplified or broadcast signal (as music or speech) that has been returned as input and retransmitted

feedback inhibition *n* (1960) : inhibition of an enzyme controlling an early stage of a series of biochemical reactions by the end product when it reaches a critical concentration

feed dog *n* (1858) : a notched piece of metal on a sewing machine that feeds material into position under the needle

feeder *'fē-dər*, *'fē-dər* *n*, often attrib (16c) 1 : one that feeds; also a : one that fattens livestock for slaughter b : a device or apparatus for supplying food 2 : one that eats or takes nourishment; esp: an animal being fattened or one suitable for fattening 3 a : one that supplies, replenishes, or connects b : TRIBUTARY 2 b : a heavy wire conductor supplying electricity at some point of an electric distribution system (as from a substation) d : BRANCH; esp : a branch transportation line e : a road that provides access to a major artery

feeding frenzy *n* (1973) : a frenzy of eating; also : the excited pursuit of something by a group

feedlot *'fēd-lōt* *n* (1889) : a plot of land on which livestock are fattened for market

feed-stock *'fēd-stōk* *n* (1932) : raw material supplied to a machine or processing plant

feed-stuff *'fēd-stūf* *n* (1856) : FEED 2a; also : any of the constituent nutrients of an animal ration

fee-for-service *n*, often attrib (1945) : separate payment to a health-care provider for each medical service rendered to a patient (*a ~ health plan*)

feel *Vēl* vb felt *'fēlt*; feeling [ME *felen*, fr. OE *felan*; akin to OHG *feler* to feel, L *palpare* to caress] *v* (bef. 12c) 1 a : to handle or touch in order to examine, test, or explore some quality b : to perceive by a physical sensation coming from discrete end organs (as of the skin or muscles) 2 B : to undergo passive experience of b : to have one's sensibilities markedly affected by 3 : to ascertain by cautious trial — usu. used with *out* 4 a : to be aware of by instinct or inference b : BELIEVE, THINK *(What you really ~)* ~ vi 1 a : to receive or be able to receive a tactile sensation b : to search for something by using the sense of touch 2 a : to be conscious of an inward impression, state of mind, or physical condition b : to have a marked sentiment or opinion (*~s strongly about it*) 3 : SEEM *(It ~s like spring today)* 4 : to have sympathy or pity (*I ~ for you*) — feel like : to have an inclination for (*feel like a walk?*)

feel *n* (13c) 1 : SENSATION, FEELING 2 : the sense of touch 3 a : the quality of a thing as imparted through or as if through touch b : typical or peculiar quality or atmosphere; also : an awareness of such a quality or atmosphere 4 : intuitive knowledge or ability

feeler *'fē-lēr* *n* (1526) : one that feels; also a : a tactile process (as a tentacle) of an animal b : something (as a proposal) ventured to ascertain the views of others

feeler gauge *n* (1925) : a thin metal strip or wire of known thickness used as a gauge

feel-good *'fēl-gūd* adj (1977) 1 : relating to or promoting an often specious sense of satisfaction or well-being (*a ~ reform program that makes no changes*) 2 : cheerfully sentimental: LIGHTHEARTED (*a ~ movie*)

feeling *'fēl-ing* *n* (12c) 1 a (i) : the one of the basic physical senses of which the skin contains the chief end organs and of which the sensations of touch and temperature are characteristic: TOUCH (2); a sensation experienced through this sense b : generalized bodily consciousness or sensation c : appreciative or responsive awareness or recognition 2 a : an emotional state or reaction (a kindly ~ toward the boy) b pl: susceptibility to impression: SENSITIVITY (the remark hurt her ~s) 3 a : the undifferentiated background of one's awareness considered apart from any identifiable sensation, perception, or thought b : the overall quality of one's awareness c : conscious recognition: SENSE 4 a : often unreasoned opinion or belief: SENTIMENT b : PRESENTIMENT 5 : capacity to respond emotionally esp. with the higher emotions 6 : the character ascribed to something: ATMOSPHERE 7 a : the quality of a work of art that conveys the emotion of the artist b : sympathetic aesthetic response 8 : FEEL 4

Syn FEELING, EMOTION, AFFECTION, SENTIMENT, PASSION mean a subjective response to a person, thing, or situation. FEELING denotes