UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
AMAZON.COM SERVICES LLC,
AMAZON WEB SERVICES, INC., and
AUDIBLE, INC.,
Petitioners,

v.

AUDIO POD IP, LLC,
Patent Owner.

Case No. IPR2025-00777
U.S. Patent No. 9,319,720

~~**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,319,720**~~

DECLARATION OF PROFESSOR KETAN MAYER-PATEL, Ph.D.

Audio Pod EX2009
Amazon v. Audio Pod
IPR2025-00777

Amazon v. Audio Pod
US Patent 9,319,720
Amazon EX-1002

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I, Ketan Mayer-Patel, do hereby declare:

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~~TABLE OF EXHIBITS~~

1. ("Petitioners"). I have been retained by Petitioners as a technical expert in this mat- ter.

2. I am being compensated for my work on this case. My compensation does not depend on the content of this Declaration or the outcome of these proceedings.

I. BACKGROUND

A. Experience and Qualifications

3. I received Bachelor of Arts degrees in Computer Science and Economics in 1992, a Master of Science in 1997 from the Department of Electrical Engineering and Computer Science, and a Ph.D. in 1999 from the Department of Electrical Engineering and Computer Science, all from the University of California, Berkeley.

4. I have been involved in the research and development of multimedia computing systems for nearly 30 years. I have been a faculty member at the University of North Carolina since January 2000, where I perform research and teach in the areas of networking, web programming, and multimedia computing. I also have

expertise other areas, including distributed systems, networking devices, and the general operation of computer systems.

5. I am a member of the Association for Computing Machinery (ACM) and the Institute of Electrical and Electronics Engineers (IEEE). These are the two leading professional societies for both academic and practicing computer scientists.

6. I have authored or co-authored over 30 papers in peer-reviewed journals and conference proceedings. I have served as an Associate Editor for both IEEE Transactions on Multimedia and ACM Transactions on Multimedia Computing, Communications, and Applications, which are the two leading journals in the field. I regularly serve as a member of the technical program committee for a number of different conferences and workshops including ACM Multimedia, The International Workshop on Network and Operating System Support for Digital Audio and Video (NOSSDAV), IFIP Networking, ACM Multimedia Systems (MMSys), MMEDIA, and SIGMAP. I am also currently chair of the standing executive committee for both NOSSDAV and MMSys. A complete listing of all my publications can be found in my CV, which I understand is being submitted as Exhibit 1096. I am also a named inventor or co-inventor on multiple issued patents, which are also listed in my CV.

7. My research has been supported by both government agencies as well as private industry. I received the National Science Foundation (NSF) CAREER Award in 2003 while an Assistant Professor. I have been a principal investigator for

grants awarded by the NSF, the Office of Naval Research, and the Laboratory of Analytic Sciences. I have also served on several NSF reviewing panels for funding recommendations.

8. In my research and teaching I have considered problems of video streaming, dynamic adaptation and transcoding of media, adaptive streaming transport protocols, telepresence, and scalable display architectures, among others.

9. In the classroom, I have regularly taught classes on Data Structures, Foundations of Programming, Modern Web Programming, Files and Databases, and Multimedia Computing and Networking. I also serve as the Director of Undergraduate Studies for the Department of Computer Science.

B. Materials Considered

10. In preparing this Declaration, I have considered the following materials:

Exhibit No.	Description
1001	U.S. Patent No. 9,319,720 ("the '720 patent")
~~1002~~	~~Declaration of Professor Ketan Mayer-Patel, Ph.D.~~
1003	NATIONAL INFORMATION STANDARDS ORGANIZATION, SPECIFICATIONS FOR THE DIGITAL TALKING BOOK (ANSI/NISO Z39.86-2002) (2002) ("DTB")
1004	European Patent Publication No. EP 1463258 A1 ("Lindahl")
1005	U.S. Patent Publication No. 2002/0069218 ("Sull-218")

~~1006~~	~~Yoshimura et al., *Content Delivery Network Architecture for Mobile Streaming Service Enabled by SMIL Modification*, 86 IE- ICE TRANSACTIONS ON COMMC'N 1778 (2003) ("Yoshimura")~~
~~*Exhibit Numbers 1007-1011 Not Used*~~	
~~1012~~	~~Excerpts from DICK C.A. BULTERMAN & LLOYD RUTLEDGE, SMIL 2.0, INTERACTIVE MULTIMEDIA FOR WEB AND MOBILE DEVICES (2004) ("Bulterman")~~
~~*Exhibit Numbers 1013-1027 Not Used*~~	

Exhibit No.	Description
1006	Yoshimura et al., *Content Delivery Network Architecture for Mobile Streaming Service Enabled by SMIL Modification*, 86 IEICE TRANSACTIONS ON COMMC'N 1778 (2003) ("Yoshimura")
1012	Excerpts from DICK C.A. BULTERMAN & LLOYD RUTLEDGE, SMIL 2.0, INTERACTIVE MULTIMEDIA FOR WEB AND MOBILE DEVICES (2004) ("Bulterman")
1028	U.S. Patent Publication No. 2002/0184189 ("Hay")
~~*Exhibit Number 1029 Not Used*~~	
1030	U.S. Patent No. 6,260,011 ("Heckerman")
~~*Exhibit Numbers 1031-1039 Not Used*~~ 1040	Amir et al., *Search the Audio, Browse the Video—A Generic Paradigm for Video Collections*, 2003 EURASIP J. ON APPLIED SIGNAL PROCESSING 209 (2003) ("Amir")

Exhibit No.	Description
1040	Amir et al., *Search the Audio, Browse the Video – A Generic Paradigm for Video Collections*, 2003 EURASIP J. ON APPLIED SIGNAL PROCESSING 209 (2003) ("Amir")
Exhibit Numbers 1041-1042 Not Used	
1043	U.S. Patent No. 5,535,063 ("Lamming")
1044	U.S. Patent No. 5,613,909 ("Stelovsky")
Exhibit Number 1045 Not Used	
1046	Tredinnick, *Implementing the SMIL Specification*, PROC. OF THE LINUX SYMP. (2003) ("Tredinnick")
1047	U.S. Patent Publication No. 2007/0150930 ("Koivisto")
1048	U.S. Patent No. 7,412,643 ("Fischer")
Exhibit Numbers 1049-1050 Not Used	
1051	Excerpts from World Wide Web Consortium, *Synchronized Multimedia Multi- media Integration Language (SMIL 2.0) Specification*, W3C Recommendation Rec- ommendation (Aug. 7, 2001), https://www.w3.org/TR/2001/REC-smil20-20010807/smil20.html. www.w3.org/TR/2001/REC-smil20-20010807/smil20.html. (the "SMIL Standard")
Exhibit Numbers 1052-1056 Not Used	
1057	U.S. Patent No. 5,798,841 ("Takahashi")
1058	U.S. Patent No. 5,021,989 ("Fujisawa")
1059	PCT Patent Publication No. WO2001/01373 ("Hendricks")

~~Exhibit No.~~	~~Description~~
1060	PCT Patent Publication No. WO2002/08948A2 (“Sull-948”)
~~*Exhibit Number 1061 Not Used*~~	

Exhibit No.	Description
1062	U.S. Patent No. 6,208,995 ("Himmel")
1063	P. Delacourt & C.J. Wellekens, *DISTBIC: A speaker-based ~~seg-mentation~~segmen- tation for audio data indexing*, 32 SPEECH COMMUNICATION 111 (2000) ("Delacourt")
~~*Exhibit Numbers 1064-1068 Not Used*~~	
1069	PCT Patent Publication No. WO2002/080524A2 ("Dimitrova")
~~*Exhibit Numbers 1070-1075 Not Used*~~	
1076	PCT Patent Publication No. WO1997/41504A1 ("Reid")
~~*Exhibit Numbers 1077-1079 Not Used*~~	
1080	U.S. Patent Publication No. 2003/0091338 ("Snow")
~~*Exhibit Numbers 1081-1084 Not Used*~~	
1085	U.S. Patent Publication No. 2002/0147979 ("Corson")
1086	PCT Patent Publication No. WO2001/24474 ("Shteyn")
~~*Exhibit Numbers 1087-1090 Not Used*~~	
1091	C. Duarte & Luís Carriço, *Usability Evaluation of Digital ~~Talk-ing~~Talking Books*, PROC. 1ST NAT'L CONF. ON HUMAN-COMPUTER ~~INTER-ACTION~~INTERACTION 2004 (June 2004) ("Duarte")

~~Exhibit No.~~	~~Description~~
~~*Exhibit Numbers 1092-1094 Not Used*~~	
1095	Excerpts from the File History for U.S. Patent No. 9,319,720
~~1096~~	~~CV of Professor Ketan Mayer-Patel, Ph.D.~~
~~1097~~	~~Declaration of Sylvia D. Hall-Ellis, Ph.D.~~
~~1098~~	~~Audio Pod's Infringement Contentions for U.S. Patent No. 9,319,720 in *Audio Pod IP, LLC v. Amazon.com, Inc.*, 3:24-cv-00407 (E.D. Va.)~~

~~Petitioners Amazon.com, Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and Audible, Inc. ("Petitioners" or "Amazon") request *inter partes* review of claims 1-29 of U.S. Patent No. 9,319,720 ("the '720 patent"), which Audio Pod IP, LLC ("Patent Owner" or "PO") purportedly owns.~~

I. ~~INTRODUCTION~~

~~The '720 patent relates to rendering digital content on a media player. The claims recite three basic concepts: (1) segmenting media content into files; (2) using a descriptor file with timing information to synchronize media content; and (3) using a time offset and a descriptor file to identify a particular file. These concepts were well-known and their combination would have been obvious. Thus, the Board should cancel the claims.~~

II.

11. In addition, I have reviewed the full file history of the '720 patent. I have also relied on my education, training, and experience, and my knowledge of pertinent literature in the field of the '720 patent.

II. APPLICABLE LEGAL STANDARDS

12. I have been asked to provide my opinion as to whether the claims of the '720 patent would have been obvious to a person of ordinary skill in the art at the time of the alleged invention, in view of the prior art.

13. I am a computer scientist by training and profession. The opinions I am expressing in this report involve the application of my training and technical knowledge and experience to the evaluation of certain prior art with respect to the '720 patent.

14. Although I have been involved as a technical expert in patent matters before, I am not an expert in patent law. Therefore, the attorneys from Knobbe, Martens, Olson & Bear, LLP have provided me with guidance as to the applicable patent law in this matter. The paragraphs below express my understanding of how I must apply current principles related to patent validity to my analysis.

A. Claim Construction

15. It is my understanding that in determining whether a patent claim is obvious in view of the prior art, the Patent Office construes the claim by giving the claim terms their plain and ordinary meaning, as they would have been understood by a person of ordinary skill in the art at the time of the invention in view of the intrinsic record (patent specification and file history). For the purposes of this review, and to the extent necessary, I have interpreted each claim term in accordance with its plain and ordinary meaning as it would have been understood by a person of ordinary skill in the art at the time of the invention, in view of the intrinsic record. I understand that the time of the invention is December 13, 2005.

16. I understand that a patent and its prosecution history are considered "intrinsic evidence" and are the most important sources for interpreting claim language in a patent. I also understand that in reading the claim, I must not import limitations from the specification into the claim terms; in other words, I must not narrow the scope of the claim terms by implicitly adding disclosed limitations that have no express basis in the claims. The prosecution history of related patents and applications can also be relevant.

17. I understand that sources extrinsic to a patent and its prosecution history (such as dictionary definitions and technical publications) may also be used to help interpret the claim language, but that such extrinsic sources cannot be used to contradict the unambiguous meaning of the claim language that is evident from the intrinsic evidence.

18. Unless expressly stated herein, I have applied the plain and ordinary meaning of the claim terms, which I understand is the meaning that a person of ordinary skill in the art would have given to terms in December 2005 based on a review of the intrinsic evidence.

B. Obviousness

19. It is my understanding that a claim is "obvious" if the claimed subject matter as a whole would have been obvious to a person of ordinary skill in the art at the time of the alleged invention. I understand that an obviousness analysis involves

a number of considerations. I understand that the following factors must be evaluated to determine whether a claim would have been obvious: (i) the scope and content of the prior art; (ii) the differences, if any, between each claim of the '720 patent and the prior art; (iii) the level of ordinary skill in the art in December 2005; and (iv) additional considerations, if any, that indicate that the invention was obvious or not obvious. I understand that these "additional considerations" are often referred to as "secondary considerations" of non-obviousness or obviousness.

20. I also understand that the frame of reference when evaluating obviousness is what a hypothetical person of ordinary skill in the pertinent art would have known in December 2005. I understand that the hypothetical person of ordinary skill is presumed to have knowledge of all pertinent prior art references.

21. It is my understanding that something is "inherent in," and therefore taught by, the prior art, if it necessarily flows from the explicit disclosure of the prior art. I understand that the fact that a certain result or characteristic *may be* present in the prior art is not sufficient to establish inherency. However, if the result or characteristic is *necessarily* present based upon the explicit disclosure in the prior art, it is inherent in the prior art and is therefore disclosed.

22. I understand that a prior art reference may be a pertinent prior art reference (or "analogous art") if it is in the same field of endeavor as the patent or if it is pertinent to the problem that the inventors were trying to solve. A reference is

reasonably pertinent if it logically would have commended itself to an inventor's attention in considering the problem at hand. If a reference relates to the same problem as the claimed invention, that supports use of the reference as prior art in an obviousness analysis. Here, all of the references relied on in my obviousness analysis below are from the same field of endeavor as the '720 patent, e.g., content distribution and/or rendering. The references are also pertinent to a particular problem the inventor was focused on, e.g., efficient and effective distribution and/or rendering of content.

23. It is my understanding that the law recognizes several rationales for combining references or modifying a reference to show obviousness of claimed subject matter. Some of these rationales include:

- combining prior art elements according to known methods to yield predictable results;
- simple substitution of one known element for another to obtain predictable results;
- a predictable use of prior art elements according to their established functions;
- using known techniques to improve similar devices (methods, or products) in the same way;

- applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success (in which case a claim would have been obvious to try);
- known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art; and
- some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

24. I understand that "secondary considerations" must be considered as part of the obviousness analysis when present. I further understand that the secondary considerations may include: (1) a long-felt but unmet need in the prior art that was satisfied by the claimed invention; (2) the failure of others; (3) skepticism by experts; (4) commercial success of a product covered by the patent; (5) unexpected results achieved by the claimed invention; (6) industry praise of the claimed invention; (7) deliberate copying of the invention; and (8) teaching away by others. I also understand that evidence of the independent and nearly simultaneous "invention" of the

claimed subject matter by others is a secondary consideration supporting an obviousness determination and may support a conclusion that a claimed invention was within the knowledge of a person of ordinary skill as of December 13, 2005. I am not aware of any evidence of secondary considerations that would suggest that the claims of the '720 patent would have been nonobvious in December 2005.

25. I understand that when assessing obviousness, using hindsight is impermissible; that is, what is known today or what was learned from the teachings of the patent should not be considered. The patent should not be used as a road map for selecting and combining items of prior art. Rather, obviousness must be considered from the perspective of a person of ordinary skill at the time the alleged invention was made – December 2005 in this case.

26. I also understand that an obviousness analysis must consider the invention as a whole, as opposed to just a part or element of the invention. I understand this "as a whole" assessment to require showing that one of ordinary skill in the art at the time of invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would have selected the elements from the prior art and combined them in the claimed manner.

III. PERSON OF ORDINARY SKILL IN THE ART

27. It is my understanding that when interpreting the claims of the '720 patent and evaluating whether a claim would have been obvious, I must do so based

on the perspective of a person of ordinary skill in the art at the relevant priority date. I understand that the relevant priority date of the '720 patent is December 13, 2005.

28. I understand that in determining the level of ordinary skill in the art, several factors are considered. Those factors may include: (i) the type of problems encountered in the art; (ii) prior art solutions to those problems; (iii) the rapidity with which innovations are made; (iv) the sophistication of the technology; and (v) the educational level of active workers in the field. A person of ordinary skill in the art must have the capability of understanding the scientific and engineering principles applicable to the pertinent art.

29. The '720 patent describes the use of well-known technologies for the rendering and/or distribution of digital content. Based on my review of the specification and claims of the '720 patent, it is my opinion that a person of ordinary skill in the art would have had a minimum of a bachelor's degree in electrical engineering, computer engineering, or computer science, and at least three years of industry or academic experience in the design, development, and/or implementation of content rendering and/or distribution systems. Work experience could substitute for formal education and additional formal education could substitute for work experience.

30. My conclusions below that the claims of the '720 patent would have been obvious would remain the same even if the priority date, field of endeavor, or level of ordinary skill were slightly different.

31. I meet the above definition of a person of ordinary skill in the art, and did so as of December 13, 2005. Also, I have worked with persons of ordinary skill in the art through my professional and academic experiences, and I have an under- standing of their skill level around December 2005.

~~I.~~IV. TECHNOLOGY BACKGROUND

~~A.~~ Segmenting Media Content Was Known.

The '720 patent acknowledges dividing media into separate files was known before ~~the patent's earliest possible priority date in~~ December 13, 2005. (EX-1001~~,~~ ('720 patent), 2:18-23.) Indeed, it was routine. (*See, e.g.*, EX-1006~~,~~ (Yoshimura), 1778-81; EX-1003~~,~~ (DTB), 6, 17, 19-20; ~~-~~EX-1085~~,~~ (Corson), Abstract, ~~-~~¶¶[0052]-[0054]; EX-1086~~,~~ (Shteyn), Abstract, ~~-~~2:11-27~~; EX-1002 ¶32.)~~ .) For example, Yoshimura disclosed dividing content into segments that are

~~1.~~32. stored as separate files on servers. (EX-1006~~,~~ (Yoshimura), 1779-80, Fig. 3~~; EX-1002 ¶32~~.) Heck- erman similarly disclosed segmenting audio and text data into multiple audio and text data files. (EX-1030~~,~~ (Heckerman), claim 22~~; EX-1002 ¶32~~.)

B. Descriptor Files for Synchronizing Media Content Were Known.

~~2.~~33. It was also common by 2005 to use descriptor files with timing ~~information~~infor- mation to synchronize the playback of media files. (*See generally* EX-1051~~,~~ (SMIL Standard); EX-1006~~,~~ (Yoshimura); EX-1003~~,~~ (DTB); EX-1012~~,~~ (Bulterman); EX-1076~~; EX-1002 ¶33.)~~ (Reid).) In the 1990s, Reid disclosed using descriptor files for ~~synchronizing~~synchro- nizing multimedia presentations. (EX-1076~~,~~ ~~EX-1002~~ (Reid).) In 2001, the Synchronized

~~¶33.) In 2001, the Synchronized~~

Multimedia Integration Language (SMIL) file, a well-known descriptor file for ~~synchronizing~~syn- chronizing the playback of media files (e.g., text, images or audio) over the Internet, was adopted as a standard. (EX-1051~~;~~ (SMIL Standard); EX-1012~~; EX-1002 ¶33.)~~ (Bulterman).) The below diagram demonstrates how various media streams (e.g., audio, images, etc.) are organized, via a SMIL file, to provide a synchronized ~~presen- tation~~presentation, with each media stream's rendering based on the timeline of an audio file:

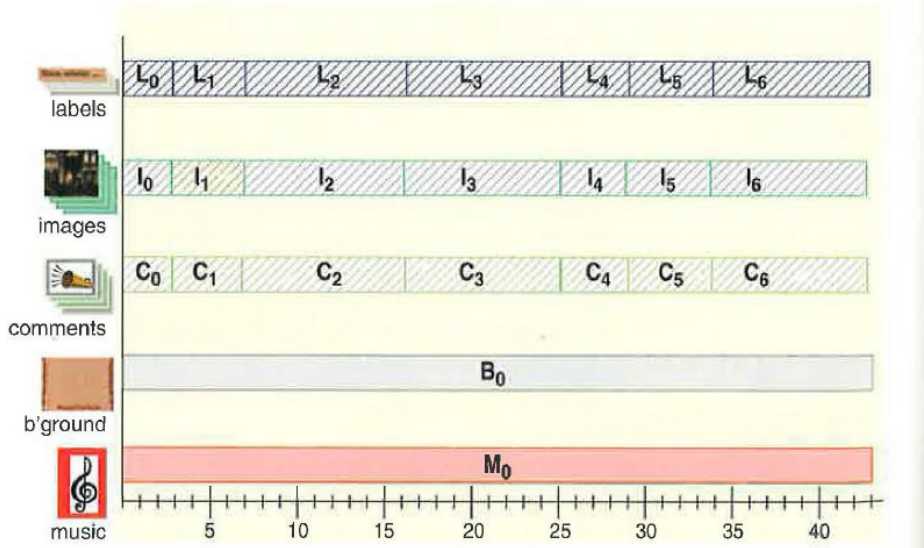


Figure 7-2. A timeline representation of the presentation in Figure 7-1.

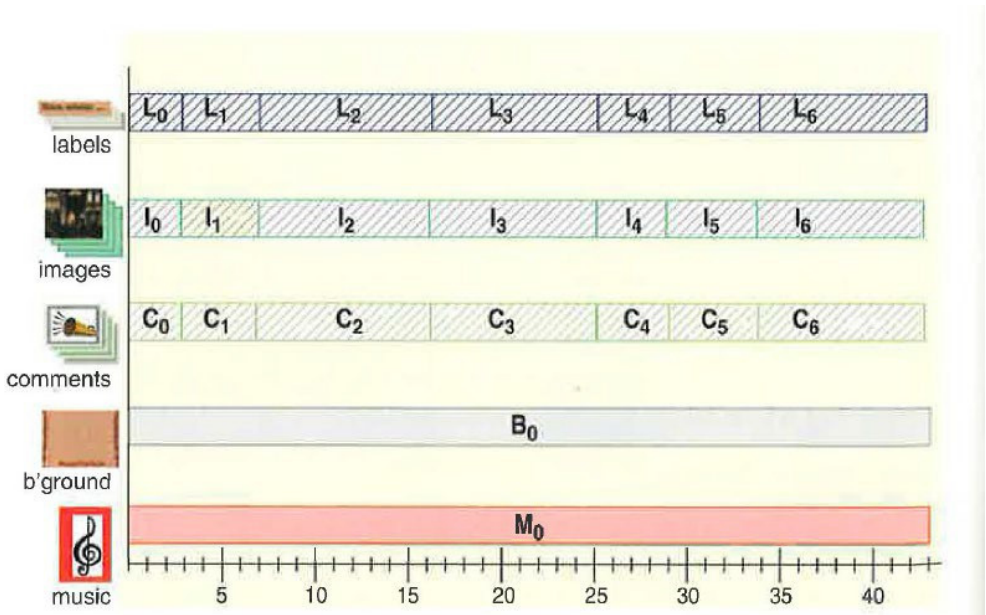


Figure 7-2. A timeline representation of the presentation in Figure 7-1.

(EX-1012~~,~~ (Bulterman), 128~~; EX-1002 ¶33~~.)

C. Identifying a File Using a Time Offset and a Descriptor File Was Known.

~~3.~~34. Digital bookmarks, which identify a particular time (or "time offset") in a ~~me- dia~~media stream, were well known by 2005. ~~(EX-1002 ¶34.)~~ Bookmarks were

routinely used with a descriptor file to identify the associated media file for playback or ~~down- load. (EX-1004 ¶¶[0035] [0036], [0040] [0041]; EX-1003, 45-50; EX-1005~~download.

(EX-1004 (Lindahl) ¶¶[0035]-[0036], [0040]-[0041]; EX-1003 (DTB), 45-50; EX-1005 (Sull-218) ¶¶[0008], [0175]; EX-1047 (Koivisto) ¶¶[0003]-[0032]; EX-1002 ¶34.)].)

~~II.~~V. THE '720 PATENT

~~A.~~ Overview

The '720 patent describes storing on servers multiple media streams, where each stream is segmented into multiple files. (EX-1001, ~~Abstract~~ ('720 patent), Ab- stract, 5:59-6:7; ~~EX-1002 ¶35.)~~ .) The server also stores a descriptor file with time information about

each file that is used to synchronize the media files. (~~EX-1001,~~*Id.*, 6:20-65~~; EX-1002 4.~~35. ~~¶35~~.) The descriptor file identifies particular files for playback using the descriptor file's time information and a time offset provided by the user (e.g., from a ~~book- mark). (EX-1001,~~bookmark). (*Id.*, 19:51-20:26~~; EX-1002 ¶35~~.) The media files can then be ~~down-loaded~~downloaded and rendered synchronously on the media player. (~~EX-1001,~~*Id.*, Abstract, 38:13-33~~; EX-1002 ¶35~~.)

B. ~~Prosecution~~

~~During prosecution, the Examiner repeatedly rejected the pending claims as obvious. (EX-1095, 188-205, 133-56, 63-97.) PO amended the independent claims to add limitations 1[c], 1[d], and 1[e]. (*Id.*, 42-61.) The Examiner then allowed the claims. (*Id.*, 18-24.)~~

C. ~~Priority~~

~~The '720 patent's earliest possible priority date is December 13, 2005. (EX-1001, 1.) Petitioners do not concede the claims are entitled to that priority date.~~

IV. ~~LEVEL OF ORDINARY SKILL IN THE ART~~

~~A POSITA is "a person of ordinary creativity, not an automaton." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007). A POSITA would have had at least a bachelor's degree in electrical engineering, computer engineering, or computer science, and at least three years of industry or academic experience in the design,~~

development, and/or implementation of content rendering and/or distribution systems. (EX-1002 ¶¶27-31); *see In re GPAC Inc.*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). Work experience could substitute for formal education and additional formal education could substitute for work experience. (EX-1002 ¶29.)

V. CLAIM CONSTRUCTION

No claim terms require construction to resolve the obviousness challenges here. *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017); *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999). For this proceeding only, Petitioner assumes the claims are not invalid under §112 and interprets the claims consistent with PO's Infringement Contentions. (EX-1098.)

VI. STATEMENT OF PRECISE RELIEF REQUESTED

A. Grounds

The Board should cancel the claims under §103 on the following Grounds:

Ground	Claims Challenged	References
1A	1, 18, 25-26	Yoshimura and Lindahl
1B	2-10, 14-15, 22	Yoshimura, Lindahl, and Heckerman
1C	5, 11-13	Yoshimura, Lindahl, Heckerman, and Bulterman
1D	17	Yoshimura, Lindahl, and DTB
1E	20	Yoshimura, Lindahl, Heckerman, and DTB

Ground	Claims Challenged	References
1F	16, 24	Yoshimura, Lindahl, Heckerman, and Hay
1G	19, 23, 27	Yoshimura, Lindahl, and Sull-948
1H	21	Yoshimura, Lindahl, Heckerman, and Amir
1I	28, 29	Yoshimura, Lindahl, Sull-948, and DTB
2A	1-15, 17-18, 20-22, 25-26	Reid, Heckerman, and optionally Stelovsky
2B	16, 24	Reid, Heckerman, Hay, and optionally Stelovsky
2C	19, 23, 27	Reid, Heckerman, Sull-948, and optionally Stelovsky
2C	28-29	Reid, Heckerman, Sull-948, DTB, and optionally Stelovsky

Additional support is included in the Declaration of Professor Ketan Mayer-Patel, Ph.D. (EX-1002.)

B. Status of References as Prior Art

Each reference is prior art under pre-AIA §102(b) because it published more than one year before the '720 patent's earliest possible priority date of December 13, 2005:

Reference	Publication Date	Exhibit
Yoshimura	September 29, 2003	EX-1006; *see* EX-1097
DTB	March 19, 2002	EX-1003; *see* EX-1097
Lindahl	September 29, 2004	EX-1004
Heckerman	July 10, 2001	EX-1030
Bulterman	May 1, 2004	EX-1012; *see* EX-1097

~~Reference~~	~~Publication Date~~	~~Exhibit~~
~~Stelovsky~~	~~March 25, 1997~~	~~EX-1044~~
~~Amir~~	~~February 25, 2003~~	~~EX-1040; *see* EX-1097~~
~~Hay~~	~~December 5, 2002~~	~~EX-1028~~
~~Sull-948~~	~~January 31, 2002~~	~~EX-1060~~
~~Reid~~	~~November 6, 1997~~	~~EX-1076~~

~~These references are analogous art because they are from the same field of endeavor as the '720 patent, e.g., content distribution and/or rendering. (EX-1002 ¶22. They are also pertinent to a particular problem the inventor was focused on, e.g., efficient and effective distribution and/or rendering of content. (*Id.*)~~

VII. B. ~~GROUND 1A:~~ Claims

36. I have been asked to consider claims 1-29 in this Declaration. Of those, claims 1, 24, 25, and 26 are independent. Claim 1 is representative and recites a "method of rendering digital content comprising" several steps:

[a] providing a media player having access to at least one server via a network,

[b] the at least one server having stored thereon a descriptor file and a plurality of media streams derived from a same originating written work,

[c] each media stream including a plurality of digital data files,

[d] the descriptor file including information allowing a simultaneous synchronized rendering of the plurality of media streams that provides a literary experience of the originating written work,

[e] the information including time information for each digital data file in each media stream, the time information for synchronizing the plurality of media streams and determined relative to a timeline of an audio recording of the originating written work;

[f] determining a first digital data file from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording;

[g] downloading the first digital data file or a digital data segment contained in the first digital data file and determined using the time information in the descriptor file from the at least one server so that the digital content is resident with the media player; and

[h] rendering the digital content using the media player at an arbitrary point determined using the predetermined time offset.

~~III.~~VI. CLAIMS 1~~, 18, AND 25-26~~ -29 OF THE '720 PATENT WOULD HAVE BEEN OBVIOUS ~~IN VIEW OF YOSHIMURA AND LINDAHL~~.

A. Claims 1, 18, and 25-26 Would Have Been Obvious in View of Yoshimura and Lindahl.

37. For at least the reasons I discuss below, Yoshimura and Lindahl render claims 1, 18, and 25-26 obvious.

1. Claim 1

1. a. Preamble

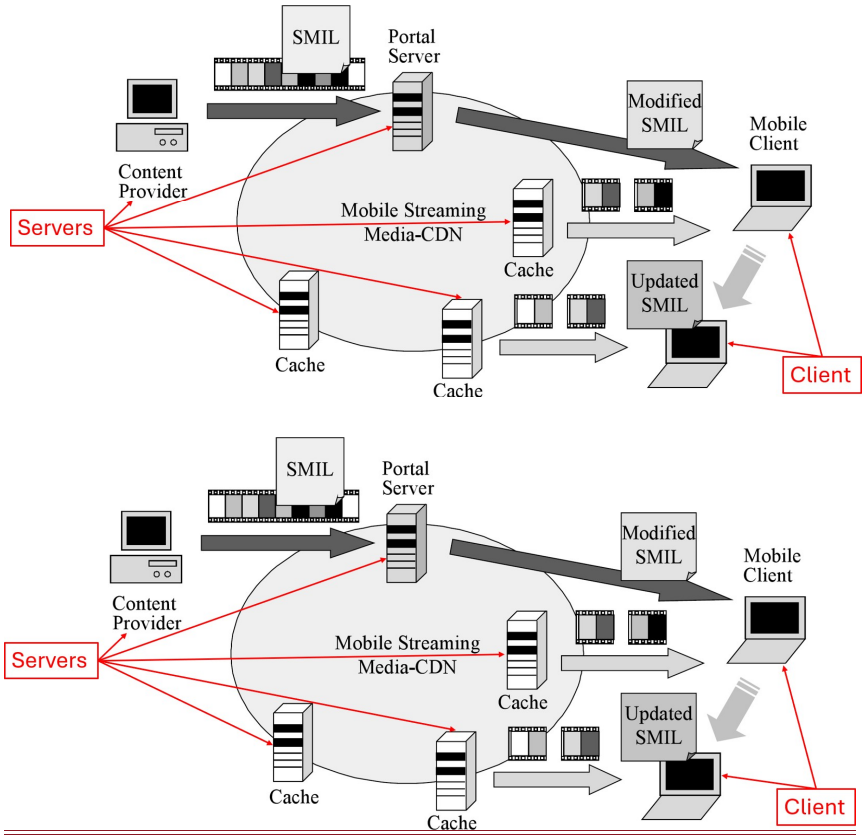
~~5.~~38. The preamble recites "[a] method of rendering digital content." ~~Yoshimura~~Yoshi- mura discloses this.

~~6.~~39. Yoshimura discloses "a CDN (Content Delivery Network) for mobile streaming" that delivers "multimedia content" to "mobile clients" to render. (EX-1006~~,~~ (Yoshimura), 1778; *id.*, 1780-81.) ~~If the preamble is limiting~~Accordingly, Yoshimura discloses ~~it. (EX-1002 ¶¶38-39.)~~the preamble.

2. a. Element- 1[a~~]~~]: Providing a Media Player

~~7.~~40. Element 1[a] recites "providing a media player having access to at least one server via a network." Yoshimura discloses this claim element.

~~8.~~41. Yoshimura discloses a "mobile streaming media CDN" in which clients ~~ac- cess~~access servers via a network:



(EX-1006~~,~~ (Yoshimura), Fig. 2~~1~~,, 1778 (CDN includes servers and client), 1779, 1780 (CDN ~~in- cludes~~includes portal servers, content servers, and surrogate servers).) The clients are media players. (*Id.*, 1780, 1781 (content "played and displayed~~"); EX-1002 ¶41.) Accord- ingly~~").)

9.42. Accordingly, Yoshimura discloses providing a media player (e.g., ~~client~~cli- ent) having access to at least one server (e.g., content provider, portal, and/or cache/surrogate servers) via a network. ~~(EX-1002 ¶¶40-42.)~~Thus, Yoshimura discloses claim element 1[a].

3. a. Element- 1[b~~]~~: Descriptor File and Plurality of Media Streams

~~10.~~43. Element 1[b] recites "the at least one server having stored thereon a descriptor file and a plurality of media streams derived from a same originating ~~written~~writ- ten work." Yoshimura and Lindahl render obvious this claim element.

a.

i. Descriptor File

~~11.~~44. Yoshimura's portal server takes a SMIL file attached to "original" ~~content~~con- tent, segments the content into smaller files, and creates a modified SMIL file "to describe the timing relations among these segments" as shown in Figure 3:

~~[1] Figures herein may be colored or annotated.~~

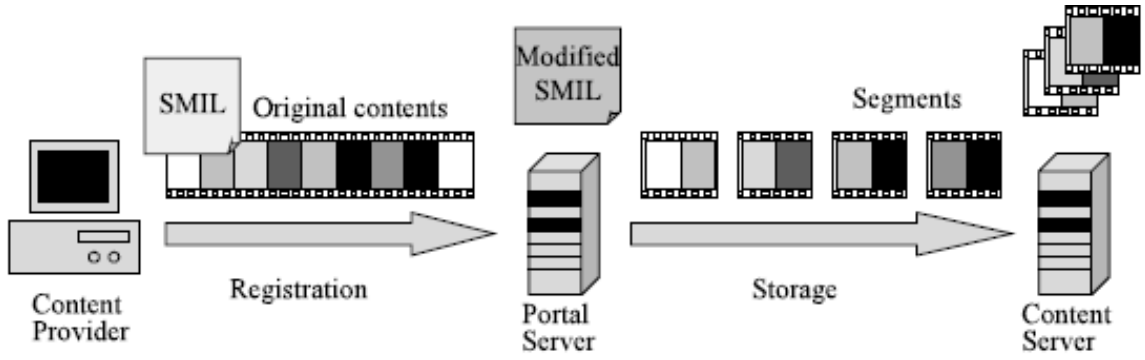


Fig. 3 Content segmentation and SMIL modification at portal server.

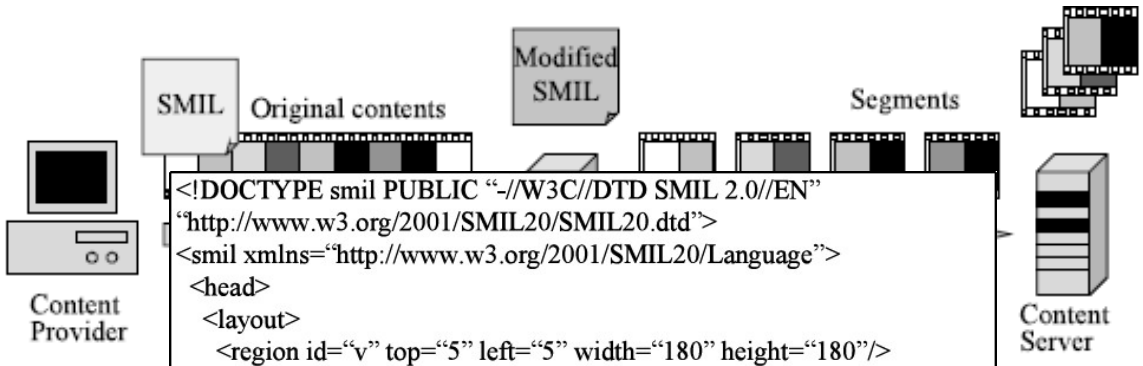


Fig. 3 ...at portal server.

```
<!DOCTYPE smil PUBLIC "-//W3C//DTD SMIL 2.0//EN"
"http://www.w3.org/2001/SMIL20/SMIL20.dtd">
<smil xmlns="http://www.w3.org/2001/SMIL20/Language">
 <head>
  <layout>
   <region id="v" top="5" left="5" width="180" height="180"/>
  </layout>
 </head>
 <body>
  <seq>
   <par dur="10min">
    <audio src="rtsp://content-server/content-A-1.mp4" />
    <video src="rtsp://content-server/content-V-1.mp4" region="v" />
   </par>
   <par dur="20min">
    <audio src="rtsp://content-server/content-A-2.mp4" />
    <video src="rtsp://content-server/content-V-2.mp4" region="v" />
   </par>
   <par dur="30min">
    <audio src="rtsp://content-server/content-A-3.mp4" />
    <video src="rtsp://content-server/content-V-3.mp4" region="v" />
   </par>
  </seq>
 </body>
</smil>
```

Fig. 5 Modified SMIL file after content segmentation.

(EX-1006~~,~~ (Yoshimura), 1780, Fig. 3 ("Modified SMIL" file on portal server~~); EX-~~

~~1002 ¶44.))~~.) An example of a "modified SMIL" file is shown in Figure 5:

```
<!DOCTYPE smil PUBLIC "-//W3C//DTD SMIL 2.0//EN"
"http://www.w3.org/2001/SMIL20/SMIL20.dtd">
<smil xmlns="http://www.w3.org/2001/SMIL20/Language">
 <head>
  <layout>
   <region id="v" top="5" left="5" width="180" height="180"/>
  </layout>
 </head>
 <body>
  <seq>
   <par dur="10min">
    <audio src="rtsp://content-server/content-A-1.mp4" />
    <video src="rtsp://content-server/content-V-1.mp4" region="v" />
   </par>
   <par dur="20min">
    <audio src="rtsp://content-server/content-A-2.mp4" />
    <video src="rtsp://content-server/content-V-2.mp4" region="v" />
   </par>
   <par dur="30min">
    <audio src="rtsp://content-server/content-A-3.mp4" />
    <video src="rtsp://content-server/content-V-3.mp4" region="v" />
   </par>
  </seq>
 </body>
</smil>
```

Fig. 5 Modified SMIL file after content segmentation.

(EX-1006~~,~~ (Yoshimura), Fig. 5; *id.*, 1780-81~~; EX-1002 ¶44~~.) This modified SMIL file identifies files for different content streams from the same work, for example audio (content- **A**.mp4) and video (content-**V**.mp4) files. (~~EX-1006,~~*Id.*, 1780-81 (defining "content names"), ~~names"),~~ 1782.) The "modified SMIL files indicate the names, durations, and ~~rela-tions~~relations of the segments." (*Id.*, 1781.) For example, each segment is played ~~sequen- tially~~sequentially for the duration defined by the "<par dur>" entry. (*Id.*) Thus, the modified SMIL file is a "descriptor file" at least because it identifies and provides timing ~~in- formation~~information for content. (EX-~~1002 ¶44; EX-~~1001~~,~~

('720 patent), 3:6-11 (descriptor file "defines a plurality of ~~digital media files" using time information), Abstract, 18:27-41, 19:26- 20:9, Figs. 5c, 6, 20, 22, Table 1.)~~

digital media files" ~~b.~~ using time information), Abstract, 18:27-41, 19:26-20:9, Figs. 5c, 6, 20, 22, Table 1.)

ii. Media Streams

~~12.~~45. Yoshimura's portal servers also store, for example, two streams: (a) segments of "'content-A.mp4' for audio content"; and (b) segments of "'content-V.mp4' for video content." (EX-1006~~,~~ (Yoshimura), 1780-81~~; EX-1002 ¶45~~.) Yoshimura's server divides the original audio file into smaller files and stores the segments on the portal server before sending the segments to a content server for storage. (~~EX-1006,~~*Id.*, 1780; *id.*, 1780 (content stored on surrogate servers), 1782-83~~; EX-1002 ¶45~~.)

c. iii. Same Originating Work ~~Yoshimura~~

46. Yoshimura distributes "streaming content" including audio and video streams. (EX-1006, (Yoshimura), 1779-81~~; EX-1002 ¶46~~.) It would have been obvious that those streams would be derived from the same written work. ~~(EX-1002 ¶46.)~~ For example, it would have been obvious to use Yoshimura to distribute audio and video streams of movies or television, which would be derived from the same written work—a script. (*Id.*; *see also* EX-1001, ('720 patent), 18:44-45~~; EX-1098, 5 (PO asserting audio and video of a movie originates from the same written work (script)).~~.) It would have also been obvious that ~~Yoshimura's~~Yo- shimura's media streams would include audio with images or text from a book, as audiobooks were widely known. ~~(EX-1002 ¶46.)~~ Such streams were derived from the same written work—a book. ~~(*Id.*)~~ Indeed, a ~~POSITA~~person of ordinary skill in the art would have understood

Yoshimura to disclose streaming all media content supported by SMIL, e.g., text, audio, and images. (EX-1003~~,~~ (DTB), vii, 3; EX-1012~~,~~ (Bulterman), 108, 123~~; EX-1002~~.)

~~¶46.)~~

ii. ~~Lindahl~~

Lindahl discloses a system for transmitting audiobooks using a ~~network~~net-work. (EX-1004 (Lindahl) ¶¶[0001], [0010], [0015]-[0017], [0019]-[0024], [0030], [0043]-[0045],

~~13.~~47. claims ~~-~~1-12, Fig. 1.)~~——~~ The audiobooks include multiple media streams (e.g., ~~au- dio~~audio/text) derived from the same written work. (*Id.* ¶¶[0004], [0001~~]; EX-1002 ¶47.)~~].)

~~14.~~48. ~~Thus~~Accordingly, Yoshimura, alone or with Lindahl, renders obvious at least one server (e.g., content provider, portal, and/or cache/surrogate servers) ~~having~~hav- ing stored thereon a descriptor file (e.g., modified SMIL file) and a plurality of media streams (e.g., audio/video/text) derived from a same originating written work (e.g., script/book). ~~(EX-1002 ¶¶43-48.)~~

iii. ~~Motivation to Combine~~

~~15.~~49. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~transmit~~trans- mit audiobooks (as in Lindahl) using Yoshimura's system. ~~(*Id.* ¶¶49-53.)~~

~~16.~~50. First, Yoshimura teaches transmitting media content using SMIL files to "~~en- hance~~enhance[] streaming media quality … while utilizing network recourses ~~efficiently~~effi- ciently." (EX-1006~~,~~ (Yoshimura), 1778.) It improves caching by dividing files into smaller segments and allows for "easily manag[ing] the timing and spatial relations among these ~~seg- ments~~segments." (*Id.*, 1779.) It also "enables efficient pre-fetch," can be applied to any XML-related technology, is 3G compliant, and is easily implemented. ~~(*Id.*) A POSITA would have been motivated to use Yoshimura's approach for transmitting audiobooks to obtain these benefits. (EX-1002 ¶50.)~~

(*Id.*) A person of ordinary skill in the art would have been motivated to use Yoshi- mura's approach for transmitting audiobooks to obtain these benefits.

~~17.~~51. Second, SMIL files, as in Yoshimura, were routinely used to transmit ~~audio- books~~audiobooks. (EX-1004 (Lindahl) ¶¶[0002]-[0003] (audiobooks transmitted using DAISY); EX-1003~~,~~ (DTB), vii, 3, 6-7, 21 (DAISY audiobook standard based on SMIL); EX-1046~~,~~ (Tredinnick), 432~~; EX-1002 ¶51~~.)

~~18.~~52. Third, because audiobooks were widely known and supported, ~~transmitting~~trans- mitting them using Yoshimura's system would have been a simple substitution of one known element/technique (Lindahl's audio/text streams) for another (~~Yoshimura's au- dio~~Yoshi- mura's audio/video streams) in a known device ready for improvement to obtain predictable results (improved delivery of audiobooks). ~~(EX-1004 ¶¶[0002]-[0003], [0005]; EX-1002 ¶52); *KSR*, 550 U.S. at 417.~~(EX-1004 (Lindahl) ¶¶[0002], [0003], [0005].)

~~19.~~53. A ~~POSITA~~person of ordinary skill in the art would have reasonably expected success in transmitting ~~audio- books~~audiobooks using Yoshimura's system at least because ~~Yoshimura~~Yo- shimura already uses "modified SMIL files" to "enable multimedia content to be delivered" (EX-1006~~,~~ (Yoshimura), 1778), and because using SMIL files for ~~audiobooks~~audio- books was widely known (EX-1004 (Lindahl) ¶[0004]; EX-1003~~,~~ (DTB), vii, 3). ~~(EX-1002 ¶53.)~~

54. Thus, Yoshimura and Lindahl render obvious claim element 1[b].

4.

a. Element 1[c]: Media Stream Including a Plurality of Files

Element 1[c] recites "each media stream including a plurality of digital data files." Yoshimura discloses or renders obvious this claim element.

Yoshimura discloses "segmenting" the media content on its portal server into multiple "smaller segments." (EX-1006, Yoshimura, 1780, 1782-83, Fig. 3.) Each segment is stored as a separate file, e.g., files "content-A-1.mp4," "content-A-2.mp4," etc. for audio and files "content-V-1.mp4," "content-V-2.mp4," etc. for video. (*Id.*, 1781, Fig. 5.)

Accordingly, Yoshimura discloses or renders obvious each media stream (e.g., audio, video, text) including a plurality of digital data files (e.g., con- tent-A-{1,2,3}.mp4 and content-V-{1,2,3}.mp4). Thus, Yoshimura discloses or renders obvious claim element 1[c].

~~of digital data files (e.g., content-A-{1,2,3}.mp4 and content-V-{1,2,3}.mp4). (EX-1002 ¶¶55-57.)~~

5. a. Element 1[d]: Simultaneous Synchronized Rendering

~~22.~~58. Element 1[d] recites "the descriptor file including information allowing a ~~sim- ultaneous~~simultaneous synchronized rendering of the plurality of media streams that ~~provides~~pro- vides a literary experience of the originating written work." Yoshimura and Lindahl disclose or render obvious this claim element.

59. Yoshimura's SMIL file includes information describing the ~~synchronization~~synchroni- zation of media streams and specifying how and when the content is displayed (e.g. ~~Yoshi- mura's~~Yoshimura's <par> and <seq> elements). (EX-1006~~,~~ (Yoshimura), 1780-81, Fig. 5,~

1779 (SMIL file describes "media synchronization about the content."), 1780 (SMIL file describes "timing relations among these segments"); EX-1051~~,~~ (SMIL Standard), 123; EX-1012~~,~~ (Bulterman), 137-38~~; EX-1002 ¶59~~.) A POSITAperson of ordinary skill in the art would have understood that Yoshimura's audio/video (e.g., movie) content and Lindahl's audio/text (e.g., audiobook) content provide a literary experience of a script or book. (EX-1002 ¶59.)

23.60. ThusAccordingly, Yoshimura, alone or with Lindahl, discloses or renders obvious that the descriptor file (modified SMIL file) includes information allowing a simultaneous synchronized rendering of the plurality of media streams (e.g., audio narra- tionnarration/video/text) that provides a literary experience of the originating written work (e.g., script/book). (*Id.* ¶¶58-60.)Thus, Yoshimura and Lindahl disclose or render obvious claim element 1[d].

6. a. Element- 1[e]: Time Information

24.61. Element 1[e] recites "the information including time information for each dig- ital digital data file in each media stream, the time information for synchronizing the plu- rality plurality of media streams and determined relative to a timeline of an audio recording re- cording of the originating written work." Yoshimura and/or Lindahl render obvious this claim element.

25.62. Yoshimura's content files are grouped within the SMIL file into a series of parallels ("par" or "<par>"). (EX-1006, (Yoshimura), 1781.) This content is rendered in parallel. (EX-1012, 137-38; EX-1002 ¶62.) For example, audio "content-A-1.mp4" and video "content-V-1.mp4" will be rendered at the same time:

```
<!DOCTYPE smil PUBLIC "-//W3C//DTD SMIL 2.0//EN"
"http://www.w3.org/2001/SMIL20/SMIL20.dtd">
<smil xmlns="http://www.w3.org/2001/SMIL20/Language">
 <head>
  <layout>
   <region id="v" top="5" left="5" width="180" height="180"/>
  </layout>
 </head>
 <body>
  <seq>
   <par dur="10min">
    <audio src="rtsp://content-server/content-A-1.mp4" />
    <video src="rtsp://content-server/content-V-1.mp4" region="v" />
   </par>
   <par dur="20min">
    <audio src="rtsp://content-server/content-A-2.mp4" />
    <video src="rtsp://content-server/content-V-2.mp4" region="v" />
   </par>
   <par dur="30min">
    <audio src="rtsp://content-server/content-A-3.mp4" />
    <video src="rtsp://content-server/content-V-3.mp4" region="v" />
   </par>
  </seq>
 </body>
</smil>
```

rendered in parallel. (EX-1012 (Bulterman), 137-38.) For example, audio "content- A-1.mp4" and video "content-V-1.mp4" will be rendered at the same time:

```
<!DOCTYPE smil PUBLIC "-//W3C//DTD SMIL 2.0//EN"
"http://www.w3.org/2001/SMIL20/SMIL20.dtd">
<smil xmlns="http://www.w3.org/2001/SMIL20/Language">
 <head>
  <layout>
   <region id="v" top="5" left="5" width="180" height="180"/>
  </layout>
 </head>
 <body>
  <seq>
   <par dur="10min">
    <audio src="rtsp://content-server/content-A-1.mp4" />
    <video src="rtsp://content-server/content-V-1.mp4" region="v" />
   </par>
   <par dur="20min">
    <audio src="rtsp://content-server/content-A-2.mp4" />
    <video src="rtsp://content-server/content-V-2.mp4" region="v" />
   </par>
   <par dur="30min">
    <audio src="rtsp://content-server/content-A-3.mp4" />
    <video src="rtsp://content-server/content-V-3.mp4" region="v" />
   </par>
  </seq>
 </body>
</smil>
```

(EX-1006, (Yoshimura), 1781; EX-1002 ¶62.)

~~26.~~63. The parallels are located inside a sequence ("seq" or "<seq>") and are played in the order they appear in the sequence. (~~*Id.*;~~EX-1006 (Yoshimura), 1781; EX-1012~~,~~ (Bulterman), 135, 154.)

~~27.~~64. The SMIL file also includes the duration ("dur") of each parallel. (EX-1006~~,~~ (Yoshimura), 1781~~; EX-1002 ¶64~~.) In this example, the first parallel is 10 minutes long, the second 20 minutes, and the third 30 minutes:

```
<!DOCTYPE smil PUBLIC "-//W3C//DTD SMIL 2.0//EN"
"http://www.w3.org/2001/SMIL20/SMIL20.dtd">
<smil xmlns="http://www.w3.org/2001/SMIL20/Language">
 <head>
  <layout>
   <region id="v" top="5" left="5" width="180" height="180"/>
  </layout>
 </head>
 <body>
  <seq>
1 <par dur="10min">
    <audio src="rtsp://content-server/content-A-1.mp4" />
    <video src="rtsp://content-server/content-V-1.mp4" region="v" />
   </par>
2 <par dur="20min">
    <audio src="rtsp://content-server/content-A-2.mp4" />
    <video src="rtsp://content-server/content-V-2.mp4" region="v" />
   </par>
3 <par dur="30min">
    <audio src="rtsp://content-server/content-A-3.mp4" />
    <video src="rtsp://content-server/content-V-3.mp4" region="v" />
   </par>
  </seq>
 </body>
</smil>
```

```
<!DOCTYPE smil PUBLIC "-//W3C//DTD SMIL 2.0//EN"
"http://www.w3.org/2001/SMIL20/SMIL20.dtd">
<smil xmlns="http://www.w3.org/2001/SMIL20/Language">
 <head>
  <layout>
   <region id="v" top="5" left="5" width="180" height="180"/>
  </layout>
 </head>
 <body>
  <seq>
1 <par dur="10min">
    <audio src="rtsp://content-server/content-A-1.mp4" />
    <video src="rtsp://content-server/content-V-1.mp4" region="v" />
   </par>
2 <par dur="20min">
    <audio src="rtsp://content-server/content-A-2.mp4" />
    <video src="rtsp://content-server/content-V-2.mp4" region="v" />
   </par>
3 <par dur="30min">
    <audio src="rtsp://content-server/content-A-3.mp4" />
    <video src="rtsp://content-server/content-V-3.mp4" region="v" />
   </par>
  </seq>
 </body>
</smil>
```

(*Id.*) The entire stream is the sum of its parallels/segments (here, 60 minutes long). (*Id.*) This time information in Yoshimura's SMIL file is determined relative to a timeline of media content (e.g., 0-60 minutes). (~~EX-1002 ¶64; *see*~~See EX-1012~~,~~ (Bulterman), 125, 127, 141-47.)

65. Thus, Yoshimura, alone or with Lindahl, renders obvious time ~~information~~ infor- mation (<seq>, <par>, duration, etc.) for each digital data file (e.g., content-A-~~{~~{1,2,3}.mp4 and content-V-{1,2,3}.mp4) in each media stream (e.g., audio/video), the time ~~in- formation~~ information for synchronizing the streams and determined relative to a ~~timeline~~time- line (e.g., 0-60 minutes) of an audio recording of the originating written work (script/book). ~~(EX-1002 ¶65.)~~Thus, Yoshimura and/or Lindahl render obvious claim element 1[e].

7. ~~Element 1[f]~~

a. Element 1[f]: Determining a First Digital Data File Using a Predetermined Time Offset

~~28.~~66. Element 1[f] recites "determining a first digital data file from the ~~plurality~~plu- rality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and deter- mined relative to the timeline of the audio recording." Predetermined time offsets include bookmarks, fast-forward/rewind requests, search results, etc. (EX-1001~~,~~ ('720 patent), claim 18.) Yoshimura and Lindahl disclose or render obvious this claim element.

a. i. Yoshimura

~~29.~~67. Yoshimura determines media files in the same manner disclosed in the '720 patent (e.g., using a descriptor to process a user's fast-forward or rewind ~~request). (EX-1002 ¶67.)~~re- quest).

68. Yoshimura's media files can be determined based on their position within the body of a SMIL file (time information in the descriptor file). (EX-~~1002 ¶68; EX~~ 1012~~,~~ (Bulterman), 85, 125, 135.) For example, at any given time in the presentation, ~~Yoshi- mura's~~Yo- shimura's client will determine, request, and render the media file indicated by the ~~par- allel~~parallel active at that time. (EX-1006~~,~~ (Yoshimura), 1780, 1782, 1785~~; EX-1002 ¶68.~~).)

~~30.~~69. Like the '720 patent, Yoshimura discloses the user may skip ahead or go back to previously viewed segments. (EX-1006~~,~~ (Yoshimura), 1783.) To skip ahead to 15 minutes (predetermined offset) into the presentation (e.g., using fast- forward button or slider), a ~~POSITA~~person of ordinary skill in the art would have understood that Yoshimura's client will evaluate the start/end points for each parallel to find the parallel containing the requested time (15 minutes). (~~EX-1002 ¶69 (citing~~*See* EX-1012~~,~~ (Bulterman), 167~~).~~.) The client then determines and retrieves the media files associated with that parallel before rendering the file(s) starting at the requested time. (*Id.*) Thus, ~~Yoshimura~~Yo- shimura discloses or renders this ~~limi- tation~~limitation obvious. ~~(EX-1002 ¶¶67-69.)~~

b. ii. Lindahl

~~31.~~*70.* This limitation also would have been obvious over Lindahl. Lindahl's ~~audio- books~~audiobooks are "navigable" using a bookmark that "contains information on the time at which the user paused play." (EX-1004 (Lindahl) ¶¶[0004], [0035], Fig. 2.) The time in the bookmark is "an offset relative to the beginning of the book." (*Id.* ~~¶[0035].) The~~ ¶[0035].)

The bookmarks are "cross-correlated with the corresponding portion" of the content "that is resident on the server." (*Id.* ¶[0036], Fig. 2.)

71. Lindahl's client obtains a bookmark from the server and the server ~~determines~~de- termines "the starting point for play … as indicated by the selected bookmark." ~~(*Id.*~~(EX-1004 (Lindahl) ¶[0040]; *id.* ¶¶[0031], [0033], Fig. 3.) The relevant audio file is then determined and sent to the user. (*Id.* ¶¶[0040], [0031], [0033], Fig. 3, claim-

1.) This audio file can be one of many audio files for the audiobook. (*Id.* ¶¶[[0022] ("selective download of an audio file of a chapter of a selected book"), [0010], [0023], [0040], [0045], claim 1~~; EX-1002 ¶71~~.) Thus, Lindahl discloses a bookmark including a time offset used to determine which audio file to stream.~~ (EX-1002 ¶71.)~~ It would have been obvious that the clients of the Yoshimura-Lindahl system would determine the file by com- paring Lindahl's offset to Yoshimura's SMIL file to identify the segment based on the sequence and duration of the segments. ~~(*Id.*)~~ For example, if the time offset was at 23 minutes, the system would identify the segment that starts at 10 minutes and ends at 30 minutes based on the duration and sequence information in the SMIL file.~~ (*Id.*)~~

Yoshimura, alone or with Lindahl, therefore renders obvious ~~determining~~determin- ing a first digital data file (e.g., Content-A-2.mp4) from the plurality of digital data files (e.g., content-A-{1,2,3}.mp4) in a first media stream (e.g., audio stream) from the

~~32.~~72. plurality of media streams, the first digital data file having digital content (e.g., ~~au dio~~audio) to be rendered with the media player (e.g., client), and determined using the time information in the descriptor file (e.g., <seq>, <par>, and/or <dur>) and a pre- determined time offset (e.g., skip to or bookmark value), the predetermined time offset external to the descriptor file (e.g., chosen by user) and determined relative to the timeline of the audio recording (e.g., 15 minutes into 60 minute presentation). ~~(*Id.* ¶¶66-72.)~~

c.

iii. Motivation to Combine

~~33.~~73. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~determine~~de- termine a digital data file using a time offset from a bookmark as taught by Lindahl and time information in ~~Yoshi-mura's~~Yoshimura's SMIL file for several reasons. ~~(*Id.* ¶¶73-76.)~~

First, Yoshimura teaches users can pause and later resume playback of media content described by the SMIL file. (EX-1006~~,~~ (Yoshimura), 1783~~; EX-1002 ¶74~~.) Lindahl ~~dis- closes~~discloses how to use a bookmark with a time offset to accomplish this in an ~~audiobook~~audio- book. (EX-1004 (Lindahl) ¶¶[0035]-[0036], [0040]-[0041~~]; EX-1002 ¶74.)~~].) A ~~POSITA~~person of ordinary skill in the art would have

~~34.~~74. recognized that using Lindahl's bookmark beneficially allows a user to access an audiobook at an arbitrary position, such as where the user previously stopped ~~listen- ing. (EX-1004~~listening. (*Id.* ¶[0035]; EX-1005 (Sull-218) ¶[0005] (users wish to restart where they left off~~); EX-1002 ¶74.~~).)

75. Second, using time information in SMIL files and bookmarks for ~~playback~~play- back of media content was well known. ~~(*Supra* §§II.B-II.C;~~(*See* ¶¶33-34, above; EX-1004 (Lindahl) ¶¶[0035]-[0036~~]; EX-1002 ¶75.)~~].) Thus, using Lindahl's bookmark time offset and the Yoshimura's time information to determine the relevant audio segment represents a simple sub- stitution of one known element/technique (bookmarked time offset) for another (skip ahead/back value) to obtain predictable results (determining a file using a book- marked time offset and time information in a SMIL file). (*Id.*)

~~A POSITA~~

~~35.~~76. A person of ordinary skill in the art would have reasonably expected success in combining these teachings at least because both Yoshimura and Lindahl are adapted for use with SMIL-file based systems. (EX-1006~~,~~ (Yoshimura), 1778; EX-1004 (Lindahl) ¶[0004]; EX-1003~~,~~ (DTB), vii, 3~~; EX-1002 ¶76~~.)

77. ~~**8. Element**~~ Thus, Yoshimura and Lindahl disclose or render obvious claim element 1[~~g~~]f].

a. Element 1[g]: Downloading the First Digital Data File

~~36.~~78. Element 1[g] recites "downloading the first digital data file or a digital data segment contained in the first digital data file and determined using the time ~~infor- mation~~information in the descriptor file from the at least one server so that the digital ~~content~~con- tent is resident with the media player." Yoshimura discloses or renders obvious this claim element.

Yoshimura's client devices download the determined segment (i.e. ~~media~~me- dia file or portion thereof) from servers. ~~(*Supra* §VII.A.2VII.A.7;~~(*See* ¶¶40-42, above; EX-1006~~,~~ (Yoshi- mura), 1779 ("clients are receiving streaming segments"), 1781, 1785 ("~~downloading~~download- ing the requested ~~con- tent~~content"), 1782 (server delivers "media packets that include audio and video payloads

~~37.~~79. to the mobile client"), 1784~~; EX 1002 ¶79~~.) Downloaded segments would be ~~resi- dent~~resident on the media player (in memory or storage). ~~(EX 1002 ¶79.) Thus, Yoshimura discloses or renders this limitation obvious. (*Id.* ¶¶78-80.)~~

80. **9.** Thus, Yoshimura discloses or renders obvious claim element 1[g].

i. Element- 1[h]: Rendering the Content

81. Element 1[h] recites "rendering the digital content using the media player at an arbitrary point determined using the predetermined time offset." Yoshi- mura and/or Lindahl render obvious this claim element.

~~38.~~82. Yoshimura's client devices play media content. (EX-1006, 1778 ("playback" of content), 1785 (playback on mobile clients~~); EX-1002 ¶82.~~).) The playback begins at the point ~~indi- cated~~indicated by the time offset obtained via a resume/skip command or bookmark. ~~(*Supra*~~(*See* ¶¶67-69, above.)

~~39.~~83. ~~§VII.A.7; EX-1002 ¶82.) Accordingly,~~ Thus, Yoshimura~~, alone~~ and/or ~~with~~ Lindahl~~, renders this limitation~~ render obvious~~. (EX-1002 ¶¶81-84.)~~ claim element 1[h].

B.

84. Accordingly, for at least the reasons I discuss above, Yoshimura and Lindahl render claim 1 obvious as a whole.

2. Claim 18

~~40.~~85. Claim 18 depends from claim 1 and further recites "wherein the ~~predetermined~~prede- termined time offset is provided by one of a bookmark, a search result, a table of contents, an index, a list of tables, a list of figures, footnotes, quotations, a list of ~~illustrations~~illustration. s, a fast-forward request, and a rewind request." Yoshimura and Lindahl disclose or render obvious the additional claim element of claim 18 for the reasons I discuss above for element 1[f]. (*See* ¶¶66-77, above.)

~~This claim would have been obvious in view of Yoshimura alone or with Lindahl. (*Supra* §VII.A.7; *see also* EX-1098, 84 (PO asserting claim 18 is satisfied by "a bookmark" or "Skip Intro" feature); EX-1002 ¶¶85-86.)~~

C. ~~Claim 25~~

~~Claim 25 recites a system mirroring the limitations of the method of claim 1. Accordingly, claim 25 would have been obvious. (*Supra* §VII.A; EX-1002 ¶¶87- 89.)~~

D. ~~Claim 26~~

86. ~~Claim 26 recites a computer with computer readable code that, when exe- cuted, performs~~Accordingly, for at least the reasons I discuss above, Yoshimura and Lindahl render claim 18 obvious as a whole.

3. Claim 25

87. Independent claim 25 recites substantially the same limitations ~~of the method of~~as claim 1, but recites a system rather than a method. As I discuss above, Yoshimura and Lindahl disclose or render obvious such a system. (*See* ¶¶38-84, above.)

88. I have compared the elements in claim 25 to the elements in claim 1 ~~and therefore would have been~~.

As shown, the functional steps recited in claim 25 mirror the method steps recited in claim 1. The table below demonstrates how the elements correspond. As I discuss above for claim 1, Yoshimura and Lindahl together disclose all the steps recited in claim 25. (*See* ¶¶38-84, above.)

	Claim 25		**Claim 1**
25[pre]	A system for *rendering digital content comprising:*	1[pre]	A method of *rendering digital content comprising:*
25[a]	*at least one server having stored thereon a descriptor file and a plurality of media streams derived from a same originating written work,*	1[b]	the *at least one server having stored thereon a descriptor file and a plurality of media streams derived from a same originating written work,*
25[b]	*each media stream including a plurality of digital data files,*	1[c]	*each media stream including a plurality of digital data files,*
25[c]	*the descriptor file including information allowing a simultaneous synchronized rendering of the plurality of media streams that provides a literary experience of the originating written work,*	1[d]	*the descriptor file including information allowing a simultaneous synchronized rendering of the plurality of media streams that provides a literary experience of the originating written work,*

25[d]	*the information including time information for each digital data file in each media stream, the time information for synchronizing the plurality of*	1[e]	*the information including time information for each digital data file in each media stream, the time information for synchronizing the plurality of*

	media streams and determined relative to a timeline of an audio recording of the originating written work;		*media streams and determined relative to a timeline of an audio recording of the originating written work;*
25[e]	a client including computer readable code for:	1[a]	Providing a media player having access to at least one server via a network,
25[f]	*determining a first digital data file from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording;*	1[f]	*determining a first digital data file from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording;*
25[g]	*downloading the first digital data file or a digital data segment contained in the first digital data file and determined using the time information in the descriptor file from the at least one server so that the digital content is resident with the* client*; and*	1[g]	*downloading the first digital data file or a digital data segment contained in the first digital data file and determined using the time information in the descriptor file from the at least one server so that the digital content is resident with the* media player*; and*
25[h]	*rendering the digital content at an arbitrary point determined using the predetermined time offset; and*	1[h]	*rendering the digital content* using the media player *at an arbitrary point determined using the predetermined time offset.*
25[i]	*a network* for connecting the *at least one server* and the client.	1[a]	Providing a media player having access to *at least one server* via *a network,*

~~41.~~89. Accordingly, for at least the reasons I discuss above, Yoshimura and Lindahl render claim 25 obvious~~. (*Supra* §VII.A; EX-1002 ¶¶90-92.)~~ as a whole.

VIII. ~~GROUND 1B: CLAIMS~~4. Claim 26

90. Independent claim 26 recites substantially the same limitations as claim 1, but recites a "non-transitory computer readable storage medium including computer readable code, which when executed by a computer, causes said computer to" perform the method of claim 1. As I discuss above, Yoshimura and Lindahl disclose or render obvious such a storage medium. (*See* ¶¶38-84, above.)

91. I have compared the elements in claim 26 to the elements in claim 1. As shown, the steps recited in claim 26 mirror the method steps recited in claim 1. The table below demonstrates how the elements correspond. As I discuss above for claim 1, Yoshimura and Lindahl together disclose all the steps recited in claim 26. (*See* ¶¶38-84, above.)

	Claim 26		**Claim 1**
26[pre]	A non-transitory computer readable storage medium including computer readable code, which when executed by a computer, causes said computer to:	1[pre]	
26[a]	*access at least one server via a network,*	1[a]	Providing a media player having *access* to *at least one server via a network,*
26[b]	*the at least one server having stored thereon a descriptor file and a plurality of media*	1[b]	*the at least one server having stored thereon a descriptor file and a plurality of media*

	streams derived from a same originating written work,		*streams derived from a same originating written work,*
26[c]	*each media stream including a plurality of digital data files,*	1[c]	*each media stream including a plurality of digital data files,*
	the descriptor file including information allowing a simultaneous synchronized rendering of the plurality of media streams that provides a literary experience of the originating written work,	1[d]	*the descriptor file including information allowing a simultaneous synchronized rendering of the plurality of media streams that provides a literary experience of the originating written work,*
26[d]	*the information including time information for each digital data file in each media stream, the time information for synchronizing the plurality of media streams and determined relative to a timeline of an audio recording of the originating written work;*	1[e]	*the information including time information for each digital data file in each media stream, the time information for synchronizing the plurality of media streams and determined relative to a timeline of an audio recording of the originating written work;*
26[e]	*determine a first digital data file from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording;*	1[f]	*determining a first digital data file from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording;*
26[f]	*download the first digital data file or a digital data segment contained in the first digital data file and determined using the time information in the*	1[g]	*downloading the first digital data file or a digital data segment contained in the first digital data file and determined using the time information in*

	descriptor file from the at least one server so that the digital content is resident with the computer*: and*		*the descriptor file from the at least one server so that the digital content is resident with the* media player*; and*
26[g]	*render the digital content at an arbitrary point determined using the predetermined time offset.*	1[h]	*rendering the digital content* using the media player *at an arbitrary point determined using the predetermined time offset.*

92. Accordingly, for at least the reasons I discuss above, Yoshimura and Lindahl render claim 26 obvious as a whole.

~~A.~~B. Claims 2-10, 14-15, ~~AND~~and 22 ~~WOULD HAVE BEEN OBVIOUS IN VIEW OF YOSHIMURA, LINDAHL, AND HECKERMAN~~Would Have Been Obvious in View of Yoshimura, Lindahl, and Heckerman.

A. ~~Claim 2~~

93. ~~Dependent claim~~ As I discuss above, Yoshimura and Lindahl disclose or render obvious each limitation of claim 1. (*See* ¶¶38-84, above.) For at least those reasons and the reasons I discuss below, claims 2-10, 14-15, and 22 would have been obvious in further view of Heckerman.

1. Claim 2

Claim 2 depends from claim 1 and further recites "wherein the plurality of media streams comprises

94. an audio stream including a plurality of digital audio files, the plurality of digital audio files created by segmenting the audio recording in dependence upon natural language gaps so that when the plurality of digital audio files are rendered ~~sequen tially~~sequentially using the media player an experience of a contiguous audio

stream is ~~repro- duced~~reproduced for a user without reassembling sequential digital audio files, and wherein the first digital data file is a first digital audio file from the plurality.

of digital audio files in the audio stream." The '720 patent discloses segmenting audio at natural language gaps by "locat[ing] areas of silence or low decibel levels." (EX-1001 ('720 patent), 5:67-6:7.) Heckerman discloses or renders obvious the ad- ditional claim element of claim 2.

~~gaps by "locat[ing] areas of silence or low decibel levels." (EX-1001, 5:67-6:7.) Heckerman discloses the same thing. (EX-1002 ¶94.)~~

~~42.~~95. Heckerman's system segments "audio and text data into multiple audio and data files" based on the "recognized silence." (EX-1030~~,~~ (Heckerman), claim 22; *id.*, abstract, 13:14-27, 13:30-32~~; EX-1002 ¶95~~.) Heckerman therefore discloses segmenting an audio recording in dependence upon natural language gaps. ~~(EX-1002 ¶95.)~~Thus, Heckerman dis- closes or renders obvious the additional claim element of claim 2.

~~43.~~96. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~segment~~seg- ment the Yoshimura-Lindahl-~~-~~Heckerman media streams as taught by Heckerman for several reasons. ~~(*Id.* ¶¶96–100.)~~

First, Yoshimura teaches dividing media streams into multiple files, as I discuss above, and ~~Heck- erman~~Heckerman describes the benefits of doing so based on natural language gaps. ~~(*Supra*~~

~~44.~~97. ~~§VII.A.4;~~(*See* ¶¶55-57, above; EX-1030~~,~~ (Heckerman), Abstract, 12:65-13:34, claim 22~~; EX-1002 ¶97~~.) Heckerman explains its methods are advantageous for synchronizing ~~audio~~au- dio and texts in ~~audio books~~audiobooks, like those in the Yoshimura-Lindahl combination. (EX-1030~~,~~ (Heckerman), 3:5-53.)

98. Second, the combination represents the simple substitution of one known ~~el- ement~~element/technique (dividing audio files based on natural language

gaps) for-

another (segmenting media streams generally) to obtain predictable results (~~segmentation~~segmen- tation based on natural language gaps). (EX-1030 (Heckerman),~~(*Id.*,~~ 12:65-13:34, claim 22; EX-1063~~,~~ (Delacourt), 113-15; EX-1080 (Snow) ¶¶[0026]-[0027~~]; EX-1002 ¶98.)~~].)

45.99. Third, this combination merely applies a known technique (segmenting media streams based on natural language gaps) to a known device and method (Yoshimura's Yo- shimura's system and segmentation) that is ready for improvement and yields predict- able pre- dictable results. (EX-1002 ¶99.)

46.100. A POSITA A person of ordinary skill in the art would have reasonably expected success in applying Heckerman's segmentation method in Yoshimura's system because be- cause Yoshimura discloses seg- menting segmenting media content and because segmenting content con- tent based on gaps in natural language was well known. (*Supra* §VII.A.4; (*See* ¶¶55-57, above; EX-1030, (Heckerman), 12:65-13:34, claim 22; EX-1080 (Snow) ¶¶[0026]-[0027]; EX-1063, (Delacourt), 113-15; EX-1002 ¶100.)

B.101. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, and Heckerman render claim 2 obvious as a whole.

2. Claim 3

47.102. Claim 3 depends from claim 2 and recites "wherein the time information in- cludes infor- mation includes at least one of a start time, an end time, and a duration of each digital audio file in the plurality of digital audio files, the start and end times of each digital audio file determined relative to the beginning of the audio recording."

audio file determined relative to the beginning of the audio recording." Yoshimura and Lindahl disclose or render obvious the additional claim element of claim 3.

~~48.~~103. As I discuss above, Yoshimura's time information includes a duration. ~~(*Supra* §VII.A.6~~(*See* ¶¶61-65, above.) The start and end time of each parallel are also inherently disclosed in Yoshimura's SMIL file because they are derived from the sequence and duration of each parallel. (EX-1012~~,~~ (Bulterman), 127, 141 ("In general, begin+dur=end"), 125 (SMIL elements "determine the relative start and end times of document objects"), 126, 128, 142-47~~; EX-1002~~.) For example, the start and end times of each file in the example are shown:

~~¶103.) For example, the start and end times of each file in the example are shown:~~

```
<!DOCTYPE smil PUBLIC "-//W3C//DTD SMIL 2.0//EN"
"http://www.w3.org/2001/SMIL20/SMIL20.dtd">
<smil xmlns="http://www.w3.org/2001/SMIL20/Language">
 <head>
  <layout>
   <region id="v" top="5" left="5" width="180" height="180"/>
  </layout>
 </head>
 <body>
  <seq>
1 <par dur="10min">   Start time: 0 minutes | End time: 10 minutes
    <audio src="rtsp://content-server/content-A-1.mp4" />
    <video src="rtsp://content-server/content-V-1.mp4" region="v" />
   </par>
2 <par dur="20min">   Start time: 10 minutes | End time: 30 minutes
    <audio src="rtsp://content-server/content-A-2.mp4" />
    <video src="rtsp://content-server/content-V-2.mp4" region="v" />
   </par>
3 <par dur="30min">   Start time: 30 minutes | End time: 60 minutes
    <audio src="rtsp://content-server/content-A-3.mp4" />
    <video src="rtsp://content-server/content-V-3.mp4" region="v" />
   </par>
  </seq>
 </body>
</smil>
```


```
<!DOCTYPE smil PUBLIC "-//W3C//DTD SMIL 2.0//EN"
"http://www.w3.org/2001/SMIL20/SMIL20.dtd">
<smil xmlns="http://www.w3.org/2001/SMIL20/Language">
 <head>
  <layout>
   <region id="v" top="5" left="5" width="180" height="180"/>
  </layout>
 </head>
 <body>
  <seq>
1 <par dur="10min">   Start time: 0 minutes | End time: 10 minutes
    <audio src="rtsp://content-server/content-A-1.mp4" />
    <video src="rtsp://content-server/content-V-1.mp4" region="v" />
   </par>
2 <par dur="20min">   Start time: 10 minutes | End time: 30 minutes
    <audio src="rtsp://content-server/content-A-2.mp4" />
    <video src="rtsp://content-server/content-V-2.mp4" region="v" />
   </par>
3 <par dur="30min">   Start time: 30 minutes | End time: 60 minutes
    <audio src="rtsp://content-server/content-A-3.mp4" />
    <video src="rtsp://content-server/content-V-3.mp4" region="v" />
   </par>
  </seq>
 </body>
</smil>
```

(EX-1006~~,~~ (Yoshimura), 1781~~; EX-1002 ¶103~~.) Even if the start and end time were not inherent in Yoshimura's SMIL file, it would have been obvious to add them because doing so was known in the art. (~~*Id.*;~~ EX-1012~~,~~ (Bulterman), 141-42 (<par> elements can have begin/end attributes).) ~~Yoshimura and Lindahl therefore disclose or render this limitation obvious. (EX-1002 ¶¶102-05.)~~

~~C.~~104. Thus, Yoshimura and Lindahl disclose or render obvious the additional claim element of claim 3.

105. Accordingly, for at least the reasons I discuss above, Yoshimura, Lin- dahl, and Heckerman render claim 3 obvious as a whole.

3. Claim 4

Claim 4 depends from claim 3 and recites "wherein determining the first ~~dig-ital~~digital data file comprises comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each digital audio file in the plurality

~~49.~~106. of digital audio files to find a first digital audio file that includes digital audio data from a point in the audio stream corresponding to the predetermined time offset." Yoshimura discloses or renders obvious the additional claim element of claim 4 for the reasons I discuss above regarding claim element 1[f]. (*See* ¶¶66-77, above.)

~~50.~~107. Accordingly, for at least the reasons I discuss above, Yoshimura ~~discloses or renders~~, Lin- dahl, and Heckerman render claim 4 obvious ~~this limitation. (*Supra* §VII.A.7; EX-1002 ¶¶106-07.)~~as a whole.

D.

4. Claim 5

51.108. Claim 5 depends from claim 4 and first. Element 5[a] recites "wherein downloadingdown- loading the first digital data file or the digital data segment contained in the first digital data file and determined using the time information in the descriptor file comprisescom- prises downloading the first digital audio file from the at least one server so that the first digital audio file is resident with the media player." Yoshimura discloses or renders obvious this limitation. (*Supra* §VII.A.8.)claim element for the reasons I discuss above regarding claim element 1[g]. (*See* ¶¶78-80, above.)

52.109. ClaimElement 5 further[b] recites "wherein rendering the digital content using the media player comprises rendering the first digital audio file using the media player while simultaneously downloading subsequent digital audio files from the at least one server." This limitation refers to "prefetching," which was widely known. (EX-1002 ¶109.) IndeedIn- deed, Yoshimura discloses prefetching content to a server. (EX-1006, (Yoshimura), 1782-83). A POSITAperson of ordinary skill in the art would have been motivated to have Yoshimura's client also pre-fetch content in the same manner to ensure smooth playbackplay- back. (EX-1002 ¶109 (citing EX 1051, (SMIL Standard), 71-73 (prefetching known for SMIL files makes playback "smoother"); EX-1012, (Bulterman), 394-97).).)

E. 110. Thus, Yoshimura discloses or renders obvious the additional claim element of claim 5.

111. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, and Heckerman render claim 5 obvious as a whole.

5. Claim 6

1. a. Element 6[a]: Text Stream

53.112. Claim 6 depends from claim 4. Element 6[a] recites "wherein the plurality plu- rality of media streams further comprises a text stream including a plurality of electronic elec- tronic text files created by segmenting an electronic text of the originating written work." Yoshimura, Lindahl, and Heckerman disclose or render obvious this claim element.

54.113. This limitation would have been obvious over Yoshimura (*supra* §VII.A.3.c) *see* ¶¶46-54, above) and further in view of Lindahl, which discloses such content files for audio books include text files. (EX-1004 (Lindahl) ¶¶[0004], [0008]; EX-1002 ¶113.)].) Additionally, Heck- erman Heckerman discloses segmenting audio and text files corresponding to the "same work, e.g., literary work." (EX-1030, (Heckerman), 3:5-10, claim 22; *id.*, Abstract, 13:14-27 (segment- ing segmenting text files), 13:30-32; EX-1002 ¶113.)

55.114. A POSITA A person of ordinary skill in the art would have been motivated to use Heckerman's segmented text files in Yoshimura's system and would have reasonably reasona- bly expected success in doing so. (*Supra* §VIII.A; EX-1002 ¶114 for the reasons I discuss above regarding claim 2. (*See* ¶¶94-101, above.)

2.

115. Thus, Yoshimura, Lindahl, and Heckerman disclose or render obvious claim element 6[a].

b. Element 6[b]: Start/End/Duration Time Information

56.116. Element 6[b] recites "wherein the time information further includes at least one of a start time, an end time, and a duration of each electronic text file in the plurality of electronic text files, the start and end times of each electronic text file determined relative to the beginning of the audio recording." This limitation was disclosed or obvious. (*Supra* §VII.A.6; EX-1002 ¶117.) Specifically, it would have Yoshimura, Lindahl, and Heckerman render obvious this claim element.

~~57.~~117. This limitation was disclosed or obvious for the reasons I discuss above. (*See* ¶¶61-65, above.) Specifically, it would have been obvious that Yoshimura's modified SMIL file, when applied to an audiobook comprising audio and text files (as taught by Lindahl and Heckerman), would ~~in- clude~~include time information (e.g., the same start, end, and duration information as the audio). ~~(EX-1002 ¶117.)~~ Those start and end times (e.g., 10 minutes, 30 minutes) are determined relative to the beginning of the audio recording (e.g., 0 minutes).

F18. Thus, Yoshimura, Lindahl, and Heckerman render obvious claim element 6[b].

119. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, and Heckerman render claim 6 obvious as a whole.

6. Claim 7

~~58.~~120. Claim 7 depends from claim 6 and recites essentially the same ~~limitations~~limita- tions as claims 1, 4, and 6. ~~Claim 7 would~~I have ~~been obvious~~ compared the elements in ~~view of Yoshimura, Lindahl, and Heckerman for the reasons discussed for those~~claim 7 to the elements in claims. ~~(*Supra* §§VII.A.7, VIII.C, VIII.E; EX-1002~~ 1, 4, and 6. The table below demonstrates how the elements correspond. As I discuss above, Yoshimura, Lindahl, and Heckerman together disclose all the elements recited in claim 7. (*See* ¶¶38-84, 106-107, 112-119, above.)

~~¶¶120-21.)~~

G.

	Claim 7		**Claims 1, 4, and 6**
7[pre]	*A method of rendering digital content* according to claim 6, wherein the method further comprises	1[pre]	*A method of rendering digital content* comprising
7[a]	*determining* a *first electronic text file* from the *plurality of electronic text files* in the *text stream* by *comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each* electronic text *file in the plurality of electronic text files to find a first* electronic text *file having a point therein corresponding to the predetermined time offset*, and	4	*determining* the *first* digital data *file* comprises *comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each* digital audio *file in the plurality of* digital audio *files to find a first* digital audio file that includes digital audio data from *a point* in the audio stream *corresponding to the predetermined time offset*
		6	wherein the plurality of media streams further comprises a *text stream* including a *plurality of electronic text files*

7[b]	*downloading the first* electronic text *file from the at least one server so that the* electronic text file *is resident with the media player.*	1[g]	*downloading the first* digital data *file* or a digital data segment contained in the first digital data file and determined using the time information in the descriptor file *from the at least one server so that the* digital

			content *is resident with the media player*

121. Accordingly, for at least the reasons I discuss above, Yoshimura, Lin- dahl, and Heckerman render claim 7 obvious as a whole.

7. Claim 8

~~59.~~122. Claim 8 depends from claim 7 and recites "rendering the digital content using the media player comprises rendering the first digital audio file using the ~~media~~me- dia player while simultaneously rendering the first electronic text file using the ~~media~~me- dia player starting from a point in the first electronic text file calculated to ~~correspond~~corre- spond to the predetermined time offset." Yoshimura, Lindahl, and Heckerman disclose or render obvious the additional claim element of claim 8 for the reasons I discuss above regarding claims 1, 4, and 5. (*See* ¶¶43-54, 58-60, 81-84, 106-111, above.)

~~This limitation was obvious in view of Yoshimura, Lindahl, and Heckerman. (*Supra* §§VII.A.3 (text and audio); VII.A.9 (rendered), VII.A.5 (simultaneous), VIII.C, VIII.D; EX-1002 ¶¶122-23.)~~

~~H.~~123. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, and Heckerman render claim 8 obvious as a whole.

8. Claim 9

~~60.~~124. Claim 9 depends from claim 1 and recites essentially the same ~~additional lim- itations~~limita- tions as claims 6 and 7. ~~This claim would~~I have ~~been obvious over Yoshimura, Lindahl, and Heckerman. (*Supra* §§VIII.E – VIII.F; EX-1002 ¶¶124-25~~compared the elements in claim 9 to the elements in claims 6 and 7. The table below demonstrates how the elements correspond. As I discuss above, Yoshimura, Lindahl, and Heckerman together disclose all the ele- ments recited in claim 9. (*See* ¶¶112-121, above.)

I.

	Claim 9		Claims 6 and 7
9[pre]	A method of rendering digital content according to claim 1, wherein		
9[a]	*the plurality of media streams comprises a text stream including a plurality of electronic text files created by segmenting an electronic text of the originating written work*, and wherein	6	*the plurality of media streams* further *comprises a text stream including a plurality of electronic text files created by segmenting an electronic text of the originating written work*
9[b]	*the time information includes at least one of a start time, an end time, and a duration of each electronic text file in the plurality of electronic text files, the start and end times of each electronic text file determined relative to the beginning of the audio recording,*	6	*the time information* further *includes at least one of a start time, an end time, and a duration of each electronic text file in the plu- rality of electronic text files, the start and end times of each elec- tronic text file determined relative to the beginning of the audio recording.*
9[c]	and wherein the first digital data file is a *first electronic text file from the plurality of electronic text files in the text stream.*	7	wherein the method further comprises determining a *first electronic text file from the plurality of electronic text files in the text stream*

125. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, and Heckerman render claim 9 obvious as a whole.

9. Claim 10

126. Claim 10 depends from claim 9 and recites essentially the same ~~limitations~~limita- tions as claim 4, but for a text file rather than an audio file. ~~This limitation would~~I have ~~been~~compared the elements in claim 10 to the elements in claim 4. The table below demonstrates how the elements correspond. As I discuss above, Yoshimura, Lindahl, and Heckerman together disclose all the elements recited in

claim 10. (*See* ¶¶106-107, above.)

	Claim 10		Claim 4
10[pre]	*A method of rendering digital content according to claim 9, wherein*	4	*A method of rendering digital content according to claim 3, wherein*
10[a]	*determining the first digital data file comprises comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each* electronic text *file in the plurality of* electronic text *files to find a first* electronic text *file* having a point therein *corresponding to the predetermined time offset.*	4	*determining the first digital data file comprises comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each* digital audio *file in the plurality of* digital audio files *to find a first* digital audio *file* that includes digital audio data from a *point* in the audio stream *corresponding to the predetermined time offset.*

~~61.~~127. Accordingly, for at least the reasons I discuss above, Yoshimura, Lin- dahl, and Heckerman render claim 10 obvious ~~in view of Yoshimura, Lindahl, and Heckerman. (*Supra* §VIII.C; EX-1002~~as a whole. ~~¶¶126-27.)~~

J. 10. Claim 14

~~62.~~128. Claim 14 depends from claim 10 and further recites "wherein rendering the digital content using the media player comprises determining a current time ~~offset~~off- set using at least one of a discrete and a timed event." A "discrete event" can occur "through some user interaction" such as "the user pushing a button, tapping a mouse button or touch sensitive screen, performing a drag-and-drop operation, and ~~performing~~per- forming a cut & paste operation." (EX-1001~~,~~ ('720 patent), 22:33-41~~; *see also* EX-1098, 73.~~).) Yoshimura, Lindahl, and Heckerman disclose or render obvious the additional claim element of claim 14.

~~63.~~129. Yoshimura's skip forward/backward commands are "discrete event[s]." ~~(*Su- pra* §VII.A.7; EX-1002 ¶129.)~~(*See* ¶¶67-69, above.) Lindahl also discloses creating an offset when a user requests a bookmark. ~~(*Supra* §VII.A.7;~~(*See* ¶¶70-72, above; EX-1004 (Lindahl) ¶¶[0035] ("a bookmark may be created if requested"), [0036~~]; EX-1002 ¶129.)~~].)

~~64.~~130. Thus, ~~this claim would have been obvious in view of~~ Yoshimura, Lindahl, and Heckerman~~. (EX-1002 ¶¶128-31.)~~ disclose or render obvious the additional claim element of claim 14.

~~K.~~131. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, and Heckerman render claim 14 obvious as a whole.

11. Claim 15

~~65.~~132. Claim 15 depends from claim 14 and ~~recites~~further recites "wherein the plu- rality of media streams further comprises an audio stream including a plurality of digital audio files created by segmenting the audio recording, and wherein rendering the ~~audio and text files~~ digital content using the media player further comprises simultaneously render- ing a digital audio file from ~~the~~a point in ~~each~~the audio stream corresponding to the prede- termined time offset and the first electronic text file from a point in the text stream corresponding to the predetermined time offset~~. This~~." Yoshimura, Lindahl, and Hecker- man render obvious the additional claim element of claim 15 because the claim ele- ment would result from combining the references ~~above~~ to render the audio and text files from, e.g., a bookmark or skip command. ~~(EX-1002 ¶132.) Thus, this limitation was obvious in view of Yoshimura, Lindahl, and Heckerman. (*Supra* §§VII.A.9; VIII.A, VIII.J; EX-1002 ¶¶132-33~~(*See* ¶¶94-101, 122-123, above.)

L.

133. Accordingly, for at least the reasons I discuss above, Yoshimura, Lin- dahl, and Heckerman render claim 15 obvious as a whole.

12. Claim 22

134. Claim 22 depends from claim 14 and further recites "creating a ~~bookmark~~book- mark for a ~~se- lected~~selected point in the digital content, the bookmark including the current time offset, the current time offset determined relative to the timeline of the audio recording." ~~This limitation~~Yoshimura, Lindahl, and Heckerman render obvious the additional claim element of claim 22 for the reasons I discuss above regarding claims 1 and 14. (*See* ¶¶66-77, 128-131, above.)

135. Accordingly, for at least the reasons I discuss above, Yoshimura, Lin- dahl, and Heckerman render claim 22 obvious as a whole.

C. Claims 5 and 11-13 Would Have Been Obvious in View of Yoshimura, Lindahl, Heckerman, and Bulterman.

~~66.~~136. As I discuss above, Yoshimura, Lindahl, and Heckerman disclose or render obvious each limitation of claims 1-4 and 9-10. (*See* ¶¶38-107, 124-127, above.) For at least those reasons and the reasons I discuss below, claims 5 and 11- 13 would have been obvious in ~~view of Yoshimura, Lindahl, and Heck- erman. (*Supra* §§VII.B, VII.A.7, VIII.J; EX-1002 ¶¶134-35.)~~further view of Bulterman.

IX. ~~GROUND 1C: CLAIMS 5 AND 11-13 WOULD HAVE BEEN~~

~~**OBVIOUS IN VIEW OF YOSHIMURA, LINDAHL, HECKERMAN, AND BULTERMAN.**~~

A. 1. Claim 5

Claim 5 depends from claim 4 ~~and adds downloading and rendering the first digital audio file, "while simultaneously downloading subsequent digital audio files~~

~~from the at least one server." This would have been obvious over Yoshimura, Lin- dahl, and Heckerman. (*Supra* §VIII.D.) It would have been obvious also in view of Bulterman, which discloses clients prefetching content files while displaying other content. (EX-1012, 394-97; *id.*, 396 (rendering logo while simultaneously down- loading subsequent logo file).) A POSITA would have been motivated to implement this feature in the Yoshimura-Lindahl-Heckerman combination because Bulterman teaches that prefetching allows rendering "to execute more efficiently." . (*Id.*, 394; EX-1002 ¶139.) A POSITA would have reasonably expected success in implement- ing pre-fetching because it was well known and because Bulterman expressly teaches how to do so for SMIL files like Yoshimura's. (*Id.*)~~

B. ~~Claim 11~~

1. Element ~~11[a]~~

~~67.~~137. ~~Claim 11 depends from claim 10. Element 11~~ 5[a] recites "wherein ~~download-~~ ~~ing~~down- loading the first digital data file or the digital data segment contained in the first digital data file ~~comprises downloading the first electronic text file from the at least one server." This limita- tion would have been obvious. (*Supra* §VII.A.8; EX-1002 ¶142.)~~

comprises downloading the first digital audio file from the at least one server so that the first digital audio file is resident with the media player." Yoshimura discloses or renders obvious this claim element for the reasons I discuss above. (*See* ¶¶78-80, above.)

138. Element 5[b] recites "wherein rendering the digital content using the media player comprises rendering the first digital audio file using the media player while simultaneously downloading subsequent digital audio files from the at least one server." As I discuss above, Yoshimura, Lindahl, and Heckerman render this claim element obvious. (*See* ¶¶108-111, above.) Bulterman also discloses or renders obvious this claim element.

2. Bulterman discloses clients prefetching content files while displaying other content. (EX-1012 (Bulterman), 394-97; *id.*, 396 (rendering logo while sim- ultaneously downloading subsequent logo file).) A person of ordinary skill in the art would have been motivated to implement this feature in the Yoshimura-Lindahl- Heckerman combination because Bulterman teaches that prefetching allows render- ing "to execute more efficiently." (*Id.*, 394~~**Element 11[b]**~~

139. .) A person of ordinary skill in the art would have reasonably expected success in implementing pre-fetching because it was well known and because Bulterman expressly teaches how to do so for SMIL files like Yoshimura's.

140. Thus, Bulterman discloses or renders obvious claim element 5[b].

141. Accordingly, for at least the reasons I discuss above, Yoshimura, Lin- dahl, Heckerman, and Bulterman render claim 5 obvious as a whole.

2. Claim 11

a. Element 11[a]: Downloading

142. Claim 11 depends from claim 10. Element 11[a] recites "wherein downloading the first digital data file or the digital data segment contained in the first digital data file and determined using the time information in the descriptor file comprises downloading the first electronic text file from the at least one server." Yoshimura, Lindahl, and Heckerman disclose or render obvious this claim element for the reasons I discuss above. (*See* ¶¶78-80, above.)

b. Element 11[b]: Hard Time Tag

Element 11[b] recites "loading the first electronic text file into a ~~formatted~~for- matted memory structure, and loading a plurality of hard time tags from the ~~descriptor~~de- scriptor file

~~68.~~143. into the formatted memory structure." A formatted memory structure "allows the identifiable parts of the text to be independently addressed." (EX-1001~~,~~ (’720 patent), 27:2-5~~; EX-1002 ¶143~~.) "Hard time tags" are "specifically determined" time offsets ~~estab- lished~~established for "identifiable points in the eText segments." (~~EX-1001,~~*Id.*, 26:1-29~~; EX-1002~~.) Yoshi- mura, Lindahl, and Bulterman disclose or render obvious this claim element.

~~¶143.)~~

~~69.~~144. As I discuss above, Yoshimura's SMIL file has start, end, and duration for each content file. ~~(*Su- pra* §VII.A.6; EX-1002 ¶144.)~~(*See* ¶¶61-65, above.) These times serve as "hard time tags."~~(*Id.*)~~

~~70.~~145. Alternatively, Bulterman discloses <par> elements, like those in ~~Yoshimura~~Yo- shimura, can have "begin" and "end" attributes designating a particular time when the content in a parallel begins or ends. (EX-1012~~,~~ (Bulterman), 141-42, 145-47~~; EX-1002 ¶145~~.) The ~~con- tent~~content in a parallel can include text. (~~EX-1012,~~*Id.*, 5, 13, 86, 128.) Begin and end ~~attrib- utes~~at- tributes can be defined as a "temporal offset" against a "syncbase," which is the time some other SMIL element begins or ends. (*Id.*, 142-43 (begin time three seconds after syncbase), 140, 145-47, 311.) Bulterman teaches that parallels can be subdi- vided into second level parallels which can also contain begin and end attributes. (*Id.*, 143, 148 (outer and inner <par> elements).) ~~A POSITA~~A person of ordinary skill in the art would have understood the begin and end attributes to be hard time tags of the text contained within a ~~par- ticular~~particular parallel. ~~(Ex. 1002 ¶145.)~~

Yoshimura's content files (e.g., text file) and SMIL file are loaded into ~~for- matted~~formatted memory when they are saved on the client device. (EX-1006~~,~~ (Yoshi- mura), 1778 (SMIL

~~71.~~146. file downloaded to client), 1779 (clients receive segments and SMIL file); 1782~~; EX-1002 ¶146.) To~~.) I understand the ~~extent PO argues~~patent owner may argue that this limitation ~~requires~~re- quires storing the time tags inside their corresponding content file; in that case, doing so would have been obvious. ~~(EX-1002 ¶146.) A POSITA~~A person of ordinary skill in the art would have ~~understood~~un- derstood doing so was merely changing the content in a data file. ~~(*Id.*)~~Such an adjustment would have been obvious to a ~~POSITA. (*Id.*)~~person of ordinary skill.

147. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~include~~in- clude begin and end attributes in Yoshimura's SMIL file because such a combination would simply be applying a well-known SMIL feature for its intended purpose (e.g., specifying when an object begins/ends). ~~(*Id.* ¶147.)~~ Such a modification represents the simple addition of known elements/techniques (begin/end attribute) to another ~~element~~ele- ment/technique (~~Yo- shimura's~~Yoshimura's SMIL file) to obtain predictable results (SMIL files with parallels begin/end attributes). ~~(*Id.*)~~ A ~~POSITA~~person of ordinary skill in the art would have reasonably expected success in applying Bulterman's timing attributes in ~~Yoshimura's~~Yoshi- mura's system because instructions for doing so were provided in Bulterman. (EX-1012~~,~~ (Bulterman), 141-47, 249~~; EX-1002 ¶147.)~~.)

~~72.~~148. Accordingly, Yoshimura in combination with Lindahl and Bulterman render obvious loading the first electronic text file into a formatted memory structure (e.g., client memory), and loading a plurality of hard time tags (e.g., begin/end) from the descriptor file (SMIL) into the formatted memory structure.

~~descriptor file (SMIL) into the formatted memory structure. (EX-1002 ¶¶143-48.)~~

~~73.~~149. Additionally, ~~in its infringement contentions, PO argues this limitation is met by simply loading files into "computer memory" for "playback." (EX-1098, 62.)~~ Yoshimura, Lindahl and Bulterman disclose loading files into computer memory for playback. ~~(*Supra* §§VII.A.8-VII.A.9, VIII.H; EX-1002 ¶149~~(*See* ¶¶78-84, above.)

C150. Thus, Yoshimura, Lindahl, and Bulterman disclose or render obvious claim element 11[b].

151. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, Heckerman, and Bulterman render claim 11 obvious as a whole.

3. Claim 12

74.152. Claim 12 depends from claim 11 and further recites "wherein rendering the digital content using the media player comprises determining at least one of a start time and an end time of a plurality of paragraphs in the loaded first electronic text file using the plurality of hard time tags, the start and end times of each paragraphpara- graph determined relative to one of the beginning of the audio recording and a beginningbe- ginning of the first electronic text file." Yoshimura, Lindahl, Heckerman, and Bulterman disclose or render obvious the additional claim element of claim 12.

75.153. Assigning start and end times to a plurality of text fragments would have been obvious in view of Yoshimura, Lindahl, and Bulterman. (*Supra* §IX.B; EX-1002 for the reasons I discuss above for claim 11. (*See* ¶¶142-151, above.)

¶153.)

It also would have been obvious that the text within each parallel of the Yo- shimuraYoshimura-Lindahl-Heckerman-Bulterman combination would advantageously be a paragraph. (EX-1002 ¶154.) Heckerman also discloses text and audio files should be synchronized at the "start of each paragraph." (EX-1030, (Heckerman), 3:17-19; *id.*, 2:59-63.) Bulterman discloses SMIL players can display paragraphs of text. (EX-1012, (Bulterman), 86 (SMIL examples for text paragraph

"Greetings!"); ~~EX-1002 ¶154;~~ *see also*

~~76.~~154. EX-1003~~,~~ (DTB), 21 (audiobook SMIL files synchronized at "paragraph, sentence, or even word level").) The start and end times of these paragraphs would then be determined using the begin/end attributes of Yoshimura or Bulterman.~~ (EX-1002 ¶154.)~~

Additionally, as ~~explained~~I discuss above, Bulterman discloses begin/end ~~attributes~~attrib- utes that are time offsets against a syncbase. (~~*Supra* §IX.B.2~~*See* ¶¶143-151, above.) This syncbase can be the "the beginning or the end of some other element in the document" ~~including~~inclu- ing the ~~begin- ning~~beginning of a <seq> element. (EX-1012~~,~~ (Bulterman), 140, 146, 147). ~~Yoshimura'~~Yo- shimura' s content files are described in a single <seq> starting at the beginning of the entire content. (~~*Supra*~~

~~77.~~155. §~~VII.A.6~~*See* ¶¶61-65, above.) Thus, a ~~POSITA~~person of ordinary skill in the art would have understood the begin/end attributes can be offsets relative to the ~~beginning~~begin- ning of the audio content of Yoshimura. (EX-~~1002 ¶155; EX-~~1012~~,~~ (Bulterman), 328 (audio element can be "master media object for timing control ~~pur- poses~~purposes"). 347.) Annotated Figure 7-2 of Bulterman demonstrates this concept:

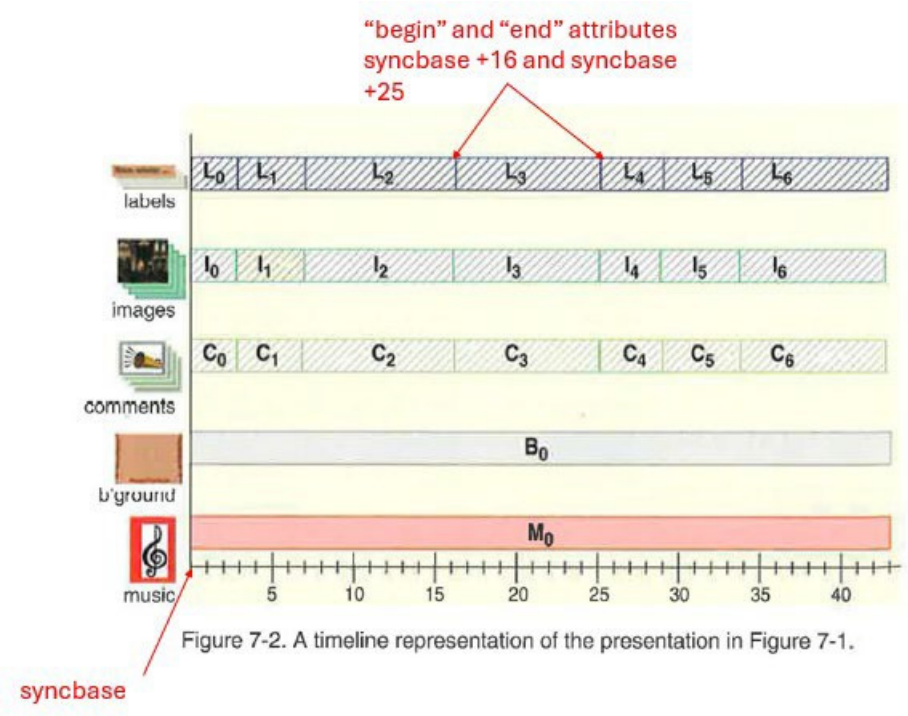


Figure 7-2. A timeline representation of the presentation in Figure 7-1.

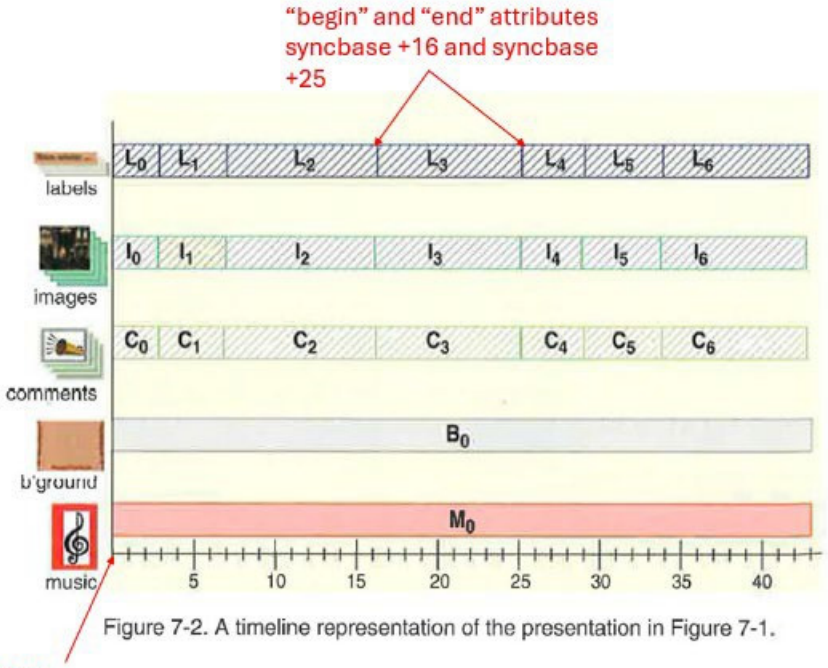


Figure 7-2. A timeline representation of the presentation in Figure 7-1.

~~(EX-1012,~~

(*Id.*, 128~~; EX-1002 ¶155~~.)

~~78.~~156. Therefore, Yoshimura, Lindahl, Heckerman, and Bulterman render ~~obvious~~ob- vious determining at least one of a start time and an end time of a plurality of ~~paragraphs~~para- graphs in the loaded first electronic text file using the plurality of hard time tags (e.g., begin/end), the start and end times of each paragraph determined relative to one of the beginning of the audio recording (e.g., syncbase set to beginning of ~~recording~~re- cording) and a beginning of the first electronic text file. ~~(EX-1002 ¶¶152-56.)~~

~~79.~~157. ~~Additionally, in its infringement contentions, PO asserts this limitation is met by a "Media Presentation timeline and/or segment timing information." (EX-1098, 67.)~~Additionally, Yoshimura, Lindahl and Bulterman disclose a media presentation timeline and/or segment timing information. ~~(*Supra* §§VII.A.5-VII.A.6; EX-1002 ¶157~~(*See* ¶¶58-65, above.)

~~D.~~158. Thus, Yoshimura, Lindahl, Heckerman, and Bulterman disclose or render obvious the additional claim element of claim 12.

159. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, Heckerman, and Bulterman render claim 12 obvious as a whole.

4. Claim 13

~~80.~~160. Claim 13 depends from claim 11 and further recites "wherein rendering the digital content using the media player comprises extrapolating time values for a plurality of characters in the loaded first electronic text file, the time values ~~extrapolated~~extrap- olated from the at least one of a start time, an end time, and a duration of the first electronic text file and the plurality of hard time tags." Yoshimura and Bulterman disclose or render obvious the additional claim element of claim 13.

~~81.~~161. Yoshimura and Bulterman teach applying hard time tags to text ~~paragraphs~~para- graphs in <par> elements, and Yoshimura teaches its <par> elements can have ~~durations~~du- rations ("dur" values). ~~(*Supra* §§IX.B.2, VII.A.6.)~~(*See* ¶¶61-65, 143-151, above.) It would have been obvious to a ~~POSITA~~person of ordinary skill in the art that the combined system would extrapolate time values to the words and/or characters contained within the paragraph (e.g. ~~plurality~~plu- rality of characters) based on this information. ~~(EX-1002 ¶161.) A POSITA~~A person of ordinary skill in the art would have been motivated to do so to provide time values for words or characters a user may wish to navigate to, such as the first word of a sentence or the punctuation character ending a sentence. ~~(EX-1002 ¶161.)~~ This would allow a user to navigate to particular times by ~~search-ing~~searching for particular words or characters. ~~(EX-1002 ¶161; *see also infra* §XIV~~(*See* ¶¶196-201, below.)

X. ~~GROUND 1D: CLAIM 17 WOULD HAVE BEEN OBVIOUS IN VIEW OF YOSHIMURA, LINDAHL, AND DTB.~~

162. Thus, Yoshimura and Bulterman disclose or render obvious the addi- tional claim element of claim 13.

163. Accordingly, for at least the reasons I discuss above, Yoshimura, Lin- dahl, Heckerman, and Bulterman render claim 13 obvious as a whole.

D. Claim 17 Would Have Been Obvious in View of Yoshimura, Lindahl, and DTB.

Claim 17 depends from claim 1 and further recites "wherein the ~~plurality~~plural- ity of media

streams comprises an ancillary content stream including a plurality of ancillary files,

164. and wherein the time information includes at least one of a start time, an end time, and a duration of each ancillary file in the plurality of ancillary files, the start and end times of each ancillary file determined relative to the beginning of

the audio recording, the ancillary content stream including at least one of a plurality of graphic files, a plurality of advertising files, and a plurality of user generated ~~ancillary files." DTB was the standard for distributing digital talking books like those de- scribed in Lindahl. (EX-1003; EX-1002 ¶165.) DTB's SMIL files synchronize au- diobooks with graphic files, notes, annotations, and advertisements (e.g. ancillary~~an- cillary files." As I discuss above, Yoshimura and Lindahl disclose or render obvious each limitation of claim 1. (*See* ¶¶38-84, above.) DTB discloses or renders obvious the additional claim element of claim 17.

~~content). (EX-1003, 26-27, 29-30, 163.)~~

165. DTB was the standard for distributing digital talking books like those described in Lindahl. (EX-1003 (DTB).) DTB's SMIL files synchronize audio-books with graphic files, notes, annotations, and advertisements (e.g. ancillary con-tent). (*Id.*, 26-27, 29-30, 163.)

166. Thus, DTB discloses or renders obvious the additional claim element of claim 17.

~~82.~~167. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~include~~in- clude images and annotations in the Yoshimura-Lindahl audiobook content to ~~diversify~~diver- sify the types of content (e.g., children's books, comics, etc.) displayed by the system or allow a user to add ~~anno- tations~~annotations to take notes and otherwise mark-up the media content for future reference or to share with others. (~~EX-1002 ¶167; *see also*~~*See* EX-1030~~,~~ (Heckerman), 3:5-55.) Such a ~~combi-~~

~~nation~~combination represents the simple substitution of one known ~~element~~element/technique (~~synchro- -nized~~synchronized media including images and/or annotations) for ~~another~~an- other (Yoshimura's ~~stream- ing~~streaming media) to obtain predictable results (streaming images and/or annotations). (*Id.*, 12:65-13:34, claim 22; EX-1063~~,~~ (Delacourt), 113-15; ~~EX-1080 ¶¶[0026]-[0027]; EX-1002 ¶167.)~~

EX-1080 (Snow) ¶¶[0026]-[0027].) A ~~POSITA~~person of ordinary skill in the art would have reasonably expected success in applying ~~Hecker-~~

~~man's~~Heckerman's segmentation method in ~~Yoshimura's~~Yo- shimura's system because streaming media ~~in- cluding~~including images and/or user annotations was well known. ~~(EX-1002 ¶167; *supra* §II.B; *infra* §XVI.A.6.)~~ (*See* ¶33, above, 242-247, below.)

~~XI. GROUND 1E: CLAIM 20 WOULD HAVE BEEN OBVIOUS IN VIEW OF YOSHIMURA, LINDAHL, HECKERMAN, AND DTB.~~

168. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, and DTB render claim 17 obvious as a whole.

E. Claim 20 Would Have Been Obvious in View of Yoshimura, Lindahl, Heckerman, and DTB.

Claim 20 depends from claim 10 and further recites "wherein the ~~plurality~~plu- rality of media

~~83.~~169. streams further comprises an audio stream including a plurality of digital audio files created by segmenting the audio recording and an illustration stream including a plurality of illustration files from the originating written work, and wherein the ~~de- scriptor~~descriptor file includes at least one of a start time, an end time, and a duration of each digital audio file in the plurality of digital audio files, and at least one of a start time, an end time, and a duration of each illustration file in the plurality of illustration files, the start and end times of each digital audio file and each ~~illustration~~illus- tration file ~~deter- mined~~determined relative to the beginning of the audio recording." As I discuss above, Yoshimura, Lindahl, and Heckerman disclose or render obvious each limita- tion of claims 1 and 9-10. (*See* ¶¶38-84, 124-127,

above.) Yoshimura, Lindahl, and DTB disclose or render obvious the additional claim element of claim 20.

~~84.~~170. Yoshimura and Lindahl render obvious media streams including ~~audiobooks. (*Supra* §VII.A.3; EX-1002 ¶170~~audi- obooks. (*See* ¶¶43-54, above.) It would have been obvious an audiobook stream would include illustrations from the book segmented in the same manner. (*See, e.g.*, EX-1003~~,~~ (DTB), 60-61 (disclosing audiobooks with text and images are ~~synchronized); EX-1002 ¶170.)~~synchro- nized).)

Additionally, DTB discloses SMIL-file-based media streams can ~~include par- allels~~ include parallels comprising illustrations (e.g., images). (EX-1003~~, (DTB),~~ 26-27, 32-33~~; EX-1002~~

171. ~~¶171.~~) These parallels would have start, end, and durations in the same way ~~dis- closed~~disclosed by Yoshimura. ~~(*Supra* §§VII.A.5-VII.A.8; EX-1002 ¶171.)~~ (*See* ¶¶58-80, above.)

172. Thus, Yoshimura, Lindahl, and DTB disclose or render obvious the additional claim element of claim 20.

173. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, Heckerman, and DTB render claim 20 obvious as a whole.

F. Claims 16 and 24 Would Have Been Obvious in View of Yoshimura, Lindahl, Heckerman, and Hay.

~~85.~~174. As I discuss above, Yoshimura, Lindahl, and Heckerman disclose or render obvious each limitation of claims 1, 9-10, and 14-15. (*See* ¶¶38-84, 124-133, above.) For at least those reasons and the reasons I discuss below, claims 16 and 24 would have been obvious in further view of ~~Yoshimura, Lindahl, Heckerman and DTB. (EX-1002 ¶¶169-73.)~~Hay.

XII. ~~GROUND 1F: CLAIMS 16 AND 24 WOULD HAVE BEEN OBVIOUS IN VIEW OF YOSHIMURA, LINDAHL, HECKERMAN, AND HAY.~~

A.

1. Claim 16

Claim 16 depends from claim 15 and further recites "wherein rendering the digital

~~86.~~175. content using the media player further comprises providing automated page turns within the first electronic text file using the current time offset." Hay discloses the additional claim element of claim 16.

~~87.~~176. Hay discloses "during audible reading of the narration by the software, when the reader software reaches the bottom of a page, the display will automatically ~~ad- vance~~advance to and display the next page" by means of a synchronization file linking the audio with the text. (EX-1028 (Hay) ¶¶[0100], [0217~~]; EX-1002 ¶176.)~~].) Hay therefore discloses automatically turning from the first page to the second page in dependence upon the time information for the first page or for the second page (e.g., time ~~asso- ciated~~associated with the bottom of the first page) as the portion of the audio stream is rendered (e.g., audio narration). (*Id.*~~; EX-1002 ¶176~~.)

177. Thus, Hay discloses the additional claim element of claim 16.

~~88.~~178. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~automatically~~au- tomatically turn pages of ~~Yoshi mura's~~Yoshimura's multimedia content (e.g., as disclosed by Hay) because this would improve the reader's experience, add convenience, and avoid unnecessary interruptions in the reading experience by eliminating the need to provide input at the end of the page . ~~(EX-1002 ¶178.)~~ Additionally, the combination represents the simple addition of one known element/technique (e.g., automatic page turning) to~~another known element/technique (e.g., multimedia presentations) to obtain predictable results (e.g., continuous rendering of content). (*Id.*); *KSR*, 550 U.S. at 417. Methods to automate page turning were commonplace and well-understood, giving a POSITA a reasona- ble expectation of success in the modification. (EX-1002 ¶178 (citing EX-1059, 49:6-7; EX-1057, Abstract; EX-1058, 4:32-40).)~~

B.

another known element/technique (e.g., multimedia presentations) to obtain predictable results (e.g., continuous rendering of content). Methods to automate page turning were commonplace and well-understood, giving a person of ordinary skill in the art a reasonable expectation of success in the modification. (*E.g.*, EX-1059 (Hendricks), 49:6-7; EX-1057 (Takahashi), Abstract; EX-1058 (Fujisawa), 4:32-40.)

179. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, Heckerman, and Hay render claim 16 obvious as a whole.

2. Claim 24

180. ~~Claim~~Independent claim 24 combines ~~the limitations of previously discussed~~elements from claims~~. Claim~~ I discuss above.

Thus, Yoshimura, Lindahl, Heckerman, and Hay disclose or render obvious each element of claim 24 for the reasons I discuss above. (*See* ¶¶38-135, 175-179, above.)

181. I have compared the elements in claim 24 to the elements in other claims. As shown, the elements recited in claim 24 mirror the elements recited in other claims. The table below demonstrates how the elements correspond.

	Claim 24		**Claims 1, 4, 5, 6, 9, 10, 15, and 16**
24[pre]	*A method of rendering digital content comprising:*	1[pre]	*A method of rendering digital content comprising:*
24[a]	*providing a media player having access to at least one server via a network,*	1[a]	*Providing a media player having access to at least one server via a network,*
24[b]	*the at least one server having stored thereon a descriptor file*, an *audio stream*, and *a text stream*, the *audio stream* and	1[b]	*the at least one server having stored thereon a descriptor file* and a plurality of media streams *derived from a same originating written work,*

	the *text stream derived from a same originating written work,*	9	wherein the plurality of media streams comprises *a text stream* including a plurality of electronic text files created by segmenting an electronic text of the originating written work
		15	wherein the plurality of media streams further comprises an *audio stream* including a plurality of digital audio files created by segmenting the audio recording
24[c]	the *audio stream including a plurality of digital audio files created by segmenting an audio recording* of the originating written work, the *text stream including a plurality of electronic text files created by segmenting an electronic text of the originating written work,*	9	wherein the plurality of media streams comprises a *text stream including a plurality of electronic text files created by segmenting an electronic text of the originating written work*
		15	wherein the plurality of media streams further comprises an *audio stream including a plurality of digital audio files created by segmenting the audio recording*
24[d]	the *descriptor file including information allowing a simultaneous synchronized rendering of the* audio stream and the text stream *that provides a literary experience of the originating written work,*	1[d]	*the descriptor file including information allowing a simultaneous synchronized rendering of the* plurality of media streams *that provides a literary experience of the originating written work*
24[e]	*the information including time information for each* digital audio file in the audio stream and for each electronic text file in the text stream, *the time information for synchronizing* the audio stream and the text stream and *determined relative*	1[e]	*the information including time information for each* digital data file in each media stream, *the time information for synchronizing* the plurality of media streams *and determined relative to a timeline of an audio recording of the originating* written work;

	to a timeline of the audio recording;		
24[f]	*determining a first digital audio file from the plurality of digital audio files* in the audio stream, the first digital audio file having audio *content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording*;	1[f]	*determining a first* digital data file *from the plurality of* digital data files in a first media stream from the plurality of media streams, the first digital data file having digital *content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and deter- mined relative to the timeline of the audio recording*;
		4	wherein determining the first digital data file comprises comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each *digital audio file in the plurality of digital audio files* to find a first digital audio file that includes digital audio data from a point in the audio stream corresponding to the predetermined time offset.
24[g]	*downloading the first digital audio file or a digital* audio *segment contained in the first digital audio file and determined using the time information in the descriptor file from the at least one server so that the* audio content *is resident with the media player*;	1[g]	*downloading the first digital* data *file or a digital* data *segment contained in the first digital* data *file and determined using the time information in the descriptor file from the at least one server so that the* digital *content is resident with the media player*; and
		5	wherein downloading the first digital data file or the digital

			data segment contained in the first digital data file and determined using the time information in the descriptor file comprises *downloading the first digital audio file* from the at least one server so that the first digital *audio* file *is resident with the media player*
24[h]	*determining a first* electronic text file *from the plurality of* electronic text files in the text stream, the first electronic text file having text *content to be rendered with the media player and determined using the time information in the descriptor file and the predetermined time offset*;	1[g]	*determining a first* digital data file *from the plurality of* digital data files in a first media stream from the plurality of media streams, the first digital data file having digital *content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset,* the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording
		10	*wherein determining the first* digital data *file* comprises comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each electronic text file in the plurality of electronic text files to find a *first electronic text file* having a point therein corresponding to the predetermined time offset.
24[i]	*downloading the first electronic text file* or an electronic text segment contained in the first electronic text file and *determined using the time*	11	wherein downloading the first digital data file or the digital data segment contained in the first digital data file and *determined using the time*

	information in the descriptor file from the at least one server so that the text content is resident with the media player; and		*information in the descriptor file* comprises *downloading the first electronic text file* from the at least one server
24[j]	*simultaneously rendering* the *audio* content and the *text* content using the media player at an arbitrary *point* determined using the *predetermined time offset,*	15	wherein rendering the digital content using the media player further comprises *simultaneously rendering* a digital *audio* file from a *point* in the audio stream corresponding to the *predetermined time offset* and the first electronic *text* file from a *point* in the text stream corresponding to the *predetermined time offset*
24[k]	comprising *providing automated page turns for the text content*, the automated page turns determined in dependence upon a progressing *time offset* relative to the rendering of the audio content.	16	wherein rendering the digital content using the media player further comprises *providing automated page turns* within the first electronic text file using the *current time offset*.

182. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, Heckerman, and Hay render claim 24 obvious as a whole.

G. Claims 19, 23, and 27 Would Have Been Obvious in View of Yoshimura, Lindahl, and Sull-948.

~~89.~~183. As I discuss above, Yoshimura and Lindahl disclose or render obvious each limitation of claims 1 and 26. (*See* ¶¶38-84, 90-92, above.) For at least those reasons and the reasons I discuss below, claims 19, 23, and 27 would have been obvious~~. (*Supra* §§VII.A, VIII.C-VIII.E, VIII.H-VIII.I, VIII.K, XII.A; EX-1002 ¶¶180-82.)~~ in further view of Sull-948.

XIII. ~~GROUND 1G: CLAIMS 19, 23, AND 27 WOULD HAVE BEEN~~

~~OBVIOUS IN VIEW OF YOSHIMURA, LINDAHL, AND SULL- 948.~~

A.

1. Claim 19

Claim 19 depends from claim 1 and further recites "wherein the ~~predetermined~~prede- termined time

~~90.~~184. offset is provided by a bookmark, the bookmark including information to identify the descriptor file." Lindahl and Sull-948 disclose or render obvious the additional claim element of claim 19.

~~the descriptor file."~~ Lindahl discloses providing a time offset from a bookmark. ~~(*Supra* §VII.A.7; EX-1002 ¶185.)~~

(*See* ¶¶66- 77, above.) Lindahl's bookmarks are linked to the specific book they identify. (EX-1004

~~91.~~185. (Lindahl) ¶¶[0017], [0036], [0040].)

This limitation also would have been obvious in view of Sull-948. Sull-948 ~~discloses~~discloses a bookmark file containing the bookmarked position within ~~multimedia content~~multime- dia content and a "metadata identification (ID) of the bookmarked file." (EX-1060

~~92.~~186. (Sull-948) ¶¶[0188]-[0192~~]; EX-1002 ¶186.)~~].) Sull-948's metadata includes description of "seg- ments" of the multimedia content including temporal components of the audio-vis- ual content. (~~EX-1060~~*Id.* ¶[0168~~]; EX-1002 ¶186.)~~].) Accordingly, Sull-948 discloses or renders obvious providing a predetermined offset (e.g., bookmarked position) by a bookmark, the bookmark including information to identify (e.g., metadata ID) the descriptor file (e.g., metadata describing segments). ~~(EX-1002 ¶186.)~~

187. ~~A POSITA~~A person of ordinary skill in the art would have been motivated to have Lindahl's bookmark identify a descriptor file as disclosed in Sull-948 because it would efficiently link the ~~book- mark~~bookmark to the SMIL file so the client could retrieve the

bookmarked file. ~~(*Id.* ¶187.)~~ A ~~POSITA~~person of ordinary skill in the art would have understood this would be a faster and more efficient way to retrieve the bookmarked file. ~~(*Id.*)~~ A ~~POSITA~~person of ordinary skill in the art would have reasonably expected success because ~~bookmarks~~book-marks and descriptor files were well known and the inclusion of additional infor- mation in the bookmark (e.g., information to identify the descriptor file) would have been routine.

~~of additional information in the bookmark (e.g., information to identify the de- scriptor file) would have been routine. (*Id.*)~~

B.88. Thus, Lindahl and Sull-948 disclose or render obvious the additional claim element of claim 19.

189. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, and Sull-948 render claim 19 obvious as a whole.

2. Claim 23

~~93.~~190. Claim 23 depends from claim 1 and further recites "determining a ~~current~~cur- rent time offset while rendering the digital content" and "creating a bookmark for a selected point in the rendered digital content, the bookmark an electronic file ~~including~~includ- ing the current time offset and an identification of the descriptor file, the current time offset being a time difference from a beginning of the audio recording to a selected point in the audio recording, the selected point in the audio recording corresponding to the ~~se- lected~~selected point in the digital content." Lindahl discloses or renders obvious the additional claim element of claim 23.

~~94.~~191. Lindahl discloses determining current time offset while rendering the digital content (EX-1004 (Lindahl) ¶[0035], Fig. 2), creating a bookmark for the selected point (*id.*, *see also id.* ¶[0036]), where the bookmark includes the current time offset (*id.*), the current time offset being from a beginning of the audio ~~recording~~record- ing to a selected point in the audio recording (*id.*), the selected point in the audio corresponding to the ~~se- lected~~selected point in the digital content (*id.* ¶¶[0004], [0008]). ~~(*Supra* §VII.A.7.)~~(*See* ~~It would have been obvious to identify a descriptor file in Lindahl or Sull-948's bookmark. (*Supra* §VII.A.7.b.) The selected point in the audio would correspond to the selected point in the digital content. (*Supra* §VII.A.5-VII.A.7; EX-1002 ¶191.)~~ ¶¶66-77, above.) It would have been obvious to identify a descriptor file in Lindahl or Sull-948's bookmark.

(*See* ¶¶70-77, above.) The selected point in the audio would correspond to the selected point in the digital content. (*See* ¶¶61-77, above.)

192. Thus, Lindahl discloses or renders obvious the additional claim element of claim 23.

193. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, and Sull-948 render claim 23 obvious as a whole.

3. Claim 27

~~95.~~194. Claim 27 depends from claim 26 and further recites "determine a ~~current~~cur- rent time offset while rendering the digital content" and "create a bookmark for a selected point in the rendered digital content, the bookmark an electronic file ~~including~~includ- ing the current time offset and an identification of the descriptor file, the current time offset being a time difference from a beginning of the audio recording to a selected point in the audio recording, the selected point in the audio recording corresponding ~~to the selected point in the digital content." Lindahl's bookmark is created while the con- tent is rendering, when the user pauses. (*Supra* §VII.A.7; EX-1002 ¶194.) Claim 27 would have been obvious. (*Supra* §XIII.B; EX-1002 ¶¶194-95.)~~

XIV. ~~GROUND 1H: CLAIM 21 WOULD HAVE BEEN OBVIOUS IN VIEW OF YOSHIMURA, LINDAHL, HECKERMAN, AND AMIR.~~

to the selected point in the digital content." Lindahl discloses these claim elements because Lindahl's bookmark is created while the content is rendering, when the user pauses. (*See* ¶¶66-77, 190-193, above.)

195. Accordingly, for at least the reasons I discuss above, Yoshimura, Lin- dahl, and Sull-948 render claim 27 obvious as a whole.

H. Claim 21 Would Have Been Obvious in View of Yoshimura, Lindahl, Heckerman, and Amir.

Claim 21 depends from claim 10 and further recites "wherein the ~~predetermined~~pre- determined time

196. offset is provided from a text search result." As I discuss above, Yoshimura, Lindahl, and Heckerman disclose or render obvious each limitation of claims 1 and 9. (*See* ¶¶38-84, 124-125, above.) Amir discloses the additional claim element of claim 21.

~~96.~~197. Amir discloses a text search of text associated with audio and video ("speech transcripts") that returns "the matching spoken keywords" and allows ~~playback~~play- back of content "at the time offset corresponding to the match." (EX-1040~~,~~ (Amir), 210~~; EX-1002 ¶197~~.)

A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~obtain~~ob- tain a time offset from a text search of media content because text search in ~~multimedia~~multi- media content was well known. (*See, e.g.*, EX-1048~~,~~ (Fischer), Abstract, 8:15-44, Fig. 12; EX-1003~~,~~ (DTB), 18; EX-1040~~,~~ (Amir), 210-11~~;~~

198. ~~EX 1002 ¶198~~.) Thus, using Amir's text search in Yoshimura's system represents a simple addition of one known-

element/technique (text searching) to another (~~Yo- shimura's~~Yoshimura's media player playing content) to obtain predictable results (obtaining a time offset from a text search of media content). ~~(EX-1002 ¶198.)~~ Such a ~~combi- nation~~combination would also advantageously allow a user to identify locations in an audiobook through text search in addition to other methods.

~~97.~~199. A ~~POSITA~~person of ordinary skill in the art would have also reasonably ~~expected~~ex- pected success because text ~~search- ing~~searching was well known, and because the SMIL 2.0 Standard, which governs SMIL ~~fea- tures~~features and capabilities, allows for text searching. (EX-1051~~; EX-1002 ¶199.)~~ (SMIL Standard).)

XV. 200. ~~**GROUND 11: CLAIMS**~~Thus, Amir discloses the additional claim element of claim 21.

201. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, Heckerman, and Amir render claim 21 obvious as a whole.

I. Claims 28 ~~AND~~and 29 ~~WOULD HAVE BEEN OBVIOUS IN VIEW OF YOSHIMURA, LINDAHL, SULL~~Would Have Been Obvious in View of Yoshimura, Lindahl, Sull-948, ~~AND~~and DTB.

A. 202. As I discuss above, Yoshimura, Lindahl, and Sull-948 disclose or render obvious each limitation of claims 26-27. (*See* ¶¶90-92, 194-195, above.) For at least those reasons and the reasons I discuss below, claims 28 and 29 would have been obvious in further view of DTB.

1. Claim 28

Claim 28 depends from claim 27 and further recites that the computer readable stor-
age storage medium, "when executed by a computer, further causes said

computer to ~~elec- tronically~~electronically transfer the bookmark to another computer." Lindahl and DTB disclose or render obvious the additional claim element of claim 28.

Lindahl's bookmark "may [] be uploaded to the server[.]" (EX-1004 ~~98.~~204. (Lindahl) ¶[0036].) Lindahl therefore discloses computer code configured to cause said ~~com- puter~~computer (e.g., client device) to transfer (e.g., upload) the bookmark to another computer (e.g., server). (*Id.*~~; EX-1002 ¶204~~.)

~~To~~ I understand that the ~~extent PO argues~~ patent owner may argue that the other computer must be a client computer. In that case, this

99.205. limitation would have been obvious in view of Lindahl. (EX-1002 ¶205.) In addi- tionIn addition to uploading a bookmark to the server, Lindahl discloses dis-closes transferring the book- markbookmark from the server back to a client device. (EX-1004 (Lindahl) ¶[0031], Fig. 2 ("Get Book- mark"); EX-1002 ¶205.)Bookmark").) Lindahl also discloses multiple clients can access the sys- tem. (EX-1004system. (*Id.* ¶[0043].) Accordingly, it would have been obvious in view of Lin- dahlLindahl that a client device would transfer a bookmark through the server to another client device associated with the user. (*Id.*; EX-1002 ¶205.) A POSITAperson of ordinary skill in the art would have been motivated to implement Lindahl so that a user can start an audiobookau- diobook on one device (e.g., audio book device 310) and later resume the audiobook on another de- vicedevice (e.g., handheld computer or cell phone 310). (EX-1002 ¶205.)

206. Even if Lindahl did not disclose or render obvious thisThis limitation, it also would have been obvious in view of DTB. (*Id.* ¶206.) DTB's players set bookmarks and "export" them to other devices. (EX-1003, (DTB), 45.) A POSITAperson of ordinary skill in the art would have been moti- vatedmotivated to incorporate this-

feature into the combined system to allow users to resume audiobook playback across devices or transfer bookmarks from one user to another. Such a combination represents the addition of one known element/technique (e.g., transferring ~~bookmarks~~book- marks between players) to another known element/technique (e.g., Lindahl's ~~transferring~~trans- ferring bookmarks to a server) to obtain a predictable result (e.g., players transferring bookmarks to other players). ~~(EX-1002 ¶206.)~~ A ~~POSITA~~person of ordinary skill in the art would have ~~reasonably~~rea- sonably expected success because such a combination was well-known and com- monplace. (*E.g.*, EX-1062 (Himmel), 2:63-3:6; EX-1069 (Dimitrova), 3:14-28; EX-1005 (Sull-218) ¶[0063].)

~~known and commonplace. (*Id.* (citing EX-1062, 2:63-3:6; EX-1069, 3:14-28; EX-1005 ¶[0063]).)~~

B.~~0~~7. Thus, Lindahl and DTB disclose or render obvious the additional claim element of claim 28.

208. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, Sull-948, and DTB render claim 28 obvious as a whole.

2. Claim 29

~~100.~~209. Claim 29 depends from claim 27 and further recites that the computer readable storage medium, "when executed by a computer, further causes said ~~computer~~com- puter to transfer one of the bookmark and a shortcut to the bookmark to one of a desktop, a window other than the window used for rendering the digital content, and an application other than the application used for rendering the digital content."

Lindahl and/or DTB disclose or render obvious the additional claim element of claim 29.

210. Lindahl alone or with DTB discloses or renders obvious transferring a ~~book- mark~~bookmark from one client to another. ~~(*Supra* §XV.A; EX-1002 ¶210.)~~(*See* ¶¶203-208, above.) Lindahl's client ~~devices~~de- vices include handheld computers or audiobook devices. (EX-1004 (Lindahl) ¶[0016], Fig. 1~~; EX-1002 ¶210.) A POSITA~~.) A person of ordinary skill in the art would have understood an obvious way to transmit a bookmark file from one handheld computer to another would be to download the file to whatever location on the computer the user selected. ~~(EX-1002 ¶210). Rou- tine~~Routine places would be computer desktops (including by a shortcut), a folder ("a ~~win- dow~~window other than the window used for rendering the digital content"), or a file ~~man- agement~~management system ("an application other than the application used for rendering the digital content."). ~~(*Id.*) Thus, Yoshimura and Lindahl render this claim obvious. (*Id.* ¶¶209-12.)~~

XVI. 211. ~~**GROUND 2A: CLAIMS**~~Thus, Lindahl and/or DTB disclose or render obvious the additional claim element of claim 29.

212. Accordingly, for at least the reasons I discuss above, Yoshimura, Lindahl, Sull-948, and DTB render claim 29 obvious as a whole.

J. Claims 1-15, 17-18, 20-22, ~~AND~~and 25-26 ~~WOULD HAVE BEEN OBVIOUS IN VIEW OF REID, HECKERMAN, AND OPTIONALLY STELOVSKY~~Would Have Been Obvious in View of Reid and Heckerman or in View of Reid, Heckerman, and Stelovsky.

A. 213. For at least the reasons I discuss below, Reid, Heckerman, and optionally Stelovsky render claims 1-15, 17-18, 20-22, and 25-26 obvious.

1. Claim 1~~2~~

1. a. Preamble

214. The preamble recites "[a] method of rendering digital content." Reid discloses this.

Reid discloses "a method and system" for synchronizing media streams, ~~nav-~~

~~101.~~215. ~~igating~~navigating through them, and "simultaneously displaying to the user some or all of the streams at the position corresponding to the position selected in the navigated stream." (EX-1076~~,~~ (Reid), 4:9-18~~; EX-1002 ¶215.) If the preamble is limiting, Reid dis- closes it. (EX-1002 ¶¶214-16~~.)

2. ~~Element 1[a]~~

216. Accordingly, Reid discloses the preamble.

a. Element 1[a]: Providing a Media Player

217. Element 1[a] recites "providing a media player having access to at least one server via a network." Reid discloses or renders obvious this claim element.

218. Reid discloses a "client CPU" connected to a "server ~~via~~CPU by means of a network~~.~~ connection." (EX-1076~~,~~ (Reid), 6:8-9, Fig. 1.) The client ~~is~~CPU is "a stand- ard computer equipped with the appropriate video and audio subsystems" capable of playing video/audio streams. (*Id.*, 6:19-23, 12:7-~~-~~14, 20:29-21:5, 21:25-27, Figs. 1, 5.)~~-~~

~~102.~~219. Reid therefore discloses ~~"~~providing a media player having access to at least one server via a network~~." (EX-1002 ¶¶217-19.)~~. Thus, Reid discloses claim

element 1[a].

3.

a. Element ~~-~~ 1[b~~]~~: Descriptor File and Plurality of Media Streams

220. Element 1[b] recites "the at least one server having stored thereon a descriptor file and a plurality of media streams derived from a same originating writ- ten work." Reid and Heckerman disclose or render obvious this claim element.

Reid synchronizes a plurality of media streams along the same timeline ~~(~~"(referred to as the "common time base") using ~~an index~~indices for each of the media ~~stream~~streams. (EX-1076~~,~~ (Reid), 6:19-9:20, Figs. 2-4~~; EX-1002 ¶221~~.) The indices provide corresponding ~~positions~~posi- tions between the media streams to synchronize the streams during playback. (~~EX-1076,~~*Id.*, claim 5, 4:1-

~~[2] Claim language is not repeated here.~~

~~103.~~221. 3, 12:19-26, 13:10-20, 20:21-21:3.) Reid's indices are a descriptor file. ~~(EX-1002~~

~~104.~~222. ~~¶221.) If PO argues~~I understand the patent owner may argue that the claim requires the descriptor file ~~must~~to be a single file. In that case, it would have been obvious to a person of ordinary skill in the art to store the indices in a single file. ~~(*Id.* ¶222; EX-1044,~~ (e.g., Excel file). ~~Fig. 2.)~~ In fact, Reid refers to them collectively as an "identification means." (EX-1076~~,~~ (Reid), claim 5.)

~~105.~~223. The indices are stored on the server with the media streams. ~~(*Id.*,~~(EX-1076 (Reid), 20:8-19 (indices stored on server and downloaded to client), 17:13-18 (media streams are stored on the server).)

~~106.~~224. Reid discloses the synchronized streams may be for a slide presentation, and the media streams may include audio, video, slides, and a transcript. (~~*Id.*,~~EX-1076 (Reid), claims 7-14.)

~~Even if Reid did not render obvious media streams derived from the same originating work, it~~

~~107.~~225. This limitation also would have been obvious in view of Heckerman. ~~(EX-1002 ¶225.)~~

Heckerman discloses a computer system "for presenting books or other ~~lit-erary~~literary works stored in electronic form." (EX-1030~~,~~ (Heckerman), 5:59-65.) Heckerman ~~synchro- nizes~~synchronizes and segments "text and audio files corresponding to, e.g., the same exemplary literary work." (*Id.*, 5:34-58.) Heckerman also discloses electronic ~~distribution~~dis- tribution of books and other literary works via the internet. (*Id.* 1:32-41.)

Thus, Reid, alone or in combination with Heckerman, renders obvious a server storing a ~~de- scriptor~~descriptor file (e.g., identification means) and a plurality of media streams (e.g., audio,

~~108.~~226. text) derived from a same originating written work (literary work). ~~(EX-1002 ¶¶220-26.)~~

~~109.~~227. A ~~POSITA~~person of ordinary skill in the art would have been motivated to use Reid's system to transmit ~~Heck-erman's~~Heckerman's audiobooks. ~~(*Id.* ¶227.)~~

~~110.~~228. First, Reid teaches presentations provided on CD-ROMs suffered from limited ~~naviga-tion~~navigation capabilities. (EX-1076~~,~~ (Reid), 2:12-17, 3:7-16; *see also* EX-1001, 2:18-25 (patentee admitting audiobooks were often lengthy and hard to navigate).) Reid explained its system overcame these problems and provided easy-to-navigate, synchronized digital programming. (EX-1076~~,~~ (Reid), 3:20-4:25.) A ~~POSITA~~person of ordinary skill in the art would have been motivated to use Reid's system to gain these benefits when providing Heckerman's audiobooks. ~~(EX-1002 ¶228.)~~

~~111.~~229. Second, because audiobooks were widely known and supported, ~~transmitting~~trans- mitting them using Reid's system would have been a simple substitution of one known ~~ele- ment~~element/technique (Heckerman's segmented audio book audio/text streams) for another (Reid's organization of audio/text streams) in a known device ready for ~~improve- ment~~improvement to obtain predictable results (organization of audiobook media streams). (EX-1004 (Lindahl) ¶¶[0002]-[0003], [0005~~]; EX-1002 ¶229.)~~].)

~~112.~~230. A ~~POSITA~~person of ordinary skill in the art would have ~~reasonably expected~~had a reasonable ex- pectation of success in transmitting ~~audio- books~~audiobooks using Reid's system at least because synchronized rendering of media files was widely known and commonly used for audiobooks. (EX-1004 (Lindahl) ¶[0004] (~~audio- book~~audiobook "created using the DAISY format~~"); EX-1002 ¶230.)~~").)

231. ~~This limitation would have been~~Thus, Reid and Heckerman disclose or render obvious ~~in view~~claim element 1[b].

a. Element 1[c]: Media Stream Including a Plurality of Files

232. Element 1[c] recites "each media stream including a plurality of digital data files." Reid alone, or in combination with ~~Heck- erman. (EX-1002 ¶232.)~~ Heckerman, discloses or renders obvious this claim element.

233. Reid's hypertext object and slide media streams are stored as separate files. (EX-1076~~,~~ (Reid), 8:2-3.) Heckerman teaches dividing all media streams in a-

4. Element-1[c]

presentation (e.g., text and audio streams) into a plurality of smaller files. (EX-1030~~,~~ (Heckerman), 13:14-34~~; EX-1002 ¶233~~.)

~~113.~~234. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~divide~~di- vide Reid's media streams into a plurality of files for multiple reasons. ~~(EX-1002 ¶¶234-37.)~~

First, a ~~POSITA~~person of ordinary skill in the art would have recognized the benefits of doing so including:

~~114.~~235. (1) facilitating efficient ~~data~~ streaming and storage~~;~~ of data and (2) allowing for easier seeking, faster playback, and simplified network ~~handling~~han- dling. (EX-1006~~,~~ (Yoshimura), 1778-80~~; EX-1002 ¶235~~.)

~~115.~~236. Second, the combination represents nothing more than the simple ~~addition~~addi- tion of one known ~~ele- ment~~element/technique (e.g., Heckerman's file segmentation) to ~~another~~an- other (e.g., Reid's media streams) to obtain predictable results (e.g., media streams comprising multiple files). ~~(EX-1002 ¶236.).~~

~~116.~~237. ~~A POSITA~~A person of ordinary skill in the art would have reasonably expected success at least because storing media streams (including audio and text streams) as a plurality of files in a library was ~~common- place. (EX-1002 ¶237 (citing~~commonplace. (*E.g.*, EX-1004 ~~¶¶[0022]-[0023]; EX-1006, 1780-81).)~~(Lindahl)

¶¶[0022]-[0023]; EX-1006 (Yoshimura), 1780-81.)

a. Element-1[c]

238. Thus, Reid and Heckerman disclose or render obvious claim element 1[c].

4. ~~Element 1[d]~~ Element 1[d]: Simultaneous Synchronized Rendering

239. Element 1[d] recites "the descriptor file including information allowing a simultaneous synchronized rendering of the plurality of media streams that provides a literary experience of the originating written work." Reid and Heckerman render obvious this claim element.

~~117.~~240. Reid's indices are used for simultaneous synchronized rendering of the media files. (EX-1076, 17:4-11 ("multiple synchronized streams of each data type" in "~~sin- gle multimedia program"), claim 1, 3:20-23, 4:9-18; EX-1002 ¶240.) Because Reid, alone or with Heckerman, renders obvious that the content would be an originating written work, the simultaneous rendering would provide a literary experience of that work. (*Supra* §XVI.A.3; EX-1002 ¶241.) Thus, this limitation was obvious in view of Reid and Heckerman (*Id*~~single multimedia program"), claim 1, 3:20-23, 4:9-18.)

241. ~~6.~~ Because Reid, alone or in combination with Heckerman, renders obvious that the content would be an originating written work, the simultaneous rendering would provide a literary experience of that work. (*See* ¶¶220-231, above.) Thus, Reid and Heckerman render obvious claim element 1[d].

a. Element ~~1[e]~~ 1[e]: Time Information

242. Element 1[e] recites "the information including time information for each digital data file in each media stream, the time information for synchronizing the plurality of media streams and determined relative to a timeline of an audio re-

cording of the originating written work." Reid, alone or in view of Stelovsky, dis-

4. Element-1[c]

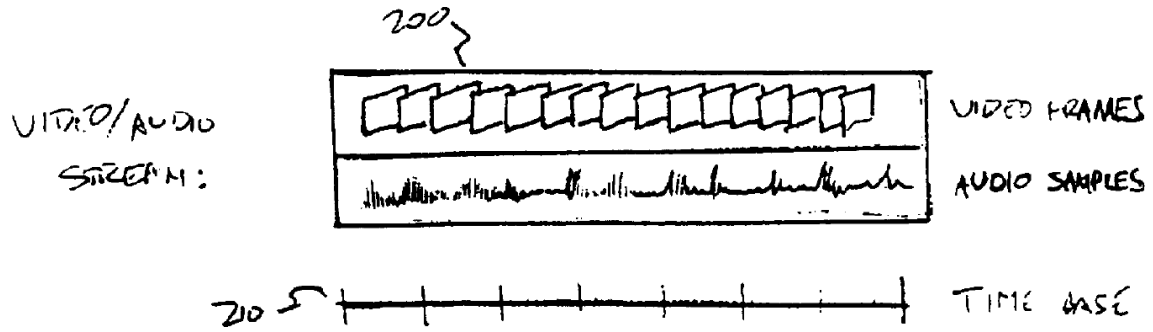
closes or renders obvious this claim element.

243. Reid's indices reference a "common time base" to synchronize ~~media~~the me- dia streams in the presentation. (EX-1076~~,~~ (Reid), 4:9-18, Fig. 2, claims 1, 5.)

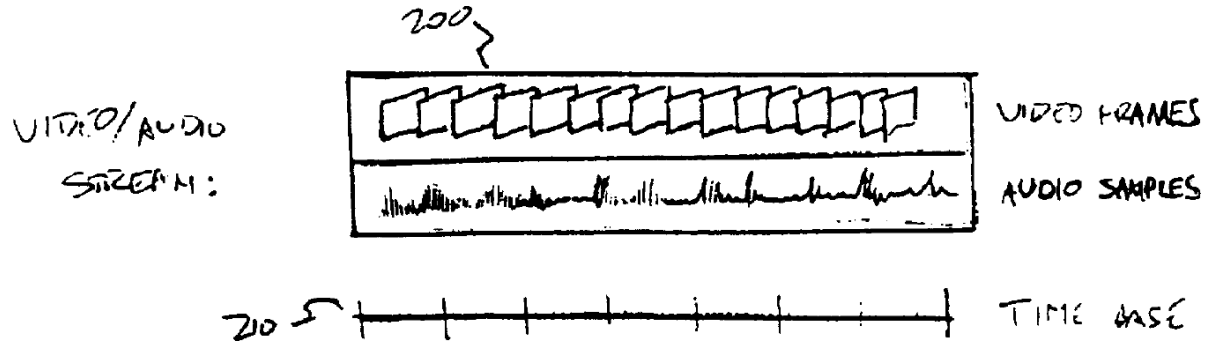
Figure-

2 shows the time base corresponds to

a video/audio stream. (*Id.*, 16:28-30, 7:6-21, Figs. 2, 4~~; EX-1002 ¶243~~.)



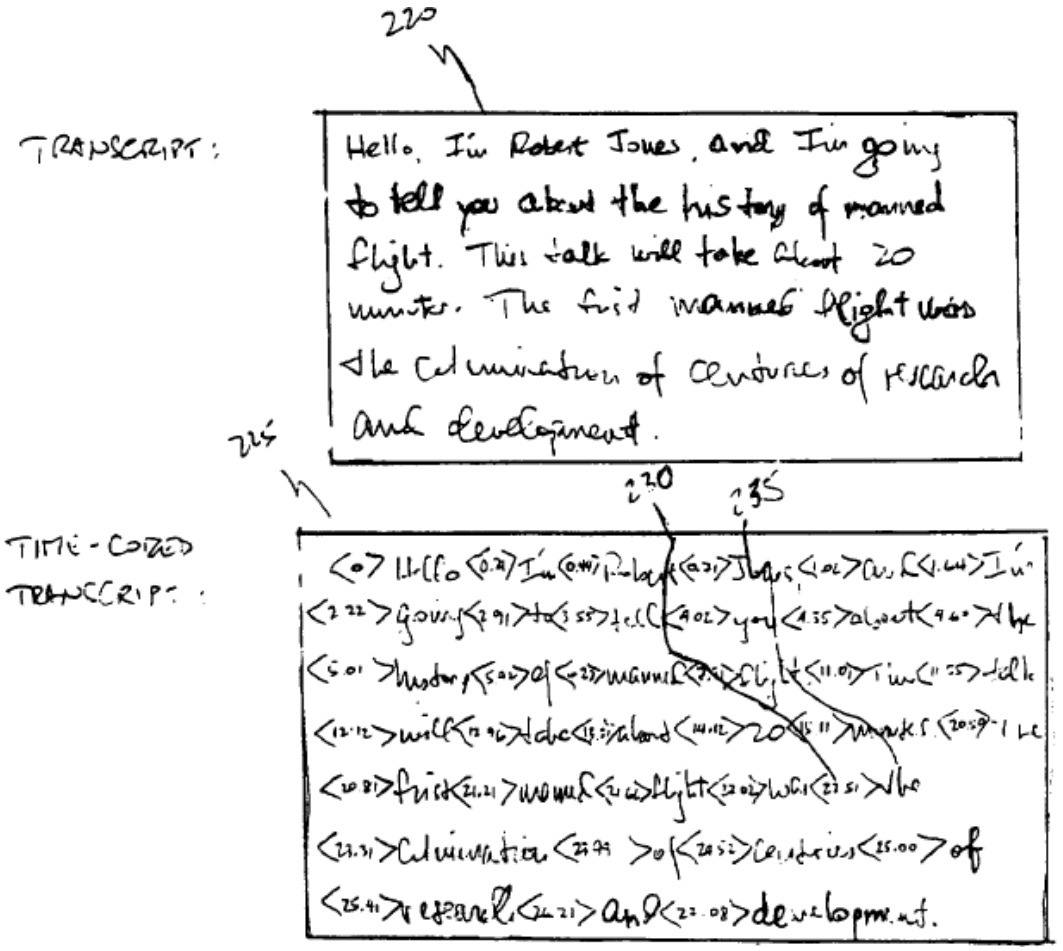
(*Id.*, Fig.

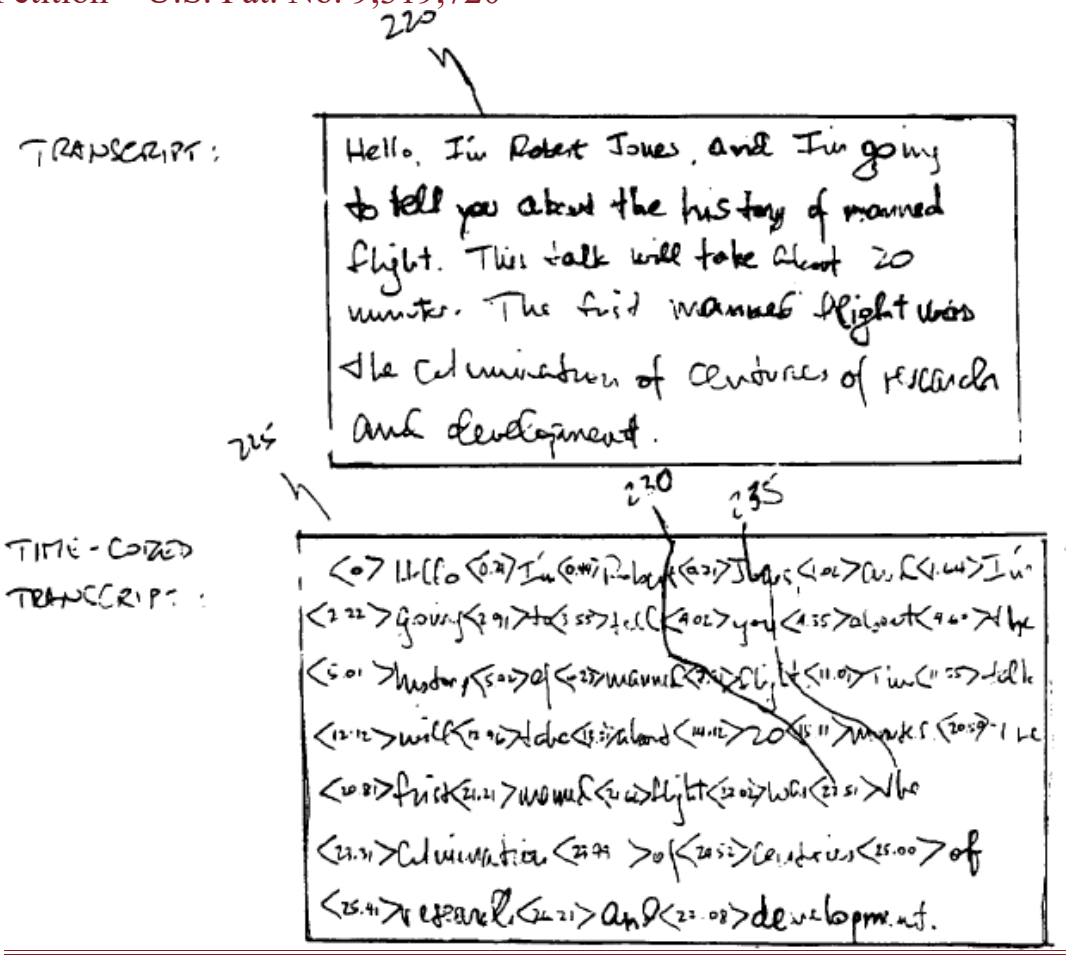


~~(EX-1076, Fig. 2 (excerpt); EX-1002 ¶243.)~~

~~A~~2 (excerpt).) A person of ordinary skill in the art would have understood that the audio and video streams share a common timeline such that information relative to a video timeline is also relative to the corresponding audio timeline.

~~118.~~244. Audio data is transcribed into a textual format called a "transcript." The transcript is synchronized to the audio data stream by assigning a time code to each word, producing a time-coded transcript:


220
TRANSCRIPT:
Hello. I'm Robert Jones, and I'm going to tell you about the history of manned flight. This talk will take about 20 minutes. The first manned flight was the culmination of centuries of research and development.
225
230
235
TIME-CODED TRANSCRIPT:



(EX-1076~~,~~ (Reid), Fig. 2 (excerpt).) Graphics (e.g., slides~~), outlines~~ from a presentation), out- lines (table of contents), and hyperlinks are similarly assigned a timecode ~~corresponding~~corre- sponding to the audio/video stream to create ~~indices.~~a slide index. (*Id.*, 7:23-9:14, Fig. 3.) These non-text indices are ~~illus- trated~~illustrated in Figure 3:

FIG. 3

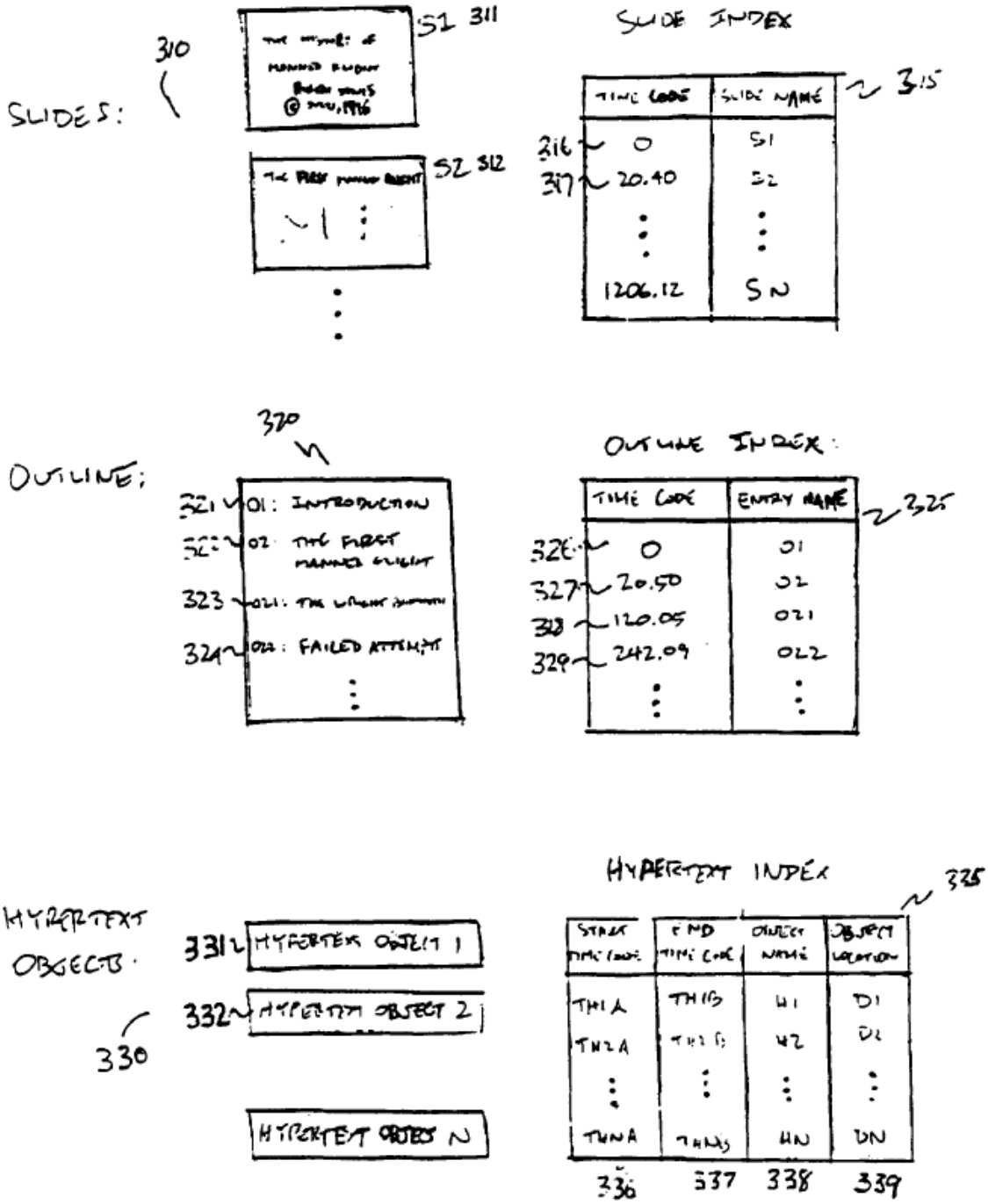
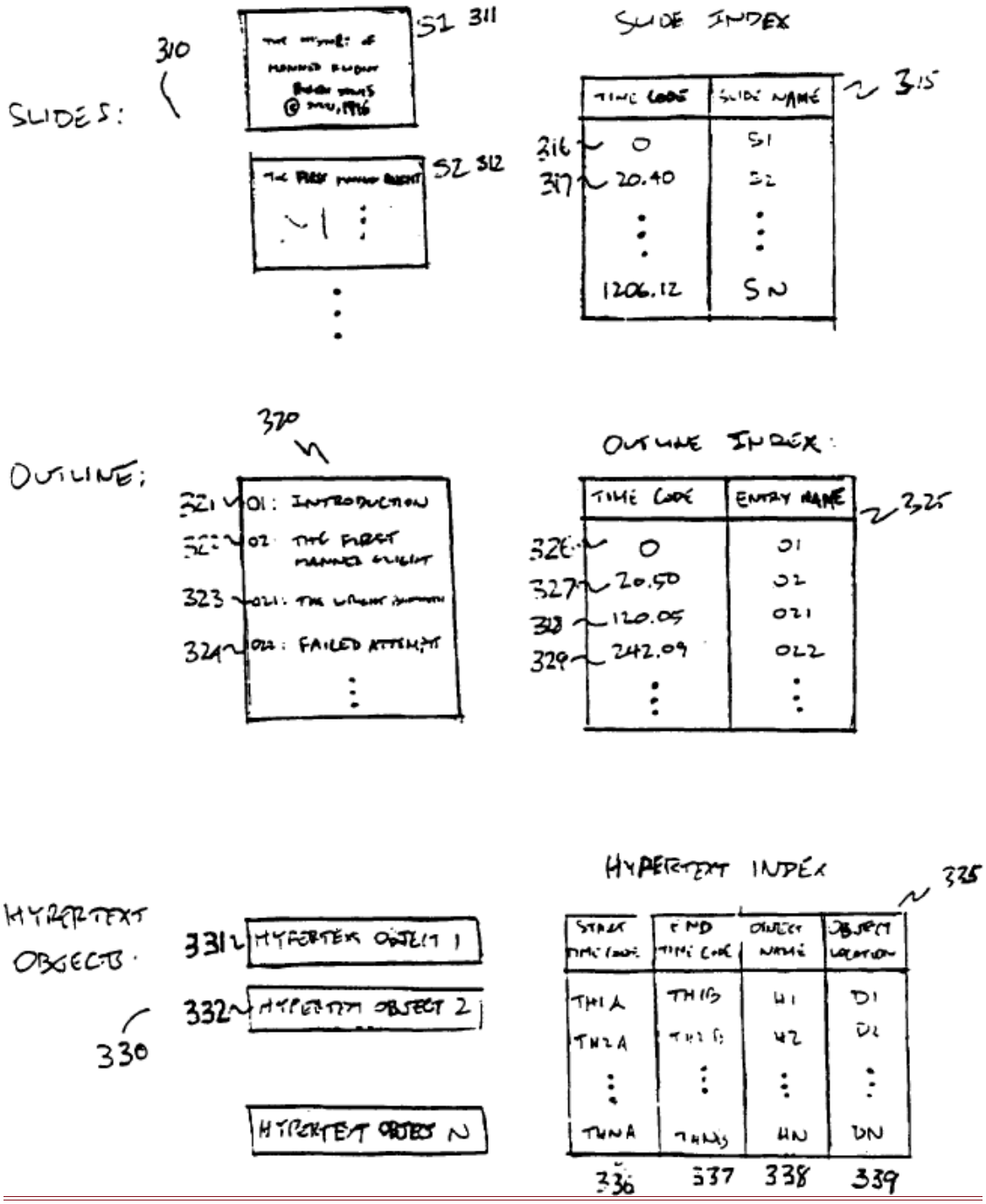
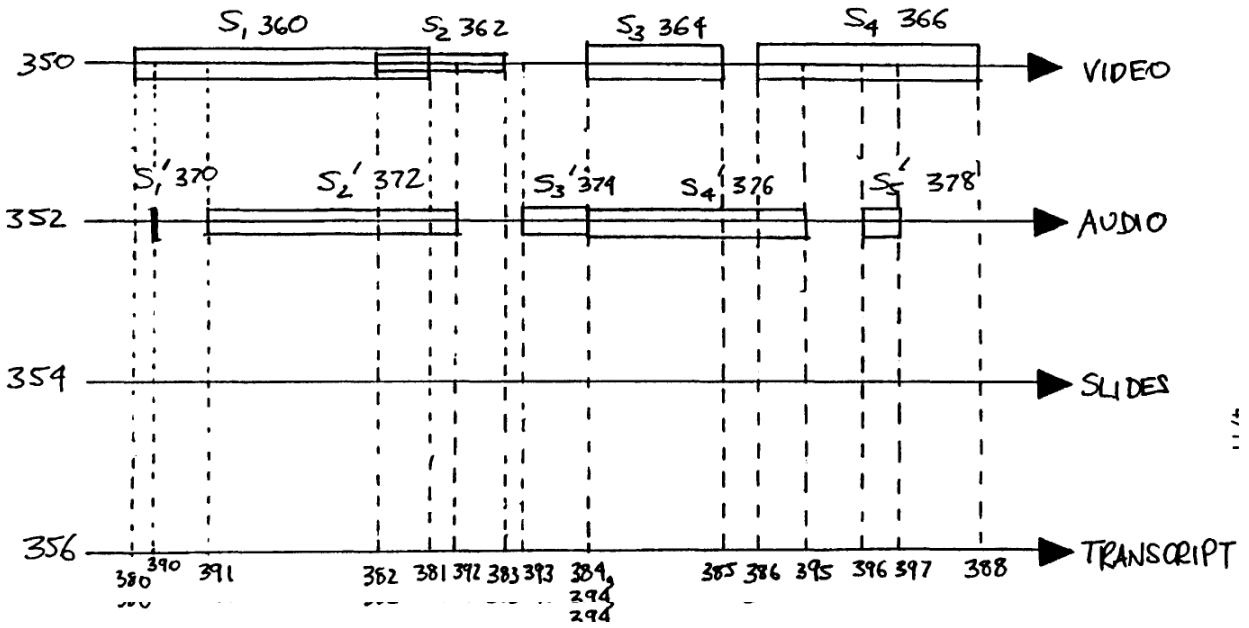

SLIDES:
310
S1 311
S2 312
SLIDE INDEX
TIME CODE
SLIDE NAME
315
316
0
S1
317
20.40
S2
1206.12
SN
OUTLINE:
320
321
01: INTRODUCTION
322
02 THE FIRST
323
021:
324
022: FAILED ATTEMPT
OUTLINE INDEX:
TIME CODE
ENTRY NAME
325
326
0
01
327
20.50
02
328
120.05
021
329
242.09
022
HYPERTEXT OBJECTS
330
331
HYPERTEXT OBJECT 1
332
HYPERTEXT OBJECT 2
HYPERTEXT OBJECT N
HYPERTEXT INDEX
335
START TIME CODE
END TIME CODE
OBJECT NAME
OBJECT LOCATION
TH1A
TH1B
H1
D1
TH2A
H2
D2
THNA
THNB
HN
DN
336
337
338
339

FIG. 3


SLIDES:
310
S1 311
S2 312
SLIDE INDEX
315
TIME CODE
SLIDE NAME
316
0
S1
317
20.40
S2
1206.12
SN
OUTLINE:
320
321
01: INTRODUCTION
322
02: THE FIRST MANNED FLIGHT
323
021:
324
022: FAILED ATTEMPT
OUTLINE INDEX:
325
TIME CODE
ENTRY NAME
326
0
01
327
20.50
02
328
120.05
021
329
242.09
022
HYPERTEXT OBJECTS
330
331
HYPERTEXT OBJECT 1
332
HYPERTEXT OBJECT 2
HYPERTEXT OBJECT N
HYPERTEXT INDEX
335
START TIME CODE
END TIME CODE
OBJECT NAME
OBJECT LOCATION
TH1A
TH1B
H1
D1
TH2A
H2
D2
THNA
THNB
HN
DN
336
337
338
339

(*Id.*, Fig. 3.) Other data types (e.g., animations, images, etc.) can be synchronized in the same way. (*Id.*, 9:16-20.) The streams can then be organized into a single timeline used for synchronization and navigation. An exemplary compiled timeline is illustrated in Figure 4:



(*Id.*, Fig. 4~~; EX-1002 ¶244~~.)

Accordingly, Reid's identification means/indices have time ~~information~~infor- mation for each segment in each media stream (e.g., text, audio, video, graphics), the time ~~in-formation~~information for synchronizing the plurality of media streams and ~~determined~~deter-mined relative to a timeline of an audio recording. ~~(EX-1002 ¶245.)~~ It would have been obvious ~~-~~to configure the media streams as a series of files. ~~(*Supra* §XVI.A.4; EX-1002 119.~~245. ~~¶245.)~~(*See* ¶¶232-238, above.) In that case, time information for each segment of the stream would be time information for each file within that stream.

(*Id.*) It also would have been obvious to a person of ordinary

skill in the art that the audio recording was of the originating written work. (*Supra* §XVI.A.3; EX-1002 ¶245.)(*See*
To the extent PO argues
¶¶220-231.)

120.246. I understand the patent owner may argue that the descriptor file must be a single file and Reid's identification means is not a single file. In that case, it would have been obvious to include all of Reid's indices and timeline in a single file (e.g., Excel file). (EX-1002 ¶246; EX-1044, Fig. 2.) Reid and optionally (Stelovsky therefore render this limitation obvious. (*Id*), Fig. 2.)

7. Element 1[f]

247. Thus, Reid, alone or in view of Stelovsky, discloses or renders obvious claim element 1[e].

a. Element 1[f]: Determining a First Digital Data File Using a Predetermined Time Offset

248. Element 1[f] recites "determining a first digital data file from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording." Reid and Heckerman disclose or render obvious this claim element.

249. Reid discloses the user may navigate to a point in the streams using a book-markbookmark (EX-1076, (Reid), 10:9-15), slide bars associated with the content

streams (*id.*, 11:15-12:5), by jumping directly to a point of interest (e.g., using the outline) (*id.*, 12:16-17:2), or by navigating to content in the transcript (e.g., using a text-

search) (*id.*, 12:4-5, 17:18-18:7). (*Id.*, 22:3-5 (repositioning/navigating a program is "("a common user behavior will be to use the random access navigation capabilities to reposition the program").) Once a position in the streams (e.g., audio stream) is selected, Reid's system computes the time code of that position and looks up the content as- sociatedassociated with that time code using the indices. (*Id.*, 13:4-16:3.) For example, Reid can determine a slide file associated with that time code using the slide index. (*Id.*, 13:4-24, 8:2-4; EX-1002 ¶249.) Reid's client then displays the slide associated with that time. (*Id.*) Similarly, when a new time position is selected, Reid's client down- loadsdownloads a new segment/file of audio data from the server. (EX-1076,*Id.*, 24:4-12; EX-1002 ¶249.)

121.250. Accordingly, Reid discloses or renders obvious determining a first digitaldig- ital data file (e.g., slide or audio file) from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player, and determined using the time infor- mationinformation in the descriptor file (e.g., slide index in identification means) and a prede- terminedpredetermined time offset (e.g., time associated with user's selection), the predeterminedpredeter- mined time offset external to the descriptor file and determined relative to the timelinetime- line of the audio recording (e.g., common time base). (EX-1002 ¶¶248-50.)

251. It would have been obvious that the same approach would be used to retrieve content from any media stream in the presentation. (*Supra* §XVI.A.4; *See* ¶¶232-238, above;

EX-1076, 24:4-14; EX-1002 ¶251.) For example, for an audiobook, the same process would be used to retrieve a text file associated with the time offset. (*Supra* §§XVI.A.3- XVI.A.4; EX-1002 ¶251(*See* ¶¶220-238, above.)

252. 8hus, Reid and Heckerman disclose or render obvious claim element 1[f].

a. Element- 1[g]: Downloading the First Digital Data File

253. Element 1[g] recites "downloading the first digital data file or a digital data segment contained in the first digital data file and determined using the time information in the descriptor file from the at least one server so that the digital con- tent is resident with the media player." Reid and Heckerman render obvious this claim element.

122.254. Reid discloses that, after the user selects a program to play, the client down- loadsdownloads the non-isochronous data (e.g., slides, text, indices, etc.) from the server. (EX-1076, 20:8-27.) The non-isochronous data is then stored in disk cache on the client. (*Id.*) The audio file is downloaded in segments as the presentation is ren- dered. (*Id.*, 20:21-21:15; EX-1002 ¶254.)

To I understand that the extent PO arguespatent owner may argue that the downloading needs to be in response to the de- terminationdetermination step in element 1[f],]. In that case, that is also disclosed by Reid. For example, hyper- texthypertext objects are determined and retrievedre- trieved as the presentation is being rendered. (EX-1076, (Reid), 20:16-19, 8:25-9:14, 20:16-19, 24:14-20; EX-1002 ¶255.) Similarly,

255. Reid discloses downloading the audio segment in-

response to a new position being selected. (*Id.*, 24:4-12; *supra* §XVI.A.4; EX-1002 ¶255.)*see* ¶¶232-238, above.) It would have been obvi-ousobvious to a person of ordinary skill in the art to download the non-audio files in the same manner Reid downloads audio files (e.g., as the presentation progresses as opposed to a batch download at the begin-ning). (EX-1002 ¶255.)beginning).

123.256. ThusAccordingly, downloading the first digital data file (e.g., audiobook text file) or a digital data segment contained in the first digital data file and determineddeter- mined using the time information in the descriptor file (e.g., index) from the at least one server so that the digital content is resident with the media player (e.g., client device) would have been obvious in view of Reid and Heckerman. (*Id.* ¶¶253-56.)Thus, Reid and Heckerman render obvious claim element 1[g].

9. i. Element 1[h]: Rendering the Content

257. Element 1[h] recites "rendering the digital content using the media player at an arbitrary point determined using the predetermined time offset." Reid discloses this claim element.

124.258. Reid's client renders the presentation from the user-selected portion of the presentation using the time base value of the new position. (EX-1076, (Reid), 24:4-12, 22:3--5, 20:29-21:15, 12:16-16:28,

EX-1002 ¶258.).) Thus, Reid therefore discloses this limita- tion. (*Id.* ¶¶257-59.)claim element 1[h].

125.259. Thus, ReidAccordingly, for at least the reasons I discuss above, (i) Reid and Heck- erman or (ii) Reid, Heckerman, and optionally Stelovsky render claim 1 obvious. (*Id.* ¶¶214-59.) as a whole.

B.

2. Claim 2

260. Claim 2 depends from claim 1 and further recites "wherein the plurality of media streams comprises an audio stream including a plurality of digital audio files, the plurality of digital audio files created by segmenting the audio recording in dependence upon natural language gaps so that when the plurality of digital audio files are rendered sequentially using the media player an experience of a contiguous audio stream is reproduced for a user without reassembling sequential digital audio files, and wherein the first digital data file is a first digital audio file from the plurality of digital audio files in the audio stream." Reid and Heckerman disclose or render obvious the additional claim element of claim 2.

261. Reid discloses an audio stream can be segmented for download. (EX-1076, 20:21-27~~; EX-1002 ¶261.) This~~.) Accordingly, this limitation would have been obvious in view of Reid alone. ~~(EX-1002 ¶261.)~~ It also would have been obvious in view of Heckerman~~. (*Supra* §§XVI.~~ for the reasons I discuss above. (*See* ¶¶94-101, 232-238, above.)

A~~.4, VIII.A; EX-1002 ¶261.)~~

~~126.~~262. ~~A POSITA~~ person of ordinary skill in the art would have been motivated to com- bine the teachings of Reid and Heckerman, and to segment media streams based on natural language gaps as taught by Heckerman~~. (*Supra* §VIII.A; EX-1002 ¶262~~, for the same reasons I discuss above. (*See* ¶¶94-101, above.)

C63. Claim Thus, Reid and Heckerman disclose or render obvious the additional claim element of claim 2.

264. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 2 obvious as a whole.

3. Claim 3

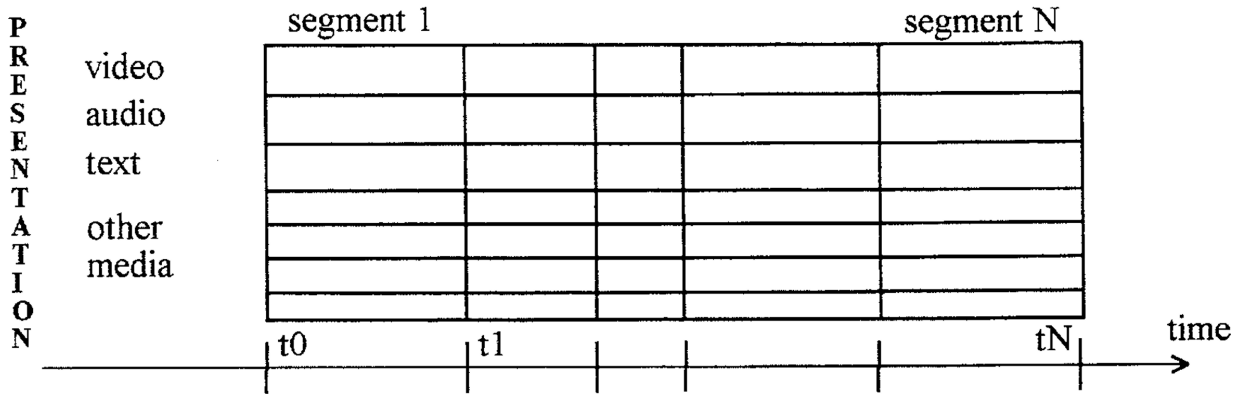
265. The Claim 3 depends from claim 2 and recites "wherein the time information includes at least one of a start time, an end time, and a duration of each digital audio file in the plurality of digital audio files, the start and end times of each digital audio file determined relative to the beginning of the audio recording." Reid and Heckerman render obvious the additional claim element of claim 3.

127.266. As I discuss above, the Reid-Heckerman combination results in Reid's audio stream being di- videddivided into multiple audio files. (*Supra* §XVI.A.4; EX-1002 ¶266.)(*See* ¶¶232-238, above.) This limitation would have been obvious to a POSITAperson of ordinary skill in the art based on Reid's modified, segmented audio stream for at least two reasons. (*Id.*)

1. a. Audio Index

128.267. First, it would have been obvious to a person of ordinary skill in the art to include an index for the audio files so that Reid's system would know which audio file to retrieve when a user navigates through the presentation. Such indices were known. (EX-1002 ¶267.) For example, in 1997, Stelovsky disclosed an index organizing a plurality of audio, video, text, and other media segments. (EX-1044, (Stelovsky), Abstract, 4:9-26, 3:26-67, 4:36-52, 5:20-25, Fig. 2.) The index, illustrated in Figure 2 below,

~~Fig. 2; EX-1002 ¶267.) The index, illustrated in Figure 2 below,~~ is similar to the combined indices of Reid and includes an index for the audio file segments.



(*Compare* EX-1044~~,~~ (Stelovsky), Fig. 2 (excerpt) *with* EX-1076~~,~~ (Reid), Fig. 4~~; EX-1002 ¶267~~.)

~~129.~~268. A ~~POSITA~~person of ordinary skill in the art would have been motivated to ~~include~~in- clude an index of all media streams (including the audio stream) with start, end, and duration for each media segment/file for multiple reasons.~~ (EX-1002 ¶¶268-71.)~~

First, a ~~POSITA~~person of ordinary skill in the art would have understood that having an index including audio segments/files would help Reid's system determine and navigate to the selected file. (EX-1044~~,~~ (Stelovsky), 3:26-67 (index allows user to navigate multimedia stream~~); EX-1002~~

~~130.~~269. ~~¶269.)~~).) For example, when a user navigates within the presentation, Reid's "system computes the time base value of the new position" and downloads the segment of audio data associated with that position from the server. (EX-1076~~,~~ (Reid), 24:4-12, 10:9-16:25, 22:3-11~~; EX-1002 ¶269.)~~.) When the stream is

divided into separate files (instead of segments), a person of ordinary skill in the art would have been motivated to include an index for the audio files (instead of for the segments)

stead of segments), a POSITA would have included an index for the audio files (instead of for the segments) to aid the system in determining the audio file (rather than segment) associated with the requested position. (*Id.*)

131.270. Second, the combination represents nothing more than the simple additionaddi- tion of one known ele- mentelement/technique (e.g., Stelovksy's audio file index) to another (e.g., Reid's indices) in a known device ready for improvement to obtain predictable results (e.g., index identifying media files). (EX-1002 ¶270); *KSR*, 550 U.S. at 417.

132.271. A POSITAperson of ordinary skill in the art also would have reasonably expectedex- pected success at least because in- dexingindexing audio files in a stream was commonplace and because indexing files of an audio stream is no different than indexing other types of media/segments. (EX-1002(*See generally* EX-1006 (Yoshimura), 1781; EX-1012 (Bulterman), chapter 7; EX-1043 (Lamming), 2:1-49, Fig. 3; EX-1044 (Stelovsky), 3:26-4:35, Fig. 2.)

¶271 (citing EX-1006; EX-1012; EX-1043; EX-1044).)

2. b. Shared Audio/Slide Index

133.272. Second, it would have been obvious that each of Reid's slides would corre- spondcorrespond to a natural language break disclosed by Heckerman (e.g., a sentence or par- agraph). (*Supra* §XVI.B; EX-1002 ¶272.)paragraph). (*See* ¶¶260-264, above.) Thus, the start of each audio file would correspondcorre- spond to the start of each slide. (*Id.*; EX-1030, (Heckerman), 3:17-25 (desirable to synchro- nizesynchronize

the start of each paragraph).) The slide index would serve as an index both for slides and the audio files. (*Id.*)

~~134.~~273. In both situations the start time provided for the audio file index would be relative to the beginning of the audio recording. ~~(EX-1002 ¶273.) It also would~~It also would have been obvious to a person of ordinary skill in the art in both cases to include an end time and dura- tion in the index.

274. have beenThus, Reid and Heckerman render obvious the additional claim element of claim 3.

275. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 3 obvious as a whole.

4. Claim 4

135.276. Claim 4 depends from claim 3 and recites "wherein determining the first digital data file comprises comparing the predetermined time offset to a POSITA in both cases to includethe at least one of a start time, an end time, and a duration of each digital audio file in the plurality of digital audio files to find a first digital audio file that includes digital audio data from a point in the index. (*Id.*)audio stream corresponding to the predetermined time offset." Reid discloses the additional claim element of claim 4 in two ways.

Claim 3 is therefore obvious in view of Reid, Heckerman, and optionally Ste- lovsky. (*Id.* ¶¶265-75.)

D. Claim 4

Reid discloses this limitation in two ways.

136.277. First, as the user plays a presentation, Reid tracks the time of the audio and "[b]ased on the time code" of the audio stream, and displays the associated contentcon- tent. (EX-1076, (Reid), 20:29-21:3, 4:11-25, 7:6-9:15; EX-1002 ¶277.)

278. Second, when the user "jumps" to a point in the presentation, it would have been obvious to a person of ordinary skill in the art to look at the audio index,

comparing the time offset to the table values in the table, and determine the file to downloaddown- load and play. (EX-1076, (Reid), 12:16-15:28; EX-1002.)

¶278.)

279. Thus, Reid discloses the additional claim element of claim 4.

E.

280. Accordingly, for at least the reasons I discuss above, (i) Reid and Heck- erman or (ii) Reid, Heckerman, and Stelovsky render claim 4 obvious as a whole.

5. Claim 5

1. Element 5[a]

The Reid-Heckerman combination renders this limitation obvious. (*Supra* *281.* §§XVI.C-XVI.D, XVI.Claim 5 depends from claim 4. Element 5[a] recites "wherein down- loading the first digital data file or the digital data segment contained in the first digital data file and determined using the time information in the descriptor file com- prises downloading the first digital audio file from the at least one server so that the first digital audio file is resident with the media player." Reid and Heckerman dis- close or render obvious this claim element for the reasons I discuss above. (*See* ¶¶253-256, 265-280, above.) A.8.) A POSITA person of ordinary skill in the art would have understoodun- derstood that, if a user jumped to a position in a different audio file, Reid would rely on its audio file index to

determine the relevant audio file and the client would download down- load it. (EX-1002 ¶281.)

2. Element 5[b]

282. Element 5[b] recites "wherein rendering the digital content using the media player comprises rendering the first digital audio file using the media player while simultaneously downloading subsequent digital audio files from the at least one server." Reid discloses or renders obvious this claim element.

When a user presses the play button, Reid downloads an audio segment (e.g.,

137.283. ~5-60 seconds) associated with the desired play location and stores the segment in memory cache on the client. (EX-1076, (Reid), 20:21-21:15.) As the segments stream, "it depletes the memory cache." (*Id.*) When the amount of audio data in the cache falls below a threshold (e.g., 5-10 seconds), the client requests the next segmentseg- ment of data from the server. (*Id.*) Accordingly, Reid discloses or renders this limitation obvious. claim element 5[b]. (*Id.*, *see also id.*, 23:20-26; EX-1002 ¶283.)

F. Claim 6

1. Element 6[a]

284. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render this limitationclaim 5 obvious. (*Supra* §§XVI.A.3- XVI.A. as a whole.

6. Claim 6

a. Element 6[a]: Text Stream

138.285. Claim 6 depends from claim 4, XVI.D; EX-1002 ¶285. Element 6[a] recites "wherein the plu- rality of media streams further comprises a text stream including a plurality ofelec- tronic text files created by segmenting an electronic text of the originating written work." Reid and Heckerman render obvious this claim element for the reasons I discuss above. (*See* ¶¶220-238, above.)

2. a.b. Element- 6[b]: Start/End/Duration Time Information

286. A POSITAElement 6[b] recites "wherein the time information further includes at least one of a start time, an end time, and a duration of each electronic text file in the

plurality of electronic text files, the start and end times of each electronic text file determined relative to the beginning of the audio recording."

139.287. A person of ordinary skill in the art would have been motivated (and it would have been obvious) to divide Reid's transcript into files in view of Heckerman. (EX-1002 ¶287; *supra* for the reasons I discuss above. (*See* ¶¶232-238, above.) The Reid-Stelovsky index would reflect the start time of each file. It also would have been obvious to a person of ordinary skill in the art to include the end time and duration of the files in the index

§XVI.A.4.)

288. TheThus, Reid- and Heckerman render obvious claim element 6[b].

289. Accordingly, for at least the reasons I discuss above, (i) Reid and Heck- erman or (ii) Reid, Heckerman, and Stelovsky index would reflect the start time of each file. (*Id.*) It also would have been obvious to includerender claim 6 obvious as a whole.

7. Claim 11

a. Element 11[a]: Downloading

Claim 11 depends from claim 10. Element 11[a] recites "wherein downloading the end time and duration offirst digital data file or the filesdigital data segment contained in the index. (*Id.*)

G. Claim 11

1. Element 11[a]

Reid and Heckerman render this limitation obvious. (*Supra* §XVI.A.8; EX- 1002 ¶290.)

2. Element 11[b]

290. first digital data file and determined using the time information in the descriptor file comprises downloading the first electronic text file from the at least one server." Reid and Heckerman render obvious this claim element for the reasons I discuss above. (*See* ¶¶253-256, above.)

b. Element 11[b]: Hard Time Tag

291. Element 11[b] recites "loading the first electronic text file into a formatted memory structure, and loading a plurality of hard time tags from the descriptor file into the formatted memory structure." Reid renders obvious this claim element.

140.292. Reid's "Time-Coded Transcript" has a hard time tag for each word. (EX-1076, (Reid), 7:6-21, Fig. 2.) The time-coded transcript, and the other indices, are downloaded from the server to the client and stored in the client's memory. (*Id.*, 20:8-20.) The downloaded text file is loaded into a formatted memory structure at least because each word (e.g., time-coded) is identifiable and able to be inde- pendently addressed (e.g., rendered). (*Id.*, EX-1002 ¶292.) It would have been obviousobvious to a person of ordinary skill in the art to maintain time tags if the text stream were divided into larger text files than single-word files. (*Id.*) ToI understand the extent PO arguespatent owner may argue that a formatted memory structure requiresrequires something more than the text contents being independently addressable; in that case, it would have been obvious to load the text file (and all other content files) into a for- mattedformatted memory structure. (*Id.*; *supra* §IX.B.2(*See* ¶¶143-151, above.)

HR293. Thus, Reid renders obvious claim element 11[b].

294. Accordingly, for at least the reasons I discuss above, (i) Reid and Heck-

erman or (ii) Reid, Heckerman, and Stelovsky render claim 11 obvious as a whole.

8. Claim 12

295. This limitationClaim 12 depends from claim 11 and further recites "wherein rendering the digital content using the media player comprises determining at least one of a start time and an end time of a plurality of paragraphs in the loaded first electronic text file using the plurality of hard time tags, the start and end times of each para- graph determined relative to one of the beginning of the audio recording and a be- ginning of the first electronic text file." The additional claim element of claim 12 would have been obvious in view of Reid's hard time tags for multiple reasons. (*Supra* §XVI.G.) (*See* ¶¶290-294, above.)

First, it would have been obvious that segment- ingsegmenting Reid's text steam into files according to the natural language gaps would include

296. segmenting into ~~separate~~sep- arate files for each paragraph. (EX-1030~~,~~ (Heckerman), 13:14-34, 3:18-25 ("When synchronizing text and audio versions of the same work, it is highly ~~desira- ble~~desirable to synchronize at least one point per paragraph, preferably at the start of each ~~paragraph"); EX-1002 ¶296.)~~para- graph").) Thus, the indexed start and end time would serve as hard time tags for the paragraphs.~~ (Id.)~~

297. Second, to the extent the text files were larger than a paragraph, it would have been obvious to a person of ordinary skill in the art to add hard time tags to the paragraphs for synchronization. (~~Id.;~~ EX-1004 ¶[0022] (file can be "chapter of a ~~selected~~se- lected book~~"); EX-1002 ¶297.)~~").)

~~141.~~298. Third, regardless of whether the stream was ~~di- vided~~divided into files by words, sentences, paragraphs, chapters, etc., ~~a POSITA~~a person of ordinary skill in the art would have understood that, because each word in Reid has a time tag, the start and end of each paragraph would also necessarily have a time tag. ~~(EX-1002 ¶298.)~~ In each of these cases, these start/end times would be relative to the start of audio recording. ~~(*Id.*)~~

I299. Thus, Reid renders obvious the additional claim element of claim 12.

300. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 12 obvious as a whole.

9. Claim 13

301. ~~To the extent PO argues~~Claim 13 depends from claim 11 and further recites "wherein rendering the digital content using the media player comprises extrapolating time values for a plurality of characters in the loaded first electronic text file, the time values extrap- olated from the at least one of a start time, an end time, and a duration of the first electronic text file and the plurality of hard time tags." Reid renders obvious the additional claim element of claim 13.

~~142.~~302. I understand the patent owner may argue that this limitation requires extrapolating to a "plurality of characters" such as a word. In that case, it would have been obvious in view of Reid. For example, a ~~POSITA~~person of ordinary skill in the art would have been motivated to modify Reid's transcript index to only apply hard time tags to sentences, paragraphs, pages, or chapters instead of each

word because ~~it was known that word-level synchronization sometimes created problems. (EX 1091, 11-12 (word-level synchronization results in frequent losses~~

it was known that word-level synchronization sometimes created problems. (EX-1091 (Duarte), 11-12 (word-level synchronization results in frequent losses of synchronization between visual and audio modes~~); EX-1002 ¶302.)~~).) Thus, it would have been ~~obvious~~obvi- ous for Reid's client to extrapolate time values for points in the text (e.g., words, sentences, etc.) that were in between the hard time tags. (*Id.*)

~~143.~~303. ~~To~~I also understand the ~~extent PO argues~~patent owner may argue that this limitation ~~requires~~re- quires obtaining time values for the characters within a word. In that case, it would have been obvious in view of Reid. Reid ~~syn-chronizes~~synchronizes text content on a word-by- word basis. (EX-1076~~,~~ (Reid), 7:6-21, Fig. 2.) A ~~POSITA~~person of ordinary skill in the art would have been motivated to extrapolate the characters within a word to facilitate better, more exact highlighting or to improve text searching capabilities byjumping more directly to the location requested in Reid's text search. (*Id.*, 12:4-5, 17:13- 18:7~~; EX-1002 ¶303~~.)

304. Thus, ~~this limitation would have been~~ Reid renders obvious ~~in view~~the additional claim element of claim 13.

~~144.~~305. Accordingly, for at least the reasons I discuss above, (i) Reid and ~~Heckerman. (EX-1002 ¶¶301-05.)~~Heck- erman or (ii) Reid, Heckerman, and Stelovsky render claim 13 obvious as a whole.

J. 10. Claims 14 and 18

306. Claim 14 depends from claim 10 and further recites "wherein rendering the digital content using the media player comprises determining a current time off-

set using at least one of a discrete and a timed event." Claim 18 depends from claim

1 and further recites "wherein the predetermined time offset is provided by one of a bookmark, a search result, a table of contents, an index, a list of tables, a list of figures, footnotes, quotations, a list of illustrations, a fast-forward request, and a re- wind request." Reid discloses or renders obvious the additional claim elements of claims 14 and 18.

Reid discloses multiple discrete events determining the time offset. ~~(EX-1002 145.~~307. ~~¶307.)~~ For example, Reid discloses navigating using bookmarks (EX-1076~~,~~ (Reid), 10:9-15); slide bars (e.g., outline slide bar, transcript slide bar, video slide bar, etc.) (*id.*, 11:15-12:5); selecting an outline entry (12:16-13:2); and text searching (*id.*; *see also id.*, 17:18-19:10). ~~Reid therefore renders these limitations obvious. (EX-1002 ¶¶306-09.)~~

308. Thus, Reid discloses or renders obvious the additional claim elements of claims 14 and 18.

309. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claims 14 and 18 obvious as a whole.

K. 11. Claim 17

310. Claim 17 depends from claim 1 and further recites "wherein the plurality of media streams comprises an ancillary content stream including a plurality of ancillary files, and wherein the time information includes at least one of a start time, an end time, and a duration of each ancillary file in the plurality of ancillary files,

the start and end times of each ancillary file determined relative to the beginning of the audio recording, the ancillary content stream including at least one of a plurality of graphic files, a plurality of advertising files, and a plurality of user generated ancillary files." Reid and/or Stelovsky disclose or render obvious the additional claim element of claim 17.

~~146.~~311. Reid discloses ancillary content streams including graphic files (e.g., slides, hypertext objects, or animations). (EX-1076~~,~~ (Reid), 9:15-20, 1:9-15, 2:24-28, Figs. 4-6~~; EX-1002 ¶311~~.) Each of these includes at least a start time. (*Id.*; *see also* ~~EX-1076,~~*id.*, Figs. 2-4.) It would have been obvious to a person of ordinary skill in the art to also include an end time and duration for these objects. (*Id.*) Moreover, it would have been obvious to include graphic files, advertising, or user generated files in Reid's ~~presentation.~~presen- tation. (*Id.*) For example, ~~Ste- lovsky~~Stelovsky discloses using an index to synchronize user generated files with other media streams. ~~(EX-1044, 3:61-67; EX-1002 ¶311.) Reid, alone or with Stelovsky, there- fore discloses or renders obvious this limitation. (*Id*~~(EX-1044 (Stelovsky), 3:61-67.)

~~L~~12. Thus, Reid and/or Stelovsky disclose or render obvious the additional claim element of claim 17.

313. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 17 obvious as a whole.

12. Claim 22

314. Claim 22 depends from claim 14 and further recites "creating a bookmark for a selected point in the digital content, the bookmark including the current

time offset, the current time offset determined relative to the timeline of the audio recording." Reid discloses or renders obvious the additional claim element of claim 22.

~~147.~~315. Reid discloses creating bookmarks and using them to "return quickly to ~~inter- esting~~interesting parts of the presentation, or to pick up at the previous stopping point." (EX-1076~~,~~ (Reid), 10:9-15.) These bookmarks need not be created beforehand. (*Id.*, 10:7-~~–~~14.) Thus, a ~~POSITA~~person of ordinary skill in the art would have understood that a user can create a bookmark, the bookmark including the current time offset (i.e., the current point in the book) ~~rela- tive~~relative to the common time base, which is the audio ~~recording. (EX-1002 ¶315.)~~re- cording.

Reid discloses that bookmarks are created using a similar approach to creating "conceptual events," and conceptual events may be "indexed" datastreams like the

~~148.~~316. audio stream. (EX-1076~~,~~ (Reid), 10:9-11:14, Fig. 4.) Thus, a ~~POSITA~~person of or- dinary skill in the art would have ~~under- stood~~understood that Reid discloses that the bookmark's time offset is determined relative to the timeline of the audio recording. ~~(EX-1002 ¶316.)~~

~~149.~~317. Thus, Reid ~~therefore~~ discloses or renders ~~this limitation~~ obvious~~. (Id. ¶¶314-18.)~~ the additional claim element of claim 22.

M. ~~Claims 7-10, 15, 20-21, and 25-26~~

318. ~~Claims 7-10, 15, 20-21, and 25-26 recite similar~~Accordingly, for at least the reasons I discuss above, (i) Reid and Heck- erman or (ii) Reid, Heckerman, and Stelovsky render claim 22 obvious as a whole.

13. Claim 7

319. As I discuss above, this claim combines limitations ~~to the~~from claims ~~above~~1, 4, and 6. (*See* ¶120, above.) Thus, it would have been obvious ~~to a POSITA in view of~~for the reasons I discuss above regarding those claims. (*See* ¶¶214-259, 276-280, 285-289, above.)

320. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 7 obvious as a whole.

14. Claim 8

321. Claim 8 depends from claim 7 and recites "rendering the digital content using the media player comprises rendering the first digital audio file using the media player while simultaneously rendering the first electronic text file using the media player starting from a point in the first electronic text file calculated to correspond to the predetermined time offset." Reid and Heckerman disclose or render obvious the additional claim element of claim 8 for at least the reasons I discuss above regarding claims 1, 4, and 5. (*See* ¶¶220-231, 239-241, 257-259, 276-284, above.)

322. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 8 obvious as a whole.

15. Claim 9

323. As I discuss above, this claim combines limitations from claims 6 and 7. (*See* ¶124, above.) Thus, it would have been obvious for the reasons I discuss above regarding those claims. (*See* ¶¶285-289, 319-320, above.)

324. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 9 obvious as a whole.

16. Claim 10

325. As I discuss above, this claim recites limitations from claim 4. (*See* ¶126, above.) Thus, it would have been obvious for the reasons I discuss above regarding that claim. (*See* ¶¶276-280, above.)

326. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 10 obvious as a whole.

17. Claim 15

327. Claim 15 depends from claim 14 and further recites "wherein the plurality of media streams further comprises an audio stream including a plurality of digital audio files created by segmenting the audio recording, and wherein rendering the digital content using the media player further comprises simultaneously rendering a digital audio file from a point in the audio stream corresponding to the predetermined time offset and the first electronic text file from a point in the text stream corresponding to the predetermined time offset." Reid and Heckerman disclose or

render obvious the additional claim element of claim 15 at least because the claim element would result from combining the references to render the audio and text files from, e.g., a bookmark or skip command. (*See* ¶¶260-264, 321-322, above.)

328. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 15 obvious as a whole.

18. Claim 20

329. Claim 20 depends from claim 10 and further recites "wherein the plurality of media streams further comprises an audio stream including a plurality of digital audio files created by segmenting the audio recording and an illustration stream including a plurality of illustration files from the originating written work, and wherein the descriptor file includes at least one of a start time, an end time, and a duration of each digital audio file in the plurality of digital audio files, and at least one of a start time, an end time, and a duration of each illustration file in the plurality of illustration files, the start and end times of each digital audio file and each illustration file determined relative to the beginning of the audio recording." Reid and Heckerman disclose or render obvious the additional claim element of claim 20 for at least the reasons I discuss above regarding claims 1, 2, and 4. (*See* ¶¶214-264, 276-280, above.)

330. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 20 obvious as a whole.

19. Claim 21

331. Claim 21 depends from claim 10 and further recites "wherein the pre-determined time offset is provided from a text search result." Reid and Heckerman disclose or render obvious the additional claim element of claim 20 for at least the reasons I discuss above regarding claims 1, 2, and 4. (*See* ¶¶214-264, 276-280, above.)

332. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 21 obvious as a whole.

20. Claim 25

333. As I discuss above, independent claim 25 recites substantially the same limitations as claim 1, but recites a system rather than a method. (*See* ¶¶87-88, above.) Thus, it would have been obvious for the reasons I discuss above regarding claim 1. (*See* ¶¶214-259, above.)

334. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 25 obvious as a whole.

21. Claim 26

335. As I discuss above, independent claim 26 recites substantially the same limitations as claim 1, but recites a "non-transitory computer readable storage medium including computer readable code, which when executed by a computer, causes said computer to" perform the method of claim 1. (*See* ¶¶90-91, above.)

Thus, it would have been obvious for the reasons I discuss above regarding claim 1. (*See* ¶¶214-259, above.)

336. Accordingly, for at least the reasons I discuss above, (i) Reid and Heckerman or (ii) Reid, Heckerman, and Stelovsky render claim 26 obvious as a whole.

K. Claims 16 and 24 Would Have Been Obvious in View of Reid, Heckerman, and Hay or in View of Reid, Heckerman, Hay, and Stelovsky.

~~324.~~337. Claim 16 depends from claim 15 and further recites "wherein rendering the digital content using the media player further comprises providing automated page turns within the first electronic text file using the current time offset." As I discuss above, Reid, Heckerman, and optionally Stelovsky~~. (*Supra* §§XVI.A.3-XVI.A.6 (text/audio/image streams/files and descriptor file for synchronized rendering), XVI.A.7-XVI.A.8 (text search, de- termining, downloading, and rendering), XVI.B-XVI.D (segmenting audio and start/end/duration), XVI.A.5 (simultaneous rendering); EX-1002 ¶¶319-36~~ disclose or render obvi- ous each limitation of claims 1, 9-10, and 14-15. (*See* ¶¶214-259, 306-309, 323- 328, above.) As I also discuss above, Hay discloses or renders obvious the additional limitation of claim 16. (*See* ¶¶175-179, above.)

~~XVII. GROUND 2B: CLAIMS 16 AND 24 WOULD HAVE BEEN OBVIOUS IN VIEW OF REID, HECKERMAN, HAY, AND OPTIONALLY STELOVSKY.~~

~~Hay discloses automatic page turning. (*Supra* §XII.A; EX-1002 ¶337.) A~~

~~325.~~338. ~~POSITA~~A person of ordinary skill in the art would have been motivated to ~~present~~pre- sent audiobook content (as disclosed in Heckerman) in a

traditional page format to "benefit" readers. (EX-1003~~,~~ (DTB), vii~~; EX-1002 ¶338~~.)

Thus, a ~~POSITA~~person of ordinary skill in the art would have been motivated to implement Hay's automatic page turning in Reid~~. (*Supra* §XII.A; EX-1002 ¶338~~ for the reasons I discuss above. (*See* ¶¶175-179, above.)

339. As I discuss above, independent claim 24 combines elements from claims I discuss above, including claims 1, 4, 5, 6, 9, 10, 15, and 16. Thus, it would

have been obvious for the reasons I discuss above regarding those claims. (*See* ¶¶214-259, 276-289, 323-328, 337-338, above.)

340. Accordingly, for at least the reasons I discuss above, (i) Reid, Hecker- man, and Hay or (ii) Reid, Heckerman, Hay, and Stelovsky render claims 16 and 24 obvious as a whole.

L. Claims ~~16~~19, 23, and ~~24 are therefore obvious~~27 Would Have Been Obvious in ~~view~~View of Reid, Heckerman, ~~Hay~~and Sull-948 or in View of Reid, Heckerman, Sull-948, and Stelovsky.

~~326.~~341. As I discuss above, Reid, Heckerman, and optionally Stelovsky~~. (EX 1002 ¶¶337-40~~ dis- close or render obvious each limitation of claims 1 and 26. (*See* ¶¶214-259, 335- 336, above.) I also discuss above how Sull-948 discloses or renders obvious the additional limitations of claims 19, 23, and 27. (*See* ¶¶183-195, above.)

XVIII. ~~GROUND 2C: CLAIMS 19, 23, AND 27 WOULD HAVE BEEN OBVIOUS IN VIEW OF REID, HECKERMAN, SULL-948, AND OPTIONALLY STELOVSKY.~~

342. Claim 19 depends from claim 1 and further recites "wherein the predetermined time offset is provided by a bookmark, the bookmark including information to identify the descriptor file."

343. Claim 23 depends from claim 1 and further recites "determining a current time offset while rendering the digital content" and "creating a bookmark for a selected point in the rendered digital content, the bookmark an electronic file including the current time offset and an identification of the descriptor file, the current time offset being a time difference from a beginning of the audio recording to a selected

point in the audio recording, the selected point in the audio recording corresponding to the selected point in the digital content."

344. Claim 27 depends from claim 26 and further recites "determine a current time offset while rendering the digital content" and "create a bookmark for a selected point in the rendered digital content, the bookmark an electronic file including the current time offset and an identification of the descriptor file, the current time offset being a time difference from a beginning of the audio recording to a selected point in the audio recording, the selected point in the audio recording corresponding to the selected point in the digital content."

~~327.~~345. Bookmarks containing offsets (and being set based on the offset) would have been obvious to a ~~POSITA. (*Supra* §§XVI.J, XVI.L; EX-1002 ¶345~~person of ordinary skill. (*See* ¶¶306-309, 314-318, above.)

~~328.~~346. Moreover, because Reid discloses viewers having access to multiple ~~presen- tations~~presentations at a time (EX-1076~~,~~ (Reid), 19:18-30), it would have been obvious to have ~~book- marks~~bookmarks for multiple presentations. ~~(EX-1002 ¶346.)~~ In that case, a ~~POSITA~~person of ordinary skill in the art would have been motivated to include in Reid's bookmark an identifier of the associated index files so that the presentation (and the user's specific location) could quickly be identified and retrieved. ~~(*Supra* §XIII.A; EX-1002 ¶346~~(*See* ¶¶184-189, above.)

347. Accordingly, for at least the reasons I discuss above, (i) Reid, Heckerman, and Sull-948 or (ii) Reid, Heckerman, Sull-948, and Stelovsky render claims

19, 23, and 27 obvious as a whole.

M. Claims 28 and 29 Would Have Been Obvious in View of Reid, Heckerman, Sull-948, and DTB or in View of Reid, Heckerman, Sull-948, and Stelovsky.

As I discuss above, Reid, Heckerman, Sull-948, and optionally ~~Stelovsky~~ ~~therefore render claims 19, 23, and 27 obvious. (EX-1002 ¶¶341-47.)~~

XIX. ~~GROUND 2D: CLAIMS 28 AND 29 WOULD HAVE BEEN OBVIOUS IN VIEW OF REID, HECKERMAN, SULL-948, DTB, AND OPTIONALLY STELOVSKY.~~

~~329.~~348. ~~These claims would have been~~ Stelov- sky disclose or render obvious ~~in view of~~ each limitation of claims 26 and 27. (*See* ¶¶335-336, 341-347, above.) I also discuss above how DTB~~. (*Supra* §XV;~~ discloses or renders obvious the additional limitations of claims 28 and 29. (*See* ¶¶203-212, above.)

~~330.~~349. ~~EX-1002 ¶348.)~~ A ~~POSITA~~ person of ordinary skill in the art would have been motivated to ~~incorporate a transferra- ble~~in- corporate a transferrable bookmark with the claimed features. (~~*Supra* §XV; EX-1002 ¶349~~*See* ¶¶203-212, above.) This is ~~es- pecially~~especially true given Reid's disclosure that a user can distribute programs to other users. (EX-1076~~,~~ (Reid), 19:24-30~~; EX-1002 ¶349~~.)

XX. 350. Accordingly, for at least the reasons I discuss above, (i) Reid, Heckerman, Sull-948, and DTB or (ii) Reid, Heckerman, Sull-948, DTB, and Stelovsky render claims 28 and 29 obvious as a whole.

~~IV.~~VII. SECONDARY CONSIDERATIONS OF NONOBVIOUSNESS

~~Where, as here, a strong *prima facie* obviousness showing exists, secondary considerations may~~ I am not ~~dislodge the obviousness conclusion. *Leapfrog Enters., Inc.*~~

~~331.~~351. ~~*v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007). Petitioners are~~ aware of ~~no evidence supporting~~ any secondary considerations of nonobviousness. If Patent Owner identifies any alleged evidence of secondary considerations in the fu- ture, I reserve the right to respond to that information.

VIII. CONCLUSION

XXI. ~~DISCRETIONARY DENIAL UNDER §314(A) IS NOT APPROPRIATE.~~

~~Efficiency, fairness, and~~ For the ~~merits support institution. *Apple Inc. v. Fintiv,*~~

~~*Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020 ("*Fintiv*").~~

A. ~~Factor~~ foregoing reasons, it is my opinion that claims 1~~: Potential Stay~~

~~332.~~352. ~~On March 20, 2024, PO sued Petitioners for infringement~~-29 of the '720 patent would have been obvious to a person of ordinary skill in the ~~Eastern District of Virginia ("EDVA") in *Audio Pod IP, LLC v. Amazon.com, Inc.*, 2:24-cv-00185 (E.D. Va.) ("*Audio Pod I*"). On May 30, 2024 PO again sued Petitioners (except Audible, Inc.) for infringement~~ art at the time of the ~~'720 patent in *Audio Pod IP, LLC v. Amazon.com, Inc.*, 3:24-cv-00407 (E.D. Va.) ("*Audio Pod III*"), which was joined with a related case, *Audio Pod IP, LLC v. Amazon.com, Inc.*, 3:24-cv- 00406 (E.D. Va.) ("*Audio Pod II*") (collectively, "the Litigations"). Petitioners will move to stay~~ alleged invention in view of the ~~Litigations pending resolution of this and related IPRs challenging the asserted patents. The EDVA routinely stays cases pending IPR proceedings, including pre-institution. *See. First Innovations, LLC v. Google LLC*, No. 2:23-cv-~~prior art discussed above.

00097, 2024 WL 234720 (E.D. Va. Jan. 22, 2024); *Sharpe Innovations, Inc. v. T-Mobile USA, Inc.*, No. 2:17-cv-00351, 2018 WL 11198604 (E.D. Va. Jan. 10, 2018).

On March 14, 2025, Petitioner Audible, Inc. ("Audible") filed a declaratory judgment action, seeking a declaration that Audible does not infringe the '720 patent, against PO in *Audible, Inc. v. Audio Pod IP, LLC*, 1:25-cv-02158 (S.D.N.Y.) (the "Audible DJ Action"). That action seeks a declaration of noninfringement only; the validity of the '720 patent is currently not at issue. However, Audible expects validity to become an issue in that case and, once it does, Audible expects to move to stay the Audible DJ Action in view of this IPR.

Thus, this factor weighs against denial.

B. Factor 2: Proximity of Trial to FWD

The EDVA has not set trial dates in the Litigations. The median time to trial in for civil cases in the EDVA for 2024 was 14.6 months[3], but it is clear a longer schedule will be needed here. (*See infra* §XXI.C.) The Audible DJ Action was filed recently, has no trial date, and SDNY's time-to-trial of 39.3 months is much longer than this proceeding. Thus, this factor weighs against denial. *Amazon.com, Inc. v.*

[3] *See* U.S. District Courts–Combined Civil and Criminal Federal Court Management Statistics (December 31, 2024), *available at* https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distprofile1231.2024.pdf.

Nokia Technologies OY, IPR2024-01140, Paper 9 at 9 (P.T.A.B. Feb. 12, 2025) (factor weighs against denial when there is no trial date); *Aptiv Services US, LLC v. Microchip Technology, Inc.*, IPR2024-00646, Paper 11 at 32 (P.T.A.B. Sept. 25, 2024) (same); *see Ericsson Inc. v. XR Communications LLC*, IPR2024-00613, Paper 9 at 34 n.12 (P.T.A.B. Oct. 9, 2024) ("median-time-to trial information" not useful where circumstances "do[] not reflect the normal course of a litigation").

C. Factor 3: Investment in Parallel Proceeding

PO filed its *Audio Pod I* complaint on March 20, 2024 and in *Audio Pod III* on May 30, 2024. Petitioners moved to dismiss or transfer *Audio Pod I* on May 31, 2024. No hearing date has been set for that motion. Otherwise, the parties have invested very little in *Audio Pod I*.

Fact discovery in *Audio Pod II* remains in its infancy, with only one deposition taken. The parties have not exchanged proposed claim constructions, submitted claim construction briefs or served expert reports. No case schedule has been set in *Audio Pod I*, and in *Audio Pod II*, the court's scheduling order does not extend beyond the *Markman* hearing on October 8, 2025. Thus, even if the Court denied Petitioners' pre-institution stay motion and the parties proceeded with claim construction over the coming months, much work will still remain, including expert reports, expert discovery, dispositive motions, pretrial motions, and trial.

~~Because the remaining investment in the Litigations and Audible DJ Action significantly outweighs any investment made thus far, this factor weighs against denial. *Samsung Electronics Co. v. Empire Technology Development LLC*, IPR2024-00896, Paper 15 at 13 (P.T.A.B. Dec. 13, 2024) (factor weighs against denial where *Markman* hearing and close of fact and expert discovery were after institution deadline); *Ericsson*, IPR2024-00613, Paper 9 at 34-35 (factor weighs against denial where "most efforts from the parties and court will take place after institution"); *Amazon.com*, IPR2024-01140, Paper 9 at 9-10.~~

D. ~~Factor 4: Overlapping Issues~~

~~If this IPR is instituted and the Litigations and/or Audible DJ Action are stayed, Amazon could not pursue in the Litigations any invalidity ground raised or that could have been reasonably raised in this IPR. *Cal. Inst. of Tech. v. Broadcom Ltd.*, 25 F.4th 976 (Fed. Cir. 2022). If this IPR is instituted and the Litigations and/or Audible DJ Action are not stayed, Petitioners hereby stipulate not to pursue in those proceedings any ground of invalidity, against any claim challenged herein, that was raised or reasonably could have been raised in this Petition. Thus, this factor weighs heavily against discretionary denial. *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (P.T.A.B. Dec. 1, 2020).~~

E. ~~Factor 5: The Parties~~

~~The parties are the same, but it is unlikely that the Litigations or Audible DJ Action will be tried before a FWD is entered in this IPR. Thus, this factor is neutral. *See Google LLC v. Jawbone Innovations, LLC*, IPR2022-00630, Paper 10 at 14 (P.T.A.B. Sept. 13, 2022).~~

F. ~~Factor 6: Other Circumstances~~

~~The merits of this Petition are compelling, which favors institution. *Fintiv*, IPR2020-00019, Paper 11 at 18. Further, denying institution would negate Congress's intent in providing a 1-year period to file petitions and would encourage forum shopping as patent owners look to shield their patents from PTAB scrutiny by seeking judges with aggressive case schedules.~~

~~Thus, the Board should not decline institution under §314(a).~~

XXII. ~~DISCRETIONARY DENIAL UNDER §325(D) IS NOT APPROPRIATE.~~

~~The Office has not considered Yoshimura, Reid, DTB, Lindahl, Heckerman, Bulterman, Stelovsky, Amir, or Sull-948. Nor has the Office considered "substantially the same prior art or arguments." 35 U.S.C. §325(d). During prosecution, the Office considered Hay, but the Petition cites Hay for only two dependent claims alongside references the Office did not consider. This is sufficient to avoid denial. *Shenzen Chic Elecs. v. Pilot, Inc.*, IPR2023-00810, Paper 12 at 21 n.11 (P.T.A.B. Nov. 8, 2023) (denial inappropriate where challenges based on new art/arguments~~

~~"address all challenged claims"). The references here clearly disclose each claim element the Examiner thought was missing from the prior art. (*Supra* §III.B.) Accordingly, they are not—and could not be—cumulative of previously-considered references, absent material error by the Examiner. *See Quasar Sci. LLC v. Colt Int'l Clothing, Inc.*, IPR2023-00611, Paper 10 at 14 (P.T.A.B. Oct. 10, 2023). Thus, the Board should not deny institution under §325(d).~~

~~XXIII.~~ V. CONCLUSION

~~Amazon requests institution and cancellation of all challenged claims.~~

~~XXIV. MANDATORY NOTICES, GROUNDS FOR STANDING, AND FEE PAYMENT~~

~~Pursuant to 37 C.F.R. §42.8(a)(1), the mandatory notices identified in 37 C.F.R. §42.8(b) are provided below as part of this Petition.~~

~~A. Real Parties-In-Interest (37 C.F.R. §42.8(b)(1))~~

~~Amazon.com, Inc., Amazon.com Services LLC, Amazon Web Services,Inc., and Audible, Inc. are the real parties-in-interest.~~

~~B. Related Matters (37 C.F.R. §42.8(b)(2))~~

~~PO asserted the '720 patent against Petitioners in patent infringement lawsuits captioned *Audio Pod IP, LLC v. Amazon.com, Inc. et al.*, No. 2:24-cv-00185 (E.D. Va., filed March 20, 2024) and *Audio Pod IP, LLC v. Amazon.com, Inc. et al.*, No.~~

3-24-cv-00407 (E.D. Va., filed May 30, 2024)[4]. Audible also filed a complaint for declaratory judgment of noninfringement of the '720 patent, captioned *Audible, Inc. v. Audio Pod IP, LLC*, No. 1:25-cv-02158 (S.D.N.Y., filed March 14, 2025). Petitioners further filed the following IPR petitions challenging claims of related patents:

Case Number	Challenged Patent	Challenged Claims
IPR2025-00757	U.S. Pat. No. 10,091,266	1-13
IPR2025-00765	U.S. Pat. No. 8,738,740	12-17
IPR2025-00768	U.S. Pat. No. 10,805,111	1-16
IPR2025-00769	U.S. Pat. No. 9,954,922	1-20
IPR2025-00774	U.S. Pat. No. 8,738,740	1-6, 10-11, 18

C. Lead and Backup Counsel (37 C.F.R. §42.8(b)(3))

Petitioners provide the following designation of counsel, all of whom are included in Customer No. 20,995 identified in Petitioners' Power of Attorney.

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[4] *Audio Pod IP, LLC v. Amazon.com, Inc. et al.*, No. 1-24-cv-00444 (E.D. Va., filed March 20, 2024) was consolidated with this case.

Lead Counsel	Back-up Counsel
	2crw@knobbe.com Nathan D. Reeves (Reg. No. 77,806) 2ndr@knobbe.com Postal and Hand-Delivery Address: KNOBBE, MARTENS, OLSON, & BEAR, LLP 925 4th Ave., Ste. 2500 Seattle, WA 98104 Telephone: (206) 405-2000 Facsimile: (206) 405-2001 Daniel Hughes (Reg. No. 76,592) 2dph@knobbe.com Postal and Hand-Delivery Address: KNOBBE, MARTENS, OLSON, & BEAR, LLP 3579 Valley Centre Dr., Ste. 300 San Diego, CA 92130 Telephone: (858) 707-4000 Facsimile: (858) 707-4001

D. Service Information (37 C.F.R. §42.8(b)(4))

Please direct all correspondence to lead counsel and back-up counsel at the addresses shown above. Petitioners also consent to electronic service by email to BoxSEAZNL2185LP2@knobbe.com.

E. Grounds for Standing (37 C.F.R. §42.104(a))

Petitioners certify the '720 patent is available for IPR and that Petitioners are not barred or estopped from requesting IPR on the identified grounds. This petition is being filed within one year of service of the original complaint against Petitioners in the district court litigation.

Payment of Fees (37 C.F.R. §42.15(a))

The Office may charge the §42.15(a) fee to Deposit Account No. 11-1410. Review of twenty-nine claims is requested. Payment for any additional fees due may be charged to the above-referenced Deposit Account.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR, LLP

Dated: March 24, 2025

By: */Colin B. Heideman /*
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Counsel for Petitioners Amazon.com, Inc.,
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Amazon Web Services, Inc., and Audible, Inc.

APPENDIX

Listing of Claims from U.S. 9,319,720	
Claim 1	
1[pre]	A method of rendering digital content comprising:
1[a]	Providing a media player having access to at least one server via a network,
1[b]	the at least one server having stored thereon a descriptor file and a plurality of media streams derived from a same originating written work,
1[c]	each media stream including a plurality of digital data files,
1[d]	the descriptor file including information allowing a simultaneous synchronized rendering of the plurality of media streams that provides a literary experience of the originating written work,
1[e]	the information including time information for each digital data file in each media stream, the time information for synchronizing the plurality of media streams and determined relative to a timeline of an audio recording of the originating written work;
1[f]	determining a first digital data file from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording;
1[g]	downloading the first digital data file or a digital data segment contained in the first digital data file and determined using the time information in the descriptor file from the at least one server so that the digital content is resident with the media player; and
1[h]	rendering the digital content using the media player at an arbitrary point determined using the predetermined time offset.

~~Listing of Claims from U.S. 9,319,720~~	
~~Claim 2~~	
~~–~~	~~A method of rendering digital content according to claim 1, wherein the plurality of media streams comprises an audio stream including a plurality of digital audio files, the plurality of digital audio files created by segmenting the audio recording in dependence upon natural language gaps so that when the plurality of digital audio files are rendered sequentially using the media player an experience of a contiguous audio stream is reproduced for a user without reassembling sequential digital audio files, and wherein the first digital data file is a first digital audio file from the plurality of digital audio files in the audio stream.~~
~~Claim 3~~	
~~–~~	~~A method of rendering digital content according to claim 2, wherein the time information includes at least one of a start time, an end time, and a duration of each digital audio file in the plurality of digital audio files, the start and end times of each digital audio file determined relative to the beginning of the audio recording.~~
~~Claim 4~~	
~~–~~	~~A method of rendering digital content according to claim 3, wherein determining the first digital data file comprises comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each digital audio file in the plurality of digital audio files to find a first digital audio file that includes digital audio data from a point in the audio stream corresponding to the predetermined time offset.~~

Listing of Claims from U.S. 9,319,720	
Claim 5	
--	A method of rendering digital content according to claim 4, wherein downloading the first digital data file or the digital data segment contained in the first digital data file and determined using the time information in the descriptor file comprises downloading the first digital audio file from the at least one server so that the first digital audio file is resident with the media player, and wherein rendering the digital content using the media player comprises rendering the first digital audio file using the media player while simultaneously downloading subsequent digital audio files from the at least one server.
Claim 6	
--	A method of rendering digital content according to claim 4, wherein the plurality of media streams further comprises a text stream including a plurality of electronic text files created by segmenting an electronic text of the originating written work, and wherein the time information further includes at least one of a start time, an end time, and a duration of each electronic text file in the plurality of electronic text files, the start and end times of each electronic text file determined relative to the beginning of the audio recording.
Claim 7	
--	A method of rendering digital content according to claim 6, wherein the method further comprises determining a first electronic text file from the plurality of electronic text files in the text stream by comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each electronic text file in the plurality of electronic text files to find a first electronic text file having a point therein corresponding to the predetermined time offset, and downloading the first electronic text file from the at least one server so that the electronic text file is resident with the media player.

~~Listing of Claims from U.S. 9,319,720~~	
~~Claim 8~~	
--	~~A method of rendering digital content according to claim 7, wherein rendering the digital content using the media player comprises rendering the first digital audio file using the media player while simultaneously rendering the first electronic text file using the media player starting from a point in the first electronic text file calculated to correspond to the predetermined time offset.~~
~~Claim 9~~	
--	~~A method of rendering digital content according to claim 1, wherein the plurality of media streams comprises a text stream including a plurality of electronic text files created by segmenting an electronic text of the originating written work, and wherein the time information includes at least one of a start time, an end time, and a duration of each electronic text file in the plurality of electronic text files, the start and end times of each electronic text file determined relative to the beginning of the audio recording, and wherein the first digital data file is a first electronic text file from the plurality of electronic text files in the text stream.~~
~~Claim 10~~	
--	~~A method of rendering digital content according to claim 9, wherein determining the first digital data file comprises comparing the predetermined time offset to the at least one of a start time, an end time, and a duration of each electronic text file in the plurality of electronic text files to find a first electronic text file having a point therein corresponding to the predetermined time offset.~~

~~Listing of Claims from U.S. 9,319,720~~	
~~Claim 11~~	
--	~~A method of rendering digital content according to claim 10, wherein downloading the first digital data file or the digital data segment contained in the first digital data file and determined using the time information in the descriptor file comprises downloading the first electronic text file from the at least one server, loading the first electronic text file into a formatted memory structure, and loading a plurality of hard time tags from the descriptor file into the formatted memory structure.~~
~~Claim 12~~	
--	~~A method of rendering digital content according to claim 11, wherein rendering the digital content using the media player comprises determining at least one of a start time and an end time of a plurality of paragraphs in the loaded first electronic text file using the plurality of hard time tags, the start and end times of each paragraph determined relative to one of the beginning of the audio recording and a beginning of the first electronic text file.~~
~~Claim 13~~	
--	~~A method of rendering digital content according to claim 11, wherein rendering the digital content using the media player comprises extrapolating time values for a plurality of characters in the loaded first electronic text file, the time values extrapolated from the at least one of a start time, an end time, and a duration of the first electronic text file and the plurality of hard time tags.~~
~~Claim 14~~	
--	~~A method of rendering digital content according to claim 10, wherein rendering the digital content using the media player comprises determining a current time offset using at least one of a discrete and a timed event.~~

~~Listing of Claims from U.S. 9,319,720~~	
~~Claim 15~~	
--	~~A method of rendering digital content according to claim 14, wherein the plurality of media streams further comprises an audio stream including a plurality of digital audio files created by segmenting the audio recording, and wherein rendering the digital content using the media player further comprises simultaneously rendering a digital audio file from a point in the audio stream corresponding to the predetermined time offset and the first electronic text file from a point in the text stream corresponding to the predetermined time offset.~~
~~Claim 16~~	
--	~~A method of rendering digital content according to claim 15, wherein rendering the digital content using the media player further comprises providing automated page turns within the first electronic text file using the current time offset.~~
~~Claim 17~~	
--	~~A method of rendering digital content according to claim 1, wherein the plurality of media streams comprises an ancillary content stream including a plurality of ancillary files, and wherein the time information includes at least one of a start time, an end time, and a duration of each ancillary file in the plurality of ancillary files, the start and end times of each ancillary file determined relative to the beginning of the audio recording, the ancillary content stream including at least one of a plurality of graphic files, a plurality of advertising files, and a plurality of user generated ancillary files.~~
~~Claim 18~~	
--	~~A method of rendering digital content according to claim 1, wherein the predetermined time offset is provided by one of a bookmark, a search result, a table of contents, an index, a list of tables, a list of figures, footnotes, quotations, a list of illustrations, a fast-forward request, and a rewind request.~~

Listing of Claims from U.S. 9,319,720	
Claim 19	
--	A method of rendering digital content according to claim 1, wherein the predetermined time offset is provided by a bookmark, the bookmark including information to identify the descriptor file.
Claim 20	
--	A method of rendering digital content according to claim 10, wherein the plurality of media streams further comprises an audio stream including a plurality of digital audio files created by segmenting the audio recording and an illustration stream including a plurality of illustration files from the originating written work, and wherein the descriptor file includes at least one of a start time, an end time, and a duration of each digital audio file in the plurality of digital audio files, and at least one of a start time, an end time, and a duration of each illustration file in the plurality of illustration files, the start and end times of each digital audio file and each illustration file determined relative to the beginning of the audio recording.
Claim 21	
--	A method of rendering digital content according to claim 10, wherein the predetermined time offset is provided from a text search result.
Claim 22	
--	A method of rendering digital content according to claim 14, further comprising creating a bookmark for a selected point in the digital content, the bookmark including the current time offset, the current time offset determined relative to the timeline of the audio recording.
Claim 23	
23[a]	A method of rendering digital content according to claim 1, further comprising: determining a current time offset while rendering the digital content; and

Listing of Claims from U.S. 9,319,720	
23[b]	creating a bookmark for a selected point in the rendered digital content, the bookmark an electronic file including the current time offset and an identification of the descriptor file, the current time offset being a time difference from a beginning of the audio recording to a selected point in the audio recording, the selected point in the audio recording corresponding to the selected point in the digital content.
Claim 24	
24[pre]	A method of rendering digital content comprising:
24[a]	providing a media player having access to at least one server via a network,
24[b]	the at least one server having stored thereon a descriptor file, an audio stream, and a text stream, the audio stream and the text stream derived from a same originating written work,
24[c]	the audio stream including a plurality of digital audio files created by segmenting an audio recording of the originating written work, the text stream including a plurality of electronic text files created by segmenting an electronic text of the originating written work,
24[d]	the descriptor file including information allowing a simultaneous synchronized rendering of the audio stream and the text stream that provides a literary experience of the originating written work,
24[e]	the information including time information for each digital audio file in the audio stream and for each electronic text file in the text stream, the time information for synchronizing the audio stream and the text stream and determined relative to a timeline of the audio recording;

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24[f]	determining a first digital audio file from the plurality of digital audio files in the audio stream, the first digital audio file having audio content to be rendered with the media player, and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording;
24[g]	downloading the first digital audio file or a digital audio segment contained in the first digital audio file and determined using the time information in the descriptor file from the at least one server so that the audio content is resident with the media player;
24[h]	determining a first electronic text file from the plurality of electronic text files in the text stream, the first electronic text file having text content to be rendered with the media player and determined using the time information in the descriptor file and the predetermined time offset;
24[i]	downloading the first electronic text file or an electronic text segment contained in the first electronic text file and determined using the time information in the descriptor file from the at least one server so that the text content is resident with the media player; and
24[j]	simultaneously rendering the audio content and the text content using the media player at an arbitrary point determined using the predetermined time offset,
24[k]	comprising providing automated page turns for the text content, the automated page turns determined in dependence upon a progressing time offset relative to the rendering of the audio content.
Claim 25	
25[pre]	A system for rendering digital content comprising:
25[a]	at least one server having stored thereon a descriptor file and a plurality of media streams derived from a same originating written work,

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25[b]	each media stream including a plurality of digital data files,
25[c]	the descriptor file including information allowing a simultaneous synchronized rendering of the plurality of media streams that provides a literary experience of the originating written work,
25[d]	the information including time information for each digital data file in each media stream, the time information for synchronizing the plurality of media streams and determined relative to a timeline of an audio recording of the originating written work;
25[e]	a client including computer readable code for:
25[f]	determining a first digital data file from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording;
25[g]	downloading the first digital data file or a digital data segment contained in the first digital data file and determined using the time information in the descriptor file from the at least one server so that the digital content is resident with the client; and
25[h]	rendering the digital content at an arbitrary point determined using the predetermined time offset; and
25[i]	a network for connecting the at least one server and the client.
Claim 26	
26[pre]	A non-transitory computer readable storage medium including computer readable code, which when executed by a computer, causes said computer to:

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26[a]	access at least one server via a network,
26[b]	the at least one server having stored thereon a descriptor file and a plurality of media streams derived from a same originating written work,
26[c]	each media stream including a plurality of digital data files, the descriptor file including information allowing a simultaneous synchronized rendering of the plurality of media streams that provides a literary experience of the originating written work,
26[d]	the information including time information for each digital data file in each media stream, the time information for synchronizing the plurality of media streams and determined relative to a timeline of an audio recording of the originating written work;
26[e]	determine a first digital data file from the plurality of digital data files in a first media stream from the plurality of media streams, the first digital data file having digital content to be rendered with the media player and determined using the time information in the descriptor file and a predetermined time offset, the predetermined time offset external to the descriptor file and determined relative to the timeline of the audio recording;
26[f]	download the first digital data file or a digital data segment contained in the first digital data file and determined using the time information in the descriptor file from the at least one server so that the digital content is resident with the computer: and
26[g]	render the digital content at an arbitrary point determined using the predetermined time offset.
Claim 27	
27[pre]	A non-transitory computer readable storage medium according to claim 26, which when executed by a computer, further causes said computer to:

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27[a]	determine a current time offset while rendering the digital content; and
27[b]	create a bookmark for a selected point in the rendered digital content, the bookmark an electronic file including the current time offset and an identification of the descriptor file, the current time offset being a time difference from a beginning of the audio recording to a selected point in the audio recording, the selected point in the audio recording corresponding to the selected point in the digital content.
Claim 28	
--	A non-transitory computer readable storage medium according to claim 27, which when executed by a computer, further causes said computer to electronically transfer the bookmark to another computer.
Claim 29	
--	A non-transitory computer readable storage medium according to claim 27, which when executed by a computer, further causes said computer to transfer one of the bookmark and a shortcut to the bookmark to one of a desktop, a window other than the window used for rendering the digital content, and an application other than the application used for rendering the digital content.

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. §42.24(d), the undersigned certifies that this **PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,319,720** contains 13,864 words according to the word-processing program used to prepare this paper. The foregoing word count complies with the 14,000-word type-volume limit specified by 37 C.F.R. §42.24(a)(1).

Dated: March 24, 2025 By: */Colin B. Heideman/*
Colin B. Heideman (Reg. No. 61,513)
KNOBBE MARTENS OLSON & BEAR, LLP

~~**CERTIFICATE OF SERVICE**~~

~~The undersigned hereby certifies that on the date below a copy of this~~ ~~**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,319,720**~~ ~~and **ACCOMPANYING EXHIBITS** are being served on March 24, 2025 via Federal Express overnight mail on counsel of record for U.S. Patent No. 9,319,720 at the Correspondence Address of record below:~~

~~Neil Teitelbaum Teitelbaum & Boudevitch 834 Colonel By Drive Ottawa, ON K1S 5C4 Canada~~

~~A courtesy copy is also being served via email on counsel for the patent holder in the pending district court litigations:~~

~~Daignault Iyer LLP 8229 Boone Blvd., Suite 450 Vienna, VA 22182 Email : DI-AudioPod@daignaultiyer.com~~

~~Dated: March 24, 2025 By: /Colin B. Heideman/~~

353. ~~Colin B. Heideman (Reg. No. 61,513) KNOBBE MARTENS OLSON & BEAR, LLP~~I reserve the right to supplement my opinions in the future to address or respond to any issues that the Patent Owner may raise, as well as new information including, but not limited to, any claim constructions advanced by the Patent Owner or adopted by the Board in the Institution Decision, and respond to any alleged secondary considerations as they become available to me.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on March 24th, 2025

at Chapel Hill, NC.



Professor Ketan Mayer-Patel, Ph.D.