ADC Technology, Inc.

V.

Microsoft Corporation, et al.

Plaintiffs' Preliminary Infringement Contentions

Infringing Products Of

Sony Computer Entertainment Inc.

STATEMENT REGARDING ACCUSED PRODUCTS

The accompanying claim charts explain the basis for infringement of claims 1, 2, 4, 5, 7-9, 11, 12, 14-16, 18, 19, and 21 of U.S. Patent No. 6,193,520 (the '520 Patent) by Sony Computer Entertainment Inc.'s (Sony) video game playing and distribution system.

ADC Technology reserves the right to refine and improve the claim charts as discovery progresses and, in particular, after Sony provides full information regarding its products pursuant to the Local Rules and Scheduling Order of this Court. In addition, ADC Technology reserves the right to supplement the claim charts once provided with discovery regarding each of the Sony products named herein and has had an opportunity to obtain testimony on the accused and suspected products from Sony.

Unless otherwise stated herein, the specified element of each asserted claim is believed to be literally present in the accused products.

IDENTIFICATION OF ACCUSED PRODUCTS

The accused instrumentalities made, sold, offered for sale, imported or used by Sony in the United States include the PS3 game console and the PSN game service provided as an enhancement to the PS3 game console. Those products are made, sold, offered for sale, imported, or used by Sony or its agents in the United States.

The following Sony products are believed to have been made, sold, offered for sale, or used by Sony or its agents in the six-year period immediately before the filing of this action.





U.S. PATENT NO. 6,193,520 CLAIM CHART SONY COMPUTER ENTERTAINMENT INC.

<u>Claim</u>	<u>Language</u>	Accused Product
1.	A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:	The Accused Product includes a communication system having a host facility (PSN) and communication terminal device (PS3) capable of communicating with said host facility. The host facility and the communication terminal exchange programs and data.
	an input device for inputting instructions to execute the program or to process the data,	The Accused Product includes an input device (game controller) that allows the user to input instructions to execute a program or to process data. The PS3 uses wired and/or wireless controllers:
	receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,	The Accused Product includes receiving means for receiving a program, data, or a combination of program and data sent from said host facility. The PS3 includes an integrated Ethernet 10/100 network adapter for receiving and transmitting data between the PS3 and the PSN service.
	storage means for storing the program, the data, or a combination of the program and data received by said receiving means,	The Accused Product includes storage means for storing the program, data, or combination of program and data received by said receiving means. The Accused Product is provided with a hard disk drive and/or an optional memory unit. These storage devices are used to store game data received from PSN.
	executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,	The Accused Product includes executing means for processing programs and/or data stored in the storage means, in accordance with instructions from said input device. The PS3 uses the Cell microprocessor, which is made up of one 3.2 GHz PowerPC-based "Power Processing

<u>Claim</u>	<u>Language</u>	Accused Product
		Element" (PPE) and six accessible Synergistic Processing Elements (SPEs). A seventh runs in a special mode and is dedicated to aspects of the OS and security, and an eighth is disabled to improve production yields. The floating point performance of the whole system (CPU + GPU) is reported to be 2 TFLOPS.[1] PlayStation 3's Cell CPU achieves 204 GFLOPS single precision float and 15 GFLOPS double precision. The CPU executes instructions defined by the video game data stored on the hard drive and/or memory unit.
		The CPU executes under the direction of instructions received using the game controller.
	clock means for keeping a predetermined time period after said receiving means receives the transmission, and	The Accused Product includes clock means for tracking elapsed time between various events, including the time since a data transmission. The following screen display illustrates a predetermined time period for which a downloadable software program and/or data will be available on the communication terminal device (PS3):
		PLAYSTATION.Store Iver Agreent Privacy Po About Us Health Wa About Rafi Copyright Only one copy of a Rental Content may be viewable on an Authorized Device for up to 24 hours after the first playback or 14 days after payment for the Rental Content, whichever is sooner. After such time, you will not be able to view the Rental Content. Rental Content may not be reproduced. However, Rental Content in standard definition format that was originally downloaded onto a PLAYSTATION%3 computer entertainment system may be transferred once by the PSN account that purchased the content to one activated PSP* (PlayStation®Portable) system during the Authorized Term. Back In the above display, the predetermined time period is
	interference means for interfering with execution of said executing means when	14 days from download. The Accused Product includes interference means that interferes with the executing means upon the expiration
	said clock means counts said predetermined time period; and	of a predetermined time period. Upon the expiration of the predetermined time period, the interference means disables the execution of the program or processing of the data by deleting it from storage.

<u>Claim</u>	<u>Language</u>	Accused Product
	said host facility comprising:	The PSN service provides the host facility.
	storage means for storing at least one of the program, the data, and a combination of the program and data together with the duration data indicative of the predetermined time period to be counted by said clock means, and	The Accused Product includes storage means for storing programs and data together with any duration data indicative of the time period to be allowed by the clock means. The PSN service provides a storage facility and online "marketplace" that includes extensive data file storage for storing software data as well as duration data. The following image illustrates a view of the software data stored on the file storage at the online "marketplace" of the Accused Product:
	sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.	The Accused Product includes sending out means for transmitting the program and/or the data, and the duration data from the file storage at the PSN service to the PS3 terminals. The Accused Product includes a communication terminal device (PS3) that issues a request to the distribution center (PSN) for the distribution center to send out game data and duration data to the communication terminal device (PS3). The following screen display illustrates a "sending out" operation where the host facility is transmitting a video game to the communication terminal device (PS3):

<u>Claim</u>	<u>Language</u>	Accused Product
		11 Part Madress: Grave Hanger 1 Worker Madress: Grave Hanger 1 Worker Madress: Grave Banger Bang 1 Monster Madress: Grave Banger Bang 1 Worker Banger Banger Banger Bang 1 Worker Banger
2.	The communication system according to claim 1, said communication terminal device further comprising: second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.	The Accused Device includes second clock means for keeping a predetermined second time period used to issue an alarm. The Accused Product is configured to keep a second clock timer and to issue an alarm in advance of the expiration of the first clock timer. Below is illustrated an example of an alarm issued in response to the expiration of the second clock timer to warn of an imminent expiration of the first clock timer.
4.	The communication system according to claim 1, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.	The Accused Product includes means for deleting the program, the data, or the program and data as illustrated above in conjunction with the discussion of Claim 1.

<u>Claim</u>	<u>Language</u>	Accused Product
5.	The communication system according to claim 1, wherein said communication terminal device comprises display means having a screen on which the progress of execution of the program or data processing is displayed, and	The Accused Product includes display means for displaying the progress of execution of the program or data. The Accused Product includes a graphics processing unit (GPU). The graphics processing unit, according to Nvidia, is based on the NVIDIA G70 (previously known as NV47) architecture. The GPU makes use of 256 MB GDDR3 RAM clocked at 700 MHz with an effective transmission rate of 1.4 GHz and up to 224 MB of the 3.2 GHz XDR main memory via the CPU (480 MB max). The display means couples to a screen for presenting the display to a user.
	said interference means comprises means for blocking the view of what is displayed on said screen.	The Accused Product includes interference means that interferes with the display upon the expiration of a predetermined time period. Upon the expiration of the predetermined time period, the interference means causes the display means to alter the display to prevent further game play, such as with an advertisement, release date of the game, or the like. The interference means also prevents further execution, such as illustrated in the following screen display: The above screen display interferes with the display by indicating that a game will be released for purchase in the future.

<u>Claim</u>	<u>Language</u>	Accused Product
7.	The communication system according to claim 1, further comprising sound generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.	The Accused Product includes sound generation means. The console works with over 256 audio channels and 320 independent decompression channels using 32-bit processing for audio, with support for 48 kHz 16-bit sound. Sound files for games are encoded using Microsoft's XMA audio format. An MPEG-2 decoder is included for DVD video playback. VC-1 or WMV is used for streaming video and other video is compressed using VC-1 at non-HD NTSC and PAL resolutions or WMV HD. The PS3 also supports H.263 and H.264 MPEG-4 videos.

Claim	<u>Language</u>	Accused Product
8.	A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:	The Accused Product includes a communication system having a host facility (PSN) and communication terminal device (PS3) capable of communicating with said host facility. The host facility and the communication terminal exchange programs and data.
	an input device for inputting instructions to execute the program or to process the data,	The Accused Product includes an input device (game controller) that allows the user to input instructions to execute a program or to process data. The PS3 uses wired and/or wireless controllers:
	receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,	The Accused Product includes receiving means for receiving a program, data, or a combination of program and data sent from said host facility. The PS3 includes an integrated Ethernet 10/100 network adapter for receiving and transmitting data between the PS3 and the PSN service.
	storage means for storing the program, the data, or a combination of the program and data received by said receiving means,	The Accused Product includes storage means for storing the program, data, or combination of program and data received by said receiving means. The Accused Product is provided with a hard disk drive and/or an optional memory unit. These storage devices are used to store game data received from PSN.
	executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,	The Accused Product includes executing means for processing programs and/or data stored in the storage means, in accordance with instructions from said input device. The PS3 uses the Cell microprocessor, which is made up of one 3.2 GHz PowerPC-based "Power Processing Element" (PPE) and six accessible Synergistic Processing Elements (SPEs). A seventh runs in a special mode and is dedicated to aspects of the OS and security, and an eighth is disabled to improve production yields. The floating point performance of the whole system (CPU + GPU) is reported to be 2 TFLOPS.[1] PlayStation 3's Cell CPU achieves 204

Claim	<u>Language</u>	Accused Product
		GFLOPS single precision float and 15 GFLOPS double precision.
		The CPU executes instructions defined by the video game data stored on the hard drive and/or memory unit.
		The CPU executes under the direction of instructions received using the game controller.
	clock means for keeping a predetermined time period after said executing means starts execution of the program or data processing, and	The Accused Product includes clock means for tracking elapsed time between various events, including the time since a data transmission. The following screen display illustrates a predetermined time period for which a downloadable software program and/or data will be available on the communication terminal device (PS3):
		Vertication About Us Health Value About Ratil Copyright Under Agreement Privacy Policy About Us Health Value About Ratil Copyright
		In the above display, the predetermined time period is 24 hours from initial play.
	interference means for interfering with execution of said executing means when said clock means counts said predetermined time period; and	The Accused Product includes interference means that interferes with the executing means upon the expiration of a predetermined time period.
		Upon the expiration of the predetermined time period, the interference means disables the execution of the program or processing of the data by deleting it from storage.
	said host facility comprising:	
	storage means for storing at least one of the program, the data, and a combination of the program and data	The Accused Product includes storage means for storing programs and data together with any duration data indicative of the time period to be allowed by the

Claim	Language	Accused Product
	together with the duration data indicative of the predetermined time period to be counted by said clock means, and	clock means. The PSN service provides a storage facility and online "marketplace" that includes extensive data file storage for storing software data as well as duration data. The following image illustrates a view of the software data stored on the file storage at the online "marketplace" of the Accused Product: Image: PLAYSTATION.Store @ Image: PLAYSTATION.Store @ Image: PLAYSTATION.Store @ Ima
	sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.	The Accused Product includes sending out means for transmitting the program and/or the data, and the duration data from the file storage at the PSN service to the PS3 terminals. The Accused Product includes a communication terminal device (PS3) that issues a request to the distribution center (PSN) for the distribution center to send out game data and duration data to the communication terminal device (PS3). The following screen display illustrates a "sending out" operation where the host facility is transmitting a video game to the communication terminal device (PS3):

<u>Claim</u>	<u>Language</u>	Accused Product
		11 Parater Madressi Grave Danger Parater Madressi Grave Danger 1 Weinster Madressi Grave Danger Danger Dama Port Marater 1 Weinster Madressi Grave Danger Dama State 1 Weinster Madressi Grave Danger Dama State 1 Weinster Grave
9.	The communication system according to claim 8, said communication terminal device further comprising: second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.	The Accused Device includes second clock means for keeping a predetermined second time period used to issue an alarm. The Accused Product is configured to keep a second clock timer and to issue an alarm in advance of the expiration of the first clock timer. Below is illustrated an example of an alarm issued in response to the expiration of the second clock timer to warn of an imminent expiration of the first clock timer.
11.	The communication system according to claim 8, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.	The Accused Product includes means for deleting the program, the data, or the program and data as illustrated above in conjunction with the discussion of Claim 8.

<u>Claim</u>	<u>Language</u>	Accused Product
12.	The communication system according to claim 8, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed,	The Accused Product includes display means for displaying the progress of execution of the program or data. The Accused Product includes a graphics processing unit (GPU). The graphics processing unit, according to Nvidia, is based on the NVIDIA G70 (previously known as NV47) architecture. The GPU makes use of 256 MB GDDR3 RAM clocked at 700 MHz with an effective transmission rate of 1.4 GHz and up to 224 MB of the 3.2 GHz XDR main memory via the CPU (480 MB max). The display means couples to a screen for presenting the display to a user.
		the display to a user.
	said interference means comprises means for blocking the view of what is displayed on said screen.	The Accused Product includes interference means that interferes with the display upon the expiration of a predetermined time period. Upon the expiration of the predetermined time period, the interference means causes the display means to alter the display to prevent further game play, such as with an advertisement, release date of the game, or the like. The interference means also prevents further execution, such as illustrated in the following screen display:
14.	The communication system according to claim 8, further comprising sound generating means for generating a predetermined sound in accordance with	The Accused Product includes sound generation means. The console works with over 256 audio channels and 320 independent decompression channels using 32-bit processing for audio, with support

Claim	<u>Language</u>	Accused Product
	the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.	for 48 kHz 16-bit sound. Sound files for games are encoded using Microsoft's XMA audio format. An MPEG-2 decoder is included for DVD video playback. VC-1 or WMV is used for streaming video and other video is compressed using VC-1 at non-HD NTSC and PAL resolutions or WMV HD. The PS3 also supports H.263 and H.264 MPEG-4 videos.

<u>Claim</u>	Language	Accused Product
15.	A communication system for transmitting at least one of the program, the data, and a combination of the program and data from a host facility to a communication terminal device, said communication terminal device comprising:	The Accused Product includes a communication system having a host facility (PSN) and communication terminal device (PS3) capable of communicating with said host facility. The host facility and the communication terminal exchange programs and data.
	an input device for inputting instructions to execute the program or to process the data,	The Accused Product includes an input device (game controller) that allows the user to input instructions to execute a program or to process data. The PS3 uses wired and/or wireless controllers:
	receiving means for receiving one of the program, the data, and a combination of the program and data as sent out from said host facility,	The Accused Product includes receiving means for receiving a program, data, or a combination of program and data sent from said host facility. The PS3 includes an integrated Ethernet 10/100 network adapter for receiving and transmitting data between the PS3 and the PSN service.
	storage means for storing the program, the data, or a combination of the program and data received by said receiving means,	The Accused Product includes storage means for storing the program, data, or combination of program and data received by said receiving means. The Accused Product is provided with a hard disk drive and/or an optional memory unit. These storage devices are used to store game data received from PSN.
	executing means for executing the program stored in said storage means or executing data processing by using the data stored in said storage means, in accordance with instructions from said input device,	The Accused Product includes executing means for processing programs and/or data stored in the storage means, in accordance with instructions from said input device. The PS3 uses the Cell microprocessor, which is made up of one 3.2 GHz PowerPC-based "Power Processing Element" (PPE) and six accessible Synergistic Processing Elements (SPEs). A seventh runs in a special mode and is dedicated to aspects of the OS and security, and an eighth is disabled to improve production yields. The floating point performance of the whole system (CPU + GPU) is reported to be 2 TFLOPS.[1] PlayStation 3's Cell CPU achieves 204

<u>Claim</u>	<u>Language</u>	Accused Product
		GFLOPS single precision float and 15 GFLOPS double precision.
		The CPU executes instructions defined by the video game data stored on the hard drive and/or memory unit.
		The CPU executes under the direction of instructions received using the game controller.
	clock means for keeping a predetermined time period after said execution means ends the execution of the program or data processing to count a time period during which at least one of the program, the data, and a combination of the program and data is continuously unused, and	The Accused Product includes clock means for tracking elapsed time between various events, including the time since a data transmission. The following screen display illustrates a predetermined time period for which a downloadable software program and/or data will be available on the communication terminal device (PS3): PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store PLAYSTATION.Store
		After such time, you will not be able to view the Rental Content. Rental Content may not be reproduced. However, Rental Content in standard definition format that was originally downloaded onto a PLAYSTATION%3 computer entertainment system may be transferred once by the PSN account that purchased the content to one activated PSP® (PlayStation®Portable) system during the Authorized Term.
		In the above display, the predetermined time period is 14 days from download.
	interference means for interfering with execution of said executing means when said clock means counts a predetermined time period; and	The Accused Product includes interference means that interferes with the executing means upon the expiration of a predetermined time period.
		Upon the expiration of the predetermined time period, the interference means disables the execution of the program or processing of the data by deleting it from storage.
	said host facility comprising:	The PSN service provides the host facility.
	storage means for storing at least one of the program, the data, and a combination of the program and data	The Accused Product includes storage means for storing programs and data together with any duration data indicative of the time period to be allowed by the

Claim	Language	Accused Product
	together with duration data indicative of the predetermined time period to be counted by said clock means, and	clock means. The PSN service provides a storage facility and online "marketplace" that includes extensive data file storage for storing software data as well as duration data. The following image illustrates a view of the software data stored on the file storage at the online "marketplace" of the Accused Product:
	sending out means for sending out at least one of the program, the data, and a combination of the program and data together with the duration data stored in said storage means to said communication terminal device.	The Accused Product includes sending out means for transmitting the program and/or the data, and the duration data from the file storage at the PSN service to the PS3 terminals. The Accused Product includes a communication terminal device (PS3) that issues a request to the distribution center (PSN) for the distribution center to send out game data and duration data to the communication terminal device (PS3). The following screen display illustrates a "sending out" operation where the host facility is transmitting a video game to the communication terminal device (PS3):

<u>Claim</u>	Language	Accused Product
		1/1 Develoration 1 Worksher Maddress: Grave Danger Danger Dama Pownloadling 1 Worksher Maddress: Grave Danger Dama Pownloadling Pownloadling Please weik SK SK Post Manuel Contents Post Manuel Contents Post Manuel Contents Manuel Contents
16.	The communication system according to claim 15, said communication terminal device further comprising: second clock means for keeping a second predetermined time period shorter than said predetermined time period counted by said clock means, and alarm means for issuing an alarm when said second clock means counts said second predetermined time period, and thereby informing that interference by said interference means with execution of said executing means will soon be performed.	The Accused Device includes second clock means for keeping a predetermined second time period used to issue an alarm. The Accused Product is configured to keep a second clock timer and to issue an alarm in advance of the expiration of the first clock timer. Below is illustrated an example of an alarm issued in response to the expiration of the second clock timer to warn of an imminent expiration of the first clock timer.
18.	The communication system according to claim 15, wherein said interference means comprises means for deleting at least one of the program, the data, and a combination of the program and data stored in said storage means.	The Accused Product includes means for deleting the program, the data, or the program and data as illustrated above in conjunction with the discussion of Claim 15.

<u>Claim</u>	<u>Language</u>	Accused Product
19.	The communication system according to claim 15, wherein said communication terminal device comprises display means having a screen on which the progress of execution of program or data processing is displayed,	The Accused Product includes display means for displaying the progress of execution of the program or data. The Accused Product includes a graphics processing unit (GPU). The graphics processing unit, according to Nvidia, is based on the NVIDIA G70 (previously known as NV47) architecture. The GPU makes use of 256 MB GDDR3 RAM clocked at 700 MHz with an effective transmission rate of 1.4 GHz and up to 224 MB of the 3.2 GHz XDR main memory via the CPU (480 MB max). The display means couples to a screen for presenting the display to a user. The Xenos processor is a 500 MHz 90nm chip that performs the operations for generating the display for
		the PS3. The display means couples to a screen for presenting the display to a user.
	said interference means comprises means for blocking the view of what is displayed on said screen.	The Accused Product includes interference means that interferes with the display upon the expiration of a predetermined time period. Upon the expiration of the predetermined time period, the interference means causes the display means to alter the display to prevent further game play, such as with an advertisement, release date of the game, or the like. The interference means also prevents further execution, such as illustrated in the following screen display:
21.	The communication system according to claim 15, further comprising sound	The Accused Product includes sound generation means. The console works with over 256 audio

<u>Claim</u>	<u>Language</u>	Accused Product
	generating means for generating a predetermined sound in accordance with the progress of execution of the program or data processing, wherein said interference means comprises means for preventing said sound generating means from generating the sound.	channels and 320 independent decompression channels using 32-bit processing for audio, with support for 48 kHz 16-bit sound. Sound files for games are encoded using Microsoft's XMA audio format. An MPEG-2 decoder is included for DVD video playback. VC-1 or WMV is used for streaming video and other video is compressed using VC-1 at non-HD NTSC and PAL resolutions or WMV HD. The PS3 also supports H.263 and H.264 MPEG-4 videos.