

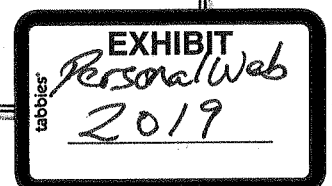
BEFORE THE PATENT TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRIAL NO. IPR 2014-00057
IN RE: U.S. PATENT No. 5,978,791
PATENT OWNERS: PERSONALWEB TECHNOLOGIES, LLC &
LEVEL 3 COMMUNICATIONS
PETITIONER: RACKSPACE US, INC AND RACKSPACE
HOSTING, INC.
INVENTORS: DAVID A. FARBER AND
RONALD D. LACHMAN

ORAL DEPOSITION OF
A.L. NARASIMHA REDDY
JUNE 23, 2014

At the offices of Haynes & Boone, LLP,
2505 N. Plano Road, Suite 4000, Richardson, TX
75082, commencing at 12:05 p.m. and ending at 12:39 p.m.

Before Gail Spurgeon, Registered Professional Reporter



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<p>1 BEFORE THE PATENT TRIAL AND APPEAL BOARD</p> <p>2 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</p> <p>3</p> <p>4 TRIAL NO. IPR 2014-00058</p> <p>5</p> <p>6 IN RE: U.S. PATENT No. 8,099,420</p> <p>7</p> <p>8 PATENT OWNERS: PERSONALWEB TECHNOLOGIES, LLC &</p> <p>9 LEVEL 3 COMMUNICATIONS</p> <p>10 PETITIONER: RACKSPACE US, INC AND RACKSPACE</p> <p>11 HOSTING, INC.</p> <p>12</p> <p>13 INVENTORS: DAVID A. FARBER AND</p> <p>14 RONALD D. LACHMAN</p> <p>15</p> <p>16 ORAL DEPOSITION OF</p> <p>17 A.L. NARASIMHA REDDY</p> <p>18 JUNE 23, 2014</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 BEFORE THE PATENT TRIAL AND APPEAL BOARD</p> <p>2 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</p> <p>3</p> <p>4 TRIAL NO. IPR 2014-00062</p> <p>5</p> <p>6 IN RE: U.S. PATENT No. 7,802,310</p> <p>7</p> <p>8 PATENT OWNERS: PERSONALWEB TECHNOLOGIES, LLC &</p> <p>9 LEVEL 3 COMMUNICATIONS</p> <p>10 PETITIONER: RACKSPACE US, INC AND RACKSPACE</p> <p>11 HOSTING, INC.</p> <p>12</p> <p>13 INVENTORS: DAVID A. FARBER AND</p> <p>14 RONALD D. LACHMAN</p> <p>15</p> <p>16 ORAL DEPOSITION OF</p> <p>17 A.L. NARASIMHA REDDY</p> <p>18 JUNE 23, 2014</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
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<p>1 BEFORE THE PATENT TRIAL AND APPEAL BOARD</p> <p>2 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</p> <p>3</p> <p>4 TRIAL NO. IPR 2014-00059</p> <p>5</p> <p>6 IN RE: U.S. PATENT No. 6,415,280</p> <p>7</p> <p>8 PATENT OWNERS: PERSONALWEB TECHNOLOGIES, LLC &</p> <p>9 LEVEL 3 COMMUNICATIONS</p> <p>10 PETITIONER: RACKSPACE US, INC AND RACKSPACE</p> <p>11 HOSTING, INC.</p> <p>12</p> <p>13 INVENTORS: DAVID A. FARBER AND</p> <p>14 RONALD D. LACHMAN</p> <p>15</p> <p>16 ORAL DEPOSITION OF</p> <p>17 A.L. NARASIMHA REDDY</p> <p>18 JUNE 23, 2014</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>1 BEFORE THE PATENT TRIAL AND APPEAL BOARD</p> <p>2 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</p> <p>3</p> <p>4 TRIAL NO. IPR 2014-00066</p> <p>5</p> <p>6 IN RE: U.S. PATENT No. 6,928,442</p> <p>7</p> <p>8 PATENT OWNERS: PERSONALWEB TECHNOLOGIES, LLC &</p> <p>9 LEVEL 3 COMMUNICATIONS</p> <p>10 PETITIONER: RACKSPACE US, INC AND RACKSPACE</p> <p>11 HOSTING, INC.</p> <p>12</p> <p>13 INVENTORS: DAVID A. FARBER AND</p> <p>14 RONALD D. LACHMAN</p> <p>15</p> <p>16 ORAL DEPOSITION OF</p> <p>17 A.L. NARASIMHA REDDY</p> <p>18 JUNE 23, 2014</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

<p style="text-align: right;">6</p> <p>1 APPEARANCES</p> <p>2 MR. RAGHAV BAJAJ</p> <p>3 Haynes & Boone</p> <p>4 600 Congress Avenue</p> <p>5 Suite 1300</p> <p>6 Austin, Texas 78701</p> <p>7 raghav.bajaj@haynesboone.com</p> <p>8 APPEARING FOR THE PETITIONER</p> <p>9 MR. PAUL V. STORM</p> <p>10 Gardere</p> <p>11 1601 Elm Street</p> <p>12 Suite 3000</p> <p>13 Dallas, Texas 75201</p> <p>14 pvstorm@gardere.com</p> <p>15 APPEARING FOR THE PETITIONER</p> <p>16 MR. JOSEPH A. RHOA</p> <p>17 Nixon & Vanderhye, PC</p> <p>18 901 North Glebe Road</p> <p>19 11th Floor</p> <p>20 Arlington, Virginia 22203-1808</p> <p>21 APPEARING FOR THE PATENT OWNER</p> <p>22 PERSONALWEB TECHNOLOGIES, LLC</p>	<p style="text-align: right;">8</p> <p>1 A.L. NARASIMHA REDDY,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. RHOA:</p> <p>5 Q. Please state your name for the record.</p> <p>6 A. Narasimha Reddy.</p> <p>7 Q. What is your current address?</p> <p>8 A. 5202 Quaker Ridge Drive, College Station,</p> <p>9 Texas.</p> <p>10 Q. Who is your current employer?</p> <p>11 A. Texas A&M University.</p> <p>12 Q. How long have you been employed there?</p> <p>13 A. Since '95.</p> <p>14 Q. What is your current position?</p> <p>15 A. I have two positions. One is -- I'm called the</p> <p>16 J.W. Runyon Professor of Electrical and Computer</p> <p>17 Engineering Department. I'm also assistant agency</p> <p>18 director of the Texas Experiment Engineering Station.</p> <p>19 Q. How long have you held those positions?</p> <p>20 A. I've been a professor since 2008. I've</p> <p>21 forgotten when I got promoted, but the TEES agency</p> <p>22 director since June the 1st.</p>
<p style="text-align: right;">7</p> <p>1</p> <p>2 INDEX</p> <p>3 PAGE</p> <p>4 A.L. NARASIMHA REDDY</p> <p>5</p> <p>6 EXAMINATION BY MR. RHOA..... 8</p> <p>7 EXAMINATION BY MR. STORM..... 33</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 EXHIBITS DESCRIPTION PAGE</p> <p>11 Exhibit 1 EMC 1003..... 20</p> <p>12 Exhibit 2 Standard for Interchange of Usenet . 24</p> <p>13 Messages</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">9</p> <p>1 Q. Are you being represented by counsel today?</p> <p>2 A. Yes.</p> <p>3 Q. And who is representing you today?</p> <p>4 MR. STORM: Paul Storm.</p> <p>5 Q. (BY MR. RHOA) And who else is with you today,</p> <p>6 just to introduce for the record?</p> <p>7 MR. BAJAJ: Raghav Bajaj with Haynes &</p> <p>8 Boone.</p> <p>9 Q. (BY MR. RHOA) So you been retained by</p> <p>10 Rackspace in connection with these IPR matters; is that</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. When were you retained by Rackspace?</p> <p>14 A. Sometime last year. I don't remember exactly</p> <p>15 when.</p> <p>16 Q. Is this the first time you've been retained by</p> <p>17 Rackspace for any matter, or have you worked for them</p> <p>18 previously?</p> <p>19 A. No. I haven't worked for Rackspace, and I'm</p> <p>20 not sure that the agreement is with Rackspace or</p> <p>21 Haynes & Boone directly.</p> <p>22 Q. So that the -- your consulting agreement may be</p>

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<p style="text-align: right;">10</p> <p>1 with Rackspace, or it may be with the Haynes & Boone --</p> <p>2 A. Right.</p> <p>3 Q. -- law firm directly, and you're not sure which</p> <p>4 one.</p> <p>5 A. That's right.</p> <p>6 Q. To your knowledge, you've never consulted for</p> <p>7 or testified on behalf of Rackspace previously; is that</p> <p>8 correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Have you ever testified in a matter where</p> <p>11 ^ Haines Boone ^ ck sense mains been retained you</p> <p>12 previously?</p> <p>13 A. That's correct. I have not testified before.</p> <p>14 Q. So this is the first time you've worked with</p> <p>15 Haynes & Boone also?</p> <p>16 A. That's correct.</p> <p>17 Q. How much are you charging in connection with</p> <p>18 this matter?</p> <p>19 A. I think for this case, 350 bucks an hour.</p> <p>20 Q. How much have you been billed to date?</p> <p>21 A. I don't remember. I think it's somewhere in</p> <p>22 the 10,000 range.</p>	<p style="text-align: right;">12</p> <p>1 A. Yes.</p> <p>2 Q. How many approximately?</p> <p>3 A. I don't remember.</p> <p>4 Q. More than two?</p> <p>5 A. Possibly.</p> <p>6 Q. Did you exchange them by way of e-mail?</p> <p>7 A. That's right.</p> <p>8 Q. Do you still have your e-mail drafts?</p> <p>9 A. No, I don't.</p> <p>10 Q. You deleted them?</p> <p>11 A. Yes.</p> <p>12 Q. Did you communicate with the Haynes & Boone</p> <p>13 firm or the Gardere firm?</p> <p>14 A. I was primarily dealing with Haynes & Boone.</p> <p>15 Q. Did you ever speak or communicate in any way</p> <p>16 with any lawyer, in connection with preparing your</p> <p>17 declarations, who did not work for either the Gardere</p> <p>18 firm or the Haynes & Boone firm?</p> <p>19 A. No.</p> <p>20 Q. Did you ever communicate with any company other</p> <p>21 than Rackspace in connection with preparing your</p> <p>22 declarations?</p>
<p style="text-align: right;">11</p> <p>1 Q. What did you do to prepare for today's</p> <p>2 deposition?</p> <p>3 A. I went over my documents that were filed with</p> <p>4 my...</p> <p>5 THE REPORTER: I'm sorry, I didn't hear</p> <p>6 you.</p> <p>7 THE WITNESS: I filed -- I went over the</p> <p>8 documents.</p> <p>9 Q. (BY MR. RHOA) When you say "documents," you're</p> <p>10 referring to your declarations that were filed in the</p> <p>11 Rackspace IPRs?</p> <p>12 A. And the supporting documents as well.</p> <p>13 Q. Can you explain the process of how your</p> <p>14 declarations were prepared?</p> <p>15 A. Okay. Can you define what you mean by process?</p> <p>16 Q. Who prepared the first draft of each of your</p> <p>17 declarations that were submitted in these IPRs?</p> <p>18 A. I.</p> <p>19 Q. You did?</p> <p>20 A. Yes.</p> <p>21 Q. Did you exchange drafts with the Haynes & Boone</p> <p>22 law firm?</p>	<p style="text-align: right;">13</p> <p>1 A. I didn't even speak to Rackspace.</p> <p>2 Q. So the only lawyers you communicated with were</p> <p>3 the Haynes & Boone lawyers and the Gardere attorney,</p> <p>4 Mr. Storm; is that right?</p> <p>5 A. In regard to preparing the document? Or are</p> <p>6 you talking about --</p> <p>7 Q. Working on this case.</p> <p>8 A. In this case, yes.</p> <p>9 Q. Can you tell me what you spoke to your</p> <p>10 attorneys about?</p> <p>11 MR. STORM: And I'll instruct him not to</p> <p>12 answer on the basis of work product.</p> <p>13 Q. (BY MR. RHOA) Are you going to follow his</p> <p>14 instruction?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever provided an expert report or a</p> <p>17 declaration or testimony in a patent case --</p> <p>18 A. Yes.</p> <p>19 Q. -- before this one?</p> <p>20 A. Yes.</p> <p>21 Q. How many?</p> <p>22 A. I've worked on several cases. I would say</p>

<p style="text-align: right;">14</p> <p>1 export reports, about maybe seven to ten.</p> <p>2 Q. What companies did you work for?</p> <p>3 A. Oh, it goes back a while, so let's see. The</p> <p>4 last one was for Comcast. Before, there was for Dell.</p> <p>5 I'm trying to remember. EMC -- there are a bunch of</p> <p>6 other firms, yeah.</p> <p>7 Q. Did you always work for the defendant in those</p> <p>8 cases?</p> <p>9 A. No. Some were defendants, some of them were</p> <p>10 plaintiffs.</p> <p>11 Q. So sometimes you worked for the patent owner --</p> <p>12 A. Yeah.</p> <p>13 Q. -- sometimes you work for the defendant. Is</p> <p>14 that a fair statement?</p> <p>15 A. I think in some cases they were countersuing</p> <p>16 each other, so they were both patent owners, plaintiffs</p> <p>17 and defendants, at the same time.</p> <p>18 Q. So you have worked for patent owners?</p> <p>19 A. Yes.</p> <p>20 Q. And you've also worked for accused infringers.</p> <p>21 Is that a fair statement?</p> <p>22 A. Defendants, yes.</p>	<p style="text-align: right;">16</p> <p>1 Q. Is that CV up-to-date?</p> <p>2 A. It should have been.</p> <p>3 Q. Was the declaration that you submitted the same</p> <p>4 for each of the IPRs?</p> <p>5 A. I think there was a slight difference with just</p> <p>6 the numbering of the paragraphs, but otherwise, the</p> <p>7 content is the same.</p> <p>8 Q. The content for all your declarations was --</p> <p>9 A. It was the same.</p> <p>10 Q. -- virtually identical for all the IPRs?</p> <p>11 A. Right.</p> <p>12 Q. Correct?</p> <p>13 A. Yes.</p> <p>14 MR. STORM: You need to try and let him</p> <p>15 finish his question --</p> <p>16 THE WITNESS: Right. Right.</p> <p>17 MR. STORM: -- if possible. It's hard to</p> <p>18 do sometimes, but just let him go ahead and finish it.</p> <p>19 He'll try to let you finish your answers, too, I'm sure.</p> <p>20 Q. (BY MR. RHOA) I am going to hand you</p> <p>21 Exhibit 1010 from the '310 IPR. That's the IPR for</p> <p>22 Patent No. 7,802,310. So when I say "'310 IPR," I mean</p>
<p style="text-align: right;">15</p> <p>1 Q. When were you first retained in connection with</p> <p>2 these IPR matters?</p> <p>3 A. Sometime last year. I don't remember the exact</p> <p>4 date.</p> <p>5 Q. Early last year? Late last year?</p> <p>6 A. I have no recollection.</p> <p>7 Q. And who first retained you, which firm?</p> <p>8 A. Haynes & Boone.</p> <p>9 Q. Do you remember who at Haynes & Boone?</p> <p>10 A. I think it was -- Andy? I'm a little vague on</p> <p>11 the recollection who were the people. I've been working</p> <p>12 with three or four of them, yeah.</p> <p>13 Q. Who?</p> <p>14 A. Raghav, Tio, Andy -- and I think there are two</p> <p>15 Andys, if I'm not mistaken.</p> <p>16 Q. Two Andys?</p> <p>17 A. Yeah.</p> <p>18 Q. Do you have a law degree?</p> <p>19 A. No.</p> <p>20 Q. Did you provide a CV in connection with your</p> <p>21 declarations?</p> <p>22 A. I think so.</p>	<p style="text-align: right;">17</p> <p>1 the '310 patent IPR.</p> <p>2 Do you have Exhibit 1010 in front of you?</p> <p>3 A. Okay.</p> <p>4 MR. STORM: Do you have it, yes or no?</p> <p>5 A. Yes.</p> <p>6 Q. (BY MR. RHOA) Is this your declaration which</p> <p>7 was submitted in this IPR, the '310 IPR?</p> <p>8 A. Yes.</p> <p>9 Q. Is that your signature on Page 8?</p> <p>10 A. Yes.</p> <p>11 Q. So substantively, this same declaration was</p> <p>12 submitted in each of the IPRs, correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Please turn to Paragraph 8.</p> <p>15 Are you there?</p> <p>16 A. Yes.</p> <p>17 Q. It says there, "I obtained a copy of the Langer</p> <p>18 Reference ... from the 'Google Groups' website."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Did you do that?</p> <p>22 A. Yes.</p>

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<p style="text-align: right;">18</p> <p>1 Q. When did you first obtain a copy of the Langer</p> <p>2 Reference from the Google Groups website?</p> <p>3 A. Sometime last year.</p> <p>4 Q. In 2013?</p> <p>5 A. Yes.</p> <p>6 Q. Did you ever see a copy of the Langer Reference</p> <p>7 prior to that?</p> <p>8 A. No.</p> <p>9 Q. Do you know when the Google Groups website was</p> <p>10 first formed?</p> <p>11 A. Sometime in the early 2000s.</p> <p>12 Q. Early 2000s?</p> <p>13 A. Right.</p> <p>14 Q. So how would something like a copy of the</p> <p>15 Langer Reference have ever gotten onto the Google Groups</p> <p>16 website?</p> <p>17 A. I think Google Groups bought the archive,</p> <p>18 either bought or borrowed it, and so they saved all the</p> <p>19 articles from use groups that were existing in archives</p> <p>20 before.</p> <p>21 Q. Do you have any personal knowledge of that?</p> <p>22 A. Knowledge of what?</p>	<p style="text-align: right;">20</p> <p>1 A. No.</p> <p>2 Q. Do you have any personal knowledge regarding</p> <p>3 how the Langer Reference was first created?</p> <p>4 A. I'm not sure of the question. What are you --</p> <p>5 Q. Did you personally observe or participate in</p> <p>6 the initial creation of the Langer Reference?</p> <p>7 A. I think you asked that question already, but</p> <p>8 no.</p> <p>9 Q. I'm going to hand you another document that is</p> <p>10 labeled EMC 1003, and I would like to have this one</p> <p>11 marked as Reddy Exhibit 1.</p> <p>12 (Exhibit No. 1 marked.)</p> <p>13 Q. (BY MR. RHOA) Do you have Reddy Exhibit 1 in</p> <p>14 front of you?</p> <p>15 A. Yes.</p> <p>16 Q. Have you seen this document before?</p> <p>17 A. I'm not sure. It looks the same as the other</p> <p>18 one that you just handed me earlier, except for</p> <p>19 printing, stuff in the bottom and the top.</p> <p>20 Q. Have you seen Reddy Exhibit 1 before today?</p> <p>21 A. Now, again, I'm not sure what's the difference</p> <p>22 between those two documents except for the titles,</p>
<p style="text-align: right;">19</p> <p>1 Q. Do you have any personal knowledge of what</p> <p>2 Google bought?</p> <p>3 A. No, I don't know what it...</p> <p>4 Q. So the first time you saw this Langer Reference</p> <p>5 was in 2013, right?</p> <p>6 A. That's correct.</p> <p>7 Q. I'm going to hand you Exhibit 1007 from the</p> <p>8 '310 IPR. Do you have that in front of you?</p> <p>9 A. Yes.</p> <p>10 Q. So is this the Langer Reference that you're</p> <p>11 referring to in Paragraph 8 of your declaration?</p> <p>12 A. Yes. It looks like it.</p> <p>13 Q. Did you author the Langer Reference?</p> <p>14 A. No.</p> <p>15 Q. Do you have any personal knowledge regarding</p> <p>16 how the Langer Reference was first generated?</p> <p>17 A. Can you repeat that question?</p> <p>18 Q. Do you have any personal knowledge regarding</p> <p>19 how the Langer Reference was first generated?</p> <p>20 A. What do you mean by personal knowledge?</p> <p>21 Q. Did you personally observe or participate in</p> <p>22 the initial generating of the Langer Reference?</p>	<p style="text-align: right;">21</p> <p>1 unless I went through the whole thing.</p> <p>2 Q. I'll give you three example differences just --</p> <p>3 A. Okay.</p> <p>4 Q. -- to help you out here.</p> <p>5 A. Okay.</p> <p>6 Q. The first is on Reddy Exhibit 1 there is a 2002</p> <p>7 date in the lower right-hand corner.</p> <p>8 A. Which are you referring to?</p> <p>9 MR. STORM: Is it okay if I point it out to</p> <p>10 him?</p> <p>11 A. Okay.</p> <p>12 Q. (BY MR. RHOA) Do you see that --</p> <p>13 A. Yes.</p> <p>14 Q. -- July 29, 2003 date in the lower right-hand</p> <p>15 corner of Reddy Exhibit 1?</p> <p>16 A. Yes.</p> <p>17 Q. Additionally, there is no path header in Reddy</p> <p>18 Exhibit 1.</p> <p>19 A. Yes. I noticed that, yes.</p> <p>20 Q. Additionally, the characters following the word</p> <p>21 "From" are different between the two documents.</p> <p>22 A. Yes.</p>

<p style="text-align: right;">22</p> <p>1 Q. And additionally, the characters following the</p> <p>2 word "Sender" are different between the two documents.</p> <p>3 A. Yes.</p> <p>4 Q. So those are four example differences.</p> <p>5 A. Uh-huh.</p> <p>6 Q. So I'll ask you again: Do you recall seeing</p> <p>7 Reddy Exhibit 1 prior to today?</p> <p>8 A. I don't recall.</p> <p>9 Q. So as you sit here, you have no personal</p> <p>10 knowledge of ever seeing Reddy Exhibit 1?</p> <p>11 A. I'm not sure. I've seen -- I've seen this --</p> <p>12 earlier filings of EMC. So if it was with this, then</p> <p>13 I've probably seen it.</p> <p>14 Q. Is there any way that you saw Reddy Exhibit 1</p> <p>15 before 2013?</p> <p>16 A. No.</p> <p>17 Q. So the only possible time you could have seen</p> <p>18 Reddy Exhibit 1 would be reviewing EMC's files?</p> <p>19 A. That's correct.</p> <p>20 Q. So in Reddy Exhibit 1 we have this</p> <p>21 July 29, 2003 date at the bottom, right?</p> <p>22 A. Yes.</p>	<p style="text-align: right;">24</p> <p>1 A. No. You can save the file as it's saved here,</p> <p>2 without a date.</p> <p>3 Q. Is that what you did?</p> <p>4 A. Yes.</p> <p>5 Q. I would like to introduce another exhibit to be</p> <p>6 marked Reddy Exhibit 2.</p> <p>7 (Exhibit No. 2 marked.)</p> <p>8 Q. (BY MR. RHOA) Do you have Reddy Exhibit 2 in</p> <p>9 front of you?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what this document is?</p> <p>12 A. This looks like an RFC.</p> <p>13 Q. Is this the Usenet, U-s-e-n-e-t, standard as of</p> <p>14 1987?</p> <p>15 A. It says standard -- it says "Standard For</p> <p>16 Internet" -- "Interchange of Usenet Messages."</p> <p>17 Q. Was this standard in effect as of 1991?</p> <p>18 A. I would suspect so. Standards are created, and</p> <p>19 different people take different times to follow the</p> <p>20 standards.</p> <p>21 Q. So your belief is that this standard at Reddy</p> <p>22 Exhibit 2 was in effect in 1991?</p>
<p style="text-align: right;">23</p> <p>1 Q. Is that indicative of when this was obtained</p> <p>2 from Google Groups?</p> <p>3 A. I would have no idea when this thing refers to.</p> <p>4 Q. Why isn't there any date at the bottom of</p> <p>5 Rackspace Exhibit 1007?</p> <p>6 A. This is -- I'm just speculating here.</p> <p>7 MR. STORM: His question is this one.</p> <p>8 A. Right. What -- the question -- can you repeat</p> <p>9 the question?</p> <p>10 Q. (BY MR. RHOA) We have a date of July 29, 2003,</p> <p>11 on Reddy Exhibit 1, correct?</p> <p>12 A. Yes.</p> <p>13 Q. You don't know what that date refers to?</p> <p>14 A. That's right.</p> <p>15 Q. Why isn't there a date like that at the bottom</p> <p>16 of Rackspace Exhibit 1007?</p> <p>17 A. This is probably -- this is saved and printed</p> <p>18 as a document here probably, and not all the printers</p> <p>19 produce a date on it when it's printed.</p> <p>20 Q. Do you recall whether the printer that you used</p> <p>21 to obtain this document from Google Groups would have</p> <p>22 printed the date at the bottom?</p>	<p style="text-align: right;">25</p> <p>1 A. That's correct.</p> <p>2 Q. How about 1994?</p> <p>3 A. No. I don't know if the standard has been</p> <p>4 obsoleted by a new standard.</p> <p>5 Q. Section 2.1 of the Usenet standard refers to</p> <p>6 required header lines, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And the headers under that are required</p> <p>9 headers; is that right?</p> <p>10 A. That's what it says here, yes.</p> <p>11 Q. So in Section 2.1.6, the Path header would have</p> <p>12 been a required header; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. What would happen if there was no Path header?</p> <p>15 A. I'm not sure. I can tell you what could</p> <p>16 happen, but Path is used for probably getting the</p> <p>17 messages. So without Path information -- this is just</p> <p>18 strictly from the networking point of view -- the</p> <p>19 messages will keep flooding through the network. So</p> <p>20 that's part of the reason for retaining the Path</p> <p>21 information. So if I hear Node A and I'm Node B, I</p> <p>22 don't want to send the message back to Node A because</p>

8 (Pages 26 to 29)

<p style="text-align: right;">26</p> <p>1 otherwise the messages will keep circulating the net.</p> <p>2 Q. Does that mean the messages would not go to</p> <p>3 their intended location?</p> <p>4 A. They would go, but there's no end to this</p> <p>5 routing, so it will keep on circulating in the network.</p> <p>6 So you want this routing to terminate at some point in</p> <p>7 time.</p> <p>8 Q. The Path header is automatically generated when</p> <p>9 the message is sent; is that correct?</p> <p>10 A. That's right. It starts from the node,</p> <p>11 wherever it starts, and it probably goes through the</p> <p>12 network.</p> <p>13 Q. So if the message was never sent, there would</p> <p>14 be no Path header; is that right?</p> <p>15 A. Well, I don't -- I don't understand the</p> <p>16 question.</p> <p>17 Q. The Path header is generated when the message</p> <p>18 is sent?</p> <p>19 A. Sent from one node to another node, yes.</p> <p>20 Q. The Path header is not determined in advance,</p> <p>21 right?</p> <p>22 A. Path header is determined by the way the</p>	<p style="text-align: right;">28</p> <p>1 meanings.</p> <p>2 Q. Let's take Usenet.</p> <p>3 A. Right.</p> <p>4 Q. So if a Usenet message was never sent, then you</p> <p>5 could not have a header?</p> <p>6 A. But then it's not a message anymore because</p> <p>7 ^ it's its never sent.</p> <p>8 Q. If something was typed up for use on Usenet and</p> <p>9 it was never sent, you would not have a Path header,</p> <p>10 correct?</p> <p>11 A. It depends on whoever is creating it. So if</p> <p>12 you -- I could create a file that says "Path:" whatever</p> <p>13 you want in there, so that it would have the message</p> <p>14 with the header. I'm not understanding your question.</p> <p>15 Q. Why would you unilaterally create a Path</p> <p>16 header?</p> <p>17 A. I'm not -- I'm not sure of your question. Why</p> <p>18 would you not -- why would you create a Path header, is</p> <p>19 what you're saying?</p> <p>20 Q. ^ Ck sense what would you type out a Path</p> <p>21 header?</p> <p>22 A. I don't know. If you are trying to create a</p>
<p style="text-align: right;">27</p> <p>1 message travels through the network.</p> <p>2 Q. So if the message was never sent, there would</p> <p>3 be no Path header?</p> <p>4 A. If the message is never sent, absolutely, so</p> <p>5 there should not be a Path header.</p> <p>6 Q. So you agree that if the message was not sent,</p> <p>7 there would not be a Path header?</p> <p>8 A. I don't understand the question. I mean, the</p> <p>9 Path header is created by NNTP protocol as the message</p> <p>10 generates and travels through the network. And if A</p> <p>11 sends a message to B, when B receives it, it will record</p> <p>12 the packet as coming from Node A.</p> <p>13 Q. But if the message never traveled through the</p> <p>14 network, you could not generate a Path header, correct?</p> <p>15 A. I don't understand your question because what</p> <p>16 is a message in your question? Because I could create a</p> <p>17 file with whatever document and whatever you want in</p> <p>18 that file.</p> <p>19 Q. Do you have an understanding of what a message</p> <p>20 is?</p> <p>21 A. No. What is the message? Is it in relation to</p> <p>22 Usenet messages? "Message" could have lots of wide</p>	<p style="text-align: right;">29</p> <p>1 file with whatever you want to create, you would want to</p> <p>2 put in whatever you want to put in there. I'm trying to</p> <p>3 understand your question.</p> <p>4 Q. If you were trying to fabricate a message, you</p> <p>5 would type a Path header out?</p> <p>6 MR. STORM: Object to the form.</p> <p>7 A. No. You -- if you're trying to create a file,</p> <p>8 you could put whatever contents into that file. That's</p> <p>9 all I'm saying, so...</p> <p>10 Q. (BY MR. RHOA) According to the Usenet</p> <p>11 standard, the Path header is generated when the message</p> <p>12 is sent from node to node; is that right?</p> <p>13 A. That's correct.</p> <p>14 Q. So if that message was never sent, the Path</p> <p>15 header would never be generated?</p> <p>16 A. So my -- my problem is, if it's never sent,</p> <p>17 it's never a message.</p> <p>18 Q. What do you want to call it?</p> <p>19 MR. STORM: How about "draft"?</p> <p>20 Q. (BY MR. RHOA) So if a draft was never sent,</p> <p>21 there would be no Path header; is that correct?</p> <p>22 A. Yes.</p>

<p style="text-align: right;">30</p> <p>1 Q. Now, when you obtained Exhibit 1007 from Google</p> <p>2 Groups, it had this Path header at the top, right?</p> <p>3 A. Yes.</p> <p>4 Q. And the Path header is the first two lines at</p> <p>5 the top of Exhibit 1007, right?</p> <p>6 A. That's correct.</p> <p>7 Q. Now, Reddy Exhibit 1 appears to contain the</p> <p>8 same text as Exhibit 1007, right?</p> <p>9 A. It appears to be. I haven't checked it. Yes.</p> <p>10 Q. Do you know why there's no Path header in Reddy</p> <p>11 Exhibit 1?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you agree that there is, in fact, no Path</p> <p>14 header in Reddy Exhibit 1?</p> <p>15 A. I don't know how this document is produced, but</p> <p>16 I don't see it here, at least on the top.</p> <p>17 Q. So you don't have an explanation as to why one</p> <p>18 of the Langer documents would have a Path header and</p> <p>19 other does not have a Path header?</p> <p>20 A. I don't know how EMC produced this. I have no</p> <p>21 idea.</p> <p>22 Q. Let's go to another difference between the two</p>	<p style="text-align: right;">32</p> <p>1 button that says show -- unmask those e-mail addresses.</p> <p>2 And it's just making sure there's a human actually</p> <p>3 reading this.</p> <p>4 Q. Did Google Groups do that in 2003?</p> <p>5 A. I don't know when they did this, but that's the</p> <p>6 way it is currently.</p> <p>7 Q. So when you copied Rackspace Exhibit 1007 from</p> <p>8 Google Groups in 2013, you did not click that --</p> <p>9 A. I didn't --</p> <p>10 Q. -- thing you're talking about, right?</p> <p>11 A. That's correct. So at least when we produced</p> <p>12 this, we didn't -- I didn't click on this.</p> <p>13 Q. So following the word "Sender" there's also a</p> <p>14 difference here, in the characters following Sender. Do</p> <p>15 you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Is -- if I was to ask you if you had an</p> <p>18 understanding of the difference, your answer would be</p> <p>19 the same?</p> <p>20 A. Exactly.</p> <p>21 Q. But in any event, you never saw either of these</p> <p>22 Langer documents prior to 2013, right?</p>
<p style="text-align: right;">31</p> <p>1 Langer documents. After the "From:" which is in the</p> <p>2 third line of Rackspace Exhibit 1007 on the front</p> <p>3 page...</p> <p>4 A. Yes.</p> <p>5 Q. Do you see that?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Do you see how the characters following From</p> <p>8 are different in Rackspace Exhibit 1007 compared to in</p> <p>9 Reddy Exhibit 1?</p> <p>10 A. Yes.</p> <p>11 Q. Do you have an understanding of why the</p> <p>12 characters are different there --</p> <p>13 A. Yeah.</p> <p>14 Q. -- between the two Rackspace documents --</p> <p>15 between the two Langer documents?</p> <p>16 A. Yes.</p> <p>17 Q. Why?</p> <p>18 A. The way that Google Groups allows you to see</p> <p>19 these documents, it hides some of these e-mail</p> <p>20 references on the documents, so that people don't ^ ck</p> <p>21 mine these e-mail addresses for spamming. And you can</p> <p>22 actually get complete e-mail references by clicking on a</p>	<p style="text-align: right;">33</p> <p>1 A. That's correct.</p> <p>2 Q. Did Google Groups exist in 1995?</p> <p>3 A. I don't know. I don't think so.</p> <p>4 Q. Do you have any personal -- well, let me back</p> <p>5 up.</p> <p>6 MR. RHOA: No further questions. We</p> <p>7 reserve the right to take his deposition again if he</p> <p>8 should change his testimony or submit another</p> <p>9 declaration.</p> <p>10 MR. STORM: Okay.</p> <p>11 THE WITNESS: Are we done?</p> <p>12 MR. STORM: We're done. We'll take a short</p> <p>13 break.</p> <p>14</p> <p>15 (Recess 12:35 p.m. to 12:37 p.m.)</p> <p>16</p> <p>17 EXAMINATION</p> <p>18 BY MR. STORM:</p> <p>19 Q. Dr. Reddy, I just have a couple of follow-up</p> <p>20 questions on these two different version of the Langer</p> <p>21 Reference and the RFC standard.</p> <p>22 A. Okay.</p>

<p style="text-align: right;">34</p> <p>1 Q. And you know, Mr. Rhoa asked you some questions</p> <p>2 about Reddy Exhibit 1 having to do the fact that there</p> <p>3 was no path on the document, right?</p> <p>4 A. Yes.</p> <p>5 Q. And some questions about whether this --</p> <p>6 suggesting that maybe Reddy Exhibit 1 was a draft that</p> <p>7 wasn't sent because the path was not. Do you recall</p> <p>8 those questions?</p> <p>9 A. Yes.</p> <p>10 Q. If you'll look at the RFC, which is Reddy 2, in</p> <p>11 Section 2 -- 2.1, Required Header Lines --</p> <p>12 A. Right.</p> <p>13 Q. -- if Reddy Exhibit 1 was never sent, would</p> <p>14 there be other portions missing from Reddy Exhibit 1?</p> <p>15 A. Yes.</p> <p>16 Q. What would those portions be?</p> <p>17 A. Message ID, for example, and a date reference.</p> <p>18 In fact, this one has a reference here that's referring</p> <p>19 to documents from somewhere else. So all those would be</p> <p>20 missing.</p> <p>21 MR. STORM: Okay. No further questions.</p> <p>22 MR. RHOA: No more.</p>	<p style="text-align: right;">36</p> <p>1 SIGNATURE BY WITNESS</p> <p>2 I, A.L. NARASIMHA REDDY, have read the foregoing</p> <p>3 deposition and hereby affix my signature that same is</p> <p>4 true and correct, except as noted on attached sheet.</p> <p>5</p> <p>6</p> <p>7 A.L. NARASIMHA REDDY</p> <p>8 THE STATE OF _____)</p> <p>9 COUNTY OF _____)</p> <p>10 Before me, _____, on this day</p> <p>11 personally appeared A.L. NARASIMHA REDDY, known to me</p> <p>12 (or proved to me under oath or through _____</p> <p>13 (description of identity card or other document) to be</p> <p>14 the person whose name is subscribed to the foregoing</p> <p>15 instrument and acknowledged to me that they executed the</p> <p>16 same for the purposes and consideration therein</p> <p>17 expressed.</p> <p>18 Given under my hand and seal of office this</p> <p>19 _____ day of _____, 2014.</p> <p>20</p> <p>21 NOTARY PUBLIC IN AND FOR</p> <p>22 THE STATE OF TEXAS</p>
<p style="text-align: right;">35</p> <p>1 Is he going to sign or waive?</p> <p>2 MR. STORM: I think we should sign.</p> <p>3 (Proceedings concluded at 12:39 p.m.)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: right;">37</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, Gail Spurgeon, Registered Professional Reporter</p> <p>4 in and for the State of Texas, County of Dallas, the</p> <p>5 officer before whom the proceedings were taken, do</p> <p>6 hereby certify that prior to the commencement of the</p> <p>7 deposition of A.L. NARASIMHA REDDY, the witness was by</p> <p>8 me first duly sworn to testify the truth; that said</p> <p>9 deposition were taken in Stenotype notes by me on the</p> <p>10 23rd of June, 2014 at the offices of Haynes & Boone,</p> <p>11 LLP, 2505 N. Plano Road, Suite 4000, Richardson, TX</p> <p>12 75082, commencing at 12:05 p.m. and ending at 12:39 p.m.</p> <p>13 and was thereafter reduced to typewritten form under my</p> <p>14 supervision and that the foregoing pages 1-32 constitute</p> <p>15 a true and accurate record of the said witness.</p> <p>16</p> <p>17 I further certify that present on behalf of the</p> <p>18 Patent Owner, PersonalWeb Technologies, LLC was Joseph</p> <p>19 A. Rhoa, Esq. of Nixon & Vanderhye, P.C. and present on</p> <p>20 behalf of the Petitioner, Rackspace US, Inc. and</p> <p>21 Rackspace Hosting, Inc. were Raghav Bajaj, Esq. of</p> <p>22 Haynes & Boone, LLP and Paul V. Storm of Gardere.</p> <p>I further certify that the original deposition will be transmitted to counsel for Rackspace US, Inc. and Rackspace Hosting, Inc. for transmission to A.L. Narasimha Reddy for reading and execution.</p> <p>I further certify that I am not related to, nor associated with any of the parties or their attorneys, nor do I have any disqualifying interest, personal or financial in the actions within.</p> <p>Dated this 23rd day of June 2014 at Dallas County, Texas.</p> <p>19</p> <p>20 GAIL SPURGEON</p> <p>21 Texas CSR 1718</p> <p>22 Expiration Date: 12/5</p>

1 SIGNATURE BY WITNESS

2 I, A.L. NARASIMHA REDDY, have read the foregoing
3 deposition and hereby affix my signature that same is
4 true and correct, except as noted on attached sheet.

5

6 A. L. Narasimha Reddy

7 A.L. NARASIMHA REDDY

8 THE STATE OF _____)

9 COUNTY OF _____)

10 Before me, _____, on this day
11 personally appeared A.L. NARASIMHA REDDY, known to me
12 (or proved to me under oath or through _____
13 (description of identity card or other document) to be
14 the person whose name is subscribed to the foregoing
15 instrument and acknowledged to me that they executed the
16 same for the purposes and consideration therein
17 expressed.

18 Given under my hand and seal of office this
19 _____ day of _____, 2014.

20

21 _____
NOTARY PUBLIC IN AND FOR

22 THE STATE OF TEXAS

Errata

Page	Line	Now Reads	Should Read	Reason
14	1	Export	Expert	Misheard
15	14	Tio	Theo	Misheard
28	7	^ it's	if	Misheard