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2 UNITED STATES PATENT AND TRADEMARK OFFICE
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD
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7 FACEBOOK, INC.,)
8)
9 Petitioner,) IPR2014-00415
10)
11 vs.) Patent 6,415,316
12)
13 REMBRANDT SOCIAL MEDIA, L.P.,)
14)
15 Patent Owner.)
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14 DEPOSITION OF MARK T. JONES, PH.D.

16 January 16, 2015

18 Fish & Richardson
19 1180 Peachtree Street, NE
20 21st Floor
21 Atlanta, Georgia
22

23 Reported By:
24 Sharon A. Gabrielli, CCR B-2002, RPR
25 JOB NO. 89357

1 MARK T. JONES, Ph.D.

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4
5 January 16, 2015

6 1:00 p.m.

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9 Deposition of MARK T. JONES, Ph.D., held
10 at the offices of Fish & Richardson,
11 1180 Peachtree Street, NE, 21st Floor,
12 Atlanta, Georgia, pursuant to Agreement before
13 Sharon A. Gabrielli, a Certified Court Reporter in
14 the State of Georgia.

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MARK T. JONES, Ph.D.

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MARK T. JONES, Ph.D.

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1 MARK T. JONES, Ph.D.

2 (WHEREUPON, Exhibit 1, Exhibit 2, Exhibit 3, and
3 Exhibit 4 were marked for identification.)

4 MARK T. JONES, Ph.D.,

5 having been first duly sworn, was deposed and testified
6 as follows:

7 EXAMINATION

8 BY MR. MACE:

9 Q All right. Good afternoon, Dr. Jones, on the
10 east coast.

11 The court reporter placed in front of you
12 four exhibits. I'd just like to confirm that Exhibit 1
13 is a complete copy of the '316 patent?

14 A Yes.

15 Q Okay. And Exhibit 2 is a complete copy of
16 the Salas reference?

17 A Yes.

18 Q Okay. And Exhibit 3 is a complete copy of
19 the Parker reference?

20 A Yes.

21 Q Okay. And the last exhibit, Exhibit 4, is a
22 complete copy of the declaration that you submitted in
23 this IPR?

24 A Yes.

25 Q So let's actually start with your

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2 declaration, Exhibit 4. If you could turn with me to
3 paragraph 26.

4 A I'm there.

5 Q Okay. It looks like you're citing the Salas
6 reference. You say -- I'll just read it into the
7 record.

8 THE COURT REPORTER: I'm having trouble
9 hearing him. I'm sorry.
10 (Whereupon, there was a discussion off the record.)

11 Q (BY MR. MACE) So you have excerpted Salas,
12 and I'll read this excerpt in the record. You write,
13 "The client work station 12' uses project data received
14 from the server 14 in combination with one or more
15 template files to create and display to the user of the
16 client workstation a private, secure collection of HTML
17 pages that provide a virtual workroom for members of a
18 team." Did I read that accurately?

19 A I believe so, yes.

20 Q I didn't hear your response. Is the
21 microphone muted?

22 A Can you hear this?

23 MR. WEINSTEIN: Yeah, the microphone is
24 muted.

25 MR. MACE: Can you guys hear us?

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2 (Whereupon, there was a discussion off the record.)

3 Q (BY MR. MACE) I'll repeat the question.

4 Did I read that excerpt accurately?

5 A I believe so, yes.

6 Q So do you agree that an eRoom includes a
7 collection of Web pages?

8 A It at least includes a page that's a rendered
9 page of the eRoom as shown in figure 4.

10 Q Okay. And an eRoom Web page is generated by
11 combining project data and template files at the user
12 system, right?

13 A Yes, I believe so.

14 Q Okay. Now, let's turn to your declaration
15 paragraph 27.

16 A Okay.

17 Q Now, I'll read that paragraph into the
18 record. It says, "Permission to enter the eRoom itself
19 is checked by comparing the user's name or
20 authentication context in a database table to determine
21 if the user is on the list of members of that
22 particular eRoom." Did I read that sentence
23 accurately?

24 A Yes.

25 Q So a user must be authorized in order to view

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2 an eRoom Web page, correct?

3 A Yes.

4 Q Okay. So let's turn to paragraph 28 of your
5 declaration, the second sentence. I'll read that into
6 the record. "As described in figure 5 and the
7 associated discussion in the specification, the
8 information (data objects) required to build and render
9 an eRoom page is not returned in a single HTTP response
10 from the server."

11 And then later in that paragraph, there's a
12 sentence that begins, "For every HTTP query, the server
13 has to ensure that the client has the appropriate
14 access rights for the requested data objects or a
15 file." Did I read those sentences accurately?

16 A Yes.

17 Q Okay. So in your understanding of Salas, the
18 determination as to whether a user is permitted to view
19 particular content in an eRoom is made at the server,
20 correct?

21 A Yes.

22 Q Okay. And if -- turning to footnote 1 of
23 paragraph 28, I'll read this into the record, "The
24 client does not receive any data objects or files for
25 which it does not have the appropriate access rights."

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2 Did I read that footnote correctly?

3 A Yes.

4 Q So in Salas, it's the server, not the user
5 system that uses authorization information to select
6 the content for an eRoom page, correct?

7 A It's the server that uses access information
8 to determine whether a user can see particular
9 information.

10 Q Okay. So in Salas, when the user system is
11 assembling an eRoom page, the user system isn't
12 filtering out any content based on user authentication
13 information, correct?

14 A That's correct.

15 Q And this differs from the '316 patent, which
16 teaches that it's the user system and -- and not the
17 server that determines what content data to combine
18 with page design; is that right?

19 MR. GOETZ: Objection to form.

20 THE WITNESS: The '316 has an embodiment
21 in which the client does the filtering. I
22 don't believe it teaches that the server
23 can't or doesn't do it.

24 Q (BY MR. MACE) Okay. So let's turn to
25 Exhibit 1, which is the '316 patent.

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2 A I'm there.

3 Q Do you have it?

4 A Yes.

5 Q And let's go to -- let's turn to claim 1 of
6 Exhibit 1, the '316 patent.

7 A I'm there.

8 Q Okay. And there's a limitation that reads,
9 "Assembling the cohesive diary page by dynamically
10 combining the content data and the page design in
11 accordance with the configuration information for the
12 cohesive diary page to be displayed by the diary
13 program running in the browser." Did I read that
14 limitation correctly?

15 A Yes.

16 Q And so my question is, what's your
17 understanding of the phrase "in accordance with the
18 configuration information"?

19 A That the -- that the dynamic assembly of the
20 content and page design is -- is done as directed or
21 specified or really according to the way it says in the
22 configuration information.

23 Q In order for the page design and content data
24 to be assembled in accordance with the configuration
25 information, does the privacy-level information have to

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2 be used at the user system filter content data that's
3 displayed?

4 MR. GOETZ: Objection to form.

5 THE WITNESS: I'm sorry. Can you ask
6 one more time, please?

7 Q (BY MR. MACE) In order to combine --
8 according to claim 1, in your opinion, in order to the
9 combine the content data and the page design in
10 accordance with configuration information, how, if at
11 all, is the privacy-level information used at the
12 client system?

13 MR. GOETZ: Objection to form,
14 incomplete hypothetical, outside the scope.

15 THE WITNESS: For this step, I don't see
16 that the privacy-level information has to
17 be -- or it just -- the dynamic assembly just
18 has to be in accordance with the
19 configuration information. I don't see that
20 it has to be in accordance with the
21 privacy-level information.

22 Q (BY MR. MACE) Does the language of claim --
23 I'll repeat the question because there is some
24 feedback.

25 Does the language of claim 1 impose any

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2 requirement that the user system use the privacy
3 information to determine what content, if any, the user
4 is permitted to see?

5 MR. GOETZ: Same objections.

6 THE WITNESS: No, I don't believe it
7 does.

8 Q (BY MR. MACE) Okay. I'd like to turn to a
9 different topic and ask you a few questions about
10 access privileges.

11 I assume, based on your qualifications and
12 experience as listed in your declaration, that you have
13 experience with the Linux operating system --

14 A Yes, I do.

15 Q -- is that correct?

16 A Yes.

17 Q Okay. And you also have experience with the
18 UNIX operating system?

19 A Yes.

20 Q So is it your understanding that both of
21 those operating systems include functionality to
22 specify user access privileges for files and folders?

23 A Yes.

24 Q And what's your understanding of what access
25 privileges are?

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2 A Typically describe whether -- the kinds of
3 access that a user could have; for example, a read
4 access, a write access, an execute access would be
5 examples of the types of access that would be
6 described.

7 Q Okay. So for example, for a particular user,
8 a file can be read only, correct?

9 A Yes.

10 Q And what does it mean for a file to be read
11 only?

12 A It means the user can only read the
13 information in the file or a program acting on the
14 user's behalf could only access that information and --
15 but it would not allow that user to modify the
16 information in that file or including add new
17 information to it.

18 Q Okay. And it's also possible that for a
19 particular -- for a particular user, a file can be
20 rewrite, correct?

21 A Yes.

22 Q And what's your understanding of what it
23 means for a file to be rewrite?

24 A Well, in order to be able to read
25 information, the user can write information to the file

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2 which could be overwriting existing information or
3 adding to the information in the file.

4 Q Okay. And it's the operating system that
5 enforces these access privileges, correct?

6 MR. GOETZ: Objection to form.

7 THE WITNESS: It's the file system that
8 does that.

9 Q (BY MR. MACE) And so -- but it's the file
10 system on the user's computer, correct?

11 A It depends on where the files are.

12 Q So if the files are on the user's computer,
13 the file system on the user's computer enforces the
14 access privileges?

15 A Yes. The files are -- if the -- if the file
16 service is -- for the files that the user is accessing
17 is on the user's computer, then it will be enforcing
18 those privileges.

19 Q Okay. So I'd like to talk to you now about
20 the Parker reference, which is Exhibit 3.

21 A I have that.

22 Q Okay. I'm also going to refer to your
23 declaration, so make sure you have that, too.

24 A I have it.

25 Q Okay. Can you turn to paragraph 63 of your

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2 declaration and let me know when you have it?

3 A I'm there.

4 Q Okay. So I'll read paragraph 63 of your
5 declaration into the record. It reads, "Parker teaches
6 an administrative application for managing access
7 controls for shared files and folders. Parker teaches
8 the use of this administrative application in
9 conjunction with traditional file services operating on
10 traditional servers." Did I read that paragraph
11 correctly?

12 A Yes.

13 Q And paragraph 64 reads, in part, "The
14 administrative application of Parker is an application
15 that is running on a computer in communication with a
16 server via file service communication protocol." Did I
17 read that correctly?

18 A Yes.

19 Q So is it your understanding that Parker
20 discloses a program that displays access privilege
21 information for files and folders?

22 MR. GOETZ: Objection to form.

23 THE WITNESS: Yes, it will do that.

24 Q (BY MR. MACE) Okay. And the files and
25 folders that the program displays can be stored on

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2 computers connected to the program over a network,
3 correct?

4 A I'm sorry. Can you ask that again, please?

5 Q Sure.

6 The files and folders that the Parker program
7 can display can be stored on computers connected to the
8 program over a network, correct?

9 MR. GOETZ: Objection to form.

10 THE WITNESS: It's -- I don't -- I don't
11 believe it's displaying the files. It's -- I
12 think maybe you're asking different
13 questions. This is -- it will show you, for
14 example, the names, but it's not going to
15 show you the file itself.

16 Q (BY MR. MACE) Okay. Great.

17 So Parker will display file information about
18 files and folders stored on computers connected to the
19 program over a network?

20 MR. GOETZ: Objection to form.

21 THE WITNESS: I guess I'm not parsing
22 your sentence correctly. The -- the program
23 is capable of communicating with a file
24 server and getting information about files
25 and folders from that file server.

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2 Q (BY MR. MACE) And then the Parker program
3 displays that information?

4 MR. GOETZ: Objection to form.

5 THE WITNESS: It will display
6 information regarding the name of the file,
7 and it will display the privileges associated
8 with the file.

9 Q (BY MR. MACE) Can you turn to figure 7 of
10 the Parker reference?

11 A And going back to my previous answer, I'm
12 just looking to the figures. I'd actually have to go
13 back and check to make sure it shows for files. I see
14 it's showing information for folders. I would have to
15 check back and see whether it displays information for
16 files or not.

17 But I'm at figure 7.

18 Q Okay. Let's -- I guess we can just address
19 that file issue first.

20 A Yes.

21 Q If you turn with me to column 7.

22 A I'm there.

23 Q Okay. The paragraph that begins at line 66,
24 and I'll just read that into the record. It says,
25 "Although not shown in figure 4, the network

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2 administrator may also enter a particular user's or
3 group's name into View-As pop-up 402 to view the same
4 volumes, folders, and files but from that user's or
5 group's perspective; i.e., according to that user's or
6 group's access privilege." Do you see that?

7 A Yes, I do.

8 Q Does that sentence inform your understanding
9 as to whether the Parker program will display access
10 information about files as well as folders?

11 MR. GOETZ: Objection to form.

12 THE WITNESS: I believe it would, but I
13 would have to go -- I mean, showing things
14 from the user's perspective, and those things
15 include files, I would have to go back and
16 see whether it displays the access privilege
17 for particular files or not. But it -- it is
18 at least going to display the -- I would
19 assume the name of the files.

20 Q (BY MR. MACE) All right. Let's turn back to
21 figure 7.

22 A I'm there.

23 Q Okay. Figure 7 is a depiction of the
24 program's interface, correct?

25 A Yes.

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2 Q And do you see item 483, which points to
3 "View as User C"?

4 A I do.

5 Q What does item 483 represent?

6 A It's indicating that the administrator has
7 specified that he wants to view a -- this -- the
8 information here -- and I have to go back and look and
9 see whether this is a -- I think perhaps a listing of
10 share points, but he's viewing -- indicating that he
11 wants to view it from the perspective of the access
12 privileges of User C.

13 Q And do you see an item 487, which appears to
14 be an unlocked locked icon?

15 A I do.

16 Q What's your understanding of what that icon
17 represents?

18 A It reflects particular access privileges that
19 I believe User C has with respect to test folder-1,
20 item 417.

21 Q And do you see item 419?

22 A I do.

23 Q And that's a representation of a folder
24 showing a ghosted state, correct?

25 A Yes.

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2 Q And what's your understanding of what the
3 ghosting represents?

4 A That User C has no access to test folder-2.

5 Q And next to test folder-2, there's an item
6 488, which appears to be a locked icon, correct?

7 A Yes.

8 Q What's your understanding of what that icon
9 represents?

10 A It indicates no access privileges.

11 Q Okay. So in order to display the file
12 information that we see in figure 7, the program needs
13 access privilege information for those files, correct?

14 MR. GOETZ: Objection to form.

15 THE WITNESS: It -- no, it can just ask
16 the server whether or not that user has
17 access privileges.

18 Q (BY MR. MACE) Okay. But if it asks the
19 server for access privileges, the server is going to
20 return access privileges to the user system, correct?

21 MR. GOETZ: Objection to form.

22 THE WITNESS: It can merely indicate
23 that the user doesn't have access privileges.

24 Q (BY MR. MACE) And the server can also
25 indicate that the user does have access privileges,

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2 correct?

3 A Yes. For example, you could -- the client
4 could ask the server if that user has read privileges,
5 and the server could answer yes or no.

6 Q Okay. So figure 7 shows how information
7 about the folders depicted there will appear on the
8 user system of User C, correct?

9 MR. GOETZ: Objection to form.

10 THE WITNESS: I believe they're showing
11 the -- no, this is showing the administrative
12 interface that's taught by Parker and -- and
13 how it appears.

14 Q (BY MR. MACE) But Parker is -- but figure 7
15 is showing how the folders would be presented to User
16 C, correct?

17 MR. GOETZ: Objection to form.

18 THE WITNESS: No. They're showing the
19 administrator the privileges for User C
20 within this administrator program for setting
21 and displaying privilege -- privilege
22 information on share points.

23 Q (BY MR. MACE) Okay. So in order for the
24 application to create the type of folder that's shown
25 in figure 7, the user system needs to have the access

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2 privilege information that's being displayed, correct?

3 MR. GOETZ: Objection to form.

4 THE WITNESS: It has to ask the server
5 about the access of User C.

6 Q (BY MR. MACE) And the server has to tell the
7 user system what those access privileges are?

8 MR. GOETZ: Objection to form.

9 THE WITNESS: I don't know that it's
10 a -- necessarily a user system. It's just a
11 system -- this is just the administrator's
12 program running wherever it's running, but
13 that program has to be told or has to ask the
14 server, for example, does this user have read
15 privilege, does this user have write
16 privileges with respect to these folders.

17 Q (BY MR. MACE) So the application needs to
18 have the access privilege information that's being
19 displayed?

20 A It at least has to -- after asking the
21 server, it has to know whether or not, for example, to
22 display the lock and unlock that the user has access
23 privileges to test folder-1 and User C has no access
24 privileges to test folder-2.

25 Q So the application, in order to display the

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2 icons, needs to have the information sent from the
3 server, correct?

4 MR. GOETZ: Objection to form.

5 THE WITNESS: It needs to have received
6 the answers, for example, from the server of
7 whether test -- whether the User C has access
8 privileges to test folder-1, and in this
9 case, that -- the user doesn't have access
10 privileges to test folder-2; and then based
11 on that, would determine whether to display
12 the unlock or lock icon.

13 Q (BY MR. MACE) So the application sees
14 information regarding access privileges from the server
15 in order to display the icon information?

16 MR. GOETZ: Objection to form.

17 THE WITNESS: It at least receives the
18 answers that I describe, yes.

19 MR. MACE: John, we'd like to take a
20 five-minute break. I think we might actually
21 be done. We just want to talk for five
22 minutes.

23 MR. GOETZ: Okay. Sounds good.

24 (Whereupon, there was a brief recess.)

25 MR. MACE: Okay. Well, we don't have

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any further questions. So I guess,
Dr. Jones, from one Duke alum to another,
thanks very much for your time and I hope you
have a great weekend.

THE WITNESS: Thank you. You, too.

(Deposition concluded at 1:46 p.m.)

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MARK T. JONES, Ph.D.

DATED this ____ day of _____, 20 __ ,
at _____, _____ .

MARK T. JONES, Ph.D.

C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I, SHARON A. GABRIELLI, HEREBY CERTIFY that the foregoing deposition was taken down by me in stenotype, and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the testimony given by said witness.

I FURTHER CERTIFY that I am not kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in any way financially interested in the result of said case.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of January, 2015

SHARON A. GABRIELLI, RPR

CCR-B-2002

MARK T. JONES, Ph.D.

E R R A T A S H E E T

Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e) any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

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Signature of Deponent

Sworn to and Subscribed before me
_____, Notary Public.

This_____ day of _____, _____.

My Commission Expires: