

FACEBOOK INC.,)
)
 Petitioner,)
)
 vs.) Inter Partes Review
)
 REMBRANDT SOCIAL) No. 2014-00415
)
 MEDIA, LP,)
)
 Patent Owner.)
)
 -----)

VIDEOTAPED DEPOSITION OF EDWARD R. TITTEL
PALO ALTO, CALIFORNIA
FRIDAY, OCTOBER 3, 2014

Yvonne Fennelly, CCRR, CLR, CSR No. 5495

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OCTOBER 3, 2014

9:10 A.M.

Videotaped deposition of EDWARD R. TITTEL,
held at the offices of COOLEY, LLP, 3175 Hanover
Street, Palo Alto, California, before Yvonne
Fennelly, CCRR, CLR, CSR 5495.

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2

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25

1 Palo Alto, California

2 Friday, October 3, 2014

3 - - -

4 (Document(s) respectively marked
5 Exhibit 1, Exhibit 2, Exhibit 3
6 and Exhibit 4 for identification.)

7 THE VIDEOGRAPHER: Good morning. We are on
8 the video record at 9:10 a.m.

9 My name is Alan Dias from Sound Deposition
10 Services in Long Beach, California.

11 Today's October 3rd, 2014.

12 We are located at 3175 Hanover Street, in
13 the city of Palo Alto, California.

14 Counsel, would you please identify yourself
15 and your clients.

16 MR. HILLMAN: Bob Hillman for the patent
17 owner.

18 MR. GOETZ: John Goetz, Fish & Richardson,
19 also for the patent owner.

20 MR. WEINSTEIN: Mark Weinstein of Cooley,
21 LLP, for the petitioner.

22 MS. PRITCHARD: Erin Pritchard of Cooley,
23 LLP, for the petitioner.

24 MR. WEINSTEIN: And also in the room is
25 Andrew Mace.

1 THE VIDEOGRAPHER: This is a matter pending
2 before the United States Patent & Trademark Office,
3 Inter Partes Review No. 201-00415.

4 Will the court reporter please swear in the
5 witness.

6 EDWARD R. TITTEL,
7 having been first duly sworn was
8 examined and testified as follows:

9 - - -

10 THE VIDEOGRAPHER: You may proceed.

11 EXAMINATION

12 BY MR. HILLMAN:

13 Q. Good morning, sir.

14 A. Good morning, Mr. Hillman.

15 Q. Could you take a look at Exhibit No. 1,
16 which is the '316 patent at issue here?

17 A. Yes, sir.

18 Q. And turn to Column 9?

19 A. Yes, sir.

20 Q. And starting at line 2, I'll read this
21 sentence, "The configuration information, such as
22 privacy level, passwords, or the full name of the
23 user, is user specific."

24 Do you see that?

25 A. Yes, sir, I do.

1 Q. So do you agree that configuration
2 information has some subsets of types of information
3 and this sentence lists three of those subsets,
4 privacy level, passwords, and the full name of the
5 user?

6 MR. WEINSTEIN: Object to the form.
7 You can answer.

8 THE WITNESS: Oh, I agree that the terms
9 privacy legal, passwords, and full name of the user
10 are both mentioned and indicated to be user
11 specific, but I don't see any mention of the word
12 subset in this sentence.

13 BY MR. HILLMAN:

14 Q. Okay.
15 Configuration information includes things
16 besides privacy level.

17 Do you agree with that?

18 A. The sentence also mentions passwords and
19 full name of the user, so, yes, I do.

20 Q. Okay.
21 And what is your understanding of the
22 difference between privacy level and passwords?

23 MR. WEINSTEIN: Object to the form.
24 You can answer.

25 THE WITNESS: I'd like to look at my

1 report, if I could, please.

2 BY MR. HILLMAN:

3 Q. Please, go ahead.

4 A. And refer to the discussion of privacy
5 level. I don't actually believe that the term
6 password occurs in that report.

7 Q. It may not, but I'm asking you the
8 question, anyway.

9 A. Oh, I understand, sir, I'm just trying to
10 put things in context. I apologize if I'm in error
11 in any way here.

12 Do you mind if I refer to my report, which
13 is tabbed so that I can get to the information?

14 Q. You can refer to whatever is going to be
15 most convenient for you.

16 A. Thank you very much.

17 My understanding of privacy level
18 information is information that is used to determine
19 whether or not a user may access or view content on
20 a diary page.

21 My understanding, a password would be based
22 on the common understanding of the term in the art
23 which would be a string of characters that is used
24 to provide proof of identity so that someone can
25 present the password as a credential and use it to

1 either be granted or denied, permission typically to
2 log in to a system or perhaps to access some kind of
3 protected resource.

4 Q. And so take a look at Column 10 of the '316
5 patent, please.

6 A. Yes, sir. What column -- I mean, what row
7 would you like me to look at?

8 Q. The sentence that begins at line 37,
9 "Window 450 allows a user of the diary to set a
10 privacy level."

11 A. Yes, sir.

12 Q. "At which the diary is operating of."
13 And then it gives some examples?

14 A. Correct.

15 Q. "World, friend, close friend, best friend,
16 and owner."

17 Do you see that?

18 A. Yes, sir, I do.

19 Q. So what is your understanding of the sense
20 in which, let's say, friend is a privacy level.

21 How does that operate as a privacy level?

22 MR. WEINSTEIN: Object to the form.

23 THE WITNESS: I'm -- I'm trying to find the
24 reference in the figures where the callout for the
25 number 450 appears.

1 If you happen to know what that was, you
2 could save me the time of looking for it, but I'll
3 be happy to --

4 BY MR. HILLMAN:

5 Q. I think it's in Figure 4D.

6 A. B as in boy, or D as in dog?

7 Q. Dog.

8 A. Thank you, sir.

9 Yes, sir, if you take a look at that
10 figure, 4D, it shows a number of different little
11 bubbles at the top of the figure there where the
12 number of heads in the bubble apparently corresponds
13 to different levels of relationship between the
14 principal and -- or the person who's setting the
15 privacy level and target for such a setting.

16 Q. Uh-huh.

17 What do you understand the word "level" to
18 imply?

19 A. I understand the word "level" to mean that
20 there are different gradations of privacy level that
21 can be selected by the user.

22 Q. And each gradation is a group of different
23 people?

24 A. Well, in the most literal way of answering
25 your question, each one of those little bubbles

1 there would represent a different gradation, and we
2 start off on the left-hand side with a symbol for
3 the world, which I would presume to mean everyone in
4 the world, and then we have another level where we
5 have four heads, which in looking at the language of
6 the patent, I would guess would mean friend, and
7 then the bubble with three heads would be the close
8 friend, and the bubble with two heads would be best
9 friend, and then the bubble with the head facing the
10 other way, I believe refers to the owner himself or
11 herself, as the case may be.

12 Q. So the owner level would have just one
13 person in it, which would be the owner himself;
14 right?

15 A. That is the implication of both the
16 singular tense for the word "owner" and the visual
17 representation that appears in Figure 4D.

18 Q. Right.

19 Now, the friend level could have many
20 members or that could also have a single member,
21 couldn't it, if there was only one friend?

22 MR. WEINSTEIN: Object to the form.

23 BY MR. HILLMAN:

24 Q. Do you agree?

25 A. There is nothing in the language of the

1 patent that ascribes a level of number to the
2 individual level, so I believe that it's probably
3 best interpreted as one or more in -- in all of
4 those cases.

5 Q. Yeah.

6 A. It would be a small world, but presumably,
7 one could even have a world of one as well.

8 Q. Not in today's world; right?

9 A. Yes, sir.

10 Q. Let's hope we don't get there.

11 I'd like to --

12 MR. HILLMAN: John, could you pull out the
13 copies of this? I have one more document that I'd
14 like to mark just for our convenience.

15 MR. GOETZ: Okay.

16 MR. HILLMAN: If you could do this as
17 Exhibit 5, please.

18 (Document marked Exhibit 5
19 for identification.)

20 BY MR. HILLMAN:

21 Q. So what I've done, I've made up this
22 Exhibit 5, sir, and I've just reproduced Claim 1 at
23 the top and then the competing proposals for the
24 construction of the privacy level down at the
25 bottom, just for convenience so that we don't have

1 to dig them out of the other papers.

2 A. Yes, sir.

3 Q. Okay.

4 So have you gone over these different
5 proposals for the interpretation of privacy level
6 information?

7 A. Yes, sir, I have.

8 Q. Okay.

9 And you see that they all talk about
10 permission to view particular content on a cohesive
11 diary page; right?

12 A. Yes. In fact, the language looks like it's
13 identical in all three versions.

14 Q. Right. Okay.

15 So the content on a cohesive diary page
16 refers back to the claim and is talking about
17 content that is combined with the page design to
18 create the cohesive diary page; is that correct?

19 A. The language of the patent is that content
20 data and a page design to specify its presentation
21 are all included in the sending clause as well as in
22 the assembling clause.

23 Q. Right.

24 So the content that we're talking about in
25 these claim constructions is the content that is

1 combined with page design to assemble the cohesive
2 diary page; correct?

3 A. Yes.

4 Q. Okay. All right.

5 So if we could now turn to the Salas
6 reference which is Exhibit 2 in front of you.

7 A. Okay.

8 Q. So if you could, look at Figure 4 of Salas,
9 please.

10 A. Quite happily, sir. Thank you.

11 Q. And Figure 4 has this section, 408, that
12 has a bunch of icons in it?

13 A. Yes, sir.

14 Q. And then Figure 4 also has this Section 420
15 that has announcements in it; right?

16 A. Yes, sir.

17 Q. And the content that you have been, and I'm
18 putting that word "content" or "content data" in
19 quotes, that you rely on in your opinions, in your
20 report, consists of those icons and the
21 announcements; is that correct?

22 A. The -- those icons appear inside the eRoom
23 area that is labeled with 408. Those icons actually
24 are graphical representations that go along the
25 words underneath them, to wit, brainstorming with a

1 folder icon above it, press notes with a document
2 icon above it, budget projections with an Excel
3 spreadsheet icon above it, and StaffPlan with a
4 Microsoft Word icon above it, and these are
5 representations of the content in that area of the
6 page, but the names of the labeled icons represent,
7 to my way of thinking, more of the content than the
8 icons which simply indicate what type of object
9 we've got showing there on the page.

10 Q. Okay.

11 So the icons and the names underneath --

12 A. Yes, sir.

13 Q. -- would be one example of content that
14 you're relying on in your opinion?

15 A. Yes, it would.

16 Q. And the announcements in the Section 420 is
17 another example of content that you're relying on in
18 your opinion?

19 A. Yes, that's correct.

20 Q. And that's all the content that you're
21 relying on in your opinion; correct?

22 A. There is other material on the page that
23 could also constitute content, and that is, we are
24 working in, for example, in the pane area of the
25 webpage that's labeled 408, which is called the

1 eRoom area. Also, we see there are other buttons
2 down below at the lower right.

3 Q. Uh-huh.

4 A. Notice that there is a box around the
5 folder item down there at the lower right. There is
6 also an item labeled No. 496 that has some little
7 boxes and lines next to it, which is an icon view
8 of, or a more expanded view of the elements in --
9 currently on display in the time -- in the pane,
10 rather, through the folder view. And then at the
11 very far right, we also have what's called a detail
12 or list view of the elements that are currently on
13 display in the folder view.

14 Now, there is more data at which would
15 constitute content for the purposes of our
16 discussion that is associated with those names that
17 appear inside the eRoom pane there than is actually
18 showing in that particular display. And -- and if
19 one were to click different buttons in that
20 interface, additional items of information would
21 show up, and that -- that also represents content.

22 Q. Which buttons are you talking about
23 clicking, the ones in the lower right-hand corner?

24 A. The ones labeled 496 and 498, to be very
25 specific.

1 Q. Okay.

2 So button 494 has been clicked on?

3 A. Yes. That's the one that's currently
4 selected.

5 Q. Right.

6 So if you clicked 496, you'd get a somewhat
7 different presentation?

8 A. Yes, sir.

9 It -- what you would see would be all those
10 icons over there on the left-hand side of the pane
11 and then you would see some textual information to
12 the right of each icon.

13 Q. Right.

14 A. And then in 498, you would see no icons but
15 would instead see a listing of the names of those
16 items plus additional information about their
17 attributes.

18 Q. And all of that information would be
19 displayed on the page?

20 A. Yes, it would, sir.

21 Q. Right.

22 A. And that -- that's why I say it represents
23 a form of content.

24 Q. Yes.

25 Is there anything else that you're relying

1 on as content that we haven't discussed?

2 A. It's an interesting question to answer as
3 to whether or not the item pointed to by the 406
4 value over there at the upper right above the eRoom
5 pane, whether that actually represents content or
6 not, but the -- the names and information that are
7 derived from the content of the eRoom pane and the
8 announcement text down below represent what I would
9 characterize as the majority, the vast majority, in
10 fact, of the content showing on that page.

11 Q. Okay.

12 In your opinion, did you rely on that 406
13 thing?

14 A. I do make mention of it at several places
15 in the report.

16 Q. I see. Okay.

17 Besides the things that we either see in
18 Figure 4 as it is now or would see on the page if we
19 were to have clicked on 496 or 498, is there
20 anything else that you rely on as content for your
21 opinion?

22 A. There is information that shows elsewhere
23 in the page such as, for example, the labels for the
24 instinctive to and the project notes and the eRoom
25 created by owner on a certain date, that from an

1 HTML perspective, when the page gets rendered would
2 represent content. So it's -- it's kind of an
3 interesting question to answer.

4 Q. Okay.

5 You've mentioned those things. Is there
6 anything else that you rely on as content?

7 A. Each one of those labeled items in the
8 eRoom box, No. 408, Item 482, 486, 488, and 490, are
9 actually pointers to other items. They don't
10 represent content in the sense of their internal
11 data being on display in this page, but they do
12 represent content in that a single click on any of
13 those items would allow you to drill down and to
14 load that information. So, you know, the
15 interesting thing about webpages is that we have
16 links on them, and -- and the -- and for the
17 purposes of the specific page, the -- the presence
18 of the link represents a kind of content, but in
19 terms of what that content can do, it represents
20 further content that would be available to the user
21 of that eRoom.

22 Q. But it wouldn't be displayed on the page?

23 A. No, it -- it's manifestly not present on
24 the page. Yes, that's correct.

25 Q. So the content -- so those files that you

1 could access by clicking on the icons 482, 486, 488,
2 and 490 do not represent content on the cohesive
3 diary page; correct?

4 A. On -- yes, sir. On the page that's on
5 display, that's correct.

6 Q. Okay.

7 Now, what are you relying on for the page
8 design in Salas? I'm referring to the page design
9 element of Claim 1.

10 A. Yes, sir.

11 There is a discussion in the Salas patent
12 of a number of different kinds of components, if you
13 will, that are used to create the display that is
14 shown in Figure 4 and as envisioned by the Salas
15 system. Salas mentions on Column 6, lines 44,
16 continuing on through the end of the paragraph at
17 56, the notion of control information referred to as
18 a wrapper file specifically called out in line 47.

19 And then he goes on to explain what goes
20 into a wrapper file and indicates that it's used to
21 look up information about an eRoom template to use
22 and children, that object may have such as the items
23 on display in the item box, so that -- that item
24 box 408 that we were looking at, we would have
25 obtained that information by looking at the wrapper.

1 There is also something that Salas refers
2 to as a template section, which is mentioned at
3 length starting on Column 7, line 11 of the patent
4 through Column 11, line 12, where he goes into great
5 detail about what's involved in a template in the
6 eRoom system that is used to build the content of
7 those pages.

8 And in the interest of brevity, I might
9 summarize to explain that if you refer back to
10 Figure 4, you will see a number of items in that
11 navigation bar, you will see a layout of the page
12 where we've got what he calls the shortcut area of
13 410 over on the left-hand side of the page. We've
14 got various icons and buttons and information that
15 describe particular kinds and placements and
16 formatting for various elements on the page such as
17 the instinctive to and the project notes and the
18 eRoom created by Glenn McDonald on 5 May '97 above
19 the item box there. All of these things come from
20 the template and work in conjunction with something
21 that he calls replace properties that are read at
22 the time that the page builder application is
23 putting that page together.

24 So that what we might actually see in the
25 template is something like, referring back to Figure

1 4, where we see an eRoom created by Glenn McDonald
2 on 5 May '97, again, I'm going to simplify it for
3 the interest of brevity, but the actual text that
4 might appear in the template would be an eRoom
5 created by dollar owner on dollar creation date, or
6 something like that.

7 So essentially, what we're doing is we're
8 telling the page layout where that information has
9 to go and we're waiting for a database lookup as
10 we're getting ready to render that page to plug in
11 those values that will change from page to page.

12 Q. Okay.

13 So is it basically the case that the page
14 design tells you where you're going to put, for
15 example, these icons, 482, 486, 488, and 490, on the
16 page, is just one example?

17 A. Yes. There are settings in the template
18 that control where things go and what they look
19 like.

20 Q. Right.

21 And what does it mean in the claim, in your
22 view, to dynamically combine the content data and
23 the page design?

24 MR. WEINSTEIN: Object to the form.

25 BY MR. HILLMAN:

1 Q. And let me re-ask that question --

2 A. Certainly.

3 Q. -- to make it simpler.

4 I want you to focus on the words combining
5 the content data and the page design, and tell me
6 what you think it means to combine the content data
7 and the page design.

8 A. Well, if you -- forgive me for requesting
9 that we leave the word "dynamic" in there, I believe
10 that dynamically combined means that as the page is
11 being processed, that that information that is
12 delivered along as part of the content for the page
13 and information that comes from the page design are
14 interwoven with one another and the page design is
15 used to control the presentation and the positioning
16 of the content elements on the page, and that's what
17 the combination means, that we have information that
18 needs to appear on the page and then we have
19 information that describes what it's supposed to
20 look like and where it's supposed to go, and as the
21 page is being finalized to -- for display, those
22 things come together and cooperate to produce what
23 appears on the screen.

24 Q. Okay.

25 Now, the actual files that 482, 486, and

1 488 and 490 would lead you to if you clicked on
2 those icons, those files are not combined with the
3 page design in Salas. Do you agree?

4 A. The -- there are links to those files in --
5 in that, but the contents of those files are not
6 combined.

7 Q. Okay. Okay.

8 So if you could now, in the Salas patent,
9 take a look at Column 13.

10 A. Yes, sir.

11 Q. Lines 54 and 55.

12 A. Yes, sir.

13 Q. Do you see the reference to access
14 information such as which users may open, view, and
15 edit the file?

16 A. Yes, sir.

17 Q. You see that?

18 That word "file" is referring to the files
19 that you could -- that you're linked to by the icons
20 in Figure 4; is that correct?

21 A. Yes, with one interesting exception, and
22 that is that the contents of the brainstorm
23 folder -- never mind. I withdraw my remark. I'm
24 sorry.

25 Q. So the answer is yes?

1 A. Yes. The answer is yes.

2 Q. Okay.

3 And that access information has no bearing
4 on what one would see on the cohesive diary page
5 itself. Do you agree with that?

6 MR. WEINSTEIN: Object to the form.

7 You can answer.

8 THE WITNESS: Could you rephrase the
9 question? I'm not sure I understood you, sir.

10 MR. HILLMAN: Let me ask the reporter to
11 just read it back in case it's clear to you, and
12 then if not, I'll try to rephrase it.

13 THE WITNESS: Okay.

14 (Record read.)

15 THE WITNESS: I will answer in just a
16 second.

17 BY MS. HILLMAN:

18 Q. Yes, take your time.

19 A. I want to look at the Salas information a
20 little more closely again.

21 I think Salas addresses that in -- I'm
22 sorry, I'm mistaken.

23 There's a section in the Salas patent where
24 he talks about how database schema can be used to
25 capture access control information, and I believe

1 it's relevant to your question, I'm having a little
2 trouble finding that reference right now. If you
3 don't mind, I'd like to find it before I answer the
4 question.

5 Q. I think you should.

6 A. Thank you very much, sir.

7 I thought I had marked it, but apparently I
8 did not or I can't find it.

9 I know how to find it. I know how to find
10 it. Here we go.

11 THE WITNESS: May we take a short break so
12 I can get a glass of water?

13 MR. HILLMAN: Certainly.

14 THE VIDEOGRAPHER: We're off the record at
15 9:49 a.m.

16 (Recess taken.)

17 THE VIDEOGRAPHER: We are back on the
18 record at 9:52 a.m.

19 You may proceed.

20 BY MR. HILLMAN:

21 Q. I'm going to re-ask the question.

22 A. Perfect, yeah.

23 Q. So, again, if we look at Column 13 in
24 Salas, sir.

25 A. Yes.

1 Q. Lines 54 and 55.

2 A. Correct.

3 Q. Which refers to access information.

4 A. Yes, sir.

5 Q. And it says that it's access information
6 such as which users may open, view, and edit the
7 file.

8 So would you agree that the access
9 information that's being referred to there controls
10 who can open, view, or edit the file itself that is
11 at the end of the link from the icons in Figure 4,
12 but it doesn't control who can view what's on the
13 cohesive diary page itself?

14 Do you agree with that?

15 A. No, I do not, and I will explain why.

16 Q. Okay.

17 A. The open access write has to do with the
18 ability as to whether you can actually know that
19 something exists or not.

20 Let's assume that there is another file in
21 the instinctive to directory on the server that's
22 named X, and that the user who has requested the
23 display of this item box denoted by 408 on the
24 figure to show up in his Web browser. If that user
25 has no rights to that object, and I mean no rights

1 whatsoever, then that object, although it's resident
2 in the directory on the server, will not appear in
3 this box because essentially, if the user lacks
4 rights to open the object, he doesn't even have the
5 right to know that it exists. So that setting in
6 the parent of this page would actually affect the
7 ability of that information to either appear or not
8 appear as it moves from the server to the client.

9 Q. Let me see if I understand what you're
10 saying.

11 You're saying that -- are you saying that
12 if a user does not have the right to open the file,
13 that, for example, 482 is linked to, then the icon
14 482 won't even appear on the page?

15 A. If -- if it were the case for that
16 particular item, that is a common understanding of
17 what that access right means to a person of ordinary
18 skill in the art.

19 There are other implementations where you
20 might see different manifestations of that behavior,
21 and we'll probably talk about some of those later on
22 today.

23 Q. Okay.

24 Pardon me for being a little bit slow here,
25 but I want to make sure that I understand what

1 you're saying.

2 Are you saying that if the user, the
3 particular user doesn't have the right to open the
4 file to which icon 482 is linked, then that icon
5 will not even appear on the page?

6 A. It's possible that it might not appear on
7 the page.

8 Q. Okay.

9 Is there anywhere in Salas that he says
10 that in that situation where the user doesn't have
11 open rights, that the icon will not appear on the
12 page?

13 A. No, sir.

14 Q. Okay.

15 So I'd like you to explain, then, why
16 you're saying that the access information, referred
17 to in Column 13 at lines 54 and 55, controls what is
18 going to appear on the cohesive diary page as
19 opposed to controlling one's rights with respect to
20 the files themselves, which are not on the diary
21 page.

22 A. It comes down to an implementation
23 decision, and it's not addressed in the patent, so
24 it's probably not worth discussing in this context.

25 Q. All right.

1 So would you agree with me, then, that the
2 access information referred to in lines 54 and 55,
3 so far as we can tell from Salas, affect a user's
4 ability to open, view, or edit the files that are
5 not going to be seen on the page, but they don't
6 affect the user's ability to see what's on the page
7 itself?

8 Do you agree with that?

9 A. Could we break that up into two questions,
10 maybe? Because you asked me if I agreed with one
11 thing and --

12 Q. I'll break it up.

13 A. Okay. Thank you.

14 Q. The access information referred to in
15 Column 13, lines 54 and 55, controls a user's rights
16 with respect to opening, viewing, or editing the
17 files to which the icons in Figure 4 are linked.

18 You agree?

19 A. Yes. But what drives the appearance of
20 this page on display in Figure 4 is also such a
21 file. And our ability to view and interact with
22 that is likewise controlled by access control.

23 So it's not strictly limited to the objects
24 that appear inside 408, it's also -- it also
25 controls what -- what shows up on the whole webpage

1 there.

2 Q. Are you saying that it controls what
3 appears on the cohesive diary page?

4 A. If I don't have rights to the eRoom in
5 Salas, and he does say this clearly in the patent,
6 if I don't have rights to the eRoom, then I don't
7 get to see the eRoom.

8 Q. Okay.

9 But the access information isn't talking
10 about who has rights to the eRoom in Column 13 at
11 lines 54 and 55, does it? Isn't it talking about
12 who has the rights to --

13 A. No, sir. He's just talking about what
14 kinds of metadata may be associated with a file. I
15 mean, he says that a file -- file metadata may
16 include a bunch of attributes, that it may
17 include -- and that it may also include access
18 information. That's the context of that sentence.
19 I don't think he's necessarily describing the
20 overall behavior of the system. I think he's
21 describing the kinds of metadata that are going to
22 be stored in the headers of the files that go into
23 making up the eRoom system.

24 Q. Okay.

25 A. And that applies to the file -- I mean,

1 there is a similar file that has to be run through
2 the page builder and the wrapper and the templates
3 and all that stuff to make this page show up, and
4 that -- that file is also subject to those controls.

5 There is further discussion of the metadata
6 in Salas view on -- in Column 3, starting at line
7 62, and continuing through the end of the paragraph
8 at the top of Column 4, line 3, that talks about
9 how, what kinds of data can be used to represent an
10 object. And although he doesn't specifically say
11 here that that is metadata, it's pretty clear, at
12 least to me from the context, that he's also
13 discussing what constitutes metadata.

14 Q. Okay.

15 So metadata can include a lot of things in
16 Salas. Would you agree?

17 A. Well, strictly speaking, metadata is data
18 about data; right? That's what the word means. And
19 so I think what Salas is describing is that
20 information that describes objects that are known to
21 the system covers a lot of different kinds of
22 information.

23 Q. So metadata includes a lot of different
24 kinds of information; right?

25 A. Yes. It includes information to identify

1 objects, it includes information to distinguish
2 objects from one another, which probably means
3 something about typing. And then it also indicates
4 that there are -- there is metadata that indicates
5 who can edit and search, and he also says others,
6 and these are operations that can be performed on
7 the data, and that's typically where access controls
8 come into play. And specifically, editability and
9 searchability would represent a couple of different
10 kinds of access control.

11 Q. Okay.

12 But, again, the access control information
13 is just one category of metadata; right?

14 A. Yes, sir.

15 Q. Okay.

16 And the files that are being referred to in
17 Column 13 in line 55, are the files represented by
18 the icons in Figure 4; isn't that right?

19 I thought we went over that earlier.

20 A. Yes, sir, that's correct.

21 Q. Okay.

22 A. But as -- as I'll maintain as well, it also
23 applies to the project notes file, which according
24 to the URL in the page on display in Figure 4, is
25 what makes all of that content and presentation show

1 up in -- in the page display as well.

2 Q. Well, that's not what he's referring to in
3 that two-line excerpt.

4 A. No, sir, he's referring to files in
5 general, and I submit to you that the URL that
6 appears in the address line of the browser window on
7 display in that Figure 4 is itself also a file.

8 Q. Okay.

9 Let me look at Figure 4.

10 The URL in the address box?

11 A. In the address field. That is the name of
12 the HTML document that the browser is currently
13 displaying, and it's driven by an HTML file that
14 comes from that particular location shown in the
15 address line in the address box there at the upper
16 quadrant of the page display.

17 Q. And so you're saying that lines 54 and 55,
18 when they refer to the file, are talking not only
19 about the files represented by the icons in Figure
20 4, but also the file represented by the address of
21 the eRoom itself?

22 A. Yes, sir. And I -- I would submit further
23 that it would apply to any and all files known to
24 the system.

25 Q. Okay.

1 So if somebody doesn't have access to the
2 file represented by the address of the eRoom itself,
3 then they're not even a member of the eRoom and
4 can't be operating in the system at all; isn't that
5 right?

6 A. Well, they could be operating in the
7 system, sir, but they couldn't be operating on the
8 page that's currently on display.

9 I mean, there's nothing in -- they would
10 have to have access to some kind of eRoom. They
11 would have to have the ability to use the eRoom
12 system, but they wouldn't necessarily have to have
13 permission to open the project notes HTML document
14 that's on display in Figure 4 as shown by the
15 contents of the address line in the browser.

16 Q. How would a user have a right to edit the
17 file represented by the address of the eRoom itself?

18 A. I'm reading into his discussion of general
19 metadata from that reference on Column 3. He --
20 when he made a request, if he typed the URL for that
21 file into the browser, which is one way to get to a
22 webpage, and he didn't have the right to access that
23 file, then his request to access that file would be
24 denied by the browser.

25 Q. How does he have the right to edit the file

1 represented by the address of the eRoom itself?

2 A. Oh, edit.

3 Q. Edit.

4 A. Well, that -- that file is represented by
5 an object in the database, and the object in the
6 database has a set of access rights associated with
7 it, and the access right for that object would be
8 set to edit.

9 Q. And how would he edit it? I mean, what
10 would it mean to edit the file for the eRoom itself?

11 A. Well, normally you would have to create an
12 eRoom. That would be how you would establish an
13 eRoom for the first time.

14 Q. Uh-huh.

15 A. Would be to create an eRoom, and when
16 you've created that eRoom, then you would assign the
17 users that had edit rights to that eRoom.

18 Normally, the person who creates an object,
19 owns that object. And as we saw from the figure
20 from the patent-in-suit, the owner looks -- his face
21 faces towards the other users indicating that he has
22 control over the object. And in most file systems,
23 the owner has the -- pretty much the ability to do
24 anything that they want to, to an object.

25 I don't actually recall addressing that in

1 my report, though.

2 Our discussion deals with an existing
3 eRoom, not with creating an eRoom from whole cloth.

4 Q. Uh-huh.

5 A. Salas does, however, describe the creation
6 process in the patent.

7 MR. HILLMAN: Let's take a five-minute
8 break.

9 THE WITNESS: Thank you, sir.

10 THE VIDEOGRAPHER: We are off the record at
11 10:12 a.m.

12 (Recess taken.)

13 THE VIDEOGRAPHER: We are back on the
14 record at 10:23 a.m.

15 You may proceed.

16 BY MR. HILLMAN:

17 Q. All right.

18 Let's look at Column 3 in Salas, please, at
19 lines 49 to 51.

20 A. Yes, sir.

21 Q. So you see it says there that access
22 controls are stored at the server?

23 A. Yes, sir.

24 Q. Okay.

25 Is there any place in Salas where he says

1 that access controls are stored elsewhere than at
2 the server?

3 A. Well, the architecture of Salas involves,
4 as shown in Figure 1 on the abstract page of the
5 patent, is a case where we actually have more than
6 one database, and in Salas' discussion there, he's
7 actually talking about the behavior of a table in a
8 database.

9 And if you look at Figure 1, you'll see
10 that we have what's called, in some parts of the
11 patent, a subset database on the client as denoted
12 by the -- a small square table Item 20 prime in that
13 figure.

14 Q. Uh-huh.

15 A. And the same information about objects from
16 the master database on the server must also exist on
17 the subset database on the client.

18 Q. Would you say they're identical?

19 A. No, I don't say they're identical. I say
20 it's a subset. But within a given table entry,
21 unless the local client is in the process of editing
22 that entry, the data in the master database and the
23 client database should be the same.

24 Q. Well, doesn't the patent at Column 4,
25 line -- maybe it's 31 -- say the database 20 prime

1 stored on the client workstation 12 prime contains a
2 relevant subset of the data objects stored by the
3 server 14?

4 A. Of course that's what it says, but it
5 doesn't say that the objects themselves are
6 truncated or that the data that goes along with
7 those objects is scoped down. I believe what it
8 means, as also indicated by the illustration in the
9 simplest of possible terms, we have big tables on --
10 in the server database and we have small tables in
11 the client database, but where the data between the
12 client database and the server database overlaps
13 it's the same data in either place, of course
14 subject to the local editing proviso that I
15 mentioned earlier.

16 Q. All right.

17 Is there any place where Salas says that
18 access controls are part of the subset of data that
19 is stored by the workstation client -- I'm sorry,
20 let me state that again. I garbled it.

21 Is there any place where Salas says that
22 access controls are stored in the client database?

23 A. I don't see any place where he says that
24 explicitly, but my understanding, as a person of
25 skill in the art, is that as it says in Column 11,

1 starting at line 12, because multiple users may
2 concurrently and even simultaneously perform work on
3 a project, that means we have to have what database
4 professionals refer to as concurrency controls in
5 place in order for the system to work properly.

6 And you'll notice that Salas spends some
7 time discussing in the patent how edit locks are
8 managed so that we don't find ourselves in the
9 situation of having multiple writers to the same
10 file at the same time, which, in database terms, is
11 a huge no-no.

12 Q. Uh-huh.

13 A. So I would assert that in order to provide
14 proper concurrency controls, that the local database
15 that the person working on a client machine, as
16 described in that paragraph I was looking for
17 earlier, he mentions three different groups into
18 which users can be divided, coordinator, reader, and
19 participant, a participant he goes -- defines further
20 as a person that may access the eRoom and may edit
21 the objects and files contained in the eRoom as well
22 as upload new objects and files to the eRoom. The
23 local user couldn't do that properly if they didn't
24 have local access controls that mirrored, or in some
25 cases, anticipated for the case of new objects, the

1 contents of the master database on the server.

2 Q. Now, in your report, you rely on what I'll
3 refer to as the synchronization discussion?

4 A. Yes, sir.

5 Q. That runs through Columns 11 and 12 as
6 evidence that access information is sent down to the
7 user database, the local database?

8 A. Yes, sir.

9 On page 52 of my report, in Paragraph 78, I
10 cite Salas discussing the notion of local database
11 metadata as a consequence of synchronization.

12 Q. Uh-huh.

13 A. And Salas' mention of local database
14 metadata speaks directly to the idea that metadata
15 commonly associated with files and objects, which
16 usually includes access controls.

17 Q. Uh-huh.

18 A. And is -- and where access controls, in
19 fact, are necessary to manage concurrence see
20 properly, that was the basis on which I made that
21 assertion.

22 Q. Okay.

23 And that discussion does talk about sending
24 some metadata to the local database; correct?

25 A. Yes, sir.

1 Q. Is there any place in that synchronization
2 discussion where Salas says that the access control
3 metadata is sent down to the user system?

4 A. Well, he does discuss in Column 12 on the
5 third paragraph, starting at line 23, later in that
6 paragraph, he goes into the discussion of an edit
7 lock, and that is an area where -- he mentions
8 metadata associated with the file indicating
9 presence or absence of an edit lock. And you don't
10 know whether a person has permission to edit or not
11 on a file unless you have access to the information
12 about their rights to interact with that file.

13 So it wouldn't make sense to inform a
14 reader in Salas' terms, which is defined as someone
15 who has access to the eRoom solely to view the
16 content, doesn't make sense to inform them about
17 edit locks because they don't have rights to edit,
18 anyway.

19 But if someone is a participant or a
20 coordinator in that room, they have to know that
21 information to avoid concurrency problems.

22 Q. Okay.

23 Let's look at Column 11 specifically, here.

24 Let's look at line 54, with the sentence
25 beginning on line 54.

1 A. "The server 14"?

2 Q. "The server 14 transmits to the client

3 workstation 12 prime any data objects to which the

4 user has appropriate access rights and that also

5 have a modification tag value greater than the

6 modification tag value sent with the synchronization

7 request."

8 A. Yes, sir, that's how synchronization is --

9 is affected.

10 Q. Right.

11 So the task of determining which data

12 objects the user has appropriate access rights to is

13 carried out by the server in that sentence; isn't

14 it?

15 A. It only says that the server transmits data

16 objects to which the user has appropriate access

17 rights.

18 Q. Well --

19 A. It does not say whether or not the access

20 rights information is not sent to the client.

21 Given that we have a database mirroring

22 situation where we have a master database on the

23 server and we have a portion of that database on the

24 client --

25 Q. Here's my question.

1 A. -- it makes sense --

2 Q. I'm sorry.

3 A. -- to transfer the entire object instead of

4 transmitting only selected fields of that object.

5 Q. Here's my question.

6 A. Yes, sir.

7 Q. Somebody is going to make a decision as to

8 whether the client in question has appropriate

9 access rights. That sentence makes it clear that

10 somebody is going to make that decision; right?

11 A. Somebody is going to make that decision.

12 It doesn't talk about a decision. It just

13 says that if the user has appropriate access rights,

14 and there's a modification tag value greater than

15 the modification tag sent with the synchronization

16 request from the client, then the server will

17 transmit the data objects.

18 Q. Okay.

19 So what's happening there is that the user

20 transmits a synchronization request for a particular

21 file; right?

22 A. No, sir. It says that the client

23 workstation is synchronizing its local databases and

24 files.

25 Q. Okay.

1 Thank you for correcting me.

2 So that synchronization request is sent to
3 the server?

4 A. Yes, it is.

5 Q. Okay.

6 And then the server sends back to the
7 client any data objects to which the user has
8 appropriate access rights?

9 A. Yes, that's correct.

10 Q. And so the server must be making that
11 judgment as to whether the client workstation has
12 appropriate access rights, and it's going to send
13 only those data objects to which the user has
14 appropriate access rights; isn't that right?

15 A. That's what the language of the patent
16 says.

17 Q. Right.

18 And so that activity that I just described
19 is happening at the server after it receives a
20 synchronization request; correct?

21 A. That is what the language of the patent
22 says.

23 Q. All right.

24 And the server is also going to check to
25 see whether there's a modification tag that's

1 greater than the modification tag sent with the
2 synchronization request; right?

3 A. That's how you synchronize back the other
4 way on the -- in the event that the client has a
5 higher modification tag value than the server does.

6 Q. Yes.

7 And the server is looking at the
8 modification tag that the client had and it's
9 looking to see whether there's a later or greater
10 value modification tag, and if it is, it then sends
11 the appropriate data object down; correct?

12 A. Yes, sir.

13 Q. Okay.

14 So we know that the access information is
15 stored at the server, and we know that the server is
16 checking to see which data objects the client has
17 appropriate access rights for.

18 And so what would be the point of sending
19 the access rights information down to the client?

20 MR. WEINSTEIN: Object to the form.

21 THE WITNESS: The point would be that it
22 maintains a consistent database structure between
23 client and server, and the point further would be
24 that there -- there has to be some communication of
25 access information from client to server as well as

1 from server to client, particularly in the case when
2 the client creates an object for the first time, and
3 on the next synchronization request the existence
4 and the metadata for that object is sent from the
5 client to the server.

6 BY MR. HILLMAN:

7 Q. But if it's the server that is making the
8 judgment as to which objects the client has access
9 rights to, why does the client database need to have
10 that access information?

11 MR. WEINSTEIN: Object to the form.

12 THE WITNESS: I responded to your previous
13 question by saying that it is a matter of
14 maintaining consistency between the two databases,
15 that's one reason.

16 Another reason to do that is, as I also
17 mentioned, when sending information about new
18 objects, the client sends that object to be
19 instantiated in the server database. As a part
20 what's in that object, is the access control.

21 Earlier, you said that the server decides
22 what to send and what not to send. Well, really
23 what's going on here is that clients and servers are
24 looking at metadata in the database object, and --
25 and they use that metadata to make such decisions.

1 So you could also argue that it's the
2 metadata that's deciding, and it just so happens
3 that because the server is in the sending role, it
4 is the one that picks only those things that meet
5 that transmission criteria on.

6 BY MR. HILLMAN:

7 Q. Okay. Thank you.

8 A. Can we take a short break? I just want to
9 refill my water.

10 Q. Please.

11 A. I'll be right back.

12 MR. HILLMAN: You can stay on the record,
13 just go do it.

14 BY MR. HILLMAN:

15 Q. So this whole synchronization discussion
16 here is focused on the situation where the client
17 either doesn't have a file or it has a stale file,
18 and there's a later modification, and the file gets
19 updated to the current modification; isn't that
20 right?

21 A. What's the scope of your question in terms
22 of the starting and stopping points on Columns 11
23 and 12?

24 Q. The synchronization discussion.

25 A. Okay.

1 On -- would you tell me where I should --
2 Q. Let's start with line 42.
3 A. Line 42. Okay.
4 And ending -- at the end of Column 12 or
5 end of Column 13?
6 Q. Yeah. Let's say up to the paragraph that
7 runs over to the top of 13.
8 A. Okay.
9 Well, my answer to your question is yes,
10 but we also see an indication of the handling of
11 edit locks, and, presumably, copies of files that
12 have been changed as a result of stopping editing
13 and freeing the edit lock as it says on line 65 in
14 Column 12.
15 Most of the discussion involved in the
16 material through the end of, say, Column 46 of --
17 I'm sorry, line 46 of Column 12 has to do with
18 primarily coming from the server to the client.
19 Q. Okay.
20 A. And then we start getting into issues
21 involved in, from client to server in the context of
22 file transfer in the next paragraphs that follow.
23 Q. Starting with the reference to Figure 7.
24 A. I'm sorry, starting with what?
25 Q. The reference to Figure 7, the top of 13,

1 at line 14. That's what you're talking about?

2 A. Yes, sir.

3 Q. Okay.

4 So let's go back to the paragraph at the
5 bottom of Column 11.

6 A. Okay.

7 Q. That's talking about a situation where the
8 client workstation has an out-of-date file?

9 A. Yes, sir.

10 Q. And that file gets replaced by the one with
11 a higher modification tag; right?

12 A. Yes. On line 58, it says that the client
13 workstation stores the received data objects in its
14 local database and stores the new received
15 modification tag value.

16 Q. Right.

17 So it's basically updating the modification
18 tag value?

19 A. That is one of the things that does. Of
20 course it has to -- if there is something with a
21 higher tag value, then there is an object that goes
22 with it that has to be stored as well.

23 Q. Right.

24 And then at the top of Column 12, it says,
25 "Once synchronization has been accomplished and

1 local database metadata has been updated," et
2 cetera, et cetera; right?

3 A. Yes.

4 Q. And the updating of the local database
5 metadata that they're talking about there is the
6 updating of the modification tag; right?

7 MR. WEINSTEIN: Object to the form.

8 THE WITNESS: It -- it doesn't say that
9 explicitly.

10 BY MR. HILLMAN:

11 Q. But in context, that is what it's talking
12 about, don't you think?

13 A. The preceding topic addressed both the new
14 received modification tag value, but it also talks
15 about the received data objects, and data objects
16 have metadata associated with them. So it's not
17 clear to me that the only thing that's changing is a
18 modification tag count.

19 Q. Okay.

20 But there's certainly no indication there
21 that access information is being updated?

22 MR. WEINSTEIN: Object to the form.

23 BY MR. HILLMAN:

24 Q. Isn't that right?

25 A. The words access information is being

1 updated do not appear in that paragraph.

2 Q. And the substance of updating access
3 information is not appearing there either; isn't
4 that correct?

5 MR. WEINSTEIN: Object to the form.

6 THE WITNESS: There is no discussion of the
7 updating of access information in that paragraph.

8 BY MR. HILLMAN:

9 Q. Okay. Okay.

10 Let's now move to Column 12 and look at the
11 discussion of Figure 6, which starts at line 23.

12 A. Yes.

13 Q. Okay.

14 So I want to trace through with you exactly
15 what the sequence of events is there.

16 A. Okay.

17 Q. If we could do that.

18 A. I'm wondering if I have two copies of the
19 same thing so I can have the figure at my disposal
20 at the same time that I'm reading this.

21 Q. Or we can get you another copy.

22 A. No, no, I do have two copies. I'm lucky.

23 Okay.

24 So I've get Figure 6 over here and the
25 relevant paragraph over here and we can trace them

1 out together.

2 Q. Okay.

3 So the first step, and it's referred to in
4 Figure 6, is that the daemon, how do you pronounce
5 that? Is it daemon or --

6 A. It's daemon, yeah.

7 Q. Yeah.

8 A. It's the Latin, what do they call it, a
9 diphthong, two vowels together.

10 Q. Okay.

11 The daemon is basically checking to see if
12 it's the file that's locally stored or if it's
13 stale; isn't that right?

14 A. Well, actually, it says the first thing it
15 does is to check whether or not the file is present
16 in the local directory.

17 The next step is then, if it isn't present
18 or it is stale, then it has to be downloaded.

19 Q. Okay.

20 And that's referred to in the text of
21 Column 12 at lines 27 to 29 -- 27 to 28.

22 A. Actually, 23 to 28, yeah.

23 Q. Yeah. Okay.

24 Okay.

25 So -- and that is activity that's done at

1 the -- at the client workstation; right?

2 A. Absolutely. That's what the 12 or 12
3 prime, I guess it is, actually refers to.

4 Q. Yes. Right.

5 Okay.

6 So the first step in columns -- in 56 is
7 carried out by the -- carried out at the client
8 workstation?

9 A. Right. And that corresponds to Box No. 602
10 in Figure 6, which is labeled "Check for Local
11 Availability of File."

12 Q. Right.

13 And as you point out, what's actually
14 happening is you see whether it's available and you
15 also then see whether it's stale if it is there?

16 A. Correct.

17 Q. Okay.

18 Now -- okay.

19 So the next step is a check to see whether
20 there's an edit lock on the file?

21 A. Right.

22 But that only applies if the file is
23 downloaded.

24 Q. You mean if it's there?

25 A. Or -- yeah. Well, if -- if it's not

1 present or it's stale, it will be downloaded.

2 Q. Well, it hasn't been -- the downloading is
3 going to occur later on in the column; isn't it?

4 A. You're right. It must be downloaded. It
5 doesn't say it has to be downloaded right now.

6 Q. Yeah. And at that point, it's not yet
7 downloaded?

8 A. Correct.

9 Q. But there has to be a check to see whether
10 there's an edit lock?

11 A. Yes.

12 Q. That's what it says?

13 A. That's correct.

14 Q. And that's at Column 12, lines 28 to 31?

15 A. Correct.

16 Q. And it says, "This may take the form of a
17 database query to the object ID associated with the
18 file which returns at least the metadata associated
19 with the file indicating presence or absence of an
20 edit lock."

21 Do you see that?

22 A. Yes.

23 Q. Now, what is your position on where that
24 edit lock check is taking place? Is it at the local
25 workstation or is it at the server?

1 A. It's at the server.

2 Q. Okay.

3 A. Because that's the common reference point

4 for concurrency control.

5 Q. Okay.

6 Good. We're in agreement.

7 Now, next here, "If no edit lock has been

8 set for a requested file, the access rights of the

9 requesting user are checked."

10 Do you see that?

11 A. Yes, sir.

12 Q. That's at the server, too; right?

13 A. Yes, sir.

14 Q. "If the user has appropriate access rights,

15 i.e., can edit if the user has indicated editing

16 will occur or can view if the user has indicated

17 only viewing will occur, the user will be allowed to

18 retrieve the file."

19 That's happening at the server as well;

20 correct?

21 A. Yes.

22 Q. Okay.

23 In the case of a user that indicated

24 editing will occur and edit lock is set before the

25 file is downloaded, that's happening at the server

1 as well; correct?

2 A. Yes.

3 Q. Right. Okay.

4 So then let's move into the next paragraph

5 in Column 12.

6 A. "Once the file"?

7 Q. "Once the file has been downloaded."

8 Do you see that?

9 A. Yes, sir.

10 Q. Okay.

11 Moving down, it says, "The server 14" --

12 I'm down in line 52 now.

13 A. Yes, sir.

14 Q. "May store file metadata which is

15 transmitted together with the file and indicates

16 which application should be used to open and edit

17 the file."

18 Do you see that?

19 A. Yes, sir.

20 Q. So that's something that's going to happen,

21 that transmittal of this metadata that is being

22 referred to there is happening after the server has

23 satisfied itself that there's no edit lock and that

24 the user has appropriate access rights and has given

25 permission for the downloading?

1 MR. WEINSTEIN: Object to the form.

2 BY MR. HILLMAN:

3 Q. Correct?

4 A. Well, actually, the context of that
5 sentence is one where there are three different ways
6 to get there from here in that sentence. The first
7 one is it can use only the object linking and
8 embedding -- embedded -- embedding standard. It can
9 also use the file suffix where we're dealing with a
10 well-known file type, or it can store file metadata
11 that gets transmitted with the file and indicates
12 the application that should be used to open it.

13 Q. Right.

14 But one of those three things is
15 happening --

16 A. Yes.

17 Q. -- after the access rights have been
18 checked and so forth at the server; right?

19 A. Yes.

20 Q. Okay.

21 And the metadata that it's talking about
22 sending down with the file in the third option --

23 A. Yes.

24 Q. -- is metadata that indicates what
25 application should be used to open and edit the

1 file; correct?

2 A. Yes.

3 Q. There's no discussion there of sending
4 access control metadata down to the server -- or
5 down to the client; correct?

6 MR. WEINSTEIN: Object to the form.

7 Go ahead.

8 THE WITNESS: I -- I don't see in the words
9 that we're discussing any mention of access control.

10 BY MR. HILLMAN:

11 Q. Okay. All right.

12 Now, I'd like to move to Column 13 in the
13 discussion of Figure 7.

14 A. Okay.

15 Let me go ahead and flip to Figure 7 on my
16 other copy, too.

17 Q. Okay.

18 So this is talking about how the user can
19 create a new file or modify an existing file; right?

20 A. Correct.

21 Q. And when it's going to do that, it wants to
22 get that new file or the modified existing file up
23 to the server so that it can become part of the
24 eRoom for everybody who has appropriate access
25 rights to see; correct?

1 A. Yes.

2 Q. Okay.

3 And this activity of creating a new file or
4 dealing with this process is said here in lines 23
5 to 26 of Column 13 to be carried out by an ActiveX
6 control or a background daemon process which manages
7 the upload of the file to the server; right?

8 Do you see that?

9 A. Yes, sir.

10 Q. Okay. Okay.

11 And then the next sentence, in the next
12 paragraph, "The user's access rights are checked to
13 ensure that the user possesses, create, or
14 modification rights for the page to which the user
15 desires to upload the file, step 706. And the file
16 to be uploaded is stored to local mass storage, step
17 708."

18 Do you see that?

19 A. Yes, sir.

20 Q. Okay.

21 So there has to be now a check of the
22 access rights; correct?

23 A. Yes.

24 Q. All right.

25 And it says that, "The access rights may be

1 checked over the network in many ways."

2 Do you see that?

3 A. Yes.

4 Q. Why are the access rights being checked
5 over the network?

6 A. This is a distributed system. That means
7 that it is a system that involves actors that are in
8 different locations.

9 In a situation where information has to be
10 resolved about what operations are allowed, we want
11 to communicate from the client to the server.

12 So there has to be a shared view of what
13 kinds of communications are going to be allowed.

14 Q. Right.

15 A. And, again, for reasons of concurrency
16 control, network access controls typically reside in
17 either some kind of a directory services database or
18 in some kind of network account database. And that
19 involves communication with some kind of a server
20 across the network.

21 Q. Okay.

22 So the user workstation -- well, let's put
23 it this way: The ActiveX control or the background
24 daemon, which is resident -- well, that's resident
25 at the user workstation; correct?

1 A. Yes.

2 Q. Okay.

3 And so it, namely the ActiveX control or
4 the background daemon, has to go over the network to
5 find out whether the appropriate access rights
6 exist, and it does that by going over the network to
7 the server which has that access control
8 information; isn't that correct?

9 MR. WEINSTEIN: Object to the form.

10 THE WITNESS: Yes, that is correct.

11 BY MR. HILLMAN:

12 Q. Okay.

13 A. But in the very next sentence, which starts
14 with the word -- word "Alternatively," it also says
15 that, "An object may assign a predefined value to a
16 field which controls access to the object." So that
17 if somebody has a coordinator account, they can
18 essentially push the information from the client to
19 the server.

20 Q. Where does it say that?

21 A. It says, "An object may assign a predefined
22 value to a field which controls access to the
23 object."

24 Now, since we're talking about an object
25 that was defined on the client, this has to be

1 defined on the client.

2 So if someone's account has the right
3 privilege level, they don't have to go through that
4 hurdle.

5 Q. Okay.

6 So the word "alternatively" is with
7 reference to the preceding sentence that says, for
8 example; isn't that right?

9 A. Yes, sir.

10 Q. It's not saying that it's an alternative to
11 going over the network, it's simply saying it's an
12 alternative to being, to having the object provided
13 with a field or fields which identify users that may
14 open, view, and edit the object?

15 MR. WEINSTEIN: Object to the form.

16 You may answer.

17 BY MR. HILLMAN:

18 Q. Do you agree?

19 A. Yes, that's correct.

20 Q. Okay.

21 A. The -- again, as I mentioned, the behavior
22 of a distributed system is such that there has to be
23 a shared and common set of access controls at the
24 account level.

25 Q. Right.

1 But both the for example approach and the
2 alternatively approach are going to take place over
3 the network as described in this paragraph; isn't
4 that right?

5 A. Yes.

6 Q. Okay.

7 So then moving to the next paragraph where
8 it says, "If the user has the appropriate rights,
9 then a command is sent to the server to create a new
10 file, step 710."

11 Do you see that?

12 A. Yes, sir.

13 Q. And that command is being sent by the
14 ActiveX control or the background daemon; right?

15 A. Yes. The command comes from the runtime
16 environment on the client side.

17 Q. Yes.

18 Then it says that you could skip that step
19 in certain situations.

20 And then moving down to line 43, "If the
21 server has been instructed to create a new file, a
22 new object is created containing metadata associated
23 with the data file, and that new object is being
24 created by the server"; right?

25 A. Yes.

1 Q. And the file is transmitted to the server
2 using HTTP in step 712; right? And the transmission
3 of the file itself is carried -- is carried out by
4 the ActiveX control or the background daemon; right?

5 A. Yes.

6 Q. Okay.

7 And then it says, "If a file modification
8 is occurring, server 14 updates the metadata
9 contained by the data object associated with the
10 file."

11 Do you see that?

12 A. Yes.

13 Q. So the server is updating the metadata
14 contained in that data object, which is resident at
15 the server; right?

16 A. Yes.

17 Q. And the file is then transmitted to the
18 server using the HTTP step. Okay?

19 You see that?

20 A. Yes, sir.

21 Q. Okay.

22 And then the server associates the uploaded
23 file with the newly created data object, and that
24 means that the server has received the file, it's
25 got that newly created data object with the new

1 metadata in it, and the server associates those two
2 things with each other; is that correct?

3 A. Yes.

4 Q. All right.

5 MR. HILLMAN: We're going to take a couple
6 minute's break.

7 THE VIDEOGRAPHER: This is the end of Disk
8 No. 1, Volume I. We are off record at 11:08 a.m.

9 (Recess taken.)

10 THE VIDEOGRAPHER: This is the beginning of
11 Disk No. 2, Volume I. We are back on the record at
12 11:24 a.m.

13 You may proceed.

14 BY MR. HILLMAN:

15 Q. So let's look at Column 14 of Salas,
16 please.

17 A. Yes, sir.

18 Q. And starting at line 37 there.

19 A. Yes.

20 Q. The next couple sentences talk about, you
21 know, listing the members that are entitled to enter
22 an eRoom; right?

23 A. Yes, we -- we've discussed this before.

24 Q. We have.

25 And I wanted to focus on the sentence that

1 begins in the middle of line 42 there where it says,
2 "In some embodiments, users," and I take that to
3 mean the people who are entitled to enter the eRoom,
4 "may be divided into three separate groups,
5 coordinator, reader, and participant."

6 Do you see that?

7 A. Yes, sir.

8 Q. Do you agree that that's talking about
9 dividing people who qualify as members into these
10 three groups?

11 A. Yeah. The further discussion of the
12 definitions of those terms makes it clear to that.

13 Q. Yes.

14 A. They can either read or edit or be masters
15 of that universe.

16 Q. Right.

17 But all three of those groups have the
18 right to read; isn't that right? I mean, the
19 coordinator, obviously, can read everything, the
20 reader can read, and the participant can read. Yes?

21 A. The term that the writer of the patent
22 actually uses view, but I'm not trying to say that
23 that doesn't mean they can't read it. I'm just
24 saying that --

25 Q. Yeah. Okay.

1 Well, let me restate it, then.

2 Would you agree that those three groups,
3 the members of all three of those groups can view,
4 have the right to view?

5 A. Yes, sir.

6 Q. Okay.

7 So what do you think of the notion that
8 what this patent is really talking about with
9 respect to the files represented by those icons in
10 Figure 4, is that all members are going to be able
11 to view those files and the differentiation of
12 access rights is only whether they are limited to
13 viewing or whether they can also edit?

14 MR. WEINSTEIN: Object to the form.

15 BY MR. HILLMAN:

16 Q. Do you think that's a fair interpretation
17 of the patent?

18 MR. WEINSTEIN: Object to the form.

19 You can answer.

20 THE WITNESS: The beginning of the -- the
21 section of interest says, "In this embodiment." So
22 clearly, the writer of the patent thought that other
23 embodiments could be possible where perhaps
24 something different could happen.

25 But within the scope of that particular

1 embodiment, yes.

2 BY MR. HILLMAN:

3 Q. Do you see anywhere in the patent of Salas
4 where he says that the access controls are actually
5 going to prevent some members from even viewing the
6 files or a file represented by an icon in Figure 4?

7 MR. WEINSTEIN: Same objection.

8 You can answer.

9 THE WITNESS: I'm reading the subsequent
10 paragraphs where he's talking about other
11 embodiments based on the notion of a persist layer.
12 And the -- the essence of that persist layer is that
13 there is some kind of mediated link to a relational
14 database. The first line, 55, 56, says, "Some
15 embodiments include a, quote, persist layer,
16 unquote, which provides persistent storage to
17 relational database."

18 And the way that that works is that there
19 is an application program interface that lets
20 application programs issue individual commands to
21 relational databases and these would have to come
22 from the client in order for the discussion to make
23 sense.

24 And given that the client would have access
25 to the same relational database that the server had

1 access to, there -- there would be -- within the
2 scope of the permissions, there would be no limit to
3 what data they could access from that database,
4 which would include access rights among all the
5 other things that are stored there.

6 BY MR. HILLMAN:

7 Q. Well, I'm not sure whether that was
8 responsive to my question.

9 What I'm asking you is: Is there any place
10 in this Salas patent where Salas says that in some
11 embodiments he would actually prevent a member of
12 the eRoom from even viewing a file represented by an
13 icon in Figure 4?

14 A. That is not explicitly addressed in the
15 patent.

16 Q. All right.

17 So one interpretation of this patent is
18 that it intends that all members will be able to
19 view the files represented by the icons in Figure 4
20 and some, but not all, will have further access
21 rights, namely the ability to edit?

22 MR. WEINSTEIN: Object to the form.

23 BY MR. HILLMAN:

24 Q. Is that a fair reading of the patent?

25 MR. WEINSTEIN: Object to the form.

1 You can answer.

2 THE WITNESS: In the embodiment described
3 in the paragraph we've been discussing that starts
4 on 37 and goes through 54, that is the nature of the
5 hierarchy of users that are allowed access to the
6 eRoom.

7 BY MR. HILLMAN:

8 Q. But my question is aimed at going beyond
9 that particular embodiment, and I'm asking you: Is
10 a fair reading of the whole patent that all members
11 can view the files represented by the icons and that
12 the access issue is whether they're limited to
13 viewing or whether they've got broader rights than
14 viewing?

15 MR. WEINSTEIN: Object to the form.

16 You can answer.

17 THE WITNESS: I don't really recall
18 addressing that in -- in my report. And I -- I --
19 you know, I haven't really given that matter much
20 thought, and it sounds like some thought may be
21 needed.

22 Your question was, I believe, and maybe the
23 court reporter would like to read the first few
24 words of the question back to me.

25 (Record read.)

1 THE WITNESS: Thank you.

2 I'm not inclined to agree with that simply
3 because I haven't really given the matter sufficient
4 thought to decide whether that is, as you put it, a
5 fair reading, or I believe as you put it in the
6 preceding question, a possible or one reading of the
7 patent.

8 BY MR. HILLMAN:

9 Q. Okay. That's a fair response.

10 If you haven't thought it through and think
11 you need to think it through, then I'll settle for
12 what you've just said.

13 A. Thank you.

14 Q. Okay.

15 So now I'd like to talk with you about the
16 Parker reference --

17 A. Yes, sir.

18 Q. -- which I believe is also premarked there
19 as Exhibit 3.

20 A. Okay.

21 Q. Okay.

22 So here, you're treating the icons that
23 represent files or that are links to files as the
24 relevant content; right?

25 A. Let me zip to the portion of my report

1 where I address that.

2 Starting on page 57, Paragraph 84 of the
3 report, I get into Parker by saying that this is
4 designed to provide a visual indication of privacy
5 level information, and the -- the kind of visual
6 information that appears in the figures that I use
7 as evidence, those are clearly -- those are actually
8 folders, not files, but they're objects in a file
9 system. Absolutely.

10 Q. Okay. Yes.

11 So your discussion about Parker is really
12 just focused on those icons; is that right?

13 MR. WEINSTEIN: Object to the form.

14 THE WITNESS: It's focused on the icons in
15 the way that they're represented have to tell us
16 about user's access privileges.

17 BY MR. HILLMAN:

18 Q. Good.

19 Okay.

20 And the access control in Salas -- let me
21 start that question over again.

22 A. Okay.

23 Q. Let me point you to Column 2, lines 4 to 16
24 in Salas.

25 Not Salas. I mean Parker.

1 A. Right.

2 So the paragraph beginning, "Each network
3 file service."

4 Q. Yes.

5 And so you see the last sentence in that
6 paragraph that says that, "User's access privileges
7 may then be saved to a file to be consulted by the
8 file service to determine whether that user has
9 sufficient access privilege to one of the server
10 files or folders."

11 Do you see that?

12 A. Yes, sir.

13 Q. And when it says file service there, it
14 means software on the file server; right?

15 MR. WEINSTEIN: Object to the form.

16 You can answer.

17 THE WITNESS: Well, actually, a file
18 service is not dependent on a particular type of
19 host.

20 Any type of computer system that runs with
21 files, and I'd have to say that's probably 99,
22 point, as many times as you want to go after that,
23 of the computer set we're using today, they all have
24 file service.

25 BY MR. HILLMAN:

1 Q. Okay.

2 So let me ask you this: Where do you think
3 the determination of whether a user has sufficient
4 access privileges takes place in Parker?

5 Is it at the server or is it at the user
6 station?

7 MR. WEINSTEIN: Object to the form.

8 THE WITNESS: The determination.

9 BY MR. HILLMAN:

10 Q. And I use the word "determination" because
11 I'm referring to line 14.

12 A. Yes, sir, I understand.

13 Q. Where it says, "Determine whether that
14 user."

15 Where is the act of determining whether the
16 user has sufficient access privileges take place?

17 A. It -- it occurs at the file system where
18 the request for the file is serviced no matter where
19 it may be located.

20 If the user is asking for a local file, it
21 will be satisfied locally. If the user is asking
22 for a file on another system, it will be satisfied
23 by the file service on that system.

24 Q. Okay.

25 Well, now, that last sentence there is

1 talking about access privileges to one of the server
2 files or folder.

3 Do you see that?

4 A. Yes, sir.

5 In that case, the logical extension of what
6 I've just said would be that it would be determined
7 on the server.

8 Q. Thank you.

9 It would be determined on the server, by
10 that do you mean that the determination of whether
11 the user has sufficient access privileges, in that
12 sentence, is going to take place at the server, in
13 that one sentence?

14 A. I don't think I would use those exact
15 terms, but I would agree that it does occur on the
16 server.

17 Q. Okay. Okay.

18 So in Parker, the presentation of the icons
19 on the page is going to vary depending on the access
20 rights for the user -- of the user; isn't that
21 right?

22 A. Correct.

23 Q. Okay.

24 And one example that Parker uses is that if
25 a user does not have the right to view a file or a

1 folder, then the icon for that file or folder will
2 be -- will simply not appear on the page at all?

3 A. Let's find the place in the patent where it
4 says that. I think we might have a slight
5 disagreement on that.

6 That's in the discussion of Figure 7; is it
7 not?

8 Q. Actually, I didn't make a note of that.

9 A. Let's take a look here. I just want to
10 make sure I'm not -- Figure 7, Parker. Okay.

11 Q. One place is Column 8 where it says,
12 "Depending upon that user or group access
13 privileges, some or all of the items 407, 408, 409,
14 411, and 413."

15 A. Right. But it doesn't actually say that
16 its view that is the right involved.

17 And the reason I --

18 Q. Say that again?

19 A. It doesn't -- it just says that depending
20 on their access privileges, it doesn't tie it to
21 which access privilege actually results in it not
22 appearing at all or appearing in a different format.

23 And I actually think there's two different
24 access rights involved, which is why I'm making that
25 distinction.

1 Q. Well, could you explain that further?

2 A. Yes, sir.

3 In most file systems, the lowest level of
4 rights in an object is no rights at all. And that
5 is typically the case where you don't see anything
6 because you're not allowed to know even that it
7 exists.

8 The next step up in the typical hierarchy
9 of rights is open, which means that you -- you
10 can -- you can observe that the file is there in the
11 file system, but you can't really do anything with
12 it. And that's the case in which we would see the
13 barred out or grayed out icon that appears in Figure
14 7 of the Parker patent. So that -- so there's
15 actually two slight gradations there between zip,
16 zero, nada, and an indication of existence, but no
17 further information available to you.

18 Q. Okay.

19 And so you're saying that -- if we look at
20 line 5 of Column 8, it says that "These items,"
21 which I think they're referring to the icons; isn't
22 that right?

23 A. Yes.

24 Q. "May be hidden or displayed in a different
25 format."

1 So hidden is the instance in which they
2 won't be displayed at all; right?

3 A. Correct. Correct.

4 Q. And displayed in a different format is
5 where they're crossed out or grayed or ghosted;
6 correct?

7 A. Yes.

8 Q. And are you saying that in Parker the
9 example of hiding the icon or not displaying it, at
10 all, applies only when the user has the lowest level
11 of rights, namely not even to know about its
12 existence?

13 A. That -- that is my understanding as a
14 person of ordinary skill in the art, yes.

15 Q. Okay.

16 So if -- so let's take that example, then,
17 of what I'll call the example of blanking out or
18 hiding the icon.

19 In that instance, the server simply would
20 not send the icon to the user at all; right?

21 MR. WEINSTEIN: Object to the form.

22 THE WITNESS: The mechanics are a little
23 bit different than what you've described.

24 The icon actually comes from the local
25 machine. And the server sends information, for

1 example, if we look at Figure 4 in Parker, the
2 objects on display in that particular figure have --
3 have a drive icon, and then they have a number of
4 folder icons.

5 Those icons don't actually get shipped from
6 the server to the client.

7 But when the client looks at what kind of
8 data item needs to be displayed as a file or an
9 object in the file system, because actually either
10 one of these things are files, it knows that when it
11 sees a drive or a volume, in this case it's actually
12 a volume, that it has to use the drive icon, and it
13 knows that when it sees an object in the file system
14 that's a folder or a directory or something that's
15 really a container for other files, then it knows it
16 has to use that folder icon.

17 So it's not really the icon that's being
18 sent, it's metadata that describes the file that
19 results in that icon being selected at the client.

20 BY MR. HILLMAN:

21 Q. Okay.

22 But if the server decides that the client
23 has no rights, at all, for a particular file or a
24 particular folder, then it won't send any
25 instructions or drive to the client with respect to

1 that file; isn't that right?

2 A. It won't send any information about it at
3 all.

4 Q. That's right.

5 Okay.

6 Now, if the server decides that the client
7 does have, you know, at least the right to know that
8 the file exists or the folder exists, in other
9 words, it doesn't have the lowest level, as you've
10 described it --

11 A. Correct.

12 Q. -- but it has the next level up, but
13 doesn't have the right to view the file, then the
14 server will instruct, in one way or another, the
15 client to display the icon crossed out or ghosted or
16 in this modified form; is that right?

17 A. Right.

18 Q. Okay.

19 And if the client has full access rights or
20 access -- has the right to view the file or folder
21 represented by the icon, then the icon will simply
22 appear without modification?

23 A. Correct.

24 In fact, you could even say view or higher
25 because the same icon is going to appear in all the

1 other cases.

2 Q. Yes.

3 MR. HILLMAN: You want to take a quick
4 break?

5 THE WITNESS: Sure.

6 THE VIDEOGRAPHER: We're off the record at
7 11:48 a.m.

8 (Recess taken.)

9 THE VIDEOGRAPHER: One moment, please.
10 We are back on the record at 11:55 a.m.
11 You may proceed.

12 MR. WEINSTEIN: No questions from
13 petitioner.

14 Witness will read and sign.

15 THE VIDEOGRAPHER: This is the end of
16 today's deposition. We are off record at 11:55 a.m.
17 The master disks will be held by Sound Deposition
18 Services.

19 (Time noted: 11:55 a.m.)

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EDWARD R. TITTEL

Subscribed and sworn to before me

this _____ day of _____, 2014.

1	I N D E X		
2			
3	WITNESS	EXAMINATION BY	PAGE
4			
5	EDWARD R. TITTEL	MR. HILLMAN	5
6			
7	EXHIBITS		
8	PEITITIONER'S		PAGE
9	Exhibit 1		4
10	U.S. Patent No. 6,415,316		
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12	Exhibit 2		4
13	U.S. Patent No. 6,233,600		
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15	Exhibit 3		4
16	U.S. Patent No. 5,729,734		
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18	Exhibit 4		4
19	Declaration of Edward R. ("Ed") Tittel		
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