

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

FACEBOOK, INC.,

PETITIONER,

vs.

No. IPR201400415

REMBRANDT SOCIAL MEDIA, L.P.,

PATENT OWNER.

VIDEOTAPED DEPOSITION OF EDWARD R. TITTEL

VOLUME II

Wednesday, March 4, 2015

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Reported By:

KATHLEEN WILKINS, CSR #10068, RPR-RMR-CRR-CCRR-CLR

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1 VIDEOTAPED DEPOSITION OF EDWARD R. TITTEL
2 BE IT REMEMBERED that on Wednesday,
3 March 4, 2015, commencing at the hour of
4 10:07 a.m. thereof, at COOLEY LLP, 3175 Hanover
5 Street, Palo Alto, California, before me, Kathleen
6 A. Wilkins, RPR-RMR-CRR-CCRR-CLR, a Certified
7 Shorthand Reporter, in and for the State of
8 California, personally appeared EDWARD R. TITTEL,
9 a witness in the above-entitled court and cause,
10 who, being by me first duly re-sworn, was
11 thereupon examined as a witness in said action.

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ALSO PRESENT:

SEAN MCGRATH, VIDEOGRAPHER

1 March 4, 2015 10:07 A.M.

2 P R O C E E D I N G S

3 THE VIDEOGRAPHER: Good morning. This
4 begins Media Number 1 of the deposition of
5 Edward Tittel, Volume I [sic], in the matter of
6 Facebook, Incorporated, versus Rembrandt Social
7 Media, LP. This case is in the U.S. Patent and
8 Trademark Office before the Patent Trial and
9 Appeal Board, and the case number is IPR201400415.

10 Today's date is March 4th, 2015, and the
11 time is 10:07 a.m. This deposition is taking
12 place at 3175 Hanover Street, Palo Alto,
13 California. The videographer is Sean McGrath,
14 appearing on behalf of Sound Deposition Services
15 located at 400 Oceangate Plaza, Suite 400, Long
16 Beach, California 90802.

17 Would counsel please identify yourselves
18 and state whom you represent, starting with the
19 questioning attorney.

20 MR. GOETZ: John Goetz of
21 Fish & Richardson on behalf of the patent owner.

22 MR. MACE: Andrew Mace of Cooley for
23 petitioner.

24 THE VIDEOGRAPHER: The reporter today is
25 Kathleen Wilkins.

1 Would the reporter please swear in the
2 witness.

3 EDWARD TITTEL,
4 having been duly sworn,

5 was examined and testified as follows:

6 THE VIDEOGRAPHER: We may proceed.

7 RESUMED EXAMINATION BY MR. GOETZ

8 BY MR. GOETZ:

9 Q. Okay. Good morning, sir.

10 A. Good morning.

11 Q. I'd like to begin with just some basic
12 questions about HTML. And let me just start by
13 asking you, you're an expert in HTML; is that
14 correct?

15 A. I've written numerous books on the
16 subject.

17 Q. And do you consider yourself an expert
18 in HTML?

19 A. Yes, sir.

20 Q. And would you consider yourself an
21 expert in HTML in 1998?

22 A. Yes.

23 Q. Okay. In 1998, how could a person of
24 skill in the art of HTML create a very simple web
25 page that just had an image on it? What is the

1 HTML mechanism to do that?

2 A. Are you asking me what markup would be
3 necessary to cause an image to appear on a web
4 page in a web browser?

5 Q. Yes, sir.

6 A. Well, you'd have to have a standard HTML
7 document put together. And as part of the body of
8 that document, you would have to have an
9 image element, IMG, with a proper pointer to a
10 graphics file of some kind, and normally also some
11 guidance to the web browser as to how wide and how
12 tall to draw that image. Possibly also
13 information about where on the page you wanted it
14 to appear and so forth and so on.

15 Q. What if you wanted to add to the web
16 site the name of such an image? How could you do
17 that?

18 A. You would have to provide a caption of
19 some kind for that image, which would mean placing
20 text above, below or alongside the image to act as
21 a label.

22 Q. Is that part of the image attribute or
23 separate?

24 A. There is an alt text attribute that can
25 be included as part of the image element, but the

1 alt text is only visible when a browser has the
2 graphics turned off, in which case the alt text is
3 the only thing that's displayed. Or when the
4 user, through some action, typically with the
5 mouse, causes the alt text to pop up.

6 So in order for a caption or a label to
7 appear, you would have to have some kind of
8 associated text element, of which there are many
9 kinds, that would go along with that image.

10 Q. What if you wanted to add to the web
11 site the modification date or the creation date of
12 the image? How would you do that?

13 A. In similar fashion. You would have to
14 provide a text element that included that data.
15 You could also use something like a JavaScript or
16 some other kind of dynamic element on the page
17 that might actually even go to the file system and
18 look up that data for display on the page,
19 depending on where the data was coming from.

20 Q. And how would the HTML be different if
21 instead of just a plain image, it was an icon with
22 a link to a file located somewhere else on the
23 Internet?

24 MR. MACE: Object to form.

25 THE WITNESS: I'm not sure what you mean

1 by "icon" in this case.

2 BY MR. GOETZ:

3 Q. Like a picture of a Word document that
4 you would -- that the user would click on on the
5 web site to -- to retrieve the underlying file.

6 A. Well, you would have the graphic for the
7 Word icon in a displayable file, and you would
8 have to embed that graphic inside an anchor
9 element that had a link to the actual location of
10 that file so that if the icon were to be clicked,
11 then the file could be downloaded.

12 Most implementations of such things
13 about which I'm aware also display the name of the
14 file involved and often the size of the file, to
15 warn people how big an object they are going to be
16 downloading.

17 And they'll create a hyperlink to the
18 text as well as to the icon, to allow the user to
19 click either on the icon or on the name of the
20 file to initiate the download.

21 Q. What is the specific HTML markup that
22 would be used to display the name of the file in
23 that circumstance?

24 A. Well, again, that's text information.
25 So you could use any number of different text

1 elements of which, for example, the paragraph
2 element would be a good case in point.

3 Q. Okay. I'll ask the court reporter to
4 hand to you premarked Exhibit Number 1015.

5 A. Let's see if we can find it. This one
6 doesn't have a label on it. Would that be my --

7 THE REPORTER: It's one of those. Right
8 there.

9 BY MR. GOETZ:

10 Q. Yeah, that's your second declaration,
11 yes, sir.

12 A. Okay. Second declaration. See, this
13 one doesn't have a label on it, but it does say
14 Exhibit 1015 in text on it. I was just looking
15 for -- I was looking for the court reporter's
16 label.

17 I do see that the document itself says
18 Exhibit 1015, but I didn't see a sticker from the
19 court reporter. Please forgive me.

20 Q. No problem. I understand.

21 And so what is that document, sir?

22 A. That document is the printed version of
23 my second declaration that was written in January
24 of this year.

25 Q. Okay. And that's your signature at

1 the -- at the end of that document on page --
2 well, right underneath paragraph 38?

3 A. Yes, sir, that is my signature.

4 If I may interrupt you for a moment,
5 sir.

6 Q. Go ahead.

7 A. I have -- I have three copies of this
8 document. Should I hand one to my counsel and --
9 or just maybe lay these aside?

10 Q. You only need one.

11 A. Okay. I've got one.

12 Q. The other copies are for either your
13 attorney or the court reporter or anyone else who
14 needs them.

15 A. Okay. Thank you.

16 Q. Yes, sir.

17 And so you -- you drafted this
18 declaration after reviewing the patent owner's
19 response in October of last year; is that correct?

20 A. Yes, sir.

21 Q. And after -- after the Jones declaration
22 that was submitted in support of that response; is
23 that correct?

24 A. Yes, sir. If you look at paragraph 2 on
25 page 1, you'll see all those items are listed

1 explicitly there.

2 Q. Okay. And this -- this declaration
3 contains all of your responses to the points made
4 by the patent owner and Dr. Jones in those papers;
5 is that correct?

6 A. All of my responses up to this point in
7 time. Of course, in our conversation I reserve
8 the right to respond to questions that may not
9 have been contemplated in the context of this
10 document.

11 Q. Fair enough. But as of right now, this
12 document contains all of your responses to the
13 points made by the patent owner and Dr. Jones in
14 those previous papers; is that fair?

15 A. Yes, sir.

16 Q. Okay. And we're going to talk about
17 this in some detail. I have it -- you can refer
18 to it, you know, at any time.

19 I want to go back to a point that was
20 discussed at your last deposition, of this term
21 "metadata." And I think you said metadata means
22 data about other data; do you recall that?

23 A. Yes, sir. That's a common definition
24 for the term.

25 Q. Okay. Do you agree that metadata could

1 be stored really anywhere?

2 MR. MACE: Object to form.

3 THE WITNESS: I'd have to ask you to put
4 that in context. I mean, "anywhere" includes a
5 stone tablet, and I submit that a stone tablet is
6 a rather unlikely repository for metadata in the
7 digital world.

8 BY MR. GOETZ:

9 Q. Right. But if it's data about data, it
10 could be stored there, right?

11 A. Would you repeat the question, please?
12 I didn't hear the end of it.

13 MR. GOETZ: So if you could read it
14 back, Madam Court Reporter.

15 (Record read by the reporter as
16 follows:

17 QUESTION: Right. But if it's data
18 about data, it could be stored there,
19 right?)

20 THE WITNESS: I hadn't considered that
21 hypothetical in the drafting of my report.

22 BY MR. GOETZ:

23 Q. Let me -- let me try this way: I mean,
24 do we agree with each other that there's nothing
25 about the word "metadata" that gives any

1 indication about where it's stored in a particular
2 distributed system, for example?

3 A. Normally, when metadata, which, as we've
4 agreed, is data about data or, perhaps better
5 said, as data about other data, there has to be
6 some way to associate the data and the metadata
7 about which the original data is being described
8 or, you know, elaborated or having attributes
9 provided for it or whatever the role of the
10 metadata in the individual case might be.

11 So it's important that the data and the
12 metadata be accessible -- be equally accessible
13 because very often the metadata is what tells a
14 file system, for example, where to go retrieve the
15 data that the metadata describes.

16 So for it to be stored anywhere, I'm not
17 sure that that's a sufficiently rigorous enough
18 definition to meet the proximity and association
19 requirements for such things. But if it's
20 somewhere close by that's known and reasonably
21 convenient, then the actual location is probably
22 not that important.

23 But we could talk about this for a long
24 time because there are all kinds of provisos that
25 would attach to such relationships between data

1 and metadata.

2 Q. Do you agree that in a client's server
3 distributed system, you could have some metadata
4 stored on the server and some on the client? Do
5 you agree that that's possible?

6 MR. MACE: Object to form.

7 THE WITNESS: Could you be more specific
8 and tell me what kind of objects or entities we're
9 talking about?

10 BY MR. GOETZ:

11 Q. Let's start with a file.

12 A. Okay. Who owns that file? Does the
13 server own that file, or does the client own that
14 file?

15 Q. Why do you ask that question?

16 A. Because the metadata will most often
17 reside on the system where the -- where some work
18 has to be done. It's very seldom do you find a
19 case where the file resides on one system and the
20 metadata resides on another system. This creates
21 potential issues with speed of access and with
22 impact in the event of a network downtime or
23 failure.

24 Q. Right. But although you believe it
25 seldom happens that way, it sounds like you do

1 agree that it's possible?

2 A. My belief would be that if there were
3 work to be done on a file or actions to occur
4 related to a file, that the data and the metadata
5 would tend to travel together, so that it makes
6 more sense to keep them together than it does to
7 split them apart.

8 Q. Right. And I understand that's your
9 belief about what makes the most sense, but my
10 question right now is just about what's possible.

11 And so is it your opinion that, as a
12 matter of computer science, it's actually
13 impossible to have filed metadata stored in two
14 different places in a server/client distributed
15 system?

16 A. No. It's just -- it's not impossible;
17 just not very prudent or very smart.

18 Q. Okay. If you turn to your declaration.
19 And I want to talk about your Section 2, which
20 begins -- your paragraph 3, about the "privacy
21 level information" term.

22 A. Yes, sir.

23 Q. And is it -- is it fair to say that your
24 opinions on the prior art that are addressed in
25 this IPR depend on your understanding of the term

1 "privacy level information"?

2 A. If taken in context with the use of
3 files and objects in a distributed environment,
4 which would also involve some notion of access
5 controls, then, yes.

6 Q. Do you agree that the '316 patent
7 specification teaches a privacy level of owner?
8 And we have the patent there if you wanted to look
9 at it.

10 A. Are you refiguring -- referring to
11 Figure 4D?

12 Q. No. But you may refer to whatever you
13 want to in answering the question.

14 So let's just actually take a minute to
15 make sure you have the patent in front of you --

16 A. Yeah. I'm looking right now.

17 Q. -- question I'm asking.

18 A. I see the Salas patent.

19 Q. Yeah. It's Exhibit 1001. We got it out
20 just before the deposition started.

21 A. Okay. It's in a different format from
22 what I'm used to seeing, so that's what fooled me.
23 I was looking for --

24 Q. If you have your own copy, I'm happy to
25 let --

1 A. Yeah. Actually, if you wouldn't mind,
2 I'd like to get my copy out of -- wait a minute.
3 This is a petition. 1001 is a petition for
4 inter partes review. It's not a copy of the
5 '3116 [sic] patent.

6 I do not have a copy of the '3116 -- or
7 the '316 patent in front of me.

8 MR. GOETZ: Okay. Let's go off the
9 record.

10 THE VIDEOGRAPHER: The time is
11 10:28 a.m., and we are off the record.

12 (Whereupon, a recess was taken.)

13 THE VIDEOGRAPHER: Time is 10:35 a.m.,
14 and we are on the record.

15 BY MR. GOETZ:

16 Q. Okay. Sir, do you have the '316 patent
17 in front of you now?

18 A. Yes, I do.

19 Q. Okay. And so please feel free to refer
20 to it or reference it.

21 My question is do you agree that the
22 '316 specification teaches the privacy level of
23 the owner?

24 A. Yes. In the summary of the invention,
25 there is a section that refers to owner in the

1 paragraph from lines 40 to 46. And then there are
2 other references elsewhere in the specification as
3 well.

4 Q. Okay. Do you agree that the owner is
5 one person?

6 A. As presented in the patent, the concept
7 of owner is associated with some notion of
8 personhood, yes. Although in a digital system,
9 the owner is actually an account, and so that
10 anyone who possessed the credentials to access
11 that account could access it.

12 So typically it would be one person, but
13 if the -- if the credentials were shared, then it
14 could be more than one person. But it definitely
15 represents a single account of a specific kind.

16 Q. So we can agree that the universe of
17 users at that owner privacy level in the
18 '316 patent is one user, right?

19 A. I beg your pardon? Would you repeat the
20 question, please?

21 Q. Yes. I'll just ask the court reporter
22 to read it back. It might be clearer.

23 (Reporter interruption.)

24 MR. GOETZ: I see that it's garbled.

25 Excuse me. I'm sorry. I see that the transcript

1 is garbled, so I'm going to withdraw the question
2 and ask it again.

3 Q. In light of that, can we agree that the
4 universe of users at the owner privacy level in
5 the '316 patent is one user?

6 A. I see no terminology in the '316 patent
7 anywhere that refers to a universe of users. In
8 the closest thing that I know of in the patent
9 that deals with privacy levels, which would be
10 Figure 4D, I see that there are different privacy
11 levels presented, but I don't see any notion of a
12 universe either in explicit terminology or in --
13 by implication from the language in the patent.

14 Would you care to refer me to some
15 passages in the claims or the text of the patent
16 where I might enlighten myself further on this
17 subject?

18 Q. I'll reword the question. How about
19 that.

20 Let's take a look at your declaration,
21 actually, on paragraph 8.

22 A. Yes, sir.

23 Q. And here you make the point that the
24 claims focus on the assembly and display of a
25 diary page in accordance with configuration

1 information; is that right?

2 A. Yes, sir.

3 Q. And -- and this is -- this point -- you
4 make this point in support of -- of your position
5 that 4D, Figure 4D in its description in the
6 specification are not -- not relevant to the
7 meaning of "privacy level information" in your
8 opinion; is that right?

9 A. No, that's not what it says, sir.
10 And -- and that's not what my opinion is either.

11 All I'm saying is that the privacy level
12 interface diagram that appears as Figure 4D in the
13 patent is not informative about the actual type or
14 kind of privacy level information that has to be
15 transmitted to the user system. That's -- that's
16 a different thing.

17 This diagram shows us what levels there
18 are, but it doesn't actually show us any of the
19 attributes associated with any one of those
20 levels, and, you know, how they're represented,
21 stored and transmitted, so on and so forth.

22 Q. Okay. Turn with me to the '316 patent,
23 at the top of Column 7.

24 A. What line number would you --

25 Q. Do you see that sentence there?

1 (Reporter interruption.)

2 BY MR. GOETZ:

3 Q. Yeah, do you see the first sentence at
4 the top of Column 7?

5 A. The sentence that begins "Diary applet
6 112"?

7 Q. Yes.

8 A. That -- yes, I see it, sir.

9 Q. How do you understand that sentence?

10 A. I understand that sentence to mean that
11 an applet or some executable code running on the
12 client reads information that's received from the
13 server and uses that information to generate a
14 visible web page in the browser on the client in
15 accordance to the diary information described in
16 Item Number 114, which would take us to Figure 1,
17 where it is depicted as diary information that
18 includes database data, cover information and
19 configuration information.

20 Q. And do you agree that configuration
21 information in the '316 patent includes privacy
22 level information?

23 A. That's how the patent describes it, yes,
24 sir.

25 THE VIDEOGRAPHER: Counsel, is there a

1 mike on the desk in there that you could move a
2 little closer to you?

3 MR. GOETZ: Done.

4 THE VIDEOGRAPHER: Thank you.

5 BY MR. GOETZ:

6 Q. And if you look at Column 10, line 28,
7 where it says -- there's the Number 2, and then it
8 says, "Privacy level" -- excuse me.

9 It says, "Privacy level of a diary
10 page."

11 Do you see that?

12 A. Yes, sir.

13 Q. And you understand that to be a section
14 in the specification -- a sort of a subsection
15 underneath Section C, navigation by a user within
16 a diary, right?

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

18 Q. And is it your opinion that a person of
19 skill in the art, to determine the meaning of
20 "privacy level information" would not consider
21 this Section 2, privacy level of a diary page
22 subsection?

23 A. I'm sorry. I didn't hear a question in
24 there. Would you mind rephrasing?

25 Q. Is it your opinion that a person of

1 skill in the art, in considering the meaning of
2 "privacy level information" in the claims, would
3 not consider Section 2? Is that your opinion?

4 A. No, that is not my opinion. My opinion
5 is that what appears in this discussion explains
6 how the interface works for the various elements
7 that appear in Figure 4D, but it does not describe
8 the data or the attributes that are associated
9 with those things to either help identify or
10 communicate them. All we know is that there are
11 different levels, and that those levels have
12 names.

13 Q. That's relevant to understanding the
14 meaning of the terms "privacy level information,"
15 though, isn't it?

16 MR. MACE: Object to form.

17 THE WITNESS: It describes various
18 categories that correspond to privacy levels as
19 described in the second paragraph underneath the
20 Number 2 heading in lines 36 to 54, but mostly
21 described in 36 through 41.

22 BY MR. GOETZ:

23 Q. Right.

24 And that description is relevant to
25 understanding the meaning of the terms "privacy

1 level information" in the claims, right?

2 A. It does show an example of what privacy
3 level information might consist of.

4 Q. So it sounds like you agree.

5 Do you agree?

6 A. Yes.

7 Q. Okay. Let's look at the Salas
8 reference. And I have it down as Exhibit 1005.

9 A. I have it so marked here as well.

10 Q. Okay. And so you have that there for
11 your reference. And also, if you would turn to
12 your second declaration, in paragraphs -- any of
13 the paragraphs that you want. But I'm looking at
14 paragraphs 21 and 22.

15 And before I ask you about that, would
16 it be fair to say that -- that you understand the
17 Salas reference better now than when you submitted
18 your first declaration?

19 A. I'm not sure that my understanding is
20 better, but I've certainly spent more time looking
21 at it and thinking about it. As the old saying
22 goes, more isn't always better.

23 Q. Okay. In paragraphs 21 and 22, it seems
24 that you're making the point that the file system
25 in Salas enforces can view and can edit

1 restrictions.

2 Is that a fair summary of your point?

3 A. The language of Salas indicates that the
4 user will only be allowed to retrieve the file if
5 the kind of access they request for the file
6 matches their access rights.

7 So it says that they must have can edit
8 if the user indicates editing will occur or can
9 view if the user indicates it's read only.

10 Q. Is it your opinion that the file system
11 in Salas enforces can edit and can view
12 restrictions?

13 A. Yes, sir. If you look at paragraph 22,
14 I explain that if the user's access privileges
15 include "can view" but do not include "can edit",
16 the file will be downloaded and viewable by the
17 user, but the user will be not allowed -- I'm
18 sorry, will not be allowed to modify the contents
19 of the files. And that is enforced by the file
20 system on the client.

21 Q. Do you agree that there's no explicit
22 disclosure in Salas that the file system on a
23 client is enforcing those restrictions?

24 A. The language of Salas in the quoted
25 paragraph in 21 says that the only way the user

1 can access the file is if they have the
2 appropriate access rights.

3 And once that file arrives at the
4 client, the local copy has those rights or access
5 controls associated with it and, thus, will be
6 enforced at the client. It seems to be a clear
7 statement of how the envisioned system will
8 behave.

9 Q. Do you agree with me that that language
10 is not an explicit disclosure that the file system
11 on the client is enforcing those restrictions?

12 A. The word "file system" does not occur in
13 the Salas text that we're discussing.

14 Q. And so it sounds like you agree with me;
15 is that correct?

16 A. There's no explicit mention of file
17 system in that language.

18 Q. And as a result, you agree with me,
19 correct?

20 MR. WEINSTEIN: Court Reporter, could
21 you read back the two questions ago, the question
22 two questions ago.

23 (Record read by the reporter as
24 follows:

25 QUESTION: Do you agree with me that

1 that language is not an explicit
2 disclosure that the file system on the
3 client is enforcing those restrictions?)

4 MR. WEINSTEIN: Thank you.

5 THE WITNESS: Yes. I agree, but I also
6 observe in paragraph 23 of my declaration, that it
7 is well known to persons of ordinary skill in the
8 art that the user's local computer must enforce
9 can view and can edit privileges for a downloaded
10 file, and that this ultimately comes down to the
11 file system and the operating system inside which
12 the file system operates.

13 BY MR. GOETZ:

14 Q. Is it your opinion that in order for the
15 Salas system to work as intended and disclosed,
16 that the file system must enforce the
17 restrictions?

18 A. Yes.

19 Can we go off the record for a minute?
20 I want to get some more water.

21 MR. GOETZ: Sure.

22 THE VIDEOGRAPHER: The time is
23 10:56 a.m., and we are off the record.

24 (Whereupon, a recess was taken.)

25 THE VIDEOGRAPHER: The time is

1 11:02 a.m., and we are on the record.

2 BY MR. GOETZ:

3 Q. Mr. Tittel, what have you done to
4 confirm that file systems available in
5 September '98, like Windows 95, enforce file
6 restrictions?

7 A. I've relied on my knowledge of those
8 systems. By 1995, I was teaching classes on
9 Microsoft certification related to Windows 95 and
10 to Windows NT 3 and was teaching other people how
11 the file systems work.

12 Q. Okay. So it sounds like you didn't
13 do -- didn't do anything extra to confirm that for
14 purposes of this -- this matter; is that fair?

15 A. I relied on my knowledge of the system
16 at the time and as it continues to behave to this
17 day.

18 Q. Right.

19 And so setting that aside, you didn't do
20 anything else; is that fair?

21 A. I have been a daily observer of the
22 behavior of Windows applications for the past 25
23 years. There have been plenty of cases when I
24 tried to, for example, save a file that was marked
25 by the operating system as read only only to be

1 informed that I couldn't save it in the context of
2 a variety of different applications.

3 Q. So other than relying on your historical
4 knowledge and experience, you didn't do anything
5 else to confirm that file systems available in
6 September '98 like Windows 95 would enforce file
7 restrictions; is that fair?

8 A. I didn't find it necessary to do
9 anything additional, though I did consult with
10 various historical references, including Microsoft
11 TechNet and a variety of books about operating
12 systems prevalent at the time.

13 I didn't find it necessary to cite them
14 in my report, so that's why there's no mention of
15 that in these materials.

16 Q. Do you agree with me that in Windows 95,
17 the read-only attribute can be set or unset on a
18 file by any user?

19 MR. MACE: Object to form.

20 THE WITNESS: No, I do not. The only
21 person who has the ability to reset file
22 attributes is the person who owns the file or the
23 person with administrative privileges on that
24 operating system. That is not any person.

25

1 BY MR. GOETZ:

2 Q. Okay. Let's take a look at the Parker
3 reference, which I think is Exhibit 1011.

4 A. Yes, sir, I have it right here.

5 Q. And you agree with me that Parker does
6 not teach the assembly of web pages, right?

7 A. The subject of Parker's patent is -- has
8 to do with file privilege administration and
9 general operation of file systems. It does not
10 teach web page assembly.

11 Q. And it doesn't teach or discuss HTML,
12 then, either, right?

13 A. I would want to peruse the specification
14 in detail to make sure that there was no mention
15 of the term anywhere in the document to provide a
16 completely definitive answer, but it's my
17 recollection that HTML and related markup is not
18 mentioned in the Parker patent.

19 Q. Do you agree that Parker is directed to
20 a file privilege administration apparatus?

21 A. That's what the patent is entitled.
22 Yes, sir, I do.

23 Q. Do you agree that Figure 4 in Parker
24 shows a view by the administrator from the
25 administrator's console?

1 A. The open admin utility is presented as
2 an administrative utility, and Box Number 402 in
3 di- -- in the diagram on Figure 4 says that we're
4 viewing the contents of the focus file system as
5 an administrator.

6 MR. GOETZ: Okay. Let's -- let's go off
7 the record. I may be done here, so if you guys
8 give me a few minutes, I'd appreciate it.

9 THE VIDEOGRAPHER: The time is
10 11:10 a.m., and we are off the record.

11 (Whereupon, a recess was taken.)

12 THE VIDEOGRAPHER: The time is
13 11:19 a.m., and we are on the record.

14 MR. GOETZ: Okay. I don't have any
15 further questions, sir. Thank you for your time.

16 THE WITNESS: Yes, sir. Thank you too,
17 Mr. Goetz.

18 MR. MACE: No questions.

19 MR. WEINSTEIN: We can go off the
20 record.

21 THE VIDEOGRAPHER: Just a second. We're
22 not off yet. This marks the end of Volume I
23 [sic], Disk 1, and concludes the deposition of
24 Edward Tittel. The time is 11:19 a.m., and we are
25 off the record.

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(Whereupon, the deposition concluded
at 11:19 a.m.)

--oOo--

I declare under penalty of perjury the
foregoing is true and correct. Subscribed at
_____, California, this
____ day of _____ 2015.

WITNESS SIGNATURE

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I, Kathleen A. Wilkins, Certified
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complete, and true record of proceedings.

I further certify that I am not of
counsel or attorney for either or any of the
parties in the foregoing proceeding and caption
named or in any way interested in the outcome of
the cause in said caption.

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of the original transcript will render the
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In witness whereof, I have hereunto set
my hand this day:

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KATHLEEN A. WILKINS
CSR 10068, RPR-RMR-CRR-CCRR-CLR

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