	THISION BLIZZAND VS ACCELENATIO		
	Page 1	1	Page 3 INDEX OF EXAMINATION
	1 UNITED STATES PATENT AND TRADEMARK OFFICE	2	WITNESS: PAGE
	2 BEFORE THE PATENT TRIAL AND APPEAL BOARD	3	EXAMINATION
	3	4	By Mr. Hannah 5
	4 ACTIVISION BLIZZARD, INC., TAKE-TWO INTERACTIVE	5	
	5 SOFTWARE, INC., 2K SPORTS INC. AND ROCKSTAR GAMES,	6	
	6 INC.,	7	INDEX TO EXHIBITS
	7 Petitioners,	8	
	8 vs	9	EXHIBIT DESCRIPTION PAGE
	9 ACCELERATION BAY, LLC,	10	1 Declaration of Dr. Karger 18
	10 Patent Owner.		for IPR 2015-1970
	10 Fatelit Owler. 11 Case IPR2015-01970	11	
	12 IPR2015-01970	12	2 Declaration of Dr. Karger 18
		1.2	for IPR 2015-1971
	13 US Patent No. 6,829,634	13 14	3 Portion of book, Inside Direct X 25
	14	15	5 Portion of book, inside birect x 25
	15 VIDEOTAPED	16	4 Declaration of Glenn Little 31
	DEPOSITION OF	17	5 Document entitled Hybrid Routing 34
	16 DR. DAVID R. KARGER	- '	in Dynamic Network
	17 July 7, 2016	18	-
	18 9:30 A.M.	19	6 U.S. Patent 6,701,344 Distributed 40
	19		Game Environment
	20 ROPES & GRAY	20	
	800 Boylston Street	21	7 Declaration of Virgil Bourassa 89
	21 Boston, MA	22	
	22	23	
	23 Gena M. Nardone, RPR	24	
	Page 2		Page 4
1	Ű	1	VIDEO TECHNICIAN: This is tape number
2 3	APPEARANCES OF COUNSEL On behalf of the Petitioners	2	one to the videotaped deposition of Dr. David
4	JAMES L. DAVIS, ESQ.	3	Karger. This is in the matter of Activision
	ROPES & GRAY	4	Blizzard Inc. versus Acceleration Bay, LLC.
5	1900 University Avenue - 6th Floor East Palo Alto, CA 94303	5	This is being heard before the United States
6	650-617-4000	6	Patent and Trademark Office, before the Patent
	james.l.davis@ropesgray.com	-	
7 8	MICHAEL TOMASULO, ESQ.		Trial and Appeal Board, case IPRs 201501970 and
0	DAVID K. LIN, ESQ.	8	case IPR 201501972 U.S. patent number 6,701,344.
9	WINSTON & STRAWN	9	This deposition is being held at the firm of
10	333 Grand Avenue - 38th floor Los Angeles, CA 90071	10	Ropes & Gray, at 800 Boylston Street, Boston,
10	213-615-1973	11	Massachusetts, on July 7, 2016, beginning at 9:50
11	dlin@winston.com	12	a.m.
10	mtomasullo@winston.com	13	My name David Woodford. I am the
12 13	On behalf of the Patent Owner	14	
14	JAMES HANNAH, ESQ.	15	
1 =	MICHAEL LEE, ESQ. KRAMER LEVIN	16	
15	KRAMER LEVIN 990 Marsh Road		
		17	5
16	Menlo Park, CA 94025	40	
	650-752-1712	18	
16 17	650-752-1712 mhlee@kramerlevin.com	18 19	
	650-752-1712	-	MR. HANNAH: James Hannah, from Kramer
17 18 19	650-752-1712 mhlee@kramerlevin.com jhannah@kramerlevin.com Also Present:	19	MR. HANNAH: James Hannah, from Kramer
17 18 19 20	650-752-1712 mhlee@kramerlevin.com jhannah@kramerlevin.com	19 20	MR. HANNAH: James Hannah, from Kramer Levin, representing Acceleration Bay. MR. LEE: Michael Lee, from Kramer
17 18 19	650-752-1712 mhlee@kramerlevin.com jhannah@kramerlevin.com Also Present:	19 20 21 22	MR. HANNAH: James Hannah, from Kramer Levin, representing Acceleration Bay. MR. LEE: Michael Lee, from Kramer Levin, representing Acceleration Bay.
17 18 19 20 21	650-752-1712 mhlee@kramerlevin.com jhannah@kramerlevin.com Also Present:	19 20 21	MR. HANNAH: James Hannah, from Kramer Levin, representing Acceleration Bay. MR. LEE: Michael Lee, from Kramer Levin, representing Acceleration Bay. MR. DAVIS: Jim Davis of Ropes & Gray,



# 800.211.DEPO (3376) EsquireSolutions.com

	TIVISION BLIZZARD vs ACCELERATIC		BAY 5-8
1	Page 5 Electronic Arts, Take-Two Interactive Software,	1	Page 7 Turning to my other declaration for IPR
2	2K Sports and Rockstar Games.	2	1972. Again, paragraph 41 where it reads that there are
3	And also present are Michael Tomasulo and Dave	3	eight nodes numbered one to eight which are connected by
4	Lin of Winston & Strawn.	4	seven links, the correction is that there are seven
5	I think we just have one preliminary matter,	5	nodes numbered one to five and seven to eight which are
6	similar to what we covered yesterday, Mr. Hannah.	6	connected by six links.
7	Today's deposition is going to be covering the 344	7	Paragraph 220, in my opinion for at least
8		8	the reasons discussed above claim 17 is what it
9	patent. Yesterday's was about the 634 patent and	9	currently reads, and it should read claim 19.
	tomorrow will be the 966 patent? MR. HANNAH: That's correct. And it's	9 10	
10			And, finally, at paragraph 247, line
11	C C	11	three, the challenge claims are obvious under 103 over
12		12	DirectPlay and Shoubridge. It then goes on to read that
13	c ,	13	claims 1 to 7, 10 to 11 and 16 to 17 are anticipated
14		14	under 102 by Shoubridge. That should be struck, that
15		15	claims 1 to 7, 10 to 11 and 16 to 17 are anticipated
16	,	16	under 102 by Shoubridge should be struck. Continuing,
17		17	it reads that and that claims 6 to 10 and 17 are
18		18	obvious under 103 by Shoubridge. That should be
19	-	19	corrected to claims 1 to 11 and 16 to 19 are obvious
20		20	under 103 by Shoubridge. So those are the typos that I
21		21	found in this read through.
22		22	Q. Any other corrections do you have?
23		23	A. Not at this time.
24	Q. Can you please state your name for the	24	Q. All right. So, Doctor, what do you do as
	Page 6	1	Page 8
1		1	a professor at MIT?
2	A. My name is David Karger.	2	A. I do a mixture of teaching and research.
3	Q. And where do you work, Dr. Karger?	3	Q. What does your research focus on?
4	A. I'm a professor of computer science at	4	A. Do you mean at present?
5	MIT.	5	Q. Yeah.
6	Q. What do you do as a professor of computer	6	A. So at present I am primarily engaged in
7	science at MIT?	7	studying human to computer interaction databases,
8	A. So perhaps as a preliminary to answering	8	network reliability, graph connectivity. Those are
		9	some of the more recent papers that I've published.
10		10	Q. How long have you been a professor at MIT?
11	5	11	A. I've been a professor at MIT for roughly
12		12	21 years.
13	-	13	Q. What other areas of research have you
13	· · · · · · · · · · · · · · · · · · ·	14	focused on during your tenure at MIT?
14			
	Q. Give me a second to get there, Doctor.	15	A. So in addition to the areas that I just
14	<ul><li>Q. Give me a second to get there, Doctor.</li><li>Okay. Paragraph 41.</li></ul>		
14 15	<ul><li>Q. Give me a second to get there, Doctor.</li><li>Okay. Paragraph 41.</li></ul>	15	A. So in addition to the areas that I just
14 15 16	<ul><li>Q. Give me a second to get there, Doctor.</li><li>Okay. Paragraph 41.</li><li>A. Paragraph 41 where it currently reads that</li></ul>	15 16	A. So in addition to the areas that I just mentioned, I have also done work in theoretical
14 15 16 17	<ul><li>Q. Give me a second to get there, Doctor.</li><li>Okay. Paragraph 41.</li><li>A. Paragraph 41 where it currently reads that there are eight nodes numbered one to eight which</li></ul>	15 16 17	A. So in addition to the areas that I just mentioned, I have also done work in theoretical computer science, primarily in algorithms, network
14 15 16 17 18	<ul> <li>Q. Give me a second to get there, Doctor.</li> <li>Okay. Paragraph 41.</li> <li>A. Paragraph 41 where it currently reads that there are eight nodes numbered one to eight which are connected by seven links, the correction is that</li> </ul>	15 16 17 18	A. So in addition to the areas that I just mentioned, I have also done work in theoretical computer science, primarily in algorithms, network optimizations, combinatorial optimization more
14 15 16 17 18 19	<ul> <li>Q. Give me a second to get there, Doctor.</li> <li>Okay. Paragraph 41.</li> <li>A. Paragraph 41 where it currently reads that there are eight nodes numbered one to eight which are connected by seven links, the correction is that</li> </ul>	15 16 17 18 19	A. So in addition to the areas that I just mentioned, I have also done work in theoretical computer science, primarily in algorithms, network optimizations, combinatorial optimization more broadly, scheduling theory, graph algorithms, the
14 15 16 17 18 19 20	<ul> <li>Q. Give me a second to get there, Doctor.</li> <li>Okay. Paragraph 41.</li> <li>A. Paragraph 41 where it currently reads that there are eight nodes numbered one to eight which are connected by seven links, the correction is that there are seven nodes numbered one to five and seven to eight which are connected by six links.</li> </ul>	15 16 17 18 19 20	A. So in addition to the areas that I just mentioned, I have also done work in theoretical computer science, primarily in algorithms, network optimizations, combinatorial optimization more broadly, scheduling theory, graph algorithms, the study of randomization as a technique that can be
14 15 16 17 18 19 20 21	<ul> <li>Q. Give me a second to get there, Doctor.</li> <li>Okay. Paragraph 41.</li> <li>A. Paragraph 41 where it currently reads that there are eight nodes numbered one to eight which are connected by seven links, the correction is that there are seven nodes numbered one to five and seven to eight which are connected by six links. At paragraph 213, in my opinion for at</li> </ul>	15 16 17 18 19 20 21	A. So in addition to the areas that I just mentioned, I have also done work in theoretical computer science, primarily in algorithms, network optimizations, combinatorial optimization more broadly, scheduling theory, graph algorithms, the study of randomization as a technique that can be used in all of those domains. I've done work on
14 15 16 17 18 19 20 21 22	<ul> <li>Q. Give me a second to get there, Doctor.</li> <li>Okay. Paragraph 41.</li> <li>A. Paragraph 41 where it currently reads that there are eight nodes numbered one to eight which are connected by seven links, the correction is that there are seven nodes numbered one to five and seven to eight which are connected by six links. At paragraph 213, in my opinion for at least reasons discussed above it currently reads claim</li> </ul>	15 16 17 18 19 20 21 22	A. So in addition to the areas that I just mentioned, I have also done work in theoretical computer science, primarily in algorithms, network optimizations, combinatorial optimization more broadly, scheduling theory, graph algorithms, the study of randomization as a technique that can be used in all of those domains. I've done work on machine learning, coding theory and communication,



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD VS ACCELERATIC	ЛЛ	BAY 9–12
1	Page 9 Q. Have you ever done any research specific	1	Page 11 Q. Sitting here today, can you think of any?
2	to gaming?	2	A. No.
3	MR. DAVIS: Objection. Form.	3	Q. Do you teach any classes regarding gaming
4	THE WITNESS: I've done some research	4	applications?
5	on game theory and mechanism design there is	5	A. What do you mean by regarding?
6	there aren't other things that I can recall	6	Q. What don't you understand about regarding?
7	at this point.	7	A. Well, I teach a lot of classes that teach
8	Q. You said game theory and what was the	8	material that could be useful for people who are
9	other one?	9	developing game applications.
10	A. Mechanism design.	10	Q. Have you ever taught a class about
11	Q. Do either of do either of these relate	11	developing game applications?
12	to video games that are played by, like, players?	12	A. So with that focus?
13	A. Well, game theory is a general theoretical	13	Q. Yes.
	study of games and strategies how to choose how	13	A. No.
14			
15	to choose good strategies against other players and so forth.	15	Q. Do you play games?
16		16	A. Not very often.
17	Q. Have you ever done any programming of	17	Q. When is the last time that you've played a
18	of gaming applications?	18	Play Station game?
19	MR. DAVIS: Objection. Form.	19	A. Oh, I've never used a Play Station.
20	THE WITNESS: I have programmed some	20	Q. How about an Xbox?
21	games. I'm not sure if you would call those	21	A. Never for some reason Xbox was probably
22	gaming applications.	22	at one of the Microsoft developer Microsoft IT
23	Q. What do you mean you programmed some	23	tech fares every once in a while and they sometimes
24	games?	24	demo Xbox games there.
	Page 10		Page 12
1	A. Well, sometimes you know small games	1	Q. So how long did you demo the game for?
2	are useful to to create as as exercises for	2	A. Oh, I don't remember. Half an hour or
3	students or to to exercise program activities and	3	something.
4	such. So I've done some of that.	4	Q. You don't own an Xbox?
5	Q. So can you give me an example of a game	5	A. Uh-uh.
6	that you've programmed?	6	Q. You don't own a Play Station?
7	A. So, an example is a simple sort of	7	A. No, I don't.
8	textual sort of one of our classes, long ago, we	8	Q. Do you own any type of gaming console?
9	had a we had a game that was somewhat like the	9	A. I play my I do my gaming on a standard
10	old Zork/adventure-type interactive fiction games	10	computer. I mean, I I do play games. There
11	where you would, you know, use text to walk a	11	are I'm a big fan of some of the the dance
12	character around and visit an environment.	12	games, dance pattern based games, for example.
13	Q. Any other games that you can think of?	13	Q. How about any on-line multi-player games?
14	A. Not that I can recall at present.	14	A. I have played some on-line multi-player
15	Q. Have you ever done any programming of	15	games.
16	gaming applications involving multi-player games?	16	Q. When?
17	A. Not that I can recall at present.	17	A. Oh, I don't recall the exact dates.
18	Q. Have you ever received any funding from	18	Sometime in the past ten years.
19	gaming companies for your research?	19	Q. How often would you say that you play
20	A. So I've received funding from a lot of	20	on-line multi-player games?
21	sources in 21 years. There's no way I'll be able to	21	A. Not frequently.
22	recall all of those sources. I also don't know	22	Q. Have you have ever developed any source
23	whether, of the sources I can recall, whether any of	23	code for multi-player games?
24	them might have been involved in gaming.	24	A. So, again, in the 21 years that I've been



### 800.211.DEPO (3376) EsquireSolutions.com

Page 13 Page 15 1 teaching at MIT it is within the realms of experience and I had that experience. 1 2 possibility that I have done so, but all the game 2 Q. Any other experience besides playing the games? 3 code development that I can recall at present was 3 4 for a single player game. 4 MR. DAVIS: Same objection. 5 5 Q. Did you play games -- strike that. THE WITNESS: I guess reading about 6 Were you involved in gaming 6 them would be some of their -- another kind of applications in any way in the 1999 time frame? 7 7 experience. You know, they were certainly a 8 A. Can you explain what you mean by involved 8 well-known popular activity. I had a general 9 in? I mean, I was playing games at that time. 9 interest in the ways computers were being used. 10 Q. Were you playing multi-player games in 10 So it certainly was part of my -- of my reading 11 1999? 11 consumption to learn some about them. 12 A. So I certainly recall playing multi-player 12 Q. Any other experience you can think of? 13 games at what might have been the 1999 time frame, 13 MR. DAVIS: Same objection. 14 but I can't accurately recall the dates at which I 14 THE WITNESS: Any other experience? 15 was playing those games. Nothing comes to mind right now. 15 16 16 Q. Did any of your research focus on Q. When you said you had playing experience 17 multi-player games in 1999? 17 in 1999, what games did you play? 18 18 A. So, again, there's some ambiguity about A. Also, again, what I said was that I've had 19 what multi-player games meant -- means. I did 19 playing experience and it might have been in 1999. 20 mention I had done some research on game theory, 20 Q. Do you remember anything specific? 21 21 which involves multi-player games in the A. I really enjoyed Doom and some of its 22 mathematical sense. Is that encompassed by what 22 descendants, Hexen and -- shoot, I forgot the name 23 you're asking about or do you have a narrower 23 of the other one. There were various on-line board 24 question in mind? 24 games that I enjoyed playing in a multi-player Page 14 Page 16 Q. I think game theory is a little different. 1 setting. Of course, interactive fiction-type games, 1 2 I'm asking about gaming applications that would be 2 which included some multi-user -- what are called 3 MUDS, multi user dungeons. There was a game -- you 3 involved, like similar to the ones that are involved 4 want me to list names of games? 4 in the 344 patent. A. Okay. So if that's what you mean by 5 Q. That -- that you can think of that are 5 multi-player games, can you reask the question? 6 related to the technology --6 Q. Sure. Were you involved in multi-player 7 7 A. Wild Metal, I think, was sort of a tank 8 battle game, Painkiller, you know that one. MYST, 8 games in 1999? 9 9 Riven, I mean those are not on-line at the time. A. Okay. So, again, I believe I was playing 10 them. And that's a kind of involvement. I don't 10 Yeah, there's others I remember playing, but I 11 recall that I was doing any research in them at the 11 can't draw up their names at present. 12 time. 12 Q. And what type of reading experience did 13 Q. Did you write any code for multi-player 13 you have with regard to games for the technology 14 games? And we can limit it to the subject matter of 14 described in the 344 patent? 15 the 344 patent in 1999. 15 A. Well, I consume information pretty 16 A. Well, I certainly didn't write any codes 16 broadly, you know. I read the Popular Press. I'll 17 for those games. I would remember that. Again, I 17 read the sort of technical press, Wired and PC 18 don't recall having done so. 18 magazine and so on and so forth. I read technical 19 Q. Did you have any experience at all with 19 papers in a variety of domains, a lot of different 20 multi-player games and limited to the subject matter 20 things sort of cross my -- cross my screen, cross my 21 of the 6 -- of the 344 patent in 1999? 21 eyes. I'm sort of an information omnivore with, of 22 MR. DAVIS: Objection. Form. 22 course, a skew towards things that are related to 23 THE WITNESS: So I would again posit 23 what I work on. 24 Q. Anything specific that you can remember 24 that playing these games is a kind of



### 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	)N	BAY 17–20
1	Page 17 reading in 1999?	1	right ones numbered? Page 19
1	A. Snow Crash? No. I don't know what was	2	Doctor, we just marked Exhibit-1.
	published specifically in 1999.		Exhibit-1 is the declaration of David R. Karger in
3		3	_
4	Q. So you understand you're here testifying	4	support the petition for inter partes review of
5	about the 344 patent, but for the record that's	5	United States patent number 6,701,344. This has later been assigned the number 2015-1970 in terms of
6	United States patent 6,701,344? A. Yes.	6 7	the IPR. Can you look through this declaration and
8	Q. And in particular you're testifying	8	verify that this is a declaration that you prepared
9	regarding depos the deposition for IPR 2015-1970	9	and signed?
10	and 1972; is that right?	10	-
11	A. Correct.	11	<ul><li>A. It appears to be.</li><li>Q. And for ease of reference, we'll either</li></ul>
12	Q. And and the 1970 IPR that involves your	12	refer to this as the 1970 declaration or the
13	opinion as it relates to DirectPlay and Lin; is that	12	DirectPlay and Lin declaration; is that fair?
14	right?	14	A. Yes.
15	A. As well as that's one of the grounds is	15	Q. We also marked Exhibit-2. Exhibit-2 is
16	DirectPlay and Lin, yes.	16	another declaration of yours entitled declaration of
17	Q. What's the other ground?	17	David R. Karger in support of the petition for the
18	A. Obviousness by by Lin.	18	inter partes review of United States Patent Number
19	Q. But it's those two references, DirectPlay	19	6,701,344. This is a declaration that was submitted
20	and Lin, correct?	20	in the later document numbered IPR 2015-1972. Can
20	A. Yes.	20	you look through Exhibit-2 and verify that this is
22	Q. Then the 1972 case involved your opinions	22	your declaration?
22	with regard to Shoubridge; is that right?	22	A. Again, it appears to be.
23	A. And DirectPlay.	23	Q. Again, this is a declaration you signed?
24	A. And Directriay.	24	Q. Again, this is a declaration you signed?
1	Page 18 Q. Thank you. So DirectPlay and Shoubridge,	1	A. It appears to be.
2	those two references?	2	Q. For ease of reference, is it okay if we
3	A. As well as a separate ground of	3	refer to this as the 1972 declaration or the
4	obviousness under Shoubridge.	4	Shoubridge declaration?
5	Q. But the DirectPlay and Shoubridge	5	A. Yes.
6	reference is correct?	6	Q. So looking at Exhibit-1 there's a
7	A. Correct.	7	reference to DirectPlay in this declaration. And if
8	Q. When is the first time you became aware of		you look at page three of the declaration,
9	the DirectPlay reference as indicated in your		Exhibit-1003 references DirectPlay.
10	declaration?	10	-
11	A. Sorry. I'm shutting it off. Okay. That	11	Q. When is the first time you became aware of
12	won't happen again.	12	-
13	Sorry, can you repeat the question?	13	-
14	Q. Sure. So let's look at your 19 we'll	14	
15	look at your 1970 declaration.	15	with counsel, that would be privileged but you
16	A. Yes.	16	
17	Q. Is that what you have in front of you?	17	THE WITNESS: Yeah, it's a difficult
18	A. Yes.	18	
19	Q. Actually, can I take a look to see	19	something that I've given a lot of attention
20	A. Sure.	20	
21	(Whereupon documents were marked as	21	preparation for these proceedings, but I can't
22	Exhibit-1 and 2 for Identification.)	22	
23	Q. Actually, do you mind if I see those two	23	
24		24	-
	, , , , , , , , , , , , , , , , , , ,		



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	DN	BAY 21–24
1	Page 21 that the first time I became aware of it was	1	Page 23 referenced here in this IPR or was it provided to
2	at was after I began serving as an expert on	2	you?
3	this case. I may have been aware of it before,	3	MR. DAVIS: And, again, same
4	since it was a publicly known tool.	4	instruction, outside of any conversation with
5	Q. So is it fair to say, sitting here today,	5	counsel.
6	you can't remember whether you became aware of	6	THE WITNESS: So I'm trying to
7	DirectPlay before you were engaged in this IPR?	7	remember but we went through a lot of
8	A. That's correct.	8	potentially related work.
9	Q. Did you provide DirectPlay to counsel?	9	MR. DAVIS: Again, your answer needs
10	MR. DAVIS: Again, any communications	10	to be scoped. So it's not involving any
11	with counsel would be privileged. And I'll	11	conversations with counsel.
12	instruct you not to answer.	12	THE WITNESS: I understand. Not
13	THE WITNESS: Sorry, was that a	13	involving any conversation with counsel. So I
14	conditional instruction or was that an	14	cannot recall whether I found DirectPlay or
15	instruction?	15	whether it was provided to me.
16	MR. DAVIS: No, it was it was an	16	Q. All right. Same question with regard to
17	instruction.	17	the Lin reference, as you can see, if you look at
18	THE WITNESS: Okay. In that case, I	18	Exhibit-1, on page three, there's a reference to
19	won't answer.	19	Exhibit-1004 and it has Lin there. Do you see that?
20	MR. HANNAH: So I've got to make this	20	A. Uh-huh.
21	clear for the record. You're going to instruct	21	Q. Do you recall whether you were provided
22	him not to answer whether he was the one that	22	Lin or whether you found it?
23	found DirectPlay?	23	MR. DAVIS: Same instructions.
24	MR. DAVIS: You can ask him if he	24	Outside of any conversations or communications
1	Page 22	1	Page 24 with counsel.
1	that's a different question, right? You can ask him if he found DirectPlay, right, but	1	
2	anything relating to communications with	2	THE WITNESS: So, again, I would need to say that I do not recall.
4	counsel, that would call into question work	4	Q. Also referring to Exhibit-1, there's a
5	product or attorney-client privilege, either	5	reference to Shoubridge, which is Exhibit-1005. Do
6	for these matters or for the co-pending	6	you see that?
7	litigation would be privileged.	7	A. Yes.
8	MR. HANNAH: Okay. So that was a	8	Q. Do you remember or do you recall whether
9	broad instruction not to answer, which I think	9	you were provided Shoubridge or whether you found
10	is improper. You can condition you can	10	it?
11	condition his his answer.	11	MR. DAVIS: Same instruction, outside
12	MR. DAVIS: You can rephrase your	12	of any conversations or communications with
13	question.	13	counsel.
14	MR. HANNAH: I will rephrase the	14	THE WITNESS: No, I do not recall.
15	question, but I'm just noting for the record	15	Q. Do you recall the first time that you saw
16	that it is improper to have such a broad	16	the Lin reference?
17	instruction not to answer, if it's not	17	MR. DAVIS: Same instruction, outside
18	involving communications with counsel. So	18	of any conversations or communications with
19	I'll I'll rephrase it.	19	counsel.
20	MR. DAVIS: Rephrase your question.	20	THE WITNESS: Yeah, so once again, I
21	Q. So, Doctor, outside of any communications	21	have to say that this is the type of reference
22	with counsel, I don't want to I don't want to	22	that I, quite possibly, could have encountered
23	talk about anything that you told the attorneys, but	23	prior to beginning work on this case. And at
24	did you find the DirectPlay reference that is	24	this point having spent so much time looking at
	-		



# 800.211.DEPO (3376) EsquireSolutions.com

	TIVISION BLIZZARD vs ACCELERATIC		
	Page 25		Page 27
1	it, I can't really accurately recall at which	1	MR. DAVIS: Objection. Form.
2	point I became aware of it.	2	THE WITNESS: Are you using teach
3	Q. So is it fair to say that you don't you	3	about in the sort of plain language sense?
4	can't recall one way or the other whether you saw	4	Q. Yup.
5	Lin before you got engaged with this IPR?	5	A. Yes, it certainly does provide some
6	A. That's correct.	6	guidance about things that you should consider when
7	Q. How about the Shoubridge reference, when	7	developing a game.
8	was the first time you saw that?	8	Q. Like what?
9	MR. DAVIS: Same instruction.	9	MR. DAVIS: Objection to form.
10	THE WITNESS: And the same answer.	10	THE WITNESS: Well, so, as some
11	Q. So it's fair to say that you can't recall	11	examples, it teaches that you properly want to
12	whether you saw Shoubridge before you got engaged in	12	think about how people are going to be joining
13	this case?	13	a game, if there's more than one player. It
14	A. Correct.	14	also teaches that you may want to think about
15	(Whereupon a document was marked as	15	what happens if a computer that's being used to
16	Exhibit-3 for Identification.)	16	play the game, if that player leaves or if that
17	Q. All right. Doctor, we just marked	17	computer is shut off or otherwise disconnects.
18	Exhibit-3. Do you recognize Exhibit-3?	18	Q. Anything else about specifically game
19	A. Ido.	19	development?
20	Q. What is it?	20	MR. DAVIS: Objection. Form.
21	A. This is selected portions of a book inside	21	THE WITNESS: It's just that you may
22	Direct X, focusing on the DirectPlay portion of the	22	want to have more than one session of a game in
23	Direct X system.	23	progress at the same time. It teaches that you
24	Q. Is Exhibit-3 the Direct DirectPlay	24	may want to allow players to find players of
		21	may want to anow players to find players of
1	Page 26	4	Page 28
1	reference that we've been talking about today?	1	similar skill. It suggests that you might want
2	<ul><li>reference that we've been talking about today?</li><li>A. I believe so.</li></ul>	2	similar skill. It suggests that you might want to use a web page as a way for people to find
2 3	<ul><li>reference that we've been talking about today?</li><li>A. I believe so.</li><li>Q. All right. Can you tell me what is</li></ul>	2 3	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other
2 3 4	<ul><li>reference that we've been talking about today?</li><li>A. I believe so.</li><li>Q. All right. Can you tell me what is</li><li>DirectPlay?</li></ul>	2 3 4	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a
2 3 4 5	<ul><li>reference that we've been talking about today?</li><li>A. I believe so.</li><li>Q. All right. Can you tell me what is</li><li>DirectPlay?</li><li>A. Could you restate the question?</li></ul>	2 3 4 5	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading
2 3 4 5 6	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> </ul>	2 3 4 5 6	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to
2 3 4 5 6 7	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> </ul>	2 3 4 5 6 7	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others.
2 3 4 5 6 7 8	reference that we've been talking about today? A. I believe so. Q. All right. Can you tell me what is DirectPlay? A. Could you restate the question? Q. What is DirectPlay? A. All right. So DirectPlay is a software component and application programming interface that	2 3 4 5 6 7 8	<ul> <li>similar skill. It suggests that you might want</li> <li>to use a web page as a way for people to find</li> <li>other players. I believe it teaches other</li> <li>things, but I haven't specifically prepared a</li> <li>list of them. So I would have to start reading</li> <li>the document if you wanted me to continue to</li> <li>find others.</li> <li>Q. All right. Anything else? I mean you</li> </ul>
2 3 4 5 6 7 8 9	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> </ul>	2 3 4 5 6 7 8 9	<ul> <li>similar skill. It suggests that you might want</li> <li>to use a web page as a way for people to find</li> <li>other players. I believe it teaches other</li> <li>things, but I haven't specifically prepared a</li> <li>list of them. So I would have to start reading</li> <li>the document if you wanted me to continue to</li> <li>find others.</li> <li>Q. All right. Anything else? I mean you</li> <li>were looking through your declaration. Anything</li> </ul>
2 3 4 5 6 7 8 9 10	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> </ul>	2 3 4 5 6 7 8 9 10	<ul> <li>similar skill. It suggests that you might want</li> <li>to use a web page as a way for people to find</li> <li>other players. I believe it teaches other</li> <li>things, but I haven't specifically prepared a</li> <li>list of them. So I would have to start reading</li> <li>the document if you wanted me to continue to</li> <li>find others.</li> <li>Q. All right. Anything else? I mean you</li> <li>were looking through your declaration. Anything</li> <li>else as you review your declaration?</li> </ul>
2 3 4 5 6 7 8 9 10 11	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> </ul>	2 3 4 5 6 7 8 9 10 11	<ul> <li>similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others.</li> <li>Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form.</li> </ul>
2 3 4 5 6 7 8 9 10 11 12	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the
2 3 4 5 6 7 8 9 10 11	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what?
2 3 4 5 6 7 8 9 10 11 12	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is <ul> <li>it is software libraries, software elements</li> </ul> </li> </ul>	2 3 4 5 6 7 8 9 10 11 12	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the
2 3 4 5 6 7 8 9 10 11 12 13	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the DirectPlay related to the software component related
2 3 4 5 6 7 8 9 10 11 12 13 14	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is <ul> <li>it is software libraries, software elements</li> </ul> </li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the DirectPlay related to the software component related to an API. And when I asked you about the software
2 3 4 5 6 7 8 9 10 11 12 13 14 15	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is</li> <li>it is software libraries, software elements</li> <li>that can be combined with code developed by a game</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the DirectPlay related to the software component related
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	reference that we've been talking about today? A. I believe so. Q. All right. Can you tell me what is DirectPlay? A. Could you restate the question? Q. What is DirectPlay? A. All right. So DirectPlay is a software component and application programming interface that supports developers aiming to develop on-line games. Q. What do you mean it's a software component? A. It is a blob is not a technical term. It is a it is a collection of software. It is it is it is software libraries, software elements that can be combined with code developed by a game developer to provide functionality that is of use to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the DirectPlay related to the software component related to an API. And when I asked you about the software
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is <ul> <li>it is software libraries, software elements</li> <li>that can be combined with code developed by a game</li> <li>developer to provide functionality that is of use to</li> <li>that game developer.</li> </ul> </li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the DirectPlay related to the software component related to an API. And when I asked you about the software component, and you said that it was libraries and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is</li> <li>it is it is software libraries, software elements</li> <li>that can be combined with code developed by a game</li> <li>developer to provide functionality that is of use to</li> <li>that game developer.</li> <li>Q. What type of code would it be combined</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the DirectPlay related to the software component related to an API. And when I asked you about the software component, and you said that it was libraries and that they can work with code for that a game
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is</li> <li>it is it is software libraries, software elements</li> <li>that can be combined with code developed by a game</li> <li>developer to provide functionality that is of use to</li> <li>that game developer.</li> <li>Q. What type of code would it be combined</li> <li>with that would be developed by game developers?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the DirectPlay related to the software component related to an API. And when I asked you about the software component, and you said that it was libraries and that they can work with code for that a game that a game developer would write, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is</li> <li>it is it is software libraries, software elements</li> <li>that can be combined with code developed by a game</li> <li>developer to provide functionality that is of use to</li> <li>that game developer.</li> <li>Q. What type of code would it be combined</li> <li>with that would be developed by game developers?</li> <li>A. What type of code? I mean a game</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the DirectPlay related to the software component related to an API. And when I asked you about the software component, and you said that it was libraries and that they can work with code for that a game that a game developer would write, correct? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is</li> <li>it is it is software libraries, software elements</li> <li>that can be combined with code developed by a game</li> <li>developer to provide functionality that is of use to</li> <li>that game developer.</li> <li>Q. What type of code would it be combined</li> <li>with that would be developed by game developers?</li> <li>A. What type of code? I mean a game</li> <li>developer is going to write code defining the game</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others. Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what? Q. So you you testified that the DirectPlay related to the software component related to an API. And when I asked you about the software component, and you said that it was libraries and that they can work with code for that a game that a game developer would write, correct? A. Yes. MR. DAVIS: Objection to form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>reference that we've been talking about today?</li> <li>A. I believe so.</li> <li>Q. All right. Can you tell me what is</li> <li>DirectPlay?</li> <li>A. Could you restate the question?</li> <li>Q. What is DirectPlay?</li> <li>A. All right. So DirectPlay is a software</li> <li>component and application programming interface that</li> <li>supports developers aiming to develop on-line games.</li> <li>Q. What do you mean it's a software</li> <li>component?</li> <li>A. It is a blob is not a technical term.</li> <li>It is a it is a collection of software. It is</li> <li>it is it is software libraries, software elements</li> <li>that can be combined with code developed by a game</li> <li>developer to provide functionality that is of use to</li> <li>that game developer.</li> <li>Q. What type of code would it be combined</li> <li>with that would be developed by game developers?</li> <li>A. What type of code? I mean a game</li> <li>developer is going to write code defining the game</li> <li>that they wish to develop.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>similar skill. It suggests that you might want to use a web page as a way for people to find other players. I believe it teaches other things, but I haven't specifically prepared a list of them. So I would have to start reading the document if you wanted me to continue to find others.</li> <li>Q. All right. Anything else? I mean you were looking through your declaration. Anything else as you review your declaration? MR. DAVIS: Objection. Form. THE WITNESS: Sorry, what was the question? Anything else as to what?</li> <li>Q. So you you testified that the DirectPlay related to the software component related to an API. And when I asked you about the software component, and you said that it was libraries and that they can work with code for that a game developer would write, correct?</li> <li>A. Yes. MR. DAVIS: Objection to form.</li> <li>Q. And I asked you specifically what type of</li> </ul>



# 800.211.DEPO (3376) EsquireSolutions.com

	TIVISION BLIZZARD vs ACCELERATIC	ЛЛ	BAY 29–32
1	Page 29	1	Page 31 capability without getting without having to
	than one session and finding other players.	2	
2	Anything else that you can think of that DirectPlay		get too tangled up in the details of the
3	teaches in terms of game development?	3	particular transport media that's supporting
4	MR. DAVIS: Objection. Form.	4	the game.
5	THE WITNESS: I have a I do I do	5	Q. Is that using the API?
6	believe that it teaches other things in terms	6	A. Is that using the API? Yes, using
7	of game development. If you want me to	7	using DirectPlay API is how you would be able to do
8	identify them, it will take me some time to	8	this.
9	read through the document to pull them all out.	9	Q. Have you ever used DirectPlay?
10	Q. Anything else that's that's relevant to	10	A. Not that I recall.
11	your opinion and to your declaration in this matter?	11	Q. Have you ever used the DirectPlay API?
12	MR. DAVIS: Objection. Form.	12	A. Again, not that I recall.
13	THE WITNESS: Again, I'm I I	13	(Whereupon a document was marked as
14	strongly suspect there are other relevant	14	Exhibit-4 for Identification.)
15	things in here. The only way for me to answer	15	Q. Doctor, we just marked Exhibit-4.
16	that question with certainty would be to go	16	Exhibit-4 is a declaration of Glenn Little and
17	through my declaration looking for all of them.	17	attached is as Exhibit-B is Gossip Versus
18	Q. Can you identify any of them without	18	Deterministic Flooding Low Message Overhead and High
19	reading through your entire declaration right now?	19	Reliability for Broadcasting on Small Networks. A
20	A. I've already done	20	paper by Meng-Jang Lin. Do you see that?
21	MR. DAVIS: Objection.	21	A. Yes, I do.
22	THE WITNESS: I've already done so.	22	Q. Is this the Lin reference that we've been
23	Q. You also mentioned that DirectPlay teaches	23	discussing today?
24	an API. What's an API?	24	A. Yes, it is.
27		- ·	
1	Page 30 A. An API is an application programming	1	Q. So what is the Lin reference?
	interface.	1	
2		2	A. So Lin is a technical paper from UCSD that
3	Q. Is the API relevant to your opinion in	3	discloses techniques for broadcasting messages to
4	this matter strike that. Let me make a clear	4	all of the computers in a computer network.
5	question.	5	Q. Who is the intended audience of the Lin
6	Is the API that's taught in DirectPlay	6	paper?
7	relevant to your opinion in this matter?	7	MR. DAVIS: Objection. Form.
8	MR. DAVIS: Objection. Form.	8	THE WITNESS: I don't know that I can
9	THE WITNESS: Yes, it is.	9	get inside the mind of the authors to know who
10			
	Q. Why?	10	
11	A. Well, because I discuss it at various	11	Q. Have you seen a paper like this before?
	A. Well, because I discuss it at various places in my declaration.		<ul><li>Q. Have you seen a paper like this before?</li><li>A. Like this?</li></ul>
11	A. Well, because I discuss it at various	11	<ul><li>Q. Have you seen a paper like this before?</li><li>A. Like this?</li></ul>
11 12	A. Well, because I discuss it at various places in my declaration.	11 12	<ul><li>Q. Have you seen a paper like this before?</li><li>A. Like this?</li></ul>
11 12 13	<ul><li>A. Well, because I discuss it at various</li><li>places in my declaration.</li><li>Q. What does the API in DirectPlay allow a</li></ul>	11 12 13	<ul><li>Q. Have you seen a paper like this before?</li><li>A. Like this?</li><li>Q. Like the Lin paper, that describes rumor</li></ul>
11 12 13 14	<ul><li>A. Well, because I discuss it at various</li><li>places in my declaration.</li><li>Q. What does the API in DirectPlay allow a</li><li>developer to do?</li></ul>	11 12 13 14	<ul><li>Q. Have you seen a paper like this before?</li><li>A. Like this?</li><li>Q. Like the Lin paper, that describes rumor mongering and gossip and flooding, things of that</li></ul>
11 12 13 14 15	<ul> <li>A. Well, because I discuss it at various places in my declaration.</li> <li>Q. What does the API in DirectPlay allow a developer to do?</li> <li>MR. DAVIS: Objection. Form.</li> </ul>	11 12 13 14 15	<ul><li>Q. Have you seen a paper like this before?</li><li>A. Like this?</li><li>Q. Like the Lin paper, that describes rumor mongering and gossip and flooding, things of that nature?</li></ul>
11 12 13 14 15 16	<ul> <li>A. Well, because I discuss it at various places in my declaration.</li> <li>Q. What does the API in DirectPlay allow a developer to do?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: All right. Could you</li> </ul>	11 12 13 14 15 16	<ul><li>Q. Have you seen a paper like this before?</li><li>A. Like this?</li><li>Q. Like the Lin paper, that describes rumor mongering and gossip and flooding, things of that nature?</li><li>A. I have seen papers that describe rumor</li></ul>
11 12 13 14 15 16 17	<ul> <li>A. Well, because I discuss it at various places in my declaration.</li> <li>Q. What does the API in DirectPlay allow a developer to do?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: All right. Could you repeat the question?</li> <li>MR. HANNAH: Can you repeat it?</li> </ul>	11 12 13 14 15 16 17 18	<ul> <li>Q. Have you seen a paper like this before?</li> <li>A. Like this?</li> <li>Q. Like the Lin paper, that describes rumor mongering and gossip and flooding, things of that nature?</li> <li>A. I have seen papers that describe rumor mongering, gossip and flooding.</li> <li>Q. And have you seen papers that are</li> </ul>
11 12 13 14 15 16 17 18 19	<ul> <li>A. Well, because I discuss it at various places in my declaration.</li> <li>Q. What does the API in DirectPlay allow a developer to do?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: All right. Could you repeat the question?</li> <li>MR. HANNAH: Can you repeat it? (Reporter read back.)</li> </ul>	11 12 13 14 15 16 17 18 19	<ul> <li>Q. Have you seen a paper like this before?</li> <li>A. Like this?</li> <li>Q. Like the Lin paper, that describes rumor mongering and gossip and flooding, things of that nature?</li> <li>A. I have seen papers that describe rumor mongering, gossip and flooding.</li> <li>Q. And have you seen papers that are formatted in a similar in a similar way as the</li> </ul>
11 12 13 14 15 16 17 18 19 20	<ul> <li>A. Well, because I discuss it at various places in my declaration.</li> <li>Q. What does the API in DirectPlay allow a developer to do?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: All right. Could you repeat the question?</li> <li>MR. HANNAH: Can you repeat it? (Reporter read back.)</li> <li>MR. DAVIS: Same objection.</li> </ul>	11 12 13 14 15 16 17 18 19 20	<ul> <li>Q. Have you seen a paper like this before?</li> <li>A. Like this?</li> <li>Q. Like the Lin paper, that describes rumor mongering and gossip and flooding, things of that nature?</li> <li>A. I have seen papers that describe rumor mongering, gossip and flooding.</li> <li>Q. And have you seen papers that are formatted in a similar in a similar way as the Lin paper?</li> </ul>
<ol> <li>11</li> <li>12</li> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	<ul> <li>A. Well, because I discuss it at various places in my declaration.</li> <li>Q. What does the API in DirectPlay allow a developer to do?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: All right. Could you repeat the question?</li> <li>MR. HANNAH: Can you repeat it? (Reporter read back.)</li> <li>MR. DAVIS: Same objection.</li> <li>THE WITNESS: So as you can see, in my</li> </ul>	11 12 13 14 15 16 17 18 19 20 21	<ul> <li>Q. Have you seen a paper like this before?</li> <li>A. Like this?</li> <li>Q. Like the Lin paper, that describes rumor mongering and gossip and flooding, things of that nature?</li> <li>A. I have seen papers that describe rumor mongering, gossip and flooding.</li> <li>Q. And have you seen papers that are formatted in a similar in a similar way as the Lin paper?</li> <li>A. Yes, I have.</li> </ul>
<ol> <li>11</li> <li>12</li> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	<ul> <li>A. Well, because I discuss it at various places in my declaration.</li> <li>Q. What does the API in DirectPlay allow a developer to do?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: All right. Could you repeat the question?</li> <li>MR. HANNAH: Can you repeat it? (Reporter read back.)</li> <li>MR. DAVIS: Same objection. THE WITNESS: So as you can see, in my declaration in paragraph 80, DirectPlay</li> </ul>	11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>Q. Have you seen a paper like this before?</li> <li>A. Like this?</li> <li>Q. Like the Lin paper, that describes rumor mongering and gossip and flooding, things of that nature?</li> <li>A. I have seen papers that describe rumor mongering, gossip and flooding.</li> <li>Q. And have you seen papers that are formatted in a similar in a similar way as the Lin paper?</li> <li>A. Yes, I have.</li> <li>Q. So who is the target audience of papers</li> </ul>
11 12 13 14 15 16 17 18 19 20 21	<ul> <li>A. Well, because I discuss it at various places in my declaration.</li> <li>Q. What does the API in DirectPlay allow a developer to do?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: All right. Could you repeat the question?</li> <li>MR. HANNAH: Can you repeat it? (Reporter read back.)</li> <li>MR. DAVIS: Same objection.</li> <li>THE WITNESS: So as you can see, in my</li> </ul>	11 12 13 14 15 16 17 18 19 20 21	<ul> <li>Q. Have you seen a paper like this before?</li> <li>A. Like this?</li> <li>Q. Like the Lin paper, that describes rumor mongering and gossip and flooding, things of that nature?</li> <li>A. I have seen papers that describe rumor mongering, gossip and flooding.</li> <li>Q. And have you seen papers that are formatted in a similar in a similar way as the Lin paper?</li> <li>A. Yes, I have.</li> <li>Q. So who is the target audience of papers that you've seen in the past that are similar to</li> </ul>



800.211.DEPO (3376) EsquireSolutions.com

			DAT 55-50
1	Page 33 MR. DAVIS: Objection to form.	1	Page 35 Q. Doctor, we just marked Exhibit-5.
2	THE WITNESS: It is a slightly odd	2	Exhibit-5 is titled Hybrid Routing in Dynamic
3	question. I mean the question is who you would	3	Networks by Peter Shoubridge. Do you recognize
4	like to read this and presumably people would	4	Exhibit-5?
5	like lots of people to read their work.	5	A. Yes, I do.
6	Q. So you can't identify a target audience	6	Q. Is Exhibit-5 the Shoubridge reference that
7	for	7	we've been referring to today?
		7 8	A. Yes, it is.
8	A. It depends what you mean by a target audience.	9	
10		9 10	Q. So what does the Shoubridge reference discuss?
		11	
11	A. Ah, okay.		A. So Shoubridge discusses techniques for
12	MR. DAVIS: Objection to form.	12	routing messages to participants in communication
13	THE WITNESS: So I would expect the	13	networks.
14	Lin paper would quite plausibly be read by	14	Q. What type of communication networks?
15	academic and industrial workers in in the	15	A. What type of communication networks?
16	computer in the computer domain.	16	MR. DAVIS: Objection. Form.
17	Q. Computer domain seems awfully broad. Is	17	Q. I'll just direct you to the first sentence
18	there any specific computer domain that you would	18	of the abstract in Lin. It says, in mobile radio
19	expect would read the Lin paper?	19	communication networks the distribution of traffic
20	MR. DAVIS: Objection. Form.	20	loads and network topologies may vary from nearly
21	THE WITNESS: So without intending	21	static to very dynamic. Do you see that?
22	to so I want to be clear that I'm not	22	A. I do see that.
23	cutting any anything off from the	23	Q. So is it fair to say that Shoubridge
24	characterization I'm going to give. As I	24	reference is direct to mobile radio communication
	Page 34		Page 36
1	mentioned before, I think of myself of	1	networks?
	-		
2	something as an omnivore, who is broadly	2	MR. DAVIS: Objection. Form.
2 3	something as an omnivore, who is broadly interested in computing, finds things in many	2 3	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws
2 3 4	something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people	2 3 4	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general
2 3 4 5	something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to	2 3 4 5	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking.
2 3 4 5 6	something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in	2 3 4 5 6	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge
2 3 4 5 6 7	something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in	2 3 4 5 6 7	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio
2 3 4 5 6 7 8	something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are	2 3 4 5 6 7 8	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks?
2 3 4 5 6 7 8 9	something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is	2 3 4 5 6 7 8 9	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form.
2 3 4 5 6 7 8 9	something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is the the domain of this work. So people	2 3 4 5 6 7 8 9	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that
2 3 4 5 6 7 8 9 10 11	something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more	2 3 4 5 6 7 8 9 10 11	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio
2 3 4 5 6 7 8 9 10 11 12	something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.	2 3 4 5 6 7 8 9 10 11 12	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks.
2 3 4 5 6 7 8 9 10 11 12 13	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of
2 3 4 5 6 7 8 9 10 11 12 13 14	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who areyeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> <li>Q. In research, the research that Lin does?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> <li>A. What type of work Lin does?</li> <li>A. Well, I'm aware of this research by Lin.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection. THE WITNESS: No, I would not agree
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> <li>A. What type of work Lin does?</li> <li>A. Well, I'm aware of this research by Lin.</li> <li>Q. Are you aware of any other research?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection. THE WITNESS: No, I would not agree that the focus is mobile communication
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> <li>A. What type of work Lin does?</li> <li>A. Well, I'm aware of this research by Lin.</li> <li>Q. Are you aware of any other research?</li> <li>A. By Lin? Not that I can recall at present.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection. THE WITNESS: No, I would not agree that the focus is mobile communication networks.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are</li></ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection. THE WITNESS: No, I would not agree that the focus is mobile communication networks. Q. Why?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who areyeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> <li>A. What type of work Lin does?</li> <li>Q. In research, the research that Lin does?</li> <li>A. Well, I'm aware of this research by Lin.</li> <li>Q. Are you aware of any other research?</li> <li>A. By Lin? Not that I can recall at present.</li> <li>Q. Do you have any idea what his research focus is on?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection. THE WITNESS: No, I would not agree that the focus is mobile communication networks. Q. Why? A. Because I would say that the focus of this
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who are yeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> <li>A. What type of work Lin does?</li> <li>Q. In research, the research that Lin does?</li> <li>A. Well, I'm aware of this research by Lin.</li> <li>Q. Are you aware of any other research?</li> <li>A. By Lin? Not that I can recall at present.</li> <li>Q. Do you have any idea what his research focus is on?</li> <li>A. No, I don't know what his research focus</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection. THE WITNESS: No, I would not agree that the focus is mobile communication networks. Q. Why? A. Because I would say that the focus of this paper is techniques for routing messages.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in information dissemination, people who areyeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> <li>A. What type of work Lin does?</li> <li>Q. In research, the research that Lin does?</li> <li>A. Well, I'm aware of this research by Lin.</li> <li>Q. Are you aware of any other research?</li> <li>A. By Lin? Not that I can recall at present.</li> <li>Q. Do you have any idea what his research focus is on?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection. THE WITNESS: No, I would not agree that the focus is mobile communication networks. Q. Why? A. Because I would say that the focus of this paper is techniques for routing messages. Q. Isn't it techniques for routing messages
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in networking, people who are interested in information dissemination, people who areyeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> <li>A. What type of work Lin does?</li> <li>Q. In research, the research that Lin does?</li> <li>A. Well, I'm aware of this research by Lin.</li> <li>Q. Are you aware of any other research?</li> <li>A. By Lin? Not that I can recall at present.</li> <li>Q. Do you have any idea what his research focus is on?</li> <li>A. No, I don't know what his research focus is on.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection. THE WITNESS: No, I would not agree that the focus is mobile communication networks. Q. Why? A. Because I would say that the focus of this paper is techniques for routing messages in mobile radio communication networks?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>something as an omnivore, who is broadly interested in computing, finds things in many places and reads them. You know, the people who I would think more likely than others to read this work are people who are interested in information dissemination, people who areyeah, I mean, you know, that that sort of is the the domain of this work. So people closer to that domain would perhaps be more likely to read it than people farther away.</li> <li>Q. Do you know what type of work Lin does?</li> <li>A. What type of work Lin does?</li> <li>Q. In research, the research that Lin does?</li> <li>A. Well, I'm aware of this research by Lin.</li> <li>Q. Are you aware of any other research?</li> <li>A. By Lin? Not that I can recall at present.</li> <li>Q. Do you have any idea what his research focus is on?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. DAVIS: Objection. Form. THE WITNESS: Well, it draws extensively to work towards more general computer networking. Q. So you would disagree that this Shoubridge reference isn't directed to mobile radio communication networks? MR. DAVIS: Objection. Form. THE WITNESS: So I would disagree that it is directed exclusively to mobile radio communication networks. Q. Would you agree with me that the focus of this paper is mobile radio communication networks? MR. DAVIS: Same objection. THE WITNESS: No, I would not agree that the focus is mobile communication networks. Q. Why? A. Because I would say that the focus of this paper is techniques for routing messages. Q. Isn't it techniques for routing messages



# 800.211.DEPO (3376) EsquireSolutions.com

Page 37         THE WITNESS: Again, I think that's         Page 37           1         THE WITNESS: Again, I think that's         1         science community to read it.           2         to restrictive. What he's studying here is         3         information dissemination?           3         about computer networks and routing messages in         4         MR, DAVIS: Same objection.           5         them.         5         THE WITNESS: I don't think so. I           6         0. So what do you take from the first line of         6         mean from a -this is really quite an           7         the abstract of Shoubridge?         7         accessible paper. One doesn't need a lot of           9         network where he believes that the work that he's         1         disclosed in the Shoubridge reference?           12         of - any other specific types of communication         1         0. Have you ever tested the algorithm that's           14         networks?         14         disclosed in the Shoubridge reference?         12           14         networks.         and that is the way Shoubridge         14         disclosed in the Shoubridge reference?           15         A. So having read - just read the short ime, 18         18         reference. Would you agree with me that the Lin           16         sections of Shoubridge refe				DAT 57-40
2         too restrictive. What he's studying here is 3         uvict. That makes senes broadly when thinking 4         2         Q. Anything more specific than networking and 3           3         about computer networks and routing messages in 4         MR. DAVIS: Same objection.         The abstract of Shoubridge?           4         MR. DaVIS: Same objection.         THE WITNESS: I don't think so. I           5         the abstract of Shoubridge?         THE WITNESS: I don't think so. I           6         Q. So what do you take from the first line of 4         The abstract of Shoubridge?           8         A. I take that this is an example of a 9         network where he believes that the work that he's 10         G. Have you ever tested the algorithm that's 11           11         Q. Does Shoubridge talk about any other types 12         of - any other specific types of communication 13         networks other than mobile radio 5         A. No, I have not.           13         astors of Shoubridge to check, that entire 14         discussion, as far as I can see in this short time, 15         astors of Shoubridge to check, that entire 16         G. Turming back to Exhibit-4, the Lin 17         reference. Would you agree with me that the Lin 18           14         results for metworks. And that is the way Shoubridge 2         articulates his problem setting in these first two 2         Turming back to Exhibit-4, the Lin 17         reference. Would you agree with me that the Lin 18           24	1		1	Page 39
3         work. That makes sense broadly when thinking a bout computer networks and routing messages in them.         3         information dissemination?           4         about computer networks and routing messages in them.         MR. DAVIS: Same objection.           6         Q. So what do you take from the first line of 7 the abstract of Shoubridge relate work that he's 10 doing would be applicable.         MR. DAVIS: Calculation order to understand 9           1         Q. Does Shoubridge talk about any other types 12 of - any other specific types of communication 14 networks?         1         G. Have you ever tested the algorithm that's 11 disclosed in the Shoubridge reference?           12         A. No, I have not.         13         O. Have you ever tested the algorithm that's 14 disclosed in the Lin reference?           15         A. So having read just read the first two 13 such as transmission capacity and flooding and 20 dynamism are things that are all relevant to a broad 21 variety of networks. And that is the way Shoubridge 2 articulates his problem setting in these first two 23 sections.         10         Q. Extensively, right?         Page 30 2 Communication network other than mobile radio 2 communication network other than broad 3 MR. DAVIS: Objection to form.         1         Q. Extensively, right?         Page 40 2 MR. DAVIS: Objection to form.           1         Q. Does he mention any specific type of network.         1         Q. Extensively, right?		-		-
4       about computer networks and routing messages in term.       4       MR. DAVIS: Same objection.         5       them.       5       THE WITNESS: I don't thinks o. I         6       Q. So what do you take from the first line of the abstract of Shoubridge?       7       mean from a ~ this is really quite an accessible paper. One doesn't need a lot of specific types of communication         1       A. Itake that this is an example of a entwork where he believes that the work that he's to doing would be applicable.       7       accessible paper. One doesn't need a lot of supervised the algorithm that's to doing would be applicable.         10       Q. Dees Shoubridge tails about any other types of communication 14 networks?       1       1       1       2       A. No, I have not.       1       1       2       A. No, I have not.       1 <td></td> <td></td> <td></td> <td></td>				
5       them.       5       THE WITNESS: I don't think so. I         6       Q. So what do you take from the first line of the abstract of Shoubridge?       accessible paper. One doesn't need a lot of accessible paper. One doesn't need a lot of specific types of communication         10       Q. Does Shoubridge talk about any other types of ony other specific types of communication       10       Q. Have you ever tested the algorithm that's         11       Q. Does Shoubridge talk about any other types of ony other specific types of communication       11       Q. Have you ever tested the algorithm that's         12       A. No, I have not.       13       Q. Have you ever tested the algorithm that's         14       networks other than mobile radio communication       14       Q. Have you ever tested the algorithm that's         14       networks other than mobile radio communication       14       Q. Have you ever tested the algorithm that's         15       A. So having read - just read the first two       15       A. No, I have not.       16         16       soctions.       17       reference is a math paper?       19       MR. DAVIS: Objection to form.         20       articulates his problem setting in these first two       21       10       When that uses         24       Q. Does he mention any specific type of network.       1       Q. Extensively, right?       22			-	
6       Q. So what do you take from the first line of 7 the abstract of Shoubridge?       mean from a - this is really quite an accessible paper. One doesn't need a lot of specialized knowledge in order to understand 9 network where he believes that the work that he's 10 doing would be applicable.       7         11       Q. Does Shoubridge talk about any other types 12 of any other specific types of communication 13 networks other than mobile radio communication 14 networks?       0. Have you ever tested the algorithm that's 11 disclosed in the Lin reference?         15       A. So having read just read the first two 16 sections, as far as I can see in this short time, 18 is addressing networks in general terms. Issues 19 such as transmission capacity and flooding and 21 variety of networks. And that is the way Shoubridge 22 articulates his problem setting in these first two 23 sections.       16       Q. Turning back to Exhibit-4 the Lin 18 reference. Would you agree with me that the Lin 18 reference is a math paper?         21       variety of networks. And that is the way Shoubridge 23 articulates his problem setting in these first two 24       0. Turning back to Exhibit-4 the Lin 18 reference. Would you agree with me that the Lin 18 reference is a math paper?         22       A. Nell, it's certainly a paper that uses 24       0. Why not?         23       A. Well, it's certainly a paper that uses 24         1       0. Extensively, right?       Page 40 2 math.         1       0. Why os the intended audience of the 15 Shoubridge reference?       1         1       0. Why os the intenended audience of the 15 Sho				-
7       the abstract of Shoubridge?       7       accessible paper. One doesn't need a lot of         8       A. I take that this is an example of a       specialized knowledge in order to understand         9       network where he believes that the work that he's       0         10       Joes Shoubridge talk about any other types       1         2       of any other specific types of communication       1         11       accessible paper. One doesn't need a lot of         12       of any other specific types of communication         13       networks other than mobile radio communication         14       networks?         15       A. So having read just read the first two         16       sections of Shoubridge to check, that entire         17       references is a math paper?         19       such as transmission capacity and flooding and         20       A. No that is the way Shoubridge         21       variety of networks. And that is the way Shoubridge         22       accessible paper.         23       accessible paper.         24       D. Does he mention any other specific type of network.         24       D. Does he mention any other specific type of network.         3       MR. DAVIS: Objection to form         3				
8       A. I take that this is an example of a       9         9       network where he believes that the work that he's         10       doing would be applicable.         11       Q. Does Shoubridge talk about any other types         12       of - any other specific types of communication         13       networks?         14       networks?         15       A. So having read just read the first two         16       sections of Shoubridge to check, that entire         17       discussion, as far as I can see in this short time,         18       is addressing networks in general terms. Issues         19       such as transmission capacity and flooding and         20       variety of networks. And that is the way Shoubridge         21       variety of networks. And that is the way Shoubridge         22       communication network other than mobile radio         24       Does he mention any other specific type of         25       A. Right. I'm talking about the first two         26       Does he mention any specific type of network.         7       C. Extensively, right?         8       asit paper sometimes is not and it also         16       doesn't mention any specific type of network.         7       Q. Except for in the abstract?		-		
9       network where he believes that the work that he's       9       ii.         10       O. Does Shouthridge talk about any other types       10       O. Have you ever tested the algorithm that's         12       of any other specific types of communication       11       disclosed in the Shoubridge reference?         12       of any other specific types of communication       13       networks other than mobile radio communication         13       networks?       14       disclosed in the Shoubridge reference?         14       A. So having read just read the first two       15       A. No, I have not.         16       sections of Shoubridge to check, that entire       16       Q. Turning back to Exhibit-4, the Lin         17       reference is a math paper?       19       MR. DAVIS: Objection to form.         10       variety of networks. And that is the way Shoubridge       21       the Lin paper as a math paper.         21       variety of networks other than mobile radio       22       Q. Why not?         23       sections.       math paper sectific type of the adigorithm that's also is motivated by real would'n characterize         24       O. Does he mention any other specific type of the adia       1       Q. Extensively, right?       Page 40         2       communication network other than mobile radio       2		-		
10       doing would be applicable.       10       Q. Have you ever tested the algorithm that's         11       Q. Does Shoubridge talk about any other types       disclosed in the Shoubridge reference?         12       of - any other specific types of communication       13       A. No, I have not.         13       networks?       A. No, I have not.       G. Have you ever tested the algorithm that's         14       networks?       A. No, I have not.       G. Have you ever tested the algorithm that's         14       networks?       A. No, I have not.       G. Have you ever tested the algorithm that's         15       A. So having read just read the first two       G. Thave you ever tested the algorithm that's         16       Q. Turning back to Exhibit-4, the Lin         17       reference is a math paper.       G. Turning back to Exhibit-4, the Lin         18       is addressing networks. And that is the way Shoubridge       The WITNESS: I wouldn't characterize         19       wariety of network. And that is the way Shoubridge       C. Why not?         20       sections.       THE WITNESS: A does much of computer         3       MR. DAVIS: Objection to form.       G.         4       THE WITNESS: Actually actually, in       The work in what you just read?       Image and the stape and the algorithm that's         4		•	-	
11       Q. Does Shoubridge talk about any other types       11       disclosed in the Shoubridge reference?         12       disclosed in the Shoubridge reference?       12         13       networks other than mobile radio communication       13       Q. Have you ever tested the algorithm that's         14       networks?       13       A. No, I have not.         15       A. So having read – just read the first two       16       G. Turring back to Exhibit-4, the Lin         16       disclosed in the Lin reference?       15       A. No, I have not.         16       disclosed in the Lin reference?       16       Q. Turring back to Exhibit-4, the Lin         17       reference.       Would you agree with me that the Lin         18       is addressing networks in general terms. Issues       18       reference is a math paper?         19       MR. DAVIS: Objection to form.       20       Why not?         23       sections.       24       Q. Does he mention any other specific type of         1       communication network in what you just read?       3       THE WITNESS: Actually – actually, in         3       MR. DAVIS: Objection to form.       3       THE WITNESS: Actually – actually, in         4       THE WITNESS: So por answer is as it       aso is motivated by real world problems, which	-		-	
12       of any other specific types of communication       13         13       networks other than mobile radio communication       14         14       networks?       14         15       A. So having read just read the first two       15         16       sections of Shoubridge to check, that entire       16         17       discussion, as far as I can see in this short time,       15         18       is addressing networks in general terms. Issues       18         19       such as transmission capacity and flooding and       10         20       dynamism are things that are all relevant to a broad       20         21       articulates his problem setting in these first two       23         22       articulates his problem setting in these first two       23         24       Q. Does he mention any other specific type of       24         1       communication network ther than mobile radio       1         2       communication network in what you just read?       1         3       MR. DAVIS: Objection to form.       3         3       MR. DAVIS: Objection to form.       3         4       THE WITNESS: Actually actually, in       actuse simulation work which is another thing         4       Schoubridge reference?       6 <td></td> <td><b>c</b></td> <td>-</td> <td></td>		<b>c</b>	-	
13       networks other than mobile radio communication       13       Q. Have you ever tested the algorithm that's         14       networks?       13       Q. Have you ever tested the algorithm that's         15       A. So having read just read the first two       13       G. No, I have not.         16       sections of Shoubridge to check, that entire       16       Q. Turning back to Exhibit-4, the Lin         17       discussion, as far as I can see in this short time,       18       reference.       Would you agree with me that the Lin         18       is addressing networks in general terms.       Issues       18       reference.       Would you agree with me that the Lin         19       such as transmission capacity and flooding and       0       THE WITNESS: I wouldn't characterize         21       variety of networks. And that is the way Shoubridge       20       THE WITNESS: I wouldn't characterize         22       a. Does he mention any other specific type of       24       Q. Why not?       23       A. Well, it's certainly a paper that uses         24       Communication network other than mobile radio       -       MR. DAVIS: Objection.       3       THE WITNESS: As does much of computer         4       THE WITNESS: Actually actually, in       5       also is motivated by real world problems, which       a math paper sometimes is not and it a				-
14       networks?         15       A. So having read just read the first two         16       sections of Shoubridge to check, that entire         17       discussion, as far as I can see in this short time,         18       is addressing networks in general terms. Issues         19       such as transmission capacity and flooding and         20       dynamism are things that are all relevant to a broad         21       variety of networks. And that is the way Shoubridge         21       articulates his problem setting in these first two         23       sections.         24       Q. Does he mention any other specific type of         25       communication network other than mobile radio         26       communication network other than mobile radio         27       Communication network other than mobile radio         28       MR. DAVIS: Objection.         3       MR. DAVIS: Objection to form.         4       THE WITNESS: As does much of computer         5       also is motivated by real world problems, which         6       doesn't mention any specific type of network.         7       Q. Except for in the abstract?         8       A. Right. I'm talking about the first two         9       sectinos of the article where he frames the problem.				
15       A. So having read just read the first two       15       A. No, I have not.         16       sections of Shoubridge to check, that entire       16       Q. Turning back to Exhibit-4, the Lin         17       discussion, as far as I can see in this short time,       18       is addressing networks in general terms. Issues         19       such as transmission capacity and flooding and       20       Turning back to Exhibit-4, the Lin         20       dynamism are things that are all relevant to a broad       21       variety of networks. And that is the way Shoubridge         21       articulates his problem setting in these first two       22       Q. Why not?         23       sections.       22       Q. Why not?         24       Q. Does he mention any other specific type of       24       math.         24       Q. Does he mention any other specific type of       24       math.         25       communication network other than mobile radio       2       MR. DAVIS: Objection.         3       MR. DAVIS: Objection to form.       3       THE WITNESS: A does much of computer         4       THE WITNESS: Actually actually, in       5       also is motivated by real world problems, which         5       doesn't mention any specific type of network.       7       anth paper sometimes is not and it also <t< td=""><td></td><td></td><td></td><td></td></t<>				
16       sections of Shoubridge to check, that entire       16       Q. Turning back to Exhibit-4, the Lin         17       discussion, as far as I can see in this short time,       18       is addressing networks in general terms. Issues         19       such as transmission capacity and flooding and       19       MR. DAVIS: Objection to form.         20       dynamism are things that are all relevant to a broad       19       MR. DAVIS: Objection to form.         21       variety of networks. And that is the way Shoubridge       21       the Lin paper as a math paper.         22       Q. Does he mention any other specific type of       24       Q. Does he mention any other specific type of         24       Q. Does he mention network other than mobile radio       2       MR. DAVIS: Objection.       7         3       MR. DAVIS: Objection to form.       3       THE WITNESS: As does much of computer       science. It's a paper that uses math, but it         5       the first two sections, as far as I can see, he       6       a so is motivated by real world problems, which         6       doesn't mention any specific type of network.       7       Q. Except for in the abstract?       7         8       A. Right. I'm talking about the first two       8       that would no the typical of math papers.       9         9       Woth os the intended audience of the				
17       discussion, as far as 1 can see in this short time, 18 is addressing networks in general terms. Issues 19 such as transmission capacity and flooding and 20 dynamism are things that are all relevant to a broad 21 variety of networks. And that is the way Shoubridge 22 articulates his problem setting in these first two 23 sections.       17       reference. Would you agree with me that the Lin 18       reference is a math paper?         24       Q. Does he mention any other specific type of 1       20       THE WITNESS: I wouldn't characterize 23       Q. Why not?         23       A. Does he mention any other specific type of 2       20       Why not?       23         24       Q. Does he mention any other specific type of 2       24       MR. DAVIS: Objection to form.       24         3       MR. DAVIS: Objection to form.       3       0.       Extensively, right?       Page 30         4       THE WITNESS: Actually - actually, in 5       the first two sections, as far as 1 can see, he 6       0       10       0.       Extensively, right?       Page 40         3       A. Right. I'm talking about the first two 9       sections of the article where he frames the problem.       10       0.       Extensively, right?       10       0.       Extensively, right?       11       0.       Davis: Objection.       11       12       13       0.       Includes simulation work which is another thing 8       14       14       <			_	
18       is addressing networks in general terms. Issues       18       reference is a math paper?         19       such as transmission capacity and flooding and       20       MR. DAVIS: Objection to form.         20       variety of networks. And that is the way Shoubridge       18       reference is a math paper?         21       variety of networks. And that is the way Shoubridge       20       THE WITNESS: I wouldn't characterize         24       Q. Does he mention any other specific type of       22       Q. Why not?         23       A. Well, it's certainly a paper that uses       24         24       Q. Does he mention any other specific type of       24       MR. DAVIS: Objection.         3       MR. DAVIS: Objection to form.       3       THE WITNESS: As dees much of computer         4       THE WITNESS: Actually actually, in       5       also is motivated by real world problems, which         6       doesn't mention any specific type of network.       7       includes simulation work which is another thing         8       A. Right. I'm talking about the first two       9       (Whereupon a document was marked as         10       Q. Or strike that.       11       Shoubridge reference?       14         11       Shoubridge reference?       14       Game Environment. Have you seen Exhibit-6 is		-		-
19       such as transmission capacity and flooding and       19       MR. DAVIS: Objection to form.         20       variety of networks. And that is the way Shoubridge       24       Chapter as a math paper.         22       articulates his problem setting in these first two       20       Why not?         23       action network other than mobile radio       20       Why not?         24       Q. Does he mention any other specific type of       24       MR. DAVIS: Objection.         24       Q. Does he mention network other than mobile radio       2       Why not?         25       communication network in what you just read?       1       Q. Extensively, right?       Page 40         3       MR. DAVIS: Objection to form.       3       THE WITNESS: A scose smuch of computer         4       THE WITNESS: Actually actually, in       5       the first two sections, as far as I can see, he       6         6       doesn't mention any specific type of network.       7       includes simulation work which is another thing         8       A. Right. I'm talking about the first two       8       that would not be typical of math papers.         9       sections of the article where he frames the problem.       1       Q. Doctor, we just marked Exhibit-6.         12       MR. DAVIS: Objection to form.       13       Q. Or				
20       dynamism are things that are all relevant to a broad       20       THE WITNESS: I wouldn't characterize         21       variety of networks. And that is the way Shoubridge       21       the Lin paper as a math paper.         22       articulates his problem setting in these first two       22       Q. Why not?         23       sections.       23       A. Well, it's certainly a paper that uses         24       Q. Does he mention any other specific type of       24       math.         1       communication network other than mobile radio       2       MR. DAVIS: Objection to form.         3       MR. DAVIS: Objection to form.       3       THE WITNESS: A does much of computer         4       THE WITNESS: Actually actually, in       5       also is motivated by real world problems, which         6       doesn't mention any specific type of network.       7       also is motivated by real world problems, which         7       Q. Except for in the abstract?       7       includes simulation work which is another thing         8       A. Right. I'm talking about the first two       8       that would not be typical of math papers.         9       sections of the article where he frames the problem.       9       (Whereupon a document was marked as)         10       Q. Or strike that.       11       Q. Doctor, we just mark				
21       variety of networks. And that is the way Shoubridge       21       the Lin paper as a math paper.         22       articulates his problem setting in these first two       22       Q. Why not?         23       A. Well, it's certainly a paper that uses       24         24       Q. Does he mention any other specific type of       23       A. Well, it's certainly a paper that uses         24       Q. Does he mention any other specific type of       24       math.         Page 38       1       Q. Extensively, right?       2         3       MR. DAVIS: Objection to form.       3       THE WITNESS: As does much of computer         4       THE WITNESS: Actually actually, in       5       also is motivated by real world problems, which         6       doesn't mention any specific type of network.       7       a math paper sometimes is not and it also         7       Q. Except for in the abstract?       8       that would not be typical of math papers.         9       sections of the article where he frames the problem.       10       Exhibit-6 for Identification.)         11       Shoubridge?       11       Q. Doctor, we just marked Exhibit-6.         12       MR. DAVIS: Objection to form.       13       Q. Or strike that.       14         14       Who do you believe would read the				
22       articulates his problem setting in these first two       22       Q. Why not?         23       sections.       23       A. Well, it's certainly a paper that uses         24       Q. Does he mention any other specific type of       23       A. Well, it's certainly a paper that uses         24       Q. Does he mention any other specific type of       23       A. Well, it's certainly a paper that uses         24       math.       Page 38       1       Q. Extensively, right?       Page 40         2       communication network other than mobile radio       2       MR. DAVIS: Objection.       THE WITNESS: As does much of computer         4       THE WITNESS: Astraally actually, in       5       the first two sections, as far as I can see, he       6       a asto is motivated by real world problems, which         6       doesn't mention any specific type of network.       7       includes simulation work which is another thing         8       A. Right. I'm talking about the first two       9       sections of the article where he frames the problem.         10       Q. Who is the intended audience of the       10       Q. Doctor, we just marked Exhibit-6.         12       MR. DAVIS: Objection to form.       10       Q. Doctor, we just marked Exhibit-6.         13       Q. Or strike that.       10       Game Environment. Have you seen				
23 sections.       23       A. Well, it's certainly a paper that uses         24       Q. Does he mention any other specific type of       24       math.         Page 38         1 communication network other than mobile radio       24       math.         2 communication network other than mobile radio       24       MR. DAVIS: Objection       Page 40         3 MR. DAVIS: Objection to form.       3       THE WITNESS: A clually actually, in       5       the first two sections, as far as I can see, he       6       a math paper sometimes is not and it also       7         4 Right. I'm talking about the first two       9       (Whereupon a document was marked as       10       Exhibit-6 for Identification.)         11 Shoubridge?       11       Q. Doctor, we just marked Exhibit-6.       12       Exhibit-6 bears Bates strike that.       11       Q. Doctor, we just marked Exhibit-6 is         13 Q. Or strike that.       11       Q. And what is Exhibit-6 is       13       Uhited States Patent 6,701,344, entitled Distributed         14       Who do you believe would read the       15       A. Levieve so.       16       Q. And what is Exhibit-6?         15       Shoubridge reference?       16       Q. And what is Exhibit-6?       17       A. Exhibit-6?         16       MR. DAVIS: Some objection.       17				
24       Q. Does he mention any other specific type of       24 math.       Page 38         1       communication network other than mobile radio       1       Q. Extensively, right?       2         3       MR. DAVIS: Objection to form.       1       Q. Extensively, right?       2       MR. DAVIS: Objection.         3       MR. DAVIS: Objection to form.       3       THE WITNESS: Actually actually, in       3       THE WITNESS: Actually actually, in         5       the first two sections, as far as I can see, he       6       a so is motivated by real world problems, which         6       doesn't mention any specific type of network.       7       a math paper sometimes is not and it also         7       Q. Except for in the abstract?       8       that would not be typical of math papers.         9       sections of the article where he frames the problem.       9       (Whereupon a document was marked as         10       Q. Who is the intended audience of the       11       Q. Doctor, we just marked Exhibit-6.         12       MR. DAVIS: Objection.       11       Q. Doctor, we just marked Exhibit-6.         13       Q. Or strike that.       13       United States Patent 6,701,344, entitled Distributed         14       Who do you believe would read the       15       A. I believe so.         15				-
Page 38Page 381communication network other than mobile radio2communication network in what you just read?3MR. DAVIS: Objection to form.4THE WITNESS: Actually actually, in5the first two sections, as far as I can see, he6doesn't mention any specific type of network.7Q. Except for in the abstract?8A. Right. I'm talking about the first two9sections of the article where he frames the problem.10Q. Who is the intended audience of the11Shoubridge?12MR. DAVIS: Objection to form.13Q. Or strike that.14Who do you believe would read the15Shoubridge reference?16MR. DAVIS: Same objection.17THE WITNESS: So my answer is as it18was with the Lin reference, that there isn't a19hard and fast rule for who would read this type20of work, but that, you know, people in the21computer domain would be more likely to read it22than people not, and people who are concerned23with networking information dissemination would				
1       communication network other than mobile radio       1       Q. Extensively, right?         2       communication network in what you just read?       3       MR. DAVIS: Objection to form.         3       MR. DAVIS: Objection to form.       3       THE WITNESS: As does much of computer         4       THE WITNESS: Actually actually, in       5       science. It's a paper that uses math, but it         5       the first two sections, as far as I can see, he       6       also is motivated by real world problems, which         6       doesn't mention any specific type of network.       6       a math paper sometimes is not and it also         7       Q. Except for in the abstract?       7       includes simulation work which is another thing         8       A. Right. I'm talking about the first two       8       that would not be typical of math papers.         9       sections of the article where he frames the problem.       9       (Whereupon a document was marked as         10       Q. Or strike that.       10       Exhibit-6 for Identification.)         11       Shoubridge?       11       Q. Doctor, we just marked Exhibit-6.         12       MR. DAVIS: Objection.       12       Exhibit-6 before?         15       Shoubridge reference?       15       A. I belive so.         16       MR				
2communication network in what you just read?3MR. DAVIS: Objection.3MR. DAVIS: Objection to form.3THE WITNESS: A does much of computer4THE WITNESS: Actually actually, in5science. It's a paper that uses math, but it5the first two sections, as far as I can see, he6also is motivated by real world problems, which6doesn't mention any specific type of network.7also is motivated by real world problems, which7Q. Except for in the abstract?7includes simulation work which is another thing8A. Right. I'm talking about the first two8that would not be typical of math papers.9sections of the article where he frames the problem.9(Whereupon a document was marked as10Q. Who is the intended audience of the10Exhibit-6 for Identification.)11Shoubridge?11Q. Doctor, we just marked Exhibit-6 is13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment.15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.16Q. And what is Exhibit-6?17THE WITNESS: So my answer is as it18distributed game environment.19hard and fast rule for who would read this type20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not	1		1	Page 40 O Extensively right?
3MR. DAVIS: Objection to form.3THE WITNESS: As does much of computer4THE WITNESS: Actually actually, in5science. It's a paper that uses math, but it5the first two sections, as far as I can see, he6also is motivated by real world problems, which6doesn't mention any specific type of network.7a math paper sometimes is not and it also7Q. Except for in the abstract?7includes simulation work which is another thing8A. Right. I'm talking about the first two8that would not be typical of math papers.9sections of the article where he frames the problem.9(Whereupon a document was marked as10Q. Who is the intended audience of the10Exhibit-6 for Identification.)11Shoubridge?11Q. Doctor, we just marked Exhibit-6.12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that. Exhibit-6 is13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15A. I believe so.16Q. And what is Exhibit-6?17THE WITNESS: So my answer is as it17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21T				
4THE WITNESS: Actually actually, in the first two sections, as far as I can see, he doesn't mention any specific type of network.4science. It's a paper that uses math, but it also is motivated by real world problems, which a math paper sometimes is not and it also7Q. Except for in the abstract?7includes simulation work which is another thing that would not be typical of math papers.8A. Right. I'm talking about the first two 98that would not be typical of math papers.99(Whereupon a document was marked as 1010Q. Who is the intended audience of the 1110Exhibit-6 for Identification.)11Shoubridge?11Q. Doctor, we just marked Exhibit-6.12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that. Exhibit-6 is13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the 1414Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a 1918distributed game environment.19hard and fast rule for who would read this type 20of work, but that, you know, people in the 21computer domain would be more likely to read it 21THE WITNESS: The patent discloses a 2223with networking information dissemination would23environment for a plurality of participants.				-
5the first two sections, as far as I can see, he5also is motivated by real world problems, which6doesn't mention any specific type of network.6a math paper sometimes is not and it also7Q. Except for in the abstract?7includes simulation work which is another thing8A. Right. I'm talking about the first two8that would not be typical of math papers.9sections of the article where he frames the problem.9(Whereupon a document was marked as10Q. Who is the intended audience of the10Exhibit-6 for Identification.)11Shoubridge?11Q. Doctor, we just marked Exhibit-6.12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that.14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.16Q. And what is Exhibit-6?17THE WITNESS: So my answer is as it18distributed game environment.19hard and fast rule for who would read this type19Q. What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned23with networking information dissemination would23with networking information dissemination would23environment		-		
6doesn't mention any specific type of network.6a math paper sometimes is not and it also7Q. Except for in the abstract?7includes simulation work which is another thing8A. Right. I'm talking about the first two8that would not be typical of math papers.9sections of the article where he frames the problem.9(Whereupon a document was marked as10Q. Who is the intended audience of the10Exhibit-6 for Identification.)11Shoubridge?11Q. Doctor, we just marked Exhibit-6.12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that. Exhibit-6 is13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a1819hard and fast rule for who would read this type19Q. What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants				
7Q. Except for in the abstract?7includes simulation work which is another thing8A. Right. I'm talking about the first two8that would not be typical of math papers.9sections of the article where he frames the problem.9(Whereupon a document was marked as10Q. Who is the intended audience of the10Exhibit-6 for Identification.)11Shoubridge?11Q. Doctor, we just marked Exhibit-6.12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that. Exhibit-6 is13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.16Q. And what is Exhibit-6?17THE WITNESS: So my answer is as it17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the L in reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type20of work, but that, you know, people in the2021computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.				
8A. Right. I'm talking about the first two8that would not be typical of math papers.9sections of the article where he frames the problem.9(Whereupon a document was marked as10Q. Who is the intended audience of the10Exhibit-6 for Identification.)11Shoubridge?11Q. Doctor, we just marked Exhibit-6.12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that. Exhibit-6 is13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.16Q. And what is Exhibit-6?17THE WITNESS: So my answer is as it17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q. What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.				
9sections of the article where he frames the problem.9(Whereupon a document was marked as10Q. Who is the intended audience of the10Exhibit-6 for Identification.)11Shoubridge?11Q. Doctor, we just marked Exhibit-6.12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that. Exhibit-6 is13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.16Q. And what is Exhibit-6?17THE WITNESS: So my answer is as it17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q. What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a23with networking information dissemination would23environment for a plurality of participants.		•		-
10Q. Who is the intended audience of the10Exhibit-6 for Identification.)11Shoubridge?11Q. Doctor, we just marked Exhibit-6.12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that. Exhibit-6 is13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a1819hard and fast rule for who would read this type19Q. What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a23with networking information dissemination would23environment for a plurality of participants.				
11Shoubridge?11Q.Doctor, we just marked Exhibit-6.12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that. Exhibit-6 is13Q.Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A.I believe so.16MR. DAVIS: Same objection.16Q.And what is Exhibit-6?17THE WITNESS: So my answer is as it17A.Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q.What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a23with networking information dissemination would23environment for a plurality of participants.		-		
12MR. DAVIS: Objection to form.12Exhibit-6 bears Bates strike that. Exhibit-6 is13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.16Q. And what is Exhibit-6?17THE WITNESS: So my answer is as it17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q. What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a23with networking information dissemination would23environment for a plurality of participants.			-	
13Q. Or strike that.13United States Patent 6,701,344, entitled Distributed14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A. I believe so.16MR. DAVIS: Same objection.16Q. And what is Exhibit-6?17THE WITNESS: So my answer is as it17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q. What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a23with networking information dissemination would23environment for a plurality of participants.		-		· · ·
14Who do you believe would read the14Game Environment. Have you seen Exhibit-6 before?15Shoubridge reference?15A.I believe so.16MR. DAVIS: Same objection.16Q.And what is Exhibit-6?17THE WITNESS: So my answer is as it17A.Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q.What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.		-		
15Shoubridge reference?15A.I believe so.16MR. DAVIS: Same objection.16Q.And what is Exhibit-6?17THE WITNESS: So my answer is as it17A.Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q.What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.				
16MR. DAVIS: Same objection.16Q. And what is Exhibit-6?17THE WITNESS: So my answer is as it17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q. What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.		-		-
17THE WITNESS: So my answer is as it17A. Exhibit-6 is U.S. Patent 6,701,344,18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q. What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.		-		
18was with the Lin reference, that there isn't a18distributed game environment.19hard and fast rule for who would read this type19Q.What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.				
19hard and fast rule for who would read this type19Q.What does the 344 patent disclose?20of work, but that, you know, people in the20MR. DAVIS: Objection. Form.21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.		-		
20of work, but that, you know, people in the computer domain would be more likely to read it than people not, and people who are concerned with networking information dissemination would20MR. DAVIS: Objection. Form.21THE WITNESS: The patent discloses a computer network for providing a game environment for a plurality of participants.				_
21computer domain would be more likely to read it21THE WITNESS: The patent discloses a22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.				-
22than people not, and people who are concerned22computer network for providing a game23with networking information dissemination would23environment for a plurality of participants.				-
23 with networking information dissemination would 23 environment for a plurality of participants.				-
		-		



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	)N	BAY 41–44
	Page 41		Page 43
1	context in the context of the 344 patent?	1	
2	MR. DAVIS: Objection. Form.	2	A. Well, so would you like to ask me about a
3	THE WITNESS: So I haven't been asked	3	specific thing which I determined to be a game
4	to provide a meaning for a game environment.	4	providing a game environment? Because that's how
5	It's sort of a it's a it's a broad term	5	I that's what I did. I looked at specific things
6	that has somewhat of a context dependent	6	and said, does this provide a game environment.
7	meaning. What I focused on was whether some of	7	Q. No, I want to know just within the context
8	this prior art can be seen as disclosing a game	8	of the 344 patent, if you have any understanding of
9	environment.	9	what a game environment means.
10	Q. So in the context of the 344 patent,	10	MR. DAVIS: Objection. Form.
11	what's a game environment?	11	Q. And you can look at Exhibit-6, it's claim
12	MR. DAVIS: Objection. Form.	12	one.
13	THE WITNESS: So, again, I haven't	13	A. So once again, I have looked at certain
14	been asked to define what a game environment	14	potential prior art, such as DirectPlay, which
15	is. I've been asked whether certain things,	15	describes a gaming universe and to me it is clear
16	obviously, fit the definition fit the notion	16	that a game universe fits the characterization of a
17	of a game environment.	17	game environment.
18	Q. So what's the notion of a game	18	Q. All right. What's a game universe?
19	environment	19	MR. DAVIS: Objection. Form.
20	MR. DAVIS: Same objection.	20	THE WITNESS: So as you can see in
21	Q in the context of the 344 patent?	21	page 19 of the DirectPlay reference, DirectPlay
22	MR. DAVIS: Same objection.	22	describes a vision where in the network world
23	THE WITNESS: Again, I haven't been	23	hundreds or even thousands of players are
24	asked to specifically define it. I've been	24	participating in a single gaming universe.
1	Page 42 asked whether certain things are provide or	1	Q. So that's the definition of game
2	are game environments.	2	environment that you applied in this case?
3	Q. Well, how can you determine if something's	3	MR. DAVIS: Objection. Form.
4	a game environment if you don't know what the	4	THE WITNESS: No, I did not attempt to
5	definition is?	5	create a definition of gaming environment, but
6	MR. DAVIS: Objection. Form.	6	looking at this sentence where they describe
7	THE WITNESS: Well, as with many	7	hundreds or even thousands of players
8	things, there are context dependent, I can look	8	participating in a single gaming universe, for
9	at a specific a specific thing and say is	9	me that fits the language of claim one which
10	this clearly a game environment and the answer	10	talks about a game environment.
11	is yes, this clearly is a game environment	10	Q. Why does that fit the language?
12	without defining the boundaries of what exactly	12	A. Why does that fit the language? So I
	-	12	
13	a game environment is. Q. So when you applied when you strike	13	network world with hundreds or thousands of players
14	that.	14	participating in a single gaming universe is a kind
16		15	
17	When you analyzed the 344 patent, you didn't come up with the bounds in terms of what a	10	of gaming environment. Q. What other types of gaming environments
		17	are there based on the context of the 344 patent?
18	game environment would be?	18	-
19	MR. DAVIS: Objection. Form.		MR. DAVIS: Objection to form.
20	THE WITNESS: I did not provide a	20	THE WITNESS: Well, I haven't gone out
21	construction of what a game environment is.	21	to try to identify other types of game
22	Q. I understand you didn't provide a	22	environments. I was asked to form an opinion
23	construction in your declaration. I want I want	23	on whether, for example, this DirectPlay
24	to understand what your understanding of a game	24	reference does disclose providing a gaming



# 800.211.DEPO (3376) EsquireSolutions.com

	TIVISION BLIZZARD vs ACCELERATIC		BAY 45–48
1	Page 45	4	Page 47
2	environment. Q. And you did that without an understanding	1	MR. DAVIS: Same objection. THE WITNESS: I don't see it as a
3	of the definition of gaming environment?		
		3	description of a gaming environment. I see it
4	MR. DAVIS: Objection to form.	4	as a description of one thing that these
5	THE WITNESS: I did that without	5	patent that the authors of this patent
6	trying to define the boundaries of what would	6	believe fits their characterization of a gaming
7	fit the definition of a gaming environment.	7	environment.
8	Q. So sitting here today, can you tell me	8	Q. So how would you what would you add to
9	what the boundaries of what a gaming environment is	9	this description in order to meet your definition of
10	in the context of the 344 patent?	10	a gaming environment in the context of the 344
11	MR. DAVIS: Objection. Form.	11	patent?
12	THE WITNESS: No, that would require	12	MR. DAVIS: Objection. Form.
13	me to spend quite a bit of time investigating	13	THE WITNESS: So I don't think, at
14	the uses of all of the other potential uses	14	this time, I don't think that I would need to
15	of game environments, which I have not yet	15	add anything to this description in order for
16	done.	16	what they outline here to fit within the bounds
17	Q. You've read the 344 patent though, right?	17	of what I would consider to be a game
18	A. I have. Q. More than once?	18	environment.
19		19	Q. So turn back to claim one.
20	A. Yes.	20	A. Actually, can we take a break before the
21	Q. In your reading of the 344 patent, can you	21	next question?
22	provide me any type of understanding of what a	22	Q. Let me ask you one more.
23 24	gaming environment is in the context of the 344 patent?	23 24	A. Okay. Q. Two more questions. But if you can turn
24	patent?	24	Q. Two more questions. But if you can turn
	Page 46		
1		1	Page 48
1	MR. DAVIS: Objection to form.		back to claim one.
2	MR. DAVIS: Objection to form. THE WITNESS: So would you like to	2	back to claim one. See how the first sentence says, a
2 3	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent	2 3	back to claim one. See how the first sentence says, a computer network for providing a game environment
2 3 4	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I	2 3 4	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that?
2 3 4 5	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it?	2 3 4 5	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do.
2 3 4 5 6	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a	2 3 4 5 6	<ul> <li>back to claim one.</li> <li>See how the first sentence says, a</li> <li>computer network for providing a game environment</li> <li>for a plurality of participants? Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Do the plurality of participants have to</li> </ul>
2 3 4 5 6 7	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30.	2 3 4 5 6 7	<ul> <li>back to claim one.</li> <li>See how the first sentence says, a</li> <li>computer network for providing a game environment</li> <li>for a plurality of participants? Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Do the plurality of participants have to</li> <li>be participants in the game environment, in your</li> </ul>
2 3 4 5 6 7 8	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form.	2 3 4 5 6 7 8	<ul> <li>back to claim one.</li> <li>See how the first sentence says, a</li> <li>computer network for providing a game environment</li> <li>for a plurality of participants? Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Do the plurality of participants have to</li> <li>be participants in the game environment, in your</li> <li>opinion?</li> </ul>
2 3 4 5 6 7 8 9	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line?	2 3 4 5 6 7 8 9	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form.
2 3 4 5 6 7 8 9 10	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to	2 3 4 5 6 7 8 9 10	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the
2 3 4 5 6 7 8 9 10 11	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when	2 3 4 5 6 7 8 9 10 11	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question?
2 3 4 5 6 7 8 9 10 11 12	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to?	2 3 4 5 6 7 8 9 10 11 12	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.)
2 3 4 5 6 7 8 9 10 11 12 13	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the	2 3 4 5 6 7 8 9 10 11	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that
2 3 4 5 6 7 8 9 10 11 12 13 14	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the paragraph.	2 3 4 5 6 7 8 9 10 11 12 13 14	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that we're looking at today, the participants are
2 3 4 5 6 7 8 9 10 11 12 13	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the paragraph. Q. Is that a fair description of a gaming	2 3 4 5 6 7 8 9 10 11 12 13	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that we're looking at today, the participants are participants in the gaming environment.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the paragraph. Q. Is that a fair description of a gaming environment?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that we're looking at today, the participants are participants in the gaming environment. Q. That's not my question. My question is,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the paragraph. Q. Is that a fair description of a gaming environment? MR. DAVIS: Objection to form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that we're looking at today, the participants are participants in the gaming environment. Q. That's not my question. My question is, reading claim one, in your opinion, that first line,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the paragraph. Q. Is that a fair description of a gaming environment? MR. DAVIS: Objection to form. THE WITNESS: So this is a description	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that we're looking at today, the participants are participants in the gaming environment. Q. That's not my question. My question is, reading claim one, in your opinion, that first line, a computer network for providing a game environment
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the paragraph. Q. Is that a fair description of a gaming environment? MR. DAVIS: Objection to form. THE WITNESS: So this is a description of one embodiment of some of the ideas in this	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>back to claim one.</li> <li>See how the first sentence says, a</li> <li>computer network for providing a game environment</li> <li>for a plurality of participants? Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Do the plurality of participants have to</li> <li>be participants in the game environment, in your</li> <li>opinion?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Can you reask the</li> <li>question?</li> <li>(Reporter read back.)</li> <li>THE WITNESS: So in the prior art that</li> <li>we're looking at today, the participants are</li> <li>participants in the gaming environment.</li> <li>Q. That's not my question. My question is,</li> <li>reading claim one, in your opinion, that first line,</li> <li>a computer network for providing a game environment</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the paragraph. Q. Is that a fair description of a gaming environment? MR. DAVIS: Objection to form. THE WITNESS: So this is a description of one embodiment of some of the ideas in this patent, which provides a game environment using	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that we're looking at today, the participants are participants in the gaming environment. Q. That's not my question. My question is, reading claim one, in your opinion, that first line, a computer network for providing a game environment for a plurality of participants, do the participants have to be participants in the game environment?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the paragraph. Q. Is that a fair description of a gaming environment? MR. DAVIS: Objection to form. THE WITNESS: So this is a description of one embodiment of some of the ideas in this patent, which provides a game environment using broadcast channels and a game application	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that we're looking at today, the participants are participants in the gaming environment. Q. That's not my question. My question is, reading claim one, in your opinion, that first line, a computer network for providing a game environment for a plurality of participants, do the participants have to be participants in the game environment? MR. DAVIS: Same objection.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it?</li> <li>Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line?</li> <li>Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to?</li> <li>A. Sure. All right. I've read the paragraph.</li> <li>Q. Is that a fair description of a gaming environment?</li> <li>MR. DAVIS: Objection to form. THE WITNESS: So this is a description of one embodiment of some of the ideas in this patent, which provides a game environment using broadcast channels and a game application program computing on each player's computer.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that we're looking at today, the participants are participants in the gaming environment. Q. That's not my question. My question is, reading claim one, in your opinion, that first line, a computer network for providing a game environment for a plurality of participants, do the participants have to be participants in the game environment?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. DAVIS: Objection to form. THE WITNESS: So would you like to direct me to a specific part of the 344 patent that talks about gaming environments or shall I look for it? Q. How about on column 16, where it says a distributed game environment, column 16, line 30. MR. DAVIS: Objection to form. THE WITNESS: Which line? Q. Thirty. So why don't you read from 30 to that first that paragraph and let me know when you've had a chance to? A. Sure. All right. I've read the paragraph. Q. Is that a fair description of a gaming environment? MR. DAVIS: Objection to form. THE WITNESS: So this is a description of one embodiment of some of the ideas in this patent, which provides a game environment using broadcast channels and a game application program computing on each player's computer.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	back to claim one. See how the first sentence says, a computer network for providing a game environment for a plurality of participants? Do you see that? A. Yes, I do. Q. Do the plurality of participants have to be participants in the game environment, in your opinion? MR. DAVIS: Objection. Form. THE WITNESS: Can you reask the question? (Reporter read back.) THE WITNESS: So in the prior art that we're looking at today, the participants are participants in the gaming environment. Q. That's not my question. My question is, reading claim one, in your opinion, that first line, a computer network for providing a game environment for a plurality of participants, do the participants have to be participants in the game environment? MR. DAVIS: Same objection. THE WITNESS: It's a question I



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION DLIZZARD VS ACCELERATIC	ЛМ	DAT 49-32
1	Page 49 were. So I didn't have to think about whether	1	Page 51 Page 51 plurality of participants each having connections to
2	it was a necessary condition for the claim.	2	three neighbor participants.
3	And so to to opine now, I would need to do	3	Q. I was.
4	quite a bit of thinking and reading in order to	4	A. So regarding that phrase, yes, Lin and
5	decide whether that was the case.	5	Shoubridge both have participants connecting to a
6	Q. So sitting here today you can't tell me	6	plurality connecting to three neighbor
7	one way or another whether it's your opinion whether	7	
	a participant has to be a participant in the game		participants.
8		8	Q. Are they gaming participants
9	environment according to claim one?	9	MR. DAVIS: Objection to form.
10	MR. DAVIS: Objection to form.	10	Q in Lin and Shoubridge?
11	THE WITNESS: Sitting here today, I	11	MR. DAVIS: Same objection.
12	, 3	12	THE WITNESS: Lin and Shoubridge do
13		13	not specify that they are.
14	-	14	Q. So in the context of the 344 patent,
15	VIDEO TECHNICIAN: This is the end of	15	what's a what's a connection?
16	1	16	MR. DAVIS: Objection to form.
17	, ,	17	THE WITNESS: That isn't a term I've
18	VIDEO TECHNICIAN: This is the	18	been asked to define, but the sort of computer
19	beginning of tape number two. On the record,	19	network connections of the players in
20	11:31 am.	20	DirectPlay and the processors in Lin and the
21	Q. All right.	21	processors in Shoubridge are connections.
22	Dr. Karger, let's take a look at claim	22	Q. So how do you know they are connecting if
23	one of the 344 patent. So claim one reads, a	23	you don't have and understanding of what it is
24	computer network providing a game environment for a	24	within the 344 patent?
	Page 50		Page 52
1	plurality of participants, each participant having	1	MR. DAVIS: Objection to form.
2	<b>.</b>	2	THE WITNESS: So, once again, I do
3	Do you see that?	3	have an understanding of I do have an
4	A. Yes, I do.	4	understanding of it meaning sufficient to be
5	Q. What's your understanding of each	5	confident that the things that I have described
6	participant having connections to at least three	6	fit that meaning.
7	neighbor participants?	7	Q. So what's
8	A. So, once again, my understanding is by way	8	A. I haven't tried to scope out exactly what
9	of example in the sense that the DirectPlay	9	the boundaries of that meaning are.
10		10	Q. So I want to know what your understanding
11	computers that are all interconnected in which case	11	is when you applied your opinion in this case.
12	it sort of makes sense to consider that the players	12	A. So
13	are participants and they are they have	13	MR. DAVIS: Objection to form.
14	connections to the other players in their network.	14	THE WITNESS: Again, my understanding
15	There are similar sort of examples in Lin and	15	is that the set of players described in
16	Shoubridge of of the things that sort of fit this	16	DirectPlay whose computers are networked
17	description.	17	together for a game, those network connections
18	Q. So, in your opinion, there's a description	18	are connections per the 344 patent. And
19	of Lin and the game participant and each	19	similarly that the connections in Lin and
20		20	Shoubridge are also connections in the setting
21	participants?	21	of the 344 patent sort of fill that
		22	characterization.
22		i.	
22		23	Q. So within the setting of the 344 patent
	Q. Is that your opinion?	23 24	Q. So within the setting of the 344 patent itself, what's a connection?



# 800.211.DEPO (3376) EsquireSolutions.com

ΑC	TIVISION DLIZZARD VS ACCELERATIC	ЛМ	DAT 55-50
1	Page 53 MR. DAVIS: Same objection.	1	Page 55 connections without having to define exactly
2	THE WITNESS: Again, that's not	2	what a connection is.
3	something I've been asked to formally define.	2	Q. Do you have the same answer with game
4	·		
4 5		4	environment? You're able to know what a game
6	344 patent? A. A lot.	5	environment is without defining what it is in the
7	Q. More than 20 hours?	6 7	context of the 344 patent? MR. DAVIS: Objection to form.
8	A. Probably.	8	-
		_	THE WITNESS: So, once again, I'm not
9 10	<ul><li>Q. More than fifty hours?</li><li>A. I don't know.</li></ul>	9	claiming that I know what a game environment
11		10	is. I'm claiming that I can know that certain
		11	things, obviously, are game environments.
12	A. This is all sort of likelihoods. I'm	12	Q. Do you know what a game environment is in
13	pretty confident it's more than 20. I really don't	13	the context of the 344 patent?
14	know what the number is.	14	MR. DAVIS: Objection to form.
15	Q. And in your study of the 344 patent, you	15	THE WITNESS: So, again, I know that
16	never came to an understanding of what a connection	16	certain prior art provides a game environment.
17	is in terms of claim one?	17	Q. And I'm not asking about the prior art.
18	MR. DAVIS: Objection to form.	18	I'm asking about the 344 patent by itself.
19	THE WITNESS: Well, again, I wasn't	19	MR. DAVIS: Same objection.
20	asked to.	20	THE WITNESS: I was not asked to
21	Q. Did you think that that would be relevant	21	decide what a game environment is in the
22	in your analysis when you're applying claim one to	22	context of the 344 patent.
23	the prior art?	23	Q. And do you have a definition of game
24	MR. DAVIS: Objection. Form.	24	environment sitting here today?
	Page 54		Page 56
1	THE WITNESS: Well, again, what's	1	A. You mean did I make one?
2	important in my analysis is to be able to look	2	Q. Yes.
3	at some prior art and decide whether it fits	3	A. No, I did not. I wasn't asked to.
4	this character it fits this description.	4	Q. Reading claim one, is it your opinion that
5	Q. How do you know if it fits the	5	the connections to the neighbor participants need to
6	description, if you don't know what the definition	6	be connections within the game environment?
7	is within the context of the 344 patent?	7	MR. DAVIS: Objection. Form.
8	MR. DAVIS: Objection to form.	8	THE WITNESS: Well, so, once again,
9	THE WITNESS: How do I know what	9	given that the prior art that I was looking at
10	sorry, could you repeat that question?	10	fulfilled that criterion, I was not called upon
11	(Reporter read back.)	11	to decide whether it must be true always.
12	THE WITNESS: So for something like a	12	Q. So sitting here looking and based on your
13	connection, we're talking about connections	13	analysis of the 344 patent and reading claim one, is
14	here. When we're talking about something like	14	it your opinion that the connections to the three
15	a connection, there are things that	15	neighbor participants need to be connections within
16	connection is a term a generally used term.	16	the game environment?
17	It's used in many different ways, in many	17	A. I haven't formed
18	different contexts, by many different people.	18	MR. DAVIS: Same objection.
19	And there are some things that I can look at	19	THE WITNESS: I haven't formed an
20	and have confidence that everybody, or nearly	20	opinion on that.
21	everybody, would agree that this thing which	21	Q. Continuing on in claim one it says,
22	we're talking about now, in this context, is a	22	wherein an originating participant sends data to the
23	connection. It it I can have that	23	other participants by sending the data through each
24	confidence about things which are clearly	24	of its connections to its neighbor participants. Do



# 800.211.DEPO (3376) EsquireSolutions.com

Page 57 Page 59 1 you see that? 1 says, where M is the exact number of neighbor 2 A. Yes, I do. 2 participants of each participant and further wherein 3 Q. What type of data is sent according to 3 the number of participants is at least two greater 4 your understanding of claim one? 4 than M resulting in a non-complete graph. Do you 5 A. What kind of data? 5 see that? 6 Q. Yeah. Does it have to be gaming data? 6 A. Yes, I do. 7 7 MR. DAVIS: Objection to form. Q. Do the participants -- strike that. 8 THE WITNESS: Claim one does not 8 Do the number of participants that 9 specify the kind of data that needs to be sent. 9 have to be at least two greater than M that result 10 Q. So in applying your opinion did you define 10 in a non-complete graph have to be participants in 11 the type of data that needed to be sent? the gaming environment, in your opinion, in the 11 12 A. Did I define the type of data that needed 12 context of claim -- of the 344 patent? 13 13 to be sent? MR. DAVIS: Objection to form. 14 MR. DAVIS: Objection. Form. 14 THE WITNESS: So, once again, in the 15 THE WITNESS: Again, this is 15 prior art I examined they were. And so I did 16 something -- this is not something that I was 16 not need to form an opinion about whether they 17 17 asked to define. had to be in all cases. 18 18 Q. Do you have an opinion, sitting here Q. In which prior art are the participants today, whether the data that's sent, according to 19 gaming participants? 19 20 claim one, is gaming data or not? 20 MR. DAVIS: Objection. Form. 21 MR. DAVIS: Same objection. 21 THE WITNESS: In particular, in the 22 THE WITNESS: I wasn't asked to form 22 DirectPlay prior art, DirectPlay discloses a 23 23 collection of gaming participants. that opinion. 24 24 Q. So do you have -- so my question is a Q. Take a look at claim four. Claim four Page 58 Page 60 1 little bit more specific. But to make it clear for says that the computer network of claim one wherein 1 2 the record, do you have an opinion sitting here 2 the network is M connected where M is the number of 3 today whether the data that's sent is gaming data or 3 neighbor participants of each participant. Do you 4 not? see that? 4 5 A. I haven't -- I haven't formed an opinion 5 A. Yes, I do. 6 6 on that question. Q. Do the participants within the gaming 7 MR. DAVIS: Same objection. environment need to be M connected in order to 7 8 Q. The claim continues on. It says, further 8 satisfy claim four, in your opinion? 9 within the network is M regular. Do you see that? 9 MR. DAVIS: Objection to form. 10 A. Yes, I do. 10 THE WITNESS: Sorry, could you restate 11 Q. Is the reference to the network the same 11 the question? 12 reference to a computer network for providing a game 12 (Reporter read back.) 13 environment, in your opinion? 13 THE WITNESS: Do the participants need 14 14 A. Well, so once again, in the prior art I to be M connected? So claim four specifies 15 considered it was. And so I haven't had to form an 15 that the network is M connected. I'm not sure 16 16 opinion on whether it must be. what you mean by the participants being M 17 Q. So you don't have an opinion one way or 17 connected. 18 another whether the network that's referenced in the 18 Q. What's the difference between the 19 phrase, further wherein the network is M regular, is 19 participants and the network? 20 the computer network for providing a game 20 A. Well, the difference is that they are 21 21 talked about separately. They are two separate environment, right? 22 MR. DAVIS: Same objection. 22 words, that appear in two separate places in the 23 THE WITNESS: That's correct. 23 claims, right, there is the computer network and 24 Q. All right. Continuing on on the claim it 24 there's the participants.



### 800.211.DEPO (3376) EsquireSolutions.com

	TIVISION BLIZZARD VS ACCELERATIC		
4	Page 61	4	Page 6
1	Q. Do the participants form the network, in	1	there's an underlying network such as the
	your opinion?	2	TCP/IP network, which is being used for
3	A. Participants form the network? I wouldn't	3	transport by DirectPlay and there also is a
	be comfortable having an opinion on whether the	4	network that is formed by DirectPlay for an
	participants form the network because form is such a	5	overlay network for the participant in a
	vague term. I would want my opinion to be more	6	particular game.
	precise.	7	Q. What do you mean the underlying network
8	Q. So can you explain what you mean?	8	that is provided for transport?
9	A. I just said, asking whether the	9	A. So if you look at paragraph three of page
10	participants form the network is quite a vague a	10	19 of DirectPlay, DirectPlay asserts that DirectPlay
11	vague opinion. It's not it's not an opinion that	11	allows the developer to provide multi-participant
12	I would it's not something that I have formed an	12	capability without getting tangled up in the details
13	opinion on. In order to form an opinion on it at	13	of the specific transport media. DirectPlay handles
14	all I would have to have it a more specific a	14	different transfer media identically whether you're
15	more precise description of what it is that I am	15	using TCP/IP network, an IPX network or a modem. S
16	forming an opinion on.	16	that what they are referring to is this underlying
17	Q. Is claim one claiming a network of	17	TCP/IP network which can serve as a tranport media.
18	participants, in your opinion?	18	Q. So when you say transport, are you
19	A. So, again, that's not something that I	19	referring to what were you referring to or what
20	needed to form an opinion on in order to draw the	20	do you believe DirectPlay is referring to?
21	conclusions that are in these declarations. What I	21	MR. DAVIS: Objection to form.
22	needed to draw an opinion on was whether to opine	22	THE WITNESS: I believe DirectPlay is
23	on was whether there was these other pieces of	23	referring to the media which its used to
24	work showed a disclosed a computer network	24	transport information regarding a game.
	Dogo 63		Dogo
1	Page 62 providing a game environment for a plurality of	1	Page 6 Q. And why do you say that the transport
2	participants.	2	layer is an underlying network in DirectPlay?
3	Q. So is it fair to say that you don't	3	A. I'm sorry, the question again?
4	believe claim one is limited to a network of	4	(Reporter read back.)
5	participants?	-	
		5	THE WITNESS: Well, because that is
6		5 6	THE WITNESS: Well, because that is the network that DirectPlay relies on to
6 7	MR. DAVIS: Objection to form.	6	the network that DirectPlay relies on to
7	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief	6 7	the network that DirectPlay relies on to actually transport information between
7 8	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't	6 7 8	the network that DirectPlay relies on to actually transport information between different participants.
7 8 9	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary.	6 7 8 9	the network that DirectPlay relies on to actually transport information between different participants. Q. So does claim one claim the overlay
7 8 9 10	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and	6 7 8 9 10	<ul><li>the network that DirectPlay relies on to actually transport information between different participants.</li><li>Q. So does claim one claim the overlay network or the underlying network, in your opinion</li></ul>
7 8 9 10 11	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the	6 7 8 9 10 11	<ul><li>the network that DirectPlay relies on to actually transport information between different participants.</li><li>Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form.</li></ul>
7 8 9 10 11	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of	6 7 8 9 10 11 12	<ul> <li>the network that DirectPlay relies on to actually transport information between different participants.</li> <li>Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question</li> </ul>
7 8 9 10 11 12 13	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants?	6 7 8 9 10 11 12 13	<ul> <li>the network that DirectPlay relies on to actually transport information between different participants.</li> <li>Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again?</li> </ul>
7 8 9 10 11 12 13 14	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form.	6 7 8 9 10 11 12 13 14	<ul> <li>the network that DirectPlay relies on to actually transport information between different participants.</li> <li>Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? <ul> <li>(Reporter read back.)</li> </ul> </li> </ul>
7 8 9 10 11 12 13 14 15	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form. THE WITNESS: I would I have not	6 7 9 10 11 12 13 14 15	the network that DirectPlay relies on to actually transport information between different participants. Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? (Reporter read back.) THE WITNESS: Well, so, once again,
7 8 9 10 11 12 13 14 15 16	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form. THE WITNESS: I would I have not aimed at forming that opinion previously. And	6 7 8 9 10 11 12 13 14 15 16	the network that DirectPlay relies on to actually transport information between different participants. Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? (Reporter read back.) THE WITNESS: Well, so, once again, each of the three pieces of prior art that are
7 8 9 10 11 12 13 14 15 16 17	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form. THE WITNESS: I would I have not aimed at forming that opinion previously. And so I would need a lot of time in order to form	6 7 8 9 10 11 12 13 14 15 16 17	the network that DirectPlay relies on to actually transport information between different participants. Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? (Reporter read back.) THE WITNESS: Well, so, once again, each of the three pieces of prior art that are under consideration today disclose both. So I
7 8 9 10 11 12 13 14 15 16 17 18	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form. THE WITNESS: I would I have not aimed at forming that opinion previously. And so I would need a lot of time in order to form it.	6 7 8 9 10 11 12 13 14 15 16 17 18	the network that DirectPlay relies on to actually transport information between different participants. Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? (Reporter read back.) THE WITNESS: Well, so, once again, each of the three pieces of prior art that are under consideration today disclose both. So I didn't need to form an opinion on which one wa
7 8 9 10 11 12 13 14 15 16 17 18	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form. THE WITNESS: I would I have not aimed at forming that opinion previously. And so I would need a lot of time in order to form it. Q. So, in your opinion, what is the network	6 7 8 9 10 11 12 13 14 15 16 17 18 19	the network that DirectPlay relies on to actually transport information between different participants. Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? (Reporter read back.) THE WITNESS: Well, so, once again, each of the three pieces of prior art that are under consideration today disclose both. So I didn't need to form an opinion on which one wa being claimed.
7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form. THE WITNESS: I would I have not aimed at forming that opinion previously. And so I would need a lot of time in order to form it. Q. So, in your opinion, what is the network in DirectPlay?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>the network that DirectPlay relies on to actually transport information between different participants.</li> <li>Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? <ul> <li>(Reporter read back.)</li> <li>THE WITNESS: Well, so, once again, each of the three pieces of prior art that are under consideration today disclose both. So I didn't need to form an opinion on which one was being claimed.</li> <li>Q. So in regard to claim one, as you applied</li> </ul> </li> </ul>
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form. THE WITNESS: I would I have not aimed at forming that opinion previously. And so I would need a lot of time in order to form it. Q. So, in your opinion, what is the network in DirectPlay? A. Sorry, could you repeat the question?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>the network that DirectPlay relies on to actually transport information between different participants.</li> <li>Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? <ul> <li>(Reporter read back.)</li> <li>THE WITNESS: Well, so, once again, each of the three pieces of prior art that are under consideration today disclose both. So I didn't need to form an opinion on which one was being claimed.</li> <li>Q. So in regard to claim one, as you applied it, did you apply it to the overlay network or the</li> </ul> </li> </ul>
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form. THE WITNESS: I would I have not aimed at forming that opinion previously. And so I would need a lot of time in order to form it. Q. So, in your opinion, what is the network in DirectPlay? A. Sorry, could you repeat the question? (Reporter read back.)	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the network that DirectPlay relies on to actually transport information between different participants. Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? (Reporter read back.) THE WITNESS: Well, so, once again, each of the three pieces of prior art that are under consideration today disclose both. So I didn't need to form an opinion on which one wa being claimed. Q. So in regard to claim one, as you applied it, did you apply it to the overlay network or the underlying network?
7 8	MR. DAVIS: Objection to form. THE WITNESS: I didn't form a belief one way or another on that. It wasn't necessary. Q. Well, sitting here, reading the claim, and based on all of your diligence with regard to the 344 patent, is the 344 patent claiming a network of participants? MR. DAVIS: Objection to form. THE WITNESS: I would I have not aimed at forming that opinion previously. And so I would need a lot of time in order to form it. Q. So, in your opinion, what is the network in DirectPlay? A. Sorry, could you repeat the question?	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>the network that DirectPlay relies on to actually transport information between different participants.</li> <li>Q. So does claim one claim the overlay network or the underlying network, in your opinion MR. DAVIS: Objection to form. THE WITNESS: Sorry, the question again? <ul> <li>(Reporter read back.)</li> <li>THE WITNESS: Well, so, once again, each of the three pieces of prior art that are under consideration today disclose both. So I didn't need to form an opinion on which one was being claimed.</li> <li>Q. So in regard to claim one, as you applied it, did you apply it to the overlay network or the</li> </ul> </li> </ul>



# 800.211.DEPO (3376) EsquireSolutions.com

Page 67         Page 67           all three pieces of prior and isclosed both an overlay network and an underlay network, which         1         A. Again, to be clear, I dint say that Lin           2         overlay network and an underlay network, which         3         discloses an underlying network.         I all three pieces of prior and isolated and three is an elwork, three is an elwork, there is an elwork isolated and three of the processors that form an entwork.           1         And lake, three does Lin - so you just opind, Lin three does lin - so you just opind, Lin three does and in three trains of three does lin - so you just opind, Lin three does lin - so you just opind, Lin three does lin - so you just opind, Lin three does lin - so you just opind, Lin	AC	TIVISION BLIZZARD vs ACCELERATIC	DN	BAY 65–68
2       overlay network and an underlay network, which meant that the - the prior art applied either       3       discloses an underlying network.         3       Way.       3       discloses an underlying network.         5       Q. Is that in your declaration?       5       declaration because everywhere in your declaration         6       A. That each of these pieces of prior art is describing an overlay on an underlying network?       6       that it's an overlay network.         7       Q. That describes both an overlay network and an underlying network.       9       on the record if you're changing your opinion.         10       MR. DAVIS: Objection. Form.       10       MR. DAVIS: So leant the - I have         11       THE WITNESS: So I can take - I have       11       THE WITNESS: So if you took at my         12       to take these one at a time, but regarding       12       declaration in paragraph 83, lassert that Lin         13       DirectPlay defines certain       16       provides a well known technique implementing         14       underlying media.       17       saying there is that there is a network, there         16       underlying media.       17       saying there is that there, is a network, there         18       on, describe how DirectPlay defines certain       18       are processors not if and you are now overlaying         19<	1		1	
3       meant that the the prior art applied either       3       discloses an underlying network.         4       Way.       C. Can you show me where that's in your         6       A. That each of these pieces of prior art is       6         7       describing an overlay on an underlying network?       7       MR. DAVIS: Objection. Form.         10       MR. DAVIS: Objection. Form.       10       MR. DAVIS: Solip conton.         11       THE WITNESS: So I can take - I have       11       THE WITNESS: So I you look at my         12       to take these one at a time, but regarding       12       declaration in paragraph 83, I asset that Lin         14       declaration in paragraph 83, laster that Lin       10       THE WITNESS: So I you look at my         15       about service providers that are plugged in       13       provides a well known technique implementing         14       declaration in paragraph 83, laster on a sorry one page       17       saying there is that there is a network, there         15       networks that are clearly overlay on that       20       communications graph on that network. The         20       network that you proved on that       21       overlaying network. But of on unoverlay ing the is is in lin or this         21       underlying network, fight?       23       Q. I understand that it says that if is <td></td> <td></td> <td>-</td> <td>-</td>			-	-
4       way.       4       Q. Can you show me where that's in your         5       O. Is that in your declaration?       6         A. That each of these pieces of prior at is       6       that lead it asy shat it's an overlay network.         7       G. That describes both an overlay network and an underlying network.       9       O. I just want to make sure that we're clear on the record if you're changing your opinion.         10       MR. DAVIS: Objection. Form.       10       I. Just want to make sure that we're clear on the record if you're changing your opinion.         11       THE WITNESS: So I can take - I have       11       THE WITNESS: So I's ou took at my         12       to take these one at a time, but regarding       13       onthe record if you're changing your opinion.         13       DirectPlay, in my overview, page 39 of the 1970       14       declaration in paragraph 83, lassent that Lin         14       undershine handle specific transport media.       16       processors that form the network. What I'm         17       And I also, two pages on - or sory one page       17       asing there is that therework. The -         19       networks, for example, in figure 18-3 which are       19       a communications graph on that network. The -         20       networks, for example, in figure 18-3 which are       10       communications graph on that network. The -				
5       Q. Is that in your declaration?       5       declaration because everywhere in your declaration         6       A. That each of these pieces of prior at is       6       that I's an overlay network.         8       Q. That describes both an overlay network and       9       nunderlying network.         8       Q. That describes both an overlay network and       9       on the record if you're changing your opprion.         11       THE WITNESS: So I can takeI have       10       MR. DAVIS: Objection. Form.       10         12       to take these one at a time, but regarding       12       declaration in paragraph 83, I asset that Lin         13       DirectPlay, in my overview, page 39 of the 1970       13       provides a well known technique implementing         14       these broadcast protocols wherein a       about service providers that are plugged in       15       communications graph in is overlaid on the         15       about service providers that are plugged in       16       processors that form the network. What I'm         16       undermedia.       16       processors that form the network. What I'm         17       andimetion in my overview of Lin,       20       a communications graph on is the underlying         18       are processors that form a network.       21       communications graph on is the underlying <t< td=""><td></td><td></td><td>-</td><td></td></t<>			-	
6       A. That each of these pieces of prior at is       6       that I read it says that it's an overlay network.         7       describing an overlay on an underlying network?       7       MR DAVIS: Objection. Form.       1         10       MR DAVIS: Objection. Form.       10       MR DAVIS: So I can take -1 have       10       MR DAVIS: So I can take -1 have         11       THE WITNESS: So I can take -1 have       11       THE WITNESS: So I can take -1 have       12       declaration in paragraph 83, I assert that Lin         13       DirectPlay, In my overview, page 39 of the 1970       13       provides a well known technique implementing         14       declaration, I describe how DirectPlay talks       15       communications graph is overlaid on the         15       about service providers that are plugged in       15       communications graph on there is a network, there         18       on, describe how DirectPlay defines certain       16       a communications graph on is the underlying         19       networks, for example, in figure 18-3 which are       19       a communications graph on is the underlying         12       underlying media.       21       communications graph on is the underlying vour       23       Q. I understand that it says that it's         13       paragraph 83, I talk about how Lin describes a well       24       overlaying networ				
7       describing an overlay on an underlying network?       7       MR. DÁVIS: Objection. Form.         8       Q. That describes both an overlay network and an underlying network.       9       On the record If you're changing your opinion.         10       MR. DAVIS: Objection. Form.       10       MR. DAVIS: So Ic an take - I have         11       THE WITNESS: So I can take - I have       11       THE WITNESS: So I you look at my         12       to take these one at a time, but regarding       12       declaration, I describe how DirectPlay talks         13       DirectPlay, In my overview, page 39 of the 1970       13       provides a well known technique implementing         14       declaration, I describe how DirectPlay talks       14       these broadcast protocols whethicus implementing         15       about service providers that are plugged in       15       communications graph on is the network. What I'm         16       underlying media.       17       saying there is that there is a network. Here         18       on the coverday network. It are clearly overlaid on that       20       that network. The -         21       networks, for example, in figure 16-3 which are       18       are processors that form a network.         22       Turning to Lin, in my overview of Lin,       23       Q. I understand that it says that it's         23 <td></td> <td>-</td> <td>-</td> <td></td>		-	-	
8       Q. That describes both an overlay network and 9 an underlying network.       8       Q. I just want to make sure that we're clear 9 on the record if you're changing your opinion.         11       MR. DAVIS: Objection. Form.       10       MR. DAVIS: Objection. Form.         12       to take these one at a time, but regarding       11       THE WITNESS: So I can take – I have         13       DirectPlay, in my overview, page 39 of the 1970       13       provides a well known technique implementing         14       declaration, I describe how DirectPlay talks       15       about service providers that are plugged in       15       communications graph is overlaid on the         16       undertying metio.       16       processors that form the network. What I'm         18       on, describe how DirectPlay defines certain       16       a communications graph on is the underlying         19       networks, for example, in figure 18-3 which are       18       are processors on at and you are now overlaying         21       underlying media.       12       othat network that you are overlaying the       23         22       Turning to Lin, in my overview of Lin,       23       Q. I understand that it says that it's       24         23       Q. So where does Lin - so you just opined,       1       your opinion to claim one, are you applying your       23 <td< td=""><td></td><td></td><td>-</td><td></td></td<>			-	
9       an underlying network.       9       on the record if you're changing your opinion.         10       MR. DAVIS: Objection. Form.       10       MR. DAVIS: Same objection.         11       THE WITNESS: So I can take a - have       11       THE WITNESS: So if you look at my         12       to take these one at a time, but regarding       12       declaration, in describe how DirectPlay talks       11       THE WITNESS: So if you look at my         13       about service providers that are plugged in       12       declaration in paragraph 83, I assert that Lin         14       declaration, I describe how DirectPlay defines certain       16       processors that form the network. What I'm         16       undertying media.       16       processors on it and you are now overlaying the         16       undertying media.       17       saying there is that there is a network. What I'm         17       And I also, two pages on - or sorry one page       17       saying there is that there or an ow overlaying the         20       networks that are clearly overlaid on that       20       a communications graph on that network. The -         21       undertying media.       21       communications graph on is the undertying         22       Turning to Lin, in my overview of Lin,       22       0. I understand that it says that I's         2				-
10       MR. DAVIS: Objection. Form.       10       MR. DAVIS: Same objection.         11       THE WITNESS: So I can take - I have       11       THE WITNESS: So I can take - I have       11         12       to take these one at a time, but regarding       12       to take these one at a time, but regarding       12       to take these one at a time, but regarding         14       declaration, I describe how DirectPlay talks       14       these broadcast protocols wherein a         15       about service providers that are plugged in       15       communications graph is overlaid on the         16       underenant to handle specific transport media.       16       processors that form the network. What I'm         17       And I also, two pages on - or sorry one page       17       saying there is that there is a network, there         18       on, describe how DirectPlay defines certain       18       a communications graph on that network. The         20       networks that are clearly overlaid on that       20       that network that you are over overlaying         21       underlying media.       21       communications graph on is the underlying         22       Turning to Lin, in my overview of Lin,       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       24       overlaying a netwo		-		-
11       THE WITNESS: So I can take – I have       11       THE WITNESS: So if you look at my         12       to take these one at a time, but regarding       12       declaration in paragraph 83, I assert that Lin         13       DirectPlay, in my overview, page 39 of the 1970       13       provides a well known technique implementing         14       declaration, I describe how DirectPlay talks       14       these broadcast protocols wherein a         15       about service providers that are plugged in       15       communications graph is overlaid on the         16       underthing media.       16       processors that form the network. What I'm         17       And I also, two page son or sorry one page       17       saying there is that there is a network. The         20       networks that are clearly overlaid on that       20       that network that you are overlaying the         21       undertying nedia.       21       communications graph on is the underlying         22       Turning to Lin, in my overview of Lin,       22       network.       21       communications graph on is the underlying         22       Turning to Lin, in my overview of Lin,       22       network.       21       communications graph on is the underlying         23       Q. So where does Lin so you just pointed       24       A. Applying my opinion			-	
12       to take these one at a time, but regarding       12       declaration in paragraph 83, I assert that Lin         13       DirectPlay, in my overview, page 39 of the 1970       13       provides a well known technique implementing         14       declaration, I describe how DirectPlay talks       14       these broadcast protocols wherein a         15       about service providers that are plugged in       15       communications graph is overlaid on the         16       underseth to handle specific transport media.       16       processors that form the network. What I'm         17       And I also, two pages on - or sorry one page       17       saying there is that there is a network, there         19       networks, for example, in figure 18-3 which are       19       a communications graph on that network. The -         20       networks that are clearly overlaid on that       20       that network that you are overlaying the         21       underlying media.       21       communications graph on is the underlying         23       paragraph 83, I talk about how Lin describes a well       23       Q. I understand that it says that it's         24       the processors that form a network.       2       opinion to claim one, are you applying your         2       the processors bat form a network.       2       opinion to to claim one, are you applying your <td></td> <td></td> <td></td> <td></td>				
13       DirectPlay, in my overview, page 39 of the 1970       13       provides a well known technique implementing         14       declaration, I describe how DirectPlay talks       14       these broadcast protocols wherein a         15       about service providers that are plugged in       15       communications graph is overlaid on the         17       And I also, two pages on or sorry one page       17       saying there is that there is a network. What I'm         18       on, describe how DirectPlay defines certain       18       are processors that form the network. What I'm         19       networks that are clearly overlaid on that       20       that network that you are ow overlaying the         21       underlying media.       21       communications graph on is the underlying         22       Turning to Lin, in my overview of Lin,       22       network.       23       Q. I understand that it says that it's         23       paragraph 83, Italk about how Lin describes a well       23       Q. I understand that it says that it's       24       overlaying a network. But for purposes of applying         24       though, that you thought Lin now describes and       3       underlying network, right?       4       A. Applying my opinion to claim one, are you applying your         2       opinion to claim one, are you applying your       2       opinion ro				
14       declaration, I describe how DirectPlay talks       14       these broadcast protocols wherein a         15       about service providers that are plugged in       15       communications graph is overlaid on the         16       underneath to handle specific transport media.       15       communications graph to that there is a network. What I'm         19       networks, for example, in figure 18-3 which are       18       are processors on it and you are now overlaying         19       networks that are clearly overlaid on that       19       a communications graph on that network. The         20       network that are clearly overlaid on that       20       that network that you are overlaying the         21       underlying media.       21       communications graph on that network.         22       Turning to Lin, in my overview of Lin,       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       24       overlaying a network. But for purposes of applying your         2       the processors that form a network.       2       opinion to claim one, are you applying your         2       the processors that form a network.       2       opinion to claim one, are you applying your         3       Q. So where does Linso you just opined,       4       A. Applying mework that's to Lin or this				
15       about service providers that are plugged in       15       communications graph is overlaid on the         16       underneath to handle specific transport media.       16       processors that form the network. What I'm         17       And I also, two pages on or sorry one page       17       saying there is that three is a network, there         18       on, describe how DirectPlay defines certain       18       are processors on it and you are now overlaying         19       networks, for example, in figure 18-3 which are       19       a communications graph on that network. The         20       networks that are clearly overlaid on that       20       that network that you are ov overlaying the         21       underlying media.       21       communications graph on is the underlying         23       paragraph 83, I talk about how Lin describes a well       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       24       overlaying a network. But for purposes of applying your         3       Q. So where does Lin so you just opined,       1       your opinion to claim one, are you applying your         4       though, that you thought Lin now describes an       5       what opinion?         5       underlying network, right?       6       Q. So, in in your opinion to claim one. What <td></td> <td></td> <td></td> <td></td>				
16       underneath to handle specific transport media.       16       processors that form the network. What I'm         17       And I also, two pages on or sorry one page       17       saying there is that there is a network, there         18       on, describe how DirectPlay defines certain       18       are processors on it and you are now overlaying         19       networks, for example, in figure 18-3 which are       19       a communications graph on that network. The         20       networks that are clearly overlaid on that       20       that network that you are overlaying the         21       underlying media.       21       communications graph on is the underlying         22       Turning to Lin, in my overview of Lin,       22       network.         23       paragraph 83, I talk about how Lin describes an       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       24       overlaying network. But or purposes of applying         24       the processors that form a network.       23       Q. I understand that it says that is's         3       Q. So where does Lin so you just opined,       4       A. Applying my opinion to claim one. What         5       what you thought Lin now describes an       5       underlying network, right?       6       Q. So, in in your opinion, Li		-		-
17And I also, two pages on or sorry one page17saying there is that there is a network, there18on, describe how DirectPlay defines certain18are processors on it and you are now overlaying19networks, that are clearly overlaid on that19a communications graph on its the underlying21underlying media.20that network that you are overlaying the22Turning to Lin, in my overview of Lin,20that network that you are overlaying the23Turning to Lin, in my overview of Lin,21communications graph on is the underlying24known technique for implementing broadcast23Q. I understand that it says that it's24the processors that form a network.24overlaying a network. But for purposes of applying7protocols by overlaying a communications graph on1your opinion to claim one, are you applying your2protocols by overlaying a communications graph on1your opinion to claim one, are you applying your2opinion to the overlay network that's in Lin or this3underlying network that you just identified?4though, that you thought Lin now describes an5what opinion?6MR. DAVIS: Objection to form.6Q. So, in in your opinion, Lin teaches7Q. So does it is that right?7aspects of claim one, correct?8A. Sorry, what was the question again?9Q. Now, you just pointed out that Lin10an underlying network, correct?10discloses - or you read from your report that				<b>C</b> .
18       on, describe how DirectPlay defines certain       18       are processors on it and you are now overlaying         19       networks, for example, in figure 18-3 which are       19       a communications graph on that network. The         20       networks, for example, in figure 18-3 which are       19       a communications graph on that network. The         21       underlying media.       20       that network that you are overlaying the         21       underlying media.       20       that network that you are overlaying the         23       paragraph 83, I talk about how Lin describes a well       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       24       overlaying a network.       26         3       Q. So where does Lin so you just opined,       4       though, that you thought Lin now describes an       5       1       your opinion to the overlay network that's in Lin or this         3       Q. So does it is that right?       7       A. Sorry, what was the question again?       6       Q. Now, you just pointed out that Lin         10       another network?       7       os So does it is nyour declaration or says that it overlay       1       1       <				•
19       networks, for example, in figure 18-3 which are       19       a communications graph on that network. The         20       networks that are clearly overlaid on that       20       that network that you are overlaying the         21       underlying media.       20       that network that you are overlaying the         22       Turning to Lin, in my overview of Lin,       20       network.         23       paragraph 83, I talk about how Lin describes a well       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       24       overlaying a network. But for purposes of applying         24       the processors that form a network.       23       Q. I understand that it says that it's         3       Q. So where does Lin so you just opined,       1       your opinion to claim one, are you applying your         2       opinion to the overlay network that's in Lin or this       3       underlying metwork that you just identified?         4       though, that you though Lin now describes an       1       your opinion to claim one, are you applying your         2       opinion to the overlay network that you just identified?       4       A. Applying my opinion to claim one. What         5       whore, you just petwork, right?       6       Q. So, in in your opinion to that that in				
20       networks that are clearly overlaid on that       20       that network that you are overlaying the         21       underlying media.       21       communications graph on is the underlying         22       Turning to Lin, in my overview of Lin,       paragraph 83, I talk about how Lin describes a well       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       23       Q. I understand that it says that it's         24       protocols by overlaying a communications graph on       Page 68       1       your opinion to claim one, are you applying your         2       the processors that form a network.       2       opinion to the overlay network that's in Lin or this         3       Q. So where does Lin so you just opined,       4       A. Applying my opinion to claim one, are you applying your         2       opinion to the overlay network that's in Lin or this       3       underlying network that's in Lin or this         3       underlying network, right?       6       Q. So, in in your opinion, Lin teaches         7       Q. So does it is that right?       7       aspects of claim one, correct?       8         8       A. Correct.       9       Q. Now, you just pointed out that Lin         10       anuderlying network?       11       provides a well known technique for impleme		· · · ·		
21       underlying media.       21       communications graph on is the underlying         22       Turning to Lin, in my overview of Lin,       22       network.         23       paragraph 83, I talk about how Lin describes a well       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       24       overlaying a network. But for purposes of applying         25       protocols by overlaying a communications graph on       1       your opinion to claim one, are you applying your         2       opinion to claim one, are you applying your       2       opinion to the overlay network that's in Lin or this         3       Q. So where does Lin so you just opined,       3       underlying network that's on Lin or this       3         4       though, that you thought Lin now describes an       4       A. Applying my opinion to claim one. What         5       underlying network, right?       6       Q. So, in in your opinion, Lin teaches         7       Q. So does it is that right?       7       aspects of claim one, correct?       8         10       an underlying network, correct?       10       discloses or you read from your report that Lin         11       MR. DAVIS: Objection to form.       11       provides a well known technique for implementing         12				•
22Turning to Lin, in my overview of Lin, paragraph 83, I talk about how Lin describes a well known technique for implementing broadcast22network.24known technique for implementing broadcast23Q. I understand that it says that it's 242424known technique for implementing broadcast24overlaying a network. But for purposes of applying261protocols by overlaying a communications graph of 21your opinion to claim one, are you applying your 220So where does Lin so you just opined, 41your opinion to claim one, are you applying your 230.So where does Lin so you just opined, 44A. Applying my opinion to claim one, what 54A. Sorry, what was the question again? 90.So, in in your opinion, Lin teaches 77Q. So does it is that right?6Q. So, in in your opinion, Lin teaches 78A. Sorry, what was the question again? 90.Now, you just pointed out that Lin 1011MR. DAVIS: Objection to form. 1111provides a well known technique for implementing 		-		
23       paragraph 83, I talk about how Lin describes a well       23       Q. I understand that it says that it's         24       known technique for implementing broadcast       24       overlaying a network. But for purposes of applying         24       protocols by overlaying a communications graph on       1       your opinion to claim one, are you applying your       2         2       the processors that form a network.       2       opinion to the overlay network that's in Lin or this         3       Q. So where does Lin so you just opined,       4       A. Applying my opinion to claim one, are you applying your         2       opinion to the overlay network that's in Lin or this       3       underlying network that's ou just identified?         4       though, that you thought Lin now describes an       4       A. Applying my opinion to claim one, orret?         6       MR. DAVIS: Objection to form.       6       Q. So, in in your opinion, Lin teaches         7       Q. So does it is that right?       8       A. Correct.       9         9       Q. You just testified that Lin also describes       9       Q. Now, you just pointed out that Lin         11       MR. DAVIS: Objection to form.       11       provides a well known technique for implementing         12       THE WITNESS: Yes.       12       these broadcast protocols when a communication g				
24known technique for implementing broadcast24overlaying a network. But for purposes of applying1protocols by overlaying a communications graph of1your opinion to claim one, are you applying your2the processors that form a network.2opinion to the overlay network that's in Lin or this3Q. So where does Lin so you just opined,4though, that you thought Lin now describes an3underlying network that you just identified?4though, that you thought Lin now describes an3underlying network that you just identified?6MR. DAVIS: Objection to form.6Q. So, in in your opinion, Lin teaches7Q. So does it is that right?8A. Correct.9Q. You just testified that Lin also describes9O. Now, you just pointed out that Lin11MR. DAVIS: Objection to form.11provides a well known technique for implementing12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?15A. Yes.1516Q. So where in your in your declaration16Q. Is it the communication graph that's17does it say that Lin is the underlying network?17overlaid on the processors that's relevant to your18A. I didn't say that Lin is the underlying18opinion or is it this the network that's19network.20relevant to your opinion in				
Page 68       Page 68         1       protocols by overlaying a communications graph on       1       your opinion to claim one, are you applying your         2       the processors that form a network.       2       opinion to the overlay network that's in Lin or this         3       Q. So where does Lin so you just opined,       3       underlying network that you just identified?         4       though, that you thought Lin now describes an       3       underlying network that you just identified?         4       though, that you thought Lin now describes an       4       A. Applying my opinion to claim one. What         5       underlying network, right?       6       Q. So, in in your opinion, Lin teaches         7       Q. So does it is that right?       7       aspects of claim one, correct?         8       A. Sorry, what was the question again?       9       Q. Now, you just pointed out that Lin         10       an underlying network, correct?       10       discloses or you read from your report that Lin         11       MR. DAVIS: Objection to form.       11       provides a well known technique for implementing         12       THE WITNESS: Yes.       12       these broadcast protocols when a communication graph         13       Q. But your declaration says that it overlays       13       is overlaid on the processors tha				-
1protocols by overlaying a communications graph on the processors that form a network.1your opinion to claim one, are you applying your2the processors that form a network.2opinion to the overlay network that's in Lin or this3Q. So where does Lin so you just opined, though, that you thought Lin now describes an3underlying network that you just identified?4though, that you thought Lin now describes an underlying network, right?4A. Applying my opinion to claim one. What 55underlying network, right?5what opinion?66MR. DAVIS: Objection to form.6Q. So, in in your opinion, Lin teaches 777Q. So does it is that right?7aspects of claim one, correct?8A. Sorry, what was the question again?8A. Correct.9Q. You just testified that Lin also describes9Q. Now, you just pointed out that Lin11MR. DAVIS: Objection to form.11provides a well known technique for implementing12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processors that's relevant to your14another network?14network, correct?15A. Yes.15A. Yes.16Q. So where in your in your declaration16Q. Is it the communication graph that's17does it say that Lin is the underlying network?19referenced here, the underlying network that's <td>24</td> <td>known technique for implementing broadcast</td> <td>24</td> <td>overlaying a network. But for purposes of applying</td>	24	known technique for implementing broadcast	24	overlaying a network. But for purposes of applying
<ul> <li>2 the processors that form a network.</li> <li>3 Q. So where does Lin so you just opined,</li> <li>4 though, that you thought Lin now describes an</li> <li>5 underlying network, right?</li> <li>6 MR. DAVIS: Objection to form.</li> <li>7 Q. So does it is that right?</li> <li>8 A. Sorry, what was the question again?</li> <li>9 Q. You just testified that Lin also describes</li> <li>10 an underlying network, correct?</li> <li>8 A. Sorry, what was the question to form.</li> <li>11 MR. DAVIS: Objection to form.</li> <li>12 THE WITNESS: Yes.</li> <li>13 Q. But your declaration says that it overlays</li> <li>14 another network?</li> <li>15 A. Yes.</li> <li>16 Q. So where in your in your declaration</li> <li>17 does it say that Lin is the underlying network?</li> <li>18 A. I didn't say that Lin is the underlying</li> <li>19 network.</li> <li>20 Q. Okay.</li> <li>21 A. So what's your question?</li> <li>22 opinion to the overlay network that's in Lin or this</li> <li>3 underlying network that you just identified?</li> <li>4 A. Applying my opinion to claim one. What</li> <li>5 what opinion?</li> <li>6 Q. So, in in your opinion, Lin teaches</li> <li>7 aspects of claim one, correct?</li> <li>8 A. Correct.</li> <li>9 Q. Now, you just pointed out that Lin</li> <li>10 discloses or you read from your report that Lin</li> <li>11 provides a well known technique for implementing</li> <li>12 these broadcast protocols when a communication graph</li> <li>13 is overlaid on the processors that's relevant to your</li> <li>16 Q. Is it the communication graph that's</li> <li>17 overlaid on the processors that's relevant to your</li> <li>18 opinion or is it this the network that's</li> <li>19 referenced here, the underlying network that's</li> <li>20 relevant to your opinion in regard to claim one?</li> <li>21 A. Well, again, since they both exist and are</li> <li>22 disclosed, it didn't matter which one was relevant</li> <li>23 here. And so I didn't need to form an opinion on</li> </ul>	4		1	
3Q. So where does Lin so you just opined, 4 though, that you thought Lin now describes an 5 underlying network, right?3underlying network that you just identified?4A. Applying my opinion to claim one. What 5 what opinion?56MR. DAVIS: Objection to form.6Q. So, in in your opinion, Lin teaches7Q. So does it is that right?8A. Correct.9Q. You just testified that Lin also describes9Q. Now, you just pointed out that Lin10an underlying network, correct?10discloses or you read from your report that Lin11MR. DAVIS: Objection to form.11provides a well known technique for implementing12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?15A. Yes.16Q. Is it the communication graph that's17does it say that Lin is the underlying18opinion or is it this the network that's19network.19referenced here, the underlying network that's20Q. Okay.21A. Well, again, since they both exist and are21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I23here. And so I didn't need to form an opinion on				
4though, that you thought Lin now describes an4A. Applying my opinion to claim one. What5underlying network, right?5what opinion?6MR. DAVIS: Objection to form.6Q. So, in in your opinion, Lin teaches7Q. So does it is that right?8A. Correct.9Q. You just testified that Lin also describes9Q. Now, you just pointed out that Lin10an underlying network, correct?10discloses or you read from your report that Lin11MR. DAVIS: Objection to form.11provides a well known technique for implementing12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?15A. Yes.15A. Yes.15A. I didn't say that Lin is the underlying18opinion or is it this the network that's19network.20relevant to your opinion in regard to claim one?21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I23here. And so I didn't need to form an opinion on		-		
5underlying network, right?5what opinion?6MR. DAVIS: Objection to form.6Q. So, in in your opinion, Lin teaches7Q. So does it is that right?7aspects of claim one, correct?8A. Sorry, what was the question again?9Q. Now, you just pointed out that Lin9Q. You just testified that Lin also describes9Q. Now, you just pointed out that Lin10an underlying network, correct?9Q. Now, you just pointed out that Lin11MR. DAVIS: Objection to form.11provides a well known technique for implementing12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?15A. Yes.15A. Yes.16Q. So where in your in your declaration16Q. Is it the communication graph that's17does it say that Lin is the underlying18opinion or is it this the network that's19network.19referenced here, the underlying network that's20Q. Okay.21A. Well, again, since they both exist and are21Q. That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on				
6MR. DAVIS: Objection to form.6Q. So, in in your opinion, Lin teaches7Q. So does it is that right?7aspects of claim one, correct?8A. Sorry, what was the question again?9Q. Now, you just pointed out that Lin9Q. You just testified that Lin also describes9Q. Now, you just pointed out that Lin10an underlying network, correct?10discloses or you read from your report that Lin11MR. DAVIS: Objection to form.11provides a well known technique for implementing12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?15A. Yes.15A. Yes.16Q. Is it the communication graph that's17does it say that Lin is the underlying18opinion or is it this the network that's19network.19referenced here, the underlying network that's20Q. Okay.21A. Well, again, since they both exist and are21Q. That clears it that clears it up. I23here. And so I didn't need to form an opinion on				
7Q. So does it is that right?7aspects of claim one, correct?8A. Sorry, what was the question again?8A. Correct.9Q. You just testified that Lin also describes9Q. Now, you just pointed out that Lin10an underlying network, correct?10discloses or you read from your report that Lin11MR. DAVIS: Objection to form.11provides a well known technique for implementing12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?14network, correct?15A. Yes.15A. Yes.16Q. So where in your in your declaration16Q. Is it the communication graph that's19network.19referenced here, the underlying network?19network.20relevant to your opinion in regard to claim one?21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I23here. And so I didn't need to form an opinion on				-
<ul> <li>8 A. Sorry, what was the question again?</li> <li>9 Q. You just testified that Lin also describes</li> <li>9 Q. Now, you just pointed out that Lin</li> <li>10 an underlying network, correct?</li> <li>10 discloses or you read from your report that Lin</li> <li>11 MR. DAVIS: Objection to form.</li> <li>12 THE WITNESS: Yes.</li> <li>12 these broadcast protocols when a communication graph</li> <li>13 Q. But your declaration says that it overlays</li> <li>14 another network?</li> <li>15 A. Yes.</li> <li>16 Q. So where in your in your declaration</li> <li>16 Q. So where in your in your declaration</li> <li>16 Q. Is it the communication graph that's</li> <li>17 does it say that Lin is the underlying network?</li> <li>18 A. I didn't say that Lin is the underlying</li> <li>19 network.</li> <li>20 Q. Okay.</li> <li>21 A. So what's your question?</li> <li>22 Q. That clears it that clears it up. I</li> <li>23 mean if you don't think that Lin is the underlying</li> </ul>			_	
<ul> <li>9 Q. You just testified that Lin also describes</li> <li>9 Q. Now, you just pointed out that Lin</li> <li>10 an underlying network, correct?</li> <li>11 MR. DAVIS: Objection to form.</li> <li>12 THE WITNESS: Yes.</li> <li>13 Q. But your declaration says that it overlays</li> <li>14 another network?</li> <li>15 A. Yes.</li> <li>16 Q. So where in your in your declaration</li> <li>17 does it say that Lin is the underlying network?</li> <li>18 A. I didn't say that Lin is the underlying</li> <li>19 network.</li> <li>10 discloses or you read from your report that Lin</li> <li>11 provides a well known technique for implementing</li> <li>12 these broadcast protocols when a communication graph</li> <li>13 is overlaid on the processor that formed the</li> <li>14 network, correct?</li> <li>15 A. Yes.</li> <li>16 Q. So where in your in your declaration</li> <li>17 does it say that Lin is the underlying network?</li> <li>18 A. I didn't say that Lin is the underlying</li> <li>19 network.</li> <li>20 Q. Okay.</li> <li>21 A. So what's your question?</li> <li>22 Q. That clears it that clears it up. I</li> <li>23 mean if you don't think that Lin is the underlying</li> </ul>		_		-
10an underlying network, correct?10discloses or you read from your report that Lin11MR. DAVIS: Objection to form.11provides a well known technique for implementing12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?14network, correct?15A. Yes.15A. Yes.16Q. So where in your in your declaration16Q. Is it the communication graph that's17does it say that Lin is the underlying network?17overlaid on the processors that's relevant to your18A. I didn't say that Lin is the underlying18opinion or is it this the network that's19network.20relevant to your opinion in regard to claim one?21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on				
11MR. DAVIS: Objection to form.11provides a well known technique for implementing12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?14network, correct?15A. Yes.15A. Yes.16Q. So where in your in your declaration16Q. Is it the communication graph that's17does it say that Lin is the underlying network?17overlaid on the processors that's relevant to your18A. I didn't say that Lin is the underlying18opinion or is it this the network that's19network.20Rekay.2021A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on				
12THE WITNESS: Yes.12these broadcast protocols when a communication graph13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?14network, correct?15A. Yes.15A. Yes.16Q. So where in your in your declaration16Q. Is it the communication graph that's17does it say that Lin is the underlying network?17overlaid on the processors that's relevant to your18A. I didn't say that Lin is the underlying18opinion or is it this the network that's20Q. Okay.20referenced here, the underlying network that's21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I23here. And so I didn't need to form an opinion on				
13Q. But your declaration says that it overlays13is overlaid on the processor that formed the14another network?14network, correct?15A. Yes.15A. Yes.16Q. So where in your in your declaration16Q. Is it the communication graph that's17does it say that Lin is the underlying network?17overlaid on the processors that's relevant to your18A. I didn't say that Lin is the underlying18opinion or is it this the network that's19network.19referenced here, the underlying network that's20Q. Okay.20relevant to your opinion in regard to claim one?21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I23here. And so I didn't need to form an opinion on		-		
14 another network?14 network, correct?15 A. Yes.15 A. Yes.16 Q. So where in your in your declaration16 Q. Is it the communication graph that's17 does it say that Lin is the underlying network?17 overlaid on the processors that's relevant to your18 A. I didn't say that Lin is the underlying18 opinion or is it this the network that's19 network.19 referenced here, the underlying network that's20 Q. Okay.20 relevant to your opinion in regard to claim one?21 A. So what's your question?21 A. Well, again, since they both exist and are22 Q. That clears it that clears it up. I22 disclosed, it didn't matter which one was relevant23 mean if you don't think that Lin is the underlying23 here. And so I didn't need to form an opinion on				
15A. Yes.15A. Yes.16Q. So where in your in your declaration16Q. Is it the communication graph that's17does it say that Lin is the underlying network?17overlaid on the processors that's relevant to your18A. I didn't say that Lin is the underlying18opinion or is it this the network that's19network.19referenced here, the underlying network that's20Q. Okay.20relevant to your opinion in regard to claim one?21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on				
16Q. So where in your in your declaration16Q. Is it the communication graph that's17does it say that Lin is the underlying network?17overlaid on the processors that's relevant to your18A. I didn't say that Lin is the underlying18opinion or is it this the network that's19network.19referenced here, the underlying network that's20Q. Okay.20relevant to your opinion in regard to claim one?21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on				
<ul> <li>17 does it say that Lin is the underlying network?</li> <li>18 A. I didn't say that Lin is the underlying</li> <li>19 network.</li> <li>20 Q. Okay.</li> <li>21 A. So what's your question?</li> <li>22 Q. That clears it that clears it up. I</li> <li>23 mean if you don't think that Lin is the underlying</li> <li>17 overlaid on the processors that's relevant to your</li> <li>18 opinion or is it this the network that's</li> <li>19 referenced here, the underlying network that's</li> <li>20 relevant to your opinion in regard to claim one?</li> <li>21 A. Well, again, since they both exist and are</li> <li>22 disclosed, it didn't matter which one was relevant</li> <li>23 here. And so I didn't need to form an opinion on</li> </ul>				
18A.I didn't say that Lin is the underlying18opinion or is it this the network that's19network.19referenced here, the underlying network that's20Q.Okay.20relevant to your opinion in regard to claim one?21A.So what's your question?21A.22Q.That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on				<b>.</b> .
19network.19referenced here, the underlying network that's20Q. Okay.20relevant to your opinion in regard to claim one?21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on		, , ,		
20Q.Okay.20relevant to your opinion in regard to claim one?21A.So what's your question?21A.Well, again, since they both exist and are22Q.That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on				-
21A. So what's your question?21A. Well, again, since they both exist and are22Q. That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on				
22Q.That clears it that clears it up. I22disclosed, it didn't matter which one was relevant23mean if you don't think that Lin is the underlying23here. And so I didn't need to form an opinion on		-		
23 mean if you don't think that Lin is the underlying 23 here. And so I didn't need to form an opinion on				
		-		
				-
	24		27	unde.



800.211.DEPO (3376) EsquireSolutions.com

ΑU			DAT 03-12
1	Page 69 Q. Sitting tell me your opinion, is it	1	Page 71 case
2	based on the overlaying network in Lin or the	2	A. Uh-huh.
3	underlying network in Lin?	3	Q was the is the computer network part
4	A. It's based on the existence of both.	4	of the overlay network or the underlying network?
5	Q. So is it your opinion that the underlying	5	A. Sorry, can I have the question again?
6	network in Lin is M regular?	6	(Reporter read back.)
7	MR. DAVIS: Objection. Form.	7	THE WITNESS: So, once again, as
8	THE WITNESS: Lin does not specify	8	regards to DirectPlay and Lin combination, both
9	that the underlying network is M regular.	9	DirectPlay and Lin disclosed both an overlay
10	Q. All right. Well, let's continue	10	network and an underlying network and,
11	A. Actually, if I can take another short	11	
12	-		therefore, I didn't need to decide which one to
12		12	apply because both were available.
	Q. Well, I want to I want to finish	13	Q. So in your analysis of claim one for a
14	up on because you were going through the process	14	computer network you didn't specify which one it
15	of identifying	15	was, whether the network in DirectPlay or the
16	A. Sure, that's fine.	16	network in Lin?
17	Q DirectPlay, then Lin, now Shoubridge.	17	MR. DAVIS: Objection to form.
18	A. Okay. Sure. I can continue.	18	THE WITNESS: The network in direct
19	Q. So I want to know what where in your	19	so, again, claim one where you say computer
20	declaration do you discuss Shoubridge having both an	20	network, you're talking about the first line of
21	overlay network and underlying network?	21	claim one where it talks about a computer
22	A. So I believe I misspoke in the way I	22	network for providing a game environment to a
23	answered the question previously. The question that	23	plurality of participants. And my point was
24	we were starting with was which or sorry, the	24	that Lin discloses both an overlay network and
	Page 70		Page 72
1	question I was answering was which network in these	1	an underlay network and, therefore, since it
2	disclosures corresponds to the network in claim one.	2	discloses both an overlay network and an
3	And the point I made was that both in Lin and in	3	underlay network, I didn't need to decide which
4	DirectPlay there are these two different networks	4	of those two I was going to associate with as
5	disclosed, the overlay and the underlay network, and	5	the computer I didn't need to decide whether
6	that I wasn't prepared to opine on which of them was	6	this computer network statement he was
7	the network because they were both disclosed, and so	7	referring to was an overlay or underlay network
8	either way was fine. Shoubridge does not emphasize	8	because both are disclosed.
9	an overlay network. Shoubridge simply describes a	9	Q. So you don't have an opinion one way or
10	network and that is the network that I mapped to the	10	another whether a computer network for providing a
11	claim one to claim one in this in my	11	game environment is an overlay network or an
12	investigation.	12	underlying network when you applied DirectPlay and
13	Q. We can take that break.	13	Lin in combination, correct?
14	A. Great. Thanks. This one should be short.	14	MR. DAVIS: Objection. Form.
15	VIDEO TECHNICIAN: Off the record,	15	THE WITNESS: I did not need to form
16	12:17 p.m.	16	that opinion, that is correct.
17	(Recess taken.)	17	Q. Are the participants in strike that.
18	VIDEO TECHNICIAN: Back on the record,	18	In your analysis of DirectPlay and
19	12:26 p.m.	19	Lin, in regard to claim one, are the participants
20	Q. All right. Doctor, let's turn back to	20	part of the overlay network or the underlying
21	claim one of the 344 patent.	21	network?
22	A. All right.	22	MR. DAVIS: Objection. Form.
23	Q. In claim one, when you applied it to the	23	THE WITNESS: Part of part of the
24	DirectPlay and Lin combination, which is in 1970	24	overlay. So, again, for in order to
1			



# 800.211.DEPO (3376) EsquireSolutions.com

1evaluate claim one I had to decide, for1to this, but correct me if I'm wrong, when you2example, whether the prior art disclosed eachanalyzed DirectPlay and Lin in combination, it's3participant having connections to at leastanalyzed DirectPlay and Lin in combination, it's4three neighbor participants. In order tooverlay network, correct?5evaluate claim one, I did not have to determinewas that this particular example that I just read6whether participants were part of the overlaywas that this particular example that I just read7or underlay network.was that this particular example that I just read8Q. So sitting here today you don't have anporticipants are part of the overlay network or the9opinion one way or the other whether thethat that had to be the case, that this was the o10participants are part of the overlay network or the111underlying network, correct?112MR. DAVIS: Objection to form.113THE WITNESS: I don't have an opinion1414about whether the participants are part of the1615or whether the claim can be fulfilled either1716or whether the claim can be fulfilled either1617way.1618Q. I want to know when you applied DirectPlay19and Lin in combination to claim one, is it your2020opinion that the participants are part of the21MR. DAVIS: Objection. Form.22MR. DAVIS: O	AC	TIVISION BLIZZARD vs ACCELERATIC	DN	BAY 73–76
2         example, whether the prior and disclosed each         2         analyzed DirectPlay and Lin in combination, it's           3         participant having connections to at least         3         your opinion that the participants are part of the           5         evaluate claim one, I did not have to determine         6         whether participants are part of the overlay           6         whether participants are part of the overlay         7         vourdarlay network, correct?           7         opinion one way or the other whether the         9         patticipants are part of the overlay network or the           10         participants are part of the overlay network, or         10         your so fulfill the claim and so forth.           11         underlying network, correct?         8         participants are part of the overlay network or the underlying network?           12         MR. DAVIS: Objection form.         11         Q. So show me in your declaration where           13         or whether the participants are part of the         11         Q. So show me in your declaration where           14         way.         MR. DAVIS: Objection. Form.         12         THE WITNESS: So I do not recall           16         or whether the daim cane be fulfilled either         14         making here is that I also don't think I ruled           17         way.         A. Ye	1		1	Page 75
3         participant having connections to at least         3         your opinion that the participants are part of the           4         three neighbor participants. In order to         4         overlay network. correct?           7         or underlay network.         A. No, that's not what I said. What I said           8         Q. So sitting here today you don't have an         9         participants are part of the overlay           9         opinion one way or the other whether the         9         that that had to be the case, that this was the o           10         participants are part of the overlay network or the         9         that that had to be the case, that this was the o           11         underlying network. correct?         1         Q. So show me in your declaration where           12         MR. DAVIS: Objection form.         11         C. So you understand that you're limited the           13         orther verlay network or the underlying network.         11         making here is that I also don't think I ruled           14         orther verlay network. Form.         12         O. So you understand that you're limited the           14         net rem weplaining how DirectPlay playes are connected         1         1         1           15         there I'm explaining how DirectPlay playes are connected         1         1         1				
4         three neighbor participants. In order to sevaluate claim one, I did not have to determine whether participants were part of the overlay or underlay network.         4         overlay network, correct?           7         or underlay network.         5         A. No, that's not what I said. What I said           8         Q. So sitting here today you don't have an opinion one way or the other whether the 10         5         A. No, that's not what I said. What I said           9         opinion one way or the other whether the 10         9         an overlay network. I did not set as participants are part of the overlay network or the 10         way that this participants are 2         8         participants are part of the overlay network, orrect?           11         0. So show me in your declaration where 12         MR. DAVIS: Objection to form.         11         0. So show me in your declaration where 2         say in the combination of DirectPlay and Lin way 3         14         MR. DAVIS: Objection. Form.           12         operlay network or the underlying network?         14         MR. DAVIS: Objection. Form.         15         14         and the 1972 declaration, there participants are part of the 2         0. So if you don't provide an opinion in 3         1         and the 1972 declaration, correct?           14         there I'm explaining how DirectPlay presents an 4         1         and the 1972 declaration, there are part of the 2         0. So if you don't provide an opinion in 4				
5       evaluate claim one, I did not have to determine whether participants were part of the overlay or underlay network.       5       A. No, that's not what I said. What I said         6       whether participants were part of the overlay policinats are part of the overlay network or the 10       7       You is an example in which the participants are participating in an overlay network. I did not sa 9       9         11       underlying network, correct?       9       9       9       9       9       9       9       9       9       9       9       9       9       9       9       9       14				
6whether participants were part of the overlay or underlay network.6was that this particular example that I just read 7 you is an example in which the participants are 9 participants are part of the overlay network or the 10 participants are part of the overlay network or the 11 underlying network, correct?6was that this particular example that I just read 7 you is an example in which the participants and so forth.11underlying network, correct?10way to fulfill the claim and so forth.1111underlying network, correct?11Q. So show me in your declaration where 12 say in the combination of DirectPlay and Lin with a about whether the claim can be fulfilled either 17 way.13the participants are part of the underlying network.1416or whether the claim can be fulfilled either 17 way.15THE WITNESS: So I do not recall asserting that the participants were part of the underlying network. The point that I'm 181419and Lin in combination to claim one, is it your 200. So you understand that you're limited to 21 the opinosin your declaration in this matter, 222324paragraph 81 of my DirectPlay declaration, 2423A. Yes, I do.24paragraph 81 of my DirectPlay presents an 22424. Yes, I do.25network in order to fulfill claim one 324. So if you don't provide an opinion in 43there I'm explaining how DirectPlay presents an 21and the 1972 declaration, correct?2and the figure is what I would call the 30. So if you don't provide an opinion in 43				-
7       or underlay network.       7       you is an example in which the participants are part of the overlay network or the overlay network correct?       7       you is an example in which the participants are part of the overlay network correct?       10       way to fulfill the claim and so forth.         11       underlying network, correct?       11       0. So show me in your declaration where the participants are part of the underlying network or the underlay network or the underlay network or the underlay network?       11       0. So show me in your declaration where the articipants are part of the underlying network?         16       or whether the claim can be fulfilled either       11       0. So you understand that you're limited the articipants are part of the underlying network?         17       way.       11       asset ing that the participants were part of the underlying network?         18       or whether the claim can be fulfilled either       17       the underlying network. The point that I'm         18       opinion that the participants are part of the       0       0. So you understand that you're limited the         19       and Lin in combination to claim one, is it your       0. So you understand that you're limited the         20       opinion that the participants are part of the underlying network?       1       and the 1972 declaration, correct?         21       there I'm explaining how DirectPlay preservant an the gingre shad, therefore, participant ascontonts to at least thre				
8       Q. So sitting here today you don't have an       9       opinion one way or the other whether the         9       opinion one way or the other whether the       9         10       underlying network, correct?       11       Q. So show me in your declaration where         11       underlying network, correct?       11       Q. So show me in your declaration where         12       MR. DAVIS: Objection to form.       13       the about whether the participants have to be part         14       about whether the participants have to be part       14       MR. DAVIS: Objection. Form.         15       of the overlag network or the underlying network?       14       MR. DAVIS: Objection. Form.         16       or whether the claim one, is it your       16       asserting that the participants were part of         16       orentay network or the underlying network?       16       out the possibility.       20         20       opinion to taim one, is it your       10       0. So you understand that you're limited to         21       overlag network or the underlying network?       21       14       and the i 1972 declaration, correct?         22       MR. DAVIS: Objection. Form.       22       A. Yes.       30       O. So if you don't provide an opinion in         4       there I'm explaining how DirectPlay presents an				
9       opinion one way or the other whether the       9       that that had to be the case, that this was the o         10       participants are part of the overlay network or the       10       way to fulfill the claim and so forth.         11       underlying network, correct?       11       Q. So show me in your declaration where         12       MR. DAVIS: Objection to form.       13       THE WITNESS: I don't have an opinion         14       about whether the participants have to be part       14       MR. DAVIS: Objection. Form.         16       or whether the claim can be fulfilled either       15       THE WITNESS: So I do not recall         16       or whether the participants are part of the       16       asserting that the participants are part of the         17       way.       18       THE WITNESS: So i you look at       21         20       opinion that the participants are part of the       20       Nr. DAVIS: Objection. Form.         23       THE WITNESS: So if you look at       21       21       and the 1972 declaration, correct?         21       there I'm explaining how DirectPlay presents an       1       and the 1972 declaration, correct?       2         23       A. Pes.       0. So if you don't provide an opinion in       4       these declarations that the participants are part of the underlying network in regard to DirectP		-	_	
10       participants are part of the overlay network or the       10       way to fulfill the claim and so forth.         11       underlying network, correct?       11       Q. So show me in your declaration where         12       MR, DAVIS: Objection to form.       13       THE WITNESS: I don't have an opinion         14       about whether the participants have to be part       15       THE WITNESS: So i do not recall         15       of the overlay network or the underlying network?       16       asserting that the participants were part of the         16       or whether the participants are part of the       16       asserting that the participants were part of the         16       or whether the underlying network?       17       the underlying network. The point that I'm         18       Q. I want to know when you applied DirectPlay       18       making here is that I also don't think I ruled         10       overlay network or the underlying network?       21       0. So you understand that you're limited the         20       opinion that the participants are part of the       22       3. A. Yes, I do.         21       there I'm explaining how DirectPlay presents an       1       and the 1972 declaration, correct?       Page 74         2       neighboring participant. Now, in this       7       3. O. So if you don't provide an opinion in				
11       underlying network, correct?       11       Q. So show me in your declaration where         12       MR. DAVIS: Objection to form.       13       THE WITNESS: I don't have an opinion         13       THE WITNESS: I don't have an opinion       14       baout whether the participants have to be part         15       of the overlay network or the underlay network       14       MR. DAVIS: Objection. Form.         16       or whether the claim can be fulfilled either       17       the underlying network. The point that I'm         17       way.       16       or whether the claim can be fulfilled either       17         17       way.       18       Q. I want to know when you applied DirectPlay       18       making here is that 1 also don't think I ruled         10       opinion that the participants are part of the       10       out the possibility.       20       Q. So you understand that you're limited to         21       there l'm explaining how DirectPlay presents an       21       the opinions in your declaration in this matter,         22       paraticipant has connections to at least three       1       and the 1972 declaration, correct?       2         2       A. Yes.       3       Q. So if you don't provide an opinion in       4       these declarations that the participants are part         1       not endyting			_	
12MR. DAVIS: Objection to form.12say in the combination of DirectPlay and Lin w13THE WITNESS: I don't have an opinion14the participants are part of the underlying network14about whether the participants have to be part14MR. DAVIS: Objection. Form.15of the overlay network or the underlying entwork?15THE WITNESS: So I do not recall16or whether the claim can be fulfilled either17the underlying network. The point that I'm18Q. I want to know when you applied DirectPlay18asserting that the participants were part of19and Lin in combination to claim one, is it your20opinion that the participants are part of the20opinion that the participants are part of the20Q. So you understand that you're limited to21mk. DAVIS: Objection. Form.23A. Yes, I do.22MR. DAVIS: Objection. Form.23A. Yes, I do.23THE WITNESS: So if you look at24Paragraph 81 of my DirectPlay presents an2example in which the four players are connected3Q. So if you don't provide an opinion in4provides prior art to the claim that each5A. Yes.5or whether there might be some other way to3G. In or spinianation, then you can't offer that7overlay network. However, I did not have to10A. Can you restate the question?14network.14Begal apects that I'm not aware of, what I co15Q. And I understand that you're you don't16 <t< td=""><td></td><td></td><th></th><td></td></t<>				
13       THE WITNESS: I don't have an opinion       13       the participants are part of the underlying network         14       about whether the participants have to be part       14       MR. DAVIS: Objection. Form.         15       of the overlay network or the underlying network       15       THE WITNESS: So I do not recall         16       or whether the claim can be fulfilled either       17       THE WITNESS: So I do not recall         17       way.       17       the underlying network. The point that I'm         19       and Lin in combination to claim one, is it your       0       0         0       oprinoin that the participants are part of the       20       So you understand that you're limited to         20       oprinoin that the participants are part of the       21       the opinions in your declaration in this matter,         23       THE WITNESS: So if you look at       23       A. Yes, I do.       24         24       paragraph 81 of my DirectPlay presents an       1       and the 1972 declaration, correct?       2       A. Yes.         3       there I'm explaining how DirectPlay presents an       1       and the 1972 declaration, correct?       2       A. Yes.         4       participant has connections to at least three       6       Lin in combination, then you can't offer that       7       opini				
14about whether the participants have to be part of the overlay network or the underlya network14MR. DAVIS: Objection. Form.15or whether the claim can be fulfilled either r way.15THE WITNESS: So I do not recall asserting that the participants were part of the underlying network. The point that I'm making here is that I also don't think I ruled out the possibility.10opinion that the participants are part of the overlay network or the underlying network?1720opinion that the participants are part of the overlay network or the underlying network?1821overlay network or the underlying network?20Q. So you understand that you're limited to the opinions in your declaration in this matter, 2122MR. DAVIS: Objection. Form. 2221A. Yes, I do.23THE WITNESS: So if you look at paragraph 81 of my DirectPlay presents an participant has connections to at least three o participant has connections to at least three o overlay network. In order to fulfill claim one participant has connections to at least three o overlay network. In order to fulfill claim one o verlay network in order to fulfill claim one to form an opinion about whether it must be the or orden an opinion in there wight be some other way to 1313MR. DAVIS: Objection. Form. 141415Q. And I understand that you're - you don't for all not mers of, you know, the meaning 1713Idegal appects that I'm not aware of, what I or opinion in there work.16MR. DAVIS: Objection to form. 1514Idegal appects that I'm not aware of, what I or opinion in there are ecretain ways fo theat an opinion		-		
15of the overlay network or the underlay network15THE WITNESS: So I do not recall16or whether the claim can be fulfilled either16asserting that the participants were part of17way.17making here is that I also don't that I'm18Q. I want to know when you applied DirectPlay18making here is that I also don't that I'm20opinion that the participants are part of the20Q. So you understand that you're limited to20opinion that the participants are part of the20Q. So you understand that you're limited to21mR. DAVIS: Objection. Form.21A. Yes, I do.23THE WITNESS: So if you look at23A. Yes, I do.24paragraph 81 of my DirectPlay presents an2Q. And that's for both the 1970 declaration2example in which the four players are connected3O. So if you don't provide an opinion in4there I'm explaining how DirectPlay presents an3O. So if you don't provide an opinion in5participant has connections to at least three3MR. DAVIS: Objection. Form.6neighboring participants. Now, in this6MR. DAVIS: Objection. Form.7particular case, the network that has been8MR. DAVIS: Objection. Form.10form an opinion about whether it must be the0In these proceedings, any way?11network.10A. Can you restate the question?12or whether there might be some other way to11Reporter read back.)13fu				
16or whether the claim can be fulfilled either16asserting that the participants were part of17way.17the underlying network. The point that I'm18Q. I want to know when you applied DirectPlay19and Lin in combination to claim one, is it your19and Lin in combination to claim one, is it your19out the possibility.20opinion that the participants are part of the20Q. So you understand that you're limited to21overlay network or the underlying network?21the opinions in your declaration in this matter,22MR. DAVIS: Objection. Form.23A. Yes, I do.23THE WITNESS: So if you look at24Q. And that's for both the 1970 declaration24paragraph 81 of my DirectPlay presents an2A. Yes.3to each of the other players are connected30. So if you don't provide an opinion in4provides prior art to the claim that each4these declarations that the participants are part5participant has connections to at least three6MR. DAVIS: Objection. Form.6overlay network. However, I did not have to9Q. In these proceedings, any way?10form an opinion about whether it must be the10A. Can you restate the question?11network.11legal question about what opinions I'm12or whether there might be some other way to13legal question about what opinions I'm14network.14permitted to offer and there there may be <td< td=""><td></td><td></td><th></th><td></td></td<>				
17way.17the underlying network. The point that I'm18Q. I want to know when you applied DirectPlay17the underlying network. The point that I'm19and Lin in combination to claim one, is it your18making here is that I also don't think I ruled20opinion that the participants are part of the20Q. So you understand that you're limited to21overlay network or the underlying network?21M. DAVIS: Objection. Form.2323THE WITNESS: So if you look at23A. Yes, I do.24paragraph 81 of my DirectPlay declaration,24Q. And that's for both the 1970 declaration7there I'm explaining how DirectPlay presents an24Q. So if you don't provide an opinion in3to each of the other players and, therefore,1and the 1972 declaration, correct?4provides prior art to the claim that each3Q. So if you don't provide an opinion in5participant has connections to at least three3M. Can you restate the participants are part6neighboring participants. Now, in this6Lin in combination, then you can't offer that7particular case, the network that has been8M. DAVIS: Objection. Form.8drawn in the figure is what I would call the9Q. In these proceedings, any way?10form an opinion about whether it must be the11(Reporter read back.)11overlay network.However, J did not have to12THE WITNESS: So since you're askit13fulfill claim				
18       Q. I want to know when you applied DirectPlay       18       making here is that I also don't think I ruled         19       and Lin in combination to claim one, is it your       10       out the possibility.       20       Q. So you understand that you're limited to         20       opinion that the participants are part of the       20       Q. So you understand that you're limited to         21       overlay network or the underlying network?       21       the opinions in your declaration in this matter,         22       MR. DAVIS: Objection. Form.       23       A. Yes, I do.         23       THE WITNESS: So if you look at       23       A. Yes, I do.         24       paragraph 81 of my DirectPlay presents an       24       Q. And that's for both the 1970 declaration         2       a. A tere.       3       and the 1972 declaration, correct?       2         3       to each of the other players are connected       4       these declarations that the participants are part         4       participant has connections to at least three       3       C. So if you don't provide an opinion in         7       particular case, the network that has been       4       these declarations, then you can't offer that         7       particular case, the network that was been       6       Lin in combination, then you can't offer that				
19       and Lin in combination to claim one, is it your       19       out the possibility.         20       opinion that the participants are part of the       20       So you understand that you're limited to         21       overlay network or the underlying network?       22       MR. DAVIS: Objection. Form.       22         23       THE WITNESS: So if you look at       23       A. Yes, I do.       24         24       paragraph 81 of my DirectPlay declaration,       Page 74       1       and the 1972 declaration, correct?       2         3       to each of the other players and, therefore,       3       Q. So if you don't provide an opinion in       4         4       provides prior art to the claim that each       5       the underlying network in regart to DirectPlay for that       7         6       neighboring participants. Now, in this       7       particular case, the network that has been       7         7       particular case, the network that has been       7       Q. In these proceedings, any way?       10         10       overlay network. In order to fulfill claim one       9       Q. In these proceedings, any way?       10         12       or whether there might be some other way to       13       legal question about what opinions I'm       14         14       network.       12		-		
20opinion that the participants are part of the20Q. So you understand that you're limited to21overlay network or the underlying network?21the opinions in your declaration in this matter,22MR. DAVIS: Objection. Form.23A. Yes, I do.23THE WITNESS: So if you look at23A. Yes, I do.24Q. And that's for both the 1970 declarationPage 7425there I'm explaining how DirectPlay declaration,24Q. And that's for both the 1970 declaration26example in which the four players are connectedand the 1972 declaration, correct?3to each of the other players and, therefore,and the 1971 declaration, then you can't offer that4provides prior art to the claim that each45participant has connections to at least three66neighboring participants. Now, in this77particular case, the network that has been88drawn in the figure is what I would call the99Q. In these proceedings, any way?10form an opinion about whether it must be the11overlay network.1012or whether there might be some other way to13fulfill claim one by looking at the underlying14network.15Q. And I understand that you're you don't16have an opinion in terms of, you know, the meaning17of claim one or certain definitions, but you said18you did have an opinion when you applied the prior19				C C
21overlay network or the underlying network?21the opinions in your declaration in this matter,22MR. DAVIS: Objection. Form.22right?23THE WITNESS: So if you look at23A. Yes, I do.24paragraph 81 of my DirectPlay declaration,24Q. And that's for both the 1970 declaration7Page 741there I'm explaining how DirectPlay presents an28to each of the other players and, therefore,3Q. So if you don't provide an opinion in4provides prior art to the claim that each3Q. So if you don't provide an opinion in5participant has connections to at least three3these declarations that the participants are part6neighboring participants. Now, in this6Lin in combination, then you can't offer that7particular case, the network that has been7opinion, right?8drawn in the figure is what I would call the9Q. In these proceedings, any way?10form an opinion about whether it must be the10A. Can you restate the question?11overlay network. However, I did not have to9Q. In these proceedings, any way?12or whether there might be some other way to13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't14network.16nuderstand is that there are certain ways for17of claim one or certain definitions, but you sai		-		
22MR. DAVIS: Objection. Form.22right?23THE WITNESS: So if you look at24paragraph 81 of my DirectPlay declaration,23A. Yes, I do.24paragraph 81 of my DirectPlay declaration,24Q. And that's for both the 1970 declarationPage 741there I'm explaining how DirectPlay presents an1and the 1972 declaration, correct?22example in which the four players are connected3Q. So if you don't provide an opinion in3to each of the other players and, therefore,3Q. So if you don't provide an opinion in4provides prior art to the claim that each3Q. So if you don't provide an opinion in5participant has connections to at least three6heighboring participants. Now, in this77particular case, the network that has been8MR. DAVIS: Objection. Form.8drawn in the figure is what I would call the9Q. In these proceedings, any way?10form an opinion about whether it must be the9Q. In these proceedings, any way?11overlay network.However, I did not have to10A. Can you restate the question?12or whether there might be some other way to12THE WITNESS: So since you're aski13fulfill claim one or certain definitions, but you said13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't16understand is that there are certa				
23THE WITNESS: So if you look at paragraph 81 of my DirectPlay declaration,23A. Yes, I do.24paragraph 81 of my DirectPlay declaration,24Q. And that's for both the 1970 declaration1there I'm explaining how DirectPlay presents an example in which the four players are connected 3 to each of the other players and, therefore, 4 provides prior art to the claim that each 5 participant has connections to at least three 6 neighboring participants. Now, in this 7 particular case, the network that has been 8 drawn in the figure is what I would call the 9 overlay network. However, I did not have to 10 form an opinion about whether it must be the 11 overlay network in order to fulfill claim one 12 or whether there might be some other way to 13 fulfill claim one by looking at the underlying 14 network.3A. Yes, I do.15Q. And I understand that you're you don't 16 have an opinion in terms of, you know, the meaning 17 of claim one or certain definitions, but you said 18 you did have an opinion when you applied the prior 19 art references to claim one, right?3A. Yes, I do.23MR. DAVIS: Objection to form. 21THE WITNESS: I had an opinion that 221A. Can you restate the questions I'm 14 network.24D. And I understand that you're you don't 1516Inderstand is that there are certain ways for 1624D. And I understand that you're you don't 1716Have an opinion in terms of, you know, the meaning 1725MR. DAVIS: Objection to form. 2117The WITNESS: I had an opinion that 2223MR. DAVIS: Objection to form. 232424<				
24paragraph 81 of my DirectPlay declaration,24Q.And that's for both the 1970 declaration1there I'm explaining how DirectPlay presents an1and the 1972 declaration, correct?2example in which the four players are connected1and the 1972 declaration, correct?3to each of the other players and, therefore,1and the 1972 declaration, correct?4provides prior art to the claim that each3Q.So if you don't provide an opinion in5participant has connections to at least three6neighboring participants. Now, in this77particular case, the network that has been8MR. DAVIS: Objection. Form.8drawn in the figure is what I would call the9Q.In these proceedings, any way?10form an opinion about whether it must be the10A.Can you restate the question?11overlay network.in order to fulfill claim one11(Reporter read back.)12or whether there might be some other way to13Iegal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't16understand is that there are certain ways fo16have an opinion when you applied the prior16understand is that there are certain ways fo17of claim one or certain definitions, but you said19and have found that the prior art does disclose18you did have an opinion when you applied the prior10<		-		0
Page 74and the 1972 declaration, correct?1there I'm explaining how DirectPlay presents an1and the 1972 declaration, correct?2example in which the four players are connected3Q. So if you don't provide an opinion in4provides prior art to the claim that each3Q. So if you don't provide an opinion in5participant has connections to at least three61these declarations that the participants are part6neighboring participants. Now, in this7barticular case, the network that has been5the underlying network in regard to DirectPlay at8drawn in the figure is what I would call the9Q. In these proceedings, any way?69overlay network. However, I did not have to9Q. In these proceedings, any way?1010form an opinion about whether it must be the10A. Can you restate the question?11overlay network. However, I did not have to9Q. In these proceedings, any way?12or whether there might be some other way to11(Reporter read back.)13fulfill claim one by looking at the underlying13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't15legal aspects that I'm not aware of, what I or16have an opinion when you applied the prior18feature of a claim. I have applied those wa17of claim one or certain definitions, but you said19and have		-		
1there I'm explaining how DirectPlay presents an example in which the four players are connected to each of the other players and, therefore, provides prior art to the claim that each participant has connections to at least three neighboring participants. Now, in this drawn in the figure is what I would call the overlay network. However, I did not have to form an opinion about whether it must be the to verlay network in order to fulfill claim one to whether there might be some other way to fulfill claim one by looking at the underlying network.1and the 1972 declaration, correct? 2A. Yes.0Form an opinion about whether it must be the to verlay network in order to fulfill claim one to form an opinion in terms of, you know, the meaning to claim one or certain definitions, but you said you did have an opinion when you applied the prior art references to claim one, right?1and the 1972 declaration, correct? A. Yes.2A. So if you don't provide an opinion in the underlying network in regard to DirectPlay at the underlying network.3Q. In these proceedings, any way?10A. Can you restate the question?11(Reporter read back.)12THE WITNESS: So since you're aski legal appects that I'm not aware of, what I o understand is that there are certain ways for me to determine that prior art das disclosed and have found that the prior art das disclosed and have found that the prior art discloses those and have found that the prior art discloses those and have found that the prior art discloses those20MR. DAVIS: Obj				
3to each of the other players and, therefore, provides prior art to the claim that each3Q. So if you don't provide an opinion in4provides prior art to the claim that each4these declarations that the participants are participant has connections to at least three5participant has connections to at least three5the underlying network in regard to DirectPlay at6neighboring participants. Now, in this6Lin in combination, then you can't offer that7particular case, the network that has been7opinion, right?8drawn in the figure is what I would call the8MR. DAVIS: Objection. Form.9overlay network. However, I did not have to9Q. In these proceedings, any way?10form an opinion about whether it must be the10A. Can you restate the question?11overlay network in order to fulfill claim one11(Reporter read back.)12or whether there might be some other way to12THE WITNESS: So since you're aski13fulfill claim one by looking at the underlying13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't15legal aspects that I'm not aware of, what I c16have an opinion when you applied the prior16understand is that there are certain ways for17of claim one or certain definitions, but you said17me to determine that prior art has disclosed18you did have an opinion when you	1		1	Page 76 and the 1972 declaration, correct?
4provides prior art to the claim that each4these declarations that the participants are part5participant has connections to at least three5the underlying network in regard to DirectPlay at6neighboring participants. Now, in this5the underlying network in regard to DirectPlay at7particular case, the network that has been6Lin in combination, then you can't offer that8drawn in the figure is what I would call the8MR. DAVIS: Objection. Form.9overlay network. However, I did not have to9Q. In these proceedings, any way?10form an opinion about whether it must be the10A. Can you restate the question?11overlay network in order to fulfill claim one11(Reporter read back.)12or whether there might be some other way to12THE WITNESS: So since you're aski13fulfill claim one by looking at the underlying13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't15legal aspects that I'm not aware of, what I c18you did have an opinion when you applied the prior18feature of a claim. I have applied those wa19art references to claim one, right?19and have found that the prior art does discled20MR. DAVIS: Objection to form.20features. I am not asserting that there are of21THE WITNESS: I had an opinion that21some ways that the prior art discloses those<	2	example in which the four players are connected	2	A. Yes.
5participant has connections to at least three5the underlying network in regard to DirectPlay at6neighboring participants. Now, in this6Lin in combination, then you can't offer that7particular case, the network that has been7opinion, right?8drawn in the figure is what I would call the8MR. DAVIS: Objection. Form.9overlay network. However, I did not have to9Q. In these proceedings, any way?10form an opinion about whether it must be the10A. Can you restate the question?11overlay network in order to fulfill claim one11(Reporter read back.)12or whether there might be some other way to12THE WITNESS: So since you're aski13fulfill claim one by looking at the underlying13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't16understand is that there are certain ways for18you did have an opinion when you applied the prior18feature of a claim. I have applied those wa19art references to claim one, right?19and have found that the prior art does discled20MR. DAVIS: Objection to form.20features under consideration. Now, I found21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22features. I am not asserting that there are of23yes.	3	to each of the other players and, therefore,	3	Q. So if you don't provide an opinion in
6neighboring participants. Now, in this6Lin in combination, then you can't offer that7particular case, the network that has been7opinion, right?8drawn in the figure is what I would call the8MR. DAVIS: Objection. Form.9overlay network. However, I did not have to9Q. In these proceedings, any way?10form an opinion about whether it must be the10A. Can you restate the question?11overlay network in order to fulfill claim one11(Reporter read back.)12or whether there might be some other way to12THE WITNESS: So since you're aski13fulfill claim one by looking at the underlying13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't15legal aspects that I'm not aware of, what I or16have an opinion in terms of, you know, the meaning17me to determine that prior art has disclosed18you did have an opinion when you applied the prior18feature of a claim. I have applied those wa19art references to claim one, right?19and have found that the prior art does discle20MR. DAVIS: Objection to form.20features under consideration. Now, I found21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22features. I am not asserting that there are prior23yes.	4	provides prior art to the claim that each	4	these declarations that the participants are part of
7particular case, the network that has been 87opinion, right?8drawn in the figure is what I would call the 90MR. DAVIS: Objection. Form.9overlay network. However, I did not have to 109Q. In these proceedings, any way?10form an opinion about whether it must be the 1110A. Can you restate the question?11overlay network in order to fulfill claim one 1211(Reporter read back.)12or whether there might be some other way to 1312THE WITNESS: So since you're aski13fulfill claim one by looking at the underlying 1413legal question about what opinions I'm permitted to offer and there there may be legal aspects that I'm not aware of, what I c understand that you're you don't 151516have an opinion in terms of, you know, the meaning 1716understand is that there are certain ways for me to determine that prior art has disclosed feature of a claim. I have applied those wa and have found that the prior art does disclosed features under consideration. Now, I found some ways that the prior art discloses those features. I am not asserting that there are of features. I am not asserting that there are of other ways that the prior art discloses those features. I am not asserting that there are of other ways that the prior art discloses those features. I am not asserting that there are of other ways that the prior art discloses those features. I am not asserting that there are of other ways that the prior art discloses those features. I am not asserting that there are of other ways that the prior art discloses those20MR. DAVIS: Objectio	5	participant has connections to at least three	5	the underlying network in regard to DirectPlay and
8drawn in the figure is what I would call the8MR. DAVIS: Objection. Form.9overlay network. However, I did not have to9Q. In these proceedings, any way?10form an opinion about whether it must be the10A. Can you restate the question?11overlay network in order to fulfill claim one11(Reporter read back.)12or whether there might be some other way to12THE WITNESS: So since you're aski13fulfill claim one by looking at the underlying13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't15legal aspects that I'm not aware of, what I of16have an opinion in terms of, you know, the meaning17of claim one or certain definitions, but you said17of claim one or certain definitions, but you said17me to determine that prior art has disclosed18you did have an opinion when you applied the prior18feature of a claim. I have applied those wa20MR. DAVIS: Objection to form.20features under consideration. Now, I found21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22features. I am not asserting that there are prior23yes.23other ways that the prior art discloses those	6	neighboring participants. Now, in this	6	Lin in combination, then you can't offer that
9overlay network. However, I did not have to form an opinion about whether it must be the 119Q. In these proceedings, any way?10form an opinion about whether it must be the 1110A. Can you restate the question?11overlay network in order to fulfill claim one 1211(Reporter read back.)12or whether there might be some other way to 1312THE WITNESS: So since you're aski legal question about what opinions I'm permitted to offer and there there may be legal aspects that I'm not aware of, what I of understand that you're you don't 1615Q. And I understand that you're you don't 161516have an opinion in terms of, you know, the meaning 17 of claim one or certain definitions, but you said 181717of claim one, right?1820MR. DAVIS: Objection to form. 212021THE WITNESS: I had an opinion that 222123yes.2323yes.23	7	particular case, the network that has been	7	opinion, right?
10form an opinion about whether it must be the overlay network in order to fulfill claim one or whether there might be some other way to 1310A. Can you restate the question? (Reporter read back.)12or whether there might be some other way to 1312THE WITNESS: So since you're aski legal question about what opinions I'm permitted to offer and there there may be legal aspects that I'm not aware of, what I of have an opinion in terms of, you know, the meaning 1710A. Can you restate the question? (Reporter read back.)14network.12THE WITNESS: So since you're aski legal question about what opinions I'm permitted to offer and there there may be legal aspects that I'm not aware of, what I of understand is that there are certain ways for me to determine that prior art has disclosed feature of a claim. I have applied those wa and have found that the prior art does discl features under consideration. Now, I found some ways that the prior art discloses those geatures. I am not asserting that there are prior att the prior art discloses those geatures. I am not asserting that there are prior other ways that the prior art discloses those	8	drawn in the figure is what I would call the	8	MR. DAVIS: Objection. Form.
11overlay network in order to fulfill claim one11(Reporter read back.)12or whether there might be some other way to12THE WITNESS: So since you're aski13fulfill claim one by looking at the underlying13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't15legal aspects that I'm not aware of, what I of16have an opinion in terms of, you know, the meaning17of claim one or certain definitions, but you said17of claim one or certain definitions, but you said17me to determine that prior art has disclosed18you did have an opinion when you applied the prior18feature of a claim. I have applied those waa19art references to claim one, right?20MR. DAVIS: Objection to form.20MR. DAVIS: Objection to form.20features under consideration. Now, I found21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22other ways that the prior art discloses those23yes.23other ways that the prior art discloses those	9	-	9	
12or whether there might be some other way to12THE WITNESS: So since you're aski13fulfill claim one by looking at the underlying13legal question about what opinions I'm14network.14permitted to offer and there there may be15Q. And I understand that you're you don't15legal aspects that I'm not aware of, what I of16have an opinion in terms of, you know, the meaning16understand is that there are certain ways for17of claim one or certain definitions, but you said17me to determine that prior art has disclosed18you did have an opinion when you applied the prior18feature of a claim. I have applied those wa19art references to claim one, right?19and have found that the prior art does disclosed20MR. DAVIS: Objection to form.20features under consideration. Now, I found21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22gau not asserting that there are of23yes.23other ways that the prior art discloses those	10	-		
13fulfill claim one by looking at the underlying network.13legal question about what opinions I'm permitted to offer and there there may be legal aspects that I'm not aware of, what I of understand is that there are certain ways for me to determine that prior art has disclosed feature of a claim. I have applied those wa and have found that the prior art does disclosed features under consideration. Now, I found some ways that the prior art discloses those features. I am not asserting that there are in other ways that the prior art discloses those features. I am not asserting that there are in other ways that the prior art discloses those		-		· · /
14network.14permitted to offer and there there may be15Q. And I understand that you're you don't15legal aspects that I'm not aware of, what I do16have an opinion in terms of, you know, the meaning16understand is that there are certain ways for17of claim one or certain definitions, but you said17me to determine that prior art has disclosed18you did have an opinion when you applied the prior18feature of a claim. I have applied those wa19art references to claim one, right?19and have found that the prior art does discled20MR. DAVIS: Objection to form.20features under consideration. Now, I found21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22geatures. I am not asserting that there are and23yes.23other ways that the prior art discloses those				
15Q. And I understand that you're you don't1516have an opinion in terms of, you know, the meaning1617of claim one or certain definitions, but you said1618you did have an opinion when you applied the prior1719art references to claim one, right?1920MR. DAVIS: Objection to form.2021THE WITNESS: I had an opinion that2122these did serve as prior art for claim one,2223yes.23				
16have an opinion in terms of, you know, the meaning16understand is that there are certain ways for17of claim one or certain definitions, but you said17me to determine that prior art has disclosed18you did have an opinion when you applied the prior18feature of a claim. I have applied those wa19art references to claim one, right?1920MR. DAVIS: Objection to form.2021THE WITNESS: I had an opinion that2122these did serve as prior art for claim one,2223yes.23				
17of claim one or certain definitions, but you said you did have an opinion when you applied the prior art references to claim one, right?17me to determine that prior art has disclosed feature of a claim. I have applied those wa and have found that the prior art does discl features under consideration. Now, I found some ways that the prior art discloses those features. I am not asserting that there are no other ways that the prior art discloses those17me to determine that prior art has disclosed feature of a claim. I have applied those wa and have found that the prior art does discl features under consideration. Now, I found some ways that the prior art discloses those features. I am not asserting that there are no other ways that the prior art discloses those				<b>–</b> -
18you did have an opinion when you applied the prior18feature of a claim. I have applied those wa19art references to claim one, right?19and have found that the prior art does discleted20MR. DAVIS: Objection to form.20features under consideration. Now, I found21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22features. I am not asserting that there are not other ways that the prior art discloses those				-
19art references to claim one, right?19and have found that the prior art does disclete20MR. DAVIS: Objection to form.20features under consideration. Now, I found21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22features. I am not asserting that there are in23yes.23other ways that the prior art discloses those		-		-
20MR. DAVIS: Objection to form.20features under consideration. Now, I found21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22features. I am not asserting that there are in23yes.23other ways that the prior art discloses those				
21THE WITNESS: I had an opinion that21some ways that the prior art discloses those22these did serve as prior art for claim one,22features. I am not asserting that there are not asserting that there are not asserting that the prior art discloses those23yes.23other ways that the prior art discloses those		-		-
22these did serve as prior art for claim one,22features. I am not asserting that there are in23yes.23other ways that the prior art discloses those		-		
23 yes. 23 other ways that the prior art discloses those		-		
		-		-
$24$ $\alpha$ . And so and i believe you just testimed 24 iedures. And, indeed, if you look at		-		
	24	Q. And so and i believe you just testilled	24	reatures. And, indeed, if you look at

# ESQUIRE SOLUTIONS

# 800.211.DEPO (3376) EsquireSolutions.com

Page 70           2         the right to supplement my opinions later         a should that become necessary. So this         a there was no mention of intent in this           3         should that become necessary. So this         a question.         a there was no mention of intent in this           4         declaration describes opinions that I have and         6.         So Tillust ask the question to you.           5         that's the subject for the deposition today,         5         Does Exhibit-2 contain all of the opinions that I have and           6         net other with regard to the 1972 case?         MR. DAVIS: Objection to form.         THE WITNESS: And so to that question           11         traiting about inter you intent to offer in the 1970 case?         my answer is the same.         toratian - with the           12         reserved the right to offer other opinions.         13         Q. In this declaration.         11           14         contains all of the opinions that I intende to         10         offer for this declaration, but I may end up           16         offer in the 1970 case sitting here today?         A. Im sorry, in this declaration.         16         Q. All right. So turning back to claim one.           12         does Exhibit-1 contain all of the opinions stou         <	AC	TIVISION BLIZZARD VS ACCELERATIC	ЛИ	BAY //-80
2         the right to supplement my opinions later 3         2         there was no mention of intent in this 3         question.           3         should that become necessary. So this 4         0.         So III just ask the question to you.           6         that's the subject for the deposition today, 6         0.         So III just ask the question all of the opinions that you 7           7         Q. Okay. So let's just make this clear for 9         opinions that you intend to offer in the 1970 case?         TME WITNESS: Objection to form.           10         THE WITNESS: Objection to torm.         THE WITNESS: Objection to torm.         my answer is the same. It contain - with the 7           11         THE WITNESS: Objection to torm.         11         fulfilled. At present linend to offer the 7         0.           12         reserved the right to offer other opinions.         12         opinions that you intend to offer the 7         13         0.         11         fulfilled. At present linend to offer the 7         0.           13         experts or take into account new information 9         14         A. I'm sorry, in this declaration, no.         16         Using the Lin reference itself teaches claim 16         16           14         that are raised by Acceleration Bay or its 14         14         A fight. Contain all of the opinions you 22         16         0.         So in claim one is the computer networ				
3         should that become necessary. So this         3         question.           4         declaration describes opinions that I have and         4         Q. So III just ask the question to you.           6         that is the subject for the deposition today,         6         intend to offer with regard to the 1972 case?           7         Q. Okay. So let's just make this clear for         7         MR. DAVIS: Objection to form.         7           8         the record. Does Exhibit-1 contain all of the opinions that 11         intend to offer with regard to the 1972 case?         7           10         ms contains all of the opinions that 1 have and         7         MR. DAVIS: Objection to form.           11         THE WITNESS: So Choe again, I have         11         fulfield. At present linead to offer the           12         reserved the right to offer other opinions.         13         Q. In this declaration, but I may end up           14         contains all of the opinions that 1         intend to offer in the 1970 case         17           16         offering other opinions that 1         Itage again         18         experts or take into account new information           17         that are raised by Acceleration Bay or its         18         opinion that 1         10         10           18         experts or take into account new information				
4       declaration describes opinions that I have and       4       Q. So III just ask the question to you.         5       that's the subject for the deposition today,       5       Does Exhibit-2 contain all of the opinions that you intend to offer in the 1970 case?         7       Q. Okay. So let's just make this clear for       8       THE WITNESS: And so to that question         9       opinions that you intend to offer in the 1970 case?       7       MR. DAVIS: Objection to form.         11       THE WITNESS: Once again, I have       11       fulfilled. At present l intend to offer the         12       reserved the right to offer other opinions.       13       Q. In this declaration, you mean?         14       contains all of the opinions that I intended to       13       Q. In this declaration you mean?         14       contains all of the opinions you reserve to rake into account new information       18       one of the 344 patent, correct?         19       A. Yes.       20       Q. So let me ask it a different way. Does       20       Q. So in the opinions that ?         24       intend to offer? I mean it contains the opinions as you       14       A. Tesc       20         23       A. Does it contain all of the opinions say out       14       A. Yes.         24       intend to offer? I mean it contains asy out the opinion say out       20				
5       that's the subject for the deposition today,       6       Does Exhibit-2 contain all of the opinions that you         6       not other opinions I might formulate later.       6       intend to offer with regard to the 1972 case?         7       Q. Okay, So let's just make this clear for       8       THE WITNESS: And so to that question         9       opinions that you intend to offer in the 1970 case?       9       my answer is the same.       THE WITNESS: And so to that question         10       MR. DAVIS: Objection to form.       11       THE WITNESS: Once again, I have       11       fulfilled. At present l intend to offer the         12       reserved the right to offer other opinions.       12       opinions that are in this deposition.       13       O.       N. It is declaration, our mean?         14       contains all of the opinions to trespond to arguments       16       Using the Lin reference by itself, you have an         17       opinion that the Lin reference itself teaches claim       18       experts or take into account new information         18       experts or take into account new information       18       one of the 344 patent, correct?         19       that becomes available.       20       Q. So in claim one is the computer network         21       obse thothild to offer? I mean it contains all of the opinions shat       1       Geporter read b		-		•
6       not other opinions I might formulate later.       6       intend to offer with regard to the 1972 case?         7       Q. Okay. So let's just make this clear for opinions that you intend to offer in the 1970 case?       7       MR. DAVIS: Objection to form.         9       opinions that you intend to offer in the 1970 case?       7       MR. DAVIS: Objection to form.         10       MR. DAVIS: Objection to form.       10       recognition that sometimes intents are not         11       THE WITNESS: Once again, have       12       opinions that are in this deposition.         12       reserved the right to offer other opinions.       13       0. In this declaration, you man?         14       contains all of the opinions that I intended to iffer for this declaration, but I may end up       16       Using the Lin reference by itself, you have an         15       offer for this declaration, but I may end up       16       Using the Lin reference itself teaches claim         18       experts or take into account new information       17       Opinion that the Lin reference itself teaches claim         19       that the ooffer in the 1970 case sitting here today?       A. Ness       0. So in claim one is the computer network         21       does it contain all the opinions that I       3       opinion tear regarding Lin by itself?         24       intent to offer in the 1970 case? <td< td=""><td></td><td>-</td><td></td><td></td></td<>		-		
7       Q. Okay. So let's just make this clear for 8 the record. Does Exhibit-1 contain all of your 9 opinions that you intend to offer in the 1970 case?       7       MR. DAVIS: Objection. Form.         10       opinions that you intend to offer in the 1970 case?       my answer is the same. It contain - with the recognition that sometimes intents are not 11         11       THE WITNESS: Once again, I have 12       reserved the right to offer other opinions.         13       And so I can't say with certainty that it it contains all of the opinions that I intended to offering other opinions that I intended to 15       10         14       contains all of the opinions that i intended to offering other opinions to respond to arguments 17       14       A. I'm sorry, in this declaration.         15       offer for this declaration have an 17       17       I hat becomes available.       10         20       O. So let me ask it a different way. Does - 21       16       0. So in claim one is the computer network 21       16         21       intend to offer in the 1970 case sitting here today?       2       1       17       16         22       intend to offer in the and I'm - I'm not 2       0. So is the answer to my question yes, that 3       1       1       10       10         2       A. Does it contain all the opinions as you 3       1       1       11       11       11       11       11       11 <td></td> <td></td> <td></td> <td></td>				
8         the record. Does Exhibit-1 contain all of your         9         THE WITNESS: And so to that question           9         opinions that you intend to offer in the 1970 case?         9         my answer is the same. It contain all with the           10         MR. DAVIS: Objection to form.         11         THE WITNESS: Once again, I have         11           11         THE WITNESS: Once again, I have         12         opinions that are in this deposition.           13         And so I can't say with certainty that it it         13         Q. In this declaration, you mean?           14         contains all of the opinions to trespond to arguments         13         Q. In this declaration, you have an           15         offer for this declaration, but I may end up         15         Q. So I that a set in the 20 offer of this declaration, but I may end up           16         using the Lin reference by itself, you have an         17         opinion that the Lin reference itself teaches claim           18         experts or take into account new information         18         one of the 344 patent, correct?           19         A. Does it contain all the opinions you         22         network or the underlying network in regard to your           23         intend to offer? I mean it contains the opinion         meand the file         ansy in this declaration, with regard to your           2 <td></td> <td></td> <td></td> <td>-</td>				-
9         opinions that you intend to offer in the 1970 case?         9         my answer is the same. It contain - with the recognition that sometimes intents are not           10         MR. DAVIS: Objection to form.         10         reserved the right to offer other opinions.           13         And so I can't say with certainty that it - it         13         Q. In this declaration you mean?           14         contains all of the opinions that I intended to         14         A. I'm sorry, in this declaration.           15         offer for this declaration, but I may end up         16         Q. In this declaration you mean?           16         offering other opinions to respond to arguments         17         opinion that the Lin reference by itself, you have an           17         that are raised by Acceleration Bay or its         18         one of the 344 patent, correct?           19         that becomes available.         19         A. Yes.           20         O. So let me ask it a different way. Does -         20         Q. So in claim one is the computer network           21         intend to offer? I mean it contains the opinions you         23         network or the underlying network in regard to your           23         going to try to form any new opinions on the fly         2         N. Read out the question again.           2         yain time toread no fme? I mean it contains the				-
10       MR. DAVIS: Objection to form.       10       recognition that sometimes intents are not         11       THE WITNESS: Once again, I have       11         12       reserved the right to offer other opinions.       12         13       And so I can't say with certainty that it - it       13       Q. In this declaration you mean?         14       contains all of the opinions that I intended to       15       O. In this declaration you mean?         15       offer for this declaration, but I may end up       15       Q. All right. So turning back to claim one.         16       Using the Lin reference by Itself, you have an       17       opinion that the Lin reference by Itself, you have an         17       that are raised by Acceleration Bay or its       18       one of the 344 patent, correct?         19       A. Yes.       20       Q. So let me ask it a different way. Does -       20       Q. So in claim one is the computer network         21       intend to offer? I mean it contains the opinions that I       14       opinion regarding Lin by itsel?       20         24       intend to offere? I mean it contains the opinions as you       1       (Reporter read back.)       2       page 80         2       going to try to form any new opinions on the fly       3       give regarding Lin shows a mapping of the       overelay network to this com		-		-
11       THE WITNESS: Once again, I have       11       fulfilled. At present I intend to offer the         12       reserved the right to offer other opinions.       13       And so I can't say with certainty that it - it       13         13       And so I can't say with certainty that it - it       13       Q. In this declaration, y umean?         14       contains all of the opinions that I intended to       14       A. I'm sorry, in this declaration.         15       offer for this declaration, but I may end up       15       Q. All right. So turning back to claim one.         16       offer for this declaration all of the opinions you or its       17       opinion that the Lin reference by itself (you have an         17       that becomes available.       19       A. Yes.       20       Q. So let me ask it a different way. Does -         21       intend to offer? I mean it contains the opinions       21       10 for providing a game environment part of the overday         22       intend to offer? I mean it contains the opinions       22       opinion tegarding Lin by itsel?       24         24       that I have offered. And I'm and I'm - I'm not       2       GR eporter read back.)       2       THE WITNESS: Yell, with the         3       without time to to think about them and form       3       give regarding Lin by itsel?       2				-
12       reserved the right to offer opinions.       12       opinions that are in this deposition.         13       And so I can't say with certainty that it – it       13       Q. In this declaration you mean?         14       contains all of the opinions that I intended to       14       A. I'm sorry, in this declaration.         15       offer for this declaration, but I may end up       15       Q. All right. So turning back to claim one.         16       offer stor take into account new information       19       that are raised by Acceleration Bay or its         18       experts or take into account new information       19       A. Yes.         20       Q. So let me ask it a different way. Does       21       does Exhibit-1 contain all of the opinions that I         21       intend to offer? I mean it contains the opinions       21       for providing a game environment part of the overlay         22       network or the underlying network in regard to your       23       A. Read out the question again.         14       that I have offered. And I'm - and I'm - I'm not       3       give regarding Lin shows a mapping of the         3       without time to - to think about them and form       3       give regarding Lin shows a mapping of the         4       there toay with regard to the 1970 case?       7       some other mapping which maps the underlying network.		-		•
13       And so I can't say with certainty that it it       13       Q. In this declaration you mean?         14       contains all of the opinions that I intended to       14       A. I'm sorry, in this declaration.         15       offer for this declaration, but I may end up       15       Q. All right. So turning back to claim one.         16       Using the Lin reference by itself, you have an       17       opinion that the Lin reference by itself, you have an         17       that are raised by Acceleration Bay or its       18       one of the 344 patent, correct?         19       that becomes available.       19       A. Yes.         20       Q. So let me ask it a different way. Does       20       Q. So is the ansk it a different way. Does         21       does Exhibit-1 contain all of the opinions you       20       network or the underlying network in regard to your         23       A. Does it contain all the opinions that I       20       Q. So is the answer to my question yes, that         2       you - Exhibit-1 contain all of the opinions as you       1       THE WITNESS: Well, with the       1         3       M. DAVIS: Objection. Form.       1       Q. In your opinion with regard to the 1970 case?       1         4       opinions, as you sit here today, with regard to the 1970 case?       1       A. So in the opinion I give that mapping <td></td> <td>-</td> <td></td> <td>-</td>		-		-
14       contains all of the opinions that I intended to       14       A. I'm sorry, in this declaration.         15       offer for this declaration, but I may end up       15       O. All right. So turning back to claim one.         16       offering other opinions to respond to arguments       16       Using the Lin reference by itself, you have an         17       that are raised by Acceleration Bay or its       17       opinion that the Lin reference itself teaches claim         18       experts or take into account new information       19       A. Yes.         20       Q. So let me ask it a different way. Does       20       Q. So in claim one is the computer network         21       intend to offer? I mean it contains the opinions soru       20       Q. So in claim one is the computer network         23       A. Does it contain all the opinions soru       21       opinion regarding Lin by itself?         24       intend to offer? I mean it contains the opinions as you       1       3         15       Q. So is the answer to my question yes, that       1       3         24       that I have offered. And I'm and I'm I'm not       1       1       Greporter read back.)       Page 80         2       you - Exhibit-1 contains all of the opinions as you       1       3       give regarding Lin shows a mapping of the       0				
15       offer for this declaration, but I may end up       15       Q. All right. So turning back to claim one.         16       offering other opinions to respond to arguments       16       Using the Lin reference by itself, you have an         17       that are raised by Acceleration Bay or its       7       opinion that the Lin reference by itself, you have an         18       experts or take into account new information       18       one of the 344 patent, correct?         19       that the tooffer in the 1970 case sitting here toda?       2       0. So in claim one is the computer network         21       intend to offer ? I mean it contains the opinions on the fly       2       network or the underlying network in regard to your         23       A. Does it contain all the opinions on the fly       2       A. Read out the question again.         2       going to try to form any new opinions on the fly       2       THE WITNESS: So the opinion that I         3       without time to to think about them and form       3       give regarding Lin shows a mapping of the         4       them.       5       Q. So is the answer to my question yes, that       5         6       yue - Exhibit-1 contains all of the opinions as you       7       some other mapping which maps the underlying         7       sthere today with regard to the 1970 case?       7       some other mapp	13		13	-
16offering other opinions to respond to arguments16Using the Lin reference by itself, you have an17that are raised by Acceleration Bay or its17opinion that the Lin reference itself teaches claim18experts or take into account new information18one of the 344 patent, correct?19that becomes available.19A. Yes.20O. So let me ask it a different way. Does21does Exhibit-1 contain all of the opinions you21intend to offer in the 1970 case sitting here today?23A. Does it contain all the opinions that I23A. Does it contain all the opinions that I24A. Read out the question again.24intend to offer? I mean it contains the opinions24A. Read out the question again.21that I have offered. And I'm and I'm I'm not24A. Read out the question again.22So is the answer to my question yes, that3give regarding Lin shows a mapping of the3without time to to think about them and form4give regarding Lin shows a mapping of the4them.4some other mapping which maps the underlying5Q. So is the answer to my question yes, that5network, but in the opinion lay the underlying6you Exhibit-1 contains all of the opinions as you7some other mapping which maps the underlying9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play11out. That is my intention at present. <td>14</td> <td>contains all of the opinions that I intended to</td> <td>14</td> <td>A. I'm sorry, in this declaration.</td>	14	contains all of the opinions that I intended to	14	A. I'm sorry, in this declaration.
17that are raised by Acceleration Bay or its18experts or take into account new information19that becomes available.100. So let me ask it a different way. Does11does Exhibit-1 contain all of the opinions you22intend to offer in the 1970 case sitting here today?23A. Does it contain all the opinions that I24intend to offer? I mean it contains the opinions1that I have offered. And I'm and I'm I'm not2going to try to form any new opinions on the fly3without time to to think about them and form4them.5Q. So is the answer to my question yes, that6you Exhibit-1 contains all of the opinions as you7is there today with regard to the 1970 case?8MR. DAVIS: Objection. Form.9THE WITNESS: Well, with the10recognition that what I intend may not play11out. That is my intention at present.12Q. So is the same question with regard to the14opinions, as you sit here today, with regard to the151972 case?16MR. DAVIS: Objection to form.17THE WITNESS: I don't think that was18the same question. Could you read it again?19THE COURT REPORTER: Which one do you20THE COURT REPORTER: Which one do you21MR. HANNAH: They were both exactly22the same.23THE WITNESS: You asked me about24THE WITNESS: You asked me about <td>15</td> <td>offer for this declaration, but I may end up</td> <td>15</td> <td>Q. All right. So turning back to claim one.</td>	15	offer for this declaration, but I may end up	15	Q. All right. So turning back to claim one.
18       experts or take into account new information       18       one of the 344 patent, correct?         19       that becomes available.       19       A. Yes.         20       Q. So let me ask it a different way. Does       21       does Exhibit-1 contain all of the opinions you         21       intend to offer in the 1970 case sitting here today?       21       for providing a game environment part of the overlay         23       A. Does it contain all the opinions that I       23       A. Does it contain all the opinions that I         24       intend to offer? I mean it contains the opinions       Page 78         1       that I have offered. And I'm and I'm I'm not       26         2       going to try to form any new opinions on the fly       3         3       without time to to think about them and form       4         4       them.       5       providing a game environment, which again does         6       Q. So is the answer to my question yes, that       5       providing a game environment, which again does         7       sthere today with regard to the 1970 case?       7       some other mapping which maps the underlying         9       THE WITNESS: Well, with the       9       is from the overlay network.         10       Q. So the same question with regard to the       11		offering other opinions to respond to arguments	16	
19that becomes available.19A. Yes.20Q. So let me ask it a different way. Does20Q. So in claim one is the computer network21does Exhibit-1 contain all of the opinions you21for providing a game environment part of the overlay22intend to offer in the 1970 case sitting here today?23A. Does it contain all the opinions that I23A. Does it contain all the opinions that I23opinion regarding Lin by itself?24intend to offer? I mean it contains the opinions24A. Read out the question again.21that I have offered. And I'm and I'm - I'm not2THE WITNESS: So the opinion that I23give regarding Lin shows a mapping of the44them.3give regarding Lin shows a mapping of the3without time to to think about them and form4overlay network to this computer network for4them.3give regarding Lin shows a mapping of the5Q. So is the answer to my question yes, that6not exclude the possibility that there may be6you Exhibit-1 contains all of the opinions as you7some other mapping which maps the underlying9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question. With regard to the15opin	17		17	-
20Q. So let me ask it a different way. Does20Q. So in claim one is the computer network21does Exhibit-1 contain all of the opinions you21for providing a game environment part of the overlay22intend to offer in the 1970 case sitting here today?22network or the underlying network in regard to your23A. Does it contain all the opinions that I23characterized back.)24intend to offer? I mean it contains the opinions24A. Read out the question again.1that I have offered. And I'm and I'm I'm not2THE WITNESS: So the opinion that I2going to try to form any new opinions on the fly3give regarding Lin shows a mapping of the3without time to to think about them and form3give regarding Lin shows a mapping of the4them.3give regarding Lin shows a mapping of the5Q. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you7some other mapping which maps the underlying8MR. DAVIS: Objection. Form.9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.13A. So in the opinion that I've given and,12Q. So the same question. Could you read it again?14again, in the mapping that I am considering for this151972 case?14Q. Where is that in your decla	18	experts or take into account new information	18	one of the 344 patent, correct?
21does Exhibit-1 contain all of the opinions you21for providing a game environment part of the overlay22intend to offer in the 1970 case sitting here today?23A. Does it contain all the opinions that I2323A. Does it contain all the opinions that I23intend to offer? I mean it contains the opinions2424intend to offer? I mean it contains the opinions24A. Read out the question again.24I that I have offered. And I'm and I'm I'm not2A. Read out the question again.2going to try to form any new opinions on the fly3give regarding Lin shows a mapping of the3without time to to think about them and form3give regarding Lin shows a mapping of the4them.5Does it contains all of the opinions as you55you Exhibit-1 contains all of the opinions as you7some other mapping which maps the underlying8MR. DAVIS: Objection. Form.9THE WITNESS: Well, with the10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.13A. So in the opinion nat I'we given and,14opinions, as you si there today, with regard to the13A. So in the opinion that I'we given and,14opinions, as you si there today, with regard to13A. So in the opinion that I'we given and,151972 case?10Q. In your opinion with regard to Lin by16MR. DAVIS: Objection to form.17A. So	19	that becomes available.	19	A. Yes.
22intend to offer in the 1970 case sitting here today?22network or the underlying network in regard to your23A. Does it contain all the opinions that I24network or the underlying network in regard to your24intend to offer? I mean it contains the opinions24A. Read out the question again.24intend to offer? I mean it contains the opinions24A. Read out the question again.24intend to offer? I mean it contains the opinions24A. Read out the question again.25going to try to form any new opinions on the fly3(Reporter read back.)26going to try to form any new opinions on the fly3if the WITNESS: So the opinion that I3without time to to think about them and form3give regarding Lin shows a mapping of the4them.5D. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you7sthere today with regard to the 1970 case?8network, but in the opinion I give that mapping8MR. DAVIS: Objection. Form.9is from the overlay network.10Q. In your opinion with regard to the10recognition that what I intend may not play11itself is the participant part of the overlay1211out. That is my intention at present.12A. So in the opinion that I've given and,12Q. So the same question. Could you read it again?14again, in the apping that I am considering for this19THE W	20	Q. So let me ask it a different way. Does	20	Q. So in claim one is the computer network
23A. Does it contain all the opinions that I23opinion regarding Lin by itself?24intend to offer? I mean it contains the opinionsPage 78Page 781that I have offered. And I'm and I'm I'm not23THE WITNESS: So the opinion that I2going to try to form any new opinions on the fly3THE WITNESS: So the opinion that I3without time to to think about them and form3give regarding Lin shows a mapping of the4them.3give regarding Lin shows a mapping of the5Q. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you7sit here today with regard to the 1970 case?8MR. DAVIS: Objection. Form.9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to the14again, in the mapping that I am considering for this151972 case?13A. So in the opinion that I've given and,16MR. DAVIS: Objection to form.17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to r	21	does Exhibit-1 contain all of the opinions you	21	for providing a game environment part of the overlay
24Intend to offer? I mean it contains the opinions24A. Read out the question again.1that I have offered. And I'm and I'm I'm not2Generation (Reporter read back.)2going to try to form any new opinions on the fly3THE WITNESS: So the opinion that I3without time to to think about them and form3give regarding Lin shows a mapping of the4them.3give regarding Lin shows a mapping of the5Q. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you6not exclude the possibility that there may be7sit here today with regard to the 1970 case?7some other mapping which maps the underlying8MR. DAVIS: Objection. Form.9recognition that what I intend may not play010out. That is my intention at present.10Q. In your opinion with regard to Lin by11out. That is my intention at present.11A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?0Q. Where is that in your declaration?17THE WITNESS: I don't think that was16Q. Where is that in your declaration?18the same question. Could you read it again?16Q. Where is that in your declaration?	22	intend to offer in the 1970 case sitting here today?	22	network or the underlying network in regard to your
Page 78Page 781that I have offered. And I'm and I'm I'm not1(Reporter read back.)2going to try to form any new opinions on the fly2THE WITNESS: So the opinion that I3without time to to think about them and form3give regarding Lin shows a mapping of the4them.3give regarding Lin shows a mapping of the5Q. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you6not exclude the possibility that there may be7sit here today with regard to the 1970 case?7some other mapping which maps the underlying8MR. DAVIS: Objection. Form.8network, but in the opinion I give that mapping9THE WITNESS: Well, with the9is from the overlay network.10out. That is my intention at present.11itself is the participant part of the overlay11out. That is my intention at present.11A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the p	23	A. Does it contain all the opinions that I	23	opinion regarding Lin by itself?
1that I have offered. And I'm and I'm I'm not1(Reporter read back.)2going to try to form any new opinions on the fly2THE WITNESS: So the opinion that I3without time to to think about them and form3give regarding Lin shows a mapping of the4them.3give regarding Lin shows a mapping of the5Q. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you6not exclude the possibility that there may be7sit here today with regard to the 1970 case?7some other mapping which maps the underlying9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of <t< td=""><td>24</td><td>intend to offer? I mean it contains the opinions</td><td>24</td><td>A. Read out the question again.</td></t<>	24	intend to offer? I mean it contains the opinions	24	A. Read out the question again.
1that I have offered. And I'm and I'm I'm not1(Reporter read back.)2going to try to form any new opinions on the fly2THE WITNESS: So the opinion that I3without time to to think about them and form3give regarding Lin shows a mapping of the4them.3give regarding Lin shows a mapping of the5Q. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you6not exclude the possibility that there may be7sit here today with regard to the 1970 case?7some other mapping which maps the underlying9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of <t< td=""><td></td><td>Page 78</td><td></td><td>Page 80</td></t<>		Page 78		Page 80
3without time to to think about them and form3give regarding Lin shows a mapping of the4them.44them.5Q. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you6not exclude the possibility that there may be7sit here today with regard to the 1970 case?7some other mapping which maps the underlying8MR. DAVIS: Objection. Form.8network, but in the opinion I give that mapping9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to12network or the underlying network?13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and	1		1	
4them.overlay network to this computer network for5Q. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you7sit here today with regard to the 1970 case?7sit here today with regard to the 1970 case?7some other mapping which maps the underlying8MR. DAVIS: Objection. Form.8network, but in the opinion I give that mapping9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to12network or the underlying network?13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as character	2	going to try to form any new opinions on the fly	2	THE WITNESS: So the opinion that I
5Q. So is the answer to my question yes, that5providing a game environment, which again does6you Exhibit-1 contains all of the opinions as you7sit here today with regard to the 1970 case?77sit here today with regard to the 1970 case?7some other mapping which maps the underlying9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to12network or the underlying network?13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that l've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.23Rtwork which incorporates these pr	3	without time to to think about them and form	3	give regarding Lin shows a mapping of the
6you Exhibit-1 contains all of the opinions as you6not exclude the possibility that there may be7sit here today with regard to the 1970 case?7some other mapping which maps the underlying8MR. DAVIS: Objection. Form.8network, but in the opinion I give that mapping9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to12network or the underlying network?13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly22network which incorporates	4	them.	4	overlay network to this computer network for
7sit here today with regard to the 1970 case?7some other mapping which maps the underlying8MR. DAVIS: Objection. Form.8network, but in the opinion I give that mapping9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to12network or the underlying network?13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.23Q. So just to clarify, the participants, in <td>5</td> <td>Q. So is the answer to my question yes, that</td> <td>5</td> <td>providing a game environment, which again does</td>	5	Q. So is the answer to my question yes, that	5	providing a game environment, which again does
8MR. DAVIS: Objection. Form.8network, but in the opinion I give that mapping9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.10Q. In your opinion with regard to Lin by12Q. So the same question with regard to12network or the underlying network?13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.23Q. So just to clarify, the participants, in	6	you Exhibit-1 contains all of the opinions as you	6	not exclude the possibility that there may be
9THE WITNESS: Well, with the9is from the overlay network.10recognition that what I intend may not play10Q. In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to12network or the underlying network?13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read21And as characterized by Lin these processors are21MR. HANNAH: They were both exactly22network and we then create an overlay22the same.23Q. So just to clarify, the participants, in	7	sit here today with regard to the 1970 case?	7	some other mapping which maps the underlying
10recognition that what I intend may not play10Q.In your opinion with regard to Lin by11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to12network or the underlying network?13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.23Q. So just to clarify, the participants, in	8	MR. DAVIS: Objection. Form.	8	network, but in the opinion I give that mapping
11out. That is my intention at present.11itself is the participant part of the overlay12Q. So the same question with regard to11itself is the participant part of the overlay13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the13A. So in the opinion that I've given and,151972 case?14again, in the mapping that I am considering for this16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read21And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	9	THE WITNESS: Well, with the	9	is from the overlay network.
12Q. So the same question with regard to12network or the underlying network?13Exhibit-2. Does Exhibit-2 contain all of the13A. So in the opinion that I've given and,14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read21And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	10	recognition that what I intend may not play	10	Q. In your opinion with regard to Lin by
<ul> <li>13 Exhibit-2. Does Exhibit-2 contain all of the</li> <li>14 opinions, as you sit here today, with regard to the</li> <li>15 1972 case?</li> <li>16 MR. DAVIS: Objection to form.</li> <li>17 THE WITNESS: I don't think that was</li> <li>18 the same question. Could you read it again?</li> <li>19 THE COURT REPORTER: Which one do you</li> <li>20 want me to read? The one he just read</li> <li>21 MR. HANNAH: They were both exactly</li> <li>22 the same.</li> <li>23 THE WITNESS: You asked me about</li> <li>13 A. So in the opinion that I've given and,</li> <li>13 again, in the mapping that I am considering for this</li> <li>14 again, in the mapping that I am considering for this</li> <li>15 opinion, the participants are actually part of both.</li> <li>16 Q. Where is that in your declaration?</li> <li>17 A. Well, in my declaration what I'm thinking</li> <li>18 about as the participants, from the perspective of</li> <li>19 Lin, are the processors and nodes of the network.</li> <li>20 And as characterized by Lin these processors are</li> <li>21 part of a network and we then create an overlay</li> <li>22 network which incorporates these processors.</li> <li>23 THE WITNESS: You asked me about</li> </ul>	11	out. That is my intention at present.	11	itself is the participant part of the overlay
14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?14again, in the mapping that I am considering for this16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	12	Q. So the same question with regard to	12	network or the underlying network?
14opinions, as you sit here today, with regard to the14again, in the mapping that I am considering for this151972 case?15opinion, the participants are actually part of both.16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	13	Exhibit-2. Does Exhibit-2 contain all of the	13	A. So in the opinion that I've given and,
16MR. DAVIS: Objection to form.16Q. Where is that in your declaration?17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	14	opinions, as you sit here today, with regard to the	14	
17THE WITNESS: I don't think that was17A. Well, in my declaration what I'm thinking18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.22network which incorporates these processors.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	15	1972 case?	15	opinion, the participants are actually part of both.
18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.22network which incorporates these processors.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	16	MR. DAVIS: Objection to form.	16	Q. Where is that in your declaration?
18the same question. Could you read it again?18about as the participants, from the perspective of19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.22network which incorporates these processors.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	17	-	17	-
19THE COURT REPORTER: Which one do you19Lin, are the processors and nodes of the network.20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.2223THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	18	the same question. Could you read it again?	18	
20want me to read? The one he just read20And as characterized by Lin these processors are21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.22network which incorporates these processors.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	19	· · · -	19	
21MR. HANNAH: They were both exactly21part of a network and we then create an overlay22the same.22network which incorporates these processors.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in		-		
22the same.22network which incorporates these processors.23THE WITNESS: You asked me about23Q. So just to clarify, the participants, in	20	-		
23 THE WITNESS: You asked me about 23 Q. So just to clarify, the participants, in		MR. HANNAH: They were both exactly	21	
	21			-
	21 22	the same.	22	network which incorporates these processors.
	21 22 23	the same. THE WITNESS: You asked me about	22 23	network which incorporates these processors. Q. So just to clarify, the participants, in

# ESQUIRE S O L U T I O N S

# 800.211.DEPO (3376) EsquireSolutions.com

	TIVISION BLIZZARD vs ACCELERATIC	<b>N</b>	BAY 81–84
1	Page 81 and the underlying network in Lin?	1	Page 83 map to the notion of a game environment for a
2	A. I would say that in the mapping that I am	2	plurality of a computer network for providing a
	considering from Lin to the claims, the entities	2	game environment for a plurality of participants,
	-	4	
	that I am considering to be the participants, which		then so computer network in general as described
	are the processors are happen to be part of both	5	by Shoubridge in his opening paragraph would satisfy
	the overlay and the underlay network.	6	that mapping. As claim one goes on to talk about
7	Q. Turning to Shoubridge and your opinion	7	each participant having connections to at least
-	with Shoubridge by itself, what is the computer	8	three neighbor participants, for that I focus on
9	network for providing a game environment? Is that	9	Shoubridge's disclosure in particular of the torus,
10	part of the overlay network or the underlying	10	which does satisfy that and other claims other
11	network?	11	parts of claim one.
12	A. Also, as we discussed previously,	12	Q. So and I just want to be perfectly
13	Shoubridge doesn't really articulate this framing of	13	clear for the record. We're talking about claim one
14	things in terms of an overlay and an underlay	14	and we're talking about Shoubridge by itself, in
15	network. Shoubridge simply describes a network and	15	your opinion, the only network that we're talking
16	flooding algorithms over that network. And so this	16	about is the torus as described in Shoubridge,
17	is the network that I considered and the	17	correct?
18	participants in that network are the nodes of that	18	A. So in my declaration the network that I
19	network.	19	select in order to show that Shoubridge discloses
20	Q. So the partici in your opinion with	20	these elements of the claim one is the torus network
21	regard to Shoubridge the participants are part of	21	that Shoubridge discloses.
22	the same network as the computer network for	22	Q. Let's look at claim six of the 344 patent,
23	providing a game environment, correct?	23	please. Claim six discusses wherein all the
24	A. Sorry, I need it again.	24	participants are peers. Do you see that?
1	(Peperter read back) Page 82	1	A. I see that.
1	(Reporter read back.) THE WITNESS: In the mapping that I'm	2	
2	considering from Shoubridge to claim one,	2	Q. What's your understanding of peers in the
3		2	contaxt of claim six of the 311 natent?
1		3 ⊿	context of claim six of the 344 patent?
4	Shoubridge has a network which is this torus.	4	MR. DAVIS: Objection to form.
5	Shoubridge has a network which is this torus. Those participants are the nodes of the network	4 5	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers
5 6	Shoubridge has a network which is this torus. Those participants are the nodes of the network and the that torus is the network that we	4 5 6	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally
5 6 7	Shoubridge has a network which is this torus. Those participants are the nodes of the network and the that torus is the network that we are considering.	4 5 6 7	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact
5 6 7 8	<ul><li>Shoubridge has a network which is this torus.</li><li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li><li>Q. And the torus is the computer network for</li></ul>	4 5 6 7 8	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my
5 6 7 8 9	<ul><li>Shoubridge has a network which is this torus.</li><li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li><li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li></ul>	4 5 6 7 8 9	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether
5 6 7 8 9	<ul><li>Shoubridge has a network which is this torus.</li><li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li><li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li><li>A. So not uniquely the torus but rather the</li></ul>	4 5 6 7 8 9	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and
5 6 7 8 9 10 11	<ul><li>Shoubridge has a network which is this torus.</li><li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li><li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li><li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is</li></ul>	4 5 6 7 8 9 10	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I
5 6 7 8 9 10 11 12	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> </ul>	4 5 6 7 8 9 10 11 12	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were.
5 6 7 9 10 11 12 13	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan</li> </ul>	4 5 6 7 8 9 10 11 12 13	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent,
5 7 8 9 10 11 12 13 14	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> </ul>	4 5 6 7 8 9 10 11 12 13 14	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is?
5 6 7 8 9 10 11 12 13 14 15	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form.
5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan grid, but he speaks about networks more generally,</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15 16	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form. THE WITNESS: I have an understanding
5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan grid, but he speaks about networks more generally, and the goal of disseminating information,</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15 16 17	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form. THE WITNESS: I have an understanding of certain things which clearly are peers.
5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan grid, but he speaks about networks more generally, and the goal of disseminating information, delivering information in these networks. He's not</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form. THE WITNESS: I have an understanding of certain things which clearly are peers. Q. In the context of the 344 patent what are
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan grid, but he speaks about networks more generally, and the goal of disseminating information, delivering information in these networks. He's not saying that you can only do this with a torus.</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form. THE WITNESS: I have an understanding of certain things which clearly are peers. Q. In the context of the 344 patent what are they?
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan grid, but he speaks about networks more generally, and the goal of disseminating information, delivering information in these networks. He's not saying that you can only do this with a torus.</li> <li>Q. But in your mapping, in your opinion, to</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form. THE WITNESS: I have an understanding of certain things which clearly are peers. Q. In the context of the 344 patent what are they? A. Well, so, for example, I understand that
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>Shoubridge has a network which is this torus.</li> <li>Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan grid, but he speaks about networks more generally, and the goal of disseminating information, delivering information in these networks. He's not saying that you can only do this with a torus.</li> <li>Q. But in your mapping, in your opinion, to claim one, you're mapping a computer network for</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form. THE WITNESS: I have an understanding of certain things which clearly are peers. Q. In the context of the 344 patent what are they? A. Well, so, for example, I understand that the DirectPlay participants are peers because they
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>Shoubridge has a network which is this torus. Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan grid, but he speaks about networks more generally, and the goal of disseminating information, delivering information in these networks. He's not saying that you can only do this with a torus.</li> <li>Q. But in your mapping, in your opinion, to claim one, you're mapping a computer network for providing a game environment to the torus that's</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form. THE WITNESS: I have an understanding of certain things which clearly are peers. Q. In the context of the 344 patent what are they? A. Well, so, for example, I understand that the DirectPlay participants are peers because they talk about a peer to peer networking system that the
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>Shoubridge has a network which is this torus. Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan grid, but he speaks about networks more generally, and the goal of disseminating information, delivering information in these networks. He's not saying that you can only do this with a torus.</li> <li>Q. But in your mapping, in your opinion, to claim one, you're mapping a computer network for providing a game environment to the torus that's described in Shoubridge, right?</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form. THE WITNESS: I have an understanding of certain things which clearly are peers. Q. In the context of the 344 patent what are they? A. Well, so, for example, I understand that the DirectPlay participants are peers because they talk about a peer to peer networking system that the players could be in and disclose an example in which
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>Shoubridge has a network which is this torus. Those participants are the nodes of the network and the that torus is the network that we are considering.</li> <li>Q. And the torus is the computer network for providing a game environment, in your opinion?</li> <li>A. So not uniquely the torus but rather the communication network in general that Shoubridge is disclosing.</li> <li>Q. Which is the torus, right, the Manhattan grid?</li> <li>A. Well, Shoubridge does disclose a Manhattan grid, but he speaks about networks more generally, and the goal of disseminating information, delivering information in these networks. He's not saying that you can only do this with a torus.</li> <li>Q. But in your mapping, in your opinion, to claim one, you're mapping a computer network for providing a game environment to the torus that's</li> </ul>	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. DAVIS: Objection to form. THE WITNESS: Well, once again, peers is not a term that I was asked to formally define or form an opinion on in any exact boundaries of what makes a peer. So my opinions for this case were focused on whether the participants that I mapped from Lin and Shoubridge and DirectPlay were peers. And I found that, in all cases, they were. Q. So in just the context of the 344 patent, do you have any understanding of what a peer is? MR. DAVIS: Objection to form. THE WITNESS: I have an understanding of certain things which clearly are peers. Q. In the context of the 344 patent what are they? A. Well, so, for example, I understand that the DirectPlay participants are peers because they talk about a peer to peer networking system that the

# ESQUIRE SOLUTIONS

# 800.211.DEPO (3376) EsquireSolutions.com

<ul> <li>Fage 83</li> <li>similarly understand that the nodes in Shoubridge</li> <li>are peers. And in a similar way I understand that</li> <li>the nodes in Lin are peers.</li> <li>A. Yes.</li> <li>A. Yes.</li> <li>Q. What understanding of peer did you apply</li> <li>a struk that.</li> <li>b should say?</li> <li>G. No Cori, my question was focused on the</li> <li>So - I</li> <li>b should say?</li> <li>G. No Cori, my question in forming your opinions. I</li> <li>g should say?</li> <li>G. How about - looking at claim nine, how about a</li> <li>for - I didn't - I wasn't asked to consider</li> <li>the A The question again of the safe patent in light of this prior</li> <li>consider the 344 patent in light of this prior</li> <li>consider the 344 patent in light of this prior</li> <li>att. And so I formed my opinions regarding</li> <li>peers I fight of this prior at an dwhetter - 18</li> <li>fight of this prior at an dwhetter - 18</li> <li>the definition of peers.</li> <li>Q. So what is the definition of a peer in the 24 patent?</li> <li>A. Joon't recall whether the 344 provided a</li> <li>definition. Vasa saked to point at number or prior at a dwhetter - 18</li> <li>the definition of peers.</li> <li>Q. So what is the definition of a peer in the 24 patent?</li> <li>A. Joon't recall whether the 344 provided a</li> <li>definition. Vasa saked to apper in the 24 ad patent?</li> <li>that that basis. I would this prior at a dwhetter at per means.</li> <li>definition. Vasa saked to apper in the 24 ad patent?</li> <li>the definition of a peers.</li> <li>a person of ordinary skill would have</li> <li>definition. Vasi asked to row opinion for the basis for your opinion for a modewhet apper means in your minion for the basis for your opinion for the sate peers.</li> <li>a definition or a nuderstanding of a computer host at definition or a tranket apeer means in your minion for a process.</li></ul>	1similarly understand that the nodes in Shoubridge1patent in order to render an opinion in this case?2are peers. And in a similar way I understand that2A. Again, I didn't need to define the exact3the nodes in Lin are peers.3boundaries of what made a peer to peer connect4Q. So, Doctor, my question was focused on the5order to determine that the prior art mappings5344 patent, not in reference to the prior art.6order to determine that the prior art mappings6A. Yes.6connections.7Q. What understanding of peer did you apply7Q. How about looking at claim ten8in your opinion in forming your opinions, I9Looking at claim nine, how about a9should say?9Looking at claim nine, how about a10A. So10process executing on a computer? Did you con11MR. DAVIS: Objection. Form.11with an understanding or a definition of a proces12THE WITNESS: Again, my my goal was12executing on a computer when forming your opinion13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	? tion in me up ss
2       are peers. And in a similar way I understand that       2       A. Again, I didn't need to define the exact         3       the nodes in Lin are peers.       3       boundaries of what made a peer to peer connection in         4       Q. So, Doctor, my question was focused on the       3       boundaries of what made a peer to peer         6       A. Yes.       7       Q. What understanding of peer did you apply         7       Q. What understanding of peer did you apply       in your opinion in forming your opinions, I       9       boundaries of what made a peer to peer         7       Q. What understanding of peer did you apply       in your opinion in forming your opinions, I       9       boundaries of what media a peer to peer         7       Q. What understanding of peer did you apply       in your opinion       1       boundaries of what made a peer to peer         8       Ithe didn't - I wash tasked to consider       14       A. The question again?         16       that Ad patent in light of this prior art fulfilled the claims by looking       10       required or requested to come up with a         17       peers in light of this prior art fulfilled the claims by looking       10       required or having a process executing on         20       at whether these elements of the prior art fulfilled the claim systi.       required or having a process executing on	2are peers. And in a similar way I understand that2A. Again, I didn't need to define the exact3the nodes in Lin are peers.3boundaries of what made a peer to peer connect4Q. So, Doctor, my question was focused on the5boundaries of what made a peer to peer connect5344 patent, not in reference to the prior art.6A. Yes.6A. Yes.5provided things that clearly were peer to peer7Q. What understanding of peer did you apply7Q. How about looking at claim ten8in your opinion in forming your opinions, I9Looking at claim nine, how about a9should say?9Looking at claim nine, how about a10A. So10process executing on a computer? Did you con11MR. DAVIS: Objection. Form.11with an understanding or a definition of a proces12THE WITNESS: Again, my my goal was12executing on a computer when forming your opini13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	tion in me up ss
4       Oxector, my question was focused on the 5       4       order to determine that the prior art mappings         5       344 patent, not in reference to the prior art.       6       connections.         7       Q. What understanding of peer did you apply       5       provided things that clearly were peer to peer         8       a. Yes.       7       Q. How about looking at claim then       8         9       stoket that.       9       Looking at claim nine, how about a         10       A. So       10       process executing on a computer when forming your opinion         11       MR. DAVIS: Objection. Form.       11       with regard to the 344 patent?         12       THE WITNESS: Again, my my goal was       12       executing on a computer when forming your opinion         13       toI didn't I wasn't asked to consider       13       with regard to the 344 patent?       14       A. The question again?         14       the 344 patent in isolation. I was asked to       14       A. The question again?       16       THE WITNESS: So, once again, I wasn't         17       required or requested to come up with a       definition of a process.       18       definition of a process executed on a         16       the definition of peers I'm sorry, fit the       20       paragraph 136 or my declaration, Lowit	4Q. So, Doctor, my question was focused on the 5344 patent, not in reference to the prior art.4order to determine that the prior art mappings5344 patent, not in reference to the prior art.5provided things that clearly were peer to peer6A. Yes.6connections.7Q. What understanding of peer did you apply7Q. How about looking at claim ten8in your opinion in forming your opinions, I9Looking at claim nine, how about a9should say?9Looking at claim nine, how about a10A. So10process executing on a computer? Did you con11MR. DAVIS: Objection. Form.11with an understanding or a definition of a proces12THE WITNESS: Again, my my goal was12executing on a computer when forming your opini13to I didn't I wasn't asked to consider14A. The question again?14the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	me up ss
4       Oxector, my question was focused on the 5       4       order to determine that the prior art mappings         5       344 patent, not in reference to the prior art.       6       connections.         7       Q. What understanding of peer did you apply       5       provided things that clearly were peer to peer         8       a. Yes.       7       Q. How about looking at claim then       8         9       stoket that.       9       Looking at claim nine, how about a         10       A. So       10       process executing on a computer when forming your opinion         11       MR. DAVIS: Objection. Form.       11       with regard to the 344 patent?         12       THE WITNESS: Again, my my goal was       12       executing on a computer when forming your opinion         13       toI didn't I wasn't asked to consider       13       with regard to the 344 patent?       14       A. The question again?         14       the 344 patent in isolation. I was asked to       14       A. The question again?       16       THE WITNESS: So, once again, I wasn't         17       required or requested to come up with a       definition of a process.       18       definition of a process executed on a         16       the definition of peers I'm sorry, fit the       20       paragraph 136 or my declaration, Lowit	4Q. So, Doctor, my question was focused on the 5344 patent, not in reference to the prior art.4order to determine that the prior art mappings5344 patent, not in reference to the prior art.5provided things that clearly were peer to peer6A. Yes.6connections.7Q. What understanding of peer did you apply7Q. How about looking at claim ten8in your opinion in forming your opinions, I9Looking at claim nine, how about a9should say?9Looking at claim nine, how about a10A. So10process executing on a computer? Did you con11MR. DAVIS: Objection. Form.11with an understanding or a definition of a proces12THE WITNESS: Again, my my goal was12executing on a computer when forming your opini13to I didn't I wasn't asked to consider14A. The question again?14the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	me up ss
5       344 patent, not in reference to the prior art.       5       provided things that clearly were peer to peer         6       A. Yes.       7       Q. What understanding of peer did you apply         8       in your opinion in forming your opinions, I       9       Strike that.         9       should say?       9       Looking at claim tine, how about a         10       A. So       10       process executing on a computer? Did you come up         11       the 344 patent in isolation. I was asked to       13       with regard to the 344 patent?         14       the 344 patent in light of this prior       15       (Reporter read back.)         16       art. And so I formed my opinions about whether       18       Iffermed my opinions about whether         18       I'm sorry, Iformed my opinions about whether       18       definition of a process.       Iwas aske to         19       the prior art fulfilled the definition of a peer in the       20       this diea of having a process executed on a         21       concept of being peers.       concept of being peers.       concept of being peers.       computer. And if, for example, you look at         23       O. So what is the definition of a peer in the       24       at the definition - without me having a process executing on a computer bast definition or a understanding of a computer host at<	<ul> <li>5 344 patent, not in reference to the prior art.</li> <li>6 A. Yes.</li> <li>7 Q. What understanding of peer did you apply</li> <li>8 in your opinion in forming your opinions, I</li> <li>9 should say?</li> <li>10 A. So</li> <li>11 MR. DAVIS: Objection. Form.</li> <li>12 THE WITNESS: Again, my my goal was</li> <li>13 to I didn't I wasn't asked to consider</li> <li>14 the 344 patent in isolation. I was asked to</li> <li>15 consider the 344 patent in light of this prior</li> <li>16 art. And so I formed my opinions regarding</li> <li>5 provided things that clearly were peer to peer</li> <li>6 connections.</li> <li>7 Q. How about looking at claim ten</li> <li>8 strike that.</li> <li>9 Looking at claim nine, how about a</li> <li>10 process executing on a computer? Did you con</li> <li>11 MR. DAVIS: Objection. Form.</li> <li>12 THE WITNESS: Again, my my goal was</li> <li>13 to I didn't I wasn't asked to consider</li> <li>14 A. The question again?</li> <li>15 consider the 344 patent in light of this prior</li> <li>16 art. And so I formed my opinions regarding</li> </ul>	SS
6       A. Yes,       6       connections.         7       Q. What understanding of peer did you apply       in your opinion – in forming your opinions, I       9         9       should say?       2. How about – looking at claim ten –.         10       A. So –.       10         11       MR. DAVIS: Objection. Form.       10       process executing on a computer? Did you come up         12       THE WITNESS: Again, my – my goal was       10       process executing on a computer when forming your opinion         13       to – I din't – I wasn't asked to consider       13       with an understanding or a definition of a process         14       th 44 patent in isptior at rad whether –.       16       THE WITNESS: So, once again, I wasn't         16       art. And so I formed my opinions about whether       18       definition of a process. I was asked to         19       the definition of peers I'm sorry, fit the       20       So what is the definition of a peer in the         23       Q. So what is the definition of a peer in the       24       444 patent?         24       A. I don't recall whether the 344 protropinind?       4       the computer. This provides sort of evidence a that the prior art fut at that would hink that you would have to a process.       1         2       Q. So what is the definititon of a peer in the a looning?       1	<ul> <li>6 A. Yes.</li> <li>7 Q. What understanding of peer did you apply</li> <li>8 in your opinion in forming your opinions, I</li> <li>9 should say?</li> <li>10 A. So</li> <li>11 MR. DAVIS: Objection. Form.</li> <li>12 THE WITNESS: Again, my my goal was</li> <li>13 to I didn't I wasn't asked to consider</li> <li>14 the 344 patent in isolation. I was asked to</li> <li>15 consider the 344 patent in light of this prior</li> <li>16 art. And so I formed my opinions regarding</li> <li>6 connections.</li> <li>7 Q. How about looking at claim ten</li> <li>8 strike that.</li> <li>9 Looking at claim nine, how about a</li> <li>10 process executing on a computer? Did you con</li> <li>11 MR. DAVIS: Objection. Form.</li> <li>12 THE WITNESS: Again, my my goal was</li> <li>13 to I didn't I wasn't asked to consider</li> <li>14 A. The question again?</li> <li>15 (Reporter read back.)</li> <li>16 THE WITNESS: So, once again, I was</li> </ul>	SS
7       Q. What understanding of peer did you apply       7       Q. How about looking at claim ten         8       in your opinion in forming your opinions, I       9       Looking at claim nine, how about a         10       A. So       10       Daking at claim nine, how about a         10       A. So       10       process executing on a computer? Did you come up         11       MR. DAVIS: Objection. Form.       11       with an understanding or a definition of a process.         12       THE WITNESS: Again, my my goal was       13       with regard to the 344 patent?         14       the 344 patent in isolation. 1 was asked to       14       A. The question again?         15       consider the 344 patent in light of this prior       15       (Reporter read back.)         16       THE WITNESS: So, once again, 1 wasn't       17       required or requested to come up with a         18       If morry, 1 formed my opinions about whether       18       definition of a process. I was asked to         19       the definition of peers I'm sorry, fit the       20       computer. And if, for example, you look at         21       concept of being peer, and in forming       24       page 88         22       A. I don't recall whether the 344 provided a       2         23       A. No, I want to	7Q. What understanding of peer did you apply 8 in your opinion in forming your opinions, I 9 should say?7Q. How about looking at claim ten 8 strike that.9should say?9Looking at claim nine, how about a10A. So10process executing on a computer? Did you com11MR. DAVIS: Objection. Form.11with an understanding or a definition of a proces12THE WITNESS: Again, my my goal was12executing on a computer when forming your opining13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	SS
8       in your opinion in forming your opinions, I       9       strike that.         9       should say?       1       Looking at claim nine, how about a         10       A. So       1       Process executing on a computer? Did you come up         11       MR. DAVIS: Objection. Form.       12       executing on a computer when forming your opinion         12       THE WITNESS: Again, my my goal was       13       with an understanding or a definition of a process         13       to I dim't I wasn't asked to consider       13       with regard to the 344 patent?         14       the 344 patent in isolation. I was asked to       13       with regard to the 344 patent?         16       art. And so I formed my opinions regarding       16       THE WITNESS: So, once again, I wasn't         17       required or requested to come up with a       18       definition of a process. I was asked to         19       the definition of peers I'm sorry, fit the       20       computer. And if, for example, you look at         22       concept of being peers.       22       computer. This provides sort of evidence         23       Q. So what is the definition of a peer in the       21       computer. This provides sort of evidence         24       44 patent?       22       concep with a formal definition without me having </td <td>8in your opinion in forming your opinions, I9strike that.9should say?9Looking at claim nine, how about a10A. So10process executing on a computer? Did you com11MR. DAVIS: Objection. Form.11with an understanding or a definition of a process12THE WITNESS: Again, my my goal was12executing on a computer when forming your opinions13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was</td> <td>SS</td>	8in your opinion in forming your opinions, I9strike that.9should say?9Looking at claim nine, how about a10A. So10process executing on a computer? Did you com11MR. DAVIS: Objection. Form.11with an understanding or a definition of a process12THE WITNESS: Again, my my goal was12executing on a computer when forming your opinions13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	SS
9       should say?       9       Looking at claim nine, how about a         10       A. So       10       process executing on a computer?       Did you come up         11       MR. DAVIS: Objection. Form.       10       process executing on a computer when forming your opinion         12       THE WITNESS: Again, my my goal was       13       with an understanding or a definition of a process         12       THE WITNESS: Again, my my goal was       13       with regard to the 344 patent?         14       the 344 patent in isight of this prior       13       with regard to the 344 patent?         15       consider the 344 patent in solut of this prior       14       A. The question again?         16       art. And so I formed my opinions about whether -       16       THE WITNESS: So, once again, I wasn't         16       the definition of percess I'm sorry, fit the       20       a definition of percess executed on a         20       at whether these elements of the prior art fit.       21       concept of being peers.       22         21       acos what is the definition of a peer in the       23       a parson of ordinary skill would have         22       definition. Would you like to point me to one to       2       that that would have been understood without         3       lok at or should 1 go hunting?	9should say?9Looking at claim nine, how about a10A. So10process executing on a computer? Did you com11MR. DAVIS: Objection. Form.11with an understanding or a definition of a process12THE WITNESS: Again, my my goal was12executing on a computer when forming your opi13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	SS
10       A. So       10       process executing on a computer? Did you come up         11       MR. DAVIS: Objection. Form.       11       with an understanding or a definition of a process         12       THE WITNESS: Again, my my goal was       12       executing on a computer when forming your opinion         12       the 344 patent in isolation. I was asked to       13       with regard to the 344 patent?         14       the 344 patent in isolation. I was asked to       14       A. The question again?         15       consider the 344 patent in light of this prior       16       THE WITNESS: So, once again, I wasn't         17       peers in light of this prior att and whether       17       required or requested to come up with a         18       Irm sorry, I formed my opinions about whether       19       definition of a process executed on a         19       at whether these elements of the prior art full       10       paragraph 136 of my declaration, I outline why         20       So what is the definition of a peer in the       24       344 patent?       Page 86         1       A. I don't recall whether the 344 provided a       2       1       the computer. This provides sort of evidence         21       A. I don't recall whether the basis for your       3       a person of ordinary skill would have       2	10A. So10process executing on a computer? Did you com11MR. DAVIS: Objection. Form.11with an understanding or a definition of a process12THE WITNESS: Again, my my goal was12executing on a computer when forming your opi13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	SS
11       MR. DAVIS: Objection. Form.       11       with an understanding or a definition of a process         12       THE WITNESS: Again, my - my goal was       12       executing on a computer when forming your opinion         13       toI didn't I wasn't asked to consider       13       with an understanding or a definition of a process         14       the 344 patent in light of this prior       accounce of the 344 patent in light of this prior       14       A. The question again?         15       consider the 344 patent in light of this prior       15       (Reporter read back.)         16       art. And so I formed my opinions about whether       18       definition of a process. I was asked to         19       the definition of peers I'm sory, fit the       20       a the definition of a peer in the       21       computer. And if, for example, you look at         21       Concept of being peers.       20       So what is the definition of a peer in the       21       the computer. This provides sort of evidence         22       0. No, I want to know what the basis for your       5       page 88       1       the computer. This provides sort of evidence         24       44 patent?       24       the definition of a peer, and in forming       7       a definition or an understanding of a computer host         3       look at or should 1go humting?	11MR. DAVIS: Objection. Form.11with an understanding or a definition of a proces12THE WITNESS: Again, my my goal was12executing on a computer when forming your opi13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	SS
12       THE WITNESS: Again, my my goal was       12       executing on a computer when forming your opinion         13       toI didn'tI wasn't asked to consider       13       with regard to the 344 patent?         14       the 344 patent in light of this prior       15       consider the 344 patent in light of this prior         16       art. And so I formed my opinions regarding       16       THE WITNESS: So, once again, I wasn't         17       peers in light of this prior art and whether       18       (Reporter read back.)         18       I'm sorry, I formed my opinions about whether       19       determine whether the prior art would disclose         20       at whether these elements of the prior art fit       21       concept of being peers.       22         23       Q. So what is the definition of a peer in the       24       paragraph 136 of my declaration, I outline why         24       a person of ordinary skill would have       24       understood that there is a process executed on a         2       paragraph 136 of my declaration, I outline why       a person of ordinary skill would have         24       A. I don't recall whether the 344 provided a       1       the computer. This provides sot of evidence         3       definition.       Would you like to point me to one to       3       look at or should tink that you would have	12THE WITNESS: Again, my my goal was12executing on a computer when forming your opinities13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	
13toI didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to15consider the 344 patent in light of this prior15consider the 344 patent in light of this prior16A. The question again?16art. And so I formed my opinions regarding17Feedback.)17peers in light of this prior art and whether18(Reporter read back.)18I'm sorry, I formed my opinions about whether19the prior art fulfilled the claims by looking20at whether these elements of the prior art fit18definition of a process. I was asked to21the definition of peers I'm sorry, fit the20this idea of having a process executed on a22concept of being peers.20a person of ordinary skill would have23Q. So what is the definition of a peer in the2424344 patent?Page 86124344 patent?Page 861A. I don't recall whether the 344 provided a2definition.With regard to the 344 patent in rendering your3look at or should 1 go hunting?4Q. No, I want to know what the basis for your5opinion is. So what was the basis for your6that the prior art contained a peer, and in forming7A. Well, as we discussed before, peer is10another example of a term which is widely used in11manty contexts, by many people and not everybody12necessarily people don't	13to I didn't I wasn't asked to consider13with regard to the 344 patent?14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	
14the 344 patent in isolation. I was asked to consider the 344 patent in light of this prior art. And so I formed my opinions regarding 1714A. The question again? (Reporter read back.)16art. And so I formed my opinions regarding 1716THE WITNESS: So, once again, I wasn't required or requested to come up with a 	14the 344 patent in isolation. I was asked to14A. The question again?15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	
15consider the 344 patent in light of this prior art. And so I formed my opinions regarding peers in light of this prior art and whether 11 m sorry, I formed my opinions about whether 1915(Reporter read back.)17peers in light of this prior art and whether 11 m sorry, I formed my opinions about whether 1916THE WITNESS: So, once again, I wasn't required or requested to come up with a definition of a process. I was asked to 1920at whether these elements of the prior art fit 21 22 23Concept of being peers. 2320at whether these elements of the prior art fit 2424344 patent?21computer. And if, for example, you look at 2423Q. So what is the definition of a peer in the 242424344 patent?2325Q. So what is the definition of a peer in the 2424261A. I don't recall whether the 344 provided a 241526A. I don't recall whether the 344 provided a 24163look at or should I go hunting?244Q. No, I want to know what the basis for your 555opinion is. So what was the basis for your 556A. Lidon't recall and the the your contained a peer, and in forming 77A. Well, as we discussed before, peer is 81010and her example of a term which is widely used in 111111many contexts, by many people and not everybody 121212mean the same thing when they talk about a peer. 131213	15consider the 344 patent in light of this prior15(Reporter read back.)16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	
16art. And so I formed my opinions regarding peers in light of this prior art and whether I'm sorry, I formed my opinions about whether 1916THE WITNESS: So, once again, I wasn't required or requested to come up with a 1817peers in light of this prior art and whether 1817required or requested to come up with a 1818it mostry, I formed my opinions about whether 1918definition of a process. I was asked to definition of a process executed on a 2020at whether these elements of the prior art fit 2122this idea of having a process executed on a 2123Q. So what is the definition of a peer in the 2424a person of ordinary skill would have 2323Q. So what is the definition of a peer in the 2424a person of ordinary skill would have 2424a definition. Would you like to point me to one to 3 look at or should I go hunting? 4Page 8611the prior art contained a peer, and in forming 7 that basis, I would think that you would have to 8 define what a peer means in your mind?6Q. Looking at claim ten, did you come up with 7 a definition.2necessarily people don't necessarily mean all 7 describe in DirectPlay and those described in I 16 the at would understand that the participants 17 describe in DirectPlay and those described in I 17 edescribed in DirectPlay and those described in a in Shoubridge were peers.1020A. Sagai, I didn't need a definition.20MR. DAVIS: Objection, Form.21in order to make that determinnation.21MR. DAVIS: Objection, Form. <t< td=""><td>16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was</td><td></td></t<>	16art. And so I formed my opinions regarding16THE WITNESS: So, once again, I was	
17peers in light of this prior art and whether		sn't
18       I'm sorry, I formed my opinions about whether         19       the prior art fulfilled the claims by looking         20       at whether these elements of the prior art fit         21       the definition of peers I'm sorry, fit the         22       concept of being peers.         23       Q. So what is the definition of a peer in the         24       344 patent?         24       344 patent?         26       1         27       A. I don't recall whether the 344 provided a         28       definition. Would you like to point me to one to         3       look at or should I go hunting?         4       Q. No, I want to know what the basis for your opinion         5       opinion is. So what was the basis for your opinion         6       definition or an understanding of a computer have under         7       a definition or an understanding of a computer host         8       het the prior art contained a peer, and in forming         7       a definition or an understanding of a computer host         8       in the context of the 344 patent in rendering your         9       A. Well, as we discussed before, peer is         10       many contexts, by many people and not everybody         11       mean the same thing when they talk about a peer. <td></td> <td></td>		
19the prior art fulfilled the claims by looking at whether these elements of the prior art fit the definition of peers I'm sorry, fit the concept of being peers.19determine whether the prior art would disclose this idea of having a process executed on a computer. And if, for example, you look at paragraph 136 of my declaration, I outline why a person of ordinary skill would have understood that there is a process executing on23Q. So what is the definition of a peer in the 2424paragraph 136 of my declaration, I outline why a person of ordinary skill would have understood that there is a process executing on24344 patent?Page 86 1Page 86 1244definition. Would you like to point me to one to 3 look at or should 1g o hunting? 4Q. No, I want to know what the basis for your 5 opinion is. So what was the basis for your opinion 6 that the prior art contained a peer, and in forming 71the computer. This provides sort of evidence 2 that that would have been understood without 3 going a formal definition without me having 4 to come up with a formal definition of a 5 process.93A. Well, as we discussed before, peer is 10a definition.14Meen example of a term which is widely used in 11 mean the same thing when they talk about a peer. 141414However, it was my opinion looking at this prior 15 art, that your canonical person of ordinary skill in 16 the art would understand that the participants 17 described in DirectPlay and those described in Lin 18 and in Shoubridge were peers.119Q. Based on what definition of 20A. Again, I didn	18 I'm sorry I formed my opinions about whether 18 definition of a process. I was asked to	
20at whether these elements of the prior art fit20this idea of having a process executed on a21the definition of peers I'm sorry, fit the21concept of being peers.23Q. So what is the definition of a peer in the22paragraph 136 of my declaration, I outline why23a person of ordinary skill would have2324344 patent?24understood that there is a process executing on24344 patent?24understood that there is a process executing on25definition. Would you like to point me to one to3 look at or should 1 go hunting?4Q. No, I want to know what the basis for your opinion3 giving a formal definition without me having5opinion is. So what was the basis for your opinion5 process.6Q. Looking at claim ten, did you come up with a formal definition.7hat basis, I would think that you would have to8define what a peer means in your mind?9A. Well, as we discussed before, peer is10another example of a term which is widely used in11many contexts, by many people and not everybody12necessarily people don't necessarily mean all13mean the same thing when they talk about a peer.14However, it was my opinion looking at this prior15art, that your canonical person of ordinary skill16the art would understand that the participants17described in DirectPlay and those described in Lin18and in Shoubridge were peers.20<		20
21the definition of peers I'm sorry, fit the 2221computer. And if, for example, you look at 2223Q. So what is the definition of a peer in the 24344 patent?22paragraph 136 of my declaration, I outline why a person of ordinary skill would have understood that there is a process executing on24344 patent?23a person of ordinary skill would have understood that there is a process executing on24344 patent?2424344 patent?242526Page 86 11A. I don't recall whether the 344 provided a 2 definition. Would you like to point me to one to 3 look at or should 1 go hunting?14Q. No, I want to know what the basis for your opinion is. So what was the basis for your opinion 6 that the prior art contained a peer, and in forming?17that basis, I would think that you would have to 8 define what a peer means in your mind?69A. Well, as we discussed before, peer is 10 another example of a term which is widely used in 11 many contexts, by many people and not everybody 12 necessarily people don't necessarily mean all 13 mean the same thing when they talk about a peer. 1412Q. Soy ou didn't come up with one?13mean the same thing when they talk about a peer. 1414MR. DAVIS: Objection to form.14However, it was my opinion looking at this prior 1514THE WITNESS: Oracet, I didn't opine 1616the art would understand that the participants 1720A. Again, I didn't need a definition of peer 2116Q. Based on w		30
22concept of being peers.22paragraph 136 of my declaration, I outline why a person of ordinary skill would have understood that there is a process executing on23Q. So what is the definition of a peer in the 2424a person of ordinary skill would have understood that there is a process executing on24344 patent?Page 86 1A. I don't recall whether the 344 provided a 2 definition. Would you like to point me to one to 1 look at or should I go hunting?Page 86 24Q. No, I want to know what the basis for your 5 opinion is. So what was the basis for your opinion 6 that the prior art contained a peer, and in forming 7 that basis, I would think that you would have to 8 define what a peer means in your mind?G. Looking at claim ten, did you come up with 7 a definition -9A. Well, as we discussed before, peer is 10 another example of a term which is widely used in 11 many contexts, by many people and not everybody 12 necessarily people don't necessarily mean all 13 mean the same thing when they talk about a peer.Q. So you didn't come up with one?14However, it was my opinion looking at this prior 15 art, that your canonical person of ordinary skill in 16 the art would understand that the participants 17 described in DirectPlay and those described in Lin 18 and in Shoubridge were peers.1019Q. How about peer to peer connection as in 22Q. How about peer to peer connection as in 232224Q. How about peer to peer connection as in 23Q. How about peer to peer connection as in 2425MR. DAVIS: Objection. Form. 232324MR. DAVIS: Objection. Form. 		
23Q. So what is the definition of a peer in the 2423a person of ordinary skill would have understood that there is a process executing on24344 patent?24understood that there is a process executing on24344 patent?24understood that there is a process executing on24344 patent?24understood that there is a process executing on25344 patent?24the computer. This provides sort of evidence that that would have been understood without giving a formal definition without me having to come up with a formal definition of a process.31A. Want to know what the basis for your opinion is. So what was the basis for your opinion to approxemation of a sper, and in forming that basis, I would think that you would have to 81the computer. This provides sort of evidence that that would have been understood without giving a formal definition of a to come up with a formal definition.3a person of ordinary skill in that basis, I would think that you would have to 814A. Well, as we discussed before, peer is a mach the same thing when they talk about a peer. the wower, it was my opinion looking at this prior <br< td=""><td></td><td>hv</td></br<>		hv
24344 patent?24understood that there is a process executing onPage 86Page 861A. I don't recall whether the 344 provided a1the computer. This provides sort of evidence2definition. Would you like to point me to one to3giving a formal definition without me having4Q. No, I want to know what the basis for your3giving a formal definition without me having5opinion is. So what was the basis for your opinion5process.6that the prior art contained a peer, and in forming7ta basis, I would think that you would have to7that basis, I would think that you would have to8definition or an understanding of a computer host8define what a peer means in your mind?9A. Well, as we discussed before, peer is9another example of a term which is widely used in11the context of the 344 patent in rendering your12necessarily people don't necessarily mean all12Q. So you didn't come up with one?13mean the same thing when they talk about a peer.14THE WITNESS: Correct, I didn't opine14However, it was my opinion looking at this prior15on what that term means.16Q. Based on what definition?16Q. How about peer to peer connection as in17described in DirectPlay and those described in Lin18and in Shoubridge were peers.19Q. How about peer to peer connection as in22MR. DAVIS: Objection. Form.22Q. How about peer to peer connection a		пу
Page 86Page 861A. I don't recall whether the 344 provided a1the computer. This provides sort of evidence2definition. Would you like to point me to one to3ithe computer. This provides sort of evidence3look at or should I go hunting?3giving a formal definition without me having4Q. No, I want to know what the basis for your3giving a formal definition without me having4Q. No, I want to know what the basis for your opinion5process.6that the prior art contained a peer, and in forming7that basis, I would think that you would have to7that basis, I would think that you would have to6Q. Looking at claim ten, did you come up with8definition or an understanding of a computer host8in the context of the 344 patent in rendering your9A. Well, as we discussed before, peer is10A. I wasn't asked to come up with such a11many contexts, by many people and not everybody10A. I wasn't asked to come up with one?12necessarily people don't necessarily mean all12Q. So you didn't come up with one?13mean the same thing when they talk about a peer.14THE WITNESS: Correct, I didn't opine14the art would understand that the participants16Q. How about looking at this prior15art, that your canonical person of ordinary skill in15on what that term means.16the art would understand that the participants16Q. How about looking at claim 12, the phrase<		
1A. I don't recall whether the 344 provided a2definition. Would you like to point me to one to3look at or should I go hunting?4Q. No, I want to know what the basis for your5opinion is. So what was the basis for your opinion6that the prior art contained a peer, and in forming7that basis, I would think that you would have to8define what a peer means in your mind?9A. Well, as we discussed before, peer is10another example of a term which is widely used in11many contexts, by many people and not everybody12Q. So you didn't come up with one?13mean the same thing when they talk about a peer.14However, it was my opinion looking at this prior15art, that your canonical person of ordinary skill in16the art would understand that the participants17described in DirectPlay and those described in Lin18and in Shoubridge were peers.20A. Again, I didn't need a definition of peer21in order to make that determination.22Q. How about peer to peer connection as in23Claim seven, did you need to have a definition of24A. How about peer to peer connection as in23Claim seven, did you need to have a definition of	24 344 patent? 24 understood that there is a process executing	<b>J</b> 011
2definition. Would you like to point me to one to3look at or should I go hunting?4Q. No, I want to know what the basis for your5opinion is. So what was the basis for your opinion6that the prior art contained a peer, and in forming7that basis, I would think that you would have to8define what a peer means in your mind?9A. Well, as we discussed before, peer is10another example of a term which is widely used in11many contexts, by many people and not everybody12necessarily people don't necessarily mean all13mean the same thing when they talk about a peer.14However, it was my opinion looking at this prior15art, that your canonical person of ordinary skill16the art would understand that the participants16the art would understand that the participants17Q. Based on what definition?20A. Again, I didn't need a definition of peer21in order to make that determination.22Q. How about peer to peer connection as in23Claim seven, did you need to have a definition of24Me wabout peer to peer connection as in25A. Again, I didn't need a definition of26A. Again, I didn't need a definition of27Q. How about peer to peer connection as in28Q. How about peer to peer connection as in29Q. How about peer to peer connection as in20A. Magain, I didn't need a definition of21 <t< td=""><td></td><td></td></t<>		
<ul> <li>3 look at or should I go hunting?</li> <li>4 Q. No, I want to know what the basis for your</li> <li>5 opinion is. So what was the basis for your opinion</li> <li>6 that the prior art contained a peer, and in forming</li> <li>7 that basis, I would think that you would have to</li> <li>8 define what a peer means in your mind?</li> <li>9 A. Well, as we discussed before, peer is</li> <li>10 another example of a term which is widely used in</li> <li>11 many contexts, by many people and not everybody</li> <li>12 necessarily people don't necessarily mean all</li> <li>13 mean the same thing when they talk about a peer.</li> <li>14 However, it was my opinion looking at this prior</li> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 Claim seven, did you need to have a definition of</li> </ul>		
<ul> <li>4 Q. No, I want to know what the basis for your</li> <li>5 opinion is. So what was the basis for your opinion</li> <li>6 that the prior art contained a peer, and in forming</li> <li>7 that basis, I would think that you would have to</li> <li>8 define what a peer means in your mind?</li> <li>9 A. Well, as we discussed before, peer is</li> <li>10 another example of a term which is widely used in</li> <li>11 many contexts, by many people and not everybody</li> <li>12 necessarily people don't necessarily mean all</li> <li>13 mean the same thing when they talk about a peer.</li> <li>14 However, it was my opinion looking at this prior</li> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 Claim seven, did you need to have a definition of</li> </ul>		
<ul> <li>5 opinion is. So what was the basis for your opinion</li> <li>6 that the prior art contained a peer, and in forming</li> <li>7 that basis, I would think that you would have to</li> <li>8 define what a peer means in your mind?</li> <li>9 A. Well, as we discussed before, peer is</li> <li>10 another example of a term which is widely used in</li> <li>11 many contexts, by many people and not everybody</li> <li>12 necessarily people don't necessarily mean all</li> <li>13 mean the same thing when they talk about a peer.</li> <li>14 However, it was my opinion looking at this prior</li> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>20 A. Again, I didn't need a definition?</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 claim seven, did you need to have a definition of</li> </ul>		ing
<ul> <li>6 that the prior art contained a peer, and in forming</li> <li>7 that basis, I would think that you would have to</li> <li>8 define what a peer means in your mind?</li> <li>9 A. Well, as we discussed before, peer is</li> <li>10 another example of a term which is widely used in</li> <li>11 many contexts, by many people and not everybody</li> <li>12 necessarily people don't necessarily mean all</li> <li>13 mean the same thing when they talk about a peer.</li> <li>14 However, it was my opinion looking at this prior</li> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 claim seven, did you need to have a definition of</li> </ul>		
<ul> <li>7 that basis, I would think that you would have to 8 define what a peer means in your mind?</li> <li>9 A. Well, as we discussed before, peer is</li> <li>10 another example of a term which is widely used in</li> <li>11 many contexts, by many people and not everybody</li> <li>12 necessarily people don't necessarily mean all</li> <li>13 mean the same thing when they talk about a peer.</li> <li>14 However, it was my opinion looking at this prior</li> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 claim seven, did you need to have a definition of</li> </ul>		
<ul> <li>8 define what a peer means in your mind?</li> <li>9 A. Well, as we discussed before, peer is</li> <li>10 another example of a term which is widely used in</li> <li>11 many contexts, by many people and not everybody</li> <li>12 necessarily people don't necessarily mean all</li> <li>13 mean the same thing when they talk about a peer.</li> <li>14 However, it was my opinion looking at this prior</li> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 claim seven, did you need to have a definition of</li> </ul>		
<ul> <li>9 A. Well, as we discussed before, peer is</li> <li>10 another example of a term which is widely used in</li> <li>11 many contexts, by many people and not everybody</li> <li>12 necessarily people don't necessarily mean all</li> <li>13 mean the same thing when they talk about a peer.</li> <li>14 However, it was my opinion looking at this prior</li> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>10 A. I wasn't asked to come up with such a</li> <li>11 definition.</li> <li>12 Q. So you didn't come up with one?</li> <li>13 MR. DAVIS: Objection to form.</li> <li>14 THE WITNESS: Correct, I didn't opine</li> <li>15 on what that term means.</li> <li>16 Q. How about looking at claim 12, the phrase</li> <li>17 interconnections of participants form a broadcast</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 claim seven, did you need to have a definition of</li> <li>23 claim seven, did you need to have a definition of</li> </ul>		
10another example of a term which is widely used in 1110A.I wasn't asked to come up with such a11many contexts, by many people and not everybody 12necessarily people don't necessarily mean all 1311definition.13mean the same thing when they talk about a peer. 		our
<ol> <li>many contexts, by many people and not everybody</li> <li>necessarily people don't necessarily mean all</li> <li>mean the same thing when they talk about a peer.</li> <li>However, it was my opinion looking at this prior</li> <li>art, that your canonical person of ordinary skill in</li> <li>the art would understand that the participants</li> <li>the art would understand that the participants</li> <li>described in DirectPlay and those described in Lin</li> <li>and in Shoubridge were peers.</li> <li>Q. Based on what definition?</li> <li>A. Again, I didn't need a definition of peer</li> <li>in order to make that determination.</li> <li>Q. How about peer to peer connection as in</li> <li>claim seven, did you need to have a definition of</li> </ol>		
<ul> <li>12 necessarily people don't necessarily mean all</li> <li>13 mean the same thing when they talk about a peer.</li> <li>14 However, it was my opinion looking at this prior</li> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 Q. So you didn't come up with one?</li> <li>13 MR. DAVIS: Objection to form.</li> <li>14 THE WITNESS: Correct, I didn't opine</li> <li>on what that term means.</li> <li>16 Q. How about looking at claim 12, the phrase</li> <li>17 interconnections of participants form a broadcast</li> <li>18 channel for a game of interest. Did you come up</li> <li>19 with an understanding or a definition of that phrase</li> <li>20 a. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 claim seven, did you need to have a definition of</li> </ul>		1
<ul> <li>13 mean the same thing when they talk about a peer.</li> <li>14 However, it was my opinion looking at this prior</li> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 claim seven, did you need to have a definition of</li> </ul>		
<ul> <li>However, it was my opinion looking at this prior</li> <li>art, that your canonical person of ordinary skill in</li> <li>the art would understand that the participants</li> <li>the art would understand that the participants</li> <li>described in DirectPlay and those described in Lin</li> <li>and in Shoubridge were peers.</li> <li>Q. Based on what definition?</li> <li>A. Again, I didn't need a definition of peer</li> <li>in order to make that determination.</li> <li>Q. How about peer to peer connection as in</li> <li>C. How about peer to peer connection as in</li> <li>C. How about peer to peer connection of</li> <li>THE WITNESS: Correct, I didn't opine</li> <li>on what that term means.</li> <li>G. How about looking at claim 12, the phrase</li> <li>interconnections of participants form a broadcast</li> <li>channel for a game of interest. Did you come up</li> <li>with an understanding or a definition of that phrase</li> <li>in order to make that determination.</li> <li>Q. How about peer to peer connection as in</li> <li>Claim seven, did you need to have a definition of</li> </ul>		
<ul> <li>15 art, that your canonical person of ordinary skill in</li> <li>16 the art would understand that the participants</li> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 claim seven, did you need to have a definition of</li> <li>24 art, that your canonical person of ordinary skill in</li> <li>15 on what that term means.</li> <li>16 Q. How about looking at claim 12, the phrase</li> <li>17 interconnections of participants form a broadcast</li> <li>18 channel for a game of interest. Did you come up</li> <li>19 with an understanding or a definition of that phrase</li> <li>20 in the context of the 344 patent in rendering your</li> <li>21 opinions in this case?</li> <li>22 MR. DAVIS: Objection. Form.</li> <li>23 THE WITNESS: So, again, my task was</li> </ul>		
16the art would understand that the participants16Q. How about looking at claim 12, the phrase17described in DirectPlay and those described in Lin17interconnections of participants form a broadcast18and in Shoubridge were peers.18channel for a game of interest. Did you come up19Q. Based on what definition?1920A. Again, I didn't need a definition of peer1921in order to make that determination.2122Q. How about peer to peer connection as in2223Claim seven, did you need to have a definition of2324Claim seven, did you need to have a definition of2325Claim seven, did you need to have a definition of2326Claim seven, did you need to have a definition of2327Claim seven, did you need to have a definition of2328Claim seven, did you need to have a definition of2329Claim seven, did you need to have a definition of2320Claim seven, did you need to have a definition of2323Claim seven, did you need to have a definition of2424Claim seven, did you need to have a definition of2325Claim seven, did you need to have a definition of2426Claim seven, did you need to have a definition of2327Claim seven, did you need to have a definition of2428Claim seven, did you need to have a definition of2429Claim sevenClaim seven20		ine
<ul> <li>17 described in DirectPlay and those described in Lin</li> <li>18 and in Shoubridge were peers.</li> <li>19 Q. Based on what definition?</li> <li>20 A. Again, I didn't need a definition of peer</li> <li>21 in order to make that determination.</li> <li>22 Q. How about peer to peer connection as in</li> <li>23 claim seven, did you need to have a definition of</li> </ul>		
18and in Shoubridge were peers.18channel for a game of interest. Did you come up19Q. Based on what definition?19with an understanding or a definition of that phrase20A. Again, I didn't need a definition of peer19with an understanding or a definition of that phrase21in order to make that determination.21opinions in this case?22Q. How about peer to peer connection as in22MR. DAVIS: Objection. Form.23Claim seven, did you need to have a definition of23THE WITNESS: So, again, my task was		
19Q. Based on what definition?19with an understanding or a definition of that phrase20A. Again, I didn't need a definition of peer20in the context of the 344 patent in rendering your21in order to make that determination.21opinions in this case?22Q. How about peer to peer connection as in22MR. DAVIS: Objection. Form.23Claim seven, did you need to have a definition of23THE WITNESS: So, again, my task was		
20A. Again, I didn't need a definition of peer20in the context of the 344 patent in rendering your21in order to make that determination.21opinions in this case?22Q. How about peer to peer connection as in22MR. DAVIS: Objection. Form.23claim seven, did you need to have a definition of23THE WITNESS: So, again, my task was		-
21 in order to make that determination.21 opinions in this case?22 Q. How about peer to peer connection as in22 MR. DAVIS: Objection. Form.23 claim seven, did you need to have a definition of23 THE WITNESS: So, again, my task was		
22Q. How about peer to peer connection as in 2322MR. DAVIS: Objection. Form.23claim seven, did you need to have a definition of23THE WITNESS: So, again, my task was		
23 claim seven, did you need to have a definition of 23 THE WITNESS: So, again, my task was		/our
	22 Q. How about peer to peer connection as in 22 MR. DAVIS: Objection. Form.	/our
24 peer to peer connection in the context of the 344 24 to determine whether the prior art could be		
	23 claim seven, did you need to have a definition of 23 THE WITNESS: So, again, my task	was



# 800.211.DEPO (3376) EsquireSolutions.com

1	Page 89 mapped into this phrase. And that did not	1	Page 91 is that it is a description. Well, I can't
2	require me come up with a precise definition of	2	tell if it's real or hypothetical, a
	what that phrase means exactly.	3	communications library that allows computers to
3 4	Q. Should we go off record and break for	4	share information over a point to point
	lunch?	4 5	network.
5			
6	VIDEO TECHNICIAN: This is the end of	6	Q. And you see also that the sort of
7	tape number one. Off the record, 1:09 p.m.	7	technology referenced here is Swan. Do you see
8	(Recess taken.)	8	that?
9	VIDEO TECHNICIAN: This is the	9	MR. DAVIS: Same objection.
10	beginning of tape number three. On the record	10	THE WITNESS: Yes, I do.
11	at 2:04 p.m.	11	Q. You also see where it says the Swan is
12	(Whereupon a document was marked as	12	has its connections into a 4 regular graph?
13	Exhibit-7 for Identification.)	13	MR. DAVIS: Same objections.
14	Q. Doctor, I just handed you what's been	14	THE WITNESS: I see where it says
15	marked as Exhibit-7. Exhibit-7 is a declaration of	15	that.
16	Virgil Bourassa and attached to it is Exhibit A,	16	Q. Do you recognize figure two as being a 4
17	which is an admission disclosure form. Have you	17	regular graph?
18	seen Exhibit-7 before?	18	MR. DAVIS: Objection, form and scope,
19	A. I do not recall having seen this, no.	19	incompleteness.
20	Q. Why don't you take a look at page 11 for	20	THE WITNESS: I can't really tell for
21	me?	21	sure. Some of the nodes that I'm looking at
22	A. Uh-huh.	22	seem to have degree less than four.
23	Q. And read that first the first full	23	Q. Okay. Turn your attention to page 15 of
24	paragraph on that page underneath the figure.	24	the document. It says page 20 at the bottom.
	Page 90		Page 92
1	A. Out loud?	1	A. Wait, page 15 says my page fifteen says
2	Q. To yourself, please.	2	page ten at the bottom.
3	A. All right.	3	Q. So, yeah, page 15, page 15.
4	Q. Do you have an understanding of what's	4	A. Oh, okay, sorry. I inverted the numbers.
5	being said here?		I see it.
6	MR. DAVIS: Objection to form and an	6	Q. So can you please read that paragraph
7	objection to scope.		
-			underneath broadcasting and the paragraph underneath
8	THE WITNESS: I would say that I	8	the figure? And let me know when you've had a
9	THE WITNESS: I would say that I understand it in a general sense.	8 9	the figure? And let me know when you've had a chance to do so.
9 10	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing?	8 9 10	the figure? And let me know when you've had a chance to do so. MR. DAVIS: Same objections.
9 10 11	THE WITNESS: I would say that I understand it in a general sense.	8 9 10 11	the figure? And let me know when you've had a chance to do so. MR. DAVIS: Same objections. THE WITNESS: All right.
9 10 11 12	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope.	8 9 10 11 12	<ul> <li>the figure? And let me know when you've had a chance to do so.</li> <li>MR. DAVIS: Same objections.</li> <li>THE WITNESS: All right.</li> <li>Q. Looking at this disclosure and comparing</li> </ul>
9 10 11 12 13	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it	8 9 10 11	<ul> <li>the figure? And let me know when you've had a chance to do so.</li> <li>MR. DAVIS: Same objections.</li> <li>THE WITNESS: All right.</li> <li>Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say</li> </ul>
9 10 11 12	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it disclosing?	8 9 10 11 12	<ul> <li>the figure? And let me know when you've had a chance to do so.</li> <li>MR. DAVIS: Same objections.</li> <li>THE WITNESS: All right.</li> <li>Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of</li> </ul>
9 10 11 12 13 14 15	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it	8 9 10 11 12 13	<ul> <li>the figure? And let me know when you've had a chance to do so.</li> <li>MR. DAVIS: Same objections.</li> <li>THE WITNESS: All right.</li> <li>Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of the 344?</li> </ul>
9 10 11 12 13 14	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it disclosing?	8 9 10 11 12 13 14	the figure? And let me know when you've had a chance to do so. MR. DAVIS: Same objections. THE WITNESS: All right. Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of the 344? MR. DAVIS: Objection, form and scope,
9 10 11 12 13 14 15 16 17	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it disclosing? MR. DAVIS: And also to incompleteness. THE WITNESS: Are you asking about	8 9 10 11 12 13 14 15 16 17	<ul> <li>the figure? And let me know when you've had a chance to do so.</li> <li>MR. DAVIS: Same objections.</li> <li>THE WITNESS: All right.</li> <li>Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of the 344?</li> </ul>
9 10 11 12 13 14 15 16	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it disclosing? MR. DAVIS: And also to incompleteness.	8 9 10 11 12 13 14 15 16	the figure? And let me know when you've had a chance to do so. MR. DAVIS: Same objections. THE WITNESS: All right. Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of the 344? MR. DAVIS: Objection, form and scope,
9 10 11 12 13 14 15 16 17	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it disclosing? MR. DAVIS: And also to incompleteness. THE WITNESS: Are you asking about	8 9 10 11 12 13 14 15 16 17	<ul> <li>the figure? And let me know when you've had a chance to do so.</li> <li>MR. DAVIS: Same objections.</li> <li>THE WITNESS: All right.</li> <li>Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of the 344?</li> <li>MR. DAVIS: Objection, form and scope, incompleteness. Also, object to foundation.</li> </ul>
9 10 11 12 13 14 15 16 17 18	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it disclosing? MR. DAVIS: And also to incompleteness. THE WITNESS: Are you asking about disclosure in the sort of sense that we've been	8 9 10 11 12 13 14 15 16 17 18	the figure? And let me know when you've had a chance to do so. MR. DAVIS: Same objections. THE WITNESS: All right. Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of the 344? MR. DAVIS: Objection, form and scope, incompleteness. Also, object to foundation. VIDEO TECHNICIAN: Off the record,
9 10 11 12 13 14 15 16 17 18 19	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it disclosing? MR. DAVIS: And also to incompleteness. THE WITNESS: Are you asking about disclosure in the sort of sense that we've been using it in these proceedings, as in this	8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>the figure? And let me know when you've had a chance to do so.</li> <li>MR. DAVIS: Same objections.</li> <li>THE WITNESS: All right.</li> <li>Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of the 344?</li> <li>MR. DAVIS: Objection, form and scope, incompleteness. Also, object to foundation.</li> <li>VIDEO TECHNICIAN: Off the record, 2:16 p.m.</li> </ul>
9 10 11 12 13 14 15 16 17 18 19 20	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it disclosing? MR. DAVIS: And also to incompleteness. THE WITNESS: Are you asking about disclosure in the sort of sense that we've been using it in these proceedings, as in this discloses the following claim?	8 9 10 11 12 13 14 15 16 17 18 19 20	the figure? And let me know when you've had a chance to do so. MR. DAVIS: Same objections. THE WITNESS: All right. Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of the 344? MR. DAVIS: Objection, form and scope, incompleteness. Also, object to foundation. VIDEO TECHNICIAN: Off the record, 2:16 p.m. (Recess taken.)
9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: I would say that I understand it in a general sense. Q. What's it disclosing? MR. DAVIS: Objection to form and scope. THE WITNESS: It's what is it disclosing? MR. DAVIS: And also to incompleteness. THE WITNESS: Are you asking about disclosure in the sort of sense that we've been using it in these proceedings, as in this discloses the following claim? Q. I'm just asking what this as you read	8 9 10 11 12 13 14 15 16 17 18 19 20 21	the figure? And let me know when you've had a chance to do so. MR. DAVIS: Same objections. THE WITNESS: All right. Q. Looking at this disclosure and comparing it to claim one of the 344 patent, would you say that it matches all of the elements of claim one of the 344? MR. DAVIS: Objection, form and scope, incompleteness. Also, object to foundation. VIDEO TECHNICIAN: Off the record, 2:16 p.m. (Recess taken.) VIDEO TECHNICIAN: This is the



800.211.DEPO (3376) EsquireSolutions.com

			BAY 93–96
1	Page 93 the question again?	1	Page 95 form an opinion like you asked. I'm just reading to
1			
2	(Reporter read back.)	2	develop an understanding of this material.
3	MR. DAVIS: Object. It's beyond the	3	MR. DAVIS: Same objection as before.
4	scope. And I object to the form and	4	This is beyond the scope.
5	foundation, incompleteness.	5	Q. Where are you reading now, Doctor?
6	THE WITNESS: So I don't feel prepared	6	A. Oh, right now I'm on page ten.
7	to say that what I have read discloses all of	7	MR. DAVIS: Same objection. This is
8	the claims all of the elements of claim one	8	beyond the scope.
9	as given here.	9	Q. What page are you on now, Doctor?
10	Q. Well, which elements do you think are	10	A. I'm back on article page fifteen.
11	missing?	11	Q. So you read pages 7 through 15 of
12	MR. DAVIS: Objection. Beyond the	12	Exhibit-7 now?
13	scope, foundation, form, incompleteness.	13	MR. DAVIS: Again, this is beyond the
14	THE WITNESS: So the first element I	14	scope of Dr. Karger's declaration. Also object
15	encountered that concerned me is the stated	15	to foundation, form.
16	computer network for providing a game	16	THE WITNESS: I haven't read them
17	environment.	17	completely.
18	Q. Any others?	18	Q. Again, my question is directed to page 15,
19	MR. DAVIS: Same objections.	19	the first two paragraphs with the figure in the
20	THE WITNESS: So that's a new	20	middle of them.
21	question. Once I found one, I felt I had the	21	A. Uh-huh.
22	answer to your previous question. I'll need to	22	Q. Does that sufficiently describe or
23	go back and look some more, to see if	23	disclose all of the elements in claim one, except
24	there's if there's more. Is there some	24	for the identified element that you talked about
	Dama 04		- Demo 00
1	Page 94 background meaning I can do on what a Swan	1	Page 96 earlier which was a computer network for providing a
2	Herald is?		game environment?
3	Q. Do you need that information to answer my	3	MR. DAVIS: And, again, objection,
4	question?		beyond the scope of Dr. Karger's declaration,
		4	
	-	4 5	
5	MR. DAVIS: Objection. This is beyond	5	foundation, form, incompleteness.
5 6	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration.	5 6	foundation, form, incompleteness. THE WITNESS: You know, in the time
5 6 7	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material	5 6 7	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming
5 6 7 8	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you	5 6 7 8	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such
5 6 7 8 9	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to	5 6 7 8 9	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular
5 6 7 8 9 10	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I	5 6 7 8 9 10	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan
5 7 8 9 10	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer.	5 6 7 8 9 10 11	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state.
5 7 8 9 10 11	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer. Q. Sure. Go to go to page seven of the	5 6 7 8 9 10 11 12	<ul> <li>foundation, form, incompleteness.</li> <li>THE WITNESS: You know, in the time</li> <li>I've had, I'm not sure I'm comfortable forming</li> <li>an opinion, there are there are issues, such</li> <li>as figure nine, which shows a non-four regular</li> <li>graph in the same article and talks about Swan</li> <li>operating in that state.</li> <li>Q. All right. So, Doctor, let's turn to page</li> </ul>
5 7 8 9 10 11 12 13	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer. Q. Sure. Go to go to page seven of the document, under the heading contact. It says,	5 6 7 8 9 10 11 12 13	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces.
5 6 7 8 9 10 11 12 13 14	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer. Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald	5 6 7 9 10 11 12 13 14	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces. So claim one requires a plurality of participants
5 6 7 8 9 10 11 12 13 14 15	MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer. Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald objects to act as communication agents.	5 6 7 8 9 10 11 12 13 14 15	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces. So claim one requires a plurality of participants where each participant has a connection to at least
5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer.</li> <li>Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald objects to act as communication agents.</li> <li>A. Sorry, when you said page seven, which</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces. So claim one requires a plurality of participants where each participant has a connection to at least three neighboring participants. Looking at page 15,
5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration.</li> <li>THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer.</li> <li>Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald objects to act as communication agents.</li> <li>A. Sorry, when you said page seven, which numbering were you referring to?</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces. So claim one requires a plurality of participants where each participant has a connection to at least three neighboring participants. Looking at page 15, would you agree that this is disclosed when it says
5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration.</li> <li>THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer.</li> <li>Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald objects to act as communication agents.</li> <li>A. Sorry, when you said page seven, which numbering were you referring to?</li> <li>Q. The page number of the document itself.</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces. So claim one requires a plurality of participants where each participant has a connection to at least three neighboring participants. Looking at page 15, would you agree that this is disclosed when it says that with the four regular, four connected four
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration. THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer.</li> <li>Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald objects to act as communication agents.</li> <li>A. Sorry, when you said page seven, which numbering were you referring to?</li> <li>Q. The page number of the document itself.</li> <li>Did you have a chance to read that paragraph,</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>foundation, form, incompleteness.</li> <li>THE WITNESS: You know, in the time</li> <li>I've had, I'm not sure I'm comfortable forming</li> <li>an opinion, there are there are issues, such</li> <li>as figure nine, which shows a non-four regular</li> <li>graph in the same article and talks about Swan</li> <li>operating in that state.</li> <li>Q. All right. So, Doctor, let's turn to page</li> <li>15 of the document. And we'll take this in pieces.</li> <li>So claim one requires a plurality of participants</li> <li>where each participant has a connection to at least</li> <li>three neighboring participants. Looking at page 15,</li> <li>would you agree that this is disclosed when it says</li> <li>that with the four regular, four connected four</li> <li>connected low latency Swan graph this broadcasting</li> </ul>
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration.</li> <li>THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer.</li> <li>Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald objects to act as communication agents.</li> <li>A. Sorry, when you said page seven, which numbering were you referring to?</li> <li>Q. The page number of the document itself. Did you have a chance to read that paragraph, Doctor?</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces. So claim one requires a plurality of participants where each participant has a connection to at least three neighboring participants. Looking at page 15, would you agree that this is disclosed when it says that with the four regular, four connected four connected low latency Swan graph this broadcasting can be done reliably and quickly. Any Swan Herald
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration.</li> <li>THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer.</li> <li>Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald objects to act as communication agents.</li> <li>A. Sorry, when you said page seven, which numbering were you referring to?</li> <li>Q. The page number of the document itself.</li> <li>Did you have a chance to read that paragraph, Doctor?</li> <li>A. I've started. I'm working on interpreting</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces. So claim one requires a plurality of participants where each participant has a connection to at least three neighboring participants. Looking at page 15, would you agree that this is disclosed when it says that with the four regular, four connected four connected low latency Swan graph this broadcasting can be done reliably and quickly. Any Swan Herald with a message to share that share sends that
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration.</li> <li>THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer.</li> <li>Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald objects to act as communication agents.</li> <li>A. Sorry, when you said page seven, which numbering were you referring to?</li> <li>Q. The page number of the document itself.</li> <li>Did you have a chance to read that paragraph, Doctor?</li> <li>A. I've started. I'm working on interpreting it.</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces. So claim one requires a plurality of participants where each participant has a connection to at least three neighboring participants. Looking at page 15, would you agree that this is disclosed when it says that with the four regular, four connected four connected low latency Swan graph this broadcasting can be done reliably and quickly. Any Swan Herald with a message to share that share sends that message to each of its four neighbors.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>MR. DAVIS: Objection. This is beyond the scope of Dr. Karger's declaration.</li> <li>THE WITNESS: So since this material is discussed under in the paragraph you asked me about, I feel like I should try to understand what it is talking about before I answer.</li> <li>Q. Sure. Go to go to page seven of the document, under the heading contact. It says, participating Swan processes initiates Swan Herald objects to act as communication agents.</li> <li>A. Sorry, when you said page seven, which numbering were you referring to?</li> <li>Q. The page number of the document itself.</li> <li>Did you have a chance to read that paragraph, Doctor?</li> <li>A. I've started. I'm working on interpreting</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	foundation, form, incompleteness. THE WITNESS: You know, in the time I've had, I'm not sure I'm comfortable forming an opinion, there are there are issues, such as figure nine, which shows a non-four regular graph in the same article and talks about Swan operating in that state. Q. All right. So, Doctor, let's turn to page 15 of the document. And we'll take this in pieces. So claim one requires a plurality of participants where each participant has a connection to at least three neighboring participants. Looking at page 15, would you agree that this is disclosed when it says that with the four regular, four connected four connected low latency Swan graph this broadcasting can be done reliably and quickly. Any Swan Herald with a message to share that share sends that



# 800.211.DEPO (3376) EsquireSolutions.com

лU	TIVISION BLIZZARD vs ACCELERATIC		
1	Page 97	1	Page 99
1	MR. HANNAH: Yes.	1	Q. What does that mean to you?
2	MR. DAVIS: Objection. Beyond the		MR. DAVIS: Again, same objections, beyond the scope, form, incompleteness and
	scope of Dr. Karger's declaration, foundation,	3	
4	form, incompleteness.	4	foundation.
5	Q. Doctor, does that language line up?	5	THE WITNESS: Well, this is talking
6	MR. DAVIS: Same objections.	6	about these things called Swan Heralds. And,
7	THE WITNESS: You're asking if the	7	again, a specialized term of this document
8	language lines up? So are you asking me to	8	which I haven't really had time to assess
9	line up the language or do you have a	9	exactly what it is. And it asserts that one of
10	particular mapping between elements of what's	10	these objects, whatever a Swan Herald is, that
11	discussed in the Swan document and the the	11	wishes to that has a message to share. And,
12	patent that you'd like me to consider?	12	again, I'd have to dig through the document to
13	Q. I just read it to you. I said, page	13	see if there's some special meaning to share
14	fifteen of the document says with the 4 regular, 4	14	here, that it sends that message to each of its
15	connected low latency Swan graph this broadcasting	15	four neighbors and that these three neighbors
16	can be done reliably and quickly. Does that what	16	forward the message to their other three
17	does that sentence mean to you?	17	neighbors.
18	MR. DAVIS: Objection. Same same	18	Q. Now, looking at claim one of the 344
19	objections.	19	patent, in your opinion, would claim one cover
20	THE WITNESS: Well, we have	20	what's being described on page 15 in those sentences
21	constructions for the meaning of regular and	21	we just read?
22	connected. The other terms, latency	22	MR. DAVIS: Objection. Beyond the
23	broadcasting, I mean I've encountered them	23	scope, form, incompleteness and foundation.
24	before. I have a general sense of what they	24	THE WITNESS: Well, it's not entirely
		1	
	Page 98		Page 100
1	might mean.	1	clear. The again, to sort of make that
2	might mean. Q. So what does it mean? What does that	2	clear. The again, to sort of make that determination requires doing a mapping, you
2 3	might mean. Q. So what does it mean? What does that sentence mean to you?		clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling
2 3 4	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond	2 3 4	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent.
2 3 4 5	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form,	2 3 4 5	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this
2 3 4 5 6	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation.	2 3 4 5 6	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the
2 3 4 5 6 7	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from	2 3 4 5 6 7	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to
2 3 4 5 6	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that	2 3 4 5 6	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these
2 3 4 5 6 7 8 9	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular,	2 3 4 5 6 7	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three
2 3 4 5 6 7 8 9 10	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low	2 3 4 5 6 7 8	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent
2 3 4 5 6 7 8 9 10 11	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why	2 3 4 5 6 7 8 9	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives
2 3 4 5 6 7 8 9 10	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go	2 3 4 5 6 7 8 9 10	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So
2 3 4 5 6 7 8 9 10 11	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special	2 3 4 5 6 7 8 9 10 11	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear
2 3 4 5 6 7 8 9 10 11 12	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go	2 3 4 5 6 7 8 9 10 11 12	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So
2 3 4 5 6 7 8 9 10 11 12 13	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special	2 3 4 5 6 7 8 9 10 11 12 13	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear
2 3 4 5 6 7 8 9 10 11 12 13 14	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special special meaning. And they are asserting that	2 3 4 5 6 7 8 9 10 11 12 13 14	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear on whether this is done by each participant,
2 3 4 5 6 7 8 9 10 11 12 13 14 15	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special special meaning. And they are asserting that whatever this is in quotes can be done reliably	2 3 4 5 6 7 8 9 10 11 12 13 14 15	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear on whether this is done by each participant, again, because it doesn't explicitly say what
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	might mean. Q. So what does it mean? What does that sentence mean to you? MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation. THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special special meaning. And they are asserting that whatever this is in quotes can be done reliably and quickly.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear on whether this is done by each participant, again, because it doesn't explicitly say what the participants are.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>might mean.</li> <li>Q. So what does it mean? What does that sentence mean to you?</li> <li>MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation.</li> <li>THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special special meaning. And they are asserting that whatever this is in quotes can be done reliably and quickly.</li> <li>Q. And then the next line it says, any Swan</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear on whether this is done by each participant, again, because it doesn't explicitly say what the participants are.</li> <li>Q. So what's your understanding of what</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>might mean.</li> <li>Q. So what does it mean? What does that sentence mean to you?</li> <li>MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation.</li> <li>THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special special meaning. And they are asserting that whatever this is in quotes can be done reliably and quickly.</li> <li>Q. And then the next line it says, any Swan Herald with a message to share sends that message to</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>clear. The again, to sort of make that</li> <li>determination requires doing a mapping, you</li> <li>know, figuring out what what are we calling</li> <li>the participants in the language of the patent.</li> <li>You know, for example, in this paragraph this</li> <li>says that the the Herald that has the</li> <li>message to share sends its that message to</li> <li>its four neighbors and that each of these</li> <li>neighbors forwards the message to their three</li> <li>neighbors, but that's all. Whereas the patent</li> <li>asserts that each participant that receives</li> <li>data forwards it to its other neighbors. So</li> <li>the the Swan article is not entirely clear</li> <li>on whether this is done by each participant,</li> <li>again, because it doesn't explicitly say what</li> <li>the participants are.</li> <li>Q. So what's your understanding of what</li> <li>participant in light of the 344 patent?</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>might mean.</li> <li>Q. So what does it mean? What does that sentence mean to you?</li> <li>MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation.</li> <li>THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special special meaning. And they are asserting that whatever this is in quotes can be done reliably and quickly.</li> <li>Q. And then the next line it says, any Swan Herald with a message to share sends that message to each of its four neighbors. Do you see that?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear on whether this is done by each participant, again, because it doesn't explicitly say what the participants are.</li> <li>Q. So what's your understanding of what participant in light of the 344 patent? MR. DAVIS: Objection. Form.</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>might mean.</li> <li>Q. So what does it mean? What does that sentence mean to you?</li> <li>MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation.</li> <li>THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special special meaning. And they are asserting that whatever this is in quotes can be done reliably and quickly.</li> <li>Q. And then the next line it says, any Swan Herald with a message to share sends that message to each of its four neighbors. Do you see that?</li> <li>A. Yes, I do.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear on whether this is done by each participant, again, because it doesn't explicitly say what the participants are.</li> <li>Q. So what's your understanding of what participant in light of the 344 patent? MR. DAVIS: Objection. Form. THE WITNESS: Well, I haven't tried to</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>might mean.</li> <li>Q. So what does it mean? What does that sentence mean to you?</li> <li>MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation.</li> <li>THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special special meaning. And they are asserting that whatever this is in quotes can be done reliably and quickly.</li> <li>Q. And then the next line it says, any Swan Herald with a message to share sends that message to each of its four neighbors. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. And then it says, these neighbor forward</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear on whether this is done by each participant, again, because it doesn't explicitly say what the participants are.</li> <li>Q. So what's your understanding of what participant in light of the 344 patent? MR. DAVIS: Objection. Form. THE WITNESS: Well, I haven't tried to form one, in the context of this new new</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>might mean.</li> <li>Q. So what does it mean? What does that sentence mean to you?</li> <li>MR. DAVIS: Same objections. Beyond the scope of Dr. Karger's declaration, form, incompleteness and foundation.</li> <li>THE WITNESS: Well, just working from the plain English, this sentence asserts that there is a Swan graph, that it is 4 regular, that it's 4 connected and that it has low latency and it asserts that I'm not sure why they are quoting broadcasting. I'd have to go back and read to see if that has a special special meaning. And they are asserting that whatever this is in quotes can be done reliably and quickly.</li> <li>Q. And then the next line it says, any Swan Herald with a message to share sends that message to each of its four neighbors. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. And then it says, these neighbor forward the message in turn to their other three neighbors</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>clear. The again, to sort of make that determination requires doing a mapping, you know, figuring out what what are we calling the participants in the language of the patent. You know, for example, in this paragraph this says that the the Herald that has the message to share sends its that message to its four neighbors and that each of these neighbors forwards the message to their three neighbors, but that's all. Whereas the patent asserts that each participant that receives data forwards it to its other neighbors. So the the Swan article is not entirely clear on whether this is done by each participant, again, because it doesn't explicitly say what the participants are.</li> <li>Q. So what's your understanding of what participant in light of the 344 patent? MR. DAVIS: Objection. Form. THE WITNESS: Well, I haven't tried to form one, in the context of this new new article that you've just presented me with.</li> </ul>



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	)N	BAY 101–104
4	Page 101	4	Page 103
1	any understanding of what a participant is? MR. DAVIS: Objection. Form.	1	Q. So the language that each any Swan
3	THE WITNESS: Well, I have an	2	Herald with a message to share, that strike that. The language on page fifteen says, any
4	understanding that the prior art which I	4	Swan Herald with a message to share sends that
5	previously examined, Lin and DirectPlay and	5	message to each of its four neighbors. That doesn't
6 7	Shoubridge, have mappings that I understand between the elements of that prior art and the	6 7	satisfy your concerns with claim one?
8		8	MR. DAVIS: Same objection. Beyond the scope, foundation, form, incompleteness.
9	term participant in this claim. Q. But do you have an understanding or a	9	THE WITNESS: Again, that it is not
10	definition of participant as it is used in the 344	10	clear to me that that fulfills the claim
11	patent by itself?	11	language that says that each participant sends
12	MR. DAVIS: Same objection.	12	data that it receives from a neighbor
13	THE WITNESS: So if you look at, for	13	participant to its other neighbor participants.
14	example, section five of my Lin declaration	14	Q. The sentence after it, which says, these
15	I've I've been informed of the meaning of	15	neighbors forward the message in turn to their other
16	been asked to assume certain instructions for	16	three neighbors, that doesn't satisfy your concerns?
17	certain terms, but participant is not one of	17	MR. DAVIS: Same objections.
18	the terms I've been asked to assume or define.	18	THE WITNESS: Correct, that does not
19	So I haven't attempted to define what a	19	satisfy my concerns.
20	participant is. And all I've needed to do for	20	Q. Would you agree that the disclosure on
21	my work so far is assess whether a particular	21	page 15 discloses a regular network?
22	element of each piece of prior art fits into	22	MR. DAVIS: Objection. Beyond the
23	the notion of participant in the claims.	23	scope, form, incompleteness and foundation.
24	Q. So based on your review of pages 7 through	24	THE WITNESS: So page 15 does have a
	Dame 400		Dame 404
1	Page 102 15 of Exhibit-7 and when you specifically asked	1	Page 104 sentence that leads with a statement 4 regular,
2	to see what a Swan Herald was, is a Swan Herald a	2	4 connected low latency Swan graph. And
3	participant?	3	well, does that disclose I mean if I say a
4	MR. DAVIS: Objection. Beyond the	4	flying car, am I disclosing a flying car? So
5	scope, form, foundation, incompleteness.	5	I'm a little concerned about declaring now
6	THE WITNESS: Well, again, I think	6	that what is disclosed or not disclosed here
7	it's really premature for me to say. Pages 7	7	because, again, I have an understanding of what
8	to 15 are not the entirety of this article.	8	things my prior art discloses, but perhaps
9	Q. Any other elements that you have issue	9	there are meanings of disclosure that are not
10	with with claim one? So you've identified the	10	known to me and perhaps this discloses things
11	computer network for providing a game environment	11	in that way.
12	and now a participant. Anything else that's not	12	Q. So, in your opinion, does the disclosure
13	disclosed?	13	of a 4 regular Swan graph meet the limitation of an
14	MR. DAVIS: Objection to form and	14	M regular network as described in the 344 patent or
15	beyond the scope and foundation,	15	M equals 4?
16	incompleteness.	16	MR. DAVIS: Same objections.
17	THE WITNESS: Well, I wasn't only	17	THE WITNESS: All right. Sorry, could
18	talking about this I wasn't talking only	18	you reask your question?
19	about the notion of what a participant is, but	19	(Reporter read back.)
20	in my answer to my last question, I raised some	20	MR. DAVIS: Same objections.
21	concern about whether the element that each	21	THE WITNESS: So my understanding of
22	participant sends data that it receives from a	22	disclosure was described in the legal standards
23	neighbor participant to other neighbors	23	section of my declaration. And there you can
24	participants is disclosed or not.	24	see that my understanding of disclosure is
1		1	



# 800.211.DEPO (3376) EsquireSolutions.com

10	TIVISION BLIZZARD vs ACCELERATIC		BAY 105–108
1	Page 105	1	Page 107
1	about disclosing a claim of a prior art	2	Q. In the, I guess, fourth paragraph, it starts, potential licensing opportunities. Do you
2	reference. And I don't think this is being	2	see that?
3	taken as a prior art reference. It's not being	4	A. Yes, I do.
4	used to show invalidity of a patent, but if I	4 5	
5	were to use the same criterion, right, in	6	Q. It says, potential licensing opportunities would also exist with software game vendors for whom
7	paragraph 67, I have been advised that prior art reference can disclose a claim feature if	7	shared gaming is very popular. Do you see that?
8	that feature is expressly described. And	8	A. Yes, I do.
9	the and the paragraph that you've pointed me	9	Q. Would that indicate to you that the system
10	at does describe a 4 regular graph. So with	10	described in Exhibit-7 could potentially be used
11	those caveats, it appears that it does	11	with game vendors?
12	disclose, according to the to the to my	12	MR. DAVIS: Objection. Beyond the
13	understanding of what disclosure is a 4 regular	13	scope, form, foundation, incompleteness.
14	graph.	14	THE WITNESS: Could be used? What
15	Q. Does the do those two paragraphs in	15	exactly do you mean by could be used?
16	Figure 11 also disclose a incomplete graph or	16	Q. Well, I mean, does this sentence convey to
17	non-complete graph as stated in claim one of the	17	you that the authors of this document contemplated
18	344?	18	that this Swan system could be used with software
19	MR. DAVIS: Objection. Beyond the	19	game vendors or be used by software game vendors?
20	scope, form, foundation, incompleteness.	20	MR. DAVIS: Objection. Beyond the
21	THE WITNESS: Well, the paragraph	21	scope, form, foundation, incompleteness.
22	doesn't say anything about a complete or an	22	THE WITNESS: Well, I'd have to back
23	incomplete graph. The figure the figure is	23	up a little because I don't know what potential
24	a little mysterious. It shows a graph which is	24	licensing opportunities they are talking about
1	Page 106 partially directed, partially undirected. It's	1	Page 108 or what it is they are talking about
1	partially directed, partially undirected. It's	1	or what it is they are talking about
2	partially directed, partially undirected. It's not clear if that is a regular graph by the	1 2 3	or what it is they are talking about potentially licensing. Remember I haven't seen
	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity	2	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So
2 3	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the	2 3	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this
2 3 4	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity	2 3 4	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So
2 3 4 5	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs.	2 3 4 5	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you?
2 3 4 5 6	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about	2 3 4 5 6	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the
2 3 4 5 6 7	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as	2 3 4 5 6 7	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness.
2 3 4 5 6 7 8	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the	2 3 4 5 6 7 8	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this
2 3 4 5 6 7 8 9	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an	2 3 4 5 6 7 8 9	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's
2 3 4 5 6 7 8 9 10	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.	2 3 4 5 6 7 8 9 10	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license
2 3 4 5 6 7 8 9 10 11	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular</li> </ul>	2 3 4 5 6 7 8 9 10 11	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors.
2 3 4 5 6 7 8 9 10 11 12	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue</li> </ul>	2 3 4 5 6 7 8 9 10 11 12	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents?
2 3 4 5 6 7 8 9 10 11 12 13	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents? A. Yes, I am.
2 3 4 5 6 7 8 9 10 11 12 13 14	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents? A. Yes, I am. Q. Have you ever filled out an invention
2 3 4 5 6 7 8 9 10 11 12 13 14 15	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph. Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that. If you have a 4 regular graph and six nodes, does that necessarily mean that the graph is incomplete? MR. DAVIS: Objection. Form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents? A. Yes, I am. Q. Have you ever filled out an invention disclosure form?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that.</li> <li>If you have a 4 regular graph and six nodes, does that necessarily mean that the graph is incomplete?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents? A. Yes, I am. Q. Have you ever filled out an invention disclosure form? A. So I have certainly
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph. Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that. If you have a 4 regular graph and six nodes, does that necessarily mean that the graph is incomplete? MR. DAVIS: Objection. Form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents? A. Yes, I am. Q. Have you ever filled out an invention disclosure form? A. So I have certainly MR. DAVIS: I object, to the extent
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that.</li> <li>If you have a 4 regular graph and six nodes, does that necessarily mean that the graph is incomplete?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Yes, I would agree that</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents? A. Yes, I am. Q. Have you ever filled out an invention disclosure form? A. So I have certainly MR. DAVIS: I object, to the extent that that calls for any privileged information or communication between Dr. Karger and somebody else.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that.</li> <li>If you have a 4 regular graph and six nodes, does that necessarily mean that the graph is incomplete?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Yes, I would agree that a 4 regular graph that a six node graph that</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents? A. Yes, I am. Q. Have you ever filled out an invention disclosure form? A. So I have certainly MR. DAVIS: I object, to the extent that that calls for any privileged information or communication between Dr. Karger and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that. <ul> <li>If you have a 4 regular graph and six</li> <li>nodes, does that necessarily mean that the graph is incomplete?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Yes, I would agree that a 4 regular graph that a six node graph.</li> </ul> </li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents? A. Yes, I am. Q. Have you ever filled out an invention disclosure form? A. So I have certainly MR. DAVIS: I object, to the extent that that calls for any privileged information or communication between Dr. Karger and somebody else.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that.</li> <li>If you have a 4 regular graph and six nodes, does that necessarily mean that the graph is incomplete?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Yes, I would agree that a 4 regular graph that a six node graph.</li> <li>Q. Let me turn your attention to the last</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors. Q. Are you an inventor on any patents? A. Yes, I am. Q. Have you ever filled out an invention disclosure form? A. So I have certainly MR. DAVIS: I object, to the extent that that calls for any privileged information or communication between Dr. Karger and somebody else. THE WITNESS: I have certainly disclosed my inventions. By invention disclosure form, is that a specific legal
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>partially directed, partially undirected. It's not clear if that is a regular graph by the language that they are discussing. Regularity is often or is I'm very familiar with the notion of regularity for underactive graphs. And you have to be more careful talking about directed graphs. Thinking about the figure as a graph, sort of in isolation from the paragraph, it is it is a figure of an incomplete graph.</li> <li>Q. In your opinion, if you have a 4 regular graph and six nodes, that means that it's by virtue of strike that. If you have a 4 regular graph and six nodes, that means that the graph is incomplete?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Yes, I would agree that a 4 regular graph that a six node graph that is 4 regular cannot be a complete graph.</li> <li>Q. Let me turn your attention to the last page of this document, on the document itself is</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>or what it is they are talking about potentially licensing. Remember I haven't seen this document before. So</li> <li>Q. Well, as you read as you read this paragraph, what does it mean to you? MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness. THE WITNESS: Well, what this paragraph conveys to me is that there's something that they could potentially license to software game vendors.</li> <li>Q. Are you an inventor on any patents?</li> <li>A. Yes, I am.</li> <li>Q. Have you ever filled out an invention disclosure form?</li> <li>A. So I have certainly MR. DAVIS: I object, to the extent that that calls for any privileged information or communication between Dr. Karger and somebody else. THE WITNESS: I have certainly disclosed my inventions. By invention</li> </ul>



800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	)N I	BAY 109–112
	Page 109		Page 111
1	Q. Well, at MIT, I assume, well strike	1	scope.
	that.	2	THE WITNESS: So, again, I would say
3	Does MIT have a form that you fill out	3	that I've only a layman's understanding of that
	when you come up with an invention to submit it to	4	term. I'm I understand that it is a term
	the department?	5	that has specific meaning in the legal
6	MR. DAVIS: To the extent there's any	6	profession, but as a as a layman, my general
7	privileged information being called for between	7	understanding is that it reflects the idea that
8	you and MIT, I'll object to that.	8	you have to that you can sort of have an
9	THE WITNESS: So MIT does have a	9	idea and then you you want to sort of
10	process for notifying the organization of an	10	execute that idea, make it real.
11	invention.	11	Q. So let's turn to the actually, it
12	MR. DAVIS: I'll also caution the	12	doesn't have a page number. So I'll refer to the
13	witness not to reveal any privileged	13	Bates stamp. It's page six of Exhibit-7. If you
14	information that may exist between him and MIT.	14	look at row c of the document, you see where it says
15	THE WITNESS: Understood. There is a	15	date conceived, date built, date satisfactorily
16	process. It's been a long time since I've made	16	tested and in production. Do you see that?
17	use of that process. So I can't recall whether	17	A. Yes, I do.
18	there is a specific form called an invention	18	MR. DAVIS: Objection. Beyond the
19 20	disclosure form as part of that process.	19 20	scope, foundation, form. Q. As one of skill in the art, what does that
20	Q. Are you familiar with a concept called	20	row mean to you when you read it?
22	conception, in terms of inventions? MR. DAVIS: Object to form.	21	
22	THE WITNESS: So I'm familiar with the	22	MR. DAVIS: Objection. Beyond the scope, form, foundation, incompleteness.
23	vocabulary term conception. I don't say I	23	THE WITNESS: I'm not sure what you
24	vocabulary term conception. Tuont say T	27	The Wirnebo. Thinks sure what you
4	Page 110		Page 112
1	don't think I can say that I I suspect that	1	mean. The art that I would need to be skilled
2	there are significant legal ramifications associated with that term. And I do not think	2 3	in to answer that question would seem to be
4	I can say that I am familiar with all of those	4	law, right? Q. Does it mean anything to you looking at it
5	legal ramifications.	5	as it is without a law degree?
6	Q. What's your understanding of conception?	6	MR. DAVIS: Objection. Beyond the
7	MR. DAVIS: Objection to form.	7	scope, form, foundation, incompleteness.
8	THE WITNESS: It's a vocabulary idea	8	THE WITNESS: Sorry, are you just
9	it's a vocabulary term. You can conceive of	9	asking about row c? I mean without some
10	a child you can conceive a child. You can	10	broader context, it doesn't mean much.
11	conceive of an idea.	11	Q. Just row c.
12	Q. What does it mean to conceive of an idea	12	MR. DAVIS: Same objections. Beyond
13	to you?	13	the scope, form, foundation, incompleteness.
14	MR. DAVIS: Objection. Form.	14	THE WITNESS: It's a list of four
15	THE WITNESS: Conceive in	15	dates.
16	MR DAVIS: Excuse me	16	Q. So when it says date conceived 11/96
16	MR. DAVIS: Excuse me. THE WITNESS: I mean I can give you	16 17	Q. So when it says date conceived, 11/96, would you understand that to mean that it was
17	THE WITNESS: I mean I can give you	17	would you understand that to mean that it was
17 18	THE WITNESS: I mean I can give you synonyms for it, to come up with an idea, to	17 18	would you understand that to mean that it was whatever was disclosed in this document was
17 18 19	THE WITNESS: I mean I can give you synonyms for it, to come up with an idea, to think of an idea.	17 18 19	would you understand that to mean that it was whatever was disclosed in this document was conceived of in November 1996?
17 18 19 20	THE WITNESS: I mean I can give you synonyms for it, to come up with an idea, to think of an idea. Q. Have you heard the term reduction to	17 18 19 20	would you understand that to mean that it was whatever was disclosed in this document was conceived of in November 1996? MR. DAVIS: Objection. Form,
17 18 19 20 21	THE WITNESS: I mean I can give you synonyms for it, to come up with an idea, to think of an idea. Q. Have you heard the term reduction to practice?	17 18 19 20 21	would you understand that to mean that it was whatever was disclosed in this document was conceived of in November 1996? MR. DAVIS: Objection. Form, incompleteness, beyond the scope, foundation.
17 18 19 20 21 22	THE WITNESS: I mean I can give you synonyms for it, to come up with an idea, to think of an idea. Q. Have you heard the term reduction to practice? A. Yes, I've heard the term.	17 18 19 20 21 22	would you understand that to mean that it was whatever was disclosed in this document was conceived of in November 1996? MR. DAVIS: Objection. Form, incompleteness, beyond the scope, foundation. THE WITNESS: So now you're asking in
17 18 19 20 21	THE WITNESS: I mean I can give you synonyms for it, to come up with an idea, to think of an idea. Q. Have you heard the term reduction to practice?	17 18 19 20 21	would you understand that to mean that it was whatever was disclosed in this document was conceived of in November 1996? MR. DAVIS: Objection. Form, incompleteness, beyond the scope, foundation.



800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	<b>N</b>	BAY 113–116
	Page 113		Page 115
1	Q. I'm asking you if you read row c, just as	1	question about whether I was aware of that
	a technical lay person, and you saw these dates,	2	information and, therefore, again, the
3	what would and you saw these descriptions of	3	instructions from counsel not to answer would
4	these dates, what does that convey to you?	4	apply.
5	MR. DAVIS: Objection. Beyond the	5	Q. I would disagree. I asked if I'm
6	scope, form, foundation, incompleteness.	6	asking for the basis of your opinion and whether the
7	THE WITNESS: Well, it would convey	7	fact that Acceleration Bay is asserting that the
8	that somebody is claiming that something was	8	invention claimed in the 344 patent was conceived of
9	conceived on a certain date and built on a	9	and reduced to practice by at least September 16,
10	certain date and tested on a certain date and	10	1999, whether that had any effect on your opinion?
11	in production on a certain date.	11	That is not privileged information. That is a basis
12	Q. Just so the record is clear, row c reads	12	for your opinion.
13	date conceived, November 1996, date built,	13	MR. DAVIS: You can answer whether or
14	August 30, 1999, date satisfactorily tested,	14	not that's a basis for your opinion, that you
15	September 16, 1999 and in production on November 11,	15	took into consideration here. Okay? You can't
16	1999.	16	answer as to whether or not you had
17	MR. DAVIS: Objection.	17	conversations with counsel about that issue.
18	Q. Did I read that correctly?	18	All right.
19	MR. DAVIS: Objection. Form, scope,	19	THE WITNESS: I see, but it can only
20	foundation, incompleteness.	20	be it could only have been a basis for my
21	THE WITNESS: That does appear to be	21	opinion if I had been aware.
22	what it says.	22	MR. DAVIS: You want to clarify the
23	Q. Were you aware that Acceleration Bay is	23	time frame?
24	asserting that the invention disclosed and claimed	24	MR. HANNAH: No. It's the basis
	Page 114		Page 116
1	in the 344 patent was conceived and reduced to	1	I'm asking for the basis of his opinion. If
2	practice at least by September 16, 1999?	2	it's a basis for his opinion or not, that is
3	MR. DAVIS: And to the extent that	3	clearly not privileged information.
4	this involves any conversations with counsel,	4	Q. I'm not asking for communications with
5	then I'll instruct you not to answer because it	5	counsel. I'm not asking how you anything that
6	would be privileged, but if you know otherwise,	6	you shared with counsel in terms of your opinion,
7	you can answer.	7	that's I'm asking for the basis of your opinion.
8	THE WITNESS: I see. So I certainly	8	And I just want to make it clear for the record, I'm
9	did not receive that information from another	9	asking a very precise question. So did the fact
10	source and, therefore, I think his instruction	10	that Acceleration Bay is asserting that the claimed
11	not to answer should apply.	11	invention in the 344 patent was conceived of and
12	Q. Did the fact that Acceleration Bay is	12	reduced to practice by at least September 16, 1999
13	asserting that the claimed invention in the 344	13	effect your opinion?
14	patent was conceived of and reduced to practice by	14	MR. DAVIS: And same objections as
15	at least September 16, 1999 have any effect on your	15	before. And same
16	opinion in this case?	16	THE WITNESS: My concern is that if I
17	MR. DAVIS: Objection. Form, beyond	17	were to hypothetically say that it had, which
18	the scope, foundation, incompleteness. And,	18	I'm not saying, but if I were to hypothetically
	again, to the extent this involved any	19	say that it had, that would have to indicate
19		00	that I had received that information, which I
20	conversation with counsel, that would be	20	
20 21	conversation with counsel, that would be privileged.	21	was instructed that is not something that I
20 21 22	conversation with counsel, that would be privileged. THE WITNESS: Yeah, so, again, I think	21 22	was instructed that is not something that I could convey.
20 21	conversation with counsel, that would be privileged. THE WITNESS: Yeah, so, again, I think that answering that question about whether it	21	was instructed that is not something that I



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	)N	BAY 117–120
1	Page 117 him about privilege, scope and and the basis	1	Page 119
		1	MR. DAVIS: Objection.
2	for opinions and things like that.	2	Q during prosecution?
3	MR. DAVIS: Okay.	3	MR. DAVIS: Objection. Form.
4	VIDEO TECHNICIAN: Off the record,	4	THE WITNESS: Did I attempt to
5	3:13 p.m. Time is 3:14 p.m. This will also be	5	could you reread the question?
6	the end of tape number four.	6	(Reporter read back.)
7	(Recess taken.)	7	THE WITNESS: So I guess it depends
8	VIDEO TECHNICIAN: This is the	8	what you mean by attempt to distinguish, right?
9	beginning of tape number five. On the record,	9	So in paragraph 36, I report that the
10	3:27 p.m.	10	applicants argued that the combination of
11	Q. Dr. Karger, have you had a chance to talk	11	having a computer network that was M regular
12	with your counsel about the scope of privilege?	12	and that is not a complete graph is
13	A. Yes, I have.	13	patentable
14	Q. So let me ask the question that we were	14	THE COURT REPORTER: It was
15	previously talking about before the break. Dr.	15	patentable
16	Karger, did the fact that Acceleration Bay is	16	THE WITNESS: Over the Alagar,
17	asserting that the claimed invention in the 344	17	A-I-a-g-a-r, reference. So from this text it
18	patent was conceived of and reduced to practice at	18	appears that the patent owners saying something
19	least by September 16, 1999 have any effect on your	19	about the Alagar reference whereas the prior
20	opinion?	20	art that we're looking at, I've identified that
21	A. No.	21	it describes it describes M regular
22	Q. Did you consider whether any strike	22	incomplete graphs. So that would appear to be
23	that.	23	a distinction from the plain text of this
24	Did you consider whether DirectPlay	24	paragraph.
	Page 118		Page 120
1	was cumulative of the prior art cited in the	1	Q. Did you look at any of the prior art that
2	prosecution history in forming your opinion?		the examiner considered during the prosecution of
3	MR. DAVIS: Objection to form.	3	the 344 patent in forming your opinion?
4	THE WITNESS: So that term cumulative	4	A. So as you can see from paragraph 23, I
5	is not ringing a bell for me right now. Do you	5	relied on a variety of documents which included
6	want to point out where I use that term or tell	6	reference 1009, the Alagar reference which I have
7	me what you mean by it?		just mentioned was part of the prosecution history.
8	Q. Well, do you have an understanding of what	8	Q. Any other references that you relied upon
9	cumulative means?	9	as part of the prosecution history in forming your
10	MR. DAVIS: Objection. Form.	10	opinion besides the Alagar reference?
11	THE WITNESS: Again, the term is not	11	MR. DAVIS: Objection. Form.
12	ringing a bell for me. So I'm not sure.	12	THE WITNESS: I can't immediately
13	Q. Okay. Did the fact strike that.	13	recall which references were part of the
14	Did you consider the prosecution	14	prosecution history. If you want to give me
15	history in forming your opinion in this case?	15	documents I can, you know, match them up with
16	A. So as you can see in section B of the	16	this list of exhibits.
17	summary section, page 14 of my declaration, I'm	17	Q. Is it fair to say that the list of
18	I'm familiar with some aspects of the prosecution	18	exhibits that you have in Exhibit-1 are all of the
19	history.	19	exhibits that you considered in forming your opinion
20	Q. Did you attempt to distinguish the	20	in this matter?
21	references that you rely upon with regard to the 344	21	A. I'm sorry, what's Exhibit-1? Is that the
22	patent, specifically the DirectPlay reference, the	22	Lin
23	Lin reference and the Shoubridge reference, from the	23	Q. Exhibit-1 is the 1970 dec.
24	prior art that was considered by the examiner	24	MR. DAVIS: Objection to form.



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD VS ACCELERATION		BAY 121–124
	Page 121		Page 123
1	THE WITNESS: So, as you can see in	1	privileged.
2	paragraph 23, I list the materials that I	2	MR. HANNAH: All right. I think this
3	relied on to be those listed in Appendix B of this document, along with my own education,	3 4	might have to come up tomorrow. We'll have to schedule a call with the board because time
4		4 5	frame is definitely not a privilege issue. And
6	knowledge and experience. Q. So, just so the record is clear, Exhibit	6	this is well, let me just make clear. Are
7	20 strike that, sorry.	7	you instructing him not to answer the question
8	Just so the record is clear, paragraph	8	how long it took him to prepare the dec?
9	23 of Exhibit-1 contains a list of all of the	9	MR. DAVIS: Yes. If you want to
10	materials that you relied upon in forming your	10	confer about it off the record, we can.
11	opinion in the 1970 matter?	11	MR. HANNAH: Okay.
12	MR. DAVIS: Objection to form.	12	Q. Just so the record is clear, are you
13	THE WITNESS: Again, I also rely on my	13	accepting counsel's instruction to not answer my
14	own education, knowledge and professional	14	question regarding how long it took you to prepare
15	experience.	15	the declaration?
16	Q. What you have listed in paragraph 24,	16	A. Yes, I am.
17	correct?	17	Q. Did you talk to your declaration strike
18	A. Correct.	18	that.
19	Q. So is it fair to say that paragraphs 23	19	Did you talk about your declaration to
20	and 24 of Exhibit-1 contains a list of all of the	20	anybody other than attorneys?
21	material that you relied upon in forming your	21	MR. DAVIS: Objection. Form. So as
22	opinions in the 1970 matter?	22	long as it's scoped so it's not involving any
23	A. I don't recall relying on anything else,	23	conversations with counsel, right, you can
24		24	answer.
<u> </u>	-	- ·	
1	Page 122 Q. Turning to Exhibit-2, it's also paragraph	1	Page 124 THE WITNESS: I'm kind of stuck. I'm
2	23 and 24. Is it fair to say that paragraphs 23 and	2	not sure I'm not sure if what I'm thinking
	24 contain a list of all the material that you	3	about involves conversation with counsel or
4	relied upon in forming your opinion in the 1972	4	not.
5	matter?	5	MR. DAVIS: We can go off the record.
6	A. Yes, again, these two paragraphs describe	6	THE WITNESS: I mean, it's a minor
7	what I remember relying on in order to form these	7	technical point. I'd be happy to go ask him
8	opinions or to reach these conclusions.	8	about it and then come back and respond.
9	Q. How long did it take you to prepare your	9	VIDEO TECHNICIAN: Off the record,
10	declaration as set forth in Exhibit-1?	10	3:40 p.m.
11			
	MR. DAVIS: Again, that goes into	11	(Recess taken.)
	MR. DAVIS: Again, that goes into privileged information. And I'm objecting	11 12	(Recess taken.) VIDEO TECHNICIAN: On the record.
12	privileged information. And I'm objecting	12	VIDEO TECHNICIAN: On the record,
		12 13	VIDEO TECHNICIAN: On the record, 3:41 p.m.
12 13 14	privileged information. And I'm objecting under those grounds and instructing the witness not to answer.	12	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other
12 13	privileged information. And I'm objecting under those grounds and instructing the witness	12 13 14	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other than attorneys about your declaration?
12 13 14 15	privileged information. And I'm objecting under those grounds and instructing the witness not to answer. MR. HANNAH: About how long it took	12 13 14 15	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other
12 13 14 15 16	privileged information. And I'm objecting under those grounds and instructing the witness not to answer. MR. HANNAH: About how long it took him?	12 13 14 15 16	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other than attorneys about your declaration? MR. DAVIS: Same instruction. Conversations with counsel about this case, et
12 13 14 15 16 17	privileged information. And I'm objecting under those grounds and instructing the witness not to answer. MR. HANNAH: About how long it took him? MR. DAVIS: Preparation of the	12 13 14 15 16 17	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other than attorneys about your declaration? MR. DAVIS: Same instruction.
12 13 14 15 16 17 18	privileged information. And I'm objecting under those grounds and instructing the witness not to answer. MR. HANNAH: About how long it took him? MR. DAVIS: Preparation of the declaration generally, yes.	12 13 14 15 16 17 18	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other than attorneys about your declaration? MR. DAVIS: Same instruction. Conversations with counsel about this case, et cetera are privileged but beyond that you can
12 13 14 15 16 17 18 19	privileged information. And I'm objecting under those grounds and instructing the witness not to answer. MR. HANNAH: About how long it took him? MR. DAVIS: Preparation of the declaration generally, yes. MR. HANNAH: I just want to know the	12 13 14 15 16 17 18 19	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other than attorneys about your declaration? MR. DAVIS: Same instruction. Conversations with counsel about this case, et cetera are privileged but beyond that you can answer.
12 13 14 15 16 17 18 19 20	privileged information. And I'm objecting under those grounds and instructing the witness not to answer. MR. HANNAH: About how long it took him? MR. DAVIS: Preparation of the declaration generally, yes. MR. HANNAH: I just want to know the time frame. Time frame is definitely not	12 13 14 15 16 17 18 19 20	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other than attorneys about your declaration? MR. DAVIS: Same instruction. Conversations with counsel about this case, et cetera are privileged but beyond that you can answer. THE WITNESS: The answer is no.
12 13 14 15 16 17 18 19 20 21	privileged information. And I'm objecting under those grounds and instructing the witness not to answer. MR. HANNAH: About how long it took him? MR. DAVIS: Preparation of the declaration generally, yes. MR. HANNAH: I just want to know the time frame. Time frame is definitely not privileged.	12 13 14 15 16 17 18 19 20 21	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other than attorneys about your declaration? MR. DAVIS: Same instruction. Conversations with counsel about this case, et cetera are privileged but beyond that you can answer. THE WITNESS: The answer is no. Q. Let's look at Exhibit-1.
12 13 14 15 16 17 18 19 20 21 22	privileged information. And I'm objecting under those grounds and instructing the witness not to answer. MR. HANNAH: About how long it took him? MR. DAVIS: Preparation of the declaration generally, yes. MR. HANNAH: I just want to know the time frame. Time frame is definitely not privileged. MR. DAVIS: You just asked him how	12 13 14 15 16 17 18 19 20 21 22	VIDEO TECHNICIAN: On the record, 3:41 p.m. Q. Doctor, did you talk with anybody other than attorneys about your declaration? MR. DAVIS: Same instruction. Conversations with counsel about this case, et cetera are privileged but beyond that you can answer. THE WITNESS: The answer is no. Q. Let's look at Exhibit-1. A. Sorry. Can I have one caveat? For



# 800.211.DEPO (3376) EsquireSolutions.com

/			
1	Page 125 Q. I guess it does answer the question.	1	A. Yes, I do.
2	Anyone besides your wife that you've talked to about	2	Q. So what are peer to peer networks?
3	this case?	3	A. So
4	A. No.	4	MR. DAVIS: I'll object to form.
5	Q. All right. On page six of Exhibit-1, to	5	THE WITNESS: Once again, I haven't
6	the extent there's a discrepancy, I'm going to refer	6	been asked to define peer to peer networks at
7	to the the number that's actually on the document	7	the edges, but what we were doing was
8	rather than the Bates label.	8	developing a number of protocols for operating
9	A. Okay.	9	systems in which all of the nodes had
10	Q. Paragraph eight, it says that your thesis	10	essentially the same responsibilities, had a
11	is on graph theory and graph algorithms. Do you see	11	specific role to play and in which they use
12	that?	12	sort of communication with directly directly
13	A. Yes, I do.	13	with each other rather than through some kind
14	Q. Can you explain what your thesis was	14	of central server in order to cooperate.
15	about?	15	Q. So what's the fundamental problem with
16	A. My thesis was on graph theory and graph	16	peer to peer networks as you reference in this
17	algorithms but I	17	paragraph?
18	Q. Can you get more specific than that?	18	A. Well, this paragraph does not assert that
19	A. Sure. So graph theory is the study of	19	there is a fundamental problem with peer to peer
20	graphs, which are these mathematical objects which	20	networks. It asserts that looking up data in I'm
21	are frequently used as the representation of	21	sorry, finding finding data in a peer to peer
22	computer networks, road networks, biological	22	network is a fundamental problem for peer to peer
23	networks, a variety of other types of networks. And	23	networks. It is something that is a useful a
24	there's a there's a theory of graphs, just their	24	useful subroutine, a useful functionality for a
	Page 126		Page 128
1	structure as graphs and there's also a field of		variety of applications.
2	graph algorithms which studies solving various	2	Q. Can you explain what you mean by that,
3	problems involving graphs, determining their	3	finding data is a fundamental problem in peer to
4	connectivity, finding shortest paths between	4	peer networks?
5	different points in the graph, minimum broadcast	5	A. Well, one of the things that you may do
6	diameter is an example of a problem that is part of graph theory. There's a large family and so	6 7	when you have a peer to peer network is spread the information that you're managing over the many nodes
8	there's a large community working in these areas.		in the environment. And when a node in the peer to
9		-	peer network that doesn't have that information
10	-	9 10	needs it, it needs to go get it. And in order to
11	and graph optimization problems. And I looked at a	11	get it, it needs to know who to talk to, who does
12	number of fundamental graph problems, including the	12	have it. And so that's the the problem I'm
12	problem of determining the connectivity of a graph,	13	referring to here, is that sort of helping that
13	the problem of finding sort of a way to connect up	14	node that needs the information get in touch with
15	the graph at minimum costs and ways to sort of send	15	the node that has the information.
16	as much information as possible through the graph	16	Q. And how did you solve that problem?
17	from one place to another. And in all cases I was	17	A. So we developed a particular peer to peer
18	looking at developing algorithms that could answer	18	network structure called Chord, which had a number
19	these questions quickly.	19	of properties that we considered appealing and
20		20	showed that it could be used in order to solve this
21	your report.	21	look up problem.
22	A. Uh-huh.	22	Q. And when did you come up with Chord or
23	Q. You have a reference to peer to peer	23	when did you develop Chord?
24		24	A. What do you mean by develop? When did we
L			



# 800.211.DEPO (3376) EsquireSolutions.com

1	CTIVISION BLIZZARD vs ACCELERATIC		
	Page 129 publish? When did we think of it?	1	Page 131 my head. I I know the last two checks that I
-	Q. It says in your it's in your	2	received, but I haven't done my taxes. So I don't
3	declaration, you said, I also, together with a	3	know the totals.
4	number of my MIT colleagues, developed Chord.	4	Q. Well, can you give me a ballpark?
5	A. Yes, I did but now you're asking when.	5	
			A. Well, this isn't privileged, is it?
_	And so my question is what what do you mean by developed? Do you mean the moment when I thought of	6	Q. No, this is not privileged.
7		7	MR. DAVIS: You can if you can give
8	the idea of doing it? Do you mean when we published this article in Cidcom (phonetic)? What's your	8	him a ballpark, you can give him a ballpark.
9		9	Don't talk about our communication or
10		10	correspondence or anything with counsel, right,
11	Q. What did you mean by developed here?	11	but if you can give him if you can give him
12		12	a ballpark.
13	5	13	THE WITNESS: Sure. So the last two
14		14	
15		15	hundred thousand
16	, , , , , , , , , , , , , , , , , , , ,	16	MR. HANNAH: That's not privileged.
	with it?	17	MR. DAVIS: You can give him a
18		18	i ș
19		19	it was. Jut give him a ballpark of what you
20	1	20	,
21	the idea for a few years before getting gathered	21	THE WITNESS: Right, so that's the
22	into the group of people who expressed an interest	22	<u> </u>
23		23	Q. What were these last two checks you
24	I first had the idea. It emerged from my earlier	24	received for providing expert services?
	Page 130		Page 132
1	work at Akami on distributed cashing systems, which	1	A. Those totaled to about 100 k.
2	was in '95 or '96 but I don't and so it was after	2	Q. And how and what was
3	that and before before the publication date of	3	A. I don't get many checks. It's not
	2001.	4	
4		4	Q. And did that cover the first two quarters
4 5	Q. Did this fundamental problem in peer to	4 5	Q. And did that cover the first two quarters of the year?
			-
5	Q. Did this fundamental problem in peer to	5	of the year?
5 6	Q. Did this fundamental problem in peer to peer networks exist in 1996?	5 6	of the year? A. I'm not sure what the dates were that it
5 6 7	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form.</li> <li>THE WITNESS: Well, it existed in a flavor in the distributed cashing system that</li> </ul>	5 6 7	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert
5 6 7 8	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form.</li> <li>THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> </ul>	5 6 7 8	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert
5 6 7 8 9	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form.</li> <li>THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> </ul>	5 6 7 8 9	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert
5 6 7 8 9 10	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> </ul>	5 6 7 8 9 10	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work?
5 6 7 8 9 10 11	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> </ul>	5 6 7 8 9 10 11	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or
5 6 7 8 9 10 11	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about</li> </ul>	5 6 7 8 9 10 11 12	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years?
5 6 7 8 9 10 11 12 13	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> </ul>	5 6 7 8 9 10 11 12 13	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years?
5 6 7 9 10 11 12 13 14	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> <li>A. Paragraph, I'm sorry, I went to page 12.</li> </ul>	5 6 7 8 9 10 11 12 13 14	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years? Q. Just say within the last year.
5 6 7 9 10 11 12 13 14 15	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> <li>A. Paragraph, I'm sorry, I went to page 12. Yes.</li> </ul>	5 6 7 8 9 10 11 12 13 14 15	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years? Q. Just say within the last year. A. So in the last year, roughly speaking,
5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996? MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> <li>A. Paragraph, I'm sorry, I went to page 12.</li> <li>Yes.</li> <li>Q. How much of your time is devoted to</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years? Q. Just say within the last year. A. So in the last year, roughly speaking, this is the case that has taken all of my time. And
5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996?</li> <li>MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> <li>A. Paragraph, I'm sorry, I went to page 12.</li> <li>Yes.</li> <li>Q. How much of your time is devoted to providing expert testimony?</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years? Q. Just say within the last year. A. So in the last year, roughly speaking, this is the case that has taken all of my time. And ballpark, I mean, again, it's I don't think I've
5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996? MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> <li>A. Paragraph, I'm sorry, I went to page 12.</li> <li>Yes.</li> <li>Q. How much of your time is devoted to providing expert testimony?</li> <li>A. If you're asking me to count hours, I</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years? Q. Just say within the last year. A. So in the last year, roughly speaking, this is the case that has taken all of my time. And ballpark, I mean, again, it's I don't think I've gotten more from this than my salary, but it's
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996? MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> <li>A. Paragraph, I'm sorry, I went to page 12.</li> <li>Yes.</li> <li>Q. How much of your time is devoted to providing expert testimony?</li> <li>A. If you're asking me to count hours, I</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years? Q. Just say within the last year. A. So in the last year, roughly speaking, this is the case that has taken all of my time. And ballpark, I mean, again, it's I don't think I've gotten more from this than my salary, but it's probably close.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996? MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> <li>A. Paragraph, I'm sorry, I went to page 12.</li> <li>Yes.</li> <li>Q. How much of your time is devoted to providing expert testimony?</li> <li>A. If you're asking me to count hours, I can't. I have records which I could get at some point and share.</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years? Q. Just say within the last year. A. So in the last year, roughly speaking, this is the case that has taken all of my time. And ballpark, I mean, again, it's I don't think I've gotten more from this than my salary, but it's probably close. Q. So fifty percent? MR. DAVIS: Objection to form.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996? MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> <li>A. Paragraph, I'm sorry, I went to page 12.</li> <li>Yes.</li> <li>Q. How much of your time is devoted to providing expert testimony?</li> <li>A. If you're asking me to count hours, I can't. I have records which I could get at some point and share.</li> <li>Q. Approximately how much money do you make</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years? Q. Just say within the last year. A. So in the last year, roughly speaking, this is the case that has taken all of my time. And ballpark, I mean, again, it's I don't think I've gotten more from this than my salary, but it's probably close. Q. So fifty percent? MR. DAVIS: Objection to form. THE WITNESS: Perhaps fifty percent in
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>Q. Did this fundamental problem in peer to peer networks exist in 1996? MR. DAVIS: Objection to form. THE WITNESS: Well, it existed in a flavor in the distributed cashing system that we built, that led to Akami.</li> <li>Q. Does the problem still exist today?</li> <li>A. Sure.</li> <li>Q. Paragraph 12 through 14 you talk about your work as an expert.</li> <li>A. Paragraph, I'm sorry, I went to page 12.</li> <li>Yes.</li> <li>Q. How much of your time is devoted to providing expert testimony?</li> <li>A. If you're asking me to count hours, I can't. I have records which I could get at some point and share.</li> <li>Q. Approximately how much money do you make providing expert services in a year, say last year?</li> </ul>	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	of the year? A. I'm not sure what the dates were that it was covering. Q. In terms of your total income, what percentage would you say is attributed to expert work versus any other work? A. Are you talking about this year? Are you talking about in general over the past ten or fifteen years? Q. Just say within the last year. A. So in the last year, roughly speaking, this is the case that has taken all of my time. And ballpark, I mean, again, it's I don't think I've gotten more from this than my salary, but it's probably close. Q. So fifty percent? MR. DAVIS: Objection to form. THE WITNESS: Perhaps fifty percent in this year, but I don't expert very often. And



# 800.211.DEPO (3376) EsquireSolutions.com

	TIVISION BLIZZARD vs ACCELERATIO		BAY 133–136
4	Page 133		Page 135
1	Q. How many other pending cases are you		presume all of the all of this stuff, including
2	providing expert services for?		the other three patents, is just one that we can
3	MR. DAVIS: Objection to form.	3	take as a given.
4	THE WITNESS: So there are	4	Q. Well, let's just make the record clear.
5	MR. DAVIS: And I'd I'd caution the	5	So when you're discussing when you saying this
6	witness not to reveal any confidential	6	one, you're talking about the actions about
7	information.		Activision Blizzard versus Acceleration, et al
8	THE WITNESS: Of course. Of course.	8	versus Acceleration Bay and the IPRs and
9	MR. DAVIS: What other arrangements	9	Acceleration Bay versus Activision Blizzard, et al.
10	you have or who you have them with.	10	5
11	THE WITNESS: Understood. So I don't	11	A. Yes. Aside from that and the two that
12	think that it is revealing any confidential	12	I've mentioned, I can't recall any other cases that
13	information to say there are two cases that	13	I'm currently involved in.
14	I can think of. I'm honestly not sure to what	14	Q. How much of your time is taken strike
15	extent they would be called pending.	15	that.
16	MR. DAVIS: And in those cases,	16	How much time do you spend on your
17	whatever they are, I'd caution you not to	17	expert services?
18	reveal any privileged communications with	18	A. So, of course, it's full-time this week.
19	counsel.	19	Q. In general, over the last year?
20	THE WITNESS: Absolutely. One of them	20	A. So in in general MIT gives us a day a
21	we've been sort of discussing possibly bringing	21	week for this kind of activity and a little more
22	me on, but I haven't done it.	22	time in the summer. And I have not overstepped that
23	MR. DAVIS: Don't discuss any	23	limit. So that's the upper bound. And I've checked
24	conversations with counsel, whatever those are,	24	to verify that I'm obeying that upper bound. I
	Page 134		Page 136
1	right, in those cases. Those would be	1	can't give you the exact number.
2	privileged. Don't you shouldn't reveal	2	Q. When you say a little bit more over the
3	privileged information with counsel.	3	summer, can you tell me how much more?
4	THE WITNESS: Sorry.	4	A. Well, so in the summer we are permitted
5			
	MR. HANNAH: Counsel, you're really	5	to sorry if it's a long answer, but we can take
6	MR. HANNAH: Counsel, you're really overstepping the bounds of privilege here. I'm	5 6	to sorry if it's a long answer, but we can take an appointment at MIT for the summer. And if we
		6	
6	overstepping the bounds of privilege here. I'm	6 7	an appointment at MIT for the summer. And if we
6 7	overstepping the bounds of privilege here. I'm asking for a generalization.	6 7	an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then
6 7 8	overstepping the bounds of privilege here. I'm asking for a generalization. MR. DAVIS: I'm just cautioning the	6 7 8	an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We
6 7 8 9	overstepping the bounds of privilege here. I'm asking for a generalization. MR. DAVIS: I'm just cautioning the witness THE WITNESS: And I'm not planting any	6 7 8 9	an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not
6 7 8 9 10	overstepping the bounds of privilege here. I'm asking for a generalization. MR. DAVIS: I'm just cautioning the witness	6 7 8 9 10	an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we
6 7 8 9 10 11	overstepping the bounds of privilege here. I'm asking for a generalization. MR. DAVIS: I'm just cautioning the witness THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm	6 7 8 9 10 11	an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.
6 7 9 10 11 12	overstepping the bounds of privilege here. I'm asking for a generalization. MR. DAVIS: I'm just cautioning the witness THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one	6 7 9 10 11 12	an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time. Q. So have you taken appointment this summer?
6 7 9 10 11 12 13	overstepping the bounds of privilege here. I'm asking for a generalization. MR. DAVIS: I'm just cautioning the witness THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting	6 7 9 10 11 12 13	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and,</li> </ul>
6 7 9 10 11 12 13 14	overstepping the bounds of privilege here. I'm asking for a generalization. MR. DAVIS: I'm just cautioning the witness THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting onto but I don't think it will actually happen.	6 7 9 10 11 12 13 14	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and, again, one can choose to do two months of</li> </ul>
6 7 9 10 11 12 13 14 15	overstepping the bounds of privilege here. I'm asking for a generalization. MR. DAVIS: I'm just cautioning the witness THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting onto but I don't think it will actually happen. One that may be pending but I don't know. That	6 7 9 10 11 12 13 14 15	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and, again, one can choose to do two months of appointment and one month off, for example. I don't</li> </ul>
6 7 9 10 11 12 13 14 15 16	<ul> <li>overstepping the bounds of privilege here. I'm asking for a generalization.</li> <li>MR. DAVIS: I'm just cautioning the witness</li> <li>THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting onto but I don't think it will actually happen.</li> <li>One that may be pending but I don't know. That is, I was retained but it's not clear the case is going to happen.</li> </ul>	6 7 8 9 10 11 12 13 14 15 16	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and, again, one can choose to do two months of appointment and one month off, for example. I don't recall exactly what I've done in the past.</li> <li>Q. As far as you can remember, have you ever</li> </ul>
6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>overstepping the bounds of privilege here. I'm asking for a generalization.</li> <li>MR. DAVIS: I'm just cautioning the witness</li> <li>THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting onto but I don't think it will actually happen.</li> <li>One that may be pending but I don't know. That is, I was retained but it's not clear the case is going to happen.</li> <li>Q. And these are potentially District Court</li> </ul>	6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and, again, one can choose to do two months of appointment and one month off, for example. I don't recall exactly what I've done in the past.</li> <li>Q. As far as you can remember, have you ever provided more than one day a week of expert</li> </ul>
6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>overstepping the bounds of privilege here. I'm asking for a generalization.</li> <li>MR. DAVIS: I'm just cautioning the witness</li> <li>THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting onto but I don't think it will actually happen.</li> <li>One that may be pending but I don't know. That is, I was retained but it's not clear the case is going to happen.</li> </ul>	6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and, again, one can choose to do two months of appointment and one month off, for example. I don't recall exactly what I've done in the past.</li> <li>Q. As far as you can remember, have you ever provided more than one day a week of expert services?</li> </ul>
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	overstepping the bounds of privilege here. I'm asking for a generalization. MR. DAVIS: I'm just cautioning the witness THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting onto but I don't think it will actually happen. One that may be pending but I don't know. That is, I was retained but it's not clear the case is going to happen. Q. And these are potentially District Court litigations? A. I'm not sure.	6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and, again, one can choose to do two months of appointment and one month off, for example. I don't recall exactly what I've done in the past.</li> <li>Q. As far as you can remember, have you ever provided more than one day a week of expert services?</li> </ul>
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>overstepping the bounds of privilege here. I'm asking for a generalization.</li> <li>MR. DAVIS: I'm just cautioning the witness</li> <li>THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting onto but I don't think it will actually happen.</li> <li>One that may be pending but I don't know. That is, I was retained but it's not clear the case is going to happen.</li> <li>Q. And these are potentially District Court litigations?</li> <li>A. I'm not sure.</li> <li>Q. But besides these two cases, what other</li> </ul>	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and, again, one can choose to do two months of appointment and one month off, for example. I don't recall exactly what I've done in the past.</li> <li>Q. As far as you can remember, have you ever provided more than one day a week of expert services?</li> <li>A. I don't think so but there may have been a summer where I took two months instead of three at</li> </ul>
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>overstepping the bounds of privilege here. I'm asking for a generalization.</li> <li>MR. DAVIS: I'm just cautioning the witness</li> <li>THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting onto but I don't think it will actually happen.</li> <li>One that may be pending but I don't know. That is, I was retained but it's not clear the case is going to happen.</li> <li>Q. And these are potentially District Court litigations?</li> <li>A. I'm not sure.</li> <li>Q. But besides these two cases, what other cases are you currently providing expert witness</li> </ul>	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and, again, one can choose to do two months of appointment and one month off, for example. I don't recall exactly what I've done in the past.</li> <li>Q. As far as you can remember, have you ever provided more than one day a week of expert services?</li> <li>A. I don't think so but there may have been a summer where I took two months instead of three at MIT, to give myself an extra month of flexibility,</li> </ul>
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>overstepping the bounds of privilege here. I'm asking for a generalization.</li> <li>MR. DAVIS: I'm just cautioning the witness</li> <li>THE WITNESS: And I'm not planting any particular cases or companies or counsels. I'm just saying that there are these two cases, one of which I'm sort of being discussed putting onto but I don't think it will actually happen.</li> <li>One that may be pending but I don't know. That is, I was retained but it's not clear the case is going to happen.</li> <li>Q. And these are potentially District Court litigations?</li> <li>A. I'm not sure.</li> <li>Q. But besides these two cases, what other</li> </ul>	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>an appointment at MIT for the summer. And if we take an appointment at MIT for the summer, then we're constrained by the same day a week rule. We can also choose for some period of the summer to not be appointed, in which case we're free to do what we like with our time.</li> <li>Q. So have you taken appointment this summer?</li> <li>A. Almost always and I can't recall and, again, one can choose to do two months of appointment and one month off, for example. I don't recall exactly what I've done in the past.</li> <li>Q. As far as you can remember, have you ever provided more than one day a week of expert services?</li> <li>A. I don't think so but there may have been a summer where I took two months instead of three at MIT, to give myself an extra month of flexibility, but I don't recall for sure. In general, I take my</li> </ul>



# 800.211.DEPO (3376) EsquireSolutions.com

		)N	
1	Page 137 Q. And that's the maximum appointment you can	1	Page 139 called a maximum flow. And Ford-Fulkerson in
	take during the summer?	2	'55 and '61 there are two famous citations
3	A. Yes. It would be nice if I can take more,	3	outlining the first algorithm for computing
4	but	3 4	maximum flows. And as you can see here that
5	Q. Turning to paragraph 18 of your report.	5	insight about these mathematical graph
6		6	
-	And by your report, you understand that I'm	7	artifacts shows up in this sort of computer
7	referring to your declaration in Exhibit-1 as we're		networking study.
8	going through it right now?	8	Q. So is it fair to say that you based the
9	A. Yes, I am.	9	field of art relevant to the 344 patent by looking
10	Q. Paragraph 18 you state that the field of	10	at the Shoubridge reference?
11	art relevant to the 344 patent is a combination of	11	MR. DAVIS: Objection to form.
12	computer networking and graph theory which are	12	THE WITNESS: No, you had asked a
13	related disciplines. Do you see that?	13	question about why I thought the computer
14	A. Yes, I do.	14	networking and graph theory were related
15	Q. Did you come up with that?	15	disciplines. And I felt a quick way to answer
16	A. Did I come up with what?	16	that question was to answer through Shoubridge.
17	Q. Did you come did you determine the	17	Q. Let me clarify the question. I also want
18	field of art for the 344 patent on your own?	18	to know why they are why they are a field of art
19	MR. DAVIS: Again, to the extent that	19	relevant to the 344 patent.
20	counsel's asking about conversations with	20	MR. DAVIS: Objection to form.
21	counsel, that would be privileged but if you	21	THE WITNESS: Well, that is my
22	can answer otherwise, you can answer.	22	opinion, based upon the clear fact that the 344
23	THE WITNESS: Okay. It certainly is	23	patent sorry, do I have the 344 patent
24	my opinion that that is the relevant field of	24	that the 344 patent carries terms drawn from
	Page 138		<b>D</b>
			Pade 140
1	art.	1	Page 140 both of those fields and discusses concepts
1		1 2	
	art.		both of those fields and discusses concepts
2	art. Q. Can you explain what a combination of	2	both of those fields and discusses concepts from both of those fields.
2 3 4	art. Q. Can you explain what a combination of computer networking and graph theory is?	2 3	both of those fields and discusses concepts from both of those fields. If I could take a very brief break.
2 3 4 5	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that	2 3 4	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure.
2 3 4 5 6	<ul><li>art.</li><li>Q. Can you explain what a combination of computer networking and graph theory is?</li><li>A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's</li></ul>	2 3 4 5	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record,
2 3 4 5 6 7	<ul> <li>art.</li> <li>Q. Can you explain what a combination of computer networking and graph theory is?</li> <li>A. Sure. Sorry, I'm hunting to the text that</li> <li>I want to point out. So as with many fields, it's very useful and essential in computer networking to</li> </ul>	2 3 4 5 6	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m.
2 3 4 5 6 7 8	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous	2 3 4 5 6 7	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record,
2 3 4 5 6 7 8	<ul> <li>art.</li> <li>Q. Can you explain what a combination of computer networking and graph theory is?</li> <li>A. Sure. Sorry, I'm hunting to the text that</li> <li>I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights</li> </ul>	2 3 4 5 6 7 8	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m.
2 3 4 5 6 7 8 9	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an	2 3 4 5 6 7 8 9 10	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we
2 3 4 5 6 7 8 9 10	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth	2 3 4 5 6 7 8 9 10 11	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as
2 3 4 5 6 7 8 9 10 11	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss	2 3 4 5 6 7 8 9 10 11 12	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver
2 3 4 5 6 7 8 9 10 11 12	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little	2 3 4 5 6 7 8 9 10 11 12 13	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask
2 3 4 5 6 7 8 9 10 11 12 13 14	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link	2 3 4 5 6 7 8 9 10 11 12 13 14	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask Dr. Karger how how long he spent preparing
2 3 4 5 6 7 8 9 10 11 12 13 14 15	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link THE COURT REPORTER: Wait. Slow down.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask Dr. Karger how how long he spent preparing the declaration.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link THE COURT REPORTER: Wait. Slow down. THE WITNESS: that causes an	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask Dr. Karger how how long he spent preparing the declaration. MR. HANNAH: As I indicated during the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link THE COURT REPORTER: Wait. Slow down. THE WITNESS: that causes an independent update procedure based on the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>both of those fields and discusses concepts</li> <li>from both of those fields.</li> <li>If I could take a very brief break.</li> <li>Q. Sure.</li> <li>VIDEO TECHNICIAN: Off the record,</li> <li>4:04 p.m.</li> <li>(Recess taken.)</li> <li>VIDEO TECHNICIAN: On the record,</li> <li>4:10 p.m.</li> <li>MR. DAVIS: James, just before we</li> <li>begin, as discussed off the record, as long as</li> <li>you're willing to agree that there's no waiver</li> <li>of privilege, we're willing to allow you to ask</li> <li>Dr. Karger how how long he spent preparing</li> <li>the declaration.</li> <li>MR. HANNAH: As I indicated during the</li> <li>break, I don't believe that there's any</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link THE COURT REPORTER: Wait. Slow down. THE WITNESS: that causes an independent update procedure based on the decentralized version of Ford-Fulkerson's	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask Dr. Karger how how long he spent preparing the declaration. MR. HANNAH: As I indicated during the break, I don't believe that there's any privileged information there to to weigh at
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link THE COURT REPORTER: Wait. Slow down. THE WITNESS: that causes an independent update procedure based on the decentralized version of Ford-Fulkerson's algorithm. Now, I think that we can agree that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask Dr. Karger how how long he spent preparing the declaration. MR. HANNAH: As I indicated during the break, I don't believe that there's any privileged information there to to weigh at all.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link THE COURT REPORTER: Wait. Slow down. THE WITNESS: that causes an independent update procedure based on the decentralized version of Ford-Fulkerson's algorithm. Now, I think that we can agree that the Shoubridge article is relevant to computer	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>both of those fields and discusses concepts from both of those fields.</li> <li>If I could take a very brief break.</li> <li>Q. Sure. <ul> <li>VIDEO TECHNICIAN: Off the record,</li> <li>4:04 p.m.</li> <li>(Recess taken.)</li> <li>VIDEO TECHNICIAN: On the record,</li> </ul> </li> <li>4:10 p.m. <ul> <li>MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask Dr. Karger how how long he spent preparing the declaration.</li> <li>MR. HANNAH: As I indicated during the break, I don't believe that there's any privileged information there to to weigh at all.</li> <li>Q. So, Dr. Karger, going back to the question</li> </ul> </li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link THE COURT REPORTER: Wait. Slow down. THE WITNESS: that causes an independent update procedure based on the decentralized version of Ford-Fulkerson's algorithm. Now, I think that we can agree that the Shoubridge article is relevant to computer networking. That Ford-Fulkerson algorithm is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask Dr. Karger how how long he spent preparing the declaration. MR. HANNAH: As I indicated during the break, I don't believe that there's any privileged information there to to weigh at all. Q. So, Dr. Karger, going back to the question earlier. How long did you spend preparing your
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link THE COURT REPORTER: Wait. Slow down. THE WITNESS: that causes an independent update procedure based on the decentralized version of Ford-Fulkerson's algorithm. Now, I think that we can agree that the Shoubridge article is relevant to computer networking. That Ford-Fulkerson algorithm is one of the seminal works in graph theory. It	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask Dr. Karger how how long he spent preparing the declaration. MR. HANNAH: As I indicated during the break, I don't believe that there's any privileged information there to to weigh at all. Q. So, Dr. Karger, going back to the question earlier. How long did you spend preparing your declaration?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	art. Q. Can you explain what a combination of computer networking and graph theory is? A. Sure. Sorry, I'm hunting to the text that I want to point out. So as with many fields, it's very useful and essential in computer networking to occasionally approach problems in a more rigorous mathematical formulation in order to gain insights that you then bring back to practice. As an example, if you look at the Shoubridge reference, page two page two, second column, fourth paragraph. There's a discussion of the Jaffe-Moss distributed shortest path algorithm. And a little farther down it points out how there is a link THE COURT REPORTER: Wait. Slow down. THE WITNESS: that causes an independent update procedure based on the decentralized version of Ford-Fulkerson's algorithm. Now, I think that we can agree that the Shoubridge article is relevant to computer networking. That Ford-Fulkerson algorithm is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	both of those fields and discusses concepts from both of those fields. If I could take a very brief break. Q. Sure. VIDEO TECHNICIAN: Off the record, 4:04 p.m. (Recess taken.) VIDEO TECHNICIAN: On the record, 4:10 p.m. MR. DAVIS: James, just before we begin, as discussed off the record, as long as you're willing to agree that there's no waiver of privilege, we're willing to allow you to ask Dr. Karger how how long he spent preparing the declaration. MR. HANNAH: As I indicated during the break, I don't believe that there's any privileged information there to to weigh at all. Q. So, Dr. Karger, going back to the question earlier. How long did you spend preparing your



# 800.211.DEPO (3376) EsquireSolutions.com

	TIVISION DLIZZARD VS ACCELERATIC		
1	Page 141 share the total hours, but it's not something I	1	Page 143 Q. Doctor, I think, hopefully, we cleared
	bother keeping in my mind.	2	some things up for all of us here. So I'm going to
3	Q. Do you have a ballpark figure?	3	turn your attention to paragraph 21.
4	A. It would be pulled out of thin air. I	4	A. Yes.
5	really can't say. I mean, again, I can put a lower	5	Q. You state that I understand the POSITA is
	amount on it based on the two checks that I've	6	presumed to have knowledge of all relevant prior
	received. I mean, again, if you if by preparing	7	art, do you see that?
	my declaration you mean everything that I've done on		A. Yes, I do.
	this case, because, obviously, that I've spread	8 9	<ul><li>Q. Where did you get that understanding from?</li></ul>
		-	MR. DAVIS: And as agreed off the
10	my time but that's the only concrete number I can draw from right now.	10	-
	Q. So I'll take a lower bound. What's the	11	record, Mr. Hannah, this is not a waiver of any
12		12	privilege?
13	lower bound on the time that you spent?	13	MR. HANNAH: As I indicated, I don't
14	A. Now I have to do math.	14	believe it's privileged, so it can't be a
15	MR. DAVIS: Object to the form as	15	waiver.
16	well.	16	THE WITNESS: I received that
17	THE WITNESS: So it would have to	17	5
18	ballpark to a hundred and something hours,	18	Q. Let's turn to page 11 of your declaration,
19	lower bound.	19	but it's actually paragraph 21. So the last
20	Q. And that's time spent on all of the	20	sentence says, accordingly, a POSITA reviewing
21	Acceleration Bay matters or just	21	DirectPlay would have been familiar with the Lin
22	A. All of the Acceleration Bay matters.	22	
23	Q. On paragraph 21 of your report you state,	23	\$
24	I understand, though, the POSITA is presumed to have	24	ranges of teachings they contain at least because
	Page 142		Page 144
1	knowledge of all relevant prior art. Do you see	1	these prior art references address solutions to
1 2	knowledge of all relevant prior art. Do you see that?	1 2	
	-		these prior art references address solutions to
2	<ul><li>that?</li><li>A. Yes, I do.</li><li>Q. Where did you get that understanding from?</li></ul>	2	these prior art references address solutions to problems in networking. Do you see that?
2 3	that? A. Yes, I do.	2 3	<ul><li>these prior art references address solutions to problems in networking. Do you see that?</li><li>A. Yes, I do.</li><li>Q. So is it your opinion that DirectPlay addresses a solution to problems in networking?</li></ul>
2 3 4	<ul><li>that?</li><li>A. Yes, I do.</li><li>Q. Where did you get that understanding from?</li></ul>	2 3 4	<ul><li>these prior art references address solutions to problems in networking. Do you see that?</li><li>A. Yes, I do.</li><li>Q. So is it your opinion that DirectPlay</li></ul>
2 3 4 5	<ul><li>that?</li><li>A. Yes, I do.</li><li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing</li></ul>	2 3 4 5	<ul><li>these prior art references address solutions to problems in networking. Do you see that?</li><li>A. Yes, I do.</li><li>Q. So is it your opinion that DirectPlay addresses a solution to problems in networking?</li></ul>
2 3 4 5 6	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he</li> </ul>	2 3 4 5 6	<ul> <li>these prior art references address solutions to problems in networking. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. So is it your opinion that DirectPlay addresses a solution to problems in networking?</li> <li>MR. DAVIS: Can you read the question</li> </ul>
2 3 4 5 6 7	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from</li> </ul>	2 3 4 5 6 7	these prior art references address solutions to problems in networking. Do you see that? A. Yes, I do. Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back? (Reporter read back.) MR. DAVIS: Object to form.
2 3 4 5 6 7 8	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by</li> </ul>	2 3 4 5 6 7 8	these prior art references address solutions to problems in networking. Do you see that? A. Yes, I do. Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back? (Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion.
2 3 4 5 6 7 8 9	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving</li> </ul>	2 3 4 5 6 7 8 9	<pre>these prior art references address solutions to problems in networking. Do you see that?     A. Yes, I do.     Q. So is it your opinion that DirectPlay addresses a solution to problems in networking?     MR. DAVIS: Can you read the question     back?         (Reporter read back.)         MR. DAVIS: Object to form.         THE WITNESS: Yes, that is my opinion.     Q. And why is that?</pre>
2 3 4 5 6 7 8 9 10	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by</li> </ul>	2 3 4 5 6 7 8 9 10	these prior art references address solutions to problems in networking. Do you see that? A. Yes, I do. Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back? (Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion.
2 3 4 5 6 7 8 9 10 11	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says</li> </ul>	2 3 4 5 6 7 8 9 10 11	<pre>these prior art references address solutions to problems in networking. Do you see that?     A. Yes, I do.     Q. So is it your opinion that DirectPlay addresses a solution to problems in networking?     MR. DAVIS: Can you read the question     back?         (Reporter read back.)         MR. DAVIS: Object to form.         THE WITNESS: Yes, that is my opinion.     Q. And why is that?</pre>
2 3 4 5 6 7 8 9 10 11 12	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed</li> </ul>	2 3 4 5 6 7 8 9 10 11 12	these prior art references address solutions to problems in networking. Do you see that? A. Yes, I do. Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back? (Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion. Q. And why is that? A. Well, one of the problems in networking is
2 3 4 5 6 7 8 9 10 11 12 13	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13	these prior art references address solutions to problems in networking. Do you see that? A. Yes, I do. Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back? (Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion. Q. And why is that? A. Well, one of the problems in networking is developing systems that make use of the network.
2 3 4 5 6 7 8 9 10 11 12 13 14	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a waiver of privilege. You can explain if you</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14	<ul> <li>these prior art references address solutions to problems in networking. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back?</li> <li>(Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion.</li> <li>Q. And why is that?</li> <li>A. Well, one of the problems in networking is developing systems that make use of the network.</li> <li>And DirectPlay is describing an or it's providing</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a waiver of privilege. You can explain if you can explain</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15	<ul> <li>these prior art references address solutions to problems in networking. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back?</li> <li>(Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion.</li> <li>Q. And why is that?</li> <li>A. Well, one of the problems in networking is developing systems that make use of the network.</li> <li>And DirectPlay is describing an or it's providing a way to develop systems that make use of the</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a waiver of privilege. You can explain if you can explain</li> <li>Q. You have to explain the basis of your I</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	these prior art references address solutions to problems in networking. Do you see that? A. Yes, I do. Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back? (Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion. Q. And why is that? A. Well, one of the problems in networking is developing systems that make use of the network. And DirectPlay is describing an or it's providing a way to develop systems that make use of the network.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a waiver of privilege. You can explain if you can explain Q. You have to explain the basis of your I can</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	these prior art references address solutions to problems in networking. Do you see that? A. Yes, I do. Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back? (Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion. Q. And why is that? A. Well, one of the problems in networking is developing systems that make use of the network. And DirectPlay is describing an or it's providing a way to develop systems that make use of the network. Q. So in your opinion if you develop a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a waiver of privilege. You can explain if you can explain Q. You have to explain the basis of your I can MR. HANNAH: Well, let's go off the</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>these prior art references address solutions to problems in networking. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back? <ul> <li>(Reporter read back.)</li> <li>MR. DAVIS: Object to form.</li> <li>THE WITNESS: Yes, that is my opinion.</li> </ul> </li> <li>Q. And why is that?</li> <li>A. Well, one of the problems in networking is developing systems that make use of the network.</li> <li>And DirectPlay is describing an or it's providing a way to develop systems that make use of the network.</li> <li>Q. So in your opinion if you develop a solution that uses a network, you're addressing a</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a waiver of privilege. You can explain if you can explain Q. You have to explain the basis of your I can MR. HANNAH: Well, let's go off the record.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>these prior art references address solutions to problems in networking. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back?</li> <li>(Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion.</li> <li>Q. And why is that?</li> <li>A. Well, one of the problems in networking is developing systems that make use of the network.</li> <li>And DirectPlay is describing an or it's providing a way to develop systems that make use of the network.</li> <li>Q. So in your opinion if you develop a solution that uses a network, you're addressing a problem in networking?</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a waiver of privilege. You can explain if you can explain</li> <li>Q. You have to explain the basis of your I can MR. HANNAH: Well, let's go off the record.</li> <li>VIDEO TECHNICIAN: Off the record,</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>these prior art references address solutions to problems in networking. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back?</li> <li>(Reporter read back.) MR. DAVIS: Object to form. THE WITNESS: Yes, that is my opinion.</li> <li>Q. And why is that?</li> <li>A. Well, one of the problems in networking is developing systems that make use of the network.</li> <li>And DirectPlay is describing an or it's providing a way to develop systems that make use of the network.</li> <li>Q. So in your opinion if you develop a solution that uses a network, you're addressing a problem in networking?</li> <li>MR. DAVIS: Objection. Form.</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a waiver of privilege. You can explain if you can explain</li> <li>Q. You have to explain the basis of your I can</li> <li>MR. HANNAH: Well, let's go off the record. VIDEO TECHNICIAN: Off the record, 4:13 p.m.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>these prior art references address solutions to problems in networking. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. So is it your opinion that DirectPlay</li> <li>addresses a solution to problems in networking?</li> <li>MR. DAVIS: Can you read the question back?</li> <li>(Reporter read back.)</li> <li>MR. DAVIS: Object to form.</li> <li>THE WITNESS: Yes, that is my opinion.</li> <li>Q. And why is that?</li> <li>A. Well, one of the problems in networking is developing systems that make use of the network.</li> <li>And DirectPlay is describing an or it's providing a way to develop systems that make use of the network.</li> <li>Q. So in your opinion if you develop a solution that uses a network, you're addressing a problem in networking?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: So I think that's a</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>that?</li> <li>A. Yes, I do.</li> <li>Q. Where did you get that understanding from? MR. DAVIS: So, again, you're agreeing this is not a waiver of privilege if he explains that he got that understanding from counsel or are you now considering it's waiving MR. HANNAH: Well, it's a waiver by saying if it did come from counsel and he says that he understood, then it's presumed MR. DAVIS: I don't believe it's a waiver of privilege. You can explain if you can explain</li> <li>Q. You have to explain the basis of your I can</li> <li>MR. HANNAH: Well, let's go off the record. VIDEO TECHNICIAN: Off the record, 4:13 p.m. (Recess taken.)</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>these prior art references address solutions to problems in networking. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. So is it your opinion that DirectPlay addresses a solution to problems in networking? MR. DAVIS: Can you read the question back? <ul> <li>(Reporter read back.)</li> <li>MR. DAVIS: Object to form.</li> <li>THE WITNESS: Yes, that is my opinion.</li> </ul> </li> <li>Q. And why is that?</li> <li>A. Well, one of the problems in networking is developing systems that make use of the network.</li> <li>And DirectPlay is describing an or it's providing a way to develop systems that make use of the network.</li> <li>Q. So in your opinion if you develop a solution that uses a network, you're addressing a problem in networking? <ul> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: So I think that's a little broad. I can certainly imagine</li> </ul> </li> </ul>



# 800.211.DEPO (3376) EsquireSolutions.com

	TIVISION BLIZZARD VS ACCELERATIC	ЛМ	DAT 140-140
1	Page 145 problem in networking. On the other hand	1	Page 147 Q. In this paragraph and in the previous
2	let me find the reference find the pages and	2	paragraphs you discuss strike that.
3	references to just finish the thought, I	3	So the last paragraph the last
4	believe that DirectPlay does specifically	4	sentence of paragraph 29 says, although the term is
5	address problems in networking as it describes	5	not expressly used in the specification, this
6	its solution. And I'd like to find some	6	technique and its variations are commonly referred
7	grounds for that, if you would like me to back	7	to as flooding. Do you see that?
8	it up.	8	A. Yes, I do.
9	So quoting out of the my discussion of	9	
10	claim one, DirectPlay I'm just quoting from		Q. So the term flooding does not appear in the specification, correct?
11	DirectPlay. It says, DirectPlay provides both	10	•
		11	A. That's correct.
12	shared data and messaging mechanisms for passing	12	Q. It doesn't appear in the claims either,
13	information among players. And that is sort of	13	right?
14	wrestling with the question of how does one pass	14	A. At least I wasn't able to find it in the
15	information among players through the network.	15	specifications.
16	Q. So, in your opinion, that's not using the	16	Q. It doesn't appear in the claims either,
17	network?	17	right?
18	MR. DAVIS: Objection to form.	18	A. I don't see the term flooding used in the
19	THE WITNESS: No, that was my point.	19	claims.
20	It is using the network.	20	Q. In fact, the only use of the word flood or
21	Q. So what problem what problem is	21	flooding in the 344 patent is in the prior art that
22	DirectPlay trying to solve in networking?	22	was already considered by the examiner, right?
23	A. Well, so, in this particular case it is	23	MR. DAVIS: Objection. Form.
24	trying to solve problems of providing a useful API	24	THE WITNESS: I'm sorry, I think we
	Page 146		Page 148
1	for systems that are going to be making use of a	1	agreed that the word flooding was not used in
2	network layer. As another example, DirectPlay	2	the 344 patent.
3	discusses the need to or sorry, discusses the	3	Q. In the specification. So if you take a
4	fact that one wants to keep messages traversing the	4	look at the 344 patent, turn to the second page
5	network relatively short because if they get large,	5	under other publications.
6	it impacts the reliability of their transmission.	6	A. Yes.
7	And, again, that is a recognized problem in	7	Q. See it has a reference of Cho et al.? It
8	networking is the reliable delivery of information	8	says a flood routing method for data networks.
9	from one to the next.	9	A. Yes.
10	Q. What problem is Lin trying to solve in	10	Q. That's the only use of the word flood
11	networking?	11	flooding in the 344 patent, right?
12	MR. DAVIS: Objection to form.	12	MR. DAVIS: Objection to form.
13	THE WITNESS: Lin is trying to solve	13	THE WITNESS: Well, if we agreed it's
14	the problem of broadcasting information to all	14	not in the specification and I couldn't find it
15	nodes in a network.	15	in the claims, I didn't know if this I
16	Q. And what problem is Shoubridge trying to	16	didn't know whether the citations were
17	solve in networking?	17	considered part of the patent per se. Are
18	MR. DAVIS: Same objection.	18	there other parts of the patent or is this it?
19	THE WITNESS: So Shoubridge is	19	I mean, formally speaking? Is the history
	addressing the problem of routing information	20	considered part of the patent or
20		21	Q. Well, when I'm referring to the
20 21	through a network from an origin to recipients.	21	
	through a network from an origin to recipients. Q. All right. I'd like to turn your	21	specification, I'm referring to the drawings and the
21			-



800.211.DEPO (3376) EsquireSolutions.com

Page 131         Page 131           2 your opinion, in 29, you said it's not used in the 3 specification?         1         patent history is not listed in this appendix           2 your opinion, in 29, you said it's not used in the 3 specification?         as	AC	TIVISION BLIZZARD VS ACCELERATIC	ЛЛ	BAY 149–152
2       your opinion, in 29, you said it's not used in the       2       as - in the list of materials that I relided         3       specification?       .       A. Correct, that's right but that's just -       .         5       my opinion was limited to the specification.       .       .       .         6       Q. Right. And do you understand that the       .       .       .         7       my opinion was limited to the specification.       .       .       .         8       was cited by the examiner?       .       .       .       .       .         9       MR. DAVIS: Objection to form.       .			4	
3         specification?         3         on. And that is because, to my recloicin, I           4         A. Correct, that's right but that's just         fm or privous limited to the specification.         C. I would like to turn your attention to           6         Q. Right. And do you understand that the         fm or privous attention to         6         paragraph fifty of your declaration, please. The           7         first sentence says, it was well known to a POSITA,         however, that it implemented naively uncontrolled           9         MR. DAVIS: Objection to form.         7         first sentence says, it was well known to a POSITA,           10         THE WITNESS: I was not aware of that         in idefinitely. Do you see that?           11         paragraph attice.         11         A. Yes, I can.           12         Q. But you can see it on page two, right?         13         sentence?           14         A. And you didn't read the Cho reference in         15         that fore is not - I'm sorry, that I you take           16         MR. DAVIS: Objection to form.         17         the WITNESS: I don't recall having           17         THE WITNESS: I don't recall having         16         the so of more secription of flooding, in           17         THE WITNESS: I don't quite know what         give deference to the examiner         10				
4       A. Correct, that's right but that's just				
5       my opinion was limited to the specification.       5       Q. I would like to turn your attention to         6       Q. Right. And do you understand that the       6       paragraph fifty of your declaration, please. The         7       Ittle start by the Cho reference indicates that that       7       first sentence says, it was well known to a POSITA,         9       MR. DAVIS: Objection to form.       9       first sentence says, it was well known to a POSITA,         11       practice.       10       indefinitely. Do you see that?         12       Q. But you can see it on page two, right?       11       A. Yes, I can.         14       Q. And you didn't read the Cho reference in       15       that if one is not - I'm sorry, that if you take         16       MR. DAVIS: Coljection to form.       17       terms of number of words, which might be that each         18       read it.       18       sentence?         14       A. So what I was referring to was the fact       18         15       trams of number of words, which might be that each         18       read it.       18       node that receives the information sends it to to         19       Q. Paragraph 35 of your declaration, you have       19       it mesor in mand second is if a node each time         14       forming your opinion in this case?		-		-
6       Q. Right. And do you understand that the 7 little star by the Cho reference indicates that that 8 was cited by the examiner?       6 paragraph fifty of your declaration, please. The 7 first sentence says, it was well known to a POSITA, 8 however, that il implemented naively uncontrolled 9 flooding could cause messages to propagate 10 indefinitely. Do you see that?         10       THE WITNESS: I was not aware of that 1 practice.       11       A. Yes, I do.         12       Q. But you can see it on page two, right?       13       A. Yes, I do.         13       A. Yes, I can.       14       A. So what I was referring to was the fact         15       forming your opinion, did you?       14       A. So what I was referring to was the fact         16       meant.ex.       15       that if one is not I'm sorry, that if you take         18       read it.       14       A. So what I was referring to was the fact         19       Q. Paragraph taking about what the examiner       16       the sort of most minimal description of flooding, in         14       A. Yes.       Q. Well, here, this paragraph you seem to 5       15       times. So if each node is if a node each time 21       times. So if each node is if a node each time 22       1         2       MR. DAVIS: Objection to form.       1       1       paratice, you'll now have four packets. And you can 24       formation sends it to, say, 25       1       packet, yo				
7       little star by the Choreference indicates that that       7       first sentence says, it was well known to a POSITA,         8       was cited by the examiner?       9       MR. DAVIS: Objection to form.         10       THE WITNESS: I was not aware of that       10       indefinitely. Do you see that?         11       A. Yes, I can.       11       A. Yes, I can.         12       Q. But you can see it on page two, right?       13       Sentence?         14       Q. And you didn't read the Cho reference in       14       A. So what I was referring to was the fact         15       forming your opinion, did you?       14       A. So what I was referring to was the fact         16       mR. DAVIS: Objection to form.       17       THE WITNESS: I don't recall having         18       read it.       10       indefinitely. Davis, that if an ode each time         2       A. Yes.       2.       it receives a piece of information sends it to, say,         23       Q. Did you give deference to the examiner in       2       it multiply, right? Where you previously had one         1       multiply, right? Where you previously had one       1       page 152         1       mecket, you'll now have four packets. And you can       2       eud up with more and more packetse ventually         3       giv	5		5	-
8         was cited by the examiner?         8         however, that if implemented naively uncontrolled           9         MR. DAVIS: Objection to form.         1         0         indefinitely. Do you see that?           11         practice.         11         A. Yes, I can.         11         A. Yes, I can.           13         A. Yes, I can.         12         Q. Can you septian what you mean by that           15         forming your opinion, did you?         14         A. So what I was referring to was the fact           15         mr. DAVIS: Objection to form.         15         that if one is not - I'm sorry, that if you take           16         mes or function indig about what the examiner         16         the sort of nost minimal description of flooding, in           17         THE WITNESS: I don't recall having         18         node that receives the information sends it to say,           18         read it.         10         inderination many           21         receives a piece of information sends it to, say,           23         Q. Did you give deference means.         2         1         packet, you'll now have four packets. And you can           2         mr. DAVIS: Objection to form.         1         packet, you'll now have four packets. And you can           3         give deference means.         4 <td>6</td> <td></td> <td>6</td> <td></td>	6		6	
9       MR. DAVIS: Objection to form.       9       flooding could cause messages to propagate         10       THE WITNESS: I was not aware of that       10       indefinitely. Do you see that?         11       practice.       11       A. Yes, I do.         12       Q. But you can see it on page two, right?       11       A. Yes, I do.         13       A. Yes, I can.       12       Q. Can you explain what you mean by that         14       Q. And you didn't read the Cho reference in       15       that if one is not - I'm sory, that if you take         16       MR. DAVIS: Objection to form.       17       terms of number of words, which might be that each         17       THE WITNESS: I don't recall having       17       terms of number of words, which might be that each         18       read it.       18       node that receives the information sends it on to         19       Q. Paragraph 35 of your declaration, you have       19       its neighbors, that can encompass a flooding scheme         10       an paragraph talking about what the examiner       11       its ould ease in the same information many         11       trecognized. Do you see that?       11       terms of number of words, which might be that each         10       deference means.       1       nucket, you'Il now have four packets. And you can	7	little star by the Cho reference indicates that that	7	-
10       THE WITNESS: I was not aware of that       10       indefinitely. Do you see that?         11       practice.       11       A. Yes, I ca.         12       Q. And you didn't read the Cho reference in       15       forming your opinion, di you?         16       MR. DAVIS: Objection to form.       14       A. So what I was referring to was the fact         17       THE WITNESS: I don't recall having       16       the sort of most minimal description of flooding, in         18       read it.       17       terms of number of words, which might be that each         18       onde that receives the information sends it on to       19       is neighbors, that can encompass a flooding scheme         20       a paragraph talking about what the examiner       11       im kich a node sent the same information many         21       recognized. Do you see that?       22       it receives a piece of information sends it to, say,         23       Q. Did you give deference to the examiner in       22       it receives a piece of information is going to         24       forming your opinion in this case?       1       packet, you'll now have four packets. And you can         3       give deference means.       1       packet, you'll now have four packets. And you can         3       edvelaremer's findings, correct?       5       MR. DAV	8	was cited by the examiner?	8	however, that if implemented naively uncontrolled
11       A. Yes, I can.         12       Q. But you can see it on page two, right?         13       A. Yes, I can.         14       Q. And you didn't read the Cho reference in         15       forming your opinion, did you?         16       MR. DAVIS: Objection to form.         17       THE WITNESS: I don't recall having         18       read it.         19       Q. Paragraph 136 of your declaration, you have         20       a paragraph talking about what the examiner         21       recognized. Do you see that?         22       A. Yes.         23       Q. Did you give deference to the examiner in         24       recognized. Do you see that?         25       reming your opinion in this case?         11       MR. DAVIS: Objection to form.         2       THE WITNESS: I don't quite know what         3       give deference means.         4       Q. Well, here, this paragraph you seem to         5       embrace the examiner dind. And         9       I'm neutral on whether or not I embrace these         9       formings.         11       Q. Well, Here, this paragraph singly         8       reports something that the examiner did. And         1'm neutral on wh	9	MR. DAVIS: Objection to form.	9	flooding could cause messages to propagate
12       Q. But you can see it on page two, right?       12       Q. Can you explain what you mean by that         13       A. Yes, I can.       14       Q. And you didn't read the Cho reference in         14       Q. And you didn't read the Cho reference in       14       A. So what I was referring to was the fact         16       MR. DAVIS: Objection to form.       15       that if one is not - I'm sorry, that if you take         16       MR. DAVIS: Objection to form.       17       the sort of most minimal description of flooding, in         17       THE WITNESS: I don't recall having       18       rede that receives the information sends it to to         19       Q. Did you give deference to the examiner       19       its neighbors, then the information sends it to, say,         21       THE WITNESS: I don't quite know what       2       forming your opinion in this case?       1         1       MR. DAVIS: Objection to form.       1       packet, you'll now have four packets. And you cand       2         2       THE WITNESS: I don't quite know what       3       saturating the capacity of the network.       4         3       Que deference means.       4       Q. Well, here, this paragraph you seem to       5         5       embrace the examiner's findings, correct?       5       MR. DAVIS: Same objection.       7	10	THE WITNESS: I was not aware of that	10	indefinitely. Do you see that?
13       A. Yes, I can.       13       sentence?         14       Q. And you didn't read the Cho reference in       15         15       forming your opinion, did you?       15         16       MR. DAVIS: Objection to form.       15         17       THE WITNESS: I don't recall having       15         18       read it.       16       the sort of most minimal description of flooding, in         19       Q. Paragraph 35 of your declaration, you have       18       node that receives the information sends it to to         19       Q. Did you give deference to the examiner       17       times. So if each node is if a node each time         21       recoignized. Do you see that?       20       in which a node sent the same information sends it to, say,         23       Q. Did you give deference to the examiner in       23       forming your opinion in this case?         24       MR. DAVIS: Objection to form.       24       multiply, right? Where you previously had one         2       Page 150       1       packet, you'll now have four packets. And you can         3       asturating the capacity of the network.       4       Q. Is flooding commonly used today?         5       embrace the examiner's findings, correct?       5       MR. DAVIS: Same objection.         7       THE WIT	11	practice.	11	A. Yes, I do.
14       Q. And you didn't read the Cho reference in       14       A. So what I was referring to was the fact         15       forming your opinion, did you?       15       that if one is not - I'm sorry, that if you take         16       MR. DAVIS: Objection to form.       17       that if one is not - I'm sorry, that if you take         16       MR. DAVIS: Objection to form.       17       themson formation sends it on to         19       Q. Paragraph 35 of your declaration, you have       18       node that receives the information sends it on to         19       A. Yes.       20       in which a node sent the same information many         21       recognized. Do you see that?       21       imes. So if each node is - if a node - each time         22       A. Yes.       23       forming your opinion in this case?       24         14       MR. DAVIS: Objection to form.       23       19       packet, you'll now have four packets. And you can         2       THE WITNESS: I toont quite know what       3       saturating the capacity of the network.       4         4       Q. Well, here, this paragraph you seem to       4       asturating the capacity of the network.       4         9       fm neutral on whether or not I embrace these       5       MR. DAVIS: Same objection.       11       C. So, in your opinion, would you say it	12	Q. But you can see it on page two, right?	12	Q. Can you explain what you mean by that
15forming your opinion, did you?15that if one is not I'm sorry, that if you take16MR. DAVIS: Objection to form.16the sort of most minimal description of flooding, in17THE WITNESS: I don't real having17terms of number of words, which might be that each18read it.17terms of number of words, which might be that each19Q. Paragraph 35 of your declaration, you have19its neighbors, that can encompass a flooding scheme20a paragraph talking about what the examiner21times. So if each node is if a node each time21recognized. Do you see that?21times. So if each node is if a node each time23Q. Did you give deference to the examiner in21times. So if each node is if a node each time24forming your opinion in this case?21times. So if each node is if a node each time2A. Yes.22it mess. So if each node is if a node each time2A. Yes.23four neighbors, then the information sends it to, say,3give deference means.24multiply, right? Where you previously had one4Q. Well, here, this paragraph you seem to5fm R. DAVIS: Same objection.5embrace the examiner's findings, correct?5MR. DAVIS: Doding commonly used today?6MR. DAVIS: Same objection.6THE WITNESS: I don't teal's water of them.11Q. Well, did you?11Q. So, in your opinion, would you say it's12MR. DAVIS: Same objection. <t< td=""><td>13</td><td>A. Yes, I can.</td><td>13</td><td>sentence?</td></t<>	13	A. Yes, I can.	13	sentence?
16       MR. DAVIS: Objection to form.         17       THE WITNESS: I don't recall having         18       read it.         19       Q. Paragraph 35 of your declaration, you have         19       Q. Paragraph 35 of your declaration, you have         20       a paragraph talking about what the examiner         21       recognized. Do you see that?         22       A. Yes.         23       Q. Did you give deference to the examiner in         24       forming your opinoin in this case?         25       MR. DAVIS: Objection to form.         26       multiply, right? Where you previously had one         27       THE WITNESS: I don't quite know what         3       give deference means.         4       Q. Well, here, this paragraph you seem to         5       embrace the examiner's findings, correct?         6       MR. DAVIS: Same objection.         7       THE WITNESS: I to and quite know what         8       give deference means.         4       Q. Well, here, this paragraph you seem to         5       embrace the examiner's findings, correct?         6       MR. DAVIS: Same objection.         7       THE WITNESS: I was aware of them.         11       Q. Weldi, did you?	14	Q. And you didn't read the Cho reference in	14	A. So what I was referring to was the fact
16       MR. DAVIS: Objection to form.         17       THE WITNESS: I don't recall having         18       read it.         19       Q. Paragraph 35 of your declaration, you have         19       Q. Paragraph 35 of your declaration, you have         20       a paragraph talking about what the examiner         21       recognized. Do you see that?         22       A. Yes.         23       Q. Did you give deference to the examiner in         24       forming your opinoin in this case?         25       MR. DAVIS: Objection to form.         26       multiply, right? Where you previously had one         27       THE WITNESS: I don't quite know what         3       give deference means.         4       Q. Well, here, this paragraph you seem to         5       embrace the examiner's findings, correct?         6       MR. DAVIS: Same objection.         7       THE WITNESS: I to and quite know what         8       give deference means.         4       Q. Well, here, this paragraph you seem to         5       embrace the examiner's findings, correct?         6       MR. DAVIS: Same objection.         7       THE WITNESS: I was aware of them.         11       Q. Weldi, did you?	15	forming your opinion, did you?	15	that if one is not I'm sorry, that if you take
17THE WITNESS: I don't recall having read it.17terms of number of words, which might be that each in mode that receives the information sends it on to 1918read it.18node that receives the information sends it on to 1919Q. Paragraph 135 of your declaration, you have 20 a paragraph talking about what the examiner 2119its neighbors, that can encompass a flooding scheme 20 in which a node sent the same information many 2121recognized. Do you see that? 2221times. So if each node is if a node each time 22 2123Q. Did you give deference to the examiner in 24forming your opinion in this case?23four neighbors, then the information sends it to, say, 23 2324forming your opinion in this case?Page 150 24Page 15224multiply, right? Where you previously had one2THE WITNESS: I don't quite know what 3give deference means.1packet, you'll now have four packets. And you can 23G. Well, here, this paragraph you seem to 66THE WITNESS: Flooding is certainly 776MR. DAVIS: Same objection.6THE WITNESS: Flooding is certainly 77THE WITNESS: I was aware of them.10Commonly used today?10findings.11Q. So, in your opinion, would you say it's 1211Q. Well, did you?11Q. So, in your opinion, would you say it's 1212MR. DAVIS: Same objection.13MR. DAVIS: Same objection and them.14Q. Did they help form your opinion		••••	16	
18       read it.       18       node that receives the information sends it on to         19       Q. Paragraph 35 of your declaration, you have       18       node that receives the information sends it on to         20       a paragraph 1alking about what the examiner       11       its neighbors, that can encompass a flooding scheme         20       a paragraph 1alking about what the examiner       11       its neighbors, that can encompass a flooding scheme         21       recognized. Do you see that?       21       itmes. So if each node is if a node each time         22       A. Yes.       21       times. So if each node is if a node each time         22       A. Yes.       23       forming your opinion in this case?       21         1       MR. DAVIS: Objection to form.       23       four neighbors, than the information sends it to, say,         2       THE WITNESS: I don't quite know what       2       end up with more and more packets eventually         3       saturating the capacity of the network.       4       Q. Is flooding commonly used today?         5       mBr. DAVIS: Same objection.       6       THE WITNESS: I was aware of them.         11       Q. Well, did you?       11       Q. So is state in paragraphs 23 and 24, as         16       weliscussed previously, the material that I relied       10<		-	17	
19Q. Paragraph 35 of your declaration, you have a paragraph talking about what the examiner recognized. Do you see that?19its neighbors, that can encompass a flooding scheme 2021recognized. Do you see that?in which a node sent the same information many 21 trees a piece of information sends it to, say, 2323Q. Did you give deference to the examiner in 24 forming your opinion in this case?23it meighbors, then the information is going to 24 multiply, right? Where you previously had one21MR. DAVIS: Objection to form. 27Page 1501MR. DAVIS: Objection to form. 3912THE WITNESS: I don't quite know what 3give deference means. 413Q. Well, here, this paragraph you seem to 51packet, you'll now have four packets. And you can 26MR. DAVIS: Same objection. 61packet, you'll now have four packets eventually 37THE WITNESS: This paragraph simply 8reports something that the examiner did. And 9I'm neutral on whether or not I embrace these 910MR. DAVIS: Same objection. 13THE WITNESS: I was aware of them. 14Q. Well, did you?11Q. Well, did you?11Q. So, in your opinion, would you say it's 1212MR. DAVIS: Same objection. 13THE WITNESS: I was aware of them. 14Q. So, in your opinion, would you say it's 1218we discussed previously, the material that I relied 16 we discussed previously, the material that I relied 17 on for - for reaching these conclusions are those 18given in Appendix	18	-	18	-
20a paragraph talking about what the examiner recognized. Do you see that?20in which a node sent the same information many 2121recognized. Do you see that?22A. Yes23Q. Did you give deference to the examiner in forming your opinion in this case?24form neighbors, then the information sends it to, say, 2324form neighbors, then the information sends it to, say, 2325MR. DAVIS: Objection to form <t< td=""><td></td><td>Q. Paragraph 35 of your declaration, you have</td><td>19</td><td>its neighbors, that can encompass a flooding scheme</td></t<>		Q. Paragraph 35 of your declaration, you have	19	its neighbors, that can encompass a flooding scheme
21       recognized. Do you see that?       21       times. So if each node is if a node each time         22       A. Yes.       21       times. So if each node is if a node each time         23       Q. Did you give deference to the examiner in       22       it receives a piece of information sends it to, say,         23       Gu Did you give deference to the examiner in       23       four neighbors, then the information is going to         24       forming your opinion in this case?       23       four neighbors, then the information is going to         24       multiply, right? Where you previously had one       24         2       THE WITNESS: I don't quite know what       2       end up with more and more packets eventually         3       give deference means.       4       Q. Well, here, this paragraph you seem to       5         5       embrace the examiner's findings, correct?       6       THE WITNESS: This paragraph simply       7         7       THE WITNESS: This paragraph simply       8       used? I mean, it is used. So then it comes       9         9       I'm neutral on whether or not I embrace these       10       means.       11       Q. So, in your opinion, would you say it's         12       MR. DAVIS: Same objection.       13       MR. DAVIS: Objection to form.       14	20		20	
22A. Yes.22it receives a piece of information sends it to, say, 2323Q. Did you give deference to the examiner in 24forming your opinion in this case?22it receives a piece of information sends it to, say, 2324forming your opinion in this case?24multiply, right? Where you previously had one24multiply, right? Where you previously had onePage 1521MR. DAVIS: Objection to form.212THE WITNESS: I don't quite know what2end up with more and more packets eventually 33give deference means.20.4Q. Well, here, this paragraph you seem to 5embrace the examiner's findings, correct?5MR. DAVIS: Objection. Form.6MR. DAVIS: Same objection.6THE WITNESS: Floading is certainly7THE WITNESS: This paragraph simply 8reports something that the examiner did. And 98used? I mean, it is used. So then it comes10findings.11Q. So, in your opinion, would you say it's12commonly used today?13THE WITNESS: I was aware of them.14Q. So, in your opinion, would you say it's14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as16very important, popular system. How many16no for for reaching these conclusions are those17systems out there that use it a lot. It's a16we discussed previously, the material that I relied18terms of			21	-
23Q. Did you give deference to the examiner in forming your opinion in this case?23four neighbors, then the information is going to 2424forming your opinion in this case?Page 1501MR. DAVIS: Objection to form.1packet, you'll now have four packets. And you can 22THE WITNESS: I don't quite know what 3give deference means.1packet, you'll now have four packets. And you can 23give deference means.1packet, you'll now have four packets eventually 3saturating the capacity of the network.4Q. Well, here, this paragraph you seem to 5embrace the examiner's findings, correct?MR. DAVIS: Same objection.6MR DAVIS: Same objection.THE WITNESS: This paragraph simply 8reports something that the examiner did. And 9I'm neutral on whether or not I embrace these findings.11Q. Well, did you?1Q. So, in your opinion, would you say it's12MR. DAVIS: Same objection.11Q. So as I state in paragraphs 23 and 24, as 1614We discussed previously, the material that I relied 10 or for for reaching these conclusions are those 18 given in Appendix B, as well as my own training and 19 knowledge. And that is what I recall relying on in 20 order to form these opinions.NR. DAVIS: Objection. Form.21Q. So did that include the analysis of the 22MR. DAVIS: Visi Objection. Form.23MR. DAVIS: I'll object to form.24MR. DAVIS: Objection. Form.23MR. DAVIS: I'll object to form.24MR. DAVIS: Objection. Form. <td></td> <td><b>c</b></td> <td>22</td> <td></td>		<b>c</b>	22	
24       forming your opinion in this case?       24       multiply, right? Where you previously had one         7       Page 150       Page 150         1       MR. DAVIS: Objection to form.       1       page 152         2       THE WITNESS: I don't quite know what       1       page 152         3       give deference means.       1       packet, you'll now have four packets. And you can         4       Q. Well, here, this paragraph you seem to       5       embrace the examiner's findings, correct?         6       MR. DAVIS: Same objection.       6       THE WITNESS: This paragraph simply         8       reports something that the examiner did. And       9       I'm neutral on whether or not I embrace these         9       I'm neutral on whether or not I embrace these       9       down to a question to exactly what commonly         10       findings.       11       Q. Well, did you?       11       Q. So is I state in paragraphs 23 and 24, as         16       we discussed previously, the material that I relied       16       wery important, popular system. How many         17       on for for reaching these conclusions are those       11       Would say that that's quite common.         18       given in Appendix B, as well as my own training and       18       terems of, you know, how often flooding happens,				
Page 150Page 1501MR. DAVIS: Objection to form.1packet, you'll now have four packets. And you can2THE WITNESS: I don't quite know what1packet, you'll now have four packets. And you can3give deference means.1end up with more and more packets eventually4Q. Well, here, this paragraph you seem to5embrace the examiner's findings, correct?6MR. DAVIS: Same objection.6THE WITNESS: This paragraph simply7THE WITNESS: This paragraph simply8reports something that the examiner did. And9I'm neutral on whether or not I embrace these0Gown to a question to exactly what commonly10findings.1Q. So, in your opinion, would you say it's12MR. DAVIS: Same objection.13MR. DAVIS: Objection to form.13THE WITNESS: I was aware of them.14Q. So as I state in paragraphs 23 and 24, as16we discussed previously, the material that I relied16wery important, popular system. How many17on for for reaching these conclusions are those18given in Appendix B, as well as my own training and18knowledge. And that is what I recall relying on in20Q. What systems are you aware of that use it20Q. So did that include the analysis of the22A. Well23MR. DAVIS: 'I'll object to form.23MR. DAVIS: Objection. Form.				
1MR. DAVIS: Objection to form.1packet, you'll now have four packets. And you can2THE WITNESS: I don't quite know whatand you canend up with more and more packets eventually3give deference means.and you can4Q. Well, here, this paragraph you seem tosaturating the capacity of the network.5embrace the examiner's findings, correct?MR. DAVIS: Same objection.6MR. DAVIS: Same objection.MR. DAVIS: This paragraph simply7THE WITNESS: This paragraph simplyreports something that the examiner did. And9I'm neutral on whether or not I embrace theseown to a question to exactly what commonly10findings.111Q. Well, did you?1112MR. DAVIS: Same objection.1113THE WITNESS: I was aware of them.1114Q. Did they help form your opinion?1415A. So as I state in paragraphs 23 and 24, as1616we discussed previously, the material that I relied1617order to form these opinions.1718given in Appendix B, as well as my own training and1819I would say that that's quite common.20Q. So did that include the analysis of the21Q. So did that include the analysis of the23MR. DAVIS: 'I'll object to form.23MR. DAVIS: 'I'll object to form.	-·			
2THE WITNESS: I don't quite know what give deference means.2end up with more and more packets eventually saturating the capacity of the network.3Q. Well, here, this paragraph you seem to 5mR. DAVIS: Same objection.4Q. Is flooding commonly used today?6MR. DAVIS: Same objection.6THE WITNESS: This paragraph simply reports something that the examiner did. And 9177THE WITNESS: This paragraph simply reports something that the examiner did. And 917Commonly known today. Whether it's commonly used? I mean, it is used. So then it comes 99I'm neutral on whether or not I embrace these 1010means.11Q. Well, did you?11Q. So, in your opinion, would you say it's commonly used today?12MR. DAVIS: Same objection.11Q. So, in your opinion, would you say it's commonly used today?13THE WITNESS: I was aware of them.14THE WITNESS: So there are certainly14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as if we discussed previously, the material that I relied given in Appendix B, as well as my own training and piknowledge. And that is what I recall relying on in 2016very important, popular system. How many systems use it? I don't really know but in 1814Q. So did that include the analysis of the 22Q. What systems are you aware of that use it 1423MR. DAVIS: I'll object to form.22A. Well 2323MR. DAVIS: I'll	1		1	
3give deference means.3saturating the capacity of the network.4Q. Well, here, this paragraph you seem to5embrace the examiner's findings, correct?Q. Is flooding commonly used today?6MR. DAVIS: Same objection.7THE WITNESS: This paragraph simply6THE WITNESS: Flooding is certainly7THE WITNESS: This paragraph simply8reports something that the examiner did. And8used? I mean, it is used. So then it comes9I'm neutral on whether or not I embrace these9down to a question to exactly what commonly10findings.11Q. So, in your opinion, would you say it's12MR. DAVIS: Same objection.11Q. So, in your opinion, would you say it's13THE WITNESS: I was aware of them.14MR. DAVIS: Objection to form.14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as16very important, popular system. How many17on for for reaching these conclusions are those16very important, popular system. How many18knowledge. And that is what I recall relying on in18terms of, you know, how often flooding happens,19Q. So did that include the analysis of the22A. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.		-		
4Q. Well, here, this paragraph you seem to 5 embrace the examiner's findings, correct?4Q. Is flooding commonly used today?6MR. DAVIS: Same objection.5MR. DAVIS: Objection. Form.7THE WITNESS: This paragraph simply 8 reports something that the examiner did. And 9 I'm neutral on whether or not I embrace these 10 findings.6THE WITNESS: Flooding is certainly 710findings.7owm tot a question to exactly what commonly used? I mean, it is used. So then it comes 910findings.10means.11Q. Well, did you?11Q. So, in your opinion, would you say it's 1213THE WITNESS: I was aware of them.13MR. DAVIS: Objection to form.14Q. Did they help form your opinion?14THE WITNESS: So there are certainly 1515A. So as I state in paragraphs 23 and 24, as 1616very important, popular system. How many 1717on for for reaching these conclusions are those 1817systems use it? I don't really know but in 1818given in Appendix B, as well as my own training and 1918terms of, you know, how often flooding happens, 1919Q. So did that include the analysis of the 22A. Well 23Q. What systems are you aware of that use it 2123MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.		-		
5embrace the examiner's findings, correct?5MR. DAVIS: Objection. Form.6MR. DAVIS: Same objection.6THE WITNESS: Flooding is certainly7THE WITNESS: This paragraph simply7commonly known today. Whether it's commonly8reports something that the examiner did. And8used? I mean, it is used. So then it comes9I'm neutral on whether or not I embrace these9down to a question to exactly what commonly10findings.10means.11Q. Well, did you?11Q. So, in your opinion, would you say it's12MR. DAVIS: Same objection.13MR. DAVIS: Objection to form.14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as15systems out there that use it a lot. It's a16we discussed previously, the material that I relied16very important, popular system. How many17on for for reaching these conclusions are those19I would say that that's quite common.18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19I would say that that's quite common.20Q. What systems are you aware of that use it21Q. So did that include the analysis of the22A. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.		•		
6MR. DAVIS: Same objection.6THE WITNESS: Flooding is certainly7THE WITNESS: This paragraph simply7commonly known today. Whether it's commonly8reports something that the examiner did. And8used? I mean, it is used. So then it comes9I'm neutral on whether or not I embrace these9down to a question to exactly what commonly10findings.10means.11Q. Well, did you?11Q. So, in your opinion, would you say it's12MR. DAVIS: Same objection.11Q. So, in your opinion, would you say it's13THE WITNESS: I was aware of them.13MR. DAVIS: Objection to form.14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as16very important, popular system. How many17on for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19I would say that that's quite common.20Q. What systems are you aware of that use it21Q. So did that include the analysis of the22A. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.				
7THE WITNESS: This paragraph simply 87commonly known today. Whether it's commonly used? I mean, it is used. So then it comes9I'm neutral on whether or not I embrace these 99down to a question to exactly what commonly10findings.9means.11Q. Well, did you?10means.12MR. DAVIS: Same objection.11Q. So, in your opinion, would you say it's13THE WITNESS: I was aware of them.14Q. Did they help form your opinion?14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as15systems out there that use it a lot. It's a16we discussed previously, the material that I relied16very important, popular system. How many17or for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19knowledge. And that is what I recall relying on in20Q. What systems are you aware of that use it21Q. So did that include the analysis of the22A. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.		•		-
<ul> <li>8 reports something that the examiner did. And</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 I'm neutral on whether or not I embrace these</li> <li>9 Iown to a question to exactly what commonly</li> <li>10 means.</li> <li>11 Q. So, in your opinion, would you say it's</li> <li>12 MR. DAVIS: Same objection.</li> <li>14 Q. Did they help form your opinion?</li> <li>14 A. So as I state in paragraphs 23 and 24, as</li> <li>16 we discussed previously, the material that I relied</li> <li>17 on for for reaching these conclusions are those</li> <li>18 given in Appendix B, as well as my own training and</li> <li>19 knowledge. And that is what I recall relying on in</li> <li>20 order to form these opinions.</li> <li>21 Q. So did that include the analysis of the</li> <li>22 examiner in the prosecution of the 344 patent?</li> <li>23 MR. DAVIS: I'll object to form.</li> </ul>		-		
9I'm neutral on whether or not I embrace these findings.9down to a question to exactly what commonly means.10findings.10means.11Q. Well, did you?11Q. So, in your opinion, would you say it's12MR. DAVIS: Same objection.12commonly used today?13THE WITNESS: I was aware of them.13MR. DAVIS: Objection to form.14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as15systems out there that use it a lot. It's a16we discussed previously, the material that I relied16very important, popular system. How many17on for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19knowledge. And that is what I recall relying on in20Q. What systems are you aware of that use it21Q. So did that include the analysis of the21today?22MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.				
10findings.10means.11Q. Well, did you?11Q. So, in your opinion, would you say it's12MR. DAVIS: Same objection.11Q. So, in your opinion, would you say it's13THE WITNESS: I was aware of them.14Q. Did they help form your opinion?1314Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as15systems out there that use it a lot. It's a16we discussed previously, the material that I relied16very important, popular system. How many17on for for reaching these conclusions are those18terms of, you know, how often flooding happens,18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19I would say that that's quite common.20Q. What systems are you aware of that use it21Q. So did that include the analysis of the21today?23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.				
11Q.Well, did you?11Q.So, in your opinion, would you say it's12MR. DAVIS: Same objection.11Q.So, in your opinion, would you say it's13THE WITNESS: I was aware of them.13MR. DAVIS: Objection to form.14Q.Did they help form your opinion?14THE WITNESS: So there are certainly15A.So as I state in paragraphs 23 and 24, as15systems out there that use it a lot. It's a16we discussed previously, the material that I relied16very important, popular system. How many17on for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19knowledge. And that is what I recall relying on in19I would say that that's quite common.20Q.What systems are you aware of that use it21Q.So did that include the analysis of the2123MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.				
12MR. DAVIS: Same objection.12commonly used today?13THE WITNESS: I was aware of them.13MR. DAVIS: Objection to form.14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as15systems out there that use it a lot. It's a16we discussed previously, the material that I relied16very important, popular system. How many17on for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19knowledge. And that is what I recall relying on in19I would say that that's quite common.20Q. So did that include the analysis of the22A. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.		-		
13THE WITNESS: I was aware of them.13MR. DAVIS: Objection to form.14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as14THE WITNESS: So there are certainly16we discussed previously, the material that I relied16very important, popular system. How many17on for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19knowledge. And that is what I recall relying on in19I would say that that's quite common.20Q. So did that include the analysis of the21today?23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.		-		
14Q. Did they help form your opinion?14THE WITNESS: So there are certainly15A. So as I state in paragraphs 23 and 24, as15systems out there that use it a lot. It's a16we discussed previously, the material that I relied16very important, popular system. How many17on for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19knowledge. And that is what I recall relying on in19I would say that that's quite common.20order to form these opinions.20Q. What systems are you aware of that use it21Q. So did that include the analysis of the21today?22examiner in the prosecution of the 344 patent?23MR. DAVIS: I'll object to form.23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.		-		
15A. So as I state in paragraphs 23 and 24, as15systems out there that use it a lot. It's a16we discussed previously, the material that I relied16very important, popular system. How many17on for for reaching these conclusions are those16very important, popular system. How many17on for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19knowledge. And that is what I recall relying on in19I would say that that's quite common.20Q. So did that include the analysis of the20Q. What systems are you aware of that use it21Q. So did that include the analysis of the22A. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.				
16we discussed previously, the material that I relied16very important, popular system. How many17on for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19knowledge. And that is what I recall relying on in19I would say that that's quite common.20order to form these opinions.20Q. What systems are you aware of that use it21Q. So did that include the analysis of the22A. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.				-
17on for for reaching these conclusions are those17systems use it? I don't really know but in18given in Appendix B, as well as my own training and18terms of, you know, how often flooding happens,19knowledge. And that is what I recall relying on in18I would say that that's quite common.20order to form these opinions.20Q. What systems are you aware of that use it21Q. So did that include the analysis of the21today?22examiner in the prosecution of the 344 patent?22A. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.	15			-
18given in Appendix B, as well as my own training and knowledge. And that is what I recall relying on in18terms of, you know, how often flooding happens, I would say that that's quite common.20order to form these opinions.20Q. What systems are you aware of that use it today?21Q. So did that include the analysis of the 2221C. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.	16			
19knowledge. And that is what I recall relying on in order to form these opinions.19I would say that that's quite common.20order to form these opinions.20Q. What systems are you aware of that use it21Q. So did that include the analysis of the examiner in the prosecution of the 344 patent?21today?23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.	17	-	17	
20 order to form these opinions.20 Q. What systems are you aware of that use it21 Q. So did that include the analysis of the21 today?22 examiner in the prosecution of the 344 patent?22 A. Well23 MR. DAVIS: I'll object to form.23 MR. DAVIS: Objection. Form.	18	given in Appendix B, as well as my own training and		terms of, you know, how often flooding happens,
21Q. So did that include the analysis of the21 today?22examiner in the prosecution of the 344 patent?22A. Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.	19	knowledge. And that is what I recall relying on in	19	I would say that that's quite common.
22 examiner in the prosecution of the 344 patent?22A.Well23MR. DAVIS: I'll object to form.23MR. DAVIS: Objection. Form.	20	order to form these opinions.	20	Q. What systems are you aware of that use it
23 MR. DAVIS: I'll object to form. 23 MR. DAVIS: Objection. Form.	21	Q. So did that include the analysis of the	21	today?
	22	examiner in the prosecution of the 344 patent?	22	A. Well
	1	MR. DAVIS: I'll object to form.	23	MR. DAVIS: Objection. Form.
	23			-
		THE WITNESS: So as you can see, that	24	THE WITNESS: it shows up in the



800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	)N	BAY 153–156
4	Page 153	4	Page 155
1	underlying Internet routing protocols that are	1	specification, which is different from the standard
2	used to spread information about the state of	2	that applies in Federal District Court litigation.
3	the Internet, so that packets can be routed	3	Do you see that?
4	effectively. It is used in various parallel	4	A. Yes, I do.
5	processing systems to spread information to all	5	Q. Do you have an understanding of what the
6	of the processors involved in the system. It	6	difference is?
7	was used in multi-task systems like the M	7	A. I have an understanding that there is a
8	THE COURT REPORTER: Like the M	8	difference, but not yet having been deposed in the
9	THE WITNESS: I'm sorry, the M bone	9	Federal District Court litigation, I'm not sure what
10	which may or may not still be up. I haven't	10	their standard is.
11	checked. Those are the first three that come	11	Q. Have you ever been deposed in a Federal
12	to mind.	12	District Court litigation as it relates to patents?
13	Q. Did you use flooding at all during your	13	A. So an IPR is not a Federal District Court
14		14	litigation?
15	MR. DAVIS: Objection to form.	15	Q. It's not.
16		16	A. So, to my recollection, no, I have not
17	5	17	been deposed in a Federal District Court litigation.
18	5	18	Q. Paragraph 56 of your declaration, can you
19	0	19	turn to that, please? So for the purposes of this
20	2	20	declaration I have been asked to assume
21	THE WITNESS: Well, the Akami networks	21	constructions for certain claim terms as presented
22	are running on top of the Internet. And so in	22	
23		23	A. Yes.
24	Internet does use flooding for its routing	24	Q. Who asked you to assume constructions for
1	Page 154	1	Page 156
1	updates. Q. Let me be clear. Did the Akami	2	the certain claim terms as presented below? MR. DAVIS: Again, same agreement,
3	technologies themselves use flooding?	3	that there's no waiver of privilege here.
4	A. Did Akami technologies themselves use	4	THE WITNESS: That would be counsel.
5	flooding? So I was only involved with a certain	5	MR. DAVIS: That was an agreement as
6	piece of the Akami technologies. And to my	6	well?
7	recollection those pieces did not use flooding.	7	MR. HANNAH: Again, I'd say there is
8	Q. All right. Let's turn to paragraph 55 of	8	no there is no privilege, so there is no
9	your report, please.	9	wajver.
10		10	Q. Do you agree with the constructions as
11	Q. Sure.	11	presented in your declaration?
12	VIDEO TECHNICIAN: Off the record,	12	A. I consider them plausible, yes.
13		12	Q. Do you have
14	•	14	MR. DAVIS: Objection to form.
15	VIDEO TECHNICIAN: Back on the record,	14	Q. Do you have different constructions that
16	4:49 p.m.	16	would also be plausible?
17	Q. Doctor, I'd like to turn your attention to	17	MR. DAVIS: Objection to form.
18	paragraph 55 of your declaration.	18	THE WITNESS: I haven't attempted to
19	A. Yes.	19	come up with any.
20	Q. In this paragraph you said you have been	20	Q. You haven't attempted to come up with any
20	informed that for the purposes of this inter partes	20	constructions at all?
	review, the standard for claim construction of terms	21	A. No, I haven't come up with alternative
122			. i i i i i i i i i i i i i i i i i i i
22			constructions that would also be plausible
23	within the claims of the patent is the broadest	23	constructions that would also be plausible. Q. But have you attempted to come up with any
	within the claims of the patent is the broadest		constructions that would also be plausible. Q. But have you attempted to come up with any



# 800.211.DEPO (3376) EsquireSolutions.com

٩C	TIVISION BLIZZARD vs ACCELERATIC		BAY 157–16
1	Constructions at all?	1	Page 15 earlier question, if that would be okay.
1 2	MR. DAVIS: Objection to form.	2	Q. Sure.
2 3	THE WITNESS: No.	2	A. Earlier I was asked whether I sort of
4	Q. Have you been asked to come up with claim	4	relied on the patent history in forming my opinions.
5	constructions for any Acceleration Bay patent in any	5	And, of course, I was aware of the patent history.
6	context?	6	It's just a question of exactly what you meant by
7	MR. DAVIS: Again, to the extent that	7	relied. I was aware of the patent history. I can't
8	this involves a conversation with counsel or	8	recall any place where that awareness influenced
9	anything else that would be privileged, but if	9	what my opinion was, that is whether knowing what
0	you've outside of that, you can answer, if	10	cite here changed what my opinion would have bee
1	there's anything.	11	otherwise.
2	THE WITNESS: No, I haven't.	12	Q. Okay.
3	Q. In looking at the constructions recited in	13	A. Is that clear?
4	your declaration in section five	14	Q. Let's make it clear for the record.
5	A. Yes.	15	A. Sure.
6	Q do you think that there are other	16	Q. You just testified that you were aware of
7	plausible constructions based on your understanding	17	the patent history, correct?
8	of the Acceleration Bay patents?	18	A. The portion of it that I discuss here,
9	MR. DAVIS: Objection to form.	19	right. So in section 4-B I give an overview of the
0	THE WITNESS: I mean I haven't	20	344 patent prosecution history and, obviously, I was
1	previously formed any opinions about	21	aware of that in order to write it.
2	alternative constructions. I don't think I	22	Q. But the prosecution history did not have
3	I mean, I don't know how long it would take me	23	an influence on your opinion, correct?
4	to think about what alternatives might be.	24	MR. DAVIS: Objection to form.
			-
1	Page 158 Q. Well, how long how would it take you	1	Page 16 THE WITNESS: Correct, it did not
2	to strike that.	2	change what my opinion would have been.
3	Have you taken the time to confirm the	3	Q. Well, did it influence your opinion one
4	constructions as presented in your declaration?	4	way or another?
5	MR. DAVIS: Objection. Form.	5	MR. DAVIS: Objection to form.
5	THE WITNESS: What do you mean by	6	THE WITNESS: I just said it didn't
7	confirm? I mean, as I state in paragraph 56, I	7	change what it would have been.
	do find these constructions to be consistent	8	Q. Turn your attention to page 35 of your
3 n		Ŭ	
9	with the patent specifications and the	9	declaration. The first bullet point, it says,
0 1	understanding of a person of ordinary skill in	10	combination of familiar elements according to know
1	the art.	11	methods is likely to be obvious when it does no mor
2	Q. But paragraph 56 asks you to assume	12	than yield predictable results. Do you see that?
3	certain claim constructions. My question is, have	13	A. Yes, I do.
4	you taken the time to independently come up with	14	Q. What does that mean?
5		15	A. I mean it's it's plain language. There
6	Acceleration Bay patents?	16	aren't any technical terms there. It means what it
	MR. DAVIS: Objection to form.	17	means in English.
		18	Q. Well, what are what are predictable
	THE WITNESS: So I haven't taken the	10	
8	time to independently come up with my own. I	19	results in the context of the 344 patent?
8 9			results in the context of the 344 patent? A. Well, predictable
8 9 20	time to independently come up with my own. I	19	-
18 19 20 21	time to independently come up with my own. I have taken the time to consider the ones that I	19 20	A. Well, predictable
17 18 19 20 21 22 23	time to independently come up with my own. I have taken the time to consider the ones that I was asked to assume and have drawn my own	19 20 21	A. Well, predictable MR. DAVIS: Objection to form.

# **ESQUIRE**

# 800.211.DEPO (3376) EsquireSolutions.com

///	TIVISION BLIZZARD VS ACCELERATIC	ЛМ	BAY 101-104
1	Page 161 Q. Did you do any testing of the DirectPlay,	1	Page 163 not being waived. So I think we're in
2	Lin or Shoubridge references?	2	agreement. And that's fine.
3	MR. DAVIS: Objection. Form.	3	THE WITNESS: So to respond to your
4	THE WITNESS: No, I did not.	4	original question, if you turn to page to
5	Q. Paragraph 74 of your report. Could you	5	paragraph 83, you can again see that I
6	please turn to that?	6	understand that Lin is prior art. And that
7	A. Yes.	7	-
			understanding came from counsel.
8	Q. What is the basis for your opinion that	8	Q. And the same question with regard to
9	DirectPlay and Lin are public prior art to the 344	9	Shoubridge. Were you asked to assume that
10	patent?	10	Shoubridge was prior art in forming your opinion?
11	MR. DAVIS: Objection to form.	11	A. So if you look to paragraph 83 of the 1972
12	THE WITNESS: So you asked me on what	12	declaration, there again I state that I understand
13	I base my opinion that DirectPlay and Lin are	13	that Shoubridge is prior art and that understanding
14	prior art?	14	comes from counsel.
15	Q. Correct. Are public prior art.	15	Q. Let's turn to paragraph 80 well, strike
16	MR. DAVIS: Objection. Form.	16	that. Let me make something clear for the record.
17	THE WITNESS: Paragraph 74 is not	17	Did you independently verify whether DirectPlay was,
18	stating that that is my opinion. What it is	18	in fact, prior art?
19	stating is that my opinion is that one can	19	A. No, I did not.
20	infer from the fact that DirectPlay and Lin are	20	Q. Did you independently verify whether Lin
21	public prior art, that the named claims are not	21	was, in fact, prior art?
22	patentable. The reason I work from that	22	A. No, I did not.
23	position that DirectPlay and Lin are public	23	Q. Did you independently verify whether
24	prior art is that I was informed by counsel	24	Shoubridge was prior art?
	Page 162		Page 164
1	that DirectPlay is prior art.	1	A. No, I did not.
2	Q. Were you also informed by counsel that Lin	2	Q. Let's turn to paragraph 80 of your report,
3	was prior art and asked to assume that it was prior	3	please.
4	art?	4	A. Uh-huh.
5	MR. DAVIS: Same agreement, that	5	MR. DAVIS: Which report?
6	there's no waiver here for any of these by	6	THE WITNESS: Good point.
7	agreement, we can have this go across all of	7	Q. We're talking about Exhibit-1.
8	these types of questions, if that works for	8	A. Sorry, I was answering about Shoubridge.
9	you.	9	Q. So Exhibit-1, paragraph 80.
10	MR. HANNAH: I mean	10	A. Yes.
11	MR. DAVIS: I understand your position	11	Q. The first line of paragraph 80 says,
12	that you don't think it's privileged but we can	12	DirectPlay discloses that this allowed the developer
13	have this colloquy can apply towards all the	13	to provide multi-participant capability without
14	questions about he understands X.	14	getting tangled up in the details of the specific
15	MR. HANNAH: I mean, I hesitate	15	transport media by abstracting aspects of this
16	because I don't want to put on a stipulation	16	communication to a layer of service providers that
17	on the record about no waiver to anything he	17	plugged in underneath. Do you see that?
17	says. I I do agree that if he has an	17	
			A. Yes, I do.
19	understanding and it comes from counsel,	19	Q. What is meant by plugged in underneath in
20	that's that's not privileged and, therefore,	20	this sentence?
21	there is no waiver. I think that should	21	A. So if you turn to page 20 of the
22	suffice.	22	DirectPlay reference, under the architecture
23	MR. DAVIS: Okay. And my position is	23	section, you can see how they describe that they
24	that to the extent there is any privilege, it's	24	settled on creating a device driver interface for



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	DN	BAY 165–168
1	Page 165 communication transports, which they called the	4	Page 167
1		1	multi-player applications?
2	Windows open system architecture. And this	2	MR. DAVIS: Objection. Form.
	specification of an interface means that anybody can	3	THE WITNESS: Yes.
4	write a software component that provides that	4	Q. Why?
5	interface and provide that. And DirectPlay can then	5	MR. DAVIS: Objection. Form.
6	use that software component in order to get the	6	THE WITNESS: Well, one of the sort of
7	as its underlying network or underlying	7	core ideas of a multi-player game is that there
8	communication layer.	8	is some kind of shared experience. It could be
9	Q. Can you turn to page 42 of your report?	9	the shared experience of a chest board or it
10	Actually, paragraph 82 starts on page 41. I'm going	10	could be the shared experience of a three
11	to ask you about the last sentence. The last	11	dimensional world that you're shooting at each
12	sentence there is a quote, it says, if one player	12	other in. It wouldn't make a lot of sense if
13	missed even a single message, that player could	13	your world looked nothing like your
14	slide out of synchronization with the others and	14	competitor's world. And so if you're going to
15	there was no mechanism provided for the game to	15	provide people with a multi-participant
16	resynchronize. Do you see that?	16	experience, you need to make sure that there is
17	A. Yes, I do.	17	this matching state in different systems.
18	Q. Can you explain what is meant by that	18	Q. Would you agree that synchronization is
19		19	the fundamental problem to be solved
20	A. So this sentence is drawn from page 25 of	20	MR. DAVIS: Objection. Form.
21	the DirectPlay reference, where it is discussing	21	Q when writing a multi-participant
22	techniques for keeping different player systems on a	22	application?
23	multi-player game synchronized. So when one player	23	A. Did you say the fundamental problem to be
24	does something, that changes the state of the world	24	solved?
4	Page 166		Page 168
	in some way, the other players need to have their	1	Q. I said the fundamental problem to be
2	state changed in a corresponding fashion. And there	2	solved. If it helps, I can turn you to the
3	are at least two different techniques for	3	DirectPlay reference on page 24. I think you have
4	synchronization which are described in this	4	it open already, actually.
5	DirectPlay reference. This quote is drawn from the	5	A. Yes.
6	discussion of input synchronization, which is a way	6	Q. If you look at the second the last
7	of synchronizing the state by essentially taking any	7	paragraph.
-	input action that a single user does, like pressing	8	A. Oh, yes, I see that they assert it.
9	a key and or moving the mouse and notifying all	9	Q. Oh, okay.
10	other players' systems about those input events. So	10	A. I'm trying to decide if I agree.
11	essentially you are duplicating those input events	11	Q. All right. Do you agree with the
12	on all of the individual systems that are part of	12	statement that the fundamental problem to be solved
13	the game. And so if you duplicate the inputs, you	13	when writing a multi-participant application is
14	should get the same state at all of these systems.	14	synchronization?
15	What they are concerned about is that you're sending	15	A. So I'm skeptical of the term the
16	these messages, saying press this key, press that	16	fundamental problem, since that there are other
17	key. If a message gets lost, which can happen in a	17	problems that I consider fundamental as well in
18	network, then the fact that the user pressed the key	18	assigning a multi-player game. It certainly is a
19	X will not arrive at a particular system. And so	19	fundamental problem.
20	that system will not be playing back the same	20	Q. So you would disagree that it is the
21	sequence of input events as another user. And so it	21	fundamental problem?
22	will bring its game into a different state than the	22	A. I would say that it is a fundamental
23	other users' states.	23	problem.
24	Q. Is synchronization important in	24	Q. What other fundamental problems are there
		1	



## 800.211.DEPO (3376) EsquireSolutions.com

1			BAY 169–172
	Page 169 to be solved when writing a multi-participant	1	Page 171 THE WITNESS: I described that one
	<b>c</b>	2	would have been motivated to do so.
	application?	2 3	
3	MR. DAVIS: Objection to form.	-	Q. In order to meet the claims of the 344
4	THE WITNESS: One of them would be	4	patent how do you how would one of skill in the
5	making the game fun.	5	art combine DirectPlay and Lin?
6	Q. Any others?	6	MR. DAVIS: Objection. Form.
7	MR. DAVIS: Same objection.	7	THE WITNESS: So as we were discussing
8	A. Optimizing the performance of the	8	a couple of questions ago, DirectPlay discloses
	computations involved in, say, rendering a complex	9	an architecture with a place to plug-in what
10	world.	10	they refer to as service providers. The
11	Q. Any other fundamental problems?	11	service providers are supposed to provide the
12	MR. DAVIS: Same objection.	12	underlying communications mechanism that
13	THE WITNESS: I don't want to say that	13	DirectPlay will leverage to provide its
14	I've listed them all. The more you ask for,	14	services and, therefore, a person of ordinary
15	the more time it will take me to enumerate	15	skill in the art would understand that they
16	them. Obviously, there won't be an infinite	16	could write a service provider that
17	number. It will be a small number of the core	17	incorporated the ideas of Lin to provide, in
18	problems.	18	particular, effective broadcast.
19	Q. So any others that you can think of	19	Q. So looking at paragraph 86, you state that
20	sitting here?	20	DirectPlay discloses a flexible interface for
21	MR. DAVIS: Same objection.	21	enabling multi-player games to run over any network
22	THE WITNESS: I would probably put	22	and Lin discloses one such network. Do you see
23	those I mean I can't think of others beyond	23	that?
24	those three at the moment.	24	A. Yes, I do.
	D		D
1	Page 170 Q. All right. So turn to page	1	Page 172 MR. DAVIS: Objection to form.
2	A. Actually, a break. Again, short.	2	Q. So in your opinion regarding the
3	Q. Okay.	3	combination of DirectPlay DirectPlay and Lin, is
4	VIDEO TECHNICIAN: This is the end of	4	it that DirectPlay will run on top of Lin?
5	tape number five. Off the record at 5:16 p.m.	5	MR. DAVIS: Objection. Form.
6	(Recess taken.)	6	THE WITNESS: In keeping with the
7	VIDEO TECHNICIAN: This is the	7	notice that with the description of these
8	beginning of tape number six. On the record,	8	plug-ins operating underneath DirectPlay,
9	5:23 p.m.	9	right, Lin would be a part of that plug-in, and
10	Q. All right. Doctor, I would like to turn	10 11	so in that sense DirectPlay would be operating
11	your attention to page 44 of your declaration,		on Lin. Of course, Lin itself is then an
12	paragraph 86.	12	overlay approach, which is operating on or can
	A. Yes.	13	be operating on a lower level network.
13	• And it was do used as the little little if		Q. And when you when you say it's the
14	Q. And it reads under sub-bullet I, directly	14	
14 15	discloses a flexible interface a strike that	15	plug-in, you're talking about the reference in
14 15 16	discloses a flexible interface a strike that actually, let me strike that.	15 16	plug-in, you're talking about the reference in DirectPlay where it says that they the network
14 15 16 17	discloses a flexible interface a strike that actually, let me strike that. So it's your opinion that DirectPlay	15 16 17	plug-in, you're talking about the reference in DirectPlay where it says that they the network plugs in underneath?
14 15 16 17 18	discloses a flexible interface a strike that actually, let me strike that. So it's your opinion that DirectPlay in combination with Lin renders certain claims	15 16 17 18	plug-in, you're talking about the reference in DirectPlay where it says that they the network plugs in underneath? A. Yes.
14 15 16 17 18 19	discloses a flexible interface a strike that actually, let me strike that. So it's your opinion that DirectPlay in combination with Lin renders certain claims obvious of the 344 patent, right?	15 16 17 18 19	plug-in, you're talking about the reference in DirectPlay where it says that they the network plugs in underneath? A. Yes. Q. So in that scenario where DirectPlay is
14 15 16 17 18	discloses a flexible interface a strike that actually, let me strike that. So it's your opinion that DirectPlay in combination with Lin renders certain claims obvious of the 344 patent, right? A. Yes, that is my opinion.	15 16 17 18 19 20	plug-in, you're talking about the reference in DirectPlay where it says that they the network plugs in underneath? A. Yes. Q. So in that scenario where DirectPlay is running on top of Lin, what is the computer network,
14 15 16 17 18 19	discloses a flexible interface a strike that actually, let me strike that. So it's your opinion that DirectPlay in combination with Lin renders certain claims obvious of the 344 patent, right? A. Yes, that is my opinion. Q. And in paragraph 86 you describe how you	15 16 17 18 19	<ul><li>plug-in, you're talking about the reference in</li><li>DirectPlay where it says that they the network</li><li>plugs in underneath?</li><li>A. Yes.</li><li>Q. So in that scenario where DirectPlay is</li><li>running on top of Lin, what is the computer network,</li><li>in your opinion, you know, for claim one?</li></ul>
14 15 16 17 18 19 20	discloses a flexible interface a strike that actually, let me strike that. So it's your opinion that DirectPlay in combination with Lin renders certain claims obvious of the 344 patent, right? A. Yes, that is my opinion.	15 16 17 18 19 20	<ul> <li>plug-in, you're talking about the reference in</li> <li>DirectPlay where it says that they the network</li> <li>plugs in underneath?</li> <li>A. Yes.</li> <li>Q. So in that scenario where DirectPlay is</li> <li>running on top of Lin, what is the computer network,</li> <li>in your opinion, you know, for claim one?</li> <li>A. So if you're referring to the computer</li> </ul>
14 15 16 17 18 19 20 21	discloses a flexible interface a strike that actually, let me strike that. So it's your opinion that DirectPlay in combination with Lin renders certain claims obvious of the 344 patent, right? A. Yes, that is my opinion. Q. And in paragraph 86 you describe how you	15 16 17 18 19 20 21	<ul><li>plug-in, you're talking about the reference in</li><li>DirectPlay where it says that they the network</li><li>plugs in underneath?</li><li>A. Yes.</li><li>Q. So in that scenario where DirectPlay is</li><li>running on top of Lin, what is the computer network,</li><li>in your opinion, you know, for claim one?</li></ul>



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	)N	BAY 173–17
	Page 173	4	Page 175
1	game environment for a plurality of participants.	1	opinion that Lin teaches participants. The
2	A. So as we discussed earlier today, it seems	2	other opinion I was asked to assess was whethe
	that both the underlying network such as TCP/IP, the	3	DirectPlay and Lin, in combination, teach this
4	Internet using TCP/IP, and Lin's overlay network can	4	notion of participants. And it's my opinion
-	fit this characterization of being a computer	5	that they do.
6	network for providing a game environment for a	6	Q. Well, how about DirectPlay, does
7	plurality of participants.	7	DirectPlay teach participants in the in reference
8	Q. So it's the so Lin in this scenario,	8	to claim one to the 344 patent?
9	the combination between DirectPlay and Lin, Lin	9	MR. DAVIS: Objection to form.
10	teaches a computer network for providing a game	10	THE WITNESS: So I wasn't asked to
11	environment for a plurality of participants?	11	determine, for example, whether DirectPlay, by
12	MR. DAVIS: Objection.	12	itself, provides an obviousness argument for
13	Q. Lin and the underlying network that would	13	the invalidity of this patent. So what I
14	underlie Lin?	14	focused on was the combination of Lin and
15	MR. DAVIS: Objection. Form.	15	DirectPlay.
16	THE WITNESS: Again, you are asking	16	Q. Right. And that's what I'm focused on
17	about Lin in combination with DirectPlay,	17	too. And you said DirectPlay runs over Lin in
18	right?	18	this in this combination opinion, correct?
19	Q. I was. And I wanted you to map the	19	A. Yes.
20	that first element there to in your opinion the	20	Q. And I want I want to know your opinion
21	prior art.	21	when you provide the opinion that you believe it's
22	A. So a mapping that works will map the	22	obvious in light of DirectPlay and Lin. When you
23	overlay network of Lin to the computer network for	23	provided that opinion, did you map participants to
24	providing a game environment. There may also be	24	DirectPlay or did you map it to Lin or did you map
	Page 174		Page 176
1	mappings that map the underlying network of Lin to	1	it to both in the context of claim one of the 344?
2	the computer network for providing a game	2	MR. DAVIS: Objection to form.
3	environment. One was sufficient to give me the	3	THE WITNESS: So for this particular
4	opinion that this provided an obviousness coverage	4	claim element of each participant sorry, are
5	of claim one.	5	we talking about a particular claim element or
6	Q. All right. In your opinion, in regard to	6	about the entire claim?
7	the combination of DirectPlay and Lin, where	7	Q. I'm talking about the participant element
8	DirectPlay runs over Lin, what are the participants?	8	in claim one.
9	A. So, again, there is at least one reading	9	MR. DAVIS: Objection to form.
10	or at least one mapping in which we take the	10	THE WITNESS: So there is a natural
11	participants to be the nodes/computers that are	11	mapping in which we take the participants to be
12	operating to provide the game environment.	12	the nodes, processors and so forth of the
13	Q. Okay. So which ones which ones are	13	computers of the operating computers. That
14	they? Are they taught in DirectPlay or are they	14	is consistent with the disclosures both of Lin
15	taught in Lin, the participants in this scenario?	15	and DirectPlay.
16	MR. DAVIS: Objection to form.	16	Q. So just to make sure I'm clear, for the
17	THE WITNESS: So both DirectPlay and	17	record, in your opinion with the combination of
18	Lin are consistent with this notion of	18	DirectPlay and Lin, both DirectPlay and Lin disclose
19	participants.	19	the participants of claim one, right?
20	Q. And just to be clear, it's your opinion	20	MR. DAVIS: Objection to form.
21	that both DirectPlay and Lin teach participants as	21	Q. Doctor, it was a simple question. We
22	disclosed in claim one of the 344 patent?	22	can't have another five, six minute delay. I'm just
23	MR. DAVIS: Objection. Form.	23	trying to make it clear for the record what your
24	THE WITNESS: So it is certainly my	24	opinion is in this matter.
-		.	



# 800.211.DEPO (3376) EsquireSolutions.com

лU	TIVISION DLIZZARD VS ACCELERATIC		
1	Page 177 MR. DAVIS: Object objection to	1	Page 179 a computer network. It's true that Lin has no
2	form.	2	discussion of game information, correct?
3	THE WITNESS: Sorry, could you just	3	MR. DAVIS: Objection. Form.
4	restate the question?	4	THE WITNESS: So while I do not recall
5	Q. In your opinion with the combination of	5	the appearance of the word game or the phrase
6	DirectPlay and Lin, both DirectPlay and Lin	6	game information in Lin, I do believe that a
	disclosed the participants of claim one of the 344	7	-
7			person of ordinary skill in the art would have
8	patent, correct?	8	been aware of multiple-player computer games
9	MR. DAVIS: Objection. Form.	9	and at least the fact that information needed
10	THE WITNESS: Do you mean that they	10	to be disseminated in such games.
11	disclose all aspects of claim one, that they	11	Q. But Lin itself doesn't talk about
12	both disclose all aspects of claim one?	12	multi-player games, does it?
13	Q. No, just the participants.	13	A. Not to my recollection.
14	MR. DAVIS: Objection.	14	MR. DAVIS: Objection to form.
15	Q. I'm asking very specifically, multiple	15	Q. Does Lin talk about the dropping and
16	times now.	16	adding of nodes?
17	MR. DAVIS: Objection. Form.	17	MR. DAVIS: Objection to form.
18	THE WITNESS: So, yes, they both	18	THE WITNESS: If you look at page 24
19	disclose things which we can take to be the	19	of the Lin exhibit, under the adaptability
20	participants in claim one.	20	paragraph, Lin discusses the fact that adding
21	Q. All right. Thank you. All right.	21	or removing a single processor causes only T
22	Let's turn to paragraph 217 of your	22	processors to change their neighbors in Harary
23	well, strike that.	23	graph flooding. So, yes, Lin does talk about
24	Let's go to page 82 of your	24	adding and removing processors.
1	Page 178 declaration. You have a second opinion in the 970	1	Page 180 Q. All right. Does Lin disclose the failure
	matter in which claims 1 through 11 and 16 through	2	of links between processors?
3	19 are obvious by Lin on its own, correct?	3	MR. DAVIS: Objection. Form.
4	A. And under the knowledge of a person of	4	THE WITNESS: If you look to page nine
5	ordinary skill in the art, yes.	5	of the Lin exhibit, second paragraph, which is
6	Q. Let me just make make it clear for the	6	the first full paragraph, Lin mentions
7	record, when you say the knowledge of one of	7	environments in which links can fail.
	ordinary skill in the art, you're not pointing to	8	Q. Where does it say that?
		-	-
9	another document to combine with Lin, are you?	9	A. Fourth line of the second paragraph, which
10	A. That is correct.	10	is the first full paragraph on page nine of the Lin
11	Q. So you understand what I'm saying, Lin by	11	reference, which is page two of the article.
12	itself, right, I mean the only reference that you're	12	Q. Uh-huh.
13	pointing to is Lin in this obviousness opinion,	13	A. The fourth line says, a gossip protocol
14	correct?	14	that attains a high reliability in an environment in
15	A. Yes.	15	which things can fail for long periods of time.
16	Q. All right. Let's turn to paragraph 217 of	16	Q. So based on this, like, is it your opinion
17	your report.	17	that Lin is disclosing that links can fail between
18	A. Yes.	18	the processors connected to the Harary graphs?
19	Q. I just want to make something clear for	19	MR. DAVIS: Objection. Form.
20	the record. In in 217 you put Lin discloses a	20	THE WITNESS: So let's be clear on
21	computer network for providing information,	21	your question. This portion of the article is
22	brackets, such as game information, for example,	22	talking about this general issue of wanting to
23	closed bracket, for a plurality of participants by	23	attain high reliability in an environment in
24	broadcasting information to multiple participants in	24	which links can fail. It has not yet
	· · · · · · · ·		
_			



800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD VS ACCELERATIC	ЛЛ	BAY 181–184
1	Page 181	1	Page 183 node and/or link failures?
2	introduced the topic of Harary graphs. Q. So in Lin, in the simulation that you used	2	Q. Correct.
	•	2	A. Okay.
3 4	to base your opinion on in terms of the Harary graphs, was there any simulations that related to	4	MR. DAVIS: Same objection.
5	nodes failing or links failing?	4 5	THE WITNESS: Now, is there a
6		6	
7	MR. DAVIS: Objection. Form.	7	particular simulation tab you're referring to?
	THE WITNESS: So you'll notice on page	8	Q. I didn't see it in your declaration,
8 9	24 of the exhibit, the article talks about graceful degradation. And what this is	9	that's why I'm just having you confirm that the simulation that you referred to when you're talking
9 10		9 10	about Harary graphs to support your opinion, that
11	discussing is the issue of failed deliveries of	11	simulation did not have any discussion of node
12	messages, which is showing that they are sort of aware of this of this failure issue.	12	or link failures.
		12	
13	Furthermore, in figure seven, they are actually		MR. DAVIS: Objection. THE WITNESS: Do you want to direct me
14	showing how that degradation is influenced by	14 15	to the spot in the declaration you're referring
15	the sort of variation of the parameters of	16	to the spot in the declaration you're relefning
16	the of those failure parameters.	_	
17	Q. When Lin talks about graceful degradation,	17	Q. I said it's not in your declaration.
18 19	it doesn't talk about nodes or links failing,	18 19	<ul><li>A. No, where I refer to the simulation.</li><li>Q. For instance, 234, you talk about the NS</li></ul>
	though, does it, it's talking about the reliability		Q. For instance, 234, you talk about the NS simulation.
20	of the messages that are sent, correct?	20 21	
21 22	MR. DAVIS: Objection to form.		A. So that's the simulation that they discuss
22 23	THE WITNESS: So turning back to page	22 23	in section five of their article, pages 24 and 25, because they did other simulations earlier in the
23 24	12, Lin is assessing the reliability of broadcasts. And in the first paragraph he	23	article, which is how they produced those
24	bioaucasis. And in the first paragraph he	24	article, which is now they produced those
4	Page 182	4	Page 184
1	explains how table one shows the measured reliability of ten thousand broadcasts among 32	1	measurements which we were just talking about that did include node failures and referred to link
2	processors for different values of B, capital F		failures. In this simulation, using the NS
3 4	and lower case f, where f is the number of		simulator, which is discussed on page 24 and 25,
5	crashed processors. So he is considering	5	they assert that their simulation did not include
6	crashed processors. In this measurement they	6	sorry, let me find the spot, right, so on page 25,
7	did not include link failures, but they clearly	7	second to last line of the third paragraph, they
8			
	were aware of the concept because they	9	assert that they did not consider failures in these simulations.
9 10	mentioned them to say that they did not consider them in this particular measurement.	10	Q. Isn't it true that you rely on the NS
11	Q. So the second line says no link failures	11	simulation in Lin in providing your opinion that the
12	occurred during these broadcasts and all processors	12	Lin reference renders the challenged claims obvious
13	that crashed did so before the first broadcast. Do	13	of the 344 patent?
14		14	A. So you've asked if I agree that I use this
14	you see that? A. Yes, it does say that.	14	NS simulation to ground my claims of obviousness of
15	<ul><li>Q. So it's your opinion that that discloses</li></ul>	15	the claims of this patent. I don't use the NS
10	that the Harary graphs that were simulated in Lin	17	simulator on all of the claims of the patent. What
18	simulated nodes and links failing and leaving?	17	I can point you to is that I use the NS simulator
10	MR. DAVIS: Objection. Form.	10	or I discuss the NS simulator in the context of
20	THE WITNESS: I'm sorry, if that was	20	
20	your question, I didn't hear it properly.	20	claim ten, which is the claim that the computer network of claim one wherein a computer hosts more
21	Q. That's my question.	21	than one participant.
22	A. Your question is whether the simulation	22	Q. So, just to be clear for the record,
23	that they are carrying out includes a simulation of	23 24	you're not relying on the NS simulator for claim



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD VS ACCELERATIC	ЛЛ	BAY 185–188
1	Page 185 one?	1	Page 187 wishes to deliver a message to the other node of the
2	MR. DAVIS: Objection to form.	2	pair and that the underlying transport level will be
3	THE WITNESS: So if you look through	3	able to satisfy that request.
4	my declaration and my discussion of claim one,	4	MR. DAVIS: Objection to form as well.
5	on both grounds, I don't think you'll find any	5	Q. Let's take a break, please.
6	mention of the NS simulator.	6	VIDEO TECHNICIAN: Off the record,
7	Q. All right. Can you turn to paragraph 220	7	6:10 p.m.
	of your declaration, please?	8	(Recess taken.)
9	A. Yes.	9	VIDEO TECHNICIAN: On the record,
10	Q. On paragraph 220, the first sentence, you	10	6:23 p.m.
11	say Lin discloses networks in which no processor has	11	Q. Dr. Karger, let's turn to Exhibit-2.
12	a specific role to play and in which each edge in E	12	Exhibit-2 is your declaration in the 1972 matter.
12	means that the two nodes incident on the edge	12	A. Yes.
14	between them can directly send each other messages	14	Q. There is a fair amount of overlap between
14	at the transport level, which a POSITA would have		-
		15	Exhibit-2 and Exhibit-1. Is it fair to say that
16	understood to refer to peer to peer networks. Do you see that?	16	your answers for the same opinions and texts that
17 18		17	you provided in Exhibit-2 in Exhibit-1 would
	A. Yes, I do.	18	equally apply to Exhibit-2?
19	Q. Can you explain what you meant by that?	19	MR. DAVIS: Objection. Form.
20	A. So I was quoting to two pieces of text	20	THE WITNESS: I would say it's likely.
21	from the Lin reference, the no processor has a	21	I'm a little concerned sort of making a blanket
22	specific role to play quote was the sixth line of	22	statement like that.
23	page nine. And that each edge in E means that the	23	Q. Sure. Well, for instance, I don't have to
24	two nodes incident on the edge can directly send	24	go I don't have to go through everything again.
4	Page 186	4	Page 188
	each other messages at the transport layer is the	1	So
	seventh and sixth lines from the bottom of page	2	A. My consulting history or anything like
3 ⊿	nine. So	3	that.
4	Q. Can you explain what those mean to you?	4	Q. So like the claim constructions and all
5	A. Sure. When when he says that no	5	those things.
6	processor has a specific role to play, what he is	6	A. Uh-huh.
7	saying is that these under these gossip protocols	7	Q. The similar texts, the same texts.
8	all of the processors are executing essentially the	8	MR. DAVIS: Objection to form.
9	same procedure of taking information that they	9	Q. Okay. So let's look at the Shoubridge
10	receive and forwarding it to other processors. When	10	portion of Exhibit-2 which begins on which begins
11	he says that an edge means that the two nodes can	11	on page 42. In your declaration in the 1972 case,
12	directly send each other messages at the transport	12	you give two opinions, one, that DirectPlay with
13	level, what he is saying is that, again, Lin is	13	Shoubridge renders the challenged claims obvious,
14	describing an overlay network. In order to have an	14	correct, that's one of them?
15	overlay network you need to provide communication	15	A. Yes, that claims one through nineteen are
16	through the underlying network. And his description	16	obvious over DirectPlay and Shoubridge.
17	here is that when you have an edge between two	17	Q. And the your second opinion relates
18	processors in your overlay network, it does mean	18	just to Shoubridge by itself and that renders the
19	that the two the two nodes that are at the end	19	challenged claims obvious?
20	points of that edge are able to directly send each	20	A. Again, it's a subset of the challenged
21	other messages using the underlying network.	21	claims, but those claims it rendered obvious.
22	Q. And what is your understanding of directly	22	Q. And just to be clear, it's based on
23	send messages?	23	Shoubridge by itself, right?
24	A. That one node can somehow specify that it	24	A. And the knowledge of a person of ordinary

# ESQUIRE SOLUTIONS

## 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD VS ACCELERATIC	ЛЛ	BAY 189–192
	Page 189		Page 191
1	skill in the art.	1	Q. So when in your opinion, when you
2	Q. And just to be clear, you're not combining	2	provided the opinion that Shoubridge renders the
3 ⊿	any other documents with Shoubridge to for your	3	claims of the 344 patent obvious, are you referring
4	second ground in your declaration, correct? A. Correct.	4	to the flooding that's described in the paragraph
5 6		5	that starts with flood search routing or are you
7	Q. And the document that we've been referring to as Shoubridge, that has been marked previously as	6 7	referring to something else?
7 8	Exhibit-5, correct?	8	A. All right. The question was I just want to make sure I'm answering it the right way.
9	A. Yes.	9	(Reporter read back.)
10	Q. Paragraph 85 of your declaration you say,	10	MR. DAVIS: Objection. Form.
11	Shoubridge discloses a routing protocol called	11	THE WITNESS: Well, I certainly am
12	flooding in which a node sends a message to all of	12	using the flooding described here as part of my
13	its neighbors and each neighbor upon receiving a	13	argument that the claims are obvious. I'm
14	message for the first time broadcasts the message to	14	using other parts of Shoubridge as well.
15	all of its neighbors except for the one from which	15	Q. Are you using other parts of Shoubridge
16	it received the message. Do you see that?	16	when you refer to Shoubridge's flooding algorithm?
17	A. Yes, I do.	17	MR. DAVIS: Objection form.
18	Q. Can you explain what you meant by that?	18	THE WITNESS: Sorry, where you want
19	A. So if you turn to page two of Shoubridge,	19	to give me an example of where I refer to
20	the final paragraph of the final column, Shoubridge	20	Shoubridge's flooding algorithm?
21	asserts that flood search routing has been selected	21	Q. Well, throughout your declaration you're
22	for its robustness in dynamic networks and is	22	talking about Shoubridge flooding and Shoubridge
23	modeled as constrained flooding. He goes on to say	23	discloses flooding. I just want to make sure we're
24		24	on the same page, that we're talking about the
1	Page 190 copied and broadcast on all outgoing links and that	1	Page 192 paragraph on page two that starts with flood search
2	intermediate transit nodes do not broadcast a packet	2	routing and it ends on top of page three.
3	on the same link that a packet was originally	3	A. So, again, in the paragraph we were just
4	received on.	4	looking at, paragraph 85, when I assert that
5	Q. So when you refer to flooding in your	5	Shoubridge is disclosing flooding, I am referring to
6	declaration, you're referring to constrained	6	that type of flooding. I just want to be cautious
7	flooding in in regard to Shoubridge?	7	because I haven't memorized every word of my
8	MR. DAVIS: Objection. Form.	8	declaration, that there might be some other use of
9	Q. Or strike that. Are you referring to the	9	the term flooding which is referring to something
10	flood search routing	10	else.
11	MR. DAVIS: Objection.	11	Q. Let's turn to page paragraph 89 of your
12	Q description?	12	report.
13	MR. DAVIS: Objection. Form.	13	A. Yes.
14	THE WITNESS: So Shoubridge discloses	14	Q. Here you refer to the 64 node network with
15	what he calls constrained flooding, which is	15	connectivity of the degree four is modeled as G.
16	this particular this particular kind of	16	The network is a large regular graph forming a
17	flooding in which you transmit only on only	17	Manhattan grid network that has been wrapped around
18	where you didn't only to the neighbors you	18	itself as a torus to avoid edge effect. Do you see
19	didn't receive from and where you discard	19	that?
20	packets that are received more than once. This	20	A. Yes.
21	is a kind of flooding. So, yes, he is	21	Q. That's the same torus that we were talking
22	disclosing this constrained flooding and, he is	22	about earlier today?
23	disclosing flooding more generally by	23	A. Yes, it was.
24	disclosing a particular instance of it.	24	Q. Now, in Shoubridge does Shoubridge



# 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD VS ACCELERATIC	ЛN	BAY 193–196
1	Page 193 actually disclose nodes leaving the torus, or just	1	Page 195 failure model and it will follow from that,
2	links failing?	2	that on occasion four links incident on a node
3	MR. DAVIS: Objection. Form.	3	will fail.
4	THE WITNESS: So, just to be clear,	4	Q. In the simulation model that he runs and
5	the patent that we're considering today, number	5	the tests that are disclosed, there's no mention of
6	344, its claims don't discuss nodes leaving,	6	the four link failure, right?
7	but your question was whether Shoubridge	7	MR. DAVIS: Objection to form.
8	discusses nodes leaving the torus as opposed	8	THE WITNESS: I can't say from the
9	to	9	data he presents whether it happened and he
10	Q. Links failing.	10	doesn't discuss it.
11	MR. DAVIS: Same objection.	11	Q. All right. Let's turn to your back to
12	THE WITNESS: All right. Sorry for	12	your declaration. If you go to paragraph 94.
		12	A. Yes.
13	the delay. You had asked me to confirm that	14	
14	the article does not refer to nodes leaving.		
15	And so to answer that negative I had to look through the article. And I'm there is a	15 16	DirectPlay and Shoubridge can be combined to render obvious the claims of the 344 patent, is that right?
16 17	a discussion of related work in section four	10	MR. DAVIS: Objection. Form.
			-
18	which talks about a a supporting user	18 19	THE WITNESS: Yes.
19	mobility in a circuit switch trunk network	20	Q. So looking at paragraph 94, is it your opinion that DirectPlay would run on top of the
20	which talks about a user moving, which from	20	Shoubridge network?
21	this perspective means leaving and appearing	21	-
22	somewhere else. So that is a brief mention of	22	MR. DAVIS: Same objection, form.
23	this idea of an entity leaving or returning to		Q. Doctor, is there some question? I'm
24	the network.	24	asking you to look at one paragraph. You flipped
	Page 194		Page 196
1	Q. But there's no disclosure in Shoubridge of	1	multiple times now. I don't want you to read your
2	nodes actually leaving the torus network, right?	2	report?
3	MR. DAVIS: Objection to form.	3	MR. DAVIS: Objection.
4	THE WITNESS: Well, there is this link	4	THE WITNESS: I was just reading the
5	failure model and under these link failures it	5	motivation to combine section. Yes, that
6	is it is very likely to eventually happen	6	answers your question, yes.
7	that all four of the links incident on a	7	Q. So, just to be clear, it's your opinion
8	particular node will be failed, which will have	8	that DirectPlay would run on top of the Shoubridge
9	the effect of causing that node to leave the		network, correct?
10	network, since it will no longer be connected	10	MR. DAVIS: Objection to form.
11	anywhere.	11	THE WITNESS: Yes, that when as
12	Q. But, again, that's link failure, that's	12	described in the DirectPlay reference one can
13	not the node leaving, correct?	13	envision creating a service provider using the
14	MR. DAVIS: Objection to form.	14	Shoubridge technology.
15	THE WITNESS: But, again, there is no	15	Q. Let's turn to paragraph 223 of your
16	practical difference between a node leaving and	16	declaration I'm sorry, 224.
17	a node becoming completely detached from the	17	A. Yes.
18	network, which can be caused by link failures.	18	Q. In 224 you state, Shoubridge discloses a
19	Q. And this analysis you just provided,	19	computer network for providing information such as
20	that's not in Shoubridge, Shoubridge never talks	20	game information, for example, for a plurality of
21	about four links failing, does it?	21	participants by broadcasting information to multiple
22	MR. DAVIS: Objection to form.	22	participants in a computer network. Do you see
23	THE WITNESS: Not explicitly, but he	23	that?
24	does articulate there is this independent link	24	A. Yes, I do.
24	does articulate there is this independent link	24	Α. Υ Ε Ε, Ι α Ο.



800.211.DEPO (3376) EsquireSolutions.com

	TIVISION BLIZZARD vs ACCELERATIC		BAY 197–200
1	Page 197 Q. Shoubridge doesn't actually mention game	1	Page 199 that in the alternative to the extent it is argued
	information, does it?	-	-
3	MR. DAVIS: Objection to form.	2	that these limitations are not expressly or
	THE WITNESS: This is another question	3	inherently disclosed in Shoubridge, it would have,
4		4	at minimum, been obvious that the nodes of the
5	about Shoubridge not mentioning something.	5	networks disclosed in Shoubridge could have been
6	Q. You don't know from the top of your head	6	implemented as peers and that the connections
	whether Shoubridge mentions	7	between those nodes would be peer to peer
8	A. I don't recall from the top of my head.	8	connections based on the knowledge of a POSITA. Do
9	If you'd like me to really confirm that, I'll need		you see that?
10	to look through Shoubridge again.	10	A. Yes, I do.
11	Q. All right. Is it fair to say that if	11	Q. Can you explain what you meant by that?
12	Shoubridge doesn't mention the word game, then game	12	A. So this paragraph 228 is a continuation of
13	information is not disclosed?	13	an argument being laid out in the previous two
14	MR. DAVIS: Objection to form.	14	paragraphs, 226 and 227. In those two paragraphs I
15	THE WITNESS: Per the same question	15	am arguing that Shoubridge actually discloses a peer
16	that was asked about Lin, where my response was	16	to peer network. In 228, though, I'm continuing
17	that I didn't see that Lin expressly mentioned	17	that argument and saying that if somebody wants to
18	game information, but it was that nevertheless	18	argue that these limitations are not explicitly
19	obvious to a person of ordinary skill in the	19	disclosed, although I'm prepared to argue that they
20	art that you could use it for broadcasting game	20	are, but if somebody wants to argue that they are
21	information.	21	not expressly disclosed, then at the very least,
22	Q. What in Shoubridge discloses a game	22	there is an obviousness argument from what
23	environment?	23	Shoubridge doesn't disclose that you could implement
24	A. So as we just discussed positing that	24	a system using peer nodes that would connect through
	Page 198		Page 200
1	Shouhridge does not explicitly mention the word game	4	neer te neer eenneetiene
1	Shoubridge does not explicitly mention the word game	1	peer to peer connections.
2	would mean that Shoubridge does not expressly	2	peer to peer connections. Q. The word peer doesn't appear in
23	would mean that Shoubridge does not expressly disclose a game environment, but my argument is that	2 3	peer to peer connections. Q. The word peer doesn't appear in Shoubridge, does it?
2 3 4	would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.	2 3 4	peer to peer connections. Q. The word peer doesn't appear in Shoubridge, does it? MR. DAVIS: Objection. Form.
2 3 4 5	<ul><li>would mean that Shoubridge does not expressly</li><li>disclose a game environment, but my argument is that</li><li>that this would be obvious over Shoubridge.</li><li>Q. Does Shoubridge discuss any type of</li></ul>	2 3 4 5	peer to peer connections. Q. The word peer doesn't appear in Shoubridge, does it? MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't
2 3 4 5 6	<ul><li>would mean that Shoubridge does not expressly</li><li>disclose a game environment, but my argument is that</li><li>that this would be obvious over Shoubridge.</li><li>Q. Does Shoubridge discuss any type of</li><li>environment?</li></ul>	2 3 4 5 6	peer to peer connections. Q. The word peer doesn't appear in Shoubridge, does it? MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really
2 3 4 5 6 7	would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge. Q. Does Shoubridge discuss any type of environment? MR. DAVIS: Objection. Form.	2 3 4 5 6 7	peer to peer connections. Q. The word peer doesn't appear in Shoubridge, does it? MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would
2 3 4 5 6 7 8	would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge. Q. Does Shoubridge discuss any type of environment? MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?	2 3 4 5 6 7 8	peer to peer connections. Q. The word peer doesn't appear in Shoubridge, does it? MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again.
2 3 4 5 6 7 8 9	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you</li> </ul>	2 3 4 5 6 7 8 9	peer to peer connections. Q. The word peer doesn't appear in Shoubridge, does it? MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again. Q. Can you turn to paragraph 232 of your
2 3 4 5 6 7 8 9 10	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge?</li> </ul>	2 3 4 5 6 7 8 9 10	peer to peer connections. Q. The word peer doesn't appear in Shoubridge, does it? MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again. Q. Can you turn to paragraph 232 of your declaration?
2 3 4 5 6 7 8 9 10 11	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge?</li> <li>MR. DAVIS: Objection. Form.</li> </ul>	2 3 4 5 6 7 8 9 10 11	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in</li> <li>Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Once again, I don't</li> <li>immediately recall the term but to really</li> <li>affirmatively answer that question, I would</li> <li>need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your</li> <li>declaration?</li> <li>A. Yeah.</li> </ul>
2 3 4 5 6 7 8 9 10 11 12	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing</li> </ul>	2 3 4 5 6 7 8 9 10 11 12	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in</li> <li>Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Once again, I don't</li> <li>immediately recall the term but to really</li> <li>affirmatively answer that question, I would</li> <li>need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your</li> <li>declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in</li> <li>Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Once again, I don't</li> <li>immediately recall the term but to really</li> <li>affirmatively answer that question, I would</li> <li>need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your</li> <li>declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have</li> <li>understood the recitation of communication networks</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in</li> <li>Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Once again, I don't</li> <li>immediately recall the term but to really</li> <li>affirmatively answer that question, I would</li> <li>need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your</li> <li>declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have</li> <li>understood the recitation of communication networks</li> <li>to include network space TCP/IP which necessarily</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in</li> <li>Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Once again, I don't</li> <li>immediately recall the term but to really</li> <li>affirmatively answer that question, I would</li> <li>need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your</li> <li>declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have</li> <li>understood the recitation of communication networks</li> <li>to include network space TCP/IP which necessarily</li> <li>comprised TCP/IP connections. Do you see that?</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network. You know, it doesn't use the word environment</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have understood the recitation of communication networks to include network space TCP/IP which necessarily comprised TCP/IP connections. Do you see that?</li> <li>A. Yes, I do.</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network. You know, it doesn't use the word environment but it is describing an environment of users on</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in</li> <li>Shoubridge, does it? <ul> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Once again, I don't</li> <li>immediately recall the term but to really</li> <li>affirmatively answer that question, I would</li> <li>need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your</li> </ul> </li> <li>declaration? <ul> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have</li> <li>understood the recitation of communication networks</li> <li>to include network space TCP/IP which necessarily</li> <li>comprised TCP/IP connections. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Are there communication networks which do</li> </ul> </li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network. You know, it doesn't use the word environment but it is describing an environment of users on a network.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in</li> <li>Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form.</li> <li>THE WITNESS: Once again, I don't</li> <li>immediately recall the term but to really</li> <li>affirmatively answer that question, I would</li> <li>need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your</li> <li>declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have</li> <li>understood the recitation of communication networks</li> <li>to include network space TCP/IP which necessarily</li> <li>comprised TCP/IP connections. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Are there communication networks which do</li> <li>not comprise of TCP/IP connections?</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network. You know, it doesn't use the word environment but it is describing an environment of users on a network.</li> <li>Q. In your opinion, would that be the same</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have understood the recitation of communication networks to include network space TCP/IP which necessarily comprised TCP/IP connections. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Are there communication networks which do not comprise of TCP/IP connections? MR. DAVIS: Objection. Form.</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network. You know, it doesn't use the word environment but it is describing an environment of users on a network.</li> <li>Q. In your opinion, would that be the same thing as a game environment?</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have understood the recitation of communication networks to include network space TCP/IP which necessarily comprised TCP/IP connections. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Are there communication networks which do not comprise of TCP/IP connections?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Yes, there are networks</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network. You know, it doesn't use the word environment but it is describing an environment of users on a network.</li> <li>Q. In your opinion, would that be the same thing as a game environment? MR. DAVIS: Objection to form.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have understood the recitation of communication networks to include network space TCP/IP which necessarily comprised TCP/IP connections. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Are there communication networks which do not comprise of TCP/IP connections?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Yes, there are networks that use connections other than TCP/IP</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network. You know, it doesn't use the word environment but it is describing an environment of users on a network.</li> <li>Q. In your opinion, would that be the same thing as a game environment? MR. DAVIS: Objection to form. THE WITNESS: No.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have understood the recitation of communication networks to include network space TCP/IP which necessarily comprised TCP/IP connections. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Are there communication networks which do not comprise of TCP/IP connections?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Yes, there are networks that use connections other than TCP/IP connections.</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network. You know, it doesn't use the word environment but it is describing an environment of users on a network.</li> <li>Q. In your opinion, would that be the same thing as a game environment? MR. DAVIS: Objection to form. THE WITNESS: No.</li> <li>Q. All right. In paragraph 227 of your</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 34 22 23 34 22 23 34 24 25 25 25 25 25 25 25 25 25 25	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have understood the recitation of communication networks to include network space TCP/IP which necessarily comprised TCP/IP connections. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Are there communication networks which do not comprise of TCP/IP connections?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Yes, there are networks that use connections other than TCP/IP connections.</li> <li>Q. So then the disclosure of a communication</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>would mean that Shoubridge does not expressly disclose a game environment, but my argument is that that this would be obvious over Shoubridge.</li> <li>Q. Does Shoubridge discuss any type of environment?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Any type of environment?</li> <li>Q. If you did well, strike that. Did you see the word environment in Shoubridge? MR. DAVIS: Objection. Form. THE WITNESS: I don't recall seeing that word. In fact, if you're looking at paragraph one, it's talking about users demanding seamless connectivity on network. You know, it doesn't use the word environment but it is describing an environment of users on a network.</li> <li>Q. In your opinion, would that be the same thing as a game environment? MR. DAVIS: Objection to form. THE WITNESS: No.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<ul> <li>peer to peer connections.</li> <li>Q. The word peer doesn't appear in Shoubridge, does it?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Once again, I don't immediately recall the term but to really affirmatively answer that question, I would need to go through Shoubridge again.</li> <li>Q. Can you turn to paragraph 232 of your declaration?</li> <li>A. Yeah.</li> <li>Q. You say that the POSITA would have understood the recitation of communication networks to include network space TCP/IP which necessarily comprised TCP/IP connections. Do you see that?</li> <li>A. Yes, I do.</li> <li>Q. Are there communication networks which do not comprise of TCP/IP connections?</li> <li>MR. DAVIS: Objection. Form. THE WITNESS: Yes, there are networks that use connections other than TCP/IP connections.</li> </ul>



## 800.211.DEPO (3376) EsquireSolutions.com

AC	TIVISION BLIZZARD vs ACCELERATIC	)N I	BAY 201–204
1	Page 201	4	Page 203
1 2	connections are TCP/IP, right?	1	done if there aren't reasons forcing against
	MR. DAVIS: Objection form.	2	it, is to run your entire simulation on a
3	THE WITNESS: So I am not arguing that	3	single machine. Involving more than one
4	communication network specifies that it must be	4	machine makes it is harder work. So the
5	a TCP/IP communication network. I'm saying	5	natural assumption is that he ran it on a
6	that a person of ordinary skill in the art,	6	single machine, which meant that all of the
7	when hearing about a communication network,	7	multiple participants that he was simulating
8	would have been well aware of TCP/IP, perhaps	8	were on that machine during the simulation.
9	the most well known of all communications of	9	MR. DAVIS: I think we're a couple
10	all network protocols, as a way to as an	10	minutes over time as it stands right now.
11	example of such a network.	11	MR. HANNAH: So long as I've got
12	Q. I would like to turn your attention to	12	two follow ups.
13	paragraph 241 of your declaration.	13	MR. DAVIS: Well, no, why don't we
14	A. Yes.	14	just you've had seven hours with him.
15	Q. In 241 you state that Shoubridge discloses	15	MR. HANNAH: Counsel Counsel, it's
16	that computer simulation modeling was used to	16	common courtesy when you give an answer, a
17	evaluate the performance of the disclosed flooding	17	long-winded answer, that I have two follow-up
18	algorithms on the disclosed networks. Since such as	18	questions.
19	this simulators such as this continued to run on	19	MR. DAVIS: There's no common practice
20	a single machine, it would have been obvious to a	20	here. We have a seven hour time limit.
21	POSITA that Shoubridge discloses simulating multiple	21	MR. HANNAH: You can instruct him not
22	participants on a computer wherein a computer hosts	22	you answer if you want.
23	more than one participant. Do you see that?	23	MR. DAVIS: You've spent over seven
24	A. Yes, I do.	24	hours today. You've also spent well over an
4	Page 202	4	Page 204
1 2	<ul><li>Q. Can you explain that to me?</li><li>A. The whole thing? A particular piece that</li></ul>	1 2	hour on topics that were beyond the scope of his declaration. We've hit seven hours. We're
	A. The whole thing? A particular piece that you want me to focus on?		
3 4	-	3 4	done. MR. HANNAH: You can instruct him not
	Q. In particular the last line in your		
5	opinion that the disclosure of a simulator meets the	5 6	to answer, if you want. MR. DAVIS: I'm not instructing him
6	limitation wherein a computer hosts more than one	7	C C
7 8	participant in the claims of the 344 patent? MR. DAVIS: Objection. Form.		not to answer. I'm telling you the deposition is over because we ran out of time. All right?
9	THE WITNESS: So Shoubridge discusses	8 9	-
9 10	a simulation of his network in order to	9 10	
10	understand the performance of some of the	11	MR. DAVIS: Same practice as yesterday. All right?
12	routing protocols that he describes or routing	12	Q. Is it your opinion
12	algorithms that he describes in his article.	13	MR. DAVIS: We're done, Mr. Hannah.
13	He ran a simulation in order to understand	13 14	MR. HANNAH: I'm not done. I'm going
14	that. Turning to the appropriate section. And	14	to ask him the question. And you can you
16	Shoubridge describes a simulation model and	16	can instruct him not to answer, if you're not
17		17	going provide the courtesy for one follow up
18	that he ran one, which means that he created a	18	question after a long-winded answer like that
19	simulated version of the network that he was	19	where he's been taking a long time to answer
20	choosing to study and then ran traces of his	20	questions. And we have a record of it. So if
20 21	algorithm running through this simulated	20 21	you want to if you want to make this
<b>د</b> ا			position, then we can go to the board tomorrow
22	network with his modeled edge failures and so	22	
22 23	network with his modeled edge failures and so forth. And my argument here is that you know	22 23	
22 23 24	forth. And my argument here is that, you know,	22 23 24	and we can ask for more time because he hasn't been diligent in answering the questions.



# 800.211.DEPO (3376) EsquireSolutions.com



800.211.DEPO (3376) EsquireSolutions.com