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2 UNITED STATES PATENT AND TRADEMARK OFFICE  
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
4

5 SAMSUNG ELECTRONICS AMERICA, INC.,  
6 Petitioner

7 V.

8 UNILOC LUXEMBOURG S.A.,  
9 Patent Owner

10  
11 Case No. IPR2017-01801

12 Patent No. 8,995,433  
13  
14  
15

16 \*\*\*\*\*  
17 ORAL DEPOSITION OF WILLIAM C. EASTTOM  
18 AUGUST 6, 2018  
19 \*\*\*\*\*  
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24 Reported By: Susan Foreman

25 Job No: 144981

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

SAMSUNG ELECTRONICS AMERICA, INC.,  
Petitioner

V.

UNILOC LUXEMBOURG S.A.,  
Patent Owner

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Case No. IPR2017-01802

Patent No. 7,535,890

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ORAL DEPOSITION OF WILLIAM C. EASTTOM  
AUGUST 6, 2018  
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2           ANSWERS AND DEPOSITION OF WILLIAM C. EASTTOM,  
3   produced as a witness at the instance of the Petitioner, taken  
4   in the above-styled and -numbered cause on the 6th day of  
5   August, 2018, at 8:51 a.m., before Susan M. Foreman, a  
6   Certified Shorthand Reporter in and for the State of Texas, at  
7   the Renaissance Dallas at Plano Legacy West Hotel, located at  
8   6007 Legacy Drive, Plano, Texas 75024, in the City of Plano,  
9   County of Collin, and State of Texas, in accordance with the  
10   agreement hereinafter set forth or in accordance with the  
11   Federal Rules of Civil Procedure.

A P P E A R A N C E S

FOR THE PETITIONER SAMSUNG ELECTRONICS AMERICA, INC.

MR. PHILLIP CITROEN, ESQ.

MR. MICHAEL WOLFE, ESQ.

MR. JOSEPH POLYS, ESQ.(VIA TELEPHONE)

PAUL HASTINGS

875 15th Street Northwest

Washington, DC 20005

FOR THE PATENT OWNER UNILOC LUXEMBOURG S.A.

MR. RYAN LOVELESS, ESQ.

ETHERIDGE LAW GROUP

2600 East Southlake Boulevard

Southlake, TX 76092

WILLIAM C. EASTTOM, II

I N D E X

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WILLIAM C. EASTTOM, II  
P R O C E E D I N G S

WILLIAM C. EASTTOM,  
having been first duly sworn, testified as follows:

EXAMINATION

BY MR. CITROEN:

Q. Good morning.

A. Good morning.

Q. Welcome back.

A. Thank you.

Q. I'm going to go ahead and just hand you some documents, this one... So I just handed you two documents. Can you tell me what those documents are?

A. The first one was U.S. Patent 8,995,433 B2. And the second was U.S. Patent 7,535,890, also B2.

Q. Okay. And is it okay with you if we refer to U.S. 8,995,433 as the '433 patent?

A. Yes.

Q. Okay. And does that document have a label in the bottom right-hand corner?

A. Yes. It says Samsung Exhibit 1001.

MR. CITROEN: Okay. And just for the record, that's Exhibit 1001 in proceeding IPR 2017-01801.

Q. And then the second document, is it okay if we refer to U.S. 7,535,890 as the '890 patent?

1 WILLIAM C. EASTTOM, II

2 A. Yes.

3 Q. And is that document labeled in the bottom right-hand  
4 corner as well?

5 A. Yes. It is also labeled Samsung Exhibit 1001.

6 MR. CITROEN: Okay. And just for the record,  
7 this document, Exhibit 1001, is Exhibit 1001 in proceeding IPR  
8 2017-01802.

9 Q. I'm going to hand you two more documents, Mr.  
10 Easttom. Can you tell me what that document is once you've had  
11 a chance to look at it?

12 A. Well, the first one appears to be my declaration in  
13 reference to the '433 patent.

14 Q. Okay. Is there an exhibit number on that document?

15 A. It says Uniloc's Exhibit Number 2001.

16 MR. CITROEN: Okay. And just for the record,  
17 that's Exhibit 2001 in IPR 2017-1801.

18 Q. And then I'm going to hand you one more document. If  
19 you can tell me what that is once you've had a chance to look  
20 at it.

21 A. It appears to be my declaration in reference to the  
22 '890 patent.

23 Q. Okay. And is there an exhibit number for that  
24 document that you see?

25 A. It is also Uniloc's Exhibit Number 2001.

1 WILLIAM C. EASTTOM, II

2 MR. CITROEN: Okay. And for the record, that's  
3 Exhibit 2001 in IPR 2017-1802.

4 Q. Okay. Just for the record, can you go ahead and  
5 state your full name and address.

6 A. William Charles Easttom, II. The address is 5605  
7 Woodspring Drive, Plano, Texas.

8 Q. Thank you.

9 And I know we just had a deposition on Friday,  
10 but just to refresh our memories, let's try not to talk over  
11 each other, and please answer verbally to all the questions.  
12 If you don't understand a question, please ask me to clarify or  
13 to restate the question.

14 And is there any reason you cannot testify  
15 completely, truthfully, and accurately today?

16 A. No, not at all.

17 Q. Okay. And you understand you're under oath?

18 A. Yes, I do.

19 Q. Okay. So you understand you're here this morning to  
20 testify with respect to the two declarations you have in front  
21 of you, the '890 declaration and the '433 declaration?

22 A. That's my understanding, yes.

23 Q. Okay. Did you prepare for today's deposition?

24 A. Yes.

25 Q. And how did you prepare?



1 WILLIAM C. EASTTOM, II

2 A. Primarily by rereading the declarations, rereading  
3 the relevant patents, and rereading the asserted prior art.

4 Q. Okay. And about how much time did you spend  
5 preparing for the deposition?

6 A. Well, there are, as you know, three depositions  
7 connected. It's very difficult to tease out what was on one or  
8 the other. Total document reading time, around 12 hours, but  
9 that's across the patents.

10 Q. Okay. And did you have any meetings with counsel  
11 with respect to this deposition?

12 A. Yes.

13 Q. And when was that meeting or those meetings?

14 A. It was one meeting for all of these depositions, and  
15 I believe it was by phone last Monday.

16 Q. Okay. And how long was that meeting?

17 A. About an hour, hour and a half maybe.

18 Q. Okay. And who did you speak with during that  
19 meeting?

20 A. Mr. Loveless.

21 Q. Okay. Did you prepare any further for this  
22 deposition between your deposition on Friday and the deposition  
23 today?

24 A. I reread these two declarations.

25 Q. Okay.

1 WILLIAM C. EASTTOM, II

2 And "these two," you mean the '890 declaration  
3 and the '433 declaration?

4 A. That's correct.

5 Q. Okay. Did you speak with anyone else to prepare for  
6 today's deposition?

7 A. Not to prepare, but Mr. Loveless did contact me about  
8 a scheduling issue, I believe, that you guys arose with him.

9 Q. Okay. Other than the two declarations and the other  
10 documents that you identified, have you reviewed any other  
11 documents to prepare for today's deposition?

12 A. No.

13 Q. Do you recall if you reviewed the institution  
14 decisions with respect to the '433 patent and the '890 patent?

15 A. They're amongst the documents I have available to me.  
16 I don't have a specific recollection of reading them, but I  
17 very well may have.

18 Q. What about the patent owner preliminary responses in  
19 the two proceedings that we're discussing this morning?

20 A. Those also, I believe, are in my documents, and at  
21 some point had to have been reviewed, but as I said, I read  
22 everything in the folder.

23 Q. Okay.

24 A. But I don't specifically remember having that  
25 document in front of me.

1 WILLIAM C. EASTTOM, II

2 Q. And the same question for the patent owner responses,  
3 did you review those documents before today's deposition?

4 A. The same answer. I have a folder with all documents  
5 related to an IPR. I do read them all at least once, but they  
6 -- those documents you're referencing don't stand out in my  
7 mind as having particular attention.

8 Q. Okay. In your declarations before you, the '433 and  
9 the '890 declarations, do you list the documents that you  
10 considered while preparing your declarations?

11 A. I believe in these declarations, the documents are  
12 referenced as they become analyzed. For example, I'm looking  
13 at page 17 with Exhibit 1001 and the specific elements of that  
14 exhibit, and it's referenced there. When I get to page 19, I  
15 specifically reference Griffin and Zydney, and that continues  
16 throughout. So the documents are listed at the point at which  
17 they're introduced to the analysis.

18 Q. Which declaration were you looking at just now?

19 A. I am looking at the '433, but I believe the '890  
20 follows a similar pattern.

21 Q. Okay. Before you look at the '890, paragraph 4, I  
22 believe, appears to have a list of references that you  
23 considered. Is that true?

24 A. Yes, these are the primary references. I didn't see  
25 that in my review. It lists, of course, the IPR petition

1 WILLIAM C. EASTTOM, II

2 itself, the declaration in this case with Dr. Haas, the  
3 references, Zydney and Griffin, a declaration by -- sorry, I'm  
4 going to mispronounce this gentleman's name -- Dr. Dieuliis.  
5 And also -- I think those are the ones mentioned in that  
6 specific paragraph. Any others would be brought in as needed  
7 in the analysis.

8 Q. Do you recall when you reviewed Dr. Dieuliis'  
9 declaration?

10 A. I don't have the specific recollection. Obviously,  
11 before the date of finishing this declaration of my own.

12 Q. Okay. And why did you review that declaration in  
13 preparing your own?

14 MR. LOVELESS: Objection, form.

15 A. Well, it's been about a year, so I'm trying to  
16 remember. I think I just had asked for every document at all  
17 related to this patent, and I just wanted to look at them all.

18 Q. Okay. Did you agree with everything that  
19 Dr. Dieuliis stated in his declaration for the 1428 proceeding  
20 that's listed here?

21 MR. LOVELESS: Objection, form.

22 A. I don't believe part of my analysis was to agree or  
23 disagree with Dr. Dieuliis.

24 Q. Okay. I think so.

25 A. Dr. Dieuliis. My apologies to the doctor if I'm

1 WILLIAM C. EASTTOM, II

2 doing it wrong.

3 I simply wanted to see what he had said. I  
4 don't believe I took a position of agreement or disagreement.  
5 As we go through my declaration, if the opinions agree with  
6 his, okay. If they don't, that's also okay.

7 Q. Are there any documents that you considered that are  
8 not listed here in paragraph 4?

9 A. I don't have a specific recollection now, but as we  
10 go through, there may be others referenced within the body of  
11 the declaration.

12 Just to be clear, I reviewed everything that was  
13 presented to me, but not everything was relevant to my  
14 analysis, so not everything needed to be listed or included. I  
15 read some documents, and it turns out that they have no bearing  
16 on my analysis. They're relevant to some other aspect of the  
17 case that doesn't involve me.

18 Q. Okay. So you recall that we had a deposition on  
19 Friday, correct?

20 A. Yes.

21 Q. And you recall that deposition was related to the  
22 '622 patent?

23 A. Yes.

24 Q. Okay. And before you, you have the '433 patent and  
25 the '890 patent. Is it your understanding that those three

1 WILLIAM C. EASTTOM, II

2 patents are related?

3 A. Yes.

4 Q. Okay. Is it your understanding that those three  
5 patents share the same specification?

6 A. I'm not sure what you mean by "share the same  
7 specification."

8 Q. Do you know what a specification -- a patent  
9 specification is?

10 A. I don't know the legal meaning of the term.

11 Q. Okay. The content of the patents, other than the  
12 claims, if I refer to that as a specification, do you  
13 understand what I'm referring to?

14 A. Oh, yes.

15 Q. Okay. So your understanding that the specification  
16 of the '622, '433, and '890 patents are the same?

17 A. Well, to be honest, if you give that definition, I'm  
18 sitting here looking in front of me, and the abstracts are  
19 immediately different.

20 Q. Okay. Do you know of any other differences?

21 A. I don't know that I made a point to analyze what was  
22 the same or different. I just analyzed each patent in and of  
23 itself.

24 Q. Okay. But it is your understanding that these are  
25 related patents?

1 WILLIAM C. EASTTOM, II

2 A. Related, yes.

3 Q. Do you know what a continuation patent is?

4 A. Yes, I have a few of my own.

5 Q. Okay. Can you explain what your understanding is of  
6 a continuation patent?

7 A. Well, you file a patent application. Again, I'm  
8 giving you a technical understanding. I don't understand the  
9 legal nuances. You file a patent application and a patent is  
10 granted. And then later there is some variation, some  
11 extension, something whereby an additional patent is granted  
12 from the same initial application.

13 Q. Okay. And you understand that the -- the '622 patent  
14 and the '433 patent are a continuation -- let me see -- of the  
15 '890 patent, part of a chain of continuation to the '890  
16 patent?

17 MR. LOVELESS: Objection, form.

18 A. I know they're continuation patents. I don't,  
19 sitting here today, have an immediate recollection of which one  
20 was first or which ones were continuations.

21 Q. Okay. If it's helpful, it's also on the cover there  
22 of each of the patents.

23 Are you aware that there are other patents that  
24 are in the chain of continuation related to the '622, '433, and  
25 '890 patents?

1 WILLIAM C. EASTTOM, II

2 A. I believe that's the case.

3 Q. Okay. And are those U.S. Patent 8,199,747 and  
4 8,243,723?

5 MR. LOVELESS: Objection, form.

6 A. They might be. I don't have an exact memory of the  
7 patent number sitting here.

8 Q. Okay. That's fine.

9 So if you can go to the '890 patent that's in  
10 front of you.

11 A. I have it in front of me.

12 Q. Okay. If you can just look at figure 2 together.

13 A. I have it in front of me.

14 Q. And can you just tell me what your understanding is  
15 of what's illustrated in figure 2 of the '890 patent?

16 MR. LOVELESS: Objection, form.

17 A. Just a moment. I am trying to refresh my memory in  
18 my declaration as to where I opined on that figure. I don't  
19 have a specific recollection now, so I'll have to refresh my  
20 memory briefly.

21 Q. Okay.

22 A. Well, I can't find in my declaration where I  
23 specifically discussed it. I'll see if there's a good  
24 description right here within the patent itself. It's usually  
25 best to see exactly what the patent inventor said as opposed to



1 WILLIAM C. EASTTOM, II

2 paraphrasing their words.

3 Well, under brief description of the drawings in  
4 column 6, the inventor states: Figure 2 illustrates an  
5 exemplary local IVM system for enabling instant voice messaging  
6 according to the present invention.

7 And sitting here today looking at figure 2, that  
8 looks to me like an accurate description.

9 Q. What's your understanding of the description of  
10 System 2000 as being local?

11 MR. LOVELESS: Objection, form.

12 A. Local would be within a local area network as opposed  
13 to being accessed over the internet.

14 Q. Okay. So looking at figure 2 is a local IP network  
15 204. That would not be the internet in this figure?

16 A. No, it's clearly labeled as the local IP network.

17 Q. So what kind of networks might that include?

18 A. Well, at the time of the original patent application,  
19 that could have been a Uninx-based network; it could have been  
20 a Microsoft-based network, a Novel-based network, but a network  
21 contained within some boundaries, usually defined by some sort  
22 of gateway between the local network and the outside world and  
23 the internet.

24 Q. Okay. Let's take a look at figure 5. I just have a  
25 similar question.

1 WILLIAM C. EASTTOM, II

2 What is your understanding of what's illustrated  
3 in figure 5 of the '890 patent?

4 MR. LOVELESS: Objection, form.

5 A. One moment, please.

6 Q. Sure.

7 A. There is some brief discussion of this in my  
8 declaration towards the end of paragraph 31, where I discuss  
9 some of the elements, such as chat messages 500, which I think  
10 the 500 would indicate they're probably related to this. I  
11 don't see figure 5 specifically discussed in my declaration.  
12 But looking at it here, it appears to be the global IVM  
13 example.

14 Q. Okay. Just quickly, the chat messages 500, I believe  
15 that's referring to Griffin, just to make sure we're on the  
16 same page.

17 A. Oh.

18 Q. Feel free to take a look if you disagree, but I just  
19 want to make sure we're talking about the same document. I was  
20 asking you about the '890 patent.

21 A. I think you're correct.

22 Q. Okay.

23 A. So I don't have a reference to figure 5 of this  
24 patent anywhere in my declaration; but sitting here looking at  
25 it, it appears to be the global exemplary IVM system.

1 WILLIAM C. EASTTOM, II

2 Q. And just comparing figure 2 and figure 5 of the '890  
3 patent, do you agree what's shown in figure 2 is also  
4 identified in figure 5 or shown in figure 5 as local IVM system  
5 510, which is identified by the dashed box?

6 MR. LOVELESS: Objection, form and scope.

7 Q. Do you understand my question?

8 A. Yes, I understand the question.

9 I'm looking at the two diagrams. Again, I don't  
10 recall opining on this in my declaration; but looking at it  
11 here today, it does appear to be the case.

12 Q. Okay. So you stated that figure 5 is the global IVM  
13 example. What do you mean by "global"? What would a person of  
14 ordinary skill in the art have an understanding of what is  
15 meant by "global"?

16 A. Well, looking at the figure itself, it identifies an  
17 element of 102, which is IP network internet. The network is a  
18 global network accessible, at least hypothetically, from  
19 anywhere in the world.

20 Q. Okay. So looking at local IP network 204, that's the  
21 same local IP network we were discussing with respect to figure  
22 2, correct?

23 A. Yes.

24 Q. Okay. And what is IP network 102?

25 A. It's clearly labeled as the internet.

1 WILLIAM C. EASTTOM, II

2 Q. And is the -- is the IP network 102 external from the  
3 local IP network 204?

4 MR. LOVELESS: Objection, form.

5 A. It's an interesting question because it is certainly  
6 possible to set up a local network that's directly connected  
7 into the internet. That's not the usual, but it's possible.  
8 And I don't have a specific recollection of the '890 patent or  
9 my declaration specifically discussing a barrier between the  
10 two. There could be. There might not be.

11 Q. If local IP network 204 was directly connected to the  
12 IP network 102, would the IP network 102 not be external to the  
13 local IP network 204?

14 MR. LOVELESS: Objection, form, scope.

15 A. Well, again, I don't recall opining on that issue in  
16 my declaration. Feel free to refresh my memory if I'm missing  
17 something. I haven't analyzed that question previously. I  
18 don't believe it was pertinent to my deliberations. But to  
19 answer a hypothetical, could be. It certainly could be.

20 Q. What's your understanding of "external network"?

21 A. Well, again, most definitions only have a meaning  
22 within context, so just sitting here with no context, no  
23 reference to any analysis I've done, in general, there was some  
24 demarcation point between the inside and the outside. Now, the  
25 exact nature and function of that demarcation point would be

1 WILLIAM C. EASTTOM, II

2 contingent on the specific implementation.

3 Q. What about in the context of the field of the alleged  
4 invention of the '890 patent, what would be the understanding  
5 of the term "external network"?

6 MR. LOVELESS: Objection, form, scope.

7 A. Well, again, I don't recall opining on this in my  
8 declaration; but in general, it would be, again, some  
9 demarcation point. Now, the reason this is fuzzy is because as  
10 we go back in time, those demarcation points have changed.  
11 Today, the demarcation point is typically a router with both  
12 firewall and network address translation capabilities built  
13 into the router.

14 If I were to go back to 1998, that demarcation  
15 point is very likely to be a server with what we call a dual  
16 homed configuration. That means it has two network interface  
17 cards, one facing the local network, one facing the outside  
18 world. And that's part of the reason for the ambiguity in  
19 demarcation point. You have lots of servers on your network,  
20 presumably. You could hypothetically have hundreds if you  
21 wished. And here we have one, and its main difference is two  
22 network cards, and the demarcation point is just which  
23 direction one is facing. That's why the term "demarcation  
24 point" is a bit ambiguous.

25 Q. What about the time of the '890 patent? So let's

1 WILLIAM C. EASTTOM, II

2 assume that's December 2003. What would be the understanding  
3 to a person ordinarily skilled in the art of the term "external  
4 network"?

5 A. Well, again, it's that demarcation point. And in  
6 2003, it would have been a time period with the most ambiguity.  
7 Because if we're talking today, I can virtually guarantee it's  
8 the router I described.

9 Q. Uh-huh.

10 A. If we're talking 1990s, I can virtually agree it's  
11 that dual homed server. In the early 2000s, I saw both in  
12 practice.

13 Q. Okay. So it's your opinion that the term "external  
14 network" at the time of the alleged invention is ambiguous?

15 A. No.

16 MR. LOVELESS: Objection, form, scope.

17 Q. Okay.

18 A. I said it is outside a demarcation point. What I  
19 said was the demarcation point, the exact nature of the  
20 demarcation point is ambiguous. But the term "external" is  
21 not.

22 Q. Okay. So the determination of whether something is  
23 external based on demarcation point would be ambiguous?

24 MR. LOVELESS: Objection, form, scope.

25 Q. I'm just trying to understand.

1 WILLIAM C. EASTTOM, II

2 A. Sure. The issue becomes if, using, say, that dual  
3 homed server, I have other servers on my network presumably, at  
4 least a domain controller and potentially others. Those are  
5 clearly inside my network. If I visit Samsung's website,  
6 that's clearly outside my network unless, of course, I'm at  
7 Samsung.

8 Q. Uh-huh.

9 A. Where is that dual homed server? Is that internal or  
10 external? So, in general, I could definitively say all the  
11 things this side of the demarcation point are internal. All of  
12 the things this side are external. That's definitive, no  
13 ambiguity. But where is the demarcation point itself? Is it  
14 an internal or external resource or a little bit of both?  
15 That's the ambiguity point.

16 Q. Okay. Looking at figure 5 again, there's another  
17 network identified as 504, an identified local IP network. Do  
18 you see that?

19 A. Yes, I do.

20 Q. And can you tell me what a person ordinarily skilled  
21 in the art would understand local IP network 504 to be?

22 MR. LOVELESS: Objection, form, scope.

23 A. I don't recall having discussed this in my  
24 declaration. Again, feel free to refresh my memory if I'm  
25 misremembering. However, simply looking at figure 5 in front

1 WILLIAM C. EASTTOM, II

2 of me and forming an opinion based on what it clearly says,  
3 it's a second local network somewhere other than the primary  
4 one shown in 510.

5 Q. Okay. And let me just ask: So do you believe you  
6 did not consider figure 5 in the corresponding portions of the  
7 specification in rendering your opinions in the '890 and '433  
8 declarations?

9 MR. LOVELESS: Objection, form.

10 A. In forming my opinion, I read the entire patent, as  
11 well as many other documents we've already discussed, every  
12 word of it. However, when I form my opinion, I form my opinion  
13 on specific issues that were detailed with the specific  
14 supporting criteria in my declaration. That is where the bulk  
15 of my analysis went, and that's where my opinions stem from.

16 If we would like to investigate hypotheticals  
17 that did not directly impact my analysis, we can, but those  
18 answers won't be based on the lengthy, careful analysis that  
19 went into my declaration. They will be off the cuff and prone  
20 to inaccuracy.

21 Q. Okay. So I haven't asked you any hypotheticals. I'm  
22 just asking about figure 5. So I just want to understand  
23 whether you considered figure 5 in the disclosure that  
24 corresponds to figure 5 in rendering your opinions.

25 A. I certainly saw it. I certainly examined it. But,



1 WILLIAM C. EASTTOM, II

2 again, the best place to see my opinions and the bases thereof  
3 is in my declaration. Just curious if the second day of  
4 deposition will ever actually look at it.

5 Q. If figure 5 is not cited in your declaration, does  
6 that mean you did not consider it?

7 MR. LOVELESS: Objection, form.

8 A. No. That means it wasn't necessary to form the basis  
9 of the opinions expressed. Again, I considered every element  
10 of the patent in question, but my declaration contains those  
11 focal points. My understanding, not as an attorney, is the  
12 point of my declaration, is to allow you to see what my  
13 opinions were so you could examine them and to see what the  
14 bases were. So rather than include every word and figure from  
15 the patent, which would be redundant and not helpful to you, I  
16 gave you that information in the declaration that's most  
17 relevant to my opinions and what I believe the purpose of the  
18 declaration was to discuss.

19 Q. Okay. So local IP network 504, you said, is a second  
20 local network somewhere other than the primary one shown in  
21 510. Is that accurate?

22 A. That is what appears to be depicted in figure 5.

23 Q. Is it okay if I refer, just to facilitate our  
24 discussion, the local IVM system labeled as 510, as local  
25 system 1, and then the second IP network 504 as local system 2?

1 WILLIAM C. EASTTOM, II

2 A. Yes, that's fine.

3 Q. Okay. So from the perspective of IVM client 208 in  
4 local system 1, would local system 2 be an external network?

5 MR. LOVELESS: Objection, form, scope.

6 A. It could be.

7 Q. And why could it be?

8 A. Well, again, I don't believe the '890 nor my  
9 declaration explore this particular possibility; but giving an  
10 off-the-cuff answer based on the figure, it's possible that  
11 local network 2 has no other connection to local network 1  
12 other than over the internet, in which case it would be  
13 external. It's also possible that local network 2 is a  
14 business partner, and they have set up some sort of extra net  
15 connection wherein local network 1 has a direct connection to  
16 local network 2. Both of those are possible. I believe that's  
17 not explored or discussed in either the patent or in my  
18 declaration.

19 Q. In the context of the '890 patent, is it fair to say  
20 that in the scenario we just discussed, that if local IP  
21 network 504 is outside -- let me strike that. Because we were  
22 using local system 1 and 2. Let me stick to that.

23 So from the perspective of the 208 IVM client in  
24 local system 1, is it fair to say that local system 2 would be  
25 an external network if it is outside local system 1?

1 WILLIAM C. EASTTOM, II

2 MR. LOVELESS: Objection, form, scope.

3 A. If it is outside the demarcation point and if there  
4 is no other connection directly connected, then it certainly  
5 could be.

6 Q. I apologize for rehashing what we've already  
7 discussed, but can you just explain what you mean by  
8 demarcation point in the context of the '890 patent around  
9 December 2003 to a person ordinarily skilled in the art?

10 A. Certainly. There is some point at which my local  
11 resources come to an end and external resources begin. Now, in  
12 a best-case scenario, there is a very clear demarcation point.  
13 There's a router, presumably, that has network address  
14 translation, firewall capabilities, all sorts of things. My  
15 local network uses private IP addresses. The outside world  
16 uses public. I mean, there's another clear difference. And  
17 it's a trivial matter for one of ordinary skill in the art to  
18 see exactly where the local ends and the outside begins.

19 However, there are a lot of peer-to-peer systems  
20 that blur that. You have a local internal system that directly  
21 connects to an external resource, that sort of thing.

22 But a demarcation point, in general, is where  
23 local resources end and outside resources begin.

24 Q. Okay. Earlier you said that local system 2 could be  
25 external to local system 1, correct?

1 WILLIAM C. EASTTOM, II

2 MR. LOVELESS: Objection, form.

3 A. Yes.

4 Q. Okay. So in the situation where local system 2 is  
5 external to local system 1, from the perspective of IVM client  
6 208 in local system 1, is IVM client 508, in the bottom  
7 right-hand corner of figure 5, an external recipient connected  
8 to an external network in the context of the '890 patent?

9 MR. LOVELESS: Objection, form, scope.

10 A. Well, within this hypothetical scenario that was not  
11 analyzed in my declaration, I don't believe it appears in the  
12 patent, if local network 2 is completely separate outside the  
13 demarcation point of local network 1 and there's no direct  
14 connection between the IVM client and network 1 and network 2,  
15 then yes.

16 Q. And in that same scenario, if IVM client 208 in local  
17 system 1 is communicating with IVM client 206 from the  
18 perspective of the IVM client 208, would IVM client 206 be a  
19 local recipient connected to a local network?

20 MR. LOVELESS: Objection, form, scope.

21 A. I apologize. I got a little lost there. Could you  
22 restate that? There were a lot of little numbers in there that  
23 I sort of got lost.

24 Q. Sure.

25 MR. CITROEN: Can you restate the question,

1 WILLIAM C. EASTTOM, II

2 please?

3 (Record read.)

4 A. Well, based on the hypothetical that I don't believe  
5 was analyzed in either the patent or in my declaration, 208 and  
6 206, simply reading what the figures seem to demonstrate,  
7 appear to be connected by the same local IP network; and based  
8 on that, it would appear to be they are local to each other.

9 Q. Okay. And communications between the IVM client 208  
10 and IVM client 206 in local system 1, would those  
11 communications be over the local network 204?

12 MR. LOVELESS: Objection, form, scope.

13 A. Based on the way this diagram is designed, that seems  
14 most likely.

15 Q. And if IVM client 208 is communicating with IVM  
16 client 508 in the bottom right-hand corner of figure 5, would  
17 those communications be over local IP network 204 and over IP  
18 network 102?

19 MR. LOVELESS: Objection, form, scope.

20 A. I don't recall this analysis from the declaration.  
21 Again, please feel free to refresh my memory. But based on  
22 simply reading the diagram in front of me, that's almost  
23 correct. The communications are actually over the 102  
24 internet. The 204 local IP network is just what client 208 has  
25 to get through to get to the internet.

1 WILLIAM C. EASTTOM, II

2 Q. So the communications would have to go over both. In  
3 order to get to IP network 1, I assume that the communications  
4 would also have to go over local IP network 204, given the  
5 connection between the two, 204 and 102?

6 MR. LOVELESS: Objection, form, scope.

7 A. The way this diagram is drawn in the drawings, the  
8 diagram, there is a line directly 208 to 204, from 204 to 102.  
9 Based on the lines in the diagram, that appears to be what is  
10 drawn here in figure 5.

11 Q. Okay.

12 MR. CITROEN: Let's take a break, off the  
13 record.

14 (Brief recess.)

15 MR. CITROEN: Thank you, Mr. Easttom. We have  
16 no further questions with respect to these proceedings.

17 MR. LOVELESS: I just have a couple of  
18 questions.

19 EXAMINATION

20 BY MR. LOVELESS:

21 Q. Mr. Easttom, can you identify for me, in the '890  
22 declaration if you identified a demarcation between the local  
23 and external networks?

24 A. I don't believe I did.

25 MR. LOVELESS: No further questions.

1 WILLIAM C. EASTTOM, II

2 MR. CITROEN: No further questions.

3 (End of proceedings.)

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20 \_\_\_\_\_  
21 WILLIAM C. EASTTOM, II

22 Subscribed and sworn to before me

23 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

24 \_\_\_\_\_  
25 NOTARY PUBLIC

1 WILLIAM C. EASTTOM, II

2 STATE OF TEXAS )

3 COUNTY OF DALLAS)

4  
5 I, Susan M. Foreman, A Certified Shorthand Reporter  
6 duly commissioned and qualified in and for the State of Texas,  
7 do hereby certify that there came before me on the 6th day of  
8 August, 2018, at 8:51 a.m., at the Renaissance Dallas at Plano  
9 Legacy West Hotel, 6007 Legacy Drive, Plano, Texas 75024, the  
10 following named person, to-wit: WILLIAM C. EASTTOM, who was by  
11 me duly sworn to testify the truth, the whole truth, and  
12 nothing but the truth of knowledge touching and concerning the  
13 matters in controversy in this cause; and that he was thereupon  
14 examined upon oath and his  
15 Examination reduced to typewriting under my supervision; that  
16 the deposition is a true record of the testimony given by the  
17 witness.

18 I further certify that pursuant to the FRCP Rule  
19 30(e)(1) that the signature of the deponent:

20 \_\_\_\_\_ was requested by the deponent or a party before  
21 the completion of the deposition, and that signature is to be  
22 before any notary public and returned within 30 days from date  
23 of receipt of the transcript;

24 \_\_\_X\_\_\_ was not requested by the deponent or a party  
25 before the completion of the deposition.



1 WILLIAM C. EASTTOM, II

2 I further certify that I am neither attorney or  
3 counsel for, nor related to or employed by any of the parties  
4 to the action in which this deposition is taken, and further  
5 that I am not a relative or employee or any attorney or counsel  
6 employed by the parties hereto, or financially interested in  
7 the action.

8 Certified to me this 9th day of August, 2018.

9  
10  
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1 NAME OF CASE:

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4 Reason Codes:

5 1. To clarify the record.

6 2. To conform to the facts.

7 3. To correct transcription errors.

8 Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_

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