

Transcript of Kevin Jeffay, Ph.D.  
Conducted on April 18, 2019

1 (1 to 4)

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1 UNITED STATES PATENT AND TRADEMARK OFFICE	1 A P P E A R A N C E S
2 -----	2
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD	3 ON BEHALF OF PETITIONER CISCO SYSTEMS, INC.:
4 -----	4 JEFFREY D. BLAKE
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11 Case IPR2018-01386	11 jblake@merchantgould.com
12 U.S. Patent No. 9,565,213	12
13	13 ON BEHALF OF PATENT OWNER CENTRIPETAL NETWORKS,
14 Deposition of KEVIN JEFFAY, Ph.D.	14 INC.:
15 Atlanta, Georgia	15 JEFFREY H. PRICE
16 Thursday, April 18, 2019	16 Attorney at Law
17 9:27 a.m.	17 KRAMER LEVIN NAFTALIS & FRANKEL LLP
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19 Job No.: 238683	19 New York, New York 10036
20 Pages 1 - 102	20 212-715-7502
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1 Deposition of KEVIN JEFFAY, Ph.D., held at	1 C O N T E N T S
2 the offices of:	2 EXAMINATION OF PAGE
3	3 By Mr. Price 6
4	4
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11 Pursuant to agreement, before Michelle R.	11
12 Lowe, Certified Court Reporter in and for the State of	12
13 Georgia.	13
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<p style="text-align: center;">5</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">(Attached to the transcript)</p> <p>KEVIN JEFFAY DEPOSITION EXHIBIT PAGE</p> <p>Exhibit 1001 United States Patent No. 9</p> <p>US 9,565,213 B2</p> <p>Exhibit 1003 Curriculum vitae 16</p> <p>Exhibit 1004 Declaration of Kevin Jeffay, 11</p> <p>Ph.D. in Support of Petition for</p> <p>Inter Partes Review of U.S.</p> <p>Patent No. 9,565,213</p> <p>Exhibit 1012 United States Patent Application 59</p> <p>Publication No. US 2009/0328219 A1</p> <p>Narayanaswamy</p> <p>Exhibit 1013 United States Patent Application 83</p> <p>Publication No. US 2008/0229415 A1</p> <p>Kapoor, et al.</p> <p>Exhibit 1014 United States Patent Application 96</p> <p>Publication No. US 2004/0123220 A1</p> <p>Johnson, et al.</p>	<p style="text-align: center;">7</p> <p>Q Roughly how many times?</p> <p>A <b>A large number. Probably several dozen.</b></p> <p>Q Have you ever been deposed in an IPR proceeding before?</p> <p>A <b>Yes.</b></p> <p>Q How many times approximately?</p> <p>A <b>I really don't know. I don't know. Maybe six or seven.</b></p> <p>Q Is there any reason that you can't give truthful testimony today?</p> <p>A <b>No.</b></p> <p>Q Are you familiar with the concept of claim construction?</p> <p>A <b>I am.</b></p> <p>Q What is claim construction?</p> <p>A <b>It's the process by which a Court ascribes meaning to terms in a patent.</b></p> <p>Q Did you construe the claims of Patent Number 9,565,213, which we'll refer to as the '213 patent today?</p> <p>A <b>I certainly offered opinions on what I think a person of ordinary skill in the art -- how</b></p>
<p style="text-align: center;">6</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p style="text-align: center;">KEVIN JEFFAY, Ph.D.,</p> <p>being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:</p> <p>EXAMINATION BY COUNSEL FOR THE PATENT OWNER</p> <p>BY MR. PRICE:</p> <p>Q Good morning, Dr. Jeffay.</p> <p>A <b>Morning.</b></p> <p>Q Please state your full name and address for the record.</p> <p>A <b>My name is Kevin Jeffay and the address is 207 Faison Road -- that's with an F -- in Chapel Hill, North Carolina.</b></p> <p>Q Do you understand why you're here today?</p> <p>A <b>I do.</b></p> <p>Q Why is that?</p> <p>A <b>To be deposed on a declaration I wrote as part of an IPR proceeding for what I'm sure we'll call the '213 patent.</b></p> <p>Q Have you ever been deposed before?</p> <p>A <b>I have.</b></p>	<p style="text-align: center;">8</p> <p><b>they would interpret certain terms and phrases in the '213 patent.</b></p> <p>Q Did you rely solely on the specifications of the '213 patent to construe the claims?</p> <p>A <b>I mean, at the time that I was going through the process I had reviewed the file history and the -- as well as the specifications; so I'm sure all of that informed my opinions.</b></p> <p>Q Did you use any information outside of the specification and the file history of the '213 patent to come to your understanding of the proper construction of the claim terms for the '213 patent?</p> <p>MR. BLAKE: Objection to form.</p> <p>A <b>I think the only other thing I used was just my knowledge of -- of -- the understanding -- the background of a person of ordinary skill in the art and the understanding they would have of certain terms and concepts.</b></p> <p>BY MR. PRICE:</p> <p>Q Were there any terms in the '213 patent that you can't construe yourself but were asked to apply construction for?</p>

<p style="text-align: right;">9</p> <p>1 <b>A Terms that I didn't construe but was asked</b> 2 <b>to apply constructions for? I don't believe so.</b> 3 Q I'm going to hand you a document that's 4 marked Exhibit 1001. 5 (Jeffay Deposition Exhibit 1001 was marked 6 for identification and attached to the transcript.) 7 MR. PRICE: Counselor, are you okay if we 8 refer to the exhibit by the marked exhibit numbers? 9 MR. BLAKE: Yeah, I'm fine with that. 10 BY MR. PRICE: 11 Q Do you recognize this document, 12 Dr. Jeffay? 13 <b>A I do.</b> 14 Q What document is this? 15 <b>A This appears to be a copy of what we're</b> 16 <b>calling the '213 patent.</b> 17 Q Can you turn to Claim 1 of the '213 18 patent, please. 19 <b>A Okay.</b> 20 Q Before I ask you that question, did you 21 form an opinion regarding the validity of the '213 22 patent?</p>	<p style="text-align: right;">11</p> <p>1 that you ascribe to packet security gateway without 2 the declaration? 3 MR. BLAKE: Objection to form. 4 <b>A I mean, this is supposed to be precise</b> 5 <b>proceedings. I'm sure you want my precise opinion</b> 6 <b>on it. To give you my precise opinion I would just</b> 7 <b>refer you to the construction that was offered in my</b> 8 <b>declaration.</b> 9 <b>BY MR. PRICE:</b> 10 Q Would it help if I handed you your 11 declaration? 12 <b>A Sure.</b> 13 (Jeffay Deposition Exhibit 1004 was marked 14 for identification and attached to the transcript.) 15 BY MR. PRICE: 16 Q Dr. Jeffay, I'm handing you an exhibit 17 marked Exhibit 1004. Do you recognize this 18 document? 19 <b>A I do.</b> 20 Q What document is this? 21 <b>A This appears to be a copy of the</b> 22 <b>declaration that I authored in support of the IPR.</b></p>
<p style="text-align: right;">10</p> <p>1 <b>A I did.</b> 2 Q And what is your opinion? 3 <b>A The opinion that I formed after performing</b> 4 <b>my analysis and as documented in my declaration is</b> 5 <b>that the claims of the patent are invalid in light</b> 6 <b>of certain prior art references.</b> 7 Q Okay. So looking at Claim 1 do you see 8 the term packet security gateway? 9 <b>A I do.</b> 10 Q In forming your opinion on the validity of 11 the '213 patent, did you form an opinion about the 12 meaning of the term packet security gateway? 13 MR. BLAKE: Objection to form. 14 <b>A If you're asking did I offer an opinion on</b> 15 <b>the construction of packet security gateway, I</b> 16 <b>believe I did.</b> 17 <b>BY MR. PRICE:</b> 18 Q And what is the meaning that you -- 19 <b>A It's documented in my declaration. I</b> 20 <b>don't recall the precise wording, off the top of my</b> 21 <b>head.</b> 22 Q Can you give me the meaning of the term</p>	<p style="text-align: right;">12</p> <p>1 Q Did you sign your declaration? 2 <b>A I did.</b> 3 Q Was that on July 11th, 2018? 4 <b>A That's what it says on Page 173 and I</b> 5 <b>believe that is the correct date.</b> 6 Q Is it your understanding that as of July 7 11, 2018, you were supposed to put in all of your 8 opinions that you had in this case? 9 MR. BLAKE: Objection to form. 10 <b>A Did I understand that as of July 18th I</b> 11 <b>was supposed to put in all of my opinions? I don't</b> 12 <b>know that I understand that as a requirement.</b> 13 <b>What I can say is that as of July 11th</b> 14 <b>this represents the opinions I had in this matter.</b> 15 <b>BY MR. PRICE:</b> 16 Q Do you have any other opinions regarding 17 the matter that are not in the declaration? 18 MR. BLAKE: Objection to form. 19 <b>A I mean, I certainly have other opinions</b> 20 <b>related to this patent that are not expressed in</b> 21 <b>this report.</b> 22 <b>BY MR. PRICE:</b></p>

<p>13</p> <p>1 Q And why are those opinions not expressed 2 in your report?</p> <p>3 A Because my -- so I have opinions, for 4 example, with regard to systems that existed prior 5 to the priority date of the '213 patent that are -- 6 that inform the ultimate question of validity, but 7 because my understanding is system art is not 8 considered in IPRs, I offer no opinions on those 9 systems in this declaration.</p> <p>10 Q And are there any other opinions that you 11 hold that are not expressed in your report other 12 than those having to do with systems?</p> <p>13 A I don't think so.</p> <p>14 Q Are there any corrections to your 15 declaration that you'd like to make at this time?</p> <p>16 A No.</p> <p>17 Q Did you write your declaration?</p> <p>18 A I wrote the initial draft of it and then 19 after that there was -- followed sort of an 20 iterative review and editing process.</p> <p>21 Q Were you asked to include any opinions 22 that you didn't agree with in your declaration?</p>	<p>15</p> <p>1 declaration?</p> <p>2 A Yes.</p> <p>3 Q And what documents are those?</p> <p>4 A Documents that I had written documenting 5 work I had done that's related to the subject matter 6 of the '213 patent and documents describing systems 7 that are, again, disclosing aspects of the '213 8 patent.</p> <p>9 Q Is it your understanding documents 10 describing systems are not appropriate references to 11 cite in a IPR proceeding?</p> <p>12 MR. BLAKE: Objection to form. 13 Mischaracterizes the testimony.</p> <p>14 A I'm not aware of what the rules are for 15 what is cited, but I simply say I did not cite any 16 of those documents in this declaration.</p> <p>17 BY MR. PRICE:</p> <p>18 Q Can you list -- tell me which documents of 19 your own that you had written that you reviewed in 20 preparation of your declaration.</p> <p>21 A If you have the copy of my vitae that was 22 attached to this, I can -- I can point them out on</p>
<p>14</p> <p>1 MR. BLAKE: Objection to form. 2 And I caution the witness not to disclose 3 attorney-client privilege, but to the extent that 4 you can, you can answer the question.</p> <p>5 A I think the answer is no.</p> <p>6 BY MR. PRICE:</p> <p>7 Q How many hours would you say you spent 8 preparing your declaration?</p> <p>9 A That, unfortunately, I can't answer, 10 because, as I'm sure you know, there were -- I 11 participated in several IPRs related to Centripetal 12 patents and unfortunately I don't believe I kept 13 track of the hours by patent.</p> <p>14 Q Please turn to Pages 9 through 11.</p> <p>15 A Sure.</p> <p>16 Okay.</p> <p>17 Q Did you rely on each of the documents 18 listed in Pages 9 to 11 of your declaration in 19 preparation of your declaration?</p> <p>20 A Yes.</p> <p>21 Q Did you review any other documents that 22 are not on this list while preparing your</p>	<p>16</p> <p>1 there.</p> <p>2 Q Sure. 3 (Jeffay Deposition Exhibit 1003 was marked 4 for identification and attached to the transcript.)</p> <p>5 BY MR. PRICE:</p> <p>6 Q I'm handing you a document marked Exhibit 7 1003.</p> <p>8 A Thank you.</p> <p>9 Q Do you recognize this document, 10 Dr. Jeffay?</p> <p>11 A I do.</p> <p>12 Q What document is this?</p> <p>13 A This appears to be a copy of my vitae as 14 of June 25th, 2018.</p> <p>15 Q Okay. So I'll repeat my question: Can 16 you tell me which documents of your own that you had 17 written that you reviewed in preparation of your 18 declaration?</p> <p>19 A Sure. So if we turn -- I think the 20 easiest way to do this would be for me to direct you 21 to items that are listed here, rather than just read 22 off the titles; so let me work in reverse</p>

<p style="text-align: right;">17</p> <p>1 chronological order.</p> <p>2 So if we look at Page 11, so these are</p> <p>3 lists of papers that are published. The fifth one</p> <p>4 down that starts Fair Online Scheduling of a Dynamic</p> <p>5 Set of Tasks -- that was one I reviewed. If we go</p> <p>6 up two from there, Better-Than-Best-Effort Service</p> <p>7 for Continuous Media. Then I'm now looking on Page</p> <p>8 10. The fourth one down on Page 10: What TCP/IP</p> <p>9 Protocol Headers Can Tell Us About the Web.</p> <p>10 The -- on Page 9, the top entry:</p> <p>11 Multiresolution Anomaly Detection.</p> <p>12 And then on Page 8, the second from the</p> <p>13 bottom: Passive, Streaming Inference of TCP</p> <p>14 Connection Structure.</p> <p>15 I think those were it.</p> <p>16 Q Why did you review those documents in</p> <p>17 particular in preparing your declaration?</p> <p>18 A Because when I was reading the '213 patent</p> <p>19 it impressed as really just taking elements that</p> <p>20 were all well-known in the art and combining them</p> <p>21 all as they were designed to be combined.</p> <p>22 And for much of the '213 patent myself and</p>	<p style="text-align: right;">19</p> <p>1 reference. And I think part of the reason that they</p> <p>2 don't describe it in sufficient detail is because,</p> <p>3 from our perspective at the time, we were just</p> <p>4 pulling together well-known principles of how you</p> <p>5 capture, acquire, and analyze traffic for doing</p> <p>6 various analyses.</p> <p>7 Q Did you review any documents in</p> <p>8 preparation for your testimony today?</p> <p>9 A I did.</p> <p>10 Q What documents were those?</p> <p>11 A I reviewed the declaration itself, the</p> <p>12 primary references that are the grounds for the</p> <p>13 invalidity analysis that's in the declaration. I</p> <p>14 reviewed the -- I'm trying to remember their formal</p> <p>15 title. We just call the board -- the decision</p> <p>16 document, the decision to institute the IPR, that</p> <p>17 decision document and the patent owner's preliminary</p> <p>18 response.</p> <p>19 Q Do you agree with the board's reasoning in</p> <p>20 the institution decision?</p> <p>21 A I'm not passing judgment on their</p> <p>22 decision. I mean, I read it. I understand the</p>
<p style="text-align: right;">18</p> <p>1 my students together had actually built systems that</p> <p>2 performed a lot, if not all, of the steps of the</p> <p>3 '213 patent. And so I was just simply reviewing the</p> <p>4 various -- behind each of the papers that I</p> <p>5 mentioned was a particular system that was built to</p> <p>6 acquire and analyze and process network traffic in</p> <p>7 real time. And I just wanted to go back and review</p> <p>8 what we had actually disclosed about the systems</p> <p>9 that we built.</p> <p>10 Most of these papers talk about the</p> <p>11 results of having used those systems and I just</p> <p>12 wanted to see to what extent had we documented the</p> <p>13 actual traffic acquisition and processing system</p> <p>14 that underlie that research.</p> <p>15 Q Is there a reason that you didn't cite any</p> <p>16 of these documents in your obviousness analysis?</p> <p>17 A The documents -- I'm not alleging that --</p> <p>18 the documents themselves talk about, as I say, the</p> <p>19 results of having used a system that's similar to</p> <p>20 the '213 patent. The documents don't describe the</p> <p>21 system in sufficient detail to claim that it's prior</p> <p>22 art and -- or that it's, you know, an invalidating</p>	<p style="text-align: right;">20</p> <p>1 analysis. The analysis I think comports with the</p> <p>2 analysis that I've done. I see no flaws in it.</p> <p>3 Q Okay. I'd like to turn back to claim</p> <p>4 construction.</p> <p>5 A Sure.</p> <p>6 Q So I'm going to be referring to the '213</p> <p>7 patent again.</p> <p>8 A Okay.</p> <p>9 Q In forming your opinion on validity of the</p> <p>10 '213 patent did you construe the term packet</p> <p>11 security gateway?</p> <p>12 A I did offer an opinion on packet security</p> <p>13 gateway.</p> <p>14 Q And what is that opinion?</p> <p>15 A I believe the opinion I offered is</p> <p>16 documented in Paragraph 113 of my declaration that</p> <p>17 the packets here to gateway includes any computing</p> <p>18 device configured to receive packets and perform a</p> <p>19 packet transformation function on the packets.</p> <p>20 Q Is that the construction that you applied</p> <p>21 while performing your analysis of the '213 patent?</p> <p>22 A So that was the construction that I came</p>

<p style="text-align: right;">21</p> <p>1 up with. But, as I state in Paragraph 114, the 2 construction that I actually used in the analysis 3 was the agreed -- what I understood was the agreed 4 construction from the Keysight litigation, which 5 was: A gateway computer configured to receive 6 packets and perform a packet transformation function 7 on the packets.</p> <p>8 Q Why did you use that agreed-upon 9 construction, rather than the construction that you 10 came up with on your own?</p> <p>11 A Simply because it's a narrower 12 construction. So if I can show invalidity under 13 that agreed-upon construction, then that analysis 14 would also hold under the construction that I 15 originally proposed.</p> <p>16 Q Do you believe that the -- what you 17 characterized as the narrower construction is 18 incorrect?</p> <p>19 MR. BLAKE: Objection to form.</p> <p>20 A The construction that I offer comes 21 straight out of the specification itself. As I 22 recall, the language is fairly explicit in that it</p>	<p style="text-align: right;">23</p> <p>1 A I did.</p> <p>2 Q And what is your understanding of the 3 meaning of security policy management server as is 4 used in the claims of the '213 patent?</p> <p>5 A Well, based on the disclosures and the 6 specification, as I say in Paragraph 111 of the 7 declaration, that a person of skill in the art would 8 understand that it includes at least any computing 9 device configured to communicate a dynamic security 10 policy to a packet security gateway.</p> <p>11 Q Is that the construction that you applied 12 in your analysis of the '213 patent?</p> <p>13 A Well, as I say in Paragraph 112, that the 14 construction that I used was the agreed construction 15 from the Keysight litigation, which is: A server 16 configured to manage policies and communicate a 17 dynamic security policy to a packet security 18 gateway.</p> <p>19 Q Is that construction narrower than the one 20 that you opined a POSA would understand?</p> <p>21 A It's somewhat narrower, simply because it 22 refers to a server, whereas in the specification</p>
<p style="text-align: right;">22</p> <p>1 says: As used herein.</p> <p>2 And then it uses the language that I 3 quote. So I think that's an appropriate -- I think 4 a person of skill in the art reading the '213 patent 5 would understand exactly as the inventor said, that, 6 as used in the patent, a packet security gateway has 7 to include what's listed: Any computing device 8 configured to receive packets and perform a packet 9 transformation function on the packets.</p> <p>10 BY MR. PRICE:</p> <p>11 Q What is a gateway?</p> <p>12 A So generally in the art a gateway is a 13 device that sits somewhere between two -- two 14 networks or two subsystems. And in the case of 15 networking the understanding is that the traffic 16 flows through the gateway.</p> <p>17 Q In Claim 1 do you see the term security 18 policy management server?</p> <p>19 A Yes.</p> <p>20 Q In forming your opinion on the validity of 21 the '213 patent did you construe the term security 22 policy management server?</p>	<p style="text-align: right;">24</p> <p>1 they described the security policy management server 2 as any computing device.</p> <p>3 Q And why did you use that somewhat narrower 4 construction in your analysis?</p> <p>5 A Because this is what -- it was a 6 construction that Centripetal had previously agreed 7 to. And, as I say, it's slightly narrower and, 8 therefore, if I can show invalidity under the 9 slightly narrower construction, it would 10 certainly -- that analysis would certainly hold for 11 the slightly broader construction that was disclosed 12 in the patent.</p> <p>13 Q So referring back to Claim 1 again, do you 14 see the term dynamic security policy?</p> <p>15 A I do.</p> <p>16 Q In informing your opinion on the validity 17 of the '213 patent did you form an opinion about the 18 meaning of the term dynamic security policy?</p> <p>19 A I did.</p> <p>20 Q What is that understanding?</p> <p>21 A It's what's stated in Paragraph 105 of the 22 declaration that a dynamic security policy would</p>

<p style="text-align: right;">25</p> <p>1 include any rule, message, instruction, file, data 2 structure, or the like, that specifies criteria 3 corresponding to one or more packets and identifies 4 a packet transformation function to be performed on 5 packets corresponding to the specified criteria. 6 Q Can you tell me what you mean by the term 7 include in that sentence that you just read? 8 A I'm sorry. I don't know how to -- include 9 is such a basic word. I don't know how to -- I 10 can't think of a good synonym to use, off the top of 11 my head. But I don't think I'm giving include any 12 unusual meaning. 13 Q When you use the word include there, did 14 you mean that the dynamic security policy could 15 contain a rule, a message, an instruction, et 16 cetera, or did you mean that include -- did you use 17 the word include to mean that a rule is equivalent 18 to a dynamic security policy? 19 MR. BLAKE: Just a second. Give me a 20 chance to look at the question. 21 Objection. Form. 22 A So, I mean, this is a -- this list is a</p>	<p style="text-align: right;">27</p> <p>1 BY MR. PRICE: 2 Q Is it your understanding that a rule is 3 part of a dynamic security policy? 4 MR. BLAKE: Objection to form. 5 A You'd have to give me an example of a 6 rule. I mean, this construction doesn't say -- it 7 says any rule that satisfies; so a rule that 8 satisfies -- that specifies criteria corresponding 9 to one or more packets and identifies a packet 10 transformation function to be determined on packets 11 corresponding to the specified criteria, that could 12 be a dynamic security policy. 13 BY MR. PRICE: 14 Q So your opinion is a single rule could be 15 considered a dynamic security policy so long as it 16 specifies criteria corresponding to one or more 17 packets and identifies a packet transformation 18 function? 19 MR. BLAKE: Objection to form. 20 A If a rule satisfies the constraints -- 21 satisfies this construction, that rule can be a 22 dynamic security -- that rule can be a part of a</p>
<p style="text-align: right;">26</p> <p>1 conjunct -- sorry -- it's a disjunct. So a rule 2 that specifies criteria corresponding to one or more 3 packets and identifies a packet transformation 4 function to be performed on packets corresponding to 5 the specified criteria, that could be a dynamic 6 security policy. 7 BY MR. PRICE: 8 Q So it's your opinion that the rules, 9 messages, instructions, files, data structures that 10 are in the sentence are -- can be considered 11 examples of a dynamic security policy? 12 MR. BLAKE: Objection to form. 13 A So when you said the rules, messages -- 14 there are no specific rules, messages, instruction 15 or data structures in this construction, this is 16 just simply saying that the policy can include a 17 rule, a message, an instruction, a file or a data 18 structure that satisfies the terminal part of the 19 construction, which is that it specifies criteria 20 corresponding to one or more packets and identifies 21 a packet transformation function to be performed on 22 packets corresponding to the specified criteria.</p>	<p style="text-align: right;">28</p> <p>1 dynamic security policy. 2 BY MR. PRICE: 3 Q Is it your opinion that the rule itself 4 can be considered the dynamic security policy? 5 MR. BLAKE: Objection to form. 6 A I'm sorry. When you said the rule, what 7 rule were you referring to? 8 BY MR. PRICE: 9 Q So your answer was that if a rule 10 satisfies this construction that rule can be a 11 dynamic security, and then you said that rule can be 12 part of a dynamic security policy. 13 So my question is about that rule that you 14 were referring to. The question is: Is the rule -- 15 I'm sorry. Withdrawn. 16 Can the rule itself be considered the 17 dynamic security policy, or is it -- should it be 18 considered part of a dynamic security policy? 19 MR. BLAKE: Objection to form. 20 A I mean, I think it depends on the policy. 21 BY MR. PRICE: 22 Q How about the dynamic security policy</p>

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<p style="text-align: right;">29</p> <p>1 that's recited in Claim 1 of the '213 patent?</p> <p>2 MR. BLAKE: Objection to form.</p> <p>3 <b>A I'm not sure I understand your question.</b></p> <p>4 <b>BY MR. PRICE:</b></p> <p>5 Q Do you see that Claim 1 recites a dynamic</p> <p>6 security policy that comprises at least one rule?</p> <p>7 <b>A I see that.</b></p> <p>8 Q Is it your opinion that the rule in Claim</p> <p>9 1 is part of the dynamic security policy, or that</p> <p>10 the rule is the dynamic security policy itself?</p> <p>11 MR. BLAKE: Objection to form.</p> <p>12 <b>A I don't know what distinction you're</b></p> <p>13 <b>trying to make here. I mean, the dynamic security</b></p> <p>14 <b>policy of Claim 1 comprises at least one rule. I</b></p> <p>15 <b>think the way a person of skill in the art would</b></p> <p>16 <b>interpret this was that if it was comprised of only</b></p> <p>17 <b>one rule, that would be a security policy comprised</b></p> <p>18 <b>of that one rule.</b></p> <p>19 <b>BY MR. PRICE:</b></p> <p>20 Q What is the significance of the word</p> <p>21 dynamic in the term dynamic security policy?</p> <p>22 MR. BLAKE: Objection to form.</p>	<p style="text-align: right;">31</p> <p>1 <b>somewhat ill-formed.</b></p> <p>2 <b>BY MR. PRICE:</b></p> <p>3 Q Is it true that in your declaration you</p> <p>4 ascribed a meaning to the term dynamic?</p> <p>5 MR. BLAKE: Objection to form.</p> <p>6 <b>A To the term dynamic? I don't believe I</b></p> <p>7 <b>did.</b></p> <p>8 <b>BY MR. PRICE:</b></p> <p>9 Q Turn to Paragraph 106, please, of your</p> <p>10 declaration.</p> <p>11 <b>A I'm there.</b></p> <p>12 Q So you say: In my opinion in the context</p> <p>13 of the '213 patent, a dynamic security policy is not</p> <p>14 limited to a nonstatic set of rules and may be</p> <p>15 updated dynamically, for example, automatically, or</p> <p>16 statically, for example, manually.</p> <p>17 <b>A I see that.</b></p> <p>18 Q What did you mean by the term -- sorry.</p> <p>19 Withdrawn.</p> <p>20 Why did you ascribe the meaning</p> <p>21 automatically to the word dynamically in this</p> <p>22 sentence?</p>
<p style="text-align: right;">30</p> <p>1 <b>A I think that is -- well, let me -- I don't</b></p> <p>2 <b>think the inventors ascribe any special meaning to</b></p> <p>3 <b>the word dynamic. Dynamic security policy, I think,</b></p> <p>4 <b>is essentially treated in the patent as an atom.</b></p> <p>5 <b>Dynamic security policy is just a thing. And so I</b></p> <p>6 <b>don't think they're giving dynamic any particular</b></p> <p>7 <b>special meaning.</b></p> <p>8 <b>BY MR. PRICE:</b></p> <p>9 Q So is it your opinion that the term</p> <p>10 dynamic is superfluous?</p> <p>11 <b>A No. I'm just saying that I don't think</b></p> <p>12 <b>they're giving any -- dynamic has -- has a meaning.</b></p> <p>13 <b>I don't think they're using it in any special way.</b></p> <p>14 Q Is it your understanding that the way that</p> <p>15 the term dynamic security policy is used in the '213</p> <p>16 patent differs from the way a person of ordinary</p> <p>17 skill in the art would understand a security policy</p> <p>18 generally?</p> <p>19 MR. BLAKE: Objection to form.</p> <p>20 <b>A So security policy is not something that</b></p> <p>21 <b>has a universally accepted definite meaning. It's a</b></p> <p>22 <b>very general term; so I think the question is really</b></p>	<p style="text-align: right;">32</p> <p>1 <b>A I don't believe I did that. Automatically</b></p> <p>2 <b>is just given as an example. I'm not -- I'm not</b></p> <p>3 <b>giving a definition of dynamic here. I'm not -- I'm</b></p> <p>4 <b>just simply explaining in the context of the patent</b></p> <p>5 <b>how the inventors are using the term dynamic. And</b></p> <p>6 <b>specifically, not dynamic, but dynamic security</b></p> <p>7 <b>policy.</b></p> <p>8 Q Why is automatically an example of</p> <p>9 dynamically in this sentence?</p> <p>10 <b>A It's not an example of dynamically. It's</b></p> <p>11 <b>an example of how rules may be updated dynamically.</b></p> <p>12 Q And why did you come to the conclusion</p> <p>13 that updating rules dynamically meant automatically?</p> <p>14 <b>A It didn't mean automatically. It's that</b></p> <p>15 <b>automatically is an example of being updated</b></p> <p>16 <b>dynamically.</b></p> <p>17 Q Is it true that you drew a distinction</p> <p>18 between dynamically and statically in this sentence?</p> <p>19 MR. BLAKE: Objection to form.</p> <p>20 <b>A No, I don't think -- I'm not drawing --</b></p> <p>21 <b>this is not -- this is not a sentence about what the</b></p> <p>22 <b>word dynamic means. This is not drawing a</b></p>

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<p style="text-align: right;">33</p> <p>1 distinction about the word dynamic.</p> <p>2 <b>BY MR. PRICE:</b></p> <p>3 Q Is it true that you drew a distinction</p> <p>4 between the way that rules may be updated in the</p> <p>5 sentence?</p> <p>6 MR. BLAKE: Objection to form.</p> <p>7 A I guess all I'm saying is that I'm just</p> <p>8 giving examples of how -- what the patent teaches</p> <p>9 about how rules may be updated, that these are two</p> <p>10 means in which -- by which rules can be updated as</p> <p>11 described in the patent.</p> <p>12 <b>BY MR. PRICE:</b></p> <p>13 Q Right. I'm trying to understand what this</p> <p>14 sentence means. So is it your opinion that a</p> <p>15 security policy whose rules are updated manually is</p> <p>16 a static set of rules?</p> <p>17 MR. BLAKE: Objection to form. Asked and</p> <p>18 answered.</p> <p>19 A That opinion is not being offered here.</p> <p>20 That's not what this sentence says.</p> <p>21 <b>BY MR. PRICE:</b></p> <p>22 Q So what about the '213 patent supports</p>	<p style="text-align: right;">35</p> <p>1 able to encompass -- one's construction of dynamic</p> <p>2 security policy has to be able to encompass what's</p> <p>3 being described here in Column 14, otherwise, it's</p> <p>4 going to be reading out embodiments of -- of the</p> <p>5 invention.</p> <p>6 Q Is your understanding of the phrase</p> <p>7 nonstatic that you use in Paragraph 106 based on</p> <p>8 whether the set of rules is updated automatically or</p> <p>9 manually?</p> <p>10 MR. BLAKE: Objection to form.</p> <p>11 A Can you just ask that again.</p> <p>12 <b>BY MR. PRICE:</b></p> <p>13 Q Is your understanding of the phrase</p> <p>14 nonstatic based on whether the set of rules is</p> <p>15 updated automatically or manually?</p> <p>16 MR. BLAKE: Same objection.</p> <p>17 A No.</p> <p>18 <b>BY MR. PRICE:</b></p> <p>19 Q So why is it your opinion that this</p> <p>20 dynamic security policy of the '213 patent is not</p> <p>21 limited to a nonstatic set of rules?</p> <p>22 A Because, as I say, they're embodiments</p>
<p style="text-align: right;">34</p> <p>1 your opinion that a dynamic security policy is not</p> <p>2 limited to a nonstatic set of rules?</p> <p>3 A So the packages that I cite here, for</p> <p>4 example, Column 14, Lines 41 through 47, talk about</p> <p>5 an administrator that's associated with the policy</p> <p>6 management server. They manually construct one or</p> <p>7 more of the dynamic security policies offline and</p> <p>8 then use the server to load the policies into the</p> <p>9 policy management server.</p> <p>10 So that's an example of -- an example that</p> <p>11 the patent gives of a dynamic security policy being</p> <p>12 constructed manually and offline.</p> <p>13 And then in the second quotes, starting</p> <p>14 around 56 and continuing onto the next page, is an</p> <p>15 example of the server being able to automatically</p> <p>16 configure, create, or alter rules that are part of a</p> <p>17 policy.</p> <p>18 Q So does the disclosure here regarding</p> <p>19 changing or altering the dynamic security policy</p> <p>20 inform your opinion of what a dynamic security</p> <p>21 policy is?</p> <p>22 A I think dynamic security policy has to be</p>	<p style="text-align: right;">36</p> <p>1 that are disclosed in the specification where the</p> <p>2 rules are created or updated -- I forget the</p> <p>3 phrasing, the exact terms that they use -- that can</p> <p>4 happen both manually or automatically.</p> <p>5 Q So --</p> <p>6 A And in the case of -- in the case of</p> <p>7 manual it's also described as being performed</p> <p>8 offline.</p> <p>9 Q What does that have to do with whether or</p> <p>10 not the set of rules is static or nonstatic?</p> <p>11 MR. BLAKE: Objection to form.</p> <p>12 A Those are just examples.</p> <p>13 <b>BY MR. PRICE:</b></p> <p>14 Q Is a dynamic security policy that is</p> <p>15 changed or altered manually a static set of rules or</p> <p>16 a nonstatic set of rules, in your opinion?</p> <p>17 MR. BLAKE: Objection to form.</p> <p>18 A I don't think -- I can't parse that</p> <p>19 question. You're talking about a policy and rules</p> <p>20 separately.</p> <p>21 <b>BY MR. PRICE:</b></p> <p>22 Q Is a dynamic security policy whose rules</p>

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<p>37</p> <p>1 are changed or altered manually a static set of</p> <p>2 rules or a nonstatic set of rules, in your opinion?</p> <p>3 MR. BLAKE: Objection to form.</p> <p>4 A I mean, I don't think there's enough -- I</p> <p>5 don't think you can answer that question. I mean,</p> <p>6 your -- it may or it may not be.</p> <p>7 BY MR. PRICE:</p> <p>8 Q Dr. Jeffay, I'm just asking you what you</p> <p>9 mean by the one sentence in this paragraph and you</p> <p>10 can't explain to me what you mean by the sentence in</p> <p>11 your paragraph. How can I trust anything else</p> <p>12 that's in this declaration?</p> <p>13 MR. BLAKE: Objection to form.</p> <p>14 A You can trust what's in this declaration</p> <p>15 because I think it's clearly written. I have</p> <p>16 answered. I've told you what this sentence means.</p> <p>17 You are asking questions that are not related to</p> <p>18 what this sentence says and you're coming up with</p> <p>19 examples that are not described or listed in this</p> <p>20 sentence.</p> <p>21 BY MR. PRICE:</p> <p>22 Q Dr. Jeffay, I'm asking questions</p>	<p>39</p> <p>1 of the declaration. Sorry.</p> <p>2 The actual opinion is in Paragraph 110.</p> <p>3 And the opinion that I offered was that -- that the</p> <p>4 rule is at least part of a dynamic security policy</p> <p>5 that specifies criteria and in one or more packet</p> <p>6 transformation functions that should be performed</p> <p>7 for packets associated with the specified criteria.</p> <p>8 Q And just for clarification, this quote</p> <p>9 here specifies criteria in one or more packet</p> <p>10 transformation functions, that refers to the term</p> <p>11 rule or it refers to the term dynamic security</p> <p>12 policy?</p> <p>13 A That's referring to rule.</p> <p>14 Q Can you turn to Paragraph 109, please.</p> <p>15 A Okay.</p> <p>16 Q So in Paragraph 109 you seem to make a</p> <p>17 distinction between condition and specified</p> <p>18 criteria; is that correct?</p> <p>19 MR. BLAKE: Objection to form.</p> <p>20 A Yes.</p> <p>21 BY MR. PRICE:</p> <p>22 Q In your opinion, is there a meaningful</p>
<p>38</p> <p>1 specifically about the words that you used to come</p> <p>2 to your opinion on what the meaning of dynamic</p> <p>3 security policy is; is that correct or not?</p> <p>4 A You are -- you are using the words in</p> <p>5 context and phrases that I did not use them and</p> <p>6 you're asking me to take words in here, changing the</p> <p>7 words, changing the orders, changing the meanings,</p> <p>8 and asking me if that's my opinion. And to the</p> <p>9 extent I've understood your questions, I've told you</p> <p>10 whether or not that's my opinion.</p> <p>11 Q Referring to Claim 1 of the '213 patent,</p> <p>12 did you see the term rule?</p> <p>13 MR. BLAKE: Anywhere in the patent?</p> <p>14 MR. PRICE: Claim 1.</p> <p>15 A Yes.</p> <p>16 BY MR. PRICE:</p> <p>17 Q In forming your opinion regarding the</p> <p>18 validity of the '213 patent did you form an opinion</p> <p>19 about the meaning of the term rule?</p> <p>20 A I did.</p> <p>21 Q And what is that opinion?</p> <p>22 A The opinion is expressed in Paragraph 108</p>	<p>40</p> <p>1 difference between condition and specified criteria?</p> <p>2 A I think the problem that I have with</p> <p>3 condition is that it's not a term that's used in the</p> <p>4 patent to describe a rule. And a condition without</p> <p>5 a more definite context is a very vague term.</p> <p>6 Whereas, the disclosures in the patent</p> <p>7 about the rule -- about rules are much more</p> <p>8 specific. So I guess my belief is that a condition</p> <p>9 is not -- the phrase condition or set of conditions,</p> <p>10 I think, is -- a person of skill in the art would</p> <p>11 understand. It's not a helpful construction,</p> <p>12 because it's just going to beg the question of what</p> <p>13 is a condition.</p> <p>14 Q And that's made more clear with reference</p> <p>15 to specified criteria?</p> <p>16 A Yes, specified criteria I think is clear.</p> <p>17 Q Also, in Paragraph 109 you appear to draw</p> <p>18 a distinction between the phrases causes a specific</p> <p>19 action to occur and the phrase functions or actions</p> <p>20 that should be performed on packets associated with</p> <p>21 the specified criteria; is that correct?</p> <p>22 A I don't know that I'm so cleanly</p>

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<p style="text-align: right;">41</p> <p>1 associating those two phrases. I think, again, what</p> <p>2 I'm basically just trying to point out is that,</p> <p>3 again, it's really related to a condition that</p> <p>4 there's no discussion in the patent of a condition,</p> <p>5 whatever that means, causing a specific action to</p> <p>6 occur. And what the patent really teaches is that</p> <p>7 it specifies -- it specifies functions that are</p> <p>8 performed on packets that are associated with</p> <p>9 specific criteria.</p> <p>10 So it's a much more -- the patent is just</p> <p>11 much more definite than I think this -- than this</p> <p>12 fairly vague statement that was -- construction that</p> <p>13 was offered in the Keysight litigation.</p> <p>14 Q Okay. Let's refer back to Claim 1 again.</p> <p>15 A Okay.</p> <p>16 Q Do you see the term application-layer</p> <p>17 packet-header information?</p> <p>18 A Yes.</p> <p>19 Q In forming your opinion regarding the</p> <p>20 validity of the '213 patent did you form an opinion</p> <p>21 about the meaning of the term application-layer</p> <p>22 packet-header information?</p>	<p style="text-align: right;">43</p> <p>1 message?</p> <p>2 MR. BLAKE: Objection to form.</p> <p>3 A So I address that issue in my declaration</p> <p>4 that on the one hand there are -- when one is trying</p> <p>5 to specifically delineate between all of the layers</p> <p>6 of a traditional protocol stack, there is accepted</p> <p>7 phraseology that gets used to describe the protocol</p> <p>8 data unit at a particular layer.</p> <p>9 As I also describe in the declaration, it</p> <p>10 is for better or worse common that people are less</p> <p>11 than precise with the names that they use to</p> <p>12 describe protocol data units at the various layers</p> <p>13 of a protocol stack. And, for better or worse,</p> <p>14 packet is a term that is commonly used to describe</p> <p>15 all of the protocol data units at all layers of a</p> <p>16 protocol stack.</p> <p>17 BY MR. PRICE:</p> <p>18 Q Where do you discuss that in your</p> <p>19 declaration?</p> <p>20 A That is discussed starting in Paragraph</p> <p>21 52.</p> <p>22 Q So in Paragraph 53 you wrote: Given this</p>
<p style="text-align: right;">42</p> <p>1 A I did.</p> <p>2 Q And what is that meaning?</p> <p>3 A I just believe that that would have the</p> <p>4 plain and ordinary meaning as understood by a person</p> <p>5 of ordinary skill in the art.</p> <p>6 Q What is the plain and ordinary meaning?</p> <p>7 A This is such a simple term that I don't</p> <p>8 know how to describe it other than it's -- so the --</p> <p>9 what is an application layer is well understood in</p> <p>10 terms of a traditional protocol stack. It's the</p> <p>11 highest layer in a protocol stack. And</p> <p>12 application-layer protocols, like all protocols,</p> <p>13 have headers. And so it would be --</p> <p>14 application-layer packet-header information would be</p> <p>15 information from the header of an application-layer</p> <p>16 packet.</p> <p>17 Q What is an application-layer packet?</p> <p>18 MR. BLAKE: Objection to form.</p> <p>19 A It depends on the application.</p> <p>20 BY MR. PRICE:</p> <p>21 Q Is there a difference between an</p> <p>22 application-layer packet and an application-layer</p>	<p style="text-align: right;">44</p> <p>1 informal use of the word packet, one must always use</p> <p>2 the context in which the word appears to understand</p> <p>3 exactly which type of transmission unit is being</p> <p>4 referred to.</p> <p>5 Is that correct?</p> <p>6 A That is what is written in Paragraph 53.</p> <p>7 Q Do you understand the term packet to be</p> <p>8 used in the claims of the '213 patent?</p> <p>9 A Do I understand the word packet to be</p> <p>10 used? Yes.</p> <p>11 Q And in the context of the claims of the</p> <p>12 '213 patent which type of transmission unit is being</p> <p>13 referred to?</p> <p>14 MR. BLAKE: Objection to form.</p> <p>15 A I think it's being used -- it's -- it's</p> <p>16 used -- it has -- there's multiple interpretations</p> <p>17 of packet, as it's used throughout the claim.</p> <p>18 BY MR. PRICE:</p> <p>19 Q Is that your full answer?</p> <p>20 A Yes.</p> <p>21 Q What are the multiple interpretations used</p> <p>22 throughout the claim?</p>

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<p style="text-align: right;">45</p> <p>1     <b>A</b>   I think that in the receiving step when it</p> <p>2   <b>talks about receiving of the -- of the dynamic</b></p> <p>3   <b>security policy -- when it's talking about</b></p> <p>4   <b>application-layer packet-header information, the</b></p> <p>5   <b>packet-header there is understood as the</b></p> <p>6   <b>application-layer header of the application-layer</b></p> <p>7   <b>message -- of application-layer messages that are</b></p> <p>8   <b>going to be transiting the network.</b></p> <p>9       In the following receiving step it's</p> <p>10 <b>ultimately a claim construction issue, but -- and I</b></p> <p>11 <b>don't think any party has taken a position on it,</b></p> <p>12 <b>but packets used there are -- it's not clear if</b></p> <p>13 <b>that's referring to application-layer packets or</b></p> <p>14 <b>some lower layer packet. And the same is true of</b></p> <p>15 <b>then identifying and performing limitations.</b></p> <p>16     <b>Q</b>   And why, in your opinion, is it not clear?</p> <p>17       MR. BLAKE: Objection to form.</p> <p>18     <b>A</b>   Because you can't receive an</p> <p>19 <b>application-layer packet. You don't -- at the level</b></p> <p>20 <b>at which these disclosures exist within the</b></p> <p>21 <b>specification -- for example, in the receiving via</b></p> <p>22 <b>packet gateway -- packet security gateway, the</b></p>	<p style="text-align: right;">47</p> <p>1   <b>other than the packets that are being -- it cannot</b></p> <p>2   <b>receive the packets at the application layer. It</b></p> <p>3   <b>just simply receives packets that are transmitted on</b></p> <p>4   <b>the network -- on the network that's protected by</b></p> <p>5   <b>the packet security gateway.</b></p> <p>6   <b>BY MR. PRICE:</b></p> <p>7     <b>Q</b>   So would it receive packets at the network</p> <p>8   <b>layer?</b></p> <p>9     <b>A</b>   <b>It could.</b></p> <p>10    <b>Q</b>   What about the link layer?</p> <p>11    <b>A</b>   <b>It could.</b></p> <p>12    <b>Q</b>   Is it your opinion that the term packet</p> <p>13    <b>has different meanings throughout the recitation of</b></p> <p>14    <b>Claim 1?</b></p> <p>15       MR. BLAKE: Objection to form.</p> <p>16    Mischaracterizes testimony.</p> <p>17    <b>A</b>   <b>I think the packet that is referred to</b></p> <p>18    <b>here is -- there's one conception of a packet in the</b></p> <p>19    <b>claim.</b></p> <p>20 <b>BY MR. PRICE:</b></p> <p>21    <b>Q</b>   Do you see the term packet-by-packet basis</p> <p>22    <b>in Claim 1?</b></p>
<p style="text-align: right;">46</p> <p>1   <b>packet security gateway -- a person of skill in the</b></p> <p>2   <b>art would understand that there's no teaching that</b></p> <p>3   <b>the -- the gateway described is not enabled to</b></p> <p>4   <b>receive packets at the application layer.</b></p> <p>5       So I think a person of skill in the art</p> <p>6   <b>would understand what this simply means is that that</b></p> <p>7   <b>which is being transmitted on the network is what is</b></p> <p>8   <b>received.</b></p> <p>9    <b>BY MR. PRICE:</b></p> <p>10    <b>Q</b>   And what type of packets are those that</p> <p>11    <b>are received?</b></p> <p>12    <b>A</b>   <b>It's whatever's being transmitted on the</b></p> <p>13    <b>network.</b></p> <p>14    <b>Q</b>   So you said that the packet security</p> <p>15    <b>gateways are not configured to receive</b></p> <p>16    <b>application-layer packets. Is that a correct</b></p> <p>17    <b>interpretation of your --</b></p> <p>18       MR. BLAKE: Objection to form.</p> <p>19    <b>A</b>   <b>I think what I said was a person of skill</b></p> <p>20    <b>in the art would understand that there's no teaching</b></p> <p>21    <b>in the patent and therefore it's not enabled that</b></p> <p>22    <b>the packet security gateway could receive anything</b></p>	<p style="text-align: right;">48</p> <p>1     <b>A</b>   <b>I do.</b></p> <p>2     <b>Q</b>   In forming your opinion on the validity of</p> <p>3    the '213 patent did you form an opinion about the</p> <p>4    meaning of the term packet-by-packet basis?</p> <p>5     <b>A</b>   <b>I just believe the packet-by-packet basis</b></p> <p>6    <b>would be understood by a person of ordinary skill in</b></p> <p>7    <b>the art according to its plain ordinary meaning.</b></p> <p>8     <b>Q</b>   What is the plain and ordinary meaning of</p> <p>9    packet-by-packet basis?</p> <p>10    <b>A</b>   <b>Well, I'm not good at coming up with</b></p> <p>11    <b>precise definitions on the fly, in particular for</b></p> <p>12    <b>phrases that I think are fairly simple. If you</b></p> <p>13    <b>wanted a uber-precise definition, I'd have to go off</b></p> <p>14    <b>and consider it. But I think generally it just</b></p> <p>15    <b>means that you're examining -- you're working a</b></p> <p>16    <b>packet at a time.</b></p> <p>17    <b>Q</b>   In Claim 1 do you see the term packet</p> <p>18    transformation function?</p> <p>19    <b>A</b>   <b>Yes.</b></p> <p>20    <b>Q</b>   In forming your opinion of the validity of</p> <p>21    the '213 patent did you form an opinion about the</p> <p>22    meaning of the term packet transformation function?</p>

<p style="text-align: right;">49</p> <p>1     <b>A   I did.</b></p> <p>2     Q   What is that meaning?</p> <p>3     <b>A   That is expressed in -- the ultimate</b></p> <p>4 <b>opinion is expressed in Paragraph 120 of the</b></p> <p>5 <b>declaration where I say that it refers to an action</b></p> <p>6 <b>taken on a packet.</b></p> <p>7     Q   I have one more question about the terms</p> <p>8 in Claim 1. In Claim 1 do you see the term packet</p> <p>9 digest logging function?</p> <p>10    <b>A   Yes.</b></p> <p>11    Q   In informing your opinion regarding the</p> <p>12 validity of the '213 patent did you form an opinion</p> <p>13 about meanings of the term packet digest logging</p> <p>14 function?</p> <p>15    <b>A   I did.</b></p> <p>16    Q   And what is that opinion?</p> <p>17    <b>A   For packet digest logging function I</b></p> <p>18 <b>believe that that would just be understood by a</b></p> <p>19 <b>person of ordinary skill in the art according to its</b></p> <p>20 <b>plain and ordinary meaning.</b></p> <p>21    Q   What is the plain and ordinary meaning?</p> <p>22    <b>A   Again, I'm not good at coming up with</b></p>	<p style="text-align: right;">51</p> <p>1 research collaboration with Cloudshield</p> <p>2 Technologies; correct?</p> <p>3     <b>A   Yes.</b></p> <p>4     Q   You also use the term deep packet</p> <p>5 inspection. What does that term mean?</p> <p>6     <b>A   At the time that was -- I think that was a</b></p> <p>7 <b>marketing term basically used to refer to hardware</b></p> <p>8 <b>devices that were capable of parsing into a received</b></p> <p>9 <b>frame to higher layers of the protocol stack and do</b></p> <p>10 <b>this in real time so that you could parse into a</b></p> <p>11 <b>packet, do some processing, some couple-thousand</b></p> <p>12 <b>instructions, and then either forward the packet or</b></p> <p>13 <b>quarantine it or something, but do all of this at</b></p> <p>14 <b>line speeds, meaning that you could do all of</b></p> <p>15 <b>this -- I'm sorry -- deep packet inspection just</b></p> <p>16 <b>means that you're parsing into it. But the</b></p> <p>17 <b>assumption was that you could do this in real time.</b></p> <p>18 <b>So you could do all of this on a packet before the</b></p> <p>19 <b>next packet arrives.</b></p> <p>20    Q   You mentioned that it was implemented in</p> <p>21 hardware; is that correct?</p> <p>22    <b>A   The Cloudshield device, yes.</b></p>
<p style="text-align: right;">50</p> <p>1 <b>precise definitions on the fly, but generally a</b></p> <p>2 <b>person of skill in the art would understand that</b></p> <p>3 <b>it's a -- it's the function of logging some digest</b></p> <p>4 <b>of -- that's of the packet.</b></p> <p>5     Q   What is a digest of a packet?</p> <p>6     <b>A   A digest would be understood according to</b></p> <p>7 <b>the plain, ordinary meanings. Again, I'm not good</b></p> <p>8 <b>at coming up with precise definitions on the fly,</b></p> <p>9 <b>but generally a person of skill in the art would</b></p> <p>10 <b>understand that it's some excerpts or a</b></p> <p>11 <b>summarization of the packet.</b></p> <p>12       MR. PRICE: I think this is a pretty good</p> <p>13 time for a break.</p> <p>14       MR. BLAKE: Okay. Let's do it.</p> <p>15       (Recess taken from 10:36 a.m. to 10:53</p> <p>16 a.m.)</p> <p>17 BY MR. PRICE:</p> <p>18    Q   Dr. Jeffay, can you please turn to</p> <p>19 Paragraph 6 of your declaration.</p> <p>20    <b>A   Sure.</b></p> <p>21       <b>Okay. I'm there.</b></p> <p>22    Q   In this paragraph you talk about a</p>	<p style="text-align: right;">52</p> <p>1     Q   Why was it implemented in hardware?</p> <p>2     <b>A   Why was it implemented in hardware? That</b></p> <p>3 <b>was their business. They believed that hardware</b></p> <p>4 <b>solutions were better than software solutions, and</b></p> <p>5 <b>they ultimately are not around today. But that's</b></p> <p>6 <b>what their secret sauce was.</b></p> <p>7       At this point in history there were these</p> <p>8 things called network processors that were all the</p> <p>9 rage. And they had -- they had a particular network</p> <p>10 processor that they built their device around.</p> <p>11    Q   Why did the industry move away from</p> <p>12 hardware-based deep packet inspection?</p> <p>13    <b>A   I don't know that they actually did. I</b></p> <p>14 <b>mean, all devices that I know of typically have some</b></p> <p>15 <b>nontraditional network interface; so I think to be</b></p> <p>16 <b>effective in the space everybody has some sort of</b></p> <p>17 <b>hardware assist. This was just a particularly</b></p> <p>18 <b>all-hardware solution.</b></p> <p>19    Q   Are there trade-offs between hardware</p> <p>20 solutions and software solutions for performing deep</p> <p>21 packet inspection?</p> <p>22    <b>A   Are you talking about in 2003?</b></p>

<p>53</p> <p>1 Q Just in general.</p> <p>2 A Well, I mean, the issue with trade-offs is</p> <p>3 trade-offs fundamentally are a function of time. As</p> <p>4 you know, technology evolves; so if -- I mean, I</p> <p>5 have some recollection of what it was like in 2003;</p> <p>6 so I can --</p> <p>7 Q Sure. I was talking about 2003.</p> <p>8 A In 2003 the dominant approach, I think,</p> <p>9 was hardware-based solutions. And the issue was</p> <p>10 that at that time you had gigabits network and ten</p> <p>11 gigabit was on the horizon. And the industry felt</p> <p>12 that software -- there was a big push, as I say,</p> <p>13 towards these devices that were called network --</p> <p>14 network processors. And so in the early 2000s</p> <p>15 people were making the trade-off to go to more of a</p> <p>16 hardware-based solution.</p> <p>17 Q What is your understanding of the term</p> <p>18 person of ordinary skill in the art?</p> <p>19 A That that is this hypothetical individual</p> <p>20 to whom the teachings of a patent are directed to.</p> <p>21 Q You state in Paragraph 24 of your</p> <p>22 declaration that you have sufficient level of</p>	<p>55</p> <p>1 Q How did you put yourself in the position</p> <p>2 of a person of ordinary skill in the art in the 2014</p> <p>3 time frame?</p> <p>4 MR. BLAKE: Objection to form.</p> <p>5 A Well, I work with people who are -- in</p> <p>6 2014 -- I have a networking lab and had the lab in</p> <p>7 2014. And in 2014 I had graduate students who were</p> <p>8 working in the lab and several of them would qualify</p> <p>9 as persons of ordinary skill in the art according to</p> <p>10 the definition that's stated in Paragraph 23.</p> <p>11 And generally, I mean, I spent a lot of</p> <p>12 time -- I train people who become persons of</p> <p>13 ordinary skill in the art and I have lots of</p> <p>14 interactions with people who are persons of ordinary</p> <p>15 skill in the art.</p> <p>16 And so, as I say, specifically in 2014 I</p> <p>17 had persons of ordinary skill in the art working in</p> <p>18 my lab.</p> <p>19 BY MR. PRICE:</p> <p>20 Q Do you consider yourself a person of</p> <p>21 extraordinary skill in the art?</p> <p>22 MR. BLAKE: Objection to form.</p>
<p>54</p> <p>1 knowledge, experience, and expertise --</p> <p>2 A Can you just give me a chance to get</p> <p>3 there.</p> <p>4 Q Sure.</p> <p>5 A Okay. Thank you.</p> <p>6 Q You have a -- in Paragraph 24 you state</p> <p>7 that you have a sufficient level of knowledge,</p> <p>8 experience, and expertise to provide an expert</p> <p>9 opinion in the field of the '213 patent; correct?</p> <p>10 A Correct.</p> <p>11 Q Is your expert opinion given from your</p> <p>12 perspective?</p> <p>13 MR. BLAKE: Objection to form.</p> <p>14 A If you're talking about the opinions that</p> <p>15 I'm offering in this declaration, these are the</p> <p>16 opinions -- these are my opinions, but they're</p> <p>17 opinions -- the opinions that I'm -- how can I say</p> <p>18 this? The opinions that I'm stating here are based</p> <p>19 on what a person of ordinary skill in the art as of</p> <p>20 2014 would have understood looking at the patent and</p> <p>21 the specification, file history, all of that.</p> <p>22 BY MR. PRICE:</p>	<p>56</p> <p>1 A I mean, I have more skill than what is</p> <p>2 required for a person of ordinary skill in the art,</p> <p>3 but, nonetheless, I'm able to appreciate the</p> <p>4 background and knowledge that a person of ordinary</p> <p>5 skill in the art would have.</p> <p>6 BY MR. PRICE:</p> <p>7 Q How did you ensure that the fact that you</p> <p>8 have more skill than what's required for a person of</p> <p>9 ordinary skill in the art did not color your</p> <p>10 analysis?</p> <p>11 MR. BLAKE: Objection to form.</p> <p>12 A Well, as I say, I know -- I know specific</p> <p>13 people who were persons of ordinary skill in the art</p> <p>14 at the time frame and I interacted with them on a</p> <p>15 weekly basis. And so I have a sense of -- I</p> <p>16 remember the things they did. I remember the things</p> <p>17 they couldn't do.</p> <p>18 So, I mean, I use my experience and</p> <p>19 knowledge to drive my understanding of what -- what</p> <p>20 persons of ordinary skill in the art would know and</p> <p>21 understand.</p> <p>22 When it comes to things like their</p>

<p>57</p> <p>1 educational background, I'm part of the cohort of 2 people that give them this educational background; 3 so I know the types of things they would have been 4 exposed to in courses. I work with people in 5 companies and I know the types of things they're 6 exposed to in the early years of their career, for 7 example, as a networking professional. 8 So with that background and experience I 9 have, I think I'm capable of opining on what a 10 person of ordinary skill in the art would know and 11 what they would understand. 12 BY MR. PRICE: 13 Q Did you take any steps to ensure that 14 hindsight did not cover your -- color your analysis? 15 MR. BLAKE: Objection to form. 16 A I mean, I wouldn't say I took any 17 affirmative steps. I mean, I didn't -- I certainly 18 didn't do things like, you know, look at systems and 19 references, papers, technical papers that were after 20 the -- the 2014 date. So I made sure that 21 everything I was considering was no later than 2014. 22 BY MR. PRICE:</p>	<p>59</p> <p>1 using here. 2 I mean, I just tried to make sure that 3 everything that I was considering was at or before 4 the 2014 date. 5 BY MR. PRICE: 6 Q How did you determine the level of skill 7 that a person of ordinary skill in the art had as of 8 April 2014? 9 A Well, I read -- I read the patent and the 10 claims and tried to understand the technology that 11 they were directed to and then, given my experience 12 working in this area for several decades, came up 13 with what I think is the appropriate level of skill. 14 As I say, I've trained these people who've 15 gone off into -- into industry. And I have a sense 16 of what they can do one year out, two years out, 17 three years out. I keep in touch with many, many 18 students. 19 So based on that background and knowledge 20 and experience that's how I came up with this 21 statement of level of skill. 22 (Jeffay Deposition Exhibit 1012 was marked</p>
<p>58</p> <p>1 Q Your opinion that the claims in the '213 2 patent are obvious is based on the combination of a 3 number of references; is that correct? 4 A Yes. 5 Q Did you take any steps to ensure that 6 hindsight did not color your analysis as to whether 7 or not it would have been obvious to combine the 8 various references? 9 MR. BLAKE: Objection to form. Asked and 10 answered. 11 A Well, I mean, generally I'm not sure what 12 you mean when you say take steps. I mean, if you 13 don't do something, did you take a step not to do 14 something? 15 So, I mean, as I say, I didn't -- I 16 purposely did not go beyond anything in the 2014 17 time frame to see, you know, what, for example, the 18 trajectory was of these technologies. You know, I 19 didn't do any research to see what happened to 20 Centripetal -- to the inventors of the '213 patent 21 or what happened to any of the technologies that 22 were disclosed in the other references that I'm</p>	<p>60</p> <p>1 for identification and attached to the transcript.) 2 BY MR. PRICE: 3 Q Handing you a document marked 1012. Do 4 you recognize this document? 5 A I do. 6 Q What document is this? 7 A This is the reference that's referred to 8 in my declaration as Narayanaswamy. 9 Q Can you turn to Paragraph 148 of your 10 declaration. 11 A Okay. 12 Q Do you see where you write that 13 Narayanaswamy teaches a system for dynamic policy 14 provisioning of network intrusion 15 detection/prevention or IDP devices? 16 A Yes. 17 Q What is an IDP device? 18 A IDP is an acronym that's coined by -- I 19 believe it's coined by Narayanaswamy to just mean 20 that it's an intrusion detection/prevention. 21 Q So IDP device is a -- is not a term of 22 art, but a term that was coined by Narayanaswamy; is</p>

<p>61</p> <p>1 that --</p> <p>2 MR. BLAKE: Objection to form.</p> <p>3 A I don't know if it's a term of art or not.</p> <p>4 I believe within the context of Narayanaswamy</p> <p>5 they're just using IDP for them as shorthand for</p> <p>6 their intrusion detection/prevention device.</p> <p>7 BY MR. PRICE:</p> <p>8 Q Is the term intrusion detection device a</p> <p>9 term of art?</p> <p>10 MR. BLAKE: Objection to form.</p> <p>11 A Sure. Some form of that is certainly a</p> <p>12 term of art.</p> <p>13 BY MR. PRICE:</p> <p>14 Q What would a person of ordinary skill in</p> <p>15 the art understand an intrusion detection device to</p> <p>16 be?</p> <p>17 A It's not so much a technical term as I</p> <p>18 think it is a marketing term, in the sense that it's</p> <p>19 a label that gets put on products. And generally</p> <p>20 these are products that are used to analyze network</p> <p>21 traffic and determine if -- what's referred to as an</p> <p>22 intrusion, which is really some -- you know, some</p>	<p>63</p> <p>1 MR. BLAKE: Objection to form.</p> <p>2 A Yeah, I think at a high level. I think</p> <p>3 if -- if someone asked me that question in 2014, is</p> <p>4 there a difference, I would say maybe. It's going</p> <p>5 to depend on the intrusion detection device and it's</p> <p>6 going to depend on the firewall. I think both of</p> <p>7 these devices -- as I say, the field was very mature</p> <p>8 at this point. And a lot of these devices are what</p> <p>9 I would characterize as Swiss Army knives, meaning</p> <p>10 they had lots of features and lots of capabilities.</p> <p>11 And so I'm sure there were firewalls that were</p> <p>12 capable of acting as intrusion detection/prevention</p> <p>13 devices and there were intrusion</p> <p>14 detection/prevention devices that people would</p> <p>15 consider a firewall.</p> <p>16 So I don't think you can say anything</p> <p>17 definite, one way or another, just given the term</p> <p>18 intrusion detection/prevention device and firewall.</p> <p>19 BY MR. PRICE:</p> <p>20 Q How about the difference between an</p> <p>21 intrusion detection device and an intrusion</p> <p>22 prevention device?</p>
<p>62</p> <p>1 malicious use of the network or some network attack</p> <p>2 on some device that's behind an intrusion detection</p> <p>3 device is occurring.</p> <p>4 Q Would a person of ordinary skill in the</p> <p>5 art understand devices that are marketed as</p> <p>6 intrusion detection devices to share certain</p> <p>7 characteristics?</p> <p>8 MR. BLAKE: Objection to form.</p> <p>9 A I guess I really can't answer.</p> <p>10 As I say, I think it's largely, you</p> <p>11 know -- if we're talking about the 2014 time frame,</p> <p>12 this is a well-developed industry at this point.</p> <p>13 And so to the extent there was commonly agreed or</p> <p>14 understood properties of all intrusion</p> <p>15 detection/prevention devices, you know, that's not a</p> <p>16 question I've considered.</p> <p>17 BY MR. PRICE:</p> <p>18 Q Would you be able to characterize from the</p> <p>19 point of view of a person of ordinary skill in the</p> <p>20 art whether there's a difference between an</p> <p>21 intrusion detection device and a firewall, for</p> <p>22 example?</p>	<p>64</p> <p>1 A I think it's going to be the same answer.</p> <p>2 You know, to understand the extent to which there's</p> <p>3 differences between them you're going to have to</p> <p>4 look at the specific instances of those devices.</p> <p>5 Q Do you understand the Narayanaswamy</p> <p>6 reference to discuss packet classification?</p> <p>7 A Yes.</p> <p>8 Q What is packet classification?</p> <p>9 A Generally -- I don't know how to describe</p> <p>10 it other than to use the same terms, but you're --</p> <p>11 you're classifying related packets together.</p> <p>12 Q So is that what you mean -- is that</p> <p>13 Narayanaswamy -- sorry -- Narayanaswamy means in</p> <p>14 Paragraph 48?</p> <p>15 A 48 of Narayanaswamy?</p> <p>16 Q Yeah.</p> <p>17 A Let me just go there.</p> <p>18 I'm sorry. What's your question?</p> <p>19 Q So your answer to my previous question was</p> <p>20 that packet classification means that you're</p> <p>21 classifying related packets together.</p> <p>22 And so my question is: Is that what</p>



Conducted on April 18, 2019

<p style="text-align: right;">65</p> <p>1 Narayanaswamy is doing here in Paragraph 48 when he</p> <p>2 talks about the classifier module classifying a</p> <p>3 packet as belonging to a particular flow?</p> <p>4 MR. BLAKE: Objection to form.</p> <p>5 A Yeah. I think what's described in</p> <p>6 Paragraph 48 would be considered an example of</p> <p>7 packet classification.</p> <p>8 BY MR. PRICE:</p> <p>9 Q What does Narayanaswamy mean by belonging</p> <p>10 to a particular flow?</p> <p>11 A Well, it gives several examples of</p> <p>12 classifying flow. The one that's disclosed in</p> <p>13 Paragraph 48 is classifying packets based on what</p> <p>14 Narayanaswamy calls the five-tuple, which is</p> <p>15 commonly known as a flow ID. But it's -- it's</p> <p>16 matching packets against a five-featured tuple and</p> <p>17 that which is -- that each five-tuple defines a</p> <p>18 flow.</p> <p>19 Q But what is meant by the term flow here?</p> <p>20 A I think in this section of Narayanaswamy a</p> <p>21 flow is the set of packets that match a specific</p> <p>22 five-tuple.</p>	<p style="text-align: right;">67</p> <p>1 session -- sorry -- session initiation protocol,</p> <p>2 headers, and RTP, the real-time transport protocol</p> <p>3 headers, and payload. And they basically are saying</p> <p>4 here that their method of classification is really</p> <p>5 quite -- quite general. You can classify</p> <p>6 essentially on any application-layer packet-header</p> <p>7 information.</p> <p>8 Q What is packet classification used for in</p> <p>9 Narayanaswamy?</p> <p>10 MR. BLAKE: Objection to form.</p> <p>11 A It's used for a variety of -- of purposes.</p> <p>12 Part of it is to identify malicious traffic, part of</p> <p>13 it is to identify specific application traffic to</p> <p>14 provide some notion of quality service. So it's a</p> <p>15 general -- the packet classification scheme is a</p> <p>16 general scheme.</p> <p>17 BY MR. PRICE:</p> <p>18 Q Where in Narayanaswamy does it -- is it</p> <p>19 disclosed to use the packet classification in order</p> <p>20 to identify malicious traffic?</p> <p>21 A Well, Paragraph 51 of Narayanaswamy</p> <p>22 describes applying particular policies to packets</p>
<p style="text-align: right;">66</p> <p>1 Q Does Narayanaswamy disclose other ways to</p> <p>2 classify incoming packets?</p> <p>3 MR. BLAKE: Objection to form.</p> <p>4 A Yes.</p> <p>5 BY MR. PRICE:</p> <p>6 Q Can you give an example.</p> <p>7 A Sure. At the bottom of Paragraph 48 of</p> <p>8 Narayanaswamy they give another example of -- that</p> <p>9 you can also extract and use information, such as</p> <p>10 the source MAC address and the destination MAC</p> <p>11 address.</p> <p>12 Q Is another way of classifying incoming</p> <p>13 packets discussed in Paragraph 50?</p> <p>14 A Yes.</p> <p>15 Q Can you explain that method for</p> <p>16 classifying incoming packets?</p> <p>17 A The concept is the same. You're trying to</p> <p>18 match packets against some set of specified</p> <p>19 criteria. And in Paragraph 50 it's just listing</p> <p>20 additional criteria.</p> <p>21 In this case this is application-layer</p> <p>22 information and they give examples of like a SIP,</p>	<p style="text-align: right;">68</p> <p>1 and this part of the servicing of the packets -- to</p> <p>2 use the verb they use -- and part of what's</p> <p>3 disclosed here is that as it's doing further</p> <p>4 analysis of the packets one of the things it could</p> <p>5 be doing is trying to identify a network attack.</p> <p>6 And what Narayanaswamy discloses is that</p> <p>7 the policies that are being used for the servicing</p> <p>8 engine are also -- can be used -- also -- also</p> <p>9 inform the classification process. So the -- the</p> <p>10 policies -- the security policies affect the</p> <p>11 servicing and they affect the classification</p> <p>12 process.</p> <p>13 Q Where -- I'm sorry. Go ahead.</p> <p>14 A So this way you can do a first triage of</p> <p>15 the traffic through classification and then a second</p> <p>16 through the more detailed servicing.</p> <p>17 Q Where is it disclosed that Narayanaswamy</p> <p>18 uses the policies to inform the classification</p> <p>19 process?</p> <p>20 A If you look at -- if you start, for</p> <p>21 example, with Paragraph 47, that talks about this</p> <p>22 system resource monitor and this table management</p>

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<p style="text-align: right;">69</p> <p>1 module. Classification is ultimately -- works in 2 conjunction with this entity that Narayanaswamy 3 calls a flow table. And the idea is that this table 4 management module is the thing that populates the 5 flow table to sort of specify the criteria that's 6 going to drive the classification. And the table 7 management module is -- as disclosed in Paragraph 8 47, can update the flow table to -- based on 9 policies. For example, it says, to reflect changes 10 in the application of policies. 11 So the policies affect the criteria in the 12 flow table which affects classifications; so 13 there's -- as I say, the policies affect -- the 14 policies of Narayanaswamy affect both classification 15 and the ultimate processing of the packets. 16 Q So in Paragraph 50 Narayanaswamy 17 describes: Based on respective classifications, 18 classifier module -- 19 A If you could just slow down a second and I 20 can find it. Unfortunately these lines aren't 21 numbered. 22 Q It's about halfway down.</p>	<p style="text-align: right;">71</p> <p>1 application of a policy. 2 So the classifier has knowledge of 3 policies, as I explained. And it's classifying -- 4 one of the things it can do as part of the 5 classification is, as I say, associate the 6 application -- the packets of that application with 7 a particular policy. And that's the policy that's 8 ultimately going to be used to process the packet. 9 Q You mentioned that the classifier is 10 involved in triage. What did you mean by that? 11 A That it's doing a first-level processing 12 of the packets by -- through the classification. 13 Essentially it's a two-step. You classify and then 14 you service, to use the verbs that Narayanaswamy 15 uses. 16 Q Can you explain to me your earlier 17 testimony where it says the policies affect the 18 classification of the packets. Are you talking 19 about policies 32? 20 MR. BLAKE: Objection to form. 21 A Yes. If you look at figure -- I guess 22 it's the figure on the front. I think it's Figure</p>
<p style="text-align: right;">70</p> <p>1 A Based on these respective -- okay. I'm 2 with you. Got it. Sorry. Thank you for that. 3 Q No problem. 4 So Narayanaswamy says that based on these 5 respective classifications, classifier module may 6 associate a first one of policies with the first 7 packet classified. 8 I'm sorry. I'm going to withdraw that 9 question. 10 Earlier up in that paragraph it says: 11 Classifier module may associate each application 12 with a different one of policies 32. 13 A Okay. 14 Q What does that mean? 15 A I think it just means what it says. So 16 in -- if this is all illustrated in the figure and 17 these numerals are obviously references to the 18 figure, but there are multiple -- excuse me. There 19 are multiple of these policies 32. And what the 20 classifier is -- part of the classification process 21 is to classify things that are effectively going to 22 be operated on or -- let me say subjected to an</p>	<p style="text-align: right;">72</p> <p>1 2. So it's a little hard to see the flows here, 2 because every arrow is a doubled-headed arrow. But 3 what's described in -- essentially in Paragraphs 47, 4 48, 49, and every -- 47 through 50 is that 5 classification is informed by entries in the flow 6 table and entries in the flow table are populated by 7 the table management module, which is informed by 8 policies -- policies 32. And that's what's 9 described in -- essentially in Paragraph 47. 10 BY MR. PRICE: 11 Q Is it your opinion that the policies that 12 are referred to or referenced in this flow table are 13 actually used to classify packets? 14 MR. BLAKE: Excuse me. 15 If you need to ask it again, I apologize. 16 A I think I'm good. 17 I mean, I think what's disclosed here is 18 that the aspects of the policies inform the 19 classification process. 20 BY MR. PRICE: 21 Q How? 22 A I think we've covered that. So I think</p>

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<p style="text-align: right;">73</p> <p>1 I've described the process. If there was some</p> <p>2 aspect of that description that wasn't clear, I'm</p> <p>3 happy to clear it up.</p> <p>4 Q In what ways do the policies inform the</p> <p>5 classification process?</p> <p>6 MR. BLAKE: Objection to form. Asked and</p> <p>7 answered.</p> <p>8 A We've covered this. It's described in</p> <p>9 Paragraph 47 that the -- so Paragraph 49 talks</p> <p>10 about -- at least Paragraph 49 talks about how the</p> <p>11 classifier operates with the -- with the flow table</p> <p>12 to do its classification. The flow table is</p> <p>13 operated on also by the table management module.</p> <p>14 The table management module uses -- will do updates</p> <p>15 of the flow table, as it says in 47, to reflect</p> <p>16 changes in the application of policies 32. So</p> <p>17 policies 32 affect the flow management table which</p> <p>18 affects the flow table which affects classification.</p> <p>19 BY MR. PRICE:</p> <p>20 Q So the way I read Paragraph 49 is that the</p> <p>21 classifier refers to the flow table in order to</p> <p>22 choose which policies to apply for a tagged packet.</p>	<p style="text-align: right;">75</p> <p>1 certainly says that the flow and entry in the flow</p> <p>2 table is called a flow entry and a flow entry can,</p> <p>3 in the example here, include a five-tuple and then a</p> <p>4 reference to one of the policies 32.</p> <p>5 BY MR. PRICE:</p> <p>6 Q Is there another use that the classifier</p> <p>7 module makes of the flow table?</p> <p>8 MR. BLAKE: Objection to form.</p> <p>9 A I think it -- I don't know what you mean</p> <p>10 when you say another use of the flow table.</p> <p>11 I mean, the classifier uses the flow table</p> <p>12 to classify flows. I think the way I -- I think a</p> <p>13 person of skill understands what's being disclosed</p> <p>14 here is a particular example of use of the flow</p> <p>15 table. I think other examples are disclosed, for</p> <p>16 example, in Paragraph 50 where instead of</p> <p>17 classifying based on five-tuple you're now</p> <p>18 classifying on application-layer information.</p> <p>19 BY MR. PRICE:</p> <p>20 Q So I think I'm hung up here because I</p> <p>21 don't see where it's disclosed in Narayanaswamy that</p> <p>22 the classifier uses the flow table to classify</p>
<p style="text-align: right;">74</p> <p>1 Is there some other disclosure in Narayanaswamy that</p> <p>2 I'm missing here?</p> <p>3 MR. BLAKE: Objection to form. Asked and</p> <p>4 answered.</p> <p>5 A I'm sorry. I didn't understand your</p> <p>6 question.</p> <p>7 BY MR. PRICE:</p> <p>8 Q What didn't you understand about the</p> <p>9 question?</p> <p>10 A You were saying that the classifier is</p> <p>11 operating on tagged packets?</p> <p>12 Q No, I didn't say that.</p> <p>13 A Then I misheard your question.</p> <p>14 Q Okay. So my understanding of Paragraph 49</p> <p>15 is that the classifier accesses the flow table to</p> <p>16 determine which of policies 32 apply to each of the</p> <p>17 packets of incoming traffic; is that correct?</p> <p>18 MR. BLAKE: Objection to form.</p> <p>19 A So the flow table -- a flow -- so this is</p> <p>20 giving -- so this is an example of a use of the flow</p> <p>21 table in Paragraph 49, and there's other examples.</p> <p>22 And in the example that's disclosed here it</p>	<p style="text-align: right;">76</p> <p>1 flows. Can you point me to where that's disclosed</p> <p>2 in Narayanaswamy.</p> <p>3 A Perhaps we're getting hung up on just what</p> <p>4 it means to classify. I mean, it's -- I think the</p> <p>5 way -- so I will mention that what's described here</p> <p>6 is very -- to a person of ordinary skill in the art</p> <p>7 is -- I think is very clear and it's very common</p> <p>8 that the notion of a flow table is a very common</p> <p>9 entity and it's a thing that stores data that's used</p> <p>10 to classify.</p> <p>11 So what a person of skill understands is</p> <p>12 that when a packet arrives you extract information</p> <p>13 from the packet and look to see if that information</p> <p>14 matches an entry in your flow table. And if it</p> <p>15 does, then you classify it according to that entry</p> <p>16 in the flow table.</p> <p>17 Q Can you turn to Paragraph 30 of</p> <p>18 Narayanaswamy.</p> <p>19 A Okay.</p> <p>20 Q The first sentence there says: IDP device</p> <p>21 4 may identify the packet flows in the monitored</p> <p>22 traffic, and transparently reassembles</p>

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<p>77</p> <p>1 application-layer communications from the packet 2 flows. 3 Is that correct? 4 <b>A That's what it says.</b> 5 Q What does that sentence mean? 6 <b>A Let me just read the whole paragraph.</b> 7 <b>Oh, so it means exactly what it says.</b> 8 <b>And -- but to -- so what it means to a person of</b> 9 <b>ordinary skill in the art -- a person of ordinary</b> 10 <b>skill in the art understands that at the</b> 11 <b>application-layer an application-layer message may</b> 12 <b>be broken up into multiple parts that will span</b> 13 <b>multiple packets.</b> 14 <b>So to see often what's going on at the</b> 15 <b>application layer you have to reassemble. You have</b> 16 <b>to take the parts of the message as they appear on</b> 17 <b>the wire and put them back together to see what the</b> 18 <b>application-layer message is. So -- so you take the</b> 19 <b>packets of a flow; so you know that they're for the</b> 20 <b>same application. And then you sort of glue</b> 21 <b>adjacent -- the appropriate adjacent packets</b> 22 <b>together. That's the reassembly. And that allows</b></p>	<p>79</p> <p>1 Q He might disagree. 2 <b>A What's his first name?</b> 3 MR. BLAKE: Krishna. 4 THE WITNESS: That's a lot easier. 5 BY MR. PRICE: 6 Q Can you turn to Paragraphs 41 and 42 of 7 Narayanaswamy. 8 <b>A Okay.</b> 9 Q Can you describe what is disclosed in 10 these two paragraphs. 11 <b>A Sure. Just give me a minute to review</b> 12 <b>them.</b> 13 <b>I think generally what's being described</b> 14 <b>here is this -- a multilevel monitoring and policy</b> 15 <b>application system.</b> 16 <b>So whereas the first level you're trying</b> 17 <b>to determine the -- what it calls the system alert</b> 18 <b>level -- you know, what's -- what's the danger of a</b> 19 <b>forest fire today? And then depending on that</b> 20 <b>danger level you have a second level of priorities</b> 21 <b>that you apply and they're a function of the</b> 22 <b>alert -- alert level. And it's just saying that</b></p>
<p>78</p> <p>1 <b>you to reconstruct what's going on at the</b> 2 <b>application layer.</b> 3 Q Does Narayanaswamy describe the reassembly 4 of the application-layer communications so that it 5 can apply patterns to packet flows, as discussed in 6 Paragraph 33? 7 <b>A 33?</b> 8 Q Yeah. 9 <b>A I think I've lost track of your question;</b> 10 <b>so perhaps you could just repeat it.</b> 11 Q So my question was: Does Narayanaswamy 12 describe the reassembly of the application-layer 13 communications so that it can apply patterns to 14 packet flows, as discussed in Paragraph 33? 15 MR. BLAKE: Objection to form. 16 <b>A I think that is -- that's one of the</b> 17 <b>purposes of Narayanaswamy's reassembly.</b> 18 <b>BY MR. PRICE:</b> 19 Q I think we've been doing a pretty good job 20 of pronouncing that name. 21 <b>A In theory it's -- you just say all the</b> 22 <b>letters. It's just --</b></p>	<p>80</p> <p>1 <b>by -- by doing these they can dynamically provision</b> 2 <b>policies so that way the policies can adapt to the</b> 3 <b>conditions that are observed in the network.</b> 4 Q So your understanding of the term system 5 alert level here is that it refers to danger? 6 MR. BLAKE: Objection to form. 7 <b>A That was just the analogy that I was</b> 8 <b>using.</b> 9 <b>I think that the way that it actually</b> 10 <b>describes it is really more a function of how</b> 11 <b>network resources are being used. But the point is</b> 12 <b>that your -- it's a -- it's a form of classification</b> 13 <b>of the -- of the network environment.</b> 14 <b>BY MR. PRICE:</b> 15 Q What do you mean a function of how network 16 resources are being used? 17 <b>A Well, that's what Narayanaswamy is</b> 18 <b>describing. So -- and they give a variety of</b> 19 <b>examples of things that they're potentially</b> 20 <b>interested in in many of the paragraphs prior to</b> 21 <b>this.</b> 22 Q Can you point me to where that's</p>

<p style="text-align: right;">81</p> <p>1 disclosed.</p> <p>2 A Well, I don't know that it's disclosed</p> <p>3 discretely at one location, but let me see if I can</p> <p>4 find a reasonable example.</p> <p>5 So in Paragraph 36 it's describing part of</p> <p>6 the process where it says that IDP is going to</p> <p>7 perform some calculations based on parameters and</p> <p>8 use this to indicate -- to come up with some</p> <p>9 indication of the condition of the network and</p> <p>10 then -- and compute some statistics off of these.</p> <p>11 It talks about things like weighted parameters and a</p> <p>12 weighted average. So that's what drives the</p> <p>13 alert -- ultimately what drives the alert level.</p> <p>14 And then as examples of the parameters it</p> <p>15 talks about very general sorts of things -- I lost</p> <p>16 it -- such as -- I think it was -- so in Paragraph</p> <p>17 35 in the middle it talks about monitoring</p> <p>18 parameters corresponding to utilization of one or</p> <p>19 more internal resources of the device.</p> <p>20 So this could be things like the CPU</p> <p>21 utilization, how much work is the IDP device having</p> <p>22 to do to process traffic, is it keeping up with</p>	<p style="text-align: right;">83</p> <p>1 specific parameters, such as disclosed in Paragraph</p> <p>2 35.</p> <p>3 Then it talks about calculations that it's</p> <p>4 going to do based on those parameters in 36. And</p> <p>5 then that ultimately is going to drive -- that's an</p> <p>6 example of something that would drive a -- what it</p> <p>7 calls the first class of policy, which is</p> <p>8 essentially setting this -- what ultimately is</p> <p>9 referred to in Paragraph 41 as the system alert</p> <p>10 level.</p> <p>11 MR. PRICE: This might actually be a good</p> <p>12 time to break for lunch if we -- if it's ready.</p> <p>13 MR. BLAKE: That's fine by me.</p> <p>14 (Recess taken from 11:49 a.m. to 12:36</p> <p>15 p.m.)</p> <p>16 BY MR. PRICE:</p> <p>17 Q Dr. Jeffay, I'm going to hand you a new</p> <p>18 document, not new to you. This document has been</p> <p>19 labeled Exhibit 1013.</p> <p>20 (Jeffay Deposition Exhibit 1013 was marked</p> <p>21 for identification and attached to the transcript.)</p> <p>22 BY MR. PRICE:</p>
<p style="text-align: right;">82</p> <p>1 traffic as measured by, for example, its queue</p> <p>2 depth. If it's not keeping up, obviously it's going</p> <p>3 to build up a queue. How much memory is being</p> <p>4 consumed.</p> <p>5 And then these are also indications of the</p> <p>6 network conditions, which it talks about generally</p> <p>7 in Paragraph 34, about five, six lines into it,</p> <p>8 where it says: To this end, IDP device may monitor</p> <p>9 private network 6 to determine a condition of</p> <p>10 network, e.g., a high, normal or low network</p> <p>11 congestion level.</p> <p>12 Which a person of ordinary skill in the</p> <p>13 art would understand that's related to, for example,</p> <p>14 monitoring the queue depth that -- congestion</p> <p>15 fundamentally the queue is built up at devices like</p> <p>16 IDPs.</p> <p>17 So what it's basically teaching is that --</p> <p>18 and this is just one example is that something like</p> <p>19 congestion can drive, you know, an alert level. It</p> <p>20 has resources and parameters that it measures. At a</p> <p>21 high level there are things like congestion and the</p> <p>22 way that's assessed is by monitoring things --</p>	<p style="text-align: right;">84</p> <p>1 Q Do you recognize this document?</p> <p>2 A I do.</p> <p>3 Q And what document is this?</p> <p>4 A This appears to be a copy of the patent</p> <p>5 application that we've been calling the Kapoor</p> <p>6 reference.</p> <p>7 Q What does Kapoor disclose?</p> <p>8 MR. BLAKE: Objection to form.</p> <p>9 A A lot. It's basically a traffic analysis</p> <p>10 utility that it calls a flow processing facility</p> <p>11 that's going to sit between elements of an</p> <p>12 enterprise network and the Internet and do all kinds</p> <p>13 of flow processing on the traffic that transits the</p> <p>14 facility.</p> <p>15 BY MR. PRICE:</p> <p>16 Q What do you, and with respect to Kapoor,</p> <p>17 mean by flow processing?</p> <p>18 A I think Kapoor is -- in its term flow</p> <p>19 processing facility I think it's using flow in just</p> <p>20 a very generic sense to refer to network traffic.</p> <p>21 So it's a network traffic processing facility.</p> <p>22 Q And what is data flow?</p>

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<p style="text-align: right;">85</p> <p>1 MR. BLAKE: Objection to form.</p> <p>2 A A data flow? Can you give me some</p> <p>3 context.</p> <p>4 BY MR. PRICE:</p> <p>5 Q In the context of Kapoor.</p> <p>6 MR. BLAKE: Same objection.</p> <p>7 A I don't recall if they actually define the</p> <p>8 term.</p> <p>9 I don't know that they uniquely define it.</p> <p>10 I think it's at least a data flow is referring to a</p> <p>11 flow of packets that the facility will examine.</p> <p>12 BY MR. PRICE:</p> <p>13 Q I believe with respect to Narayanaswamy</p> <p>14 you said that the -- a flow means the packets are</p> <p>15 related in some way; is that correct?</p> <p>16 A In the passage -- we were looking at a</p> <p>17 specific passage for Narayanaswamy. And in that</p> <p>18 particular passage that was -- with regard to</p> <p>19 classification they were talking about various --</p> <p>20 they had various conceptions of a flow in</p> <p>21 Narayanaswamy. So Narayanaswamy is, I think, a</p> <p>22 little more intentional about how it's treating the</p>	<p style="text-align: right;">87</p> <p>1 MR. BLAKE: Objection to form.</p> <p>2 A Kapoor is very long and I believe that --</p> <p>3 yeah, Kapoor has disclosures of classification of</p> <p>4 flows.</p> <p>5 BY MR. PRICE:</p> <p>6 Q Can you turn to Paragraph 153 of your</p> <p>7 declaration.</p> <p>8 A Okay.</p> <p>9 Q So there are a number of terms that you</p> <p>10 use here in the second sentence that you're actually</p> <p>11 quoting from Kapoor and that I'm going to ask you</p> <p>12 about now.</p> <p>13 A Okay.</p> <p>14 Q What does Kapoor mean by the term applying</p> <p>15 content matching?</p> <p>16 A Kapoor, by content matching, just simply</p> <p>17 means that it is matching items that are found in</p> <p>18 network packets to -- against -- I'll use the term</p> <p>19 database. Kapoor doesn't use the term database; so</p> <p>20 I'm just using that just for purposes of</p> <p>21 communicating what it means.</p> <p>22 Essentially, along a registry of known</p>
<p style="text-align: right;">86</p> <p>1 term flow and it certainly discloses several</p> <p>2 specific types of or examples of what would</p> <p>3 constitute a flow.</p> <p>4 Q Would a data flow refer to all packets</p> <p>5 received at a network interface or does the flow</p> <p>6 mean that the packets that are part of the flow are</p> <p>7 related in some way?</p> <p>8 A I assume you're speaking of inside -- in</p> <p>9 the Kapoor reference.</p> <p>10 Q Yeah.</p> <p>11 A In the Kapoor reference, as I say, I think</p> <p>12 it uses data flow generally. And it does have</p> <p>13 specific examples of data flows that are more</p> <p>14 analogous to the flows that are described in</p> <p>15 Narayanaswamy.</p> <p>16 So in certain parts of the spec of Kapoor</p> <p>17 I think it is referring to, as I say, all of the</p> <p>18 data that is seen by the flow processing facility.</p> <p>19 And in other places I believe it refers to a flow as</p> <p>20 a data flow as something that's more specific.</p> <p>21 Q Does Kapoor rely on classification to</p> <p>22 define data flows?</p>	<p style="text-align: right;">88</p> <p>1 patterns; so you're doing a form of pattern</p> <p>2 matching. You're seeing if a particular data item</p> <p>3 matches something that's in your registry.</p> <p>4 Q How about behavioral anomaly detection?</p> <p>5 A So that's -- that's a term that Kapoor</p> <p>6 uses, and it's not the greatest term. So an</p> <p>7 anomaly -- anomaly detection generally refers to</p> <p>8 trying to detect something that's out of the</p> <p>9 ordinary. It could be a signature in a packet. It</p> <p>10 could be a pattern of packets.</p> <p>11 And the notion of behavioral in Kapoor, I</p> <p>12 think, is understood as referring to things that an</p> <p>13 application is doing; so you're trying to</p> <p>14 essentially detect anomalous behavior of some</p> <p>15 application.</p> <p>16 Q The first sentence of the abstract in</p> <p>17 Kapoor states that it's flow processing facility</p> <p>18 uses a set of artificial neurons for pattern</p> <p>19 recognition. What is meant by that?</p> <p>20 A So I think that's Kapoor's -- that's part</p> <p>21 of, I think, what Kapoor's innovation is -- that</p> <p>22 it's doing -- it's hearkening to a -- an artificial</p>

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<p style="text-align: right;">89</p> <p>1 intelligence technique for doing pattern  2 recognition, which is -- in other context is the  3 analogous term the neural network.  4 So essentially you're trying to recognize  5 a pattern and a pattern is something that is not  6 necessarily a deterministic match. It's not like  7 the string ABC where, you know, you can  8 determinously say, is there the letter A, the letter  9 B, the letter C.  10 So a pattern is something -- to use an  11 analogy from images, it's sort of, you know, do  12 these bits' intensities correspond to an image of a  13 dog. And so they're using this artificial  14 intelligence technique to identify patterns that are  15 typically -- that are going to be more sophisticated  16 than just, for example, recognizing strings.  17 Q What is the relationship between that  18 neural net description and this self-organizing map  19 that's referenced in the quoted sentence in  20 Paragraph 153 of your declaration?  21 MR. BLAKE: Objection to form.  22 A Well, the self-organizing map is the -- is</p>	<p style="text-align: right;">91</p> <p>1 A Well, as I say, it's -- it's being used  2 ultimately to detect patterns in traffic that are of  3 interest. And then -- so effectively, this is --  4 this is a form of classification in Kapoor. It's  5 being used for a form of classification.  6 Q So the last sentence of Paragraph 153 of  7 your declaration you state that Kapoor -- a POSA  8 reading Kapoor's abstract would understand that the  9 inspection is inspecting application-layer  10 packet-header information contained within those  11 network layer packets; is that correct?  12 MR. BLAKE: Objection to form.  13 A So you just read part of the sentence and  14 I thought you were starting at the beginning and you  15 weren't.  16 So let me just read the whole thing and  17 make sure we're on the same page. It's: A POSA,  18 reading Kapoor's abstract, would understand that  19 inspecting payloads of network traffic packets and  20 inspecting accessible layers of the IP stack  21 generally indicates the application-layer  22 packet-header information contained within those</p>
<p style="text-align: right;">90</p> <p>1 an example of what in the abstract is referred to as  2 a set of artificial neurons.  3 BY MR. PRICE:  4 Q What does self-organizing map mean?  5 A So we have to dig into Kapoor in more  6 detail to figure out exactly what it means, but  7 that's the -- as I say, Kapoor is about applying  8 artificial intelligence to understanding network  9 traffic and the self-organizing map is a form of  10 what today would be called more of a  11 machine-learning-based technique where you're trying  12 to automatically understand patterns that you're  13 seeing, in this case patterns in network traffic.  14 Q And is this self-organizing map part of  15 the machine-learning logic of Kapoor?  16 MR. BLAKE: Objection to form.  17 A I think what Kapoor discloses as the  18 machine-learning logic is what's used to implement  19 the self-organizing map.  20 BY MR. PRICE:  21 Q And what is that then used for, the  22 results, if any, of the machine-learning logic?</p>	<p style="text-align: right;">92</p> <p>1 network layer packets.  2 And then you wanted to ask what about  3 that?  4 Q My question is: Does Kapoor only look at  5 application-layer packet-header information, or does  6 it do more general inspection of payload?  7 A I think it discloses that it can operate  8 at any layer of protocol stack.  9 Q I don't know if that answers my question.  10 Does Kapoor -- when it's looking at --  11 let's say when it's looking at the application-layer  12 data, does it restrict its inspection to  13 application-layer packet-header information, or will  14 it inspect any and all payload information?  15 A I think a person of ordinary skill in the  16 art understanding that in order to get in the  17 application layer you have to inspect all of the  18 layers below it, because the application-layer  19 packet-header information is not immediately  20 accessible. So you have to -- you have to do  21 processing at all layers of the protocol stack to  22 get to the point where you now are confident that</p>

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<p style="text-align: right;">93</p> <p>1 what you're looking at is application-layer</p> <p>2 packet-header information.</p> <p>3 Q Does Kapoor's techniques look at</p> <p>4 application-layer data beyond the application-layer</p> <p>5 packet-header information?</p> <p>6 MR. BLAKE: Objection to form.</p> <p>7 A As best I recall, I mean, it does -- I</p> <p>8 believe there are examples in here of saying where</p> <p>9 Kapoor in addition to using application-layer</p> <p>10 packet-header information will also look at</p> <p>11 payloads.</p> <p>12 BY MR. PRICE:</p> <p>13 Q Go to Paragraph 161 in your declaration.</p> <p>14 A Okay.</p> <p>15 Q After reviewing this paragraph can you</p> <p>16 tell me whether Kapoor's machine-learning logic</p> <p>17 meets your definition of a monitoring device?</p> <p>18 A I think the opinion I've expressed here is</p> <p>19 that the device -- the machine-learning logic is</p> <p>20 just logic. It's not a device, but the</p> <p>21 machine-learning logic would be performed -- has to</p> <p>22 be performed on some device. So the device that's</p>	<p style="text-align: right;">95</p> <p>1 from the machine-learning logic.</p> <p>2 Q Where's that disclosed?</p> <p>3 A It's disclosed -- for example, we can look</p> <p>4 at Paragraph 480 where it describes that it gets</p> <p>5 some information -- may get some information from</p> <p>6 the machine-learning logic. And ultimately what</p> <p>7 it's doing -- at the top of the next page it's</p> <p>8 saying that the router may construct a complete or</p> <p>9 partial path and a person of ordinary skill in the</p> <p>10 art would understand that as potentially it's a</p> <p>11 route -- it's constructing a route for this -- for</p> <p>12 this data flow.</p> <p>13 And then it's just saying additional</p> <p>14 things like the -- over time that this can be</p> <p>15 adaptive. It can get additional information from</p> <p>16 the machine-learning logic and this information may</p> <p>17 cause it to change the path that it computes.</p> <p>18 Q And the path that you're referring to --</p> <p>19 is that through the flow processing facility?</p> <p>20 A That I actually don't recall. I don't</p> <p>21 recall for certain.</p> <p>22 Q When Kapoor says it splits the data flow</p>
<p style="text-align: right;">94</p> <p>1 performing the machine learning that has the</p> <p>2 machine-learning logic that is the monitor -- that</p> <p>3 would be a monitoring device.</p> <p>4 Q Can you turn to Paragraph 478 of Kapoor.</p> <p>5 A Okay. I'm there.</p> <p>6 Q What does it mean that the path of the</p> <p>7 data flow 444 may include a split where one copy of</p> <p>8 the data flow proceeds to machine-learning logic 314</p> <p>9 and another copy proceeds to the data flow router</p> <p>10 702?</p> <p>11 A I think that can be understood at a high</p> <p>12 level exactly the way that it's written where</p> <p>13 there's some replication. The packets are</p> <p>14 replicated and one copy goes to the machine-learning</p> <p>15 logic and the other copy goes to the data flow</p> <p>16 router.</p> <p>17 Q What is the data flow router?</p> <p>18 A Let's see. So the data flow router is</p> <p>19 sort of a routing element within the flow processing</p> <p>20 facility that's disclosed as computing a path for</p> <p>21 the -- for the data flow for the packets of the data</p> <p>22 flow and doing this potentially with feedback coming</p>	<p style="text-align: right;">96</p> <p>1 between the machine-learning logic and the data flow</p> <p>2 router, does that mean that all of the data is</p> <p>3 provided to both of those entities?</p> <p>4 A No.</p> <p>5 Q Why not?</p> <p>6 A Just -- that's just the way it works. It</p> <p>7 doesn't say that it's all going there. I mean, I</p> <p>8 think the way that this is read is that it's one of</p> <p>9 the possibilities for a data flow is that it may or</p> <p>10 may not be provided to both the machine-learning</p> <p>11 logic and the data flow router. That's disclosed in</p> <p>12 Paragraph 478.</p> <p>13 Q I'm handing you an exhibit marked Exhibit</p> <p>14 1014.</p> <p>15 (Jeffay Deposition Exhibit 1014 was marked</p> <p>16 for identification and attached to the transcript.)</p> <p>17 BY MR. PRICE:</p> <p>18 Q Do you recognize this document?</p> <p>19 A Yes.</p> <p>20 Q What document is this?</p> <p>21 A This appears to be a copy of the patent</p> <p>22 application that's referred to in my declaration as</p>



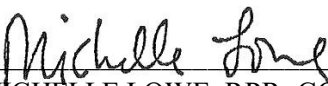
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<p style="text-align: right;">97</p> <p><b>1 Johnson.</b></p> <p>2 Q What relevance does Johnson have to the</p> <p>3 claims in the '213 patent?</p> <p>4 MR. BLAKE: Objection to form.</p> <p><b>5 A Well, as I describe in here, that Johnson</b></p> <p><b>6 has disclosures that add additional color to</b></p> <p><b>7 disclosures in Narayanaswamy and Kapoor, in</b></p> <p><b>8 particular as it relates to -- I think message</b></p> <p><b>9 logging. Yeah. I think I'm primarily relying on</b></p> <p><b>10 Johnson for its teachings of extracting specific</b></p> <p><b>11 information and particular data from application</b></p> <p><b>12 layers, headers, and packets and logging a packet</b></p> <p><b>13 digest of application-layer packet-header</b></p> <p><b>14 information.</b></p> <p><b>15 BY MR. PRICE:</b></p> <p>16 Q Does Johnson use the word log?</p> <p><b>17 A I'm sorry. Does Johnson use the word?</b></p> <p>18 Q Log.</p> <p><b>19 A Log? I don't recall if he uses the</b></p> <p><b>20 word -- specifically uses the word log or not. I</b></p> <p><b>21 guess we'd have to do a word search.</b></p> <p>22 Q Did you cite any aspects of Johnson that</p>	<p style="text-align: right;">99</p> <p><b>1 A Yeah, then I probably did look at it.</b></p> <p>2 Q Have you reviewed the prosecution history</p> <p>3 for that European application since you prepared the</p> <p>4 declaration in this case?</p> <p><b>5 A No.</b></p> <p>6 Q What are Johnson's packet digests used</p> <p>7 for?</p> <p><b>8 A One of the uses that's disclosed here is</b></p> <p><b>9 for, again, for -- I believe for packet</b></p> <p><b>10 classification.</b></p> <p>11 Q Paragraph 183 of your declaration?</p> <p><b>12 A Just give me a second.</b></p> <p><b>13 Okay.</b></p> <p>14 Q You state: Johnson teaches a specific</p> <p>15 method for generating information and alerts based</p> <p>16 on identifying packets with application information.</p> <p>17 What -- and then you continue: And refers</p> <p>18 generally to how a system may use packet-log digests</p> <p>19 of information.</p> <p>20 Is that correct?</p> <p><b>21 A That's what it says.</b></p> <p>22 Q What is a packet-log digest of</p>
<p style="text-align: right;">98</p> <p>1 include the word log?</p> <p>2 MR. BLAKE: Objection to form.</p> <p><b>3 A That's such a specific question. I don't</b></p> <p><b>4 know that I can -- you're essentially asking me when</b></p> <p><b>5 I wrote a sentence about Johnson did I use the word</b></p> <p><b>6 log. That level of a specific question I'm not</b></p> <p><b>7 going to be able to answer without going through all</b></p> <p><b>8 the disclosures of Johnson in my report.</b></p> <p><b>9 BY MR. PRICE:</b></p> <p>10 Q Can you turn to Paragraph 157 of your</p> <p>11 declaration.</p> <p><b>12 A Sure.</b></p> <p><b>13 I'm there.</b></p> <p>14 Q You cite in this paragraph to an Office</p> <p>15 action from a European application; correct?</p> <p><b>16 A Correct.</b></p> <p>17 Q Did you review that Office action?</p> <p><b>18 A I don't recall if I listed this in my -- I</b></p> <p><b>19 looked at so many of these.</b></p> <p>20 Q So I'll shortcut this.</p> <p>21 You cited it, and I can hand it to you, if</p> <p>22 you want. It's Exhibit 1016.</p>	<p style="text-align: right;">100</p> <p>1 information?</p> <p><b>2 A I don't think there's anything deep there.</b></p> <p><b>3 I think you can just read that as a -- as a packet</b></p> <p><b>4 digest how the system may use packet digests or</b></p> <p><b>5 information in packet digests.</b></p> <p><b>6 I think that was maybe supposed to be</b></p> <p><b>7 packet-logged digest or just logged digest.</b></p> <p><b>8 In any event, there's no separate thing of</b></p> <p><b>9 a packet-log digest. That's just referring to the</b></p> <p><b>10 packet digest in Johnson.</b></p> <p>11 MR. PRICE: Okay. Thanks. I don't have</p> <p>12 any other questions.</p> <p>13 MR. BLAKE: That's it?</p> <p>14 MR. PRICE: That's it.</p> <p>15 MR. BLAKE: I have no questions.</p> <p>16 (Deposition concluded 1:16 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

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<p>101</p> <p>1 CERTIFICATE OF COURT REPORTER</p> <p>2</p> <p>3 I, Michelle Lowe, Certified Court Reporter</p> <p>4 within and for the State of Georgia do hereby</p> <p>5 certify:</p> <p>6 That Kevin Jeffay, the witness whose</p> <p>7 deposition is hereinbefore set forth, was duly sworn</p> <p>8 by me before the commencement of such deposition and</p> <p>9 that such deposition was taken before me and is a</p> <p>10 true record of the testimony given by such witness.</p> <p>11 I further certify that the adverse party,</p> <p>12 Cisco Systems, Inc., was represented by counsel</p> <p>13 at the deposition.</p> <p>14 I further certify that the deposition of</p> <p>15 Kevin Jeffay occurred at the offices of Merchant &amp;</p> <p>16 Gould, 191 Peachtree Street, NE, Suite 3800,</p> <p>17 Atlanta, Georgia 30303, on Thursday, April 18,</p> <p>18 2019, commencing at 9:27 a.m.to 1:16 p.m..</p> <p>19 I further certify that I am not</p> <p>20 disqualified for a relationship of interest under</p> <p>21 the provisions of OCGA Section 9-11-28(c); that I am</p> <p>22 a Georgia Certified Court Reporter; that I am a</p>	
<p>102</p> <p>1 representative of MLowe Reporting, LLC; that MLowe</p> <p>2 Reporting, LLC, was contacted by Planet Depos to</p> <p>3 provide court reporting services for this</p> <p>4 deposition; that all financial arrangements beyond</p> <p>5 the usual and customary rates have been disclosed</p> <p>6 and offered to all parties; and that I will not be</p> <p>7 taking this deposition under any contract prohibited</p> <p>8 by Georgia law.</p> <p>9</p> <p>10 This the 25th day of April 2019.</p> <p>11</p> <p>12 </p> <p>13 _____</p> <p>14 MICHELLE LOWE, RPR, CCR-2748</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	

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