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1	UNITED STATES PATENT AND TRADEMARK OFFICE	1	A P P E A R A N C E S	
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3	BEFORE THE PATENT TRIAL AND APPEAL BOARD	3	ON BEHALF OF PETITIONER CISCO SYSTEMS, INC.:	
4		4	JEFFREY D. BLAKE	
5	CISCO SYSTEMS, INC.,	5	Attorney at Law	
6	Petitioner,	6	MERCHANT & GOULD	
7	-v-	7	191 Peachtree Street, NE	
8	CENTRIPETAL NETWORKS, INC.,	8	Suite 3800	
9	Patent Owner	9	Atlanta, Georgia 30303	
10		10	404-954-5040	
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	
18		18	1177 Avenue of the Americas	
19	Job No.: 238683	19	New York, New York 10036	
20	Pages 1 - 102	20	212-715-7502	
21	Reported by: Michelle R. Lowe, RPR, CCR-2748	21	jprice@kramerlevin.com	
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	2			4
1	Deposition of KEVIN JEFFAY, Ph.D., held at	1	CONTENTS	4
2		2	EXAMINATION OF PAGE	4
2 3	Deposition of KEVIN JEFFAY, Ph.D., held at	2 3		4
2 3 4	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of:	2 3 4	EXAMINATION OF PAGE	4
2 3 4 5	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould	2 3	EXAMINATION OF PAGE	4
2 3 4 5 6	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE	2 3 4 5 6	EXAMINATION OF PAGE	4
2 3 4 5 6 7	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould	2 3 4 5	EXAMINATION OF PAGE	4
2 3 4 5 6	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE	2 3 4 5 6	EXAMINATION OF PAGE	4
2 4 5 7 8 9	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800	2 3 4 5 6 7	EXAMINATION OF PAGE	4
2 3 4 5 6 7 8 9 10	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800 Atlanta, Georgia 30303	2 3 4 5 6 7 8	EXAMINATION OF PAGE	4
2 3 4 5 6 7 8 9 10	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800 Atlanta, Georgia 30303 Pursuant to agreement, before Michelle R.	2 3 4 5 6 7 8 9 10 11	EXAMINATION OF PAGE	4
2 3 4 5 6 7 8 9 10	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800 Atlanta, Georgia 30303	2 3 4 5 6 7 8 9 10	EXAMINATION OF PAGE	4
2 3 4 5 6 7 8 9 10 11 12	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800 Atlanta, Georgia 30303 Pursuant to agreement, before Michelle R.	2 3 4 5 6 7 8 9 10 11	EXAMINATION OF PAGE	4
2 3 4 5 6 7 8 9 10 11 12	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800 Atlanta, Georgia 30303 Pursuant to agreement, before Michelle R. Lowe, Certified Court Reporter in and for the State of	2 3 4 5 6 7 8 9 10 11 12	EXAMINATION OF PAGE	4
2 3 4 5 6 7 8 9 10 11 12 13	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800 Atlanta, Georgia 30303 Pursuant to agreement, before Michelle R. Lowe, Certified Court Reporter in and for the State of	2 3 4 5 7 8 9 10 11 12 13	EXAMINATION OF PAGE	4
2 3 4 5 6 7 8 9 10 11 12 13 14	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800 Atlanta, Georgia 30303 Pursuant to agreement, before Michelle R. Lowe, Certified Court Reporter in and for the State of	2 3 4 5 6 7 8 9 10 11 12 13 14	EXAMINATION OF PAGE	4
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800 Atlanta, Georgia 30303 Pursuant to agreement, before Michelle R. Lowe, Certified Court Reporter in and for the State of	2 3 4 5 6 7 8 9 10 11 12 13 14 15	EXAMINATION OF PAGE	4
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Deposition of KEVIN JEFFAY, Ph.D., held at the offices of: Merchant & Gould 191 Peachtree Street, NE Suite 3800 Atlanta, Georgia 30303 Pursuant to agreement, before Michelle R. Lowe, Certified Court Reporter in and for the State of	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 7 18	EXAMINATION OF PAGE	4
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5	1 Q Roughly how many times?
1 E X H I B I T S 2 (Attached to the transcript)	
3 KEVIN JEFFAY DEPOSITION EXHIBIT PAGE	2 A A large number. Probably several dozen.
4 Exhibit 1001 United States Patent No. 9	3 Q Have you ever been deposed in an IPR
5 US 9,565,213 B2	4 proceeding before?
6 Exhibit 1003 Curriculum vitae 16	5 A Yes.
7 Exhibit 1004 Declaration of Kevin Jeffay, 11	6 Q How many times approximately?
8 Ph.D. in Support of Petition for	7 A I really don't know. I don't know. Maybe
9 Inter Partes Review of U.S.	8 six or seven.
10 Patent No. 9,565,213	9 Q Is there any reason that you can't give
11 Exhibit 1012 United States Patent Application 59	10 truthful testimony today?
12 Publication No. US 2009/0328219 A1	11 A No.
13 Narayanaswamy	12 Q Are you familiar with the concept of claim
14 Exhibit 1013 United States Patent Application 83	13 construction?
15 Publication No. US 2008/0229415 A1	14 A Iam.
16 Kapoor, et al.	15 Q What is claim construction?
17 Exhibit 1014 United States Patent Application 96	
18 Publication No. US 2004/0123220 A1	
19 Johnson, et al.	17 meaning to terms in a patent.
20	18 Q Did you construe the claims of Patent
21	19 Number 9,565,213, which we'll refer to as the '213
22	20 patent today?
	21 A I certainly offered opinions on what I
	22 think a person of ordinary skill in the art how
	22 think a person of orthany skin in the art – now
6	8
1 PROCEEDINGS	
1P R O C E E D I N G S2KEVIN JEFFAY, Ph.D.,	8
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9	11
1 A Terms that I didn't construe but was asked	1 that you ascribe to packet security gateway without
2 to apply constructions for? I don't believe so.	2 the declaration?
3 Q I'm going to hand you a document that's	3 MR. BLAKE: Objection to form.
4 marked Exhibit 1001.	4 A I mean, this is supposed to be precise
5 (Jeffay Deposition Exhibit 1001 was marked	5 proceedings. I'm sure you want my precise opinion
6 for identification and attached to the transcript.)	6 on it. To give you my precise opinion I would just
7 MR. PRICE: Counselor, are you okay if we	7 refer you to the construction that was offered in my
8 refer to the exhibit by the marked exhibit numbers?	8 declaration.
9 MR. BLAKE: Yeah, I'm fine with that.	9 BY MR. PRICE:
10 BY MR. PRICE:	10 Q Would it help if I handed you your
11 Q Do you recognize this document,	11 declaration?
12 Dr. Jeffay?	12 A Sure.
13 A I do.	13 (Jeffay Deposition Exhibit 1004 was marked
14 Q What document is this?	14 for identification and attached to the transcript.)
15 A This appears to be a copy of what we're	15 BY MR. PRICE:
16 calling the '213 patent.	16 Q Dr. Jeffay, I'm handing you an exhibit
17 Q Can you turn to Claim 1 of the '213	17 marked Exhibit 1004. Do you recognize this
18 patent, please.	18 document?
19 A Okay.	19 A I do.
20 Q Before I ask you that question, did you	20 Q What document is this?
21 form an opinion regarding the validity of the '213	21 A This appears to be a copy of the
22 patent?	22 declaration that I authored in support of the IPR.
10	12
1 A I did.	1 Q Did you sign your declaration?
2 Q And what is your opinion?	2 A I did.
3 A The opinion that I formed after performing	3 Q Was that on July 11th, 2018?
4 my analysis and as documented in my declaration is	4 A That's what it says on Page 173 and I
5 that the claims of the patent are invalid in light	5 believe that is the correct date.
6 of certain prior art references.	6 Q Is it your understanding that as of July
7 Q Okay. So looking at Claim 1 do you see	7 11, 2018, you were supposed to put in all of your
8 the term packet security gateway?	8 opinions that you had in this case?
9 A I do.	9 MR. BLAKE: Objection to form.
10 Q In forming your opinion on the validity of	10 A Did I understand that as of July 18th I
11 the '213 patent, did you form an opinion about the	11 was supposed to put in all of my opinions? I don't
12 meaning of the term packet security gateway?	12 know that I understand that as a requirement.
13 MR. BLAKE: Objection to form.	13 What I can say is that as of July 11th
14 A If you're asking did I offer an opinion on	14 this represents the opinions I had in this matter.
15 the construction of packet security gateway, I	15 BY MR. PRICE:
16 believe I did.	16 Q Do you have any other opinions regarding
17 BY MR. PRICE:	17 the matter that are not in the declaration?
18 Q And what is the meaning that you	18 MR. BLAKE: Objection to form.
19 A It's documented in my declaration. I	19 A I mean, I certainly have other opinions
20 don't recall the precise wording, off the top of my	
	20 related to this patent that are not expressed in
21 head.	20 related to this patent that are not expressed in 21 this report.
21 head.22 Q Can you give me the meaning of the term	

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

Conducted on	April 18, 2019
17	19
1 chronological order.	1 reference. And I think part of the reason that they
2 So if we look at Page 11, so these are	2 don't describe it in sufficient detail is because,
3 lists of papers that are published. The fifth one	3 from our perspective at the time, we were just
4 down that starts Fair Online Scheduling of a Dynamic	4 pulling together well-known principles of how you
5 Set of Tasks that was one I reviewed. If we go	5 capture, acquire, and analyze traffic for doing
6 up two from there, Better-Than-Best-Effort Service	6 various analyses.
7 for Continuous Media. Then I'm now looking on Page	7 Q Did you review any documents in
8 10. The fourth one down on Page 10: What TCP/IP	8 preparation for your testimony today?
9 Protocol Headers Can Tell Us About the Web.	9 A I did.
10 The on Page 9, the top entry:	10 Q What documents were those?
11 Multiresolution Anomaly Detection.	11 A I reviewed the declaration itself, the
12 And then on Page 8, the second from the	12 primary references that are the grounds for the
13 bottom: Passive, Streaming Inference of TCP	13 invalidity analysis that's in the declaration. I
14 Connection Structure.	14 reviewed the I'm trying to remember their formal
15 I think those were it.	15 title. We just call the board the decision
16 Q Why did you review those documents in	16 document, the decision to institute the IPR, that
17 particular in preparing your declaration?	17 decision document and the patent owner's preliminary
18 A Because when I was reading the '213 patent	18 response.
19 it impressed as really just taking elements that	19 Q Do you agree with the board's reasoning in
20 were all well-known in the art and combining them	20 the institution decision?
21 all as they were designed to be combined.	21 A I'm not passing judgment on their
22 And for much of the '213 patent myself and	22 decision. I mean, I read it. I understand the
18	20
1 my students together had actually built systems that	1 analysis. The analysis I think comports with the
2 performed a lot, if not all, of the steps of the	2 analysis that I've done. I see no flaws in it.
3 '213 patent. And so I was just simply reviewing the	3 Q Okay. I'd like to turn back to claim
4 various behind each of the papers that I	4 construction.
5 mentioned was a particular system that was built to	5 A Sure.
6 acquire and analyze and process network traffic in	6 Q So I'm going to be referring to the '213
7 real time. And I just wanted to go back and review	7 patent again.
8 what we had actually disclosed about the systems	8 A Okay.
9 that we built.	9 Q In forming your opinion on validity of the
10 Most of these papers talk about the	10 '213 patent did you construe the term packet
11 results of having used those systems and I just	11 security gateway?
12 wanted to see to what extent had we documented the	12 A I did offer an opinion on packet security
13 actual traffic acquisition and processing system	13 gateway.
14 that underlie that research.	14 Q And what is that opinion?
15 Q Is there a reason that you didn't cite any	15 A I believe the opinion I offered is
16 of these documents in your obviousness analysis?	16 documented in Paragraph 113 of my declaration that
17 A The documents I'm not alleging that	17 the packets here to gateway includes any computing
18 the documents themselves talk about, as I say, the	18 device configured to receive packets and perform a
19 results of having used a system that's similar to	19 packet transformation function on the packets.
20 the '213 patent. The documents don't describe the	20 Q Is that the construction that you applied
21 system in sufficient detail to claim that it's prior	21 while performing your analysis of the '213 patent?
22 art and or that it's, you know, an invalidating	22 A So that was the construction that I came

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

	April 18, 2019
251 include any rule, message, instruction, file, data	27 1 BY MR. PRICE:
2 structure, or the like, that specifies criteria	2 Q Is it your understanding that a rule is
3 corresponding to one or more packets and identifies	3 part of a dynamic security policy?
4 a packet transformation function to be performed on	4 MR. BLAKE: Objection to form.
5 packets corresponding to the specified criteria.	5 A You'd have to give me an example of a
6 Q Can you tell me what you mean by the term	6 rule. I mean, this construction doesn't say it
7 include in that sentence that you just read?	7 says any rule that satisfies; so a rule that
8 A I'm sorry. I don't know how to include	8 satisfies that specifies criteria corresponding
9 is such a basic word. I don't know how to I	9 to one or more packets and identifies a packet
10 can't think of a good synonym to use, off the top of	10 transformation function to be determined on packets
11 my head. But I don't think I'm giving include any	11 corresponding to the specified criteria, that could
12 unusual meaning.	12 be a dynamic security policy.
13 Q When you use the word include there, did	13 BY MR. PRICE:
14 you mean that the dynamic security policy could	14 Q So your opinion is a single rule could be
15 contain a rule, a message, an instruction, et	15 considered a dynamic security policy so long as it
16 cetera, or did you mean that include did you use	16 specifies criteria corresponding to one or more
17 the word include to mean that a rule is equivalent	17 packets and identifies a packet transformation
18 to a dynamic security policy?	18 function?
19 MR. BLAKE: Just a second. Give me a	19 MR. BLAKE: Objection to form.
20 chance to look at the question.	20 A If a rule satisfies the constraints
21 Objection. Form.	21 satisfies this construction, that rule can be a
22 A So, I mean, this is a this list is a	22 dynamic security that rule can be a part of a
26 1 conjunct sorry it's a disjunct. So a rule	28 1 dynamic security policy.
2 that specifies criteria corresponding to one or more	2 BY MR. PRICE:
3 packets and identifies a packet transformation	3 Q Is it your opinion that the rule itself
4 function to be performed on packets corresponding to	4 can be considered the dynamic security policy?
5 the specified criteria, that could be a dynamic	5 MR. BLAKE: Objection to form.
6 security policy.	6 A I'm sorry. When you said the rule, what
7 BY MR. PRICE:	7 rule were you referring to?
8 Q So it's your opinion that the rules,	8 BY MR. PRICE:
9 messages, instructions, files, data structures that	9 Q So your answer was that if a rule
10 are in the sentence are can be considered	10 satisfies this construction that rule can be a
11 examples of a dynamic security policy?	11 dynamic security, and then you said that rule can be
12 MR. BLAKE: Objection to form.	12 part of a dynamic security policy.
13 A So when you said the rules, messages	13 So my question is about that rule that you
14 there are no specific rules, messages, instruction	14 were referring to. The question is: Is the rule
15 or data structures in this construction, this is	15 I'm sorry. Withdrawn.
16 just simply saying that the policy can include a	16 Can the rule itself be considered the
17 rule, a message, an instruction, a file or a data	17 dynamic security policy, or is it should it be
18 structure that satisfies the terminal part of the	18 considered part of a dynamic security policy?
19 construction, which is that it specifies criteria	19 MR. BLAKE: Objection to form.
20 corresponding to one or more packets and identifies	20 A I mean, I think it depends on the policy.
21 a packet transformation function to be performed on	21 BY MR. PRICE:
22 packets corresponding to the specified criteria.	22 Q How about the dynamic security policy

29 31		
1 that's recited in Claim 1 of the '213 patent?	1 somewhat ill-formed.	
2 MR. BLAKE: Objection to form.	2 BY MR. PRICE:	
3 A I'm not sure I understand your question.	3 Q Is it true that in your declaration you	
4 BY MR. PRICE:	4 ascribed a meaning to the term dynamic?	
5 Q Do you see that Claim 1 recites a dynamic	5 MR. BLAKE: Objection to form.	
6 security policy that comprises at least one rule?	6 A To the term dynamic? I don't believe I	
7 A I see that.	7 did.	
8 Q Is it your opinion that the rule in Claim	8 BY MR. PRICE:	
9 1 is part of the dynamic security policy, or that	9 Q Turn to Paragraph 106, please, of your	
10 the rule is the dynamic security policy itself?	10 declaration.	
11 MR. BLAKE: Objection to form.	11 A I'm there.	
12 A I don't know what distinction you're	12 Q So you say: In my opinion in the context	
13 trying to make here. I mean, the dynamic security	13 of the '213 patent, a dynamic security policy is not	
14 policy of Claim 1 comprises at least one rule. I	14 limited to a nonstatic set of rules and may be	
15 think the way a person of skill in the art would	15 updated dynamically, for example, automatically, or	
16 interpret this was that if it was comprised of only	16 statically, for example, manually.	
17 one rule, that would be a security policy comprised	17 A I see that.	
18 of that one rule.	18 Q What did you mean by the term sorry.	
19 BY MR. PRICE:	19 Withdrawn.	
20 Q What is the significance of the word	20 Why did you ascribe the meaning	
21 dynamic in the term dynamic security policy?	21 automatically to the word dynamically in this	
22 MR. BLAKE: Objection to form.	22 sentence?	
-		
30	32	
A I think that is well, let me I don't	A I don't believe I did that. Automatically	
1 A I think that is well, let me I don't	1 A I don't believe I did that. Automatically	
1 A I think that is well, let me I don't 2 think the inventors ascribe any special meaning to	1 A I don't believe I did that. Automatically 2 is just given as an example. I'm not I'm not	
 A I think that is well, let me I don't think the inventors ascribe any special meaning to the word dynamic. Dynamic security policy, I think, 	 A I don't believe I did that. Automatically is just given as an example. I'm not I'm not giving a definition of dynamic here. I'm not I'm 	
 A I think that is well, let me I don't think the inventors ascribe any special meaning to the word dynamic. Dynamic security policy, I think, is essentially treated in the patent as an atom. 	 A I don't believe I did that. Automatically is just given as an example. I'm not I'm not giving a definition of dynamic here. I'm not I'm just simply explaining in the context of the patent 	
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33	35
1 distinction about the word dynamic.	1 able to encompass – one's construction of dynamic
2 BY MR. PRICE:	2 security policy has to be able to encompass what's
3 Q Is it true that you drew a distinction	3 being described here in Column 14, otherwise, it's
4 between the way that rules may be updated in the	4 going to be reading out embodiments of – of the
	5 invention.
	6 Q Is your understanding of the phrase
6 MR. BLAKE: Objection to form.	
7 A I guess all I'm saying is that I'm just	
8 giving examples of how what the patent teaches	8 whether the set of rules is updated automatically or
9 about how rules may be updated, that these are two	9 manually?
10 means in which by which rules can be updated as	10 MR. BLAKE: Objection to form.
11 described in the patent.	11 A Can you just ask that again.
12 BY MR. PRICE:	12 BY MR. PRICE:
13 Q Right. I'm trying to understand what this	13 Q Is your understanding of the phrase
14 sentence means. So is it your opinion that a	14 nonstatic based on whether the set of rules is
15 security policy whose rules are updated manually is	15 updated automatically or manually?
16 a static set of rules?	16 MR. BLAKE: Same objection.
17 MR. BLAKE: Objection to form. Asked and	17 A No.
18 answered.	18 BY MR. PRICE:
19 A That opinion is not being offered here.	19 Q So why is it your opinion that this
20 That's not what this sentence says.	20 dynamic security policy of the '213 patent is not
21 BY MR. PRICE:	21 limited to a nonstatic set of rules?
22 Q So what about the '213 patent supports	22 A Because, as I say, they're embodiments
34	36
1 your opinion that a dynamic security policy is not	1 that are disclosed in the specification where the
 your opinion that a dynamic security policy is not limited to a nonstatic set of rules? 	 that are disclosed in the specification where the rules are created or updated - I forget the
 your opinion that a dynamic security policy is not limited to a nonstatic set of rules? A So the packages that I cite here, for 	 that are disclosed in the specification where the rules are created or updated I forget the phrasing, the exact terms that they use that can
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	April 18, 2019
37	39
1 are changed or altered manually a static set of	1 of the declaration. Sorry.
2 rules or a nonstatic set of rules, in your opinion?	2 The actual opinion is in Paragraph 110.
3 MR. BLAKE: Objection to form.	3 And the opinion that I offered was that – that the
4 A I mean, I don't think there's enough I	4 rule is at least part of a dynamic security policy
5 don't think you can answer that question. I mean,	5 that specifies criteria and in one or more packet
6 your it may or it may not be.	6 transformation functions that should be performed
7 BY MR. PRICE:	7 for packets associated with the specified criteria.
8 Q Dr. Jeffay, I'm just asking you what you	8 Q And just for clarification, this quote
9 mean by the one sentence in this paragraph and you	9 here specifies criteria in one or more packet
10 can't explain to me what you mean by the sentence in	10 transformation functions, that refers to the term
11 your paragraph. How can I trust anything else	11 rule or it refers to the term dynamic security
12 that's in this declaration?	
	12 policy?
13 MR. BLAKE: Objection to form.	13 A That's referring to rule.
14 A You can trust what's in this declaration	14 Q Can you turn to Paragraph 109, please.
15 because I think it's clearly written. I have	15 A Okay.
16 answered. I've told you what this sentence means.	16 Q So in Paragraph 109 you seem to make a
17 You are asking questions that are not related to	17 distinction between condition and specified
18 what this sentence says and you're coming up with	18 criteria; is that correct?
19 examples that are not described or listed in this	19 MR. BLAKE: Objection to form.
20 sentence.	20 A Yes.
21 BY MR. PRICE:	21 BY MR. PRICE:
22 Q Dr. Jeffay, I'm asking questions	22 Q In your opinion, is there a meaningful
38	40
1 specifically about the words that you used to come	1 difference between condition and specified criteria?
2 to your opinion on what the meaning of dynamic	2 A I think the problem that I have with
3 security policy is; is that correct or not?	3 condition is that it's not a term that's used in the
4 A You are you are using the words in	4 patent to describe a rule. And a condition without
5 context and phrases that I did not use them and	5 a more definite context is a very vague term.
6 you're asking me to take words in here, changing the	6 Whereas, the disclosures in the patent
7 words, changing the orders, changing the meanings,	7 about the rule about rules are much more
8 and asking me if that's my opinion. And to the	8 specific. So I guess my belief is that a condition
	 9 is not – the phrase condition or set of conditions,
9 extent I've understood your questions, I've told you 10 whether or not that's my opinion.	10 I think, is – a person of skill in the art would
• •	
11 Q Referring to Claim 1 of the '213 patent,	11 understand. It's not a helpful construction,
12 did you see the term rule?	12 because it's just going to beg the question of what
13 MR. BLAKE: Anywhere in the patent?	13 is a condition.
14 MR. PRICE: Claim 1.	14 Q And that's made more clear with reference
15 A Yes.	15 to specified criteria?
16 BY MR. PRICE:	16 A Yes, specified criteria I think is clear.
17 Q In forming your opinion regarding the	17 Q Also, in Paragraph 109 you appear to draw
18 validity of the '213 patent did you form an opinion	18 a distinction between the phrases causes a specific
19 about the meaning of the term rule?	19 action to occur and the phrase functions or actions
20 A I did.	20 that should be performed on packets associated with
21 Q And what is that opinion?	21 the specified criteria; is that correct?
22 A The opinion is expressed in Paragraph 108	22 A I don't know that I'm so cleanly

Conducted on	April 18, 2019
41	43
1 associating those two phrases. I think, again, what	
2 I'm basically just trying to point out is that,	2 MR. BLAKE: Objection to form.
3 again, it's really related to a condition that	3 A So I address that issue in my declaration
4 there's no discussion in the patent of a condition,	4 that on the one hand there are – when one is trying
5 whatever that means, causing a specific action to	5 to specifically delineate between all of the layers
6 occur. And what the patent really teaches is that	6 of a traditional protocol stack, there is accepted
7 it specifies it specifies functions that are	7 phraseology that gets used to describe the protocol
8 performed on packets that are associated with	8 data unit at a particular layer.
9 specific criteria.	9 As I also describe in the declaration, it
10 So it's a much more – the patent is just	10 is for better or worse common that people are less
11 much more definite than I think this – than this	11 than precise with the names that they use to
12 fairly vague statement that was – construction that	
13 was offered in the Keysight litigation.	13 of a protocol stack. And, for better or worse,
14 Q Okay. Let's refer back to Claim 1 again.	14 packet is a term that is commonly used to describe
15 A Okay.	15 all of the protocol data units at all layers of a
16 Q Do you see the term application-layer	16 protocol stack.
17 packet-header information?	17 BY MR. PRICE:
18 A Yes.	18 Q Where do you discuss that in your
19 Q In forming your opinion regarding the	19 declaration?
20 validity of the '213 patent did you form an opinion	20 A That is discussed starting in Paragraph
21 about the meaning of the term application-layer	21 52.
22 packet-header information?	22 Q So in Paragraph 53 you wrote: Given this
42	44
1 A I did.	1 informal use of the word packet, one must always use
2 Q And what is that meaning?	2 the context in which the word appears to understand
3 A I just believe that that would have the	3 exactly which type of transmission unit is being
4 plain and ordinary meaning as understood by a person	4 referred to.
5 of ordinary skill in the art.	5 Is that correct?
6 Q What is the plain and ordinary meaning?	6 A That is what is written in Paragraph 53.
7 A This is such a simple term that I don't	7 Q Do you understand the term packet to be
8 know how to describe it other than it's so the	8 used in the claims of the '213 patent?
9 what is an application layer is well understood in	9 A Do I understand the word packet to be
10 terms of a traditional protocol stack. It's the	10 used? Yes.
11 highest layer in a protocol stack. And	11 Q And in the context of the claims of the
12 application-layer protocols, like all protocols,	12 '213 patent which type of transmission unit is being
13 have headers. And so it would be	13 referred to?
14 application-layer packet-header information would be	14 MR. BLAKE: Objection to form.
15 information from the header of an application-layer	15 A I think it's being used – it's – it's
16 packet.	16 used it has there's multiple interpretations
17 Q What is an application-layer packet?	17 of packet, as it's used throughout the claim.
18 MR. BLAKE: Objection to form.	18 BY MR. PRICE:
19 A It depends on the application.	19 Q Is that your full answer?
20 BY MR. PRICE:	20 A Yes.
21 Q Is there a difference between an	21 Q What are the multiple interpretations used
22 application-layer packet and an application-layer	22 throughout the claim?

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

Conducted on	April 18, 2019
49	51
1 A I did.	1 research collaboration with Cloudshield
2 Q What is that meaning? 2 A That is approximate the ultimate	2 Technologies; correct?
3 A That is expressed in – the ultimate	3 A Yes.
4 opinion is expressed in Paragraph 120 of the 5 dealeration where I say that it refers to an action	4 Q You also use the term deep packet
5 declaration where I say that it refers to an action6 taken on a packet.	 5 inspection. What does that term mean? 6 A At the time that was I think that was a
 6 taken on a packet. 7 Q I have one more question about the terms 	
8 in Claim 1. In Claim 1 do you see the term packet	7 marketing term basically used to refer to hardware8 devices that were capable of parsing into a received
9 digest logging function?	
10 A Yes.	9 frame to higher layers of the protocol stack and do 10 this in real time so that you could parse into a
11 Q In informing your opinion regarding the	11 packet, do some processing, some couple-thousand
12 validity of the '213 patent did you form an opinion	12 instructions, and then either forward the packet or
13 about meanings of the term packet digest logging	13 quarantine it or something, but do all of this at
14 function?	-
15 A I did.	14 line speeds, meaning that you could do all of 15 this I'm sorry deep packet inspection just
16 Q And what is that opinion?	16 means that you're parsing into it. But the
17 A For packet digest logging function I	17 assumption was that you could do this in real time.
18 believe that that would just be understood by a	18 So you could do all of this on a packet before the
19 person of ordinary skill in the art according to its	19 next packet arrives.
20 plain and ordinary meaning.	20 Q You mentioned that it was implemented in
21 Q What is the plain and ordinary meaning?	21 hardware; is that correct?
22 A Again, I'm not good at coming up with	22 A The Cloudshield device, yes.
50	52
1 precise definitions on the fly, but generally a	1 Q Why was it implemented in hardware?
2 person of skill in the art would understand that	A Why was it implemented in hardware? That
3 it's a – it's the function of logging some digest	3 was their business. They believed that hardware
4 of that's of the packet.	4 solutions were better than software solutions, and
5 Q What is a digest of a packet?	5 they ultimately are not around today. But that's
6 A A digest would be understood according to	6 what their secret sauce was.
7 the plain, ordinary meanings. Again, I'm not good	7 At this point in history there were these
8 at coming up with precise definitions on the fly,	8 things called network processors that were all the
9 but generally a person of skill in the art would	9 rage. And they had they had a particular network
10 understand that it's some excerpts or a	10 processor that they built their device around.
11 summarization of the packet.	11 Q Why did the industry move away from
12 MR. PRICE: I think this is a pretty good	12 hardware-based deep packet inspection?
13 time for a break.	13 A I don't know that they actually did. I
14 MR. BLAKE: Okay. Let's do it.	14 mean, all devices that I know of typically have some
15 (Recess taken from 10:36 a.m. to 10:53	15 nontraditional network interface; so I think to be
16 a.m.)	16 effective in the space everybody has some sort of
17 BY MR. PRICE:	17 hardware assist. This was just a particularly
18 Q Dr. Jeffay, can you please turn to	18 all-hardware solution.
19 Paragraph 6 of your declaration.	19 Q Are there trade-offs between hardware
20 A Sure.	20 solutions and software solutions for performing deep
21 Okay. I'm there.	21 packet inspection?
22 Q In this paragraph you talk about a	22 A Are you talking about in 2003?
	TDEDOG

Conducted on	ripin 10, 2019
53	55
1 Q Just in general.	1 Q How did you put yourself in the position
2 A Well, I mean, the issue with trade-offs is	2 of a person of ordinary skill in the art in the 2014
3 trade-offs fundamentally are a function of time. As	3 time frame?
4 you know, technology evolves; so if I mean, I	4 MR. BLAKE: Objection to form.
5 have some recollection of what it was like in 2003;	5 A Well, I work with people who are in
6 so I can	6 2014 I have a networking lab and had the lab in
7 Q Sure. I was talking about 2003.	7 2014. And in 2014 I had graduate students who were
8 A In 2003 the dominant approach, I think,	8 working in the lab and several of them would qualify
9 was hardware-based solutions. And the issue was	9 as persons of ordinary skill in the art according to
10 that at that time you had gigabits network and ten	10 the definition that's stated in Paragraph 23.
11 gigabit was on the horizon. And the industry felt	11 And generally, I mean, I spent a lot of
12 that software there was a big push, as I say,	12 time I train people who become persons of
13 towards these devices that were called network	13 ordinary skill in the art and I have lots of
14 network processors. And so in the early 2000s	14 interactions with people who are persons of ordinary
15 people were making the trade-off to go to more of a	15 skill in the art.
16 hardware-based solution.	16 And so, as I say, specifically in 2014 I
17 Q What is your understanding of the term	17 had persons of ordinary skill in the art working in
18 person of ordinary skill in the art?	18 my lab.
19 A That that is this hypothetical individual	19 BY MR. PRICE:
20 to whom the teachings of a patent are directed to.	20 Q Do you consider yourself a person of
21 Q You state in Paragraph 24 of your	21 extraordinary skill in the art?
22 declaration that you have sufficient level of	22 MR. BLAKE: Objection to form.
54	
1 knowledge, experience, and expertise	1 A I mean, I have more skill than what is
 knowledge, experience, and expertise A Can you just give me a chance to get 	1 A I mean, I have more skill than what is 2 required for a person of ordinary skill in the art,
 knowledge, experience, and expertise A Can you just give me a chance to get there. 	 A I mean, I have more skill than what is required for a person of ordinary skill in the art, but, nonetheless, I'm able to appreciate the
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 knowledge, experience, and expertise A Can you just give me a chance to get there. Q Sure. A Okay. Thank you. Q You have a in Paragraph 24 you state that you have a sufficient level of knowledge, experience, and expertise to provide an expert opinion in the field of the '213 patent; correct? A Correct. Q Is your expert opinion given from your perspective? MR. BLAKE: Objection to form. A If you're talking about the opinions that I'm offering in this declaration, these are the opinions the opinions that I'm how can I say this? The opinions that I'm stating here are based 	 A I mean, I have more skill than what is required for a person of ordinary skill in the art, but, nonetheless, I'm able to appreciate the background and knowledge that a person of ordinary skill in the art would have. BY MR. PRICE: Q How did you ensure that the fact that you have more skill than what's required for a person of ordinary skill in the art did not color your analysis? MR. BLAKE: Objection to form. A Well, as I say, I know I know specific people who were persons of ordinary skill in the art t at the time frame and I interacted with them on a weekly basis. And so I have a sense of I remember the things they did. I remember the things Ko, I mean, I use my experience and knowledge to drive my understanding of what what
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Conducted on	April 18, 2019
57	59
1 educational background, I'm part of the cohort of	1 using here.
2 people that give them this educational background;	2 I mean, I just tried to make sure that
3 so I know the types of things they would have been	3 everything that I was considering was at or before
4 exposed to in courses. I work with people in	4 the 2014 date.
5 companies and I know the types of things they're	5 BY MR. PRICE:
6 exposed to in the early years of their career, for	6 Q How did you determine the level of skill
7 example, as a networking professional.	7 that a person of ordinary skill in the art had as of
8 So with that background and experience I	8 April 2014?
9 have, I think I'm capable of opining on what a	9 A Well, I read I read the patent and the
10 person of ordinary skill in the art would know and	10 claims and tried to understand the technology that
11 what they would understand.	11 they were directed to and then, given my experience
12 BY MR. PRICE:	12 working in this area for several decades, came up
13 Q Did you take any steps to ensure that	13 with what I think is the appropriate level of skill.
14 hindsight did not cover your color your analysis?	14 As I say, I've trained these people who've
15 MR. BLAKE: Objection to form.	15 gone off into into industry. And I have a sense
16 A I mean, I wouldn't say I took any	16 of what they can do one year out, two years out,
17 affirmative steps. I mean, I didn't I certainly	17 three years out. I keep in touch with many, many
18 didn't do things like, you know, look at systems and	18 students.
19 references, papers, technical papers that were after	19 So based on that background and knowledge
20 the the 2014 date. So I made sure that	20 and experience that's how I came up with this
21 everything I was considering was no later than 2014.	21 statement of level of skill.
22 BY MR. PRICE:	22 (Jeffay Deposition Exhibit 1012 was marked
58	60
1 Q Your opinion that the claims in the '213	1 for identification and attached to the transcript.)
2 patent are obvious is based on the combination of a	2 BY MR. PRICE:
3 number of references; is that correct?	3 Q Handing you a document marked 1012. Do
4 A Yes.	4 you recognize this document?
5 Q Did you take any steps to ensure that	5 A I do.
6 hindsight did not color your analysis as to whether	6 Q What document is this?
7 or not it would have been obvious to combine the	7 A This is the reference that's referred to
8 various references?	8 in my declaration as Narayanaswamy.
9 MR. BLAKE: Objection to form. Asked and	9 Q Can you turn to Paragraph 148 of your
10 answered.	10 declaration.
11 A Well, I mean, generally I'm not sure what	11 A Okay.
12 you mean when you say take steps. I mean, if you	12 Q Do you see where you write that
13 don't do something, did you take a step not to do	13 Narayanaswamy teaches a system for dynamic policy
14 something?	14 provisioning of network intrusion
15 So, I mean, as I say, I didn't I	15 detection/prevention or IDP devices?
16 purposely did not go beyond anything in the 2014	16 A Yes.
	17 Q What is an IDP device?
18 trajectory was of these technologies. You know, I	18 A IDP is an acronym that's coined by – I
	21 Q So IDP device is a is not a term of
•••••••••••••••••••••••••••••••••••••••	
 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 	 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.

61 1 that	63 1 MR. BLAKE: Objection to form.
2 MR. BLAKE: Objection to form.	2 A Yeah, I think at a high level. I think
3 A I don't know if it's a term of art or not.	3 if if someone asked me that question in 2014, is
4 I believe within the context of Narayanaswamy	4 there a difference, I would say maybe. It's going
5 they're just using IDP for them as shorthand for	5 to depend on the intrusion detection device and it's
6 their intrusion detection/prevention device. 7 BY MR. PRICE:	
	9 I would characterize as Swiss Army knives, meaning
10 MR. BLAKE: Objection to form.	10 they had lots of features and lots of capabilities.
11 A Sure. Some form of that is certainly a	11 And so I'm sure there were firewalls that were
12 term of art.	12 capable of acting as intrusion detection/prevention
13 BY MR. PRICE:	13 devices and there were intrusion
14 Q What would a person of ordinary skill in	14 detection/prevention devices that people would
15 the art understand an intrusion detection device to	15 consider a firewall.
16 be?	16 So I don't think you can say anything
17 A It's not so much a technical term as I	17 definite, one way or another, just given the term
18 think it is a marketing term, in the sense that it's	18 intrusion detection/prevention device and firewall.
19 a label that gets put on products. And generally	19 BY MR. PRICE:
20 these are products that are used to analyze network	20 Q How about the difference between an
21 traffic and determine if what's referred to as an	21 intrusion detection device and an intrusion
22 intrusion, which is really some you know, some	22 prevention device?
62 1 malicious use of the network or some network attack	64 A I think it's going to be the same answer.
	1 A I think it's going to be the same answer.
1 malicious use of the network or some network attack	 A I think it's going to be the same answer. 2 You know, to understand the extent to which there's
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1 Narayanaswamy is doing here in Paragraph 48 when he 1 session - sorry - session initiation protocol. 2 lake about the classifier module classifying a 1 session - sorry - session initiation protocol. 3 packet as belonging to a particular flow? 1 headers, and Payload. And they basically are saying the set as the interthoof of classification is really 6 Paragraph 48 would be considered an example of packet classification is celly. 5 quite - quite general. You can classify 7 packet classification. 5 quite - quite general. You can classify 7 packet classification. 8 Q What is packet classification used for in 8 P What docs Narayanaswamy end by belonging 9 Narayanaswamy? 10 M.R. BLAKE: Objection to form. 11 A Well, it gives several examples of 12 classifying flow. The one that's disclosed in 13 it is to identify malicious traffic, to 13 Paragraph 48 is classifying packets based on what 13 it is to identify malicious traffic, to 14 provide some notion of quality service. So it's a 15 Commonly known as a flow-featured tuple and 14 provide some notion of quality service. So it's a 16 Backets against a five-featured tuple and <td< th=""><th>Conducted on</th><th></th></td<>	Conducted on	
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20 additional criteria.20 A If you look at if you start, for21 In this case this is application-layer21 example, with Paragraph 47, that talks about this22 information and they give examples of like a SIP,20 System resource monitor and this table management		-
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22 information and they give examples of like a SIP, 22 system resource monitor and this table management		

69	
1 module. Classification is ultimately works in	1 application of a policy.
2 conjunction with this entity that Narayanaswamy	2 So the classifier has knowledge of
3 calls a flow table. And the idea is that this table	3 policies, as I explained. And it's classifying –
4 management module is the thing that populates the	4 one of the things it can do as part of the
5 flow table to sort of specify the criteria that's	5 classification is, as I say, associate the
6 going to drive the classification. And the table	6 application – the packets of that application with
7 management module is as disclosed in Paragraph	7 a particular policy. And that's the policy that's
8 47, can update the flow table to based on	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?
10 in the application of policies.So the policies affect the criteria in the	11 A That it's doing a first-level processing
11 So the policies affect the criteria in the 12 flow table which affects classifications; so	12 of the packets by – through the classification.
	13 Essentially it's a two-step. You classify and then
13 there's as I say, the policies affect the	
14 policies of Narayanaswamy affect both classification	14 you service, to use the verbs that Narayanaswamy
 15 and the ultimate processing of the packets. 16 Q So in Paragraph 50 Narayanaswamy 	15 uses.16QCan you explain to me your earlier
17 describes: Based on respective classifications, 18 classifier module	17 testimony where it says the policies affect the 18 classification of the packets. Are you talking
19 A If you could just slow down a second and I	19 about policies 32?
20 can find it. Unfortunately these lines aren't	20 MR. BLAKE: Objection to form.
21 numbered.	21 A Yes. If you look at figure – I guess
22 Q It's about halfway down.	22 it's the figure on the front. I think it's Figure
1 A Based on these respective – okay. I'm	72 1 2. So it's a little hard to see the flows here,
2 with you Cot it Comm. Thends one for that	
2 with you. Got it. Sorry. Thank you for that.	2 because every arrow is a doubled-headed arrow. But
2 with you. Got it. Sorry. Thank you for that. 3 Q No problem.	 2 because every arrow is a doubled-headed arrow. But 3 what's described in essentially in Paragraphs 47,
3 Q No problem.	3 what's described in essentially in Paragraphs 47,
 3 Q No problem. 4 So Narayanaswamy says that based on these 	 3 what's described in essentially in Paragraphs 47, 4 48, 49, and every 47 through 50 is that
 3 Q No problem. 4 So Narayanaswamy says that based on these 5 respective classifications, classifier module may 	 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
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Conducted on	April 18, 2019
73 1 I've described the process. If there was some	75 1 certainly says that the flow and entry in the flow
 a spect of that description that wasn't clear, I'm 	2 table is called a flow entry and a flow entry can,
3 happy to clear it up.	3 in the example here, include a five-tuple and then a
4 Q In what ways do the policies inform the	4 reference to one of the policies 32.
5 classification process?	5 BY MR. PRICE:
6 MR. BLAKE: Objection to form. Asked and	6 Q Is there another use that the classifier
7 answered.	7 module makes of the flow table?
8 A We've covered this. It's described in	8 MR. BLAKE: Objection to form.
9 Paragraph 47 that the so Paragraph 49 talks	9 A I think it – I don't know what you mean
10 about at least Paragraph 49 talks about how the	10 when you say another use of the flow table.
11 classifier operates with the with the flow table	11 I mean, the classifier uses the flow table
12 to do its classification. The flow table is	12 to classify flows. I think the way I – I think a
13 operated on also by the table management module.	13 person of skill understands what's being disclosed
14 The table management module uses will do updates	14 here is a particular example of use of the flow
15 of the flow table, as it says in 47, to reflect	15 table. I think other examples are disclosed, for
16 changes in the application of policies 32. So	16 example, in Paragraph 50 where instead of
17 policies 32 affect the flow management table which	17 classifying based on five-tuple you're now
18 affects the flow table which affects classification.	18 classifying on application-layer information.
19 BY MR. PRICE:	19 BY MR. PRICE:
20 Q So the way I read Paragraph 49 is that the	20 Q So I think I'm hung up here because I
21 classifier refers to the flow table in order to	21 don't see where it's disclosed in Narayanaswamy that
22 choose which policies to apply for a tagged packet.	22 the classifier uses the flow table to classify
74	76
1 Is there some other disclosure in Narayanaswamy that	1 flows. Can you point me to where that's disclosed
2 I'm missing here?	2 in Narayanaswamy.
3 MR. BLAKE: Objection to form. Asked and	3 A Perhaps we're getting hung up on just what
4 answered.	4 it means to classify. I mean, it's I think the
5 A I'm sorry. I didn't understand your	5 way so I will mention that what's described here
6 question.	6 is very to a person of ordinary skill in the art
7 BY MR. PRICE:	7 is – I think is very clear and it's very common
8 Q What didn't you understand about the	8 that the notion of a flow table is a very common
9 question?	9 entity and it's a thing that stores data that's used
10 A You were saying that the classifier is	10 to classify.
11 operating on tagged packets?	11 So what a person of skill understands is
12 Q No, I didn't say that.	12 that when a packet arrives you extract information
 A Then I misheard your question. Q Okay. So my understanding of Paragraph 49 	13 from the packet and look to see if that information 14 matches an entry in your flow table. And if it
15 is that the classifier accesses the flow table to	15 does, then you classify it according to that entry
16 determine which of policies 32 apply to each of the	16 in the flow table.
17 packets of incoming traffic; is that correct?	17 Q Can you turn to Paragraph 30 of
18 MR. BLAKE: Objection to form.	18 Narayanaswamy.
19 A So the flow table – a flow – so this is	19 A Okay.
20 giving – so this is an example of a use of the flow	20 Q The first sentence there says: IDP device
21 table in Paragraph 49, and there's other examples.	21 4 may identify the packet flows in the monitored
22 And in the example that's disclosed here it	22 traffic, and transparently reassembles

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

22 way that's assessed is by monitoring things --

Conducted on	April 18, 2019
81	83
1 disclosed.	1 specific parameters, such as disclosed in Paragraph
2 A Well, I don't know that it's disclosed	2 35.
3 discretely at one location, but let me see if I can	3 Then it talks about calculations that it's
4 find a reasonable example.	4 going to do based on those parameters in 36. And
5 So in Paragraph 36 it's describing part of	5 then that ultimately is going to drive that's an
6 the process where it says that IDP is going to	6 example of something that would drive a what it
7 perform some calculations based on parameters and	7 calls the first class of policy, which is
8 use this to indicate to come up with some	8 essentially setting this what ultimately is
9 indication of the condition of the network and	9 referred to in Paragraph 41 as the system alert
10 then and compute some statistics off of these.	10 level.
11 It talks about things like weighted parameters and a	11 MR. PRICE: This might actually be a good
12 weighted average. So that's what drives the	12 time to break for lunch if we if it's ready.
13 alert ultimately what drives the alert level.	13 MR. BLAKE: That's fine by me.
14 And then as examples of the parameters it	14 (Recess taken from 11:49 a.m. to 12:36
15 talks about very general sorts of things I lost	15 p.m.)
16 it such as I think it was so in Paragraph	16 BY MR. PRICE:
17 35 in the middle it talks about monitoring	17 Q Dr. Jeffay, I'm going to hand you a new
18 parameters corresponding to utilization of one or	18 document, not new to you. This document has been
19 more internal resources of the device.	19 labeled Exhibit 1013.
20 So this could be things like the CPU	20 (Jeffay Deposition Exhibit 1013 was marked
21 utilization, how much work is the IDP device having	21 for identification and attached to the transcript.)
22 to do to process traffic, is it keeping up with	22 BY MR. PRICE:
82	84
1 traffic as measured by, for example, its queue	1 Q Do you recognize this document?
2 depth. If it's not keeping up, obviously it's going	2 A I do.
3 to build up a queue. How much memory is being	3 Q And what document is this?
4 consumed.	4 A This appears to be a copy of the patent
5 And then these are also indications of the	5 application that we've been calling the Kapoor
6 network conditions, which it talks about generally	6 reference.
7 in Paragraph 34, about five, six lines into it,	7 Q What does Kapoor disclose?
8 where it says: To this end, IDP device may monitor	8 MR. BLAKE: Objection to form.
9 private network 6 to determine a condition of	9 A A lot. It's basically a traffic analysis
10 network, e.g., a high, normal or low network	10 utility that it calls a flow processing facility
11 congestion level.	11 that's going to sit between elements of an
12 Which a person of ordinary skill in the	12 enterprise network and the Internet and do all kinds
13 art would understand that's related to, for example,	13 of flow processing on the traffic that transits the
14 monitoring the queue depth that congestion	14 facility.
15 fundamentally the queue is built up at devices like	15 BY MR. PRICE:
16 IDPs.	16 Q What do you, and with respect to Kapoor,
17 So what it's basically teaching is that	17 mean by flow processing?
18 and this is just one example is that something like	18 A I think Kapoor is in its term flow
19 congestion can drive, you know, an alert level. It	19 processing facility I think it's using flow in just
20 has resources and parameters that it measures. At a	20 a very generic sense to refer to network traffic.
21 high level there are things like congestion and the	21 So it's a network traffic processing facility.

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And what is data flow?

Q

	F
MR. BLAKE: Objection to form.	MR. BLAKE: Objection to form.
2 A A data flow? Can you give me some	2 A Kapoor is very long and I believe that
3 context.	3 yeah, Kapoor has disclosures of classification of
4 BY MR. PRICE:	4 flows.
5 Q In the context of Kapoor.	5 BY MR. PRICE:
6 MR. BLAKE: Same objection.	6 Q Can you turn to Paragraph 153 of your
7 A I don't recall if they actually define the	7 declaration.
8 term.	8 A Okay.
9 I don't know that they uniquely define it.	9 Q So there are a number of terms that you
10 I think it's at least a data flow is referring to a	10 use here in the second sentence that you're actually
11 flow of packets that the facility will examine.	11 quoting from Kapoor and that I'm going to ask you
12 BY MR. PRICE:	12 about now.
13 Q I believe with respect to Narayanaswamy	13 A Okay.
14 you said that the a flow means the packets are	14 Q What does Kapoor mean by the term applying
15 related in some way; is that correct?	15 content matching?
16 A In the passage we were looking at a	16 A Kapoor, by content matching, just simply
17 specific passage for Narayanaswamy. And in that	17 means that it is matching items that are found in
18 particular passage that was with regard to	18 network packets to against I'll use the term
19 classification they were talking about various	19 database. Kapoor doesn't use the term database; so
20 they had various conceptions of a flow in	20 I'm just using that just for purposes of
21 Narayanaswamy. So Narayanaswamy is, I think, a	21 communicating what it means.
22 little more intentional about how it's treating the	22 Essentially, along a registry of known
86	88
1 term flow and it certainly discloses several	1 patterns; so you're doing a form of pattern
 term flow and it certainly discloses several specific types of or examples of what would 	
 term flow and it certainly discloses several specific types of or examples of what would constitute a flow. 	 patterns; so you're doing a form of pattern matching. You're seeing if a particular data item matches something that's in your registry.
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	April 10, 2019
89 1 intelligence technique for doing pattern	91 1 A Well, as I say, it's it's being used
2 recognition, which is in other context is the	2 ultimately to detect patterns in traffic that are of
3 analogous term the neural network.	3 interest. And then so effectively, this is
4 So essentially you're trying to recognize	4 this is a form of classification in Kapoor. It's
5 a pattern and a pattern is something that is not	5 being used for a form of classification.
6 necessarily a deterministic match. It's not like	6 Q So the last sentence of Paragraph 153 of
7 the string ABC where, you know, you can	7 your declaration you state that Kapoor a POSA
8 determinously say, is there the letter A, the letter	8 reading Kapoor's abstract would understand that the
9 B, the letter C.	9 inspection is inspecting application-layer
10 So A pattern is something – to use an	10 packet-header information contained within those
11 analogy from images, it's sort of, you know, do	11 network layer packets; is that correct?
12 these bits' intensities correspond to an image of a	12 MR. BLAKE: Objection to form.
13 dog. And so they're using this artificial	13 A So you just read part of the sentence and
14 intelligence technique to identify patterns that are	14 I thought you were starting at the beginning and you
15 typically – that are going to be more sophisticated	15 weren't.
16 than just, for example, recognizing strings.	16 So let me just read the whole thing and
17 Q What is the relationship between that	17 make sure we're on the same page. It's: A POSA,
18 neural net description and this self-organizing map	18 reading Kapoor's abstract, would understand that
19 that's referenced in the quoted sentence in	19 inspecting payloads of network traffic packets and
20 Paragraph 153 of your declaration?	
	20 inspecting accessible layers of the IP stack
C C	21 generally indicates the application-layer
22 A Well, the self-organizing map is the – is	22 packet-header information contained within those
90 1 an example of what in the abstract is referred to as	92 1 network layer packets.
	92
1 an example of what in the abstract is referred to as	92 1 network layer packets.
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Conducted on	
93	95
1 what you're looking at is application-layer	1 from the machine-learning logic.
2 packet-header information.	2 Q Where's that disclosed?
3 Q Does Kapoor's techniques look at	3 A It's disclosed for example, we can look
4 application-layer data beyond the application-layer	4 at Paragraph 480 where it describes that it gets
5 packet-header information?	5 some information may get some information from
6 MR. BLAKE: Objection to form.	6 the machine-learning logic. And ultimately what
7 A As best I recall, I mean, it does I	7 it's doing at the top of the next page it's
8 believe there are examples in here of saying where	8 saying that the router may construct a complete or
9 Kapoor in addition to using application-layer	9 partial path and a person of ordinary skill in the
10 packet-header information will also look at	10 art would understand that as potentially it's a
11 payloads.	11 route it's constructing a route for this for
12 BY MR. PRICE:	12 this data flow.
13 Q Go to Paragraph 161 in your declaration.	13 And then it's just saying additional
14 A Okay.	14 things like the over time that this can be
15 Q After reviewing this paragraph can you	15 adaptive. It can get additional information from
16 tell me whether Kapoor's machine-learning logic	16 the machine-learning logic and this information may
17 meets your definition of a monitoring device?	17 cause it to change the path that it computes.
18 A I think the opinion I've expressed here is	18 Q And the path that you're referring to
19 that the device the machine-learning logic is	19 is that through the flow processing facility?
20 just logic. It's not a device, but the	20 A That I actually don't recall. I don't
21 machine-learning logic would be performed has to	21 recall for certain.
22 be performed on some device. So the device that's	22 Q When Kapoor says it splits the data flow
22 De performed on some device. So the device that s	22 Q When Kapoor says it splits the data flow
94	22 Q When Kapoor says it splits the data flow 96
94	96
94 1 performing the machine learning that has the	96 1 between the machine-learning logic and the data flow
94 1 performing the machine learning that has the 2 machine-learning logic that is the monitor that	96 1 between the machine-learning logic and the data flow 2 router, does that mean that all of the data is
94 1 performing the machine learning that has the 2 machine-learning logic that is the monitor that 3 would be a monitoring device.	 96 1 between the machine-learning logic and the data flow 2 router, does that mean that all of the data is 3 provided to both of those entities?
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07	00
97 1 Johnson.	99 1 A Yeah, then I probably did look at it.
2 Q What relevance does Johnson have to the	2 Q Have you reviewed the prosecution history
3 claims in the '213 patent?	3 for that European application since you prepared the
4 MR. BLAKE: Objection to form.	4 declaration in this case?
5 A Well, as I describe in here, that Johnson	5 A No.
6 has disclosures that add additional color to	6 Q What are Johnson's packet digests used
7 disclosures in Narayanaswamy and Kapoor, in	7 for?
8 particular as it relates to – I think message	8 A One of the uses that's disclosed here is
9 logging. Yeah. I think I'm primarily relying on	9 for, again, for – I believe for packet
10 Johnson for its teachings of extracting specific	10 classification.
11 information and particular data from application	11 Q Paragraph 183 of your declaration?
12 layers, headers, and packets and logging a packet	12 A Just give me a second.
13 digest of application-layer packet-header	13 Okay.
14 information.	14 Q You state: Johnson teaches a specific
15 BY MR. PRICE:	15 method for generating information and alerts based
16 Q Does Johnson use the word log?	16 on identifying packets with application information.
17 A I'm sorry. Does Johnson use the word?	17 What and then you continue: And refers
18 Q Log.	18 generally to how a system may use packet-log digests
19 A Log? I don't recall if he uses the	19 of information.
20 word – specifically uses the word log or not. I	20 Is that correct?
21 guess we'd have to do a word search.	21 A That's what it says.
22 Q Did you cite any aspects of Johnson that	22 Q What is a packet-log digest of
98	100
1 include the word log?	1 information?
2 MR. BLAKE: Objection to form.	2 A I don't think there's anything deep there.
3 A That's such a specific question. I don't	3 I think you can just read that as a as a packet
4 know that I can you're essentially asking me when	4 digest how the system may use packet digests or
5 I wrote a sentence about Johnson did I use the word	5 information in packet digests.
5 I wrote a sentence about Johnson did I use the word	5 information in packet digests.
5 I wrote a sentence about Johnson did I use the word6 log. That level of a specific question I'm not	5 information in packet digests.6 I think that was maybe supposed to be
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1	CERTIFICATE OF COURT REPORTER
2	
3	I, Michelle Lowe, Certified Court Reporter
4	within and for the State of Georgia do hereby
5	certify:
6	That Kevin Jeffay, the witness whose
7	deposition is hereinbefore set forth, was duly sworn
8	by me before the commencement of such deposition and
9	that such deposition was taken before me and is a
1(0 true record of the testimony given by such witness.
11	I I further certify that the adverse party,
12	2 Cisco Systems, Inc., was represented by counsel
	3 at the deposition.
14	
	5 Kevin Jeffay occurred at the offices of Merchant &
	6 Gould, 191 Peachtree Street, NE, Suite 3800,
	7 Atlanta, Georgia 30303, on Thursday, April 18,
	8 2019, commencing at 9:27 a.m.to 1:16 p.m
19	
) disqualified for a relationship of interest under
	1 the provisions of OCGA Section 9-11-28(c); that I am
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1	representative of MLowe Reporting, LLC; that MLowe
2	Reporting, LLC, was contacted by Planet Depos to
$\frac{2}{3}$	provide court reporting services for this
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4	the usual and customary rates have been disclosed
5	2
6	and offered to all parties; and that I will not be
7	taking this deposition under any contract prohibited
8	by Georgia law.
9	
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11	
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14	4 MICHELLE LOWE, RPR, CCR-2748
15	5
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	ΡΙ ΔΝΕΊ

		511 April 10, 2017	21
A	50:6, 55:9,	69:14, 71:17,	52:14, 54:21,
al	76:15	73:17	62:14, 70:16,
5:12, 5:15,	acquire	affects	78:21, 84:12,
5:12, 5:13, 5:13,	18:6, 19:5	69:12, 73:18	86:4, 86:17,
	acquisition	affirmative	92:14, 92:17,
abc	18:13	57:17	92:21, 96:2,
89:7	acronym	affirmed	96:7, 98:7,
able	60:18	6:3	102:4, 102:6
34:15, 35:1,	acting	after	all-hardware
35:2, 56:3,	63:12	10:3, 13:19,	52:18
62:18, 98:7	action	57:19, 93:15	alleging
about		-	18:17
10:11, 17:9,	40:19, 41:5,	again	allows
18:8, 18:10,	49:5, 98:15,	15:7, 20:7,	77:22
18:18, 24:17,	98:17	24:13, 35:11,	
28:13, 28:22,	actions	41:1, 41:3,	along
32:21, 33:1,	40:19	41:14, 49:22,	87:22
33:9, 33:22,	actual	50:7, 72:15,	also
34:4, 36:19,	18:13, 39:2	99:9	21:14, 36:7,
38:1, 38:19,	actually	against	40:17, 43:9,
40:7, 41:21,	18:1, 18:8,	65:16, 66:18,	51:4, 66:9,
45:2, 45:3,	21:2, 52:13,	87:18	68:8, 73:13,
47:10, 48:3,	72:13, 80:9,	agree	82:5, 93:10
48:21, 49:7,	83:11, 85:7,	13:22, 19:19	alter
49:13, 50:22,	87:10, 95:20	agreed	34:16
52:22, 53:7,	adapt	21:3, 23:14,	altered
54:14, 62:11,	80:2	24:6, 62:13	36:15, 37:1
63:20, 65:2,	adaptive	agreed-upon	altering
68:21, 69:22,	95:15	21:8, 21:13	34:19
71:19, 73:10,	add	agreement	always
74:8, 81:11,	97:6	2:11	44:1
81:15, 81:17,	addition	ahead	americas
82:6, 82:7,	93:9	68:13	3:18
83:3, 85:19,	additional	al	analogous
85:22, 87:12,	66:20, 95:13,	5:16, 5:19	86:14, 89:3
88:4, 90:7,	95:15, 97:6	alert	analogy
92:2, 98:5	address	79:17, 79:22,	80:7, 89:11
abstract	6:10, 6:12,	80:5, 81:13,	analyses
88:16, 90:1,	43:3, 66:10,	82:19, 83:9	19:6
91:8, 91:18	66:11	alerts	analysis
accepted	adjacent	99:15	10:4, 18:16,
30:21, 43:6	77:21	all	19:13, 20:1,
accesses	administrator	8:8, 12:7,	20:2, 20:21,
74:15	34:5	12:11, 17:20,	21:2, 21:13,
accessible	adverse	17:21, 18:2,	23:12, 24:4,
91:20, 92:20	101:11	33:7, 42:12,	24:10, 56:10,
according	affect	43:5, 43:15,	57:14, 58:6,
48:7, 49:19,	68:10, 68:11,	51:13, 51:14,	68:4, 84:9
,,	69:11, 69:13,	51:18, 52:8,	analyze
	·····	, ,	18:6, 19:5,
			,,
L			I

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

Patent Owner Centripetal Networks, Inc. - Ex. 2009, p. 27

27

appeal

61:20

90:7

anomalous appreciate 62:5, 62:20, 1:3 76:6, 77:9, 88:14 56:3 appear 77:10, 82:13, anomaly 40:17, 77:16 approach 17:11, 88:4, 92:16, 95:10 appears 53:8 artificial 88:7 appropriate 9:15, 11:21, 88:18, 88:22, another 15:10, 22:3, 16:13, 44:2, 59:13, 77:21 89:13, 90:2, 63:17, 66:8, 84:4, 96:21 66:12, 75:6, 90:8 approximately application ascribe 75:10, 94:9 5:11, 5:14, 7:6 11:1, 30:2, answer 5:17, 42:9, april 31:20 14:4, 14:5, 42:19, 46:4, 1:16, 59:8, ascribed 14:9, 28:9, 47:2, 67:13, 101:17, 102:10 31:4 37:5, 44:19, 69:10, 70:11, area 71:1, 71:6, 62:9, 64:1, ascribes 59:12 64:19, 98:7 73:16, 77:15, 7:16 aren't answered 77:20, 78:2, ask 69:20 79:15, 84:5, 33:18, 37:16, 9:20, 35:11, army 88:13, 88:15, 72:15, 87:11, 58:10, 73:7, 63:9 74:4 92:17, 96:22, 92:2 around 97:11, 98:15, answers asked 34:14, 52:5, 99:3, 99:16 92:9 8:21, 9:1, 52:10 application-layer 13:21, 33:17, any arrangements 7:9, 8:9, 8:20, 41:16, 41:21, 58:9, 63:3, 102:4 42:12, 42:14, 73:6, 74:3 12:16, 13:10, arrives 42:15, 42:17, asking 13:14, 13:21, 51:19, 76:12 42:22, 45:4, 14:21, 15:15, 10:14, 37:8, arrow 18:15, 19:7, 45:6, 45:7, 37:17, 37:22, 72:2 20:17, 22:7, 45:13, 45:19, 38:6, 38:8, 98:4 art 46:16, 66:21, 23:8, 24:2, aspect 7:22, 8:17, 67:6, 75:18, 25:1, 25:11, 73:2 10:6, 13:7, 77:1, 77:11, 27:7, 30:2, aspects 17:20, 18:22, 77:18, 78:4, 30:6, 30:12, 15:7, 72:18, 22:4, 22:12, 78:12, 91:9, 30:13, 45:11, 97:22 23:7, 29:15, 57:13, 57:16, 91:21, 92:5, assessed 30:17, 40:10, 92:11, 92:13, 58:5, 58:19, 82:22 42:5, 46:2, 58:21, 67:6, 92:18, 93:1, assist 46:5, 46:20, 93:4, 93:9, 90:22, 92:8, 52:17 48:7, 49:19, 97:13 92:14, 97:22, 50:2, 50:9, associate applied 100:8, 100:12, 53:18, 54:19, 70:6, 70:11, 20:20, 23:11 102:7 55:2, 55:9, 71:5 anything apply associated 55:13, 55:15, 37:11, 46:22, 8:22, 9:2, 55:17, 55:21, 34:5, 39:7, 73:22, 74:16, 58:16, 63:16, 56:2, 56:5, 40:20, 41:8 78:5, 78:13, 100:2 56:9, 56:13, associating 79:21 anywhere 56:20, 57:10, 41:1 applying 38:13 59:7, 60:22, assume 67:22, 87:14, apologize 61:3, 61:9, 86:8 72:15

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

Patent Owner Centripetal Networks, Inc. - Ex. 2009, p. 28

61:12, 61:15,

		1 ,	
assumption	35:14, 54:18,	behind	beyond
51:17	58:2, 59:19,	18:4, 62:2	58:16, 93:4,
atlanta	65:13, 69:8,	being	102:4
1:15, 2:8, 3:9,	69:17, 70:1,	6:3, 32:15,	big
101:17	70:4, 75:17,	33:19, 34:11,	53:12
atom	81:7, 83:4,	34:15, 35:3,	bits
30:4	99:15	36:7, 44:3,	89:12
attached	basic	44:12, 44:15,	blake
5:2, 9:6,	25:9	46:7, 46:12,	3:4, 8:13, 9:9,
11:14, 15:22,	basically	47:1, 68:7,	10:13, 11:3,
16:4, 60:1,	41:2, 51:7,	75:13, 79:13,	12:9, 12:18,
83:21, 96:16	67:3, 82:17,	80:11, 80:16,	14:1, 15:12,
attack	84:9	82:3, 91:1, 91:5	21:19, 25:19,
62:1, 68:5	basis	belief	26:12, 27:4,
attorney	47:21, 48:4,	40:8	27:19, 28:5,
3:5, 3:16	48:5, 48:9,	believe	28:19, 29:2,
attorney-client	56:15	9:2, 10:16,	29:11, 29:22,
14:3	because	12:5, 14:12,	30:19, 31:5,
authored	13:3, 13:7,	20:15, 21:16,	32:19, 33:6,
11:22	14:10, 17:18,	31:6, 32:1,	33:17, 35:10,
automatically	19:2, 21:11,	42:3, 48:5,	35:16, 36:11,
31:15, 31:21,	23:21, 24:5,	49:18, 60:19,	36:17, 37:3,
32:1, 32:8,	35:22, 37:15,	61:4, 85:13,	37:13, 38:13,
32:13, 32:14,	40:12, 45:18,	86:19, 87:2,	39:19, 42:18,
32:15, 34:15,	72:2, 75:20,	93:8, 99:9	43:2, 44:14,
35:8, 35:15,	92:18	believed	45:17, 46:18,
36:4, 90:12	become	52:3	47:15, 50:14,
avenue	55:12	belonging	54:13, 55:4,
3:18	been	65:3, 65:9	55:22, 56:11,
average	6:21, 7:3,	below	57:15, 58:9,
81:12	57:3, 58:7,	92:18	61:2, 61:10,
aware	78:19, 83:18,	best	62:8, 63:1,
15:14	84:5, 102:5	93:7	65:4, 66:3,
away	before	better	67:10, 71:20,
52:11	1:3, 2:11,	43:10, 43:13,	72:14, 73:6,
В	6:21, 7:4, 9:20,	52:4	74:3, 74:18,
b2	51:18, 59:3,	better-than-best-	75:8, 78:15,
5:5	101:8, 101:9	-effort	79:3, 80:6,
	beg	17:6	83:13, 84:8,
back	40:12	between	85:1, 85:6,
18:7, 20:3, 24:13, 41:14,	beginning	22:13, 32:18,	87:1, 89:21,
77:17	91:14	33:4, 39:17,	90:16, 91:12,
background	behalf	40:1, 40:18,	93:6, 97:4,
8:16, 56:4,	3:3, 3:13	42:21, 43:5,	98:2, 100:13,
57:1, 57:2,	behavior	52:19, 62:20,	100:15
57:8, 59:19	88:14	63:20, 64:3,	board
based	behavioral	84:11, 89:17,	1:3, 19:15
23:5, 35:7,	88:4, 88:11	96:1	board's
23.3, 33.1,			19:19

		pm 10, 2 019	20
both	28:16, 33:10,	99:4	characterize
36:4, 63:6,	35:11, 36:3,	cause	62:18, 63:9
69:14, 96:3,	37:5, 37:11,	95:17	characterized
96:10	37:14, 39:14,	causes	21:17
bottom	50:18, 53:6,	40:18	choose
17:13, 66:7	54:2, 54:17,	causing	73:22
break	59:16, 60:9,	41:5	chronological
50:13, 83:12	63:16, 66:6,	caution	17 : 1
broader	66:9, 66:15,	14:2	cisco
24:11	67:5, 68:8,	ccr	1:5, 3:3,
broken	68:14, 69:8,	1:21, 102:14	101:12
77:12	69:20, 71:4,	centripetal	cite
build	71:16, 75:2,	1:8, 3:13,	15:11, 15:15,
82:3	76:1, 76:17,	14:11, 24:6,	18:15, 34:3,
built	78:5, 78:13,	58:20	97:22, 98:14
18:1, 18:5,	79:6, 79:9,	certain	cited
18:9, 52:10,	80:1, 80:2,	8:1, 8:17,	15:15, 98:21
82:15	80:22, 81:3,	10:6, 62:6,	claim
business	82:19, 85:2,	86:16, 95:21	7:12, 7:15,
52:3	87:6, 89:7,	certainly	8:12, 9:17,
<u>C</u>	92:7, 93:15,	7:21, 12:19,	10:7, 18:21,
	94:4, 94:11,	24:10, 57:17,	20:3, 22:17,
calculations	95:3, 95:14,	61:11, 75:1,	24:13, 29:1,
81:7, 83:3	95:15, 98:4,	86:1	29:5, 29:8,
call	98:10, 98:21,	certificate	29:14, 38:11,
6:20, 19:15	100:3	101:1	38:14, 41:14,
called	can't	certified	44:17, 44:22,
52:8, 53:13,	7:9, 8:21,	2:12, 101:3,	45:10, 47:14,
75:2, 90:10	14:9, 25:10,	101:22	47:19, 47:22,
calling	36:18, 37:10,	certify	48:17, 49:8
9:16, 84:5	45:18, 62:9	101:5, 101:11,	claims
calls	cannot	101:14, 101:19	7:18, 8:4,
65:14, 69:3,	47:1	cetera	10:5, 23:4,
79:17, 83:7,	capabilities	25:16	44:8, 44:11,
84:10	63:10	chance	58:1, 59:10,
came	capable	25:20, 54:2	97:3
20:22, 21:10,	51:8, 57:9,	25:20, 54:2 change	clarification
59:12, 59:20	63:12	95:17	39:8
can	capture		class
9:17, 10:22,	19:5	changed	83:7
12:13, 14:4,	career	36:15, 37:1	classification
15:18, 15:22,	57:6	changes	64:6, 64:8,
16:15, 17:9,	carolina	69:9, 73:16	64:20, 65:7,
21:12, 24:8,	6:14	changing	67:4, 67:8,
25:6, 26:10,	case	34:19, 38:6,	67:15, 67:19,
26:16, 27:21,	1:11, 12:8,	38:7	68:9, 68:11,
27:22, 28:4,	22:14, 36:6,	chapel	68:15, 68:18,
28:10, 28:11,	66:21, 90:13,	6:13	69:1, 69:6,
	· · ·	characteristics	····
		62:7	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

		F	_
69:14, 70:20,	60:22	comports	conjunct
71:5, 71:12,	collaboration	20:1	26:1
71:18, 72:5,	51:1	comprised	conjunction
72:19, 73:5,	color	29:16, 29:17	69:2
73:12, 73:18,	56:9, 57:14,	comprises	connection
80:12, 85:19,	58:6, 97:6	29:6, 29:14	17:14
86:21, 87:3,	column	compute	consider
91:4, 91:5,	34:4, 35:3	81:10	48:14, 55:20,
99:10	com	computer	63:15
classifications	3:11, 3:21	21:5	considered
69:12, 69:17,	combination	computes	13:8, 26:10,
70:5	58:2	95:17	27:15, 28:4,
classified	combine	computing	28:16, 28:18,
70:7	58:7	20:17, 22:7,	62:16, 65:6
classifier	combined	23:8, 24:2,	considering
65:2, 69:18,	17:21	94:20	57:21, 59:3
70:5, 70:11,	combining	concept	constitute
70:20, 71:2,	17:20	7:12, 66:17	86:3
71:9, 73:11,	come	conception	constraints
73:21, 74:10,	8:11, 32:12,	47:18	27:20
74:15, 75:6,	38:1, 81:8	conceptions	construct
75:11, 75:22	comes	85:20	34:6, 95:8
classify	21:20, 56:22	concepts	constructed
66:2, 67:5,	coming	8:18	34:12
70:21, 71:13,	37:18, 48:10,	concluded	constructing
72:13, 75:12,	49:22, 50:8,	100:16	95:11
75:22, 76:4,	94:22	conclusion	construction
76:10, 76:15	commencement	32:12	7:13, 7:15,
classifying	101:8	condition	8:12, 8:22,
64:11, 64:21,	commencing	39:17, 40:1,	10:15, 11:7,
65:2, 65:12,	101:18	40:3, 40:4,	20:4, 20:20,
65:13, 66:12,	common	40:8, 40:9,	20:22, 21:2,
66:16, 71:3,	43:10, 76:7,	40:13, 41:3,	21:4, 21:9,
75:17, 75:18	76:8	41:4, 81:9, 82:9	21:12, 21:13,
cleanly	commonly	conditions	21:14, 21:17,
40:22	43:14, 62:13,	40:9, 80:3,	21:20, 23:11,
clear	65:15	82:6	23:14, 23:19,
40:14, 40:16,	communicate	confident	24:4, 24:6,
45:12, 45:16,	23:9, 23:16	92:22	24:9, 24:11,
73:2, 73:3, 76:7	communicating	configure	26:15, 26:19,
clearly	87:21	34:16	27:6, 27:21,
37:15	communications	configured	28:10, 35:1,
cloudshield	77:1, 78:4,	20:18, 21:5,	40:11, 41:12,
51:1, 51:22	78:13	22:8, 23:9,	45:10
cohort	companies	23:16, 46:15	constructions
57:1	57:5	congestion	9:2
coined	complete	82:11, 82:14,	construe
60:18, 60:19,	95:8	82:19, 82:21	7:18, 8:4,
	55.0	02.10, 02.21	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

1:21, 9:1, $26:2, 26:4,$ $66:19, 66:20,$ $13:9, 13:5,$ $20:10, 22:21$ $26:20, 26:22,$ $69:5, 69:11$ $13:7, 13:2,$ $27:8, 27:11,$ $curriculum$ $14:8, 14:16,$ $22:4$ $27:18, 27:11,$ $curriculum$ $14:19, 15:1,$ $22:12,$ $25:14, 26:5,$ $102:5$ $16:18, 17:17,$ $102:2$ $25:14, 26:5,$ $102:5$ $16:18, 17:17,$ $containd$ $47:11, 51:10,$ $79:18, 79:20,$ $31:10, 37:12,$ $20:16, 23:7,$ $context$ $81:20, 88:9,$ $25:1, 26:17,$ $31:12, 32:4,$ $88:10,$ $43:8, 43:12,$ $53:12, 39:1,$ $context$ $81:20, 88:9,$ $26:15, 26:17,$ $43:19, 49:5,$ $31:12, 32:4,$ $88:10,$ $86:4,$ $99:1,$ $31:12, 32:4,$ $counsel$ $81:20, 86:4,$ $99:1,$ $91:17$ $9:7$ $86:12,$ $89:20,$ $91:7,$ $61:4, 85:3,$ $counsel$ $86:120,$ $99:1,$ $99:17$ $9:7$ $86:12,$ $99:1,$ $91:17$ $9:7$ $86:12,$ $99:1,$ $91:17$ $9:7$ $91:4,$ $94:1,$ $94:7, 94:6,$ $51:4,$ $51:4,$ $51:12,$ $101:12,$ $80:12,$ $80:2,$ $102:7$ $71:4,$ $91:1,$ $91:1,$ $9:15,$ $11:2,$ $101:2,$ $71:4,$ $81:20,$ $61:1,$ $91:1,$ $9:17,$ $9:7,$ $91:1,$ $9:17,$ $9:1,$ $91:1,$ $9:17,$ $9:1,$ $91:1,$ $9:17,$ $9:1,$ <			-F	52
20:10, 22:21 22:20, 26:22, curriculum 69:5, 69:11 13:17, 13:22, curriculum consumed 27:8, 27:11, curriculum 14:8, 14:18, 15:1, curriculum 14:8, 14:18, 15:1, curriculum contacted could customary 15:16, 15:20, 10:2; curriculum 14:19, 15:1, curriculum contain 27:11, 27:14, 26:5, curriculum 16:18, 17:17, 7; curriculum 16:18, 17:17, curriculum contain 27:11, 27:14, 26:7, curriculum 10:2; curriculum 16:18, 17:17, curriculum contain 27:11, 27:14, 51:17, surriculum 10:16, 23:7, curriculum 10:16, 23:7, curriculum souther 51:18, 68:4, surriculum 80:5 37:14, 39:1, surriculum 31:10, 37:12, curriculum souther 81:20, 88:9, 2 26:15, 26:17, 50:19, 53:22, surriculum 31:10, 37:12, curriculum 31:10, 37:12, curriculum souther 81:20, 88:9, 2 26:15, 26:17, 50:9, 43:15, 50:82, surriculum 31:11, 50:19, 50:22, surriculum 31:10, 90:22, surriculum state 81:20, 88:9, 2 26:15, 26:17, 50:9, 43:15, 50:8, 44:12, 86:13, 98:11, 99:14, 99:14, 99:14, 99:14, 99:14, 99:14, 99:14, 99:14, 99:14, 99:14, 51:11, 99:12, 93:12, 93:14, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15, 51:14, 51:15	8:21, 9:1,	26:2, 26:4,	66:19, 66:20,	13:9, 13:15,
consumed 82:427:8, 27:11, 27:16, 81:18curriculum14:8, 14:18, 14:19, 15:1, customary $82:4$ 27:16, 81:18 $14:19, 15:1$, customary15:16, 15:20, 15:16, 15:20, 15:20, 19:11, 19:13, 20:16, 23:7, 20:16, 23:13, 31:13, 31:14, 31:17, 21:16, 20:19, 21:17, 21:18, 21:18, 21:18, 21:13, 31:14, 21:11, 21:17, 21:12, 21:12, 21:12, 21:20, 21:12, 21:20, 21:12, 21:20, 21:12, 21:20, 21:12				
82:4 27:16, 81:18 5:6 14:19, 15:1, 15:16, 15:20, 102:2 102:2 25:14, 26:5, 102:5 16:18, 17:17, 102:5 contain 27:11, 27:14, 26:5, 102:5 101:10, 11:1, 11:1, 11:1, 10:16, 15:20, 102:5 contained 47:11, 51:10, 79:18, 79:20, 10:16, 23:7, 24:22, 31:3, 31:10, 37:12, 80:15 20:16, 23:7, 24:22, 31:3, 31:12, 32:4, 88:10 context 19:20, 88:9, 25:1, 26:17, 50:19, 78:10, 25:1, 26:17, 50:19, 53:22, 43:34, 34:9, 49:5, 51:5, 89:2 6:6:10, 12:2 38:5, 40:5, couldn't 43:8, 43:12, 43:8, 60:20, 93:7, 84:22, 85:2, 60:10, 87:7, 84:18, 86:20, 93:17, 85:5, 89:2 6:6:10:12 6x:18, 86:4, 85:10, 86:4, 93:13, 96:22, 85:12, 86:13, 98:11, 99:4, 93:13, 96:22, 85:12, 86:12, 86:13, 98:11, 99:4, 99:17, 9:7 86:12, 86:12, 93:13, 96:22, 90:1, 86:18, 86:20, 99:11 99:17 9:7 9:7 86:12, 86:20, 99:11, 97:4 91:17, 91:7, 57:4 02:7 21:12, 7:16, 91:9, 94:15, 19:16, 10:12 91:17, 91:7, 157:4 91:9, 94:15, 19:16, 10:12 102:7 21:12, 7:16, 91:9, 94:18, 51:4, 51:15, 51:4 51:4, 51:1, 10:12, 10:13, 96:2, 96:9, 46:16 65:17 102:7 21:12, 7:16, 91:9, 94:18, 51:14 91:19, 97:11 65:17, 65:19, 65:17 10:21, 16:13, covver 10:12, 102:3 96:11, 97:11 65:17, 65:9, 65:17 10:21, 16:13, covverd 12:5, 13			-	
contacted could customary 15.16, 15.20, 102:5 102:2 25:14, 26:5, 102:5 16:18, 17:17, 19:13, 25:15 16:18, 17:17, 21:17, 21:14, 27:14, 27:14, 27:14, 27:15, 20:16, 23:7, 24:22, 31:3, 31:10, 37:12, 20:16, 23:7, 24:22, 31:10, 37:12, 20:16, 23:7, 24:22, 31:10, 37:12, 20:16, 23:7, 24:22, 31:10, 37:12, 20:16, 23:7, 24:22, 31:10, 37:12, 20:16, 23:7, 24:22, 31:10, 37:12, 20:16, 23:7, 24:22, 31:10, 37:12, 20:16, 23:7, 20:16, 23:7, 24:22, 31:10, 37:12, 20:17, 20:16, 23:7, 24:22, 31:10, 37:12, 20:17, 20:16, 23:7, 20:10, 87:7, 20:16, 23:7, 20:10, 87:7, 20:12, 86:12, 86:12, 89:12, 90:17, 91:16, 31:1, 91:17, 91:18, 91:19, 91:14, 91:17, 91:18, 91:19, 91:14, 91:17, 91:18, 91:11, 91:14, 91:17, 91:18, 20:12, 93:14, 91:11, 91:14, 91:17, 91:18, 20:12, 91:14, 91:17, 91:18, 20:12, 91:12, 91:10, 91:12, 10:12, 10:12, 10:13, 96:12, 96:12, 80:12, 90:11, 90:12, 10:12, 10:12, 10:13, 96:12, 96:12, 80:12, 90:12, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 10:12, 90:11, 91:15, 10:12, 10				
102:2 25:14, 26:5, 102:5 16:18, 17:17, contain 27:11, 27:14, D 19:11, 19:13, 25:15 46:22, 47:9, 0 19:11, 19:13, contained 47:11, 51:10, 79:18, 79:20, 31:14, 31:1, 39:1, g110, 91:22 51:14, 51:17, 80:5 31:14, 39:1, context 81:20, 88:9, 26:15, 26:17, 50:19, 53:22, still, 85:3, 40:5, couldn't 43:18, 43:12, 50:19, 53:22, 41:2, 44:11, 56:17 84:10, 86:4, 89:20, 91:7, 85:5, 89:2 6:6, 101:12 86:12, 86:13, 99:20, 91:7, 99:17 90:7 86:18, 86:20, 99:11 99:11, 99:4, 99:17 91:10:1, 101:3, 94:17, 94:18, 91:4, 51:15, continue courses 94:9, 94:15, 91:4, 51:15, 91:5, 11:21, 101:22, 102:3 96:11, 97:11 86:22, 96:1, 96:12, 96:9, 91:5, 11:21, 101:22, 102:3 96:11, 97:11 96:12, 96:9, 91:11, 91:13, 96:22, 91:5, 11:21, 101:22, 102:3 96:11, 97:11 96:12, 96:9, 91:11, 91:13, 96:22, 91:5, 1				
contain $27:11, 27:14, 46:22, 47:9, 46:32, 47:9, 46:32, 47:9, 46:32, 47:9, 79:18, 79:20, 31:10, 37:12, 37:14, 39:1, 47:15, 87:16, 69:19, 78:10, 25:1, 26:9, 43:3, 43:9, 26:15, 26:17, 43:13, 49:9, 53:12, 37:14, 39:1, 47:15, 87:16, 69:19, 78:10, 25:1, 26:17, 43:13, 49:9, 53:12, 38:5, 40:5, 60:17, 84:12, 60:8, 43:12, 54:15, 60:8, 60:8, 43:12, 44:11, 56:17, 84:12, 85:12, 85:2, 80:2, 60:10, 87:7, 85:15, 89:2, 60:6, 101:12, 86:12, 86:13, 93:11, 99:4, 99:17, 85:15, 89:2, 60:6, 101:12, 86:12, 86:13, 93:11, 99:4, 99:17, 85:15, 89:2, 60:6, 101:12, 86:12, 86:13, 93:11, 99:4, 99:17, 85:15, 89:2, 60:10, 87:7, 86:18, 86:20, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:11, 90:4, 99:12, 93:4, 92:12, 93:4, 92:12, 93:4, 92:12, 93:4, 92:12, 93:4, 94:15, 50:10, 85:7, 85:9, 80:2, 96:9, 94:15, 100:2, 102:7, 21:22, 71:6, 95:22, 96:1, 85:7, 85:9, 80:2, 60:11, 101:3, 96:2, 96:9, 90:15, 11:21, 101:22, 102:3, 96:11, 97:11, 93:12, 96:12, 70:20, 90:11, 101:3, 96:12, 96:9, 90:15, 11:21, 101:22, 102:3, 96:11, 97:11, 90:2, 102:10, 96:11, 97:11, 90:2, 102:10, 96:11, 97:11, 90:2, 102:10, 96:11, 97:11, 90:2, 102:10, 96:11, 97:11, 90:2, 102:10, 96:11, 97:11, 90:12, 100:2, 102:10, 96:11, 97:11, 90:12, 100:2, 102:10, 96:11, 97:11, 90:12, 100:2, 102:10, 96:11, 97:11, 90:12, 100:2, 102:10, 96:11, 97:11, 90:12, 100:2, 102:10, 96:11, 97:11, 90:12, 100:2, 102:10, 96:11, 97:11, 90:12, 100:12, 102:10, 96:11, 97:11, 90:12, 100:12, $			-	
25:15 $46:22, 47:9,$ $47:11, 51:10,$ $anger.$ $79:18, 79:20,$ $81:10, 91:12,$ $20:16, 23:7,$ $24:22, 31:3,$ $31:10, 37:12,$ $31:10, 37:12,$ $31:10, 37:12,$ $31:12, 32:4,$ $81:20, 88:9,$ $26:15, 26:17,$ $43:19, 49:5,$ $51:12, 26:17,$ $43:19, 49:5,$ $54:15, 60:8,$ $44:2, 44:11,$ $56:17$ $61:40, 85:3,$ $61:6, 101:12$ $85:10, 86:4,$ $85:10, 86:4,$ $85:10, 86:4,$ $85:10, 86:4,$ $99:20,$ $61:6, 101:12$ $85:10, 86:4,$ $99:17,$ $99:17$ $99:17$ $91:7,$ $91:1,$ <b< th=""><th></th><th></th><th></th><th></th></b<>				
contained 47:11, 51:10, 91:10, 91:22 content 51:14, 51:17, 80:5 content 31:10, 37:12, 31:10, 37:11, 31:12, 31:12, 31:12, 31:12, 31:14, 51:15, 51:11, 10:13, 31:10, 31:10, 31:12, 31:13, 31:12, 31:12, 31:13, 31:12, 31:13, 31:131:12,				
91:10, 91:2251:14, 51:17, 51:18, 68:4, 69:15, 87:1691:10, 97:12, 87:15, 87:1691:10, 97:12, 87:15, 87:16content51:18, 68:4, 69:19, 78:10, 21:12, 22:4, 38:5, 40:5, couldn't $data$ 43:8, 43:12, 26:15, 26:17, 43:19, 49:5, 54:15, 60:18, 60:10, 87:7, 61:4, 85:3, counsel $25:1, 26:17,$ 81:22, 85:2, 89:20, 91:7, 86:12, 86:13, 99:17 $39:13, 96:22,$ 99:17continue 99:17counselor 97:16, 79:42, 86:22, 97:17, 97:10, 86:22, 88:2, 99:17 $86:12, 86:13,$ 99:11, 99:4, 99:17, 97:7 $9:7$ 97:4continuing 000000000000000000000000000000000000			-	
Solition 30:15 37:14, 39:1, Solition 37:14, 39:1, 37:14, 39:1, Solition 43:3, 43:9, 43:3, 43:9, Solition 25:1, 26:17, 43:19, 49:5, Solition 43:8, 43:12, 50:19, 53:22, Solition 43:8, 43:12, 50:19, 53:22, Solition 43:8, 43:12, 50:19, 53:22, Solition 56:17 84:22, 88:2, 60:10, 87:7, Solition 86:12, 86:13, 93:11, 99:14, 99:17, Continue 90:00 90:17, 86:18, 86:20, 99:11, Continue 90:7 86:12, 86:13, 99:11, 99:14, Solitinuous Courses 94:17, 94:8, 51:14, 51:15, 52:12, 52:20, 17:7 57:4 94:17, 94:18, 100:2 92:12, 92:12, 102:7 101:1, 101:3, 96:22, 96:1, 86:7, 85:9, 86:17 102:7 101:1, 101:3, 96:22, 96:1, 86:17 86:17 84:4, 94:7, 57:14 87:19 30:21, 40:5, 41:11, 63:17 94:15, 96:21 72:22, 73:8 12:5, 13:5, 41:11, 63				
87:15, 87:16 69:19, 78:10, 81:20, 88:9, 31:12, 32:4, 38:5, 40:5, 40:5, 40:5, 41:2, 44:11, 55:5, 89:2 69:19, 78:10, 88:9, 26:15, 26:17, 43:8, 43:12, 43:8, 43:12, 43:8, 43:12, 43:8, 43:12, 43:8, 43:12, 54:15, 60:8, 54:15, 60:8, 54:15, 60:8, 61:10, 87:7, 61:4, 85:3, 61:4, 85:3, 61:4, 85:3, 61:11, 86:4, 99:17, 61:4, 85:3, 61:4, 85:3, 61:11, 99:7, 61:4, 85:3, 61:11, 86:4, 99:17, 99:17, 99:7, 99:17, 99:7, 99:17, 99:7, 99:10, counselor 84:22, 85:2, 85:10, 86:4, 93:13, 96:22, 99:11, 99:13, 96:22, 99:11, 99:14, 99:14, 99:17, 91:19, 91:10, 91:19, 91:10, 91:19, 91:10, 91:19, 91:10, 91:19, 91:10, 91:19, 91:10, 91:10, 91:10, 91:10, 91:10, 91:10, 91:10, 91:10, 91:11, 91:12, 91:11, 91:12, 91:11, 91:12, 91:12, 91:11, 91:12,				
context 81:20, 88:9, 20:11, 20:37, 43:19, 49:5, 31:12, 32:4, 88:10 43:8, 43:12, 50:19, 53:22, 38:5, 40:5, couldn't 43:8, 43:12, 50:19, 53:22, 38:5, 40:5, couldn't 43:8, 43:12, 50:19, 53:22, 41:2, 44:11, 56:17 84:22, 85:2, 60:10, 87:7, 61:4, 85:3, counsel 85:10, 86:4, 93:13, 96:22, continue couselor 86:12, 86:13, 93:13, 96:22, gentine couple-thousand 92:12, 93:4, 51:4, 51:15, 34:14 51:11 94:7, 94:8, 51:4, 51:15, continuous courses 94:9, 94:15, 100:2 contract court 94:17, 94:8, 51:4, 51:9, 102:7 2:12, 7:16, 95:22, 96:1, 86:22 gents, 11:21, 101:1, 101:3, 96:2, 96:9, defines 15:21, 16:13, cover database definite 94:9, 94:14, 94:17, 94:16, 94:17, 94:19, 94:11, 10:1:1, 10:13, 96:22				
31:12, 32:4, $88:10$ $261:1, 201:1,$ $50:19, 53:22,$ $38:5, 40:5,$ $couldn't$ $43:8, 43:12,$ $54:15, 60:8,$ $44:2, 44:11,$ $56:17$ $84:22, 85:2,$ $89:20, 91:7,$ $85:5, 89:2$ $6:6, 101:12$ $86:12, 86:13,$ $99:17,$ $continue$ $counsel$ $86:12, 86:13,$ $99:11,$ $99:17$ $9:7$ $86:12, 93:4,$ $99:11,$ $continuing$ $couple-thousand$ $92:12, 93:4,$ $99:11,$ $continuous$ $courses$ $94:9, 94:15,$ $100:2,$ $21:1, 93:4,$ $51:1, 94:7, 94:8,$ $52:12, 52:20,$ $17:7$ $57:4$ $94:17, 94:18,$ $100:2,$ $contract$ $court$ $94:21, 95:12,$ $define$ $correst$ $court$ $94:21, 95:12,$ $define$ $15:21, 16:13,$ $coverd$ $database$ $65:17,$ $44:4, 94:7,$ $57:14$ $87:19$ $definite$ $94:9, 94:14,$ $covered$ $date$ $30:21, 40:5,$ $94:9, 94:14,$ $90:21,$ $22:10, 25:12,$ $48:11, 63:17,$ $94:9, 94:14,$ $covered$ dat $30:21, 40:5,$ $94:9, 94:14,$ $covered$ dat $30:21, 40:5,$ $94:9, 94:14,$ $102:10$ $55:10, 93:17,$ $12:5, 38:3,$ $81:20$ day $32:3, 48:13,$ $39:18, 40:21,$ $created$ $59:12$ $48:11, 50:1,$ $54:3, 74:17,$ $created$ $59:12$ $48:11, 50:1,$ $54:3, 95:15,$ $25:2, 25:5,$ $19:17, 19:20,$ $43:5$ $98:12,$ <th></th> <th></th> <th></th> <th></th>				
Alist, 40:5, 41:2, 44:11, 61:4, 85:3, 85:5, 89:2couldn't 55:17 $43:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 81:5, 76:9, 60:10, 87:7, 60:10, 87:7, 60:10, 87:7, 60:10, 87:7, 60:10, 87:7, 60:10, 87:7, 86:12, 86:13, 93:13, 96:22, 93:13, 96:22, 93:11, 99:11Continuingcourselor86:12, 86:13, 93:11, 99:4, 99:11Continuouscourses94:9, 94:15, 10:2Contractcourt94:17, 94:18, 94:17, 91:10, 10:2Contractcourt94:17, 94:18, 95:12, 65:12, 85:7, 85:9, 86:22Copy101:1, 101:3, 96:2, 96:9, 96:11, 97:119:15, 11:21, 10:12, 10:22, 102:396:11, 97:1115:21, 16:13, coverdatabase84:4, 94:7, 57:1487:1994:19, 94:14, 94:7, 57:1487:1994:15, 96:2172:22, 73:812:5, 38:3, 81:20day12:5, 38:3, 81:20day12:5, 13:5, 46:16, 34:16decades51:2, 51:21, 52:2, 25:5, 19:17, 19:20, 43:1651:2, 51:21, 52:2, 25:5, 19:17, 19:16, 43:1554:3, 74:17, criteria77:3, 85:15, 25:2, 25:5, 19:17, 19:20, 43:598:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:2098:16, 99:20$				
30:0, 40:1, 40:1, 1 $56:17$ $43:15, 76:9, 1$ $60:10, 87:7, 1$ $61:4, 85:3, 1$ $counsel$ $84:22, 85:2, 85:2, 89:2, 10:1, 1285:10, 86:4, 93:13, 96:22, 99:17, 10:1, 1285:5, 89:26:6, 101:1286:12, 86:13, 93:11, 99:4, 99:11, 99:4, 99:179:790:179:786:12, 88:2, 99:11, 99:4, 99:11, 99:4, 99:11, 99:4, 99:11, 99:4, 99:1134:1451:1194:7, 94:8, 52:12, 52:20, 10:2, 91:7, 94:9, 94:15, 100:2, 57:4, 94:17, 94:18, 94:7, 94:18, 100:2, 95:12, 96:1, 85:7, 85:9, 85:9, 85:9, 85:9, 85:9, 85:2, 96:1, 85:7, 85:9, 85:9, 95:12, 96:1, 85:7, 85:9, 85:2, 96:1, 95:12, 96:1, 95:12, 96:1, 85:7, 85:9, 85:9, 96:1, 97:11, 10:1, 101:2, 102:3, 96:1, 97:11, 65:17, 96:2, 96:9, 96:1, 97:11, 101:2, 102:3, 96:1, 97:11, 97:11, 65:17, 96:2, 96:1, 97:10, 97:10, 95:12, 96:1, 96:1, 97:10, 97:10, 95:12, 96:1, 97:10, 95:12, 96:1, 97:10, 96:1, 97:11, 97:11, 97:11, 97:10, 96:1, 97:10, $				
1:1.7, 11:17, counsel 84:12, 85:2, 89:20, 91:7, 85:5, 89:2 6:6, 101:12 86:12, 86:13, 93:13, 96:22, continue counselor 86:18, 86:20, 99:11 99:17 9:7 86:22, 88:2, deep 34:14 51:11 94:7, 94:8, 52:12, 52:20, continuous courses 94:9, 94:13, 100:2 contract court 94:17, 94:18, 100:2 contract court 94:17, 94:18, 100:2 copy 101:1, 101:3, 96:22, 96:1, 86:17, 85:9, 102:7 2:12, 7:16, 95:12, 96:1, 86:17, 101:1, 101:3, 96:2, 96:9, 96:11, 97:11 65:17 15:21, 16:13, cover database 65:17 84:4, 94:7, 57:14 87:20, 59:4 30:21, 40:5, 94:15, 96:21 72:22, 73:8 12:5, 13:5, 6finite 39:18, 40:21, create 102:10 definition 39:18, 40:21, create 102:10 61:10, 93:17 44:5, 46:16, 34:16 decades 48:11, 50:1,				
85:5, 89:2 6:6, 101:12 85:10, 86:14, 86:13, 93:13, 96:22, 98:11, 99:4, 99:17 99:17 9:7 86:12, 86:13, 99:11, 99:4, 99:14 99:17 9:7 86:22, 88:2, 99:11 continuing couple-thousand 92:12, 93:4, 51:4, 51:15, 52:12, 52:20, 100:2 17:7 57:4 94:9, 94:15, 100:2 contract court 94:21, 95:12, 85:7, 85:9, 85:7, 85:9, 85:7, 85:9, 86:22, 96:1, 95:22, 96:1, 85:7, 85:9, 86:22 102:7 2:12, 7:16, 96:2, 96:9, 96:1, 97:11 65:17 copy 101:1, 101:3, 96:2, 96:9, 96:1, 97:11 65:17 15:21, 16:13, cover database 65:17 database 65:17 definite 94:9, 94:14, 94:7, 57:14 87:19 database 94:15, 96:21 72:22, 73:8 12:5, 13:5, 41:11, 63:17 correct cpu 57:20, 59:4 definition 39:18, 40:21, create 102:10 definitions 51:2, 51:21, created 59:12 50:8 63:5, 63:6 58:3, 74:17, criteria 19:15, 19:16, 43:15 50:8 57:20, 59:4 58:3, 74:17, criteria 19:15, 19:16, 43:15 50:8 63:5, 63:6 59:12 26:19				
SolidcounselorSolid				
OpenationOpenationOpenationOpenationOpenation09:179:786:18, 86:12, 88:2, 92:12, 93:4, 92:12, 93:4, 94:18, 94:7, 94:8, 51:4, 51:15, 92:20, 100:2Openation34:1451:1194:7, 94:8, 94:15, 100:2S1:4, 51:15, 52:20, 100:210:1757:494:17, 94:18, 94:20, 95:12, 95:12, 95:12, 100:2Openation102:72:12, 7:16, 95:22, 96:1, 86:22S5:7, 85:9, 86:22101:1, 101:3, 96:2, 96:9, 994:14, 95:11, 97:11Openation101:12, 101:22, 102:396:11, 97:11Openation15:21, 16:13, 57:1487:1930:21, 40:5, 11:16, 30:1734:4, 94:7, 57:1487:1930:21, 40:5, 11:16, 30:1794:9, 94:14, 7, 57:1487:1930:21, 40:5, 11:16, 30:1794:15, 96:2172:22, 73:812:5, 13:5, 41:11, 63:1712:5, 38:3, 81:20day32:3, 48:13, 33:18, 40:21, create102:10102:10definition12:5, 51:21, 52:2, 25:5, 19:12, 50:850:838:3, 74:17, 71:1419:15, 19:16, 43:539:111, 98:15, 26:2, 26:5, 19:2248:11, 50:1, 50:838:3, 74:17, 71:1419:15, 19:16, 43:539:111, 98:15, 26:2, 26:5, 19:2219:2039:111, 98:15, 26:2, 26:5, 19:2219:2039:11226:19, 26:22, 19, 26:22, 28:5013:1427:16, 39:5, 10:4, 10:19		-		
39:17 $36:12$ $86:22$ $88:2$ $deep$ $34:14$ $51:11$ $92:12$ $93:4$ $51:4$ $51:15$ $continuous$ $courses$ $94:9$ $94:15$ $100:2$ $17:7$ $57:4$ $94:17$ $94:18$ $00:2$ $contract$ $court$ $94:17$ $94:18$ $00:2$ $102:7$ $2:12$ $7:16$ $95:22$ $96:11$ $85:7$ $102:7$ $2:12, 7:16$ $95:22, 96:1$ $85:7, 85:9$ $correct$ $101:1, 101:3$ $96:2, 96:9$ $86:22$ $9:15, 11:21$ $101:22, 102:3$ $96:11, 97:11$ $65:17$ $15:21, 16:13$ $coverd$ $date$ $30:21, 40:5, 94:16$ $94:9, 94:14$ $72:22, 73:8$ $12:5, 13:5, 75:10, 93:17$ $94:15, 96:21$ $72:22, 73:8$ $12:5, 13:5, 75:10, 93:17$ $correct$ cpu $57:20, 59:4$ $32:3, 48:13, 39:18, 40:21, create$ $102:10$ day $32:3, 48:13, 50:1, 55:10, 93:17$ $51:2, 51:21, created$ $59:12$ $48:11, 50:1, 50:1, 50:8$ $51:2, 51:21, created$ $59:12$ $48:11, 50:1, 50:8$ $58:3, 74:17, criteria$ $19:15, 19:16, 43:5$ $91:11, 98:15, 26:2, 26:5, 19:22$ $depend$ $98:16, 99:20$ $26:19, 26:22, declaration$ $27:8, 27:11, 5:7, 6:18, 79:19$ $depends$ $13:14$ $27:16, 39:5, 10:4, 10:19, depends$ $13:12$ $39:18, 40:1, 12:11, 12:17, depos13:1239:18, 40:1, 12:1, 12:17, depos$				
ContinuingFor the final set of the set o			86:22, 88:2,	
JailJailJailJailJailJailJailcontinuouscourses94:17, 94:18,52:12, 52:20,17:757:494:17, 94:18,100:2contractcourt94:21, 95:12,85:7, 85:9,102:72:12, 7:16,95:22, 96:1,86:22copy101:1, 101:3,96:2, 96:9,66:229:15, 11:21,101:22, 102:396:11, 97:116fines15:21, 16:13,coverdatabase65:1784:4, 94:7,57:1487:19definite94:15, 96:2172:22, 73:812:5, 13:5,6finition12:5, 38:3,81:20day32:3, 48:13,39:18, 40:21,create102:10fefinitions14:5, 46:16,34:16decadesdefinitions51:2, 51:21,created59:1250:858:3, 74:17,criteria19:15, 19:16,43:577:3, 85:15,25:2, 25:5,19:17, 19:20,43:591:11, 98:15,26:2, 26:5,19:22depend98:16, 99:2026:19, 26:22,declaration63:5, 63:6corrections27:8, 27:11,5:7, 6:18,79:1913:1427:16, 39:5,10:4, 10:19,79:1913:1239:18, 40:1,11:11, 11:22,28:20, 42:19correspond39:7, 39:9,11:2, 11:8,28:20, 42:19depends39:12, 40:15, 40:16,12:1, 12:17,depos		-		-
Contract $57:4$ $94:19, 94:15, 94:15, 94:16$ $100:2$ 102:7 $2:12, 7:16, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 96:22, 96:9, 96:11, 97:11defines15:21, 16:13, Coverdatabasedefinite84:4, 94:7, 57:1487:19definite94:9, 94:14, 57:1487:19definite94:9, 94:14, 94:7, 94:15, 96:2172:22, 73:812:5, 13:5, 73:1422:5, 38:3, 39:18, 40:21, 72:22, 73:812:5, 13:5, 73:1432:3, 48:13, 73:1712:5, 38:3, 39:18, 40:21, 72:22, 73:812:5, 13:5, 73:10, 93:17daty44:5, 46:16, 34:16decadesdefinition51:2, 51:21, 72:22, 73:812:1055:10, 93:1754:9, 54:10, 36:2decisiondelineate58:3, 74:17, 74:1$				
1:77 37.4 $94:17, 94:18, 94:21, 95:12, 94:21, 85:7, 85:9, 94:21, 95:12, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:9, 95:22, 96:9, 96:11, 97:11defines102:7101:1, 101:3, 95:22, 96:1, 95:22, 96:9, 95:22, 96:9, 96:11, 97:11definesdefines15:21, 16:13, 101:22, 102:396:11, 97:11definesdefinite84:4, 94:7, 57:1487:19definite30:21, 40:5, 96:21, 72:22, 73:812:5, 13:5, 72:20, 59:494:15, 96:2172:22, 73:812:5, 13:5, 72:20, 59:4definition12:5, 38:3, 81:20day32:3, 48:13, 93:18, 40:21, 72:22, 73:8102:1012:5, 38:3, 39:18, 40:21, 7eate102:10definitions51:2, 51:21, 7eate102:10definitions51:2, 51:21, 7eated59:1250:851:2, 51:21, 7eated59:1250:858:3, 74:17, 7:38:15, 25:2, 25:5, 19:17, 19:20, 95:443:11, 50:1, 55:891:11, 98:15, 26:2, 26:5, 19:12, 19:16, 79:19, 43:593:16, 99:2026:19, 26:22, 26:5, 19:2298:16, 99:2026:19, 26:22, 26:5, 19:22depending98:16, 99:2026:19, 26:22, 26:5, 19:22depending13:1427:16, 39:5, 10:4, 10:19, 79:19depends13:1427:16, 39:5, 10:4, 10:19, 79:19depends13:1239:18, 40:1, 11:11, 11:22, 28:20, 42:19correspond39:7, 39:9, 11:2, 11:8, 28:20, 42:19corresponding40:15, 40:16, 12:1, 12:17, 12:17, 12:17, 12:19$				
contract $94:21, 95:12, 95:12, 85:7, 85:9, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 95:22, 96:1, 97:11copy101:1, 101:3, 96:2, 96:9, 96:1, 97:11 65:17, 96:21, 10:12, 102:3 96:11, 97:11 65:1784:4, 94:7, 57:1487:19defines94:9, 94:14, 94:7, 95:22, 73:812:5, 13:5, 96:21 72:22, 73:8 12:5, 13:5, 96:11, 63:17 72:22, 73:8 12:5, 13:5, 96:21 72:22, 73:8 12:5, 13:5, 91:11, 63:17 73:85:3, 81:20day22:5, 38:3, 31:8, 40:21, 72:22, 73:8 12:5, 13:5, 10:2:10 73:17 44:5, 46:16, 34:16 75:10, 93:17 44:5, 46:16, 34:16 75:10, 93:17 74:17, 74:16 71:12, 102:10 75:10, 93:17 74:17, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10 75:10, 102:10, 102:10 75:10, 102:10, 102:10 75:10, 102:10, 102:10, 102:10 75:10, 102:10, 100:10, 100:10, 100:10, 100:10, 100:10, 100:$				
102:7 $101:1, 101:3,$ $96:2, 96:1,$ $86:22$ $9:15, 11:21,$ $101:22, 102:3$ $96:11, 97:11$ $defines$ $15:21, 16:13,$ $cover$ $database$ $65:17$ $84:4, 94:7,$ $57:14$ $87:19$ $definite$ $94:9, 94:14,$ $covered$ $date$ $30:21, 40:5,$ $94:15, 96:21$ $72:22, 73:8$ $12:5, 13:5,$ $definition$ $correct$ cpu $57:20, 59:4$ $32:3, 48:13,$ $12:5, 38:3,$ $81:20$ day $32:3, 48:13,$ $39:18, 40:21,$ $create$ $102:10$ $definitions$ $44:5, 46:16,$ $34:16$ $decades$ $definitions$ $51:2, 51:21,$ $created$ $59:12$ $48:11, 50:1,$ $54:9, 54:10,$ $36:2$ $decision$ $delineate$ $58:3, 74:17,$ $criteria$ $19:15, 19:16,$ $43:5$ $91:11, 98:15,$ $26:2, 26:5,$ $19:17, 19:20,$ $depend$ $98:16, 99:20$ $26:19, 26:22,$ $declaration$ $63:5, 63:6$ $correspond$ $39:7, 39:9,$ $11:2, 11:8,$ $depends$ $13:14$ $27:16, 39:5,$ $10:4, 10:19,$ $79:19$ $correspond$ $39:7, 39:9,$ $11:2, 11:8,$ $depends$ $89:12$ $do:15, 40:16,$ $12:1, 12:17,$ $depos$				
copy101.1, 101.3, 101.2, 102.396:2, 96:9, 96:1, 97:11defines9:15, 11:21, 16:13, 101:22, 102:396:11, 97:1165:1784:4, 94:7, 57:1487:19definite94:9, 94:14, 94:7, 96:2172:22, 73:812:5, 13:5, 41:11, 63:17correctcpu57:20, 59:412:5, 38:3, 39:18, 40:21, create102:10definitions14:5, 46:16, 34:16decadesdefinitions51:2, 51:21, 51:21, created59:1250:1858:3, 74:17, criteria19:15, 19:16, 43:591:11, 98:15, 26:2, 25:5, 19:17, 19:20, 43:598:16, 99:2026:19, 26:22, decision63:5, 63:6corrections27:8, 27:11, 5:7, 6:18, 63:5, 63:664:04:10, 79:1913:1427:16, 39:5, 10:4, 10:19, 11:21, 11:8, 28:20, 42:1928:20, 42:19correspond39:7, 39:9, 39:11:2, 12:17, depos28:20, 42:19				
9:15, 11:21,101.22, 102.396:11, 97:1165:1715:21, 16:13,coverdatabase65:1784:4, 94:7,57:1487:1930:21, 40:5,94:15, 96:2172:22, 73:812:5, 13:5,41:11, 63:17correctcpu57:20, 59:432:3, 48:13,12:5, 38:3,81:20day32:3, 48:13,39:18, 40:21,create102:10definitions44:5, 46:16,34:16decades48:11, 50:1,51:2, 51:21,created59:1250:858:3, 74:17,criteria19:15, 19:16,43:591:11, 98:15,26:2, 26:5,19:22depend98:16, 99:2026:19, 26:22,declaration63:5, 63:6corrections27:8, 27:11,57.6:18,79:1913:1427:16, 39:5,10:4, 10:19,79:19correspond39:7, 39:9,11:2, 11:8,28:20, 42:1989:1239:18, 40:1,11:11, 11:22,28:20, 42:19corresponding40:15, 40:16,12:1, 12:17,depos				
13:21, 16:13,10:0010:0010:0010:0010:0010:0084:4, 94:7,57:1487:1930:21, 40:5,94:19, 94:14,covereddate30:21, 40:5,94:15, 96:2172:22, 73:812:5, 13:5,41:11, 63:17correctcpu57:20, 59:4definition12:5, 38:3,81:20day32:3, 48:13,39:18, 40:21,create102:1055:10, 93:1744:5, 46:16,34:16decadesdefinitions51:2, 51:21,created59:1248:11, 50:1,54:9, 54:10,36:2decisiondelineate77:3, 85:15,25:2, 25:5,19:15, 19:16,43:591:11, 98:15,26:2, 26:5,19:22depend98:16, 99:2026:19, 26:22,declaration63:5, 63:6corrections27:8, 27:11,5:7, 6:18,79:1913:1427:16, 39:5,10:4, 10:19,11:11, 11:22,correspond39:7, 39:9,11:2, 11:8,28:20, 42:1989:1239:18, 40:1,11:11, 11:22,28:20, 42:19corresponding40:15, 40:16,12:1, 12:17,depos			-	
04:4, 94:1,07.1487:1994:9, 94:14,covereddate94:15, 96:2172:22, 73:8correctcpu57:20, 59:412:5, 38:3,81:2039:18, 40:21,create12:5, 38:4,34:1644:5, 46:16,34:1651:2, 51:21,created51:2, 51:21,created54:9, 54:10,36:298:16, 99:2026:19, 26:22,98:16, 99:2026:19, 26:22,corrections27:8, 27:11,13:1427:16, 39:5,13:1427:16, 39:5,13:1239:7, 39:9,11:2, 11:8,39:7, 39:9,11:11, 11:22,28:20, 42:19corresponding40:15, 40:16,12:1, 12:17,tepos				
94:9, 94:14,72:22, 73:812:5, 13:5,94:15, 96:2172:22, 73:812:5, 13:5,correctcpu57:20, 59:432:3, 48:13,12:5, 38:3,81:20day32:3, 48:13,39:18, 40:21,create102:10definitions44:5, 46:16,34:16decades48:11, 50:1,51:2, 51:21,created59:1250:858:3, 74:17,criteria19:15, 19:16,77:3, 85:15,25:2, 25:5,19:17, 19:20,91:11, 98:15,26:2, 26:5,19:2298:16, 99:2026:19, 26:22,declarationcorrections27:8, 27:11,5:7, 6:18,13:1427:16, 39:5,10:4, 10:19,correspond39:7, 39:9,11:2, 11:8,89:1239:18, 40:1,11:11, 11:22,corresponding40:15, 40:16,12:1, 12:17,				
94:13, 96:21 $12:22, 13:6$ $12:5, 13:5,$ definitioncorrectcpu $57:20, 59:4$ $32:3, 48:13,$ 12:5, 38:3, $81:20$ day $32:3, 48:13,$ $39:18, 40:21,$ create $102:10$ definitions $44:5, 46:16,$ $34:16$ decades $48:11, 50:1,$ $51:2, 51:21,$ created $59:12$ $48:11, 50:1,$ $54:9, 54:10,$ $36:2$ decision $delineate$ $58:3, 74:17,$ criteria $19:15, 19:16,$ $43:5$ $91:11, 98:15,$ $26:2, 26:5,$ $19:22$ $depend$ $98:16, 99:20$ $26:19, 26:22,$ $declaration$ $63:5, 63:6$ $corrections$ $27:8, 27:11,$ $5:7, 6:18,$ $79:19$ $13:14$ $27:16, 39:5,$ $10:4, 10:19,$ $79:19$ $correspond$ $39:7, 39:9,$ $11:2, 11:8,$ $28:20, 42:19$ $89:12$ $39:18, 40:1,$ $11:11, 11:22,$ $28:20, 42:19$ $corresponding$ $40:15, 40:16,$ $12:1, 12:17,$ $depos$				
CorrectCorrespondSystemSystemSystem12:5, 38:3,81:20day32:3, 48:13,39:18, 40:21,create102:10definitions44:5, 46:16,34:16decadesdefinitions51:2, 51:21,created59:1248:11, 50:1,54:9, 54:10,36:2decisiondelineate58:3, 74:17,criteria19:15, 19:16,43:591:11, 98:15,25:2, 25:5,19:17, 19:20,43:598:16, 99:2026:19, 26:22,declaration63:5, 63:6corrections27:8, 27:11,5:7, 6:18,79:1913:1427:16, 39:5,10:4, 10:19,11:2, 11:8,89:1239:18, 40:1,11:11, 11:22,28:20, 42:19corresponding40:15, 40:16,12:1, 12:17,depos				
12.3, 30.3,01.10day39:18, 40:21,create102:1055:10, 93:1744:5, 46:16,34:16decades48:11, 50:1,51:2, 51:21,created59:1248:11, 50:1,54:9, 54:10,36:2decision50:858:3, 74:17,criteria19:15, 19:16,50:877:3, 85:15,25:2, 25:5,19:17, 19:20,43:591:11, 98:15,26:2, 26:5,19:22depend98:16, 99:2026:19, 26:22,declaration63:5, 63:6corrections27:8, 27:11,5:7, 6:18,79:1913:1427:16, 39:5,10:4, 10:19,79:19correspond39:7, 39:9,11:2, 11:8,28:20, 42:1989:1239:18, 40:1,11:11, 11:22,28:20, 42:19corresponding40:15, 40:16,12:1, 12:17,deposition		-	-	
39.10, 40.21,Oreated102:10definitions44:5, 46:16,34:16decades48:11, 50:1,51:2, 51:21,created59:1248:11, 50:1,54:9, 54:10,36:2decision50:858:3, 74:17,criteria19:15, 19:16,43:577:3, 85:15,25:2, 25:5,19:17, 19:20,depend91:11, 98:15,26:2, 26:5,19:22declaration98:16, 99:2026:19, 26:22,declaration63:5, 63:6corrections27:8, 27:11,5:7, 6:18,79:1913:1427:16, 39:5,10:4, 10:19,79:19correspond39:7, 39:9,11:2, 11:8,28:20, 42:1989:1239:18, 40:1,11:11, 11:22,28:20, 42:19corresponding40:15, 40:16,12:1, 12:17,depos			-	
44:3, 40:16,34:10decades51:2, 51:21,created59:1254:9, 54:10,36:2decision58:3, 74:17,criteria19:15, 19:16,77:3, 85:15,25:2, 25:5,19:17, 19:20,91:11, 98:15,26:2, 26:5,19:2298:16, 99:2026:19, 26:22,declarationcorrections27:8, 27:11,5:7, 6:18,13:1427:16, 39:5,10:4, 10:19,correspond39:7, 39:9,11:2, 11:8,89:1239:18, 40:1,11:11, 11:22,corresponding40:15, 40:16,12:1, 12:17,				
51.2, 51.21,31.21,31.21,39:1254:9, 54:10,36:2decision50:858:3, 74:17,criteria19:15, 19:16,77:3, 85:15,25:2, 25:5,19:17, 19:20,91:11, 98:15,26:2, 26:5,19:2298:16, 99:2026:19, 26:22,declarationcorrections27:8, 27:11,5:7, 6:18,13:1427:16, 39:5,10:4, 10:19,correspond39:7, 39:9,11:2, 11:8,89:1239:18, 40:1,11:11, 11:22,corresponding40:15, 40:16,12:1, 12:17,				
54.9, 54.10,36.2 decision delineate58:3, 74:17,criteria19:15, 19:16,43:577:3, 85:15,25:2, 25:5,19:17, 19:20,43:591:11, 98:15,26:2, 26:5,19:2263:5, 63:698:16, 99:2026:19, 26:22, declaration 63:5, 63:6corrections27:8, 27:11,5:7, 6:18,79:1913:1427:16, 39:5,10:4, 10:19,79:19correspond39:7, 39:9,11:2, 11:8,28:20, 42:1989:1239:18, 40:1,11:11, 11:22,deposcorresponding40:15, 40:16,12:1, 12:17,depos				
Sol. 3, 74.17,Clitteria19:15, 19:16,43:577:3, 85:15,25:2, 25:5,19:17, 19:20,43:591:11, 98:15,26:2, 26:5,19:22depend98:16, 99:2026:19, 26:22,declaration63:5, 63:6corrections27:8, 27:11,5:7, 6:18,79:1913:1427:16, 39:5,10:4, 10:19,79:19correspond39:7, 39:9,11:2, 11:8,28:20, 42:1989:1239:18, 40:1,11:11, 11:22,deposcorresponding40:15, 40:16,12:1, 12:17,depos				
11.1, 98:15, 91:11, 98:16, 99:20 corrections26:2, 26:5, 26:19, 26:22, 26:19, 26:22,19:17, 19:20, 19:22depend 63:5, 63:6 depending13:14 correspond27:8, 27:11, 39:7, 39:9, 39:7, 39:9,5:7, 6:18, 10:4, 10:19, 11:2, 11:8,79:19 depends89:12 corresponding39:7, 39:9, 40:15, 40:16,11:11, 11:22, 12:1, 12:17,28:20, 42:19 depos				
91:11, 90:13, 98:16, 99:2020:2, 20:3, 26:19, 26:22, 26:19, 26:22,19:2263:5, 63:6corrections27:8, 27:11, 27:16, 39:5,5:7, 6:18, 10:4, 10:19,79:19correspond39:7, 39:9, 39:18, 40:1,11:2, 11:8, 11:11, 11:22,63:5, 63:6depending79:19depends20:2, 20:3, 20:15, 40:16,19:22				
corrections27:8, 27:11,5:7, 6:18,depending13:1427:16, 39:5,10:4, 10:19,79:19correspond39:7, 39:9,11:2, 11:8,28:20, 42:19s9:1239:18, 40:1,11:11, 11:22,deposcorresponding40:15, 40:16,12:1, 12:17,depos				
13:1427:16, 39:5,5:7, 6:18,79:19correspond39:7, 39:9,11:2, 11:8,depends89:1239:18, 40:1,11:11, 11:22,deposcorresponding40:15, 40:16,12:1, 12:17,depos				
correspond39:7, 39:9,10:4, 10:19,89:1239:18, 40:1,11:11, 11:22,corresponding40:15, 40:16,12:1, 12:17,				
89:12 39:18, 40:1, 11:11, 11:22, 28:20, 42:19 corresponding 40:15, 40:16, 12:1, 12:17, depos				
corresponding 40:15, 40:16, 12:1, 12:17, depos	-			-
				-
25:3, 25:5, 40:21, 41:9, 102:2			12:1, 12:17,	-
	25:3, 25:5,	40:21, 41:9,		102:2
		1		

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

33

		1 /	
deposed	91:2	10:16, 12:1,	49:17, 50:3,
6:18, 6:21, 7:3	detection	12:2, 12:10,	50:5, 50:6,
deposition	17:11, 60:15,	13:17, 14:17,	97:13, 99:22,
1:14, 2:1, 5:3,	60:20, 61:6,	14:21, 15:15,	100:4, 100:7,
9:5, 11:13,	61:8, 61:15,	17:16, 19:7,	100:9, 100:10
16:3, 59:22,	62:2, 62:6,	19:9, 20:10,	digests
83:20, 96:15,	62:15, 62:21,	20:12, 21:8,	99:6, 99:18,
100:16, 101:7,	63:5, 63:12,	22:21, 23:1,	100:4, 100:5
101:8, 101:9,	63:14, 63:18,	24:3, 24:17,	direct
101:13, 101:14,	63:21, 88:4,	24:19, 25:13,	16:20
102:4, 102:7	88:7	25:16, 31:7,	directed
depth	determine	31:18, 31:20,	53:20, 59:11
82:2, 82:14	59:6, 61:21,	32:1, 32:12,	disagree
describe	74:16, 79:17,	38:5, 38:12,	79:1
18:20, 19:2,	82:9	38:18, 38:20,	disclose
40:4, 42:8,	determined	41:20, 42:1,	14:2, 66:1,
43:7, 43:9,	27:10	48:3, 48:21,	84:7
43:12, 43:14,	deterministic	49:1, 49:12,	disclosed
64:9, 78:3,	89:6	49:15, 52:11,	18:8, 24:11,
78:12, 79:9,	determinously	52:13, 55:1,	36:1, 58:22,
97:5	89:8	56:7, 56:9,	65:12, 67:19,
described	device	56:16, 57:13,	68:3, 68:17,
24:1, 33:11,	20:18, 22:7,	57:14, 58:5,	69:7, 72:17,
35:3, 36:7,	22:13, 23:9,	58:6, 58:13,	74:22, 75:13,
37:19, 46:3,	24:2, 51:22,	58:16, 59:6,	75:15, 75:21,
65:5, 72:3,	52:10, 60:17,	71:10, 97:22,	76:1, 79:9,
72:9, 73:1,	60:21, 61:6,	98:5, 98:17,	81:1, 81:2,
73:8, 76:5,	61:8, 61:15,	99:1	83:1, 94:20,
79:13, 86:14	62:2, 62:3,	didn't	95:2, 95:3,
describes	62:21, 63:5,	9:1, 13:22,	96:11, 99:8,
67:22, 69:17,	63:18, 63:21,	18:15, 32:14,	102:5
80:10, 95:4	63:22, 76:20,	57:17, 57:18,	discloses
describing	81:19, 81:21,	58:15, 58:19,	68:6, 86:1,
15:6, 15:10,	82:8, 93:17,	74:5, 74:8,	90:17, 92:7
80:18, 81:5	93:19, 93:20,	74:12	disclosing
description	93:22, 94:3	difference	15:7
73:2, 89:18	devices	40:1, 42:21,	disclosure
designed	51:8, 52:14,	62:20, 63:4,	34:18, 74:1
17:21	53:13, 60:15,	63:20	disclosures
destination	62:5, 62:6,	differences	23:5, 40:6,
66:10	62:15, 63:7,	64:3	45:20, 87:3,
detail	63:8, 63:13,	different	97:6, 97:7, 98:8
18:21, 19:2,	63:14, 64:4,	47:13, 70:12	discretely
90:6	82:15	differs	81:3
detailed	did	30:16	discuss
68:16	7:18, 8:3, 8:9,	dig	43:18, 64:6
detect	9:20, 10:1,	90:5	discussed
88:8, 88:14,	10:11, 10:14,	digest	43:20, 66:13,
	1	49:9, 49:13,	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

	Conducted on A	April 18, 2019	34
78:5, 78:14	96:2, 97:2,	dr	39:11, 45:2,
discussion	97:16, 97:17	6:8, 9:12,	60:13
41:4	doesn't	11:16, 16:10,	dynamically
disjunct	27:6, 87:19,	37:8, 37:22,	31:15, 31:21,
26:1	96:7	50:18, 83:17	32:9, 32:10,
disqualified	dog	draft	32:11, 32:13,
101:20	89:13	13:18	32:16, 32:18,
distinction	doing	draw	80:1
29:12, 32:17,	19:5, 65:1,	40:17	E
33:1, 33:3,	68:3, 68:5,	drawing	each
39:17, 40:18	71:11, 78:19,	32:20, 32:22	
document	80:1, 88:1,	drew	14:17, 18:4,
9:3, 9:11,	88:13, 88:22,	32:17, 33:3	65:17, 70:11, 74:16
9:14, 11:18,	89:1, 94:22,	drive	
11:20, 16:6,	95:7	56:19, 69:6,	earlier
16:9, 16:12,	dominant	82:19, 83:5,	70:10, 71:16
19:16, 19:17,	53:8	83:6	early
60:3, 60:4,	don't	drives	53:14, 57:6
60:6, 83:18,	7:7, 9:2,	81:12, 81:13	easier
84:1, 84:3,	10:20, 12:11,	duly	79:4
96:18, 96:20	13:13, 14:12,	6:3, 101:7	easiest
documented	18:20, 19:2,	dynamic	16:20
10:4, 10:19,	25:8, 25:9,	17:4, 23:9,	editing
18:12, 20:16	25:11, 29:12,	23:17, 24:14,	13:20
documenting	30:1, 30:6,	24:18, 24:22,	educational
15:4	30:11, 30:13,	25:14, 25:18,	57:1, 57:2
documents	31:6, 32:1,	26:5, 26:11,	effective
14:17, 14:21,	32:20, 36:18,	27:3, 27:12,	52:16
15:3, 15:4,	37:4, 37:5,	27:15, 27:22,	effectively
15:6, 15:9,	40:22, 42:7,	28:1, 28:4,	70:21, 91:3
15:16, 15:18,	45:11, 45:19,	28:11, 28:12,	either
16:16, 17:16,	52:13, 58:13,	28:17, 28:18,	51:12
18:16, 18:17,	61:3, 63:16,	28:22, 29:5,	element
18:18, 18:20,	64:9, 75:9,	29:9, 29:10,	94:19
19:7, 19:10	75:21, 81:2,	29:13, 29:21,	elements
does	85:7, 85:9,	30:3, 30:5,	17:19, 84:11
34:18, 36:9,	92:9, 95:20,	30:6, 30:10,	else
51:5, 65:9,	97:19, 98:3,	30:12, 30:15,	37:11
66:1, 67:18,	98:18, 100:2,	31:4, 31:6,	embodiments
70:14, 76:15,	100:11	31:13, 32:3,	35:4, 35:22
77:5, 78:3,	done	32:5, 32:6,	enabled
78:11, 84:7,	15:5, 20:2	32:22, 33:1,	46:3, 46:21
86:5, 86:12,	doubled-headed	34:1, 34:7,	encompass
86:21, 87:14,	72:2	34:11, 34:19,	35:1, 35:2
90:4, 92:4,	down	34:20, 34:22,	end
92:5, 92:10,	17:4, 17:8,	35:1, 35:20,	82:8
92:12, 93:3,	69:19, 69:22	36:14, 36:22,	engine
93:7, 94:6,	dozen	38:2, 39:4,	68:8
	7:2		
	I	1	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

35

enough	77:7, 90:6,	83:20, 96:13,	fact
37:4	94:12	96:15, 98:22	56:7
ensure	examination	exist	fair
56:7, 57:13,	4:2, 6:6	45:20	17:4
58:5	examine	existed	fairly
enterprise	85:11	13:4	21:22, 41:12,
84:12	examined	experience	48:12
entities	6 : 5	54:1, 54:8,	faison
96:3	examining	56:18, 57:8,	6:13
entity	48:15	59:11, 59:20	familiar
69:2, 76:9	example	expert	7:12
entries	13:4, 27:5,	54:8, 54:11	features
72:5, 72:6	31:15, 31:16,	expertise	63:10
entry	32:2, 32:8,	54:1, 54:8	feedback
17:10, 75:1,	32:10, 32:11,	explain	94:22
75:2, 76:14,	32:15, 34:4,	37:10, 66:15,	felt
76:15	34:10, 34:15,	71:16	53:11
environment	45:21, 57:7,	explained	field
80:13	58:17, 62:22,	71:3	54:9, 63:7
equivalent	65:6, 66:6,	explaining	fifth
25:17	66:8, 68:21,	32:4	17:3
essentially	69:9, 74:20,	explicit	figure
30:4, 67:6,	74:22, 75:3,	21:22	70:16, 70:18,
71:13, 72:3,	75:14, 75:16,	exposed	71:21, 71:22,
72:9, 83:8,	81:4, 82:1,	57:4, 57:6	90:6
87:22, 88:14,	82:13, 82:18,	expressed	file
89:4, 98:4	83:6, 89:16,	12:20, 13:1,	8:6, 8:10,
et	90:1, 95:3	13:11, 38:22,	25:1, 26:17,
5:16, 5:19,	examples	49:3, 49:4,	54:21
25:15	26:11, 33:8,	93:18	files
european	36:12, 37:19,	extent	26:9
98:15, 99:3	65:11, 66:22,	14:3, 18:12,	financial
event	74:21, 75:15,	38:9, 62:13,	102:4
100:8	80:19, 81:14,	64 : 2	find
ever	86:2, 86:13, 93:8	extract	69:20, 81:4
6:21, 7:3		66:9, 76:12	fine
every	excerpts 50:10	extracting	9:9, 83:13
72:2, 72:4		97:10	fire
everybody	excuse	extraordinary	79:19
52:16	70:18, 72:14 exhibit	55:21	firewall
everything	5:3, 5:4, 5:6,	F	62:21, 63:6,
57:21, 59:3		facility	63:15, 63:18
evolves	5:7, 5:11, 5:14, 5:17, 9:4, 9:5,	84:10, 84:14,	firewalls
53:4	9:8, 11:13,	84:19, 84:21,	63 : 11
exact	11:16, 11:17,	85:11, 86:18,	first
36:3	16:3, 16:6,	88:17, 94:20,	6:3, 68:14,
exactly	59:22, 83:19,	95:19	70:6, 76:20,
22:5, 44:3,	<i></i> , <i></i> ,		79:2, 79:16,

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

		1)	50
83:7, 88:16	96:9, 96:11	63:1, 65:4,	full
first-level	flows	66:3, 67:10,	6:10, 44:19
71:11	22:16, 72:1,	71:20, 73:6,	function
five	75:12, 76:1,	74:3, 74:18,	20:19, 21:6,
82:7	76:21, 77:2,	75:8, 78:15,	22:9, 25:4,
five-featured	78:5, 78:14,	80:6, 80:12,	26:4, 26:21,
65:16	86:13, 86:14,	84:8, 85:1,	27:10, 27:18,
five-tuple	86:22, 87:4	87:1, 88:1,	48:18, 48:22,
65:14, 65:17,	fly	89:21, 90:9,	49:9, 49:14,
65:22, 75:3,	48:11, 50:1,	90:16, 91:4,	49:17, 50:3,
75:17	50:8	91:5, 91:12,	53:3, 79:21,
flaws	followed	93:6, 97:4, 98:2	80:10, 80:15
20:2	13:19	formal	functions
flow	following	19:14	39:6, 39:10,
65:3, 65:10,	45:9	formed	40:19, 41:7
65:12, 65:15,	follows	10:3	fundamentally
65:18, 65:19,	6 : 5	forming	53:3, 82:15
65:21, 69:3,	forest	10:10, 20:9,	further
69:5, 69:8,	79:19	22:20, 38:17,	68:3, 101:11,
69:12, 72:5,	forget	41:19, 48:2,	101:14, 101:19
72:6, 72:12,	36:2	48:20	G
73:11, 73:12,	form	forth	gateway
73:15, 73:17,	8:13, 9:21,	101:7	10:8, 10:12,
73:18, 73:21,	10:11, 10:13,	forward	10:15, 11:1,
74:15, 74:19,	11:3, 12:9,	51:12	20:11, 20:13,
74:20, 75:1,	12:18, 14:1,	found	20:17, 21:5,
75:2, 75:7,	15:12, 21:19,	87:17	22:6, 22:11,
75:10, 75:11,	24:17, 25:21,	fourth	22:12, 22:16,
75:14, 75:22,	26:12, 27:4,	17:8	23:10, 23:18,
76:8, 76:14,	27:19, 28:5,	frame	45:22, 46:1,
76:16, 77:19,	28:19, 29:2,	51:9, 55:3,	46:3, 46:22,
84:10, 84:13,	29:11, 29:22,	56:14, 58:17,	47:5
84:17, 84:18,	30:19, 31:5,	62:11	gateways
84:19, 84:22,	32:19, 33:6,	frankel	46:15
85:2, 85:10,	33:17, 35:10,	3:17	general
85:11, 85:14,	36:11, 36:17,	from	30:22, 53:1,
85:20, 86:1,	37:3, 37:13,	17:6, 17:12,	67:5, 67:15,
86:3, 86:4,	38:18, 39:19,	19:3, 21:4,	67:16, 81:15,
86:5, 86:6,	41:20, 42:18,	23:15, 30:16,	92:6
86:12, 86:18,	43:2, 44:14,	42:15, 50:15,	generally
86:19, 86:20,	45:17, 46:18,	52:11, 54:11,	22:12, 30:18,
88:17, 94:7,	47:15, 48:3,	62:18, 76:13,	48:14, 50:1,
94:8, 94:9,	48:21, 49:12,	77:1, 83:14,	50:9, 55:11,
94:15, 94:17,	54:13, 55:4,	87:11, 89:11,	58:11, 61:19,
94:18, 94:19,	55:22, 56:11,	95:1, 95:5,	64:9, 79:13,
94:21, 94:22,	57:15, 58:9,	95:15, 97:11,	82:6, 86:12,
95:12, 95:19, 95:22, 96:1,	61:2, 61:10,	98:15	88:7, 91:21,
90:22, 90:1,	61:11, 62:8,	front	
		71:22	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM
37

· · · · · · · · · · · · · · · · · · ·			
99:18	goes	53:10, 55:6,	52:14, 53:5,
generating	94:14, 94:15	55:7, 55:17,	53:22, 54:6,
99:15	going	59:7, 63:10,	54:7, 54:20,
generic	8:5, 9:3, 20:6,	85:20	55:6, 55:13,
84:20	35:4, 40:12,	halfway	56:1, 56:5,
georgia	45:8, 63:4,	69 : 22	56:8, 56:15,
1:15, 2:8,	63:6, 64:1,	hand	57:3, 57:9,
2:13, 3:9,	64:3, 69:6,	9:3, 43:4,	58:7, 59:15,
101:4, 101:17,	70:8, 70:21,	83:17, 98:21	64:3, 77:15,
101:22, 102:8	71:8, 77:14,	handed	79:20, 86:12,
-	78:1, 81:6,	11:10	90:5, 92:17,
get	82:2, 83:4,	handing	92:20, 97:2,
54:2, 92:16,			97:21, 99:2,
92:22, 95:5,	83:5, 83:17,	11:16, 16:6,	100:11, 100:15,
95:15	84:11, 87:11,	60:3, 96:13	102:5
gets	89:15, 96:7,	happen	having
43:7, 61:19,	98:7	36:4	-
95:4	gone	happened	13:12, 18:11,
getting	59:15	58:19, 58:21	18:19, 81:21
76:3	good	happy	head
gigabit	6:8, 25:10,	73:3	10:21, 25:11
53:11	48:10, 49:22,	hard	header
gigabits	50:7, 50:12,	72:1	42:15, 45:6
53:10	72:16, 78:19,	hardware	headers
give	83:11	51:7, 51:21,	17:9, 42:13,
7:9, 10:22,	got	52:1, 52:2,	67:2, 67:3,
11:6, 25:19,	70:2	52:3, 52:17,	97:12
27:5, 54:2,	gould	52:19	hearkening
57:2, 66:6,	2:5, 3:6,	hardware-based	88:22
66:8, 66:22,	101:16	52:12, 53:9,	held
79:11, 80:18,	graduate	53:16	2:1
85:2, 99:12	55:7	has	help
given	greatest	22:6, 30:12,	11:10
32:2, 43:22,	88:6	30:21, 34:22,	helpful
54:11, 59:11,	grounds	35:2, 44:16,	40:11
63:17, 101:10	19:12	45:11, 47:13,	here
gives	quess	52:16, 71:2,	6:15, 16:21,
34:11, 65:11	33:7, 40:8,	82:20, 83:18,	20:17, 29:13,
giving	62:9, 71:21,	87:3, 93:21,	32:3, 33:19,
25:11, 30:6,	97:21	94:1, 97:6	34:3, 34:18,
30:12, 32:3,	н	have	35:3, 38:6,
33:8, 74:20	had	6:21, 6:22,	39:9, 47:18,
glue		7:3, 8:17,	54:18, 59:1,
77:20	8:6, 12:8,	12:16, 12:19,	65:1, 65:19,
go	12:14, 15:4,	13:3, 15:21,	67:4, 68:3,
17:5, 18:7,	15:5, 15:19,	27:5, 36:9,	72:1, 72:17,
48:13, 53:15,	16:16, 18:1,	37:15, 40:2,	74:2, 74:22,
58:16, 64:17,	18:8, 18:12,	42:3, 42:13,	75:3, 75:14,
68:13, 93:13	24:6, 52:9,	48:13, 49:7,	75:20, 76:5,
00.13, 93.13		10.10, 10.17	, -,
	1		1
			1

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

	e enauerea en	11 April 10, 2017	50
79:14, 80:5,	85:22, 88:4,	images	information
87:10, 93:8,	99:18, 100:4	89:11	8:9, 41:17,
93:18, 97:5,	hung	immediately	41:22, 42:14,
99:8	75:20, 76:3	92:19	42:15, 45:4,
hereby	hypothetical	implement	66:9, 66:22,
101:4	53:19	90:18	67:7, 75:18,
herein	I	implemented	76:12, 76:13,
22:1	<u>-</u> i'll	51:20, 52:1,	91:10, 91:22,
hereinbefore	16:15, 87:18,	52:2	92:5, 92:13,
101:7	98:20	impressed	92:14, 92:19,
high	i've	17:19	93:2, 93:5,
63:2, 82:10,	20:2, 37:16,	inc	93:10, 95:5,
82:21, 94:11	38:9, 59:14,	1:5, 1:8, 3:3,	95:15, 95:16,
higher	62:16, 73:1,	3:14, 101:12	97:11, 97:14,
51:9	78:9, 93:18	include	99:15, 99:16,
highest	id	13:21, 22:7,	99:19, 100:1,
42:11	65 : 15	25:1, 25:7,	100:5
hill	idea	25:8, 25:11,	informed
6:14	69:3	25:13, 25:16,	8:8, 72:5, 72:7
hindsight	identification	25:17, 26:16,	informing
57:14, 58:6	9:6, 11:14,	75:3, 94:7, 98:1	24:16, 49:11
his	16:4, 60:1,	includes	initial
79:2	83:21, 96:16	20:17, 23:8	13:18
history	identifies	incoming	initiation
8:6, 8:10,	25:3, 26:3,	66:2, 66:12,	67 : 1
52:7, 54:21,	26:20, 27:9,	66:16, 74:17	innovation
99:2	27:17	incorrect	88:21
hold	identify	21:18	inside
13:11, 21:14,	67:12, 67:13,	indicate	86:8
24:10	67:20, 68:5,	81:8	inspect
horizon	76:21, 89:14	indicates	92:14, 92:17
53:11	identifying	91:21	inspecting
hours	45:15, 99:16	indication	91:9, 91:19,
14:7, 14:13	idp	81:9	91:20
how	60:15, 60:17,	indications	inspection
7:1, 7:6, 7:22,	60:18, 60:21,	82:5	51:5, 51:15,
14:7, 19:4,	61:5, 76:20,	individual	52:12, 52:21,
25:8, 25:9,	81:6, 81:21,	53:19	91:9, 92:6,
28:22, 32:5,	82:8	industry	92:12
32:11, 33:8,	idps	52:11, 53:11,	instances
33:9, 37:11,	82:16	59:15, 62:12	64:4
42:8, 54:17,	ill-formed	inference	instead
55:1, 56:7,	31:1	17:13	75:16
59:6, 59:20,	illustrated	inform	institute
63:20, 64:9,	70:16	13:6, 34:20,	19:16
72:21, 73:10,	image	68:9, 68:18,	institution
80:10, 80:15,	89:12	72:18, 73:4	19:20
81:21, 82:3,	UJ.12	informal	instruction
		44:1	25:1, 25:15,

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

26:14, 26:17	invalidating	67:14, 68:3,	11:13, 11:16,
instructions	18:22	69:22, 71:3,	16:3, 16:10,
26:9, 51:12	invalidity	71:11, 71:13,	37:8, 37:22,
intelligence	19:13, 21:12,	71:22, 72:1,	50:18, 59:22,
89:1, 89:14,	24:8	73:8, 75:21,	83:17, 83:20,
90:8	invention	76:4, 76:7,	96:15, 101:6,
intensities	35:5	76:9, 78:21,	101:15
89:12	inventor	78:22, 79:22,	jeffrey
intentional	22:5	80:12, 81:2,	3:4, 3:15
85:22	inventors	81:5, 82:2,	job
inter	30:2, 32:5,	82:17, 83:3,	1:19, 78:19
5:9	58:20	83:12, 84:9,	johnson
interacted	involved	84:19, 84:21,	5:19, 97:1,
56:14	71:10	85:10, 85:22,	97:2, 97:5,
interactions	ip	88:6, 88:17,	97:10, 97:16,
55:14	17:8, 91:20	88:22, 89:6,	97:17, 97:22,
interest	ipr	89:11, 91:1,	98:5, 98:8,
91:3, 101:20	1:11, 6:19,	91:4, 91:17,	99:14, 100:10
interested	7:3, 11:22,	92:10, 92:11,	johnson's
80:20	15:11, 19:16	93:20, 94:12,	99:6
interface	iprs	95:3, 95:7,	jprice@kramerlev-
52:15, 86:5	13:8, 14:11	95:10, 95:11,	in
internal	issue	95:13, 96:7,	3:21
81:19	43:3, 45:10,	96:8, 98:22	judgment
internet	53:2, 53:9	item	19:21
84:12	it's	88:2	july
interpret	7:16, 10:19,	items	12:3, 12:6,
8:1, 29:16	18:21, 18:22,	16:21, 87:17	12:10, 12:13
interpretation	21:11, 23:21,	iterative	june
46:17	24:7, 24:21,	13:20	16:14
interpretations	26:1, 26:8,	its	just
44:16, 44:21	30:21, 32:10,	48:7, 49:19,	8:15, 11:6,
into	32:14, 35:3,	73:12, 82:1,	16:21, 17:19,
34:8, 51:8,	36:7, 37:15,	84:18, 92:12,	18:3, 18:7,
51:10, 51:16,	40:3, 40:11,	97:10	18:11, 19:3,
59:15, 77:12,	40:12, 41:3,	itself	19:15, 25:7,
82:7, 90:5	41:10, 42:8,	19:11, 21:21,	25:19, 26:16,
intrusion	42:10, 44:15,	28:3, 28:16,	30:5, 30:11,
60:14, 60:20,	44:17, 45:3,	29:10	32:2, 32:4,
61:6, 61:8,	45:9, 45:12,	J	33:7, 35:11,
61:15, 61:22,	46:12, 46:21,	jblake@merchantg-	36:12, 37:8,
62:2, 62:6,	50:3, 50:10,	ould	39:8, 40:12,
62:14, 62:21,	60:19, 60:20,	3:11	41:2, 41:10,
63:5, 63:12,	61:3, 61:17,	jeffay	42:3, 47:3,
63:13, 63:18,	61:18, 62:10,	1:14, 2:1, 5:3,	48:5, 48:14,
63:21	63:4, 63:5,	5:7, 6:2, 6:8,	49:18, 51:15,
invalid	64:1, 65:15,	6:12, 9:5, 9:12,	52:17, 53:1,
10:5	66:19, 67:11,		54:2, 59:2,

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

Transcript of Kevin Jeffay, Ph.D.

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		r	-
60:19, 61:5,	keysight	large	63:2, 79:16,
63:17, 64:17,	21:4, 23:15,	7:2	79:18, 79:20,
66:19, 69:19,	41:13	largely	79:22, 80:5,
70:15, 76:3,	kinds	62 : 10	81:13, 82:11,
77:6, 78:10,	84:12	last	82:19, 82:21,
78:21, 78:22,	knives	91:6	83:10, 94:12,
79:11, 79:22,	63:9	later	98:6
80:7, 82:18,	know		levin
84:19, 87:16,		57:21	3:17
87:20, 89:16,	7:7, 12:12,	law	light
91:13, 91:16,	14:10, 18:22,	3:5, 3:16,	-
	25:8, 25:9,	102:8	10:5
93:20, 95:13,	29:12, 40:22,	layer	like
96:6, 99:12,	42:8, 52:13,	42:9, 42:11,	13:15, 20:3,
100:3, 100:7,	52:14, 53:4,	43:8, 45:14,	25:2, 42:12,
100:9	56:12, 56:20,	46:4, 47:2,	53:5, 56:22,
K	57:3, 57:5,	47:8, 47:10,	57:18, 66:22,
kapoor	57:10, 57:18,	77:15, 78:2,	81:11, 81:20,
5:16, 84:5,	58:17, 58:18,	91:11, 92:1,	82:15, 82:18,
84:7, 84:16,	61:3, 61:22,	92:8, 92:17	82:21, 89:6,
84:18, 85:5,	62:11, 62:15,	layers	95:14
86:9, 86:11,	64:2, 64:9,	43:5, 43:12,	limitations
86:16, 86:21,	75:9, 77:19,	43:15, 51:9,	45:15
87:2, 87:3,	79:18, 81:2,	91:20, 92:18,	limited
87:11, 87:14,	82:19, 85:9,	92:21, 97:12	31:14, 34:2,
87:16, 87:19,	89:7, 89:11,	learning	35:21
88:5, 88:11,	92:9, 98:4	94:1	line
88:17, 90:5,	knowledge	least	51:14
90:7, 90:15,	8:15, 54:1,	23:8, 29:6,	lines
90:17, 91:4,	54:7, 56:4,	29:14, 39:4,	34:4, 69:20,
91:7, 92:4,	56:19, 59:19,	73:10, 85:10	82:7
92:10, 93:9,	71:2	less	link
94:4, 95:22,	known	43:10	47:10
97:7	65:15, 87:22	let	list
kapoor's	kramer	16:22, 30:1,	14:22, 15:18,
88:20, 88:21,	3:17	64:17, 70:22,	25:22
91:8, 91:18,	krishna	77:6, 81:3,	listed
93:3, 93:16	79:3	91:16	14:18, 16:21,
keep	L	let's	22:7, 37:19,
59:17		41:14, 50:14,	98:18
keeping	lab	92:11, 94:18	listing
81:22, 82:2	55:6, 55:8,	92:11, 94:18 letter	66 : 19
kept	55:18		lists
-	label	89:8, 89:9	
14:12	61:19	letters	17:3
kevin	labeled	78:22	litigation
1:14, 2:1, 5:3,	83:19	level	21:4, 23:15,
5:7, 6:2, 6:12,	language	45:19, 53:22,	41:13
101:6, 101:15	21:22, 22:2	54:7, 59:6,	little
	1	59:13, 59:21,	72:1, 85:22

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

	Conducted on A	F	41
11c	lots	69:7, 72:7,	70:11, 76:21,
102:1, 102:2	55:13, 63:10	73:13, 73:14,	77:11, 82:8,
llp	low	73:17	94:7, 95:5,
3:17	82:10	manual	95:8, 95:16,
load	lowe	36:7	96:9, 96:10,
34:8	1:21, 2:12,	manually	99:18, 100:4
location		31:16, 33:15,	maybe
	101:3, 102:14	34:6, 34:12,	7:7, 63:4,
81:3	lower		100:6
log	45:14	35:9, 35:15,	mean
97:16, 97:18,	lunch	36:4, 36:15, 37:1	
97:19, 97:20,	83:12		8:5, 11:4,
98:1, 98:6	M	many	12:19, 19:22,
logged	mac	7:1, 7:6, 14:7,	25:6, 25:14,
100:7	66:10	59:17, 80:20,	25:16, 25:17,
logging	machine	98:19	25:22, 27:6,
49:9, 49:13,	94:1	map	28:20, 29:13,
49:17, 50:3,	machine-learning	89:18, 89:22,	31:18, 32:14,
97:9, 97:12	90:15, 90:18,	90:4, 90:9,	37:4, 37:5,
logic	90:22, 93:16,	90:14, 90:19	37:9, 37:10,
90:15, 90:18,	93:19, 93:21,	marked	51:5, 52:14,
90:22, 93:16,	94:2, 94:8,	9:4, 9:5, 9:8,	53:2, 53:4,
93:19, 93:20,	94:14, 95:1,	11:13, 11:17,	55:11, 56:1,
93:21, 94:2,	95:6, 95:16,	16:3, 16:6,	56:18, 57:16,
94:8, 94:15,	96:1, 96:10	59:22, 60:3,	57:17, 58:11,
95:1, 95:6,	machine-learning-	83:20, 96:13,	58:12, 58:15,
95:16, 96:1,	-based	96:15	59:2, 60:19,
96:11	90:11	marketed	64:12, 65:9,
long	made	62:5	70:14, 71:10,
27:15, 87:2		marketing	72:17, 75:9,
look	40:14, 57:20	51:7, 61:18	75:11, 76:4,
17:2, 25:20,	make	match	77:5, 80:15,
57:18, 64:4,	13:15, 29:13,	65:21, 66:18,	84:17, 86:6,
68:20, 71:21,	39:16, 59:2,	89:6	87:14, 90:4,
76:13, 92:4,	91:17	matches	93:7, 94:6,
93:3, 93:10,	makes	76:14, 88:3	96:2, 96:7
95:3, 99:1	75:7	matching	meaning
looked	making	65:16, 87:15,	7:17, 10:12,
98:19	53:15	87:16, 87:17,	10:18, 10:22,
looking	malicious	88:2	23:3, 24:18,
10:7, 17:7,	62:1, 67:12,	matter	25:12, 30:2,
54:20, 85:16,	67:20	12:14, 12:17,	30:7, 30:12,
92:10, 92:11,	manage	15:5	30:21, 31:4,
93:1	23:16	mature	31:20, 38:2,
	management	63:7	38:19, 41:21,
lost	22:18, 22:22,	may	42:2, 42:4,
78:9, 81:15	23:3, 24:1,	-	42:6, 48:4,
lot	34:6, 34:9,	31:14, 32:11,	48:7, 48:8,
18:2, 55:11,	68:22, 69:4,	33:4, 33:9,	48:22, 49:2,
63:8, 79:4, 84:9		37:6, 70:5,	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

42

	Conducted on A	ipin 10, 2 019	12
49:20, 49:21,	99:15	92:6	76:18, 78:3,
51:14, 63:9	michelle	morning	78:11, 79:7,
meaningful	1:21, 2:11,	6:8, 6:9	80:17, 85:13,
39:22	101:3, 102:14	most	85:17, 85:21,
meanings	middle	18:10	86:15, 97:7
38:7, 47:13,	81:17	move	narayanaswamy's
49:13, 50:7	might	52:11	78:17
means	79:1, 83:11	much	narrower
32:22, 33:10,	minute	17:22, 40:7,	21:11, 21:17,
33:14, 37:16,	79:11	41:10, 41:11,	23:19, 23:21,
41:5, 46:6,	mischaracterizes	61:17, 81:21,	24:3, 24:7, 24:9
48:15, 51:16,	15:13, 47:16	82:3	ne
64:13, 64:20,	misheard	multilevel	2:6, 3:7,
70:15, 76:4,	74:13	79:14	101:16
77:7, 77:8,	missing	multiple	necessarily
85:14, 87:17,	74:2	44:16, 44:21,	89:6
87:21, 90:6	mlowe	70:18, 70:19,	need
meant	102:1	77:12, 77:13	72:15
32:13, 65:19,	module	multiresolution	net
88:19	65:2, 69:1,	17:11	89:18
measured	69:4, 69:7,	must	network
82:1	69:18, 70:5,	44:1	18:6, 45:8,
measures	70:11, 72:7,	myself	46:7, 46:13,
82:20	73:13, 73:14,	17:22	47:4, 47:7,
media	75:7	N	52:8, 52:9,
17:7	monitor	naftalis	52:15, 53:10,
meets	68:22, 82:8,	3:17	53:13, 53:14,
93:17	94:2	name	60:14, 61:20,
memory	monitored	6:10, 6:12,	62:1, 68:5,
82:3	76:21	78:20, 79:2	80:3, 80:11,
mention	monitoring	names	80:13, 80:15,
76:5	79:14, 81:17,	43:11	81:9, 82:6,
mentioned	82:14, 82:22,	narayanaswamy	82:9, 82:10,
18:5, 51:20,	93:17, 94:3	5:13, 60:8,	84:12, 84:20,
71:9	more	60:13, 60:19,	84:21, 86:5,
merchant	25:3, 26:2,	60:22, 61:4,	87:18, 89:3,
2:5, 3:6,	26:20, 27:9,	64:5, 64:13,	90:8, 90:13,
101:15	27:16, 34:7,	64:15, 65:1,	91:11, 91:19, 92:1
message	39:5, 39:9,	65:9, 65:14,	networking
25:1, 25:15,	40:5, 40:7,	65:20, 66:1,	22:15, 55:6,
26:17, 43:1,	40:14, 41:10,	66:8, 67:9,	57:7
45:7, 77:11,	41:11, 49:7,	67:18, 67:21,	networks
77:16, 77:18,	53:15, 56:1,	68:6, 68:17,	1:8, 3:13,
97:8	56:8, 68:16,	69:2, 69:14,	22:14
messages	80:10, 81:19,	69:16, 70:4,	neural
26:9, 26:13,	85:22, 86:13,	71:14, 74:1,	89:3, 89:18
26:14, 45:7	86:20, 89:15,	75:21, 76:2,	neurons
method	90:5, 90:10,		88:18, 90:2
66:15, 67:4,			JU.Z
	1		

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

		pin 10, 2 019	
new	62:15, 82:2,	61:10, 62:8,	36:8
3:19, 83:17,	83:18, 88:6,	63:1, 65:4,	often
83:18	89:5, 89:6,	66:3, 67:10,	77:14
next	92:19, 93:20,	71:20, 73:6,	oh
34:14, 51:19,	96:5, 96:10,	74:3, 74:18,	77:7
95:7	97:20, 98:6,	75:8, 78:15,	okay
nonetheless	101:19, 102:6	80:6, 84:8,	9:7, 9:19,
56:3	nothing	85:1, 85:6,	10:7, 14:16,
nonstatic	6:4	87:1, 89:21,	16:15, 20:3,
31:14, 34:2,	notion	90:16, 91:12,	20:8, 39:15,
35:7, 35:14,	67:14, 76:8,	93:6, 97:4, 98:2	41:14, 41:15,
35:21, 36:10,	88:11	observed	50:14, 50:21,
36:16, 37:2	now	80:3	54:5, 60:11,
nontraditional	17:7, 75:17,	obvious	70:1, 70:13,
52:15	87:12, 92:22	58:2, 58:7	74:14, 76:19,
normal	number	obviously	79:8, 87:8,
82:10	7:2, 7:19,	70:17, 82:2	87:13, 93:14,
north	58:3, 87:9	obviousness	94:5, 99:13,
6:14	numbered	18:16	100:11
not	69:21	occur	one
12:17, 12:20,	numbers	40:19, 41:6	17:3, 17:5,
13:1, 13:7,	9:8	occurred	17:8, 23:19,
13:11, 14:2,	numerals	101:15	25:3, 26:2,
14:22, 15:10,	70:17	occurring	26:20, 27:9,
15:14, 15:15,	0	62:3	27:16, 29:6,
18:2, 18:17,	objection	ocga	29:14, 29:17,
19:21, 29:3,	8:13, 10:13,	101:21	29:18, 34:6, 37:9, 39:5,
30:20, 31:13,	11:3, 12:9,	off	39:9, 43:4,
32:2, 32:3,	12:18, 14:1,	10:20, 16:22,	44:1, 47:18,
32:6, 32:10,	15:12, 21:19,	25:10, 48:13,	49:7, 59:16,
32:20, 32:21,	25:21, 26:12,	59:15, 81:10	63:17, 65:12,
32:22, 33:19,	27:4, 27:19,	offer	68:4, 70:6,
33:20, 34:1, 35:20, 36:10,	28:5, 28:19,	10:14, 13:8,	70:12, 71:4,
37:6, 37:17,	29:2, 29:11,	20:12, 21:20	75:4, 78:16,
37:19, 38:3,	29:22, 30:19,	offered	81:3, 81:18,
38:5, 38:10,	31:5, 32:19,	7:21, 11:7,	82:18, 94:7,
40:3, 40:9,	33:6, 33:17,	20:15, 33:19, 39:3, 41:13,	94:14, 96:8,
40:11, 45:12,	35:10, 35:16,	102:6	99:8
45:16, 46:3,	36:11, 36:17,	offering	one's
46:15, 46:21,	37:3, 37:13,	54:15	35:1
48:10, 49:22,	39:19, 42:18,	office	online
50:7, 52:5,	43:2, 44:14, 45:17, 46:18,	1:1, 98:14,	17:4
56:9, 57:14,	47:15, 54:13,	98:17	only
58:6, 58:7,	47:15, 54:15, 55:4, 55:22,	offices	8:14, 29:16,
58:11, 58:13,	56:11, 57:15,	2:2, 101:15	92:4
58:16, 60:21,	58:9, 61:2,	offline	onto
61:3, 61:17,		34:7, 34:12,	34:14
		~ , , ~	
L			

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

	Conducted on F	ipin 10, 2 019	44
operate	54:14, 54:16,	over	76:21, 77:1,
92:7	54:17, 54:18	95:14	78:5, 78:14,
operated	order	own	88:9, 97:12,
70:22, 73:13	17:1, 67:19,	15:19, 16:16,	99:6, 99:9,
operates	73:21, 92:16	21:10	100:3, 100:4,
73:11	orders	owner	100:5, 100:10
operating	38:7	1:9, 3:13, 6:6	packet-by-packet
74:11	ordinary	owner's	47:21, 48:4,
opined	7:22, 8:16,	19:17	48:5, 48:9
23:20	30:16, 42:4,	P	packet-header
opining	42:5, 42:6,		41:17, 41:22,
57:9	48:6, 48:7,	packages	42:14, 45:4,
opinion	48:8, 49:19,	34:3	45:5, 67:6,
9:21, 10:2,	49:20, 49:21,	packet	91:10, 91:22,
10:3, 10:10,	50:7, 53:18,	10:8, 10:12,	92:5, 92:13,
10:11, 10:14,	54:19, 55:2,	10:15, 11:1,	92:19, 93:2,
11:5, 11:6,	55:9, 55:13,	20:10, 20:12,	93:5, 93:10,
20:9, 20:12,	55:14, 55:17,	20:19, 21:6,	97:13
20:14, 20:15,	56:2, 56:4,	22:6, 22:8,	packet-log
22:20, 24:16,	56:9, 56:13,	23:10, 23:17, 25:4, 26:3,	99:18, 99:22,
24:17, 26:8,	56:20, 57:10,		100:9
27:14, 28:3,	59:7, 61:14,	26:21, 27:9, 27:17, 39:5,	packet-logged
29:8, 30:9,	62:4, 62:19,	39:9, 42:16,	100:7
31:12, 33:14,	76:6, 77:9,	42:17, 42:22,	packets
33:19, 34:1,	82:12, 88:9,	42:17, 42:22, 43:14, 44:1,	20:17, 20:18,
34:20, 35:19,	92:15, 95:9	44:7, 44:9,	20:19, 21:6,
36:16, 37:2,	originally	44:17, 45:14,	21:7, 22:8,
38:2, 38:8,	21:15	45:19, 45:22,	22:9, 25:3,
38:10, 38:17,	other	46:1, 46:14,	25:5, 26:3,
38:18, 38:21,	8:14, 12:16,	46:22, 47:5,	26:4, 26:20,
38:22, 39:2,	12:19, 13:10,	47:12, 47:17,	26:22, 27:9,
39:3, 39:22,	13:11, 14:21,	47:18, 48:16,	27:10, 27:17,
41:19, 41:20,	42:8, 47:1,	48:17, 48:22,	39:7, 40:20,
45:16, 47:12,	58:22, 64:10,	49:6, 49:8,	41:8, 45:12,
48:2, 48:3,	66:1, 74:1,	49:13, 49:17,	45:13, 46:4,
48:20, 48:21,	74:21, 75:15,	50:4, 50:5,	46:10, 46:16,
49:4, 49:11,	86:19, 89:2,	50:11, 51:4,	47:1, 47:2,
49:12, 49:16,	94:15, 100:12	51:11, 51:12,	47:3, 47:7,
54:9, 54:11,	otherwise	51:15, 51:18,	64:11, 64:21,
58:1, 72:11,	35:3	51:19, 52:12,	65:13, 65:16,
93:18	our	52:21, 64:6,	65:21, 66:2,
opinions	19:3	64:8, 64:20,	66:13, 66:16,
7:21, 8:8,	out	65:3, 65:7,	66:18, 67:22,
12:8, 12:11,	15:22, 21:21,	67:8, 67:15,	68:1, 68:4,
12:14, 12:16,	35:4, 41:2,	67:19, 70:7,	69:15, 71:6,
12:19, 13:1,	59:16, 59:17,	71:8, 73:22,	71:12, 71:18,
13:3, 13:8,	88:8, 90:6	76:12, 76:13,	72:13, 74:11,
13:10, 13:21,	outside		74:17, 77:13,
	8:9		

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

	Conducted on P	Ipin 10, 2017	43
77:19, 77:21,	91:6, 93:13,	parts	59:9, 84:4,
85:11, 85:14,	93:15, 94:4,	77:12, 77:16,	96:21, 97:3
86:4, 86:6,	95:4, 96:12,	86:16	patents
87:18, 88:10,	98:10, 98:14,	party	14:12
91:11, 91:19,	99:11	45:11, 101:11	path
92:1, 94:13,	paragraphs	passage	94:6, 94:20,
94:21, 97:12,	72:3, 79:6,	85:16, 85:17,	95:9, 95:17,
99:16	79:10, 80:20	85:18	95:18
page	parameters	passing	pattern
4:2, 5:3, 12:4,	81:7, 81:11,	19:21	88:1, 88:10,
17:2, 17:7,	81:14, 81:18,	passive	88:18, 89:1,
17:8, 17:10,	82:20, 83:1,	17:13	89:5, 89:10
17:12, 34:14,	83:4	patent	patterns
91:17, 95:7	parse	1:1, 1:3, 1:9,	78:5, 78:13,
pages	36:18, 51:10	1:12, 3:13, 5:4,	88:1, 89:14,
1:20, 14:14,	parsing	5:10, 5:11,	90:12, 90:13,
14:18	51:8, 51:16	5:14, 5:17, 6:6,	91:2
papers	part	6:20, 7:17,	payload
17:3, 18:4,	6:19, 19:1,	7:18, 7:20, 8:2,	67:3, 92:6,
18:10, 57:19	26:18, 27:3,	8:4, 8:11, 8:12,	92:14
paragraph	27:22, 28:12,	8:20, 9:16,	payloads
20:16, 21:1,	28:18, 29:9,	9:18, 9:22,	91:19, 93:11
23:6, 23:13,	34:16, 39:4,	10:5, 10:11,	peachtree
24:21, 31:9,	57:1, 67:12,	12:20, 13:5,	2:6, 3:7,
35:7, 37:9,	68:1, 68:2,	14:13, 15:6,	101:16
37:11, 38:22,	70:20, 71:4,	15:8, 17:18,	people
39:2, 39:14,	81:5, 86:6,	17:22, 18:3,	43:10, 53:15,
39:16, 40:17,	88:20, 90:14,	18:20, 19:17,	55:5, 55:12,
43:20, 43:22,	91:13	20:7, 20:10,	55:14, 56:13,
44:6, 49:4,	partes	20:21, 22:4,	57:2, 57:4,
50:19, 50:22,	5:9	22:6, 22:21,	59:14, 63:14
53:21, 54:6,	partial	23:4, 23:12,	perform
55:10, 60:9,	95:9	24:12, 24:17,	20:18, 21:6,
64:14, 65:1,	participated	29:1, 30:4,	22:8, 81:7
65:6, 65:13,	14:11	30:16, 31:13,	performed
66:7, 66:13,	particular	32:4, 33:8,	18:2, 25:4,
66:19, 67:21,	17:17, 18:5,	33:11, 33:22,	18:2, 25:4, 26:4, 26:21,
68:21, 69:7,	30:6, 43:8,	34:11, 35:20,	36:7, 39:6,
69:16, 70:10,	48:11, 52:9,	38:11, 38:13,	40:20, 41:8,
72:9, 73:9,	65:3, 65:10,	38:18, 40:4,	93:21, 93:22
73:10, 73:20,	67:22, 71:7,	40:6, 41:4,	performing
74:14, 74:21,	75:14, 85:18,	41:6, 41:10,	
75:16, 76:17,	88:2, 97:8,	41:20, 44:8,	10:3, 20:21,
77:6, 78:6,	97:11	44:12, 46:21,	45:15, 52:20,
78:14, 81:5,	particularly	48:3, 48:21,	94:1
81:16, 82:7,	52:17	49:12, 53:20,	perhaps
83:1, 83:9,	parties	54:9, 54:20,	76:3, 78:10
87:6, 89:20,	102:6	58:2, 58:20,	person
, -,	102:0		7:22, 8:16,

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

46

	Conducted on P	r - ,	-0 -
22:4, 23:7,	planet	34:9, 34:11,	previously
29:15, 30:16,	102:2	34:17, 34:19,	24:6
40:10, 42:4,	please	34:21, 34:22,	price
46:1, 46:5,	6:10, 9:18,	35:2, 35:20,	3:15, 4:3, 6:7,
46:19, 48:6,	14:14, 31:9,	36:14, 36:19,	8:19, 9:7, 9:10,
49:19, 50:2,	39:14, 50:18	36:22, 38:3,	10:17, 11:9,
50:9, 53:18,	point	39:4, 39:12,	11:15, 12:15,
54:19, 55:2,	15:22, 41:2,	45:3, 60:13,	12:22, 14:6,
55:20, 56:2,	52:7, 62:12,	71:1, 71:7,	15:17, 16:5,
56:4, 56:8,	62:19, 63:8,	79:14, 83:7	22:10, 26:7,
57:10, 59:7,	76:1, 80:11,	populated	27:1, 27:13,
61:14, 62:4,	80:22, 92:22	72:6	28:2, 28:8,
62:19, 75:13,	policies	populates	28:21, 29:4,
76:6, 76:11,	23:16, 34:7,	69:4	29:19, 30:8,
77:8, 77:9,	34:8, 67:22,	posa	31:2, 31:8,
82:12, 92:15,	68:7, 68:10,	23:20, 91:7,	33:2, 33:12,
95:9	68:18, 69:9,	91:17	33:21, 35:12,
persons	69:10, 69:11,	position	35:18, 36:13,
55:9, 55:12,	69:13, 69:14,	45:11, 55:1	36:21, 37:7,
55:14, 55:17,	70:6, 70:12,	possibilities	37:21, 38:14,
56:13, 56:20	70:19, 71:3,	96:9	38:16, 39:21,
perspective	71:17, 71:19,	potentially	42:20, 43:17,
19:3, 54:12	72:8, 72:11,	80:19, 94:22,	44:18, 46:9,
petition	72:18, 73:4,	95:10	47:6, 47:20,
5:8	73:16, 73:17,	precise	50:12, 50:17,
petitioner	73:22, 74:16,	10:20, 11:4,	54:22, 55:19,
1:6, 3:3	75:4, 80:2	11:5, 11:6,	56:6, 57:12,
ph	policy	43:11, 48:11,	57:22, 59:5,
1:14, 2:1, 5:8,	22:18, 22:22,	50:1, 50:8	60:2, 61:7,
6:2	23:3, 23:10,	preliminary	61:13, 62:17,
phrase	23:17, 24:1,	19:17	63:19, 65:8,
35:6, 35:13,	24:14, 24:18,	preparation	66:5, 67:17,
40:9, 40:19	24:22, 25:14,	14:19, 15:20,	72:10, 72:20,
phraseology	25:18, 26:6,	16:17, 19:8	73:19, 74:7,
43:7	26:11, 26:16,	prepared	75:5, 75:19,
phrases	27:3, 27:12,	99:3	78:18, 79:5,
8:1, 38:5,	27:15, 28:1,	preparing	80:14, 83:11, 83:16, 83:22,
40:18, 41:1,	28:4, 28:12,	14:8, 14:22,	83:16, 83:22, 84:15, 85:4,
48:12	28:17, 28:18,	17:17	85:12, 87:5,
phrasing	28:20, 28:22,	pretty	90:3, 90:20,
36:3	29:6, 29:9,	50:12, 78:19	93:12, 96:17,
places	29:10, 29:14, 29:17, 29:21,	prevention	97:15, 98:9,
86:19	30:3, 30:5,	60:15, 60:20,	100:11, 100:14
plain	30:15, 30:17,	61:6, 62:15,	primarily
42:4, 42:6,	30:20, 31:13,	63:12, 63:14,	97:9
48:7, 48:8,	32:7, 33:15,	63:18, 63:22	primary
49:20, 49:21,	34:1, 34:5,	previous	19:12
50:7		64:19	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

nninginles	nobibited		ratas
principles	prohibited 102:7	push 53:12	rates 102:5
prior	pronouncing 78:20	put	rather 16:21, 21:9
10:6, 13:4, 18:21, 80:20		12:7, 12:11,	
priorities	proper 8:11	55:1, 61:19, 77:17	read
79:20			16:21, 19:22,
priority	properties 62:14	Q	25:7, 59:9, 73:20, 77:6,
13:5		qualify	91:13, 91:16,
private	proposed	55:8	96:8, 100:3
82:9	21:15 prosecution	quality	reading
privilege	99:2	67:14	17:18, 22:4,
14:3	protected	quarantine	35:4, 91:8,
probably	47:4	51:13	91:18
7:2, 99:1		question	ready
problem	protocol 17:9, 42:10,	9:20, 13:6,	83:12
40:2, 70:3	42:11, 43:6,	14:4, 16:15,	real
proceeding	43:7, 43:12,	25:20, 28:13,	18:7, 51:10,
6:19, 7:4,	43:13, 43:15,	28:14, 29:3,	51:17
15:11	43:16, 51:9,	30:22, 36:19,	real-time
proceedings	67:1, 67:2,	37:5, 40:12,	67:2
11:5	92:8, 92:21	49:7, 62:16,	really
proceeds	protocols	63:3, 64:18,	7:7, 17:19,
94:8, 94:9	42:12	64:19, 64:22,	30:22, 41:3,
process	provide	70:9, 74:6,	41:6, 61:22,
7:16, 8:6,	54:8, 67:14,	74:9, 74:13, 78:9, 78:11,	62:9, 67:4,
13:20, 18:6,	102:3	92:4, 92:9,	80:10
68:9, 68:12,	provided	98:3, 98:6	reason
68:19, 70:20,	96:3, 96:10	questions	7:9, 18:15,
71:8, 72:19,	provision	37:17, 37:22,	19:1
73:1, 73:5,	80:1	38:9, 100:12,	reasonable
81:6, 81:22	provisioning	100:15	81:4
processing	60:14	queue	reasoning
18:13, 51:11,	provisions	82:1, 82:3,	19:19
69:15, 71:11,	101:21	82:14, 82:15	reassemble
84:10, 84:13,	publication	quite	77:15
84:17, 84:19,	5:12, 5:15,	67:5	reassembles
84:21, 86:18,	5:18	quote	76:22
88:17, 92:21,	published	22:3, 39:8	reassembly
94:19, 95:19	17:3	quoted	77:22, 78:3,
processor	pulling	89:19	78:12, 78:17
52:10	19:4	quotes	recall
processors	purposely	34:13	10:20, 21:22,
52:8, 53:14	58:16	quoting	85:7, 93:7,
products	purposes	87:11	95:20, 95:21,
61:19, 61:20	67:11, 78:17,	R	97:19, 98:18
professional	87:20	rage	receive
57:7	pursuant	52:9	20:18, 21:5,
	2:11	52.3	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

	Conducted 0	M April 18, 2019		40
22:8, 45:18,	19:12, 57:19,	remember	90:22	
46:4, 46:15,	58:3, 58:8,	19:14, 56:16	reverse	
46:22, 47:2,	58:22, 70:17	repeat	16:22	
47:7	referred	16:15, 78:10	review	
received	44:4, 44:13,	replicated	5:9, 13:20,	
46:8, 46:11,	47:17, 60:7,	94:14	14:21, 17:16,	
51:8, 86:5	61:21, 72:12,	replication	18:7, 19:7,	
receives	83:9, 90:1,	94:13	79:11, 98:17	
47:3	96:22	report	reviewed	
receiving	referring	12:21, 13:2,	8:6, 15:19,	
45:1, 45:2,	20:6, 24:13,	13:11, 98:8	16:17, 17:5,	
45:9, 45:21	28:7, 28:14,	reported	19:11, 19:14,	
recess	38:11, 39:13,	1:21	99:2	
50:15, 83:14	45:13, 85:10,	reporter	reviewing	
recitation	86:17, 88:12,	2:12, 101:1,	18:3, 93:15	
47:13	95:18, 100:9	101:3, 101:22	right	
recited	refers	reporting	33:13	
29:1	23:22, 39:10,	102:1, 102:2,	road	
recites	39:11, 49:5,	102:3	6:13	
29:5	73:21, 80:5,	representative	roughly	
recognition	86:19, 88:7, 99:17	102:1	7:1	
88:19, 89:2	reflect	represented	route	
recognize	69:9, 73:15	101:12	95:11	
9:11, 11:17,	regard	represents	router	
16:9, 60:4,	13:4, 85:18	12:14	94:9, 94:16,	
84:1, 89:4,	regarding	required	94:17, 94:18,	
96:18	9:21, 12:16,	56:2, 56:8	95:8, 96:2, 96:11	
<pre>recognizing 89:16</pre>	34:18, 38:17,	requirement	routing	
recollection	41:19, 49:11	12:12	94:19	
53:5	registry	research	rpr	
reconstruct	87:22, 88:3	18:14, 51:1, 58:19	1:21, 102:14	
78:1	related	resource	rtp	
record	12:20, 14:11,	68:22	67:2	
6:11, 101:10	15:5, 37:17,	resources	rule	
refer	41:3, 64:11,	80:11, 80:16,	25:1, 25:15,	
7:19, 9:8,	64:21, 82:13,	81:19, 82:20	25:17, 26:1,	
11:7, 41:14,	85:15, 86:7	respect	26:17, 27:2,	
51:7, 84:20,	relates	84:16, 85:13	27:6, 27:7,	
86:4	97:8	respective	27:14, 27:20,	
reference	relationship	69:17, 70:1,	27:21, 27:22,	
19:1, 40:14,	89:17, 101:20	70:5	28:3, 28:6,	
60:7, 64:6,	relevance	response	28:7, 28:9,	
75:4, 84:6,	97:2	19:18	28:10, 28:11,	
86:9, 86:11	rely	restrict	28:13, 28:14,	
referenced	8:3, 14:17,	92:12	28:16, 29:6,	
72:12, 89:19	86:21	results	29:8, 29:10,	
references	relying	18:11, 18:19,	29:14, 29:17,	
10:6, 15:10,	97:9	_, _, _, _,		

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

		1	
29:18, 38:12,	63:16, 69:13,	24:22, 25:14,	sense
38:19, 39:4,	70:22, 71:5,	25:18, 26:6,	56:15, 59:15,
39:11, 39:13,	74:12, 75:10,	26:11, 27:3,	61:18, 84:20
40:4, 40:7	78:21, 86:11,	27:12, 27:15,	sentence
-			
rules	86:17, 89:8,	27:22, 28:1,	25:7, 26:10,
15:14, 26:8,	90:7, 91:1,	28:4, 28:11,	31:22, 32:9,
26:13, 26:14,	92:11, 96:7	28:12, 28:17,	32:18, 32:21,
31:14, 32:11,	saying	28:18, 28:22,	33:5, 33:14,
32:13, 33:4,	26:16, 30:11,	29:6, 29:9,	33:20, 37:9,
33:9, 33:10,	33:7, 67:3,	29:10, 29:13,	37:10, 37:16,
33:15, 33:16,	74:10, 79:22,	29:17, 29:21,	37:18, 37:20,
34:2, 34:16,	93:8, 95:8,	30:3, 30:5,	76:20, 77:5,
35:8, 35:14,	95:13	30:15, 30:17,	87:10, 88:16,
35:21, 36:2,	says	30:20, 31:13,	89:19, 91:6,
36:10, 36:15,	12:4, 22:1,	32:6, 33:15,	91:13, 98:5
36:16, 36:19,	27:7, 33:20,	34:1, 34:7,	separate
36:22, 37:2,	37:18, 69:9,	34:11, 34:19,	100:8
40:7	70:4, 70:10,	34:20, 34:22,	separately
S	70:15, 71:17,	35:2, 35:20,	36:20
	73:15, 75:1,	36:14, 36:22,	server
said	76:20, 77:4,	38:3, 39:4,	
22:5, 26:13,	77:7, 81:6,	39:11, 45:3,	22:18, 22:22,
28:6, 28:11,	82:8, 95:22,	45:22, 46:1,	23:3, 23:15,
46:14, 46:19,		46:14, 46:22,	23:22, 24:1,
85:14	99:21	47:5, 68:10	34:6, 34:8,
same	scheduling		34:9, 34:15
35:16, 45:14,	17:4	See	service
64:1, 64:10,	scheme	10:7, 18:12,	17:6, 67:14,
66:17, 77:20,	67:15, 67:16	20:2, 22:17,	71:14
85:6, 91:17	search	24:14, 29:5,	services
satisfies	97:21	29:7, 31:17,	102:3
26:18, 27:7,	second	38:12, 41:16,	servicing
27:8, 27:20,	17:12, 25:19,	47:21, 48:17,	68:1, 68:7,
27:21, 28:10	34:13, 68:15,	49:8, 58:17,	68:11, 68:16
sauce	69:19, 79:20,	58:19, 60:12,	session
52:6	87:10, 99:12	72:1, 75:21,	67:1
	secret	76:13, 77:14,	set
say	52:6	77:17, 81:3,	17:5, 31:14,
12:13, 14:7,	section	94:18	33:16, 34:2,
15:15, 18:18,	65:20, 101:21	seeing	
23:6, 23:13,	security	88:2, 90:13	35:8, 35:14,
24:7, 27:6,	—	seem	35:21, 36:10,
31:12, 35:22,	10:8, 10:12,	39:16	36:15, 36:16,
49:5, 53:12,	10:15, 11:1,	seen	37:1, 37:2,
54:17, 55:16,	20:11, 20:12,	86:18	40:9, 65:21,
56:12, 57:16,	22:6, 22:17,		66:18, 88:18,
58:12, 58:15,	22:21, 23:3,	self-organizing	90:2, 101:7
59:14, 62:10,	23:9, 23:10,	89:18, 89:22,	setting
63:4, 63:7,	23:17, 24:1,	90:4, 90:9,	83:8
	24:14, 24:18,	90:14, 90:19	seven
			7:8
L	1	1	1

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

sweral 29:15, 30:17, 31:22, 94:13, 40:18, 41:5, 7:2, 14:11, 40:10, 42:5, 95:5 41:9, 56:12, 65:11, 86:1 46:19, 46:5, 95:5 41:9, 56:12, 65:11, 86:1 46:19, 46:5, 95:5 67:13, 83:1, 65:11, 86:1 46:19, 46:5, 63:3 67:13, 83:1, 62:6 50:9, 53:18, 30:20, 51:13, 86:13, 86:12, 98:20 55:15, 55:17, 86:20, 88:14, 97:10, 98:3, 98:20 55:15, 55:17, 86:20, 88:13, 98:6, 99:10 61:5 55:21, 56:1, 88:8, 89:5, 32:6, 38:1, 5hortband 55:21, 56:1, 88:8, 89:5, 32:6, 38:1, 61:2, 56:5, 69:10 43:5, 55:16, 5how 59:21, 61:14, 22:13 36:1, 45:21, 21:12, 24:8 59:7, 59:13, somewhere 23:6, 23:22, 81:9 50:11, 77:9, sorry 81:3, 81:7, 21:12, 24:8 59:7, 59:13, sorry 81:3, 81:7, 21:14, 22:13 soft1, 45:17, 56:12, 56:1,			-P	
7:2, 14:11, 40:10, 42:5, 95:5 41:9, 56:12, 55:8, 59:12, 46:1, 46:5, someone 64:4, 65:21, 65:11, 86:11 46:19, 40:6, 63:3 67:13, 83:1, share 49:19, 50:2, someone 64:4, 65:21, 62:6 50:9, 55:18, 80:20, 51:13, 85:17, 86:2, shortout 54:19, 55:12, 82:18, 83:6, 98:6, 99:14 shorthand 55:15, 55:17, 86:20, 88:3, specifically 61:5 55:21, 56:5, 89:10 43:5, 55:16, 81:7, 39:6, 56:8, 56:9, somewhat 97:20 40:20 59:710, 59:6, 31:1 81:10, 21:21, 21:1, 2:4:8 59:7, 59:13, somewhere 23:6, 23:22, signature 76:11, 77:9, sorry 81:3 81:7 signature 76:11, 77:9, sorry 81:3, 81:7 specifications significance 21:17, 95:9 28:6, 28:15, 25:5, 26:5, significance 21:10, 82:12, 25:8, 26:11, 52:5, 26:5, 50:11, 50:12, 50:13, 56:12, significance 91:15, 61:13,	several	29:15, 30:17,	93:22, 94:13,	40:18, 41:5,
55:5, 59:12,46:1, 46:5,someone64:4, 65:21,65:11, 86:146:19, 48:6,63:367:13, 83:1,5hare49:19, 50:2,something85:17, 86:2,62:650:9, 55:13,30:20, 51:13,86:13, 86:20,98:2055:9, 55:13,82:18, 83:6,98:6, 99:1498:2155:15, 55:17,86:20, 88:3,specifically61:555:22, 56:5,89:1043:5, 55:16,98:2056:4, 56:9,23:21, 24:3,specification5hortband56:2, 56:5,89:1043:5, 55:16,91043:5, 55:16,31:181:0, 21:21,28:17, 39:6,56:13, 56:20,23:21, 24:3,specification5how57:10, 59:6,31:181:0, 21:21,21:12, 24:859:7, 59:13,somewhere23:6, 23:22,signature76:11, 77:9,sorry8:3, 8:78:976:11, 77:9,sorry8:3, 8:78:976:11, 72:9,sorry8:3, 8:79:1292:12, 95:928:6, 28:15,25:2, 26:5,significance24:1164:18, 67:1,40:14, 40:15,9:1291:1951:15, 64:13,39:7, 39:17,simple69:1970:8, 74:5,66:1842:7, 48:1250:14, 52:20,sort25:2, 26:2,simple69:1970:8, 74:5,66:1842:7, 48:1250:14, 52:20,sortsspecifiessimple69:19, 77:20,27:16, 39:5,39:5,91:1951:12, 52:16,51:1459:5, <t< th=""><th></th><th></th><th></th><th></th></t<>				
65:11, 86:1 46:19, 48:6, 53:3 67:13, 83:1, share 49:19, 50:2, something 85:17, 86:2, 62:6 50:9, 53:13, 82:13, 58:14, 97:10, 98:3, shortcut 54:19, 55:13, 82:18, 83:6, 99:6, 99:14 shortchand 55:15, 55:17, 86:20, 88:3, specifically 61:5 55:21, 56:1, 88:8, 89:5, 32:6, 38:1, should 56:2, 56:5, 89:10 43:5, 55:16, 81:7, 39:6, 56:8, 56:9, somewhat 97:20 40:20 56:13, 56:20, 31:1 8:10, 21:21, 21:12, 24:8 59:7, 59:13, somewhat 97:20 sign 59:21, 61:14, 22:13 36:1, 45:21, signature 76:11, 77:9, sorry 8:3, 8:7 signature 76:11, 77:9, sorry 8:3, 8:7 signature-ssc 71:10, 82:12, 25:8, 26:1, specifications signature-ssc 71:10, 82:12, 25:8, 26:1, specifications signature-ssc 71:10, 82:12, 25:15, 26:5, 26:5, 25:5, 26:5, significance 24:17, 24:9, </th <th></th> <th></th> <th>someone</th> <th></th>			someone	
share 49:19, 50:2, something 81:17, 86:2, 62:6 50:9, 53:18, 30:20, 51:13, 86:13, 86:20, 98:20 55:9, 55:13, 82:18, 83:6, 99:10, 98:3, 98:20 55:9, 55:17, 86:20, 88:3, specifically 61:5 55:21, 56:17, 88:8, 89:5, 32:6, 38:1, 61:5 55:21, 56:17, 88:8, 89:5, 32:6, 38:1, 90:20 56:3, 56:9, 99:10 43:5, 55:16, 91:10, 39:6, 56:8, 56:9, somewhat 97:20 40:20 56:13, 56:20, 23:21, 24:3, specification sign 59:21, 61:14, 22:13 36:1, 45:21, signature 76:11, 77:9, sophisticated 54:21 signature-ssc 71:10, 82:12, 25:8, 26:1, specifications signilar 81:9 71:10, 82:12, 25:8, 26:1, specified 102:12 92:15, 95:9 28:6, 28:15, 25:5, 26:5, 26:5, 10:14 64:18, 37:02, 40:14, 40:15, 40:13, 10:212	-		63:3	
62:6 50:9, 53:18, 30:20, 51:13, 86:13, 86:20, shortcut 54:19, 55:2, 58:13, 58:14, 97:10, 98:3, 98:20 55:9, 55:13, 82:18, 83:6, 99:6, 99:14 shorthand 55:15, 55:17, 86:20, 88:3, specifically 61:5 55:21, 56:1, 88:8, 89:5, 32:6, 38:1, 8hould 56:2, 56:5, 89:10 43:5, 55:16, 28:17, 39:6, 56:13, 56:20, 23:21, 24:3, specification show 57:10, 59:6, 31:1 8:10, 21:21, 21:12, 24:8 59:7, 59:13, somewhere 23:6, 23:22, sign 59:21, 66:6, 89:15 Specifications 88:9 75:13, 76:6, 89:15 Specifications 88:9 75:13, 76:6, 89:15 Specifications 88:9 71:10, 82:12, 25:8, 26:1, specifications 88:9 71:10, 82:12, 25:8, 26:1, specifications significance 91:15, 91:14, 40:15, 40:1, 40:15, 102:12 21:1, 72:19, 5		49:19, 50:2,	something	
shortout 55:2, 58:13, 58:14, 97:10, 98:3, 98:20 55:9, 55:13, 82:18, 83:6, 98:6, 99:14 5horthand 55:15, 55:17, 86:20, 88:3, specifically 61:5 55:21, 56:17, 88:2, 89:5, 32:16, 83:1, 8houth 56:2, 56:5, 89:10 43:5, 55:16, 28:17, 39:6, 56:13, 56:20, 23:21, 24:3, specification 8how 57:10, 59:6, 31:1 8:10, 21:21, 21:12, 24:8 59:7, 59:13, somewhat 97:20 3ign 59:21, 61:14, 22:13 56:14, 45:21, signature 75:10, 82:12, 25:8, 26:1, specifications 88:9 89:15 specifications 8:3, 8:7 signature-ssc 77:10, 82:12, 25:8, 26:1, specifications 81:9 29:15, 95:9 28:6, 28:15, 25:5, 26:5, significance 24:11 64:18, 70:2, 40:16, 40:21, 102:12 slightly 31:18, 39:1, 26:22, 27:11, 51:12 sinple 69:19 70:8,			_	
98:20 55:9, 55:13, 82:18, 83:6, 99:14 shorthand 55:15, 55:17, 86:20, 88:3, specifically should 55:21, 56:17, 86:20, 88:3, specifically 28:17, 39:6, 56:2, 56:5, 89:10 43:5, 55:16, 28:17, 39:6, 56:13, 56:20, 23:21, 24:3, specification show 57:10, 59:6, 31:1 81:0, 21:21, 21:12, 24:8 59:7, 59:13, somewhere 23:6, 23:22, sign 59:21, 61:14, 22:13 36:1, 45:21, signature 75:13, 76:6, 89:15 specifications 88:9 76:11, 77:9, sorry 8:3, 8:7 signature-ssc 92:15, 95:9 28:6, 28:15, 25:5, 26:5, significance 21:30 51:15, 64:13, 39:7, 39:7, similar 69:19 70:8, 74:5, 66:18 simply 50:21, 52:20, sort 25:2, 26:2, simply 52:14, 52:20, sort 25:2, 26:2, sinply 52:18, 53:16 81:15 69:5 since solution sorts specify <		-		
shorthand 55:15, 55:17, 86:20, 88:3, specifically 61:5 55:21, 56:1, 88:8, 89:5, 32:6, 38:1, 28:17, 39:6, 56:2, 56:5, 89:10 43:5, 55:16, 28:17, 39:6, 56:2, 56:5, 89:10 43:5, 55:16, 3how 57:10, 59:6, 31:1 8:10, 21:21, 21:12, 24:8 59:7, 59:13, somewhere 23:6, 23:22, sign 59:21, 61:14, 22:13 36:1, 45:21, signature 76:11, 77:9, sorry 8:3, 8:7 signature-ssc 77:10, 82:12, 25:8, 26:1, specifications significance 31:11 64:18, 67:1, 26:22, 71:1, 29:20 24:7, 24:9, 51:15, 64:13, 39:7, 39:17, simple 69:19 70:8, 74:5, 66:18 simply 52:4, 52:20, sort 25:2, 26:2, 18:19 Soldware 97:17 specifies simply 52:4, 52:20, sort 25:2, 26:2, 11, 12, 23:21, 8:3 89:11, 94:19 39:41:7		55:9, 55:13,		98:6, 99:14
6115 $55:21, 56:1,$ $88:8, 89:5,$ $32:6, 38:1,$ should $56:2, 56:5,$ $89:10$ $43:5, 55:16,$ $28:17, 39:6,$ $56:8, 56:9,$ somewhat $97:20$ $40:20$ $56:13, 55:20,$ $23:21, 24:3,$ specificationshow $57:10, 59:6,$ $31:1$ $8:10, 21:21,$ show $59:21, 61:14,$ $22:13$ $36:1, 45:21,$ $21:12, 24:8$ $59:7, 59:13,$ somewhere $23:6, 23:22,$ sign $59:21, 61:14,$ $22:13$ $36:1, 45:21,$ $21:12,$ $23:6, 23:22,$ $23:6, 23:22,$ signature $76:11, 77:9,$ sorry $8:3, 8:7$ $8:9$ $76:11, 77:9,$ sorry $8:3, 8:7$ $29:20$ $24:7, 24:9,$ $31:18, 39:1,$ $26:22, 7:11,$ $29:20$ $24:7, 24:9,$ $51:15, 64:13,$ $39:7,$ $29:10$ $24:7, 24:9,$ $51:15, 64:13,$ $39:7,$ similar $24:11$ $68:13, 70:2,$ $40:16, 40:21,$ $29:20$ $24:7, 24:9,$ $51:15, 64:13,$ $39:7,$ $39:19$ $70:8, 74:5,$ $66:18,$ $29:19$ $70:8, 77:20,$ $27:16,$ $31:19,$ $52:16,$ $25:2,$ $25:14, 52:20,$ $50:10,$ $51:16,$ $26:16, 32:4,$ $52:18,$ $53:16,$ $89:11,$ $81:10,$ $80:10,$ $51:15,$ $69:5,$ $99:3$ $52:4,$ $52:20,$ $50:10,$ $51:14,$ $37:16,$ $52:16,$ $51:14,$ $59:11,$ $99:13,$ $52:14,$ $52:16,$ $51:14,$ </th <th></th> <th>55:15, 55:17,</th> <th></th> <th>specifically</th>		55:15, 55:17,		specifically
should $56:2, 56:5, 56:9, 56:$		55:21, 56:1,		32:6, 38:1,
A0:20 56:13, 56:20, 23:21, 24:3, specification show 57:10, 59:6, 31:1 8:10, 21:21, 21:12, 24:8 59:71, 69:13, somewhere 23:6, 23:22, sign 59:21, 61:14, 22:13 36:1, 45:21, signature 75:13, 76:6, 89:15 specifications signature 75:13, 76:6, 89:15 specifications signature-ssc 77:10, 82:12, 25:8, 26:1, 25:5, 26:5, 102:12 21:5, 95:9 28:6, 28:15, 25:5, 26:5, significance slightly 31:1 64:13, 39:7, 39:17, simple 9:19 70:8, 74:5, 66:18 61:18 simple 69:19 70:8, 74:5, 26:12, 27:11, 21:12, simple 69:19 70:8, 74:5, 66:18 61:18 15:15, 18:3, Solclay 69:5, 77:20, 27:16, 39:5, 39:5, simple 52:14, 52:20, sorts specifies simple 52:14, 52:16, 80:11, 94:19 39:9, 41:7 simple 52:14, 52:16 81:15 69:15	should	56:2, 56:5,		43:5, 55:16,
40:2056:13, 56:20, 57:10, 59:6, 31:1 $23:21, 24:3,$ signspecification $8:10, 21:21,$ $21:12, 24:8$ $sign$ 59:21, 61:14, $22:13$ $23:6, 23:22,$ $36:11, 45:21,$ $54:21$ $signature$ 76:11, 77:9, $75:10, 82:12,$ $22:15, 95:9$ soptisticated $8:3, 8:7$ $signature-ssc$ 76:11, 77:9, $22:15, 95:9$ $22:15, 95:9$ $22:16, 23:15,$ $25:8, 26:1,$ $22:15, 26:5,$ $25:5, 26:5,$ $25:5, 26:5,$ $24:7, 24:9,$ $51:15, 64:13,$ $39:7, 39:17,$ $24:1124:1164:18, 67:1,40:14, 40:15,40:14, 40:15,18:19simple42:7, 48:12software51:12,51:12,13:19, 52:16,25:24, 52:20,25:4, 52:20,53:12,25:4, 52:12,53:12,25:4, 52:12,53:12,25:4, 52:20,53:12,25:4, 52:20,53:12,25:4, 52:20,53:12,25:4, 52:20,25:4, 52:20,25:4, 52:20,53:12,25:16, 26:18,25:4, 52:20,53:12,25:16, 26:2, 26:2,26:19, 27:8,21:11, 23:21,30:9, 41:739:9, 41:7,39:9, 41:7,39:9, 41:7,53:12,53:16, 51:14,53:19,53:10, 53:16, 51:14,53:19,53:10, 53:16, 51:14,53:19,53:10, 53:16, 51:14,53:19,53:19,52:14, 52:20,66:10, 51:11,77:12, 94:17,53:14, 52:16, 52:14, 52:16, 5$	28:17, 39:6,	56:8, 56:9,	somewhat	97:20
show $57:10, 59:6,$ $31:1$ $8:10, 21:21,$ $21:12, 24:8$ $59:7, 59:13,$ somewhere $23:6, 23:22,$ $sign59:21, 61:14,22:1336:1, 45:21,12:162:4, 62:19,sophisticated54:21signature75:13, 76:6,89:15specifications88:976:11, 77:9,sorry8:3, 8:7signature-ssc77:10, 82:12,25:8, 26:1,specified102:1292:15, 95:928:6, 28:15,25:2, 26:5,significanceslightly31:18, 39:1,26:22, 27:11,29:2024:7, 24:9,51:15, 64:13,39:7, 39:17,simple69:1970:8, 74:5,66:18simple59:1970:8, 74:5,66:1842:7, 48:12software97:17,specifiessimple52:4, 52:20,sort25:2, 26:2,51:15, 18:3,solutionsortsspecify21:11, 23:21,solutionsortsspecify8:16, 47:3,solutionsortsspecify8:16, 47:3,52:14, 52:20,66:1051:14single52:14, 52:20,66:1051:14single52:14, 52:16,51:1451:1,53:5,single52:14, 52:16,51:1450:10,51:14,51:14,51:1450:10,51:14,51:14,51:16,52:14,52:16,51:14,$			23:21, 24:3,	specification
Sign 59:21, 61:14, 22:13 36:1, 45:21, 12:1 62:4, 62:19, sophisticated 54:21 signature 75:13, 76:6, 89:15 specifications 88:9 76:11, 77:9, sorry 8:3, 8:7 signature-ssc 77:10, 82:12, 25:8, 26:1, specified 102:12 slightly 31:18, 39:1, 26:22, 27:11, 29:20 24:7, 24:9, 51:15, 64:13, 39:7, 39:17, simple 69:19 70:8, 74:5, 66:18 simple 69:19 70:8, 74:5, 66:18 simply 53:12 13:19, 52:16, 26:19, 27:8, 111, 23:21, solution sorts specify 87:16 52:18, 53:12 13:19, 52:16, 26:19, 27:8, 12:11, 23:21, solution sorts specify 87:16 52:18, 53:16 81:15 69:5 since solutions source specify 99:3 52:4, 52:20, 66:10 51:14 single 53:9 space specify 61:10, 51:11, 77:12	show	57:10, 59:6,	31:1	8:10, 21:21,
sign $59:21, 61:14, 62:19, 80$ $22:13$ $36:1, 45:21, 54:21$ $12:1$ $62:4, 62:19, 80$ $sophisticated$ $54:21$ $12:1$ $75:13, 76:6, 89:15$ $specifications$ $88:9$ $76:11, 77:9, 80:12, 25:8, 26:1, 92:55, 26:5, 29:10, 29:1228:6, 28:15, 25:5, 26:5, 29:12, 29:20102:1292:15, 95:928:6, 28:15, 25:5, 26:5, 26:2, 27:11, 29:20, 24:7, 24:9, 51:15, 64:13, 39:1, 39:17, 39:17, 39:17, 39:17, 39:17, 39:17, 39:17, 39:11ar29:2024:7, 24:9, 51:15, 64:13, 39:7, 39:17, 39:17, 39:17, 39:17, 39:17, 40:15, 64:13, 70:2, 40:16, 40:21, 66:18simple69:1970:8, 74:5, 66:18simple69:1970:8, 74:5, 66:1842:7, 48:1252:4, 52:20, 8ort25:2, 26:2, 27:16, 25:2, 26:2, 25:2, 26:2, 25:1, 25:12, 26:2, 25:2, 26:2, 25:1, 25:12, 26:2, 25:1, 25:2, 26:2, 25:1, 25:12, 26:2, 25:2, 26:2, 25:1, 25:12, 26:2, 25:1, 25:12, 26:2, 25:1, 25:2, 26:2, 25:1, 25:2, 26:2, 25:1, 25:2, 26:2, 25:1, 25:2, 26:2, 25:1, 25:2, 26:2, 25:2, 26:2, 25:1, 25:1, $	21:12, 24:8		somewhere	23:6, 23:22,
12:1 $62:4, 62:19,$ sophisticated $54:21$ signature $75:13, 76:6,$ $89:15$ $specifications$ $88:9$ $76:11, 77:9,$ $sorry$ $8:3, 8:7$ $signature-ssc$ $77:10, 82:12,$ $25:8, 26:1,$ $specified$ $102:12$ $92:15, 95:9$ $28:6, 28:15,$ $25:5, 26:5,$ $significance$ $slightly$ $31:18, 39:1,$ $26:22, 27:11,$ $29:20$ $24:7, 24:9,$ $51:15, 64:13,$ $39:7, 39:17,$ $similar$ $24:11$ $64:18, 67:1,$ $40:1, 40:15,$ $18:19$ $slow$ $68:13, 70:2,$ $40:16, 40:21,$ $simple$ $69:19$ $70:8, 74:5,$ $66:18$ $simply$ $52:4, 52:20,$ $sort$ $25:2, 26:2,$ $11:1, 23:21,$ $solely$ $99:5, 77:20,$ $27:16, 39:5,$ $26:16, 32:4,$ $solely$ $89:11, 94:19$ $39:9, 41:7$ $since$ $solution$ $source$ $specify$ $87:16$ $51:14, 52:20,$ $66:10$ $51:14$ $87:16$ $52:18, 53:16$ $81:15$ $69:5$ $87:16$ $52:18, 53:16$ $81:15$ $69:5$ $99:3$ $52:4, 52:20,$ $66:10$ $51:14$ $since$ $solutions$ $source$ $speeds$ $99:3$ $52:4, 52:20,$ $66:10$ $51:14$ $81:14, 52:5, 61:11,$ $8pec$ $spectify$ $81:15, 5, 61:11,$ $81:15$ $69:5$ $81:16$ $81:15$ $99:5$ $81:16, 53:9,$ $81:15$ $99:5$ $81:16, 53:9,$ $81:15, 56:11$ <td< th=""><th></th><th></th><th>22:13</th><th>36:1, 45:21,</th></td<>			22:13	36:1, 45:21,
signature $75:13, 76:6,$ $76:11, 77:9,$ signature-ssc $89:15$ $76:11, 77:9,$ sorry $8:3, 8:7$ specifiedsignature-ssc $92:15, 95:9$ $92:15, 95:9$ $25:8, 26:1,$ $25:8, 26:5, 26:5,$ $25:5, 26:5, 26:5,$ $31:18, 39:1,$ $26:22, 27:11, 20:22, 27:11, 20:22, 27:11, 20:20, 24:7, 24:9, 51:15, 64:13, 39:7, 39:17, 20:21, 20:2$	_		sophisticated	54:21
88:976:11, 77:9, 77:10, 82:12, 92:15, 95:9sorry $8:3, 8:7$ signature-ssc $77:10, 82:12,$ 92:15, 95:9sorry $8:3, 8:7$ $102:12$ $92:15, 95:9$ $24:7, 24:9,$ $28:6, 28:15,$ $31:18, 39:1,$ $26:22, 27:11,$ $29:20$ $24:7, 24:9,$ $24:11$ $51:15, 64:13,$ $64:18, 67:1,$ $40:1, 40:15,$ $51:15, 64:13,$ $39:7, 39:17,$ $40:16, 40:21,$ $51:16, 40:21,$ $51:16, 40:121,$ $51:16, 40:121,$ $51:16, 40:121,$ $51:16, 40:121,$ $51:16, 40:121,$ $51:16, 40:121,$ $51:16, 40:121,$ $51:16, 40:121,$ $51:16, 40:121,$ $51:12, 48:12,$ $51:12, 48:13,$ $51:12,$ $51:13,$ $51:14,$			89:15	-
signature-ssc $77:10, 82:12, 92:15, 95:9$ $25:8, 26:1, 25:5, 26:5, 32:5, 26:5, 32:5, 26:2, 31:18, 39:1, 26:22, 27:11, 32:5, 30:17, 39:17, 39:17, 39:17, 39:17, 39:17, 39:17, 39:11, 40:15, 64:13, 39:7, 39:17, 39:17, 39:11, 40:15, 64:13, 70:2, 40:16, 40:21, 40:15, 40:13, 70:2, 40:16, 40:21, 40:15, 40:13, 70:2, 40:16, 40:21, 40:15, 40:13, 70:2, 40:16, 40:21, 40:15, 42:7, 48:12simple69:1970:8, 74:5, 66:18simply53:1270:8, 74:5, 26:2, 27:16, 25:2, 26:2, 53:1215:15, 18:3, 20:Lly69:5, 77:20, 27:16, 39:5, 26:16, 32:4, 8:3sonce50:Lly69:5, 77:20, 27:16, 39:5, 52:16, 39:9, 41:7sinclesolutionsortssince52:18, 53:1681:1599:352:4, 52:20, 50:10, 51:11, 94:1939:9, 41:7single52:18, 53:1681:1599:352:4, 52:20, 50:10, 51:11, 94:1939:9, 41:7since50:10, 51:11, 94:1939:9, 41:799:352:4, 52:20, 50:10, 51:11, 94:1939:9, 94:7since50:10, 51:11, 94:1939:15, 51:1199:352:4, 52:20, 50:10, 51:11, 94:1951:14single52:18, 51:11, 94:1759eds27:1450:6, 52:11, 52:16, 52:11, 52:12, 52:12, 52:12, 52:12, 52:12, 52:12, 52:12, 52:12, 52:12, 52:12, 52:12, 52:12, 52:12, 5$	-		sorry	8:3, 8:7
102:12 $92:15, 95:9$ $28:6, 28:15,$ $25:5, 26:5,$ significance $24:7, 24:9,$ $31:18, 39:1,$ $26:22, 27:11,$ $29:20$ $24:7, 24:9,$ $51:15, 64:13,$ $39:7, 39:17,$ $similar$ $24:11$ $64:18, 67:1,$ $40:16, 40:21,$ simple $69:19$ $70:8, 74:5,$ $66:18$ $42:7, 48:12$ $software$ $97:17$ $specifies$ $simply$ $52:4, 52:20,$ $sort$ $25:2, 26:2,$ $51:15, 18:3,$ $53:12$ $13:19, 52:16,$ $26:19, 27:8,$ $21:11, 23:21,$ $solely$ $69:5, 77:20,$ $27:16, 39:5,$ $26:16, 32:4,$ $solution$ $sorts$ $specify$ $87:16$ $52:18, 53:16$ $81:15$ $69:5$ $since$ $solutions$ $source$ $speeds$ $99:3$ $52:4, 52:20,$ $66:10$ $51:14$ $single$ $50:9$ $space$ $spent$ $27:14$ $some$ $52:16$ $14:7, 55:11$ sip $61:11,$ $86:8$ $95:22$ $50:10, 51:11,$ $77:12$ $94:7$ sit $52:14, 52:16,$ $speaking$ $splits$ $84:11$ $61:22, 62:1,$ $spec$ $stack$ $82:7$ $81:10,$ $86:16$ $42:10, 42:11,$ six $74:1, 81:7,$ $30:2, 30:7,$ $43:16, 51:9,$ $72:2, 8:16,$ $85:2, 85:15,$ $8pecific$ $92:21$ $84:11$ $61:22, 62:1,$ $8ecific$ $42:10, 42:11,$ $85:2, 85:15,$ $8ecific$ $92:21$ $91:20, 92:8,$ 92			25:8, 26:1,	specified
Significance24:7, 24:9, 24:1151:16, 64:13, 64:18, 67:1, 64:18, 67:1, 40:16, 40:21, 60:1939:7, 39:17, 40:16, 40:21, 60:18simpleslow68:13, 70:2, 66:1840:16, 40:21, 61:18simplesoftware97:17specifiessimply52:4, 52:20, 53:12sort25:2, 26:2, 26:19, 27:8, 26:16, 32:4, 8:389:11, 94:19since52:18, 53:1213:19, 52:16, 89:11, 94:1926:19, 27:8, 39:9, 41:7sincesolution 52:18, 53:16sourcespecify 69:5sincesolutionssourcespeeds99:352:4, 52:20, 52:18, 53:1651:1569:5sincesolutionssourcespeeds99:352:4, 52:20, 52:18, 53:1666:1051:14singlesome52:1614:7, 55:11singlesome52:1614:7, 55:11sig66:2250:10, 51:11, 52:14, 52:16,speansit53:5, 61:11, 86:1886:1642:10, 42:11, 43:6, 43:13, 43:6, 43:13, 43:6, 43:13, 43:6, 43:13, 43:6, 43:13, 7:8, 82:781:10, 81:8, 81:10, 81:10, 30:1391:20, 92:8, 92:21sit181:20, 85:15, 85:15, 85:15, 85:15, 85:16, 22:4, 23:7,81:4, 26:14, 40:8,81:10, 81:4, 26:14, 40:8,	_		28:6, 28:15,	25:5, 26:5,
29:20 $24:7, 24:9,$ $24:11$ $51:15, 64:13,$ $64:18, 67:1,$ $39:7, 39:17,$ $40:1, 40:15,$ similar $24:11$ $64:18, 67:1,$ $40:1, 40:1,$ $40:1, 40:15,$ $18:19$ \mathbf{slow} $68:13, 70:2,$ $70:8, 74:5,$ $40:16, 40:21,$ \mathbf{simple} $\mathbf{software}$ $97:17$ $\mathbf{specifies}$ $2:7, 48:12$ $\mathbf{software}$ $97:17$ $\mathbf{specifies}$ $3imply$ $52:4, 52:20,$ \mathbf{sort} $25:2, 26:2,$ $15:15, 18:3,$ \mathbf{solely} $69:5, 77:20,$ $27:16, 39:5,$ $21:11, 23:21,$ $8:3$ $89:11, 94:19$ $39:9, 41:7$ $26:16, 32:4,$ $\mathbf{solution}$ \mathbf{sorts} $\mathbf{specify}$ $87:16$ $52:18, 53:16$ $81:15$ $69:5$ \mathbf{since} $\mathbf{solutions}$ \mathbf{source} \mathbf{speeds} $99:3$ $52:4, 52:20,$ $66:10$ $51:14$ \mathbf{single} $52:16, 51:10$ $51:14$ $31:9$ \mathbf{space} \mathbf{spent} $27:14$ \mathbf{some} $52:16, 52:16$ $51:14, 52:5, 61:11, 77:12$ $94:7$ $51:14, 52:5, 61:11, 8c:8$ $95:22$ $51:15, 51:11, 77:12$ $94:7$ $51:14, 52:6, 53:6, 61:11, 8c:8$ $95:22$ $51:15, 61:17, 73:1, 8pecial$ $43:6, 43:13, 74:1, 73:1, 8pecial$ $7:8, 82:7$ $81:8, 81:10, 80:13$ $91:20, 92:8, 81:13, 74:1, 81:7, 30:2, 30:7, 43:16, 51:9, 91:20, 92:8, 81:13, 74:1, 81:7, 80:13, 91:20, 92:8, 81:13, 74:1, 81:7, 80:13, 91:20, 92:8, 81:13, 74:1, 81:14, 26:14, 40:8, 8tart$			31:18, 39:1,	
Similarslow $64:16, 70:1, 70:2, 70:16, 40:21, 66:18$ 18:1969:1970:8, 74:5, 96:1842:7, 48:12software97:17simply52:4, 52:20, sort25:2, 26:2, 2115:15, 18:3, 20:1213:19, 52:16, 26:19, 27:8, 21:11, 23:21, 8:369:5, 77:20, 27:16, 39:5, 39:5, 26:16, 32:4, 8:326:16, 32:4, 8:389:11, 94:1939:9, 41:746:6, 47:3, 8052:18, 53:1681:15sincesolutionsortsspecify66:1051:14single53:9space99:352:4, 52:20, 66:1051:14single53:9space27:14some52:1645:14, 50:3, spansplit66:2250:10, 51:11, 77:1294:7sit53:5, 61:11, 86:895:22sits61:22, 62:1, specstack22:1361:22, 62:1, specstacksix74:1, 81:7, 30:2, 30:7, 43:16, 51:9, 91:20, 92:8, 91:20, 92:8, 91:20, 92:8, 91:20, 92:8, 92:21, 92:21, 91:20, 92:8, 91:20, 92:8, 92:21, 91:20, 92:8, 91:20, 92:8, 92:21, 91:20, 92:8, 91:20, 92:8, 92:21, 91:20, 92:8, 91:20, 92:8, 91:20, 92:8, 91:20, 92:8, 91:20, 92:8, 91:20, 92:8, 91:20, 92:8, 91:20, 92:8, 91:20, 92:21, 91:20, 92:8, 91:20, 92:21, 92:10, 92:21, 92:21, 92:10, 92:21, 92:	-			
18:19 $69:19$ $00:13, 74:5, 70:2, 70:11, 70:$	similar		64:18, 67:1,	
Simple software 97:17 specifies 42:7, 48:12 52:4, 52:20, sort 25:2, 26:2, 15:15, 18:3, 53:12 13:19, 52:16, 26:19, 27:8, 21:11, 23:21, solution 69:5, 77:20, 27:16, 39:5, 26:16, 32:4, 8:3 89:11, 94:19 39:9, 41:7 46:6, 47:3, solution sorts specify 87:16 solutions source speeds 99:3 52:4, 52:20, 66:10 51:14 single 53:9 space spent 27:14 some 52:16, 14:7, 55:11 sip 45:14, 50:3, space spent 66:22 50:10, 51:11, 77:12 94:7 sit 53:5, 61:11, 86:8 95:22 sitt 53:5, 61:11, 86:8 95:22 sits 62:2, 66:18, 86:16 42:10, 42:11, six 74:1, 81:7, 30:2, 30:7, 43:6, 43:13, 74:1, 81:7, 30:2, 30:7, 43:6, 43:13, six 74:1, 81:7, 30:2, 30:7, 43:16, 51:9,	18:19		68:13, 70:2,	
42:7, 48:12 software 97:17 specifies simply 52:4, 52:20, sort 25:2, 26:2, 15:15, 18:3, solely 69:5, 77:20, 27:16, 39:5, 21:11, 23:21, solution sorts specify 26:16, 32:4, solution sorts specify 46:6, 47:3, solution sorts specify 87:16 52:4, 52:20, 66:10 51:14 since solutions source speeds 99:3 52:4, 52:20, 66:10 51:14 single 53:9 space spent 27:14 some 52:16 14:7, 55:11 sit 50:10, 51:11, 77:12 94:7 sit 53:5, 61:11, 86:8 95:22 sits 61:22, 62:1, special 43:6, 43:13, 22:13 67:14, 73:1, special 43:6, 43:13, 74:1, 81:7, 30:2, 30:7, 43:16, 51:9, 30:13 six 74:1, 81:7, 30:2, 30:7, 43:16, 51:9, sits 62:2, 66:15, special 43:6, 43:				
simply $52:4, 52:20,$ sort $25:2, 26:2,$ $15:15, 18:3,$ $53:12$ $13:19, 52:16,$ $26:19, 27:8,$ $21:11, 23:21,$ $solely$ $69:5, 77:20,$ $27:16, 39:5,$ $26:16, 32:4,$ $solution$ $sorts$ $specify$ $46:6, 47:3,$ $52:18, 53:16$ $81:15$ $69:5$ $87:16$ $52:4, 52:20,$ $66:10$ $51:14$ $since$ $52:4, 52:20,$ $66:10$ $51:14$ $99:3$ $52:4, 52:20,$ $66:10$ $51:14$ $single$ $53:9$ $space$ $spent$ $27:14$ $some$ $52:16$ $14:7, 55:11$ sip $6:22$ $50:10, 51:11,$ $77:12$ $94:7$ sit $53:5, 61:11,$ $86:8$ $95:22$ $sits$ $62:2, 66:18,$ $86:16$ $42:10, 42:11,$ $84:11$ $53:5, 61:11,$ $86:16$ $42:10, 42:11,$ $sits$ $62:2, 66:18,$ $86:16$ $43:6, 43:13,$ $22:13$ $67:14, 73:1,$ $special$ $43:6, 43:13,$ six $74:1, 81:7,$ $30:2, 30:7,$ $43:16, 51:9,$ $7:22, 8:16,$ $8:14,$ $26:14, 40:8,$ $92:21$	-		97:17	-
15:15, 18:3, 21:11, 23:21, $26:16, 32:4,$ $46:6, 47:3,$ 53:12 solely $solution$ 13:19, 52:16, $69:5, 77:20,$ $89:11, 94:19$ $39:9, 41:7$ $39:9, 41:7$ $39:11, 39:9, 39:11, 39:1, 41:7, 39:1, 77:1239:12, 30:13, 39:12, 30:7, 43:16, 51:9, 30:1330:13, 39:12, 30:7, 43:16, 51:9, 30:1330:13, 39:12, 30:7, 43:16, 51:9, 30:13, 39:12, 30:7, 43:16, 51:9, 30:13, 39:12, 30:13, 3$			sort	
21:11, 23:21, Solely 69:5, 77:20, 27:16, 39:5, 26:16, 32:4, 8:3 89:11, 94:19 39:9, 41:7 46:6, 47:3, Solution sorts specify 87:16 Solutions source speeds 99:3 52:4, 52:20, 66:10 51:14 single 53:9 space spent 27:14 some 52:16, 51:11, 77:12 sit 50:10, 51:11, 77:12 94:7 sit 53:5, 61:11, speck splits 84:11 53:5, 61:11, 86:8 95:22 sits 61:22, 62:1, spec stack 22:13 67:14, 73:1, special 43:6, 43:13, 7:8, 82:7 81:8, 81:10, 30:2, 30:7, 43:16, 51:9, sit18 66:7, 88:14, 26:14, 40:8, 92:21				
26:16, 32:4, 8:3 89:11, 94:19 39:9, 41:7 46:6, 47:3, solution sorts specify 87:16 52:18, 53:16 81:15 69:5 since solutions source speeds 99:3 52:4, 52:20, 66:10 51:14 single 53:9 space spent 27:14 some 52:16, 51:11 split 66:22 50:10, 51:11, 77:12 94:7 sit 53:5, 61:11, 86:8 95:22 sits 61:22, 62:1, speec stack 22:13 67:14, 73:1, special 43:6, 43:13, six 74:1, 81:7, 30:2, 30:7, 43:16, 51:9, sixill 85:2, 85:15, specific 92:21 skill 85:2, 85:15, specific 92:21 start 86:7, 88:14, 26:14, 40:8, start		-		
46:6, 47:3, $52:18, 53:16$ $81:15$ $69:5$ $87:16$ $solutions$ $source$ $speeds$ $99:3$ $52:4, 52:20,$ $66:10$ $51:14$ $single$ $53:9$ $space$ $spent$ $27:14$ $some$ $52:16$ $14:7, 55:11$ sip $45:14, 50:3,$ $span$ $split$ $66:22$ $50:10, 51:11,$ $77:12$ $94:7$ sit $52:14, 52:16,$ $speaking$ $splits$ $84:11$ $53:5, 61:11,$ $86:8$ $95:22$ $sits$ $61:22, 62:1,$ $spec$ $stack$ $22:13$ $62:2, 66:18,$ $86:16$ $42:10, 42:11,$ six $7:14, 73:1,$ $special$ $43:6, 43:13,$ $7:8, 82:7$ $81:8, 81:10,$ $30:13$ $91:20, 92:8,$ $skill$ $85:2, 85:15,$ $specific$ $92:21$ $7:22, 8:16,$ $86:7, 88:14,$ $26:14, 40:8,$ $start$				
87:16 52:18, 53:16 81:15 69:5 since solutions source speeds 99:3 52:4, 52:20, 66:10 51:14 single 53:9 space spent 27:14 some 52:16 14:7, 55:11 sip 45:14, 50:3, span split 66:22 50:10, 51:11, 77:12 94:7 sit 53:5, 61:11, 86:8 95:22 sits 61:22, 62:1, spec stack 22:13 61:22, 62:1, spec stack 22:13 67:14, 73:1, special 43:6, 43:13, 7:8, 82:7 81:8, 81:10, 30:13 91:20, 92:8, skill 85:2, 85:15, specific 92:21 86:7, 88:14, 26:14, 40:8, start				
Since52:4, 52:20,66:1051:1499:352:4, 52:20,66:1051:14single53:9spacespent27:14some52:1614:7, 55:11sip45:14, 50:3,spansplit66:2250:10, 51:11,77:1294:7sit52:14, 52:16,speakingsplits84:1161:22, 62:1,86:895:22sits62:2, 66:18,62:2, 66:18,22:1367:14, 73:1,specstacksix74:1, 81:7,30:2, 30:7,43:16, 51:9,7:8, 82:781:8, 81:10,30:1391:20, 92:8,7:22, 8:16,86:7, 88:14,26:14, 40:8,start			81:15	
53:353:9spacespent27:14some52:1614:7, 55:11sip45:14, 50:3,spansplit66:2250:10, 51:11,77:1294:7sit52:14, 52:16,speakingsplits84:1153:5, 61:11,86:895:22sits61:22, 62:1,specstack22:1367:14, 73:1,special43:6, 43:13,six74:1, 81:7,30:2, 30:7,43:16, 51:9,7:8, 82:781:8, 81:10,30:1391:20, 92:8,7:22, 8:16,86:7, 88:14,26:14, 40:8,start	since			
singlesome52:1614:7, 55:1127:1445:14, 50:3,spansplit66:2250:10, 51:11,77:1294:7sit52:14, 52:16,speakingsplits84:1153:5, 61:11,86:895:22sits61:22, 62:1,specstack22:1367:14, 73:1,special43:6, 43:13,six74:1, 81:7,30:2, 30:7,43:16, 51:9,7:8, 82:781:8, 81:10,30:1391:20, 92:8,7:22, 8:16,85:2, 85:15,specific92:2122:4, 23:7.86:7, 88:14,26:14, 40:8,start	99:3			
27:14 45:14, 50:3, span split 66:22 50:10, 51:11, 77:12 94:7 sit 52:14, 52:16, speaking splits 84:11 61:22, 62:1, spec stack 22:13 62:2, 66:18, 67:14, 73:1, special 43:6, 43:13, 7:8, 82:7 81:8, 81:10, 30:2, 30:7, 91:20, 92:8, 7:22, 8:16, 86:7, 88:14, 26:14, 40:8, start	single			-
Sip50:10, 51:11, 52:14, 52:16, 53:5, 61:11, 61:22, 62:1, 62:2, 66:18, 62:2, 66:18, 62:2, 66:18, 62:2, 66:18, 62:2, 66:18, 62:2, 66:18, 62:2, 66:18, 62:16, 77:12 86:8 86:16 95:22 81:8, 81:10, 80:2, 30:7, 30:13 91:20, 92:8, 91:20, 92:8, 92:21 81:8, 81:14,94:7 94:7 94:7 speaking 86:8 86:16 86:16 95:22 95:22 stack 42:10, 42:11, 43:6, 43:13, 43:16, 51:9, 91:20, 92:8, 92:21	27:14			
50:2252:14, 52:16,speakingsplits84:1153:5, 61:11,86:895:22sits61:22, 62:1,specstack22:1362:2, 66:18,86:1642:10, 42:11,six67:14, 73:1,special43:6, 43:13,7:8, 82:781:8, 81:10,30:2, 30:7,43:16, 51:9,skill85:2, 85:15,specific92:217:22, 8:16,86:7, 88:14,26:14, 40:8,start	sip		-	-
Sit 53:5, 61:11, 86:8 95:22 sits 61:22, 62:1, spec stack 22:13 62:2, 66:18, 86:16 42:10, 42:11, six 74:1, 81:7, special 43:6, 43:13, 7:8, 82:7 81:8, 81:10, 30:2, 30:7, 91:20, 92:8, skill 85:2, 85:15, specific 92:21 86:7, 88:14, 26:14, 40:8, start	66:22			
84:11 61:22, 62:1, spec stack 22:13 62:2, 66:18, 86:16 42:10, 42:11, six 71:1, 81:7, special 43:6, 43:13, 7:8, 82:7 81:8, 81:10, 30:2, 30:7, 43:16, 51:9, skill 85:2, 85:15, specific 92:21 86:7, 88:14, 26:14, 40:8, start	sit			-
Sits62:2, 66:18, 67:14, 73:1,86:1642:10, 42:11, 43:6, 43:13,six67:14, 73:1, 74:1, 81:7,special43:6, 43:13, 43:16, 51:9,7:8, 82:781:8, 81:10, 85:2, 85:15,30:2, 30:7, 30:1391:20, 92:8, 92:217:22, 8:16, 22:4, 23:7,86:7, 88:14,26:14, 40:8,start	84:11			
22:13 67:14, 73:1, special 43:6, 43:13, six 74:1, 81:7, 30:2, 30:7, 43:16, 51:9, rest 81:8, 81:10, 30:13 91:20, 92:8, rest 86:7, 88:14, 26:14, 40:8, start	sits			
Six 74:1, 81:7, 30:2, 30:7, 43:16, 51:9, 7:8, 82:7 81:8, 81:10, 30:13 91:20, 92:8, 5xill 85:2, 85:15, specific 92:21 86:7, 88:14, 26:14, 40:8, start	22:13			
7:8, 82:7 81:8, 81:10, 30:13 91:20, 92:8, skill 85:2, 85:15, specific 92:21 86:7, 88:14, 26:14, 40:8, start	six			
skill 85:2, 85:15, specific 92:21 7:22, 8:16, 86:7, 88:14, 26:14, 40:8, start	7:8, 82:7			
7:22, 8:16, 86:7, 88:14, 26:14, 40:8, start	skill			
20.14, 40.0,	7:22, 8:16,		-	
68:20	22:4, 23:7,	,,	26:14, 40:8,	
				00.20
	L		<u> </u>	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

starting	26:18	sworn	taking
34:13, 43:20,	structures	6:3, 101:7	17:19, 102:7
91:14	26:9, 26:15	synonym	talk
starts	students	25:10	18:10, 18:18,
17:4	18:1, 55:7,	system	34:4, 50:22
state	59:18	13:7, 18:5,	talking
2:12, 6:10,	subject	18:13, 18:19,	36:19, 45:3,
21:1, 53:21,	15:5	18:21, 60:13,	52:22, 53:7,
54:6, 91:7,	subjected	68:22, 79:15,	54:14, 62:11,
99:14, 101:4	70:22	79:17, 80:4,	71:18, 85:19
stated	subsystems	83:9, 99:18,	talks
24:21, 55:10	22:14	100:4	45:2, 65:2,
statement	such	systems	68:21, 73:9,
41:12, 59:21	25:9, 42:7,	1:5, 3:3, 13:4,	73:10, 81:11,
states	66:9, 81:16,	13:9, 13:12,	81:15, 81:17,
1:1, 5:4, 5:11,	83:1, 98:3,	15:6, 15:10,	82:6, 83:3
5:14, 5:17,	101:8, 101:9,	18:1, 18:8,	tasks
88:17	101:10	18:11, 57:18,	17:5
static	sufficient	101:12	tcp
33:16, 36:10,	18:21, 19:2,	T	17:8, 17:13
36:15, 37:1	53:22, 54:7	table	teaches
statically	suite	68:22, 69:3,	33:8, 41:6,
31:16, 32:18	2:7, 3:8,	69:5, 69:6,	60:13, 99:14
stating	101:16	69:8, 69:12,	teaching
54:18	summarization	72:6, 72:7,	46:2, 46:20,
statistics	50:11	72:12, 73:11,	82:17
81:10	superfluous	73:12, 73:13,	teachings
step	30:10	73:14, 73:15,	53:20, 97:10
45:1, 45:9,	support	73:17, 73:18,	technical
58:13	5:8, 11:22	73:21, 74:15,	57:19, 61:17
steps	supports	74:19, 74:21,	technique
18:2, 57:13,	33:22	75:2, 75:7,	89:1, 89:14, 90:11
57:17, 58:5,	supposed	75:10, 75:11, 75:15, 75:22,	techniques
58:12 stores	11:4, 12:7,	76:8, 76:14,	93:3
76:9	12:11, 100:6 sure	76:16	technologies
straight	6:19, 8:8,	tagged	51:2, 58:18,
21:21	11:5, 11:12,	73:22, 74:11	58:21
streaming	14:10, 14:15,	take	technology
17:13	16:2, 16:19,	38:6, 57:13,	53:4, 59:10
street	20:5, 29:3,	58:5, 58:12,	tell
2:6, 3:7,	50:20, 53:7,	58:13, 77:16,	15:18, 16:16,
101:16	54:4, 57:20,	77:18	17:9, 25:6,
string	58:11, 59:2,	taken	93:16
89:7	61:11, 63:11,	45:11, 49:6,	ten
strings	66:7, 79:11,	50:15, 83:14,	53:10
89:16	91:17, 98:12	101:9	term
structure	swiss		10:8, 10:12,
17:14, 25:2,	63:9		,,

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

		1	
10:22, 20:10,	than	52:3, 52:6,	93:8, 94:5,
22:17, 22:21,	13:12, 16:21,	52:10, 56:22,	96:7, 98:13,
24:14, 24:18,	21:9, 23:19,	57:6, 61:6, 67:4	100:2
25:6, 29:21,	41:11, 42:8,	them	there's
30:9, 30:15,	43:11, 47:1,	15:22, 17:20,	37:4, 41:4,
30:22, 31:4,	52:4, 56:1,	38:5, 55:8,	44:16, 46:2,
31:6, 31:18,	56:8, 57:21,	56:14, 57:2,	46:20, 47:18,
32:5, 38:12,	64:10, 89:16	61:5, 64:3,	62:20, 64:2,
38:19, 39:10,	thank	77:17, 79:12	69:13, 74:21,
39:11, 40:3,	16:8, 54:5,	themselves	94:13, 100:2,
40:5, 41:16,	70:2	18:18	100:8
41:21, 42:7,	thanks	then	therefore
43:14, 44:7,	100:11	13:18, 17:7,	24:8, 46:21
47:12, 47:21,	that's	17:12, 21:13,	these
48:4, 48:17,	6:13, 9:3,	22:2, 28:11,	17:2, 18:10,
48:22, 49:8,	12:4, 15:5,	34:8, 34:13,	18:16, 33:9,
49:13, 51:4,	18:19, 19:13,	45:15, 51:12,	45:20, 52:7,
51:5, 51:7,	22:3, 29:1,	59:11, 68:15,	53:13, 54:15,
53:17, 60:21,	33:20, 34:5,	71:13, 74:13,	54:16, 58:18,
60:22, 61:3,	34:10, 37:12,	75:3, 76:15,	59:14, 61:20,
61:8, 61:9,	38:8, 38:10,	77:20, 79:19,	63:7, 63:8,
61:12, 61:17,	39:13, 40:3,	81:10, 81:14,	69:20, 70:1,
61:18, 63:17,	40:14, 45:13,	82:5, 83:3,	70:4, 70:17,
65:19, 80:4,	47:4, 50:4,	83:5, 90:21,	70:19, 79:10,
84:18, 85:8,	52:5, 55:10,	91:3, 92:2,	80:1, 81:10,
86:1, 87:14,	59:20, 60:7,	95:13, 99:1,	82:5, 89:12,
87:18, 87:19,	60:18, 62:2,	99:17	98:19
88:5, 88:6, 89:3	62:15, 65:12,	theory	they
terminal	69:5, 71:7,	78:21	8:1, 8:17,
26:18	72:8, 74:22,	there	17:21, 19:1,
terms	76:1, 76:9,	7:9, 8:20,	24:1, 34:6,
7:17, 8:1,	77:4, 77:22,	13:10, 13:14,	36:3, 43:11,
8:12, 8:18,	78:16, 79:4,	13:19, 14:10,	52:3, 52:5,
8:20, 9:1, 36:3,	80:17, 80:22,	16:1, 17:6,	52:9, 52:10,
42:10, 49:7,	81:12, 82:13,	18:15, 25:13,	52:13, 56:16,
64:10, 87:9	82:22, 83:5,	26:14, 31:11,	56:17, 57:3,
testified	83:13, 84:11,	39:22, 42:21,	57:11, 59:11,
6:5	86:20, 88:3,	43:4, 43:6,	59:16, 63:10,
testify	88:5, 88:8,	45:5, 45:12,	66:8, 66:22,
6:3	88:20, 89:19,	50:21, 52:7,	67:3, 68:2,
testimony	90:7, 93:22,	52:19, 53:12,	68:11, 77:16,
7:10, 15:13,	94:20, 96:6,	54:3, 62:13,	80:1, 80:18,
19:8, 47:16,	96:11, 96:22,	63:4, 63:11,	85:7, 85:9,
71:17, 101:10	98:3, 99:8,	63:13, 64:17,	85:19, 85:20
th	99:21, 100:9,	70:18, 73:1,	they're
12:3, 12:10,	100:13, 100:14	74:1, 75:6,	30:6, 30:12,
12:13, 16:14,	their	76:20, 82:21,	30:13, 35:22,
102:10	19:14, 19:21,	87:9, 89:8,	54:16, 57:5,
		1	
		1	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

		-piii 10, = 019	65
61:5, 77:19,	75:15, 75:20,	58:17, 62:11,	84:21, 90:9,
79:21, 80:19,	76:4, 76:7,	83:12, 95:14	90:13, 91:2,
89:13	78:9, 78:16,	times	91:19
thing	78:19, 79:13,	7:1, 7:6	train
8:14, 30:5,	80:9, 81:16,	title	55:12
69:4, 76:9,	84:18, 84:19,	19:15	trained
91:16, 100:8	85:10, 85:21,	titles	59:14
things	86:11, 86:17,	16:22	trajectory
52:8, 56:16,	88:12, 88:20,	today	58:18
56:22, 57:3,	88:21, 90:17,	6:15, 7:10,	transcript
57:5, 57:18,	92:7, 92:15,	7:20, 19:8,	5:2, 9:6,
68:4, 70:21,	93:18, 94:11,	52:5, 79:19,	11:14, 16:4,
71:4, 80:19,	96:8, 97:8,	90:10	60:1, 83:21,
81:11, 81:15,	97:9, 100:2,	together	96:16
81:20, 82:21,	100:3, 100:6	18:1, 19:4,	transformation
82:22, 88:12,	those	64:11, 64:21,	20:19, 21:6,
95:14	13:1, 13:8,	77:17, 77:22	22:9, 25:4,
think	13:12, 15:3,	told	26:3, 26:21,
7:22, 8:14,	15:16, 17:15,	37:16, 38:9	27:10, 27:17,
13:13, 14:5,	17:16, 18:11,	took	39:6, 39:10,
16:19, 17:15,	19:10, 36:12,	57:16	48:18, 48:22
19:1, 20:1,	41:1, 46:10,	top	transiting
22:3, 25:10,	64:4, 83:4,	10:20, 17:10,	45:8
25:11, 28:20,	91:10, 91:22,	25:10, 95:7	transits
29:15, 30:1,	96:3	touch	84:13
30:2, 30:3,	thought	59:17	transmission
30:6, 30:11,	91:14	towards	44:3, 44:12
30:13, 30:22,	three	53:13	transmitted
32:20, 34:22,	59:17	track	46:7, 46:12,
36:18, 37:4,	through		40:7, 40:12, 47:3
37:5, 37:15,	8:6, 14:14,	14:13, 78:9	transparently
40:2, 40:10,	22:16, 34:4,	trade-off	
40:16, 41:1,	68:15, 68:16,	53:15	transport
41:11, 44:15,	71:12, 72:4,	trade-offs	-
45:1, 45:11,	95:19, 98:7	52:19, 53:2,	67:2
46:5, 46:19,	throughout	53:3	treated
47:17, 48:12,	44:17, 44:22,	trademark	30:4
48:14, 50:12,	47:13	1:1	treating
51:6, 52:15,	thursday	traditional	85:22
53:8, 57:9,	1:16, 101:17	42:10, 43:6	triage
59:13, 61:18,	time	traffic	68:14, 71:10
62:10, 63:2,	8:5, 13:15,	18:6, 18:13,	trial
63:6, 63:16,	18:7, 19:3,	19:5, 22:15,	1:3
64:1, 65:5,	48:16, 50:13,	61:21, 67:12,	tried
65:20, 70:15,	51:6, 51:10,	67:13, 67:20,	59:2, 59:10
71:22, 72:16,	51:17, 53:3,	68:15, 74:17,	true
72:17, 72:22,	53:10, 55:3,	76:22, 81:22,	31:3, 32:17,
75:9, 75:12,	55:12, 56:14,	82:1, 84:9,	33:3, 45:14,
	,,	84:13, 84:20,	101:10

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

	Conducted on April 18, 2019 54			
trust 81:13, 83:5, 69:20 22:1, 22:6,				
37:11, 37:14	83:8, 91:2, 95:6	uniquely	23:4, 23:14,	
truth	under	85:9	30:15, 38:1,	
6:4	21:12, 21:14,	unit	40:3, 43:7,	
truthful	24:8, 101:20,	43:8, 44:3,	43:14, 44:8,	
7:10	102:7	43.8, 44.3, 44:12	44:10, 44:15,	
trying	underlie	united	44:16, 44:17,	
19:14, 29:13,	18:14	1:1, 5:4, 5:11,	44:21, 45:12,	
33:13, 41:2,	understand	5:14, 5:17	51:7, 61:20,	
43:4, 66:17,	6:15, 12:10,	units	67:8, 67:11,	
68:5, 79:16,	12:12, 19:22,	43:12, 43:15	68:7, 68:8,	
88:8, 88:13,	22:5, 23:8,	universally	71:8, 72:13,	
89:4, 90:11	23:20, 29:3,	30:21	76:9, 80:11,	
tuple	30:17, 33:13,	unusual	80:16, 90:18,	
65:16	40:11, 44:2,	25:12	90:21, 91:1,	
turn	44:7, 44:9,	update	91:5, 99:6	
9:17, 14:14,	46:2, 46:6,	69:8	uses	
16:19, 20:3,	46:20, 50:2,	updated	22:2, 68:18,	
31:9, 39:14,	50:10, 56:21,	31:15, 32:11,	71:15, 73:14,	
50:18, 60:9,	57:11, 59:10,	32:15, 33:4,	75:11, 75:22,	
76:17, 79:6,	61:15, 62:5,	33:9, 33:10,	86:12, 88:6,	
87:6, 94:4,	64:2, 64:5,	33:15, 35:8,	88:18, 97:19,	
98:10	74:5, 74:8,	35:15, 36:2	97:20, 99:8	
two	82:13, 90:12,	updates	using	
17:6, 22:13,	91:8, 91:18,	73:14	30:13, 32:5,	
22:14, 33:9,	95:10	updating	38:4, 59:1,	
41:1, 59:16,	understanding	32:13	61:5, 80:8,	
79:10	8:11, 8:15,	use	84:19, 87:20,	
two-step	8:17, 12:6,	8:9, 21:8,	89:13, 93:9	
71:13	13:7, 15:9,	24:3, 25:10,	usual	
type	22:15, 23:2,	25:13, 25:16,	102:5	
44:3, 44:12,	24:20, 27:2,	34:8, 35:7,	utility	
46:10	30:14, 35:6,	36:3, 38:5,	84:10	
types	35:13, 53:17,	43:11, 44:1,	utilization	
57:3, 57:5,	56:19, 74:14,	51:4, 56:18,	81:18, 81:21	
86:2	80:4, 90:8, 92:16	62:1, 64:10,	V	
typically	92:16 understands	66:9, 67:19,	v	
52:14, 89:15		68:2, 71:14,	1:7	
U		74:20, 75:6,	vague	
uber-precise	understood	75:10, 75:14,	40:5, 41:12	
48:13	21:3, 38:9,	81:8, 87:10,	validity	
ultimate	42:4, 42:9,	87:18, 87:19,	9:21, 10:10,	
13:6, 49:3,	45:5, 48:6,	89:10, 97:16,	13:6, 20:9,	
69:15	49:18, 50:6,	97:17, 98:5,	22:20, 24:16,	
ultimately	54:20, 62:14,	99:18, 100:4	38:18, 41:20,	
45:10, 52:5,	88:12, 94:11	used	48:2, 48:20,	
69:1, 71:8,	unfortunately	8:14, 18:11,	49:12	
	14:9, 14:12,	18:19, 21:2,		
	± · · · / ± ¬ · ± ∠ /			

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

		r	
variety	53:5, 53:7,	53:2, 55:5,	58:12, 65:1,
67:11, 80:18	53:9, 53:11,	56:12, 58:11,	75:10, 76:12,
various	53:12, 57:21,	59:9, 65:11,	92:10, 92:11,
18:4, 19:6,	58:18, 59:3,	67:21, 80:17,	95:22, 98:4
43:12, 58:8,	59:22, 60:22,	81:2, 89:22,	where
85:19, 85:20	62:13, 63:7,	91:1, 97:5	36:1, 43:18,
verb	64:19, 73:1,	well-developed	49:5, 60:12,
68:2	78:11, 80:7,	62:12	67:18, 68:13,
verbs	81:16, 83:20,	well-known	68:17, 71:17,
71:14	85:18, 96:15,	17:20, 19:4	75:16, 75:21,
very	100:6, 101:7,	were	76:1, 80:22,
30:22, 40:5,	101:9, 101:12,	8:20, 8:21,	81:6, 82:8,
63:7, 76:6,	102:2	12:7, 13:21,	89:7, 90:11,
76:7, 76:8,	wasn't	14:10, 17:15,	92:22, 93:8,
81:15, 84:20,	73:2	17:20, 17:21,	94:7, 94:12,
87:2	way	19:3, 19:10,	95:4
via	16:20, 29:15,	28:7, 28:14,	where's
45:21	30:13, 30:14,	51:8, 52:4,	95:2
view	30:16, 33:4,	52:7, 52:8,	whereas
62:19	63:17, 66:12,	53:13, 53:15,	23:22, 40:6,
vitae	68:14, 73:20,	55:7, 56:13,	79:16
5:6, 15:21,	75:12, 76:5,	57:19, 58:22,	whether
16:13	80:2, 80:9,	59:11, 63:11,	35:8, 35:14,
<u> </u>	82:22, 85:15,	63:13, 74:10,	36:9, 38:10,
	86:7, 94:12,	85:16, 85:19,	58:6, 62:20,
want	96:6, 96:8	91:14	93:16
11:5, 98:22	ways	weren't	which
wanted	66:1, 73:4	91:15	7:16, 7:19,
18:7, 18:12,	we'd	what's	15:18, 16:16,
48:13, 92:2	97:21	22:7, 24:21,	21:4, 23:15,
was	we'll	35:2, 37:14,	26:19, 33:10,
6:5, 8:5, 8:14,	6:19, 7:19	56:8, 61:21,	44:2, 44:3,
9:1, 9:5, 11:7,	we're	64:18, 65:5,	44:12, 45:20,
11:13, 12:3,	9:15, 62:11,	68:2, 72:3,	46:7, 61:22,
12:11, 13:19,	76:3, 91:17	72:8, 72:17,	64:2, 65:14,
15:21, 16:3,	we've	75:13, 76:5,	65:17, 69:12,
17:5, 17:18,	72:22, 73:8,	77:14, 78:1,	72:7, 73:17,
18:3, 18:5,	78:19, 84:5	79:2, 79:13,	73:18, 73:22,
20:22, 21:3,	web	79:18, 90:18	74:16, 82:6,
21:5, 23:14,	17:9	whatever	82:12, 83:7,
24:5, 24:11,	weekly	41:5	89:2
28:9, 29:16,	56:15	whatever's	while
39:3, 41:12,	weighted	46:12	14:22, 20:21
41:13, 46:19,	81:11, 81:12	when	who
51:6, 51:17,	well	17:18, 25:13,	55:5, 55:7,
51:20, 52:1,	8:7, 23:5,	26:13, 28:6,	55:12, 55:14,
52:2, 52:3,	23:13, 30:1,	43:4, 45:1,	56:13
52:6, 52:17,	42:9, 48:10,	45:3, 56:22,	who've
		. ,	59:14
	1		

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

			50
whole	withdraw	29:17, 30:17,	44:10, 44:20,
6:4, 77:6,	70:8	40:10, 42:3,	48:19, 49:10,
91:16	withdrawn	42:13, 42:14,	51:3, 51:22,
whom	28:15, 31:19	46:2, 46:6,	58:4, 60:16,
53:20	within	46:20, 47:7,	64:7, 66:4,
whose	45:20, 61:4,	48:6, 49:18,	66:14, 71:21,
33:15, 36:22,	91:10, 91:22,	50:2, 50:6,	96:19
101:6	94:19, 101:4	50:9, 54:20,	york
why	without	55:8, 56:5,	3:19
6:15, 6:17,	11:1, 40:4,	56:20, 57:3,	you'd
13:1, 17:16,	98:7	57:10, 57:11,	13:15, 27:5
21:8, 24:3,	witness	58:7, 61:14,	you're
31:20, 32:8,	14:2, 79:4,	62:4, 62:18,	6:15, 10:14,
32:12, 35:19,	101:6, 101:10	63:4, 63:9,	29:12, 36:19,
45:16, 52:1,	word	63:14, 65:6,	37:18, 38:6,
52:2, 52:11,	25:9, 25:13,	82:13, 83:6,	48:15, 51:16,
96:5	25:17, 29:20,	86:2, 86:4,	54:14, 64:3,
will	30:3, 31:21,	90:10, 91:8,	64:10, 64:11,
73:14, 76:5,	32:22, 33:1,	91:18, 93:21,	64:20, 66:17,
77:12, 85:11,	44:1, 44:2,	94:3, 95:10	75:17, 79:16,
92:13, 93:10,	44:9, 97:16,	wouldn't	86:8, 87:10,
102:6	97:17, 97:20,	57:16	88:1, 88:2,
wire	97:21, 98:1,	write	88:13, 89:4,
77:17	98:5	13:17, 60:12	90:11, 90:12,
with	wording	written	93:1, 95:18,
6:13, 7:12,	10:20	15:4, 15:19,	98:4
9:9, 13:4,	words	16:17, 37:15,	your
13:12, 13:22,	38:1, 38:4,	44:6, 94:12	6:10, 8:11,
19:19, 20:1,	38:6, 38:7	wrote	10:2, 10:10,
21:1, 21:10,	work	6:18, 13:18,	11:10, 12:1,
34:5, 36:9,	15:5, 16:22,	43:22, 98:5	12:6, 12:7,
37:18, 39:7,	55:5, 57:4,	Y	13:2, 13:11, 13:14, 13:17,
40:2, 40:14,	81:21	yeah	13:14, 13:17, 13:22, 14:8,
40:20, 41:8,	working	9:9, 63:2,	14:18, 14:19,
43:11, 48:10,	48:15, 55:8,	64:16, 65:5,	14:22, 15:9,
49:22, 50:8,	55:17, 59:12	78:8, 86:10,	15:19, 15:20,
51:1, 53:2, 55:5, 55:14,	works	87:3, 97:9, 99:1	16:16, 16:17,
56:14, 57:4,	69:1, 96:6	year	17:17, 18:16,
57:8, 59:13,	worse	59:16	19:8, 20:9,
59:17, 59:20,	43:10, 43:13	years	20:21, 21:10,
68:21, 69:2,	would	57:6, 59:16,	22:20, 23:2,
70:2, 70:6,	8:1, 8:17,	59:17	23:12, 24:4,
70:12, 71:6,	11:6, 11:10,	yes	24:16, 26:8,
73:11, 81:8,	14:7, 16:20,	7:5, 14:20,	27:2, 27:14,
81:22, 84:16,	21:14, 22:5,	15:2, 22:19,	28:3, 28:9,
85:13, 85:18,	23:7, 23:20, 24:9, 24:10,	38:15, 39:20,	29:3, 29:8,
94:22, 99:16	24:9, 24:10, 24:22, 29:15,	40:16, 41:18,	30:9, 30:14,
,	27.22, 29:1J,		
	1		
	1	I	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

	Collducted off A	piii 10, 2 013	51
31:3, 31:9,	10036	14	102:10
33:14, 34:1,	3:19	34:4, 35:3	207
34:20, 35:6,	1004	148	6:13
35:13, 35:19,	5:7, 11:13,	60:9	212
36:16, 37:2,	11:17	153	3:20
37:6, 37:11,	1012	87:6, 89:20,	213
38:2, 38:9,	5:11, 59:22,	91:6	6:20, 7:19,
38:17, 39:22,	60:3	157	8:2, 8:4, 8:10,
41:19, 43:18,	1013	98:10	8:12, 8:20,
44:19, 45:16,	5:14, 83:19,	16	9:16, 9:17,
46:17, 47:12,	83:20	5:6, 100:16,	9:21, 10:11,
48:2, 48:20,	1014	101:18	13:5, 15:6,
49:11, 50:19,		161	15:7, 17:18,
53:17, 53:21,	5:17, 96:14,		17:22, 18:3,
54:11, 56:9,	96:15	93:13	18:20, 20:6,
57:14, 58:1,	1016	173	20:10, 20:21,
58:6, 60:9,	98:22	12:4	22:4, 22:21,
64:18, 64:19,	102	18	23:4, 23:12,
71:16, 72:11,	1:20	1:16, 12:10,	
74:5, 74:13,	105	101:17	24:17, 29:1, 30:15, 31:13,
76:14, 78:9,	24:21	183	33:22, 35:20,
80:4, 80:12,	106	99:11	38:11, 38:18,
87:6, 88:3,	31:9, 35:7	191	41:20, 44:8,
89:20, 91:7,	108	2:6, 3:7,	44:12, 48:3,
93:13, 93:17,	38:22	101:16	48:21, 49:12,
98:10, 99:11	109	2	48:21, 49:12, 54:9, 58:1,
yourself	39:14, 39:16,	2000	58:20, 97:3
8:21, 55:1,	40:17	53:14	23
55:20	11	2003	25 55:10
0	5:7, 12:3,	52:22, 53:5,	238683
	12:7, 12:13,	53:7, 53:8	1:19
0123220	14:14, 14:18,	2004	24
5:18	17:2, 83:14,	5:18	53:21, 54:6
01386	101:21	2008	25
1:11	110	5:15	25 16:14, 102:10
0229415	39:2	2009	27
5:15	111	5:12	
0328219	23:6	2014	1:17, 101:18 2748
5:12	112	54:20, 55:2,	1:21, 102:14
1	23:13	55:6, 55:7,	28
1	113	55:16, 57:20,	28 101:21
100:16, 101:18	20:16	57:21, 58:16,	
10	114	59:4, 59:8,	3
17:8, 50:15	21:1	62:11, 63:3	30
1001	1177	2018	76:17
5:4, 9:4, 9:5	3:18	1:11, 12:3,	30303
1003	12	12:7, 16:14	2:8, 3:9,
5:6, 16:3, 16:7	83:14	2019	101:17
	120	1:16, 101:18,	
	49:4	· · · · ·	

PLANET DEPOS 888.433.3767 | WWW.PLANETDEPOS.COM

Patent Owner Centripetal Networks, Inc. - Ex. 2009, p. 57

57

	Conducted on A	April 18, 2019	58
314	74:14, 74:21,		
94:8	83:14		
32	5		
70:12, 70:19,	50		
71:19, 72:8,			
73:16, 73:17,	66:13, 66:19,		
74:16, 75:4	69:16, 72:4,		
33	75:16		
78:6, 78:7,	5040		
78:14	3:10		
34	51		
82:7	67:21		
35	52		
81:17, 83:2	43:21		
36	53		
	43:22, 44:6,		
50:15, 81:5,	50:15		
83:4, 83:14	56		
3800	34:14		
2:7, 3:8,	59		
101:16	5:11		
4	_ 7		
404	702		
3:10	94:10		
41	715		
34:4, 79:6,	3:20		
83:9	7502		
42	3:20		
79:6	8		
444	83		
94:7			
47	5:14		
34:4, 68:21,	9		
69:8, 72:3,	9		
72:4, 72:9,	1:17, 101:18		
73:9, 73:15	9,565,213		
478	1:12, 5:5,		
94:4, 96:12	5:10, 7:19		
48	9(c)		
64:14, 64:15,	101:21		
65:1, 65:6,	92		
65:13, 66:7,	102:12		
72:4	954		
480	3:10		
95:4	96		
49	5:17		
72:4, 73:9,			
73:10, 73:20,			
L			I

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