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

DOLBY LABORATORIES, INC.,	)
	)
Petitioner,	)
	)
V.	)
	)Case
INTERTRUST TECHNOLOGIES	)IPR2020-006660
CORPORATION,	)Patent 6,785,815
	)
Patent Owner,	)
	)

ZOOM CONFERENCE DEPOSITION OF  
DR. VIJAY K. MADISETTI, VOLUME I  
Jones Creek, Georgia  
Tuesday, January 5, 2021

Reported by: LORI M. BARKLEY, CSR No. 6426  
  
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2 BEFORE THE PATENT TRIAL AND APPEAL BOARD	2 WITNESS EXAMINATION
3	3 DR. VIJAY K. MADISETTI
4 DOLBY LABORATORIES, INC., )	4 Volume I
5 )	5 BY MR. FLORANCE 5
6 Petitioner, )	6
7 )	7 EXHIBITS
8 and )	8 NUMBER DESCRIPTION PAGE
9 )Case	9 Exhibit 1001 United States Patent 6,785,815. 66
10 INTERTRUST TECHNOLOGIES )IPR2020-006660	10
11 CORPORATION, )Patent 6,785,815	11 Exhibit 1002 Declaration of Dr. Vijay K. 15
12 )	12 Madiseti, March 20, 2020.
13 Patent Owner, )	13 Exhibit 1006 Hanna patent, IPR2020-00660. 142
14 )	14
15 Zoom deposition of, Volume I, taken	15 Exhibit 1007 Stefik U.S. Patent 5,629,980. 168
16 at Jones Creek, beginning at 8:00 a.m., and ending at	16
17 4:30 p.m., on Tuesday, January 5, 2021, before LORI M.	17 Exhibit 1008 Gennaro U.S. Patent 6,009,176. 223
18 BARKLEY, Certified Shorthand Reporter No. 6426.	18
19	19 Exhibit 2024 Declaration of Dr. Vijay K. 74
20	20 Madiseti re U.S. Patent No.
21	21 7,406,603, IPR 2020-00663, May 27,
22	22 2020.
23	23 Exhibit 2025 Ginter U.S. Patent 5,892,900. 280
24	24
25	25
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1 APPEARANCES:	1 Jones Creek, Georgia;
2	2 Tuesday, January 5, 2021
3 ROPES & GRAY LLP	3 8:00 a.m.
4 Keyna Chow	4
5 Attorney at Law	5 DR. VIJAY K. MADISETTI,
6 3 Embarcadero Center, 3rd Floor	6 having been administered an oath,
7 San Francisco, CA 94111-4003	7 was examined and testified as follows:
8 keyna.chow@ropesgray.com	8
9	9 EXAMINATION 07:58:47
10 ROPES & GRAY LLP	10 BY MR. FLORANCE: 08:01:55
11 Mr. Mark D. Rowland	11 Q. Good morning, Dr. Madiseti. 08:01:55
12 Attorney at Law	12 Could you state your full name for the record, 08:01:58
13 1900 University Avenue, Floor 6	13 please. 08:02:00
14 East Palo Alto, CA 94303-2284	14 A. Good morning, counsel. My name is Vijay K. 08:02:00
15 (650) 617-4000	15 Madiseti. 08:02:05
16 mark.rowland@ropesgray.com	16 Q. And where do you live? 08:02:05
17	17 A. I live in Jones Creek, a suburb of Atlanta, 08:02:07
18	18 56 Creek Side Park Drive, Jones Creek, Georgia. 08:02:12
19 QUINN EMANUEL URQUHART & SULLIVAN LLP	19 Q. Thank you. 08:02:15
20 Scott Florance	20 And have you testified at a deposition before? 08:02:15
21 Attorney at Law	21 A. Yes. 08:02:18
22 865 S Figueroa Street, 10th Floor,	22 Q. And how many times, approximately, have you been 08:02:19
23 Los Angeles, CA 90017	23 deposed? 08:02:21
24 scottflorance@quinnemanuel.com	24 A. I don't remember the exact number, but quite a 08:02:25
25	25 few times. 08:02:29
Page 3	Page 5

1 Q. More than 20? 08:02:30	1 A. Yes. 08:05:09
2 A. Yes. 08:02:33	2 Q. And you'll understand that when I refer to the 08:05:11
3 Q. More than 50? 08:02:34	3 '815, I'm referring to that patent? 08:05:14
4 A. Yes. 08:02:35	4 A. Yes. 08:05:16
5 Q. More than a hundred? 08:02:35	5 Q. I understand you've also been retained by Dolby 08:05:20
6 A. I'm not sure. 08:02:38	6 in other IPR matters; is that correct? 08:05:22
7 Q. Somewhere between 50 and 100, you believe? 08:02:40	7 A. I think so, yes. 08:05:27
8 A. I think so. 08:02:42	8 Q. Do you know if those IPR matters involve 08:05:29
9 Q. Is this your first remote deposition? 08:02:44	9 Intertrust? 08:05:36
10 A. No. 08:02:48	10 A. I think so. 08:05:42
11 Q. How many remote depositions have you given? 08:02:48	11 Q. How many IPR matters for Dolby do you believe 08:05:42
12 A. Probably six, around six to seven. 08:02:53	12 you're working on right now? 08:05:45
13 Q. When was the last time you were deposed? 08:02:57	13 A. I don't recall the exact number. I would say 08:05:52
14 A. I think it was in November, late November, I 08:03:10	14 maybe two, maybe three. 08:05:57
15 think. 08:03:13	15 Q. Are you working on any matters for Dolby that 08:05:58
16 Q. Late November of 2020? 08:03:14	16 are not IPR matters? 08:06:01
17 A. That's right. 08:03:16	17 A. I don't believe so. 08:06:06
18 Q. Okay. Thank you. 08:03:16	18 Q. The IPR matters, the two or three that you have 08:06:07
19 Do you understand that you're testifying under 08:03:18	19 in mind, do they all involve patents owned by 08:06:09
20 oath today? 08:03:20	20 Intertrust? 08:06:12
21 A. I do. 08:03:22	21 A. Yes. 08:06:17
22 Q. And is there any reason, medical or otherwise, 08:03:22	22 Q. When were you retained as an expert in this 08:06:30
23 why you can't give truthful testimony today? 08:03:26	23 matter? 08:06:32
24 A. There's no reason. 08:03:31	24 A. I think about a year or so ago, but I don't 08:06:32
25 Q. And you understand that counsel can object, but 08:03:35	25 recall the specific date. 08:06:41
Page 6	Page 8
1 you must answer any questions unless it invades the 08:03:38	1 Q. And was that the first time you've ever been 08:06:42
2 attorney/client privilege. Do you understand that? 08:03:46	2 retained by Dolby as an expert? 08:06:47
3 A. Yes. 08:03:49	3 A. I think so. 08:06:52
4 Q. And are you represented by Ms. Chow today? 08:03:49	4 Q. Do you recall having any interactions with 08:06:52
5 A. Yes. 08:03:58	5 anyone at Dolby before being retained as an expert in 08:06:57
6 Q. I just want to remind you that you need to give 08:03:58	6 this case? 08:07:00
7 verbal answers to my questions. Do you understand that? 08:04:00	7 MS. CHOW: Objection, form. 08:07:08
8 A. I do. 08:04:03	8 THE WITNESS: I don't recall any -- any sort of 08:07:09
9 Q. And as the court reporter said, you understand 08:04:06	9 technical interaction. 08:07:16
10 that we cannot, or we need to do our best to not talk 08:04:08	10 BY MR. FLORANCE: 08:07:17
11 over each other today? 08:04:13	11 Q. Do you recall some other types of interactions? 08:07:18
12 A. Yes. 08:04:14	12 A. I don't recall any interaction. I'm not sure 08:07:21
13 Q. Dr. Madisetti, you've been retained by Dolby 08:04:32	13 that they were on the phone with counsel or -- I mean, I 08:07:24
14 Laboratories in this matter; is that correct? 08:04:34	14 don't remember at all. 08:07:28
15 A. Yes. 08:04:35	15 Q. Okay. Do you recall having any communications 08:07:32
16 Q. And if I use the term "Dolby" today, you'll 08:04:38	16 with Dolby prior to having phone calls about this 08:07:34
17 understand that to mean Dolby Laboratories? 08:04:41	17 matter? 08:07:41
18 A. Yes. 08:04:43	18 A. I don't recall. 08:07:42
19 Q. And you've been retained by Dolby in this 08:04:47	19 Q. Since you've been retained as an expert, have 08:07:44
20 matter, and the matter is IPR2020-006660, to provide an 08:04:48	20 you interacted with anyone at Dolby, not including 08:07:49
21 opinion concerning the invalidity of two claims of a 08:04:54	21 outside counsel? I just want a yes or no answer to 08:07:52
22 U.S. patent, correct? 08:04:59	22 that. 08:07:55
23 A. Yes, sir. 08:05:01	23 A. Could you clarify your question? 08:08:04
24 Q. And the patent number that you've been asked to 08:05:01	24 Q. Yes. 08:08:05
25 provide opinions on is 6,785,815; is that correct? 08:05:03	25 Since you've been retained as an expert in this 08:08:06
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<p>1 matter, have you had communications with anyone at Dolby 08:08:08</p> <p>2 besides their outside counsel? 08:08:12</p> <p>3 MS. CHOW: Objection, form. 08:08:19</p> <p>4 THE WITNESS: I believe I had some interaction 08:08:31</p> <p>5 with one of the counsels at some point. 08:08:32</p> <p>6 BY MR. FLORANCE: 08:08:36</p> <p>7 Q. One of the in-house counsel at Dolby? 08:08:36</p> <p>8 A. Yes. 08:08:39</p> <p>9 Q. Do you recall the name of that person? 08:08:42</p> <p>10 A. I don't. 08:08:44</p> <p>11 Q. Do you recall when that happened? 08:08:46</p> <p>12 A. I believe it was not related to this, these IPRs 08:08:51</p> <p>13 at all. 08:08:55</p> <p>14 Q. Okay. 08:08:55</p> <p>15 A. But it could have happened sometime in the -- 08:08:57</p> <p>16 early last year or middle of last year. 08:09:05</p> <p>17 Q. Have you ever been retained to do work on behalf 08:09:11</p> <p>18 of a company known as Cinemark Holdings? 08:09:13</p> <p>19 A. No, I don't recall any. 08:09:18</p> <p>20 Q. Have you ever been retained to do work on behalf 08:09:22</p> <p>21 of AMC Entertainment? 08:09:24</p> <p>22 A. I don't recall. 08:09:31</p> <p>23 Q. Have you ever had any interactions with anyone 08:09:34</p> <p>24 you believe was at AMC Entertainment? 08:09:37</p> <p>25 A. Again, I don't recall. 08:09:43</p> <p style="text-align: right;">Page 10</p>	<p>1 Q. But sitting here today, you don't recall 08:11:09</p> <p>2 reviewing a specific Intertrust patent in any matter 08:11:11</p> <p>3 you've worked on previously? 08:11:17</p> <p>4 MS. CHOW: Objection, form. 08:11:19</p> <p>5 THE WITNESS: Other than these IPRs, I don't 08:11:20</p> <p>6 recall specifics. 08:11:22</p> <p>7 BY MR. FLORANCE: 08:11:24</p> <p>8 Q. Okay. And you don't recall offering any 08:11:24</p> <p>9 opinions at all regarding any patent that was owned by 08:11:29</p> <p>10 Intertrust; is that correct? 08:11:33</p> <p>11 A. As I said, I don't recall specifically. 08:11:36</p> <p>12 Q. Approximately how many patent matters have you 08:11:39</p> <p>13 worked on as an expert? And I'm including in that, 08:11:44</p> <p>14 court cases and matters before the IPC and PTAB. 08:11:46</p> <p>15 MS. CHOW: Objection, form. 08:11:54</p> <p>16 THE WITNESS: Are you referring to a certain 08:11:55</p> <p>17 time period or -- I'm not sure as to your question. 08:11:56</p> <p>18 BY MR. FLORANCE: 08:12:00</p> <p>19 Q. Well, I'm referring to your entire career as an 08:12:00</p> <p>20 expert. 08:12:02</p> <p>21 MS. CHOW: Objection, form. 08:12:03</p> <p>22 THE WITNESS: I don't remember exact number. 08:12:11</p> <p>23 BY MR. FLORANCE: 08:12:13</p> <p>24 Q. Is it more than 50? 08:12:13</p> <p>25 A. I would say around 50. 08:12:19</p> <p style="text-align: right;">Page 12</p>
<p>1 Q. Have you ever been retained to do work on behalf 08:09:43</p> <p>2 of Regal Entertainment? 08:09:48</p> <p>3 A. Again, I don't recall. 08:09:51</p> <p>4 Q. You don't recall -- do you recall having any 08:09:52</p> <p>5 conversations with anyone at Regal Entertainment? 08:09:57</p> <p>6 A. I don't. 08:09:59</p> <p>7 Q. Before working on these IPR matters, were you 08:10:00</p> <p>8 familiar with Intertrust Technologies? 08:10:04</p> <p>9 MS. CHOW: Objection, form. 08:10:09</p> <p>10 THE WITNESS: Not personally familiar. 08:10:17</p> <p>11 BY MR. FLORANCE: 08:10:22</p> <p>12 Q. So, prior to these IPR matters, have you ever 08:10:22</p> <p>13 reviewed a patent that was owned by Intertrust 08:10:25</p> <p>14 Technologies? 08:10:29</p> <p>15 A. Oh, I must have, in other matters I may have 08:10:30</p> <p>16 reviewed certain patents. 08:10:37</p> <p>17 Q. Okay. Do you recall what matters you reviewed 08:10:38</p> <p>18 Intertrust patents in? 08:10:41</p> <p>19 A. I don't. 08:10:47</p> <p>20 Q. Do you recall what time period you reviewed 08:10:47</p> <p>21 Intertrust patents prior to working on these matters? 08:10:53</p> <p>22 A. I don't. As I said, I don't recall specifics, 08:10:57</p> <p>23 but I reviewed a lot of prior art. So, to the extent 08:10:59</p> <p>24 that -- to be cautious, I'm saying I may have reviewed a 08:11:03</p> <p>25 lot of patents from a lot of companies. 08:11:06</p> <p style="text-align: right;">Page 11</p>	<p>1 Q. Okay. And can you give me an estimate, in those 08:12:21</p> <p>2 approximately 50 matters, how many, or what percentage 08:12:26</p> <p>3 of those you worked -- excuse me. 08:12:30</p> <p>4 Of those approximately 50 matters, can you 08:12:34</p> <p>5 estimate approximately how many you have worked on where 08:12:37</p> <p>6 you were retained by the owner of the patent? 08:12:41</p> <p>7 MS. CHOW: Objection, form. 08:12:44</p> <p>8 THE WITNESS: I would say in those 50 matters, I 08:12:49</p> <p>9 would say it's roughly half and half. 08:12:54</p> <p>10 BY MR. FLORANCE: 08:12:57</p> <p>11 Q. What did you do to prepare for your deposition 08:12:57</p> <p>12 today? 08:12:59</p> <p>13 MS. CHOW: Objection, form. 08:13:02</p> <p>14 THE WITNESS: I reviewed my declaration and -- I 08:13:07</p> <p>15 reviewed my declaration, the institution decision and -- 08:13:14</p> <p>16 (Reporter clarification.)</p> <p>17 THE WITNESS: And the institution decision.</p> <p>18 And I reviewed -- I had a conversation with 08:13:25</p> <p>19 attorneys, with the attorney. 08:13:30</p> <p>20 BY MR. FLORANCE: 08:13:32</p> <p>21 Q. And what attorneys did you have a conversation 08:13:33</p> <p>22 with? 08:13:34</p> <p>23 A. With attorney Keyna Chow. 08:13:36</p> <p>24 Q. Anyone else? 08:13:39</p> <p>25 A. No. 08:13:40</p> <p style="text-align: right;">Page 13</p>

<p>1 Q. And how long did those conversations last with 08:13:41</p> <p>2 Ms. Chow? 08:13:47</p> <p>3 A. A few hours. 08:13:52</p> <p>4 Q. And when did those conversations take place? 08:13:53</p> <p>5 A. Yesterday. 08:14:01</p> <p>6 Q. When you say a few hours, do you mean less than 08:14:04</p> <p>7 four hours? 08:14:08</p> <p>8 A. I would say around four. 08:14:09</p> <p>9 Q. Okay. 08:14:10</p> <p>10 A. And a brief call today. 08:14:12</p> <p>11 Q. You said you reviewed your declaration in this 08:14:16</p> <p>12 matter, as well as the institution decision. 08:14:19</p> <p>13 Did you review any other documents as part of 08:14:23</p> <p>14 your preparation for this deposition? 08:14:27</p> <p>15 A. I looked at the '815 patent, the provisional 08:14:28</p> <p>16 and --</p> <p>17 (Reporter clarification.)</p> <p>18 THE WITNESS: And the provisional application. 08:14:41</p> <p>19 I also looked at, I think a few of the exhibits 08:14:42</p> <p>20 to my declaration. 08:14:48</p> <p>21 BY MR. FLORANCE:</p> <p>22 Q. Do you recall which ones, other than the ones 08:14:56</p> <p>23 you've already referred to? 08:14:58</p> <p>24 A. I looked at Hanna, H-A-N-N-A, Hanna. I looked 08:14:59</p> <p>25 at Stefik, S-T-E-F-I-K. I also look at Gennaro. 08:15:06</p> <p style="text-align: right;">Page 14</p>	<p>1 (Technology discussion.) 08:17:21</p> <p>2 BY MR. FLORANCE: 08:17:22</p> <p>3 Q. Dr. Madisetti, is this the declaration you 08:17:32</p> <p>4 submitted in this matter? 08:17:37</p> <p>5 A. So, can I open it? 08:17:38</p> <p>6 (Technology discussion.) 08:17:42</p> <p>7 THE WITNESS: Yes, this is the one. 08:17:49</p> <p>8 BY MR. FLORANCE: 08:17:51</p> <p>9 Q. Okay. And you declared that the statements in 08:17:52</p> <p>10 your declaration are made with the knowledge that 08:18:01</p> <p>11 willful false statements, and the like, so made, are 08:18:02</p> <p>12 punishable by fine or imprisonment or by both under 08:18:05</p> <p>13 Section 1001 of Title 18 of the U.S. Code; is that 08:18:09</p> <p>14 correct?</p> <p>15 A. That's correct. 08:18:13</p> <p>16 Q. And the declaration, does that contain your 08:18:14</p> <p>17 opinions in connection with this matter? 08:18:17</p> <p>18 A. Yes, at the time of writing, yes. 08:18:25</p> <p>19 Q. Okay. And do you intend to offer any opinions 08:18:26</p> <p>20 in this case that aren't included in your declaration? 08:18:28</p> <p>21 MS. CHOW: Objection, form. 08:18:33</p> <p>22 THE WITNESS: Could you please clarify your 08:18:34</p> <p>23 question, counsel? 08:18:35</p> <p>24 BY MR. FLORANCE: 08:18:36</p> <p>25 Q. Well, I'm trying to understand if this 08:18:37</p> <p style="text-align: right;">Page 16</p>
<p>1 Q. Any others you can recall? 08:15:16</p> <p>2 A. Those were the main ones. 08:15:21</p> <p>3 Q. Did you speak with anyone else, other than 08:15:22</p> <p>4 Ms. Chow, about your deposition today? 08:15:25</p> <p>5 MS. CHOW: Objection, form. 08:15:31</p> <p>6 THE WITNESS: You mean to say with -- other than 08:15:37</p> <p>7 Veritext and attorney Chow, no one else. 08:15:39</p> <p>8 BY MR. FLORANCE: 08:15:48</p> <p>9 Q. Did you bring any documents with you to today's 08:15:49</p> <p>10 deposition? 08:15:50</p> <p>11 A. I have my declaration in front of me and the 08:15:52</p> <p>12 '815 patent and the three exhibits I mentioned. 08:15:57</p> <p>13 Q. And those documents you have, do they have any 08:16:06</p> <p>14 notes on them? 08:16:08</p> <p>15 A. No. 08:16:08</p> <p>16 Q. Are you being compensated for today's 08:16:08</p> <p>17 deposition? 08:16:11</p> <p>18 A. Yes. 08:16:12</p> <p>19 Q. What rate are you charging for today's 08:16:13</p> <p>20 deposition? 08:16:15</p> <p>21 A. I think it's 550 dollars an hour. 08:16:18</p> <p>22 MR. FLORANCE: I'm attempting to introduce the 08:16:59</p> <p>23 next exhibit here, 1002, which is your declaration. 08:17:01</p> <p>24 (Exhibit 1002 was marked for identification by 08:17:19</p> <p>25 the court reporter and is attached hereto.) 08:17:21</p> <p style="text-align: right;">Page 15</p>	<p>1 declaration contains all of the opinions you're going to 08:18:38</p> <p>2 give in this case as of right now. 08:18:40</p> <p>3 MS. CHOW: Same objection. 08:18:46</p> <p>4 BY MR. FLORANCE: 08:18:47</p> <p>5 Q. Is that true or not? 08:18:49</p> <p>6 MS. CHOW: Same objection. 08:18:53</p> <p>7 THE WITNESS: The declaration contains my 08:18:55</p> <p>8 opinions as of the time of writing and I, if asked and 08:18:57</p> <p>9 allowed, I may submit other declarations. But at this 08:19:04</p> <p>10 point, I have not been working on anything else. 08:19:09</p> <p>11 BY MR. FLORANCE: 08:19:16</p> <p>12 Q. Approximately how many hours did you spend 08:19:16</p> <p>13 preparing Exhibit 1002, your declaration in this matter? 08:19:18</p> <p>14 A. I don't remember the exact number. I would say 08:19:25</p> <p>15 around 50, 50 hours, maybe a little more. 08:19:30</p> <p>16 Q. So, I'm going to refer to the page numbers that 08:19:36</p> <p>17 are stamped at the bottom of the exhibit. 08:19:45</p> <p>18 Do you see where it says "Dolby Exhibit 1002," 08:19:47</p> <p>19 there's a page number underneath that at the bottom 08:19:51</p> <p>20 right corner? 08:19:54</p> <p>21 A. Yes. 08:19:55</p> <p>22 Q. Okay. So, let's turn to page 118, and please 08:19:55</p> <p>23 let me know when you get there. 08:20:00</p> <p>24 A. Yes. 08:20:23</p> <p>25 Q. Okay. So, you have a bachelor's degree from the 08:20:23</p> <p style="text-align: right;">Page 17</p>

1 Indian Institute of Technology; is that correct? 08:20:25	1 VP Technologies, Inc.? 08:24:15
2 A. That is right. 08:20:27	2 A. Yes. 08:24:17
3 Q. And your bachelor's degree was in electronics 08:20:27	3 Q. And you started working there in 1995? 08:24:19
4 and electrical communications engineering; is that 08:20:30	4 A. Yes. 08:24:26
5 correct? 08:20:37	5 Q. And your work continues today? 08:24:27
6 A. Yes. 08:20:37	6 A. Yes, I direct some of the work there. 08:24:28
7 Q. And you got that degree in 1984? 08:20:37	7 (Reporter clarification.)
8 A. Yes. 08:20:39	8 THE WITNESS: I direct some of the work there.
9 Q. And then you got a Ph.D. from the University of 08:20:40	9 BY MR. FLORANCE:
10 California Berkeley in 1989; is that correct? 08:20:42	10 Q. And what does VP Technologies, Inc. do? 08:24:39
11 A. That's right. 08:20:48	11 A. Primarily software and hardware design. 08:24:43
12 Q. And that was in electrical engineering and 08:20:49	12 Q. And what is your role at the company? 08:24:52
13 computer sciences? 08:20:50	13 A. I'm primarily advisory. I'm the director and 08:24:57
14 A. Yes. 08:20:52	14 owner, so I'm more on the advisory. 08:25:08
15 Q. And do you have any other degrees that aren't 08:20:52	15 Q. Does any of the work at VP Technologies involve 08:25:17
16 listed here on page 118 of your declaration? 08:20:54	16 digital file security? 08:25:20
17 A. I do not. 08:20:56	17 A. Yes, it does include a variety of cloud-based 08:25:25
18 (Technology discussion.) 08:22:42	18 information security. 08:25:30
19 BY MR. FLORANCE: 08:22:43	19 Q. What type of work was VP Technologies doing in 08:25:35
20 Q. Dr. Madiseti, does page 111 list your full -- 08:22:44	20 the late '90s, if you recall? 08:25:37
21 all of your employment since 1984? 08:22:48	21 MS. CHOW: Objection, form. 08:25:39
22 A. Yes. 08:22:53	22 THE WITNESS: Primarily chip and software design 08:25:42
23 Q. Okay. So, you did not do any work -- excuse me. 08:22:54	23 for military applications. 08:25:48
24 So, after you graduated from the Indian 08:23:01	24 BY MR. FLORANCE: 08:25:49
25 Institute of Technology, you began research at 08:23:05	25 Q. And was VP Technologies working in the field of 08:25:53
Page 18	Page 20
1 University of California Berkeley immediately after 08:23:08	1 digital file security in that time period? 08:25:55
2 that, essentially? 08:23:11	2 A. It was working in the area of digital 08:25:58
3 MS. CHOW: Objection, form. 08:23:14	3 security -- 08:26:04
4 THE WITNESS: I didn't understand the question, 08:23:18	4 (Reporter clarification.)
5 counsel. 08:23:19	5 THE WITNESS: In the area of digital security
6 BY MR. FLORANCE: 08:23:19	6 and encryption. 08:26:04
7 Q. So, after you graduated from the Indian 08:23:20	7 BY MR. FLORANCE:
8 Institute of Technology, what did you do? 08:23:24	8 Q. Did any of the work involve digital rights 08:26:11
9 A. Oh, I joined a Ph.D. program at UC Berkeley, 08:23:25	9 management? 08:26:13
10 where I was a postgraduate researcher. 08:23:29	10 A. Applications of DRM. 08:26:15
11 Q. Okay. And then you began working as a professor 08:23:32	11 Q. What do you mean by applications of DRM? 08:26:18
12 at Georgia Tech in 1989; is that correct? 08:23:38	12 A. Primarily in the area of cable, cable networks 08:26:24
13 A. Yes. 08:23:41	13 and -- 08:26:31
14 Q. And you became an associate professor in 1995? 08:23:41	14 (Reporter clarification.)
15 A. Yes. 08:23:44	15 THE WITNESS: In the area of cable networks and 08:26:31
16 Q. And you remain an associate professor at Georgia 08:23:45	16 cellular networks. 08:26:31
17 Tech today; is that correct? 08:23:49	17 BY MR. FLORANCE:
18 A. No, I'm a full professor. 08:23:50	18 Q. And when did that work begin? 08:26:35
19 Q. You're a full professor. Okay.	19 A. Around 1996, '97, to around 2007. 08:26:38
20 A. I was promoted to full professor in 1997 or '98. 08:23:53	20 Q. Can you provide any more information about the 08:26:51
21 Q. And then outside of your work for Georgia Tech, 08:24:03	21 DRM work in this area of cable networks and cellular 08:26:54
22 you have worked with a number of other companies; is 08:24:05	22 networks? 08:26:58
23 that correct? 08:24:10	23 MS. CHOW: Objection, form. 08:27:00
24 A. Start-up companies, yes. 08:24:10	24 THE WITNESS: It's primarily in the development 08:27:03
25 Q. Okay. And one of those start-up companies is 08:24:11	25 of encryption technology and conditional access 08:27:05
Page 19	Page 21

1 technology. 08:27:09	1 receive a stream? 08:30:15
2 BY MR. FLORANCE: 08:27:12	2 MS. CHOW: Same objection. 08:30:19
3 Q. What do you mean by conditional access? 08:27:12	3 THE WITNESS: I see. 08:30:20
4 A. It means you are provided access to streams of 08:27:18	4 For example, if they purchase the license and 08:30:21
5 information based on certain conditions being satisfied. 08:27:22	5 they have a right of licensing to that product. 08:30:24
6 It's called CAS. 08:27:29	6 BY MR. FLORANCE: 08:30:29
7 Q. What does CAS stand for? 08:27:34	7 Q. And is this work, this DRM work by 08:30:30
8 A. Conditional access -- I forget what the S stands 08:27:37	8 VP Technologies that began in mid to late '90s, is that 08:30:32
9 for. 08:27:43	9 continuing today? 08:30:36
10 Q. And when you refer to certain conditions, can 08:27:50	10 MS. CHOW: Objection -- 08:30:39
11 you provide some examples of those conditions that would 08:27:52	11 THE WITNESS: It's focused more on the area of 08:30:39
12 need to be satisfied to provide access to streams of 08:27:55	12 cloud -- cloud computing. 08:30:49
13 information? 08:27:58	13 BY MR. FLORANCE: 08:30:49
14 MS. CHOW: Objection, form. 08:27:59	14 Q. And does your cloud computing technology involve 08:30:49
15 THE WITNESS: This is, for example, things like 08:28:05	15 DRM? 08:30:53
16 authorization, things like licensing. 08:28:08	16 A. Yes. 08:30:53
17 BY MR. FLORANCE: 08:28:16	17 Q. What do you understand DRM to mean? 08:30:54
18 Q. When a condition is authorization, what does 08:28:16	18 A. At a very high level, it deals with digital 08:31:04
19 that mean? 08:28:22	19 transmission and rights management with respect to 08:31:11
20 A. At a very high level, authorization means 08:28:28	20 digital transmissions. 08:31:17
21 someone is authorized to receive that television channel 08:28:29	21 Q. And you understand DRM to be -- strike that. 08:31:31
22 stream. 08:28:38	22 You say rights to management with respect to 08:31:37
23 Q. And how would your technology know if someone 08:28:48	23 digital transmissions. Does it involve, does DRM 08:31:40
24 was authorized to receive a stream? 08:28:50	24 involve rights management with respect to anything other 08:31:43
25 MS. CHOW: Objection, form. 08:28:52	25 than digital transmissions? 08:31:46
Page 22	Page 24
1 THE WITNESS: It depends a lot on the 08:28:56	1 MS. CHOW: Objection, form. 08:31:49
2 applications. There's no single answer. 08:28:58	2 THE WITNESS: As I said, I'm not offering a 08:31:50
3 BY MR. FLORANCE: 08:29:02	3 definition of DRM. I'm giving you an example that DRM 08:31:52
4 Q. What types of factors were considered to 08:29:09	4 can be applied to distribution of content. 08:31:56
5 determine if someone's authorized to receive a stream? 08:29:11	5 BY MR. FLORANCE: 08:32:03
6 MS. CHOW: Objection, form. 08:29:15	6 Q. Well, I'm asking for a definition of DRM from 08:32:04
7 THE WITNESS: As an example, if you are a 08:29:16	7 you. Can you provide one? 08:32:06
8 subscriber for a channel. 08:29:19	8 MS. CHOW: Objection, form. 08:32:10
9 BY MR. FLORANCE:	9 THE WITNESS: As I said, I'm not offering a 08:32:12
10 Q. And you referred to licensing. Would one of the 08:29:29	10 specific definition. It depends on the context of its 08:32:14
11 factors for licensing be whether or not the person has a 08:29:32	11 use. 08:32:16
12 license to use the technology? 08:29:36	12 BY MR. FLORANCE: 08:32:20
13 A. I'm not sure as to the question. 08:29:40	13 Q. Well, in the context of the '815 patent, can you 08:32:20
14 Q. Well, you mentioned licensing as an example of 08:29:44	14 define DRM? 08:32:22
15 the types of conditions that need to be satisfied to 08:29:49	15 A. As I said, I'm not referring to a portion of my 08:32:28
16 provide access to a share of information; is that right? 08:29:52	16 declaration. 08:32:31
17 MS. CHOW: Objection, form. 08:29:57	17 Q. Well, I'm not referring to your declaration. 08:32:34
18 THE WITNESS: I said the general area of 08:29:58	18 I'm referring to what's your understanding of digital 08:32:35
19 authorization -- 08:30:06	19 rights management in the context of the '815 patent? 08:32:38
20 (Reporter clarification.)	20 A. As I said, it's not something I've discussed in 08:32:45
21 THE WITNESS: The general area of authorization 08:30:06	21 my declaration, but generally, DRM refers to digital 08:32:48
22 and licensing. 08:30:06	22 rights management as applied to devices, as applied to 08:32:52
23 BY MR. FLORANCE: 08:30:10	23 content at a very high level. 08:32:57
24 Q. Okay. I'm just trying to understand, how does 08:30:10	24 Q. And so, going back to my question I don't 08:33:05
25 licensing relate to whether someone's authorized to 08:30:12	25 believe you answered, does DRM involve rights to 08:33:07
Page 23	Page 25

1 management with respect to anything other than digital 08:33:10 2 transmissions? 08:33:12 3 MS. CHOW: Objection, form. 08:33:15 4 THE WITNESS: As I said, it can. It depends on 08:33:16 5 the applications. It depends on the technologies 08:33:17 6 involved. It could apply to content. It could apply to 08:33:20 7 transmissions. It could apply to storage. 08:33:25 8 There's a lot of different media formats and 08:33:28 9 technologies that could be involved. 08:33:33 10 BY MR. FLORANCE: 08:33:38 11 Q. And the '815 discusses DRM with respect to 08:33:38 12 things other than digital transmissions, right? 08:33:41 13 MS. CHOW: Objection, form. 08:33:47 14 THE WITNESS: I believe that in my declaration I 08:33:49 15 generally refer to the field as -- I think I have to 08:33:51 16 look in my declaration, that the general area is secure 08:34:00 17 and electronic data protection and distribution, in 08:34:18 18 paragraph 46. 08:34:22 19 BY MR. FLORANCE: 08:34:24 20 Q. Okay. Soft Networks is another company you have 08:34:25 21 worked for; is that correct? 08:34:31 22 A. Yes. 08:34:33 23 Q. And you worked there from 2001 to 2007? 08:34:34 24 A. Yes, I was one of the founders. 08:34:39 25 Q. What did you do other than found the company? 08:34:44 Page 26	1 Q. What was your role at Elastic Video, Inc.? 08:36:06 2 A. I was advising and directing some of the work. 08:36:10 3 Q. And what was the line of work for Elastic Video? 08:36:16 4 A. It was primarily in video distribution and 08:36:20 5 storage. 08:36:29 6 Q. And so, did the work at Elastic Video also 08:36:29 7 involve digital file security? 08:36:34 8 A. It used to involve securities, but it was 08:36:37 9 focused more on managing the bandwidth elastically. 08:36:41 10 Q. Could you turn to the next page of your 08:37:00 11 declaration, Exhibit 1002, on page 00112. 08:37:03 12 A. 00112, yes, sir. 08:37:09 13 Q. And this is a list of your litigation experience 08:37:10 14 with testimony since -- between 2011 and 2019; is that 08:37:12 15 correct? 08:37:19 16 A. Yes. It should say 2020, but it says '19. 08:37:19 17 Q. Are you working on additional cases that aren't 08:37:24 18 listed here now? 08:37:30 19 A. Maybe one or two. 08:37:42 20 Q. Do you recall who the parties are in the cases 08:37:43 21 that aren't listed here that you're working on? 08:37:46 22 A. I don't. But because it looks like it's maybe 08:37:51 23 eight months, nine months old, so I can supplement this 08:37:54 24 if needed. 08:38:00 25 Q. Okay. Are there any other changes to your C.V. 08:38:01 Page 28
1 Did you have a role in the operation of the company? 08:34:46 2 MS. CHOW: Objection, form. 08:34:52 3 THE WITNESS: I helped direct some of the 08:34:54 4 activities, advise some of the activities. 08:34:57 5 BY MR. FLORANCE: 08:34:59 6 Q. Did any of the activities of Soft Networks 08:35:02 7 involve digital file security? 08:35:06 8 A. Yes. 08:35:08 9 Q. And how so? 08:35:11 10 A. Again, with respect to content, secure content 08:35:12 11 distribution and protection, content over wireless and 08:35:14 12 wired networks. 08:35:20 13 Q. And did Soft Networks also work in the area of 08:35:24 14 DRM? 08:35:28 15 A. It applied DRM to wireless over IP. It applied 08:35:32 16 DRM -- 17 (Reporter clarification.) 18 THE WITNESS: Wireless over IP to cellular, as 08:35:40 19 well as to wired networks. 08:35:42 20 BY MR. FLORANCE: 21 Q. And then you also worked for Elastic Video, 08:35:53 22 Inc.; is that right? 08:35:55 23 A. Yes. 08:35:58 24 Q. And you worked there from 2007 to 2009? 08:35:59 25 A. Yes. 08:36:06 Page 27	1 since you filed this declaration, or signed this 08:38:07 2 declaration, I should say, or anything of note that you 08:38:11 3 want to share today? 08:38:16 4 MS. CHOW: Objection, form. 08:38:18 5 BY MR. FLORANCE: 08:38:27 6 Q. Not talking about your entire C.V., just your 08:38:27 7 litigation -- 08:38:30 8 A. Oh, yes, I should add one more book. 08:38:31 9 Q. Okay. 08:38:33 10 A. I will add that. 08:38:35 11 And there may be a few patents that have been 08:38:42 12 issued since then, in 2020. 08:38:45 13 Q. Okay. 08:38:51 14 A. I think there were six, or maybe six or seven 08:38:52 15 patents in 2020. I will update it if that's what you're 08:38:55 16 looking for. 08:39:01 17 Q. The book that you mentioned, what is the name of 08:39:02 18 that book, the new book? 08:39:06 19 A. It is called Cloud Computing Solutions 08:39:11 20 Architect. 08:39:30 21 Q. And on this list of cases you've worked on, I 08:39:30 22 know three of them, you said they involved digital 08:39:37 23 rights management of some kind, the first being Harkabi 08:39:40 24 versus Sandisk, which is on page 112. Do you see that? 08:39:49 25 A. Yes. 08:39:53 Page 29

<p>1 Q. Do you recall what the digital rights management 08:39:53</p> <p>2 issues were in that case? 08:39:54</p> <p>3 A. I don't -- 08:39:57</p> <p>4 MS. CHOW: Objection, form. 08:39:58</p> <p>5 THE WITNESS: Yeah, I don't recall specifically, 08:39:59</p> <p>6 but it was related, I think, to some sort of streaming 08:40:00</p> <p>7 applications. 08:40:05</p> <p>8 BY MR. FLORANCE: 08:40:12</p> <p>9 Q. The next case is Yangaroo versus Destiny Media. 08:40:12</p> <p>10 Do you see that? 08:40:17</p> <p>11 A. Oh, sorry, I was referring to Yangaroo. You 08:40:18</p> <p>12 asked me about Harkabi? Harkabi was related to flash 08:40:25</p> <p>13 devices. 08:40:28</p> <p>14 Q. Okay. Do you remember anything more about the 08:40:29</p> <p>15 DRM issues for flash devices that were raised in that 08:40:31</p> <p>16 matter? 08:40:35</p> <p>17 A. I think it was related to distribution of 08:40:37</p> <p>18 digital books and things like that. 08:40:42</p> <p>19 Q. Okay.</p> <p>20 A. For schools and universities and things like 08:40:48</p> <p>21 that. 08:40:56</p> <p>22 Q. Then on page 113, you worked on an IPR involving 08:40:56</p> <p>23 ContentGuard. Do you see that? 08:41:09</p> <p>24 A. I do. 08:41:11</p> <p>25 Q. Do you recall what the nature of the issues were 08:41:11</p> <p style="text-align: right;">Page 30</p>	<p>1 answer to that. 08:42:48</p> <p>2 BY MR. FLORANCE: 08:42:50</p> <p>3 Q. So, a case involving encryption may not 08:42:50</p> <p>4 implicate digital rights management; is that correct? 08:42:53</p> <p>5 MS. CHOW: Objection, form. 08:42:57</p> <p>6 THE WITNESS: All I can say is that you have to 08:42:58</p> <p>7 look at the specific case and look at the specific 08:43:00</p> <p>8 technologies involved. 08:43:03</p> <p>9 BY MR. FLORANCE: 08:43:06</p> <p>10 Q. But you can imagine a possibility where an 08:43:06</p> <p>11 encryption case would not implicate digital rights 08:43:09</p> <p>12 management, right? 08:43:12</p> <p>13 MS. CHOW: Objection, form. 08:43:13</p> <p>14 THE WITNESS: As I said, I cannot -- I mean, 08:43:14</p> <p>15 I've learned that you can't give a general answer. 08:43:15</p> <p>16 There are always specific issues you need to look for. 08:43:19</p> <p>17 BY MR. FLORANCE: 08:43:24</p> <p>18 Q. Right, but I'm not -- I'm not asking you to 08:43:24</p> <p>19 analyze the case. I'm just asking you, is it possible 08:43:28</p> <p>20 for a case involving encryption to not implicate digital 08:43:30</p> <p>21 rights management? 08:43:34</p> <p>22 MS. CHOW: Objection, form. 08:43:35</p> <p>23 THE WITNESS: It looks unlikely, but it is 08:43:39</p> <p>24 possible. 08:43:40</p> <p>25 BY MR. FLORANCE: 08:43:51</p> <p style="text-align: right;">Page 32</p>
<p>1 in that case? 08:41:13</p> <p>2 MS. CHOW: Objection, form. 08:41:14</p> <p>3 THE WITNESS: I think, again, they were related 08:41:15</p> <p>4 to content distribution, things like that. 08:41:17</p> <p>5 BY MR. FLORANCE:</p> <p>6 Q. On this list of cases you've worked on, are any 08:41:27</p> <p>7 other ones, did any other ones involve digital rights 08:41:34</p> <p>8 management? 08:41:36</p> <p>9 MS. CHOW: Objection, form. 08:41:40</p> <p>10 THE WITNESS: So, with respect to your use of 08:41:42</p> <p>11 the term "digital rights management," I mean, anything 08:41:43</p> <p>12 that deals with information security, secure 08:41:46</p> <p>13 information, things like that, I think that many of the 08:41:52</p> <p>14 cases here cover aspects of secure information, 08:41:55</p> <p>15 protected information. 08:42:03</p> <p>16 I would have to specifically look at this list 08:42:12</p> <p>17 to identify the patents and the specific technologies 08:42:18</p> <p>18 involved. 08:42:22</p> <p>19 BY MR. FLORANCE: 08:42:30</p> <p>20 Q. Do you think that a case involving encryption is 08:42:31</p> <p>21 necessarily a case involving digital rights management? 08:42:32</p> <p>22 MS. CHOW: Objection, form. 08:42:35</p> <p>23 THE WITNESS: As I said, all cases are different 08:42:38</p> <p>24 depending on the context, the type of technology, how 08:42:40</p> <p>25 it's used. So, I don't believe there's a single general 08:42:43</p> <p style="text-align: right;">Page 31</p>	<p>1 Q. Turning to Appendix B, which begins on page 141 08:43:51</p> <p>2 of Exhibit 1002. Just turn to that and let me know when 08:43:55</p> <p>3 you get there. 08:44:10</p> <p>4 (Technology discussion.) 08:44:10</p> <p>5 BY MR. FLORANCE: 08:44:11</p> <p>6 Q. And then 142, I believe, is actually Appendix B. 08:44:11</p> <p>7 A. Yes. 08:44:14</p> <p>8 Q. What is Appendix B? 08:44:14</p> <p>9 A. Appendix B is a description of the materials 08:44:16</p> <p>10 I've reviewed and relied upon, in addition to my 08:44:20</p> <p>11 knowledge and experience. 08:44:27</p> <p>12 Q. Did you consider any other documents that aren't 08:44:31</p> <p>13 listed here when forming your opinions in this matter? 08:44:36</p> <p>14 A. I think these are the main documents. And to 08:44:40</p> <p>15 the extent there are others cited in my declaration, I 08:44:41</p> <p>16 can rely on those as well, but I think this is the list, 08:44:45</p> <p>17 in addition to my knowledge and experience. 08:44:49</p> <p>18 Q. Turn to paragraph 29 of your declaration, which 08:44:58</p> <p>19 is on page 13 of Exhibit 1002. 08:45:02</p> <p>20 (Technology discussion.)</p> <p>21 THE WITNESS: So, I am looking at page 29. 08:45:20</p> <p>22 BY MR. FLORANCE:</p> <p>23 Q. Well, I'm sorry, paragraph 29 on page 13. 08:45:24</p> <p>24 A. Okay, paragraph 29. 08:45:36</p> <p>25 Yes, I'm on paragraph 29. 08:45:38</p> <p style="text-align: right;">Page 33</p>

1 Q. You say there (as read): 08:45:40	1 THE WITNESS: I don't remember who found the 08:48:19
2 "I have reviewed the '815 patent 08:45:41	2 art. 08:48:24
3 and the prior art and other documents 08:45:43	3 BY MR. FLORANCE: 08:48:25
4 and materials cited herein." 08:45:45	4 Q. Do you think you may have found the art? 08:48:26
5 Is that correct? 08:45:48	5 MS. CHOW: Same objection. 08:48:29
6 A. Yes. 08:45:49	6 THE WITNESS: As I said, I don't remember. 08:48:30
7 Q. And when you say, "And the prior art," what are 08:45:50	7 BY MR. FLORANCE: 08:48:33
8 you referring to there? 08:45:51	8 Q. Did you request any materials from counsel that 08:48:33
9 A. The prior art that I have cited and relied upon. 08:45:58	9 you were not provided in preparing your opinions? 08:48:36
10 Q. Okay. So, it's fair to say you have not 08:46:02	10 MS. CHOW: Same objection. 08:48:39
11 reviewed all the prior art cited on the face of the '815 08:46:04	11 THE WITNESS: I don't recall any such instance. 08:48:42
12 patent; is that right? 08:46:07	12 I was provided with whatever I asked for. 08:48:43
13 A. I have reviewed the '815 and its filing string 08:46:10	13 BY MR. FLORANCE: 08:48:50
14 and the relevant topics, so I'm not sure as to your 08:46:14	14 Q. Have you considered any additional documents 08:48:50
15 specific question. 08:46:18	15 with respect to your opinions since you signed the 08:48:53
16 Q. Well, I'm asking specifically about any patents 08:46:19	16 declaration? 08:48:56
17 that were listed on the '815 as prior art references, 08:46:25	17 A. Since I signed my declaration? 08:49:02
18 have you reviewed every one of those prior art 08:46:28	18 Q. Yes. 08:49:04
19 references that was disclosed on the '815? 08:46:30	19 A. I looked at the institution decision and also 08:49:05
20 MS. CHOW: Objection, form. 08:46:36	20 the -- the work that I recall at the DOPR and the reply. 08:49:10
21 THE WITNESS: I'm looking at -- are you looking 08:46:38	21 So, I looked at some of the PTAB documents. 08:49:22
22 at page 2 of the patent, is that the list? 08:46:39	22 Q. But nothing beyond the PTAB documents that were 08:49:24
23 MR. FLORANCE: Give me a second. 08:46:46	23 filed in this matter? 08:49:27
24 Q. Yeah, that list begins on -- well, it begins on 08:46:53	24 A. Nothing beyond. 08:49:29
25 the first page of the patent, and then continues onto 08:46:55	25 Q. And it's your opinion that claims 42 and 43 of 08:49:42
Page 34	Page 36
1 the next page, all the publications. 08:46:59	1 the '815 patent are valid as obvious on two separate 08:49:46
2 Did you review all of those? 08:47:02	2 grounds; is that correct? 08:49:50
3 A. Next column, you mean. 08:47:05	3 A. Yes. 08:49:53
4 Q. So, there are patents listed in both columns on 08:47:08	4 Q. And one of those grounds is that those claims 08:49:56
5 page 1, and there are patents on the left column of page 08:47:13	5 are unpatentable under 103 based on Hanna and in view of 08:50:00
6 2, and there are other publications on the left column 08:47:18	6 Stefik, right? 08:50:08
7 of page 2, on the right. 08:47:21	7 A. Yes. 08:50:16
8 A. Um-hmm. 16:21:50	8 Q. And the second ground is that those claims are 08:50:16
9 Q. Have you reviewed -- I'm asking if you've 08:47:24	9 unpatentable under 103 based on Gennaro by itself, 08:50:19
10 reviewed all of those patents and references. 08:47:25	10 correct? 08:50:23
11 A. I'm familiar with many of these. I don't know 08:47:27	11 A. Yes, I'm providing technical opinions to support 08:50:24
12 if I reviewed them as part of this. I don't think I did 08:47:32	12 those grounds. 08:50:27
13 any specific analysis, but I'm familiar with many of 08:47:36	13 Q. And you're not opining that the claims are 08:50:28
14 these references. 08:47:41	14 unpatentable under 103 based on Hanna by itself, 08:50:31
15 Q. Okay. So, you may be familiar with some, you 08:47:42	15 correct? 08:50:38
16 can't say that you're familiar with all; is that 08:47:46	16 A. All I'm offering an opinion is that claims 42 08:50:48
17 correct? 08:47:49	17 and 43 are rendered obvious by Hanna in view of Stefik. 08:50:51
18 A. That's right. I've looked at them at some point 08:47:49	18 Q. Okay. You're not opining that those claims are 08:50:56
19 or another, but I've not reviewed them in detail. 08:47:53	19 rendered obvious by Hanna by itself? 08:50:59
20 Q. Who found the prior art references that are 08:48:06	20 A. I believe that I do -- when -- I think I say 08:51:04
21 listed in Exhibit B to your declaration? 08:48:08	21 that in my opinion, I mean, they are obvious by Hanna 08:51:23
22 MS. CHOW: Objection, attorney expert 08:48:09	22 itself, I believe. And to the extent they are not, I 08:51:26
23 communication and work-product. 08:48:10	23 rely upon Stefik. 08:51:29
24 I'm going to caution the witness not to give you 08:48:12	24 Q. Okay. So, let's turn to paragraph 39 of your 08:51:34
25 any privileged information, but go ahead and answer. 08:48:14	25 declaration, which is page 19 of Exhibit 1002. 08:51:37
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<p>1 (Technology discussion.)</p> <p>2 THE WITNESS: Yes, I'm here. 08:52:12</p> <p>3 BY MR. FLORANCE:</p> <p>4 Q. I want to direct your attention to the sentence 08:52:12</p> <p>5 that -- the last sentence of this paragraph that begins, 08:52:18</p> <p>6 "I have concluded that each of the challenged claims," 08:52:23</p> <p>7 do you see that?</p> <p>8 A. I see that.</p> <p>9 Q. Okay. And you do not say here that you have 08:52:26</p> <p>10 concluded that the challenges claims are unpatentable 08:52:28</p> <p>11 under 35 USC 103 based on Hanna not in view of Stefik, 08:52:32</p> <p>12 right? 08:52:39</p> <p>13 MS. CHOW: Objection, form. 08:52:41</p> <p>14 THE WITNESS: I don't say that. All I'm saying 08:52:42</p> <p>15 here is that each of the challenged claims is 08:52:45</p> <p>16 unpatentable under 103 based on Hanna in view of Stefik. 08:52:48</p> <p>17 And in my declaration I describe that to the 08:52:54</p> <p>18 extent that certain features, and to the extent that it 08:52:56</p> <p>19 may be argued by the patent owner that certain features 08:53:03</p> <p>20 may not be present or explicit in Hanna. 08:53:06</p> <p>21 I do rely upon Stefik to provide this additional 08:53:10</p> <p>22 feature to that extent. For example, in paragraph 89, 08:53:15</p> <p>23 is one such example. 08:53:21</p> <p>24 BY MR. FLORANCE:</p> <p>25 Q. Are you familiar with the term "anticipation" as 08:53:38</p> <p style="text-align: right;">Page 38</p>	<p>1 a novel technique, the method of 08:55:26</p> <p>2 verifying the authenticity of a portion 08:55:28</p> <p>3 of a file, the use of digital signature 08:55:30</p> <p>4 and comparison of hash values, and 08:55:33</p> <p>5 receiving and granting a request to use 08:55:35</p> <p>6 the file in a predefined manner, has 08:55:37</p> <p>7 been previously practiced and in the 08:55:39</p> <p>8 same manner as claimed in Claims 42 and 08:55:42</p> <p>9 43 of the '815 patent." 08:55:45</p> <p>10 Do you see that? 08:55:47</p> <p>11 A. Yes, it's the paragraph from the technical 08:55:49</p> <p>12 background, Section 4, of my declaration. 08:55:51</p> <p>13 Q. Right. 08:55:54</p> <p>14 And when you say that the method of verifying 08:55:55</p> <p>15 the authenticity of a portion of a file, the use of 08:56:01</p> <p>16 digital signature and comparison of hash values, and 08:56:04</p> <p>17 receiving and granting a request to use the file in a 08:56:07</p> <p>18 predefined manner has been previously practiced, what do 08:56:11</p> <p>19 you mean by previously practiced? 08:56:14</p> <p>20 A. That it was -- it's present and it was 08:56:16</p> <p>21 previously present and disclosed in various prior art 08:56:20</p> <p>22 references that I have written. 08:56:28</p> <p>23 Q. So, you're referring, when you use the 08:56:29</p> <p>24 "practice" here, you're referring to disclosures in a 08:56:31</p> <p>25 reference as opposed to actually being practiced in the 08:56:34</p> <p style="text-align: right;">Page 40</p>
<p>1 it relates to patentability? 08:53:41</p> <p>2 A. Again, from a technical point of view. 08:53:43</p> <p>3 Q. Have you ever opined that a claim has been 08:53:47</p> <p>4 anticipated by prior art? 08:53:49</p> <p>5 A. In other matters, yes. 08:53:54</p> <p>6 Q. But you're not opining here that any claims are 08:53:55</p> <p>7 anticipated by the prior art of record, are you? 08:53:58</p> <p>8 A. I don't have -- I've not offered any such 08:54:06</p> <p>9 opinion. In this declaration I've only provided -- 08:54:07</p> <p>10 opined on 103. 08:54:12</p> <p>11 Q. Okay. 08:54:14</p> <p>12 A. I am not offering an opinion with respect to 08:54:15</p> <p>13 anticipation one way or the other. 08:54:23</p> <p>14 (Reporter clarification.)</p> <p>15 THE WITNESS: Anticipation, one way or the</p> <p>16 other.</p> <p>17 BY MR. FLORANCE:</p> <p>18 Q. Could you turn to paragraph 49 of your 08:54:33</p> <p>19 declaration on page 24 of Exhibit 1002. 08:54:34</p> <p>20 A. I'm going to paragraph 49.</p> <p>21 Q. I'm going to direct your attention to the second 08:54:50</p> <p>22 sentence of that paragraph, and specifically the part -- 08:54:52</p> <p>23 the end of it, where you say (as read): 08:54:56</p> <p>24 "While the listed inventors seem to 08:55:23</p> <p>25 believe they have described and claimed 08:55:25</p> <p style="text-align: right;">Page 39</p>	<p>1 real world? 08:56:36</p> <p>2 MS. CHOW: Objection, form. 08:56:39</p> <p>3 THE WITNESS: I'm saying that specifically with 08:56:41</p> <p>4 respect to the declaration, it is referring to the prior 08:56:45</p> <p>5 art references. 08:56:50</p> <p>6 I do not offer a specific opinion with respect 08:56:53</p> <p>7 to production of others in this particular declaration. 08:56:57</p> <p>8 BY MR. FLORANCE: 08:57:12</p> <p>9 Q. Okay. Going back to paragraph 39 of your 08:57:12</p> <p>10 declaration. 08:57:37</p> <p>11 A. I'm there. 08:57:37</p> <p>12 Q. Looking back at the sentence where you said, "I 08:57:38</p> <p>13 have concluded that each of the challenged claims," do 08:57:40</p> <p>14 you see that sentence? 08:57:43</p> <p>15 A. I do. 08:57:44</p> <p>16 Q. You say you concluded that they're unpatentable 08:57:44</p> <p>17 under both the preponderance of the evidence standard, 08:57:48</p> <p>18 as well as the higher standard of clear and convincing 08:57:51</p> <p>19 evidence. Do you see that? 08:57:53</p> <p>20 A. Yes. 08:58:03</p> <p>21 Q. What do you understand is the difference between 08:58:04</p> <p>22 the preponderance of evidence standard and the clear and 08:58:05</p> <p>23 convincing evidence standard? 08:58:13</p> <p>24 A. My technical understanding is that the clear and 08:58:14</p> <p>25 convincing standard is a higher standard, and 08:58:16</p> <p style="text-align: right;">Page 41</p>

<p>1 preponderance is slightly lower and more applicable to 08:58:21</p> <p>2 infringement-related issues. It's more likely than not. 08:58:27</p> <p>3 Q. And how would you describe the clear and 08:58:37</p> <p>4 convincing evidence standard? 08:58:40</p> <p>5 A. As clear and convincing to one of ordinary skill 08:58:44</p> <p>6 in the art. 08:58:54</p> <p>7 (Reporter clarification.)</p> <p>8 THE WITNESS: To one of ordinary skill in the</p> <p>9 art.</p> <p>10 BY MR. FLORANCE:</p> <p>11 Q. Are you familiar with the adversarial model as 08:59:01</p> <p>12 it relates to data security? 08:59:04</p> <p>13 MS. CHOW: Objection, form. 08:59:06</p> <p>14 BY MR. FLORANCE:</p> <p>15 Q. I didn't hear your response.</p> <p>16 A. Someone spoke.</p> <p>17 MS. CHOW: And I said, objection, form.</p> <p>18 THE WITNESS: Okay.</p> <p>19 So, your question is -- are you referring to -- 08:59:17</p> <p>20 you said adversarial model? 08:59:23</p> <p>21 BY MR. FLORANCE: 08:59:26</p> <p>22 Q. Yes, are you familiar with that? 08:59:27</p> <p>23 A. I believe that is a very high level. 08:59:29</p> <p>24 Q. Okay. And could you describe what you 08:59:38</p> <p>25 understand to be a very high level? 08:59:41</p> <p style="text-align: right;">Page 42</p>	<p>1 implementation. 09:01:16</p> <p>2 BY MR. FLORANCE: 09:01:17</p> <p>3 Q. Well, I'm asking about the '815 patent. 09:01:17</p> <p>4 In the context of the '815 patent, a potential 09:01:20</p> <p>5 adversary of the content owner of the '815 patent is the 09:01:24</p> <p>6 user of that content, potential user of that content, 09:01:27</p> <p>7 right? 09:01:32</p> <p>8 MS. CHOW: Objection, form. 09:01:33</p> <p>9 THE WITNESS: I have not offered such an opinion 09:01:34</p> <p>10 in my declaration. 09:01:35</p> <p>11 BY MR. FLORANCE: 09:01:37</p> <p>12 Q. I'm not concerned about that. I'm asking you 09:01:38</p> <p>13 today, separate and apart from your declaration, I'm 09:01:41</p> <p>14 asking the question in that context. 09:01:46</p> <p>15 So, in the context of the '815 patent, which is 09:01:47</p> <p>16 why we're here today, a potential adversary of a content 09:01:50</p> <p>17 owner is the user of that content, correct? 09:01:56</p> <p>18 MS. CHOW: Objection, form. 09:01:59</p> <p>19 THE WITNESS: That's not an opinion that I've 09:01:59</p> <p>20 offered or considered. 09:02:01</p> <p>21 BY MR. FLORANCE: 09:02:03</p> <p>22 Q. So, you're not going to -- if anyone talks about 09:02:04</p> <p>23 the adversarial model in this proceeding you're not 09:02:05</p> <p>24 going to offer an opinion, is that what you're saying? 09:02:08</p> <p>25 A. No, that's not what I said. I said sitting here 09:02:13</p> <p style="text-align: right;">Page 44</p>
<p>1 A. First of all, I mean, I don't believe that I 08:59:46</p> <p>2 discuss that in my declaration, unless you are referring 08:59:48</p> <p>3 to something in my declaration. 08:59:53</p> <p>4 Q. I'm not. I'm asking what, you know, your 08:59:55</p> <p>5 knowledge of the field is. 08:59:57</p> <p>6 A. I see. 08:59:58</p> <p>7 Outside the context of this particular 09:00:01</p> <p>8 declaration, I mean, generally, an adversarial model 09:00:03</p> <p>9 refers to some sort of challenging response. 09:00:07</p> <p>10 An example of an adversarial model could be a 09:00:11</p> <p>11 challenging response type of application. Or it could 09:00:17</p> <p>12 be some sort of game playing application. 09:00:23</p> <p>13 Q. And an adversarial model may be applied to DRM 09:00:31</p> <p>14 systems, right? 09:00:34</p> <p>15 A. Again, that's not an opinion that I offered in 09:00:39</p> <p>16 my declaration, but at a high level, it depends on the 09:00:40</p> <p>17 context and the technology at issue. 09:00:45</p> <p>18 Q. Well, in DRX systems, the potential adversary of 09:00:49</p> <p>19 a content owner is the user of the content, right? 09:00:55</p> <p>20 MS. CHOW: Objection, form. 09:00:58</p> <p>21 THE WITNESS: As I said, this is not something 09:01:01</p> <p>22 that I offered an opinion in the declaration, so it all 09:01:02</p> <p>23 depends on context and the technology at issue. 09:01:05</p> <p>24 I cannot offer an opinion one way or the other 09:01:09</p> <p>25 without looking at a specific reference on a specific 09:01:11</p> <p style="text-align: right;">Page 43</p>	<p>1 today, I have not offered an opinion with respect to an 09:02:15</p> <p>2 adversarial model in relation to the '815 patent. 09:02:21</p> <p>3 I'm here to answer questions about my 09:02:25</p> <p>4 declaration, but if asked and allowed -- 09:02:32</p> <p>5 (Reporter clarification.)</p> <p>6 THE WITNESS: About my declaration, if asked and</p> <p>7 allowed to write a new declaration, or an additional 09:02:37</p> <p>8 declaration or additional (indiscernible). I may offer 09:02:40</p> <p>9 opinions on whatever opinions are raised by the patent 09:02:45</p> <p>10 owner's experts. 09:02:52</p> <p>11 But as of today, sitting here, with respect to 09:02:54</p> <p>12 the declaration which is Exhibit 2, I've not offered 09:02:58</p> <p>13 such an opinion, nor have I considered that issue. 09:03:02</p> <p>14 (Reporter clarification.)</p> <p>15 THE WITNESS: Nor have I considered that issue.</p> <p>16 BY MR. FLORANCE:</p> <p>17 Q. Your opinions in your declaration are based on 09:03:12</p> <p>18 your review of documents, as well as your education, 09:03:15</p> <p>19 training, research, knowledge and experience, right? 09:03:18</p> <p>20 A. Yes, at a high level, yes. 09:03:22</p> <p>21 Q. And I'm trying to understand your knowledge of 09:03:24</p> <p>22 adversarial models as applied to DRM systems, 09:03:27</p> <p>23 specifically the one in the '815 patent, which you're 09:03:32</p> <p>24 here to opine about -- 09:03:34</p> <p>25 MS. CHOW: Objection, form. 09:03:37</p> <p style="text-align: right;">Page 45</p>

1 BY MR. FLORANCE: 09:03:40	1 right-hand corner. 09:05:58
2 Q. My question is -- I'm going to go back to it. 09:03:46	2 A. Yes. 09:05:59
3 Based on your education, training, research, 09:03:50	3 Q. Where you write (as read): 09:06:01
4 knowledge and experience that you used to form your 09:03:53	4 "I have been informed that a 09:06:03
5 opinions on the '815 patent, please tell me how you 09:03:56	5 hypothetical person of ordinary skill 09:06:04
6 understand the adversarial model would apply to the 09:04:00	6 in the art is assumed to know and to 09:06:05
7 technology of the '815 patent. 09:04:03	7 have all relevant prior art in the 09:06:08
8 MS. CHOW: Same objection. 09:04:06	8 field of endeavor covered by the patent 09:06:10
9 THE WITNESS: I think I answered that before. I 09:04:08	9 in suit." 09:06:12
10 said that's not an issue that I have considered. That's 09:04:10	10 Do you see that? 09:06:13
11 not an issue that I've opined in my declaration. 09:04:12	11 A. I do. 09:06:16
12 If asked and allowed, I may offer such an 09:04:16	12 Q. You go on to say (as read): 09:06:17
13 opinion in the future, but not at this point. 09:04:18	13 "And would thus have been familiar 09:06:18
14 BY MR. FLORANCE: 09:04:20	14 with each of the references cited 09:06:23
15 Q. Well, I just asked then, asked you, and you are 09:04:20	15 herein, as well as the background 09:06:24
16 allowed to answer, so please do. 09:04:23	16 knowledge in the art discussed in 09:06:25
17 A. As I said, I've not considered that issue with 09:04:27	17 Section VII, and the full range of 09:06:29
18 sufficient precision -- 09:04:32	18 teachings they contain." 09:06:30
19 Q. So, when you -- 09:04:32	19 See that? 09:06:31
20 A. -- to be able to answer you at this point. 09:04:33	20 A. I do. 09:06:31
21 Q. Okay.	21 Q. So, is it your understanding that the prior art 09:06:34
22 A. But I may do so in the future. 09:04:37	22 and background knowledge a person of ordinary skill 09:06:41
23 Q. And are you prepared to do so now, but you're 09:04:41	23 would have is defined by the field of endeavor of the 09:06:44
24 withholding information? 09:04:49	24 patent? 09:06:46
25 MS. CHOW: Objection, form. 09:04:50	25 A. I cannot answer a legal question, if that's what 09:06:47
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1 THE WITNESS: No, I've not considered that 09:04:54	1 you are asking me to answer. 09:06:51
2 issue. 09:04:55	2 I have considered the field of endeavor, which I 09:06:52
3 BY MR. FLORANCE: 09:04:56	3 believe is data distribution and protection, content 09:06:56
4 Q. So, you're not prepared to answer my question 09:04:56	4 distribution and protection -- 09:07:07
5 about how the adversarial model would apply to the 09:04:58	5 (Reporter clarification.)
6 technology at issue in the '815 patent; is that correct? 09:04:59	6 THE WITNESS: Content distribution and
7 MS. CHOW: Objection, form. 09:05:03	7 protection.
8 THE WITNESS: As I said, that's not in my 09:05:03	8 BY MR. FLORANCE:
9 declaration. That topic is not in my declaration. 09:05:06	9 Q. I'm asking you about what your understanding is 09:07:15
10 That's also a topic that I've not considered in context 09:05:08	10 as you have written here in your declaration, paragraph 09:07:18
11 of the '815 patent. 09:05:12	11 34. 09:07:23
12 BY MR. FLORANCE: 09:05:14	12 I mean, you're saying that you've been informed 09:07:24
13 Q. I'm asking for a simple yes or no question 09:05:14	13 that a hypothetical person would know and have all 09:07:26
14 [sic]. Are you prepared to answer my question about how 09:05:16	14 relevant -- know and to have all relevant prior art in 09:07:29
15 the adversarial model would apply to the technology at 09:05:19	15 the field of endeavor covered by the patent in suit, and 09:07:34
16 issue in the '815 patent? 09:05:23	16 would thus have been familiar with each of the 09:07:37
17 MS. CHOW: Objection, form. 09:05:26	17 references cited herein. 09:07:38
18 THE WITNESS: I'm not prepared for the reason 09:05:26	18 So, I'm asking you, does the field of endeavor, 09:07:40
19 that I've not considered that issue and I've not offered 09:05:28	19 does that definition then relate to how much knowledge a 09:07:46
20 an opinion on that in my declaration. 09:05:32	20 person of ordinary skill would have? 09:07:51
21 BY MR. FLORANCE: 09:05:36	21 MS. CHOW: Objection, form. 09:07:54
22 Q. Let's move to paragraph 34 of your declaration. 09:05:36	22 THE WITNESS: I don't understand the specific 09:07:58
23 Yes, paragraph 34, that begins on page 14. And I'm 09:05:48	23 nature of your question. This is the guidance I've been 09:07:59
24 going to ask you about the last sentence on page 15 of 09:05:50	24 offered to adopt. And as you -- as a part of my 09:08:03
25 that declaration, again referring to the bottom 09:05:56	25 declaration, so I cannot provide a legal answer. 09:08:10
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<p>1 BY MR. FLORANCE: 09:08:15</p> <p>2 Q. So, when you say that you were informed, you 09:08:15</p> <p>3 seem to be saying that, no, I'm not informed, I just 09:08:17</p> <p>4 wrote what I was told to write; is that correct? 09:08:20</p> <p>5 MS. CHOW: Objection, form. 09:08:22</p> <p>6 THE WITNESS: Again, I'm not sure if I 09:08:25</p> <p>7 understand your question. 09:08:28</p> <p>8 But I have been provided legal guidance as a 09:08:28</p> <p>9 part of this section, and I've applied this legal 09:08:31</p> <p>10 guidance to offer technical opinions with respect to 09:08:37</p> <p>11 obviousness, motivation to combine, as well as some of 09:08:40</p> <p>12 the prior art issues that are discussed. 09:08:45</p> <p>13 BY MR. FLORANCE: 09:08:49</p> <p>14 Q. When you say in paragraph 34 that a person of 09:08:49</p> <p>15 ordinary skill would have been familiar with each of the 09:08:52</p> <p>16 references cited herein, what are you referring to when 09:08:54</p> <p>17 you say references cited herein? 09:08:58</p> <p>18 A. I think the references that are discussed in my 09:09:03</p> <p>19 declaration. 09:09:08</p> <p>20 Q. So, every prior art reference that's mentioned 09:09:12</p> <p>21 in your declaration, you are assuming that a person of 09:09:14</p> <p>22 ordinary skill would have knowledge of; is that correct? 09:09:18</p> <p>23 MS. CHOW: Objection, form. 09:09:24</p> <p>24 THE WITNESS: My understanding is that this 09:09:26</p> <p>25 hypothetical person that is discussed in paragraph 58 09:09:30</p> <p style="text-align: right;">Page 50</p>	<p>1 BY MR. FLORANCE: 09:25:32</p> <p>2 Q. Right. 09:25:32</p> <p>3 And so, my question is, based on that, are you 09:25:32</p> <p>4 assuming that a person of ordinary skill in the art 09:25:36</p> <p>5 would have knowledge of all of the prior art that you 09:25:40</p> <p>6 cite within your declaration? 09:25:44</p> <p>7 A. As is state in this paragraph, the hypothetical 09:25:49</p> <p>8 person of ordinary skill in the art is assumed to know 09:25:53</p> <p>9 and familiar, and be familiar with each of the 09:25:58</p> <p>10 references cited here. 09:26:01</p> <p>11 So, that's the sentence I state here, that a 09:26:09</p> <p>12 hypothetical person of ordinary skill in the art. 09:26:13</p> <p>13 Q. Right. 09:26:16</p> <p>14 And you believe, based on what you've been told, 09:26:16</p> <p>15 that they should be familiar with each of the references 09:26:18</p> <p>16 because each of the references is in the field of 09:26:20</p> <p>17 endeavor covered by the '815 patent, correct? 09:26:24</p> <p>18 MS. CHOW: Objection, form. 09:26:31</p> <p>19 THE WITNESS: As I said, I rely on the exact 09:26:32</p> <p>20 language I cite in paragraph 34. I don't feel 09:26:34</p> <p>21 comfortable changing the language. 09:26:39</p> <p>22 Is there some specific question about the 09:26:43</p> <p>23 language itself or are you trying to ask me something 09:26:44</p> <p>24 about a particular term? 09:26:49</p> <p>25 BY MR. FLORANCE: 09:26:51</p> <p style="text-align: right;">Page 52</p>
<p>1 would be aware of the -- would be familiar with these 09:09:33</p> <p>2 references -- do I hear an echo? 09:09:53</p> <p>3 (Technology discussion.) 09:10:08</p> <p>4 MR. FLORANCE: Why don't we take a break. 09:10:13</p> <p>5 (Recess taken.) 09:23:06</p> <p>6 BY MR. FLORANCE: 09:24:01</p> <p>7 Q. Dr. Madisetti, before the break I was asking you 09:24:02</p> <p>8 about your statements in paragraph 34, and the question 09:24:05</p> <p>9 I had that I think we got interrupted by some noise was: 09:24:12</p> <p>10 So, every prior art reference that's mentioned 09:24:17</p> <p>11 in your declaration, you're assuming that a person of 09:24:22</p> <p>12 ordinary skill would have knowledge of; is that correct? 09:24:26</p> <p>13 A. I have adopted the guidance I was provided in 09:24:37</p> <p>14 paragraph 34, and the guidance is that there is the 09:24:40</p> <p>15 notion that obviousness is -- 09:24:47</p> <p>16 (Reporter clarification.)</p> <p>17 THE WITNESS: Obviousness is determined from the 09:24:58</p> <p>18 perspective of a hypothetical person of ordinary skill 09:25:03</p> <p>19 in the art. 09:25:08</p> <p>20 And I have been informed that this hypothetical 09:25:10</p> <p>21 person of ordinary skill in the art is assumed to know 09:25:15</p> <p>22 and to have all relevant prior art in the field of 09:25:19</p> <p>23 endeavor. 09:25:23</p> <p>24 So, that's the context of the statements that 09:25:25</p> <p>25 are made in paragraph 34. 09:25:28</p> <p style="text-align: right;">Page 51</p>	<p>1 Q. Well, I'm trying to understand what, "Would thus 09:26:51</p> <p>2 have been familiar with each of the references cited 09:26:53</p> <p>3 herein" is referring to. 09:26:58</p> <p>4 Does it mean that because you believe that the 09:26:59</p> <p>5 relevant prior art that's cited in your declaration is 09:27:02</p> <p>6 in the field of endeavor covered by the patent in suit, 09:27:05</p> <p>7 that is why a person of ordinary skill would be familiar 09:27:09</p> <p>8 with it? 09:27:13</p> <p>9 MS. CHOW: Objection, form. 09:27:15</p> <p>10 THE WITNESS: As I said, the sentence in my 09:27:15</p> <p>11 paragraph is very clear that there is a hypothetical 09:27:18</p> <p>12 person of ordinary skill in the art, and that 09:27:20</p> <p>13 hypothetical person of ordinary skill in the art is 09:27:27</p> <p>14 assumed to know and to have all relevant prior art in 09:27:30</p> <p>15 the field of endeavor covered by the patent in suit. 09:27:33</p> <p>16 And thus, would have a familiarity to the 09:27:37</p> <p>17 references cited herein because the references cited 09:27:42</p> <p>18 herein are a subset of that. 09:27:43</p> <p>19 BY MR. FLORANCE: 09:27:50</p> <p>20 Q. So, each of the references cited herein is -- 09:27:51</p> <p>21 are examples of relevant prior art in the field of 09:27:55</p> <p>22 endeavor covered by the patent in suit; is that correct? 09:27:58</p> <p>23 MS. CHOW: Objection -- 09:28:05</p> <p>24 THE WITNESS: I rely on the last sentence to 09:28:06</p> <p>25 capture my opinions. I don't wish to substitute that 09:28:08</p> <p style="text-align: right;">Page 53</p>

1 with anything else. 09:28:13	1 in that particular section I refer to, for example, 09:32:05
2 BY MR. FLORANCE: 09:28:15	2 Exhibit 1006, Exhibit 1012, Exhibit 1011, 1017, 1013, 09:32:11
3 Q. So, you can't tell me if the references that are 09:28:15	3 1009, and so on. 09:32:26
4 cited in your declaration are, in your opinion, in the 09:28:17	4 Q. And you concluded that all of those exhibits are 09:32:27
5 field of endeavor covered by the patent in suit, you 09:28:20	5 in the field of endeavor covered by the patent in suit, 09:32:31
6 can't answer that question? 09:28:22	6 right?
7 MS. CHOW: Objection, form. 09:28:24	7 (Reporter clarification.)
8 THE WITNESS: So, you're not referring to 09:28:27	8 (Technology discussion.)
9 paragraph 34, then, this is a separate question. 09:28:28	9 BY MR. FLORANCE:
10 With respect to your separate question, it is my 09:28:31	10 Q. So, I think my question is still out there. 09:33:07
11 opinion that the references that I cite -- 09:28:33	11 A. Yes.
12 (Reporter clarification.)	12 Q. You concluded that all of the exhibits that you 09:33:09
13 THE WITNESS: The references that I cite in my 09:28:40	13 just referred to, 1012, 1011, 1017, 1013, 1009, you 09:33:11
14 declaration are typical and representative of the 09:28:42	14 concluded that those are in the field of endeavor 09:33:18
15 references that are familiar to one of ordinary skill in 09:28:45	15 covered by the patent in suit, correct? 09:33:21
16 the art in the field of endeavor of the '815 patent. 09:28:53	16 A. Yes, based on my review, these references and 09:33:24
17 BY MR. FLORANCE: 09:28:56	17 others referred to in my declaration, I believe are in 09:33:26
18 Q. In paragraph 34, you talk about background 09:29:03	18 the field of endeavor covered by the '815 patent. 09:33:30
19 knowledge in the art discussed in Section VII, right? 09:29:06	19 Q. And at the end of paragraph 34 you mention, "The 09:33:39
20 A. Yes. 09:29:10	20 full range of teachings they contain." Do you see that? 09:33:42
21 Q. So, Section VII, you're referring then to the 09:29:13	21 A. Yes. 09:33:53
22 section that begins on page 39 of Exhibit 1002 with the 09:29:39	22 Q. What do you mean by the full range of teachings 09:33:54
23 title, "Discussion of relevant prior art," is that 09:29:44	23 they contain? 09:33:56
24 correct? 09:29:51	24 A. That these references are -- that in these 09:34:14
25 A. Yes, that's the specific reference. But again, 09:29:51	25 references that are cited, one of ordinary skill in the 09:34:16
Page 54	Page 56
1 I rely on my entire declaration to represent my opinions 09:29:53	1 art would extract and understand what they teach, and 09:34:18
2 and their bases. 09:29:59	2 this teaching is what provides support for my opinions. 09:34:22
3 Q. You're not saying that a person of ordinary 09:30:00	3 Q. When you say "full range," are you including 09:34:32
4 skill in the art would be familiar with your entire 09:30:02	4 teachings that may be implied but are not expressly 09:34:34
5 declaration, are you? 09:30:04	5 stated in a reference? 09:34:37
6 A. What I've said in my paragraph 34, is there's 09:30:09	6 MS. CHOW: Objection, form. 09:34:44
7 this hypothetical person, and the hypothetical person 09:30:14	7 THE WITNESS: I would include specific teachings 09:34:45
8 would have been familiar with the references that are 09:30:17	8 that one of ordinary skill in the art would understand 09:34:48
9 cited in my declaration, which are generally 09:30:20	9 that they describe. 09:34:52
10 representative of the types of knowledge in the field. 09:30:25	10 BY MR. FLORANCE: 09:34:54
11 Q. And, so what is -- your reference to the 09:30:30	11 Q. Right. 09:34:55
12 background knowledge in the art discussed in 09:30:35	12 I'm trying to understand if specific teachings 09:34:55
13 Section VII, what is that referring to? 09:30:37	13 means more than what is expressly written in the 09:34:59
14 A. It's referring to, for example, references such 09:30:41	14 reference itself. 09:35:02
15 as Hanna, such as Stefik. 09:30:44	15 A. As far as the references that are cited, I have 09:35:10
16 It also refers to other such art, for example -- 09:30:52	16 provided support to specific explicit descriptions in 09:35:15
17 it would refer to references such as -- let me find the 09:31:26	17 each of the references that are cited. 09:35:21
18 right section.	18 Q. So, you're relying on explicit descriptions in 09:35:26
19 References in Section 47 [sic], such as -- 09:31:39	19 the references as opposed to implied, any implied 09:35:28
20 Q. Section 47? You mean paragraph 47? 09:31:53	20 teachings in those references, right? 09:35:30
21 A. No, Section IV. 09:31:55	21 A. To the extent of the references that are cited 09:35:36
22 Q. Oh, IV.	22 in my declaration, I rely on explicit support. I rely 09:35:38
23 A. Starting on page 24. 09:31:56	23 on support that I believe is explicit. 09:35:44
24 Q. Okay.	24 Q. Could you turn to paragraph 48 of your opinion, 09:35:50
25 A. I refer to some background and state of art, and 09:32:01	25 which begins on page 22 of Exhibit 1002? 09:35:59
Page 55	Page 57

<p>1 A. Okay, I am on page 22, paragraph 48. 09:36:15</p> <p>2 Q. And if you could turn to the next page of that 09:36:16</p> <p>3 paragraph, page 23, direct you to the sentence that 09:36:19</p> <p>4 begins (as read): 09:36:23</p> <p>5 "In the relevant time period it is 09:36:25</p> <p>6 my opinion that a POSITA in the field 09:36:27</p> <p>7 of the challenged claims would have 09:36:30</p> <p>8 been someone with a good working 09:36:32</p> <p>9 knowledge of electronic data protection 09:36:33</p> <p>10 and distribution." 09:36:35</p> <p>11 You see that? 09:36:36</p> <p>12 A. Yes, I say here that a POSITA to whom the patent 09:36:54</p> <p>13 is addressed would have a bachelor's of science in 09:36:57</p> <p>14 computer science, electrical engineering, mathematics, 09:37:01</p> <p>15 or a related field, and approximately four years of 09:37:06</p> <p>16 professional experience or equivalent study in the 09:37:08</p> <p>17 design of electronic systems for data protection and 09:37:11</p> <p>18 distribution. 09:37:15</p> <p>19 Q. So, you believe the field of the '815 is 09:37:19</p> <p>20 electronic data protection and distribution; is that 09:37:23</p> <p>21 right? 09:37:30</p> <p>22 MS. CHOW: Objection, form. 09:37:30</p> <p>23 THE WITNESS: I think I discuss that. I provide 09:37:31</p> <p>24 specifically that -- one second. 09:37:42</p> <p>25 I define it as electronic data -- paragraph 46, 09:37:47</p> <p style="text-align: right;">Page 58</p>	<p>1 So, in my opinion, all the references that are 09:39:51</p> <p>2 cited include electronic data protection and 09:39:57</p> <p>3 distribution. 09:40:00</p> <p>4 Q. Right. 09:40:01</p> <p>5 I'm just trying to understand, is that one 09:40:01</p> <p>6 field, or is that two fields? 09:40:03</p> <p>7 A. I would say it's one field of electronic data 09:40:09</p> <p>8 protection and distribution. 09:40:11</p> <p>9 Q. In paragraph 47 [sic], in that sentence I asked 09:40:13</p> <p>10 you to look at, it begins, "In the relevant time 09:40:23</p> <p>11 period." 09:40:25</p> <p>12 What is the relevant time period that you're 09:40:26</p> <p>13 using to determine the identity of a person of ordinary 09:40:28</p> <p>14 skill in the art? 09:40:33</p> <p>15 A. The relevant time period is on or before June 09:40:35</p> <p>16 7th, 2000. 09:40:41</p> <p>17 And to the extent that the provisional is also 09:40:42</p> <p>18 considered in my opinion, my opinions and the basis also 09:40:52</p> <p>19 apply to the time period of the provisional, which I 09:41:01</p> <p>20 believe is June of 1999. 09:41:10</p> <p>21 Q. So, that one year difference, you think has no 09:41:17</p> <p>22 impact on your assessment of the obviousness of these 09:41:22</p> <p>23 claims, of the '815 patent claims, 42 and 43; is that 09:41:27</p> <p>24 correct? 09:41:41</p> <p>25 (Reporter clarification.)</p> <p style="text-align: right;">Page 60</p>
<p>1 based on my review of this material, I believe that the 09:38:04</p> <p>2 general fields for the purposes of -- the relevant 09:38:07</p> <p>3 general fields for the purposes of the '815 patent are 09:38:10</p> <p>4 electronic data protection and distribution. 09:38:14</p> <p>5 BY MR. FLORANCE:</p> <p>6 Q. Okay. And there you use the term "fields" 09:38:19</p> <p>7 plural. Are you saying that electronic data protection 09:38:23</p> <p>8 and distribution, those are two separate fields? 09:38:26</p> <p>9 A. I am referring to the general field as 09:38:36</p> <p>10 electronic data protection and distribution. 09:38:39</p> <p>11 Q. So, the use of "fields" there, that was an 09:38:41</p> <p>12 inadvertent error? 09:38:45</p> <p>13 I'm referring to paragraph 46, where it says, "I 09:38:57</p> <p>14 believe the relevant general fields," ending in S. 09:39:00</p> <p>15 A. Yeah, I'm going to -- in some in sense, it's 09:39:03</p> <p>16 somewhat a description that electronic data protection 09:39:08</p> <p>17 and distribution for this purpose is the field that I've 09:39:11</p> <p>18 applied. 09:39:21</p> <p>19 Q. So, electronic data protection and distribution, 09:39:21</p> <p>20 you're opining, is a single field that applies and 09:39:24</p> <p>21 covers the '815, right? 09:39:29</p> <p>22 A. I believe that the fields will include 09:39:38</p> <p>23 electronic data distribution. It can also include 09:39:40</p> <p>24 electronic data protection. But specifically, 09:39:44</p> <p>25 electronic data protection and distribution. 09:39:48</p> <p style="text-align: right;">Page 59</p>	<p>1 MR. FLORANCE: Claims 42 and 43.</p> <p>2 THE WITNESS: My opinion is that I applied both 09:41:41</p> <p>3 the timeframe of June 2000, as well as June 1999, and 09:41:45</p> <p>4 that under both these timeframes, having considered both 09:41:53</p> <p>5 these timeframes individually, it is my opinion that 09:41:58</p> <p>6 these references support my opinions of obviousness. 09:42:03</p> <p>7 BY MR. FLORANCE:</p> <p>8 Q. Okay. And so, my question is, the year between 09:42:12</p> <p>9 June 1999 and June 2000, the level of knowledge that's 09:42:15</p> <p>10 gained in that time period within the field, that level 09:42:20</p> <p>11 of -- excuse me, that gain in knowledge that may have 09:42:25</p> <p>12 occurred in that year does not affect your opinions at 09:42:29</p> <p>13 all; is that correct? 09:42:32</p> <p>14 MS. CHOW: Objection, form. 09:42:34</p> <p>15 THE WITNESS: That's not how I would state my 09:42:38</p> <p>16 testimony. My testimony is that I applied the level of 09:42:40</p> <p>17 knowledge for June 1999, as well as for June 2000, and 09:42:42</p> <p>18 under both these levels my opinions apply and have 09:42:46</p> <p>19 sufficient basis for them. 09:42:54</p> <p>20 BY MR. FLORANCE: 09:43:00</p> <p>21 Q. But you recognize that the level of knowledge in 09:43:00</p> <p>22 June 1999 may be different than the level of knowledge 09:43:02</p> <p>23 in June 2000, correct? 09:43:05</p> <p>24 MS. CHOW: Objection, form. 09:43:11</p> <p>25 THE WITNESS: I have applied my understanding of 09:43:15</p> <p style="text-align: right;">Page 61</p>

<p>1 the knowledge in 2000, as well as 1999, and under both 09:43:16</p> <p>2 these bases, my opinions still stand relevant. 09:43:19</p> <p>3 BY MR. FLORANCE: 09:43:25</p> <p>4 Q. Right. Now, I'm trying to understand the levels 09:43:25</p> <p>5 of knowledge you applied. 09:43:27</p> <p>6 Is the level of knowledge you applied in 2000 09:43:28</p> <p>7 greater than the level of knowledge you applied in 1999, 09:43:31</p> <p>8 a year earlier? 09:43:35</p> <p>9 MS. CHOW: Objection, form. 09:43:38</p> <p>10 THE WITNESS: As I said, that's not a specific 09:43:39</p> <p>11 opinion that I've offered. All I've said is I've 09:43:41</p> <p>12 considered the knowledge based on my experience of both 09:43:44</p> <p>13 the years in this field based on teaching hundreds of 09:43:49</p> <p>14 students, the books, the work that I've done. 09:43:52</p> <p>15 It is an opinion that the timeframe of June 2000 09:43:54</p> <p>16 and the timeframe of June 1999, both when applied to the 09:44:01</p> <p>17 meaning of the (indiscernible) would still render these 09:44:10</p> <p>18 claims obvious. 09:44:15</p> <p>19 BY MR. FLORANCE: 09:44:17</p> <p>20 Q. So, you're not prepared to offer an opinion 09:44:17</p> <p>21 whether the level of knowledge that you applied in June 09:44:18</p> <p>22 2000 is greater than the level of knowledge you applied 09:44:22</p> <p>23 in June 1999; is that correct? 09:44:24</p> <p>24 MS. CHOW: Objection, form. 09:44:27</p> <p>25 THE WITNESS: As I said, that's not a specific 09:44:29</p> <p style="text-align: right;">Page 62</p>	<p>1 greater than the level of knowledge in June 1999. 09:45:30</p> <p>2 MS. CHOW: Objection, form. 09:45:37</p> <p>3 THE WITNESS: I think that is -- that's a vital 09:45:39</p> <p>4 simplification, that I've not considered it. 09:45:43</p> <p>5 I have looked at the relevant knowledge in both 09:45:44</p> <p>6 timeframes and made a decision that is captured in my 09:45:45</p> <p>7 declaration as opinions.</p> <p>8 (Reporter clarification.)</p> <p>9 THE WITNESS: That's captured. Along with the 09:46:09</p> <p>10 basis, along with the bases, as opinions along with 09:46:10</p> <p>11 their bases. 09:46:16</p> <p>12 BY MR. FLORANCE: 09:46:18</p> <p>13 Q. Is the field of electronic data protection and 09:46:20</p> <p>14 distribution subsumed by the computing field? 09:46:23</p> <p>15 A. Again, I have not offered that specific opinion 09:46:30</p> <p>16 in my declaration and I have not been asked to 09:46:33</p> <p>17 specifically consider that issue. 09:46:39</p> <p>18 Q. But I'm asking you now, so that's why I'm -- and 09:46:42</p> <p>19 I need to understand your opinions. I need to 09:46:44</p> <p>20 understand what you mean by electronic data protection 09:46:47</p> <p>21 and distribution. 09:46:49</p> <p>22 A. As I said, I've not considered that specific 09:46:54</p> <p>23 question that you asked, and I have not opined on that 09:46:56</p> <p>24 issue, so I cannot offer an opinion sitting here. 09:46:58</p> <p>25 Q. So, you can't offer any opinions that you 09:47:02</p> <p style="text-align: right;">Page 64</p>
<p>1 opinion that I've considered specifically and offered in 09:44:31</p> <p>2 my declaration. 09:44:33</p> <p>3 To the extent that I'm asked and allowed, I may 09:44:35</p> <p>4 offer such an opinion, but in my declaration I do not 09:44:40</p> <p>5 offer such an opinion. 09:44:42</p> <p>6 BY MR. FLORANCE: 09:44:43</p> <p>7 Q. Okay. And I'm asking you now, and you are 09:44:43</p> <p>8 allowed to answer it, are you prepared to offer an 09:44:45</p> <p>9 opinion whether the level of knowledge that you applied 09:44:48</p> <p>10 in June 2000 is greater than the level of knowledge you 09:44:51</p> <p>11 applied in June 1999? 09:44:54</p> <p>12 MS. CHOW: Objection, form. 09:44:57</p> <p>13 THE WITNESS: As I said, I mean, I have taken 09:44:59</p> <p>14 into -- 09:45:05</p> <p>15 (Reporter clarification.)</p> <p>16 THE WITNESS: I have taken into account the 09:45:06</p> <p>17 developments that I believe would have occurred in that 09:45:10</p> <p>18 year based on my knowledge and experience. I just have 09:45:11</p> <p>19 not quantified them. 09:45:18</p> <p>20 (Reporter clarification.)</p> <p>21 THE WITNESS: Quantified them. 09:45:20</p> <p>22 BY MR. FLORANCE: 09:45:21</p> <p>23 Q. Okay, I'm not asking if you've quantified them. 09:45:22</p> <p>24 I'm just asking whether you are acknowledging 09:45:24</p> <p>25 that the level of knowledge in June 2000 would be 09:45:27</p> <p style="text-align: right;">Page 63</p>	<p>1 haven't already made in your declaration, is that your 09:47:05</p> <p>2 testimony? 09:47:07</p> <p>3 MS. CHOW: Objection, form. 09:47:10</p> <p>4 THE WITNESS: This is an important legal matter. 09:47:12</p> <p>5 I must offer precise answers that are based on things 09:47:13</p> <p>6 I've considered. My declaration captures my opinion at 09:47:19</p> <p>7 the time of writing. 09:47:24</p> <p>8 BY MR. FLORANCE: 09:47:27</p> <p>9 Q. And you can't offer an opinion sitting here 09:47:28</p> <p>10 today as to whether or not the field of the challenged 09:47:30</p> <p>11 claims that you allege, which is electronic data 09:47:37</p> <p>12 protection and distribution, you can't tell me sitting 09:47:40</p> <p>13 here today whether that field is subsumed by the field 09:47:42</p> <p>14 of just general computing? 09:47:48</p> <p>15 MS. CHOW: Objection, form. 09:47:51</p> <p>16 THE WITNESS: As I said, that's not something 09:47:53</p> <p>17 that I've considered. That's not something that I'm 09:47:55</p> <p>18 comfortable answering so quickly without further 09:47:57</p> <p>19 consideration. 09:47:59</p> <p>20 BY MR. FLORANCE: 09:48:02</p> <p>21 Q. Do you believe that the '815 patent is in the 09:48:02</p> <p>22 field of digital rights management? 09:48:04</p> <p>23 A. That's not an opinion that I've offered. It is 09:48:13</p> <p>24 my opinion that the general field is related to 09:48:15</p> <p>25 electronic -- 09:48:25</p> <p style="text-align: right;">Page 65</p>

<p>1 (Reporter clarification.)</p> <p>2 THE WITNESS: The field is related to electronic 09:48:26</p> <p>3 data distribution and protection. 09:48:26</p> <p>4 BY MR. FLORANCE:</p> <p>5 Q. Well, when determining that the '815 patent is 09:48:30</p> <p>6 in the field related to electronic data distribution and 09:48:33</p> <p>7 protection, did you consider whether the '815 patent is 09:48:36</p> <p>8 in the field of digital rights management? 09:48:40</p> <p>9 A. I'm not sure as to what you mean by did I 09:48:56</p> <p>10 consider. 09:48:59</p> <p>11 Q. I'm trying to understand your process, how you 09:49:01</p> <p>12 reached the determination that the '815 patent is in the 09:49:04</p> <p>13 field related to electronic data distribution and 09:49:07</p> <p>14 protection. 09:49:10</p> <p>15 Actually, let me restate that. 09:49:12</p> <p>16 You determined that the '815 patent is in the 09:49:15</p> <p>17 field of electronic data distribution and protection and 09:49:18</p> <p>18 I'm trying to understand what process did you use to get 09:49:20</p> <p>19 to that opinion. 09:49:23</p> <p>20 A. I looked at the patent itself, the 09:49:27</p> <p>21 specifications. For example, column 1, lines 23 to 28. 09:49:30</p> <p>22 MR. FLORANCE: I'm going to introduce as an 09:49:52</p> <p>23 exhibit, the '815 patent, that's been previously marked 09:49:54</p> <p>24 in this proceeding as Exhibit 1001. 09:50:01</p> <p>25 (Exhibit 1001 was marked for identification by 09:51:24</p> <p style="text-align: right;">Page 66</p>	<p>1 this language and it is consistent with the 09:53:30</p> <p>2 specification. 09:53:32</p> <p>3 BY MR. FLORANCE: 09:53:35</p> <p>4 Q. Well, isn't controlling access to and use of 09:53:35</p> <p>5 digital electronic data the same as digital rights 09:53:37</p> <p>6 management? 09:53:44</p> <p>7 A. That's not an opinion that I've offered. I have 09:53:47</p> <p>8 said here that the patentee chose not to use it and -- 09:53:49</p> <p>9 (Reporter clarification.)</p> <p>10 THE WITNESS: The patentee chose not to use it</p> <p>11 and the term DRM is not present in -- 09:54:02</p> <p>12 BY MR. FLORANCE:</p> <p>13 Q. The phrase -- go ahead. 09:54:06</p> <p>14 A. The specification of the '815, the term -- the 09:54:07</p> <p>15 field of the invention has been discussed as -- by the 09:54:16</p> <p>16 patentee themselves as protecting data, protecting 09:54:21</p> <p>17 electronic data and its distribution. 09:54:28</p> <p>18 Q. The word "distribution" isn't used in the field 09:54:39</p> <p>19 of the invention section of the '815 patent, is it? 09:54:47</p> <p>20 A. One of ordinary skill in the art would 09:54:50</p> <p>21 understand --</p> <p>22 (Reporter clarification.)</p> <p>23 THE WITNESS: One of ordinary skill in the art</p> <p>24 would understand from the specification. For example, 09:54:56</p> <p>25 column 2, lines 4 through 5; column 2, lines 10 to 15, 09:55:00</p> <p style="text-align: right;">Page 68</p>
<p>1 the court reporter and is attached hereto.) 09:51:25</p> <p>2 (Technology discussion.) 09:51:25</p> <p>3 BY MR. FLORANCE: 09:51:32</p> <p>4 Q. Dr. Madiseti, let's take a look at the section 09:51:32</p> <p>5 of the '815 patent titled the, "Field of the invention." 09:51:38</p> <p>6 A. Yes. 09:51:43</p> <p>7 Q. You see that? 09:51:45</p> <p>8 A. That's what I have. 09:51:45</p> <p>9 Q. And so, the phrase that you use, "electronic 09:51:49</p> <p>10 data protection distribution," that's not found in this 09:51:53</p> <p>11 section of the '815 patent, correct? 09:51:56</p> <p>12 A. I would disagree with the characterization. I 09:52:01</p> <p>13 would say that reading this paragraph, one would 09:52:04</p> <p>14 understand that the general field would be protecting 09:52:07</p> <p>15 data, it would include controlling access used, so that 09:52:11</p> <p>16 would be distribution. 09:52:22</p> <p>17 So, I describe the field as electronic data 09:52:23</p> <p>18 protection, which is directly mentioned in line 24. And 09:52:35</p> <p>19 distribution, which is directly attributed here to the 09:52:45</p> <p>20 use of the word use, access, control, and the term 09:52:47</p> <p>21 electronic data is present here in line number 29. 09:52:54</p> <p>22 Q. Why didn't you use the field of DRM for this 09:53:01</p> <p>23 patent? 09:53:11</p> <p>24 MS. CHOW: Objection, form. 09:53:12</p> <p>25 THE WITNESS: I think the patentee chose to use 09:53:14</p> <p style="text-align: right;">Page 67</p>	<p>1 that the patent -- and also column 1, lines 45 through 09:55:09</p> <p>2 55, the extensive use of the word "distribution," in the 09:55:17</p> <p>3 context of (indiscernible) use, provides additional 09:55:23</p> <p>4 support for my description of the field of invention. 09:55:27</p> <p>5 BY MR. FLORANCE:</p> <p>6 Q. So, you used information in the background of 09:55:34</p> <p>7 the invention to inform your opinion of what the field 09:55:36</p> <p>8 should be rather than the information in the field of 09:55:39</p> <p>9 the invention section, is that what you're saying? 09:55:45</p> <p>10 A. No. 09:55:46</p> <p>11 MS. CHOW: Objection, form. 09:55:46</p> <p>12 THE WITNESS: No. I have provided additional 09:55:48</p> <p>13 support from the specification itself, the detailed 09:55:49</p> <p>14 description, which is not the background, for example, 09:55:56</p> <p>15 in column 6, lines 63 to 66; column 16, lines 25 through 09:56:00</p> <p>16 28. 09:56:12</p> <p>17 Further, column 18, lines 5 through 10, describe 09:56:14</p> <p>18 how this invention and its embodiments are applied to 09:56:22</p> <p>19 electronic distribution. 09:56:31</p> <p>20 BY MR. FLORANCE: 09:56:39</p> <p>21 Q. Now, in the field of invention, in the second 09:56:39</p> <p>22 sentence, I'm looking at column 1, line 25 to 28, says, 09:56:42</p> <p>23 (as read):</p> <p>24 "More specifically, the present 09:56:50</p> <p>25 invention relates to systems and 09:56:52</p> <p style="text-align: right;">Page 69</p>

1	methods for using digital signature and	09:56:53	1	opinions required in this matter.	09:59:28
2	watermarking techniques to control	09:56:55	2	BY MR. FLORANCE:	
3	access to, and use of, digital or	09:56:57	3	Q. Well, you said that in certain contexts the --	09:59:32
4	electronic data."	09:56:59	4	accessing digital data may have a different meaning than	09:59:38
5	So, based on this section of the patent, a	09:57:01	5	using that data.	09:59:42
6	person of ordinary skill would understand that the	09:57:08	6	And I'm asking you, what context did you have in	09:59:43
7	patent is referring to access to -- as something	09:57:10	7	mind when you said that?	09:59:45
8	different than use of digital electronic data, right?	09:57:15	8	A. I said that as a general statement, that the use	09:59:48
9	MS. CHOW: Objection, form.	09:57:19	9	and access, these terms means different things under	09:59:53
10	THE WITNESS: I disagree with your	09:57:21	10	different contexts, different scenarios of application.	09:59:57
11	characterization.	09:57:22	11	One would have to look at them to come up with	10:00:03
12	BY MR. FLORANCE:	09:57:22	12	an opinion whether they are similar, whether they're	10:00:05
13	Q. Why is that?	09:57:22	13	different, or how similar they are or how different they	10:00:09
14	A. The first sentence is quite clear that the	09:57:24	14	are.	
15	present invention relates to systems for protecting data	09:57:27	15	So, it's an issue of further examination based	10:00:12
16	from unauthorized use or modification.	09:57:33	16	on the context. One cannot offer a general statement	10:00:15
17	There are some specific examples that are	09:57:35	17	one way or the other.	10:00:20
18	described later in the portions that you cite.	09:57:39	18	Q. Let's take it out of the computing context, and	10:00:21
19	Q. I'm just asking you about the use of the words	09:57:49	19	if you give me the keys to your car, do I have access to	10:00:25
20	"access to and use of," in that second sentence of the	09:57:51	20	your car?	10:00:29
21	field of invention.	09:57:58	21	MS. CHOW: Objection, form.	10:00:31
22	And my question for you is: A person of	09:57:59	22	THE WITNESS: As I said, that's an example that,	10:00:34
23	ordinary skill would understand reading this, that	09:58:02	23	again, means different things in different contexts.	10:00:37
24	"access" is not the same as "use of" the data, correct?	09:58:04	24	BY MR. FLORANCE:	10:00:41
25	MS. CHOW: Objection, form.	09:58:12	25	Q. Well, I've given you a specific context.	10:00:41
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1	THE WITNESS: That's not an opinion that I	09:58:14	1	A. Yes.	
2	offer. I don't agree with that characterization.	09:58:15	2	Q. You have given me the keys. Now, do I have	10:00:45
3	BY MR. FLORANCE:	09:58:18	3	access to your car?	10:00:47
4	Q. Are you offering an opinion that access to data	09:58:18	4	A. As I said, it, again, means different things as	10:00:48
5	is the same as use of data?	09:58:21	5	to what you meant by giving keys. So, there's a lot of	10:00:50
6	A. As I said, it depends on the context. It	09:58:23	6	context to be looked at before you can offer an opinion.	10:00:57
7	depends on the particular usage.	09:58:25	7	Q. What context would you need to look at to	10:01:03
8	Q. In the context of the '815 patent, does access	09:58:30	8	decide, if when you give me keys, whether that means you	10:01:05
9	to digital data have the same meaning as use of digital	09:58:34	9	also have given me access to your car?	10:01:12
10	data?	09:58:41	10	MS. CHOW: Objection, form.	10:01:15
11	(Reporter clarification.)		11	THE WITNESS: As I said, the question as posed,	10:01:17
12	MR. FLORANCE: Use of data.		12	I don't have enough information.	10:01:20
13	THE WITNESS: I think in certain contexts they	09:58:47	13	BY MR. FLORANCE:	10:01:22
14	can. In certain contexts they may not. So, it depends	09:58:48	14	Q. What information would you need to answer that	10:01:22
15	on the context and the specific use.	09:58:52	15	question?	10:01:24
16	BY MR. FLORANCE:		16	A. As I said, it depends, again, on the context.	10:01:24
17	Q. So, give me an example of when access to data	09:58:55	17	There's no one answer.	10:01:28
18	may not mean use of data?	09:59:00	18	Q. Now, when you were talking about your opinions	10:01:35
19	A. As I said, that's not a specific topic that I	09:59:04	19	of a person of ordinary skill, you noted that -- you	10:01:44
20	have discussed in my declaration, but if asked and	09:59:08	20	state in your declaration that that person should have	10:01:49
21	allowed, I may do so in the future.	09:59:11	21	approximately four years of professional experience or	10:01:53
22	But at this point, I'm not offering any opinion	09:59:12	22	equivalent study in the design of electronic systems for	10:01:55
23	on the fly given here for precise and --	09:59:15	23	data protection distribution; is that correct?	10:01:59
24	(Reporter clarification.)		24	A. Are you referring to --	10:02:03
25	THE WITNESS: The careful and the precise	09:59:28	25	Q. I'm referring to paragraph 48 of your	10:02:05
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<p>1 declaration, and specifically the part on page 23 of 10:02:09</p> <p>2 Exhibit 1002. 10:02:12</p> <p>3 A. Yes, that's an opinion that I've offered, is 10:02:31</p> <p>4 that approximately four years of professional 10:02:34</p> <p>5 experience, or equivalent study. 10:02:37</p> <p>6 So, for example, if you have additional graduate 10:02:40</p> <p>7 education, for example, a master's or a Ph.D., you could 10:02:44</p> <p>8 have -- you could substitute that for professional 10:02:50</p> <p>9 experience. 10:02:53</p> <p>10 Q. And how did you get to the four years of 10:02:54</p> <p>11 professional experience part of your opinion? 10:02:59</p> <p>12 A. Based on my knowledge of (indiscernible) -- 10:03:01</p> <p>13 based on the type of technology, the way that technology 10:03:04</p> <p>14 changes over time, the thousands of students I've 10:03:09</p> <p>15 taught. 10:03:15</p> <p>16 MR. FLORANCE: I'm going to introduce another 10:03:28</p> <p>17 exhibit here. I'm introducing as Exhibit 2024, a 10:03:30</p> <p>18 declaration that you have prepared in another IPR that's 10:04:04</p> <p>19 pending. 10:04:09</p> <p>20 (Exhibit 2024 was marked for identification by</p> <p>21 the court reporter and is attached hereto.) 10:04:30</p> <p>22 BY MR. FLORANCE: 10:04:30</p> <p>23 Q. Do you see Exhibit 2024, Dr. Madisetti? 10:04:30</p> <p>24 A. Yes. As you said, it is from another IPR, 10:04:32</p> <p>25 2020-00663. 10:04:45</p> <p style="text-align: right;">Page 74</p>	<p>1 A. Which paragraph are you looking at? 10:06:28</p> <p>2 Q. It's in paragraph 48. It's in the sentence that 10:06:28</p> <p>3 begins, "In the relevant time period," on the bottom of 10:06:29</p> <p>4 page 22 of Exhibit 2024. It is the, I think third 10:06:34</p> <p>5 sentence of that paragraph. 10:06:35</p> <p>6 A. On the next page? 10:06:36</p> <p>7 Q. No?</p> <p>8 A. Sorry, on the same page, okay. 10:06:39</p> <p>9 Q. Yes. 10:06:40</p> <p>10 A. (As read):</p> <p>11 "In the relevant time period, it is 10:06:41</p> <p>12 my opinion that a POSITA in the field 10:06:42</p> <p>13 of the challenged claims would have 10:06:45</p> <p>14 been someone with a good" -- 10:06:46</p> <p>15 Okay, so what is your question? 10:06:48</p> <p>16 Q. Why would the -- why do you believe that the 10:06:53</p> <p>17 patent at issue here, the '815, is not in the field of 10:06:57</p> <p>18 data protection, electronic content protection, and/or 10:06:59</p> <p>19 digital rights management? 10:07:02</p> <p>20 MS. CHOW: Objection, form. 10:07:05</p> <p>21 THE WITNESS: As I said, that's not an opinion 10:07:06</p> <p>22 that I offered in my declaration with respect to the 10:07:08</p> <p>23 '815 patent. 10:07:13</p> <p>24 BY MR. FLORANCE: 10:07:15</p> <p>25 Q. I understand that. That's why I'm asking why 10:07:15</p> <p style="text-align: right;">Page 76</p>
<p>1 Q. And you prepared this declaration? 10:04:46</p> <p>2 A. Let me examine it. 10:05:13</p> <p>3 Yes, I'm looking at it. I've not reviewed it 10:05:13</p> <p>4 recently, so which paragraph would you like me to look 10:05:15</p> <p>5 at? 10:05:19</p> <p>6 Q. I'd like you to look at 48, which is on page 22 10:05:19</p> <p>7 of this Exhibit 2024. 10:05:25</p> <p>8 A. Paragraph 48, okay.</p> <p>9 Q. Okay.</p> <p>10 A. Okay, so I am at paragraph 48, and, yes, so what</p> <p>11 is your question, sir?</p> <p>12 Q. So, my question is, in regard to the sentence of 10:05:43</p> <p>13 paragraph 48 that begins, "In the relevant time period." 10:05:45</p> <p>14 You see that sentence, about four lines down? 10:05:52</p> <p>15 A. Yes. 10:05:53</p> <p>16 Q. And for the '603 patent, you understand it to be 10:05:54</p> <p>17 another patent owned by Intertrust, correct? 10:05:59</p> <p>18 A. I believe so, yes. 10:06:02</p> <p>19 Q. And that in this declaration you say (as read): 10:06:05</p> <p>20 "The field of the challenged claims 10:06:08</p> <p>21 would have been someone with a good 10:06:10</p> <p>22 working knowledge of data protection, 10:06:12</p> <p>23 electronic content protection, and/or 10:06:14</p> <p>24 digital rights management." 10:06:17</p> <p>25 Do you see that? 10:06:18</p> <p style="text-align: right;">Page 75</p>	<p>1 did you not identify this as a field of the '815 patent? 10:07:17</p> <p>2 A. Because -- 10:07:25</p> <p>3 MS. CHOW: Objection, form. 10:07:25</p> <p>4 THE WITNESS: Because they are different 10:07:27</p> <p>5 patents. The declaration, Exhibit 2024, refers to the 10:07:28</p> <p>6 '603 patent. 10:07:33</p> <p>7 BY MR. FLORANCE:</p> <p>8 Q. I know, I understand that.</p> <p>9 A. And then the declaration that we are discussing 10:07:35</p> <p>10 refers to the '815 patent. And as you know, different 10:07:40</p> <p>11 patents have different technologies and different 10:07:43</p> <p>12 fields. 10:07:46</p> <p>13 Q. So, it's your testimony that the '815 patent is 10:07:50</p> <p>14 not in the field of data protection, electronic content 10:07:52</p> <p>15 protection, and/or digital rights management; is that 10:07:56</p> <p>16 your opinion? 10:08:00</p> <p>17 MS. CHOW: Objection, form. 10:08:00</p> <p>18 THE WITNESS: Again, that is not an opinion that 10:08:01</p> <p>19 I'm offering one way or the other. All I've said is 10:08:04</p> <p>20 that in my opinion, with respect to the '815 patent, the 10:08:08</p> <p>21 general theme, as discussed by the inventors -- 10:08:13</p> <p>22 (Reporter clarification.)</p> <p>23 THE WITNESS: By the patentee themselves, says 10:08:20</p> <p>24 that the general theme is electronic data protection and 10:08:25</p> <p>25 distribution. 10:08:32</p> <p style="text-align: right;">Page 77</p>

1 BY MR. FLORANCE: 10:08:36	1 protection and distribution. 10:10:49
2 Q. Well, the '815 patent has to do with data 10:08:36	2 Q. Okay. So, you cannot tell me if data protection 10:10:50
3 protection, right? 10:08:39	3 is within the field of electronic data protection 10:10:53
4 A. As I said, in my opinion the field is electronic 10:08:43	4 distribution, is that what you're saying? 10:10:56
5 data protection and distribution. 10:08:49	5 A. I don't understand that particular portion of 10:10:57
6 Q. So, the answer to my question is, yes, the '815 10:08:54	6 the question. 10:10:59
7 patent has to do with data protection, correct? 10:08:57	7 The field of the invention, as discussed by the 10:10:59
8 MS. CHOW: Objection, form? 10:08:59	8 patentee themselves in the '815 patent, is electronic 10:11:02
9 THE WITNESS: That's not my testimony. My 10:09:01	9 data protection and distribution. 10:11:09
10 testimony is based on paragraph 46 of my declaration in 10:09:03	10 Q. Again, those words are not used in the '815 10:11:13
11 the instant matter.	11 patent, right? 10:11:16
12 (Reporter clarification.)	12 A. I disagree. I think we discussed that. There 10:11:17
13 THE WITNESS: On my declaration, on paragraph 10:09:14	13 is (indiscernible) and explicit and abundance of both. 10:11:21
14 46, that the field of the invention is electronic data 10:09:15	14 Q. Is electronic content protection within the 10:11:35
15 protection and distribution. 10:09:22	15 field of electronic data protection and distribution? 10:11:38
16 BY MR. FLORANCE: 10:09:23	16 A. Again, it depends on the context. 10:11:47
17 Q. Right. 10:09:24	17 Q. I'm asking within the context of the '815 patent 10:11:49
18 My question was, the '815 patent has to do with 10:09:24	18 and the field that you have said it's in. 10:11:54
19 data protection, right? 10:09:28	19 Are patents that are related to electronic 10:11:56
20 A. My opinion is that it's -- the field of the 10:09:32	20 content protection within the field of electronic data 10:11:58
21 invention is electronic data protection and 10:09:34	21 protection and distribution? 10:12:01
22 distribution. 10:09:38	22 A. If you are distributing -- if you're talking in 10:12:04
23 Q. Okay. So, your opinion is that the '815 patent 10:09:40	23 the field of electronic content protection and 10:12:09
24 is in the field of data protection, correct? 10:09:44	24 distribution, yes, that is a similar theme, electronic 10:12:11
25 MS. CHOW: Objection, form. 10:09:49	25 content protection and distribution, that would be 10:12:16
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1 THE WITNESS: That's not what I said. I said 10:09:49	1 similar because content is a form of data. 10:12:23
2 the field of the invention is electronic data protection 10:09:51	2 Q. Right. 10:12:25
3 and distribution. 10:09:54	3 And is digital rights management within the 10:12:27
4 BY MR. FLORANCE: 10:09:55	4 field of electronic data protection and distribution? 10:12:29
5 Q. Well, how is electronic data protection 10:09:56	5 MS. CHOW: Objection, form. 10:12:33
6 different from data protection? 10:09:58	6 THE WITNESS: I have not offered such an 10:12:35
7 MS. CHOW: Objection, form. 10:10:00	7 opinion. 10:12:36
8 THE WITNESS: Again, I'm not sure as to your 10:10:02	8 BY MR. FLORANCE: 10:12:37
9 question, counsel. It is splitting hairs. What are 10:10:04	9 Q. I understand that. I'm asking you right now, is 10:12:37
10 you asking me? 10:10:09	10 digital rights management within the field of electronic 10:12:40
11 BY MR. FLORANCE: 10:10:11	11 data protection and distribution? 10:12:43
12 Q. You refuse to say that the '815 patent has to do 10:10:11	12 A. As I said, I have not offered such an opinion. 10:12:44
13 with data protection, and I'm trying to understand how 10:10:14	13 Q. And you're not prepared to offer one now? 10:12:47
14 you can say that the field of the invention is 10:10:17	14 A. At this point it's not in my declaration. I'm 10:12:50
15 electronic data protection, but then you can't say that 10:10:20	15 here to answer questions on my declaration. 10:12:52
16 the '815 patent has something to do with data 10:10:22	16 To the extent I'm asked and allowed, I may offer 10:12:54
17 protection. What do you -- 10:10:26	17 such opinions in the future, but not at this point. 10:12:56
18 MS. CHOW: Objection -- 10:10:28	18 Q. So, you're not able to provide information 10:13:02
19 THE WITNESS: That's not what I said. My 10:10:30	19 regarding the scope of the field of electronic data 10:13:06
20 testimony is that the general field is electronic data 10:10:32	20 protection and distribution, specifically whether or not 10:13:09
21 protection and distribution. 10:10:35	21 digital rights management is within the scope of that 10:13:12
22 BY MR. FLORANCE: 10:10:38	22 field; is that correct? 10:13:14
23 Q. And so, does that include data protection? 10:10:39	23 MS. CHOW: Objection, form. 10:13:18
24 A. That's not an opinion that I offered. I am 10:10:43	24 THE WITNESS: That's not my testimony. My 10:13:19
25 saying here that the general field is electronic data 10:10:46	25 testimony is that it depends on the context of the art 10:13:21
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<p>1 that is cited and the context and -- 10:13:30</p> <p>2 (Reporter clarification.)</p> <p>3 THE WITNESS: On the context of the references, 10:13:31</p> <p>4 and the context of the technology. 10:13:31</p> <p>5 BY MR. FLORANCE: 10:13:33</p> <p>6 Q. Was Stefik a digital rights management patent? 10:13:35</p> <p>7 A. In my opinion, Stefik is related to electronic 10:13:38</p> <p>8 data protection and distribution. It's in the field of 10:13:43</p> <p>9 electronic data distribution and protection. So is 10:13:48</p> <p>10 Hanna, so is Gennaro. 10:13:52</p> <p>11 Q. And is Stefik also in the field of digital 10:13:55</p> <p>12 rights management? 10:13:58</p> <p>13 A. As I said, that's not an opinion that I've 10:13:59</p> <p>14 offered in my declaration. But as I've said, I don't 10:14:02</p> <p>15 have an opinion one way or the other because that's not 10:14:05</p> <p>16 something I've considered as a part of my first 10:14:09</p> <p>17 declaration. 10:14:12</p> <p>18 Q. Turning back to your declaration, paragraph 6 of 10:14:14</p> <p>19 your declaration, which is on page 3 of Exhibit 1002. 10:14:34</p> <p>20 And you say in paragraph 6 -- do you have that 10:14:41</p> <p>21 in front of you?</p> <p>22 A. Yes.</p> <p>23 Q. You say (as read):</p> <p>24 "I've worked extensively in the 10:14:45</p> <p>25 field of information systems, including 10:14:48</p> <p style="text-align: right;">Page 82</p>	<p>1 MS. CHOW: Objection, form. 10:16:02</p> <p>2 THE WITNESS: Again, I'm not prepared to answer 10:16:04</p> <p>3 because it's not something that I've particularly 10:16:07</p> <p>4 considered for my declaration, and I would like to give 10:16:10</p> <p>5 you a precise answer given the importance and sensitive 10:16:14</p> <p>6 nature of this IPR. 10:16:20</p> <p>7 You wouldn't want me to guess or speculate and 10:16:23</p> <p>8 offer an unconsidered opinion. I've specifically 10:16:26</p> <p>9 identified, in response to your question, that the 10:16:31</p> <p>10 general field is information -- is electronic, sorry, 10:16:34</p> <p>11 it's electronic data protection and distribution. 10:16:40</p> <p>12 BY MR. FLORANCE: 10:16:47</p> <p>13 Q. So, you're not prepared to say whether the field 10:16:47</p> <p>14 of the '815 patent is within the field of information 10:16:49</p> <p>15 systems because you haven't considered it, right? 10:16:50</p> <p>16 MS. CHOW: Objection, form. 10:16:54</p> <p>17 THE WITNESS: All I'm saying is that the field 10:16:55</p> <p>18 of information systems is pretty broad. It includes 10:16:57</p> <p>19 information security. It includes information creation. 10:16:59</p> <p>20 It includes -- 10:17:05</p> <p>21 (Reporter clarification.)</p> <p>22 THE WITNESS: Creation, transmission, 10:17:07</p> <p>23 distribution, so many different things. 10:17:08</p> <p>24 All I've said is that I have not offered a 10:17:10</p> <p>25 specific Venn diagram type of description of each 10:17:14</p> <p style="text-align: right;">Page 84</p>
<p>1 information security." 10:14:49</p> <p>2 Do you see that? 10:14:50</p> <p>3 A. Yes. 10:14:53</p> <p>4 Q. How does the field of information systems relate 10:14:54</p> <p>5 to the field of electronic data protection and 10:14:56</p> <p>6 distribution? 10:14:59</p> <p>7 A. The information systems includes information 10:15:00</p> <p>8 security. 10:15:05</p> <p>9 Q. So, the field of electronic data protection and 10:15:08</p> <p>10 distribution is within the field of information systems? 10:15:11</p> <p>11 A. As I said, again, that's not a specific opinion 10:15:15</p> <p>12 that I've offered as to what is the scope and the 10:15:19</p> <p>13 boundary of information systems. 10:15:22</p> <p>14 But as a part of my training, education, and 10:15:25</p> <p>15 research experience -- 10:15:33</p> <p>16 (Reporter clarification.)</p> <p>17 THE WITNESS: And my research, education,</p> <p>18 training and research experience, I've studied both 10:15:38</p> <p>19 protecting information, distribution of information, and 10:15:44</p> <p>20 different types of contingent data over the past 30 10:15:49</p> <p>21 years. 10:15:53</p> <p>22 BY MR. FLORANCE:</p> <p>23 Q. And you're not prepared today to say whether the 10:15:56</p> <p>24 field of the '815 patent is within the field of 10:15:58</p> <p>25 information systems; is that correct? 10:16:00</p> <p style="text-align: right;">Page 83</p>	<p>1 particular term. I am offering here that, in my 10:17:20</p> <p>2 declaration, that the field of the '815 patent is 10:17:26</p> <p>3 electronic data protection and distribution, and that's 10:17:30</p> <p>4 where I offered my opinions and the support for. 10:17:34</p> <p>5 BY MR. FLORANCE: 10:17:38</p> <p>6 Q. Okay. 10:17:39</p> <p>7 A. You're asking me for something that's not in my 10:17:39</p> <p>8 declaration. 10:17:43</p> <p>9 Q. I'm trying to understand how you reached your 10:17:43</p> <p>10 opinions in your declaration and trying to understand 10:17:45</p> <p>11 what the scope of electronic data protection and 10:17:48</p> <p>12 distribution is, which is the field you have alleged is 10:17:51</p> <p>13 the field of the '815 patent. Right? 10:17:55</p> <p>14 A. I started with the specification itself. I 10:17:58</p> <p>15 looked at the intrinsic record and -- 10:18:02</p> <p>16 (Reporter clarification.)</p> <p>17 THE WITNESS: The intrinsic record.</p> <p>18 And based on my experience in the field. 10:18:19</p> <p>19 BY MR. FLORANCE:</p> <p>20 Q. Is the '815 patent within the area of computer 10:18:28</p> <p>21 and digital signal processing? 10:18:31</p> <p>22 A. Again, in my opinion, the data could be signals, 10:18:37</p> <p>23 the data could be video, the data could be audio. It 10:18:47</p> <p>24 could be a variety of signals. 10:18:54</p> <p>25 Q. So, the answer to my question is yes? 10:18:57</p> <p style="text-align: right;">Page 85</p>

<p>1 A. No, that's not what I said. I said that to the 10:19:00</p> <p>2 extent that signals are discussed in the context of 10:19:05</p> <p>3 data, data could include audio, video, and other types 10:19:08</p> <p>4 of signals. 10:19:11</p> <p>5 Q. My question was does the '815 patent within the 10:19:13</p> <p>6 area of computer and digital signal processing -- 10:19:17</p> <p>7 A. That's not an opinion that I offered. That is, 10:19:20</p> <p>8 in my opinion, the general area of the '815 patent is 10:19:25</p> <p>9 electronic data protection and distribution. 10:19:30</p> <p>10 Q. Could you turn to paragraph 28 of your 10:19:39</p> <p>11 declaration.</p> <p>12 A. So, page number 13?</p> <p>13 Q. Thirteen, yes.</p> <p>14 A. Yes.</p> <p>15 Q. And you say here that you have nearly 30 issued 10:20:08</p> <p>16 or pending applications for U.S. patents in the past 20 10:20:11</p> <p>17 years, you see that? 10:20:14</p> <p>18 A. Yes. 10:20:15</p> <p>19 Q. And is that number now different since March of 10:20:17</p> <p>20 last year, when you signed this? 10:20:20</p> <p>21 A. Yeah, I think it should be around 50. 10:20:23</p> <p>22 Q. Okay. And you say that the areas include 10:20:25</p> <p>23 content management and digital rights management, 10:20:28</p> <p>24 encryption and crypto-currency applications. Do you see 10:20:30</p> <p>25 that? 10:20:35</p> <p style="text-align: right;">Page 86</p>	<p>1 within that field? 10:22:11</p> <p>2 A. I've not considered that issue. 10:22:13</p> <p>3 Q. And you're not prepared to answer my question 10:22:15</p> <p>4 today, right? 10:22:18</p> <p>5 A. Not at this point because it's not in my 10:22:18</p> <p>6 declaration. If asked and allowed, I may do that in the 10:22:22</p> <p>7 future, but not today. 10:22:24</p> <p>8 Q. But you understand you have just been asked, and 10:22:25</p> <p>9 you are not answering the question, right? 10:22:33</p> <p>10 (Reporter clarification.)</p> <p>11 MR. FLORANCE: You have just been asked, and</p> <p>12 you're not answering the question. 10:22:34</p> <p>13 MS. CHOW: Objection, form. 10:22:34</p> <p>14 THE WITNESS: That's not right. I've not 10:22:36</p> <p>15 considered the issue, nor have I put it in my 10:22:37</p> <p>16 declaration. I said if asked, and I have considered the 10:22:40</p> <p>17 issue, then I'd offer an opinion. 10:22:43</p> <p>18 BY MR. FLORANCE:</p> <p>19 Q. So, you're not -- 10:22:47</p> <p>20 A. There are a couple of conditions. 10:22:49</p> <p>21 Q. So, you're not prepared to answer my question 10:22:49</p> <p>22 about whether or not claims 42 and 43 of the '81 [sic] 10:22:51</p> <p>23 patent are within the field of content management 10:22:54</p> <p>24 because you haven't considered that -- 10:22:56</p> <p>25 A. That's right -- 10:23:00</p> <p style="text-align: right;">Page 88</p>
<p>1 A. I do. 10:20:35</p> <p>2 Q. Content management and digital rights 10:20:35</p> <p>3 management, when you use those phrases, are you equating 10:20:39</p> <p>4 them? 10:20:42</p> <p>5 A. As I said, I did not offer a specific or a 10:20:44</p> <p>6 precise description of these terms, not as it's intended 10:20:52</p> <p>7 to be. 10:20:57</p> <p>8 Q. Well, can you give me your understanding of what 10:20:58</p> <p>9 content management is, as you use it in this sentence? 10:21:00</p> <p>10 A. This means you are managing content. 10:21:07</p> <p>11 Q. Does digital rights management involve 10:21:13</p> <p>12 management of content? 10:21:19</p> <p>13 A. As I said, digital rights management means 10:21:24</p> <p>14 management of rights. 10:21:26</p> <p>15 Q. Of rights related to content; is that right? 10:21:27</p> <p>16 A. No, I did not say that. I just said digital 10:21:32</p> <p>17 rights management is management of rights. 10:21:34</p> <p>18 Q. Rights to do what? 10:21:36</p> <p>19 A. It depends on the context. 10:21:41</p> <p>20 Q. Is it your opinion that claims 42 and 43 of the 10:21:42</p> <p>21 '81 [sic] patent are in the field of content management? 10:21:55</p> <p>22 A. As I said before, they are related in the 10:21:59</p> <p>23 general field of electronic data protection and 10:22:02</p> <p>24 distribution. 10:22:06</p> <p>25 Q. But I'm asking about content management. Is it 10:22:09</p> <p style="text-align: right;">Page 87</p>	<p>1 MS. CHOW: Objection, form. 10:23:01</p> <p>2 THE WITNESS: If I have -- if I consider that, I 10:23:03</p> <p>3 would be able to offer an opinion. 10:23:07</p> <p>4 BY MR. FLORANCE: 10:23:10</p> <p>5 Q. Let's turn to page 121 of Exhibit 1002. 10:23:19</p> <p>6 A. Which page, sir?</p> <p>7 Q. Page 121. It's Appendix A of your declaration. 10:23:35</p> <p>8 A. Okay.</p> <p>9 Q. And I would like you -- well, let me start by 10:23:37</p> <p>10 asking, this list of issued U.S. patents is not a 10:23:41</p> <p>11 complete list as of today, correct? 10:23:48</p> <p>12 A. Yes, that's right. 10:23:49</p> <p>13 Q. And you do not provide a list of your pending 10:23:50</p> <p>14 applications in your declaration; is that correct? 10:23:52</p> <p>15 A. I don't believe so. 10:23:57</p> <p>16 Q. Looking at this list of issued U.S. patents, can 10:23:57</p> <p>17 you identify for me the ones that are in the area of 10:24:03</p> <p>18 content management and digital rights management? 10:24:09</p> <p>19 MS. CHOW: Objection, form. 10:24:12</p> <p>20 THE WITNESS: I can't answer that. 10:24:13</p> <p>21 BY MR. FLORANCE: 10:24:15</p> <p>22 Q. You can't answer that? 10:24:15</p> <p>23 A. No, because I have to study that issue. 10:24:17</p> <p>24 Q. Okay. So, sitting here today, when you look at 10:24:19</p> <p>25 these patents and the titles, you can't identify for me 10:24:23</p> <p style="text-align: right;">Page 89</p>

1 the ones that you had in mind when you wrote (as read): 10:24:26	1 rights management, correct? 10:26:23
2 "I also have nearly thirty issued 10:24:29	2 MS. CHOW: Objection, form. 10:26:25
3 or pending applications for 10:24:31	3 THE WITNESS: As I said, I would like to look at 10:26:26
4 U.S. patents in the past twenty years 10:24:32	4 them in order to provide the answer. 10:26:28
5 in areas that include content 10:24:34	5 BY MR. FLORANCE:
6 management and digital rights 10:24:37	6 Q. I'm asking just right now, without looking at 10:26:31
7 management." 10:24:38	7 them further, you can't do that; is that correct? 10:26:34
8 Right, you can't answer that question now? 10:24:38	8 A. Yeah, I need to look at them and offer a precise 10:26:35
9 A. No, no, you're asking me a specific question 10:24:41	9 description. 10:26:39
10 with respect to defining those terms. All I can say is 10:24:43	10 Q. Did the beehive system that you worked on, did 10:26:41
11 that these patents are generally in the area of 10:24:47	11 that involve the use of content management and digital 10:26:50
12 information systems. 10:24:51	12 rights management? 10:26:53
13 They deal with information security. They deal 10:24:53	13 MS. CHOW: Objection, form. 10:26:55
14 with storage. They deal with databases. They deal with 10:24:56	14 THE WITNESS: What do you mean by content 10:26:56
15 content management. They deal with things like block 10:25:00	15 management? 10:26:58
16 chain -- 10:25:08	16 BY MR. FLORANCE: 10:26:59
17 (Reporter clarification.)	17 Q. I'm using the phrase you used in your 10:26:59
18 THE WITNESS: Like block chain. 10:25:10	18 declaration, so whatever you mean by that. 10:27:02
19 Digital objects and so on. So, I don't have a 10:25:10	19 A. To the extent that the beehive manages content, 10:27:09
20 precise definition of precise meaning. 10:25:14	20 it is managing content, because beehive stores and 10:27:13
21 BY MR. FLORANCE: 10:25:19	21 manages certain data. So, in that sense, it is managing 10:27:18
22 Q. So, when you wrote this sentence, "I also have 10:25:19	22 data as content, so it is managing it. 10:27:25
23 nearly thirty issued or pending applications for 10:25:22	23 Q. Did beehive also involve the management of 10:27:31
24 U.S. patents in the past twenty years in areas that 10:25:24	24 digital rights? 10:27:33
25 include content management and digital rights 10:25:26	25 A. I don't -- I think that -- for example, some of 10:27:38
Page 90	Page 92
1 management," you didn't have any particular patents in 10:25:28	1 the content may have been enforced for licensing and 10:27:49
2 mind when you wrote that. 10:25:31	2 user privileges. So, there would be some aspects in 10:27:57
3 Is that what you're saying? 10:25:33	3 certain contexts with respect to digital rights. 10:28:02
4 MS. CHOW: Objection, form. 10:25:34	4 Q. Let's turn to paragraph 47 of your declaration. 10:28:11
5 THE WITNESS: I was referring to the entire pool 10:25:35	5 That's on page 22 of Exhibit 1002.
6 of my patent applications and the different areas that 10:25:37	6 A. Okay. 10:28:33
7 some or many of them may be dealing with. 10:25:43	7 Q. Let's look at -- it's 45, not 47. I apologize. 10:28:33
8 BY MR. FLORANCE: 10:25:45	8 And I'm looking at the last sentence of 10:29:02
9 Q. So, you didn't have any particular patents in 10:25:46	9 paragraph 45, which is on that same page, page 22, at 10:29:05
10 mind when you wrote that, correct? 10:25:47	10 the top of the page. Do you see that? 10:29:08
11 A. Yeah, these patents generally deal with these 10:25:49	11 A. So, we're looking at paragraph 45 or page 45?
12 areas. 10:25:52	12 Q. We're looking at paragraph 45, which is on page
13 Q. I'm asking you to identify the particular 10:25:53	13 21 and 22. I'm going to ask you about a sentence on
14 patents that deal with these areas, and you're saying 10:25:55	14 page 22, the last sentence of paragraph 45.
15 that all of them here relate to content management and 10:25:58	15 A. Okay. It starts with, "To the extent." 10:29:22
16 digital rights management in some way; is that what 10:26:02	16 Q. Yes. 10:29:26
17 you're saying? 10:26:05	17 A. Yes.
18 MS. CHOW: Objection, form. 10:26:06	18 Q. So, you say here (as read): 10:29:27
19 THE WITNESS: I mean, we have to look at each of 10:26:07	19 "To the extent that it may be 10:29:32
20 these patents and figure out which particular area they 10:26:08	20 argued that Claims 42 and 43 can claim 10:29:34
21 cover. 10:26:12	21 priority to the Serret-Avila 10:29:37
22 BY MR. FLORANCE: 10:26:13	22 Provisional, my analysis in this 10:29:41
23 Q. Okay. Sitting here today, you can't tell me 10:26:14	23 declaration also applies to the 10:29:43
24 which one of these patents, if any on this list, relate 10:26:16	24 timeframe on or before June 8, 1999." 10:29:44
25 to areas that include content management and digital 10:26:21	25 Correct? 10:29:47
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<p>1 A. Yes, that's what I said earlier. 10:29:47</p> <p>2 Q. And that's still true, right? 10:29:49</p> <p>3 A. Yes. 10:29:52</p> <p>4 Q. Now, if the board finds that claims 42 and 43 10:29:56</p> <p>5 can claim priority to the provisional -- 10:30:06</p> <p>6 (Reporter clarification.)</p> <p>7 BY MR. FLORANCE:</p> <p>8 Q. Can claim priority to the provisional 10:30:11</p> <p>9 application, then Hanna is not prior art, correct? 10:30:11</p> <p>10 A. I'm not opining on issues of prior art and how 10:30:19</p> <p>11 it's determined. 10:30:24</p> <p>12 Q. So, you don't have the understanding, then, that 10:30:27</p> <p>13 if the provisional is found to support the claims, that 10:30:32</p> <p>14 Hanna will not be prior art to claims 42 and 43 of the 10:30:38</p> <p>15 '815 patent; is that correct? 10:30:46</p> <p>16 MS. CHOW: Objection, form. 10:30:47</p> <p>17 THE WITNESS: Sir, your question is not clear. 10:30:50</p> <p>18 I mean, I'm not -- I understand priority dates and other 10:30:51</p> <p>19 legal definitions, so I'm not prepared to offer a legal 10:30:56</p> <p>20 conclusion. 10:31:03</p> <p>21 BY MR. FLORANCE: 10:31:11</p> <p>22 Q. Separate from any legal conclusion, if it's not 10:31:19</p> <p>23 prior art, right, then Hanna would not be considered by 10:31:25</p> <p>24 a person of ordinary skill, and that would impact your 10:31:28</p> <p>25 analysis, correct? 10:31:31</p> <p style="text-align: right;">Page 94</p>	<p>1 THE WITNESS: The '815. Does not support the</p> <p>2 claims of the '815 patent.</p> <p>3 BY MR. FLORANCE:</p> <p>4 Q. And if the board disagrees with you and finds 10:33:00</p> <p>5 that Hanna is not prior art, then your opinions will be 10:33:02</p> <p>6 different, right, because part of your opinion is based 10:33:06</p> <p>7 on the fact that Hanna is prior art, right? 10:33:09</p> <p>8 MS. CHOW: Objection, form. 10:33:13</p> <p>9 THE WITNESS: I disagree, because I am not able 10:33:14</p> <p>10 to comment on what happens later. 10:33:16</p> <p>11 BY MR. FLORANCE: 10:33:25</p> <p>12 Q. Do you agree that your opinions are based on the 10:33:26</p> <p>13 fact that you believe Hanna is prior art to claims 42 10:33:31</p> <p>14 and 43 of the '815 patent? 10:33:35</p> <p>15 A. Based on my technical analysis, yes, I believe 10:33:37</p> <p>16 that Hanna is prior art because the provisional does not 10:33:41</p> <p>17 support the claims of the '815. 10:33:44</p> <p>18 Q. Let's turn to paragraph 72 of your opinion, of 10:33:48</p> <p>19 your declaration, which is on page 38 of Exhibit 1002. 10:34:01</p> <p>20 THE WITNESS: We are going to about an hour and</p> <p>21 a half so far. Do you think at some point you would 10:34:19</p> <p>22 like to have a break? 10:34:19</p> <p>23 MR. FLORANCE: Yeah, we can -- if you want to 10:34:27</p> <p>24 have it right now, it's a good time to do it. 10:34:27</p> <p>25 THE WITNESS: No, we can answer your question 10:34:29</p> <p style="text-align: right;">Page 96</p>
<p>1 A. Again, as a general matter, if the courts 10:31:35</p> <p>2 considered certain prior art as not prior art, then that 10:31:37</p> <p>3 speaks for itself, it will not be prior art. My focus 10:31:41</p> <p>4 is on a technical opinion. 10:31:45</p> <p>5 Q. Right.</p> <p>6 A. The issues of prior art depend on conception. 10:31:49</p> <p>7 They depend on a lot of things with respect to practice 10:31:53</p> <p>8 and so many other issues, and I'm not offering a legal 10:31:55</p> <p>9 opinion on those issues. 10:32:01</p> <p>10 All I'm providing here is a technical 10:32:03</p> <p>11 description. I have offered an opinion that the 10:32:07</p> <p>12 provisional does not provide the necessary priority from 10:32:12</p> <p>13 a technical point of view. 10:32:15</p> <p>14 Q. But your whole analysis is based on an 10:32:19</p> <p>15 assumption of Hanna as prior art, right? 10:32:22</p> <p>16 A. I would not call it as an assumption. It's 10:32:25</p> <p>17 based on my opinion and its basis. 10:32:26</p> <p>18 Q. So, now you are saying that you have opined as 10:32:30</p> <p>19 to whether or not Hanna is prior art to the claims, 10:32:32</p> <p>20 correct? 10:32:36</p> <p>21 A. I've offered a technical opinion that Hanna is 10:32:37</p> <p>22 prior art to the claims because the provisional does not 10:32:41</p> <p>23 support -- the provisional of the '815 does not support 10:32:45</p> <p>24 the claims of the '815. 10:32:49</p> <p>25 (Reporter clarification.)</p> <p style="text-align: right;">Page 95</p>	<p>1 and then we go. 10:34:30</p> <p>2 MR. FLORANCE: I'm starting a line of 10:34:32</p> <p>3 questioning here, so let's do it now. 10:34:33</p> <p>4 (Recess taken.) 10:56:58</p> <p>5 BY MR. FLORANCE: 10:56:59</p> <p>6 Q. Dr. Madisetti, you understand that claim terms 10:56:59</p> <p>7 should be given their ordinary and customary meaning as 10:57:01</p> <p>8 understood by one of ordinary skill in the art at the 10:57:03</p> <p>9 time of the invention and after reading the patent and 10:57:06</p> <p>10 its prosecution history, correct? 10:57:08</p> <p>11 A. Are you referring to a portion of the legal 10:57:11</p> <p>12 guidance, sir? 10:57:13</p> <p>13 Q. I am -- you say something similar in your 10:57:16</p> <p>14 declaration, yes? I can refer you to paragraph 72, 10:57:21</p> <p>15 which is on page 38 of Exhibit 1002. 10:57:26</p> <p>16 A. Yes, I have reviewed paragraphs 72 and 73, and I 10:57:41</p> <p>17 referred to claims in the light of the specification, 10:57:48</p> <p>18 the file history, and in light of -- 10:57:59</p> <p>19 (Reporter clarification.)</p> <p>20 THE WITNESS: And the file history.</p> <p>21 And also, in the light of one of ordinary skill 10:58:02</p> <p>22 in the art. 10:58:06</p> <p>23 BY MR. FLORANCE:</p> <p>24 Q. And you have assumed that all of the terms of 10:58:09</p> <p>25 claims 42 and 43 of the '815 patent may be understood by 10:58:11</p> <p style="text-align: right;">Page 97</p>

<p>1 their ordinary and customary meaning for the purposes of 10:58:18</p> <p>2 performing the obviousness analysis, right? 10:58:21</p> <p>3 A. I stand by the description of paragraph 72 and 10:58:23</p> <p>4 73. I give them the meaning in the light of -- in the 10:58:28</p> <p>5 light of the patent specification and the file history. 10:58:34</p> <p>6 Q. So, what is the ordinary and customary meaning 10:58:37</p> <p>7 of receiving a request to a person of ordinary skill in 10:58:40</p> <p>8 light of the intrinsic evidence in the '815 patent? 10:58:43</p> <p>9 A. I didn't understand the question. Are you 10:58:46</p> <p>10 looking at the particular claim, or what are you -- 10:58:53</p> <p>11 Q. Yes. 10:58:55</p> <p>12 So, looking at claims -- the claim language of 10:58:56</p> <p>13 claim 42. And you can look at, you know, the claims in 10:59:00</p> <p>14 Exhibit 1001 for that. Or I am sure the claim 10:59:07</p> <p>15 language is -- I'm looking at the claim language, just 10:59:15</p> <p>16 one example, paragraph 102 of your declaration. 10:59:18</p> <p>17 A. Okay, let me go to the patent first. 10:59:25</p> <p>18 Q. So, looking at claim 42 and the first step, 10:59:39</p> <p>19 "Receiving a request to use the file," I'd like for you 10:59:42</p> <p>20 to explain the ordinary and customary meaning you 10:59:47</p> <p>21 applied regarding the phrase, "Receiving a request to 10:59:51</p> <p>22 use the file." 10:59:55</p> <p>23 A. I'm looking at claim 42, which has that 11:00:21</p> <p>24 limitation. 11:00:24</p> <p>25 So, in my opinion, I have applied the meaning of 11:00:27</p> <p style="text-align: right;">Page 98</p>	<p>1 What is that ordinary --please state what the 11:02:02</p> <p>2 ordinary and customary meaning is. 11:02:03</p> <p>3 A. I can give you some examples from the 11:02:07</p> <p>4 specification. 11:02:09</p> <p>5 Q. No, I don't want examples. I want your -- I 11:02:09</p> <p>6 want whatever a person of ordinary skill would 11:02:11</p> <p>7 understand that phrase to mean. 11:02:14</p> <p>8 A. It means what it says. 11:02:15</p> <p>9 Q. So, they would understand it literally, without 11:02:19</p> <p>10 any -- just understanding the words as written, there's 11:02:24</p> <p>11 no concern about how they would interpret those terms, 11:02:30</p> <p>12 is that what you're saying? 11:02:35</p> <p>13 A. No. I'm saying that they would understand those 11:02:36</p> <p>14 terms through examples here, for example in the 11:02:38</p> <p>15 specification, that talks about storing, request to 11:02:42</p> <p>16 store in memory, request to render, request to play, 11:02:47</p> <p>17 request to -- 11:02:53</p> <p>18 So, there's so many different examples in my 11:02:56</p> <p>19 declaration. So, for example, you could look at the 11:03:01</p> <p>20 claim chart. 11:03:03</p> <p>21 Q. I have looked at the claim chart. I don't think 11:03:07</p> <p>22 that provides the answer to my question. 11:03:09</p> <p>23 What do you understand "predefined manner" to 11:03:11</p> <p>24 mean? 11:03:14</p> <p>25 A. A predefined manner? 11:03:18</p> <p style="text-align: right;">Page 100</p>
<p>1 the term, "Receiving a request to use the file" in a 11:00:32</p> <p>2 predefined manner that is consistent with the patent 11:00:36</p> <p>3 specification and file history, which is for the entire 11:00:44</p> <p>4 term. 11:00:50</p> <p>5 So, you have cut off that limitation at, 11:00:51</p> <p>6 "Request to use the file." So, my advice that I've 11:01:00</p> <p>7 construed and understood and applied to receiving a 11:01:06</p> <p>8 request to use the file in a predefined manner. 11:01:09</p> <p>9 Q. So, you're unable to tell me what the ordinary 11:01:13</p> <p>10 and customary meaning of "receiving a request to use the 11:01:14</p> <p>11 file" means by itself, you won't give that to me, right? 11:01:17</p> <p>12 MS. CHOW: Objection, form. 11:01:25</p> <p>13 THE WITNESS: That's not an opinion that I 11:01:26</p> <p>14 offered, to specifically carve out a portion of the 11:01:28</p> <p>15 limitation. I've applied my understanding of the entire 11:01:31</p> <p>16 limitation, as required in the claim, of receiving a 11:01:33</p> <p>17 request to use the file in a predefined manner that's 11:01:36</p> <p>18 consistent with the specification. 11:01:40</p> <p>19 So, the specification is replete with many 11:01:43</p> <p>20 examples of how your request to file for use in a 11:01:47</p> <p>21 predefined manner. 11:01:52</p> <p>22 BY MR. FLORANCE: 11:01:54</p> <p>23 Q. Okay. So, what is the ordinary and customary 11:01:54</p> <p>24 meaning of receiving a request to use the file in a 11:01:58</p> <p>25 predefined manner? 11:02:01</p> <p style="text-align: right;">Page 99</p>	<p>1 Q. Predefined manner, that's used in that phrase. 11:03:19</p> <p>2 A. Yeah, it's the whole phrase. It's receiving a 11:03:22</p> <p>3 request to use the file in a predefined manner. That's 11:03:24</p> <p>4 the whole term. 11:03:26</p> <p>5 Q. And what does "predefined manner" mean to one of 11:03:27</p> <p>6 ordinary skill in the art? 11:03:30</p> <p>7 A. Yeah, an example of it means to -- for example, 11:03:31</p> <p>8 to copy, is a type of predefined manner. Store is a 11:03:34</p> <p>9 predefined manner. Execute a program is an example of a 11:03:41</p> <p>10 predefined manner. Things like that. 11:03:44</p> <p>11 I put those -- requesting a file to install the 11:03:50</p> <p>12 software is an example of a predefined manner. 11:03:55</p> <p>13 So, if you look at pages 64 through 66, 67, of 11:03:59</p> <p>14 my declaration, there are a large number of examples 11:04:10</p> <p>15 from one of the references that illustrate different 11:04:12</p> <p>16 examples of how this limitation is met. 11:04:17</p> <p>17 Q. Would one of ordinary skill in the art 11:04:21</p> <p>18 understand that receiving a request to use the file in a 11:04:24</p> <p>19 predefined manner means that the request needs to 11:04:26</p> <p>20 specify the manner that's predefined? 11:04:29</p> <p>21 MS. CHOW: Objection, form. 11:04:33</p> <p>22 THE WITNESS: As I said, I'm not providing any 11:04:34</p> <p>23 limiting definition. I'm providing you examples that 11:04:36</p> <p>24 are consistent with the specification. 11:04:38</p> <p>25 I have looked at the specification and these 11:04:40</p> <p style="text-align: right;">Page 101</p>

<p>1 examples in the specification are exactly the type of 11:04:44</p> <p>2 examples that are found in all the prior art references 11:04:47</p> <p>3 I have cited and relied upon. 11:04:50</p> <p>4 BY MR. FLORANCE: 11:04:52</p> <p>5 Q. Do all these examples that you believe refer to 11:04:53</p> <p>6 receiving a request to use the file in a predefined 11:04:58</p> <p>7 manner, do all of them include the predefined manner 11:05:01</p> <p>8 being specified in the request? 11:05:06</p> <p>9 MS. CHOW: Objection, form. 11:05:09</p> <p>10 THE WITNESS: As I said, the examples have to be 11:05:11</p> <p>11 reviewed. The examples cited from Hanna and Stefik and 11:05:13</p> <p>12 others are consistent with -- there's something ringing. 11:05:18</p> <p>13 (Technology discussion.) 11:05:48</p> <p>14 THE WITNESS: Sorry for that. 11:05:56</p> <p>15 Yeah, so the examples that I disclose in my 11:05:57</p> <p>16 declaration, paragraphs 64 to 67, satisfy this 11:06:04</p> <p>17 limitation. 11:06:08</p> <p>18 BY MR. FLORANCE: 11:06:12</p> <p>19 Q. Okay, but back to my question, which is how a 11:06:27</p> <p>20 person of ordinary skill would understand the terms, not 11:06:31</p> <p>21 what -- you're pointing me to parts of your declaration. 11:06:38</p> <p>22 I'm looking for a statement by you about how a 11:06:39</p> <p>23 person of ordinary skill in the art would understand 11:06:42</p> <p>24 this first step in claim 42. Do you have that in your 11:06:44</p> <p>25 declaration? 11:06:52</p> <p style="text-align: right;">Page 102</p>	<p>1 intrinsic evidence to define, right? 11:08:05</p> <p>2 A. The examples in the '815 itself provide the 11:08:09</p> <p>3 necessary teachings of how this claim limitation is met 11:08:16</p> <p>4 legitimately in the '815. 11:08:24</p> <p>5 Q. And I'm trying to understand how one of ordinary 11:08:27</p> <p>6 skill would read those examples to understand what the 11:08:29</p> <p>7 receiving the request step means. 11:08:32</p> <p>8 MS. CHOW: Objection, form. 11:08:36</p> <p>9 BY MR. FLORANCE: 11:08:38</p> <p>10 Q. Do you have any -- can you provide any opinion 11:08:38</p> <p>11 on that? 11:08:39</p> <p>12 MS. CHOW: Same objection. 11:08:41</p> <p>13 THE WITNESS: I think, for example, if you look 11:08:48</p> <p>14 at column 4 of the '815 patent, lines 65 through column 11:08:49</p> <p>15 5, lines 1 through 10, provide examples that illustrate 11:08:57</p> <p>16 how this limitation is met. 11:09:04</p> <p>17 For example, in column 4, line 66, it clearly 11:09:09</p> <p>18 states here, when a consumer attempts to use electronic 11:09:15</p> <p>19 data but in certain manners, such as copying, moving, 11:09:19</p> <p>20 viewing or printing, the authentication file is 11:09:23</p> <p>21 retrieved and so on. So, that's an example of a 11:09:28</p> <p>22 predefined manner of use. 11:09:32</p> <p>23 And when you are looking at other similar 11:09:34</p> <p>24 examples that I cite in my report or declaration, for 11:09:37</p> <p>25 example, those that are cited prior art, they satisfy in 11:09:44</p> <p style="text-align: right;">Page 104</p>
<p>1 MS. CHOW: Objection, form. 11:06:52</p> <p>2 THE WITNESS: All I'm saying is that receiving a 11:06:54</p> <p>3 request to use a file in a predefined manner is clearly 11:06:56</p> <p>4 disclosed in all the references to the examples that are 11:06:59</p> <p>5 cited. 11:07:02</p> <p>6 There's no reason to provide a claim 11:07:04</p> <p>7 construction of that particular term, if that's what 11:07:06</p> <p>8 you're asking. Because it is very clear, in light of 11:07:10</p> <p>9 the specification of the '815 itself, as to what this 11:07:15</p> <p>10 is. 11:07:20</p> <p>11 BY MR. FLORANCE: 11:07:20</p> <p>12 Q. Okay, if it's clear in light of the 11:07:20</p> <p>13 specification, then you should be able to answer whether 11:07:22</p> <p>14 or not a request needs to include the predefined manner 11:07:27</p> <p>15 within it to meet this step of the claim. 11:07:30</p> <p>16 MS. CHOW: Objection, form. 11:07:38</p> <p>17 THE WITNESS: I disagree. I said examples are 11:07:39</p> <p>18 sufficient to the extent that the examples in '815 11:07:40</p> <p>19 satisfy this limitation. The very same examples, or 11:07:43</p> <p>20 similar examples, are found in each of the prior art 11:07:47</p> <p>21 references that are cited. 11:07:51</p> <p>22 BY MR. FLORANCE: 11:07:55</p> <p>23 Q. Well, the prior art references are not relevant 11:07:55</p> <p>24 to how one would understand this patent unless you're 11:07:57</p> <p>25 willing -- unless you go outside of the scope of the 11:08:03</p> <p style="text-align: right;">Page 103</p>	<p>1 the very same way, this limitation, and the predefined 11:09:53</p> <p>2 manner, which includes installation, copying, storage, 11:09:59</p> <p>3 and so on. 11:10:02</p> <p>4 BY MR. FLORANCE: 11:10:04</p> <p>5 Q. So, if a user wants to copy data and makes a 11:10:04</p> <p>6 request to do so, would the request need to specify to 11:10:10</p> <p>7 the user "wants to make a copy"? 11:10:15</p> <p>8 MS. CHOW: Objection, form. 11:10:23</p> <p>9 BY MR. FLORANCE: 11:10:24</p> <p>10 Q. To meet the -- to meet the step in claim 42. 11:10:25</p> <p>11 MS. CHOW: Same objection. 11:10:27</p> <p>12 THE WITNESS: It's an example. It's a 11:10:28</p> <p>13 non-limiting example. 11:10:30</p> <p>14 BY MR. FLORANCE: 11:10:31</p> <p>15 Q. I'm not really interested in the examples. I 11:10:32</p> <p>16 want to know your thoughts on how a person of ordinary 11:10:34</p> <p>17 skill would understand the step in claim 42. 11:10:36</p> <p>18 A. That's right, I'm not here applying the meaning 11:10:39</p> <p>19 of the term in light of examples provided in the '815 11:10:43</p> <p>20 specification itself. 11:10:47</p> <p>21 I resist the bait to provide a definition 11:10:49</p> <p>22 because it's clear from the examples as to what support 11:10:54</p> <p>23 or description is presented for that limitation. 11:10:58</p> <p>24 Q. But you don't think it's clear that the 11:11:03</p> <p>25 predefined use needs to be included in the request that 11:11:08</p> <p style="text-align: right;">Page 105</p>

<p>1 is received? 11:11:10</p> <p>2 A. Again, as I said, you are trying to get a 11:11:11</p> <p>3 definition. I'm saying I'm using examples. I'm not 11:11:17</p> <p>4 offering a definition. The meaning of that is clear 11:11:20</p> <p>5 itself from the specification examples. 11:11:22</p> <p>6 Q. So, you're not able to -- separate from the 11:11:27</p> <p>7 examples, which actually don't provide any -- don't 11:11:29</p> <p>8 provide what a person of ordinary skill would understand 11:11:35</p> <p>9 those examples to mean, you're not able to tell me what 11:11:38</p> <p>10 a person of ordinary skill in the art would understand 11:11:40</p> <p>11 the claim phrase, claim step "receiving a request," 11:11:43</p> <p>12 you're not able to provide anything about how they would 11:11:49</p> <p>13 understand that phrase, right? 11:11:53</p> <p>14 MS. CHOW: Objection, form. 11:11:55</p> <p>15 THE WITNESS: I disagree. I believe that I've 11:11:56</p> <p>16 answered that examples in the '815 that refer to the 11:11:58</p> <p>17 different types of -- different types of application 11:12:05</p> <p>18 scenarios, for example, digitally-encoded songs, when a 11:12:13</p> <p>19 movie is requested for playing or rendering, or for 11:12:19</p> <p>20 storage. 11:12:24</p> <p>21 So, for example, in column 1, lines 55 through 11:12:26</p> <p>22 65, the patentee clearly states -- 11:12:33</p> <p>23 (Reporter clarification.)</p> <p>24 THE WITNESS: Clearly states digitally-encoded 11:12:41</p> <p>25 songs, movies and other forms of electronic content are 11:12:43</p> <p style="text-align: right;">Page 106</p>	<p>1 interrupting. 11:14:16</p> <p>2 MR. FLORANCE: He's taking us on a ride and 11:14:19</p> <p>3 trying to waste time. I want answers to my questions. 11:14:21</p> <p>4 This has been mostly him not answering really easy 11:14:24</p> <p>5 questions. 11:14:29</p> <p>6 MS. CHOW: I disagree. Please let him finish 11:14:29</p> <p>7 his answer to your question. 11:14:31</p> <p>8 BY MR. FLORANCE: 11:14:33</p> <p>9 Q. Are you done answering the question? 11:14:33</p> <p>10 A. No, I was not. I was saying that column 5, 11:14:35</p> <p>11 column 11, of the '815, provides several examples of 11:14:38</p> <p>12 scenarios in which a movie is retrieved, either by 11:14:42</p> <p>13 downloading or by streaming, and that satisfies the 11:14:50</p> <p>14 claim limitation of requesting the movie for playing, 11:14:59</p> <p>15 for download, for storage. 11:15:02</p> <p>16 Other such examples are also present. Column 11:15:06</p> <p>17 23, lines 1 through 5, talks about content owners 11:15:09</p> <p>18 distributing via download on a server accessible over 11:15:13</p> <p>19 the internet. 11:15:19</p> <p>20 All these examples, only a few of which are 11:15:20</p> <p>21 cited, provide abundant support for how one of ordinary 11:15:25</p> <p>22 skill in the art would understand as exemplary cases 11:15:30</p> <p>23 that satisfy the claim limitation. 11:15:33</p> <p>24 MR. FLORANCE: I move to strike as 11:15:37</p> <p>25 non-responsive. 11:15:38</p> <p style="text-align: right;">Page 108</p>
<p>1 typically distributed, the consumer accesses the data, 11:12:46</p> <p>2 and so on. 11:12:51</p> <p>3 So, the actions such as accessing movies for 11:12:57</p> <p>4 playback, for storage, all these are well known examples 11:13:03</p> <p>5 that are cited in the '815. 11:13:10</p> <p>6 BY MR. FLORANCE:</p> <p>7 Q. And that discussion you just referenced at the 11:13:12</p> <p>8 bottom of column 1, that's about the prior art, not 11:13:14</p> <p>9 about the -- 11:13:16</p> <p>10 A. Use and application. It's not the prior art. 11:13:18</p> <p>11 It's talking about techniques for solving the problem. 11:13:20</p> <p>12 And the same thing is carried off through additional 11:13:23</p> <p>13 sections. 11:13:27</p> <p>14 So, for example, if you look at column 11, 11:13:29</p> <p>15 column 11, lines 8 through 11, talk about audio tracks, 11:13:39</p> <p>16 talk about movies, talk about streaming data, lines 1 11:13:45</p> <p>17 through 5, talk about -- 11:13:51</p> <p>18 Q. I'm going to stop you because we're way off 11:13:56</p> <p>19 topic. You're not giving me any examples that talk 11:13:57</p> <p>20 about what the nature of the request would be as 11:14:00</p> <p>21 understood by one of ordinary skill in the art. 11:14:02</p> <p>22 What would the request look like? 11:14:04</p> <p>23 A. The request -- 11:14:07</p> <p>24 MS. CHOW: I'm going to request, Mr. Florance, 11:14:07</p> <p>25 to let the witness finish his testimony before 11:14:13</p> <p style="text-align: right;">Page 107</p>	<p>1 Q. None of those sections you just identified even 11:15:41</p> <p>2 use the word "request," right? 11:15:42</p> <p>3 MS. CHOW: Objection, form. 11:15:45</p> <p>4 THE WITNESS: I disagree. 11:15:46</p> <p>5 BY MR. FLORANCE: 11:15:57</p> <p>6 Q. Where on the top of column 23 is the word 11:15:58</p> <p>7 "request" used? 11:16:00</p> <p>8 A. For example, you look at column 24 -- 11:16:02</p> <p>9 Q. That's --</p> <p>10 A. I was talking 23, which continues to 24. So, if 11:16:07</p> <p>11 you look at column 24, you look at line number 55 11:16:10</p> <p>12 through 58, it talks in the same context of a CD or a 11:16:16</p> <p>13 movie, either grants or denies the consumer's request 11:16:25</p> <p>14 based on the strong mark [sic] being detected. 11:16:29</p> <p>15 (Reporter clarification.)</p> <p>16 THE WITNESS: Based on a strong watermark being 11:16:38</p> <p>17 detected, in line number 59. 11:16:38</p> <p>18 As yet, another example, a user who downloads 11:16:43</p> <p>19 the track from a server may obtain the corresponding 11:16:46</p> <p>20 file of sign hashes. So, this provides an additional 11:16:51</p> <p>21 example of how requesting for a predefined manner, could 11:16:55</p> <p>22 use in a predefined manner, is satisfied. 11:16:59</p> <p>23 BY MR. FLORANCE:</p> <p>24 Q. Okay.</p> <p>25 A. The same examples are found in Hanna and other 11:17:02</p> <p style="text-align: right;">Page 109</p>

<p>1 prior art references that are cited. 11:17:05</p> <p>2 MR. FLORANCE: I move to strike as 11:17:07</p> <p>3 non-responsive. 11:17:08</p> <p>4 Q. Nothing in the bottom of column 24 talks about 11:17:11</p> <p>5 what the nature of the request would be as understood by 11:17:13</p> <p>6 one of skill in the art, right? 11:17:17</p> <p>7 A. I disagree. 11:17:20</p> <p>8 MS. CHOW: Objection, form. 11:17:21</p> <p>9 BY MR. FLORANCE: 11:17:22</p> <p>10 Q. Where does it describe the nature of the request 11:17:22</p> <p>11 in the bottom of column 24? 11:17:25</p> <p>12 A. It explicitly describes the term "request" in 11:17:25</p> <p>13 line 58 of column 24. 11:17:28</p> <p>14 If you are admitting that the '815 patent has no 11:17:32</p> <p>15 written description, that's a different issue, but the 11:17:35</p> <p>16 term "request" is used in column 24. 11:17:38</p> <p>17 Q. And how would one of ordinary skill in the art 11:17:44</p> <p>18 understand that term "request" as used in column 24? 11:17:46</p> <p>19 A. As used in the example where a consumer 11:17:49</p> <p>20 downloads an audio track or a movie -- 11:17:52</p> <p>21 Q. Yes, how would -- 11:17:56</p> <p>22 A. -- reference -- 11:17:57</p> <p>23 Q. How would they understand that request -- 11:17:57</p> <p>24 A. They would understand it to be a request for a 11:18:00</p> <p>25 file for a particular usage in a practical predefined 11:18:03</p> <p style="text-align: right;">Page 110</p>	<p>1 A. No. In the specification of the '815, they're 11:19:21</p> <p>2 talking here in the column 24, explicitly disclose. 11:19:24</p> <p>3 Column 24 and 23 have many such examples that include 11:19:31</p> <p>4 downloading content from servers, movies, CD tracks, 11:19:35</p> <p>5 audio tracks, video conferencing, so on. 11:19:41</p> <p>6 Q. How would one of ordinary skill in the art 11:19:44</p> <p>7 understand the granting a request step of the claim 42? 11:19:48</p> <p>8 (Reporter clarification.)</p> <p>9 MR. FLORANCE: Understand the granting a request</p> <p>10 step of claim 42?</p> <p>11 THE WITNESS: Example, you could look at column 11:19:59</p> <p>12 9 of the '815, look at column 9, lines 55 through 65, 11:20:01</p> <p>13 there are a lot of examples there as to how granting 11:20:07</p> <p>14 could be satisfied. 11:20:12</p> <p>15 So, for example, in line 61 through 63, you 11:20:13</p> <p>16 could save the content to a memory device. That's an 11:20:18</p> <p>17 example of a grant. 11:20:23</p> <p>18 BY MR. FLORANCE:</p> <p>19 Q. The specification doesn't say that, right? 11:20:31</p> <p>20 A. I disagree. It uses the word explicitly for 11:20:33</p> <p>21 grant, line number 60. 11:20:38</p> <p>22 Q. That's granting access, right? 11:20:41</p> <p>23 A. So, what, it says granting. That's the request. 11:20:46</p> <p>24 Q. Well, we talked about the difference between 11:20:48</p> <p>25 access and use, right? 11:20:51</p> <p style="text-align: right;">Page 112</p>
<p>1 manner. 11:18:09</p> <p>2 Q. So, you're not going to be able to -- you're not 11:18:09</p> <p>3 able -- you're going to provide how one of ordinary 11:18:10</p> <p>4 skill in the art would understand the term "request" as 11:18:12</p> <p>5 used in that sentence, right? 11:18:17</p> <p>6 MS. CHOW: Objection, form. 11:18:18</p> <p>7 THE WITNESS: I disagree. An example of a 11:18:19</p> <p>8 request would be to send an HDTB download packet, you 11:18:21</p> <p>9 send an HDTB request. That's one example. 11:18:29</p> <p>10 Other requests could be using a SID protocol. 11:18:33</p> <p>11 (Reporter clarification.)</p> <p>12 THE WITNESS: S-I-D. SID protocol. 11:18:40</p> <p>13 So many different ways that are known that a 11:18:42</p> <p>14 request for an audio track or a movie track or a video 11:18:48</p> <p>15 conferencing session can be made. 11:18:51</p> <p>16 BY MR. FLORANCE: 11:18:55</p> <p>17 Q. Are those disclosed in this section of the 11:18:55</p> <p>18 patent? 11:18:58</p> <p>19 A. When you're talking about download, when you're 11:18:59</p> <p>20 talking about downloading from a server, one would 11:19:01</p> <p>21 understand that an example of such -- so, there's so 11:19:04</p> <p>22 many different examples. 11:19:11</p> <p>23 Q. Right, outside -- you're saying there are 11:19:13</p> <p>24 examples that one of ordinary skill in the art would 11:19:16</p> <p>25 know outside of the context of the patent, right? 11:19:20</p> <p style="text-align: right;">Page 111</p>	<p>1 A. No, we did not. We talked about if try to 11:20:53</p> <p>2 create illusion, I said that there was no difference in 11:20:57</p> <p>3 the context of -- there would be no difference in the 11:21:01</p> <p>4 context as used in the '815. 11:21:03</p> <p>5 Q. Okay, that's not what said earlier. Now you're 11:21:09</p> <p>6 saying that in the context of the '815, when it uses the 11:21:12</p> <p>7 term "access," that has the same meaning as the term -- 11:21:14</p> <p>8 as it would use "grant." 11:21:38</p> <p>9 (Reporter clarification.)</p> <p>10 MR. FLORANCE: As the term "grant". 11:21:41</p> <p>11 MS. CHOW: And I would like to make an objection 11:21:41</p> <p>12 as to form. 11:21:44</p> <p>13 THE WITNESS: As I said, that's not what I said 11:21:45</p> <p>14 earlier. I said you look at the context. And in the 11:21:46</p> <p>15 context of the '815 patent, the term "granting" appears, 11:21:50</p> <p>16 for example, in column 3, lines 14 through 45, where it 11:21:56</p> <p>17 talks about the system includes the file handling unit 11:22:07</p> <p>18 for granting a user access to a desired part of the file 11:22:11</p> <p>19 upon successful verification. 11:22:13</p> <p>20 (Reporter clarification.)</p> <p>21 THE WITNESS: Successful verification.</p> <p>22 That's lines 40 through 45. 11:22:20</p> <p>23 The other example of granting is in column 9 of 11:22:24</p> <p>24 the '815, between lines 55 and 65. For example, they 11:22:29</p> <p>25 have granting access to the content or performing 11:22:36</p> <p style="text-align: right;">Page 113</p>

<p>1 certain actions. I'm qualifying the use of the word 11:22:41</p> <p>2 "or" for performing certain actions. 11:22:45</p> <p>3 Accessing the content is one such example. 11:22:49</p> <p>4 Printing a copy is another such example. Saving the 11:22:52</p> <p>5 content to memory device is another example, lines 60 to 11:22:55</p> <p>6 63. 11:23:01</p> <p>7 BY MR. FLORANCE: 11:23:02</p> <p>8 Q. Right, so the performing of certain actions 11:23:02</p> <p>9 there is distinguished from just granting access in the 11:23:04</p> <p>10 first instance, right? 11:23:10</p> <p>11 A. I disagree. 11:23:12</p> <p>12 MS. CHOW: Objection, form. 11:23:13</p> <p>13 THE WITNESS: I disagree. It's evidence of 11:23:15</p> <p>14 granting as exemplified in the '815 itself. 11:23:17</p> <p>15 BY MR. FLORANCE: 11:23:28</p> <p>16 Q. And so, do you understand the granting step of 11:23:28</p> <p>17 claim 42 to require an affirmative act? 11:23:30</p> <p>18 A. Again, I've looked at examples, and examples in 11:23:34</p> <p>19 the '815 are exactly the same as examples of similar --</p> <p>20 (Reporter clarification.)</p> <p>21 THE WITNESS: I looked at the examples in the 11:23:44</p> <p>22 '815 to inform my understanding of how this limitation 11:23:46</p> <p>23 is described in the '815 specification. And I found 11:23:48</p> <p>24 similar examples, if not the very same examples, in the 11:23:52</p> <p>25 prior art references that I relied upon. 11:23:57</p> <p style="text-align: right;">Page 114</p>	<p>1 steps. 11:25:12</p> <p>2 Q. Well, granting is a verbal noun, right, it's an 11:25:13</p> <p>3 act, right? 11:25:19</p> <p>4 A. No, I don't agree with that. As I said, I'm 11:25:19</p> <p>5 looking at examples in the specification. I cannot 11:25:22</p> <p>6 offer a particular legal description. 11:25:26</p> <p>7 Q. So, when you read claim 42, you did not 11:25:32</p> <p>8 recognize the word "granting" to be a verbal noun or an 11:25:35</p> <p>9 act, right? 11:25:39</p> <p>10 MS. CHOW: Objection, form. 11:25:40</p> <p>11 THE WITNESS: I disagree with your 11:25:41</p> <p>12 characterization. All I said is that I looked at the 11:25:43</p> <p>13 examples in the '815 that describe this particular set, 11:25:46</p> <p>14 and found similar examples in the prior art references 11:25:50</p> <p>15 that render obvious these limitations. 11:25:55</p> <p>16 BY MR. FLORANCE: 11:25:58</p> <p>17 Q. To satisfy the granting step of claim 42, does 11:25:59</p> <p>18 one need to perform the act of granting? 11:26:04</p> <p>19 A. I said that the claim has to be satisfied, claim 11:26:10</p> <p>20 limitation has to be satisfied, and the limitation is 11:26:12</p> <p>21 satisfied by the examples shown in the specification. 11:26:16</p> <p>22 And the examples in the specification are 11:26:20</p> <p>23 similar to those in the art that was cited to render 11:26:21</p> <p>24 obviousness claim. 11:26:25</p> <p>25 MR. FLORANCE: Move to strike as non-responsive. 11:26:26</p> <p style="text-align: right;">Page 116</p>
<p>1 MR. FLORANCE: Move to strike as non-responsive. 11:24:01</p> <p>2 Q. My question was, you understand the granting 11:24:03</p> <p>3 step of claim 40 [sic] to require an affirmative act -- 11:24:04</p> <p>4 claim 42, to require an affirmative act? 11:24:07</p> <p>5 A. I said I'm not offering a particular 11:24:11</p> <p>6 construction. I'm just offering an understanding of how 11:24:12</p> <p>7 one would understand this claim term in light of 11:24:16</p> <p>8 examples provided explicitly in the '815 specification 11:24:19</p> <p>9 set. 11:24:25</p> <p>10 Q. You understand that claims 42 and 43 of the '815 11:24:26</p> <p>11 are method claims, right? 11:24:32</p> <p>12 (Reporter clarification.)</p> <p>13 MR. FLORANCE: Method, M-E-T-H-O-D.</p> <p>14 Q. Dr. Madiseti, did you hear the question? 11:24:43</p> <p>15 A. Yes. 11:24:45</p> <p>16 Q. You understand that claims 42 and 43 of the '815 11:24:47</p> <p>17 patent are method claims? 11:24:50</p> <p>18 A. They are so-called, they disclose a method. 11:24:51</p> <p>19 Q. And you understand that a method claim consists 11:24:57</p> <p>20 of one or more steps, right? 11:24:59</p> <p>21 A. Yes. 11:25:01</p> <p>22 Q. And you understand that a step is an act that is 11:25:02</p> <p>23 performed, right? 11:25:04</p> <p>24 A. Again, I cannot offer a legal opinion. All I 11:25:05</p> <p>25 can say is that the method includes a number of method 11:25:08</p> <p style="text-align: right;">Page 115</p>	<p>1 Q. The question is, does claim 42, and the granting 11:26:28</p> <p>2 step specifically, does one need to perform an act of 11:26:35</p> <p>3 granting to satisfy that step? 11:26:38</p> <p>4 A. All I can say is that the steps of the claim 11:26:43</p> <p>5 have to be satisfied. The examples in the specification 11:26:46</p> <p>6 of the '815 that exemplifies this particular step are 11:26:50</p> <p>7 present also in the cited prior art, or in very similar 11:26:57</p> <p>8 manner, thus rendering these limitations obvious. 11:27:00</p> <p>9 Q. You understand that generally -- strike that. 11:27:05</p> <p>10 Did you consider whether the steps of the claims 11:27:11</p> <p>11 must be performed in the order they are written in claim 11:27:13</p> <p>12 42? 11:27:16</p> <p>13 A. All I can say is that the claim -- the claims -- 11:27:20</p> <p>14 the claim practices the steps and ordering is as 11:27:27</p> <p>15 required in the claim, not as required in the 11:27:34</p> <p>16 description of the claim. 11:27:37</p> <p>17 Q. So, let me make sure I understand. You believe 11:27:40</p> <p>18 that the order of the steps in the claim must be 11:27:44</p> <p>19 performed in that order? 11:27:48</p> <p>20 A. As I said, I have looked at examples in the 11:27:49</p> <p>21 specification and the claim speaks for itself. 11:27:52</p> <p>22 Q. Do you think that the examples in the 11:27:59</p> <p>23 specification are consistent with the order that the 11:28:00</p> <p>24 steps are presented in claim 42? 11:28:03</p> <p>25 A. The what? 11:28:09</p> <p style="text-align: right;">Page 117</p>

<p>1 MS. CHOW: Objection, form. 11:28:10</p> <p>2 THE WITNESS: Again, I don't say that. All I'm 11:28:12</p> <p>3 saying is that for each limitation, I looked at the 11:28:13</p> <p>4 exemplary citations in the '815 patent specification. 11:28:17</p> <p>5 And know that I'm always referring to the '815 patent 11:28:21</p> <p>6 specification, not to the provisional. 11:28:24</p> <p>7 The provisional does not have the claims, does 11:28:27</p> <p>8 not provide support for the claim limitations. So, all 11:28:31</p> <p>9 my answers are referring to the '815 specification that 11:28:34</p> <p>10 does not include the provisional. 11:28:39</p> <p>11 BY MR. FLORANCE: 11:28:42</p> <p>12 Q. Right. 11:28:42</p> <p>13 I'm asking you, are the examples that you are 11:28:42</p> <p>14 citing in the specification, do they perform the method 11:28:44</p> <p>15 in the same order as the steps are listed in claim 42? 11:28:50</p> <p>16 MS. CHOW: Objection, form. 11:28:53</p> <p>17 THE WITNESS: The examples satisfy the claim 11:28:56</p> <p>18 limitations as claimed in the -- there's no specific -- 11:28:58</p> <p>19 the ordering is determined by the claim itself. 11:29:08</p> <p>20 BY MR. FLORANCE:</p> <p>21 Q. Do you agree that the receiving step of claim 42 11:29:13</p> <p>22 must be performed first? 11:29:16</p> <p>23 A. I don't have an opinion on that issue. All I 11:29:24</p> <p>24 said is that the limitations have to be practiced. 11:29:27</p> <p>25 Q. And do you have an opinion on whether the 11:29:30</p> <p style="text-align: right;">Page 118</p>	<p>1 not --</p> <p>2 (Reporter clarification.)</p> <p>3 THE WITNESS: The way I would characterize my</p> <p>4 opinion is that whether or not it means it is limiting 11:31:13</p> <p>5 or not, in both cases, it is my opinion that the 11:31:14</p> <p>6 references that I cite disclose and render obvious the 11:31:18</p> <p>7 preambles. 11:31:24</p> <p>8 MR. FLORANCE: I'm going to move to strike as 11:31:27</p> <p>9 non-responsive. 11:31:28</p> <p>10 Q. My only question is, do you have -- 11:31:28</p> <p>11 MS. CHOW: I disagree that the testimony is 11:31:30</p> <p>12 non-responsive. 11:31:33</p> <p>13 MR. FLORANCE: Okay, that's for the board to 11:31:34</p> <p>14 decide. 11:31:35</p> <p>15 Q. My question was, do you have an opinion as to 11:31:37</p> <p>16 whether or not the preamble should be considered a 11:31:40</p> <p>17 limitation of claim 42? That's it. Yes or no? 11:31:42</p> <p>18 A. I said that to the -- in my opinion, whether the 11:31:47</p> <p>19 preamble is limiting or not, is a legal issue. 11:31:56</p> <p>20 I have considered both cases. In both cases, 11:32:00</p> <p>21 whether or not it's limiting, it's still present and 11:32:04</p> <p>22 rendered obvious by the grounds in my technical opinion 11:32:08</p> <p>23 as I opine and describe in my declaration, for example, 11:32:11</p> <p>24 for claim 42 on page 64. 11:32:16</p> <p>25 Q. Do you believe the preamble states the purpose 11:32:21</p> <p style="text-align: right;">Page 120</p>
<p>1 granting step must be performed last? 11:29:32</p> <p>2 A. As I said, the claim language itself determines 11:29:36</p> <p>3 the order. I don't want to add any additional 11:29:41</p> <p>4 restrictions or limitations. 11:29:43</p> <p>5 It talks of receiving a request, then it talks 11:29:46</p> <p>6 for granting the request. So, in that sense, there is 11:29:48</p> <p>7 some ordering that's implied explicit in the claim 11:29:53</p> <p>8 between the request and granting. 11:29:57</p> <p>9 But every other limitation depends on how the 11:29:58</p> <p>10 claim is written. I would not impose or limit the 11:30:02</p> <p>11 ordering to any particular manner other than as 11:30:09</p> <p>12 described by the claim itself. 11:30:12</p> <p>13 Q. Did you consider whether the preamble of claim 11:30:15</p> <p>14 42 should be understood as a limitation of the claims? 11:30:20</p> <p>15 A. My opinions cover both cases. Whether or not 11:30:23</p> <p>16 it's limiting, in all cases, in all examples, in all 11:30:27</p> <p>17 references that are cited, whether it's limiting or not, 11:30:30</p> <p>18 those references cover and disclose the preambles as I 11:30:35</p> <p>19 cite in my report and claim charts. 11:30:42</p> <p>20 For example, on page 64, with respect to the 11:30:47</p> <p>21 preamble of claim 42. 11:30:50</p> <p>22 Q. So, you don't have an opinion as to whether or 11:30:53</p> <p>23 not the preamble should be considered a limitation of 11:30:55</p> <p>24 claim 42, correct? 11:30:58</p> <p>25 A. The way I would characterize it is whether or 11:31:07</p> <p style="text-align: right;">Page 119</p>	<p>1 of the method? 11:32:23</p> <p>2 A. Are you asking me what a preamble's purpose is 11:32:27</p> <p>3 or -- 11:32:29</p> <p>4 Q. Specifically in claim 42, do you believe the 11:32:29</p> <p>5 preamble of claim 42 states the purpose of that method? 11:32:33</p> <p>6 A. As I said, I don't -- I'm not sure what you 11:32:37</p> <p>7 mean, what your question is. 11:32:41</p> <p>8 The preamble of claim 42 says it's a method for 11:32:43</p> <p>9 managing at least one -- 11:32:52</p> <p>10 (Reporter clarification.)</p> <p>11 THE WITNESS: It's a method for managing at</p> <p>12 lease on e user per file of electronic data, the method 11:32:54</p> <p>13 including, so that's what the preamble states. 11:33:00</p> <p>14 BY MR. FLORANCE:</p> <p>15 Q. Right. 11:33:02</p> <p>16 Do you believe that states the purpose of the 11:33:04</p> <p>17 claim? 11:33:06</p> <p>18 MS. CHOW: Objection, form. 11:33:08</p> <p>19 THE WITNESS: Again, as I said, you're asking me 11:33:10</p> <p>20 whether it gives life to the claim or whether it does 11:33:11</p> <p>21 something else. I mean, all I can say is that's a legal 11:33:14</p> <p>22 issue. 11:33:16</p> <p>23 In my opinion, whether limiting or not, it is 11:33:17</p> <p>24 disclosed in the references and the grounds that I 11:33:21</p> <p>25 analyzed. 11:33:25</p> <p style="text-align: right;">Page 121</p>

1 BY MR. FLORANCE: 11:33:28	1 offering analytical support of the specification grants, 11:36:14
2 Q. Turning to paragraph 50 of your declaration, let 11:33:28	2 an example. 11:36:18
3 me know when you're there. 11:33:35	3 Q. Right. 11:36:18
4 A. Which page is it? 11:33:36	4 And in the context of the specification, how 11:36:18
5 Q. I'm sorry, it's 25. 11:33:37	5 would one of ordinary skill in the art understand 11:36:20
6 In the second sentence, you say (as read): 11:33:53	6 "unauthorized use" as used in the '815 patent? 11:36:23
7 "It further recognizes that there 11:33:54	7 A. Just as unauthorized use, nothing more. 11:36:27
8 is 'a need for systems and methods for 11:33:56	8 Q. So, you got this quote from column 2 of the 11:36:37
9 protecting electronic content and/or 11:33:59	9 specification, right? 11:36:51
10 detecting unauthorized use or 11:34:01	10 A. Yes, column 2 -- 11:36:53
11 modification thereof." 11:34:03	11 Q. And prior to that statement in the background 11:37:01
12 Do you see that? 11:34:04	12 invention, inventors talk repeatedly about the threat of 11:37:03
13 A. Yes. I'm citing to column 2, lines 32 to 34. 11:34:05	13 piracy, right? 11:37:10
14 Q. Right. 11:34:08	14 MS. CHOW: Objection, form. 11:37:13
15 And based on a person of ordinary skill's 11:34:09	15 THE WITNESS: Again, I'll let the specification 11:37:14
16 reading of this patent, they would understand that 11:34:13	16 speak for itself. I don't wish to characterize the 11:37:16
17 "unauthorized use," as used here, is referring to use by 11:34:16	17 specification in any way. 11:37:20
18 an entity that does not have permission -- 11:34:34	18 BY MR. FLORANCE: 11:37:24
19 (Reporter clarification.)	19 Q. Sir, with all due respect, you've been 11:37:24
20 MR. FLORANCE: Use by an entity that does not	20 characterizing what it says all day. 11:37:26
21 have permission to use electronic content. 11:34:36	21 A. I disagree. I've been offering specific 11:37:28
22 Q. Right?	22 examples that support certain limitations. I've not 11:37:30
23 A. I didn't understand your question. 11:34:43	23 been describing the specification in any way other than 11:37:35
24 Q. Okay, I'll start over. 11:34:43	24 how it describes itself. 11:37:38
25 A. Can you speak a bit slower, sir? I think that 11:34:45	25 Q. So, if we look at column 1, line 39. It says 11:37:44
Page 122	Page 124
1 when you speak fast, words seem to overlap. 11:34:48	1 (as read):
2 THE REPORTER: Yes, that's true. 11:34:51	2 "However, despite the demand for 11:37:54
3 MR. FLORANCE: Okay, I will try to slow down. 11:34:53	3 digital content, and the availability 11:37:56
4 THE WITNESS: I understand you're trying to get	4 of technology that enables its 11:37:58
5 an answer.	5 efficient creation and distribution, 11:38:01
6 MR. FLORANCE: Yes, yes.	6 the threat of piracy has kept the 11:38:02
7 Q. I'm asking about the use of unauthorized use, 11:35:03	7 market for digital goods from reaching 11:38:04
8 the term unauthorized use here. 11:35:04	8 its full potential." 11:38:11
9 Would one of ordinary skill understand that the 11:35:05	9 Do you see that? 11:38:15
10 use of "unauthorized use" in this part of the 11:35:09	10 A. I see that in the background of the invention, 11:38:16
11 specification is referring to use by an entity that does 11:35:12	11 lines 38 through 42. 11:38:18
12 not have permission to use electronic content? 11:35:17	12 Q. What would one of ordinary skill in the art 11:38:21
13 A. I would refer to the specification itself. I 11:35:21	13 understand "piracy" to mean in this context? 11:38:24
14 have not offered such an opinion in my declaration. 11:35:25	14 A. Again, I don't see any specific limitation of 11:38:34
15 It's only an identification of the types of 11:35:32	15 that term. 11:38:36
16 problems. The claims speak for themselves. I'm not 11:35:35	16 Q. Do you have an understanding of what the word 11:38:37
17 limiting, I'm not adding any limitations to the claim. 11:35:41	17 "piracy" means in this context? 11:38:39
18 This is just a direct specification quote. 11:35:44	18 A. As I said, I have not construed this term 11:38:41
19 Q. I understand. I'm just trying to get an 11:35:49	19 because it's not in the claims. 11:38:44
20 understanding of how one of ordinary skill would read 11:35:54	20 Q. So, when you read this, what was your 11:38:45
21 "unauthorized use" in the specification. 11:36:00	21 understanding of piracy, what did you think this was 11:38:51
22 What would they understand the unauthorized use 11:36:03	22 talking about? 11:38:53
23 is referring to? 11:36:06	23 A. It could be many examples, examples of piracy. 11:38:54
24 A. As I said, it just references to unauthorized 11:36:06	24 This is -- in the background of the invention it talks 11:38:57
25 use. We have to look to the specification. I am not 11:36:10	25 about some of the problems with the market. I looked at 11:38:59
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<p>1 the claims to determine the scope of the invention. 11:39:02</p> <p>2 Piracy's not in the claims. 11:39:07</p> <p>3 Q. But you had to understand the specification to 11:39:09</p> <p>4 understand the claims, right? 11:39:13</p> <p>5 A. As I said, I reviewed the specification and 11:39:15</p> <p>6 found examples of things that it described. I reviewed 11:39:17</p> <p>7 it. I don't see the term "piracy" in the claims and 11:39:21</p> <p>8 it's just the background. 11:39:24</p> <p>9 Q. Going back to column 2, lines 32 through 34, 11:39:30</p> <p>10 where it talks about "modification thereof," that's 11:39:35</p> <p>11 referring to modification of the content, right? 11:39:39</p> <p>12 MS. CHOW: Objection, form. 11:39:58</p> <p>13 (Reporter clarification.)</p> <p>14 MR. FLORANCE: 32 to 34 of column 2.</p> <p>15 (Reporter clarification.)</p> <p>16 MR. FLORANCE: Modification of the content.</p> <p>17 THE WITNESS: 32 to 34?</p> <p>18 MS. CHOW: Objection, form. 11:40:06</p> <p>19 BY MR. FLORANCE: 11:40:06</p> <p>20 Q. So, lines 32 through 34 state (as read): 11:40:06</p> <p>21 "Accordingly, there is a need for 11:40:07</p> <p>22 systems and methods for protecting 11:40:08</p> <p>23 electronic content and/or detecting 11:40:10</p> <p>24 unauthorized use or modification 11:40:12</p> <p>25 thereof." 11:40:14</p> <p style="text-align: right;">Page 126</p>	<p>1 To the extent that the patentee claims that the material 11:41:33</p> <p>2 problem was novel, the problems themselves were also 11:41:40</p> <p>3 well known. 11:41:45</p> <p>4 BY MR. FLORANCE:</p> <p>5 Q. And moving to paragraph 75 of your declaration, 11:41:53</p> <p>6 Exhibit 1002, on page 39, you say (as read): 11:42:14</p> <p>7 "The objective of Hanna is to 11:42:19</p> <p>8 protect against unintentional data 11:42:22</p> <p>9 corruption and malicious acts that 11:42:24</p> <p>10 cause errors in data processing." 11:42:26</p> <p>11 Is that right? 11:42:30</p> <p>12 A. What are you referring to? 11:42:30</p> <p>13 Q. Your sentence at the end of paragraph 75 of your 11:42:34</p> <p>14 declaration that says (as read): 11:42:38</p> <p>15 "The objective of Hanna is to 11:42:39</p> <p>16 protect against unintentional data 11:42:41</p> <p>17 corruption and malicious acts that 11:42:43</p> <p>18 cause errors this data processing." 11:42:45</p> <p>19 Do you see that? 11:42:47</p> <p>20 A. That's one of the examples of Hanna. There's so 11:42:51</p> <p>21 many different uses of Hanna. It talks about, in the 11:42:54</p> <p>22 earlier part, I'm just citing to portions of Hanna that 11:42:56</p> <p>23 talk the various areas where it's used. 11:42:58</p> <p>24 It's used for efficient authentication. It is 11:43:02</p> <p>25 used for integrity checking. It is used for signing 11:43:06</p> <p style="text-align: right;">Page 128</p>
<p>1 My question is, one with ordinary skill reading 11:40:15</p> <p>2 this patent would understand that to be referring -- 11:40:19</p> <p>3 would understand "modification thereof" to be referring 11:40:21</p> <p>4 to the electronic content, correct? 11:40:23</p> <p>5 MS. CHOW: Objection, form. 11:40:30</p> <p>6 THE WITNESS: I'll let the specification speak 11:40:30</p> <p>7 for itself. This is not a portion that I've analyzed. 11:40:32</p> <p>8 BY MR. FLORANCE: 11:40:48</p> <p>9 Q. Looking back at paragraph 50 your declaration. 11:40:48</p> <p>10 A. Okay.</p> <p>11 Q. So, in reference to the need that is described 11:40:57</p> <p>12 in column 2, lines 32 to 34 of the '815 patent, you say 11:41:01</p> <p>13 (as read):</p> <p>14 "Such need has been recognized by 11:41:06</p> <p>15 the prior art well before 1999 to 11:41:15</p> <p>16 2000." 11:41:17</p> <p>17 You see that?</p> <p>18 (Reporter clarification.)</p> <p>19 MR. FLORANCE: Recognized in the prior art well</p> <p>20 before 1999 to 2000.</p> <p>21 THE WITNESS: Yes, I say that, but I'm using the 11:41:21</p> <p>22 portions from the background that talked about some -- 11:41:22</p> <p>23 (Reporter clarification.)</p> <p>24 THE WITNESS: From the background that are also 11:41:29</p> <p>25 present to show that these problems are also well known. 11:41:30</p> <p style="text-align: right;">Page 127</p>	<p>1 data, for verifying data, for distribution. So, it has 11:43:09</p> <p>2 a lot of different uses. 11:43:13</p> <p>3 Q. So, when you write that it has, the objective of 11:43:16</p> <p>4 Hanna is to protect, you're now saying that Hanna has 11:43:19</p> <p>5 additional objectives that you didn't state in this 11:43:23</p> <p>6 paragraph, correct? 11:43:27</p> <p>7 A. This is one of the objectives. 11:43:28</p> <p>8 MS. CHOW: Objection, form. 11:43:28</p> <p>9 THE WITNESS: This is one of the objectives. 11:43:29</p> <p>10 And just, I think, two different portions of the 11:43:31</p> <p>11 specification that talk about signing, verification, 11:43:34</p> <p>12 distribution, data protection. 11:43:38</p> <p>13 BY MR. FLORANCE: 11:43:43</p> <p>14 Q. Is it your opinion that claims 42 and 43 of the 11:43:43</p> <p>15 '815 patent are concerned with unintentional data 11:43:48</p> <p>16 corruption? 11:43:50</p> <p>17 A. Claims 42 -- they cover all aspects of data, 11:43:56</p> <p>18 including unauthorized modifications. 11:44:00</p> <p>19 So, for example, column 4, lines 1 through 5, 11:44:03</p> <p>20 specifically talk about exemplary usage of the '815, 11:44:09</p> <p>21 methods disclosed for recording data in a manner to 11:44:17</p> <p>22 facilitate the detection of unauthorized modifications 11:44:19</p> <p>23 to the data, columns 3 and 4 of the '815, column 4, 1 11:44:23</p> <p>24 through 2. 11:44:29</p> <p>25 MR. FLORANCE: I move to strike that as 11:44:30</p> <p style="text-align: right;">Page 129</p>

1 non-responsive. 11:44:32	1 from electronic communication networks, 11:47:06
2 Q. I wasn't asking about unauthorized 11:44:32	2 such as the Internet. 11:47:09
3 modifications. I was asking about unintentional data 11:44:35	3 Right? 11:47:14
4 corruption. 11:44:37	4 A. I disagree. 11:47:15
5 A. Unauthorized modification could be an example of 11:44:38	5 (Reporter clarification.)
6 unintentional data corruption. 11:44:40	6 MR. FLORANCE: Such as the internet.
7 Q. Is there any discussion of this example of 11:44:42	7 THE WITNESS: I disagree. Figure 3 is an 11:47:18
8 unauthorized modifications that you just described in 11:44:48	8 example of an embodiment that discloses, in the same 11:47:18
9 the '815 patent; is there any discussion in the '815 11:44:53	9 column 11 that is cited, lines 35 to 40, that talk about 11:47:21
10 patent that one of the examples of unauthorized 11:44:55	10 minimizing the likelihood of burst errors. 11:47:26
11 modifications is unintentional data corruption? 11:44:57	11 That's, again, under the example of 11:47:28
12 MS. CHOW: Objection, form. 11:45:00	12 unintentional modification or degradation -- 11:47:32
13 THE WITNESS: Of course. Look at column 3, 11:45:02	13 Q. Do you have -- 11:47:37
14 lines 5 through 10, it talks of corruption of data. You 11:45:04	14 A. 45 through 50, talk again about unintentional 11:47:38
15 look at column 6, lines 50 through 55. In particular, 11:45:11	15 degradation or modification. 11:47:42
16 the '815 says (as read): 11:45:22	16 Q. It's your opinion that Figure 3 depicts an 11:47:45
17 "Systems and methods are provided 11:45:30	17 embodiment of claims 42 and 43 of the '815 patent? 11:47:51
18 for detecting" -- 11:45:34	18 A. To the extent that you're talking about other 11:48:01
19 (Reporter clarification.)	19 figures, these are examples. I am talking, when I 11:48:04
20 THE WITNESS: In particular, the '815 discloses	20 provide you an example, it doesn't have to be the only 11:48:07
21 (as read):	21 one. 11:48:09
22 "Systems and methods are provided	22 Figure 5B talks again about embodiments of the 11:48:10
23 for detecting and preventing access to 11:45:35	23 present invention, column 14, where you can look at 11:48:15
24 unauthorized copies of protected 11:45:37	24 lines 25 to 30, where there is an example of degradation 11:48:18
25 content and for detecting modification 11:45:39	25 or modifications due to errors, which are again -- 11:48:24
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1 to, and/or corruption of, the protected 11:45:44	1 (Reporter clarification.)
2 content and the content-management 11:45:47	2 THE WITNESS: Due to errors.
3 codes it contains." 11:45:57	3 So, lines 25 to 30 of column 14; line 25 -- 11:48:31
4 (Reporter clarification.)	4 lines 35 through 45, again, are different types of 11:48:39
5 THE WITNESS: Management codes, C-O-D-E-S, it	5 errors, burst errors. These are, again, examples of 11:48:44
6 contains.	6 unintentional modifications. 11:48:49
7 Column 6, lines 45 through 58. 11:46:00	7 Again, there's no limit. These are not limiting 11:48:52
8 BY MR. FLORANCE: 11:46:07	8 examples. There are many of them. 11:48:55
9 Q. Right. Okay. 11:46:07	9 BY MR. FLORANCE:
10 But none of those are examples of 11:46:08	10 Q. And the figures, 4A, 4B, 5A, are those figures 11:49:07
11 unintentional -- 11:46:12	11 that you contend depict embodiments of claims 42 and 43 11:49:12
12 A. I disagree. They cover unintentional. 11:46:12	12 of the '815 patent? 11:49:18
13 Q. Where do they cover unintentional data -- 11:46:16	13 MS. CHOW: Objection, form. 11:49:19
14 A. When you talk about errors, when you talk about 11:46:20	14 THE WITNESS: As I said, these are examples of 11:49:21
15 specific noisy conditions, for example, random and burst 11:46:23	15 the invention, examples in the patent, his own words. 11:49:22
16 errors, those are unintentional. 11:46:32	16 These are examples of the implementations of the 11:49:28
17 And this is disclosed in the '815, column 11, 11:46:34	17 techniques taught. 11:49:32
18 lines 5 through 10, examples of unintentional 11:46:38	18 BY MR. FLORANCE: 11:49:34
19 corruption. 11:46:45	19 Q. You understand that there are 46 separate 11:49:34
20 Q. That discussion at the top of 11 is in the 11:46:53	20 inventions in the '815 patent? 11:49:36
21 context of problems that may arise (as read): 11:46:56	21 MS. CHOW: Objection, form. 11:49:39
22 "If conventional signature 11:46:59	22 MR. FLORANCE: You can answer. 11:49:48
23 techniques are applied to data stored 11:47:01	23 THE WITNESS: No, as I said, I'm talking about 11:49:49
24 on magnetic or optical storage media, 11:47:02	24 the claims. 11:49:51
25 streaming data, or to data received 11:47:05	25 BY MR. FLORANCE:
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<p>1 Q. You understand that each claim is a separate 11:49:54  2 invention, right? 11:49:56  3 A. Again, I am not offering a legal opinion. All 11:49:57  4 I've said is I've looked at claims 42 and 43 and the 11:50:00  5 embodiments, and others are examples that show 11:50:04  6 unintentional modifications. 11:50:09  7 Q. Looking at paragraph 50 of your declaration, 11:50:11  8 page 25. 11:50:42  9 A. Okay. 11:50:43  10 Q. I mean, you generally contend that Hanna 11:50:49  11 provides three examples of receiving requests to use a 11:50:55  12 file in a predefined manner, right? 11:50:58  13 A. Again, I rely upon the entirety of Hanna. I 11:51:03  14 provide exemplary examples. I don't see the word 11:51:05  15 "three" anywhere here. 11:51:08  16 These are exemplary examples, and the claim 11:51:09  17 charts and others provide additional examples. So, this 11:51:12  18 is just the background of Hanna. 11:51:15  19 Q. One of the examples you provided was downloading 11:51:17  20 an application program from a server over the network, 11:51:19  21 right? 11:51:23  22 A. That's right. 11:51:25  23 Q. And in that example -- 11:51:26  24 A. Which paragraph are you referring to? 11:51:28  25 Q. I'm not actually referring to any paragraph. 11:51:30  Page 134</p>	<p>1 You see that? 11:52:53  2 A. Yes, I do. 11:52:54  3 Q. Okay. So, these are -- I'm referring to these 11:52:54  4 as three examples that you give from Hanna. 11:53:00  5 So, when I refer to the examples, this is what 11:53:02  6 I'm referring to. Do you understand that? 11:53:04  7 A. These are -- and, again, there is to admission 11:53:05  8 that these are the only examples. These are just a 11:53:07  9 selected subset. 11:53:10  10 Q. Yeah, I'm not asking you to say that they're the 11:53:12  11 only ones. I'm just trying to talk about your opinions. 11:53:14  12 A. Yes. 11:53:17  13 Q. Okay. So, let's focus on the downloaded 11:53:18  14 application program from a server over a network 11:53:22  15 example. 11:53:24  16 In that example, what file would be requested to 11:53:24  17 be used in a predefined manner? 11:53:29  18 A. In a what? 11:53:43  19 Q. In a predefined manner.  20 A. It would download in the space --  21 (Reporter clarification.)  22 THE WITNESS: In this particular example, a 11:53:44  23 POSITA would recognize that you would download an 11:53:46  24 executable program from a server. Because a server, by 11:53:51  25 definition, is serving, and it serves requests over a 11:53:55  Page 136</p>
<p>1 I'm just referring to your declaration generally. 11:51:35  2 A. No, it talks about requested code in conditions, 11:51:38  3 so I'm not sure as to which -- 11:51:42  4 Q. Let's just -- 11:51:45  5 A. You are referring to paragraph 97? 11:51:55  6 Q. Let's look at paragraph 88 on page 48, that 11:51:57  7 might be more helpful. There you talk about (as read): 11:52:10  8 "A person of ordinary skill in the 11:52:10  9 art would have recognized that in order 11:52:12  10 to download an application program from 11:52:13  11 a server over a network, copy and store 11:52:16  12 computer files for backup to a remote 11:52:20  13 database, or transmit data files in a 11:52:23  14 video conference as disclosed in 11:52:25  15 Hanna" -- 11:52:32  16 (Reporter clarification.)  17 MR. FLORANCE: (As read):  18 "...as disclosed in Hanna, there 11:52:37  19 would be a communication to convey the 11:52:38  20 electronic files per use in a 11:52:40  21 predefined manner, such as copying and 11:52:42  22 installing an application program, 11:52:44  23 copying, and storing or retrieving 11:52:46  24 backup files, and playing video, audio 11:52:48  25 or other digital data files." 11:52:51  Page 135</p>	<p>1 network. 11:54:01  2 When you look at a client server model of 11:54:01  3 computing, the client makes the requests to a server. 11:54:05  4 The server then services the requests. 11:54:10  5 So, when Hanna discloses downloading and 11:54:13  6 installing an application program from a server, one 11:54:16  7 would understand that the client server model of 11:54:21  8 computing has been more than 50 years old, discloses and 11:54:26  9 renders obvious a server that receives requests from the 11:54:30  10 client over the network and provides an application file 11:54:35  11 or an executable file for use for installation on 11:54:41  12 execution in case it's an applet. 11:54:45  13 (Reporter clarification.)  14 THE WITNESS: It's an applet, A-P-P-L-E-T. 11:54:50  15 BY MR. FLORANCE:  16 Q. So, in this example, you're saying that the file 11:54:54  17 that would be requested is an executable program, 11:54:59  18 correct? 11:55:02  19 A. Is an application program that could be 11:55:03  20 expressed as an executable program from a server. So, 11:55:05  21 server, by definition, responds to requests from 11:55:10  22 clients. 11:55:15  23 Q. Okay. So, the server would receive the request 11:55:16  24 to use the file, correct? 11:55:18  25 A. Use a particular file in a particular manner, an 11:55:22  Page 137</p>

1 executable file or an application program for 11:55:25	1 don't think it does, right? 11:57:53
2 installation. 11:55:28	2 A. It talks -- no, I disagree. To one skilled in 11:57:55
3 Q. And so, what would be the predefined manner of 11:55:28	3 the art it conveys through the use of downloading of 11:57:58
4 use in the request? 11:55:31	4 applications installed or its equivalent. 11:58:01
5 A. Using the application program for installation. 11:55:32	5 (Reporter clarification.)
6 Q. Using it for installation, is that it? 11:55:35	6 THE WITNESS: Or it's equivalent.
7 A. That's right. 11:55:38	7 BY MR. FLORANCE:
8 Q. And who would --	8 Q. Is downloading an application a use under claim 11:58:12
9 A. Or copy and store. 11:55:43	9 42? 11:58:18
10 Q. Okay. So --	10 A. It's an example of the use as defined in the 11:58:18
11 A. Specific examples. So many different examples 11:55:46	11 '815 examples itself. 11:58:23
12 in the specification of the '815, where even copying to 11:55:49	12 Look at column 24 and 23 of the '815. It's full 11:58:32
13 memory or storage is an example of the predefined use. 11:55:53	13 of examples that talk about downloading as the use case. 11:58:36
14 Q. Right, we're talking about Hanna here, though, 11:55:58	14 THE WITNESS: So, we're close to an hour and ten 11:58:50
15 right? 11:56:00	15 minutes. 11:58:52
16 A. I know, but we're using examples from '815 -- 11:56:01	16 MR. FLORANCE: We're getting close to that. 11:58:56
17 Q. Well, I'm using -- I'm trying to use the 11:56:05	17 Yeah, I guess I'd like to take it when Lori wants to 11:58:59
18 examples from Hanna that you provided, to talk about 11:56:07	18 take a lunch. 11:59:01
19 those. So, try to focus on the examples from Hanna to 11:56:10	19 (Whereupon at the hour of 12:00 P.M.,
20 understand how they're similar to the '815. 11:56:12	20 a luncheon recess was taken. The
21 A. That's right. So, to show that the examples in 11:56:15	21 deposition was resumed at 12:30 P.M.,
22 the '815 are very similar to the examples in Hanna. 11:56:19	22 the same persons being present.) 12:30:38
23 Q. Would you agree with me that Hanna, in its 11:56:22	23 MR. FLORANCE: I just introduced three exhibits 12:30:38
24 discussion of this downloading an application program 11:56:25	24 that we'll likely use this afternoon. I just wanted to 12:30:42
25 example, doesn't specify what the predefined use may be? 11:56:28	25 get that out of the way. Those are the three prior art 12:30:47
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1 A. I disagree -- 11:56:35	1 references, Hanna, Stefik, and Gennaro. 12:30:49
2 MS. CHOW: Objection, form. 11:56:36	2 Q. Before the break we were talking about the 12:30:57
3 THE WITNESS: I disagree. When it talks about 11:56:36	3 downloading operation discussed in Hanna. Do you recall 12:30:59
4 installing and copying, when it talks about storing, 11:56:39	4 that, Dr. Madisetti? 12:31:02
5 backups, playing video, all these are explicit 11:56:44	5 A. You have to remind me. 12:31:06
6 disclosures of the type of use. 11:56:49	6 Q. Yeah, we were talking about your three examples 12:31:09
7 When it talks about a server, it's an explicit 11:56:52	7 for Hanna, one of them being downloading an application 12:31:12
8 disclosure that a client server model -- 11:56:56	8 program from a server over a network. 12:31:15
9 (Reporter clarification.)	9 A. Yes. 12:31:18
10 THE WITNESS: That in a client server model, 11:57:01	10 Q. Okay. And if we look at Exhibit 1002, your 12:31:23
11 that's as old as 40 to 50 years, the client makes 11:57:03	11 declaration, and we go to page 64 of that, which is the 12:31:29
12 requests to server, and the server services those 11:57:07	12 "Hanna in view of Stefik" table. Can you go to 64? 12:31:42
13 requests for a particular purpose. 11:57:10	13 A. Okay.
14 And the particular purpose is delineated, just 11:57:12	14 Q. And for element 42a, you write (as read): 12:31:45
15 like the '815 examples in the '815 patent that include 11:57:16	15 "Hanna discloses transmitting a 12:31:48
16 storing, copying, downloading applications for 11:57:20	16 requested code for an application 12:31:50
17 installation, storing into memory, rendering or playing 11:57:24	17 program." 12:31:52
18 video, audio, CD or digital tapes. 11:57:29	18 Do you see that? 12:31:52
19 BY MR. FLORANCE: 11:57:34	19 A. Yes. 12:31:53
20 Q. You're aware that Hanna doesn't use the word 11:57:34	20 Q. And that is related to the downloading example 12:31:53
21 "install" ever in its disclosure, right? 11:57:37	21 you provided, right? 12:31:57
22 A. It talks about application programs, and I can 11:57:40	22 A. It's illustrating the receiving request to use 12:32:00
23 point to you the correct section of Hanna. 11:57:44	23 the file in a predefined manner. 12:32:06
24 Q. That's okay, I'm not interested in that. I'm 11:57:46	24 Q. That's right. 12:32:09
25 interested in whether it uses the word "install." And I 11:57:49	25 And like we had discussed before the break, you 12:32:10
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<p>1 provided three examples in your declaration, one of them 12:32:12</p> <p>2 was this downloading operation, right? 12:32:14</p> <p>3 A. This is transmitting the requested code for an 12:32:23</p> <p>4 application program, yeah. 12:32:24</p> <p>5 Q. Right, right. 12:32:28</p> <p>6 And if we look at Hanna, which is Exhibit 1006 12:32:28</p> <p>7 that I just -- 12:32:31</p> <p>8 A. Let me download that. 12:32:37</p> <p>9 (Exhibit 1006 was marked for identification by</p> <p>10 the court reporter and is attached hereto.)</p> <p>11 THE WITNESS: Okay. Which page? 12:32:40</p> <p>12 BY MR. FLORANCE:</p> <p>13 Q. So, in your declaration, the part we were just 12:33:09</p> <p>14 looking at, you cite to -- you provide two citations to 12:33:11</p> <p>15 column -- or to page 7 of this disclosure, right? 12:33:15</p> <p>16 A. In the claim chart, yes. 12:33:18</p> <p>17 Q. Yes. 12:33:24</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. And if you look at page 7 of 12:33:25</p> <p>20 Exhibit 1006, the portions that you cite in the claim 12:33:30</p> <p>21 chart are within the computer architecture section of 12:33:33</p> <p>22 the Hanna disclosure, correct? 12:33:35</p> <p>23 A. Should be on page 9, I believe. 12:34:36</p> <p>24 Q. Well, I'm looking at the citations in 12:34:40</p> <p>25 Exhibit 1002, where you say Hanna discloses transmitting 12:34:43</p> <p style="text-align: right;">Page 142</p>	<p>1 or page 7 that I cite, and that's -- 12:35:59</p> <p>2 Q. Okay.</p> <p>3 A. So, what -- so, I'm not sure as to what you're 12:36:03</p> <p>4 asking. 12:36:07</p> <p>5 Q. Okay. So, now I'm looking at page 7, but using 12:36:07</p> <p>6 the numbers on the bottom right-hand corner. So, page 12:36:11</p> <p>7 9 is -- go back two pages and look for "computer 12:36:23</p> <p>8 architecture" at the top of the page. 12:36:27</p> <p>9 A. Okay, I'm there. It's page number 5. 12:36:31</p> <p>10 Q. Right, right.</p> <p>11 And do you see, in the first sentence, it says 12:36:34</p> <p>12 (as read):</p> <p>13 "Figure 1 is a block diagram that 12:36:38</p> <p>14 illustrates a computer system 100 upon 12:36:41</p> <p>15 which an embodiment of the invention 12:36:44</p> <p>16 may be implemented." 12:36:49</p> <p>17 See that? 12:36:50</p> <p>18 A. Yes. 12:36:51</p> <p>19 Q. So, it's talking about a system that implements 12:36:51</p> <p>20 the invention as opposed to the invention being 12:36:54</p> <p>21 performed on a system, right? 12:36:57</p> <p>22 (Reporter clarification.)</p> <p>23 MR. FLORANCE: On that system.</p> <p>24 THE WITNESS: I disagree. 12:37:02</p> <p>25 MS. CHOW: Objection to form. 12:37:03</p> <p style="text-align: right;">Page 144</p>
<p>1 a requested code for an application program -- 12:34:52</p> <p>2 (Reporter clarification.) 12:34:55</p> <p>3 MR. FLORANCE: Hanna discloses transmitting a</p> <p>4 requested code for an application program.</p> <p>5 Q. Do you see that? 12:34:55</p> <p>6 MS. CHOW: Just one clarification of the record, 12:34:59</p> <p>7 there's two page numbers in Exhibit 1006, there's a page 12:35:00</p> <p>8 number on top of the page and then one on the corner. 12:35:06</p> <p>9 (Speaking simultaneously.) 12:35:13</p> <p>10 MR. FLORANCE: Thank you very much. So, yeah, I 12:35:19</p> <p>11 may have been confusing it.</p> <p>12 So, I'm focusing -- yes, it's page 7 based on 12:35:20</p> <p>13 the page numbers on the bottom right-hand corner. 12:35:22</p> <p>14 THE WITNESS: That's right. So, exactly page 9, 12:35:27</p> <p>15 according to your nomenclature. 12:35:29</p> <p>16 MR. FLORANCE: Right, right, okay.</p> <p>17 Q. So, looking at the beginning of the computer 12:35:35</p> <p>18 architecture section, it says (as read): 12:35:37</p> <p>19 "Figure 1 is a block diagram that 12:35:41</p> <p>20 illustrates a computer system 100 upon 12:35:43</p> <p>21 which an embodiment of the invention 12:35:46</p> <p>22 may be implemented." 12:35:48</p> <p>23 Do you see that? 12:35:49</p> <p>24 A. One question I have, is that I'm not sure as to 12:35:53</p> <p>25 what your question is, because we are looking at page 9, 12:35:54</p> <p style="text-align: right;">Page 143</p>	<p>1 BY MR. FLORANCE: 12:37:05</p> <p>2 Q. Why do you disagree? 12:37:05</p> <p>3 The question is why do you disagree. 12:37:28</p> <p>4 A. One second, let me go back to my -- 12:37:30</p> <p>5 Okay, so, if you go to page 9, or page 7, let's 12:37:32</p> <p>6 use the notation that I used, page 7. 12:37:41</p> <p>7 Q. Fair enough.</p> <p>8 A. So, if you go to page 7, line 15, it talks about 12:37:47</p> <p>9 computer system 100 can send messages and receive data, 12:37:53</p> <p>10 including program code, through the network. 12:37:56</p> <p>11 And in the internet example, a server may 12:38:01</p> <p>12 transmit a requested code for application program. And 12:38:04</p> <p>13 if you go down to line number 23 or 22, it says: 12:38:08</p> <p>14 Additionally, data retrieved may be verified in 12:38:14</p> <p>15 accordance with the principles of the present invention. 12:38:17</p> <p>16 So, it actually says that it satisfies the 12:38:20</p> <p>17 principles in terms of how this verification and other 12:38:25</p> <p>18 steps are carried out. Because data, in line number 15, 12:38:29</p> <p>19 can include program code. 12:38:34</p> <p>20 So, it shows that this architecture embodies the 12:38:38</p> <p>21 invention. 12:38:44</p> <p>22 Q. I think you may be misreading the specification. 12:38:45</p> <p>23 At line 18 -- 12:38:49</p> <p>24 MS. CHOW: Objection as to form. 12:38:51</p> <p>25 BY MR. FLORANCE: 12:38:54</p> <p style="text-align: right;">Page 145</p>

<p>1 Q. On line 18 of that page, it says (as read): 12:38:55</p> <p>2 "In accordance with the invention, 12:39:00</p> <p>3 one such downloaded application 12:39:01</p> <p>4 provides the data processing operations 12:39:04</p> <p>5 described herein." 12:39:06</p> <p>6 Do you see that? 12:39:07</p> <p>7 A. Okay. 12:39:15</p> <p>8 Q. And that's describing that the downloaded 12:39:15</p> <p>9 application is providing the operations described 12:39:17</p> <p>10 herein, right? 12:39:20</p> <p>11 MS. CHOW: Objection as to form. 12:39:21</p> <p>12 THE WITNESS: I disagree. It says that to one 12:39:22</p> <p>13 of ordinary skill in the art it discloses -- 12:39:30</p> <p>14 (Reporter clarification.)</p> <p>15 THE WITNESS: To one of ordinary skill in the</p> <p>16 art, it discloses that, as confirmed in the last 12:39:32</p> <p>17 sentence: 12:39:35</p> <p>18 Additionally, data retrieved or received from a 12:39:37</p> <p>19 remote device may be verified in accordance with the 12:39:41</p> <p>20 principles of the present invention. 12:39:44</p> <p>21 And that includes program code, in the line 12:39:47</p> <p>22 number 15, combined with line number 22. 12:39:50</p> <p>23 BY MR. FLORANCE: 12:39:53</p> <p>24 Q. Right. 12:39:54</p> <p>25 But another way to read this, let me see what 12:39:54</p> <p style="text-align: right;">Page 146</p>	<p>1 MS. CHOW: Objection as to form. 12:41:15</p> <p>2 THE WITNESS: I disagree. 12:41:16</p> <p>3 BY MR. FLORANCE: 12:41:21</p> <p>4 Q. And this part of Hanna does not say anything 12:41:21</p> <p>5 about the server granting a request to use the 12:41:24</p> <p>6 downloaded file in any manner, right? 12:41:27</p> <p>7 A. I disagree. Look at line number 18 as an 12:41:29</p> <p>8 example, on page number 7, or page number 9. 12:41:35</p> <p>9 Q. Right, that line does not include the word 12:41:38</p> <p>10 "granted," right? 12:41:41</p> <p>11 A. I disagree. 12:41:42</p> <p>12 Q. Moving on to the next example, we can look back 12:41:48</p> <p>13 at your declaration for that, looking at the claim chart 12:41:51</p> <p>14 on page 64 of your declaration. 12:42:02</p> <p>15 A. Which limitation are you looking at? 12:42:08</p> <p>16 Q. 42a. 12:42:10</p> <p>17 A. Okay. 12:42:12</p> <p>18 I also have a section that starts in -- 12:42:12</p> <p>19 Q. I'm aware of that. Thank you. 12:42:18</p> <p>20 A. On paragraphs 97, 98, 99, 100, and so on. 12:42:20</p> <p>21 Q. I'm aware. Thank you. 12:42:25</p> <p>22 You say Hanna also discloses backing up computer 12:42:27</p> <p>23 files to remote central database, right? 12:42:30</p> <p>24 A. Yes, paragraph 98. 12:42:34</p> <p>25 Q. And that's one of your examples of receiving a 12:42:36</p> <p style="text-align: right;">Page 148</p>
<p>1 you think about it, is that the lines that begin on line 12:40:00</p> <p>2 20 through -- and go to 23, are describing the data 12:40:04</p> <p>3 process operations that are in this disclosure, right? 12:40:10</p> <p>4 A. I disagree. 12:40:16</p> <p>5 MS. CHOW: Objection as to form. 12:40:16</p> <p>6 THE WITNESS: I disagree. 12:40:18</p> <p>7 BY MR. FLORANCE: 12:40:21</p> <p>8 Q. There's no indication that the downloading in 12:40:22</p> <p>9 this paragraph is conditioned on the occurrence of any 12:40:23</p> <p>10 of that, is there? 12:40:25</p> <p>11 MS. CHOW: Same objection. 12:40:26</p> <p>12 THE WITNESS: I disagree. 12:40:28</p> <p>13 BY MR. FLORANCE: 12:40:33</p> <p>14 Q. And there's no indication that Hanna's 12:40:35</p> <p>15 hierarchical hashing method is applied to this 12:40:38</p> <p>16 downloading operation, is there? 12:40:47</p> <p>17 (Reporter clarification.)</p> <p>18 MR. FLORANCE: Hashing method is applied to the</p> <p>19 downloading.</p> <p>20 THE WITNESS: I disagree. It clearly explicitly 12:40:49</p> <p>21 discloses, lines number 22 to 24. And lines 15 through 12:40:52</p> <p>22 25, the portions that are cited, clearly show that. 12:40:57</p> <p>23 BY MR. FLORANCE:</p> <p>24 Q. And in fact, the hierarchical hashing discussion 12:41:02</p> <p>25 follows discussion of the computer architecture, right? 12:41:05</p> <p style="text-align: right;">Page 147</p>	<p>1 request to use a file in a predefined manner, correct? 12:42:38</p> <p>2 A. That's right. 12:42:44</p> <p>3 Q. So, in this example, who would receive the 12:42:44</p> <p>4 request to use the file in a predefined manner? 12:42:46</p> <p>5 A. It would be the, say the sender of the file, 12:42:52</p> <p>6 which would be the video file or something else. So, 12:42:56</p> <p>7 the receiving party would send a request and ask, for 12:43:02</p> <p>8 example, for setting up a video conferencing session. 12:43:08</p> <p>9 This is typically called SDP, or session request -- 12:43:11</p> <p>10 Q. We're talking about backing up computers right 12:43:19</p> <p>11 now, not video conferencing. 12:43:21</p> <p>12 A. Which paragraph are you -- oh, paragraph 98, 12:43:24</p> <p>13 okay, yes.</p> <p>14 Q. Yes.</p> <p>15 A. So, in the case of backing up, you would request 12:43:27</p> <p>16 a server, the backup server, to upload the files. 12:43:30</p> <p>17 Q. You would request the backup server to upload 12:43:42</p> <p>18 the files, that's your -- that would -- 12:43:44</p> <p>19 A. Or download the files. The backup server would 12:43:48</p> <p>20 download the files from the origin. 12:43:50</p> <p>21 (Reporter clarification.)</p> <p>22 THE WITNESS: From the origin.</p> <p>23 So, if you look at my declaration, you look 12:44:03</p> <p>24 at -- can we go to the portion of Exhibit 1006? 12:44:09</p> <p>25 Q. What portion is that?</p> <p style="text-align: right;">Page 149</p>

<p>1 A. On the first page it talks about banks 12:44:20</p> <p>2 periodically backup their computer files to a remote 12:44:25</p> <p>3 central database and need to know that these files 12:44:26</p> <p>4 successfully copied to the remote database without 12:44:32</p> <p>5 having been changed or corrupted during the process. 12:44:34</p> <p>6 So, this is an example where the backup server 12:44:39</p> <p>7 sends a request to the origin of the computer files at 12:44:42</p> <p>8 the bank so that it receives these files and checks for 12:44:47</p> <p>9 them, to be able to copy it and use it for a predefined 12:44:54</p> <p>10 purpose. 12:44:57</p> <p>11 Q. And the concern here, right, is that there may 12:44:58</p> <p>12 be data corruption during the backup process by unknown 12:45:01</p> <p>13 third parties, correct? 12:45:07</p> <p>14 MS. CHOW: Objection, form. 12:45:08</p> <p>15 THE WITNESS: No. I mean, it talks about a lot 12:45:09</p> <p>16 of things. You are talking about whether they're 12:45:11</p> <p>17 successfully copied, whether there is any change or 12:45:14</p> <p>18 whether there is successful backup or successful copy. 12:45:17</p> <p>19 So, the purpose is for successful backup. 12:45:21</p> <p>20 BY MR. FLORANCE: 12:45:33</p> <p>21 Q. Who would be the source of the potential 12:45:34</p> <p>22 concerns, like, would it be a third party not known to 12:45:37</p> <p>23 the bank, would that be one potential source? 12:45:41</p> <p>24 MS. CHOW: Objection, form. 12:45:44</p> <p>25 THE WITNESS: If I'm understanding your 12:45:47</p> <p style="text-align: right;">Page 150</p>	<p>1 going to have to move to strike as non-responsive. 12:47:10</p> <p>2 Q. My question is, what is the potential sources of 12:47:13</p> <p>3 the changed or corrupted language in this sentence we 12:47:19</p> <p>4 just talked about? 12:47:21</p> <p>5 Who or what may change or corrupt the data 12:47:23</p> <p>6 during the backup process that we have to be concerned 12:47:26</p> <p>7 about? 12:47:29</p> <p>8 MS. CHOW: Objection, form. 12:47:30</p> <p>9 THE WITNESS: It could be many different 12:47:37</p> <p>10 reasons, so I'm not sure as to your specific question. 12:47:38</p> <p>11 The backup could be -- I mean, that is an 12:47:41</p> <p>12 additional feature, first of all. The change could be 12:47:45</p> <p>13 intentional or unintentional. It could be some 12:47:51</p> <p>14 malicious or unauthorized changes. 12:47:55</p> <p>15 It could also be corruption due to noise or 12:47:59</p> <p>16 other features or errors. So, there could be many 12:48:02</p> <p>17 different ways by which these changes or corruptions 12:48:06</p> <p>18 could happen. 12:48:10</p> <p>19 They could be authorized, unauthorized. They 12:48:11</p> <p>20 could be malicious. They could be intentional or 12:48:13</p> <p>21 unintentional. Or there could be noise of different 12:48:18</p> <p>22 kinds. So, all these are the types of degradations that 12:48:20</p> <p>23 can occur. 12:48:27</p> <p>24 BY MR. FLORANCE: 12:48:28</p> <p>25 Q. So, would the bank be one of the parties that 12:48:29</p> <p style="text-align: right;">Page 152</p>
<p>1 question, we are looking at page 1, paragraphs from 10 12:45:48</p> <p>2 to 15. 12:45:53</p> <p>3 So, there's a backup server from the bank. The 12:45:54</p> <p>4 bank backs up the computer files to a remote central 12:45:57</p> <p>5 database of the bank. 12:46:00</p> <p>6 BY MR. FLORANCE: 12:46:04</p> <p>7 Q. And who would -- it says, "Without having been 12:46:05</p> <p>8 changed or corrupted during the process," and my 12:46:06</p> <p>9 question is, who are the parties that may change or 12:46:09</p> <p>10 corrupt this data as it's being backed up? 12:46:12</p> <p>11 A. For example, even the process of successfully 12:46:17</p> <p>12 copying is a purpose, storing it in the remote database 12:46:20</p> <p>13 is an example of a purpose of use. 12:46:25</p> <p>14 Q. That's not my question. My question is who, or 12:46:34</p> <p>15 what operations would be of concern that would cause the 12:46:38</p> <p>16 backup to be either be changed or corrupted during the 12:46:42</p> <p>17 backup process? 12:46:45</p> <p>18 MS. CHOW: Objection, form. 12:46:46</p> <p>19 THE WITNESS: Again, all I'm saying here is that 12:46:47</p> <p>20 the claim limitation 42a of receiving the request to use 12:46:49</p> <p>21 a file in a predefined manner is sent by the backup 12:46:53</p> <p>22 remote server to the bank server so that it can use the 12:46:58</p> <p>23 file to back it up in a predefined manner, which is the 12:47:04</p> <p>24 backup. 12:47:08</p> <p>25 MR. FLORANCE: That's not my question, so I'm 12:47:09</p> <p style="text-align: right;">Page 151</p>	<p>1 would be expected to change or corrupt data during the 12:48:32</p> <p>2 backup process? 12:48:35</p> <p>3 MS. CHOW: Objection, form. 12:48:39</p> <p>4 THE WITNESS: It could be done in many different 12:48:40</p> <p>5 ways I said. It could be done either maliciously, 12:48:42</p> <p>6 intentionally, unintentionally. It could be done 12:48:46</p> <p>7 through noise. It could be done for many different 12:48:50</p> <p>8 reasons. 12:48:52</p> <p>9 BY MR. FLORANCE: 12:48:54</p> <p>10 Q. So, it's your testimony that the bank could 12:48:54</p> <p>11 maliciously change or corrupt its own data when it's 12:48:56</p> <p>12 trying to back up the data to another server; is that 12:49:02</p> <p>13 correct? 12:49:04</p> <p>14 MS. CHOW: Objection, form. 12:49:04</p> <p>15 THE WITNESS: Many different cases can happen. 12:49:06</p> <p>16 It can happen with malicious insiders. It could happen 12:49:08</p> <p>17 due to noise. It could happen intentionally. It could 12:49:11</p> <p>18 happen through so many different ways. Through errors. 12:49:14</p> <p>19 So, many different ways, all of which are the 12:49:18</p> <p>20 exemplary examples as shown in the '815 patent 12:49:22</p> <p>21 specification. 12:49:25</p> <p>22 BY MR. FLORANCE: 12:49:26</p> <p>23 Q. And who would grant the request that is being 12:49:26</p> <p>24 made here, according to you? 12:49:30</p> <p>25 A. The request could be granted in many different 12:49:37</p> <p style="text-align: right;">Page 153</p>

<p>1 ways. The request could be granted by the banks 12:49:39</p> <p>2 themselves to the remote central database when the 12:49:41</p> <p>3 request is received for use for a predefined purpose, 12:49:51</p> <p>4 which is the backup. From the remote central database, 12:49:53</p> <p>5 the bank server could grant it, in one example. 12:49:59</p> <p>6 Q. Now, we're looking at the description of the 12:50:05</p> <p>7 related art section of this disclosure in Exhibit 1006, 12:50:06</p> <p>8 right? 12:50:12</p> <p>9 A. The section is titled that. It discusses the 12:50:14</p> <p>10 context of the inventive aspects of the Hanna reference. 12:50:18</p> <p>11 Q. And this section doesn't contain a description 12:50:27</p> <p>12 of Hanna's hierarchical hashing method, does it? 12:50:29</p> <p>13 MS. CHOW: Objection, form. 12:50:36</p> <p>14 THE WITNESS: It does discuss signatures and how 12:50:38</p> <p>15 they're used. A specific type of signature is discussed 12:50:40</p> <p>16 later, but it discusses here the context in which 12:50:48</p> <p>17 Hanna's invention operates. 12:50:51</p> <p>18 It talks about networks. It talks about backup. 12:50:52</p> <p>19 It talks about intentional, unintentional errors. It 12:50:55</p> <p>20 talks about checksums, digital signatures -- 12:50:58</p> <p>21 (Reporter clarification.)</p> <p>22 THE WITNESS: Yeah, checksums, digital 12:51:07</p> <p>23 signatures, on page 2. Hackers. All these different 12:51:12</p> <p>24 degradations. 12:51:13</p> <p>25 And it talks about a conventional hierarchy 12:51:13</p> <p style="text-align: right;">Page 154</p>	<p>1 this section. And then it describes the specific 12:52:33</p> <p>2 technique that is used in this context. 12:52:39</p> <p>3 BY MR. FLORANCE: 12:52:43</p> <p>4 Q. Where does it describe in this section how 12:52:43</p> <p>5 Hanna's inventive -- inventions could be applied to this 12:52:46</p> <p>6 backup scenario described in the description of the 12:52:55</p> <p>7 related art? 12:53:03</p> <p>8 A. It talks, for example, on page 3 on the top, it 12:53:06</p> <p>9 says that there's a need for a system that protects in 12:53:10</p> <p>10 different ways, and the need exists for the system that 12:53:13</p> <p>11 provides information regarding which section of the data 12:53:17</p> <p>12 was collected, while keeping a low computational 12:53:18</p> <p>13 overhead. 12:53:22</p> <p>14 Q. Right.</p> <p>15 A. And then it describes the invention clearly as 12:53:23</p> <p>16 applicable to this particular system that is described 12:53:26</p> <p>17 in the section starting on page 1, Section B. 12:53:30</p> <p>18 So, it's clear to one of ordinary skill in the 12:53:41</p> <p>19 art that the invention applies to that particular system 12:53:42</p> <p>20 of backups. 12:53:45</p> <p>21 Q. It doesn't describe how it would apply to a 12:53:47</p> <p>22 backup scenario, right? 12:53:50</p> <p>23 A. I disagree. 12:53:52</p> <p>24 Q. And there's no disclosure that Hanna's method 12:53:54</p> <p>25 should be performed before the files are backed up, 12:54:10</p> <p style="text-align: right;">Page 156</p>
<p>1 hashing technique, in line number 20 of page 2 -- sorry, 12:51:18</p> <p>2 page 2, on top. So, indeed, it discusses hierarchical 12:51:22</p> <p>3 hashing techniques in the very same section we are 12:51:27</p> <p>4 discussing. 12:51:30</p> <p>5 BY MR. FLORANCE:</p> <p>6 Q. It describes a conventional hierarchical hashing 12:51:41</p> <p>7 technique, that's the prior art, right? 12:51:44</p> <p>8 A. Talks about conventional hierarchical hashing 12:51:46</p> <p>9 techniques. And then it talks about some of the 12:51:50</p> <p>10 problems and then describes the context in which the 12:51:52</p> <p>11 invention is used. 12:51:54</p> <p>12 So, one of ordinary skill in the art would 12:51:55</p> <p>13 understand --</p> <p>14 (Reporter clarification.)</p> <p>15 THE WITNESS: One of ordinary skill in the art 12:52:03</p> <p>16 would understand the scenario or the use case for the 12:52:07</p> <p>17 use of the invention, which is, again, hierarchical in 12:52:12</p> <p>18 nature. 12:52:12</p> <p>19 BY MR. FLORANCE:</p> <p>20 Q. And there's no discussion in Hanna applying 12:52:13</p> <p>21 Hanna's method to the backing up scenario presented in 12:52:17</p> <p>22 the description of the related art, right? 12:52:20</p> <p>23 MS. CHOW: Objection, form. 12:52:22</p> <p>24 THE WITNESS: I disagree. The business purpose 12:52:23</p> <p>25 is described and it talks about the specific context in 12:52:27</p> <p style="text-align: right;">Page 155</p>	<p>1 right? 12:54:12</p> <p>2 MS. CHOW: Objection, form. 12:54:14</p> <p>3 THE WITNESS: I disagree. I think we discussed 12:54:15</p> <p>4 those sections in pages 7 and 8, and also the sections 12:54:17</p> <p>5 on pages 1 and 2 and 3. All these together, both 12:54:24</p> <p>6 disclose and render obvious limitation. 12:54:29</p> <p>7 BY MR. FLORANCE: 12:54:36</p> <p>8 Q. Even if Hanna's hierarchical hashing method was 12:54:36</p> <p>9 applied to this backup scenario, a person of ordinary 12:54:39</p> <p>10 skill would understand that it would happen after the 12:54:43</p> <p>11 backup operations are complete because that's how you 12:54:46</p> <p>12 would verify the backup was successful, right? 12:54:50</p> <p>13 MS. CHOW: Objection, form. 12:54:52</p> <p>14 THE WITNESS: I disagree. 12:54:53</p> <p>15 BY MR. FLORANCE: 12:54:54</p> <p>16 Q. And in this section there's no indication that 12:54:57</p> <p>17 any request was granted regarding the use of the banks 12:54:59</p> <p>18 computer files, correct? 12:55:05</p> <p>19 A. I disagree. One would understand that there is 12:55:06</p> <p>20 a process by which a remote central database would 12:55:08</p> <p>21 communicate with the bank server for the computer files, 12:55:11</p> <p>22 would necessarily disclose and also render obvious this 12:55:15</p> <p>23 limitation of the request and the granting of the 12:55:21</p> <p>24 request. 12:55:24</p> <p>25 Q. There's no indication that any affirmative act 12:55:25</p> <p style="text-align: right;">Page 157</p>

<p>1 of granting has happened, correct? 12:55:28</p> <p>2 A. I disagree. 12:55:30</p> <p>3 Q. What is the affirmative act? 12:55:31</p> <p>4 A. I said that this limitation is met in the same 12:55:35</p> <p>5 way as examples of the '815 are met. The fact that you 12:55:37</p> <p>6 are allowing copying and storage is an affirmative 12:55:42</p> <p>7 grant.</p> <p>8 (Reporter clarification.)</p> <p>9 THE WITNESS: Copying and storage of the backup 12:55:50</p> <p>10 of the computer file as an affirmative act, just like 12:55:52</p> <p>11 the examples of the '815 patent. 12:56:00</p> <p>12 BY MR. FLORANCE:</p> <p>13 Q. There's no disclosure here that the bank would 12:56:03</p> <p>14 be informed that files are successfully copied, correct? 12:56:07</p> <p>15 A. I disagree. Both, it's disclosed and it would 12:56:11</p> <p>16 render obvious when backup is successfully completed. 12:56:15</p> <p>17 Q. It doesn't describe how that would happen, 12:56:19</p> <p>18 though, right? 12:56:21</p> <p>19 A. I disagree. 12:56:21</p> <p>20 Q. Let's move on to the next example, video 12:56:26</p> <p>21 conferencing, which you had already looked at. 12:56:29</p> <p>22 In the video conferencing example, there's no 12:56:41</p> <p>23 disclosure in Hanna that any messages are exchanged 12:56:42</p> <p>24 between the computers involved in the video conference, 12:56:45</p> <p>25 correct? 12:57:07</p> <p style="text-align: right;">Page 158</p>	<p>1 declaration, did you? 12:59:03</p> <p>2 A. So, please look at sections starting on page 952 12:59:03</p> <p>3 [sic] of my report, all the way through 55, to show the 12:59:09</p> <p>4 basis of my opinions -- 12:59:17</p> <p>5 Q. So, if it's not in there, it's not anywhere, 12:59:22</p> <p>6 right? 12:59:26</p> <p>7 A. It's there, as well as in the claim charts, as 12:59:26</p> <p>8 well as in the discussion of Hanna and Stefik. 12:59:29</p> <p>9 Q. Well, in your claim chart for this element, you 12:59:31</p> <p>10 only have one citation related to video conferencing, 12:59:36</p> <p>11 right? 12:59:40</p> <p>12 (Reporter clarification.)</p> <p>13 MR. FLORANCE: Video conferencing.</p> <p>14 THE WITNESS: You should look at paragraph 98, 12:59:50</p> <p>15 for example, it talks about video conferencing as well. 12:59:52</p> <p>16 BY MR. FLORANCE:</p> <p>17 Q. Right, and it has the same cite that you have in 12:59:56</p> <p>18 the chart, five lines on the first -- 13:00:00</p> <p>19 A. And it also discusses that one of ordinary skill 13:00:01</p> <p>20 in the art would understand the messages of request 13:00:04</p> <p>21 grant being disclosed within Hanna itself, and also 13:00:09</p> <p>22 rendered obvious within Hanna and Stefik. 13:00:12</p> <p>23 Because video conferencing would necessarily 13:00:17</p> <p>24 send these requests back and forth, along with the 13:00:19</p> <p>25 grants. 13:00:22</p> <p style="text-align: right;">Page 160</p>
<p>1 (Reporter clarification.)</p> <p>2 MR. FLORANCE: Computers involved in the video</p> <p>3 conference.</p> <p>4 THE WITNESS: Is the question complete? 12:57:14</p> <p>5 BY MR. FLORANCE:</p> <p>6 Q. Yes. 12:57:15</p> <p>7 A. Oh, okay. 12:57:16</p> <p>8 So, one of ordinary skill in the art would 12:57:17</p> <p>9 understand that video conferencing over a network would 12:57:21</p> <p>10 involve messages being sent back and forth, both control 12:57:24</p> <p>11 and data messages, both to set up the session, the 12:57:28</p> <p>12 session for use for purposes of video and for the 12:57:32</p> <p>13 purposes of setting the quality, setting the bandwidth. 12:57:39</p> <p>14 So, when combined with the knowledge of one of 12:57:44</p> <p>15 ordinary skill in the art, as disclosed in Hanna, it 12:57:50</p> <p>16 renders it obvious. And also discloses the secure 12:57:54</p> <p>17 transmission of the request and the grant as claimed. 12:58:00</p> <p>18 And consistent with examples shown in the '815 12:58:05</p> <p>19 itself that deal with audio and video files being sent 12:58:09</p> <p>20 back and forth. 12:58:13</p> <p>21 Q. None of this is disclosed in Hanna, correct? 12:58:15</p> <p>22 A. I disagree. 12:58:19</p> <p>23 Q. Explicitly disclosed, right? 12:58:20</p> <p>24 A. I disagree. 12:58:23</p> <p>25 Q. Well, you didn't identify it in your 12:58:24</p> <p style="text-align: right;">Page 159</p>	<p>1 Q. So, at the outset of a video conference, what 13:00:25</p> <p>2 file would be -- would exist that a user would request? 13:00:33</p> <p>3 A. These would be the files that comprise the video 13:00:39</p> <p>4 content, and also any associated data. For example, 13:00:42</p> <p>5 messages that include text messages, files being shared, 13:00:46</p> <p>6 contents of the screen. All these -- screen sharing. 13:00:52</p> <p>7 All these would be rendered obvious and 13:00:57</p> <p>8 disclosed through the use of the term -- use of the 13:01:00</p> <p>9 disclosures of Hanna. 13:01:06</p> <p>10 MR. FLORANCE: Motion to strike as 13:01:08</p> <p>11 non-responsive. 13:01:09</p> <p>12 Q. My question was, at the outset of a conference, 13:01:10</p> <p>13 at the very beginning, what file would exist that a user 13:01:13</p> <p>14 could request? 13:01:15</p> <p>15 A. The user would request the capabilities. They 13:01:17</p> <p>16 would request bandwidth capabilities, the codecs, the 13:01:26</p> <p>17 specification of the codecs being used. 13:01:31</p> <p>18 (Reporter clarification.)</p> <p>19 THE WITNESS: The codecs, C-O-D-E-C-S, the 13:01:41</p> <p>20 codecs that would be used. 13:01:43</p> <p>21 All these are called session description 13:01:43</p> <p>22 protocols that describe the capabilities of both end 13:01:46</p> <p>23 points. These are exchanged. After these are exchanged 13:01:52</p> <p>24 and granted, then there is additional transmissions of 13:01:56</p> <p>25 the payload that include screen sharing, video, and 13:02:03</p> <p style="text-align: right;">Page 161</p>

<p>1 other files. 13:02:07</p> <p>2 BY MR. FLORANCE:</p> <p>3 Q. So, are you saying that the receiving a request 13:02:10</p> <p>4 and granting a request steps be performed really before 13:02:14</p> <p>5 any video is transmitted? 13:02:19</p> <p>6 A. It's performed during -- 13:02:21</p> <p>7 MS. CHOW: Objection, form. 13:02:23</p> <p>8 THE WITNESS: They are performed both before and 13:02:24</p> <p>9 during the session. 13:02:27</p> <p>10 BY MR. FLORANCE: 13:02:30</p> <p>11 Q. So, the receiving requests would be performed 13:02:31</p> <p>12 throughout the entire discussion? 13:02:33</p> <p>13 A. The receiving the request and granting would be 13:02:36</p> <p>14 provided for each file that would be exchanged back and 13:02:39</p> <p>15 forth. 13:02:43</p> <p>16 Q. Is that how video conferencing works, that there 13:02:43</p> <p>17 are files being exchanged back and forth? 13:02:47</p> <p>18 A. Yes, small files are being sent back and forth, 13:02:48</p> <p>19 portions of streams. 13:02:51</p> <p>20 Q. And each one of those, you think, would have its 13:02:53</p> <p>21 own request associated with it? 13:02:56</p> <p>22 A. There would be a particular protocol, typically 13:02:58</p> <p>23 a real-time protocol -- 13:03:04</p> <p>24 (Reporter clarification.)</p> <p>25 THE WITNESS: A real-time protocol, RTP. 13:03:06</p> <p style="text-align: right;">Page 162</p>	<p>1 ordinary skill to provide that information, correct? 13:04:26</p> <p>2 A. As I said, video conferencing is disclosed and 13:04:28</p> <p>3 one of ordinary skill in the art would understand that 13:04:30</p> <p>4 this is how Hanna teaches and renders obvious this 13:04:32</p> <p>5 limitation. 13:04:40</p> <p>6 Q. What predefined uses would be at issue in this 13:04:42</p> <p>7 video conferencing example that you provide? 13:04:46</p> <p>8 MS. CHOW: Objection, form. 13:04:50</p> <p>9 THE WITNESS: You should see my report and the 13:04:52</p> <p>10 declarations in Hanna where they talk about rendering 13:04:54</p> <p>11 video, storing video, receiving the video, displaying 13:04:58</p> <p>12 it. All these are disclosed in Hanna. 13:05:06</p> <p>13 So, for example, if you look at Hanna, figure -- 13:05:11</p> <p>14 the figures are in the back. 13:05:21</p> <p>15 If you look at figure -- it talks about the 13:05:22</p> <p>16 storage of the data. We were referring to this earlier 13:05:49</p> <p>17 in column 9 -- in page 9 on the bottom, page 7 on the 13:05:54</p> <p>18 top. So, we were talking about data. 13:06:05</p> <p>19 So, when you go to page 7, which is on the top 13:06:08</p> <p>20 of the page, lines 15 through 23, or 25, refer to video 13:06:11</p> <p>21 conferencing as well. So, it talks -- 13:06:20</p> <p>22 Q. Go ahead.</p> <p>23 A. So, it talks about computer system 100 can send 13:06:26</p> <p>24 messages and receive data, including program code, 13:06:30</p> <p>25 through networks. 13:06:33</p> <p style="text-align: right;">Page 164</p>
<p>1 So, there are existing, well known video 13:03:09</p> <p>2 conferencing protocols called RTPH.263, and others, that 13:03:12</p> <p>3 use this routinely. 13:03:20</p> <p>4 (Reporter clarification.)</p> <p>5 THE WITNESS: Routinely.</p> <p>6 BY MR. FLORANCE:</p> <p>7 Q. There's no indication that the onset of the 13:03:29</p> <p>8 video conferencing operations are conditioned on the 13:03:31</p> <p>9 occurrence of events, is there? 13:03:34</p> <p>10 (Reporter clarification.)</p> <p>11 MS. CHOW: Objection, form.</p> <p>12 MR. FLORANCE: On the occurrence of any event.</p> <p>13 Q. There's no indication in Hanna that the video 13:03:43</p> <p>14 conferencing operations are conditioned on the 13:03:45</p> <p>15 occurrence of any event, correct? 13:03:47</p> <p>16 A. No, one would understand that you set up the 13:03:50</p> <p>17 video conferencing through the use of protocols, and 13:03:52</p> <p>18 these protocols have different handshaking and 13:03:55</p> <p>19 signatures. 13:03:59</p> <p>20 They would have exchange of capabilities, 13:04:00</p> <p>21 exchange of permissions. They would talk -- they would 13:04:03</p> <p>22 include additional stream level permissions that are 13:04:06</p> <p>23 requested and granted on a continuous basis. 13:04:15</p> <p>24 Q. None of that's described in Hanna, right? 13:04:20</p> <p>25 You're relying on a the knowledge of a person of 13:04:24</p> <p style="text-align: right;">Page 163</p>	<p>1 So, all this discussion applies to video 13:06:34</p> <p>2 conferencing as well, and digital data streams. 13:06:39</p> <p>3 (Reporter clarification.)</p> <p>4 THE WITNESS: And digital data streams, as 13:06:49</p> <p>5 described on page 7 again, lines 4 through 5. 13:06:50</p> <p>6 So, video conferencing is one context in which 13:07:02</p> <p>7 all the description of Hanna applies to and renders 13:07:06</p> <p>8 obvious. 13:07:11</p> <p>9 Q. There's no discussion in Hanna that its 13:07:12</p> <p>10 hierarchical hashing method is being applied to the 13:07:14</p> <p>11 video conference data, correct? 13:07:18</p> <p>12 A. I disagree. It talks about hierarchical 13:07:21</p> <p>13 signatures being used in the context of all 13:07:24</p> <p>14 applications, both before and after. 13:07:28</p> <p>15 It first establishes video conferencing as a 13:07:32</p> <p>16 valid use case, on page 1. Then it describes 13:07:36</p> <p>17 hierarchical hashing techniques being used, even though 13:07:42</p> <p>18 they're conventional, then describes new hierarchical 13:07:47</p> <p>19 techniques that could be then applied in that use case 13:07:50</p> <p>20 in the later portions of Hanna. 13:07:54</p> <p>21 (Reporter clarification.)</p> <p>22 THE WITNESS: In the later portions of Hanna.</p> <p>23 Therefore, I would disagree with your statement. 13:08:02</p> <p>24 BY MR. FLORANCE:</p> <p>25 Q. But there's to use of the word "video" after the 13:08:05</p> <p style="text-align: right;">Page 165</p>

<p>1 first page of Hanna, correct? 13:08:07</p> <p>2 A. There may not be. Because video is described as 13:08:09</p> <p>3 the application in which Hanna is implemented in and 13:08:12</p> <p>4 everything else can be understood and rendered obvious 13:08:14</p> <p>5 by one of ordinary skill in the art as applying to video 13:08:17</p> <p>6 conferencing just as it applies to backup. 13:08:20</p> <p>7 Q. You haven't identified any explicit description 13:08:28</p> <p>8 in Hanna of receiving a request to use a file in a 13:08:31</p> <p>9 predefined manner, correct? 13:08:36</p> <p>10 A. I disagree. 13:08:37</p> <p>11 Q. And you have not also identified any explicit 13:08:38</p> <p>12 description in Hanna of granting a request to use a file 13:08:42</p> <p>13 in a predefined manner, have you? 13:08:45</p> <p>14 A. I disagree. The protocol as described in Hanna 13:08:48</p> <p>15 explicitly applied to video conferencing and to backups, 13:08:51</p> <p>16 and both of these specifically show the messages going 13:08:54</p> <p>17 back and forth. 13:08:57</p> <p>18 And further, in addition to the disclosure 13:08:58</p> <p>19 they're rendered obvious and through the combination 13:09:02</p> <p>20 with Stefik -- 13:09:08</p> <p>21 (Reporter clarification.) 13:09:11</p> <p>22 THE WITNESS: With Stefik.</p> <p>23 BY MR. FLORANCE:</p> <p>24 Q. The word "grant" is used nowhere in Hanna, 13:09:12</p> <p>25 correct? 13:09:15</p> <p style="text-align: right;">Page 166</p>	<p>1 to that work? 13:10:26</p> <p>2 MS. CHOW: Same objection. 13:10:27</p> <p>3 THE WITNESS: So, let's look at the portion you 13:10:28</p> <p>4 are citing to in Stefik. 13:10:30</p> <p>5 (Exhibit 1007 was marked for identification by</p> <p>6 the court reporter and is attached hereto.) 12:32:39</p> <p>7 BY MR. FLORANCE: 13:10:34</p> <p>8 Q. All right, that's Exhibit 1007. Let's look at 13:10:34</p> <p>9 the abstract. 13:10:42</p> <p>10 A. Okay.</p> <p>11 What is the question? 13:10:59</p> <p>12 Q. The question is, does Stefik disclose that the 13:11:00</p> <p>13 owner of a digital work attaches usage rights to that 13:11:04</p> <p>14 work? 13:11:07</p> <p>15 MS. CHOW: Objection, form. 13:11:08</p> <p>16 THE WITNESS: Where are you seeing that? 13:11:10</p> <p>17 BY MR. FLORANCE: 13:11:12</p> <p>18 Q. I'm seeing it in the abstract of Stefik in the 13:11:12</p> <p>19 second sentence. 13:11:20</p> <p>20 A. (As read):</p> <p>21 "In the present invention, the 13:11:22</p> <p>22 owner of a digital" --</p> <p>23 (Reporter clarification.)</p> <p>24 THE WITNESS: In the abstract of Stefik, which 13:11:29</p> <p>25 is Exhibit 1007, there's a system for controlling use 13:11:31</p> <p style="text-align: right;">Page 168</p>
<p>1 A. Again, I have looked through that. The meaning 13:09:16</p> <p>2 of the word grant is disclosed and rendered obvious, as 13:09:19</p> <p>3 I described in my declaration. 13:09:25</p> <p>4 The disclosure of backups, the disclosure of 13:09:26</p> <p>5 video conferencing necessarily uses request and grant 13:09:30</p> <p>6 procedures as known to one of ordinary skill in the art, 13:09:34</p> <p>7 and also rendered obvious, as I describe in my 13:09:38</p> <p>8 declaration. 13:09:43</p> <p>9 Q. Stefik, the owner of a digital work, attaches 13:09:43</p> <p>10 usage rights to that work, correct? 13:09:48</p> <p>11 A. Could you refer to a portion of my declaration? 13:09:50</p> <p>12 I'm not sure as to what your question is. 13:09:53</p> <p>13 Q. I'm asking you, in Stefik, if it describes that 13:09:56</p> <p>14 the owner of a digital work attaches usage rights to 13:10:02</p> <p>15 that work. 13:10:06</p> <p>16 MS. CHOW: Objection, form. 13:10:08</p> <p>17 THE WITNESS: Why don't we go to Stefik and ask 13:10:09</p> <p>18 your question, please. 13:10:11</p> <p>19 BY MR. FLORANCE: 13:10:12</p> <p>20 Q. Okay, you can't answer that without seeing 13:10:13</p> <p>21 Stefik, right? 13:10:15</p> <p>22 A. No, I'd like to know what your question means in 13:10:16</p> <p>23 the context of Stefik. 13:10:18</p> <p>24 Q. In the context of Stefik, does Stefik disclose 13:10:18</p> <p>25 that the owner of a digital work attaches usage rights 13:10:23</p> <p style="text-align: right;">Page 167</p>	<p>1 and distribution of digital works and (as read): 13:11:36</p> <p>2 "In the present invention, the 13:11:39</p> <p>3 owner of the digital work attaches 13:11:41</p> <p>4 usage rights to that work." 13:11:43</p> <p>5 And the usage rights are granted by the owner of 13:11:46</p> <p>6 the digital work to the buyers of the digital work, so 13:11:50</p> <p>7 that discloses requesters and grantors. 13:11:55</p> <p>8 BY MR. FLORANCE:</p> <p>9 Q. It's a key feature of that invention that usage 13:12:02</p> <p>10 rights are permanently attached to the digital work, 13:12:04</p> <p>11 right? 13:12:06</p> <p>12 MS. CHOW: Objection, form. 13:12:09</p> <p>13 THE WITNESS: What are you citing to? 13:12:12</p> <p>14 BY MR. FLORANCE: 13:12:14</p> <p>15 Q. Let's look at column 6, line 51, of Stefik, 13:12:14</p> <p>16 Exhibit 1007. 13:12:22</p> <p>17 A. Column 6. 13:12:37</p> <p>18 Line? 13:12:39</p> <p>19 Q. Line 51. 13:12:39</p> <p>20 A. This is a description of the preferred 13:12:59</p> <p>21 embodiments. 13:13:00</p> <p>22 Q. It's a description of a key feature of the 13:13:05</p> <p>23 presentation invention, correct? 13:13:07</p> <p>24 A. Yeah, it's under the section called "Description 13:13:08</p> <p>25 of the preferred embodiment." 13:13:11</p> <p style="text-align: right;">Page 169</p>

<p>1 Q. Oh, I see what you're saying. 13:13:16</p> <p>2 Right, it's in the detailed description of the 13:13:22</p> <p>3 preferred embodiment, right? 13:13:25</p> <p>4 A. Right, it describes one embodiment. 13:13:27</p> <p>5 Q. And Hanna does not have the feature, does not 13:13:29</p> <p>6 disclose the feature of attaching usage rights to a 13:13:35</p> <p>7 digital work, correct? 13:13:39</p> <p>8 MS. CHOW: Objection, form. 13:13:42</p> <p>9 THE WITNESS: I disagree. 13:13:44</p> <p>10 BY MR. FLORANCE: 13:13:45</p> <p>11 Q. How does Hanna describe the attaching of usage 13:13:45</p> <p>12 rights to a digital work? 13:13:49</p> <p>13 A. What exactly is your question? I'm not 13:13:51</p> <p>14 understanding. 13:13:54</p> <p>15 When you talk about backup and all that, you are 13:13:54</p> <p>16 allowing certain facilities to the backup server to be 13:13:57</p> <p>17 able to back it up or copy it. 13:14:03</p> <p>18 Q. So, it's your view that Hanna discloses 13:14:06</p> <p>19 attaching, permanently, usage rights to a digital work, 13:14:08</p> <p>20 that's your testimony? 13:14:14</p> <p>21 MS. CHOW: Objection, form. 13:14:16</p> <p>22 THE WITNESS: I didn't use the word 13:14:18</p> <p>23 "permanently." 13:14:19</p> <p>24 I said that one of ordinary skill in the art 13:14:19</p> <p>25 would understand that Hanna discloses and renders 13:14:23</p> <p style="text-align: right;">Page 170</p>	<p>1 together. And a POSITA would be -- 13:16:36</p> <p>2 (Reporter clarification.)</p> <p>3 THE WITNESS: The references would work together 13:16:37</p> <p>4 very well. 13:16:37</p> <p>5 BY MR. FLORANCE:</p> <p>6 Q. Hanna doesn't condition use of content whether a 13:16:40</p> <p>7 digital file has usage rights attached to it, correct? 13:16:45</p> <p>8 A. I disagree. 13:16:49</p> <p>9 Q. Let's take a look at paragraph 90 of your 13:16:56</p> <p>10 declaration, Exhibit 1002. 13:17:01</p> <p>11 A. You said 19 or 90? 13:17:04</p> <p>12 Q. Ninety, which is on page 49. 13:17:11</p> <p>13 A. Okay, I'm on paragraph 90. 13:17:36</p> <p>14 Q. You say here that Hanna and Stefik are in the 13:17:38</p> <p>15 same field of endeavor, digital file security. 13:17:40</p> <p>16 So, my question is, how is digital file security 13:17:42</p> <p>17 different from electronic data protection and 13:17:46</p> <p>18 distribution? 13:17:48</p> <p>19 A. It is not -- I mean, in this context it's not 13:17:52</p> <p>20 different. They are -- in this context they do overlap. 13:17:55</p> <p>21 Q. Okay. Well, which one -- they overlap. Is one 13:18:02</p> <p>22 broader than the other? 13:18:07</p> <p>23 A. In this context they're very similar. 13:18:09</p> <p>24 Q. Can you identify any differences between those 13:18:12</p> <p>25 two terms as you use them? 13:18:14</p> <p style="text-align: right;">Page 172</p>
<p>1 obvious, through the disclosure of backup and video 13:14:28</p> <p>2 conferencing use cases, that permissions or usage rights 13:14:34</p> <p>3 at a high level are granted, are requested and granted 13:14:42</p> <p>4 to requesters. 13:14:47</p> <p>5 For example, for copying a backup file, or for 13:14:50</p> <p>6 rendering, copying or displaying a video file. 13:14:55</p> <p>7 BY MR. FLORANCE: 13:15:03</p> <p>8 Q. I'm asking about the key feature of Stefik, 13:15:03</p> <p>9 which is the attachment, a permanent attachment of usage 13:15:05</p> <p>10 rights. That feature is not described in Hanna, is it? 13:15:08</p> <p>11 A. As I said, it's an embodiment. I would disagree 13:15:14</p> <p>12 that it's a necessary feature. Hanna discloses many 13:15:17</p> <p>13 different aspects. That's a particular description in a 13:15:20</p> <p>14 particular embodiment. 13:15:25</p> <p>15 Q. And the usage rights in Stefik, those define how 13:15:33</p> <p>16 a digital work may be used by the user, correct? 13:15:37</p> <p>17 A. I would refer to Stefik for its description of 13:15:41</p> <p>18 usage rights. I would not summarize in any other way. 13:15:46</p> <p>19 They would involve things like print, backup, 13:15:53</p> <p>20 restore, delete, extract, install, uninstall, just like 13:15:58</p> <p>21 Hanna does. So, if we look at column 6 of Exhibit 1007, 13:16:05</p> <p>22 there's specifically an install transaction, lines 13:16:12</p> <p>23 number 12 to 15. 13:16:15</p> <p>24 That's, again, analogous and very similar to the 13:16:18</p> <p>25 install and application in Hanna, so the references work 13:16:23</p> <p style="text-align: right;">Page 171</p>	<p>1 A. No. 13:18:16</p> <p>2 Q. Claim 42 is not limited to receiving requests 13:18:25</p> <p>3 from a device different than the one in which the file 13:18:29</p> <p>4 is stored on, correct? 13:18:32</p> <p>5 A. You went too fast. What are you talking about? 13:18:34</p> <p>6 Q. I'm talking about claim 42 of the '815 patent. 13:18:37</p> <p>7 A. So, let's look at that first. 13:18:40</p> <p>8 Q. Okay.</p> <p>9 A. So, I'm going to get the patent, '815 patent, 13:18:42</p> <p>10 and you're asking me to look at claim 42? 13:18:45</p> <p>11 Q. Yes.</p> <p>12 A. Okay. So, I am now going to claim 42, and what 13:18:54</p> <p>13 is your question, sir? 13:18:55</p> <p>14 Q. And I'm asking, claim 42 is not limited to 13:18:56</p> <p>15 receiving requests from a device different than the one 13:19:01</p> <p>16 in which the file is stored, right? 13:19:03</p> <p>17 MS. CHOW: Objection, form. 13:19:06</p> <p>18 THE WITNESS: Claim 42 is what? Is receiving -- 13:19:13</p> <p>19 you're required -- the claim steps to be practiced are 13:19:20</p> <p>20 present, so I'm not sure as to your question. 13:19:25</p> <p>21 BY MR. FLORANCE: 13:19:27</p> <p>22 Q. I'm saying that none of the claim limitations of 13:19:27</p> <p>23 claim 42 depend on where the file is stored. That's my 13:19:30</p> <p>24 basic question. Right? 13:19:35</p> <p>25 MS. CHOW: Objection to form. 13:19:37</p> <p style="text-align: right;">Page 173</p>

<p>1 THE WITNESS: As I said, that's not an opinion 13:19:38</p> <p>2 that I offered, as to where the file is stored. I mean, 13:19:41</p> <p>3 at this point I'm not offering a specific opinion on the 13:19:45</p> <p>4 location of the file. 13:19:48</p> <p>5 BY MR. FLORANCE: 13:19:50</p> <p>6 Q. Do you think that the location of the file has 13:19:51</p> <p>7 anything to do with assessing whether prior art 13:19:52</p> <p>8 invalidates claim 42? 13:19:58</p> <p>9 MS. CHOW: Objection, form. 13:20:01</p> <p>10 THE WITNESS: Your question is very vague, sir. 13:20:03</p> <p>11 I'm not sure as to your question. I don't see the word 13:20:05</p> <p>12 "location" in the claim. I'm not sure as to your 13:20:07</p> <p>13 question. 13:20:11</p> <p>14 BY MR. FLORANCE: 13:20:12</p> <p>15 Q. What are you unsure about the question? 13:20:12</p> <p>16 A. Which limitation are you pointing to about 13:20:15</p> <p>17 location? 13:20:18</p> <p>18 Q. I'm talking about the entire -- all the 13:20:19</p> <p>19 limitations of the claim. I'm asking you whether any of 13:20:20</p> <p>20 them have to do with where the location of the file is. 13:20:24</p> <p>21 A. The claim speaks for itself. When the claim is 13:20:29</p> <p>22 satisfied it's practiced, and I've shown that the prior 13:20:32</p> <p>23 art references (indiscernible) show each limitation. 13:20:38</p> <p>24 So, I don't understand your specific question unless 13:20:40</p> <p>25 you're pointing to a portion of my declaration. 13:20:43</p> <p style="text-align: right;">Page 174</p>	<p>1 something that I'm not offering an opinion on. All I'm 13:21:53</p> <p>2 saying is that I've shown the limitation is present -- 13:21:56</p> <p>3 (Reporter clarification.)</p> <p>4 THE WITNESS: I've shown the limitation is</p> <p>5 present in the two grounds that I've analyzed. 13:22:02</p> <p>6 BY MR. FLORANCE: 13:22:07</p> <p>7 Q. You have said in your declaration, talking about 13:22:11</p> <p>8 paragraph 79, that Stefik addresses the problem of 13:22:14</p> <p>9 unauthorized distribution -- 13:22:18</p> <p>10 A. Let me get to that. Counsel, you're going too 13:22:21</p> <p>11 fast. You jump from the patent to my declaration. 13:22:23</p> <p>12 And which paragraph? 13:22:26</p> <p>13 Q. 79. 13:22:29</p> <p>14 A. Okay. That's on page 43. 13:22:31</p> <p>15 Okay. So, what is your question about 79? 13:22:36</p> <p>16 Q. 79, you have said that Stefik addresses the 13:22:40</p> <p>17 problem of unauthorized distribution usage of digital 13:22:44</p> <p>18 works, correct? 13:22:48</p> <p>19 A. That's one of the examples of why Stefik is 13:22:50</p> <p>20 used. There are many different usages of Stefik, 13:22:53</p> <p>21 including controlling usage and distribution of digital 13:22:56</p> <p>22 works. 13:23:00</p> <p>23 So, it's a matter for electronic data protection 13:23:01</p> <p>24 and distribution, as I show from the abstract itself, 13:23:05</p> <p>25 Exhibit 1007, paragraph 79. 13:23:10</p> <p style="text-align: right;">Page 176</p>
<p>1 Q. So, you're not willing to answer my question of 13:20:48</p> <p>2 whether or not you think claim 42 limits where a file 13:20:50</p> <p>3 may be stored? 13:20:56</p> <p>4 MS. CHOW: Objection, form. 13:20:59</p> <p>5 BY MR. FLORANCE: 13:21:01</p> <p>6 Q. You can't answer that, right? 13:21:01</p> <p>7 MS. CHOW: Same objection. 13:21:03</p> <p>8 THE WITNESS: I don't think I understood your 13:21:05</p> <p>9 question. I said the claim must be practiced, and I 13:21:06</p> <p>10 have shown that all the limitations are present in the 13:21:10</p> <p>11 grants that I've analyzed. 13:21:14</p> <p>12 BY MR. FLORANCE: 13:21:17</p> <p>13 Q. Okay, you can't -- what about granting requests, 13:21:17</p> <p>14 is there anything in claim 42 that would limit granting 13:21:22</p> <p>15 requests to a device different from where the file is 13:21:26</p> <p>16 stored? 13:21:29</p> <p>17 A. Like I said, as long as you satisfy granting the 13:21:34</p> <p>18 request to use the file in the predefined manner, that 13:21:36</p> <p>19 is satisfied. 13:21:39</p> <p>20 Q. Right. 13:21:40</p> <p>21 So, the location of the file and where it's 13:21:40</p> <p>22 stored is not important for analyzing invalidity of 13:21:43</p> <p>23 claim 42, right? 13:21:49</p> <p>24 MS. CHOW: Objection, form. 13:21:51</p> <p>25 THE WITNESS: I don't want to comment on 13:21:52</p> <p style="text-align: right;">Page 175</p>	<p>1 Q. So, let's turn to column 1 of Exhibit 1007, 13:23:13</p> <p>2 please. 13:23:21</p> <p>3 A. Okay. 13:23:26</p> <p>4 Q. And so, the specification states here that (as 13:23:38</p> <p>5 read):</p> <p>6 "A fundamental issue facing the 13:23:45</p> <p>7 publishing and information industries 13:23:46</p> <p>8 as they consider" -- 13:23:57</p> <p>9 (Reporter clarification.)</p> <p>10 MR. FLORANCE: (As read):</p> <p>11 "...industries as they consider 13:23:59</p> <p>12 electronic publishing, is how to 13:23:59</p> <p>13 prevent the unauthorized and 13:24:01</p> <p>14 unaccounted distribution or usage of 13:24:04</p> <p>15 electronically published materials." 13:24:08</p> <p>16 You see that? 13:24:11</p> <p>17 A. That's in the background. You look at the lines 13:24:13</p> <p>18 above, it talks about the field of the invention being 13:24:15</p> <p>19 distribution and enforcement for digitally encoded works 13:24:18</p> <p>20 and usage rights. 13:24:23</p> <p>21 Q. I'm asking you -- I didn't ask you about that. 13:24:25</p> <p>22 I asked you about -- just to confirm what I read in the 13:24:27</p> <p>23 patent. 13:24:31</p> <p>24 A. It's in the background. It talks about one of 13:24:32</p> <p>25 the different problems. 13:24:34</p> <p style="text-align: right;">Page 177</p>

<p>1 Q. Right, that's one of the problems, right? 13:24:35</p> <p>2 A. That's one of the problems related to electronic 13:24:37</p> <p>3 data distribution and protection. 13:24:42</p> <p>4 Q. Right. 13:24:45</p> <p>5 It's a fundamental issue, correct? 13:24:46</p> <p>6 A. One of the problems, one of the fundamental 13:24:49</p> <p>7 issues. 13:24:51</p> <p>8 Q. Right. 13:24:51</p> <p>9 And another major concern is that the perfect 13:24:53</p> <p>10 reproduction of a digital work can lead to problems 13:25:01</p> <p>11 because pirates can, you know, spread around, distribute 13:25:06</p> <p>12 around exact copies of the content, right? 13:25:10</p> <p>13 MS. CHOW: Objection, form. 13:25:15</p> <p>14 THE WITNESS: As I said, these are some of the 13:25:16</p> <p>15 different things discussed in Stefik. 13:25:19</p> <p>16 BY MR. FLORANCE:</p> <p>17 Q. Right. 13:25:23</p> <p>18 Because Stefik is concerned with reproduction of 13:25:24</p> <p>19 additional work, not -- unauthorized manipulation, 13:25:27</p> <p>20 right? 13:25:34</p> <p>21 A. I disagree. Stefik is related to, as described 13:25:34</p> <p>22 in column 1, lines 5 through 7, the field of 13:25:38</p> <p>23 distribution and enforcement for digitally encoded 13:25:42</p> <p>24 works --</p> <p>25 (Reporter clarification.)</p> <p style="text-align: right;">Page 178</p>	<p>1 BY MR. FLORANCE: 13:27:34</p> <p>2 Q. We're talking about Stefik. 13:27:34</p> <p>3 A. Yeah, Stefik, sorry, Stefik. 13:27:35</p> <p>4 Q. But even this referenced unauthorized you 13:27:37</p> <p>5 mentioned, which is at line 13 in column 1 of Stefik, it 13:27:41</p> <p>6 talks about unauthorized distribution, not unauthorized 13:27:46</p> <p>7 modification, correct? 13:27:48</p> <p>8 A. I disagree. I think that if you look through 13:27:55</p> <p>9 other portions below that add in addition the 13:27:58</p> <p>10 modification. 13:28:00</p> <p>11 Q. But, again, I'm focusing on that first sentence. 13:28:06</p> <p>12 It doesn't talk about unauthorized modification, does 13:28:08</p> <p>13 it? 13:28:10</p> <p>14 First sentence being column 1, line 10 through 13:28:13</p> <p>15 13, there's no mention of unauthorized modification of 13:28:18</p> <p>16 data -- 13:28:22</p> <p>17 A. That's only the high level background. If you 13:28:22</p> <p>18 look at column 20, and you look at lines 45 through 48, 13:28:25</p> <p>19 it explicitly discloses rights and capabilities to copy, 13:28:29</p> <p>20 select and modify. 13:28:38</p> <p>21 Q. You're in column 20, lines... 13:28:45</p> <p>22 A. Lines 45 through 48. 13:28:47</p> <p>23 Q. Right, right, you're talking about the context 13:28:49</p> <p>24 of the install and uninstall operations, right? 13:28:51</p> <p>25 A. No. I'm talking about copying, selecting and 13:28:55</p> <p style="text-align: right;">Page 180</p>
<p>1 THE WITNESS: Field of distribution and usage 13:25:51</p> <p>2 rights enforcement for digitally encoded works. 13:25:52</p> <p>3 BY MR. FLORANCE:</p> <p>4 Q. Right. 13:26:13</p> <p>5 So, the distribution it's concerned about is the 13:26:13</p> <p>6 distribution of perfect copies of the content in an 13:26:18</p> <p>7 unauthorized manner, correct? 13:26:21</p> <p>8 A. No, that's one of the many different uses. 13:26:22</p> <p>9 Stefik is related to electronic data protection and 13:26:25</p> <p>10 distribution as confirmed by the field of invention as 13:26:32</p> <p>11 disclosed by Stefik himself. 13:26:37</p> <p>12 Q. And there's no discussion in the background of 13:26:42</p> <p>13 the invention of being concerned about unauthorized 13:26:45</p> <p>14 modification of the content, is there? 13:26:47</p> <p>15 MS. CHOW: Objection, form. 13:26:52</p> <p>16 THE WITNESS: I disagree. I see all such 13:26:53</p> <p>17 examples, many different examples. Unauthorized is 13:26:55</p> <p>18 listed in column 1, line 12. 13:26:58</p> <p>19 You can see audio, video, and other publishing 13:27:02</p> <p>20 related to distribution of audio and video, which is 13:27:07</p> <p>21 very similar to what is disclosed in Hanna, and also 13:27:10</p> <p>22 disclosed in the '815. 13:27:14</p> <p>23 So, both, through examples, and through its 13:27:22</p> <p>24 specific disclosures, Hanna is in the field of 13:27:27</p> <p>25 electronic data protection and distribution. 13:27:29</p> <p style="text-align: right;">Page 179</p>	<p>1 modifying. 13:28:57</p> <p>2 Q. We're on column 20, 48 to 50? 13:29:01</p> <p>3 A. Yes, column 20, lines 43 to 48. 13:29:04</p> <p>4 Q. Okay. That's the derivative works aspect of 13:29:15</p> <p>5 this, right? 13:29:21</p> <p>6 A. I disagree. It's part of the usage rights as 13:29:22</p> <p>7 part of the Stefik disclosures. 13:29:26</p> <p>8 Q. Right, so column 20, line 38, says (as read): 13:29:32</p> <p>9 "Grammar element 1507 13:29:36</p> <p>10 derivative-works-code." 13:29:39</p> <p>11 Right? 13:29:39</p> <p>12 A. Yes, it discloses and renders obvious the 13:29:44</p> <p>13 modification. 13:29:47</p> <p>14 Q. Right. 13:29:48</p> <p>15 And so, it says (as read): 13:29:49</p> <p>16 "The derivative-works-code lists 13:29:50</p> <p>17 the category of rights involving the 13:29:52</p> <p>18 use of a digital work to create new 13:29:54</p> <p>19 works." 13:29:55</p> <p>20 Correct? 13:29:56</p> <p>21 A. No, it can also be used for anything, existing 13:29:57</p> <p>22 works. 13:30:00</p> <p>23 Q. But we're talking now about the section you 13:30:01</p> <p>24 identified. That section is discussing derivative 13:30:04</p> <p>25 works, which are authorized works that modify existing 13:30:07</p> <p style="text-align: right;">Page 181</p>

1 content, right? 13:30:13	1 Q. Yes. 13:33:01
2 A. No, but -- you asked about modification, so I 13:30:14	2 A. So -- 13:33:04
3 said this is an example of modification. 13:30:18	3 Q. And that's the install transaction, right? 13:33:05
4 Other examples of modification exist. Column 13:30:20	4 A. Which column was that? 13:33:12
5 14, lines 25 through 50, where, using the edit 13:30:24	5 Q. Column 42. 13:33:14
6 transaction, you can modify -- 13:30:32	6 A. Yes, the install one, yes, that's an example. 13:33:19
7 (Reporter clarification.)	7 Q. And that example describes the use of digital 13:33:21
8 THE WITNESS: The edit transaction, you can	8 signatures and certificates as part of the install 13:33:25
9 modify portions of existing digital works, and this is 13:30:36	9 transaction, correct? 13:33:28
10 not related to derivatives. 13:30:41	10 A. What are you pointing to in column 42? 13:33:33
11 BY MR. FLORANCE:	11 Q. Well, it talks about, like at line 38 of column 13:33:36
12 Q. So, the edit transaction is a request to revise 13:30:56	12 42, it talks about extracting a copy of a digital 13:33:45
13 a work by copying, selecting, modifying portions of an 13:30:59	13 certificate. 13:33:48
14 existing digital work, right? 13:31:06	14 A. Okay. 13:33:53
15 A. Yes. 13:31:08	15 Q. And so, there's a discussion of digital 13:33:54
16 Q. Okay. And so, that's an authorized -- that's a 13:31:08	16 certificates in this section, correct? 13:33:58
17 request for authorization, correct? 13:31:12	17 A. Yes. 13:34:01
18 A. It's for a predefined manner and it can be used 13:31:14	18 Q. And there's a discussion of using check codes in 13:34:03
19 both in an authorized and unauthorized manner. 13:31:19	19 this section, right? 13:34:16
20 Q. So, looking at paragraph 90 of your declaration. 13:31:22	20 (Reporter clarification.)
21 A. Which paragraph?	21 MR. FLORANCE: Check codes.
22 Q. Ninety.	22 THE WITNESS: What are you referring to here? 13:34:18
23 A. Okay. 13:31:37	23 BY MR. FLORANCE:
24 Q. Okay. And I'm focusing on the second sentence 13:31:37	24 Q. I'm looking at 42, line 49 to 55. 13:34:20
25 of that paragraph, it says (as read): 13:31:42	25 A. It's talking about hash functions and check 13:34:29
Page 182	Page 184
1 "Also, they both propose using a 13:31:45	1 codes. 13:34:31
2 digital authentication mechanism, i.e., 13:31:47	2 Q. Okay. Now, the copy transaction, which is on -- 13:34:31
3 a digital" -- 13:31:57	3 which is at column 34, line 37; see that? 13:34:42
4 (Reporter clarification.)	4 A. No, you're jumping all over the place, counsel, 13:34:54
5 MR. FLORANCE: (As read):	5 so what do you want me to see? 13:34:57
6 "...mechanism, i.e., a digital 13:31:58	6 Q. Well, I'm trying to compare the sections, so I'm 13:34:59
7 signature or certificate, to identify 13:31:58	7 asking you to now look at the section describing the 13:35:01
8 the source of a digital file and hash 13:32:01	8 copy transaction, which is on column 34, line 37. 13:35:04
9 functions that check the integrity of 13:32:04	9 A. Okay. 13:35:14
10 the data." 13:32:06	10 Q. In this section there is no discussion of using 13:35:14
11 You see that? 13:32:07	11 either a digital certificate or check codes as part of 13:35:18
12 A. I do. 13:32:07	12 the copy transaction, is there? 13:35:24
13 Q. Okay. And then you cite two parts of 13:32:09	13 A. Is this something that I refer to in my 13:35:30
14 Exhibit 1007 for that, right? 13:32:15	14 declaration? 13:35:32
15 A. Yes, in this particular portion, in paragraph 13:32:19	15 Q. I know you've read the entire thing, so I'm 13:35:32
16 90. 13:32:21	16 talking to you about what this discloses. So, I -- 13:35:34
17 Q. Paragraph what?	17 A. As I said, I have to review this, and I believe 13:35:38
18 A. No, in paragraph 90, I cite two particular 13:32:26	18 that all the transactions disclose the use of 13:35:41
19 portions of Exhibit 1007. 13:32:29	19 signatures, so I cannot answer. 13:35:44
20 Q. Understood. Okay. 13:32:29	20 I have to review this portion and then offer an 13:35:48
21 So, you cite column 42, 25 to 64, right? 13:32:34	21 opinion, unless you can point me to a specific portion 13:35:52
22 (Reporter clarification.)	22 of my declaration. 13:35:55
23 MR. FLORANCE: Column 42, lines 25 to 64.	23 Q. Well, I don't think you've opined that every 13:35:56
24 Q. Correct, one of your examples? 13:32:56	24 transaction disclosed in Stefik uses signatures and/or 13:36:00
25 A. One of the examples in paragraph 90. 13:32:59	25 check codes --
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<p>1 (Reporter clarification.)</p> <p>2 MR. FLORANCE: That every transaction disclosed</p> <p>3 in Stefik proposes using a digital certificate or check 13:36:11</p> <p>4 codes. 13:36:13</p> <p>5 Q. Have you? 13:36:13</p> <p>6 A. As I said, I would say that it either disagrees 13:36:16</p> <p>7 or renders it obvious in combination with Hanna. 13:36:20</p> <p>8 Q. That's not my question. 13:36:23</p> <p>9 A. Hanna used Stefik for its disclosure of the 13:36:24</p> <p>10 request and the grant. The signatures and other 13:36:29</p> <p>11 verification features come from Hanna, to the extent 13:36:34</p> <p>12 that Hanna itself arguably does not have an explicit 13:36:40</p> <p>13 disclosure, which I disagree with. 13:36:46</p> <p>14 Q. No, I understand that. I'm asking what Stefik 13:36:49</p> <p>15 discloses regarding the copy transaction and whether 13:36:53</p> <p>16 that disclosure includes any suggestion to use digital 13:36:56</p> <p>17 signatures or check codes. 13:37:02</p> <p>18 A. I think that Hanna -- 13:37:05</p> <p>19 MS. CHOW: Objection to form. 13:37:07</p> <p>20 THE WITNESS: I think that Stefik discloses 13:37:09</p> <p>21 several disclosures of copies, and copies have 13:37:13</p> <p>22 associated rights. So, for example, you can look at 13:37:18</p> <p>23 column 25, line numbers 38 to 42. They show that 13:37:23</p> <p>24 copying also requires licensing and authorization. 13:37:33</p> <p>25 Again, this is a portion that I've not referred 13:37:40</p> <p style="text-align: right;">Page 186</p>	<p>1 A. Which column? 13:39:10</p> <p>2 Q. I skipped around. I apologize. 13:39:10</p> <p>3 Column 34, lines 37 through 67. 13:39:13</p> <p>4 A. Again, as I said, I mean, using Stefik, to the 13:39:20</p> <p>5 extent that there's no disclosure of requests and grant 13:39:23</p> <p>6 limitations. 13:39:28</p> <p>7 I've also said here that the usage of usage 13:39:28</p> <p>8 rights are present, that show that Stefik is in the same 13:39:33</p> <p>9 field of electronic content protection and distribution 13:39:40</p> <p>10 through usage rights, even for the copy operation. 13:39:46</p> <p>11 Q. So, if the copy operation doesn't use either a 13:39:50</p> <p>12 digital certificate or check values, does that affect 13:39:53</p> <p>13 your opinion that one of ordinary skill in the art would 13:40:00</p> <p>14 combine Stefik and Hanna together? 13:40:03</p> <p>15 MS. CHOW: Objection, form. 13:40:05</p> <p>16 THE WITNESS: Copy uses usage rights, and the 13:40:06</p> <p>17 application of copy in Stefik is something that I -- 13:40:11</p> <p>18 with respect to these other questions, such as copy and 13:40:18</p> <p>19 extract, I have to look through Stefik to provide an 13:40:21</p> <p>20 answer. 13:40:27</p> <p>21 I can look through it and provide you a very 13:40:28</p> <p>22 detailed answer, but in my opinion we are using Stefik 13:40:31</p> <p>23 for the request and grant to the extent that Hanna does 13:40:36</p> <p>24 not already disclose it. And it also renders these 13:40:41</p> <p>25 obvious, so Hanna would benefit from using this process 13:40:46</p> <p style="text-align: right;">Page 188</p>
<p>1 to in my declaration, so I am responding to your 13:37:44</p> <p>2 question as you ask me. So, copies are protected 13:37:48</p> <p>3 through usage rights and signatures. 13:37:52</p> <p>4 BY MR. FLORANCE: 13:37:56</p> <p>5 Q. I'm not -- okay, where do you see the word 13:37:56</p> <p>6 "signature" in that discussion? 13:37:59</p> <p>7 A. When you connect it with authorization, it 13:38:03</p> <p>8 discloses or it renders it obvious. 13:38:04</p> <p>9 Q. So, the mere discussion of authorization, for 13:38:08</p> <p>10 you, means that it uses check codes? 13:38:13</p> <p>11 MS. CHOW: Objection, form. 13:38:16</p> <p>12 THE WITNESS: That's not what I said. I said 13:38:17</p> <p>13 that if you go to the portion where I talk about 13:38:19</p> <p>14 licenses, column 25, it talks about -- line number 23 in 13:38:22</p> <p>15 column 25, copy, copy for use, copy or transfer. 13:38:32</p> <p>16 All these are usage rights that are regulated by 13:38:36</p> <p>17 the signature schemes. 13:38:40</p> <p>18 BY MR. FLORANCE: 13:38:44</p> <p>19 Q. There's no discussion of signature schemes here, 13:38:44</p> <p>20 right? 13:38:46</p> <p>21 A. In the context of Stefik they show rights and 13:38:46</p> <p>22 how they are negotiated. It does include. 13:38:49</p> <p>23 Q. Well, isn't the discussion of how the copy 13:38:55</p> <p>24 transaction worked shown in column 34, lines 37 to 67 -- 13:38:58</p> <p>25 or sorry, 37 to 51? 13:39:06</p> <p style="text-align: right;">Page 187</p>	<p>1 of Stefik. 13:40:52</p> <p>2 So, columns 19 and 20, and others, disclose how 13:40:57</p> <p>3 copy and other transactions are utilized with both 13:41:02</p> <p>4 protection for distribution. 13:41:09</p> <p>5 BY MR. FLORANCE: 13:41:11</p> <p>6 Q. So, in my hypothetical where the copy 13:41:11</p> <p>7 transaction does not utilize either digital certificates 13:41:14</p> <p>8 or check codes, when the install transaction does use 13:41:21</p> <p>9 those things and the copy transaction does not, doesn't 13:41:29</p> <p>10 that inform a person of ordinary skill in the art that 13:41:36</p> <p>11 using digital signatures and check codes for copying is 13:41:39</p> <p>12 not necessary? 13:41:44</p> <p>13 MS. CHOW: Objection, form. 13:41:46</p> <p>14 THE WITNESS: I disagree. The description of 13:41:48</p> <p>15 all repository transactions on column 26 of Stefik 13:41:50</p> <p>16 discloses the use of publicly and privately signatures 13:41:58</p> <p>17 and certificates in columns 36 and 37. 13:42:05</p> <p>18 And the repository transactions, such as edit 13:42:09</p> <p>19 and copy, would follow and fall in this particular 13:42:12</p> <p>20 category. So, you can look at -- 13:42:21</p> <p>21 (Reporter clarification.)</p> <p>22 THE WITNESS: In this particular category of 13:42:21</p> <p>23 repository transactions of column 26, which explicitly 13:42:22</p> <p>24 disclose messages that are transmitted between 13:42:28</p> <p>25 repositories as requiring certificates, licenses and 13:42:34</p> <p style="text-align: right;">Page 189</p>

<p>1 encryption algorithms, including identifiers, in 13:42:38</p> <p>2 addition to rights. 13:42:43</p> <p>3 So, I would disagree, that copying does not -- 13:42:46</p> <p>4 is not disclosed in Stefik without the use of all these 13:42:52</p> <p>5 certificates and keys and signatures and identifiers. 13:42:58</p> <p>6 BY MR. FLORANCE: 13:43:03</p> <p>7 Q. Going back to your declaration, paragraph 90, 13:43:04</p> <p>8 which is on page 49 of Exhibit 1002. 13:43:08</p> <p>9 A. Yes.</p> <p>10 Q. You write, in the last sentence that, I'm 13:43:12</p> <p>11 paraphrasing here, that modifying the system of Hanna to 13:43:17</p> <p>12 include the request/grant process as taught by Stefik 13:43:24</p> <p>13 would be advantageous because it would facilitate timely 13:43:28</p> <p>14 detection to determine whether a portion of the 13:43:31</p> <p>15 electronic file was corrupted or hacked during 13:43:34</p> <p>16 transmission before it is used. 13:43:38</p> <p>17 You see that? 13:43:41</p> <p>18 A. Yes. That's an additional benefit. 13:43:47</p> <p>19 Q. Now, here you're differentiating between 13:43:50</p> <p>20 transmission and use, correct? 13:43:52</p> <p>21 A. I am not. 13:43:58</p> <p>22 Q. Well, you're saying that, in the last part 13:44:03</p> <p>23 you're saying, "Was corrupted or hacked during 13:44:05</p> <p>24 transmission before it is used." 13:44:08</p> <p>25 A. I'm not differentiating between transmission. 13:44:13</p> <p style="text-align: right;">Page 190</p>	<p>1 A. We are talking about -- are you talking 13:45:42</p> <p>2 paragraph 90 or talking about more timely, improving the 13:45:45</p> <p>3 speed? 13:45:49</p> <p>4 Q. I'm just talking about my general knowledge of 13:45:49</p> <p>5 Hanna. Doesn't Hanna teach that data should be verified 13:45:51</p> <p>6 as it is received? 13:46:01</p> <p>7 (Reporter clarification.)</p> <p>8 MR. FLORANCE: Data should be verified as it is</p> <p>9 received.</p> <p>10 THE WITNESS: You would have to point me to a 13:46:04</p> <p>11 specific portion you're discussing. I mean, I don't 13:46:06</p> <p>12 want to characterize Hanna in a way that Hanna itself 13:46:10</p> <p>13 does not. 13:46:13</p> <p>14 So, all I'm saying here is that you can prove it 13:46:14</p> <p>15 by making it more (indiscernible). 13:46:16</p> <p>16 BY MR. FLORANCE:</p> <p>17 Q. So, looking at Exhibit 1006, it'll be page 5 on 13:46:19</p> <p>18 the bottom or page 3 at the top, the section you 13:46:28</p> <p>19 previously, I think, read into the record. 13:46:31</p> <p>20 A. So, page 3 at the top. 13:46:37</p> <p>21 Q. Right. 13:46:39</p> <p>22 A. Yes.</p> <p>23 Q. So, it's talking about (as read): 13:46:39</p> <p>24 "A need for a system that protects 13:46:40</p> <p>25 against unintentional data corruption 13:46:42</p> <p style="text-align: right;">Page 192</p>
<p>1 Transmission could be a type of use depending on the 13:44:15</p> <p>2 context.</p> <p>3 But in this particular case, Stefik focuses more 13:44:19</p> <p>4 on the messaging back and forth. 13:44:23</p> <p>5 (Reporter clarification.)</p> <p>6 THE WITNESS: On the messaging back and forth 13:44:30</p> <p>7 with respect to requests and its grant. 13:44:30</p> <p>8 BY MR. FLORANCE:</p> <p>9 Q. Why do you think Hanna, on its own, does not -- 13:44:35</p> <p>10 Hanna's method, you know its patent method on its own, 13:44:39</p> <p>11 does not facilitate timely detection to determine 13:44:43</p> <p>12 whether a portion of the file was corrupted or hacked 13:44:46</p> <p>13 during transmission before it was used? 13:44:50</p> <p>14 MS. CHOW: Objection, form. 13:44:52</p> <p>15 THE WITNESS: That's not how I characterize my 13:44:53</p> <p>16 opinion. I would say that a POSITA would modify it, 13:44:55</p> <p>17 would be motivated to modify it to include a 13:45:00</p> <p>18 request/grant process. 13:45:04</p> <p>19 Because that way you don't have to have 13:45:04</p> <p>20 multiple -- you don't have to undergo the delay which 13:45:10</p> <p>21 may occur under certain cases. And I include further 13:45:15</p> <p>22 motivations in paragraphs 91 and 92. 13:45:20</p> <p>23 BY MR. FLORANCE: 13:45:29</p> <p>24 Q. Doesn't Hanna teach that data should be verified 13:45:30</p> <p>25 as it's received? 13:45:33</p> <p style="text-align: right;">Page 191</p>	<p>1 and malicious acts that cause errors in 13:46:44</p> <p>2 data processing and allows data to 13:46:46</p> <p>3 being checked as it is received." 13:46:48</p> <p>4 You see that? 13:46:50</p> <p>5 A. Yes, it improves. What I said is that the use 13:46:51</p> <p>6 of Stefik improves the speed of this process. 13:46:54</p> <p>7 Q. How so? I didn't understand your explanation. 13:47:08</p> <p>8 A. By providing more timely detection. 13:47:11</p> <p>9 Q. How would it be more timely than verifying it as 13:47:18</p> <p>10 it's received? 13:47:21</p> <p>11 A. I mean, we have to look at specifically that -- 13:47:23</p> <p>12 it's talking about applying it to portions of the 13:47:40</p> <p>13 electronic file. 13:47:46</p> <p>14 (Reporter clarification.)</p> <p>15 THE WITNESS: Portions of the electronic file. 13:48:07</p> <p>16 MR. FLORANCE: Why don't we take a break now. 13:48:07</p> <p>17 (Recess taken.) 14:09:43</p> <p>18 BY MR. FLORANCE: 14:09:43</p> <p>19 Q. Dr. Madisetti, before we took a break we were 14:09:44</p> <p>20 talking about this issue of Hanna describing that it 14:09:45</p> <p>21 verifies data as it's received. Do you recall that? 14:09:58</p> <p>22 A. You have to remind me what you're pointing to. 14:10:07</p> <p>23 Q. Okay. Well, we were looking at Exhibit 1006, 14:10:10</p> <p>24 column 3, lines 1 and 2. 14:10:16</p> <p>25 Or page 3, which would be page 5 at the bottom, 14:10:23</p> <p style="text-align: right;">Page 193</p>

<p>1 page 3 at the top. 14:10:27</p> <p>2 A. Yeah, that's a need, that describes the need for 14:10:29</p> <p>3 the system. 14:10:32</p> <p>4 Q. Right? 14:10:33</p> <p>5 And then further down in the summary of the 14:10:33</p> <p>6 invention, at lines 11 through 13, it says (as read): 14:10:37</p> <p>7 "Systems consistent with the 14:10:42</p> <p>8 present invention verify portions of 14:10:44</p> <p>9 the data even if other portions of the 14:10:46</p> <p>10 data are corrupt or have not yet been 14:10:48</p> <p>11 received." 14:10:50</p> <p>12 You see that? 14:10:51</p> <p>13 A. Okay. 14:10:57</p> <p>14 Q. Stefik doesn't teach verifying data before all 14:10:58</p> <p>15 of it is received, does it? 14:11:01</p> <p>16 A. What is your question? 14:11:07</p> <p>17 Q. I'm asking you if Stefik teaches verifying data 14:11:08</p> <p>18 before all of it is received? 14:11:12</p> <p>19 MS. COX: Objection, form. 14:11:18</p> <p>20 THE WITNESS: I would disagree with any 14:11:20</p> <p>21 particular limitation on Stefik. Stefik talks about 14:11:21</p> <p>22 timely verification. 14:11:26</p> <p>23 BY MR. FLORANCE: 14:11:27</p> <p>24 Q. Let's look at column 42 of Stefik. 14:11:28</p> <p>25 A. Okay. 14:11:43</p> <p style="text-align: right;">Page 194</p>	<p>1 Q. Okay. Can you think of an example where you can 14:12:49</p> <p>2 install a program before it's been copied to the 14:12:52</p> <p>3 computer that's installing it? 14:12:58</p> <p>4 A. Yeah. I mean, for example, if you think of 14:13:04</p> <p>5 something like an applet. 14:13:05</p> <p>6 Q. Okay. And in a typical case, then, that means 14:13:11</p> <p>7 that the -- if the program is downloaded before it's 14:13:14</p> <p>8 installed, then the steps of the installation process 14:13:22</p> <p>9 are not performed until after it is installed -- or, 14:13:26</p> <p>10 excuse me, after it's downloaded, correct? 14:13:29</p> <p>11 MS. CHOW: Objection, form. 14:13:31</p> <p>12 THE WITNESS: No, I disagree. 14:13:33</p> <p>13 BY MR. FLORANCE: 14:13:34</p> <p>14 Q. Why is that? 14:13:34</p> <p>15 A. I'm not sure how we you state that conclusion. 14:13:37</p> <p>16 Q. Well, you said in a typical case the software 14:13:42</p> <p>17 has to be downloaded before it can be installed, right? 14:13:46</p> <p>18 A. But I said that you could have things like 14:13:51</p> <p>19 applets. 14:13:55</p> <p>20 Q. No, I understand. I'm talking about the typical 14:13:55</p> <p>21 case. 14:13:57</p> <p>22 A. Okay. 14:13:58</p> <p>23 Q. Right? 14:13:58</p> <p>24 In a typical case, I thought you agreed that you 14:13:59</p> <p>25 would have to download the program before it can be 14:14:03</p> <p style="text-align: right;">Page 196</p>
<p>1 Q. So, looking at the section that begins on line 14:11:44</p> <p>2 25, the install transaction, it says at line 29 (as 14:11:47</p> <p>3 read):</p> <p>4 "Also in a typical case, the 14:11:53</p> <p>5 software would be copied to file system 14:11:55</p> <p>6 of the requester repository before it 14:11:57</p> <p>7 is installed." 14:11:59</p> <p>8 Correct? 14:12:00</p> <p>9 A. Which line are you looking at? 14:12:04</p> <p>10 Q. Line 29 to 31. 14:12:05</p> <p>11 A. Okay. 14:12:13</p> <p>12 Q. So, there Stefik is teaching that, you know, the 14:12:13</p> <p>13 installation process can't begin until software has been 14:12:17</p> <p>14 copied to the file system of the requester's repository, 14:12:21</p> <p>15 right? 14:12:25</p> <p>16 A. Yeah, but -- 14:12:25</p> <p>17 MS. CHOW: Objection, form. 14:12:27</p> <p>18 THE WITNESS: Copying itself satisfies the use. 14:12:28</p> <p>19 BY MR. FLORANCE: 14:12:33</p> <p>20 Q. I'm not asking that question. I'm asking you, 14:12:33</p> <p>21 that you have to copy the program before you can install 14:12:36</p> <p>22 it on the requester repository, correct? 14:12:39</p> <p>23 A. In a typical case. 14:12:44</p> <p>24 Q. Yes.</p> <p>25 A. It's not in all the cases. 14:12:46</p> <p style="text-align: right;">Page 195</p>	<p>1 installed. 14:14:05</p> <p>2 A. I know, but download itself satisfies the use 14:14:06</p> <p>3 condition, so you -- 14:14:08</p> <p>4 Q. That's not my question. Just focus on the 14:14:10</p> <p>5 questions I ask, not you think where I'm going. 14:14:12</p> <p>6 So, the steps that are laid out here for the 14:14:18</p> <p>7 install transaction, they don't occur in a typical case 14:14:20</p> <p>8 until after the program is downloaded, right? 14:14:23</p> <p>9 MS. CHOW: Objection, form. 14:14:30</p> <p>10 THE WITNESS: I disagree. I don't believe 14:14:33</p> <p>11 that's the case. 14:14:34</p> <p>12 BY MR. FLORANCE: 14:14:38</p> <p>13 Q. So, what is that based on? 14:14:38</p> <p>14 A. It talks about, for example, if there's an 14:15:00</p> <p>15 error, in lines 60 to 65. If there's insufficient 14:15:01</p> <p>16 resources or there's an error, then it allows you to 14:15:07</p> <p>17 terminate the transaction. 14:15:11</p> <p>18 Q. I'm not sure how that's responsive to my 14:15:16</p> <p>19 question. 14:15:18</p> <p>20 I asked you if the installation process 14:15:19</p> <p>21 typically will not start until the program is 14:15:23</p> <p>22 downloaded. That's all I asked. 14:15:28</p> <p>23 A. I would think that the download is part of the 14:15:34</p> <p>24 installation. 14:15:40</p> <p>25 (Reporter clarification.)</p> <p style="text-align: right;">Page 197</p>

<p>1 THE WITNESS: Part of the installation.</p> <p>2 BY MR. FLORANCE:</p> <p>3 Q. So, when you say -- when it says on line 30 of 14:15:41</p> <p>4 column 42, "In a typical case the software would be 14:15:44</p> <p>5 copied to file system of the requester repository before 14:15:47</p> <p>6 it is installed," you think that the downloading and 14:15:50</p> <p>7 installation will occur together? 14:15:54</p> <p>8 A. Yeah, that's how one would understand this. 14:15:56</p> <p>9 Here the use of the word "install" is referring, I 14:16:00</p> <p>10 think, to the install transaction that includes both the 14:16:04</p> <p>11 copying to the file system and then the installation. 14:16:08</p> <p>12 Q. And then so --</p> <p>13 A. The transaction is more than one step. It's a 14:16:15</p> <p>14 series of handshakes back and forth. 14:16:21</p> <p>15 So, I would say that one of ordinary skill in 14:16:24</p> <p>16 the art would understand that -- 14:16:32</p> <p>17 (Reporter clarification.)</p> <p>18 THE WITNESS: One of ordinary skill in the art</p> <p>19 would understand that as part of installation you 14:16:32</p> <p>20 download the software and install it. 14:16:34</p> <p>21 I wouldn't call that as saying you download it 14:16:37</p> <p>22 and then after that is installation. When you update 14:16:41</p> <p>23 your computer, as a part of your installation you are 14:16:43</p> <p>24 downloading it. 14:16:49</p> <p>25 BY MR. FLORANCE:</p> <p style="text-align: right;">Page 198</p>	<p>1 about extracting a copy of the digital certificate for 14:18:10</p> <p>2 the software, not the software itself, right? 14:18:13</p> <p>3 A. That's right, that's part of the install 14:18:17</p> <p>4 transaction. 14:18:20</p> <p>5 Q. Right. 14:18:21</p> <p>6 A. Yeah. 14:18:22</p> <p>7 Q. And then would you agree that the copy process 14:18:22</p> <p>8 for the file that's to be installed needs to happen at 14:18:32</p> <p>9 the beginning of the installation process? 14:18:35</p> <p>10 A. Again, there's also a corresponding uninstall 14:18:46</p> <p>11 transaction. So, even if you go with your argument that 14:18:50</p> <p>12 for some reason there's a separate step of copying, an 14:18:52</p> <p>13 install doesn't require the copy at all because it's 14:18:55</p> <p>14 already an install. It's already installed. 14:18:58</p> <p>15 Q. I don't understand. You're saying the install 14:19:05</p> <p>16 transaction does not require a copy of the file to be 14:19:07</p> <p>17 installed -- 14:19:12</p> <p>18 A. No, no, no. The install transaction is a 14:19:14</p> <p>19 specific term of art here from -- that Stefik has 14:19:16</p> <p>20 coined. 14:19:21</p> <p>21 Q. Okay. 14:19:22</p> <p>22 A. The term installation would understand obtaining 14:19:22</p> <p>23 the software and installing it. And further, it's, 14:19:26</p> <p>24 again, a typical case, which is not all the time. 14:19:31</p> <p>25 So, I'm not sure as to your question. You are 14:19:33</p> <p style="text-align: right;">Page 200</p>
<p>1 Q. So, the word "before", or the phrase "before it 14:16:51</p> <p>2 is installed," that doesn't seem to have much meaning to 14:16:54</p> <p>3 you, correct? 14:16:56</p> <p>4 A. No, it's part of the installation transaction, 14:16:57</p> <p>5 before the transaction is complete. 14:17:00</p> <p>6 Q. The steps of the installation transaction that 14:17:02</p> <p>7 are provided below the sentence we just read, do any of 14:17:07</p> <p>8 them talk about the copying or downloading of a file to 14:17:12</p> <p>9 the requester repository? 14:17:15</p> <p>10 A. Yeah, if you look at line number 39, it's 14:17:18</p> <p>11 talking about extracting copies and all that is part of 14:17:23</p> <p>12 the installer transaction. 14:17:29</p> <p>13 So, that's what I meant, is that I would say 14:17:30</p> <p>14 that installation includes the copying. The install 14:17:32</p> <p>15 transaction is a specific type of term used by Stefik 14:17:36</p> <p>16 that has those steps. 14:17:44</p> <p>17 Q. Okay. But --</p> <p>18 A. The installation, to one of ordinary skill in 14:17:49</p> <p>19 the art would include --</p> <p>20 (Reporter clarification.)</p> <p>21 THE WITNESS: In the eyes of one of ordinary 14:17:56</p> <p>22 skill in the art, would include taking the software and 14:17:58</p> <p>23 then executing it for installation. 14:18:01</p> <p>24 BY MR. FLORANCE:</p> <p>25 Q. When you refer to line 39, I mean, that talks 14:18:07</p> <p style="text-align: right;">Page 199</p>	<p>1 trying to -- you have a particular point you're trying 14:19:38</p> <p>2 to make which is not clear. 14:19:42</p> <p>3 Q. The problem we're having is you're trying to 14:19:43</p> <p>4 anticipate the point I'm making. I'm just asking 14:19:46</p> <p>5 questions and you're not answering them. 14:19:50</p> <p>6 So, please focus on the question I'm asking 14:19:51</p> <p>7 before you try to knock out a point that you think I'm 14:19:54</p> <p>8 making. It's not helpful. I'm trying to get this done. 14:19:56</p> <p>9 So, in the install transaction, there are a 14:20:04</p> <p>10 number of steps described in column 42, one of them is 14:20:06</p> <p>11 the requester extracts a copy of the digital 14:20:10</p> <p>12 certificate. The next is the requester decrypts the 14:20:13</p> <p>13 digital certificate. 14:20:16</p> <p>14 And the next is the requester decrypts the 14:20:17</p> <p>15 software using the key from the certificate and computes 14:20:20</p> <p>16 a check code on it using a one-way hash function. 14:20:22</p> <p>17 Do you see all those steps? 14:20:25</p> <p>18 A. I see the steps there, but I won't agree with 14:20:29</p> <p>19 your characterization of those steps. 14:20:31</p> <p>20 Q. Why do you not agree with them? 14:20:33</p> <p>21 A. First of all, I would say the installation 14:20:36</p> <p>22 includes the copy. One of ordinary skill in the art 14:20:39</p> <p>23 would understand installation -- 14:20:53</p> <p>24 (Reporter clarification.)</p> <p>25 THE WITNESS: One of ordinary skill in the art</p> <p style="text-align: right;">Page 201</p>

<p>1 would --</p> <p>2 (Reporter clarification.)</p> <p>3 THE WITNESS: Of ordinary skill in the art,</p> <p>4 would understand that installation includes copying. 14:20:55</p> <p>5 BY MR. FLORANCE:</p> <p>6 Q. Okay. But that's not stated in this list of 14:20:58</p> <p>7 steps, right? 14:21:00</p> <p>8 A. This is a different step. This is called an 14:21:02</p> <p>9 install transaction. 14:21:04</p> <p>10 Q. I understand that. And in the install 14:21:05</p> <p>11 transaction it does not describe the step of copying -- 14:21:08</p> <p>12 A. No, but that install transaction is not 14:21:13</p> <p>13 installation. That's a specific transaction to get 14:21:15</p> <p>14 permission to carry out some steps in the installation 14:21:19</p> <p>15 process. 14:21:25</p> <p>16 Q. Fine. 14:21:25</p> <p>17 So, the decryption of the digital certificate, 14:21:27</p> <p>18 the decryption of the software, and the computing of the 14:21:31</p> <p>19 check code, right, that's part of the install 14:21:35</p> <p>20 transaction that's disclosed here, and you cite this 14:21:37</p> <p>21 section repeatedly in your declaration, don't you? 14:21:39</p> <p>22 MS. CHOW: Objection, form. 14:21:43</p> <p>23 THE WITNESS: I am not sure, is there a question 14:21:45</p> <p>24 there, or a statement? 14:21:47</p> <p>25 BY MR. FLORANCE: 14:21:48</p> <p style="text-align: right;">Page 202</p>	<p>1 software for the install transaction, correct? 14:23:10</p> <p>2 A. Those would follow -- the installation would 14:23:14</p> <p>3 include the copying and the install transaction. 14:23:17</p> <p>4 Q. It would, right, but the steps I just described, 14:23:22</p> <p>5 the decrypting of the certificate, the decrypting of 14:23:24</p> <p>6 software, the computing of the check code, those things 14:23:27</p> <p>7 would be done after the software is installed -- excuse, 14:23:30</p> <p>8 me, software is downloaded, right? 14:23:34</p> <p>9 MS. CHOW: Objection, form. 14:23:37</p> <p>10 THE WITNESS: They would be done as a part of 14:23:38</p> <p>11 the installation process that includes the downloading 14:23:40</p> <p>12 of the software, followed by the install transaction. 14:23:44</p> <p>13 So, the installation process is both the 14:23:50</p> <p>14 downloading, the copying, and the install transaction. 14:23:53</p> <p>15 BY MR. FLORANCE: 14:23:58</p> <p>16 Q. Can the requester decrypt the software without 14:23:59</p> <p>17 the software being downloaded? 14:24:01</p> <p>18 A. As a part of the installation process, the 14:24:05</p> <p>19 software is downloaded and then decrypted. 14:24:08</p> <p>20 Q. That's right, that's all I've been asking for, 14:24:12</p> <p>21 like the last -- 14:24:14</p> <p>22 A. As part of the installation process, as part of 14:24:15</p> <p>23 it, the software is downloaded and then decrypted. 14:24:17</p> <p>24 Q. Okay. So, the download -- 14:24:21</p> <p>25 A. In a typical case. In a typical case. Again, 14:24:24</p> <p style="text-align: right;">Page 204</p>
<p>1 Q. I'm asking you if this section is something you 14:21:49</p> <p>2 have repeatedly cited in your declaration. 14:21:51</p> <p>3 A. I would say that it's one of the different 14:21:54</p> <p>4 sections that are cited to show that there is a 14:21:57</p> <p>5 particular use. 14:22:01</p> <p>6 And as I've said earlier, even copying itself is 14:22:02</p> <p>7 an example of the use in the '815. So, that already 14:22:06</p> <p>8 satisfies the step. 14:22:11</p> <p>9 Q. That's not my question. Please, again, focus on 14:22:12</p> <p>10 my question. I'm not asking that, okay. 14:22:15</p> <p>11 A. And I don't use Stefik to show some of these 14:22:18</p> <p>12 other steps, other than requesting and granting. 14:22:20</p> <p>13 Q. All right. Let's go back again, I'm going to 14:22:29</p> <p>14 stay on it. 14:22:38</p> <p>15 The installation transaction has a number of 14:22:38</p> <p>16 steps that have to be performed, including decrypting 14:22:39</p> <p>17 the digital certificate, decrypting the software, and 14:22:41</p> <p>18 computing a check code, right, those are all described 14:22:46</p> <p>19 in this column? 14:22:48</p> <p>20 A. It's an install transaction, not an installation 14:22:50</p> <p>21 transaction. It's a specific named function. 14:22:54</p> <p>22 Q. Okay, install transaction, thank you. 14:22:57</p> <p>23 A. That's correct. It's a portion of the 14:23:00</p> <p>24 installation process. 14:23:03</p> <p>25 Q. And those activities would follow the copying of 14:23:05</p> <p style="text-align: right;">Page 203</p>	<p>1 that's not for all cases. 14:24:26</p> <p>2 Q. So, in a typical case the software is downloaded 14:24:27</p> <p>3 to the repository before the decryption of the software 14:24:33</p> <p>4 occurs, correct? 14:24:39</p> <p>5 A. Both are part of the installation process. 14:24:41</p> <p>6 Q. Right, but that's not the question I'm asking, 14:24:45</p> <p>7 okay.</p> <p>8 The question I'm asking is, does downloading the 14:24:48</p> <p>9 software have to occur prior to the requester repository 14:24:52</p> <p>10 decrypting that software? 14:24:57</p> <p>11 A. In one particular example of Stefik as a part of 14:25:01</p> <p>12 a particular type of installation process. There are 14:25:06</p> <p>13 many other examples in Stefik. 14:25:09</p> <p>14 Q. Are there? Because there's no other examples in 14:25:14</p> <p>15 the install transaction I see. 14:25:16</p> <p>16 A. Again, that's not the full installation process. 14:25:18</p> <p>17 I refer to the copying. I've referred to rendering, 14:25:20</p> <p>18 playing, so many different examples from Stefik. 14:25:25</p> <p>19 And further, Stefik is only used for the request 14:25:27</p> <p>20 and the grant. 14:25:30</p> <p>21 Q. The steps that are described here for the 14:25:36</p> <p>22 install transaction, those are all performed by the 14:25:38</p> <p>23 requester, aren't they? 14:25:40</p> <p>24 I'm looking at lines 38, down to 42. Those 14:25:45</p> <p>25 steps are attributed to the requester, right? 14:25:55</p> <p style="text-align: right;">Page 205</p>

<p>1 MS. CHOW: Objection, form. 14:25:57</p> <p>2 THE WITNESS: I missed the column. Once again, 14:25:58</p> <p>3 I moved away from the column. 14:26:01</p> <p>4 BY MR. FLORANCE: 14:26:03</p> <p>5 Q. I'm still in column 42. 14:26:03</p> <p>6 A. Okay. What is the question? 14:26:24</p> <p>7 Q. The question is, in the steps that are listed 14:26:25</p> <p>8 from column -- in column 42 from line 38, to column 43, 14:26:27</p> <p>9 line 2, those steps are attributed to the requester, 14:26:34</p> <p>10 correct? 14:26:43</p> <p>11 MS. CHOW: Objection, form. 14:26:47</p> <p>12 THE WITNESS: The grantor is the one granting 14:26:49</p> <p>13 the permission. 14:26:50</p> <p>14 BY MR. FLORANCE: 14:26:52</p> <p>15 Q. Where is there a mention of the grantor in this 14:26:54</p> <p>16 section? 14:26:56</p> <p>17 A. Yeah, to allocation of the usage rights. 14:26:57</p> <p>18 (Reporter clarification.)</p> <p>19 THE WITNESS: To the allocation of the usage</p> <p>20 rights.</p> <p>21 BY MR. FLORANCE:</p> <p>22 Q. Where is that mentioned in this? 14:27:04</p> <p>23 A. Through the use of certificates and the 14:27:08</p> <p>24 description of the -- so, what this means, is that the 14:27:13</p> <p>25 requester sends the server an install message. 14:27:18</p> <p style="text-align: right;">Page 206</p>	<p>1 Q. And that's done by the requester, right? 14:28:47</p> <p>2 A. The requester of the install message sending the 14:28:52</p> <p>3 server. 14:28:55</p> <p>4 Q. Yes. Okay. 14:28:57</p> <p>5 So, the requester does all these steps you're 14:29:00</p> <p>6 referring to, right? 14:29:02</p> <p>7 A. Yeah. And then the server installs it. 14:29:03</p> <p>8 Q. You're saying the server installs the software 14:29:11</p> <p>9 on the requester repository? 14:29:17</p> <p>10 MS. CHOW: Objection, form. 14:29:21</p> <p>11 THE WITNESS: You have to look at the 14:29:22</p> <p>12 specification here. It says that the requester 14:29:23</p> <p>13 retrieves the instructions in the compatibility checking 14:29:26</p> <p>14 script and follows them. 14:29:37</p> <p>15 (Reporter clarification.)</p> <p>16 THE WITNESS: In the compatibility checking</p> <p>17 script and follows them.</p> <p>18 If the software is not compatible with the 14:29:38</p> <p>19 repository, the installation transaction ends with an 14:29:41</p> <p>20 error. So, here, the software is being installed on the 14:29:44</p> <p>21 repository. 14:29:49</p> <p>22 BY MR. FLORANCE: 14:29:54</p> <p>23 Q. Right. 14:29:54</p> <p>24 Why is that relevant to who performs the steps 14:30:01</p> <p>25 in this transaction? 14:30:04</p> <p style="text-align: right;">Page 208</p>
<p>1 Q. Um-hmm. 16:21:50</p> <p>2 A. This message indicates the work to be installed, 14:27:22</p> <p>3 the version of the install program -- 14:27:25</p> <p>4 (Reporter clarification.)</p> <p>5 THE WITNESS: The version of the install --</p> <p>6 (Reporter clarification.)</p> <p>7 THE WITNESS: Okay, let me read it. 14:27:40</p> <p>8 So, what the install transaction discloses here 14:27:43</p> <p>9 as a part of the installation process that includes the 14:27:48</p> <p>10 downloading of the file copy, in line number 32 it says 14:27:50</p> <p>11 that (as read): 14:27:57</p> <p>12 "The requester sends the server an 14:27:57</p> <p>13 install message. This message 14:27:59</p> <p>14 indicates the work to be installed, the 14:28:03</p> <p>15 version of the install right being 14:28:06</p> <p>16 invoked, and the file data for the 14:28:10</p> <p>17 work." 14:28:12</p> <p>18 So, it sends the file data as well as part of 14:28:12</p> <p>19 the install message. 14:28:15</p> <p>20 Then the repositories perform common opening 14:28:19</p> <p>21 transaction steps. And the requester extracts a copy of 14:28:24</p> <p>22 the digital certificate and then decrypts the digital 14:28:28</p> <p>23 certificate. So, it actually sends the file data as 14:28:34</p> <p>24 well.</p> <p>25 BY MR. FLORANCE:</p> <p style="text-align: right;">Page 207</p>	<p>1 A. No, I'm showing who is doing all these steps. 14:30:05</p> <p>2 Some of them are being done by the requester and some of 14:30:08</p> <p>3 them are being done at the repository. 14:30:12</p> <p>4 Q. And where does it -- I don't see any mention of 14:30:17</p> <p>5 the repository that provides the software doing 14:30:21</p> <p>6 anything. Where are you reading that in? 14:30:23</p> <p>7 A. So, the install -- the transaction is a request 14:30:31</p> <p>8 to install a digital work as runnable software on a 14:30:34</p> <p>9 repository. That's in line number 25 through 27. 14:30:39</p> <p>10 Q. Yes. 14:30:42</p> <p>11 A. So, in the typical case, the requester 14:30:44</p> <p>12 repository is a rendering repository. 14:30:47</p> <p>13 Q. Yes.</p> <p>14 A. So, it's a player, it's some sort of newer 14:30:49</p> <p>15 version of a player. 14:30:55</p> <p>16 Q. Yes. 14:30:58</p> <p>17 A. So, in a typical case, software will be copied 14:31:00</p> <p>18 to the file system of the requester repository before 14:31:03</p> <p>19 the install. But in other cases, it will be installed 14:31:08</p> <p>20 without copying. 14:31:11</p> <p>21 Q. That's how -- okay, that's the basis for how 14:31:12</p> <p>22 you're reading that -- 14:31:16</p> <p>23 A. Yeah. 14:31:17</p> <p>24 Q. Looking at paragraph 91 of your declaration, you 14:31:17</p> <p>25 write that another advantage of combining Hanna and 14:31:37</p> <p style="text-align: right;">Page 209</p>

<p>1 Stefik, is that (as read): 14:31:43</p> <p>2 "Hanna is directed to protecting 14:31:44</p> <p>3 transmitted data, and the modification 14:31:48</p> <p>4 would improve control over use and 14:31:50</p> <p>5 distribution of valuable data." 14:31:52</p> <p>6 Do you see that? 14:31:54</p> <p>7 A. Yes. 14:32:00</p> <p>8 Q. Now, we've talked about the fact that Hanna 14:32:04</p> <p>9 doesn't involve attachment of usage rights, right? 14:32:08</p> <p>10 A. Where do you see that? 14:32:11</p> <p>11 Q. Well, there's no disclosure in Hanna of 14:32:13</p> <p>12 attaching digital rights to a content file, correct? 14:32:17</p> <p>13 MS. CHOW: Objection, form. 14:32:22</p> <p>14 THE WITNESS: I disagree with that. 14:32:24</p> <p>15 BY MR. FLORANCE: 14:32:27</p> <p>16 Q. So, it's your testimony that Hanna discloses a 14:32:36</p> <p>17 method that attaches digital rights to all the pieces of 14:32:39</p> <p>18 content that are transmitted, correct? 14:32:43</p> <p>19 MS. CHOW: Objection, form. 14:32:45</p> <p>20 THE WITNESS: No. Let me review Hanna. I mean, 14:32:47</p> <p>21 what Hanna is describing is -- 14:32:52</p> <p>22 MR. FLORANCE: I don't have a lot of time, so 14:34:11</p> <p>23 let's -- if you can't answer the question, just please 14:34:12</p> <p>24 state that. 14:34:15</p> <p>25 MS. CHOW: Mr. Florance, I ask that you give the 14:34:15</p> <p style="text-align: right;">Page 210</p>	<p>1 characterization. 14:35:46</p> <p>2 BY MR. FLORANCE: 14:35:47</p> <p>3 Q. You don't know, you just don't know whether 14:35:47</p> <p>4 Hanna does it or not, correct? 14:35:49</p> <p>5 A. I have to look through it. I have to recollect 14:35:51</p> <p>6 and review Hanna to be able to answer that question. 14:35:55</p> <p>7 Q. Let's move on to paragraph 114 of your 14:36:00</p> <p>8 declaration, on page 61. 14:36:12</p> <p>9 A. On page -- 14:36:15</p> <p>10 Q. 61, of your declaration, Exhibit 1002.</p> <p>11 A. Okay, page 61. 14:36:39</p> <p>12 Q. And you say here -- 14:36:39</p> <p>13 A. Let me get there.</p> <p>14 Yeah, I'm on page 61, at the bottom right, yeah.</p> <p>15 Q. Okay. And paragraph 114, you say (as read): 14:36:40</p> <p>16 "Stefik discloses at least two 14:36:41</p> <p>17 embodiments of granting the request to 14:36:52</p> <p>18 use the file in the predefined manner." 14:36:55</p> <p>19 Correct? 14:37:11</p> <p>20 A. Yes. 14:37:11</p> <p>21 Q. And you say when a user -- sorry. In the first 14:37:14</p> <p>22 line you say (as read): 14:37:18</p> <p>23 "Stefik discloses granting a 14:37:19</p> <p>24 request simply by servicing the 14:37:21</p> <p>25 request." 14:37:23</p> <p style="text-align: right;">Page 212</p>
<p>1 witness time to review the material in response to the 14:34:18</p> <p>2 question you just asked. 14:34:21</p> <p>3 MR. FLORANCE: I am going to move on because he 14:34:22</p> <p>4 is unable to answer the question. 14:34:24</p> <p>5 MS. CHOW: I disagree with that 14:34:27</p> <p>6 characterization. 14:34:28</p> <p>7 THE WITNESS: Yeah, I'm looking through it and 14:34:29</p> <p>8 I'm trying to identify... 14:34:31</p> <p>9 BY MR. FLORANCE: 14:34:37</p> <p>10 Q. There's no mention of the word "right" in the 14:34:38</p> <p>11 entire Hanna specification, is there? 14:34:39</p> <p>12 A. I'm looking through the specification. We don't 14:34:43</p> <p>13 have to look at some key term. I'm trying to -- yeah, I 14:34:45</p> <p>14 would require more time to go through this. 14:35:15</p> <p>15 Q. So, you can't answer that question right now 14:35:17</p> <p>16 because you would need more time? 14:35:19</p> <p>17 A. It's not a specific opinion that I provided in 14:35:19</p> <p>18 my report, but my understanding is that Hanna would 14:35:22</p> <p>19 allow you, through its disclosure of the use cases, to 14:35:25</p> <p>20 allow certain roles -- 14:35:29</p> <p>21 Q. I'm asking about actually attaching usage rights 14:35:33</p> <p>22 to a file. That's not described in (indiscernible), and 14:35:36</p> <p>23 I think you know that. So, let's -- 14:35:43</p> <p>24 MS. CHOW: Objection, form. 14:35:43</p> <p>25 THE WITNESS: I disagree with your 14:35:45</p> <p style="text-align: right;">Page 211</p>	<p>1 Right? 14:37:23</p> <p>2 A. Yes. 14:37:26</p> <p>3 Q. And so, there you're not suggesting that Stefik 14:37:28</p> <p>4 is teaching an affirmative act of granting. You're 14:37:31</p> <p>5 instead saying the granting is simply allowing a process 14:37:41</p> <p>6 to continue; is that correct? 14:37:43</p> <p>7 MS. CHOW: Objection, form. 14:37:45</p> <p>8 THE WITNESS: I disagree. I believe that it 14:37:47</p> <p>9 satisfies the claim limitation just like the examples 14:37:49</p> <p>10 from the '815. 14:37:51</p> <p>11 BY MR. FLORANCE: 14:37:55</p> <p>12 Q. Okay. And that's because -- so, you believe 14:37:55</p> <p>13 there is an affirmative act that's being described here; 14:37:57</p> <p>14 is that right? 14:38:00</p> <p>15 A. Again, I don't want to use words like 14:38:00</p> <p>16 affirmative act and all that. I'm saying it's 14:38:02</p> <p>17 consistent with examples used in the '815 patent as to 14:38:04</p> <p>18 this particular limitation. 14:38:09</p> <p>19 Q. Okay. You point to column 16, line 61 to 67 of 14:38:11</p> <p>20 Stefik, when you say (as read): 14:38:21</p> <p>21 "When a user requests to access a 14:38:21</p> <p>22 digital work using the interface or 14:38:23</p> <p>23 repository, Stefik discloses initiating 14:38:25</p> <p>24 suitable transactions to service the 14:38:28</p> <p>25 request." 14:38:30</p> <p style="text-align: right;">Page 213</p>

<p>1 Correct? 14:38:30</p> <p>2 A. Yes, that's in my declaration. 14:38:32</p> <p>3 Q. And that part of Stefik doesn't describe a 14:38:34</p> <p>4 suitable transaction, does it? 14:38:39</p> <p>5 A. Again, let's go to Stefik. 14:38:42</p> <p>6 Q. Okay. Are you at column 16 of Stefik? 14:38:44</p> <p>7 A. Yes. 14:39:38</p> <p>8 Q. And is there any description of the suitable 14:39:38</p> <p>9 transactions that are referenced there in this part of 14:39:41</p> <p>10 Stefik? 14:39:43</p> <p>11 A. It's in line 60 through 68, correct, you see 14:39:44</p> <p>12 that (as read):</p> <p>13 "The user interface will then cause 14:39:49</p> <p>14 the repository to initiate the suitable 14:39:51</p> <p>15 transactions to service the request." 14:39:53</p> <p>16 Q. No, I see that, and I see that reference to 14:39:55</p> <p>17 suitable transactions, but it doesn't describe anything 14:39:58</p> <p>18 about those transactions here, does it? 14:40:01</p> <p>19 A. I disagree. It talks of suitable, which means 14:40:04</p> <p>20 in the manner suitable for use. 14:40:06</p> <p>21 Q. Right, and -- 14:40:09</p> <p>22 A. Is appropriately matched to the request. That's 14:40:11</p> <p>23 why I use the word suitable. 14:40:19</p> <p>24 Q. Well, it could be suitable to the content owner, 14:40:20</p> <p>25 right? 14:40:25</p> <p style="text-align: right;">Page 214</p>	<p>1 A. I don't understand your question. I think that 14:41:42</p> <p>2 it satisfies the claim limitation. 14:41:45</p> <p>3 Q. In addition to the user needing proper usage 14:41:49</p> <p>4 rights, the user also would need to meet the conditions 14:41:55</p> <p>5 of those user rights, correct? 14:41:57</p> <p>6 MS. CHOW: Objection, form. 14:41:59</p> <p>7 THE WITNESS: I disagree. You're putting words 14:42:00</p> <p>8 in my mouth. I didn't say any of those things. 14:42:02</p> <p>9 BY MR. FLORANCE: 14:42:04</p> <p>10 Q. I'm not saying you did. I'm saying the patent 14:42:04</p> <p>11 says that. 14:42:07</p> <p>12 A. I disagree. 14:42:07</p> <p>13 Q. Moving on to your second example, which is in 14:42:09</p> <p>14 paragraph 115, where you say (as read): 14:42:17</p> <p>15 "For example, when a rendering 14:42:24</p> <p>16 repository makes a request to install a 14:42:26</p> <p>17 player, the repository receiving this 14:42:28</p> <p>18 request provides a copy of the player 14:42:31</p> <p>19 software to be installed." 14:42:33</p> <p>20 Do you see that? 14:42:34</p> <p>21 A. Yes. 14:42:36</p> <p>22 Q. Okay.</p> <p>23 A. That grants the request. 14:42:38</p> <p>24 Q. So, granting the request, in your view, it 14:42:40</p> <p>25 grants the request just merely by providing a copy? 14:42:46</p> <p style="text-align: right;">Page 216</p>
<p>1 A. Not at all. The way from the context, you would 14:40:26</p> <p>2 understand it to be suitable for the manner of use. 14:40:29</p> <p>3 Q. Well, the initiation of suitable transactions 14:40:36</p> <p>4 does not mean the request will be granted, does it? 14:40:39</p> <p>5 MS. CHOW: Objection, form. 14:40:44</p> <p>6 THE WITNESS: Again, I will disagree with you. 14:40:46</p> <p>7 I would say that it means that you are making a request 14:40:48</p> <p>8 for a particular manner of use and you are initiating 14:40:53</p> <p>9 suitable transactions to service the request. 14:40:58</p> <p>10 So, it's servicing it in a manner that's 14:41:00</p> <p>11 customized to the request. Suitable. 14:41:03</p> <p>12 BY MR. FLORANCE: 14:41:06</p> <p>13 Q. And that request could be denied if the user 14:41:06</p> <p>14 doesn't have the appropriate usage rights, correct? 14:41:09</p> <p>15 MS. CHOW: Objection, form. 14:41:12</p> <p>16 THE WITNESS: The way I'm looking at it here is 14:41:14</p> <p>17 that it says that the user interface will then cause the 14:41:16</p> <p>18 repository to initiate, which means grant suitable 14:41:19</p> <p>19 transactions, which means customized to service the 14:41:23</p> <p>20 requests, which is requests for a particular use. 14:41:27</p> <p>21 So, I think it meets all the limitations. 14:41:29</p> <p>22 BY MR. FLORANCE: 14:41:33</p> <p>23 Q. But we're talking about the repository that the 14:41:33</p> <p>24 user is using, right, it's the repository user 14:41:35</p> <p>25 interface? 14:41:39</p> <p style="text-align: right;">Page 215</p>	<p>1 A. A copy for a particular predefined use, which 14:42:51</p> <p>2 is --</p> <p>3 (Reporter clarification.)</p> <p>4 THE WITNESS: For a predefined manner of use, 14:43:00</p> <p>5 which is the player. 14:43:00</p> <p>6 BY MR. FLORANCE:</p> <p>7 Q. The predefined manner of use is what? I don't 14:43:04</p> <p>8 understand what you're saying. 14:43:08</p> <p>9 A. Play. To play or render. 14:43:08</p> <p>10 Q. So, if you allow a file to be copied, you're 14:43:10</p> <p>11 saying that's essentially granting a request to play 14:43:22</p> <p>12 that copy? 14:43:25</p> <p>13 MS. CHOW: Objection, form. 14:43:28</p> <p>14 THE WITNESS: To copy, to install it, all of 14:43:29</p> <p>15 which are examples in the '815 that are consistent with 14:43:33</p> <p>16 the request and the grant -- 14:43:36</p> <p>17 BY MR. FLORANCE: 14:43:39</p> <p>18 Q. Well, there are numerous things that need to 14:43:39</p> <p>19 happen before the installation process would be 14:43:41</p> <p>20 complete, correct? 14:43:44</p> <p>21 A. This is not -- this is just -- even the act of 14:43:45</p> <p>22 copying it as a part of the installation process 14:43:47</p> <p>23 satisfies the examples provided by the '815 patent as to 14:43:51</p> <p>24 request and grant in the manner claimed. 14:43:57</p> <p>25 Q. So, you're not saying, then, that a request to 14:44:03</p> <p style="text-align: right;">Page 217</p>

<p>1 install is complete when a copy of the player software 14:44:05</p> <p>2 is provided, are you? 14:44:11</p> <p>3 MS. CHOW: Objection, form. 14:44:15</p> <p>4 THE WITNESS: What I'm saying is in paragraph 14:44:19</p> <p>5 115. It says here that you are making a request to 14:44:21</p> <p>6 install, and that installation request is granted and 14:44:23</p> <p>7 you are provided a copy. 14:44:29</p> <p>8 BY MR. FLORANCE: 14:44:33</p> <p>9 Q. You say a person of ordinary skill would have 14:44:33</p> <p>10 understood that providing a copy of the player software 14:44:35</p> <p>11 to be installed is granting a request to install the 14:44:38</p> <p>12 player? 14:44:41</p> <p>13 A. That's right, because -- when you're given the 14:44:43</p> <p>14 copy to be installed. 14:44:45</p> <p>15 Q. Okay. So, even if there are numerous conditions 14:44:46</p> <p>16 that follow the copying before the installation is 14:44:49</p> <p>17 complete, you still believe the granting has been -- 14:44:53</p> <p>18 that granting step has been complete? 14:44:57</p> <p>19 MS. CHOW: Objection, form. 14:44:59</p> <p>20 THE WITNESS: First of all, even if there are 14:45:01</p> <p>21 conditions, this is disclosure that under certain 14:45:03</p> <p>22 conditions it would be granted, number one. 14:45:05</p> <p>23 And second, I don't see all these conditions 14:45:08</p> <p>24 being described in the examples I've cited. So, even if 14:45:12</p> <p>25 there are conditions, the product discloses those cases 14:45:18</p> <p style="text-align: right;">Page 218</p>	<p>1 A. Yes, I'm referring to certain portions of 14:47:09</p> <p>2 Figure 3. 14:47:13</p> <p>3 Q. And Hanna further discloses that even if a 14:47:17</p> <p>4 packet is found to be corrupt, transmission and 14:47:19</p> <p>5 verification of other packets may continue, right? 14:47:23</p> <p>6 A. What are you referring to? 14:47:28</p> <p>7 Q. I will refer you to Hanna, which is 14:47:32</p> <p>8 Exhibit 1006, at column 10, lines 12 to 16. 14:47:38</p> <p>9 A. Column 10?</p> <p>10 Q. Sorry, I apologize. It's page 10, which would 14:47:51</p> <p>11 be page 12 at the bottom right, page 10 at the top. 14:48:04</p> <p>12 A. Okay. Which line?</p> <p>13 Q. We can look at line 13, which starts (as read): 14:48:09</p> <p>14 "If this verification step fails, 14:48:10</p> <p>15 the packet is corrupt and must be 14:48:11</p> <p>16 repaired or recovered before 14:48:13</p> <p>17 any packets that depend on this packet 14:48:15</p> <p>18 can be verified. However, other 14:48:16</p> <p>19 packets in the hash block can be 14:48:16</p> <p>20 verified." 14:48:18</p> <p>21 A. So, what's the question? 14:48:22</p> <p>22 Q. My question is, even if a packet is found to be 14:48:23</p> <p>23 corrupt, transmission and verification of other packets 14:48:26</p> <p>24 may continue, correct? 14:48:32</p> <p>25 A. I don't understand the point. 14:48:50</p> <p style="text-align: right;">Page 220</p>
<p>1 where all the conditions may be satisfied and it would 14:45:21</p> <p>2 be obvious under those conditions, even if the 14:45:26</p> <p>3 conditions were needed, but they're not. 14:45:30</p> <p>4 BY MR. FLORANCE: 14:45:38</p> <p>5 Q. And it's your testimony that the granting of the 14:45:38</p> <p>6 request to install the software, that would be complete 14:45:41</p> <p>7 at the time of the download, correct? 14:45:46</p> <p>8 A. First of all -- 14:45:49</p> <p>9 MS. CHOW: Objection, form. 14:45:51</p> <p>10 THE WITNESS: If there were conditions, on the 14:45:52</p> <p>11 cases where the conditions were satisfied, it would be a 14:45:55</p> <p>12 grant for sure, even under your requirements. 14:45:57</p> <p>13 Further, I don't see specific conditions cited 14:46:05</p> <p>14 here. Even if there are conditions, one of ordinary 14:46:08</p> <p>15 skill in the art would understand that the conditions 14:46:17</p> <p>16 would have been satisfied in many of the cases that 14:46:18</p> <p>17 Stefik discloses that feature, at least in some of the 14:46:22</p> <p>18 cases. 14:46:26</p> <p>19 BY MR. FLORANCE: 14:46:36</p> <p>20 Q. Let's turn to paragraph 111 of your declaration. 14:46:36</p> <p>21 A. Okay. 14:46:45</p> <p>22 Q. So, here you're opining that Hanna teaches that 14:46:46</p> <p>23 a check is performed during transmission, and if that 14:46:55</p> <p>24 check determines a packet is corrupt, the packet should 14:46:59</p> <p>25 be repaired, recovered or discarded, right? 14:47:03</p> <p style="text-align: right;">Page 219</p>	<p>1 Q. I'm not asking for you to understand a point. 14:48:52</p> <p>2 I'm asking you to answer the question. 14:48:54</p> <p>3 A. Answer what? What is the question? I don't see 14:48:56</p> <p>4 the word "continue" in all that. 14:48:59</p> <p>5 Q. Well, it says other packets in the hash block 14:49:06</p> <p>6 can be verified even if the verification step fails, 14:49:09</p> <p>7 right, that's how you would read page 10, lines 13 14:49:12</p> <p>8 through 16? 14:49:17</p> <p>9 A. No, it says if the verification step fails the 14:49:20</p> <p>10 packet is corrupt and must be repaired or recovered 14:49:22</p> <p>11 before any packets that depend on this packet can be 14:49:34</p> <p>12 verified. 14:49:36</p> <p>13 (Reporter clarification.)</p> <p>14 THE WITNESS: And must be repaired or recovered</p> <p>15 before any packets that depend on this packet can be</p> <p>16 verified. So -- 14:49:37</p> <p>17 BY MR. FLORANCE:</p> <p>18 Q. Keep reading. 14:49:38</p> <p>19 A. So, this means -- yeah, other packets in the 14:49:40</p> <p>20 hash block. These are the other packets that are 14:49:42</p> <p>21 unrelated to this transaction. 14:49:44</p> <p>22 Q. Right.</p> <p>23 A. So, when you're talking about video 14:49:50</p> <p>24 conferencing, these would be packets that are not 14:49:50</p> <p>25 related to the video conferencing. These would be 14:49:52</p> <p style="text-align: right;">Page 221</p>

<p>1 something else, some other transactions. 14:49:55</p> <p>2 Q. No, that's not what it's saying. It's saying 14:49:57</p> <p>3 that if there are other packets that aren't related 14:49:59</p> <p>4 within that hash block, those can continue to go, even 14:50:04</p> <p>5 if other portions are determined to be corrupt. 14:50:08</p> <p>6 A. I disagree. 14:50:13</p> <p>7 Q. Okay.</p> <p>8 A. I would say that these would be a different 14:50:14</p> <p>9 session or some unrelated transaction that happened to 14:50:16</p> <p>10 be in the hash block, but not part of the same video 14:50:20</p> <p>11 session. 14:50:23</p> <p>12 Q. There's no teaching in Hanna that how the data 14:50:25</p> <p>13 will be used must be determined and disclosed to the 14:50:30</p> <p>14 sender of the data before transmission occurs, correct? 14:50:35</p> <p>15 MS. CHOW: Objection, form. 14:50:38</p> <p>16 THE WITNESS: You are missing all these 14:50:39</p> <p>17 statements, which I guess you want to put in your brief. 14:50:41</p> <p>18 I am not sure what you are referring to there. I don't 14:50:44</p> <p>19 see any support for that. 14:50:47</p> <p>20 BY MR. FLORANCE: 14:50:50</p> <p>21 Q. Well, there's no support because there's no 14:50:51</p> <p>22 teaching of it. That's the point. 14:50:52</p> <p>23 A. Of what? 14:50:53</p> <p>24 Q. That the sender must be apprised of how the 14:50:54</p> <p>25 receiver is going to use the data before the 14:51:00</p> <p style="text-align: right;">Page 222</p>	<p>1 BY MR. FLORANCE: 14:52:56</p> <p>2 Q. So, like Hanna, Gennaro describes a system that 14:52:57</p> <p>3 detects data corruption during transmission between a 14:52:59</p> <p>4 remote and local device, right? 14:53:08</p> <p>5 (Reporter clarification.)</p> <p>6 MR. FLORANCE: Data corruption during</p> <p>7 transmission between a remote and local device. 14:53:11</p> <p>8 MS. CHOW: Objection, form. 14:53:11</p> <p>9 THE WITNESS: I disagree. I mean, what are you 14:53:13</p> <p>10 pointing to and why do you say like Hanna? I never 14:53:14</p> <p>11 agreed that Hanna does that. It's one of many different 14:53:18</p> <p>12 features. 14:53:21</p> <p>13 BY MR. FLORANCE: 14:53:21</p> <p>14 Q. You don't think Hanna and Gennaro are similar? 14:53:22</p> <p>15 A. That's not the comment. Both of them are 14:53:26</p> <p>16 related to the area of content electronic data 14:53:28</p> <p>17 protection and distribution. 14:53:35</p> <p>18 Q. Does Gennaro describe a system that detects data 14:53:36</p> <p>19 corruption during transmission between a remote and 14:53:40</p> <p>20 local device? 14:53:43</p> <p>21 A. Let's look at that. Let's look at Gennaro. 14:53:44</p> <p>22 Okay, so what is it that you would like me to 14:53:52</p> <p>23 look at Gennaro? 14:53:54</p> <p>24 Q. I'm asking you for your understanding of the 14:53:55</p> <p>25 patent. I'm not -- you know, we've taken a lot of time 14:53:57</p> <p style="text-align: right;">Page 224</p>
<p>1 transmission occurs. 14:51:03</p> <p>2 A. I disagree. Video conferencing and backup are 14:51:05</p> <p>3 exclusive. Video sending, video conferencing, you know 14:51:08</p> <p>4 that the video you're sending is going to be used for 14:51:11</p> <p>5 video rendering, and for copying, and for storage. 14:51:13</p> <p>6 I mean, what could be more simpler than that to 14:51:19</p> <p>7 show that when you're sending up a file for backup you 14:51:21</p> <p>8 know that it's being used for backup purposes. 14:51:24</p> <p>9 Q. Right.</p> <p>10 A. So, I totally disagree with that statement. 14:51:28</p> <p>11 Q. Okay. And that's because you believe that Hanna 14:51:30</p> <p>12 discusses video conferencing and backup operations in 14:51:34</p> <p>13 the context of using the method disclosed in here, 14:51:40</p> <p>14 right? 14:51:44</p> <p>15 MS. CHOW: Objection, form. 14:51:44</p> <p>16 THE WITNESS: Again, I am making no caveats 14:51:45</p> <p>17 about what Hanna discloses. Hanna discloses it free and 14:51:49</p> <p>18 square and without any conditions, no assumptions. 14:51:52</p> <p>19 Hanna discloses video conferencing and backup as 14:51:54</p> <p>20 part of the necessary context of its operations. No 14:51:57</p> <p>21 conditions. 14:52:01</p> <p>22 MR. FLORANCE: Let's turn to Exhibit 1008, which 14:52:23</p> <p>23 you should have. 14:52:26</p> <p>24 (Exhibit 1008 was marked for identification by 14:52:54</p> <p>25 the court reporter and is attached hereto.) 14:52:56</p> <p style="text-align: right;">Page 223</p>	<p>1 looking at things, but you should know the patent, and 14:54:00</p> <p>2 I'm asking you if that's a proper characterization of 14:54:03</p> <p>3 what it does. Does it describe -- 14:54:05</p> <p>4 MS. CHOW: Objection to form.</p> <p>5 BY MR. FLORANCE:</p> <p>6 Q. Does it detect data corruption during 14:54:10</p> <p>7 transmission between a remote and local device? 14:54:11</p> <p>8 A. I think my declaration makes it very clear as to 14:54:16</p> <p>9 what Gennaro does, so let's go to the source -- 14:54:17</p> <p>10 Q. I don't --</p> <p>11 A. -- which is my declaration.</p> <p>12 Q. No, that's not how it works. It works, you 14:54:23</p> <p>13 should answer the question I have, and if you can't 14:54:24</p> <p>14 answer it without looking at the declaration, you should 14:54:26</p> <p>15 tell me. 14:54:29</p> <p>16 A. Yeah, I'm talking about Gennaro. 14:54:29</p> <p>17 Q. Right.</p> <p>18 A. So, when I start my discussion of Gennaro, that 14:54:32</p> <p>19 it talks, in paragraph 129, Gennaro describes the 14:54:36</p> <p>20 technique for efficiently signing a digital audio, 14:54:40</p> <p>21 video, or data stream, so that the receiver of the 14:54:43</p> <p>22 stream can authenticate and consume the stream at the 14:54:46</p> <p>23 same rate at which the stream is being sent. 14:54:50</p> <p>24 Abstract 12, and also column 12, 44 to 51. 14:54:53</p> <p>25 This applies to finite and infinite digital 14:54:59</p> <p style="text-align: right;">Page 225</p>

<p>1 streams. So, it talks about signatures, it talks about 14:55:03</p> <p>2 signing, authenticating data, and using data for 14:55:07</p> <p>3 specific purposes, both requesting and granting. 14:55:12</p> <p>4 BY MR. FLORANCE: 14:55:19</p> <p>5 Q. And it's trying to detect data corruption, isn't 14:55:20</p> <p>6 it? 14:55:23</p> <p>7 A. You can look at my declaration. Paragraphs 124 14:55:26</p> <p>8 through -- to paragraph 136, I provide an overview of 14:55:30</p> <p>9 what Hanna does -- of what Gennaro does in the context 14:55:41</p> <p>10 of what it's doing. 14:55:47</p> <p>11 It is sending video streams. It's 14:55:50</p> <p>12 authenticating, verifying, just as the '815 does. 14:55:52</p> <p>13 Sending requests for use in a predefined manner, 14:56:01</p> <p>14 granting requests, everything else. All the steps as 14:56:05</p> <p>15 shown. 14:56:09</p> <p>16 Q. But that's not your opinion, right, because you 14:56:14</p> <p>17 have not -- you've already testified that you are not 14:56:16</p> <p>18 opining that Gennaro anticipates -- 14:56:19</p> <p>19 A. I disagree with that. I didn't say Gennaro does 14:56:26</p> <p>20 not anticipate. I chose to just use Gennaro for 14:56:28</p> <p>21 obviousness. In the future, I may use Gennaro for 14:56:33</p> <p>22 anticipation in other contexts. 14:56:37</p> <p>23 I have just no opinion on anticipation at this 14:56:41</p> <p>24 point. Same thing with Hanna. Same thing with Stefik. 14:56:46</p> <p>25 I reserve the right to use them in many different ways, 14:56:51</p> <p style="text-align: right;">Page 226</p>	<p>1 Q. Would you agree that it's one of the concerns of 14:58:02</p> <p>2 Gennaro? 14:58:04</p> <p>3 MS. CHOW: Objection to form. 14:58:06</p> <p>4 THE WITNESS: Can you point me to the portion of 14:58:08</p> <p>5 Gennaro you're pointing to? 14:58:11</p> <p>6 BY MR. FLORANCE: 14:58:13</p> <p>7 Q. If you can't answer it we're going to move on 14:58:13</p> <p>8 because I don't have -- you're just delaying, and I 14:58:15</p> <p>9 don't appreciate it. 14:58:17</p> <p>10 A. No, no, I want to be specific. I mean, you are 14:58:18</p> <p>11 talking about an entire 22-page reference and saying, 14:58:20</p> <p>12 okay, it does this, it does that. 14:58:24</p> <p>13 I'd like to be specific. What exactly are you 14:58:26</p> <p>14 saying? Where exactly does it say that? I disagree 14:58:29</p> <p>15 with your statement. 14:58:34</p> <p>16 Q. It is stated, Exhibit 1008, column 2, lines 35 14:58:35</p> <p>17 to 42. 14:58:42</p> <p>18 A. It's saying that it authenticates the stream 14:58:54</p> <p>19 without receiving the entire stream. So, where is -- 14:58:56</p> <p>20 Q. Thank you. Thank you very much. That's the 14:58:59</p> <p>21 answer to my questions. 14:59:01</p> <p>22 MS. CHOW: Let the witness finish his answer, 14:59:02</p> <p>23 please. 14:59:04</p> <p>24 THE WITNESS: It's saying that it authenticates 14:59:05</p> <p>25 a stream without receiving the entire stream. 14:59:07</p> <p style="text-align: right;">Page 228</p>
<p>1 but at this point, for the purposes of this declaration, 14:56:56</p> <p>2 I only relied on obviousness. 14:56:59</p> <p>3 (Reporter clarification.) 14:57:01</p> <p>4 THE WITNESS: That's no admission that Gennaro 14:57:01</p> <p>5 does not anticipate. I just don't offer an opinion at 14:57:06</p> <p>6 this point.</p> <p>7 BY MR. FLORANCE:</p> <p>8 Q. That's all I was asking, is you don't offer an 14:57:11</p> <p>9 opinion. 14:57:14</p> <p>10 A. Yeah, but that doesn't mean that if asked and 14:57:14</p> <p>11 allowed I may offer other opinions at other times or in 14:57:17</p> <p>12 other proceedings. This is not an admission that 14:57:20</p> <p>13 Gennaro does not anticipate. 14:57:22</p> <p>14 Q. Well, Gennaro is concerned with authenticating a 14:57:29</p> <p>15 stream without receiving the entire stream, correct? 14:57:33</p> <p>16 A. Gennaro speaks for itself. I've described 14:57:37</p> <p>17 Gennaro in paragraphs 124 through 136. 14:57:39</p> <p>18 Q. I'm entitled to you answering the questions, so 14:57:42</p> <p>19 please do. 14:57:46</p> <p>20 Gennaro is concerned with authenticating a 14:57:46</p> <p>21 stream without receiving the entire stream, correct? 14:57:48</p> <p>22 MS. CHOW: Objection to form. 14:57:52</p> <p>23 THE WITNESS: I disagree. I think it does both 14:57:54</p> <p>24 finite and infinite streams. 14:57:56</p> <p>25 BY MR. FLORANCE: 14:58:02</p> <p style="text-align: right;">Page 227</p>	<p>1 (Reporter clarification.)</p> <p>2 THE WITNESS: Without receiving the entire</p> <p>3 stream.</p> <p>4 But in case of finite stream, it could receive 14:59:15</p> <p>5 it with the whole stream. So, it talks both of finite 14:59:18</p> <p>6 and infinite streams. 14:59:22</p> <p>7 BY MR. FLORANCE: 14:59:25</p> <p>8 Q. Well, it could still authenticate a finite 14:59:26</p> <p>9 stream before receiving all of it, right? 14:59:28</p> <p>10 A. Yeah, but it could also authenticate the finite 14:59:30</p> <p>11 stream with receiving its entire stream, receiving the 14:59:35</p> <p>12 entire finite stream. 14:59:37</p> <p>13 Q. So, you think that that would be a good 14:59:39</p> <p>14 solution, would be allowing the entire stream to happen 14:59:42</p> <p>15 and then authenticate it after transmission is complete? 14:59:44</p> <p>16 MS. CHOW: Objection to form. 14:59:47</p> <p>17 THE WITNESS: If it's a small stream it will 14:59:49</p> <p>18 disclose that. 14:59:51</p> <p>19 BY MR. FLORANCE: 15:00:08</p> <p>20 Q. Gennaro is also concerned with detecting 15:00:08</p> <p>21 corruption almost immediately after tampering of a 15:00:12</p> <p>22 portion of the stream, right?</p> <p>23 MS. CHOW: Objection.</p> <p>24 (Reporter clarification.)</p> <p>25 MR. FLORANCE: Almost immediately after</p> <p style="text-align: right;">Page 229</p>

<p>1 tampering of a portion of the stream.</p> <p>2 Q. Right?</p> <p>3 I'm looking at the same exact section that you 15:00:29</p> <p>4 were just looking at. 15:00:33</p> <p>5 A. That's one of the features in certain 15:00:33</p> <p>6 environments. 15:00:36</p> <p>7 Q. Right. 15:00:36</p> <p>8 And even if the file being transmitted does not 15:00:37</p> <p>9 involve streaming, Gennaro teaches detecting tampering 15:00:39</p> <p>10 before transmission is complete, doesn't it? 15:00:43</p> <p>11 A. I don't see that. 15:00:45</p> <p>12 Q. Okay, let's go to 14, column 14, lines 3 through 15:00:47</p> <p>13 15. 15:01:05</p> <p>14 A. That's talking about long files. 15:01:08</p> <p>15 Q. It's talking about long files, right? 15:01:11</p> <p>16 A. Yeah. 15:01:12</p> <p>17 Q. So, that's not a streaming file, right? 15:01:13</p> <p>18 MS. CHOW: Objection, form. 15:01:17</p> <p>19 THE WITNESS: I don't see that. 15:01:24</p> <p>20 BY MR. FLORANCE: 15:01:25</p> <p>21 Q. Well, in line 7, in column 14, it says (as 15:01:26</p> <p>22 read):</p> <p>23 "There is no stream requirement to 15:01:28</p> <p>24 consume the file as it is downloaded." 15:01:33</p> <p>25 (Reporter clarification.)</p> <p style="text-align: right;">Page 230</p>	<p>1 MS. CHOW: Objection, form. 15:02:29</p> <p>2 THE WITNESS: I disagree with that. 15:02:30</p> <p>3 BY MR. FLORANCE: 15:02:31</p> <p>4 Q. Well, here it says -- I just read the sentence 15:02:31</p> <p>5 where it says (as read): 15:02:35</p> <p>6 "There's no stream requirement to 15:02:37</p> <p>7 consume the file as it is downloaded." 15:02:39</p> <p>8 A. So? 15:02:42</p> <p>9 Q. Let me finish. (As read): 15:02:42</p> <p>10 "So, the receiver can easily 15:02:43</p> <p>11 receive the whole file and then check a 15:02:44</p> <p>12 signature at the end." 15:02:47</p> <p>13 Do you see that? 15:02:49</p> <p>14 A. Okay. 15:02:49</p> <p>15 Q. And that is an example you just gave about how 15:02:50</p> <p>16 you could wait until the end of a stream to authenticate 15:02:53</p> <p>17 that stream, right? 15:02:57</p> <p>18 A. But further down it says -- 15:02:59</p> <p>19 MS. CHOW: Objection, form. 15:03:01</p> <p>20 THE WITNESS: But further down it says you could 15:03:02</p> <p>21 do this at the beginning, too. 15:03:03</p> <p>22 BY MR. FLORANCE: 15:03:08</p> <p>23 Q. Okay. We're talking now about -- right, we 15:03:08</p> <p>24 already know that Gennaro teaches detecting tampering 15:03:12</p> <p>25 while the transmission is ongoing, we already know that, 15:03:17</p> <p style="text-align: right;">Page 232</p>
<p>1 MR. FLORANCE: Consume the file as it is</p> <p>2 downloaded. (As read):</p> <p>3 "So, the receiver can easily 15:01:36</p> <p>4 receive the whole file and then check a 15:01:38</p> <p>5 signature at the end." 15:01:41</p> <p>6 Q. Do you see that? 15:01:42</p> <p>7 A. So what? 15:01:44</p> <p>8 Q. And that's what you just said could happen, 15:01:45</p> <p>9 right, you said that they could wait until the end and 15:01:47</p> <p>10 then sign it, right? 15:01:54</p> <p>11 (Reporter clarification.) 15:01:54</p> <p>12 MS. CHOW: Objection, form. 15:01:54</p> <p>13 BY MR. FLORANCE:</p> <p>14 Q. And then check the signature, right?</p> <p>15 A. Again, I don't understand your question. What 15:01:57</p> <p>16 exactly are you saying that -- 15:01:59</p> <p>17 Q. Again, you're not entering my question, you're 15:02:03</p> <p>18 trying to anticipate why I'm asking the question, which 15:02:04</p> <p>19 is not -- 15:02:07</p> <p>20 A. No, no, my thoughts aside, I mean what exactly 15:02:07</p> <p>21 is your question? 15:02:12</p> <p>22 Q. My question is, even if the file being 15:02:13</p> <p>23 transmitted does not involve streaming, Gennaro teaches 15:02:19</p> <p>24 detecting tampering before transmission is complete, 15:02:23</p> <p>25 right? 15:02:28</p> <p style="text-align: right;">Page 231</p>	<p>1 right? 15:03:20</p> <p>2 A. Yeah, but it's not necessary. I mean, if the 15:03:20</p> <p>3 feature is present, it can be there. 15:03:22</p> <p>4 Q. Right. 15:03:24</p> <p>5 And Gennaro teaches that this is not a 15:03:25</p> <p>6 satisfactory solution, to wait until the end, right? 15:03:29</p> <p>7 A. I disagree. 15:03:32</p> <p>8 Q. It says on line 11, column 14 (as read): 15:03:33</p> <p>9 "Since communication is at a cost 15:03:36</p> <p>10 (time spent online, bandwidth wasted, 15:03:43</p> <p>11 etc.) this is not a satisfactory 15:03:47</p> <p>12 solution." 15:03:53</p> <p>13 Do you see that? 15:03:54</p> <p>14 A. I can see what it says there, so what is the 15:03:57</p> <p>15 point? 15:04:00</p> <p>16 Q. The point is that Gennaro teaches away from a 15:04:00</p> <p>17 system that does not start authentication until the 15:04:04</p> <p>18 entire file is delivered, right? 15:04:11</p> <p>19 A. I disagree. 15:04:14</p> <p>20 MS. CHOW: Objection, form. 15:04:15</p> <p>21 THE WITNESS: There's no teaching of it here. 15:04:16</p> <p>22 It is just a statement that under a certain contexts -- 15:04:18</p> <p>23 and that is an optional feature. It only talks about it 15:04:19</p> <p>24 can be used. It doesn't say it must be. 15:04:23</p> <p>25 BY MR. FLORANCE: 15:04:37</p> <p style="text-align: right;">Page 233</p>

<p>1 Q. Let's turn to page 96 of your declaration, 15:04:37</p> <p>2 specifically paragraph 167. 15:04:44</p> <p>3 THE REPORTER: I need a break. 15:04:52</p> <p>4 MR. FLORANCE: Okay, let's take a break.</p> <p>5 (Recess taken.) 15:15:40</p> <p>6 BY MR. FLORANCE: 15:15:40</p> <p>7 Q. Let's turn to page 96 of your declaration, 15:15:50</p> <p>8 Exhibit 1002. 15:15:54</p> <p>9 A. Okay.</p> <p>10 Q. This is the claim chart for Gennaro, right? 15:16:02</p> <p>11 A. That's right. 15:16:05</p> <p>12 Q. I'm looking at 42a. 15:16:09</p> <p>13 In element 42a in this chart, you assert that 15:16:17</p> <p>14 Gennaro discloses receiving a request to use the file in 15:16:20</p> <p>15 a predefined manner, right? 15:16:23</p> <p>16 A. Yes. 15:16:27</p> <p>17 Q. And the only use that you assert that is being 15:16:27</p> <p>18 requested is playing the file, right? 15:16:30</p> <p>19 MS. CHOW: Objection, form. 15:16:35</p> <p>20 THE WITNESS: No, I would say that storing the 15:16:36</p> <p>21 file, playing the file. 15:16:40</p> <p>22 BY MR. FLORANCE: 15:16:46</p> <p>23 Q. Did you say that anywhere in this chart, storing 15:16:47</p> <p>24 the file, as a use? 15:16:49</p> <p>25 A. For example, storing the data in the buffer. 15:16:53</p> <p style="text-align: right;">Page 234</p>	<p>1 Q. So, let's go back to 42a, and this table, and 15:18:15</p> <p>2 where you say anything about storing. 15:18:20</p> <p>3 MS. CHOW: Same objection. 15:18:25</p> <p>4 THE WITNESS: As I said, given the context of 15:18:26</p> <p>5 the disclosures in the report, specifically in other 15:18:29</p> <p>6 paragraphs, 139, 140, 141, 142, playing, using, 15:18:31</p> <p>7 consuming the file for playback, all these would involve 15:18:36</p> <p>8 storing, playback, all of which are examples in '815. 15:18:41</p> <p>9 BY MR. FLORANCE: 15:18:53</p> <p>10 Q. Okay. So, you can't identify for me in the row 15:18:54</p> <p>11 for 42a in the claim chart that you endorse, that you 15:18:57</p> <p>12 disclosed any of these other uses, right? 15:19:01</p> <p>13 MS. CHOW: Objection, form. 15:19:05</p> <p>14 THE WITNESS: I disagree. 15:19:07</p> <p>15 BY MR. FLORANCE: 15:19:08</p> <p>16 Q. You contend in this chart that the sender 15:19:17</p> <p>17 receives, and then you have it in quotes, "Requests from 15:19:23</p> <p>18 the receiver." 15:19:25</p> <p>19 Do you see that? 15:19:27</p> <p>20 A. Which line? 15:19:28</p> <p>21 Q. On page 95, 42a, example, it says, "Sender 15:19:30</p> <p>22 receives request from the receiver." 15:19:36</p> <p>23 A. Yes. 15:19:39</p> <p>24 Q. What is the source of the quotation marks for 15:19:40</p> <p>25 request? 15:19:44</p> <p style="text-align: right;">Page 236</p>
<p>1 Gennaro further discloses passing data to the file, 15:16:55</p> <p>2 storing it. 15:17:01</p> <p>3 Q. Where is that in 42a? I'm just looking for it. 15:17:03</p> <p>4 Can you identify where in the row for 42a you 15:17:20</p> <p>5 disclose storing? 15:17:23</p> <p>6 A. Yeah, for example, I talk about, in my -- 15:17:23</p> <p>7 starting in the text of my report, starting in -- 15:17:28</p> <p>8 Q. That's not what I'm asking. I'm asking about 15:17:36</p> <p>9 this table, 42a, where do you see anything about 15:17:39</p> <p>10 storing? 15:17:42</p> <p>11 MS. CHOW: Please allow the witness to finish 15:17:44</p> <p>12 his answer. 15:17:45</p> <p>13 MR. FLORANCE: He wasn't answering my question. 15:17:46</p> <p>14 MS. CHOW: I disagree. 15:17:48</p> <p>15 THE WITNESS: My report consists of the claim 15:17:50</p> <p>16 charts. The body of the report has the background 15:17:53</p> <p>17 section. I rely on all these references and citations 15:17:56</p> <p>18 to support my analysis. 15:18:01</p> <p>19 So, you're just focusing on one portion, which 15:18:03</p> <p>20 is the claim chart. 15:18:07</p> <p>21 BY MR. FLORANCE: 15:18:08</p> <p>22 Q. That's my right, and that's what I'm doing. I 15:18:08</p> <p>23 control this deposition, so -- 15:18:10</p> <p>24 MS. CHOW: Objection to form. 15:18:12</p> <p>25 BY MR. FLORANCE: 15:18:15</p> <p style="text-align: right;">Page 235</p>	<p>1 MS. CHOW: Objection, form. 15:19:47</p> <p>2 THE WITNESS: You're talking about a video 15:19:52</p> <p>3 stream. You are talking about a movie. You are talking 15:19:54</p> <p>4 about applet. 15:19:58</p> <p>5 Look at column -- look at column 13 of Gennaro, 15:19:59</p> <p>6 right at the bottom between lines 40 to 46, column 13, 15:20:09</p> <p>7 he talks about (as read): 15:20:18</p> <p>8 "Accommodating classes or data 15:20:19</p> <p>9 resources which are generated on the 15:20:22</p> <p>10 fly by the application server based" -- 15:20:31</p> <p>11 (Reporter clarification.)</p> <p>12 THE WITNESS: (As read):</p> <p>13 "...generated on the fly by the 15:20:34</p> <p>14 application server based on a client 15:20:34</p> <p>15 request." 15:20:34</p> <p>16 So, the client is requesting a video stream for 15:20:35</p> <p>17 playing, storing, or playback, or rendering to a server. 15:20:40</p> <p>18 In the client request server model, server grants it by 15:20:44</p> <p>19 generating on the fly for a particular predefined 15:20:49</p> <p>20 manner. And it talks about applets. 15:20:52</p> <p>21 See lines 46 through 50, what could be more 15:20:58</p> <p>22 clear than that? 15:21:01</p> <p>23 BY MR. FLORANCE: 15:21:02</p> <p>24 Q. What's unclear is you don't cite that section in 15:21:03</p> <p>25 your table or in paragraph 139 of your declaration, 15:21:06</p> <p style="text-align: right;">Page 237</p>

1 which you cite. 15:21:11	1 "Gennaro discloses that when a user 15:24:56
2 MS. CHOW: Objection, form. 15:21:12	2 requests to use data, a receiver 'asks 15:24:58
3 THE WITNESS: I disagree. I use the word 15:21:12	3 for' the transmission of the data from 15:25:01
4 "applets," and this is how applets are described. You 15:21:15	4 a sender." 15:25:03
5 see, I use the word applets in that particular section, 15:21:18	5 Right? 15:25:03
6 and this -- 15:21:21	6 A. Yeah, this is another example of asking as 15:25:04
7 BY MR. FLORANCE: 15:21:23	7 described in the context of all the applets in column 15:25:08
8 Q. I'm not asking about applets. I'm asking about 15:21:23	8 13, and also Figure 5, for example. 15:25:12
9 why you put "request" in quotes. 15:21:25	9 Q. And, you know, in this part of Gennaro, as you 15:25:16
10 A. Because I refer to applets in that particular 15:21:28	10 said, it's describing the prior art, correct? 15:25:24
11 line. If you look two lines beforehand, it talks about 15:21:30	11 MS. CHOW: Objection, form. 15:25:28
12 applets, digital movies, sound, applets, and that's how 15:21:33	12 THE WITNESS: It's describing the context in 15:25:30
13 I describe it. 15:21:37	13 which the invention is to be used, in addition to some 15:25:32
14 So, you opened the door, at the very least. 15:21:39	14 of the prior art. 15:25:35
15 Q. Opened the door to you not representing what you 15:21:43	15 And further, I mean, look at Figure 5, look at 15:25:39
16 said in your declaration correctly? 15:21:46	16 column 13, I mean look at all these examples that are 15:25:42
17 A. No. 15:21:48	17 just like the '815's examples, copying frames to 15:25:47
18 MS. CHOW: Objection as to form. 15:21:48	18 buffers, copying frames to memory, playing out, 15:25:52
19 THE WITNESS: No, no. 15:21:50	19 rendering video, playing applets, downloading applets, 15:25:56
20 BY MR. FLORANCE: 15:21:54	20 requesting. 15:26:01
21 Q. You also say the receiver asks for the digital 15:21:54	21 I mean, everything is (indiscernible) to '815 15:26:01
22 stream, and you put that in quotes, right? 15:21:58	22 examples. 15:26:06
23 A. Yeah. Because, again, you look at column 12 -- 15:22:00	23 BY MR. FLORANCE: 15:26:07
24 column 13, sorry -- it talks about the request, an 15:22:02	24 Q. And this section of column 1 -- 15:26:07
25 explicit request in general, lines 43 to 45 -- 43 to 46. 15:22:05	25 MR. FLORANCE: And I move to strike that answer 15:26:09
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1 Q. And that section doesn't use the phrase "asks 15:22:17	1 as being non-responsive. 15:26:10
2 for," right? There's no use of -- 15:22:26	2 MS. CHOW: Objection to form. 15:26:12
3 A. Request -- 15:22:28	3 BY MR. FLORANCE: 15:26:14
4 Q. No, I'm asking about "asks for." 15:22:29	4 Q. That section, column 1 of Gennaro, underneath 15:26:19
5 A. That's how I understand requests to be. 15:22:34	5 where it says when the receiver asks for, the sentence 15:26:23
6 Q. So, would you understand requests to mean asks 15:22:37	6 that begins on column 1, line 33, says (as read): 15:26:27
7 for and you put that in quotes -- 15:22:40	7 "The problem with the foregoing 15:26:34
8 A. For a particular -- 15:22:42	8 solution is that it requires storage 15:26:35
9 MS. CHOW: Objection, form. 15:22:42	9 and maintenance of a potentially very 15:26:37
10 THE WITNESS: So, if you look at column 1, lines 15:22:53	10 large table on the receiver's end." 15:26:40
11 25 through 28, is a specific description of "ask." 15:22:56	11 Do you see that? 15:26:41
12 BY MR. FLORANCE: 15:23:00	12 A. Which line? 15:26:51
13 Q. Right. That's a description of the prior art, 15:23:01	13 Q. Line 33 of column 1. 15:26:53
14 right? 15:23:03	14 A. What is your question there? 15:27:02
15 A. It's a description of the prior art of the 15:23:03	15 Q. I'm just asking if you see it. 15:27:03
16 context in which this invention is being used. But 15:23:06	16 A. Okay, I see -- 15:27:05
17 column 13, lines 30 to 45, 46, are very explicit. 15:23:13	17 Q. Okay. And my question for you, is it your 15:27:07
18 Q. Let's look at paragraph 141 of your declaration. 15:23:29	18 opinion that a person of ordinary skill would use this 15:27:13
19 This is where you cite to that section of 15:23:36	19 section criticizing the prior art method to modify 15:27:15
20 Gennaro, and you say -- 15:23:40	20 Gennaro's teachings of its own method? 15:27:19
21 A. Which page? 15:23:45	21 A. This is not what I said. I said this is an 15:27:22
22 Q. Page 83. 15:23:46	22 exemplary section which talks about some of the problems 15:27:24
23 A. Okay, so what is the question, sir? 15:24:06	23 in the prior art and how -- and the use case in which 15:27:26
24 Q. The question is, in this paragraph you are 15:24:46	24 this particular invention can be used. 15:27:31
25 saying that (as read): 15:24:54	25 And I did talk about Figure 5. I talked about 15:27:34
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<p>1 column 13, talked about applets. All these are examples 15:27:38</p> <p>2 of how Gennaro discloses these limitations of requesting 15:27:41</p> <p>3 for a predefined use and granting it. 15:27:49</p> <p>4 MR. FLORANCE: I move to strike everything after 15:27:54</p> <p>5 "This is not what I said." 15:27:56</p> <p>6 Q. The question is about this section only of 15:27:59</p> <p>7 column 1, and I'm asking you: 15:28:01</p> <p>8 Is it your opinion that one of ordinary skill 15:28:05</p> <p>9 would use a section criticizing the prior art method to 15:28:08</p> <p>10 modify Gennaro's teachings of its own inventive method? 15:28:11</p> <p>11 A. I disagree with your characterization of this 15:28:17</p> <p>12 section. It talks about problems, the context of use, 15:28:20</p> <p>13 before talking about certain prior art approaches, so, I 15:28:25</p> <p>14 would disagree. 15:28:29</p> <p>15 And as I've said, I would refer to other 15:28:31</p> <p>16 sections as well. 15:28:33</p> <p>17 Q. Right. 15:28:36</p> <p>18 And in column 1, line 23, it says (as read): 15:28:36</p> <p>19 "Another type of solution works 15:28:40</p> <p>20 only for finite streams." 15:28:42</p> <p>21 Right? 15:28:46</p> <p>22 A. That's right, it again describes different 15:28:51</p> <p>23 contexts, different applications, different use cases. 15:28:53</p> <p>24 Q. I mean, it's describing the type of solution 15:28:56</p> <p>25 referred to in that line, right? 15:28:59</p> <p style="text-align: right;">Page 242</p>	<p>1 column 13, Figure 5, all these things. 15:30:26</p> <p>2 Q. And you cite column 2, line 64, 67 of Gennaro 15:30:33</p> <p>3 for the proposition that Gennaro discloses rendering or 15:30:48</p> <p>4 playing these internet applications, right? 15:30:55</p> <p>5 (Reporter clarification.)</p> <p>6 MR. FLORANCE: Discloses rendering or playing</p> <p>7 these internet applications.</p> <p>8 Q. Right? 15:30:58</p> <p>9 A. Yeah. 15:30:58</p> <p>10 Q. But that part of Gennaro doesn't say anything 15:30:58</p> <p>11 about rendering or playing, does it? 15:31:03</p> <p>12 MS. CHOW: Objection to form. 15:31:05</p> <p>13 THE WITNESS: I disagree. When you talk about 15:31:07</p> <p>14 digital movies, digital sounds and applets, that 15:31:09</p> <p>15 discloses rendering and playing and storing and copying, 15:31:12</p> <p>16 and additional details for the sections that are cited, 15:31:16</p> <p>17 column 13, Figure 5, and others. 15:31:20</p> <p>18 BY MR. FLORANCE: 15:31:25</p> <p>19 Q. You also say -- 15:31:26</p> <p>20 MR. FLORANCE: And again, move to strike 15:31:26</p> <p>21 everything after "I disagree," that sentence. 15:31:27</p> <p>22 Q. When you -- you next say a person of ordinary 15:31:37</p> <p>23 skill would have understood such action as a user 15:31:41</p> <p>24 requesting to use a digital file in a predefined manner, 15:31:44</p> <p>25 e.g., play, right? 15:31:50</p> <p style="text-align: right;">Page 244</p>
<p>1 MS. CHOW: Objection, form. 15:29:03</p> <p>2 THE WITNESS: It's not -- I would disagree with 15:29:05</p> <p>3 that. 15:29:07</p> <p>4 I would say that these are the presented use 15:29:07</p> <p>5 cases in context for the use of the invention. And 15:29:10</p> <p>6 there are other supporting sites which are cited to you. 15:29:15</p> <p>7 BY MR. FLORANCE: 15:29:20</p> <p>8 Q. After it discuss the solution, the prior art 15:29:20</p> <p>9 solution, it describes the problems with that solution, 15:29:22</p> <p>10 right? 15:29:23</p> <p>11 A. I disagree with that. 15:29:25</p> <p>12 Q. Looking at paragraph 140 of your declaration, 15:29:35</p> <p>13 which is on -- 15:29:45</p> <p>14 A. In the same section that you cite it does 15:29:46</p> <p>15 admit -- 15:29:49</p> <p>16 Q. The question -- we're moving on, paragraph 140 15:29:49</p> <p>17 of your declaration, which is on page 83. 15:29:59</p> <p>18 A. Okay.</p> <p>19 Q. You say here (as read): 15:30:08</p> <p>20 "In one example, Gennaro discloses 15:30:10</p> <p>21 rendering or playing internet 15:30:12</p> <p>22 applications." 15:30:14</p> <p>23 Right? 15:30:16</p> <p>24 A. Yeah, rendering, playing means copying, playing, 15:30:17</p> <p>25 rendering, all these are what we discussed, applets 15:30:19</p> <p style="text-align: right;">Page 243</p>	<p>1 A. Yes, an applet is understood very well; digital 15:31:53</p> <p>2 movies, understood very well; digital sound --</p> <p>3 (Reporter clarification.)</p> <p>4 THE WITNESS: An applet is understood to be one 15:32:02</p> <p>5 that's requested by a client from a web server for use, 15:32:02</p> <p>6 for play, for storage. Similarly, a digital movie would 15:32:11</p> <p>7 be downloaded based on a request for a particular use in 15:32:15</p> <p>8 a particular manner that would then be granted. 15:32:19</p> <p>9 All these are examples, just like the '815 15:32:22</p> <p>10 discloses them -- 15:32:26</p> <p>11 MR. FLORANCE: Move to strike everything after 15:32:31</p> <p>12 "yes." 15:32:31</p> <p>13 Q. There's no action described in 2:64-67, right? 15:32:39</p> <p>14 A. I disagree. 15:32:46</p> <p>15 Q. What is the action described there? In words, 15:32:46</p> <p>16 explicitly describe, what does the action explicitly 15:32:53</p> <p>17 describe in that section? 15:32:55</p> <p>18 MS. CHOW: Objection, form. 15:32:56</p> <p>19 THE WITNESS: That's an act of internet 15:32:57</p> <p>20 applications, involves requesting and receiving, 15:33:00</p> <p>21 playing, rendering. The term application, internet 15:33:01</p> <p>22 application, a movie application, a digital audio player 15:33:05</p> <p>23 application, applet, to one of ordinary skill in the art 15:33:08</p> <p>24 discloses, requesting, downloading, playing, storing. 15:33:13</p> <p>25 It also renders it obvious. 15:33:17</p> <p style="text-align: right;">Page 245</p>

<p>1 BY MR. FLORANCE: 15:33:20</p> <p>2 Q. So, there's nothing that explicitly describes an 15:33:21</p> <p>3 action, right? 15:33:23</p> <p>4 A. I disagree. 15:33:25</p> <p>5 Q. You say in paragraph 142 of your declaration 15:33:26</p> <p>6 that another example of Gennaro disclosing a request to 15:33:32</p> <p>7 use a file in a predefined manner is passing the data 15:33:35</p> <p>8 from an sender to an authentication software at the 15:33:40</p> <p>9 receiver, correct? 15:33:43</p> <p>10 A. I don't understand the question. 15:33:49</p> <p>11 Q. I'm just asking you what you say in your 15:33:50</p> <p>12 paragraph 142. 15:33:53</p> <p>13 A. Oh, 142, okay. 15:33:55</p> <p>14 Q. Yeah.</p> <p>15 A. Yeah.</p> <p>16 Q. And I'm asking you, you provide another example 15:34:02</p> <p>17 here, right, of Gennaro, disclosing passing the data 15:34:04</p> <p>18 from a sender to an authentication software at the 15:34:08</p> <p>19 receiver, right? 15:34:13</p> <p>20 A. Yeah. 15:34:14</p> <p>21 Q. Now, the authentication data that is sent to the 15:34:14</p> <p>22 -- sorry, the data that's sent to the authentication 15:34:16</p> <p>23 module is not in a playable form, right? 15:34:19</p> <p>24 A. Is not what? 15:34:22</p> <p>25 MS. CHOW: Objection to form. 15:34:22</p> <p style="text-align: right;">Page 246</p>	<p>1 satisfied. 15:35:43</p> <p>2 MR. FLORANCE: I move to strike that entire 15:35:45</p> <p>3 answer because it's non-responsive. 15:35:47</p> <p>4 Q. I'm simply asking the question, okay? The data 15:35:49</p> <p>5 that is sent from the authentication module to the MPEG 15:35:55</p> <p>6 software is not in playable form because the MPEG 15:35:59</p> <p>7 software that needs to do the conversion so that it can 15:36:02</p> <p>8 be viewed --</p> <p>9 (Reporter clarification.)</p> <p>10 BY MR. FLORANCE:</p> <p>11 Q. The MPEG software has to convert the data so it 15:36:10</p> <p>12 can be used by the user, right? 15:36:12</p> <p>13 MS. CHOW: Objection, form. 15:36:17</p> <p>14 THE WITNESS: I disagree. The MPEG software can 15:36:18</p> <p>15 play it out because it's in the right MPEG format. 15:36:21</p> <p>16 BY MR. FLORANCE: 15:36:26</p> <p>17 Q. So, let's look at Gennaro column 5, line 8. It 15:36:27</p> <p>18 says in line 8 (as read): 15:36:42</p> <p>19 "The function of this 15:36:43</p> <p>20 authentication software is to 15:36:44</p> <p>21 authenticate blocks from the incoming 15:36:45</p> <p>22 combined stream before passing them on 15:36:48</p> <p>23 to the MPEG processing software to be 15:36:50</p> <p>24 converted back to video using the MPEG 15:36:53</p> <p>25 standard." 15:36:57</p> <p style="text-align: right;">Page 248</p>
<p>1 BY MR. FLORANCE:</p> <p>2 Q. In a playable form.</p> <p>3 A. Is not in a what? 15:34:25</p> <p>4 Q. Playable. You can't play the data. It has to 15:34:27</p> <p>5 be converted to usable data by the MPEG software, right? 15:34:32</p> <p>6 MS. CHOW: Objection, form. 15:34:39</p> <p>7 THE WITNESS: What do you mean? Authentication 15:34:40</p> <p>8 software controls how the MPEG -- how and when the MPEG 15:34:41</p> <p>9 software can consume the data as it's stored. 15:34:49</p> <p>10 So, if you look at Figure 5, authentication 15:34:53</p> <p>11 software provides the frame to the MPEG software. 15:34:55</p> <p>12 BY MR. FLORANCE:</p> <p>13 Q. Right.</p> <p>14 And the data that's provided from the 15:35:04</p> <p>15 authentication software to the MPEG software, that data 15:35:06</p> <p>16 needs to be converted by the MPEG processing software 15:35:10</p> <p>17 before it can be used, correct? 15:35:14</p> <p>18 MS. CHOW: Objection, form. 15:35:16</p> <p>19 THE WITNESS: No, that's not the only example. 15:35:17</p> <p>20 That's not right. That's not the only example of 15:35:19</p> <p>21 predefined use. It stores it in a buffer. That is, as 15:35:22</p> <p>22 for the '815, that's an example of the predefined use. 15:35:25</p> <p>23 Further, it renders it and displays it. So, if 15:35:30</p> <p>24 there's a missing claim step, even if you resume, your 15:35:35</p> <p>25 argument is correct, the claim limitation is still 15:35:41</p> <p style="text-align: right;">Page 247</p>	<p>1 Is that correct? 15:36:58</p> <p>2 A. As it states, this is consistent with what is 15:37:10</p> <p>3 said, the MPEG processing software plays it, stores it, 15:37:13</p> <p>4 renders it, all of which are valid examples as for the 15:37:18</p> <p>5 '815 of predefined manner of use. 15:37:24</p> <p>6 Q. Do you see you a disclosure of a request to 15:37:31</p> <p>7 store the software by the MPEG processing software? 15:37:33</p> <p>8 A. Yes, that's in Figure 5. That's using this 15:37:37</p> <p>9 particular portion. Figure 5 shows that you're sending 15:37:41</p> <p>10 a frame to store. 15:37:44</p> <p>11 Q. I understand that, but where is the request to 15:37:48</p> <p>12 do that? 15:37:50</p> <p>13 A. Yeah, the request is asking for the 15:37:52</p> <p>14 authorization to store it in the frame buffer of the 15:37:56</p> <p>15 MPEG player, which is shown in Figure 5. 15:38:01</p> <p>16 Q. So, you're saying the request to use is to store 15:38:04</p> <p>17 the data in the -- 15:38:07</p> <p>18 A. That's one example. As one example. 15:38:10</p> <p>19 And another example is to play it. 15:38:12</p> <p>20 Q. Is to what?</p> <p>21 A. Is to play it and render it. 15:38:17</p> <p>22 Q. So, playing it and storing it in a pre-buffer -- 15:38:18</p> <p>23 A. Are all examples as shown, for example, in 15:38:22</p> <p>24 Figure 5. 15:38:26</p> <p>25 Q. There's no disclosure of any request for storing 15:38:27</p> <p style="text-align: right;">Page 249</p>

1 in a pre-buffer, right? 15:38:31	1 store, or grant to render. 15:40:57
2 MS. CHOW: Objection, form. 15:38:33	2 BY MR. FLORANCE: 15:40:59
3 THE WITNESS: I disagree. Authorization 15:38:34	3 Q. So, if the grant is rescinded, you still believe 15:40:59
4 software knows that the frame is being stored in the 15:38:37	4 there was -- that there was a grant. Is that what 15:41:03
5 pre-buffer because it has to be rendered by the MPEG 15:38:40	5 you're saying? 15:41:06
6 player. 15:38:44	6 MS. CHOW: Objection to form. 15:41:07
7 BY MR. FLORANCE: 15:38:46	7 THE WITNESS: There's no such disclosure in 15:41:09
8 Q. Would a request to play the data, who would that 15:38:46	8 Gennaro. 15:41:14
9 request be directed to? 15:38:50	9 BY MR. FLORANCE: 15:41:16
10 A. It would be directed in this particular example 15:38:52	10 Q. There's no such disclosure in Gennaro of 15:41:16
11 to the authorization software. 15:38:55	11 rescinding the grant? 15:41:22
12 Q. Okay. 15:38:56	12 A. Rescinding, yeah. 15:41:24
13 A. Or it could be, in another case it could be 15:38:58	13 Q. There's no disclosure of a grant in Gennaro, 15:41:25
14 requested, could be sent to the web server from which 15:39:01	14 right? 15:41:28
15 the movie is downloaded, which then provides the grant 15:39:07	15 A. I disagree. 15:41:28
16 that is then processed by the authorization software. 15:39:13	16 MS. CHOW: Objection to form. 15:41:29
17 Q. So, the sender would grant the use -- the use to 15:39:18	17 THE WITNESS: I think I already explained. 15:41:31
18 play -- 15:39:27	18 BY MR. FLORANCE: 15:41:33
19 A. To the authorization software. 15:39:28	19 Q. Right.
20 Q. Okay. Before the authorization software has 15:39:29	20 But we agree that there's no use of the word 15:41:33
21 authorized it then. 15:39:33	21 "grant" in Gennaro in this sense, right? 15:41:35
22 A. As an additional example. So. 15:39:34	22 A. I disagree. 15:41:39
23 Q. Right.	23 Q. And the MPEG software is not even informed of 15:41:48
24 A. So, there are many different use cases. 15:39:38	24 incoming data until it's been authenticated, right? 15:41:57
25 Q. Right. 15:39:40	25 (Reporter clarification.)
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1 Even though we know the authorization software 15:39:40	1 MR. FLORANCE: It's not informed of incoming
2 provides -- the data that comes out of the authorization 15:39:44	2 data, and so the data hasn't been authenticated.
3 software is not playable, right? 15:39:46	3 Q. Right? 15:42:01
4 MS. CHOW: Objection to form. 15:39:49	4 A. No, that's not the case. The MPEG software is 15:42:01
5 THE WITNESS: No, it is played. 15:39:50	5 part of the stream. As a part of the step it requests 15:42:07
6 BY MR. FLORANCE: 15:39:52	6 the authentication software for permission. 15:42:12
7 Q. It's played after conversion? 15:39:53	7 Q. Let's look at column 5, line 36. It says (as 15:42:15
8 A. No, it is played. It's stored. That's one 15:39:54	8 read):
9 example. Then it's played. 15:39:56	9 "The MPEG software is not informed 15:42:27
10 And also, remember, granting doesn't require 15:40:09	10 of incoming data before it's 15:42:30
11 consummation of the grant. Granting is the process of 15:40:13	11 authenticated." 15:42:33
12 allowing it to be played. You are conflating granting 15:40:16	12 Correct? 15:42:34
13 with actual playing. 15:40:20	13 A. I disagree. 15:42:34
14 Q. Well, what does "granting" mean? 15:40:22	14 Where is that? 15:42:35
15 A. Granting permission to play -- 15:40:25	15 Q. You disagree that that's what it says in the 15:42:36
16 Q. And does that -- 15:40:27	16 patent? 15:42:38
17 A. -- to the buffer -- 15:40:28	17 A. No, I disagree that the MPEG player is 15:42:38
18 Q. Is that revokable? Is a grant revokable? 15:40:28	18 requesting the movie from the MPEG server on the web 15:42:41
19 MS. CHOW: Objection, form. 15:40:31	19 server. 15:42:44
20 THE WITNESS: Again, you are going into deeper 15:40:32	20 Q. I'm talking about requesting. 15:42:45
21 aspects that are not in my report. But the grant is a 15:40:37	21 A. Yes.
22 permission and the grant is confirmed by passing the 15:40:41	22 Q. I'm talking about what this says, and that's 15:42:47
23 frame to the buffer. 15:40:47	23 what it says, the MPEG software is not even informed 15:42:49
24 The grant does not require the play. That is 15:40:48	24 of -- 15:42:57
25 satisfied when the grant to play is done, or grant to 15:40:53	25 (Reporter clarification.)
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1 MR. FLORANCE: Informed.	15:42:57	1 focused on that.	15:45:40
2 THE WITNESS: Let's get the line.	15:42:57	2 A. So, what it's saying is that there's not --	15:45:40
3 BY MR. FLORANCE:		3 Q. Wait, I didn't ask you a question, okay, I just	15:45:42
4 Q. Let's what?	15:43:04	4 asked you if that's what you say there, and that's it.	15:45:44
5 A. Which line are you looking at, column 5?	15:43:06	5 A. I was citing column 5.	15:45:48
6 Q. Column 5, line 36.	15:43:08	6 Q. Right, yes.	15:45:51
7 A. Okay. So, what is that?	15:43:16	7 So, my question is, a person of skill would	15:45:58
8 Q. I'm just saying that's what -- Gennaro discloses	15:43:17	8 understand that it would either configure the receiver	15:46:04
9 that the MPEG software is not informed of incoming data	15:43:20	9 so that it requests the MPEG software to convert the	15:46:07
10 before it's authenticated, correct?	15:43:23	10 data to video, right?	15:46:11
11 A. No, the receiver that is -- the receiver that --	15:43:25	11 MS. CHOW: Objection, form.	15:46:13
12 the MPEG software -- (as read):	15:43:31	12 THE WITNESS: It is an additional example, that	15:46:15
13 "The receiver then receives the	15:43:31	13 to the extent that the patent owner argues that it's not	15:46:17
14 combined stream which is forwarded into	15:43:33	14 explicit, it would also have been obvious.	15:46:23
15 the MPEG bit-buffer.	15:43:35	15 BY MR. FLORANCE:	15:46:26
16 "However, the MPEG software is not	15:43:36	16 Q. And the person of ordinary skill would then	15:46:26
17 informed of the incoming data before it	15:43:38	17 configure the receiver so that the authentication	15:46:28
18 is authenticated. This prevents the	15:43:41	18 software would grant the receiver's request that the	15:46:31
19 MPEG software to consume	15:43:43	19 MPEG software convert the data, right?	15:46:35
20 unauthenticated data."	15:43:45	20 MS. CHOW: Objection, form.	15:46:42
21 So, that's why there's a request done to	15:43:46	21 THE WITNESS: Again, I'm not sure as to your	15:46:43
22 authenticate it before it's consumed.	15:43:49	22 specific question. Are you reading my paragraph?	15:46:45
23 It is not informed with respect to the	15:43:52	23 BY MR. FLORANCE:	15:46:48
24 authentication. So, there's a request done, and then it	15:43:54	24 Q. No, I'm trying to understand the implications of	15:46:49
25 is consumed, which is what satisfies the claim; request	15:44:00	25 what you're saying.	15:46:50
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1 to authenticate for consumption.	15:44:04	1 A. It just says that there is a request made to the	15:46:51
2 Q. Moving to paragraph 142 of your declaration.	15:44:11	2 authentication software and the request is processed and	15:46:54
3 A. So, the MPEG receiver is the one that	15:44:14	3 there's a grant, and the grant is done by the	15:47:00
4 communicates with the authentication software.	15:44:16	4 authentication software and the data is then rendered	15:47:03
5 MR. FLORANCE: I move to strike everything after	15:44:20	5 stored, played back.	15:47:05
6 "No."	15:44:29	6 Q. I'm trying to understand how the person of	15:47:07
7 Q. Let's move to 142 of your declaration, and in	15:44:29	7 ordinary skill would configure the receiver in Gennaro	15:47:10
8 142, which is on probably the same page you're already	15:44:37	8 as you have opined. Right?	15:47:12
9 looking at, you contend that it would have been obvious	15:44:40	9 So, one of the things you're saying is that a	15:47:18
10 to a person of ordinary skill to configure the receiver	15:44:43	10 person of ordinary skill would configure the receiver so	15:47:19
11 in Gennaro --	15:44:57	11 that the authentication software would grant the	15:47:22
12 (Reporter clarification.)		12 receiver's request that the MPEG software convert the	15:47:24
13 MR. FLORANCE: Obvious to a person of ordinary		13 data, right?	15:47:28
14 skill in the art to configure the receiver in Gennaro,	15:44:58	14 A. Yes.	15:47:30
15 so that when it passes the data to the authentication	15:44:58	15 Q. And Gennaro does not expressly describe any	15:47:31
16 software, it is in the context of a request for the MPEG	15:45:00	16 requests being made to the software to convert the data	15:47:34
17 software to convert the data into video for playback.	15:45:06	17 into video for playback, right?	15:47:37
18 Q. Correct?	15:45:09	18 MS. CHOW: Objection, form.	15:47:39
19 A. You are referring to which line?	15:45:12	19 THE WITNESS: I disagree. I've already shown	15:47:40
20 Q. I'm quoting --	15:45:14	20 you in Figure 5 that the request is being made, and also	15:47:42
21 A. Column 5, 42, 67.	15:45:21	21 in my previous paragraphs.	15:47:45
22 Q. No, I'm looking at your -- I'm quoting from your	15:45:22	22 BY MR. FLORANCE:	15:47:47
23 declaration, in 142.	15:45:25	23 Q. And why would a person of ordinary skill modify	15:47:48
24 A. Okay.	15:45:32	24 Gennaro to add such a request?	15:47:58
25 Q. This would be at the end of paragraph 142. I'm	15:45:33	25 A. The request is only there to the extent that the	15:48:00
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<p>1 patent owner argues that the request is not there. 15:48:04</p> <p>2 There could be an additional request. 15:48:07</p> <p>3 Q. Why would you need an additional request? 15:48:12</p> <p>4 A. To the extent that the patent owner is arguing 15:48:15</p> <p>5 there's to request, which I disagree with. 15:48:17</p> <p>6 (Reporter clarification.) 15:48:22</p> <p>7 THE WITNESS: Which I disagree with to the 15:48:22</p> <p>8 extent that the patent owner argues there's no such 15:48:23</p> <p>9 request. In that case, it is my opinion that such a 15:48:26</p> <p>10 request would not -- would be easily obvious. 15:48:31</p> <p>11 BY MR. FLORANCE:</p> <p>12 Q. Who would a POSITA, a person of ordinary skill, 15:48:39</p> <p>13 understand would make the request for the MPEG 15:48:43</p> <p>14 software to convert the data? 15:48:46</p> <p>15 A. The receiver. 15:48:47</p> <p>16 Q. So, the receiver would request itself to make -- 15:48:47</p> <p>17 to convert the data, is what you're saying. 15:48:51</p> <p>18 A. The receiver would be -- the receiver -- the 15:48:52</p> <p>19 content of the receiver would then request an 15:48:54</p> <p>20 authentication software complement, which would be a 15:48:58</p> <p>21 separate portion. 15:49:00</p> <p>22 The authentication software then could grant it, 15:49:01</p> <p>23 and then it would go to the -- it will go for storage in 15:49:04</p> <p>24 the MPEG buffer, as described in Figure 5 and other 15:49:08</p> <p>25 locations in my declaration. 15:49:10</p> <p style="text-align: right;">Page 258</p>	<p>1 BY MR. FLORANCE: 15:50:25</p> <p>2 Q. When the receiver -- okay. 15:50:25</p> <p>3 But because the MPEG software is unaware of the 15:50:28</p> <p>4 data until it's authenticated -- 15:50:31</p> <p>5 A. It's not. I'm talking about the receiver, the 15:50:33</p> <p>6 whole receiver that has different portions. There's one 15:50:34</p> <p>7 portion for MPEG software, another portion for the 15:50:38</p> <p>8 authorization, then there's a receive buffer. 15:50:41</p> <p>9 Q. With a request to the MPEG software to do 15:50:47</p> <p>10 something, it wouldn't know to do anything until the 15:50:51</p> <p>11 data's authenticated, right? 15:50:53</p> <p>12 MS. CHOW: Objection, form. 15:50:55</p> <p>13 THE WITNESS: There's no request to the MPEG 15:50:56</p> <p>14 software. The MPEG software receives the grant. 15:50:59</p> <p>15 BY MR. FLORANCE: 15:51:07</p> <p>16 Q. Well, I mean, you write in paragraph 142 (as 15:51:07</p> <p>17 read):</p> <p>18 "It would have been obvious to a 15:51:12</p> <p>19 POSITA to configure the receiver such 15:51:13</p> <p>20 that the receiver passes the data to 15:51:15</p> <p>21 the authentication software as a 15:51:16</p> <p>22 request for the MPEG software to 15:51:19</p> <p>23 convert the data into video for 15:51:22</p> <p>24 playback." 15:51:23</p> <p>25 Isn't that a request to the MPEG software? 15:51:24</p> <p style="text-align: right;">Page 260</p>
<p>1 Q. So, for this to work, there would be multiple 15:49:12</p> <p>2 requests that would be sent by the receiver to perform 15:49:14</p> <p>3 this operation, right? 15:49:18</p> <p>4 MS. CHOW: Objection, form. 15:49:20</p> <p>5 THE WITNESS: That's not the case. 15:49:21</p> <p>6 BY MR. FLORANCE: 15:49:24</p> <p>7 Q. Well, you have a request going to the MPEG 15:49:25</p> <p>8 software. You have a request going to the 15:49:27</p> <p>9 authentication software. You have multiple requests 15:49:29</p> <p>10 that are happening. 15:49:31</p> <p>11 A. No, no, no, the receiver is requesting the MPEG 15:49:31</p> <p>12 software authorization. And the grant is going -- the 15:49:36</p> <p>13 grant has been granted by the authorization software as 15:49:40</p> <p>14 a reserve. The frame is copied over to the MPEG buffer 15:49:47</p> <p>15 and then rendered for display. 15:49:54</p> <p>16 Q. The MPEG software isn't doing the authorization, 15:49:57</p> <p>17 is it? 15:50:00</p> <p>18 A. No, the authorization software is doing the 15:50:01</p> <p>19 authorization. 15:50:04</p> <p>20 Q. And when would a POSITA understand that a 15:50:06</p> <p>21 request for the MPEG software to convert data be made, 15:50:11</p> <p>22 at what point would that happen? 15:50:15</p> <p>23 MS. CHOW: Objection, form. 15:50:17</p> <p>24 THE WITNESS: It would happen when the receiver 15:50:20</p> <p>25 receives the data. 15:50:21</p> <p style="text-align: right;">Page 259</p>	<p>1 A. That's another modification that the -- 15:51:26</p> <p>2 (Reporter clarification.)</p> <p>3 THE WITNESS: Another that a POSITA could do 15:51:31</p> <p>4 when MPEG software itself could request for 15:51:33</p> <p>5 authorization. 15:51:37</p> <p>6 BY MR. FLORANCE:</p> <p>7 Q. But the MPEG software's not aware of the data 15:51:39</p> <p>8 until after it's authorized, so how could it do that? 15:51:42</p> <p>9 A. No, but there's a receiver, could make the MPEG 15:51:44</p> <p>10 software aware to the extent that the MPEG software 15:51:47</p> <p>11 needs to be modified, because it is sitting on the same 15:51:51</p> <p>12 receiver.</p> <p>13 It's a premium change. You are getting data, 15:52:00</p> <p>14 you want it to be played, you ask for authorization, and 15:52:02</p> <p>15 then play it. 15:52:06</p> <p>16 Q. Is it your opinion that the conversion of data 15:52:09</p> <p>17 from one form to another is a use of the data? 15:52:12</p> <p>18 A. Yes, in the context of the '815, yes, as shown 15:52:16</p> <p>19 in examples where copy, storage, processing, all these 15:52:23</p> <p>20 are examples of a predefined use in a predefined manner. 15:52:26</p> <p>21 Q. But, is copying a conversion of data from one 15:52:34</p> <p>22 form to another? 15:52:36</p> <p>23 A. Yes, it can be, if you're copying to a 15:52:36</p> <p>24 particular type of memory, a particular memory format. 15:52:39</p> <p>25 Q. And in the case of Gennaro, isn't the conversion 15:52:44</p> <p style="text-align: right;">Page 261</p>

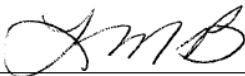
<p>1 of the data into a video stream a prerequisite for the 15:52:48</p> <p>2 user to use the data? 15:52:52</p> <p>3 A. No. They could use it in the buffer. They 15:52:54</p> <p>4 could view it from the buffer. 15:52:58</p> <p>5 Q. Even though it's not in MPEG format? 15:53:02</p> <p>6 A. No, but storing itself is the predefined use as 15:53:05</p> <p>7 for the '815. 15:53:09</p> <p>8 Q. I'm talking about Gennaro. Gennaro's describing 15:53:11</p> <p>9 that it's not in a video, it's not in MPEG video format, 15:53:13</p> <p>10 so it goes to the MPEG software. 15:53:19</p> <p>11 A. No, but you're still storing it in the frame 15:53:21</p> <p>12 buffer, as per Figure 5, and in other locations. 15:53:24</p> <p>13 Q. And can the user watch the video that's stored 15:53:26</p> <p>14 in the pre-buffer -- in the frame buffer, excuse me. 15:53:29</p> <p>15 MS. CHOW: Objection, form. 15:53:33</p> <p>16 THE WITNESS: There may be some processing 15:53:34</p> <p>17 involved, but processing -- 15:53:42</p> <p>18 (Reporter clarification.)</p> <p>19 THE WITNESS: There may be some processing, but 15:53:43</p> <p>20 you could view it, and that's how you view video. 15:53:43</p> <p>21 BY MR. FLORANCE: 15:53:49</p> <p>22 Q. How would a person of ordinary skill modify 15:53:50</p> <p>23 Gennaro to block tampering of data by code running on 15:53:52</p> <p>24 the receiving device? 15:53:55</p> <p>25 MS. CHOW: Objection, form. 15:53:57</p> <p style="text-align: right;">Page 262</p>	<p>1 a movie, sound or an applet. Column 13 shows that 15:54:57</p> <p>2 that's actually a specific type of request to a server 15:55:02</p> <p>3 that is then granted by the server. 15:55:06</p> <p>4 The second type is in 158 and 159 with respect 15:55:09</p> <p>5 to authentication software, they send a request by the 15:55:15</p> <p>6 receiver before the MPEG software receives it in the 15:55:19</p> <p>7 frame buffer. 15:55:24</p> <p>8 So, there are many such examples, all of which 15:55:25</p> <p>9 are consistent with '815 examples. 15:55:28</p> <p>10 Q. And you say that a person of ordinary skill 15:55:31</p> <p>11 would have understood such action, that is the action of 15:55:33</p> <p>12 the receiver playing the stream, as granting user's 15:55:38</p> <p>13 request to play an internet application, correct? 15:55:41</p> <p>14 A. You're looking back at 158? 15:55:46</p> <p>15 Q. Same paragraph, 157 -- 15:55:50</p> <p>16 A. Yes, yes. 15:55:52</p> <p>17 Q. Okay. So, let's please consider the word 15:55:52</p> <p>18 "granted" as having a giver of the grant. And then 15:55:56</p> <p>19 there's a receiver of the grant.</p> <p>20 In this instance, what is the receiver of the 15:56:03</p> <p>21 grant in Gennaro? 15:56:07</p> <p>22 A. The receiver is the MPEG player. 15:56:07</p> <p>23 Q. It's the MPEG player, okay. 15:56:14</p> <p>24 And the MPEG player would be the entity that's 15:56:18</p> <p>25 granting this request? 15:56:23</p> <p style="text-align: right;">Page 264</p>
<p>1 THE WITNESS: I'm not sure as to your question. 15:53:59</p> <p>2 I don't see where that is discussed in my declaration. 15:54:00</p> <p>3 BY MR. FLORANCE: 15:54:03</p> <p>4 Q. It's not. I'm asking you a question. That's 15:54:03</p> <p>5 not -- we're not here just to have you read your 15:54:05</p> <p>6 declaration to me. 15:54:07</p> <p>7 A. Well, I'm not here to -- 15:54:09</p> <p>8 MS. CHOW: Objection, form. 15:54:09</p> <p>9 THE WITNESS: Yeah, I'm not here to answer 15:54:09</p> <p>10 questions that are not in my declaration, so I've not 15:54:11</p> <p>11 considered that issue. 15:54:15</p> <p>12 BY MR. FLORANCE: 15:54:15</p> <p>13 Q. Okay. So, in terms of Gennaro granting 15:54:16</p> <p>14 requests, the first example you give is that Gennaro 15:54:22</p> <p>15 discloses the receiver plays a stream. 15:54:25</p> <p>16 That's one of your examples of how Gennaro 15:54:29</p> <p>17 grants a request to use a file in a predefined manner, 15:54:32</p> <p>18 right? 15:54:38</p> <p>19 If you need help with that you can look at 157 15:54:39</p> <p>20 of your declaration. 15:54:41</p> <p>21 A. Yeah, and the claim charts as well. So, there 15:54:45</p> <p>22 are multiple ways by which Gennaro grants requests. 15:54:47</p> <p>23 Q. Right. So, I'm just asking about one example 15:54:49</p> <p>24 that you provide. 15:54:51</p> <p>25 A. One example is granting a user's request to play 15:54:51</p> <p style="text-align: right;">Page 263</p>	<p>1 A. No. It could be the originating web server 15:56:24</p> <p>2 that's granting the applet of the movie. It could be 15:56:29</p> <p>3 the authorization software. All these could be granting 15:56:32</p> <p>4 the request. 15:56:37</p> <p>5 Q. So, a person of ordinary skill would need to 15:56:41</p> <p>6 think about all these different possibilities of where a 15:56:46</p> <p>7 request to use a file in a predefined manner could go, 15:56:49</p> <p>8 right? 15:56:56</p> <p>9 MS. CHOW: Objection, form. 15:56:59</p> <p>10 THE WITNESS: Gennaro already discloses all 15:57:00</p> <p>11 these. They don't have to think of anything. 15:57:02</p> <p>12 (Reporter clarification.)</p> <p>13 THE WITNESS: Think of anything else.</p> <p>14 Gennaro does disclose these explicitly. Look at 15:57:09</p> <p>15 column 13, the sections I cite here. 15:57:11</p> <p>16 BY MR. FLORANCE: 15:57:16</p> <p>17 Q. And you give another example that Gennaro 15:57:30</p> <p>18 disclosed the receiver receives the data stream from the 15:57:32</p> <p>19 sender in response to asking for the data stream; is 15:57:35</p> <p>20 that correct?</p> <p>21 MR. FLORANCE: The data stream.</p> <p>22 Q. Is that correct? 15:57:47</p> <p>23 A. Yes. 15:57:47</p> <p>24 Q. And then you go on to say (as read): 15:57:49</p> <p>25 "A person of ordinary skill would 15:57:51</p> <p style="text-align: right;">Page 265</p>

<p>1 have understood that providing the data 15:57:53</p> <p>2 stream the receiver has asked for is 15:57:54</p> <p>3 granting its request to transmit the 15:57:56</p> <p>4 stream." 15:57:59</p> <p>5 A. That's right. Because it's being streamed for a 15:58:01</p> <p>6 practical purpose, which is for video. 15:58:04</p> <p>7 Q. Right. 15:58:05</p> <p>8 So, are you saying, then, that transmission of 15:58:05</p> <p>9 data here is a use in itself? 15:58:07</p> <p>10 A. No, the storage and playback. 15:58:11</p> <p>11 Q. Okay. 15:58:14</p> <p>12 THE REPORTER: I need a break. 15:58:41</p> <p>13 (Recess taken.) 16:06:11</p> <p>14 BY MR. FLORANCE: 16:06:27</p> <p>15 Q. Before the break we were discussing one of your 16:06:27</p> <p>16 examples of a way in which a request to use the file in 16:06:29</p> <p>17 a predefined manner is granted, and that example that we 16:06:38</p> <p>18 were discussing was that Gennaro, according to you, 16:06:40</p> <p>19 discloses the receiver receives the data stream from the 16:06:42</p> <p>20 sender in response to asking for the data stream. 16:06:45</p> <p>21 Remember that example? 16:06:48</p> <p>22 A. Not receives it. Receives it in a manner to 16:06:50</p> <p>23 store it and to play it. 16:06:53</p> <p>24 Q. Do you say that in paragraph 158? 16:07:03</p> <p>25 A. Yes, that's what I meant. 16:07:06</p> <p style="text-align: right;">Page 266</p>	<p>1 A. The authorization software, or it could be the 16:08:42</p> <p>2 web server that's originating the internet movie. 16:08:46</p> <p>3 Q. So, if it is the web server that's granting a 16:08:50</p> <p>4 request to render, when would the web server do that? 16:08:57</p> <p>5 A. It would do that when it allows the stream to be 16:09:01</p> <p>6 sent and used for this purpose, just like the '815 16:09:05</p> <p>7 examples. 16:09:10</p> <p>8 Q. And if it was the authorization software that's 16:09:11</p> <p>9 granting a request to render, when would that happen? 16:09:15</p> <p>10 A. That would happen when the receiver receives the 16:09:18</p> <p>11 data and then checks with the authorization server. 16:09:20</p> <p>12 Q. Okay. And would that timing be the same for a 16:09:24</p> <p>13 request to store the data? 16:09:29</p> <p>14 A. Yes, that would also be the case. Again, the 16:09:34</p> <p>15 data in that case stored on the frame buffer for the 16:09:36</p> <p>16 MPEG player. 16:09:39</p> <p>17 So, the receiver, that consists of different 16:09:39</p> <p>18 portions and authorization software complement and an 16:09:45</p> <p>19 applet software complement.</p> <p>20 So, there would a receiver that consists of a 16:09:56</p> <p>21 received buffer and an authorization software compliment 16:09:59</p> <p>22 and an applet software complement. The grant would go 16:10:04</p> <p>23 to the applet software complement and the request for 16:10:09</p> <p>24 the predefined manner could be from the receiver. 16:10:14</p> <p>25 Q. And if it was the web server that's granting the 16:10:19</p> <p style="text-align: right;">Page 268</p>
<p>1 Q. So, you don't say it, but now that's what you 16:07:08</p> <p>2 meant, is that what you're saying? 16:07:09</p> <p>3 A. No, I was referring to paragraphs 58 to 60, and 16:07:11</p> <p>4 also in the previous context that you are responding to, 16:07:12</p> <p>5 a movie or an applet request. 16:07:17</p> <p>6 Q. So, your understanding is that just asking for a 16:07:30</p> <p>7 data stream is a request for using it in a predefined 16:07:33</p> <p>8 manner? 16:07:40</p> <p>9 A. Asking for a movie or an applet as described in 16:07:40</p> <p>10 Gennaro, to render it, store it, or play it, is a 16:07:45</p> <p>11 request. 16:07:48</p> <p>12 And then being granted means you receive it, 16:07:50</p> <p>13 store it, render it or play it. All these are examples 16:07:53</p> <p>14 that are consistent with the '815 examples. 16:07:58</p> <p>15 Q. And who would be granting the request to -- a 16:08:05</p> <p>16 request to render it? 16:08:07</p> <p>17 A. It could be the web server. It could be the 16:08:09</p> <p>18 authorization software. 16:08:11</p> <p>19 Q. And who would be the entity that would grant a 16:08:14</p> <p>20 request to store the data? 16:08:21</p> <p>21 A. That would also be the authorization software, 16:08:24</p> <p>22 or the web server that provides the applet and the 16:08:29</p> <p>23 internet video stream. 16:08:33</p> <p>24 Q. And who would be granting the request to play 16:08:34</p> <p>25 the file? 16:08:39</p> <p style="text-align: right;">Page 267</p>	<p>1 request, when would that happen? 16:10:22</p> <p>2 A. That would happen when it receives the request 16:10:25</p> <p>3 for the internet movie or the applet, as described in 16:10:27</p> <p>4 column 13, lines 30 to 60. 16:10:31</p> <p>5 Q. So, it would grant the request before 16:10:35</p> <p>6 transmission even starts? 16:10:37</p> <p>7 A. It would grant the request by sending the stream 16:10:39</p> <p>8 for the purpose intended. 16:10:42</p> <p>9 Q. So, you would say the grant would happen as soon 16:10:46</p> <p>10 as it starts sending the stream? 16:10:49</p> <p>11 A. The grant would happen when it allows it to 16:10:51</p> <p>12 grant it for the use. 16:10:53</p> <p>13 Q. And I'm asking when would that -- when would it 16:10:58</p> <p>14 -- when would that happen? 16:11:01</p> <p>15 A. That would happen sometime -- any time before or 16:11:02</p> <p>16 during the transmission of the stream. 16:11:07</p> <p>17 Q. I'm looking at paragraph 159 of your 16:11:12</p> <p>18 declaration, which is, I think, the third example of 16:11:15</p> <p>19 granting that you identify, and that example that's 16:11:17</p> <p>20 described in paragraph 159 relates to the authentication 16:11:22</p> <p>21 software we've discussed, correct? 16:11:27</p> <p>22 A. Yes. 16:11:28</p> <p>23 Q. And you say that (as read): 16:11:32</p> <p>24 "A person of ordinary skill in the 16:11:33</p> <p>25 art would have understood that 16:11:35</p> <p style="text-align: right;">Page 269</p>

1	permitting the data to be further	16:11:36	1	Q. What's the timing of that? I'm just trying to	16:14:10
2	processed by the MPEG software is	16:11:38	2	better understand that.	16:14:13
3	granting a request from the receiver to	16:11:40	3	A. It would be after receiving the request.	16:14:14
4	pass the data stream to the MPEG	16:11:43	4	Q. After receiving the request, but possibly before	16:14:16
5	software for further processing."	16:11:46	5	transmission or during transmission?	16:14:19
6	Correct?	16:11:47	6	A. As I said, it depends on the claim. As long as	16:14:22
7	A. That's right.	16:11:48	7	it satisfies the claim, it would do that, and it would	16:14:24
8	Q. Okay.	16:11:48	8	just have to be granted after receiving the request.	16:14:27
9	A. That's one other example.	16:11:51	9	Q. That's your general view on granting, as long as	16:14:32
10	Q. And you believe that permitting the data to be	16:11:52	10	it happens any time after receiving the request --	16:14:35
11	further processed is an example of a predefined use?	16:11:54	11	A. Consistent with the claim, consistent with the	16:14:39
12	A. Because you can store it and process it further.	16:11:58	12	rest of the claim.	16:14:41
13	And storing, copying, and all that, is a valid example	16:12:00	13	Q. So, if there are any conditions that need to be	16:14:41
14	of a permitted use as for the '815 specification.	16:12:03	14	satisfied to allow that use to happen, we don't	16:14:44
15	Q. So, here you're saying that the request is	16:12:09	15	necessarily have to wait for that to play out, the	16:14:50
16	either to store or to process?	16:12:13	16	granting can happen at any time as long as it's after	16:14:52
17	A. Store, copy and process further, for example,	16:12:17	17	the request. Is that your testimony?	16:14:55
18	render or play.	16:12:22	18	MS. CHOW: Objection to form.	16:14:57
19	Q. And so, the request to store, would that --	16:12:25	19	THE WITNESS: Again, I said as long as it's	16:14:59
20	would those be -- sorry.	16:12:30	20	consistent with the claim.	16:15:00
21	The entity that's granting a request to store,	16:12:32	21	BY MR. FLORANCE:	16:15:03
22	would that be the same entities, the authorization	16:12:37	22	Q. You said that you haven't thought about the	16:15:03
23	software or the server that you described in the second	16:12:42	23	ordering of the steps of the claim.	16:15:06
24	example?	16:12:44	24	A. No, that's not my testimony. My testimony is	16:15:09
25	A. Yeah, it could be the server, it could be the	16:12:46	25	that the claim determines the ordering, is consistent	16:15:12
Page 270			Page 272		
1	authorization software. It's just like, for example, in	16:12:48	1	with it.	16:15:16
2	the '815 specification, column 9, lines 55 to 65.	16:12:55	2	Q. I'm sorry, I meant to say that you haven't	16:15:16
3	MR. FLORANCE: I move to strike that part of the	16:13:04	3	considered whether the order of steps in the claim	16:15:18
4	answer.	16:13:06	4	necessarily needs to be followed in the order presented.	16:15:21
5	Q. And you refer to copying. Who would be granting	16:13:08	5	Correct?	16:15:25
6	the right to copy the file?	16:13:15	6	MS. CHOW: Objection to form.	16:15:25
7	A. It would be granted by the originating web	16:13:19	7	THE WITNESS: That's not what I said. I said	16:15:26
8	server or the --	16:13:26	8	the claim determines the ordering.	16:15:27
9	(Reporter clarification.)		9	BY MR. FLORANCE:	16:15:51
10	THE WITNESS: The originating web server, for	16:13:31	10	Q. I had just asked you about the originating	16:16:13
11	example, in column 13, that is sending the applet. Or	16:13:31	11	software. If it's the authorization software that is	16:16:18
12	it could be the authorization software, in another	16:13:34	12	granting the request in this example, when would the	16:16:22
13	example.	16:13:38	13	timing of that granting happen?	16:16:25
14	BY MR. FLORANCE:		14	A. It would happen, for example, when the	16:16:30
15	Q. And so, in that example -- let's talk about the	16:13:39	15	originating web server would grant the request to store	16:16:34
16	originating web server.	16:13:47	16	a copy of the receiver. And then there would an	16:16:40
17	The timing of granting the copying, is that the	16:13:50	17	additional granting when the receiver would request the	16:16:45
18	same as we discussed before with other types of uses?	16:13:53	18	authorization software to store a copy in the frame	16:16:48
19	A. Yes, the --	16:13:56	19	buffer, as in Figure 5.	16:16:54
20	MS. CHOW: Objection to form.	16:13:56	20	So, they could be different examples, because	16:16:56
21	THE WITNESS: The claim can be read as you	16:13:59	21	the '815 clearly discloses that copying and storing into	16:17:01
22	receive the request, and then you copy, and then you	16:14:02	22	memory is a predefined use and you could store the	16:17:05
23	grant it, yeah. So, it's satisfied in many different	16:14:04	23	received data in the receiver buffer or in the software	16:17:11
24	ways consistent with the claim.	16:14:08	24	buffer.	16:17:18
25	BY MR. FLORANCE:	16:14:09	25	MR. FLORANCE: Again, I move to strike	16:17:18
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<p>1 everything after "because." 16:17:20</p> <p>2 Q. You understand that evidence of secondary 16:17:22</p> <p>3 considerations may be taken into account by the board 16:17:24</p> <p>4 when assessing these allegations of obviousness, 16:17:27</p> <p>5 correct? 16:17:32</p> <p>6 A. If present on the record, yes. 16:17:33</p> <p>7 Q. And you say that you found no evidence of 16:17:36</p> <p>8 secondary considerations or objective factors of 16:17:39</p> <p>9 non-obviousness, right? 16:17:43</p> <p>10 A. I said that I'm not aware. 16:17:56</p> <p>11 Q. Well, let's take a look at paragraph 169 -- 16:18:01</p> <p>12 A. Yeah, and I found no evidence -- yeah. 16:18:06</p> <p>13 Q. Okay. What did you do to find evidence? 16:18:10</p> <p>14 A. First of all, I was not personally aware of any 16:18:26</p> <p>15 commercial substance of the '815. I believe I may have 16:18:29</p> <p>16 discussed with attorneys as to the availability of any 16:18:33</p> <p>17 secondary considerations. 16:18:36</p> <p>18 Q. So, are you relying on their -- any information 16:18:38</p> <p>19 they provided when you prepared these portions of your 16:18:42</p> <p>20 declaration concerning secondary considerations? 16:18:49</p> <p>21 MS. CHOW: Objection as to privilege, 16:18:50</p> <p>22 attorney/client communication and work-product. 16:18:53</p> <p>23 THE WITNESS: As I said, I was asking for any 16:18:56</p> <p>24 information. I was not -- I didn't find any evidence as 16:19:01</p> <p>25 to secondary considerations. 16:19:08</p> <p style="text-align: right;">Page 274</p>	<p>1 THE WITNESS: Intertrust.</p> <p>2 Provides this as a part of your declaration or</p> <p>3 reports.</p> <p>4 BY MR. FLORANCE:</p> <p>5 Q. So, sitting here today, you're not aware that 16:20:32</p> <p>6 Intertrust has ever licensed the '815 patent; is that 16:20:35</p> <p>7 correct?</p> <p>8 A. I'm not aware. 16:20:37</p> <p>9 Q. You said you're not familiar with the named 16:20:39</p> <p>10 inventors of the '815 patent, right? 16:20:42</p> <p>11 A. That's right. 16:20:45</p> <p>12 Q. And just back to the secondary considerations, 16:20:45</p> <p>13 sitting here today, you're not aware of any evidence, 16:20:52</p> <p>14 any evidence you weren't aware of back in March 16:20:54</p> <p>15 regarding secondary considerations; is that right? 16:20:57</p> <p>16 A. I'm not. 16:21:00</p> <p>17 Q. Okay. And you've never heard anyone offer 16:21:00</p> <p>18 praise for the '815 patent, correct? 16:21:03</p> <p>19 A. I did not. 16:21:06</p> <p>20 Q. Have you heard anyone offer praise for any 16:21:06</p> <p>21 Intertrust patent? 16:21:10</p> <p>22 MS. CHOW: Objection as to form. 16:21:14</p> <p>23 THE WITNESS: I don't recall. 16:21:16</p> <p>24 BY MR. FLORANCE: 16:21:17</p> <p>25 Q. Okay. Have you heard anyone offer any praise 16:21:18</p> <p style="text-align: right;">Page 276</p>
<p>1 MR. FLORANCE: Just to respond to Ms. Chow's 16:19:09</p> <p>2 comment, if he's relying on information you provide him, 16:19:12</p> <p>3 that's discoverable. 16:19:15</p> <p>4 Q. So, what information was provided to you, if 16:19:15</p> <p>5 any, that you relied on in opining that you found no 16:19:19</p> <p>6 evidence of secondary considerations? 16:19:23</p> <p>7 A. None that -- 16:19:25</p> <p>8 MS. CHOW: Same objection. 16:19:27</p> <p>9 THE WITNESS: None that I relied upon. 16:19:28</p> <p>10 BY MR. FLORANCE: 16:19:29</p> <p>11 Q. How long did you spend trying to find evidence 16:19:30</p> <p>12 of secondary considerations related to the '815 patent? 16:19:32</p> <p>13 A. I don't recall the specifics. I was looking for 16:19:42</p> <p>14 some licensing or some other information. I don't 16:19:44</p> <p>15 recall specifics. 16:19:48</p> <p>16 Q. Are you aware that Intertrust, the owner of '815 16:19:49</p> <p>17 patent, has licensed its patent portfolio, including the 16:19:54</p> <p>18 '815 patent, to several companies? 16:19:58</p> <p>19 A. As I said, I can review -- I can -- I reserve 16:20:03</p> <p>20 the right to review this information at the point that 16:20:07</p> <p>21 Intertrust provides those to me. 16:20:22</p> <p>22 (Reporter clarification.)</p> <p>23 THE WITNESS: At the point where Intertrust</p> <p>24 provides that to your declaration and your -- 16:20:27</p> <p>25 (Reporter clarification.)</p> <p style="text-align: right;">Page 275</p>	<p>1 for the prior art that you're relying on to opine that 16:21:20</p> <p>2 claims 42 and 43 of the '815 patent are obvious? 16:21:22</p> <p>3 A. No. 16:21:27</p> <p>4 Q. You said you're not aware of any commercial 16:21:28</p> <p>5 success attributable to the '815 patent? 16:21:30</p> <p>6 A. No, I'm not. 16:21:37</p> <p>7 Q. And you're also not aware of any commercial 16:21:38</p> <p>8 success attributable to the prior art you're relying on, 16:21:41</p> <p>9 right? 16:21:45</p> <p>10 MS. CHOW: Objection as to form. 16:21:45</p> <p>11 THE WITNESS: Again, I'm not aware. 16:21:47</p> <p>12 BY MR. FLORANCE: 16:21:50</p> <p>13 Q. Um-hmm. And you said that even if there is 16:21:50</p> <p>14 evidence of secondary considerations it would not affect 16:21:53</p> <p>15 your opinion that the claims are obvious, right? 16:21:56</p> <p>16 A. Again, I would review that information and I 16:22:04</p> <p>17 would provide such an opinion based on my technical 16:22:08</p> <p>18 analysis. 16:22:12</p> <p>19 Q. But you've already said in paragraph 169, that 16:22:13</p> <p>20 you said (as read): 16:22:16</p> <p>21 "To the extent patent owner alleges 16:22:17</p> <p>22 secondary considerations in this 16:22:18</p> <p>23 proceeding, it is my opinion that they 16:22:20</p> <p>24 would not outweigh the strong evidence 16:22:21</p> <p>25 of obviousness of the '815 patent 16:22:23</p> <p style="text-align: right;">Page 277</p>

1	claims as set forth herein."	16:22:26	1	MR. FLORANCE: I think I've done it right now.	16:27:18
2	Right, you said that?	16:22:27	2	I hope this is working. I have tried to mark	16:28:18
3	A. As I said, I mean, to the extent that the patent	16:22:32	3	Exhibit 2025, which is the U.S. patent 5,892,900.	16:28:21
4	owner alleges licensing or some other considerations, I	16:22:35	4	(Exhibit 2025 was marked for identification by	
5	would review that. But --	16:22:39	5	the court reporter and is attached hereto.)	16:28:29
6	Q. No, wait, but that's not -- go ahead.		6	BY MR. FLORANCE:	16:28:29
7	A. But at this point it is an opinion that there's	16:22:42	7	Q. And I just ask you, Dr. Madisetti, to review it.	16:28:29
8	very strong evidence of obviousness.	16:22:47	8	It's extremely likely, so I suspect you might recall it	16:28:32
9	Q. So, do you wish to retract your statement in	16:22:53	9	if you did read it, and let me know if you considered	16:28:35
10	paragraph 169, that you basically had prejudged this	16:22:55	10	this in forming your opinions here today.	16:28:38
11	issue?	16:23:02	11	A. Yes, I think I reviewed this. Yeah, I reviewed	16:29:08
12	A. At the time of writing, this is my opinion,	16:23:06	12	this -- yes.	16:29:11
13	there is a very strong evidence of obviousness.	16:23:08	13	Q. And you didn't identify this in your -- in	16:29:16
14	MS. CHOW: And I want to object to that question	16:23:11	14	Appendix B of your declaration, right?	16:29:21
15	as to form.	16:23:13	15	A. I did not, yeah.	16:29:23
16	BY MR. FLORANCE:	16:23:15	16	Q. Did reviewing this patent impact any of your	16:29:24
17	Q. But at the time of the writing you were saying,	16:23:15	17	opinions?	16:29:31
18	to the extent patent owner alleges secondary	16:23:17	18	A. I'm not sure as to the question. I mean, I	16:29:33
19	considerations, you were looking towards the future and	16:23:19	19	found that the claims defined invention, so I'm not sure	16:29:36
20	saying it doesn't matter. Isn't that what you're	16:23:21	20	as to your question.	16:29:44
21	saying?	16:23:24	21	Q. Did the '900 patent provide you any information	16:29:45
22	MS. CHOW: Same objection.	16:23:29	22	that helped you understand the claims of the '815 patent	16:29:49
23	THE WITNESS: Again, I'm -- maybe the sentence	16:23:32	23	that are at issue here today?	16:29:55
24	is worded somewhat inartfully, but it is my opinion that	16:23:34	24	A. I don't think my review showed any particular	16:30:11
25	there's very strong evidence of obviousness that is	16:23:44	25	helpful features related to the claims at issue.	16:30:17
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1	likely to overweigh any secondary considerations.	16:23:49	1	MR. FLORANCE: Okay, then I have no further	16:30:26
2	BY MR. FLORANCE:	16:23:57	2	questions.	16:30:32
3	Q. Could you turn to the '815 patent, which is	16:23:58	3	MS. CHOW: And no further questions from myself	16:30:32
4	Exhibit 1001, and look at column 8, lines 11 to 18.	16:24:02	4	as well.	16:30:35
5	You see that?	16:24:34	5	THE REPORTER: Off the record?	16:30:39
6	A. Okay.	16:24:35	6	THE WITNESS: I would like to review the	16:30:41
7	Q. And you see that this portion of the '815 refers	16:24:36	7	deposition transcript and sign it -- before I sign it.	16:30:42
8	to incorporating what's called a '900 patent by	16:24:39	8	MR. FLORANCE: Yeah, no objection to that.	16:30:49
9	reference?	16:24:43	9		
10	A. Okay.	16:24:45	10	(TIME NOTED: 4:30 p.m.)	
11	Q. Do you see that?	16:24:46	11		
12	So, my only question for you, did you consider	16:24:48	12		
13	the '900 patent in rendering your opinions?	16:24:51	13		
14	A. I believe so, but --	16:25:06	14		
15	Q. Did you read the entire '900 patent?	16:25:07	15		
16	A. Again, I reviewed so many, but I would have to	16:25:11	16		
17	look at it first.	16:25:18	17		
18	Q. I can make that happen.	16:25:20	18		
19	A. I think it's part of the file history. Is it	16:25:44	19		
20	part of the file history or...		20		
21	MR. FLORANCE: I just made a mistake and I did	16:25:49	21		
22	not mean to identify it as Exhibit 1009. I'm not sure	16:25:50	22		
23	how to fix that because I know there's an Exhibit 1009	16:25:53	23		
24	already in the case.	16:26:00	24		
25	(Technology discussion.)	16:26:41	25		
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<p>1 I declare under penalty of perjury  2 under the laws of the State of  3 California that the foregoing is true  4 and correct.  5 Executed on _____, 2021, at  6 _____, _____.  7  8  9  10 _____  11 DR. VIJAY K. MADISETTI  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p> <p style="text-align: right;">Page 282</p>	
<p>1 STATE OF CALIFORNIA ) ss.  2 COUNTY OF LOS ANGELES )  3  4 I, Lori M. Barkley, CSR No. 6426, do hereby  5 certify:  6 That the foregoing deposition testimony taken  7 before me at the time and place therein set forth and at  8 which time the witness was administered the oath;  9 That the testimony of the witness and all  10 objections made by counsel at the time of the  11 examination were recorded stenographically by me, and  12 were thereafter transcribed under my direction and  13 supervision, and that the foregoing pages contain a  14 full, true and accurate record of all proceedings and  15 testimony to the best of my skill and ability.  16 I further certify that I am neither counsel for  17 any party to said action, nor am I related to any party  18 to said action, nor am I in any way interested in the  19 outcome thereof.  20 IN WITNESS WHEREOF, I have subscribed my name  21 this 12th day of January, 2021.  22  23  24   25 LORI M. BARKLEY, CSR No. 6426</p> <p style="text-align: right;">Page 283</p>	

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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