EXHIBIT 5E

1

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC., GOOGLE INC.,
and MOTOROLA MOBILITY LLC

        Petitioners,

    v.

ARENDI S.A.R.L.

    Patent Owner.

_____

        Cases:

IPR2014-00206 (Patent No. 7,496,854)

IPR2014-00207 (Patent No. 7,496,854)

IPR2014-00208 (Patent No. 7,917,843)

Thursday, August 7, 2014

9:03 a.m.

DEPOSITION OF DANIEL A. MENASCÉ, Ph.D.

IPR2014-00206, IPR2014-00207, IPR2014-00208

August 7, 2014   Menasce, Ph.D., Daniel A.

2 (Pages 2 to 5)

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3   Deposition of DANIEL A. MENASCÉ, Ph.D,
4   taken by Patent Owner at the Offices of Morrison &
5   Foerster LLP, 2000 Pennsylvania Avenue, Northwest,
6   Washington, D.C. before Randi J. Garcia, Registered
7   Professional Reporter, and Notary Public in and for
8   the District of Columbia, beginning at approximately
9   9:03 a.m., when were present on behalf of the
10 respective parties:
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2   I N D E X
3   DANIEL A. MENASCÉ, Ph.D
4   DIRECT   EXAMINATION   PAGE
5   By Mr. Asher   4
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8   ***No exhibits were marked.
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1   Thereupon,
2   DANIEL A. MENASCÉ, Ph.D
3   after having been first duly sworn, was
4   examined and testified as follows:
5   EXAMINATION
6   BY MR. ASHER:
7   Q   Please state your full name for the
8   record.
9   A   Daniel Alberto Menascé.
10   Q   I am going to show you a Notice of
11 Deposition of Daniel A. Menascé, Ph.D.
12   Are you the Daniel Menascé identified in
13 this notice, which is paper number 11 in
14 IPR2014206? It's paper number 11 in IPR2014207.
15 It's paper number 13 in IPR2014208.
16   A   Yes, I am.
17   MR. YAP: Counsel, are you going to label
18 this at all as an exhibit? No?
19   MR. ASHER: I just identified it by its
20 paper number, to keep it clear.
21   Q   May I refer to IPR2014206 and 207 and
22 208 as the 206IPR, the 207IPR and 208IPR?

Henderson Legal Services, Inc.

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7 (Pages 22 to 25)

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1   create processes. When it is launched by the
2   user, for example, when you double click on
3   Word, what happens is that the operating system
4   creates a process, assigns a process ID to the
5   process, allocates resources to the process,
6   memory, et cetera, and then loads the image of
7   the Word program into memory. And from that
8   point on the operating system dispatches, the
9   CPU allocates time slices of the CPU to the
10   running program or running programs, so
11   basically you have many programs that are
12   running concurrently sharing the CPU. Each one
13   of them being given a time slice of the CPU by
14   the operating system.
15   So when, for example, if you have your
16   laptop; you're running, let's say, in one window
17   you're running Word, in the other Excel, in the
18   other your Outlook. All of these programs are
19   running at the same time.
20   By that I mean that if you have only one
21   processor, the operating system is providing a
22   time slice, let's say 100 milliseconds to the

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1   Word processor. So it goes there and does some
2   actions within 100 milliseconds. Then it loses
3   control of the CPU and the operating system will
4   give a time slice to your Outlook program and so
5   on so forth.
6   But for you, as a user, you have an
7   impression that all are running concurrently.
8   That's in a nutshell one of the things,
9   important things that an operating system does.
10   It is shared resources among different
11   processes.
12   Q   As you described, Excel would run on one
13   process?
14   A   Yes.
15   Q   And Word would run on another process?
16   A   Right.
17   Q   And Outlook would run on a third
18   process?
19   A   Right.
20   Q   And the operating system would time
21   slice and divide its time between several
22   slices -- between several application programs?

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1   A   Yes. Basically it will -- because the
2   CPU is a shared resource, it will provide shares
3   of the CPU to each of those programs in the
4   sense that it will time slice. Time that will
5   give slices of a time to each running process.
6   So it does that in a way that the user
7   does not proceed. For example, if the duration
8   of time slice were to be too long, then one
9   program could monopolize the CPU for too long
10   and then as a user you would not have the
11   impression that these programs are running
12   concurrently.
13   And there are other considerations, but
14   if you want I can go into that but...
15   Q   When the Word processor described in
16   Hachamovitch calls its Word Completion Utility,
17   is a new process created?
18   A   No. Typically the Word Completion
19   System would be running in a separate process.
20   And in operating systems -- in fact, one of the
21   things that operating systems do is they provide
22   what is called inter-program communication

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1   mechanisms or inter-process communication
2   mechanisms. These are mechanisms by which one
3   process can communicate with another process.
4   For example, you could have a Word
5   processor running in process A; Hachamovitch
6   running in process B and they can communicate.
7   So there are many inter-process
8   communication mechanisms. One of them could be
9   a remote procedure call, another could be a
10   service code. This process would be providing
11   some services to another program. And there are
12   message passing. This is another exactly of a
13   service provider mechanism, I should say
14   provided by the operating system, to allow
15   programs to communicate with one another.
16   So the actual way by which the
17   communications implemented can vary. It was
18   known to a person of ordinary skill in the art
19   way, way before 1998. I mean, any operating
20   system textbook would talk about that.
21   Q   So if the Word processing program calls
22   the Word Completion Utility, the two of them

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20 (Pages 74 to 77)

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1   paragraph 63. "The only corresponding
2   structure that performs the recited function is
3   step 22 in Figures 1 and 2."
4   So let me get the patent here. And so
5   Figures 1 and 2, step 22, which says "insert
6   correct address and name in document."
7   Now, in the disclosures that correspond
8   to those figures and to example five are just
9   mere recitals of the function without any
10   disclosure of any structure needed to perform
11   the certain function. So that is the context
12   of my declaration.
13   Q   Turn to the '854 patent.
14   **A   Okay.**
15   Q   Claim 1 on column 10. Claim 1 includes
16   the recitation "inserting a second information
17   into the document." Is that correct?
18   MR. YAP: Objection. Document speaks for
19   itself.
20   THE WITNESS: Responding to user selection
21   -- yes, I can read that.
22   Q   At the time of the invention of the '854

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1   patent, what would one of ordinary skill in the
2   art face in terms of achieving that insertion?
3   MR. YAP: Object to form.
4   THE WITNESS: As I said before, there
5   would be many different alternatives, depending
6   on the type of Word processor, depending upon
7   how it was designed. So what this claim
8   limitation says, it just says inserting without
9   any support in the specification for how that
10   is done.
11   And the Board seems to agree that if not
12   all but large number of the claims that have
13   this means-plus-function limitations are
14   indefinite under 112, so because structure
15   was not found.
16   The point I am making in my declaration
17   is that there is no structure. There is no
18   algorithm. There is no structure that
19   teaches how to insert a second information
20   into the document. That is the context of my
21   statement.
22   MR. YAP: I think there is confusion here.

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1   Are we talking about Claim 1, Counsel?
2   MR. ASHER: Yes.
3   THE WITNESS: I'm sorry? We are talking
4   about '854?
5   Q   Yes.
6   **A   Sorry, I am confused now.**
7   MR. YAP: I don't see any
8   means-plus-function.
9   MR. ASHER: I didn't ask about
10   means-plus-function.
11   Do you want to read back the question?
12   (Thereupon, the requested portion of the
13   record was read back by the court reporter.)
14   **A   In my reply I mentioned that to put my**
15   **statement in paragraph 62 in the context in**
16   **which I was making that statement. It was in**
17   **the context of means for responding to user**
18   **selection by inserting a second information into**
19   **the document.**
20   **And what I was saying in my response is**
21   **that there is nothing in the specification that**
22   **teaches how to do that.**

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1   Q   Claim 1 of the '854 patent includes the
2   recitation of inserting a second information
3   into the document.
4   My question is, what challenges would
5   one of ordinary skill in the art face at the
6   time of the invention of the '854 patent in
7   doing that?
8   **A   Well, this invention was geared at**
9   **several types of programs that could use this**
10   **invention, right. It could be the Word**
11   **processor. It could be a spreadsheet program.**
12   **So each of these programs may have different**
13   **ways and mechanisms by which one could achieve**
14   **the inserting, or they may not even have**
15   **mechanisms that facilitate an insert.**
16   **So these are not claims geared towards**
17   **Microsoft Word. These are claims that are**
18   **general in the sense that inserting -- it says**
19   **here "inserting a second information into the**
20   **document." The document could be managed by a**
21   **variety of programs. It is not just Word.**
22   **So the person of ordinary skill in the**