IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ALFONSO CIOFFI, et al.,	)	
Plaintiffs,	)	Civil Action No.
vs.	)	2:13-cv-103-JRG-RSP
GOOGLE INC.,	)	
Defendants.	)	

The videotaped deposition of HUBERT EARL DUNSMORE, Ph.D., called as a witness for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before ANDREA L. KIM, a Certified Shorthand Reporter of said state, CSR No. 84-3722, at 8500 West Bryn Mawr Avenue, Chicago, Illinois, on the 17th day of June, A.D. 2014, at 8:08 a.m.

Job No. CS1877116

told was that there were three terms that were being contested for indefiniteness, and that I was to look at those three terms and determine whether -- how I felt in terms of definiteness and indefiniteness. I don't know of any others. I would be happy to look at others, but those are the only ones I have seen. 11:06:00 11:06:05 11:06:09 11:06:13 11:06:15 11:06:19 11:06:21

Q. Right. But do you have an understanding that the claims of the reissued patents are indefinite? 11:06:23 11:06:25 11:06:27

A. That was my -- certainly the assumption when counsel asked me to look at this and understanding who was -- who was involved in this that Google would have been contending indefiniteness, and the inventors would have been contending that they did not render the claims indefinite. 11:06:28 11:06:29 11:06:32 11:06:35 11:06:38 11:06:41 11:06:44

Q. Okay. Putting aside the claims and focusing on the specification, is there any passage in the specification that tells a person of ordinary skill that the first logical process can actually download contend from the internet? 11:06:45 11:06:47 11:06:49 11:06:52 11:06:55 11:06:59

A. Yes. Column 17. 11:07:00

Q. Okay. Besides the column 17, 11:07:04

lines 42 to 44, are there any other passages in the specifications that you are aware of that teaches a person of ordinary skill -- 11:07:06 11:07:09 11:07:13

A. Not that I -- 11:07:13

Q. -- sorry -- the first logical process can download content from the internet? 11:07:16 11:07:17

A. Sorry. Now me. Not that I am aware of. I'm sorry. 11:07:22 11:07:25

Q. So let's put this in the record so we know which sentence you are referring to. Column 17 of this '247 patent Exhibit 2, I believe they are lines 42 to 44. I am going to read the sentence I think that you are referring to, and correct me if I am wrong. It says: "Decryption keys may be passed between P1 120 and network interface device 190 via a communication link 191." 11:07:25 11:07:27 11:07:29 11:07:32 11:07:37 11:07:38 11:07:39 11:07:43 11:07:46

Is that the sentence you are referring to? 11:07:49 11:07:50

A. That is the sentence to which I am referring. 11:07:50 11:07:52

Q. So it speaks of decryption keys being passed between P1 and the network interface device; is that correct? 11:07:53 11:07:55 11:07:59

A. That is correct. 11:08:00

the sentence we started with beginning at 42 where decryption keys may be passed between P1 and the network interface, then certainly one of ordinary skill would understand that if it is sitting at the network interface, it could be transmitted on the network. 11:14:05 11:14:08 11:14:13 11:14:16 11:14:20 11:14:22

BY MR. MAR: 11:14:24

Q. So besides that passage here that we just looked at in column 17, are there any other passages in the specification that discuss the first logical process accessing information from the internet? 11:14:24 11:14:30 11:14:32 11:14:35 11:14:38

A. I don't recall any others. 11:14:41

Q. From a network security perspective, is there a difference between sending information out over a network and downloading information from the internet? 11:14:42 11:14:47 11:14:50 11:14:53

A. Well, again, let me point out that I was not asked to formulate an opinion on this. So let me put this in the context of, again, teaching a web programming class and not in the context of this case, and the question you asked me is there any difference between sending encrypted data on the internet versus receiving encrypted data. 11:14:56 11:14:57 11:15:00 11:15:04 11:15:08 11:15:10 11:15:13 11:15:18

question -- repeat the question, please. 11:21:48
(WHEREUPON, the record was read 11:21:48
by the reporter.) 11:22:09
BY THE WITNESS: 11:22:09
A. I don't recall anything else 11:22:11
relevant to that. 11:22:13
BY MR. MAR: 11:22:14
Q. Let's go back to Figure 1 of 11:22:14
the '247 patent here, and we have been talking 11:22:23
about the communication link labeled 191. 11:22:26
Do you see that? 11:22:29
A. Yes, sir. 11:22:29
Q. Is there any disclosure in the 11:22:30
patent specification that tells us that 11:22:35
encrypted data is sent over communication link 11:22:37
191? 11:22:41
A. Let me go back and look at 11:22:41
column 17 again. The only positive thing said 11:22:51
is that the encryption keys may be passed. 11:23:01
There's no description in here of sending 11:23:05
encrypted data, but as I say, there is the fact 11:23:09
that if you have a connection open between a 11:23:14
first processor and a network interface and 11:23:18
there's no -- I don't see any limitation in the 11:23:21
patent specification anywhere that says the 11:23:24

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