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

ALFONSO CIOFFI, an individual,
MELANIE ROZMAN, an individual,
MEGAN ROZMAN, an individual, and
MORGAN ROZMAN, an individual,
 	
      Plaintiffs,
 	
vs.
 	
GOOGLE, INC.
 	
      Defendants.
	Case No. 2:13-cv-103-JRG-RSP
	
	JURY TRIAL DEMANDED

EXPERT DECLARATION OF H.E. ("BUSTER") DUNSMORE

I, H.E. (Buster) Dunsmore, declare and disclose pursuant to Federal Rule of Civil

Procedure as follows:

I.   SCOPE OF DECLARATION

1.   This declaration presents opinions and analysis relating to U.S. Patent No.

RE43,103 (the "'103 patent"), U.S. Patent No. RE43,528 (the "'528 patent"), U.S. Patent No.

RE43,529 (the "'529 Patent"), and U.S. Patent No. RE43,500 (the "'500 Patent") (collectively,

the "patents-in-suit"). This declaration details my examination of the patents-in-suit to

determine if one of ordinary skill in the art at the time of the invention would conclude that

certain terms are indefinite.

II.   EXPERT QUALIFICATIONS, BASIS OF OPINION AND APPROACH

2.   **Qualifications.** I am an Associate Professor of Computer Science at Purdue

University in West Lafayette, Indiana. I have been working in the computer industry for more

than thirty years. I received a B.S. in Mathematics and Physics from the University of Tennessee

- "a first logical process capable of executing instructions within the common operating system using at least one electronic data processor and further capable of accessing a first memory space" ('103 patent, Claim 21)

16.   Based on my review of the common specification of the patents-in-suit and '247, the challenged claim limitations, the prosecution histories for the patents-in-suit and '247, and the application of how one of ordinary skill in the art the time of invention would understand the challenged claim limitation in light of the above material, it is my opinion these claim limitations are not indefinite for failing to claim what the Inventors regarded as their invention.

17.   **The Specification Teaches A Connection Between The First Logical Process And The "Network."** In my review of the specification, I note the following: Figure 1 discloses a communications link (191) between the "1st processor" (120) and the "Network interface" (190) which is coupled to the "Network" (195).[1] One of ordinary skill would recognize the inventors were disclosing a connection between the "1st processor" (120) and the "Network interface" for purposes of receiving data from the "Network" (195). The "1st processor" (120) also represents where the system executes the 1st logical process," (Col. 16:22-47) so one of ordinary skill would understand the communications link (191) between the "1st processor" (120) and the "Network interface" (190) would also necessarily mean the communications link (190) connecting the first logical process and the "Network interface" (190).

18.   The specification's discussion of the "communication link" (191) confirms that the Inventors intended that the "1st processor" (120) and/or the first logical process be capable of

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[1] '528 Patent, Figure 1.

passing data to and from the Network (195). In particular, the specification discusses passing decryption keys between the "1st Processor" (120) and "Network interface" (190). One of ordinary skill would recognize that communicating with a "Network interface" almost always means one intends to communicate with the "Network" as that is the purpose of network interface devices. One of ordinary skill would also recognize that passing decryption keys could originate from the "1st processor" (120), from the "Network interface" (190), or from the ultimate source within the "Network" (195) responsible for sending and/or receiving the data.

19.   The Preferred Embodiment Separates The 1st Logical Process From The "Network interface" But There Is No Disclaimer That All Embodiments Require Separation.   The inventors explain that "[i]n accordance with **a preferred embodiment** of the present invention, network 195 is isolated from the first processor 120 and memory 110 by a second processor 140 (P2)." Col. 10:29-31 (emphasis added). The inventors caution, however, that "specific embodiments discussed are merely illustrative of specific ways to make and use the invention, and do not limit the scope of the invention." Col. 9:27-29. When the inventors describe their invention in the "Summary Of The Invention" the first logical process "is capable of accessing data contained in a first memory space and a second memory space." One of skill in the art analyzing this disclosure would understand a first logical process to be capable of many things, but according to the inventors, it should be capable of accessing data contained in the first and second memory space in order to comport with the scope of the invention. Similarly, in the "Summary Of The Invention" the inventors describe the second logical process as being capable of accessing data contained in the second memory space, the second logical process being further capable of exchanging data across a network of one or more computers." Col. 8:3-5. Unlike the first logical process, the inventors require the second logical process to have the capability of

exchanging data across the network. The fact that the inventors left open the possibility that the

first logical process may or may not have the capability to access the "Network" (195) when

describing the first logical process, and then the inventors actually disclosed an example of the

first logical process communicating with the network through the network interface device, is

more than sufficient disclosure for one of skill in the art to understand the inventors were not

limiting their invention to the preferred embodiment.

   20. **Preventing Malware, Downloaded And Executing In The Second Logical**

Process, From Attacking The First Memory Space Does Not Require The First Memory

Space To Be Isolated From The Network. One of skill in the art would recognize that the

fundamental nature of the invention does not require the first logical process to be isolated from

the network. The specification emphasizes that a key component of the invention is preventing

malware downloaded and executing in the second logical process from corrupting files in the

first memory space. (See, e.g., Abstract, Col. 8:14-18). This is accomplished by limiting the

permissions of the second logical process so that it is only allowed to access files in the second

memory space. Col. 10:38-62. Indeed, every claim of the patents-in-suit contemplates that

malware downloaded and executing within the second logical process is prevented from

accessing the first memory space. As noted above, a preferred embodiment teaches isolating the

first logical process from the network to protect the first logical process from malicious code.

One of skill in the art at the time of the invention would have known that there are certain tasks,

for example HTML parsing and image decoding, that are historical sources of vulnerability for

web browsers, and therefore, should be executed in the sandbox of the second logical process.

However, there are other low threat tasks that involve communication with the network, such as

accessing secure Websites with digital certificates or streaming bits from a network to a media

I declare under penalty of perjury under the laws of the United States that the foregoing is

true and correct.

Executed on the 9th day of June 2014, at
West Lafayette, Indiana.

By:_____
       H.E. (Buster) Dunsmore