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

ALFONSO CIOFFI, et al.,)
 Plaintiffs,)

vs.)

GOOGLE INC.,)
 Defendant.)

Civil Action No.
2:13-cv-103-JRG-RSP

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ORAL VIDEOTAPED DEPOSITION

ALFONSO CIOFFI

JUNE 26, 2014

* * * * *

Job No. CS1883355

ORAL VIDEOTAPED DEPOSITION OF ALFONSO CIOFFI,
produced as a witness at the instance of the Defendant
and duly sworn, was taken in the above-styled and
numbered cause on June 26, 2014, from 8:32 a.m. to 5:01
p.m., before Christy Fagan, CSR, CRR, RMR, TMR, RPR, CLR
in and for the State of Texas, reported by computerized
stenotype machine at the offices of Courtroom Sciences,
Inc., 4950 N. O'Connor Road, Irving, Texas, pursuant to
the Federal Rules of Civil Procedure.

1 referring to the '247 patent and the Patents-in-Suit.
2 Fair enough?

3 A Yeah, I understand that. Yes.

4 Q Okay. Great.

5 With -- would you refer to those patents
6 as joint projects between yourself and Mr. Rozman?

7 A Yes.

8 Q And can you delineate what roles each of you
9 played in those joint projects?

10 A In the invention or in the drafting of the
11 documents?

12 Q Let's take first the invention and then I'll
13 ask the question about the drafting of the documents.
14 Fair enough?

15 A Fair enough. I can -- if you like, I can
16 elaborate on exactly how we -- how we got to this point,
17 how we conceived of this.

18 Q That'd be great.

19 A He and I were neighbors. Our families were
20 very good friends. I mean, they're -- our children
21 don't know a time in their lives where they were not --
22 we were not -- we were not part of each other's lives.

23 It's a Friday afternoon. It was cool.
24 It was somewhere around April or -- April or somewhere
25 around then. I am -- my wife is already at his house

1 with his wife having a, you know, Friday evening
2 libation, and I'm on the way there. I forgot what I was
3 tangled up with.

4 Q Excuse me. You said it was cool, it's in
5 April. We're talking about spring of what year?

6 A '04. 2004.

7 Q Thank you.

8 A 2004. I'm sorry. I was not specific.

9 Q No, no. No problem at all. And I apologize
10 to you for interrupting.

11 A That's okay. No, no. Thank you. Thank you.

12 Spring of 2004, my wife is there. I
13 mean, we would alternate. Either, you know, come over
14 to our house or we go over to your house. It was a --
15 it was the Friday night routine, and then we'd figure
16 out someplace to go out to eat.

17 I'm on my way out the door and my son, my
18 youngest son at the time -- 2004, he was 12, maybe shy
19 of 12. His birthday's in May, so he's 11, yells at me,
20 "Dad, the computer's all messed up again." Okay, he
21 downloaded something else, somehow the malware got on
22 there or the spyware or something. This will be easy.
23 I'll go hit a restore point and it'll take care of it.

24 Well, this particular strain of malware
25 had overwritten the restore points, and I -- and I --

1 and I -- I couldn't get rid of it through normal means.
2 I had to wipe the disc clean and an hour and a half late
3 getting there. And, of course, I was upset and
4 frustrated about that.

5 And I sat down and, you know, called over
6 and go, "Yeah, I'm going to be a little bit late
7 because -- you know, because I got to take care of
8 this." I have to explain to my wife that now all of her
9 e-mails and all of her files have been -- have been --
10 have been wiped out, and she wasn't very happy about
11 that.

12 So, you know, we start with the -- with
13 the banter about -- you know, complaining about the
14 state of the art with virus protection and screens and
15 all that other stuff. And I said, "There has to be a
16 better way of doing this. And it seems to me that the
17 basic problem is the architecture of the computer system
18 can only execute programs where access to all of the
19 system resources are available." Which says as soon as
20 you initiate anything, advertently or inadvertently,
21 everything's -- everything's fair game.

22 And I further went on to say, "What we
23 really need is a computer system architect," and -- and
24 the analogy I would use -- this is how I explain it to
25 people -- like, to my family members I explain it this

1 way: We really need to architect something that looks
2 like the security in a high-rise office building or, you
3 know, even a facility like this. There's an atrium, and
4 think of the connection to the outside world as the
5 door. And as soon as the building proprietors unlock
6 the door, anything can walk in their front door, but
7 there's a layer of security behind it.

8 And if we could set that up -- set that
9 atrium up in such a way so that when people come in it
10 looks like a space that they would reveal themselves and
11 execute, but it's really an expendable space. You know,
12 it's something that, you know, if -- if you -- you don't
13 have access to the important stuff upstairs or what's
14 behind security, so there's an extra layer of security
15 in there. I says, "There's, you know" -- I remember
16 complaining specifically the Microsoft Intel method here
17 is you've got one environment to run in. We need mult
18 -- you need multiple environments to run in. And that
19 was the genesis of the idea.

20 And from -- and he looks at me and he
21 says, "That's a very good idea," and I said, "You think
22 so?" And he says, "Yeah." And we kept talking about it
23 and talking about it, and the next day he comes over and
24 he says, "Okay. Let's start drafting it." He was a
25 registered patent agent at that point and he recognized

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