

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

4  
5       ALFONSO CIOFFI, et al.,        )  
6                            Plaintiffs,    ) Civil Action No.  
7                            vs.                    )2:13-cv-103-JRG-RSP  
8       GOOGLE INC.,                 )  
9                            Defendants.    )

10  
11                    The videotaped deposition of HUBERT  
12       EARL DUNSMORE, Ph.D., called as a witness for  
13       examination, taken pursuant to the Federal  
14       Rules of Civil Procedure of the United States  
15       District Courts pertaining to the taking of  
16       depositions, taken before ANDREA L. KIM, a  
17       Certified Shorthand Reporter of said state, CSR  
18       No. 84-3722, at 8500 West Bryn Mawr Avenue,  
19       Chicago, Illinois, on the 17th day of June,  
20       A.D. 2014, at 8:08 a.m.

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24  
25       Job No. CS1877116

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

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

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

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

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

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

1 lines 42 to 44, are there any other passages in 11:07:06  
2 the specifications that you are aware of that 11:07:09  
3 teaches a person of ordinary skill -- 11:07:13  
4 A. Not that I -- 11:07:13  
5 Q. -- sorry -- the first logical 11:07:16  
6 process can download content from the internet? 11:07:17  
7 A. Sorry. Now me. Not that I am 11:07:22  
8 aware of. I'm sorry. 11:07:25  
9 Q. So let's put this in the 11:07:25  
10 record so we know which sentence you are 11:07:27  
11 referring to. Column 17 of this '247 patent 11:07:29  
12 Exhibit 2, I believe they are lines 42 to 44. 11:07:32  
13 I am going to read the sentence I think that 11:07:37  
14 you are referring to, and correct me if I am 11:07:38  
15 wrong. It says: "Decryption keys may be 11:07:39  
16 passed between P1 120 and network interface 11:07:43  
17 device 190 via a communication link 191." 11:07:46  
18 Is that the sentence you are 11:07:49  
19 referring to? 11:07:50  
20 A. That is the sentence to which 11:07:50  
21 I am referring. 11:07:52  
22 Q. So it speaks of decryption 11:07:53  
23 keys being passed between P1 and the network 11:07:55  
24 interface device; is that correct? 11:07:59  
25 A. That is correct. 11:08:00

1 the sentence we started with beginning at 42 11:14:05  
2 where decryption keys may be passed between P1 11:14:08  
3 and the network interface, then certainly one 11:14:13  
4 of ordinary skill would understand that if it 11:14:16  
5 is sitting at the network interface, it could 11:14:20  
6 be transmitted on the network. 11:14:22  
7 BY MR. MAR: 11:14:24  
8 Q. So besides that passage here 11:14:24  
9 that we just looked at in column 17, are there 11:14:30  
10 any other passages in the specification that 11:14:32  
11 discuss the first logical process accessing 11:14:35  
12 information from the internet? 11:14:38  
13 A. I don't recall any others. 11:14:41  
14 Q. From a network security 11:14:42  
15 perspective, is there a difference between 11:14:47  
16 sending information out over a network and 11:14:50  
17 downloading information from the internet? 11:14:53  
18 A. Well, again, let me point out 11:14:56  
19 that I was not asked to formulate an opinion on 11:14:57  
20 this. So let me put this in the context of, 11:15:00  
21 again, teaching a web programming class and not 11:15:04  
22 in the context of this case, and the question 11:15:08  
23 you asked me is there any difference between 11:15:10  
24 sending encrypted data on the internet versus 11:15:13  
25 receiving encrypted data. 11:15:18

1 question -- repeat the question, please. 11:21:48

2 (WHEREUPON, the record was read 11:21:48

3 by the reporter.) 11:22:09

4 BY THE WITNESS: 11:22:09

5 A. I don't recall anything else 11:22:11

6 relevant to that. 11:22:13

7 BY MR. MAR: 11:22:14

8 Q. Let's go back to Figure 1 of 11:22:14

9 the '247 patent here, and we have been talking 11:22:23

10 about the communication link labeled 191. 11:22:26

11 Do you see that? 11:22:29

12 A. Yes, sir. 11:22:29

13 Q. Is there any disclosure in the 11:22:30

14 patent specification that tells us that 11:22:35

15 encrypted data is sent over communication link 11:22:37

16 191? 11:22:41

17 A. Let me go back and look at 11:22:41

18 column 17 again. The only positive thing said 11:22:51

19 is that the encryption keys may be passed. 11:23:01

20 There's no description in here of sending 11:23:05

21 encrypted data, but as I say, there is the fact 11:23:09

22 that if you have a connection open between a 11:23:14

23 first processor and a network interface and 11:23:18

24 there's no -- I don't see any limitation in the 11:23:21

25 patent specification anywhere that says the 11:23:24

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