

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

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 contend 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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