

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

NETWORK-1 SECURITY SOLUTIONS,  
INC., a Delaware corporation,

Plaintiff,

vs.

CISCO SYSTEMS, INC., a California  
corporation; CISCO-LINKSYS, L.L.C., a  
California Limited Liability Company;  
ADTRAN, INC., a Delaware corporation;  
ENTERASYS NETWORKS, INC., a  
Delaware corporation; EXTREME  
NETWORKS, INC., a Delaware corporation;  
FOUNDRY NETWORKS, INC., a Delaware  
corporation; NETGEAR, INC., a Delaware  
corporation; 3COM CORPORATION, a  
Delaware corporation,

Defendants.

Case No. 6:08cv030-LED

**EXPERT REPORT OF DR. MELVIN RAY MERCER  
REGARDING INVALIDITY OF U.S. PATENT NO. 6,218,930**

**NOTICE: THIS REPORT CONTAINS INFORMATION CONSIDERED  
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## **I. Background**

1. I have been retained as an expert in this case by counsel for the Defendants. I expect to testify at trial regarding the matters set forth in this report, if asked about these matters by the Court or by the parties' attorneys.

## **II. Summary Of Report**

2. I understand that the plaintiff in this proceeding, Network-1 Security Solutions, Inc. ("Network-1"), has asserted U.S. Patent No. 6,218,930 to Katzenberg et al. ("the '930 patent"), entitled "Apparatus and Method for Remotely Powering Access Equipment Over a 10/100 Switched Ethernet Network," against Defendants. I have been informed that Network-1 is asserting claims 1, 2, 6, and 9 of the '930 patent against Defendants. I have also been informed that the Court has found claims 1 and 2 of the '930 patent indefinite, thus leaving claims 6 and 9 in this case.<sup>1</sup>

3. I have been asked for my expert opinion concerning whether the remaining asserted claims 6 and 9 of the '930 patent are valid. In my opinion, asserted claims 6 and 9 of the '930 patent are invalid, for the reasons stated below.

## **III. Qualifications and Professional Experience**

4. I have more than 40 years of industrial and academic experience in Electrical Engineering and Computer Engineering. I received a B.S. in Electrical Engineering from Texas Tech University in 1968. From 1968 until 1973, I was a Research/Development Engineer at General Telephone and Electronics Sylvania in Mountain View, California, and I received an M.S. in Electrical Engineering from Stanford University in 1971. From 1973 until 1977, I was a

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<sup>1</sup> See Network-1 Security Solutions, Inc. v. Cisco Systems, Inc. et al., Case No. 6:08CV30-LED, Memorandum Opinion and Order dated February 16, 2010, pp. 18-23 (holding that the "control means" term in independent claim 1 (and also dependent claim 2) is indefinite).

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