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2 UNITED STATES PATENT AND TRADEMARK OFFICE  
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4 Case No. IPR2013-00635

5 Patent No. 6,978,346

**CERTIFIED COPY**

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7 \_\_\_\_\_  
8 DELL, INC.; HEWLETT-PACKARD COMPANY;  
9 and NETAPP, INC.,

10  
11 Petitioners,

12 vs.

13  
14 ELECTRONICS AND TELECOMMUNICATIONS  
15 RESEARCH INSTITUTE,  
16 Patent Owner.  
17 \_\_\_\_\_

18 DEPOSITION OF  
19 DR. THOMAS M. CONTE

20  
21 Atlanta, Georgia  
22 Thursday, August 7, 2014  
23

24 Court Reporter: Michelle M. Boudreaux, RPR  
25 Job No. 82984

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August 7, 2014

9:10 a.m.

Deposition of DR. THOMAS M. CONTE,  
held at the Georgia Tech Hotel and Conference  
Center, 800 Spring Street NW, Atlanta, Georgia,  
pursuant to Agreement before Michelle M.  
Boudreaux, a Registered Professional Reporter  
in the State of Georgia.

1  
2 APPEARANCES OF COUNSEL  
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20 Also Present: M. Ray Mercer, Ph.D., P.E.  
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DR. THOMAS M. CONTE,  
being first duly sworn, was examined and testified as  
follows:

EXAMINATION

BY MR. EMERSON:

Q All right. So you understand that you've  
just been sworn in and you're under oath, correct?

A I do.

Q And any reason why you can't testify  
truthfully and completely today?

A No, there is not.

Q And unless I hear otherwise from you, I'm  
going to assume you understand my questions, so do you  
understand that?

A Yes, I do.

Q All right. And if you don't understand my  
question, let me know.

A I will.

Q I'll fix it for you.

Let's take a look at Exhibit 1001, which is  
the '346 patent.

All right, why don't you turn to Figure 4.

A (Witness complies with request of counsel.)

Q Are you there?

1 DR. THOMAS M. CONTE

2 A Yes.

3 Q Can you point out the RAID to me in Figure 4?

4 A It's Element 490.

5 Q And that's the element that includes both  
6 RAID controllers, all four network interface  
7 controllers, and both of the hub or switch mechanisms?

8 A Yes, in this figure. In Figures 5 and 6,  
9 it's pointed out differently.

10 Q Okay. How many disk drives are in this RAID?

11 A That's not illustrated in this figure.

12 Q Is there any way to tell how many disk drives  
13 there are?

14 A There would be if the degree of RAID was  
15 known.

16 Q When you mean -- "the degree of raid," you  
17 mean RAID 0, 1, 2, 3, like that?

18 A Exactly.

19 Q If this was RAID 1, how many disk drives  
20 would there be?

21 A There would need to be two disk drives.

22 Q Okay. Is that always the case for RAID 1?

23 A That may or may not necessarily be the case,  
24 but it's -- I'm sorry, let me rephrase that. RAID 1  
25 would need at least two disk drives to support

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