

Page 1	I N D E X	Page 3
1 UNITED STATES PATENT AND TRADEMARK OFFICE	1	
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD	2 DEPOSITION OF:	PAGE
3	3 HENRY HOUH, Ph.D.	
4 Case IPR2014-01366; U.S. Patent No. 6,108,704	4 EXAMINATION BY MR. NEWMAN	6
5 Case IPR2014-01367; U.S. Patent No. 6,009,469	5 EXAMINATION BY MR. ERICKSON	284
6 Case IPR2014-01368; U.S. Patent No. 6,131,121	6 _____X	
7	7 E X H I B I T S	
8 Samsung Electronics Co., Ltd.,	8 NO.	PAGE
9 Samsung Electronics America, Inc.	9 Exhibit 1004 Declaration of Henry Houh in	6
10 & Samsung Telecommunications	10 the '704 IPR	
11 America, LLC,	11 Exhibit 1012 Document titled "Microsoft	22
12 Petitioners,	12 Windows NT Server"	
13 v.	13 Exhibit 1010 Prior Markman Ruling	33
14 Straight Path IP Group, Inc.,	14 Exhibit 1014 NetBIOS Reference	41
15 Patent Owner.	15 Exhibit 2017 Document titled Modifying	141
16 - - - - - x	16 WINS server defaults	
17 DEPOSITION OF	17 Exhibit 2013 '704 patent	187
18 HENRY HOUH, PH.D.	18 Exhibit 2011 '121 patent	187
19 Tuesday, May 26, 2015 at 9:00 a.m.	19 Exhibit 1001 '469 patent	187
20 DLA PIPER LLP	20 Exhibit 2016 Document titled "Patent Rule	191
21 33 Arch Street, 26th Floor	21 4-3 Joint Claim Construction	
22 Boston, Massachusetts 02110	22 and Prehearing Statement"	
23	23	
24 Reporter: Lori-Ann London, RPR	24 *Original exhibits attached to original transcript	
Page 2	P R O C E E D I N G S	Page 4
1 APPEARANCES OF COUNSEL	1 HENRY HOUH, Ph.D.,	
2 On Behalf of Samsung	2 a witness called for examination by Straight Path,	
3 By: Brian K. Erickson, Esquire	3 having been satisfactorily identified by the	
4 DLA PIPER LLP	4 production of his Massachusetts driver's license,	
5 401 Congress Avenue, Suite 2500	5 and duly sworn by the Notary Public, was examined	
6 Austin, Texas 78701-3799	6 and testified as follows:	
7 512.457.7059 brian.erickson@dlapiper.com	7 MR. NEWMAN: Counsel, introduce	
8	8 ourselves.	
9 On Behalf of Straight Path:	9 Michael Newman, on behalf of Straight	
10 By: Michael C. Newman, Esquire	10 Path, Boston office of Mintz Levin. With me is	
11 Nicholas W. Armington, Esquire	11 Nicholas Armington, and also in-house counsel for	
12 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC	12 Straight Path, Vandana Koelsch, is attending by	
13 One Financial Center	13 telephone.	
14 Boston, Massachusetts 02111	14 MR. ERICKSON: Brian Erickson, with	
15 617.348.1626	15 DLA Piper, representing the witness and petitioner,	
16 mcnewman@mintz.com nwarmington@mintz.com	16 Samsung.	
17	17 MR. LISS: Jason Liss, WilmerHale,	
18 On Behalf of Cisco Systems, Inc. and Avaya, Inc.:	18 representing Cisco Systems, Inc. and Avaya, Inc.,	
19 By: Jason Liss, Esquire	19 petitioners.	
20 WILMER CUTLER PICKERING HALE AND DORR LLP	20 MR. NEWMAN: Just for the record, the	
21 60 State Street	21 parties have an agreement -- with respect to this	
22 Boston, Massachusetts 02109	22 deposition, the parties have agreed to a single	
23 617.526.6699 jason.liss@wilmerhale.com		
24 ALSO PRESENT (VIA TELEPHONE): Vandana Koelsch		

Page 5

1 consolidated deposition for all of IPR2014-01366,
2 01367, and 01368.
3 The parties agree that this single
4 consolidated deposition can be used in each of the
5 three separate IPRs. So when I reference the
6 asserted patents, therefore, I'm discussing the
7 '704 patent, the '121 patent, and the '469 patent
8 involved in those IPRs.
9 The parties have also agreed to
10 attempt to limit depositions in this matter to a
11 single day but have reserved a second day should
12 that attempt not be successful.
13 Anything to add, Counsel?
14 MR. ERICKSON: That's correct. The
15 agreement also extends to any declarant the patent
16 owner might use in their patent owner response.
17 (Off record.)
18 MR. NEWMAN: In addition, counsel for
19 Cisco and Via is in the room. There's a pending
20 motion to join this -- these three IPRs by Cisco,
21 et al. We have no objection to counsel for Cisco
22 being in the room during this deposition.
23 MR. LISS: And if I may add one
24 thing, the -- those motions have not been granted,

Page 6

1 so whereas Michael described an agreement by which
2 this deposition would apply to those, I'm not sure
3 what the effect would be if those motions are not
4 granted.
5 (Off record.)
6 EXAMINATION
7 BY MR. NEWMAN:
8 Q Good morning, Dr. Houh.
9 A Good morning, Mr. Newman.
10 Q Could you please state your full name for
11 the record?
12 A My name is Henry Houh, H-O-U-H is how
13 Houh's spelled.
14 Q And what's your date of birth?
15 A November 29th, 1967.
16 Q And where do you currently reside?
17 A I live in Lexington, Mass.
18 (Document exhibited to witness.)
19 (Off record.)
20 Q So I just handed you what is marked as
21 Samsung Exhibit 1004. Do you recognize this
22 document?
23 A Yes, I -- yes, I do.
24 Q And for the record, this is your

Page 7

1 declaration of Henry Houh in the '704 IPR, correct?
2 A Yes. It's -- oh, this -- yes, this is
3 declaration of -- that I wrote, and it's signed on
4 page 56.
5 Q It's a 67-page document. That's about
6 right. There -- if you count the first couple of
7 pages, it might only be 66.
8 It's marked from page 1 to page 67.
9 That's just for the record.
10 A Oh, I see. Yes, 67 pages.
11 Q Did you draft this declaration?
12 MR. ERICKSON: I'm going to caution
13 the witness, I mean, the -- the -- you can answer
14 that with yes or no, but, you know, the -- the
15 drafting process involved in the declaration is
16 beyond the scope of discovery and protectable work
17 product.
18 So you can answer that -- that
19 prefatory question yes or no, but I'm going to
20 instruct you -- depending on the next question,
21 it's likely I'll instruct you not to answer.
22 But go ahead.
23 A There are portions that I -- I drafted,
24 yes.

Page 8

1 Q Are the statements in this declaration
2 true, to the best of your knowledge?
3 A Yes.
4 Q You mentioned that you drafted at least
5 portions of this. What portions did you draft?
6 MR. ERICKSON: I instruct the witness
7 not -- not to answer. It's beyond the scope of
8 discovery and protected under Federal Rule of Civil
9 Procedure 26.
10 MR. NEWMAN: To the extent that the
11 parties agree that that rule will apply to Straight
12 Path as well, I'll forego further questioning on
13 that matter.
14 MR. ERICKSON: That's fine.
15 BY MR. NEWMAN:
16 Q What's your current occupation?
17 A I do some technical consulting, and I
18 also run a children's STEM education center. It's
19 called "Einstein's Workshop."
20 Q Is that in Lexington?
21 A It's actually in Burlington, Mass.
22 Q How long have you been doing that for?
23 A It depends how you count, but I started
24 doing work with kids' robotics teams about five or

Page 9

1 six years ago, and then I incorporated and -- and
2 got a facility about three years ago.
3 Q That's interesting.
4 The -- what, do the kids come in and
5 learn about scientific concepts, that type of
6 thing?
7 A We have science classes, robotics
8 classes, computer programming classes, 3D modeling
9 classes, all sorts of classes for kids of all ages.
10 Q Of all ages?
11 A Yes, preschool all the way through
12 adults, actually.
13 Q And is that your sole profession right
14 now?
15 A Well, I do that as well as technical
16 consulting.
17 Q And your technical consulting is done
18 through the Houh Consulting?
19 A That's right.
20 Q And you've been doing that since 2009,
21 right?
22 A Thereabouts. I also did it before I
23 incorporated as a business; but, yes, I was doing
24 it maybe -- maybe a little bit earlier than that.

Page 10

1 I was employed by BBN where I was -- I started to
2 do some of this work, consulting work.
3 THE STENOGRAPHER: Is that B, as in
4 boy, BBN?
5 THE WITNESS: Yes. BBN.
6 THE STENOGRAPHER: Thank you.
7 THE WITNESS: And that actually -- I
8 don't think it stands for anything now, but it --
9 it was -- used to stand for Bolt, Beranek & Newman,
10 because there's a different BBN in this area as
11 well. It's a school. It's -- it's not the school,
12 BBN.
13 Q That's a great name.
14 So have you been deposed before?
15 A Yes, I have.
16 Q A number of times, right?
17 A A number of times, yes.
18 Q Have you been deposed with respect to an
19 IPR before?
20 A Yes, I have.
21 Q So you'll understand that once you've
22 begun your testimony, you're not to consult with
23 counsel with respect to that testimony, correct?
24 A I do understand that.

Page 11

1 Q What IPRs have you been involved in,
2 besides this one?
3 A There have been a number of them. I
4 can't remember all of them. I certainly can't tell
5 you the numbers offhand.
6 Q Are they disclosed in your -- in your CV
7 here? And your CV begins at page 60 of
8 Exhibit 1004.
9 A I don't see them on here. I usually have
10 a separate thing that I list things like that. But
11 it only says "trials and depositions," but I guess
12 it's incomplete.
13 Q Let me see if we can fill it out.
14 There -- there's been Apple versus Evolutionary
15 Intelligence, correct?
16 A That sounds right, yes.
17 Q And you represented the petitioner in
18 that case?
19 A Yes, that's right.
20 Q And there were a number of cases, right,
21 68 in the '82 investigations or --
22 A I don't remember how many, but that
23 sounds right.
24 Q And there was Microsoft versus BE

Page 12

1 Technology, correct?
2 A That's correct.
3 Q And that was on behalf of petitioner
4 again?
5 A Yes.
6 Q And then there was Microsoft versus
7 Telecommunication Systems, correct?
8 A I don't remember that one, but probably
9 it's correct, since you've got the list.
10 Q All right. And you represented the
11 petitioner again? You would not have represented
12 Telecommunication Systems?
13 A That's right, it would have been the
14 petitioner that I represented.
15 Q Have you always represented the
16 petitioner when representing a client for an IPR?
17 A So far up till now, that's true. I think
18 I've only been doing this for a year or a year and
19 a half for IPRs.
20 Q And so also there was Cisco versus AIP
21 Acquisitions, correct?
22 A Yes, that's right.
23 Q And Verizon and AT&T versus Solocron
24 Media, right?

Page 13

1 A That sounds right.
2 Q Any others that you can think of that I'm
3 missing?
4 A I think there's one called Microsoft
5 versus Biscotti.
6 Q Anything else?
7 A That's all that comes to mind at the
8 moment.
9 Q Thank you.
10 So let's turn to the background
11 section of your declaration, which begins on what
12 is marked as Exhibit 1000 -- zero -- 1004, page 3.
13 When I refer to page numbers throughout the day,
14 I'll be referring to that page number at the bottom
15 right-hand corner as opposed to the larger centered
16 page number --
17 A Okay.
18 Q -- just for convenience.
19 In -- in 1995, the Internet as we
20 know it was relatively new, correct?
21 A That depends what you mean by the
22 Internet, but it was pretty well established by
23 1995.
24 Q There were not a lot of web servers, were

Page 14

1 there, in '95?
2 A Yeah, I think -- I think the Internet
3 encompasses more than just web servers. But in
4 '95, there were a fair number, and I was at -- at
5 that time tracking the number, but there certainly
6 weren't as many as today.
7 Q You started building web servers in 1993,
8 correct?
9 A That sounds about right.
10 Q In -- in the servers that you built for
11 MIT -- is that where you were building them?
12 A Yes, I was at MIT when I started working
13 on -- on setting up web servers.
14 Q And in 1993 the web servers that you
15 work -- were working on, you considered those to be
16 among the first hundred or so web servers in
17 existence, right?
18 A The -- the -- I believe they were, if not
19 the first hundred, several hundred web servers set
20 up.
21 Q And in that time frame, you believe that
22 you went on to provide what is likely one of the
23 first live Internet video initiated from a website,
24 correct?

Page 15

1 A That's right.
2 Q What year was that?
3 A I believe it might have been 1994 or late
4 '93. I -- I don't remember exactly the date.
5 Q But this was pretty exciting stuff back
6 then, right? This was new technology?
7 A It was pretty exciting. It was using the
8 Internet, which had existed for many years before
9 that, but the web made it a lot easier to access
10 data on the Internet.
11 Q How is that?
12 A It provided a graphical user interface to
13 information on the web, and it -- and there was a
14 markup language which allowed people to easily link
15 to other resources and provide graphical images.
16 Q So in your declaration at paragraph 9 and
17 forward to paragraph 14, all of the technology
18 described there took place after 1995, correct?
19 A That's -- that's -- well, paragraph 13
20 says I was the author of several publications.
21 Some of those would have occurred before '95.
22 Q And I just wanted to point something out.
23 In paragraph 9, you reference a patent that a
24 company that you founded received?

Page 16

1 A Yes.
2 Q I notice that you have that patent listed
3 in a number of other declarations for other IPRs,
4 and there's a typo, so I just want to point it out
5 for you.
6 A Oh, is there?
7 Q I think it's patent 6967963.
8 A Oh, so there's a typo. I apologize. I
9 never caught that. I guess it's a transposition
10 error. Thank you. It's -- it's listed correctly
11 in my CV, apparently.
12 Q Right. I just wanted to point it out.
13 You know, because I know it's been propagated.
14 A Yes, I -- sometimes I use the same text
15 and --
16 Q Absolutely. That makes all the sense in
17 the world.
18 Do you remember the first time you
19 used Windows NT Server -- let me back up.
20 Have you ever used Windows NT Server?
21 A I believe I did, yes.
22 Q Do you remember the first time you used
23 it?
24 A I don't -- I don't recall the exact date.

Page 17

1 Probably sometime in the mid '90s.
2 Q And do you remember the last time you
3 used it?
4 A Not more than -- not -- less than 15
5 years ago, because I remember doing it for a class
6 I was helping with at MIT doing some work on an NT
7 Server. I don't remember exact date.
8 Q Have you ever used an NT Workstation?
9 A Yes.
10 Q Do you remember the first time you used
11 an NT Workstation?
12 A Probably was about the same time as the
13 NT Server.
14 Q What's the difference between the Windows
15 NT Server and the Windows NT Workstation?
16 A My understanding is that the NT Server
17 had a lot more features for providing additional
18 services.
19 Q What do you mean by "services"?
20 A Things like a web server. Number of
21 active connections that -- that could be made with
22 such a service I think was higher in -- in NT
23 Server versus NT.
24 Q NT Server allowed you to administer the

Page 18

1 WINS system, correct?
2 A That sounds -- that sounds right.
3 Q And NT Workstation did not, right?
4 A I think it could participate, but I
5 don't -- I don't -- I don't know if it could
6 administer.
7 THE STENOGRAPHER: What's that, WINS,
8 or --
9 MR. NEWMAN: It starts WINS. It's
10 capital W-I-N-S.
11 THE STENOGRAPHER: Thank you.
12 Q Do you remember the -- have you ever used
13 a system configured to support NetBIOS?
14 A I believe so, yes.
15 Q And when did you first do that?
16 A Probably -- again, probably around the
17 early to mid '90s. I don't remember the exact
18 date.
19 Q Prior to your use of Windows NT Server?
20 A I think so probably, but I don't recall
21 exactly.
22 Q Windows NT Server was not your first time
23 using a system that implemented NetBIOS, was it?
24 A I don't think it was.

Page 19

1 THE STENOGRAPHER: NetBIOS?
2 THE WITNESS: Right. It's --
3 THE STENOGRAPHER: Okay.
4 MR. NEWMAN: Capital N-E-T, capital
5 B-I-O-S.
6 THE STENOGRAPHER: All together?
7 MR. NEWMAN: Let me help you out.
8 BY MR. NEWMAN:
9 Q What does NetBIOS stand for?
10 A I think it's -- I think it -- believe
11 stands for network, you know, basic input/output
12 system, something like that.
13 Q And have you heard the acronym NBNS?
14 A I believe so, yes.
15 Q What does that acronym mean?
16 A I believe it's something like the NetBIOS
17 name server or something.
18 Q And the acronym WINS, what does that
19 mean?
20 A I think that stands for the Windows
21 Internet or name service or something like that.
22 I -- yeah, I -- I mean, I may have got the details
23 wrong, but I think I generally understand what
24 you're -- you're talking about when you use these

Page 20

1 acronyms.
2 Q Thanks.
3 And WINS is an implementation of
4 NetBIOS, correct?
5 A I believe so, yes. I believe it has
6 more, but -- but it encompasses NetBIOS.
7 Q And what do you mean by "it encompasses
8 NetBIOS"?
9 A It's an implementation, but it has more
10 features such as administration and -- and, you
11 know, the -- it's a service that runs rather than
12 the name of a standard or whatever.
13 Q In paragraph 91 of Exhibit 1004, this
14 footnote 5 in which you say, Because Microsoft
15 Manual is based on NetBIOS, compatible with the
16 NetBIOS protocol specifications, and interoperable
17 with the NetBIOS-compliant implementations, the
18 Microsoft Manual and RFCs 1001 and 1002 should be
19 treated as a single anticipatory reference.
20 Do you agree that WINS, Windows NT
21 Server, and NetBIOS are a single reference?
22 MR. ERICKSON: Objection to the
23 extent it calls for a legal conclusion.
24 A I -- I think what I'm saying here is it's

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.