## 1 (Pages 1 to 4)

		1 (Pages 1 to 4)
	1	3
1 UNITED STATES PATENT AND TRADEMARK OF	FICE 1	WILMER CUTLER PICKERING HALE AND DORR, LLP
2 BEFORE THE PATENT TRIAL AND APPEAL BO		(by Jason H. Liss, Esq.)
3 Case IPR2014-01366	3	60 State Street
4 Patent 6,108,704 C1	4	Boston, Massachusetts 02106
5	- 5	(617) 526-6699
6 SAMSUNG ELECTRONICS CO., LTD., SAMSUNG	6	jason.liss@wilmerhale.com
7 ELECTRONICS AMERICA, INC., SAMSUNG	7	for Cisco Systems, Inc. and AVAYA Inc.
8 TELECOMMUNICATIONS AMERICA, LLC CISCO	8	•
9 SYSTEMS, INC., and AVAYA, INC.,	08:21:02 9	
10 Petitioner,	10	
11 v.	11	
12 STRAIGHT PATH IP GROUP, INC.,	12	
13 Patent Owner.	13	
14	- 14	
15 DEPOSITION OF STUART STUBBLEBINE, Ph	ı.D., a 15	
16 witness called by and on behalf of the	16	
17 Petitioners, taken pursuant to 37 C.F.R.	42.53, 17	
18 before Daria L. Romano, RPR, CRR and Nota	18 18 mg	
19 Public in and for the Commonwealth of	19	
20 Massachusetts, at Mintz Levin Cohn Ferris	20	
21 Glovsky and Popeo P.C., One Financial Cen	iter, 21	
22 Boston, Massachusetts, on Tuesday, Septem	nber 1, 22	
23 2015, commencing at 9:04 a.m. to p.m.	23	
24	24	
25	25	
1 APPEARANCES:	2	INDEX
3 DLA PIPER LLP (US)	2	Deposition of: Page
4 (by Brian K. Erickson, Esq.)	3 4	STUART STUBBLEBINE, Ph.D. By Mr. Erickson 5
5 401 Congress Avenue	5	By Mr. Newman 86
6 Suite 2500	6	By Mr. Newman 80
7 Austin, Texas 78701-3799	7	
8 (512) 457-7000	8	
9 brian.erickson@dlapiper.com	9	EXHIBITS
10 for Samsung Electronics Co., Ltd.,	10	No. Page
Samsung Electronics America, Inc., an	I	Exhibit 1001 Patent 6,108,704 7
12 Samsung Telecommunications Americ	a, LLC. 12	Exhibit 2023 Declaration of Dr. Stuart
13	13	Stubblebine 6
14 MINTZ LEVIN COHN FERRIS GLO	VSKY 14	
15 AND POPEO P.C.	15	
16 (by Michael C. Newman, Esq.)	16	*Original exhibits returned to Mr. Erickson
17 One Financial Center	17	
Boston, Massachusetts 02111	18	
19 (617) 542-6000	19	
20 mcnewman@mintz.com	20	
for Straight Path IP Group, Inc.	21	
22	22	
23	23	
24 25	24 25	
2.5	25	

		5			7
	1	PROCEEDINGS	09:07:36	1	came up with a number.
09:04:36	2	MR. ERICKSON: For the record, per	09:07:37	2	Q. All right. And to your knowledge, is
09:04:37	3	our prior agreement, we've agreed that this will	09:07:42	3	this a complete list of all the cases in which
09:04:41	4	be one consolidated deposition for all three	09:07:45	4	you've served as an expert witness since 2000?
09:04:44	5	IPRs. So the testimony given today can be used	09:07:51	5	A. This is a little bit out of date.
09:04:46	6	in IPRs 2014-01366, 01367, and 01368.	09:08:06	6	The RSA matter is completed, so is the
09:04:56	7	And if we refer to the asserted	09:08:11	7	T-Mobile matter. And then there's an additiona
09:04:59	8	patents in plural, we're referring to the '704	09:08:18	8	matter with Nomatics where I've had multiple
09:05:03	9	patent, '121 patent, and the '469 patent.	09:08:30	9	declarations, or at least one.
09:05:10	10	Counsel, do you have anything to add	09:08:34	10	I'm trying to think if there's
09:05:12	11	to that?	09:08:36	11	anything else. That's all I can think of. So
09:05:12	12	MR. NEWMAN: No, I affirm that	09:08:42	12	it's just more of the most current is what would
09:05:14	13	that's our agreement.	09:08:46	13	be out of date.
09:05:17	14		09:08:47	14	Q. Okay. I'm going to hand you a copy of
09:05:17	15	STUART STUBBLEBINE, Ph.D.	09:09:04	15	the '704 patent.
	16	61 61 61 62 22 22 21 12, 1 m2.	09:09:07	16	MR. ERICKSON: Can you mark that as
	17	a witness having been satisfactorily identified	09:09:09	17	Exhibit 1001.
	18	by the production of a driver's license, was	09:09:11	18	(Exhibit 1001 marked
	19	first duly sworn, was examined and testified as	09:09:28	19	for identification)
	20	follows:	09:09:28	20	BY MR. ERICKSON:
	21	Tollows.	09:09:29	21	Q. So most of our time today will be
	22	DIRECT EXAMINATION	09:09:32	22	spent on these two exhibits, so keep those two
09:05:18	23	BY MR. ERICKSON:	09:09:36	23	handy.
09:05:18	24	Q. Good morning, Dr. Stubblebine.	09:09:38	24	And first I want to direct you to
	21	Q. Good morning, Dr. Stubblebille.		21	and mist I want to direct you to
09:05:20	25	A. Good morning.	09:09:41	25	paragraph 33 of your declaration on the '704
09:05:20	25	A. Good morning.	09:09:41	25	paragraph 33 of your declaration on the '704
09:05:20 09:05:22	25		09:09:41 09:09:45	25	
		6			8
09:05:22	1	Q. Since 2000, what percentage of let	09:09:45	1	patent.  A. I've got a clean copy of the '704
09:05:22 09:05:27	1 2	Q. Since 2000, what percentage of let me withdraw that.	09:09:45 09:09:55	1 2	8 patent.
09:05:22 09:05:27 09:05:28	1 2 3	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give	09:09:45 09:09:55 09:09:59	1 2 3	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger.
09:05:22 09:05:27 09:05:28 09:05:30	1 2 3 4	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?	09:09:45 09:09:55 09:09:59 09:10:01	1 2 3 4	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger.  Q. Okay.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32	1 2 3 4 5	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02	1 2 3 4 5	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay. A. I've just compared the two, and
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32	1 2 3 4 5	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02	1 2 3 4 5	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33	1 2 3 4 5 6 7	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:04 09:10:05	1 2 3 4 5 6 7	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35	1 2 3 4 5 6 7 8	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:04 09:10:05 09:10:07	1 2 3 4 5 6 7 8	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35 09:05:38	1 2 3 4 5 6 7 8	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:04 09:10:05 09:10:07	1 2 3 4 5 6 7 8	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35 09:05:38 09:05:40 09:05:59	1 2 3 4 5 6 7 8 9	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:04 09:10:05 09:10:08 09:10:11	1 2 3 4 5 6 7 8 9	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35 09:05:38 09:05:40 09:05:59 09:06:10	1 2 3 4 5 6 7 8 9	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:05 09:10:07 09:10:08 09:10:11	1 2 3 4 5 6 7 8 9 10 11 12	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35 09:05:38 09:05:40 09:05:59 09:06:10	1 2 3 4 5 6 7 8 9 10 11 12 13	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.  (Exhibit 2023 marked	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:05 09:10:07 09:10:08 09:10:11 09:10:13 09:10:16	1 2 3 4 5 6 7 8 9 10 11 12	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35 09:05:38 09:05:40 09:05:59 09:06:10 09:06:11	1 2 3 4 5 6 7 8 9 10 11 12 13 14	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.	09:09:45 09:09:55 09:09:59 09:10:01 09:10:04 09:10:05 09:10:07 09:10:08 09:10:11 09:10:13 09:10:16	1 2 3 4 5 6 7 8 9 10 11 12 13 14	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35 09:05:38 09:05:40 09:05:59 09:06:10 09:06:11	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.  (Exhibit 2023 marked for identification)  BY MR. ERICKSON:	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:05 09:10:07 09:10:08 09:10:11 09:10:13 09:10:16 09:10:16	1 2 3 4 5 6 7 8 9 10 11 12 13 14	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me. Q. Okay.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35 09:05:40 09:05:59 09:06:10 09:06:11 09:06:11 09:06:11	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Since 2000, what percentage of let me withdraw that.    Is there any reason why you can't give your full and complete best testimony today?    A. No.    Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?    A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?    MR. ERICKSON: Let's go ahead and mark this.    (Exhibit 2023 marked for identification)	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:05 09:10:07 09:10:08 09:10:11 09:10:13 09:10:16 09:10:19 09:10:22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35 09:05:40 09:05:59 09:06:10 09:06:11 09:06:11 09:06:11 09:06:44 09:06:44	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.  (Exhibit 2023 marked for identification)  BY MR. ERICKSON:  Q. For the record, what you've been	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:07 09:10:08 09:10:11 09:10:13 09:10:16 09:10:16 09:10:22 09:10:24	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me. Q. Okay. A. Paragraph 33?
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:35 09:05:35 09:05:40 09:05:59 09:06:10 09:06:11 09:06:11 09:06:11 09:06:44 09:06:46 09:06:48	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.  (Exhibit 2023 marked for identification)  BY MR. ERICKSON:  Q. For the record, what you've been handed has been marked as deposition	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:05 09:10:07 09:10:08 09:10:11 09:10:13 09:10:16 09:10:16 09:10:22 09:10:24 09:10:25	1 2 3 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me. Q. Okay. A. Paragraph 33? Q. Correct.
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:35 09:05:35 09:05:40 09:05:59 09:06:10 09:06:11 09:06:11 09:06:11 09:06:44 09:06:46 09:06:48	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.  (Exhibit 2023 marked for identification)  BY MR. ERICKSON:  Q. For the record, what you've been handed has been marked as deposition  Exhibit 2023. It's also the Exhibit 2023 submitted in the 1366 IPR which is your	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:08 09:10:11 09:10:13 09:10:16 09:10:16 09:10:22 09:10:24 09:10:25	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me. Q. Okay. A. Paragraph 33? Q. Correct. The first sentence is, "I agree with Straight Path's interpretation of 'connected to
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:35 09:05:35 09:05:40 09:05:59 09:06:10 09:06:11 09:06:11 09:06:11 09:06:44 09:06:48 09:06:53	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.  (Exhibit 2023 marked for identification)  BY MR. ERICKSON:  Q. For the record, what you've been handed has been marked as deposition  Exhibit 2023. It's also the Exhibit 2023 submitted in the 1366 IPR which is your declaration related to the '704 patent.	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:07 09:10:08 09:10:11 09:10:13 09:10:16 09:10:16 09:10:19 09:10:22 09:10:25 09:10:29 09:10:33	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me. Q. Okay. A. Paragraph 33? Q. Correct. The first sentence is, "I agree with Straight Path's interpretation of 'connected to
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:35 09:05:35 09:05:40 09:05:59 09:06:10 09:06:11 09:06:11 09:06:11 09:06:44 09:06:46 09:06:48 09:06:53 09:06:57	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No. Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.  (Exhibit 2023 marked for identification)  BY MR. ERICKSON: Q. For the record, what you've been handed has been marked as deposition  Exhibit 2023. It's also the Exhibit 2023 submitted in the 1366 IPR which is your declaration related to the '704 patent.  A. Are you referring to time or income?	09:09:45 09:09:59 09:10:01 09:10:02 09:10:05 09:10:07 09:10:11 09:10:13 09:10:16 09:10:19 09:10:22 09:10:24 09:10:29 09:10:33 09:10:36	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me. Q. Okay. A. Paragraph 33? Q. Correct. The first sentence is, "I agree with Straight Path's interpretation of 'connected to the computer network' and 'online' as meaning available for communication."
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:35 09:05:38 09:05:40 09:05:59 09:06:11 09:06:11 09:06:11 09:06:44 09:06:46 09:06:46 09:06:48 09:06:53 09:06:57	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No.  Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.  (Exhibit 2023 marked for identification)  BY MR. ERICKSON:  Q. For the record, what you've been handed has been marked as deposition  Exhibit 2023. It's also the Exhibit 2023 submitted in the 1366 IPR which is your declaration related to the '704 patent.  A. Are you referring to time or income?  Q. Income.	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:05 09:10:07 09:10:11 09:10:13 09:10:16 09:10:16 09:10:19 09:10:22 09:10:24 09:10:25 09:10:33 09:10:36 09:10:34	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me. Q. Okay. A. Paragraph 33? Q. Correct. The first sentence is, "I agree with Straight Path's interpretation of 'connected to the computer network' and 'online' as meaning available for communication." Do you see that sentence?
09:05:22 09:05:27 09:05:28 09:05:30 09:05:32 09:05:33 09:05:38 09:05:38 09:05:40 09:06:10 09:06:11 09:06:11 09:06:11 09:06:44 09:06:44 09:06:44 09:06:48 09:06:53 09:06:57 09:07:17	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Since 2000, what percentage of let me withdraw that.  Is there any reason why you can't give your full and complete best testimony today?  A. No. Q. Okay. Since 2000, approximately how much of your income is derived from expert consulting?  A. 2000. That's tough to gauge. Do you have a copy of my declaration which has my CV?  MR. ERICKSON: Let's go ahead and mark this.  (Exhibit 2023 marked for identification)  BY MR. ERICKSON: Q. For the record, what you've been handed has been marked as deposition  Exhibit 2023. It's also the Exhibit 2023 submitted in the 1366 IPR which is your declaration related to the '704 patent.  A. Are you referring to time or income?	09:09:45 09:09:55 09:09:59 09:10:01 09:10:02 09:10:07 09:10:08 09:10:11 09:10:13 09:10:16 09:10:16 09:10:19 09:10:22 09:10:24 09:10:25 09:10:29 09:10:33 09:10:36 09:10:40 09:10:40	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	patent.  A. I've got a clean copy of the '704 where the pages are just a little bit larger. Q. Okay.  A. I've just compared the two, and they're the same. Q. Okay. If that's easier for you to read, that's fine.  A. The print is a little bit larger. Q. Okay. A. And the same thing with the '121. Q. Okay. A. I haven't compared it since you haven't handed that to me. Q. Okay. A. Paragraph 33? Q. Correct. The first sentence is, "I agree with Straight Path's interpretation of 'connected to the computer network' and 'online' as meaning available for communication."

					3 (Pages 9 to 12)
		9			11
09:10:50	1	communication?	09:17:03	1	point, for example, where the connection server
09:10:51	2	A. In the context of the asserted patents	09:17:07	2	stores the address in the database and so on.
09:10:59	3	using those phrases, yes.	09:17:15	3	That's the point when the that's the point
09:11:01	4	Q. Okay. Turn to the '704 patent, column	09:17:32	4	when the connection server recognizes that the
09:11:05	5	five. If you go to line 20 of column five, you	09:17:38	5	first process is online.
09:11:26	6	see it states, "When either of processing units	09:17:47	6	Provided, though, provided that when
09:11:30	7	12, 22 logs onto the Internet via a dialup	09:17:50	7	we talk about online in the context of '704, it
09:11:37	8	connection, a respective unit is provided a	09:17:55	8	goes hand in hand always with the ability to
09:11:39	9	dynamically allocated IP address by a connection	09:18:00	9	manage the ability to track and manage
09:11:46	10	service provider."	09:18:04	10	offline signals or messages that's described in
09:11:47	11	Do you see that?	09:18:07	11	column six where when user logs off or goes
09:11:48	12	A. Yes.	09:18:11	12	offline from the Internet 24, the connection
09:11:51	13	Q. Okay. So when the processing unit	09:18:15	13	server 26 updates the status of the user in the
09:11:56	14	first logs onto the Internet and prior to	09:18:18	14	database.
09:11:59	15	receiving its IP address, is that processing	09:18:20	15	So the point is, yes, there's an
09:12:06	16	unit available for communication?	09:18:22	16	online point there, but it goes hand in hand
09:12:12	17	A. Which particular claim are you	09:18:25	17	with managing the notion of offline.
09:12:29	18	referring to?	09:18:30	18	Q. Okay. I want to try to parse that out
09:12:29	19	Q. This is claim one.	09:18:34	19	a little bit.
09:13:41	20	(Pause)	09:18:35	20	When processing unit 12 logs on the
09:13:44	21	A. The claim one with respect to	09:18:49	21	Internet but before it receives its dynamically
09:14:23	22	connected to the computer network or online	09:18:54	22	allocated IP address, is the processing unit
09:14:26	23	relates, for example, to the first limitation	09:18:58	23	connected to the network?
09:14:31	24	where it's computer usable medium having program	09:19:01	24	A. We have to look at connected to the
09:14:34	25	code embodied in the medium, the program code	09:19:04	25	network in the context of the claims. And so I
09:14:43	1	10 comprising, and then now the part that I want to	09:19:08	1	12 interpreted or basically agreed with Straight
09:14:46	2	discuss, program code for transmitting to the	09:19:12	2	Path's interpretation of connect to the network,
09:14:49	3	server, a network protocol address received by	09:19:15	3	and online means available for communication.
09:14:55	4	the first process following connection to the	09:19:19	4	And I took that in the context of the
09:14:59	5	computer network.	09:19:22	5	claim where the activity which I just described
09:15:01	6	So what's required here with respect	09:19:25	6	took place, and that's basically where that
09:15:05	7	to connected to the computer network and my	09:19:32	7	activity takes place.
09:15:11	8	agreement with the interpretation meaning	09:19:40	8	Q. In claim one, is the first process
09:15:14	9	available for communication here is you have	09:19:44	9	connected to the network prior to receiving the
09:15:18	10	you would require the first process to have	09:19:48	10	protocol address?
09:15:23	11	received the protocol address and following	09:20:14	11	(Pause)
09:15:31	12	connection to the computer network, and then	09:20:16	12	A. Claim one requires that the program
09:15:36		that code is transmitted to the server.	09:21:00	13	code transmits to the server or network protocol
09:15:40	14	So we see that like in lines 27, we	09:21:04	14	address received by the first process following
09:16:04		see the first processing unit which has a	09:21:09	15	connection to the network.
09:16:09	16	process, and we see the transmission of E mail	09:21:14		Can you repeat your question, please?
09:16:14		address and associated allocated IP address to	09:21:15		Q. Yes. In claim one, is the first
09:16:17 09:16:23		the connection server on 26 going down through	09:21:19 09:21:22		process connected to the computer network before
09:16:23		line I guess around 28 of column five.			it receives a network protocol address?
09:16:27		And so this is the point where that	09:21:26 09:21:48		A. I'm not aware of an embodiment where
U2•±0•3∠		maps to the first claim limitation of that		21	that's the situation.
09:16:37		first aspect the claim limitation which we	1 09:21:56	วา	O Is it required by the eleim?
09:16:37	22	first aspect, the claim limitation which we were	09:21:56		Q. Is it required by the claim?
09:16:40	22 23	just talking about with respect to basically	09:22:07	23	A. The first process has to have received
	22 23 24	- '			

## 4 (Pages 13 to 16)

		12			1.5
		13			15
09:22:36	1	Q. And you're not aware of any embodiment	09:29:12	1	requirement I see is the limitation explicitly
09:22:43	2	that satisfies that limitation?	09:29:16	2	of what's there, that there's a transmission of
09:22:48	3	A. I think you misinterpreted what I	09:29:27	3	the network protocol address received by the
09:22:53	4	said. I mean, there are embodiments in the	09:29:30	4	first process following connection to the
09:23:01	5	specification that satisfy these limitations.	09:29:34	5	computer network.
09:23:04	6	Q. Is there an embodiment disclosed in	09:29:35	6	Q. This clause we've been repeating has
09:23:21	7	the '704 patent where the first process is	09:29:45	7	three verbs, transmitting, received and
09:23:26	8	connected to the computer network before it	09:29:49	8	following sorry, transmitting, received,
09:23:30	9	receives its network protocol address?	09:29:55	9	following connection, at least.
09:23:39	10	(Pause)	09:29:57	10	And I understand your testimony,
09:24:02	11	A. I'm not aware of an embodiment.	09:29:59	11	please correct me if I'm wrong, I understand
09:24:07	12	Q. Going back to claim one.	09:30:01	12	your testimony that in your opinion, the
09:24:26	13	Claim one requires that the first	09:30:02	13	transmitting has to occur after the first
09:24:28	14	process be connected to the computer network	09:30:07	14	process is connected to the computer network; is
09:24:35	15	before it receives its network protocol address,	09:30:11	15	that correct?
09:24:39	16	correct?	09:30:11	16	A. I'm sorry, can you repeat that? Just
09:24:40	17	A. I'm sorry, it what?	09:30:56	17	repeat what you said.
09:24:57	18	Q. Claim one requires that the first	09:31:00	18	Q. In your opinion, the transmitting has
09:24:59	19	process be connected to the computer network	09:31:04	19	to occur following I'm sorry. Let me
09:25:02	20	before it receives its network protocol address,	09:31:08	20	rephrase that.
09:25:05	21	correct?	09:31:09	21	The transmitting occurs after the
09:25:46	22	(Pause)	09:31:14	22	first process is connected to the computer
09:25:48	23	A. It says basically that there's code	09:31:17	23	network, correct?
09:26:07	24	that there's program code for transmitting to	09:31:18	24	A. I discuss this whole issue in
09:26:10	25	the server a network protocol address received	09:32:20	25	paragraph 35 of my report where I say, "The
09:26:13	1	by the first process following connection to the	09:32:24	1	claims require a network protocol address
09:26:17	2	computer network.	09:32:29	2	received 'following connection to the computer
09:26:24	3	Q. Does that limitation require in your	09:32:33	3	network.' If a computer is not considered
09:26:29	4	opinion that the first process be connected to	09:32:35	4	'connected to the network' until it is
09:26:31	5	the computer network before it receives its	09:32:37	5	'registered with a server,' then the computer
09:26:33	6	network protocol address?	09:32:40	6	would need to receive its network protocol
09:26:56	7	(Pause)	09:32:44	7	address after it registered with the server.
09:27:02	8	A. It requires that following connection	09:32:47	8	But in order to register with a server, the
09:27:53	9	to the computer network, the program code	09:32:49	9	computer must already have its network protocol
09:27:57	10	transmits to the server network protocol address	09:32:55	10	address. Thus," I go on to say, "if the term
09:28:00	11	received by the first process.	09:32:59	11	'connected to the computer network' / 'online'
09:28:03	12	So at some point following connection	09:33:02	12	is construed to mean 'registered with a server'
09:28:05	13	to the computer network, there's a transmission	09:33:05	13	then either," I go on to talk, "neither WINS nor
09:28:08	14	of the protocol address received by the first	09:33:12	14	NetBIOS disclose the claim element 'a network
09:28:11	15	process.	09:33:17	15	protocol address received by the first process
	16	Q. All right. So I understand it's your	09:33:18	16	following connection to the computer network'
			09:33:20	17	because neither reference teaches 'a network
09:28:23	17	opinion that the transmission occurs after			
09:28:23 09:28:25	17 18	opinion that the transmission occurs after connection to the computer network, but my	09:33:23	18	protocol address received by the first process
09:28:23 09:28:25 09:28:30		•		18 19	
09:28:23 09:28:25 09:28:30	18	connection to the computer network, but my question is slightly different. My question is	09:33:23		following registration with the server.'''
09:28:23 09:28:25 09:28:30 09:28:34	18 19	connection to the computer network, but my question is slightly different. My question is does claim one require that the first process be	09:33:23 09:33:28	19	following registration with the server.''  Q. Are you finished? I don't want to cut
09:28:23 09:28:25 09:28:30 09:28:34 09:28:37	18 19 20	connection to the computer network, but my question is slightly different. My question is does claim one require that the first process be connected to the computer network before it	09:33:23 09:33:28 09:33:51	19 20	following registration with the server.''  Q. Are you finished? I don't want to cut you off.
09:28:23 09:28:25 09:28:30 09:28:34 09:28:37	18 19 20 21	connection to the computer network, but my question is slightly different. My question is does claim one require that the first process be connected to the computer network before it receives its network protocol address?	09:33:23 09:33:28 09:33:51 09:33:54	19 20 21	following registration with the server.'' Q. Are you finished? I don't want to cut you off. A. Just give me one second.
09:28:23 09:28:25 09:28:30 09:28:34 09:28:37 09:28:41	18 19 20 21 22	connection to the computer network, but my question is slightly different. My question is does claim one require that the first process be connected to the computer network before it receives its network protocol address?  A. I just simply see the requirement that	09:33:23 09:33:28 09:33:51 09:33:54	19 20 21 22	following registration with the server.''  Q. Are you finished? I don't want to cut you off.  A. Just give me one second.  Q. Okay.
09:28:23 09:28:25 09:28:30 09:28:34 09:28:41 09:28:43	18 19 20 21 22 23	connection to the computer network, but my question is slightly different. My question is does claim one require that the first process be connected to the computer network before it receives its network protocol address?	09:33:23 09:33:28 09:33:51 09:33:54 09:33:54	19 20 21 22 23 24	following registration with the server.'' Q. Are you finished? I don't want to cut you off. A. Just give me one second.

					J (Fages 17 to 20)
		17			19
09:34:34	1	Q. So the second sentence in paragraph 35	09:40:49	1	the entities in the system is relevant when you
09:34:40	2	which states in your declaration "The claims	09:40:53	2	look at the different uses of online and
09:34:43	3	require a network protocol address received	09:40:56	3	connected to the network in this claim.
09:34:49	4	'following connection to the computer network.'"	09:41:06	4	Q. Do you have an opinion as to whether
09:34:56	5	Is it your opinion that claim one	09:41:11	5	claim one requires that the first process be
09:35:00	6	requires that the first process be connected to	09:41:15	6	connected to the computer network before it
09:35:04	7	the computer network before it receives the	09:41:17	7	receives its network protocol address?
09:35:06	8	network protocol address?	09:41:28	8	A. The claim I don't believe I
09:35:20	9	(Pause)	09:41:31	9	expressed an opinion like that in my
09:37:01	10	A. The aspect of whether the aspect of	09:41:35	10	declaration. I didn't express basically what
09:37:17	11	connected to the computer network relates to	09:41:38	11	I expressed was I think what I read you and
09:37:22	12	this connection server managing basically	09:41:40	12	wrote in paragraphs 33, 34, that section and
09:37:39	13	being able to basically being able to provide	09:41:46	13	then the following section and possibly
09:37:46	14	a network protocol address of the second process	09:41:48	14	elsewhere, and I'm looking at just simply what's
09:37:53	15	from the server when the second process is	09:41:52	15	required of the claim limitations.
09:37:55	16	connected to the computer network. And so from	09:42:03	16	And I'm also adding that you really
09:38:03	17	the context of the first process or any	09:42:04	17	need to look at when you look at these terms,
09:38:09	18	process basically, at least with respect to	09:42:07	18	you need to look at the perspective of the
09:38:14	19	the first process.	09:42:10	19	entities the limitations and the entities
09:38:15	20	The second process would had to have	09:42:13	20	involved.
09:38:22	21	provided basically the network protocol	09:42:22	21	Q. The limitation that states a network
09:38:32	22	address of the second process would had to have	09:42:30	22	protocol address received by the first process
09:38:39	23	been provided when the second process is	09:42:32	23	following connection to the computer network,
09:38:41	24	connected to the computer network.	09:42:35	24	which perspective is applicable to that
09:38:50	25	Q. My question right now is just focused	09:42:40	25	limitation?
		18			20
09:38:52	1	on the first process and the order, if any,	09:42:41	1	MR. NEWMAN: Objection.
09:38:56	2	that's required by claim one between the first	09:43:25	2	(Pause)
09:39:01	3	process becoming connected to the computer	09:44:51	3	A. There's a couple of aspects going on
09:39:03	4	network and the first process receiving its	09:44:56	4	here in that you have an embodiment; for
09:39:09	5	network protocol address.	09:45:01	5	example, in column five where a dynamically
09:39:10	6	And so I just want to know your	09:45:09	6	allocated IP address is provided by a connection
09:39:15	7	opinion on whether the claims require that the	09:45:16	7	service provider. And the first processing unit
09:39:19	8	first process be connected to the computer	09:45:27	8	in column five, line 27 automatically transmits
09:39:24	9	network before receiving the network protocol	09:45:35	9	its associated E mail address and it's
09:39:27	10	address?	09:45:37	10	dynamically allocated IP address to the
09:39:27	11	A. I guess my point is that this notion	09:45:39	11	connection server at 26.
	12	of connected to the computer network and online	09:45:46		The connection server then stores the
09:39:43	13	with respect to being available for		13	address and database and time stamps the stored
09:39:44	14	communication, you can look at this from the	09:45:51		address using a timer thus establishing the
09:39:49	15	perspective of the entity.	09:45:55		first user operating the first processing unit
09:39:55	16	If the server hasn't received the	09:45:57		is thus 12, so I'm just reading from the patent,
	17	network protocol address, for example, of a	09:46:01		is thus established in the database 34 as an
09:40:04	18	process such as the second process, then you	09:46:05		active online party available for communication
09:40:12	19	have a scenario that at least from the		19	using disclosed point-to-point communications.
09:40:15	20	perspective of the server, you can have an	09:46:12	20	And so from the perspective of from
09:40:26	21	aspect where it appears that the first process	09:46:23		the perspective of the server, at this point
09:40:32	22	is not online from the perspective of the	09:46:36	22	when you've been established as an active online
		Journal of the perspective of the			•
	23	server	09:46:52	23	narty available for communication using the
09:40:38	23 24	server. So I think with respect to your	09:46:52 09:46:55	23	party available for communication using the disclosed point-to-point Internet protocol, at
	23 24 25	server.  So I think with respect to your question, kind of looking at the perspectives of	09:46:52 09:46:55 09:47:01	24	party available for communication using the disclosed point-to-point Internet protocol, at that point also in conjunction with managing

# DOCKET

# 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.

