1   IN THE UNITED STATES DISTRICT COURT
          FOR THE EASTERN DISTRICT OF TEXAS
2   TYLER DIVISION

3

VIRNETX, INC.   )
4   DOCKET NO. 6:10cv417
  -vs-   )
5   Tyler, Texas
) 12:05 p.m.
6 APPLE, INC.   November 5, 2012

7

8   TRANSCRIPT OF TRIAL
            AFTERNOON SESSION
9   BEFORE THE HONORABLE LEONARD DAVIS,
  UNITED STATES CHIEF DISTRICT JUDGE, AND A JURY

10

11

12   A P P E A R A N C E S

13

14 FOR THE PLAINTIFFS:

15
  MR. DOUGLAS CAWLEY
16 MR. BRADLEY W. CALDWELL
  MR. JASON D. CASSADY
17 MR. JOHN AUSTIN CURRY
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21 COURT REPORTERS: MS. JUDITH WERLINGER
                      MS. SHEA SLOAN
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24 Proceedings taken by Machine Stenotype; transcript was
  produced by a Computer.
25

1   A.   No, it's not.

2   Q.   So what --

3   A.   What we see here, the missing element is to

4 store a plurality of domain names and corresponding

5 network addresses. That's also not taught in Kiuchi.

6   Q.   Okay. Again, Apple's lawyer claimed that you

7 backpedaled from -- from this analysis from your expert

8 report.

9   Is that accurate?

10   A.   No, that's not true.

11   MR. CURRY: Mr. Moreno, can you show

12 Dr. Jones' deposition testimony at Page 249, Lines 2

13 through 7?

14   Q.   (By Mr. Curry) This is the Q and A that was

15 shown to the jury by Apple's lawyer.

16   Do you stand by this testimony?

17   A.   Absolutely. I'm being asked to assume that

18 the appendix accurately describes the system. And under

19 that hypothetical situation, I give them an answer.

20   Q.   And in your deposition testimony, didn't you

21 explain how the appendix is inaccurate in Kiuchi?

22   A.   Yes. I believe I did that more than once.

23   MR. CURRY: Mr. Moreno, can you go to

24 Page 232, Lines 8 through 25?

25   Q.   (By Mr. Curry) Can you explain what you're

1 talking about here?

2   A.   So I'm being asked about what the discrepancy

3 that I've identified between the body of Kiuchi, the

4 explanation, the main body of his paper, and what is

5 pointed to in Appendix 2.

6   And what I explain is that I certainly can

7 reconcile it that what's being described in the way

8 Kiuchi has to function, once one analyzes the system, is

9 that it's the name of an origin server that's -- that

10 should be there; and that the appendix, which indicates

11 that it's a server-side proxy, is actually incorrect.

12   Q.   And, in fact, didn't we hear earlier that Dr.

13 Kiuchi fixed the error in his appendix?

14   A.   Yes. We saw that on the slides earlier today.

15   Q.   Would the Kiuchi system work if the

16 client-side proxy requested a domain name for the

17 server-side proxy from C-HTTP?

18   A.   No. The way Kiuchi has to work is that what's

19 being requested is the resource that's on the origin

20 server. That's where the data is.

21   Q.   Can you show us how you knew that?

22   A.   Yes. We can look at the body of Kiuchi.

23   MR. CURRY: Would you go to Slide 10,

24 please, Mr. Moreno?

25   A.   This is -- this is from Kiuchi, and it's one

1 of the steps in the process of creating the connection,

2 and this is talking about the lookup of the server-side

3 proxy information.

4   And what's described here is that the

5 client-side proxy, which is that device up there on the

6 left with the red circle around it, is asking the C-HTTP

7 name server, which is the device at the top, if it can

8 communicate with the host specified in a given URL.

9   And URL stands for uniform resource locator.

10 It's asking for a resource. As we heard earlier, the

11 resources in Kiuchi, as they are in an HTTP system, are

12 in the origin server on the far right. So it's

13 asking -- the name it's asking for in the URL is the

14 name for the origin server, that resource.

15   Q.   Would the C-HTTP name server in Kiuchi have

16 any reason to store a domain name for the server-side

17 proxy?

18   A.   No, because that's not what's going to be

19 requested. It doesn't have the resource that's being

20 requested.

21   Q.   Since Kiuchi doesn't teach secure

22 communication links or storing domain names with

23 corresponding network addresses, can it anticipate any

24 claim of the '504/'211 patent?

25   A.   No, it can't. Those are both requirements of

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 1              COURT SECURITY OFFICER:  All rise.

 2              (Court adjourned.)

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 4                  CERTIFICATION

 5

 6              I HEREBY CERTIFY that the foregoing is a

 7  true and correct transcript from the stenographic notes

 8  of the proceedings in the above-entitled matter to the

 9  best of our abilities.

10

11

12  /s/ Shea Sloan
    SHEA SLOAN, CSR
13  Official Court Reporter
    State of Texas No.:  3081
14  Expiration Date:  12/31/12

15

16
    /s/ Judith Werlinger
17  JUDITH WERLINGER, CSR
    Deputy Official Court Reporter
18  State of Texas No.:  731
    Expiration Date  12/31/12
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