

1 APPEARANCES:
2
3 Attorneys for Petitioner
4 COOLEY LLP
5 BY: ANDREW MACE, ESQ.
6 3175 Hanover Street
7 Palo Alto, California 94304
8 amace@cooley.com
9 DANIEL J. KNAUSS, Ph.D, ESQ.
10 amace@cooley.com
11
12 Attorneys for Patent Owner
13 BROWN RUDNICK LLP
14 BY: SHAHAR HAREL, ESQ.
15 7 Times Square
16 New York, New York 10036
17 sharel@brownrudnick.com
18 ENRIQUE W. ITURRALDE, ESQ.
19 eiturralde@brownrudnick.com
20
21
22
23
24
25

Page 2

1 J A I M E G. C A R B O N E L L, having
2 been first duly sworn by a
3 Notary Public of the State of
4 New York, upon being examined,
5 testified as follows:
6 EXAMINATION BY
7 MR. MACE:
8 Q. What is your current address?
9 A. 5000 Forbes Avenue,
10 Pittsburgh, Pennsylvania 15213.
11 Q. Good morning, Dr. Carbonell.
12 A. Good morning.
13 Q. Can you state your full name
14 for the record, please?
15 A. It's Jaime. I usually go by
16 my middle initial G but the full name
17 is Guillermo, last name Carbonell.
18 Q. Have you ever been deposed
19 before?
20 A. Yes.
21 Q. Is there any reason that you
22 can't give completely truthful and
23 accurate testimony today?
24 A. No reason.
25 Q. You understand that you're

Page 4

1 * * *
2
3 I N D E X
4 WITNESS EXAMINED BY PAGE
5 J. Carbonell Mr. Mace 4, 140
6 Mr. Harel 132
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page 3

1 here to testify in connection with
2 declarations that you provided in seven
3 IPR proceedings; right?
4 A. That's correct.
5 Q. Specifically those IPR
6 proceedings are IPR 2016-01156, IPR
7 2016-01141, IPR 2016-01157, IPR
8 2016-01067, IPR 2016-01158, IPR
9 2016-01159, IPR 2016-01155.
10 Is that your understanding?
11 A. I don't have the IPR numbers
12 memorized.
13 Q. I'll represent for the record
14 that that's what you're here to testify
15 about today.
16 Let me hand you what's
17 already been marked as Exhibit 2005
18 from IPR 2016-01156.
19 A. (Reviewing).
20 Q. Do you recognize this
21 document?
22 A. This is my declaration
23 regarding the '245 patent.
24 Q. So this is the declaration
25 you submitted in connection with IPR

Page 5

1 2016-01156; right?
 2 A. Since I don't have the IPR
 3 memorized, but if that's the one that
 4 corresponds to patent '245, yes, it is.
 5 Q. Can you turn to paragraph
 6 seven of Exhibit 2005.
 7 And the last sentence of that
 8 paragraph it says, "I have experience"
 9 -- it starts, "I have experience in
 10 many aspects of computer technology
 11 including communications programming
 12 and protocols where I regularly teach
 13 two classes every year" --
 14 A. Did you say page seven or
 15 paragraph seven?
 16 Q. Paragraph seven.
 17 Do you have it?
 18 A. I have it, yes.
 19 Q. So the last sentence of that
 20 begins, "I have experience in many
 21 aspects of computing technology
 22 including communications programming
 23 and protocols where I regularly teach
 24 two classes every year in databases and
 25 telecommunication methods in

Page 6

1 network-based videoconferencing
 2 systems?
 3 A. I have experience in the
 4 components thereof. I have not built
 5 an end-to-end teleconferencing system.
 6 Q. So which components do you
 7 have experience in?
 8 A. I have expertise in the
 9 transmission of multimedia information
 10 including the real-time aspects
 11 thereof, which are part of
 12 teleconferencing systems. I have
 13 familiarity with the security
 14 protocols, the password and related
 15 mechanisms. I have experience with the
 16 locking and unlocking functions of
 17 communication protocols in general. I
 18 am familiar with the underlying
 19 databases that support these
 20 activities, these being relational
 21 databases including multimedia
 22 components and so forth.
 23 Q. Can you describe the nature
 24 of your experience in the transmission
 25 of multimedia information?

Page 8

1 network-based systems such as
 2 master/slave control devices."
 3 Do you see that?
 4 A. Yes.
 5 Q. What do you mean by
 6 communications programming and
 7 protocols?
 8 A. The two classes I'm teaching
 9 now are primarily in the area of
 10 electronic commerce or the technology
 11 underlying electronic commerce to be
 12 more precise. A large part of that is
 13 in the communication protocols, the
 14 display of information, the
 15 transmission of multimedia information,
 16 the security of the communication
 17 links, the analysis of the data that is
 18 transmitted, and the underlying
 19 databases and search engine support for
 20 these activities.
 21 Q. So does that include
 22 experience in the TCP/IP protocols?
 23 A. Yes, it does.
 24 Q. Do you have any experience
 25 designing or building computer

Page 7

1 A. Yes.
 2 So multimedia information can
 3 be transmitted in different ways, as a
 4 file in a one-way transmission, in an
 5 interactive way which is broken up into
 6 smaller parts, transmitted and
 7 reassembled at the other end. I have
 8 experience with compression mechanisms
 9 to reduce the size of the information,
 10 packets of information and files that
 11 are being sent. The complement of this
 12 is the decompression at the other end.
 13 And I am familiar with using the same
 14 channel to send multiple items of
 15 information, what's typically called
 16 multiplexing and, at the other end,
 17 demultiplexing which is breaking apart
 18 the information into the individual
 19 channels to that you can use a single
 20 virtual channel to have multiple
 21 communications.
 22 Q. Since when have you had this
 23 experience?
 24 A. I have been working in
 25 electronic commerce since the

Page 9

1 beginnings, since the 90s. I had my
2 first experience of the Internet
3 aspects of that with Mosaic when that
4 was a primary browser prior to
5 Netscape, so that would be in the mid
6 to early 90s. Prior to that, I had
7 experience using primarily over local
8 area networks prior to the Internet.
9 It would include things like the
10 Ethernet, token ring network, and so
11 forth.
12 Q. So by early 1990s you had
13 experience with using the same channel
14 to send multiple items of information
15 and -- sorry, it will help if we don't
16 talk over each other.
17 A. I will wait.
18 Q. So since the early 1990s
19 you've had experience with using the
20 same channel to send multiple items of
21 information, breaking apart the
22 information into individual channels so
23 that you can use a single virtual
24 channel to have multiple
25 communications?

Page 10

1 A. If I may clarify, at that
2 time that was done over local area
3 networks. Later it was also done over
4 the Internet. The original work that I
5 did over the Internet related to Mosaic
6 did not involve the transmission of
7 complex information like multimedia.
8 Q. So what you referred to
9 earlier as multiplexing, you used that
10 in the local area network context in
11 the early 1990s; is that right?
12 A. That is essentially right.
13 Q. Is that also true for the
14 reverse of that process,
15 demultiplexing?
16 A. Yes, that is correct.
17 Q. In the local area network
18 context that you're speaking about, was
19 that using TCP/IP?
20 A. In the local, no, it was
21 using earlier, different protocols.
22 Q. Which protocols was it using?
23 A. Well, the Ethernet has its
24 own protocol, so does the token ring
25 network. They started out as

Page 11

1 proprietary protocols.
2 Q. About when do you recall your
3 earlier experience being with
4 multiplexing and demultiplexing over
5 the Internet?
6 A. It's hard to pin it down to a
7 particular year. It was middle/late
8 90s, probably late.
9 Q. So maybe 1995?
10 A. No, it's after that.
11 Q. Early 1996?
12 A. It was in the '96/'98 range.
13 Q. I think also you referred to
14 experience with relational databases;
15 is that correct?
16 A. That's correct.
17 Q. And a relational database is
18 one where data is stored in tables and
19 organized into columns and rows; right?
20 A. There's more to it than that,
21 but what you said is correct.
22 Q. As of the early 1990s, did
23 you have experience with commercial
24 relational database systems?
25 A. Yes.

Page 12

1 Q. To the best of your
2 recollection, did those systems all
3 include database management software?
4 A. All the ones that I have
5 worked with, that's correct. In fact,
6 I extended for the research purposes
7 some of the DMS capabilities.
8 Q. So you can't think of an
9 off-the-shelf relational database
10 product of in the early to mid 1990s
11 that did not include a database
12 management system?
13 A. They all did. They were not
14 the same database management systems.
15 Some were more capable than others.
16 Some contained some more rudimentary
17 functionality. But I don't know any in
18 which that functionality was absent.
19 Q. So all of the relational
20 products that you can think of included
21 software for accessing and modifying
22 the underlying database data; right?
23 A. That is correct, for
24 updating, modifying, accessing,
25 indexing, and so forth.

Page 13

1 Q. Can you turn with me to
2 paragraph eighteen of your declaration,
3 Exhibit 2005.
4 Do you have it?
5 A. Yes, I have paragraph
6 eighteen.
7 Q. In paragraph eighteen, it
8 looks like you're stating your opinion
9 regarding the level of one of ordinary
10 skill in the art; is that right?
11 A. Yes.
12 Q. And it states, "at least one
13 year of work experience in programming
14 in computer communication methods."
15 Do you see that?
16 A. Yes.
17 Q. What did you mean by computer
18 communication methods?
19 A. Basically
20 computer-to-computer transmission of
21 information.
22 Q. So you're not referring to
23 communication methods that are strictly
24 internal to a single computer?
25 A. You mean among the components

Page 14

1 within the computer?
2 Q. For example, you can have two
3 programs on the same computer that are
4 running and they can communicate with
5 each other.
6 That's not what you're
7 referring to here; right?
8 A. I was not referring to that
9 here. However, some of the protocols
10 for two programs communicating with
11 each other, such as RPC, remote
12 procedure call, are also used to
13 communicate across computers.
14 Q. I just want to make sure that
15 your definition of one of ordinary
16 skill in the art requires experience
17 with computer network-based
18 communication.
19 Does it?
20 A. That's what I meant by that
21 statement.
22 Q. Let's turn to paragraph
23 twenty-one of your declaration,
24 Exhibit 2005, and specifically page
25 eleven. There's a sentence that reads,

Page 15

1 "however, the disclosure of a WAN
2 network is not a disclosure of the
3 Internet."
4 Do you see that?
5 A. No.
6 Which line?
7 Q. It's about the fourth line
8 down.
9 A. I see it now.
10 Q. Now, I think you said this
11 earlier but you used the Internet by
12 1996; right?
13 A. Yes.
14 Q. And the students that you
15 were teaching back then also used the
16 Internet, to the best of your
17 knowledge?
18 A. That's a trickier question
19 because the students at that time were
20 just beginning to use the Internet.
21 Q. As of 1996, early 1996, is it
22 your understanding that the Internet
23 was one example of a wide area network?
24 A. The term "wide area network"
25 is typically used to refer to a private

Page 16

1 network rather than the public Internet
2 network.
3 Q. Earlier in paragraph
4 twenty-one you referred to the Computer
5 and Information Science Technology
6 Abbreviations and Acronyms Dictionary
7 from 1994.
8 Do you see that?
9 A. Yes, I see that.
10 Q. Let me hand you what's been
11 marked as Patent Owners Exhibit 2012 in
12 IPR 2016-01156.
13 Is this the exhibit that
14 you're referring to in paragraph
15 twenty-one?
16 A. I do not know. I would need
17 to check back with the original exhibit
18 to see if this is a reprinted or newer
19 edition.
20 Q. Let me also hand you this,
21 too.
22 MR. HAREL: Do we want to be
23 marking these as exhibits within
24 the context of this deposition?
25 MR. MACE: I don't think we

Page 17

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.