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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL INC., EMC CORPORATION, HEWLETT-PACKARD

ENTERPRISE CO., and HP ENTERPRISE SERVICES, LLC,

Petitioners,

v.

REALTIME DATA LLC,

Patent Owner.

Case: IPR2017-00179

Patent No. 9,054,728

Case: IPR2017-00176

Patent No. 7,161,506

CROSS-EXAMINATION OF: DR. CHARLES D. CREUSERE Friday, August 4, 2017

Reported by: SUSAN L. CIMINELLI Job no: 19344

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1	DR. CHARLES D. CREUSERE, called for		CONTENTS	
2	cross-examination by counsel for Patent Owner,	2	DR. CHARLES D. CREUSERE	DACE
3	pursuant to notice, at the offices of Winston &	3	EXAMINATION BY:	PAGE
4	Strawn, LLP, 1700 K Street, N.W., Washington, D.C.,	4	Counsel for Patent Owner	5
5	before SUSAN L. CIMINELLI, CRR, RPR, a Notary Public	5	Counsel for Petitioners	146
6	in and for the District of Columbia, beginning at	6		
7	9:38 a.m., when were present on behalf of the	7	INDEX TO EXHIBITS	
8	respective parties:	8	*There were no exhibits marked at	this deposition.
9		9		
10		10		
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	Page 3			Page 5
1 2	A P P E A R A N C E S On behalf of Patent Owner:	1	P R O C E E D I N G S	
∠ 3	KAYVAN B. NOROOZI, ESQUIRE	2	Whereupon,	
	Noroozi, P.C.	3	DR. CHARLES D. CREUSERE,	
4	1299 Ocean Avenue Suite 450	4	was called as a witness by counsel for Pate	-
5	Santa Monica, California 90401	5	and having been duly sworn, was examine	d and
~	370.975.7074	6	testified as follows:	
6 7	kayvan@noroozipc.com	7	CROSS-EXAMINATION	
8	On behalf of Petitioners:	8	MR. SOMMER: On behalf of Petit	
9	ANDREW R. SOMMER, ESQUIRE	9	have Andrew Sommer from Winston & St	
10	Winston & Strawn, LLP 1700 K Street, N.W.	10	the phone today is Tom Brown from Dell	
	Washington, D.C. 20006-3817	11	MR. NOROOZI: And for Patent O	wner, Kayvan
11	202.282-5000 asommer@winston.com	12	Noroozi.	
12	asoniner@wniston.com	13	BY MR. NOROOZI:	
1 2	ALSO PRESENT:	14	Q. Dr. Creusere, good morning. I see	•
13	Tom Brown, Esquire, In-house Counsel EMC	15	have some documents in front of you, is the	at right?
14	(Via telephone)	16	A. Correct.	1 / 11
15 16	* * * *	17	Q. And could you just go through and	i tell me
17		18	what you have there?	
18		19	A. Sure. I have the Franaszek patent,	
19 20		20	Exhibit 1004. Sebastian patent, I can't rea	
20		21	exhibit number on this one. The Aakre pa	
22		22	Hsu paper from Software Practice and Exp	berience. The

2 (Pages 2 to 5)

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	Page 6		Page 8
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1	Fallon patent '506. The Fallon patent '728. A copy		not consider or discuss the Schindler reference cited
2	of my declaration for the '506 patent. And a copy of	2	in the Sebastian reference, true?
3	my declaration for the '728 patent.	3	A. No, that's true.
4	Q. Okay, thank you. How did you prepare for	5	Q. And did your evaluation of the Schindler
5 6	today? A. I reviewed all of the materials that I had	6	reference in any way modify or influence your
		1	opinions compared to the opinions set forth in your
7	used in preparing my declaration. I reviewed my	7	declaration?
8	declaration. I reviewed the decision to institute by the Patent Board. I reviewed the Patent Owner	8	A. No, it has no impact on my opinions.
9		9	Q. About how long did you prepare for this
10	response. And I had discussions with Drew and	10	deposition?
11	Michael Woods about this material.	11	A. I believe well, we spent yesterday in
12	Q. Did you speak to anybody else?	12	discussions for most of the day. And I put in
13	A. No.	13	probably about six or seven additional hours prior to
14	Q. Did you consider or review any other	14	the discussion.
15	materials besides the one that you just mentioned?	15	Q. Let me ask you about Franaszek. In
16	A. I did review my transcripts from the	16	Franaszek, regardless of whether the system
17	one of the depositions I did back in January. And I	17	recognizes the data type, has data type information,
18	do not I do not recall reviewing other	18	representative samples of each block are tested to
19	documentation. But I could have missed something.	19	select an optimal encoder for the block, right?
20	Q. Other than what you just told me, do you	20	A. So Franaszek first does a comparison to
21	recall reviewing any prior art documents,	21	see if type information is available. If it is, it
22	dictionaries or other documents that you had not	22	uses that type information to select a list of
	Page 7		Page 9
1	previously cited in your declaration?	1	possible encoders that is optimized for that type.
2	A. I believe that in studying the Sebastian	2	If not, it will select from the default encoder list.
3	prior art, I did take a look at very brief look at	3	And in both cases, once it's finished with that
4	patent patents cited by Sebastian. Well, it's	4	process, it will test all of the decoder, all of the
5	given on column 4, line it's cited on column 4,	5	encoders on that list. It will test a all the
6	line 18 in the Sebastian patent and it's cited as an	6	encoders on that list on a sample of the block of
7	application by Mr. Schindler, 08/970,220. I did take	7	data and it will choose one of those encoders based
8	a very brief look at that.	8	on that test.
9	Q. What caused you to want to look at that	9	Q. And as a part of the testing that happens
10	reference?	10	in Franaszek, regardless of whether there is a data
11	A. Based on discussion, I was curious exactly	11	type provided to Franaszek's system or not, the
12	what that reference entailed.	12	testing will always identify the compressibility of
13	Q. And why?	13	the data block using the different encoders that are
14	A. Because Sebastian refers to it when	14	tested on the sample, right?
15	discussing possible compression that might, possible	15	A. I wouldn't phrase it exactly that way. I
16	specific compression algorithms that might be	16	would say that Franaszek will determine the encoder
17	applied, and so I felt I had not previously looked at	17	that achieves the highest, that let me rephrase
18	it. I felt that it might be worth looking at.	18	that. Franaszek will attempt to determine the
19	Q. Okay. So what were the column and line	19	encoder that achieves, that will achieve the highest
20	numbers again?	20	compression on that block. It will not necessarily
21	A. It is column 4, line 18.	21	succeed, but it will attempt to do that.
22	Q. And on your original declaration, you did	22	Q. The purpose of Franaszek's withdrawn.

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1block with each of the compression algorithms in that1Q. Happily.2list, and assuming that at least one of those2A. Okay.3algorithms achieves sufficiently high compression,3Q. In all instances, when a data block that's4high enough compression to clear a threshold. Then5the best then the one of those encoders from5the best then the one of those encoders from6that list which achieves the best compression on that7sample will be selected and used to encode the entire88block.89Q. And when you say best, you mean highest910compression ratio, right?1011A. In the preferred embodiment of Franaszek,1112it will choose the encoder that achieves the highest1213compression ratio.1414Q. And is there any other embodiment in1415Franaszek that provides an alternative to what you1516just described?1617A. There is no other embodiment that I have17		Page 10		Page 12
2 data block sample is to determine the compressibility 2 technique is expected to compress the data block in 3 of the data block using the different possible 4 A. Again, I don't believe I would phrase it 6 that way. I would phrase it as Franaszek is trying 4 A. Again, in the prefered embodiment of 7 A. Again, I don't believe I would phrase it 5 Franaszek, as spelled out in the description of the 10 identify for each encoder will hopefully compress 6 on which of the encoders in in Is ira tachieves highest 10 identify for each encoder in the list that is being 10 0. When Franaszek doesn't have a data type, 11 tit will use a default list of compression techniques, 11 tit will use a default list of 12 considered, how well that encoder is expected to 11 tit will use a default list of 13 A. I would again prefer to phrase it in the 14 14 tit will use a default list of 14 way that I phrased it, which is that that the real 15 O. But Franaszek will not ever select a 14 way that I phrase it a the goal. 17 16 When Vernaszek as book does not come 15 Q. How does Franaszek's testing and sampling	1	One purpose of Franaszek's testing on a	1	be selected based on how well that compression
3 of the data block using the different possible encoders that are in the list, right? 3 terms of compression ratio. True? 4 A. Again, in the prefered embodiment of that way. I would phrase it as Franaszek is trying to determine which encoder will hopefully compress to the data block best. 3 terms of compression ratio. True? 7 A. Again, in the prefered embodiment of that way. I would phrase it as Franaszek is the data block best. 5 Franaszek, as spelled out in the description of the invention, Franaszek will always choose solely based on which of the encoders in its list achieves bighest compression ratio, again, assuming that encoder achieves above the 30 percent threshold. 10 identify for each encoder in the list that is being considered, how well that encoder is expected to gagin prefer to phrase it in the sole of the compression techniques, true? 1 13 A. I would again prefer to phrase it in the sole of the to determine which decoder, which encoder is to determine which decoder will compress the data block it be best. I believe that is the goal. 10 O. Buf Tranaszek will one ver select a particular compression technique to apply to a data block simply because the data, a block does not come with a data type. True? 14 D. How does Franaszek's testing and sampling approach make that determination? 10 Q. Buf all instances, when a data block does not come with a data type. True? 12 A. F				-
4 encoders that are in the list, right? 4 A. Again, in the preferred embodiment of 5 A. Again, I don't believe I would phrase it 5 Franaszek, as spelled out in the description of the 6 intertiny. Franaszek way. I would phrase it as Franaszek will always choose solely based 6 7 0. In order to do that, doesn't Franaszek 9 0. In order to do that, doesn't Franaszek 9 9 0. In order to do that, doesn't Franaszek 9 0. In order to do that, doesn't Franaszek 9 10 identify for each encoder in the list that is being 10 0. When Franaszek doesn't have a data type, 11 it will use a default list of compression tachniques, 11 11 14 14 way that I phrased it, which is that that the real 15 0. But Franaszek will use a default list if 15 goal is to determine which decoder, which encoder 16 16 17 15 goal is to determine which encoder will compress the data 17 18 10 N. Yes. Franaszek will use a default list if 16 way that I phrased it, which is that that the real 17 18 10 N. Would again prefer to phrase it in the goal. 18 bloc				
5 A. Again, I don't believe I would phrase it as Franaszek is trying 5 Franaszek, as spelled out in the description of the 6 that way. I would phrase it as Franaszek is trying 6 on which of the encoders in its list achieves highest 7 O. In order to do that, doesn't Franaszek on which of the encoders in its list achieves highest 10 identify for each encoder in the list that is being on which of the encoders in its list achieves highest 12 compression that achieves the the real 10 Q. When Franaszek will ave a data type, 12 compression techniques, it will use a default list of it will use a default list of 13 A. I would again prefer to phrase it in the 13 A. Yes. Franaszek will use a default list of 14 way that I phrased it, which is that - that the real 14 14 it does not have a data type. 15 goal is to determine which decoder, which encoder 15 Q. But Franaszek will use a default list of 16 particular compression technique to apply to a data 17 block the best. I believe that is the goal. 18 19 Q. How does Franaszek's testing and sampling 19 MR. SOMMER: Object to form. 20 makes that determination? 20 <td></td> <td>- · ·</td> <td>1</td> <td>-</td>		- · ·	1	-
6 that way. I would phrase it as Franaszck is trying 6 invention, Franaszek will always choose solely based 7 to determine which encoder will hopefully compress 6 invention, Franaszek will always choose solely based 8 the data block best. 0 In order to do that, doesn't Franaszek 0 10 identify for each encoder in the list that is being 0 0 When Franaszek doesn't have a data type, 11 compress the data block? 12 12 Will use a default list of compression techniques, 12 compress the data block? 12 12 Will compress the data block or tory to determine, 13 A. I would again prefer to phrase it in the 13 A. Yes. Franaszek will use a default list of 14 tid compress the data block or tory to determine, 15 Q. But Franaszek will not ever select a 15 goal is to determination? 12 M. SOMMER: Object to form. 16 will a data type, true? 13 M. SOMMER: Object to form. 17 block with each of the compression adarbing 19 MR. SOMMER: Object to form. 18 block with each of the compression adarbing 10 Q. Happilyl. 2		-	5	
7 to determine which encoder will hopefully compress 7 on which of the encoders in its list achieves highest 8 the data block best. 9 Q. In order to do that, doesn't Franaszek 9 10 identify for each encoder in the list that is being 10 Q. When Franaszek doesn't have a data type, 12 compression tailo, again, assuming that encoder 11 it will use a default list of compression techniques, 12 compress the data block? 12 it will use a default list of compression techniques, 14 way that I phrased it, which is that that the real 13 A. Yes. Franaszek will not ever select a 15 goal is to determine which encoder will compress the data 14 it does not have a data type. 16 will compress the data block or to try to determine, 17 O. But Franaszek will not ever select a 18 block the best. I believe that is the goal. 18 With adata type, true? 19 Q. How does Franaszek's testing and sampling 19 MR. SOMMER: Object to form. 21 A. Franaszek's testing and sampling approach 21 With adata type, incompression to clear a threshold. Then 1 block with each of the compression on that a asuming that at least one			1	
8 the data block best. 9 Q. In order to do that, doesn't Franaszek 9 compression ratio, again, assuming that encoder 9 Q. In order to do that, doesn't Franaszek 9 achieves above the 30 percent threshold. 10 identify for each encoder in the list that is being 0 Q. When Franaszek doesn't have a data type, 11 true? 13 A. I would again prefer to phrase it in the 14 way that I phrased it, which is that that the real 15 goal is to determine which decoder, which encoder 14 it does not have a data type. 16 will compress the data block or to try to determine, 15 Paster the formastek's testing and sampling 17 try to estimate which encoder will compress the data 10 When Franaszek will use a default list of 18 will compress the data block or to try to determine, 15 Paster the 19 Q. How does Franaszek's testing and sampling 10 When Stanzes, weil a data type, true? 21 A. Franaszek's system does not come with 21 you rephrase that question, please? 22 makes that determination? 22 MR. NOROOZI: 22 Page 11 Q. In all instances, when a data block that's				
9 Q. In order to do that, doesn't Franaszek 9 achieves above the 30 percent threshold. 10 identify for each encoder in the list that is being 0 Q. When Franaszek doesn't have a data type, 11 it will use a default list of compression techniques, it will use a default list of compression techniques, 12 compress the data block? 11 13 A. I would again prefer to phrase it in the 13 14 way that I phrased it, which is that that the real 13 A. Yes. Franaszek will use a default list if 14 way that I phrased it, which is that that the real 14 it does not have a data type. 15 goal is to determine which decoder, which encoder 15 Q. But Franaszek will use a default list if 16 will compress the data block or to try to determine, 16 particular compression technique to apply to a data 17 block the best. I believe that is the goal. 18 With a data type, true? 18 block the best. I believe that is being a portion of the 22 BY MR. NOROOZI: 18 Page 11 Q. Hagpily. 2 2 19 Q. Had when you say best, you mean highest 1 Q. In all instances, when a data block				-
10 identify for each encoder in the list that is being 10 Q. When Franaszck doesn't have a data type, 11 considered, how well that encoder is expected to 11 it will use a default list of compression techniques, 12 compress the data block? 12 true? 13 A. I would again prefer to phrase it in the 14 it will use a default list of compression techniques, 14 way that I phrased it, which is that that the real 13 A. Yes. Franaszek will use a default list if 14 way that I phrased it, which is that that the real 14 it does not have a data type. 15 goal is to determine which decoder, which encoder 15 O. But Franaszek will not ever select a 16 will compressi the data block or to try to determine, 16 particular compression technique to apply to a data 17 ty to estimate which decoder, will compression the again approach 19 MR. SOMMER: Object to form. 18 block with each of the compression algorithms in that 1 Q. Happily. 2 makes that determination? 20 Page 11 11 block with each of the compression on that 1 Q. Happily. 2 algorithms achieves the b				
11 considered, how well that encoder is expected to 11 it will use a default list of compression techniques, 12 compress the data block? 12 true? 13 A. I would again prefer to phrase it in the 13 A. Yes. Franaszek will use a default list of 14 way that I phrased it, which is that that the real 13 A. Yes. Franaszek will not ever select a 16 will compress the data block or to try to determine, 16 particular compression technique to apply to a data 17 try to estimate which encoder will compress the data 17 block simply because the data, a block does not come 18 with a data type, true? 0. But Franaszek will not ever select a 18 19 Q. How does Franaszek's testing and sampling 19 MR. SOMMER: Object to form. 20 THE WITNESS: So you're asking could 20 THE WITNESS: So you're asking could 21 A. Franaszek's testing and sampling approach 21 you rephrase that question, please? 22 make that determination? 20 In all instances, when a data block that's 21 block with each of the compression algorithms in that 1 Q. In all instances, when a data block that's 3 </td <td></td> <td></td> <td></td> <td>-</td>				-
12 compress the data block? 12 true? 13 A. I would again prefer to phrase it in the 13 A. Yes. Franaszek will use a default list if 14 way that I phrased it, which is that that the real 13 A. Yes. Franaszek will use a default list if 15 goal is to determine which decoder, which encoder 14 14 A. Yes. Franaszek will use a default list if 16 will compress the data block or to try to determine, 15 O. But Franaszek will not ever select a 17 try to estimate which encoder will compress the data 16 block the best. I believe that is the goal. 19 Q. How does Franaszek's testing and sampling approach 19 MR. SOMMER: Object to form. 21 A. Franaszek's testing and sampling approach 21 you rephrase that question, please? 22 makes that determination? 21 Q. Had instances, when a data block that's 21 provided to Franaszek's system does not come with 1 Q. Had piply. 21 1 Q. Had biock not supply is a data to block that's 1 21 provided to Franaszek's system does not come with 1 Q. In all instances, when a data block that's 21 provided to Fr				
13A.I would again prefer to phrase it in the way that I phrased it, which is that that the real goal is to determine which decoder, which encoder will compress the data block or to try to determine, to will compress the data block to to try to determine, to will compress the data block or to try to determine, block the best. I believe that is the goal.13A.Yes. Franaszek will use a default list if it does not have a data type.16will compress the data block or to try to determine, try to estimate which encoder will compress the data block the best. I believe that is the goal.15Q.But Franaszek will not ever select a particular compression technique to apply to a data block simply because the data, a block does not come with a data type, true?19Q.How does Franaszek's testing and sampling approach make that determination?10NR. SOMMER: Object to form.20approach make that determination by testing a portion of the 2220THE WITNESS: So you're asking could you rephrase that question, please?21A.Franaszek's testing and sampling approach algorithms achieves sufficiently high compression the best then the one of those the best then the one of those encoders from 61Q.Hagpily.2A.Okay.3Q.In all instances, when a data block that's provided to Franaszek's system does not come with data type information, Franaszek will do its testing procedure, it will and assuming that it clears the threshold requirement, it will select one of those encoders from that list.1Q.And when you say best, you mean highest to compression ratio.9A. </td <td></td> <td>-</td> <td></td> <td></td>		-		
14 way that I phrased it, which is that that the real 14 it does not have a data type. 15 goal is to determine which decoder, which encoder 15 Q. But Franaszek will not ever select a 16 will compress the data block or to try to determine, 16 particular compression technique to apply to a data 17 try to estimate which encoder will compress the data 16 particular compression technique to apply to a data 18 block the best. I believe that is the goal. 16 particular compression technique to apply to a data 19 Q. How does Franaszek's testing and sampling approach 18 with a data type, true? 20 A. Franaszek's testing and sampling approach 21 MR. SOMMER: Object to form. 21 A. Franaszek's testing and sampling approach 21 War. NOROOZI: 22 BY MR. NOROOZI: Page 13 23 algorithms achieves sufficiently high compression, 4 1 Q. Happily. 24 high enough compression to clear a threshold. Then 5 data type information, Franaszek's system does not come with 5 dock. 9 Q. And when you say best, you mean highest 9 A. Yes. Franaszek's will do its testing		-		
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16will compress the data block or to try to determine, try to estimate which encoder will compress the data block the best. I believe that is the goal.16particular compression technique to apply to a data block simply because the data, a block does not come with a data type, true?19Q. How does Franaszek's testing and sampling approach make that determination?19MR. SOMMER: Object to form.20approach make that determination?20THE WITNESS: So you're asking could you rephrase that question, please?21A. Franaszek's testing and sampling approach algorithms achieves sufficiently high compression, 4 high enough compression to clear a threshold. Then 5 the best then the one of those encoders from 6 that list which achieves the best compression on that 7 sample will be selected and used to encode the entire 8 block.1Q. Happily.2A. Ma when you say best, you mean highest 10 compression ratio, right?10Q. And when you say best, you mean highest 121014Q. And is there any other embodiment in 15Franaszek that provides an alternative to what you 1614Q. And so when a data block comes into 151414Q. And is there any other embodiment in 1514Q. And is there is no other				
17try to estimate which encoder will compress the data18block the best. I believe that is the goal.19Q. How does Franaszek's testing and sampling20approach make that determination?21A. Franaszek's testing and sampling approach22MR. SOMMER: Object to form.21A. Franaszek's testing and sampling approach22makes that determination by testing a portion of the23Page 1124Page 1125block with each of the compression of those26algorithms achieves sufficiently high compression,27high enough compression to clear a threshold. Then28the best then the one of those encoders from29Q. And when you say best, you mean highest20O. And when you say best, you mean highest21A. In the preferred embodiment of Franaszek,22it will choose the encoder that achieves the highest20Q. And is there any other embodiment in21Franaszek that provides an alternative to what you22A. There is no other embodiment that I have23A. There is no other embodiment that I have		•		
18block the best. I believe that is the goal.18with a data type, true?19Q. How does Franaszek's testing and sampling approach make that determination?19MR. SOMMER: Object to form.20approach make that determination?20THE WITNESS: So you're asking could21A. Franaszek's testing and sampling approach makes that determination by testing a portion of the20THE WITNESS: So you're asking could22makes that determination by testing a portion of the22BY MR. NOROOZI:Page 11Page 11Page 11Page 11Page 11Page 12Page 12Page 131Page 11Page 11Page 12Page 131Q. How does from6Q. And when you say best, you mean highest10compression ratio, right?10Page 11Q. And when you say best, you mean highest10compression ratio, right?10Page 11A. Ma when you say best, you mean highest10Page 12Page 13Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="		•		
19Q. How does Franaszek's testing and sampling approach make that determination?19MR. SOMMER: Object to form.20approach make that determination?20THE WITNESS: So you're asking could you rephrase that question, please?21A. Franaszek's testing and sampling approach makes that determination by testing a portion of the makes that determination by testing a portion of the21You rephrase that question, please?22BY MR. NOROOZI:22BY MR. NOROOZI:Page 11Page 11Page 111block with each of the compression algorithms in that a list, and assuming that at least one of those algorithms achieves sufficiently high compression, 4 high enough compression to clear a threshold. Then 5 the best then the one of those encoders from 6 that list which achieves the best compression on that 7 sample will be selected and used to encode the entire 8 block.1Q. In all instances, when a data block that's 4 ultimate compression technique if one is selected at 4 all from a list of possible default compression 8 techniques. True?9Q. And when you say best, you mean highest 109A. Yes. Franaszek will do its testing procedure on the sample. And based on testing procedure, it will and assuming that it clears the techniques. True?11A. In the preferred embodiment of Franaszek, 13 compression ratio.14Q. And is there any other embodiment in 1415Franaszek that provides an alternative to what you just described?14Q. And so when a data block comes into14Q. And is there		•		
20approach make that determination?20THE WITNESS: So you're asking could21A. Franaszek's testing and sampling approach21you rephrase that question, please?22makes that determination by testing a portion of the22BY MR. NOROOZI:Page 111block with each of the compression algorithms in that1Q. Happily.21Ist, and assuming that at least one of those2A. Okay.3algorithms achieves sufficiently high compression,3Q. In all instances, when a data block that's4high enough compression to clear a threshold. Then4provided to Franaszek's system does not come with5the best then the one of those encoders from5data type information, Franaszek will select the6that list which achieves the best compression on that7all from a list of possible default compression8block.8techniques. True?9Q. And when you say best, you mean highest9A. Yes. Franaszek will do its testing10compression ratio, right?10procedure on the sample. And based on testing11A. In the preferred embodiment of Franaszek,11procedure, it will select one of those13compression ratio.14Q. And is there any other embodiment in14Q. And is there any other embodiment in14Q. And so when a data block comes into15Franaszek that provides an alternative to what you15Franaszek's system with that data type information,1		C C		
21A. Franaszek's testing and sampling approach makes that determination by testing a portion of the21you rephrase that question, please? 2221makes that determination by testing a portion of the22BY MR. NOROOZI:21Page 11Page 111block with each of the compression algorithms in that 21Q. Happily.2algorithms achieves sufficiently high compression, 4 high enough compression to clear a threshold. Then 5 the best then the one of those encoders from 6 that list which achieves the best compression on that 7 sample will be selected and used to encode the entre 8 block.0. In all instances, when a data block that's 4 provided to Franaszek's system does not come with 5 data type information, Franaszek will select the 6 that list which achieves the best compression on that 7 sample will be selected and used to encode the entre 8 block.0. And when you say best, you mean highest 10 compression ratio, right?100. And when you say best, you mean highest 1111A. In the preferred embodiment of Franaszek, 12 it will choose the encoder that achieves the highest 13 compression ratio.10Yes. Franaszek will do its testing 10 procedure on the sample. And based on testing 11 procedure, it will and assuming that it clears the 12 threshold requirement, it will select one of those 13 encoders from that list.14Q. And is there any other embodiment in 15 Franaszek that provides an alternative to what you 16 just described?14Q. And so when a data block comes into15Franaszek that provides an alternative to what you 16 just described?15Franaszek's system with that data type information,				
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Page 11Page 111block with each of the compression algorithms in that1Q. Happily.2list, and assuming that at least one of those2A. Okay.3algorithms achieves sufficiently high compression,4high enough compression to clear a threshold. Then2A. Okay.5the best then the one of those encoders from6that list which achieves the best compression on that4provided to Franaszek's system does not come with6that list which achieves the best compression on that7sample will be selected and used to encode the entire88block.9A. And when you say best, you mean highest9A. Yes. Franaszek will do its testing10compression ratio, right?10procedure on the sample. And based on testing11A. In the preferred embodiment of Franaszek,11procedure, it will and assuming that it clears the12it will choose the encoder that achieves the highest13compression ratio.14Q. And is there any other embodiment in14Q. And so when a data block comes into15Franaszek that provides an alternative to what you15Franaszek's system with that data type information,16just described?16it is not possible to predict without any other facts17A. There is no other embodiment that I have17which specific compression technique will be used to				
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 the best then the one of those encoders from that list which achieves the best compression on that sample will be selected and used to encode the entire block. Q. And when you say best, you mean highest compression ratio, right? A. In the preferred embodiment of Franaszek, it will choose the encoder that achieves the highest compression ratio. Q. And is there any other embodiment in Franaszek that provides an alternative to what you Franaszek that provides an alternative to what you A. There is no other embodiment that I have the best then the one of those encoders from data type information, Franaszek will select the ultimate compression technique if one is selected at all from a list of possible default compression techniques. True? A. Yes. Franaszek will do its testing procedure on the sample. And based on testing procedure, it will and assuming that it clears the threshold requirement, it will select one of those encoders from that list. Q. And so when a data block comes into Franaszek's system with that data type information, it is not possible to predict without any other facts which specific compression technique will be used to 	4	high enough compression to clear a threshold. Then	4	provided to Franaszek's system does not come with
6that list which achieves the best compression on that sample will be selected and used to encode the entire 86ultimate compression technique if one is selected at all from a list of possible default compression techniques. True?9Q. And when you say best, you mean highest compression ratio, right?9A. Yes. Franaszek will do its testing procedure on the sample. And based on testing10compression ratio, right?10procedure, it will and assuming that it clears the threshold requirement, it will select one of those12it will choose the encoder that achieves the highest compression ratio.12threshold requirement, it will select one of those13compression ratio.13encoders from that list.14Q. And is there any other embodiment in just described?14Q. And so when a data block comes into15Franaszek that provides an alternative to what you 1615Franaszek's system with that data type information, it is not possible to predict without any other facts17A. There is no other embodiment that I have17which specific compression technique will be used to	5	the best then the one of those encoders from	5	data type information, Franaszek will select the
 8 block. 9 Q. And when you say best, you mean highest 10 compression ratio, right? 11 A. In the preferred embodiment of Franaszek, 12 it will choose the encoder that achieves the highest 13 compression ratio. 14 Q. And is there any other embodiment in 15 Franaszek that provides an alternative to what you 16 just described? 17 A. There is no other embodiment that I have 8 techniques. True? 9 A. Yes. Franaszek will do its testing 10 procedure on the sample. And based on testing 11 procedure, it will and assuming that it clears the 12 threshold requirement, it will select one of those 13 encoders from that list. 14 Q. And so when a data block comes into 15 Franaszek that provides an alternative to what you 16 it is not possible to predict without any other facts 17 A. There is no other embodiment that I have 	6	that list which achieves the best compression on that	6	ultimate compression technique if one is selected at
9Q. And when you say best, you mean highest9A. Yes. Franaszek will do its testing10compression ratio, right?10procedure on the sample. And based on testing11A. In the preferred embodiment of Franaszek,11procedure, it will and assuming that it clears the12it will choose the encoder that achieves the highest12threshold requirement, it will select one of those13compression ratio.13encoders from that list.14Q. And is there any other embodiment in14Q. And so when a data block comes into15Franaszek that provides an alternative to what you15Franaszek's system with that data type information,16just described?16it is not possible to predict without any other facts17A. There is no other embodiment that I have17which specific compression technique will be used to	7	sample will be selected and used to encode the entire	7	all from a list of possible default compression
10compression ratio, right?10procedure on the sample. And based on testing11A. In the preferred embodiment of Franaszek,11procedure, it will and assuming that it clears the12it will choose the encoder that achieves the highest12threshold requirement, it will select one of those13compression ratio.13encoders from that list.14Q. And is there any other embodiment in14Q. And so when a data block comes into15Franaszek that provides an alternative to what you15Franaszek's system with that data type information,16just described?16it is not possible to predict without any other facts17A. There is no other embodiment that I have17which specific compression technique will be used to	8	block.	8	techniques. True?
11A. In the preferred embodiment of Franaszek,11procedure, it will and assuming that it clears the12it will choose the encoder that achieves the highest12threshold requirement, it will select one of those13compression ratio.13encoders from that list.14Q. And is there any other embodiment in14Q. And so when a data block comes into15Franaszek that provides an alternative to what you15Franaszek's system with that data type information,16just described?16it is not possible to predict without any other facts17A. There is no other embodiment that I have17which specific compression technique will be used to	9	Q. And when you say best, you mean highest	9	A. Yes. Franaszek will do its testing
12it will choose the encoder that achieves the highest12threshold requirement, it will select one of those13compression ratio.13encoders from that list.14Q. And is there any other embodiment in14Q. And so when a data block comes into15Franaszek that provides an alternative to what you15Franaszek's system with that data type information,16just described?16it is not possible to predict without any other facts17A. There is no other embodiment that I have17which specific compression technique will be used to	10	compression ratio, right?	10	procedure on the sample. And based on testing
13compression ratio.13encoders from that list.14Q. And is there any other embodiment in14Q. And so when a data block comes into15Franaszek that provides an alternative to what you15Franaszek's system with that data type information,16just described?16it is not possible to predict without any other facts17A. There is no other embodiment that I have17which specific compression technique will be used to	11	A. In the preferred embodiment of Franaszek,	11	procedure, it will and assuming that it clears the
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15Franaszek that provides an alternative to what you15Franaszek's system with that data type information,16just described?16it is not possible to predict without any other facts17A. There is no other embodiment that I have17which specific compression technique will be used to	13	compression ratio.	13	encoders from that list.
16just described?16it is not possible to predict without any other facts17A. There is no other embodiment that I have16which specific compression technique will be used to	14	Q. And is there any other embodiment in	14	Q. And so when a data block comes into
17A. There is no other embodiment that I have17which specific compression technique will be used to	15	Franaszek that provides an alternative to what you	15	Franaszek's system with that data type information,
	16	just described?	16	it is not possible to predict without any other facts
	17	A. There is no other embodiment that I have	17	which specific compression technique will be used to
18 seen that I can recall that is explicitly spelled out 18 compress that data block, assuming some compression	18	seen that I can recall that is explicitly spelled out	18	compress that data block, assuming some compression
19 in Franaszek that would do something different than 19 technique will be selected. True?	19	in Franaszek that would do something different than	19	technique will be selected. True?
20 that. 20 MR. SOMMER: Object to form.	20	that.	20	MR. SOMMER: Object to form.
21 Q. So in Franaszek, the ultimate compression 21 THE WITNESS: I wouldn't necessarily say	21	Q. So in Franaszek, the ultimate compression	21	THE WITNESS: I wouldn't necessarily say
technique that's applied to a data block will always 22 that it is not possible to predict, because there are	22	technique that's applied to a data block will always	22	that it is not possible to predict, because there are

4 (Pages 10 to 13)

There are towal Calutions

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	Page 14		Page 16
1	means that people develop for trying to predict	1	Franaszek contemplates that scenario.
2	compressibility of different blocks without doing a	2	Q. When Franaszek has a data type information
3	full compression. But within the framework of the	3	and has generated a preselected list of encoders for
4	Franaszek patent and his preferred embodiment, his	4	that data type or has identified that list, let's say
5	embodiment does not does not detail, to my	5	let me withdraw and start over because I know you
6	recollection, a means for doing that, for predicting	6	don't like the phrasing "generate." Withdrawn.
7	the compressibility prior to doing the sampling.	7	When Franaszek has a data type and has
8	BY MR. NOROOZI:	8	identified a preselected list of encoders for that
9	Q. Now, when Franaszek has data type	9	data type, it will sample and test all those
10	information, it will generate a preselected list of	10	algorithms against the data block like we said
11	compression techniques to choose from for that data	11	earlier. True?
12	block, right?	12	A. Yes, it will do the it will take a
13	MR. SOMMER: Object to form.	13	sample that will compress that sample each of the
14	THE WITNESS: I would rephrase that and I	14	encoder types. It will do the threshold test and it
15	would say that if Franaszek has type information, it	15	will select the encoder type that chooses the highest
15 16	will use, it will use the appropriate list of	16	compression that exceeds the threshold.
17	compression algorithms for that type. It will not	17	Q. So in the '728 patent specification, it's
18	necessarily generate it, and there is nothing in	18	taught that a data block will be compressed with
19	Franaszek that says it generates the list on the fly.	19	multiple different encoders and the ultimate
20	BY MR. NOROOZI:	20	compressed block that's output will be the one that
20 21	Q. Okay. So your point is simply that	21	has the highest compression ratio. True?
22	Franaszek will have in some fashion a list of	22	A. In the '728 patent, I certainly would
22	Page 15		
1		1	Page 17
1	algorithms that have been predetermined to be the	1	agree that there is at least one embodiment within
2	algorithms that have been predetermined to be the appropriate set for a particular data block given the	2	agree that there is at least one embodiment within the '728 patent that operates in such a manner where
2 3	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that	2 3	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an
2 3 4	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block?	2 3 4	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate.
2 3 4 5	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block? A. Yes. Franaszek will have a list of	2 3 4 5	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate. I'm not certain that that is the only I'm not
2 3 4 5 6	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block? A. Yes. Franaszek will have a list of algorithms associated with a given type of data,	2 3 4 5 6	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate. I'm not certain that that is the only I'm not certain that the '728 patent doesn't have additional
2 3 4 5 6 7	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block? A. Yes. Franaszek will have a list of algorithms associated with a given type of data, assuming that, assuming that it knows that type of	2 3 4 5 6 7	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate. I'm not certain that that is the only I'm not certain that the '728 patent doesn't have additional embodiments or options that might not do things a
2 3 4 5 6 7 8	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block? A. Yes. Franaszek will have a list of algorithms associated with a given type of data, assuming that, assuming that it knows that type of data. Franaszek doesn't address the situation	2 3 4 5 6 7 8	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate. I'm not certain that that is the only I'm not certain that the '728 patent doesn't have additional embodiments or options that might not do things a little bit differently.
2 3 4 5 6 7 8 9	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block? A. Yes. Franaszek will have a list of algorithms associated with a given type of data, assuming that, assuming that it knows that type of data. Franaszek doesn't address the situation directly, where, where it doesn't know where there	2 3 4 5 6 7 8 9	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate. I'm not certain that that is the only I'm not certain that the '728 patent doesn't have additional embodiments or options that might not do things a little bit differently. Q. The '728 patent does not teach a testing
2 3 4 5 6 7 8 9 10	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block? A. Yes. Franaszek will have a list of algorithms associated with a given type of data, assuming that, assuming that it knows that type of data. Franaszek doesn't address the situation directly, where, where it doesn't know where there might be type description data. It doesn't know it.	2 3 4 5 6 7 8 9	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate. I'm not certain that that is the only I'm not certain that the '728 patent doesn't have additional embodiments or options that might not do things a little bit differently. Q. The '728 patent does not teach a testing and sampling approach, whereby a sample of the data
2 3 4 5 6 7 8 9 10 11	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block? A. Yes. Franaszek will have a list of algorithms associated with a given type of data, assuming that, assuming that it knows that type of data. Franaszek doesn't address the situation directly, where, where it doesn't know where there might be type description data. It doesn't know it. But assuming it knows that data, it will have some	2 3 4 5 6 7 8 9 10 11	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate. I'm not certain that that is the only I'm not certain that the '728 patent doesn't have additional embodiments or options that might not do things a little bit differently. Q. The '728 patent does not teach a testing and sampling approach, whereby a sample of the data block is tested in order to ultimately select the
2 3 4 5 6 7 8 9 10 11 12	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block? A. Yes. Franaszek will have a list of algorithms associated with a given type of data, assuming that, assuming that it knows that type of data. Franaszek doesn't address the situation directly, where, where it doesn't know where there might be type description data. It doesn't know it. But assuming it knows that data, it will have some sort of a list associated with that data of possible	2 3 4 5 6 7 8 9 10 11 12	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate. I'm not certain that that is the only I'm not certain that the '728 patent doesn't have additional embodiments or options that might not do things a little bit differently. Q. The '728 patent does not teach a testing and sampling approach, whereby a sample of the data block is tested in order to ultimately select the compression technique that's used for the data block.
2 3 4 5 6 7 8 9 10 11 12 13	algorithms that have been predetermined to be the appropriate set for a particular data block given the data type information that has been provided for that data block? A. Yes. Franaszek will have a list of algorithms associated with a given type of data, assuming that, assuming that it knows that type of data. Franaszek doesn't address the situation directly, where, where it doesn't know where there might be type description data. It doesn't know it. But assuming it knows that data, it will have some sort of a list associated with that data of possible compression algorithms and it will select, it will go	2 3 4 5 6 7 8 9 10 11 12 13	agree that there is at least one embodiment within the '728 patent that operates in such a manner where it, where it, where it attempts to choose, select an encoder that achieves the highest compression rate. I'm not certain that that is the only I'm not certain that the '728 patent doesn't have additional embodiments or options that might not do things a little bit differently. Q. The '728 patent does not teach a testing and sampling approach, whereby a sample of the data block is tested in order to ultimately select the compression technique that's used for the data block. True?
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