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9 **IN THE UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **WESTERN DIVISION**

13 NOMADIX, INC.,
14 Plaintiff,
15 v.
16 GUEST-TEK INTERACTIVE
17 ENTERTAINMENT LTD.,
18 Defendant/Counter-
19 Claimant,
20 v.
21 NOMADIX, INC.,
22 Counter-Defendant.

Case No.: 2:16-cv-08033-AB-FFM

[*Honorable André Birotte Jr.*]

**RESPONSIVE EXPERT REPORT OF
DR. ODED GOTTESMAN**

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1 84. In addition, it is also my opinion that the doctrine of equivalents does
2 not apply under the doctrine of ensnarement. It is my understanding that this
3 doctrine prevents patentee’s from expanding the scope of coverage of their claim
4 to cover what is in, or obvious in light of, the prior art. In reaching my opinion that
5 the doctrine applies here, I asked whether a hypothetical claim that reads the same
6 as the claims at issue, but that cover comparing an incoming packet’s source IP
7 address with IP addresses of authorized devices (rather than profiles), would be
8 patentable over the prior art. In my opinion, it would not be patentable over the
9 prior art for the reasons expressed in my prior report on invalidity, but also over
10 other additional prior art.

11 85. For example, I have included a claim chart as Exhibit 9 demonstrating
12 that Guest Tek’s GlobalSuite products, which as I explained in my prior report
13 were prior art as of at least June 1998 for GlobalNet and June 1999 for
14 GlobalMeeting, would have included all limitations of both asserted claims of the
15 917 patent based on how Dr. Stubblebine is applying the claims to OVI.

16 86. In addition, I understand that Guest Tek’s OVI server was placed into
17 commercial use at the JW Marriott Indianapolis when it first opened, which was in
18 February 2011. [https://www.hospitalityupgrade.com/News/News-Article-
19 Details/?docID=3954](https://www.hospitalityupgrade.com/News/News-Article-Details/?docID=3954). Because it was in public use, was known, and on sale a year
20 before the priority date of the 917 patent (which as I explained is the patent’s Oct.
21 2012 filing date), it is my understanding that the OVI server was prior art to the
22 917 patent. Moreover, the functionality of OVI that Dr. Stubblebine relies upon in
23 forming his opinion that OVI incorporates the asserted claims has not changed
24 since 2011, which I confirmed through my review of the source code. Therefore,
25 the doctrine of equivalents cannot be applied to the OVI server because it would
26 ensnare the prior art Global Suit products as well as the prior art OVI server itself.⁸

27 _____
28 ⁸ For these same reasons, it is my opinion that the Global Suite products and OVI
server rendered the asserted claims of the 917 patent invalid at least under 35