EXHIBIT D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Luminati Networks Ltd., Plaintiff, v. Teso LT, UAB, Oxysales, UAB, and Metacluster LT, UAB, Defendants.	Civil Action No. 2:19-cv-00395-JRG **Lead Case**
Teso LT, UAB, Oxysales, UAB, and Metacluster LT, UAB, Counterclaim And Third-Party Plaintiffs, v. Luminati Networks Ltd., EMK Capital LLP, EMK Capital Partners LP, EMK Capital Partners GP Co-Investment LP, Hola VPN Ltd., and Hola Networks Ltd., Counterclaim And Third-Party Defendants.	

**DECLARATION OF DR. VERNON THOMAS RHYNE III IN SUPPORT OF
PLAINTIFF LUMINATI NETWORK LTD.'S CLAIM CONSTRUCTIONS**

I, Dr. Thomas Rhyne, declare as follows:

1.   My full name is Vernon Thomas Rhyne, III. I am a former professor of Electrical

Engineering at Texas A&M University and an Adjunct Faculty Member at the Department of

Electrical and Computer Engineering at Carnegie-Mellon University and at the University of Texas at Austin. I am currently active as a part-time engineering consultant.

2.   I hold degrees from Mississippi State University (B.S.E.E., Special Honors, 1962), the University of Virginia (M.E.E., 1964), and the Georgia Institute of Technology (Ph.D., Electrical Engineering, 1967). I have been a registered Professional Engineer in the State of Texas since 1969 and a Registered Patent Agent since 1999. A copy of my CV is attached as Exhibit 1.

3.   If called upon to do so, I could and would testify truthfully as follows:

4.   Based on my experience in the art and my study of the Internet communication systems disclosed in the Asserted Patents (U.S. Patents Nos. 10,257,319 ("the '319 Patent") and 10,484,510 ("the '510 Patent"), which with the '510 Patent as a continuation of the '319 Patent shares a common specification, and U.S. Patent No. 10,469,614 ("the '614 Patent"), which is in a separate family sharing the same inventors of Derry Shribman and Ofer Vilenski with the '319 Patent and '510 Patent), in my opinion a person of ordinary skill in the art (a "POSA" hereafter) would be an individual who, as of October 8, 2009, the filing date of a Provisional Application, had a Master's Degree or higher in the field of Electrical Engineering, Computer Engineering, or Computer Science or as of that time had a Bachelor's Degree in the same fields and two or more years of experience in Internet communications.

5.   The '319 and '510 Patents claim methods for use with a **first client device**, a **first server/web server,** and a **second server,** where all the steps are performed by the **first client device** as shown, for example, in the claims in the following table:

'319 Patent	'510 Patent
1. A method for use with a **first client device**, for use with a **first server** that comprises a **web server** that is a Hypertext Transfer Protocol (HTTP) server that responds to HTTP requests, the first server stores a first	**1.** A method for use with a **web server** that responds to Hypertext Transfer Protocol (HTTP) requests and stores a first content identified by a first content identifier, the method by a **first client device** comprising:

'319 Patent	'510 Patent
content identified by a first content identifier, and for use with a **second server**, the method by the **first client device** comprising: receiving, from the **second server**, the first content identifier; sending, to the **first server** over the Internet, a Hypertext Transfer Protocol (HTTP) request that comprises the first content identifier; receiving, the first content from the **first server** over the Internet in response to the sending of the first content identifier; and sending, the first content by the **first client device** to the **second server**, in response to the receiving of the first content identifier.	establishing a Transmission Control Protocol (TCP) connection with a **second server**; sending, to the **web server** over an Internet, the first content identifier; receiving, the first content from the **web server** over the Internet in response to the sending of the first content identifier; and sending the received first content, to the **second server** over the established TCP connection, in response to the receiving of the first content identifier.

6. The steps of claim 1 of both the '319 and '510 Patents are performed by the "**first client device**." Based upon the common specification, in my opinion a POSA would understand the term "client device" to refer to a consumer computer. *See, e.g.* '319 Patent at 2:44-46 ("In the network 50, files are stored on computers of consumers, referred to herein as client devices.")[1].

7. Based on the plain language of the Preamble of claim 1 of the '319 Patent as shown above, in my opinion a POSA would understand the "**first server**" of the '319 Patent to be a "**web server**." In contrast, a POSA would understand the "**second server**" to be a server that is not the client device or the first server in the context of the '319 Patent, and a server that is not the client device or web server in the context of the '510 Patent.

8. The '319 and '510 Patents provide several exemplary embodiments through its written specification and its diagrams. In Figure 3, for example, an agent **122** is shown positioned between a client **102** and a web server **152**. Figure 3 also includes multiple communication devices, each of which stores software providing functionality that allows each communication device "to

serve as a client, peer, or agent, depending upon requirements of the network **100** …" '319 Patent

at 4:44-50; *see also* 9:13-50. In my opinion, therefore, a POSA would understand client **102** and

agent **122** to both be client devices operating as a "client" and an "agent" respectively.
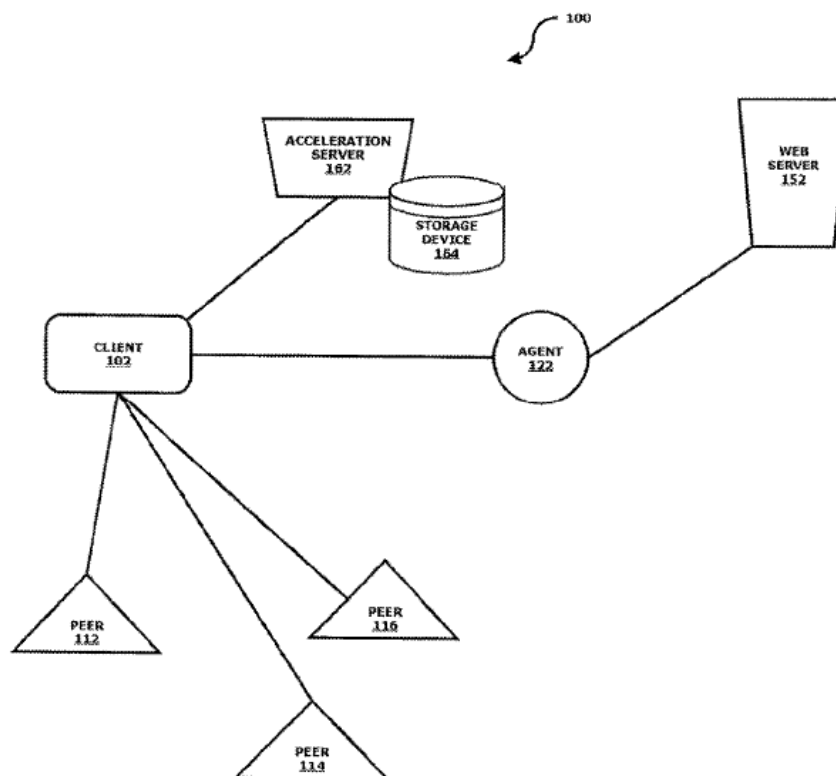

FIG. 3

9.   As shown in FIG. **3,** the exemplary embodiment of network **100** illustrates that one

of the communication devices is functioning as a client **102.** The client **102** is capable of

communication with one or more peers **112, 114, 116** and one or more agents **122.** For exemplary

purposes, the network contains three peers and one agent, although I note that a client can

communicate with any number of agents and peers. *See* the following:

> The communication network **100** also contains a Web server **152.** The Web
> server **152** is the server from which the client **102** is requesting information
> and may be, for example, a typical HTTP server, such as those being used
> to deliver content on any of the many such servers on the Internet.

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