

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

HEWLETT PACKARD ENTERPRISE)	
CO., ARUBA NETWORKS, LLC,)	
APPLE INC.,)	
)	
Petitioner,)	No: IPR2022-00426
)	
vs.)	U.S. PATENT NO.
)	8,761, 804 B2
BILLJCO LLC,)	
)	
Patent Owner.)	
-----)	

ZOOM DEPOSITION OF DR. DARRELL D.E. LONG
(All parties appearing remotely.)
SEPTEMBER 29, 2022

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REPORTED BY: CHRISTINA M. LOPEZ, CSR NO. 13048
FILE NO.: 875415



1 I can give you, you know, hundreds of citations and it
2 probably wouldn't be useful here.

3 Q. Okay. All right. So we were talking about
4 Himmelstein.

5 A. Okay. 10:26:55AM

6 Q. And we'll talk about it in -- in some detail
7 today, but -- actually, you raised -- you raised a
8 question in my mind a little bit ago. You used the word
9 "beaconing."

10 A. Okay. 10:27:17AM

11 Q. And you said that -- I think you said that GPS
12 is a form of -- could be considered beaconing.

13 What -- what is -- what does "beaconing" mean?

14 A. You want -- do you want a legal definition or
15 an engineer's definition? 10:27:31AM

16 Q. I'll -- I'll take the engineer's definition,
17 then I'll take --

18 A. An engineer's definition is that we have some
19 kind of transmitter that sends out a signal that's
20 intended to be received. So as opposed to a -- a query 10:27:46AM
21 response type of thing, it just -- it just -- it just
22 transmits a signal either continuously or periodically,
23 or even perhaps with -- according to some random
24 distribution. We can talk about why random
25 distributions would be good. 10:28:08AM

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1 Q. Okay. So that was the engineer's definition?

2 A. Right.

3 Q. And you said you differentiated that from a
4 legal definition?

5 A. Right. And I leave that to the attorneys 10:28:21AM
6 because I'll tell you what beaconing really is and you
7 guys will say, well, this thing says this or that thing
8 says that. That's the thing from Markman hearings
9 (phonetic) as far as I know.

10 Q. Okay. So as far as you're concerned, a -- a 10:28:35AM
11 person in this art would understand beaconing according
12 to the engineer's definition you gave me?

13 A. Absolutely.

14 Q. How does -- how does a beacon differ from just
15 a broadcast? 10:28:54AM

16 A. Well, I suppose it's in the -- first of all,
17 beacons tend to be somewhat localized. A broadcast is
18 normally a network term, although we're talking about
19 radio broadcast. A beacon can be broadcast, but there's
20 going to be a geograph -- typically, a geographic 10:29:15AM
21 constraint to that. If you have such as an airport,
22 right, airports have radio beacons that periodically
23 transmit and aircraft pick up those beacons and they
24 know where the airport is. Okay.

25 GPS sends out its packets, its -- its radio 10:29:39AM

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1 signal and receivers pick them up and there's a puricity
2 to what it transmits. GPS doesn't cover the entire --
3 each GPS satellite doesn't cover the entire globe, it
4 covers the area that, you know, the satellite is
5 visible. 10:29:58AM

6 So what's -- so what's the question?

7 Q. My question is, is there a difference between
8 a broadcast and a beacon?

9 A. Beacons normally broadcast, but not all
10 broadcast are beacons. 10:30:22AM

11 Q. So broadcast would be the broader term and a
12 beacon is a particular type of broadcast?

13 A. No. I think you need to view it not as a
14 subset, but as a -- more of a Venn diagram. You know,
15 watching -- watching a TV show, a TV in the old days was 10:30:40AM
16 broadcast, but it wasn't intended to be used as a
17 beacon. Now, you could, of course, use the source of
18 the radio -- radio energy coming from the TV tower and
19 say, well, that tower is beaconing me.

20 Q. You know, if Mr. Putin decided to destroy TV 10:30:59AM
21 towers, the -- locating those TV towers would be very
22 easy based on the energy coming off the TV tower. It
23 would be treated as a beacon in that case, but that's
24 not their intended use.

25 Q. So are you saying that whether something is a 10:31:14AM

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1 beacon or a broadcast depends on its intended use?

2 A. It -- yeah, reductio ad absurdum, yeah. I
3 mean the sun broadcasts energy, but most people wouldn't
4 consider the sun to be a beacon.

5 Q. Is there any way in your mind of 10:31:36AM
6 differentiating whether something is -- is a broadcast
7 that is not a beacon?

8 A. Again, it comes -- it comes down to use. You
9 don't always have to use something, what it was -- what
10 that creator intended it for. So you could have a 10:31:58AM
11 broadcast and you could decide, well, you know what, I'm
12 going to use that as a beacon.

13 For example, if you were doing
14 counterintelligence, you're doing -- trying to find the
15 spy who's transmitting. They're up in an apartment in 10:32:18AM
16 Washington, D.C. or something. You would use standard
17 radio location techniques to kind it. And, you know,
18 people doing the location finding would probably
19 consider the spy broadcasting -- or not even
20 broadcasting, narrowcasting via beacon that they use to 10:32:38AM
21 locate it.

22 Q. So I'm still confused as to how one would
23 determine whether a broadcast is a beacons message or
24 not a beacons message?

25 A. You've added a word. 10:33:09AM

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