

In the Matter Of:

CISCO SYSTEMS vs

ORCKIT

MIGUEL GOMEZ

March 08, 2024



1 _____
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3 _____

4 CISCO SYSTEMS, INC.,
5 Petitioner,

6 v.

7 ORCKIT CORPORATION,
8 Patent Owner.

9 _____
10 IPR2023-00401
11 Patent No. 7,545,740
12 _____

13 ORAL VIDEOTAPED DEPOSITION

14 MIGUEL GOMEZ

15 MARCH 8, 2024

16 ORAL VIDEOTAPED DEPOSITION OF MIGUEL GOMEZ, via
17 Zoom, produced as a witness at the instance of the
18 Petitioner and duly sworn, was taken in the above-styled
19 and numbered cause on the 8th day of March, 2024, from
20 11:00 a.m. to 12:57 p.m., before Melinda Barre,
21 Certified Shorthand Reporter in and for the State of
22 Texas, reported by computerized stenotype machine, all
23 parties appearing remotely via web videoconference,
24 pursuant to the rules of procedure and the provisions
25 stated on the record or attached hereto.

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(ALL APPEARED VIA ZOOM VIDEO CONFERENCE)

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ALSO PRESENT: Deane Carstensen, Videographer

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1 THE VIDEOGRAPHER: Okay. We are now on
2 the record. My name is Deane Carstensen. I'm the
3 videographer representing Lexitas. This is a video
4 deposition for the United States Patent and Trademark
5 Office. Today's date is March 8, 2024, and the time
6 right now is 11:00 a.m. Central Standard Time.

7 This deposition is being held remotely in
8 the matter of Cisco Systems, Inc. versus Orckit
9 Corporation, IPR2023-00401, Patent No. 7,545,740. The
10 deponent is Miguel Gomez. Would all counsel please
11 identify themselves and state whom they represent
12 beginning with the questioning attorney.

13 MR. CLEMENTS: My name is Calmann Clements
14 representing Cisco.

15 MR. STAMATOPOULOS: George Stamatopoulos
16 with Kobre & Kim representing Orckit Corporation.

17 THE VIDEOGRAPHER: Thank you. Our court
18 reporter today is Melinda Barre who will now swear in
19 the witness.

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21
22
23
24
25

1 MIGUEL GOMEZ,
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 QUESTIONS BY MR. CLEMENTS:

5 Q. Good morning, Mr. Gomez.

6 A. Good morning. How are you?

7 Q. Good. Could you please state your full name
8 for the record.

9 A. Miguel Willie Gomez.

10 Q. And you've been deposed before, correct?

11 A. I have in the past, yes.

12 Q. About how many times?

13 A. 15 or 16 times at this point, I believe it is.

14 Q. So you generally know how depositions work. Is
15 that correct?

16 A. Generally, yes.

17 Q. And you know that you must provide verbal
18 answers to my questions so that the court reporter can
19 make an accurate transcript, correct?

20 A. Correct.

21 Q. And because we are forming a record here, it's
22 important that we do not talk over each other. So if
23 you let me finish my question, I'll let you finish your
24 answers. Agreed?

25 A. Agreed.

1 Q. And you understand that your counsel might
2 object to a question; but you still must provide an
3 answer to that question unless instructed otherwise,
4 correct?

5 A. I understand that.

6 Q. And if you're confused as to a question I ask,
7 please let me know so that I can perhaps ask it in a
8 different way. Can we agree on that?

9 A. Yes.

10 Q. You're connecting to the deposition today on a
11 personal computer, correct?

12 A. Correct.

13 Q. And aside from Zoom, are there any other
14 applications running on your personal computer today?

15 A. Let me just close out my Outlook because that's
16 what I opened the link with and the browser. None at
17 this point. All closed.

18 Q. So are there any documents open on your
19 personal computer?

20 A. There are no documents open at this point. I
21 do have a file system open showing exhibits that were
22 provided to me by counsel.

23 Q. Do you have any other electronic devices with
24 you in the room?

25 A. No. I placed them outside the room.

7

1 Q. Are there any other people in the room with you
2 today?

3 A. No, just what you see behind me. It's all
4 empty.

5 Q. Do you have any handwritten notes with you
6 today?

7 A. No, I do not. I placed those outside the room.

8 Q. Now, is there any reason you can't provide full
9 and accurate testimony today?

10 A. I believe I can provide full and accurate
11 testimony today.

12 Q. And you understand that the testimony you are
13 providing today will be used in inter partes review
14 proceedings IPR2023-00401, correct?

15 A. Correct.

16 Q. And do you understand that your testimony will
17 be publicly available in these hearings?

18 A. Yes. I understand that.

19 Q. And IPR2023-00401 concerns U.S. patent
20 7,545,740, correct?

21 A. Correct.

22 Q. So if I say "the '740 patent," you'll
23 understand that I'm referring to U.S. patent 7,545,740,
24 correct?

25 A. Yes, I would.

1 Q. How many IPRs have you provided expert
2 consulting services for?

3 A. I believe this is the second one.

4 Q. And just for some definitions for today, if I
5 use the acronym POSITA, you will understand that to mean
6 a person of ordinary skill in the art in 2007, which is
7 the earliest alleged priority date of the '740 patent,
8 correct?

9 A. Correct.

10 Q. And when I say "your declaration," you
11 understand that I'm referring to Exhibit 2024 filed in
12 this IPR?

13 A. That's correct, uh-huh.

14 Q. Have you provided expert consulting services
15 for Orckit prior to this case?

16 A. No.

17 Q. When did you begin working on this matter for
18 Orckit?

19 A. I believe it was last August or September when
20 I was approached by an outside firm.

21 Q. Who wrote your declaration?

22 A. Well, it was a collaborative effort. I wrote
23 several of the first drafts -- sections of the first
24 draft, and then we exchanged ideas. We had several
25 meetings in which we went over the elements that we

1 needed to address and I provided my opinions and then we
2 worked to develop several drafts before the final.

3 Q. Who came up with the positions in your
4 declaration?

5 A. Well, it was a collaborative effort. I came up
6 with my opinions on how these arguments needed to be
7 structured, and they're my opinions.

8 Q. Approximately how long did you spend preparing
9 your declaration?

10 A. I don't have an exact count, but we worked on
11 the declaration over several months and in between
12 several of the other IPRs that are also included in this
13 case. I didn't track the differences between the
14 various IPRs that we were working on.

15 Q. And what did you review in preparation for your
16 deposition today?

17 A. I reviewed all of the exhibits that were
18 provided to me. I reviewed the patents, the
19 specification, the file history. We had several
20 meetings, counsel and I, to discuss these issues. Yeah.
21 That's pretty much it.

22 Q. Are there any errors in your declaration that
23 you're aware of?

24 A. Not that I'm aware of at this point; but if I
25 should see one during the deposition, I'll be sure to

10

1 flag it.

2 Q. Do you still stand by all of the opinions that
3 you've provided in your declaration?

4 A. I do.

5 Q. So let's go ahead and turn to your declaration,
6 paragraph 59.

7 A. I'm there.

8 Q. You have here a quote from the petition and
9 their definition of a POSITA. So I understand from your
10 statement here that you do not dispute petitioner's
11 definition of a POSITA. Is that correct?

12 A. I say, "I do not dispute petitioner's level of
13 ordinary skill for purposes of this declaration."

14 Q. So you agree that a POSITA would have had a
15 bachelor's degree and electrical degree, or an
16 equivalent, and two years of professional experience in
17 the field of communication networks, including link
18 aggregation in communication networks?

19 A. That's what the petitioners assert and I say I
20 do not dispute that, petitioner's level of ordinary
21 skill in the art for the purposes of this declaration.

22 So to the extent that that's an agreement,
23 yeah.

24 Q. Let's turn to paragraph 25 of your declaration.

25 A. I'm there.

11

1 Q. You say at the start of that paragraph that "I
2 was at the time of invention, and am currently, one of
3 more than ordinary skill in the art through my education
4 and research experience."

5 So for your analysis in this declaration,
6 did you analyze the claims from your perspective as one
7 of more than ordinary skill in the art?

8 A. Well, I examined the claims in terms of a
9 person of ordinary skill in the art. While I may have
10 more experience than a person of ordinary skill in the
11 art, I tried to frame my opinions with regard to how
12 someone who was a POSITA would see this.

13 Q. Am I correct in understanding that it is your
14 experience, rather than your education, that makes you
15 one of more than ordinary skill in the art?

16 A. I would say it's a combination of both
17 education and experience.

18 Q. You have a bachelor's degree, correct?

19 A. Yes. I have a bachelor of science in
20 electrical engineering from Yale University. I got that
21 in 1983.

22 Q. Do you have any other degrees beyond that?

23 A. No. Most of the rest of my experience comes
24 from industry experience where I was a design engineer
25 in various telecommunications and data communication

1 companies over the last 40 years.

2 Q. So we agree that the person of ordinary skill
3 in the art has a bachelor's degree. But you said that
4 your education makes you more than one of ordinary skill
5 in the art. How so?

6 MR. STAMATOPOULOS: Objection, form.

7 A. I said that it was a combination of my
8 education and my experience.

9 BY MR. CLEMENTS:

10 Q. So you're relying on your experience as
11 something that makes you more than one of ordinary skill
12 in the art?

13 A. As I said, it's the combination of the two.

14 Q. What is your understanding of a link
15 aggregation group?

16 A. A link aggregation group allows for traffic,
17 such as TCP/IP traffic, to be spread across more than
18 one link in order to gain additional bandwidth.

19 Q. Have you ever designed network systems that
20 utilize link aggregation groups?

21 A. In 1999 I was director of hardware and was an
22 architect of a system called the server load balancer
23 for a company called Webstacks where we built a system
24 that would actually perform at line rates. It was a
25 switch that performed at line rates. And as part of

13

1 that, yes, we had to aggregate bandwidth; and we had to
2 ensure that we had the throughput necessary for the
3 product.

4 Q. So did those products include line cards?

5 A. Yes, they did. In fact, the server load
6 balancer was a line card that was a complete switch.

7 Q. How would you define a line card?

8 MR. STAMATOPOULOS: Objection, form.

9 A. Well, a line card -- a line card has -- if I
10 can refer to my declaration and show you. In terms of
11 the -- an actual image of a line card, you can go to
12 paragraph 41 in which there's an example of a line card.

13 This would be a card that would possibly
14 fit into another chassis. Doesn't necessarily have to,
15 but in this example there's a chassis in paragraph 42
16 that this line card would be plugged in to.

17 BY MR. CLEMENTS:

18 Q. So I'm looking at your declaration. You said
19 41, that's an example of a line card.

20 If we go a little bit further down to
21 paragraph 47, there is a picture from the patent. Do
22 you see that there?

23 A. I see a block diagram from the patent, yes.

24 Q. So the '740 patent simply illustrates the line
25 card as a box and doesn't show the specifics of how that

14

1 line card is built, correct?

2 MR. STAMATOPOULOS: Objection, form.

3 A. The specification gives a fair amount of
4 information about what that line card is and how it
5 behaves.

6 BY MR. CLEMENTS:

7 Q. Can we presume that a POSITA would understand
8 how to implement a line card as of the filing date of
9 the '740 patent?

10 MR. STAMATOPOULOS: Objection, form.

11 A. When you say "the line card," you're referring
12 to the line card of the '740 patent; and the patent
13 specification, I believe, is clear enough for a person
14 of ordinary skill in the art to understand what needed
15 to be implemented.

16 BY MR. CLEMENTS:

17 Q. Would the line card include a multiplexer?

18 MR. STAMATOPOULOS: Objection, form.

19 A. The '740 patent doesn't specify what's -- in
20 this particular line card. It defines how this line
21 card is to behave. And that's often the case with many
22 specifications in the industry, that the implementation
23 is left up to the users or developers but the
24 specification defines behavior.

25 BY MR. CLEMENTS:

15

1 Q. But in your experience with designing line
2 cards and from your background, would you agree that a
3 POSITA would understand that a line card can include a
4 multiplexer?

5 A. Again, the '740 isn't specific that it's
6 defining a multiplexer in this line card.

7 Q. I'm not asking you about the line card
8 specifically in the '740 patent here now. I'm asking
9 you generally can a line card include a multiplexer?

10 A. Well, a line card can include a number of
11 different types of structures. It's not limited to any
12 one structure. But the line cards in the '740 patent
13 have a very definite function and behavior.

14 Q. So you don't have an opinion on whether a line
15 card can include a multiplexer?

16 A. Well, I think I just said that. Other line
17 cards may include a wide variety of different
18 structures. All I'm pointing out is that the '740 has a
19 very specific function and behavior that's defined in
20 the specification.

21 Q. Would those wide variety of structures include
22 a multiplexer?

23 A. I wouldn't know until I actually looked at it,
24 but it's possible. But I wouldn't know until I actually
25 looked at it. And I haven't opined on other line cards

1 outside of line cards defined in the '740 and prior art
2 that was asserted against the '740.

3 Q. How would you define a multiplexer?

4 MR. STAMATOPOULOS: Objection, form.

5 A. Well, the '740 has a multiplexer shown in
6 figure 1 that's specific to the '740 patent. There are
7 other examples of multiplexers that were provided in the
8 prior art. They can take a wide variety of different
9 forms.

10 BY MR. CLEMENTS:

11 Q. So what would be the function of a multiplexer?

12 MR. STAMATOPOULOS: Same objection.

13 A. Well, multiplexers are used for a lot of
14 different reasons. They're used to concentrate signals.
15 They're used to select signals. They're used for a
16 variety of different reasons.

17 But again with regard to the '740, there's
18 a multiplexer defined 44 that has a very specific
19 function as defined in the specification.

20 BY MR. CLEMENTS:

21 Q. So would you agree that a multiplexer allows
22 you to take one of many inputs and put them onto a
23 single output?

24 MR. STAMATOPOULOS: Same objection.

25 A. That could be one use for a multiplexer.

1 BY MR. CLEMENTS:

2 Q. And is it your opinion that the line card in
3 the '740 patent performs that function?

4 MR. STAMATOPOULOS: Same objection.

5 A. I'm sorry. Say again, please.

6 BY MR. CLEMENTS:

7 Q. Is it your opinion that the line card in the
8 '740 patent performs that same function?

9 MR. STAMATOPOULOS: Same objection.

10 A. The line card in the '740 patent has the
11 ability to provide an interface to ports and to traces,
12 a number of different ports and traces. So there's not
13 just one on each side that you would see in a
14 multiplexer. There's a group of signals 58 and a group
15 of ports 24 on each side.

16 So the behavior of the line card is
17 different than what you would see in a multiplexer.

18 BY MR. CLEMENTS:

19 Q. Would a line card include a concentrator?

20 MR. STAMATOPOULOS: Same objection.

21 A. The line card in the '740, as I said again, has
22 a certain behavior that's different than what a
23 concentrator would provide.

24 But a concentrator -- one more time on
25 your question. I think I lost the thread there.

1 BY MR. CLEMENTS:

2 Q. Would the line card include a concentrator?

3 A. The line card of the '740 has a very specific
4 function. The line card -- or a concentrator would look
5 more like a multiplexer.

6 Q. Is there a difference between a concentrator
7 and a multiplexer?

8 A. Well, there is because of the level of
9 sophistication needed for a multiplexer at different --
10 for different types of traffic.

11 In a very low-level signaling a
12 multiplexer just takes a signal and puts it to an
13 output. But a concentrator would be more sophisticated
14 to handle more complex types of traffic.

15 Q. So when we look at figure 2 of the '740 patent
16 here, we can see that there's a link aggregation group
17 68 on the left side of line card 1. Do you see that?

18 A. I just got there. One more time on the
19 question, please.

20 Q. So when we look at this figure, we can see that
21 there's a link aggregation group 68 on the left side of
22 the line card. Do you see that?

23 A. I do.

24 Q. And on the right side of the line card between
25 the line card and the network node there is another link

19

1 aggregation group 58, correct?

2 A. Correct.

3 Q. You mentioned earlier that you had experience
4 designing line cards. In your experience, have you ever
5 worked on systems like this where you have one link
6 aggregation group on one side of the line card and
7 another link aggregation group on the other side of the
8 line card?

9 A. Sitting here today, I don't recall. I'd have
10 to go back and think about that.

11 Back in the 1980s when I was working on
12 line cards at StrataCom, also when I was working at
13 Webstacks, I don't -- the backplanes were more designed
14 to just simply connect to a line card in a fixed way.
15 Whether I actually worked on something like this, I
16 don't recall.

17 Q. Is it your opinion that POSITAs at the time the
18 '740 patent was filed would have been familiar with this
19 arrangement, with link aggregation groups on both sides
20 of the line cards?

21 MR. STAMATOPOULOS: Object to form.

22 A. I think the '740 patent is fairly unique in
23 that it allows for more flexibility to connect to a
24 backplane, you know, as shown here on 58 with the
25 backplane trace LAG group 58.

20

1 I'd have to go back and look at whether or
2 not that was -- I don't believe that was common in those
3 days. It was more of -- backplanes were just simple
4 methods of being able to connect from one line card to
5 another in a fixed format. That's been my experience.

6 BY MR. CLEMENTS:

7 Q. Do you have any experience designing hashing
8 functions?

9 A. Yes. I have considerable experience designing
10 hashing functions.

11 Q. Can you tell me more about that experience.

12 A. So whenever a system such as the one we built
13 at Webstacks needed to distribute traffic, there's
14 various different algorithms that can be employed in
15 order to do that, you know, whether it's round robin or
16 weighted round robin or hashing. All of these we
17 implemented as alternate methods to arbitrate between
18 various signals or various traffic.

19 I also have a considerable amount of
20 experience building hashing algorithms in various
21 languages, whether it's C or C++, in order to be able to
22 store data in memory systems.

23 Q. So would you say at the time the '740 patent
24 was filed POSITAs were familiar with hashing functions
25 for load balancing and network systems?

21

1 MR. STAMATOPOULOS: Object to form.

2 A. I would say that there were hashing functions
3 that were used in some forms of load balancing. But the
4 '740 patent is a very specific use for the hashing
5 function where it performs two -- essentially what
6 amounts to two hash functions in a single step. And
7 that wasn't common.

8 BY MR. CLEMENTS:

9 Q. So you said two hash functions in a single
10 step. What do you mean by "a single step"?

11 A. That means that the result is applied to the
12 various ports and trace -- or to select the various
13 ports and traces at the same time.

14 Q. So there's a temporal requirement that it's
15 done at the same time. Is that correct?

16 A. I don't believe that there's a temporal
17 requirement. I believe that the selection has to occur
18 at the same time, or it has to occur concurrently.

19 Q. So if something has to occur concurrently or at
20 the same time, why is that not a temporal requirement?

21 A. I think the better way to say it, as I said in
22 my report, is that the -- while there's no temporal
23 requirement, there is a requirement for two distinct
24 selections to be made.

25 Q. So they don't have to occur at the same time?

1 A. There's no temporal requirement.

2 Q. Let's go to paragraph 63 of your declaration.

3 Let me know when you're there.

4 A. I'm here.

5 Q. So you say here that the claim expressly
6 requires two selections from two different groups.

7 So I want to understand what you mean by
8 two selections. Does the claim require performing two
9 separate calculations for the two selections?

10 A. It says that there's a -- there are two
11 selections. Let's see what I said here.

12 I said, "This limitation expressly
13 requires two selections from two different groups
14 ('selecting a first physical link out of the first group
15 and a second physical link out of the second group.')

16 The claim term 'selecting' clearly modifies both the
17 physical link out of the first group and the second
18 group. Two selections are required."

19 So all I'm saying is that there are two
20 selections that are required from the two different
21 groups.

22 Q. And when you say "two selections," do you mean
23 two separate calculations?

24 A. It's done in a single calculation, single
25 computation.

1 Q. So there's not two separate calculations,
2 correct?

3 A. There's one computation.

4 Q. And you said earlier that the claims relate to
5 using two hash functions. Does the single computation
6 use two separate hash functions?

7 MR. STAMATOPOULOS: Object to form.

8 A. I meant that the result is as if they were two
9 different selections using two different parts of that.
10 I meant to say that there were two different parts of
11 the hash function.

12 BY MR. CLEMENTS:

13 Q. So a single hash function but two separate
14 results?

15 MR. STAMATOPOULOS: Object to form.

16 A. A hash function can be applied for two
17 different selections.

18 BY MR. CLEMENTS:

19 Q. So if I understand correctly, it's a single
20 hash function with a single result that was used to make
21 two selections from two separate groups. Is that
22 correct?

23 A. So the '740 patent has a specific hashing
24 function that they've disclosed and is a single
25 computation -- is a hash function that is performed in a

1 single computation.

2 And if we go to paragraph 74, it gives you
3 an example of how that hash function would be utilized
4 for the selection. And the important part is that this
5 "hashing parameter accounts for every path
6 (corresponding to a mapping of ports onto a backplane
7 traces) over which a frame may be transmitted."

8 Q. So does this part of the '740 patent that you
9 refer to here in paragraph 74, is it describing a single
10 hash function with a single result that is used to make
11 two selections for two separate groups?

12 A. So the hashing function has a hashing size, and
13 the hashing size is set so that it would be able to
14 produce two separate selections for the two different
15 groups.

16 Q. And it uses a single result to select -- or to
17 make those two separate selections for those two
18 separate groups, correct?

19 A. It has -- it has -- it creates this result in a
20 single computation.

21 Q. And it uses that single computation result to
22 select a line from one group and a line from a second
23 group, correct?

24 MR. STAMATOPOULOS: Object to form.

25 A. Well, it uses that to make a selection from the

1 first group and the second group.

2 BY MR. CLEMENTS:

3 Q. So when you say it requires two discrete
4 selections, you're referring to the selections between
5 the two different groups, correct?

6 A. That would be -- the groups being the user port
7 line group 68 in figure 2 of the '740 patent and then
8 backplane trace LAG group 58 in the '740 patent.

9 Q. So let's turn to paragraph 104 of your
10 declaration.

11 A. Okay. I'm there.

12 Q. So in that paragraph, referring to Bruckman,
13 you say, "A POSITA would understand that if the first
14 selection also determines the specific trace over which
15 to transmit the data, there would be no need for a
16 single computation."

17 So in Bruckman does it require more than
18 one computation to select a link?

19 MR. STAMATOPOULOS: Object to form.

20 A. Well, in Bruckman there's only one selection
21 that could possibly be made as opposed to -- and I think
22 I say that here. Yeah. "There would be no need for a
23 second mapping step in Bruckman."

24 BY MR. CLEMENTS:

25 Q. You also say there would be no need for a

1 single computation. So does Bruckman require more than
2 one computation?

3 MR. STAMATOPOULOS: Object to form.

4 A. So as I say, "The single computation limitation
5 is aimed at mitigating the complexity stemming from the
6 need to perform two distinct mapping steps."

7 So in the '740 patent the single
8 computation is designed to be able to do two distinct
9 mapping steps. That's not true of Bruckman. And a
10 POSITA would understand that if the first selection also
11 determines the specific trace over which the
12 transmitted -- over which to transmit the data, there
13 would be no need for a single computation, meaning that
14 there would be no need to be able to do the two mapping
15 steps.

16 And that's what I say, as there would be
17 no need -- there would be no second mapping step.

18 BY MR. CLEMENTS:

19 Q. So you're saying that Bruckman does not require
20 more than one computation to select a link, correct?

21 MR. STAMATOPOULOS: Object to form.

22 A. That's not what I said. I said that Bruckman
23 doesn't have the -- doesn't have the requirement for two
24 distinct mapping steps. So a single computation as
25 defined by the '740 patent in order to do two mapping

27

1 steps, Bruckman doesn't have that requirement because it
2 doesn't have the ability to do two mapping steps.

3 BY MR. CLEMENTS:

4 Q. So you say here that there's no need for a
5 single computation. Does Bruckman use a single
6 computation then?

7 MR. STAMATOPOULOS: Object to form.

8 A. I'd have to go back and look at Bruckman. I'm
9 happy to do that.

10 So one more time on your question, please.

11 BY MR. CLEMENTS:

12 Q. So you said that in Bruckman there's no need
13 for a single computation. So does Bruckman require more
14 than one computation to select a link?

15 MR. STAMATOPOULOS: Object to form.

16 A. Bruckman doesn't identify any computations.
17 They do calculations. It does not identify whether or
18 not it has to do it in a single computation.

19 BY MR. CLEMENTS:

20 Q. So you said Bruckman doesn't identify
21 computations; they do calculations. What's the
22 distinction between computations and calculations that
23 you're making?

24 A. So a calculation can be multiple steps. The
25 inventive quality of the '740 patent is that a hashing

1 function performed in a single computation is used for
2 two different mapping functions.

3 Bruckman doesn't describe any of that.
4 Bruckman does not say whether the calculation or the
5 computation of the hash function is done in a single
6 step. It doesn't address it at all.

7 Q. So you have said that the claims require two
8 discrete selections. So how in the '740 patent are
9 these two selections made with a single computation?

10 MR. STAMATOPOULOS: Object to form.

11 A. I'm sorry. One more time on the question,
12 please.

13 BY MR. CLEMENTS:

14 Q. So you've said that the claims require two
15 discrete selections. So how in the '740 patent are two
16 discrete selections made with a single computation?

17 MR. STAMATOPOULOS: Same objection.

18 A. And I pointed you earlier to paragraph 74 in my
19 report where we see that that hashing function utilizes
20 a hash size parameter and that the result of -- the hash
21 size parameter corresponds to the number of user ports
22 and the number of backplane traces.

23 So this hashing parameter accounts for
24 every path corresponding to a mapping of ports onto
25 backplane traces over which a frame may be transmitted.

1 That's exactly how it does it.

2 BY MR. CLEMENTS:

3 Q. So let's turn to the '740 patent on column 6.

4 A. Okay. I'm there.

5 Q. So starting on line 66 it says, "Thus, the
6 combined mapping comprises a single hashing operation
7 that determines for each such downstream frame both the
8 backplane trace over which the frame is to be sent to
9 one of the line cards and the user port to be used in
10 external LAG group 68."

11 Is this what you're referring to as making
12 two discrete selections with a single computation?

13 A. Well, this is a description of it, yes.

14 Q. Turn to paragraph 84 of your declaration.

15 A. Okay.

16 Q. In the last sentence of that paragraph you say,
17 "In the context of networking, a POSITA would understand
18 that parallel links must share the same relevant
19 endpoints."

20 What do you mean by "relevant endpoints"?

21 A. So this example here is a circuit, and it's
22 often called -- might be referred to as a circuit
23 network. And this is an example of how parallelism
24 requires that the items in parallel connect to the two
25 endpoints.

30

1 And in this case there's a trace at the
2 very top of the diagram and a trace at the very bottom
3 of the diagram in which all of these resistors connect
4 to. So they're connecting to the same endpoints.

5 Q. So I see the figure here, but what I'm trying
6 to understand is what do you mean by "relevant
7 endpoints"?

8 A. Well, the relevant endpoints in this circuit
9 that are identified in figure 20 would be the negative
10 of the battery and the positive of the battery. If one
11 of these resistors wasn't connected to either of those
12 two relevant endpoints, that transistor wouldn't be in
13 parallel with the other ones.

14 Q. And why does this circuit relate to the '740
15 patent?

16 A. This is an analogy to show how endpoints
17 matter, that items in parallel need to connect together
18 to the relevant endpoints in order to be considered to
19 be parallel.

20 Q. Does the specification of the '740 patent
21 provide this definition of parallel?

22 A. So the '740 patent used "parallel" in its
23 ordinary meaning. And so I looked to my experience, as
24 well as to dictionary definitions, as well as to the
25 transcript of Dr. Ho who agreed with our position on

1 what parallel means.

2 And from Dr. Ho's transcripts the question
3 was, "Now, let me ask you this, Dr. Ho. This top group
4 of backplane traces that connect on the one hand to line
5 card 1 and, on the other hand, MUX 44, is this set of
6 backplane traces arranged in parallel?"

7 And he says, "I mean, certainly the figure
8 suggests that these are parallel traces."

9 The second question was, What does the
10 figure suggest to you that these are parallel -- what is
11 in the figure that -- "What in the figure suggests to
12 you that these are parallel traces?"

13 And Dr. Ho answered, "Well, these are four
14 separate lines and they're parallel lines as drawn in
15 the figure."

16 The next question was, "And the fact that
17 the parallel lines could be drawn would lead you to
18 believe that these are parallel traces, correct?"

19 "I mean, coupled with the context of the
20 specification, I think, you know, the figures are read
21 and described to the POSITA viewing the patent."

22 And finally the last question is, "Does
23 the fact that these four backplane traces all start at
24 the same line card and end at the same multiplexer also
25 suggest that these are parallel backplane traces?"

32

1 And the answer is, "I think it's certainly
2 consistent with things that are described in those
3 specifications as well."

4 It was a bit long-winded, but the point is
5 that that's in agreement with dictionary definitions
6 that I've given above. It's also in agreement with how
7 the '740 patent uses the term "parallel."

8 Q. So I see that you've cited these external
9 sources; and, as you just mentioned, you looked at
10 dictionary definitions such as an IEEE dictionary.

11 Why did you find it necessary to look to
12 extrinsic evidence?

13 A. Because I said the '740 patent uses the word
14 "parallel" in a consistent manner. So I understood from
15 the ordinary meaning of parallel what the '740 patent
16 was -- how it was using that word.

17 But to strengthen my understanding, I
18 wanted to make sure that it was consistent with
19 authoritative dictionaries such as the IEEE dictionary.
20 And then, as it turned out, Dr. Ho also uses that term
21 in the same way.

22 Q. Do you think the meaning of the term "parallel"
23 is ambiguous from the specification of the '740 patent?

24 MR. STAMATOPOULOS: Object to form.

25 A. No. I just said that they used it

1 consistently.

2 BY MR. CLEMENTS:

3 Q. So when you look to external dictionary
4 definitions, why did you consider external sources that
5 use the word "parallel" in the context of an electrical
6 circuit?

7 A. The IEEE dictionary that I cited doesn't use it
8 in terms of an electrical circuit. That was a way for
9 me to create an analogy to simplify the issue of
10 parallelism to the reader.

11 The "IEEE 100 Authoritative Dictionary of
12 IEEE Standard Terms," copyright 2000, defines parallel
13 as "software as pertaining to the simultaneous transfer,
14 occurrence or processing of the individual parts of a
15 whole using separate facilities for the various parts."

16 So it's not actually referring to an
17 electrical circuit. It's defining the term more
18 generally.

19 Q. Does the word parallel have different meaning
20 in the context of electrical circuits as it does
21 networking?

22 A. I believe that the use of endpoints to define
23 things that are parallel are consistent, whether it's in
24 an electrical circuit or whether it's in a network
25 circuit.

1 Q. Does your definition of parallel apply
2 universally to all uses of the word parallel in the '740
3 patent?

4 MR. STAMATOPOULOS: Objection to form and
5 to scope.

6 A. Can you restate the question for me, please.

7 BY MR. CLEMENTS:

8 Q. Does your definition of parallel apply to all
9 instances of that term as used in the '740 patent?

10 MR. STAMATOPOULOS: Same objections.

11 A. Well, I didn't define this specifically myself.
12 I looked at Dr. Ho's understanding of the term; I looked
13 at the authoritative dictionary; and I looked at how the
14 word parallel is used consistently throughout the '740
15 patent. So I didn't define it myself.

16 BY MR. CLEMENTS:

17 Q. But you believe the use of the term parallel is
18 consistent throughout the '740 patent, as you've said,
19 correct?

20 MR. STAMATOPOULOS: Same objections.

21 A. So I say that a POSITA would understand that
22 the claimed parallel arrangement, so the second physical
23 links, requires that these links start and end at the
24 same relevant endpoints. And that's the way I think
25 that the term is used throughout the '740 patent.

1 BY MR. CLEMENTS:

2 Q. So if we look at the '740 patent, in column 1,
3 lines 10 through 13, it says, "A link aggregation group
4 is a technique by which a group of parallel physical
5 links between two endpoints in the data network can be
6 joined together into a single logical link."

7 Do you see that statement?

8 A. I do.

9 Q. So when it refers to link aggregation groups
10 being in parallel, is it your position that those
11 parallel links must start and end at the same relevant
12 endpoints?

13 MR. STAMATOPOULOS: Objection.

14 A. You said link aggregation in parallel, groups
15 in parallel. That's not what this is saying here.
16 Maybe you could restate the question.

17 BY MR. CLEMENTS:

18 Q. So it says, "Link aggregation is a technique by
19 which a group of parallel physical links between two
20 endpoints and a data network can be joined together into
21 a single logical link."

22 So do traces that are in the link
23 aggregation group, must they follow that definition of
24 parallel that you provided?

25 MR. STAMATOPOULOS: Same objections.

1 A. Well, the important thing here is that the
2 parallel physical links are between two endpoints as
3 used here.

4 BY MR. CLEMENTS:

5 Q. So when it says "parallel physical links," that
6 means that the links must start and end at the same
7 relevant endpoints, correct?

8 A. In this sentence it certainly does, yes.

9 Q. So let's take a look at figure 2 of the '740
10 patent.

11 A. Okay. I'm there.

12 Q. So we have here on the right side of line
13 card 1, for example, a link aggregation group 58.

14 A. Yes.

15 Q. Does the '740 patent define that link
16 aggregation group consistently with its definition we
17 discussed earlier in column 1?

18 MR. STAMATOPOULOS: Object to form.

19 A. So you're pointing to link aggregation group
20 58. Was that correct?

21 BY MR. CLEMENTS:

22 Q. Yes.

23 A. Can you restate the question, please.

24 Q. So does the definition of link aggregation
25 group we discussed in column 1, does that apply to the

1 link aggregation group 58 here in figure 2?

2 MR. STAMATOPOULOS: Same objection.

3 A. The definition that you say that's being
4 described in column 1 is a description. It's not a
5 definition. And it's just generally describing what
6 link aggregation is, and that does look like it would be
7 applicable to 58.

8 BY MR. CLEMENTS:

9 Q. We also have link aggregation group 68 on the
10 left side of the line card. Do you see that?

11 A. That's with regards to the ports 24.

12 Q. Would that description of link aggregation also
13 be applicable to that link aggregation group 68 as well?

14 A. Well, these are ports; and to the extent that
15 you could spread traffic across the ports, that is
16 possible.

17 The description is referring to physical
18 links between two endpoints. You know, that more
19 relates to, you know, what would be found in 58. But
20 it's a general description. It's not a specific
21 definition that you find in column 1.

22 Q. And is that description applicable to link
23 aggregation group 68?

24 A. 68 refers to the ports, and those are physical
25 links.

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1 Q. So my question is, does that description in
2 column 1 apply to that link aggregation group 68?

3 MR. STAMATOPOULOS: Same objections.

4 A. Again, that's a description. The specification
5 does later on describe how the ports are being
6 aggregated. Let's see if I can find that.

7 Go down in column 1, 43. "In some
8 embodiments each UIM is connected to the communication
9 network using two or more" -- I'm sorry. That's not it.

10 It's starting just before that sentence.
11 "The network implement comprises one or more user
12 interface modules, each serving one or more user ports.
13 In some embodiments each UIM is connected to the
14 communications network using two or more physical links
15 arranged in parallel in order to provide sufficient
16 bandwidth at a given quality of service."

17 BY MR. CLEMENTS:

18 Q. So you believe that description there is
19 describing link aggregation group 68 or is at least
20 applicable to it?

21 A. It's applicable to it for sure.

22 Q. So we've been going for a little over an hour.
23 Why don't we take a ten-minute break.

24 A. Okay.

25 THE VIDEOGRAPHER: We are now going off

1 the record. The time is 12:07 p.m.

2 (Recess taken)

3 THE VIDEOGRAPHER: We are now back on the
4 record. The time is 12:25 p.m.

5 BY MR. CLEMENTS:

6 Q. Mr. Gomez, did you communicate with counsel
7 during the break?

8 A. No.

9 Q. Let's turn to paragraph 60 of your declaration.

10 A. Okay. I'm there.

11 Q. So you propose a claim construction the
12 following term, "Selecting, in a single computation
13 based on at least one of the frame attributes, a first
14 physical link out of the first group and a second
15 physical link out of the second group."

16 Why in your opinion does this limitation
17 require construction?

18 MR. STAMATOPOULOS: Object to form.

19 A. Because there's two selections, a first
20 physical link and a second physical link, and that the
21 two selections are performed in a single computation.

22 You know, that's the most important thing
23 is that since we are doing two selections, a first
24 physical link out of the first group and a second
25 physical link out of the second group, that they are

1 done in a single computation, which is also a
2 requirement of the '740, and that there's two selections
3 made based on one of the frame attributes.

4 BY MR. CLEMENTS:

5 Q. Do you believe the plain and ordinary meaning
6 of this claim term is unclear?

7 MR. STAMATOPOULOS: Same objection.

8 A. Let me go back to the claim term in the patent
9 itself.

10 I think this is inclusive of the elements
11 that are in the -- or the components that are in that
12 implement, selecting -- and this is from the patent,
13 "Selecting, in a single computation based on at least
14 one of the frame attributes, a first physical link out
15 of the first group and a second physical link out of the
16 second group."

17 So I think what I'm proposing as a
18 construction is in agreement with what the claim element
19 actually says.

20 BY MR. CLEMENTS:

21 Q. So if the claim element actually says that, why
22 do you need a construction at all?

23 MR. STAMATOPOULOS: Same objection.

24 BY MR. CLEMENTS:

25 Q. I'm sorry. I didn't hear your answer over

1 the --

2 A. I said that I'm in agreement with what the
3 elements of the claim actually say.

4 Q. So do you think the plain and ordinary meaning
5 of this term is unclear?

6 MR. STAMATOPOULOS: Same objection.

7 A. So in paragraph 60 I say, "Claim 1 requires
8 selecting, in a single computation based on at least one
9 of the frame attributes, a first physical link out of
10 the first group and a second physical group out of the
11 second group."

12 And I also discuss, you know, some of
13 the -- what the board preliminarily found in terms of
14 temporal requirements in 60.

15 And in 61 -- 62, excuse me, "Consistent
16 with the claim language the term 'selecting a first
17 physical link out of the first group and a second
18 physical link out of the second group' should be
19 construed as selecting a first physical link out of the
20 first group and selecting a second physical link out of
21 the second group, wherein the first physical link is not
22 fixedly assigned to the second physical link."

23 The justification for that I point out
24 that there are actually -- earlier in 62 the claim
25 language requires two selections from two different

1 groups of links, and I think my construction is
2 consistent with the claim language.

3 BY MR. CLEMENTS:

4 Q. So if your construction is consistent with the
5 claim language, why provide the construction at all?

6 MR. STAMATOPOULOS: Object to form.

7 A. The claim language -- the claim language
8 implies that there are two selections, selecting a first
9 physical link out of the first group and the second
10 physical link out of the second group. But I think my
11 construction clarifies that the first physical link is
12 not fixedly assigned to the second physical link.

13 BY MR. CLEMENTS:

14 Q. And why do you believe that clarification is
15 necessary? Is the claim term by itself unclear?

16 MR. STAMATOPOULOS: Object to form. And
17 to the extent that your answer would require you to
18 divulge privileged information, I would caution you to
19 limit your response. You can otherwise answer if you
20 can.

21 A. If the first physical link was fixedly
22 assigned, there couldn't be two selectings of a first
23 physical link out of a first group and a selecting of a
24 second physical link out of the second group. There
25 would just be one selecting.

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1 So this -- my construction, I think,
2 supports the claim and is an inherent component of it.

3 BY MR. CLEMENTS:

4 Q. So if it's an inherent component of it, why
5 provide the claim construction?

6 MR. STAMATOPOULOS: Same objection, same
7 instruction. You can answer if you can.

8 A. So the claims are -- when a person of ordinary
9 skill in the art looks at a claim, looking at the
10 specification also supports what's inherent in that
11 claim.

12 In looking at the specification, it's
13 clear that what these claims are embodying is two
14 separate mapping functions. And I believe that my
15 construction helps the reader understand how to
16 interpret these claims.

17 BY MR. CLEMENTS:

18 Q. So if the reader needs help to interpret the
19 claims, is there a specific term that's ambiguous in
20 that phrase?

21 A. No, I don't believe so.

22 MR. STAMATOPOULOS: Objection, form.
23 Sorry. Let me just lodge my objection. I apologize.
24 Object to form. You can answer. Sorry.

25 A. So as I say in 65, "I understand the

1 specification is also important to claim construction
2 and informs how a POSITA would interpret the claims.
3 The specification is directed towards embodiments in
4 which two discrete selection of physical links are
5 performed in a single computation."

6 So the construction I offer is just a --
7 is a reinforcement of the claims and the descriptions of
8 how those claims should be interpreted in the
9 specification.

10 BY MR. CLEMENTS:

11 Q. So in your claim construction you add this
12 wording or add this language that says "wherein the
13 first physical link is not fixedly assigned to the
14 second link."

15 What do you mean by "not fixedly
16 assigned"?

17 A. So if there was a default link, in other words,
18 maybe just one or always the same link that was
19 selected, there wouldn't be any need to do that
20 selection.

21 Q. So let's take a look at figure 2 of the '740
22 patent. Let me know when you're there.

23 A. I'm there.

24 Q. So let's take a look at line card 1. We have
25 the backplane traces on the right and the links 24 on

45

1 the left, correct?

2 A. Yes.

3 Q. Is one of the backplane traces there fixedly
4 assigned to all four of the links coming out the
5 left-hand side?

6 A. No.

7 Q. Is it correct that a packet transmitted across
8 the backplane trace to line card 1 cannot be passed
9 along to link 24 connecting to line card 2?

10 A. I'm sorry. I didn't understand that question.
11 Can you restate that.

12 Q. Sure. So if we have a packet coming across
13 those backplane traces to line card 1 --

14 A. From 58?

15 Q. -- through 58, am I correct in understanding
16 that that packet cannot be transmitted from line card 2
17 to link aggregation group 68?

18 MR. STAMATOPOULOS: Object to form.

19 A. So you said that the packets on 58 going to
20 line card 1 cannot be transmitted to line card 2. So
21 we're talking about a very specific packet that
22 traversed 58 and then was received by line card 1 and
23 that could not be transmitted by line card 2.

24 Do I understand the question correctly?

25 BY MR. CLEMENTS:

1 Q. Yes.

2 A. Line card 1 as shown in this diagram and line
3 card 2 are separate line cards. So the packet, once
4 it's received by line card 1, would be transmitted by
5 line card 1.

6 Q. And not line card 2, correct?

7 A. If it was received by line card 1, it would be
8 transmitted by line card 1.

9 Q. So could we say that a backplane trace
10 connected to line card 1 is fixedly assigned to all four
11 of the ports because it can't go to any other port
12 besides those four?

13 MR. STAMATOPOULOS: Objection, form.

14 A. So the inventive quality of the '740 is that
15 packets arriving on any one of those lines, physical
16 backplane traces 58 into line card are not fixedly
17 assigned to any of the 24 emanating from line card 1.
18 Instead they can be routed to any one of those ports 24.

19 BY MR. CLEMENTS:

20 Q. But they can't be routed to any lines beyond
21 those connected to line card 1. So are they fixedly
22 assigned to all four of those ports?

23 A. They're not fixedly -- I'm sorry. Go ahead.

24 MR. STAMATOPOULOS: Object to form. You
25 can answer. Sorry.

1 A. They are able to be routed out through any of
2 the line card 24 -- I'm sorry, any of the ports 24
3 attached to line card 1.

4 BY MR. CLEMENTS:

5 Q. But it's limited to only those four ports to
6 line card 1, correct?

7 MR. STAMATOPOULOS: Object to form.

8 A. The inventive quality of the '740 patent is
9 that packets arriving on 58 traversing to the ports are
10 able to be routed to any one of those ports 24 on line
11 card 1 and vice versa. Any of the ports 24 packets
12 arriving on those going to the network could be routed
13 to any one of the lines 58 emanating from line card 1.

14 BY MR. CLEMENTS:

15 Q. So when you say "fixedly assigned," are you
16 referring to a logical component rather than a physical
17 component?

18 MR. STAMATOPOULOS: Object to form and to
19 the scope.

20 A. No. I'm just simply saying that there is no
21 one route. There's no default route. There is a
22 combination that requires a selection.

23 BY MR. CLEMENTS:

24 Q. So I guess what I'm trying to understand here
25 is when I look at line card 1, I see four backplane

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1 traces on the right and four links on the left; and to
2 me they're all fixedly assigned to that line card. They
3 don't switch out to other line cards.

4 So is my understanding of fixedly assigned
5 incorrect in that scenario I just described?

6 MR. STAMATOPOULOS: Object to form.

7 A. In the scenario you described there is a
8 selection that has to occur. There are two mapping
9 operations, I should say, that have to occur, one from
10 the line card to the ports and another one from the line
11 card to the physical traces.

12 So because there is a selection, they are
13 not physically -- fixedly assigned.

14 BY MR. CLEMENTS:

15 Q. Now, in paragraph 61 of your declaration you
16 say that there's no temporal requirement to the claims,
17 correct?

18 A. Oh, I'm sorry. I'm reading from the wrong
19 paragraph.

20 Yeah. I say, "In the decision on
21 Institution, the Board preliminarily found that claim 1
22 does not require two independent selections. On that
23 basis there's no temporal requirement of the claims."

24 And in my opinion there's no temporal
25 requirement in claim 1 of the '740 patent; however, in

1 my opinion, claim 1 does require two distinct
2 selections.

3 Q. So if there's no temporal requirement, it would
4 be within the scope of the claims for these two
5 selections to occur simultaneously, correct?

6 MR. STAMATOPOULOS: Object to form.

7 A. I'm sorry. One more time on the question.

8 BY MR. CLEMENTS:

9 Q. So if there's no temporal requirement, it would
10 be within the scope of the claims to perform these two
11 selections simultaneously, correct?

12 MR. STAMATOPOULOS: Object to form.

13 A. Well, "simultaneously" has a temporal aspect to
14 it. I don't think -- that's not what I'm saying. I'm
15 just simply saying that there is no temporal aspect.

16 BY MR. CLEMENTS:

17 Q. So if the claims don't limit it to any temporal
18 aspect, then the scope of the claims would allow for
19 these two selections to occur simultaneously, correct?

20 MR. STAMATOPOULOS: Object to form.

21 A. "Simultaneous" has a temporal aspect. The term
22 "simultaneous" is consistent with time.

23 BY MR. CLEMENTS:

24 Q. But you're saying that the claims don't require
25 a temporal component, correct?

50

1 A. All I'm saying is that there is no temporal
2 requirement and that claim 1 does require two distinct
3 selections.

4 Q. And if those two distinct collection selections
5 have no temporal requirement, then if there was a system
6 that performed both selections simultaneously, they
7 would still be within the scope of the claims, correct?

8 A. Well, they need to be --

9 MR. STAMATOPOULOS: Objection, form.

10 A. They need to be performed in a single
11 computation, and that's the key part. The claims also
12 require a single computation.

13 BY MR. CLEMENTS:

14 Q. So if the two selections are performed in a
15 single computation, could it be that they're performed
16 at different times?

17 MR. STAMATOPOULOS: Object to form.

18 A. I'm sorry. Say again, please.

19 BY MR. CLEMENTS:

20 Q. So if the two selections are performed in a
21 single computation, could it be that they are performed
22 at different times?

23 MR. STAMATOPOULOS: Same objection.

24 A. So the '740 patent discloses that performing
25 both selections in a single computation rather than two

1 computations because selecting two links in two
2 computations add to the undesirable complexity.

3 And then to quote it it says, "In similar
4 embodiments, in order to reduce the hardware complexity
5 and/or computational complexity of a network element
6 32" -- but, again, "network element 32 control module 60
7 performs a single combined mapping operation that
8 combines the two mapping operations described above."

9 BY MR. CLEMENTS:

10 Q. So -- go ahead.

11 A. That's in paragraph 72 of my declaration.

12 Q. So if we perform these two selections in a
13 single computation, wouldn't that mean that they're done
14 at the same time?

15 MR. STAMATOPOULOS: Same objection.

16 A. The important thing is that it's done in a
17 single computation rather than two computations because
18 selecting the two links in two computations adds
19 complexity.

20 And the patent shows that, you know,
21 control module 60 performs a single combined mapping
22 operation. It combines the two mapping operations
23 described above.

24 BY MR. CLEMENTS:

25 Q. So if it's a combined mapping operation,

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1 doesn't that mean that it's occurring at the same time?

2 MR. STAMATOPOULOS: Same objection.

3 A. I don't believe that a combined -- that
4 combined mapping operation necessarily has a temporal
5 aspect. And us equating it to the same time, I think,
6 is -- that isn't something I opined on in terms of the
7 '740 patent, and I don't think the '740 patent actually
8 even says the term -- the words "same time."

9 BY MR. CLEMENTS:

10 Q. But you have made the opinion that there's no
11 temporal requirement. So if that's true, then it
12 doesn't matter whether these selections occur
13 simultaneously or occur at different times, correct?

14 A. They have to be --

15 MR. STAMATOPOULOS: Object to form.
16 Sorry.

17 A. They have to be performed in a single
18 computation that's a single combined mapping operation
19 that combines the two mapping operations that were
20 described earlier in the paragraphs on my report.

21 BY MR. CLEMENTS:

22 Q. But when you say there's no temporal
23 requirement, do you mean to say that it doesn't matter
24 whether the single computation makes these selections
25 simultaneously or at different times?

1 MR. STAMATOPOULOS: Same objection.

2 A. The '740 patent doesn't use the word "time" at
3 all. It just simply shows that there is a single
4 computation that performs the two mapping operations.

5 So using my understanding of what the '740
6 patent intends, there is no temporal aspect to it.

7 BY MR. CLEMENTS:

8 Q. So by "no temporal aspect" you mean to say that
9 the important thing is that there's a single
10 computation. Is that correct?

11 A. And that it performs two mapping operations.

12 Q. Mr. Gomez, thank you for your time today. I
13 have no further questions for you.

14 A. Thank you.

15 MR. STAMATOPOULOS: No further questions
16 for me either -- or no questions, I should say. Thank
17 you.

18 THE WITNESS: Thank you.

19 THE VIDEOGRAPHER: Okay. This concludes
20 today's deposition. We are going off the record at
21 12:57 p.m. Central Standard Time.

22 (Proceedings concluded at 12:57 p.m.)
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1 I, MIGUEL GOMEZ, have read the foregoing deposition
2 and hereby affix my signature that same is true and
3 correct, except as noted above.

4

5

MIGUEL GOMEZ

6

7 THE STATE OF _____)

8 COUNTY OF _____)

9 Before me, _____, on this day
10 personally appeared MIGUEL GOMEZ, known to me or proved
11 to me on the oath of _____ or through
12 _____ (description of identity card
13 or other document) to be the person whose name is
14 subscribed to the foregoing instrument and acknowledged
15 to me that he/she executed the same for the purpose and
16 consideration therein expressed.

17 Given under my hand and seal of office on this _____
18 day of _____, _____.

19

20

NOTARY PUBLIC IN AND FOR
THE STATE OF _____

21

22 My Commission Expires: _____

23

24 _____No Changes Made _____ Amendment Sheet(s) Attached

25

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

ORCKIT CORPORATION,
Patent Owner.

IPR2023-00401
Patent No. 7,545,740

REPORTER'S CERTIFICATE
ORAL DEPOSITION OF MIGUEL GOMEZ
March 8, 2024

I, Melinda Barre, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, MIGUEL GOMEZ, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the original deposition was delivered to
Calmann Clements.

57

1 That a copy of this certificate was served on all
2 parties and/or the witness shown herein
3 on _____.

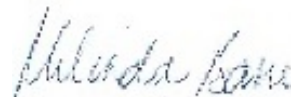
4 I further certify that pursuant to FRCP Rule
5 30(f)(1), that the signature of the deponent:

6 ____ was requested by the deponent or a party before
7 the completion of the deposition and that the signature is
8 to be before any notary public and returned within 30 days
9 from date of receipt of the transcript. If returned,
10 the attached Changes and Signature Page contains any
11 changes and the reasons therefor:

12 ____ was not requested by the deponent or a
13 party before the completion of the deposition.

14 I further certify that I am neither counsel for,
15 related to, nor employed by any of the parties or
16 attorneys in the action in which this proceeding was
17 taken, and further that I am not financially or
18 otherwise interested in the outcome of the action.

19 Certified to by me on this, the _____ day
20 of _____, 2024.

21 

22 _____
23
24 Melinda Barre
25 Texas CSR 2192
Expiration: 12/31/25

58

1 COUNTY OF HARRIS)

2 STATE OF TEXAS)

3 I hereby certify that the witness was notified on
4 _____ that the witness has 30 days or (____
5 days per agreement of counsel) after being notified by
6 the officer that the transcript is available for review
7 by the witness and if there are changes in the form or
8 substance to be made, then the witness shall sign a
9 statement reciting such changes and the reasons given by
10 the witness for making them;

11 That the witness' signature was/was not returned as
12 of _____.

13 Subscribed and sworn to on this, the _____ day of
14 _____, 2024.

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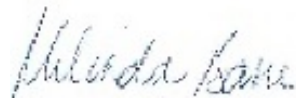
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