

In the Matter Of:

Cisco Systems vs

Orckit Corporation

MIGUEL GOMEZ

March 07, 2024



1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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4 CISCO SYSTEMS, INC.,

5 Petitioner, Case IPR2023-00402

6 vs. Patent 8,830,821

7 ORCKIT CORPORATION,

8 Patent Owner.

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13 REMOTE VIDEOTAPED DEPOSITION OF

14 MIGUEL GOMEZ

15

16 Thursday, March 7, 2024

17 11:06 a.m. (CST)

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23 Reported By:

24 Joan Ferrara, RMR, FCRR

25 Job No. 2024-926861

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2	March 7, 2024	2	WITNESS EXAMINATION BY PAGE
3	11:06 a.m. (CST)	3	MIGUEL GOMEZ MR. HUH 6
4		4	MR. STAMATOPOULOS 212
5		5	
6		6	
7	Videotaped Deposition of	7	
8	MIGUEL GOMEZ, held remotely via Zoom,	8	
9	before Joan Ferrara, a Registered Merit	9	
10	Reporter, Federal Certified Realtime	10	
11	Reporter and Notary Public.	11	
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Page 3		Page 5	
1	REMOTE APPEARANCES:	1	THE VIDEOGRAPHER: We are now on
2		2	the record. My name is Deane
3	ON BEHALF OF PETITIONER:	3	Carstensen. I am the videographer
4	HAYNES AND BOONE, LLP	4	representing Lexitas.
5	2801 N. Harwood Street	5	This is a video deposition in the
6	Suite 2300	6	United States Patent and Trademark
7	Dallas, Texas 27683	7	Office.
8	BY: GREGORY HUH, ESQ.	8	Today's date is March 7, 2024.
9		9	The time right now is 11:06 a.m.
10		10	Central Standard Time.
11	ON BEHALF OF PATENT OWNER:	11	This deposition is being held
12	KOBRE & KIM LLP	12	remotely in the matter of Cisco
13	800 Third Avenue	13	Systems Inc. versus Orckit
14	New York, New York 10022	14	Corporation, IPR 2023-00402, Patent
15	BY: GEORGE STAMATOPOULOS, ESQ.	15	No. 8,830,821.
16		16	The deponent today is Miguel
17		17	Gomez.
18	ALSO PRESENT:	18	Would all counsel please identify
19	DEANE CARSTENSEN, Videographer	19	themselves and state whom they
20		20	represent, beginning with the
21		21	questioning.
22		22	MR. HUH: This is Greg Huh, from
23		23	Haynes & Boone, representing Cisco
24		24	Systems Inc.
25		25	MR. STAMATOPOULOS: This is

Page 6	Page 8
1 George Stamatopoulos, from Kobre & 2 Kim, representing Orckit Corporation. 3 THE VIDEOGRAPHER: Thank you, 4 counsel. 5 Our court reporter today is Joan 6 Ferrara, who will now swear in the 7 witness. 8 MIGUEL GOMEZ, 9 called as a witness, having been duly 10 sworn by a Notary Public, was examined 11 and testified as follows: 12 EXAMINATION BY 13 MR. HUH: 14 Q. Good morning, Mr. Gomez. 15 A. Good morning. 16 Q. You've been deposed before, 17 correct? 18 A. Yes, I have. 19 Q. How many times? 20 A. Thirteen or fourteen times. I 21 don't have an exact count. 22 Q. Okay. And you understand that 23 you're under oath today? 24 A. I do. 25 Q. And that I'll be asking you	1 Q. Okay. Do you have anything else 2 open for any means of communication? 3 A. Nope. 4 Q. Okay. And you're aware that 5 you're not permitted under the rules of 6 PTAB to confer with counsel regarding the 7 testimony? 8 A. Yeah, I understand that. 9 Q. Okay. So during this deposition, 10 you know, what I would say is if you need a 11 break, let us know and we'll try to 12 coordinate a break. Generally speaking, 13 we'd like for you to answer the question 14 that's currently pending before we take a 15 break. 16 A. I understand that. 17 Q. Okay. So you're engaged by 18 Orckit Corporation, correct? 19 A. I'm engaged by the attorney that 20 worked for Orckit, but they are responsible 21 for my billing. 22 Q. Okay. When were you engaged in 23 this matter? 24 A. I believe it was sometime last 25 August or September, in that neighborhood.
Page 7	Page 9
1 questions? 2 A. Yes. 3 Q. And do you understand that the 4 oath requires that you answer the questions 5 truthfully and completely? 6 A. Yes, I do. 7 Q. And you will answer those 8 questions truthfully and completely? 9 A. To the best of my ability, I 10 will. 11 Q. Okay. Are you on any medication 12 today that would impact your testimony 13 today? 14 A. No. 15 Q. So we're doing this deposition 16 remotely. Do you have any means for 17 communicating with counsel during the 18 deposition? 19 A. No. I've left my cell phone 20 outside, so that's gone. 21 Q. And do you have e-mails or chat 22 boxes open? 23 A. I had the e-mail box open only 24 because I needed access to this link, but I 25 just closed it.	1 I could look it up for you if you want, but 2 I believe it was in that timeframe. 3 Q. And who approached you? 4 A. I think originally it was a 5 referral service called Wit, W-I-T. I 6 suggested they had a project I would be 7 suited for. 8 Q. And were you aware of Orckit 9 Corporation prior to this engagement? 10 A. No, I was not. 11 Q. And the Wit referral service 12 provides you potential work as an expert 13 witness, is that correct? 14 A. In this particular case, they 15 did. I normally don't use referral 16 services, but this seemed like a suitable 17 project, so I accepted it. 18 Q. How many times have you worked as 19 an expert witness? 20 A. Going back to 2005, I think I 21 have over 40 cases that I've worked on. 22 Q. Were all these patent-related 23 cases? 24 A. There were a few intellectual 25 property cases in between and there was one

Page 10 1 divorce proceeding, Silicon Valley 2 executive who, for whatever reason, needed 3 an expert opinion on technology that he had 4 developed. But those are the only -- 5 mostly they're patents, yes. 6 Q. Okay. And was the context 7 District Court litigation? 8 A. Yes. 9 Q. Of the 40 cases, how many were 10 District Court litigation? 11 A. The majority are District Court 12 litigation. There were two or three 13 International Trade Commission cases, and 14 this is the first IPR I've worked on, 15 although there is now one other one that 16 I'm engaged in. 17 Q. Which other one are you engaged 18 in if it's already of record and if it's 19 public? 20 A. I'm sorry? 21 Q. It's already of record and 22 public, which other one are you engaged in? 23 A. That, I don't know. So I would 24 have to check to see if I can disclose it. 25 I'm not familiar with the process.	Page 12 1 Q. You testified that you reviewed 2 all the exhibits. 3 A. I have all the exhibits. I 4 scanned through many of them. I spent 5 quite a bit of time on the specific 6 exhibits that are used in my declaration. 7 So yeah, I believe I have gone 8 through them all. 9 Q. In preparation for this 10 deposition, you've read all the exhibits? 11 A. I cannot say that I've read them 12 in the entirety, but I have read the 13 specifics of that -- that we use in the 14 declaration. 15 Q. Okay. So did you use all the 16 exhibits in your declaration? 17 A. I'm sorry? 18 Q. Have you used all the exhibits in 19 your declaration? 20 MR. STAMATOPOULOS: Object to 21 form. 22 BY MR. HUH: 23 Q. You can answer. 24 A. Did I use -- I'm sorry, one more 25 time on the question?
Page 11 1 Q. Did you provide a declaration in 2 that context of the other IPR matter? 3 A. Yes, I have. So in that case -- 4 are you saying that it would be of public 5 record? 6 Q. Has it been filed? 7 A. I don't know. I'd have to check. 8 Q. Did the parties engaged in that 9 other matter include Orckit? 10 A. No. 11 Q. So how did you prepare for 12 today's deposition? 13 A. Well, I read the patent, the '821 14 Patent. I went over all of the exhibits 15 that were provided to me. I reviewed my 16 declaration and I met with attorneys. 17 Q. You reviewed the '821 Patent in 18 totality? 19 A. I read it from the beginning to 20 the end, including the claims. 21 Q. And you just testified that you 22 reviewed all the exhibits. Are you 23 speaking to all the exhibits in the record 24 in this proceeding? 25 A. I'm sorry?	Page 13 1 Q. So this proceeding has exhibits 2 from Petitioner as well as from Patent 3 Owner. 4 Do you understand that? 5 A. Yes. 6 Q. And when you said you reviewed 7 all of the exhibits, did you review all of 8 the exhibits from Petitioner as well as 9 Patent Owner? 10 A. I believe I have, to the best of 11 my ability, yes. 12 Q. Okay. You reviewed every prior 13 art reference cited in the petition, is 14 that correct? 15 A. Oh, you're -- I have to go back 16 and look at that. It's -- you know, it's 17 been a long several months. 18 To make sure that I'm answering 19 your question specifically with regard to 20 each and every, I believe I made a best 21 effort to go through them and if there's 22 some that I didn't read in its entirety, 23 I'd have to go back and check that. 24 Q. Did you review all the exhibits 25 cited in your declaration?

Page 14 1 A. I reviewed all the exhibits that 2 I've cited in my declaration, specifically 3 and most importantly the parts that I have 4 in my declaration. 5 Q. And you understand the teachings 6 of those exhibits? 7 MR. STAMATOPOULOS: Object to 8 form. 9 A. I believe I do. 10 MR. STAMATOPOULOS: You can 11 answer. 12 A. I believe I understand them as a 13 POSITA would understand them. 14 Q. Other than the exhibits currently 15 filed in this IPR proceeding, have you 16 reviewed anything else in preparation for 17 your deposition? 18 A. I'd have to go back and check. I 19 don't -- I don't know off the top of my 20 head. I don't -- you know, other than 21 experience that I've had over the years in 22 this field, for this particular 23 declaration, I may or may not have gone 24 back and looked at anything. I don't 25 recall.	Page 16 1 A. I'm not quite sure I understand 2 what you mean by "papers." Papers to an 3 engineer are something different than what 4 you just cited in terms of papers. 5 Q. Did you review the board's 6 decision on institution in preparation for 7 your deposition? 8 A. I believe I did look at that one, 9 yes. 10 Q. Did you review the petition in 11 preparation for your deposition? 12 A. I did look at that as well, yes. 13 Q. Okay. Both of those documents 14 have on the top of the right-hand corner 15 labeled a paper. Did you review any other 16 paper? 17 A. I'd have to go back and look at 18 which documents cite that they're a paper. 19 Q. Okay. You can go ahead and do 20 that, if you would like. 21 A. So I'm not seeing where it's 22 designating these as papers. Perhaps you 23 might want to send me a copy of what you 24 consider to be a paper so I can better 25 identify what I'm looking for in terms of
Page 15 1 Q. Did you review any papers filed 2 in this IPR proceeding? 3 MR. STAMATOPOULOS: Objection. 4 A. What kind of papers are you 5 referring to? 6 Q. The papers would be, for example, 7 the petition, the board's decisions, or any 8 other papers filed? 9 A. I may have scanned some of those. 10 I don't believe I -- if it was important, 11 I'm sure I've read them, but I don't recall 12 off the top of my head here. 13 Q. Which ones may you have scanned? 14 A. Well, we've looked at a number of 15 different IPRs that were filed and I've 16 gone through many of the documents between 17 all four of them. But sitting here for the 18 '821, I don't recall off the top of my 19 head. 20 Q. Okay, sir. Well, you prepared 21 for today's deposition, correct? 22 A. Yes. 23 Q. Okay. In preparation for this 24 deposition, for the '821 Patent, what 25 papers did you review, if any?	Page 17 1 the designation that it's a paper. 2 Q. Well, in this context, papers 3 would be effectively anything other than an 4 exhibit. 5 A. Okay. The only -- in the 6 repository that I received from counsel 7 yesterday, the only two papers included in 8 this repository are the paper to IPR 9 2023-00402 petition for inter partes 10 review, and Paper 22, IPR 2023-00402 paper 11 owner response -- Patent Owner response, 12 excuse me. 13 Q. Okay. That's what you have 14 currently in front of you, but Board 15 decision you testified you reviewed, but 16 it's not in front of you, correct? 17 A. It's not in this repository. 18 Q. Okay. Did you review the Patent 19 Owner's preliminary response? 20 MR. STAMATOPOULOS: Object to 21 form. 22 A. I don't recall. 23 Q. Do you know what I'm asking 24 about? 25 A. I'm not a lawyer, so, you know,

Page 18 1 there's a number of different responses and 2 papers. So I'm not quite sure I could tell 3 you if I knew exactly what you're talking 4 about in terms of preliminary response. 5 Q. Did you meet with anyone to 6 prepare for your deposition? 7 A. I did. 8 Q. With whom? 9 A. George Stamatopoulos. 10 Q. Anyone else? 11 A. Steve -- I have to go back and 12 look up his name, his last name. 13 THE WITNESS: George, maybe you 14 could help me out here? 15 MR. STAMATOPOULOS: I'm afraid I 16 can't do that. 17 A. If I could look at my e-mails, I 18 could get the name for you. 19 Q. Go ahead and open it. 20 A. All right. Steve McBride. 21 Q. Anyone else? 22 A. I believe that's it. 23 Q. And when did you meet with these 24 two individuals? 25 A. Over the last several days.	Page 20 1 hours? 2 A. Possibly. 3 Q. Have you done anything else to 4 prepare for this deposition? 5 A. I'm not quite sure what else it 6 might entail. 7 Q. Did you perform any calculations 8 in preparation for your deposition? 9 A. No. 10 Q. Did you perform any experiments 11 in preparation for your deposition? 12 A. No. 13 Q. Did you read any textbooks in 14 preparation for your deposition? 15 A. Other than what was provided in 16 the exhibits, no. 17 Q. Did you speak with anyone else in 18 preparation for your deposition? 19 A. No. 20 Q. Okay. Let's look at your 21 declaration, which is Exhibit 2025. 22 Do you have it in front of you? 23 A. Let me just bring it up. Okay, I 24 have it. 25 THE VIDEOGRAPHER: Sorry for
Page 19 1 Q. Beginning when? 2 A. I'm sorry? 3 Q. Beginning when? 4 A. For the '821, I believe we met, 5 it may have been Monday and then again 6 yesterday. 7 Q. So you met over two days, is that 8 correct? 9 A. They weren't the entire two days. 10 Q. How long did you spend on each 11 date in preparation with them? 12 A. Several hours. 13 Q. Three hours each day? 14 A. Possibly. 15 Q. More than three hours? 16 A. It wouldn't have been much more. 17 It was in that neighborhood. 18 Q. And your time apart from meeting 19 with these individuals, how much time 20 personally did you invest in preparation 21 for this deposition? 22 A. More time than that. You know, 23 it may have been six, seven hours, in that 24 range. 25 Q. So in totality, approximately 15	Page 21 1 interrupting, counsel. I do have all 2 the potential exhibits. Would you 3 like me to go ahead and drop them into 4 chat when you pull them up? 5 MR. HUH: That's not necessary. 6 As long as the witness has them, it's 7 fine. Thank you. 8 THE VIDEOGRAPHER: Sounds good. 9 BY MR. HUH: 10 Q. So, Mr. Gomez, are there any 11 errors in your declaration that you'd like 12 to correct? 13 A. There were a few things I'd like 14 to point out that we need to fix or I'd 15 like to correct. 16 Q. What's the first thing that you'd 17 like to correct? 18 A. Let me get there first. 19 So the first thing I'd like to 20 correct is paragraph, starting at paragraph 21 80: Independent claims require that if an 22 entity pair reselection occurs, reselecting 23 said entity pair from the group, consisting 24 of entity pair and any replacement entity 25 pair, comprising at least one entity

Page 22 1 distinct from the other, from entities of 2 same entity pair -- independent claims 1 3 and 17 are cited here. I should have also 4 cited 14 as it's the same element from -- 5 it has an element that has the same 6 properties and I meant to include it in 7 this discussion. 8 The second thing I'd like to 9 point to is that paragraph 80, given that 10 there are no substantial differences 11 between this limitation and the selection 12 step of Claim 1 and Petitioner asserts the 13 same arguments, Petitioner's challenge to 14 Claim 14 fails for the same reasons as for 15 Claims 1 and 17. 16 I've gone back and looked at that 17 and I'm going to retract this statement in 18 80 because there are differences. 19 And then the last thing is -- 20 Q. Let's stay there for one second. 21 So when you say you're going to retract 22 this statement at 80, are you striking 23 paragraph 80, is that correct? 24 A. That's correct. 25 Q. Okay.	Page 24 1 A. Correct. 2 Q. Do you understand what a 3 preliminary response is now? 4 A. Again, I've read a number of 5 documents. This was a response that 6 obviously is preliminary. Again, the 7 scenarios of documents I'm not really 8 familiar with since I'm not a lawyer, but I 9 did review a preliminary response. 10 Q. Did you review all of the 11 exhibits at that time in preparing your 12 declaration? 13 A. I believe I did, as we discussed 14 before. 15 Q. To be clear, the previous 16 discussion was in the context of preparing 17 for this deposition. 18 A. Again, I've reviewed all the 19 documents in preparation of my declaration, 20 you know, as we discussed before. It's the 21 same thing. Same answer. 22 Q. The previous questions were 23 regarding what you did to prepare for 24 today's deposition. 25 I'm now actually changing the
Page 23 1 A. And then the last thing is that 2 there's some formatting issues that crept 3 in. The elements are identified as -- the 4 parts of the document starting with Section 5 7 go A, then B on page 34, then C. And C 6 should have been on 36. Instead, the 7 formatting shows it as Section 9. That 8 actually should be C. 9 And then the next one, which is 10 now designated as 10, should have been D, 11 and that's on page 42. 12 And then the last one, which is 13 titled or Section 11 should have been, I 14 believe, E. 15 That also means that all of the 16 other main headers are now offset as well. 17 So it's just a formatting issue. 18 Q. Understood. 19 Okay. Let's briefly turn to what 20 you've done to prepare your declaration. 21 If you look at your paragraph 22 in Exhibit 22 2025, you state that you've reviewed the 23 exhibits submitted to date in this IPR as well 24 as the petition, preliminary response and 25 institution decision, correct?	Page 25 1 question. I'm asking you about what you 2 did to prepare your declaration, Exhibit 3 2025. 4 So at the time that you prepared 5 your declaration, had you reviewed all of 6 the exhibits in the IPR proceeding? 7 A. I believe I have, yes. 8 Q. When you prepared your 9 declaration, did you consider any other 10 documents other than the exhibits that you 11 filed with your declaration or that were of 12 record in the IPR proceeding? 13 A. And what would these kind of 14 documents be? 15 Q. Any other documents relevant to 16 your testimony. 17 A. Again, I'd have to go back and 18 check. You know, I have a large number of 19 textbooks from over the years that I've 20 selected. I don't recall if I actually 21 looked at them, but, you know, I've been in 22 this industry for so long and those are the 23 kind of books I go to as a matter of 24 course, but I'd have to go back and check. 25 Q. And how would you go about

Page 26	Page 28
1 checking? 2 A. I would just simply go -- I'd 3 have to put some effort into trying to 4 recall if I actually looked at one of the 5 books or not. 6 Q. Do you maintain notes? 7 A. Not typically. Not when I'm just 8 looking for references. 9 Q. Did you maintain notes for the 10 '821 Patent that you prepared your 11 declaration? 12 A. I may have, but I don't recall. 13 Q. Where would your notes be? 14 A. I don't retain notes. 15 Q. So your testimony -- you're under 16 oath -- is that you don't have any notes 17 that you had taken when you prepared your 18 declaration, correct? 19 MR. STAMATOPOULOS: Objection. 20 Form. 21 A. You know, I'd have to go back and 22 look to see if they're still around. I 23 don't retain court notes as a matter of -- 24 in a rigorous way, and the notes are 25 usually temporal just to make sure that I	1 Did you rely on information not contained in 2 your declaration in rendering your opinions? 3 A. Can you restate the question, 4 please? 5 Q. Sure. 6 Did you rely on any information 7 that was not cited in your declaration in 8 rendering your opinions in the declaration? 9 A. Well, I'm a person of ordinary 10 skill in the art. I've got 40 years of 11 experience working in this industry. I 12 drove -- you know, I definitely was drawing 13 from my background in order to form my 14 opinions. 15 Q. You understand that your 16 declaration is a totality of your 17 testimony, correct? 18 A. I do understand that, yes. 19 Q. And any evidence that would 20 support your opinions would need to be 21 included in your declaration, correct? 22 MR. STAMATOPOULOS: Objection. 23 A. So evidence that is in my 24 declaration supports the opinions that I 25 provide.
Page 27	Page 29
1 get the information into what I need. But 2 once I've accomplished that, I don't 3 typically keep them around. 4 Q. So I'm not asking generally if 5 you've maintained notes in a rigorous way. 6 My question was, for this 7 proceeding, when you prepared your 8 declaration for the '821 Patent, do you 9 have any notes evidencing other documents 10 you considered in preparing your 11 declaration? 12 A. I'd have to go look. I don't 13 recall. 14 Q. And where would you go look? 15 A. They might be in the notebook -- 16 in the bookcase behind me, but it would 17 take me some time to go through all the 18 different notes I have for different, you 19 know, whether I've retained them or not. 20 There's a number of different 21 case that I worked on over the years. And 22 in the last six months, I've worked on 23 several cases. So I'd have to go back 24 through all of that. 25 Q. Maybe we'll come back to that.	1 Your earlier question was to 2 whether I had referred to any other 3 documents, and that's very hard for me to 4 separate because after 40 years of working 5 in this industry, I've looked at a large 6 number of documents that help me understand 7 how to interpret the technology. 8 I believe all of my opinions are 9 supported properly and I stand by my 10 opinions. 11 Q. Have you reviewed any information 12 from Cisco, confidential or otherwise? 13 A. I have reviewed the -- I believe 14 there were several exhibits from Cisco that 15 we cite, and I have reviewed those. 16 Q. Anything else other than exhibits 17 filed in this proceeding? 18 A. I may have looked at some Cisco 19 documents online. I don't have a record of 20 that and I don't recall precisely. 21 Q. And were those publicly available 22 documents or information? 23 A. Yes, they would have been. 24 Q. And who wrote your declaration? 25 A. I wrote many sections of the

Page 30 1 declarations. I also contributed my 2 opinions. And it was a collaborative 3 effort between myself and the attorneys 4 that I mentioned before. 5 Q. And you collaborated with two 6 attorneys to write your declaration? 7 A. That's correct. We worked 8 together. I provided my opinions. There 9 was a discussion back and forth. There 10 were several drafts. And then we all 11 agreed on a draft that we submitted -- that 12 was submitted. 13 Q. You all agreed? 14 A. These are my opinions. I would 15 not allow anything in there that I didn't 16 agree with. 17 Q. So all of the opinions in there 18 are your opinions, correct? 19 A. I agree with every one of the 20 opinions in my report and I contributed my 21 understanding of the technology and the 22 interpretations I would have of the '821 23 and the various prior arts that were cited. 24 Again, I stand by my work, by 25 this report. These are my opinions.	Page 32 1 experience in this area. 2 To the extent that some of the 3 prior art may have been different and I 4 have seen those forms of the technology, I 5 analyzed them and came to an opinion as to 6 how they would compare to the '821 Patent. 7 You know, when you say these are 8 based on my personal knowledge, I used my 9 personal knowledge to understand how to 10 interpret the prior art as well as the '821 11 Patent. 12 Q. Okay. Were any opinions provided 13 to you by counsel? 14 MR. STAMATOPOULOS: Objection. 15 Sorry, Miguel, let me state my 16 objection for the record. 17 You can answer the question, but 18 I'd advise you to refrain from 19 divulging any privileged information 20 in doing so. 21 A. One more time on the question, 22 please? 23 Q. Were any opinions provided to you 24 by counsel? 25 MR. STAMATOPOULOS: Object to
Page 31 1 Q. Okay. Just to be clear, I'm not 2 asking if you agree with all of the 3 opinions. I'm asking if all the opinions 4 are your opinions. 5 A. I think I said that, yes. 6 Q. And all of the opinions are based 7 on your own personal knowledge? 8 A. Well, you know, I looked at all 9 of the prior arts and tried to interpret 10 them to the best of my ability, spent a 11 considerable amount of time doing that, and 12 these are the opinions that I have put into 13 this report. 14 Q. Let's turn to paragraph 2 in your 15 declaration. 16 A. I'm there. 17 Q. So here, in paragraph 2, you 18 state that the statements made herein are 19 based on my personal knowledge, is that 20 correct? 21 A. That's correct. 22 Q. So all of the opinions in your 23 declaration are based on your personal 24 knowledge, correct? 25 A. I have, again, decades of	Page 33 1 form, and the previous caution. 2 You can answer. 3 A. Counsel and I discussed both my 4 opinions as well as some of the concerns 5 they had. We traded ideas back and forth. 6 But in the end, these are my opinions and I 7 believe I had not just a profound, but 8 almost an entire effect on this report. 9 Q. So you have an entire effect on 10 this report, correct? 11 A. I believe I -- although, as I 12 said, these are my opinions and that I 13 haven't put anything in here that I didn't 14 agree with. 15 Q. And for you to agree with 16 something in here, you would have to have 17 personal knowledge of whatever you're 18 testifying to, correct? 19 MR. STAMATOPOULOS: Objection. 20 A. And I have said that I have used 21 my personal knowledge to analyze the prior 22 art as well as the '821 Patent and the 23 related documents, and that's how I formed 24 my opinion. 25 Q. Okay. When you prepared your

Page 34	Page 36
1 declaration, did you perform any 2 experiments in that context? 3 A. Your earlier question was about 4 experiments. Was that in context of the 5 preparing for today's deposition or was 6 that in the context of preparing the 7 declaration? 8 Q. The previous question was about 9 today's deposition. Now I'm focusing 10 specifically on what you did to prepare 11 your declaration. And what I want to know 12 is when you prepared your declaration, did 13 you perform any experiments? 14 A. No, I did not. 15 Q. Did you perform any simulations 16 to reach opinions in your declaration? 17 A. No, I did not. 18 Q. Did you perform any calculations 19 to reach opinions in your calculation? 20 MR. STAMATOPOULOS: Objection. 21 A. So there are some calculations 22 that I put in my declaration regarding, you 23 know, the number of entities that would be 24 calculated using different methods, but 25 those are -- those calculations are	1 Q. What is one way to do the same 2 calculation you have in your declaration? 3 A. I'm sorry, one more time on the 4 question, please? 5 Q. What is one way to do the same 6 calculation you have in your declaration? 7 A. To do it piecemeal. 8 Q. What do you mean by that? 9 A. That means if I have a 10 calculation that has several components, do 11 each component separately and then see if 12 they add up properly. 13 Q. Sitting here today, you're 14 testifying under oath that you don't have 15 that previous calculation available 16 anymore, is that correct? 17 A. I did those on a scratch pad just 18 to double-check my math, that's all. 19 Q. Okay. That's not my question 20 whether you did it on a scratch pad. 21 My question is, are those calculations still 22 available or not? 23 A. No, they are not. 24 Q. What happened to them? 25 A. I have a recycle bin in my
Page 35	Page 37
1 actually in the depositions so everyone can 2 see them -- or in the declaration. 3 Q. Did you perform any simulations 4 to confirm your calculations? 5 A. The only simulation I did was on 6 paper. 7 Q. Which has been filed with your 8 declaration, or something else? 9 A. Those are the calculations that 10 are in the -- in the declaration. 11 I did some separate calculations 12 just to make sure that I didn't get them 13 incorrect, to make sure that I was 14 absolutely accurate. But those, I do not 15 have those notes any longer. 16 Q. Separate calculations with 17 respect to what? 18 A. Just to make sure that my 19 assertion in the declaration is accurate 20 and I didn't make a, you know, stupid 21 mathematical mistake. 22 Q. What were the separate 23 calculations? 24 A. Different ways to do the same 25 calculation that I have in the declaration.	1 office, and I believe I just put them in 2 there. And the calculations that are 3 important are in the declaration and they 4 are the same -- they're the same set of 5 points that I -- they're identical. 6 There's nothing different between what I 7 did on the scratch pad versus what I did in 8 the declaration. 9 Q. Sir, you testified that these are 10 different ways to do the same calculation 11 that I have in the declaration. So they 12 can't be identical. They're different? 13 MR. STAMATOPOULOS: Objection to 14 form. 15 A. Let me restate that. 16 Since the scratch pad was a check 17 on my calculations in the declaration, they 18 were -- they are generating the same result 19 and the same points to form my opinion. 20 Q. But those were different 21 calculations, correct? 22 MR. STAMATOPOULOS: Objection. 23 A. They had the same result. 24 Q. Did you try calculations with 25 different numbers, different assumptions?

Page 38	Page 40
1 A. I don't recall. 2 Q. How did you come up with the 3 assumptions you made in your calculations? 4 A. Now, we're getting into a point 5 where perhaps we should go look at the 6 calculations if you have a question on 7 that. I'd be happy to answer it. But now 8 you're asking specifics, so we should go 9 look at it in specific. 10 Q. Sir, I'm asking how did you come 11 up with the assumptions you made in your 12 calculations? 13 MR. STAMATOPOULOS: Objection. 14 Scope. 15 MR. HUH: George, how is that 16 outside of scope? 17 MR. STAMATOPOULOS: You're asking 18 him a question about something that 19 may or may not be in his declaration. 20 I could go on further. I don't want 21 to -- I don't want to -- there's rules 22 against speaking objections. So 23 that's the -- 24 MR. HUH: Right, so don't make a 25 speaking objection when clearly this	1 Let me ask my questions. 2 MR. STAMATOPOULOS: Do not 3 interrupt me. 4 MR. HUH: Don't interrupt me. 5 BY MR. HUH: 6 Q. Go ahead. 7 A. Okay, so I'm going to repeat my 8 question, which is within scope. 9 How did you come up with the 10 assumptions you made in your calculations. 11 MR. STAMATOPOULOS: Objection. 12 A. Which calculations are you 13 referring to now? 14 Q. The ones that we were discussing 15 previously before being interrupted. 16 A. There are several calculations. 17 We should go look at which one you have in 18 mind. 19 Q. Sir, your calculations have given 20 assumption that are not disclosed in any 21 reference. For example, your calculations 22 assume a number of 10, of entities. How 23 did you come up with the assumptions in 24 your calculations? 25 MR. STAMATOPOULOS: Objection.
Page 39	Page 41
1 is within the scope. 2 MR. STAMATOPOULOS: It's not -- 3 it's not clearly within the scope. 4 MR. HUH: Yes, it is. There are 5 assumptions made and how were those 6 made. I want to know. 7 MR. STAMATOPOULOS: You're asking 8 him about calculations that are not 9 even in front of him. And so if you 10 have -- 11 MR. HUH: George, George, stop 12 doing speaking objections. It's 13 clearly within the scope. 14 MR. STAMATOPOULOS: Greg, Greg, 15 listen. Your position is that they 16 are within scope. My position is that 17 they are without scope. So I'm going 18 to leave it there. 19 You asked me to state the basis 20 of my objection and that's -- that's 21 the basis of my objection and that's 22 it. 23 Please, for the purposes of this 24 deposition, moving forward -- 25 MR. HUH: George, stop speaking.	1 A. 10 is not an assumption. It's a 2 data point. It's just a point. Maybe you 3 could go look at -- show me where this is 4 in the declaration and we can form a 5 question around the specifics. 6 Q. Okay. So you wrote your 7 declaration, correct? 8 A. Yes. 9 Q. And you don't know where in your 10 declaration you have your calculations? 11 MR. STAMATOPOULOS: Objection. 12 Form. 13 A. Are you referring to the 14 calculation in 68 -- 69 or 70? Paragraph 15 69 or 70? 16 Q. Those calculations in those 17 paragraphs have given assumptions, correct? 18 A. I don't believe there are 19 assumptions here. 20 Q. Okay. Where do the numbers from 21 that calculation come from? 22 A. Are you referring to K equals 10? 23 Q. Yes. Where does that come from? 24 A. That's just an example. It's not 25 an assumption.

Page 42 1 Q. Okay. Where did that number come 2 from? 3 A. I don't recall sitting here, but 4 I will look it up to see if I pulled it 5 from someplace or if I just used it as a 6 data point. Give me a moment. 7 So the patent Doshi, Doshi uses a 8 variable K and they also use a variable L. 9 In this specific section, I'm referring to 10 the variable K. K can be any number. It's 11 a variable. It could be a very small 12 number. It could be a very large number. 13 To keep the math simple I just used 10, as an 14 example. It could have been any number. 15 Q. Okay. Understood. 16 Was the number 10 given to you by 17 counsel? 18 A. I don't recall. It's just a 19 number that's easy to use. I probably, you 20 know, came up with it myself. I don't 21 recall. 22 Q. Okay. Let's turn to your 23 declaration at page 8 under the heading: 24 Ordinary skill in the art. 25 Are you there?	Page 44 1 I consider myself a POSITA because I've 2 been doing this work for now over 40 years 3 and I've got a wide range of experiences in 4 both telecommunications and data 5 communications and also experience, quite a 6 number of experiences relate to this 7 technology. 8 But in your declaration, you 9 testified that you're more than a POSITA, 10 correct? 11 A. I would say so, yes. 12 Q. So at paragraph 25, you actually 13 testify: I was at the time of invention 14 and am currently one of more than ordinary 15 skill in the art through my education and 16 research experience. 17 Did I read that correctly? 18 A. That's the first sentence that 19 you read, and the second sentence. 20 Q. Okay. So what do you mean by one 21 of more than ordinary skill in the art? 22 A. There is a -- my understanding is 23 that a POSITA is an idealized person that 24 would understand the issues related. And 25 in specific, I say: Would be able to
Page 43 1 A. Yes, I am. 2 Q. So at paragraph 23 you discuss 3 the acronym POSITA, correct? 4 A. Correct. 5 Q. What POSITA standard did you 6 apply in your analysis? 7 MR. STAMATOPOULOS: Objection. 8 Form. 9 A. Well, in paragraph 24, I say 10 that, you know, a person of ordinary skill 11 in the art should be able to consider the 12 type of problems encountered in the art, 13 the prior solutions and the problems found, 14 you know, and understand the technology at 15 the time of the patent and how it was 16 changing. 17 I've been -- I consider myself a 18 POSITA because I've been doing this work 19 now for over 40 years and I've got a wide 20 range of experiences in both 21 telecommunications and data communications 22 and also some experience, quite a number of 23 experiences related just to this 24 technology. 25 Q. So you testified that, just now,	Page 45 1 consider the type of problems encountered 2 in the art, the prior solutions to these 3 problems found in the prior art, the 4 rapidity with which innovations are made, 5 and the sophistications of the technology, 6 and the level of education of an active 7 worker in the field. 8 I believe I've got -- and we have 9 a definition of what a POSITA would be. I 10 just believe that I have much more 11 experience than the average -- than the 12 minimal requirements of a POSITA. 13 Q. So by one of more than ordinary 14 skill in the art, you consider yourself an 15 expert, is that correct? 16 A. I believe so, yes. 17 Q. So in your opinion, you're an 18 expert on the subject matter of the '821 19 Patent? 20 A. I'm an expert who is qualified to 21 be able to read the '821, interpret it, 22 compare it to the prior art and form an 23 opinion regarding the prior art in 24 relationship to the '821. 25 Q. So your opinions in your

Page 46	Page 48
1 declaration are as an expert on the '821 2 Patent? 3 MR. STAMATOPOULOS: Objection. 4 Form. 5 A. As I just said, I'm an expert who 6 has the ability to interpret the '821 7 Patent and the prior art that are asserted 8 against the '821 and be able to form an 9 opinion related to their relevance. 10 Q. In your declaration at paragraph 11 23, you testified that you have been 12 instructed to use April 7, 2006 as a time 13 of the invention. 14 And then further, in paragraph 15 25, you testify that I was at the time of 16 the invention and currently am one or more 17 than one of ordinary skill in the art. 18 Am I to understand that you 19 consider yourself an expert on the subject 20 matter of the '821 Patent as of April 7, 21 2006? 22 A. Ask the question again, please? 23 Q. Am I to understand that you 24 consider yourself an expert on the subject 25 matter of the '821 Patent as of April 7,	1 the '821 and the technology embedded in the 2 prior art, I was very familiar with those 3 technologies at the time and I consider 4 myself to be an expert in those 5 technologies at that time. 6 Q. At that time, were you an expert 7 in network switches? 8 MR. STAMATOPOULOS: Objection. 9 Form. 10 A. At the time, I had had 11 considerable experience and I consider 12 myself -- with network switches -- and I 13 considered myself an expert at the time. I 14 had already designed several of them. 15 Q. Were you an expert in digital 16 logic? 17 MR. STAMATOPOULOS: Objection. 18 Form. 19 A. As of April 7, 2006, I had had 20 over 35 years -- at least 30 years of 21 professional experience designing digital 22 logic circuits. 23 Q. So as of April 7, 2006, were you 24 an expert in traffic engineering? 25 A. As of that timeframe, I believe I
Page 47	Page 49
1 2006? 2 A. Well, I hadn't seen the '821 3 Patent on that date. That's the date when 4 it was, I believe, published. 5 If I had seen it on April 7, 6 2006, I believe I would have been able to 7 form an opinion of the '821 as well as the 8 relationship of the prior art to the '821 9 at that time. 10 Q. So clearly in paragraph 23, you 11 use April 7, 2006 as the time of the 12 invention, correct? 13 A. I say, I've been instructed to 14 use April 7, 2006 as the time of the 15 invention. 16 Q. Okay. So my question then is, in 17 paragraph 25, you say: I was, at the time 18 of invention, and am currently, one of more 19 than ordinary skilled in the art. 20 Correct? 21 A. Yes. 22 Q. So as of April 7, 2006, in your 23 opinion you were more than one of ordinary 24 skilled in the art, is that right? 25 A. With regard to the technology in	1 was. I had already designed several 2 systems that required managing traffic over 3 networks. 4 Q. In your opinion, traffic 5 engineering is merely managing traffic over 6 networks? 7 MR. STAMATOPOULOS: Objection. 8 Form. 9 A. Managing traffics over networks 10 is a fairly broad term for a wide variety 11 of technologies. I had had considerable 12 experience and was well-versed in many of 13 them. 14 Q. What do you understand by traffic 15 engineering? 16 A. This is something I haven't 17 opined on in my report, but traffic 18 engineering is the process of ensuring that 19 the networks have high availability as one 20 requirement and that the packets that go 21 through those networks are graded so that 22 certain packets are higher priority than 23 others. 24 Q. You don't understand your report 25 to pertain to traffic engineering?

Page 50	Page 52
1 MR. STAMATOPOULOS: Objection. 2 Form. 3 A. I'm sorry, I don't understand the 4 question. 5 Q. You testified just now, "This is 6 something I have not opined on in my 7 report" pertaining to traffic engineering. 8 And my question is, do you not 9 understand your report to pertain to 10 traffic engineering? 11 MR. STAMATOPOULOS: Objection. 12 Form. 13 A. I believe your question was as a 14 broad question regarding all of traffic 15 engineering and you wanted a definition of 16 it. 17 I haven't provided that level of 18 an opinion. 19 Q. Okay. So my questions are in the 20 context of the '821 Patent, which addresses 21 a lot of different technologies, and I want 22 to know if you're an expert, like you 23 testified you were: That's what I mean by 24 these questions. 25 A. Okay.	1 Q. Are you an expert in path 2 optimization? 3 MR. STAMATOPOULOS: Objection. 4 Form. 5 A. Path optimization is an inherent 6 part of most network devices, and at least 7 as of the mid 2000s, and I was very 8 familiar with many of the techniques that 9 are being embodied in them. And so I 10 believe I am an expert. 11 Q. What is path optimization? 12 MR. STAMATOPOULOS: Objection. 13 Scope. 14 MR. HUH: Counsel, he just 15 testified regarding path optimization. 16 It's clearly within scope. 17 MR. STAMATOPOULOS: I understand. 18 Do you want me to answer that or 19 like -- 20 MR. HUH: No. I want you to stop 21 making baseless objections. 22 MR. STAMATOPOULOS: I don't think 23 it's a baseless objection. If you 24 want -- 25 MR. HUH: Yes, it is. He just
Page 51	Page 53
1 Q. So are you an expert in traffic 2 engineering? 3 A. I believe I am. I've got 4 considerable experience, as we've just 5 discussed, in many of the fields. 6 Q. And were you an expert in traffic 7 engineering as of April 7, 2006? 8 A. I believe I was. 9 Q. Were you an MPLS expert as of 10 April 7, 2006? 11 MR. STAMATOPOULOS: Objection. 12 A. I had worked with many of the 13 concepts early since the late '90s, and as 14 MPLS formed I was aware of the many 15 requirements for it and we employed many of 16 the -- some of the techniques at least in 17 some of the products we built. 18 Q. Prior to April 7, 2006? 19 MR. STAMATOPOULOS: Objection. 20 A. You know, many of these concepts 21 that are embodied in MPLS have been around 22 since the mid '90s, and I was involved in 23 many technology startups as well as major 24 corporations that utilized these 25 technologies.	1 testified about path optimization. I 2 want to know what his understanding is 3 of it, what he means by that. It's 4 clearly within scope. 5 BY MR. HUH: 6 Q. You can answer the question, 7 please. 8 A. Can you repeat the question, 9 please? 10 Q. What is your understanding of 11 path optimization? 12 A. Optimization can be applied to 13 many different parts of a network and, you 14 know, this '821 Patent talks about primary 15 paths as well as backup paths, restoration 16 path, and there's various different types 17 of optimization that can be utilized to 18 make sure that the packets flow through 19 that network efficiently. 20 Q. Okay. So I asked you if, as of 21 April 7, 2006 you were an expert in path 22 optimization. Your testimony was yes, you 23 were an expert in path optimization. 24 So my question to you is, as of 25 April 7, 2006, what was your understanding

Page 54 1 of path optimization? 2 MR. STAMATOPOULOS: Objection. 3 A. I just believe I gave you the 4 answer, that there's lots of different ways 5 path optimization is implemented in many, 6 many different ways. It's a pretty big 7 answer that would be required in a long 8 discussion. 9 But optimization is ensuring that 10 the packets flow with high availability 11 through the network in the best possible 12 way. Optimization may include costs that 13 can be measured in different ways, whether 14 it's time, whether it's money, whether it's 15 whatnot. 16 So there's -- again, optimization 17 is a pretty big topic. 18 Q. But as of April 7, 2006, these 19 topics of optimization were known, correct? 20 MR. STAMATOPOULOS: Objection. 21 A. When you say these, which ones 22 are you pointing to? 23 Q. The one you just testified about? 24 MR. STAMATOPOULOS: Objection. 25 A. Many of them were.	Page 56 1 A. Again, probabilities is a 2 mathematical field. I'm not a 3 mathematician. I'm a design engineer. 4 I've worked on many network systems that do 5 require some calculations of probabilities. 6 To the extent that it applied to 7 a product or a concept -- or a technology, 8 I believe I am an expert in that area. 9 Q. Were you as of April 7, 2006? 10 A. Yes. 11 Q. As of April 7, 2006, were you an 12 expert in statistics? 13 MR. STAMATOPOULOS: Objection. 14 A. Again, statistics is a 15 mathematical field. To the extent that, 16 you know -- to the extent that statistics 17 are required for a product design or a 18 technology described in a patent, I believe 19 I had the knowledge to be an expert in the 20 design of network devices, as of that 21 timeframe. 22 Q. As of April 7, 2006, were you an 23 expert in failure modeling? 24 MR. STAMATOPOULOS: Objection. 25 Form.
Page 55 1 Q. Are you an expert in 2 probabilities? 3 A. I believe I have the tools 4 necessary to be able to design products and 5 probabilities, using probabilities for 6 networks. So I believe I am. 7 Q. As of April 7, 2006, were you an 8 expert in probabilities? 9 A. Probabilities, again, is a 10 mathematical field. I understand 11 probabilities to the extent that an 12 engineer would require them and, you know, 13 in terms of using them as a POSITA or even 14 more than a POSITA, I believe I would be 15 when designing circuits and logic for 16 networks. 17 Q. So I'm asking not present tense, 18 sir. 19 You testified that as of April 7, 20 2006 you were an expert in the subject 21 matter of the '821 Patent, which pertains 22 to probability terminations. 23 And my question to you is as of 24 April 7, 2006, were you an expert in 25 probabilities?	Page 57 1 A. Yes. Again, failure modeling is 2 an inherent part of any design product and 3 it's important in order to ensure that 4 products have high availability. And I was 5 an expert in the timeframe. 6 Q. Are you a legal expert? 7 A. I am not a legal expert. To the 8 extent that there are definitions of the 9 law that are in this report, I relied on 10 counsel to help me understand them. 11 Q. To help you understand 12 definitions of the law? 13 MR. STAMATOPOULOS: Objection. 14 A. I'm sorry, is there a question 15 there? 16 Q. What definitions of the law are 17 you speaking to? 18 A. For example, the legal section 19 that's in my report regarding applicable 20 legal standards. 21 Q. Are you an expert in anything 22 else? 23 MR. STAMATOPOULOS: Objection. 24 Form. 25 A. Well, you know, I've become an

Page 58 1 expert in many things over the years. 2 That's a pretty broad question. And I 3 presume that it relates to technology. So 4 I'm going to focus on that. 5 I worked as an expert in over 40 6 cases. In every one of those, I believe 7 I've proven that I'm an expert in those 8 areas. 9 Q. Are you an expert in any other 10 technical area pertaining to the '821 11 Patent? 12 MR. STAMATOPOULOS: Objection. 13 Form. 14 A. The '821 does discuss a number of 15 different technologies. Perhaps you'd like 16 to point me to one that you're thinking of. 17 Q. Sitting here today, you can't 18 think of any other technical area 19 pertaining to the '821 Patent that you're 20 an expert in, correct? 21 MR. STAMATOPOULOS: Objection. 22 A. That's not -- that's not what I 23 said. What I said is that there's a number 24 of different technologies in here. I 25 haven't sat down to say, oh, here's	Page 60 1 discussed TCP/IP in detail and I believe I 2 am an expert in that. We have discussed -- 3 at least I brought up redundant pairs, but 4 I don't know if we've actually gone into 5 redundancy as a field that I would be an 6 expert in, but I believe I am. 7 Q. Just briefly, if may interrupt 8 you, I'm speaking to you as of April 7, 9 2006. 10 A. Correct. 11 Q. Okay. 12 A. Figure 2 has logic flow charts. 13 I've used those throughout my career, so 14 I'd be an expert in those. 15 It does discuss transport 16 entities. Again, as an inherent part of 17 the '821, I'm very familiar with 18 connections between networking devices that 19 would be considered to be a transport 20 entity. 21 I am very familiar with various 22 different forms of costs that need to be 23 traded off or considered at least within 24 product design. So I had be an expert in 25 that.
Page 59 1 something outside of my report that I want 2 to be an expert in. But I'm happy to 3 answer the question if you have a specific 4 thing you can point me to. 5 Q. Well, so you've read the '821 6 Patent, correct? 7 A. That's correct. 8 Q. I've gone through a number of 9 technical areas that pertain to the '821 10 Patent, correct? 11 A. Yes. 12 Q. Other than the technical areas 13 that I've just discussed, what else are you 14 an expert in, if anything else? 15 MR. STAMATOPOULOS: Objection. 16 A. With regard to -- was that with 17 regard to the '821 Patent? 18 Q. Yes. 19 A. All right. Let me go through 20 here and see if there's anything else that 21 I haven't considered, that I may be an 22 expert in. 23 So we've discussed MPLS. We've 24 discussed high availability. We have 25 discussed traffic engineering. We have not	Page 61 1 Q. As of April 7, 2006, correct? 2 MR. STAMATOPOULOS: I'd just ask 3 that you let me lodge the objection 4 and then you can go ahead and answer. 5 Objection. 6 A. Yes. 7 I'm also familiar with the 8 failure modes as well as concurrent failure 9 modes. I consider myself to be an expert 10 in that area as of the timeframe. 11 Again, you know, entities may 12 include spans and nodes. I'm familiar with 13 having designed many devices that would be 14 considered to be a node and the spans that 15 connect them. 16 Q. I want to clarify just something 17 briefly. You testified that you're an 18 expert -- you were, as of April 7, 2006, an 19 expert in failure modes, redundant pairs 20 and also failure modeling. 21 Are these overlapping or were 22 they overlapped, to your understanding, of 23 these different technologies? 24 MR. STAMATOPOULOS: Object to 25 form.

Page 62	Page 64
1 A. I'm not quite sure I fully 2 understood the question. 3 Q. Sure. 4 So you had initially testified 5 that as of April 7, 2006, you were an 6 expert in failure modeling. You also 7 testified that you were an expert in 8 redundant pairs. 9 You also testified that you're -- 10 you were an expert as of April 7, 2006 in 11 failure modes. 12 Do you consider these 13 technologies overlapping or discrete 14 technologies? 15 MR. STAMATOPOULOS: Object to 16 form. 17 A. Those are -- those are different 18 technologies, but there are some overlaps. 19 It's a pretty broad area there. 20 Q. Okay. So as of April 7, 2006, 21 were you an expert in redundant pair 22 failure modes? 23 MR. STAMATOPOULOS: Object to 24 form. 25 A. I had worked on a number of	1 expert in redundant pairs at the time and 2 you were also an expert in failure modes. 3 Now I asked you if these were separate 4 technologies or overlapping, and you said it 5 may be separate or overlapping. 6 So now my question is, in the case 7 where they're overlapping, right, as of April 8 7, 2006, were you an expert in redundant pair 9 failure modes? 10 MR. STAMATOPOULOS: Object to 11 form. 12 A. You know, the best I can give you 13 is that I'm very familiar with most of the 14 redundant mechanisms that were used at the 15 time of the date that you described. But 16 the '821 has a specific one that I am now 17 recently, have recently become familiar 18 with. 19 But I certainly am a POSITA and 20 more than a POSITA that can understand the 21 '821 technologies as it's described in it. 22 Q. Okay. So you're not answering my 23 question. 24 My question is very specific. I 25 want to know if you're an expert in this
Page 63	Page 65
1 systems that required managing redundancy, 2 not necessarily as the '821 describes it, 3 but absolutely redundancy is an inherent 4 component in many technologies. 5 Q. I'm not sure if you answered my 6 question. Let me -- let me ask it one more 7 time because your answer pertains to 8 managing redundancy and my question was 9 different. 10 I would like to know as of April 11 7, 2006, were you an expert in redundant 12 pair failure modes? 13 MR. STAMATOPOULOS: Object to 14 form. 15 A. Again, redundancy is an important 16 part of circuit design or product design 17 dating as far back as the early '80s when I 18 first started working in the industry. 19 However -- and I'm very familiar 20 with many forms of redundancy, the '821 as 21 a specific one that is, you know, unique to 22 the '821. 23 Q. Sir, again, I'm asking about your 24 areas of expertise as of April 7, 2006. 25 And you testified that you're an	1 area of technology, sir. Okay. As of 2 April 7, 2006, which is what your 3 declaration states? 4 Let me ask it this way: As of 5 April 7, 2006, had you worked on systems 6 that utilized redundant pairs? 7 MR. STAMATOPOULOS: Objection. 8 A. I don't recall specifically. I 9 had worked on a number of systems that 10 required redundancy. There are 11 technologies that do use pairs, but I don't 12 recall the specifics at the time of this 13 date. 14 I will say, again, that I have 15 worked on a wide variety of redundant 16 systems and they include both networking 17 devices as well as other device, other 18 technologies in which redundancy is 19 important. At the time of this patent, I 20 was familiar with most of them. 21 Q. Okay. So your testimony earlier 22 was that you were an expert in redundant 23 pairs, as of April 7, 2006. 24 How were you an expert in 25 redundant pairs as of April 7, 2006?

Page 66	Page 68
1 MR. STAMATOPOULOS: Object to 2 form. 3 A. You're asking me to be an expert 4 in a very specific field -- or not even a 5 field -- a specific technology, maybe a 6 specific concept. 7 I don't believe that you can't be 8 an expert just because you haven't seen one 9 specific thing. 10 You can be an expert because 11 you're versed in a wide variety of 12 different technologies surrounding that 13 technology. 14 So I believe I was an expert at 15 the time, even if I hadn't seen the '821 16 specific implementation. I had the tools 17 and the knowledge to be able to understand 18 the '821 and be able to opine on it. 19 Q. Sir, earlier during your 20 testimony this morning, you're the one that 21 identified being an expert in redundant 22 pairs. That was not my question to you. 23 You, on your own volition, offered being an 24 expert on redundant pairs as of April 7, 25 2006.	1 that communicates and connects with other 2 cards, whether it's a full product that 3 connects to other cards, will fail at some 4 point. 5 And it's important to know not 6 just how it will -- when it will fail, but 7 how it will fail. And there are a set of 8 industry calculations that are used to look 9 at the various components with them and 10 also the various system level interactions 11 that these -- that these devices would have 12 with other devices. 13 I'm very familiar with most of 14 that. And after 40 years of working on 15 such devices, I believe I am an expert in 16 failure modeling. 17 Q. Okay. To be clear, I'm asking, 18 in accordance with your declaration, as of 19 April 7, 2006, okay. So that's my focus 20 right now. 21 In view of your declaration, I 22 want to know how you were an expert in 23 failure modeling as of April 7, 2006? 24 Did you work on some product where you did 25 failure modeling? What specifically made you
Page 67	Page 69
1 And I what I want to know is what 2 is your basis for that testimony sitting 3 here today? 4 MR. STAMATOPOULOS: Objection. 5 A. I think I just gave it to you. 6 Q. And what is it? 7 A. I was very clear that I had been 8 working in the industry for over -- you 9 know, 35, almost 40 years at that point. I 10 had a wide variety of experiences in 11 redundancy of all forms, and I believe I 12 was an expert not just in the technologies 13 that I had seen, but the technologies that 14 would be available given the level of 15 technology at the time. 16 Q. You testified that you were an 17 expert in failure modeling. 18 A. I have modeled -- 19 Q. I'm sorry, go ahead. 20 A. Go ahead, complete your question. 21 Q. How were you an expert in failure 22 modeling? 23 A. Every product I've ever built, 24 whether it's a single circuit card that 25 stands alone or whether it's a certain card	1 an expert as of April 7, 2006? 2 MR. STAMATOPOULOS: Object to 3 form. 4 A. I'm going to point you to a few 5 things. I've just got to find it here. 6 So paragraphs 11, 12 and 13 of my declaration 7 describes some of my background. 8 While I haven't specifically 9 outlined exactly what I've done to model 10 failures, building any of these products 11 required an understanding of how they would 12 fail. 13 In paragraph 13, from 2000 to 2001, 14 I was director of hardware at Webstacks, 15 building a content addressable switch. This 16 switch, you know, did a number of things. But 17 my main contribution was setting up the team 18 as well as ensuring that the product would 19 operate as intended when we shipped it, and 20 that includes failure modeling and analysis of 21 all the different methods in which it can fail 22 while interacting with other products. So 23 that's one example. 24 Then at March 2001 to 2002, I was 25 director of hardware for the content

Page 70	Page 72
1 networking division at Extreme Networks, a 2 networking company, and I managed another team 3 there also working on the content addressable 4 switch, and we had to make sure that the 5 product, as it failed in the customer sites, 6 would be well-understood on its failure modes. 7 So we developed a large number of 8 institute diagnostics to characterize these 9 failures. 10 Q. Were you trying to improve -- 11 MR. STAMATOPOULOS: Greg, sorry. 12 Sorry, just to make sure that I get a 13 chance to say something. 14 We've been going for almost two 15 hours, I think, an hour and 45. So 16 whenever you think it's a logical time 17 to take a break, maybe it would be 18 good to go on break. 19 But with that, please ask your 20 question. I'm sorry I interrupted 21 you. 22 MR. HUH: This part is almost 23 over. 24 BY MR. HUH: 25 Q. Okay. So you were doing modeling	1 that were more reliable? 2 A. That's inherent in all product 3 devices. 4 Q. And you personally implemented 5 modeling or directly interfaced with people 6 that performed failure modeling, correct? 7 A. Yes. 8 Q. And your software modeling for 9 failures, for example, would provide a 10 probability of failure for a device or some 11 mode? 12 MR. STAMATOPOULOS: Objection. 13 A. Well, I'll point you again back 14 to the paragraph 12 where, you know, I 15 managed a team of hardware and software 16 engineers and -- was that where I was -- 17 hang on a second. 18 Yeah, so in paragraph 12, we had 19 a configuration management and housekeeping 20 diagnostics. So those would keep track of 21 failures and those would then make 22 decisions about what was the best way to 23 keep the system operating in spite of the 24 failures. 25 Q. So what in paragraph 12 is
Page 71	Page 73
1 in various positions. First I want to 2 know, how were you responsible or getting 3 modeling expertise? Were you writing 4 software for modeling? How were you 5 modeling and making you an expert at the 6 time in modeling? 7 A. Some of it was software 8 development. Some of it was using existing 9 modeling products. Some of it was -- and 10 some that was at the software level, some 11 of that was at the software simulation 12 level, some of that was at the physical 13 level, and some of that was actually at the 14 circuit integrity level. 15 Q. Okay. So your modeling failure 16 modes to determine the probability that 17 these devices would fail over time, is that 18 correct? 19 MR. STAMATOPOULOS: Objection. 20 A. Over time, as well as how to make 21 sure that when they did fail that they 22 would continue operating in the best 23 possible way or at least that other devices 24 could stand in for them. 25 Q. Were you trying to design devices	1 performing modeling for failures? 2 A. So this was an in situ package 3 that would model the ways that this system 4 or the devices would fail, and then as well 5 as report those failures back to the -- to 6 our company. 7 Q. And based on these models, you 8 would know the probability that something 9 would fail? 10 MR. STAMATOPOULOS: Object to 11 form. 12 A. It would help us better support 13 the customers as well as better help us 14 improve the products. 15 Q. Okay. That's not responsive to 16 my question. 17 A. Okay. 18 Q. My question was, based on the 19 models, you would know the probability that 20 something would fail? 21 MR. STAMATOPOULOS: Object to 22 form. 23 A. Well, probability was an inherent 24 part of understanding when something failed 25 and how often it failed.

Page 74	Page 76
1 MR. HUH: If you want, Mr. Gomez, 2 you could take a break or we could 3 continue going. It's up to you. 4 THE WITNESS: I could use a break 5 about now. 6 MR. HUH: Very well. You want to 7 take 10 minutes? 8 THE WITNESS: Okay. Back at 11? 9 MR. HUH: Very good. 10 THE VIDEOGRAPHER: We are now 11 going off the record. The time is 12 12:51. 13 (Recess taken from 12:51 p.m. to 14 1:05 p.m. CST) 15 THE VIDEOGRAPHER: We are now 16 back on the record. The time is 1:05 17 p.m. 18 BY MR. HUH: 19 Q. Mr. Gomez, let's continue just 20 walking through your background, if we may. 21 We'll just turn to your education 22 briefly. You don't have a doctorate's 23 degree, correct? 24 A. That's correct. 25 Q. And you don't have a master's	1 Q. And at that company, what did you 2 do specifically? 3 A. I was a design engineer. We were 4 building a new computerized branch 5 exchange, which was a telephony system that 6 worked -- that was intended for businesses. 7 And I built an integral component 8 of that, which allowed -- which was 9 essentially the back plane and allowed 10 communication between the various line 11 cards. 12 Q. And at that time it's fair to say 13 that MPLS, or using MPLS rather relevant 14 techniques was not part of your job 15 description? 16 A. I don't even believe that data 17 communications was a thing. 18 Q. Right. 19 And then after that, where did 20 you go next, sir? 21 A. So after Rolm, some other 22 colleagues of mine and I went off to go 23 start a company called Stratacom. 24 Stratacom was if not the first, 25 among the first companies using packets as
Page 75	Page 77
1 degree? 2 A. No. Most of my experience is in 3 industry, 40 years of actually designing 4 products. 5 Q. Okay. Do you have a bachelor's 6 degree? 7 A. I do. 8 Q. And what is that in? 9 A. I got my bachelor's degree in 10 Yale in 1983, a BSEE, Bachelor of Science 11 Electrical Engineering. 12 Q. Okay. Do you have any other 13 relevant degrees? 14 A. Most of my experience, again, was 15 in designing products for the last 40 16 years. 17 Q. Let's turn to that. 18 So after completing your 19 undergraduate degree from Yale, where did 20 you start work at? 21 A. I started at telecommunications 22 company called Rolm, R-O-L-M, and that was 23 based in Santa Clara, California. 24 Q. And when was that? 25 A. That was in 1983, June of 1983.	1 a means to transport both voice and data. 2 At Stratacom, I was in charge of 3 several different circuits, or cards, that 4 went into the product. And as part of 5 that, we were building long haul 6 communications across T1 lines, or voice 7 end data. 8 Q. Okay. And at that time, again 9 MPLS wasn't a thing like you just said, so 10 that was not part of the work that you had 11 done there, correct? 12 A. That's correct. 13 Q. After Stratacom, where did you go 14 next? 15 A. Stratacom was sold to Cisco. 16 Before the sale, I had already been -- I 17 had acquired most of the stock I was going 18 to get, so I started another company with 19 several other fellows called Telestream. 20 And Telestream was, again, a communications 21 product -- or was building a communications 22 product that allowed more programmability 23 for OEMs, or original equipment 24 manufacturers, to building their own 25 applications within our product.

Page 78 1 Q. Okay. Just briefly, Stratacom 2 was sold to Cisco, based on your testimony. 3 Then you testified that you had "acquired 4 most of the stock I was going to get." 5 What do you mean by that? 6 A. There was a four-year vesting 7 period and I had worked through most of 8 that. 9 Q. The vesting period at Stratacom 10 or in the context of Cisco? 11 A. At Stratacom. 12 Q. Did you have any of Cisco's stock 13 at the time? 14 A. I had made the decision to leave 15 before the sale to Cisco. 16 Q. Okay. So in the context of your 17 new venture, did you obtain MPLS 18 experience? 19 MR. STAMATOPOULOS: Objection. 20 Form. 21 A. The Telestream product was a 22 networking device, and as such that it 23 relied on redundancy, it relied on being 24 able to have certain speed -- a certain 25 ability to perform at certain rates. Some	Page 80 1 level? 2 A. Yes. Mostly hardware, but there 3 were some software aspects in order to get 4 some of the customer products to work 5 properly. 6 Q. Okay. And is it fair to say that 7 in the context of your work at Quick Turn, 8 you did not work with MPLS? 9 A. That's correct. 10 Q. Where did you go from Quick Turn? 11 A. I started a computer -- I'm 12 sorry, I started a design engineering shop, 13 Spectrum Analysis, and we would contract 14 out to various telecommunications and data 15 communication companies to build or support 16 their product design. 17 Q. What specific products did you 18 design in this context? 19 A. There were some that were 20 devices, there were pagers, there were 21 computer-oriented things, some Pentium 22 products or Pentium extensions that we were 23 involved in. 24 Q. Did you design network switches 25 at Spectrum Analysis Inc.?
Page 79 1 of those concepts that are later embedded 2 in MPLS were starting to be known at that 3 time. 4 Q. And you stayed there for just 5 about a year and moved to a new job, 6 correct? 7 A. Correct. Unfortunately, 8 Telestream ran out of funding, but we had a 9 number of engineers, including myself, who 10 decided to go to a company called Quick 11 Turn Design Systems. 12 Q. And what was your 13 responsibilities at Quick Turn? 14 A. Quick Turn was a computer-aided 15 design engineering company. They were 16 building a product that would emulate 17 ASICs, application specific integrated 18 circuits. And to that extent, I was part 19 of the -- originally part of the design 20 team and then moved into applications 21 engineering. So then we were -- I was 22 taking customer designs, ASICs designs, and 23 ensuring that they would operate within the 24 Quick Turn product. 25 Q. So this was at the hardware	Page 81 1 A. There was at least one product 2 that was related to network switches, but 3 it's been over 30 years, I don't recall all 4 the details at this point. 5 Q. Was it a network switch or a 6 product related to a switch? 7 A. We worked on various components 8 for customers. Sometimes they needed an 9 ASICs or they needed an FPGA designed for 10 their product. So we would support their 11 engineering teams. 12 In that particular case, I think 13 it may have been related to a switch. I 14 don't recall entirely. 15 Q. And did you implement MPLS 16 designs while at Spectrum Analysis Inc.? 17 MR. STAMATOPOULOS: Object to 18 form. 19 A. MPLS hadn't yet been developed. 20 To the extent that there may have been 21 concepts related to some of the goals of 22 the MPLS, we certainly would have known 23 about them. 24 Q. What do you mean by "some of the 25 goals of the MPLS"?

Page 82	Page 84
1 A. To the extent that MPLS utilizes 2 some of the technologies we had been using 3 early on, you know, that's all I meant, is 4 that we would have known about them at the 5 time. But MPLS wasn't yet developed. 6 Q. Okay. Where did you go next? 7 A. After Stratum -- I'm sorry, 8 Spectrum Analysis, I worked independently 9 on various -- various products and then 10 ended up building another startup called 11 the Minden Group. And the Minden Group was 12 a memory adaptor company that sold memory 13 adapters for PCs through retail. 14 Q. As part of this work, you didn't 15 work with MPLS, correct? 16 A. Again, MPLS had not yet been 17 developed. 18 Q. From Minden Group, where did you 19 go next? 20 A. I worked as a consultant at 21 Phillips Semiconductors. 22 Q. And what was the scope of your 23 work there? 24 A. The scope of the work was to 25 build modem products as well as being	1 protection or redundancy. Those goals. 2 Q. So as part of your work at 3 Phillips Semiconductor, you implemented 4 technologies for resiliency and protection, 5 is that correct? 6 A. There were some aspects of that 7 product, yes. 8 Q. So moving from Phillips, where 9 did you go next? 10 A. I started a company called 11 Webstacks with two other design -- two 12 other engineers from Cisco. 13 Q. And what was the scope of your 14 work at Webstacks? 15 A. I was tasked with forming the 16 design group, both the hardware and the 17 software, as well as building the original 18 architecture. 19 Then, as we discussed earlier, I 20 took it upon myself to make sure that the 21 product had a high degree of reliability 22 and was involved within ensuring that all 23 failure models or failure possibilities 24 were modeled in one way or another. 25 Q. So you took it upon yourself to
Page 83	Page 85
1 handheld computing device integrated 2 circuits. 3 Q. Had MPLS been implemented as part 4 of your work at Phillips Semiconductor? 5 A. Again, we were utilizing some of 6 the concepts that pertained to some of the 7 things that were later implemented in MPLS, 8 but I don't believe MPLS was around at that 9 point. 10 Q. So I understand, when you say 11 some of the concepts, what do you mean by 12 that? 13 A. Well, I think that we've 14 discussed this, that MPLS has a certain set 15 of goals and they implement it using 16 technologies that were somewhat known, if 17 not well-known in some cases long before 18 MPLS. 19 Q. Okay. So that answer is a little 20 bit ambiguous. What goals and what 21 technologies specifically are you referring 22 to here? 23 MR. STAMATOPOULOS: Objection. 24 A. Some of the goals such as the 25 resiliency, some of the goals as for	1 make sure that the product had a high 2 degree of reliability? What do you mean by 3 that? 4 A. Well, we're a startup, so we're 5 very limited in the number of people that 6 we can hire. Most of those folks that I 7 brought in were design engineers, were 8 well-versed in design, but may or may not 9 have had much experience in software 10 integrity, you know, simulations of the 11 system. And so I either did some of that 12 or I brought in additional people to do 13 that as contractors, or like I said, I just 14 did -- you know, I ended up building some 15 of those systems myself. 16 Q. Did a person skilled in the art 17 at the time seek to design reliable 18 systems? 19 A. That was definitely an important 20 aspect of any product design. 21 Q. Why? 22 A. You could easily lose -- a 23 company could go under if your product 24 isn't reliable. Has to be very reliable 25 before you ship it.

Page 86 1 Q. In the context of Webstacks, were 2 you developing a switch? 3 A. It was a form of a switch, 4 content layer switch. 5 Q. What other design criteria did 6 you have for developing a content switch? 7 MR. STAMATOPOULOS: Objection. 8 A. Maybe you could clarify that 9 question a little bit. 10 Q. Right. So your title was 11 director of hardware and you took it upon 12 yourself to make sure that the switch was 13 reliable. What else did you find important 14 for the switch to have besides reliability? 15 A. So the -- we were, when we 16 developed the startup, we were working in 17 conjunction with several venture 18 capitalists who understood what -- who had 19 a feeling that this product would do well 20 in the marketplace. And they were so 21 confident of it, they were able to convince 22 Extreme Networks to purchase us, purchase 23 Webstacks, provided we were able to build 24 it to certain specifications with certain 25 performance criteria and within one year.	Page 88 1 at the HTTP packets and dissecting them, so 2 doing deep dive inspections on the traffic 3 in order to make routing decisions. We 4 were making routing decisions at every 5 level. 6 Q. So the switch needed to run at a 7 line rate, which in those days was one 8 gigabyte per second, but provide some kind 9 of efficiency performance criteria, is that 10 correct? 11 MR. STAMATOPOULOS: Objection. 12 Form. 13 A. It was to meet the market need 14 for high line rates, fast line rates -- 15 fast through-put is maybe the best way to 16 put it. 17 Q. Was efficiency a performance 18 criteria that impacted your design? 19 A. Perhaps you can define efficiency 20 a little bit more for me because that's a 21 broad term. 22 Q. Efficiency with respect to packet 23 processing. 24 MR. STAMATOPOULOS: Objection. 25 Form.
Page 87 1 So that was our task. 2 We did. And we sold it to 3 Extreme Networks for \$68 million. We 4 wouldn't have been able to achieve the 5 goals -- we wouldn't have been able to even 6 get the design to work if we hadn't had the 7 various simulations, the various signal 8 integrity checks, the various hardware 9 checks that were put -- that I put in 10 place. It was just integral to making sure 11 the product worked and worked well the 12 first time within a year. 13 Q. Okay. So if I understand 14 correctly, one of the performance criteria 15 was reliability, correct? 16 A. That's true of almost every 17 product I've ever built. 18 Q. What other performance criteria 19 did you consider in designing that switch? 20 A. The switch needed to run at line 21 rate, which in those days was one gigabyte 22 per second. The switch needed to be able 23 to switch at layer 2 levels, at layer 3 24 levels, layer 4 and 5 levels, which meant 25 that at the layer 5 level we were looking	Page 89 1 A. The requirement there was that we 2 were able to process all packets that were 3 delivered to us, to the product, and that 4 we would be able to disseminate them to 5 various required switch levels or stack 6 levels within our switch and be able to 7 process them at line rate so we didn't back 8 up or have to have large queues. 9 Q. So if you had an inefficient 10 packet processing, you would not meet that 11 criteria, correct? 12 MR. STAMATOPOULOS: Objection. 13 A. Again, it depends on how you 14 define efficiency. We were not cheap. So 15 cost efficiency, no. Line rate efficiency, 16 yes. 17 Q. The line rate efficiency was one 18 of the criteria for performance that 19 allowed you to build the switch that was 20 ultimately sold for \$64 million, is that 21 correct? 22 A. \$68 million. 23 Q. I stand corrected. 24 A. And being able to process the 25 packets at line rate was important.

Page 90	Page 92
1 MR. STAMATOPOULOS: I'll just ask 2 that you let me lodge my objections. 3 I made an objection earlier that 4 wasn't picked up. 5 THE WITNESS: Okay. 6 MR. STAMATOPOULOS: So just give 7 me a split second to put them in 8 before you answer the questions. 9 Sorry for the interruption. 10 BY MR. HUH: 11 Q. So the switch that you developed 12 at Extreme Networks -- I'm sorry at 13 Webstacks, I apologize -- or was it the 14 same switch at Extreme Networks? Did it 15 just transfer over to Extreme Networks, is 16 that correct? 17 A. Yeah, Extreme Networks purchased 18 Webstacks. 19 Q. Okay. So when I look at your CV, 20 when you're discussing a switch in the 21 context of Extreme Networks, it's the same 22 switch as discussed in the context at 23 Webstacks, is that correct? 24 A. It had evolved at that point and 25 my job had evolved, but yes, it was the	1 Q. How can you load balance without 2 knowing the path where the packets are 3 traversing? 4 MR. STAMATOPOULOS: Objection. 5 Scope. 6 A. The goal of the server load 7 balancer originally was to balance web 8 traffic across an array of redundant 9 content providers, servers that would 10 provide the content. 11 To the extent that there was 12 traffic management, I don't recall that 13 part off the top of my head. 14 Q. Did the switch that you designed 15 perform computations repeatedly? 16 MR. STAMATOPOULOS: Object to the 17 form. 18 A. I'm not sure I know how to answer 19 that question. Perhaps you could rephrase 20 that because it seems like a pretty broad 21 question. 22 Q. Sure. So you design a switch, 23 and that switch has some software that it 24 executes, correct? 25 A. Correct.
Page 91	Page 93
1 same original idea. 2 Q. Did the switch that you designed 3 or helped design perform path computations? 4 A. I'm sorry, form what? 5 MR. STAMATOPOULOS: Objection. 6 BY MR. HUH: 7 Q. Perform path computations. 8 MR. STAMATOPOULOS: Objection. 9 Form. 10 A. We had to be able to ensure that 11 we would be able to identify, since it was 12 a server load balancer, we had to identify 13 load balancing criteria, which included the 14 path, but I don't recall sitting here right 15 now exactly to what level we actually did 16 those computations. 17 Q. So the switch that you designed 18 performed load balancing computation, is 19 that correct? 20 A. That is correct. 21 Q. But it did not compute the paths 22 for the purpose of load balancing? 23 MR. STAMATOPOULOS: Objection. 24 Form. 25 A. That, I don't recall.	1 Q. That software defines some type 2 of computation, whether it's load 3 balancing, or path calculations, or 4 whatever the calculation may be in order to 5 process packets, correct? 6 MR. STAMATOPOULOS: Object to 7 form. 8 A. Okay, yes. 9 Q. Did that switch repeatedly 10 perform the sum computations over time? 11 MR. STAMATOPOULOS: Object to 12 form. 13 A. With regard to what? With regard 14 to a packet, with regard to a link, with 15 regard to the servers? I'm not sure I know 16 how to answer that because it's a broad 17 question. 18 Q. Did the switch perform the same 19 computations defined by the software 20 repeatedly over time? 21 MR. STAMATOPOULOS: Same 22 objection. 23 A. Again, it depends on the context, 24 and I don't fully understand the context of 25 the question.

Page 94	Page 96
1 Q. If you have a switch test 2 performing computations, whether it's load 3 balancing or whether it's path 4 computations, that's an algorithm, correct? 5 MR. STAMATOPOULOS: Object to 6 form. 7 A. Well, not just an algorithm. 8 It's a large amount of software. 9 Q. Now, that software is executed 10 repeatedly over time in order to process 11 packets over days or weeks or months, 12 correct? 13 MR. STAMATOPOULOS: Object to 14 form. 15 A. The software operates, some of it 16 may not necessarily repeat itself, some 17 may. I'm not sure I know how to answer the 18 question. 19 Q. Did a person skilled in the art 20 at the time know how to program a switch to 21 perform the same computations repeatedly 22 over time? 23 MR. STAMATOPOULOS: Object to 24 form. 25 A. One more time on the question?	1 depending on the nature of the type of 2 traffic. 3 Q. Did the algorithm change over 4 time? 5 A. Which algorithm are you referring 6 to? 7 Q. You have a switch and you install 8 software. Do you follow me? 9 A. Yeah. There was a lot of pieces 10 to that software. 11 Q. Okay. That software, staying 12 fixed, right, the software isn't changing 13 over time, is it? 14 MR. STAMATOPOULOS: Object to 15 form. 16 A. The software is managing -- has a 17 state and that state is definitely changing 18 over time. 19 Q. Understood. 20 So the inputs to the software 21 change over time, correct? 22 MR. STAMATOPOULOS: Object to 23 form. 24 A. Yes, the inputs change over time. 25 Q. And the outputs change based on
Page 95	Page 97
1 Q. Did a person of ordinary skill in 2 the art at the time know how to program a 3 switch to perform the same computations 4 repeatedly over time? 5 MR. STAMATOPOULOS: Object to 6 form. 7 A. Every request that we received 8 from a user for a particular page was 9 unique to that user. I can't say that the 10 same calculation would be performed 11 repeatedly over time considering the 12 variety of different requests that we got. 13 Q. So I'm not saying whether the 14 same result happened repeatedly. Whether 15 the computations, the mathematical 16 computations underlying, for example, load 17 balancing would be performed repeatedly 18 over time? 19 MR. STAMATOPOULOS: Object to 20 form of. 21 A. Again, at what level and what 22 context? You know, we've got several 23 different switching levels. We've got 24 different customer requests. You know, 25 it's a machine that is changing over time	1 the inputs, correct? 2 MR. STAMATOPOULOS: Object to 3 form. 4 A. You know, the outputs may or may 5 not change. I don't know sitting here. It 6 really depends. It's kind of a 7 hypothetical, the question you're asking. 8 Q. Sir, they may or may not change 9 based on the input, right? 10 MR. STAMATOPOULOS: Same 11 objection. 12 A. It seems like it's an open-ended 13 question. And, you know, if you have 14 something you want me to discuss in more 15 detail, we can, but I don't know, these are 16 fairly generic questions that are fairly 17 difficult to answer because the system is 18 so large and there are so many pieces to 19 it. 20 Q. So for you it's difficult to tell 21 me whether or not the outputs from software 22 changed based on the inputs? That's your 23 testimony today? 24 A. It depends on which part you're 25 talking about.

Page 98	Page 100
1 MR. STAMATOPOULOS: I'll just ask 2 again that you let me lodge my 3 objection. So, objection to that 4 previous question. Form. 5 BY MR. HUH: 6 Q. Okay. Let me just ask the 7 general question that's very direct. Is it 8 possible to program a switch to execute the 9 same software over time? 10 MR. STAMATOPOULOS: Objection to 11 form. 12 A. In other words, you have one 13 switch that does one thing consistently all 14 the time? 15 Q. Correct. 16 A. Without change, so the input 17 always goes to the same output, that kind 18 of thing? 19 Q. Yes. The software executing is 20 the same software and it's executing over 21 time to process packets. 22 A. That's a fairly narrowly focused 23 switch. It wouldn't really be useful 24 because it's doing the same thing all the 25 time. So is it possible? Anything is	1 3 piece, the layer 4 piece, the layer 5 2 piece? You know, there's so many other 3 elements even beyond, well beyond the ones 4 I've just discussed are pointed out. It's 5 difficult to answer that question. 6 Q. You can't tell me whether or not 7 there's a software loop executing? 8 MR. STAMATOPOULOS: Objection to 9 form. 10 A. There's a large number of pieces 11 of software at all different levels that 12 are performing their functions. 13 Q. Sir, are they executing a loop or 14 not? 15 MR. STAMATOPOULOS: Objection to 16 form. 17 A. They're performing all sorts of 18 different functions in different ways and 19 changing their state. 20 Q. In order to perform the 21 functions, the software executes in a loop, 22 correct? 23 MR. STAMATOPOULOS: Objection to 24 form. 25 A. You say the software. This is a
Page 99	Page 101
1 possible. But that's not the way these 2 switches are built. 3 Q. Okay. You built -- you designed 4 a switch at Webstacks, correct? 5 A. The content addressable switch, 6 yes. 7 Q. Yes. 8 And you testified that that 9 switch had software, correct? 10 A. Quite a bit of software, yes. 11 Q. Quite a bit of software? 12 A. Correct. 13 Q. That software not being updated, 14 for example, over a day or two, as that 15 software is executing on the switch, it's 16 processing incoming packets, correct? 17 A. Yes. 18 Q. In order to process incoming 19 packets, there's a software loop, right? 20 MR. STAMATOPOULOS: Objection. 21 Form. 22 A. Again, there's so many layers in 23 this software. You know, are you just 24 talking about the inputs piece or you're 25 talking about the layer 2 piece, the layer	1 large system that has large numbers of 2 different software packages all running 3 concurrently. Which one are you talking 4 about? 5 Q. I'm speaking to the software in 6 totality. The software, including all the 7 components, or the functions, or the 8 various software modules that are installed 9 in the switch, they are executing a loop? 10 A. Not a loop. 11 MR. STAMATOPOULOS: Objection to 12 form. 13 BY MR. HUH: 14 Q. How are they executing? 15 MR. STAMATOPOULOS: Objection to 16 form. 17 THE WITNESS: I'm sorry. 18 MR. STAMATOPOULOS: It's okay. I 19 just want to put the objection. 20 A. There are states that's 21 maintained, and the state is representative 22 of the activities that are going on in the 23 system, and that state is being updated 24 continuously. 25 Q. Continuously in a loop, correct?

Page 102 1 MR. STAMATOPOULOS: Objection to 2 form. 3 A. Not necessarily in a loop. I 4 guess that's one very simple way you could 5 do it, but it's not the way that it was 6 done in our switch. 7 Q. Did you ever hear the phrase 8 "software loop" before? 9 A. A long time ago. 10 Q. And what does that mean? 11 A. It just means that the software 12 has a loop, it's like a for loop. For 13 loops break-out. Wild loops break-out. 14 You know, tasks start and end. There's no 15 continuous loop. 16 Q. Is there a main function call 17 where the software begins to execute? 18 MR. STAMATOPOULOS: Objection to 19 form. 20 A. You know, not necessarily. There 21 can be, yes. 22 Q. And such software, with a main 23 function call, executes in a loop within 24 that main. There may be sub loops, right? 25 There may be different function calls that	Page 104 1 loop -- that's why it's not necessary to 2 have a main loop. 3 Q. Did the software switch -- did 4 the switch that you designed at Webstacks 5 and Extreme Networks perform MPLS? 6 MR. STAMATOPOULOS: Object to 7 form. 8 A. We started the design in 1999. 9 We incorporated many of the concepts later 10 embodied in MPLS. But MPLS was not yet 11 published at the time of our start. 12 We sold the company to Extreme in 2001. 13 Whether or not they were implemented later, I 14 don't know. 15 Q. But you personally did not 16 implement MPLS with the switch you designed 17 at Webstacks or at Extreme Networks, 18 correct? 19 MR. STAMATOPOULOS: Objection. 20 A. To the extent -- I'm sorry. 21 MR. STAMATOPOULOS: Object to 22 form. 23 You can answer. 24 A. To the extent that many of these 25 concepts were known that were later
Page 103 1 execute? There may be for loops? There 2 may be wild loops? But software, in 3 totality, executes over time in loops, 4 correct? 5 MR. STAMATOPOULOS: Objection to 6 form. 7 A. You know, there's interrupts that 8 come along and break out various break 9 cycles. For loops don't -- you know, they 10 terminate. Everything in the system these 11 days has a start and an end. You know, 12 there does not necessarily need to be a 13 loop. 14 Q. If the main loop ends, what 15 happens? 16 MR. STAMATOPOULOS: Objection. 17 Form. Foundation. 18 A. If there is a main loop and the 19 main loop ends, then if the system hasn't 20 had an interrupt that's taken it somewhere 21 else, it would quit. 22 Q. It would stop working, correct? 23 A. There's lots of ways to continue 24 the system -- the system would continue 25 even if the main loop terminated. The main	Page 105 1 included in MPLS, we certainly did 2 implement those things. 3 Q. What concepts were you speaking 4 to that were known that were later 5 implemented in MPLS? 6 MR. STAMATOPOULOS: Objection. 7 Scope. 8 MR. HUH: Counsel, that's exactly 9 his answer. I'm asking to further 10 clarify his answer. 11 MR. STAMATOPOULOS: Do you want 12 me to state the basis for my objection 13 or do you just want to argue with me 14 about whether it's a proper objection? 15 Because if it's the latter, then you 16 can state your position for the record 17 and I've state my objection. 18 If you want an explanation, I'm 19 happy to provide it. 20 MR. HUH: You could stop, George. 21 MR. STAMATOPOULOS: Every time 22 I've stated an objection on that 23 basis, you have argued with me and 24 asserted that it's baseless. That's 25 your position.

Page 106 1 If you want a reason, I'm happy 2 to provide it. I'm stating that for 3 the record. 4 MR. HUH: You're making a 5 speaking objection, George. 6 MR. STAMATOPOULOS: It's not a 7 speaking objection, Greg. 8 MR. HUH: Yes, it is. 9 MR. STAMATOPOULOS: Okay. That's 10 your position. You can go on. 11 I'm happy to give you -- 12 MR. HUH: You can stop, please. 13 Stop speaking. 14 BY MR. HUH: 15 Q. Again, what concepts were you 16 speaking to that were known, that were 17 implemented in MPLS? 18 MR. STAMATOPOULOS: Same 19 objection. 20 A. There were some reservation 21 requirements that we had to be able to make 22 to ensure that we had access to the web 23 servers. So there was some path 24 provisioning. 25 To the extent that we implemented	Page 108 1 correct? 2 A. You want me to go back and -- go 3 back 25 years and see if I could remember 4 what else we've done? It was a very large 5 system. 6 Q. Again, I just want the record to 7 be clear, and you testified that there were 8 concepts known. And to the extent there 9 are concepts, plural, I would like to know 10 what concept. If there is only one 11 concept, that's fine, just say there is 12 only one concept that you recall so we're 13 clear. 14 MR. STAMATOPOULOS: Is there a 15 question pending? 16 MR. HUH: Yes. 17 BY MR. HUH: 18 Q. Were there plural concepts known 19 or only one concept known that pertain to 20 MPLS? 21 MR. STAMATOPOULOS: Objection. 22 Form. 23 A. I have to go back and think about 24 it some more. That's the one I recall 25 after 25 years.
Page 107 1 that, I don't recall all the details off 2 the top of my head, but that was definitely 3 something we considered. 4 Q. Anything else? 5 A. There may have been, but I don't 6 recall off the top of my head right now. 7 Q. Your testimony is that the switch 8 that you designed to some extent pertains 9 to MPLS because it provisions paths, is 10 that correct? 11 A. No. I said that some of these 12 concepts were known and we implemented some 13 of the concepts that were later used for 14 MPLS. 15 Q. The only concept that you've 16 identified as knowing was provisioning 17 paths, correct? 18 A. That's the only one that I recall 19 off the top of my head after 30 years -- 20 20 years -- 25 years. 21 Q. Well, sir, this is your 22 testimony. You're testifying that these 23 concepts were known, plural, and I want to 24 know what concepts you're speaking to. 25 You've only identified one concept,	Page 109 1 Q. Okay. So sitting here today, you 2 could only think of one concept that was 3 known at the time that pertained to MPLS as 4 of the time that you worked at Extreme 5 Networks, correct? 6 A. That was implemented in the 7 product. 8 MR. STAMATOPOULOS: I'll object 9 to form. I'll ask you again to slow 10 down so that I can lodge my 11 objections. 12 BY MR. HUH: 13 Q. Okay. So from Extreme Networks 14 you went to Santel Networks, correct? 15 A. Sorry, say it again? 16 Q. Where did you go from Extreme 17 Networks? 18 A. Santel Networks. 19 Q. And what was your role at Santel 20 Networks? 21 A. At Santel Networks, I developed a 22 10 gigabyte per second circuit card that 23 would drive a fiberoptic longer 24 distances -- or I should say drive data 25 across longer fiberoptic distances.

Page 110 1 Q. So was that a card that just took 2 data and pushed it across an optical fiber? 3 A. Yes. There was already a card 4 that they had developed that was the 5 receiver, and Santel's company mission was 6 to develop products that would allow 7 transmission through telecommunication 8 fiber either longer distances across the 9 same quality fiber or the same distance 10 through cheaper quality fiber. 11 Q. Is this more like an amplifier 12 that just further propagates data? 13 A. It's not an amplifier. It's a 14 spectral efficiency improvement. So it 15 lowered the spectral efficiency in that 16 there's less energy driven across the fiber 17 for the same kind of data or same amount of 18 data, and that's what allowed it to go 19 farther. 20 Q. And in this context, you were a 21 consultant, not the designer, is that 22 correct? 23 A. I was the designer as a 24 consultant. 25 Q. Got it.	Page 112 1 having a recession in the industry and 2 Santel didn't survive that recession. 3 Q. Okay. So moving on from Santel 4 Networks, where did you go next? 5 A. So I want to be consistent. From 6 Santel, I started another company called 7 ActSolar. ActSolar was a company 8 developing instrumentation and solar power 9 conversion products and we were building 10 essentially what's an inverter coupled with 11 data reporting systems from rooftop solar. 12 Q. ActSolar is a solar power 13 company, is that right? 14 A. That's right. 15 Q. Okay. But between ActSolar and 16 your Santel Networks, did you do any other 17 work? 18 A. I did some consulting, and the 19 one I'm listing here is for PA Consulting 20 Group, so -- but I did a number of 21 different hardware and software evaluation 22 services for various venture capitalist 23 firms in order to do analysis of their 24 products. 25 Q. Okay. But just going through the
Page 111 1 And I guess, from looking at your 2 CV, it says this format allows high 3 spectral efficiency over long distances? 4 So you were -- you were trying to impact the 5 efficiency that data would be transmitted over 6 network? 7 A. Yeah, it was the spectral 8 efficiency. So that meant that the number 9 of data transitions from zero to one and 10 one to zero were reduced to transmit the 11 same amount of data. 12 Q. And did your binary encoder 13 implement MPLS? 14 A. No, it did not. It's a very 15 physical device. 16 Q. And you applied for several 17 patents based on your CV, correct? 18 A. Yes. I should say that Santel 19 applied for the patents. 20 Q. With you as the inventor? 21 A. Yes. 22 Q. Were those patents ultimately 23 granted? 24 A. I don't know. I don't believe 25 so. Santel -- this was 2003 and we were	Page 113 1 sequence here, PA Consulting Group, what 2 was the scope of your work there? 3 A. Again, providing product 4 analysis. 5 Q. And the product here was VHDL 6 Verilog code? 7 A. That's often what I focused on 8 was the analysis of VHDL Verilog, but I was 9 also looking at system performance costs 10 and the general implementation strategies 11 that were utilized and whether they were 12 effective or not. 13 Q. But this was for like circuit 14 design, is that correct? 15 A. A lot of this is circuit design, 16 yes. 17 Q. Like ASICs, it looks like, am I 18 correct? 19 A. ASICs was among them, yeah, 20 ASICs, FPGAs, board level design, integrity 21 level. You know, the goal of the analysis 22 was to determine whether products were 23 well-built and would survive in a customer 24 environment and whether the company itself 25 was -- and how these would contribute to

Page 114 1 the company's success if the venture 2 capitalist decided to fund them. 3 Q. Okay. So at PA Consulting Group, 4 you were a consultant for a venture 5 capitalist group that was looking to 6 finance various ASICs designs or other 7 circuit designs? 8 A. Designs in general. They were 9 really more interested in whether the 10 company was worth funding. And as one 11 element in their funding analysis, they 12 also wanted to look at the product. And to 13 the extent that they needed analysis of the 14 product, they were also in many cases, 15 right, interested in the hardware elements 16 of the products. And a big part of this 17 was the reliability of the products in the 18 marketplace. 19 Q. So you were trying to design 20 products to be reliable? 21 A. I was trying to ensure that the 22 products that were already designed were 23 reliable. 24 Q. And that was important for the 25 venture capitalist, correct?	Page 116 1 generator, it states here, Ethernet packet 2 generator with generated packets of various 3 sizes and address payload and check sums? 4 A. Correct. 5 Q. Then you built a test receiver 6 and analyzer to detect failure mechanisms. 7 What kind of failure mechanisms? 8 A. Gosh, let me think about it. 9 MR. STAMATOPOULOS: I think it 10 may have frozen -- oh, sorry, I jumped 11 the gun. 12 A. There were various forms of 13 packets that BridgeWave was receiving, and 14 I don't recall the specifics off of my 15 head, but that's what some of the things we 16 were looking for. 17 Q. So help me understand. This was 18 some type of test device that was looking 19 at packets specifically, is that correct? 20 A. Yes, that was looking at the 21 quality of the packets coming across the 22 lines, both in the test environment as well 23 as in the install base. 24 Q. And did your test generator 25 generate MPLS packets or --
Page 115 1 MR. STAMATOPOULOS: Objection. 2 Form. 3 A. It was important that the venture 4 capitalists had a -- could check off that 5 box for before they decided to proceed with 6 funding of the company. 7 Q. And then from PA Consulting 8 Group, where did you go next? 9 A. So then it was on to ActSolar 10 where I developed the rooftop power 11 conversion products as well as the rooftop 12 data collection and reporting. 13 Q. Okay. On your CV, you have 14 another one called BridgeWave Inc. Does 15 that ring a bell? 16 A. Yeah, BridgeWave was another 17 consulting company, consulting effort, and 18 for BridgeWave I built an ethernet analysis 19 tool, or ethernet traffic analysis tool. 20 BridgeWave built microwave repeaters for 21 sale in third worlds, and as part of that 22 they needed to make sure that the traffic 23 flowing through those products was not -- 24 was -- was not having any issues. 25 Q. So you used -- you built a test	Page 117 1 A. It did not. 2 Q. Just so I understand, the 3 previous work at PA Consulting Group did 4 not pertain to MPLS either, correct? 5 MR. STAMATOPOULOS: Objection. 6 A. So when you said MPLS packets, I 7 may have spoken too quickly. What did you 8 mean by MPLS packets? 9 Q. Was it implementing MPLS 10 algorithms? 11 A. It was not implementing -- I'm 12 sorry, go ahead. 13 MR. STAMATOPOULOS: You can 14 answer the question, Miguel. 15 A. Would you repeat the question, 16 please? 17 Q. So the question was -- I think 18 you've already answered it in part -- was 19 it implementing MPLS algorithms? 20 MR. STAMATOPOULOS: Objection to 21 form. 22 A. It was not implementing MPLS 23 algorithms. 24 Q. That your work at PA Consulting 25 Group where you designed ASICs and other

Page 118 1 circuits, were those implementing MPLS 2 algorithms? 3 MR. STAMATOPOULOS: Objection. 4 Form. 5 A. Some of those products may have, 6 but I don't recall off the top of my head. 7 Q. And again, I mean, I don't mean 8 that somehow ancillary they put an ASIC 9 chip in a device that somehow uses MPLS. 10 I'm speaking to, did you design systems 11 specifically to implement MPLS algorithms with 12 your work at PA Consulting Group? 13 MR. STAMATOPOULOS: Objection to 14 form. 15 A. At PA Consulting Group, most of 16 my work was with regard to analysis of the 17 products and understanding the nature of 18 the products so that I could report back to 19 the venture capitalist firms as to the 20 quality of the products and the working 21 operations. 22 Q. Again, these products were 23 circuit boards or other types of circuits, 24 correct? 25 A. Well, that was one element. They	Page 120 1 Q. Sure. 2 A. There was a company called Cayman 3 Designs, and I'd have to go back and look 4 at them, but that's one that comes to mind. 5 There were others, but I don't -- 6 I'd have to go back and look at the -- see 7 if I have any records on what I actually 8 looked at. It's been 30 years now, 20 9 years. 10 Q. And what did their software do at 11 Cayman designs? 12 A. Other than it was a network 13 switch, I don't recall the specifics. 14 Q. At your work at PA Consulting 15 Group, did you implement MPLS algorithms? 16 MR. STAMATOPOULOS: Object to 17 form. 18 A. I don't recall off the top of my 19 head. 20 MR. HUH: So it's 2:00 my time 21 here in Dallas and I'm sure, 22 Mr. Gomez, it's close to lunchtime for 23 you. Do you want to take a half an 24 hour or whatever time you'd like for 25 lunch and we could reconvene
Page 119 1 also ran software. And my job did 2 determine quality. While a big part of it 3 was the hardware, was also just to make 4 sure that the systems worked as intended 5 and did the functions that were advertised. 6 Q. What software did these run? 7 A. There were a fair number of 8 products. They all ran different types of 9 software. 10 Q. Such as what, for example? 11 A. Well, these were networking 12 switches, networking products. Most of 13 these were networking products and so they 14 ran networking software. 15 Q. So you designed networking 16 software? 17 A. Well, I have in the past, if 18 that's your question. But with regard to 19 PA Consulting, I analyzed the products that 20 were being -- that were in question by the 21 venture capitalists. 22 Q. Okay. So give me one example of 23 a software product that you analyzed in the 24 context of this work? 25 A. Do you want me to name a product?	Page 121 1 afterwards. 2 THE WITNESS: That would be 3 great. It says 12:13 on my computer 4 right now. Should we reconvene at 5 1:00? 6 MR. HUH: We can do that. Is 7 that fine for you, George? 8 MR. STAMATOPOULOS: That's fine 9 with me. Yes, thanks. 10 THE WITNESS: Okay. 11 MR. HUH: All right. Thank you 12 everybody. 13 THE VIDEOGRAPHER: We are now 14 going off the record. The time is 15 2:13 p.m. 16 (Recess taken from 2:13 p.m. to 17 3:04 p.m. CST) 18 THE VIDEOGRAPHER: We are now 19 back on the record. The time is 3:04 20 p.m. 21 BY MR. HUH: 22 Q. Welcome back, Mr. Gomez. 23 Did you communicate with counsel 24 during the break? 25 A. I just talked to him and he just

Page 122 1 said just relax, pretty much. 2 Q. Relax with respect to what? 3 A. Just relax, take it easy, don't 4 get excited. 5 MR. HUH: Counsel, you're aware 6 you're not supposed to communicate 7 with the witness during break 8 suggesting how he should answer 9 questions. 10 MR. STAMATOPOULOS: I didn't 11 advise him on how to answer questions. 12 I saw that Mr. Gomez had been going 13 for quite a while without a break and 14 I just suggested that he just relax. 15 He's nervous. I don't think he's used 16 to this type of procedure. So I just 17 asked to see how he was doing and 18 suggested he relax. Nothing about the 19 substance of his testimony -- let me 20 finish what I'm saying, Greg. You 21 have a habit of interrupting me. 22 So all I did was ask him how he 23 was doing and told him to relax. I 24 don't think there is anything improper 25 about that. But if you do, that's	Page 124 1 A. No. 2 Q. Do the claims of the '821 Patent 3 require a large number of nodes? 4 A. So the '821 Patent discusses 5 entities between a first endpoint and a 6 second endpoint. An endpoint would be 7 associated with a node. To the extent that 8 there's plurality of entities, there would 9 also be a plurality of nodes. 10 Q. But does the claim of the '821 11 Patent require a large number of nodes? 12 MR. STAMATOPOULOS: Object to 13 form. 14 A. Well, plurality could be a large 15 number. I think the specification does 16 discuss, you know, that it could be a large 17 number. Let me go back and look at that, 18 find that. 19 Q. To be clear, my question is 20 whether it could be. My question is what 21 does the claim require. 22 A. The claim requires a plurality of 23 multi-protocol labeled switching transport 24 entities between a first endpoint and a 25 second endpoint as one of the elements of
Page 123 1 your prerogative. 2 MR. HUH: We'll take this up 3 later, but communication with counsel 4 is inappropriate per the rules and I 5 would cite in the record Focal 6 Therapeutics, Inc. v. Senorx, IPR 7 2014-00116 Paper 19 and we'll leave it 8 at that for now. 9 MR. STAMATOPOULOS: Okay. 10 BY MR. HUH: 11 Q. Mr. Gomez, let's turn to the 12 claims of the '821 Patent, if we may, 13 please, which is Exhibit 1001. 14 BY MR. HUH: 15 Q. Do you have that available to 16 you? 17 A. I do. 18 Q. Great. Now you've read the 19 claims of the '821 Patent, correct? 20 A. I have. 21 Q. And you understand the claims of 22 the '821 Patent, correct? 23 A. I believe I do, yes. 24 Q. Do you have any doubt that you 25 do?	Page 125 1 Claim 1. That's an example. 2 Q. So how many nodes would meet that 3 limitation? 4 A. Well, it could be a very large 5 number. 6 Q. Okay. Would two nodes meet that 7 limitation, sir? 8 MR. STAMATOPOULOS: Object to 9 form. 10 A. No, possibly not, because a 11 plurality of a multi-protocol label 12 switching entities between first endpoint 13 and a second endpoint, those would be the 14 first and second nodes, but then we have a 15 plurality of entities between a first 16 endpoint and a second endpoint. 17 Q. Would three nodes meet that 18 limitation? 19 MR. STAMATOPOULOS: Object to 20 form. 21 A. Restate your question one more 22 time? 23 Q. Would three nodes meet that 24 limitation? 25 MR. STAMATOPOULOS: Same

Page 126 1 objection. 2 A. Well, I think the requirement of 3 the claims is that there's any -- a 4 plurality of entities that span between a 5 first endpoint and a second endpoint. 6 That's the requirement of the claims. 7 Q. So would a network with three 8 nodes provide a plurality of entities that 9 span between the first endpoint and a 10 second endpoint? 11 MR. STAMATOPOULOS: Object to 12 form. 13 A. As long as there's a plurality of 14 multi-protocol label switching transports 15 as described in Claim 1 between the first 16 endpoint and the second endpoint. That's 17 the requirement. 18 Q. So three nodes would suffice, 19 correct? 20 MR. STAMATOPOULOS: Object to 21 form. 22 BY MR. HUH: 23 Q. I'm not asking you to speculate. 24 If you don't know, just say you don't know. 25 A. I'm just trying to make sure my	Page 128 1 of entities between the first endpoint and 2 the second endpoint and those endpoints are 3 associated with the nodes, that would be 4 the structure that the claim would require. 5 Q. I just want to clarify. When you 6 say in this answer the nodes, you mean with 7 three nodes that would meet the claim, 8 correct? 9 MR. STAMATOPOULOS: Same 10 objection. 11 A. The claims don't discuss the 12 requirements for the nodes. They just -- 13 Claim 1 discusses the requirements for a 14 transport entities between a first and a 15 second endpoint. 16 Q. Okay. So the claims have no 17 requirement for a number of nodes, correct? 18 MR. STAMATOPOULOS: Same 19 objection. 20 A. Well, the claims do discuss the 21 endpoints and... 22 Q. Are you done, sir? 23 A. I think so, yes. 24 Q. Okay. So my question stands 25 then. The claims have no requirement for a
Page 127 1 answer is correct and accurate. 2 Again, those nodes would have to 3 span -- would have to allow for transport 4 entities between a first endpoint and a 5 second endpoint. As long as it meets that 6 criteria, then the structure would be -- 7 would meet the claim. 8 Q. The structure with three nodes 9 would meet the claim, correct? 10 MR. STAMATOPOULOS: Object to 11 nodes -- object to form, sorry. 12 A. As long as it allowed for 13 transport entities between a first endpoint 14 and a second endpoint. 15 Q. A structure with three nodes, as 16 long as they allow for transport entities 17 between first endpoint and a second 18 endpoint would meet the claim, correct? 19 MR. STAMATOPOULOS: Same 20 objection. 21 A. And in Claim 1, it says: 22 Providing a plurality of multi-protocol 23 label switching transport entities between 24 a first endpoint and a second endpoint. 25 So as long as you have a number	Page 129 1 number of nodes, correct? 2 MR. STAMATOPOULOS: Same 3 objection. 4 A. The specification discusses nodes 5 in relationship to a span. For example, in 6 column 1, line 40, it says, for example, in 7 the event of a span or a node failure of a 8 label switch path, pseudo wire or subnet 9 work connection, the entity should recover 10 within 50 milliseconds. 11 So the specification shows 12 examples of that node failures or span 13 failures could be recovered, but the claims 14 themselves pertain to the transport 15 entities between a first and a second 16 endpoint. 17 Q. Sir, you're not answering my 18 question. It's very simple. 19 Do the claims require a specific 20 number of nodes, yes or no? 21 MR. STAMATOPOULOS: Same 22 objection. 23 A. Well, in interpreting the claims, 24 I believe that I need to go back to the 25 specification, and while the claims don't

Page 130 1 identify nodes specifically, the 2 specification certainly does. 3 Q. So how many number of nodes are 4 required by the claim? 5 MR. STAMATOPOULOS: Same 6 objection. 7 A. The claim identifies a plurality 8 of transport entities between a first 9 endpoint and a second endpoint, Claim 1. 10 Q. So how many nodes are there then? 11 MR. STAMATOPOULOS: Same 12 objection. 13 A. Well, there would be a plurality 14 of nodes if you interpret them with regard 15 to the specification. 16 Q. Okay. And a plurality of nodes 17 includes three? 18 MR. STAMATOPOULOS: Same 19 objection. 20 A. Three is a number. Where does 21 that come from? 22 Q. I'm just trying to understand how 23 many you mean by your plurality to your 24 answer. 25 A. Plurality is many.	Page 132 1 provide a plurality of entities. 2 A. You'd need more than one. 3 Q. More than one. So then if you 4 had two nodes, you may provide a plurality 5 of entities, correct? 6 MR. STAMATOPOULOS: Same 7 objection. 8 A. And I said earlier that two nodes 9 doesn't work because you need a plurality 10 of multi-protocol switching entities 11 between a first and a second endpoint -- 12 well, let me rethink that. 13 And this is not something I 14 opined on. It's not in my declaration. 15 Because nodes, while they're not in the 16 claims, are in the specification. But it 17 wasn't something that was asserted by 18 the -- and that I am responding to. So 19 claims require that there's a transport 20 entity -- that there's a plurality of 21 transport entities between a first endpoint 22 and a second point. 23 The specification does discuss 24 the fact that nodes would be part of that 25 structure, and if they failed that would
Page 131 1 Q. Does it include two? 2 MR. STAMATOPOULOS: Same 3 objection. 4 A. Well, we discussed the two 5 aspect. 6 Q. And what is your answer then? 7 Does plurality include two, yes or no? 8 MR. STAMATOPOULOS: Same 9 objection. 10 A. The word plurality means many. 11 Q. Is three many? 12 MR. STAMATOPOULOS: Same 13 objection. 14 A. Three is more than one, yes. 15 Q. So three is a plurality of nodes 16 that would be in the context of the claim 17 required? 18 MR. STAMATOPOULOS: Same 19 objection. 20 BY MR. HUH: 21 Q. Sir, this is a very simple 22 question. You testified that you 23 understand the claim. I'm just trying to 24 simply ascertain from you how many nodes 25 would be required by the claim in order to	Page 133 1 also -- that they would be part of the 2 transport entities in that they are 3 transporting data. 4 Q. Okay. So is it fair to say you 5 don't know, one way or the, other whether 6 the claims require a large number of nodes? 7 MR. STAMATOPOULOS: Same 8 objection. 9 A. That's not a -- that's not 10 correct. 11 Q. Okay. How many -- how many 12 number of nodes do the claims require? 13 MR. STAMATOPOULOS: Same 14 objection. 15 A. The claims require a plurality of 16 multi-protocol label switching transport 17 entities. 18 Q. Sir, you're not answering my 19 question. My question is about nodes, not 20 entities. My question is very specific. 21 You have nodes. You have entities? 22 MR. STAMATOPOULOS: Same 23 objection, and I caution you a little 24 bit to watch your tone. 25 MR. HUH: Counsel, please don't

Page 134 1 speak, provide speaking objections. I 2 will counsel you to please stop 3 providing speaking objections. 4 MR. STAMATOPOULOS: You're not my 5 lawyer, Greg. 6 MR. HUH: You're not my lawyer, 7 so don't provide me any counsel or 8 caution. 9 MR. STAMATOPOULOS: But he's my 10 witness and you're talking to him in a 11 very rude tone. 12 MR. HUH: Please stop 13 interrupting. 14 MR. STAMATOPOULOS: You can 15 answer. 16 BY MR. HUH: 17 Q. My question is a very simple 18 question. Do the claims even specify a 19 number of nodes? 20 MR. STAMATOPOULOS: Same 21 objection. 22 A. A transport entity, which is 23 defined -- which is what the claim 24 requires, clearly would be the -- I don't 25 believe that's being construed, but to the	Page 136 1 require a network that spans a large 2 geographical area? 3 A. The claims of the '821 are 4 agnostic as to whether they would be 5 implemented on a large or small 6 geographical area. 7 It does -- some of the dependent 8 claims -- well, it just doesn't, it's 9 agnostic. You could apply this technology 10 to either a large geographical area or a 11 small geographical area. 12 Q. Okay. Do the claims of the '821 13 Patent require a large number of disparate 14 physical networks? 15 MR. STAMATOPOULOS: Object to 16 form. 17 A. Well, to the extent that the 18 claims pertain to MPLS, it would indicate 19 that it's fully capable of working in a 20 large -- I believe your terms were large 21 disparate networks. There's nothing that 22 would preclude it from doing so. 23 Q. Okay. So my question wasn't 24 whether or not the claims preclude 25 something, but whether they require it. Do
Page 135 1 extent that it would be the entities that 2 transport packets, it could contain nodes, 3 but it clearly also would contain the 4 spans. But I did not opine on the specific 5 term transport entity. 6 Q. Mr. Gomez, I'm not asking about 7 transport entity, how you opined upon it. 8 I'm asking that you look at the claim and tell 9 me if the claim requires a specific number of 10 nodes or whether it doesn't. 11 MR. STAMATOPOULOS: Same 12 objection. 13 A. Well, my answer depends on the 14 construction of transport entities. And to 15 the extent that it includes a node, there 16 certainly would be a plurality of nodes. 17 To the extent that it includes spans, it 18 would include a plurality of spans. 19 Q. And three is a plurality, 20 correct? 21 A. Three is a number more than one. 22 Q. Which is a plurality? 23 A. If it's more than one, yes. 24 Q. Thank you. 25 Do the claims of the '821 Patent	Page 137 1 the claims require a large number of 2 disparate physical networks? 3 A. Well, to the extent that it 4 utilizes MPLS, which was designed for large 5 complex networks, it certainly would seem 6 that these are teaching towards that. 7 Q. The claims teach something, sir? 8 A. That they were at least intended 9 for large disparate networks. 10 Q. I'm asking what the claims 11 require. 12 MR. STAMATOPOULOS: Object to 13 form. 14 A. All I'm saying is that it doesn't 15 exclude that either. 16 Q. That's fine, but that's not what 17 I'm asking. If you're saying -- if your 18 testimony here today is that the claims 19 require that they be performed in a large 20 number of disparate physical networks, 21 identify for me, please, where the claims 22 have such requirements in them. 23 MR. STAMATOPOULOS: Object to 24 form. 25 A. So the claims don't preclude

Page 138 1 large disparate networks, but I don't see 2 it in the language, that there would be -- 3 requires large disparate networks. But 4 like I said, it doesn't exclude it either. 5 Q. Understood. Thank you. 6 Let's go back to what you had -- 7 you answered some questions that I didn't 8 contemplate on asking, but now I will come 9 back and ask about the entities that you 10 testified about. 11 You provided testimony regarding 12 providing a plurality of MPLS entities. 13 Do you recall that? 14 MR. STAMATOPOULOS: Object to 15 form. 16 A. I remember using the term. I 17 don't have text in front of me here. 18 Q. Let's look at Claim 1 so you 19 could have the text in front of you, if you 20 don't mind, please. 21 A. Okay. 22 Q. So the claim recites providing a 23 plurality of MPLS entities. 24 Do you see that? 25 A. Providing a plurality of	Page 140 1 A. Is that a question with regard to 2 plurality? 3 Q. It's in the context of your 4 answer, sir. You said it was more than 5 one. I'm asking, is two more than one? 6 MR. STAMATOPOULOS: Objection to 7 form. Sorry, object to form. 8 A. Two is more than one as long as 9 mathematics have been around. 10 Q. Okay. So then in the context of 11 the claim, a plurality of transport 12 entities would be met by two transport 13 entities? 14 A. I have to go back and look at the 15 context of the claim because we do have 16 this issue about the endpoints and whether 17 or not two is sufficient. But I'd have to 18 go back and look at that. I haven't opined 19 on that in my report. If you want me to, I 20 could spend some time on it. 21 Q. Sir, I'm asking you what the 22 claim requires. How many plurality of 23 entities does the claim require? 24 A. It requires more than one -- 25 well, a plurality -- how many pluralities
Page 139 1 multi-protocol label switching MPLS 2 transport entities between a first endpoint 3 and a second endpoint. Is that what you're 4 referring to? 5 Q. Yes. 6 A. Okay. 7 Q. So in the context of the claim, a 8 plurality of MPLS entities includes how 9 many? 10 MR. STAMATOPOULOS: Object to 11 form. 12 A. More than one. 13 Q. Can the claim be performed with 14 only two MPLS entities? 15 A. It just says plurality of MPLS 16 transport entities. 17 Q. Okay. So I'm asking your 18 understanding of the claim. 19 Do you understand that? 20 A. You're asking me about the 21 understanding of plurality, and I said it's 22 more than one. 23 Q. Right. So my question is, is two 24 more than one? 25 MR. STAMATOPOULOS: Objection.	Page 141 1 does the claim require? That I can't 2 answer. Because a plurality is already 3 more than one. 4 Q. My question was, in the context 5 of the claim, a plurality of transport 6 entities would be met by two transport 7 entities, correct? 8 MR. STAMATOPOULOS: Object to 9 form. 10 A. Again, I haven't created an 11 opinion, I haven't opined on that because 12 it's between first endpoint and second 13 endpoint. I'd have to take that under 14 consideration in the context of this claim. 15 Q. So sitting here today, you have 16 no basis to dispute that the claim 17 plurality of transport entities will be met 18 by two transport entities, correct? 19 MR. STAMATOPOULOS: Objection. 20 Form. 21 A. I'm sorry, I didn't quite catch 22 that. Can you say that again? 23 Q. So sitting here today, you have 24 no basis to dispute that the claim 25 plurality transport entities would be met

Page 142 1 by two transport entities, correct? 2 MR. STAMATOPOULOS: Same 3 objection. 4 A. Again, I would need to consider 5 how the two transport entities would span 6 between the first endpoint and the second 7 endpoint. It's possible that I need to 8 consider it. 9 Q. And you haven't considered that 10 in rendering your opinion, correct? 11 A. So looking down through the claim 12 for the element of reselection, it would 13 require to be able to reselect said entity 14 pair from group consisting of said entity 15 pair and a replacement entity pair 16 comprising at least one entity distinct 17 from the entities of the entity pair. 18 So, in order to answer your 19 question, I need to take the entire claim 20 into account in order to really determine 21 whether or not they should. Because the 22 next element says that the claim requires 23 being able to reselect from the group 24 consisting of the entity pair and a 25 replacement entity pair, two might not be	Page 144 1 from plurality of transport entities. 2 I don't know, maybe I should have 3 read from the previous section. 4 Reselecting said entity pair from the 5 group, consisting of said entity pair and 6 replacement entity pair, comprising at 7 least one entities distinct from the 8 entities of the entity pair. So you'd need 9 at least one more and possibly more, but 10 I'd have to think about that. 11 Q. Again, that's for the reselect -- 12 MR. STAMATOPOULOS: Just let 13 me -- give me one second to lodge my 14 previous objection. 15 MR. HUH: No, the objection has 16 gone. The answer has been answered. 17 MR. STAMATOPOULOS: I made the 18 objection, Greg, and it was not 19 captured by the record, okay. So 20 objection. 21 MR. HUH: I didn't hear an 22 objection. 23 MR. STAMATOPOULOS: It's okay 24 that you didn't hear it. I made it. 25 It wasn't captured by the record. So
Page 143 1 sufficient. Again, I have a -- yeah. 2 Q. So then three would be 3 sufficient? 4 MR. STAMATOPOULOS: Object to 5 form. 6 A. Again, it depends on the spans. 7 I'd have to consider that, how they would 8 span between the three. But I think the 9 important part here is that the claim 10 requires a plurality and it also requires 11 the ability to reselect -- select and then 12 reselect, and also determine an overall -- 13 yeah, those are the key elements right 14 there. 15 Q. Right, and the reselect, at least 16 one is common with the previous selection, 17 so you have a total of three entity pairs, 18 correct? 19 A. All it says is removing an entity 20 pair from plurality of transport 21 entities -- I'm sorry, wherein said entity 22 pair reselection event is selected from 23 group consisting of adding -- so you could 24 add one to the group -- and said plurality 25 of transport entities, removing an entity	Page 145 1 I'm making it now. So you can go on 2 with your questioning. And it would 3 be easier if you in good faith -- 4 MR. HUH: George, stop speaking 5 and make your objection. 6 MR. STAMATOPOULOS: I made the 7 objection. 8 MR. HUH: Move on then. Please 9 stop speaking. George, please stop 10 speaking. 11 MR. STAMATOPOULOS: Please go on. 12 MR. HUH: George, rendering 13 objections after the answer has been 14 given is improper. Speaking with the 15 witness is improper during break. 16 Please stop doing what you're doing. 17 MR. STAMATOPOULOS: Greg, if you 18 want to go -- 19 MR. HUH: Please stop it. Please 20 stop it. 21 MR. STAMATOPOULOS: You're 22 addressing me on the record. 23 MR. HUH: Yes, and so are you, 24 you're addressing me on the record -- 25 MR. STAMATOPOULOS: And I've

Page 146 1 already stopped and you -- I wanted to 2 make the objection. 3 MR. HUH: George, stop speaking. 4 MR. STAMATOPOULOS: Please go on, 5 Greg. 6 MR. HUH: Please stop speaking, 7 George. 8 MR. STAMATOPOULOS: Go on. 9 Unprofessional. I've never seen this. 10 MR. HUH: I've never seen you -- 11 MR. STAMATOPOULOS: Go on. 12 MR. HUH: Stop. 13 BY MR. HUH: 14 Q. So, Mr. Gomez, looking back at 15 your answer, you're addressing the 16 reselecting step where there's a new 17 potential entity added. 18 I'm asking you specifically in 19 the context of the selecting step where the 20 claim requires that there's a provided 21 plurality of MPLS entities and then there 22 is a selecting step, how many pluralities 23 are required by that portion of the claim? 24 MR. STAMATOPOULOS: Object to 25 form.	Page 148 1 A. Yes, I do. 2 Q. Okay. And that's -- the 3 plurality there are said plurality having 4 antecedent basis in the previous limitation 5 of providing a plurality. 6 Do you see that? 7 MR. STAMATOPOULOS: Objection. 8 Form. 9 A. I'm sorry, one more time, please? 10 Q. The selecting step refers to said 11 plurality of transport entities which were 12 described in the initial limitation of 13 providing a plurality of MPLS entities, 14 correct? 15 A. Yes, it refers to -- I believe it 16 refers to providing -- the step refers to 17 plurality of multi-protocol label switching 18 transport entities. 19 Q. That were provided, correct? 20 A. That were provided? 21 Q. Right. The first limitation is 22 providing plurality of multi-protocol label 23 switch transport entities? 24 A. Correct. 25 Q. And the selecting step refers
Page 147 1 BY MR. HUH: 2 Q. Does the claim require three 3 entities, two entities, five entities, ten 4 entities? How many? 5 MR. STAMATOPOULOS: Object to 6 form. 7 A. Are you asking about pluralities 8 or entities? Because you said both there. 9 Q. I'm asking about the plurality of 10 transport entities. How many are required 11 by the claim for the selecting step? 12 A. Well, it requires a plurality of 13 them. So that would be more than one. 14 Q. Okay. So then two transport 15 entities at that step in the claim would be 16 sufficient, correct? 17 MR. STAMATOPOULOS: Objection. 18 Form. 19 A. You need to take the whole claim 20 into account. You can't just look at one 21 element in isolation. 22 Q. Sir, there's a selecting step, 23 selecting an entity pair from said 24 plurality of transport entities. 25 Do you see that step?	Page 149 1 back to said plurality of transport 2 entities, correct? 3 A. Yes. 4 Q. Okay. So my question to you is, 5 how many MPLS entities need to be provided 6 for the selecting step? 7 MR. STAMATOPOULOS: Object to 8 form. 9 A. Well, as the claim says it would 10 be a plurality of transport entities. 11 Q. More than one is sufficient? 12 A. If you take the whole claim into 13 account, I believe it's much more than one, 14 several more than one. But for these two, 15 it just says a plurality. 16 Q. So more than one is sufficient, 17 yes or no, sir? 18 A. Well, are you referring to the 19 claim? Because I think you need to take 20 the whole claim into account, or are you 21 just referring to -- are you limiting the 22 scope just to the first and third element? 23 Q. Yes, the first and third element. 24 How many MPLS entities need to be provided 25 for the selecting step in the claim?

Page 150 1 MR. STAMATOPOULOS: Objection. 2 A. That would be a plurality, which 3 is more than one. 4 Q. Okay. Let's look at Figure 1 of 5 the '821 Patent, please. 6 A. I'm sorry, which figure? 7 Q. Figure 1. 8 A. Yes, I see it. 9 Q. Okay. So looking at Figure 1, to 10 the left it illustrates a plurality of 11 entities 120, correct, on the left side? 12 A. Yeah, I've got 120. And I 13 believe if I were to go to the text, I 14 believe those would be transport entities. 15 It says, box 110 says entity selection 16 logic. 17 Q. Okay. So in the context of the 18 embodiment of Figure 1, what's the maximum 19 number of entities 120 that may be provided 20 to entity selection logic 110? 21 A. It doesn't define a maximum 22 limit. 23 Q. So is your testimony that it's 24 unbounded as to the number of entities 120? 25 MR. STAMATOPOULOS: Object to	Page 152 1 discussed -- one second. So I haven't 2 included 4C in my report, but to the extent 3 that 4C selects an entity pair from the 4 subset that minimizes an entity cost 5 matrix, I do discuss that where I say in 6 one place, among others, that '821 Patent 7 teaches a method ensuring that the traffic 8 continues unabated in the event of a 9 network change, such as a router failure, a 10 change in the network configuration, or a 11 change in the costs associated with the 12 network span. 13 Q. Okay. So although you didn't 14 specifically cite to it, you considered it 15 in rendering your opinions, is that your 16 testimony here today? 17 A. I did consider it, yes. 18 Q. And is the method of Figure 4C 19 within the scope of Claim 1? 20 A. Claim 1 includes the language in 21 Element C, selecting an entity pair from 22 the plurality of transport entities based 23 on at least, in part, upon said overall 24 cost. So that is part of what also 4C 25 does.
Page 151 1 form. 2 A. So for a person of ordinary skill 3 in the art, you'll see that at the top 4 there's two lines with 120 on them and then 5 there's a series of dots. That means it 6 could be any number which is a plurality. 7 And then it ends with 120, which means that 8 there is some number that is assigned for 9 any given structure, but it's not defined 10 here. 11 Q. Let's look at Figure 4C, please. 12 A. All right, I'm there. 13 Q. Did you review Figure 4C in 14 providing your opinions? 15 A. I did. 16 Q. What is Figure 4C? 17 A. It's a flow diagram. 18 Q. Flow diagram of what? 19 A. Of the process described for 310. 20 Hold on a second. So Figure 310 or box 310 21 refers to Figure 3, which is another flow 22 diagram. 23 Q. Did you discuss Figure 4C in your 24 declaration, sir? 25 A. Well, to the extent that I	Page 153 1 Q. Okay. Let's turn to your 2 declaration. 3 In your declaration, you discuss 4 the Guichard reference, correct? 5 A. I do. 6 Q. What is the Guichard reference? 7 A. It's a textbook that describes 8 itself as the definitive MPLS network 9 designs reference, or textbook. 10 Q. Textbook from whom? 11 A. I believe it's Guichard, but let 12 me go look up the other authors, if there 13 are any. 14 So this is a Cisco press 15 publication and it has several authors, Jim 16 Guichard -- I'm not sure how to pronounce 17 the second name, Francis Guichard, and then 18 Jean-Philippe Vasseur, and there's also a 19 number of reviewers that were involved in 20 this process as well. 21 Q. Understood. So this is a Cisco 22 textbook by various authors. 23 Now, there's also another 24 Guichard reference filed in the proceeding, 25 correct?

Page 154 1 A. I don't have the other reference 2 in my repository. 3 Q. If I could direct your attention 4 to Exhibit 2028. Do you have that exhibit? 5 A. Let me check. 6 Yes, I do. Okay, 2028 is the one 7 I was just citing to. 8 Q. Okay. If you don't mind, please 9 look at Exhibit 1006 then. 10 A. Yes, this is the textbook. 11 Q. So what is Exhibit 2028 then, is 12 that also a textbook? 13 A. That's a Cisco publication. 14 Q. Maybe you can review your 15 declaration and understand what Exhibit 16 2028 is, just for clarity of the record, if 17 you don't mind, please. 18 Do you have an understanding of 19 Exhibit 2028, sir? 20 A. Yeah, it's a book. It's a Cisco 21 publication book. 22 Q. The same textbook as Exhibit 23 1006? 24 A. I haven't done an exhaustive 25 comparison between them, so give me a	Page 156 1 BY MR. HUH: 2 Q. As it relates to what you've 3 cited? 4 A. I'm sorry? 5 Q. Do you understand the teachings 6 of Guichard as it relates to what you've 7 cited in your declaration? 8 A. Yes, I believe I do. 9 Q. Let's look at your declaration, 10 paragraph 53. Let me know when you're 11 there, please. 12 A. I am here now. 13 Q. Okay. So here you testify: 14 Guichard explains further that though 15 combining recovery mechanisms may be 16 desirable in some cases -- do you see that? 17 A. I do. 18 Q. And I believe that's referencing 19 Exhibit 2028 Guichard, correct? 20 A. Yes, it is. 21 Q. Okay. First, can you please 22 specify, what do you mean by "combining 23 recovery mechanisms" in this sentence? 24 A. So I think what's happening here 25 is Guichard is being a pragmatic engineer
Page 155 1 moment. 1006, I only have -- I only have a 2 few excerpts that were provided. It's hard 3 to do a direct comparison. 4 Q. Okay. Understood. 5 A. 1006 is also a Cisco publication. 6 It has a Cisco logo on it. 7 Q. So for today's testimony, I'll 8 try to specify which exhibit we're looking 9 at, although they have in the briefings now 10 the same name Guichard. There is an 11 Exhibit 1006 and there is an Exhibit 2028. 12 So we'll just try to have the exhibit 13 numbering along with the name Guichard, 14 just for clarity purposes. 15 Understood? 16 A. Okay. 17 Q. Okay. So again, in your 18 declaration, you discuss the Guichard 19 reference and I believe you discuss both 20 Exhibit 1006 and 2028, correct? 21 A. That's correct. 22 Q. Do you understand the teachings 23 of Guichard? 24 MR. STAMATOPOULOS: Object to 25 form.	Page 157 1 and advising his readers that combining 2 different mechanisms for recovery sounds 3 great, but in practice is very difficult 4 and is -- may not work out properly for the 5 user, for the designer. 6 And he gives an example here of 7 extra care to avoid race conditions. 8 Someone who spent considerable amount of 9 time in testing, Guichard is -- you know, I 10 have to agree with Guichard that whenever 11 you apply too many strategies, there's a 12 high probability that it just won't work. 13 Q. Okay. So that didn't answer my 14 question. 15 My question to you was, what do 16 you mean by combining recovery mechanisms? 17 What are recovery mechanisms, sir? 18 A. Okay. So there's a number of 19 different ways that you can design recovery 20 mechanisms. The '821 has one, teaches one 21 form of that. Guichard teaches a different 22 approach in that he teaches for the most 23 part restoration as opposed to protection 24 mechanisms. 25 He does acknowledge protection

Page 158 1 mechanisms, but he says here that when 2 you're combining different types together, 3 there can be things, for example, race 4 conditions, where there's competing efforts 5 that may be detrimental to the intent of 6 the design. 7 Q. Okay. So let's actually look at 8 the language in Guichard, okay. Let's pull 9 up Exhibit 2028, page 96, which is what 10 you're citing, I believe. 11 Are you there, sir? 12 A. Almost. I just went past it. 13 There it is. Okay, I'm there now. 14 Q. Let me read in the record exactly 15 what Guichard cites, and I quote: "In some 16 cases, it might be desirable to elect to 17 use a combination of recovery mechanisms." 18 And my question to you is, in the 19 context of Guichard describing a 20 combination of recovery mechanisms, what 21 combination of recovery mechanisms is he 22 contemplating here? 23 A. So you haven't read the entire 24 sentence. You stopped at the comma -- 25 Q. I understand that, sir. I'm	Page 160 1 optimality in terms of backup resources. 2 In 52, Guichard also explains 3 that there are several different criteria 4 network objectives to consider in choosing 5 between different network recovery 6 mechanisms, including the scope of the 7 recovery, whether the recovery mechanisms 8 including leak failures, the quality of 9 service during failure, whether the backup 10 provides equivalent quality of service, 11 network overhead, the extra information or 12 state required by the recovery mechanism 13 cost and network stability. 14 And in 51, I say: Guichard makes 15 clear that the on-the-fly restoration is 16 discussed in petitioner's excerpt of 17 Guichard's describing optimization belongs 18 to a different family of network recovery 19 mechanisms than network protection through 20 pre-computed backup paths to which the '821 21 method and systems are directed. 22 So I think that explains that. 23 Q. So what recovery mechanisms is 24 Guichard talking about combining? 25 A. Well, I didn't memorize Guichard.
Page 159 1 asking you about the combination recovery 2 mechanisms. What exactly is he speaking to 3 here? 4 MR. STAMATOPOULOS: Object to 5 form. 6 A. At the very top of the page, he 7 says after you've determined the network 8 recovery objectives, you should evaluate 9 the various available recovery network 10 mechanisms while keeping in mind the 11 various criteria. 12 So he's talking about objectives 13 and making selections about the recovery 14 mechanisms that the user may implement in 15 their designs. 16 Q. What combination is he speaking 17 to, sir? I believe it's in your 18 declaration. 19 A. So in my declaration, I cite that 20 Guichard explains further that through 21 combining recovery mechanisms, it may be 22 desirable in some cases, it may also 23 require extra care to avoid race conditions 24 between recovery mechanisms and double 25 protections, which may lead to lack of	Page 161 1 So I'd have to go back and look at the 2 previous pages. But I think what Guichard 3 is doing in the pages that you've directed 4 me to and specifically in that paragraph is 5 that he's saying, look, you combine 6 different types of recovery mechanisms and 7 you're going to end up with a problem 8 that's much larger than you may be able to 9 solve. 10 And in doing -- and it becomes 11 very difficult to build these systems when 12 you combine different types of systems. 13 He's teaching away from it. 14 Q. Sir, he actually says combining 15 recovery mechanisms may be desirable in 16 some cases, correct? 17 A. And read the second part of it, 18 please. 19 Q. In what instances is it 20 desirable, sir? 21 MR. STAMATOPOULOS: Object to 22 form. 23 A. The second part of that paragraph 24 says: Although such an option requires 25 some extra care to avoid race conditions

Page 162 1 between recovery mechanisms and double 2 protection, which may lead to a lack of 3 optimality in terms of backup resources. 4 So he's actually saying, okay, it 5 looks like on the surface like it might be 6 a good idea. But in reality, once you 7 start implementing these -- 8 Q. Sir, sir, you're not answering my 9 question and this is not a time for you 10 just to speak as much as you want. I'm 11 asking you a specific question. 12 I quoted the reference for you. 13 You cited to it. And my question is very 14 simple. Guichard teaches combining 15 recovery mechanisms may be desirable in 16 some cases. In what cases is it desirable? 17 MR. STAMATOPOULOS: Object -- 18 object to form. 19 You can answer. 20 A. He's not saying that at all. 21 He's saying that there may be a limited 22 number of cases where it's desirable, but 23 in reality they're not. They're not 24 desirable. Because once you get into the 25 implementation, it becomes a nightmare to	Page 164 1 a combination of recovery mechanisms, 2 right? In what cases would it be desirable 3 to elect to use a combination of recovery 4 mechanisms? 5 MR. STAMATOPOULOS: Object to the 6 form of the question. 7 A. I'd have to go back and look at 8 the previous text. If you want me to, I'd 9 be happy to do this at this point to 10 understand the context in which he's making 11 that assertion. 12 There are, and the way I 13 interpret that paragraph, as we sit here 14 today, is that he's actually saying -- 15 Q. Sir, I'm not asking how you're 16 interpreting. I'm asking you about that 17 statement that Guichard states, right. And 18 you're telling me you don't know in what 19 case it is might be desirable to elect to 20 use a combination of recovery mechanisms? 21 MR. STAMATOPOULOS: Object to 22 form and don't interrupt him. He's in 23 the middle of giving you an answer. 24 MR. HUH: He's not answering my 25 question. He's answering something
Page 163 1 design these things. That's the way I see 2 that as a person of ordinary person in the 3 art. 4 Q. The word "limited" came from you, 5 not Guichard, rights? 6 A. I'm sorry? 7 Q. You added the word "limited" in 8 your answer. Guichard does not use the 9 word limited, correct? 10 MR. STAMATOPOULOS: Object to 11 form. 12 A. I was just trying to answer your 13 question. And I don't have the text in 14 front of me, so I don't know the context in 15 which I used the word limited. 16 Q. Well, you just spoke it into 17 existence. 18 MR. STAMATOPOULOS: Is there a 19 question pending? 20 MR. HUH: Yes. 21 BY MR. HUH: 22 Q. And again, I'm going to ask for 23 the third time, and if you don't know the 24 answer that's fine, but Guichard teaches 25 that it might be desirable to elect to use	Page 165 1 else. 2 MR. STAMATOPOULOS: That's -- you 3 need to wait for him to finish his 4 answer. 5 MR. HUH: George, please stop. 6 MR. STAMATOPOULOS: You can ask 7 another question if you want, but 8 don't interrupt him. 9 MR. HUH: He's not answering the 10 question. He's just providing a 11 repeated statement, but he's not 12 answering my question. 13 MR. STAMATOPOULOS: That's your 14 view. Let's move on. You want to 15 state a question? 16 MR. HUH: George, please stop 17 speaking. 18 BY MR. HUH: 19 Q. Sir, do you have an answer, in 20 what cases it might be desirable to elect 21 to use a combination of recovery 22 mechanisms, yes or no? 23 MR. STAMATOPOULOS: Object to 24 form. 25 A. I need to have more context -- or

Page 166	Page 168
1 at least be able to go back and look at the 2 previous page where is he may have outlined 3 such systems. 4 The context matters. 5 Q. In the context of Guichard, which 6 you cited in your declaration, sir. 7 A. The entire paragraph teaches away 8 from -- 9 Q. Sir -- 10 A. -- combination. 11 MR. STAMATOPOULOS: Seriously? 12 MR. HUH: George, please stop 13 speaking. 14 MR. STAMATOPOULOS: You're 15 interrupting him at every turn. 16 MR. HUH: He's not answering my 17 question. 18 MR. STAMATOPOULOS: That's your 19 view. 20 MR. HUH: That's not my view. 21 That's a fact. 22 MR. STAMATOPOULOS: If you say 23 so, Greg. You want to put a question 24 on the record? 25 MR. HUH: It's been on -- the	1 It's about an hour and a half now. 2 MR. HUH: Sure. How long do you 3 need? 4 THE WITNESS: Ten minutes. 5 MR. HUH: Very well. 6 THE VIDEOGRAPHER: We are now 7 going off the record. The time is 8 4:28 p.m. 9 (Recess taken from 4:28 p.m. to 10 4:44 p.m. CST) 11 THE VIDEOGRAPHER: We are now 12 back on the record. The time is 4:44 13 p.m. 14 BY MR. HUH: 15 Q. Mr. Gomez, welcome back from the 16 break. 17 Have you spoke with anyone during 18 the break? 19 A. No. 20 Q. There's not much more to go. 21 Hopefully this will be the last instance of 22 the breaks. 23 Let's turn to Claim 14, please, 24 of the '821 Patent. 25 A. Okay.
Page 167	Page 169
1 question has been on the record. 2 BY MR. HUH: 3 Q. In what cases does Guichard teach 4 that it might be desirable to elect to use 5 a combination of recovery mechanisms? 6 MR. STAMATOPOULOS: Same 7 objection. 8 A. In a very narrow set of cases, it 9 might be desirable if the objectives of the 10 recovery mechanism are in alignment and 11 they do not create and have been validated 12 not to create issues -- unintended issues 13 such as the ones that he provides here, 14 Guichard provides, such as race conditions 15 between recovery mechanisms and double 16 protection. 17 Those would be the only times I 18 would use a combination of recovery 19 mechanisms. I would never use one if they 20 haven't already been validated to work and 21 to not have additional issues or present 22 additional issues. 23 Q. Let's go to Claim 14, please, of 24 the '821 Patent. 25 THE WITNESS: Can I take a break?	1 Q. Okay. Claim 14, about the third 2 limitation down, recites digital logic 3 configured to select. 4 Do you see that, sir? 5 A. I do. 6 Q. Do you have an understanding of 7 digital logic? 8 A. I haven't been a digital logic 9 design engineer for 40 years. I think I 10 do, yes. 11 Q. But I really mean in the context 12 of the claim at issue, sir. 13 A. Okay. Yes, I believe I do. 14 Q. Okay. What is your understanding 15 of digital logic in the context of Claim 16 14? 17 A. Well, that it's configured to 18 select working entity and a protection 19 entity as the first element, or first part 20 of this claim element, from said plurality 21 of transport entity descriptors. And that 22 comprises logic configured to determine a 23 probability of concurrent failures of said 24 working entity and protection entity. 25 In the context of this element,

Page 170 1 digital logic pertains to just the 2 selection process done by some form of a 3 logic that comprises ones and zeros. 4 Q. Okay. Is digital logic in the 5 context of the claim required to be 6 hardware? 7 A. I don't believe it is. There is 8 some block diagrams that show a selection 9 process, but I don't believe those need to 10 be -- are only limited to hardware. 11 Q. Based on your answer, am I to 12 understand that digital logic includes 13 software, sir? 14 MR. STAMATOPOULOS: Object to 15 form. 16 A. Digital logic is, you know -- 17 software runs on digital logic. All 18 processes run on digital logic at some 19 point. If you're saying that it requires 20 specific digital logic implemented just to 21 do one function, I disagree. It could be 22 combinations, it could be layers of 23 different types of logic on top of each 24 other. It's just that digital logic was a 25 very, very broad description.	Page 172 1 Do you see that? 2 A. Yes. 3 Q. Does the claim require that the 4 determined probability of the current 5 failure of said working entity and said 6 protection entity occur as part of the 7 selection? 8 MR. STAMATOPOULOS: Object to 9 form. 10 A. I'm sorry, what was the question 11 again? 12 MR. HUH: Would the court 13 reporter read back the question? 14 (The requested portion was read 15 back by the Court Reporter.) 16 MR. STAMATOPOULOS: Same 17 objection. 18 A. So just to be sure that I get it 19 right, I hate to ask you again, but can you 20 reask the question just so I've got it in 21 my head correctly? 22 Q. Does the claim require that the 23 determined probability of concurrent 24 failure of said working entity and said 25 protection entity occur as part of the
Page 171 1 Q. Understood. 2 So my question was, because you 3 testified that digital logic in the context 4 of the claim is not limited only to 5 hardware. What else would digital logic in 6 the context of the claim include, sir? 7 A. Well, it could be the logic that 8 the software runs on. 9 Q. So digital logic can include 10 hardware and software, correct? 11 A. The patent doesn't describe or 12 define thoroughly what digital logic needs 13 to be. It's left that open-ended and I 14 think on purpose because I think a person 15 of ordinary skill in the art will know that 16 everything that runs on top of digital 17 logic. And the logic function could be 18 purely in hardware, purely in software, or 19 some combination thereof. 20 Q. Okay. So you refer to the 21 following limitation, the comprising 22 limitation in digital logic, which recites 23 logic configured to determine a probability 24 of concurrent failure of said working 25 entity and said protection entity.	Page 173 1 selection? 2 MR. STAMATOPOULOS: Same 3 objection. 4 A. So the selection in the logic 5 configured to determine a probability, you 6 know, in any digital process are two 7 separate functions. You've got selection 8 process and then you have a process that's 9 determining the probabilities. Those are 10 very different things. 11 So the fact that they work 12 together doesn't necessarily mean that they 13 are the same thing. 14 Q. So can logic configured to 15 determine probability of concurrent failure 16 of said working entity and said protection 17 entity be executed before the selection? 18 A. I'm sorry, say that again? I 19 didn't quite catch all that. 20 Q. The logic configured to determine 21 a probability of concurrent failure of said 22 working entity and said protection entity 23 can be executed before the selection? 24 MR. STAMATOPOULOS: Object to 25 form.

Page 174 1 A. I don't think I've opined on the 2 record and I don't see that the patent 3 requires or dictates an order. 4 Q. Is it your opinion that the claim 5 determination of a probability of 6 concurrent failure requires selecting data 7 from the network? 8 MR. STAMATOPOULOS: Object to 9 form. 10 A. Well, I could say determining -- 11 in paragraph 116 -- determining a 12 probability of concurrent failures includes 13 the steps of collecting data from the 14 network, storing the data using 15 computational hardware for computing the 16 matrix of probabilities. 17 Q. And all of that is required by 18 the claim, sir? 19 A. No. This is -- you know, the 20 claim is a little bit more limited in 21 what -- but I expanded on it. I say to 22 explain further. That's my language. 23 Q. Okay. So I understand, where are 24 you exactly in your declaration? 25 A. Paragraph 116.	Page 176 1 probability of concurrent failures includes 2 the steps of collecting data from the 3 network. Storing the data and using 4 computational hardware for computing the 5 matrix of probabilities. 6 Q. Thank you. 7 Does the claim of the '821 Patent 8 require the determination that you've 9 outlined in paragraph 116? 10 A. The '821 claim itself, with 11 regard to determining probability of 12 concurrent failures, the '821 claim says: 13 Logic configured to determine a probability 14 of concurrent failure of said working 15 entity and said protection entity. 16 Q. So does the claim require 17 collecting data from the network, sir? 18 A. These would be the kind of -- in 19 order to make a determination of 20 probability, you need information. 21 Q. Okay. So does the claim require 22 selecting data from the network? 23 A. I'm just simply saying that a 24 logical process, and the ordered steps of 25 activities are performed in a systematic
Page 175 1 Q. Can you read in the record, 2 please, so the Board knows what you're 3 speaking, the first two sentences of 4 paragraph 116? 5 A. I'm sorry, I don't -- 6 Q. Please read in the record the 7 first two sentences of your paragraph 116 8 for Board. 9 A. Are they different than yours 10 or -- 11 Q. I would like to see what you're 12 speaking to. You just provided some 13 testimony about it. 14 A. So paragraph 116 -- 15 Q. This is your testimony, correct? 16 A. Yeah. I'm just a little confused 17 as to what you're trying to ask of me, but 18 I'd be happy to do whatever you want me to 19 do with this. 20 Q. Just read into the record the 21 first two sentences, please. 22 A. Okay: To explain further, a 23 logical process refers to the ordered steps 24 or activities that are performed in a 25 systematic manner. Determining a	Page 177 1 particular manner. Determining a 2 probability of concurrent failures includes 3 these steps. 4 Q. And are those steps required by 5 the claims? 6 A. These would be information 7 collecting steps, and if you're going to 8 make a probability, you need information. 9 Q. Okay. So the claim requires 10 collecting data from the network, correct? 11 MR. STAMATOPOULOS: Object to 12 form. 13 A. I think the keyword is 14 determining or to determine a probability 15 of current failure -- of concurrent 16 failure. So the "to determine" requires 17 that there's a logical process and the 18 logical process is doing something with 19 information that it would have to obtain 20 somehow, and that would be the collecting 21 that I'm describing here. 22 Q. Okay. So is your paragraph 116 23 speaking to determining probability of 24 concurrent failures in general or are you 25 speaking to the claim language, sir?

Page 178	Page 180
1 MR. STAMATOPOULOS: Object to 2 form. 3 A. I am trying to help the reader 4 understand what some of the processes would 5 be for -- to determine a probability of 6 concurrent failure. And the key phrase 7 that this covers is the "to determine," as 8 we just discussed. 9 Q. Right, and that's claim language, 10 determining probability of failures, that's 11 in the claim. 12 And my question to you is, are 13 you implying by your statement at paragraph 14 116 that the claim requires all these 15 steps? 16 A. I don't believe I said that 17 specifically. I'm using these as examples 18 of the kinds of steps that would be used. 19 Q. Okay. So the claim does not 20 require all the steps identified at 21 paragraph 116, correct? 22 MR. STAMATOPOULOS: Object to 23 form. 24 A. I don't believe I've said that 25 either. What I have said is that there is	1 form. 2 BY MR. HUH: 3 Q. Is that correct? 4 A. I didn't hear the question. 5 Q. The claim language does not 6 absolutely require the steps identified at 7 paragraph 116, correct? 8 MR. STAMATOPOULOS: Object to 9 form. 10 A. Again, I use the phrases to 11 explain further, and then later down in the 12 paragraph the collected data would include 13 status from the network router. So these 14 are things that most clearly it needs to 15 get in order to do determining. 16 Q. Sir, do you understand that we're 17 here to talk about what the claim language 18 requires? And I want to know your opinion 19 as an expert, which you testified that you 20 are, and you understand the claim language, 21 and my question to you is does the claim at 22 issue require the steps identified at 23 paragraph 116? 24 MR. STAMATOPOULOS: Objection. 25 BY MR. HUH:
Page 179	Page 181
1 the words "to determine" in the claim 2 language and there is a process that would 3 be required to collect information to do 4 the determining. 5 Q. Okay. So is this process 6 required by the claim, yes or no? 7 A. The claim says: Logic configured 8 to determine a probability of concurrent 9 failure of said working entity and said 10 protection entity. 11 I'm explaining further to what 12 would be required of that claim or what 13 would be examples of the things that would 14 be used to satisfy that claim. 15 Q. And these are examples? 16 MR. STAMATOPOULOS: Object to 17 form. 18 A. These are the things that a 19 person of ordinary skill in the art would 20 know are likely required. In fact, most 21 likely required in order to carry out these 22 steps, the claim language. 23 Q. So most likely, but not 24 absolutely required by the claim language? 25 MR. STAMATOPOULOS: Object to	1 Q. It's your testimony, sir, not 2 mine. You wrote this. 3 MR. STAMATOPOULOS: Object to 4 form. 5 A. As a person of ordinary skill in 6 the art, these are the steps that a person 7 of ordinary skill in the art, or a designer 8 rather, would have to consider. These are 9 elements that are instrumental in carrying 10 out a determining. 11 Q. But they're not recited in the 12 claim, correct? 13 MR. STAMATOPOULOS: Object to 14 form. 15 A. As I said, my paragraph 116 16 explains further and provides examples that 17 would most certainly be used as part of the 18 determining process. And I gave an example 19 that the collect data to do the determining 20 would include status from the network 21 routers. You can't do anything without 22 information. 23 Q. Okay. So let's go through this 24 then if you want to point to me where in 25 the claim language it requires collecting

Page 182 1 data from the network. Where specifically? 2 MR. STAMATOPOULOS: Object to 3 form. 4 BY MR. HUH: 5 Q. Mr. Gomez, why don't I repeat the 6 question so it's fresh in your mind, if 7 that's okay. 8 A. Just give me a minute. I need 9 one more minute. 10 Q. Okay. 11 (Pause.) 12 A. Okay, go ahead and repeat the 13 question please. 14 Q. Sure. 15 Where specifically does the claim 16 language require collecting data from the 17 network? 18 MR. STAMATOPOULOS: Same 19 objection. 20 A. So the specification, which sheds 21 light on the claims, says in column 3, line 22 36: Each entity represents a network route 23 between a first endpoint and a second 24 endpoint, and may include entity cost data 25 associated with each entity. For example,	Page 184 1 A. I don't know how to answer that 2 because my understanding -- and again, I 3 preface that I'm not an attorney -- but 4 where a reader needs clarity to understand 5 the claim language, you refer to the 6 specification. 7 Q. So in your opinion, when you read 8 the claim language, the specification tells 9 you what's required by the claim? 10 A. I think the claim language itself 11 requires -- outlines that when it says 12 configure to determine. That clearly says 13 that information is required. 14 And then I went to the 15 specification and I found out that, yes, 16 the specification supports collecting 17 information so that you can determine the 18 probability of concurrent failures. 19 Q. I'll take it at your word that in 20 your opinion the claim requires the steps 21 recite at paragraph 116 then, sir. That's 22 your opinion? 23 MR. STAMATOPOULOS: Object to 24 form. 25 A. I have written -- my opinion
Page 183 1 interior gateway protocol data, traffic 2 engineering data, and probability of entity 3 failures. An overall cost logic block uses 4 results from a concurrent failure 5 probability matrix and an entity cost 6 determination block to select the working 7 entity. In other words, there's 8 information there that's being collected, 9 and that information is being used. 10 Q. Okay. So I have no doubt the 11 specification discusses information. 12 My question to you was, where 13 does the claim specifically require 14 collecting data from the network? 15 A. Well, I'm not an attorney, but I 16 understand that if you want to 17 understand -- to get clarity on a claim, 18 you need to refer to the specification, and 19 that's what I just did. 20 Q. Okay. So in your opinion, it's 21 appropriate to bring in language from the 22 specification into the claim and read that 23 as a requirement of the claim? 24 MR. STAMATOPOULOS: Objection. 25 Form.	Page 185 1 stands in paragraph 116 in the context that 2 the claim requires information, and I was 3 giving -- doing my best to help clarify 4 that. 5 Q. Does the claim require storing 6 data, one of the steps in paragraph 116? 7 A. In the specification, column 3, 8 35 and below identifies that the entities 9 may include entity cost data associated 10 with each entity, for example, interior 11 gateway protocol data -- that's 12 information -- traffic engineering, TE 13 data -- again information -- and 14 probability of entity failures -- again 15 information. 16 So to do the determining, 17 information is required. All I was trying 18 do in 116 is give examples and clarity as 19 to where that information would come from. 20 Q. My question to you is, are the 21 examples required by the claim, are these 22 just example generally? 23 MR. STAMATOPOULOS: Object to 24 form. 25 A. I think it would be a stretch to

Page 186 1 say they're examples generally, because 2 from a person of ordinary skill in the art 3 and beyond, these are the things I would 4 have to consider when designing a product. 5 Q. Okay. So the claim requires 6 those elements, is that correct? 7 MR. STAMATOPOULOS: Object to 8 form. 9 A. Those are not my words. Those 10 are your words. 11 Q. I'm asking you, sir, is that 12 correct? 13 A. I gave my answer. I gave my 14 opinion in 116. I've tried to describe it 15 several times, but I don't know how else to 16 answer the question at this point. 17 MR. STAMATOPOULOS: Sorry, 18 previous -- never mind. 19 BY MR. HUH: 20 Q. Okay. So the last part of that 21 sentence says: Using computational 22 hardware for computing the matrix of 23 probabilities. 24 Do you see that, sir? 25 A. I have to go back there. Where	Page 188 1 the working entity. 2 Q. Okay. So in your testimony at 3 paragraph 116 you describe computing the 4 matrix of probabilities. Is it your 5 opinion that you store this -- is this some 6 kind of data? Is it software? What is it 7 specifically? 8 MR. STAMATOPOULOS: Object to 9 form. 10 A. I didn't describe a physical 11 implementation. As we discussed before, it 12 could be hardware, it could be software, it 13 could be a combination thereof. There's no 14 requirement in the patent that it be one 15 specific thing. 16 Q. So the probability matrix could 17 be software, it could be hardware or it 18 could be a combination of both? 19 A. It's a probability -- it's a 20 matrix of probabilities. 21 Q. Implemented in hardware, 22 software, or combination? 23 MR. STAMATOPOULOS: Object to 24 form. 25 A. It could be combinations. It
Page 187 1 are you at? 2 Q. The second sentence in paragraph 3 116. 4 A. Determining a probability of 5 concurrent failures includes the steps of 6 collecting data from the network, storing 7 the data, and using computational hardware 8 for computing a matrix of probabilities. I 9 see that. 10 Q. Okay. So what is a matrix of 11 probabilities in that context? 12 MR. STAMATOPOULOS: Object to 13 form. 14 A. So in that context, I tried to 15 use the same context -- hold on a second, 16 let me find it. Figure 1, block item 150 17 describes concurrent failure probability 18 matrix. 19 And then back to column 3, 20 starting, again we're in 35 which we looked 21 at before, down at line -- and all the way 22 down through 42, an overall cost logic 23 block in 40 uses results from the 24 concurrent probability matrix, and 115 25 entity cost determination block to select	Page 189 1 could be hardware. It could be software. 2 Q. Is the probability matrix the 3 model of failure modes? 4 MR. STAMATOPOULOS: Object to 5 form. 6 A. I don't think it's only a model. 7 I don't think I would limit it to that. 8 MR. HUH: It's 5:30 my time, 9 which is 3:30 your time. Do you want 10 to continue or do you want to take 11 another break? 12 THE WITNESS: Let me take a 13 five-minute break at least to stretch 14 my legs out. 15 MR. HUH: Very good. So 16 reconvene in five minutes then? 17 THE WITNESS: Yeah. 18 THE VIDEOGRAPHER: We are now 19 going off the record. The time is 20 5:30 p.m. 21 (Recess taken from 5:30 p.m. to 22 5:38 p.m. CST) 23 THE VIDEOGRAPHER: We are now 24 back on the record. The time is 5:38 25 p.m.

Page 190 1 BY MR. HUH: 2 Q. Welcome back, Mr. Gomez. 3 Did you speak with anybody during 4 break? 5 A. No, I didn't -- well, actually, I 6 spoke to my son about his AP class, that's 7 about it. 8 Q. Okay, great. Thank you. 9 Let's turn to your declaration, 10 Exhibit 2025, at page 37, if you would, 11 please. 12 A. You said page 35? 13 Q. 37. 14 A. Okay, 37, uh-huh. 15 Q. So this is under the heading: 16 Petitioner has failed to provide reason for 17 which a POSITA combine Doshi and Guichard. 18 Do you see that? 19 A. Yes. 20 Q. And in this section, you provide 21 various opinions regarding the combination. 22 That paragraph 85, for example, you quote 23 various portions of the petition, and then in 24 the last sentence here, sir, you testified 25 petitioner assertions are incorrect and in any	Page 192 1 for motivation. 2 And as we discussed earlier, I 3 spent my entire life ensuring that my 4 products have reliability -- a high degree 5 of reliability. That's just one thing I've 6 been doing since college, since 1982. 7 There's nothing unique about that. And 8 efficiency, every product wants to be 9 efficiency. You want the lowest cost. You 10 want the highest bandwidth. You want the 11 best through-put. 12 Again, nothing -- nothing unique 13 about the concepts. What's unique 14 sometimes may be the implementations, but 15 the concept, well-known. 16 Q. Okay. So, again, my question 17 was, what specific statute or case law 18 informs you that these reasons are 19 insufficient as a matter of law, sir? 20 MR. STAMATOPOULOS: Objection to 21 form. 22 A. I don't believe I've opined on 23 the law other than just that I've been 24 advised on how to interpret certain 25 motivations to combine, but I haven't put
Page 191 1 event fail as a matter of law. 2 Do you see that. 3 A. I do. 4 Q. In the next paragraph, paragraph 5 86, you contend that efficiency and 6 reliability are generic goals which does 7 not and cannot provide a reason to combine. 8 Do you see that? 9 A. I do. 10 Q. First let me ask you, what 11 specific statute or law supports your 12 statement that efficiency and reliability 13 cannot provide a reason to combine? 14 MR. STAMATOPOULOS: Object to 15 form. 16 A. So I'm not a lawyer. I've never 17 practiced law. But in these matters I'm 18 often advised elements of the law and how 19 to apply them. And in this case, I was 20 advised that common elements that are 21 applied to all products or technologies or, 22 you know, they're well-known, but are so 23 common that they're in every single product 24 or paper or description, they're not 25 meaningful and shouldn't be used as a means	Page 193 1 anything about the law in this area of 2 my -- of my declaration. I don't believe 3 I've made any assertions about the law in 4 my declaration. 5 Q. Sir, you have no understanding of 6 the law, correct? 7 MR. STAMATOPOULOS: Object to 8 form. 9 A. I have an understanding that 10 there are certain thresholds for motivation 11 that must be achieved, and I pointed out to 12 the attorneys look at, this is stuff that's 13 been done -- long before I became a student 14 in engineering and these are common 15 elements that everybody strives for. 16 Q. So everybody strives to be 17 reliable, is that your testimony? 18 MR. STAMATOPOULOS: Object to 19 form. 20 A. In my industry, the industries 21 I've been in, as I've said before, if a 22 product goes out and it's not reliable, 23 that company is likely to go under. 24 Q. And -- I'm sorry. 25 A. I'm sorry. It's just one of

Page 194	Page 196
1 those elements that's so important that 2 companies will go to great lengths, extreme 3 lengths to ensure reliability. And I named 4 some of them earlier, everything from 5 signal integrity reliability, making sure 6 that the traces on the circuit board 7 operate in a way they're expected to, to, 8 you know, simulations during the 9 construction to ensure that the 10 functionality works correctly, to unit, 11 testing, to system testing, to network 12 testing, to testing -- testing is inherent 13 throughout the entire design process from 14 day one when the product is first conceived 15 of in order to ensure reliability. 16 If I may add to that a little 17 bit. You know, I'm going to put a divide 18 line, about 50 percent of the company's 19 effort goes into testing. You could say 20 that the rest of it, much of the other part 21 is still testing, and a very fractional 22 amount goes into the actual design, which 23 is still considerable. But unless you go 24 through that amount of testing, you're just 25 not going to have a reliable product.	1 require you to divulge privileged 2 information -- 3 MR. HUH: Counsel, there is no 4 privilege here. This is asking about 5 his understanding of the law. 6 MR. STAMATOPOULOS: You asked 7 about cases brought to his attention, 8 if I'm not mistaken. So if you want 9 to rephrase your question so that it 10 doesn't call for divulging privileged 11 communications with counsel, then feel 12 free to do so and ask a different 13 question. 14 I'm not instructing him not to 15 answer. I'm just telling him to the 16 extent that there in any privilege 17 material, be careful. 18 BY MR. HUH: 19 Q. Again, Mr. Gomez, because you 20 testified that you have an understanding of 21 the law as it pertains to obviousness now, 22 you testified that today and you provided 23 an opinion that the petition's reasonings 24 fail as a matter of law, were you aware of 25 cases that, in fact, contradict your
Page 195	Page 197
1 Q. Understood. 2 Was it also very desirable to 3 provide sufficient that's efficient? 4 MR. STAMATOPOULOS: Object to 5 form. 6 A. In a competitive environment like 7 most of the products I've ever worked on 8 are. You need efficiency to stay 9 competitive. 10 Q. And you would design a product 11 that's efficient, correct? 12 A. I'm sorry? 13 Q. You would design a product that's 14 efficient, correct? 15 MR. STAMATOPOULOS: Object to 16 form. 17 A. It's a generic goal. 18 Q. As part of your understanding of 19 the law, which you provided testimony on at 20 paragraph 85, were you made aware of cases 21 that were contrary to your understanding, 22 sir? 23 MR. STAMATOPOULOS: Object to 24 form. And to the extent that 25 responding to counsel's question would	1 understanding of the law, yes or no? 2 MR. STAMATOPOULOS: You can 3 answer. 4 A. I don't recall if we've discussed 5 any cases that would be contrary. I am not 6 a lawyer again, so I don't have any 7 firsthand knowledge about such things. 8 Q. Right. And in your paragraph, in 9 your declaration at paragraph 2, you 10 testified that your statements are based on 11 your personal knowledge. And now you said 12 you don't have firsthand knowledge of the 13 law. 14 A. Oh, my personal -- 15 MR. STAMATOPOULOS: Object to 16 form. 17 A. My firsthand knowledge is from a 18 person of ordinary skill in the art and 19 more of the 40 years of design experience. 20 And these motivations that were proposed as 21 unique, I didn't think they were. I 22 thought that these are things that I've 23 been doing ever since I graduate from 24 college, you know, all the way back into 25 the early '80s.

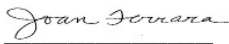
Page 198	Page 200
1 And I wouldn't, as a person of 2 ordinary skill in the art, I wouldn't think 3 that I would look to these references just 4 because of these reasons. It would have to 5 be something more. 6 Q. Sir, you testified that the 7 reasons fail as a matter of law. So the 8 basis for your understanding that the 9 petition's reasons fail is based on a legal 10 understanding, correct? That's your 11 testimony at paragraph 85. 12 A. Yes. In paragraph 86, I brought 13 these issues to the attention of the 14 attorneys that were working with me and 15 they -- and together we discussed the law 16 and we realized that they didn't rise to 17 the level that was required. 18 Q. Okay. Were you aware of Dystar 19 Textilfarben GmbH & Company Deutschland KG 20 vs. C.H. Patrick 464 F3d Federal Circuit 21 2006 case? 22 MR. STAMATOPOULOS: Object to 23 form. 24 A. I don't even know how to answer 25 that because obviously I didn't. But the	1 Q. So you put in your declaration 2 whatever counsel tells you, sir? 3 MR. STAMATOPOULOS: Object to 4 form. 5 A. Most of the technology in this 6 declaration comes from either my background 7 or my understanding of technology and my 8 analysis of the prior art and specific 9 references. 10 To the extent that I write 11 something in here that's my opinion, it 12 does not come from my counsel it comes from 13 me. 14 To the extent that I'm advised on 15 a matter of law, that I have to take under 16 advisement. 17 Q. Right. So you opinion here, 18 petitioner's assertions are incorrect and 19 in any event fail as a matter of law, that 20 statement you didn't really understand the 21 law, correct? 22 MR. STAMATOPOULOS: Object to 23 form. 24 A. I understood it as I was advised. 25 And from a person of ordinary skill in the
Page 199	Page 201
1 important thing is that as a person of 2 ordinary skill in the art, I looked at 3 these two issues of reliability and 4 efficiency. I've been building those into 5 my products for decades. 6 Q. Are you aware that this case, in 7 fact, finds specifically that there's 8 motivation to combine to make a product 9 more durable or more efficient? 10 A. I don't know the context of that 11 case or what the elements of that case 12 were. So I don't know how to answer that. 13 Q. Right, because you provided legal 14 opinion without understanding, correct? 15 MR. STAMATOPOULOS: Object to 16 form. 17 A. Is there a question there? 18 Q. Yes. You provided a legal 19 opinion without fully understanding the 20 law, correct? 21 MR. STAMATOPOULOS: Object to 22 form. 23 A. As I said, I'm not a lawyer. To 24 the extent that I was advised, I followed 25 the advice of the counsel.	1 art, I also knew that efficiency and 2 reliability wasn't invented, you know, in 3 2006. It wasn't even invented in 1982 when 4 I graduated. It was, you know, those are 5 concepts that had been around for hundreds 6 of years, ever since IBM started up in the 7 1800s. 8 Q. Sir, you testified today that, 9 for example, reliability was so important 10 that companies will go to great lengths, 11 extreme lengths, to say we ensure 12 reliability. 13 It's very important to have a 14 reliable product, correct? 15 A. Correct. 16 Q. And it's very important to have 17 an efficient product, correct? 18 A. In the manner that you define 19 efficiency, correct. 20 Q. Let's turn to the last page of 21 your declaration, please. 22 A. I'm there. 23 Q. Is that your signature, sir? 24 A. This copy I have in front of me 25 isn't signed, but I do have a printed copy

Page 202 1 which has my signature on it, yes. 2 Q. Are you looking at the printed 3 copy? 4 A. I am. 5 Q. And that is your signature, sir? 6 A. Yes, it is. 7 Q. And you signed this on December 8 15, 2023? 9 A. I don't recall it specifically, 10 but that's the date. So I believe I did, 11 yes. 12 Q. Did any edits occur after the 13 signature? 14 A. I don't believe so. The only 15 thing that I advised you this morning is 16 that there were some errors. 17 Q. I didn't ask about errors. I 18 asked if any edits occurred after the 19 signature. 20 A. I don't believe so, no. 21 Q. Let's go to paragraph 4, please, 22 of your declaration. 23 A. I'm there. 24 Q. Here you state: I'm not a legal 25 expert and offer no opinions on the law.	Page 204 1 MR. STAMATOPOULOS: Object to 2 form. 3 A. At 85, I considered the amount of 4 time that I personally and industry leaders 5 have considered reliability and efficiency 6 measures, and I considered that these are 7 not sufficient considerations to form 8 motivation to combine because people have 9 been doing them for over 100 years. 10 Q. Sir, that is in no way responsive 11 to my question. 12 A. Okay, let me try again then. 13 Maybe ask your question. 14 Q. The question was, when you 15 arrived at your legal conclusion at 16 paragraph 85, did you ask for all case law 17 relevant to form that conclusion? 18 MR. STAMATOPOULOS: Objection to 19 form. 20 A. I think I say in paragraph 4 what 21 my approach was, and that was I have been 22 informed by counsel of the various legal 23 standards that apply and I've applied those 24 standards in arriving at my conclusions. 25 Q. So the answer to my question is
Page 203 1 Do you see that, sir? 2 A. That's what I've been saying. 3 Uh-huh. 4 Q. And in contrast to that 5 paragraph, at paragraph 85, you testified 6 that petitioner's assertions are 7 insufficient and fail as a matter of law, 8 correct? 9 A. As I said and also as I 10 repeated -- and is also here in paragraph 11 4, however, I've been informed by counsel 12 of the various legal standards that apply 13 and I've applied those standards in 14 arriving at my conclusions. 15 Q. You provided a legal conclusion 16 based on counsel's information to you? 17 MR. STAMATOPOULOS: Object to 18 form. 19 A. Regarding the various legal 20 standards that apply, I have applied those 21 standards in arriving at my conclusions. 22 Q. When you arrived at your legal 23 conclusion at paragraph 85, did you ask for 24 all the case law relevant to form that 25 conclusion?	Page 205 1 no then, you did not ask for all case law, 2 correct? 3 MR. STAMATOPOULOS: Object to 4 form. 5 A. I had just asked for the 6 standards in arriving -- that I'd be using 7 it to arrive at my conclusions. 8 Q. You understand your position here 9 as an expert to provide conclusions on law 10 or conclusions regarding technology? 11 A. My requirements as an expert are 12 to be able to understand the legal 13 standards as I've been advised, and there 14 are many, I agree, including laws for claim 15 construction, laws for obviousness, laws 16 for, you know, many, many different types 17 of legal standards that apply, and my role 18 is to understand them the best I can with 19 the support from my counsel and then apply 20 my technology understanding to form an 21 opinion. 22 Q. But again, this opinion out of 23 paragraph 85 was as a matter of law. 24 That's a specific statement, sir. Do you 25 know that?

Page 206 1 A. I'm not a lawyer. 2 MR. STAMATOPOULOS: Object to 3 form. 4 BY MR. HUH: 5 Q. That's right, you're not a 6 lawyer. 7 If you had been informed of a 8 case that, in fact, held that a product or 9 process that is more durable or more 10 efficient would be a reason to combine, 11 would that have changed your opinion? 12 MR. STAMATOPOULOS: Object. 13 Object to form. 14 A. I'm sorry, I didn't understand 15 the question. One more time, please? 16 Q. If counsel who had provided you 17 legal understanding had informed of a case 18 from the Federal Circuit holding that there 19 is reason to combine references if the 20 result provides a product or process that 21 is more durable or more efficient, would 22 that have changed your legal conclusion, 23 sir? 24 MR. STAMATOPOULOS: Same 25 objection.	Page 208 1 form. 2 A. I'm sorry, one more time on the 3 question? I lost track of the -- 4 Q. If you had seen a case or been 5 provided a case by counsel where the 6 Federal Circuit held that there is a 7 motivation to combine if the combination 8 results in a product or process that is 9 more durable or more efficient, would that 10 have changed your opinion as a matter of -- 11 MR. STAMATOPOULOS: Objection. 12 Sorry, same objection. 13 A. Again, I'd have to look at the 14 context to understand the inventive 15 quality. There's more to consider. 16 Q. Would you like to strike your 17 legal opinion at paragraph 85 in view of 18 your paragraph 4 testimony that you don't 19 provide legal opinions? 20 MR. STAMATOPOULOS: Object to 21 form. 22 A. No. 23 Q. So on the record here today, 24 you're providing testimony that as a matter 25 of law, the petition's reason to combine is
Page 207 1 A. Well, I'd have to look at how 2 it's more efficient or more reliable and 3 whether there's an inventive quality to it. 4 Q. Sir, your opinion initially was 5 that making something more reliable or more 6 efficient is not a reason to combine based 7 on counsel's instructions to you that 8 that's what the law requires, correct? 9 A. I think if you go back through 10 the record, you'll also see that I said 11 that -- and I don't have the text in front 12 of me now, but that by itself, just simply 13 saying that something is more reliable or 14 more efficient would require a deeper 15 examination. And in this case the 16 motivation to combine, I just didn't see 17 these issues rise to go that occasion -- to 18 that threshold. 19 Q. So if counsel has shown you a 20 case that, in fact, contradicted the legal 21 instruction they provided you that 22 reliability or efficiency don't provide a 23 reason to combine, you would not have 24 changed your opinion, sir? 25 MR. STAMATOPOULOS: Object to	Page 209 1 insufficient, correct, even though you're 2 not an attorney? 3 MR. STAMATOPOULOS: Object to 4 form. 5 A. I stand by my opinions as 6 written. If there's an argument that needs 7 to be taken up, I'd be happy to, that can 8 be done. But I haven't considered the 9 ramifications of this and I won't change it 10 in this forum. 11 Q. Did you write that statement, 12 that as a matter of law the reason to 13 combine is insufficient? 14 A. As I pointed out when we first 15 started the deposition, that this 16 declaration or my opinions, it was a 17 collaboration effort with the attorneys in 18 that there were many drafts written and, 19 you know, like I said, it was a 20 collaboration. 21 Q. Did you write that specific 22 statement? 23 A. I don't recall. 24 MR. HUH: Let's take a break. 25 I'd like to go through and see what

Page 210 1 else I'd like to ask. Five minutes 2 should be fine. 3 THE WITNESS: Okay, five minutes. 4 THE VIDEOGRAPHER: We are now 5 going off the record. The time is now 6 6:05 p.m. 7 (Recess taken from 6:05 p.m. to 8 6:12 p.m. CST) 9 THE VIDEOGRAPHER: We are now 10 back on the record. The time is 6:12 11 p.m. 12 BY MR. HUH: 13 Q. Welcome back, Mr. Gomez. 14 I'd like to briefly turn to your 15 numerical example regarding 10 entities. 16 Does that ring a bell to you? 17 A. Yes, uh-huh. 18 Q. And where is that in your 19 declaration? Is that paragraph 69, sir? 20 A. Yeah. I must have skipped over 21 it. Well, the calculation are actually in 22 sixty -- yeah, 69 and 70. 23 Q. Okay. Is there a reason why you 24 chose 10 entities, sir? 25 A. I think we discussed this earlier	Page 212 1 Let me ask you just, generally 2 speaking, is it possible for a network to 3 be structured such that all entity pairs 4 are disjoint? 5 MR. STAMATOPOULOS: Objection to 6 form. 7 A. That would depend on your 8 network. 9 Q. Understood. But it's possible to 10 create such a network, correct? 11 A. It would be a very unique 12 network, but it is possible. 13 MR. HUH: I have no further 14 questions. 15 MR. STAMATOPOULOS: I just have a 16 few questions. 17 EXAMINATION BY 18 MR. STAMATOPOULOS: 19 Q. So, Mr. Gomez, do you recall 20 being asked by counsel earlier about your 21 engagement with Orckit Corporation? 22 A. I do, and I remember I didn't 23 recall exactly when the engagement started, 24 but I could look it up pretty easily. 25 Q. Now, the '821 Patent, is it the
Page 211 1 today. Ten is a number that was easy to 2 calculate or easy to show my point. 3 Q. Why not use five entities, which 4 is a little easier computations? 5 A. We live in a base ten world. 6 It's easy. 7 Q. Why not choose four? 8 A. You're talking to an engineer. 9 If I was to choose one, I'd choose 10 hexadecimal. 11 Q. Was this example initiated by you 12 or by counsel, sir? 13 A. I don't recall. I think I 14 brought up the point that there are many, 15 many combinations that are -- that the '821 16 would provide. And when we looked at the 17 Doshi patent, it was much more limited. 18 Who came up with this 19 computation, I think I was the instigator 20 of it. I don't remember if I actually did 21 the exact one, but I know I ran the 22 calculation after we started discussing 23 this. And we had that conversation earlier 24 in the day, too. 25 Q. Give me one second. I apologize.	Page 213 1 only patent on which you've offered 2 opinions with respect to IPRs in which 3 Orckit is involved? 4 A. No. There were three additional 5 ones. 6 Q. And one of them is the '740 7 Patent, do you recall that? 8 A. That's correct. 9 Q. Now I'd like to turn to paragraph 10 23 of your declaration. Let me know when 11 you're there, sir. 12 A. I'm here. 13 Q. Do you recall being asked by 14 counsel about the April 7, 2006 date that 15 appears here in your declaration in 16 paragraph 23? 17 A. I do. 18 Q. All right. Do you know for a 19 fact, aside from what's written here in 20 your declaration, whether April 7, 2006 is 21 the filing date for the '821 Patent 22 application? 23 A. Well, looking at the patent, the 24 '821 Patent, it says filed December 5, 25 2011.

Page 214 1 Q. Is it possible that the April 7, 2 2006 date that appears on paragraph 23 of 3 your declaration is not the correct date? 4 MR. HUH: Objection. Leading. 5 A. As I was instructed to use the 6 date, that's the date I used. 7 Q. Well, let me ask it a little bit 8 differently so that it's not leading. 9 Where did you get the April 7, 2006 date? 10 A. Well, I don't recall exactly 11 where I got it from. You know, obviously, 12 I've written that I was instructed to use 13 that. So it would had to have come from 14 counsel, because on the patent itself 15 doesn't describe a priority date of 2006, 16 April 7, 2006. 17 Q. As you sit here today, do you 18 recall if any other Orckit patents list 19 April 7, 2006 as their priority date? 20 A. That's a good question. I'd have 21 to go back and look. 22 Q. No need for that, sir. 23 Now, have you offered any 24 opinions in this case as to when MPLS, as a 25 technology, was developed?	Page 216 1 various points in your career? 2 A. I was asked whether certain -- 3 certain items on my resumé involved MPLS or 4 not. 5 Q. Have you worked on projects 6 involving MPLS? 7 A. Not specifically. I've worked on 8 a number of projects that use the concepts 9 of MPLS. 10 Q. Are you familiar with MPLS? 11 A. Yes. 12 Q. And how did you become familiar 13 with MPLS? 14 A. Well, it's been around for a 15 while and -- my earliest -- I've had a 16 number of projects that ran into the 17 problems that are solved by MPLS and the 18 concepts therein. 19 The earliest one I had was a 20 videoconferencing system that wasn't 21 working over the internet in the way it 22 needed to and that was because we didn't 23 have the reservation resources -- or the 24 resources reserved for the 25 videoconferencing system.
Page 215 1 A. I haven't offered any opinions 2 when it was developed. I've seen many 3 documents with various dates on them and 4 different releases. 5 Q. Fair to say that MPLS was 6 developed over a period of time? 7 MR. HUH: Objection. Leading. 8 BY MR. STAMATOPOULOS: 9 Q. You can answer. 10 A. Well, as I've said, I have 11 numerous documents that have different 12 dates on them. And as I had said earlier 13 in the deposition, I was aware of many of 14 the concepts that were being used in MPLS 15 long before they were published as an MPLS 16 standard. 17 Q. And over what period of time 18 approximately did you become familiar with 19 these concepts? 20 A. Well, spanning a good part of my 21 career. It would be difficult for me to 22 say exactly when, but clearly starting in 23 the early '90s, maybe even the late '80s. 24 Q. And do you recall being asked 25 questions about your work on MPLS at	Page 217 1 So I became aware of all of this 2 very early on in the mid '90s. 3 Q. Is MPLS the only technological 4 concept that is at issue in the '821 5 Patent? 6 A. No. The '821 Patent specifically 7 discusses other forms of communication, but 8 some of the claims require MPLS. 9 Q. Is high availability one of those 10 concepts? 11 A. Yes, it certainly is. 12 Q. Are you familiar with high 13 availability? 14 A. As having worked in networking 15 equipment and telecommunications equipment, 16 as they used to say in telecom, Mother's 17 Day had to still work. High availability 18 was an important concept in all of my 19 product designs. 20 Q. Have you worked on products that 21 were deployed in high availability 22 networks? 23 A. Yes, I have. 24 Q. Approximately -- sorry, didn't 25 mean to cut you off.

Page 218 1 A. Examples of those would be the 2 products that were designed at Webstacks 3 and then later carried over to Extreme 4 Networks. 5 Q. Do you recall being asked some 6 questions about redundancy? 7 A. I don't recall specifically the 8 questions, but I think we did talk about 9 redundancy. 10 Q. Is redundancy relevant at all to 11 the '821 Patent? 12 A. Yeah. In fact, that's the 13 primary -- one of the primary purposes of 14 the '821 Patent. 15 Q. Have you encountered redundancy 16 as a concept over the course of your 17 career? 18 A. Certainly, certainly, all the way 19 back starting with the telecommunication 20 companies all the way up through, you know, 21 most of the networking roles that I've been 22 involved in. 23 Q. Have you worked on projects 24 concerning networks that required 25 redundancy?	Page 220 1 THE VIDEOGRAPHER: Okay. This 2 concludes today's deposition. We are 3 going off the record at 6:24 p.m. 4 Central Standard Time. 5 (Time noted: 6:24 p.m. CST) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 _____ MIGUEL GOMEZ 11 Subscribed and sworn to before me 12 this ____ day of _____, 2024. 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 219 1 A. Yeah. Redundancy in lots of 2 different ways, whether it was, you know, 3 bandwidth sharing or whether it was full 4 redundancy, we certainly have worked on -- 5 you know, had those elements in many of our 6 products. 7 Q. Do you consider yourself to be an 8 expert on the issues presented in the '821 9 Patent? 10 A. I certainly do. I'm having 11 worked in the industry now for close to 40 12 years, I've encountered these concepts that 13 are in the '821 Patent numerous times. 14 MR. STAMATOPOULOS: Thank you. 15 No further questions. 16 MR. HUH: No questions from us. 17 (Continued on next page to 18 include signature and jurat.) 19 20 21 22 23 24 25	Page 221 1 REPORTER CERTIFICATE 2 3 I, JOAN FERRARA, do hereby 4 certify: 5 That said proceedings were taken 6 at the time and place herein named; 7 and that the transcript is a true 8 record of the testimony as reported by 9 me, a disinterested person, and was 10 thereafter transcribed. 11 I further certify that I am not 12 interested in the outcome of the said 13 action, nor connected with, nor 14 related to any of the parties in said 15 action, nor to their respective 16 counsel. 17 IN WITNESS WHEREOF, I have 18 hereunto set my hand this 10th day of 19 March, 2024. 20 21 22 23 24 25  _____ JOAN FERRARA, RMR, FCRR

Page 222 1 DEPOSITION ERRATA SHEET 2 Case Caption: CISVO v. ORCKIT 3 4 DECLARATION UNDER PENALTY OF PERJURY 5 I declare under penalty of perjury 6 that I have read the entire transcript of my 7 Deposition taken in the captioned matter or 8 the same has been read to me, and the same is 9 true and accurate, save and except for 10 changes and/or corrections, if any, as 11 indicated by me on the DEPOSITION ERRATA 12 SHEET hereof, with the understanding that I 13 offer these changes as if still under oath. 14 15 16 _____ 17 MIGUEL GOMEZ 18 19 Subscribed and sworn to on the _____ day of 20 _____, 2024, before me, 21 _____ 22 Notary Public,in and for the State of 23 _____ 24 25	Page 224 1 DEPOSITION ERRATA SHEET 2 Page No. ____ Line No. ____ Change to: ____ 3 _____ 4 Reason for change: _____ 5 Page No. ____ Line No. ____ Change to: ____ 6 _____ 7 Reason for change: _____ 8 Page No. ____ Line No. ____ Change to: ____ 9 _____ 10 Reason for change: _____ 11 Page No. ____ Line No. ____ Change to: ____ 12 _____ 13 Reason for change: _____ 14 Page No. ____ Line No. ____ Change to: ____ 15 _____ 16 Reason for change: _____ 17 Page No. ____ Line No. ____ Change to: ____ 18 _____ 19 Reason for change: _____ 20 Page No. ____ Line No. ____ Change to: ____ 21 _____ 22 Reason for change: _____ 23 24 SIGNATURE: _____ DATE: _____ 25 MIGUEL GOMEZ
Page 223 1 DEPOSITION ERRATA SHEET 2 Page No. ____ Line No. ____ Change to: ____ 3 _____ 4 Reason for change: _____ 5 Page No. ____ Line No. ____ Change to: ____ 6 _____ 7 Reason for change: _____ 8 Page No. ____ Line No. ____ Change to: ____ 9 _____ 10 Reason for change: _____ 11 Page No. ____ Line No. ____ Change to: ____ 12 _____ 13 Reason for change: _____ 14 Page No. ____ Line No. ____ Change to: ____ 15 _____ 16 Reason for change: _____ 17 Page No. ____ Line No. ____ Change to: ____ 18 _____ 19 Reason for change: _____ 20 Page No. ____ Line No. ____ Change to: ____ 21 _____ 22 Reason for change: _____ 23 24 SIGNATURE: _____ DATE: _____ 25 MIGUEL GOMEZ	

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8 8 42:23 8,830,821 5:15 80 21:21 22:9,18,22,23 80s 63:17 197:25 215:23 821 11:13,17 15:18,24 19:4 26:10 27:8 30:22 32:6,10 33:22 45:18,21,24 46:1,6,8,20,25 47:2,7,8 48:1 50:20 53:14 55:21 58:10,14,19 59:5,9,17 60:17 63:2,20,22 64:16,21 66:15,18 123:12,19,22 124:2,4,10 135:25 136:3,12 150:5 152:6 157:20 160:20 167:24 168:24 176:7,10,12 211:15 212:25 213:21,24 217:4,6 218:11,14 219:8,13 85 190:22 195:20 198:11 203:5,23 204:3,16 205:23 208:17 86 191:5 198:12	activities 101:22 175:24 176:25 Actsolar 112:7,12,15 115:9 actual 194:22 adapters 82:13 adaptor 82:12 add 36:12 143:24 194:16 added 146:17 163:7 adding 143:23 additional 85:12 167:21,22 213:4 address 116:3 addressable 69:15 70:3 99:5 addresses 50:20 addressing 145:22,24 146:15 advertised 119:5 advice 199:25 advise 32:18 122:11 advised 191:18,20 192:24 199:24 200:14,24 202:15 205:13 advisement 200:16 advising 157:1 afraid 18:15 agnostic 136:4,9 agree 30:16,19 31:2 33:14,15 157:10 205:14 agreed 30:11,13 ahead 16:19 18:19 21:3 40:6 61:4 67:19,20 117:12 182:12 algorithm 94:4,7 96:3,5 algorithms 117:10,19,23 118:2,11 120:15 alignment 167:10 allowed 76:8,9 77:22 89:19 110:18 127:12 ambiguous 83:20 amount 31:11 94:8 110:17 111:11 157:8 194:22,24 204:3 amplifier 110:11,13 analysis 43:6 69:20 80:13,25 81:16 82:8 112:23 113:4,8,21 114:11,13 115:18,19 118:16 200:8 analyze 33:21	analyzed 32:5 119:19,23 analyzer 116:6 ancillary 118:8 answering 13:18 64:22 129:17 133:18 162:8 164:24,25 165:9,12 166:16 antecedent 148:4 anymore 36:16 AP 190:6 apologize 90:13 211:25 appears 213:15 214:2 applicable 57:19 application 79:17 213:22 applications 77:25 79:20 applied 53:12 56:6 111:16,19 191:21 203:13,20 204:23 apply 43:6 136:9 157:11 191:19 203:12,20 204:23 205:17,19 approach 157:22 204:21 approached 9:3 approximately 19:25 215:18 217:24 April 46:12,20,25 47:5,11,14,22 48:19,23 51:7,10,18 53:21,25 54:18 55:7,19,24 56:9,11,22 60:8 61:1,18 62:5,10,20 63:10,24 64:7 65:2,5,23, 25 66:24 68:19,23 69:1 213:14,20 214:1,9,16,19 architecture 84:18 area 32:1 56:8 58:10,18 61:10 62:19 65:1 136:2,6,10,11 193:1 areas 58:8 59:9,12 63:24 argue 105:13 argued 105:23 argument 209:6 arguments 22:13 array 92:8 arrive 205:7 arrived 203:22 204:15 arriving 203:14,21 204:24 205:6 art 13:13 28:10 32:3,10 33:22 42:24 43:11,12 44:15,21 45:2,3,14,22,23 46:7,17 47:8,19,24 48:2 85:16 94:19 95:2 151:3 163:3 171:15 179:19 181:6,7 186:2 197:18 198:2 199:2
9 9 23:7 90s 51:13,22 215:23 217:2 96 158:9		
A a.m. 5:9 ability 7:9 13:11 31:10 46:6 78:25 143:11 absolutely 35:14 63:3 179:24 180:6 accepted 9:17 access 7:24 106:22 accomplished 27:2 accordance 68:18 account 142:20 147:20 149:13,20 accurate 35:14,19 127:1 achieve 87:4 achieved 193:11 acknowledge 157:25 acquired 77:17 78:3 acronym 43:3 active 45:6		

200:8 201:1 arts 30:23 31:9 ascertain 131:24 ASIC 118:8 ASICS 79:17,22 81:9 113:17,19,20 114:6 117:25 aspect 85:20 131:5 aspects 80:3 84:6 asserted 46:7 105:24 132:17 assertion 35:19 164:11 assertions 190:25 193:3 200:18 203:6 asserts 22:12 assigned 151:8 assume 40:22 assumption 40:20 41:1,25 assumptions 37:25 38:3,11 39:5 40:10,23 41:17,19 attention 154:3 196:7 198:13 attorney 8:19 183:15 184:3 209:2 attorneys 11:16 30:3,6 193:12 198:14 209:17 August 8:25 authors 153:12,15,22 availability 49:19 54:10 57:4 59:24 217:9,13,17,21 average 45:11 avoid 157:7 159:23 161:25 aware 8:4 9:8 51:14 122:5 195:20 196:24 198:18 199:6 215:13 217:1	background 28:13 69:7 74:20 200:6 backup 53:15 160:1,9,20 162:3 balance 92:1,7 balancer 91:12 92:7 balancing 91:13,18,22 93:3 94:3 95:17 bandwidth 192:10 219:3 base 116:23 211:5 based 31:6,19,23 32:8 73:7,18 75:23 78:2 96:25 97:9,22 111:17 152:22 170:11 197:10 198:9 203:16 207:6 baseless 52:21,23 105:24 basis 39:19,21 67:2 105:12,23 141:16,24 148:4 198:8 beginning 5:20 11:19 19:1,3 begins 102:17 bell 115:15 210:16 belongs 160:17 big 54:6,17 114:16 119:2 billing 8:21 bin 36:25 binary 111:12 bit 12:5 83:20 86:9 88:20 99:10,11 133:24 174:20 194:17 214:7 block 170:8 183:3,6 187:16,23,25 board 17:14 113:20 175:2,8 194:6 board's 15:7 16:5 boards 118:23 book 154:20,21 bookcase 27:16 books 25:23 26:5 Boone 5:23 box 7:23 115:5 150:15 151:20 boxes 7:22 branch 76:4 break 8:11,12,15 70:17,18 74:2,4 103:8 121:24 122:7,13 145:15 167:25 168:16,18 189:11,13 190:4 209:24 break-out 102:13 breaks 168:22 Bridgewave 115:14,16,18,20 116:13	briefings 155:9 briefly 23:19 60:7 61:17 74:22 78:1 210:14 bring 20:23 183:21 broad 49:10 50:14 58:2 62:19 88:21 92:20 93:16 170:25 brought 60:3 85:7,12 196:7 198:12 211:14 BSEE 75:10 build 80:15 82:25 86:23 89:19 161:11 building 69:10,15 76:4 77:5,21,24 79:16 82:10 84:17 85:14 112:9 199:4 built 51:17 67:23 76:7 87:17 99:2,3 115:18,20,25 116:5 businesses 76:6
C		
C.H. 198:20 calculate 211:2 calculated 34:24 calculation 34:19 35:25 36:2,6,10, 15 37:10 41:14,21 93:4 95:10 210:21 211:22 calculations 20:7 34:18,21,25 35:4, 9,11,16,23 36:21 37:2,17,21,24 38:3, 6,12 39:8 40:10,12,16,19,21,24 41:10,16 56:5 68:8 93:3 California 75:23 call 102:16,23 196:10 called 6:9 9:5 75:22 76:23 77:19 79:10 82:10 84:10 112:6 115:14 120:2 calls 102:25 capable 136:19 capitalist 112:22 114:2,5,25 118:19 capitalists 86:18 115:4 119:21 captured 144:19,25 card 67:24,25 109:22 110:1,3 cards 68:2,3 76:11 77:3 care 157:7 159:23 161:25 career 60:13 215:21 216:1 218:17 careful 196:17		

carried 218:3 carry 179:21 carrying 181:9 Carstensen 5:3 case 9:14 11:3 27:21 64:6 81:12 164:19 191:19 192:17 198:21 199:6, 11 203:24 204:16 205:1 206:8,17 207:15,20 208:4,5 214:24 cases 9:21,23,25 10:9,13 27:23 58:6 83:17 114:14 156:16 158:16 159:22 161:16 162:16,22 164:2 165:20 167:3,8 195:20 196:7,25 197:5 catch 141:21 173:19 caution 33:1 133:23 134:8 Cayman 120:2,11 cell 7:19 Central 5:10 220:4 challenge 22:13 chance 70:13 change 96:3,21,24,25 97:5,8 98:16 152:9,10,11 209:9 changed 97:22 206:11,22 207:24 208:10 changing 24:25 43:16 95:25 96:12, 17 100:19 characterize 70:8 charge 77:2 charts 60:12 chat 7:21 21:4 cheap 89:14 cheaper 110:10 check 10:24 11:7 13:23 14:18 25:18, 24 37:16 115:4 116:3 154:5 checking 26:1 checks 87:8,9 chip 118:9 choose 211:7,9 choosing 160:4 chose 210:24 circuit 63:16 67:24 71:14 109:22 113:13,15 114:7 118:23 194:6 198:20 206:18 208:6 circuits 48:22 55:15 77:3 79:18 83:2	118:1,23 Cisco 5:12,23 29:12,14,18 77:15 78:2,10,15 84:12 153:14,21 154:13, 20 155:5,6 Cisco's 78:12 cite 16:18 29:15 123:5 152:14 159:19 cited 13:13,25 14:2 16:4 22:3,4 28:7 30:23 156:3,7 162:13 166:6 cites 158:15 citing 154:7 158:10 claim 22:12,14 124:10,21,22 125:1 126:15 127:7,9,18,21 128:4,7,13 130:4,7,9 131:16,23,25 134:23 135:8, 9 138:18,22 139:7,13,18 140:11,15, 22,23 141:1,5,14,16,24 142:11,19,22 143:9 146:20,23 147:2,11,15,19 149:9,12,19,20,25 152:19,20 167:23 168:23 169:1,12,15,20 170:5 171:4,6 172:3,22 174:4,18,20 176:7,10,12,16, 21 177:9,25 178:9,11,14,19 179:1,6, 7,12,14,22,24 180:5,17,20,21 181:12, 25 182:15 183:13,17,22,23 184:5,8,9, 10,20 185:2,5,21 186:5 205:14 claims 11:20 21:21 22:2,15 123:12, 19,21 124:2 126:3,6 128:11,16,20,25 129:13,19,23,25 132:16,19 133:6,12, 15 134:18 135:25 136:3,8,12,18,24 137:1,7,10,18,21,25 177:5 182:21 217:8 Clara 75:23 – clarify 61:16 86:8 105:10 128:5 185:3 clarity 154:16 155:14 183:17 184:4 185:18 class 190:6 clear 24:15 31:1 67:7 68:17 108:7,13 124:19 160:15 close 120:22 219:11 closed 7:25 code 113:6 collaborated 30:5 collaboration 209:17,20 collaborative 30:2 colleagues 76:22 collect 179:3 181:19 collected 180:12 183:8	collecting 174:13 176:2,17 177:7, 10,20 181:25 182:16 183:14 184:16 187:6 collection 115:12 college 192:6 197:24 column 129:6 182:21 185:7 187:19 combination 158:17,20,21 159:1,16 164:1,3,20 165:21 166:10 167:5,18 171:19 188:13,18,22 190:21 208:7 combinations 170:22 188:25 211:15 combine 161:5,12 190:17 191:7,13 192:25 199:8 204:8 206:10,19 207:6, 16,23 208:7,25 209:13 combining 156:15,22 157:1,16 158:2 159:21 160:24 161:14 162:14 comma 158:24 Commission 10:13 common 143:16 191:20,23 193:14 communicate 121:23 122:6 communicates 68:1 communicating 7:17 communication 8:2 76:10 80:15 123:3 217:7 communications 43:21 44:5 76:17 77:6,20,21 196:11 companies 76:25 80:15 194:2 201:10 218:20 company 70:2 73:6 75:22 76:1,23 77:18 79:10,15 82:12 84:10 85:23 104:12 110:5 112:6,7,13 113:24 114:10 115:6,17 120:2 193:23 198:19 company's 114:1 194:18 compare 32:6 45:22 comparison 154:25 155:3 competing 158:4 competitive 195:6,9 complete 67:20 completely 7:5,8 completing 75:18 complex 137:5 component 36:11 63:4 76:7 components 36:10 68:9 81:7 101:7
---	--	---

comprises 169:22 170:3 comprising 21:25 142:16 144:6 171:21 computation 91:18 93:2 211:19 computational 174:15 176:4 186:21 187:7 computations 91:3,7,16 92:15 93:10,19 94:2,4,21 95:3,15,16 211:4 compute 91:21 computer 80:11 121:3 computer-aided 79:14 computer-oriented 80:21 computerized 76:4 computing 83:1 174:15 176:4 186:22 187:8 188:3 conceived 194:14 concept 56:7 66:6 107:15,25 108:10, 11,12,19 109:2 192:15 217:4,18 218:16 concepts 51:13,20 79:1 81:21 83:6, 11 104:9,25 105:3 106:15 107:12,13, 23,24 108:8,9,18 192:13 201:5 215:14,19 216:8,18 217:10 219:12 concerns 33:4 concludes 220:2 conclusion 203:15,23,25 204:15,17 206:22 conclusions 203:14,21 204:24 205:7,9,10 concurrent 61:8 169:23 171:24 172:23 173:15,21 174:6,12 176:1,12, 14 177:2,15,24 178:6 179:8 183:4 184:18 187:5,17,24 concurrently 101:3 conditions 157:7 158:4 159:23 161:25 167:14 confer 8:6 confident 86:21 confidential 29:12 configuration 72:19 152:10 configure 184:12 configured 169:3,17,22 171:23 173:5,14,20 176:13 179:7 confirm 35:4	confused 175:16 conjunction 86:17 connect 61:15 connection 129:9 connections 60:18 connects 68:1,3 considerable 31:11 48:11 49:11 51:4 157:8 194:23 consideration 141:14 considerations 204:7 considered 27:10 48:13 59:21 60:19,23 61:14 107:3 142:9 152:14 204:3,5,6 209:8 consistent 112:5 consistently 98:13 consisting 21:23 142:14,24 143:23 144:5 construction 135:14 194:9 205:15 construed 134:25 consultant 82:20 110:21,24 114:4 consulting 112:18,19 113:1 114:3 115:7,17 117:3,24 118:12,15 119:19 120:14 contained 28:1 contemplate 138:8 contemplating 158:22 contend 191:5 content 69:15,25 70:3 86:4,6 92:9,10 99:5 context 10:6 11:2 17:2 24:16 34:2,4, 6 50:20 78:10,16 80:7,18 86:1 90:21, 22 93:23,24 95:22 110:20 119:24 131:16 139:7 140:3,10,15 141:4,14 146:19 150:17 158:19 163:14 164:10 165:25 166:4,5 169:11,15,25 170:5 171:3,6 185:1 187:11,14,15 199:10 208:14 continue 71:22 74:3,19 103:23,24 189:10 continued 219:17 continues 152:8 continuous 102:15 continuously 101:24,25 contract 80:13	contractors 85:13 contradict 196:25 contradicted 207:20 contrary 195:21 197:5 contrast 203:4 contribute 113:25 contributed 30:1,20 contribution 69:17 conversation 211:23 conversion 112:9 115:11 convince 86:21 coordinate 8:12 copy 16:23 201:24,25 202:3 corner 16:14 Corporation 5:14 6:2 8:18 9:9 212:21 corporations 51:24 correct 6:17 8:18 9:13 13:14 15:21 17:16 19:8 21:12,15,17,20 22:23,24 23:25 24:1 26:18 28:17,21 30:7,18 31:20,21,24 33:10,18 36:16 37:21 41:7,17 43:3,4 44:10 45:15 47:12,20 54:19 58:20 59:6,7,10 60:10 61:1 71:18 72:6 74:23,24 77:11,12 79:6,7 80:9 82:15 84:5 87:15 88:10 89:11,21 90:16,23 91:19,20 92:24,25 93:5 94:4,12 96:21 97:1 98:15 99:4,9,12, 16 100:22 101:25 103:4,22 104:18 107:10,17 108:1 109:5,14 110:22 111:17 113:14,18 114:25 116:4,19 117:4 118:24 123:19,22 126:19 127:1,9,18 128:8,17 129:1 132:5 133:10 135:20 141:7,18 142:1,10 143:18 147:16 148:14,19,24 149:2 150:11 153:4,25 155:20,21 156:19 161:16 163:9 171:10 175:15 177:10 178:21 180:3,7 181:12 186:6,12 193:6 195:11,14 198:10 199:14,20 200:21 201:14,15,17,19 203:8 205:2 207:8 209:1 212:10 213:8 214:3 corrected 89:23 correctly 44:17 87:14 172:21 194:10 cost 89:15 152:4,24 160:13 182:24 183:3,5 185:9 187:22,25 192:9 costs 54:12 60:22 113:9 152:11 counsel 5:18 6:4 7:17 8:6 17:6 21:1 32:13,24 33:3 42:17 52:14 57:10 105:8 121:23 122:5 123:3 133:25
--	---	--

134:2,7 196:3,11 199:25 200:2,12 203:11 204:22 205:19 206:16 207:19 208:5 211:12 212:20 213:14 214:14 counsel's 195:25 203:16 207:7 count 6:21 coupled 112:10 court 6:5 10:7,10,11 26:23 172:12,15 covers 178:7 create 167:11,12 212:10 created 141:10 crept 23:2 criteria 86:5,25 87:14,18 88:9,18 89:11,18 91:13 127:6 159:11 160:3 CST 74:14 121:17 168:10 189:22 210:8 220:5 current 172:4 177:15 customer 70:5 79:22 80:4 95:24 113:23 customers 73:13 81:8 cut 217:25 CV 90:19 111:2,17 115:13 cycles 103:9	decided 79:10 114:2 115:5 decision 16:6 17:15 23:25 78:14 decisions 15:7 72:22 88:3,4 declaration 11:1,16 12:6,14,16,19 13:25 14:2,4,23 20:21 21:11 23:20 24:12,19 25:2,5,9,11 26:11,18 27:8, 11 28:2,7,8,16,21,24 29:24 30:6 31:15,23 34:1,7,11,12,16,22 35:2,8, 10,19,25 36:2,6 37:3,8,11,17 38:19 41:4,7,10 42:23 44:8 46:1,10 65:3 68:18,21 69:6 132:14 151:24 153:2,3 154:15 155:18 156:7,9 159:18,19 166:6 174:24 190:9 193:2,4 197:9 200:1,6 201:21 202:22 209:16 210:19 213:10,15,20 214:3 declarations 30:1 deep 88:2 deeper 207:14 define 88:19 89:14 150:21 171:12 201:18 defined 93:19 134:23 151:9 defines 93:1 definition 45:9 50:15 definitions 57:8,12,16 definitive 153:8 degree 74:23 75:1,6,9,19 84:21 85:2 192:4 degrees 75:13 delivered 89:3 depend 212:7 dependent 136:7 depending 96:1 depends 89:13 93:23 97:6,24 135:13 143:6 deployed 217:21 deponent 5:16 deposed 6:16 deposition 5:5,11 7:15,18 8:9 11:12 12:10 14:17 15:21,24 16:7,11 18:6 19:21 20:4,8,11,14,18 24:17,24 34:5, 9 39:24 209:15 215:13 220:2 depositions 35:1 describe 171:11 186:14 188:3,10 214:15 describes 63:2 69:7 153:7 187:17	describing 158:19 160:17 177:21 description 76:15 170:25 191:24 descriptors 169:21 design 55:4 56:3,17,20 57:2 60:24 63:16 71:25 76:3 79:11,15,19 80:12, 16,18,24 84:11,16 85:7,8,17,20 86:5 87:6 88:18 91:3 92:22 104:8 113:14, 15,20 114:19 118:10 157:19 158:6 163:1 169:9 194:13,22 195:10,13 197:19 designated 23:10 designating 16:22 designation 17:1 designed 48:14 49:1 61:13 81:9 91:2,17 92:14 99:3 104:4,16 107:8 114:22 117:25 119:15 137:4 218:2 designer 110:21,23 157:5 181:7 designing 48:21 55:15 75:3,15 87:19 186:4 designs 79:22 81:16 114:6,7,8 120:3,11 153:9 159:15 217:19 desirable 156:16 158:16 159:22 161:15,20 162:15,16,22,24 163:25 164:2,19 165:20 167:4,9 195:2 detail 60:1 97:15 details 81:4 107:1 detect 116:6 determination 174:5 176:8,19 183:6 187:25 determine 71:16 113:22 119:2 142:20 143:12 169:22 171:23 173:5, 15,20 176:13 177:14,16 178:5,7 179:1,8 184:12,17 determined 159:7 172:4,23 determining 173:9 174:10,11 175:25 176:11 177:1,14,23 178:10 179:4 180:15 181:10,18,19 185:16 187:4 detrimental 158:5 Deutschland 198:19 develop 110:6 developed 10:4 70:7 81:19 82:5,17 86:16 90:11 109:21 110:4 115:10 214:25 215:2,6 developing 86:2,6 112:8 development 71:8
D Dallas 120:21 data 41:2 42:6 43:21 44:4 76:16 77:1, 7 80:14 109:24 110:2,12,17,18 111:5, 9,11 112:11 115:12 133:3 174:6,13, 14 176:2,3,17,22 177:10 180:12 181:19 182:1,16,24 183:1,2,14 185:6, 9,11,13 187:6,7 188:6 date 5:8 19:11 23:23 47:3 64:15 65:13 202:10 213:14,21 214:2,3,6,9, 15,19 dates 215:3,12 dating 63:17 day 19:13 99:14 194:14 211:24 217:17 220:12 days 18:25 19:7,9 87:21 88:7 94:11 103:11 Deane 5:2 decades 31:25 199:5 December 202:7 213:24		

device 65:17 72:10 78:22 83:1 111:15 116:18 118:9 devices 52:6 56:20 60:18 61:13 65:17 68:11,12,15 71:17,23,25 72:3 73:4 80:20 diagnostics 70:8 72:20 diagram 151:17,18,22 diagrams 170:8 dictates 174:3 differences 22:10,18 differently 214:8 difficult 97:17,20 100:5 157:3 161:11 215:21 digital 48:15,21 169:2,7,8,15 170:1, 4,12,16,17,18,20,24 171:3,5,9,12,16, 22 173:6 direct 98:7 154:3 155:3 directed 160:21 161:3 directly 72:5 director 69:14,25 86:11 disagree 170:21 disclose 10:24 disclosed 40:20 discrete 62:13 discuss 43:2 58:14 60:15 97:14 124:16 128:11,20 132:23 151:23 152:5 153:3 155:18,19 discussed 24:13,20 33:3 51:5 59:13,23,24,25 60:1,2 83:14 84:19 90:22 100:4 131:4 152:1 160:16 178:8 188:11 192:2 197:4 198:15 210:25 discusses 124:4 128:13 129:4 183:11 217:7 discussing 40:14 90:20 211:22 discussion 22:7 24:16 30:9 54:8 disjoint 212:4 disparate 136:13,21 137:2,9,20 138:1,3 dispute 141:16,24 dissecting 88:1 disseminate 89:4 distance 110:9	distances 109:24,25 110:8 111:3 distinct 22:1 142:16 144:7 District 10:7,10,11 dive 88:2 divide 194:17 division 70:1 divorce 10:1 divulge 196:1 divulging 32:19 196:10 doctorate's 74:22 document 23:4 documents 15:16 16:13,18 24:5,7, 19 25:10,14,15 27:9 29:3,6,19,22 33:23 215:3,11 Doshi 42:7 190:17 211:17 dots 151:5 double 159:24 162:1 167:15 double-check 36:18 doubt 123:24 183:10 draft 30:11 drafts 30:10 209:18 drawing 28:12 drive 109:23,24 driven 110:16 drop 21:3 drove 28:12 duly 6:9 durable 199:9 206:9,21 208:9 Dystar 198:18	easily 85:22 212:24 easy 42:19 122:3 211:1,2,6 edits 202:12,18 education 44:15 45:6 74:21 effect 33:8,9 effective 113:12 effectively 17:3 efficiency 88:9,17,19,22 89:14,15,17 110:14,15 111:3,5,8 191:5,12 192:8,9 195:8 199:4 201:1,19 204:5 207:22 efficient 195:3,11,14 199:9 201:17 206:10,21 207:2,6,14 208:9 efficiently 53:19 effort 13:21 26:3 30:3 115:17 194:19 209:17 efforts 158:4 elect 158:16 163:25 164:3,19 165:20 167:4 Electrical 75:11 element 22:4,5 114:11 118:25 142:12,22 147:21 149:22,23 152:21 169:19,20,25 elements 23:3 100:3 114:15 124:25 143:13 181:9 186:6 191:18,20 193:15 194:1 199:11 219:5 embedded 48:1 79:1 embodied 51:21 52:9 104:10 embodiment 150:18 employed 51:15 emulate 79:16 encoder 111:12 encountered 43:12 45:1 218:15 219:12 end 11:20 33:6 77:7 102:14 103:11 161:7 ended 82:10 85:14 endpoint 124:5,6,24,25 125:12,13, 16 126:5,9,10,16 127:4,5,13,14,17, 18,24 128:1,2,15 129:16 130:9 132:11,21 139:2,3 141:12,13 142:6,7 182:23,24 endpoints 128:2,21 140:16 ends 103:14,19 151:7 energy 110:16
E		
	e-mail 7:23 e-mails 7:21 18:17 earlier 29:1 34:3 65:21 66:19 84:19 90:3 132:8 192:2 194:4 210:25 211:23 212:20 215:12 earliest 216:15,19 early 51:13 63:17 82:3 197:25 215:23 217:2 easier 145:3 211:4	

engaged 8:17,19,22 10:16,17,22 11:8 engagement 9:9 212:21,23 engineer 16:3 55:12 56:3 76:3 156:25 169:9 211:8 engineering 48:24 49:5,15,18,25 50:7,10,15 51:2,7 59:25 75:11 79:15, 21 80:12 81:11 183:2 185:12 193:14 engineers 72:16 79:9 84:12 85:7 ensure 57:3 91:10 106:22 114:21 194:3,9,15 201:11 ensuring 49:18 54:9 69:18 79:23 84:22 152:7 192:3 entail 20:6 entire 19:9 33:8,9 142:19 158:23 166:7 192:3 194:13 entirety 12:12 13:22 entities 22:1 34:23 40:22 60:16 61:11 124:5,8,24 125:12,15 126:4,8 127:4,13,16,23 128:1,14 129:15 130:8 132:1,5,10,21 133:2,17,20,21 135:1,14 138:9,12,23 139:2,8,14,16 140:12,13,23 141:6,7,17,18,25 142:1, 5,17 143:21,25 144:1,7,8 146:21 147:3,4,8,10,15,24 148:11,13,18,23 149:2,5,10,24 150:11,14,19,24 152:22 185:8 210:15,24 211:3 entity 21:22,23,24,25 22:2 60:20 129:9 132:20 134:22 135:5,7 142:13, 14,15,16,17,24,25 143:17,19,21,25 144:4,5,6,8 146:17 147:23 150:15,20 152:3,4,21 169:18,19,21,24 171:25 172:5,6,24,25 173:16,17,22 176:15 179:9,10 182:22,24,25 183:2,5,7 185:9,10,14 187:25 188:1 212:3 environment 113:24 116:22 195:6 equals 41:22 equipment 77:23 217:15 equivalent 160:10 errors 21:11 202:16,17 essentially 76:9 112:10 ethernet 115:18,19 116:1 evaluate 159:8 evaluation 112:21 event 129:7 143:22 152:8 191:1 200:19 evidence 28:19,23	evidencing 27:9 evolved 90:24,25 exact 6:21 211:21 examination 6:12 207:15 212:17 examined 6:10 examples 129:12 178:17 179:13,15 181:16 185:18,21 186:1 218:1 excerpt 160:16 excerpts 155:2 exchange 76:5 excited 122:4 exclude 137:15 138:4 excuse 17:12 execute 98:8 102:17 103:1 executed 94:9 173:17,23 executes 92:24 100:21 102:23 103:3 executing 98:19,20 99:15 100:7,13 101:9,14 executive 10:2 exhaustive 154:24 exhibit 17:4 20:21 23:21 25:2 123:13 154:4,9,11,15,19,22 155:8,11,12,20 156:19 158:9 190:10 exhibits 11:14,22,23 12:2,3,6,10,16, 18 13:1,7,8,24 14:1,6,14 20:16 21:2 23:23 24:11 25:6,10 29:14,16 existence 163:17 existing 71:8 expanded 174:21 expected 194:7 experience 14:21 28:11 32:1 43:22 44:5,16 45:11 48:11,21 49:12 51:4 75:2,14 78:18 85:9 197:19 experiences 43:20,23 44:3,6 67:10 experiments 20:10 34:2,4,13 expert 9:12,19 10:3 45:15,18,20 46:1,5,19,24 48:4,6,13,15,24 50:22 51:1,6,9 52:1,10 53:21,23 55:1,8,20, 24 56:8,12,19,23 57:5,6,7,21 58:1,5, 7,9,20 59:2,14,22 60:2,6,14,24 61:9, 18,19 62:6,7,10,21 63:11 64:1,2,8,25 65:22,24 66:3,8,10,14,21,24 67:12, 17,21 68:15,22 69:1 71:5 180:19 202:25 205:9,11 219:8	expertise 63:24 71:3 explain 174:22 175:22 180:11 explaining 179:11 explains 156:14 159:20 160:2,22 181:16 explanation 105:18 extensions 80:22 extent 32:2 55:11 56:6,15,16 57:8 79:18 81:20 82:1 92:11 104:20,24 106:25 107:8 108:8 114:13 124:7 135:1,15,17 136:17 137:3 151:25 152:2 195:24 196:16 199:24 200:10, 14 extra 157:7 159:23 160:11 161:25 extreme 70:1 86:22 87:3 90:12,14, 15,17,21 104:5,12,17 109:4,13,16 194:2 201:11 218:3 F F3d 198:20 fact 132:24 166:21 173:11 179:20 196:25 199:7 206:8 207:20 213:19 218:12 fail 68:3,6,7 69:12,21 71:17,21 73:4, 9,20 191:1 196:24 198:7,9 200:19 203:7 failed 70:5 73:24,25 132:25 190:16 fails 22:14 failure 56:23 57:1 61:8,19,20 62:6, 11,22 63:12 64:2,9 67:17,21 68:16, 23,25 69:20 70:6 71:15 72:6,10 84:23 116:6,7 129:7 152:9 160:9 171:24 172:5,24 173:15,21 174:6 176:14 177:15,16 178:6 179:9 183:4 187:17 189:3 failures 69:10 70:9 72:9,21,24 73:1,5 129:12,13 160:8 169:23 174:12 176:1,12 177:2,24 178:10 183:3 184:18 185:14 187:5 fair 76:12 80:6 119:7 133:4 215:5 fairly 49:10 97:16 98:22 faith 145:3 familiar 10:25 24:8 48:2 52:8 60:17, 21 61:7,12 63:19 64:13,17 65:20 68:13 215:18 216:10,12 217:12 family 160:18
--	--	---

farther 110:19 fast 88:14,15 Federal 198:20 206:18 208:6 feel 196:11 feeling 86:19 fellows 77:19 Ferrara 6:6 fiber 110:2,8,9,10,16 fiberoptic 109:23,25 field 14:22 45:7 55:10 56:2,15 60:5 66:4,5 fields 51:5 figure 60:12 150:4,6,7,9,18 151:11, 13,16,20,21,23 152:18 187:16 filed 11:6 14:15 15:1,8,15 25:11 29:17 35:7 153:24 213:24 filing 213:21 finance 114:6 find 69:5 86:13 124:18 187:16 finds 199:7 fine 21:7 108:11 121:7,8 137:16 163:24 210:2 finish 122:20 165:3 firms 112:23 118:19 firsthand 197:7,12,17 fist 148:21 five-minute 189:13 fix 21:14 fixed 96:12 flow 53:18 54:10 60:12 151:17,18,21 flowing 115:23 Focal 123:5 focus 58:4 68:19 focused 98:22 113:7 focusing 34:9 folks 85:6 follow 96:8 form 12:21 14:8 17:21 26:20 28:13 33:1 37:14,19 41:4,12 43:8 45:22 46:4,8 47:7 48:9,18 49:8 50:2,12 52:4 56:25 57:24 58:13 61:25 62:16,24 63:14 64:11 66:2 69:3 73:11,22 78:20	81:18 86:3 88:12,25 91:4,9,24 92:17 93:7,12 94:6,14,24 95:6,20 96:15,23 97:3 98:4,11 99:21 100:9,16,24 101:12,16 102:2,19 103:6,17 104:7, 22 108:22 109:9 115:2 117:21 118:4, 14 120:17 124:13 125:9,20 126:12,21 127:11 136:16 137:13,24 138:15 139:11 140:7 141:9,20 143:5 146:25 147:6,18 148:8 149:8 151:1 155:25 157:21 159:5 161:22 162:18 163:11 164:6,22 165:24 170:2,15 172:9 173:25 174:9 177:12 178:2,23 179:17 180:1,9 181:4,14 182:3 183:25 184:24 185:24 186:8 187:13 188:9,24 189:5 191:15 192:21 193:8,19 195:5, 16,24 197:16 198:23 199:16,22 200:4,23 203:18,24 204:2,7,17,19 205:4,20 206:3,13 208:1,21 209:4 212:6 format 111:2 formatting 23:2,7,17 formed 33:23 51:14 forming 84:15 forms 32:4 60:22 63:20 67:11 116:12 217:7 forum 209:10 forward 39:24 found 43:13 45:3 184:15 Foundation 103:17 four-year 78:6 fourteen 6:20 FPGA 81:9 FPGAS 113:20 fractional 194:21 Francis 153:17 free 196:12 fresh 182:6 front 17:14,16 20:22 39:9 138:17,19 163:14 201:24 207:11 frozen 116:10 full 68:2 219:3 fully 62:1 93:24 136:19 199:19 function 102:16,23,25 170:21 171:17 functionality 194:10 functions 100:12,18,21 101:7 119:5	173:7 fund 114:2 funding 79:8 114:10,11 115:6 G gateway 183:1 185:11 gave 54:3 67:5 181:18 186:13 general 98:7 113:10 114:8 177:24 generally 8:12 27:4 185:22 186:1 212:1 generate 116:25 generated 116:2 generating 37:18 generator 116:1,2,24 generic 97:16 191:6 195:17 geographical 136:2,6,10,11 George 6:1 18:9,13 38:15 39:11,25 105:20 106:5 121:7 145:4,9,12 146:3, 7 165:5,16 166:12 gigabyte 87:21 88:8 109:22 give 42:6 64:12 90:6 106:11 119:22 144:13 154:25 182:8 185:18 211:25 giving 164:23 185:3 Gmbh 198:19 goal 92:6 113:21 195:17 goals 81:21,25 83:15,20,24,25 84:1 87:5 191:6 Gomez 5:17 6:8,14 21:10 74:1,19 120:22 121:22 122:12 123:11 135:6 146:14 168:15 182:5 190:2 196:19 210:13 212:19 220:9 good 6:14,15 21:8 70:18 74:9 145:3 162:6 189:15 214:20 215:20 Gosh 116:8 graded 49:21 graduate 197:23 graduated 201:4 granted 111:23 great 121:3 123:18 157:3 190:8 194:2 201:10 Greg 5:22 39:14 70:11 106:7 122:20 134:5 144:18 145:17 146:5 166:23
---	--	---

group 21:23 82:11,18 84:16 112:20 113:1 114:3,5 115:8 117:3,25 118:12, 15 120:15 142:14,23 143:23,24 144:5 guess 102:4 111:1 Guichard 153:4,6,11,16,17,24 155:10,13,18,23 156:6,14,19,25 157:9,10,21 158:8,15,19 159:20 160:2,14,24,25 161:2 162:14 163:5,8, 24 164:17 166:5 167:3,14 190:17 Guichard's 160:17 gun 116:11	hire 85:6 hold 151:20 187:15 holding 206:18 hour 70:15 120:24 168:1 hours 19:12,13,15,23 20:1 70:15 housekeeping 72:19 HTTP 88:1 hundreds 201:5 hypothetical 97:7	improvement 110:14 inappropriate 123:4 include 11:9 22:6 54:12 61:12 65:16 131:1,7 135:18 171:6,9 180:12 181:20 182:24 185:9 219:18 included 17:7 28:21 91:13 105:1 152:2 includes 69:20 130:17 135:15,17 139:8 152:20 170:12 174:12 176:1 177:2 187:5 including 11:20 79:9 101:6 160:6,8 205:14 incoming 99:16,18 incorporated 104:9 incorrect 35:13 190:25 200:18 independent 21:21 22:2 independently 82:8 individuals 18:24 19:19 industries 193:20 industry 25:22 28:11 29:5 63:18 67:8 68:8 75:3 112:1 193:20 204:4 219:11 inefficient 89:9 information 27:1 28:1,6 29:11,22 32:19 160:11 176:20 177:6,8,19 179:3 181:22 183:8,9,11 184:13,17 185:2,12,13,15,17,19 196:2 203:16 informed 203:11 204:22 206:7,17 informs 192:18 inherent 52:5 57:2 60:16 63:3 72:2 73:23 194:12 initial 148:12 initially 62:4 207:4 initiated 211:11 innovations 45:4 input 97:9 98:16 inputs 96:20,24 97:1,22 99:24 inspections 88:2 install 96:7 116:23 installed 101:8 instance 168:21 instances 161:19 instigator 211:19
H	I	
habit 122:21 half 120:23 168:1 handheld 83:1 hang 72:17 happened 36:24 95:14 happening 156:24 happy 38:7 59:2 105:19 106:1,11 164:9 175:18 209:7 hard 29:3 155:2 hardware 69:14,25 72:15 79:25 80:2 84:16 86:11 87:8 112:21 114:15 119:3 170:6,10 171:5,10,18 174:15 176:4 186:22 187:7 188:12,17,21 189:1 hate 172:19 haul 77:5 Haynes 5:23 head 14:20 15:12,19 92:13 107:2,6, 19 116:15 118:6 120:19 172:21 headers 23:16 heading 42:23 190:15 hear 102:7 144:21,24 180:4 held 5:11 206:8 208:6 helped 91:3 hexadecimal 211:10 high 49:19 54:10 57:4 59:24 84:21 85:1 88:14 111:2 157:12 192:4 217:9, 12,17,21 higher 49:22 highest 192:10	IBM 201:6 idea 91:1 162:6 idealized 44:23 ideas 33:5 identical 37:5,12 identified 23:3 66:21 107:16,25 178:20 180:6,22 identifies 130:7 185:8 identify 5:18 16:25 91:11,12 130:1 137:21 illustrates 150:10 impact 7:12 111:4 impacted 88:18 implement 81:15 83:15 104:16 105:2 111:13 118:11 120:15 159:14 implementation 66:16 113:10 162:25 188:11 implementations 192:14 implemented 54:5 72:4 83:3,7 84:3 104:13 105:5 106:17,25 107:12 109:6 136:5 170:20 188:21 implementing 117:9,11,19,22 118:1 162:7 implying 178:13 important 15:10 37:3 57:3 63:15 65:19 68:5 85:19 86:13 89:25 114:24 115:3 143:9 194:1 199:1 201:9,13,16 217:18 importantly 14:3 improper 122:24 145:14,15 improve 70:10 73:14	

institute 70:8 institution 16:6 23:25 instructed 46:12 47:13 214:5,12 instructing 196:14 instruction 207:21 instructions 207:7 instrumental 181:9 instrumentation 112:8 insufficient 192:19 203:7 209:1,13 integral 76:7 87:10 integrated 79:17 83:1 integrity 71:14 85:10 87:8 113:20 194:5 intellectual 9:24 intended 69:19 76:6 119:4 137:8 intent 158:5 inter 17:9 interacting 69:22 interactions 68:10 interested 114:9,15 interfaced 72:5 interior 183:1 185:10 International 10:13 internet 216:21 interpret 29:7 31:9 32:10 45:21 46:6 130:14 164:13 192:24 interpretations 30:22 interpreting 129:23 164:16 interrupt 40:3,4 60:7 103:20 164:22 165:8 interrupted 40:15 70:20 interrupting 21:1 122:21 134:13 166:15 interruption 90:9 interrupts 103:7 invented 201:2,3 invention 44:13 46:13,16 47:12,15, 18 inventive 207:3 208:14 inventor 111:20	inverter 112:10 invest 19:20 involved 51:22 80:23 84:22 153:19 213:3 216:3 218:22 involving 216:6 IPR 5:14 10:14 11:2 14:15 15:2 17:8, 10 23:23 25:6,12 123:6 IPRS 15:15 213:2 isolation 147:21 issue 23:17 140:16 169:12 180:22 217:4 issues 23:2 44:24 115:24 167:12,21, 22 198:13 199:3 207:17 219:8 item 187:16 items 216:3 J Jean-philippe 153:18 Jim 153:15 Joan 6:5 job 76:14 79:5 90:25 119:1 jumped 116:10 June 75:25 jurat 219:18 K keeping 159:10 key 143:13 178:6 keyword 177:13 KG 198:19 Kim 6:2 kind 15:4 25:13,23 88:8 97:6 98:17 110:17 116:7 176:18 188:6 kinds 178:18 knew 18:3 201:1 knowing 92:2 107:16 knowledge 31:7,19,24 32:8,9 33:17, 21 56:19 66:17 197:7,11,12,17 Kobre 6:1	L label 125:11 126:14 127:23 129:8 133:16 139:1 148:17,22 labeled 16:15 124:23 lack 159:25 162:2 language 138:2 152:20 158:8 174:22 177:25 178:9 179:2,22,24 180:5,17,20 181:25 182:16 183:21 184:5,8,10 large 25:18 29:5 42:12 70:7 89:8 94:8 97:18 100:10 101:1 108:4 124:3, 11,14,16 125:4 133:6 136:1,5,10,13, 20 137:1,4,9,19 138:1,3 larger 161:8 late 51:13 215:23 law 57:9,12,16 191:1,11,17,18 192:17,19,23 193:1,3,6 195:19 196:5, 21,24 197:1,13 198:7,15 199:20 200:15,19,21 202:25 203:7,24 204:16 205:1,9,23 207:8 208:25 209:12 laws 205:14,15 lawyer 17:25 24:8 134:5,6 191:16 197:6 199:23 206:1,6 layer 86:4 87:23,24,25 99:25 100:1 layers 99:22 170:22 lead 159:25 162:2 leaders 204:4 leading 214:4,8 215:7 leak 160:8 leave 39:18 78:14 123:7 left 7:19 150:10,11 171:13 legal 57:6,7,18,20 198:9 199:13,18 202:24 203:12,15,19,22 204:15,22 205:12,17 206:17,22 207:20 208:17, 19 legs 189:14 lengths 194:2,3 201:10,11 level 45:6 50:17 67:14 68:10 71:10, 12,13,14 80:1 87:25 88:5 91:15 95:21 113:20,21 198:17 levels 87:23,24 89:5,6 95:23 100:11 Lexitas 5:4 life 192:3
--	---	---

light 182:21 limit 150:22 189:7 limitation 22:11 125:3,7,18,24 148:4,12,21 169:2 171:21,22 limited 85:5 162:21 163:4,7,9,15 170:10 171:4 174:20 211:17 limiting 149:21 lines 77:6 116:22 151:4 link 7:24 93:14 list 214:18 listen 39:15 listing 112:19 litigation 10:7,10,12 live 211:5 load 91:12,13,18,22 92:1,6 93:2 94:2 95:16 lodge 61:3 90:2 98:2 109:10 144:13 logic 48:16,22 55:15 60:12 150:16,20 169:2,7,8,15,22 170:1,3,4,12,16,17, 18,20,23,24 171:3,5,7,9,12,17,22,23 173:4,14,20 176:13 179:7 183:3 187:22 logical 70:16 175:23 176:24 177:17, 18 logo 155:6 long 13:17 19:10 21:6 25:22 54:7 77:5 83:17 102:9 111:3 126:13 127:5, 12,16,25 140:8 168:2 193:13 215:15 longer 35:15 109:23,25 110:8 looked 14:24 15:14 22:16 25:21 26:4 29:5,18 31:8 120:8 187:20 199:2 211:16 loop 99:19 100:7,13,21 101:9,10,25 102:3,8,12,15,23 103:13,14,18,19,25 104:1,2 loops 102:13,24 103:1,2,3,9 lose 85:22 lost 208:3 lot 50:21 96:9 113:15 lots 54:4 103:23 219:1 lowered 110:15 lowest 192:9 lunch 120:25	lunchtime 120:22 M machine 95:25 made 13:20 31:18 38:3,11 39:5,6 40:10 45:4 68:25 78:14 90:3 144:17, 24 145:6 193:3 195:20 main 23:16 69:17 102:16,22,24 103:14,18,19,25 104:2 maintain 26:6,9 maintained 27:5 101:21 major 51:23 majority 10:11 make 13:18 26:25 35:12,13,18,20 38:24 53:18 70:4,12 71:20 72:21 84:20 85:1 86:12 88:3 106:21 115:22 119:3 126:25 145:5 146:2 176:19 177:8 199:8 makes 160:14 making 52:21 71:5 87:10 88:4 106:4 145:1 159:13 164:10 194:5 207:5 managed 70:2 72:15 management 72:19 92:12 managing 49:2,5,9 63:1,8 96:16 manner 175:25 177:1 201:18 manufacturers 77:24 March 5:8 69:24 market 88:13 marketplace 86:20 114:18 master's 74:25 material 196:17 math 36:18 42:13 mathematical 35:21 55:10 56:2,15 95:15 mathematician 56:3 mathematics 140:9 matrix 152:5 174:16 176:5 183:5 186:22 187:8,10,18,24 188:4,16,20 189:2 matter 5:12 8:23 11:2,9 25:23 26:23 45:18 46:20,25 55:21 191:1 192:19 196:24 198:7 200:15,19 203:7 205:23 208:10,24 209:12	matters 166:4 191:17 maximum 150:18,21 Mcbride 18:20 meaningful 191:25 means 7:16 8:2 23:15 36:9 53:3 77:1 102:11 131:10 151:5,7 191:25 meant 22:6 82:3 87:24 111:8 measured 54:13 measures 204:6 mechanism 160:12 167:10 mechanisms 64:14 116:6,7 156:15, 23 157:2,16,17,20,24 158:1,17,20,21 159:2,10,14,21,24 160:6,7,19,23 161:6,15 162:1,15 164:1,4,20 165:22 167:5,15,19 medication 7:11 meet 18:5,23 88:13 89:10 125:2,6,17, 23 127:7,9,18 128:7 meeting 19:18 meets 127:5 memorize 160:25 memory 82:12 mentioned 30:4 met 11:16 19:4,7 140:12 141:6,17,25 method 152:7,18 160:21 methods 34:24 69:21 microwave 115:20 mid 51:22 52:7 217:2 middle 164:23 Miguel 5:16 6:8 32:15 117:14 220:9 million 87:3 89:20,22 milliseconds 129:10 mind 40:18 120:4 138:20 154:8,17 159:10 182:6 186:18 Minden 82:11,18 mine 76:22 181:2 minimal 45:12 minimizes 152:4 minute 182:8,9 minutes 74:7 168:4 189:16 210:1,3 mission 110:5
--	---	--

mistake 35:21 mistaken 196:8 mode 72:11 model 69:9 73:3 189:3,6 modeled 67:18 84:24 modeling 56:23 57:1 61:20 62:6 67:17,22 68:16,23,25 69:20 70:25 71:3,4,5,6,9,15 72:5,6,8 73:1 models 73:7,19 84:23 modem 82:25 modes 61:8,9,19 62:11,22 63:12 64:2,9 70:6 71:16 189:3 modules 101:8 moment 42:6 155:1 Monday 19:5 money 54:14 months 13:17 27:22 94:11 morning 6:14,15 66:20 202:15 Mother's 217:16 motivation 192:1 193:10 199:8 204:8 207:16 208:7 motivations 192:25 197:20 move 145:8 165:14 moved 79:5,20 moving 39:24 84:8 112:3 MPLS 51:9,14,21 59:23 76:13 77:9 78:17 79:2 80:8 81:15,19,22,25 82:1,5,15,16 83:3,7,8,14,18 104:5,10,16 105:1,5 106:17 107:9,14 108:20 109:3 111:13 116:25 117:4,6,8,9,19,22 118:1,9,11 120:15 136:18 137:4 138:12,23 139:1,8,14,15 146:21 148:13 149:5,24 153:8 214:24 215:5,14,15,25 216:3,6,9,10,13,17 217:3,8 multi-protocol 124:23 125:11 126:14 127:22 132:10 133:16 139:1 148:17,22	necessarily 63:2 94:16 102:3,20 103:12 173:12 needed 7:24 10:2 81:8,9 87:20,22 88:6 114:13 115:22 216:22 neighborhood 8:25 19:17 nervous 122:15 network 48:7,12 52:6 53:13,19 54:11 56:4,20 80:24 81:2,5 111:6 120:12 126:7 136:1 152:9,10,12 153:8 159:7,9 160:4,5,11,13,18,19 174:7,14 176:3,17,22 177:10 180:13 181:20 182:1,17,22 183:14 187:6 194:11 212:2,8,10,12 networking 60:18 65:16 70:1,2 78:22 119:11,12,13,14,15 217:14 218:21 networks 49:3,6,9,19,21 55:6,16 70:1 86:22 87:3 90:12,14,15,17,21 104:5,17 109:5,13,14,17,18,20,21 112:4,16 136:14,21 137:2,5,9,20 138:1,3 217:22 218:4,24 nightmare 162:25 node 61:14 124:7 129:7,12 135:15 nodes 61:12 124:3,9,11 125:2,6,14,17,23 126:8,18 127:2,8,11,15 128:3,6,7,12,17 129:1,4,20 130:1,3,10,14,16 131:15,24 132:4,8,15,24 133:6,12,19,21 134:19 135:2,10,16 Notary 6:10 notebook 27:15 noted 220:5 notes 26:6,9,13,14,16,23,24 27:5,9,18 35:15 number 15:14 18:1 24:4 25:18 27:20 29:6 34:23 40:22 42:1,10,12,14,16,19 43:22 44:6 58:14,23 59:8 62:25 65:9 69:16 70:7 79:9 85:5 100:10 111:8 112:20 119:7 124:3,11,15,17 125:5 127:25 128:17 129:1,20 130:3,20 133:6,12 134:19 135:9,21 136:13 137:1,20 150:19,24 151:6,8 153:19 157:18 162:22 211:1 216:8,16 numbering 155:13 numbers 37:25 41:20 101:1 numerical 210:15 numerous 215:11 219:13	O oath 6:23 7:4 26:16 36:14 object 12:20 14:7 17:20 32:25 61:24 62:15,23 63:13 64:10 66:1 69:2 73:10,21 81:17 92:16 93:6,11 94:5,13,23 95:5,19 96:14,22 97:2 104:6,21 109:8 120:16 124:12 125:8,19 126:11,20 127:10,11 136:15 137:12,23 138:14 139:10 140:7 141:8 143:4 146:24 147:5 149:7 150:25 155:24 159:4 161:21 162:17,18 163:10 164:5,21 165:23 170:14 172:8 173:24 174:8 177:11 178:1,22 179:16,25 180:8 181:3,13 182:2 184:23 185:23 186:7 187:12 188:8,23 189:4 191:14 193:7,18 195:4,15,23 197:15 198:22 199:15,21 200:3,22 203:17 204:1 205:3 206:2,12,13 207:25 208:20 209:3 objection 15:3 26:19 28:22 32:14,16 33:19 34:20 37:13,22 38:13,25 39:20,21 40:11,25 41:11 43:7 46:3 48:8,17 49:7 50:1,11 51:11,19 52:3,12,23 54:2,20,24 56:13,24 57:13,23 58:12,21 59:15 61:3,5 65:7 67:4 71:19 72:12 78:19 83:23 86:7 88:11,24 89:12 90:3 91:5,8,23 92:4 93:22 97:11 98:3,10 99:20 100:8,15,23 101:11,15,19 102:1,18 103:5,16 104:19 105:6,12,14,17,22 106:5,7,19 108:21 115:1 117:5,20 118:3,13 126:1 127:20 128:10,19 129:3,22 130:6,12,19 131:3,9,13,19 132:7 133:8,14,23 134:21 135:12 139:25 140:6 141:19 142:3 144:14,15,18,20,22 145:5,7 146:2 147:17 148:7 150:1 167:7 172:17 173:3 180:24 182:19 183:24 192:20 204:18 206:25 208:11,12 212:5 214:4 215:7 objections 38:22 39:12 52:21 90:2 109:11 134:1,3 145:13 objectives 159:8,12 160:4 167:9 obtain 78:17 177:19 obviousness 196:21 205:15 occasion 207:17 occur 172:6,25 202:12 occurred 202:18 occurs 21:22 OEMS 77:23 offer 202:25
N named 194:3 narrow 167:8 narrowly 98:22 nature 96:1 118:17		

offered 66:23 213:1 214:23 215:1 office 5:7 37:1 offset 23:16 on-the-fly 160:15 online 29:19 open 7:22,23 8:2 18:19 open-ended 97:12 171:13 operate 69:19 79:23 194:7 operates 94:15 operating 71:22 72:23 operations 118:21 opine 66:18 135:4 opined 49:17 50:6 132:14 135:7 140:18 141:11 174:1 192:22 opinion 10:3 32:5 33:24 37:19 45:17, 23 46:9 47:7,23 49:4 50:18 141:11 142:10 174:4 180:18 183:20 184:7, 20,22,25 186:14 188:5 196:23 199:14,19 200:11,17 205:21,22 206:11 207:4,24 208:10,17 opinions 28:2,8,14,20,24 29:8,10 30:2,8,14,17,18,20,25 31:3,4,6,12,22 32:12,23 33:4,6,12 34:16,19 45:25 151:14 152:15 190:21 202:25 208:19 209:5,16 213:2 214:24 215:1 opposed 157:23 optical 110:2 optimality 160:1 162:3 optimization 52:2,5,11,15 53:1,11, 12,17,22,23 54:1,5,9,12,16,19 160:17 option 161:24 Orckit 5:13 6:2 8:18,20 9:8 11:9 212:21 213:3 214:18 order 28:13 57:3 80:3 88:3 93:4 94:10 99:18 100:20 112:23 131:25 142:18,20 174:3 176:19 179:21 180:15 194:15 ordered 175:23 176:24 ordinary 28:9 42:24 43:10 44:14,21 45:13 46:17 47:19,23 95:1 151:2 163:2 171:15 179:19 181:5,7 186:2 197:18 198:2 199:2 200:25 original 77:23 84:17 91:1 originally 9:4 79:19 92:7 outlined 69:9 166:2 176:9	outlines 184:11 output 98:17 outputs 96:25 97:4,21 overhead 160:11 overlapped 61:22 overlapping 61:21 62:13 64:4,5,7 overlaps 62:18 owner 13:3,9 17:11 Owner's 17:19 P p.m. 74:13,14,17 121:15,16,17,20 168:8,9,10,13 189:20,21,22,25 210:6, 7,8,11 220:3,5 PA 112:19 113:1 114:3 115:7 117:3, 24 118:12,15 119:19 120:14 package 73:2 packages 101:2 packet 88:22 89:10 93:14 116:1 packets 49:20,22 53:18 54:10 76:25 88:1 89:2,25 92:2 93:5 94:11 98:21 99:16,19 116:2,13,19,21,25 117:6,8 135:2 pad 36:17,20 37:7,16 paggers 80:20 pages 161:2,3 pair 21:22,23,24,25 22:2 62:21 63:12 64:8 142:14,15,17,24,25 143:20,22 144:4,5,6,8 147:23 152:3,21 pairs 60:3 61:19 62:8 64:1 65:6,11, 23,25 66:22,24 143:17 212:3 paper 16:15,16,18,24 17:1,8,10 35:6 123:7 191:24 papers 15:1,4,6,8,25 16:2,4,22 17:2, 7 18:2 paragraph 21:20 22:9,23 23:21 31:14,17 41:14 43:2,9 44:12 46:10,14 47:10,17 69:13 72:14,18,25 156:10 161:4,23 164:13 166:7 174:11,25 175:4,7,14 176:9 177:22 178:13,21 180:7,12,23 181:15 184:21 185:1,6 187:2 188:3 190:22 191:4 195:20 197:8,9 198:11,12 202:21 203:5,10, 23 204:16,20 205:23 208:17,18 210:19 213:9,16 214:2	paragraphs 41:17 69:6 part 52:6 57:2 60:16 63:16 70:22 73:24 76:14 77:4,10 79:18,19 82:14 83:3 84:2 92:13 97:24 114:16 115:21 117:18 119:2 132:24 133:1 143:9 152:23,24 157:23 161:17,23 169:19 172:6,25 181:17 186:20 194:20 195:18 215:20 partes 17:9 parties 11:8 parts 14:3 23:4 53:13 past 119:17 158:12 patent 5:6,14 11:13,14,17 13:2,9 15:24 17:11,18 26:10 27:8 32:6,11 33:22 42:7 43:15 45:19 46:2,7,20,25 47:3 50:20 53:14 55:21 56:18 58:11, 19 59:6,10,17 65:19 123:12,19,22 124:2,4,11 135:25 136:13 150:5 152:6 167:24 168:24 171:11 174:2 176:7 188:14 211:17 212:25 213:1,7, 21,23,24 214:14 217:5,6 218:11,14 219:9,13 patent-related 9:22 patents 10:5 111:17,19,22 214:18 path 52:1,5,11,15 53:1,11,16,21,23 54:1,5 91:3,7,14 92:2 93:3 94:3 106:23 129:8 paths 53:15 91:21 107:9,17 160:20 Patrick 198:20 Pause 182:11 payload 116:3 PCS 82:13 pending 8:14 108:15 163:19 Pentium 80:21,22 people 72:5 85:5,12 204:8 percent 194:18 perform 20:7,10 34:1,13,15,18 35:3 78:25 91:3,7 92:15 93:10,18 94:21 95:3 100:20 104:5 performance 86:25 87:14,18 88:9, 17 89:18 113:9 performed 72:6 91:18 95:10,17 137:19 139:13 175:24 176:25 performing 73:1 94:2 100:12,17 period 78:7,9 215:6,17 permitted 8:5
--	--	---

person 28:9 43:10 44:23 85:16 94:19 95:1 151:2 163:2 171:14 179:19 181:5,6 186:2 197:18 198:1 199:1 200:25 personal 31:7,19,23 32:8,9 33:17,21 197:11,14 personally 19:20 72:4 104:15 204:4 pertain 49:25 50:9 59:9 108:19 117:4 129:14 136:18 pertained 83:6 109:3 pertaining 50:7 58:10,19 pertains 55:21 63:7 107:8 170:1 196:21 petition 13:13 15:7 16:10 17:9 23:24 190:23 petition's 196:23 198:9 208:25 petitioner 13:2,8 22:12 190:16,25 petitioner's 22:13 160:16 200:18 203:6 Phillips 82:21 83:4 84:3,8 phone 7:19 phrase 102:7 178:6 phrases 180:10 physical 71:12 111:15 136:14 137:2, 20 188:10 picked 90:4 piece 99:24,25 100:1,2 piecemeal 36:7 pieces 96:9 97:18 100:10 place 87:10 152:6 plane 76:9 plural 107:23 108:9,18 pluralities 140:25 146:22 147:7 plurality 124:8,9,14,22 125:11,15 126:4,8,13 127:22 130:7,13,16,23,25 131:7,10,15 132:1,4,9,20 133:15 135:16,18,19,22 138:12,23,25 139:8, 15,21 140:2,11,22,25 141:2,5,17,25 143:10,20,24 144:1 146:21 147:9,12, 24 148:3,5,11,13,17,22 149:1,10,15 150:2,10 151:6 152:22 169:20 point 21:14 22:9 38:4 41:2 42:6 58:16 59:4 67:9 68:4 69:4 72:13 81:4 83:9 90:24 132:22 164:9 170:19 181:24 186:16 211:2,14	pointed 100:4 193:11 209:14 pointing 54:22 points 37:5,19 216:1 portion 146:23 172:14 portions 190:23 POSITA 14:13 43:3,5,18 44:1,9,23 45:9,12 55:13,14 64:19,20 190:17 position 39:15,16 105:16,25 106:10 205:8 positions 71:1 possibilities 84:23 possibly 19:14 20:2 125:10 144:9 potential 9:12 21:2 146:17 power 112:8,12 115:10 practice 157:3 practiced 191:17 pragmatic 156:25 pre-computed 160:20 precisely 29:20 preclude 136:22,24 137:25 preface 184:3 preliminary 17:19 18:4 23:24 24:3, 6,9 preparation 12:9 14:16 15:23 16:6, 11 19:11,20 20:8,11,14,18 24:19 prepare 11:11 18:6 20:4 23:20 24:23 25:2 34:10 prepared 15:20 25:4,8 26:10,17 27:7 33:25 34:12 preparing 24:11,16 27:10 34:5,6 prerogative 123:1 present 55:17 167:21 presented 219:8 press 153:14 presume 58:3 pretty 54:6,17 58:2 62:19 92:20 122:1 212:24 previous 24:15,22 33:1 34:8 36:15 98:4 117:3 143:16 144:3,14 148:4 161:2 164:8 166:2 186:18 previously 40:15 primary 53:14 218:13	printed 201:25 202:2 prior 9:9 13:12 30:23 31:9 32:3,10 33:21 43:13 45:2,3,22,23 46:7 47:8 48:2 51:18 200:8 priority 49:22 214:15,19 privilege 196:4,16 privileged 32:19 196:1,10 probabilities 55:2,5,8,9,11,25 56:1, 5 173:9 174:16 176:5 186:23 187:8, 11 188:4,20 probability 55:22 71:16 72:10 73:8, 19,23 157:12 169:23 171:23 172:4,23 173:5,15,21 174:5,12 176:1,11,13,20 177:2,8,14,23 178:5,10 179:8 183:2,5 184:18 185:14 187:4,17,24 188:16,19 189:2 problem 161:7 problems 43:12,13 45:1,3 216:17 procedure 122:16 proceed 115:5 proceeding 10:1 11:24 13:1 14:15 15:2 25:6,12 27:7 29:17 153:24 process 10:25 49:18 89:2,7,24 93:5 94:10 98:21 99:18 151:19 153:20 170:2,9 173:6,8 175:23 176:24 177:17,18 179:2,5 181:18 194:13 206:9,20 208:8 processes 170:18 178:4 processing 88:23 89:10 99:16 product 56:7,17 57:2 60:24 63:16 67:23 68:2,24 69:18 70:5 72:2 77:4, 21,22,25 78:21 79:16,24 80:16 81:1, 6,10 84:7,21 85:1,20,23 86:19 87:11, 17 89:3 109:7 113:3,5 114:12,14 119:23,25 186:4 191:23 192:8 193:22 194:14,25 195:10,13 199:8 201:14,17 206:8,20 208:8 217:19 products 51:17 55:4 57:4 69:10,22 71:9 73:14 75:4,15 80:4,17,22 82:9, 25 110:6 112:9,24 113:22 114:16,17, 20,22 115:11,23 118:5,17,18,20,22 119:8,12,13,19 191:21 192:4 195:7 199:5 217:20 218:2 219:6 professional 48:21 profound 33:7 program 94:20 95:2 98:8 programmability 77:22
--	---	---

project 9:6,17 projects 216:5,8,16 218:23 pronounce 153:16 propagates 110:12 proper 105:14 properly 29:9 36:12 80:5 157:4 properties 22:6 property 9:25 proposed 197:20 protection 84:1,4 157:23,25 160:19 162:2 167:16 169:18,24 171:25 172:6,25 173:16,22 176:15 179:10 protections 159:25 protocol 183:1 185:11 proven 58:7 provide 11:1 28:25 72:9 88:8 92:10 105:19 106:2 126:8 132:1,4 134:1,7 190:16,20 191:7,13 195:3 205:9 207:22 208:19 211:16 provided 11:15 20:15 30:8 32:12,23 50:17 86:23 138:11 146:20 148:19,20 149:5,24 150:19 155:2 175:12 195:19 196:22 199:13,18 203:15 206:16 207:21 208:5 providers 92:9 providing 113:3 127:22 134:3 138:12,22,25 148:5,13,16,22 151:14 165:10 208:24 provisioning 106:24 107:16 provisions 107:9 pseudo 129:8 PTAB 8:6 public 6:10 10:19,22 11:4 publication 153:15 154:13,21 155:5 publicly 29:21 published 47:4 104:11 215:15 pull 21:4 158:8 pulled 42:4 purchase 86:22 purchased 90:17 purely 171:18 purpose 91:22 171:14	purposes 39:23 155:14 218:13 pushed 110:2 put 26:3 31:12 33:13 34:22 37:1 87:9 88:16 90:7 101:19 118:8 166:23 192:25 194:17 200:1 Q qualified 45:20 quality 110:9,10 116:21 118:20 119:2 160:8,10 207:3 208:15 question 8:13 12:25 13:19 25:1 27:6 28:3 29:1 32:17,21 34:3,8 36:4,19,21 38:6,18 40:8 41:5 46:22 47:16 50:4,8,13,14 53:6,8,24 55:23 57:14 58:2 59:3 62:2 63:6,8 64:6,23,24 66:22 67:20 70:20 73:16,18 86:9 92:19,21 93:17,25 94:18,25 97:7,13 98:4,7 100:5 108:15 117:14,15,17 119:18,20 124:19,20 125:21 128:24 129:18 131:22 133:19,20 134:17,18 136:23 139:23 140:1 141:4 142:19 149:4 157:14,15 158:18 162:9,11,13 163:13,19 164:6,25 165:7,10,12,15 166:17,23 167:1 171:2 172:10,13,20 178:12 180:4,21 182:6,13 183:12 185:20 186:16 192:16 195:25 196:9,13 199:17 204:11,13,14,25 206:15 208:3 214:20 questioning 5:21 145:2 questions 7:1,4,8 24:22 40:1 50:19,24 90:8 97:16 122:9,11 138:7 212:14,16 215:25 218:6,8 219:15,16 queues 89:8 Quick 79:10,13,14,24 80:7,10 quickly 117:7 quit 103:21 quote 158:15 190:22 quoted 162:12 R R-O-L-M 75:22 race 157:7 158:3 159:23 161:25 167:14 ramifications 209:9 ran 79:8 119:1,8,14 211:21 216:16 range 19:24 43:20 44:3	rapidity 45:4 rate 87:21 88:7 89:7,15,17,25 rates 78:25 88:14 reach 34:16,19 read 11:13,19 12:10,11,12 13:22 15:11 20:13 24:4 44:17,19 45:21 59:5 123:18 144:3 158:14,23 161:17 172:13,14 175:1,6,20 183:22 184:7 reader 178:3 184:4 readers 157:1 reality 162:6,23 realized 198:16 reask 172:20 reason 10:2 106:1 190:16 191:7,13 206:10,19 207:6,23 208:25 209:12 210:23 reasonings 196:23 reasons 22:14 192:18 198:4,7,9 recall 14:25 15:11,18 17:22 25:20 26:4,12 27:13 29:20 38:1 42:3,18,21 65:8,12 81:3,14 91:14,25 92:12 107:1,6,18 108:12,24 116:14 118:6 120:13,18 138:13 197:4 202:9 209:23 211:13 212:19,23 213:7,13 214:10,18 215:24 218:5,7 received 17:6 95:7 receiver 110:5 116:5 receiving 116:13 recently 64:17 recess 74:13 121:16 168:9 189:21 210:7 recession 112:1,2 recite 184:21 recited 181:11 recites 138:22 169:2 171:22 reconvene 120:25 121:4 189:16 record 5:2 10:18,21 11:5,23 25:12 29:19 32:16 74:11,16 105:16 106:3 108:6 121:14,19 123:5 144:19,25 145:22,24 154:16 158:14 166:24 167:1 168:7,12 174:2 175:1,6,20 189:19,24 207:10 208:23 210:5,10 220:3 records 120:7 recover 129:9
---	--	---

recovered 129:13 recovery 156:15,23 157:2,16,17,19 158:17,20,21 159:1,8,9,13,21,24 160:5,7,12,18,23 161:6,15 162:1,15 164:1,3,20 165:21 167:5,10,15,18 recycle 36:25 reduced 111:10 redundancy 60:5 63:1,3,8,15,20 65:10,18 67:11 78:23 84:1 218:6,9, 10,15,25 219:1,4 redundant 60:3 61:19 62:8,21 63:11 64:1,8,14 65:6,15,22,25 66:21,24 92:8 refer 171:20 183:18 184:5 reference 13:13 40:21 153:4,6,9,24 154:1 155:19 162:12 references 26:8 198:3 200:9 206:19 referencing 156:18 referral 9:5,11,15 referred 29:2 referring 15:5 40:13 41:13,22 42:9 83:21 96:5 139:4 149:18,21 refers 148:10,15,16,25 151:21 175:23 refrain 32:18 regard 13:19 47:25 59:16,17 93:13, 14,15 118:16 119:18 130:14 140:1 176:11 relate 44:6 related 33:23 43:23 44:24 46:9 81:2, 6,13,21 relates 58:3 156:2,6 relationship 45:24 47:8 129:5 relax 122:1,2,3,14,18,23 releases 215:4 relevance 46:9 relevant 25:15 75:13 76:13 203:24 204:17 218:10 reliability 84:21 85:2 86:14 87:15 114:17 191:6,12 192:4,5 194:3,5,15 199:3 201:2,9,12 204:5 207:22 reliable 72:1 85:17,24 86:13 114:20, 23 193:17,22 194:25 201:14 207:2,5, 13 relied 57:9 78:23	rely 28:1,6 remember 108:3 138:16 211:20 212:22 remotely 5:12 7:16 removing 143:19,25 rendering 28:2,8 142:10 145:12 152:15 repeat 40:7 53:8 94:16 117:15 182:5, 12 repeated 165:11 203:10 repeatedly 92:15 93:9,20 94:10,21 95:4,11,14,17 repeaters 115:20 rephrase 92:19 196:9 replacement 21:24 142:15,25 144:6 report 30:20,25 31:13 33:8,10 49:17, 24 50:7,9 57:9,19 59:1 73:5 118:18 140:19 152:2 reporter 6:5 172:13,15 reporting 112:11 115:12 repository 17:6,8,17 154:2 represent 5:20 representative 101:21 representing 5:4,23 6:2 represents 182:22 request 95:7 requested 172:14 requests 95:12,24 require 21:21 55:12 56:5 124:3,11, 21 128:4 129:19 132:19 133:6,12,15 136:1,13,25 137:1,11,19 140:23 141:1 142:13 147:2 159:23 172:3,22 176:8,16,21 178:20 180:6,22 182:16 183:13 185:5 196:1 207:14 217:8 required 49:2 54:7 56:17 63:1 65:10 69:11 89:5 130:4 131:17,25 146:23 147:10 160:12 170:5 174:17 177:4 179:3,6,12,20,21,24 184:9,13 185:17, 21 198:17 218:24 requirement 49:20 89:1 126:2,6,17 128:17,25 183:23 188:14 requirements 45:12 51:15 106:21 128:12,13 137:22 205:11 requires 7:4 124:22 134:24 135:9 138:3 140:22,24 142:22 143:10	146:20 147:12 161:24 170:19 174:3,6 177:9,16 178:14 180:18 181:25 184:11,20 185:2 186:5 207:8 research 44:16 reselect 142:13,23 143:11,12,15 144:11 reselecting 21:22 144:4 146:16 reselection 21:22 142:12 143:22 reservation 106:20 216:23 reserved 216:24 resiliency 83:25 84:4 resources 160:1 162:3 216:23,24 respect 35:17 88:22 122:2 213:2 responding 132:18 195:25 response 17:11,19 18:4 23:24 24:3, 5,9 responses 18:1 responsibilities 79:13 responsible 8:20 71:2 responsive 73:15 204:10 rest 194:20 restate 28:3 37:15 125:21 restoration 53:15 157:23 160:15 result 37:18,23 95:14 206:20 results 183:4 187:23 208:8 resumé 216:3 retail 82:13 retain 26:14,23 retained 27:19 rethink 132:12 retract 22:17,21 review 13:7,24 15:1,25 16:5,10,15 17:10,18 24:9,10 151:13 154:14 reviewed 11:15,17,22 12:1 13:6,12 14:1,16 17:15 23:22 24:18 25:5 29:11,13,15 reviewers 153:19 right-hand 16:14 rights 163:5 rigorous 26:24 27:5 ring 115:15 210:16
--	---	--

rise 198:16 207:17 role 109:19 205:17 roles 218:21 Rolm 75:22 76:21 rooftop 112:11 115:10,11 route 182:22 router 152:9 180:13 routers 181:21 routing 88:3,4 rude 134:11 rules 8:5 38:21 123:4 run 87:20 88:6 119:6 170:18 running 101:2 runs 170:17 171:8,16 S sale 77:16 78:15 115:21 Santa 75:23 Santel 109:14,18,19,21 111:18,25 112:2,3,6,16 Santel's 110:5 sat 58:25 satisfy 179:14 scanned 12:4 15:9,13 scenarios 24:7 Science 75:10 scope 38:14,16 39:1,3,13,16,17 40:8 52:13,16 53:4 82:22,24 84:13 92:5 105:7 113:2 149:22 152:19 160:6 scratch 36:17,20 37:7,16 section 23:4,7,13 42:9 57:18 144:3 190:20 sections 29:25 seek 85:17 select 143:11 169:3,18 183:6 187:25 selected 25:20 143:22 selecting 146:19,22 147:11,22,23 148:10,25 149:6,25 152:21 174:6 176:22 selection 22:11 143:16 150:15,20 170:2,8 172:7 173:1,4,7,17,23	selections 159:13 selects 152:3 Semiconductor 83:4 84:3 Semiconductors 82:21 send 16:23 Senorx 123:6 sentence 44:18,19 156:23 158:24 186:21 187:2 190:24 sentences 175:3,7,21 separate 29:4 35:11,16,22 64:3,5 173:7 separately 36:11 September 8:25 sequence 113:1 series 151:5 server 91:12 92:6 servers 92:9 93:15 106:23 service 9:5,11 160:9,10 services 9:16 112:22 set 37:4 68:7 83:14 167:8 setting 69:17 sharing 219:3 sheds 182:20 ship 85:25 shipped 69:19 shop 80:12 show 41:3 170:8 211:2 shown 207:19 shows 23:7 129:11 side 150:11 signal 87:7 194:5 signature 201:23 202:1,5,13,19 219:18 signed 201:25 202:7 Silicon 10:1 simple 42:13 102:4 129:18 131:21 134:17 162:14 simply 26:2 131:24 176:23 207:12 simulation 35:5 71:11 simulations 34:15 35:3 85:10 87:7 194:8	single 67:24 191:23 sir 15:20 37:9 38:10 40:19 55:18 63:23 65:1 66:19 76:20 97:8 100:13 107:21 125:7 128:22 129:17 131:21 133:18 137:7 140:4,21 147:22 149:17 151:24 154:19 157:17 158:11,25 159:17 161:14,20 162:8 164:15 165:19 166:6,9 169:4,12 170:13 171:6 174:18 176:17 177:25 180:16 181:1 184:21 186:11,24 190:24 192:19 193:5 195:22 198:6 200:2 201:8,23 202:5 203:1 204:10 205:24 206:23 207:4,24 210:19,24 211:12 213:11 214:22 sit 164:13 214:17 sites 70:5 sitting 15:17 36:13 42:3 58:17 67:2 91:14 97:5 109:1 141:15,23 situ 73:2 sixty 210:22 sizes 116:3 skill 28:10 42:24 43:10 44:15,21 45:14 46:17 95:1 151:2 171:15 179:19 181:5,7 186:2 197:18 198:2 199:2 200:25 skilled 47:19,24 85:16 94:19 skipped 210:20 slow 109:9 small 42:11 136:5,11 software 71:4,7,10,11 72:8,15 80:3 84:17 85:9 92:23 93:1,19 94:8,9,15 96:8,10,11,12,16,20 97:21 98:9,19,20 99:9,10,11,13,15,19,23 100:7,11,21, 25 101:2,5,6,8 102:8,11,17,22 103:2 104:3 112:21 119:1,6,9,14,16,23 120:10 170:13,17 171:8,10,18 188:6, 12,17,22 189:1 solar 112:8,11,12 sold 77:15 78:2 82:12 87:2 89:20 104:12 solutions 43:13 45:2 solve 161:9 solved 216:17 someplace 42:5 son 190:6 sophistications 45:5 sorts 100:17
--	--	--

sounds 21:8 157:2 span 126:4,9 127:3 129:5,7,12 142:5 143:8 152:12 spanning 215:20 spans 61:12,14 135:4,17,18 136:1 143:6 speak 20:17 134:1 162:10 190:3 speaking 8:12 11:23 38:22,25 39:12, 25 57:17 60:8 101:5 105:3 106:5,7, 13,16 107:24 118:10 134:1,3 145:4,9, 10,14 146:3,6 159:2,16 165:17 166:13 175:3,12 177:23,25 212:2 specific 12:5 38:9 42:9 44:25 59:3 63:21 64:16,24 66:4,5,6,9,16 79:17 80:17 129:19 133:20 135:4,9 162:11 170:20 188:15 191:11 192:17 200:8 205:24 209:21 specifically 13:19 14:2 34:10 65:8 68:25 69:8 76:2 83:21 116:19 118:11 130:1 146:18 152:14 161:4 178:17 182:1,15 183:13 188:7 199:7 202:9 216:7 217:6 218:7 specification 124:15 129:4,11,25 130:2,15 132:16,23 182:20 183:11, 18,22 184:6,8,15,16 185:7 specifications 86:24 specifics 12:13 38:8 41:5 65:12 116:14 120:13 spectral 110:14,15 111:3,7 Spectrum 80:13,25 81:16 82:8 speculate 126:23 speed 78:24 spend 19:10 140:20 spent 12:4 31:10 157:8 192:3 spite 72:23 split 90:7 spoke 163:16 168:17 190:6 spoken 117:7 stability 160:13 stack 89:5 Stamatopoulos 5:25 6:1 12:20 14:7,10 15:3 17:20 18:9,15 26:19 28:22 32:14,25 33:19 34:20 37:13,22 38:13,17 39:2,7,14 40:2,11,25 41:11 43:7 46:3 48:8,17 49:7 50:1,11 51:11, 19 52:3,12,17,22 54:2,20,24 56:13,24 57:13,23 58:12,21 59:15 61:2,24	62:15,23 63:13 64:10 65:7 66:1 67:4 69:2 70:11 71:19 72:12 73:10,21 78:19 81:17 83:23 86:7 88:11,24 89:12 90:1,6 91:5,8,23 92:4,16 93:6, 11,21 94:5,13,23 95:5,19 96:14,22 97:2,10 98:1,10 99:20 100:8,15,23 101:11,15,18 102:1,18 103:5,16 104:6,19,21 105:6,11,21 106:6,9,18 108:14,21 109:8 115:1 116:9 117:5, 13,20 118:3,13 120:16 121:8 122:10 123:9 124:12 125:8,19,25 126:11,20 127:10,19 128:9,18 129:2,21 130:5, 11,18 131:2,8,12,18 132:6 133:7,13, 22 134:4,9,14,20 135:11 136:15 137:12,23 138:14 139:10,25 140:6 141:8,19 142:2 143:4 144:12,17,23 145:6,11,17,21,25 146:4,8,11,24 147:5,17 148:7 149:7 150:1,25 155:24 159:4 161:21 162:17 163:10, 18 164:5,21 165:2,6,13,23 166:11,14, 18,22 167:6 170:14 172:8,16 173:2, 24 174:8 177:11 178:1,22 179:16,25 180:8,24 181:3,13 182:2,18 183:24 184:23 185:23 186:7,17 187:12 188:8,23 189:4 191:14 192:20 193:7, 18 195:4,15,23 196:6-197:2,15 198:22 199:15,21 200:3,22 203:17 204:1,18 205:3 206:2,12,24 207:25 208:11,20 209:3 212:5,15,18 215:8 219:14 stand 29:9 30:24 71:24 89:23 209:5 standard 5:10 43:5 215:16 220:4 standards 57:20 203:12,13,20,21 204:23,24 205:6,13,17 stands 67:25 128:24 185:1 start 75:20 76:23 102:14 103:11 104:11 162:7 started 63:18 75:21 77:18 80:11,12 84:10 104:8 112:6 201:6 209:15 211:22 212:23 starting 21:20 23:4 79:2 187:20 215:22 218:19 startup 82:10 85:4 86:16 startups 51:23 state 5:19 23:22 31:18 32:15 39:19 96:17 100:19 101:21,23 105:12,16,17 160:12 165:15 202:24 stated 105:22 statement 22:17,22 164:17 165:11 178:13 191:12 200:20 205:24 209:11, 22 statements 31:18 197:10	states 5:6 65:3 101:20 116:1 164:17 stating 106:2 statistics 56:12,14,16 status 180:13 181:20 statute 191:11 192:17 stay 22:20 195:8 stayed 79:4 staying 96:11 step 22:12 146:16,19,22 147:11,15, 22,25 148:10,16,25 149:6,25 steps 174:13 175:23 176:2,24 177:3, 4,7 178:15,18,20 179:22 180:6,22 181:6 184:20 185:6 187:5 Steve 18:11,20 stock 77:17 78:4,12 stop 39:11,25 52:20 103:22 105:20 106:12,13 134:2,12 145:4,9,16,19,20 146:3,6,12 165:5,16 166:12 stopped 146:1 158:24 store 188:5 storing 174:14 176:3 185:5 187:6 Stratacom 76:23,24 77:2,13,15 78:1,9,11 strategies 113:10 157:11 Stratum 82:7 stretch 185:25 189:13 strike 208:16 striking 22:22 strives 193:15,16 structure 127:6,8,15 128:4 132:25 151:9 structured 212:3 student 193:13 stuff 193:12 stupid 35:20 subject 45:18 46:19,24 55:20 submitted 23:23 30:11,12 subnet 129:8 Subscribed 220:11 subset 152:4 substance 122:19
---	---	---

substantial 22:10 success 114:1 suffice 126:18 sufficient 140:17 143:1,3 147:16 149:11,16 195:3 204:7 suggested 9:6 122:14,18 suggesting 122:8 suitable 9:16 suited 9:7 sum 93:10 sums 116:3 support 28:20 73:12 80:15 81:10 205:19 supported 29:9 supports 28:24 184:16 191:11 supposed 122:6 surface 162:5 surrounding 66:12 survive 112:2 113:23 swear 6:6 switch 69:15,16 70:4 81:5,6,13 86:2, 3,4,6,12,14 87:19,20,22,23 88:6 89:5, 6,19 90:11,14,20,22 91:2,17 92:14, 22,23 93:9,18 94:1,20 95:3 96:7 98:8, 13,23 99:4,5,9,15 101:9 102:6 104:3, 4,16 107:7 120:13 129:8 148:23 switches 48:7,12 80:24 81:2 99:2 119:12 switching 95:23 124:23 125:12 126:14 127:23 132:10 133:16 139:1 148:17 sworn 6:10 220:11 system 68:10 72:23 73:3 76:5 85:11 97:17 101:1,23 103:10,19,24 108:5 113:9 194:11 216:20,25 systematic 175:25 176:25 systems 5:13,24 49:2 56:4 63:1 65:5,9,16 79:11 85:15,18 112:11 118:10 119:4 160:21 161:11,12 166:3 T T1 77:6 taking 79:22	talk 180:17 218:8 talked 121:25 talking 18:3 97:25 99:24,25 101:3 134:10 159:12 160:24 211:8 talks 53:14 task 87:1 tasked 84:15 tasks 102:14 TCP/IP 60:1 TE 185:12 teach 137:7 167:3 teaches 152:7 157:20,21,22 162:14 163:24 166:7 teaching 137:6 161:13 teachings 14:5 155:22 156:5 team 69:17 70:2 72:15 79:20 teams 81:11 technical 58:10,18 59:9,12 techniques 51:16 52:8 76:14 technological 217:3 technologies 48:3,5 49:11 50:21 51:25 58:15,24 61:23 62:13,14,18 63:4 64:4,21 65:11,18 66:12 67:12,13 82:2 83:16,21 84:4 191:21 technology 10:3 29:7 30:21 32:4 43:14,24 44:7 45:5 47:25 48:1 51:23 56:7,18 58:3 65:1 66:5,13 67:15 136:9 200:5,7 205:10,20 214:25 telecom 217:16 telecommunication 110:7 218:19 telecommunications 43:21 44:4 75:21 80:14 217:15 telephony 76:5 Telestream 77:19,20 78:21 79:8 telling 164:18 196:15 tells 184:8 200:2 temporal 26:25 ten 147:3 168:4 211:1,5 tense 55:17 term 49:10 88:21 135:5 138:16 terminate 103:10 terminated 103:25	terminations 55:22 terms 16:4,25 18:4 55:13 136:20 160:1 162:3 test 94:1 115:25 116:5,18,22,24 testified 6:11 11:21 12:1 17:15 37:9 43:25 44:9 46:11 50:5,23 52:15 53:1 54:23 55:19 61:17 62:4,7,9 63:25 67:16 78:3 99:8 108:7 131:22 138:10 171:3 180:19 190:24 196:20,22 197:10 198:6 201:8 203:5 testify 44:13 46:15 156:13 testifying 33:18 36:14 107:22 testimony 7:12 8:7 25:16 26:15 28:17 53:22 65:21 66:20 67:2 78:2 97:23 107:7,22 122:19 137:18 138:11 150:23 152:16 155:7 175:13,15 181:1 188:2 193:17 195:19 198:11 208:18, 24 testing 157:9 194:11,12,19,21,24 text 138:17,19 150:13 163:13 164:8 207:11 textbook 153:7,9,10,22 154:10,12, 22 textbooks 20:13 25:19 Textilfarben 198:19 Therapeutics 123:6 thereof 171:19 188:13 thing 21:16,19 22:8,19 23:1 24:21 59:4 66:9 76:17 77:9 98:13,18,24 173:13 188:15 192:5 199:1 202:15 things 21:13 58:1 69:5,16 80:21 83:7 105:2 116:15 158:3 163:1 173:10 179:13,18 180:14 186:3 197:7,22 thinking 58:16 Thirteen 6:20 thought 197:22 threshold 207:18 thresholds 193:10 through-put 88:15 192:11 time 5:9,10 12:5,25 19:18,19,22 24:11 25:4 27:17 31:11 32:21 36:3 43:15 44:13 46:12,15 47:9,11,14,17 48:3,5,6,10,13 54:14 63:7 64:1,15 65:12,19 66:15 67:15 70:16 71:6,17, 20 74:11,16 76:12 77:8 78:13 79:3 82:5 85:17 87:12 93:10,20 94:10,20, 22,25 95:2,4,11,18,25 96:4,13,18,21,
---	--	---

24 98:9,14,21,25 102:9 103:3 104:11 105:21 109:3,4 120:20,24 121:14,19 125:22 140:20 148:9 157:9 162:9 163:23 168:7,12 189:8,9,19,24 204:4 206:15 208:2 210:5,10 215:6,17 220:4,5 timeframe 9:2 48:25 56:21 57:5 61:10 times 6:19,20 9:18 167:17 186:15 219:13 title 86:10 titled 23:13 today 5:16 6:5,23 7:12,13 36:13 58:17 67:3 97:23 109:1 137:18 141:15,23 152:16 164:14 196:22 201:8 208:23 211:1 214:17 today's 5:8 11:12 15:21 24:24 34:5,9 155:7 220:2 told 122:23 tone 133:24 134:11 tool 115:19 tools 55:3 66:16 top 14:19 15:12,18 16:14 92:13 107:2,6,19 118:6 120:18 151:3 159:6 170:23 171:16 topic 54:17 topics 54:19 total 143:17 totality 11:18 19:25 28:16 101:6 103:3 traces 194:6 track 72:20 208:3 Trade 10:13 traded 33:5 60:23 Trademark 5:6 traffic 48:24 49:2,4,5,14,17,25 50:7, 10,14 51:1,6 59:25 88:2 92:8,12 96:2 115:19,22 152:7 183:1 185:12 traffics 49:9 transfer 90:15 transitions 111:9 transmission 110:7 transmit 111:10 transmitted 111:5	transport 60:15,19 77:1 124:23 127:3,13,16,23 128:14 129:14 130:8 132:19,21 133:2,16 134:22 135:2,5,7, 14 139:2,16 140:11,12 141:5,6,17,18, 25 142:1,5 143:20,25 144:1 147:10, 14,24 148:11,18,23 149:1,10 150:14 152:22 169:21 transporting 133:3 transports 126:14 traversing 92:3 true 87:16 truthfully 7:5,8 turn 23:19 31:14 42:22 74:21 75:17 79:11,13,14,24 80:7,10 123:11 153:1 166:15 168:23 190:9 201:20 210:14 213:9 type 43:12 45:1 93:1 96:1 116:18 122:16 types 53:16 118:23 119:8 158:2 161:6,12 170:23 205:16 typically 26:7 27:3 ____ U uh-huh 190:14 203:3 210:17 ultimately 89:20 111:22 unabated 152:8 unbounded 150:24 undergraduate 75:19 underlying 95:16 understand 6:22 7:3 8:8,16 13:4 14:5,12,13 16:1 24:2 28:15,18 29:6 32:9 43:14 44:24 46:18,23 49:14,24 50:3,9 52:17 55:10 57:10,11 64:20 66:17 83:10 87:13 93:24 116:17 117:2 123:21 130:22 131:23 139:19 154:15 155:22 156:5 158:25 164:10 170:12 174:23 178:4 180:16,20 183:16,17 184:4 200:20 205:8,12,18 206:14 208:14 understanding 30:21 44:22 53:2, 10,25 61:22 69:11 73:24 118:17 139:18,21 154:18 169:6,14 184:2 193:5,9 195:18,21 196:5,20 197:1 198:8,10 199:14,19 200:7 205:20 206:17 understood 23:18 42:15 62:2 86:18 96:19 138:5 153:21 155:4,15 171:1 195:1 200:24 212:9	unintended 167:12 unique 63:21 95:9 192:7,12,13 197:21 212:11 unit 194:10 United 5:6 Unprofessional 146:9 updated 99:13 101:23 user 95:8,9 157:5 159:14 utilized 51:24 53:17 65:6 113:11 utilizes 82:1 137:4 utilizing 83:5 V validated 167:11,20 Valley 10:1 variable 42:8,10,11 variety 49:10 65:15 66:11 67:10 95:12 Vasseur 153:18 venture 78:17 86:17 112:22 114:1,4, 25 115:3 118:19 119:21 Verilog 113:6,8 versed 66:11 versus 5:13 37:7 vesting 78:6,9 VHDL 113:5,8 video 5:5 videoconferencing 216:20,25 view 68:21 165:14 166:19,20 208:17 voice 77:1,6 volition 66:23 W W-I-T 9:5 wait 165:3 walking 74:20 wanted 50:15 114:12 146:1 watch 133:24 ways 35:24 37:10 54:4,6,13 73:3 100:18 103:23 157:19 219:2
--	---	--

web 92:7 106:22 Webstacks 69:14 84:11,14 86:1,23 90:13,18,23 99:4 104:4,17 218:2 weeks 94:11 well-built 113:23 well-known 83:17 191:22 192:15 well-understood 70:6 well-versed 49:12 85:8 whatnot 54:15 wide 43:19 44:3 49:10 65:15 66:11 67:10 wild 102:13 103:2 wire 129:8 Wit 9:5,11 word 131:10 163:4,7,9,15 184:19 words 98:12 179:1 183:7 186:9,10 work 9:12 30:24 43:18 44:2 68:24 75:20 77:10 80:4,7,8 82:14,15,23,24 83:4 84:2,14 87:6 112:17 113:2 117:3,24 118:12,16 119:24 120:14 129:9 132:9 157:4,12 167:20 173:11 215:25 217:17 worked 8:20 9:18,21 10:14 27:21,22 30:7 51:12 56:4 58:5 62:25 65:5,9,15 76:6 78:7 81:7 82:8,20 87:11 109:4 119:4 195:7 216:5,7 217:14,20 218:23 219:4,11 worker 45:7 working 28:11 29:4 63:18 67:8 68:14 70:3 86:16 103:22 118:20 136:19 169:18,24 171:24 172:5,24 173:16,22 176:14 179:9 183:6 188:1 198:14 216:21 works 194:10 world 211:5 worlds 115:21 worth 114:10 write 30:6 200:10 209:11,21 writing 71:3 written 184:25 209:6,18 213:19 214:12 wrote 29:24,25 41:6 181:2	Y Yale 75:10,19 year 79:5 86:25 87:12 years 14:21 25:19 27:21 28:10 29:4 43:19 44:2 48:20 58:1 67:9 68:14 75:3,16 81:3 107:19,20 108:3,25 120:8,9 169:9 197:19 201:6 204:9 219:12 yesterday 17:7 19:6 Z zeros 170:3	
---	---	--