

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 -----
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD
4 -----

5 MICROSOFT CORPORATION AND AFFIRMED NETWORKS, INC.,

6 Petitioners,

7 v.

8 LEMKO CORPORATION,

9 Patent Owner.

10 -----
11 Case No. IPR2023-00531

12 U.S. Patent No. 7,855,988
13 -----

14
15 DEPOSITION OF JAMES PROCTOR

16 DALLAS, TEXAS

17 December 7, 2023
18
19

20 Job No.: 515317

21 Pages: 1 - 41

22 Reported by: Susan S. Klinger, RMR-CRR, CSR

Transcript of James Proctor
Conducted on December 7, 2023

1 (1 to 4)

1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 2 ----- 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD 4 ----- 5 MICROSOFT CORPORATION AND AFFIRMED NETWORKS, INC., 6 Petitioners, 7 v. 8 LEMKO CORPORATION, 9 Patent Owner. 10 ----- 11 Case No. IPR2023-00531 12 U.S. Patent No. 7,855,988 13 ----- 14 15 DEPOSITION OF JAMES PROCTOR 16 DALLAS, TEXAS 17 December 7, 2023 18 19 20 Job No.: 515317 21 Pages: 1 - 41 22 Reported by: Susan S. Klinger, RMR-CRR, CSR	3 1 A P P E A R A N C E S: 2 3 Attorneys for Petitioners: 4 Jeffrey H. Price, Esquire 5 KRAMER LEVIN NAFTALIS & FRANKEL LLP 6 1177 Avenue of the Americas 7 New York, New York 10036 8 212.715.9100 9 10 11 Attorneys for Patent Owner: 12 Robert Nai-Shu Kang, Esquire 13 WINSTON STRAWN 14 101 California Street, 35th Floor 15 San Francisco, California 94111-5840 16 415.591.1000 17 18 19 20 21 22
2 1 2 3 December 7, 2023 4 9:34 a.m. 5 6 7 8 Deposition of JAMES PROCTOR, held at the 9 offices of Winston & Strawn, 2121 N. Pearl, 10 Dallas, Texas, before Susan S. Klinger, a 11 Registered Merit Reporter and Certified Realtime 12 Reporter of the States of Texas and California. 13 14 15 16 17 18 19 20 21 22	4 1 I N D E X 2 3 WITNESS PAGE 4 JAMES PROCTOR 5 EXAMINATION BY MR. PRICE 5 6 EXAMINATION BY MR. KANG 37 7 8 9 E X H I B I T S 10 (None marked.) 11 12 13 14 15 16 17 18 19 20 21 22

5 1 PROCEEDINGS 2 JAMES PROCTOR, 3 having been first duly sworn testified as follows: 4 EXAMINATION 5 BY MR. PRICE: 6 Q Good morning, Mr. Proctor. 7 A Good morning. 8 Q How are you doing? 9 A I'm doing fine, thank you. 10 Q Do you have any issues going on today that 11 will prevent you from answering my questions 12 today? 13 A No, I do not. 14 Q Do you understand why you are here today? 15 A I do. 16 Q And why is that? 17 A I have written a declaration related to 18 U.S. Patent 7,855,988, which I will refer to as 19 the '988 patent and I'm here to answer questions 20 related to that. 21 Q That declaration is marked as Exhibit 22 1003.	7 1 you meant in conversations and I will edit. 2 Sometimes engineers are not the best grammatically 3 or spelling wise. You will probably find some 4 typos in here, which is like a watermark for me to 5 determine its authenticity. 6 Q Are there any typos in the declaration 7 that you are aware of and that you would like to 8 correct at this time? 9 A Not that I am aware of. You might have 10 found one or two grammatical things, but nothing 11 that affects the meaning that I found. 12 Q Your declaration -- 13 A I did find something I want to correct. 14 I'm sorry. 15 Q Go ahead, no, please, please. 16 A So in the summary of Flore, I described 17 the process by which a handover of a user moves. 18 And I happened to write down that -- I wrote that 19 it was being handed over from the UTRAN WCDMA to 20 the E-UTRAN, which is LTE, when in reality what I 21 mapped in the actual grounds was the opposite 22 direction from a UTRAN to UTRAN, and that was a
6 1 Can you just take a look at this and make 2 sure it is your declaration? 3 A Yes, that looks like that is it. 4 Q Did you write this declaration? 5 A Yes, I did. I had help drafting it, but 6 all the opinions are mine. 7 Q What do you mean you had help drafting it? 8 A Oh, well, for instance, there is legal 9 standards that are included which I'm not a 10 lawyer, so I didn't write those, so they were 11 provided to me for guidance and how to interpret 12 claims, and other -- other legal matters. 13 Q Did you draft the technical analysis 14 yourself? 15 A I wrote it myself. I had help drafting 16 it. I did the first draft of it. 17 Q What is -- in your mind is a -- the 18 difference between writing and drafting? 19 A Well -- oh, well, the ideas are mine if 20 that is what you mean. In some cases people will 21 -- attorneys will correct spelling or they will 22 encapsulate what I tell them and say is this what	8 1 typo. I characterized my -- my summary as the, 2 you know, that direction was it is immaterial to 3 the result, but the grounds are what I intended. 4 Q Okay. Can you point me to where this 5 representation is that you are talking about? 6 A Yeah. So in the summary of Flore -- is it 7 okay if I switch back to my own copy? This has 8 some printer problems in it. It is the exact same 9 thing you can look. 10 Q I will take your word for it as long as 11 there is no annotations, markings or anything like 12 that. 13 A None that I'm aware of. 14 Q Then I don't have an issue with that. I 15 will take that back. Yeah, the color does seem to 16 be a little wonky. 17 A Yeah, it is freaking my eyes out. I have 18 a little stickie here that has no markings on it. 19 Yeah, so paragraph 81, top of page 33. It says, 20 moves out of the coverage of UTRAN to the E-UTRAN. 21 I should have said from the E-UTRAN to the UTRAN. 22 Those two are flopped in how it compared to how I

9 1 did the mapping. 2 Q I mean, what -- compared to how you wrote 3 the rest of that paragraph is that -- is that 4 consistent with the way you originally wrote it or 5 the way that you're modifying it now? 6 A (Reviewing document.) No, I think it is 7 consistent. 8 Q Okay. I just want to make sure I'm 9 understanding. So in the figure that same 10 paragraph 81 -- 11 A Yeah, that is correct. 12 Q This is switched also or this is -- 13 A No, that's correct. 14 Q This is correct? 15 A No. All I did was, you know, if you are 16 doing a handover from the first to the second DMA 17 gateway through -- across the DMA servers, the 18 second DMA gateway would be the one you are 19 handing into. And -- and so as a result I just 20 typed that backward. 21 Q I see, okay. Anything else that you would 22 like to correct?	11 1 write this section? 2 A Correct. 3 Q Do you know who wrote this section? 4 A It was provided to me by Mr. Kang. 5 Q And these are the tenets that you used to 6 provide your opinion that '988 does actually 7 anticipate the challenged claims, right? 8 A Yes. 9 Q Can you turn to paragraph 63 of your 10 declaration? 11 A Okay. 12 Q Do you see the mention here of DMA server? 13 A Yes. 14 Q In forming your opinions about the 15 validity of the '988 patent, did you come to an 16 understanding of what the term DMA server means in 17 the context of the patent? 18 A I did. 19 Q And what is that understanding? 20 A So I -- paragraph 66 describes a DMA 21 server. So the DMA server enables the deployment 22 or expansion of a communications network to rural
10 1 A No, not -- not that I recall. I can -- if 2 I remember anything else I will -- I will tell 3 you, but I don't think so. 4 Q Okay. 5 A As I've said in the grounds themselves I 6 actually didn't -- I didn't do that. I did it 7 correctly in the grounds. 8 Q Understood. Mr. Proctor, do you 9 understand that the petitioner in this case is 10 presenting an anticipation case? 11 A Yes. 12 Q Do you have an understanding what 13 anticipation means? 14 A I do. 15 Q And what is that understanding? 16 MR. KANG: Objection, form. 17 A I have a legal grounds section as I 18 mentioned earlier starting in Section 2. And so 19 in paragraph -- Section B, 2B invalidity by 20 anticipation paragraphs 34, 35 and 36 are the 21 standards that I applied. 22 Q And I'm right to assume that you did not	12 1 areas where remoteness of the area to be served 2 are -- are in a relatively small customer base to 3 be served makes installation of a conventional 4 telephone system impractical or otherwise 5 undesirable. That is a goal, one of the stated 6 goals. 7 The DMA server may include an MSC module, 8 a base station controller module, so there are 9 various embodiments of the DMA server. 10 The '988 patent discusses a plurality of 11 various embodiments several of which are called in 12 a particular use of the language in a particular 13 embodiment. And so I utilized the -- the 14 specification and the claim language to give me an 15 understanding of the requirements that would 16 define the DMA server. 17 Q And what are the requirements that would 18 define a DMA server? 19 A Well, just looking at the name distributed 20 mobile architecture server something needs to be 21 distributed and it needs to service -- needs to 22 support a mobile architecture. The DMA server of

13 1 the claim, it is actually not an object of the -- 2 of the claim itself, of the independent claim. It 3 is a attribute of -- it is an attribute of a 4 limitation associated with the communication 5 information. 6 So for instance, claim element 1B says 7 that the communication information has to indicate 8 one or more devices accessible by one of a DMA 9 server and a legacy communication network. So in 10 one instance the communication information would 11 include one or more devices accessible by a DMA 12 server. In another instance, the communication 13 information would indicate one or more accessible 14 devices -- or sorry, one or more devices 15 accessible by a legacy communication network. 16 And that is the only reference to a DMA 17 server beyond the -- well, the independent claims 18 have -- I mean the dependent claims have further 19 references. For instance, Claim 3 defines that 20 the DMA server includes one of a ground-based 21 system and a satellite-based system. 22 Q So the first requirement was that you said	15 1 information or just things not singularly located 2 or intended not to be singularly located. It 3 doesn't mean it couldn't be used by itself, of 4 course it could. 5 Q If the DMA -- does the distribution of 6 information and functions have to be distributed 7 among different DMA servers? 8 A I didn't see where that was the case. 9 Q So is it your intention -- your contention 10 that a single DMA server that operates in 11 conjunction with another device that performs 12 different functionality would be part of a DMA? 13 A Well, if you look at say, Figure 6 of the 14 '988, you see multiple networks. And you have a 15 distributed -- a DMA gateway 602 and then you have 16 distributed servers. For instance, at least one 17 on one IP network and then one on another. And so 18 you have multiple devices that are working 19 together in some way that are distributed. 20 Q Do the DMA servers perform the same 21 functionalities as the DMA gateways? 22 A Well, there are examples of the
14 1 something needs to be distributed. What did you 2 mean by that? 3 A Well, so the term distributed means that 4 you have something that is part of a broader 5 network or intended to be part of a broader 6 network. 7 Q What is that understanding of distributed 8 based on? 9 A The word distributed, the plain and 10 ordinary meaning of the word distributed. 11 Q The plain and ordinary meaning of the word 12 distributed is that you have something that is 13 part of a broader network or intended to be part 14 of a broader network? 15 MR. KANG: Objection, misstates testimony. 16 A Well, I mean in conjunction with server. 17 So if you have a server that is distributed, then 18 it needs to be capable of -- I mean, clearly it is 19 capable of operating by itself despite the name. 20 You can have one, but also it needs to be capable 21 of working in such a way that it is operating with 22 other -- performing a function or sharing	16 1 functionality that is discussed. Some examples 2 that are non-limiting include the DMA server would 3 be in communication with a DMA gateway in various 4 embodiments and then would be in communication 5 with -- with the mobile networks. For instance, 6 Figure 5 provides an example where a DMA gateway 7 -- I'm sorry, DMA server is in communication with 8 BTSes, which then are in communication with mobile 9 devices. 10 Q When you say the DMA servers in 11 communication with BTSes, is that single, a BTS or 12 multiple? 13 MR. KANG: Objection, vague. 14 A Well, it depends on the embodiment. I see 15 nowhere that it would be limited to a plurality, 16 but they do disclose that it could support more 17 than one. 18 Q Where does it say that? 19 A Well, I can see three BTSes in this 20 figure, Figure 6 -- sorry, Figure 5. 21 Q Does a DMA server have to be a server? 22 MR. KANG: Objection, vague, incomplete

17 1 hypothetical. 2 A It needs to provide services. In other 3 words, it needs to interface with the BTSes and be 4 in communication with -- well, it doesn't have to 5 interface with BTSes. It can interface with other 6 things, other networks, for example, in various 7 embodiments. For instance, an IP network, an 8 IS-41 map and ISDN or packet switch telephone 9 network. Those are examples. 10 Q Is it your contention that a server is 11 anything that provides services? 12 A Well, generally speaking a server is -- is 13 implemented as a computer that would have software 14 on it. 15 Q Is that the plain and ordinary meaning of 16 the word server? 17 MR. KANG: Objection, vague. 18 A I think it is in this context and the 19 disclosures of the patent and in the relevance of 20 the claims, the requirements of the claim, it 21 would just have to be something that provides 22 services. For instance -- well, there are a	19 1 shows a very different architecture and each 2 Figure 1 and Figure 2 are characterized by a 3 particular illustrative embodiment of different 4 form factors. 5 Figure 3 is also another particular 6 illustrative embodiment of a alternative form 7 factor where it clearly is not a stand-alone 8 computer but a -- a belaid or other form factor 9 that would slide into a rack. 10 Q Doesn't Column 6 say that it would be slid 11 into a server rack in Column 6, lines 1 through 3? 12 MR. KANG: Objection, vague. 13 A You mean insinuating it is not the server 14 itself, it is a different function slid into the 15 server? 16 Q Do you know what a server rack is? 17 A Yeah. 18 Q What is a server rack? 19 A It is what people commonly refer to as a 20 server. It is the power supply and the other 21 components necessary to support it. It could be 22 memory, it could be power supply, it could be
18 1 number of services that are mentioned, but it 2 would need to provide some form of service. 3 Q Is there anything in the '988 patent, and 4 I will hand it to you right now, Exhibit 1001, do 5 you have it? 6 A I have it. There is no markings or I will 7 take your copy, it doesn't matter. 8 Q Just let me hand you the documents unless 9 we agree like we did before. 10 Is there anything in the '988 patent that 11 suggests that the inventors were using the term 12 server in a way that was different than its plain 13 and ordinary meaning? 14 A No, I think they give an example in Figure 15 5 showing a DMA server having computer readable 16 medium, cooling system and a power source as one 17 example of a architecture, however, the method 18 claim isn't specific as to which embodiment of a 19 DMA server it is talking about. 20 So as an example Figure 1 depicts a 21 briefcase version of a DMA server, which looks 22 like a laptop in a -- in a briefcase. Figure 2	20 1 cooling. You can have external cooling capability 2 that provides -- server farms will even run glycol 3 through the back plane and cool, provide 4 cooling -- cooling fans. They will provide the 5 support to a processing module power. 6 It mean, it is not stand-alone is really 7 what it means. It can provide, I think, the 8 communications, cards, connecting to a broader 9 network such that the individual processors in a 10 -- that are slid into the rack don't have to 11 provide, say, as fast of Ethernet cards or 12 interfaces to other networks. They may just 13 communicate locally to a local bridge or a router, 14 or by another standard all together. They may not 15 be using Ethernet at all. 16 Q Based on that, is it fair to say that 17 whatever a DMA server requires it doesn't 18 necessarily require the hardware and software 19 provided by the server rack? 20 MR. KANG: Objection, vague. 21 A Yeah, I'm not sure I understand the 22 question.

21 1 Q Well, so for example, Figure 2 has a list 2 of things that the DMA might include, a housing, 3 some vents, access window, interfaces. And from 4 what I understand, Figure 3 might not have those 5 things as part of the DMA server, they might be 6 part of the DMA server rack. Am I understanding 7 your testimony correctly? 8 MR. KANG: Objection, misstates testimony. 9 A So as I said the construction I applied 10 was focused on it providing service -- the server 11 providing the service that are described in 12 various embodiments, but to the extent that is 13 required by the claim. 14 Q And is it your contention that a device 15 that provides the claimed service but would not 16 otherwise be recognized as a server could be 17 considered a DMA server? 18 MR. KANG: Objection, vague, incomplete 19 hypothetical. 20 A Could you ask the question again? I don't 21 think I understood your question. 22 Q Is it your contention that a device that	23 1 A Yes. 2 Q So is the DMA gateway a DMA server? 3 MR. KANG: Objection, vague, incomplete 4 hypothetical. 5 A Well, yes. I would say that a DMA gateway 6 in addition to being a gateway provides services. 7 Q Okay. Cool. Why do you think the patent 8 owner, the inventors used different words to 9 describe the DMA gateway and the DMA server if the 10 DMA gateway is actually a DMA server? 11 MR. KANG: Objection, misstates testimony, 12 vague, speculation. 13 A Well, because their functionality and 14 their names are very different. For instance, in 15 addition to providing services, a DMA gateway is a 16 gateway whereas the DMA server as named within the 17 architecture as an embodiment that are described 18 are interfacing to BTSes and are interfacing to 19 gateways. 20 They're not functioning as a -- the same 21 type of a -- they're not functioning as the same 22 type of function that, for instance, a DMA gateway
22 1 provides the claimed services but would not 2 otherwise be recognized as a server could be 3 considered a DMA server? 4 MR. KANG: Same objections. 5 A Well, I think that is what a server is, it 6 provides services. 7 Q Any device that provides services is a 8 server? 9 MR. KANG: Objection, misstates testimony. 10 A In the context of the disclosures of the 11 patents, the DMA servers interface with base 12 stations, and provide services associated with 13 those base stations. And the -- the general 14 architecture of the network as required by the 15 claims is when it forms the -- the DMA server 16 construction. 17 Q You said the patent uses the terms DMA 18 server and DMA gateway, right? 19 A Yes. 20 Q Does a DMA gateway provide services? 21 MR. KANG: Objection, vague, incomplete 22 hypothetical.	24 1 does not interface to the base stations. It 2 provides -- it interfaces to the servers, to the 3 DMA servers. 4 Q So a DMA server is a DMA server because it 5 performs the functions that are claimed? 6 MR. KANG: Objection, vague. 7 A So a DMA server is a DMA server because it 8 provides services to base stations, that is one 9 embodiment that is described. And I think that is 10 consistent with each of the disclosed embodiments 11 of the DMA servers and it is in communication with 12 the gateways. 13 Q Hand you a copy of the 4A reference. 14 A Thank you. Incidentally I did notice I 15 had some markings on the '988 just to let you 16 know. Just -- I had -- nothing is written. I had 17 put some underlines on some certain area on a 18 certain column. There is no words or anything, 19 but I'm glad to not look at it and take the copy 20 you were going to give me and get rid of this or 21 whatever or copy what I marked. 22 MR. PRICE: Can I take a picture of the

25 1 marking? 2 A Yes. And that is the only one. 3 Q I will just ask you use the document that 4 I gave you. 5 A You didn't give it to me. I started to 6 reach for it, I took and handed it to the attorney 7 because I was going to get rid of this one. Thank 8 you. 9 Q Can you turn to Claim 1 of the '988 10 patent, please? 11 A Okay. 12 Q Do you see the limitation beginning with 13 the word "Storing"? 14 A Yes. 15 Q Okay. And you see in that limitation 16 there is reference to a home DMA register of the 17 first DMA gateway? 18 A Yes. 19 Q What in 4A is the first DMA register of 20 the first DMA gateway? 21 A So it is the memory that is within the 22 enter AS anchor 152.	27 1 from one of the devices it services targeted for a 2 wireless device that is served by the first DMA 3 gateway. 4 So a home location register will include 5 -- well, it is further described in column 11. It 6 describes, for instance, to facilitate 7 communications between devices selected by 8 different networks, the DMA gateways 602 and 604 9 maintain information identifying the devices that 10 each services. 11 And then DMA gateways provide information 12 to one another regarding the communication 13 networks they service by exchanging register data 14 describing the networks they service. The 15 registered data describes devices for which the 16 networks they service are the home network as well 17 as for devices that are visiting their networks. 18 So the home -- the home DMA register would 19 include a couple of different types of 20 information. They would include register data, 21 this is in different embodiments, of course, but 22 register data that describes devices for which the
26 1 Q In forming that opinion, did you come to 2 an understanding of what the term home DMA 3 register means in the context of the '988 patent? 4 A I did. 5 Q And what was that understanding? 6 A Well, the term home DMA register is used, 7 I believe, four times in the spec roughly. A 8 couple of times it is simply reciting the claims. 9 But so in column 15 starting on line 14 it says, 10 The communication information in one embodiment 11 includes register information such as home 12 location register -- I'm sorry, yeah, home 13 location register, HLR information and visitor 14 location register information maintained by DMA 15 servers or other communications networks. 16 And then it goes on to say, When another 17 DMA gateway receives the DMA server information 18 from a DMA gateway, a second DMA gateway stores 19 the DMA server information in a home DMA register 20 in which the second DMA gateway also stores 21 information regarding the devices it services. 22 The second DMA gateway receives a communication	28 1 networks or the home network as well as for 2 devices that are visiting their networks, then it 3 also would store information related to the 4 networks themselves for which they interface. 5 Q So is it right to say that each DMA 6 gateway has a home DMA register? 7 MR. KANG: Objection, vague, incomplete 8 hypothetical. 9 A Well, so in various embodiments discussing 10 the DMA gateways it characterizes a home DMA 11 register that stores information related to the 12 devices it services. So to the extent that it 13 services devices, then it would need to store that 14 information. 15 Q Does the home DMA register also store 16 information related to the devices that another 17 DMA gateway services? 18 MR. KANG: Objection, vague, incomplete 19 hypothetical. 20 A Well, a multiple -- I mean a device can be 21 served by multiple DMA servers and DMA gateways 22 in the process of being served, so yes.

29 1 Q That wasn't my question. Does the home 2 DMA register also store information related to the 3 devices that another DMA gateway services? 4 MR. KANG: Objection, vague, incomplete 5 hypothetical. 6 A Well, your -- your question assumes only 7 one gateway or server services a device and that 8 is not true. Multiple gateways can service the 9 same device. 10 Q At the same time? 11 A Well, they have to -- when you are 12 performing a handover, they're both providing 13 services to support that handover. So there would 14 necessarily have to be information stored in each 15 of those during that handover or else it can't 16 maintain the communications. 17 Q We have been going about an hour. Good 18 time for a break? 19 A Sure. 20 (Recess, 10:28 to 10:35 a.m.) 21 Q Mr. Proctor, can you turn to column 11 of 22 the '988 patent?	31 1 wireless telephone initiates a communication with 2 a fourth wireless telephone which are serviced by 3 different gateways, the first DMA gateway accesses 4 data identifying what other DMA gateway services 5 the fourth wireless telephone device? 6 MR. KANG: Objection, misstates the 7 document. The document speaks for itself. 8 MR. PRICE: Counsel, these speaking 9 objections are not appropriate in an IPR, so I 10 don't mind objections but please keep them to what 11 is allowed by the rules. 12 A Well, it describes that the DMA gateways 13 provide information to one another regarding the 14 communication networks they service by exchanging 15 register data describing the networks they 16 service. The register data describes devices for 17 which the networks they service are the home 18 network as well as for what devices are visiting 19 their networks. So it just simply says they 20 exchange information. 21 Q It says they exchange register 22 information, right?
30 1 A Yes. 2 Q So starting at line 10 of column 11 do you 3 see where it says, to facilitate communications 4 between devices? 5 A I do. 6 Q What does the '988 patent teach in order 7 to facilitate communications between devices 8 serviced by different networks? 9 MR. KANG: Objection, vague. 10 A The DMA gateways 602 and 604 maintain 11 information identifying the devices that each 12 services, that is what it teaches. 13 Q Does that mean that DMA gateway 602 and 14 604 maintain identifying information identifying 15 that the devices that both gateways service? 16 MR. KANG: Objection, vague, incomplete 17 hypothetical. 18 A That is not what it says. It says the 19 gateway DMA gateways maintain information that 20 each services. 21 Q Well, doesn't the next sentence say that 22 when the first DMA wants to -- when a first	32 1 MR. KANG: Objection, form. 2 A Yes, they exchange information about the 3 devices they service. 4 Q And that is register information, right? 5 MR. KANG: Objection, form. 6 A For -- for visiting and home devices, yes. 7 Q So any device that is visiting or the home 8 -- in the home of the network it belongs to for a 9 second DMA gateway would be transferred to the 10 first DMA gateway? 11 MR. KANG: Objection, form. 12 A Well, that is not what it says. 13 Q Okay. Why am I wrong? 14 A Well, because the claims specify the 15 requirements of the DMA gateway, so you're talking 16 about an embodiment described in column 11 and the 17 claims are specifying the requirements of the DMA 18 gateway first and the second DMA gateway. And so 19 it does describe receiving at a first DMA gateway 20 communication information for a communication 21 network accessible by a second DMA gateway. 22 Q How is that different than the register

33 1 data for the devices that are home to the DMA 2 gateway or visitor? 3 MR. KANG: Objection, form. 4 A Well, the claims are defining the 5 embodiment. 6 Q Yes, I understand. I'm sorry. 7 A And there are further limitations that 8 describe the communication information and what 9 has to be done with it. For example, the 10 communication information indicating one or more 11 devices accessible by one of a DMA server and a 12 legacy communication network wherein the first DMA 13 gateway and the second DMA gateway participate in 14 a DMA gateway communications network so there is a 15 network between them. And furthermore, the 16 limitations require storing the communication 17 information in a home DMA register of the first 18 DMA gateway. 19 Q So if you're storing communications 20 information indicating one or more devices 21 accessible by one of the DMA servers in a legacy 22 communications network in a home DMA register that	35 1 device served by the first gateway and a device 2 served by the second gateway? 3 MR. KANG: Objection form. 4 A Well, Claim 1 is really -- it is claiming 5 a method and it is not specific about how the 6 method -- what the purpose of the method is. It 7 is simply defining the required steps of the 8 method. 9 Q Which include routing the communication 10 from the first DMA gateway to the target device by 11 relaying the communication from the first DMA 12 gateway to the second DMA gateway via the DMA 13 gateway communications network, right? 14 A Yes, and that does happen in a handover, 15 that would be one example where it could happen. 16 Q How would that happen in a handover? 17 MR. KANG: Object to form. 18 A Well, when a device moves from the service 19 area of one DMA gateway that is associated with 20 one or more DMAs to those that are accessible to a 21 different DMA gateway that would be one example in 22 which data may need to be forwarded.
34 1 is not providing information from one DMA gateway 2 to another regarding the communications networks 3 they serve by exchanging the register data? 4 MR. KANG: Objection, form. 5 A Well, that would be an example. It 6 doesn't mean it is limited to that specific 7 language. There is multiple embodiments and the 8 claims define the embodiment that is claimed. 9 Q Why does the '988 patent disclose storing 10 this information in each the DMA gateways? 11 MR. KANG: Objection, form. 12 A Well, the claims don't require that it 13 stored in each of the DMA gateways, what the 14 claims require is that the first DMA gateway 15 received communication information for a 16 communication network accessible by a second DMA 17 gateway. 18 Q I will ask my question another way. Does 19 the first DMA gateway store this information about 20 the second -- the devices served by the second DMA 21 gateway in order to facilitate a handoff between 22 networks or to facilitate communications between a	36 1 Q What is PDP context? 2 A Yes, so a PDP context identifies -- it is 3 information that identifies a UE and it contains 4 parameters such as routing information for IP 5 packets, the addresses of the packets or the 6 address of the UE various quality of service 7 profiles and so on. 8 Q Is PDP context the context for one 9 specific UE? 10 A It is a record. It is a collection of 11 information that is specific to a UE in the 12 networks there, how to route to them, those 13 networks. That's right. 14 Q Turning to your opinions about the 15 validity of the '988 patent. Did you come to an 16 understanding of what the term "legacy 17 communications network" means in the context of 18 the '988 patent? 19 A So a legacy network would be examples -- 20 would be, for instance, in Figure 6 -- sorry, 21 Figure 5, another cellular network, like, an IS-41 22 map interface, an IP network. I'm sorry, that is

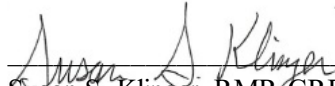
37 1 the server. Yeah, Figure 11. 2 So you've got a mobile network, a wireless 3 network as 1120 and an IS-41 map, an IP network 4 and then the PSTN. So mobile network, for 5 instance, GSM or at the time of 2008 when this 6 patent was filed there were quite a few wireless 7 networks that were known. 8 Q Is GPRS known? 9 MR. KANG: Object to form. 10 A Oh, yes, yes, it was. GPRS that was part 11 of the GSM released in 1997, Phase 2. And then 12 UMTS first release was released in '99 then 13 Release 4 came in 2002, Release 5 in 2004, Release 14 6 was somewhere around 2006, 2007ish. Even LTE, 15 UMTS would have -- there was as documented in 16 Flore the E-UTRAN would have been a separate 17 mobile network that it would have had to interface 18 as a -- as a mobile network. 19 MR. PRICE: I don't have any further 20 questions. 21 EXAMINATION 22 BY MR. KANG:	39 1 MR. KANG: Okay. No further questions. 2 MR. PRICE: I have no follow-up. 3 (Deposition adjourned at 11:01 a.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22
38 1 Q Mr. Proctor, do you remember counsel for 2 Lemko asking you questions about communications 3 registers? 4 A Yes. 5 Q In forming your opinions on invalidity, do 6 you consider the claims of the '988 patent? 7 A Yes. 8 Q And could you direct your attention to 9 Dependent Claim 9 of the '988 patent? 10 A Yes. 11 Q And what, if anything -- 12 MR. PRICE: Objection, scope. 13 Q What, if anything, does Claim 9 tell you 14 about what is included in communications 15 information? 16 MR. PRICE: Objection, scope. 17 A Well, that it has to include -- in some 18 embodiments it could include VLR data. In some 19 embodiments it could include HLR data. In other 20 embodiments it could include community location 21 register data. In some embodiments it could have 22 HLR and VLR.	40 1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC 2 I, Susan S. Klinger, Certified Reporter in the 3 States of Texas and California do hereby certify: 4 That JAMES PROCTOR, the witness whose deposition 5 is hereinbefore set forth, was duly sworn by me before 6 the commencement of such deposition and that such 7 deposition was taken before me and is a true record of 8 the testimony given by such witness. 9 I further certify that the adverse party, 10 LEMKO CORPORATION, was represented by counsel at the 11 deposition. 12 I further certify that the deposition of 13 JAMES PROCTOR, occurred at the offices Winston & Strawn 14 LLP, 2121 N. Pearl Street, Suite 900, Dallas, Texas, 15 75201, on Thursday, December 7, 2023, commencing at 16 9:34 a.m. to 11:01 a.m. 17 I further certify that I am not related to 18 any of the parties to this action by blood or 19 marriage, I am not employed by or an attorney to any 20 of the parties to this action, and that I am in no way 21 interested, financially or otherwise, in the outcome 22 of this matter.

Transcript of James Proctor
Conducted on December 7, 2023

11 (41 to 44)

41

1 IN WITNESS WHEREOF, I have hereunto set my
2 hand this 18th day of December, 2023.

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6 Susan S. Klinger, RMR, CRR, CSR
7 Texas CSR 6531, Exp: 10/23/25
8 California CSR 14487, Exp: 11/30/24
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