

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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3
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD

5
6
7 CISCO SYSTEMS, Inc.

8 Petitioner,

9 v.

10 ORCKIT CORPORATION,

11 Patent Owner.

12
13 Case IPR2023-00554

14 U.S. Patent No. 10,652,111

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18 REMOTE ZOOM VIDEOCONFERENCE

19 DEPOSITION OF MIGUEL GOMEZ

20 Taken Thursday, March 21, 2024

21 Scheduled for 11:00 a.m. CDT

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23
24 REPORTED BY: DANA S. ANDERSON-LINNELL

25 Job No.: MW 6594593

Page 2 1 REMOTE ZOOM VIDEOCONFERENCE DEPOSITION OF MIGUEL 2 GOMEZ taken on Thursday, March 21, 2024, commencing 3 at 11:03 a.m. CDT, via a REMOTE COUNSEL ZOOM 4 PROCEEDING, before Dana S. Anderson-Linnell, a 5 Stenographic Shorthand Reporter and Notary Public of 6 and for the State of Minnesota. 7 ***** 8 9 APPEARANCES 10 11 On Behalf of Cisco Systems, Inc.: 12 Jeffrey Blake, Esquire 13 MERCHANT & GOULD, PC 14 150 South Fifth Street, Suite 2200 15 Minneapolis, MN 55402 16 Email: jblake@merchantgould.com 17 18 (Appearances continued on next page.) 19 20 21 22 23 24 25	Page 4 1 INDEX PAGE 2 3 WITNESS: MIGUEL GOMEZ 4 EXAMINATION BY: 5 Mr. Blake 6 6 Mr. Stamatopoulos 109 7 8 INSTRUCTIONS NOT TO ANSWER: (None.) 9 10 PRODUCTION REQUESTS: (None.) 11 12 INDEX OF EXHIBITS: 13 14 Exhibit 1 - Notice of Deposition of Gomez 8 15 16 Exhibit 2 - Curriculum Vitae of Miguel Gomez 9 17 18 Exhibit 3 - U.S. Patent 10,652,111 12 19 20 Exhibit 4 - Declaration of Miguel Gomez in 21 IPR number 2023-00554 15 22 23 Exhibit 5 - U.S. Patent Number 9,264,400 58 24 25
Page 3 1 APPEARANCES (continued): 2 3 On Behalf of Orckit Corporation and the Witness: 4 George Stamatopoulos, Esquire 5 KOBRE & KIM, LLP 6 800 3rd Avenue 7 New York, NY 10022 8 Email: george.stamatopoulos@kobrekim.com 9 10 NOTE: The original transcript will be filed with the 11 Merchant and Gould Law Firm, pursuant to the 12 applicable Rules of Civil Procedure. 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 5 1 INDEX OF EXHIBITS (continued): PAGE 2 3 Exhibit 6 - United States Patent Application 4 Publication Number 2013/0322242 78 5 6 Exhibit 7 - Article from Sciencedirect.com 7 Entitled DPI and DFI: A Malicious Behavior 8 Detection Method Combining Deep Packet 9 Inspection and Deep Flow Inspection 105 10 11 12 (Original exhibits attached to original transcript; 13 copies to counsel as requested.) 14 15 REPORTER'S NOTE: All quotations from exhibits are 16 reflected in the manner in which they were read into 17 the record and do not necessarily indicate an exact 18 quote from the document. 19 20 21 22 23 24 25

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Page 6 1 THE COURT REPORTER: Do all counsel 2 stipulate that I can swear in the witness 3 remotely over the Zoom videoconference? 4 MR. BLAKE: Fine by me. 5 MR. STAMATOPOULOS: Likewise. 6 MIGUEL GOMEZ, 7 called as a witness, being first duly sworn, 8 was examined and testified as follows: 9 EXAMINATION 10 BY MR. BLAKE: 11 Q. Good morning, Mr. Gomez. My name is 12 Jeff Blake. I am from the firm of Merchant and 13 Gould, and I am counsel representing Cisco 14 Systems Corporation in this IPR. Would you 15 start by please stating your full name for the 16 record? 17 A. Miguel Willie Gomez. 18 Q. And your address, please? 19 A. 2178 Sirah, S-i-r-a-h, Court in 20 Livermore, California 94550. 21 Q. Mr. Gomez, have you been deposed before? 22 A. Yes, I have. 23 Q. Approximately how many times? 24 A. I think we're coming up on 18 times now. 25 Q. Well, I'm sure you're well familiar with	Page 8 1 every hour so that we can all stretch our legs 2 and use the restroom if we need to. But if you 3 need a break at any point in time, please feel 4 free to ask for one. My only request would be 5 that if there's a pending question, that you 6 provide your answer to the pending question 7 before we break, is that fair? 8 A. I will. 9 Q. Okay. 10 (Exhibit Number 1 marked for 11 identification.) 12 BY MR. BLAKE: 13 Q. On the screen you will see what's marked 14 as Exhibit 1, which is a copy of a document 15 entitled Petitioner's Notice of Deposition of 16 Miguel Gomez. Have you seen this document 17 before? 18 A. (Views document.) I'm aware of the 19 contents of the document. I'd have to go back 20 and look to see if I've actually had got access 21 to it. 22 Q. Do you understand that you're here today 23 appearing in a deposition to provide testimony 24 in relation to IPR number IPR2023-00554 on 25 behalf of Orckit Corporation?
Page 7 1 the process by this point in time, but just a 2 few ground rules for us to operate by if you 3 don't mind. First, I'm going to ask you 4 questions today. And since we're on video, to 5 the best that you can if you will wait for me 6 to ask the question completely before you 7 answer, and I'll do my best to allow you to 8 complete your answer before I ask another 9 question, is that fair? 10 A. That's fair. 11 Q. From time to time your counsel may 12 register objections to the questions I ask you. 13 Unless he instructs you not to respond to a 14 question, it's my understanding that you will 15 respond to a question even if an objection is 16 given, is that fair? 17 A. That's fair. 18 Q. And when I ask questions of you, if you 19 have any uncertainty about what I'm asking or 20 need clarification of the question, please feel 21 free to ask me to do so, and I'll do my best to 22 clarify it. If you don't ask, I will assume 23 you understand the question, is that fair? 24 A. Again, that's fair. 25 Q. Okay. I'll try to take a break about	Page 9 1 A. Yes. 2 (Exhibit Number 2 marked for 3 identification.) 4 BY MR. BLAKE: 5 Q. I'm introducing another exhibit. The 6 document is entitled Curriculum Vitae of Miguel 7 Gomez. It is marked as Orckit Exhibit 2026 in 8 the IPR and will be Exhibit 2 in this 9 deposition. And I'll ask you to take a moment 10 to look at this document and let me know if you 11 recognize it. 12 A. (Views document.) Yes, this is my CV. 13 Q. Has anything materially changed about 14 your CV since the point in time that you 15 provided it as an exhibit to your declaration 16 in this IPR? 17 A. There's one case that isn't on here. 18 Q. What case is that? 19 A. It's the case of Apex Beam versus ZTE. 20 Q. How do you spell the plaintiff? 21 A. A-p-e-x; Beam, B-e-a-m. 22 Q. Versus ZTE? 23 A. Yes. 24 Q. What court is that case pending in? 25 A. I'd have to pull up the document to look

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Page 10 1 at that again. We haven't progressed very far 2 just yet. Do you want me to look it up? 3 Q. Please, if you don't mind. 4 A. It's the Eastern District of Texas. 5 Q. And are you involved in only the 6 litigation portion of the case, or are you 7 involved in any IPRs related to that case? 8 A. There's also an IPR that's -- that I'm 9 involved in. 10 Q. One or more than one IPR? 11 A. More than one. 12 Q. The patents in that case, do any of them 13 relate to software-defined networking? 14 A. No. 15 Q. Do you understand what I mean when I use 16 the term "software-defined networking"? 17 A. Yes. 18 Q. What do you understand that term to 19 mean? 20 A. That means that there's a system of 21 switches that utilize a central controller that 22 can be defined to configure flows. 23 Q. Have you heard the term "deep packet 24 inspection" before? 25 A. Yes.	Page 12 1 BY MR. BLAKE: 2 Q. Okay. You're familiar -- let me put up 3 the patent that's the subject of this IPR as an 4 exhibit. 5 (Exhibit Number 3 marked for 6 identification.) 7 BY MR. BLAKE: 8 Q. Mr. Gomez, I put on the screen a copy of 9 U.S. Patent Number 10,652,111. It's marked as 10 Exhibit 3. Do you recognize it? 11 A. (Views document.) On the screen I don't 12 see -- the screen is not being shared right 13 now. 14 Q. Okay. It should be in Exhibit Share, 15 available in Exhibit Share. 16 A. I just see the two documents that we 17 previously had, the Notice of Deposition and my 18 CV. 19 Q. You might need to refresh it. 20 A. Okay. Yeah, there it is. I see it. 21 Q. Do you recognize this patent? 22 A. (Views document.) This is the 23 10,652,111 patent at issue in this proceeding. 24 Q. Is it okay if I refer to this as the 25 '111 patent?
Page 11 1 Q. What do you understand deep packet 2 inspection to mean? 3 A. That's a system of -- or a method of 4 inspecting individual packets for content, 5 specific types of content that may be of 6 interest. 7 Q. So as we go through this deposition, I'd 8 like to -- when I refer to "software-defined 9 networking," we'll understand that term to be 10 defined as you just defined it, is that okay? 11 MR. STAMATOPOULOS: Objection. 12 THE WITNESS: I don't think that's a 13 good idea. We need to define it and use it in 14 the way that the patents have identified it. 15 BY MR. BLAKE: 16 Q. Okay. How have the patents identified 17 software-defined networking to be different 18 than your definition? 19 MR. STAMATOPOULOS: Objection. 20 THE WITNESS: There are -- not only 21 do we have to define it in terms of the patent, 22 but we also have to look at the claim 23 constructions that have been proposed. And I 24 think it's important that we take all of that 25 into account when we're using those languages.	Page 13 1 A. Yes. 2 Q. Does the '111 patent provide a 3 definition of software-defined networking? 4 MR. STAMATOPOULOS: Objection. 5 THE WITNESS: The patent discusses a 6 method for deep packet inspection in a 7 software-defined network. 8 BY MR. BLAKE: 9 Q. Okay. And if I refer you to column 1 of 10 the '111 patent specifically starting around 11 line 30, it's page 9 of the pdf, do you see the 12 discussion there of software-defined 13 networking? 14 A. I see on column 1, line 30 a paragraph 15 that reads, "A software-defined networking is a 16 relatively new type of networking architecture 17 that provides centralized management of network 18 nodes rather than a distributed architecture 19 utilized by conventional networks." 20 Q. And in this discussion in column 1 21 between line 30 and line 49 of software defined 22 networking, is the '111 patent using the term 23 differently than how you previously defined 24 software-defined network? 25 MR. STAMATOPOULOS: Objection.

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Page 14 1 THE WITNESS: I think the paragraphs 2 on column 1 between line 30 and 49 add more 3 information about what is a software defined 4 network than my very, very brief description 5 did. 6 BY MR. BLAKE: 7 Q. Okay. Then as we proceed through the 8 deposition, let's use the understanding of 9 software defined networking that's stated in 10 column 1, lines 30 to 49 of the '111 patent, is 11 that fair? 12 A. As long as we also include the claim 13 constructions that were proposed, I think 14 that's -- the '111 -- with respect to the 15 '111 patent, the software defined networking as 16 stated here, including the claim constructions, 17 would be the -- and also including how it's 18 used in the claims would be appropriate. 19 Q. And was the term "software defined 20 networking" construed by the PTAB in the 21 institution decision in this IPR? 22 A. I'm sorry. Say again, please. 23 Q. Sure. Was the term "software defined 24 networking" construed by the PTAB, the Patent 25 Trial and Appeal Board, in the institution	Page 16 1 Q. Okay. Does it contain your 2 understanding of what the claim constructions 3 proposed by the patent owner, Orckit 4 Corporation, were in this matter? 5 A. I see that it says, "Whereas Patent 6 Owner." You know, I think both constructions 7 are here. The patent owner also proposed 8 "controller" to mean an entity that is capable 9 of controlling deep packet inspection. 10 Q. So the patent owner, Orckit Corporation, 11 did not propose a construction for the term 12 "software defined networking," is that correct? 13 A. When we discuss software defined 14 networking, we have to be cognizant of the fact 15 that software defined networking uses a 16 controller. 17 Q. Okay. So using either definition of 18 controller would come into your understanding 19 of what software defined networking is, is that 20 correct? 21 MR. STAMATOPOULOS: Objection. 22 THE WITNESS: The -- I don't really 23 have an opinion as to which construction. I've 24 tried to create my opinions in my declaration 25 such that I can accommodate both constructions.
Page 15 1 decision that instituted this IPR? 2 A. I would have to go look at my 3 declaration since I don't recall specifically 4 the exact language that's there, but I'm happy 5 to go look at it if you want me to. 6 (Exhibit Number 4 marked for 7 identification.) 8 BY MR. BLAKE: 9 Q. So I'm introducing as Exhibit 4 a copy 10 of the Declaration of Miguel Gomez in IPR 11 Number IPR2023-00554. I'll ask you to take a 12 look at this document and tell me if you 13 recognize it. 14 A. (Views document.) This appears to be my 15 declaration. 16 Q. And if you go to page 11 of your 17 declaration -- actually, it probably would be 18 better to go to page 21, paragraph 48 of your 19 declaration. 20 A. I'm there. 21 Q. Okay. Does paragraph 48 of your 22 declaration contain your opinions about claim 23 construction in this matter? 24 A. No. I don't have opinions about claim 25 construction.	Page 17 1 BY MR. BLAKE: 2 Q. So if we go back to Exhibit 2, your CV, 3 I'd like to go to page 3 of Exhibit 2, the pdf. 4 Let me know when you're there. 5 A. I'm here. 6 Q. Okay. Are you currently still the CEO 7 of Rockslide Analytics? 8 A. Yes. 9 Q. And how long have you been the CEO of 10 Rockslide Analytics? 11 A. About eight years now. 12 Q. During your time working at Rockslide 13 Analytics, have you done any work relating to 14 systems that use software defined networking? 15 A. I have done a fair amount of work 16 related to routers and switches, but not 17 specifically to network defined -- software 18 defined networks. 19 Q. Okay. Have you done work on routers and 20 switches that's specific to deep packet 21 inspection? 22 A. That I don't recall. I do a fair amount 23 of software that is related to web services. 24 I'd have to go back and look if there's any 25 deep packet inspection involved in that.

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Page 18 1 Q. Okay. So as you sit here today, you 2 don't remember if your work on web services as 3 related to deep packet inspection, is that 4 fair? 5 A. It may be. I just don't recall. 6 Q. If we look at Exhibit 2, it's your 7 previous employment at ActSolar. You were 8 there from August 2006 to March of 2009, is 9 that correct? 10 A. Yes. 11 Q. While you were at ActSolar, did you do 12 any work on software-defined networking? 13 A. No. 14 Q. Did you do any work at ActSolar that 15 related to deep packet inspection? 16 A. At ActSolar I was the hardware and 17 software manager for the team. We did have 18 developers who worked on transporting data from 19 the rooftop to the servers. There may have 20 been some deep packet inspection, but I don't 21 recall off the top of my head. 22 Q. Okay. And prior to your time at 23 ActSolar, you worked from September 2004 to 24 August 2005 as a consultant at BridgeWave, 25 Inc., is that correct?	Page 20 1 A. Yes, I do. 2 Q. When you were with PA Consulting Group, 3 did you do any work that involved software 4 defined networking? 5 A. No. 6 Q. Did you do any work on deep packet 7 inspection? 8 A. No. 9 Q. On page 4 of your CV there is a 10 reference to consulting work with Santel 11 Networks from January of 2003 to May of 2003. 12 Do you see that? 13 A. Yes. 14 Q. In your consulting work for Santel 15 Networks, did you do any work on 16 software-defined networking? 17 A. No. 18 Q. Did you do any work on deep packet 19 inspection? 20 A. No. 21 Q. Below that is a reference to some work 22 you did from March 2001 to December 2002 for a 23 company called Extreme Networks, Inc. 24 Do you see that? 25 A. Yes.
Page 19 1 A. That's correct. 2 Q. While you were a consultant at 3 BridgeWave, did you do any work relating to 4 software-defined networking? 5 A. BridgeWave did work on software-defined 6 networking. That wasn't my primary role. My 7 role was to build test equipment for their 8 networks. 9 Q. Okay. But did you do any work during 10 your time there on software-defined networking? 11 A. I don't recall specifically. They were 12 involved in those kinds of networks. And to 13 the extent that I was there, I was certainly 14 aware of the activities, but I don't recall if 15 any of the equipment I built was also using 16 software-defined networking. 17 Q. While you were at BridgeWave, did any of 18 the equipment you built use deep packet 19 inspection? 20 A. I don't believe so. 21 Q. All right. If we go to the bottom of 22 page 3, the top of page 4 of your CV, refers to 23 a consulting arrangement with PA Consulting 24 Group in September of 2004. 25 Do you see that?	Page 21 1 Q. While you were there, did you do any 2 work on software-defined networking? 3 A. Yes. Extreme Networks was involved in 4 software-defined networking. 5 Q. Okay. 6 A. And we were purchased by Extreme 7 Networks. I had started a company called 8 Webstacks. And that was purchased by Extreme 9 Networks. Webstacks was involved in both deep 10 packet inspection and software-defined 11 networking. 12 Q. What products did Webstacks and Extreme 13 Networks have that involved software-defined 14 networking? 15 A. Well, Webstacks hardware was a server 16 load balancer that took proprietary commands 17 from remote systems. 18 Q. Okay. Anything else? 19 A. Webstacks also utilized deep packet 20 inspection in order to determine what the 21 routes or the directions on which the packets 22 were to be sent. 23 Q. Did it involve routing packets to 24 security software as part of that deep packet 25 inspection?

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Page 22 1 A. It was a server load down search. So it 2 was involved in routing packets to a variety of 3 different resources, but primarily to other 4 servers. 5 Q. Was the deep packet inspection in the 6 products from Webstacks and Extreme Networks at 7 any point in time used to route network traffic 8 to security devices? 9 A. That would have been customer specific 10 or customer determined. We had the ability to. 11 Whether it was or not, I didn't canvass our 12 customers for that information. 13 Q. Okay. So you don't remember if your 14 customers ever requested that? 15 A. I wasn't involved in customer 16 relationships. 17 Q. Were you involved in personally building 18 the machines that perform the deep packet 19 inspection? 20 A. Yes. 21 Q. What was your involvement? 22 A. I was the director and vice president 23 involved in setting up the hardware team and 24 the software team building the initial 25 architecture or designing the initial	Page 24 1 customer-determined aspect. 2 Q. The security element for the packets was 3 part of the controller? 4 A. Yes. I'm sorry. It was part of the 5 Webstacks -- so my answer would have been that 6 it was part of the Webstacks server load 7 balancer. 8 Q. Okay. Was it part of the controller 9 associated with the server load balancer? 10 MR. STAMATOPOULOS: Objection. 11 THE WITNESS: So we were a data plan 12 centric system. And I'd have to go back and 13 look whether it was part of the ASICs that were 14 designed or whether it was part of the 15 controller, but I believe it was part of the 16 ASICs. 17 BY MR. BLAKE: 18 Q. Okay. Would it have been technically 19 possible to design it as part of the 20 controller? 21 MR. STAMATOPOULOS: Objection, 22 scope. 23 THE WITNESS: That would have 24 required using a different controller. The one 25 we chose was specific to our design and wasn't
Page 23 1 architecture and then ensuring that it got 2 implemented according to the specifications. 3 Q. You yourself designed the architecture, 4 or the team that worked for you designed the 5 architecture? 6 A. I designed the initial architecture. We 7 went through several iterations. I'm the one 8 who was responsible for ensuring the 9 specification was written. And then I'm the 10 one who hired the team to implement it. 11 Q. Okay. Were you involved at Extreme 12 Networks and Webstacks in designing the 13 architecture that performed software-defined 14 networking? 15 A. I was the one who was involved in 16 designing the software-defined switch, which 17 was the server load balancer. I was not 18 involved in the controller. 19 Q. In a server load balancer, did that 20 controller have any capabilities to perform 21 security inspection of packets? 22 A. There was an inspection -- there was a 23 security element for the packets. And we were 24 able to reroute also to other resources, which, 25 as was stated before, would have been a	Page 25 1 intended to have to have that kind of overhead. 2 BY MR. BLAKE: 3 Q. Okay. But you could have used a 4 controller that had sufficient overhead to 5 perform a security function? 6 MR. STAMATOPOULOS: Same objection 7 as to scope. 8 THE WITNESS: That would have been a 9 very different product then. That wasn't the 10 product that we designed. 11 BY MR. BLAKE: 12 Q. I'm not asking you if it was the product 13 you designed. I'm asking would it have been 14 technically possible to use a controller that 15 had a security function as part of the 16 Webstacks system? 17 MR. STAMATOPOULOS: Same objection. 18 THE WITNESS: No, I don't believe it 19 would have. And the reason is is that the 20 communications to the controller were pushing 21 the limits of what was available at the day. 22 To change that would have been a dramatic 23 change in our product line. 24 BY MR. BLAKE: 25 Q. Why would it have been pushing the

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Page 26 1 limits of the controller? 2 MR. STAMATOPOULOS: Same objection. 3 THE WITNESS: No. It was pushing 4 the limits of the communications to the 5 controller. There's bottlenecks that you have 6 to account for. And in this case we were using 7 PCI, which was -- we could only get it to go at 8 50 megahertz per second given the technology at 9 the time. And we would have needed a lot more 10 bandwidth to be able to handle encryption or 11 security functionality in the controller. And 12 that's why we were so ASIC centric for the rest 13 of our hardware as well. 14 BY MR. BLAKE: 15 Q. So when the '111 patent was applied for, 16 would there have been sufficient capacity as of 17 that time in the communications between a 18 controller and an ASIC to allow it to -- the 19 controller to have a security function without 20 having bottleneck problems as of that time? 21 MR. STAMATOPOULOS: Object to form. 22 THE WITNESS: Inherent in any 23 engineering decision are the tradeoffs that a 24 product has to make in order to be able to be a 25 viable marketable product. I would have to	Page 28 1 of performing deep packet inspection. 2 Q. If we look at Figure 1, as of the time 3 that the application for the '111 patent was 4 filed with the patent office, in your 5 experience as a POSA, would the technology have 6 existed to communicate packets from the network 7 nodes 112 to the central controller 111 for the 8 purpose of deep packet inspection? 9 MR. STAMATOPOULOS: Object to scope. 10 THE WITNESS: So again, I haven't 11 offered an opinion specifically on, you know, 12 the limitations that would have occurred -- 13 that a designer might have found in the 2015 14 time frame. But give me a second here. The 15 '111 patent outlines that, "The straightforward 16 approach of routing all the traffic from 17 network nodes to the central controller 18 introduces some significant drawbacks, such as 19 increased end-to-end traffic delays between the 20 client and the server; overflowing the 21 controller capability to perform other 22 networking functions; and a single point of 23 failure for the re-routed traffic." So the 24 inventor of the '111 patent was aware that 25 there were difficulties with using the
Page 27 1 analyze it. I haven't offered an opinion as to 2 whether or not security could have been part of 3 the controller in the 2015 time frame. But I 4 know, as an engineer, those decisions have to 5 be looked at very seriously. And you have to 6 trade -- there's always tradeoffs. There's 7 always technical hurdles. There's always 8 reasons why you shouldn't or might be 9 technically infeasible to do something without 10 revamping your architecture and doing something 11 completely very different. 12 BY MR. BLAKE: 13 Q. If we go back to the '111 patent, which 14 is Exhibit 3, and look at Figure 1 of the '111 15 patent -- are you there? 16 A. I'm here. 17 Q. Figure 1 shows a central controller 111 18 that is communicating with network nodes 112, 19 correct? 20 A. Yes. 21 Q. And the '111 patent discloses that the 22 central controller has a security function for 23 performing deep packet inspection, is that 24 correct? 25 A. The '111 patent has a controller capable	Page 29 1 straightforward approach of just simply routing 2 traffic from the network nodes to the central 3 controller. 4 BY MR. BLAKE: 5 Q. And how did the '111 patent inventor 6 overcome these drawbacks? 7 MR. STAMATOPOULOS: Objection. 8 THE WITNESS: So the patent inventor 9 outlined his invention in claims at the bottom 10 of the patent where he defines the method for 11 use of a packet network, including a network 12 node for transporting packets between the first 13 and second entities under the control of the 14 network -- under the control of a controller 15 that is external to the network node. 16 BY MR. BLAKE: 17 Q. And was that by using certain packet 18 applicable criteria to determine which packets 19 would be routed to the controller? 20 MR. STAMATOPOULOS: Objection, form. 21 THE WITNESS: I'm sorry. I didn't 22 understand the question. 23 BY MR. BLAKE: 24 Q. Did the inventor of the '111 patent 25 overcome the drawbacks set forth in column 2,

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Page 30 1 lines 1 through 6 by using a system in which 2 packet applicable criterion were used to 3 determine which packets would be routed to the 4 controller? 5 MR. STAMATOPOULOS: Objection. 6 THE WITNESS: So the inventor 7 outlined the invention in the claims. And I 8 think the elements specific to your question is 9 "...receiving, by the network node from the 10 controller, the instruction and the criterion; 11 receiving, by the network node, from the first 12 entity over the packet network, a packet 13 addressed to the second entity..." and then the 14 rest of the claim as well. 15 BY MR. BLAKE: 16 Q. Is it fair to say that the claim recites 17 using a packet applicable criterion to 18 determine which packets would be routed to the 19 controller? 20 MR. STAMATOPOULOS: Same objection. 21 THE WITNESS: Can you repeat the 22 question? 23 MR. BLAKE: Dana, could you read 24 back my question? 25 (Whereupon, the court reporter read	Page 32 1 routed from the network nodes to the central 2 controller, in your opinion as a person of 3 ordinary course skill in the art, would that 4 have overcome the drawback of increased 5 end-to-end traffic delays between the client 6 and the server that's referred to in column 2 7 of the '111 patent? 8 MR. STAMATOPOULOS: Objection, scope 9 and form. 10 THE WITNESS: Column 2 is simply 11 saying that if you take the straightforward and 12 easiest approach to routing all traffic from 13 the network node to the central controller, you 14 will encounter many problems. The patent 15 identifies a more intelligent way of 16 selectively choosing which packets get routed. 17 BY MR. BLAKE: 18 Q. Could a person of ordinary skill in the 19 art overcome the problems identified in 20 column 2 of the patent, which you've pointed 21 to, by routing less than all traffic from the 22 network node to the central controller? 23 MR. STAMATOPOULOS: Same objections. 24 THE WITNESS: So a person of 25 ordinary skill in the art would have been able
Page 31 1 back the previous question.) 2 MR. STAMATOPOULOS: Same objection. 3 THE WITNESS: So the claim says 4 that, "Responsive to the packet satisfying the 5 criterion, sending the packet to the network 6 node over the packet network to an entity that 7 is included in the instruction and other than 8 the second entity." 9 BY MR. BLAKE: 10 Q. If you look at the '111 patent, back to 11 the top of column 2 -- 12 A. I'm there. 13 Q. -- it reads, "The straightforward 14 approach of routing all traffic from network 15 nodes to the central controller introduces some 16 significant drawbacks, such as increased 17 end-to-end traffic delays between the client 18 and the server; overflowing a controller 19 capability to perform other network functions; 20 and a single point of failure for the re-routed 21 traffic." 22 Do you see that? 23 A. Yes. 24 Q. Okay. If you used a packet applicable 25 criterion to determine which packets would be	Page 33 1 to perform the system defined in the '111 2 patent. 3 BY MR. BLAKE: 4 Q. That's not my question. My question is, 5 and if you would answer it: Could a person of 6 ordinary skill in the art overcome the problems 7 identified in column 2 of the '111 patent by 8 routing less than all of the traffic from the 9 network node to the central controller? 10 MR. STAMATOPOULOS: Same objections. 11 THE WITNESS: So there's an 12 inventive quality to the '111 patent and the -- 13 and that they've identified a novel way of 14 determining which packets need to get routed. 15 A person of ordinary skill in the art is 16 someone who would have been able to understand 17 this patent, but may not have come up with the 18 inventive quality themselves. 19 BY MR. BLAKE: 20 Q. That's not my question. My question is: 21 Could a person of ordinary skill in the art 22 have understood that the drawbacks identified 23 in column 2 of the '111 patent could have been 24 overcome by routing less than all of the 25 traffic from the network nodes to the central

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Page 34 1 controller? 2 MR. STAMATOPOULOS: Same objections. 3 THE WITNESS: I think a person of 4 ordinary skill in the art would have been able 5 to -- one more time on your question first. 6 MR. BLAKE: Dana, can you read it 7 back? 8 (Whereupon, the court reporter read 9 back the previous question.) 10 MR. STAMATOPOULOS: Same objections. 11 THE WITNESS: Again, as I said 12 before, there's significant technical hurdles 13 that were overcome. I think a person of 14 ordinary skill in the art may have been able to 15 realize that there's advantages to doing this, 16 but there's no motivation to it because the 17 number of different technical issues that they 18 would encounter -- just because you're -- solve 19 one problem doesn't mean that you solved all 20 the problems that usually are encountered in 21 ensuring design. 22 BY MR. BLAKE: 23 Q. For example, what technical issues would 24 have been difficult to overcome in your 25 opinion?	Page 36 1 inventor recognized these issues existed and 2 that his approach from his perspective -- well, 3 I should be careful here, but that the purpose 4 of the patent was that there was an inventive 5 quality that was proposed and that was 6 successful. 7 BY MR. BLAKE: 8 Q. How do you know that the inventor 9 implemented a successful system to overcome 10 these concerns that you identified? 11 MR. STAMATOPOULOS: Objection. 12 THE WITNESS: I haven't opined on 13 whether or not he actually -- on how he came to 14 his invention. That wasn't part of my 15 declaration. 16 BY MR. BLAKE: 17 Q. Well, you said a minute ago that you 18 feel like it's inherent in the patent that the 19 inventor must have overcome these bandwidth 20 issues. Where does the patent say that? 21 MR. STAMATOPOULOS: Objection. 22 THE WITNESS: Well, the '111 patent 23 after identifying the technical issues that a 24 straightforward approach would provide states 25 that, in column 2, line 7, "Therefore, it would
Page 35 1 A. Well, even if you've -- are not routing 2 all the traffic, there's still bandwidth issues 3 that you have to deal with, there's still 4 communication issues, there's still -- there's 5 just a wide variety of management and dataflow 6 issues that you would have to overcome. 7 Q. What communication issues would you have 8 to overcome? 9 A. Well, for one, you would have to define 10 a protocol that would be utilized in order to 11 know which -- to communicate which packets are 12 to be -- are to be transferred versus those 13 that aren't. That's one example. 14 Q. Any others? 15 A. Then you have to be able to identify 16 that you have the bandwidth and that the 17 latencies are not significant, that there 18 aren't any bottlenecks that would occur, 19 bandwidth bottlenecks. There's a long list. 20 Q. Where, if at all, does the '111 patent 21 indicate that its invention has overcome these 22 bandwidth issues that you say would exist? 23 MR. STAMATOPOULOS: Objection. 24 THE WITNESS: I think inherent in 25 the patent is the understanding that the	Page 37 1 be advantageous to provide a solution that 2 overcomes the deficiencies noted above and 3 allows efficient DPI in SDNs." And then in the 4 subsequent columns the inventor outlines the 5 concepts and the ideas. 6 BY MR. BLAKE: 7 Q. Where specifically in the subsequent 8 columns does the inventor say or explain how 9 his solution overcomes the bandwidth issues 10 that you have identified? 11 MR. STAMATOPOULOS: Objection. 12 THE WITNESS: I don't think that's 13 a -- that mischaracterizes what the invention 14 is about. It's not about what -- it's about 15 the fact that he identified a problem that 16 existed in the -- in networks, and then 17 therefore it would be advantageous to provide a 18 solution. And then the inventor outlines his 19 solution in the subsequent paragraphs. 20 BY MR. BLAKE: 21 Q. Earlier you testified that even if you 22 were routing less than all traffic between 23 network node and a central controller, you 24 would still have other issues in implementing a 25 system that you would have to consider, such as

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Page 38 1 bandwidth issues. And I'm asking you where -- 2 if you believe those issues would have to be 3 taken into consideration for a working system, 4 where does the '111 patent explain how those 5 issues are overcome? 6 MR. STAMATOPOULOS: Object to form. 7 THE WITNESS: The '111 patent 8 identifies the solution for the issues that the 9 inventor identified and had to overcome. 10 BY MR. BLAKE: 11 Q. Does the '111 patent explain how the 12 solution overcomes bandwidth issues? 13 A. The '111 patent identifies that there is 14 a solution to the problems that are stated in 15 column 2, and then it outlines them in the 16 subsequent columns. 17 Q. Does the '111 patent at any point in 18 time explain that this proposed solution 19 overcomes end-to-end traffic delays between the 20 client and the server? 21 MR. STAMATOPOULOS: Object to form. 22 THE WITNESS: So the '111 patent 23 identifies the end-to-end traffic delays in 24 column 2, line 3 as an issue. And then the 25 '111 patent states that it would be	Page 40 1 BY MR. BLAKE: 2 Q. Other than that section in column 2, 3 have you identified any area in the '111 patent 4 where it discusses overcoming latency issues? 5 A. When you say "latency," do you mean 6 end-to-end traffic delays. 7 Q. You're the one who used the term 8 "latency," not me. 9 MR. STAMATOPOULOS: Objection, form. 10 THE WITNESS: I think I also said 11 that a latency is a form of an end-to-end 12 traffic delay. 13 BY MR. BLAKE: 14 Q. Well, then if a latency is a form of 15 end-to-end traffic delay, does the '111 patent 16 disclose how its solution overcomes that 17 particular form of end-to-end traffic delay in 18 any section other than column 2, lines 1 19 through 10? 20 MR. STAMATOPOULOS: Object to form. 21 THE WITNESS: I think the claims 22 themselves identify this -- the means to 23 overcome the issues that were identified in 24 column -- in column 2, lines 1 through 7. 25 BY MR. BLAKE:
Page 39 1 advantageous to provide a solution that 2 overcomes the deficiencies noted above. And 3 then the '111 patent outlines the solutions to 4 the problems that were identified above. I 5 think it's inherent in what's being said there. 6 BY MR. BLAKE: 7 Q. Does the '111 patent identify how its 8 system overcomes concerns about issues with 9 latency in routing traffic from a network node 10 to the controller? 11 A. Latency is one form of an end-to-end 12 traffic delay. 13 Q. So other than the discussion in column 14 2, lines 1 through 10 of the '111 patent, is 15 there any discussion elsewhere in the '111 16 patent where it discusses overcoming issues 17 with latency through the use of its, quote, 18 solution, close quote? 19 MR. STAMATOPOULOS: Objection, form. 20 THE WITNESS: Again, the '111 patent 21 identifies the issues in column 2, line 1 22 through 7, and then it states that it would be 23 advantageous to provide a solution that 24 overcomes the deficiencies noted above, and 25 then it proceeds to do so.	Page 41 1 Q. Where in the claims? 2 A. The claims define the solution that 3 are -- that solve the problems outlined in 4 column 2, 1 through 7. 5 Q. Are you speaking of any specific portion 6 of the claims or the claims generally? 7 A. At this point the claims generally. But 8 if you go look at any one of the independent 9 claims, the solution is -- this is the solution 10 that the inventor identifies. 11 Q. Staying in the '111 patent, would you go 12 with me to column 4? 13 A. Okay. I'm there at column 4. 14 Q. I'm going to read a sentence on lines 8 15 through 10 of column 4 of the '111 patent. It 16 reads, "To this end, the central controller 111 17 is further configured to instruct each of the 18 network nodes 112 which of the packets and/or 19 sessions should be directed to the controller 20 111 for packet inspections." 21 Do you see that sentence? 22 A. I do. 23 Q. In that sentence what do you understand 24 the term "sessions" to mean? 25 MR. STAMATOPOULOS: Objection,

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Page 42 1 scope. 2 THE WITNESS: A session is usually a 3 connection between an end point and a 4 destination. 5 BY MR. BLAKE: 6 Q. So a session could include multiple 7 packets? 8 MR. STAMATOPOULOS: Objection. 9 THE WITNESS: As I said, a session 10 is the connection. It may be as small as one 11 packet or it could be multiple packets. 12 MR. BLAKE: We've been going a 13 little over an hour. George, do you want to 14 take a break for about ten minutes? 15 MR. STAMATOPOULOS: It's up to 16 Miguel. How do you feel? 17 THE WITNESS: I could use a break. 18 (Off the record 12:13 to 12:26.) 19 BY MR. BLAKE: 20 Q. Mr. Gomez, I'd like to go back to 21 Exhibit 2, which is a copy of your curriculum 22 vitae. I'd like to go to page 5 of your CV. 23 A. Okay. I'm here. 24 Q. On page 5, there's reference to work 25 that you did for a company called Philips	Page 44 1 Q. Below that on page 5 of your CV there's 2 a reference to you being president and founder 3 of Minden Group, Inc., and being there 4 September of '94 to January of '97. 5 Do you see that? 6 A. I do. 7 Q. While you were at Minden Group, Inc., 8 did you do any work with software-defined 9 networking? 10 A. No. 11 Q. Did you do any work with deep packet 12 inspection? 13 A. Again, there was a security element that 14 was part of the videoconferencing system. And 15 to the extent that we were performing certain 16 types of analysis, I don't recall off the top 17 of my head. 18 Q. At the bottom of page 5 of your CV 19 there's a reference to work at Spectrum 20 Analysis, Inc. from April 1989 to August 1994. 21 Do you see that? 22 A. Yes. 23 Q. During your time at Spectrum Analysis, 24 Inc., did you do any work on software-defined 25 networking?
Page 43 1 Semiconductor from February 1997 to December of 2 '99. 3 Do you see that? 4 A. Yes. Uh-huh. 5 Q. When you were consulting for Philips 6 Semiconductor, did you do any work on 7 software-defined networking? 8 A. We were building a handheld computing 9 device that connected to many networks. And I 10 don't recall if there was anything related to 11 software defined networks. I don't believe 12 there was at that time frame. 13 Q. The work that you were doing building 14 the handheld unit for Philips Semiconductor, 15 did it perform deep packet inspection or have 16 the capability for deep packet inspection? 17 A. It certainly had the capability. I 18 don't recall the specifics. 19 Q. You don't recall whether it actually 20 performed deep packet inspections, is that 21 fair? 22 A. There certainly was a security element 23 to it. But I'd have to go back -- I don't even 24 know if I have the records to go back and look 25 at exactly how we did it.	Page 45 1 A. Again, we were building a variety of 2 different products that interface to various 3 networks. I don't believe there was a software 4 defined network, but there were definitely 5 networking elements to our products. 6 Q. What was the name of the product? 7 A. There was a variety of different 8 products that we were working on for various 9 customers. 10 Q. Did any of the products perform deep 11 packet inspection? 12 A. Again, most of those products had 13 security elements, but I don't have the data 14 any longer to know if there was deep packet 15 inspection utilized. 16 Q. On page 6 of your CV there's reference 17 to your work as an applications manager at 18 Quickturn Systems, Inc. from August 1987 to 19 March 1989. 20 Do you see that? 21 A. Yes. 22 Q. During that time you were at Quickturn 23 systems, were you doing work on 24 software-defined networking? 25 A. No.

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Page 46 1 Q. Did you do any work with deep packet 2 inspection during the time you were at 3 Quickturn Systems, Inc.? 4 A. No. 5 Q. Again, on page 6 of your CV there's a 6 reference to your work as an applications 7 engineer at Telestream Corporation from 8 July 1987 to September 1988. During that time 9 that you were at Telestream Corporation, did 10 you do any work on software-defined networking? 11 A. Again, this was a networking device. We 12 utilized a wide variety of different protocols. 13 And it was a programmable system. There were 14 elements of software-defined networking, but it 15 wasn't yet -- software-defined networking 16 hadn't yet been conceived of in the way that we 17 utilize it today. 18 Q. What elements of software-defined 19 networking were you using at Telestream 20 Corporation? 21 A. We had a programmable system that could 22 communicate and manage other systems, other of 23 the same type of systems. You could do a 24 master slave or organization. 25 Q. Other than a master slave arrangement,	Page 48 1 these products. 2 BY MR. BLAKE: 3 Q. Were there at that time also proprietary 4 libraries that were purchasable that could be 5 used for deep flow inspection? 6 MR. STAMATOPOULOS: Objection. 7 THE WITNESS: I don't recall. 8 BY MR. BLAKE: 9 Q. Returning to page 6 of your CV, which is 10 Exhibit 2, toward the bottom third of the page 11 there's a reference to work as a design 12 engineer at Stratacom from March 1985 to April 13 1987. 14 Do you see that? 15 A. I do. 16 Q. During your time at Stratacom in your 17 work as a design engineer there, were you 18 working on software-defined networking? 19 A. Again, software-defined networking 20 hadn't been yet developed to the extent that we 21 know it today. This was a system that was 22 embedded in the telephone system and needed to 23 communicate with the telephone networks, so it 24 certainly had elements of software-defined 25 networking.
Page 47 1 were there any other elements of 2 software-defined networking that you were 3 employing while working on devices at 4 Telestream Corporation? 5 A. This is 35 years ago. I don't recall 6 off the top of my head. 7 Q. Understandable. It was a long time. 8 A. Yeah. 9 Q. While you were at Telestream 10 Corporation, was there any work that you 11 performed involving deep packet inspection? 12 A. The system was certainly capable of deep 13 packet inspection. It was programmable and it 14 had certain libraries that would allow you to 15 do deep packet inspection. There was also 16 security elements as part of this product. 17 Q. What libraries allowed for deep packet 18 inspection? 19 A. The proprietary libraries -- 20 MR. STAMATOPOULOS: Objection -- 21 sorry. Just let me lodge my objection and then 22 you can answer. 23 Objection. 24 THE WITNESS: There were proprietary 25 libraries that were purchasable to be used with	Page 49 1 Q. When you were working at Stratacom as a 2 design engineer, did you do deep packet 3 inspection work? 4 A. We had test protocols that allowed us to 5 analyze the packets that were being transmitted 6 on the T1 lines. 7 Q. And did those test protocols involve 8 deep packet inspection? 9 A. We were able to analyze the packets 10 thoroughly, yes. 11 Q. Was that using third-party software 12 you'd purchased? 13 A. No. That was using equipment that we 14 developed. 15 Q. Okay. When you were at ROLM Corporation 16 as a design engineer from June 1983 to March 17 1985, did you do work on software-defined 18 networking? 19 A. Again, there were elements that would -- 20 could be considered to be functionality that we 21 would today recognize as software-defined 22 networking. It was a telecommunications switch 23 and that it -- it was a hierarchical system 24 that would have master-slave relationships. 25 Q. The elements that you're referring to

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Page 50 1 would have been the ability to implement 2 master-slave relationships, is that right? 3 A. Yes. 4 Q. Any other elements of software-defined 5 networking that you were using during your time 6 at ROLM Corporation? 7 A. Not that I'm aware of. That was, gosh, 8 40 years ago now. 9 Q. If we look at your CV starting, I 10 believe, on page 7, there's a list of the 11 litigation support experience that you have, 12 and it runs from page 7 to page 24 of your CV. 13 Is that accurate? 14 A. Without going through each and every one 15 of these, I believe it's as accurate as I could 16 make it when I submitted it. 17 Q. Of this list of litigations, how many, 18 if any of them, other than the current 19 proceeding we're involved in for your 20 deposition, involved patents relating to 21 software-defined networking? 22 A. So most of my patents were taken out at 23 Webstacks. And I, frankly, haven't looked at 24 them in preparation for this deposition. So I 25 would need to go back and review those patents.	Page 52 1 would have to go back and refresh myself on 2 those patents. 3 Q. If we go to the last page of your CV, 4 which is page 25 of Exhibit 2, it lists a group 5 of issued patents. 6 Do you see those? 7 A. I do. 8 Q. Your CV I noticed, Mr. Gomez, does not 9 list any published publications. Is that 10 because you don't have any published 11 publications other than patents? 12 A. That's correct. 13 Q. Okay. We can put aside Exhibit 14 Number 2. Are you aware, Mr. Gomez, that -- 15 well, we saw earlier with your claim 16 construction, you're aware that there's also a 17 district court litigation between -- or was 18 between Cisco and Orckit relating -- that 19 involved the '111 patent, is that right? 20 A. I'm aware that there was a district 21 court case. I was not involved in it, and I 22 don't have any information on it. 23 Q. Okay. That's what I was going to ask. 24 Are you aware that there is a re-examination 25 proceeding separately pending before the patent
Page 51 1 Q. I may be confusing in my question. 2 These other litigations where you've provided 3 consulting services, did any of the other 4 litigations for which you've provided services 5 involve patents relating to software-defined 6 networking? 7 A. Again, I'd have to review that. 8 That's -- I believe there may have been at 9 least one, but I don't recall where and under 10 what the circumstances were. But like I said, 11 I'd have to review them. I just don't know off 12 the top of my head. 13 Q. If you look through your CV, would you 14 be able to identify the one that may involve 15 software-defined networking? 16 MR. STAMATOPOULOS: Objection. 17 THE WITNESS: Each of these cases 18 had multiple patents. I'd actually have to 19 pull up the patents from them and review them. 20 BY MR. BLAKE: 21 Q. Did any of the cases that you've been 22 involved in involve patents that relate to deep 23 packet inspection? 24 A. Again, I'd have to review them. Many of 25 these cases involved security elements. And I	Page 53 1 office that involves the '111 patent? 2 A. Separate from this proceeding? 3 Q. Correct. 4 A. I'm not aware of that. 5 Q. Okay. So you're not helping Orckit in a 6 consulting capacity with a separate patent 7 office proceeding related to the '111 patent 8 besides this one? 9 A. The only one I'm aware of is this one. 10 Q. I'd like to go back to Exhibit 4, which 11 is your declaration in this proceeding. Before 12 I ask you any specific questions about your 13 declaration, I'd like to ask just first: Are 14 there any corrections or changes that you would 15 like to make to your declaration? 16 A. There are a few that I would like to 17 point out now. There may be others as we get 18 into it that I'll discover. But the two that I 19 would like to point out at this point is that 20 the priority date that's identified in my 21 declaration for the '111 patent is incorrect. 22 And then also that there's a formatting issue 23 with the patent -- or with one of the elements 24 of the declaration. And I believe that's 25 section -- give me a second. Section VII (a)

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Page 54 1 2, 1 (d) should be (a) 2. 2 Q. Let me get there briefly, make sure I 3 understand what you're telling me. So on 4 page 37 of your declaration I see a heading 5 under little (d) that reads, "Lin does not 6 disclose sending the packet to the second 7 entity 'responsive to the packet not satisfying 8 the criterion' or sending the packet to an 9 entity other than the second entity 'responsive 10 to the packet satisfying the criterion.'" Is 11 that the one that you're talking about? 12 A. Yeah, (d) should be 2. 13 Q. That should actually read Section VII, 14 (a) 2, is that correct? 15 A. I believe so. That's VII, (a) 2. 16 Q. Okay. And then if we go back to 17 paragraph 23 on page 9 of your declaration -- 18 A. I'm there. Uh-huh. 19 Q. -- in the middle of that paragraph 23 20 you write "...I have been instructed to use 21 April 7, 2006, as the time of the invention." 22 Do you see that? 23 A. I do. 24 Q. The April 7, 2006, date, is that the 25 incorrect priority date that you referred to	Page 56 1 paragraph 25 on page 10 of your declaration. 2 Are you there? 3 A. Yes, I'm here. 4 Q. The last sentence of paragraph 25 of 5 your declaration reads, "At the time of the 6 invention, and since that time, I have been 7 involved in the design and development of 8 computer networks and in that capacity have 9 worked with and managed teams of numerous 10 individuals that would qualify as a POSITA." 11 A. That's what I've said here. 12 Q. Which of the teams that you've worked 13 with and managed would have performed or worked 14 on systems that involved software-defined 15 networking? 16 MR. STAMATOPOULOS: Object to form. 17 THE WITNESS: So I have, during this 18 time frame, configured and set up numerous 19 networks with the support of other individuals 20 for web servers that provide web content. In 21 some of those cases there was some -- I'd have 22 to go back and review. And I don't recall off 23 the top of my head. But there were some 24 elements of software networks that were 25 utilized, but I don't have the specifics in
Page 55 1 earlier? 2 A. Yes. 3 Q. Okay. What should the priority date be 4 that's listed here in paragraph 23? 5 A. I believe it should be April 22nd, 2014. 6 Q. This April 7, 2006, date, where does it 7 come from? 8 A. That was incorrectly applied from a 9 different patent within these same proceedings. 10 Q. So it's your testimony now that the 11 priority date you used for your opinions is 12 April 22nd, 2014, is that correct? 13 A. So I'm reading that from the 14 '111 patent. I'd like to make sure that -- 15 that's my understanding from the '111 patent 16 based on the prior benefit of the U.S. 17 provisional patent application. However, I'd 18 also like to have the right to amend that if I 19 have made a mistake and advised further. This 20 is something I wasn't advised on. I wasn't 21 instructed to use the April 22nd, 2014. I 22 believe it is the correct one, but I'd have to 23 confer with the counsel to make sure that there 24 isn't some other date that they're aware of. 25 Q. Okay. I'd like to now go to	Page 57 1 front of me. 2 BY MR. BLAKE: 3 Q. What teams were you managing that used 4 some elements of software-defined networking? 5 A. So I have a series of contractors that I 6 use from time to time for various consulting 7 work. 8 Q. How long have you been using that series 9 of contractors? 10 A. Close to 20 years. 11 Q. What projects have they worked on that 12 involve software-defined networking? 13 A. I don't have that in front of me here. 14 There were quite a number of projects that we 15 worked on mostly related to providing servers 16 and systems for providing web pages. 17 Q. Maybe it will help if I narrow down the 18 date range. Before the priority date of 19 April 22nd, 2014, what projects were your teams 20 working on that involved software-defined 21 networking? 22 A. I don't have that in front of me. I'd 23 have to go pull that up for you. 24 Q. I'd like to go down to page 18, 25 paragraph 42 of your declaration.

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Page 58 1 A. Paragraph 42? 2 Q. Paragraph 42. 3 A. I'm there. 4 Q. And this refers to the Lin prior art 5 reference. So let me go ahead and pull that up 6 so you can have it if you need to refer to it 7 yourself. One second. I'm having user error 8 here. 9 A. No worries. 10 (Exhibit Number 5 marked for 11 identification.) 12 BY MR. BLAKE: 13 Q. If you refresh, Mr. Gomez, on your 14 screen you should see a copy of United States 15 Patent Number 9,264,400 to Lin, which I have 16 marked as Exhibit Number 5. Let me know when 17 you're able to see that. 18 A. I see it. 19 Q. Okay. I'm going to talk a little bit 20 about your declaration, but I wanted you to 21 have Lin available in case you need to 22 reference it. In paragraph 42 of your 23 declaration you refer to, "Lin utilizes an SDN 24 Controller 610 (which may be an OpenFlow 25 Controller) that controls the behavior of the	Page 60 1 Q. That's my question. This is talking 2 about one embodiment of Lin, but there are 3 multiple embodiments disclosed in Lin, is that 4 correct? 5 MR. STAMATOPOULOS: Objection, form. 6 THE WITNESS: I would have to read 7 this more carefully to know if it's just one or 8 multiple. But if you want me to, I can. 9 BY MR. BLAKE: 10 Q. Well, for example, I'll refer you to 11 column 6, line 8 of Lin Exhibit 5 where it 12 refers to a second embodiment. 13 A. Did you say 6, line 8? 14 Q. Yes, please. 15 MR. STAMATOPOULOS: I'll object. 16 I'm not sure if there's a question pending, but 17 I'll object. 18 MR. BLAKE: Sure. I'll ask a 19 question. 20 MR. STAMATOPOULOS: Okay. 21 MR. BLAKE: I was giving him a 22 chance to read it. 23 MR. STAMATOPOULOS: I just didn't 24 know. And so I just wanted to make sure I put 25 it in there.
Page 59 1 SDN computer network 600 as shown in Figure 6." 2 And then you reproduce a copy of Figure 6 from 3 the Lin patent, is that right? 4 A. (Views document.) That's what it reads, 5 yes. 6 Q. And then it references a citation to 7 Lin, which I believe is column 3, lines 40 to 8 52 in Figure 6 of Lin, is that right? 9 A. Yes. 10 Q. And if we go to Lin, column 3, lines 40 11 to 52, which is in Lin Exhibit 5, that 12 discloses one of the embodiments of the Lin 13 patent, is that correct? 14 A. So the paragraph states starting at 15 column 3, 40, "Referring now to Figure 6, there 16 is shown a schematic diagram of an SDN computer 17 network 600 in accordance with an embodiment of 18 the present invention." And then it goes on to 19 say, "In one embodiment, the SDN computer 20 network 600 is compliant with the OpenFlow 21 protocol. Accordingly, in one embodiment, the 22 SDN controller 610 comprises an OpenFlow 23 controller and the SDN switch..." So it's 24 identifying that there are one or more 25 embodiments in which this is defined.	Page 61 1 MR. BLAKE: I'll put my question out 2 while he's reading it. 3 BY MR. BLAKE: 4 Q. Reading the various parts of Lin, isn't 5 it correct that Lin discloses multiple example 6 embodiments? 7 MR. STAMATOPOULOS: Object to form. 8 THE WITNESS: I'd have to read this 9 more carefully. Column 6, line 8 certainly 10 says, "In one embodiment..." I don't know if 11 that's a different embodiment, but it's 12 identifying in one embodiment the SDN pipe is 13 created by creating first flow that forwards 14 the packets received in the ingress port to the 15 redirect port. 16 BY MR. BLAKE: 17 Q. As you sit here, do you know if Lin 18 discloses more than one example embodiment? 19 A. It seems to enumerate embodiments, but 20 I'd have to read it more carefully. 21 Q. All right. Paragraph 43 of your 22 declaration, which spans pages 18 and 19, if 23 you'd take a moment and review that. 24 A. (Views document.) Okay. 25 Q. In the first two sentences of

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Page 62 1 paragraph 43, after each there's a citation 2 that reads, "Id." 3 Do you see that? 4 A. I do. 5 Q. Okay. And that would appear to refer 6 back to a citation at the end of paragraph 42 7 to column 3, lines 40 to 52 and Figure 6 of 8 Lin. My question is: Are those citations 9 accurate in what you meant to refer to, or did 10 you mean to refer to column 4, lines 14 to 18 11 in your citation? 12 A. Did you say -- 13 Q. Column 4, lines 14 to 18. 14 A. Right. The citation is from column 4 -- 15 looks like column 4, 15 through around 19. And 16 then it actually goes all the way -- it's two 17 different sections, but it looks like it -- the 18 citation is from column 4. 19 Q. Okay. I'd like to go now to 20 paragraph 52 of your declaration, which is on 21 page 23. 22 A. I'm there. 23 Q. Paragraph 52 starts with a sentence that 24 reads, "Lin does not disclose a controller that 25 is configured to perform or capable of	Page 64 1 have to be overcome. There are a number of 2 cost issues that would dramatically change the 3 nature of the product. There may even be 4 process issues that would have to be overcome. 5 Moving a security service, which is a fairly 6 large and processing intensive feature, into a 7 controller, that's a major undertaking. 8 Q. Okay. So these technical hurdles that 9 you would have to overcome to move a security 10 service into a controller, does the '111 patent 11 disclose how these technical hurdles would be 12 overcome? 13 MR. STAMATOPOULOS: Object to form. 14 THE WITNESS: The '111 patent 15 doesn't teach how to move a security element 16 into a controller. The '111 patent identifies 17 how to perform deep packet inspection and 18 overcome the hurdles that we discussed earlier 19 for deep packet inspection. 20 BY MR. BLAKE: 21 Q. And it discloses that that deep packet 22 inspection would occur within the controller, 23 correct? 24 MR. STAMATOPOULOS: Object to form. 25 THE WITNESS: I'm sorry. One more
Page 63 1 controlling deep packet inspection." 2 Do you see that? 3 A. I do. 4 Q. And then the third sentence reads, "As 5 shown in the figures excerpted from Lin, the 6 security service 630 is a separate entity from 7 the controller 610." And then it shows 8 Figure 6 of Lin, is that right? 9 A. Yes. 10 Q. You note here that the security service 11 as shown in Figure 6 as being a separate entity 12 from the controller. Is there any technical 13 reason why the security service could not have 14 been implemented as part of the controller in 15 Lin? 16 MR. STAMATOPOULOS: Objection. 17 THE WITNESS: Yeah, numerous reasons 18 why it couldn't have been included in the 19 controller. 20 BY MR. BLAKE: 21 Q. Those are? 22 A. Well, we talked about a number of them 23 before. But to recap, there's a number of 24 technical hurdles that have to be overcome. 25 There's also functions and feature hurdles that	Page 65 1 time on the question. 2 BY MR. BLAKE: 3 Q. Does the '111 patent disclose that the 4 deep packet inspection would take place within 5 the controller? 6 MR. STAMATOPOULOS: Object to form. 7 THE WITNESS: Well, it only states 8 that the deep packet inspection would have to 9 be controlled from the controller. 10 BY MR. BLAKE: 11 Q. If we go to the '111 patent, which I 12 believe is Exhibit 3 in this deposition, if you 13 go to column 4, start on line 8 and read to 14 line 10, it reads, "To this end, the central 15 controller 111 is further configured to 16 instruct each of the network nodes 112 which of 17 the packets and/or sessions should be directed 18 to the controller 111 for packet inspections." 19 Do you see that? 20 A. Yes. That's an embodiment. But if you 21 go to the claim, the claim is, "A method for 22 use with a packet network including a network 23 node for transporting packets between first and 24 second entities under control of a 25 controller..."

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Page 66 1 Q. So what's your point? 2 MR. STAMATOPOULOS: Object to form. 3 THE WITNESS: The claim is the 4 primary source for an understanding of what the 5 invention is. And I've looked at the claim to 6 understand what -- how this invention should be 7 interpreted, not necessarily only the 8 embodiments. 9 BY MR. BLAKE: 10 Q. Okay. And so your contention is that 11 claim 1 would say that the routing of the 12 packet has to be controlled by the controller, 13 but it doesn't necessarily have to be sent to 14 the controller, is that right? 15 MR. STAMATOPOULOS: Object to form. 16 THE WITNESS: The rest of the claim 17 does have elements of where the packets would 18 be sent to, and then there's dependent claims 19 that further create a definition or a 20 limitation of what would be occurring. 21 BY MR. BLAKE: 22 Q. Okay. Does one of those dependent 23 claims state that the packet would be sent to 24 the controller? 25 MR. STAMATOPOULOS: Object to form.	Page 68 1 if you have, maybe you can refresh my memory. 2 BY MR. BLAKE: 3 Q. Well, if the packets are sent to the 4 controller in the '111 patent for inspection, 5 is the inspection a type of security service? 6 A. Doesn't necessarily have to be a 7 security service. Inspection is used for a 8 large number of reasons. As we discussed 9 earlier, one of the things we did at Stratacom 10 is we had deep packet inspection for testing. 11 They could be used for a variety of different 12 reasons. 13 Q. Is one of those reasons a security 14 service? 15 A. Certainly. But that's just one reason. 16 Q. Okay. If one of those reasons was to 17 perform security inspection of the packet at 18 the controller, does the '111 patent disclose 19 how to overcome the technical hurdles to 20 implement that functionality on the controller? 21 A. So, again, your original question was 22 whether or not it would be easy to implement 23 security services in the controller, and I 24 explained that it would be very difficult in 25 that there's a number of reasons that someone
Page 67 1 THE WITNESS: So claim 3, the last 2 part of the claim "...the method further 3 comprising sending the packet, by the network 4 node, to the second entity and to the 5 controller." 6 BY MR. BLAKE: 7 Q. So at least in claim 3 it's explicit in 8 saying that the packet is sent to the 9 controller, correct? 10 A. Just as I read from the claim, that 11 claim 3 identifies "...sending the packet, by 12 the network node, to the second entity and to 13 the controller." 14 Q. Does the specification of the '111 15 patent explain how a person of ordinary skill 16 in the art would overcome, as you term it, 17 technical hurdles in implementing the 18 inspection process as part of the controller? 19 MR. STAMATOPOULOS: Object to form. 20 THE WITNESS: So your original 21 question was with regard to whether the 22 security service could be easily embedded in 23 the controller, and that's what the basis of my 24 response was. I don't think you've asked me a 25 question about anything other than that. Maybe	Page 69 1 wouldn't want to do that, which are both, I 2 understand, from my own experience and the 3 patent alludes to, but -- because in column 2, 4 lines 1 through 7, which we looked at before. 5 In terms of just doing a hypothetical of 6 sending packets to a controller, I'm not quite 7 sure I have a response for you, because 8 certainly that's possible, but that's not the 9 only intent of the patent. 10 Q. So you changed my original question. 11 You did not phrase it correctly. My original 12 question is: Is it technically possible to 13 implement the security service as part of the 14 controller or was it at the time of Lin? 15 MR. STAMATOPOULOS: Objection. 16 BY MR. BLAKE: 17 Q. So is it your testimony now that it 18 would be technically possible to do that? 19 A. So I think Lin teaches away from 20 implementing a security service in a 21 controller. And it does it for a very specific 22 reason, which is that it's difficult, as I 23 identified. Otherwise they would have just put 24 the security service right in the controller. 25 Why not? But instead, as typically was done in

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Page 70 1 the day, a security service is a bump on the 2 wire, as I believe Lin says, which means it 3 would. 4 Q. Where does Lin say it would be difficult 5 to implement the security service in the 6 controller? 7 A. Lin does not implement the security 8 service in the controller. And I believe, as 9 it was known in the day, it was a very 10 difficult thing to do. And then the '111 11 patent also identifies difficulties in 12 column 2, line 1 through 7 that "...routing all 13 traffic from network nodes to the central 14 controller introduces some significant 15 drawbacks..." which is exactly what you would 16 have to do if you put the security service in 17 the controller. 18 Q. That's not what you said. You said that 19 Lin says that it's difficult to put the 20 security service in the controller. Where does 21 Lin say that if that's your position? 22 A. My position is that -- 23 MR. STAMATOPOULOS: Sorry. Let me 24 just lodge the objection, and then you can 25 answer the question.	Page 72 1 acknowledging that it would be difficult to 2 have all the traffic go to the controller. 3 BY MR. BLAKE: 4 Q. I didn't ask about all the traffic. I 5 said: Would it be technically possible to 6 implement a security service on the SDN 7 controller in Lin? 8 MR. STAMATOPOULOS: Object to form. 9 BY MR. BLAKE: 10 Q. That doesn't mean that all the traffic 11 goes to it. Could you implement a security 12 service on the SDN controller of Lin such that 13 some packets are sent to that security service? 14 A. So where in Lin -- 15 MR. STAMATOPOULOS: I'm sorry. 16 Object to form. 17 THE WITNESS: I don't see anywhere 18 in Lin that Lin supports in any way putting a 19 security processor or a security element into 20 the controller. There's just no support for it 21 anywhere. 22 BY MR. BLAKE: 23 Q. I asked you: As a person of skill in 24 the art, would it be technically possible to do 25 it?
Page 71 1 Object to the form of the question. 2 Thanks. You can answer the 3 question. 4 THE WITNESS: I am. I will. So Lin 5 at 3, 14 states that, "One way of intercepting 6 network traffic is to place the security 7 service in the middle of the packet forwarding 8 path." In other words, these would be all the 9 packets that'd be going to if it's in the 10 middle of the forwarding path, which is the 11 problem that we're discussing. 12 BY MR. BLAKE: 13 Q. And as you go down, it discloses in 14 line -- in column 3, starting line 25, it 15 reads, "Another way of intercepting network 16 traffic is to mirror the packets to be 17 inspected on a switch that provides 18 vendor-specific mirroring application 19 programming interface (API) as shown in 20 Figure 4." Is that correct? 21 A. That's what it says. 22 Q. So that's different than a bump in the 23 line, is that right? 24 MR. STAMATOPOULOS: Object to form. 25 THE WITNESS: So here Lin is	Page 73 1 MR. STAMATOPOULOS: Object to the 2 form of the question. 3 THE WITNESS: Again, you asked me 4 with regard to Lin, and I'm showing you that 5 Lin doesn't have any support for that. And as 6 a person of ordinary skill in the art, as we 7 discussed already, I think it's extremely 8 difficult to do that. And given that Lin 9 doesn't provide any support, I believe that Lin 10 is actually -- and only discloses a system in 11 which the security element is separate from the 12 controller, I believe Lin teaches away from 13 that. 14 BY MR. BLAKE: 15 Q. Well, discussing the broader concept of 16 packet inspections since you say security 17 service is only one type of packet inspection, 18 could a person of ordinary skill in the art 19 have implemented packet inspection on the 20 controller of Lin? 21 MR. STAMATOPOULOS: Object to form. 22 THE WITNESS: Again, I haven't 23 actually analyzed Lin, and I haven't provided 24 an opinion regarding Lin in my declaration. 25 But sitting here today looking at your

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Page 74 1 question, Lin teaches away from doing that and 2 has no discussion at all on how it would 3 implement that or any reason and motivation to 4 do so. In fact, security services were very 5 ubiquitously separate from controllers in the 6 day, and Lin just doesn't provide any 7 motivation to combine them. 8 BY MR. BLAKE: 9 Q. What's your evidence for the fact that 10 security systems did not use packet inspection 11 on the controller in the day? 12 A. That's not what I said. 13 Q. What did you say? 14 A. I said security services were widely 15 available as separate entities, separate 16 services, separate chips, separate things that 17 would not be part of the controller. 18 Q. Okay. At that time were there any 19 entities that had security service on a 20 controller? 21 MR. STAMATOPOULOS: Object to the 22 scope and form of the question. 23 THE WITNESS: Again, I haven't 24 created an opinion regarding that. I haven't 25 done any research at the time that would, you	Page 76 1 BY MR. BLAKE: 2 Q. And I'm not even asking about deep 3 packet inspection necessarily. I'm asking you: 4 Prior to the priority date for the '111 patent, 5 were there any network controllers that 6 performed any type of packet inspection? 7 MR. STAMATOPOULOS: Same objections. 8 THE WITNESS: Well, that was with 9 regard to what kind of controller? I'm sorry. 10 I didn't quite catch the question. 11 BY MR. BLAKE: 12 Q. Prior to the priority date for the '111 13 patent, were there any commercially available 14 network controllers that had the capability of 15 implementing packet inspection? 16 A. So my understanding from your question 17 is that you're not asking with regard to 18 software defined networks, you're just asking 19 about controllers -- 20 Q. Correct. 21 A. -- and you're not asking about deep 22 packet inspection, you're just asking about 23 packet inspection -- 24 Q. Correct. 25 A. -- [unintelligible] any router or any
Page 75 1 know, allow me to answer that easily. From 2 what I know today is that security boards were 3 available as separate elements, security 4 services were available as separate elements. 5 I'd have to go back and redo some research to 6 make sure that there were controllers of the 7 type described by the '111 patent, 8 software-defined network controllers that would 9 have a security element. 10 BY MR. BLAKE: 11 Q. Prior to the priority date for the '111 12 patent, were there network controllers that 13 were known that would perform packet 14 inspection? 15 MR. STAMATOPOULOS: Same objections. 16 THE WITNESS: Separate network 17 controllers from the -- I'm sorry. Separate 18 security devices that were separate from the 19 controller did perform packet inspections, deep 20 packet inspection. But as I sit here today, 21 I'd have to go back and look and do some 22 research in order to form an opinion as to 23 whether or not software-defined network 24 controllers included security components that 25 did deep packet inspections.	Page 77 1 switch would have been doing. 2 Q. Were there network controllers available 3 before the priority date for the '111 patent 4 that could perform packet inspection? 5 MR. STAMATOPOULOS: Same objections. 6 THE WITNESS: Again, the term 7 "network controller" as you're using it is 8 fairly broad and could be applied to any wide 9 variety of different network products, you 10 know. It could be applied to a switch. It 11 could be applied to a router. It could be 12 applied to a server. It could be applied to 13 just about anything in the network. So it's a 14 really broad hypothetical question. I would 15 have to say that given that broad service, 16 everything in the entire network world would 17 qualify, which I don't think you're asking. 18 And so I don't have a way of answering that 19 without being able to have a better definition 20 of what you're looking for. 21 BY MR. BLAKE: 22 Q. Did the Swenson reference disclose a 23 network controller? And let me know if you 24 need me to give you a copy of it. 25 A. Yeah, I might need a copy. Give me a

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Page 78 1 second here. Yeah, please give me a copy of 2 the Swenson reference. 3 Q. Sure. 4 (Exhibit Number 6 marked for 5 identification.) 6 BY MR. BLAKE: 7 Q. I'll refer you to Exhibit 6, which is a 8 copy of United States Patent Application 9 Publication Number 2013/0322242, which we've 10 been referring to in this proceeding as the 11 Swenson reference. Feel free to look at 12 whatever part of Swenson you would like. 13 A. There it is. Just showed up. There you 14 go. 15 Q. I would refer you specifically to 16 paragraph 26 of Swenson. 17 A. (Views document.) Okay. I am there. 18 And I see that the Swenson patent has 19 identified a network controller 140, which is a 20 very specific network controller that has 21 certain functionality in Figure 4B. 22 Q. So at least as of the time that Swenson 23 was published as a publication on December 5th 24 of 2013, a person of ordinary skill in the art 25 would have known from looking at Swenson that	Page 80 1 identifies that the flows of interest for 2 further inspection at the network controller 3 could mean just the data about the flows or it 4 could be the flows. 5 Q. It says in this sentence "...identify 6 flows of interest for further inspection at the 7 network controller 140," is that correct? 8 MR. STAMATOPOULOS: Object to form. 9 THE WITNESS: That's what it says. 10 BY MR. BLAKE: 11 Q. When you read it saying that there's 12 further inspection at the network controller, 13 is it your testimony that that does not 14 disclose to you that the flows of interest 15 would be sent to the network controller for 16 inspection? 17 MR. STAMATOPOULOS: Object to form. 18 THE WITNESS: The next sentence 19 says, "Alternatively..." Oh, that's an 20 alternative. So it's not clear from that first 21 sentence. And then, "Alternatively, the 22 network controller interfaces with the steering 23 device to coordinate the monitoring and 24 categorization of network traffic, such as 25 identifying large and small objects in traffic
Page 79 1 you could implement a network controller such 2 that some traffic was routed through it for 3 inspection, is that correct? 4 MR. STAMATOPOULOS: Objection. 5 THE WITNESS: So the Swenson patent, 6 and I'm going to quote here from paragraph 3, 7 "In one embodiment, the steering device 130 8 categorizes traffic routed through it to 9 identify flows of interest for further 10 inspection at the network controller. They're 11 talking about the flows, not the packets, and 12 identify flows of interest. So it's not clear 13 that they're actually sending it up from just 14 the short excerpt here, but definitely 15 identifying the flows of interest for further 16 inspection at the network controller. 17 BY MR. BLAKE: 18 Q. Is it your contention that this sentence 19 that you read from paragraph 26 does not 20 disclose to a person of ordinary skill in the 21 art that flows of interest would be routed to 22 the controller? 23 A. It doesn't -- in this particular 24 sentence -- and I'd have to go read some more. 25 But this particular sentence just simply	Page 81 1 flows." So it's doing an identification and 2 not necessarily -- it doesn't necessarily 3 require transfer of packets. 4 BY MR. BLAKE: 5 Q. So is it your testimony that 6 paragraph 26 is not disclosing that flows of 7 interest are being inspected by the network 8 controller? 9 MR. STAMATOPOULOS: Object to form. 10 THE WITNESS: Well, it's certainly 11 being -- flows of interest are being inspected 12 by the network controller. It's not clear that 13 they're operating on packets or what they're 14 actually operating on. But the flows of 15 interest are being inspected at the network 16 controller. 17 BY MR. BLAKE: 18 Q. But how could a flow of interest be 19 inspected at the network controller if the 20 network controller is not operating on the 21 packets? 22 MR. STAMATOPOULOS: Object to form. 23 THE WITNESS: It says in the next 24 sentence "...the network controller interfaces 25 the steering device 130 to coordinate the

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Page 82 1 monitoring and categorization of network 2 traffic..." It doesn't say that it's routing 3 the traffic. 4 BY MR. BLAKE: 5 Q. If you go down to paragraph 28, the 6 first sentence reads, "In contrast to 7 conventional inline TCP throughput monitoring 8 devices that monitor every single data packets 9 transmitted and received, the network 10 controller 140 is an 'out-of-band' computer 11 server that interfaces with the steering device 12 130 to selectively inspect user flows of 13 interest." 14 Do you see that? 15 A. I do. 16 Q. In that sentence, what do you understand 17 the phrase "out-of-band computer server" to 18 mean? 19 A. "Out-of-band" is only used twice in the 20 specification. It's used in paragraph 19, 21 "Furthermore, the network monitoring can also 22 be performed selectively at the inline level, 23 as well as out-of-band to improve efficiency." 24 The term "out-of-band" is not well defined in 25 the Swenson patent. But from my experience of	Page 84 1 MR. STAMATOPOULOS: Same objections. 2 THE WITNESS: All it's saying is 3 that it interfaces with steering device 130 to 4 selectively inspect user flows of interest. So 5 how it's doing the inspection, it's not 6 specific. Whether it's doing it at 130 or 7 whether it's doing it somewhere else, it's not 8 clear. 9 BY MR. BLAKE: 10 Q. Is it clear that the network controller 11 is what is performing the inspection? 12 MR. STAMATOPOULOS: Same objections. 13 THE WITNESS: It says that, "The 14 network controller 140 is an out-of-band 15 computer server that interfaces with the 16 steering device 130 to selectively inspect user 17 flows of interest." So it's vague. 18 BY MR. BLAKE: 19 Q. Well, if you then go to paragraph 29 of 20 Swenson, Exhibit 6 and read the first sentence, 21 it reads, "As a flow is sent to the network 22 controller 140 for inspection, historical 23 network traffic data stored at the network 24 controller 140 may be searched." 25 Do you see that sentence?
Page 83 1 out-of-band, it typically means that it's done 2 in a way or a channel that doesn't interfere 3 with the normal communications. 4 Q. Could you understand Swenson to be 5 saying that when it compares out-of-band as 6 opposed to an inline communication, that an 7 out-of-band computer server is one that's not 8 inline with the flow of the network traffic? 9 MR. STAMATOPOULOS: Object to scope 10 and form. 11 THE WITNESS: Again, it doesn't give 12 me enough information to know exactly how 13 they're using this term. And I haven't created 14 an opinion on this term. I haven't researched 15 this particular term other than which you're 16 asking me to do right now. But -- so it's 17 really hard to know how this out-of-band would 18 or would not affect the regular flow of 19 traffic. 20 BY MR. BLAKE: 21 Q. As you read the first sentence of 22 paragraph 28 of Swenson, which is Exhibit 6, 23 does it indicate to you that flows of interest 24 are sent to a network controller for 25 inspection?	Page 85 1 A. I do. 2 Q. Does that sentence read in conjunction 3 with paragraphs 26 and 28 tell you as a POSITA 4 that Swenson discloses sending flows of 5 interest to the network controller for 6 inspection? 7 MR. STAMATOPOULOS: Same objections. 8 THE WITNESS: It does say that as a 9 flow is sent to the network controller for 10 inspection. That's what it says. 11 BY MR. BLAKE: 12 Q. And the inspection performed at the 13 network controller 140 could be deep flow 14 inspection, is that correct? 15 A. Deep flow inspection -- one second. The 16 Swenson patent discusses flows extensively. 17 And only in one place does it actually identify 18 a deep flow inspection, and it's not in 19 conjunction with that particular paragraph. 20 Q. So paragraph 59 of Swenson on page 7 of 21 Swenson discloses that the network controller 22 140 can perform a deep flow inspection, is that 23 correct? 24 A. Yes. That's what it says. 25 Q. So reading Swenson as a whole, a person

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Page 86 1 of ordinary skill in the art would understand 2 that packets can be sent to the network 3 controller, which would then perform deep flow 4 inspection, is that correct? 5 A. It says 140 performs a deep flow 6 inspection to determine if the flow is worth 7 bandwidth monitoring and user detection. 8 Q. The network controller 140 that inspects 9 packets -- or flows, excuse me, of interest can 10 perform deep flow inspection on those flows to 11 determine if they are worth bandwidth 12 monitoring and/or user detection, correct? 13 A. Well, it would be the flow analyzer 312 14 of the network controller 140. 15 Q. So then returning to paragraph 52 of 16 your declaration, looking at Figure 6 of Lin, 17 and understanding that Swenson teaches that 18 packets could be routed to a network controller 19 for inspection or flows could be routed to 20 network controller for inspection, is there any 21 technical reason why packets could not have 22 been routed to the SDN controller of Lin for 23 inspection? 24 MR. STAMATOPOULOS: Object to form 25 and scope.	Page 88 1 very different functions. 2 BY MR. BLAKE: 3 Q. Why would it be harder to route packets 4 to an SDN controller than it would be to route 5 flows to a controller? 6 A. Flows are not -- it's not a deep packet 7 inspection, first of all. And I think that's 8 where you're trying to go with this. Flows 9 are -- 10 Q. I didn't say anything about deep packet 11 inspections. Don't make up other questions. 12 Why would it be harder to route packets to a 13 controller than it is to route flows to a 14 controller? 15 MR. STAMATOPOULOS: Object to the 16 form. 17 THE WITNESS: Management of 18 selecting flows versus packets is different. 19 Flows tend to be at the higher level of the OSI 20 stack, protocol stack. And so it's a different 21 management. It's a different way of -- it's a 22 completely different way of routing than 23 packets. I haven't created an opinion on the 24 exact amount of difficulty it would be, but 25 it's clearly different. And a person of
Page 87 1 THE WITNESS: You're saying that -- 2 in Swenson it's routing flows. It's not 3 routing specifically packets. And it doesn't 4 identify how to route packets to a controller. 5 It identifies how to route flows, which are 6 different. In Lin, as we discussed before, Lin 7 teaches away from routing packets to the 8 controller. In fact, it puts the security 9 service as a separate function on the data 10 path. In fact, it says in the middle of the 11 data path as one embodiment. Those are very 12 different things. I don't think you could even 13 combine them properly in order to make these 14 leaps that you're asking me to. 15 BY MR. BLAKE: 16 Q. I'm not asking -- I'm asking you: Is 17 there a technical reason before the priority 18 date for the '111 patent that a POSA could not 19 have routed packets from the SDN switch to Lin 20 to the SDN controller for inspection at the 21 controller? 22 MR. STAMATOPOULOS: Objection. 23 THE WITNESS: Again, Lin teaches 24 away from it. Swenson doesn't show it. 25 Swenson identifies routing flows. Those are	Page 89 1 ordinary skill in the art reading Swenson would 2 be undertaking a different task than someone 3 who is reading Lin. 4 BY MR. BLAKE: 5 Q. Why would a POSA -- strike that. 6 Why would the fact that management of 7 flows is at a different level of the OSI stack 8 than management of packets have been a factor 9 that made it more complicated to send packets 10 to a controller as opposed to routing flows to 11 a controller? 12 A. Again, they're two different ways of -- 13 I should say they're two different -- they're 14 completely different ways of managing 15 information from a control stack, and I haven't 16 analyzed all the complexities. There are many 17 as opposed to -- such as the fact that flows 18 are selected differently than packets. But I'd 19 have to go back and research the -- 20 MR. STAMATOPOULOS: Jeff, I don't 21 mean to interrupt your examination at all, and 22 I'm very mindful of the rules, but we've been 23 going for about an hour and a half. 24 MR. BLAKE: Sure. Why don't we take 25 a break.

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Page 90 1 (Off the record 1:54 to 2:48.) 2 BY MR. BLAKE: 3 Q. Welcome back, Mr. Gomez. Coming back 4 from the lunch break, is there anything about 5 any of your earlier testimony that you need to 6 change or correct? 7 A. No, I don't believe so. 8 Q. Okay. I'd like to go back to a further 9 discussion of Exhibit 5, which is the Lin 10 reference, and in particular talk about columns 11 7 and 8 of Lin. 12 A. Okay. I'm there. 13 Q. And take the time that you need. I want 14 to talk about the embodiments that start in 15 column 7 at line 24 and goes over to column 8, 16 line -- looks like 18. So if you need a moment 17 to review those. Let me know when you've had a 18 chance to finish it, but take your time. 19 A. Okay. 20 Q. Column 7, line 24 begins with the 21 following two sentences, "In one embodiment, 22 bypass flow rules are inserted in the flow 23 tables 621 such that particular packets that do 24 not need to be inspected are not redirected to 25 the security service 630. This embodiment is	Page 92 1 Q. Well, doesn't column 7, line 24 to 27 2 say that "...particular packets that do not 3 need to be inspected are not redirected to the 4 security service 630," is that correct? 5 A. So when I look at this at Lin's 6 embodiment, I see a table with a number of 7 different flow rules that are inserted into it. 8 And each one needs to be addressed explicitly 9 in order for some action to occur. 10 Q. And we can disagree over how many flow 11 rules you see. I see one, you see multiple, 12 that's fine. My question is: If you implement 13 Table 2, is it correct that HTTP packets will 14 be redirected to the security service, and 15 non-HTTP packets are not directed to the 16 security service? 17 A. I see four flow rules, the ingress port 18 ID, egress port ID, and then -- a second one, 19 and then finally a redirect port ID. These are 20 all four different rules, each one has to be -- 21 explicitly -- has to be explicitly addressed 22 before a decision is made. And typically the 23 way these tables work is that they're -- and I 24 believe that's what's going on here if you read 25 at the top of column 8, 10, "In the example of
Page 91 1 explained with reference to example flow tables 2 of Tables 2 and 3." 3 Do you see that? 4 A. I do. 5 Q. Would you agree that Lin is disclosing 6 here an embodiment in which particular packets 7 are redirected to security service 630 and some 8 packets would not be redirected to security 9 service 630? 10 A. So what Lin is disclosing here is that a 11 number of flow rules are inserted into the flow 12 tables such that particular packets that do not 13 need to be inspected are not redirected to the 14 security service 630. But there's a number of 15 them here. 16 Q. So when this number of flow rules is 17 implemented, as you call them, certain packets 18 will be redirected to the security service, but 19 not all packets will be redirected to the 20 security service, is that correct? 21 MR. STAMATOPOULOS: Object to the 22 form. 23 THE WITNESS: It really depends on 24 the flows that are inserted into these tables. 25 BY MR. BLAKE:	Page 93 1 Table 3, the top two rows are redirect flow 2 rules for redirecting HTTP packets to the 3 security service 630 for inspection while the 4 bottom two rows are bypass flow rules for all 5 packets." So there's clearly multiple rules 6 being inserted into these tables. 7 Q. But you didn't answer my question. My 8 question was: If the rules in Table 2 are 9 implemented, is it the case that HTTP packets 10 will be redirected to the security service, and 11 non-HTTP packets will not be redirected to the 12 security service? 13 A. Again, it depends on the type of flow 14 rules that are inserted into the table. And 15 each one is explicitly addressed. 16 Q. Is that what Table 2 says? 17 A. So Table 2 in the text just below it 18 identifies that the first two rows are bypass 19 rules. 20 Q. Okay. 21 A. Two different rules there. But then 22 additionally, other rules can be inserted into 23 the table, which would perform different 24 actions. And, in fact, in my -- let me step 25 back.

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Page 94 1 Q. Maybe I'm saying it backwards. Maybe 2 that's what's confusing you. Let's read the 3 text. In column 7, looking at line 58, it 4 reads, "Accordingly, HTTP packets are not 5 redirected for inspection by the security 6 service 630. Other packets, i.e., non-HTTP 7 packets, are redirected to the security service 8 630 per the redirect flow rules." 9 Do you see that? 10 A. I see that. 11 Q. So do those two sentences indicate that 12 when the example of Table 2 is implemented, 13 HTTP packets are not redirected to the security 14 service, and non-HTTP packets are redirected to 15 the security service? 16 MR. STAMATOPOULOS: Object to form. 17 THE WITNESS: Given that there's 18 multiple rules that are inserted, the text that 19 you just cited is simply identifying that 20 there's multiple rules and it's following 21 through those rules by checking each one from 22 the top to the bottom. 23 BY MR. BLAKE: 24 Q. Do you agree that what is disclosed 25 about Table 2 is that, "HTTP packets are not	Page 96 1 Table 2 in that there's four rules and each one 2 of those rules will be executed, because it 3 falls through as it's described -- we just read 4 from the patent, it says, "In the example of 5 Table 2, the first two rules are bypass rules 6 for bypassing packets coming from or going to a 7 transport control protocol TCP port 80, more 8 specifically, hypertext transfer protocol HTTP 9 packets, i.e., or 80 packets that are received 10 on the ingress port with the ingress port ID, 11 i.e., ingress port 623-1 are forwarded directly 12 to the egress port, i.e., egress port 623-4 13 instead of being redirected to the direct 14 redirect port 623-2 for inspection by the 15 security service 630." 16 Q. Okay. And so that indicates that HTTP 17 packets are not redirected for inspection to 18 the security service, correct? 19 A. Again, Table 2 shows a number of 20 different flows, rules that are inserted into 21 the table. And in this example in reading the 22 text below Table 2, that the redirection would 23 be occurring as instructed by the table. 24 Q. Okay. And that instruction in the table 25 would say that HTTP packets are not redirected
Page 95 1 redirected for inspection by the security 2 service 630"? 3 A. It says just above it -- and, again, 4 this is important to read the whole paragraph. 5 It says just above it, "Because the bypass 6 rules are inserted into the flow Table 621 with 7 higher priority than the redirect flow rules, 8 the bypass flow rules are followed by the SDN 9 switch 620 before the redirect flows." So 10 there's -- clearly it's stepping through the 11 table in order to understand what are the 12 instructions within that table. 13 Q. So you were incorrect to say that all 14 four rules have to be implemented because 15 there's a hierarchy to them, correct? 16 A. No. I think I'm correct, because it 17 evaluates each and every one of those rules. 18 In this case there's four of them. There could 19 be more. There could be quite a few more 20 rules, or there could be less. 21 Q. If an HTTP packet is received at the 22 ingress port with a TCP destination port of 80, 23 does Table 2 say that that packet is then 24 forwarded to the egress port? 25 A. So for the given configuration of	Page 97 1 to the security service, is that correct? 2 A. I think I just read it directly from the 3 patent. The important thing is that the 4 Table 2 is configureable. The rules -- this 5 shows four rules here. There could be more. 6 It really depends on what's configured in the 7 table. But for this particular example, 8 Table 2, the text below it describes what it 9 does. 10 Q. Well, we're going to stay here until you 11 answer my question. Does Table 2, when it's 12 implemented, does the patent say that HTTP 13 packets are not redirected to the security 14 service in this embodiment? 15 MR. STAMATOPOULOS: Object to the 16 form. 17 THE WITNESS: It says, "HTTP packets 18 that are received in the ingress port with the 19 ingress port ID 623-1 are forwarded directly to 20 the egress port instead of being redirected to 21 the redirect port for inspection by the 22 security service." 23 BY MR. BLAKE: 24 Q. And do you understand that to mean that 25 HTTP packets are not redirected for inspection

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Page 98 1 by the security service 630? 2 A. I understand that to mean that the table 3 is configured with several different flow 4 rules, and that that would be one of them. 5 Q. Okay. And do you agree with the 6 statement in column 7, lines 59 to 61 that, 7 "Other packets, i.e., non-HTTP packets are 8 redirected to the security service per the 9 redirect flow rules"? 10 A. Again, other rules within this table, 11 and if we start at the top of the paragraph, 12 "In the example of Table 2, the bottom two rows 13 are redirect flow rules for forming the SDN 14 pipe between the sender component and the 15 security service." And then it goes on to get 16 to the point where you just quoted that, "Other 17 packets, i.e., non-HTTP packets, are redirected 18 to the security service 630 per the redirect 19 flow rules." And, again, it's a different rule 20 that's being utilized in order to carry out the 21 functions of this table. 22 Q. So do you agree that the discussion of 23 Table 2 shown in column 7, line 30 through 63 24 of Lin discloses an embodiment in which some 25 packets are redirected to the security service	Page 100 1 multiple flow rules for redirecting HTTP 2 packets to the security service for inspection 3 while the bottom two flow rules, again, 4 different criterion being used here are bypass 5 flow rules for all packets. So there's 6 multiple different rules, each one is being 7 explicitly evaluated in how to route the 8 packets. 9 Q. Column 8, lines 10 through 13 of Lin 10 reads, "In the example of Table 3, the top two 11 rows are redirect flow rules for redirecting 12 HTTP packets to the security service for 13 inspection, while the bottom two rows are 14 bypass flow rules for all packets." Do you 15 agree with that sentence? 16 A. I agree that there are multiple 17 different flow rules, and each one of them 18 explicitly identifies the method on which to 19 route the packets. 20 Q. Column 8, lines 10 through 13 read, "In 21 the example of Table 3, the top two rows are 22 redirect flow rules for redirecting HTTP 23 packets to security service 630 for inspection, 24 while the bottom two rows are bypass flow rules 25 for all packets."
Page 99 1 and some packets are not? 2 A. Again, those packets would be redirected 3 according to the instructions, each and every 4 one of the instructions as explicitly stated in 5 Table 2. 6 Q. And do you agree that in discussing 7 Table 3 at the bottom of column 7, top of 8 column 8 of Lin that there's an embodiment in 9 which some packets are directed to the security 10 service 630 and some packets are not? 11 A. Again, Table 3 has a number of flow 12 rules, four of them again, each one is 13 explicitly instructed as to how to route the 14 flows. 15 Q. And do you agree that in the 16 implementation of those flow rules as are shown 17 on Table 3 and the surrounding text in Lin, 18 that when implemented, some packets will be 19 redirected to the security service 630 and some 20 packets will not be redirected to the security 21 service 630? 22 A. So Table 3 -- in the example, Table 3, 23 which is exactly what the patent says in the 24 example of Table 3, the top two rows are 25 redirect flow rules. So, again, we have	Page 101 1 Do you agree with the entirety of that 2 sentence? 3 A. Yes. I agree that it's showing that 4 there's different criterion being used for each 5 one of those flow rules to be evaluated -- that 6 each one of those flow rules provides. 7 Q. And a different criterion would result 8 in HTTP packets being redirected to the 9 security service and other packets not being 10 redirected to the security service, correct? 11 A. Different flow rules executed explicitly 12 would route to packets in different directions 13 because they have different criterion for those 14 packets. 15 Q. Do you agree with the sentence in column 16 8, lines 10 through 13 stating that, "The top 17 two rows are redirect flow rules for 18 redirecting HTTP packets to the security 19 service 630 for inspection." 20 A. So the top two rows have -- that's 21 only -- that's two rules out of the four, but 22 that's what it says, yes. 23 Q. And do you agree in column 8, lines 16 24 and 17 that, "All other packets bypass the SDN 25 pipe and are accordingly not inspected by the

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Page 102 1 security service 630." 2 A. It's because they have different 3 criterion that are being evaluated for routing 4 them in a different direction. 5 Q. But do you agree with that sentence? 6 A. It is what the sentence says. 7 Q. Okay. Do you agree that that's how this 8 embodiment is implemented? 9 A. It shows it's an example embodiment. 10 Q. If we go back to your declaration. I'll 11 pull it back up on the screen. It's Exhibit 4 12 to the deposition. I'd like to go to page 28, 13 paragraph 60. 14 A. Of my declaration? 15 Q. Correct. 16 A. Paragraph 60. 17 Q. Yes. Let me know when you've had an 18 opportunity to review it. 19 A. Okay. 20 Q. The first sentence of paragraph 60 of 21 your declaration reads, "On the other hand, 22 deep flow inspection is a less well-known 23 technique that - in general - refers to a type 24 of network monitoring focused on the flow of 25 data within the network rather than the	Page 104 1 Q. And I actually want to ask about a 2 sentence that wraps over to the next page or 3 that's on the next page, but I wanted to point 4 you to the beginning of paragraph 72. So if 5 you would let me know when you've gotten down 6 to page 35, the second half of paragraph 72. 7 A. I'm there. 8 Q. There's a sentence that reads, "This 9 disclosure however refers to directing HTTP 10 messages - which can consist of numerous 11 packets - to the controller for analysis of 12 that message, rather than deep inspection of 13 any individual packet." Do you see that? 14 A. I do. 15 Q. You referred to HTTP messages as 16 possibly consisting of numerous packets. 17 Do you see that? 18 A. I do. 19 Q. As a person of ordinary skill in the 20 art, can an HTTP message consist of a single 21 packet? 22 A. I would have to go back and look at 23 that. HTTP messages do not deal with packets. 24 Packets are the underlying technology and 25 several layers down below the OS -- in the OSI
Page 103 1 inspection of individual packets." 2 Do you see that? 3 A. I do. 4 Q. What evidence do you have that deep flow 5 inspection was "...a less well-known technique" 6 before the priority date for the '111 patent? 7 A. From my experience, packet analysis was 8 critical for security products as well as for 9 things like testing, whereas deep flow 10 inspection was a set of techniques that came 11 about as bandwidth issues became more critical. 12 And it's been my experience that I've had much 13 more involvement with deep packet inspection 14 and deep flow inspection was something that 15 wasn't as widely known. 16 Q. Okay. So you're relying on your 17 experience for that statement? 18 A. And thinking about all of the colleagues 19 I've worked with and their -- and what I know 20 about their knowledge to the extent that I know 21 about their knowledge just through working with 22 them. 23 Q. If we go to paragraph 72 of your 24 declaration on page 34. 25 A. Okay. I'm there.	Page 105 1 stack, I think -- I haven't created a -- added 2 an opinion in my declaration regarding that, 3 but, you know, some packets can be quite large, 4 yet there were several different specifications 5 that were released regarding sizes of packets. 6 And so I would have to go back and review that. 7 Q. I'm going to introduce a new exhibit. 8 (Exhibit Number 7 marked for 9 identification.) 10 BY MR. BLAKE: 11 Q. This will be Exhibit 7. It is an 12 article from Sciencedirect.com entitled DPI and 13 DFI: A Malicious Behavior Detection Method 14 Combining Deep Packet Inspection and Deep Flow 15 Inspection. This was entered into the record 16 as IPR Exhibit Number 2027 and is Exhibit 7 for 17 purposes of this deposition. I would ask you 18 to take a look at it and tell me if you 19 recognize it? 20 A. (Views document.) I recognize it. 21 Q. Is it an exhibit that you cited in 22 support of your declaration? 23 A. I don't think I actually cited it. 24 Q. Did you review it when preparing your 25 declaration?

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Page 106 1 A. I did. 2 Q. Okay. If we go to the second page of 3 the pdf there's a Section 2 entitled The 4 Proposed Method. Let me know when you get 5 there. 6 A. I'm there. 7 Q. What's disclosed in this article as the 8 proposed method? 9 MR. STAMATOPOULOS: Objection, 10 scope. 11 THE WITNESS: Well, I haven't cited 12 this paper in my declaration, and I haven't 13 created any opinions regarding this. But what 14 I see in the paper is that it says, "A 15 malicious behavior detection method namely DPI 16 and DFI is proposed, which combines the 17 fine-grain DPI with the course-grain DFI and an 18 outlier data mining analysis is conducted to 19 overcome the false positives of DPI." 20 BY MR. BLAKE: 21 Q. If you go to the second page of this 22 pdf, which is Exhibit 7, at the bottom there's 23 a reference to Phase III Feedback. 24 Do you see that? 25 A. Yes, I see Phase III Feedback.	Page 108 1 payloads is dependent on what the -- what's 2 being sought. And DFI is looking at traffic 3 analysis, again other information that's being 4 sought. The author of this paper obviously 5 felt that there was some overlap between them 6 or at least overlap with the information that 7 they were trying to extract and was making a 8 comparison of that information. 9 Q. We have this Exhibit 2027. Are there 10 any other pieces of literature that you 11 reviewed in the course of preparing your 12 declaration that you didn't ultimately rely 13 upon or cite in your declaration? 14 A. We looked at a large amount of 15 information for all of the patents under -- 16 that are being investigated. I would have to 17 go back and do a review of them. I don't 18 recall at this point. 19 Q. Okay. In approximately how many IPR 20 proceedings have you provided testimony? 21 A. Again, I haven't outlined or researched 22 the number. It may be in excess of ten, 23 thereabouts. 24 Q. Have you been deposed in all of them? 25 A. No.
Page 107 1 Q. And it reads, "When an encrypted traffic 2 in an unknown protocol is resolved, the 3 detection results of DFI is the final result. 4 Otherwise, a comparison is made for DFI and DPI 5 detection." 6 Do you see that? 7 A. I do see it. 8 Q. What do you understand as to how you 9 were able to compare DFI and DPI detection as 10 stated in Exhibit 2027? 11 A. Again, I haven't created any opinions 12 with regard to this document. And I'd have to 13 read the whole document to really understand 14 what they mean by that. Obviously they're 15 looking for -- they're taking the analysis 16 performed by DFI and DPI and making a 17 comparison. 18 Q. But without reading the entire article 19 you don't know what that comparison is, is that 20 correct? 21 A. DPI and DFI can produce different pieces 22 of information depending on what the 23 implementer is looking for. For example, DPI, 24 deep packet inspection, looks at payloads. 25 Specifically what they're looking for in the	Page 109 1 Q. In any IPR proceedings have you provided 2 testimony on behalf of the patent owner that 3 the claims of a patent are patentable? 4 A. Well, in -- 5 Q. Excuse me. Strike that. I meant to ask 6 that another way. Have you provided any 7 testimony on behalf of a petitioner that the 8 claims of a patent are unpatentable? 9 A. I would have to go back and look. I 10 don't recall off the top of my head. 11 MR. BLAKE: I have no further 12 questions. 13 MR. STAMATOPOULOS: Let me take a 14 couple minutes. We can go off the record. 15 (Off the record 3:34 to 3:44.) 16 EXAMINATION 17 BY MR. STAMATOPOULOS: 18 Q. Hi, Mr. Gomez. So do you remember when 19 counsel asked you if you provided testimony in 20 IPRs before? 21 A. Yes. 22 Q. Fair to say that you have provided 23 opinions for Orckit Corporation in four IPRs to 24 date? 25 A. To date, correct.

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Page 110 1 Q. All right. And as to the remainder of 2 any IPRs in which you were involved, would that 3 information be obtainable from your résumé? 4 A. All but the one that isn't on there 5 currently. And I would have to check with 6 those counsel to ensure that I can disclose 7 further details. 8 Q. And do you remember offhand without 9 looking at your résumé how many IPRs you've 10 provided testimony in? 11 A. So the question -- when I answered the 12 question I was thinking of each individual 13 matter. But I've only been engaged I think by 14 three different clients, law firms and clients. 15 Q. I believe you testified that you have 16 provided opinions or worked on ten IPRs prior 17 to your engagement by Orckit Corporation. Do I 18 recall that correctly? 19 A. Well, I should correct that then. It's 20 ten IPRs in total including Orckit. So prior 21 to Orckit was just one. 22 Q. And since then? 23 A. There's another one that's running 24 concurrently with Orckit. 25 Q. Are those reflected in your résumé?	Page 112 1 REPORTER'S CERTIFICATE 2 STATE OF MINNESOTA) 3) ss. 4 COUNTY OF HENNEPIN) 5 I hereby certify that I reported the remote 6 deposition of Miguel Gomez on March 21, 2024, from 7 Maple Grove, Minnesota, and that the witness was 8 by me first duly sworn to tell the whole truth; 9 That the testimony was transcribed by me 10 and is a true record of the testimony of the 11 witness; 12 That the cost of the original has been 13 charged to the party who noticed the deposition, 14 and that all parties who ordered copies have been 15 charged at the same rate for such copies; 16 That I am not a relative or employee or 17 attorney or counsel of any of the parties, or a 18 relative or employee of such attorney or counsel; 19 That I am not financially interested in the 20 action and have no contract with the parties, 21 attorneys, or persons with an interest in the 22 action that affects or has a substantial tendency 23 to affect my impartiality; 24 That the right to read and sign the 25 deposition transcript by the witness was not waived. WITNESS MY HAND AND SEAL THIS 4th day of April, 2024.  Dana Anderson Notary Public, Hennepin County, MN My commission expires 1/31/2025
Page 111 1 A. No. Those are the ones that are 2 missing. 3 MR. STAMATOPOULOS: No further 4 questions. Thank you. 5 MR. BLAKE: Thank you for your time, 6 Mr. Gomez. 7 THE WITNESS: Thank you very much. 8 (Deposition concluded at 3:47 p.m.) 9 ***** 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 113 1 Veritext Legal Solutions 2 1100 Superior Ave 3 Suite 1820 4 Cleveland, Ohio 44114 5 Phone: 216-523-1313 6 April 4, 2024 7 To: Mr. Stamatopoulos 8 Case Name: Cisco Systems, Inc. v. Orckit Corporation 9 Veritext Reference Number: 6594593 10 Witness: Miguel Gomez Deposition Date: 3/21/2024 11 Dear Sir/Madam: 12 Enclosed please find a deposition transcript. Please have the witness 13 review the transcript and note any changes or corrections on the 14 included errata sheet, indicating the page, line number, change, and 15 the reason for the change. Have the witness' signature notarized and 16 forward the completed page(s) back to us at the Production address 17 shown 18 above, or email to production-midwest@veritext.com. 19 If the errata is not returned within thirty days of your receipt of 20 this letter, the reading and signing will be deemed waived. 21 Sincerely, 22 Production Department 23 24 25 NO NOTARY REQUIRED IN CA

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Page 114 1 DEPOSITION REVIEW 2 CERTIFICATION OF WITNESS 3 ASSIGNMENT REFERENCE NO: 6594593 4 CASE NAME: Cisco Systems, Inc. v. Orckit Corporation 5 DATE OF DEPOSITION: 3/21/2024 6 WITNESS' NAME: Miguel Gomez 7 In accordance with the Rules of Civil 8 Procedure, I have read the entire transcript of 9 my testimony or it has been read to me. 10 I have made no changes to the testimony 11 as transcribed by the court reporter. 12 _____ 13 Date Miguel Gomez 14 Sworn to and subscribed before me, a 15 Notary Public in and for the State and County, 16 the referenced witness did personally appear 17 and acknowledge that: 18 They have read the transcript; 19 They signed the foregoing Sworn 20 Statement; and 21 Their execution of this Statement is of 22 their free act and deed. 23 I have affixed my name and official seal 24 this _____ day of _____, 20____. 25 _____ 26 Notary Public 27 _____ 28 Commission Expiration Date

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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