

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARISTA NETWORKS, INC.,

Petitioner,

V.

CORRIGENT CORPORATION,

Patent Owner.

IPR2023-00839

Patent No. 9,118,602

PATENT OWNER'S DEPOSITION OF:

PHIL MIN, PhD

Friday, February 23, 2024

9:03 a.m. through 11:36 a.m.

Madonna M. Farrell, RPR

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1	VIDEOGRAPHER: We are now on the 08:31:00	1	testified as follows: 09:03:44
2	record. This begins Video Number 1 in the 08:31:01	2	EXAMINATION 09:03:44
3	deposition of Paul S. Min, in the matter of 08:31:06	3	BY MR. HOLT: 09:03:56
4	Arista Networks, Inc. v. Corrigent 08:31:11	4	Q. Good morning, Dr. Min. Can you please -- 09:03:56
5	Corporation. Today is Friday, February 23, 08:31:13	5	A. Good morning. 09:04:01
6	2024, and the time is 9:03 a.m.	6	Q. -- state your name for the record, please? 09:04:03
7	The videographer for today's deposition 09:03:03	7	A. My name is Paul S. Min. 09:04:05
8	is Christopher Dinya of Magna Legal 09:03:04	8	Q. And you've been deposed before, Dr. Min; is 09:04:09
9	Services. Our court reporter is Madonna 09:03:07	9	that right? 09:04:13
10	Farrell. 09:03:09	10	A. Yes. 09:04:13
11	Will counsel and all parties present 09:03:09	11	Q. Even though you've been deposed before, I 09:04:16
12	please state their appearance and whom they 09:03:12	12	still want to cover some basic ground rules so that 09:04:19
13	represent for the record. 09:03:14	13	we're on the same page today, especially in view of 09:04:22
14	MR. HOLT: This is Benjamin Holt with 09:03:16	14	the fact that this deposition is remote, okay? 09:04:25
15	Steptoe LLP on behalf of patent owner 09:03:20	15	A. Yes. 09:04:28
16	Corrigent Corporation. 09:03:24	16	Q. First, please let me know if at any point 09:04:29
17	MS. BURGESS: And this is Katherine 09:03:26	17	you need a break, and I will take a break as soon 09:04:32
18	Burgess of Baker Botts on behalf of 09:03:29	18	as possible, based on where we are in the 09:04:35
19	petitioner Arista Networks. With me is also 09:03:33	19	particular line of questioning, okay? 09:04:38
20	Eliot Williams and Amara Osisioma also of 09:03:35	20	A. Okay. 09:04:42
21	Baker Botts. 09:03:39	21	Q. The court reporter is here to record what we 09:04:42
22	VIDEOGRAPHER: And if that is everyone, 09:03:39	22	are saying, so please answer each question with a 09:04:48
23	will the court reporter please swear in the 09:03:41	23	clear, verbal response, okay? 09:04:52
24	witness. 09:03:44	24	A. Okay. 09:04:55
25	PHIL MIN, PhD, being first duly sworn, 09:03:44	25	Q. You are entitled to fair and clear 09:04:56

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1 questions. If you do not understand one of my 09:05:01 2 questions today, for any reason, please say so, and 09:05:05 3 I can repeat the question or, if need be, I'll do 09:05:07 4 my best to rephrase it, okay? 09:05:12 5 A. Okay. 09:05:15 6 Q. Your attorney may make objections, even if 09:05:15 7 she does, you'll still be obligated to answer the 09:05:21 8 question unless your attorney specifically 09:05:25 9 instructs you not to answer the question, okay? 09:05:28 10 A. Okay. 09:05:31 11 Q. Do you understand that your testimony will 09:05:31 12 be under oath and that you must answer truthfully? 09:05:38 13 A. I do. 09:05:42 14 Q. And is there any reason why you cannot 09:05:43 15 testify truthfully or accurately today? 09:05:47 16 A. Not that I can think of, no. 09:05:51 17 Q. Because this deposition is remote, I want to 09:05:57 18 ask, did you bring any documents to the deposition 09:06:00 19 with you? 09:06:02 20 A. Yes, I did. 09:06:03 21 Q. And what documents are those? 09:06:04 22 A. I have fresh printed copies of the '602 09:06:06 23 patent, my report -- I'm sorry, my declaration, and 09:06:15 24 three main prior references, RFC 3209, Raz 09:06:20 25 reference, Ferguson reference, and I have a binder 09:06:28	1 full of exhibits that I submitted together. These 09:06:35 2 are the exhibits to my report. 09:06:41 3 And in addition, I have a clean copy of 09:06:45 4 Patent Owner's Preliminary Response to Petition for 09:06:51 5 Inter Partes Review of U.S. Patent Number 9,118,602 09:07:00 6 and Decision Granting This Petition of Inter Partes 09:07:03 7 Review of U.S. Patent 9,118,602. 09:07:08 8 Q. Do any of the documents that you just 09:07:16 9 mentioned have any markings on them? 09:07:20 10 A. No. 09:07:22 11 Q. No handwritten notes or anything? 09:07:23 12 A. No. They are fresh copies. 09:07:26 13 Q. Do you have any other documents with you, 09:07:30 14 other than the ones you just mentioned? 09:07:33 15 A. Not in terms of a printed copy, no. 09:07:37 16 Q. And I assume you're on a computer or tablet; 09:07:44 17 is that right? 09:07:49 18 A. Yes, my personal PC. 09:07:49 19 Q. Okay. And do you have any other tabs open 09:07:51 20 on the -- on the PC? 09:07:55 21 A. Other than two browsers, one for Zoom and 09:07:58 22 one for that -- where the exhibits are going to be 09:08:06 23 routed, there's nothing else opened. 09:08:12 24 Q. Okay. I ask that during the deposition 09:08:15 25 today, you should not have any miscellaneous tabs 09:08:18
Page 8	Page 9
1 open, okay? 09:08:23 2 A. Okay. 09:08:23 3 (DFT. EXH. 1004, Curriculum Vitae, was 09:08:23 4 marked for identification.) 09:08:23 5 BY MR. HOLT: 09:08:26 6 Q. Dr. Min, in the exhibit sharing Egnyte tool, 09:08:26 7 I've uploaded to the shared folder a document that 09:09:08 8 has previously been marked as Exhibit 1004 in this 09:09:14 9 IPR proceeding, which is your CV that petitioner 09:09:18 10 filed in this IPR; is that correct? 09:09:22 11 A. Yes. I'll try to get -- I'm downloading the 09:09:24 12 file. One second, please. 09:09:39 13 Q. Yes, just let me know when you have access 09:09:55 14 to it. 09:09:57 15 A. Yes. One second. 09:09:58 16 Yes, I have opened it. 09:10:03 17 Q. And do you recognize this as your CV that 09:10:07 18 was submitted as Exhibit 1004 in this IPR? 09:10:13 19 A. I do. 09:10:18 20 Q. Have there been any updates to your CV since 09:10:18 21 this version was filed? 09:10:24 22 A. You know, I have recently completed a 09:10:27 23 testimony in one of a district court case, so I 09:10:32 24 probably have updated that, the status of that 09:10:38 25 particular case, so there may be like a small 09:10:40	1 update like that, but not anything major. 09:10:48 2 Q. Which case was that? 09:10:51 3 A. It was a case I can point to you. Just 09:10:55 4 going down my CV. Yes, on Page 12 of my CV at the 09:11:01 5 bottom, there's a list of testimony provided. At 09:11:15 6 the top is the case between Sable Networks v 09:11:21 7 CloudFlare. That case was just concluded after my 09:11:33 8 testimony in January, this 2024. 09:11:36 9 (DFT. EXH. 1003, Declaration of Phil 09:11:36 10 Min, PhD, was marked for 09:11:36 11 identification.) 09:11:36 12 BY MR. HOLT: 09:11:40 13 Q. Okay. Dr. Min, if you will go back to the 09:11:40 14 exhibit folder, you'll see that I've now uploaded a 09:12:04 15 document that has previously been marked as 09:12:09 16 Exhibit 1003 in this proceeding, which is your 09:12:13 17 declaration in this IPR, signed on April 18, 2023. 09:12:19 18 Do you see that? 09:12:19 19 A. Yes. I've just got it downloaded, and I can 09:12:31 20 see the document. 09:12:36 21 Q. And this is the -- this is your declaration? 09:12:37 22 A. Yes, that's correct. 09:12:42 23 Q. During this deposition, when I refer to 09:12:44 24 "your declaration," I'm referring to this case, 09:12:49 25 okay? 09:12:49

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1	A. Yes.	09:12:55	1	A. Yes.	09:15:05
2	Q. Dr. Min, who wrote your declaration?	09:12:57	2	Q. And you rely on Raz for the claimed LAG,	09:15:07
3	A. I'm sorry?	09:13:01	3	correct?	09:15:15
4	Q. Who wrote your declaration?	09:13:02	4	MS. BURGESS: Objection to form.	09:15:15
5	A. It was a joint effort to -- I did some	09:13:05	5	THE DEPONENT: I mean, it is one of our	09:15:16
6	drafting, and I asked for some drafting from	09:13:13	6	recited claim element, but Raz has other	09:15:22
7	attorneys as well. And that is after we had a	09:13:16	7	disclosures as well.	09:15:27
8	number of extensive discussions with regard to my	09:13:19	8	BY MR. HOLT:	09:15:29
9	opinion based on the two grounds that are	09:13:26	9	Q. For the claimed LAG, you rely on Raz's	09:15:30
10	incorporated in my report.	09:13:30	10	teachings, not RFC 3209 for disclosing the LAG,	09:15:37
11	So upon the discussion after forming my	09:13:32	11	correct?	09:15:46
12	opinion, I asked for some drafting from the Baker	09:13:36	12	MS. BURGESS: Objection to form.	09:15:46
13	Botts' attorneys, and I did some drafting myself as	09:13:44	13	THE DEPONENT: I just look at my --	09:15:50
14	well.	09:13:48	14	just quickly take a look in my report.	09:15:54
15	Q. About how much time did you spend reviewing	09:13:48	15	BY MR. HOLT:	09:16:15
16	the evidence cited in your declaration?	09:13:57	16	Q. Well, let's go to Paragraph 88 of your	09:16:16
17	A. I'm just going to have to guess on that	09:14:02	17	declaration.	09:16:18
18	question. Probably, including some drafting, a	09:14:05	18	A. Okay. I'm there.	09:16:25
19	hundred hours or so.	09:14:13	19	Q. In Paragraph 88 you state, "Raz discloses	09:16:26
20	Q. You mentioned that there are two grounds	09:14:16	20	several techniques that a POSITA would recognize to	09:16:37
21	addressed by your declaration, correct?	09:14:34	21	improve RFC 3209's MPLS network framework. First,	09:16:45
22	A. That's correct.	09:14:38	22	Raz teaches that an LSP may be set up to pass	09:16:47
23	Q. Grounds -- both of those grounds, Grounds 1	09:14:40	23	through an aggregated set of links (example, a	09:16:52
24	and 2 both include primary reference RFC 3209 and	09:14:53	24	LAG)."	09:16:55
25	secondary reference Raz; is that correct?	09:15:02	25	So this says that the LAG is taught by Raz,	09:16:56
Page 12			Page 13		
1	correct?	09:17:01	1	A. Not here in Paragraph 89, no.	09:18:25
2	A. A LAG, yes, taught by Raz, that's correct.	09:17:01	2	Q. Let's go to Paragraph 98, if you could let	09:18:30
3	Q. It doesn't say that the LAG is taught by	09:17:06	3	me know when you're there.	09:18:35
4	RFC 3209 here, correct?	09:17:10	4	A. 98?	09:18:41
5	A. Not here, no.	09:17:12	5	Q. Correct.	09:18:43
6	Q. Let's go to Paragraph 89 in the last	09:17:15	6	A. Okay.	09:19:14
7	sentence. If you could let me know when you're	09:17:23	7	Q. So the last sentence of Paragraph 98 says,	09:19:15
8	there.	09:17:37	8	"Thus, a POSITA would have understood that Raz	09:19:18
9	A. I'm there.	09:17:38	9	discloses and suggests Ethernet subports in an	09:19:21
10	Q. Okay.	09:17:39	10	Ethernet LAG"; is that right?	09:19:26
11	A. I'm reading the paragraph.	09:17:40	11	A. Yes.	09:19:28
12	Q. So the last sentence of Paragraph 89 says,	09:17:41	12	Q. So here, again, this says that the LAG is	09:19:29
13	"It would have been obvious to a POSITA for the	09:17:46	13	taught by Raz, not RFC 3209, correct?	09:19:32
14	outgoing interface of the LSR - which connects the	09:17:51	14	MS. BURGESS: Objection to form.	09:19:35
15	LSR to another LSR - as rendered obvious by	09:17:56	15	THE DEPONENT: What it says here is Raz	09:19:37
16	RFC 3209 would be a subport of a LAG, (i.e.,	09:17:59	16	teaches Ethernet -- a subport in an Ethernet	09:19:42
17	claimed single tunnel port of a LAG" as taught by	09:18:04	17	LAG, that's what he says.	09:19:45
18	Raz.	09:18:09	18	BY MR. HOLT:	09:19:47
19	Do you see that?	09:18:11	19	Q. Right. So this just says that the LAG is	09:19:48
20	A. I do.	09:18:11	20	taught by Raz, correct?	09:19:51
21	Q. So here this is saying that the LAG is	09:18:12	21	A. That's what he says in this paragraph.	09:19:52
22	"taught by Raz," correct?	09:18:17	22	Q. Let's go to Paragraph 110.	09:19:56
23	A. Yes, it does.	09:18:18	23	Are you with me at Paragraph 110, Dr. Min?	09:21:04
24	Q. And it doesn't say that the LAG is taught by	09:18:19	24	A. Yes.	09:21:07
25	RFC 3209, correct?	09:18:24	25	Q. Okay. So looking at the last sentence of	09:21:08

Page 14			Page 15		
1	Paragraph 110 says, "The bandwidth allocation to	09:21:12	1	Q. So my question is a little bit more	09:24:08
2	subports of a LAG as taught by Raz would be used	09:21:20	2	specific. I'm looking at just the first sentence	09:24:10
3	with the teachings of RFC 3209."	09:21:25	3	of Paragraph 121 where it says, "As I discussed	09:24:13
4	Do you see that?	09:21:32	4	above for Element 1.2, Raz discloses dedicating a	09:24:18
5	A. I do.	09:21:32	5	subset of bits and MPLS label (i.e., a data packet	09:24:23
6	Q. So this says that the LAG is taught by Raz,	09:21:32	6	label) to encode the serial number of a physical	09:24:30
7	correct?	09:21:39	7	subport of the LAG into the label."	09:24:33
8	A. For sure it is stating bandwidth allocation	09:21:39	8	This sentence is referring to just the	09:24:36
9	to subport over a LAG is taught by Raz.	09:21:46	9	disclosure of Raz and not RFC 3209, correct?	09:24:40
10	Q. Right. So this is saying that the LAG is	09:21:52	10	A. Yes, this sentence that you just read is	09:24:46
11	taught by Raz, correct?	09:21:55	11	what Raz discloses.	09:24:50
12	A. I'm -- just to be sure, the exact disclosure	09:21:57	12	Q. Let's go down to Paragraph 130.	09:24:52
13	or statement here is "bandwidth allocation to	09:22:04	13	A. Okay.	09:25:48
14	subports of a LAG is taught by Raz."	09:22:08	14	Q. This sentence refers to Raz's LAG subport	09:25:58
15	Q. So this doesn't say that the LAG is taught	09:22:14	15	assignment disclosure in the second to last line on	09:26:02
16	by RFC 3209, correct?	09:22:18	16	Page 92.	09:26:10
17	A. Not in this sentence, no.	09:22:22	17	Do you see that?	09:26:11
18	Q. Let's go to Paragraph 121. If you could let	09:22:32	18	A. I'm sorry, maybe I'm looking at a wrong	09:26:15
19	me know when you're there.	09:22:38	19	paragraph.	09:26:18
20	A. Okay.	09:22:40	20	Did you say 130, 1-3-0?	09:26:19
21	Q. The first sentence of Paragraph 121 refers	09:23:21	21	Q. Yes. So -- yes, I'll clarify.	09:26:22
22	to what Raz discloses, correct?	09:23:29	22	So in Paragraph 130, the last full sentence	09:26:24
23	A. In Paragraph 121, I am discussing how Raz	09:23:33	23	on Page 92 starts about five lines up from the	09:26:37
24	can work together with RFC 3209 to satisfy the same	09:23:54	24	bottom on Page 92.	09:26:43
25	Element 1.2.	09:24:04	25	Do you see that?	09:26:45

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1	A. To be clear, are you referring to the	09:26:48	1	A. What it says in this says -- part of the	09:28:21
2	sentence that's starting with the particular	09:26:50	2	sentence that you just read is describing Raz	09:28:24
3	assignment of a subport of a LAG?	09:26:53	3	teaches LAG subport assignment.	09:28:28
4	Q. Yes.	09:26:56	4	Q. This doesn't say that RFC 3209 teaches a	09:28:33
5	A. Okay. Right, I got you.	09:26:56	5	LAG, correct?	09:28:42
6	Q. Okay. It says you noted the -- that	09:27:02	6	A. This sentence does not talk about that	09:28:44
7	sentence refers to the particular assignment of the	09:27:04	7	aspect, no.	09:28:49
8	subport of a LAG. And the subports are taught in	09:27:08	8	COURT REPORTER: I'm sorry, but can we	09:29:10
9	Raz, not RFC 3209, correct?	09:27:17	9	go off the record? I'm having a technical	09:29:12
10	MS. BURGESS: Object to form.	09:27:20	10	issue.	09:29:14
11	THE DEPONENT: What it says in this	09:27:23	11	MR. HOLT: Yes, that's fine.	09:29:15
12	particular sentence is that the particular	09:27:25	12	COURT REPORTER: Thank you.	09:29:17
13	assignment of a subport to a LAG is taught	09:27:28	13	VIDEOGRAPHER: The time is now 9:30	09:29:17
14	by Raz. It doesn't say anything else. It	09:27:31	14	a.m., and we are off the record.	09:29:20
15	just -- it doesn't say anything about	09:27:34	15	(A recess transpired from 9:30 a.m.	09:29:20
16	RFC 3209.	09:27:37	16	through through 9:45 a.m.)	09:38:09
17	BY MR. HOLT:	09:27:45	17	VIDEOGRAPHER: The time is now	09:44:51
18	Q. In the second line from the bottom on that	09:27:46	18	9:45 a.m., and we are back on the record.	09:44:54
19	page in that same sentence, there's a reference to	09:27:49	19	COURT REPORTER: Is the realtime	09:44:57
20	Raz's LAG subport assignment disclosure.	09:27:55	20	working?	09:45:05
21	A. Yeah, I see it.	09:28:02	21	MR. HOLT: I had to restart it, but	09:45:15
22	Q. Do you see that?	09:28:03	22	it's working now.	09:45:19
23	A. Yeah.	09:28:05	23	MS. BURGESS: For me as well. Thank	09:45:20
24	Q. So that statement there says that the LAG is	09:28:06	24	you.	09:45:20
25	taught by Raz, correct?	09:28:16	25	BY MR. HOLT:	09:45:20

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1 Q. Dr. Min, we just looked at several different 09:45:22
2 portions of your declaration. 09:45:29
3 Do you recall? 09:45:31
4 A. Yes. 09:45:31
5 Q. And in each of those portions we looked at, 09:45:33
6 you had relied on disclosures in Raz for the 09:45:39
7 claimed LAG, correct? 09:45:45
8 A. Yes. There's several sentences across the 09:45:48
9 multiple pages, you identify or specifically 09:45:58
10 discussing Raz disclosure of a LAG. 09:46:02
11 Q. And none of those places did you state that 09:46:06
12 RFC 3209 discloses the LAG, correct? 09:46:10
13 A. Not on those sentences that you and I 09:46:14
14 discussed over the past half an hour, I guess. 09:46:19
15 Q. You're familiar with your declaration, 09:46:27
16 correct? 09:46:29
17 A. I am. 09:46:29
18 Q. And it's fair to say that your declaration 09:46:32
19 relies on Raz for teaching the claimed LAG. 09:46:39
20 Is that fair? 09:46:46
21 MS. BURGESS: Object to form. 09:46:49
22 THE DEPONENT: We have -- I also 09:46:49
23 included Ferguson references as well, which 09:46:57
24 you have not talked about yet. There, once 09:47:01
25 again, the LAG disclosure, I have identified 09:47:04

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1 a time, so it is hard to say, but a number of 09:49:12
2 hours. 09:49:16
3 Q. Were you familiar with Raz before this IPR 09:49:16
4 proceeding? 09:49:19
5 A. I was not. 09:49:20
6 Q. So you rely on Raz as a secondary reference 09:49:23
7 for modifying the primary reference RFC 3209, 09:49:34
8 correct? 09:49:41
9 A. Raz is a secondary reference to supplement 09:49:41
10 the disclosure in RFC 3209. 09:49:52
11 Q. Okay. So you used Raz to supplement the 09:49:59
12 disclosure in RFC 3209, correct? 09:50:02
13 A. That is correct. 09:50:07
14 Q. So for Ground 1, it's your opinion that the 09:50:09
15 claims are rendered obvious by Raz, combined with 09:50:15
16 RFC 3209, not just Raz by itself, correct? 09:50:21
17 MS. BURGESS: Object to form. 09:50:25
18 THE DEPONENT: I think I have said this 09:50:27
19 the other way. It is the Claims 1 through 09:50:31
20 26 are rendered obvious based on RFC 3209 in 09:50:36
21 view of Raz, and that is my opinion. 09:50:43
22 BY MR. HOLT: 09:50:47
23 Q. Those claims are not rendered obvious based 09:50:52
24 on just Raz by itself, correct? 09:50:56
25 MS. BURGESS: Object to form. 09:50:58

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1 as well. 09:47:09
2 So, you know, in summary, I think it is 09:47:11
3 true that Raz and Ferguson, I relied on them 09:47:14
4 to -- for the recited claim element LAG to 09:47:19
5 be disclosed. 09:47:29
6 BY MR. HOLT: 09:47:30
7 Q. Dr. Min, if you turn your attention back to 09:48:09
8 the shared exhibit folder, I've now uploaded to 09:48:13
9 that folder a document that has been previously 09:48:19
10 marked as Exhibit 1006 in this proceeding. 09:48:23
11 (DFT. EXH. 1006, U.S. Patent Number 09:48:23
12 7,466,697, was marked for 09:48:23
13 identification.) 09:48:23
14 BY MR. HOLT: 09:48:34
15 Q. This is U.S. Patent Number 7,466,697 to Raz. 09:48:34
16 Do you see that? 09:48:42
17 A. I do. 09:48:43
18 Q. So during this deposition whenever I refer 09:48:43
19 to Raz, I'm referring to this exhibit, okay? 09:48:46
20 A. Okay. 09:48:51
21 Q. Have you seen this exhibit before? 09:48:51
22 A. I have. 09:48:55
23 Q. About how long did you spend reviewing Raz 09:48:57
24 for this proceeding? 09:49:00
25 A. Oh, I reviewed Raz multiple times, hours at 09:49:02

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1 THE DEPONENT: I have not considered 09:50:58
2 that scenario, and I do not have an opinion. 09:51:01
3 The only opinion that I have is with regard 09:51:10
4 to Ground 1 is RFC in view of Raz. 09:51:12
5 BY MR. HOLT: 09:51:18
6 Q. So for obviousness of the challenged claims, 09:51:22
7 you combined Raz with RFC 3209, correct? 09:51:26
8 A. I mean, I only use the more precise 09:51:34
9 language, RFC 3209, in view of Raz, that is the 09:51:40
10 Ground 1, and that is the opinion that I have 09:51:45
11 stated in my declaration for Ground 1. 09:51:48
12 Q. Let's look at Figure 1 of Raz. 09:52:02
13 Are you familiar with Figure 1? 09:52:12
14 A. Yes, I am. 09:52:13
15 Q. So Raz starts to discuss its Figure 1 at the 09:52:15
16 bottom of Column 6, right? 09:52:27
17 A. I believe you're right, but let me just 09:52:35
18 quickly see. 09:52:38
19 Yes, you're right. 09:52:49
20 Q. And you see then at the top of Column 7 of 09:52:50
21 Raz that Raz discusses the components of Figure 1, 09:52:56
22 including the 10G PHY 24 coupled to a 10G link 28 09:53:00
23 and port forwarding module 22 and CPU 16, correct? 09:53:09
24 A. Yes. And I think you missed a couple of 09:53:17
25 elements there. A plurality of subports 14, 09:53:22

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1 labeled subport 0 through subport 9, switching 09:53:31 2 fabric 12. 09:53:33 3 Q. And then it continues discussing the 09:53:36 4 components of Figure 1 such as the CPU 16 through 09:53:42 5 the top of Column 8. 09:53:49 6 Do you see that? 09:53:53 7 A. Yes. 09:53:58 8 Q. If you go to Raz starting at Column 7, 09:54:05 9 Line 49, if you'll let me know when you're there. 09:54:13 10 A. Yeah, I'm there. 09:54:25 11 Q. Okay. It says, "The port forwarding module 09:54:26 12 functions to receive the 10G packet stream from the 09:54:29 13 10G PHY and examine the label and each received 09:54:34 14 packet. The packet is then forwarded to one of the 09:54:40 15 subports in accordance with the label," correct? 09:54:43 16 A. Yes, you read it correctly. 09:54:46 17 Q. This refers to the port forwarding module 09:54:48 18 receiving a packet and then forwarding it to a 09:54:52 19 subport, correct? 09:54:56 20 A. Yes. 09:54:57 21 Q. If we look back to Figure 1, when the LSR 10 09:55:15 22 in Figure 1 receives a packet, the port forwarding 09:55:27 23 module 22 will receive that packet and then forward 09:55:33 24 it to one of the subports 14, correct? 09:55:36 25 A. Yes, so this is describing a scenario where 09:55:39	1 the packet's coming into the LSR 10 from the right 09:55:55 2 through 10G -- Gbps PHY through port forwarding 09:56:02 3 module 22 and to one of the subports 14. 09:56:08 4 Q. And those subports 14 are shown within 09:56:20 5 LSR 10, correct? 09:56:26 6 A. Yes, it's inside LSR 10. 09:56:29 7 Q. So when the port forwarding module receives 09:56:37 8 those packets, it forwards those packets to 09:56:39 9 subports 14 within LSR 10, correct? 09:56:44 10 A. Yes, that's correct. 09:56:48 11 Q. Let's go back to Column 7. So in Column 7, 09:56:52 12 starting at Line 26, it says, "Note that it is the 09:57:11 13 downstream (i.e. receiving) node that determines 09:57:20 14 the subport it wants to receive the LSP on. This 09:57:24 15 decision is communicated to the upstream (i.e. 09:57:31 16 sending node) via the label that is assigned to the 09:57:34 17 LSP." 09:57:38 18 Do you see that? 09:57:39 19 A. I do. 09:57:39 20 Q. So Raz is saying that the receiving node 09:57:39 21 determines which subport is used, correct? 09:57:43 22 A. Yeah. That's what it says. 09:57:46 23 Q. And then that receiving node uses a label to 09:57:56 24 communicate that subport selection to the upstream 09:58:02 25 sending node, correct? 09:58:06
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1 A. Yeah, that's right. 09:58:07 2 Q. And then after that receiving node 09:58:15 3 determines -- excuse me. 09:58:18 4 After the receiving node determines the 09:58:21 5 subport and uses a label to communicate that 09:58:23 6 subport selection to the upstream node, then that 09:58:27 7 selected subport is used for packets that are 09:58:31 8 received by that receiving node from the upstream 09:58:35 9 node, correct? 09:58:39 10 MS. BURGESS: Object to form. 09:58:42 11 THE DEPONENT: The -- the mechanism 09:58:43 12 that is described here is what you just 09:58:45 13 described. It is a downstream node that 09:58:49 14 determines the receiving port, subport, and 09:58:52 15 then it is communicated upstream. 09:58:55 16 BY MR. HOLT: 09:58:58 17 Q. So let's go then just a little bit further 09:59:00 18 down to Column 7 at Line 30. 09:59:06 19 A. Okay. I'm there. 09:59:24 20 Q. Okay. So there it says, "As an example, 09:59:25 21 consider two LSRs, LSR A and LSR B, each with 10 09:59:31 22 subports wherein each subport is mapped to an 8K 09:59:39 23 range of labels. An LSP is to be provisioned from 09:59:47 24 LSR A to LSR B, when the LSP is signaled or 09:59:52 25 provisioned through management, the CAC in LSR B 09:59:59	1 decides to accept the LSP on subport 3, and, thus, 10:00:07 2 assigns a label comprising an indication that 10:00:13 3 subport 3 was selected." 10:00:17 4 Do you see that? 10:00:19 5 A. Yes, I do. 10:00:20 6 Q. So this says that Raz is assigning a single 10:00:20 7 subport, here subport 3, for the LSP, right? 10:00:27 8 A. Yes, that's what it says here. 10:00:32 9 Q. This example uses two LSRs, LSR A and LSR B, 10:00:35 10 correct? 10:00:53 11 A. Yes. 10:00:53 12 Q. And here LSR A is described as the sending 10:00:54 13 node and LSR B as the receiving node in this 10:00:59 14 example, correct? 10:01:05 15 A. Yes. 10:01:06 16 Q. And Column 7, Line 33 says, "When the LSP is 10:01:13 17 signaled or provisioned through management, the CAC 10:01:21 18 in LSR B decides to accept the LSP on subport 3, 10:01:27 19 and thus, assigns a label comprising an indication 10:01:33 20 that subport 3 was selected. The label is 10:01:37 21 communicated to LSR A which now knows that the 10:01:41 22 output subport should be subport 3 (i.e. the same 10:01:45 23 subport is provisioned)." 10:01:51 24 Do you see that? 10:01:54 25 A. Yes. 10:01:54

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1	Q. So subport 3 here is elected by LSR B the	10:01:57	1	A. Yes.	10:04:08
2	receiving node, correct?	10:02:03	2	Q. So this is saying the LSR A sending node	10:04:08
3	A. That's what it says.	10:02:05	3	first forwards the packet to an output subport 3	10:04:12
4	Q. And the label indicating subport 3 is	10:02:06	4	within LSR A, correct?	10:04:18
5	generated by that receiving node LSR B, correct?	10:02:12	5	A. That is correct.	10:04:20
6	A. So when you say label is generated, I'm not	10:02:24	6	Q. Okay. And then LSR A at sending node	10:04:23
7	really sure -- when you say "generated," as in do	10:02:34	7	subsequently sends the packet to LSR B the	10:04:27
8	you mean for the purpose of a -- transmitting the	10:02:39	8	receiving node, correct?	10:04:33
9	packet across LSR A, or are you saying that the --	10:02:45	9	MS. BURGESS: Object to form.	10:04:35
10	are you asking LSR B communicates what label to	10:02:52	10	THE DEPONENT: That is correct. So	10:04:36
11	use?	10:02:58	11	once LSR A forwards a packet to subport 3,	10:04:40
12	What do you mean by "generating"?	10:02:59	12	then through the port forwarding module and	10:04:46
13	Q. Let me clarify.	10:03:04	13	through PHY, and it goes to the next LSR,	10:04:51
14	Raz here in the portion we looked at says	10:03:06	14	which is LSR E.	10:04:56
15	that LSR B, the receiving node, assigns the label	10:03:08	15	BY MR. HOLT:	10:04:58
16	indicating subport 3 and communicates that label to	10:03:16	16	Q. And it says that LSR sent -- LSR A sends	10:05:04
17	LSR A, correct?	10:03:25	17	that packet to LSR B with the label that was	10:05:09
18	A. That is correct.	10:03:26	18	assigned by LSR B, correct?	10:05:14
19	Q. Continuing with the next sentence starting	10:03:27	19	A. I don't know if this particular disclosure	10:05:18
20	at Column 7, Line 39, Raz says, "When a packet for	10:03:38	20	talks about actually sending the label. Once --	10:05:48
21	the provisioned LSP is received over a link	10:03:44	21	once the packet is forwarded to a subport, then	10:05:52
22	connected to LSR A, it is forwarded to subport 3	10:03:48	22	that particular label may or may not be still	10:06:02
23	and subsequently out over the 10G link to LSR B	10:03:53	23	attached.	10:06:06
24	with the previously assigned label indicating	10:04:00	24	I don't know if this is -- this particular	10:06:06
25	subport 3"; is that correct?	10:04:07	25	paragraph you just read starting from Line 39	10:06:09
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1	through 48 in Column 7 actually talks about keeping	10:06:13	1	A. Yes.	10:08:03
2	the label.	10:06:19	2	Q. And that subport 3 is within LSR B, correct?	10:08:04
3	Q. Column 7 and lines starting at 41, it says,	10:06:19	3	A. Yes.	10:08:10
4	"subsequently out over the 10G link to LSR B with	10:06:34	4	Q. So after LSR B determines subport 3 and uses	10:08:16
5	the previously signed label indicating subport 3."	10:06:40	5	the label to communicate its selection of subport 3	10:08:25
6	Do you see that?	10:06:43	6	upstream to LSR A, then subport 3 is used for	10:08:33
7	A. Just one second. Yes, it does.	10:06:46	7	packets that LSR B received from LSR A, correct?	10:08:38
8	Q. So here this is saying that LSR A sends the	10:06:59	8	A. Yes.	10:08:43
9	packet to LSR B with the label that was assigned by	10:07:04	9	MS. BURGESS: Object to form.	10:08:44
10	LSR B, correct?	10:07:10	10	BY MR. HOLT:	10:08:50
11	A. Yes.	10:07:11	11	Q. If you go up Column 7 to Line 21, there in	10:08:50
12	Q. So then continuing with the next sentence	10:07:15	12	Column 7, Line 21, it says, "In the next link on	10:09:03
13	starting at Column 7, line 42, Raz says, "The port	10:07:19	13	the path, however, the subport may be different."	10:09:09
14	forwarding module in LSR B examines the label in	10:07:28	14	Do you see that?	10:09:11
15	the received packet and in response thereto	10:07:33	15	A. Yes.	10:09:14
16	forwards the packet to subport 3 for packet	10:07:36	16	Q. So if we considered the example in Column 7	10:09:17
17	processing."	10:07:40	17	of packets sent from LSR A to LSR B using	10:09:23
18	Do you see that?	10:07:41	18	subport 3, this statement starting at Line 21 says	10:09:29
19	A. Yes.	10:07:42	19	that for the next link from LSR B to some other	10:09:35
20	Q. So this says that LSR B receives the packet,	10:07:43	20	downstream LSR that the subport may be different	10:09:42
21	correct?	10:07:48	21	than subport 3, that next link, correct?	10:09:46
22	A. Yes.	10:07:48	22	A. Yes.	10:09:50
23	Q. And it says that LSR B, the receiving node,	10:07:50	23	MS. BURGESS: Objection to form.	10:09:51
24	forwards that received packet to subport 3,	10:07:56	24	BY MR. HOLT:	10:09:55
25	correct?	10:08:03	25	Q. So you agree that the next link from LSR B	10:09:55

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1 to some downstream LSR may use a subport other than 10:09:59 2 subport 3, correct? 10:10:07 3 MS. BURGESS: Objection to form. 10:10:08 4 THE DEPONENT: Yes, that's correct. 10:10:09 5 BY MR. HOLT: 10:10:11 6 Q. And that's the case even though LSR B had 10:10:16 7 selected subport 3, correct? 10:10:21 8 MS. BURGESS: Objection to form. 10:10:26 9 THE DEPONENT: So what you mean here is 10:10:28 10 LSR B selected subport 3 to receive the 10:10:31 11 packet from LSR A, the downstream LSR can 10:10:33 12 receive the same packet in a different 10:10:41 13 subport. 10:10:44 14 BY MR. HOLT: 10:10:47 15 Q. Okay. Let's now go to Column 9 of Raz, 10:10:56 16 starting at Line 29. Let me know when you're 10:11:01 17 there. 10:11:11 18 A. I'm there. 10:11:11 19 Q. So this discusses Raz's Figure 3, correct? 10:11:12 20 A. That is correct. 10:11:22 21 Q. And are you familiar with Raz's Figure 3? 10:11:23 22 A. Yes, I am. 10:11:28 23 Q. Okay. So starting at Column 9, Line 41, it 10:11:32 24 says, "Consider an LSP to be set up through LSR A 10:11:39 25 to LSR C, correct? 10:11:47	1 A. Yes. 10:11:51 2 Q. So if we look at Figure 3, it shows that 10:11:59 3 from LSR A to LSR B, packets are sent using 10:12:09 4 subport 0, correct? 10:12:17 5 A. Yes. 10:12:22 6 Q. Back in Column 9 at Line 51 -- 10:12:30 7 A. Okay. 10:12:41 8 Q. -- it says, the CSC -- excuse me. 10:12:41 9 "The CAC in LSR B determines that the best 10:12:43 10 subport for receiving the LSP is on subport 0 on 10:12:52 11 the inbound link and, therefore, assigns a label of 10:12:57 12 0x40005. This label indicates Line Interface 10:13:02 13 Card 2 subport 0 in Label 5. The label is 10:13:11 14 communicated to LSR A, who then knows by the output 10:13:17 15 label that it is to assign the LSP to subport 0." 10:13:22 16 Do you see that? 10:13:31 17 A. I do. 10:13:32 18 Q. So for communications in Figure 3 from LSR A 10:13:32 19 to LSR B using subport 0, it's LSR B, the receiving 10:13:38 20 LSR in this case, that assigns subport 0 and 10:13:46 21 assigns the label indicating subport 0, correct? 10:13:54 22 A. Yes. 10:14:00 23 Q. And after LSR B assigns subport 0 and uses a 10:14:03 24 label to communicate that subport selection 10:14:10 25 upstream to LSR A, then subport 0 is used for 10:14:14
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1 packets that LSR B receives from LSR A, correct? 10:14:21 2 MS. BURGESS: Objection to form. 10:14:27 3 THE DEPONENT: I don't know if I got 10:14:32 4 all your question. 10:14:34 5 Could you repeat? 10:14:35 6 BY MR. HOLT: 10:14:36 7 Q. Yes. 10:14:37 8 So after LSR B assigns subport 0 and uses 10:14:37 9 the label to communicate that subport selection 10:14:43 10 upstream to LSR A, then that subport 0 is used for 10:14:46 11 packets that LSR B receives from LSR A, correct? 10:14:53 12 MS. BURGESS: Objection. 10:14:57 13 THE DEPONENT: Yes, that's correct. 10:14:58 14 BY MR. HOLT: 10:15:00 15 Q. If we look back at Figure 3, for packets 10:15:04 16 sent from LSR B to LSR C, subport 1 is used, 10:15:21 17 correct? 10:15:27 18 A. Yes. 10:15:27 19 Q. So the packet sent from LSR B to LSR C are 10:15:32 20 not sent using the subport 0 that was assigned by 10:15:37 21 LSR B, correct? 10:15:47 22 A. For the assignment to go to subport 0 by 10:15:49 23 LSR B is for receiving packets from LSR A, that is 10:15:57 24 no longer used between LSR B and C. LSR C receives 10:16:03 25 packets from LSR B through subport 1. 10:16:09	1 Q. Okay. Let's go back to Column 9, starting 10:16:15 2 at Line 42. There it says, "When the LSP is 10:16:23 3 signaled, the CAC in LSR C decides to provision the 10:16:37 4 LSP on subport 1 and, therefore, assigns the label 10:16:45 5 0x22003," correct? 10:16:50 6 A. Yes. 10:16:55 7 Q. And then starting at Column 9, Line 49 it 10:17:03 8 says, "The label generated by LSR C is communicated 10:17:07 9 to LSR B which tells LSR B that the outbound 10:17:12 10 subport (to LSR C) should be subport 1." 10:17:18 11 Do you see that? 10:17:23 12 A. I do. 10:17:24 13 Q. So for communications from LSR B to LSR C, 10:17:26 14 using subport 1, it is LSR C, the receiving LSR, 10:17:31 15 that assigns subport 1 and generates the label 10:17:41 16 indicating subport 1, correct? 10:17:45 17 A. That is correct. 10:17:49 18 Q. So for packets sent from LSR A to LSR B and 10:17:54 19 then on to LSR C, the subport used for the hop 10:18:00 20 between LSR B to LSR C is chosen by LSR C, correct? 10:18:07 21 MS. BURGESS: Object to form. 10:18:16 22 THE DEPONENT: In that last document, 10:18:17 23 that is the way it is, yes. 10:18:19 24 BY MR. HOLT: 10:18:19 25 Q. If we look at Column 9, line -- starting at 10:18:44

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1 Line 41, it says, "Consider an LSP to be set up 10:18:50 2 through LSR A to LSR C. When the LSP is signaled 10:18:59 3 the CAC in LSR C decides to provision the LSP on 10:19:07 4 subport 1 and, therefore, assigns the label 10:19:15 5 0x22003." 10:19:16 6 Do you see that? 10:19:20 7 A. Yes. 10:19:21 8 Q. So this is saying to assign a single subport 10:19:21 9 for the LSP, correct? 10:19:28 10 MS. BURGESS: Object to form. 10:19:30 11 COURT REPORTER: I'm sorry? I didn't 10:19:38 12 get his answer. 10:19:40 13 THE DEPONENT: "Yes," I said. 10:19:42 14 BY MR. HOLT: 10:19:45 15 Q. So going down to Column 9, Line 59, it talks 10:19:50 16 about the data path. It says, "The data path for 10:20:03 17 this LSP is as follows. When a packet for this LSP 10:20:08 18 is received on the 1G Port 52 of LSR A, it is sent 10:20:14 19 out on the 10G link 60 with the destination MAC 10:20:21 20 address for the next LSR (i.e., LSR B)," correct? 10:20:29 21 A. That's what it says. 10:20:33 22 Q. And then if we skip a sentence and go to 10:20:35 23 Column 9, Line 64, it says, "At LSR B, the layer-2 10:20:45 24 switch forwards the packet to subport 0," correct? 10:20:58 25 A. Yes. 10:21:03	1 Q. So when LSR B receives the packet, it says 10:21:04 2 that it, quote, forwards it to subport 0 within 10:21:07 3 that LSR B, correct? 10:21:11 4 A. That is correct. 10:21:13 5 Q. In Column 10, Line 2, says, "Upon receipt 10:21:24 6 LSR C examines the label and according to the 10:21:32 7 source MAC address, forwards the packet to 10:21:35 8 subport 1," correct? 10:21:38 9 A. That's what it says. 10:21:40 10 Q. And this refers to LSR C forwarding the 10:21:43 11 packet to subport 1 within LSR C, correct? 10:21:46 12 A. Yes. 10:21:50 13 Q. Okay. Next, I want to look at Raz's 10:22:09 14 Claim 1, which is in Column 14, if you could let me 10:22:12 15 know when you're there. 10:22:16 16 A. I'm there. 10:22:26 17 Q. The first clause starting with provisioning, 10:22:34 18 in Column 14, Line 9, says, "provisioning inbound 10:22:39 19 traffic on a downstream node to one or more 10:22:46 20 subports in accordance with a label-switched path 10:22:52 21 and transmitting resultant subport assignments to 10:22:57 22 an upstream node, said upstream node in 10:23:01 23 communication with said downstream node via a 10:23:06 24 communications link," correct? 10:23:12 25 A. That's what it says. 10:23:13
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1 Q. So this is referring to inbound traffic sent 10:23:14 2 from an upstream node to a downstream node, 10:23:17 3 correct? 10:23:22 4 A. Yes. 10:23:22 5 Q. And this says that the, quote, subport 10:23:26 6 assignments, end quote, are provisioned by the 10:23:30 7 downstream node and then transmitted to the 10:23:34 8 upstream node, correct? 10:23:37 9 MS. BURGESS: Objection to form. 10:23:39 10 THE DEPONENT: Yes, that's what it 10:23:42 11 says. 10:23:55 12 BY MR. HOLT: 10:23:55 13 Q. The next clause starting Column 14, Line 15, 10:24:01 14 then says, "forwarding each outbound packet to be 10:24:07 15 transmitted to a subport in said upstream node in 10:24:12 16 accordance with the label associated with said 10:24:18 17 outbound packet previously assigned by said 10:24:21 18 downstream node," correct? 10:24:25 19 A. That's what it says. 10:24:26 20 Q. So this says that the label is assigned by 10:24:28 21 the downstream node, correct? 10:24:33 22 A. Yes. 10:24:36 23 Q. The third clause, the next clause starting 10:24:47 24 Column 14, Line 19 says, "aggregating the output of 10:24:51 25 a plurality of subports at said upstream node into 10:24:55	1 a high-speed packet stream and forwarding said 10:25:00 2 high-speed packet stream over said communications 10:25:03 3 link," correct? 10:25:08 4 A. That's what it says. 10:25:09 5 Q. This means that that single high-speed 10:25:11 6 packet stream is sent from the upstream node to the 10:25:16 7 downstream node, correct? 10:25:21 8 A. That's correct. 10:25:23 9 Q. The next and last clause starts at 10:25:25 10 Column 14, Line 23 and says, "forwarding inbound 10:25:33 11 packets transmitted by said upstream node and 10:25:42 12 received over said communications link by said 10:25:47 13 downstream node to a subport in accordance with the 10:25:50 14 label associated with said inbound packets." 10:25:53 15 Is that right? 10:25:59 16 A. That's what it says. 10:25:59 17 Q. So this refers to the downstream node 10:26:01 18 receiving the inbound packet, correct? 10:26:05 19 A. Yes. 10:26:09 20 Q. And it says that the downstream node 10:26:12 21 forwards the inbound packet to a subport, correct? 10:26:18 22 A. That's correct. 10:26:24 23 Q. And that subport is within the downstream 10:26:26 24 node, right? 10:26:30 25 A. Did you say downstream? I'm sorry I didn't 10:26:30

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1	catch the last -- downstream node?	10:26:36	1	Q. And have you seen this exhibit before?	10:28:27
2	Q. Yes.	10:26:38	2	A. Yes, I have.	10:28:29
3	A. Yes, that's correct.	10:26:39	3	Q. And when was that?	10:28:31
4	Q. So after the downstream node provisions a	10:26:40	4	A. On multiple occasions through -- throughout	10:28:35
5	subport and uses a label to communicate that	10:26:48	5	drafting, forming my opinion, and preparing for the	10:28:43
6	subport selection to the upstream node, then that	10:26:52	6	deposition, multiple times.	10:28:48
7	assigned subport is used for packets that the	10:26:57	7	Q. Were you familiar with Ferguson before this	10:28:51
8	downstream node receives from the upstream node,	10:27:01	8	IPR proceeding?	10:28:55
9	correct?	10:27:03	9	A. I do not believe so.	10:28:56
10	A. Yes.	10:27:03	10	Q. So go to Ferguson the bottom of Column 1 at	10:28:58
11	Q. Dr. Min, if you turn your attention to the	10:27:42	11	the beginning of the summary section. Let me know	10:29:18
12	exhibit sharing platform, I've uploaded to the	10:27:46	12	when you're there.	10:29:26
13	shared folder a document that has previously been	10:27:51	13	A. Yes, I'm there.	10:29:27
14	marked as Exhibit 1007 in this proceeding.	10:27:57	14	Q. So this says starting in Column 1 at Line 57	10:29:28
15	(DFT. EXH. 1007, U.S. Patent Number	10:27:57	15	says, "In general, the invention is directed to	10:29:41
16	7,277,386, was marked for	10:27:57	16	techniques for distributing label-switched packets,	10:29:43
17	identification.)	10:27:57	17	such as Multi-Protocol Label Switched (MPLS)	10:29:47
18	BY MR. HOLT:	10:28:03	18	packets associated with a common label-switched	10:29:52
19	Q. This is U.S. Patent Number 7,277,386 to	10:28:03	19	path (LSP)."	10:29:55
20	Ferguson.	10:28:13	20	Do you see that?	10:29:57
21	Do you see that?	10:28:14	21	A. Yes.	10:29:57
22	A. I do.	10:28:15	22	Q. So this says that Ferguson's invention is	10:29:59
23	Q. During this deposition whenever I refer to	10:28:16	23	directed to techniques for distributing packets	10:30:02
24	Ferguson, I'm referring to this exhibit, okay?	10:28:23	24	associated with a common LSP, correct?	10:30:05
25	A. Okay.	10:28:27	25	MS. BURGESS: Objection to form.	10:30:11
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1	THE DEPONENT: I mean, it just says	10:30:12	1	link aggregation specification," so it is following	10:31:53
2	invention is directed to techniques for	10:30:17	2	that IEEE 802.3ad standard, which is really for the	10:31:58
3	distributing label-switched packets, such as	10:30:20	3	link aggregation and is following that approach in	10:32:06
4	a Multi-Protocol Label Switching packets,	10:30:30	4	a -- in switching.	10:32:10
5	that's -- that's what it says.	10:30:31	5	And the term that this link aggregation that	10:32:13
6	BY MR. HOLT:	10:30:32	6	you just read starting from Line 27, Column 1,	10:32:18
7	Q. Right. So it says, "In general, the	10:30:33	7	their description, the Ferguson's description is	10:32:22
8	invention is directed to techniques for	10:30:36	8	not exactly the same. I mean, it describes it at a	10:32:24
9	distributing label-switched packets such as MPLS	10:30:39	9	high level, but the description here is not exactly	10:32:30
10	packets that are associated with a common LSP,"	10:30:44	10	correct or it's not exactly the same way that	10:32:35
11	right?	10:30:48	11	802.3ad is describing what the link aggregation	10:32:42
12	A. Yes, that's correct.	10:30:48	12	means.	10:32:49
13	Q. If we go in Column 1 to Line 28 it says,	10:30:49	13	Q. Do you disagree with the description of link	10:32:49
14	"The term 'link aggregation' refers to a technique	10:31:09	14	aggregation in the sentence starting in Column 1,	10:32:59
15	by which multiple physical interconnects are	10:31:14	15	Line 28 in Ferguson?	10:33:04
16	logically associated and treated as a single	10:31:17	16	MS. BURGESS: Objection to form.	10:33:07
17	aggregated link"; is that correct?	10:31:22	17	THE DEPONENT: I didn't say that I	10:33:11
18	A. That's what it says.	10:31:25	18	disagree. What I said is the term physical	10:33:13
19	Q. So this says that for a LAG, or link	10:31:26	19	interconnect is used in this sentence that	10:33:16
20	aggregation, the multiple physical interconnects	10:31:31	20	you just read. It's not really a precise	10:33:22
21	are logically associated and treated as a single	10:31:35	21	term that is defined as a part of 802.3ad.	10:33:26
22	aggregated link, correct?	10:31:40	22	802.3ad describes the ports, multiple ports	10:33:34
23	A. Yeah, I mean, that's what it says. But in	10:31:43	23	are logically associated and treated as a	10:33:39
24	the next sentence, it talks about "In particular,	10:31:46	24	single aggregated link aggregation probe.	10:33:42
25	the IEEE 802.3ad Working Group recently developed a	10:31:49	25	That is the term, to that extent.	10:33:46

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1 It doesn't really use the term physical 10:33:48 2 interconnect. It talks about ports. The 10:33:51 3 ports are grouped together to become a link 10:33:55 4 aggregation group. That is the more precise 10:33:58 5 term, description of a link aggregation -- 10:34:02 6 link aggregation group, according to IEEE 10:34:05 7 802.3ad. 10:34:12 8 BY MR. HOLT: 10:34:22 9 Q. In the sentence in Ferguson, at Column 1, 10:34:22 10 Line 28, says, that link aggregation refers to 10:34:29 11 "logically associated multiple physical 10:34:38 12 interconnects." 10:34:42 13 Do you see that? 10:34:44 14 A. Yes, I do. And my previous statement was 10:34:47 15 I'm not saying this sentence is wrong. I'm saying 10:34:54 16 that this description of physical interconnect is 10:34:57 17 not -- it's somewhat ambiguous. To be precise, 10:35:04 18 what link aggregation group is referring to in IEEE 10:35:10 19 802.3ad standard is an aggregation of the multiple 10:35:17 20 ports, one or more ports, as a link aggregation 10:35:20 21 group. I'm just clarifying what the Ferguson 10:35:24 22 document is referring to as what it call 10:35:30 23 interconnects. 10:35:37 24 Q. But Ferguson does say that link aggregation 10:35:39 25 involves logically associating and treating it as a 10:35:45	1 single aggregated link, correct? 10:35:50 2 A. Ferguson uses the term "interconnect." I 10:35:59 3 don't know if that is a term that is used in 10:36:02 4 802.3ad. In fact, I do know that it is not a term 10:36:04 5 that's used in 802.3ad as something that gets 10:36:10 6 aggregated. What is aggregated is the ports to 10:36:18 7 form one or more ports and grouped together to form 10:36:23 8 a link aggregation group. 10:36:27 9 Q. So you said that the link aggregation 10:36:30 10 involves aggregating the ports, not aggregating the 10:36:38 11 streams, the multiple streams into a single stream, 10:36:45 12 correct? 10:36:53 13 MS. BURGESS: Object to form. 10:36:53 14 THE DEPONENT: Did you say streams? 10:36:55 15 BY MR. HOLT: 10:36:57 16 Q. Yeah. So your opinion is that the multiple 10:36:58 17 physical interconnects or ports are aggregated into 10:37:07 18 a single aggregated link, not that the streams on 10:37:14 19 the multiple physical interconnects are combined 10:37:21 20 into a single stream; is that right? 10:37:25 21 MS. BURGESS: Object to form. 10:37:28 22 THE DEPONENT: So what you describe as, 10:37:29 23 you know, multiple physical stream combining 10:37:35 24 to a single physical stream, that's -- 10:37:38 25 that's a consequence of grouping ports, one 10:37:42
Page 44	Page 45
1 or more ports, as a logically grouping that 10:37:45 2 as a single -- link aggregation group. 10:37:49 3 Once you do that, then whatever those 10:37:52 4 physical stream that comes out of all the 10:37:55 5 ports, one or more ports, would be 10:37:59 6 aggregating to a physical stream -- I'm 10:38:02 7 sorry, a stream that combines all the 10:38:06 8 (unintelligible) together. As for how 10:38:09 9 they're actually being submitted across and 10:38:12 10 between the two switches, two LSR switches, 10:38:16 11 that is not part of the definition of link 10:38:19 12 aggregation group. 10:38:22 13 BY MR. HOLT: 10:38:23 14 Q. Let's look at Figures 2A through 2C of 10:39:28 15 Ferguson? 10:39:33 16 A. Okay. 10:39:41 17 Q. So it's fair to say that it's your opinion 10:39:48 18 that these Links 12A and 26 and 18 between routers 10:39:52 19 shown in Figures 2A through 2C constitute link 10:40:03 20 aggregation groups; is that correct? 10:40:08 21 MS. BURGESS: Objection to form. 10:40:11 22 THE DEPONENT: Let me just quickly look 10:40:17 23 at the description of 2A to 2C. 10:40:20 24 Yeah. If you look at Column 6 starting 10:40:55 25 from Line 15 to about 32, it describes 10:40:58	1 Figures 2A, 2B, and 2C. And there what is 10:41:03 2 shown in Figures 2A, 2B, and 2C as 18, 24, 10:41:10 3 and 18 is the -- noted as the aggregate 10:41:18 4 interface there, there the aggregated link. 10:41:23 5 Now, in this particular diagram, it 10:41:28 6 shows you the multiple arrows -- parallel 10:41:31 7 arrows going from the PE router or CE router 10:41:36 8 to a PE router or vice versa. But that's 10:41:40 9 just showing that there are multiple lines 10:41:44 10 going through that way. But that is really 10:41:48 11 not the definition or the requirement of the 10:41:52 12 aggregate link aggregation group is. 10:41:56 13 Link aggregation group happens at the 10:42:01 14 layer 2 of the stack, the MAC layer. The 10:42:06 15 MAC layer is what determines the link 10:42:12 16 aggregation group by assigning ports in the 10:42:15 17 LSR to belong to a particular link 10:42:21 18 aggregation group, and this is so according 10:42:24 19 to 802.3ad. 10:42:27 20 It is -- that does not concern how the 10:42:32 21 physical layer implements or transmit 10:42:34 22 between the routers. 10:42:39 23 BY MR. HOLT: 10:42:40 24 Q. In Figures 2A through 2C, it describes these 10:42:41 25 aggregate interfaces 18, 24 -- excuse me. 10:42:50

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1 A. Yes, that's correct. 10:42:57 2 Q. Yeah. It describes these aggregated links 10:43:07 3 12A and 26 in reference to between routers such as 10:43:14 4 routers 8A, 10A, 20A; is that right? 10:43:25 5 A. Yes. 10:43:31 6 MS. BURGESS: Objection to form. 10:43:32 7 THE DEPONENT: That's correct. 10:43:34 8 BY MR. HOLT: 10:43:49 9 Q. And it's your opinion that these techniques 10:43:49 10 that Ferguson describes for aggregated links 10:43:55 11 between routers can also be applied within a 10:44:01 12 router; is that fair? 10:44:05 13 MS. BURGESS: Object to -- 10:44:08 14 THE DEPONENT: No, that's not what I 10:44:09 15 said. It's a -- the link aggregation 10:44:11 16 happens at MAC layer, M-A-C layer, as 10:44:13 17 layer 2. What is shown here is actual 10:44:18 18 connection in Figures 2A, 2B, and 2C, but 10:44:21 19 that's the physical layer below. 10:44:26 20 The link aggregation happens at MAC by 10:44:28 21 assigning the ports to a link aggregation 10:44:31 22 group, one or more ports. So whatever 10:44:35 23 happens as a -- between the connection, it's 10:44:38 24 really not what defines the link aggregation 10:44:42 25 group. Whether it is transmitted across a 10:44:46	1 single high -- higher speed transition line 10:44:49 2 or multiple load transmission line doesn't 10:44:52 3 matter. That's not what defines the link 10:44:57 4 aggregation group. 10:45:00 5 The link aggregation group, once again, 10:45:00 6 is assigning one or more ports into a link 10:45:03 7 aggregation group at the MAC layer inside of 10:45:06 8 an LSR. 10:45:09 9 BY MR. HOLT: 10:45:11 10 Q. Dr. Min, let's go to Paragraph 250 of your 10:45:11 11 declaration. Just let me know when you are there. 10:45:17 12 A. Okay. I'm there. 10:45:45 13 Q. So in the second sentence of Paragraph 250 10:45:49 14 of your declaration, you state, "Ferguson states 10:45:55 15 that although its techniques have been described in 10:46:02 16 reference to distribution of MPLS packets across 10:46:06 17 parallel physical interconnects of an aggregated 10:46:12 18 link, the techniques may be applied in a variety of 10:46:15 19 environments. For example, the techniques may be 10:46:18 20 readily applied to internal parallel data paths 10:46:23 21 within a device." 10:46:29 22 Do you see that? 10:46:30 23 A. Yes. 10:46:30 24 Q. So here this says that Ferguson describes 10:46:32 25 its techniques in reference to parallel physical 10:46:37
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1 interconnects of an aggregated link such as in 10:46:41 2 Figures 2A through 2C, but those techniques may 10:46:45 3 also be readily applied to internal parallel data 10:46:48 4 paths within a device. 10:46:53 5 Is that fair? 10:46:54 6 A. Yes. That's what it says. So what this 10:46:55 7 paragraph is discussing is the -- what is clearly 10:46:59 8 shown in Raz is a subport allocation and subport, 10:47:06 9 like, for example, in Figure 1, as a 10 support 10:47:13 10 grouped together to form a link aggregation group. 10:47:19 11 So to the extent that the -- this Link 10:47:22 12 aggregation group force -- requires something that 10:47:28 13 is outside and external and has several parallel 10:47:33 14 physical paths, then Ferguson is close to that 10:47:39 15 disclosure. I'm just contrasting here what Raz 10:47:45 16 describes which is clearly inconsistent with what 10:47:49 17 the IEEE 802.3ad is describing link aggregation 10:47:56 18 group is. 10:48:02 19 But if, for whatever the reason, is found to 10:48:03 20 be the -- it is required that the link aggregation 10:48:07 21 group has to be physically separated connection 10:48:10 22 between the two LSRs, then Ferguson does that. 10:48:14 23 That is the way -- the purpose of this statement 10:48:20 24 here. 10:48:21 25 Q. So, Dr. Min, to be clear, I'm just asking 10:48:22	1 about the -- about Ferguson here and the statements 10:48:26 2 about Ferguson, not about Raz. 10:48:29 3 This here -- I just want to be clear about 10:48:32 4 your opinion as to what Ferguson states. And here, 10:48:39 5 according to the quoted portions from Ferguson, you 10:48:45 6 say that Ferguson techniques have been described in 10:48:51 7 reference to these parallel physical interconnects, 10:48:58 8 but those techniques could be readily applied to 10:49:03 9 internal parallel data paths within a device; is 10:49:11 10 that right? 10:49:14 11 A. Yeah, that's what it says. 10:49:14 12 Q. We've been -- can we go off the record, 10:49:25 13 please? 10:49:40 14 VIDEOGRAPHER: The time is now 10:50 10:49:42 15 a.m., and we are off the record. 10:49:45 16 (A recess transpired from 10:50 a.m. 10:51:20 17 through 12:01 p.m.) 11:00:27 18 VIDEOGRAPHER: The time is now 11:00:31 19 11:01 a.m., and we are back on the record. 11:00:32 20 BY MR. HOLT: 11:00:44 21 Q. Dr. Min, did you have any discussion with 11:00:45 22 your counsel regarding your testimony during the 11:00:51 23 break? 11:00:55 24 A. No. 11:00:55 25 Q. Dr. Min, if you turn your attention to the 11:00:57

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1	exhibit sharing tool, I have now uploaded to the	11:01:17	1	Q. So according to this, the single physical	11:03:18
2	shared folder a document that has previously been	11:01:22	2	tunnel port is assigned by the first MPLS/LAG	11:03:23
3	marked as Exhibit 1001 in this proceeding, which is	11:01:31	3	switch, correct?	11:03:28
4	U.S. Patent Number 9,118,602 to Solomon.	11:01:38	4	A. That is correct.	11:03:29
5	Do you see that?	11:01:52	5	Q. In the next clause, which is your	11:03:31
6	A. I do.	11:01:53	6	declaration refers to as Limitation 1.2, the claim	11:03:36
7	Q. During this deposition if I refer to the	11:01:53	7	recites, "dedicating a subset of bits in a data	11:03:41
8	'602 patent, I'm referring to this exhibit, okay?	11:01:57	8	packet label prepared by the first MPLS/LAG switch	11:03:46
9	A. Okay.	11:02:01	9	to encode said port serial number of said single	11:03:52
10	Q. Are you familiar with the '602 patent?	11:02:01	10	physical tunnel port of the LAG into the data	11:03:56
11	A. Yes, I am.	11:02:05	11	packet label."	11:03:59
12	Q. Were you familiar with the '602 patent	11:02:06	12	Is that correct?	11:03:59
13	before becoming involved in this IPR proceeding?	11:02:12	13	A. That is correct.	11:04:01
14	A. No.	11:02:17	14	Q. So the claimed data packet label encodes the	11:04:02
15	Q. I wanted to go down to Claim 1 in Column 9	11:02:28	15	port serial number of the assigned single physical	11:04:10
16	of the '602 patent, if you could let me know when	11:02:36	16	tunnel port, correct?	11:04:13
17	you're there.	11:02:40	17	MS. BURGESS: Objection to...	11:04:17
18	A. I'm there.	11:02:41	18	THE DEPONENT: That's correct.	11:04:21
19	Q. So starting with the first clause, which the	11:02:42	19	BY MR. HOLT:	11:04:22
20	petitioner refers to as Limitation 1.1 and your	11:02:52	20	Q. And the claimed data packet label is	11:04:22
21	declaration refers to it as on Page 1.1, the first	11:02:57	21	prepared by the first MPLS/LAG switch, correct?	11:04:25
22	clause recites, "assigning, by a first MPLS/LAG	11:03:01	22	MS. BURGESS: Objection to form.	11:04:30
23	switch a single physical tunnel port of a LAG,"	11:03:07	23	THE DEPONENT: That is correct.	11:04:32
24	correct?	11:03:12	24	BY MR. HOLT:	11:04:37
25	A. Yes.	11:03:13	25	Q. If we look at the last clause of Claim 1 of	11:04:40
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1	the '602 patent, starting in Column 9 at Line 4,	11:04:45	1	THE DEPONENT: Yep, that's correct.	11:06:19
2	it's the clause that your declaration refers to as	11:04:54	2	BY MR. HOLT:	11:06:25
3	Limitation 1.5, it says, "sending said data packet	11:04:58	3	Q. Dr. Min, do you know Dr. Bhattacharjee?	11:07:04
4	from said first MPLS/LAG switch to a second	11:05:03	4	A. I don't know --	11:07:09
5	MPLS/LAG switch via said single physical tunnel	11:05:08	5	MS. BURGESS: Object to form.	11:07:12
6	port having the port serial number encoded in the	11:05:13	6	THE DEPONENT: I don't know him.	11:07:12
7	data packet label," correct?	11:05:16	7	BY MR. HOLT:	11:07:18
8	A. That is correct.	11:05:18	8	Q. If you turn your attention to the exhibit	11:07:18
9	Q. So this says that the first MPLS/LAG switch	11:05:21	9	sharing folder, I've uploaded to the shared folder	11:07:21
10	is the sending switch in this situation and the	11:05:25	10	a document that has been previously marked as	11:07:27
11	second MPLS/LAG switch is the receiving switch,	11:05:29	11	Exhibit 1028 in this proceeding.	11:07:30
12	correct?	11:05:32	12	(DFT. EXH. 1028, Declaration of Samrat	11:07:30
13	MS. BURGESS: Objection to form.	11:05:32	13	Battacharjee, PhD, was marked for	11:07:30
14	THE DEPONENT: Yes, with regard to the	11:05:34	14	identification.)	11:07:30
15	last claimed element starting sending said	11:05:36	15	BY MR. HOLT:	11:07:35
16	data packet, the first MPLS/LAG switch is	11:05:40	16	Q. If you can let me know when you have access	11:07:35
17	the sending, and the second MPLS/LAG switch	11:05:43	17	to that.	11:07:38
18	is the receiving switch.	11:05:47	18	A. I just opened it.	11:07:48
19	BY MR. HOLT:	11:05:52	19	Q. You'll see that Exhibit 1028 is a	11:07:50
20	Q. And this limitation recites that the first	11:05:52	20	declaration in IPR2023-00447.	11:07:54
21	MPLS/LAG switch sends the data packet via the	11:05:56	21	Do you see that?	11:08:04
22	claimed single physical tunnel port that the first	11:06:02	22	A. Yes, I do.	11:08:05
23	MPLS/LAG switch assigned and prepared a label for	11:06:07	23	Q. And you see there's a declaration of Samrat	11:08:06
24	in the earlier limitations, correct?	11:06:13	24	Bhattacharjee, PhD and was signed on the last page	11:08:12
25	MS. BURGESS: Objection to form.	11:06:17	25	on January 9th, 2023.	11:08:19

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1	Do you see that?	11:08:22	1	Q. In the first sentence of Paragraph 243 of	11:10:03
2	A. I do.	11:08:25	2	your declaration you state, "Further, a POSITA	11:10:08
3	Q. During this deposition when I refer to	11:08:26	3	would have been motivated," and then it goes on.	11:10:20
4	Dr. Bhattacharjee's declaration, I'm referring to	11:08:29	4	Do you see that?	11:10:24
5	this exhibit, okay?	11:08:34	5	A. I do.	11:10:25
6	A. Okay.	11:08:36	6	Q. And the second sentence in Paragraph 243 of	11:10:25
7	Q. Have you seen this exhibit before?	11:08:36	7	your declaration makes an assertion regarding prior	11:10:29
8	A. No.	11:08:41	8	art references being analogous art references.	11:10:39
9	Q. You have not reviewed this exhibit?	11:08:42	9	Do you see that?	11:10:42
10	A. I have not.	11:08:52	10	A. Yes.	11:10:45
11	Q. Did you speak with Dr. Bhattacharjee when	11:08:53	11	Q. And the last sentence of Paragraph 243 of	11:10:45
12	preparing your declaration in this proceeding?	11:09:04	12	your declaration states, "Ferguson discloses the	11:10:49
13	A. No, I did not.	11:09:06	13	utilization of an Ethernet physical data port,"	11:10:55
14	Q. Did you speak with Dr. Bhattacharjee when	11:09:08	14	and then ends by saying that, "which is the same	11:11:01
15	preparing for your deposition today?	11:09:11	15	subject matter as Raz."	11:11:07
16	A. No.	11:09:13	16	Do you see that?	11:11:08
17	Q. Did you review Dr. Bhattacharjee's	11:09:13	17	A. Which paragraph?	11:11:14
18	deposition transcript in IPR2023-00447?	11:09:19	18	Q. So this is still this the still	11:11:18
19	A. No.	11:09:27	19	Paragraph 243 of your declaration?	11:11:22
20	Q. Let's go to your declaration at	11:09:28	20	A. Oh, yes. Actually, I see the sentence you	11:11:24
21	Paragraph 243, if you could let me know when you're	11:09:50	21	just read.	11:11:27
22	there.	11:09:55	22	Q. Okay. And you see that it says, "Ferguson	11:11:27
23	A. 243?	11:09:56	23	discloses the utilization of an Ethernet physical	11:11:32
24	Q. Yes.	11:09:57	24	data port," and then ends by saying, "which is the	11:11:36
25	A. Okay. I'm there.	11:09:58	25	same subject matter as Raz."	11:11:40
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1	A. Yeah.	11:11:42	1	Q. The first sentence of Paragraph 244 of your	11:13:45
2	Q. If you could turn to Bhattacharjee	11:11:44	2	declaration states, "Moreover, each of RFC 3209,	11:13:51
3	declaration at Paragraph 246, and let me know when	11:11:49	3	Raz, and Ferguson are directed to solving the	11:13:57
4	you're there.	11:11:55	4	problem of ensuring enough bandwidth is available	11:14:01
5	A. All these steps. I'm there. Okay.	11:12:19	5	to communicate high-speed packet streams through an	11:14:04
6	Q. The first sentence of Paragraph 246 of the	11:12:27	6	MPLS network."	11:14:09
7	Bhattacharjee declaration says, "Further, a POSITA	11:12:33	7	Do you see that?	11:14:12
8	would have been motivated," and then goes on.	11:12:41	8	A. Yes.	11:14:13
9	Do you see that?	11:12:43	9	Q. And do you see that the last sentence in	11:14:14
10	A. Yes.	11:12:44	10	Paragraph 244 is a quote from Raz, Exhibit 1006, at	11:14:19
11	Q. And then in the second sentence, there's an	11:12:45	11	Column 11, Lines 1 through 2?	11:14:30
12	assertion about Raz and Ferguson being analogous	11:12:51	12	A. Yes.	11:14:33
13	art references.	11:12:58	13	Q. Let's go to the Bhattacharjee declaration	11:14:37
14	Do you see that?	11:12:59	14	Paragraph 247.	11:14:44
15	A. I do.	11:12:59	15	A. Okay.	11:14:47
16	Q. And in the last sentence of Paragraph 246 of	11:13:00	16	Q. The first sentence of Bhattacharjee	11:14:47
17	Bhattacharjee declaration, it starts with "Ferguson	11:13:09	17	declaration Paragraph 247 says, "Moreover, both Raz	11:14:56
18	discloses the utilization of an Ethernet physical	11:13:15	18	and Ferguson are directed to solving the problem of	11:15:01
19	data port," and ends with, "which is the same	11:13:19	19	ensuring enough bandwidth is available to	11:15:04
20	subject matter as Raz."	11:13:24	20	communicate high-speed packet streams through an	11:15:11
21	Do you see that?	11:13:25	21	MPLS network."	11:15:13
22	A. I do.	11:13:27	22	Do you see that?	11:15:14
23	Q. Let's go back to your declaration at	11:13:28	23	A. I do.	11:15:14
24	Paragraph 244.	11:13:38	24	Q. And the last sentence of that paragraph is a	11:15:15
25	A. 244, okay.	11:13:42	25	quote from Raz, here Exhibit 1006, at Column 11,	11:15:21

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1	Lines 1 through 2, correct?	11:15:29	1	quote from Raz, Exhibit 1006, at Column 11,	11:17:12
2	A. Yes.	11:15:31	2	Lines 10 through 12, correct?	11:17:18
3	Q. Let's look at your declaration at	11:15:38	3	A. Yes.	11:17:21
4	Paragraph 246.	11:15:43	4	Q. The next paragraph in the Bhattacharjee	11:17:28
5	A. Okay.	11:15:50	5	declaration, Paragraph 249, the first sentence says	11:17:31
6	Q. Oh, excuse me. Paragraph 245 of your	11:15:52	6	"Ferguson similarly addresses," and goes on,	11:17:37
7	declaration.	11:15:56	7	correct?	11:17:41
8	A. Okay.	11:15:57	8	A. Yes.	11:17:41
9	Q. The second sentence in Paragraph 245 of your	11:15:57	9	Q. If we go to your declaration,	11:17:44
10	declaration says, "Raz explains."	11:16:10	10	Paragraph 246 --	11:17:48
11	Do you see that?	11:16:13	11	A. Okay.	11:17:52
12	A. I do.	11:16:15	12	Q. -- the first sentence says, "Ferguson	11:17:52
13	Q. And the last sentence of that paragraph is a	11:16:15	13	similarly addresses," and then goes on, correct?	11:17:55
14	quote from Raz, Exhibit 1006, at Column 11,	11:16:21	14	A. Yes.	11:18:03
15	Lines 10 through 12.	11:16:28	15	Q. In your declaration, at Paragraph 249, you	11:18:07
16	Do you see that?	11:16:30	16	include annotated versions of Figures 2A through 2C	11:18:18
17	A. Yes.	11:16:31	17	of Ferguson, correct?	11:18:25
18	Q. If we go back to the Bhattacharjee	11:16:35	18	A. Yes.	11:18:26
19	declaration at Paragraph 248 --	11:16:41	19	Q. And in the sentence following those	11:18:30
20	A. Okay.	11:16:53	20	annotated figures of Ferguson, your declaration	11:18:36
21	Q. -- you see that the first sentence in	11:16:54	21	starts with, "Further, Ferguson states," and then	11:18:41
22	Paragraph 248 of the Bhattacharjee declaration	11:16:59	22	uses bold emphasis for the words "two switches,"	11:18:47
23	starts with "Raz explains," correct?	11:17:02	23	correct?	11:18:53
24	A. Yes.	11:17:07	24	A. Yes.	11:18:53
25	Q. And the last sentence of that paragraph is a	11:17:09	25	Q. If we look at the Bhattacharjee declaration	11:18:55
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1	at Paragraph 244 --	11:18:59	1	Q. -- the first sentence of Paragraph 250 of	11:21:05
2	A. Okay.	11:19:10	2	your declaration states, "Importantly, Ferguson	11:21:09
3	Q. -- do you see that it includes the same	11:19:10	3	explains," and then goes on, correct?	11:21:13
4	annotated figures, 2A through 2C, of Ferguson as in	11:19:18	4	A. Yes.	11:21:15
5	your declaration?	11:19:23	5	Q. And the next-to-last sentence of that	11:21:19
6	A. Yes.	11:19:23	6	Paragraph 250 in your declaration says, "This is	11:21:24
7	Q. And the sentence following those annotated	11:19:30	7	because packets are communicated the same way	11:21:31
8	figures of Ferguson in the Bhattacharjee	11:19:34	8	within a device as between devices."	11:21:34
9	declaration at Paragraph 244 starts with, "Further,	11:19:40	9	Do you see that?	11:21:41
10	Ferguson states," and then uses bold emphasis for	11:19:45	10	A. I do.	11:21:41
11	the words "two switches," correct?	11:19:49	11	Q. So you understand that portions of your	11:21:42
12	A. Yes.	11:19:56	12	declaration for this Ground 2 are identical to	11:21:44
13	Q. If you look at the next paragraph in the	11:20:06	13	Dr. Bhattacharjee's declaration; is that fair?	11:21:54
14	Bhattacharjee declaration, Paragraph 245, it starts	11:20:08	14	MS. BURGESS: Objection.	11:21:57
15	with "Importantly, Ferguson explains," correct?	11:20:16	15	THE DEPONENT: It seems -- it seems	11:21:58
16	A. Yes.	11:20:20	16	that the sentences that you just identified	11:21:59
17	Q. And in the next-to-last sentence of	11:20:28	17	for me are identical to what	11:22:01
18	paragraph 245 of the Bhattacharjee declaration, it	11:20:34	18	Dr. Bhattacharjee stated in his declaration.	11:22:06
19	says, "This is because packets are communicated the	11:20:39	19	BY MR. HOLT:	11:22:11
20	same way within a device as between devices."	11:20:46	20	Q. Were portions of your declaration copied	11:22:11
21	Do you see that?	11:20:52	21	from Dr. Bhattacharjee's declaration?	11:22:14
22	A. I do.	11:20:53	22	A. As I mentioned to you earlier on, that I had	11:22:19
23	Q. If you go back to your declaration, in	11:20:53	23	a drafting help from attorneys for Arista, and to	11:22:23
24	Paragraph 250 --	11:20:59	24	the extent that some opinions were borrowed or even	11:22:30
25	A. Okay.	11:21:03	25	sentences were borrowed from Dr. Bhattacharjee's	11:22:35

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1 declaration is not something that I am aware of. 11:22:40 2 But having said that, after and during the 11:22:44 3 drafting process, I reviewed and I edited as 11:22:51 4 necessary, and I adopted and approved the opinions 11:22:54 5 stated therein. So I do not know the exact origin 11:22:58 6 of the sentences that are -- that you just 11:23:04 7 mentioned that are included in my report -- 11:23:06 8 declaration. 11:23:10 9 Q. Your declaration and Page 6, if you go 11:23:22 10 there, lists exhibits in this proceeding, correct? 11:23:29 11 A. Yes. 11:23:39 12 Q. And included in the list is Exhibit 1028, 11:23:41 13 which is Dr. Bhattacharjee's declaration? 11:23:46 14 A. Yeah. That's correct. 11:23:55 15 Q. In your declaration, Paragraph 22 -- 11:23:58 16 A. Yes. 11:24:06 17 Q. -- in the second sentence it says, "In 11:24:12 18 addition, I have reviewed and relied upon all 11:24:14 19 documents referenced in this declaration." 11:24:17 20 Do you see that? 11:24:19 21 A. Yes, I do. 11:24:30 22 Q. But you said you had not seen or reviewed 11:24:34 23 the Bhattacharjee declaration before today? 11:24:39 24 A. That is correct. The material that I have 11:24:43 25 relied on to form my opinion are listed here under 11:24:46	1 Paragraph 22 of my declaration. 11:24:51 2 To the extent that some other documents were 11:24:55 3 available, they were not my primary basis for 11:24:59 4 forming opinion in this declaration. 11:25:04 5 Q. But it's fair to say that some of the same 11:25:14 6 language and annotated figures from 11:25:21 7 Dr. Bhattacharjee's declaration are included in 11:25:24 8 your declaration? 11:25:28 9 MS. BURGESS: Objection to form and 11:25:30 10 scope. 11:25:33 11 THE DEPONENT: I mean, that seems to be 11:25:34 12 the case as you pointed out. And, once 11:25:35 13 again, I had reviewed, edited, and asked for 11:25:38 14 help in drafting to counsel for Arista. 11:25:43 15 But in the end, the opinion stated in 11:25:47 16 my declaration is my opinion, and I stand by 11:25:51 17 it. 11:25:54 18 MR. HOLT: The defendant has no for -- 11:26:30 19 has no further questions. 11:26:32 20 MS. BURGESS: Thanks. Let's take a 11:26:34 21 five-minute break off the record, please. 11:26:36 22 VIDEOGRAPHER: The time is now 11:26:38 23 11:27 a.m., and we are off the record. 11:26:40 24 (A recess transpired from 11:27 a.m. 11:26:47 25 through 11:31 a.m.) 11:31:00
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1 VIDEOGRAPHER: The time is now 11:31:01 2 11:31 a.m., and we are back on the record. 11:31:03 3 MS. BURGESS: Okay. And petitioner has 11:31:07 4 no redirect, so the witness can read and 11:31:09 5 sign. 11:31:13 6 THE DEPONENT: Thank you. 11:31:13 7 VIDEOGRAPHER: And the time is now 11:31:15 8 11:31 a.m., and we are off the record. 11:31:17 9 COURT REPORTER: And I just need Baker 11:31:22 10 Botts to state their orders on the record, 11:31:25 11 please. 11:31:28 12 MS. BURGESS: Sorry. Orders? 11:31:30 13 COURT REPORTER: Yes. 11:31:30 14 MS. BURGESS: The rough only is fine. 11:31:35 15 Thank you. 11:31:35 16 COURT REPORTER: Okay. 11:31:42 17 MR. HOLT: Madonna, I believe you 11:31:42 18 should have our timing and requests and 11:31:43 19 everything. 11:31:50 20 COURT REPORTER: I didn't have it 11:31:50 21 rough, but I'll change it to rough for you. 11:31:51 22 Okay? 11:31:56 23 MS. BURGESS: Okay. 11:31:56 24 MR. WILLIAMS: Sorry, just -- 11:31:59 25 MR. HOLT: I --	1 MR. WILLIAMS: So Benjamin is a 2 different firm. I think he was saying he 3 already put his order in. 4 MR. HOLT: Yeah. 5 MR. WILLIAMS: I don't know if he wants 6 a rough, but Baker Botts does. 7 COURT REPORTER: Okay. That was 8 Mr. Williams, right? 9 MR. HOLT: Yes, that Mr. Williams. He 10 was just clarifying. 11:32:17 11 As I was saying a minute ago, I was 11:32:18 12 clarifying I think you should have our 11:32:21 13 request -- 11:32:24 14 COURT REPORTER: I do. 11:32:26 15 MR. HOLT: -- for the patent owner. 11:32:26 16 COURT REPORTER: I have the standing 11:32:30 17 order. I'll put rough on there. I don't 11:32:30 18 remember it saying rough, but I might have 11:32:30 19 overlooked it. 11:32:30 20 Okay. Thank you. 11:32:40 21 (Off-the-record discussion.) 22 COURT REPORTER: And Baker Botts just 23 wants regular delivery, right? 24 MS. BURGESS: Rough. 25 COURT REPORTER: Right. But you want

Page 66 1 just regular delivery, no expedited? 2 MR. WILLIAMS: No, we don't -- we're 3 not ordering a transcript at this time. 4 Just the rough, please. 5 COURT REPORTER: Oh. Okay. 6 All right. Thank you. 7 MR. HOLT: Thanks. 8 MS. BURGESS: Thank you, Madonna. 9 COURT REPORTER: Uh-huh. 11:35:20 10 (The deposition concluded at 11:36 a.m.) 11:35:20 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 67 1 CERTIFICATE OF REPORTER 2 I, Madonna M. Farrell, Registered 3 Professional Reporter and Notary Public in and for 4 the State of South Carolina, do hereby certify that 5 the deponent was duly sworn by me to testify to the 6 truth, and that the above deposition was recorded 7 stenographically by me and transcribed through 8 computer-aided transcription by me to the best of 9 my ability. 10 I FURTHER CERTIFY that the foregoing 11 transcript is a true and correct transcript of the 12 testimony given by the said witness at the time and 13 place specified. 14 I FURTHER CERTIFY that I am neither attorney 15 or counsel for, nor related to or employed by any 16 of the parties to the action in which this 17 deposition is taken, or financially interested in 18 this action. 19 IN WITNESS WHEREOF, I have set my hand and 20 seal this 28th of February, 2024. 21 22 Madonna M. Farrell 23 Registered Professional Reporter 24 Notary Public 25 My commission expires August 20, 2025
Page 68 1 VERIFICATION OF DEPONENT 2 3 I, PHIL MIN, PhD, have read the foregoing 4 deposition consisting of 69 pages which was 5 reported by Madonna M. Perkins, Registered 6 Professional Reporter and notary public in and for 7 the State of South Carolina on February 23, 2024. 8 I find the transcript of this deposition to 9 be a true and accurate transcript according to my 10 testimony on that date with the exception of 11 _____ corrections as listed on the attached 12 correction sheet, which was filled in by me. 13 14 + _____ 15 PHIL MIN, PhD 16 17 18 _____, 2024 19 20 21 22 23 24 25	Page 69 1 ERRATA PAGE 2 PAGE # - LINE # CHANGE AND/OR CORRECTION 3 (AND EXPLANATION) 4 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 19 THE ABOVE CHANGES WERE NOTED BY ME ON THIS ERRATA 20 PAGE BEFORE SIGNING THE ATTACHED VERIFICATION OF 21 DEPONENT. I HAVE RETAINED A COPY OF THIS ERRATA 22 PAGE FOR MY RECORDS, AND THE COURT REPORTER IS TO 23 ATTACH THIS PAGE AND MY VERIFICATION TO THE 24 ORIGINAL TRANSCRIPT. 25 DATED: _____ PHIL MIN, PhD

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