

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC., INSTAGRAM)
INC., WHATSAPP LLC, META)
PLATFORMS TECHNOLOGIES, LLC AND)
GIPHY, INC.,)
Petitioners,)
v.) Case IPR2023-00923
VL COLLECTIVE IP LLC,) U.S. Patent 7,266,682
Patent Owner.)

DEPOSITION OF HENRY HOUH, PH.D.

February 16, 2024

8:00 a.m. Eastern Standard Time

Reported by: Lori J. Goodin, RPR, CLR, CRR,
RSA, California CSR #13959

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

1 REMOTE APPEARANCES:

2 FOR PETITIONER:

3 KIRKLAND & ELLIS LLP

4 BY: JONATHAN D. BRIT, ESQUIRE

5 601 Lexington Avenue

6 New York, New York 10022

7 212-446-4800

8 jonathan.brit@kirkland.com

9 AND

10 KIRKLAND & ELLIS LLP

11 BY: ETHAN PERBOHNER, ESQUIRE

12 300 North LaSalle

13 Chicago, Illinois 60654

14 312-862-2000

15 ethan.perbohner@kirkland.com

16

17 FOR PATENT OWNER:

18 REICHMAN JORGENSEN LEHMAN & FELDBERG LLP

19 BY: PHILIP EKLEM, ESQUIRE

1909 K Street, Northwest

20 Suite 800

Washington, D.C. 20006

21 202-894-7310

peklem@reichmanjorgensen.com

22

1 INDEX TO EXAMINATION

2 WITNESS: HENRY HOUH, PH.D.

3

4 EXAMINATION BY PAGE

5 MR. EKLEM 6

6 MR. BRIT 68

7 MR. EKLEM 160

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1	INDEX TO EXHIBITS			
2	HOUH			
3	EXHIBIT	DESCRIPTION	PAGE	
4	Exhibit 1	Meta 1003, Declaration of		
5		Dr. Henry Houh, '682 patent,		
6		5/24/23	10	
7	Exhibit 2	Meta 1005, Handley reference	12	
8	Exhibit 3	Meta 1006, Basturk reference	14	
9	Exhibit 4	Meta 1007, PacketCable report	16	
10	Exhibit 5	Meta 1001, U.S. Patent		
11		Number 7,266,682	17	
12	Exhibit 6	Meta 1017, Supplemental		
13		Declaration of Dr. Henry Hough	69	
14	Exhibit 7	Meta 1027, Handley reference	81	
15	Exhibit 8	Meta 1028, Handley reference	83	
16	Exhibit 9	Meta 1016, Declaration of		
17		Jon Crowcroft, Ph.D.	103	
18	Exhibit 10	Meta 1018, Supplemental		
19		Declaration of Sylvia D.		
20		Hall-Ellis, Ph.D.	150	
21				
22				

1 FRIDAY, FEBRUARY 16, 2024, 8:00 a.m. EST

2 PROCEEDINGS

3 * * *

4 Whereupon,

5 HENRY HOUH, PH.D.,

6 a witness called for examination, having been
7 first duly sworn, was examined and testified as
8 follows:

9 * * *

10 THE REPORTER: Unless an objection
11 is heard at this time, all parties to this
12 deposition are appearing remotely and have agreed
13 to the witness being sworn in remotely.

14 MR. EKLEM: This is Philip Eklem
15 with Reichman Jorgensen Lehman and Feldberg, on
16 behalf of the patent owner.

17 Counsel for petitioners, would you
18 like to state your appearance?

19 MR. BRIT: Yes. Good morning.
20 Jonathan Brit. And with me today is my
21 colleague, Ethan Perbohner, of Kirkland & Ellis
22 on behalf of the petitioners, Meta Platforms,

1 Inc., et al.

2 EXAMINATION

3 BY MR. EKLEM:

4 Q. All right. Good morning, Dr. Houh.

5 How are you?

6 A. I am well. Thank you. How are you?

7 Q. Doing great. Would you mind please
8 stating your full name for the record?

9 A. My name is Henry Houh, and that is
10 spelled H-O-U-H.

11 Q. And where are you located today,
12 Dr. Houh?

13 A. I am in New York City, in the
14 offices of the attorney.

15 Q. Okay. Is anybody in the room with
16 you today?

17 A. Yes.

18 Q. Who is in the room with you?

19 A. John Brit is in the room with me.

20 Q. Okay. Do you have any hard copy
21 documents in front of you today?

22 A. Not at the moment, no.

1 Q. Okay. Did you bring any notes with
2 you?

3 A. I don't have them in front of me,
4 no. I don't think I brought any notes.

5 Q. Okay. This deposition is being
6 conducted remotely. So, I assume that you have a
7 computer of sorts in front of you; is that
8 correct?

9 A. Yes.

10 Q. Okay. Do you have anything, any
11 applications or windows open on your computer,
12 other than the Zoom link for this deposition?

13 A. Yes, on this desktop I have an
14 Acrobat open with no documents, and a folder with
15 exhibits that were uploaded to the file, the Box
16 for this deposition.

17 Q. Okay. Great. All right. And we
18 are going to be referring to the documents in the
19 Box today. And feel free to use the electronic
20 version. Or if you prefer a hard copy, I
21 understand that those can be provided to you.

22 I will just ask that you don't open

1 any other programs or PDFs, other than what is in
2 the Box as we proceed today. Can you agree to
3 that, please?

4 A. Yes, although I do have a browser
5 open. That is open to the Box folder for the
6 deposition as well.

7 Q. Okay, yeah. And that is fine. Just
8 please would you agree not to open any other
9 browser windows unless we agree to do that for
10 purposes of the deposition?

11 A. Yes.

12 Q. Okay. Thank you. So, I'm going to
13 be asking you some questions today. Your counsel
14 may object to those questions.

15 But unless your counsel instructs
16 you not to answer, you must answer my question.
17 Do you understand that?

18 A. Yes.

19 Q. So, this deposition is a question
20 and answer conversation between you and me. And
21 my intent is to ask you questions that you will
22 be able to answer and understand.

1 So, if I ask you a question that you
2 don't understand, or that you are unable to
3 answer for any reason, will you agree to let me
4 know the precise issue that you have with my
5 question so that I can do my best to make the
6 question understandable or answerable for you?

7 A. Sure, I will do my best.

8 Q. Okay. And I'm going to try to stop
9 for a break about every hour.

10 But if you need to break sooner,
11 just let me know and I will try to get us to a
12 stopping place as quickly as possible.

13 I will just ask that if there is a
14 question pending and you would like to take a
15 break, that we get an answer to that question
16 before we break.

17 Is that okay?

18 A. Sure. Sure, that sounds fine.

19 Thank you.

20 MR. EKLEM: All right. So, I'm
21 going to start by introducing an exhibit. In Box
22 it is identified by the file name EX 100 -- I'm

1 sorry, EX 1003, Declaration of Dr. Henry Houh,
2 '682 patent.

3 (Houh Exhibit 1 marked for
4 identification.)

5 BY MR. EKLEM:

6 Q. Do you see that?

7 A. Yes.

8 Q. Feel free to open that. And if you
9 have a paper copy available that you would rather
10 use, please go ahead and put that in front of
11 you.

12 A. Sure. I will take one, too. Thank
13 you.

14 Q. So, we will call this Exhibit 1 to
15 the deposition.

16 But, if it is all right, would you
17 mind if we refer to this as either your May 24th
18 declaration or Exhibit 1003?

19 A. Sure.

20 Q. Okay. So, Exhibit 1003, if you go
21 to the cover page, do you see on the bottom right
22 corner, a stamp that says Meta 1003?

1 A. Yes.

2 Q. And the title of the document is
3 Declaration of Dr. Henry Houh, Ph.D. in Support
4 of Petition For Inter Partes Review of U.S.
5 Patent Number 7,266,682, correct?

6 A. Yes.

7 Q. Okay. And, would you please go to
8 the very last page, Page 112 of Exhibit 1003.
9 And do you see a signature on Page 112?

10 A. Yes.

11 Q. Is that your signature?

12 A. Yes, it is.

13 Q. And, is it dated May 24th, 2023?

14 A. Yes.

15 Q. All right. We are going to refer to
16 some of the -- well, let's go to the -- if you
17 would, please, it is the third page. So,
18 Romanette 3 of Exhibit 1003. It is a list of
19 exhibits.

20 And just let me know when you are
21 there.

22 A. Okay, I am there.

1 Q. The List of Exhibits, are those the
2 exhibits that you referred to in your
3 declaration?

4 A. I believe I have cited to these or I
5 have considered them for the purpose of this
6 declaration.

7 Q. Okay. And the table lists
8 Exhibits 1001 through 1015, correct?

9 A. Yes.

10 Q. Okay.

11 MR. EKLEM: So, I'm just going to --
12 if you would, please, if you would access in Box
13 or on paper the document in Box that is
14 identified as EX 1005, Handley, and let me know
15 when you have that in front of you.

16 (Houh Exhibit 2 marked for
17 identification.)

18 THE WITNESS: Okay, sure. Okay, I
19 have it.

20 BY MR. EKLEM:

21 Q. Okay. On the first page in the
22 bottom right corner, do you see a stamp that says

1 Meta 1005?

2 A. Yes.

3 Q. Okay. And on the first page, the
4 title of the document is Very Large Conferences
5 on the Internet: The Internet Multimedia
6 Conferencing Architecture and the MBONE; is that
7 correct?

8 A. I do see that.

9 Q. And it lists, Handley, Crowcroft and
10 Bormann as the authors, correct?

11 A. I see that.

12 Q. Okay. So, today, if I refer to this
13 as Exhibit 1005, will you understand this as
14 referring to the second exhibit that we have
15 marked in your declaration?

16 And for the record we will call this
17 Exhibit 2 to the declaration -- I'm sorry.
18 Exhibit 2 to the deposition.

19 A. I think I caught all of that.

20 Q. Okay. Sorry. Let me re-ask the
21 question.

22 So, the document that we have

1 identified as Exhibit 1005, we are going to, for
2 the record this is going to be Exhibit 2 to the
3 deposition.

4 My question for you, Dr. Houh, is it
5 okay if we refer to this today as either Handley
6 or Exhibit 1005?

7 A. Sure.

8 Q. Okay. So, going back to your table
9 of exhibits in your declaration. Do you see a
10 Exhibit 1006 listed there?

11 A. Yes.

12 MR. EKLEM: So, why don't you please
13 access either in Box or in paper the document
14 identified in Box as EX 1006, Basturk,
15 B-A-S-T-U-R-K, and let me know when you have that
16 in front of you.

17 (Houh Exhibit 3 marked for
18 identification.)

19 THE WITNESS: I have it.

20 BY MR. EKLEM:

21 Q. Okay. On the first page do you see
22 in the bottom right corner, a stamp Meta 1006?

1 A. Yes.

2 Q. Okay. And is the title of the
3 document Secure Transport Protocols For High
4 Speed Networks?

5 A. I see that.

6 Q. And does it list the authors:
7 Basturk, Bellare, Chow and Guerin?

8 A. I see that, too.

9 Q. Okay. All right.

10 MR. EKLEM: So, for the record this
11 will be Exhibit 3 to the deposition.

12 BY MR. EKLEM:

13 Q. Dr. Houh, is it all right if we
14 refer to this document today as either Basturk or
15 Exhibit 1006?

16 A. Sure.

17 Q. Okay. So, going back to your list
18 of exhibits in your declaration, do you see an
19 exhibit listed as 1007?

20 A. Yes.

21 Q. Okay. Would you mind accessing
22 either in Box or in paper copy the document

1 identified in Box as EX 1007, PacketCable?

2 (Houh Exhibit 4 marked for
3 identification.)

4 THE WITNESS: Okay, I have it.

5 BY MR. EKLEM:

6 Q. Okay. In the bottom right corner,
7 do you see a stamp that says Meta 1007?

8 A. Yes.

9 Q. Okay. And, is the title of the
10 document PacketCable 1.0 Architecture Framework
11 Technical Report?

12 A. I do see that.

13 Q. Okay. Great. All right. So, if
14 you have the paper copies, you can set them next
15 to you. We are going to refer to those, you
16 know, at different times throughout the
17 deposition. I just wanted you to have those
18 handy so it is easy for you to refer to them.

19 Let's also, in your table of
20 exhibits, do you see the exhibit listed as 1001?

21 A. Yes.

22 Q. Okay. Then would you please either

1 access either on Box or in paper copy the
2 document identified in Box as EX 1001,
3 U.S. 7,266,682?

4 (Houh Exhibit 5 marked for
5 identification.)

6 THE WITNESS: Okay, I have it.

7 BY MR. EKLEM:

8 Q. Okay. And do you recognize this as
9 U.S. Patent Number 7,266,682?

10 A. Yes.

11 Q. In the bottom right corner, do you
12 see a stamp that says Meta 1001?

13 A. Yes.

14 Q. Okay. Great. Dr. Houh, is it your
15 understanding that the '682 -- well, first of
16 all, for purposes of the deposition today, do you
17 mind if we refer to Exhibit 1001 as either
18 Exhibit 1001 or the '682 patent?

19 A. Sure, I don't mind.

20 Q. Okay.

21 MR. BRIT: And just to confirm,
22 counsel, that is Exhibit 5 to the deposition; is

1 that right?

2 MR. EKLEM: That's right. And if I
3 missed it, Exhibit 4 is Exhibit 1004, which we
4 have -- I'm sorry. Exhibit 1007, which we have
5 identified as PacketCable. Thank you.

6 BY MR. EKLEM:

7 Q. Dr. Houh, is it your understanding
8 that the '682 patent teaches that the three
9 layers above the Transport Layer 4 combine to
10 form an application layer?

11 MR. BRIT: Objection, lacks
12 foundation.

13 THE WITNESS: In the background
14 section of the specification of the '682 patent,
15 if you look at Column 1 around Line 42, it does
16 say here, "The three layers above the Transport
17 Layer 4 combine to form an Application Layer for
18 which in a similar way to the implementation
19 above an application protocol is used."

20 So, that is what it is saying in
21 that specification.

22 BY MR. EKLEM:

1 Q. Okay. So, it is your understanding
2 that the '682 patent specification indicates that
3 the three layers above the Transport Layer 4
4 combine to form an application layer, right?

5 A. I mean, that is what the
6 specification says. And you might have said it
7 word for word.

8 Q. Okay. Is it your understanding that
9 the application layer of the '682 patent
10 comprises the Realtime Transport Protocol, RTP?

11 MR. BRIT: Objection, lacks
12 foundation.

13 THE WITNESS: Well, I do say in my
14 declaration, Exhibit 1003, that the '682
15 patent -- this is Paragraph 7, "The '682 patent
16 subsequently alleges to provide authentication
17 from a transmitter to a receiver in a realtime
18 transport protocol, RTP, packet level as an
19 application protocol on an application layer by
20 inserting an authentication data as a transmitter
21 at the end of a whole RTP packet payload."

22 BY MR. EKLEM:

1 Q. Okay. Do you want to move to
2 Paragraph 39 in your declaration, please. And
3 just let me know when you are there.

4 A. Okay.

5 Q. In Paragraph 39, you state, "The
6 known application layer comprises the user
7 interface, audio/video applications, audio/video
8 data, the security application, and a known
9 networking protocol entitled realtime transport
10 protocol, RTP."

11 Do you see that?

12 A. Yes.

13 Q. Okay. So, is it your understanding
14 that the application layer of the '682 patent
15 comprises the realtime transport protocol, RTP?

16 MR. BRIT: Objection, asked and
17 answered.

18 THE WITNESS: Well, in my
19 Paragraph 39, I am citing to Figure 2 which I
20 have shown at the end of that paragraph.

21 In that paragraph, in the
22 specification it is described in Column 6 at

1 Lines 1 and 2 as -- it says, "Figure 2 is a block
2 diagram of an application layer with possible
3 protocols."

4 And so, I am just -- I am citing to
5 the spec to support what I say there which is,
6 RTP is listed as a protocol within Figure 2. And
7 that Figure 2 is described as an application
8 layer with possible protocols.

9 And I mention other things in there,
10 too, but, yeah, RTP is labeled 201 in Figure 2.

11 BY MR. EKLEM:

12 Q. Okay. And Figure 2 shows the
13 application layer of the '682 patent?

14 A. That is what the specification
15 describes Figure 2 as, as a block diagram of an
16 application layer with possible protocols.

17 Q. Okay. Why don't you please
18 put Handley, Exhibit 1005, why don't you go ahead
19 and put that in front of you or access that. And
20 just let me know when you are ready.

21 A. Okay, I have it.

22 Q. Is it your opinion that Handley

1 discloses a standard way to encrypt RTP and RTCP
2 packets using private key encryption schemes?

3 MR. BRIT: Objection, vague. Lacks
4 foundation. Relevance.

5 THE WITNESS: If you look at Page 12
6 of Exhibit 1005, at the first full paragraph it
7 says, "RTP specifies a standard way to encrypt
8 RTP and RTCP packets using private key encryption
9 schemes such as DES."

10 BY MR. EKLEM:

11 Q. Okay. Can you go to Paragraph 63 of
12 your declaration, please?

13 A. Okay.

14 Q. About six lines down in
15 Paragraph 63, you state, "Handley discloses a
16 standard way to encrypt RTP and RTCP packets
17 using private key encryption schemes but does not
18 explicitly state how to perform these
19 efficiently."

20 Do you see that?

21 A. Yes.

22 Q. Is that still your understanding?

1 A. Yeah. I mean you omitted the block
2 quotes there that quoted what I just read.

3 But the part, but does not
4 explicitly, is not in the block quotes. But,
5 that -- I stand by my opinions here.

6 Q. Okay. And you have cited Page 12 of
7 Handley there, EX 1005 at 12, correct?

8 A. Yes.

9 Q. And, on Page 12 of Exhibit 1005, it
10 states, "RTP specifies a standard way to encrypt
11 RTP and RTCP packets using private key encryption
12 schemes such as DES." Correct?

13 A. Yes.

14 Q. Right. And the RTP referred to
15 there is the realtime transport protocol of
16 RFC 1889, correct?

17 A. Yes.

18 Q. If you would go to Page 8 of
19 Exhibit 1005, please. Let me know when you are
20 there.

21 A. Okay.

22 Q. Under the heading 5.2 RTP, do you

1 see where it says, "The transport protocol for
2 realtime flows is RTP." And in brackets it has
3 the number 22.

4 A. Yes.

5 Q. Okay. If you go to Page 15 of
6 Handley and let me know when you get there.

7 A. Yes, I am there.

8 Q. Do you see in brackets the
9 number 22?

10 A. Yes.

11 Q. Does correspond to RFC 1889?

12 A. Yes.

13 Q. Okay. If you would go to
14 Paragraph 64 of your declaration, please.

15 A. You said Page 64, right?

16 Q. Paragraph 64.

17 A. Okay. I am there.

18 Q. On Paragraph 64 of your report the
19 first sentence begins with, "Although Handley
20 does not expressly disclose, quote, inserting at
21 the transmitter authentication data at the end of
22 the whole RTP packet payload," and then the

1 sentence continues.

2 Do you see that there?

3 A. Yes.

4 Q. So, is it your opinion that Handley
5 does not expressly disclose inserting at the
6 transmitter authentication data at the end of a
7 whole RTP packet payload?

8 MR. BRIT: Objection, vague.
9 Misquotes the document.

10 THE WITNESS: What I am saying here
11 is that Handley is not expressly disclosing
12 inserting at the transmitter authentication data
13 at the end of a whole RTP packet payload.

14 But I go on to say what would have
15 been obvious to a POSITA.

16 BY MR. EKLEM:

17 Q. Okay. Could you move forward to
18 Paragraph 320, which is on Page 109 of your
19 declaration, please.

20 A. Okay.

21 Q. In Paragraph 320, the first sentence
22 begins with, "Although Handley does not disclose

1 the use of switching nodes and switching
2 installations," and then the sentence continues.

3 Do you see that?

4 A. I do see that.

5 Q. Is it your opinion that Handley does
6 not disclose the use of switching nodes and
7 switching installations?

8 MR. BRIT: Objection, vague.
9 Misquotes the document. Lacks foundation.

10 THE WITNESS: Well, what I am
11 talking here about is things like the media
12 gateways of PacketCable.

13 And so that Handley is not, you
14 know, talking about these things like the
15 gateways. But, for the various reasons I
16 describe in this section, it would have been
17 obvious to a POSITA to, you know, combine Handley
18 with PacketCable that has these gateways -- these
19 meted gateways, because it would allow that
20 system to interface with different kinds of
21 telecommunication networks such as to allow
22 telephone calls to the public switch telephone

1 network which is what I go on in this paragraph
2 to discuss.

3 BY MR. EKLEM:

4 Q. And in your declaration you begin
5 Paragraph 320 by saying, and I will quote it,
6 "Although Handley does not disclose the use of
7 switching nodes and switching installations."

8 Do you see that?

9 MR. BRIT: Same objections.

10 THE WITNESS: I do see that.

11 BY MR. EKLEM:

12 Q. And do you stand by that?

13 A. Yes, I stand by -- I stand by my
14 opinions here. And I go on to discuss the
15 specific types of switching nodes that are
16 disclosed in PacketCable, these meted gateways.

17 And I discuss, I think, elsewhere
18 why the meted gateways or PacketCable are an
19 example that a POSITA would recognize of a
20 switching node.

21 And I discuss in this paragraph why
22 it would have been obvious to a POSITA to combine

1 Handley and PacketCable in the way I have
2 discussed here.

3 Q. Okay. You can set Exhibit 1005
4 aside for a moment.

5 And if you wouldn't mind grabbing
6 Exhibit 1006, which is Basturk.

7 A. Okay.

8 Q. Is it your opinion that Basturk
9 suggests the design of secure transport protocols
10 and presents a general method to transform a
11 given transport protocol into a secure one?

12 MR. BRIT: Objection, compound
13 question. Vague. Lacks foundation. Form.

14 THE WITNESS: What are the things
15 you are asking about, whether Basturk suggests
16 again? Could we do them one at a time?

17 BY MR. EKLEM:

18 Q. Sure. Is it your opinion that
19 Basturk suggests the design of secure transport
20 protocols?

21 MR. BRIT: Objection, vague. Lacks
22 foundation. And form.

1 THE WITNESS: I mean, in the
2 introduction in Basturk on Page 3, it doesn't
3 quite say exactly that.

4 What it does say is that "We suggest
5 the design of secure transport protocols as the
6 most effective way of filling all needs and
7 present a general method to transform a given
8 transport protocol into a secure one."

9 And so, I think that is slightly
10 different than the question you are asking.

11 BY MR. EKLEM:

12 Q. Okay. Let's go to Paragraph 60 of
13 your report, please -- of your declaration,
14 Exhibit 1003.

15 MR. BRIT: Sorry, which paragraph
16 did you say?

17 MR. EKLEM: 60. 6-0.

18 THE WITNESS: Okay. I am there.

19 BY MR. EKLEM:

20 Q. About the fifth line down in
21 Paragraph 60 it says, "Stemming from the IBM
22 Thomas J. Watson Research Center, this report

1 states that the increasingly widespread use of
2 networks is leading to new security concerns such
3 as secure delivery, suggest the design of secure
4 transport protocols as the most effective way of
5 filling all needs and presents a general method
6 to transform a given transport protocol into a
7 secure one."

8 Do you see that?

9 MR. BRIT: Objection, misquotes the
10 document.

11 THE WITNESS: I do see that. And I
12 think the second part of -- there are two
13 separate quotes out of Basturk. And the second
14 part of that in that sentence you read is the one
15 I was just directing you to.

16 BY MR. EKLEM:

17 Q. Okay. And the -- and you said that
18 there are two quotes from Basturk in that
19 sentence?

20 A. Yes. Yes.

21 Q. And you combined those two quotes in
22 that single sentence, correct?

1 MR. BRIT: Objection, vague.

2 THE WITNESS: I mean, I have used
3 two quotes in that sentence. And the first
4 quote, as I cited at the end, that comes from the
5 abstract.

6 So, I'm citing everything that I'm
7 quoting there.

8 BY MR. EKLEM:

9 Q. Uh-huh. So, is it your
10 understanding that Basturk suggests the design of
11 secure transport protocols?

12 MR. BRIT: Objection, vague. Asked
13 and answered.

14 THE WITNESS: Again, that is not
15 exactly what Basturk is saying. There is a whole
16 phrase after that which I think is -- isn't
17 exactly -- that you are omitting from that.

18 And the whole phrase is, and I
19 guess, let me get the tense right, because, you
20 know, I -- Basturk on Page 3, in the middle of
21 the introduction paragraph says, "We suggest the
22 design of secure transport protocols as the most

1 effective way of filling all needs and present a
2 general method to transform a given transport
3 protocol into a secure one."

4 BY MR. EKLEM:

5 Q. So, is it your understanding that
6 Basturk presents a general method to transform a
7 given transport protocol into a secure one?

8 MR. BRIT: Objection, vague. Asked
9 and answered.

10 THE WITNESS: I mean, that is part
11 of what Basturk itself is saying is that it is --
12 that is the second half of that sentence I read
13 which is, "and present a general method to
14 transform a given transport protocol into a
15 secure one."

16 I mean, that is what Basturk is
17 saying.

18 BY MR. EKLEM:

19 Q. That is what Basturk is saying. I
20 understand that.

21 But is that your understanding of
22 what Basturk discloses?

1 MR. BRIT: Objection, vague. Asked
2 and answered.

3 THE WITNESS: I mean, that is what
4 Basturk is saying right there in that sentence.

5 BY MR. EKLEM:

6 Q. Okay. Could you go to Paragraph 66
7 of your declaration, please.

8 A. Okay.

9 Q. The first sentence of Paragraph 66
10 you state, "A POSITA would have also appreciated
11 that although Basturk does not explicitly
12 disclose RTP," and then the sentence continues.

13 Do you see that?

14 MR. BRIT: Objection. Misquotes the
15 document.

16 THE WITNESS: That is how the
17 sentence starts.

18 BY MR. EKLEM:

19 Q. So, is it your understanding that
20 Basturk does not explicitly disclose RTP?

21 A. I mean the whole sentence here is
22 that, "A POSITA would have also appreciated that

1 although Basturk does not explicitly disclose
2 RTP, RTP's secure transport protocol is
3 compatible with Handley's internet conferencing
4 architecture as Handley specifically considers
5 security issues devoting an entire section to
6 security concerns."

7 And so I mean I stand by my opinions
8 here.

9 Q. So, do you stand by your statement
10 that Basturk does not explicitly disclose RTP?

11 MR. BRIT: Objection, vague.
12 Misquotes the document. Misquotes testimony.

13 THE WITNESS: I mean, that sentence
14 goes on. And it does not -- I go on to explain
15 that "Basturk discloses that its proposed
16 protocol 'should be able to operate in both
17 environments,' including 'software encryption and
18 decryption for secure video conferences at both
19 low and high resolution environments.'

20 And then "A POSITA would have
21 understood that RTP is commonly used for video
22 conferences as 'RTP is primarily designed to

1 satisfy the needs of multi-participant multimedia
2 conferences'."

3 And it goes on. And I am basically
4 explaining. I do say as part of the initial
5 sentence Basturk does not explicitly disclose
6 RTP.

7 And then I go on to explain how
8 Basturk is talking about video conferences. And
9 that a POSITA would have understood that RTP is
10 commonly used for video conferences.

11 So, I mean, you know, I stand by my
12 opinions as I have written them here.

13 BY MR. EKLEM:

14 Q. Staying in Paragraph 66, if you go
15 down toward the bottom of the page, which is
16 Page 33 of your declaration.

17 The second line up from the bottom
18 of the page is a sentence that begins with
19 "Further, Basturk teaches."

20 Do you see that?

21 A. Yes.

22 Q. So, that sentence crosses from

1 Page 33 into Page 34. Would you mind reading
2 that sentence into the record, please?

3 A. Sure. It says, "Further, Basturk
4 teaches its security features, 'reflect the need
5 to add security functionality in a way which is
6 consistent with, and best matches, the existing
7 communication structure' and so that
8 "applications using the regular transport
9 protocol will not have to be modified at all."

10 Q. Okay. Do you stand by that opinion?

11 MR. BRIT: Objection, misquotes the
12 document. Misquotes testimony. Vague.

13 THE WITNESS: I mean, I -- I stand
14 by my opinions overall as they are laid out in my
15 declaration.

16 BY MR. EKLEM:

17 Q. Including the one that you just read
18 into the record?

19 A. I mean I stand by my declaration as
20 a whole.

21 MR. EKLEM: Okay. It is a few
22 minutes early, but would you guys like to take

1 our first break now? I want to switch to a
2 different topic and it might just be a clean
3 break.

4 THE WITNESS: Sure, I don't mind.

5 MR. EKLEM: Jonathan?

6 MR. BRIT: It is fine with me if it
7 is okay with the witness and you.

8 MR. EKLEM: Let's just take five
9 minutes, then.

10 MR. BRIT: Sure, so, 8:58?

11 MR. EKLEM: Let's make it top of the
12 hour.

13 THE WITNESS: Sounds good. Thank
14 you.

15 (Recess taken -- 8:53 a.m.)

16 (After recess -- 9:00 a.m.)

17 BY MR. EKLEM:

18 Q. Dr. Houh, could you go to
19 Paragraph 81 of your declaration, please. It is
20 on Page 42. And when you get there, if you would
21 just read Paragraph 81 to yourself and let me
22 know when you are ready.

1 A. Okay.

2 Q. Okay. So, in Paragraph 81 you refer
3 to machine A and you identify it in quotes with a
4 capital MA. Do you see that?

5 A. Yes.

6 Q. Okay. And similarly you refer to
7 machine B and you identify it in quotes with a
8 capital MB. Do you see that as well?

9 A. Yes, because that is what -- Basturk
10 is using those shortened indicators.

11 Q. Okay. So, in Basturk, MA and MB
12 refer to transport machines, correct?

13 MR. BRIT: Objection, vague. Lacks
14 foundation.

15 THE WITNESS: So, if you look at
16 Page 8 of Basturk, in the second and third blocks
17 there -- or paragraphs, the second one, Basturk
18 does say, "The software creates for her an
19 entity. We call her secure transport machine and
20 denote by MA."

21 And then in the next paragraph,
22 Responder Interface it says, "Party B has also

1 initialized a secure transport machine, MB. "

2 BY MR. EKLEM:

3 Q. Okay, so, in Paragraph 81 of your
4 report where you refer to Machine A and
5 Machine B, are you referring to the transport
6 machines MA and MB described in Basturk?

7 A. I, it is the same MA, MB. You know,
8 for an appropriate example, it might not be the
9 same one as in Example 1 that is describing
10 Situation 1.

11 I am referring to the one in the
12 section I am describing.

13 Q. Yes. So, in Basturk, Basturk uses MA
14 and MB to refer to secure transport machines,
15 right?

16 A. It does say that in places, as I
17 just was showing you on Page 8.

18 Q. And so on Page 9 of Basturk, which
19 you cite in Paragraph 81, when Basturk refers to
20 MA and MB, do you understand those to be transport
21 machines?

22 MR. BRIT: Objection, vague. Asked

1 and answered.

2 THE WITNESS: So, those are the
3 machines, and Basturk does call them in places
4 secure transport machines.

5 And my point was really that there
6 are specific examples using MA and MB.

7 And I am citing to the ones on
8 Page 9 that support the specific example that I
9 was discussing in that section.

10 So -- and not every occurrence of MA
11 and MB in Basturk might apply, are discussing that
12 particular example.

13 My point is, the instance of MA and
14 B, I am talking about reflect a specific portion
15 of the discussion where it is talking about MA and
16 MB. It would be how MA assigns data and MB
17 verifies the signature.

18 BY MR. EKLEM:

19 Q. Okay.

20 A. Or, and sorry. Yeah, and MB verifies
21 the signature.

22 Q. Okay. And in the portion of

1 Basturk's discussion that you cite that you just
2 described, MA and MB refer to transport machines,
3 correct?

4 MR. BRIT: Objection, vague. Asked
5 and answered.

6 THE WITNESS: Well, I think we may
7 both be using some shorthand at points.

8 You know, in the paragraph, I
9 suggest machine. You said transport machine.
10 Basturk at places calls it secure transport
11 machine.

12 So, I think they are all -- you
13 know, I am not saying that sometimes MA is not one
14 type or the other. It is -- I think it is fair
15 to say that Basturk is using the whole phrase,
16 secure transport machine to describe, for
17 example, MA and MB.

18 BY MR. EKLEM:

19 Q. Okay. And I am just -- the reason
20 why I am asking these question is I'm trying to
21 ascertain your understanding of the terminology
22 that Basturk is using.

1 I'm not trying to confuse you or
2 anything. I'm just throwing that out there.

3 So, my next question along those
4 lines is when Basturk uses capital A and capital
5 B in its notations, do you understand Basturk to
6 be referring to the A and B as applications?

7 MR. BRIT: Objection, vague. Lacks
8 foundation.

9 THE WITNESS: If you look higher up
10 on Page 8, right under the heading 2.2, the User
11 Interface, it starts out by saying, "Startup
12 Information. Each potential user (application) A
13 of the secure transport protocol."

14 So, I think Basturk is saying that
15 the users, A, are, for example, an application.

16 BY MR. EKLEM:

17 Q. Okay. If you would go to Page 3 of
18 Basturk, please.

19 A. Okay.

20 Q. Under the heading 1.1 Security
21 Requirements and Their Placement, the first
22 sentence reads, -- the first two sentences are,

1 read as follows -- "Two parties, denoted A and B,
2 communicate over a network. We will naturally
3 view the parties as applications who use a common
4 transport protocol."

5 Do you see that?

6 A. Yes.

7 Q. So, based on that description, do
8 you understand that capital letters A and B in
9 Basturk denote applications?

10 MR. BRIT: Objection, asked and
11 answered.

12 THE WITNESS: Yeah. I think that is
13 consistent with what I just said. And I was
14 pointing you to on Page 8.

15 BY MR. EKLEM:

16 Q. Okay. In Paragraph 81 of your
17 declaration, you refer to a session key alpha.
18 Do you see that?

19 A. Yes.

20 Q. Basturk teaches that applications A
21 and B never see the session key alpha, correct?

22 MR. BRIT: Objection, vague. Lacks

1 foundation.

2 A. So, there is a statement in Basturk
3 on Page 10 that does talk about notice that --
4 and this is about in this example discussed
5 above.

6 "Notice that only the transport
7 machines, MA and MB, know about the session key.
8 A and B never see it."

9 So, in that -- I think for that
10 example, that is what it -- in that context, it
11 does, it does say that for that example it is
12 talking about.

13 Q. So, you agree that Basturk teaches
14 that transport machines MA and MB that -- strike
15 that.

16 So you agree that Basturk teaches
17 that only the transport machines MA and MB know
18 about the session key, and that A and B never see
19 it?

20 MR. BRIT: Objection, form.

21 THE WITNESS: I mean that is what it
22 says, but I don't think it is teaching that it

1 can never see it.

2 It is just saying that in this few
3 example, we note this. And that A and B never
4 see the session key.

5 But it doesn't say that it can't for
6 any reason. It is just simply a statement for a
7 particular example being discussed.

8 BY MR. EKLEM:

9 Q. At the beginning of paragraph -- at
10 the beginning of the paragraph under the
11 heading 2.4, Authentication and Session Key
12 Exchange, do you see how it begins with, "As
13 discussed above"?

14 A. Yes.

15 Q. Do you understand Basturk to be
16 describing things in that paragraph in the
17 context of what was discussed above in Basturk?

18 MR. BRIT: Objection, vague.

19 THE WITNESS: Well, what it is
20 saying here is that in this example, for example,
21 if you look at the overview of the design, it
22 talks about how there is a shared key and a

1 session key.

2 And that the -- you can use the
3 shared key to get another session key. And it
4 talks about some good reasons for doing so.

5 But it doesn't preclude the use of a
6 shared key to start with. It is just saying that
7 in this design, we are going to use the shared
8 key to exchange a session key. And in that
9 particular instance, the applications don't need
10 to see the -- or don't see the session key in
11 that particular example.

12 BY MR. EKLEM:

13 Q. Okay. All right. Could you go to,
14 please, Paragraph 96 of your report which starts
15 on Page 53 of your declaration, Exhibit 1003.

16 A. Okay.

17 Q. So, the Paragraph 96 is kind of
18 long. It spans Page 53, 54, and 55.

19 But I would like to focus on the
20 sentence at the bottom of Page 54 that spans
21 Pages 54 and 55.

22 So, if you want to just read that

1 paragraph, and let me know when you are ready.

2 I'm going to have a question about the end of the
3 paragraph.

4 A. Okay.

5 Q. Okay, so, in the last sentence of
6 Paragraph 96, you quote a portion of
7 Exhibit 1006. And the quoted portion starts
8 with, "Transport Level Security." It is on
9 Page 55. Do you see that?

10 A. Yes.

11 Q. Okay. The quoted portion refers to
12 a key A, with the letter A. Do you see that?

13 A. I do.

14 Q. Okay. And it says there, "The
15 application passes its key A to the transport
16 module, and leaves to the latter the task of
17 applying any cryptographic functions or taking
18 any other security steps."

19 Do you see that?

20 A. Yes.

21 Q. So, here Basturk is indicating that
22 the transport module applies the cryptographic

1 functions; is that correct?

2 MR. BRIT: Objection, miscites the
3 document. Vague. And to form.

4 THE WITNESS: Could you repeat the
5 question, please?

6 BY MR. EKLEM:

7 Q. Yes. In the portion of
8 Exhibit 1006, quoted at the end of Paragraph 96
9 of your declaration, Basturk is indicating that
10 the transport module applies any cryptographic
11 functions, correct?

12 MR. BRIT: Same objections.

13 THE WITNESS: I mean, it does say on
14 Page 4 that the application passes its key A to
15 the transport module and leaves the latter the
16 task of applying any cryptographic functions or
17 taking other security steps.

18 BY MR. EKLEM:

19 Q. And so, by, leaves to the latter,
20 Basturk is indicating that it leaves to the
21 transport module the task of applying any
22 cryptographic functions, correct?

1 MR. BRIT: Objection, form, vague.

2 THE WITNESS: I mean, I think that
3 this is a high level statement here and there are
4 examples of more details in, you know, given
5 below.

6 But I think as a high level
7 statement, it is saying what it is saying.

8 BY MR. EKLEM:

9 Q. And what it is saying is that it
10 leaves to the transport module the task of
11 applying any cryptographic functions, correct?

12 MR. BRIT: Objection, form. Asked
13 and answered.

14 THE WITNESS: It also leaves it to,
15 you know, that the transport module can take
16 other security steps.

17 So, I mean it says what it says.
18 I'm not denying that. This is a high level
19 statement.

20 BY MR. EKLEM:

21 Q. So, in the portion of Exhibit 1006
22 that you quoted, where it says the latter, the

1 latter there refers to the transport module,
2 correct?

3 MR. BRIT: Objection, the document
4 speaks for itself. Asked and answered.

5 THE WITNESS: I think, I think that
6 is -- I mean, it says to the transport module and
7 leaves the latter. And I think that would be
8 understood.

9 BY MR. EKLEM:

10 Q. Just to clarify your answer, are you
11 saying that what you understand the latter refers
12 to the transport module?

13 MR. BRIT: Same objections. Asked
14 and answered.

15 THE WITNESS: I think that is a fair
16 interpretation.

17 BY MR. EKLEM:

18 Q. Okay. You can set Exhibit 1006
19 aside for now.

20 And if you want to grab Exhibit 1007
21 and have that handy. I will ask you some
22 questions about that.

1 A. Okay.

2 Q. If you would go to Paragraph 166 of
3 your declaration, please.

4 A. Okay.

5 Q. At the beginning of Paragraph 166 of
6 your declaration, you state, "Although
7 PacketCable does not expressly disclose
8 acceptance/rejection of the whole RTP packet
9 payload," and then the sentence continues to the
10 end of the paragraph.

11 Do you see that?

12 A. Yes.

13 Q. So, is it your understanding that
14 PacketCable does not expressly disclose
15 acceptance/rejection of the whole RTP packet
16 payload?

17 MR. BRIT: Objection, vague.
18 Mischaracterizes the document.

19 THE WITNESS: That is how that
20 sentence starts. But I go on to disclose why --
21 the things that would have been obvious in light
22 of what a POSITA would have found obvious.

1 BY MR. EKLEM:

2 Q. Okay. So, the sentence starts,
3 though, with your opinion that, "PacketCable does
4 not expressly disclose acceptance/rejection of
5 the whole RTP packet payload." Correct?

6 MR. BRIT: Objection, asked and
7 answered. The document speaks for itself.

8 THE WITNESS: That is how the
9 sentence starts, but that is incomplete.

10 And my opinion is -- the sentence
11 does go on, and that whole sentence does capture
12 my opinion.

13 BY MR. EKLEM:

14 Q. Would you turn to Paragraph 178 of
15 your declaration, please. It is a longer
16 paragraph that spans Page 79 and 80.

17 Would you like to read that
18 paragraph and let me know when you are ready. I
19 will have some questions for you.

20 A. Okay.

21 Q. Looking at the beginning of
22 Paragraph 178 of your declaration, you state,

1 "Further, PacketCable discloses that the MAC
2 computation spans the packet's unencrypted header
3 and encrypted payload."

4 Do you see that?

5 A. Yes.

6 Q. And your reference to MAC there, it
7 is in the quoted portion, what does MAC refer
8 to -- or what does it stand for, rather?

9 A. If you look at paragraph -- or
10 Page 7 -- sorry, 47, as I cited to in
11 Exhibit 1007, in the Section 4.8.2.6, it is
12 pretty clear what MAC is referring to.

13 The glossary -- by the way, there
14 are two different definitions for MAC. And the
15 glossary starts, I think, Page 51.

16 But it is clear here that it is the
17 Message Authentication Code, MAC, that it is
18 referring to in this section.

19 And, in fact, it spells it out in
20 the second paragraph of that section.

21 Q. Okay. And so, about nine lines down
22 into Paragraph 178 of your declaration, there is

1 a sentence that reads, "With this knowledge a
2 POSITA would have understood available
3 authentication data placement options to include
4 either at the beginning or the end of the
5 payload, either in a packet header, at the
6 beginning as ubiquitous in packets, or in a
7 packet trailer, at the end, which are already
8 present in certain types of packets such as in
9 Ethernet frames."

10 Do you see that?

11 A. Yes.

12 Q. And you stand by that opinion?

13 A. Yes, and I give my explanation in
14 further refinement in this, rest of this
15 paragraph.

16 Q. Okay. Could you go to Paragraph 170
17 of your report. It starts on Page 75 and crosses
18 into Page 76. Read that paragraph and let me
19 know when you are ready.

20 A. Did you say Paragraph 170?

21 Q. Correct.

22 A. Okay.

1 Q. Okay. In the portion of
2 Paragraph 170, on Page 76, about four lines down
3 from the top, there is a sentence that begins at
4 the end of the Line Number 4, which says, "Both
5 PacketCable and Handley utilize RTP as the
6 transport protocol for realtime data flows."

7 Do you see that?

8 A. Yes.

9 Q. Okay. And with respect to
10 PacketCable, RTP refers specifically to RFC 1889,
11 correct?

12 MR. BRIT: Objection, vague. Lacks
13 foundation.

14 THE WITNESS: I mean, if you look at
15 the glossary of terms, at the end of the
16 PacketCable -- well, near the end. Specifically
17 on page -- yeah, I will use the page number at
18 the very, very bottom, Page 66.

19 The document page number says 58,
20 but it is Page 66 of the PDF file or the stamp at
21 the lower right.

22 It says that, "RTP is Realtime

1 Protocol, the protocol defined in RFC 1889 for
2 encapsulating encoded voice and video streams."

3 BY MR. EKLEM:

4 Q. Okay. Would you turn to Page 31 of
5 PacketCable, and I'm using the number in the very
6 bottom right corner, under Meta 1007. And again
7 that is Page 31.

8 A. Yes, I see that. And I am citing to
9 Page 31 in my declaration where it also repeats
10 the same RFC number, right under the heading 4.2,
11 Media Streams.

12 Q. Okay. So, in that portion of
13 PacketCable that you just identified, where it
14 begins -- the sentence refers to the IETF
15 standard RTP, it is indicating that RTP is
16 referring to RFC 1889, correct?

17 A. Yeah, and there was a slight
18 difference in the glossary. Here it says
19 realtime transport protocol, and the glossary
20 omitted, I think transport.

21 But, it is still referring to the
22 same thing.

1 Q. Okay. And so, in Paragraph 170 of
2 your report where you state that both Handley --
3 I'm sorry, that both PacketCable and Handley
4 utilize RTP. When you say RTP, are you referring
5 to RFC 1889 then, correct?

6 MR. BRIT: Objection, form.

7 THE WITNESS: Yeah, I think we
8 looked at this issue earlier which is -- you
9 know, I cite to Page 8 and 15 of Exhibit 1005.
10 And under the RTP section heading on Page 8, it
11 talks about RTP and with a citation 22. And
12 that 22, if you look at the back of Exhibit 1005,
13 is also referring to RFC 1889.

14 BY MR. EKLEM:

15 Q. Okay. You can set Exhibit 1007
16 aside for the moment.

17 And would you turn to Paragraph 327
18 of your declaration, please. And just read that
19 to yourself and let me know when you are ready.

20 A. Okay.

21 Q. Do you stand by the statement that
22 you made in Paragraph 327 of your report -- of

1 your declaration, rather?

2 A. I do.

3 Q. Okay. Is it your opinion that
4 Exhibit 1005 was published on February 11, 1999,
5 in the Computer Networks Journal?

6 MR. BRIT: Objection, form. Lacks
7 foundation.

8 THE WITNESS: If you look at
9 Paragraph 59, I say Handley, Exhibit 1005 -- and
10 I will skip the italicized, was published
11 February 11, 1999, in the Computer Networks
12 Journal. And I stand by that statement.

13 BY MR. EKLEM:

14 Q. Okay. Exhibit 1005 was retrieved
15 from the website in the table of exhibits on Page
16 Romanette three of your report. Right?

17 A. I do list where I retrieved that
18 Exhibit 1005 in the table.

19 Q. Exhibit 1005 was not retrieved from
20 the February 11th, 1999, edition of Computer
21 Networks Journal, correct?

22 A. Well, I gave you the location of

1 where it was retrieved. But it is the
2 author-formatted submission that was published in
3 the Computer Networks Journal, as I stated.

4 Q. My question is, Exhibit 1005 was not
5 retrieved from the February 11th, 1999, edition
6 of Computer Networks Journal, correct?

7 MR. BRIT: Objection, asked and
8 answered.

9 THE WITNESS: I mean, I told you
10 where I got it. That was the -- it is the
11 website of one of the authors, and that was the
12 author-formatted submission that was published in
13 Computer Networks Journal on February 11th, 1999,
14 as I stated in my declaration.

15 BY MR. EKLEM:

16 Q. And the website that you retrieved
17 Exhibit 1005 from, was not the February 11th,
18 1999 edition of Computer Networks Journal,
19 correct?

20 MR. BRIT: Objection, vague. Form.

21 THE WITNESS: I retrieved the, the
22 author-formatted submission which was published

1 in the journal.

2 But I didn't go to a library and
3 find the journal issue and copy it from there. I
4 retrieved it from the author's website. And,
5 and, you know, I know that I submitted a further
6 explanation of all of the steps that I did in a
7 supplemental declaration about this issue.

8 BY MR. EKLEM:

9 Q. In Paragraph 59 of your declaration,
10 Exhibit 1003, did you describe Exhibit 1005 as an
11 author-formatted submission?

12 A. I don't use those words in
13 Paragraph 59 that I see.

14 Q. You said that you submitted a
15 further declaration explaining the steps that you
16 took. Did you inform counsel for Meta of those
17 steps before you executed the declaration in
18 Exhibit 1003?

19 MR. BRIT: Objection. I will
20 caution the witness not to disclose the substance
21 of any conversations with counsel.

22 But you can answer the question if

1 you can.

2 THE WITNESS: I don't remember all
3 of the discussions that I had with counsel before
4 I submitted the declaration.

5 And I, I don't know how to tell you
6 what I can remember without disclosing my
7 communications to counsel on top of that.

8 BY MR. EKLEM:

9 Q. Is it your understanding that Meta's
10 counsel was aware of the steps that you took
11 before you executed your declaration in
12 Exhibit 1003?

13 MR. BRIT: Objection, calls for
14 speculation.

15 THE WITNESS: I don't know what
16 counsel was thinking in terms of what they were
17 aware of or what they weren't.

18 BY MR. EKLEM:

19 Q. Did you not inform Meta's counsel of
20 the steps that you took?

21 MR. BRIT: Objection to the extent
22 it calls for a privileged conversation. I will

1 caution the witness not to disclose any of the
2 communications -- the substance of communications
3 had with counsel.

4 THE WITNESS: Certainly as of when I
5 submitted the supplemental declaration, I would
6 understand that counsel would have read
7 everything that I wrote as submitted.

8 BY MR. EKLEM:

9 Q. And to be clear, I'm asking you
10 about what you -- what is in your supplemental
11 declaration.

12 So, I'm not asking for privileged
13 stuff. I'm asking for what you put in that
14 declaration, which is not privileged, as I
15 understand it. It has been disclosed.

16 So, I'm asking you about the steps
17 that you described in your supplemental
18 declaration. And I'm asking you whether you
19 informed Meta's counsel of those steps before you
20 executed the declaration in Exhibit 1003?

21 MR. BRIT: Objection, compound
22 question.

1 And, counsel, there is no
2 supplemental declaration that has been entered as
3 an exhibit or that is in front of the witness at
4 this time.

5 If you would like him to refer to
6 that, I recommend that we put that document in
7 front of him so it is clear.

8 Also, I will continue to caution the
9 witness not to disclose the substance of any
10 conversations with counsel.

11 THE WITNESS: Well, I was going to
12 ask, even before Mr. Brit asked, that I would
13 like to see a copy, since you are asking about
14 things that I submitted, so I can -- so, that is
15 what I wanted to ask for now.

16 BY MR. EKLEM:

17 Q. In Paragraph 59 of your declaration
18 in Exhibit 1003, you refer to Handley
19 Exhibit 1005. Correct?

20 A. I guess that means you don't want to
21 provide me with that my supplemental declaration
22 at this time.

1 But I will answer the question that
2 is now pending, which is I do start out the
3 sentence referring to Handley Exhibit 1005 in
4 Paragraph 59 of my first declaration,
5 Exhibit 1003.

6 Q. And you retrieved Exhibit 1005 from
7 the website identified on Page Romanette 3 of
8 your declaration, Exhibit 1003, correct?

9 A. That is where I said I retrieved it,
10 and that is what is listed in the table.

11 Q. And the steps that you took to
12 retrieve it are not described in Paragraph 59 of
13 your expert report -- or of your declaration,
14 Exhibit 1003, correct?

15 MR. BRIT: Objection, vague. The
16 document speaks for itself.

17 THE WITNESS: I mean, I don't think
18 I would need to repeat everything that has been
19 previously said about where I got some items or
20 the steps that I would take to go to that URL to
21 retrieve it.

22 But, I mean, I merely stated, and

1 this was my opinion under oath and still is, that
2 that is the paper, and it was published in
3 Computer Networks in -- on February 11th, 1999.

4 BY MR. EKLEM:

5 Q. So it is your opinion that
6 Exhibit 1005 was published in February -- on
7 February 11, 1999, in the Computer Networks
8 Journal?

9 MR. BRIT: Objection, asked and
10 answered. Form.

11 THE WITNESS: What I say is that
12 Handley Exhibit 1005 was published February 11,
13 1999. That is what I say in Paragraph 59.

14 I stand by that. And I understand
15 that patent owner is claiming differently, but I
16 have laid out my reasons.

17 And I think there are many things I
18 disagree with in patent owner's, I don't know the
19 exact name of it, but a recent filing that I
20 reviewed where patent owner makes what I would
21 call many misrepresentations.

22 BY MR. EKLEM:

1 Q. When you say I laid out my reasons,
2 those reasons are not provided in Paragraph 59 of
3 your declaration in Exhibit 1003, correct?

4 MR. BRIT: Objection, vague. Form.

5 THE WITNESS: I mean, are you asking
6 if I laid out my basis for making the statement
7 that Handley was published in February 11, 1999?

8 BY MR. EKLEM:

9 Q. Yes.

10 A. I make that statement. I think I
11 fully lay out why more fully in my supplemental
12 declaration.

13 But here I merely state that Handley
14 was published on February 11, 1999. And that was
15 a true statement of what I believed and I -- this
16 is submitted, as I understand, under oath.

17 And I am here testifying today under
18 oath. I am standing by this statement.

19 MR. EKLEM: Okay. Dr. Houh and
20 counsel, do you -- let's take a ten-minute break
21 if that is all right.

22 MR. BRIT: Okay.

1 MR. EKLEM: Let's come back at
2 11:20, then. Eastern time. So, yeah. 11:20 --
3 I'm sorry, 10:20.

4 (Recess taken -- 10:08 a.m.)

5 (After recess -- 10:19 a.m.)

6 BY MR. EKLEM:

7 Q. Dr. Houh, during any of the breaks
8 that we took today, did you discuss the substance
9 of your testimony with counsel?

10 A. No.

11 MR. EKLEM: Okay. We have no
12 further questions, we will pass the witness.

13 MR. BRIT: I'm sorry to do this, but
14 can we take a short ten-minute break? I wasn't
15 expecting that.

16 MR. EKLEM: Yes, that is fine.

17 MR. BRIT: Could you give us
18 15 minutes to regroup.

19 MR. EKLEM: Okay. When do you want
20 to come back?

21 MR. BRIT: Let's say 10:35.

22 MR. EKLEM: Okay.

1 MR. BRIT: Thank you.

2 (Recess taken -- 10:20 a.m.)

3 (After recess -- 10:44 a.m.)

4 EXAMINATION

5 BY MR. BRIT:

6 Q. Hello, Dr. Houh. How are you doing?

7 A. I am well. Thank you. How are you?

8 Q. Good. Thank you again for your time
9 today.

10 Do you recall if counsel for the
11 patent owner asked you if you included the basis
12 for your opinion in Paragraph 59 of your
13 declaration that Handley Exhibit 1005 was
14 published in Computer Networks?

15 MR. EKLEM: Objection, form.

16 THE WITNESS: Yes, I do.

17 BY MR. BRIT:

18 Q. And what is the basis for your
19 opinion that -- published in Computer Networks?

20 MR. EKLEM: Objection to form and
21 scope.

22 THE WITNESS: Well, I have a lot of

1 things that I laid out in the supplemental
2 declaration that are the basis of my statement in
3 Paragraph 59.

4 BY MR. BRIT:

5 Q. And it is your supplemental
6 declaration that lays out this basis for your
7 opinions; is that fair?

8 MR. EKLEM: Objection, scope.

9 THE WITNESS: Yes. I think that is
10 fair, yes.

11 BY MR. BRIT:

12 Q. I am handing you what will be marked
13 as Deposition Exhibit 6.

14 (Houh Exhibit 6 marked for
15 identification.)

16 BY MR. BRIT:

17 Q. In the lower right-hand corner of it
18 is labeled Meta 1017. And it is the document
19 titled Supplemental Declaration of Dr. Henry
20 Houh, Ph.D. in Support of Petition for Inter
21 Partes Review of U.S. Patent Number 7,266,682.

22 MR. EKLEM: I'm going to object to

1 this whole line of questioning as outside the
2 scope of direct.

3 And the exhibit that was just
4 entered as Exhibit 6 is subject to a pending
5 motion to submit supplemental information which
6 has not been ruled on.

7 MR. BRIT: Counsel, you opened the
8 door when you asked him about his basis for his
9 opinions that Handley Exhibit 1005 was published
10 in Computer Networks. Your objection is noted.

11 MR. EKLEM: I'm sorry. Counsel, I
12 asked him if his basis was included in the
13 exhibit -- declaration, Exhibit 1003. I did not
14 hand him his supplemental declaration. I did not
15 ask him to tell me what the contents of his
16 supplemental declaration was.

17 MR. BRIT: That is enough of the
18 speaking objections. Thank you.

19 MR. EKLEM: I will maintain my
20 objection as stated.

21 BY MR. BRIT:

22 Q. Dr. Houh, what is this document

1 labeled as Exhibit 6?

2 A. It is my supplemental declaration
3 laid out --

4 MR. EKLEM: Objection to scope.

5 THE WITNESS: This is my
6 supplemental declaration where I lay out my basis
7 for saying that Handley was published on
8 February 11, 1999, partly. I may have some other
9 issues, but that is part of it.

10 BY MR. BRIT:

11 Q. And if you will turn to Page 10 of
12 this document, the last page here. Is that
13 signed by you?

14 A. Yes.

15 MR. EKLEM: Objection, scope.

16 THE WITNESS: I'm sorry. I will
17 wait longer. But, yes.

18 BY MR. BRIT:

19 Q. And it is dated January 18, 2024; is
20 that fair?

21 MR. EKLEM: Objection, scope.

22 THE WITNESS: Yes.

1 BY MR. BRIT:

2 Q. And this document includes, on
3 Page 3, an updated list of exhibits; is that
4 fair?

5 MR. EKLEM: Objection, scope.

6 THE WITNESS: Yes.

7 BY MR. BRIT:

8 Q. And specifically, it includes
9 Exhibits 1001 through 1028. Is that correct?

10 MR. EKLEM: Objection, scope.

11 THE WITNESS: Yes.

12 BY MR. BRIT:

13 Q. Would you turn to Page 7. At the
14 top of that page, it says Roman Numeral 3,
15 Handley reference. Do you see that?

16 MR. EKLEM: Objection, scope.

17 THE WITNESS: Yes.

18 BY MR. BRIT:

19 Q. Do you see Paragraph 6 at the top of
20 the Page 7 there?

21 A. Yes.

22 MR. EKLEM: Objection, scope.

1 BY MR. BRIT:

2 Q. Can you read Paragraph 6, please,
3 aloud?

4 MR. EKLEM: Objection, scope.

5 THE WITNESS: It says, "From the
6 period between December 21st, 2022, through
7 January 17th, 2023, I spent time on various days
8 searching for prior art references in support of
9 this petition for inter partes review relating to
10 U.S. Patent Number 7,266,682."

11 BY MR. BRIT:

12 Q. Thank you. Could you read
13 Paragraph 7, please?

14 MR. EKLEM: Objection, scope.

15 THE WITNESS: "On or before
16 January 15th, 2023, I personally identified and
17 retrieved an article with the name
18 cnisdn-article-pdf from the following URL:
19 <https://www.cl.cam.ac.uk/~jac22/otalks/cnisdn->
20 article -- or, I won't spell that out, dot PDF.

21 "The URL is part of the academic
22 website of Dr. John Crowcroft, a named co-author

1 of the article. This article was authored by
2 M. Handley, J. Crowcroft and C. Bormann, entitled
3 Very Large Conferences on the Internet: The
4 Internet Multimedia Conferencing Architecture and
5 the MBONE.

6 "This article was included as
7 Exhibit 1005 in the petition for IPR2023-00923
8 and in my supporting declaration (Exhibit 1003)."

9 And there are two footnotes in that
10 paragraph. One is a footnote on the first URL
11 that that is Dr. John Crowcroft's personal
12 academic website at the University of Cambridge,
13 and the second one refers to some other papers.

14 BY MR. BRIT:

15 Q. And can you please read Paragraph 8
16 on that same page?

17 MR. EKLEM: Objection, scope and
18 form.

19 THE WITNESS: "On January 17th,
20 2023, while in the process of confirming the
21 public accessibility date of Exhibit 1005, I
22 identified a publication with substantially the

1 same title and authors as Exhibit 1005 on
2 Elsevier's ScienceDirect website available at
3 [https://www.sciencedirect.com/science/article/abs](https://www.sciencedirect.com/science/article/abs/pii/S0169755298002621)
4 [/pii/S0169755298002621](https://www.sciencedirect.com/science/article/abs/pii/S0169755298002621). Herein -- or, sorry,
5 (hereinafter the ScienceDirect publication). The
6 ScienceDirect publication was titled Very Large
7 Conferences on the Internet: The Internet
8 Multimedia Conferencing Architecture and included
9 M. Handley, J. Crowcroft, C. Bormann and J. Ott
10 as authors.

11 "The ScienceDirect publication is
12 attached hereto as Exhibit 1027."

13 BY MR. BRIT:

14 Q. Thank you, Dr. Houh. And could you
15 please continue reading Paragraph 9?

16 MR. EKLEM: Objection to form and
17 scope.

18 THE WITNESS: "I compared the
19 Abstract, Introduction and Section Snippets of
20 Exhibit 1027 as available on Elsevier's
21 ScienceDirect web page and found them to be
22 nearly identical to Exhibit 1005.

1 "It was and still is my opinion that
2 Exhibit 1005 and Exhibit 1027 are substantially
3 identical."

4 BY MR. BRIT:

5 Q. Thank you, Dr. Houh. And could you
6 please read Paragraph 10?

7 MR. EKLEM: Objection to form and
8 scope.

9 THE WITNESS: "Elsevier's
10 ScienceDirect website indicated that the
11 ScienceDirect publication was published in
12 Computer Networks, Volume 31, Issue 3 at
13 Pages 191 to 204, on February 11th, 1999, bearing
14 the same title and authors."

15 BY MR. BRIT:

16 Q. Thank you, Dr. Houh. Could you
17 please read Paragraph 11?

18 MR. EKLEM: Objection, form and
19 scope.

20 THE WITNESS: "Further, I have
21 reviewed a scanned physical copy of Very Large
22 Conferences on the Internet: The Internet

1 Multimedia Conferencing Architecture as authored
2 by M. Handley, J. Crowcroft, C. Bormann and J,"
3 there is no and, but "J. Ott and as physically
4 published in Computer Networks, Volume 31,
5 Issue 3 at Pages 191 to 204 on February 11, 1999.

6 "This scanned physical copy is
7 attached hereto as Exhibit 1028. Exhibit 1028
8 was retrieved from the Karl F. Wendt --" that is
9 spelled W-E-N-D-G -- W-E-N-D-T "Engineering
10 Library at the University of Wisconsin-Madison."

11 BY MR. BRIT:

12 Q. Thank you, Dr. Houh. And could you
13 please read Paragraph 12?

14 MR. EKLEM: Objection, form and
15 scope.

16 THE WITNESS: "I have compared the
17 articles in Exhibit 1027 and 1028 and found them
18 fully identical. I have also compared
19 Exhibit 1027 and 1028 to Exhibit 1005, and found
20 that every citation to Exhibit 1005 in Petition
21 Number IPR 2023-00923 and in my supporting
22 declaration, Exhibit 1003, to be fully included

1 in both Exhibit 1027 and 1028.

2 "I have prepared Attachment 1, which
3 lists all relied upon citations from
4 Exhibit 1005, where they are located in
5 Exhibit 1005, and where they are located both in
6 Petition and in my supporting declaration
7 Exhibit 1003.

8 "In parallel, Attachment 1 also
9 lists citations from Exhibit 1027 and 1028 that
10 are identical to those found in Exhibit 1005."

11 And there is a footnote in the
12 middle of that. It says to see Attachment 1,
13 which I do refer to in that paragraph.

14 BY MR. BRIT:

15 Q. Thank you Dr. Houh. And could you
16 please read Paragraph 13?

17 MR. EKLEM: Objection to form and
18 scope.

19 THE WITNESS: "I understand from
20 personal knowledge and experience, as an academic
21 and author myself, and based on knowledge
22 provided to me by colleagues in the field,

1 including publishers, other academics and
2 librarians, that authors routinely post articles
3 or papers on their personal or academic websites
4 prior to submitting them to conferences and
5 journals or during the process of journal
6 publication.

7 "These versions, typically linked to
8 a web page maintained by the author and publicly
9 available free of charge, are the basis for the
10 published versions.

11 "These published versions may
12 contain additional edits and citations as
13 requested by editors or publishers. In my
14 opinion, this is the scenario that occurred with
15 respect to Exhibit 1005.

16 "I have reviewed Dr. Crowcroft's
17 declaration, 1016, and my opinion is consistent
18 with his understanding of the series of events
19 leading to the publication of Exhibit 1027 and
20 Exhibit 1028. Namely, Dr. Crowcroft posted
21 Exhibit 1005 on his academic website which was
22 subsequently edited by the publisher before being

1 formally published in Computer Networks
2 Volume 31, Issue 3, and is virtually identical in
3 substance, as well as identical for the portions
4 relied upon in the petition and my declaration."

5 BY MR. BRIT:

6 Q. Thank you, Dr. Houh. Could you
7 please read Paragraph 14?

8 A. As --

9 MR. EKLEM: Objection, scope and
10 form.

11 THE WITNESS: I'm sorry about that.

12 "As such, as of January 17th, 2023,
13 it was my understanding, based on the nearly
14 identical titles, overlapping authorship, and my
15 analysis of Exhibit 1005 to Exhibit 1027, which
16 is identical to Exhibit 1028, that Exhibit 1005
17 was publicly accessible and available at least as
18 of the publication date of Exhibit 1027,
19 February 11, 1999."

20 BY MR. BRIT:

21 Q. Thank you, Dr. Houh. And following
22 on the next page of this exhibit, you attach

1 Attachment 1; is that correct?

2 A. Yes.

3 Q. And what is Attachment 1?

4 MR. EKLEM: Objection, scope and
5 form.

6 THE WITNESS: Attachment 1 lists all
7 of the relied upon citations from Exhibit 1005,
8 where they are located in Exhibit 1005, and where
9 they are located both in petition and in my
10 supporting declaration, Exhibit 1003.

11 And also lists citations from
12 Exhibit 1027 and Exhibit 1028 that are identical
13 to those found in Exhibit 1005.

14 BY MR. BRIT:

15 Q. Great. I would like to hand you now
16 a document that you have just referred to. It is
17 marked in the bottom right-hand corner at Meta
18 Exhibit 1027. For the purposes of this
19 deposition, I will mark it as Exhibit 7 to the
20 deposition.

21 (Houh Exhibit 7 marked for
22 identification.)

1 MR. EKLEM: Objection. Scope and
2 objection that Exhibit 7 to the deposition is
3 subject to a motion to submit supplemental
4 information which has not been ruled on.

5 BY MR. BRIT:

6 Q. Dr. Houh, what is this document?

7 MR. EKLEM: And objection, scope and
8 form.

9 THE WITNESS: This is the article
10 that was downloaded from the ScienceDirect web
11 page that I cited in the table, which the page
12 has the abstract and snippets from this article.

13 But this Exhibit 1027 is the paper
14 that was downloaded from the ScienceDirect
15 website.

16 BY MR. BRIT:

17 Q. This is what you referred to in your
18 supplemental declaration, which is Exhibit 6 to
19 this deposition, as the ScienceDirect
20 publication; is that fair? Paragraph 8?

21 MR. EKLEM: Objection. Objection,
22 scope and form.

1 THE WITNESS: Yes. This is the
2 publication from the ScienceDirect website. And
3 I described that in Paragraph 8, which cites the
4 web page from which you can download this
5 article. And that web page does have snippets
6 out of this article.

7 BY MR. BRIT:

8 Q. I am handing you now a document
9 marked as Deposition Exhibit 8. In the lower
10 right-hand corner it bears Bates Number
11 Meta 1028.

12 (Houh Exhibit 8 marked for
13 identification.)

14 MR. EKLEM: Objection, scope. And
15 objection, this document entered as Exhibit 8 is
16 subject to a motion to submit supplemental
17 information that has not been ruled on.

18 BY MR. BRIT:

19 Q. Dr. Houh, do you recognize this
20 document?

21 A. Yes.

22 Q. And what is this document?

1 MR. EKLEM: Objection to scope and
2 form.

3 THE WITNESS: This is a scanned
4 physical copy of the Computer Networks -- pages
5 from the Computer Networks Journal, Volume 31,
6 Number 3, published February 11, 1999.

7 That was retrieved from the Karl
8 Wendt Engineering Library at the University of
9 Wisconsin-Madison.

10 BY MR. BRIT:

11 Q. And is this the document that you
12 referred to in Paragraph 11 of your supplemental
13 declaration, which was marked as Exhibit 6 to
14 this deposition?

15 MR. EKLEM: Objection to scope and
16 form.

17 THE WITNESS: Yes.

18 BY MR. BRIT:

19 Q. Dr. Houh, going back to your
20 supplemental declaration, which is Exhibit 6 to
21 this deposition, and the Handley article, which
22 is Exhibit 2 to this deposition.

1 What did you do when you initially
2 found the Handley article that we previously
3 discussed as Exhibit 2?

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

6 THE WITNESS: What I did was I tried
7 to find out where that was published.

8 BY MR. BRIT:

9 Q. And how did you find that out?

10 MR. EKLEM: Objection to scope and
11 form.

12 THE WITNESS: I used, I used Google.
13 I don't remember the exact search terms, but I
14 used Google to -- I probably Googled the title of
15 the paper that I found.

16 BY MR. BRIT:

17 Q. I believe you previously told us
18 that in Paragraph 7 of your supplemental
19 declaration, which is Exhibit 6 to this
20 deposition, you read the URL from which you
21 retrieved the Handley article, as Exhibit 2 to
22 the deposition.

1 Is that correct?

2 MR. EKLEM: Objection to scope and
3 form.

4 THE WITNESS: Sorry. Could you
5 repeat the question, please?

6 BY MR. BRIT:

7 Q. You read out the URL from which you
8 retrieved the Handley article previously; is that
9 correct?

10 MR. EKLEM: Objection to scope and
11 form.

12 THE WITNESS: Yes.

13 BY MR. BRIT:

14 Q. And that URL included the letters
15 CNISDN-article dot PDF; is that correct?

16 MR. EKLEM: Objection to scope and
17 form.

18 THE WITNESS: Yes, that was actually
19 the file name that the document bore.

20 BY MR. BRIT:

21 Q. And by the document you mean Handley
22 Exhibit 2 to the deposition bore; is that

1 correct?

2 MR. EKLEM: Objection to scope and
3 form.

4 THE WITNESS: Yes. And I think we
5 have been referring to it as Exhibit 1005 as
6 well.

7 BY MR. BRIT:

8 Q. And does the article name
9 CNISDN-article dot PDF provide you with any
10 information?

11 MR. EKLEM: Objection to scope and
12 form.

13 THE WITNESS: Yes.

14 BY MR. BRIT:

15 Q. What information does it provide you
16 with?

17 MR. EKLEM: And objection, leading
18 as well.

19 THE WITNESS: That is, that is
20 shorthand for the Computer Network and ISDN
21 Systems Journal. And it is -- and it indicates
22 that it was an article for that publication.

1 BY MR. BRIT:

2 Q. And why does it so indicate?

3 MR. EKLEM: Objection to form,
4 scope, leading.

5 THE WITNESS: Because the CN is
6 short for Computer Networks -- and ISDN -- so,
7 there are often shorthand for certain journals
8 and publications.

9 For example, I published in IEEE
10 Journal of Selected Areas in Communications.

11 And that might -- I might just say
12 JSAC, J-S-A-C or IEEE JSAC.

13 BY MR. BRIT:

14 Q. And going back to your supplemental
15 declaration in the Attachment 1 thereto that we
16 were talking about.

17 The documents that I marked as
18 Exhibit 7 and 8 to the deposition, are those the
19 documents referred to in this Attachment 1 to
20 your supplemental declaration?

21 MR. EKLEM: Objection to form and
22 scope.

1 THE WITNESS: Yes.

2 BY MR. BRIT:

3 Q. And what does this Attachment 1 tell
4 you?

5 MR. EKLEM: Objection to form and
6 scope.

7 THE WITNESS: So, I laid out in
8 Attachment 1 where passages that I have cited to
9 in both my declaration and the petition. And I
10 have shown the same excerpt, some identical, some
11 with some edits, from the corresponding
12 Exhibits 7 and 8, which correspond to
13 Exhibits 1027 and Exhibits 1028.

14 And where they come from on both --
15 from Exhibit 1005 and 1027 and 1028.

16 BY MR. BRIT:

17 Q. I believe you had just mentioned
18 that there were some edits between Exhibit 1005
19 and the words in 1027 and 1028.

20 What did you mean by that?

21 A. Well, there are --

22 MR. EKLEM: Objection, form --

1 excuse me. Objection to form and scope.

2 THE WITNESS: So, there are
3 identical passages. But, there were some typos
4 that were corrected for publication and some, I
5 think, clarity edits.

6 But they are identical in their
7 disclosures.

8 BY MR. BRIT:

9 Q. So, is it fair to say that
10 Exhibit 1005 is technically identical, the
11 substance included in Exhibits 1027 and 1028?

12 MR. EKLEM: Objection to form,
13 scope. And leading.

14 THE WITNESS: Yes.

15 BY MR. BRIT:

16 Q. Are there any substantive changes
17 between Exhibit 1005 and either of Exhibit 1027
18 or 1028 for the purposes in which you relied on
19 that document?

20 MR. EKLEM: Objection to form, scope
21 and leading.

22 THE WITNESS: No.

1 BY MR. BRIT:

2 Q. And based on the comparison you have
3 here in exhibit -- Attachment 1 to your
4 supporting declaration, is it your opinion that
5 the citations utilized from Exhibit 1005 are
6 fully identical to those used in Exhibits 1027
7 and 1028?

8 MR. EKLEM: Objection to form,
9 scope. And leading.

10 THE WITNESS: Yes, and their
11 disclosures, yes.

12 BY MR. BRIT:

13 Q. And in Paragraph 13 of your
14 supplemental declaration, you mentioned that you
15 understand from personal knowledge and
16 experience, "as an academic and author myself,
17 and based on knowledge provided to me by
18 colleagues in the field, including publishers,
19 other academics and librarians, that authors
20 routinely post articles and papers on their
21 personal academic websites prior to submitting
22 them in conferences or journals," and the

1 sentence continues on.

2 Do you see that sentence beginning
3 at Paragraph 13?

4 A. I do. I think that you read it as
5 or at the end, or conferences, but it says
6 conferences and journals. But, yeah, I see that.

7 Q. And what is your personal knowledge
8 and experience as an academic and author
9 yourself?

10 MR. EKLEM: Objection to form,
11 scope. Leading.

12 THE WITNESS: So, while I was in
13 grad school in the '90's, we -- our group
14 published a lot, and I have published papers of
15 my own.

16 And that we would write them up,
17 generate and format them and then submit those to
18 the journals.

19 And then, we also had a website that
20 I helped set up and maintain, that we posted our
21 papers, both in our personal page and the page of
22 the lab group, you know, and at pointers to

1 various papers.

2 And so, I think it was routine that
3 when I submitted a paper or people in the group
4 would submit a paper, it would get posted on, not
5 only the, my web page for the group, but also the
6 group's web page that summarized talks and
7 publications and whatnot.

8 And so -- and then, throughout the
9 process, the publication process, if it got
10 accepted for publication, we might get some
11 feedback. And they might correct typos by
12 themselves without really telling us about that.

13 I don't recall the exact details
14 about that, but we may incorporate some
15 clarifying statements if requested by the
16 publisher.

17 And then, the publication would come
18 out at some point.

19 BY MR. BRIT:

20 Q. And in your personal knowledge and
21 experience as an academic and author yourself, is
22 it common for publishers to edit documents as

1 submitted to them before they are physically
2 published?

3 MR. EKLEM: Objection to form, scope
4 and leading.

5 THE WITNESS: Yes, I mean I think --
6 I also was an editor of various publications
7 myself. And -- but, the kinds of edits, they
8 might correct typos, make clarifying edits.

9 They may have stylistic guidelines
10 for the publications such as, you know, we don't
11 like to use i.e. or e.g., we might change it to
12 for example or that is, just for various reasons.

13 Publishers may have those kind of
14 stylistic guidelines.

15 And so, I think it would be common,
16 and certainly most of the journals have their own
17 format to which they would reformat what was
18 submitted by the author into their format.

19 You know, multiple columns, for
20 example, headings and footers on pages, putting
21 in the right page number in the issue of the
22 journal that the paper is on, things like that.

1 BY MR. BRIT:

2 Q. And based on your experience, do you
3 have any opinions as to the publication process
4 of Exhibit 2 to the deposition, which is
5 Exhibit 1005, the Handley reference, as it was
6 published in Computer Networks?

7 MR. EKLEM: Objection to form,
8 scope. And leading.

9 THE WITNESS: I mean, being a
10 reputable publisher, being also in a reputable
11 journal, I think they would follow similar
12 processes that I experienced personally in some
13 of my publications, such as in the IEEE Journal
14 of Selected Areas in Communications.

15 BY MR. BRIT:

16 Q. And what do you mean by similar
17 processes that you experienced?

18 MR. EKLEM: Objection to form, scope
19 and leading.

20 THE WITNESS: Well, I mean, they
21 definitely reformatted the paper. I do know
22 that. I submitted the one I formatted for

1 submission or we did, you know. And then what
2 actually gets printed is not the same font size,
3 the same spacing, the same pagination.

4 It is formatted into their journal
5 format which may be multiple columns, but
6 basically they are publishing all of the
7 technical ideas from our submission, with some
8 stylistic and correction edits and perhaps
9 further clarifications requested by editors.

10 BY MR. BRIT:

11 Q. And in your opinion, does
12 Exhibits 1007 -- I'm sorry, strike that.

13 In your opinion does Exhibit 7 and
14 Exhibit 8 include the same authors as Exhibit 2?

15 MR. EKLEM: Objection to form,
16 scope, and leading.

17 THE WITNESS: Well, all of the
18 authors in Exhibit 2 or Exhibit 1005 are included
19 in the list of authors in 1027 and 1028, or in
20 Exhibit 7 and 8 to this deposition.

21 BY MR. BRIT:

22 Q. And do you have any opinion on the

1 title difference between Exhibit 2 and Exhibit 7
2 and 8?

3 MR. EKLEM: Objection to form.
4 Scope, and leading.

5 THE WITNESS: Well, the title was
6 shortened. But every word in the title as in the
7 publication itself was in the original
8 Document 1005 in the title there.

9 But it was shortened a little bit, I
10 think to remove, "and the MBONE," from the end.
11 And again that could be for stylistic purposes,
12 but I did note in my review that MBONE was only
13 mentioned in the original paper once.

14 And so, it -- I don't want to
15 speculate about that, but the title was
16 shortened.

17 BY MR. BRIT:

18 Q. Can you please turn to Exhibit 2,
19 which is also known as Meta 1005. It is the
20 Handley reference.

21 A. Okay.

22 Q. And can you please turn to Page 14

1 of that document. Do you see the section on
2 Page 14 that is labeled as 10 Acknowledgments?

3 A. Yes.

4 Q. Can you read that section aloud,
5 please?

6 MR. EKLEM: Objection to form,
7 scope, and leading.

8 THE WITNESS: It says,
9 "Acknowledgments are due to the End-to-End
10 Research Group, the Int-serv," I-N-T, dash,
11 S-E-R-V, "RSVP, MMUSIC and AVT working groups of
12 the IETF, and discussion with colleagues at UCL.
13 The earliest clear exposition of ideas here was
14 presented at ACM SIGCOMM 1994 in London by Van
15 Jacobson."

16 BY MR. BRIT:

17 Q. Are you familiar with ACM SIGCOMM,
18 which is A-C-M, space, S-I-G-C-O-M-M?

19 MR. EKLEM: Objection to form,
20 scope, and leading.

21 THE WITNESS: Yes.

22 BY MR. BRIT:

1 Q. What is ACM SIGCOMM?

2 MR. EKLEM: Same objections.

3 THE WITNESS: I forget what all of
4 the letters stand for, but ACM is an association,
5 I think the Association for Computing Machinery.
6 And SIGCOMM is a conference held one or more
7 times a year, maybe several times a year.

8 That is a well known conference for
9 presenting issues in computers and networking, I
10 think.

11 BY MR. BRIT:

12 Q. Did you attend ACM SIGCOMM 1994 in
13 London.

14 A. No.

15 MR. EKLEM: Objection to form,
16 scope, and leading.

17 THE WITNESS: No, I did not.

18 BY MR. BRIT:

19 Q. Do you know Van Jacobson?

20 MR. EKLEM: Objection to form,
21 scope, and leading.

22 THE WITNESS: I certainly know his

1 name. I may have met him before. I don't have a
2 specific recollection.

3 BY MR. BRIT:

4 Q. Who is Van Jacobson?

5 MR. EKLEM: Objection to form,
6 scope, and leading.

7 THE WITNESS: He is a very
8 well-known and well-respected researcher in the
9 field of networking.

10 BY MR. BRIT:

11 Q. And does this section, Section 10,
12 titled Acknowledgements on Page 14, tell you
13 anything about the substance of the material
14 included in this document?

15 MR. EKLEM: Objection to form.
16 Scope, and leading.

17 THE WITNESS: Yeah, I mean, it
18 shows -- I think it basically indicates that
19 there is no intent to hide this. That it is all
20 intended to be disclosed and published and all of
21 that.

22 And these are all, these IETF

1 working groups, for example, all have public
2 discussions and the intent is to do everything in
3 the open.

4 And so, I think it is showing that
5 there is an intent to get this out there, or
6 publish the information contained herein.

7 BY MR. BRIT:

8 Q. And below Section 10, do you see the
9 section titled References, also on Page 14?

10 MR. EKLEM: Objection to form,
11 scope, and leading.

12 THE WITNESS: Yes.

13 BY MR. BRIT:

14 Q. Did you review these references
15 listed here?

16 A. I mean, I looked at the list. I
17 have reviewed some of the references, but I
18 did -- I reviewed the list.

19 Q. And can you tell me the date of the
20 latest in time published reference on this list?

21 MR. EKLEM: Objection to form,
22 scope, and leading.

1 THE WITNESS: Well, the latest date
2 that I see is December '97, but I just want to
3 point out that there are a few RFCs that don't
4 list a date.

5 But, from their numbers, they appear
6 low enough that, you know, I know the -- that it
7 is referring to 1889. We have a date in the
8 record for that.

9 And, there is RFC 2117, but the
10 latest date that I see listed is December 1997.

11 BY MR. BRIT:

12 Q. And which references do you see that
13 listed on?

14 MR. EKLEM: Objection to form,
15 scope, and leading.

16 THE WITNESS: There is a reference
17 Number 8. That is -- and Number 9, that show
18 dates of December 1997. And that is all I see
19 for that one.

20 BY MR. BRIT:

21 Q. Can you turn back to Page 9 of your
22 supplemental declaration, which was Exhibit 6 to

1 this deposition.

2 MR. EKLEM: Objection to form,
3 scope, and leading.

4 THE WITNESS: Okay.

5 BY MR. BRIT:

6 Q. And can you please review
7 Paragraph 13 to yourself?

8 MR. EKLEM: Objection to scope.

9 THE WITNESS: Okay.

10 BY MR. BRIT:

11 Q. Dr. Houh, did you review the
12 declaration of Dr. Jon Crowcroft?

13 MR. EKLEM: Objection to form,
14 scope, and leading.

15 THE WITNESS: Yes.

16 BY MR. BRIT:

17 Q. I'm handing you a document that has
18 been marked as Deposition Exhibit Number 9. It
19 bears Bates Meta 1016. It is a document titled
20 the Declaration of Jon Crowcroft, Ph.D.

21 (Houh Exhibit 9 marked for
22 identification.)

1 MR. EKLEM: Objection to form, scope
2 and leading.

3 Objection, Exhibit 9 is subject to a
4 motion to submit supplemental information that
5 has not been ruled on.

6 BY MR. BRIT:

7 Q. Dr. Houh, is this the document you
8 referred to in Paragraph 13 of your supplemental
9 declaration?

10 A. Yes.

11 Q. Who is Jon Crowcroft?

12 MR. EKLEM: Objection to form,
13 scope, and leading.

14 THE WITNESS: He is one of the
15 authors of -- listed in the Computer Network's
16 publication we have been talking about.

17 And I believe he is a professor or
18 an academic in the field of, in networking.

19 BY MR. BRIT:

20 Q. And Jon Crowcroft is listed as an
21 author on Exhibit 2, which is also known as
22 Meta 1005; is that correct?

1 MR. EKLEM: Objection to form,
2 scope, and leading.

3 THE WITNESS: Yes.

4 BY MR. BRIT:

5 Q. And is Jon Crowcroft also listed as
6 an author on Exhibit 7?

7 MR. EKLEM: Objection to form,
8 scope, and leading.

9 THE WITNESS: Yes.

10 BY MR. BRIT:

11 Q. And is he also listed as an author
12 on Exhibit 8?

13 MR. EKLEM: Objection to form,
14 scope, and leading.

15 THE WITNESS: Yes.

16 BY MR. BRIT:

17 Q. Can you turn to Page 2 of Exhibit 9.

18 MR. EKLEM: Objection, scope.

19 THE WITNESS: Okay.

20 BY MR. BRIT:

21 Q. And do you see the section there
22 titled Roman Numeral 2, Handley reference?

1 MR. EKLEM: Objection to scope,
2 form, and leading.

3 THE WITNESS: Yes.

4 BY MR. BRIT:

5 Q. Can you please read Paragraph 6
6 aloud?

7 MR. EKLEM: Objection to form,
8 scope, and leading.

9 THE WITNESS: "I am a co-author of
10 Very Large Conferences on the Internet: The
11 Internet Multimedia Conferencing Architecture and
12 the MBONE.

13 "I have been informed by counsel for
14 petitioners that this article was used by
15 petitioners in IPR 2023-00923 as a prior art
16 reference.

17 "This article was labeled
18 Exhibit 1005 by petitioners. I have been asked
19 to confirm the publication status and public
20 accessibility of Exhibit 1005 and to determine
21 whether it was publicly accessible and/or
22 published by at least February 11, 1999.

1 "I can indeed confirm that it was."

2 BY MR. BRIT:

3 Q. Thank you. Can you please read
4 Paragraph 7?

5 MR. EKLEM: Objection to form,
6 scope, leading and hearsay.

7 THE WITNESS: "I have been informed
8 by counsel for petitioners that my article used
9 as Exhibit 1005 was downloaded from my Cambridge
10 personal academic website here:"

11 Yeah, it is
12 <https://www.cl.cam.ac.uk/~jac22/otalks/cnisdn->
13 [article.pdf.](https://www.cl.cam.ac.uk/~jac22/otalks/cnisdn-article.pdf)

14 "I confirmed that the article
15 remains available on my personal academic
16 website. Turning to that academic website, as
17 can be seen in the URL, Exhibit 1005 as I
18 uploaded to my academic website is titled
19 cnisdn-article.pdf.

20 "I have closely inspected the
21 metadata of cnisdn-article.pdf. Upon closer
22 inspection of the metadata of cnisdn-article.pdf,

1 looking at file->properties->additional
2 metadata->advanced->PDF properties, it shows that
3 the PDF creation date was January 8, 1998."

4 And there is a footnote there that
5 says -- and there is a screenshot. And it says
6 that the "Annotated screenshot of Dr. Crowcroft's
7 cnisdn-article.pdf found at Dr. Crowcroft's
8 University of Cambridge academic website,
9 University of Cambridge," listing the same URL I
10 read earlier.

11 And saying it was last visited
12 September 26, 2023.

13 BY MR. BRIT:

14 Q. Can you read Paragraph 8, please?

15 MR. EKLEM: Objection to scope,
16 form, leading and hearsay.

17 THE WITNESS: "My Cambridge academic
18 website, which hosts Exhibit 1005, also links to
19 my previous UCL academic website, which
20 previously hosted Exhibit 1005."

21 And there is a footnote there to,
22 "See Dr. Crowcroft's past work web page found at

1 Dr. Crowcroft's University of Cambridge academic
2 website."

3 And that is
4 <https://www.cl.cam.ac.uk/~jac22/pastwork.html>,
5 saying that it was last visited
6 September 26, 2023. And further saying, "listing
7 numerous talks and papers that directly link to
8 Dr. Crowcroft's UCL academic website at
9 <http://www.cs.ucl.ac.uk/staff/Jon>, J-O-N.

10 And the paragraph further continues,
11 "I transferred the work from my UCL academic
12 website to my Cambridge academic website to
13 ensure its public accessibility was continued
14 without interruption."

15 BY MR. BRIT:

16 Q. Thank you. And can you please read
17 Paragraph 9?

18 MR. EKLEM: Objection, form, scope,
19 leading and hearsay.

20 THE WITNESS: "Further, while at
21 UCL, I personally uploaded my papers to a file
22 transfer protocol server ("FTP server") a link

1 for which was included on my UL -- my UCL
2 personal academic website."

3 And there is a footnote that says,
4 "Dr. Crowcroft's University College London
5 personal academic website as of December 1998, at
6 the Internet Archive University College London."

7 And then the footnote continues on
8 the next page,
9 [https://web.archive.org/web/19981203112130/http:](https://web.archive.org/web/19981203112130/http://www.cs.ucl.ac.uk:80/staff/jon/)
10 [//www.cs.ucl.ac.uk:80/staff/jon/](https://web.archive.org/web/19981203112130/http://www.cs.ucl.ac.uk:80/staff/jon/).

11 And a note that it was last visited
12 September 26, 2023.

13 And then the paragraph continues,
14 "An FTP server is used to communicate and
15 transfer files between computers. The screenshot
16 below is from my UCL personal academic website as
17 archived in December 1998, by the Internet
18 Archive."

19 And there is another Footnote 4.
20 And then there is a snippet, showing the
21 screenshot excerpt. And the footnote is just,
22 "Id (annotated)."

1 BY MR. BRIT:

2 Q. Thank you. And can you please read
3 Paragraph 10?

4 MR. EKLEM: Objection to form,
5 scope, leading and hearsay.

6 THE WITNESS: "Clicking on the "FTP
7 server" link in the Internet Archive (annotated
8 above with the red box) leads to the archived
9 version of the FTP server as of February 17th,
10 2001."

11 And there is a Footnote 5 that
12 reads, "Index of /darpa, University of College
13 London,
14 [https://web.archive.org/web/20010217183731/http://](https://web.archive.org/web/20010217183731/http://www.cs.ucl.ac.uk/darpa)
15 [/www.cs.ucl.ac.uk/darpa](http://www.cs.ucl.ac.uk/darpa)."

16 And then a note that it was last
17 submitted September 26, 2023 and that it is
18 annotated.

19 And the paragraph goes on to say,
20 "As seen in that link and screenshot below, there
21 is an article with the name of
22 "cnisdn-article.ps.gz" which was last modified on

1 January 9, 1998, one day after the creation of
2 cnisdn-article.pdf, which was used as
3 Exhibit 1005.

4 "Based on this confirmation and my
5 memory, this was the day I personally uploaded
6 what is now Exhibit 1005 to the publically
7 available FTP server that was linked to my UCL
8 personal academic website.

9 "Despite the Internet Archive being
10 dated in February 2001, I confirmed the FTP
11 server was active prior to this and as early as
12 1981.

13 "This is further confirmed by the
14 "Last modified" date which indicates the time the
15 file on the server was last changed.

16 And then there is a screenshot of
17 the FTP listing which has some annotations.

18 BY MR. BRIT:

19 Q. Thank you. And can you please read
20 Paragraph 11?

21 MR. EKLEM: Objection to scope,
22 form, leading and hearsay.

1 THE WITNESS: "On or about
2 October 6, 2023, and is confirmed in the
3 screenshot below -- "

4 And there is a Footnote 6,
5 "Screenshot of UCL DARPA FTP Server (annotated) .

6 "I personally accessed the UCL
7 server that contains files from UCL's Defense
8 Advanced Research Project Agency ("DARPA") of
9 which I remain an authorized user."

10 And then there is that screenshot.

11 BY MR. BRIT:

12 Q. Thank you. And can you please read
13 Paragraph 12?

14 MR. EKLEM: Objection to form,
15 scope, leading and hearsay.

16 THE WITNESS: "I personally accessed
17 the DARPA UCL server via my Linux Command Prompt.
18 There I reviewed and downloaded
19 'cnisdn-article.ps.gz' (attached hereto as
20 Attachment 1) which also confirms the date of
21 January 9, 1998.

22 "I confirm that

1 'cnisdn-article.pc.gz' is identical to that of
2 Exhibit 1005.

3 "As shown in both the Internet
4 Archive and Linux Command Prompt images above,
5 this file would have been publicly available from
6 the date I uploaded it on January 9th, 1998 until
7 the FTP server was no longer active and available
8 to the public.

9 "To the best of my knowledge, this
10 FTP server was active and available to the public
11 through at least 2018."

12 BY MR. BRIT:

13 Q. Thank you. And could you please
14 read Paragraph 13?

15 MR. EKLEM: Objection to form,
16 scope, leading and hearsay.

17 THE WITNESS: "Based on the above, I
18 confirmed that the document of Exhibit 1005
19 through having -- though having no date on its
20 face, was uploaded on January 9th, 1998 to my UCL
21 personal academic website and the FTP server
22 (both of which were publically accessible free of

1 charge) which was prior to its publication in
2 Computer Networks, Volume 31, Issue 3 as
3 discussed below."

4 And there is a footnote. And that
5 says, "M. Handley, J. Crowcroft, C. Bormann and
6 J. Ott, Very Large Conferences on the Internet:
7 The Internet Multimedia Conferencing
8 Architecture, 31 COMPUT NETWORKS 191 (1999)."

9 And that is the end of that
10 paragraph.

11 BY MR. BRIT:

12 Q. Thank you. Can you please read
13 Paragraph 14?

14 MR. EKLEM: Objection to form,
15 scope, leading and hearsay.

16 THE WITNESS: "I confirm that
17 Exhibit 1005 was published and publicly
18 accessible free of charge on my personal academic
19 website and FTP server at UCL by at least
20 January 9, 1998.

21 "I further confirm that Exhibit 1005
22 was published and publicly accessible free of

1 charge on my personal academic website and FTP
2 server at UCL by at least February 11, 1999.

3 "I also confirm that Exhibit 1005
4 has remained published and publicly accessible
5 free of charge on either my UCL and/or University
6 of Cambridge personal academic website
7 consistently through today and unchanged since at
8 least January 9th, 1998."

9 BY MR. BRIT:

10 Q. Thank you. And can you please read
11 Paragraph 15?

12 MR. EKLEM: Objection to form,
13 scope, leading and hearsay.

14 THE WITNESS: "After I uploaded
15 Exhibit 1005 to my UCL personal academic website,
16 Exhibit 1005 was published in Computer Networks,
17 Volume 31, Issue 3 on February 11, 1999 as Very
18 Large Conferences on the Internet: The Internet
19 Multimedia Conferencing Architecture at
20 Pages 191-204, with myself, M. Handley, C.
21 Bormann and J. Ott as authors.

22 "This is the date that Computer

1 Networks, File 31, Issue 3 was publicly
2 available.

3 "I have reviewed a scanned physical
4 copy of Handley as published in Computer
5 Networks, Volume 31, Issue 3 (Exhibit 1028).
6 Exhibit 1028 was retrieved from the Karl F. Wendt
7 Engineering Library at the University of
8 Wisconsin-Madison."

9 BY MR. BRIT:

10 Q. Thank you, Dr. Houh.

11 Based on this paragraph,
12 Paragraph 15, are you satisfied that Exhibit 1005
13 was published in Computer Networks, Volume 31,
14 Issue 3 on February 11, 1999, as titled Very
15 Large Conferences on the Internet: The Internet
16 Multimedia Conferencing Architecture?

17 MR. EKLEM: Objection to form,
18 scope, and leading.

19 THE WITNESS: Yes. Absolutely.

20 BY MR. BRIT:

21 Q. And does this declaration of Dr. Jon
22 Crowcroft further support your opinions as

1 outlined in your declaration and in your
2 supplemental declaration?

3 MR. EKLEM: Objection to form,
4 scope, and leading.

5 THE WITNESS: Yes.

6 BY MR. BRIT:

7 Q. How so?

8 MR. EKLEM: Objection to form --
9 excuse me.

10 Objection to form, scope, and
11 leading.

12 THE WITNESS: Sorry about that.

13 It supports what I concluded, that
14 it was, indeed, the author-formatted submission
15 that was published in the Computer Networks
16 Journal on February 11, 1999.

17 BY MR. BRIT:

18 Q. Is there any doubt in your mind that
19 Exhibit 1005 was not published in Computer
20 Networks, Volume 31, Issue 3 --

21 MR. EKLEM: Objection --

22 BY MR. BRIT:

1 Q. -- and is technically equivalent to
2 what was actually published?

3 MR. EKLEM: Objection to form,
4 scope, and leading.

5 THE WITNESS: No, no doubt at all.

6 BY MR. BRIT:

7 Q. Thank you. Can you please read
8 Paragraph 16 of Exhibit 9?

9 A. "An online version of Exhibit 1028
10 is available at Elsevier's ScienceDirect website
11 (Exhibit 1027)."

12 And there is a Footnote 8. And that
13 says, "M. Handley, J. Crowcroft, C. Bormann, and
14 J. Ott, Very Large Conferences on the Internet:
15 The Internet Multimedia Conferencing
16 Architecture, 31, COMPUT NETWORKS 191 (1999)."

17 And the paragraph goes on, "I have
18 compared the articles in Exhibit 1027 and
19 Exhibit 1028 and found them fully identical.

20 "Elsevier's ScienceDirect states
21 that Exhibit 1027 was available online as of
22 June 9, 1999."

1 And there is a footnote there -- oh,
2 that said Id.

3 But I didn't read the URL at the end
4 of Footnote 8, which says,
5 [https://www.sciencedirect.com/science/article/abs](https://www.sciencedirect.com/science/article/abs/pii/S0169755298002621#preview-section-abstract)
6 /[pii/S0169755298002621#preview-section-abstract](https://www.sciencedirect.com/science/article/abs/pii/S0169755298002621#preview-section-abstract),
7 with a note that it was last visited
8 September 25, 2023.

9 And the paragraph goes on, "Further,
10 I have performed a side-by-side comparison of
11 Exhibit 1005 to Exhibit 1027 and 1028, and
12 confirmed the substance is virtually identical.
13 While slight differences are apparent, they do
14 not detract from the underlying technical
15 teachings of the article.

16 "In my opinion as a co-author, the
17 technical substance of Exhibit 1025 [sic],
18 Exhibit 1027 and Exhibit 1028 are identical."

19 Q. Thank you, Dr. Houh. And I think in
20 your last statement, you are reading the last
21 sentence of Paragraph 16, you said Exhibit 1025,
22 1027 and 1028 are identical.

1 Is that what you meant?

2 A. Oh, I misread, no --

3 MR. EKLEM: Objection. Objection to
4 form, scope, leading and hearsay.

5 THE WITNESS: It says Exhibit 1005,
6 Exhibit 1027, and Exhibit 1028. I'm sorry to
7 have misread that.

8 BY MR. BRIT:

9 Q. And based on this paragraph,
10 Paragraph 16, are you satisfied that Exhibit 1005
11 is -- contains the same technical substance as
12 Exhibit 1027 and 1028?

13 MR. EKLEM: Objection to form,
14 scope, and leading.

15 THE WITNESS: Yes.

16 BY MR. BRIT:

17 Q. And based on this paragraph,
18 Paragraph 16, are you satisfied that
19 Exhibit 1005, 1027, 1028, include the same
20 underlying technical teachings?

21 MR. EKLEM: Objection to form,
22 scope, and leading.

1 THE WITNESS: Yes.

2 BY MR. BRIT:

3 Q. And based on this paragraph and
4 Dr. Crowcroft's declaration as a whole so far,
5 are you satisfied that Exhibit 1005, 1027, and
6 1028 are virtually identical?

7 MR. EKLEM: Objection to form,
8 scope, and leading.

9 THE WITNESS: In substance, yes.

10 BY MR. BRIT:

11 Q. And in the Paragraph 16 that you
12 read from Dr. Crowcroft's declaration, do you
13 recall that he said he performed a side-by-side
14 comparison of Exhibit 1005 to Exhibit 1027 and
15 1028?

16 MR. EKLEM: Objection to form,
17 scope, leading and hearsay.

18 THE WITNESS: Yes, that is what it
19 says in Paragraph 16.

20 BY MR. BRIT:

21 Q. And did you perform any such
22 side-by-side comparison of those exhibits?

1 MR. EKLEM: Objection to form,
2 scope, and leading.

3 THE WITNESS: I have.

4 BY MR. BRIT:

5 Q. And where did you make such a
6 comparison?

7 A. Well, I, I, I initially did a
8 comparison with the snippets from the
9 ScienceDirect web page that linked to the article
10 itself.

11 And so I made a comparison there.
12 And subsequent to that, I looked at various
13 portions to come up with the Attachment 1. I
14 looked at both.

15 And subsequent to that, I reviewed
16 a, an exhibit submitted by patent owner that was
17 purported to be a redline of the differences
18 between Exhibit 1005 and the other two.

19 Q. And based on your side-by-side
20 comparison of Exhibit 1005 to 1027 and 1028, do
21 you confirm that the substance is virtually
22 identical?

1 MR. BRIT: Objection to form, scope,
2 and leading.

3 THE WITNESS: Yes.

4 BY MR. BRIT:

5 Q. Thank you, Dr. Houh. Can you please
6 read Paragraph 17 of Exhibit 9?

7 MR. EKLEM: Objection to form,
8 scope, leading and hearsay.

9 THE WITNESS: "It was common
10 practice for me, as an author and academic, to
11 upload papers, publications and articles to my
12 personal academic website as well as the FTP
13 server prior to formal publication.

14 "As background, the authors of
15 Exhibit 1005 were all active participants in the
16 Internet Engineering Task Force (IETF) working on
17 internet standards.

18 "Draft versions of these documents
19 like Exhibit 1005 were frequently exchanged and
20 updated as part of that work and typically made
21 available through public FTP (later WWW) servers.

22 "It was also part of the culture to

1 publish more research-oriented versions of the
2 work as papers in the regular academic press
3 (conferences and journals). The internet
4 standards process has always promoted open access
5 to work, and much of communications research has
6 followed that convention."

7 BY MR. BRIT:

8 Q. Dr. Houh, what is an FTP?

9 MR. EKLEM: Objection to form and
10 scope.

11 THE WITNESS: Well, FTP is the file
12 transfer protocol. And an FTP server is a
13 repository of files which can be accessed to a --
14 through the FTP protocol.

15 And we did this as well in my group.
16 Our group, in my, in grad school, had an FTP
17 server and we posted our papers there and linked
18 to them.

19 BY MR. BRIT:

20 Q. And are FTPs generally publicly
21 accessible?

22 MR. EKLEM: Objection to form,

1 scope, leading. Objection, calls for a legal
2 conclusion.

3 THE WITNESS: Generally, there is
4 typically -- and we set this up this way, is that
5 the public could get in. But I think -- and it
6 was known at the time that some may have been
7 just open. I don't recall exactly how.

8 But some, it -- you just use the
9 name Anonymous. And you could access -- the
10 public could access the contents of the FTP
11 server.

12 But some browsers at the time would
13 build in that automatically when accessing FTP,
14 so that you wouldn't have to even type that. The
15 browser could access an FTP URL and view the
16 content of the FTP server.

17 BY MR. BRIT:

18 Q. Do you have any opinion as to
19 whether a person of ordinary skill in the art
20 would be able to access an FTP server at the
21 time?

22 MR. EKLEM: Objection to form.

1 Scope, leading. Calls for a legal conclusion.

2 THE WITNESS: Yes, I do.

3 BY MR. BRIT:

4 Q. And what is that opinion?

5 MR. EKLEM: Same objections.

6 THE WITNESS: I think accessing FTP
7 servers was very well known by certainly in the
8 network community, and even beyond that, as a
9 place to retrieve documents.

10 And some FTP servers may allow users
11 or even anonymous users to upload documents.

12 And it was well known that that was
13 a place to look to see whether an organization
14 had an FTP server to go browse, retrieve
15 documents from.

16 BY MR. BRIT:

17 Q. And that was common practice?

18 MR. EKLEM: Objection to form,
19 scope --

20 BY MR. BRIT:

21 Q. Was that common practice?

22 MR. EKLEM: Objection to form,

1 scope, and leading.

2 THE WITNESS: Yes, that was common
3 practice in the '90's, all throughout the '90's.

4 BY MR. BRIT:

5 Q. Did you ever upload your own papers
6 to an FTP server?

7 MR. EKLEM: Objection to form,
8 scope, and leading.

9 THE WITNESS: Yes, I did.

10 BY MR. BRIT:

11 Q. Why?

12 MR. EKLEM: Objection to form,
13 scope, and leading.

14 THE WITNESS: So that they could be
15 available to the public.

16 BY MR. BRIT:

17 Q. Was it common for academics to
18 upload their papers to FTP servers?

19 MR. EKLEM: Objection to form,
20 scope, and leading.

21 THE WITNESS: Yes.

22 BY MR. BRIT:

1 Q. And why do you say that?

2 A. Because our group did it --

3 MR. EKLEM: Excuse me. Objection to
4 form, scope, and leading.

5 THE WITNESS: Because our group did
6 it and lots of other groups that I am aware of
7 did it.

8 And I was able to go, at the time,
9 retrieve papers from FTP sites. And it wasn't
10 only contained to, you know, academics.

11 At one point in the '90's, you know,
12 companies also put up FTP servers from which one
13 could go to retrieve software updates, for
14 example. And that was also a common, a common
15 usage.

16 And so -- but, really FTP servers
17 are for any types of documents. But it was
18 definitely used by the academic community. And
19 as I observed, numerous websites start to go up
20 in the academic areas, I -- other groups would
21 also publish their papers.

22 And that was just listing them on

1 their website and linking to FTP sites.

2 And we even published FTP urls in
3 some of the papers that we published. They
4 included a link to download not only our papers
5 but also our software that we developed.

6 So, it was common practice.

7 BY MR. BRIT:

8 Q. And turning back to Exhibit 9, can
9 you please read Paragraph 18?

10 MR. EKLEM: Objection to form,
11 scope, leading and hearsay.

12 THE WITNESS: "During the review and
13 editing process for formal publication, it is
14 common practice for editors and publishers to
15 edit citations, grammar and nonsubstantive text.
16 This is what happened with Exhibit 1005.

17 "I uploaded Exhibit 1005 to my
18 personal academic website where, after going
19 through the formal publication process, it was
20 subsequently published in Computer Networks,
21 VOL 31, Issue 3, at Pages 191 through 204, as
22 Exhibit 1028 on February 11, 1999.

1 "As previously described, a version
2 published as Exhibit 1028 (which is identical to
3 Exhibit 1027) is identical to Exhibit 1005 for
4 all intents and purposes."

5 BY MR. BRIT:

6 Q. So, based on this paragraph,
7 Paragraph 18, is it your opinion that
8 Exhibit 1005, which is also known as Exhibit 2 to
9 this deposition, is identical to Exhibits 7 and 8
10 to this deposition, for all intents and purposes?

11 MR. EKLEM: Objection to form,
12 scope, and leading.

13 THE WITNESS: Yes.

14 BY MR. BRIT:

15 Q. And do the statements Dr. Crowcroft
16 provided in his declaration support your
17 opinions?

18 A. Yes.

19 Q. Why?

20 MR. EKLEM: Objection to form,
21 scope, leading and hearsay.

22 THE WITNESS: Because they -- as the

1 author, he said that. But it also is consistent
2 with my personal experience in submitting papers
3 for publication.

4 And, and the process by which we
5 also followed in posting those submitted papers
6 to our websites, linking that to them from our
7 academic pages as well as group pages and
8 whatnot.

9 It is all what I recognize as being
10 done by -- commonly done by researchers in the
11 field at this time.

12 BY MR. BRIT:

13 Q. Thank you. And could you please
14 read Paragraph 19 of Exhibit 9?

15 MR. EKLEM: Objection to form,
16 scope, leading and hearsay.

17 THE WITNESS: "As to the inception
18 of the article used as Exhibit 1005, each author
19 had contributed to a plethora of standards since
20 the 1980's, and the way these all fit together
21 was quite complex.

22 "Exhibit 1005 and the internet draft

1 that preceded it as discussed below was an
2 attempt to capture the "big picture" so that
3 engineers, practitioners, educators, et cetera,
4 would have a source document that explained the
5 way these components fit together.

6 "The ideas in Exhibit 1005 can be
7 first seen in the internet draft, 'The Internet
8 Multimedia Conferencing Architecture' which was
9 released in July 1997, as
10 'draft-ietf-mmusic-conf,' C-O-N-F, 'arch' A-R-C-H
11 '-00.txt," with a footnote.

12 And the footnote is -- says, "The
13 Internet Multimedia Conferencing Architecture
14 draft-ietf-mmusic-confarch-00.txt, Internet
15 Draft,
16 <https://www.ietf.org/archive/id/draft-ietf-mmusic>
17 [-confarch-00.txt](https://www.ietf.org/archive/id/draft-ietf-mmusic-confarch-00.txt)." With a note, "Last visited
18 September 26, 2023."

19 And then the paragraph goes on, "I
20 listed the July 1997 Internet Draft on my
21 personal academic website while teaching at the
22 UCL as can be seen in the screenshot below taken

1 from an August 28, 1999 Internet Archive of my
2 website with the footnote that includes a snippet
3 from the screenshot."

4 And the footnote is,

5 "Dr. Crowcroft's University College London
6 personal academic website as of December 1998 at
7 the Internet Archive University College of
8 London.

9 <https://web.archive.org/web/19990828053320/http://>
10 [/www.cs.ucl.ac.uk/staff/jon/](http://www.cs.ucl.ac.uk/staff/jon/), " J-O-N,
11 ["/jons-papers.html](http://www.cs.ucl.ac.uk/staff/jon/jons-papers.html)." And that is J-O-N-S, dash,
12 papers.

13 And there is a note that it was last
14 visited September 26, 2023.

15 And the paragraph goes on after the
16 excerpt image. "As shown above, I have also
17 listed that the July 1997 Internet Draft was
18 "also in CNIS." This link to Mark Handley's
19 personal academic website (another co-author of
20 the July 1997 Internet Draft and Exhibit 1005)
21 while he was at the University of Southern
22 California Information Sciences Institute."

1 And there is a Footnote 12, that
2 says, "Dr. Handley's University of Southern
3 California personal academic website as of
4 January 1998 at the Internet Archive University
5 of Southern California,
6 [https://web.archive.org/web/19980130215743/http:](https://web.archive.org/web/19980130215743/http://north.east.isi.edu/~mjh/)
7 [//north.east.isi.edu/~mjh/.](https://web.archive.org/web/19980130215743/http://north.east.isi.edu/~mjh/)"

8 And with a note that it was last
9 visited September 26, 2023.

10 And the paragraph goes on, "There as
11 of February 1999, as viewed in the Internet
12 Archive, Mark Handley listed and linked to both
13 Very Large Conferences on the Internet: The
14 Internet Multimedia Conferencing Architecture as
15 well as The Internet Multimedia Conferencing
16 Architecture internet draft under his papers,
17 publications and specifications."

18 And there are two snippets from that
19 page.

20 And there is a Footnote, 13, that
21 says, "Dr. Handley's University of Southern
22 California personal academic website as of

1 January 1998 at the Internet Archive University
2 of Southern California."

3 And there is another URL,
4 [http://web.archive.org/web/19990210102149/http://](http://web.archive.org/web/19990210102149/http://north.east.isi.edu/~mjh/papers.html)
5 north.east.isi.edu/~mjh/papers.html. with a note
6 that it was last visited September 26, 2023.

7 And that goes on after the two image
8 snippets. "This July 1997 Internet Draft had
9 further iterations, including an October 1999
10 internet draft."

11 And there is a footnote that says,
12 "The Internet Multimedia Conferencing
13 Architecture draft-ietf-mmusic.confarch-02.txt,
14 Internet Draft,
15 [https://www.ietf.org/archive/id/draft-ietf-mmusic](https://www.ietf.org/archive/id/draft-ietf-mmusic-confarch-02.txt)
16 [-confarch-02.txt](https://www.ietf.org/archive/id/draft-ietf-mmusic-confarch-02.txt)." With a note that was last
17 visited September 26, 2023.

18 And that is the end of that
19 paragraph.

20 BY MR. BRIT:

21 Q. Thank you, Dr. Houh. Could you
22 please read Paragraph 20?

1 MR. EKLEM: Objection to form,
2 scope, leading and hearsay.

3 THE WITNESS: "In conclusion, based
4 on my memory and as a co-author, Exhibit 1005 was
5 publicly accessible and available as of at least
6 February 11, 1999."

7 BY MR. BRIT:

8 Q. Dr. Houh, based on this paragraph,
9 Paragraph 20, are you satisfied that Exhibit 1005
10 was publicly accessible and available as of at
11 least February 11, 1999?

12 MR. EKLEM: Objection to form,
13 scope, and leading. And hearsay.

14 THE WITNESS: Yes.

15 BY MR. BRIT:

16 Q. And why is that?

17 MR. EKLEM: Objection to form,
18 scope, and leading.

19 THE WITNESS: Well, partially based
20 on statements that Mr. Crowcroft has laid out
21 here in this declaration.

22 BY MR. BRIT:

1 Q. And can you please read the final
2 paragraph, Paragraph 21?

3 MR. EKLEM: Objection to form,
4 scope, leading and hearsay.

5 THE WITNESS: "I declare that all
6 statements made herein are of my personal
7 knowledge are true, and that all statements made
8 on information and belief are believed to be
9 true, and that these statements were made with
10 the knowledge that willful false statements and
11 the like so made are punishable by fine or
12 imprisonment or both under Section 1001 of
13 Title 18 of the United States Code."

14 BY MR. BRIT:

15 Q. Thank you, Dr. Houh.

16 Based on this paragraph,
17 Paragraph 21, are you satisfied with the
18 statements included in Dr. Crowcroft's
19 declaration, which is Exhibit 9?

20 MR. EKLEM: Objection to form,
21 scope, leading and hearsay.

22 THE WITNESS: Yes.

1 MR. BRIT: Would you like to take a
2 break?

3 THE WITNESS: Yes, a break would be
4 great.

5 MR. BRIT: Off the record.

6 (Recess taken -- 12:08 p.m.)

7 (After recess -- 12:45 p.m.)

8 BY MR. BRIT:

9 Q. Welcome back, Dr. Houh.

10 A. Thank you.

11 Q. Do you recall earlier we were
12 talking about the Elsevier publication?

13 A. As a publisher, I think, yes, I do.

14 Q. Okay. Do you recall earlier that we
15 were talking about Elsevier?

16 A. Yes.

17 MR. EKLEM: Objection to scope and
18 form.

19 BY MR. BRIT:

20 Q. What is Elsevier?

21 MR. EKLEM: Objection to scope and
22 form and leading.

1 THE WITNESS: Elsevier is a
2 well-respected publisher of scientific journals
3 and I think books on scientific topics.

4 BY MR. BRIT:

5 Q. And what is the basis of your
6 statement that Elsevier is a well-respected
7 publisher?

8 MR. EKLEM: Objection to form,
9 scope, and leading.

10 THE WITNESS: I know some of the, I
11 know some of the -- of some of the journals that
12 they publish. I know they are a publisher that's
13 longstanding.

14 I see their name on lots of -- all
15 over the place. And I have known about them as
16 such a publisher since at least by the time I was
17 in grad school and doing research and networking.

18 BY MR. BRIT:

19 Q. Is Elsevier known in the field of
20 computer science and engineering?

21 A. Yes.

22 MR. EKLEM: Objection to form --

1 excuse me. Objection to form, scope and leading.

2 THE WITNESS: I'm sorry, I will try
3 to wait longer.

4 Yes.

5 BY MR. BRIT:

6 Q. And is Elsevier known by academics
7 in the United States?

8 MR. EKLEM: Objection to form,
9 scope, and leading.

10 THE WITNESS: Yes.

11 BY MR. BRIT:

12 Q. And is Elsevier known by academics
13 worldwide?

14 MR. EKLEM: Objection to form,
15 scope, and leading.

16 THE WITNESS: Yes.

17 BY MR. BRIT:

18 Q. If you could briefly turn to
19 Exhibit 1, which is the declaration of Dr. Henry
20 Houh, Ph.D.

21 And look at Paragraph 45, which is
22 on Page 19.

1 A. Okay.

2 Q. This paragraph discusses a person of
3 ordinary skill in the art; is that correct?

4 MR. EKLEM: Objection to scope.

5 THE WITNESS: Yes.

6 BY MR. BRIT:

7 Q. And it is a person of ordinary skill
8 in the art with respect to the '682 patent; is
9 that correct?

10 MR. EKLEM: Objection to scope and
11 leading.

12 THE WITNESS: Yes.

13 BY MR. BRIT:

14 Q. And in your opinion would a person
15 of ordinary skill in the art, as described here
16 in Paragraph 45, have an understanding for what
17 Elsevier is and what they do?

18 MR. EKLEM: Objection to form,
19 scope, and leading.

20 THE WITNESS: Yes, I think they
21 would have turned to publications and journal --
22 journals from them, when they are looking for art

1 in the field.

2 BY MR. BRIT:

3 Q. Do you have an opinion on the
4 reputation of Elsevier as a publisher?

5 MR. EKLEM: Objection to form.
6 Scope, and leading.

7 THE WITNESS: Generally, yes.

8 BY MR. BRIT:

9 Q. What is that?

10 A. I think --

11 MR. EKLEM: Excuse me. Objection to
12 form, scope, and leading.

13 THE WITNESS: I think they are
14 generally well respected.

15 BY MR. BRIT:

16 Q. And what do you mean by that?

17 MR. EKLEM: Objection to form,
18 scope, and leading.

19 THE WITNESS: I think that I
20 would -- that I and a number of other people in
21 the field seek to publish in these types of
22 journals from a well-respected publisher.

1 That -- and so I think, I think
2 generally people wouldn't seek to publish --
3 like, you wouldn't seek to publish in a not
4 well-respected journal.

5 So, people do publish. They have
6 well-respected authors that they publish research
7 from, including Exhibit 1005, which was published
8 by -- published in Computer Networks Journal of
9 Reed Elsevier.

10 We -- I don't recall if I had
11 submitted to that one, that particular journal.
12 But, but I think I would have -- we want,
13 academics want to be published. And when we get
14 published, they also want the journals that they
15 are published in to be read by lots of people in
16 their field, well-respected people in the field.
17 That other well-respected people in their field
18 also want to publish in, and that they are
19 published in.

20 So, I guess that is, how I would
21 think about that.

22 BY MR. BRIT:

1 Q. In addition to Elsevier
2 publications, where else would a POSITA look for
3 prior art in the field?

4 MR. EKLEM: Objection to form,
5 scope, and leading.

6 THE WITNESS: There are oftentimes
7 discussion groups, public discussion groups in
8 the early '90's, before the web arose, that
9 people would look to for it to have technical
10 discussions.

11 Oftentimes people would post in
12 these discussion groups hey, I posted a paper
13 here, it is in our group's FTP site, so you can
14 go download things.

15 So, that was one way before the rise
16 of websites people found out about things like
17 that. And really, I mean, I helped set up our
18 group's website. I think it was around late
19 1993, and it was probably one of the first 100
20 websites that were set up, ever.

21 And so -- and I did follow the rise
22 of websites, both in commercially and

1 academically, you know, because we were also
2 trying to keep up with research from other, other
3 groups doing similar work to us in the field.

4 And I participated in IETF meetings.
5 So, people would often share or publish or
6 discuss, you know, how to get further information
7 in meetings or on the groups -- on the various
8 working groups' e-mail lists.

9 As I mentioned before, in some of
10 the papers that we published, we actually put the
11 FTP site of our group in the paper itself.

12 And then, as the web came about,
13 groups -- more research groups found it
14 convenient to create web pages for their group
15 and individual researchers for the academic side,
16 as part of that. And a lot of people began to do
17 that.

18 And so, by the, later in the 1990's,
19 it was relatively common for groups to have their
20 own websites and for, you know, everyone in the
21 group to have a little site talking about their
22 research interests.

1 And that is what I had and set up
2 back in, around late 1993. And other groups
3 followed suit.

4 So, I think there were a lot of
5 places for people to turn to. You could also go
6 to the library and look up journals.

7 And then as more became available
8 online, it became possible to search and go to
9 other groups that you knew about who published in
10 the same area and look at the papers.

11 So, I think using reasonable
12 diligence you could actually locate lots of these
13 groups' articles that they submitted for
14 publication.

15 BY MR. BRIT:

16 Q. Dr. Houh, do you consider yourself a
17 person of ordinary skill in the art related to
18 the '682 patent?

19 MR. EKLEM: Objection to scope,
20 form, and leading.

21 THE WITNESS: Well, as of the time
22 of the invention of the '682, I would have

1 considered myself at least that level.

2 BY MR. BRIT:

3 Q. And going back to Exhibit 1005,
4 which is Exhibit 2 to this deposition, were you
5 able to find this exhibit using -- strike that.

6 Were you able to personally find
7 this Exhibit 2 to this deposition also known as
8 Meta 1005?

9 MR. EKLEM: Objection to form,
10 scope, and leading.

11 THE WITNESS: Yes, I did, I did find
12 this, this document on my own.

13 BY MR. BRIT:

14 Q. Is it fair to say that you were able
15 to find this Exhibit 2 to this deposition, also
16 known as Meta 1005, using reasonable diligence?

17 MR. EKLEM: Objection to form,
18 scope, leading. Calls for a legal conclusion.

19 THE WITNESS: Yeah, I mean I think I
20 did what a person of ordinary skill in the art
21 could have done, you know, to find it, find this
22 document.

1 And so I used, I used, I was, I used
2 the, you know -- I was reasonably diligent about
3 looking. I found a number of documents. I read
4 them, reviewed them and weeded out a number of
5 other documents.

6 But I did find and locate this
7 document without using extraordinary methods of
8 locating it.

9 BY MR. BRIT:

10 Q. We have been discussing Exhibit 6 to
11 this deposition which is your supplemental
12 declaration.

13 Did you review any other
14 declarations in preparing your supplemental
15 declaration?

16 MR. EKLEM: Objection to form,
17 scope, and leading, and hearsay.

18 THE WITNESS: Yes, I did.

19 BY MR. BRIT:

20 Q. What other declarations did you
21 review in preparing your supplemental
22 declaration?

1 MR. EKLEM: Objection to form,
2 scope, leading, and hearsay.

3 THE WITNESS: As I mentioned
4 earlier, I reviewed the declaration of Dr. Jon
5 Crowcroft, but I also reviewed some declarations
6 from Dr. Sylvia Hall-Ellis.

7 BY MR. BRIT:

8 Q. Dr. Houh, I'm going to hand you what
9 has been marked as Exhibit 10. It is also marked
10 in the lower right-hand corner as Meta 1018. It
11 is titled the Supplemental Declaration of Sylvia
12 D. Hall-Ellis Ph.D. Relating to Handley
13 Exhibit 1005.

14 (Houh Exhibit 10 marked for
15 identification.)

16 MR. EKLEM: Objection to form,
17 scope, leading, and hearsay.

18 BY MR. BRIT:

19 Q. Please review that document and let
20 me know when you've had a chance to.

21 A. Okay.

22 Q. Is this the declaration of

1 Dr. Sylvia Hall-Ellis that you reviewed?

2 A. It is one of them, yes.

3 MR. EKLEM: Objection -- I'm sorry,
4 go ahead.

5 THE WITNESS: Oh, sorry. I'm sorry.
6 I will -- I have to get back in the mode to wait.

7 BY MR. BRIT:

8 Q. Who is Dr. Hall --

9 MR. EKLEM: I'm sorry. I'm going to
10 interpose an objection to form, scope, leading
11 and hearsay to the previous question.

12 BY MR. BRIT:

13 Q. Dr. Houh, who is Dr. Sylvia D.
14 Hall-Ellis?

15 MR. EKLEM: Objection to form,
16 scope, leading.

17 THE WITNESS: She is an adjunct
18 professor in the School of Information at San
19 José State University. And I think she also has
20 over 50 years in experience as a librarian or in
21 library sciences.

22 Sorry. Something just disappeared

1 but it came back, the Zoom window. Okay, so,
2 sorry, yes.

3 And this declaration refers back to
4 one of her earlier declarations for her
5 qualifications. But off the top of my head, that
6 is what I recall. Some of it is from here,
7 Paragraph 6, but some of it is just from my
8 recollection.

9 MR. BRIT: Okay. And just before we
10 move forward, I just want to make sure that
11 technically your computer is okay. You have the
12 Zoom up?

13 THE WITNESS: It looks okay. I'm
14 not sure what happened. But --

15 MR. BRIT: Counsel, can you still
16 see and hear Dr. Houh?

17 MR. EKLEM: Yes.

18 MR. BRIT: And, Ms. Goodin, can you
19 still see and hear Dr. Houh?

20 THE REPORTER: Yes, I can. Thank
21 you.

22 BY MR. BRIT:

1 Q. All set, Doctor?

2 A. Yes, I am all set.

3 Q. Okay. And looking at Exhibit 10, it
4 includes various attachments; is that correct?

5 MR. EKLEM: Objection to form,
6 scope, leading and hearsay.

7 THE WITNESS: Yes, it does.

8 BY MR. BRIT:

9 Q. And can you turn to Page 24 of
10 Exhibit 10, please.

11 A. Did you say Page 24?

12 Q. That's correct.

13 A. Okay.

14 Q. Can you please read Paragraph 46
15 aloud?

16 MR. EKLEM: Objection to form,
17 scope, leading and hearsay.

18 THE WITNESS: It says, "While
19 Attachment 1J is a copy of the Handley article
20 (as well as the Computer Networks cover pages and
21 table of contents) which was obtained from the
22 Karl F. Wendt Engineering Library at the

1 University of Wisconsin-Madison, Attachment 1K is
2 a copy of the Handley article which was
3 downloaded from the publisher's website.

4 "After comparing Attachment 1J with
5 Attachment 1K, it is my opinion that the Handley
6 articles included in Attachment 1J and
7 Attachment 1K, contain identical text. Each is a
8 true and accurate copy of the journal article and
9 claims what the petitioner purports it to be.
10 There are no missing pages."

11 BY MR. BRIT:

12 Q. And can you find Attachment 1J to
13 Exhibit 10?

14 MR. EKLEM: Objection to form,
15 scope, leading and hearsay.

16 BY MR. BRIT:

17 Q. And for reference I think it is --
18 oh, strike that. There is no page.

19 A. Did you say 1J?

20 Q. Yes, sir. Attachment 1J to
21 Exhibit 10.

22 A. Okay.

1 Q. Have you found it?

2 A. Yes.

3 Q. And what is Attachment 1J?

4 MR. EKLEM: Objection to form,
5 scope, leading and hearsay.

6 THE WITNESS: 1J appears to be the
7 same copy of the Computer Networks article
8 published February 11, 1999, with the cover pages
9 and additional pages on top that we have been
10 talking about as Meta 1028 or Exhibit 8 to this
11 deposition.

12 BY MR. BRIT:

13 Q. Okay. Thank you. And can you find
14 Attachment 1K to Exhibit 10, please?

15 MR. EKLEM: Objection to form,
16 scope, leading and hearsay.

17 THE WITNESS: I cannot find it in
18 this printed copy.

19 BY MR. BRIT:

20 Q. If we go about eight pages up from
21 the back page, it looks like that would be the
22 start, but your copy looks like it is missing the

1 cover page, 1K.

2 A. I don't -- I think that particular
3 page appears to still be the copy from the
4 library --

5 Q. Okay.

6 A. -- although --

7 Q. No problem. We can move on. Can
8 you go back to Exhibit 10, Page 24.

9 A. Yes, I am there.

10 Q. Okay. Can you please read
11 Paragraph 47?

12 MR. EKLEM: Objection to form,
13 scope, leading and hearsay.

14 THE WITNESS: "In view of the above,
15 this issue of the journal titled Computer
16 Networks was publicly available by at least
17 February 11, 1999, because by that date it had
18 been published online by the ACM Digital Library.

19 "For these reasons, it is my opinion
20 that Attachment 1J was published and accessible
21 to the public by at least February 11, 1999."

22 BY MR. BRIT:

1 Q. Thank you. And can you please read
2 Paragraph 48.

3 MR. EKLEM: Objection to form,
4 scope, leading and hearsay.

5 THE WITNESS: "In view of the
6 foregoing, it is my opinion that the publications
7 described above were publically available no
8 later than the corresponding date listed in the
9 table below."

10 And there is a table with the
11 headings Exhibit, Publication, and Publicly
12 Available No Later Than. And then the entries
13 under those respective three headings of
14 Attachment 1J under the Exhibit heading.

15 And then M. Handley, J. Crowcroft,
16 C. Bormann, J. Ott, Very Large Conferences on the
17 Internet: The Internet Multimedia Conferencing
18 Architecture, 31 Computer Networks, 191 to 204,
19 (February 11, 1999). That is under Publication
20 heading.

21 And then, under the Publically
22 Available No Later Than heading in the row, it

1 says February 11, 1999.

2 BY MR. BRIT:

3 Q. Thank you. And can you please read
4 Paragraph 49?

5 MR. EKLEM: Objection to form,
6 scope, leading and hearsay.

7 THE WITNESS: "I declare that all
8 statements made herein of my knowledge are true
9 and that all statements made on information and
10 belief are believed to be true.

11 "And that these statements were made
12 with the knowledge that willful false statements
13 and the like so made are punishable by fine or
14 imprisonment or both under Section 1001 of
15 Title 18 of the United States Code."

16 BY MR. BRIT:

17 Q. Thank you. And is it signed and
18 dated below that paragraph?

19 MR. EKLEM: Objection to form,
20 scope, leading and hearsay.

21 THE WITNESS: Yes.

22 BY MR. BRIT:

1 Q. And what is the date and signature?

2 MR. EKLEM: Objection to form,
3 scope, leading and hearsay.

4 THE WITNESS: The date is
5 January 17th, 2024. And the signature is that of
6 Sylvia D. Hall-Ellis.

7 BY MR. BRIT:

8 Q. And in reviewing this declaration,
9 are you able to draw any conclusions?

10 MR. EKLEM: Objection to form,
11 scope, leading and hearsay.

12 THE WITNESS: Yes.

13 BY MR. BRIT:

14 Q. And what might those be?

15 MR. EKLEM: Objection to form,
16 scope, and leading.

17 THE WITNESS: That the Handley
18 article was published by February 11th, 1999.

19 MR. BRIT: Would you like to take a
20 quick break?

21 THE WITNESS: Sure.

22 MR. BRIT: Let's take a quick break.

1 (Recess taken -- 1:11 p.m.)

2 (After recess -- 1:16 p.m.)

3 MR. BRIT: Thank you for your time

4 Dr. Houh, I have no further questions for you.

5 THE WITNESS: Thank you.

6 EXAMINATION

7 BY MR. EKLEM:

8 Q. Dr. Houh, do you have Exhibit 6 to
9 your -- Exhibit 6 to your deposition in front of
10 you, still?

11 A. Yes.

12 Q. When did you first disclose your
13 opinions in Paragraphs 6 through 10 to Meta's
14 counsel?

15 MR. BRIT: Objection. I caution the
16 witness not to disclose the substance of any
17 conversations with counsel. That is privileged.

18 Doctor, I have objected to this line
19 of question as privileged and instruct the
20 witness not to answer.

21 MR. EKLEM: Jon, I'm not asking
22 about the content of any communications.

1 I'm asking about the fact. Just a
2 date. So, I don't think we are asking, we are
3 not calling for, asking for any privileged
4 information.

5 MR. BRIT: You are discussing the
6 substance of the information at hand.

7 MR. EKLEM: I'm asking him a
8 question about the declaration that you put in as
9 Exhibit 6 to this deposition. I'm not asking him
10 about communications -- the content or substance
11 of communications.

12 I'm asking about the date that it
13 was disclosed, the content of the declaration.

14 MR. BRIT: Okay. I will maintain my
15 objection.

16 BY MR. EKLEM:

17 Q. Dr. Houh, are you going to follow
18 your counsel's advice and not answer my question?

19 A. I mean, if you are asking about
20 specific conversations, I don't think I can
21 disclose what those conversations were.

22 Q. Are you sure?

1 A. So, I guess I'm not really sure how
2 I can answer the question without disclosing
3 communications with counsel.

4 Q. For the record, I'm not asking you
5 to disclose the content of privileged
6 conversations between you and counsel.

7 I'm, my question is, when -- by what
8 date did you disclose the opinions in
9 Paragraphs 6 through 10 of Exhibit 6 to your
10 deposition to Meta's counsel?

11 MR. BRIT: Again, I will object and
12 caution the witness not to disclose the substance
13 of any privileged conversations with counsel.

14 It is still a communication with
15 counsel, what you are asking.

16 THE WITNESS: I mean, what I will
17 say is that the opinions in my declaration are
18 set forth in this supplemental and that was
19 signed on January 18th, 2024.

20 And so all of these disclosures were
21 made as of, as of that date.

22 BY MR. EKLEM:

1 Q. Did you form any of the opinions in
2 Exhibit 6 to your deposition prior to
3 January 18th, 2024?

4 MR. BRIT: Objection, form. Scope.

5 THE WITNESS: Yes.

6 BY MR. EKLEM:

7 Q. Did you form any of the opinions in
8 Exhibit 6 to your deposition prior to May 24th,
9 2023?

10 MR. BRIT: Objection, form.

11 Relevance. Scope. Calls for speculation.

12 THE WITNESS: Well, I can't tell you
13 for every single opinion here that I know the
14 exact timeline.

15 But there is one in particular that
16 I, if you look at Paragraph 9, I compared the
17 Abstract, Introduction, and Section Snippets of
18 Exhibit 1027 as available on Elsevier's
19 ScienceDirect web page and found them to be
20 nearly identical to Exhibit 1005.

21 "It was and still is my opinion that
22 Exhibit 1005 and Exhibit 1027 are substantially

1 identical."

2 And I did do that before May 24th,
3 2023.

4 And that was my opinion then. And
5 that formed the basis of my statement that I
6 made -- a part of the basis for the statement
7 that I made in Paragraph 59 of my opening
8 declaration which is, which we have been
9 referring to as Exhibit 1003.

10 BY MR. EKLEM:

11 Q. Okay. In Paragraph 10, you describe
12 indications on Elsevier's ScienceDirect website.

13 Do you see that?

14 A. Yes.

15 Q. When was the first time you observed
16 those indications?

17 MR. BRIT: Objection, form. Scope.
18 Calls for speculation. The document speaks for
19 itself.

20 THE WITNESS: I don't know if I
21 recall the exact date. But I think no later than
22 January 17th, 2023, to the best of my

1 recollection.

2 BY MR. EKLEM:

3 Q. In Paragraph 11, you state that you
4 reviewed a scanned physical copy of an article
5 that was retrieved from the Karl F. Wendt
6 Engineering Library.

7 Do you see that?

8 MR. BRIT: Objection, misstates the
9 document. Form.

10 THE WITNESS: I mean, Paragraph 11
11 says what it says. I'm not going to deny it.
12 But I don't remember exactly what you said
13 compared to what I say in Paragraph 11.

14 BY MR. EKLEM:

15 Q. It is not a trick question,
16 Dr. Houh.

17 You state that you -- in
18 Paragraph 11 you state that -- I will just quote
19 it to you, "Further, I have reviewed a scanned
20 physical copy of," and then you mention the name
21 of an article.

22 And that is in Paragraph 11 of

1 Exhibit 6.

2 Do you see that?

3 A. Yes.

4 Q. When did you first review this, that
5 scanned physical copy of the article mentioned in
6 Paragraph 11 of Exhibit 6?

7 MR. BRIT: Objection, form. Calls
8 for speculation.

9 THE WITNESS: I don't recall
10 exactly. But it was after I submitted my opening
11 declaration but before I submitted the
12 supplemental declaration.

13 BY MR. EKLEM:

14 Q. In Paragraph 12, you say, "I have
15 compared the articles in EX 1027 and EX 1028 and
16 found them fully identical."

17 Do you see that?

18 A. Yes.

19 Q. When did you perform that
20 comparison?

21 MR. BRIT: Objection, form. Calls
22 for speculation.

1 THE WITNESS: I don't remember the
2 exact timeline. But it was, it was, it was
3 between the time I reviewed initially
4 Exhibit 1028 that we were just talking about, and
5 the time I submitted my declaration -- my
6 supplemental declaration.

7 BY MR. EKLEM:

8 Q. So, did you perform the comparison
9 described in Paragraph 12 of Exhibit 6 after
10 submitting your declaration in Exhibit 1003?

11 MR. BRIT: Objection, form. Asked
12 and answered.

13 THE WITNESS: Well, I compared
14 snippets of the science -- on the ScienceDirect
15 web page that linked to the article from
16 ScienceDirect.

17 I did, part -- that comparison to
18 what was available to me as those snippets. And
19 I did that comparison to Exhibit 1005 before I
20 submitted my initial declaration.

21 And that is part of why I made the
22 statement I did on -- in my initial declaration

1 in Paragraph 59.

2 BY MR. EKLEM:

3 Q. Thanks, Dr. Houh.

4 I think my question is a little bit
5 different. I am referring to your statement in
6 Paragraph 12 of Exhibit 6 where you state, "I
7 have compared the articles in EX 1027 and EX 1028
8 and found them fully identical."

9 So, my question is, when did you,
10 when did you perform the comparison of EX 1027
11 and EX 1028?

12 MR. BRIT: Objection, form. Asked
13 and answered.

14 THE WITNESS: I think I said that
15 was after the time I first reviewed Exhibit 1028,
16 and the time I submitted my supplemental
17 declaration, which I agreed was after I submitted
18 my initial opening declaration, Exhibit 1003.

19 BY MR. EKLEM:

20 Q. When did you first formulate the
21 opinions in Paragraph 13 of Exhibit 7 to your
22 deposition?

1 Just a moment, please. Let me -- I
2 misspoke. Let me re-ask that question.

3 When did you first formulate the
4 opinions in Paragraph 13 of Exhibit 6 to your
5 deposition?

6 MR. BRIT: Objection, form. Vague.
7 Calls for speculation. Document speaks for
8 itself.

9 THE WITNESS: Well, I mean the
10 actual words that are in Paragraph 13, you know,
11 were formed, you know, as part of this
12 declaration that was submitted as of the date of
13 the signing.

14 But, the actual knowledge and, you
15 know, what I, what I am talking about were based
16 on the personal experiences I have that were --
17 when I was publishing papers in the '90's, when I
18 was active in publishing our academic research.

19 So, I would say that, you know,
20 while these words didn't end up on this paper
21 until it was submitted, that the thoughts and the
22 personal knowledge and experience were what I

1 experienced, you know, around the years of 1993
2 or so, and maybe before, too, with respect to,
3 you know, how people used FTP sites and put
4 papers up on sites like that throughout my
5 academic career.

6 So, you know, I can't tell you
7 exactly what date those personal experiences
8 would have occurred. But it is based on -- the
9 words here are based on those experiences I had
10 in submitting articles for publication, getting
11 feedback from publishers, and whatnot.

12 BY MR. EKLEM:

13 Q. Have you ever spoken to Jon
14 Crowcroft?

15 MR. BRIT: Objection, form, vague.

16 THE WITNESS: I mean, I don't
17 believe, and I don't remember having done so.

18 BY MR. EKLEM:

19 Q. Have you ever exchanged any form of
20 communication with Jon Crowcroft?

21 MR. BRIT: Objection, form, vague.

22 Outside the scope.

1 THE WITNESS: I mean, it is quite
2 possible that when I was active and posting on
3 the network that he may have been part of the
4 same groups.

5 I, you know, some of these groups
6 listed in the paper as to what the authors were
7 active in, I was also active.

8 So, I don't know if, you know, to
9 the extent I sent out a group communication to
10 people on an e-mail list, whether he was part of
11 it or not.

12 So, I can't tell you one way or
13 another. But I don't have -- I don't recall
14 having any direct, you know, personal
15 communications with Jon Crowcroft as I sit here.

16 BY MR. EKLEM:

17 Q. Okay. Just to confirm, then.

18 So, have you ever had any
19 communications with Jon Crowcroft with respect to
20 the statements in Exhibit 9 to your deposition?

21 MR. BRIT: Objection, form. Vague.

22 Asked and answered.

1 THE WITNESS: With respect to

2 Exhibit 9, no, I have not.

3 BY MR. EKLEM:

4 Q. Okay. Do you have Exhibit 9 to your
5 deposition handy?

6 A. Yes.

7 Q. Okay. Can you let me know when that
8 is in front of you.

9 A. I have it now.

10 Q. Could you go to Paragraph 7, please.

11 A. Okay.

12 Q. When was the -- excuse me.

13 When was the first time that you
14 became aware of the metadata described in
15 Paragraph 7 of Exhibit 9 to your deposition?

16 MR. BRIT: Objection. This is not
17 Dr. Houh's -- this is not his declaration. So,
18 outside the scope, vague. Lacks foundation,
19 form. Calls for speculation.

20 THE WITNESS: So, with respect to
21 metadata in general, I am generally aware that
22 documents have metadata.

1 But I didn't become aware of this
2 specific metadata described in Figure 7 until I
3 reviewed this declaration.

4 BY MR. EKLEM:

5 Q. Would you go down to Paragraph 8,
6 please, of Exhibit 9 to your deposition.

7 A. You said Paragraph 8 of Exhibit 9;
8 is that correct?

9 Q. That's correct.

10 A. Okay. I am there.

11 Q. Paragraph 8 refers to a UCL academic
12 website, correct?

13 MR. BRIT: Objection, form.

14 THE WITNESS: That is how it starts
15 out. It talks about my Cambridge academic
16 website and also links to my previous UCL
17 academic website.

18 So, it mentions the UCL academic
19 website.

20 BY MR. EKLEM:

21 Q. When was the first time that you
22 became aware of that UCL academic website?

1 MR. BRIT: Objection, form. Vague.

2 Lacks foundation.

3 THE WITNESS: Well, I don't recall
4 which one of the websites and when. But I
5 generally would have become aware of at least one
6 or both of them in the time period. It is
7 possible I may have stumbled across these in the
8 past and I just don't remember.

9 Bu, with respect to this case, the
10 time that I began searching for documents and
11 found the website through at least one of these
12 pages of Jon Crowcroft's was around the time
13 between December 21, 2022, and January 15th,
14 2023.

15 And I think that is, to the best of
16 my recollection, when I would have become aware
17 of one or both of those academic websites of Jon
18 Crowcroft's.

19 BY MR. EKLEM:

20 Q. With respect --

21 A. And again, it is possible that I
22 have, in the other researching other academic

1 papers, have come across these. But that would
2 have been for another case and I don't really
3 remember one way or the other. But it is
4 possible.

5 Q. So, in connection with the opinions
6 included in Exhibit 6 to your deposition, do you
7 recall, excuse me -- let me re-ask the question.

8 Do you recall ever accessing the
9 previous UCL academic website in connection with
10 the opinions that you provided in Exhibit 6 to
11 your deposition?

12 MR. BRIT: Objection, form. Vague.
13 Calls for speculation. Outside the scope.

14 THE WITNESS: I think I do as part
15 of my searching for documents. In this case I
16 think -- again, I don't have a specific
17 recollection of a specific date.

18 But I do believe I did come across
19 one or both of these academic websites that
20 Mr. -- Dr. Crowcroft is discussing, at some point
21 during my search during this period of time that
22 I said, which is around December 2022 to January

1 of 2023. I gave the date earlier and that is in
2 the supplemental declaration.

3 BY MR. EKLEM:

4 Q. Okay. You said one or both. But
5 does that mean you are not sure one way or the
6 other whether it was both or not?

7 MR. BRIT: Objection, form. Vague.
8 Calls for speculation.

9 THE WITNESS: I mean, I just can't
10 remember. But I do remember at least one of
11 them. I just don't remember which. And I don't
12 remember if I remember two of them. I may have.
13 I just don't -- I just can't remember.

14 BY MR. EKLEM:

15 Q. Okay. In Exhibit 9 to your
16 deposition, Paragraphs 9 and 10 refer to an FTP
17 server.

18 Do you recall testifying about that?

19 MR. BRIT: Objection, form. Vague.

20 THE WITNESS: Well, I mean,
21 Paragraph 9, you said? I mean, I recall reading
22 that into the record as part of this deposition.

1 BY MR. EKLEM:

2 Q. Have you ever personally accessed
3 the FTP server mentioned in Paragraph 9?

4 A. Well, I think I -- in preparation of
5 my supplemental declaration, I may have accessed
6 the URLs listed in Dr. Crowcroft's declaration.

7 I mean, I don't -- I try to do that
8 sort of thing. But I don't recall specifically.
9 But, with respect to this, even this FTP site
10 that he is referring to, Dr. Crowcroft is
11 referring to, it is very well possible that at
12 some point in the past during my academic career
13 or my other, you know, working on other cases
14 doing searches for, you know, papers, that I may
15 have come across that.

16 I just can't tell you one way or the
17 other.

18 Q. Do you have a specific recollection
19 of accessing the FTP server mentioned in
20 Paragraph 9 prior to May 27, 2023?

21 MR. BRIT: Objection, form. Vague.
22 Calls for speculation.

1 THE WITNESS: I mean, I don't
2 remember everything that I did.

3 But I think I did try to access the
4 links, even the ones that Dr. Crowcroft cited to,
5 to just check them in the process of preparing my
6 supplemental declaration.

7 But I -- I don't know remember, I
8 don't know if I have a specific recollection. I
9 just -- I vaguely remember accessing links,
10 seeing pages that look vaguely similar to some of
11 these diagrams and figures shown in
12 Dr. Crowcroft's.

13 But I don't have an exact
14 recollection of each particular link.

15 BY MR. EKLEM:

16 Q. Do you recall how you first became
17 aware of the FTP server mentioned in Paragraph 9
18 of Exhibit 9 to your deposition?

19 MR. BRIT: Objection, form. Vague.
20 Calls for speculation. And again, this is the
21 declaration of Jon Crowcroft, not of the witness.

22 THE WITNESS: I mean, I'm not sure I

1 can tell you that because, you know, some of
2 these things -- I have gone to a lot of websites
3 in the past, both in my academic research and --
4 FTP sites and FTP gateways through a web page,
5 all throughout my career.

6 So, there are so many of them. I
7 can't remember every possible FTP site I have
8 ever accessed.

9 So, I can't tell you one way or the
10 other when I first learned about the FTP site,
11 even this DARPA site.

12 And I understand, you know, if this
13 is the same URL that I am thinking that
14 Dr. Crowcroft said it was no longer available as
15 of some, or -- at some date around 2018.

16 I would have to check if this is
17 what he was talking about. But this was the
18 DARPA labeled site. I just can't tell you when I
19 became first aware of it.

20 BY MR. EKLEM:

21 Q. Okay. Do you have Exhibit 10 to
22 your deposition handy?

1 A. Yes.

2 Q. Do you cite to Exhibit 10 to your
3 deposition anywhere in Exhibit 6 to your
4 deposition?

5 A. In the paragraphs, the numbered
6 paragraphs, I don't see a direct citation.

7 But I did review that document. And
8 I listed it in the Table of Exhibits, but I did
9 review it before I submitted my supplemental
10 declaration.

11 Q. Okay. Do you have Exhibit 1005, the
12 Handley reference? Could you put that in front
13 of you?

14 A. Okay.

15 Q. Could you go to Page 11, please.

16 A. Okay.

17 Q. Do you see a section heading
18 Number 6.2?

19 A. Not on Page 11.

20 Q. Do you see 6.2 on Page 10?

21 A. Not on Page 10.

22 Q. Okay. On the cover page, on the

1 first page of Exhibit 1005, is the name J. Ott
2 included among the authors?

3 A. I don't see that name on Page 1.

4 Q. Okay. Could you go back to Page 11
5 of Exhibit 1005, and let me know when you are
6 there.

7 A. I am there.

8 Q. Under the section Heading 7.2,
9 Session Invitation, can you tell me how many
10 paragraphs there are?

11 MR. BRIT: Objection, form. Vague.

12 THE WITNESS: Well, I suppose I
13 would say three. But the first one is formatted
14 slightly differently than the second two.

15 BY MR. EKLEM:

16 Q. Understood. On Page 14 of
17 Exhibit 1005, can you go to the section titled 9,
18 Summary.

19 A. Yes. I am there.

20 Q. Can you tell me how many paragraphs
21 there are between the heading, 9 Summary, and 10
22 Acknowledgments?

1 MR. BRIT: Objection, form. Vague.

2 THE WITNESS: Well, I would say two.

3 But the first one is formatted slightly

4 differently than the second.

5 And it is -- this is a summary. You

6 know, and a paper is going to disclose what it

7 discloses.

8 And then you can summarize anything.

9 But what it is summarizing is

10 previous disclosures in the paper.

11 MR. BRIT: Before you ask your next

12 question, can we take a quick break?

13 MR. EKLEM: I will be done very

14 shortly if that assuages your concern. I would

15 like to finish this line before we do that.

16 BY MR. EKLEM:

17 Q. Can you go to Page 15 of

18 Exhibit 1005, please. Well, if you look at

19 Pages 14 and 15 in Exhibit 1005, can you tell me

20 how many numbered references there are?

21 A. I see 23 here. But, you know,

22 oftentimes, you know, as part of the publication

1 process for a submitted paper, the editor might
2 come back and say can you add a cite here or add
3 a cite here. Or can you expand on -- can you
4 expand the summary section, or we want to see a
5 little more discussion.

6 But it is the same. It is the paper
7 that is submitted for the discussion formatted by
8 the authors. It is still the one that it gets
9 published by going through the editorial process.

10 Q. Okay. Did you finish your answer?

11 A. Sure.

12 Q. Okay. All right.

13 MR. EKLEM: I have no further
14 questions.

15 MR. BRIT: Great. Could we take a
16 break?

17 MR. EKLEM: Yes. Five minutes?

18 MR. BRIT: Yes, that is fine.

19 (Recess taken -- 1:56 p.m.)

20 (After recess -- 1:59 p.m.)

21 MR. BRIT: Thank you, Dr. Houh. I
22 have no further questions for you. I appreciate

1 your time today.

2 THE WITNESS: Thank you.

3 MR. EKLEM: All right. Thanks for
4 your time, Dr. Houh.

5 (Whereupon, signature not having been waived,
6 the deposition suspended at 2:00 p.m.)

7 * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1

CERTIFICATE OF NOTARY

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

I, LORI J. GOODIN, RPR, CLR, CRR,

CA CSR # 13959 the Notary for this deposition, do

hereby certify that the witness whose testimony

appears in the foregoing deposition was sworn by

me; that I am neither counsel for, related to,

nor employed by any of the parties to the action

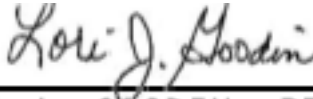
in which this deposition was taken; and, further, that I am

not a relative or employee of any attorney or

counsel employed by the parties hereto, or

financially or otherwise interested in the

outcome of this action.



LORI J. GOODIN, RPR, CLR, CRR
Notary Public in and for:

STATE OF FLORIDA, COUNTY OF SARASOTA

Notary Commission Number: GG987804

My Commission expires: May 12, 2028

STATE OF CALIFORNIA, CA CSR# 13959

My Commission expires: February 22, 2025

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL

My Commission expires: August 2, 2025

DISTRICT OF COLUMBIA, WASHINGTON DC

My Commission expires: June 1, 2026

STATE OF DELAWARE: COUNTY OF KENT

My Commission expires: September 9, 2025

STATE OF PENNSYLVANIA, COUNTY OF LEHIGH

My Commission expires: April 5, 2025

1 Henry Houh, Ph.D., c/o
2 KIRKLAND & ELLIS LLP
3 601 Lexington Avenue
4 New York, New York 10022

5
6 Case: Meta Platforms, Inc. et al. v. VL Collective IP LLC
7 Date of deposition: February 16, 2024
8 Deponent: Henry Houh, Ph.D.

9
10 Please be advised that the transcript in the above
11 referenced matter is now complete and ready for signature.
12 The deponent may come to this office to sign the transcript,
13 a copy may be purchased for the witness to review and sign,
14 or the deponent and/or counsel may waive the option of
signing. Please advise us of the option selected.
15 Please forward the errata sheet and the original signed
signature page to counsel noticing the deposition, noting the
16 applicable time period allowed for such by the governing
Rules of Procedure. If you have any questions, please do
17 not hesitate to call our office at (202)-232-0646.
18 Sincerely,
19 Digital Evidence Group
20 Copyright 2024 Digital Evidence Group
21 Copying is forbidden, including electronically, absent
22 express written consent.

1 Digital Evidence Group, L.L.C.
2 1730 M Street, NW, Suite 812
3 Washington, D.C. 20036
4 (202) 232-0646
5

6 SIGNATURE PAGE

7 Case: Meta Platforms, Inc. et al. v. VL Collective IP LLC
8 Witness Name: Henry Houh, Ph.D.
9 Deposition Date: February 16, 2024
10

11 I do hereby acknowledge that I have read
12 and examined the foregoing pages
13 of the transcript of my deposition and that:

14 (Check appropriate box):

15 () The same is a true, correct and
16 complete transcription of the answers given by
17 me to the questions therein recorded.

18 (X) Except for the changes noted in the
19 attached Errata Sheet, the same is a true,
20 correct and complete transcription of the
21 answers given by me to the questions therein
22 recorded.

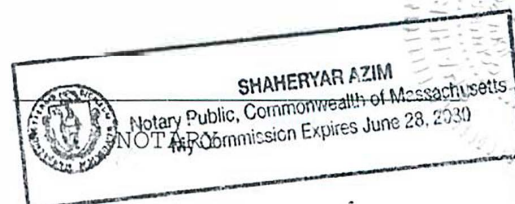
03/11/2024

DATE

WITNESS SIGNATURE

03/11/2024

DATE



1 Digital Evidence Group, LLC
2 1730 M Street, NW, Suite 812
3 Washington, D.C. 20036
4 (202)232-0646
5

6 ERRATA SHEET
7

8 Case: Meta Platforms, Inc. et al. v. VL Collective IP LLC
9 Witness Name: Henry Houh, Ph.D.
10 Deposition Date: February 16, 2024

11 Page No. Line No. Change
12

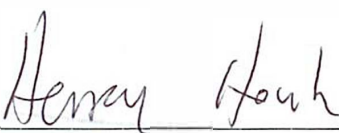
13 See Attached Sheet
14
15
16
17
18

19

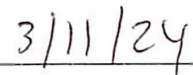
20

21

22



Signature



Date

DEPOSITION ERRATA SHEET

Deposition of: Henry Houh, Ph.D. Date of Deposition: February 16, 2024
Case Name: *Meta Platforms, Inc., et al. v. VP Collective IP LLC*
Case Number: IPR2023-00923, U.S. Patent No. 7,266,682
Reporter: Lori J. Goodin

Please make all corrections, changes or clarifications to your testimony, showing page and line numbers. If there are no changes, write "none" across this page. Sign and date on the lines provided.

Page No.	Line No.	Change From	Change To	Reason
7	15	file,	file –	Transcription error
26	19	meted	media	Transcription error
27	16	meted	media	Transcription error
27	18	meted gateways or	media gateways of	Transcription error
34	5	issues	issues,	Transcription error
38	19	entity. We	entity we	Transcription error
77	9	W-E-N-D-G	W-E-N-D-T	Transcription error
104	15	Network's	Networks	Transcription error
109	9	Jon	jon	Transcription error
111	17	submitted	visited	Transcription error
114	1	.pc.	.ps.	Transcription error

Signature: Henry Houh Date: 3/11/24
Henry Houh

Page No.	Line No.	Change From	Change To	Reason
136	5	/~[space]mjh/	/~mjh/	Transcription error
168	16	and	and before	Transcription error
183	7	the discussion	publication	Transcription error

Signature: 
DEPONENT

Date: 3/11/24