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Transcript of Chris Schmandt

Date: October 3, 2024

Case: Meta Platforms, Inc. -v- AlmondNet, Inc., et al. (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

AlmondNet, Inc. and Intent IQ, LLC

Ex. 2008, IPR2023-01281

Page 1 of 83

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

3
4 META PLATFORMS, INC.,)
5 Petitioner,) CASE NO.:
6 v.) IPR2023-01281
7 ALMONDNET, INC. AND INTENT IQ,)
8 LLC,)
9 Patent Owner.)
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14 DEPOSITION OF CHRIS SCHMANDT
15 VOLUME I
16 REMOTELY IN LOS ANGELES, CALIFORNIA
17 THURSDAY, OCTOBER 3, 2024
18
19
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22
23

24 REPORTED BY: NATALIE PARVIZI-AZAD, CSR, RPR, RSR
25 JOB NO.: CSR NO. 14125
555583

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

_____	)	
META PLATFORMS, INC.,	)	CASE NO.:
	)	
Petitioner,	)	IPR2023-01281
	)	
v.	)	
	)	
ALMONDNET, INC. AND INTENT IQ,	)	
LLC,	)	
	)	
Patent Owner.	)	
_____	)	

DEPOSITION OF CHRIS SCHMANDT, VOLUME I
TAKEN ON BEHALF OF THE RESPONDENTS
REMOTELY VIA ZOOM VIDEOCONFERENCING, IN
LOS ANGELES, CALIFORNIA, BEGINNING AT
9:07 A.M. AND ENDING AT 11:15 A.M., ON
THURSDAY, OCTOBER 3, 2024, BEFORE
NATALIE PARVIZI-AZAD, CERTIFIED SHORTHAND
REPORTER NUMBER 14125.

A P P E A R A N C E S

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1 REMOTELY IN LOS ANGELES, CALIFORNIA
2 THURSDAY, OCTOBER 3, 2024, 9:07 A.M.

3
4 THE CERTIFIED STENOGRAPHER: Please raise your
5 right hand to be sworn.

6
7 CHRIS SCHMANDT,
8 having declared under penalty of perjury to tell the
9 truth, was examined and testified as follows:

10
11 EXAMINATION

12 BY MR. MILKEY:

13 Q. Hello again, Mr. Schmandt. How are you doing
14 today?

15 A. Hey, it's been a long time no see.

16 Q. Yeah. So you've been deposed many times
17 before; correct?

18 A. By you, yes. No, by others too, yes.

19 Q. Okay. So just to get some background stuff
20 out of the way, you understand that you're testifying
21 under oath today; correct?

22 A. Correct.

23 Q. Is there anything today that would prevent you
24 from giving true and accurate testimony?

25 A. No, there's not.

1 Q. So do you have copies of the materials like
2 your report? Just wondering what you have with you
3 today.

4 A. I have my reply declaration and all the
5 exhibits that were submitted with it. I also have in
6 the room, I think, most of the exhibits associated with
7 the petition.

8 Q. Okay. And for the record, your reply
9 declaration is Exhibit 1022 in this proceeding. I've
10 put it into the chat. We don't need to mark it as an
11 exhibit because it's already been introduced into the
12 record. But for the benefit of the reporter, I've
13 placed that in the chat.

14 A. Yes, I have that.

15 Q. Okay. So in your opinions that you've offered
16 in this proceeding, you identify a cookie for a device
17 as a "device identifier"; is that correct?

18 A. Yes.

19 Q. Okay. And that cookie includes a session
20 token; right?

21 A. Yes.

22 Q. What is a session token?

23 A. Well, it is a token because it's an index into
24 a session table. And a session table would store
25 information related to that session.

1 Q. Okay. And what is a session?

2 A. A session is a period of time during which --
3 well, a general session is a period of time during which
4 there is some interaction or connectivity between two
5 entities. In this case, it's a user with a device and
6 the VSCP server.

7 Q. Okay. And is a session token unique to a
8 particular session -- in other words, if the user logs
9 in to the -- the VCSP [sic] server and logs out and then
10 logs in again at a later time, will there be two
11 different session tokens created?

12 A. I don't know. That would be implementation
13 dependent.

14 Q. Okay. Could you please go to paragraph 7 of
15 your reply declaration?

16 A. Okay.

17 Q. And you see the first sentence of paragraph 7
18 states, "To the extent Baig may at times casually refer
19 to 'users' being placed into vicinity-based groups, this
20 is a mere shorthand for their mobile devices that are
21 used to access the content server."

22 A. Yes.

23 Q. So is it your opinion that in the context of
24 Baig, an association is necessarily an association of
25 device identifiers?

1 A. There's no way that a user can access the VSCP
2 except through a device. I can't access the web myself.
3 I need a computer, a phone, a tablet.

4 Q. Okay. So in your opinion, an association of
5 users is necessarily an association of device
6 identifiers; correct?

7 A. That sounds like it's a broader statement than
8 what we said before. So I'm sorry, I'm a little unclear
9 on exactly what you're asking here.

10 Q. What's -- sorry, what's the confusion?

11 A. I just don't understand the question.

12 Q. Okay. In your opinion, is Baig -- let me
13 withdraw that.

14 In your opinion, is the fact that Baig
15 associates users sufficient to know that Baig associates
16 device identifiers?

17 A. I don't think I have ever said anything one
18 way or another on that. I think I said the device
19 identifier is the token -- is the cookie.

20 Q. So let's look at the Baig reference, and this
21 is Exhibit 1003, and I'll put that in the chat as well.
22 And we don't need to mark that as an exhibit either.

23 A. Okay.

24 Q. And if you could go to figure 6 of
25 Exhibit 1003?

1 A. Okay.

2 Q. Okay. And do you see on the -- the right of
3 figure 6, it -- it has -- lists 606 and it includes
4 users such as "terminator," "New York Girl" and "Hot
5 Stuff"?

6 A. Yes.

7 Q. Okay. Is list 606 in Baig an association of
8 device identifiers?

9 A. List 606 is a display on a web page. This is
10 a web page. That's all it is.

11 Q. Right. So is that display on the web page
12 itself an association of device identifiers?

13 A. It is the -- it is the way the association of
14 device identifiers is presented to a user. A user
15 doesn't want to see -- probably wouldn't want the user
16 to see a cookie -- cookie's binary data.

17 Q. So in your opinion, this association of users
18 in Baig is a form of an association of device
19 identifiers?

20 A. It's a product or an aspect of association of
21 device identifiers because every device has an
22 associated user. So if I say these devices are
23 associated with each other, then by implication, the
24 users of these devices are associated with each other --
25 or the association means being present in a geographic

1 area.

2 Q. So you said if the devices are associated with
3 each other, then the users are associated with each
4 other. I want to ask a different question in sort of
5 the opposite direction. If users are associated with
6 each other, does that necessarily mean that their
7 underlying devices are associated with each other?

8 A. Yes, because the only way they can access the
9 VSCP is through their device.

10 Q. So you mentioned you have been deposed a
11 number of times, including by me. Do you recall that
12 one of those times was in a proceeding challenging the
13 related '398 patent?

14 A. I can't remember the patent numbers.

15 MR. MILKEY: Okay. Let me introduce as
16 Exhibit A in this proceeding, your declaration in
17 proceeding IPR2022-00773.

18 THE WITNESS: I presume this is a document you
19 want me to look at.

20 MR. MILKEY: Yes, please.

21 THE WITNESS: How do I look at it from the
22 chat?

23 MR. MILKEY: If you could just click it and
24 then download it. If you need to, I could e-mail it to
25 you as well, but you should just be able to...

1 THE WITNESS: Let me find some place to put
2 it.

3 (Exhibit A marked.)

4 MR. MACE: I'm going to object to the
5 introduction of this exhibit itself not permitted by the
6 rules. (Indiscernible).

7 (Reporter clarification.)

8 MR. MACE: Yes. As they only allow for patent
9 owners to reply to submit as additional evidence, the
10 exhibits for the surreply, this deposition transcript.

11 MR. MILKEY: This is part of the deposition
12 transcript and is directly relevant to Mr. Schmandt's
13 testimony.

14 THE WITNESS: Okay. What do we do now? Do we
15 continue or?

16 BY MR. MILKEY:

17 Q. Yeah. So do you recall submitting a
18 declaration in -- on -- as you can see on the title of
19 this declaration, the listed US Patent Number 8,677,398.

20 Do you see that?

21 A. Yes, I see that.

22 Q. Do you recall submitting this declaration?

23 A. I don't recall any particulars of it.

24 Q. Okay.

25 A. But I believe I did.

1 Q. If you could go to page 2 of -- of this
2 declaration, do you see that you rely on the Baig
3 reference?

4 A. Yes.

5 Q. And I'll represent to you and I believe that
6 petitioner has actually said in its briefing in this
7 case that the '398 patent and the '878 patents are
8 related and share a common specification.

9 If you could go to -- if you could go to
10 paragraph 9 of Exhibit A?

11 A. Yes.

12 Q. Okay. Do you see in -- in this statement that
13 you -- I'm reading from part way down -- you say, "I
14 have read and considered US Patent No. 8,677,398 B2
15 (''398 patent') and its prosecution history."

16 A. Yes.

17 Q. Do you recall that in the prosecution of the
18 '398 patent that the -- that the applicant actually
19 distinguished a user ID from a device ID?

20 A. I have no recollection --

21 MR. MACE: Object to form. Outside the scope.

22 A. I have no memory of the prosecution history at
23 this point. I don't recollect anything about it. It
24 was a long time ago.

25 MR. MILKEY: I uploaded into the chat what

1 will be marked as Exhibit B, which is the prosecution
2 history of the related '398 patent.

3 (Exhibit B marked.)

4 MR. MACE: I have the same objection to this
5 exhibit, it's not permitted by the rules.

6 A. Okay. I have it open.

7 BY MR. MILKEY:

8 Q. And if you could go to page 153 of Exhibit B?

9 A. 153, yes.

10 Q. And do you see that this is -- well, first of
11 all do you see at the top right of this page, it lists
12 the examiner as "Ekpo, Nnenna Ngozi," it's --

13 A. Yeah.

14 MR. MILKEY: For the record, it's N-N-E-N-N-A
15 and N-G-O-Z-I.

16 BY MR. MILKEY:

17 Q. And do you see that this is a -- it says,
18 "Filed via EFS - March 8th, 2013. Response to Office
19 Action"?

20 A. Yes.

21 Q. And then further down, if we go to page 165 of
22 Exhibit B.

23 Okay. And if you could just let me know when
24 you're there?

25 A. Yeah, okay. I'm there.

1 Q. And do you see as part of this office action,
2 there is -- or sorry, as part of this response to the
3 office action, about -- it's a little more than halfway
4 down the page, there is a sentence that says,
5 "Ertugrul's reference to 'context reader based UID' in
6 paragraph 0058 is unexplained, but in the context of the
7 sentence, it clearly refers to some kind of 'information
8 associated with the retrieved content' and the
9 abbreviation could stand for 'user ID.' See evidence in
10 Exhibit A attached. There is no reason to assume that
11 Ertugrul meant to refer to a device ID."

12 Do you see that?

13 A. Yes, I see that.

14 MR. MACE: Object to form. Outside the scope.

15 Q. And you would agree that this distinguishes a
16 user ID from a device ID; correct?

17 MR. MACE: Object to form. Outside the scope.

18 A. I have -- I have no idea what this paragraph
19 says. I haven't read this Ertugrul, and I did not
20 consider this paragraph carefully when I reviewed it
21 before, and I certainly haven't reviewed it for here. I
22 don't really know what this paragraph is about.

23 Q. Okay. But you agree that this is saying that
24 a user ID doesn't refer to a device ID?

25 MR. MACE: Object to form. Outside the scope.

1 A. I -- I don't see that in here.

2 Q. So it's your testimony today that this
3 paragraph is saying that a user ID would be a device ID?

4 A. I did not say that.

5 MR. MACE: Object to form. Outside the scope.

6 A. You asked a question and I said I didn't say
7 that. Now you're flipping it the other side. I didn't
8 say that. You can repeat your question and we can go
9 back there if you wish.

10 Q. So in forming your opinions, you weren't aware
11 that the applicant in this related application had --
12 had said that user ID would not be evidence that the
13 reference is referring to a device ID; correct?

14 A. I don't see that here. I will note that what
15 I do see here is there's an assumption in this response
16 that a UID is a user ID. I would think a UID would be
17 more likely to mean unique ID, so the whole paragraph
18 doesn't make sense to me. I would have to go back to
19 study the art -- the cited art and the objection -- you
20 know, the rejection to which this is a response to.

21 Q. Okay. So we talked before about -- in this
22 proceeding I guess the '878 patent that you identified a
23 cookie as the device identifier; correct?

24 A. That is correct.

25 Q. In your proposed combination of Baig with, I

1 believe, it's Satarma (phonetic). In your combination
2 in this proceeding, how many device identifiers does the
3 combination have?

4 MR. MACE: Object to form.

5 A. I would think that would depend on the number
6 of devices that were connected at any moment in time.

7 Q. Is there only one device identifier associated
8 with each device?

9 A. The cookie is the device identifier; there is
10 one cookie per device.

11 Q. Are there any other device identifiers other
12 than the cookie that are used by the system in
13 combination?

14 A. The cookie points to the session table; the
15 session table has information in it which allows the
16 VSCP to identify the device and send messages to it. So
17 that's information that's not literally in the cookie
18 but the cookie refers to it, so I would say it's
19 subsumed by the cookie.

20 Q. Other than information in the cookie, are
21 there any other device identifiers used by the system?

22 A. There are none that I have identified.

23 Q. So user ID isn't a device identifier; correct?

24 A. The user ID is exactly that. It's the
25 identity of a user which would be stored in the session

1 table, which the cookie would also refer to.

2 Q. How do user devices in the context of your
3 combination communicate with the content server?

4 (Reporter clarification.)

5 Q. Yeah. How do user devices in the context of
6 your combination communicate with the content server?

7 A. HTTP.

8 Q. Okay. And are packets sent between the user
9 device and the content server?

10 A. HTTP is layered on top of TCP/IP -- that's
11 T-C-P, slash, I-P for the court reporter. IP defines a
12 packet format.

13 Q. Okay.

14 A. Packets in the packet format of IP that
15 typically would flow over the internet.

16 Q. So these -- these packets are used to
17 communicate between user device and the content server?

18 A. At that layer of the architecture, yes.

19 Q. And does Baig's content server use the
20 communications sent over the TCP connection to determine
21 which devices are part of which local area network?

22 A. Certainly.

23 Q. Okay. So -- so Baig's user list 606 has some
24 sort of interesting names, like terminator and New York
25 Girl. But just to make the record a little bit easier,

1 I'm going to refer to a user A and user B as example
2 users in that list; is that fair?

3 A. Whatever you want. Those are clearly
4 usernames.

5 Q. Okay.

6 A. And usernames can be whatever you want them to
7 be. I was known as "Geek" on my system for 40 years,
8 and I'm proud of it.

9 Q. As you should be.

10 Okay. So -- so let's say that Baig's content
11 server creates an association between user A and user B
12 in that user list. Would you agree that Baig's content
13 server would therefore determine an association between
14 every TCP packet sent from user A's device with every
15 TCP packet sent from user B's device?

16 MR. MACE: Object to form. Incomplete
17 hypothetical.

18 (Reporter clarification.)

19 MR. MACE: Object to form. Incomplete
20 hypothetical.

21 A. That's a strange question. The user list is a
22 display of the set of users who are currently logged in.
23 It doesn't say anything about the traffic between an
24 individual one of those users and the content server.
25 It would be the information about who to display in that

1 list would come from the session table, which describes
2 who has active sessions. And the session table of
3 course is pointed to by the cookies from each device.
4 And the session table would be updated when each of
5 those users performed some action.

6 And we all are familiar with you log into a
7 bank or an airline and you're in the middle of doing
8 something, and you sort of walk out of the room and you
9 come back and there's a pop-up that says, "Your session
10 will be terminated due to inactivity." Same idea;
11 right? So if you would then do something, your session
12 is not terminated. But if you don't do something, it is
13 terminated so that's -- that's how a session would be
14 used from the session table to make that list in 606.

15 Now, you can say there's an association -- the
16 association is that each new message from one of those
17 users will update the time stamp in the session table
18 for that user and thereby extends their session time.

19 Q. Okay. So is Baig's system creating an
20 association of TCP packets?

21 A. I wouldn't say that, no. It doesn't care
22 about the packets. It cares about is -- the fact that a
23 packet came from a particular address and at the HTTP
24 level, not at the TCP level, contains the cookie.

25 Q. Does Baig's user list 606 reflect an

1 association between all IP address/port number pairs?

2 A. I'm sorry. What is the -- what are the two
3 elements you're asking are associated with -- assuming
4 an association has one thing that associates with a
5 number. Are you saying a user list associated with an
6 IP address and its port number? Or the association is
7 between IP address and port number?

8 Q. Yeah, so what I'm asking is: When a user
9 accesses Baig's content server, right, they have --
10 Baig's content server will receive both an IP address
11 associated with that communication and a port number
12 associated with that communication; correct?

13 A. Correct.

14 Q. Okay. So I'm going to refer to that
15 combination of IP address and port number as an IP
16 address/port number pair; is that fair?

17 A. Okay. I'll accept that terminology.

18 Q. Okay. So does Baig's content server create an
19 association between IP address and port number pairs?

20 A. But you just said that the IP address and port
21 number was -- was an entity. Are you -- but if it's not
22 an entity, I am not -- I am not sure what you're asking.

23 Q. So --

24 A. Again, let me ask, what are the things that
25 are being associated in your question? There's two

1 things.

2 Q. Right. So I'm -- I'm referring to the IP
3 address/port number combination as a single thing.

4 A. Okay.

5 Q. So I'll -- so why don't we just for
6 simplicity, why don't we just refer to that as the
7 address information for a device?

8 A. For now, sure. Fine.

9 Q. Does Baig's content server create an
10 association between -- between the address information
11 of each user in user list 606?

12 A. Does -- could you repeat that, please?

13 Q. Yeah. Does Baig's content server create an
14 association between the address information for each
15 user in user list 606?

16 A. Okay. Your question is incomplete, because
17 it's an association between two things and you only
18 specified the first thing. I'm not sure you phrased the
19 question the way you meant to, but that's how I hear it.

20 Q. Okay. So there's address information for user
21 A, and then there's also user -- sorry, there's also
22 address information for user B.

23 Does Baig's content server create an
24 association between those two sets of address
25 information?

1 A. It creates an association between the
2 sessions, and the sessions include that information,
3 yes.

4 Q. Okay.

5 A. Let me further say that the association
6 between the sessions is driven by the device IDs, the
7 cookies. So that's the root upon which an association
8 can be built.

9 Q. If you could please turn to paragraph 4 of
10 your reply declaration, again, Exhibit 1022.

11 A. Right. Okay. It's a long one.

12 Q. Yeah, so let's actually go to page 5, which is
13 the last sentence of paragraph 4 and --

14 A. Hang on a minute. I have to orient it here.

15 Okay. So you want to look at the last
16 sentence.

17 Q. Yeah, and you see the last sentence says,
18 "Mr. De la Iglesia does not explain how determining the
19 IP addresses match -- which indicates that the
20 underlying devices are in physical proximity to each
21 other and are part of the same vicinity-based community
22 or group -- does not disclose determining that an
23 association between them exists"?

24 A. Yes.

25 Q. Okay. So is it your opinion that determining

1 the IP addresses match does disclose determining an
2 association between the underlying devices?

3 A. Yes.

4 Q. And it's also your opinion that determining an
5 association between the underlying devices constitutes a
6 determination of an association between the device
7 identifiers?

8 A. Yes.

9 Q. Okay. But you would agree with me, though,
10 the simple fact that two device identifiers belong to
11 devices that have been associated, does not necessarily
12 mean that those device identifiers have be determined to
13 be associated with each other; right?

14 A. I'm not -- you might need to repeat that.
15 That was a little long.

16 Q. Yeah. So if I have device 1 and device 2, and
17 they have device identifiers A and device identifiers B,
18 respectively, the fact that I've associated devices 1
19 and 2 somehow, doesn't necessarily mean that device
20 identifiers A and B have been associated; correct?

21 A. Well, the device identifier is a cookie, and
22 the cookie is a session ID. And the way I make the
23 association between two devices is that I have to look
24 in the session table to find other devices that have --
25 sorry -- that have the same address, and the address is

1 stored in the session table.

2 So the device ID, you know, presumably --
3 because we write cookies back sometimes to the device,
4 presumably the session table has a back pointer to the
5 contents of the cookie. Well, the session table
6 certainly knows the session ID; right?

7 So the session ID is what's stored in the
8 cookie, so we're making an association between --
9 through the common internet address, the common address,
10 we're making an association between two devices but
11 we're making -- but those devices are entries in a
12 session table.

13 And so, in making that association, we're also
14 association -- associating their device ID which is a
15 better of saying it because it encapsulates -- it points
16 to the whole session table -- the whole session in the
17 session table.

18 Q. Okay. Where are the cookies stored?

19 A. Well, cookies actually stored on the device.

20 Q. And Baig's server may include Baig's session
21 table for example in the combination that you're
22 proposing. Let me withdraw that.

23 So in the combination you're proposing, the
24 session table includes information from a cookie;
25 correct?

1 A. That's not quite the right way of putting it.

2 Q. Okay. How -- how would you phrase it?

3 A. The session table has a number of entries and
4 the cookie is basically one of those entries. It's a
5 pointer to one of those entries, a number or whatever.

6 Q. Okay. So the cookie is a pointer to one of
7 those entries; right?

8 A. Yeah, let's not use the term pointer because
9 that means something special in computer programming.
10 Let's say it's an index -- a key -- a key is the proper
11 term.

12 Q. So the cookie is the key to one of those
13 entries and again, the cookie is stored on the user's
14 device; correct?

15 A. Yes.

16 Q. Is the cookie stored on Baig's content server?

17 A. Well, the contents of the cookie is the key so
18 the key is certainly stored on the content sever.

19 Q. Okay. So Baig has cookies on its content
20 server?

21 A. No, the cookie is information that is stored
22 on a web browser.

23 Q. Okay. So in your proposed combination, you
24 also identify what you allege to be a predetermined
25 period of time for the claim requirements; correct?

1 A. Yes.

2 Q. Okay. Bless you.

3 A. Thank you.

4 Q. And what is the predetermined period of time
5 that you identify?

6 A. It is DHCP lease time of the access point.

7 Q. And why -- why do you believe that that's a
8 predetermined period of time?

9 A. Because when a DHCP server answers the request
10 to assign a TCP address, one of the things that's
11 included in that response is a lease time.

12 Now let me be clear, when I say "time" here, I
13 mean lease duration, okay, so it basically tells the
14 DHCP client, "You have a lease on this address that's
15 good for, say, 24 hours."

16 Q. Okay.

17 A. Whatever. Some number and that's an important
18 part of the protocol for determining DHCP addresses.

19 Q. And what happens at the end of that
20 predetermined lease period?

21 A. Starting halfway through the lease period, the
22 client should be asking to renew the lease. If the
23 client fails to renew the lease for whatever reason, it
24 is required to go back into the initial state where the
25 initial state is "I don't know my address. I don't know

1 my address -- DHCP server. Please give me an address."

2 Q. Okay. What happens if the lease is renewed?

3 A. The lease is renewed.

4 Q. Is a different IP address assigned to that
5 address at that point?

6 A. I think if we used the term "renew," that
7 probably implies that a new address is not assigned so
8 it extends the lifetime of the current address. I'm not
9 certain of the protocol if the server does not want to
10 extend the lifetime of that address. It could certainly
11 say no, and then force the client to go back into the
12 initial state to ask for a new IP address.

13 I have don't think the protocol allows if for
14 the client to say, "I want to renew this address" and
15 for the server to say, "No, you may not you need to use
16 this address."

17 Q. Okay. So it's possible for the same IP
18 address to extend beyond the original DHCP lease period;
19 is that correct?

20 A. That is correct.

21 Q. Would you please turn to paragraph 19 of your
22 reply declaration?

23 A. Okay. I'm there.

24 Q. And do you see that the last full sentence on
25 page 14 of your report in paragraph 19 says, "For

1 example under the proposed combination, determining that
2 the claimed access by the two or more Internet-accessing
3 electronic devices occurred "during a predetermined
4 period of time" is subsumed by the termination that that
5 access occurred 'via a common IP address'."

6 A. Yes.

7 Q. Okay. So if the determination of the two
8 devices accessed the internet via a predetermined period
9 of time is subsumed by the termination that the access
10 occurred via a common IP address, why does the 878
11 patent even include during a predetermined period of
12 time in the claim language?

13 A. I don't know what the motivation was of the
14 inventors but there are certainly other situations in
15 which the determination of the period of time and the
16 common IP address could be separate.

17 Q. Okay. But why do you think that they're not
18 separate in your combination?

19 A. Because in the combination, the fact that they
20 have the same IP address satisfies both aspects of this
21 claim.

22 Q. Okay. And is -- going on to the sentence that
23 spans pages 14 and 15 of your report that says, "This is
24 because the predetermined period of time under the
25 proposed combination is the lease time for dynamic IP

1 assigned using DHCP."

2 Do you see that?

3 A. Yes.

4 Q. So is it your opinion that because your
5 combination uses dynamic IP addresses that -- that
6 that's why the determination of access via a common IP
7 address subsumes the determination of a access during a
8 predetermined period of time?

9 MR. MACE: Object to form.

10 A. In this combination, yes. There are other
11 ways that a system might be implemented that would do
12 things differently. A system could say we're only going
13 to associate devices that have been here between last
14 five hours, in which case that would be a separate
15 calculation or determination, if you will, than the fact
16 that they have the same IP address.

17 Q. Okay. But in your view, if -- if we have a
18 dynamic IP address and you determine that that -- that
19 two devices used or accessed the internet via that
20 common dynamic IP address, that's necessarily a
21 determination that those two devices access the internet
22 during a predetermined period of time?

23 A. I'm sorry. I think you have to --

24 MR. MACE: We just lost the Zoom.

25 THE CERTIFIED STENOGRAPHER: Should we go off

1 the record for a moment?

2 MR. MILKEY: Yeah, let's go off the record.

3 Thanks.

4 (Recess.)

5 (Discussion held off the record.)

6 BY MR. MILKEY:

7 Q. So Mr. Schmandt, is it your opinion that
8 determining two devices access the internet via a common
9 dynamic IP address is necessarily a determination that
10 the two devices accessed the internet during a
11 predetermined period of time?

12 A. I -- it's a pretty broad question. So in your
13 question the devices have the same IP addresses; right?

14 I would say if it is the situation -- if the
15 situation is where those two devices -- so in order for
16 those two devices, let's say, legally or correctly have
17 the same IP address, there would need to be behind a
18 router running network address translation. Okay?

19 And so if -- I think the answer to my [sic]
20 question is no unless you also that add the address has
21 been assigned by a DHCP and I'm not -- I don't recall
22 whether that was part of your question or not.

23 Q. Well, are dynamic IP addresses generally
24 assigned via DHCP?

25 A. Did you say "dynamic IP addresses"?

1 Q. Yeah, my question included dynamic IP address.

2 A. Okay. Let's start -- let's start afresh.

3 Could you repeat the question, please?

4 Q. Yeah. Okay. So it your opinion that
5 determining that two devices accessed the internet via a
6 common dynamic IP address is necessarily a determination
7 that the two devices accessed the internet during a
8 predetermined period of time?

9 MR. MACE: Objection.

10 A. Yes.

11 Q. What entity is responsible for assigning
12 dynamic IP addresses?

13 A. The DHCP server.

14 Q. Okay. Is that -- is that part of the -- is
15 the -- strike that.

16 Is the DHCP server run by an internet service
17 provider?

18 A. It could be.

19 Q. What else could it be run by?

20 A. Any computer can be a DHCP server.

21 Q. So in your proposed combination of the Baig
22 reference, who is assigning the IP address to the public
23 Wi-Fi of, for example, Starbucks?

24 A. Well, Starbucks is -- Starbucks is not an
25 entity that has the connection to the internet except

1 through something else and that something else would be
2 a service provider, an internet service provider that
3 uses DHCP to assign an address to the access point
4 inside a particular Starbucks?

5 Q. Okay. So in that context the ISP would assign
6 the IP address to Starbucks?

7 A. Yes.

8 Q. And that would be because Starbucks is
9 subscribed to the ISP for internet service access?

10 A. Yes, that's one way to describe it.

11 Q. Now do ISPs know where their subscribers are
12 located?

13 A. Well, they send them bills so they have some
14 knowledge at least at the corporate level.

15 Q. ISPs provide internet service to physical
16 locations; right? Strike that.

17 So understood that there may be wireless ISPs
18 but back around the time that Baig existed, typically
19 ISPs would provide physical service to -- to a
20 specific --

21 A. Um, that's too general of a statement. At
22 that time I routinely used an ISP that I would connect
23 to via the internet and I could do that from anywhere
24 and it had no idea where it was but I paid for it, like
25 \$20 an month or something like that and I connected to

1 the ISP because some of the services that it offered.
2 Not because I needed it for internet connectivity
3 obviously because otherwise I would haven't been able to
4 connect to it over the internet.

5 Q. But for example if -- if the Starbucks is
6 getting DSL service from an ISP, the DSL provided
7 physical service to that Starbucks physical location;
8 right?

9 A. If that's how the Starbucks was connected,
10 yes.

11 Q. When a user connects to the internet through
12 an ISP, how did the ISP know which device is accessing
13 the internet?

14 A. That's, I think, quite implementation
15 dependant. So for example, my family has a house in
16 Martha's Vineyard. My wife wanted to work for Martha's
17 Vineyard. We were not -- because she's a doctor. They
18 use a very captive virtual machine on her laptop which
19 requires, at the initiation of a session, downloading a
20 lot of stuff. A whole virtual environment. It takes a
21 lot of bytes to do that, and it was --

22 My mobile provider is T-Mobile but I didn't
23 have enough -- I wasn't paying enough and I couldn't get
24 enough because I have an old plan for her to run this.

25 So she set up an account with Comcast, Xfinity

1 because there's an Xfinity hotspot in the neighborhood.
2 Okay?

3 Last week, I was in Seattle at Sea-Tac
4 Airport. I wound up my laptop and all of a sudden, I
5 was on Xfinity Wi-Fi. Huh? How did that happen? It's
6 free Wi-Fi. No, it's not the Sea-Tac free Wi-Fi.

7 It's because at some point when I logged into
8 Xfinity from our beach house, it put a cookie on my
9 computer. It put a cookie that identified me and then,
10 when it's in my computer because it had previously
11 connected to Xfinity, tried to connect to Xfinity,
12 Xfinity presumably got this cookie then looked up and
13 said, "Oh, these guys are still paying for their
14 account."

15 Now that's one of these subscriptions scams
16 but let's not go there because we should have cancelled
17 it a long time ago; right? So I don't know they did it.
18 I don't know how they did it but they knew that I was
19 authorized to use that. I don't know what they did.

20 Q. Does Comcast know whether you're accessing the
21 internet from Martha's Vineyard versus at Seattle
22 Sea-Tac Airport?

23 A. Supposedly they have some way of back tracing
24 and finding out...

25 THE CERTIFIED STENOGRAPHER: Counsel, I'm not

1 hearing audio.

2 MR. MILKEY: Yeah, Mr. Schmandt, you're
3 cutting out.

4 A. I'm sorry. I seemed to have muted you. Could
5 you say that again?

6 Q. You cutout during that answer so we didn't
7 hear it. My question was -- my question was: Does
8 Comcast know whether you're accessing the internet from
9 Martha's Vineyard versus at Seattle Sea-Tac Airport?

10 A. I think they do. They might. I don't know
11 how their network works.

12 Q. Okay. So it's your opinion that Baig's
13 content server is an internet service provider; right?

14 A. Baig -- Baig -- Baig's content server is part
15 of an ISP. An ISP is not like a single thing; right?
16 It may be the DHCP server. DHCP server may be a process
17 running on something. They may be a bunch of network
18 computers.

19 I don't think any particular architecture is
20 required, but the VSCP is shown as being part of a
21 service provider and I would construe -- I would
22 understand the service provider to be an ISP service
23 provider.

24 Q. In your understanding, can service provider
25 refer to an entity that isn't an internet service

1 provider?

2 (Reporter clarification.)

3 MR. MACE: Yes. Object to form.

4 A. Could service provider -- and sure. In some
5 context, service provider could -- could -- could refer
6 to something else but there's usually some context.

7 So I could say my -- I may have even used the
8 term when I was talking about giving data access on the
9 Vineyard. My -- if I say my service provider is
10 T-Mobile, okay, you know that T-Mobile is an entity, a
11 company that provides service to cell phones just like
12 Verizon and AT&T; right?

13 So in that context -- in that context, I think
14 you would understand or appreciate that when I meant
15 service provider, I actually meant cellular service
16 provider.

17 On the other hand, T-Mobile is also my ISP
18 because when I am connected to the internet over
19 cellular -- over, you know, data connection, it's one
20 that's managing my -- my address and leases and all of
21 that, so it's an ambiguous counterexample.

22 So I would say the -- the meaning of service
23 provider does depend on context but in the context of --
24 of Baig, looks to me like it's an internet service
25 provider, an ISP.

1 Q. Okay. Because Baig -- are you -- is it your
2 opinion that Baig discusses assigning IP addresses to
3 hotspots?

4 A. Baig does discuss that, yes.

5 Q. And is it your opinion -- well, that Baig
6 discloses -- that the entity controlling the content
7 server would assign an IP address to a hotspot?

8 A. It says that the content server is part of the
9 service provider. It says that -- that Baig says that
10 access points are usually but not always have static IP
11 addresses but even if I have a static IP address,
12 somebody has to give me that address. I can't just make
13 one up.

14 Q. Okay.

15 A. So some entity buys -- I don't know who the
16 seller is -- some entity buys some block of IP
17 addresses, real IP addresses and then, that entity also
18 holds addresses and can assign them to different device.

19 Q. Where does Baig specify that it's the entity
20 controlling the content server that assigns the IP
21 address?

22 A. Because it shows the content server or the
23 VSCP is part of the service provider and the service
24 provider would be the entity that controls the
25 distribution of IP addresses as part of its service.

1 Q. How do you know that the service provider
2 refers to someone who is an ISP in this context?

3 A. I discuss that in my declaration.

4 Q. If I'm reading it correctly, your declaration
5 mostly relies on the fact that the word service provider
6 is used in -- in coming to the conclusion that Baig's
7 content server is part of an ISP.

8 Is that fair?

9 A. Yes.

10 Q. But you just discussed earlier that whether
11 service provider refers to an ISP is very context
12 dependant so what I'm trying to understand is what about
13 Baig's context leads you to believe that when it's
14 talking about a service provider it's actually referring
15 to an ISP?

16 A. Sure. Baig is talking about providing service
17 to mobile users. Baig is talking about access points.
18 Baig is talking about access to points having IP
19 addresses. Baig is taking advantage of the fact that
20 devices underneath an access point have a -- all appear
21 to have the same address.

22 Baig is talking about access points being in
23 public places. Baig is talking about and showing
24 relationships between the network and the rest of the
25 internet. That's all context that suggests service

1 provider is ISP. The context is mobile systems, mobile
2 users, public access, hotspots.

3 Q. Does Baig explicitly say that it is an
4 internet service provider or rather -- strike that.

5 Does Baig explicitly say that the content
6 server is part of an ISP?

7 A. Baig says that the content Baig shows at least
8 that the content service part of a service provider. In
9 my understanding and I believe the understanding of a
10 POSITA is that service provider would be an ISP or
11 internet service provider.

12 Q. Baig discusses at length what services are
13 provided by the content server; correct?

14 A. Yes, that is the focus of Baig.

15 Q. And are there any of the services that are
16 described as being performed by the content server, are
17 any of those internet access services such as, you know,
18 providing internet connectivity to Wi-Fi hotspots?

19 A. They are -- how should we say? They are
20 adding value to that connectivity. It was common for --
21 it wasn't as common for an ISP to provide sense of
22 services in addition to internet connectivity. That was
23 why, for example, I said I used to connect to on an ISP
24 over the internet.

25 That ISP was Delfi and the reason I connected

1 to it was that it had an interface -- an electronic
2 interface to Sabre, S-A-B-R-E. The airline reservation
3 system.

4 So that was a service that that ISP offered
5 and I wanted access to it and it was worth paying 20
6 bucks a month to get it. Okay. It also offered me
7 e-mails, chats, and things like that.

8 Right now, my internet service provider is
9 Verizon and Verizon offers me at least an e-mail
10 address. They offer me all sorts of other stuff but I'm
11 not really interested in what they have to offer because
12 I'm a more sophisticated user.

13 Many of the features that ISPs may have
14 offered in the past, like jets and things like that, and
15 file storage and file transfer have now been consumed --
16 or subsumed by different entities, like social media
17 companies or like DropBox, things like that, but back in
18 the day, these were things that were offered by ISPs,
19 even sometimes even search were offered by ISPs.

20 Q. Okay. So Baig doesn't explicitly disclose
21 that Baig's content server provides internet
22 connectivity to users; correct?

23 A. Baig says that the content server is part of
24 the service provider and my understanding of a service
25 provider is that it's an ISP and that would provide

1 content -- I mean, that would -- I'm sorry -- that would
2 provide connectivity. Baig's VSCP itself does not
3 create connectivity.

4 Q. Are the services described as being performed
5 by -- strike that.

6 Does Baig explicitly say that the services
7 performed by the service provider include internet
8 connectivity services?

9 A. No, that's implied by the use of the term
10 service provider. Baig does not talk about how the
11 connectivity is provided. That's beyond the scope of
12 Baig.

13 Q. So if Baig's content server were part of an
14 ISP as you allege, it would only have information about
15 DHCP lease periods that were assigned by that particular
16 ISP; is that correct?

17 A. Yes, that's correct.

18 Q. So is it your opinion then that -- that
19 Baig's content server would have different logic for
20 determining the predetermined period of time with
21 respect to IP addresses that it itself assigned versus
22 IP addresses that different ISP assigned?

23 A. No, I don't think so. I don't know actually.
24 That's a hypothetical, I haven't really thought about
25 that. I don't have a solid answer for that. I haven't

1 considered how big DHCP would work in that context.

2 Q. In the context of it being an ISP?

3 A. I've only thought about it in the context of
4 being an ISP. Specifically your question was how would
5 it -- determination based on lease time, and I haven't
6 thought about that.

7 Q. So you don't now how Baig's content server
8 would do the predetermined period of time determination
9 with respect to IP addresses that it had not itself
10 assigned; is that fair?

11 MR. MACE: Object to form.

12 A. I think it is -- I think it is sufficient for
13 Baig's VSCP server to determine that devices have the
14 same IP address and that it can therefore, assume
15 because they have the same address that they're running
16 on the same lease time. I think that is sufficient to
17 meet the claim language.

18 I think further knowledge is required that is
19 satisfied in the case where it is the ISP because that
20 actually knows because as the ISP, it provides the lease
21 -- it knows what the lease duration is.

22 Q. Yeah, but in the case where further knowledge
23 is required, that further knowledge would only be
24 applicable in instances where the ISP had itself
25 assigned that particular IP address; correct?

1 A. I'm not -- that sounds like it's a broad
2 question.

3 Q. So for example, if -- if Baig's content server
4 is part of Comcast and there's an IP address that was
5 assigned by Verizon, Baig's content server wouldn't know
6 the DHCP lease periods of Verizon; correct?

7 A. It might know them. It might be that Verizon
8 uses it as a standard lease time and it knows them. It
9 wouldn't need to but it might.

10 Q. Okay. But it wouldn't know the start or end
11 times of the lease periods assigned by Verizon; right?

12 A. Perhaps not. I'm not sure.

13 Q. If we can go to Baig reference in
14 Exhibit 1003, figure 6?

15 A. Okay.

16 Q. Is user list 606 here depicted as being -- as
17 being presented through a frame?

18 A. I don't think Baig tells us one way or another
19 what the actual HTML is like.

20 Q. Would a frame be one way to display user list
21 606?

22 A. It could be, user frames usually aren't
23 decorated with, you know, beveled edges and things
24 frames are usually decorated in browsers as strict
25 rectangular regions, but there would be no reason to do

1 it as a frame, but you could do it as a frame. It
2 wouldn't look quite the same.

3 Q. A frame is independently changeable from the
4 rest of a web page display; correct?

5 A. Yes, a frame can be thought of as sort of a
6 mini browser.

7 Q. Regardless of user list 606 is implemented via
8 a frame, could user list 606 be updated independently of
9 the rest of Baig's web page?

10 A. Maybe.

11 Q. Are you familiar with DoubleClick?

12 A. DoubleClick?

13 Q. The targeted advertising company?

14 A. Yeah, I've heard the name, I don't know
15 anything about details.

16 Q. Okay. Are you familiar with the concept of an
17 advertiser's ad server?

18 A. An advertiser's ad server, yes, okay.

19 Q. Do you have an understanding of what an
20 advertiser ad server is?

21 A. Well, it's something that serves ads. I think
22 they can be done in many different ways. Are you
23 implying that it is a particular web technology? I'm
24 not sure that I know that it is.

25 Q. Okay. Are you familiar with a distinction

1 between an advertiser ad server and a publisher ad
2 server?

3 A. That sounds like an arbitrator distinction to
4 me.

5 Q. Okay. So you're not aware for example that
6 DoubleClick offered both publisher ad servers and
7 advertiser ad servers?

8 A. I have no familiarity with what DoubleClick
9 offered.

10 Q. Okay. So in your combination for I guess the
11 878 patent, it's your opinion that advertisers don't
12 themselves actually select the specific advertisements
13 to be displayed to the users; right?

14 A. I am not aware that I said that.

15 Q. Well, it's the VSCP, right, the selected
16 advertisement is displayed to the user?

17 A. I'm sure I talked about that in this
18 declaration. I mean the VSCP -- well, let's see what we
19 say, okay?

20 Q. Yeah.

21 A. So the -- the VSCP in concert with the
22 advertisers. So the advertisers are supplying the
23 content in the VSCP. So the advertisers are bidding to
24 have -- bidding for profile based content, profile based
25 ads, okay? And depending on the profile and the winning

1 bidder, the VSCP would be delivering the ad when it
2 loads for example on their web page because a new user
3 joined the system, voiding the -- a new user became
4 active.

5 Q. Okay. So the -- the -- strike that.

6 Okay. So it's your opinion that in addition to
7 delivering the ad, the VCSP is also selecting the ad
8 right?

9 A. Well, it's a process between the VSCP and the
10 advertisers so the VSCP isn't going to select a Burger
11 King ad if McDonald's is an advertiser, and Burger King
12 isn't. Burger King or McDonald's may be an advertiser
13 and may want to have gender-specific ads.

14 Q. Yeah, so understood that in your theory, the
15 VCSP may select an ad based on information it receives
16 from an advertiser but I just want to be clear, your
17 theory involves the VCSP itself selecting the
18 advertisement in this way; correct?

19 A. I'm not sure I would say that. You know, if
20 the -- I believe there was talk in Baig about an
21 advertiser wanting to put out -- you know, wanting to
22 buy a time slot and put out a particular ad; right?

23 So some advertiser buys exclusive access to
24 you know 5:00 to 6:00 p.m. and it's Valentine's Day, buy
25 flowers on the way home. So you want to get the

1 commuters leaving the office, right, and you can buy
2 them at this flower shop over here.

3 Okay. It my Baig, it might buy the exclusive
4 rights to put that advertisement up. It has selected
5 the advertisement but it's the VCSP that delivers it.

6 Q. But in some instances, the VCSP selects the
7 advertisement; right?

8 A. Well, the VSCP has the profile information so
9 the advertiser would presumably have different ads that
10 met different criteria, use the profile as a filter and
11 in that case, based on the profile information, the VSCP
12 would be selecting which of those ads to deliver.

13 So again, the selecting is a collaborative
14 process between the VSCP and the advertiser, but the
15 VSCP always knows what's being sent.

16 Q. So under your theory, the VCSP wouldn't
17 disclose profile information to the advertisers because
18 the advertisers themselves -- it's the VCSP that selects
19 the advertisement, not the advertisers; right?

20 A. As I said it's a collaborative process.
21 They're both -- both entities are involved.

22 Q. Okay. But as far as this process, the VCSP
23 wouldn't want to send profile information to the
24 advertisers; right?

25 A. That is correct.

1 Q. Do you agree that an ad server can be run by
2 an advertiser to serve ads into ad space acquired by the
3 advertiser on other websites?

4 A. This is totally orthogonal of saying --
5 (Reporter clarification.)

6 A. Orthogonal, unrelated to, anything that I've
7 considered with respect to Baig and the 878, but loosely
8 speaking, sounds right.

9 Q. I have no further questions.

10 MR. MACE: Okay. I may have a couple
11 questions for redirect so let's take like a ten-minute
12 break and come back.

13 A. Okay.

14 MR. MACE: Thanks.

15 (Recess.)

16 MR. MILKEY: Andrew, I think you -- your mic
17 is a little fuzzy sometimes I think it's been -- I think
18 it's a little better --

19 MR. MACE: You hear me? I just have to speak
20 up.

21 MR. MILKEY: Yeah, I think that's right.

22 MR. MACE: Well, okay. I guess we'll see how
23 many objections actually show up in the transcript. Are
24 we on the record then?

25 THE CERTIFIED STENOGRAPHER: Yes.

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EXAMINATION

BY MR. MACE:

Q. Okay. All right. Thanks, Mr. Schmandt, I just have a couple questions for you.

Earlier in your deposition, patent owner's counsel asked you this question. So is it your opinion that because your combination uses dynamic IP addresses, that's why the determination of access via a common IP address subsumes the determination of an access during a predetermined period of time.

Do you recall that question?

A. Yes, I do.

Q. Okay. And then, you answered in this combination, yes, there are other ways that a system might be implemented that would do things differently in your -- and your answer continued from there.

Do you recall that answer?

A. Yes, I do.

Q. Okay. So then a second time patent owner's counsel asked, so is it your opinion that determining that two devices accessed the internet via a common dynamic IP address is necessarily a determination that the two devices accessed the internet during a predetermined period of time.

Do you recall that question?

1 A. Yes.

2 Q. Okay. And do you recall that your answer was
3 yes?

4 A. Well, you're reading the record so I assume
5 that's what I said.

6 Q. All right. So my question is: When you
7 answered that a second time, was your answer like your
8 first answer also limited to and provided in the context
9 of your prior-art mapping involving the BETA combination
10 in DHCP?

11 MR. MILKEY: Objection to form. Leading.

12 A. Yes, I think it was. I should've answered it
13 more extensively previously, the combination
14 specifically relies on the situation where dynamic --
15 dynamic IP addresses are assigned through DHCP protocol
16 from the DHCP server. If the dynamic address wasn't
17 assigned through DHCP, then there wouldn't be a DHCP
18 lease time and the rest of my logic would not have made
19 sense.

20 Q. Okay. No further questions.

21 THE CERTIFIED STENOGRAPHER: Any redirect?

22 MR. MILKEY: Yes.

23 EXAMINATION

24 BY MR. MILKEY:

25 Q. Mr. Schmandt, did you discuss anything with

1 your counsel during the break?

2 A. Yes, we had a phone call.

3 Q. What did you discuss?

4 A. I don't know if I'm allowed to say that.

5 MR. MACE: That's protected from disclosure.

6 (Reporter clarification.)

7 MR. MACE: That's protected from disclosure.

8 Q. Did counsel instruct you how to answer the
9 questions you just answered?

10 A. Well, I don't think I'm allowed to say what I
11 was instructed -- what I was instructed or not, but
12 clearly, the -- the case where he pointed out my answer
13 was cursory and the previous answer was the correct
14 answer, and I should have qualified it but I didn't. It
15 was just a little sloppy on my part.

16 Q. Are you aware of any way that dynamic IP
17 addresses can be assigned without DHCP lease time?

18 A. I can't tell you any specific examples
19 currently, but there are many ways that it could be
20 done. For example, it's an issue in -- it's an issue in
21 mobile systems with handoff, whether it is --
22 traditionally been one of the big problems with
23 mobility, whether an address once assigned can be
24 transferred across to a -- to a different cell or even a
25 different -- a different cellular service provider, so I

1 don't think that that works with DHCP.

2 I think in fact, that every time I move --
3 certainly every time I turn my phone off and turn it
4 back on, it's going to have a different address and I
5 think that when I moved from one cell to another or
6 certainly when I switch into roaming mode, it's going to
7 have a different address.

8 I used to -- I used to do it -- I used to dial
9 up with a modem using a protocol, I think it was PPOE,
10 I'm not certain but I could dial into a server at MIT
11 and I would have at my house, an IP address. But I did
12 not go through DHCP to do that, the equipment didn't
13 know how to do DHCP through that -- the Ethernet adapter
14 on my old laptop or -- and my SPARCstation, just -- it
15 would use -- we were using static IP addresses or it
16 would use a dynamic address which would be assigned to
17 it when it connected.

18 Q. Okay. Are you aware of any instances in your
19 personal experience or anything that you're aware of in
20 which a router of a LAN would be assigned a dynamically
21 assigned IP address without the use of DHCP?

22 A. I have no idea what goes on between my router
23 and -- and Verizon -- I'm on Verizon optical network and
24 I don't know -- I don't know how it negotiates. I don't
25 even know how long my address is -- is good or not. And

1 then, there's the whole question of UPNs, which is
2 another way of changing my address but let's not go
3 there so I don't know whether -- I don't know whether
4 Verizon uses DHCP or not to assign an address to - to my
5 router.

6 Q. You're not aware of any instances in which a
7 router is assigned a dynamic IP address without the use
8 of DHCP; right?

9 A. I'm saying I don't know. It is a different
10 situation -- different situation when you're talking to
11 a router versus when you're talking to a device below a
12 router or when you're talking at a network level to a
13 router. It's sort of a bunch of needless overhead.

14 So my router -- my Verizon router is connected
15 to an optical fiber. It's always connected to that
16 optical fiber; right? So if it's going get an address
17 change, why does it need to do a DHCP lease. I just
18 don't know how it's connected. I don't know what the
19 protocol is. I do know that back in the days when I was
20 doing work with mobile devices, IP addresses were always
21 a headache because they were always changing and I don't
22 think my phone was doing DHCP.

23 Q. To be clear, you're not aware of any specific
24 instances of a router of a LAN being assigned a dynamic
25 IP address without the use of DHCP?

1 A. I do not think that DHCP is a requirement and
2 I don't know how the routers in my house get their
3 address. I would have to research that.

4 Q. Okay. Just give me one example of a way that
5 a router of a LAN has received a dynamic IP address
6 without DHCP?

7 A. I can't give you an example because I haven't
8 put a protocol analyzer on the wire and looked at how it
9 works.

10 Q. Okay.

11 MR. MILKEY: All right. I have no further
12 questions.

13 MR. MACE: No questions from petitioner
14 either, if you can hear me. Mr. Schmandt, reserves the
15 right to review and sign.

16 MR. MILKEY: All right.

17 A. Let me just say a little bit about my previous
18 question.

19 MR. MILKEY: We're off -- I think we're done
20 with the deposition.

21 THE CERTIFIED STENOGRAPHER: I was writing,
22 should I stop?

23 MR. MILKEY: Yeah, let's go off the record. I
24 think both counsel have ended their questioning.

25 (Deposition concluded at 11:15 A.M.)

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DEPONENT: CHRIS SCHMANDT

PG.	LN.	NOW READS	SHOULD READ	REASONS
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[illegible]

SIGNATURE _____ DATE _____

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS.

3

4

5 I, CHRIS SCHMANDT, HEREBY CERTIFY UNDER
6 PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
7 CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

8 EXECUTED THIS DAY OF ,
9 2024, AT , CALIFORNIA.

10

11

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15 _____
16 CHRIS SCHMANDT

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2
3
4 I, NATALIE PARVIZI-AZAD, REPORTER AND
5 NOTARY PUBLIC WITHIN AND FOR THE STATE OF
6 CALIFORNIA DO HEREBY CERTIFY:

7 THAT CHRIS SCHMANDT, THE WITNESS WHOSE
8 DEPOSITION IS HEREINBEFORE SET FORTH, WAS DULY
9 SWORN BY ME BEFORE THE COMMENCEMENT OF SUCH
10 DEPOSITION AND THAT SUCH DEPOSITION WAS TAKEN
11 BEFORE ME AND IS A TRUE RECORD OF THE TESTIMONY
12 GIVEN BY SUCH WITNESS.

13 I FURTHER CERTIFY THAT THE ADVERSE PARTY,
14 PETITIONER, WAS REPRESENTED BY COUNSEL AT THE
15 DEPOSITION.

16 I FURTHER CERTIFY THAT THE DEPOSITION OF
17 CHRIS SCHMANDT OCCURRED REMOTELY THROUGH ZOOM
18 VIDEOCONFERENCE ON THURSDAY, OCTOBER 3, 2024,
19 COMMENCING AT 9:07 A.M. TO 11:15 A.M.
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1 I FURTHER CERTIFY THAT I AM NOT RELATED
2 TO ANY OF THE PARTIES TO THIS ACTION BY BLOOD OR
3 MARRIAGE, I AM NOT EMPLOYED BY OR AN ATTORNEY TO
4 ANY OF THE PARTIES TO THIS ACTION, AND THAT I AM
5 IN NO WAY INTERESTED, FINANCIALLY OR OTHERWISE, IN
6 THE OUTCOME OF THIS MATTER.

7 IN WITNESS WHEREOF, I HAVE HEREUNTO SET
8 MY HAND THIS 8TH DAY OF OCTOBER, 2024.

9 MY COMMISSION EXPIRES:
10 NOVEMBER 30, 2024

11 

12
13 NOTARY PUBLIC IN AND FOR THE
14 STATE OF CALIFORNIA

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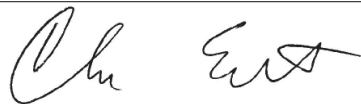
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ACKNOWLEDGMENT OF DEPONENT

I, Chris Schmandt, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

October 10, 2024

(Date)



(Signature)