Deposition Transcript

Case Number: IPR2024-00287
Date: March 11, 2025

In the matter of:

DROPBOX, INC. v MOTION OFFENSE, LLC

Todd Mowry, Ph.D.

CERTIFIED COPY

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

DROPBOX, INC.,

Petitioner

v.

IPR2024-00287
U.S. Patent No. 11,611,520

MOTION OFFENSE, LLC,

Patent Owner.

- - -

DEPOSITION OF TODD MOWRY, PH.D.

TUESDAY, MARCH 11, 2025

— — —

Video-recorded deposition of TODD MOWRY, PH.D. taken remotely, before Donna W. Dratwa, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public, commencing at 9:32 a.m. ET, on the above date.

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S T I P U L A T I O N S

It is hereby stipulated and agreed by and between the counsel for the respective parties and the deponent that the reading and signing of the deposition transcript is not waived.

I N D E X

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P R O C E E D I N G S

MR. DAHLGREN: Yes, this is Derek Dahlgren, from Devlin law firm, on behalf of the Patent Owner, and I'm joined by my colleague, Srikant Cheruvu.

MR ESRAM: Thank you. My name is Trishan Esram, on behalf of the petitioner, Dropbox, and I'm joined here with Liv Harriot, and we are both from WilmerHale.

THE REPORTER: Attorneys appearing in this deposition acknowledge that I am not physically present in the deposition room, that I will be reporting on this deposition remotely, and that I will administer the oath to the witness remotely. The parties and their counsel further agree that while I am a licensed notary court reporter, the witness may be in a state where I am not licensed. The parties stipulate that this deposition may be taken before me. If any party does have an objection to this manner of reporting as stated above, please state so now.

Hearing none, we can proceed.

Please raise your right hand to be sworn.

Do you solemnly swear or affirm to tell the truth, the whole truth and nothing but the truth?

THE WITNESS: I do.

T O D D C A R L M O W R Y,

having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. DAHLGREN:

Q. Good morning, Dr. Mowry. Apologies for the delay. Would you please state your name for the record?

A. Yes. It's Todd Carl Mowry, M-O-W-R-Y.

Q. And you understand that you are here today, in the virtual sense, for a deposition in two patent office proceedings, correct?

A. Yes, that's correct.

Q. I'm going to ask my colleague -- he's handling the exhibits.

MR. DAHLGREN: Srikant, if you could

just put up the two notices of deposition, please.

BY MR. DAHLGREN:

Q. While he does that, Dr. Mowry, do you have a hard copy or a copy of your declarations and exhibits?

A. No, I do not.

Q. Now, have you been deposed before?

A. Yes, I have.

Q. Okay. So you may know kind of the ground rules, but I'm just going over some of them briefly. I'll be asking questions today. The court reporter is going to be recording, you know, those questions and your answers. So I would appreciate if we could try not to talk over each other.

Is that okay?

A. Yes. Absolutely.

Q. And likewise, if you could try to avoid any nonverbal responses, like nodding your head, that will make her job easier as well.

Does that sound good?

A. Yes.

Q. And if I accidentally cut you off, I am going to try not to, but if that does happen,

please let me know, and I will let you finish your response.

Does that sound good?

A. Yes, yes.

Q. And likewise, I may not always ask the question as artfully as I would like. But let me try to get the question out before you start to answer as well.

Will that work?

A. Yes.

Q. And likewise, if I ever say anything that you don't understand, will you please let me know so I can try to clarify?

A. Yes.

Q. I just want to let you know, I have two monitors up here, so I keep looking over to the right. That's a big one, so I put my readers on. So I am not being rude. So I just want to apologize in advance, so just to let you know.

Now, your counsel may object from time to time to my questions, but unless you are instructed not to answer, you need to go ahead and answer.

Do you understand?

A. Yes.

Q. And if you can't answer the question for some other reason, you could just tell me that you can't answer a question.

That work?

A. Okay. Yes.

Q. So where are you located right now, for this deposition?

A. I'm in Pittsburgh, Pennsylvania.

Q. I think I asked you before if you had any access to hard copies or electronic copies of any of the declarations and exhibits. I think you said you don't.

Is that correct?

A. That's right. I don't have hard copies, and I don't have any electronic copies handy. If -- I'm hoping that you can just share them with me.

Q. Yes. So we can certainly do that. Absolutely.

Do you have any, like, Messenger apps or any forms of kind of communication available to you, or are you in --

Strike that.

So I will try that again. Do you

have any apps or any means for communicating with other folks that are available to you right now?

A. No. I've shut all of those things off.

Q. If you could just let me know if you are contacted, if there's a family emergency or something like that, certainly, we can take a break. But otherwise, I would appreciate if you could just limit your communications and not talk to other folks, except for counsel as necessary during the course of the deposition.

Does that work?

A. Yes.

THE VIDEOGRAPHER: Dr. Mowry, I just sent you a link in the Zoom chat where you can open up the app and see the exhibits or download a copy onto your computer with the three dots next to them.

THE WITNESS: Okay.

BY MR. DAHLGREN:

Q. So do you have the two documents that -- they're loading for me. I guess, just let me know when you have them available.

A. Hang on a second.

Q. Does it say on screen sharing?
A. I have the two documents.
(Defendant's Exhibit 1, 287 IPR Declaration, introduced as of this date.)
(Defendant's Exhibit 2, 287 IPR Declaration, introduced as of this date.)
BY MR. DAHLGREN:
Q. Great. So these are notices of deposition and the two IPR proceedings. Are you familiar with the IPR proceedings and the parties?
A. Yes, although it looks like both -- unless something went wrong, it looks like both of the documents are the 287, at least when I preview Exhibit 1 and Exhibit 2. They look like they are identical.
Q. I am looking at that right now. Okay. Maybe during a break, we will make sure that we can dig up the right one, and make sure that's in the record.
But I just wanted to confirm that you understand that this is a two IPR proceedings that Dropbox has initiated against Motion Offense, regarding the patent number.
Is it okay if I refer to it as the

'520 Patent or the 5-2-0 patent?

A. Yes, that's fine.

Q. I think you mentioned that you had been deposed before.

How many times have you been deposed?

A. Roughly, 20 times.

Q. Without divulging anything that's confidential with respect to those cases, could you just tell me who the parties were, I'd just like to walk through them?

A. Well, the first time that -- I don't know if I can accurately recall all the projects. The first one was Apple. I was working on a project on behalf of Apple Computer, and the opposing party was HTC. I also did a project where it was Apple, I was working on behalf of Apple, and the opposing party was Samsung.

I've done -- I can't remember all of the parties because in many cases, the opposing party was a troll or a patent holding company, and I don't remember their random names. But I've worked on projects on behalf of companies including Oracle, Microsoft, Google, and Intel, and HP.

Q. Are there any other parties that you've worked for previously?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Have you served as a witness for any other parties as a part of either PTAB proceedings or discord litigation or ITC work?

A. Well, as I said, I don't know that I can reproduce an exact -- a complete list off the top of my head, but the ones that I remembered, I just listed their names. I think PNC Bank was another party that I worked on behalf of for another project.

Q. Have you ever done any work for Dropbox before either as a consultant or as an expert witness?

A. I've done expert witness work before for Dropbox, I believe patents related to this -- the patent at issue in this case.

Q. I think the first party that you referenced was Apple, and it was -- I think you said it was adverse to HTC.

What was technology involved in that case, what was that?

MR. ESRAM: Objection. Relevance.

BY MR. DAHLGREN:

Q. You can answer.

A. Let's see, the -- well, it was -- I don't remember the patent number, but it was a patent related to automatically detecting contact information in electronic communication in things like email or text messages, and then enabling actions once those things are detected.

My research spans a number of different areas and computer systems, operating systems, hardware, distributed systems, operating systems, and that project spanned -- the technology spanned different layers of the computer system.

Q. Do you recall approximately the time frame of that case?

MR. ESRAM: Objection. Relevance.

BY MR. DAHLGREN:

Q. Sorry, Dr. Mowry. Like I said before, your attorney may object from time to time, but unless you are instructed not to answer, I would appreciate if you would please answer the question to the best of your ability.

A. I don't remember the exact year off the top of my head. I think that it was more

than ten years ago.

Q. And I think you also mentioned another matter for Apple adverse to Samsung. Is that right?

A. Yes.

Q. Do you recall what technology was involved in that case?

MR. ESRAM: Objection. Relevance.

A. Yes. That was for the same patent.

BY MR. DAHLGREN:

Q. So you said it spanned a number of different areas, computer systems, like the OS, hardware and distributed systems.

Would you think that is coexistent with your background, with your experience in academia and working in the commercial sector?

MR. ESRAM: Objection to form.

A. There may be some confusion here.

What I said was that my research spans a number of various different areas of computer systems. I didn't say that the patent spanned all those areas.

The patent did involve several different pieces of the computer system stack, but my research spans various technical areas,

which I believe I described in my reports.
BY MR. DAHLGREN:
Q. I am so sorry about that. I was looking at the real time, and I misspoke, you are correct. Thank you.
You also mentioned Oracle. Do you recall what the technology was in that case?
Strike that. Try again.
You also mentioned "Oracle." What technology did that case kind of relate to?
MR. ESRAM: Objection. Relevance.
A. I don't remember specifically, unfortunately. I think it was -- I don't remember what that was. It was a long time ago.
BY MR. DAHLGREN:
Q. And you also mentioned "Microsoft." Do you recall, you know, what technology was involved in the litigation that you served as an expert for Microsoft in?
MR. ESRAM: Objection. Relevance.
A. That was also a long time ago. But it was something in the operating systems and file systems space, as I recall. But I don't remember specific details of it right now because it was, it was quite some time ago.

BY MR. DAHLGREN:

Q. And Google was another party that you had mentioned. Do you recall what technology was involved in the case or cases that you represented Google in?

MR. ESRAM: Objection. Relevance.

A. It's an ongoing project, so I am not sure that I am actually allowed to talk about that, to be honest.

BY MR. DAHLGREN:

Q. Okay. And I don't want to get into, you know, anything that's confidential with third parties.

You also mentioned "Intel." What technology did those case or cases involve?

MR. ESRAM: Objection. Relevance.

A. Those were related to computer systems, there were a couple of different patents involved. I don't remember all the specific details, though.

BY MR. DAHLGREN:

Q. You've also worked in the commercial sector for Intel as well, correct?

A. I was the director of their research lab in Pittsburg from 2004 through 2007.

Q. Was that while you were still also working at -- I don't know if was the Carnegie Mellon -- what university you were at that time, or if it was Toronto or did that coincide --

Did your work at Intel coincide or overlap with your work in academia?

A. Yes. The model for the research lab is that a professor would take a temporary three-year leave of absence to run the research lab, so that's what I did from 2004 to 2007.

Q. What work were you doing at Intel, just generally speaking, if you can tell me.

A. I ran the research lab, which had about, roughly, 20 full-time Intel employees in it, and they all had Ph.D.s. They were doing research on a variety of computer-related topics, and they were working closely with faculty and Ph.D. students at Carnegie Mellon University and also with other engineers and people inside Intel.

Q. You said "computer-related technologies."

Do you recall more specifically which area of computer technology the work was -- kind of fell in?

A. Well, with 20 researchers over the course of three years, there were quite a few different projects, and they spanned a very diverse set of technical areas. Some of them included data storage. They included parallel processing. They included robotics, computer vision, quite a few other areas.

The idea was to explore applications of computers that would seem like they would be consuming many processor cycles in the future so that Intel could understand what was potentially game-changing applications in the future.

So our mission was to engage with the faculty and Ph.D. students at Carnegie Mellon and try to explore these interesting applications and what system support for them would look like.

Q. When you say "parallel processing," could you explain to me just kind of at a high level what that refers to?

A. Parallel processing -- it's a topic that I taught courses on for many years, including I am teaching a class on it this semester. And the basic idea is that you have a collection of multiple processors that are

working together, cooperating to make a single application run faster.

Q. Okay. You also mentioned HP was another company that you had served as an expert witness for.

Do you recall what technology was involved with your expert work for HP?

MR. ESRAM: Objection. Relevance.

A. I think it was something related to data storage, but I don't remember the details of it.

BY MR. DAHLGREN:

Q. I should take a step back.

So the work for Apple, was that district court litigation or work at the PTAB, or ITC?

MR. ESRAM: Objection. Relevance.

A. The first project that I mentioned, which was Apple and HTC was at the ITC, the Apple-Samsung case. That was in the district court in San José.

BY MR. DAHLGREN:

Q. Was that over smartphones, the iPhone and Galaxy?

MR. ESRAM: Objection. Relevance.

A. Yes. That was one of those trials, yes.

BY MR. DAHLGREN:

Q. The work you did for Oracle, do you recall whether that was at the patent office or the district court or in the ITC?

MR. ESRAM: Objection. Relevance.

A. I believe those were PTAB cases. It was a long time ago, so I don't recall the details.

BY MR. DAHLGREN:

Q. For Microsoft, was that district court, PTAB or something else?

MR. ESRAM: Objection. Relevance.

A. I don't recall. I remember that after I was deposed, the opposing party dropped the case, but I don't remember whether that was -- what that was for exactly.

BY MR. DAHLGREN:

Q. Understood. If you are able to say for Google, same question. If you are not, just let me know.

I don't think that I am able to address that.

Q. And for Intel, and with respect to your work as an expert witness, was that in

court, at the PTAB or somewhere else?

MR. ESRAM: Objection. Relevance.

A. Well, some of that is ongoing, so I don't think I can discuss all of that.

BY MR. DAHLGREN:

Q. Well, if -- okay. I will make a note of that. Yeah.

And HP, in what form was that expert work?

MR. ESRAM: Objection. Relevance.

A. I don't remember. I'm sorry.

BY MR. DAHLGREN:

Q. Do you recall -- same question with respect to PNC. Do you recall where --

MR. ESRAM: Objection --

BY MR. DAHLGREN:

Q. -- where that work was?

MR. ESRAM: Objection. Relevance.

A. I believe that was a PTAB proceeding.

BY MR. DAHLGREN:

Q. Did you say you had worked for Dropbox? I wrote them down here, but I -- have you served as an expert for Dropbox before?

A. Yes. I mentioned that I worked on a case for patents related to this project.

Q. And was that in -- which forum was that expert work used in, was that district court or PTAB or ITC?

A. Well, not the ITC. I don't remember, to be honest, whether it was PTAB or district court or both.

Q. And do you recall any other parties that you have served as an expert witness for?

A. Not off the top of my head, no.

Q. You said that the work that you did for Dropbox -- it was patents related to this project.

What do you mean by that?

MR. ESRAM: Objection to form.

A. All right. So I mean, I don't really feel comfortable answering that question. I mean, I am very happy to talk about my declaration, and I understand that's why I am here. So I am very happy to answer those kinds of questions, of course.

I don't -- I don't recall.

BY MR. DAHLGREN:

Q. The question was you had said that the patents were related to this project, and I just wanted to understand what you meant by

that.

So here's the question. That's not a question.

When you said that "patents related to this project," do you mean involving similar technology?

MR. ESRAM: Objection to form.

A. I don't remember. That's not something that I looked up in preparing for this. So I don't -- I really don't recall details of that.

BY MR. DAHLGREN:

Q. You recalled enough to say that they were related to the patents in these proceedings, right?

A. I did not refresh my memory on those kinds of things, so I think it's probably more accurate for me to say that I just don't really recall that. I'm not sure, to be honest, even if that was a separate proceeding or what that was, so I am not sure.

Q. You submitted a CV with your initial expert declarations in each of the proceedings, right?

MR. ESRAM: Objection to scope.

A. I believe that a CV is usually attached when I submit an expert report. I believe so.

BY MR. DAHLGREN:

Q. Yeah, and the reason I've asked you, I don't recall seeing a list of any cases that you have been involved in.

MR. DAHLGREN: Srikant, if you wouldn't mind, if you could put the two opening experts' declarations in the exhibit share.

MR. ESRAM: Objection. Outside of scope.

MR. DAHLGREN: If you could please, also -- let's go ahead -- we can mark the -- we're going to need to mark them -- but the two reply declarations as well.

BY MR. DAHLGREN:

Q. And once you have a chance to preview those, Dr. Mowry, and confirm that they are your declarations, just let me know, and then I will have a few questions for you.

And Dr. Mowry, one thing I also want to add. I should have done this when I was going over the ground rules. I try to take

breaks about every hour or so, but if you need to take a break earlier than that, please let me know, and we'll do that as soon as -- if we have a question pending, I'll ask for you to answer, and then, usually, we'll be able to stop right there.

A. Okay.

(Defendant's Exhibit 3, Mowry Notice of Deposition, introduced as of this date.)

BY MR. DAHLGREN:

Q. And also, I think, Dr. Mowry, that there is Exhibit -- I think it's Mowry 3. I believe that is the correct notice of deposition, so if you wouldn't mind, please, just looking at that and confirming that it is the other IPR number, and then I think we'll be set there.

A. Yes. Exhibit 3 is the other IPR number, 82861.

MR. ESRAM: Counsel, I'd like the record to reflect that the deposition notice was -- makes it clear that the deposition today is about Dr. Mowry's second declarations in both IPRs, not the first.

MR. DAHLGREN: Yes. And that's what -- understood, and objection is noted. Thank you.

BY MR. DAHLGREN:

Q. So yeah, Dr. Mowry, once again, please let me know once you have had a chance to confirm that the four declarations are the declaration that you submitted in the two IPR proceedings, and then I will have a few questions for you.

A. There's a problem with the Exhibit 4 PDF. I can't preview it properly. I can see Exhibit 5. I am just seeing a lot of blank pages, only fragments of images in the Exhibit 4 PDF.

(Defendant's Exhibit 4, PDF 286 IPR Declaration, introduced as of this date.)

(Defendant's Exhibit 5, PDF 286 IPR Declaration, introduced as of this date.)

Q. So Exhibit 4, I am able to -- well, actually, it just takes a little while to load for me. If that problem persists, I guess for another minute or two, then I assume we can get offline and try to send you, maybe, electronically, like an email or something like

that, a copy of those.

A. Okay. Actually, I've been able to -- I've been able to open it in a different PDF preview --

Q. I think there's an option to download it, too, so that may take care of it.

Now I'm having some technical problems. Give me one second. I apologize.

Dr. Mowry, I am not sure if you had a chance to download the four declarations yet, but once you've had it, if you could please just look through those and just confirm that they are the two declarations that you submitted in the 286 IPR, and then the two declarations you submitted in the 287 IPR, please.

A. Okay. I can see them now. Yes, they appear to be my first and second declarations for both of the proceedings.

Q. Okay. Great. If you could -- so I want to start off with --

MR. DAHLGREN: Can we just go offline just for one minute? I am having some computer issues. I just want to get it sorted out. If we can take a break just for two minutes.

(Off the record.)

(Defendant's Exhibit 1034, 286 IPR Declaration, introduced as of this date.)

BY MR. DAHLGREN:

Q. So Dr. Mowry, if you could open Exhibit -- it's numbered 1034. Just let me know when you have that up.

A. Can you repeat the number again?

Q. It's in the 286 IPR. It's Exhibit Number 1034.

MR. ESRAM: Counsel, I think Dr. Mowry may not have that number in front of him. You need to point him to the exhibit number that you put in the chat or upload it, please.

BY MR. DAHLGREN:

Q. Sure. It's Mowry 5 is the exhibit number, and that corresponds to the second declaration of the 286 IPR?

A. Okay. I have it open.

Q. And if you could turn to -- I think it's the second -- no, sorry, just the first paragraph in that declaration, and you say your "background and qualifications remain as stated in paragraphs 1 through 16 in Exhibit A of your

first declaration."

Do you see that?

A. I see that.

Q. And if we could -- I want to turn to that first declaration now. I want to make sure I get the number right for you. I think it's Mowry 4?

(Defendant's Exhibit A, PDF CV, introduced as of this date.)

A. Okay.

BY MR. DAHLGREN:

Q. And I would like to look at the CV that is attached as Exhibit A to Mowry 4. And I think it's around page, like, 108 of the PDF, if I recall.

A. Okay.

Q. So I am just kind of scrolling down through your CV, and I just want to confirm that you didn't list any of the prior expert work that you have done for the various parties that we talked about earlier today.

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Dr. Mowry, can you please confirm whether you identified the expert work that you

have done in other patent matters in your CV that's attached to, I guess this would be Mowry 4, which is your first declaration, the 286 IPR?

A. Those things are not listed in CV.

Q. The same with the CV. It says that you have previously worked for -- scrolling down --

Strike that.

I will start over.

So under -- it's page 120 of Mowry 4, it says -- it lists "industrial employment" and it lists "Intel Corporation" and also "Silicon Graphics, Inc."

What type of work were you doing for Silicon Graphics?

A. I was working as a computer architect. I worked in the group that was exploring future designs of -- for their microprocessors.

Q. And there's also consulting work below that, and there's Intel -- that is the first company that's listed, what type of consulting work were you doing for Intel, if you can say?

A. Well, it was a combination of -- I

mean, the day -- after a professor serves as the lab director, they continue on for several years as a consultant for the sake of continuity to help continue with moving forward with projects in the lab and also doing tech transfer within the company.

Q. What type of work would you do with respect to tech transfer?

A. That's confidential.

Q. Well, I'm not asking about the specifics; I was just asking more generally, would you -- just review IP and give advice or -- I am just curious more like a general level without getting into the specifics of the technology or the parties involved except for just you.

A. I was working with engineers within Intel discussing ideas for how my research projects and projects that we've been working on in the labs, how those things could be potentially incorporated into Intel products.

Q. And there's also "SandCraft" that's listed below "Intel." What was the nature of the work that you were doing for SandCraft?

A. SandCraft was the microprocessor

startup company. It was started by engineers from Silicon Graphics, and I was helping them as a member of the technical advisory board with some of their -- just giving them technical guidance related to things like processor design, compiler support for their processors, and systems challenges, things like that.

Q. There was also an entry consulting for IBM. What was the nature of your consulting work for IBM?

A. IBM has a compiler's research and development group in Toronto, and I was working with them on a variety of projects including taking some of the ideas from my research and doing tech transfer into their compiler products.

Q. And there's also -- it looks like you continued in a consulting role with Silicon Graphics for a few years. Was that the same type of work that you were doing as a consultant?

A. Yes.

Q. While you were -- so when you were consulting for IBM, you were also working as a professor.

Is that correct?

A. Yes, I was. I was -- it's a part-time role being a visiting scientist. That was not a full-time job, that was just something that I did with a small number of hours each week.

Q. Okay. Looking at your CV, it looks like there's a lot of work that deals with processors and multiprocessors on chips.

Could you just walk me through the papers, the work that you think is applicable to the technology that's involved in these two IPR proceedings?

MR. ESRAM: Objection to form and relevance.

BY MR. DAHLGREN:

Q. Well, Dr. Mowry, I will strike that just to try to make it easier.

So starting at the top of your CV, with respect to your academic appointments that are listed, were any of those -- did any of those entail the consumer technology that's involved in this case?

A. By "academic appointments," you mean being a professor at Carnegie Mellon and at the

University of Toronto and --

Q. Yeah, I'm sorry. I didn't mean to interrupt. I was referring to the -- it's just the header that you have on your CV. There's a header that says "Academic Appointments."

A. Yes. I've long done research starting at the University of Toronto, continuing through my time at Carnegie Mellon on things like storage systems, distributed systems.

For example, if we -- my -- on that first page, the best paper award that I got in 1996 was at the second symposium on operating systems design and implementation, and that was a storage systems piece of research.

Q. Was the graduate assistant work that you did at Stanford --

Strike that.

What area of computer science --

Strike that.

What was the nature of your work at Stanford as a graduate research assistant?

A. My Ph.D. thesis focused on using the compiler to improve the performance of accessing information through a technique called

"prefetching," and as soon as I graduated, one of the very first projects I did at -- starting at the University of Toronto, which is actually the thing that led to that award in 1996 is extending this into the storage system and the operating system.

Q. When you say "storage system," what are you referring to?

A. The file system, nonvolatile data storage.

Q. Now was that directed to data-based management, or was that memory on a chip?

A. Well, I've worked on all of those things, even starting in prior to 2000. When you say that, do you mean specifically the work that won the best paper award in 1996?

Is that what you are asking about?

Q. Sorry. You had mentioned the work you did at Toronto, so I was just more generally -- the work while you were in Toronto.

A. Well, one of the major themes of my research, which was the topic of Angela Demke Brown's Ph.D. thesis, which she won the best thesis award at CMU, was extending ideas of optimizing data access performance into the

operating system and in particular with nonvolatile data storage through the file system.

Q. Were any of the other graduate students with these theses --

Strike that.

Did any of your other work with graduate students involve file systems and data storage?

A. Yes.

Q. So I see one of the thesis titles that's listed is -- it's for -- sorry. I don't have my glasses, but on it -- was it Monte? It's the title is "Increasing the Scaleability of Dynamic Web Applications," it's March 2008.

Do you see that?

A. Yes.

Q. Could you please just describe to me, generally, what that entailed?

MR. ESRAM: Objection. Relevance.

BY MR. DAHLGREN:

Q. So -- I'm sorry --

A. It is sort of stretching my imagination to see how this is related, but I can talk about that since you asked the

question, or I. Don't know if you are withdrawing the question.

Q. No, I was going to ask it a little more directly. So I will do that.

So strike the earlier question.

What does dynamic web applications refer to?

A. All right. In the mid-2000s and early 2000s, when the world-wide web -- when web pages were becoming more popular, there was this well-known performance challenge, which is, if you have popular websites and everybody is trying to download a web page from the same server at the same time, it can be overloaded. So one technology for improving that is something called "web caching," where you essentially make distributed replicas of content of files across the Internet, and that gets more -- so it's easy to do that for -- relatively easy to do that for static web content.

In other words, web pages that are not changing. It gets much more challenging to do that for dynamic web pages that are actively changing, potentially because you have a

database sitting behind it, and that's complicating how you construct the page.

For example, so this, the motivation for Amit's Ph.D. thesis was trying to figure out how we get the benefits of dynamic -- of web caching even for dynamic web content where you have to worry about propagating up files and stored content across many locations across the internet in a distributed environment.

Q. Would, when you refer to "static web content," is that an HTML doc, what do you mean by that?

Strike that.

Can you please explain to me what you mean by "static web content"?

MR. ESRAM: Objection. Relevance.

BY MR. DAHLGREN:

Q. So I'm sorry. I am going to -- actually I will ask the question again. If we can go off the record for a second.

(Pause in Proceedings.)

BY MR. DAHLGREN:

Q. Dr. Mowry, what do you mean by "static web content"?

MR. ESRAM: Objection. Relevance.

A. Well, it's not a term that I invented, it just generally refers to web pages that are not changing rapidly.

"Static" means it's not changing.

MR. ESRAM: Counsel, we've been going for an hour, so whenever is a good time to stop, let's take a break.

MR. DAHLGREN: Right now, works. Ten minutes?

MR. ESRAM: Sounds good.

MR. DAHLGREN: Thank you.

MR. ESRAM: Thank you.

(Off the record.)

BY MR. DAHLGREN:

Q. Dr. Mowry, during the break, did you discuss the -- it's just yes, no. Did you discuss the substance of your testimony today with counsel?

A. No.

Q. I realize I was also remiss in another kind of a rule, is there any -- or just a question.

Is there any reason that you can't give truthful and complete answers today?

A. No.

Q. Thank you.

What did you do to prepare for today's deposition?

A. I went back and re-read my declarations and the '520 Patents and the prior references that I cite.

Q. Did you meet with anyone?

A. Yes. I met with attorneys from WilmerHale to go over the material.

Q. How many times did you meet with them?

A. Three times.

Q. Approximately how many hours in total was that?

A. Maybe 11 or 12 hours.

Q. And you said you reviewed the '520 Patent and your declarations in the prior art references.

Is there anything else that you recall reviewing?

A. And things that I refer to there, I mean, I read Dr. Smith's declarations. Yeah, I read some of the other things that I referenced. But I was focusing on my declarations and the things that I reference in my declarations.

Q. Did you review any documents that aren't cited in your declarations or in Dr. Smith's declarations?
A. I don't think so.
Q. Did you speak to anyone else other than attorneys from WilmerHale to prepare for today's deposition?
A. No.
Q. Do you know a Professor Gibbons?
MR. ESRAM: Objection. Relevance, lack of scope.
A. You just gave me a last name. Can you be more specific?
BY MR. DAHLGREN:
Q. It's Phil Gibbons --
Strike that.
Dr. Mowry, are you aware that there is litigation between Motion Offense and Dropbox in the district court?
A. I am aware that such litigation exists. I am not involved with that litigation.
Q. Are you aware that Professor Gibbons was an expert witness in that litigation?
MR. ESRAM: Objection. Relevance, out of scope.

A. I don't know about details of that litigation.

BY MR. DAHLGREN:

Q. Do you recall referencing the fact that there was litigation in a jury trial in any of your declarations?

A. I believe that -- is there something -- can you point me to something specifically that you have in mind?

Q. I was just asking if you recall. If you don't, that's fine. But I was -- so, yeah, I will ask the question just again.

Do you recall referencing any district court litigation in your declarations?

A. I may have. If you wanted to -- I mean, these were long declarations. If you want to point me to something, I'm happy to take a look at it.

Q. So Dr. Mowry, did you discuss your work for Dropbox and these IPRs with Professor Gibbons?

A. No.

Q. And do you know a Dr. Michael Shamos?

MR. ESRAM: Objection. Relevance, out of scope.

A. I know who Michael Shamos is. He's the -- he's another professor at Carnegie Mellon.

BY MR. DAHLGREN:

Q. Did you discuss your declarations or these IPRs with Dr. Shamos at any point?

A. No.

Q. I'm at -- I believe it is -- it was Mowry 4, and I want to point you to -- it's paragraph 2.

MR. ESRAM: Objection. Scope -- out of scope.

BY MR. DAHLGREN:

Q. I apologize. I am referring to the second declaration, the reply declaration, in the 286 IPR.

MR. ESRAM: That's not Mowry 4.

MR. DAHLGREN: Thank you, Counsel. Sorry. It's Mowry 5.

BY MR. DAHLGREN:

Q. If you could just turn to paragraph 2.

A. Okay.

Q. You reference the "Dropbox petition" in this paragraph, correct?

A. Yes, that appears here in this paragraph.

Q. Do you recall any discussion of the district court litigations in that petition?

A. I don't recall off the top of my head. I am happy to take a look at something if you want me to look at it, but I don't recall off the top of my head. I haven't reviewed that in a little while.

Q. Okay. We can get to that, if necessary.

Did you talk to any Dropbox employees as part of preparing your declarations?

A. No, I did not.

Q. Do you recall reviewing any litigation documents as part of preparing your reply declarations?

MR. ESRAM: Objection to form.

A. I'm not sure what -- exactly what the term "litigation documents" means. I don't know if that includes "Dropbox petition," for example, or the Patent Owner's responses and preliminary responses.

BY MR. DAHLGREN:

Q. That's fair. I can clarify.

Did you review any documents from the district court litigations as part of preparing your reply declarations that you recall?

A. I don't recall that. If I did, I cited, then I would have cited it in my -- in my declaration.

Q. I know that you said your research activities span a pretty wide swath of kind of computer science technology.

Would you say that there's a particular area that you focus most of your time in?

A. The theme of my research is making computer systems more efficient, especially related to data accesses and data movement. It's an overarching theme of many of my research projects.

Q. Dr. Mowry, you are a named inventor on -- I think it's -- is it five patents?

A. It's -- that sounds about right. I think it's five or six, something like that.

Q. Can you walk me through the technology that they cover?

MR. ESRAM: Objection. Relevance.

A. Well, the big caveat here is that it

has been a long time since I looked at those patents. Decades. So they fall into three categories: The one with Earl Killian, the first one, was related to making processors more efficient through trick for fetching instructions when you encounter a branch -- a conditional branch, there is a set of patents related to prefetch instructions and processors.

And there's one in -- that was a joint between CMU and Bell Labs related to the Ph.D. research of one of my Ph.D. students related to database performance and prefetching.

BY MR. DAHLGREN:

Q. When you refer to "prefetching," could you just describe that to me, what that entails -- I will strike that. I'll ask a better question.

When you refer to "prefetching," is that related to the caching that you were talking about, that we talked about earlier that you had worked on with one of your Ph.D. students with -- I think it was the dynamic web applications?

MR. ESRAM: Objection. Relevance. Mischaracterizes the testimony.

BY MR. DAHLGREN:

Q. Dr. Mowry, I'm not trying to mischaracterize what you said. I just thought that was a close approximation, but, certainly, if I said something wrong, let me know.

But I was just trying to understand if our discussion earlier about the caching, and I think there were different proxy service or something like that, that if that was related to what you just said.

MR. ESRAM: Same objection.

A. I mean, these patents were from -- are not about Amit's, Ph.D. thesis topic, if that's what you are asking.

Generally, what "prefetching" refers to is if you can anticipate that you need data ahead of time before you actually need it, then you can proactively start moving the data close to you so that you have it when you need it. That's the idea behind prefetching.

BY MR. DAHLGREN:

Q. So with you being the named inventor on a number of patents and having served as an expert witness in 20 or so cases, do you have -- would you say that you have a decent grasp of

patent -- the concept of patent validity and prior art?

A. Well, I didn't go to law school, and I am not a patent attorney. But I've been instructed on this topic at a general level, and I discussed that in my declarations. So I think I understand the role of a technical expert in these types of proceedings.

Q. In your declarations, there's a legal standard section. It's in the initial declaration that you filed and you reference that in the replies, but you relied on counsel's instruction for kind of the legal principles to apply.

Is that fair?

A. Yes.

Q. And the articulation of the law in your declarations, that's what you used, right?

A. Yes.

Q. Now, you had mentioned this -- I guess "fetching," and was any of the work with the fetching, the prefetching -- is that applicable to networks and database management?

MR. ESRAM: Objection to form and mischaracterizes the testimony again.

A. This is getting a little abstract for me to follow. Can you, maybe, rephrase that, or is there like -- point me to something in my declaration that you are referring to?

BY MR. DAHLGREN:

Q. Sure. I can try to ask a better question.

I was just wondering if the fetching -- that the work you've done in that area, if that had any bearing on database technology and like in-network technology?

MR. ESRAM: Objection to form.

A. Well, yes, absolutely. We moved data across different storage locations, across networks.

BY MR. DAHLGREN:

Q. And I think that you mentioned that one of the challenges that one of your Ph.D. students was dealing with was doing that with dynamic web pages.

Is that right?

A. Yes. Amit Manjhi's thesis was focused on dynamic web content. Yes.

Q. I had asked you about static web content earlier, and I want to ask kind of the

flip side of that. When you say "dynamic web content," would you please describe to me what it is?

MR. ESRAM: Objection. Relevance, out of scope.

A. And I'm not here doing any -- defining any terms. In general terms, like the dynamic -- the difference between "static" and "dynamic web content" is that dynamic web content is changing, and static web content is not changing as frequently.

But I'm not -- I am somewhat missing how to tie this to my declaration. So I am not exactly sure like what -- how this relates to my declarations.

BY MR. DAHLGREN:

Q. Well, you're serving as the expert in computer science technology in this case and have held yourself out as a person of ordinary skill in the art, so I am just trying to understand your background and knowledge in these different kind of areas in computer technology.

So as an expert with 30-odd years of experience in this area, can you just describe

to me -- let's say, what a person of ordinary skill in the art as of the time of the invention, say 2012 time frame, what they would understand dynamic web content to be.

MR. ESRAM: Objection. Out of scope and relevance.

A. There's a problem in your question.

You said that 2012 was the time of the invention, but that's not the time of the invention.

BY MR. DAHLGREN:

Q. Well, isn't 2012 the time of invention that you used in your opening report? And let's be clear, the 287 IPR and in the 286 IPR, did you not assess what a person with ordinary skill in the art would understand about the prior art and the claims from the perspective of HOSA in September 2012?

A. Can you please point me to what you're referring to?

(Defendant's Exhibit 1102, 287 IPR Declaration, introduced as of this date.)

Q. Sure. Sorry.

Trying to figure out which one the 287 declaration is. I know that it's Exhibit

Number 1102, but it's marked as Mowry 6.

MR. DAHLGREN: So you can blow up Mowry 6.

(Defendant's Exhibit 6, 287 IPR Declaration, introduced as of this date.)

BY MR. DAHLGREN:

Q. And I will give you the paragraph number here in a second.

A. Okay. I have it open.

Q. If you look at paragraph 11 -- well, I am looking at the wrong one. So sorry. Take that back. Give me one more second.

So I know I am directing you to the right paragraph, but you couldn't recall the year that you used for kind of the time of invention for your analysis?

MR. ESRAM: Objection to form.

A. Sorry. Are you asking --

BY MR. DAHLGREN:

Q. It's fine. I was just asking if you recalled --

A. Maybe do you want to restate your original question where you inserted the date?

Do you have a different version of that question, or I am not sure what you are

asking me right now. If you want me to -- if you are asking if I don't remember the priority date, I believe that that's in my declaration somewhere, but it would take me some time to go find it. If you want me to spend the time doing that, I can do that.

Q. No. I am not looking for it. So that's fine.

While I do that, I take it, based on your previous comments, that the patent is not entitled to that date.

Is it your opinion now that the patent and also the time frame for the person of ordinary skill in the art, that hypothetical construct, you don't believe that should be 2012 anymore?

MR. ESRAM: Objection to form.

A. You said "anymore." Are you suggesting that I referenced a specific date, originally? Are you saying there's an inconsistency in my reports? I am not sure. That seems to be embedded into the question.

BY MR. DAHLGREN:

Q. My recollection was that you had done your validity or invalidity analysis applying

the perspective of a person of ordinary skill in the art as of the 2012 time frame. That was my recollection. And I was asking if that was no longer the case, but I will ask a different question.

So strike that.

So in your reply declarations that you reviewed in preparing for today's deposition, what time frame did you use for the person of ordinary skill in the art, their perspective for one of the three analysis that you did?

So while -- I guess I will let you answer that question, and then I can point you to the declaration.

A. I have --

Q. Dr. Mowry --

A. -- paragraphs where I talk about these -- sorry. Go ahead.

Q. Well, I was just asking if you weren't able to answer the question, if you need me to rephrase it.

A. That would be great if you can rephrase your question.

Q. Sure. So looking at Mowry 6, it's

the Exhibit 1102, it's in the 287 IPR. It's paragraph 29, you refer to the time of the alleged invention.

What is that time frame that you are referring to there?

A. It's referring to the priority date. There's a section where I talk about the prosecution history and different dates.

I know there's dispute on -- about the priority date, and I talk about that in my second declaration. But in using all of these different alleged priority dates, the ones that I -- including 2012 and later dates -- my description of a person of ordinary skill in the art under my definition in all of those same time frames, I reach the same conclusions in my analysis.

Q. So I just want to make sure I understand.

So whether it's 2012 or some other time frame, it doesn't change your analysis.

Is that what you're saying?

A. Regarding level of ordinary skill of the art, yes, and it would be the -- a person of ordinary skill in the art in 2012 or in 2015,

if -- I would reach the same conclusion.

Q. Is that true for the claims in both proceedings or just the 287 IPR?

A. Which part -- is which part of it true?

Q. Is the issue of the priority date, whether it's 2012 or 2015 --

Strike that.

If I understood you correctly, you're saying that for the 287 IPR, whether the priority date that you use is 2012 or 2015, it doesn't change your opinion.

Is that correct?

A. The way that I apply the person of ordinary skill in the art, I reach the same conclusion with either of those dates.

That's correct.

Q. And with the 286 IPR, that involves the folder share claims, is it also true that you reached the same conclusion, whether you used the 2012 time frame or 2015?

A. That doesn't change my definition of a person of ordinary skill in the art, and how one thinks about what the person of ordinary skill in the art, how they would interpret the

claims in those time frames.

Q. You teach both graduate and undergraduate students.

Is that correct?

A. That is correct.

Q. What undergraduate courses have you taught?

I taught a number of different courses. I've taught, this semester, I am teaching an undergraduate course on Parallel Processing. I have regularly taught undergraduate courses on operating systems, including file systems.

I have also taught courses, undergraduate courses on computer systems, topics generally including a number of different things, such as Networking, Distributed Systems.

We have an Intro to Computer Systems course that covers a wide range of those types of topics. Those are some of the classes that I've typically taught to undergraduates.

Q. You said that you taught classes on operating systems, including file systems.

Did I hear that correctly?

A. Yes.

Q. What is the relationship between an

operating system and a file system?

I will strike that, and I'll try to ask a better question.

Is the file system part of the operating system?

MR. ESRAM: Objection. Scope and relevance.

A. I believe that in some of the claims, there's a discussion of that type of issue. So I would prefer to talk specifically.

If you want to point me to that specific issue, I am happy to talk about that.

BY MR. DAHLGREN:

Q. So I am asking if a person of ordinary skill in the art, an expert computer science professor, 30 years of experience, if the file system is part of an operating system, and a person of extraordinary skill in the art would understand?

MR. ESRAM: Objection. Out of scope.

A. Well, I know -- I mean, I'm here to talk about my opinions and declarations, and I know that those terms appear in some of the claims.

So I am happy to talk about the

specifics of that, but making a blanket statement, I don't think is really is appropriate. It would not be helpful for a discussion today.

BY MR. DAHLGREN:

Q. I appreciate that, but if you could just please answer the question.

MR. ESRAM: Same objection.

A. It's not at the level which you specified the question. There's not a specific answer to the question.

BY MR. DAHLGREN:

Q. Do operating systems generally include a file system or multiple file systems?

MR. ESRAM: Objection. Relevance, out of scope and form.

A. Again, I am happy to talk about the specific claims here and my declarations, but from the -- at the abstract level at the general level at which the question's been posed, it's not really a question that has a specific answer.

BY MR. DAHLGREN:

Q. So sitting here today, you can't say one way or another whether operating systems

include a file system.
Is that right?
MR. ESRAM: Objection. Misstates the testimony and same objection as before.
A. The short answer is, it depends, and I can't really give a useful answer to such a high-level question.
I am very happy to talk about the details of the specific claims that are at issue here and also about the opinions in my report.
BY MR. DAHLGREN:
Q. So you are refusing to answer my question.
Is that right?
A. No, I did answer your question. But what I am saying is that the answer depends upon the details. There's not a blanket answer to that question.
Q. What type of details does that answer turn on?
MR. ESRAM: Objection to form.
A. Can you restate the question with the original part included in it? I think that I am having a little trouble following the whole question.

BY MR. DAHLGREN:

Q. You said that the answer to my question -- it depends upon the details. And I would like to know what details it depends on.

And I will try to ask it a little bit clearer, so I will strike that.

And whether an operating system includes a file system depends on what details?

MR. ESRAM: Objection. Relevance, out of scope.

A. I'm sorry, but I haven't spent time contemplating that for -- in my report, so that is not something I am prepared to answer just sitting here. That's a new topic that I haven't contemplated for my report.

BY MR. DAHLGREN:

Q. What would you need to do to figure that out?

MR. ESRAM: Objection to form.

A. As I said, I'm not prepared to answer that question, sitting here, but I am very happy to discuss the issues that I talked about in my expert reports.

BY MR. DAHLGREN:

Q. So if you go to -- it's the one -- I

think it's Mowry 5, and you go to page 16.

A. The 16 of the PDF or 16 of -- labeled 16?

Q. I think it's the page.

A. Okay.

Q. Do you see a discussion of "file system"?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. This is going to be Footnote 5.

A. Wait. Sorry. Which exhibit are we talking about?

Q. Yeah. I want to figure this out. Could we just go off the record for just one minute, and I'm going to put together a little cheat sheet here, so we don't have this confusion.

(Pause in Proceedings.)

(Defendant's Exhibit 1034, 286 IPR Declaration, introduced as of this date.)

BY MR. DAHLGREN:

Q. Dr. Mowry, apologies for that little bit of confusion there. So looking at -- it's Mowry 5, and that's Exhibit 1034.

If you look at paragraph 6 on page 4?

A. Okay.

Q. You state (As read): "I have interpreted the '520 Patent and the prior art references consistent with the knowledge and understanding of a person of ordinary skill in the art."

Do you see that?

A. Yes.

Q. And I want to understand what that "knowledge and understanding of a person of ordinary skill in the art" is when it comes to a file system.

So could you just -- could you please explain to me what a person of ordinary skill in the art -- and let's assume it's the 2012 time frame -- what they would know and understand with respect to a file system?

MR. ESRAM: Objection to form.

A. Sorry. That's just far too broad of a question for me to be able to answer that accurately. But I am happy to talk about specifics of things that I've discussed in my declarations if you want to point me to something.

BY MR. DAHLGREN:

Q. Well, Dr. Mowry, why can't you answer the question?

A. It's too vague.

Q. You can't say, generally, what a person of ordinary skill in the art would have understood a "file system" to mean in the 2012 time frame?

MR. ESRAM: Objection. Asked and answered.

MR. DAHLGREN: Counsel, I believe that's an improper speaking objective -- objection. So I'd appreciate if you wouldn't coach the witness. You can wait until breaks.

MR. ESRAM: I disagree.

A. Sorry. Can you restate the question, please?

BY MR. DAHLGREN:

Q. Sure. I will try to rephrase it.

Sitting here in this deposition, are you not able to describe what a person of ordinary skill in the art would have understood a file system to be in the 2012 time frame?

MR. ESRAM: Form.

A. I am well aware of file systems in

the 2012 time frame.

BY MR. DAHLGREN:

Q. And I am just trying to understand what that kind of general understanding is, and then we can get into the specifics, when you start looking at it from the context of the '520 Patent.

But as a general matter, can you tell me what a person of ordinary skill in the art would understand a file system comprises in the 2012 time frame?

MR. ESRAM: Objection to form.

A. I am sorry. That's a bit like asking me to explain what "biology" means in the 2012 time frame. It's such a broad field and encompasses many things.

The patent at issue here is related to file systems, and I am very happy to talk about details related to the '520 Patent and the claims and my declarations. But as the question is phrased, it's -- you are asking me to give you a full semester course of material, and I am not prepared to do that, just sitting here. But I am very happy to answer questions related to the patent and my declarations.

BY MR. DAHLGREN:

Q. Well, earlier you had said that you taught a course on operating systems, including file systems, and I asked you if, you know, operating systems included file systems, and you weren't able to answer the question.

Were there any operating systems in the 2012 time frame that included file systems?

MR. ESRAM: Objection to form and scope.

A. Well, your question said that I was unable to answer the question. That's not correct.

BY MR. DAHLGREN:

Q. Well, you refused to.

If you are able to now, that's great. I would love to understand, you know, what you know about file systems and operating systems, kind of generally, and then, you know, get into the technology of the patent suit.

A. Was there a question there? Sorry. I didn't follow that.

Q. How does an operating system interact with a file system? Such that you would say it includes a file system, I just want to

understand what you meant by that?

MR. ESRAM: Objection to form and scope.

A. In the patent at issue, there's terminology related to whether things are included in the operating system or not. So I am happy to discuss those specific details, but I am not prepared to just talk generally about things that I have not formed opinions on.

BY MR. DAHLGREN:

Q. You've held yourself out as a person of ordinary skill in the art and submitted expert declarations into IPR proceedings, right?

A. Yes, I did. I was a -- I am a person of ordinary skill in the art, and in that -- yes, and I did submit declarations. Yes, that's correct.

Q. And can you please explain to me what the relationship is between operating systems, and file systems in the context of what you said when you described the undergraduate coursework that you taught?

MR. ESRAM: Objection to form, out of scope.

A. Well, what I said is that in the

course of 15410. I gave lectures on file systems and operating systems. That's what I said.

BY MR. DAHLGREN:

Q. You said "operating systems, including file systems," if I recall correctly.

A. Hold on.

No. I don't remember what my exact words were, but I said it was a course on operating systems. That course included file systems. I did not say -- I did not say I gave lectures on operating systems that included file systems, specifically.

And as I pointed out, I know that in the patent at issue, there is discussion of whether or not certain things are included in an operating system or not.

So I am happy to talk about specifics related to the '520 Patent.

Q. I'd like to -- we can move on.

Actually, so when you have a database, a distributed database, and I guess that can be a client server setup -- is that one way to characterize it?

MR. ESRAM: Objection to form, out of

scope.

A. Can you please point me to what we are talking about in my declaration?

BY MR. DAHLGREN:

Q. Again, I am just trying to understand your knowledge, what you understand about this, and then I want to get into the context of the '520 Patent.

As a person of ordinary skill in the art, I would just like to know --

Strike that.

So you, in the -- it's Mowry 7, and that's your second declaration in the 287 IPR --

Actually, strike that. I got that backwards.

It's 1034, it's Mowry 5, that's Exhibit 1034 and the 286 IPR. You discussed the term "representation."

Do you recall that?

A. I know that the '520 Patent uses the term "representation," and that's something that I've discussed in my declarations. I don't know if there's a specific part of the declaration you want me to focus on.

Q. Yeah, if you can go to paragraph 9 of

Mowry 5, and that's Exhibit 1034, it's your second declaration. Just let me know when you are there.

A. Okay.

Q. And I am looking at -- it's on page 4 -- it's numbered page 4, so I know that paragraph bridges the page.

And you say, (As read): "A person of ordinary skill in the art would understand a representation of the at least one folder to have a sign or symbol that stands in the place of (i.e., represents) a folder rather than be the literal folder itself."

Do you see that?

A. Yes, I see that.

Q. How did you come up with that or reach that --

Strike that.

How did you reach that conclusion?

A. Well, if you read the '520 Patent carefully, including the claims, the specification and so on, the representation is appearing in the context of the user interface. And a person of ordinary skill in the art would recognize that what that means, is something

like an icon. It's something that's shown as, typically, a visual user interface element either in, say, a web browser interface or on a File Explorer interface. So it's referring to that visual element, which, again, it could be multiple things but it's -- an icon would be an example of something like that.

A user would see it, and recognize that this, this represents a folder, visually.

Q. Okay. Let's go off the record.

(Off the record from 11:42 a.m. to 12:33 p.m.)

BY MR. DAHLGREN:

Q. Dr. Mowry, during the lunch break, did you discuss your testimony or this IPR with counsel?

A. No.

(Defendant's Exhibit 8, '510 Patent, introduced as of this date.)

(Defendant's Exhibit 1001, 286 IPR Declaration, introduced as of this date.)

Q. We are going to introduce the '520 Patent and it will be, I believe, Mowry 8. It should be Exhibit 1001 from the 286 IPR.

Let me know when you have access to

it.

A. Yes, I have it.

Q. We were discussing previously file systems and operating systems, and I guess whether there's some relationship or not with the '520 Patent in front of you. Are you able to describe what interaction if any there is between a file system and the computer's operating system?

MR. ESRAM: Form.

A. You said "the computer's operating system," what computer are you referring to?

BY MR. DAHLGREN:

Q. If I say "client computer," do you have an understanding of what that means?

A. That's not specific enough for me to be able to answer the question.

Q. If I said a "first node"?

A. That's definitely not specific enough. I mean, are we talking about a particular part of my declaration or the '520 Patent?

Q. Sure. Give me one second.

I am going to direct you to the claims that are involved in the 286 up here, I

believe.

So if you look at Mowry 8, which is the '520 Patent and it's Exhibit 1001 and the 286 IPR, and if you go towards the end, it's column 225, claim 17.

A. Okay.

Q. And it's line 55 to 56. There's a reference to "client based File Explorer application."

A. Okay.

Q. Could you describe to me what that -- what you understand that to mean?

A. Well, the File Explorer interface -- an example of this would be, for example, the "Finder" application on -- the Finder on -- sorry to say "the Finder application." I meant the Finder on Mac OSX. That's their version of a File Explorer interface. It's the part of the operating system that presents the user interface of the files and folders that are on the computer.

Q. And for Windows, is there an equivalent?

MR. ESRAM: Objection to form.

A. Yes. Okay. Just to be clear, let me

expand on my answer so that the context is clear. Windows also has a File Explorer interface.

BY MR. DAHLGREN:

Q. I didn't want to cut you off, I wasn't sure if you were done with your response yet or answer.

A. Well, to be clear, what I am explaining is the term "File Explorer," is something that -- it's an interface that allows the user -- it's a user interface that allows the user to look, observe what -- interact with the file system. They can look at what files and folders are on the operating system. That's what File Explorer interface is referring to, generally.

Q. So you understand the -- so your understanding is that in the context of the '520 Patent the -- sorry. Hang on. One second. I lost the exhibit. One second.

So when you see the client-based File Explorer application, you understand that to be an interface?

Is that correct?

MR. ESRAM: Objection to form.

A. No, that's not what I said. I said that the File Explorer interface is an interface.

BY MR. DAHLGREN:

Q. And what's the difference between the -- I guess the interface and the application?

A. I mean, the interface is the part that the user interacts with, generally, for an application.

Q. Understood. Would -- in OS, is "Finder" considered an application or just an interface?

A. Well, to be clear, I've not examined the code for Finder, so I am not completely sure whether -- I've not examined the source code for Finder on Mac OSX, the interface when you open files and -- when you are browsing around through the file system on a Mac with Mac OSX, it labels what you are using as "Finder."

I am not sure exactly whether Apple considers that to be the name of their user interface or if it's more than that.

Q. What is your understanding of the term "application" --

Strike that.

Is the term "application" a term of art in computer science?

A. Well, it depends on the context. It sometimes means "program," but it depends on the context.

Q. What else could it mean?

MR. ESRAM: Objection to form.

Objection to the form.

BY MR. DAHLGREN:

Q. What else could "application" refer to in the field of computer science other than "program"?

A. Well, it would depend on the context. I am not --

Q. Any --

A. Is this something that I was discussing in my report somewhere? If you could point me to it, that would be helpful.

Q. Dr. Mowry, as a person with over 30 years of experience in computer science, professor at a very highly regarded school, can you not answer the question?

A. Sorry. What? Can you repeat the question, please?

Q. What other meanings does the term "application" have in the computer science field other than "program"?

A. Well, I think it typically refers to "program." That's why I said that it often -- because it means program, but "application" is sometimes -- just refers to applying something in some cases, I suppose, like the application of knowledge or the application of something. So the word doesn't always necessarily mean "program," but that's probably the most common thing that it means in the field.

Q. Is "representation" a term of art in computer science?

A. Well, in the context of the '520 Patent, it's clear what "representation" means. It's referring to something like an icon within a user interface.

Q. What about the term "folder," does a folder --

Strike that.

Does the term "folder" have a special meaning in the area of computer science?

MR. ESRAM: Objection to form.

A. Well, in the context of a file

system, a folder is understood to be -- sometimes it's also called a "directory," and it's understood what that means to a person of ordinary skill in the art.

BY MR. DAHLGREN:

Q. If you wouldn't mind, could you explain to me what a directory -- what that refers to --

Strike that.

Would you please explain to me what a person of skill in the art would understand a "directory" to be?

A. For a person -- for a user interacting with a file system, a directory is something that allows you to have structure with a hierarchical structure of how files are organized.

A directory can contain files or other directories within it. That's the user's view of the hierarchical organization.

There can also be things like symbolic links and the details of how these things are implemented is interesting. But that's -- from the user's point of view, it helps you heirarchically organize the

information within a file system.

Q. What's the difference between a file system and a File Explorer application, if any?

MR. ESRAM: Objection to form.

A. It would depend on the circumstances of how those terms were being used exactly.

BY MR. DAHLGREN:

Q. Can you give me some examples where the context would change the meaning?

MR. ESRAM: Objection to form.

A. I'm happy to discuss my declarations and the things that I refer to in those declarations, if you want to point me to anything there. I am happy to talk about those, examples.

BY MR. DAHLGREN:

Q. Sure. Dr. Mowry, what I am trying to understand is you state that you are giving the terms their plain, ordinary meaning in light of the '520 Patent and the intrinsic record, and I want to know what the -- kind of the meaning of these terms would be to a person of skill in the art just divorced from the '520 Patent. And then in the context of the '520 Patent, how that may differ.

It's really hard to understand what about the '520 Patent is affecting your understanding of the language or the terms when we don't have that baseline understanding of what a POSITA would -- that's P-O-S-I-T-A.

Without understanding what a POSITA would understand generally, it's challenging to be able to ascertain what it is that is driving your particular understanding of the plain language.

Let me try it a different way.

So would a person of ordinary skill in the art have a different understanding of what a client-based File Explorer application is generally in the area of computer science versus, in the context of the '520 Patent, is there any difference?

MR. ESRAM: Objection to form.

A. I apologize, but can you please repeat the question? I just want to make sure that I caught the exact words in the question.

BY MR. DAHLGREN:

Q. Sure. Would a person of ordinary skill in the art have a different understanding of what a client-based File Explorer application

is generally in the area of computer science versus as it does in the context of the '520 Patent?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Let me try to clean it up for you.

For a client-based File Explorer application, is there anything in the '520 Patent, its prosecution history, claims, specification, that would change how a person of ordinary skill in the art understood that phrase compared to just generally in the area of computer science?

MR. ESRAM: Objection to form.

A. Well, your question refers to a lot of information with the file history and so on, and I have -- I've reviewed it, but not -- it's not fresh in my mind. I would need to go back and look through that to answer your question accurately.

I don't think that a person of ordinary skill in the art has difficulty understanding the claim language.

BY MR. DAHLGREN:

Q. But the --

Strike that.

Would a person of ordinary skill in the art have a different understanding for the phrase --

Strike that.

I want to maybe try to make it easier, with easier terms.

"Server," that's a term of art, right?

A. Yes, I am familiar with the term "server."

Q. Does the use of the term "server" in claim 17 of the '520 Patent mean something different than your kind of general understanding of what a server is in the area of computer science?

MR. ESRAM: Objection to form.

A. Well, one thing I would say is that although a server is -- so you always, when you try to understand the language in claims, you need to read the claims. You need to read the entire patent carefully, and starting with the claims, you also read the spec.

So in the context of reading the 520's claims and the spec and the prosecution

history, that makes it clear what "server" means.

It's not a concept that's inconsistent with how the term is used in computer science generally, although I would point out that the term doesn't always mean the same thing because sometimes it refers to a piece of hardware; sometimes it refers to a piece of software or both.

But in the context of reading the claims of the '520 Patent and the spec and the file history, a person of ordinary skill in the art would understand what it refers to.

BY MR. DAHLGREN:

Q. Is there anything in the '520 Patent that changes the meaning of the term "server" from what a person of ordinary skill in the art would generally understand it to be?

A. I think that the plain ordinary meaning of "server" is appropriate when trying to understand the claim language.

I think that a person of ordinary skill in the art reading the claims, having read the claims and the specifications and the file history would understand what "server" means

here. And it's not inconsistent with how the term is generally used in the field.

Q. What's the difference between a "proxy server" and a "web server"?

MR. ESRAM: Objection to form.

A. Can you please point me to what we are referring to?

Is this in the '520 Patent or my declaration or what are you referring to?

BY MR. DAHLGREN:

Q. I just want to know, just generally, as a term of art in this area, if you are not able to answer that, then I can see if I can direct you to a more specific disclosure.

A. I know those terms, but the details matter, so if you can point to something -- if we can look at something specific, I am happy to talk about it.

Q. Well, as a general matter, is there a difference between a "proxy server" and a "web server"?

Setting aside the '520 Patent as a person of ordinary skill in the art, how you would understand those terms just generally, is there a distinction?

MR. ESRAM: Objection to form.

A. Sorry. Do I discuss this somewhere in my reports? I am happy to expand on whatever I talked about in my reports.

BY MR. DAHLGREN:

Q. Do you recall any discussion of "web servers" or "proxy servers" in your reports?

A. The reports are not trivially long, so if you can help me refresh my memory by pointing me out to what you are referencing, I would appreciate that.

(Defendant's Exhibit 1127, 287 IPR, introduced as of this date.)

Q. If you look at Mowry 7, and that's Exhibit 1127 from the 287 IPR.

A. Okay.

Q. And I am working on it, looks like for paragraph number 4.

You recall in the 287 IPR that you responded to Dr. Smith's identification of written subscription support for the challenged claims.

Do you recall that?

A. Yes.

Q. If you look at paragraph 56 -- excuse

me, it's not proxy, it says, "proxy node." I apologize for that confusion.

It says, (As read): "Exemplary path nodes include mail relayed nodes, phone switch nodes, and proxy nodes."

A. I see that.

Q. And that's actually -- that brings the question for me.

What is a "proxy node" versus a "proxy server"?

A. You would need to provide more context than that because the term "node" and "server" are used without more context. I can't really provide a specific answer to that question.

Q. What do you understand "proxy node" to mean in the context of the '520 Patent?

And if you can turn to Figure 5 of the '520 Patent, it's Mowry 8. It doesn't say "proxy" there, but it refers to a "path node" and a "service provider node."

A. Figure 5.
I see Figure 5.

Q. So with respect to the path node, what do you understand that path node to refer

to?

Is that a server?

A. I believe I discussed this in my report. Let me look.

(Witness reviews documents).

(Defendant's Exhibit 2004, Document, introduced as of this date.)

I have discussed -- I mean, well, paragraph 56 of Exhibit 7 in that report, I discussed -- I had some discussion of a "path node." The paragraph 114 of Exhibit 2004 -- it lists examples of path nodes. And I believe --

(Defendant's Exhibit 7, Document, introduced as of this date.)

Q. You say, "A path node does not generate messages."

I see that.

What does a path node do? Is it just a relay?

A. Well, it forwards something that has some information that is being communicated, and it's just passing it along through the communication path.

Q. Were about a proxy node? Can that generate a message?

A. Well, in line 24, starting -- sorry. In column 24, the '520 Patent, the paragraph that starts at line 59, it is using -- it's saying that path nodes include mail relay nodes, phone switch nodes and proxy nodes, such as instant message proxies.

So using "proxy" in that context, it would not be generating a message; it would simply be passing something along.

Q. Sorry.

What was the call number that you just -- call 24?

A. Call 24.

Q. It says it's an instant messaging proxies for communicating through firewalls.

So you are saying that an instant messaging proxy node doesn't send a message?

MR. ESRAM: Objection.

Mischaracterization of testimony.

MR. DAHLGREN: Counsel, please stop the speaking objections. You can say "form."

A. In this paragraph in column 24 beginning at line 59, it's describing what a path node does and the things that it lists.

A path node is simply moving something along a path within a network. It's just forwarding a message along.

BY MR. DAHLGREN:

Q. It says (As read): "Also, and proxy nodes, such as instant messaging proxies for communicating through firewalls."

So your testimony under oath is that when it says, "A path node includes proxy nodes, such as instant messaging proxies for communicating through firewalls," that it's not sending a message?

MR. ESRAM: Objection to form.

A. In this context, a path node, as illustrated in the figure, it is something that is forwarding a message along a path. That's what it's doing, and proxy node can also simply forward messages along.

BY MR. DAHLGREN:

Q. It says, (As read): "Communicate through firewalls," right?

A. Networks can include firewalls, so it can be communicating through a firewall.

Q. Would a person of ordinary skill in the art understand that proxy nodes can send

messages?

MR. ESRAM: Objection to form.

A. In the context of the '520 Patent when it's describing -- when it's listing a proxy node here in this paragraph, in column 24, starting at line 54, this is discussing a scenario where messages are simply being passed along a path within the network.

BY MR. DAHLGREN:

Q. So it's your testimony under oath today as an expert in computer science, 30-years-plus experience in this field, that when the patent even says, "proxy nodes such as instant messaging, proxies for communicating through firewalls," you are saying that it's just simply passing through; it's not -- it's not communicating a message?

I am just trying to understand.

MR. ESRAM: Objection to form.

A. Your question doesn't make sense to me.

BY MR. DAHLGREN:

Q. What about it doesn't make sense?

A. Can you repeat the question, please?

Q. Sure. As a person with 30-plus

years' experience in computer science, it's your opinion today under oath that a proxy node does not send messages?

MR. ESRAM: Objection to form.

A. As I said in the context of how proxy node is being used in the '520 Patent, in this paragraph in line -- in column 24, starting at line 59, the proxy node that's being referred to here is passing a message along through a communication path.

It is not creating a message; it is passing a message along.

BY MR. DAHLGREN:

Q. What about this paragraph leads you to that conclusion?

Strike that.

So if I understand correctly, you would have a different understanding of what a proxy node is capable of doing if it wasn't constrained by the language in this paragraph.

Is that fair?

MR. ESRAM: Objection to form. I don't think that's what I said.

BY MR. DAHLGREN:

Q. The way that you are describing a

proxy node in the '520 Patent in column 24, is that different in any way than you would generally understand a proxy node to be?

MR. ESRAM: Objection to the form.

A. For a person of ordinary skill in the art reading the '520 Patent, the meaning of proxy node in this context is clear.

It's described as a "path node" and the path node is a node along a network path that is forwarding a message along to facilitate this communication. So it's clear what it means in this context.

BY MR. DAHLGREN:

Q. Are there other contexts where it would have a different meaning?

MR. ESRAM: Objection to form.

A. Sorry. I am -- I think that my understanding is that I am here to answer questions about my declarations. So I am happy to talk about what things mean in the context of this patent. I haven't formed opinions about other contexts.

BY MR. DAHLGREN:

Q. Well, you understand, you know, as a person of skill in the art as you've held

yourself out to be, they would have -- so a person of ordinary skill in the art would have a certain understanding of, let's say, the term "proxy node."

And I just want to know, does this paragraph change what that typical understanding of "proxy node" would be to a person of skill in the art, or is it the same as what they would always think it is?

MR. ESRAM: Objection to form.

A. The term "proxy" generically refers to something that stands in for something else. In the context of a communication path, it's clear what a proxy node is, it's something that lies along the communication path and it is forwarding communication along. So there is not any inconsistency here.

BY MR. DAHLGREN:

Q. Now you had mentioned before that one of the Ph.D. students that you were advising on their thesis, they had developed an approach where they would use proxy nodes to, what, lower the latency in a -- was it a dynamic web application like network?

I know I am not saying it quite

right, I am trying to jog your memory so you can jog mine. We talked about that, right? That there was a Ph.D. student that used these proxy servers. It was to improve some type of network, and I think it was dynamic web application or something like that.

Is that right?

MR. ESRAM: Objection to form.

A. I don't think that I used the word "proxy" when we were discussing Amit Manjhi's Ph.D. thesis research.

BY MR. DAHLGREN:

Q. Did that research involve proxy nodes or servers?

MR. ESRAM: Objection. Out of scope.

A. I'm sorry. I fail to see how that's relevant to my declarations here.

BY MR. DAHLGREN:

Q. I am sorry, Professor, you don't get to determine the relevance and refuse to answer on that basis. If you guys want to call the board and stop this, that's fine. But, otherwise, you are obligated to answer the question. So would you please answer?

A. In the '520 Patent, the word "proxy

node" is defined in this context of the paragraph beginning in column 24, starting at line 59, and it's clear what they mean by "proxy node."

It is a node along a communication path that is forwarding information.

I don't recall the specific details, since it's been more than ten years of terminology we used in Amit Manjhi's thesis, but the term "proxy node" -- the meaning of it is clear here in this paragraph of the '520 Patent.

Q. Has his thesis come up in any of your 20 or so depositions that you've done as an expert witness?

A. Generally, in depositions, people don't ask me questions about my student's Ph.D. theses. I don't recall people asking about that.

Q. Are you aware that you have an obligation to inform us of any inconsistent testimony that you've given in the past?

There's actually a regulation in the patent office that requires you and your counsel to do that?

Are you aware of that?

A. I'm sorry. You seem to be -- I don't think that I followed the question. Could you --

Q. Sure. I was asking if you were aware that you have, along with your counsel, an obligation to disclose any inconsistent information that -- excuse me, any information that's inconsistent with, you know, the positions that you are taking in these IPR proceedings?

A. Okay. I have not taken any positions that are inconsistent with the positions I'm taking here.

Q. Okay. All right. If that's your -- if that's your testimony.

MR. DAHLGREN: Let's take -- can we do like a five-minute break because I've got to switch gears here for a little while, and I want to get into some of the prior art after the break.

THE WITNESS: Okay.

MR. ESRAM: Okay.

MR. DAHLGREN: Is five okay? Or do we need ten? Why don't we do ten. We can go off the record. Thank you.

(Off the record.)
BY MR. DAHLGREN:
Q. Dr. Mowry, did you discuss the substance of your testimony with counsel during the break?
A. No.
Q. Before we get to the prior art, actually, I wanted to go back to the web services node. So that was, I believe, Figure 5 of the '520 Patent.
What is your understanding of what the "web services node" means in the context of the '520 Patent?
MR. ESRAM: Objection to the form.
A. I'm sorry. You said Figure 5 in the '520 Patent. What node are you referring to exactly?
BY MR. DAHLGREN:
Q. I am pulling up the figure myself. I believe it was a web services node.
A. I don't see such a thing in Figure 5.
Q. Okay. "Service provider node." Excuse me. Does the term "service provider node" -- does that have any particular meaning to you in the context of the '520 Patent?

Dr. Mowry, if it's helpful, I believe there's a reference to it in column 27 of the '520 Patent around line -- I think it's lines 9 through 10. There's -- "web service provider node" is referred to.

A. Okay. That discussion is not referencing 510, so I am trying to look through here to make sure that it's actually referring to Item 510 in Figure 5.

Q. Whether or not it says "510," but the phrase "web service provider node," which is also in the figure and in column 27, does that have a particular meaning to you in the context of the '520 Patent?

MR. ESRAM: Objection to form.

A. I am not sure that -- so can you -- I'm not following your question. I don't know if there's another way to phrase the question to make it more clear or what you can do.

BY MR. DAHLGREN:

Q. Do you have any understanding of what a "web service provider node" means?

We can break this down. For a node that's depicted in Figure 5 in a network, like that, would you have any understanding as to

what that is or could be?

A. Sorry. I was still trying to read this.

Q. I apologize. I didn't mean to cut you off if you were thinking, so take your time.

A. Okay. Sorry. You can repeat the question or ask whatever question you want to ask.

Q. Sure. What does the phrase "web service provider node" --

Strike that.

What do you understand the reference to "node" to be in Figure 5 --

Strike that.

So what do you understand a "web service provider node" to refer to?

A. Well, in that column, let me go back to this. I mean, a web service is something that you access usually through a browser. And so in column 27, that's the only discussion I see of "web service provider node," and it's something that the browser is interacting with to view information in the form of a web page.

Q. Is the web service provider node -- would you understand that to be a web server?

MR. ESRAM: Objection to form.

A. There is very little discussion of what they mean exactly. I think the phrase appears exactly twice. There's just not much detail on this. Unfortunately, the patent spec is not a paragon of clarity, unfortunately.

BY MR. DAHLGREN:

Q. So what would it -- what would that phrase mean to a person of ordinary skill in the art, just generally?

MR. ESRAM: Objection to form.

A. You said "that phrase," what phrase are you referring to?

BY MR. DAHLGREN:

Q. A "web service provider node." What does that mean to a person of skill in the art?

Strike that.

What would a person of skill in the art understand a web service provider node to be?

A. That's too vague of a term for someone to know what that means without additional context.

Q. Well, presumably, it's providing a service, right?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Presumably, a web service provider node is providing a service.

Is that fair?

A. No, not necessarily, it depends on the context.

Q. How so?

Strike that.

How would it depend on context? Can you give me some examples?

A. Sorry. I am losing track of how to tie this back to what we are talking about here.

Can you point me to whatever you are referencing here in my declarations, please?

Q. Sure. Do you recall discussing this figure in the web service provider node in any of your declarations?

And I am going to point you to it, but I'm just curious if you have any recollection?

A. So you're just basically asking me how good my memory is?

Q. It's been excellent. I have to say, I've been impressed.

But if you look at --

A. I think it's in -- you're talking around paragraph 56 in Exhibit 7, is that the right ballpark or is it somewhere else?

Q. No, I think that it is close, if not just completely on point.

So that's the path nodes, bear with me one second.

And I apologize if someone could hear the child in the background.

You are correct. I apologize. It is paragraph 56 of, I think, it's Mowry 7.

(Defendant's Exhibit 127, 287 IPR, introduced as of this date.)

And that is your declaration Exhibit Number 127 of the 287 IPR, and you refer also to paragraph 24 in that same paragraph?

A. I lost track of the question.

Q. Sure. So what would a person of ordinary skill in the art understand the "web service provider node" to be?

And I think you had said that it would depend on context.

And I said, Well, presumably, it provides a service.

And you said, There wasn't much discussion in the patent about that term.

And I just asked, Well, what would a person of skill in the art understand just generally, a "web service provider node" to be?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. And the question is -- with all of that lead-up -- what would a person of skill in the art understand a "web service provider node" to be referring to in the 2012 time frame?

A. Well, in the '520 Patent in column 27, the -- starting at around -- so column 27, starting at around line 7, it says, (As read): The browser may send the data object information via a network to a web -- and then there's some more text -- to a web service provider. The web service provider node may include a query handler component to receive the data object information.

So to paraphrase this, it is responding to a request from the web browser, and as I discuss in paragraph 49 of Exhibit 7, I have a whole paragraph where I talk about this.

And what I say is that, for example,

on the last sentence of paragraph 49, the web service provider node in the query handler component, these things do not generate messages.

Q. Have you ever heard someone in the computer science field use the term "web service provider node"?

MR. ESRAM: Objection to form.

A. I don't recall hearing someone use that exact combination of words.

The phrase is discussed in the '520 Patent, so that's the best context for what it means.

BY MR. DAHLGREN:

Q. Does it inform your understanding of what a web service provider node is based on the fact that it interoperates with the browser?

Strike that.

The '520 Patent discloses that the web service provider node can interoperate with a browser.

Would that indicate it's a web server?

MR. ESRAM: Objection to form.

A. The '520 Patent doesn't use the term

"web server"; it uses the phrase "web service provider node."

Those terms are not -- not necessarily synonymous with the best -- presumably, if they meant to use the term "web server," then they would have used that instead.

BY MR. DAHLGREN:

Q. But the '520 Patent does say a node can be a server, correct?

A. Can you point me to what you are referring to in the '520 Patent?

Q. You have no recollection of that? It's fine. I will point you there, but --

A. It's a 55-page patent spec that's -- has a very tediously written spec body. So I don't have every sentence of it memorized --

Q. Imagine that.

A. -- what you said is probably true, but I can't just pull it up in my memory banks in my head.

Q. No worries. It's not a memory test. Just give me one second.

And actually, I may -- yeah, well, let me get that up for you.

So if you look at column 10 of the

'520 Patent, and it's around line 13, it's that paragraph, beginning on 13. It says, (As read): "Terms 'network node' and 'node' in this document, both refer to a device having a network interface, and the terms 'device' and 'node' may refer to one or more devices and nodes providing and/or otherwise included in the environment unless indicated otherwise" -- it cites what I was looking for.

While I look for that -- so I will see if I can find it -- just looking at Figure 5, of the '520 Patent.

You have a web service provider node, the way it's depicted outside this network, you have a path node inside a cloud. That is 506.

What does that suggest to you? The -- again --

Strike that. Strike all of that. Start over.

In Figure 5, there's a box with identifying the service provider node, 510, that is connected to the network, but it's not in the network like the path node?

Service provider, the way the -- that note is defined -- does that have any meaning to

you? Do you have an understanding of what "service provider" would mean in the context of a network like this?

MR. ESRAM: Objection to the form.

A. To make sure I understand what you're asking, are you saying that just looking at Figure 5 without looking at the patent claims or the spec, is it clear what service provider node 510 is?

Is that the question?

BY MR. DAHLGREN:

Q. I'm just asking if you have -- what do you understand that to be depicting? And it can be in the context of the '520 Patent, as well.

I think you said there wasn't much disclosure in the '520 Patent, and so I would presume that you would interpret it according to its plain and ordinary meaning under the circumstances.

A. Just from the figure, the only clear thing is that this thing is connected to the network. That's really the only thing that's obvious from the figure.

But to understand, really, what service provider or node 510 is, we need to look

to the spec, because those are fairly generic terms. "Service provider" and "node" in column 27, where we were just -- that we were referencing a minute ago, it talks about a "web service provider node." So assuming that's what -- assuming that corresponds to what we are looking at here in the figure, it does discuss that it is something that the web browser interacts with.

Q. If you look at column 11 line -- it's a sentence beginning on line 57.

And it goes from 57 through 61.

A. Column 11, 57?

Q. Yes. Column 11, lines 57 through 61. It says (As read): "As used herein, the terms 'application and service' may be realized in one or more executables, and/or in one or more hardware components. The terms are used interchangeably herein."

A. Okay. I see that.

Q. And earlier you had mentioned that one understanding of the application was a program, and there's reference here to "executable." So looking at column 11, lines 57 through 61 of the '520 Patent, what's your

understanding of the term "service"?

A. I apologize. But can you please repeat the question? I lost track of the very beginning of the question. I just want to make sure that I remember it accurately.

Q. Sure. Looking at column 11, lines 57 through 61, what do you understand the term "service" to mean?

A. Well, in this paragraph, it's referring to "programs," but "service," generally, just refers to some kind of functionality. It's going on to say that it can be hardware or software or both. So that's really -- it's not really like many of the paragraphs in this part of the spec. It's just -- has pages and pages of definitions that are fairly general generic.

Q. Well -- I mean, I'm sorry. I didn't mean to cut you off, if you are not done.

A. I was finished.

Q. If a web service provider node -- so it's a node that's providing a service, which is an executable program, wouldn't that traditionally be thought of as a "server"?

Is that fair?

MR. ESRAM: Objection to form.

A. Not necessarily.

BY MR. DAHLGREN:

Q. So in a client-server setup, what does a server do versus what does the client do? I just want to understand that terminology, as a person of skill in the art would, you know, understand what the distinction is between a "client" and a "server"?

MR. ESRAM: Objection to form and scope.

A. Sorry. Is this something that I discussed in my declarations? If you could point me to what we are talking about?

(Defendant's Exhibit 1127, 287 IPR Declaration, introduced as of this date.)

BY MR. DAHLGREN:

Q. We were just talking about the -- it was Mowry 7, which is Exhibit 1127, where you are critiquing Dr. Smith's identification of written description support, and we were specifically talking about the web service provider node, and you said that it wasn't sufficient support. That's your opinion.

MR. DAHLGREN: So that's -- this is

completely within the scope. So also, Counsel, this is -- there is no chance it's outside the scope. So I'd appreciate if you would refrain from those frivolous objections.

BY MR. DAHLGREN:

Q. Dr. Mowry, I am just trying to understand what you interpret these disclosures to mean and what you would normally understand a "web service provider node" to mean as a person of skill in the art, you know, separate from the '520 Patent.

Are you able to break that down for me? Could you just tell me what you understand as a person of skill in the art, you know, a "web service provider node" means versus whatever interpretation you are giving it in the context of the '520 Patent because it seems they're different.

MR. ESRAM: Objection to form.

A. As I say in paragraph 49 of Exhibit 7, the web service provider node that's described in this '520 Patent does not generate, the first message.

So a server of a web service provider node -- it's responding to queries that are

coming from a web browser.

It's not generating the first message. That's the point that I am making in paragraph 49.

BY MR. DAHLGREN:

Q. We will get right to that. So I'd like you to turn to -- it is column 22 of the '520 Patent, and it's approximately lines 21 through 31.

And, in particular, it's towards the end of that paragraph.

Actually, strike that. We will go back to it.

But in the context of '520 Patent, what's your understanding of the term "node" and what that means?

A. Well, in the claims, for example, in claim 17, it talks about a first node and a second node, and these are separate machines. That's what it's referring to, I believe.

Q. Is that all that it describes? There's reference to a "server" there, correct?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. In column 22, lines 21 through 31 of

the '520 Patent, it also discusses that --

Strike that.

In column 22, lines 21 through 31 of the '520 Patent, in addition to the first and second node, there's also references to a "browser" in one node, and, I believe, partially in a "server" in another node that are interoperating via network, right?

A. I'm sorry. I lost track of the question. I was still processing the previous question.

Can you please repeat the question.

Q. Sure. So in column 22, lines 21 through 31, is, it says, for example --

Strike that.

In column 22, lines 29 through 31, it states, (As read): "For example, such an arrangement may operate at least partially in a browser, in a one node, and at least partially in a server in another node interoperating via a network."

Did I read that correctly?

A. Yeah, I think it appears that you read that sentence correctly.

Q. And the sentence before about that,

it says -- and this is starting on line 24 of column 22. (As read): "For example, those skilled in the art will see based on the description herein, that arrangements of components for forming the method illustrated in Figure 2A and the method illustrated in Figure 2B may each be distributed across more than one node and/or execution environment."

Do you see that?

A. Yes, I see that.

Q. And what do you understand that to be saying?

A. I understand it to be saying what it says. I mean, I am not exactly sure I understand what your question is asking beyond that.

Q. Is that disclosure in column 22, and we will say that paragraph from lines 21 through 31, isn't that stating that you can have the nodes located and arranged differently, and still as part of the --

Strike that.

In the '520 Patent, column 22, lines 21 through 31, isn't that saying that the location and the particular arrangement of the

nodes can vary in different ways, such as arrangements may operate at least partially in a browser in a one node, at least partially in a server in another node, and that's as part of the invention?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Is the paragraph in column 22, lines 21 through 31, stating that you can utilize different arrangements of nodes and those arrangements can include being partially in a browser and partially in a server interoperating via a network?

A. Well, as usual, I think we need to start with the claims -- the claim language.

Q. So, I don't -- I'm sorry. I apologize.

I just really want you to answer the question, because I am asking what the spec disclosed, and this is written description report.

So I want to know what your understanding is of that paragraph. Is it agnostic -- or maybe that's too strong a word, but isn't it disclosing that you can use various

arrangements of these nodes, including in a network, with kind of like a client server arrangement as part of the invention?

MR. ESRAM: Objection to form.

A. It says just exactly what it says here. It's the sentence is relatively narrow.

It's talking about the method in Figure 2A and 2B regarding -- your question seems to suggest that there's lots and lots of flexibility with regard to the arrangement of various things.

But you have to start with the claim language and what it requires, and these sentences are fairly specific, and they just say what they say.

BY MR. DAHLGREN:

Q. Where in the -- let's go to claim 17.

And where does it state -- I -- let's go to claim 17 in the '520 Patent.

Please explain to me what is in that claim that precludes the arrangement disclosed in column 22.

MR. ESRAM: Objection to form.

A. I'm not following your question. I'm sorry.

BY MR. DAHLGREN:

Q. So we are looking at the claim language, and I want to know what in the claim specifies locations for nodes that preclude utilizing an arrangement, such as the one disclosed in column 22.

MR. ESRAM: Objection to form.

A. As I understand your question, I think it's a flawed question because there are certain requirements in claim 17.

There's a first node, a second node. There's a server. That's -- so that's what claim 17 says.

The spec says certain things.

I am not saying these things are at odds with each other. I believe in your earlier question you were trying to broaden things.

And what I am saying is that you start with claims, and then you add on -- I mean, you understand that, and you also look to the spec as well.

BY MR. DAHLGREN:

Q. You haven't answered my question.

MR. DAHLGREN: So I move to strike that as nonresponsive.

BY MR. DAHLGREN:

Q. What in claim 17 specifies a location for these nodes that is incompatible with the arrangement disclosed in column 22?

MR. ESRAM: Objection to form.

A. I'm sorry. You seem to be suggesting there's some problem. I don't follow your question.

BY MR. DAHLGREN:

Q. In the language -- and that whatever is in column 22, it was, you discounted because you said that we have to focus on the claim language.

So now we are focusing on the claim language. I want to know what is it in the claim that you believe precludes the arrangement in -- disclosed in column 22?

A. I didn't characterize it that way. That's not -- that's not what I said.

Q. So what is your opinion, then? I am not -- I am struggling to understand even what you're -- what your understanding is of the claim and the disclosure.

So --

A. It's in my declaration.

Q. We looked at your declaration, and you just say that you don't agree. Like what precludes having two nodes also interoperating with a browser and a server?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. The third, this external node that you seem to say is always required.

So I want to -- I tried to understand, and I am not getting it.

So -- you said we need to focus on the claim language. We are looking at the claim. We have first and second node. Got it. You state in your dec that there has to be a third, a third node.

Okay. Well, we have first, second node in column 22. We have a server. We have the web service provider node in Figure 5.

What's missing?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. What's missing in those disclosures?

MR. ESRAM: Objection to form again.

A. Sorry. Can you point me to a specific thing? This line of questioning has

gotten so abstract and vague. I just can't follow what the actual question is.

Can we just go back to the part of my declaration that you are referencing?

BY MR. DAHLGREN:

Q. Let's go back to column 22. And what do you understand the disclosure in that paragraph in column 22, it's lines, I think it's 21 through 31.

What do you understand that to be describing?

A. I think that you asked this question before, and as I said, it's saying what it says. I'm not following what you mean beyond that.

Q. In your experience in the 30 years of your field of computer science, do other people skilled in the art refer to servers as "nodes"?

Strike that.

As a person of skill in the art, is "server" generally understood to be one example of a node?

MR. ESRAM: Objection to form.

A. It would very much depend on the context.

BY MR. DAHLGREN:

Q. What about the context of distributing the network on the internet?

MR. ESRAM: Objection to form.

A. It would need to be specific. I know that words have meaning in this litigation. So I am here to answer my questions about my understanding of the '502 --

BY MR. DAHLGREN:

Q. In the '520 Patent when the discussion in Figure 5, when it refers to the service provider -- I'm sorry -- the "web service provider node," would that be understood to encompass a server?

MR. ESRAM: Objection to form.

A. What it means is what's described later during that brief part, very brief part of column 27, where it discusses the phrase, "web" -- where is that -- "web service provider node," and it says that what this does is it responds to queries from the browser.

So as I stated in paragraph 49 of Exhibit 7, that does not -- is not consistent with generating a first message by an external messaging node.

And the patent owner appears to think

that that's encompassed in the limitations of the claims. And that's why I disagree that -- with Dr. Smith about providing written description support.

BY MR. DAHLGREN:

Q. You would agree that that node is an external third node?

You'd agree at least to that, correct?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. One, two, three nodes outside the cloud, right? So third external node?

A. It's described as a "web server provider node."

Q. Right. And the claim doesn't say "a third node."

There's no third node in the claim, you'd agree with that, too, right?

MR. ESRAM: Objection to form.

A. Which claim are we referring to?

BY MR. DAHLGREN:

Q. Claim 17, please. You can turn there.

And if you can point me to a third

node that's recited in that claim, we can call it a day.

But it's not -- I'm confident it's not there.

A. So you are asking if the characters -- the string third node appears in the text, and I don't see it there.

Q. Right. Yeah.

My point is, you critiqued Dr. Smith for saying it's not written description support, but you would at least agree though, that Figure 5 does disclose a third external node, right?

MR. ESRAM: Objection to form.

A. It does not describe an external node that could be generating a first message.

BY MR. DAHLGREN:

Q. Thank you.

So what I understand you to be saying is, you understand that it does disclose that third node, but it doesn't have the functionality that's recited in the claim that you believe is attributed or required by said third node?

MR. ESRAM: Objection to form and misstates the testimony as well.

A. That's not what I said.

As I said in paragraph -- I mean, in paragraph 49 of my Exhibit 7, I am discussing -- and in other parts of it -- I am discussing the fact that the patent owner appears to contend that an external messaging node is encompassed in the limitations of the challenge claim, and the web service provider node and the query handler component do not generate messages.

BY MR. DAHLGREN:

Q. I want to be clear.

It was Dropbox that has challenged the written description support of the Motion Offense claims based on this third node. The Motion Offense's position is the claims can encompass it, cover it, but not necessarily limit it to -- we haven't taken that position.

So I want to be very clear that we were not the ones that kind of introduced this whole dispute.

But after Dropbox raised this issue, we pointed to three nodes, which I think you at least agree that there are three nodes disclosed in the '520 Patent, and I believe what you said is you disagree that the limitations of the

claims are encompassed by -- by those -- the disclosure of the three nodes.

I am just trying to crystalize what the party's dispute is.

A. I did not say --

MR. ESRAM: Objection to form.

Dr. Mowry, let me object to this.

First of all, mischaracterization of the testimony and form.

MR. DAHLGREN: Counsel, that's an improper speaking objection, please.

You can tell him during the break to not to talk -- to not answer my questions, but don't do it on the record.

MR. ESRAM: That, I disagree with.

MR. DAHLGREN: Let the record speak for itself.

BY MR. DAHLGREN:

Q. Dr. Mowry, I am trying to crystallize the dispute here, and it seems that the figure discloses three external nodes in its network that are connected via the cloud. And I thought I understood you to be saying that it's just the limitations in the claim. You believe that the disclosure doesn't tie the functionality of

those limitations to -- to that arrangement of the three nodes.

Am I wrong?

MR. ESRAM: Objection to form.

A. You mischaracterized what I said.

BY MR. DAHLGREN:

Q. I am asking -- so you agree that Figure 5 discloses three nodes outside the network, connected --

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. -- via the network?

MR. ESRAM: Objection to form.

A. Claim 17 uses the word "node" to refer to a first node and a second node in the context of "node" meaning specific things in the claims.

I did not characterize Figure 5 as having three nodes.

BY MR. DAHLGREN:

Q. Is it your position that Figure 5 doesn't disclose three nodes external to a network that are connected via the cloud?

MR. ESRAM: Objection to form.

A. Can you repeat the question, please?

BY MR. DAHLGREN:

Q. Does Figure 5 disclose three external nodes that are connected via network?

MR. ESRAM: Objection to form.

A. Figure 5 shows node -- something -- just one second, I am -- Figure 5 shows a first node, 502, and a second node, 504.

It does not show a third node.

BY MR. DAHLGREN:

Q. What's 510 in Figure 5 --

MR. ESRAM: Objection to form.

A. To '520 Patent?

BY MR. DAHLGREN:

Q. It's a node, correct?

MR. ESRAM: Objection to form again.

BY MR. DAHLGREN:

Q. Figure 5 is going to speak for itself. And we will cite the testimony to the board, and, you know, I will also point out that that third node is a web service provider node.

And you are -- if I understand correctly -- saying it doesn't provide, you know, this messaging functionality which seems to be a service.

So I am, you know, I think that the

figure speaks for itself. So we can move on.

I want to point you to --

MR. ESRAM: Counsel, we've been going for a while. Can we take a break now, if it's a good time?

MR. DAHLGREN: Yeah, sure. This is a good time. Ten minutes?

MR. ESRAM: Sounds good.

(Off the record.)

(Defendant's Exhibit 8, 1001 in 286 IPR '520 Patent, introduced as of this date.)

BY MR. DAHLGREN:

Q. Dr. Mowry, if you would turn to column 44 of the '520 Patent, it's Mowry Exhibit 8, 1001, in the 286 IPR.

I'd like to direct you to the paragraph beginning at line 28.

And just let me know when you get there.

A. You said column 44 of the '520 Patent, Exhibit 8?

Q. Correct.

A. Okay. I'm at column 44.

Q. It states, beginning at line 28, (As

read:) "As described above, receiving data object information may include receiving via network from a node that received the data object information from the user a message that identifies the data object information. For example, data object information may be received from a browser by a web server."

Do you see that?

A. Yes, I see that.

Q. And immediately after it, it says, (As read:) "Data object information and/or a data object identification request may be generated, detected and/or otherwise processed according to a schema."

And then it goes on?

A. I'm sorry. Was there a question there?

Q. Sorry. I just want you to confirm that I am reading this disclosure correctly, so I'll start over again at line 28, column 44 of the '520 Patent.

It states, (As read:) "As described above, receiving data object information may include receiving via network from a node that received the data object information from the user a

message that identifies the data object information. For example, data object information may be received from a browser by a web server. Data object information and/or a data object identification request may be generated, detected and/or otherwise processed according to a schema that identifies at least one of a rule and a vocabulary that defines a valid data object identification request."

Did I read that portion of the spec correctly?

A. I believe so.

Q. So you would agree that the '520 Patent discloses data object information may be received from a browser by a web server, and immediately afterwards, it states that (As read): "The data object information and/or a data object identification request may be generated, detected, and/or otherwise processed."

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Is request, as used in line 35, column 44, of the '520 Patent, would you consider that to be a type of message?

MR. ESRAM: Objection to form.

A. (Indiscernible.)

BY MR. DAHLGREN:

Q. So is the 287 IPR, you understand that those claims are generally what we refer to as the file request claims.

Is that fair?

A. Yes.

Q. In column 44, line 35, it uses the word -- lines 34 through 35, column 44 -- it's referring to "a data object identification request may be generated."

Correct?

A. So you're quoting the sentence?

Q. Yeah. And that's immediately after it states that "the data object information may be received from a browser by a web server," right?

A. So the question is do those two sentences appear next to each other? They do. I don't know if there's some other thing that you are asking about that, but those -- those are indeed sentences in different paragraphs that appear consecutively.

Q. So you agree that those two sentences

appear consecutively in the spec where data information received from a browser by a server, and then immediately it states that (As read): "An information -- data information or information request may be generated." You -- what's your understanding of that disclosure?

MR. ESRAM: Objection to form.

A. Well, you seem to be, by the way you're phrasing the set of questions, you seem to be implying that there's some special significance to them appearing in consecutive paragraphs.

But the paragraphs starting on line 34 of column 44 is talking about something completely different.

It's talking about schemas and rules. It's unrelated to the paragraph above it. So I don't attach any special significance to these things appearing back to back, which you seem to be suggesting in your question.

BY MR. DAHLGREN:

Q. What does "a schema" refer to?

Strike that.

What is your understanding of the term "schema" in column 44 of the '520 Patent?

A. It's a term from the field of databases. It represents a special, a specific pattern that's used to create -- construct something. For example, like a date has a particular kind of format. That's just one random example, but a schema generally -- it's a term from databases.

Q. And --

A. Oh, sorry. The sentence goes --

Q. Please. You can finish. Sorry about that. Sorry.

A. I mean, it talks about a rule and a vocabulary, so it's just saying that when you are describing this object that you are requesting, that you could use rules or vocabulary to help identify it as valid data object requests.

Q. And what does "vocabulary" mean --

Strike that.

Is "vocabulary" a term of art in the computer science field?

Strike that.

In the field of invention of the '520 Patent, do you consider the term "vocabulary" to have any specialized meaning?

MR. ESRAM: Objection to form.

A. Well, reading this spec, it's what a person of ordinary skill in the art would recognize. It's not surprising to see, if you read this entire paragraph, the meaning of the vocabulary here makes sense.

The schema in this context, the gist of it is it means a "set of words," a set of strings that you would include to describe whatever it is that you're requesting.

So maybe it's related to certain words to describe photos or audio or text or whatever the kind of file is that you are trying to grab. It's not specific at all. It's really just saying -- sometimes we use the word "token" also. But it just -- it means that there's a pattern. A pattern is made up of rules and strings.

BY MR. DAHLGREN:

Q. So and "schema" and "vocabulary" have different meanings.

Is that fair?

MR. ESRAM: Objection to form.

A. Sorry. I am, again, losing track of trying to tie this back to what -- we seem to be

way down in the weeds, and I am not sure. Is this something that I discuss in my declarations? I am not sure.

BY MR. DAHLGREN:

Q. Well, you discussed that, you know, your opinion that there's not real description support for the claims that are directed to the file requests.

So, yeah, that's what I am trying to get at is just what the spec in the disclosure, what you understand it to be teaching, you know, what a person of skill in the art would appreciate from viewing it. And I'm just not sure because -- I want to know as a person of skill in the art with 30-plus years of experience in this field, what does the term "vocabulary" mean to you versus "rule" versus "schema"? I'm trying to understand the distinction.

MR. ESRAM: Objection to form.

A. Don't think I talk about this in my declarations, generically speaking. I mean, the spec contains many parts where it just goes off and defines various things here, but all that it's saying here is that you can -- a schema

is -- it essentially means a pattern. You can have patterns that have rules and a vocabulary which is a set of strings that are used to construct something that's -- that's a data object identification request.

BY MR. DAHLGREN:

Q. Okay. So they are different. I don't know if "parameters" is the right word, but it governs the -- if I understand correctly, it governs the -- the data object identification request in different ways?

Well, strike that.

I'll let -- your answer will speak for itself.

I am curious, if you look at the column 43, and it's actually the paragraph bridging 43 and 44. There's a reference to "syntaxes, grammars, vocabularies and/or languages."

And that's kind of the bottom of column 43 of the '520 Patent, and then the top of column 44, it refers to "SQL, X path, and XML, HTML, base language."

Is -- the terms "syntax, grammar, vocabulary," are those terms that are usually

associated with like markup languages like XML and HTML?

MR. ESRAM: Objection to form.

A. Can you repeat the question, please?

BY MR. DAHLGREN:

Q. Sure. Are the terms "syntax, grammar, vocabulary," terms of art that are associated with XML and HTML?

MR. ESRAM: Objection to form.

A. Potentially, not always. Possibly.

BY MR. DAHLGREN:

Q. Going back to claim 17, which is involved in the 286 IPR?

A. Okay.

Q. In your opinion, does the claim impose any limits on how the nodes can be arranged?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. In a network?

MR. ESRAM: Objection to form.

A. When you say "arranged," that's not totally clear what that means. Are you talking about where they are geographically?

I am not following exactly what you

mean by "arranged."

BY MR. DAHLGREN:

Q. So if we can go back to -- I believe it was called 22.

And it was -- I think it was lines 21 through 31, lines of column 22, and it's talking about arrangements at 3A, Figure 3A, and Figure 3B says they're not exhaustive, and that (As read): "The method illustrated in Figure 2A, and the method illustrated in Figure 2B may each be distributed across more than one node and/or execution environment. For example, such arrangement may operate at least partially in a browser in one node, and at least partially in a server in another node, interoperating via network."

And my question is in claim 17, is there any language in the claim that you believe precludes the arrangement disclosed in the last sentence of that paragraph in column 22, that's on lines 29 through 31?

MR. ESRAM: Objection to form.

A. Your question, I think, has some misunderstandings embedded it. You are suggesting that -- you're talking about an

arrangement. And like, for example, when we look at Figure 7, which is illustrating having a first node and a second node, I believe that this column 22 thing that you've been referring to is simply talking about internal arrangements in the first node and second node in that figure. And I think that's really about the other claims, not claim 17. I think that's more about the 287 than the 286.

But regarding claim 17, I mean, the claim says what it says. There's a first node. There's a second node. There's a server. That's what claim 17 is describing.

BY MR. DAHLGREN:

Q. Right. And we pushed on it earlier, but the disclosure of "node" can be one or more nodes, and they can be distributed across a browser or server. You would agree that there are statements in the '520 Patent to that effect, correct?

MR. ESRAM: Objection to form.

A. Can you point me to what you are referring to, please?

BY MR. DAHLGREN:

Q. Sure. If you go to column 10, for

example, line -- looking at line 15, column 10, it says, (As read): "Further the terms 'device' and 'node'" -- and "device" and "node" are both in quotes -- "User end may refer to one or more devices and nodes, respectively, providing and/or otherwise included in an execution environment, unless clearly indicated otherwise."

And we also touched on the disclosures about browsers and servers, column 22, I think it's column 44. And in column 22, it actually -- when it's discussing having the nodes across the -- partly a browser and a server, it refers to the methods of Figures 2A and B. And if you go to those figures, Figure 2A is talking about (As read): "Received by a first communication agent in the first execution environment from the first user represented by a first communications agent data object information identifying a data object matching criterion," and it says, "Send is Step 2 of 4 of Figure 2A, a first message," and then you have, you know, Step 2 of 6, and then you have the method. Steps were cited in Figure 2B, which are tied specifically to that

distributor arrangement disclosed in column 22.

So it certainly seems to need -- I understand it's your position, but you have that disclosure that we were just discussing in column 22. You said it wasn't tied to, you know, the messaging, and it's tied specifically to the method in Figure 2A and 2B, which is messages.

MR. ESRAM: Counsel, is there a question there?

BY MR. DAHLGREN:

Q. You would agree that Figure 2A and B discuss sending messages, correct?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Dr. Mowry, could you please read for the record, the step in Figure 2B that is Element 216? It's page 14 of the PDF, and I would just appreciate if you could read the text that's in the box in 216.

Dr. Mowry, is there a problem?

A. Oh, no. I'm --

Q. If not --

A. -- reading --

Q. -- I can read it into the record.

A. I am reading the whole figure.
Q. Okay. Thank you.
A. Okay. I've read that.
Q. Well, I was hoping you could read it into the record, please.
A. I mean, if you want to read it into the record, you can go ahead. But is there a question you want to ask me?
Q. I'll just -- I'm going to ask you if I am reading it -- after I recite it, and I will see if I did correctly. But I just wanted to have it in the record.

So in Figure 2B which is also referred to in column 22, lines 21 through 31, there is a Step 216, which states, (As read): "Generate in response to detecting the data object identification request, a data object identification response that identifies a data object and a second data store and a second -- in the second execution environment wherein the data object is identified by processing the data object identification request."

Aside from the one stumble over the "the," did I read that correctly?
A. Yes.

Q. And you would agree that Step 216 is referring to a response message being generated after a request is received. So this is a -- it's a second message. It's a response, correct?

MR. ESRAM: Objection to form.

A. Box 218 talks about sending a "second message."

BY MR. DAHLGREN:

Q. I am talking about 216. What I am talking about -- sorry. That's a fair point.

216 is talking about -- referring to generating that second message, the response, after receiving a request.

Is that fair?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Strike that.

So Figure 2B of the '520 Patent, it's Step 216, that is disclosing the generation of a response to the detection of a data object identification request.

Is that fair?

MR. ESRAM: Objection to form.

A. Step 216. I didn't follow all the

exhibits --

BY MR. DAHLGREN:

Q. Let's go back to the original question. I am going to read that step, then you can confirm if I did correctly. I tried to do it before, and you just went on to 218 and didn't answer my question. So let's try it one more time.

In the '520 Patent in Figure 2B, which is referred to in connection with the arrangement disclosed in column 22, lines 21 through 31.

Step 216 states: (As read): "Generate in response to detecting the data object identification request, a data object identification response that identifies a data object and a second data store, and the second execution environment wherein the data object is identified by processing the data object identification request."

Did I read that correctly?

A. Yes, you did.

Q. And then in Step 218, the immediately following step, it refers to sending a second message, correct?

A. Yes, it does refer to sending a second message.

Q. And it says "via the network by the second communications agent," correct?

A. Yes, it does.

Q. And it also says that (As read): "Includes the data object identification response wherein the second message does not include the data object."

Is that right?

A. Yes, that's right.

Q. Going back to claim 17, I don't know if you responded to my question about what in the claim would preclude the arrangement that is disclosed in column 22 of the '520 Patent that we've been discussing, lines 21 through 31.

Strike that.

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Would you agree that claim 17 would allow an arrangement --

Strike that.

Would you agree that claim 17 encompasses an arrangement of nodes as described in column 22, lines 21 through 31?

MR. ESRAM: Objection to form.

A. So Figure 2B is describing functionality related to other claims, but it's related to the file request, the 286 matter.

It is not related to the folder sharing claims in -- sorry. I think I said that backwards.

File sharing is 287; folder sharing is matter 286.

Claim 17 is about folder sharing. So you are mixing together two unrelated things.

This is, Figure 2B is about -- this is a file request for a user to respond with a file that has nothing to do with claim 17, which is about something entirely different, which is folder sharing.

BY MR. DAHLGREN:

Q. You agree that a data object can be a file or folder, right? And what Figure 2 is disclosing, you have a request and a response.

The response, you are sending a data object, right -- or the data object identification response without the attachment.

It's -- so it's, it covers -- you would agree that that covers a folder share --

the folder share, if you refer to it as a data object, which the '520 Patent discloses, covers both folders and files, the response you are sending, you could be -- it is disclosing -- encompass sending a folder.

So I don't know how you reconcile what you just said with that disclosure. You would agree --

A. I'm sorry. I am happy to answer that, if that's a question.

Q. I apologize.

You would agree that the '520 Patent does disclose that a data object can be either a file or folder, right?

A. To respond to your question, the Figure 2B is discussing responding to a request for a specific file to be uploaded. That has nothing to do with the claim 17.

In claim 17, you do not describe a data object that you would like someone to send to you. Instead, a person is invited to share a folder. And when they decide to share that folder, then things will be shared and synchronized as appropriate. It has nothing to do with Figure 2B.

Trying to say that it's just -- they are all about data objects is incorrect, to say that this is somehow -- Figure 2B is relevant to claim 17 because of that.

Q. Let's break them down.

So first, it sounds like you would agree, then, that the disclosure in Figure 2B and in column 22, that that provides support for a file request claim?

MR. ESRAM: Objection. Objection to form.

A. Is that a question?

BY MR. DAHLGREN:

Q. Yeah.

So what you just said was, it's describing a file request and the response. I mean --

A. I didn't say that it supports the claim, if that's what you are saying.

Q. Yeah. And now the other point is that they're comprising claims, isn't claim 17 comprising?

So whatever happens to pause, outside the steps of the claim, to maybe trigger that folder share, it doesn't matter. It's still

disclosing sending it, you know, a data object which can be a folder.

So you would agree that -- sorry.

Strike that.

You would agree that claim 17 is a comprising claim, and it doesn't preclude some activity that occurs preceding the folder share.

Is that fair?

A. I did not go to law school, so I am not exactly sure what the term "comprising claim" means.

Q. Understood.

So we can move on. It's --

I would like to go back to my original question about the arrangement, and how the nodes were located in this, this network, and whether claim 17 has any particular requirements in how that the nodes were arranged.

Strike that.

I would like to go back to my earlier question about the arrangement of the nodes in claim 17, and whether there are any limitations in the claim that preclude it from including the arrangement discussed in column 22.

Setting aside the file request point that you brought up, talking about the arrangement, is there anything in claim 17 that would preclude the nodes being partially in a browser and a server as disclosed in column 22?

MR. ESRAM: Objection to form.

A. I have not formed an opinion on that, but what I do know is that the ground that I cite do render a claim 17 obvious.

BY MR. DAHLGREN:

Q. So that's -- if you can't tell me what arrangements are within the scope of claim 17, do you understand the scope of claim 17?

MR. ESRAM: Objection to form.

A. What I understand is that under any reasonable interpretation, that the combination that I describe in my declarations satisfy claim 17 and render it obvious.

BY MR. DAHLGREN:

Q. We will get to that in a little bit, but I want to know if the arrangement --

Strike that.

I want to look at one of the file request claims, and we can compare that claim to the disclosure of column 22 and in Figure 2B,

and see if you believe that they're incompatible or not. Because it's the file request claims were the ones that there was a 112 challenge.

So if you wouldn't mind, it's Mowry 7.

A. Okay.

Q. And I think that you beat me to it.

So I think it's around paragraph 27 of your reply declaration in the 287 IPR.

A. Do you know what page that is in the PDF?

Q. That's number 13, physical page 15.

A. Okay.

Q. And you state -- and this is the last two sentences of paragraph 27, (As read): "All of the steps of the disclosed invention are performed by the user computers, the original applications do not describe the creation or modification of messages at a node other than the user computers."

Do you see that?

A. Yes.

Q. Now, what we discussed with respect to column 22 was the introduction of the browser and server, the nodes spanning a browser server

arrangement. Just let me figure it out.

Strike that. I've got to phrase that better.

But in column 22 of the '520 Patent, there's a disclosure of some of the functionality spanning both the browser and server.

Is that fair?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Strike that. Let me ask that better.

Strike that.

So in column 22 -- and this is lines 21 through 31. There's a disclosure saying, it says --

Strike that.

In column 22, and in particular, lines 29 through 31, it states (As read): "For example, such an arrangement may operate at least partially in a browser in a one node, and at least partially in a server in another node, interoperating via a network."

Do you see that?

A. I see that.

Q. And before that, the sentence

immediately before that, it states (As read): "For example, those skilled in the art will see, based on the description herein, that arrangements of components for performing the method illustrated in Figure 2A and the message illustrated in Figure 2B may each be distributed across more than one node and/or execution environment."

And then it states (As read): "For example, such an arrangement may operate at least partially in a browser in a one node, and at least partially in a server in another node, interoperating via network."

So each of the nodes that are disclosed in the methods illustrated in figures 2A and 2B, those may each be split up into two different nodes where one is operating partially in a browser, and one partially in a server, right?

MR. ESRAM: Objection to form.

A. The part you just quoted from, paragraph 27, was describing the original applications, not the 520 application.

BY MR. DAHLGREN:

Q. I don't follow. So the language that

I just -- that I cited to you, that's in the original applications.

So you understand that that can be support for the claims as of the date of those original applications.

You understand that, right?

A. I'd appreciate if you --

Q. Sorry. I didn't mean to interrupt.

A. My point is, I just wanted to have a minute to check what was exactly in the original applications and whether it contained exactly that.

I know that's contained later in my 287 reply declaration, and I need a second to take a look at that.

Q. Sure. We will get that pulled up and inside for you.

But assuming that that language was present in the original applications --

A. Okay.

Q. -- what would your opinion be in that case?

Strike that.

Would you agree that if the disclosure that's in column 22, lines 21

through 31, was present in the original applications that it would provide --

Strike that.

If that language was in one of the original applications, you would agree that that would be written description support, assuming that it was sufficient, would entitle the claims to the priority date of the original application's filing date?

MR. ESRAM: Objection to form.

A. No, I disagree with that.

In fact, I did go back and have a chance to check that that does appear in the original applications, and as I explain in detail in my second declaration, well, the -- even so, that does not describe the creation or modification of messages that a node other than at the user computers, because all that it's really saying is if we go to, say, Figure 7 in --

BY MR. DAHLGREN:

Q. Let's stick with the language.

Let's stick with the --

MR. ESRAM: Counsel, can you let Dr. Mowry finish his answer, please?

A. So in Figure 7 of the '520 on the left, we see a first node. On the right, we see a second node, 502 and 504. And all of that language that you quoted in column 22 is saying, is that within those boxes, first node and second node, they can be subdivided a little further into multiple pieces.

But it's still the case that we have the same picture where there's just a first message being sent from the first node on the left to the second node on the right.

So it does not provide a written description support, even with that quote from column 22.

BY MR. DAHLGREN:

Q. Well, what it says is that (As read): "Those (audio error) based on the description herein, that arrangements or components for performing the method illustrated in Figure 2A and the method illustrated in Figure 2B, may each be distributed across more than one node and/or execution environment. For example, such an arrangement may operate at least partially in a browser in one node, and at least partially in the server in another node, interoperating via a

network."

So respectfully, you know, it's saying that a node can be multiple nodes, and it can be the browser and server, but if your position is that, you know, I think the patent's pretty clear.

MR. DAHLGREN: Could we take just one -- five -- actually, we've been going, I think, about an hour. And I just lost my voice, so can we do like ten minutes?

MR. ESRAM: Sounds good.

MR. DAHLGREN: Thanks, guys.

(Off the record.)

(Defendant's Exhibit 9, Houston Patent, introduced as of this date.)

BY MR. DAHLGREN:

Q. Dr. Mowry, we are introducing the Houston reference that you rely on. That should be Mowry 9.

A. Okay. I am downloading it now.

(Defendant's Exhibit 10, Houston Provision Application, introduced as of this date.)

BY MR. DAHLGREN:

Q. And we are also introducing one of

the Houston Provisional Applications as well, and that will be Mowry 10.

(Defendant's Exhibit 1003, 286 IPR Declaration, introduced as of this date.)

And Houston is Exhibit 1003 in the 286 IPR. And I would appreciate if you could just pull that reference up first. And on the first page, and it's Section 60 under "Related U.S. Application Data."

A. Sorry. I am still downloading things.

Q. Sure, sure. Just let me know when you're ready. Thank you.

A. Okay. Can you start over with what you were pointing me to?

Q. Sure. If you look at the Houston Patent, which is Exhibit 1003, and on the first page, there is a Section 60. It's under "Related U.S. Application Data."

Do you see that?

A. Okay. Sorry. It's out of order. Yes. I see it now.

Q. And do you see that it is Provisional Application Number 61/233787?

A. Yes.

Q. And if you go to column one of the Houston Patent, Exhibit 1003?

And it's lines 6 through 9, and it's under "Cross-Reference to Related Applications." It recites that same Provisional Application Number, 61/233787, which is incorporated by reference herein in its entirety.

Do you see that?

A. Sorry. I was manipulating, opening, moving the file around.

Can you start over? Point me to where you were pointing me one more time.

Q. Sure. It's column 1 of the Houston Patent, the '597 Patent, and it's line 6 through 9. And it incorporates two provisional applications by reference.

Do you see that?

A. Yes.

Q. So if you could pull up Mowry Exhibit 10, please.

A. Okay.

Q. And if you look on the first page at the top left, you will see an "application number" box, and then below it, you will see a number.

MR. ESRAM: Counsel, I object to this Exhibit 10. I don't think it's of record.

MR. DAHLGREN: It's incorporated by reference in the Houston reference. It's part of the disclosure of the Houston Patent. So it's certainly in the scope of everything.

MR. ESRAM: It may be in the scope, but it's not of record, and that's new evidence that you are introducing, so we still object to this.

MR. DAHLGREN: Objection is noted.

BY MR. DAHLGREN:

Q. Now Dr. Mowry, again, on exhibit, Mowry Exhibit 10, on the first page on the top left, you will see that there's a number listed under an application number that corresponds to one of the applications that the Houston Patent incorporates by reference.

Is that correct?

A. I see the application number on page 1.

Q. And that corresponds to the application number that's incorporated by reference in the Houston Patent that's

Exhibit 1003 in the 286 IPR, correct?

MR. ESRAM: Object to form.

A. Sorry. Can you repeat the question, please?

BY MR. DAHLGREN:

Q. Sure. The number -- application number in Exhibit 10 is 61233787, correct?

A. Yes.

Q. And in Exhibit 1003, which is depo Exhibit Mowry 9, the Houston Patent, in column one, it refers to that same application number as one of the two provisional applications that are incorporated by reference in their entirety.

Is that right?

MR. ESRAM: Objection. Scope and form.

A. The number 61/233787, it appears in line 8 of column 1 of the '597 Patent, if that's what you're asking.

BY MR. DAHLGREN:

Q. Do you understand what it means to incorporate by reference a document into a patent? I understand you are not an attorney. I just want to know if you understand what that means?

A. I'm not sure that I can say with confidence that I understand all the details of what that means.

Q. Okay. And that's fair, and I won't belabor that point, right?

I will point you to some disclosure in the Exhibit 10.

Hang on one second.

So if you -- let me get the right page number for you. Sorry. Bear with me one second.

Did you review the prosecution histories of the prior art references that you relied on in the two IPRs?

A. Yes, I did. I have a question, though.

Q. Sure.

A. This Exhibit 10, was this something that I cited or Dr. Smith cited in our declarations?

Q. So we are looking at that, but it looks like, potentially, the wrong provision was cited.

You critique his reliance on certain paragraphs and parts of the Houston Provisional,

and I believe that there was a -- some mixup in the wrong provisional site there. But regardless, they are both incorporated by reference into Houston, and part of the Houston disclosure, so any reference that is incorporated by reference, that disclosure can become part of the patent in its disclosure.

MR. ESRAM: Objection. Counsel, throughout this deposition you have been making these long comments providing your own opinions.

Can you please stick to your question, and let Dr. Mowry testify?

MR. DAHLGREN: I'm going to keep doing the deposition the way I want to. But your objection is noted and the record speaks for itself.

BY MR. DAHLGREN:

Q. So if you actually go back to the Houston Patent, you can set aside the provisional for now and turn to Figure 2, and that's page 3 of the PDF.

Okay. There's a Box 200. You see "share a folder" at the top of the box, and then there is some text below that. It says, (As read):

"Dropbox shared folders lets you share or collaborate on a set of files. When someone joins a shared folder, a folder appears inside their Dropbox and syncs to their computers automatically."

Do you see that?

A. Yes, I see that.

Q. So you would agree that what this is saying is if you join a shared folder, the folder will appear inside your Dropbox and sync to your computers -- that's plural -- automatically.

Do you agree that's a fair characterization?

MR. ESRAM: Objection to form.

A. Well, you did not quote that sentence accurately.

BY MR. DAHLGREN:

Q. Sure. I will read it verbatim. (As read): "Dropbox shared folders lets you share or collaborate on a set of files. When someone joins a shared folder, the folder appears inside their Dropbox and syncs to their computers automatically."

Is that correct?

A. That's what it says.

(Defendant's Exhibit 1034, 286 IPR Declaration, introduced as of this date.)

Q. If you can turn to Mowry 5, this is your second declaration, in the 286 IPR, and it's Exhibit 1034.

A. Okay.

Q. You are -- if I understand you correctly, are you saying that Figure 2 doesn't say that a shared folder is downloaded automatically?

MR. ESRAM: Objection to form, mischaracterization.

BY MR. DAHLGREN:

Q. I am trying to understand how you're discounting the language that's in Figure 2.

MR. ESRAM: Objection to form.

A. Sorry. I didn't follow that question. You just -- the part that I caught was you say I disagree with Figure 2. I don't understand the question. I don't disagree with Figure 2.

Was that what you were asking?

BY MR. DAHLGREN:

Q. I was -- you seem to be contesting

another's position that Houston discloses this automatic download of a shared folder unless it's joined. And I am trying to understand how you are reconciling the disclosure in Figure 2 with the position that Houston discloses representations.

MR. ESRAM: Objection. Is there a question here, Counsel?

BY MR. DAHLGREN:

Q. Can you please explain to me how you believe that Houston doesn't download automatically and will disclose representations of folders given Figure 2 suggests that anytime a shared folder is joined, that folder is downloaded automatically to all of the user's devices?

MR. ESRAM: Objection. Form.

A. That was very long. Can we maybe break that down a little bit? There were many things rolled into that statement. It's difficult to parse that entire thing.

BY MR. DAHLGREN:

Q. Sure. You would agree that Figure 2 of Houston, Exhibit 1003, discloses that a shared folder that is joined by a user is then

automatically downloaded to all of that user's computers.

Is that fair?

MR. ESRAM: Objection to form.

A. As I said say in paragraph 22 of Exhibit 5, what figure -- what Figure 2 of Houston is saying in this sentence, when someone joins a shared folder, the folder appears inside their Dropbox and syncs to their computers automatically, is that there is a -- there's a major distinction between the first phrase in that sentence, "when someone joins a shared folder," and the "syncing" part.

So when you -- when you invite somebody to share a folder, they decide whether or not they want to accept that invitation. What the -- that does not mean that it is automatically downloaded.

What it is saying is that updates to something that has been downloaded after it's been joined, when the user decides that they want to do that and have it downloaded, that updates that occur later are synchronized to their downloaded copies automatically.

And the point of this is that as the

person who's sharing the folder continues to modify content within the folder, those updates get propagated to the already downloaded synchronized replicas that the other user has on their machines.

BY MR. DAHLGREN:

Q. In Figure 2, you would agree that the selection, "I'd like to create and share a new folder," that's -- that's marked in Figure 2 of the Houston reference, "I'd like to create and share a folder," right?

A. If I understand the question correctly, you are asking whether the circle is filled in on the top circle relative as opposed to the bottom circle, and, yes, that's correct.

There's a darkened in circle next to the top version of "I'd like to create and share a new folder."

Q. Right. And with that option selected, the text above that is stating, "When someone joins a shared folder, the folder appears inside their Dropbox and syncs to their computers automatically," right?

MR. ESRAM: Objection to form.

A. I believe you just read aloud that

sentence from Figure 2, and from what I could tell, you read it accurately.

BY MR. DAHLGREN:

Q. Thank you. And now, going back to Exhibit 10, which is the 787 Provisional, is it okay if I refer to it that way?

A. Okay.

MR. ESRAM: We object to Exhibit 10 again.

BY MR. DAHLGREN:

Q. And if you could -- it's paragraphs 15 and 16 --

Strike that.

One second. If you can go to.

-- it's the beginning of paragraph 14 of Exhibit 10. And if you could, Dr. Mowry, please just read 14 through 17 and feel free to read the surrounding disclosure as well. And then we can discuss what the Houston 787 Provisional is disclosing?

A. So did Dr. Smith reference this section of this exhibit?

Q. You can still just take a look at it.

Actually, if you -- actually, if you could start under paragraph 8, and I believe you

stated that you reviewed all of the prosecution histories, and so that would be the apparent applications, which would include these provisionals?

So but either way, I'd like to talk to you about what this is disclosing.

A. As I recall, I didn't reference anything from this in either of my declarations. And as I recall, Dr. Smith did not also -- he also did not reference content here.

So my understanding is I'm here to discuss the opinions that I set forth in my declarations. But I don't think --

Q. That --

A. -- it --

Q. Yeah. Sorry.

A. So it had nothing to do with that.

Q. And this provisional application is incorporated by reference in the Houston Provisional as part of the disclosure of the Houston Patent.

So I don't want to get back and forth with you. If you can just answer the questions, then we can just move on. But please --

A. My understanding is you are asking me

to review new material and form new opinions, but my understanding is that I'm here to answer questions about the opinions that I set forth in my declarations, and that would not include this.

Q. So you would agree, though, that if your opinions and your declaration were based on an incomplete disclosure of --

Strike that.

You would agree that if you relied on half of one of the patents for what it taught, just ignored other half, that that would be improper.

Is that fair?

MR. ESRAM: Objection to form.

A. I did not go to law school, so I cannot answer such a question. But I am happy to answer something that I discussed in one of my declarations if you can please point me to something. I am happy to talk about that.

BY MR. DAHLGREN:

Q. If you were debugging some program, and just said, "I am just going to do half of it and not worry about the other half," you would agree that that could be problematic, fair?

MR. ESRAM: Objection to form.

A. I don't believe there's a bug in my declaration. I'm happy to discuss my declaration.

BY MR. DAHLGREN:

Q. That's fair. But please answer my questions, and if you want to refuse to, you can talk to your attorney and, you know, call the board. But I would like just to get my questions answered and move on.

A. As I said, I believe I did not discuss this either in -- in either of my declarations. So it appears to me that you're asking me to form an opinion on something on the spot.

Q. Dr. Mowry, your attorney can object. Please answer my questions.

So in paragraph 10, the Houston 787 Provisional -- it states, (As read): "Also various embodiments of technology provides local input/output speed, (which equates to less speed, time and comparison to traditional systems,) because the files are local and the soliciting and accessing of the files appear much more quickly to users than if they had used

traditional systems."

Did I read that sentence correctly?

A. It appears that you did.

Q. And that was in paragraph 10. In paragraph 8, "Using traditional systems" --

Strike that.

So in paragraph 8 of the Houston 787 Provisional, it states "Using traditional systems, businesses share files through a file server on a network with a disc and a file system.

"With the traditional systems and protocols, multiple users may only edit and share files via the one disc. If a user was offsite, then the user would have to use a tool (such as a virtual private network over a VPN) to gain access to the files that are being maintained on the server.

"One problem associated with the traditional system is that a business is required to maintain its own server, which also must be maintained by personnel, both of which may be expensive and time consuming."

Paragraph 9, various embodiments of the innovative technology presented herein

eliminates the need to have a person maintaining a central server for a business. The technology makes local copies of data, which are then synchronized using DeltaSync protocol, which is more fully described in a provisional application having U.S. Application, Serial No. 614/233773, entitled, "Systems and Methods for File Synchronization," filed on August 13th, 2009, which is incorporated by reference here in its entirety."

Did I read that portion of the Houston reference correctly?

A. No, there was a mistake.

Q. What was the mistake? Did I miss a comma?

A. You missed a closed paren.

Q. Okay. But other than the closed paren, the substance was accurate otherwise?

A. I did not notice any other mistakes in your reading aloud.

Q. Now, going back to your declaration, it's your reply declaration in the 286 IPR, it's 1034. I'd like to point you to paragraph 22 -- or, no, excuse me, paragraph 21. Just let me know when you are there.

A. This is Exhibit 5.
Is that correct?
Q. This is exhibit -- oh, sorry. It is exactly Exhibit 5.
A. Okay. I'm at paragraph 21.
Q. And you state that (As read): "Dr. Smith's citation to Houston at column 5, line 37 through column 6, line 3, does not support its argument" -- I assume you meant his argument -- and you say that, (As read): "This passage refers to updating a synchronized folder on the second user's machine."
Do you see that?
A. Yes.
Q. Now, you cite to a portion of the disclosure that Dr. Smith referenced, correct?
MR. ESRAM: Objection to form.
A. Can you point me to what you are referring to?
BY MR. DAHLGREN:
Q. Sure. In paragraph 21 of your reply declaration in 286 IPR, you see that you say, (As read): "Dr. Smith's citation to Houston at column 5, line 37, through column 6, line 3, also does not support its argument."

Do you see that?

A. I see that sentence, yes.

Q. And in the next sentence, it is followed by a cite by Houston to column 5, lines 37 through 41.

Do you see that?

A. Yes.

Q. I'd like you to turn to column 5, please, of the Houston Patent Exhibit 1003 in the 286 IPR.

A. Okay. I'm there.

Q. So you quote language between lines 37 and 41 of column 5, correct?

A. I reference that at the end of the second sentence in paragraph 21, yes. And then I quote it right after that.

Q. Right. But then, later on, you quote the Houston Patent. And it's column 5, lines 45 through 51, right?

Do you see that at the top of page 14 of your second declaration and the 286 IPR?

A. Yes, I see that.

Q. And lines 42 through 43, which you leave out, it states (As read): "Refer again to Figure 1, assume that a user of a first

client" -- let's try it again.

The portion of the Houston reference that Dr. Smith cites that you left out in those two quotes, that's column 5, lines 42 through 44.

It states (As read): "Referring again to Figure 1, assume that a serve a first client-108A, has created a folder, and invited a user of client-108B to share the folder."

Do you see that?

A. I'm noticing that although at the top of page 14 in my second declaration, Exhibit 5, although you're correct that the citation says, 5:45 to 51, the part that I'm actually quoting begins in the line that you just referenced. It actually begins in line 42.

So you characterize it that I left something out, but I actually quoted it. The only part that I didn't quote was referring again to Figure 1. But there was no -- I did not leave anything out, although there appears to have been a typo in what I cited.

It would have been more accurate, I guess, to just cite -- that second cite should have really begun where I started quoting, which

was immediately afterward in line 42.

So nothing in fact was -- nothing of substance was, was not discussed here from Dr. Smith's original -- what he was citing.

Q. Okay. I will give you that. That's fine.

The Houston Provisional that is now Exhibit 10 for the deposition, if you reviewed the prosecution histories of the prior art references that relied on, like you said, you were familiar with that provisional.

Is that fair?

MR. ESRAM: Objection to form.

A. As I am sure you know, prosecution histories are enormously large files. So I, at some point, went through the file, but I don't remember details of it. But I do reference everything that I -- in my actual declarations, I have explicit references to things that I am drawing upon.

So if this is indeed in the file history file, then I looked at -- I mean, I looked at the file history file, but again, I cited things that were relevant to my opinions and my declarations.

I don't have explicit recollection of this.

BY MR. DAHLGREN:

Q. You would agree that the -- the file histories can be very important.

Is that a fair characterization?

Strike that.

You would agree that based on your experience being an expert in -- well, I think that you said 20-odd cases that the file histories for patents are -- it's important -- it's an important part of the analysis that you have to perform when assessing validity.

Is that fair?

MR. ESRAM: Objection to form.

A. Again, I didn't go to law school. But the way it was explained to me at one point is that you start with the claims, the claim language is the most important thing, and the specification illuminates the meaning of the claims.

So that's -- and then in addition, the file history also provides context. There are patents where if the claim language is clear in the spec, the file history can provide

additional context, but I don't know.

Again, I am not a patent attorney. I don't know --

BY MR. DAHLGREN:

Q. And it's too legalese, so I apologize about that.

But I appreciate you taking a shot at it. Thank you.

(Defendant's Exhibit 234, 286 IPR Declaration, introduced as of this date.)

BY MR. DAHLGREN:

Q. Now, if you go to -- sticking with your declaration exhibit, it's Mowry Exhibit 5 for the depo. It's Exhibit 234, the 286 IPR.

If you could go up to, I think it's paragraph 19.

A. Okay.

Q. And it's the last sentence of that paragraph.

A. Okay.

Q. It says (As read): "Houston does not give any initial benefit to initially downloading a newly shared file without the user clicking on the file to request the download."

You see that?

A. I see that.
Q. Is that still your opinion?
A. Yes, that's still my opinion.
Q. If you could go back to the Houston reference, and in particular, it's Figure 2 that we were looking at before.
I just want to make sure I understand your position.
In Figure 2, it is showing -- it's a message -- and I'm so sorry. It's not Figure 2.
I'm sorry, I apologize. I believe it's the Exhibit 10, which is the Houston Provisional.
MR. ESRAM: I will object again to Exhibit 10. And to clarify, Exhibit 10, I am objecting to it because it's not stamped.
You have a stamped version of it, the exhibit you can introduce.
MR. DAHLGREN: Do we have a stamped version?
MR. ESRAM: Yes.
BY MR. DAHLGREN:
Q. Are you referring to this as an exhibit number or the deposition exhibit

numbers? They haven't been coinciding.

MR. ESRAM: Yes. So Exhibit Mowry 10, you have a stamped version that's in the record, okay?

But the objection is because this is not the one that you have in the record.

(Defendant's Exhibit 2026, Provisional, introduced as of this date.)

MR. DAHLGREN: Right. So the other provisional is the one that is -- I think it's Exhibit 2026.

And Counsel, if you want, your objection is noted, and if -- we can talk about it offline. But I understand your objection for the record.

Why don't we take a ten-minute break so I can get myself organized before we move on.

(Off the record.)

BY MR. DAHLGREN:

Q. Dr. Mowry, I'd like to stay focused on your reply declaration in the 286 IPR, and it's Mowry Exhibit 5.

And you state, if we could go to paragraph 14.

A. Okay.

Q. And you say, (As read): "Dr. Smith's reliance on the specifications incorporation by reference of an abandoned related patent, the 635 application is erroneous."

And I just wanted to make sure that I understand what you mean by that.

Are you saying that there is some legal flaw, or is it factual basis that you believe the reliance is inappropriate?

Strike that. I will take a step back.

Could you explain to me what specifically you believe is erroneous about Dr. Smith's reliance on the 635 application's incorporation by reference?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Strike that. I will ask a cleaner question.

Could you please explain to me what you believe is erroneous about Dr. Smith relying on the 635 application?

A. I go on to explain that in the rest of the paragraph 14. I can read more of that if

you'd like.

Q. I understand that you take the position that --

Strike that.

The last -- second-to-last sentence, you state -- this is -- sorry -- paragraph 14 in the reply declaration in the 286 IPR. You state (As read): "Dr. Smith's citation to the 635 application."

Strike that.

You state (As read): "Dr. Smith's citations to the 635 application do not identify what is initiating accessing of the data object or whether accessing requires the requester to initiate the communication."

"Based on Dr. Smith's citations, nothing precludes a communication of the data object separate from accessing."

Do you see that?

A. Yes.

Q. When you say that "Nothing precludes a communication of the data object separate from accessing," are you referring to the disclosures that he cites to in the 635 application?

A. What I am citing to is what Dr. Smith

has cited in that portion of -- in that portion of his declaration that's referencing the 635.

Q. Okay. So that's the paragraph 84 and you cite his dec.

Is that right?

A. Yes. Paragraphs 83 to 88.

Q. When you say, "Nothing precludes communication of the data objects separate from accessing," you're --

Strike that.

You would agree that the folder share --

Strike that.

You would agree that claim 17 of the '520 Patent discloses that the folder sharing message is sent without an attachment --

Strike that.

With respect to claim 17 of the '520 Patent, you would agree that the message sending the folder share does not include an attachment, correct?

MR. ESRAM: Objection to form.

A. So there's a specific claim element part, portion of claim 17 that you are referring to?

BY MR. DAHLGREN:

Q. Yeah, yeah. So we can pull that up. And I believe that is Exhibit 8 of this deposition, and it would be 1001 of the 286 IPR.

Column 55 of the '520 Patent, and if I can just turn you to approximately lines 25 through -- well, 31 is the complete limitation in claim 17, column 55.

If you could please review that, and just let me know when you're done.

A. So you mean lines 24 through 31?

Q. Actually, just to make it a little more clear, I think that you should probably go up to line 14, the limitation beginning with "Causing generation of at least one email."

A. Okay. Yes, I'm familiar with this, yes.

Q. And so lines approximately 15 through 31 of column 55 of the '520 Patent, there's the generation of at least one email and it does not include a file attachment, and it says, (As read): "For permitting avoidance of at least one file from being communicated to and stored in the second node until an initiation of the communication of the at least one file by

user of the second node is detected and the communication commences via at least one server that stores at least one file."

So my question is you would agree that this language in claim 17 -- you would agree that language in claim 17 would preclude communication of that data object separate from accessing.

Is that right?

MR. ESRAM: Objection to form.

A. Sorry.

BY MR. DAHLGREN:

Q. I understand.

I will strike that, and I will try it again.

In your declaration, when you say the citations that Dr. Smith points to in the 635 application may not preclude the communication separate from accessing, if you look at claim 17 and that language we just discussed about the email and it not including a attachment, you would agree that that does preclude the communication of the data object/folder separate from the accessing.

Is that fair?

MR. ESRAM: Objection to form.

A. This claim element, starting at line 14 is simply discussing the creation of an email message. It says that this email message includes a link and not an attachment, and then it has for permitting, it describes an option, but that's optional.

BY MR. DAHLGREN:

Q. Well, let's talk about that.

The language of claim 17 at line 25 in column 55, it says, "does not include a file attachment," correct?

A. Yes, that's correct.

Q. And "does not include," you would agree that that is not permissive.

Is that fair?

MR. ESRAM: Objection to form.

A. Okay. I'm not -- let's see. Again, I didn't go to law school, so "permissive" may have specific legal meaning.

It's a fairly definite statement there, that it says it does not include a file attachment, so I am not -- I am not arguing about the fact that it does not include a file attachment.

BY MR. DAHLGREN:

Q. And I wasn't trying to -- I just had used your language, I believe, from your declaration. I think you had used that permissive language.

We can move on. I just want to wrap this up.

So you would agree that the language does not include a file attachment. That's pretty clear that it doesn't include a file attachment, right?

A. Yes, it's clear that this email message does not include a file attachment; it includes an HTTP link.

Q. Okay. And I go back to your declaration, Exhibit 5.

While I'm pulling this stuff up, just approximately, how much time did you spend preparing your reply declarations?

A. I don't recall with any precision, maybe 30, 40 hours.

Q. That's fair. That's fair.

So in -- so if you look at paragraph 14, you make a statement that Dr. Smith relies in claim 1 of the 635 application, which he argues requires that a

data object be stored in the second execution environment and accessing the representation by the first execution environment includes accessing the data object from the second data store.

Which means that the detailed claims of the '520 Patent must be read to require a requested folder not be communicated until the user initiates communication. And then you state that it's in a Footnote 2, excuse me, that Dr. Smith failed to explain why a representation of at least one folder in the '520 Patent would be equivalent to the representation of the at least one data object in the 635 application.

Do you see that?

A. Yes, I see that.

Q. But if you go to Footnote 1, there's a sentence. I think it's the third sentence in Footnote 1 of your reply declaration, the 286 IPR. But I understand that the 635 application lists files and folders in a file system as exemplary data objects.

Do you see that?

A. I see that sentence.

Q. So on the one hand, you're saying

that you understand that data objects can encompass files and folders, so I don't understand what the critique is in Footnote 2 then?

MR. ESRAM: Objection.

A. Could you repeat that?

BY MR. DAHLGREN:

Q. So you would agree that the disclosure of the representation of at least one data object would encompass disclosure of either a file folder.

Isn't that fair?

MR. ESRAM: Objection to form.

A. Sorry. You said Footnote 2?

BY MR. DAHLGREN:

Q. Yes, yeah. You say Dr. Smith failed to explain why a representation of the at least one folder in the '520 Patent would be equivalent to a representation of the at least one data object in the 635 application.

But just before you had said the 635 application says the data object can be a file or a folder.

So I just don't understand the critique.

A. Well, something that's definitely a folder is different from something that might be a file. Files and folders don't have the same representations.

Q. But if a data object can be either, and it's making a disclosure with respect to a data object, is it your position that that doesn't disclose the same with respect to a file and folder?

MR. ESRAM: Objection to form.

A. Sorry. I will need to go back and look again at the details of the -- of what we are referencing exactly to refresh my memory. I am not -- to answer this accurately.

BY MR. DAHLGREN:

Q. Okay. Well, I think the record will say that -- I think it will speak for itself. And so I think we can continue on.

So sticking with this declaration, so there's the discussion of the board's institution decision in -- it's in paragraph 15 of your reply declaration in 286 IPR. And you say (As read): "The board also explained that the 365 application states a representation of the data object may include and/or may otherwise

be based on a replica of at least a portion of the data object."

Do you see that?

A. Okay. I see that.

Q. And you referred to a thumbnail -- in Footnote 3, you refer to a thumbnail icon of a video file downloaded, and it's not the video file itself.

That would be referring to a file representation, not a folder representation.

Is that fair?

MR. ESRAM: Objection to form.

A. Can you -- can you possibly restate the question? You said that --

BY MR. DAHLGREN:

Q. Yes. So actually, maybe we can -- let's go up to -- I think it's paragraph 9. It's the same subject, but you discuss the -- your kind of icon construction there.

A. Well, I'm at paragraph 9.

Q. Okay. Now for a representation of a folder to have representations of files inside it, you have to be able to open the folder.

Is that a fair characterization?

MR. ESRAM: Objection to the form.

A. Sorry. Is there -- can you point me to what you're --

BY MR. DAHLGREN:

Q. Sure. Yeah.

A. What you're talking about?

Q. At the beginning of paragraph 9, you say (As read): "First, Dr. Smith proposes a definition that effectively reads out part of the claim term, representation."

And you say (As read): "He defines a representation of at least one folder as a folder that" -- and then... and you cite to his declaration as Exhibit 2051, Section B?

(Defendant's Exhibit 2051, Section B, Declaration, introduced as of this date.)

A. Yes.

Q. You've left out, you know, obviously, some of what Dr. Smith has said in paragraph 9. But my question is, the representation of a folder -- it still can have representations or a file -- it can have things internal to it, nonetheless.

Would you agree with that?

MR. ESRAM: Objection to form.

A. So if I understand your question

correctly, you are asking whether an icon representing a folder, whether that icon itself contains more icons?

The answer to that is, no. The folder icon is simply an icon.

If you navigate inside of the folder, you will separately see more icons for any objects that are within the folder, but the -- the enclosing outer folder, its icon, its representation, that representation is data. That data does not contain other icons inside of it. That's not how the user interfaces work.

BY MR. DAHLGREN:

Q. Right. And I think that we talked about this earlier, but a folder is a way of organizing storage in the memory. I think that we talked about a hierarchical structure as one option.

Is that correct?

MR. ESRAM: Objection to form. Misstates the testimony.

A. So I recall that we had an earlier discussion about folders.

BY MR. DAHLGREN:

Q. Yes. And my question is for a

representation of a folder to be able to have representation of the files inside it or additional folders -- I'm trying to understand how that --

Strike that.

When you say that a representation is just an icon, are you saying that a representation of a folder -- if you tried to open that folder, at that point, any contents of the folder would be downloaded or not?

Let me strike that. One more time.

Are you saying that the representation of the folder, under your construction as this icon, if you clicked on that icon, would that trigger the download of any files that were internal to that folder representation?

MR. ESRAM: Objection to form.

A. The icon -- how the icon is stored does not have to do with how the user interface decides to respond if you click on the icon. An icon for a folder is just a type of data. It's a piece of data that represents just the folder. It's not itself a folder. It is just an icon.

BY MR. DAHLGREN:

Q. So setting aside the representation of a folder, if you have a locally stored folder and the folder contents, that icon for the folder, what's the distinction? Because a lot of things are depicted with icons on computers.

MR. ESRAM: Objection. Is there a question there?

BY MR. DAHLGREN:

Q. Yeah. I am trying to understand what the distinction is that you're drawing between an icon for a folder that's on my computer where all of the contents are locally stored versus one that would be this folder representation?

MR. ESRAM: Same objection.

A. Well, I mean, the question, with all due respect, there is -- user interfaces are different things from the underlying things that they are helping you visualize.

For example, like if you -- like their -- their icons are information used by user interface, and the things that they represent are separate from that. It's similar to how if you play some "World of Warcraft" or some immersive video game, and you have an avatar in the game. That's some visual

depiction of what's supposed to be you, but it's not really you.

It's just a visual thing that is supposed to represent you. So an icon is something visual. Files are not visual. They are pieces of information stored in nonvolatile storage. And an icon is simply something that allows a user interface to help a user navigate through the information.

So inside of a user interface, it has data to represent whatever it's displaying to you. That's true not only for file systems, but for other forms of user interfaces. So they are separate things. The representation of something and the thing itself, these are different.

BY MR. DAHLGREN:

Q. Okay. Yeah. So the representation of a folder wouldn't be a folder if it contained representations of files.

You would agree, correct?

MR. ESRAM: Objection to form.

A. A representation of a folder is an icon. An icon is, to my knowledge, never stored itself as a folder. That would make no sense.

It's just a small piece of information that the user interface uses to allow the user to visualize and interact with a file system.

But the icon is not the contents of the file.

These are -- it's a separate thing.

BY MR. DAHLGREN:

Q. I guess -- maybe approach this a different way.

What is the basis for your interpretation of the claims to require an icon or symbol?

Where is the support for that?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Dr. -- so strike that.

Dr. Mowry, for your construction of representation of the "At Least One folder," it appears that you are relying on Dr. Smith's testimony.

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. I am asking what other basis you have for believing that that construction is correct?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Strike that question.

Dr. Mowry, could you please explain to me what the -- what support you believe is contained in the intrinsic record for your construction of representation of the At Least One folder?

A. What I stated in my declarations, is that the plain and ordinary meaning of representation is appropriate for understanding the term in the context of the '520 Patent because, as I explained, under any reasonable interpretation by a person of ordinary skill in the art, the prior art combinations that I cite would render the claims obvious.

An icon is an example of such a representation, for example, and that would be abundantly clear to a person of ordinary skill in the art.

As I also say, even under -- yeah, so --

Q. Is the word "icon" used anywhere in the --

MR. ESRAM: Counsel, can you let Dr. Mowry finish his answer, please?

MR. DAHLGREN: I thought he stopped.
BY MR. DAHLGREN:
Q. I didn't mean to interrupt you, Dr. Mowry.
Did you finish?
A. That's fine. I am finished.
Q. So I was just asking where "icon" or "symbol" appears in the '520 Patent?
MR. ESRAM: Objection to form.
A. I did not say that the term appears there. It is describing a representation within a user interface. And given the description of how this representation is used in the user interface, it would be clear to a person of ordinary skill in the art what that means.
And one example would be an icon or a symbol, something that would be displayed visually in either a web browser interface or in a File Explorer interface.
BY MR. DAHLGREN:
Q. Okay. I believe I'd asked you earlier if representation was a term of art, in seal technology. I take it now that you are saying it is, and what it means is icons.
Is that fair?

MR. ESRAM: Objection.
Mischaracterization.
A. That does not accurately characterize what I said.
BY MR. DAHLGREN:
Q. Please put it in your own words.
A. Can you restate the question, please?
Q. Please describe to me how --
Strike that.
So is it your position that "representation" is a term of art in the seal technology?
A. What I said is that the plain and ordinary meaning is appropriate for applying the -- using the term "representation" in the context of the '520 Patent because under -- I have -- let me find the -- as I say in paragraph 7 of my 286 reply declaration, (As read): "Any reasonable interpretation of those terms consistent with their plain and ordinary meaning reads on the prior art."
Q. And so what is the plain and ordinary meaning of "representation," in this field, technology? In your opinion, as the person of skill in the art with 30-plus years of

experience in this area?

A. I believe I've answered this already. I think I just answered this a minute ago.

It's -- and I don't know -- you are saying "field of technology." I am not -- what I am saying is if you read the '520 Patent, when they use the word "representation," it's clear to a person of ordinary skill in the art, what they are referring to is a user interface element of some type that is used to visually represent the folder. Either -- an icon or a symbol would be an example of this. Something that would be displayed in either a web browser interface or in a file interface.

Q. And the factual basis for your opinion is completely set forth in your reply declaration in paragraph 7 through 17. That's the paragraphs under the "Claim Construction" heading?

MR. ESRAM: Objection to form.

A. I'm sorry. I'm also -- that was --

Go ahead.

BY MR. DAHLGREN:

Q. Oh, I'm sorry. I was just going to say "strike that."

I just want to make sure that I understand all the factual bases that support -- that you believe support your interpretation that representation is icon or symbol when those terms -- I do not believe appear in the '520 Patent?

MR. ESRAM: Objection to form.

A. In my first and second declarations, I discuss "representation." You've just referenced the claim construction paragraphs. That's part of the discussion, certainly. In terms of the words in your question, I think that you are inserting legally significant terms. So I don't know -- having not gone to law school, and I'm not a patent attorney, so -- but I relied on things like the fact that I am an expert in this area, and I am also a person of ordinary skill in the art for this patent in the relevant time frame.

BY MR. DAHLGREN:

Q. Is "representation" a term of art with respect to HTML?

MR. ESRAM: Objection to form. Relevance.

MR. DAHLGREN: Counsel, if we are

talking about "representation" as a claim term, that the construction is in dispute, so it's highly relevant, so please...

BY MR. DAHLGREN:

Q. Dr. Mowry, the HTML -- I think that the file spec -- you would agree that the term "representation" is used as a term of art, correct?

MR. ESRAM: Objection to form.

A. Again, I did not go to law school. I believe the phrase "term of art" has specific legal significance. And if I was a qualified licensed patent attorney, I might be able to understand the subtlety of what you are asking.

But as I've stated, the term "representation" should be given its plain and ordinary meaning, because under any reasonable interpretation of the term, given the '520 Patent within -- with any reasonable interpretation of what that means, it -- the prior art combinations that I cite would read on -- would be consistent with the patent claims.

BY MR. DAHLGREN:

Q. You keep saying "any reasonable

interpretation," with respect to these different terms, but you wouldn't tell me what a person of ordinary skill in the art would understand with respect to some of these terms to mean. So I'm having trouble following you.

Dr. Mowrey, have you ever, in your recollection, taken a position on HTML, and the use of the term "representation"?

MR. ESRAM: Objection to form and relevance.

A. As I have discussed, the point of this exercise of writing these declarations is to understand the '520 Patent. So I understand what "representation" means in the context of that patent.

The patent does talk about HTML. There's a web browser interface. As I've said, "representation" in the web browser interface is some type of user interface element that the user could recognize as corresponding to a folder.

So it could be a symbol or something that would appear like an icon within the web page.

BY MR. DAHLGREN:

Q. An "HTML" is actually mentioned in the specification unlike "icon," correct?

MR. ESRAM: Objection to form.

A. Sorry, I don't follow your question.

BY MR. DAHLGREN:

Q. I'm saying that the term "HTML" appears in the '520 Patent unlike the term "icon," right?

MR. ESRAM: Same objection.

A. HTML does appear in the '520 Patent.

BY MR. DAHLGREN:

Q. And "icon" does not, right?

A. Well, it discusses representation within the context of a user interface, and it's clear what that means.

I believe you're correct that the literal string icon did not appear there, but it is using the term, "representation," but an icon would be an example of such a representation.

Q. Are you familiar with the WC3?

MR. ESRAM: Objection. Relevance, out of scope.

A. Can you point me to where you are talking about?

BY MR. DAHLGREN:

Q. My understanding is that they are in charge of the HTML spec, and I was just wondering if you were familiar with it.

MR. ESRAM: Same objection.

A. I am not sure what the term, am I "familiar" with it means, I haven't served on it. I don't know. I don't read their newsletters or something. I don't know what you mean by that exactly.

BY MR. DAHLGREN:

Q. Would you be shocked if the HTML standard said a representation is data that encodes information about resource state, representation is not necessarily describe the resource or portray a likeness of the resource, or represent the resource in other senses of the word "represent"?

MR. ESRAM: Objection to form.

Objection to scope as well.

BY MR. DAHLGREN:

Q. It's a term of art. I just didn't know if you had heard that before, if that's news to you.

A. Is there a document that you want to point me to?

Q. I think that I have everything that I need. So we can move on from this.

MR. DAHLGREN: I do want to touch on a couple more prior art references. To make it efficient, if we could take a ten-minute break and I can get everything lined up and then we can horseshoe that, does that work for everyone?

MR. ESRAM: That's all right. Yes.

MR. DAHLGREN: We may touch on a few of your papers as well, but I'll try to make it quick.

Let's go off the record.

(Off the record.)

BY MR. DAHLGREN:

Q. Dr. Mowry, I'd like to turn to the 287 IPR and your reply declaration.

And that is Mowry Depo Exhibit 7, and it's Exhibit 1127 in the IPR.

A. Okay.

Q. In, roughly, paragraphs 27 through 100, you are responding to Dr. Smith's opinions on written description support, and I just want to make sure I understood what your theory was.

It sounds, from my take, that the

critique or what you believe is lacking --

Strike that.

My understanding from your declaration is that you do not believe the file request claims, that's 9 through 16, and 22 through 24 of the '520 Patent, provide written description support for this external messaging node.

Is that fair?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Strike that.

Dr. Mowry, could you please tell me the reason or reasons that you believe claims 9 through 16 and 22 through 24 of the '520 Patent are not entitled to a September 2012 priority date?

A. Well, that's roughly 40 or so pages of my declaration. So I'm happy to read through that, but that will probably take up the rest of our time.

Q. That was a bad question. And I appreciate you pointing that out.

Is it correct that the basis for your belief that the claims are not entitled to a

September 2012 priority date is that the '520 Patent and the priority applications do not provide any disclosure of this external messaging node that you referenced in your declaration?

MR. ESRAM: Objection to form.

A. Again, it's 40 pages of opinion. I don't want to try to boil this down to one or two sentences. I don't think that's really practical.

I'm happy to walk through all those pages.

BY MR. DAHLGREN:

Q. Do you recall any other element of those claims that you do not believe is disclosed in the September 2012 application, aside from external messaging node?

MR. ESRAM: Objection to form.

A. You're mischaracterizing my opinion.

BY MR. DAHLGREN:

Q. How so, could you please tell me what I'm getting wrong?

It appears in your declaration that you are just going through every disclosure that Dr. Smith points to, or at least most, and

stating that you do not believe this discloses an external messaging node.

MR. ESRAM: Objection. Is there a question, Counsel?

BY MR. DAHLGREN:

Q. Dr. Mowry, can you point to any limitation, other than this alleged external messaging node that you do not believe is disclosed in the September 2012 priority applications?

MR. ESRAM: Objection to form.

A. Again, based on the volume of text in my opinion, it's going to take me a significant amount of time to go through this to refresh my memory, in order to answer your question.

BY MR. DAHLGREN:

Q. Dr. Mowry, you've spent, I believe somewhere in the order of 12 hours over a span of three meetings with counsel preparing for today's deposition, reviewing materials, and you dedicated 70 or so paragraphs of your declaration in the 287 IPR, in this alleged issue.

Do you recall any other alleged limitation that you believe is not disclosed in

the claims aside from this external messaging node?

A. So, again, the problem with that question, is you are asking whether something exists, and I need to go back through these, all these pages of text to refresh my memory on that.

I'm happy to do that, if you don't mind taking the time for me to do that.

Q. Why don't you start, and if it drags on too long, then you could just let me know what paragraph you got to, and then we can just deal with that.

All right, Dr. Mowry. I will withdraw that question after five minutes. So we will get back to the 287.

But are you familiar with a course that's taught at Carnegie Mellon called Introduction to Computer Systems? It's at 50-213.

MR. ESRAM: Objection to form and relevance.

BY MR. DAHLGREN:

Q. I believe it's called "Web Services, Introduction to Computer Systems."

MR. ESRAM: Same objection.

A. Sorry. Can you repeat that again?

BY MR. DAHLGREN:

Q. So there is a course, it's Web Services, 15-2 and -3, "Introduction of Computer Systems." The instructors were Randy Bryant and Dave O'Hallaron.

"The Web Service" is the name of the lecture. It's dated November 4, 2010.

Do you recall, are you familiar with that at all, that course or that lecture?

MR. ESRAM: Objection to form, relevance, out of scope.

A. I'm aware of the course in that it exists. But I am not -- I don't -- I teach -- I don't regularly sit in on the course.

I have not reviewed that lecture, to my knowledge.

Did I reference that, or did Dr. Smith reference that in our declarations?

BY MR. DAHLGREN:

Q. No. You just weren't able to tell me what Web Services referred to, so I found a course that is taught at the university that you're a professor at, and I was hoping you

could explain to me what it means.

A. No. I disagree with your characterization. I explained what "web services" mean with how it's described in the '520 Patent. So I disagree with that characterization.

Q. Can you remind me what "services" refers to aside from not sending a -- or generating a message?

MR. ESRAM: Objection to form.

A. I think that we covered that ground before. It would go back to -- I can revisit that whole discussion, if you'd like, but I disagree with the characterization that you had that I didn't understand what web services are. That's completely wrong.

BY MR. DAHLGREN:

Q. I apologize. I have no doubt that you understand what web services are, but I am just trying to get you to explain it to me. The way that you were defining it was a negative, that it doesn't include generating messages.

Please, if you are able to, I would appreciate if you would take another shot at it.

What would a person in ordinary skill

in the art understand the phrase "web services" to mean?

MR. ESRAM: Objection to form.

A. So to be clear, I don't believe that term appears in the '520, as you just stated it.

BY MR. DAHLGREN:

Q. And that's why I just asked what a person of ordinary skill in the art would understand the phrase "web services" to mean in the 2012 time frame.

If you're able to answer.

MR. ESRAM: Objection to form.

A. I think we've already covered this ground. The term "web service" -- it appears with other words, it doesn't just say "web services."

BY MR. DAHLGREN:

Q. What kind of lecture is this "Web Services"? I can represent that to you. I can submit it as an exhibit, I don't know if that helps with your recall --

A. I'm still -- I'm still answering the question here.

Q. Oh, sorry.

A. It says -- all it says is "web

service provider node." It doesn't say "web services" in the '520. The term only appears twice.

I'm finished.

Q. So you're refusing to answer the question? I'm not --

A. No. I was answering the previous question. And I pointed out that we already had a lengthy discussion about this term, "web service provider node."

Q. Dr. Mowry, I would just appreciate if you could just answer the questions I asked, and if I have asked a question that was similar before, I apologize.

But now that I refreshed your memory about this course at Carnegie Mellon, the university that you teach at that has a lecture called "Web Services," I was hoping that you could shed some light on what that "term" means to a person of ordinary skill in the art in the 2012 time frame.

MR. ESRAM: Object to form, relevance.

A. Well, I reject the premise of your question where you said that this has refreshed

my memory on what "web services" means for a person of ordinary skill in the art because "web services" is not a term that appears in the '520 Patent, and person of ordinary skill in the art is a term that's specific to reading this patent.

And in terms of understanding "web service provider node," that is not the same as "web services" in a 213 course lecture. That's not relevant to this. This is specific to how the term is used in the '520 Patent.

BY MR. DAHLGREN:

Q. Dr. Mowry, if you want to refuse to answer my question, if you say it's not relevant, that's not really your call to make. We can move to strike your declarations and have all of your testimony excluded. Otherwise, I would just appreciate if you would answer the question.

MR. ESRAM: Objection. Counsel.

BY MR. DAHLGREN:

Q. It's turned into a big issue, the support in the 287, so, it's -- I have to insist.

MR. ESRAM: Objection. Counsel, I

believe Dr. Mowry answered your question every single time. If you are not satisfied with the answer, you can ask your question again.

A. Can you please restate the question?

BY MR. DAHLGREN:

Q. What would a person of skill in the art in the 2012 time frame understand the phrase "web services" to mean?

MR. ESRAM: Objection to form.

A. That term does not appear in the '520 Patent. It refers to a web service provider node and the context where it's described in the '520 Patent is referring to -- well, it's in column 27, starting around line 9 or so, it says that (As read): "The web service provider node may include a query handler component that may operate to receive data object information identified in the message from the browser, so a browser is interacting with this web service provider."

Just prior to that, it says (As read): "The browser may send the data object information via network cumulatively coupled to the client node to a web service provider node."

That's what a person of ordinary skill in the art would understand. The web service provider node is responding to this request from the browser.

MR. DAHLGREN: And again, move to strike, that's nonresponsive.

BY MR. DAHLGREN:

Q. Again, Dr. Mowry, could you please explain what the phrase "web services" would mean to a person of skill in the art in the 2012 time frame?

MR. ESRAM: Objection to form and scope.

A. I believe I just answered that question, so I refer to my previous answer.

BY MR. DAHLGREN:

Q. Do you recall ever opining on what "web services" may refer to in any of your prior expert witness work?

MR. ESRAM: Objection to form, out of scope.

BY MR. DAHLGREN:

Q. You have an obligation to produce any inconsistent testimony. Right now, you're saying -- you're just not responding.

So you did produce any of the prior, you know, transcripts and depositions or anything like that. If there is a statement that refers to "web services," then you guys are in violation of the board's rules, and we will seek relief or you can answer the question --

MR. ESRAM: And we object to that, and we disagree with what you just said. And we can take it offline if you need to.

MR. DAHLGREN: Yeah, we will bring it up after the deposition.

BY MR. DAHLGREN:

Q. But in the meantime, Dr. Mowry, in the 2012 time frame, the phrase "web services" would be understood by a person with skill in the art to mean what?

MR. ESRAM: Objection to form, out of scope.

A. I just answered that question, so I refer to my previous answer to the same question.

BY MR. DAHLGREN:

Q. And your answer was nonresponsive.

Strike that.

Dr. Mowry, what is a "web service"?

Can you give me an example, please?

MR. ESRAM: Objection to form, out of scope.

A. Well, in the '520 Patent, the term "web service" appears in a specific context. It's talking about web service provider node, and what it's discussing here is a node that responds to a request from a browser, so that's what -- that's how a person of ordinary skill in the art would understand the term. It is something this web service provider node responds to a request from a browser.

BY MR. DAHLGREN:

Q. And does it limit the type of response?

Strike that.

What type of responses do web service provider nodes provide to browsers?

Can you give me an example, please?

MR. ESRAM: Objection to form.

A. The only detail provided here is two sentences in column 27.

BY MR. DAHLGREN:

Q. And so what would a person of skill in the art understand "web service" to refer to?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. That term has a meaning, and it's not. The --

Strike that.

You would agree that Paul Morris, the investor of the '520 Patent, he didn't make up the term web service.

Is that fair?

I will remind you, also, in 2010, it's the name of a lecture in a computer science class at your University.

So what does it mean?

MR. ESRAM: Objection to form.

A. Well, I'm here to discuss my opinions and my declarations, which are related to the '520 Patent. The term in the '520 Patent arises only in these two sentences in column 27, where it's referring to a web service provider node, and what it's discussing is something that this web service provider node is responding to a request from a browser.

BY MR. DAHLGREN:

Q. And what type of -- that's all you can say. You --

Strike that.

So I just want to make sure I understand correctly. You can't say anything else in your 30 years of experience about what web services, or web service refers to? I just want to make sure that I am very clear on this point, because we are going to take this up.

MR. ESRAM: Objection. Out of scope and form.

MR. DAHLGREN: Counsel, he says that the web service provider node in Figure 5 doesn't provide support. It's just right down the middle in terms of scope. So please refrain from those specious objections.

MR. ESRAM: I think I disagree with what you just said as well. "Web services" alone doesn't show up in the spec.

MR. DAHLGREN: Counsel, you don't need to testify for your witness. He's said that multiple times already. And I just want to get an answer and move on.

A. I've given you an answer already.

BY MR. DAHLGREN:

Q. So you agree, you can't give me any

more information as to what "web service" or "web services" refers to. Okay.

MR. ESRAM: Objection to form.

MR. DAHLGREN: You've already shared. There's no --

A. Sorry, Counsel. No, I want to respond to the question there. That's incorrect.

"Web service provider node" is responding to a request from a browser. That's what a person of ordinary skill in the art would understand that phrase to mean. So web is HTTP based, and it is responding to this request from the browser.

BY MR. DAHLGREN:

Q. Is Gmail a web service?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. Strike that. I will give you an easier one.

MR. ESRAM: Objection to form.

A. Can you repeat the question, please?

BY MR. DAHLGREN:

Q. Dr. Mowry, I asked if Dropbox is a web service. If you are unable to answer that

question, you can state as much.

A. I asked you to repeat the question. I didn't hear the question.

Q. Is Dropbox an example of a web service?

MR. ESRAM: Objection to form.

A. Well, what I know is, again, we can, if you want to explore hypotheticals, that's all very interesting, but in the context of the '520 Patent, the term "web service" only appears in these two sentences in column 27, and as I said, in this context, it refers to responding to a request from a browser.

There are a number of websites out in the world. I mean, E-commerce is a well-known thing. But in the '520 Patent, it's using the term only in column 27, when it discusses "web service provider node" in roughly lines, say, 6 through 13 or so. And this is something that responds to a request from a browser, and that's consistent with what a person of ordinary skill in the art would understand the term to mean.

BY MR. DAHLGREN:

Q. And I don't know if that actually said anything more than what you'd done before.

So if the spec referred to a hammer, and it had a picture of a hammer, and it only talked about using hammer to remove a nail that you hammered in, are you saying that you wouldn't be able to understand that, Oh, well, there's a hammer. I can actually knock the nail into wood, too.

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. It may be a bad example, but if there's a term that's used that has a well-known meaning -- and I think that "web service" has a well-known meaning -- that's what a person of skill in the art would use. And I'm just trying to find out what that is. You're a person skilled in the art.

MR. ESRAM: Objection to form.

A. Can you restate the question, please?

BY MR. DAHLGREN:

Q. Sure. So Dr. Mowry, if there was a disclosure in the spec of a hammer, and it didn't say anything else, it just said "hammer," are you saying that, well, that -- it wouldn't be sufficient to allow you to understand what was being taught by the reference to hammer?

MR. ESRAM: Objection to form.

A. Well, that sounds like the kind of question that you need to go to law school to answer accurately. But what I can say is the term that does appear is -- in the '520 Patent is not simply "web service," it is -- the phrase is only "web service provider node," all four of those words. That whole phrase appears twice. So that is not equivalent to web service. It is "web service provider node."

So in your question, you seem to be suggesting that the term is "web service." That's incorrect. The term is "web service provider node." That is not a commonly used term. It -- to understand what it means, we are looking at the spec here, and it is described in these sentences, and it is something that responds to this request from the browser, as I have stated several times.

BY MR. DAHLGREN:

Q. So I am going to ask that you and your counsel produce anything inconsistent with your position now that you are not able to articulate what a person skilled in the art would understand "web service provider node" to

mean, and I want to point out in -- it looks like a prior IPR, you relied on an article called "Access Management of Web of Based Services."

I haven't gone through and looked at this.

The fact that we were not given this, I think that it is very likely a violation of the patent office rules, and I am going to have to continue this discussion with your counsel about this.

I want to give you one more chance.

I don't want to do this, but you can't keep stonewalling us. So could you please explain to me what a person skilled in the art would have understood "web service provider node" to mean in the 2012 time frame?

What do you believe?

MR. ESRAM: Counsel, again, we disagree with everything you just said, and we are proposing that we take this offline, if needed.

A. I believe I've just answered your question about five or six times. I am happy to answer it again, but I've already answered your

question.
BY MR. DAHLGREN:
Q. Is there a reason why you didn't list your prior expert witness work in your CV?
MR. ESRAM: Objection to form.
BY MR. DAHLGREN:
Q. It's a pretty standard practice, and the fact that you have represented Dropbox in the past, and you said on patents related to what's involved here, I am just wondering why you didn't disclose that fact.
A. My CV is the academic CV I have on my website. That's the standard practice of my colleagues.
Q. So if I -- Okay. I am going to spend some time, and I'll look at some other CVs from this report, and, you know, we can compare those. But I was just wondering if there was a reason. I just was curious.
So I think that we've probably addressed that enough. We can move on. I think the record will speak for itself.
Just give me one second.
I want to talk about your second declaration in the 287 IPR, and that is Mowry

Depo Exhibit 7, Exhibit 1127.

A. Okay.

MR. DAHLGREN: Oh, I think I said the Depo Exhibit 7 -- oh, no, sorry.

And I think we are going to just -- for the record -- I just want to state in case I forget, we are going to want to hold the depo open pending our discussion on the inconsistent discovery production.

MR. ESRAM: And we disagree with that.

BY MR. DAHLGREN:

Q. Dr. Mowry, do you recall your discussion of the replaying reference with respect to the file request claims? If you turn to -- I think it's around paragraph, like, 101 of your declaration. I think that's where the discussion of the asserted prior art references, alleged art references begins.

A. What's the page?

Q. I'm sorry. I am getting there myself. I'm navigating.

It is -- I think it's around like 67 or --

Oh, real quick, just before I mention

that, are you familiar with the Extreme FS client that is disclosed in the priority application for 2012?

MR. ESRAM: Objection to form.

A. Sorry. Can you point me to what you are referring to?

BY MR. DAHLGREN:

Q. Sure. If you look at paragraph -- it's -- it's paragraph 100. Here, you just reproduced a couple paragraphs, and I understand that you -- wait a second.

So I'm looking at -- it's paragraph 100, and you reproduced a number of paragraphs, and then you state (As read): "These paragraphs 116 through 119 are describing a representation of a data object, including creating, identifying, mounting and accessing the data object. It does not describe generation of any message by an external messaging node, which Patent Owner appears to contend is encompassed in limitations of all challenged claims."

Do you see that?

A. I see paragraph 100, yes.

Q. Are you familiar with the Extreme FS

client that's referenced in paragraph 100 of your declaration?

MR. ESRAM: Objection to the form.

A. I believe I'm familiar with it.

BY MR. DAHLGREN:

Q. Sorry. You believe -- so are you familiar with the Extreme FS?

A. What do you mean "familiar with"? I haven't read all of the source code in Extreme FS. I know that it's a file system client. I've analyzed this section here.

Q. My apologies. I was wondering if you -- if this was something that you were familiar with or that you had to do some research. I wasn't sure how well-known some of these different technologies were that are recited in paragraph 100.

So same question, but now with Samba. Have you heard of Samba before your involvement in this -- these IPRs?

A. Yes.

Q. For the CMIS, Content Management Interoperability Services, were you familiar with that prior to these IPRs?

A. I think so.

Q. For the Web Distributed Authoring and Versioning, WebDAV, were you familiar with that prior to these IPRs?

A. I don't recall exactly.

Q. And the ADaM Publishing Protocol, were you familiar with that prior to your involvement in these IPRs?

A. I don't recall.

Q. Do you recall what you did to form your opinions that none of those disclosures were adequate to provide written description support for the challenge claims?

MR. ESRAM: Objection to form.

A. Sorry. You're asking me how I wrote my report? Is that what you're --

BY MR. DAHLGREN:

Q. If you had to do any research, how you satisfy yourself that you had a sound basis for stating under oath that none of those systems that were disclosed in the 2012 priority applications were sufficient for purposes of written description report for the challenge claims.

MR. ESRAM: Objection to form.

A. Can you please restate the question?

BY MR. DAHLGREN:

Q. How did you determine that the disclosures in the paragraph that you cite in paragraph 100 of your applied declaration --

MR. ESRAM: Objection. Form.

BY MR. DAHLGREN:

Q. -- did not provide written description report for the challenge claims?

MR. ESRAM: Objection to form.

BY MR. DAHLGREN:

Q. And Doctor, I don't want to --

A. Okay. We've been going a long time. I mean -- you know, I was happy to let you start late. This has been a very long day. So you're asking me questions where I don't recall all of the details of this, but that's not my answer. So I need to spend more time going through this.

Q. Then that's -- if that's your intent, that's fine. If you just can't recall, at this moment, that is what it is.

So let's move back to your declaration, and there is -- it's paragraph 101. It's a 287 IPR, your second declaration.

A. Okay.

Q. There's the "Riepling" reference, and

you have reproduced -- it's Figure 3.

Do you see that?

A. Yes. Yes.

Q. And with respect to 101 and 102, these paragraphs. Riepling doesn't disclose that the information in the Figure 3 is all sent to -- to the party that the file is being requested from, correct?

MR. ESRAM: Objection to form.

A. Can you repeat the question, please?

BY MR. DAHLGREN:

Q. Sure. So in Figure 3, there's different fields that are shown.

But the information that is collected, that's not all included in the message that is sent to another user requesting a file, right?

MR. ESRAM: Objection to form.

A. So you're asking whether Figure 3 is showing this, the Riepling patent. It's obvious that this information would be communicated to the person that the invitation is sent to. Otherwise, you would be surprising them in an unpleasant way, when they attempt to upload the wrong thing.

(Defendant's Exhibit 11, Riepling, introduced as of this date.)

BY MR. DAHLGREN:

Q. So we have Riepling, that should be loaded -- if you could just download that and let me know when you're ready.

And Riepling is Exhibit 11, Deposition, and 1107 of the 287 IPR.

A. Okay.

Q. Now, the Figure 3 -- and specifically, the content field, 325, the audio, that is not included in the message that is sent to another user requesting a file, correct?

MR. ESRAM: Objection to form.

A. I discuss this in my declaration, so I want to refresh my memory on that discussion.

BY MR. DAHLGREN:

Q. Absolutely, please do so.

A. (Witness reviews document.) This file is not searchable. It's going slowly here.

Q. I think that Figure 4 of Riepling's is a depiction of something that's sent to the party that the file be requested from.

A. Well, that figure is showing an example of something, and it appears to be

chopped off.

You only see a portion of the email message at the top. The portion that includes just the link, but a person of ordinary skill in the art reading the patent would realize that it would be likely that the chopped off part would include that information in box with 325.

Q. So it is your position that a person of ordinary skill in the art, that it is inherent, that it would be present that's how a person would understand Figure 4?

MR. ESRAM: Objection to form, misstates the testimony.

MR. DAHLGREN: Counsel, please stop the speaking objections. It's an improper objection. You have done it multiple times today.

Just let the witness answer. You can clean it up on redirect if you need to -- or try to at least.

MR. ESRAM: I disagree that it's improper.

A. Sorry. You said the word "inherent." I apologize, but again, I did not go to law school. So I'm not sure what the significance

of that term is exactly.

As I stated, a person of ordinary skill in the art would realize that it would be obvious to include that information in the rest of the email message.

In Figure 4, if you look at it, it looks like it appears clearly to be chopped off. There's no signature or anything else. And it would be obvious to include those details in that email message.

BY MR. DAHLGREN:

Q. If you could look at your first declaration, it's in 287 IRP. That is 1102, paragraph 21. It's a legal standard, and it's for "anticipation." And you will see that's where this word "inherently" came from, and it's from your declaration.

A. What page, paragraph are we talking about?

Q. It's numbered page 8, physical page 11 of the PDF and it's paragraph 21.

A. Hang on. I need to adjust the lights. I'll be right back in 30 seconds.

Q. No worries.

A. Sorry. Can you please repeat the

question?

Q. I was directing you to paragraph 21.

You had asked about that term "inherently," and I wanted to direct you to that. You can just read that paragraph.

And let me know when you're done, please.

A. (Witness reviews document).

Well, that paragraph is about "anticipation," and I am not providing an opinion.

Let's see. (Witness reviews document).

Q. I just wanted to clarify that, Dr. Mowry, you answered it at that point.

I just wanted to make sure that we are all on the same page as to what the theory was.

So your opinion is that Figure 4, it is chopped off, but given the rest of the disclosure of Riepling, a person of ordinary skill in the art, they would know or think it's obvious to include additional information in the -- I think it's called an "invite." That's the invite message that's sent.

MR. ESRAM: Objection to form.

A. I think that, as I said, a person of ordinary skill in the art reading Riepling would find it obvious to include the information from Box in 325 in the email message, in the invitation, which is shown in Figure 4 -- well, Figure 4 showing a portion of it.

BY MR. DAHLGREN:

Q. Is there anything in Riepling that you can point to that you believe would provide some type of motivation or reason or any rationale for a person of ordinary skill in the art to modify Riepling in that way?

MR. ESRAM: Objection to form.

A. That's not modifying Riepling. That's what Riepling would do.

Can I say one thing?

BY MR. DAHLGREN:

Q. Yes, absolutely.

A. We've been going for a while, and I am also wondering if we are close to the end of our day here. But in any event, our most recent session has been going for a while.

Q. Sure. If you could just answer this last question, and then we will break and tally

the time.

But you agree that Riepling doesn't disclose the content type in the message that's depicted in Figure 4 or anywhere else in the specification.

Is that right?

MR. ESRAM: Objection to form.

A. No, I don't agree with that.

BY MR. DAHLGREN:

Q. So you agree that you are not asserting anticipation, which would require every claim element to be disclosed, correct?

Actually it -- to just check, a minute ago, you said if I answer that one question, we were going to break, and I think I did.

Q. I didn't say "break." Well, sorry. I understand, but it depends on the answer, so -- okay.

I will strike that answer.

MR. DAHLGREN: We can go off the record and figure out how much time we have left.

MR. ESRAM: Okay. Are we going off?

(Off the record.)

MR. DAHLGREN: Dr. Mowry, I want to

thank you for your time. I have no further questions at this moment, subject to your counsel potentially having redirect.

However, I am going to have ongoing discussions with him about some of the issues I brought up about discovery obligations.

So we are reserving the right to seek some additional time. Hopefully, we can avoid it. But subject to all that, I turn it over to you, Trishan.

MR. ESRAM: Thanks. We don't have any other -- we don't have any questions for Dr. Mowry, so we rest. Thank you.

MR. DAHLGREN: I guess we can go offline?

THE COURT REPORTER: Does Dr. Mowry want to read and sign or waive his signature?

THE WITNESS: Sorry. Can you explain what that means?

MR. DAHLGREN: If you want to read and sign.

MR. ESRAM: Yeah, he will read.

MR. DAHLGREN: Trishan, I don't know

if we talked about -- I don't recall what we did for Dr. Smith in terms of logistics if the proponent provides the transcript. I apologize if we didn't bring it up.

(Off the record.)

MR. DAHLGREN: We will do a rough, and today, being Tuesday, could we request a -- do you think we could get something by Monday, a final, or Tuesday?

Let's do a week, I guess.

Well, actually, I want to confirm when the deadline is, make sure that I'm not cutting it too close.

MS. HERRIOT: It's not regular delivery.

MR. DAHLGREN: Can I get it by Friday, the final?

MS. HERRIOT: We do want a final, so there you go.

(Concluded at 6:46 p.m.)

CERTIFICATE OF OATH

STATE OF FLORIDA)
COUNTY OF LEE)

I, the undersigned authority, certify that TODD MOWRY personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 14th day of March, 2025.



Donna Dratwa
Notary Public - State of Florida

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA)

COUNTY OF LEE)

I, Donna Dratwa, Certified Realtime Reporter, Registered Merit Reporter, and Notary Public in and for the State of Florida at Large, certify that I was authorized to and did stenographically report the deposition of TODD MOWRY, that a review of the transcript was requested, and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties; nor am I a relative or employee of any of the parties' attorney or counsel connected with the action; nor am I financially interested in the action.

DATED this 14th day of March, 2025.



Donna Dratwa, RMR, CRR

RE: DROPBOX, INC., Petitioner v. MOTION OFFENSE, LLC, Patent Owner

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Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

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TODD MOWRY DATE

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