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Transcript of Sanjay Ranka, Ph.D.

Date: December 13, 2024

Case: FreeWheel Media, Inc. -v- AlmondNet, Inc. (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

IPR2024-00416
AlmondNet Ex. 2003

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4
5 FREEWHEEL MEDIA, INC.,

6 Petitioner,

7 v.

8 ALMONDNET, INC.,

9 Patent Owner.

10
11 Case IPR2024-00413
12 Patent 7,979,307
13 and
14 Case IPR2024-00416
15 Patent 8,775,249

16 DEPOSITION OF

17 SANJAY RANKA, Ph.D.

18 FRIDAY, DECEMBER 13, 2024

19 REMOTE VIDEO TELECONFERENCE

20 8:30 a.m. PST

21 to

22 9:24 a.m. PST

23 Stenographically Reported by:
24 Burgundy B. Ryan, RPR,
25 CSR No. 11373
Job No. 565040
Pages 1-27

A P P E A R A N C E S

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DEPOSITION SUPPORT INDEX

QUESTIONS INSTRUCTED NOT TO ANSWER:

PAGE LINE

(None)

REQUEST FOR PRODUCTION OF DOCUMENTS

PAGE LINE

(None)

STIPULATIONS

PAGE LINE

(None)

QUESTIONS MARKED

PAGE LINE

(None)

REPORTER'S NOTE:

QUOTATION MARKS ARE USED FOR CLARITY AND DO NOT
NECESSARILY REFLECT A DIRECT QUOTE.

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I N D E X

PAGE

EXAMINATION BY MR. MILKEY..... 6

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E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
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(No exhibits were marked.)

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1 BE IT REMEMBERED that, pursuant to Notice
2 of Taking Deposition, and on Friday, December 13,
3 2024, commencing at 8:30 a.m. PST thereof, via
4 remote video teleconference, before me, Burgundy B.
5 Ryan, a Certified Shorthand Reporter in and for the
6 State of California, personally appeared

7 SANJAY RANKA, Ph.D.,
8 a witness called on behalf of PATENT OWNER, and who,
9 having been first duly sworn by me to testify to the
10 truth, was examined and testified as follows:

11 IT TECHNICIAN: Thank you to everyone for
12 attending this proceeding remotely, which we
13 anticipate will run smoothly.

14 Please remember to speak slowly, and do
15 your best not to talk over one another.

16 Please be aware that we are recording this
17 proceeding for backup purposes. Any off-the-record
18 discussions should be had away from the computer.
19 Please remember to mute your mic for those
20 conversations.

21 Please have your video enabled to help the
22 reporter identify who is speaking. If you are
23 unable to connect with video and are connected via
24 phone, please identify yourself before speaking.

25 We will provide a complimentary unedited

1 recording of this deposition with the purchase of a
2 transcript.

3 I apologize in advance for any
4 technical-related interruptions. Thank you.

5 COURT REPORTER: Good morning. My name is
6 Burgundy Brooke Ryan, California CSR No. 11373.

7 Counsel, please identify yourselves for the
8 record.

9 MR. KRONENTHAL: This is Craig Kronenthal
10 representing Petitioner. And with me is Camille
11 Sauer.

12 MR. MILKEY: And this is James Milkey on
13 behalf of Patent Owner with the law firm of Russ,
14 August & Kabat.

15 (Whereupon, the witness was sworn.)

16 COURT REPORTER: Thank you very much.

17 Counsel, you may proceed.

18 SANJAY RANKA, Ph.D.,
19 having been first duly sworn to tell the whole
20 truth, testified as follows:

21 EXAMINATION

22 By MR. MILKEY:

23 Q. So, Dr. Ranka, you understand that your
24 deposition today is regarding two different
25 proceedings?

1 A. Yes.

2 Q. Okay. And so there is a proceeding
3 involving the '307 patent and then a separate
4 proceeding regarding the '249 patent; is that
5 correct?

6 A. Yes.

7 Q. Okay. Do you have copies of the
8 declarations that you've authored in those
9 proceedings?

10 A. Yes.

11 Q. Okay. So you prepared a declaration, the
12 case number is IPR2024-00413, regarding the '307
13 patent. And that's Exhibit 1002 in that case.

14 Could you -- could you access that
15 declaration?

16 A. Okay. I have it in front of my screen.

17 Q. Okay. Approximately how long did you spend
18 preparing this declaration?

19 A. The combined two declarations I spent
20 probably between --

21 (Court Reporter clarification.)

22 THE WITNESS: Sure. Combined for '249 and
23 '307, I spent somewhere between 150 and 200 hours.

24 By MR. MILKEY:

25 Q. Okay. And you're an expert in targeted

1 advertising systems; correct?

2 A. Yes.

3 Q. Okay. You're familiar with the DoubleClick
4 targeted advertising systems?

5 A. I was familiar with them 20 years ago. I
6 have not used them recently.

7 Q. Okay. Did you consider any materials
8 related to DoubleClick in preparing your analysis in
9 these proceedings?

10 A. Whatever I have looked at is listed in my
11 declaration.

12 Q. Okay. Do you recall looking at anything
13 related to DoubleClick in forming your opinions?

14 A. No. I mean, I think it's based on whatever
15 I have listed in my exhibits.

16 Q. Okay. And just to be clear, you don't
17 recall anything listed in the exhibits sitting here
18 today as being related to DoubleClick?

19 A. Oh, I think there are obviously patents,
20 like a couple of patents which were authored by
21 folks from DoubleClick. So in that sense, yes.

22 Q. Okay. And would that include the Merriman
23 patent that you rely on?

24 A. Yes.

25 Q. Okay. And are you familiar with the -- the

1 company Engaged Technologies?

2 A. Again, these are the patents in which we
3 are talking about, yes.

4 Q. Okay. And is it -- is it fair to say that
5 both the Roth and Engaged patents that you rely on
6 relate to Engage Technologies?

7 A. Again, I would just say I focused more on
8 the patent than Engage itself. So I would just say
9 that my opinions are based on the patent.

10 Q. Okay. So other than the patents that you
11 considered in your prior art analysis, you didn't do
12 any other analysis to see whether DoubleClick or
13 Engage were implementing any certain features; is
14 that fair?

15 A. I think if you look at my declaration all
16 of the opinions are based on -- on the references
17 which are listed. I worked in this field between
18 1999 and 2003 extensively, owning my own company in
19 the Bay Area, so I'm aware of all of these companies
20 at that time.

21 Q. Okay. So if you go to paragraph 209 of
22 your declaration, and this starts on page 1 --
23 numbered page 140, PDF page 147, depending on how
24 you're looking at it.

25 A. Yeah. I'm just opening it up.

1 You said 218 or --

2 Q. 209. Paragraph 209.

3 A. 209? Okay. Yeah, if you don't mind, just
4 look at the page numbers from my declaration or the
5 PDF numbers, that might be easier but either way.

6 Q. So it's page 140.

7 A. Yeah, that's fine.

8 So that's where -- it's the section called
9 "Analysis;" correct?

10 Q. Yes.

11 A. Okay.

12 Q. So the first bullet point references Claims
13 1-3, 7, and 9 would have been obvious based on
14 Merriman in view of Jaye. Do you see that?

15 A. Yes.

16 Q. Okay. And then the next bullet point also
17 references the same claims being obvious based on
18 Merriman in view of Minor. Do you see that?

19 A. Yes.

20 Q. Okay. And then going down about halfway
21 through page 141 there is two other bullet points
22 referencing those same claims being obvious, both in
23 view of Roth in view of Jaye and then also Roth in
24 view of Minor. Do you see that?

25 A. Yes.

1 Q. Okay. So for claims 1-3, 7, and 9 it looks
2 like you have four different combinations of prior
3 art references; is that fair?

4 A. Yes.

5 Q. Okay. So if you go to page 147 that's the
6 start of your Merriman in view of Jaye analysis?

7 A. Okay. I'll do that. Okay. I have 218.

8 Q. Yes, that's correct.

9 And so at a high level what motivation
10 would a person of ordinary skill in the art have
11 have to combine Merriman and Jaye in the manner that
12 you're proposing in this combination?

13 A. Sure. Just give me a minute. I'm looking
14 through my declaration here.

15 So if you look at paragraph 226, which is
16 on page 156, there are a "number of teachings,
17 suggestions, and motivations in the prior art that
18 would have led a POSITA to modify and combine
19 Merriman and with in the ways that I have described.
20 A POSITA would have motivated to combine Merriman
21 and Jaye in this way to provide profile information
22 captured by the website to the ad server in
23 real-time and it will have been desirable for the ad
24 server to receive up-to-date profile information for
25 providing improved targeted advertisements."

1 I want to make sure, Brooke, you can hear
2 me clearly?

3 MR. MILKEY: Yeah.

4 (Court Reporter clarification.)

5 THE WITNESS: That is okay. I'll speak
6 slowly.

7 "By passing profile information with the
8 request for inserting an ad, the profile information
9 can be immediately used to select an ad to fulfill
10 the request. Advertisers were interested in current
11 information about users and the context in which
12 advertisements were to be placed. A POSITA would
13 have been motivated to combine Merriman with Jaye to
14 provide advertisers with current information that
15 the advertisers were interested in because of the
16 economic incentives.

17 For example, increased revenue from more
18 advertisers willing to pay for ads based on that
19 current information and increased profits because
20 advertisers were willing to pay more per ad
21 associated with providing the current information.
22 A POSITA would have been aware of these demands and
23 economic incentives for providing current
24 information about users and the content in which ads
25 were to be placed."

1 And then I have more details in the rest of
2 this stuff.

3 By MR. MILKEY:

4 Q. Okay. That's helpful. So you mentioned
5 economic incentives. So I understand that both
6 Merriman and Jaye involve a situation where
7 advertisements are placed on websites. In Merriman
8 that is the Affiliate website; is that fair?

9 A. Well, they definitely provide -- are
10 providing targeted ads so that is probably a second
11 issue, but yeah, they -- they are providing those
12 ads on those profiles.

13 Q. Okay. You agree that in Merriman -- the
14 Affiliate website is a website that -- that the
15 Merriman system is -- is attempting to place an ad;
16 is that correct?

17 A. That's based on the description in
18 Merriman, yes.

19 Q. Okay. And what economic incentive does the
20 website have to allow an ad to be placed on that
21 website?

22 A. Probably DoubleClick will pay money to them
23 for putting in an ad.

24 Q. Okay. And is the same true of the Jaye
25 reference in the Engage system, that Engage would

1 pay the website money for an ad being displayed on
2 the website?

3 A. I would have to look at Jaye more carefully
4 in terms of, you know, what -- what -- what the
5 description is. I'm happy to go look at the patents
6 more carefully. Engage, for example, which is --
7 right -- was putting out bids for people to put ads.
8 So clearly in that case they were trying to get
9 money from -- from people who were trying to get
10 service ads.

11 Q. And the website ultimately gets some of
12 that money; correct?

13 A. Again, I -- I would assume so, but again,
14 without reading the patent I can't answer that
15 precisely.

16 Q. Okay. So if we go to page 153 of your
17 declaration. And for purposes of this deposition --
18 by the way, for the record, when I refer to "your
19 declaration" I'm referring to your declaration on
20 the '307 patent. And I'll -- I'll make it known on
21 the record if we -- if we switch to the other
22 declaration.

23 A. Thank you. That's helpful.

24 Q. Now, if you we can go to page 153 of your
25 declaration. This is --

1 A. Sure.

2 Q. -- just above paragraph 223.

3 A. Uh-huh.

4 Q. And you see here there is the annotated
5 figure that shows a message going from -- a message
6 22 from the affiliate website 12 to the user's
7 browser 16?

8 A. Correct.

9 Q. Okay. And in Merriman what is the purpose
10 of sending this message 22 to the user's browser?

11 A. Well, the message goes to the user's
12 browser so it can read the cookie from the user's
13 browser and be able to then get information about --
14 about the -- anything about the website, et cetera,
15 and then be able to correlate that across many
16 websites.

17 Q. Okay. Are there any purposes of the
18 message 22 other than the ad server just receiving
19 profile information about the user?

20 A. I mean, they could be. I haven't analyzed
21 that.

22 Q. Okay.

23 IT TECHNICIAN: Real quick. Dr. Ranka, can
24 I have you tilt your web cam down just a little
25 bit, please?

1 THE WITNESS: How about now? Is that
2 better?

3 IT TECHNICIAN: That is a little better.
4 Can you do just a little bit more?

5 THE WITNESS: Of course.

6 IT TECHNICIAN: Maybe tilt it back up just
7 a little bit.

8 THE WITNESS: Okay. I got that out
9 there.

10 IT TECHNICIAN: Thank you.

11 THE WITNESS: Of course. Thank you.

12 By MR. MILKEY:

13 Q. Okay. If you can go to page 256 of your
14 declaration which is the start of your analysis of
15 Roth in view of Jaye.

16 A. Okay. All right. I'm there.

17 Q. Okay. And you see on page 257 there is an
18 annotated version of Roth's Figure 1?

19 A. Yes.

20 Q. Okay. And then in Figure 1 you have
21 annotated a magenta message between web page 12 and
22 client browser 11. Do you see that?

23 A. Yes.

24 Q. What is the purpose of that message between
25 the magenta message that you have annotated there?

1 A. So I have described that in the paragraph
2 up above. It describes a method and system for
3 compiling information about website visitors and
4 providing targeted ads over the Internet to user's
5 viewers. "Roth teaches that the website 14" --

6 (Court Reporter clarification.)

7 THE WITNESS: "Roth teaches that the
8 website 14, in red, sends a message, magenta, that
9 provides a web page that includes a portion with a
10 URL for redirecting the client browser to send
11 another message, in magenta, which includes cookie
12 11A to the advertising system 16.

13 By MR. MILKEY:

14 Q. Okay. That's helpful.

15 And what is the purpose for the browser
16 sending the cookie to the advertising system?

17 A. When you use the HTTP protocol the cookie
18 automatically sends in red the ad server.

19 Q. And what does the ad server -- what is
20 the -- strike that.

21 What use does the ad server have with that
22 information that is stored in the cookie?

23 A. One of the uses of that is that it's a
24 unique ID, so if the client goes to another website
25 that way we can correlate all of those different

1 visits and any information on those visits, et
2 cetera, and kind of combine them together.

3 Q. Okay. Does the ad server use that
4 information in determining what advertisement to
5 show on the website that the user is currently
6 visiting?

7 A. Potentially, yes.

8 Q. And the web page would be compensated for
9 an advertisement being shown on -- strike that. Let
10 me ask a slightly more clear question.

11 The website owner in that instance would be
12 compensated for the advertisement shown on the web
13 page to the user; correct?

14 A. Potentially, yes. Again, you know, the --
15 that may be one of the reasons they want to send
16 that information but there could be other reasons.

17 Q. Can you think of any reason why a website
18 owner would want ads to be shown on the web page
19 other than they received compensation for doing
20 so?

21 A. Yes, maybe for philanthropic reasons. I
22 don't know. There are many reasons people are
23 willing to show ads for.

24 Q. Are you aware of any instances of
25 DoubleClick placing an advertisement on a web page

1 without having paid the owner of that web page a lot
2 of money for displaying the advertisement?

3 A. I'm not aware but I didn't analyze that.

4 Q. Okay. And are you aware of any instances
5 of Engage Technologies displaying an advertisement
6 on another website without compensating the owner of
7 that website for display of the advertisement?

8 A. Again, I'm not aware but I have not
9 analyzed.

10 Q. All right. If we go back up to page 202 of
11 your declaration -- oh, hold on one second.

12 Actually, page 198 of your declaration. This is the
13 beginning of your Merriman in view of Minor section.

14 A. Page 198 you said; correct?

15 Q. Yes, correct.

16 A. Okay.

17 Q. And then on page 200 you have a diagram
18 that shows the relationship between the annotated
19 figure from Minor with the annotated figure we
20 discussed before from Merriman. Do you see that?

21 A. Yes.

22 Q. Can you explain to me what's being depicted
23 in these two figures and how --

24 A. Sure. You mean the one figure; correct?

25 Not the two figures; correct?

1 Q. What the relationship is between these two
2 figures. I see you have some -- some orange lines
3 being drawn --

4 A. Yeah.

5 Q. I just want to understand the relationship.

6 A. Yeah, of course. Okay. If you go to
7 paragraph 291, "As this illustration shows and as a
8 POSITA would have understood, the request message
9 from end-user computer 30 to the entry website 32A
10 in Minor corresponds to the message 20 in Merriman,
11 the reply message from the entry website 32A to the
12 end-user computer 30 in Minor corresponds to the
13 message 22 in Merriman, the encoded demographic
14 hyperlink transfer request in Minor corresponds to
15 the message 23 Merriman, and the
16 demographic-tailored reply in Minor corresponds to
17 the message 24 in Merriman."

18 Q. You're saying what corresponds to what, but
19 in the proposed combination are you saying that the
20 system described in Minor would be used for
21 communication instead of the system described in
22 Merriman?

23 A. No. I just said how -- how the teachings
24 from Minor would be used to send profile information
25 from 12 to 19 through 16.

1 Q. Okay. So the teachings from Minor would be
2 used, for example, to send the message 22 from the
3 affiliate website 12 to the user's browser 16?

4 MR. KRONENTHAL: Objection. Form.

5 THE WITNESS: Repeat the question one more
6 time, please.

7 By MR. MILKEY:

8 Q. Yes. So you said in your previous answer
9 was how the teachings from Minor would be used to
10 send profile information from 12 to 19 to 16 and
11 so --

12 A. Just to clarify. I said 12 to 19 through
13 16.

14 Q. Okay. Through 16. That's helpful.

15 So is it your opinion that the teachings in
16 Minor would be used in order to accomplish the same
17 communication -- the same logical communication
18 structure that is depicted in Merriman, just using
19 different mechanisms?

20 MR. KRONENTHAL: Objection. Form.

21 THE WITNESS: I wouldn't have looked at the
22 mechanism, but the profile information can be sent
23 from 12 to 19 through 16 as described in Minor.

24 By MR. MILKEY:

25 Q. Okay. So in your proposed combination the

1 same messages 22 and 23 of Merriman would be
2 communicated, just that they would have additional
3 demographic information within them?

4 A. Yes.

5 Q. Okay. If we go to page 305 of your
6 declaration. This is the start of your analysis of
7 Roth in view of Minor.

8 A. Yes.

9 Q. And going actually on to page 306 you
10 have -- sorry -- page 307, you have a similar set of
11 diagrams just now instead of Merriman it's the
12 diagram from Roth. Do you see that?

13 A. Yes, I do.

14 Q. Okay. And in your proposed combination
15 with the message -- the magenta message from web
16 page 12 to client browser 11 will still be sent,
17 it's just it would be sent with additional profile
18 information included within it?

19 A. As I say in 460, "As this illustration
20 shows and as a POSITA would have understood, the
21 reply message from the entry website 32A to the
22 end-user computer 30 in Minor corresponds to the
23 message from website 12 to the client browser 11 in
24 Roth, and the encoded demographic hyperlink transfer
25 request in Minor corresponds to the message from the

1 client browser 11 to the ad system 16 in Roth."

2 Q. Okay. And when the web page transfers
3 profile information related to the user to the
4 advertising system through the client browser, does
5 the advertising system know that it's -- that the
6 profile information it's sending be distributed to
7 any advertisers that are working with the Roth
8 system?

9 MR. KRONENTHAL: Objection. Form.

10 THE WITNESS: Yeah, if you can repeat that
11 one more time, please.

12 By MR. MILKEY:

13 Q. Yeah. So the -- the web page is sending
14 profile information about the user to the
15 advertising system. Does the web page also know
16 that not just the advertising system is going to
17 receive that profile information but also any
18 advertisers working with the advertising system are
19 also going to receive that information?

20 A. I have not analyzed that but that's
21 probably a contractual relationship between the
22 website and the ad server on -- on what they know
23 and what they don't know.

24 Q. Okay. Are you aware of DoubleClick ever
25 providing reports to advertisers saying where

1 particular profile attributes came from?

2 A. Again, I -- I have not used a DoubleClick
3 system in more than 20 years so I have no idea.

4 Q. Okay. Are you aware of any documentation
5 describing an advertising system providing a report
6 to advertisers of where particular profile
7 attributes came from?

8 A. I may have seen something but I'm not aware
9 and I don't remember.

10 Q. Okay. And are you aware of the Engage
11 system providing reports to advertisers about where
12 particular profile attributes came from?

13 A. Same answer, I'm not -- I mean, I may have
14 read something but I don't remember. I'm not aware
15 of it today.

16 MR. MILKEY: Okay. I think I probably
17 still have a little bit longer to go but I'm nearing
18 sort of a natural stopping point. If we can take a
19 10-minute break.

20 MR. KRONENTHAL: Okay.

21 THE WITNESS: Sure.

22 MR. MILKEY: Thank you.

23 COURT REPORTER: We're off the record.

24 (Recess.)

25 COURT REPORTER: We're back on the

1 record.

2 By MR. MILKEY:

3 Q. All right. Welcome back, Dr. Ranka.

4 I've also uploaded into the chat -- and I
5 believe you also have a copy -- of the declaration
6 that you submitted in the '249 patent proceeding at
7 issue.

8 A. Yes.

9 Q. If you could open that up and let me know
10 when you have it.

11 A. Okay. I have it open.

12 Q. Okay. And if you can go to page 142 of the
13 '249 patent declaration which is the beginning of
14 your analysis section.

15 A. Yes.

16 Q. You see that starting on page 142, going
17 onto page 143, the first two bullet points there
18 refer to certain claims being obvious based on
19 Merriman in view of Jaye and then also the same
20 claims being obvious based on Merriman in view of
21 Minor. Do you see that?

22 A. Yes.

23 Q. And those are the same combinations,
24 Merriman in view of Jaye and Merriman in view of
25 Minor, that you addressed in your '307 patent

1 declaration?

2 A. Yes.

3 Q. Okay. And then about halfway down page 143
4 of your '249 patent declaration you refer to the
5 obviousness of certain claims based on Roth in view
6 of Jaye and also based on Roth in view of Minor. Do
7 you see that?

8 A. Yes.

9 Q. Okay. And those are the same combinations,
10 Roth in view of Jaye and Roth in view of Minor, that
11 you addressed in your '307 patent declaration?

12 A. Yes.

13 MR. MILKEY: Okay. All right. I have no
14 further questions at this time.

15 THE WITNESS: Okay.

16 MR. KRONENTHAL: We have no further
17 questions either, but we reserve the right to review
18 and sign.

19 MR. MILKEY: Okay.

20 COURT REPORTER: We're off the record.

21 (Proceedings concluded.)

22 ---o0o---

23

24

25

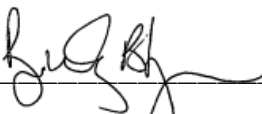
CERTIFICATE OF STENOGRAPHIC REPORTER

I, BURGUNDY B. RYAN, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition,

SANJAY RANKA, Ph.D.,
was by me duly sworn to tell the truth, the whole truth, and nothing but the truth, in the within-entitled cause; that said deposition was taken at the time and place therein named; that the testimony of said witness was stenographically reported by me, a disinterested person, and was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said caption.

DATED: Monday, December 16, 2024.


Burgundy B. Ryan, CSR No. 11373, RPR

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