BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and FORTINET, INC.,

Petitioner,

v.

INFOEXPRESS INC.,

Patent Owner.

IPR2024-00539
U.S. Patent No. 8,051,460

IPR2024-00675
U.S. Patent No. 7,523,484

IPR2024-00676
U.S. Patent No. 8,677,450

IPR2024-00677
U.S. Patent No. 8,578,444

IPR2024-00679
U.S. Patent No. 7,523,484

VIDEOCONFERENCE DEPOSITION OF HUGH SMITH

REMOTE LOCATIONS

FRIDAY, APRIL 25, 2025

Magna Job No.: 1321391

Reported by: Kimberly Crane, CSR No. 11594, RPR, CLR

MAGNA LEGAL SERVICES

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2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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5 CISCO SYSTEMS, INC. and FORTINET, INC.,

6 Petitioner,

7 v.

8 INFOEXPRESS INC.,

9 Patent Owner.

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11 IPR2024-00539
U.S. Patent No. 8,051,460

12 IPR2024-00675
13 U.S. Patent No. 7,523,484

14 IPR2024-00676
U.S. Patent No. 8,677,450

15 IPR2024-00677
16 U.S. Patent No. 8,578,444

17 IPR2024-00679
U.S. Patent No. 7,523,484

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21 Remote Videoconference Deposition of

22 HUGH SMITH, commencing at 9:02 a.m. and ending at

23 10:29 a.m. on Friday, April 25, 2025, before

24 Kimberly Crane, Certified Shorthand Reporter

25 No. 11594, Registered Professional Reporter.

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1 I N D E X

2 EXAMINATION OF HUGH SMITH PAGE

3 BY MR. BORDER 6

4 BY MR. LANDRY 49

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6

7 PREVIOUSLY MARKED EXHIBITS

8 (NOT ATTACHED TO TRANSCRIPT)

9

EXHIBIT	DESCRIPTION	PAGE
Exhibit 2006	Provisional Application in the Other Set of Claim Charts for Reduction of Practice	40
Exhibit 2009	Seven Pages from IPR2024-00539 of the '460 Patent	7
Exhibit 2011	CyberGatekeeper LAN Based Policy Enforcement Engineering Specification from [redacted]	8
Exhibit 2562	CyberGatekeeper LAN Based Policy Enforcement Engineering Specification dated [redacted]	36

1 REMOTE LOCATIONS; FRIDAY, APRIL 25, 2025;
2 9:02 A.M.
3 -OOO-
4
5 THE COURT REPORTER: For the record, my name
6 is Kim Crane. I am a California Certified Shorthand
7 Reporter, and my CSR number 11594.
8
9 HUGH SMITH,
10 called as a witness on behalf of the Petitioner,
11 having been first duly sworn, testified as follows:
12
13 EXAMINATION
14 BY MR. BORDER:
15 Q. All right. I guess good morning, Dr. Smith.
16 You said you're on the West Coast?
17 A. Yes, I am.
18 Q. Okay. Can you state your full name for the
19 record, please.
20 A. Yes. Hugh Morris Smith.
21 Q. Okay. And you're a Ph.D. Do I have that
22 correct?
23 A. Yes. I have a Ph.D. in computer science.
24 Q. Thank you. All right. And you submitted a
25 declaration or, I guess, a number of declarations in

1 proceedings involving Cisco and InfoExpress; is that
2 right?
3 A. Yes, that's correct.
4 Q. And I am going to use the shorthand. I
5 believe these declarations pertain to the '460
6 patent, the '444 patent, the '484 patent, and the
7 '450 patent.
8 Does that sound right?
9 A. I didn't check them off the list, but it
10 sounds --
11 Q. Yeah, okay. And I will put documents in
12 front of you, and then we can certainly confirm.
13 But the first document I want to put in
14 front of you is an Exhibit 2009. I will do that. I
15 will drop it into the Chat.
16 This is Exhibit 2009, and it's from the --
17 let me send it. It is from the -- from
18 IPR2024-00539. It's seven megabytes, so it might
19 take a little bit of time to get there.
20 A. Okay. So the pages are rotated, and on this
21 computer, my version of Acrobat Reader doesn't allow
22 for rotation.
23 Q. Yeah, well, I was going to -- that is how
24 they were submitted in this proceeding,
25 unfortunately. So as you can see in the bottom

1 right-hand corner it says "Exhibit 2009."
2 Do you see that?
3 A. Yes, I do.
4 (Exhibit 2009 was previously marked and
5 referenced for identification.)
6 BY MR. BORDER:
7 Q. You may try right-clicking on it and then
8 hitting "rotate clockwise."
9 A. I did that, and it didn't do anything.
10 Q. Okay. All right.
11 A. So this is the -- which patent is this, the
12 '460?
13 Q. Yeah, at the top, do you see "Description of
14 the Patent," and that is U.S. Patent 8,051,460?
15 A. Uh-huh.
16 Q. Okay. And this is from IPR2024-00539. Do
17 you see that? That would be in the, I guess, in the
18 top left corner.
19 A. Could you repeat that?
20 Q. Yeah, 00539 is the IPR number.
21 A. Yes, I see that.
22 Q. Okay. And with the -- you're going to be
23 looking sideways, I guess, at these.
24 A. I was able to get it right side up.
25 Q. Oh, good. Well, I guess let's start with

1 page 1, and this relates to the preamble, which
2 states: "A method of granting access to a protected
3 network." Do you see that?
4 A. Yes, I do.
5 Q. And then there are some passages here from
6 Exhibit 2011.
7 A. Yes.
8 (Exhibit 2011 was previously marked and
9 referenced for identification.)
10 BY MR. BORDER:
11 Q. And then continuing over to page 2, there is
12 some -- you have some -- a writeup here or a
13 description of some analysis.
14 Do you see that?
15 A. Well, on page 2 I further have some quotes
16 from the document.
17 Q. Okay. Yes. I guess my first question, what
18 part of this analysis pertains to the claim's
19 protected network?
20 A. So as it says in the quote on page 4 -- so
21 it's page 1 of this document, but page 4 of the
22 Engineering Specification. [redacted]

1 [redacted]

7 Q. Okay. And what is it about the corporate
8 network that makes that a protected network?
9 A. So I think that's just sort of a way people
10 look at it, is the corporate resources are resources
11 that need to be protected, and so while I don't go
12 into opining on all of the reasons for that, I think
13 it's clear that that's what the engineering
14 specification is talking about protecting.
15 Q. I see you have highlighted the -- or sort of
16 included the term "port filtering." Is that one of
17 the capabilities that you believe makes the corporate
18 network protected?
19 MR. LANDRY: Objection. Beyond the scope.
20 THE WITNESS: I'm not sure what you're
21 talking about, about the port filtering, but I am
22 going to listen to the attorney on this one.
23 BY MR. BORDER:
24 Q. That is not an objection to not to respond
25 to the question.

[redacted]

11 Q. Okay. So port filtering, in your mind, is
12 one of the things that makes the corporate network
13 protected?
14 A. No, that's not -- what that is listing
15 there, that's actually what is going to be discussed
16 in some of the other claims elements, but the
17 corporate network is the network that is being
18 protected.
19 Q. Okay. But how is it being protected?
20 A. So there we could go into the Claim Elements
21 and go Claim Element by Claim Element, because that
22 sort of talks about how the corporate network is
23 being protected.
24 Q. So --
25 A. Or the protected network is being protected.

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1 Q. So it's your opinion that the Claim Elements
2 of Claim 1 define the elements of what is required to
3 be a protected network?
4 A. So --
5 MR. LANDRY: Beyond the scope.
6 THE WITNESS: -- what the claim -- the
7 preamble of the claim is a method of granting access
8 to a protected network. So the rest of the Claim
9 Elements spell out a method for granting access to
10 that protected network.
11 BY MR. BORDER:
12 Q. Right. They spell out a method of granting
13 access, but I am trying to figure out what is it in
14 the Exhibit 2011 disclosure discloses that this
15 corporate network is a protected network?
16 A. So the method is about granting access to a
17 protected network, and as the document details in the
18 rest of the Claim Elements, this -- in the
19 specification here is talking about providing that
20 method to protect a corporate network.
21 Q. So it's your opinion that a protected
22 network is any network where access to that network
23 is restricted in some way?
24 MR. LANDRY: Beyond the scope.
25 THE WITNESS: No, that's not what I said.

1 BY MR. BORDER:
2 Q. Okay.
3 A. And I am not providing an opinion on that.
4 What I am providing an opinion on is, does the
5 specification that I am looking at here and quoting
6 from, does that specification cover granting access
7 to a protected network. And if we look through the
8 Claim Elements, we will see that, yes, that this
9 specification does cover the Claim Elements that are
10 required for this method of granting access to a
11 protected network, and that's what I am opining on.
12 Q. I understand that. And I think -- I am
13 trying to understand why it is that you have come to
14 the conclusion that the corporate network in
15 Exhibit 2011 is the claimed protected network?
16 A. Because in --
17 THE COURT REPORTER: Hold on one second.
18 Are you objecting, Mr. Landry?
19 MR. LANDRY: I had lodged an objection I
20 believe it was to the last question.
21 (Discussion off the record.)
22 THE WITNESS: If there is a pending
23 question, you're going to have to reask it.
24 BY MR. BORDER:
25 Q. I am trying to -- what I asked was -- what

1 I'm trying to understand is why have you come to the
2 conclusion that the corporate network disclosed in
3 Exhibit 2011 is the claimed protected network?
4 A. Because as you read through the engineering
5 specification and you read through Claim 1 of the
6 '460, you see that a method of granting access to a
7 protected network is done to the corporate network,
8 and so it's restricting access to that particular
9 network and meets this claim limitation, so that
10 would be the protected network.
11 Q. Well, I asked you this question just a
12 moment ago, and you stated the opposite conclusion.
13 So I guess what I'm trying to figure out is, is it
14 your opinion that any network that undergoes the
15 steps to find -- in Claim 1 -- this method of
16 granting access, any network that undergoes those
17 steps would be a protected network?
18 A. So I'm not opining on any network or any
19 random network. So I am opining on what the
20 engineering specification talks about. And in the
21 engineering specification, it talks about protecting
22 this particular corporate network, and that is what I
23 am opining on.
24 Q. Are you aware of whether any security
25 protocols are used for the corporate network

1 described in Exhibit 2011?
2 A. I am going to have to say that's a vague
3 question --
4 THE WITNESS: Was there an objection there,
5 Brian? I'm sorry.
6 MR. LANDRY: I didn't say anything.
7 THE WITNESS: I don't know what you're
8 asking. You're going to have to clarify that
9 question.
10 BY MR. BORDER:
11 Q. You don't understand what a security
12 protocol is?
13 A. That is not what I said.
14 Q. I asked whether there are any security
15 protocols -- well, I will read the question.
16 "Are you aware whether any security
17 protocols are used for the corporate network
18 described in Exhibit 2011?"
19 A. Am I aware of any security protocols that
20 what?
21 Q. That are used for the corporate network
22 described in Exhibit 2011.
23 A. That question doesn't make sense, and I'm --
24 you're going to have to reask it.
25 Q. Can you explain why?

A. Excuse me, but I get to answer, and then you get to ask.

So in the middle of that question, you said, "that are used" -- or whatever -- "by the corporate network." That doesn't -- you need to clarify the question, so...

Q. Well, what don't you understand about it?

THE WITNESS: Please repeat -- Kim, can you please repeat the question?

(The following record was read by the reporter:

"Q. Are you aware whether any security protocols are used for the corporate network described in Exhibit 2011?")

THE WITNESS: Thank you, Kim.

So used for what? Am I aware of any security protocols that are randomly used? Used for what? So if you want to clarify that question, that's great, and then I can take a look and see if it makes sense then.

BY MR. BORDER:

[redacted]

[redacted]

8 Q. Okay. And then on page 2 of your
9 document -- I think we read this earlier -- you
10 state, "Users can access the corporate network from
11 their systems on the LAN that may have the following
12 security capability," and it lists three things.
13 Do you see that?
14 A. Yes, I do.
15 Q. Do you agree that port filtering is a
16 security capability?
17 A. I believe that it provides security
18 capabilities, yes, as I lay out later in this claim
19 chart.
20 Q. Do you agree that VLAN provides a security
21 capability as well?
22 A. VLANs can be --
23 THE WITNESS: Go ahead. I am sorry, Brian.
24 MR. LANDRY: I didn't say anything.
25 THE WITNESS: VLANs can be used for

1 providing security capabilities, as laid out
2 interrupts this claim chart.
3 BY MR. BORDER:
4 Q. Okay. Let's go to page 4 of the claim
5 chart.
6 A. Okay.
7 Q. And so this is Claim Element 1.1, and it
8 says: "Receiving a request for access to a less
9 restricted subset of the protected network from an
10 access device."
11 Do you see that?
12 A. Yes, I do.
13 Q. And what in this Exhibit 2011 have you
14 identified as the less restricted subset of the
15 protected network?
16 A. So I say on page 8, [redacted]
24 Q. Is that your complete question -- or
25 complete answer?

1 A. No, I'm continuing to read.
2 Q. Okay. Thank you.
3 A. Okay. So in the sentence that I read, it's
4 talking about the restricted subset, which is where
5 the gatekeeper is, as specified in here. So the
6 network that it's protecting, which is the corporate
7 network, would be -- the rest of the corporate
8 network would be the less restricted subset of the
9 protected network.
10 Q. And just to be clear, Exhibit 2011 doesn't
11 state -- doesn't use the phrase "less restricted
12 subset of the protected network"; is that right?
13 A. It talks about the part of the network where
14 you can -- where you're trying to protect and the
15 part of the network that has -- that is not as
16 restricted. Or that is -- that is restricted; that
17 it doesn't allow access to things, and so that's
18 where that comes from.
19 Q. Okay. I'm just saying, it's -- you're
20 saying the concept is disclosed. I'm asking a
21 simpler question. That those phrases aren't
22 literally disclosed in the document; is that right?
23 A. I would have to search the document to
24 verify that.
25 Q. Okay. Well, you didn't point to anywhere

1 where those phrases are used, did you?
2 A. Not in this Claim Element, no, I did not.
3 Q. And back to page 4, there is a clip from
4 page 4 of Exhibit 2011, and it says: "In addition to
5 providing remote access policy enforcement."
6 What is "remote access policy enforcement"?
7 A. So I didn't really opine on exactly what
8 "remote access policy enforcement" means or "policy
9 enforcement." I opined on how the system works, to
10 the extent it's providing that functionality to meet
11 the Claim Elements of Claim 1, then that is what that
12 means, but I actually detail out what is happening in
13 the system to provide that method.
14 Q. Okay. Can you tell me what a "LAN-based
15 policy enforcement" is?
16 A. So once again, that is not something -- you
17 know, I am just opining on that term right here. We
18 can go into the other Claim Elements and talk about
19 how that's done and how that -- you know, how the
20 policies are applied or what is applied in terms of
21 allowing access or not allowing access, and that's
22 what I opined on.
23 Q. Okay. Let's go to page 7. And I think we
24 may have briefly looked at this just a moment ago.
25 And you may have already answered this.

1 What are you identifying as "the restricted
2 subset of the protected network"? I'm just sort of
3 reading from the top of the page.
4 A. So "the restricted subset of the protected
5 network" is the subset of the network with the CGS --
6 or CGA, I think it's called, the CG agent --
7 Q. Well, I guess, let's go back to the claim.
8 A. Oh, sorry, CGS. Go ahead.
9 Q. I think what you're stating is, so Claim
10 Element 1.1C states: "A communication port
11 configured for communicating between the access
12 device and a restricted subset of the protected
13 network, the restricted subset including a
14 gatekeeper."
15 Okay. That's the Claim Element I want to
16 ask a question about. And I guess on page 8 is where
17 you identify the restricted subset of the network; is
18 that right?
19 Let me just ask the question.
20 It's your understanding that the untrusted
21 network in Exhibit 2011 satisfies the claimed
22 restricted subset of the protected network; is that
23 right?
24 A. Can you repeat the question?
25 Q. Sure. It's your understanding that the

untrusted network in Exhibit 2011 satisfies the claimed restricted subset of the protected network; is that right?

A. You may have pointed this out already, but where does it say "untrusted"?

Q. If you look at page 8, about halfway down your analysis, it starts "I understand."

A. Yes, okay. I see it.

Q. Okay. So I will just ask the question again. It's your understanding that the untrusted network in Exhibit 2011 satisfies the claimed restricted subset of the protected network; is that right?

A. Yes. As I say in that paragraph, I understand the untrusted network, as set forth in the LAN engineering spec, to mean the restricted subset of the protected network.

Q. And going back to the claim language, that means the gatekeeper must -- or that means the untrusted network must include a gatekeeper; is that right? And that claim language is on page 4.

A. So in the engineering specification, the -- so as I say on page 8: [redacted]

1 [redacted]
2 I think that answers your question.
3 Q. I am not sure it does.
4 MR. BORDER: Court reporter, could you
5 please read back my question?
6 (The following record was read by the
7 reporter:
8 "Q. And going back to the claim
9 language, that means the gatekeeper must --
10 or that means the untrusted network must
11 include a gatekeeper; is that right? And
12 that claim language is on page 4.")
13 THE WITNESS: And as I say here, "The
14 gatekeeper known as the CGS, which can be" -- not
15 must be -- "can be included at the restricted
16 subset." And we have already talked about the
17 restricted subset being the untrusted network.
18 BY MR. BORDER:
19 Q. So it's your opinion that Exhibit 2011
20 discloses that the CGS can be included on the
21 untrusted network?
22 A. Well, it can be included in the restricted
23 subset. And as I say in the previous paragraph, "I
24 understand the 'untrusted network' to mean the
25 restricted subset of the protected network."

1 Q. Okay. But you don't identify anywhere in
2 Exhibit 2011 where that is disclosed; is that
3 correct?
4 A. Well, the fact is if the CGA agent, which is
5 running on the desktop or on the user's machine,
6 fails the audit, the port remains in the untrusted
7 network, and that's how they access the gateway, the
8 CGS; so, that would infer that the CGS could be
9 included in the untrusted network or the restricted
10 subset.
11 Q. It could be. But it could also not be; is
12 that right?
13 A. Well, I don't really look at other
14 implementations. In this case, in this
15 implementation, it appears that it would be because
16 when -- if the agent fails, it can't get into the
17 rest of the corporate network, but it can still
18 access the CGS.
19 Q. Well, if it can still access the CGS upon
20 failure, wouldn't that mean the CGS is not in the
21 restricted subset?
22 A. No. So the restricted subset of the
23 protected network is the subset that doesn't have
24 access to anything in terms of how this specification
25 is written.

1 And so the untrusted network is the same as
2 the restricted subset, and in both cases, that is not
3 what gets the rest of the corporate network.

[redacted]

15 Q. And the other reason is -- I am sorry, and
16 what is the other reason?
17 A. As I said, if the CGA agent fails the audit,
18 the portfolio remains in the untrusted network, which
19 is the same as the restricted subset of the protected
20 network, but it's able to access the CGS. So it's
21 able to access the gatekeeper, and so, therefore, the
22 gatekeeper would be on that network.
23 Q. Could be on the network?
24 A. Well, in this case, it would need to have
25 access to it, so it has to have some way to get

1 access to it, so it would be on that network.
2 Q. Well, I mean, you don't think that it could
3 be between the access point and the untrusted
4 network?
5 A. What do you mean by "between"?
6 Q. Well, just in a network configuration,
7 couldn't the gatekeeper sit anywhere but the
8 untrusted network?
9 A. Well, it has to be accessible by the
10 untrusted network. So based on the way this
11 discussion is, then it would have to be on the
12 untrusted network.
[redacted]
21 Q. It could be or it is?
22 A. Well, I believe the way the specification is
23 laying it out, that it is.
24 Q. Okay. Can we go to page 13?
25 A. Okay.

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1 Q. Now, this is referring or addressing the
2 claim limitation: "Reconfiguring the communication
3 port for communicating data between the access device
4 and the less restricted subset of protected network."
5 Do you see that?
6 A. Yes, it appears you read that correctly.

1 Q. Okay. And so if I understand this
2 correctly, before a VLAN user is audited, that VLAN
3 user can only access the untrusted VLAN; is that
4 right?
5 A. In the VLAN implementation that -- as it
6 says there -- on the untrusted VLAN.
7 Q. And then -- and, again, I am focusing on
8 that section, the VLAN user section in Section 3.4,
9 and so if I understand this correctly, after the VLAN
10 user passes the audit, the VLAN user can now only
11 access this different VLAN, the original VLAN group,
12 through the port; is that right?
13 A. So the device is connected to a port, and
14 it's switching from that port from the untrusted VLAN
15 to the original VLAN group.
16 Q. Okay. So it's your opinion that the port
17 has been reconfigured because the port was previously
18 configured only to permit access to the untrusted
19 VLAN?
20 Do I have that correctly?
21 A. Yes. So prior to the audit pass, the port
22 would have been in the untrusted VLAN.
23 Q. And then after the audit pass, the port
24 permits access only to the original VLAN?
25 A. That's what that statement says, yes. The

1 original VLAN group.
2 Q. You haven't identified anything in this
3 disclosure that says anything about changing
4 instructions associated with that port, have you?
5 A. I'm sorry. That question needs to be
6 clarified.
7 Q. Well, I'm just -- I am wondering whether you
8 have pointed at anything else in this document to
9 satisfy the claim language "reconfiguring the
10 communication port."
11 And so what I'm asking is -- you haven't
12 pointed to any programming or instructions associated
13 with that port, have you?
14 A. What do you mean by "programming or
15 instructions"? I didn't evaluate any source code, if
16 that's what you're asking.
17 Q. Well -- okay. Well, let me ask this. Have
18 you pointed at anything else other than this
19 disclosure for the reconfiguring Claim Element?
20 A. So the evidence I provide for Claim Element
21 1.4 is on page 13.
22 Q. Okay. Let's go to -- let me drop in
23 Exhibit 2011 into the Chat. I just have one or two
24 questions here.
25 A. Okay. I have it open.

Q. So this is Exhibit 2011. Do you recognize this document?

A. Yes, it appears to be the engineering specification that I used for my claim chart.

Q. That's the claim chart to demonstrate conception?

A. Yes.

[redacted]

[redacted]

6 Q. Well, I don't know whether or not you have
7 opined on it. I'm asking you in the conception
8 document where the firewall would be located with
9 respect to the protected network?
10 A. And I don't believe I opine on that, so I'm
11 here to talk about what I opined on. So if you --
12 Q. So you don't know?
13 A. If you can show me where I opined on it,
14 then that would be great. Other than that, I am not
15 going to speculate on something I haven't opined on.
16 Q. So you don't know?
17 A. As I said, I am not going to speculate on
18 something I haven't opined on.
19 Q. Okay. And you didn't analyze whether or not
20 the protected network was inside the firewall; is
21 that correct?
22 A. If you can point to where I discuss the
23 firewall in my claim chart, that would be great.
24 Other than that, I don't recall opining on it, but I
25 would be glad to discuss it if I actually talk about

1 it in my claim chart.
2 Q. Okay. Let's go to a different exhibit. It
3 will also be Exhibit 2009, but in the '00675
4 proceeding. Let's see if I can find that.
5 MR. LANDRY: Just to clarify, did you intend
6 to send Exhibit 2009 from the '675?
7 MR. BORDER: I did. Sorry. That's the
8 wrong exhibit.
9 THE WITNESS: Okay.
10 BY MR. BORDER:
11 Q. Here comes the right one.
12 A. So this is a conception document for the
13 '484?
14 Q. The chart.
15 A. Right. So it's a conception chart for the
16 '484.
17 Q. Yes.
18 A. Okay.
19 Q. All right. Just a couple of questions on
20 this one.
21 Let's go to page 11. And I see that you're
22 pointing to a different exhibit in this particular
23 chart, Exhibit 2013; is that right?
24 A. I do point to Exhibit 2013 on this
25 particular page, yes.

1 Q. And that is, according to the description at
2 the bottom, that is an InfoExpress CyberGatekeeper
3 Policy Manager. Is that right?
4 A. Yes, I do.
5 Q. Okay.
6 A. Yes, it says that, yes.
[redacted]
22 Q. Let's go on to the next, page 17.
23 A. Okay.
24 Q. So here you state: "Since initially the
25 access device cannot access the corporate network,

1 but can access the gatekeeper, a POSITA would
2 understand that the gatekeeper is on a restricted
3 network separate from the less restricted network,
4 the corporate network."
5 Do you see that?
6 A. Yes.
7 Q. Why do you say a POSITA would understand
8 that?
9 A. Because the gatekeeper -- the network the
10 gatekeeper is on doesn't have access to the
11 resources; whereas, in the corporate network, the
12 less restricted network, there would be access to
13 those resources. So a POSITA would understand that.
14 Q. Okay. So this isn't explicitly disclosed in
15 the document, but you believe it is taught in this
16 document. Is that a fair way to characterize it?
17 MR. LANDRY: Objection to form.
18 THE WITNESS: No. I would say it's in the
19 document in the sense that the user has access to the
20 gatekeeper, but only the gatekeeper on the restricted
21 network, and after if it passes the audit, then it
22 has access to the corporate network, which would be
23 the less restricted network.
24 I think that would be understood when you're
25 reading this document.

1 BY MR. BORDER:
2 Q. I'm just trying to understand the difference
3 between other passages where you just cite to a
4 section and provide analysis and here where you say
5 "A POSITA would understand." I guess I am trying to
6 figure out, why did you use that language?
7 A. Well, I think in all of the chart, it's
8 always a POSITA would understand, correct? I mean,
9 this is taken in view of what a POSITA -- how a
10 POSITA would view this document in this claim.
11 In this case here, because of the wording of
12 it, I'm just saying that a POSITA would understand
13 that the gatekeeper is on a restricted network,
14 because it doesn't have access to the corporate
15 resources, and that is separate from the less
16 restricted access, which is, you know, the rest of
17 the corporate network where the resources are.
18 That's what this document discloses.
19 Q. It doesn't disclose it expressly, though,
20 does it?
21 A. It discloses preventing access to resources
22 until you're allowed to have access, and so that's
23 what -- a POSITA would understand that. And in terms
24 of how that maps to the claim language, that's what I
25 spell out there in that last paragraph, that a POSITA

1 would understand, reading the document, that that's
2 what is happening.
3 Q. All right. Let me give you another
4 document.
5 A. We have been going for about on hour, so --
6 Q. Five-minute -- ten-minute break? How about
7 ten minutes?
8 A. Sure.
9 Q. All right. I guess 9:00, or I guess that
10 would be 10:12 on the West Coast?
11 A. Sure.
12 Q. All right. Great. See you soon.
13 (A recess was taken.)
14 BY MR. BORDER:
15 Q. All right. Can you open up Exhibit 2011.
16 We spoke about that a couple minutes ago. That's the
17 document -- the conception document.
18 A. Yes.
19 Q. And can you go to page 7, please.
20 A. Okay.

1 Do you see that?
2 A. Yes.
3 Q. And this is the a passage that you cite --
4 one of the passages that you cite in your claim
5 charts related to the fact -- your opinion that the
6 gatekeeper is on the restricted network; is that
7 right?
8 A. It is part, it is one of the things that I
9 discuss about the restricted network in this
10 document.
11 (Exhibit 2562 was previously marked and
12 referenced for identification.)
13 BY MR. BORDER:
14 Q. Okay. Well, let's talk about -- just keep
15 that open, if you will. I am going to put
16 Exhibit 2562 in the Chat here. And it's on its way.
17 Let me know when you have that open.
18 A. Okay. I have it open.
19 Q. Okay. Will you go to page 7. Oh, wait. I
20 am sorry. Let's start at page 1.
21 Do you recognize this document?
22 A. I'm not sure if I have seen this one. This
23 is a different version than Exhibit 2011, which was
24 Issues 0.1. So it's a different gatekeeper version
25 of that document.

1 Q. And at least -- and so the date on top,
2 that's [redacted]; is that right?
3 A. Well, it says [redacted]. I am not opining on
4 that date, but that is what it says.
5 Q. Right. That is what it says. And the date
6 on Exhibit 2011 is from [redacted] is that
7 right?
8 A. The date on the face of the CyberGatekeeper,
9 LAN -- engineering specification is [redacted]
[redacted]
11 Q. Okay. And I know you said you haven't
12 analyzed this document, but you would agree this
13 appears to be a later version of the conception
14 document; is that right?
15 MR. LANDRY: Objection. Beyond the scope.
16 THE WITNESS: Yeah, I have not opined on
17 this, so I have not seen this. So all I can tell you
18 is what its title says, but I don't have any opinion
19 beyond that. And that is not my opinion, either.
20 That's just what the title says.
21 BY MR. BORDER:
22 Q. It's the same title as the conception
23 document; is that right?
24 A. It appears to be, except the version number
25 is different.

1 Q. Can you go to page 7, Section 3.

2 A. Okay.

[redacted]

22 BY MR. BORDER:

23 Q. Okay. Will you turn to page 23.

24 A. In 2562?

25 Q. Yes, please.

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1 A. Okay.

[redacted]

[redacted]

BY MR. BORDER:

Q. Okay. Let's go to -- let's see.

MR. BORDER: This is going to be Exhibit 2006.

(Exhibit 2006 was previously marked and referenced for identification.)

THE WITNESS: Okay. I have it.

BY MR. BORDER:

Q. Okay. And do you recognize this document?

A. It appears to be the provisional application that I used in my -- in the other set of claim charts.

Q. Those were the claim charts for reduction of practice; is that right?

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1 A. Yes.
2 Q. Okay. Can you go to page 4. And it's 4 on
3 the bottom. It says "2" at the top.
4 Do you see that?
5 It says "Existing System 1A CyberGatekeeper
6 Remote."
7 Do you see that?
8 A. Yes, I do.
9 Q. It states: "In a typical system, policies
10 are created by a policy manager, which may be
11 connected to the corporate network. The policies are
12 transferred to a GK that sits between the network
13 access server used by the EP and the corporate
14 network."
15 Do you see that?
16 A. Yes.
17 Q. And so do you recognize this as a prior art
18 CyberGatekeeper system?
19 MR. LANDRY: Objection. Beyond the scope.
20 THE WITNESS: So it is discussed as a
21 CyberGatekeeper Remote, and it gives a discussion of
22 it. It's not the system that is disclosed in the
23 rest of the provisional.
24 BY MR. BORDER:
25 Q. Okay. Great. And so at least in this

1 system, you agree that the gatekeeper is not within
2 the corporate network; is that right?
3 A. I don't opine that --
4 MR. LANDRY: Objection. Beyond the scope.
5 THE WITNESS: I don't opine on that at all,
6 so I don't -- I don't have an opinion is the
7 gatekeeper within the corporate network or not.
8 BY MR. BORDER:
9 Q. Okay. Well, then, what do you understand by
10 the phrase: "The policies are transferred to a GK
11 that sits between the network access server used by
12 the EP and the corporate network"?
13 What does that mean, "sits between"?
14 MR. LANDRY: Beyond the scope.
15 THE WITNESS: So I haven't opined upon this,
16 so I am not here to opine upon it now. I would have
17 to go through and analyze this, and I'm not in the
18 process-- and I am not going to do that during my
19 deposition.
20 BY MR. BORDER:
21 Q. Oaky. And so at least looking at Figure 1,
22 the gatekeeper is not depicted inside the corporate
23 network, is it?
24 MR. LANDRY: Objection. Beyond the scope.
25 THE WITNESS: As I said, I haven't analyzed

1 this to -- to look at that, to see what it's talking
2 about in terms of the relationship between the
3 gatekeeper and the corporate network, and it's not
4 something I am going to analyze now.
5 BY MR. BORDER:
6 Q. Well, you have analyzed Figure 2, haven't
7 you, on the next page?
8 A. I may discuss this, and if I do -- if you
9 want to feel free to point that out, and I would be
10 glad to opine upon what I have already opined upon;
11 but -- so if you feel -- feel free to point that out
12 or I can go and search it. It's up to you.
13 Q. Sir, I just want to -- so you're not able to
14 look at Figure 1 and its corresponding description
15 and tell me anything about that figure? Is that
16 right?
17 MR. LANDRY: Objection. Beyond the scope.
18 THE WITNESS: That misstates my testimony.
19 So what I said was is I haven't analyzed that figure,
20 and that is not something that I am going to analyze
21 now in my deposition.
22 If I did reference it in my claim charts, I
23 would be glad to discuss that, if you just want to
24 point out where that is.
25 BY MR. BORDER:

1 Q. You did -- I mean, you did analyze this
2 document, though, correct?
3 A. I did go through this document, yes, and my
4 analysis is laid out in the claim charts that
5 reference this document.
6 Q. Okay. But you won't answer my question
7 because you didn't specifically analyze Figure 1; is
8 that right?
9 MR. LANDRY: Objection. Form.
10 THE WITNESS: So that misstates my
11 testimony. I said I have not -- as far as I know, I
12 have not analyzed Figure 1, and to the extent it's in
13 my claim chart, I would be glad to discuss it if you
14 want to show me where that is, but it's not an
15 analysis I am going to do on the fly.
16 MR. BORDER: All right. I have no further
17 questions.
18
19 EXAMINATION
20 BY MR. LANDRY:
21 Q. Dr. Smith, just give me a minute.
22 Dr. Smith, earlier in the deposition,
23 Mr. Border introduced what is marked as Exhibit 2009
24 from the '460 IPR.
25 Would you be able to pull that up?

1 A. On the '460?
2 Q. That is correct.
3 A. Yes, I have that.
4 Q. Okay. And would you turn to page 13,
5 please.
6 A. Okay.
7 Q. And would you explain your understanding of
8 the less restricted subset of the protected network
9 as you discuss it in the context of Element 1.4.
10 A. So once the -- as it says in reference
11 Section 3.4 of the document, once you pass the audit,
12 then you're allowed to have access to the corporate
13 network, the components of the corporate network that
14 have data that you want to have access to, and so
15 that's telling me that that is providing access to
16 that less restricted network because it's a more open
17 network. Once you get in there, it's got the data.
18 Q. And is that testimony consistent with what
19 you stated in other elements of this chart?
20 A. Yes. That less restricted network is the
21 network that has the corporate data in it that you
22 want to have access to.
23 Q. If you could turn to page 7, please.
24 A. Okay.
25 Q. If you look at the bottom under

1 Section 3.5.3 and then the VLAN user, would you read
2 that sentence, please.
3 A. "If the CGAgent fails the audit, the port
4 remains in the untrusted network."
5 Q. Okay. And that's the restricted -- is that
6 the restricted network, in the parlance of the
7 claims?
8 A. Yes, it is. That is the network without the
9 access to the data.
10 Q. So what happens if the CGAgent passes the
11 audit?
12 A. If we go back to page 13, Access Control
13 when it passes the audit, it's able -- it depends --
14 there is different ways that it talks about that
15 being implemented, but it's then allowed access to
16 the corporate network.
17 Q. Which is the less restricted subset in the
18 parlance of the claims?
19 A. Yes, it is. It is the subset of the network
20 that has access to different things.
21 MR. LANDRY: We'll pass the witness.
22 MR. BORDER: I have no questions -- or no
23 further questions. All right, Dr. Smith. Thank you.
24 (The deposition was concluded at 10:29 a.m.)
25

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2
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4 and for the State of California do hereby certify:
5
6 That the proceeding took place before me at
7 the time and place herein set forth; that the
8 testimony and proceedings were accurately reported
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11 I further certify that I am not related to
12 any of the parties to this action by blood or
13 marriage and that I am not interested in the outcome
14 of this matter, financially or otherwise.
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16 IN WITNESS THEREOF, I have hereunto set my
17 hand this 2nd day of May, 2025.
18
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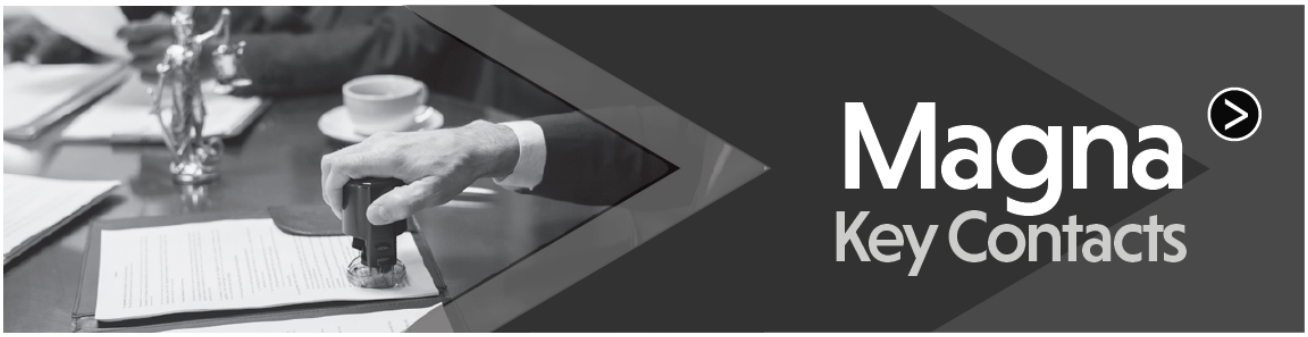

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