UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC. and FORTINET, INC.,

Petitioners,

-versus-

INFOEXPRESS INC.,

Patent Owner.

----------x

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

STENOGRAPHIC DEPOSITION OF:
HENRY H. HOUH, Ph.D.
Wednesday, January 8, 2025
9:01 a.m. - 4:59 p.m.
HYBRID DEPOSITION

Reported stenographically by:
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TELECONFERENCED STENOGRAPHIC DEPOSITION of HENRY H. HOUH, Ph.D., taken in the above-entitled matter before RICHARD GERMOSEN, Fellow of the Academy of Professional Reporters, Certified Court Reporter, (License No. 30XI00184700), Certified Realtime Court Reporter-NJ, (License No. 30XR00016800), California Certified Shorthand Reporter, (License No. 14391), NCRA/NY/CA Certified Realtime Reporter, NCRA Registered Diplomate Reporter, New York Association Certified Reporter, NCRA Realtime Systems Administrator, taken at WINSTON & STRAWN LLP, 200 Park Avenue, New York, New York 10166-0005, on Wednesday, January 8, 2025, commencing at 9:01 a.m.

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A P P E A R A N C E S: (CONT'D.)

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I N D E X

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BY ATTORNEY KUO	7
BY ATTORNEY MICHALEK	124

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
Exhibit 1501	U.S. Patent '484	17
Exhibit 1505	copy of Krantz	56
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Exhibit 1403	document previously marked Exhibit 1403	126
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(Exhibits retained)

P R O C E E D I N G S

9:01 a.m.

CERTIFIED STENOGRAPHER: On the stenographic record at 9 a.m. 09:00:21 09:00:22

Good morning. My name is Rich Germosen. I am a Certified Stenographic Reporter. My license is available for inspection. 09:00:23 09:00:23 09:00:23

- - -

(Whereupon, the Certified Stenographic Reporter administered the oath to the witness.)

- - -

H E N R Y H. H O U H, Ph.D.,
(the witness produced a State of Massachusetts driver's license), having been first duly sworn or affirmed, was examined and testified as follows:

EXAMINATION BY ATTORNEY KUO:

BY ATTORNEY KUO: 09:00:39

Q. Good morning. 09:00:40

Could you please state your name for the record. 09:00:41 09:00:42

A. Good morning. 09:00:42

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My name is Henry Houh, and that's spelled H-O-U-H. 09:00:43 09:00:45

Q. Dr. Houh, we've met before and at a previous deposition. At our previous deposition, we went through a lot of your background, testifying experience, things like that, and I just want to confirm on the record that what was said before, we can use in this proceeding as well; correct? 09:00:47 09:00:54 09:00:57 09:00:59 09:01:02 09:01:04 09:01:09

ATTORNEY BORDER: No objection from counsel. 09:01:12 09:01:13

ATTORNEY KUO: Okay. 09:01:14

THE WITNESS: Sure. 09:01:15

BY ATTORNEY KUO: 09:01:15

Q. Dr. Houh, I'm going to hand you a copy of document. It's EX1503, and the title is: Declaration of Henry Houh, Ph.D., etc., etc. 09:01:18 09:01:21 09:01:30 09:01:33

Just can you confirm for me this is your declaration that was submitted in this case, in this IPR? 09:01:35 09:01:37 09:01:39

A. This is a declaration, yes, that I submitted in two IPR matters that -- because it was split, as I understand it, for the '484 patent. 09:02:05 09:02:07 09:02:09 09:02:13

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Q. Great. That was actually my next question. 09:02:13 09:02:15

So there are two IPRs listed here. There is 2024675, 2024679; correct? 09:02:15 09:02:17

A. Yes. 09:02:22

Q. And so you submitted one declaration that's applicable to each of the IPRs; correct? 09:02:23 09:02:24 09:02:27

A. Yes. 09:02:28

Q. Okay. Did you personally write this declaration? 09:02:28 09:02:31

A. There were portions that I wrote personally, but it was a collaborative effort so, but it was based on conversations that I had with attorneys prior to the penning of this. 09:02:36 09:02:37 09:02:41 09:02:45 09:02:51

Q. We have some whistling from the H.V.A.C. 09:02:55 09:02:57

When you say "collaborative effort," do you mean you and the attorneys? 09:02:59 09:03:00

A. Yes. 09:03:04

Q. Was there anybody else involved? 09:03:04

A. No. 09:03:06

Q. You don't have a team or anything? 09:03:07

A. No, I do not. 09:03:09

Q. You said you personally wrote parts of this. Do you remember which parts? 09:03:12 09:03:15

A. At least the qualifications and professional experience portion. 09:03:26 09:03:27

Q. Okay. Anything else? 09:03:29

A. I mean, there may be some portions here and there, but, again, this is based on conversations and discussion and then a draft was made. 09:03:47 09:03:48 09:03:53 09:03:57

Q. Yeah, I understand that. 09:03:59

Can you identify any other portions that you recall yourself writing? 09:04:01 09:04:02

A. Well, there may be some portions here and there. It's typical to identify them right now, but these are my opinions and I stand by them. 09:04:50 09:04:51 09:04:54 09:04:56

Q. Okay. So other than the background qualifications, you can't identify for certain any portions of this that you actually wrote? 09:05:01 09:05:05 09:05:09

ATTORNEY BORDER: Objection. Foundation. 09:05:12 09:05:12

A. Well, these are my opinions and I stand by them, but there may be some additional portions here and there, but it's -- if you want me to go through every 09:05:17 09:05:19 09:05:21 09:05:23

single paragraph, that will take some time. 09:05:26

Q. If you can identify them or if you want to just stick by the answer you gave me, that's fine. 09:05:29 09:05:31 09:05:33

A. That's my answer. I stand by my opinions in the declaration. 09:05:34 09:05:35

Q. Okay. These conversations that you mentioned, as you said, they were with counsel; correct? 09:05:36 09:05:41 09:05:43

A. Yes. 09:05:44

Q. How many conversations were there? I'm sorry. Let me rephrase that. 09:05:51 09:05:55

How many conversations with counsel did you have prior to the first draft of your declaration? 09:05:57 09:05:58 09:06:03

A. I don't remember that offhand. 09:06:06

Q. Can you give me a ballpark? 09:06:09

A. It was probably at least a couple of conversations. 09:06:11 09:06:13

Q. "A couple of conversations." 09:06:14

Approximately how long did these conversations last? 09:06:16 09:06:18

A. I mean, I wouldn't know exactly offhand. 09:06:22 09:06:24

Q. Can you give me a ballpark? 09:06:26

A. Probably several hours at least. 09:06:32

Q. Do you have a number? 09:06:35

A. Probably several hours at least. 09:06:37

Q. Do you have a number? 09:06:39

A. Probably several hours at least. 09:06:41

Q. I heard your answer. "Several" is not a number. I'm asking for a ballpark estimate of the number of hours you spent. 09:06:43 09:06:46 09:06:48

A. I think that's a ballpark estimate. Probably several hours at least. 09:06:51 09:06:54

Q. By "several," do you mean three? 09:06:55

A. Sure. Could include three. 09:06:58

Q. Do you mean three or could it include three? 09:07:01 09:07:02

A. I mean, several, which could include three. 09:07:04 09:07:05

Q. Is it more than 10? 09:07:07

A. Probably not, no. 09:07:11

Q. Okay. Is it more than seven? 09:07:13

A. Probably not, no. 09:07:16

Q. Is it more than five? 09:07:17

A. Likely -- likely not, no. 09:07:23

Q. Okay. Is it more than three? 09:07:25

A. It could have been. 09:07:28

Q. So the best of your recollection, 09:07:29

somewhere between three and five? 09:07:31

A. Sure. That's several hours at least, but I can't be sure sitting here right now. 09:07:36 09:07:38 09:07:46

Q. Do you recall how many drafts of your declaration were exchanged before it went final? 09:07:52 09:07:56 09:08:00

A. No, I don't remember that. 09:08:04

Q. Was it more than one? 09:08:14

A. Pretty much definitely, yes. 09:08:18

Q. Was it more than five? 09:08:19

A. Can't be sure about that. Maybe. 09:08:26

Q. Was it more than three? 09:08:30

A. Probably. 09:08:32

Q. So three, five, somewhere in that neighborhood? 09:08:34 09:08:37

A. Sounds about right, but I don't remember exactly offhand. 09:08:38 09:08:40

Q. Do you remember some of the changes, if any, that you made to the drafts? 09:08:44 09:08:45

A. I wouldn't remember that. 09:08:52

Q. Do you recall if there were any changes to the substance of the opinions that you made? 09:08:57 09:08:58 09:09:02

A. I don't know what you mean by that, 09:09:12

but I may have added some -- some things here and there or made some edits. I just don't remember in this particular case. 09:09:13 09:09:16 09:09:20

Q. So by substance, I mean, not correcting typographical errors or just rewording things, but actually changing either the rationale or the reasoning or the -- any of the opinions? 09:09:22 09:09:27 09:09:30 09:09:37 09:09:42

A. Well, I don't remember exactly in this particular case, but sometimes I do add some additional citations where I feel they're necessary. 09:09:46 09:09:47 09:09:49 09:09:53

Q. Okay. But you don't remember if you actually did that in this case? 09:09:54 09:09:57

A. No, I don't remember -- 09:09:59

Q. All right. 09:10:02

A. -- exactly in this case. 09:10:02

Q. As we started off, we went through your background and experience at a previous deposition. Do you have anything to add -- that was back -- that was just a month ago. Do you have any -- anything of note to add to that -- to your background and experience? 09:10:07 09:10:09 09:10:13 09:10:16 09:10:19 09:10:22

A. I may have done a few more depositions and I submitted a report in 09:10:25 09:10:27

another case. 09:10:31

Q. You did or you may have? 09:10:32

A. I don't remember the exact date. So I probably had some depositions and I think -- I know I submitted a report at some point, but I don't remember with respect to the timing of our last deposition. 09:10:37 09:10:39 09:10:42 09:10:44 09:10:46

Q. Okay. Were they -- so last deposition was December 4, and what date is it today? January 8. So in that just a little over a month's time, you don't remember if you gave additional depositions? 09:10:47 09:10:52 09:10:57 09:11:02 09:11:08

A. Well, I think that I did, but I don't remember how many. It might have been two. It might have been three. I don't think it was just one. 09:11:10 09:11:11 09:11:13 09:11:15

Q. Okay. Do you remember the cases -- let me rephrase. 09:11:16 09:11:28

Did they have anything to do with this case? 09:11:30 09:11:31

A. No. 09:11:32

Q. Okay. Do you know who retained you in these cases? 09:11:32 09:11:37

A. I don't remember. I -- I -- I -- I don't remember. I can't remember sitting here 09:11:41 09:11:44

right now. 09:11:47

Q. Was it Winston & Strawn? 09:11:51

A. I don't think so, no. 09:11:53

Q. Okay. All right. 09:11:55

Could we turn to Page -- I'm sorry, Paragraph 37 of your declaration. 09:12:06 09:12:10

A. Yes, I see it. 09:12:19

Q. And Paragraph 37 is under the heading: Claim Construction, and you lay out the standard for how to do a claim construction, but you have not actually given a claim construction of any terms; is that right? 09:12:20 09:12:25 09:12:30 09:12:33 09:12:37 09:12:40

A. Yes, in Paragraph 37, I don't lay out any terms, but I want to add that the standard under which I understand it's to be -- terms are to be construed would be at the time of the invention. 09:12:45 09:12:47 09:12:50 09:12:53 09:12:56

Q. Okay. Do you know if there are any plans for you to offer any claim construction opinions in this matter? 09:12:58 09:13:05 09:13:09

A. I don't believe I've been asked to do anything like that -- 09:13:16 09:13:19

Q. All right. 09:13:21

A. -- at this time. 09:13:29

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Q. Can you flip back to Page 19 of your report -- I'm sorry, of your declaration? 09:13:36 09:13:38

A. Okay. 09:13:44

Q. And I'm looking at Roman Numeral V, overview of the '484 patent, and that starts on Page 19 and it goes through to Page 23; right? 09:13:45 09:13:48 09:13:53 09:13:58

A. Yes. 09:13:59

- - - 09:13:59

(Whereupon, U.S. Patent '484, is received and marked as Exhibit 1501 for Identification.) 09:13:59

- - -

BY ATTORNEY KUO: 09:14:01

Q. And let me hand to you what's been marked as Exhibit 1501. And this is a copy of U.S. Patent Number 7523484; correct? 09:14:05 09:14:14 09:14:24

A. Yes. 09:14:28

Q. And this is a patent that you're discussing in the section on overview of the '484 patent; correct? 09:14:31 09:14:34 09:14:38

A. Yes. 09:14:40

Q. Could you turn to -- I apologize. I don't know what page it is. It's the -- it's Column 1. 09:14:44 09:14:51 09:14:53

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A. Okay. 09:14:59

Q. Can you tell me what page that is? 09:15:03

A. It says: Page 13 of 23 of Exhibit 1501. 09:15:05 09:15:08

Q. Thank you. 09:15:09

Looking at the background of the invention starting in Column 1, in the paragraph -- I'm sorry. In the section starting "to related art." 09:15:09 09:15:13 09:15:23 09:15:26

Do you see where I am? 09:15:29

A. Yes. 09:15:30

Q. It talks about -- in the first paragraph, it talks about the need for access control for secure networks; right? 09:15:32 09:15:33 09:15:36

A. It starts that way. There is a sentence that starts that way. 09:15:42 09:15:45

Q. And then in the next paragraph, it talks about a first level access control being authentication of a user; right? 09:15:50 09:15:52 09:15:55

A. Yeah, I think you're paraphrasing, but I see that. 09:16:01 09:16:04

Q. I'm not suggesting that I'm quoting it. I'm just talking about the substance of the paragraph. It's talking about this first level of access control related to 09:16:04 09:16:05 09:16:09 09:16:10

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authenticating a user; right? 09:16:16

A. It does say about that. 09:16:18

Q. And it gives us examples of authenticating a user entering a username and password; right? 09:16:21 09:16:24 09:16:28

A. For a user to enter a username and password. That's one of the things it says. 09:16:33 09:16:35

Q. Uh-huh, and then in the next Paragraph where it starts "reliance on mere user authentication." 09:16:37 09:16:39 09:16:44

Do you see where I am? 09:16:46

A. Yes. 09:16:46

ATTORNEY KUO: Am I going too fast? 09:16:46

- - - 09:16:48

(Clarification requested by the stenographer.) 09:16:48 09:16:48

- - - 09:16:56

ATTORNEY BORDER: I think you heard mere, M-E-R-E. 09:17:03 09:17:05

ATTORNEY KUO: No, no, it's not mere. I'll start all over. 09:17:12 09:17:12

BY ATTORNEY KUO: 09:17:15

Q. Okay. Slowing down, the paragraph in Column 1 of the '484 patent starting around Line 41 says -- 09:17:18 09:17:24 09:17:29

ATTORNEY KUO: Oh, you're right, it is mere. Sorry. 09:17:34 09:17:35

Q. It starts "reliance on mere user authentication includes several disadvantages." 09:17:39 09:17:42 09:17:44

Do you see where I am? 09:17:45

A. Yes. 09:17:46

Q. Okay. And in this paragraph, again I'm summarizing, paraphrasing, the patent is explaining that the first level of access control of user authentication has shortcomings; is that fair? 09:17:47 09:17:51 09:17:55 09:18:00 09:18:04

A. One of the things listed in the previous paragraph about entering username and password, it talks about having disadvantages. 09:18:13 09:18:15 09:18:19

Q. Do you agree with my question? 09:18:34

A. Could you repeat your question, please? 09:18:38 09:18:38

Q. Sure. 09:18:41

I asked you whether the patent is explaining in Column 1 whether this first level of access control of user authentication has shortcomings? 09:18:42 09:18:44 09:18:48 09:18:51

A. It talks about several disadvantages and goes on to list them 09:18:56 09:18:57

starting around Line 42 of Column 1 of the '484 patent.

Q. Okay. And then in the next paragraph, which starts around Line 53, it talks about a greater level of access control may be achieved by including a GateKeeper between the secure network and the access device; right?

A. I think that's what it says.

Q. Do you disagree with what it says?

A. Well, I mean, it says what it says, and it's going on to explain why a greater level of access control may be achieved by including a GateKeeper between the secure network and the access device. I think that's -- it's going to talk about the GateKeeper next and what it does.

Q. Okay. And then it actually refers to Figure 1 from the patent itself, and feel free to take a look at that if you'd like.

A. Okay.

Q. And in Figure 1, what's shown is what's called the specifications "secure network 100"; correct?

A. Sure. It does talk about it that

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way. 09:20:57

Q. And then before you can access the secure network, you have to go through the access point and GateKeeper; right? 09:20:59 09:21:01 09:21:04

A. The next paragraph starting at Line 65 goes to -- discusses how these ports are used to connect through a GateKeeper 110 to other elements within secure network. So that's what's being described in the last paragraph. 09:21:18 09:21:20 09:21:23 09:21:27 09:21:30 09:21:31

Q. Do you disagree with what I had said? 09:21:33 09:21:35

A. Could you repeat what you said, please? 09:21:40 09:21:41

Q. Sure. 09:21:42

In order to access secure network 100, the access device must go through access point and GateKeeper; right? 09:21:42 09:21:43 09:21:47

A. Well, Figure 1 of the prior art is labeled -- that's how it's labeled in Figure 1, and the paragraph that I was talking about, the next paragraph starting at Line 64, does talk about how access point 120 includes communication ports, individual communication ports, and that those ports are used to 09:22:09 09:22:12 09:22:15 09:22:17 09:22:20 09:22:28 09:22:31

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connect through GateKeeper. So that's what's being described with respect to Figure 1 in this example, so what's being talked about.

Q. What's being talked about in the patent, and tell me if you agree or disagree with this, is that an access device in order to communicate with the resources within the secure network must first pass through an access point and GateKeeper?

A. Well, if you look at Column 2, Line 26, what the specification says is a distancing of the use of GateKeeper 110 as practiced in the prior art is that all communications between access device 160 and LAN 125 pass through GateKeeper 110.

For large networks, including many instances of access point 120, each of which may include many communication ports, this can be a significant burden. And it goes on there, but this is what the specification says about what the disadvantage of the prior art is.

Q. That's all I'm asking you about. I'm asking you about what's said here in the patent.

A. And I pointed out what it says about -- what the specification says about a disadvantage of the GateKeeper as practiced in the prior art, but my declaration lays out what was obvious to a POSITA and why the claims -- the challenged claims are unpatentable. 09:25:04 09:25:06 09:25:09 09:25:13 09:25:18 09:25:20 09:25:24

Q. Uh-huh. 09:25:25

So I'm just going to keep asking these questions until I get just an actual answer to my question. 09:25:27 09:25:30 09:25:32

My question a while back, and it's still my question, is: According to what the patent teaches and what the patent says, what's shown -- what the prior art was, was that in order for an access device to communicate with a secure network, it had to communicate through both an access point and a GateKeeper; is that right? 09:25:36 09:25:41 09:25:44 09:25:49 09:25:53 09:25:56 09:26:00 09:26:03

A. I mean, what the patent says in Column 2 at Line 26 is: A disadvantage of the use of GateKeeper 110 as practiced in the prior art is that all communications between access device 160 and LAN 125 pass through GateKeeper 110, and that's what the patent 09:26:09 09:26:10 09:26:14 09:26:17 09:26:18 09:26:21

says about the prior art as shown in Figure 1, but my whole declaration is about why the challenged claims are unpatentable.

Q. Dr. Houh, we'll get to your declaration. I promise you, we will. I'm -- I'm going to ask you questions and I'd like you to answer -- actually answer my questions.

So my question is simply: Do you agree or disagree that according to what the patent says, and I understand that you disagree that that was at the state of the prior art, but according to what the patent says, the prior art required that an access device go through both an access point and a GateKeeper before it can communicate with a secure network?

A. I think what this patent specification is saying is that with respect to the figure, Figure 1, which was drawn by the patentee in that figure, it's describing a disadvantage and -- because they locate the GateKeeper with the access point. They're saying that the disadvantage of the layout of Figure 1, which it labels prior art, is that all communications between access device 160

and LAN 125 pass through GateKeeper 110. 09:27:48

Q. And the disadvantages that are identified in the patent, those include that it's extremely costly to have a lot of GateKeepers at each access point; is that right? That's one of the disadvantages? 09:27:54 09:27:57 09:28:05 09:28:09 09:28:11

And, Doctor, I'll point you to where I'm looking in Column 2, Line 37, there is a sentence starting with the word "further." 09:28:52 09:28:53 09:29:00 09:29:01

Do you see where I am? 09:29:07

A. Yes, I see that. 09:29:07

Q. And what's stated there is: Further, the use of a separate GateKeeper 110 for each instance of access device 160 or access point 120 is often prohibitively expensive; right? 09:29:09 09:29:10 09:29:14 09:29:17 09:29:21

A. That's what the specification appears to say. 09:29:23 09:29:25

Q. And so one of the disadvantages that's identified in the patent is if there is a lot of GateKeepers, it gets really expensive; right? 09:29:26 09:29:30 09:29:38 09:29:42

A. I mean, it's also -- if you go a few lines up, it's also describing other 09:29:45 09:29:46

issues, which is --

Q. I'm not -- I'm -- I'll take them one at a time. One of the issues relates to this expense factor; correct?

A. One of the issues is relating to the use of a separate GateKeeper for each instance of an access device or access point is often prohibitively expensive. It says "it's often," but another one it talks about is that the use of one instance of GateKeeper 110 to support numerous instances of access device is limited by bandwidth and require sophistication, e.g., costs.

So the cost of multiple GateKeepers is not the only cost that this paragraph is discussing. It's also the cost of a sophisticated GateKeeper that is used to support multiple or numerous instances of access device.

Q. Dr. Houh, I apologize if you think my question is all -- is completely exclusive of other issues in the prior art. It's not intended to be so.

I've asked you one question about one disadvantage that's stated in the patent

and that goes to the expense related to having a lot of GateKeepers, and you'll agree with me that one of the stated disadvantages is this expense in having multiple GateKeepers; right? 09:31:13 09:31:16 09:31:19 09:31:23

A. I mean, that's only part of what it says about expense, but it also talks about expenses related to a single GateKeeper or one instance of a GateKeeper to support numerous instances of access device and how that also can be costly. 09:31:28 09:31:29 09:31:33 09:31:39 09:31:41 09:31:44

Q. And the cost there is in terms of bandwidth? 09:31:46 09:31:48

A. It says: There is a limit about bandwidth and required sophistication, e.g., costs. And so something that's bigger has more bandwidth and sophistication, also it's saying is -- can be costly. 09:31:52 09:31:54 09:31:57 09:32:00 09:32:03

Q. Okay. And that's an additional shortcoming that's -- according to the patent, that's an additional shortcoming of the prior art? 09:32:07 09:32:14 09:32:17 09:32:19

A. I mean, with respect to the Figure 1, Figure 1 is showing a GateKeeper with every access point. I think this is also a general statement with respect to when there 09:32:29 09:32:30 09:32:35 09:32:37

is one instance of a GateKeeper 110 to support numerous instances of access device and how that would be limited by bandwidth and require sophistication. 09:32:40 09:32:43 09:32:54 09:32:57

So it's not the -- the cost that you mentioned about the prohibitively expensive, which is often, but not -- I'm saying it's not the only cost that's discussed in this paragraph. 09:32:57 09:33:04 09:33:07 09:33:11 09:33:15

Q. And nor am I. I've never said that. I've said that the costs of having multiple GateKeepers is one of the disadvantages, and then I was going to talk about the other disadvantages. 09:33:16 09:33:18 09:33:23 09:33:25 09:33:28

And so another disadvantage relates to bandwidth; correct? 09:33:31 09:33:33

A. It does mention a disadvantage related to bandwidth. 09:33:51 09:33:57

Q. In fact, it says at Line 34 in Column 2: It is undesirable for GateKeeper 110 to become a limiting factor on the bandwidth of communication between instances of access device 160 and secure network 100; right? 09:33:58 09:34:01 09:34:05 09:34:08 09:34:09 09:34:14

A. That's what the specification is 09:34:16

saying, sure. 09:34:17

Q. Okay. And then at the end of the background of the invention in Column 2, it says: There is, therefore, a need for improved systems and methods controlling access to secure networks; right? 09:34:19 09:34:22 09:34:25 09:34:28 09:34:30

A. That's what it says. 09:34:33

Q. And also in the background in the invention there is discussion about -- I apologize for skipping back, but you kind of drove me in that direction. We had talked earlier about that first level of access control being user authentication; right? 09:34:34 09:34:36 09:34:43 09:34:45 09:34:49 09:34:51

A. If you're referring to what we were talking about in Column 1 around Line 31, sure. I mean, it kind of says that. 09:35:03 09:35:04 09:35:06

Q. Okay. And then it talks about the second level or at a greater level of access control, and this is where we started talk about the GateKeeper, and, I'm sorry, I'm referring to Column 1, Line -- the paragraph starting at Line 53, and here it's explained that the GateKeeper ensures that the access device conforms to a predetermined security policy; right? 09:35:10 09:35:13 09:35:15 09:35:19 09:35:25 09:35:27 09:35:34 09:35:39 09:35:43

A. I think it does say that in Line 55.

Q. And then if we go to Column 2, starting at Line 15 it states: In addition to authenticating users who wish to access secure network 100 using access device 160, GateKeeper 110 is configured to ensure that access device 160 conforms to a predetermined security policy before granting access to secure network 100. For example, GateKeeper 110 may make certain that access device 160 has up-to-date virus software and encryption protocols as prescribed by the security policy.

Did I read that correctly?

A. I wasn't looking there when you were starting to read, but I saw midway through, but it seemed about right.

Q. Okay. And so the security policy and this ensuring that the access device complies with the security device -- I'm sorry, with the security policy, examples of that that are given are making sure it has up-to-date virus software and encryption protocols; right?

A. That's one example of what the spec is talking about with respect to the GateKeeper 110. 09:37:29 09:37:30 09:37:32

Q. And so when the spec is talking about ensuring compliance with the security policy, it's talking about how the access device itself is configured; right? 09:37:33 09:37:34 09:37:39 09:37:42

A. In this example, it's talking about the access device 160 and its software and protocols it supports. 09:37:47 09:37:51 09:37:55

Q. So what's explained in the background of the invention is that in the prior art, there was both user authentication as one level of access security and then checking security policy as a second level of access control; correct? 09:37:57 09:38:00 09:38:08 09:38:15 09:38:18 09:38:22

A. As laid out by the inventors here, that's what the spec says. 09:38:27 09:38:28

Q. Right. And then we talked at length about the disadvantages that -- at least according to the patent that the prior art had; correct? 09:38:32 09:38:33 09:38:35 09:38:39

A. In the view of the inventors here, this is -- this background is their view. 09:38:45 09:38:48

Q. Can you turn to your declaration at 09:39:03

page -- actually, I have a couple of cleanup questions here, but Page 20. 09:39:06 09:39:15

A. Okay. 09:39:16

Q. Paragraph 32, I asked you this question last time, but I just want to confirm again: In Paragraph 32, you say you've reviewed the file history of the '484 patent, including the file histories of patents to which the '484 claims priority, and note that none of the activity there is pertinent to my analysis. 09:39:18 09:39:19 09:39:22 09:39:25 09:39:27 09:39:29 09:39:32 09:39:34

Can you explain to me, again, what that means? 09:39:35 09:39:36

A. Well, the back-and-forth between the Patent Office and the patentees -- 09:39:38 09:39:40

Q. Uh-huh. 09:39:49

A. -- also, and in prior applications to which the '484 patent claims priority, and I don't think I saw anything that related to anything that would affect my analysis here. 09:39:52 09:39:59 09:40:03 09:40:08

Q. So, for example, you didn't see anything in the prosecution history that would help explain the scope of the claims? 09:40:10 09:40:12 09:40:18

A. Well, I mean, none that affected my obviousness analysis with respect to the 09:40:28 09:40:31

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challenges, the combinations of the various references, I don't think any of what I remember seeing in the file history would be pertinent to that. 09:40:32 09:40:38 09:40:42 09:40:44

Q. Okay. And part of that is because you didn't actually perform a claim construction? 09:40:45 09:40:47 09:40:49

A. I don't think I put it that way. I mean -- I mean, I applied the plain and ordinary meaning of the various claim terms in light of the specification prosecution history as would have been understood by a POSITA at the time of the invention. 09:40:54 09:40:56 09:41:03 09:41:05 09:41:09 09:41:13

Q. Right. So there is nothing in the prosecution history that would have affected at least your view what the plain and ordinary meaning of claim terms was; correct? 09:41:13 09:41:15 09:41:16 09:41:18

A. As applied to the various references in my declaration. So I think if you look at the various references in what I mapped things to, I think they were conventional. 09:41:21 09:41:22 09:41:28 09:41:30 09:41:33

Q. We'll get to that. 09:41:33

A. And there was nothing that would have affected the mapping, which is a slightly 09:41:34 09:41:35

different issue than what you asked about. 09:41:42

Q. You've referred to the prior art references that you've applied as part of your mapping. 09:41:45 09:41:47 09:41:51

Let me ask you: Did you first have an understanding of the scope of the claims and then determine whether or not the prior art falls within the scope of the claims or did you just take the prior art and make it fit to the claims? 09:41:52 09:41:56 09:42:00 09:42:04 09:42:07 09:42:12

ATTORNEY BORDER: Object to the form. 09:42:14

A. I mean, typically when I work on these things, I review the patent. I review portions of the file histories, which are really the office actions and replies and things like that. 09:42:15 09:42:17 09:42:20 09:42:23 09:42:24

So I form an idea and I look at what the claims say, and then, you know, if there are examples of things, you know, that talks about our, say, security policies or something, you know, I look at combinations or references and whether, you know, a reference would disclose everything or combinations of references would be obvious and, you know, why a POSITA would have been motivated to make 09:42:27 09:42:30 09:42:34 09:42:37 09:42:40 09:42:47 09:42:49 09:42:54 09:43:00

those combinations. 09:43:03

Q. I'm not sure you answered my 09:43:04
question. You may have. So I'm going to see 09:43:05
if I can break that down a little bit. 09:43:09

When you perform your invalidity or 09:43:14
unpatentability analysis, do you first 09:43:19
determine the scope of the patent claims 09:43:24
before looking at the prior art? 09:43:29

ATTORNEY BORDER: Objection. Form. 09:43:33

A. So I look at the claim. I look 09:43:34
at -- I interpret the -- you know, I often 09:43:37
will look back in the specification to see, 09:43:41
you know, what does it say about what a term 09:43:43
in the claim means or includes. Sometimes 09:43:47
there is an expressed definition in the 09:43:51
specification. Sometimes it gives examples. 09:43:54

So when I do that, you know, that's 09:43:57
how I look at how to interpret claim terms 09:44:00
under their plain and ordinary meaning to a 09:44:05
POSITA at the time of the invention. That's 09:44:08
one of the things. 09:44:10

And sometimes the prosecution 09:44:12
history clarifies some certain issues that 09:44:14
they discuss. Sometimes the patentee makes 09:44:19
some statements there, but for this case, and 09:44:24

then so I build up an understanding of, you know, what the patent is about and what the claims are directed to, and then when I look at the prior art or combinations of prior art, one thing I might do is -- in the mapping is I will look for examples of the things given in the specification in the prior art as to what the prior art is teaching. 09:44:31 09:44:34 09:44:36 09:44:46 09:44:48 09:44:53 09:44:55 09:45:04

Q. Okay. Are you done? 09:45:10

A. Well, I mean, you know -- and when there is a combination, I give, you know, a reason a POSITA would have been motivated to make such a combination, and I laid that out in my declaration. 09:45:12 09:45:14 09:45:17 09:45:20 09:45:24

Q. Do you ever determine for yourself prior to -- I'm sorry. Strike that. 09:45:24 09:45:26

Prior to looking to the art that you apply, do you determine for yourself the scope of the claims? 09:45:28 09:45:32 09:45:35

ATTORNEY BORDER: Objection. Form. 09:45:38

A. I look at things laid out in the specification that are examples of what the specification gives about certain phrases that might be in the claims, and that's one thing I do. 09:45:41 09:45:43 09:45:47 09:45:52 09:45:56

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Now, you know, if there is an issue where it feels like there may be some contention about what -- about certain borders, I may want to try to address that, but I don't think there is an issue here that I saw with respect to some contentious mapping that I may have performed, because I think in my declaration, we can walk through it, I think things like, you know, what the networks were, what the access devices were, they weren't -- you know, the various issues that I -- phrases and things that were claimed or phrases that were used in the claims, I feel were very parallel to what the specification gave as examples. 09:45:56 09:45:58 09:46:06 09:46:10 09:46:17 09:46:19 09:46:24 09:46:31 09:46:34 09:46:36 09:46:39 09:46:40 09:46:45 09:46:47 09:46:54

While we can look through them one by one if you want, you can ask me about them, but, you know, if the specification were to say, This is what this term means, I would apply that in my analysis oftentimes. I don't recall that occurring in this case. 09:46:57 09:46:59 09:47:03 09:47:06 09:47:09 09:47:16

In this case, I think the specification may have given examples, and what are some examples of access devices? What are some examples of security policies? 09:47:19 09:47:20 09:47:22 09:47:24

And I -- and those are the kinds of things where if a specification is talking about it, it's clearly in the scope of a claim term.

Q. So you are saying that the way you performed your analysis was to see if terms that appeared in the patent specification also appeared in the prior art?

ATTORNEY BORDER: Objection. Foundation.

A. I think you're misinterpreting what I said.

Q. I'm asking you if that's what you said?

A. That's not what I said.

Q. Okay. Then back to my original question: Prior to applying the prior art to the claims, and this really is a yes-or-no question, do you determine the scope of the claims?

ATTORNEY BORDER: Objection. Form.

A. What I looked for in my analysis when I'm looking at the patents and the claim terms is I look for examples of things that are given in the specification of those -- of certain claim terms, and so when I see

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examples in the specification, for example, if it's using the term "access device" in the claim and then in a specification -- I -- we can look through the specification if you want. 09:49:21 09:49:23 09:49:26 09:49:32 09:49:33

Maybe I can find an example, but if it's now using access device in the specification, it says and it gives some examples of access devices, which specifications often do with respect to certain claim terms, then I will -- from the point of view of a POSITA, they would understand that the scope of the claim term includes at least those examples given in the specification when it's talking about that claim term and giving examples. So that is certainly determining and this is part of what I do looking in the spec to see examples that clearly would fall within the scope because they're given as specific examples of a claim term -- of a claim term in the specification. So I certainly do that. 09:49:33 09:49:33 09:49:36 09:49:38 09:49:41 09:49:43 09:49:48 09:49:51 09:49:54 09:49:58 09:50:00 09:50:03 09:50:07 09:50:10 09:50:11 09:50:15 09:50:18

Q. I understand that you look at the specification. At any point, and I'm talking about this specific case, I don't really care 09:50:22 09:50:25 09:50:29

what you do in other cases, in this case -- in this IPR or these IPRs, did you ever construe -- I'm sorry, not construe -- did you ever determine the scope of the claims? 09:50:32 09:50:36 09:50:39 09:50:42

ATTORNEY BORDER: Objection. Form. 09:50:47

Q. If you're looking for your claim construction section, it's on Page 23. 09:51:31 09:51:33

A. So I just wanted to point out a typo on Paragraph 86. In Paragraph 86, I referenced Section 10A1A. I think that's actually 9A1A. But, for example, I'll give you an example of one thing I did do with respect to the network of the '484 patent as claimed. 09:53:51 09:53:52 09:53:54 09:53:58 09:54:01 09:54:05 09:54:10

If you look at Paragraph 66 in my declaration, I talk about how the network of the '484 patent can include multiple networks as opposed to a single network and limitation. 09:54:12 09:54:14 09:54:19 09:54:23

For example, explains that in various embodiments, protected network 200 includes a corporate network, telephone network, private network, local area network, wide area network, wireless network, communication network, government network, university network, and/or the like, and that 09:54:26 09:54:27 09:54:30 09:54:33 09:54:35 09:54:38 09:54:40

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comes from the specification at Column 6, Lines 1 through 5. 09:54:43 09:54:46

So this is an example of when I look at the term "protected network" in the claims, I look at it from the point of view or from a POSITA looking at the specification and the file history, and the specification talks about how the protected network includes all these other networks. So there is an example of the kinds of network protected network 200 can include. 09:54:47 09:54:49 09:54:56 09:55:00 09:55:04 09:55:09 09:55:11 09:55:14 09:55:17

Q. Okay. So -- I'm sorry, are you done? 09:55:18 09:55:20

A. So as I look for -- as I do my mappings for protected network, I look for networks that are consistent with how the examples of the protected network are laid out in the patent specification. 09:55:20 09:55:25 09:55:28 09:55:31 09:55:34

Q. Uh-huh. 09:55:37

So I'm not really sure you're answering my question. I know what you're telling me you did, which is you look for examples in the '484 for certain claims; right? 09:55:49 09:55:50 09:55:55 09:56:00 09:56:05

A. I look to see examples of what the 09:56:10

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patent specification gives with respect to certain claim terms so I can understand how the patentee through the specification viewed those terms as the claim did. 09:56:14 09:56:19 09:56:22 09:56:28

So if now protected network, it's claimed, for example, I think Claim 1 of the '484 patent uses the term "protected network," I'll look in the specification itself, and this is what a POSITA would have done at the time of the invention, to see what the patent is teaching about what a protected network is, and the scope of the phrase "protected network," for example, in the claims would include the way -- the examples in the specification and the way the specification talks about it, and in this example that I give from the specification, it talks about in various embodiments, protected network 200 includes -- and it lists a number of different things. And so that's how I determined at least some of the things that are clearly within the scope of certain claim terms, like protected network. 09:56:33 09:56:39 09:56:41 09:56:46 09:56:50 09:56:52 09:56:57 09:56:59 09:57:03 09:57:06 09:57:12 09:57:14 09:57:18 09:57:20 09:57:25 09:57:28 09:57:31 09:57:33 09:57:35

And, you know, if the prior art, you know, for example, Krantz here explains 09:57:37 09:57:45

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that the disclosed networks simply implement using any number of -- 09:57:47 09:57:53

- - - 09:57:53

(Clarification requested by the stenographer.) 09:57:53 09:57:53

- - - 09:57:53

THE WITNESS: Disclosed networks. 09:57:53

A. And Krantz explains that the disclosed networks can be implemented using any number of techniques, such as, for example, virtual local area networks, gives some VLANs, internet protocol, IP filtering, and it goes on, Krantz goes on, and those are consistent with those examples that are clearly within the scope of what protected network or networks are -- 09:57:53 09:57:56 09:57:58 09:58:01 09:58:06 09:58:10 09:58:19 09:58:21 09:58:22

Q. Okay. 09:58:27

A. -- as explained by the patent specification itself, and that's some of what I do to determine things that are within the scope of claim terms. 09:58:27 09:58:31 09:58:33 09:58:37

Q. Okay. Since you pointed me at that one in particular, and you say Krantz teaches both virtual local area networks or VLANs, internet protocol filtering, or IP filtering, 09:58:37 09:58:39 09:58:45 09:58:50

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virtual private networks or VPNs or use of IP security protocols; right? That's what you just pointed to me? 09:58:54 09:58:58 09:59:01

A. Yes, but the explanation spans multiple paragraphs. 09:59:03 09:59:06

Q. That's some of the stuff that you just pointed me to; right? 09:59:07 09:59:08

A. Yes, and -- 09:59:10

Q. And then -- 09:59:11

A. Yes. My declaration stands for itself. You know, you can look at further paragraphs, but at least that's one of the things I was pointing you to. 09:59:12 09:59:14 09:59:16 09:59:18

Q. And so in the excerpt from the '484 patent that you reference in your Paragraph 66 for protected network, VLANs, IP filtering, VPNs and IP security aren't one of the things listed; right? 09:59:19 09:59:27 09:59:34 09:59:41 09:59:44

A. Well, one of the things listed is local area network, and a virtual local area network is also a local area network. 09:59:47 09:59:48 09:59:51

Q. It doesn't say virtual local area network in 44; does it? 09:59:56 09:59:58

A. Well, virtual local network is a specific -- 10:00:02 10:00:03

- - -

(Unintelligible, simultaneous testimony interrupted by the certified stenographer.)

- - -

CERTIFIED STENOGRAPHER: I need one at a time, please.

Q. I'm so sorry. I coughed. I didn't finish.

A. A virtual local area network is --

Q. I didn't finish my question. I was -- I coughed while I was -- my apologies.

In the quoted part of '484, it doesn't say virtual local area network; does it?

A. It says local area network in the quoted part of the '484, and the Krantz specifically lists a virtual local area network, which is one type of local area network.

Q. So is any local area network a protected network?

A. Well, the '484 gives examples of the kinds of networks included in protected networks.

Q. So the '484 says that the protected network could be a corporate network. It could be a telephone network, etc., etc. 10:01:08 10:01:10 10:01:13

What makes a network a protected network? 10:01:15 10:01:17

A. So if you go on to Paragraph 71, I address this issue specifically with respect to the protected networks, and what the '484 patent describes as some of the characteristics of protected networks. For example, first of all, with respect to the broader term "network," the '484 patent explains that a network may be physically or logically divided into a restricted subset and one or more less restricted subsets. 10:01:45 10:01:48 10:01:50 10:01:53 10:01:55 10:01:58 10:02:02 10:02:06 10:02:09 10:02:13

And it goes on to talk about -- the '484 patent further explains that protected network may include access restrictions. And then I talk about how the protected network describing Krantz talks about restricting access to a second network. 10:02:17 10:02:24 10:02:26 10:02:30 10:02:35 10:02:42

And so I do, you know, in this section talk about some of the characteristics that are laid out by the '484 patent with respect to a protected network and talk about 10:02:44 10:02:50 10:02:56 10:03:01

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how it includes access restrictions at the end of Paragraph 71, and then how in Paragraph 73 Krantz is describing the network architecture that can provide access to a first network, while restricting access to a second network and how Krantz further explains how that in some embodiments, access to resources located in network can be restricted by the use of virtual local area networks. 10:03:04 10:03:09 10:03:15 10:03:19 10:03:20 10:03:25 10:03:29 10:03:31 10:03:33

Q. Dr. Houh, I don't need you to read me your declaration. I need you to answer my questions. 10:03:36 10:03:39 10:03:42

And honestly, I don't even remember what my question was because you're not answering it. You're just kind of talking here. So let me just start over. 10:03:49 10:03:50 10:03:52 10:03:54

The plain and ordinary meaning as would be understood by POSITAs at the time of the invention of a protected network, what is a protected network that differentiates it from just a network? 10:04:03 10:04:07 10:04:10 10:04:15 10:04:19

ATTORNEY BORDER: Object to the form. 10:04:22

A. So I address this in my declaration where I talk about what the '484 patent talks about -- 10:04:23 10:04:26 10:04:31

Q. Are you going to point me to the same thing you just talked about? 10:04:32 10:04:33

A. You asked me a question, which I think is answered in my declaration, so I'm trying to answer the question. 10:04:34 10:04:35 10:04:38

Q. Then just point me to the paragraphs. 10:04:39 10:04:40

A. Well, you can look at this section generally with respect to the area around where I was pointing to you just now. 10:04:41 10:04:42 10:04:48

Q. Okay. And that was Paragraph 71? 10:04:50

A. And the following paragraphs and maybe some other preceding paragraphs, but it's all laid out in my declaration. I think the answer to your question is -- 10:04:57 10:04:59 10:05:00 10:05:03

Q. Well, I'm asking about the '484 patent, and Paragraph 71 talks about the '484 patent. Paragraph 72 and the following paragraphs actually talk about Krantz; correct? 10:05:05 10:05:07 10:05:11 10:05:13 10:05:16

A. Well, some of the preceding Paragraphs talk about the '484, which is if you go back to Paragraph 66, for example. So that's why I'm pointing to this section generally. I talk about what the '484 patent 10:05:28 10:05:29 10:05:30 10:05:35 10:05:37

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discloses with respect to protected networks in different places in this section.

Q. Can you summarize for me -- I really -- I understand your declaration says what it says. Can you summarize for me, and I'm not limiting it to you, you know, if you want to say whatever is in my declaration, can you summarize for me what differentiates a protected network in the '484 from just a regular network -- and, I'm sorry, let me rephrase that.

When we talk about the '484 patent and you said that the plain and ordinary meaning is what applies at the time of the invention; correct?

A. As understood by a POSITA in the context of the specification and prosecution history.

Q. There is a word "network" by itself without any kind of adjective attached to it; right?

A. (No response.)

Q. Right?

A. The word "network" itself is just a word. It doesn't have a further adjective I

don't think. 10:06:48

Q. Okay. So a protected network is a more specific phrase than just network; correct? 10:06:48 10:06:51 10:06:58

A. Sure. 10:07:00

Q. And, in fact, I think you say -- oh, actually, it's on Page 39 of your declaration. In the footnote you say: Claim 1 of the '484 patent claims both a network, in quotes, and protected network, also in quotes, and then you say: Krantz's network is also protected network as described in detail below and given protective network's narrower coverage, that term is used in my analysis. 10:07:03 10:07:05 10:07:08 10:07:13 10:07:17 10:07:20 10:07:27 10:07:30 10:07:33

So you're saying protected network is narrower in meaning than just network; right? 10:07:35 10:07:37 10:07:41

A. Sure. 10:07:44

Q. Okay. So what differentiates a protected network from a network? 10:07:44 10:07:47

A. So if you look at the specification of the '484 in Column 6 starting at Line 21, it gives an example of in some embodiments, protected network 200 includes elements having a hierarchy of access restrictions. For 10:08:48 10:08:50 10:08:53 10:08:57 10:09:02

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example, access to network PC240 may require a higher level of 40 than access to file server 235. 10:09:04 10:09:08 10:09:10

In this case, as described further herein, access control lists within router 220 or optionally used to independently control access to specific devices within less restricted subset 210. Protected network 200 may be large, including tens, hundreds, or thousands of devices. 10:09:12 10:09:16 10:09:19 10:09:21 10:09:23 10:09:28 10:09:31

The hierarchy of access restrictions may be enforced by a hierarchal set of security policies defined using policy manager 250. In various embodiments, router 220 and access point 220 may be considered part of restricted subset or less restricted subset 210. Sorry, I left 205 off after restricted subset. 10:09:33 10:09:34 10:09:38 10:09:41 10:09:46 10:09:49 10:09:52 10:09:56

So that's an example of what's given in the specification of how a protected network is distinguished from a network generally, because in some of the embodiments described in the specification of the '484, protected network 200 includes elements having a hierarchy of access restrictions, and I 10:09:59 10:10:02 10:10:04 10:10:08 10:10:13 10:10:15 10:10:18

think these access restrictions are one of the examples given in the specification to distinguish a protected network from simply a network. 10:10:21 10:10:25 10:10:27 10:10:30

Q. Okay. Thank you. 10:10:30

One housekeeping matter. Well, I don't know if it's housekeeping. We'll see. 10:10:31 10:11:02

In Paragraph 3 of your declaration. 10:11:04

A. Okay. 10:11:12

Q. You state that you've been asked to provide opinions regarding whether such a matter of the challenged claims -- I'm not reading it. I am paraphrasing it. 10:11:15 10:11:16 10:11:19 10:11:21

You say that you were asked to provide opinions regarding whether the subject matter of the challenge claims of the '484, and then you say, quote: Are anticipated or otherwise would have been obvious -- and the sentence goes on. 10:11:24 10:11:26 10:11:28 10:11:29 10:11:34 10:11:38

You're not offering any opinion on -- that the challenge claims of the '484 are anticipated by anything; are you? 10:11:39 10:11:41 10:11:46

A. No, I don't think so. 10:11:47

Q. Okay. 10:11:48

A. Just obviousness. 10:11:49

Q. Let's turn to Page 24 of your declaration. 10:12:02 10:12:07

A. Okay. 10:12:10

Q. In Paragraph 41, and, Dr. Houh, I saw you check your watch. I think you know if you need a break at any time, just let me know. 10:12:18 10:12:23 10:12:25 10:12:27

A. Sure. 10:12:27

Q. It states: I understand -- and you're talking about Krantz. You say you understand that Krantz's prior art, at least under preAIA 35 U.S.C. Section 102I -- is that a typo? What is 102I? 10:12:31 10:12:33 10:12:34 10:12:37 10:12:43

A. Yeah, I'm not sure. I would have to look at 102, but sometimes that letter might be in parentheses, but I know that these sections of U.S. code often have letters involved in the numbering scheme. So this is just my understanding. So I would have to look at that. 10:12:53 10:12:56 10:12:59 10:13:04 10:13:08 10:13:11 10:13:16

Q. Yeah. I'll represent to you that preAIA 35 U.S.C. Section 102 doesn't have a Subparagraph I. 10:13:17 10:13:19 10:13:25

A. Okay. I would want to look at the U.S. code. So I guess you've identified a 10:13:26 10:13:33

typo, but I understand that Krantz is prior art generally.

Q. So, Dr. Houh, you didn't make a determination that Krantz is prior art. You've just accepted that as a representation from your counsel?

A. I'm not a lawyer, so that's probably one of the things that, you know, counsel would have informed me, what section of the U.S. code prior art applies under.

Q. Okay. And then whether or not Krantz is prior art is something you relied on your counsel? Or did you make a separate actual determination that Krantz is prior art?

A. I mean, I've looked at certain sections. So I've read these sections before. I just don't know what it actually applies under, but my understanding is that these references are prior art.

Q. And where did you get that understanding?

A. I think the understanding's from the attorneys.

Q. Okay. That was my question.

And just kind of to close the loop

on that, if you look at Paragraph 46 and you talk about Herrmann here, and you also say that it's -- you understand that it's prior art under 35 U.S.C. 102I again; right? 10:15:13 10:15:21 10:15:23 10:15:26

A. That's what it says at the end. 10:15:32

Q. So whether 102I is the correct statute or not, this is just an understanding you got from your counsel? 10:15:35 10:15:37 10:15:39

A. That it's prior art. 10:15:41

Q. Understood. Right. Okay. 10:15:43

In Paragraph 43, you state that: Krantz discloses a system in which a device attempts to access a protected network, and then you cite, for example, the abstract of Krantz; correct? 10:15:55 10:15:58 10:16:04 10:16:07 10:16:11

A. Yes. 10:16:12

- - - 10:16:12

(Whereupon, copy of Krantz, is received and marked as Exhibit 1505 for Identification.) 10:16:12

- - -

BY ATTORNEY KUO:

Q. Let me hand to you a copy of Krantz. This is Exhibit 1505. I apologize, it printed kind of small. Can you take a look 10:16:18 10:16:20 10:16:28

at the abstract of Krantz? It's on the first page. It's on the very first page. Just read through it to yourself. 10:16:48 10:16:50 10:16:54

Are you done reading? 10:17:53

A. Yes. 10:17:54

Q. Can you just confirm for me that the specific combination of words "protected network" is not recited in the abstract of Krantz? 10:17:55 10:18:00 10:18:05 10:18:12

A. I don't see the two-word phrase "protected network" in the abstract of Krantz. 10:18:26 10:18:27

Q. Do you know if the phrase "protected network" appears anywhere in Krantz? 10:18:31 10:18:31 10:18:36

A. I mean, I don't have this memorized. So I -- I don't -- I can't search it like I can on a computer. 10:18:41 10:18:42 10:18:45

Q. Okay. So whether it does or not, you just figured that out by searching, doing a search for protected network? 10:18:47 10:18:50 10:18:52

A. If you're asking where the Krantz specification uses the two-word phrase "protected network" -- 10:18:55 10:18:57 10:18:59

Q. That's what I'm asking. 10:19:00

A. -- I would -- I would -- I would -- 10:19:01

it would be much faster to search it given a proper word index built up for the Krantz reference. 10:19:04 10:19:07 10:19:10

Q. Uh-huh. 10:19:10

A. Or I could read it, but that would take some time. 10:19:11 10:19:15

Q. Right, but we can do that on our own. The document says what it says. It either uses the phrase "protected network" or it doesn't use the phrase "protected network"; right? 10:19:16 10:19:18 10:19:20 10:19:22 10:19:25

A. It either uses it or not, but my opinion is that where -- 10:19:25 10:19:28

Q. I understand your opinion, but my question is simply about whether the phrase "protected network" is recited within Krantz? 10:19:29 10:19:30 10:19:32

A. I think that's a factual matter that we could easily -- 10:19:36 10:19:38

Q. Okay. 10:19:40

A. -- determine given the amount of time, proper amount of time and resources. 10:19:40 10:19:42

Q. Okay. So let's turn to Page 25 of your report -- I'm sorry, of your declaration. 10:19:44 10:19:48

A. Sure. 10:19:53

Q. You understand when I say "report" 10:19:56

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and "declaration" I'm just kind of using them interchangeably; right? 10:19:57 10:19:59

A. Sure. 10:20:00

Q. Okay. In Paragraph 43, you have what you call an annotated version of Figure 2 from Krantz; correct? 10:20:00 10:20:08 10:20:12

A. I think my version has color annotations. I -- yes, it is annotated. 10:20:17 10:20:19

ATTORNEY KUO: Do you know what? Can we go off the record? 10:20:24 10:20:30

CERTIFIED STENOGRAPHER: Off the stenographic record at 10:20 a.m. 10:20:34 10:20:34

\- - - 10:20:35

(Whereupon, a short recess was taken.) 10:20:35 10:20:35

\- - - 10:20:36

CERTIFIED STENOGRAPHER: Back on the stenographic record at 10:22 a.m. 10:22:14 10:22:15

BY ATTORNEY KUO: 10:22:17

Q. Dr. Houh, apologies for the interruption. Thank you for your patience. 10:22:24 10:22:26

I'm going to give you my laptop computer that has a PDF of Exhibit 1503 on it that's in color so you can see the color as well. 10:22:29 10:22:30 10:22:37 10:22:39

A. Thank you. Can you navigate through the -- 10:22:40 10:22:45

Q. Yeah, yeah, however -- so if you can go to -- is Page -- is Page 25, if that's helps. 10:22:45 10:22:47 10:22:53

A. Yes, I see it now. 10:22:53

Q. Okay. So as you stated before, your annotated version of Figure 2 of Krantz, which is shown in color in Exhibit 1505, you see that now on the screen? 10:22:54 10:23:02 10:23:06 10:23:11

A. Yes. 10:23:12

Q. And you have this red dotted shape around network 213 and -- which is VLAN C, and then VLAN B; right? 10:23:15 10:23:19 10:23:26

A. I would not disagree with that characterization, counselor. It looks about right. 10:23:37 10:23:38 10:23:40

Q. Just confirm for me, that red dotted shape does not actually appear in Krantz? 10:23:41 10:23:44 10:23:46

A. That's an annotation, right. That does not appear in Krantz. 10:23:48 10:23:50

Q. And the red notation of protected network above that dotted line shape, that's also an annotation? 10:23:51 10:23:53 10:23:59

A. Yes. 10:24:00

Q. And by virtue of the fact that you annotated it in red, it's supposed to refer to that red dotted shape? 10:24:00 10:24:02 10:24:05

A. Yeah, as well as the larger red boxes that are shaded. 10:24:07 10:24:10

Q. Right. The boxes that are within that red dotted shape? 10:24:12 10:24:14

A. Yes. 10:24:16

Q. Okay. And as shown in this Figure 2, there are the words -- I'm sorry. Above VLAN C there are the words "less restricted subset"; right? 10:24:16 10:24:26 10:24:37 10:24:39

A. Yes. 10:24:43

Q. And that's an annotation that you added? 10:24:44 10:24:45

A. I don't think so. I think less restricted subset -- 10:24:47 10:24:48

Q. Well, you have Krantz. You can check. 10:24:50 10:24:52

A. Oh. Let me look. Oh, it is, yes that's right. 10:24:54 10:25:01

Q. Okay. And same for the words "restricted subset" above VLAN B, that's an annotation you added? 10:25:02 10:25:05 10:25:09

I'm sorry, Dr. Houh, I'm referring to the annotated figure you have on Page 25 of your declaration, and there is a -- you have a -- Dr. Houh, if you look on the screen, there is one of the red colored boxes, says "VLAN B." 10:25:28 10:25:30 10:25:36 10:25:44 10:25:51 10:25:55

Do you see that? 10:25:56

A. Yeah, yes. 10:26:09

Q. Okay. And right above where it says "VLAN B." it says "restricted subset"; is that right? 10:26:11 10:26:12 10:26:15

A. In the figure in my -- in my declaration it does say that. 10:26:18 10:26:21

Q. Right. And in the figure in your declaration, those words "restricted subset," that's something that you added; correct? In other words, those words don't show up in the actual figure from Krantz; right? 10:26:22 10:26:26 10:26:29 10:26:32 10:26:35

Dr. Houh, did you hear my question? 10:28:26

A. I did, yes. 10:28:28

Q. Okay. Do you need me to ask it again? 10:28:29 10:28:45

A. No. The original Figure 2 in Krantz does not include the less restricted subset and restricted subset above those 10:28:46 10:29:37 10:29:41

respective boxes, but I do describe in -- if you look around Page 43, in the areas around there, about my discussion with respect to Figure 2. 10:29:45 10:29:49 10:29:51 10:29:58

Q. Yeah. 10:29:59

I'm just asking you if -- and I think you've answered it, that in the original figure from Krantz, the words "restricted subset" don't actually appear in that -- in the Krantz figure, and that's correct; right? 10:30:00 10:30:01 10:30:08 10:30:10 10:30:15

A. That's correct, that they don't appear in the original Figure 2 of Krantz. 10:30:19 10:30:20

Q. Okay. And then as is shown in Figure 2, server 215, which is shown if you look on your screen, Dr. Houh, for color, I'll just refer to the color, 215 is shown in the gray box; is that right? 10:30:22 10:30:28 10:30:40 10:30:43 10:30:46

A. Well, yeah, I do recall that, but your screen got locked, so I can't see it. 10:30:50 10:30:52

Q. I'm sorry. 10:30:55

A. But, yes, server 215 is gray in original color, annotated figure. In the annotated figure. 10:30:55 10:30:59 10:31:03

Q. I guess you don't look enough like me to unlock it with just -- all right. 10:31:24 10:31:27

That's okay. You do recall it was gray -- 10:31:30

A. Yeah. 10:31:32

Q. Okay. And at least that's shown in even your annotated version of Figure 2, the server 215 is not -- not located on network 213; correct? 10:31:33 10:31:43 10:31:47 10:32:01

A. Network 213 is an example given in Figure 2 is separate from server 215. 10:32:15 10:32:18

Q. Okay. 10:32:23

A. And where VLAN E is shown. 10:32:23

Q. Okay. 10:32:28

A. But I'm indicating here that's all part of the claim protected network. 10:32:33 10:32:34

Q. Right. And the protected network, that's the box that you added to the Krantz figure. It doesn't actually appear within the Krantz figure; right? 10:32:36 10:32:40 10:32:44 10:32:46

A. It's not in the original figure from Krantz, that's right. 10:32:50 10:32:51

Q. Okay. 10:32:52

ATTORNEY KUO: We've been going about an hour and a half. Why don't we take a 10-minute break. Good? 10:32:54 10:32:54 10:32:57

THE WITNESS: Sure. 10:32:59

ATTORNEY KUO: Okay. 10:32:59

CERTIFIED STENOGRAPHER: Off the stenographic record at 10:33 a.m. 10:33:00 10:33:01

- - - 10:33:01

(Whereupon, a short recess was taken.) 10:33:02 10:33:02

- - - 10:33:02

CERTIFIED STENOGRAPHER: Back on the stenographic record at 10:44 a.m. 10:44:49 10:44:50

BY ATTORNEY KUO: 10:44:55

Q. Just to finish up this section on your summary at Krantz, in Paragraph 45 on Page 26, you have the sentence: Authentication may be made by server 215, paren, which includes authentication module 217, close paren, which acts as a GateKeeper. 10:44:55 10:44:57 10:45:03 10:45:09 10:45:14 10:45:17

And I just want to confirm that for purposes of your analysis, you've considered the gray box, server 215, as the GateKeeper; correct? 10:45:23 10:45:28 10:45:30 10:45:36

A. Yes, that's how it's labeled in the annotated figure as well. 10:45:37 10:45:39

Q. Okay. It's not called a GateKeeper in Krantz; correct? 10:45:40 10:45:41

A. I don't think it is. 10:45:44

Q. And server 215 at Krantz is a 10:45:45

RADIUS server? Yeah, feel free to look at Krantz. 10:45:49 10:45:53

A. If you'd look at Paragraph 58 of Krantz, it talks about in some embodiments server 215 logically represents a RADIUS server. 10:46:19 10:46:20 10:46:22 10:46:25

Q. Okay. Is there anything -- I'm sorry. 10:46:27 10:46:32

ATTORNEY MICHALEK: Sorry, it's getting updated here? 10:46:33 10:46:35

ATTORNEY KUO: Press the follow button. 10:46:36

ATTORNEY MICHALEK: I am. It's not coming through. 10:46:38 10:46:44

\- - - 10:46:45

(Stenographic reporter fixes technical issue.) 10:46:45 10:46:45

\- - - 10:46:45

BY ATTORNEY KUO: 10:46:45

Q. So before that little technical break, you were referring me to Paragraph 58 where Krantz says that server 215 in some embodiments is a RADIUS server; correct? 10:47:48 10:47:51 10:47:54 10:47:59

A. I did do that. 10:48:02

Q. Krantz doesn't give any other examples of what server 215 could be, does it, 10:48:05 10:48:08

other than a RADIUS server? 10:48:12

A. Well, it says also in Paragraph 58: Although visually depicted by a single system, server 215 may include a separate network access server, NAS, a separate authentication server, and a separate shared accounting server. 10:48:18 10:48:21 10:48:23 10:48:27 10:48:30 10:48:32

The server logically represented by server 215 can be configured to communicate using the RADIUS protocol and more specifically may support the RADIUS attributes EAP message and message-authenticator. 10:48:34 10:48:36 10:48:40 10:48:42 10:48:46

Server 215 may have modules from a variety of different services loaded into system memory, such as, for example, internet information services, IIS modules, internet authentication services, IAS modules, and it goes on, but there are some examples in some of these embodiments. 10:48:51 10:48:53 10:48:56 10:49:07 10:49:10 10:49:14 10:49:17

Q. Right. And in Paragraph 58, those are just different ways of -- different architectures for a RADIUS server; right? 10:49:18 10:49:21 10:49:26

A. It's saying that different things may be included with server 215. 10:49:34 10:49:36

Q. And 215 is the RADIUS server? 10:49:39

A. In some embodiments, server 215 logically represents a RADIUS server. 10:49:41 10:49:43

Q. Right. So my question was: Other than a RADIUS server, is 215 explained in Krantz to be anything else? Can it be something other than a RADIUS server? 10:49:45 10:49:50 10:49:57 10:50:00

A. Well, sure, because this is only saying some embodiments the server is a RADIUS server, but also it says that server 215 may include a separate authentication server. 10:50:06 10:50:07 10:50:11 10:50:14

Q. Okay. What I want to understand, I understand that it could be a RADIUS server, but Krantz is saying it could be a RADIUS server, but some other stuff. 10:50:17 10:50:23 10:50:27 10:50:28

A. Okay. 10:50:30

Q. What I want to understand is, does Krantz say that server 215 can be something that does not include a RADIUS server? 10:50:32 10:50:37 10:50:42

A. Paragraph 58 does not limit 215 to be only a RADIUS server. It's only saying that in some embodiments, server is -- represents a RADIUS server -- logically represents a RADIUS server, and furthermore, the same paragraph talks about how server 215 may include these separate entities, such as a 10:50:46 10:50:48 10:50:51 10:50:54 10:50:56 10:50:58 10:51:02

separate authentication server. 10:51:05

Q. Does it give any examples of a server that does not include a RADIUS server? 10:51:06 10:51:09

A. I mean, it's saying that only in some embodiments is the server 215 logically representing a RADIUS server, but it certainly says in Paragraph 58 that: Although visually depicted by a single system, server 215 may include a separate authentication server and other things at 215. So I think it's teaching that certainly there is no limit in Krantz that 215 is only a RADIUS server. 10:51:41 10:51:43 10:51:47 10:51:50 10:51:55 10:51:58 10:52:02 10:52:06 10:52:10

Q. I'm not arguing with you. I'm just -- what I'm asking you, and I understand your testimony, that it's not limiting, I'm asking you: Does Krantz give an example of what could be 215, server 215, that does not include a RADIUS server? 10:52:12 10:52:14 10:52:17 10:52:19 10:52:24 10:52:28

A. I think that's what it's teaching, because it's saying in some embodiments -- in some embodiments, server 215 logically represents a RADIUS server. So what that's saying is is that there are other embodiments where server 215 doesn't -- 10:52:31 10:52:32 10:52:35 10:52:41 10:52:43 10:52:45

Q. Right. Does it disclose any of 10:52:47

those other embodiments? Does Krantz disclose any of those other embodiments? 10:52:49 10:52:53

A. Krantz certainly says that server 215 may include a separate authentication server. So there are other types of servers that are included in server 215, and 215 does not have to be a RADIUS server in all embodiments. 10:52:55 10:52:57 10:52:59 10:53:05 10:53:08 10:53:11

Q. Okay. A RADIUS server is a type of authentication server; correct? 10:53:11 10:53:14

A. I think that's one of the things it's directed to, and certainly server 215, Krantz is saying can include a separate authentication server. 10:53:17 10:53:18 10:53:22 10:53:25

Q. Back at the time of the invention, what were other types of authentication servers to the best of your recollection? 10:53:26 10:53:28 10:53:33

A. I think there was something called a Yellow Pages server. There is a Kerberos, K-E-R-B-E-R-O-S, server, capitalized. 10:53:37 10:53:38 10:53:45

Q. That's a brand? 10:53:51

A. Maybe it's a protocol as opposed to -- 10:53:57 10:53:59

Q. Well, RADIUS seems to be an acronym for something, but Kerberos sounds more like a 10:53:59 10:54:02

company brand name? 10:54:05

A. I wouldn't -- I wouldn't have called it a single company's branded server, but there is Kerberos -- there are Kerberos servers that are -- describe the function as opposed to the brand. 10:54:09 10:54:10 10:54:14 10:54:17 10:54:20

Q. Okay. So Kerberos is more like -- I think you said it is like a protocol? 10:54:24 10:54:26

A. I would describe it more of a protocol. 10:54:31 10:54:34

Q. Okay. Do you know what Kerberos -- how that works? 10:54:34 10:54:35

A. It's been a while since I looked at it, but at a high level, it grants these things called tickets, once you've submitted the proper credentials, and those tickets are valid for use of specific resources for a specific amount of time. 10:54:43 10:54:44 10:54:48 10:54:50 10:54:52 10:54:54

Q. Okay. And that's also a user authentication protocol? 10:54:55 10:54:58

A. I understand that's been used for user authentication to grant permissions for network resources and log -- computer log-ins. 10:55:01 10:55:03 10:55:06

Q. Okay. And Kerberos isn't mentioned in Krantz anywhere? 10:55:10 10:55:14

A. I mean, I don't have Krantz memorized. I don't -- I don't recall that it was, but I -- I would have to go search Krantz. 10:55:19 10:55:20 10:55:22 10:55:26

Q. And the other one you mentioned was Yellow Pages. Is that also a protocol? 10:55:27 10:55:28

A. That might be a brand or type of server that can do network-based authentication I think. 10:55:32 10:55:36 10:55:41

Q. Do you recall how the Yellow Pages worked? 10:55:48 10:55:50

A. I believe there is a Yellow Pages server to which credentials can be submitted. I don't remember what happens after that. 10:55:52 10:55:53 10:55:57

Q. Okay. Do you recall if it's similar in that you basically have a database of user names and passwords? 10:56:00 10:56:03 10:56:06

A. Yes, I believe it did. 10:56:09

Q. And that also was just user authentication? 10:56:12 10:56:13

A. I think that's one of the things that it could have been used for, if I remember correctly. 10:56:14 10:56:16 10:56:19

Q. Okay. So other than user authentication, Krantz doesn't disclose 10:56:20 10:56:30

anything about making sure that an access device complies with any sort of security policy; correct? 10:56:36 10:56:43 10:56:48

A. Can you repeat the question, please? 10:57:57 10:57:57

Q. Sure. 10:57:59

So other than user authentication, Krantz doesn't disclose anything about making sure that an access device complies with any sort of security policy; is that right? 10:58:01 10:58:03 10:58:05 10:58:08

A. Well, if you look in Paragraph 53 in my declaration, I do talk about how Krantz also teaches about providing a configuration file with the proper encryption protocol and other necessary configuration information, the client device is -- 10:58:14 10:58:17 10:58:21 10:58:22 10:58:25 10:58:39

Q. I'm sorry, where are you? 10:58:41

A. In the middle of Paragraph 53, starting fifth line down. 10:58:42 10:58:43

Q. Oh. Okay. I see. 10:58:46

A. The client device is configured to for compatible operation with the network, and that's one thing that Krantz is teaching, and this is in the section that it's motivating to combine -- why a POSITA would be motivated to 10:58:47 10:58:49 10:58:52 10:58:54 10:58:56

combine Krantz and Herrmann, and Herrmann is disclosing a particular policy requiring that a specific virus protection program be available, for example. 10:59:00 10:59:08 10:59:11 10:59:17

Q. Okay. But that's not my question. My question was whether Krantz teaches comparing the configuration of the access device against the security policy to see if it complies with that security policy? 10:59:18 10:59:20 10:59:32 10:59:36 10:59:39

A. I mean, I think I rely on the combination of Krantz and Herrmann with respect to some of what you're asking about and it's kind of laid out in my declaration. 10:59:50 10:59:51 10:59:54 10:59:56

Q. And that's all I'm asking.

So as it pertains to comparing what the device has with the security policy, you're relying on Herrmann for that teaching; is that right? 10:59:58 10:59:59 11:00:05 11:00:08 11:00:11

A. Can you point me to a specific claim element that you're looking at? 11:00:14 11:00:15

Q. I'm just asking you the question. 11:00:19

A. Well, if you look at Paragraph 88 through Paragraph 90 of my declaration -- 11:01:31 11:01:32

Q. Uh-huh. 11:01:36

A. -- I talk about how: First, to the 11:01:36

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extent that one asserts that Krantz does not disclose at least one security policy, including the requirements that must be satisfied, the combined system of Krantz and Herrmann demonstrates it such as a security policy requiring a presence of a particular antivirus software be installed on a network device as described in Herrmann. 11:01:39 11:01:42 11:01:43 11:01:44 11:01:48 11:01:51 11:01:53 11:01:56

And I go on to talk about in Paragraph 90 about why a POSITA would have been motivated to combine Krantz with Herrmann, and that a POSITA would recognize that having a secure policy checking for antivirus software would merely be an additional item for server 215 and its various components to check in the authentication process already disclosed by Krantz. 11:01:58 11:02:01 11:02:03 11:02:05 11:02:07 11:02:09 11:02:11 11:02:15 11:02:17

In that, Herrmann discloses that -- well, like Krantz, Herrmann discloses that a policy server 460 may enforce a variety of different types of security policies or rules, and that one such rule, to be authorized for network access, would be a policy requiring that a specific virus protection program is operational on each client device that is 11:02:23 11:02:24 11:02:26 11:02:30 11:02:34 11:02:38 11:02:40 11:02:43

connected to a network.

And I refer to 1506, which I think is Herrmann, noting that it is critical that all machines and network maintain updated antivirus software so that the network is not infiltrated by newly released viruses, and I go on, but this is the section where I discuss that, and yeah.

Q. Right.

So my question was and is: The checking of the access device configuration against this carry policy, you rely on Herrmann for that particular teaching; is that right?

A. Well, to the extent that one asserts that Krantz does not disclose at least one security policy, including requirements that must be satisfied, I rely on the combination of Krantz and Herrmann.

Q. Can you do me a favor? I apologize for hopping around, but can you go back to Page 22 of your declaration.

A. Okay.

Q. And I understand that the copy you have in front of you is black and white, but

there is a dotted box that's drawn around the amoeba-shaped thing 210 and the other more lima bean-shaped thing 205; right? 11:04:32 11:04:42 11:04:46

A. Yes, I see that. 11:04:51

Q. And that dotted line, which I'll represent to you in the original is in red and that you've annotated with the words "protected network" in red above it, even though it says "protected network 200," you've added that dotted box; correct? 11:04:54 11:04:56 11:05:00 11:05:01 11:05:05 11:05:12

A. That's right, in red, yes. 11:05:17

Q. Yes. 11:05:18

A. In my annotated figure. What you're calling the original figure I think as opposed to the original in the '484. So in what you're calling the original in my declaration, Figure 2 annotated, that's the annotated one. 11:05:19 11:05:21 11:05:24 11:05:27 11:05:29 11:05:33

Q. Yes. Thank you. Your clarification is correct. 11:05:34 11:05:36

In the '484 patent version of it, the solid line box around 210, 205, as well as router 220 and 215; correct? You have -- I believe you have a copy of the '484 patent to refer to? 11:05:41 11:05:43 11:05:55 11:06:03 11:06:06

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A. Yes. In the original Figure 2, there is a box that goes -- that includes router and access point 215, but I believe there is some discussion in the specification of the '484 that says something about where the access point may or may be from the best of my recollection. I can go look for that if you want me to. 11:06:06 11:06:07 11:06:12 11:06:16 11:06:17 11:06:20 11:06:24 11:06:26

Q. Well, I just want to understand, is there any significance as to why you drew the box in your annotated to not include router 220 and access point 215, where in the '484 patent protected network 200, it was explained to include those two? 11:06:27 11:06:28 11:06:32 11:06:38 11:06:42 11:06:46

Dr. Houh, you're welcome to look at whatever you want to look at to answer my question, but do you remember what my question was? 11:11:27 11:11:30 11:11:32 11:11:37

A. I believe I do. 11:11:39

Q. Okay. 11:11:40

A. So I think the border there that I annotated is to point out that in the specification itself, for example, if you look at Column 5, around Line 51 or 52, at the end of that line it says: Protected network 200 11:15:02 11:15:06 11:15:10 11:15:12 11:15:20

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is either physically or logically divided into a restricted subset 205 and a less restricted subset 210, period.

And that access to protected network 200 is possible through an access point 215 and an optional router 220, and so that if accesses to the protected network is through these other devices, then a person of ordinary skill would not understand that those routers and access points are in the middle of these other restricted and less restricted subsets.

And furthermore, if you look at Column 7, around Line 56, in the middle it starts: When embodied in a network switch, access point 215 includes a --

Q. I'm sorry, I'm sorry, where are you?

A. Column 7, Line 56 in the middle.

Q. Okay.

A. When embodied in a network switch, access point 215 includes a series of communications ports, designated ports 305A through 305G, and configured for communication with devices, such as access device 230,

router 220, less restricted subset 210 and/or a restricted subset 205, and so I think a person of ordinary skill would look at that and also understand that in this embodiment, it's describing that the access points because I think 215 is configured to communicate with 210, less restricted subset 210 and/or restricted subset 205, that it is well -- you wouldn't communicate with yourself if you're part of it. 11:16:48 11:16:53 11:16:55 11:16:57 11:16:59 11:17:05 11:17:11 11:17:14 11:17:19 11:17:22

So this is just, you know, pointing out certain embodiments in it where the access points appear to be discussed separately from the protected network itself. 11:17:23 11:17:24 11:17:29 11:17:30

Q. So notwithstanding that Figure 2 from the '484 patent shows what it shows, you felt that drawing the dotted red box around the elements that you did more accurately reflects what's taught in the specification to a person of ordinary skill in the art? 11:17:33 11:17:38 11:17:41 11:17:45 11:17:48 11:17:52

A. Well, Figure 2 is only representing some embodiments of the invention, not all of them. And so I think there are other embodiments, especially given the sections that I'm referring you to, where it seems 11:17:54 11:17:57 11:17:58 11:18:01 11:18:05

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pretty clear that at least in some embodiments, the access point, because it's communicating with 210 and 205 in the less restricted subset and restricted subsets of the network, that it would be considered at least on the boundary or outside the restricted protected -- sorry, protected network 200.

Q. Is there any significance, however, to whether the router and access point are considered to be within the protected network, at the periphery of the protected network, or outside of the protected network?

A. I mean, if you want to point me to something I've said in my declaration or you believe there is some significance --

Q. No. I'm asking you: Do you think there is any significance as to whether the router and access point being located within the network is somehow different from it being -- within the protected network is somehow different from it being at the periphery or outside the protected network?

A. I mean, I think a POSITA reading a specification '484 would understand that those

are the way -- the way the specification discusses the access point with respect to the protected network 200, that includes the less restricted subset 210 and restricted subset 205, and the various embodiments discussed in this specification, that there are these -- that the '484 is -- is at least somewhat flexible with respect to the specific configurations and different embodiments.

Q. No. I understand your point that the '484 says -- you know, gives some embodiments, and whether it's inside a protected network or at the periphery or outside are all potential options.

I'm asking you as a purported expert in networking, whether it matters whether that -- whether the router and access point are within the protected network or at the periphery or outside the protected network?

ATTORNEY BORDER: Object to the form.

A. I mean, I don't know if you're asking generally, but generally, I don't think I say much about that issue in this section, but if there is a section in which my

analysis -- which I don't recall because I don't have my declaration memorized, but we can look, but I don't think that's the case, where I relied on this specific analysis with respect to my mappings and how the prior art maps to this particular example. 11:20:48 11:20:53 11:20:57 11:20:58 11:21:04 11:21:08

Q. Dr. Houh, I'm not suggesting that it does or it doesn't. 11:21:13 11:21:15

I'm just asking from a technical standpoint, from networking, in a networking art, does it make any difference whether the router and access point is considered within the protected network or just at the periphery or outside the protected network? 11:21:17 11:21:19 11:21:21 11:21:25 11:21:28 11:21:30

ATTORNEY BORDER: Object to the form. 11:21:33

Q. And if you don't know, that's fine. 11:21:34

ATTORNEY BORDER: Object to the form. 11:21:36

A. I mean, I don't think I've addressed that specific question in my declaration, but if there is some place you think my analysis depends -- 11:21:38 11:21:40 11:21:42 11:21:47

Q. I'm not saying that at all. I'm asking you a question as a technical expert, and if you can't answer that question, that's fine and we'll move on. 11:21:49 11:21:51 11:21:55 11:22:02

A. I mean, I think I have to understand the specific context for that question in order to answer it in more detail.

Q. Are there contexts in which it does matter, whether the router and access point are inside the protected network or at the periphery or outside the protected network?

ATTORNEY BORDER: Object to the form.

A. I think that question is too vague to give you a thoughtful answer to right now.

Q. Okay. So you can't answer my question today?

A. I think it's very vague so.

Q. Let's go to -- starting on Page 26 of your declaration at the bottom is heading: B, Summary of Herrmann.

A. Okay.

Q. And we touched on one thing about preAI, AI statement, so we'll just stick to that.

In Herrmann, in Paragraph 47, you state that -- and I'm paraphrasing, but you state that Herrmann talks about whether a client can gain access to protected network resources; correct?

A. I see some of those words there, sure.

Q. Yeah.

And shown in Figure 3 of Herrmann, which is reproduced on Page 28 of your declaration, there is a box 390 that says "protected network or resources"; right?

A. Yes.

Q. So at least with respect to Herrmann, when it was designating a network that was protected, it indicated it as such; right?

A. I mean, if you're saying Herrmann does use the phrase "protected network," I think Krantz discloses a protected network. It didn't have to use those same words to disclose it.

Q. At least with respect to Herrmann, when it talks about a protected network, it actually designates it as a protected network; right?

A. With respect to Herrmann, this figure does use the phrase "protected network."

Q. Right.

A. But you don't have to use those same exact words to disclose the concept of a protected network.

Q. Well, we can debate that as much as you want, but at least with respect to Herrmann, it actually uses the word "protected network" when it's describing a protected network?

A. I mean, if you want to debate this, but this -- you know, you don't have to use the exact same words as any reference to describe similar things. That's just a truism in language.

Q. And the concept of protected networks at the time of the invention was a well-known concept; right?

A. Krantz teaches a protected network. A POSITA would have recognized that. Herrmann happened to use the phrase "protected network."

Q. At the time of the invention, the concept of a protected network and the term "protected network" were well-known in the art; correct?

A. I've laid out in my declaration how

Krantz and Herrmann have disclosed protected networks.

Q. At the time of the invention, the term "protected network" and the concept of protected network were well-known in the art; correct?

ATTORNEY BORDER: Object to the form.

A. The term and the concepts were both disclosed in either/or, Herrmann and Krantz.

Q. And the term "protected network" is not disclosed in Krantz; correct?

A. I think I said I'd have to take a look through there, but I would either have to research it, given the appropriate amount of resources and time, to make that determination, but it's a factual issue which can be easily determined in Krantz.

Q. It's either there or it's not?

A. The concept is there. Whether the --

Q. I'm sorry --

A. -- two-word phrase "protected network" is there or not, that was the factual issue that we could --

Q. Right.

A. -- determine given the appropriate amount of time and resources.

Q. Right.

The words "protected network," whether they exist in Krantz or not, is something -- the document speaks for itself; right?

A. The document speaks for itself, but a POSITA would recognize that Krantz has disclosed the concept of a protected network.

Q. Even though it doesn't -- even though in my scenario it doesn't use the words "protected network"?

A. It doesn't have to use the true word phrase "protected network" to disclose the concept of a protected network.

Q. And even though a protected network was a well-known concept in the art, they chose not to use protected network to describe any of their components?

A. They chose to describe the well-known concept of a protected network not using -- without having to use the two-word phrase "protected network" in Krantz.

Q. That's your opinion?

A. That's -- that's part of my opinion as laid out in my declaration. 11:27:18 11:27:20

- - - 11:27:21

(Whereupon, copy of Herrmann, is received and marked as Exhibit 1506 for Identification.) 11:27:21

- - -

BY ATTORNEY KUO:

Q. So then in Herrmann, looking at Figure 3, they're shown a RADIUS server, correct, as 330? I'm sorry, you don't have a copy of Herrmann. Hang on a second. 11:27:22 11:27:24 11:27:31 11:27:38

Yeah, let me hand to you Exhibit 1506. That's Herrmann. 11:27:42 11:27:44

A. Figure 3 is described as an exemplary network access server environment. 11:28:45 11:28:46

Q. Uh-huh. 11:28:51

A. And in this particular example, the label in Figure 3 says it's a RADIUS server, and in the description of Figure 3, which also indicates that it's a diagram of an exemplary network access server environment, it does show that in this example it includes a RADIUS server. 11:28:53 11:28:55 11:28:58 11:29:04 11:29:08 11:29:11 11:29:14

Q. And you're referring to somewhere 11:29:16

in Herrmann. Can you tell me which paragraph? 11:29:19

A. I was referring to both Figure 3 and the specification of Herrmann starting at Paragraph 53. 11:29:22 11:29:24 11:29:30

Q. And other than the RADIUS server, does Herrmann give any other exemplary servers for providing authentication services? 11:29:46 11:29:48 11:29:57

A. I mean, Herrmann makes clear that Figure 3 is only an example, and at least in Paragraphs 54, 55, and 56, I do see that it is referring to it as a RADIUS server. I don't see any other alternative in those paragraphs. 11:30:16 11:30:17 11:30:21 11:30:25 11:30:28

Q. Okay. 11:30:30

A. But we can look through the rest of it and oftentimes, you know, there are -- yeah, patents do discuss alternatives. 11:30:31 11:30:33 11:30:39

Q. Well, you'll agree with me that -- well, maybe you won't, but I think you should, that just mentioning that they're alternatives isn't the same thing as listing alternatives; correct? 11:30:50 11:30:51 11:30:54 11:30:56 11:30:59

ATTORNEY BORDER: Objection. Form. 11:31:00

A. Well, I think given the knowledge of a POSITA, if they knew they were alternatives, mentioning that only in some 11:31:02 11:31:05 11:31:09

embodiments there is a RADIUS server kind of signals to a POSITA that it's not limited to only what's listed.

Q. The RADIUS -- is a RADIUS server -- is that a term of art for back in, you know, time of the invention?

A. I think it is a known acronym. I think that Krantz actually spells out what the acronym stands for.

Q. Uh-huh.

A. But I think it was known as an acronym.

Q. Is it a type of server? Is it a brand? Do you know?

A. I think vendors may have their own brand of RADIUS server, but I would more likely call it a type or a protocol that servers may implement.

Q. Similar to the -- oh, shoot. Kerberos?

A. Kerberos.

Q. Kerberos one?

A. Yeah, maybe similar to that. I would have to think is it really exactly parallel, but yeah, I mean, I think -- I think

Herrmann discusses different vendors that have their own RADIUS servers.

Q. Okay. So RADIUS server worked a particular way and perhaps the Kerberos --

A. Kerberos.

Q. -- Kerberos work in a different way and Yellow Pages work in maybe another different way, but they're all for user authentication?

A. I believe they all can support user authentication as part of what the -- what the -- services they provide.

Q. Okay. And then in -- going to the next page of your declaration, on Paragraph 49, your declaration, Paragraph 49 -- I'm sorry, Paragraph 49.

A. Okay.

Q. And you might as well look at the next page since it kind of bridges a little bit.

You talk about how Figure 4, in that system that includes an additional policy, paren, Integrity, close paren, server 44; right? I'm looking at Paragraph 49. You state in Paragraph 49: However, the system

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includes an additional, quote, policy, open paren, Integrity, close paren, server '484, close quote, and then it goes on; right? 11:34:13 11:34:17 11:34:21

Dr. Houh, I'm just asking if that's what's stated in your declaration? 11:34:35 11:34:37

A. Well, I do see what's stated in my declaration, but I'm just trying to determine where the '484 came from that I've put in quotes there. 11:35:53 11:35:54 11:35:57 11:35:59

Q. Great, because that was going to be my question too. Yeah. Can you figure that out? Where does the '484 come from? 11:36:00 11:36:02 11:36:07

A. Well, I mean, the Figure 4 is clearly labeled "the policy Integrity server with label of 460." 11:36:09 11:36:11 11:36:14

Q. Uh-huh. 11:36:15

A. And so is the specification -- and I cannot find '484. So it may be just a simple typo, but I mean, if I can search for '484, I would do that in Herrmann, but I don't see it as I'm scanning through it. 11:36:17 11:36:20 11:36:23 11:36:26 11:36:30

Q. Okay. In all likelihood, you think it's just a typo? 11:36:32 11:36:35

A. That's what it looks like to me as I'm sitting here right now. 11:36:38 11:36:39

Q. All right. 11:36:41

So this additional policy Integrity server, and we'll just forget about the '484 for the time being, this additional policy Integrity server that's shown in Figure 4, that's that box that's indicated by 460 as shown in Herrmann? 11:36:41 11:36:47 11:36:48 11:36:51 11:36:53 11:36:58 11:37:05

A. In Figure 4, it's shown as 460, and in Paragraph 67, I only see 460 as well. 11:37:09 11:37:12

Q. Okay. What is this Integrity gateway server 450? 11:37:22 11:37:30

A. If you look at Paragraph 66 of Herrmann -- 11:37:41 11:37:42

Q. Okay. 11:37:44

A. -- it says that: The IGW server or Integrity gateway server 450 acts as a bridge for translating communications between the EAP client 311 and the RADIUS server of 330 for authentication of the client advice 310 into a format that is understood by the policy server 460. And then it goes on, but that's what it's describing. 11:37:44 11:37:47 11:37:50 11:37:55 11:37:58 11:38:02 11:38:04 11:38:08

Q. So is it saying that the Integrity server needs to translate -- in layman's terms, it needs to translate the information 11:38:09 11:38:10 11:38:14

from a RADIUS server before a policy server can understand it? 11:38:17 11:38:22

A. In this Figure 4, which is just an embodiment, although it's saying it's a further embodiment, and this -- it is saying that the server 450 is acting as a bridge for translating communications in this particular preferred embodiment. 11:39:03 11:39:05 11:39:08 11:39:14 11:39:20 11:39:23

Q. Got it. 11:39:24

In this policy Integrity server, it's your opinion that the policy Integrity server is what -- from Herrmann, checks the access device to see if it meets the security policy? 11:39:23 11:39:34 11:39:39 11:39:46 11:39:49

A. In the middle. Paragraph 67, it does say -- it's maybe just a little lower than halfway down, if you look at the right side of that column, there is a bold 460, I'm starting just before that. 11:40:18 11:40:20 11:40:24 11:40:27 11:40:31

Q. Are you looking at Herrmann or are you looking at -- 11:40:31 11:40:33

A. I'm looking at Herrmann. 11:40:34

Q. Oh, thank you. 11:40:35

A. Paragraph 67 in Herrmann. The policy server 460 evaluates whether or not the 11:40:36 11:40:38

client device 310 has a correct up-to-date version of the applicable security policy.

The policy server 460 also serves in an enforcement role in the event a client device does not have the correct policy loaded, where the policy server 460 detects some other problem, may instruct the NAS 320 to deny network access to a client device.

Q. Right. So I think you answered my question in the affirmative, that Herrmann in your opinion discloses the auditing of the device against the security policy?

A. Herrmann discloses the policy server serving as an enforcement role if it's determined -- in this example, embodiment, if it's determined whether the client device does not have the correct policy loaded or the server detects some other problem.

Q. Okay. So is that a yes to my question?

A. I'm just telling you what Herrmann is saying, that this policy server can serve in an enforcement role when it determines that the client device does not have the correct policy loaded.

Q. And it's your opinion that that's the disclosing of auditing the device against the security policy from the claim; is that right? 11:42:08 11:42:12 11:42:14 11:42:17

A. With respect to claim element 1.2 in my analysis, I talk about Krantz disclosing a policy auditor in Figure 2, audit the access device using the at least one security policy, and I talk about how Krantz does that. 11:43:05 11:43:07 11:43:11 11:43:14 11:43:19

In -- at least in section -- the Paragraphs 92 through 102, I'm really discussing how Krantz is disclosing a policy auditor configured to audit the access device using the at least one security policy. 11:43:30 11:43:31 11:43:41 11:43:44 11:43:48

Q. Uh-huh. 11:43:52

So are you relying on Herrmann for the disclosure of policy audit or are you not relying on Herrmann for the disclosure of the policy audit? 11:43:58 11:44:02 11:44:04 11:44:09

- - - 11:44:10

(Clarification requested by the stenographer.) 11:44:10 11:44:10

- - - 11:44:10

Q. Or are you not relying on the Herrmann for the disclosure of policy audit? 11:44:10 11:44:12

A. Well, in those sections, I'm relying really on Krantz, but if you look down at 109, Paragraph 109, I talk about how for the same reasons described above in Paragraphs 88 to 90 -- 11:44:17 11:44:19 11:44:24 11:44:30 11:44:32

Q. Uh-huh. 11:44:35

A. -- which is directed to at least one security policy, including requirements that must be satisfied, and to the extent Krantz has not disclosed that, Herrmann I'm relying on to disclose part of that for a virus definition update. You know, I'm just summarizing, but you can see what it says in 88 through 90. 11:44:36 11:44:47 11:44:49 11:44:53 11:44:57 11:45:02 11:45:08 11:45:10

Q. So -- 11:45:12

A. But the combined system -- 11:45:13

Q. I'm sorry. Go ahead. 11:45:14

A. -- of Krantz and Herrmann would disclose a policy auditor configured to audit the access device using the at least one security policy, and it's really the security policy part that I'm discussing in -- the at least one security policy, including the premise that must be satisfied. To the extent Krantz has not disclosed that, Herrmann does 11:45:15 11:45:18 11:45:21 11:45:23 11:45:26 11:45:31 11:45:33 11:45:36

do that, but if you want to look at just the audit part of it, I talk about that audit part in the paragraphs up to 102 I think. 92 to 102 or something like that, for the policy auditor configured to audit the access device. 11:45:38 11:45:41 11:45:48 11:45:53 11:45:57

Q. Right. 11:46:10

So, I'm sorry, I apologize for the confusion, but for the policy auditor, Paragraphs 92 through 102, the discussion is entirely about Krantz; correct? 11:46:10 11:46:14 11:46:21 11:46:35

A. In 92 to 102, the discussion is really only about Krantz. 11:46:49 11:46:53

Q. Okay. Thanks. 11:46:55

In Paragraph 95 of your declaration, you talk about Krantz being able to receive credentials, and then going into 96, checking to see if those credentials match what's on the server. Obviously, I'm paraphrasing. Is that the thrust of it? 11:46:56 11:49:03 11:49:15 11:49:21 11:49:26 11:49:31

A. I mean, it says what it says, but I wouldn't argue with your paraphrasing there. 11:49:41 11:49:43

Q. Okay. And by credentials, that's things like user ID and password? 11:49:46 11:49:48

A. Well, as I explain in the previous paragraph, the '484 patent explains that 11:50:05 11:50:08

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auditing an access device includes authenticating a user or user device. 11:50:12 11:50:14

Q. Uh-huh. 11:50:16

A. And then it also goes on to say that: In optional authentication user step 440, policy auditor 325 authenticates the identity of access device and/or a user of access device 230, and it goes on to say that: The authentication may include receipt of a username and password or the like, and I think that's -- a person of ordinary skill would understand that these received credentials are like what's disclosed in the '484 patent as part of auditing an access device and what that includes as disclosed by the '484 patent. 11:50:17 11:50:18 11:50:25 11:50:29 11:50:31 11:50:35 11:50:38 11:50:43 11:50:46 11:50:51 11:50:54 11:51:00

Q. Uh-huh. 11:51:05

Is auditing a device for compliance with security policy the same thing as authenticating the user? 11:51:08 11:51:10 11:51:13

A. Well, I think the '484 explains that auditing access device includes authenticating a user and, you know, that's what I explain in Paragraph 94. 11:51:16 11:51:18 11:51:21 11:51:25

Q. Well, that's different from my question. Whether auditing a device can also 11:51:27 11:51:28

include authentication is different in terms of my question from whether authentication of a user and auditing of a device are the same. So -- and that's my question. Is authentication of a user to the best of your understanding the same or different than auditing a device for compliance with a security policy? 11:51:32 11:51:37 11:51:41 11:51:47 11:51:49 11:51:52 11:51:57 11:51:59

A. Well, the '484 patent explains that auditing an access device can include authenticating a user, but it's not one to one. So '484 is just saying that authenticating a user can be part of auditing an access device. 11:52:03 11:52:06 11:52:09 11:52:11 11:52:15 11:52:21

Q. Right. So part of auditing an access device could be making sure the user is authorized, but it can include other stuff is what you're saying? 11:52:22 11:52:24 11:52:28 11:52:32

A. I mean, that's what the '484 patent is teaching if you look in what I've cited to in Paragraph 94. 11:52:39 11:52:41 11:52:44

Q. So can you pull out the '484 patent for me? 11:53:34 11:53:37

A. Okay. 11:53:38

Q. Let's look at Claim 1. 11:53:42

A. Okay. 11:53:53

Q. And in Claim 1, which is in Column 16 starting around Line 6 or 7, it starts "a policy auditor." 11:53:54 11:53:57 11:54:03

Do you see where I am? 11:54:05

A. Yes. 11:54:06

Q. It says: A policy auditor configured to audit to the access device using the at least one security policy, and then it goes on. 11:54:07 11:54:08 11:54:10 11:54:13

So this is the policy auditor audits the access device; correct? 11:54:15 11:54:18

A. Sure. In part. 11:54:23

Q. Okay. And then if you flip the page, and we're looking at the Column 17, it's Claim 23. 11:54:25 11:54:28 11:54:41

Do you see where I am? 11:54:42

A. Yes. 11:54:45

Q. It states: A network GateKeeper of Claim 1 wherein the network GateKeeper is further configured to authentic a user of the access device. 11:54:46 11:54:48 11:54:51 11:54:53

Did I read that correctly? 11:54:55

A. Yes. 11:54:58

Q. So this is in addition to auditing, 11:54:58

you can authentic a user; correct? 11:55:01

A. Well, this is in addition to all the things that are required in Claim 1, that the network GateKeeper of Claim 1, wherein the network GateKeeper is further configured to authentic a user of the access device. 11:55:08 11:55:12 11:55:15 11:55:20 11:55:23

Q. Right. So the authentication of the user is a separate inquiry from auditing the access device using the security policy; right? 11:55:24 11:55:26 11:55:36 11:55:39

ATTORNEY BORDER: Objection to the form. 11:55:40 11:55:40

Q. According to the claim? 11:55:41

A. It's a narrowing element that further limits what the network GateKeeper is further configured to do and that which the network GateKeeper already comprises the policy auditor configured to audit the access device. You've already said that auditing, it's not a one-to-one. Auditing the access device is not limited to user authentication, but can include user authentication. 11:55:43 11:55:44 11:55:48 11:55:52 11:55:55 11:55:58 11:56:00 11:56:02 11:56:05

So 23 is just saying that the network GateKeeper is further configured to authentic a user of the access device and that 11:56:07 11:56:12 11:56:14

could be done through any of the mechanisms -- it could be done -- it could be met if the policy auditor -- auditing the access device included authenticating a user, which is what the specification clearly discusses, but Claim 23 doesn't -- is just saying that it's the network GateKeeper further configured to authentic a user of a -- of the access device.

So I don't think there is any conflict with auditing the access device. Claim 23 is further adding what the network GateKeeper must be configured to do.

Q. Right. It's an additional function?

A. Yes, which narrows -- it's a narrowing limitation.

ATTORNEY KUO: Can we go off the record for a second?

CERTIFIED STENOGRAPHER: Off the stenographic record at 11:57 a.m.

- - -

(Whereupon, a short recess was taken.)

- - -

CERTIFIED STENOGRAPHER: Back on the

stenographic record at 12:04 p.m. 12:04:03
BY ATTORNEY KUO: 12:04:07
Q. In your declaration, do you have any discussion about the use of tag headers in VLAN environments; correct? 12:04:31 12:04:38 12:04:43
A. That sounds right, if you want to point me somewhere, but I do recall that. 12:04:46 12:04:49
Q. It would be in -- on Page 71. 12:05:04
A. Yes, I see that there. 12:05:21
Q. Okay. And Paragraph 121, it states: Krantz explains that access point 209 can be configured as a VLAN-aware device, can insert tag headers into data frames received from client 205, paren, or any other computer system on VLAN A, close paren, that are to be transferred to VLAN B and/or VLAN C. 12:05:22 12:05:27 12:05:33 12:05:38 12:05:41 12:05:45 12:05:49
And so my question is: Based on your knowledge as a person of ordinary skill in the art, can you give me an explanation of how VLANs insert tag headers and what tag headers are in these data frames? And why don't I break that down. Do you have an understanding first of VLANs and tag headers? 12:05:58 12:06:06 12:06:07 12:06:12 12:06:19 12:06:31 12:06:32
A. Well, I mean, Krantz does describe these things, but they're consistent with 12:06:37 12:06:40

my -- 12:06:42

Q. They're consistent with your understanding? Okay. 12:06:43

And so the tag headers, that's a -- am I correct that's a part of the data that's received from the client device? 12:06:46 12:06:51 12:06:55

A. Well, if you look at Paragraph 61, it talks about how a tag data frame is a data frame that includes an indication, such as, for example, a tag header, that identifies a VLAN and/or frame classification associated with a tag data frame. 12:07:04 12:07:06 12:07:11 12:07:13 12:07:15 12:07:18

A tag header can be inserted into a data frame by a VLAN-aware device to indicate data routing devices -- indicate to data routing device 214, a VLAN ID of the VLAN from which a tag data frame is received, and then consistent with that description -- actually, it's right here. 12:07:20 12:07:25 12:07:28 12:07:31 12:07:36 12:07:39 12:07:42

For example, in access point 209, can insert a tag header into data from client 205 to indicate to data routing device 214 that the data was received from VLAN A and that a tag header can also include other control information that can be used by data 12:07:43 12:07:44 12:07:50 12:07:54 12:07:58 12:08:03

routing device 214 to classify a corresponding data frame. 12:08:06 12:08:10

And so that's Paragraph 61 and Paragraph 64, also consistent with that is saying that access point 209 is the VLAN -- an example of a VLAN -- Paragraph 64 talks about how access point 209 can be configured as a VLAN-aware device and can insert tag headers into data frames received from client 205 or any other computer system on VLAN A that are to be transferred to VLAN B and/or VLAN C. 12:08:12 12:08:18 12:08:23 12:08:28 12:08:41 12:08:45 12:08:48 12:08:53 12:08:56

Q. Okay. So -- I'm sorry. 12:09:01

A. Yeah, and so that is showing that it's actually the access point 209 that can be configured or reconfigured to insert the proper tag header, and I discuss this in this section starting at this paragraph. 12:09:03 12:09:05 12:09:09 12:09:13 12:09:17

Q. So -- 12:09:19

A. So that -- 12:09:20

Q. I'm sorry. 12:09:21

A. -- the data can be appropriately routed to either -- I think if you look further, either the restricted subset or less restricted subset depending on the tag. 12:09:22 12:09:23 12:09:26 12:09:28

Q. So the tag header itself, 12:09:31

regardless of what does the inserting of the tag header or how the tag header gets there, the tag header is part of the data that's received from the client device; right? 12:09:32 12:09:36 12:09:38 12:09:40

A. Well, I mean, Krantz is pretty clear that the access point 209 can insert tag headers into data frames received from client 205. 12:09:46 12:09:48 12:09:52 12:09:55

Q. I heard what you read before. I'm asking: I have data coming in from an access device; right? You understand that? 12:09:56 12:09:58 12:10:02

A. Sure. 12:10:07

Q. Okay. That data coming in from the access device has routing information, as well as a payload, of whatever the message actually is, as well as some other stuff; is that fair? 12:10:07 12:10:10 12:10:16 12:10:23

ATTORNEY BORDER: Objection. Form. 12:10:32

A. I don't think 61 or 64 say exactly what you're asking there. 12:11:06 12:11:08

Q. I'm not asking that. I'm asking you as a purported expert, about the data that comes in from an access device that hits the access point, I'm asking you what that data stream -- what it looks like and -- I mean, do you know? 12:11:10 12:11:11 12:11:17 12:11:20 12:11:23 12:11:27

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A. Sure. 12:11:27

Q. Okay. 12:11:28

ATTORNEY BORDER: Objection. Form. 12:11:29

Q. Okay. So does that data stream -- 12:11:29

one of the things that it include is a tag 12:11:32

header; is that right? 12:11:35

A. It doesn't necessarily have to include that, and this is very consistent with VLAN tags that I've implemented, which is that network devices can actually add VLAN tags and headers. 12:11:37 12:11:38 12:11:41 12:11:45 12:11:50

Q. Okay. And that's fine, but that 12:11:50

tag header is, whether it's there or it's not 12:11:52

there -- I'm sorry, strike that. 12:11:55

If there is a tag header that's 12:11:59

included in the data from the access device, 12:12:01

that's part of the data that's coming from the 12:12:05

access device; right? 12:12:08

A. Krantz, especially in Paragraphs 61 and 64, explicitly says that: Tag headers can be inserted into the data frames received from the client 205, which is the access device mapped to. 12:12:10 12:12:13 12:12:17 12:12:19 12:12:23

Q. So -- okay. 12:12:24

A. And it's inserting these, and it 12:12:25

can be configured to insert tag headers into data frames received from client 205.

The situation being described in Krantz is that these tag headers are actually inserted into the data frames received from the client 205. So I understand you want to talk about generally, but I'm -- my declaration talks about what Krantz is specifically teaching and how it renders obvious as a combination with Herrmann, the challenged claims.

Q. Dr. Houh, I appreciate your conclusions, and that's fine. I'm trying to understand some of the technology from a person who is an expert in this technology.

And so what I'm trying to understand is: So you've said that data coming in from an access device doesn't necessarily have a tag header; right?

A. They don't necessarily have to have VLAN tags.

Q. Okay. So when it hits VLAN-aware device and assume it doesn't have a tag header, what does the VLAN-aware device do?

A. The VLAN device generally -- and as

specifically described in 61 and 64, Krantz Paragraphs 61 and 64, they can actually insert tag headers with appropriate values to properly route the data to one VLAN or another VLAN. 12:13:43 12:13:47 12:13:52 12:13:58 12:14:02

Q. Okay. So -- 12:14:02

A. So that other devices may route -- 12:14:04

Q. I apologize if I'm being kind of dumb about this. I'm trying to understand this. 12:14:09 12:14:12 12:14:14

So I have an access device that's trying to access whatever computer resources, call it another VLAN, and when it first comes in, there is no tag header; right? 12:14:15 12:14:19 12:14:24 12:14:29

Are you with me so far? 12:14:33

A. Sure. 12:14:35

Q. Okay. So the data comes, hits the VLAN-aware device, and because it's got no tag header, is it the situation that the VLAN-aware device says, I don't know where to send you, and, therefore, I insert a tag header so I can send you somewhere? Is that how it works? 12:14:35 12:14:38 12:14:43 12:14:46 12:14:50 12:14:53 12:14:55

A. I think that's a little -- the VLAN-aware device can be configured to insert 12:15:03 12:15:06

a tag header so that the data can be transferred to the appropriate VLAN -- the VLAN device is configured for package received from a particular client. 12:15:09 12:15:13 12:15:18 12:15:23

Q. Okay. So if the access device comes in without a tag header and the access point inserts the tag header, that access point has been configured so that if something comes in without a tag header, it inserts whatever tag header so it can go; is that right? 12:15:24 12:15:27 12:15:31 12:15:37 12:15:45 12:15:49 12:15:54

A. Yeah, generally, and the way Krantz is describing it as well, the access point can be configured to insert the proper tag header so it can be routed to the proper place, that the access point is configured to have packets received from a client device to be routed to so that it gets routed to the proper place that the access device is configured. 12:15:55 12:15:58 12:16:01 12:16:05 12:16:08 12:16:16 12:16:19 12:16:24

Q. Right, and that's based on the -- that's based on how that access point was configured; correct? 12:16:28 12:16:31 12:16:33

A. And the access points can be reconfigured to change that, but there is some configuration, and Krantz is describing how 12:16:34 12:16:37 12:16:40

access point 209 can be configured to insert tag headers into frames received from a client 205 that will be transferred to either or VLAN B or VLAN C. So whatever it's configured to transfer it to, the access device inserts the proper tag header. That's what Krantz is disclosing. 12:16:44 12:16:48 12:16:52 12:16:57 12:17:01 12:17:04 12:17:06

Q. Okay. Let's go to Paragraph 59 of your declaration, please. 12:17:06 12:18:37

A. Okay. 12:18:44

Q. And Paragraph 59 states: Krantz discloses that, quote, in some embodiments, a server on a network can provide a client with limited access to the network, and then it goes on further and talks about -- well, it says what it says. 12:18:45 12:18:47 12:18:50 12:18:52 12:18:57 12:19:05

My focus is here on where it says: In some embodiments, a server on a network can provide a client, okay? 12:19:07 12:19:08 12:19:12

And then in Paragraph 60 -- I'm sorry. So Krantz is talking about the server performing this function; right? 12:19:14 12:19:16 12:19:20

A. Sorry, could you repeat that last part of what you said there, please? 12:19:23 12:19:25

Q. Sure. 12:19:27

Krantz is talking about a server performing the various functions that it describes; is that right? 12:19:27 12:19:29 12:19:31

A. In some embodiments, Krantz is disclosing the server doing that. 12:19:33 12:19:35

Q. And that's the server -- that's not the client device; is that right? 12:19:38 12:19:44

A. Well, yeah, I mean, the server is recited separately from client 405 in that cited passage. 12:19:51 12:19:54 12:19:59

Q. Okay. And then Paragraph 60 talks about a policy agent or Integrity agent that receives various information. What Herrmann explains is that the -- Herrmann talks about an agent, right, on the client device? And particularly, if you look at Page 4 of Herrmann. So let me start over. It's a little muddled right now. 12:20:00 12:20:03 12:20:08 12:20:20 12:20:29 12:21:01 12:21:08 12:21:16

In Paragraph 60 of your declaration, you talk about policy agent or Integrity agent 413; right? 12:21:19 12:21:21 12:21:24

A. In Paragraph 60, yes. 12:21:27

Q. Yeah, and then looking at the Figure 4 of Herrmann, Figure 4 of Herrmann -- 12:21:29 12:21:30

A. Yes. 12:21:37

Q. -- the policy agent 413, that's shown on the client device; correct? 12:21:38 12:21:41

A. In this example, embodiment shown in Figure 4, that policy agent is within 310, the client device. 12:21:48 12:21:50 12:21:55

Q. Okay. If you leave it to the client device to say whether or not they comply with the security policy or don't comply with the security policy, doesn't that run the risk of I guess the client device not telling the truth? 12:21:56 12:22:08 12:22:13 12:22:14 12:22:17 12:22:33

Do you understand my question, Dr. Houh? 12:22:35 12:22:36

A. I heard your question. 12:22:54

Q. Okay. Just checking. 12:22:55

A. So if you look at Paragraph 64 in Herrmann, if you look in the middle of the paragraph here, it talks about how there is this extension DLA412, this is about six lines down, communicates with another client side component of a present invention, referred to herein as a policy agent or Integrity agent 413, to retrieve information about the current security policy in operation on the client device 310. 12:25:11 12:25:13 12:25:16 12:25:28 12:25:33 12:25:35 12:25:37 12:25:42 12:25:44 12:25:47

The information collected by the policy agent 413 is unpackaged by the EAP client 311, together with material from another EAP dynamic link libraries, e.g., standard EAP access-request packet for a particular authentication mechanism, and sent to the NAS 320 for handling by the server-side components.

What I want to point out though is that the '484 patent basically includes the similar level of a disclosure, which is I'm looking at Column 11.

If you look at Line 39: In optional obtained audit data set 450, policy auditor 325 collects further data to perform a security audit of access device 230 responsive to security policy 330A or security policy 330B. In some embodiments, obtained audit data step 450 includes sending system data request to access device 230, router 220 or access point 215.

The requested system data may include, for example, operating system status version updates, etc., antivirus software status, information concerning devices

connected to access device 230, Windows registry information, MAC address, IP address, cookies, status to applications executing on access device 230 or the like.

And so it's a similar level of disclosure here with respect to -- with respect to both the Herrmann and '484, which is none of it address what you're asking about, which is couldn't they just make it up, and so I don't think that '484 patent addresses your question in any greater detail than Herrmann addresses that same issue.

Q. Well, whether that's true or not isn't my question. My question is: I have to go back, if you leave it to the client device to say whether or not they comply with the security policy or don't comply with the security policy, doesn't that run the risk of the client device not telling the truth?

A. Well, it's the -- the agent is the one collecting the information, but it's the policy Integrity server that can restrict it based on information reported --

Q. Right. So --

A. -- in Herrmann, so it's the same

level of disclosure in the '484. There is this client-provided information, which could be all made up and provide it to the server, but neither the '484 -- '484 doesn't address what happens in the case that the client can misreport or lie, and it's the same level of disclosure in Herrmann with respect to the agent reporting information for the policy server 460 to make a determination as to whether -- we looked at this earlier, but I'll just point you back to our previous discussion, and so the '484 patent does not any more -- does not have any more disclosure about this particular issue where the agent obtained audit data stuff and the request for information could just return made-up information.

Q. In the '484 patent, you talk about policy auditor 325; right?

A. I did just mention that.

Q. Yeah, and policy auditor 325, as shown in Figure 3A of the '484 patent, is part of the GateKeeper 225; correct?

A. In the figure, it's shown as part of the GateKeeper in Figure 3, which is an

example embodiment, but the description talks about the policy auditor collecting data, and it sends system data request to access device 230, and the requested data can include all these things listed in Column 11, Lines, about, 44 through 50, but there is nothing preventing the system to actually just misreport or lie, and again, it's the same level of disclosure. 12:30:26 12:30:28 12:30:34 12:30:37 12:30:40 12:30:44 12:30:48 12:30:52 12:30:54

The '484 patent doesn't disclose the client or in this case the access device 230 upon receiving a request for system data making stuff up, and Herrmann has a similar level of disclosure, which is that -- and I don't think '484 addresses that issue anywhere else that I can recall. If you think there is, we can go take a look at it, but I think Herrmann has the same level of disclosure issue that you're highlighting. 12:30:55 12:30:57 12:30:59 12:31:05 12:31:08 12:31:12 12:31:14 12:31:17 12:31:20 12:31:22

Q. Dr. Houh, I'm not highlighting anything. I'm just asking you the question: Is the policy auditor 325 as shown in Figure 3A part of GateKeeper 225? Yes or no? 12:31:24 12:31:26 12:31:28 12:31:33

A. As I described it, and it's actually sending requests for system data to 12:31:41 12:31:43

the access device, in which the access device can reply with some information, which now it's -- the issue highlighted was a few questions ago about the problem with a client basically reporting data, which is the same problem that's present in the '484 patent that's not addressed about that. So Herrmann has the same level of disclosure with respect to the problematic issue of agents self-reporting and maybe lying that the '484 patent does not address as either and has the same problem.

Q. Let me ask it this way, okay? Let's turn to the '484 patent, Figure 3A.

A. Okay.

Q. Okay. See the box that says "GateKeeper 225"?

A. Yes.

Q. Within that box, GateKeeper 225, is there another box that says "policy auditor 325"?

A. In this example embodiment, yes.

Q. Okay. Turn to the previous page, Figure 2. Are you there?

A. Yes.

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Q. Do you see the box that says "GateKeeper 225"? 12:33:00 12:33:04

A. Yes. 12:33:06

Q. And GateKeeper 225 is the same numbering as GateKeeper 225 in Figure 3A; right? 12:33:07 12:33:11 12:33:14

A. Yes. 12:33:15

Q. And GateKeeper 225 is shown on subset 205; right? 12:33:15 12:33:19

A. Yes. 12:33:22

Q. And subset 205 is the restricted subset of the protected network; right? 12:33:23 12:33:28

A. I believe so. It's how I've labeled it on Page 22. 12:33:42 12:33:44

Q. So this policy auditor that's disclosed in the '484 patent is on the server side, not the client device side; right? 12:33:49 12:33:52 12:33:57

A. The policy auditor 325 works by sending in some embodiments system data request to access device 230 and then getting a report from access device back. And so that's what's described in Column 11, Lines 39 through 50 at least. 12:34:01 12:34:04 12:34:08 12:34:14 12:34:18 12:34:22

Q. I didn't ask you where it's sending data. I didn't ask you where it's getting 12:34:25 12:34:26

data from. I just asked you where it's located.

A. Yes, but it does work in a specific way. Even though it's located within the GateKeeper, it still has to query the access device, which is self-reporting all this information back to the policy auditor, and it suffers from the same issue you asked about in an earlier question where the access device could just simply make up stuff.

Q. And the claims --

A. The '484 patent doesn't specifically address that issue, neither does Herrmann, and they have the same level of disclosure with respect to that issue.

Q. And the claims require that the GateKeeper, which includes that policy auditor, are on the restricted subpart of the protected network; right?

A. Well, I mean, if you're asking about, you know, Claim 1, which is network GateKeeper comprising, at the very end it says: The restricted subset of the protected network, including the GateKeeper, and I believe if we look at what I've mapped out to

at least in part -- 12:36:23

Q. I'm just -- 12:36:24

A. -- is the -- 12:36:25

Q. Dr. Houh, I know what you've mapped it to. The claim requires that the GateKeeper be on the restricted subset of the protected network; right? 12:36:28 12:36:30 12:36:35 12:36:37

A. The claim language says the restricted subset of the protected network, including the GateKeeper. 12:36:41 12:36:43 12:36:44

Q. Okay. 12:36:47

ATTORNEY KUO: I have nothing further. 12:36:48

We can go off the record. 12:36:55

CERTIFIED STENOGRAPHER: Off the stenographic record at 12:37 p.m. 12:36:57 12:36:57

- - -

(Whereupon, a luncheon recess is taken at 12:37 p.m.)

* * * * * * * * *

A F T E R N O O N S E S S I O N

(1:24 p.m.)

CERTIFIED STENOGRAPHER: Back on the stenographic record at 1:24 p.m. 01:24:20 01:24:21

01:24:23

EXAMINATION BY ATTORNEY MICHALEK: 01:24:23

BY ATTORNEY MICHALEK: 01:24:24

Q. Good afternoon, Dr. Houh. 01:24:27

How was lunch? 01:24:28

A. It was good. Thank you. How was yours? 01:24:29 01:24:30

Q. It was good. Thank you. 01:24:31

What did you have? 01:24:32

A. Salmon and chicken and dumplings. 01:24:32

Q. Okay. Well, if we need a break at any time during this session, of course this isn't a marathon, so let us know and we'll take a break and we'll pick up after the break. 01:24:35 01:24:38 01:24:41 01:24:43 01:24:45

A. Thank you. 01:24:45

Q. You understand that this part of your deposition is to testify with respect to your opinions in, and I'll read it off, IPR 2024-00676 with respect to U.S. Patent Number 8677450? 01:24:47 01:24:48 01:24:52 01:24:55 01:25:03

A. I don't know the numbers offhand, but '450 patent sounds right. 01:25:08 01:25:09

Q. '450 patent sounds right? 01:25:13

A. Yeah. 01:25:15

Q. And you understand that you're still under oath from this morning? 01:25:15 01:25:16

A. Yes, I do. 01:25:19

Q. And can you think of any reason why you wouldn't be competent to testify regarding your opinions at this time? 01:25:20 01:25:22 01:25:25

A. No. 01:25:26

Q. Okay. 01:25:29

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(Whereupon, '450 patent, is received and marked as Exhibit 401 for Identification.) 01:25:29

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BY ATTORNEY MICHALEK:

Q. We're going to mark as Exhibit -- I think it's been premarked as Exhibit 401. Handing to you what's a copy of the '450 patent. 01:25:29 01:25:33 01:25:38 01:25:40

ATTORNEY MICHALEK: Counsel, I think you have a copy. Are you good? 01:25:44 01:25:44

ATTORNEY BORDER: I'm good. Thank you. 01:25:46

ATTORNEY MICHALEK: While we're at it, I'll also hand to you what has been already marked as Exhibit 1403. 01:25:48 01:25:48 01:25:51

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(Whereupon, document previously marked Exhibit 1403, is received and marked as Exhibit 1403 for Identification.) 01:25:53

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A. Thank you. 01:25:55

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(Whereupon, document previously marked Exhibit 1405, is received and marked as Exhibit 1405 for Identification.) 01:25:55

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(Whereupon, document previously marked Exhibit 1406, is received and marked as Exhibit 1406 for Identification.) 09:10:36

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ATTORNEY MICHALEK: I'll hand you what's been previously marked as Exhibit 1405, and I'm handing to you what his been previously marked as 1406. 01:26:01 01:26:03 01:26:04 01:26:19

A. Thank you. 01:26:22

ATTORNEY MICHALEK: And for the court reporter -- we can get you copies of that at 01:26:22 01:26:23

the end here. 01:26:26

BY ATTORNEY MICHALEK: 01:26:27

Q. And my first question for you, 01:26:28
Dr. Houh, is: Can you skim through those 01:26:29
exhibits I just handed to you and see if you 01:26:32
see anything that's amiss or anything that is 01:26:34
not what they purport to be? 01:26:37

A. Everything looks in order and it's nice the declaration is a color copy. 01:27:31 01:27:34

Q. Glad. 01:27:36

Before we get started on this 01:27:40
particular IPR or even the other IPRs in this 01:27:42
case, have you ever testified or analyzed or 01:27:45
opined on the Krantz and Herrmann references 01:27:47
before? 01:27:49

A. Well, I think at the previous deposition I did. 01:27:54 01:27:55

Q. Outside of this case, outside of 01:27:56
the IPRs that are at issue in this case? 01:27:59

A. I mean, I don't think I have, but I'm not totally certain of that. 01:28:06 01:28:07

Q. What'd you do to prepare for your 01:28:16
deposition? 01:28:16

A. I reviewed some documents. I met with Scott. 01:28:17 01:28:19

Q. Your counsel? 01:28:22
A. Yes. 01:28:23
Q. Or counsel here today, Scott Border? 01:28:23
A. Yes. 01:28:26
Q. Okay. When did you review those documents? 01:28:27
A. Probably starting three or four days ago and then through yesterday. 01:28:33
Q. Through yesterday. For about how long? 01:28:36
A. I don't know, I probably spent four or five hours, maybe six hours, four to six hours'ish. 01:28:42
Q. And when did you meet with Scott? 01:28:47
A. Yesterday. 01:28:51
Q. For about how long? 01:28:53
A. For about 15 minutes. 01:28:55
Q. Okay. And what did you guys talk about? 01:28:56
A. Just preparing for today. 01:28:59
Q. What do you mean by that? 01:29:00
A. Just to talk about what I should review. We talked about issues related -- related issues. 01:29:03

Q. Okay. What type of related issues? 01:29:19

ATTORNEY BORDER: Counsel, let's not get into our conversations that we had in preparing for this. 01:29:23 01:29:24 01:29:25

ATTORNEY MICHALEK: Are you taking the position that these are privileged? 01:29:27 01:29:27

ATTORNEY BORDER: I'm taking the position that our conversations were privileged. 01:29:29 01:29:29 01:29:31

ATTORNEY MICHALEK: Okay. You're taking the position that the conversations between you and Mr. Houh are covered by the attorney-client privilege? 01:29:33 01:29:34 01:29:35 01:29:40

ATTORNEY BORDER: Attorney-client work product. Sorry, attorney work product. 01:29:42 01:29:43

BY ATTORNEY MICHALEK: 01:29:50

Q. Dr. Houh, did you speak -- and this is a yes-or-no question, did you speak with Mr. Border during this lunch break? 01:29:51 01:29:53 01:29:56

A. Yes. 01:29:58

Q. For about how long? 01:29:58

A. Over lunch. We didn't talk about the -- this case. We just talked. 01:30:03 01:30:06

Q. You did not talk about this case? 01:30:10

A. No. 01:30:11

Q. What did you talk about? 01:30:12

A. We talked about Scott's recent trip to London and Paris. 01:30:14 01:30:16

Q. And what did he say about that? 01:30:18

A. He talked about where he went, different areas, museums. I talked about how I've been to London and then Paris a long time ago. Just talked about his family vacation. 01:30:21 01:30:23 01:30:27 01:30:29

Q. Can we turn to Paragraph -- I guess Page 20 of your report, which has been marked as 1403. 01:30:36 01:30:41 01:30:43

A. Okay. 01:30:48

Q. I'd like to direct you to Paragraph 42 where it says: Krantz is generally directed to computer-based systems and method for facilitating control access to protected networks and in particular increasing the level of automation when provisioning and configuring a computer system to access a network. 01:30:54 01:30:54 01:30:57 01:31:01 01:31:04 01:31:07 01:31:09 01:31:12

Do you see that language? 01:31:13

A. I do. There appears to be a missing open quote, which I think goes between "particular" and "increasing." 01:31:53 01:31:54 01:31:56

Q. Do you know what provisioning and 01:31:58

configuring are? 01:32:01

A. I mean, generally. 01:32:04

Q. Generally, what are they? 01:32:08

A. Well, in a very general context, configuring is often used to talk about -- includes things such as setting up, I think it was settings or installing software. It would include those kind of things in order to achieve a goal. So you can configure, for example, addresses or gateways in a computer system to access a network generally speaking.

Provisioning often refers to kind of setting up a system in a way for a particular device, like you provision a telephone number for a particular account so that that telephone can then be -- be that number. So I've heard those words refer to examples such as that.

Q. Okay. Let's take it one at a time so I understand.

So configuring -- so configuring, for example, would be addresses or gateways in a computer -- you said, "so you can configure, for example, addresses or gateways in a computer system to access a network." How

would you configure an address or a gateway? 01:34:32
What is that? 01:34:37
A. Well, sometimes they can be done 01:34:37
manually. So a user may open up a particular 01:34:39
file and enter those things manually. 01:34:43
Sometimes they can be done automatically 01:34:47
through use of various protocols, such as 01:34:49
DHCP, which can provide both an address and a 01:34:51
gateway address and other networking 01:34:55
parameters so that the -- a computer can 01:34:58
automatically be configured. 01:35:03
Now, those are just examples of 01:35:05
where I've heard that term and used that term. 01:35:07
Q. And you said you've heard that term 01:35:12
or used that term. Was that in a different 01:35:13
case or different experience, what was it? 01:35:16
A. Well, just generally speaking. I 01:35:18
mean, I worked in networking for a long time. 01:35:19
Q. Okay. And provisioning -- you gave 01:35:22
an example, you provision a telephone number 01:35:28
for a particular account. How would you 01:35:30
provision or what would be example of 01:35:32
provisioning in like the cybersecurity or the 01:35:35
networking space? 01:35:37
A. Well, for example, if you wanted a 01:35:39

telephone service from a telephone network provider, you might go into a store and order a new phone and the network itself would provision to provide your phone service and any particular services that were requested. So I've heard that word used and used that myself in referring to examples such as that. 01:35:44 01:35:46 01:35:54 01:36:01 01:36:07 01:36:09 01:36:13

Q. Okay. And that would be -- would telephone, would that be the same as cybersecurity or networking? 01:36:16 01:36:18 01:36:20

A. Well, I mean, telephone is a communication -- utilizes a communication network. 01:36:23 01:36:25 01:36:27

Q. Okay. Could you review anything, any examples that maybe aren't telephones, but that would relate to, you know, some type of the networking that we're talking about in this case? 01:36:31 01:36:32 01:36:36 01:36:39 01:36:41

A. Can you repeat, please? 01:41:23

Q. Could you review anything, any examples that maybe aren't telephones, but that would relate to some type of networking that we're talking about in this case? 01:41:29 01:41:31 01:41:33 01:41:36

ATTORNEY BORDER: Objection. Form. 01:41:42

A. I'm sure there is some examples 01:41:44

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INFOEXPRESS ,INC. - EX2573

from the '450 patent itself about configuring the access point in response to the result of applying the security policy, and then in Krantz, Krantz talks about, in a different paragraph than the one cited in Paragraph 42 of my declaration, in Paragraph 14 it talks about what would be advantageous, our systems, methods, computer program products, and data structures for increasing the level of automation when provisioning and configuring a computer system to access the network, and if you look at the background up to that point, it's consistent with that description about configuring and provisioning a system to access a network. So those would be examples -- 01:41:45 01:41:48 01:41:56 01:41:59 01:42:03 01:42:05 01:42:09 01:42:14 01:42:17 01:42:20 01:42:23 01:42:26 01:42:27 01:42:33 01:42:35 01:42:37

Q. What do you mean by that, "consistent"? If you look at the background, it would be consistent? 01:42:38 01:42:38 01:42:41

A. Yeah, I mean, that's -- 14 is essentially a summary of what would be advantageous for increasing the level of automation when provisioning and configuring a computer system to access a network, and if you look at the background and relevant arts 01:42:42 01:42:45 01:42:49 01:42:51 01:42:56 01:43:00

section, it talks about what users have to do, how they have to connect, and those are all consistent with the description of provisioning and configuring a computer system to access a network, but more of a -- 01:43:03 01:43:06 01:43:10 01:43:11 01:43:13

Q. So -- 01:43:16

A. -- a less audited way -- 01:43:17

Q. Before we go there though, because I think that's helpful, so I'm looking at -- if I'm following you correctly, you're talking about the background and relevant art in Paragraph 3 or that's the heading in Paragraph 3 of Krantz so you follow along? 01:43:19 01:43:21 01:43:23 01:43:25 01:43:27 01:43:29

A. Yes. 01:43:32

Q. Okay. So, for example, Paragraph 10 says -- of Krantz says: Typically, these services require that a user plug a cable into a network interface card and a mobile computer system, paren, or use a wireless network interface card to initiate a connection and then open a Web browser. 01:43:33 01:43:34 01:43:38 01:43:41 01:43:44 01:43:47 01:43:50

So in that paragraph, is that what we're -- or is that an example of what we're talking about? 01:43:52 01:43:53 01:43:57

A. Well, I think this is an example of 01:44:00

physically configuring a system such as, you know, you have to plug it into something. 01:44:02 01:44:04

Q. Provisioning too? Is that provisioning also? 01:44:06 01:44:08

A. Well, I would say that's less -- I would say that's less about provisioning in that particular example. 01:44:10 01:44:15 01:44:16

Q. So what's the difference between provisioning and configuring then in a network analysis? 01:44:17 01:44:19 01:44:21

A. Well, for example, like I saw talking about with the telephone network, oftentimes when they describe adding a new phone number or attaching services to an account, they'll often talk about a way you're provisioning those services. 01:44:36 01:44:38 01:44:40 01:44:43 01:44:44 01:44:48

You may have to do some configuration to provision them, but that's the way generally I've heard people talk about it in the past, that you're provisioning a phone number with certain services. 01:44:50 01:44:51 01:44:54 01:44:56 01:44:59

It doesn't tell you how or what. That's just what they call it, and then there may be some specific configuration required on a device as I -- an example that I described 01:45:03 01:45:05 01:45:12 01:45:15

earlier about connecting say a Windows or UNIX device to an IP network where configuring it you have to -- may include editing certain files, manually entering some data, or using the appropriate protocol that automatically gets certain parameters. 01:45:20 01:45:24 01:45:31 01:45:34 01:45:36 01:45:38

Q. What about software incapabilities, would provisioning or configuring address those? 01:45:43 01:45:46 01:45:48

A. I mean, I haven't really addressed any specific issues like that in my declaration. Are you referring to something I've written? 01:45:59 01:46:00 01:46:02 01:46:03

Q. Well, let's circle back on that. 01:46:09

Do you know if Herrmann discloses provisioning and configuring a computer system? 01:46:11 01:46:13 01:46:16

A. I was just looking at the background of invention section of Herrmann, and while I don't think I saw, hopefully I didn't miss it, the use of the word "configuration" or some root or variant thereof or provision, it does describe situations which would be understood, like it talks about users can connect to the internet. 01:50:20 01:50:26 01:50:28 01:50:34 01:50:36 01:50:37 01:50:40 01:50:44

They can move their mobile devices around or maybe it was laptops. 01:50:47 01:50:49

Yeah, for example, Paragraph 5: Many users now have laptop computers that can be connected to networks at home and work and in numerous other locations. 01:50:52 01:50:53 01:50:57 01:51:00

I think it would be understood that in order to have a laptop connect at home and at work, that the proper protocols would be used to actually load up those things, such as IP addresses and gateway addresses and subnet mass and things like that, such as required -- such as available when using the DHCP protocol, and that would entail having those addresses updated on various different networks that a user moving a laptop between would need. 01:51:03 01:51:05 01:51:10 01:51:17 01:51:21 01:51:25 01:51:29 01:51:33 01:51:38 01:51:40 01:51:44

Q. Let's go to Paragraph 141 of your report, please. It's on Page 85. 01:51:47 01:51:50

A. What paragraph did you say? 01:51:57

Q. Page 1 or, excuse me, Paragraph 141 on Page 85. 01:51:58 01:52:01

THE WITNESS: Was I supposed to put this on? 01:52:17 01:52:18

CERTIFIED STENOGRAPHER: No. 01:52:21

A. Okay. I'm there. 01:52:22

Q. Towards the middle you say: For instance, Krantz identifies that one problem in the prior art systems was that, quote, software incapabilities must be worked out by a user that may lack technical expertise or desire to reconfigure software for compatibility with the service. 01:52:23 01:52:24 01:52:27 01:52:30 01:52:33 01:52:36 01:52:39

Do you see that? 01:52:42

A. Yes. 01:52:42

Q. Okay. So what do you mean when you're talking about "software incapabilities"? 01:52:43 01:52:45 01:52:46

A. So Krantz, for example, in Paragraph 6 is describing situation in which where users talking to an ISP or internet service provider representative with general information and then they -- ISP can provide the user with username and password, and then in many cases the ISP also sends via a postal or other delivery service access software, for example, a dialer Web browser, etc., and/or hardware, for example, a DSL modem or cable modem that must be installed at a computer system. 01:58:09 01:58:11 01:58:19 01:58:24 01:58:27 01:58:32 01:58:35 01:58:39 01:58:41 01:58:45 01:58:48 01:58:50

So it goes on to say that: For the user to connect the ISP and thereby access the internet, any access software and hardware must be correctly installed at the computer system. So, for example then, if it's -- you know, say you get the dialer for ISP1, but that dialer may not be compatible with ISP2 because maybe it's designed to only dial ISP1's numbers, there would be incompatibility with a different ISP. 01:58:54 01:58:56 01:58:59 01:59:02 01:59:04 01:59:11 01:59:17 01:59:21 01:59:23 01:59:27

Q. I'm sorry, what's an ISP? 01:59:29

A. It's just internet service provider. That's enumerated in Paragraph 5, and that's consistent with my understanding of -- 01:59:30 01:59:32 01:59:34 01:59:35

Q. So the incompatibility is that ISP1 needs to be compatible with ISP2 in this example or internet service provider you said? 01:59:37 01:59:40 01:59:43

A. That's not what I was saying I don't think. 01:59:46 01:59:47

Q. Okay. 01:59:47

A. You know, for example, if you've got a dialer for ISP1, maybe that dials only ISP1's numbers and that would not be compatible with dialing ISP2. So that dialer 01:59:48 01:59:49 01:59:52 01:59:55

might be incompatible with a different ISP, and the user may lack the technical knowledge to figure out how to reconfigure the software, if even possible, for compatibility with the different ISP, for example. 01:59:59 02:00:02 02:00:08 02:00:08 02:00:11

Q. All right. 02:00:12

So we're talking about compatibility between, in your example or in Krantz's example, ISP1 and the dialer for ISP2 in making sure that there is compatibility? 02:00:13 02:00:13 02:00:16 02:00:19

A. Yeah, I think that that is one of the things it talks about there, and then, you know, it also talks -- 02:00:24 02:00:25 02:00:27

Q. Well, let's stop there. I don't want to jump -- I want to just stay on the ISPs for a minute and then we can get to the other parts. 02:00:29 02:00:30 02:00:31 02:00:32

So with respect to the ISP1 and the data for ISP2, how would that be related to network security? 02:00:33 02:00:35 02:00:39

A. Well, the first step in getting on the network would be to dial into an ISP. 02:00:50 02:00:53

Q. Uh-huh. 02:00:58

A. And Krantz does talk about various issues related that I've pointed out in my 02:00:58 02:01:05

declaration and so this is only a small part of Krantz. 02:01:08 02:01:10

Q. Well, it says right here, it says in your declaration 141, you say: Krantz identifies that one problem in a prior art systems was that software incompatibilities must be worked out; is that right? 02:01:13 02:01:16 02:01:19 02:01:21 02:01:24

A. So that's just one example of software, but Krantz is laying the foundation for -- you know, what I'm saying here is that, you know, Krantz says that one problem in prior art systems is that software incompatibilities must be worked out by a user that may lack the technical expertise or desire to reconfigure software for compatibility with the service. 02:01:47 02:01:48 02:01:52 02:02:06 02:02:08 02:02:11 02:02:14 02:02:15 02:02:16

Q. And that's in your report on Page -- again, hold on. It's Page 85, Paragraph 141? 02:02:17 02:02:19 02:02:22

A. Well, it comes from Krantz. That's a citation. 02:02:24 02:02:26

Q. But it comes from Krantz and you're citing to Paragraph 13 in Krantz? 02:02:27 02:02:28

A. Yes. 02:02:31

Q. Okay. So in Paragraph 141 of your 02:02:31

declaration, how are software incompatibilities related to network security? 02:02:33 02:02:37

A. Well, it's Krantz in view of the disclosures in Herrmann, and Herrmann talks about having the proper antivirus software installed that are compatible with what the security policies of a particular -- I forgot what Herrmann uses. 02:02:41 02:02:43 02:02:45 02:02:49 02:02:52 02:02:58

Q. I don't want to talk about Herrmann right now, but my question is specifically Krantz only. So how would Krantz -- Krantz's disclosure of or fixing the problem in a prior art that was, quote, software incompatibilities, how would Krantz alone -- software incapabilities in Krantz alone relate to network security? 02:02:59 02:03:00 02:03:02 02:03:06 02:03:10 02:03:11 02:03:13 02:03:16

A. I mean, I'm not relying on Krantz alone for my analysis for Claim 2. I'm relying on Krantz in view of the disclosures in Herrmann, and Herrmann is the one that discloses promptly updating antivirus applications on all machines on the network. 02:03:31 02:03:32 02:03:35 02:03:37 02:03:39 02:03:43

Q. I'm sorry, so you're not relying on Krantz alone for your analysis of Claim 2; is that correct? 02:03:46 02:03:48 02:03:54

A. What I'm saying in this section is it's Krantz in view of the disclosure of Herrmann is what discloses the language in Claim 2 for this additional element in Claim 2 in that I give motivations why a POSITA would be motivated to modify the system of Krantz later in the session starting around Paragraph 146. 02:04:13 02:04:15 02:04:16 02:04:21 02:04:27 02:04:30 02:04:33 02:04:35

Q. Yeah, I see that. We'll strike all that because my question specifically, and I'll read it back to you, is: You're not relying on Krantz alone for your analysis of Claim 2, and I think you've answered that. Right? 02:04:36 02:04:38 02:04:40 02:04:42 02:04:44 02:04:48

A. Well, yeah, I mean, it's Krantz in view of the disclosure in Herrmann. 02:04:49 02:04:54

Q. In view as set forth in your declaration? 02:04:55 02:04:57

A. As set forth in my declaration. I mean, my declaration says what it says. 02:04:58 02:04:59

Q. Can we turn to, since we're here, Paragraph 144 of your declaration or, excuse me, Paragraph 144. It's on the same page. 02:05:03 02:05:09 02:05:11

A. Okay. 02:05:14

Q. It says: Herrmann further 02:05:15

discloses that a network administrator may require all users accessing the network to implement a virus definition update, e.g., a DAT file, that is targeted at a particular virus. 02:05:16 02:05:18 02:05:20 02:05:25 02:05:27

Do you see that? 02:05:28

A. Yes. 02:05:28

Q. Can you tell me what a DAT file is? 02:05:29

CERTIFIED STENOGRAPHER: D-A-T? 02:05:57

ATTORNEY MICHALEK: D-A-T. 02:05:59

A. Well, as used in this paragraph, in Herrmann Paragraph 71, it's an example of a file that contains a virus definition update that is targeted to a particular virus, and so that would be embodied in a file which it calls a DAT file, which often may refer to the extension, but it's a rather generic extension. 02:06:08 02:06:12 02:06:17 02:06:20 02:06:23 02:06:28 02:06:33 02:06:35

Q. Yeah. 02:06:35

Is a DAT file a term that you understand is general in the art, is known in the art? 02:06:37 02:06:39 02:06:42

A. I mean, it's known that files have extensions, and I wouldn't say DAT is a particularly known form of a virus update. I 02:06:45 02:06:46 02:06:53

would say it's a generic file extension which it's just using, as an example, to put a label on the type of file, but it describes the file as having -- as a file that would contain a virus definition update that is targeted to add a particular virus. 02:06:56 02:06:59 02:07:03 02:07:06 02:07:18 02:07:20

And I think that was common for virus scanners to be able to be updated using virus definitions instead of reprogramming the whole -- re -- reinstalling the whole virus file that you could simply, sorry, program as opposed to installing the whole virus program itself, that some methods of updating a virus scanner would be to load and load new definitions of viruses, and so that could involve -- that would involve reconfiguring a virus program, for example, to now be able to recognize these new viruses. 02:07:24 02:07:29 02:07:34 02:07:37 02:07:42 02:07:45 02:07:48 02:07:54 02:08:00 02:08:02 02:08:08 02:08:11

Q. So you say in Paragraph 141: A network administrator may require all users accessing the network to implement a virus definition update, e.g., a DAT file. 02:08:14 02:08:17 02:08:20 02:08:22

My question is: How would a network administrator do that? 02:08:25 02:08:26

A. Herrmann, for example, describes 02:09:52

security and behavioral policy in Paragraph 70, security and behavioral policy definition and enforcement, for example, and it goes on to say antivirus policies. 02:09:56 02:09:58 02:10:03 02:10:08

Q. I'm sorry, I really don't see where you're reading from, Doctor. 02:10:13 02:10:14

A. Paragraph 70 in Herrmann. 02:10:15

Q. Okay. And this is regarding a network administrator? Can you show me where that is? 02:10:17 02:10:18 02:10:22

A. Well, this is what a network administrator could do, is they could implement this system as described here in Herrmann where there is a security and behavioral policy definition and ability to enforce those, such as an antivirus policy, and it talks about this as provided by the TrueVector engine available from Zone Labs. 02:10:24 02:10:26 02:10:29 02:10:30 02:10:34 02:10:37 02:10:40 02:10:45

Q. Yeah, what is that? 02:10:48

A. Well, it's what's described in further detail in this other patent application. So you can look to see -- 02:10:53 02:10:56 02:10:58

Q. Well, you're testifying about it. Did you know about TrueVector? 02:11:02 02:11:04

A. I've read this before so. 02:11:06

Q. Okay. What is TrueVector? 02:11:08

A. It's an engine provided -- it's an engine available from Zone Labs, Inc. That's what the specification says, and it's described in further detail in this other patent that's -- 02:11:10 02:11:14 02:11:16 02:11:18 02:11:20

Q. Do you know how it works? 02:11:24

ATTORNEY BORDER: Objection. Form. 02:11:28

A. Well, I think what it's describing is it -- it's further detailed in this other patent. So I think we can look at this other patent to say what this specification is teaching about. 02:11:29 02:11:31 02:11:33 02:11:36 02:11:39

Q. What is a network administrator or who is a network administrator? 02:11:40 02:11:42

A. Sometimes those refer to people who are -- have higher authority than users to set up the network and install specified things for the network. 02:11:46 02:11:48 02:11:59 02:12:09

Q. So walk me through Paragraph 144. So we've got a network administrator may require all users accessing the network to implement a virus definition update, e.g., a DAT file. 02:12:10 02:12:12 02:12:14 02:12:16 02:12:20

So how would a network 02:12:21

administrator do that? 02:12:23

A. What paragraph are you referring to? 02:12:26 02:12:27

Q. We're still on Paragraph 144 of your declaration. 02:12:28 02:12:30

A. I mean, as used in Herrmann, it describes the role of an administrator or network administrator in several places, including Paragraph 71. 02:20:07 02:20:12 02:20:15 02:20:17

So what it's describing about this network administrator is that the rules enforced by the policy server 460 may also be changed from time to time by a user or administrator, for example, in response to certain events, such as a threat from a serious virus that has been released. 02:20:19 02:20:21 02:20:27 02:20:32 02:20:34 02:20:36 02:20:39

So what it's saying here is that an administrator and this network administrator can update these -- the rules to be enforced by the policy server from time to time, and one example is that this network administrator may require all users accessing the network to -- I'm going to paraphrase a little -- basically update their virus definitions. 02:20:43 02:20:45 02:20:49 02:20:54 02:20:55 02:20:59 02:21:05 02:21:05

Q. With the DAT file. 02:21:10

How would they do it then? Would they manually type it into the system, the update? 02:21:12 02:21:13 02:21:15

A. Well, I don't think they would type -- 02:21:21 02:21:22

Q. Just in practice? 02:21:22

A. It doesn't say here. 02:21:23

Q. I'm not asking what it says, but I'm just trying to understand how a network administrator would change the rules from, quote, time to time as from the section you indicated? 02:21:24 02:21:26 02:21:28 02:21:40 02:21:44

A. I don't see in this section, that I'm looking at around Paragraph 71 and paragraphs around there, any specific way that the -- Herrmann talks about for doing these -- for updating the virus definition specification or what's required, but similarly in the '450 patent specification, I was looking at what it said about how -- 02:24:53 02:24:55 02:24:57 02:25:00 02:25:03 02:25:07 02:25:09 02:25:12

Q. Well, I'm going to strike that. I'm not asking about the '450. 02:25:14 02:25:16

A. -- how someone updates the security policy 330, and it doesn't say in the '450 patent exactly how -- 02:25:18 02:25:21 02:25:23

Q. Well, we'll strike the -- 02:25:25

A. -- exactly how -- I'd like to finish my answer. 02:25:25

- - - 02:25:25

(Unintelligible, simultaneous testimony interrupted by the certified stenographer.) 02:25:25

- - - 02:25:25

CERTIFIED STENOGRAPHER: I need one at a time, please. 02:25:25

ATTORNEY MICHALEK: Scott, we'll let him finish his answers when he's actually answering. We're going to be here all day if this keeps continuing. 02:25:38

ATTORNEY BORDER: You've got seven hours, so we won't be here all day. 02:25:42

A. So the reason this is relevant, the answer is, because in the '450 patent -- 02:25:48

BY ATTORNEY MICHALEK: 02:25:54

Q. I'm sorry, what question are you answering? 02:25:54

A. I'm trying to answer the question of how in Herrmann these virus definitions -- 02:25:56

Q. That's not my question. 02:26:03

A. So. 02:26:05

Q. Let me retry my question? 02:26:06

A. Let me finish what I understand the question to be. 02:26:08

Q. And what is the question? 02:26:09

A. And then you can reask your question. I'm just going to continue with my answer then, trying to answer, which is in the '450 patent, I looked for how security policies get updated, and I didn't find any disclosure of exactly how that happened, and similarly, you know, Herrmann talks about updating, that the user administrator may change the rules enforced by the policy server from time to time, and I think the level of disclosure about how an administrator changes the rules enforced by the policy server is similar in Herrmann to what I saw or didn't see in the '450 patent as to how security policies get updated. 02:26:10 02:26:12 02:26:12 02:26:14 02:26:16 02:26:19 02:26:23 02:26:26 02:26:31 02:26:42 02:26:45 02:26:48 02:26:51 02:26:54 02:26:58 02:27:01

Q. Okay. We'll strike that answer. 02:27:02

My question is: Do you know how a network administrator can -- I'll read the language in Herrmann. Do you know how a network administrator can update a virus or may require all users accessing a network to 02:27:05 02:27:06 02:27:11 02:27:13 02:27:18

implement a virus definition update? 02:27:20

A. So as I say in Paragraph 144, this may be implemented using security rules and checking system data for connecting devices to ascertain compliance, and then I cite to Paragraph 68 of Herrmann talking about how the policy server 460 reinforce, i.e., using the gatekeeper -- well, sorry, that's not in this actual cite. That's what I've added. 02:28:02 02:28:06 02:28:08 02:28:11 02:28:13 02:28:16 02:28:20 02:28:23

A variety of different types of security policies or rules. These security policies may include, for instance, rules which require client devices -- rules which require client devices connecting to a given network to be using particular security or antivirus program. 02:28:26 02:28:28 02:28:28 02:28:31 02:28:37 02:28:39 02:28:43

For example, a system administrator may establish the policy requiring that a specific virus protection program is operational on each client device that is connected to a network. 02:28:45 02:28:47 02:28:49 02:28:51 02:28:53

Q. Okay. Thank you. 02:28:55

A. So I think that is how administrator Herrmann discloses administrator could use the policy server 460 to enforce the 02:28:57 02:29:01 02:29:04

different policies or rules. 02:29:08

Q. Thank you. 02:29:09

And it's your testimony in Paragraph 144 that a system administrator may establish a policy. How would a system administrator establish a policy? 02:29:11 02:29:13 02:29:16 02:29:19

A. I think similar to the way the '484 patent, which I don't think I saw anything with respect to establishing a security policy, but similar to the person of ordinary skill looking at the '484 -- sorry, '450 patent, not '484, I misspoke earlier, '450 patent is what I meant, would know how to establish a security policy in the '450 patent, and that same level of knowledge could be applied for that same person of ordinary skill looking at Herrmann as to how to establish the policies in Herrmann. 02:29:30 02:29:33 02:29:41 02:29:42 02:29:45 02:29:47 02:29:51 02:29:57 02:29:59 02:30:02 02:30:04 02:30:06

Q. And how do you do it? 02:30:09

A. You do it the same way a person looking at the '450 patent would do it, which I didn't see how they disclosed it, so it would be the same level of knowledge of a person of ordinary skill when looking at the '450 patent as to how they would establish a 02:30:11 02:30:13 02:30:15 02:30:18 02:30:20 02:30:23

security policy. That same knowledge would be used in Herrmann to establish the policy in Herrmann.

Q. So as you sit here today, you don't know?

ATTORNEY BORDER: Objection. Foundation.

A. No, that's not what I said. What I said was I don't see in the '450 patent how the security --

Q. I'm not talking about the '450. I'm not --

A. Well, I am.

Q. I'm talking about Herrmann.

A. I'm talking about how security policies are established in Herrmann and how a person of ordinary skill would know how to do that.

So what I'm saying is that the person of ordinary skill looking at the '450 patent, which I didn't see any disclosure about how a security policy 330 is established in the '450 patent, if I'm wrong, you can point me there.

We can look at it, but I spent some

time looking for that just now and I didn't see any disclosure in the '450 patent about how a POSITA would -- or how a security policy would be established, and so what I'm saying is that the '450 patent doesn't disclose how a security policy is established that I saw, and so it's up to a person of ordinary skill to understand how to do that, and that same person of ordinary skill looking at Herrmann would also use that same knowledge that they had to have in the '450 patent to understand how to establish the security policies of the '450 patent to establish the security policies in Herrmann.

Q. Are you a person of ordinary skill in the art?

A. I was at least that level as I outline somewhere in my declaration.

Q. So without looking at Herrmann or Lum, do you know how to do it?

A. So a POSITA without -- well, the problem is that it is in the context.

Q. I'm not asking that much. I'm asking outside the context, just in general cybersecurity in network analysis, do you know

how to do it as a person of ordinary skill in the art? 02:32:19 02:32:20

ATTORNEY BORDER: Objection. Outside the scope of his expert report. 02:32:21 02:32:21

A. That's not the context of my declaration. 02:32:23 02:32:24

Q. Okay. Thank you. 02:32:24

- - - 02:32:24

(Unintelligible, simultaneous testimony interrupted by the certified stenographer.) 02:32:24 02:32:24 02:32:24

- - - 02:32:24

CERTIFIED STENOGRAPHER: I need one at a time, please. 02:32:24 02:32:24

A. So if I could ask to be allowed to complete my answer, so you can fight over striking the stuff afterwards. I understand that's what you can do afterwards, but if you would allow me to complete my answer before interrupting me, then we can have an accurate record. 02:32:37 02:32:39 02:32:40 02:32:43 02:32:44 02:32:47 02:32:49

Q. Dr. Houh, can you turn to Paragraph 182, please, of your report. 02:32:52 02:32:54

A. Okay. 02:32:59

Q. What's an agent? 02:33:02

A. So a person of ordinary skill would recognize that the policy agent is an example of an agent as claimed in Claim 14.

Q. In Paragraph 182 on Page 108, you say: A POSITA would have understood that in order to evaluate the device, certain information regarding the device must be scanned.

Do you see that?

A. I do now. I think you read it right.

Q. Are there other ways to evaluate a device other than scanning?

A. I think I say a very similar thing to that paragraph in that earlier section with respect to element 1.2, which is where the scanning is actually referring to, that is performed by an agent, but if you look back at that section, I talk about how scanning -- within Paragraph 97, scanning is used in its typical sense to mean gathering/collecting relevant information/data from the device and how Krantz is disclosing gathering of relevant information from the device, and I give an example from Krantz, and that this whole

section is supporting how Krantz is disclosing scanning the device to collect information regarding the device, and that it's the policy agent of Herrmann in a combination that a POSITA would have motivated combined Krantz and Herrmann for reasons I give elsewhere, that discloses how it's an agent as required by Claim 14, that an agent on a device that is performing the scanning.

Q. So is scanning the only way to get certain information or are there others?

A. Well, what I've said is that scanning is used in its typical sense to mean gathering, collecting relevant information and data from the device.

Q. Is that a claim construction?

A. I think that's how a person of ordinary skill understands what scanning includes, which is I didn't see any -- anything in the '450 patent to describe scanning in a nonordinary sense.

Q. Would it be fair to say that that's a plain and ordinary -- your view of scanning, that is your plain and ordinary view of the meaning of what scanning is?

A. I think it would include what I've said here, which is scanning is used in its typical sense to mean gathering/collecting relevant information/data from the device.

Q. As a POSITA, are you familiar with the term "agent list"?

A. I don't recall that being used in the '450 or Herrmann or Krantz. If you could show me where it's used, I can take a look, but that term doesn't ring a bell in the context of my declaration.

Q. Does it ring a bell in the context outside your declaration as a POSITA?

ATTORNEY BORDER: Objection. Outside the scope.

A. I haven't considered that outside my declaration.

Q. Still on Paragraph 182, you say: The policy server is notified by the client containing policy agent 413 through periodic status messages called IA HEARTBEATS in order to authenticate the access device.

Do you see that?

A. Well, I wasn't looking there when you started, but the end of what you read, I

see that.

Q. What's a HEARTBEAT?

A. If you look at Paragraph 80 of Herrmann, it talks about the HEARTBEAT message and it says --

- - -

(Clarification requested by the stenographer.)

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A. Or more specifically the IA, underscore, HEARTBEAT message, which is a periodic status message sent from the client directly to the policy server, and in Paragraph 98, it talks about how there may be the requirement of reauthentication at an appropriate time interval, for example, via a HEARTBEAT message from the client device directly to the policy server as previously described, which I believe is referring to what's previously described using the IA HEARTBEAT message, which is a periodic status message as Herrmann discloses.

Q. And does the HEARTBEAT have a data packet associated with it?

A. I mean, it's described as a

periodic status message. So status information certainly is data. 02:45:16 02:45:20

Q. And what type of information would be contained in a HEARTBEAT data packet? 02:45:39 02:45:40

A. Well, if you look at Paragraph 80, the kind of data is status data, but if you look at Paragraph 98, it talks about reauthenticating at an appropriate time interval via a HEARTBEAT message. So I think a person reviewing this would understand that a HEARTBEAT message also includes information sufficient to reauthenticating an appropriate time interval. 02:46:16 02:46:18 02:46:24 02:46:30 02:46:34 02:46:37 02:46:38 02:46:43 02:46:47

Q. Would it include policy information? 02:46:49 02:46:50

A. So the '450 patent talks about how security -- I'm looking at Column 6, Line -- starting Line 44 near the end. The security policies may include requirements for user identification, such as user names and passwords, configuration requirements relating to the configuration of access device 230. It goes on. But it certainly discloses that security policies include requirements for user identification, such as user names and 02:49:26 02:49:28 02:49:31 02:49:35 02:49:37 02:49:39 02:49:42 02:49:45 02:49:48 02:49:51

passwords.

I think if you look at what's disclosed in Herrmann about the IA HEARTBEAT and how it can be used to reauthenticate, I believe Herrmann may give -- that's the kind of information used to reauthenticate. So certainly I think the IA HEARTBEAT relates to security policies as they're described in the '450 patent itself.

Q. Okay. Is there anywhere in Herrmann that you can point to that shows policy information in a HEARTBEAT?

A. Yeah, Herrmann talks about using the EAP protocol. For example, in Paragraph 9 of Herrmann, it talks about how EAP is a general protocol for authentication, which supports multiple authentication mechanisms.

These authentication methods include not only username and password, but also a number of other types of authentication, but it's certainly disclosed in here that username and password is -- it can be used for authentication, and then if you look at Paragraph 98 of Herrmann, it's saying that that HEARTBEAT message is used for

reauthenticating at an appropriate time interval.

So taken together, I think that's how Herrmann does disclose, for example, the use of username/password for authentication being transmitted in order to reauthenticate at various time intervals, which is disclosing what the '450 patent specifically includes as information related to its security policies.

Q. Okay. So your view is that Herrmann through username and password -- strike that.

Let me just make sure I understand.

So your view is that the HEARTBEAT message in Herrmann contains information relating to a username and password?

A. My position is that Paragraph 98 is disclosing how this HEARTBEAT message is used to reauthenticate at the appropriate time interval and that authentication, as also described in Herrmann, one way to authenticate is through the use of a username and password, and so if you're -- so certainly the HEARTBEAT message being used for reauthentication would be containing the information used to

authenticate again, which one example given in Herrmann is the use of a username and password.

Q. So it includes a username and password?

A. That's part of what it's disclosing by saying that there is reauthentication using a HEARTBEAT message, which is described in Paragraph 98 and further described in Paragraph 80, I think, of Herrmann.

Q. And I think you testified before, HEARTBEAT message is a -- quote, a status message?

A. It says that it includes status information I think somewhere. Was that in 80? Let me look. It's a periodic status message, but also Paragraph 98 talks about how that same message is used for reauthentication at an appropriate time interval and that authentication methods of doing various examples include the use of a username and password.

So reauthentication would be just doing it again, using one example username and password.

Q. Can you turn to Figure 4 of Herrmann? 02:54:48 02:54:50

A. Okay. 02:54:57

Q. Do you see the dotted line on the left that says "not used until after authentication"? I see you thumbing through, so you're anticipating my question, which is: Do you know what that dotted line is for? 02:54:57 02:54:58 02:55:01 02:55:19 02:55:21

A. I mean, I do see "not used until after authentication" on the dotted line in Figure 4, and I'm trying to find the description in the specification to answer your second question there. I'm trying to find it, but you happen to know where it is -- 02:56:54 02:56:56 02:56:58 02:57:01 02:57:05 02:57:08

Q. Let me try because I don't want you fishing. 02:57:11 02:57:13

So let's go to Paragraph 80 again where it says: Which is a periodic status message sent from the client directly to the policy server, and my question is: Is it possible that the dotted line in Figure 4 is referring to that HEARTBEAT message and its path? 02:57:14 02:57:19 02:57:23 02:57:25 02:57:27 02:57:31 02:57:35

A. Well, I see that Paragraph 80 is in a section where there is a heading at 02:59:30 02:59:32

Paragraph 72 saying: Operations of Proxy Server and IGW Server, and that immediately starts discussing Figure 5, but the Figure 4 description starts with the heading: System Components in Paragraph 61 and goes through, appears, Paragraph 71. So I don't see how these are related in the way that you're asking. 02:59:34 02:59:37 02:59:45 02:59:51 02:59:54 02:59:56 03:00:07 03:00:11

Q. So do you know then what the "not used until after authentication path" is? 03:00:11 03:00:14

A. If you look at that Paragraph 67, one thing in Paragraph 67 that appears to describe is, if you look in the middle, just above the middle in a sentence starting "in response to a message," it says: In response to a message from the IGW server '450 or a subsequent message from the policy agent 413 on the client device 310, the policy server 460 evaluates whether or not the client device 310 has a correct up-to-date version of the applicable security policy. 03:05:02 03:05:03 03:05:05 03:05:10 03:05:12 03:05:15 03:05:22 03:05:24 03:05:27 03:05:31 03:05:34

So it's not -- there is no label on that, but that is a communication from the agent on the 413 to 460, which appears to happen after the authentication because the 03:05:37 03:05:39 03:05:43 03:05:52

authentication is described in earlier paragraphs above.

ATTORNEY BORDER: Can we take a break soon?

ATTORNEY MICHALEK: Yeah, I'm fine. Do you want to take --

THE WITNESS: I wouldn't mind taking one about now.

ATTORNEY MICHALEK: Let's take a break then. All you have to do is ask.

Let's go off the record.

CERTIFIED STENOGRAPHER: Off the stenographic record at 3:06 p.m.

- - -

(Whereupon, a short recess was taken.)

- - -

CERTIFIED STENOGRAPHER: Back on the stenographic record at 3:15 p.m.

BY ATTORNEY MICHALEK:

Q. Dr. Houh, good afternoon. How was your break?

A. It was great. Thank you.

Q. Perfect. Are you ready to proceed?

A. Yes.

Q. All right. 03:15:25

Can you turn to Paragraph 66 of 03:15:25

your declaration, please. 03:15:27

A. Okay. 03:15:37

Q. So before we do that, let's 03:16:12

actually going to Paragraph 106. I apologize 03:16:21

for that. 03:16:23

A. Okay. 03:16:31

Q. Okay. 106, towards the bottom, 03:16:35

your testimony is that, quote: In addition to 03:16:37

the modification to the teachings of Krantz -- 03:16:41

to the teachings of Krantz can be implemented 03:16:43

as a simple software modification to include 03:16:47

policy agent. 03:16:50

Can you explain what you're 03:16:52

referring to there? 03:16:53

A. So Herrmann is describing the 03:17:02

policy agent as a client side component that 03:17:03

can communicate with an EAP ZLX extension DLL, 03:17:06

which is an implementation of the EAP protocol 03:17:17

that is utilized to provide support for 03:17:20

security policy negotiation and enforcement, 03:17:28

and I point out that this is the same protocol 03:17:30

utilized in Krantz, which is the EAP protocol, 03:17:36

and I'm also pointing out that these client 03:17:40

side components, as Herrmann describes the policy agent, can be implemented as a simple software modification to the teachings of Krantz. 03:17:48 03:17:51 03:17:55 03:17:59

Q. So what would that modification be? 03:17:59

A. If you look at the section, I talk about the combination of Krantz and Herrmann starting at Paragraph 51. 03:19:14 03:19:14 03:19:18

Q. Are you referring to your declaration, sir? 03:19:20 03:19:21

A. Yes, in my declaration. I'm talking about how it would have been obvious to include Herrmann's techniques for enforcing security policies, obtaining system data from an access device in the system of Krantz, and that if you look at Paragraph 52, a POSITA would recognize that checking for antivirus software would merely be an additional item for authentication module 217 of server 215 to check in the authentication process already disclosed by Krantz, but that it's the teachings of Krantz would presumably be motivated to modify the teachings, and this is Paragraph 53, to include determining whether the requirements of a security policy that 03:19:21 03:19:30 03:19:32 03:19:36 03:19:41 03:19:45 03:19:49 03:19:51 03:19:53 03:20:04 03:20:07 03:20:19 03:20:21 03:20:24 03:20:26

include checking for virus protection are satisfied as taught by Herrmann. 03:20:28 03:20:32

Herrmann is talking about how it's particularly important that devices connected to the network are running current antivirus programs and that one way of ensuring this is implementing a policy requiring that a specific virus protection program, and that it's the agent and Herrmann which could be the module, as I discuss, that the teaching of Krantz can be implemented -- some of them could be implemented as a simple software modification to include a policy -- 03:20:37 03:20:39 03:20:42 03:20:45 03:20:49 03:20:51 03:21:04 03:21:08 03:21:16 03:21:20 03:21:25

- - - 03:21:25

(Clarification requested by the stenographer.) 03:21:25 03:21:25

- - - 03:21:25

A. -- to the teachings of Krantz can be implemented as a simple software modification to include a policy agent, and that would be the policy agent as a client side component, which I think we talked earlier about how Herrmann can -- 03:21:26 03:21:28 03:21:30 03:21:33 03:21:36 03:21:39

Q. I think my question is a little bit different, and thank you for that. 03:21:48 03:21:49

So simple software modification in Paragraph 106, are you saying you're modifying the software of Krantz or the software of Herrmann or both? 03:21:51 03:21:53 03:21:56 03:21:58

A. It's the modification to the teachings of Krantz that can be implemented as a simple software modification to include a policy agent as -- as -- as Herrmann describes, so -- 03:22:08 03:22:10 03:22:14 03:22:16 03:22:20

Q. So we're modifying Krantz's software to include the policy agent of Herrmann? 03:22:20 03:22:22 03:22:24

A. That's what I'm saying here. 03:22:25

Q. What specifically in Krantz would you need to modify to include the policy agent of Herrmann? 03:22:31 03:22:33 03:22:35

A. So there is client side software disclosed in Krantz that implements the EAP protocol. 03:23:51 03:23:53 03:23:56

Q. Where is that? I'm sorry? 03:23:56

A. That's Paragraph 18 of Krantz. 03:23:58

Q. Okay. Thank you. 03:24:03

A. And it talks about how credentials -- sending credentials can include sending an extension -- sorry, EAP response 03:24:04 03:24:05 03:24:09

identity message, if the client is attempting to connect to a network via an access point, response identity message may be encapsulated within some other type of message that can be transferred through the access point.

Q. So --

A. And so there is software on the client in Krantz that now can be simply modified to include a policy agent.

Q. Let's start there.

So your testimony is that there is client side software disclosed in Krantz that implements the EAP protocol. So that's what we would need to modify to include the Herrmann policy agent?

A. Well, generally, the software on the client to include the policy agent, but it's clear that there is software on the client.

Q. So where is the client in Krantz so I can follow along here?

A. The client is in Figure -- Figure 2 of Krantz. The client is 205. I think I've mapped out to the access device of the claims.

Q. So what would we be modifying on

the client 205 in Krantz as our simple software modification? 03:25:24 03:25:29

A. Generally, Krantz is talking about how there is these modules on client device 205, such as user interface module 206. So it's clear that Krantz is talking about these things as software modules. 03:27:53 03:27:59 03:28:04 03:28:08 03:28:11

A person of ordinary skill would understand that there was software on 205, and so it's simply adding a policy agent's software of which would be a simple software modification to add a policy agent to the software of client 205 in print. 03:28:15 03:28:17 03:28:24 03:28:30 03:28:35 03:28:36

Q. So I see client 205 there is a couple of modules. Would you modify user interface module 206? Is that one of the simple software modifications? 03:28:39 03:28:41 03:28:44 03:28:47

A. It's simply a software modification. You can modify whatever makes sense to modify. I don't think it's specifically in my declaration, but it's a simple software modification to include a policy agent in Krantz on, for example, client device 205. 03:28:49 03:28:51 03:28:53 03:28:56 03:28:58 03:29:00 03:29:06

Q. So you wouldn't necessarily need to 03:29:08

modify the other modules or user interface module 206, for example, to accomplish what you're saying here as a simple software modification? 03:29:12 03:29:17 03:29:21 03:29:24

A. It's a simple software modification well within the skill of a POSITA at the time. That's what I'm saying in -- well, I don't quite say exactly that in 106, but that's part of the point. 03:29:25 03:29:27 03:29:31 03:29:34 03:29:37

Q. Would a policy agent work with a RADIUS server? 03:29:39 03:29:41

A. I think a person of ordinary skill would understand how to make the policy agent work on the client to collect the data as Herrmann discloses the policy agents to as a client side component. 03:29:47 03:29:49 03:29:51 03:29:56 03:30:00

Q. But it would not -- as it stood, their policy agent would not work with the RADIUS server? 03:30:04 03:30:06 03:30:08

ATTORNEY BORDER: Objection. Foundation. 03:30:09 03:30:09

A. That's not what I said. 03:30:10

Q. Okay. 03:30:12

A. It would be a simple modification to Krantz within the skill of a POSITA to make 03:30:14 03:30:16

the system work and modify Krantz with teachings of Herrmann with respect to a policy agent. They could make it work in the embodiments of Krantz. There is no specific issue with respect to a RADIUS server that I would identify, and to the extent patent owner comes back and says, There is a problem with that, maybe I'll have the opportunity to respond, but I don't see what the issue would be. 03:30:19 03:30:22 03:30:24 03:30:26 03:30:31 03:30:35 03:30:41 03:30:42 03:30:45 03:30:47

Q. I'm sorry, I didn't understand that testimony. Let me ask again: Would a policy agent of Herrmann work with a RADIUS server? 03:30:47 03:30:50 03:30:52

A. The policy agent of Herrmann could be made to work in various embodiments of Krantz as a simple software modification. 03:30:56 03:30:59 03:31:02

Q. Okay. How could it be made to work with a simple software modification? What are they? 03:31:04 03:31:07 03:31:09

A. It would be creating a policy agent that worked within the -- that according to the teachings of Herrmann that worked within the framework of Krantz. That's a simple software modification. I'm not sure what RADIUS or any other protocol necessarily has 03:31:10 03:31:12 03:31:15 03:31:17 03:31:21 03:31:22

to do with it as something that I do not see would complicate anything. 03:31:25 03:31:29

Q. What modifications would you make to Krantz to make a policy agent work with a RADIUS server? 03:31:30 03:31:33 03:31:36

A. You could create a software module that would be a modification to the overall software to implement the teachings of Herrmann, Herrmann's policy agent. 03:31:38 03:31:40 03:31:42 03:31:45

Q. And what would that software module look like? 03:31:47 03:31:50

A. It would look like what Herrmann teaches with respect to what the -- its policy agent does. 03:31:51 03:31:52 03:31:56

Q. And specifically -- strike that. 03:32:06

What does Herrmann teach with respect to what its policy agent does that would need to be modified on Krantz? 03:32:09 03:32:10 03:32:13

A. To the extent Krantz already doesn't disclose or render obvious this, Herrmann is additionally comparing and -- and -- the policy agent of Herrmann, for example, as disclosed in Paragraph 64, if you look in the middle there, the policy agent 413 to retrieve information about the current 03:32:34 03:32:37 03:32:40 03:32:49 03:33:19 03:33:24 03:33:29

security policy in operation on the client device 310.

The information collected by the policy agent 413 is then packaged by the EAP client 311, together with material from the other EAP dynamic link libraries, and sent to the NAS 320 for handling by the server-side components of the present invention. And so that's some of what Herrmann is teaching about what the policy agent does on the client.

Q. And Herrmann teaches a proxy server, an IGW server, and a policy Integrity server too; is that right?

A. In one of the example embodiments, there is an IGW server. There is a proxy server in Figure 4. There is a RADIUS server. There is a network access server. There are a number of servers that are listed in the example embodiment I've given in Figure 4.

Q. Would one of the simple modifications in your testimony be to also include the server-side components you identified as the proxy server, IGW server, and/or policy server of Herrmann with grants?

ATTORNEY BORDER: Objection. Form.

A. I'm not addressing that in Paragraph 106 of my declaration. I'm addressing the policy agent, which is on the client side. I mean, if you think I'm talking about that elsewhere, I'd be happy to take a look at it, and it's also in my declaration.

Q. Well, my question is: Would you need these server-side components, as well as part of these simple software modification that's in the paragraph we're talking in your declaration about, the simple software modification to include a policy agent?

A. I'm not addressing that directly in Paragraph 106. If I address it elsewhere, we can take a look at it in my declaration.

Q. Regarding the simple software modification, do you know how much it would cost to do so?

A. It's well within the skill of a POSITA. They're able to implement the agent in Herrmann, the same level of skill I believe -- I don't believe it's -- it's the POSITA looking at Herrmann, which is the POSITA that I played out. I think it would be straightforward to implement the agent,

especially if one has already implemented the agent in Herrmann. 03:36:19 03:36:22

Q. Do you know how much? Can you give a numerical estimate? 03:36:25 03:36:27

A. I don't address that exact question in my declaration I don't think. 03:36:28 03:36:30

Q. Do you think that it's, you know, for a single device more a thousand dollars? 03:36:32 03:36:33

A. I don't have any opinion about the number of hours. It's simply a straightforward software modification to include a policy agent in the teachings of Krantz. 03:36:37 03:36:38 03:36:40 03:36:43 03:36:46

Q. Okay. Well, you said "number of hours". Mine was actually cost, which was a little bit different. 03:36:47 03:36:48 03:36:51

Do you have any opinion about an estimate for how much it would cost to make that simple software modification in your declaration? 03:36:52 03:36:53 03:36:53 03:36:55

A. Whatever it is, these are well within the skill of a POSITA. 03:36:57 03:36:59

Q. Do you know? 03:37:01

A. I don't have an opinion about exact costs in my declaration. 03:37:03 03:37:04

Q. Are there any standard or specifications you would look to in order to perform the simple software modification in your declaration? 03:37:07 03:37:08 03:37:10 03:37:14

A. I think a POSITA, they understand how to write software, and to the extent they need to refer to documentation, such as software interfaces or protocol definitions, they would have access to that, especially in the light of how Krantz has already disclosed the use of the EAP protocol that carries some of this information back to the server. 03:37:16 03:37:19 03:37:21 03:37:25 03:37:28 03:37:30 03:37:33 03:37:36

Q. We talked about various specifications for EAP protocol. 03:37:39 03:37:40

In implementing these simple software modifications, would a person of ordinary skill in the art look to any EAP specifications? 03:37:43 03:37:45 03:37:49 03:37:51

A. Well Krantz I believe already discloses using EAP in a way to carry information. So assuming they've already done that, they -- a person of ordinary skill would know how to perform the modifications required to incorporate the policy agent without having to do any undue experimentation, they'd be 03:37:56 03:37:58 03:38:01 03:38:04 03:38:07 03:38:11 03:38:15

able to do it very simply. It's just a matter of programming that's well within the level of a person of ordinary skill. 03:38:18 03:38:21 03:38:24

Q. So they wouldn't necessarily need to look at the specification? 03:38:26 03:38:27

A. They would look at what they need to look at, if they needed to. 03:38:28 03:38:28

Q. And would that include the specification as a person of ordinary skill in the art? 03:38:31 03:38:32 03:38:33

A. Krantz already discloses a limitation of using the EAP protocol, and so if they've already done that and have knowledge of it, they may not need to do it, but if they do need to look at a specific part of it, they could do so. 03:38:37 03:38:40 03:38:47 03:38:50 03:38:52 03:38:55

Q. Would you need to do it as a person of ordinary skill in the art? 03:38:56 03:38:58

A. I think persons of ordinary skill in the art generally know how to refer to documentation that's readily available when they need to do so. 03:38:59 03:39:00 03:39:02 03:39:04

Q. And yourself? 03:39:05

A. If I needed to refer to it, I would refer to it. 03:39:06 03:39:08

Q. Do you know, as you sit here right now, whether or not you would need to refer to it? 03:39:09 03:39:10 03:39:13

A. It depends what software I have in front of me that I'm starting from. If it's embodied in a software and it's properly documented, I may not need to refer to something external, but if I need to, I would. 03:39:13 03:39:15 03:39:18 03:39:21 03:39:23

Q. Let's turn to Paragraph 114 of your declaration. Actually, yeah, we can turn to it, but I have one more question. 03:39:40 03:39:43 03:39:50

A. Okay. 03:39:51

Q. Do you know what a supplicant is? 03:39:54

A. I've heard that term before. I would have to figure out what the context is. 03:40:01 03:40:06

Q. Where have you heard it? 03:40:09

A. I may have heard it with respect to software programming, and I may have referred to it with respect to science fiction. 03:40:12 03:40:14 03:40:18

Q. Let's take a look then at your Exhibit 1416. 03:40:23 03:40:26

Sorry, I'm going to strike that for a minute, Dr. Houh. 03:40:49 03:40:50

\- - - 03:40:51

(Whereupon, document previously 03:40:51

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marked Exhibit 1417, is received and marked as Exhibit 1417 for Identification.)

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BY ATTORNEY MICHALEK:

Q. Before we do that, let's take a look at your Exhibit 1417. 03:40:52 03:40:53

Please take a look through that document, thumb through it and confirm for me that that represents the exhibit that you submitted in support of your declaration. 03:41:03 03:41:04 03:41:08 03:41:10

A. I mean, I don't know exactly where I cite to this, but I do recognize this document. 03:41:54 03:41:55 03:41:58

Q. Okay. And you agree it's your exhibit; right? 03:41:59 03:42:00

A. Yeah. I don't -- if you want to point me to where I cite to it in my declaration, that would give me some context, but I do recall this document. I probably cited to it somewhere, but I'm not totally sure because I don't have my report memorized. 03:42:02 03:42:04 03:42:06 03:42:08 03:42:10 03:42:12

Q. Page 1 of the Exhibit 417, towards maybe the bottom third quarter, it says: An EAP client supplicant contacts an authenticator. 03:42:18 03:42:22 03:42:26 03:42:30

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Does that refresh your memory as to what a supplicant is? 03:42:31 03:42:33

A. I mean, it's saying -- using that in reference to an EAP client in this context here. 03:42:40 03:42:43 03:42:47

Q. Right. Okay. I'll ask my question again then. 03:42:47 03:42:49

Do you know what a supplicant is? 03:42:50

A. I have heard that term referred -- used before and, in fact, it's used in this document as well. 03:42:52 03:42:54 03:42:56

Q. Okay. And what is a supplicant? 03:42:57

A. In this document, it's referring to an EAP client has a supplicant. 03:43:00 03:43:01

Q. Okay. Do you have any reason to believe it might mean something else? 03:43:06 03:43:07

A. I believe it may be being used here as a class of things that an EAP client may be one of as opposed to definitionally being an EAP client. 03:43:18 03:43:20 03:43:24 03:43:26

Q. And in your Exhibit 417, would you agree that the EAP client supplicants contacts an authenticator and then the authenticator receives this information and passes it to an authentication server, usually a RADIUS 03:43:28 03:43:31 03:43:34 03:43:39 03:43:41

server? 03:43:43

A. Do I say that somewhere in my declaration? 03:43:48 03:43:50

Q. I'm looking at the exhibit you submitted to us and I'm asking questions about Exhibit 417. 03:43:50 03:43:52 03:43:55

A. Sure. Do you want to point me anywhere? Do you want me to look through my declaration and find the context in which I referred to this? 03:43:57 03:43:59 03:44:02 03:44:04

Q. Yeah. I would like to point you to Exhibit 417 starting with "an EAP client supplicant contacts an authenticator, a wireless access point or a VCAN server, for example," and I'd like you to read that paragraph, and then my question is -- well, let me know when you're done. 03:44:05 03:44:06 03:44:09 03:44:13 03:44:14 03:44:17 03:44:24

A. Well, I've read it. 03:44:53

Q. Okay. Can you tell me whether a supplicant -- strike that. 03:44:54 03:44:58

Let's go back. After reading this paragraph, does that refresh your memory as to what a supplicant is any more than before? 03:44:58 03:45:03 03:45:05

A. Maybe not more than before, but I don't remember every definition I've ever 03:45:14 03:45:15

read. 03:45:18

Q. Of course. 03:45:19

Can you explain a supplicant's relationship to a RADIUS server? 03:45:20 03:45:21

ATTORNEY BORDER: Objection. Outside the scope. 03:45:26 03:45:27

Q. Dr. Houh, you've now thumbed through your entire report. Can you answer my question? 03:54:36 03:54:38 03:54:40

ATTORNEY BORDER: The same objection. 03:54:44

A. So I did refer to Exhibit 1417 in my report or declaration and -- but I referred to Page 2 about the teachings about performing an authentication of the device. If you want me to answer your question about with respect to the RADIUS protocol, I would want to take a look at various RADIUS documents starting with the spec and we can take it from there. 03:54:46 03:54:50 03:54:53 03:54:58 03:55:00 03:55:03 03:55:06 03:55:09

Q. That's not my question. 03:55:13

A. But I don't have these things memorized with respect to what words are used in various protocol documents. 03:55:14 03:55:16 03:55:16

Q. That's not my question. 03:55:18

My question is: In view of your exhibit, the one you submitted, 1417, can you 03:55:19 03:55:24

explain a supplicant's relationship to the RADIUS server? 03:55:26 03:55:30

ATTORNEY BORDER: Objection. Outside the scope. 03:55:31 03:55:31

A. Yeah, so that -- that's my answer, what I just gave. 03:55:31 03:55:32

If you want me to look at that with respect to the RADIUS protocol, we can establish some RADIUS protocol documents and we can -- 03:55:34 03:55:34 03:55:36 03:55:37

Q. I don't. 03:55:38

A. -- but I didn't refer to Page 1 of this document. I referred to Page 2 and -- 03:55:38 03:55:41

Q. Of this document? Okay. 03:55:44

A. -- and if you want me to give you an answer, I don't have everything I've read memorized. So we can start with providing me some documents with respect to RADIUS and we can take it from there. 03:55:44 03:55:46 03:55:49 03:55:52 03:55:54

Q. So you don't know what a supplicant is. Do you know if a supplicant is different than a policy agent? 03:55:55 03:55:56 03:55:58

ATTORNEY BORDER: Objection. Foundation. 03:55:59 03:55:59

A. I don't -- I have not memorized 03:56:00

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everything I've read in my life and certainly not with respect to all the documents in this case or other documents that I may have seen before. 03:56:02 03:56:04 03:56:06 03:56:09

So, again, I don't think this is a memory test. I don't think I address that in my declaration. 03:56:11 03:56:13 03:56:15

What I did find is I cited to Page 2 of Exhibit 1417 with respect to performing an authentication of a device. 03:56:17 03:56:19 03:56:24

Q. Where are you referring to in your report? 03:56:33 03:56:34

A. I am at Paragraph 94 of my declaration. 03:56:35 03:56:36

Q. So is it fair to say you're disavowing Page 1 of Exhibit 1417 then? 03:56:37 03:56:39

ATTORNEY BORDER: Objection. Form. 03:56:42

A. No, that's not fair. You're totally misrepresenting what I've said. I told you I don't remember everything I've read. If you want me to answer that, we can start with looking at some RADIUS protocol documents to answer that question, but I haven't memorized things that I've not directly reference in my report or even the 03:56:42 03:56:44 03:56:47 03:56:48 03:56:50 03:56:52 03:56:55 03:56:58

things I have referenced in my report or my report itself. I don't have everything I've read or read about committed to memory.

Q. Are you willing to answer questions about Page 2 of Exhibit 1417 then?

A. I'm willing to answer questions about my declaration and what I've cited to.

Q. Do you know if a policy agent -- have you opined on a policy agent; right? We can agree on that? That's in your report?

A. That's in my report somewhere.

Q. Do you know if a policy agent is related or the same as a supplicant?

ATTORNEY BORDER: Objection. Form. Outside the scope.

A. I don't think I've used the word "supplicant" in my report. If you think that's not right, you can show me where and we can look at it.

Q. Is it your position that if you don't use a word in your report, then you don't need to testify about it?

A. I don't think that's exactly what I'm saying. I'm just saying that you're asking me a question about something, whether

one thing is another thing, and I don't think I've had a direct opinion about that in my report. 03:58:04 03:58:07 03:58:09

Q. Okay. Outside the scope -- let me strike that. Let's just say this: As a person of ordinary skill in the art, do you know what a supplicant is? 03:58:09 03:58:10 03:58:12 03:58:14

ATTORNEY BORDER: Objection. Outside the scope. 03:58:17 03:58:17

A. So I haven't gotten that memorized with respect to RADIUS or potentially other uses in other contexts. So I would want to take some time to look that up. That is mentioned in one of the documents I've cited to, but not on the page I cited to, and I don't believe I used that word in my report at all. 03:58:19 03:58:21 03:58:24 03:58:26 03:58:29 03:58:32 03:58:35 03:58:37

Q. Okay. Let's turn to Page 114 or Paragraph 114. Let me know when you get there. 03:58:38 03:58:44 03:58:58

A. Okay. I'm at Paragraph 114 of my declaration. 03:59:07 03:59:09

Q. Your testimony is that a POSITA would recognize that checking for antivirus software would merely be an additional item 03:59:10 03:59:12 03:59:15

for server 215, paren, GateKeeper, to check in the authentication process already disclosed by Krantz. 03:59:18 03:59:22 03:59:24

Can you explain that? 03:59:25

A. I mean, it's what I say it is. This is what a POSITA would recognize and that's what they would, and I think we can look at the rest of the paragraph for why that's so. 03:59:31 03:59:35 03:59:37 03:59:39 03:59:43

Q. How would Krantz or the server 215 in Krantz check for an antivirus software? What would have to be done? 03:59:49 03:59:54 03:59:57

A. Well, like Krantz, Herrmann discloses that a policy server may enforce a variety of different types of security policies or rules, and one such rule to be authorized for network access would be a policy requiring that specific virus protection program is operational on each client device that is connecting to the network and that comes from Herrmann. 04:00:31 04:00:32 04:00:39 04:00:40 04:00:45 04:00:47 04:00:50 04:00:53 04:00:54

Q. So would Krantz need a policy server 460 of Herrmann to check for antivirus software as the additional item? 04:00:56 04:00:57 04:01:04

A. So Krantz has a server 215 I've 04:02:28

mapped out to the GateKeeper, and that server simply needs to perform the function to enforce the rules, which it's already doing through -- with respect to user authentication, that the user must be authenticated to access the network or second network, and it would be a simple software modification of that.

I don't think it has to have a separate server. That's not what I'm saying here, but it's that Krantz would simply be modified, and they would have been successful because Krantz and Herrmann both disclose a policy server or equipment that enforces a variety of different security policies, and the security policy as highlighted by the '450 patent includes authentication of a user, and we looked at that a little earlier in this portion of the deposition.

Q. You said "simple software modification." What would be the -- in this context, about the additional item. So what would be the simple software modification? Would it be a Krantz?

A. It's to checking for antivirus

software in the server of 215 of Krantz. 04:03:49

Q. So the simple software modification would be to Krantz's server 215? 04:03:52 04:03:54

A. That's what I say. It's the checking for antivirus software would merely be an additional item for server 215 to check in the authentication process already disclosed by Krantz. So -- 04:03:59 04:04:00 04:04:03 04:04:05 04:04:07

Q. Would Krantz -- 04:04:11

A. -- it's done in software. It might not say it here, but it does say checking for software, but it would be done in software. 04:04:11 04:04:12 04:04:14

Q. In software. 04:04:17

The modification -- the simple -- let me get this straight. The simple software modification would be to Krantz to check for the antivirus software? 04:04:18 04:04:20 04:04:23 04:04:24

A. It would just be an additional item to check for in the existing authentication process already disclosed by Krantz. 04:04:29 04:04:31 04:04:33

Q. But you said there would be a simple software modification as well in your testimony a minute ago; right? 04:04:35 04:04:36 04:04:38

A. Yeah, to check for the antivirus software. 04:04:39 04:04:41

Q. Would Krantz need any additional infrastructure to check for the antivirus software? 04:04:42 04:04:44 04:04:46

ATTORNEY BORDER: Objection. Outside the scope. 04:04:50 04:04:51

A. Well, the modification, as I laid out through my declaration, I'll let it speak for itself, but one of the modifications was adding a software -- a simple software modification to the client to collect information, and another modification here would be for modifying the authentication process already in Krantz to include checking for antivirus software and enforcing that rule. 04:04:55 04:04:57 04:04:59 04:05:01 04:05:04 04:05:06 04:05:09 04:05:14 04:05:18 04:05:23

Q. Is Krantz server 215, is that what's known as a server-side component? 04:05:25 04:05:29

A. Well, I mean, we talked about this earlier, maybe in the first part, but Krantz discloses that server 215 is a logical representation, but that it can include separate other devices, but the component -- your question is kind of oddly stated because a server component implies something that's part of the server, but the server 215 is a 04:05:38 04:06:35 04:06:38 04:06:42 04:06:44 04:06:52 04:06:55 04:06:57

server. So it's just a weird question. 04:07:00

Q. Let me try a better question. 04:07:03

So I'm trying to get to this notion, I think you mentioned before, this concept of a client side versus server side earlier, and the question is: Is the server in Krantz, would that be considered to be on the server side? 04:07:05 04:07:06 04:07:08 04:07:10 04:07:13 04:07:15

A. Well, the server I've mapped to the GateKeeper of the claim, and it seems odd to refer to the server as server side, but it's a server. 04:07:23 04:07:27 04:07:37 04:07:39

Q. Server side server, yeah. 04:07:41

A. So, I mean, the server may have modules and maybe you'd said those are on the server side because they're on the server, but it's weird to -- 04:07:44 04:07:46 04:07:50 04:07:52

Q. Let's put it this way, the server on Krantz is not client side; is that fair? 04:07:53 04:07:55

A. I mean, servers and clients are different, and the Figure 2 is it in Krantz? Shows the client separate and distinct from the server. 04:07:58 04:07:59 04:08:05 04:08:08

Q. A POSITA -- 04:08:13

A. Sorry. I'm done. 04:08:14

Q. Your testimony is a POSITA would recognize that checking for antivirus software would merely be an additional item for server 215. 04:08:17 04:08:25 04:08:27 04:08:30

For Krantz to check for antivirus software, would that require Herrmann's proxy server as well? 04:08:32 04:08:35 04:08:40

A. I don't think I say anything about the proxy server in this paragraph. I don't recall that I have elsewhere other than maybe I'm just describing it. 04:08:51 04:08:52 04:08:54 04:08:57

Q. Would that require Herrmann's Integrity gateway server? 04:08:59 04:09:01

A. I don't recall saying anything like that in my declaration. 04:09:16 04:09:17

Q. And Herrmann also has its own RADIUS server. Would you combine Herrmann's RADIUS server with Krantz as well? 04:09:19 04:09:21 04:09:24

A. I think they both have RADIUS servers and interact with them for partly authentication purposes, indicates that it would be a successful modification to make because two systems share some common components and protocols. 04:09:28 04:09:30 04:09:34 04:09:36 04:09:39 04:09:44

Q. Well, you said something 04:09:45

interesting. So both Krantz and Herrmann have RADIUS servers; right? Is that what you're saying? 04:09:46 04:09:49 04:09:50

A. I think some embodiments of -- 04:09:51

Q. Some embodiments -- 04:09:53

A. -- of Krantz and I believe also Herrmann. I mean, I'm taking what you said, but we can look at that. I know we looked at RADIUS servers at least in one of the references earlier. 04:09:53 04:09:56 04:10:00 04:10:02 04:10:04

Q. Yeah. That's fine. 04:10:05

Is the RADIUS server in Herrmann similar in some embodiments to the server 215 in Krantz? 04:10:09 04:10:11 04:10:14

A. I mean, whether they're similar or even slightly different, it's still -- it's still a reason that -- it's not a reason why there would be failure in combining the two references. 04:10:21 04:10:23 04:10:26 04:10:31 04:10:34

Q. Can the RADIUS server in Herrmann evaluate policy data? 04:10:35 04:10:40

A. I mean, I don't recall relying on the RADIUS server of Herrmann evaluating policy data in the combination. 04:10:58 04:10:59 04:11:02

I mean, if you think I said that, 04:11:05

we can look at it, but I don't -- I don't think I've really talked about that in my declaration.

Q. Would you agree that Herrmann requires a proxy server and Integrity gateway server and a policy server to evaluate policy data at least?

A. I mean, my combination is not the wholesale combination of all the elements of Herrmann into Krantz. That's a misreading of what I've laid out. I've said specifically there are the teachings of Herrmann with respect to an agent that can be implemented in software in the system of Krantz, and that the existing authentication processes already disclosed by Krantz can be modified to check for antivirus software, and so it's -- it's -- I don't think I have opinions about what's required solely in Herrmann. It's really taking the teachings of Herrmann and modifying as I've laid out in my declaration.

Q. Well, that's what I'm trying to figure out, your teachings of Herrmann. I mean, the teachings of Herrmann include a proxy server, Integrity server, and policy

server, and I want to make sure, and I think it's your testimony, correct me if I'm wrong, that those server-side elements are not being combined with Krantz? 04:12:23 04:12:25 04:12:27 04:12:30

A. I think it's a misunderstanding to say the teachings of Herrmann refer to everything that Herrmann must teach. 04:12:31 04:12:33 04:12:35

There are specific teachings of Herrmann with respect to, for example, there is an agent on the client that scans the -- that performs a scan in gathering information on the client, and that there is a teaching that Herrmann would enforce rules with respect to antivirus software and that simply could be added, that check for antivirus software could merely be an additional item that the server 215 in Krantz can check in the authentication process that is already disclosed by Krantz. 04:12:37 04:12:38 04:12:41 04:12:46 04:12:48 04:12:54 04:12:58 04:13:02 04:13:05 04:13:09 04:13:13

Q. Okay. 04:13:15

A. I'm not -- when I say teachings of Herrmann, I don't mean you have to take everything that Herrmann teaches and cram it into Krantz. That's a misunderstanding of what -- a combination or any combination I've ever worked on would entail. 04:13:16 04:13:19 04:13:21 04:13:23 04:13:27 04:13:29

Q. Well, that's what we're here for, sir. So that's what we're trying to suss out, is the what teachings were taken and which teachings were not taken; right? And I heard you say policy agent of Herrmann, right, is going to be combined with Krantz; correct? 04:13:31 04:13:32 04:13:35 04:13:36 04:13:39 04:13:44

A. Yeah, I've laid out in my declaration what the teachings of Herrmann are to be incorporated into Krantz. 04:13:46 04:13:47 04:13:50

Q. And not in your declaration is a proxy server, Integrity gateway server, or the policy server at Herrmann; correct? 04:13:55 04:13:57 04:13:59

A. I mean, my declaration stands for itself. I don't recall a combination where I took those elements on a permanent and crammed them into Krantz. 04:14:03 04:14:04 04:14:08 04:14:12

What the combinations are is laid out in my declaration. 04:14:15 04:14:16

Q. Let's go to Paragraph 77. 04:14:22

A. Okay. 04:14:36

Q. And you can read the whole paragraph, but the last kind of clause or last sentence says that: A POSITA would understand this to be applying the security policy to a network device because the server of Krantz is 04:14:37 04:14:39 04:14:42 04:14:45 04:14:48

inspecting credentials and can authorize access based on the inspection results, e.g., by matching entries in a database. 04:14:52 04:14:54 04:14:58

Do you see that? 04:15:01

A. Yes. 04:15:01

Q. Does Herrmann match entries in a database? 04:15:05 04:15:07

A. I don't have every word of Herrmann memorized. I'm just taking a look through a few paragraphs with respect to authenticating users. For example, Paragraph 11, I don't see a reference to a database, but whether it does or not, I don't think would impact the ability to combine any of these systems or the fact that it would be successful. 04:18:10 04:18:12 04:18:16 04:18:18 04:18:21 04:18:24 04:18:29 04:18:32

Q. I'm sorry. You don't see -- okay. I see it here. 04:18:33 04:18:35

A. I'm looking at a few paragraphs. 04:18:36

Q. Paragraph 11? 04:18:39

A. Yes, but I don't have the ability to search Herrmann quickly -- 04:18:40 04:18:42

Q. Okay. 04:18:43

A. -- which in a remote deposition I might have, but I don't see the word "database" used in a few of these paragraphs 04:18:43 04:18:45 04:18:47

running 11 where it's talking about user authentication.

I might have missed it. It could be somewhere else, but I don't have every word of Herrmann memorized.

Q. If it was in Herrmann, do you think you would have put it in your declaration?

A. I might have, but I don't know.

Q. We talked earlier about provisioning data. Do you remember that discussion very early on?

A. I certainly remember provisioning. I'm not sure if it was provisioning data or what the context was.

Q. Fair enough.

Let me ask you this question then: As a person of ordinary skill in the art, does the term "provisioning data" have a known meaning to you?

A. I mean, I wouldn't think it has any meaning beyond the combination of two words in the meaning -- and their meaning together.

Q. Okay. Can we go to Page -- let's go to Paragraph 109.

A. Okay.

Q. And I guess I'd like to talk about, do you see the claim limitations on Page 62 where it says: Romanette i, the security policy, including one or more requirements pertaining to the authentication and the information? 04:20:41 04:20:43 04:20:46 04:20:49 04:20:51 04:20:53

Do you see that? 04:20:55

A. As part of the claim language? 04:20:57

Q. Yes. 04:20:59

A. Yes, I see that. 04:21:01

Q. What's the difference between authentication and the information in your understanding? 04:21:03 04:21:06 04:21:08

A. Well, authentication is with respect to the authentication -- authentication is different than the information, which refers to the collected information from scanning the device regarding -- the information regarding the device that's collected by scanning device, which is what the information I believe is referring to in the claim, in Claim 1. 04:21:41 04:21:43 04:21:46 04:21:50 04:21:53 04:21:57 04:21:58 04:22:03 04:22:06

Q. Okay. Let's try to untangle this a little bit. 04:22:09 04:22:12

So in Paragraph 109 of your 04:22:13

declaration, you say: For instance, it may also be that client 205 and server 215 exchange EAP messages to pass certificates, keys, and supported cipher suites. 04:22:16 04:22:20 04:22:25 04:22:29

Do you see that, sir? 04:22:37

A. I do, but it goes on. 04:22:39

Q. Okay. It goes on, but do you see that section there? 04:22:40 04:22:42

A. Yes. 04:22:43

Q. Are EAP messages to pass certificates, keys, and supported cipher suites information or requirements relating to authentication or can it be both? 04:22:45 04:22:47 04:22:49 04:22:52

A. Well, it's the other credential information. Maybe it's changed and that requires -- that refers to the information. One example given, I don't remember which, Herrmann or Krantz, certainly talk about username and password. They may both talk about username and password, and certainly that is information, username and password, it would be credential information, and one example of credential information, they can use the password -- 04:22:58 04:23:00 04:23:04 04:23:06 04:23:11 04:23:18 04:23:21 04:23:24 04:23:27 04:23:29 04:23:32

Q. So is credential information -- so 04:23:33

I heard your testimony. Is credential information -- 04:23:35 04:23:37

A. Can I finish my answer, because I wasn't really totally done because you asked about the difference. 04:23:38 04:23:39 04:23:42

Q. Yes. 04:23:42

A. And I really didn't have an opportunity to explain. 04:23:42 04:23:45

Q. So you're focusing on information now, but you want to explain the difference with authentication? 04:23:46 04:23:47 04:23:49

A. You were asking about requirements pertaining to the authentication. 04:23:50 04:23:51

Q. Yes. 04:23:53

A. Those requirements are that the user and password match or presumably are correct as opposed to just anything. So, you know, information -- 04:23:53 04:23:55 04:23:58 04:24:03

Q. Where is the matching in your declaration? 04:24:05 04:24:06

A. Well, I mean, I think authentication involves the fact that the supplied information is actually correct. Otherwise, what's the use of authentication if you accept any username and any password with 04:24:09 04:24:10 04:24:14 04:24:17 04:24:18

that username? That's not authentication. 04:24:21

Q. Is that in your declaration? 04:24:23

A. I don't recall if it is, but, I mean, I think that's the plain meaning of authentication, which is, you know, if you authentic a user, you aren't simply just accepting any information that's provided, and say, Hey, you're authenticated. 04:24:31 04:24:33 04:24:36 04:24:39 04:24:43 04:24:46

It's that there is a -- and certainly, I think -- is it Krantz that shows looking that up in a database to make sure it matches? That's consistent with the plain and ordinary meaning of doing authentication, and certainly a requirement pertaining to the authentication should be that you're probably authenticated. 04:24:48 04:24:50 04:24:53 04:24:55 04:24:58 04:25:02 04:25:04 04:25:09

Q. So let me understand. So back to 109 where it talks about EAP messages to pass certificates, keys, and supported cipher suites, and then the brackets after that says "information." 04:25:09 04:25:12 04:25:15 04:25:17 04:25:19

Do you see that? 04:25:19

Do you see that? 04:25:23

A. Yes. 04:25:23

Q. So where can I find -- would you 04:25:29

agree that the claim requires one or more requirements pertaining to authentication and information, and if you agree with that, my question would be: Where can I find in your declaration the requirements pertaining to the information? 04:25:31 04:25:34 04:25:36 04:25:39 04:25:42 04:25:45

A. Well, I mean, that's what it says here, which is that that's information, but other credential information is also information, but I didn't have the bracket information next to other credential information. 04:25:49 04:25:52 04:25:56 04:25:58 04:26:01 04:26:03

Q. You just didn't bracket it there, but that's the position that other credential information is also, quote, the claimed information? 04:26:03 04:26:05 04:26:07 04:26:09

A. I mean, that is -- I mean, if you look earlier, I think about how that's information collected regarding the device, which is gathered in Krantz, and so that's probably in element 1.2 analysis. 04:26:11 04:26:15 04:26:17 04:26:20 04:26:25

Q. So would, again, exchange EAP messages, the pass certificates, keys, and supported cipher suites, would that relate to the claimed requirements pertaining to the 04:26:31 04:26:37 04:26:39 04:26:41

authentication? 04:26:44

A. Well, to the extent that the authentication might be machine authentication, certainly certificates may be part of information or might be part of what is used in an authentication process for a machine authentication. I think I talk about that elsewhere in this declaration. 04:26:56 04:26:58 04:26:59 04:27:05 04:27:12 04:27:18 04:27:20

Q. Would those same certificates though also potentially be claimed "the information" as well? 04:27:22 04:27:24 04:27:28

A. Well, all this -- you know, what's collected from scanning a device are collectively the information regarding the device, and the use of the information is referring to all the information scanned and collected from the device, which earlier we talked about how it's gathering, can be gathered from the device consistent with the plain and ordinary meaning of scanning. 04:27:33 04:27:36 04:27:40 04:27:42 04:27:46 04:27:50 04:27:53 04:27:56 04:27:58

Q. Which would include the certificates then? 04:28:00 04:28:01

A. Which -- it's including certificates, keys, and supported cipher suites, and that's what, you know, is 04:28:03 04:28:07 04:28:09

gathering, you know, if the keys are from the client or the certificates are from the client, the cipher suites are what the -- what the client supports, that would be information gathered from and about the client.

Q. Let's go to Paragraph 110. Do you see at the bottom where you talk about a configuration subfile to indicate whether or not operating system credentials should be used for authentication?

Do you see that?

A. Yeah. I mean, there is some text omitted from there, but I see those words that you read, but just not altogether.

Q. Is a configuration subfile considered to be the claimed information?

A. I mean, I don't think it's saying that exactly here. What I'm saying are at least one requirement pertaining to the information are --

Q. Where are you reading?

A. That's the bracketed part on the top of Page 63.

Q. Okay. Thank you.

A. And that's, for example, the

parameters element at Line 67. That parameters element at Line 67 included in the subfile that indicates whether or not operating system credentials should be used for authentication, and so if you look at -- there is a chart. 04:31:00 04:31:33 04:31:37 04:31:40 04:31:42 04:31:45

Q. And I apologize, sir, I don't know what you're directing me to. 04:31:52 04:31:53

A. Oh, sorry. That's Paragraph -- I was looking at Paragraph 99 of Krantz, and it refers to a chart, Page 11, or is that Column 11? No, Page 11. Oh, which is -- the exhibit is Page 16 of 21, and Line 67 says there is an element, which is MSChapV2 parameters, if you look on Page 11 at the top -- 04:31:54 04:31:55 04:31:59 04:32:07 04:32:13 04:32:18 04:32:26 04:32:32

Q. Okay. 04:32:32

A. -- of Krantz. 04:32:33

Q. Okay. I'm with you. 04:32:33

A. There is a Line 67 there. 04:32:35

Q. Okay. 04:32:38

A. This is a bunch of XML. 04:32:38

Q. Okay. 04:32:41

A. Sensible markup language, and Line 67, it spans two lines, but it's -- one 04:32:41 04:32:47

line is an excess element, whose name is -- main property is MSChapV2 parameters. 04:32:51 04:32:57

Q. Okay. 04:33:04

A. And it's that Paragraph 99 is referring to the information there. So whether or not -- and that indicates whether or not operating system credentials should be used for authentication. 04:33:05 04:33:09 04:33:14 04:33:16 04:33:18

So that's at least one requirement pertaining to the information, which is are those operating system credentials, should they be used, whether they should be used for authenticities, that value is at least one requirement pertaining to information. 04:33:20 04:33:23 04:33:26 04:33:31 04:33:37 04:33:39

Q. Okay. I think I've got it. So where you're pointing to me in Line 67 on Page 11, which says "MSChapV2," and then the following language in your report is referring to the claim limitation "at least one requirement pertaining to the information"; is that right? 04:33:40 04:33:44 04:33:45 04:33:51 04:33:54 04:33:56 04:34:00

A. Yeah, I think that's whether -- whether or not those operating system credentials should be used for authentication, that bit of information specified by that 04:34:00 04:34:03 04:34:04 04:34:06

MSChapV2 parameter element. 04:34:09

Q. Okay. So it's not -- so by that same token, so I understand, at Line 67, the MSChapV2 parameter's element, that includes the configurations of file to indicate whether or not operating system credentials, that whole language there, that is not at least one requirement pertaining to the authentication in the claim. 04:34:11 04:34:15 04:34:17 04:34:20 04:34:23 04:34:25 04:34:30 04:34:34

Do I have that right? 04:34:36

A. Well, part of your question was a little backwards. You said that the parameters included the configuration set file, but it's the parameter element is included in a configuration set file. I think that's -- 04:34:38 04:34:40 04:34:42 04:34:45 04:34:48 04:34:50

Q. Okay. Well, you get my point or maybe you don't, but the question is: We're talking about the MSChapV2 parameter's element at Line 67 and then the following language in your report. That is not related to at least one requirement pertaining to the authentication in the claim. That's not your position? 04:34:51 04:34:54 04:34:57 04:35:00 04:35:02 04:35:06 04:35:09 04:35:11

A. Well, there is -- there is -- 04:35:12

whether the credentials, operating system credentials, should be used for authentication, and all of that is requirement pertaining to authentication, but whether or not the operating system credentials should be part of that or not are at least one requirement pertaining to the information, because the information is pertaining to the operating system credentials, and the information parameter about whether they should be used is a requirement pertaining to the information. 04:35:15 04:35:18 04:35:20 04:35:24 04:35:26 04:35:29 04:35:32 04:35:33 04:35:38 04:35:40 04:35:45 04:35:48

Q. Later you say in that paragraph, you say: Exemplary XML configuration schema, S-C-H-E-M-A. 04:35:50 04:35:51 04:35:57

Do you see that? 04:36:01

A. Yes, and that's what I call the table on Page 11, which is I guess part of Paragraph 91. 04:36:06 04:36:10 04:36:16

Q. And which does that relate to? The information or the authentication? 04:36:17 04:36:20

A. Well, part of it is at the parameter element on Line 67. 04:36:24 04:36:26

Q. Where is the parameter? Oh, MSChapV2 parameter again? 04:36:33 04:36:34

A. Yeah. 04:36:36

Q. Okay. 04:36:37

A. That contains information about whether the credential should be used for authentication. Whether it should be used for authentication is a security policy that includes at least one requirement pertaining to the authentication. The requirement is if it's true, you need to use the security operating system credentials for authentication. So that would be part of it, a security policy that includes at least one requirement pertaining to the authentication. 04:36:37 04:36:40 04:36:42 04:36:45 04:36:49 04:36:50 04:36:53 04:36:56 04:36:58 04:37:00 04:37:03

Q. But where's the XML -- is the XML configuration schema, where is that shown in Table 11? 04:37:05 04:37:09 04:37:11

A. It's all the schema. 04:37:12

Q. The whole thing is -- 04:37:14

A. The whole thing is an example schema from Line 1 to Line 93. 04:37:15 04:37:18

Q. Let's go to Paragraph 111. 04:37:21

ATTORNEY BORDER: Is this a good time to take a break? 04:37:23 04:37:24

ATTORNEY MICHALEK: Sure. 04:37:25

ATTORNEY BORDER: We've been going 04:37:26

about an hour and 15. 04:37:26

THE WITNESS: Sure. 04:37:28

ATTORNEY MICHALEK: Works for me. 04:37:28

ATTORNEY BORDER: Quick break. 04:37:30

ATTORNEY MICHALEK: Yeah. 04:37:31

CERTIFIED STENOGRAPHER: Off the stenographic record at 4:37 p.m. 04:37:32

- - - 04:37:33

(Whereupon, a short recess was taken.) 04:37:33

- - - 04:37:34

CERTIFIED STENOGRAPHER: Back on the stenographic record at 4:44 p.m. 04:44:23

BY ATTORNEY MICHALEK: 04:44:27

Q. Dr. Houh, can you please turn to Paragraph 78 of your report. 04:44:32

A. Okay. 04:44:34

Q. And direct you towards the middle where it says: Other audit data provided by Krantz's network device may include, for example, user identifiers and passwords. 04:44:45

Do you see that? 04:44:46

A. Yes. 04:44:49

Q. So is it your testimony that a user's identifier or password can be audit 04:44:52

data within the context of the claims? 04:45:06

A. Sorry, what paragraph were we initially looking at, please? 04:48:26 04:48:28

Q. We're at Paragraph 78. 04:48:29

A. Well, if you look at Page 123, which is directed to a claim element that actually talks about an audit, which I don't think this section for this claim element with respect to Claim 1 does, but what I talk about there are the disclosures in Krantz are consistent -- this is Page 123 near the top: These disclosures of Krantz are consistent with the '450 patent's description of the audit, and that audit data can be used to identify the access device and/or a user of the device, and I cite to the '450 patent, Column 12, Lines 9 to 11, where it says: In some embodiments, authenticate user step 440 is considered part of the security policy audit. And in addition, Column 11, Lines 40 through 47, talk about in optional authenticate user step 440, policy auditor authenticates the identity of access device 230 and/or a user of access device 230. The authentication may include receipt of a 04:48:57 04:49:00 04:49:05 04:49:11 04:49:15 04:49:20 04:49:24 04:49:28 04:49:31 04:49:34 04:49:36 04:49:39 04:49:44 04:49:48 04:49:52 04:49:54 04:49:59 04:50:04 04:50:08 04:50:10 04:50:15

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username and password or the like, and so I think it's consistent with what -- 04:50:17 04:50:20

Q. What's consistent? You said "it." What's consistent? Paragraph 78? 04:50:27 04:50:28

A. Well, again, Paragraph 78 doesn't talk about the claim in which Paragraph 78 is located. 04:50:32 04:50:34 04:50:40

Q. I'm not asking you about the claim. I'm asking you about -- well, now I'll ask you. 04:50:41 04:50:42 04:50:44

Are there other audit data provided by Krantz's network device may include, for example, user identifiers and passwords, is that a true statement? 04:50:44 04:50:45 04:50:46 04:50:49

A. I think based on what the disclosures of the '450 are, I stand by that statement because -- 04:50:52 04:50:53 04:50:56

Q. Okay. 04:50:57

A. -- the audit of an audit data can be used to identify the access device and/or user of the device as I explain on Page 123 in Paragraph 208. And so that's a section in which Paragraph 78 is located, doesn't have a claim requirement about audit or audit data, but this section does, and that's why I'm 04:50:57 04:51:00 04:51:02 04:51:08 04:51:11 04:51:14 04:51:16

talking about the consistency of Krantz's disclosures are consistent with what the '450 patent talks about with respect to audit and audit data.

Q. So it's a true statement?

A. I stand by my statements here.

Q. It's true?

A. I stand by all my statements in my declaration.

Q. Okay.

A. I'm not --

Q. Can a user identifier and password relate to authentication?

A. I mean, those are examples given in many of these patents about one way of performing authentication.

Q. Can you open up the '450 patent, please. Can you turn to Column 14, Line 10, and it says: The method used to support auditing functionality over the existing 8021X protocol implementation is complicated and not -- let me try again.

It says: The method used to support auditing functionality over the existing 8021X protocol implementation is

complicated and not an obvious variation of the 8021X protocol. 04:52:51 04:52:53

Do you see that, sir? 04:52:56

A. I see those words. 04:53:31

Q. Do you know what they mean? 04:53:33

A. Well, I believe it's talking about this other patent application referenced here in that context, and it -- it -- it says -- it means what it says, but I don't think I have any opinion about the veracity of this statement one way or the other in my declaration. 04:55:34 04:55:37 04:55:40 04:55:46 04:55:49 04:55:54 04:55:55

Q. Have you considered this statement in your declaration? 04:55:57 04:55:57

A. I considered the whole -- I reviewed the whole of the '450 patent and I considered everything, but just because someone says something in a patent application doesn't necessarily mean it should be taken as the truth. 04:55:59 04:56:01 04:56:04 04:56:06 04:56:14 04:56:18

For example, the patent could say the sky is green. The patent could say this patent is totally not obvious over any prior art. It doesn't mean it's true, and certainly this is with respect to what's disclosed in 04:56:19 04:56:21 04:56:24 04:56:27 04:56:30

this other provisional patent application. 04:56:33

Q. Does that go for Krantz and Herrmann as well? 04:56:35 04:56:36

A. Well, Krantz and Herrmann have teachings, and what they teach is what I rely on, and so yeah, I mean, they're patent applications just like everything else, but they actually have specific teachings which I point to and rely on. 04:56:39 04:56:41 04:56:43 04:56:49 04:56:51 04:56:53

Q. And this is not a teaching? 04:56:54

A. It is a teaching, but it doesn't necessarily have to -- you know, patentees can make all sorts of self-serving statements in their patent applications and specifications. You have to evaluate them in the actual context of if you're trying to take a statement for -- it's true, you have to evaluate the veracity of certain statements like this, but it's not a specific statement I opined about in my declaration. 04:56:55 04:56:58 04:57:01 04:57:03 04:57:07 04:57:10 04:57:16 04:57:18 04:57:20 04:57:22

Q. Last line of questioning, a little bit of housekeeping: Did you perform a claim construction for your analysis in the '450 patent IPR? 04:57:24 04:57:27 04:57:29 04:57:31

A. So if you look at my claim 04:58:01

construction paragraph, it says what it says, which is -- 04:58:04 04:58:05

Q. Where are you? 04:58:06

A. Paragraph 37, Page 19. So it's my understanding for IPR -- this is a -- it's a Philips' standard now under which claim terms are given their ordinary and customary meaning, as would have been understood by a POSITA in light of the specification and prosecution history I would add at the time of the invention, unless the inventor has set forth a special meaning for a term. 04:58:07 04:58:12 04:58:15 04:58:21 04:58:23 04:58:26 04:58:28 04:58:31 04:58:33

I've also been informed that claim terms only need to be construed to the extent necessary to resolve the unpatentability inquiry, and I think my mappings are pretty conventional, and I'm solidly within the bounds and scope of what persons of ordinary skill would understand the claim terms to mean. 04:58:35 04:58:36 04:58:38 04:58:42 04:58:46 04:58:49 04:58:52 04:58:54

Q. And with respect to that last sentence, have you performed any -- applied any claim constructions to any of the claim limitations in your analysis? 04:58:54 04:58:57 04:58:59 04:59:01

A. I haven't expressly offered any 04:59:03

explicit claim constructions in terms of in my declaration. 04:59:05 04:59:09

Q. Okay. 04:59:09

ATTORNEY MICHALEK: I'm finished. 04:59:10

Thank you for your time today, Dr. Houh. 04:59:10

THE WITNESS: Thank you. 04:59:12

ATTORNEY BORDER: Okay. No questions. 04:59:13

THE WITNESS: Great. 04:59:15

CERTIFIED STENOGRAPHER: Off the 04:59:17

stenographic record at 4:59 p.m. 04:59:17

\- - - 04:59:18

(Time noted: 4:59 p.m.)

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CERTIFICATE OF STENOGRAPHIC REPORTER

I, RICHARD GERMOSEN, a Fellow of the Academy of Professional Reporters, New Jersey Certified Court Reporter, New Jersey Certified Realtime Court Reporter, California Certified Shorthand Reporter License No. 14391, California Certified Realtime Reporter License No. 198, NCRA Certified Realtime Reporter, and NCRA Registered Diplomate Reporter, the officer before whom the proceedings were taken, do hereby certify that prior to the commencement of the deposition of HENRY H. HOUH, Ph.D., the witness was by me first duly sworn to testify the truth; that said deposition was taken in stenotype notes by me on the 8th day of January 2025, at the offices of Winston & Strawn LLP, 200 Park Avenue, New York, New York 10166, commencing at 9:01 a.m. and ending at 4:59 p.m. and was thereafter reduced to typewritten form under my supervision, and that the foregoing pages 1 through 225 constitute a true and accurate record of the said witness.

I further certify that present on

behalf of Petitioner, Cisco Systems, Inc. and Fortinet, Inc., were Scott M. Border, Esq., of Winston & Strawn, and present on behalf of Patent Owner, InfoExpress Inc., were Joseph M. Kuo, Esq., Brian R. Michalek, Esq., Brian Landry, Esq., and Andrew Schwerin, Esq., of Saul Ewing LLP.

I further certify that the original deposition will be transmitted to counsel for the Petitioners for transmission to Henry Houh, Ph.D. for reading and execution.

I further certify that I am not related to, nor associated with any of the parties or their attorneys, nor do I have any disqualifying interest, personal or financial in the actions within.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of January 2025.

Richard Germosen

RICHARD GERMOSEN,
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LICENSE NO. 30XI00184700
LICENSE NO. 30XR00016800
California CSR No. 14391
California CRR No. 198

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