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2 UNITED STATES PATENT AND TRADEMARK OFFICE
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD
4 IPR2024-01239

5 Patent No. 10,652,111 B2

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7 ARISTA NETWORKS, INC.,

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Petitioner,

- against -

ORCKIT CORPORATION,

Patent Owner.

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August 29, 2025

9:08 a.m.

Videotaped Deposition of MIGUEL
GOMEZ, taken by Petitioner, pursuant to
Notice, held via Zoom videoconference,
before Todd DeSimone, a Registered
Professional Reporter and Notary Public of
the State of New York.

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A P P E A R A N C E S :

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ALSO PRESENT:

ALAN PALLER, Videographer

1 M. GOMEZ

2 THE VIDEOGRAPHER: Good morning.

3 We are going on the record at 9:08 a.m.
4 Pacific time on August 29th, 2025.

5 Please note that this
6 deposition is being conducted
7 virtually. The quality of the
8 recording depends on the quality of the
9 camera and internet connection of the
10 participants. What is seen from the
11 witness and heard on the screen is what
12 will be recorded. Audio and video
13 recording will continue to take place
14 unless all parties agree to go off the
15 record.

16 This begins media unit number
17 one of the video-recorded deposition of
18 Miguel Gomez taken by counsel for the
19 Petitioner in the matter of Arista
20 Networks, Inc. versus Orckit
21 Corporation, filed in the United States
22 Patent and Trademark Office, case
23 number IPR2024-01239.

24 My name is Alan Paller
25 representing Veritext, I'm the

1 M. GOMEZ

2 videographer, and the court reporter is
3 Todd DeSimone also from Veritext. I am
4 not authorized to administer an oath, I
5 am not related to any party in this
6 action, nor am I financially interested
7 in the outcome.

8 If there are any objections to
9 proceeding, please state them at the
10 time of your appearance. At this time
11 counsel will now state their
12 appearances and affiliations for the
13 record, beginning with the noticing
14 attorney.

15 MR. STAVINOHA: This is Clarke
16 Stavinocha with Baker Botts LLP on
17 behalf of petitioner Arista Networks,
18 Inc.

19 MR. STAMATOPOULOS: And George
20 Stamatopoulos with Kobre & Kim on
21 behalf of Orckit Corporation.

22 THE VIDEOGRAPHER: The court
23 reporter will swear in the witness.

24 * * *

1 M. GOMEZ

2 M I G U E L G O M E Z,
3 called as a witness, having been first
4 duly sworn, was examined and testified
5 as follows:

6 EXAMINATION BY MR. STAVINOHA:

7 Q. Good morning, Mr. Gomez.

8 A. Good morning.

9 Q. Could you please state your
10 full name for the record.

11 A. Miguel Willie Gomez.

12 Q. And, Mr. Gomez, where do you
13 reside?

14 A. Livermore, California.

15 Q. You have been deposed before,
16 correct?

17 A. Correct.

18 Q. How many times?

19 A. I don't have the exact count on
20 the top of my head, but it's in my CV.

21 Q. Can you give me your best
22 estimate off the top of your head?

23 A. Oh, probably in excess of 20
24 times.

25 Q. And when was the last time you

1 M. GOMEZ

2 were deposed?

3 A. I believe it was over a year
4 ago.

5 Q. Just to make sure we're on the
6 same page, I'm just going to go over a
7 couple of basics. This is probably old hat
8 for you, but I just want to make sure we're
9 on the same page.

10 You understand that I'm going
11 to be asking you a series of questions
12 today during the deposition, correct?

13 A. I do.

14 Q. And do you understand that you
15 took an oath to tell the truth?

16 A. I do.

17 Q. Is there any reason that you
18 would not be able to fully, accurately and
19 honestly answer my questions today?

20 A. No.

21 Q. You understand that there is a
22 court reporter who is typing up the
23 questions that I'm asking and the answers
24 that you're giving?

25 A. Yes.

1 M. GOMEZ

2 Q. So since the court reporter can
3 only type up one person talking at a time,
4 can you please try and wait until I finish
5 my questions before you answer?

6 A. I will.

7 Q. And please be sure to answer
8 questions verbally and not with a nod or a
9 grunt or anything like that.

10 A. Yes, I will.

11 Q. Counsel for Patent Owner may
12 object to questions I ask from time to
13 time, but unless you are instructed
14 specifically not to answer, you will still
15 need to answer the question. Understood?

16 A. Yes.

17 Q. If you don't understand any of
18 my questions, please let me know, otherwise
19 I will assume that you understood the
20 question. Does that sound good?

21 A. Yes.

22 Q. So we will try to take a break
23 every hour or so, but if you need one
24 before then, just let me know. The only
25 thing that I will ask is if there is a

1 M. GOMEZ

2 question I would like for you to answer
3 that question before we take a break.

4 A. Understood.

5 Q. Where are you located today,
6 Mr. Gomez?

7 A. I'm in my office, in Livermore,
8 California, my home office.

9 Q. Are you alone in the room?

10 A. I am.

11 Q. And what equipment are you
12 using for today's deposition?

13 A. I have a Windows X86 machine
14 with a camera, a monitor, and a microphone.

15 Q. Do you have a phone with you in
16 the room?

17 A. No.

18 Q. Other than the Zoom program and
19 the Veritext Exhibit Share, do you have any
20 chat windows open on your computer?

21 A. No.

22 Q. Do you have hard copies of any
23 documents with you today?

24 A. I have a hard copy of my
25 declaration in front of me, and that's it.

1 M. GOMEZ

2 Q. Is that a clean copy of your
3 declaration?

4 A. It is a clean copy. I printed
5 it off just before this meeting.

6 Q. So no notes or other
7 annotations?

8 A. No, no notes or annotations.

9 Q. Do you have electronic copies
10 of any documents accessible to you?

11 A. Only what's going to be
12 provided through the Veritext window.

13 Q. Great. Okay, so, Mr. Gomez,
14 you provided testimony in connection with
15 IPR2024-01239, correct?

16 A. Correct.

17 Q. And IPR2024-01239 concerns U.S.
18 Patent No. 10,652,111, correct?

19 A. Yes.

20 Q. If I refer to the '111 patent,
21 will you understand that I'm referring to
22 U.S. Patent No. 10,652,111?

23 A. Yes.

24 Q. And if I refer to the '111
25 patent IPR, you will understand that I'm

1 M. GOMEZ
2 referring to IPR2024-01239?

3 A. Yes.

4 Q. Okay. So I understand that you
5 have a copy of your declaration in front of
6 you, but for completeness of the record,
7 I'm going to go ahead and introduce the
8 exhibit previously marked as Exhibit 2009
9 from IPR2024-01239.

10 A. Okay. I just realized I still
11 had my Outlook open, so I'm closing that.
12 I had opened it to get to the Veritext
13 meeting window.

14 Q. Okay, great. Thanks for
15 letting me know. If you could let me know
16 when you have access to the version of
17 Exhibit 2009 that I just shared, I would
18 appreciate it.

19 A. Okay, I have access to the
20 electronic version of Exhibit 2009.

21 Q. Mr. Gomez, do you recognize
22 this document?

23 A. It looks like the same one that
24 I have in front of me. It's my
25 declaration.

1 M. GOMEZ

2 Q. So if I refer to your
3 declaration today, you will understand that
4 I'm referring to Exhibit 2009?

5 A. Yes.

6 Q. If you could do me a favor and
7 turn to paragraph 70 of your declaration.
8 Mr. Gomez, is this your signature beneath
9 paragraph 70 of your declaration?

10 A. It is.

11 Q. And did you sign your
12 declaration on June 18th, 2025?

13 A. I did.

14 Q. Great. All right, I'm going to
15 go ahead and introduce a few more documents
16 that we will be referring to throughout the
17 discussion today.

18 So I'm introducing the document
19 previously marked as Exhibit 1001 from
20 IPR2024-01239. Just let me know when you
21 have that up.

22 A. So this is the '111 patent. I
23 have it in front of me now.

24 Q. Great. Mr. Gomez, are you
25 familiar with the '111 patent?

1 M. GOMEZ

2 A. I have read the '111 patent.

3 Q. Okay. I'm now introducing the
4 document previously marked as Exhibit 1005
5 from IPR2024-01239. If you could please
6 let me know when you have access to that.

7 A. I have access to the 10,097,452
8 patent. I believe this is the Lefebvre
9 patent.

10 Q. Just for clarity of the record,
11 Exhibit 1005 is U.S. Patent No. 10,097,452
12 by Lefebvre, correct?

13 A. Correct.

14 Q. If I refer to Lefebvre today,
15 you will understand that I'm referring to
16 Exhibit 1005?

17 A. Yes.

18 Q. And now I'm going to introduce
19 the document that has previously been
20 marked as Exhibit 1006. Let me know when
21 you have access to that.

22 A. I have it open now.

23 Q. Great. Exhibit 1006 is U.S.
24 Patent No. 9,264,301 by Chua, correct?

25 A. Correct.

1 M. GOMEZ

2 Q. If I refer to Chua, you'll
3 understand that I'm referring to Exhibit
4 1006?

5 A. Yes.

6 Q. Great. So I would suggest that
7 you just keep each of these handy. We will
8 be referring to them throughout the day.

9 A. I have them available on the
10 Veritext window. I don't think it allows
11 me to leave them open, so I have to kind of
12 switch between them.

13 Q. Okay. Is there an option to
14 download them locally? I mean, that might
15 be easier, otherwise we can just kind of
16 move back and forth. It is whatever you
17 are most comfortable with.

18 A. I can download them locally.
19 Give me a second here.

20 Okay, I have them downloaded
21 locally.

22 Q. Great. So I would like to
23 start with a few questions related to your
24 declaration, which is Exhibit 2009. Can
25 you please turn to paragraph 22 of your

1 M. GOMEZ

2 declaration. Just let me know when you're
3 there.

4 A. Paragraph 22?

5 Q. Yes, sir.

6 A. Yes, I'm there.

7 Q. Paragraph 22 identifies
8 documents you relied upon in forming your
9 opinions in your declaration, correct?

10 A. Yes, I say that I have reviewed
11 the exhibits submitted to this date in this
12 IPR.

13 Q. Did you review the exhibits
14 submitted in this IPR as of June 18th,
15 2025, the date you signed your declaration?

16 A. Yes, I believe I have.

17 Q. Did you review -- excuse me --
18 did you review all of the exhibits
19 submitted with the petition?

20 A. I would have to go back and
21 review that, but I believe I did, yes.

22 Q. And what do you mean by
23 "reviewed" in paragraph 22?

24 A. Well, sitting here today, I
25 believe I did. I just would have to go

1 M. GOMEZ

2 back and double-check that, that there
3 wasn't an error or something that stuck in.
4 But I believe I did, yes.

5 Q. So when you say that you
6 reviewed the exhibits, does that mean you
7 read them in their entirety, skimmed them?
8 I'm just looking to get a sense for what
9 your process was like as you were preparing
10 your declaration.

11 A. So the exhibits that were
12 particularly pertinent to the review, which
13 I consider to be almost all of them, I
14 definitely reviewed at least once, and some
15 of the exhibits I reviewed multiple times.

16 Q. In forming the opinions in your
17 declaration, did you consider any materials
18 that are not identified in paragraph 22 of
19 your declaration?

20 A. The only thing I relied on was
21 my own experience, going back over years of
22 having been an expert and an engineer all
23 the way back through my education.

24 Q. So other than the documents
25 identified in paragraph 22 and your own

1 M. GOMEZ

2 personal experience, you didn't review
3 anything else in preparation for your
4 declaration?

5 A. No.

6 Q. Have you reviewed the Patent
7 Owner response in the '111 patent IPR?

8 A. I believe I did. It has been
9 some time, but I believe I did, yes.

10 Q. Was that before or after you
11 prepared your declaration?

12 A. I don't recall, but I believe
13 it was before.

14 Q. Did you talk with any other
15 experts before forming your opinions in
16 this case?

17 A. No.

18 Q. Mr. Gomez, are you aware of any
19 evidence that's inconsistent with the
20 opinions that you provide in your
21 declaration?

22 A. Can you restate the question?

23 Q. Are you aware of any documents
24 or other evidence that is inconsistent with
25 the opinions that you provide in your

1 M. GOMEZ

2 declaration?

3 A. No.

4 Q. Are you aware of any testimony
5 that you have previously given that's
6 inconsistent with the opinions that you
7 provide in your declaration?

8 A. I haven't considered that yet,
9 but I don't believe so.

10 Q. Who participated in creating
11 your declaration?

12 A. I certainly did along with the
13 attorneys over at Kobre and Carmichael.

14 Q. What attorneys participated in
15 preparing your declaration?

16 A. It was, and I have to go back
17 and look at the names, Steve --

18 THE WITNESS: George, help me
19 out here, Steve's last name.

20 MR. STAMATOPOULOS: I can't
21 help you out unfortunately.

22 THE WITNESS: Okay.

23 MR. STAMATOPOULOS: It's your
24 testimony.

25 A. It was George Stamatopoulos and

1 M. GOMEZ

2 also one of the other attorneys at
3 Carmichael. I just don't recall his last
4 name right now.

5 Q. Okay, fair enough.

6 Who prepared the first draft of
7 your declaration?

8 A. Well, I certainly provided my
9 opinions in written form and then the
10 attorneys at these law firms helped put in
11 the legal language that was needed for
12 making sure that it was up to legal
13 standards.

14 Q. What did you do to prepare for
15 today's deposition?

16 A. Well, I reread the patents at
17 issue, I reread the prior art, also a
18 number of the documents that are -- other
19 documents that are cited as part of the
20 exhibit, as part of my declaration,
21 including the original petition, and I
22 think also including the Petitioner's
23 response, and also --

24 Q. You mean Patent Owner's
25 response?

1 M. GOMEZ

2 A. Patent Owner's response. Also
3 Dr. Min's declaration.

4 Q. Did you meet with anyone in
5 preparation for today's deposition?

6 A. Well, I met with the attorneys
7 at Kobre & Kim and also Carmichael.

8 Q. And how many times did you meet
9 with them?

10 A. I think twice.

11 Q. So for about how long did you
12 meet with the attorneys?

13 A. Maybe, in total, a couple of
14 hours.

15 Q. In preparing for today's
16 deposition, did you review any materials
17 that you did not consider as part of
18 preparing your declaration?

19 A. No.

20 Q. Are you being compensated for
21 your work on the '111 patent IPR?

22 A. Yes, I am.

23 Q. Are you charging an hourly rate
24 for your work in connection with the '111
25 patent IPR?

1 M. GOMEZ

2 A. Yes, I am.

3 Q. What's the hourly rate you are
4 charging?

5 A. 650 an hour.

6 Q. Is that your standard
7 consulting rate?

8 A. Yes, it is.

9 Q. Are you receiving any other
10 compensation besides hourly?

11 A. No.

12 Q. How much have you billed so far
13 on the '111 patent IPR?

14 A. On this particular IPR?

15 Q. Yes, sir.

16 A. I think it is -- I didn't
17 prepare that, but it is going to be on the
18 order of in excess of 40 hours.

19 Q. Have you had any assistants or
20 employees help you with your work on the
21 '111 patent IPR?

22 A. No.

23 Q. You have been an expert witness
24 in inter partes review proceedings before,
25 correct?

1 M. GOMEZ

2 A. Yes.

3 Q. How many times?

4 A. I don't have an exact number.
5 In excess of seven, I think.

6 Q. Have you ever offered an
7 opinion that a patent claim is anticipated
8 by prior art?

9 A. I would have to go back and
10 research that. It's in my CV, but I
11 haven't -- I don't know off the top of my
12 head. I would have to go back and look at
13 it.

14 Q. Have you ever offered an
15 opinion that a patent claim would have been
16 obvious in view of prior art?

17 A. Again, I would have to go back
18 and double-check. I believe I have.

19 Q. Have you ever served as an
20 expert witness on behalf of a petitioner in
21 an inter partes review before?

22 A. Yes, I have.

23 Q. Do you recall what proceeding
24 that was?

25 A. I would have to go back and

1 M. GOMEZ

2 look at it. It is all in my CV.

3 Q. Have you ever been an expert
4 witness for the law firm Carmichael IP that
5 is representing Orckit Corporation in this
6 IPR prior to the '111 patent IPR?

7 A. Prior to this particular IPR, I
8 have, on previous IPRs, for Orckit.

9 Q. Do you recall how many previous
10 IPRs you have served as an expert for
11 Orckit Corporation?

12 A. Again, it is in my CV. I
13 didn't come prepared with an exact number
14 today, but I think it is in excess of seven
15 again.

16 Q. Okay. Has all of your work in
17 IPRs been on behalf of Orckit Corporation?

18 A. I don't recall that. I would
19 have to go back and look. I would say the
20 vast majority of them have been.

21 Q. Have you rendered any opinions
22 that are unfavorable to Orckit Corporation
23 in your declaration?

24 A. Well, I certainly have provided
25 them my opinions, and when I disagreed with

1 M. GOMEZ

2 their opinions on the case I certainly made
3 them well known of my position.

4 Q. Did any of the opinions that
5 you disagreed with end up in your
6 declaration for this '111 patent IPR?

7 MR. STAMATOPOULOS: I object to
8 form.

9 A. Not for this particular IPR.

10 Q. Did you talk with anyone at
11 Orckit Corporation in connection with your
12 work on this IPR?

13 A. No.

14 Q. All right. I would like to
15 talk a little bit about your background,
16 Mr. Gomez.

17 Are you familiar with the term
18 "software defined network"?

19 A. I am.

20 Q. And are you familiar with deep
21 packet inspection?

22 A. I am.

23 Q. Deep packet inspection is
24 abbreviated as DPI, correct?

25 A. It can be, yes.

1 M. GOMEZ

2 Q. So if I refer to DPI today, you
3 will understand that I'm referring to deep
4 packet inspection?

5 A. Yes.

6 Q. The '111 patent describes deep
7 packet inspection in software defined
8 networks, correct?

9 A. I believe it is, yes.

10 Q. Can we turn to paragraph 6 of
11 your declaration. Just let me know when
12 you're there, please.

13 A. I am.

14 Q. Paragraph 6 is the first
15 paragraph in a section of your declaration
16 titled Qualifications; is that right?

17 A. Correct.

18 Q. So you received a bachelor of
19 science degree in electrical engineering
20 from Yale University in 1983; is that
21 right?

22 A. Yes.

23 Q. Did any of the coursework that
24 you completed to obtain your degree involve
25 software defined networks?

1 M. GOMEZ

2 A. The coursework --

3 MR. STAMATOPOULOS: I object to
4 form. Let me just lodge my objection,
5 sorry, Mr. Gomez. I object to form.

6 A. The coursework included
7 understanding of structured software
8 stacks, in other words, the protocol
9 layers, and in the sense that it taught how
10 to manage a software stack and convey the
11 information from one level to another. But
12 it didn't specifically consist of software
13 defined networks as we know it today
14 because, frankly, they didn't exist at the
15 time.

16 Q. Did any of the coursework that
17 you completed to obtain your degree involve
18 deep packet inspection?

19 A. Again, my coursework preceded
20 the extensive use of packets as we know it
21 today, but the coursework did include an
22 understanding of communications and how
23 this data would be communicated with the
24 technology that was available at the time.

25 Q. So I read through the

1 M. GOMEZ

2 Qualifications section of your declaration,
3 which runs from paragraphs 6 through 21.

4 If you look at paragraph 7 of your
5 declaration, it mentions a software defined
6 radio for retrieving solar panel data. Do
7 you see that?

8 A. Yes.

9 Q. Is the software defined radio
10 that you mentioned there, is that the same
11 thing as a software defined network in the
12 context of the '111 patent?

13 MR. STAMATOPOULOS: I object to
14 form.

15 A. Software defined radio has to
16 do with building the base band of the radio
17 and software, as opposed to a software
18 defined network that is controlling the
19 routing through a software entity
20 somewhere -- located elsewhere. They are
21 different, but they do have some overlap.

22 I would like to point out, and
23 perhaps you will get there, that the work I
24 did at Webstacks was certainly involved in
25 deep packet inspection and some aspects of

1 M. GOMEZ

2 software defined networks.

3 Q. Okay, yeah, that was going to
4 be my next question I was going to ask, has
5 any of your work experience involved
6 software defined networks. It sounds like
7 the answer to that is yes, right?

8 A. Correct.

9 Q. And you mentioned that was your
10 time at Webstacks; is that right?

11 A. Correct.

12 Q. So what aspects of your work
13 experience at Webstacks involved software
14 defined networks?

15 A. So at Webstacks we built a
16 server load balancer that was able to
17 understand -- was able to do deep packet
18 inspection on incoming traffic to make
19 routing determinations as to where the
20 traffic should be routed to, usually the
21 front-end data server farm. And in that
22 process we also had, since there would be
23 an array of these server load balancers,
24 that we needed a management network to
25 communicate the routing decisions among

1 M. GOMEZ

2 them, so that was both the DPI and some
3 aspects of the software defined network.

4 This is 2001 timeframe, so it
5 predated most of the formal aspects of
6 software defined networks in terms of the
7 standards, but we did have to implement
8 some features that were similar in nature.

9 Q. Okay. So you mentioned that
10 you were using deep packet inspection on
11 incoming traffic to make routing
12 determinations; is that right?

13 A. Correct.

14 Q. Why was it necessary to use
15 deep packet inspection to make those
16 routing decisions?

17 MR. STAMATOPOULOS: I object to
18 the form.

19 A. We were making routing
20 decisions based on content of the TCP data
21 streams. So we would reassemble the
22 packets into a TCP stream and then parse
23 the cookies as well as the HTTP URLs to
24 make decisions on where data would be
25 routed to. So we were extending the

1 M. GOMEZ

2 inspection well across multiple packets
3 into the headers of the application data
4 itself.

5 Q. And the deep packet inspection
6 was what allowed you to make the routing
7 decisions based on content; is that right?

8 A. In part, yes.

9 Q. What was the thinking behind
10 wanting to make the routing decisions based
11 on content?

12 A. This was the early days of
13 large server farms providing content to
14 internet users, and we wanted to be able to
15 make decisions on things that they were
16 interested in, such as, for example, just
17 as an example, football, versus some other
18 commercial activity.

19 Q. What was your role in
20 implementing the deep packet inspection as
21 part of your work at Webstacks?

22 A. So I was the number four
23 founder of Webstacks and I was responsible
24 for assembling the entire hardware and some
25 of the software team into a team that could

1 M. GOMEZ

2 build this device. The goal was to be able
3 to run at line speeds, and so that most of
4 the decision-making was actually done on
5 the hardware in terms of state machines and
6 it was my team that built that. I did the
7 original architecture of the design and the
8 team did the implementation of the RTL code
9 and then a second team did the
10 implementation of the control software.

11 Q. So which team would have been
12 responsible for implementing the deep
13 packet inspection aspects?

14 A. That was the hardware team.
15 That was the architecture that created it.

16 Q. Do you have any other work
17 experience involving deep packet
18 inspection?

19 A. Later on I did some, you know,
20 we were acquired by Extreme Networks in
21 2001, and I continued the work there, and
22 some of the work we did was implemented in
23 other routers that they had at Extreme
24 Networks.

25 Q. Anything else?

1 M. GOMEZ

2 A. I think that's pretty much it.

3 Q. Do you consider yourself to be
4 an expert on deep packet inspection?

5 A. I do, because we built a deep
6 packet inspection machine and we sold the
7 company for \$68 million.

8 Q. Fair enough. So I would like
9 to circle back to the software defined
10 network experience.

11 You mentioned that some of the
12 work you were doing at Webstacks was
13 similar to software defined networking.
14 Can you explain how it relates to the
15 software defined networking that is
16 described in the '111 patent?

17 A. So the software defined
18 networks we built -- we implemented in the
19 Webstacks server load balancer needed to
20 have configuration information loaded to
21 it, and since we knew that these machines
22 would be located remotely, we were
23 tasked -- and we also had a
24 communications -- intercommunications
25 component between the machines, and they

1 M. GOMEZ

2 were really server blades, they were
3 appliances. We needed to be able to pass
4 that configuration information down to them
5 remotely, from a remote configuration
6 computer, and it needed to have
7 coordination between the various blades.

8 Q. So in the system that you built
9 for the server load balancer, did it
10 include a controller?

11 A. It had a control processor on
12 the server load balancer that was mounted
13 as a daughter board. So there was a -- the
14 hardware, which is actually in -- there is
15 a fan that keeps going on periodically.

16 There was the main board
17 consisted of several FPGAs that we
18 implemented the hardware RTL into and then
19 there was a control board that mounted on
20 as a daughter board that would actually
21 support the downloading and the
22 communications to the remote computer for
23 configuration.

24 Q. You mentioned a daughter board.
25 What is a daughter board?

1 M. GOMEZ

2 A. A daughter board is a smaller
3 board that mounts on top of a larger board.

4 Q. Any other work relating to
5 software defined networks besides your
6 experience at Webstacks?

7 A. That was the primary
8 experience. As I said before, I continued
9 that work at Extreme Networks after the
10 sale of Webstacks to Extreme.

11 Q. And when did you leave Extreme
12 Networks?

13 A. I believe it was in the 2003,
14 early 2003 timeframe.

15 Q. Do you consider yourself to be
16 an expert in software defined networks?

17 A. I do, considering, again, that
18 was a major -- essential component of the
19 server load balancer that we built.

20 Q. I would like to shift gears a
21 little bit and talk to you a little bit
22 more about some of the concepts that you
23 talk about in your declaration.

24 Mr. Gomez, are you familiar
25 with the concept of obviousness?

1 M. GOMEZ

2 A. Yes, I am.

3 Q. What is your understanding of
4 obviousness?

5 A. Well, I have an understanding
6 of it from having communicated with the
7 attorneys in terms of the legal
8 requirements of obviousness. I'm not a
9 lawyer, so I don't have a legal background
10 in it.

11 I understand that obviousness
12 would be a combination of different
13 references that are combined in order to
14 show that the combination of these two
15 elements, or these two references, would
16 allow a person of ordinary skill in the art
17 to predict that this invention could be
18 made. But I also understand that there is
19 a component required that there has got to
20 be a reason to combine the two references.

21 Q. So you mentioned a person of
22 ordinary skill in the art in your response
23 just now. What is your understanding of a
24 person of ordinary skill in the art?

25 A. My understanding is, again,

1 M. GOMEZ

2 from having communicated with the
3 attorneys, that it would be a person, and
4 that's defined as a representative person
5 that would be qualified to construct or to
6 build such a unit, not a person of
7 extraordinary skill, but just a person of
8 ordinary skill in the art that would
9 understand the nature of the invention and
10 be able to build it.

11 Q. Are you familiar with the
12 acronym POSITA?

13 A. I am.

14 Q. So if I use the term POSITA
15 today -- Todd, for your benefit, that is
16 P-O-S-I-T-A -- Mr. Gomez, will you
17 understand that I'm referring to a person
18 of ordinary skill in the art?

19 A. Yes.

20 Q. Great. Can we turn to
21 paragraph 23 of your declaration.

22 A. Yes.

23 Q. In paragraph 23 you state "My
24 opinions in this declaration are based on
25 the understandings of a person of ordinary

1 M. GOMEZ

2 skill in the art, which I understand is
3 sometimes referred to as an 'ordinary
4 artisan' or by the acronym 'POSITA' or
5 'POSA' (person of ordinary skill in the
6 art), as of the time of the invention."

7 Do you see that?

8 A. I do.

9 Q. The next sentence in your
10 declaration states "For purposes of this
11 declaration, I have been instructed to use
12 April 7th, 2006 as the time of the
13 invention."

14 Do you see that?

15 A. I do.

16 Q. In rendering your opinions in
17 your declaration, did you use April 7th,
18 2006 as the time of the invention?

19 A. Yes, I did, because that's what
20 I was instructed to do.

21 Q. Who instructed you to use April
22 7th, 2006 as the time of the invention?

23 A. It was the attorneys at both
24 the law firms that I communicated with.

25 Q. So the opinions in your

1 M. GOMEZ

2 declaration are based on a person of skill
3 in the art's viewpoint as of April 7th,
4 2006?

5 A. As I was instructed, yes. I
6 think the only thing that I would -- yeah,
7 that's exactly what I was instructed. So
8 to the extent that I was able to, I did.

9 Q. Are you aware that the '111
10 patent purports to claim earliest priority
11 to a provisional application filed on April
12 22nd, 2014?

13 A. I believe that's what it says,
14 yes.

15 Q. So if the earliest priority
16 date of the '111 patent is April 22nd,
17 2014, why did you use April 7th, 2006 as
18 the time of the invention in rendering your
19 opinions in your declaration?

20 A. As I was instructed, that was
21 the timeframe that I was instructed to use.
22 And as I said, to the extent I was able to,
23 I did. A person of ordinary skill in the
24 art around the 2006 timeframe would have
25 had several years of knowledge, you know,

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2 that predated the 2014 date that you just
3 provided, but that's the kind of person I
4 was trying to think of when I did my
5 analysis.

6 Q. There would have been
7 developments between 2006 and 2014 related
8 to deep packet inspection that a person of
9 ordinary skill in the art would have been
10 aware of, correct?

11 A. There may have.

12 Q. And there would have been
13 developments between 2006 and 2014 related
14 to software defined networks that a person
15 of ordinary skill in the art would have
16 been aware of, correct?

17 A. There may have, yes.

18 Q. Did you take those developments
19 related to deep packet inspection and
20 software defined networks into account in
21 rendering the opinions in your declaration?

22 A. To the extent that the patents
23 and the prior art required that analysis, I
24 would have. But it's my opinion that they
25 didn't, and neither of the patents or

1 M. GOMEZ

2 the -- neither of the prior art patents
3 provided a need to understand the
4 developments between those time periods.

5 Q. Okay. I would like to turn to
6 the Background section of the '111 patent,
7 which begins at column 1, around line 20.
8 Are you familiar with the Background
9 section of a patent, Mr. Gomez?

10 A. I am, yes.

11 Q. The Background section
12 describes the state of the art at the time
13 the application was filed, correct?

14 A. That is my understanding.

15 Q. So the first sentence in the
16 Background section of the '111 patent
17 beginning at column 1, line 21, states that
18 "Deep packet inspection (DPI) technology is
19 a form of network packet scanning technique
20 that allows specific data patterns to be
21 extracted from a data communication
22 channel."

23 Did I read that correctly?

24 A. That's what it says.

25 Q. Is your understanding of deep

1 M. GOMEZ

2 packet inspection consistent with this
3 description in the '111 patent?

4 A. Yes.

5 Q. The next sentence in the '111
6 patent beginning at column 1, line 24,
7 states "Extracted data patterns can then be
8 used by various applications, such as
9 security and data analytics applications."

10 Did I read that correctly?

11 A. That's what it says.

12 Q. How are the extracted data
13 patterns used by security applications?

14 MR. STAMATOPOULOS: I object to
15 form.

16 A. So the data patterns,
17 scientists -- well, I should say that when
18 you're looking at malicious activity, there
19 are certain data patterns that are
20 consistent among the various different
21 types of malicious attacks, and those
22 patterns can be inferred or can be seen
23 directly using techniques like deep packet
24 inspection, although DPI is not the only
25 one.

1 M. GOMEZ

2 Q. So is it fair to say that one
3 of the benefits of deep packet inspection
4 is that it assists in identifying malicious
5 attacks?

6 MR. STAMATOPOULOS: I object to
7 form.

8 A. I think that's consistent with
9 what the patent says, that the extracted
10 data patterns can then be used by various
11 applications, such as security and data
12 analytics applications.

13 Q. Do you agree that deep packet
14 inspection is beneficial because it assists
15 in identifying malicious attacks?

16 MR. STAMATOPOULOS: I object to
17 form.

18 A. Again, it depends on the
19 application. I haven't really rendered an
20 opinion on any of this. My opinion is more
21 narrow in my declaration. Perhaps you
22 might want to point me to where I have
23 actually provided an opinion relative to
24 security applications -- security
25 requirements using deep application -- deep

1 M. GOMEZ

2 packet inspection.

3 Q. Sure. So paragraph 36 of your
4 declaration states that the extracted data
5 patterns are useful for a variety of
6 purposes, including network security and
7 data analytics. And so I'm just trying to
8 get an understanding of your opinion as to
9 why deep packet inspection and the
10 extracted data patterns that it produces
11 are useful for a variety of purposes.

12 A. I think I just gave that to you
13 in an earlier response, where I said that
14 there are data patterns that sometimes can
15 be made apparently through various
16 techniques, including DPI.

17 Q. And that's a useful feature to
18 have in a network?

19 A. It really depends on the
20 application. DPI, it is a complex process.
21 I mean, if you look at the circuit board
22 behind me, we spent a year building that.
23 So there are times when DPI is not valuable
24 because it is just too expensive, either to
25 build it or to run it.

1 M. GOMEZ

2 Q. But there are applications
3 where DPI would be valuable?

4 A. Again, you would have to, you
5 know, help me understand what the
6 application is that you're thinking of. It
7 would be in a very narrow sense that
8 possibly it could be, but, again, you would
9 have to analyze it on a case-by-case basis.

10 Q. So you implemented deep packet
11 inspection in your server load balancer for
12 Webstacks, correct?

13 A. Correct.

14 Q. Would you agree that deep
15 packet inspection was beneficial in that
16 particular application?

17 A. That particular application had
18 no cost limitation. The functionality we
19 were doing was very valuable and so the
20 requirement was that we were willing to
21 accept that cost.

22 I don't think you could say
23 that for most applications these days where
24 things are becoming a lot more cost
25 sensitive. Even after we were done with

1 M. GOMEZ

2 this particular product, the next emphasis
3 was to drive the cost down.

4 Q. So you would agree that there
5 are situations where the cost associated
6 with deep packet inspection is worth it,
7 correct?

8 A. Very narrowly, yes, but, again,
9 it would have to be examined on a
10 case-by-case basis.

11 Q. So circling back to column 1,
12 line 24, of the '111 patent, I had asked
13 you about how extracted data patterns are
14 useful for network security. You also
15 mentioned data analytics in your
16 declaration. How are extracted data
17 patterns useful for data analytics?

18 A. Again, it all comes down to the
19 patterns. You are looking for certain
20 types of patterns, whether it is security
21 or data analytics of a different form,
22 because security is a data analytic
23 problem. It is looking for patterns. And
24 if you have no other recourse, because the
25 data pattern isn't available on a

1 M. GOMEZ

2 per-packet basis, then you might have to
3 resort to DPI, provided that the value is
4 there.

5 Q. Deep packet inspection was
6 already being used in a variety of types of
7 networks at the time the application
8 leading to the '111 patent was filed,
9 correct?

10 A. I don't have any examples that
11 I base my opinion on. So I would have
12 to -- perhaps you can point me to something
13 that you are thinking of in terms of how it
14 was being used at the time.

15 Q. Sure. So the Background
16 section of the '111 patent at column 1,
17 lines 25 through 28, states that "DPI
18 currently performs across various networks
19 such as internal networks, internet service
20 providers (ISPs) and public networks
21 provided to customers."

22 Do you see that?

23 A. I do.

24 Q. So would you agree that deep
25 packet inspection was already being used in

1 M. GOMEZ

2 a variety of networks at the time the
3 application leading to the '111 patent was
4 filed?

5 MR. STAMATOPOULOS: I object to
6 form.

7 A. I understand what the patent is
8 saying, that the inventors had an
9 understanding of that. But as I said, most
10 of my experience was at Webstacks and
11 Extreme Networks.

12 Q. So other than your
13 implementation of deep packet inspection
14 while working at Webstacks, you are not
15 aware of whether deep packet inspection was
16 being used in a variety of types of
17 networks at the time the application
18 leading to the '111 patent was filed?

19 A. I wasn't asked to look at the
20 market space or the application space for
21 deep packet inspection.

22 Q. And you're not able to answer
23 my question based on your other relevant
24 experience?

25 A. Again, my request was, for my

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2 analysis, was fairly narrowly focused, and
3 so I didn't go out and do a full market
4 research. I would hate to throw out an
5 opinion without having done that.

6 Q. Let's look at column 1, line
7 30, of the '111 patent. Just let me know
8 when you're there, please.

9 A. Yes, I'm here now.

10 Q. So at column 1, line 30, the
11 '111 patent states that "A software defined
12 networking is a relatively new type of
13 networking architecture that provides
14 centralized management of network nodes
15 rather than a distributed architecture
16 utilized by conventional networks."

17 Did I read that correctly?

18 A. Yes.

19 Q. Is your understanding of a
20 software defined network consistent with
21 this description in the '111 patent?

22 A. Which part of that description,
23 the fact that the authors are saying it is
24 a relatively new type of networking
25 architecture, or that it provides

1 M. GOMEZ

2 centralized management of network nodes?

3 Q. Let's go with the provides
4 centralized management of network nodes
5 first.

6 A. You know, the authors do say
7 that it provides centralized management of
8 network nodes, and to the extent that there
9 is some centralization, that is true.
10 However, often this centralized management
11 itself can be distributed or spread across
12 multiple different data centers.

13 Q. So when you refer to the
14 centralized management being distributed,
15 are you referring to the functionality of
16 the controller in the software defined
17 network?

18 MR. STAMATOPOULOS: I object to
19 form.

20 A. I'm just simply saying that,
21 you know, centralized management does
22 provide -- does -- a centralized system
23 does manage the various network nodes, as
24 the inventors here state, but even the term
25 "centralized" sometimes is a bit strong.

1 M. GOMEZ

2 Q. Software defined networking was
3 known before the invention of the '111
4 patent, correct?

5 MR. STAMATOPOULOS: I object to
6 form.

7 A. I would have to go back and
8 look at the standards of when, you know,
9 the various standard issues -- issuances
10 were made, and I haven't done that and I
11 haven't provided an opinion on that.

12 Q. So sitting here today, you are
13 not aware whether software defined
14 networking was known before the invention
15 of the '111 patent?

16 A. As is often the case in many of
17 these technologies, there is a collection
18 of techniques that get formalized, and we
19 certainly used some of those techniques at
20 Webstacks, as I stated before. But I would
21 have to go back and look at when these got
22 formalized into a standard or, you know,
23 other means in which software defined
24 networks became well known, and I haven't
25 done that for this declaration.

1 M. GOMEZ

2 Q. The '111 patent admits that
3 aspects of software defined network -- let
4 me withdraw that.

5 The '111 patent admits that
6 aspects of software defined networking had
7 been standardized prior to the application
8 leading to the '111 patent, correct?

9 A. Can you show me where that says
10 that?

11 Q. Sure. If you take a look at
12 column 1, lines 34 through 38, of the '111
13 patent.

14 A. Yeah, so it says "The SDN is
15 prompted by an ONF (open network
16 foundation). The leading communication
17 standard that currently defines
18 communication between the central
19 controller and the network nodes," and it
20 is the OpenFlow standard.

21 Q. So you would agree that aspects
22 of software defined networking had been
23 standardized before the application leading
24 to the '111 patent?

25 A. That's what the language seems

1 M. GOMEZ

2 to imply, yes.

3 Q. Let's turn to column 2, line 7,
4 please, of the '111 patent.

5 A. Okay.

6 Q. Column 2, line 7, the '111
7 patent describes that "it would be
8 advantageous to provide a solution that
9 overcomes the deficiencies noted above and
10 allow efficient DPI in SDNs."

11 Do you see that?

12 A. I do see that.

13 Q. Why would it be advantageous to
14 allow efficient deep packet inspection in
15 software defined networks?

16 A. Well, we haven't really
17 discussed the deficiencies that this
18 sentence implies.

19 Q. But I'm asking about the
20 advantages.

21 A. The advantages of these
22 overcome the deficiencies that these
23 paragraphs imply.

24 MR. STAVINOHA: All right. We
25 have been going for about an hour now,

1 M. GOMEZ

2 Mr. Gomez. Would now be a good time
3 for a break for you?

4 THE WITNESS: Sure. I'm good
5 with that. How long?

6 MR. STAVINOHA: What do you
7 think, 10, 15 minutes?

8 MR. STAMATOPOULOS: Can we do
9 15? Because I have to take another
10 call. It turns out that would be
11 helpful.

12 MR. STAVINOHA: Yeah, that's
13 fine.

14 THE WITNESS: Should we just
15 say 10:30? It is 10:12 now according
16 to my time.

17 MR. STAVINOHA: Yeah, that's
18 perfect.

19 THE VIDEOGRAPHER: Let me go
20 off the video. This concludes media
21 number one of the videotaped deposition
22 of Miguel Gomez. The time is 10:12
23 Pacific time. We are off the record.

24 (Recess taken.)

25 THE VIDEOGRAPHER: This begins

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2 media number two in the videotaped
3 deposition of Miguel Gomez. The time
4 is 10:30 Pacific time. We are on the
5 record.

6 BY MR. STAVINOHA:

7 Q. Welcome back, Mr. Gomez. Did
8 you discuss the substance of your testimony
9 with anyone during the break?

10 A. No.

11 Q. So before we took our break, we
12 were talking about the discussion in the
13 '111 patent regarding that it would be
14 advantageous to provide a solution that
15 overcomes the deficiencies noted above and
16 allow efficient DPI in SDNs, and you had
17 mentioned that one of the advantages would
18 be to overcome the deficiencies, correct?

19 A. Yeah, I had also pointed out
20 that we hadn't discussed any of the
21 deficiencies that this purports to
22 overcome.

23 Q. Why would it be important to a
24 person of skill in the art to overcome
25 those deficiencies and allow efficient deep

1 M. GOMEZ

2 packet inspection in a software defined
3 network?

4 A. Again, perhaps we should have a
5 discussion of what the deficiencies are
6 before I can answer that.

7 Q. If you would like to identify
8 the deficiencies, feel free. But I'm
9 getting at more why it would be important
10 to a person of skill in the art to overcome
11 those and thereby provide efficient DPI in
12 SDN.

13 A. Okay, again, I haven't provided
14 an opinion regarding how someone would
15 overcome deficiencies of DPI, and I don't
16 even believe that's what they are
17 discussing here. I think what they are
18 discussing is the fact that the OpenFlow
19 protocol doesn't have any provisions for
20 DPI, and that's the deficiency they are
21 overcoming.

22 Q. Why would it be beneficial for
23 the OpenFlow protocol to have provisions
24 for deep packet inspection?

25 A. Again, I haven't provided an

1 M. GOMEZ

2 opinion on that. My opinion was more
3 narrowly focused. Perhaps you might want
4 to direct me in my declaration to where I
5 have provided such a statement.

6 Q. So sitting here today, you're
7 not prepared to opine on why it would be
8 beneficial for the OpenFlow protocol to
9 have provisions for deep packet inspection?

10 A. Well, as we discussed before
11 there is a very narrow, but there is a --
12 DPI is a technique that has been used and
13 is probably still being used, and so these
14 authors felt that having that in the
15 OpenFlow would give it some more
16 definition.

17 Q. What do you mean by more
18 definition?

19 A. Well, it would give it a more
20 standardized way to implement it.

21 Q. All right. I would like to
22 turn to the claims of the '111 patent now,
23 Mr. Gomez. Are you familiar with the
24 claims of the '111 patent?

25 A. I have read the claims of the

1 M. GOMEZ

2 '111 patent.

3 Q. Can you please turn to
4 independent claim 1, which begins at column
5 10, line 52, of the '111 patent. Just let
6 me know when you're there.

7 A. Yes, I'm there.

8 Q. Okay. Go ahead and take a
9 moment to read claim 1 and just let me know
10 when you've finished.

11 (Witness perusing document.)

12 A. Okay.

13 Q. Claim 1 does not recite deep
14 packet inspection, correct?

15 A. So my understanding is that
16 there is a claim construction that while
17 the text here specifically doesn't recite
18 DPI, that there are constructions that do.
19 But, again, I haven't provided an opinion
20 on the constructions of any of the terms in
21 the patent.

22 Q. Okay. So you would agree that
23 the term "deep packet inspection" does not
24 appear in the language of claim 1, correct?

25 A. In terms of the specific words,

1 M. GOMEZ

2 I don't see "DPI" or "deep packet
3 inspection" in the words of claim 1.

4 Q. The term "deep packet
5 inspection" first appears in the claims of
6 the '111 patent in claim 14; is that right?

7 A. Again, I haven't provided an
8 opinion on the terms of the claims, and I
9 understand that there is a claim
10 construction for the terms, but, again, I
11 haven't provided an opinion related to any
12 of that. But I will answer your question
13 in that deep packet inspection, DPI, do
14 appear in claim 14.

15 Q. Okay. Let's turn to
16 independent claim 32. Just let me know
17 when you're there.

18 A. I am here.

19 Q. Okay. Just take a moment to
20 read claim 32, please, and let me know when
21 you've finished.

22 (Witness perusing document.)

23 A. Okay, I finished.

24 Q. Great, thank you. Claim 32
25 does not recite deep packet inspection,

1 M. GOMEZ

2 correct?

3 A. Again, I understand that there
4 is a construction for the terms of -- some
5 of the terms of the claims in the '111
6 patent that would -- that would infer DPI,
7 but, again, I haven't provided an opinion
8 to any of those terms. I was asked to
9 focus on a more narrow concept. So, again,
10 I don't have an opinion. I don't see the
11 terms "DPI" or "deep packet inspection" in
12 claim 32.

13 Q. So you mentioned claim
14 construction. I would like to ask you a
15 couple of questions about your discussion
16 of claim construction in your declaration.
17 If we could turn to paragraph 54 of your
18 declaration.

19 A. Okay, I'm here.

20 Q. Okay. In paragraph 54 of your
21 declaration, Mr. Gomez, you identify a
22 construction of the term "controller" from
23 another IPR involving the '111 patent,
24 correct?

25 A. That's correct.

1 M. GOMEZ

2 Q. And that construction is "an
3 entity that is either 10 configured to
4 perform deep packet inspection on packets,
5 or 20 that is capable of controlling deep
6 packet inspection," correct?

7 A. That's what it says, with
8 regard to that particular IPR, yes, that's
9 what was construed.

10 Q. Is this the construction that
11 you applied in your declaration?

12 A. Well, in the previous
13 paragraph, 53, I also understand that there
14 are two potential constructions and then in
15 54 it seems like the Board combined them.
16 When I did my analysis, I was asked to use
17 these constructions.

18 Q. When you say asked to use these
19 constructions, you mean the construction
20 from the other IPR involving the '111
21 patent?

22 A. In terms of using these
23 constructions, I adopted all three
24 possibilities, and then I applied them as I
25 saw necessary for understanding the prior

1 M. GOMEZ

2 art and the '111 patent.

3 Q. Earlier you mentioned that you
4 haven't provided an opinion on the
5 constructions of any of the terms in the
6 patent. Do you recall that?

7 A. Yes.

8 Q. Do you agree with the
9 construction of the term "controller"
10 that's articulated in paragraph 54 of your
11 declaration?

12 A. Well, I wasn't asked to provide
13 an opinion, and so whether I agree or not,
14 I simply adopted the constructions as
15 provided.

16 Q. Okay. So you haven't done any
17 analysis or offered any opinion on whether
18 that construction identified in paragraph
19 54 is supported by the intrinsic record,
20 correct?

21 A. I was only asked to adopt these
22 constructions and to apply them as
23 necessary. Either way, my opinions still
24 stand because these constructions are -- I
25 took them at face value.

1 M. GOMEZ

2 Q. What do you mean when you say
3 you took them at face value?

4 A. Well, I read them and I applied
5 them as necessary.

6 Q. Do you have an opinion on
7 whether the construction identified in
8 paragraph 54 reflects the ordinary and
9 customary meaning that the term
10 "controller" would have to a person of
11 ordinary skill in the art?

12 A. You are asking me to create an
13 opinion now? I would have to --

14 Q. I'm asking you if you have an
15 opinion.

16 A. I would have to go do some
17 analysis to develop an opinion
18 appropriately.

19 Q. Okay. So sitting here today,
20 you don't have an opinion on whether the
21 construction identified in paragraph 54 of
22 your declaration reflects the ordinary and
23 customary meaning that the term
24 "controller" would have to a person of
25 ordinary skill in the art?

1 M. GOMEZ

2 A. I wasn't asked to construct
3 that opinion.

4 Q. If you look at paragraph 56 of
5 your -- withdrawn.

6 If you look at paragraph 55 of
7 your declaration, this addresses another
8 term in the independent claims of the '111
9 patent, correct?

10 A. Yes.

11 Q. And that term is "criterion"?

12 A. Correct.

13 Q. Now, you do offer an opinion on
14 this term; is that fair?

15 A. That's fair.

16 Q. And it's your opinion that no
17 construction is necessary for this term?

18 A. Correct.

19 Q. Why did you feel that you
20 needed to offer an opinion on the
21 construction of this term and not on the
22 "controller" term?

23 A. Well, as I say in the
24 declaration, it doesn't appear to impact
25 the arguments made by the Petitioner or the

1 M. GOMEZ

2 Patent Owner or even my own analysis.

3 Q. And so when you say not impact
4 the analysis, are you saying that there's
5 no dispute that the prior art references
6 disclose a criterion?

7 A. I'm just simply saying that the
8 way that the terms were applied, the plain
9 and ordinary meaning is the simplest and
10 most appropriate, and overloading it with a
11 new definition isn't really necessary to
12 understand these patents.

13 Q. Would the conditions or basis
14 used to identify packets for actions such
15 as inspection fall within the scope of the
16 ordinary and customary meaning of
17 "criterion"?

18 A. Well, I think that's overly
19 narrow. "Criterion" is a very simple term.
20 You know, you can look it up. It doesn't
21 require, you know, the added terms of use
22 to identify packets for action such as
23 inspection. It is just simply the
24 conditions that are used to make a
25 decision, a simple term.

1 M. GOMEZ

2 Q. Let me rephrase my question a
3 little bit.

4 Would the conditions or basis
5 used to identify packets for actions be an
6 example of a criterion?

7 MR. STAMATOPOULOS: I object to
8 form.

9 A. Again, I think that's taking a
10 straightforward term of "criterion," it
11 just adds stuff that's not really necessary
12 to understand the patents or to understand
13 the prior art, and I don't believe even
14 that Min has used it in any way that would
15 require these additional terms.

16 Q. Okay. So I think we're talking
17 past each other a little bit. I'm not
18 trying to rewrite "criterion" at this
19 point. I'm just asking you whether a
20 condition used to identify packets for
21 actions would be an example of a criterion?

22 A. Well, a criterion is just the
23 way a decision is made. It doesn't have to
24 be applied to packets. It could be applied
25 to anything. So maybe restate your

1 M. GOMEZ

2 question for me, please.

3 Q. So you said that a criterion is
4 just the way a decision is made. If you
5 use a condition to identify a packet for
6 action, is that an example of a criterion?

7 A. Well, a criterion could be
8 applied to a large number of different
9 things. I guess it could be applied to
10 packets certainly. But the construction
11 here that is being proposed is overly
12 bearing and wasn't even used in any of the
13 patents or the prior art or even the
14 declaration from Min in this way. I don't
15 think you need to have this construction in
16 order to understand the patents.

17 Q. Okay. I take your point that
18 you don't think there is a need to have
19 this construction. So setting aside the
20 construction issue, the '111 patent applies
21 criterion to patents, correct, or to
22 packets, excuse me?

23 A. Yes, it does apply it to
24 packets. It also applies it to the flows
25 that are being inspected through DPI.

1 M. GOMEZ

2 Q. So your basis for identifying a
3 packet for action, would that be an example
4 of the criterion? I'm not proposing a
5 construction for criterion, I'm asking
6 whether a basis for identifying a packet
7 for action would be an example of a
8 criteria, or, excuse me, criterion?

9 A. You know, packets are -- there
10 are decisions being made on packets,
11 absolutely, and, you know, there would be a
12 criteria that would be applied. Again, the
13 term "criteria" is fairly straightforward
14 and fairly simple and doesn't need a
15 construction.

16 Q. Okay. Let's talk about
17 Lefebvre a little bit now. That's Exhibit
18 1005. Could you let me know when you have
19 that pulled up.

20 A. I have that.

21 Q. Are you familiar with the
22 disclosure in Lefebvre, Mr. Gomez?

23 A. I have read it several times.

24 Q. Lefebvre describes software
25 defined networking, correct?

1 M. GOMEZ

2 A. I don't believe it actually
3 calls it software defined networking. Let
4 me double-check that though.

5 Yes, it does. It's right in
6 the title. "Chaining of Inline Services
7 Using Software Defined Networking."

8 Q. Lefebvre describes a system and
9 method for steering traffic through a set
10 of services, correct?

11 A. Correct.

12 Q. One example of a service in
13 Lefebvre is virus scanning, right?

14 A. I believe it is, yes.

15 Q. Another example of a service in
16 Lefebvre is transparent caching, correct?

17 A. Can you direct me to that,
18 where you're looking?

19 Q. Sure. So that's column 1
20 beginning around line 24.

21 A. Okay.

22 Q. So I will ask my question
23 again. Another example of a service in
24 Lefebvre is transparent caching, correct?

25 A. Yes.

1 M. GOMEZ

2 Q. Another example of a service
3 disclosed in Lefebvre is content filtering,
4 correct?

5 A. Correct.

6 Q. Another service disclosed in
7 Lefebvre is deep packet inspection,
8 correct?

9 A. In the background Lefebvre does
10 discuss deep packet inspection.

11 Q. And it discusses it in the
12 context of an example service; isn't that
13 right?

14 A. So in paragraph -- the first
15 paragraph of the background, it does say
16 that there are certain types of services,
17 transparent caching, virus scanning, and
18 deep packet inspection. These services are
19 usually packaged and sold as dedicated
20 appliances, physical or virtual, and are
21 often expensive. And I think, you know, my
22 experience at Webstacks where we did build
23 deep packet inspection it certainly was an
24 appliance and it certainly was expensive.

25 Q. Thank you for that.

1 M. GOMEZ

2 So you would agree, then, that
3 Lefebvre discloses deep packet inspection
4 as a service?

5 A. It can be one of many different
6 types of services.

7 Q. Okay. So when Lefebvre
8 describes steering traffic through a set of
9 services, a person of skill in the art
10 would have understood that deep packet
11 inspection is one possible service in the
12 set of services, correct?

13 A. Well, Lefebvre has premised its
14 invention based on the fact that it wants
15 to avoid expensive services. So even
16 though DPI exists as a service, the whole
17 point is to try to minimize any use of
18 expensive services, and that's why we have
19 these service sets.

20 Q. So is it your position that
21 Lefebvre doesn't use DPI at all in its
22 network?

23 A. I think Lefebvre uses DPI as a
24 reason why you should -- is a service that
25 you should try to avoid using, wherever

1 M. GOMEZ

2 possible, and that his invention is a means
3 to avoid using it.

4 Q. When you say a means to avoid
5 using it, is it your position that Lefebvre
6 discloses not using DPI at all for any type
7 of traffic in its network?

8 A. Well, Lefebvre admits that it
9 is an expensive service and the whole point
10 of his invention is to minimize the cost
11 for these service providers. And so by
12 building service sets, the traffic could be
13 classified and any use of expensive
14 services would be minimized or completely
15 negated.

16 Q. Earlier we discussed that there
17 are some applications where deep packet
18 inspection is beneficial, correct?

19 A. Again, I said that it was a
20 fairly narrow set, but yes, certainly they
21 exist.

22 Q. So in Lefebvre's network,
23 Lefebvre would want to only direct traffic
24 that warrants deep packet inspection to
25 deep packet inspection; is that fair?

1 M. GOMEZ

2 A. Lefebvre's premise, again, is
3 to minimize the cost to service providers,
4 and he uses deep packet inspection as an
5 example of how to -- of why you would want
6 to use his invention, because you can
7 minimize the use of it and possibly even
8 eliminate it. He is trying to steer away
9 from expensive services and promote a way
10 to reduce those costs.

11 Q. Isn't it true that video
12 traffic is the only kind of traffic that
13 Lefebvre describes steering away from deep
14 packet inspection?

15 A. Well, he does say that video
16 traffic is one of the services that is
17 causing -- which is the source of the
18 recent traffic explosion, and you would
19 certainly want to steer any of those kinds
20 of traffic classifications away from
21 services such as deep packet inspection.
22 But the premise of his invention is to
23 provide service sets that can be tailored
24 to minimize the cost for the service
25 providers. So I don't think it is just --

1 M. GOMEZ

2 he just uses the video as a single example.

3 Q. There are other types of
4 traffic besides video traffic, correct?

5 A. Yes.

6 Q. And some of those types of
7 traffic might be traffic that you would
8 want to route toward deep packet
9 inspection?

10 A. He hasn't discussed any of
11 those kind of traffics in his patent. In
12 fact, he works really hard to emphasize
13 reasons why you would want to avoid using
14 DPI and he doesn't provide any examples of
15 why you would want to use DPI.

16 Q. Well, he describes using DPI in
17 the network, correct? We discussed earlier
18 the services, and one of those services
19 included DPI, correct?

20 A. It says that there are -- let
21 me find it again. "And provide
22 functionality such as transparent caching
23 or scanning and deep packet inspection and
24 these appliances -- these are usually sold
25 as appliances." Again, the whole premise

1 M. GOMEZ

2 of his invention is to avoid using these
3 expensive services.

4 Q. Is it your position that the
5 premise of his invention is to avoid using
6 those expensive services for all types of
7 traffic?

8 A. He doesn't provide any examples
9 of where he would actually support DPI, and
10 so I don't have a way of knowing if he does
11 have anything in mind. I just simply know
12 that he is trying to avoid using DPI
13 because it is one of the most expensive
14 services.

15 Q. Okay. So if you only know
16 what's expressly described in the patent,
17 then we only know that Lefebvre is trying
18 to steer video traffic away from DPI; is
19 that right?

20 A. That's the example he uses.
21 But we know that DPI is one of the most
22 expensive services, and the premise of the
23 invention is to reduce the cost to the
24 service providers.

25 Q. And the cost to the service

1 M. GOMEZ

2 providers can be reduced by routing select
3 types of traffic away from DPI, correct?

4 A. Correct.

5 Q. It doesn't require routing all
6 traffic away from DPI; is that fair?

7 A. He doesn't say that.

8 Q. I'm asking you about your
9 understanding of Lefebvre. Is that how you
10 understand it, that it would route some
11 types of traffic to DPI and other types of
12 traffic away?

13 A. He doesn't give any examples of
14 what kinds of traffic he would route
15 towards DPI, he just simply gives examples
16 of what he would route away from DPI.

17 Q. Earlier we discussed your work
18 at Webstacks where you were doing routing
19 based on content, correct, using deep
20 packet inspection?

21 A. Correct.

22 Q. That would be a type of traffic
23 that you would want to route towards deep
24 packet inspection, correct?

25 MR. STAMATOPOULOS: I object to

1 M. GOMEZ

2 form.

3 A. Again, the cost was
4 prohibitive. It was a very narrow type of
5 application and not typically justified in
6 today's markets, or even back then it was
7 difficult to justify it. But it was a very
8 narrow focus.

9 Q. It still represents a use case
10 where routing traffic towards deep packet
11 inspection would be appropriate, correct?

12 MR. STAMATOPOULOS: I object to
13 form.

14 A. Do you hear the fan in the
15 background? I hear that.

16 Q. So you said that it was a very
17 narrow type of application, referring to
18 routing traffic based on content, and my
19 question is that application still
20 represents a use case where routing traffic
21 towards deep packet inspection would be
22 appropriate, right?

23 A. There are some applications
24 where you might want to route for deep
25 packet inspection, but Lefebvre doesn't

1 M. GOMEZ

2 support any of those in his patent. He is
3 just giving examples of why you would want
4 to steer away from deep packet inspection.

5 Q. What's your basis for saying
6 that he doesn't support any of those in his
7 patent?

8 A. He only uses deep packet
9 inspection twice, the term, twice in his
10 entire disclosure, and only in the
11 background, and in that, only in a
12 dismissive way, in that it's a type of
13 expensive service and his invention is a
14 means in how to minimize the cost and he
15 uses it as an example of what to steer away
16 from.

17 Q. And the way that Lefebvre
18 minimizes the cost is by selectively
19 directing traffic to specific sets of
20 services instead of forcing all traffic
21 through every service; is that fair?

22 A. Where do you read that?

23 Q. So a portion of that is from
24 column 1, lines 32 through 34, of Lefebvre.

25 A. Correct, it says operators

1 M. GOMEZ

2 would rather have the ability to
3 selectively direct traffic to specific sets
4 of services instead of forcing all traffic
5 through every service.

6 Q. So with the technique that
7 Lefebvre describes, an operator could
8 selectively direct traffic to a set of
9 services that includes deep packet
10 inspection, correct?

11 A. Well, he doesn't actually say
12 that, but I imagine he could. But his
13 whole point is that he is trying to use
14 deep packet inspection as the reason his
15 invention is advantageous, because deep
16 packet inspection is a very expensive
17 service.

18 Q. The only type of traffic that
19 Lefebvre describes steering away from deep
20 packet inspection is video traffic,
21 correct?

22 A. That's the example he uses.

23 Q. And you would agree that
24 Lefebvre does not describe routing all
25 traffic away from deep packet inspection?

1 M. GOMEZ

2 A. He just simply says that the
3 ability -- this ability would allow an
4 operator to steer video traffic, which is a
5 source of recent traffic explosion, away
6 from expensive services such as DPI, or
7 deep packet inspection, thus reducing the
8 need for investing in new service
9 appliances.

10 Q. Would you agree that Lefebvre
11 teaches the use of deep packet inspection
12 for types of traffic other than video
13 traffic?

14 A. He only uses deep packet
15 inspection twice in the background, nowhere
16 else in the patent, and he only uses it as
17 a justification for his invention of sets
18 of services in order to minimize the cost.

19 Q. He also mentions deep packet
20 inspection in the context of providing
21 examples of the services provided in the
22 network, correct?

23 A. I think he uses deep packet
24 inspection there so that he can then later
25 show that it is an expensive service and

1 M. GOMEZ

2 use it as a justification for his
3 invention.

4 Q. And the technique described in
5 Lefebvre being selectively directing
6 traffic to specific sets of services
7 instead of forcing all traffic through
8 every service, correct?

9 A. That's what the patent says.

10 Q. Can we turn you to paragraph 58
11 of your declaration.

12 A. Okay, I'm there.

13 Q. At the end of paragraph 58 you
14 quote an excerpt from Dr. Min's deposition
15 transcript. Do you see that?

16 A. Yes. Oh, wait a minute,
17 Dr. Min's? Yes, I see it.

18 Q. Do you agree that one of the
19 goals of the Lefebvre patent is to route
20 the flows more intelligently to avoid
21 having flows go through unnecessary or
22 expensive dedicated appliances unless they
23 have to?

24 A. That's what we were talking
25 about, is that we are trying to minimize

1 M. GOMEZ

2 the cost. Lefebvre's invention is to
3 minimize the cost of processing the traffic
4 flows, and he uses deep packet inspection
5 as a service that would be avoided through
6 his invention.

7 Q. Avoided for certain types of
8 traffic, right?

9 A. Correct.

10 Q. Let's look at paragraph 64 of
11 your declaration. Just let me know when
12 you're there.

13 A. Okay, I'm here.

14 Q. In the next to last sentence of
15 paragraph 64, you state "It would defeat
16 the purpose of Lefebvre to modify Lefebvre
17 and force its traffic steering system and
18 methods to always use DPI."

19 Did I read that correctly?

20 A. That's what it says.

21 Q. Mr. Gomez, you have reviewed
22 the petition for inter partes review of the
23 '111 patent, correct?

24 A. Yes.

25 Q. Do you understand the petition

1 M. GOMEZ

2 to propose modifying Lefebvre to force its
3 traffic steering system and methods to
4 always use DPI?

5 A. I would have to go back and
6 look at the petition. I'm just simply
7 merely saying that it does defeat the
8 purpose to change it. Perhaps you could
9 direct me in the petition to the area that
10 you are thinking of.

11 Q. Well, I'm just trying to
12 clarify whether this sentence here is
13 responsive to what's in the petition or
14 just a general statement about Lefebvre and
15 potential modifications.

16 A. So in 64 I say that "The
17 Petition's other arguments for adding DPI
18 to Lefebvre's traffic steering disclosure
19 are generally premised on the purported
20 advantages of DPI." The idea of combining
21 Chua with Lefebvre and therefore modifying
22 Lefebvre, you know, just defeats the whole
23 purpose of Lefebvre's traffic steering
24 system for several reasons. You know, it
25 is just that Lefebvre is clearly steering

1 M. GOMEZ

2 away from DPI, and there is no reason to
3 modify it in order to have some purported
4 advantage.

5 Q. Okay. So I'm asking you about
6 the specific modification that you mention
7 here in paragraph 64, and I'm just trying
8 to clarify whether that's your
9 understanding of what the petition proposed
10 or if it is just a general statement.

11 A. Do we have the petition? I
12 don't believe I have the petition in front
13 of me right now.

14 Q. I can introduce that now.
15 Again, my question is simply whether you
16 understand the petition to propose
17 modifying Lefebvre to force its traffic
18 steering system and methods to always use
19 DPI.

20 A. I think the key thing that you
21 are trying to ask hangs on the word
22 "always"; is that correct?

23 Q. Again, I'm trying to understand
24 whether this sentence is responsive to a
25 theory in the petition or just a general

1 M. GOMEZ

2 statement about modifying Lefebvre to
3 always use DPI.

4 A. So in the petition it states
5 that a POSITA would have and could have
6 combined Lefebvre with Chua, and it says
7 the POSITA would have -- a POSITA would
8 have been motivated and found it obvious to
9 modify Lefebvre with Chua's teaching, and
10 then it further goes on to say like
11 Lefebvre, Chua discloses an SDN where a
12 controller determines the behavior of
13 devices in a network and how traffic flows
14 through the network. Like Lefebvre, Chua
15 discloses OpenFlow devices in the network
16 and these network devices provide data that
17 Chua's controller would then make network
18 enforcement decisions. Chua's controller
19 then programs network devices of the SDN to
20 implement these decisions. Chua's service
21 devices include those that execute DPI, for
22 example, along with other techniques,
23 including intrusion detection service and
24 firewalls. Chua also discloses that SDN
25 controller 112 itself may host more than --

1 M. GOMEZ

2 one or more L4 through L7 services rather
3 than or in addition to services provided by
4 the service devices in 116.

5 Going back to my declaration, I
6 believe, and this is what I say in my
7 declaration, that later on in other
8 paragraphs I said it would defeat the
9 purpose to modify Lefebvre and force
10 traffic steering system and methods to
11 always use DPI.

12 The fact that Lefebvre, I'm
13 sorry, the fact that Chua has provisions to
14 incorporate DPI in its internal components
15 is an expense that's unnecessary. So it
16 would always be there. If you combine Chua
17 with Lefebvre, you are defeating Lefebvre's
18 invention by always insisting that that
19 service is part of the hardware
20 environment, and Lefebvre teaches away from
21 that. It is actually trying to steer
22 people away from using those techniques.

23 Q. Okay. I don't think that you
24 answered my question about whether the
25 petition proposes modifying Lefebvre to

1 M. GOMEZ

2 force its traffic steering system and
3 method to always use DPI.

4 A. De facto, if you have
5 incorporated the DPI in the appliances or
6 in the controller, it is always there, and
7 you have incurred that cost always.

8 Q. It doesn't mean that you are
9 always using it for every kind of traffic,
10 correct?

11 A. Combining Chua with Lefebvre
12 defeats Lefebvre's advantages by always
13 combining that hardware in the
14 architecture.

15 Q. Well, Lefebvre already has deep
16 packet inspection in its architecture, it
17 is steering certain types of traffic away
18 from DPI to avoid having to match the
19 capacity of the services with the increase
20 in traffic demand, correct?

21 MR. STAMATOPOULOS: I object to
22 form.

23 A. Lefebvre does not say that. It
24 does not say that it always has DPI in his
25 architecture. In fact, it avoids trying to

1 M. GOMEZ

2 include it by steering traffic not just
3 away from it, but steering traffic to avoid
4 it all together, if possible. So in
5 certain instances of Lefebvre's
6 architecture, it doesn't have to exist at
7 all, whereas in Chua's it's always there.

8 Q. So you are saying that despite
9 Lefebvre specifically disclosing deep
10 packet inspection as one of the services
11 described in the Lefebvre reference, it
12 doesn't have to be there, it's not there?
13 I'm just trying to understand your
14 position, Mr. Gomez.

15 A. So Lefebvre --

16 MR. STAMATOPOULOS: I object to
17 form. I'm sorry, I object to form.
18 You can answer the question.

19 A. Lefebvre uses DPI as an
20 example, and only in the background of his
21 disclosure, and narrowly as an example of a
22 justification for his invention, and he
23 does that by steering away from using DPI.

24 Q. For certain types of traffic,
25 correct?

1 M. GOMEZ

2 MR. STAMATOPOULOS: I object to
3 form.

4 A. Again, I think he uses it as an
5 example of why you would want to avoid
6 deep -- as a justification for his
7 invention and uses DPI as that
8 justification. And my point here is that
9 if you combine Lefebvre with Chua, you have
10 always included DPI in the architecture and
11 that's not, first of all, not something
12 that Lefebvre supports. It would defeat
13 Lefebvre's invention.

14 Q. And there would be some
15 applications where it would be beneficial
16 to have DPI in the architecture, correct?

17 MR. STAMATOPOULOS: I object to
18 form.

19 A. Again, Lefebvre is showing how
20 you can avoid including that in the
21 architecture and narrowly uses DPI as a way
22 to -- as an example service of something
23 that you would want to avoid.

24 Q. Specifically for video traffic,
25 correct?

1 M. GOMEZ

2 A. Video traffic --

3 MR. STAMATOPOULOS: I object to
4 form. I object to form. Sorry,
5 Mr. Gomez, let me just put the
6 objection in and then you can answer
7 the question.

8 THE WITNESS: Sure.

9 MR. STAMATOPOULOS: Objection
10 to form.

11 A. Video traffic is the example he
12 uses.

13 Q. And Lefebvre doesn't give any
14 other examples of types of traffic that he
15 or operators would want to steer away from
16 deep packet inspection, correct?

17 A. I'm sorry, ask that again,
18 please.

19 Q. Lefebvre doesn't give any other
20 examples of types of traffic that operators
21 would want to steer away from deep packet
22 inspection, correct?

23 A. Again, it's in the background,
24 so it is just giving a little bit of
25 history or a little bit of understanding

1 M. GOMEZ

2 and he uses those examples. There is
3 nothing in the embodiment, he doesn't go
4 list all the embodiments in the Background
5 section.

6 Q. He doesn't identify any other
7 types of traffic that operators would like
8 to steer away from deep packet inspection,
9 correct?

10 MR. STAMATOPOULOS: I object to
11 form.

12 A. Again, it's in the background
13 section, so it is just showing an example,
14 but there could be others.

15 MR. STAVINOHA: All right, we
16 have been going for about another hour.
17 Why don't we take a 15-minute break and
18 then we'll circle back. I think I'm
19 close to wrapping up.

20 THE WITNESS: Okay.

21 THE VIDEOGRAPHER: This
22 concludes media number two of the
23 videotaped deposition of Miguel Gomez.
24 The time is 11:27. We are off the
25 record.

1 M. GOMEZ

2 (Recess taken.)

3 THE VIDEOGRAPHER: This begins
4 media number three of the videotaped
5 deposition of Miguel Gomez. The time
6 is 11:46. We are on the record.

7 BY MR. STAVINOHA:

8 Q. Welcome back, Mr. Gomez. Did
9 you have any discussions with counsel
10 regarding the substance of your testimony
11 during the break?

12 A. No.

13 Q. Did you have any discussions
14 with your counsel during the break?

15 A. No.

16 MR. STAVINOHA: Well, thank you
17 for your time, Mr. Gomez. I don't have
18 any further questions for you today.
19 So I will pass the witness.

20 MR. STAMATOPOULOS: Thank you,
21 Clarke.

22 EXAMINATION BY MR. STAMATOPOULOS:

23 Q. I just have a couple of
24 questions, Mr. Gomez.

25 A. Sure.

1 M. GOMEZ

2 Q. You were asked by counsel
3 certain questions about the date of the
4 invention that you used in your
5 declaration. Do you recall those
6 questions?

7 A. I do.

8 Q. So I would like to invite your
9 attention to your declaration, paragraph
10 23. Do you see there is a statement there,
11 it says "For purposes of this declaration,
12 I have been instructed to use April 7th,
13 2006 as the time of the invention"?

14 Do you see that?

15 A. I do.

16 Q. And if you would -- do you have
17 the patent in front of you, the '111
18 patent, or available to you?

19 A. I do, uh-huh.

20 Q. Can you look at the front page
21 of the patent.

22 A. Yes.

23 Q. Do you see -- do you see the
24 spot in the first column on the front page
25 of the patent where it says Related U.S.

1 M. GOMEZ

2 Application Data, and there is a number in
3 parens, 60, on that front page?

4 A. Yes, I see the Related U.S.
5 Application Data and the number -- what was
6 the number again?

7 Q. It just has a number there in
8 parens, the number 60. Do you see that,
9 six-zero?

10 Let's try it a different way.
11 Do you see where it says Provisional
12 Application Number, and it has a number,
13 and it says filed on April 22nd, 2014?

14 A. Yes, uh-huh.

15 Q. Is it your understanding that
16 there was a provisional application filed
17 on April 22nd, 2014 based on what you can
18 see in this document?

19 A. Yes.

20 MR. STAVINOHA: Objection,
21 leading.

22 Q. Does this in any way affect
23 your understanding of the time of the
24 invention for the '111 patent?

25 MR. STAVINOHA: Objection,

1 M. GOMEZ

2 leading.

3 A. No, I don't believe it does.

4 Q. Let me ask -- let me ask you a
5 different question, Mr. Gomez. Is it
6 possible that what you have here in
7 paragraph 23 of your declaration that says
8 "For purposes of this declaration I have
9 been instructed to use April 7th, 2006 as
10 the time of the invention," is it possible
11 that statement was a typo?

12 MR. STAVINOHA: Objection,
13 leading.

14 A. I didn't analyze the dates that
15 were given to me, so to the extent that
16 there might have been a typo, that's
17 possible. The patent here is dated April
18 21, 2015. There is also a related
19 applications also in April. I just
20 accepted the dates as they were given to
21 me. But it's possible that it's a typo,
22 considering that there are so many years in
23 between.

24 MR. STAMATOPOULOS: I don't
25 think I have anything further. Thank

M. GOMEZ

you, Mr. Gomez.

MR. STAVINOHA: Nothing further
from me. I appreciate your time.

THE VIDEOGRAPHER: Let me go
off the video record. This concludes
today's testimony given by Miguel
Gomez. The total number of media units
used was three and will be retained by
Veritext. We are off the record at
11:51 Pacific time.

[TIME NOTED: 11:51 a.m.]

MIGUEL GOMEZ

Subscribed and sworn to
before me this _____
day of _____, 2025.

Notary Public

I N D E X

WITNESS	EXAMINATION BY	PAGE
GOMEZ	STAVINOHA	5
	STAMATOPOULOS	90

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
	(NONE MARKED)	

DIRECTIONS NOT TO ANSWER

Page	Line
	(NONE)

REQUESTS

Page	Line
	(NONE)

CERTIFICATION

I, TODD DeSIMONE, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose testimony as
herein set forth, was duly sworn by me; and
that the within transcript is a true record
of the testimony given by said witness.

I further certify that I am not related
to any of the parties to this action by
blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 4th day of September, 2025.

Todd Desimone

TODD DESIMONE

* * *

ERRATA SHEET
VERITEXT/NEW YORK REPORTING, LLC

CASE NAME: ARISTA v. ORCKIT
DATE OF DEPOSITION: 8/29/25
WITNESS' NAME: MIGUEL GOMEZ

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