

EX 1067

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

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ROCKET MEDIA, LLC d/b/a
LAUNCH LABS,

Petitioner,

No. 2025-00148

VS.

FULLTHROTTLE TECHNOLOGIES,
LLC,

Patent Owner.

DEPOSITION OF ODED GOTTESMAN, Ph.D.
November 14, 2025

REPORTED BY:

Drew E. Coverson, RPR, CLR

CSR No. 10166

Job No. J13654445

1 BE IT REMEMBERED that, pursuant to Notice of
2 Taking Deposition, and on November 14, 2025, commencing
3 at the hour of 9:33 a.m. via Zoom Video
4 teleconferencing, California, before me, DREW E.
5 COVERSON, a Certified Shorthand Reporter in and for the
6 State of California, personally appeared

7 ODED GOTTESMAN, Ph.D.,
8 called as a witness by the Petitioner, and the said
9 witness, being by me first duly sworn, was thereupon
10 examined and testified as hereinafter set forth.

A P P E A R A N C E S

For The Petitioner:

GISH PLLC

BY: RYAN IWAHASHI, ESQ.

50 California Street, Suite 1500

San Francisco, California 94111

Ryan@gishpllc.com

For The Patent Owner:

FLASTER GREENBERG P.C.

BY: DEREK J. BRADER, ESQ.

1717 Arch Street, Suite 3300

Philadelphia, Pennsylvania 19103

Derek.brader@flastergreenberg.com

Also Present: Adam Mason, The Videographer

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EXAMINATION INDEX

WITNESS ODED GOTTESMAN, Ph.D.

PAGE

Examination by Mr. Iwahashi

6

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EXHIBITS

2012 Declaration

11

1001 '947 patent

16

1014 Request for Comments for RFC6265

34

10:37:57

10:37:57

2020 RFC7234

41

10:54:20

P R O C E E D I N G S

THE VIDEOGRAPHER: We are now on the record.

The time is 9:33 a.m. Pacific Standard Time on the
November 14th, 2025.

This begins the video-conference deposition
of Dr. Oded Gottesman taken in the matter of Rocket
Media, LLC, et al., versus Full Throttle Technologies,
LLC, et al., filed in the United States Patent and
Trademark Office, case number of which is 2025-00148.

My name is Adam Mason; I'm your remote
videographer today.

Will everyone present please identify
themselves and state whom you represent, after which
the witness will be sworn in.

MR. IWAHASHI: Ryan Iwahashi on behalf of
petitioner Rocket Media doing business as Launch Labs,
from Gish PLLC.

MR. BRADER: This is Derek Brader from
Flaster representing patent owner Full Throttle and on
behalf of the witness Dr. Gottesman.

THE REPORTER: Good morning. My name is Drew
Coverson. I am California licensed stenographer, No.
10166. I am a code compliant reporter. I will be
producing a transcript that's automatically admissible
in court.

1 As an officer of the court and the guardian
2 of the record, I am required per code to interrupt and
3 clarify if the accuracy of the record is jeopardized,
4 so please remember it's important to speak one at a
5 time, at a slower pace, in order to protect the
6 record.

7 ODED GOTTESMAN, Ph.D.,
8 sworn by the Certified Shorthand Reporter,
9 testified as follows:

10 EXAMINATION

11 BY MR. IWAHASHI:

12 Q. Good morning, Dr. Gottesman.

09:35:31

13 A. Good morning.

09:35:33

14 Q. Just for the record, will you please state
15 and spell your name.

09:35:35

09:35:38

16 A. Oded Gottesman.

09:35:39

17 Q. And where do you live? Just city and state
18 is fine.

09:35:44

09:35:47

19 A. It's called Los Altos Hills in California.

09:35:47

20 Q. Is that where you are located right now?

09:35:52

21 A. Yes.

09:35:54

22 Q. And you've been deposed before; is that
23 right?

09:35:56

09:35:59

24 A. Correct. Yes.

09:35:59

25 Q. How many times roughly?

09:36:00

1 A. I don't remember exactly. Maybe around 20 09:36:05
2 times or 30 times. I can't remember right now. 09:36:09
3 Q. So you understand that you are under an 09:36:13
4 obligation to tell the truth under penalty of perjury; 09:36:15
5 correct? 09:36:18
6 A. Correct. 09:36:19
7 Q. If you don't understand the question, please 09:36:20
8 ask for clarification. Otherwise I'm going to assume 09:36:22
9 that you understood it. 09:36:25
10 Is that fair? 09:36:26
11 A. Yes. 09:36:27
12 Q. Is there any reason you are unable to testify 09:36:29
13 truthfully and accurately today? 09:36:34
14 A. No. 09:36:35
15 Q. Did you meet with counsel to prepare for your 09:36:35
16 deposition? 09:36:37
17 A. I conferred with counsel. 09:36:41
18 Q. When you say "conferred," is that because it 09:36:42
19 happened remotely? 09:36:45
20 A. Correct. 09:36:47
21 (Reporter clarification.) 09:36:47
22 BY MR. IWAHASHI: 09:36:47
23 Q. How many times did you meet with counsel? 09:36:54
24 A. I'm not sure I understand the question. If 09:36:59
25 you can speak up a little bit. 09:37:01

1	(Reporter clarification.)	09:37:03
2	BY MR. IWAHASHI:	09:37:03
3	Q. How many times did you meet with counsel in	09:37:08
4	preparation for your deposition?	09:37:10
5	A. One time.	09:37:17
6	Q. For how long?	09:37:18
7	A. Several hours I would say.	09:37:21
8	Q. Do you do anything else to prepare for your	09:37:26
9	deposition?	09:37:28
10	A. I reviewed documents, yes.	09:37:29
11	Q. Which documents?	09:37:33
12	MR. BRADER: Objection.	09:37:38
13	Dr. Gottesman, you can say what documents you	09:37:41
14	reviewed on your own. The selection of documents that	09:37:45
15	may have been shown to you by counsel during	09:37:50
16	preparation is privileged. You should not answer	09:37:53
17	that.	09:37:57
18	THE WITNESS: Generally speaking, my	09:38:00
19	declaration and the exhibits related to the	09:38:03
20	declaration.	09:38:06
21	BY MR. IWAHASHI:	09:38:07
22	Q. How long did you spend drafting your	09:38:11
23	declaration?	09:38:13
24	A. It's been going on over several weeks I would	09:38:18
25	say, and it's been a process that evolved over several	09:38:21

1	weeks.	09:38:31
2	Q. Is there anyone else in the room with you	09:38:35
3	right now?	09:38:37
4	A. No.	09:38:40
5	Q. Do you have any applications that allow	09:38:41
6	communications with other parties open on your	09:38:43
7	computer?	09:38:46
8	A. No. I have e-mail. I have an e-mail	09:38:47
9	application.	09:38:51
10	Q. Okay.	09:38:53
11	A. But it's not open in front of me.	09:38:53
12	Q. Okay. So it's not open; right?	09:38:55
13	A. It's available on the computer. It's not	09:38:59
14	open.	09:39:01
15	Q. Okay. You have a bachelor's of science from	09:39:01
16	Ben-Gurion University; is that correct?	09:39:11
17	A. That's correct.	09:39:13
18	Q. Okay. What was your major?	09:39:14
19	A. Electrical and computer engineering.	09:39:16
20	Q. You also have a Ph.D. in electrical	09:39:21
21	engineering from UC Santa Barbara; is that right?	09:39:24
22	A. Correct.	09:39:28
23	Q. What was the emphasis of your Ph.D.?	09:39:28
24	A. The thesis or generally what I studied?	09:39:34
25	Q. Both.	09:39:37

1 A. Generally I studied a lot of aspects of 09:39:39
2 computers, communication systems, signal processing, 09:39:43
3 information theory, computer programming. These are 09:39:56
4 on a high level. A lot of math, of course, and things 09:40:08
5 like that. 09:40:12
6 Q. What was your thesis? 09:40:14
7 A. The thesis was about what -- 09:40:15
8 (Reporter clarification.) 09:40:22
9 THE WITNESS: About waveform. Actually 09:40:23
10 interpolative waveform coding. One word, 09:40:33
11 W-A-V-E-F-O-R-M. 09:40:44
12 BY MR. IWAHASHI: 09:40:50
13 Q. And interpolative waveform coding is not 09:40:51
14 related to internet -- 09:40:54
15 (Reporter clarification.) 09:40:58
16 MR. IWAHASHI: Internet cookies. 09:40:58
17 (Reporter clarification.) 09:41:12
18 MR. BRADER: The objection was objection, 09:41:13
19 vague. 09:41:27
20 THE WITNESS: The answer is it's not directly 09:41:29
21 related. It could be indirectly related. 09:41:35
22 BY MR. IWAHASHI: 09:41:40
23 Q. Interpolative waveform coding is not directly 09:41:41
24 related to location tracking on the internet; is that 09:41:44
25 correct? 09:41:44

1 MR. BRADER: Same objection. 09:41:50
2 THE WITNESS: That's correct. 09:41:52
3 BY MR. IWAHASHI: 09:41:52
4 Q. All right. 09:41:57
5 I'm going to drop into the chat Exhibit 09:41:58
6 Number 2012. 09:42:08
7 (Petitioner's Exhibit No. 2012 was marked for 09:42:10
8 identification.) 09:42:15
9 BY MR. IWAHASHI: 09:42:15
10 Q. Dr. Gottesman, could you please download that 09:42:15
11 and confirm that's your declaration filed in this 09:42:18
12 proceeding? 09:42:22
13 A. Download that? Is there a particular place 09:42:25
14 on the screen I need to? 09:42:30
15 THE VIDEOGRAPHER: It's in the chat, if you 09:42:32
16 look at the bottom. 09:42:35
17 THE WITNESS: Yes. 09:42:38
18 THE VIDEOGRAPHER: The Zoom window. 09:42:41
19 THE WITNESS: There are two documents there. 09:42:46
20 THE VIDEOGRAPHER: The second one. 09:42:48
21 THE WITNESS: Okay. The bottom one. Okay. 09:43:01
22 BY MR. IWAHASHI: 09:43:41
23 Q. Dr. Gottesman, do you have it open? 09:43:41
24 A. Not yet. I just downloaded and save it. I'm 09:43:42
25 opening the browser to open it. 09:43:50

1 Okay. I have it open in front of me. 09:44:25

2 Q. And can you confirm that Exhibit 2012 is the 09:44:28
3 declaration submitted in this case? 09:44:32

4 A. It looks like it, yes. 09:44:48

5 Q. Did you have a printed copy of your 09:44:51
6 declaration in front of you? 09:44:53

7 A. No. I just have it open on the screen. 09:44:55

8 Q. When was the last time you read your 09:45:00
9 declaration? 09:45:03

10 A. Yesterday. 09:45:05

11 Q. Is there -- are there any mistakes or things 09:45:06
12 you want to correct in your declaration? 09:45:09

13 A. Nothing that I'm aware of. 09:45:13

14 Q. And you stand by the opinions you rendered 09:45:14
15 therein? 09:45:17

16 A. Pardon? 09:45:18

17 Q. You stand by the opinions you rendered 09:45:19
18 therein? 09:45:22

19 A. Yes. 09:45:26

20 Q. Did you analyze any of the patents related to 09:45:26
21 the '947 patent as part of your analysis? 09:45:29

22 A. Specifically which are you talking about? 09:45:35

23 Q. I'm asking if you analyzed any patent related 09:45:39
24 to the '947 patent as part of your analysis? 09:45:42

25 MR. BRADER: Objection. Form. 09:45:47

1 THE WITNESS: I'm not sure I understand the 09:45:49
2 question. 09:45:50
3 BY MR. IWAHASHI: 09:45:53
4 Q. Are you aware whether or not the '947 patent 09:45:53
5 has any patent related to it? 09:45:56
6 A. I know there was a prior -- I believe there 09:45:59
7 was another patent related, but I'm not sure I 09:46:03
8 understand your question. So if you have a specific 09:46:07
9 patent in mind, you can ask me, and I will be able to 09:46:10
10 answer more specifically. 09:46:15
11 Q. Did you analyze the file history of the '947 09:46:17
12 patent as part of your analysis for your opinions? 09:46:35
13 A. Yes. 09:46:40
14 Q. On or about page 46 of your declaration, you 09:46:50
15 address limitations labeled 1C and 1D; correct? 09:46:58
16 A. What paragraph are you specifically looking 09:47:05
17 at? 09:47:08
18 Q. Paragraph 110, on page 46. 09:47:08
19 A. 1C and 1D, I mention that, the section that 09:47:25
20 starts at paragraph 110. 09:47:32
21 Q. On page 59, paragraph 132, you start 09:47:39
22 analyzing limitation 1E; correct? 09:47:42
23 A. Referring to paragraph 132; right? 09:48:33
24 Q. Correct. 09:48:36
25 A. Yes. I start there I think element 1E. 09:48:37

1 Q. Okay. And on page 66, starting in 09:48:47
2 paragraph 147, you start addressing limitation 1F; 09:48:53
3 correct? 09:48:57

4 A. That's correct. 09:49:01

5 Q. And on page 74, paragraph 164, you start 09:49:03
6 addressing paragraph -- limitation 1L; correct? 09:49:09

7 A. That's correct. 09:49:26

8 Q. Those are the only five limitations of the 09:49:26
9 '947 patent that you address; is that correct? 09:49:29

10 A. I'm not sure about that because there's later 09:49:38
11 on an explanation how that analysis applies to other 09:49:42
12 claims. So these were the main elements they focused 09:49:47
13 on, but they imply also to other claims. 09:49:57

14 Q. Fair enough. 09:50:01

15 You aren't addressing independently any other 09:50:02
16 limitations of the '947 patent; is that fair? 09:50:08

17 A. Can you repeat the question? 09:50:17

18 Q. You aren't independently addressing any of 09:50:18
19 the other limitations of the '947 patent; is that 09:50:21
20 fair? 09:50:26

21 A. I didn't specifically address other 09:50:35
22 limitations in my declaration, that's correct. 09:50:42

23 Q. And you aren't rendering an opinion about any 09:50:43
24 other limitations in this case; correct? 09:50:48

25 A. As of today in response to the other expert, 09:50:54

1 I'm not yet expressing opinions for additional 09:51:01
2 limitations. 09:51:06
3 (Reporter clarification.) 09:51:11
4 BY MR. IWAHASHI: 09:51:13
5 Q. You didn't independently address ground 2; 09:51:14
6 correct? 09:51:14
7 A. I'm not sure I understand the question. 09:51:26
8 There's a section -- talking about ground 2 and 09:51:27
9 talking about the same elements, but I'm addressing 09:51:32
10 ground 2 with the same limitations. 09:51:36
11 Q. But you are not addressing the Maginnis 09:51:40
12 reference specifically; is that correct? 09:51:44
13 A. I'm mentioning that ground 2 is in reference 09:51:53
14 to some of the references, and I talking about that, 09:51:56
15 but I'm not opening a new analysis -- specific 09:52:06
16 analysis or detailed analysis beyond what is already 09:52:11
17 stated in ground 2 as of today. 09:52:14
18 Q. You mean ground 1; right? 09:52:21
19 A. I'm not sure I understand. 174, section 9, 09:52:25
20 ground 2, there's a section talking about ground 2. I 09:52:30
21 explain how -- and I refer to some -- 09:52:34
22 (Reporter clarification.) 09:52:44
23 THE WITNESS: I refer to some prior -- I'm 09:52:46
24 sorry. Art, A-R-T. 09:52:49
25 So there's a section there talking about and 09:53:02

1 referring to the prior art and explains that the 09:53:07
2 details are above in ground 1. So I'm referring to 09:53:14
3 ground 1 in my explanation for ground 2. 09:53:21

4 BY MR. IWAHASHI: 09:53:28

5 Q. I put in the chat Exhibit 1001. Can you just 09:53:28
6 pop that open and verify that that is, in fact, the 09:53:33
7 '947 patent that we are discussing. 09:53:36

8 (Reporter clarification.) 09:53:38

9 (Petitioner's Exhibit No. 1001 was marked for 09:53:43
10 identification.) 09:53:51

11 THE WITNESS: Yes, it is. 09:54:14

12 BY MR. IWAHASHI: 09:54:15

13 Q. As part of your analysis, did you analyze 09:54:19
14 Full Throttle's system? 09:54:23

15 A. As part of my declaration, I did not analyze 09:54:36
16 any system. I just looked at your expert report, and 09:54:44
17 my declaration is in response to your expert report. 09:54:52

18 Q. So you have no opinion as to whether 09:54:56
19 Full Throttle -- 09:54:58

20 (Reporter clarification.) 09:55:00

21 BY MR. IWAHASHI: 09:55:06

22 Q. So you have no opinion as to whether or not 09:55:11
23 Full Throttle's system practices the claims of the 09:55:14
24 '947 patent; correct? 09:55:18

25 A. As of today, I did not form any opinion. 09:55:20

1 Q. Did you analyze Launch Labs' system as part
2 of your analysis?

3 A. I did not perform such analysis for my
4 declaration.

5 Q. So you have no opinion as to whether or not
6 Launch Labs' system infringes any claim of the '947
7 patent; correct?

8 (Reporter clarification due to
9 cross-talking.)

10 MR. BRADER: Objection to form.

11 THE WITNESS: As of today, I did not form
12 such an opinion.

13 BY MR. IWAHASHI:

14 Q. Can you go to claim 1 of the '947 patent,
15 please?

16 A. Okay.

17 Q. In your opinion, does claim 1 require the use
18 of artificial intelligence?

19 A. I did not form any such an opinion.

20 Q. In your opinion does claim 1 require the use
21 of machine learning?

22 A. I did not form any such opinion.

23 Q. In your opinion, does claim 1 require a
24 household identification uniqueness?

25 MR. BRADER: Objection. Vague.

1 THE WITNESS: I'm not sure. I haven't formed 09:56:54
2 any such opinion. 09:56:56
3 BY MR. IWAHASHI: 09:56:59
4 Q. In your opinion, does claim 1 require the use 09:56:59
5 of Java script? 09:57:02
6 A. I did not form any such opinion. 09:57:06
7 Q. Okay. I want you to go back to your 09:57:10
8 declaration in Exhibit 2012. Go with me to 09:57:13
9 paragraph 41. 09:57:22
10 A. I have it in front of me. 09:57:37
11 Q. In paragraph 41, you talk about concepts 09:57:39
12 related to web services that would have been fully 09:57:48
13 understood to a POSITA in 2021; correct? 09:57:52
14 A. Let me read it. 09:57:56
15 MR. IWAHASHI: P-O-S-I-T-A. 09:57:58
16 THE WITNESS: You are talking about 09:58:01
17 paragraph 41. 09:58:02
18 BY MR. IWAHASHI: 09:58:02
19 Q. Paragraph 41. 09:58:05
20 A. Paragraph 41 is under the section 51 cookies; 09:58:15
21 right? 09:58:18
22 Q. Paragraph 41 is in section 5 on page 11. 09:58:20
23 A. Okay. One second. 09:58:23
24 Yes. Okay. 09:58:27
25 Q. And in paragraph 41, you talk about concepts 09:58:37

1 related to web services that would have been well 09:58:40
2 understood to a POSITA in 2021; correct? 09:58:43
3 A. Correct. 09:58:46
4 Q. Why did you use 2021? 09:58:48
5 A. Because that's the priority date for the 09:58:51
6 patent. 09:58:54
7 Q. Okay. So you agree that the state of 09:58:55
8 technology as of 2021 for the patent? 09:58:57
9 A. Yes. 09:59:03
10 Q. Did you form an opinion as to whether the 09:59:03
11 '947 patent is entitled to the priority date of its 09:59:06
12 provisional? 09:59:09
13 A. That's what I was explained by counsel. 09:59:13
14 Q. Did you form an opinion about whether it is 09:59:16
15 entitled to its provisional date? 09:59:18
16 A. That's my understanding. That's my opinion 09:59:24
17 as of today based on what I read on the patent cover 09:59:28
18 page and based on it was consistent with what I was 09:59:34
19 explained by counsel. So as of today, that's my 09:59:38
20 opinion. 09:59:41
21 Q. Can you turn to paragraph 81? Please let me 09:59:43
22 know when you are there. 09:59:52
23 A. I have it in front of me. 10:00:26
24 Q. In paragraph 81, you talk about some concepts 10:00:28
25 that a POSITA in 2021 would have been familiar with; 10:00:32

1	correct?	10:00:32
2	A. Yes.	10:00:36
3	Q. Did you consider petitioner's proposal for a	10:00:37
4	POSITA?	10:00:41
5	A. Yes, I believe so. I don't remember it	10:00:46
6	specifically right now, but I considered that.	10:00:49
7	Q. Would your opinion change if petitioner's	10:00:53
8	proposal for a POSITA was adopted?	10:00:55
9	A. No, absolutely not.	10:00:59
10	Q. Do you know what third-party cookies refers	10:01:02
11	to?	10:01:05
12	A. Off the top of my head, I don't remember the	10:01:09
13	exact dates.	10:01:11
14	Q. Before 2000?	10:01:15
15	A. Yes. Before 2000 you said? I don't remember	10:01:19
16	exactly.	10:01:26
17	Q. Was it before 2010?	10:01:26
18	A. I believe so, yes.	10:01:31
19	Q. Do you know when first-party cookies were	10:01:32
20	first used?	10:01:35
21	A. I don't remember the exact date. It's not a	10:01:36
22	memory test right now.	10:01:37
23	Q. Was it before 2020?	10:01:39
24	A. Yes.	10:01:44
25	Q. Do you know when device fingerprinting was	10:01:47

1	first used?	10:01:52
2	(Reporter clarification due to	10:01:54
3	cross-talking.)	10:01:55
4	MR. BRADER: The objection is vague.	10:01:55
5	THE WITNESS: I don't understand the	10:02:02
6	question. And I also don't remember specifically	10:02:05
7	right now.	10:02:10
8	BY MR. IWAHASHI:	10:02:11
9	Q. Do you know when pixel tags were first used?	10:02:11
10	A. I don't remember exactly right now.	10:02:15
11	Q. Was it before 2020?	10:02:18
12	A. Yes.	10:02:22
13	Q. Do you know when third parties became a	10:02:22
14	concern?	10:02:26
15	A. Not a specific date, but before 2020 for	10:02:31
16	sure.	10:02:36
17	Q. So you agree that -- you agree that	10:02:44
18	first-party cookies were used before 2021; right?	10:02:47
19	A. The first-party cookie? I didn't hear you.	10:02:53
20	Q. You agree that first-party cookies were used	10:02:57
21	before 2020; correct?	10:03:00
22	A. Generally speaking, yes.	10:03:05
23	Q. So you agree there were other ways to	10:03:05
24	identify the user other than using third-party cookies	10:03:07
25	before 2020; right?	10:03:10

1 A. I'm not sure I understand the question. If 10:03:17
2 you have a more specific question, I'll be happy to 10:03:19
3 answer. 10:03:22

4 Q. Do you agree that first-party cookies -- can 10:03:23
5 be used to identify a user? 10:03:32

6 A. Generally speaking -- I'm not sure what you 10:03:45
7 are referring to, but generally speaking, there could 10:03:47
8 be a lot of examples of different things. 10:03:50

9 Q. I'm really talking in general. Like, do you 10:03:57
10 agree that first-party cookies can be used to identify 10:04:01
11 a user? 10:04:05

12 A. Generally speaking, yes. 10:04:11

13 Q. And that was true before 2020; correct? 10:04:14

14 A. Correct. 10:04:17

15 Q. Do you agree that there was at least one way 10:04:20
16 to identify a user prior to 2020 other than the use of 10:04:24
17 third-party cookies? 10:04:30

18 A. It really -- it's a very vague and general 10:04:34
19 question. There could be a lot of program exercises 10:04:37
20 that could do different things and can be examples of 10:04:42
21 different things. 10:04:45

22 Generally I'm assuming that that's possible, 10:04:50
23 but it's a general high level. If you have something 10:04:55
24 more specific, we can discuss it. 10:05:00

25 Q. Let's go to paragraph 42 of your declaration. 10:05:02

1 A. Okay. I have it in front of me. 10:05:46

2 Q. The first sentence you say: One of the 10:05:48
3 common forms of user-location tracking via browser 10:05:51
4 applications includes browser cookies; correct? 10:05:55

5 A. Yes. 10:05:59

6 Q. And that means that cookies can be used for 10:05:59
7 location tracking; is that right? 10:06:05

8 A. Generally, yes. 10:06:11

9 Q. And that's because the cookies store location 10:06:11
10 data; is that right? 10:06:13

11 MR. BRADER: Objection to form. 10:06:14

12 THE WITNESS: Because cookies store data, and 10:06:17
13 data can be anything. One form could be related to a 10:06:20
14 location, but cookies can store a lot of different 10:06:27
15 data. They don't necessarily store that. 10:06:32

16 BY MR. IWAHASHI: 10:06:38

17 Q. But cookies have the ability to store data of 10:06:38
18 that location; correct? 10:06:42

19 A. Generally, yes. 10:06:46

20 Q. In the next paragraph 43, you mention that 10:06:49
21 cookies are browser specific; correct? 10:06:54

22 A. That's correct. 10:06:57

23 Q. What does that mean? 10:06:58

24 A. I think I explained that in the paragraph. I 10:07:02
25 gave you an example. 10:07:05

1	Q. Do browsers store the same data in cookies?	10:07:08
2	A. I'm not sure I understand the question. They	10:07:15
3	can, but it depends on what is going on.	10:07:18
4	Q. Can browsers use the naming conventions for	10:07:23
5	cookies?	10:07:30
6	A. What do you mean by that?	10:07:32
7	Q. Cookies are files on a computer; correct?	10:07:34
8	A. Correct.	10:07:37
9	Q. And they have to be named something; correct?	10:07:37
10	A. You mean the file name?	10:07:42
11	Q. Correct.	10:07:44
12	A. That's possible, yes.	10:07:46
13	Q. What entity names the cookie?	10:07:53
14	A. I believe the browser can do that, and also I	10:08:07
15	believe the server that sends the cookie has some	10:08:14
16	control of that.	10:08:20
17	Q. Could a cookie --	10:08:29
18	(Reporter clarification due to connection	10:08:32
19	difficulties.)	10:08:32
20	MR. IWAHASHI: Is that better?	10:08:38
21	(Reporter clarification.)	10:08:38
22	BY MR. IWAHASHI:	10:09:17
23	Q. Could a cookie from an Edge browser be	10:09:20
24	understood by the Chrome browser?	10:09:25
25	MR. IWAHASHI: Objection. Vague.	10:09:30

1 THE WITNESS: I'm not sure about that. This 10:09:33
2 is we are talking about two different browsers that 10:09:39
3 have two separate folders and separate files that they 10:09:41
4 have access to. I'm not exactly sure what we are 10:09:50
5 talking about. 10:09:54
6 BY MR. IWAHASHI: 10:09:54
7 Q. Do browsers all store cookies in the same 10:09:59
8 place? 10:10:01
9 A. Absolutely not. 10:10:02
10 Q. In paragraph 44, you say that websites use 10:10:05
11 cookies for multiple reasons including to identify 10:10:11
12 users; correct? 10:10:14
13 A. That's what I said, yes. That's what I wrote 10:10:29
14 in paragraph 44. 10:10:31
15 Q. So it's the website that creates the cookie 10:10:32
16 on the user's browser; correct? 10:10:35
17 MR. BRADER: Objection. Mischaracterizes. 10:10:38
18 THE WITNESS: That's not how it works, no. 10:10:43
19 BY MR. IWAHASHI: 10:10:46
20 Q. How does it work then? 10:10:47
21 A. As I explained in my declaration, the final 10:10:51
22 step is the server -- a server sends a command to -- 10:10:54
23 in response to -- usually in response to an HTTP 10:11:06
24 request. There's the HTTP response. And within that 10:11:19
25 response, there's a command to set cookies, and that 10:11:31

1 command is sent from a server, not a website, a 10:11:39
2 server, and the server can be part of the website or 10:11:43
3 not part of the website, at least from the address 10:11:47
4 point of view. And that command would include some 10:11:58
5 data. 10:12:09

6 And in response to that, the user's browser 10:12:12
7 or agent would store the data on the user's computer 10:12:19
8 and would create that file which is the cookie. 10:12:29

9 Q. And how would a cookie identify a user? 10:12:39

10 A. That is a very general question, but there 10:12:45
11 could be some information within the cookie that's 10:12:47
12 using that information, the server would be able to 10:12:54
13 identify the user, at least some aspects of the user. 10:13:01

14 Q. An example of which could be a unique 10:13:11
15 identifier for the user; is that right? 10:13:14

16 A. Well, the unique identifier is a very general 10:13:17
17 term, but because, like I said, it can -- a unique 10:13:21
18 identifier would be -- some identifier that is unique 10:13:28
19 to the user, but it could include a lot of different 10:13:33
20 forms of data or identifier that's unique to the user. 10:13:37

21 For example, your address maybe uniquely 10:13:45
22 identify you. Your driver's license maybe uniquely 10:13:52
23 identify you. Your membership card or your credit 10:13:56
24 card or your student ID. You can have a lot of 10:14:00
25 different identifiers. 10:14:05

1 So a unique identifier could be in a lot of 10:14:07
2 different forms and can be -- can include a lot of 10:14:12
3 different pieces of data. There's no one single form 10:14:16
4 of unique identifier. 10:14:21

5 So generally speaking, you can find some form 10:14:24
6 of identifier that would be unique to a user from 10:14:27
7 certain aspects. And a cookie can include one of such 10:14:33
8 different unique identifiers. That's possible, yes. 10:14:39
9 And that would identify the user from that 10:14:47
10 perspective, from that point of view, from that 10:14:48
11 aspect. 10:14:50

12 Q. Paragraph 45, you mention that cookies can be 10:15:00
13 temporary or persistent; correct? 10:15:04

14 A. Correct. 10:15:09

15 Q. Are temporary cookies and persistent cookies 10:15:09
16 stored in the same place? 10:15:13

17 A. They could. They could. They could, but 10:15:25
18 they may not. It depends. 10:15:31

19 Q. Cookies are stored on the user's computer; 10:15:35
20 correct? 10:15:38

21 A. That is correct. 10:15:38

22 Q. And they are associated with a particular 10:15:40
23 browser; is that correct? 10:15:43

24 A. Generally speaking, a browser stores them, 10:15:45
25 and the browser has permission to store them in 10:15:56

1 particular folders that the browser has permission 10:15:59
2 for. So in that sense, they are related to a 10:16:06
3 particular browser. 10:16:11

4 Q. Right. In paragraph 55, you quote a 10:16:19
5 reference that says: Cookies, small pieces of data 10:16:32
6 each limit to 4 KB placed in a browser storage by web 10:16:40
7 server; correct? 10:16:46

8 A. Byte, B-Y-T-E. 4 kilobyte. 10:16:52

9 Q. Do you agree that cookies are small pieces of 10:16:59
10 data limited to 4 kilobytes placed in a browser 10:17:03
11 storage by the web server? 10:17:07

12 A. The cookies that were referred to in that 10:17:09
13 particular reference are such. 10:17:20

14 Q. Can a cookie be a computer program? 10:17:34

15 A. A cookie is a file, and as such it includes 10:17:39
16 certain data. You can put in that data whatever you 10:17:44
17 want. So if whatever reason you want to put there 10:17:46
18 something that you consider a computer program, I 10:17:51
19 guess that's possible. 10:17:57

20 Generally speaking, you can put whatever you 10:18:00
21 want in that -- in a cookie. I'm not sure what you 10:18:03
22 are referring to as a program, but you can put 10:18:08
23 whatever data you want in it. 10:18:11

24 Q. Can cookies update themselves? 10:18:13

25 A. What do you mean "update themselves"? 10:18:19

1 Cookies are files. Files doesn't do anything by 10:18:23
2 itself. 10:18:27

3 Q. So cookies can't execute code on their own; 10:18:27
4 right? 10:18:27

5 A. I'm not sure what you are saying. Cookies 10:18:33
6 are files. They don't execute anything. Just a piece 10:18:37
7 of data. 10:18:41

8 Q. In paragraph 56, you talk about four 10:18:44
9 components of a cookie? 10:18:47

10 A. Yes. 10:18:51

11 Q. Do all cookies have all four components? 10:18:53

12 A. It talks about cookie technology that has the 10:19:00
13 -- not the cookie itself -- cookie technology it talks 10:19:03
14 about. 10:19:10

15 It's just a quote from that reference in 10:19:19
16 Exhibit 2019. It's just a quote in that place that's 10:19:29
17 referenced. 10:19:39

18 Q. Do you agree with that quote? 10:19:40

19 A. Yes. 10:19:42

20 Q. That's why you cited it; right? 10:19:43

21 A. Yes. 10:19:45

22 Q. So do all cookies have all four components? 10:19:50

23 MR. BRADER: Objection. Mischaracterizes. 10:19:52

24 THE WITNESS: So we are talking here -- I 10:20:11
25 corrected you, you know, before, and you just ignored 10:20:15

1 my correction.

10:20:18

2 We are talking about cookie technology. We
3 are not talking about cookies. When you talk about
4 the cookie header line in the --

10:20:18

10:20:20

10:20:22

5 (Reporter clarification.)

10:20:30

6 THE WITNESS: -- in the HTTP response
7 message, and there's a cookie header line in the HTTP
8 request message and a cookie file kept in the user's
9 end system managed by the user system browsers, so
10 this is all related to cookie technology.

10:20:31

10:20:37

10:20:49

10:20:58

10:21:02

11 The mechanism of how the cookie is created,
12 for example, you have HTTP request, HTTP response, and
13 within the request and response there is a header
14 line, the cookie header line.

10:21:05

10:21:09

10:21:18

10:21:22

15 And there is a file that is kept and managed
16 within the browser. And there can be. It really
17 depends on what the cookie is used for. But this is
18 an example here in the Exhibit 2019 quote that it also
19 has -- the technology also has back-end database at
20 the website.

10:21:25

10:21:32

10:21:42

10:21:49

10:21:55

10:22:04

21 So this is an example that talks about cookie
22 technology and explains you some from the fundamental
23 aspects of such cookie technology.

10:22:04

10:22:11

10:22:17

24 BY MR. IWAHASHI:

10:22:23

25 Q. Do cookies generally have a back-end database

10:22:23

1 and a website associated with them? 10:22:29

2 A. In some examples, they do. It really is 10:22:31
3 dependent on the implementation. 10:22:36

4 Q. What are examples of text and information 10:22:42
5 that can be stored in the back-end website? 10:22:44

6 A. There could be a lot of different things. A 10:22:48
7 cookie doesn't put any limit or doesn't say or it is 10:22:52
8 not limited to -- what how it implements them and 10:22:55
9 whether they do and don't have database in the back 10:23:01
10 end or what type of data you put in the cookie. 10:23:02

11 Cookies are just channels for a server to 10:23:07
12 store something on the browser's permitted folders for 10:23:11
13 a certain purpose. But the cookie doesn't tell you 10:23:20
14 exactly what to put as data and how to implement your 10:23:24
15 server and whether or not you use the database. 10:23:28

16 It's just a general purpose technology that 10:23:30
17 you can do whatever you want with. 10:23:32

18 In this particular example that's cited, 10:23:35
19 there's also back-end database associated, but cookies 10:23:39
20 by itself doesn't tell you what to put in it and 10:23:45
21 whether or not to use a database in the back-end 10:23:50
22 server. 10:23:53

23 Q. You are familiar with databases; correct? 10:23:56

24 A. Yes. 10:23:59

25 Q. Databases generally speaking have a primary 10:23:59

1 key associated with each entry; is that fair? 10:24:03

2 A. Usually there are some keys in a relative 10:24:09

3 database where you can put database data and get data 10:24:15

4 from, yes. 10:24:23

5 Q. Each entry in the database needs to be 10:24:29

6 uniquely identified somehow; correct? 10:24:31

7 A. I'm not sure. It's really dependent on the 10:24:36

8 particular implementation. Could be that a certain 10:24:38

9 key or certain word would include a lot of entries. 10:24:44

10 For example, if you ask for the key is 10:24:50

11 graduated from certain university, then that would 10:24:55

12 certainly pull a lot of data. 10:24:59

13 So really you are asking specifics of some 10:25:03

14 example of implementation, and then you ask me if I 10:25:07

15 can generalize to everything. The answer is no, you 10:25:11

16 cannot generalize it to everything. It's really 10:25:14

17 dependent on the specific implementation and whatever 10:25:16

18 you are looking for. 10:25:20

19 Q. Is it your testimony that you do not have to 10:25:22

20 uniquely identify every entry in the database? 10:25:26

21 A. You mischaracterized. What I said is really 10:25:31

22 a question of limitation and a question of how you set 10:25:37

23 the database. 10:25:43

24 Q. I understand. 10:25:50

25 So you are saying it could be implemented in 10:25:51

1 a way where not every entry is uniquely identified; is 10:25:53
2 that right? 10:25:59

3 A. Yes. There are many different ways that 10:25:59
4 people implement databases. It's really open to the 10:26:01
5 user or the system designer to decide how some 10:26:06
6 particular database is prepared to be implemented. 10:26:13

7 Q. So in this particular cookie technology 10:26:25
8 example you are talking about in paragraph 56, there's 10:26:32
9 a cookie file kept on the user's end system and a back 10:26:37
10 end database at a website? 10:26:40

11 A. Yes. It's cookie technology that has these 10:26:47
12 two elements. That's in the example of Exhibit 2019. 10:26:51

13 Q. And this example, do you agree that the 10:26:57
14 cookie file should be able to uniquely identify an 10:27:01
15 entry in the back-end database? 10:27:04

16 A. I don't remember details of that. I don't 10:27:09
17 know. 10:27:17

18 Q. I'm going to drop -- 10:27:19

19 A. I need more details to answer this question. 10:27:21
20 From what is stated here, I don't remember all 10:27:26
21 details. I can go to the exhibit and tell you what I 10:27:29
22 see there, but just from the lines shown to me right 10:27:32
23 now on paragraph 56, it just talks about the fact that 10:27:35
24 on the user end, the cookie file is kept and managed 10:27:44
25 by the user browser as far as permission rights. And 10:27:47

1 in the back end, there is database at a website. 10:27:52

2 That's all it says, so I cannot draw any conclusions 10:27:56

3 beyond that just by looking at that. 10:27:59

4 Q. I'm dropping into the chat the exhibit we are 10:28:05

5 marking Exhibit Number 2014. 10:28:09

6 Please download that and let me know when you 10:28:13

7 have it open. 10:28:15

8 (Petitioner's Exhibit No. 2014 was marked for 10:28:16

9 identification.) 10:28:25

10 (Reporter clarification.) 10:28:25

11 MR. IWAHASHI: Let's go off the record. 10:28:29

12 THE VIDEOGRAPHER: This is marks the end of 10:28:35

13 media one. The time is 10:28 a.m. 10:28:36

14 We are off the record. 10:28:39

15 (Recess taken.) 10:36:03

16 THE VIDEOGRAPHER: This marks the beginning 10:37:07

17 of media two. The time is 10:37 a.m. 10:37:10

18 We are on the record. 10:37:14

19 BY MR. IWAHASHI: 10:37:16

20 Q. Dr. Gottesman, can you please download 10:37:19

21 Exhibit 2014 from the chart, and let me know when you 10:37:24

22 have it up. 10:37:28

23 A. Okay. I have it open. 10:37:52

24 Q. Exhibit 2014 is a request for comments for 10:37:54

25 RFC6265; is that correct? 10:37:59

1 A. Yes. 10:38:08

2 Q. And you talked about RFC6265 in your 10:38:10

3 declaration starting at around paragraph 57; correct? 10:38:15

4 A. That's correct. Yes. 10:38:20

5 Q. What is an RFC? 10:38:22

6 A. RFC is basically a document that's generated 10:38:26

7 by a form called internet engineering task force. And 10:38:40

8 it is typically related to protocols and different 10:38:46

9 technologies that are related to internet. 10:38:52

10 And there are some documents that are in 10:38:57

11 progress -- work in progress, and some documents that 10:39:05

12 eventually become standard. 10:39:09

13 And this one has a category of standard, so 10:39:11

14 it was adopted as a standard. And that's the document 10:39:20

15 that we see in front of us. 10:39:28

16 Q. So when something gets adopted as a standard, 10:39:31

17 do the relevant entities need to comply with it? 10:39:35

18 A. Can you repeat the question? 10:39:38

19 Q. When something gets adopt as a standard, do 10:39:41

20 the relevant entities need to comply with it? 10:39:45

21 MR. BRADER: Objection. Vague. 10:39:48

22 THE WITNESS: I'm not sure I understand the 10:39:51

23 question. What does it mean adopted? 10:39:54

24 (Reporter clarification due to technical 10:40:47

25 difficulties.) 10:40:53

1 MR. IWAHASHI: Let me ask the question again. 10:40:53

2 BY MR. IWAHASHI: 10:40:55

3 Q. Dr. Gottesman, you testified that RFC6265 was 10:40:58
4 adopted as a standard. What does that mean? 10:41:05

5 A. It means that it becomes a standard provided 10:41:09
6 to the industry or to the world by the IETF, the 10:41:16
7 Internet Engineering Task Force. And everybody who 10:41:23
8 wants to comply with that standard has the standard as 10:41:30
9 a reference as to how to implement that. 10:41:38

10 Q. And is it your testimony that entities are 10:41:41
11 complying with RFC 6265? 10:41:45

12 A. I didn't hear. If it's what? How it 10:41:49
13 complies? 10:41:53

14 Q. Is it your testimony that there are entities 10:41:54
15 that comply with RFC6265? 10:41:56

16 A. I believe so. 10:42:05

17 Q. What entities comply with RFC6265? 10:42:05

18 A. I'm not sure what you are referring to 10:42:12

19 entities. Are you referring to companies or 10:42:14

20 programmers? Or are you referring to servers? 10:42:17

21 Browsers? I'm not sure what you are referring to as 10:42:21

22 "entities." 10:42:25

23 Q. I'm trying to figure out, like, is it the 10:42:26

24 that browser complies with entities? Is it the 10:42:29

25 website, or is it a server? I don't know. That's 10:42:31

1 what I'm trying to figure out. 10:42:33

2 A. So for example, a browser, for example, would 10:42:35
3 comply with certain aspects that are provided in this 10:42:41
4 document. 10:42:50

5 For example, if the document talks about in 10:42:51
6 this particular case about -- about set cookies, the 10:42:54
7 cookie header or certain syntax of the set cookie 10:43:03
8 command, the browser if it wants to comply with the 10:43:11
9 standard would need to implement and to be able -- 10:43:17
10 let's say browser gets HTTP response with a set 10:43:22
11 cookies command in it with certain data that includes 10:43:29
12 syntax and attributes related to the command set data, 10:43:33
13 then the browser would need to be able to respond to 10:43:40
14 interpret the command as specified within the standard 10:43:45
15 and to be able to perform whatever required based on 10:43:51
16 the standard. 10:43:55

17 So the purpose of that standard -- for 10:43:58
18 example, that would be certain servers somewhere that 10:44:00
19 would comply with the standard. And there would be a 10:44:03
20 browser in a different place that would be able to 10:44:07
21 comply with the standard. 10:44:12

22 And then when the server sends to the browser 10:44:13
23 an HTTP response that includes a set cookie command, 10:44:17
24 then the browser -- the server would put it in a 10:44:24
25 format or in the way that complies with the standard, 10:44:28

1 and then the browser would be able to respond and 10:44:30
2 interpret that command correctly and implement 10:44:37
3 whatever required correctly. 10:44:41

4 Q. In paragraph 59 of your declaration, you talk 10:44:45
5 about how RFC6265 discusses inserting the newly 10:44:49
6 created cookie into the cookie store; correct? 10:44:58

7 A. There's a quote from Exhibit 2014 that says 10:45:06
8 that, correct. 10:45:10

9 Q. Is there anything in the standard that says a 10:45:13
10 browser cannot store the cookie in another location 10:45:16
11 instead of cookie store? 10:45:21

12 A. I have to go over it to answer this question. 10:45:31

13 Q. You don't remember anything sitting here 10:45:37
14 today? 10:45:43

15 A. I -- that's not how -- you mischaracterize my 10:45:43
16 -- I do remember, but generally -- I'm not sure I 10:45:49
17 understand the question. Can you repeat the question? 10:46:03

18 Q. Sitting here today, do you remember whether 10:46:05
19 or not RFC6265 mandates store of the cookie in the 10:46:10
20 cookie store? 10:46:16

21 A. What do you mean by that? 10:46:17

22 Q. Is there anything -- do you remember anything 10:46:19
23 in RFC6265 that says the browser cannot store a cookie 10:46:23
24 outside of the cookie store? 10:46:28

25 A. This is the subject matter of this. There 10:46:39

1 are a lot of different standards. This standard talks 10:46:43
2 about the -- for example, the cookie header. It tells 10:46:49
3 the browser, for example, the different aspects of how 10:46:57
4 to interpret the set cookie command, and it gives it 10:47:02
5 some attributes like expiration. There's also the 10:47:13
6 path attributes and some security attributes. 10:47:23

7 And I don't remember all of the details right 10:47:30
8 now. I have to go over the document. If you give me 10:47:41
9 more time, I will be able to answer that question. 10:47:43

10 Q. Is it the browser that decides where to 10:47:49
11 actually store the cookies? 10:47:51

12 MR. BRADER: Objection. Mischaracterizes. 10:47:54

13 BY MR. IWAHASHI: 10:48:30

14 Q. Dr. Gottesman, did you hear my question? 10:48:30

15 A. I'm trying to understand your question. Like 10:48:32
16 I said, if there is -- for example, generally 10:48:34
17 speaking, some of the cookies, the browser decides 10:48:45
18 where to store them. 10:48:47

19 And so, for example, if you access the same 10:48:49
20 website and receive the same cookie from the same 10:49:00
21 server, then the -- in that scenario, the browser 10:49:05
22 would decide -- or the program -- it doesn't decide, 10:49:10
23 it's programmed to store the cookie in the particular 10:49:15
24 location that is dedicated for -- that is permitted 10:49:20
25 for that browser. 10:49:26

1 Q. So is it true that browsers have certain 10:49:38
2 locations where they are permitted to store data? 10:49:43
3 A. Yes. 10:49:47
4 Q. And the browser is programmed to store 10:49:49
5 cookies somewhere in that location; correct? 10:49:52
6 A. That's correct. 10:49:57
7 Q. RFC6265 came out in April of 2011; is that 10:50:01
8 right? 10:50:16
9 (Reporter clarification.) 10:50:16
10 MR. IWAHASHI: RFC. 10:50:17
11 THE WITNESS: It is RFC6265, correct, from 10:50:30
12 April 2011. 10:50:35
13 BY MR. IWAHASHI: 10:50:36
14 Q. And you agree that cookies existed prior to 10:50:36
15 April of 2011; correct? 10:50:41
16 A. I believe so. 10:50:44
17 Q. Did browsers and servers have to change their 10:50:47
18 behavior after RFC6265 came out to comply with the 10:50:51
19 standard? 10:50:55
20 A. There are always updates. Sometimes 10:50:58
21 standards have updates. I believe -- so for example, 10:51:01
22 here, if you look at the first page, it says that 10:51:32
23 6265 -- RFC6265 obsoletes RFC2965. 10:51:39
24 So sometimes there's a new RFC generated and 10:51:49
25 obsoletes the preceding one, the previous one. And 10:51:54

1 there's always evolution, and things change. 10:51:59

2 Therefore, we always keep updating our software, get 10:52:03

3 software updates. We get new browser versions and new 10:52:10

4 operating systems and so on. So these things are 10:52:15

5 dynamically changing and evolving over time. 10:52:22

6 Q. So is it your testimony that browsers and 10:52:25

7 servers did, in fact, change their behavior to comply 10:52:27

8 with RFC6265? 10:52:32

9 A. They may have some changes and some updates, 10:52:37

10 yes. 10:52:44

11 Q. Did all browsers and servers update to comply 10:52:46

12 with RFC6265? 10:52:49

13 A. It's an option. If you want to update your 10:52:53

14 browser, then you would update your browser. If you 10:52:55

15 don't, then you may or may not comply with 2965. You 10:53:03

16 may comply partially. 10:53:09

17 And there are a lot of aspects. It's not a 10:53:12

18 binary question. It's not a yes/no question. It can 10:53:17

19 comply -- certain browsers can comply. Some browsers 10:53:21

20 can partially comply and would need updates. It's 10:53:27

21 really dependent on a particular case. 10:53:31

22 MR. IWAHASHI: I'm going to pop into the chat 10:53:38

23 and mark Exhibit 2020. 10:53:40

24 (Petitioner's Exhibit No. 2020 was marked for 10:53:42

25 identification.) 10:53:43

1 BY MR. IWAHASHI:

10:53:43

2 Q. Dr. Gottesman, please let me know when you
3 have that downloaded and opened.

10:53:49

10:53:51

4 A. Okay. I have it in front of me.

10:54:08

5 Q. Exhibit 2020 is another RFC. This one is
6 numbered 7234; is that correct?

10:54:10

10:54:14

7 A. Yes.

10:54:18

8 Q. And you talk about RFC7234 starting around
9 paragraph 62 of your declaration; is that right?

10:54:18

10:54:23

10 A. Yes.

10:54:49

11 Q. And in paragraph 64, you talk about a part of
12 RFC7234 that talks about an HTTP cache?

10:54:50

10:54:59

13 A. Yes.

10:55:06

14 Q. Is there a difference between a HTTP cache
15 and a browser cache?

10:55:07

10:55:13

16 A. In this context, I would say -- I can't think
17 of any major difference right now, but I'm referring
18 to -- I believe it's -- right now I don't see any
19 difference between these two.

10:55:38

10:55:51

10:55:55

10:55:59

20 Q. Do you see any major difference between an
21 HTTP cache and a local browser cache?

10:56:12

10:56:14

22 MR. BRADER: Objection. Vague.

10:56:17

23 THE WITNESS: You added -- so let me go back
24 to the documents to see how they define that.

10:56:21

10:56:27

25 So there are different -- browser cache has

10:56:53

1 different caches, like private and public and so on. 10:56:59

2 In this document, it's mainly talking about the 10:57:06

3 aspects of the cache in general. 10:57:15

4 First of all, cache can be generally in the 10:57:28

5 browser and also in the server. In this particular 10:57:33

6 document, I think it generally talks about cache that 10:57:41

7 can be accessed or can be managed by HTTP protocol and 10:57:45

8 can help to make HTTP protocol that is usually 10:57:58

9 stateless to turn that into something stateful 10:58:05

10 basically. 10:58:08

11 And the protocol is about -- this document is 10:58:09

12 about controlling the cache and through HTTP and the 10:58:18

13 interaction between HTTP and the cache how the cache 10:58:31

14 from HTTP controls the cache and how the cache 10:58:35

15 provides states that is not built in to the HTTP. 10:58:39

16 And it is not -- it is not limited just to 10:58:45

17 browser. I mean generally speaking, the aspects of 10:58:51

18 this document apply to user, but also to a server. So 10:58:55

19 it's not limited just to that. 10:59:00

20 So that may be the distinction between HTTP 10:59:04

21 cache and the browser cache to your previous -- 10:59:10

22 answering to your previous question. There's a 10:59:15

23 difference that the browser cache is basically some 10:59:17

24 storage -- some store within the permitted storage 10:59:23

25 that the browser can access. 10:59:28

1 And HTTP cache refers to aspects and the 10:59:32
2 interaction between HTTP cache, and I believe it is 10:59:38
3 not limited just to the browser but also to the 10:59:43
4 server, at least this document. 10:59:49
5 BY MR. IWAHASHI: 10:59:53
6 Q. At a high level, a cache generally refers to 10:59:53
7 some sort of temporary storage; is that right? 10:59:57
8 A. Temporary or persistent. It really depends 11:00:05
9 on the type. It's some form of storage that can be 11:00:08
10 temporary, time limited and so on and can be 11:00:17
11 persistent, namely to be stored for a longer period of 11:00:26
12 time in general. 11:00:30
13 Q. Let's look at paragraph 68 -- 11:00:38
14 A. -- of the declaration? 11:00:47
15 Q. Declaration, yes. 11:00:49
16 A. Yes. 11:00:49
17 Q. In here -- it's a long paragraph. Let's look 11:00:49
18 specifically at Google Chrome part. 11:00:56
19 A. Okay. 11:00:59
20 Q. You say that cookies are stored in this path, 11:01:01
21 and the local browser cache is supposedly a different 11:01:04
22 path; correct? 11:01:11
23 A. Can you show me exactly what you are looking 11:01:18
24 at? 11:01:22
25 Q. On page 22. 11:01:22

1	A. Yes.	11:01:24
2	Q. You have the top -- two headings that are	11:01:25
3	underlined cookie and local --	11:01:32
4	A. Yes.	11:01:35
5	Q. Here you are referring to a particular path	11:01:35
6	for where cookies are stored; correct?	11:01:39
7	A. Correct.	11:01:44
8	Q. And you are also referring to a particular	11:01:44
9	path where the local browser cache is stored; correct?	11:01:46
10	A. Yes.	11:01:57
11	Q. The last word in the path for cookies is	11:01:57
12	cookies; right?	11:02:02
13	A. In this example, correct, yes.	11:02:07
14	Q. And the last word for local browser cache is	11:02:10
15	cache; correct?	11:02:13
16	A. Correct.	11:02:14
17	Q. Is the local browser cache a cache because	11:02:27
18	it's contained in a folder called cache?	11:02:31
19	A. No. It's because the browser is programmed	11:02:34
20	to treat it as cache according to the standard. It	11:02:37
21	does different things to cookies and different things	11:02:43
22	with cache. These are two different things, different	11:02:46
23	files, different purposes.	11:02:49
24	And the choice of the path where to store	11:02:54
25	them is -- you know, was chosen in a certain way that	11:02:58

1 is intuitive, but it's the other way around. 11:03:03

2 It's not that the choice of the path name 11:03:06

3 makes the difference, but it's the whole functionality 11:03:13

4 and the whole standard related to those files and the 11:03:16

5 motivation for them that makes the difference. 11:03:20

6 The choice of the path name, it's just 11:03:25

7 derived from that to be intuitive and, you know, 11:03:29

8 consistent or somehow to give indication to the 11:03:35

9 functionality of whatever in there. 11:03:39

10 But what makes a difference is not just the 11:03:42

11 path name. It's the whole standards and the way the 11:03:44

12 browser is programmed and whole purpose of the 11:03:48

13 different files within those two different storage 11:03:51

14 folders. 11:03:58

15 Q. RFC7234 came out in June of 2014; correct? 11:04:02

16 A. June 2014, yes. This particular version that 11:04:09

17 I'm having, yes. 11:04:22

18 Q. You agree that cookies and browsers predate 11:04:26

19 June 2014? 11:04:30

20 A. Yes. In general, yes. 11:04:34

21 Q. Let's go back to paragraph 66 of your report. 11:04:38

22 In paragraph 66, you say that users may be 11:04:53

23 tracked in the browser cache by embedded identifiers 11:04:56

24 in the cache documents; right? 11:04:59

25 A. I'm quoting from Exhibit 1012. 11:05:06

1 Q. Do you agree with that?

11:05:08

2 A. Yes.

11:05:10

3 Q. What are benefits of tracking users in the
4 browser cache as opposed to using cookies?

11:05:17

11:05:20

5 A. So there are a lot of limitations on cookies,
6 but that's evolved because all of kind of privacy
7 issues and security issues that related to cookies.
8 There are more and more over the years. We've seen a
9 lot of movements and actions taken against cookies.

11:05:24

11:05:31

11:05:35

11:05:41

11:05:46

10 And the cache is considered a more private
11 and secure form of storage, and therefore the
12 expectation that applies to cookies do not apply to
13 cache. I mean, cache has its own privacy policy and
14 things like that.

11:05:52

11:05:57

11:06:05

11:06:11

11:06:18

15 As long -- and the limitations that applied
16 to cookies, so therefore cache is a different venue to
17 store information and to shield them from all kinds of
18 limitations that are applied to cookies.

11:06:19

11:06:24

11:06:34

11:06:43

19 Q. Are you aware of any other benefits of
20 tracking users in the browser cache as opposed to
21 using cookies?

11:06:48

11:06:51

11:06:54

22 A. I don't have any particular of storing.

11:07:59

23 There may be. But just sitting here today, I don't
24 remember.

11:08:10

11:08:14

25 Q. Let's go back to paragraph 68 of your

11:08:21

1 declaration. 11:08:25

2 A. I will just say that whatever you store in 11:08:28
3 the cache can also include the programs and script 11:08:33
4 execution and things like that. So there's more 11:08:40
5 flexibility of what you can do with whatever is stored 11:08:50
6 in the cache as compared to what you can store with 11:08:58
7 cookies. 11:09:06

8 You can do more. You can manipulate and even 11:09:07
9 include code and run code using files that are stored 11:09:10
10 in the cache as opposed to what you can store in the 11:09:23
11 -- as a cookie because cache is considered more secure 11:09:30
12 and more private, and it gives you some benefits that 11:09:35
13 you can do more. 11:09:42

14 So it's kind of like there's some advantages. 11:09:47
15 But again, these are two different things. Whether 11:09:53
16 it's advantageous or not is really dependent on the 11:09:59
17 particular implementation. It's not black and white 11:10:03
18 or a yes-or-no question. It's two different things. 11:10:07

19 Q. You just said you can run code in the cache? 11:10:13

20 A. Yeah. You can include code that can be 11:10:17
21 executed in the cache, like script, Java scripts or 11:10:21
22 something like that you can have in the cache, and the 11:10:28
23 browser can run that. 11:10:31

24 Q. Can the browser run code or script in a 11:10:34
25 cookie? 11:10:37

1 A. Like I said, you can store whatever you want 11:10:43
2 in the cookie, but a cookie is typically a file that 11:10:47
3 stores data, and usually the browser does not run 11:10:50
4 that. But you can store whatever you want. 11:11:01

5 When it's in the cache, you can actually 11:11:04
6 cause the browser to run that code, let's say, by 11:11:07
7 tying the code to some button or something you can run 11:11:13
8 that particular code. 11:11:15

9 Q. Let's go back to paragraph 68, specifically 11:11:20
10 pages 22 and 23. 11:11:23

11 A. Okay. Storage locations. 11:11:28

12 Q. Here you analyze -- one, two, three -- four 11:11:34
13 different browsers; is that right? 11:11:37

14 A. Yes. 11:11:43

15 Q. What version of the browsers did you use? 11:11:47

16 A. I don't remember exactly. 11:11:55

17 Q. When did you perform this analysis? 11:11:57

18 A. Around -- a few days or maybe a week or two 11:12:01
19 before submitting the report. I can't remember 11:12:06
20 exactly. 11:12:11

21 Q. Did you use the current version of these 11:12:11
22 browsers when you performed the analysis? 11:12:14

23 A. I don't remember. I have to go back and look 11:12:20
24 in my computer and tell you that. I'm not sure 11:12:24
25 exactly. I don't remember. 11:12:29

1 Q. Did you try to find the version available in 11:12:35
2 June of 2021 when performing your analysis on these 11:12:39
3 browsers? 11:12:42

4 A. The intention was -- I took browsers 11:12:47
5 installed on my computer. And some of my computers 11:12:55
6 are up to date automatically; some may not. So I'm 11:13:00
7 not sure if that's really the latest version. The 11:13:05
8 latest version can actually change from one day to 11:13:09
9 another. 11:13:12

10 I doubt that this path changed because 11:13:13
11 there's no reason to change the path. But -- so in 11:13:19
12 other words, it could be a lot of revisions to a 11:13:27
13 browser without changing the path. 11:13:30

14 My intention here was two things: To show, 11:13:33
15 number 1, the cookies and cache are stored in 11:13:37
16 different locations in browsers, and that's correct 11:13:41
17 for any version of browser, whether it's the latest 11:13:43
18 version or not. 11:13:48

19 And the second was to show that different 11:13:49
20 browsers had different paths associated with them, and 11:13:52
21 that also doesn't change when you update your browser. 11:13:55
22 Typically that doesn't change. There's no need to 11:14:02
23 change that. 11:14:04

24 So I believe that answers your question. 11:14:05

25 Q. You didn't specifically try to find the 11:14:14

1 version of the browser available in June of 2021 to 11:14:16
2 perform your analysis; is that correct? 11:14:20

3 A. I'm not sure what you are asking. I used the 11:14:28
4 latest version on my computers. Some of my computers 11:14:32
5 are automatically updated; some are not. 11:14:36

6 And the purpose of my analysis was to 11:14:46
7 demonstrate the paths associated with cache and 11:14:50
8 cookies on the latest version or the nearly latest 11:15:00
9 version of those browsers as they are on my computer 11:15:08
10 at the time of writing the report. 11:15:13

11 Q. Did you consider which browsers existed in 11:15:19
12 2021? 11:15:22

13 A. Yes, generally speaking. Yes. I provided 11:15:26
14 also analysis related to some of them. 11:15:29

15 Q. Are you aware of which browsers were most 11:15:35
16 popular in 2021? 11:15:38

17 A. I believe Chrome was probably the most 11:15:42
18 popular. But on Apple, you have Safari that is very 11:15:44
19 popular. Microsoft Edge is -- I took probably the one 11:15:50
20 that captures the vast majority of the browsers around 11:15:56
21 the world -- that's used around the world. 11:16:02

22 Q. What type of computers did you use for this 11:16:05
23 analysis? 11:16:08

24 A. Windows. 11:16:09

25 Q. Windows? 11:16:10

1 A. Windows, and one second -- and Mac, of 11:16:12
2 course. 11:16:17

3 Q. Did you try this on an iPhone? 11:16:21

4 A. iPhone? What do you mean, try to look for 11:16:25
5 the specific path? 11:16:34

6 Q. Yes. 11:16:35

7 A. I did not try that specifically on that. But 11:16:40
8 I'm 100 percent confident you will find exactly the 11:16:43
9 same things on iPhone, on any system, namely two 11:16:46
10 different folders and each browser has its own path. 11:16:51
11 I'm sure it's on any machine, including the iPhone. 11:16:57

12 Q. You didn't specifically try this on an 11:17:03
13 Android phone; correct? 11:17:06

14 A. What do you mean "try" that? I'm using an 11:17:09
15 Android phone every day. If the question is whether 11:17:12
16 if I looked at the specific path of where the browser 11:17:16
17 is in Chrome, Android -- and when you say Android, 11:17:20
18 it's really an operating system. 11:17:29

19 It can -- I run four browsers on my phone. 11:17:31
20 So you are referring to a particular browser on 11:17:35
21 Android phone. I did not look into those specific 11:17:40
22 browsers on any possible phone. But I'm 100 percent 11:17:46
23 confident that you will find exactly the same thing on 11:17:55
24 the Android phone as you find it here. 11:17:59

25 Q. Let's go to paragraph 91 of your declaration. 11:18:04

1 Paragraph 91 sets forth some proposed constructions
2 for different terms in the claims?

3 A. Yes. Petitioner's proposed construction.

4 Q. Did you agree -- do you agree with these
5 proposed constructions?

6 A. I think the way I put it in my declaration,
7 it's not a question of whether I agree with it or not.
8 I just took it as is, and I said, look, this is -- I
9 think, you know, and that -- I basically took two
10 constructions.

11 One construction is that it's just the plain
12 meaning without any instruction, and the other one I
13 looked at petitioner's suggestion as construction. I
14 looked and analyzed from these two perspectives,
15 whether you apply the plain meaning or you applied the
16 petitioner's construction, either way, and I formed my
17 opinion. Either way, it's the same opinion. I did
18 not express and form an opinion whether petitioner's
19 construction is correct or not. I just took it as is.

20 I did not form any opinion about it. I just
21 said I will look at the issues for that -- given that
22 construction, and then I formed my opinion. The
23 bottom line is regardless which construction we take,
24 plain meaning or whatever petitioner proposed, it
25 doesn't change my opinion.

1 Q. Are you aware that it was --

11:20:16

2 (Reporter clarification.)

11:20:19

3 BY MR. IWAHASHI:

11:20:20

4 Q. Are you aware that it was actually the patent
5 owner that proposed these constructions?

11:20:20

11:20:22

6 A. I don't think I'm aware of that, but it's not
7 an issue here. I just took that as given. Doesn't
8 matter whoever proposed it.

11:20:30

11:20:35

11:20:38

9 And I just formed my opinion given that
10 construction. Whoever proposed it, it doesn't matter.
11 I understand that petitioner proposed it. Whether the
12 patent owner proposed it or not, I'm not aware. It's
13 irrelevant to the question that I analyzed and formed
14 my opinion based on.

11:20:43

11:20:49

11:20:52

11:20:59

11:21:05

11:21:10

15 Q. Let's go to paragraph 120 of your
16 declaration. Just let me know when you are there.

11:21:13

11:21:17

17 A. Sure.

11:21:23

18 Q. Did you find the paragraph?

11:22:15

19 A. Okay. Got it.

11:22:35

20 Q. In paragraph 120, you say that there are two
21 alternative --

11:22:35

11:22:39

22 (Reporter clarification.)

11:22:41

23 BY MR. IWAHASHI:

11:22:44

24 Q. There are alternative embodiments disclosed
25 in the '947 patent?

11:22:44

11:22:48

1 A. Let me read it first. 11:22:51

2 Okay. It talks about two embodiments 11:24:05

3 mentioned in '947 patent. 11:24:09

4 Q. The first embodiment you discuss is that the 11:24:12

5 browser application can check for a location tracker 11:24:17

6 cookie installed in the browser application; is that 11:24:20

7 right? 11:24:26

8 A. I'm trying to find the line you are reading 11:24:26

9 from. 11:24:29

10 Q. Let's just stick to the language in your 11:24:53

11 declaration. Paragraph 120, second sentence, you say: 11:24:56

12 One embodiment is checking for a cookie or location 11:25:01

13 tracker for determining that the user has not been 11:25:07

14 assigned a unique identifier? 11:25:10

15 A. It describes a technique of checking for 11:25:19

16 cookie -- a cookie or other location tracker for 11:25:21

17 determining that the user has not been assigned a 11:25:25

18 unique identifier. 11:25:27

19 Q. And that's one of the embodiments; correct? 11:25:31

20 A. In these specifications, yes. 11:25:36

21 Q. It's your opinion that that particular 11:25:38

22 embodiment is not claimed in claim 1; correct? 11:25:41

23 A. I have to see the patent in front of me to 11:26:11

24 refresh my recollection about that. 11:26:14

25 Q. The patent was marked earlier as 1001. If 11:26:20

1 you would like to look at it. 11:26:24

2 A. Okay. Let me see. 406. 11:26:26

3 Q. Mr. Gottesman, I will withdraw that question. 11:27:18

4 I will see if I can short-circuit this a bit. 11:27:20

5 Can you go back to paragraph 120 of your 11:27:25

6 report? 11:27:26

7 A. Yes. 11:27:28

8 Q. So about two-thirds of the way down, 11:27:28

9 paragraph 120 on page 52, you start a sentence with 11:27:34

10 "in another embodiment." 11:27:38

11 Do you see that? 11:27:40

12 A. Yes. 11:28:05

13 Q. And there you say: The '947 patent explains 11:28:06

14 that the computing device may determine that there's 11:28:10

15 no unique identifier with the user computing device 11:28:13

16 when there's no location data stored for a 11:28:17

17 user-computing device. 11:28:22

18 Do you see that? 11:28:23

19 A. Yes. 11:28:23

20 Q. And then you say: For this -- 11:28:24

21 A. It's a quote from the '947. 11:28:25

22 Q. Right. Which you are adopting into your 11:28:28

23 analysis; right? 11:28:31

24 A. Uh-huh. Yes. 11:28:32

25 Q. And then you continue: For this embodiment, 11:28:33

1 the computing device may access a database or other
2 storage location that maintains a mapping of the
3 unique identifier into a browser session using
4 computer session and/or location date; correct?

11:28:37

11:28:40

11:28:45

11:28:49

5 A. Yes.

11:28:52

6 Q. And you say: Limitation 1C is the --

11:28:52

7 (Reporter clarification.)

11:29:05

8 BY MR. IWAHASHI:

11:29:06

9 Q. And then you say -- is directed to the second
10 technique described above and not to the alternative
11 technique of looking for a cookie or other location
12 tracker; correct?

11:29:07

11:29:10

11:29:14

11:29:18

13 A. Yes.

11:29:20

14 Q. So what you are saying there is that the
15 claims do not cover looking for a cookie or other
16 location tracker; is that right?

11:29:22

11:29:23

11:29:28

17 MR. BRADER: Objection. Mischaracterizes.

11:29:29

18 THE WITNESS: We are talking about limitation
19 1C, and 1C is directed to the second one and not to
20 the alternative.

11:29:33

11:29:35

11:29:51

21 So I did not -- I think the way I read it --
22 first of all, everything I write here is in response
23 to the other party's expert and the way he
24 characterized certain things.

11:29:52

11:31:24

11:31:26

11:31:32

25 And I looked at what each example discloses,

11:31:34

1 and I found that the second embodiment disclosed more 11:31:49
2 about element 1C than the other embodiment. 11:32:03

3 So in the other embodiment, it was not 11:32:11
4 disclosed specifically enough as in the second 11:32:14
5 embodiment. And I saw some difference there in what 11:32:22
6 was disclosed. 11:32:26

7 And I noted that these are examples, and they 11:32:31
8 are described in different ways. And I found that the 11:32:35
9 disclosure in the second embodiment is more consistent 11:32:43
10 with limitation 1C. And that was in rebuttal to 11:32:47
11 Mr. Williams' theory. 11:32:58

12 But again, whether one is covered by the 11:33:02
13 claim or not, it really needs to be done on a 11:33:07
14 particular system and to look into that particular 11:33:12
15 system and determine more specifically. 11:33:18

16 I just said that in the second embodiment I 11:33:23
17 found more details and more description related to 1C. 11:33:27
18 I didn't find that in the first embodiment. That 11:33:35
19 doesn't mean the first embodiment is not covered. 11:33:44
20 Just I didn't find enough disclosure to determine 11:33:48
21 that. 11:33:50

22 Frankly the purpose here was to bring more 11:33:51
23 description of the examples and infringement analysis 11:33:55
24 or whether it's covered or not of that nature. 11:34:02

25 BY MR. IWAHASHI: 11:34:07

1 Q. Go to paragraph 120 of your declaration. 11:34:08
2 A. I'm there. 11:34:22
3 Q. There you say: As limitation 1C is directed 11:34:24
4 to the first disclosed technique of determining that 11:34:27
5 the user has not been assigned a unique identifier 11:34:31
6 based on a lack of storage location data for the 11:34:35
7 user-computing device and not the alternatively 11:34:39
8 disclosed technique of looking for a cookie installed 11:34:42
9 in a browser application on the user computing, 11:34:45
10 limitation 1C cannot be rendered obvious in view of a 11:34:50
11 teaching of the unclaimed alternative embodiment. 11:35:00
12 Do you see that? 11:35:04
13 (Reporter clarification.) 11:35:44
14 BY MR. IWAHASHI: 11:36:48
15 Q. Dr. Gottesman, did you see where I was 11:36:48
16 reading? 11:36:50
17 A. Yeah. I'm reading that. I'm trying to 11:36:51
18 answer your question, but I need to read that. 11:36:55
19 Q. My question was: Do you see that? 11:36:58
20 A. I do see that, yes. 11:37:00
21 Q. So, Dr. Gottesman, you are rendering an 11:37:02
22 opinion that the Van Boucq combination does not render 11:37:07
23 obvious the limitation 1C because it is directed to 11:37:14
24 the unclaimed embodiment that you are talking about 11:37:20
25 here; correct? 11:37:23

1 A. These are two different issues here. One is 11:37:36
2 I'm determining and forming my opinion based on the 11:37:48
3 plain language. Not just the example, but plain 11:37:53
4 language. 11:37:58

5 I'm trying to read here and to clarify to you 11:37:58
6 what I'm -- what is my opinion. So I need to read 11:38:01
7 that a lot more to be able to explain that. I see 11:38:10
8 what you are referring to, but I want to read that. 11:38:17

9 Q. Dr. Gottesman, I just want to know whether 11:38:19
10 it's your opinion that the alternative limitation 11:38:21
11 disclosed technique of looking for a cookie installed 11:38:25
12 in a browser application on the user-computing device 11:38:29
13 is within the scope of limitation 1C. 11:38:33

14 Are you able to answer that? 11:38:37

15 MR. BRADER: Objection. Mischaracterizes. 11:38:39

16 THE WITNESS: I need to read and then be able 11:38:42
17 to answer the question. 11:38:44

18 So the issue here is that limitation is 11:40:13
19 directed to whether there is -- that the technique is 11:40:19
20 for determining that the user has not been assigned a 11:40:30
21 unique identifier and that that's based on lack of 11:40:34
22 stored location data. 11:40:39

23 So there's got to be a stored location data 11:40:41
24 in the user-computing device. And it's not just a 11:40:45
25 matter of looking for -- just for looking for a cookie 11:40:49

1 installed in the browser application. So it's not 11:40:58
2 just a matter of whether cookies is stored or not. 11:41:01

3 It's a matter of what is in the cookie and a 11:41:04
4 matter of whether location data is stored, and that's 11:41:06
5 the difference between the two embodiments, I think, 11:41:13
6 and the language of the claim that requires stored 11:41:18
7 location data. 11:41:26

8 And that's the core of the distinction that I 11:41:30
9 saw between the claim and the prior art. As far as 11:41:37
10 the examples the embodiment, one of them included 11:41:43
11 specifically the stored location data. And I have to 11:41:50
12 refresh myself on the other one to see the difference. 11:41:55

13 So the question is whether an example or a 11:41:59
14 product is -- is the product determining that the user 11:42:05
15 has been assigned a unique identifier is based on the 11:42:14
16 lack of stored location data as opposed to just 11:42:18
17 whether there's a cookie installed in the browser or 11:42:23
18 not. So this is the core question. 11:42:25

19 And basically what I'm saying here, if there 11:42:36
20 is within the specification an alternative that's not 11:42:44
21 -- is not mentioning that, you cannot read that into 11:42:52
22 the claim. And the claim is about stored location 11:42:58
23 data and the fact that there is a different example 11:43:07
24 that does not disclose whether it has it or not, the 11:43:12
25 description of that embodiment as it is doesn't 11:43:20

1 disclose what is required by the claim. So I think 11:43:28
2 that's what I'm trying to state here. 11:43:36

3 Q. Dr. Gottesman, you called this an unclaimed 11:43:40
4 alternative embodiment right there in your 11:43:44
5 declaration, paragraph 126; correct? 11:43:47

6 A. Correct. 11:43:49

7 Q. What do you mean that it's an unclaimed 11:43:50
8 alternative embodiment? 11:43:54

9 A. It means that the disclosure does not include 11:43:55
10 all -- as is does not include all the claimed 11:43:59
11 limitations specifically in 1C. 11:44:08

12 Q. So is it your opinion that the technique of 11:44:11
13 looking for a cookie installed in a browser 11:44:19
14 application on the user-computing device could be 11:44:21
15 covered by the claims? 11:44:25

16 A. No. My -- that's not enough just whether 11:44:29
17 there is a cookie or there's no cookie. That's not 11:44:34
18 enough. That's not covered by the claim. 11:44:37

19 What is covered by the claim is that the -- 11:44:40
20 (Reporter clarification.) 11:44:48

21 THE WITNESS: I said stored location data. 11:44:55
22 Determining whether there is a stored location data. 11:44:57
23 BY MR. IWAHASHI: 11:45:04

24 Q. So if that cookie had location data, could 11:45:07
25 that meet claim limitation 1C? 11:45:12

1 A. If it meets the language of the limitation, 11:45:16
2 then it is claimed. If it doesn't meet the language 11:45:20
3 of the limitation, it is unclaimed. 11:45:24
4 Q. Why did you call this unclaimed? 11:45:27
5 A. Because it specified in enough detail for -- 11:45:30
6 that's required for the language of the claimed 11:45:37
7 limitation. 11:45:40
8 MR. IWAHASHI: All right. Let's take a 11:45:43
9 break. 11:45:45
10 THE VIDEOGRAPHER: This marks the end of 11:45:49
11 media number 2. The time is 11:46 a.m. 11:45:50
12 We are off the record. 11:45:53
13 (Recess taken.) 11:57:57
14 THE VIDEOGRAPHER: This marks the beginning 11:57:58
15 of media number 3. The time is 11:58 a.m. 11:58:04
16 We are on the record. 11:58:08
17 BY MR. IWAHASHI: 11:58:11
18 Q. Dr. Gottesman, let's go back to paragraph 120 11:58:13
19 of your report -- 11:58:17
20 A. Yes. 11:58:18
21 Q. -- declaration. 11:58:19
22 The last sentence -- on page 52, the last 11:58:20
23 full sentence on page 52 says that for this embodiment 11:58:25
24 the -- 11:58:29
25 (Reporter clarification.) 11:58:31

1 BY MR. IWAHASHI:

11:58:36

2 Q. -- the computing device may access a database
3 or other storage location that maintains a mapping of
4 the unique identifier to a browser session, a
5 user-computing device and/or location data; correct?

11:58:48

11:58:52

11:58:55

11:58:59

6 A. Yes. That's quote, correct.

11:59:02

7 Q. And you agree that that's an embodiment
8 disclosed in the '947 patent; correct?

11:59:06

11:59:10

9 A. Yes.

11:59:13

10 Q. You agree with me that to look something up
11 in a database, you need to have a key to identify when
12 entering the database; correct?

11:59:14

11:59:26

11:59:35

13 A. Not necessarily. There are many different
14 ways to look into a database.

11:59:36

11:59:39

15 Q. You need to in some way -- some value to look
16 up in the database; right?

11:59:42

11:59:49

17 A. Yes. Can be a range of values. All kinds of
18 stuff, yes.

11:59:52

11:59:55

19 Q. And for step 1C, you agree that you don't yet
20 know the unique identifier of a user; correct?

11:59:58

12:00:10

21 A. Can you say it again?

12:00:18

22 Q. You agree with me that for step 1C, when you
23 are determining that the user has not been assigned a
24 unique identifier based on a lack of storage location
25 data, the system does not yet know the unique

12:00:19

12:00:23

12:00:26

12:00:30

1 identifier the user; correct?

12:00:35

2 A. It's the language of the patent. The
3 language of the limitation. I have to see language
4 again.

12:00:37

12:00:50

12:00:59

5 Q. The language of limitation 1C is right above
6 paragraph 110 of your report if that's helpful.

12:01:53

12:01:58

7 A. 110.

12:02:01

8 Q. 110.

12:02:01

9 A. Yes. I have it in front of me.

12:02:07

10 That user has not been assigned a unique
11 identifier.

12:02:10

12:02:15

12 Q. My question is: Do you agree with me that
13 when executing step 1C, the system does not yet know
14 that unique identifier for the user?

12:02:18

12:02:21

12:02:25

15 A. So based on lack of stored location data for
16 the user-computing device -- based on lack of stored
17 location data, then he determines that the user has
18 not been assigned a unique identifier.

12:03:04

12:03:10

12:03:19

12:03:25

19 Q. So you agree that the system does not yet
20 know the unique identifier at this step; correct?

12:03:32

12:03:33

21 A. Is not assigned a unique identifier.

12:03:37

22 Q. And is it your testimony that at this step
23 the system knows the unique identifier of the user?

12:03:42

12:03:46

24 A. I'm saying that the question is not what the
25 system knows or doesn't know. The question is whether

12:03:53

12:03:55

1 it assigned or didn't assign a unique identifier. 12:03:58

2 Q. Okay. Let's go back to the embodiment where 12:04:01

3 the computing device accesses a database -- 12:04:10

4 (Reporter clarification.) 12:04:18

5 MR. IWAHASHI: I am sorry. I am trying. 12:04:18

6 Just stop me, and I will slow down. 12:04:26

7 BY MR. IWAHASHI: 12:04:26

8 Q. -- mapping of a unique identifier to a 12:04:40

9 browser session user-computing device and/or location 12:04:43

10 data; correct? 12:04:46

11 A. You read the quote correctly, yes. 12:04:50

12 Q. So my question is: What value or range of 12:04:55

13 values do you use to look up whether there's location 12:04:59

14 data in this database? 12:05:02

15 MR. BRADER: Objection. Vague. 12:05:07

16 THE WITNESS: I'm not sure I understand the 12:05:23

17 question. 12:05:24

18 BY MR. IWAHASHI: 12:05:24

19 Q. In this embodiment, the system accesses a 12:05:26

20 database to determine if there's location data stored; 12:05:30

21 correct? 12:05:30

22 A. It says: It may access database or other 12:06:21

23 stored location that maintains a mapping of unique 12:06:23

24 identifier to a browser session, a user-computing 12:06:28

25 device and location. 12:06:40

1 It doesn't talk about determining whether the 12:06:40
2 user has not been assigned a unique identifier based 12:06:43
3 on stored location. It talks about access storage 12:06:49
4 location. 12:06:54

5 Q. Right. So you access this database or other 12:06:55
6 storage location to determine if there's location data 12:06:58
7 stored; correct? 12:07:01

8 A. That's not what it says. It doesn't talk 12:07:04
9 about the determination. It talks about access to 12:07:06
10 database. 12:07:09

11 Q. I didn't say determine. 12:07:10

12 A. Let me read that again. 12:07:17

13 Q. Dr. Gottesman, let's go one sentence before 12:09:12
14 that, still on page 52, paragraph 120. 12:09:15

15 You say: The '947 patent explains the 12:09:21
16 computing device may determine that there's no unique 12:09:26
17 identifier associated with the user-computing device 12:09:29
18 when there's no location data stored for the 12:09:33
19 user-computing device; correct? 12:09:37

20 A. Yes. 12:09:38

21 Q. And then you say: For this embodiment, the 12:09:39
22 computing device may access a database or other 12:09:42
23 storage location that maintains a mapping of unique 12:09:44
24 identifier to a browser session, a user-computing 12:09:48
25 device and/or location data; correct? 12:09:52

1 A. Yes. 12:09:55

2 Q. So in this embodiment, you are accessing a 12:09:57
3 database or other storage location to determine if 12:10:01
4 there is no unique identifier associated with the 12:10:05
5 user; correct? 12:10:08

6 MR. BRADER: Objection. Vague. 12:10:10

7 THE WITNESS: I have to go back to see 12:10:26
8 exactly the text and tell you the path. There may be 12:10:27
9 some confusion here about the first or the second. So 12:10:31
10 I have to look at the cases of the two examples. 12:10:35

11 But the bottom line is you have to look at 12:10:38
12 the claim -- the claim limitation -- based on claim 12:10:43
13 limitation language to see whether the -- whether the 12:10:51
14 example performed or includes the claim limitation or 12:10:55
15 not. 12:11:02

16 I'm not sure about the first and the second 12:11:02
17 here. My understanding is -- I have to look again at 12:11:04
18 the two examples and see what they say specifically. 12:11:16

19 But apparently there are two examples in the 12:11:23
20 specifications. One is them is claimed. The other 12:11:25
21 one is unclaimed. And you determine which and if any 12:11:32
22 of them or which is claimed by whether the disclosure 12:11:37
23 of the example matches the language of the claim. 12:11:43

24 And, as you know, generally, when you submit 12:11:49
25 a patent, you provide examples. But later on when you 12:11:56

1 -- and you are not permitted to modify the 12:12:02
2 specification. 12:12:05

3 Later on when you claim -- and amend the 12:12:07
4 claim, there could be a situation like here that one 12:12:11
5 example is claimed. The other one is not. But 12:12:14
6 regardless of that, you have to look at the claim 12:12:21
7 language, not the examples to determine scope of the 12:12:24
8 claim. 12:12:28

9 You cannot read the specification into the 12:12:28
10 claim. So the bottom line is you look at the claim 12:12:30
11 limitation, and then you look at the example, and you 12:12:38
12 determine whether it is claimed or unclaimed. 12:12:41

13 But it's not the other way around that you do 12:12:44
14 the example and then read that into the claim. That 12:12:46
15 you are not permitted to do. That's the point here. 12:12:50

16 So if you want -- if your question is not 12:12:53
17 what the claim means but what each example does or 12:12:57
18 doesn't do, I can look up the specifications and tell 12:13:02
19 you exactly what I meant here because this is based on 12:13:05
20 the specification. I have to look at the 12:13:09
21 specification to clarify that. 12:13:12

22 But the direction has to be from the claim to 12:13:14
23 the examples and not reading any of the examples into 12:13:17
24 the claim. You cannot modify or read the claims -- 12:13:23
25 read the examples into the claim. You cannot do that. 12:13:26

1 BY MR. IWAHASHI:

12:13:31

2 Q. Dr. Gottesman, you said in a situation where
3 one example is claimed and the other is not; right?

12:13:31

12:13:34

4 A. Yes.

12:13:40

5 Q. So in that situation, the example that is not
6 claimed is outside of the scope of the claims; is that
7 correct?

12:13:40

12:13:43

12:13:53

8 A. It depends on the description. I didn't say
9 outside. I said -- yeah, unclaimed means I don't have
10 sufficient information to associate that or -- I don't
11 have enough details in it to say that this is based on
12 -- it is claimed basically.

12:13:53

12:13:59

12:14:03

12:14:10

12:14:17

13 Q. Let's go to paragraph 128 -- paragraph 128 on
14 page 57. You start a sentence: Because the data is
15 anonymous.

12:14:22

12:14:34

12:14:42

16 Do you see that? The fifth line of page 57.
17 Do you see that?

12:14:44

12:15:14

18 (Reporter clarification.)

12:15:41

19 THE WITNESS: I see that.

12:15:54

20 BY MR. IWAHASHI:

12:15:55

21 Q. Okay. And you say: Because the data is
22 anonymous, limitation 1C makes the claim determination
23 by using the lack of stored location data for the
24 user-computing device? Do you see that?

12:15:55

12:16:00

12:16:02

12:16:06

25 A. Yes.

12:16:21

1 Q. Is it your opinion that the claims preclude 12:16:21
2 receiving non-anonymous data? 12:16:27
3 MR. BRADER: Objection. Mischaracterizes. 12:16:31
4 BY MR. IWAHASHI: 12:18:57
5 Q. Dr. Gottesman, are you able to answer my 12:18:57
6 question? 12:18:59
7 A. I'm trying to. So we talk about cookie has 12:18:59
8 connection cookie and -- 12:19:12
9 (Reporter clarification.) 12:19:22
10 THE WITNESS: Van Boucq, V-A-N, B-O-U-C-Q. 12:19:22
11 So Van Boucq has a communication cookie and 12:19:38
12 makes some determination based on lack of cookie. And 12:19:46
13 basically it's different from the claim language that 12:19:55
14 requires making the determination based on lack of 12:20:00
15 stored location data. 12:20:06
16 So it's two different things. So it's not 12:20:08
17 derived from the anonymous data. It's derived from 12:20:14
18 the claim language that talks about whether there's a 12:20:19
19 lack of stored location data. 12:20:23
20 BY MR. IWAHASHI: 12:20:32
21 Q. Let's go to paragraph 130 of your 12:20:32
22 declaration. 12:20:35
23 A. 130? 12:20:35
24 Q. Yes. 12:20:36
25 A. Okay. 12:20:46

1 Q. Here you say -- second sentence: Regardless
2 of whether the user answers the popup yes or no, Van
3 Boucq creates a connection cookie.

4 Do you see that?

5 A. Yes.

6 Q. Is it your testimony that any system that
7 creates a cookie regardless of whether the user
8 answers the popup yes or no does not meet this
9 limitation?

10 MR. BRADER: Objection. Mischaracterizes.

11 THE WITNESS: Again, we have the claim
12 language, and claim language requires making the
13 determination, and based on that determination doing
14 one thing, and doing a different thing when there's no
15 determination.

16 In this particular example, there was no such
17 determination in doing different things based on what
18 choice or the other. So I'm looking into that
19 particular example, that particular prior art, and I'm
20 saying this particular prior art in this particular
21 limitation and the way it performed that in the
22 context of that limitation of the determining doesn't
23 respond differently as claimed.

24 So I'm answering specifically to a specific
25 example brought by your expert, and I forwarded my

1 opinion about that particular prior art. That's my
2 opinion. I'm not extending my opinion beyond that.

3 I'm only talking about that particular
4 specific example that was brought by your expert, and
5 I expressed my opinion why it does not disclose the
6 invention.

7 BY MR. IWAHASHI:

8 Q. Let's go to paragraph 141 of your
9 declaration. Tell me when you are there.

10 A. I'm at 141.

11 Q. Here you are talking about a new limitation,
12 limitation 1E which is determining whether the user
13 opted into or out of location tracking based on
14 whether a location tracker is installed on the
15 user-computing device; correct?

16 A. I don't know. I have to see the language. I
17 forgot. 1E?

18 Q. Above paragraph 132 of your declaration.

19 A. 132 you said? Let me go there.

20 Q. Dr. Gottesman, have you had a chance to read
21 the limitation?

22 A. Yes.

23 Q. And you agree that this limitation is
24 determining whether the user opted into or out of
25 location tracking based on whether a location tracker

1 is installed on the user-computing device; correct? 12:25:23

2 A. That's the language, correct. 12:25:28

3 Q. Let's go to paragraph 142. Paragraph 142, 12:25:29
4 you say that Van Boucq installs a connection cookie 12:25:41
5 after seeking consent using a popup regardless of 12:25:51
6 whether the user responds to or ignores the popup; 12:25:55
7 right? 12:26:04

8 A. Yes. 12:26:04

9 Q. And it's your opinion that this connection 12:26:05
10 cookie is not a location tracker; is that right? 12:26:08

11 A. Yes. 12:26:10

12 Q. Okay. Do you have an understanding as to 12:26:10
13 whether the popups you are talking about are built 12:26:22
14 into web browsers? 12:26:25

15 A. What do you mean "built into web browsers"? 12:26:32

16 Q. Do you have an understanding as to whether or 12:26:36
17 not a popup like this for whether the user wanted to 12:26:41
18 opt into -- 12:26:46

19 (Reporter clarification.) 12:26:48

20 BY MR. IWAHASHI: 12:26:49

21 Q. -- a popup -- 12:26:58

22 Hold on. Let me finish. 12:26:59

23 Do you have an understanding as to whether or 12:27:01
24 not a popup like this for whether a user wanted to opt 12:27:04
25 into location tracking is native to modern web 12:27:09

1 browsers?

12:27:14

2 A. A popup can be triggered by a web browser
3 rendering of some web page. It can be many ways that
4 the popups can come up. It is not built into the
5 browser.

12:27:19

12:27:25

12:27:29

12:27:35

6 It is basically the browser can be by the
7 browser triggering the popup in response to how it
8 renders the web page, but there could be different
9 ways that the popup happens.

12:27:35

12:27:40

12:27:47

12:28:23

10 Q. Let's look at paragraph 154.

12:28:34

11 A. 154.

12:28:39

12 Q. Yes. Before we get there, go to
13 paragraph 147 above that. We are in a new section.
14 This one is addressing limitation 1F; right?

12:28:40

12:28:42

12:28:47

15 A. 1F. So that's determination --

12:28:56

16 Q. Limitation 1F is upon determining the user
17 opted out of location tracking, the unique identifier
18 to the user-computing device for storage in a local
19 browser cache; right?

12:29:19

12:29:25

12:29:28

12:29:31

20 A. Yes.

12:29:44

21 Q. So in paragraph 154 -- let me know when you
22 are there.

12:29:44

12:29:53

23 A. Okay.

12:30:08

24 Q. The last sentence of page 69 you say: For
25 example, the '947 patent, Figure 16 depicts separation

12:30:09

12:30:16

1 operations for install cookie and browser -- 12:30:22
2 (Reporter clarification.) 12:30:36
3 BY MR. IWAHASHI: 12:30:36
4 Q. -- 512 stores unique ID in local cache of 12:30:37
5 browser 514 as shown in the figure reproduced below. 12:30:43
6 Do you see that? 12:30:49
7 A. Yes. 12:30:50
8 Q. Are you saying that the '947 patent itself 12:30:52
9 distinguishes between files stored in the cookie store 12:30:56
10 and files stored in the browser cache? 12:30:59
11 A. There is a distinction between cookie storage 12:31:29
12 and cache storage. 12:31:33
13 Q. And the '947 patent makes that distinction? 12:31:34
14 Is that your opinion? 12:31:38
15 A. Figure 16 shows such a distinction. And 1F 12:31:42
16 refers to the local browser cache. 12:31:56
17 Q. Right. So a cookie stored in the cookie 12:31:59
18 store could not meet this limitation; correct? 12:32:01
19 A. That's not how it's -- how the patent -- it 12:32:13
20 says if you opted location, then you install a cookie 12:32:20
21 in the browser. It doesn't say where it's stored, but 12:32:25
22 it's stored in the browser. 12:32:35
23 And when you did not opt out, it says store 12:32:37
24 unique ID in a local cache browser. So it just says 12:32:45
25 that in one case you have to store in a local cache 12:33:00

1 browser, and in the other case you install a cookie in 12:33:03
2 the browser one place that -- and cookies can be 12:33:12
3 stored in -- wherever they are properly stored. 12:33:20
4 That's the way I look at it. 12:33:27

5 Q. So my question to you is: If a system stores 12:33:35
6 the unique identifier in the browser -- strike that. 12:33:43
7 Let me start over. 12:33:47

8 If a system stores a unique identifier in a 12:33:48
9 cookie upon determining the user opted out of location 12:33:52
10 tracking, that would not meet this limitation; 12:34:00
11 correct? 12:34:04

12 MR. BRADER: Objection. Mischaracterizes. 12:34:04

13 THE WITNESS: That's -- I mean, my opinion as 12:34:08
14 of today is not about what infringes or does not 12:34:09
15 infringe. My opinion is what is the disclosed in the 12:34:13
16 prior art and what is not disclosed. 12:34:19

17 And in 1F you have to store in a local 12:34:23
18 browser cache. 1F is not about any distinction of the 12:34:28
19 nature that you are calling me to form an opinion. 12:34:36
20 That's not -- that's the opinion I formed today. 12:34:38

21 The opinion is that 1F has to be stored in a 12:34:43
22 local browser cache, and that's what the claim 12:34:49
23 language says. The other path in Figure 16 is about 12:34:58
24 installing cookie in a browser, but it doesn't specify 12:35:05
25 where the cookie is installed. 12:35:10

1 BY MR. IWAHASHI:

12:35:17

2 Q. Mr. Gottesman, you have an understanding as
3 to the scope of these claim limitation; correct?

12:35:17

12:35:20

4 A. Yes. I just gave it to you.

12:35:25

5 Q. Earlier today we talked about how cookies are
6 stored in the cookie store; correct?

12:35:28

12:35:31

7 A. Correct.

12:35:33

8 Q. And you told me that the cookie store is
9 distinct from the local browser cache; correct?

12:35:34

12:35:37

10 A. Typically. Typically there's a standard, and
11 cookies according to the standard are stored in
12 different locations. But I cannot read that into the
13 patent.

12:35:42

12:35:46

12:35:51

12:35:56

14 Q. I'm not talking about the patent right now.

12:35:57

15 A. Okay.

12:36:00

16 Q. You told me that the cookie store is distinct
17 from the local browser cache; right?

12:36:07

12:36:10

18 A. That is according to standard, correct, yes,
19 and according to examples that I told to you about,
20 the difference browsers that I found on my computer.

12:36:15

12:36:19

12:36:27

21 Q. So you agree that a cookie with the unique
22 identifier would not be stored in the local browser
23 cache; correct?

12:36:38

12:36:41

12:36:44

24 A. No, that's not what I said. I said the
25 standard specified that on my computer that's how it

12:36:48

12:36:50

1 is. That normally is a situation that cookies are 12:36:55
2 stored in the cookie store, and cookies comply with 12:37:01
3 the standard stored in the cookie store and cache. 12:37:09

4 But if you some have kind of exercise you 12:37:13
5 want to create, some kind of example where you want to 12:37:19
6 store something in the cache and that something is in 12:37:25
7 your particular example would be a cookie, that is not 12:37:31
8 complying with the standard and what's normally is and 12:37:36
9 that would be a cookie, I guess it's as an exercise 12:37:41
10 you can create something like that. 12:37:48

11 That's not the normal situation, but I can 12:37:50
12 see someone could theoretically create some kind of 12:37:52
13 unusual or nonstandard example, and the patent doesn't 12:38:00
14 say where the cookies are stored. 12:38:10

15 And the patent would still -- such an unusual 12:38:12
16 cookie that's stored may be in a different place. 12:38:21
17 That's not the standard situation, but it's possible 12:38:22
18 to do. 12:38:26

19 And that example would still be covered by 12:38:27
20 the patent because the patent doesn't say that every 12:38:31
21 cookie in the world, even some funny cookie that 12:38:36
22 somebody created, has to be stored in the separate 12:38:39
23 place. That's the normal situation that is a standard 12:38:43
24 situation. But there could be some funny example that 12:38:46
25 doesn't do that. And it would maybe not be standard, 12:38:52

1 but it would still be covered by the patent. 12:38:58

2 Q. Dr. Gottesman, you've programmed websites 12:39:07

3 before; right? 12:39:11

4 A. Yes. 12:39:14

5 Q. Have you used cookies on your websites? 12:39:14

6 A. I had standard cookies on my website, yes. 12:39:18

7 Q. Are you aware of any way to force the browser 12:39:22

8 to store the cookie outside of the cookie store? 12:39:26

9 A. Yes, there are ways to do that. And that 12:39:30

10 would be a nonstandard way. There could be -- you 12:39:34

11 know, all kinds of exercises. Everything is possible. 12:39:39

12 And that's not the question whether somebody 12:39:43

13 did that in this way or another way. The question is 12:39:45

14 whether whatever somebody did is covered under the 12:39:48

15 claim. That's my opinion, whether something is 12:39:53

16 covered or not covered under the claim where there 12:39:56

17 some prior art or disclosed something that is covered 12:40:02

18 or not covered under the claim, that's my opinion as 12:40:04

19 of today. 12:40:07

20 Q. Go back to paragraph 142 of your declaration. 12:40:47

21 Here you are talking about Van Boucq and the popups; 12:41:03

22 correct? 12:41:03

23 A. Yes. 12:41:07

24 Q. Is it your opinion that Van Boucq does not 12:41:09

25 meet this limitation because it prompts users to share 12:41:13

1 their location using location trackers using popups? 12:41:15

2 A. My opinion is that Van Boucq does not -- did 12:41:32

3 not disclose the claim determination. I explained 12:41:36

4 that because Van Boucq installs connection cookie 12:41:47

5 after seeking consent using the popup regardless. 12:41:51

6 The point is not popup. It's regardless of 12:41:54

7 whether the user responds to or ignores the popups. 12:41:58

8 So the point is there was no determination. It's not 12:42:04

9 a question of a popup. It's a question of whether 12:42:07

10 there was something based on the determination. 12:42:09

11 Q. But what if the back-end server in Van Boucq 12:42:14

12 processes information associated with the connection 12:42:19

13 cookie? 12:42:24

14 (Reporter clarification.) 12:42:26

15 BY MR. IWAHASHI: 12:42:27

16 Q. To determine whether the user opted into or 12:42:27

17 out of location tracking, wouldn't that be enough? 12:42:29

18 A. There's -- the question is: What is 12:42:33

19 disclosed? And I'm forming my opinion based on what 12:42:36

20 is disclosed and what if something was disclosed. It 12:42:42

21 wasn't disclosed. It doesn't apply. 12:42:46

22 MR. IWAHASHI: Let's go off the record so I 12:42:55

23 can check my notes. 12:42:57

24 THE WITNESS: Thank you. 12:42:59

25 THE VIDEOGRAPHER: This marks the end of 12:43:02

1	media number 3. The time is 12:43 p.m.	12:43:04
2	We are off the record.	12:43:07
3	(Recess taken.)	12:52:36
4	THE VIDEOGRAPHER: This marks the beginning	12:52:36
5	of media number 4. The time is 12:52 p.m.	12:52:37
6	We are on the record.	12:52:41
7	MR. IWAHASHI: I have no further questions.	12:52:43
8	MR. BRADER: All right. I have no redirect.	12:52:45
9	THE VIDEOGRAPHER: Thank you, Counsel.	12:52:48
10	Before we go off the record, I just want to	12:52:50
11	get the video orders.	12:52:56
12	And, Drew, would you like me to get the	12:53:01
13	transcript order, as well?	12:53:02
14	(Reporter clarification.)	12:53:05
15	THE VIDEOGRAPHER: Thank you so much.	12:53:06
16	MR. BRADER: We will reserve the right to	12:53:08
17	read and sign.	12:53:09
18	THE VIDEOGRAPHER: Thank you, Mr. Brader.	12:53:11
19	Would you like a video copy, Mr. Brader?	12:53:13
20	MR. BRADER: No, thank you.	12:53:14
21	THE COURT: Would you like a copy of the	12:53:17
22	transcript, Mr. Brader?	12:53:19
23	MR. BRADER: Yes, we would.	12:53:21
24	THE VIDEOGRAPHER: Mr. Iwahashi, would you	12:53:30
25	like your video copy expedited?	12:53:31

1 MR. IWAHASHI: We don't need video right now. 12:53:33
2 We do want a transcript. I don't know what the normal 12:53:36
3 turnaround is. 12:53:41

4 THE REPORTER: The turnaround time is two 12:53:48
5 weeks, Counsel. 12:53:50

6 MR. IWAHASHI: That's the Thanksgiving 12:53:51
7 holiday. Let's go off the record. 12:53:53

8 THE VIDEOGRAPHER: This marks the end of 12:54:02
9 media number 4 and concludes today's deposition. The 12:54:04
10 time is 12:54 p.m. 12:54:07

11 We are off the record. 12:54:10

12 (Time Noted: 12:54 p.m.)

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PENALTY OF PERJURY CERTIFICATE

I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

Executed this ____ day of _____,
20__, at _____, _____.
(City) (State)

WITNESS NAME

REPORTER'S CERTIFICATE

I, DREW E. COVERSON, CSR No. 10166, Certified
Shorthand Reporter, certify:

That the foregoing proceedings were taken before
me at the time and place therein set forth;

The statements made at the time of the
proceedings were recorded stenographically by me and
were thereafter transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the laws
of California that the foregoing is true and correct.

Dated this 24th day of November , 2025.

Drew E. Coverson

DREW E. COVERSON,
CSR No. 10166

Reference No.: 13654445

Case: ROCKET MEDIA vs FULLTHROTTLE TECH

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Oded Gottesman

NOTARIZATION OF CHANGES

(If Required)

Subscribed and sworn to on the _____ day of

_____, 20____ before me,

(Notary Sign)_____

(Print Name) _____ Notary Public,

in and for the State of _____

Reference No.: 13654445
Case: ROCKET MEDIA vs FULLTHROTTLE TECH

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