APPLE INC.,

Petitioner

v.

VIRNETX, INC.,

Patent Owner

Case IPR2014-00237

Case IPR2014-00238

Patent No. 8,504,697

DEPOSITION OF MICHAEL FRATTO

Washington, D.C.

August 14, 2014

Reported by: Mary Ann Payonk
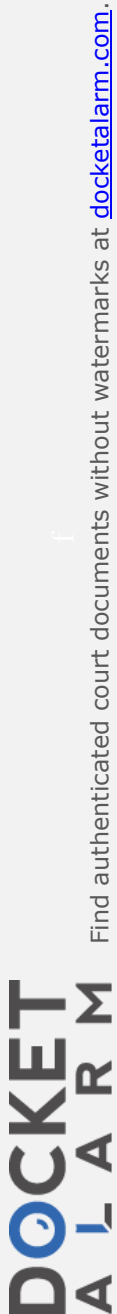
Job No. 83382

TSG Reporting - Worldwide   877-702-9580

4

5   Thursday, August 14, 2014

6   9:00 a.m.

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8   Deposition of MICHAEL FRATTO, held at

9   the offices of Sidley Austin, 1501 K Street,

10   NW, Washington, DC, pursuant to Notice

11   before Mary Ann Payonk, Nationally Certified

12   Realtime Reporter and Notary Public of the

13   District of Columbia, Commonwealth of Virginia,

14   States of Maryland and New York.

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 4              JOSEPH PALYS

 5              DANIEL ZEILBERGER

 6                  PAUL HASTINGS

 7                  875 15th Street, NW

 8                  Washington, DC   20005

 9


10      ON BEHALF OF APPLE INC.:

11              SCOTT BORDER

12              JEFFREY KUSHAN

13                  SIDLEY AUSTIN

14                  1501 K Street, NW

15                  Washington, DC 20005

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17      ALSO PRESENT:

18              Jason Stach (By phone)

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follows:

5   EXAMINATION

6   BY MR. MODI:

7   Q.   Good morning, Mr. Fratto.

8   A.   Good morning.

9   Q.   How are you today?

10   A.   Fine. Yourself?

11   Q.   Good, thanks.

12   Can you state your full name for the

13   record?

14   A.   It's Michael Fratto.

15   Q.   What is your address?

16   A.   105 Marion Avenue, Syracuse,

17   New York.

18   Q.   Have you ever been deposed before?

19   A.   I have not.

20   Q.   Have you testified in court before?

21   A.   I have not.

22   Q.   You understand you are under oath

23   today?

24   A.   Yes, I do.

25   Q.   And you also understand that I'll be

4   Q.   -- and the answers?

5   We will be taking breaks

6   periodically, but if there's a pending

7   question, I would ask that you answer that

8   before we take a break. Is that fair?

9   A.   Yes.

10   Q.   Your lawyer may object today. You

11   have to answer anyway unless he instructs you

12   not to answer.

13   Do you understand that?

14   A.   Yes.

15   Q.   If you don't understand a question,

16   please let me know. I'll try my best to

17   rephrase it. But if not, I'm going to assume

18   you understand it. Is that fair?

19   A.   Yes.

20   Q.   I'm really bad at this. I'll try my

21   best. We will have to try our best not to

22   speak over each other today. Is that --

23   A.   Yes.

24   Q.   You understand that?

25   Do you have any questions before we

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