

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

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5 _____
6 APPLE INC.,

7 Petitioner

8 v.

9 VIRNETX, INC.,

10 Patent Owner
11 _____

12 Case IPR2014-00237

13 Case IPR2014-00238

14 Patent No. 8,504,697
15 _____

16
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18 DEPOSITION OF MICHAEL FRATTO

19 Washington, D.C.

20 August 14, 2014
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24 Reported by: Mary Ann Payonk

25 Job No. 83382

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Thursday, August 14, 2014

9:00 a.m.

Deposition of MICHAEL FRATTO, held at
the offices of Sidley Austin, 1501 K Street,
NW, Washington, DC, pursuant to Notice
before Mary Ann Payonk, Nationally Certified
Realtime Reporter and Notary Public of the
District of Columbia, Commonwealth of Virginia,
States of Maryland and New York.

1 APPEARANCES:

2 ON BEHALF OF VIRNETX INC.:

3 NAVEEN MODI

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

16

17 ALSO PRESENT:

18 Jason Stach (By phone)

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1 MICHAEL FRATTO,
2 called as a witness, having been duly
3 sworn, was examined and testified as
4 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

1 asking you questions and the questions will be
2 transcribed by the court reporter --

3 A. Yes, sir.

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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