1   UNITED STATES PATENT AND TRADEMARK OFFICE

2   _____

3   BEFORE THE PATENT TRIAL AND APPEAL BOARD

                    _____

4

5

                       APPLE INC.

6   Petitioner

7   v.

8   VIRNETX INC. AND APPLICATION

               INTERNATIONAL CORPORATION

9   Patent Owner

                    _____

10

    Case No. IPR2015-00810 (Patent 8,868,705 B2)

11 Case No. IPR2015-00811 (Patent 8,868,705 B2)

    Case No. IPR2015-00812 (Patent 8,850,009 B2)

12   _____

13

14

15   DEPOSITION OF FABIAN MONROSE, Ph.D.

16   Washington, D.C.

17   Thursday, March 3, 2016

18

19

20

21

22

23

24 Reported by: John L. Harmonson, RPR

25 Job No. 103298

1

2

3

4

5   March 3, 2016

6   9:32 a.m.

7

8

9   Deposition of FABIAN MONROSE, Ph.D., held at

10   the offices of Paul Hastings LLP, 875 15th

11   Street, N.W., Washington, D.C., before John L.

12   Harmonson, a Registered Professional Reporter and

13   Notary Public of the District of Columbia, who

14   officiated in administering the oath to the

15   witness.

16

17

18

19

20

21

22

23

24

25

```
 1              A P P E A R A N C E S

 2

 3   On Behalf of Petitioner, Apple Inc.:

 4        SIDLEY AUSTIN

 5        1501 K Street, N.W.

 6        Washington, D.C.  20005

 7        BY:  SCOTT BORDER, ESQ.

 8             THOMAS BROUGHAN III, ESQ.

 9

10   On Behalf of Patent Owner, VirnetX Inc.:

11        PAUL HASTINGS

12        875 Fifteenth Street

13        Washington, D.C.  20005

14        BY:  DANIEL ZEILBERGER, ESQ.

15             JOSEPH PALYS, ESQ.

16

17

18

19

20

21

22

23

24

25
```

```
 1    --------------------------------------------------------
 2                   P R O C E E D I N G S
 3                        9:32 a.m.
 4    --------------------------------------------------------
 5    Whereupon,
 6                   FABIAN MONROSE, Ph.D.,
 7    after having been first duly sworn or affirmed,
 8    was examined and did testify under oath as
 9    follows:
10
11                      EXAMINATION
12    BY MR. BORDER:
13        Q.    Good morning, Dr. Monrose.
14        A.    Good morning.
15        Q.    This is not the first time you've been
16    deposed in this series of proceedings, correct?
17        A.    That is correct.
18        Q.    So as you know, if you need to take a
19    break, please let me know.  If you don't mind,
20    let me finish my line of questioning, but if you
21    need a break, again just let me know.
22              Give your counsel time to object.  To
23    the extent that he does not instruct you not to
24    answer, please answer my question.
25              All right.  Let's start with your
```

1   declaration in -- So there's three declarations

2   you've filed, as you might recall, the 810, 811

3   and the 812 proceedings. Is it okay if we just

4   refer to them as 810, 811, 812?

5   A.   That will be fine.

6   Q.   There's two that involve Beser and

7   there's one that involves Aventail. Do you have

8   copies of them already?

9   A.   I do.

10   Q.   So let's start with the 811. I'll

11   just hand your counsel -- this is Exhibit 216 in

12   the 811 proceeding.

13   All right. Why don't we -- why don't

14   we turn to Paragraph 30. Do you have it?

15   A.   I do. Paragraph 30.

16   Q.   Why did you bold "in the connection

17   request" in Paragraph 30?

18   A.   As stated here in my declaration, I

19   believe that the petitioner points to the

20   connection request, and I'm responding to that

21   alleged as meeting the limitations. And

22   furthermore, during the deposition of

23   Dr. Tamassia, he in fact indicated that what he

24   was pointing to is in fact the connection

25   request.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.

fastcase
Smarter legal research.