

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

3  
4 APPLE INC.

5 Petitioner

6 v.

7 VIRNETX, INC.

8 Patent Owner

9  
10 Case No. IPR2015-00810

11 Patent No. 8,868,705

12 Case Nos. IPR2015-00811

13 and IPR-2015-00812

14 Patent No. 8,850,009

15  
16  
17  
18 DEPOSITION OF DR. ROBERTO TAMASSIA

19 Volume One

20 Washington, D.C.

21 November 12, 2015

22  
23  
24 Reported by: Mary Ann Payonk

25 Job No. 99551

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

November 12, 2015  
9:00 a.m.

Deposition of DR. ROBERTO TAMASSIA,  
Volume One, held at the offices of Sidley  
Austin, 1501 K Street, N.W., Washington, D.C.,  
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 JOSEPH PALYS, ESQUIRE

4 DANIEL ZEILBERGER, ESQUIRE

5 CHETAN BANSAL, ESQUIRE

6 PAUL HASTINGS

7 875 15th Street, N.W.

8 Washington, D.C. 20005

9

10 ON BEHALF OF APPLE:

11 SAMUEL DILLON, ESQUIRE

12 THOMAS BROUGHAN, ESQUIRE

13 SIDLEY AUSTIN

14 1501 K Street, N.W.

15 Washington, D.C. 20005

16

17

18

19

20

21

22

23

24

25

1 DR. ROBERTO TAMASSIA,  
2 called as a witness, having been duly  
3 sworn, was examined and testified as  
4 follows:

5 EXAMINATION

6 BY MR. PALYS:

7 Q. Good morning.

8 A. Yes, good morning.

9 Q. Can you please state your name and  
10 spell it for the record.

11 A. Yes. Roberto Tamassia.

12 R-O-B-E-R-T-O T-A-M-A-S-S-I-A.

13 Q. And, Mr. Tamassia -- or Dr. Tamassia?

14 A. Yeah, Roberto, as you please.

15 Q. You are here to provide  
16 cross-examination with respect to your direct  
17 testimony that you provided in some IPR matters  
18 involving VirnetX patents. Is that accurate?

19 A. Yes.

20 Q. Okay. And you submitted a  
21 declaration in a few matters relating to  
22 VirnetX patents; correct?

23 A. Yes, it's correct.

24 MR. PALYS: Okay. I'm going to  
25 hand you a copy of a document that's

1           been previously labeled Exhibit 1005,  
2           and it's entitled "Declaration of  
3           Roberto Tamassia regarding u.S. Patent  
4           numbers 8,868,705 and 8,850,009."  
5           (Exhibit No. 1005, previously marked, was  
6           referenced and indexed.)

7   BY MR. PALYS:

8           Q.    I'll just hand this to you.

9           A.    Thank you.

10          Q.    Do you recognize Exhibit 1005, sir?

11          A.    So scanning through it, I seem to  
12          recognize. I've not check all the pages. I  
13          trust you gave me what this is meant to be.

14          Q.    Okay. Now, Exhibit 1005, as you can  
15          see on the first page, relates to the two  
16          patent numbers that I identified. And I'm  
17          going to refer to those patents today as the  
18          '705 and the '009 patents.

19                    Do you understand?

20          A.    Yes, I do.

21          Q.    Can you turn to page 174 of  
22          Exhibit 1005, please. And is that your  
23          signature on page 174?

24          A.    Yes.

25          Q.    Okay. So this Exhibit 1005 is a

# 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.