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APPLE INC.,  
Petitioner  
v.  
VIRNETX, INC.,  
Patent Owner

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**CERTIFIED COPY**

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Case IPR2014-00237  
Case IPR2014-00238  
Patent No. 8,504,697

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DEPOSITION OF MICHAEL FRATTO  
Washington, D.C.  
August 14, 2014

Reported by: Mary Ann Payonk  
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.



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)

19  
20  
21  
22  
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25

follows:

EXAMINATION

BY MR. MODI:

Q. Good morning, Mr. Fratto.

A. Good morning.

Q. How are you today?

A. Fine. Yourself?

Q. Good, thanks.

Can you state your full name for the record?

A. It's Michael Fratto.

Q. What is your address?

A. 105 Marion Avenue, Syracuse, New York.

Q. Have you ever been deposed before?

A. I have not.

Q. Have you testified in court before?

A. I have not.

Q. You understand you are under oath today?

A. Yes, I do.

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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