

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2  
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
4

5  
6 APPLE INC.  
7 Petitioner

8 v.

9 VIRNETX INC. AND APPLICATION  
INTERNATIONAL CORPORATION  
Patent Owner  
10

11 Case No. IPR2015-00810 (Patent 8,868,705 B2)  
12 Case No. IPR2015-00811 (Patent 8,868,705 B2)  
13 Case No. IPR2015-00812 (Patent 8,850,009 B2)  
14

15 DEPOSITION OF FABIAN MONROSE, Ph.D.  
16 Washington, D.C.  
17 Thursday, March 3, 2016  
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24 Reported by: John L. Harmonson, RPR

25 Job No. 102208

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March 3, 2016

9:32 a.m.

Deposition of FABIAN MONROSE, Ph.D., held at the offices of Paul Hastings LLP, 875 15th Street, N.W., Washington, D.C., before John L. Harmonson, a Registered Professional Reporter and Notary Public of the District of Columbia, who officiated in administering the oath to the witness.

A P P E A R A N C E S

On Behalf of Petitioner, Apple Inc.:

SIDLEY AUSTIN

1501 K Street, N.W.

Washington, D.C. 20005

BY: SCOTT BORDER, ESQ.

THOMAS BROUGHAN III, ESQ.

On Behalf of Patent Owner, VirnetX Inc.:

PAUL HASTINGS

875 Fifteenth Street

Washington, D.C. 20005

BY: DANIEL ZEILBERGER, ESQ.

JOSEPH PALYS, ESQ.

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P R O C E E D I N G S

9:32 a.m.  
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Whereupon,

FABIAN MONROSE, Ph.D.,

after having been first duly sworn or affirmed,  
was examined and did testify under oath as  
follows:

EXAMINATION

BY MR. BORDER:

Q. Good morning, Dr. Monroe.

A. Good morning.

Q. This is not the first time you've been  
deposed in this series of proceedings, correct?

A. That is correct.

Q. So as you know, if you need to take a  
break, please let me know. If you don't mind,  
let me finish my line of questioning, but if you  
need a break, again just let me know.

Give your counsel time to object. To  
the extent that he does not instruct you not to  
answer, please answer my question.

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.

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