

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

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

THE MANGROVE PARTNERS MASTER FUND, LTD.

and

APPLE, INC.

Petitioners

v.

VIRNETX INC.

Patent Owner

Case IPR2015-01046

Patent No. 6,502,135

---

Case IPR2015-01047

Patent No. 7,490,151

---

DEPOSITION OF ROCH GUERIN, PH.D.

Washington, D.C.

Monday, February 1, 2016

1                                   Deposition of ROCH GUERIN, PH.D., called  
2   for examination pursuant to notice, on Monday,  
3   February 1, 2016 in Washington, D.C. at the offices of  
4   Paul Hastings LLP, 875 15th Street, Northwest,  
5   Washington, D.C., at 8:07 a.m., before Karen Young, a  
6   Notary Public within and for the District of Columbia,  
7   when were present on behalf of the respective parties:

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

1           ON BEHALF OF THE MANGROVE PARTNERS  
2           MASTER FUND, LTD.:

3                   JAMES T. BAILEY, ESQUIRE  
4                   504 West 136th Street, #1B  
5                   New York, New York 10031  
6                   JTB@JTBAILEYLAW.COM  
7                   (917) 626-1356

8           ON BEHALF OF APPLE, INC. AND THE WITNESS:  
9           SCOTT M. BORDER, ESQUIRE  
10           Sidley Austin LLP  
11           1501 K Street, Northwest  
12           Washington, D.C. 20005  
13           sborder@sidley.com  
14           (202) 736-8818

15           ON BEHALF OF VIRNETX INC. :  
16           JOSEPH E. PALYS, ESQUIRE  
17           DANIEL ZEILBERGER, ESQUIRE  
18           Paul Hastings LLP  
19           875 15th Street, Northwest  
20           Washington, D.C. 20005  
21           danielzeilberger@paulhastings.com  
22           josephpals@paulhastings.com  
              (202) 551-1996

1 P R O C E E D I N G S

2 ROCH GUERIN, PH.D.,

3 having been duly sworn, was examined as follows:

4 EXAMINATION BY COUNSEL FOR VIRNETX INC.

5 BY MR. PALYS:

6 Q. Good morning.

7 A. Morning.

8 Q. Can you please state your name for the  
9 record?

10 A. First name is Roch, R-O-C-H. Last name is  
11 Guerin, G-U-E-R-I-N.

12 Q. And just before we start, I just want to  
13 make sure that we have on the record that VirnetX  
14 still maintains its objections on the record of  
15 Apple's participation in these proceedings, and that  
16 what appears to be Apple's counsel defending Mr. -- or  
17 Dr. Guerin today. Can you please state your address?

18 A. Home address?

19 Q. Yes, please. Sorry.

20 A. It's 8025 Bonhomme Avenue, that's B as in  
21 boy, O-N-H-O-M-M-E, Apartment 1706, Clayton,  
22 C-L-A-Y-T-O-N, Missouri 63105.

1 Q. Dr. Guerin, we've met before, correct?

2 A. That's correct.

3 Q. So -- and I understand from our previous  
4 meeting that you've been deposed before, correct?

5 A. That is correct.

6 Q. All right, so you understand how this is  
7 going to go today.

8 A. Yes, I do.

9 Q. All right. If you have any questions during  
10 this proceeding on how it's going, just let me know  
11 and I'll explain, but I'm going to assume you know all  
12 the ground rules.

13 A. I think I do. I may have forgotten some of  
14 them.

15 Q. Okay.

16 A. But I will ask if I have any doubt.

17 Q. Okay. Well, is there any reason why you  
18 can't truthfully and accurately answer questions  
19 today?

20 A. No.

21 Q. Okay. And if you don't understand a  
22 question, just let me know. If you don't, I'll assume

# 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.