

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3
4 THE MANGROVE PARTNERS MASTER FUND, LTD., and

APPLE INC.,

5 Petitioners,

6 vs.

7 VIRNETX INC,

Patent Owner.

8
Case No. IPR2015-01046

9 Patent No. 6,502,135

10 THE MANGROVE PARTNERS MASTER FUND, LTD.,

APPLE INC., and BLACK SWAMP, LLC,

11 Petitioners,

12 vs.

13 VIRNETX INC.,

Patent Owner.

14
Case No. IPR2015-01047

15 Patent No. 7,490,151

16
17 DEPOSITION OF FABIAN MONROSE, Ph.D.

18
19 Washington, D.C.

20 Thursday, April 28, 2016

21 REPORTED BY:

22 SARA A. WICK, RPR, CRR

1 APPEARANCES (continued):

2

3

THOMAS MARTIN, ESQ.

4

Martin & Ferraro, LLP

5

1557 Lake O'Pines Street, NE

6

Hartville, Ohio 44632

7

330-877-0700

8

tmartin@martinferraro.com

9

On behalf of Petitioner Black Swamp, LLC

10

11

JAMES BAILEY, ESQ.

12

The Law Office of James T. Bailey

13

504 West 136th Street, #1B

14

New York, New York 10031

15

917-626-1356

16

On behalf of Petitioner The Mangrove

17

Partners Master Fund, Ltd. (via

18

telephone for morning session)

19

20

-- continued --

21

22

1 APPEARANCES (continued):

2

3 MICHAEL KASDAN, ESQ.

4 Wiggin and Dana LLP

5 450 Lexington Avenue, 38th Floor

6 New York, New York 10017

7 212-490-1700

8 mkasdan@wiggin.com

9 On behalf of Petitioner The Mangrove

10 Partners Master Fund, Ltd. (via

11 telephone for afternoon session)

12

13 DANIEL ZEILBERGER, ESQ.

14 IGOR TIMOFEYEV, ESQ.

15 Paul Hastings LLP

16 875 15th Street Northwest

17 Washington, D.C. 20005

18 202-551-1792

19 danielzeilberger@paulhastings.com

20 On behalf of Patent Owner VirnetX Inc.

21

22

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

2 Whereupon,

3 FABIAN MONROSE, Ph.D.,

4 was called as a witness and, having first been duly
5 sworn, was examined and testified as follows:

6 CROSS-EXAMINATION

7 BY MR. KUSHAN:

8 Q Good morning, Dr. Monroe. Could you
9 state your full name for the record.

10 A Fabian Monroe.

11 Q And you have been deposed a number of
12 times; correct?

13 A That's correct.

14 Q So you are familiar with the basic rules?
15 If you don't understand a question, for example,
16 that I've presented to you, just let me know, and I
17 will try to ask it in a better way so that you
18 understand the question.

19 A Okay.

20 Q Also, when your attorney objects, let him
21 finish his objection, and then respond to the
22 question posed to you. And you understand that

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.