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

YMAX CORPORATION,

Petitioner,

-against-

Case No.

IPR2016-01256

FOCAL IP, LLC,

Patent Owner.

July 13, 2017

9:48 a.m.

Deposition of LEONARD FORYS, Ph.D., taken by
Patent Owner, pursuant to Notice, held at the
offices of Bryan Cave LLP, 1290 Avenue of the
Americas, New York, New York, before Joseph R.
Danyo, a Shorthand Reporter and Notary Public
within and for the State of New York.

Job No. 126871

Reported by: Joe Danyo

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A P P E A R A N C E S :

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By: VICTOR SIBER, ESQ.

~oOo~

1 Forys

2 substance of the deposition?

3 A. That's correct.

4 Q. Okay. So from time to time I may ask
5 that question after the breaks. I just want to
6 make sure you are on notice of that.

7 A. Sure.

8 Q. When were you first contacted by
9 Bryan Cave regarding this case?

10 A. Well, a little history here. I was
11 first contacted by Akerman in June of last year
12 to work on the litigation part of it, but it was
13 quite brief because we got suspended because
14 there was an IPR going on, so I did maybe a week
15 or two.

16 Not much work at all. Just read the
17 patent and formed some thoughts, but then about
18 May I believe is when I got a call, it was a
19 conference call from Bryan Cave, and I believe
20 Akerman was involved in that, two people from
21 Akerman, about that time frame.

22 Q. Around May of 2017.

23 A. Yes. That's correct.

24 Q. And that is when they brought the
25 IPR?

1 Forys

2 A. Yes. That was for the amended
3 claims, yes.

4 Q. Did you write your declarations in
5 this case?

6 A. Sure.

7 Q. Do you recall around when you started
8 drafting your declarations?

9 A. Early June. We had talked about it
10 in May. We had a series of conference calls, the
11 positions and the prior art and things like that,
12 but the actual putting pen to paper started
13 around that time as I recall.

14 Q. And are you familiar that there is a
15 former declarant in this case, Dr. Lavian?

16 A. Yes, I am aware of that.

17 Q. Are you aware of why you are being
18 used as the expert now in this and he is not?

19 A. And I don't know why. Yes.

20 Q. All right. Did you attempt to do any
21 prior art searches with regard to this IPR?

22 A. Yes, and it is pretty clear by
23 looking at some of the things that are clearly
24 mine. Some of the prior art is clearly mine.
25 Some of the technical papers and things like

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