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

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YMAX CORPORATION,

Petitioner,

-against-

Case No.

IPR2016-01256

FOCAL IP, LLC,

Patent Owner.

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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 :

BRYAN CAVE  
Attorneys for Petitioner  
1290 Avenue of the Americas  
New York, New York 10104  
By: ALEXANDER WALDEN, ESQ.  
FRANK FABIANI, ESQ.

NELSON BUMGARDNER  
Attorneys for Patent Owner  
3131 West 7th Street  
Fort Worth, Texas 76107  
By: JOHN MURPHY, ESQ.

-and-

SIBER LAW  
28 West 44th Street  
New York, New York 10036  
By: VICTOR SIBER, ESQ.

~oOo~

1 Forys

2 L E O N A R D J. F O R Y S, Ph.D., having  
3 been first duly sworn by Joseph R. Danyo, a  
4 Notary Public, was examined and testified as  
5 follows:

6 EXAMINATION BY MR. MURPHY:

7 Q. So I would like to introduce for the  
8 record, on behalf of patent owner, John Murphy  
9 and Vic Siber are here.

10 Dr. Forys, how are you today?

11 A. Good.

12 Q. Have you given deposition testimony  
13 for an IPR proceeding before?

14 A. Yes.

15 Q. When was the most recent deposition  
16 you gave in that regard?

17 A. How many?

18 Q. When was the most recent one you gave  
19 in that regard?

20 A. Probably springtime, March or April  
21 of this year. I think it was April. I have  
22 given so many that I can't remember.

23 Q. So you are aware that in an IPR  
24 deposition, it is improper to talk to your  
25 attorneys during the break regarding the

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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