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

UNIFIED PATENTS, INC.,
Petitioner

v.

UNIVERSAL SECURE REGISTRY LLC
Patent Owner

IPR2018-00067
Patent 8,577,813

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
PURSUANT TO PROTECTIVE ORDER

Deposition of KEVIN JAKEL, taken at the
Offices of Unified Patents, Inc., 1875 Connecticut
Avenue, NW, 10th Floor, Washington, D.C., beginning
at 10:06 a.m., on Tuesday, August 28, 2018, before
Ryan K. Black, a Registered Professional Reporter,
Certified Livenote Reporter and Notary Public in
and for the District of Columbia.

Job No. 3000611
Pages 1 - 173

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1 APPEARANCES:
 2
 3 Representing - Petitioner:
 4 ERISE IP, P.A.
 5 BY: JASON R. MUDD, ESQUIRE
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 7 Suite 700
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 9 913.777.5614
 10 jason.mudd@eriseip.com
 11
 12 Representing - Patent Owner:
 13 QUINN EMANUEL URQUHART & SULLIVAN, LLP
 14 BY: NIMA HEFAZI, ESQUIRE
 15 (Via Teleconference)
 16 865 South Figueroa Street
 17 10th Floor
 18 Los Angeles, California 90017
 19 213.443.3000
 20 nimahefazi@quinnemanuel.com
 21
 22 ALSO PRESENT:
 23 Jonathan Stroud - Unified Patents
 24 Roshan Mansinghani - Unified Patents
 25 (Via Teleconference)

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2 TESTIMONY OF: KEVIN JAKEL PAGE

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4

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10 Exhibit 2 a document titled NPEs are a

11 \$10 Billion A Year Problem,

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20 Unified Patents Inc.'s Supplemental

21 Responses To Voluntary Additional

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Page 3

1 Whereupon --
 2 KEVIN JAKEL,
 3 called to testify, having been first duly sworn
 4 or affirmed, was examined and testified as
 5 follows:
 6 EXAMINATION
 7 BY MR. HEFAZI:
 8 Q. Hello, Mr. Jakel. My name is Nima
 9 Hefazi. I'm counsel for the patent owner,
 10 Universal Secure Registry.
 11 Could you start by stating your name
 12 and address for the record?
 13 A. My name is Kevin Jakel. My address is
 14 7306 Durbin Terrace, Bethesda, Maryland.
 15 Q. Sorry. Could you repeat the address
 16 one more time?
 17 A. 7306 Durbin Terrace, Bethesda,
 18 Maryland.
 19 Q. Appreciate that.
 20 And have you been deposed before?
 21 A. I have.
 22 Q. How many times?
 23 A. I believe four.
 24 Q. And were these all in the context of
 25 IPRs?

Page 4

1 A. One of them was not.
 2 Q. What was the other one related to?
 3 What was the one that was not related to?
 4 A. Back when I was a young associate
 5 at Howrey, I was deposed in relation to
 6 handling of some prosecution dockets,
 7 transferring those files, and how the
 8 prosecution was handled at Howrey. The
 9 prosecution was all done long before I was
 10 at Howrey, but just simply because I put my
 11 hands on them, they had to take my deposition.
 12 Q. Okay. Okay. And the other three you
 13 said were in the context of an IPR, are those in
 14 the context of a dispute of real party in
 15 interest issues?
 16 A. I mean, I can give you the names
 17 of the IPRs. They asked me questions, and in
 18 those IPRs they did challenge real party in
 19 interest.
 20 Q. Okay. So what were the names of those
 21 IPRs?
 22 A. Well, the first two, one was called
 23 Clouding IP, the other one was called Parallel
 24 Iron. Both, kind of, depositions were taken the
 25 same day and together because the ultimate owner

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2 (Pages 2 - 5)

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1 of those patents were the same company. Those
2 depositions were actually given in the context
3 of District Court litigation, and that's it.
4 Q. Okay. So you haven't been deposed --
5 other than these three depositions and that
6 one non-IPR deposition, there was no other
7 depositions that you have sat for?
8 A. There was another deposition in Dragon
9 IP. That deposition was given in the context of
10 an IPR filed against Dragon IP, and was given
11 under the jurisdiction of the USPTO and PTAB.
12 Q. And did the Board in that case decide
13 on any real party in interest issues? Do you
14 know?
15 A. My recollection is the Board did
16 decide on real party in interest in Dragon IP.
17 Q. They did decide, and what was their
18 decision?
19 A. They found that Unified was the only
20 real party in interest.
21 Q. Okay. Okay. So you've sat through a
22 deposition, and I think you know the ground
23 rules, but just for a refresher here, the court
24 reporter will transcribe everything that I say.
25 They can't transcribe non-audible responses,

Page 6

1 and I can't hear, since I'm on the telephone,
2 inaudible responses. So if you can just speak
3 clearly and loudly, that would be great. It's
4 also confusing if two people talk at the same
5 time, so if we can just make sure not to talk
6 over one another. In responding to my
7 questions, if you have any kind of need
8 for clarification or you don't understand a
9 particular question, please let me know, and
10 I'll rephrase. Otherwise, I'll assume you
11 understand. And if you need a break at any
12 time, just let me know. As long as a question's
13 not pending, we should be able to handle that.
14 Is that fair? Does that make sense?
15 A. Yes.
16 Q. Great.
17 So what did you do to prepare for this
18 deposition?
19 A. We met yesterday.
20 Q. And, approximately, how long did you
21 meet?
22 A. Probably three or four hours.
23 Q. Okay. And when you say we, could you
24 name the person you met with?
25 A. Our counsel, Jason, and Jonathan

Page 7

1 Stroud.
2 Q. And were you shown any documents?
3 A. We reviewed the documents in the
4 production that we provided to you.
5 Q. And that includes the supplemental
6 production that was provided yesterday?
7 A. It does.
8 Q. Okay. And what is your current title
9 at Unified?
10 A. I'm the CEO.
11 Q. And you've been CEO since Unified was
12 founded?
13 A. Correct.
14 Q. And what are your responsibilities as
15 CEO?
16 A. To run the company.
17 Q. Okay. What do you mean by running the
18 company? What does that involve?
19 A. It means everything from managing
20 payroll, overseeing our activities, managing
21 personnel, managing any issues that come up as
22 part of the company.
23 Q. Are you involved in client relations
24 at all?
25 A. I am.

Page 8

1 Q. And what involvement do you have in
2 client relations?
3 A. I am involved in managing client
4 relations.
5 Q. Okay. Could you tell me what goes
6 into managing client relations? Do you meet
7 with clients? Can you maybe speak a little bit
8 more about what your role in managing client
9 relations involves?
10 A. I do meet with clients occasionally.
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Page 22

1 BY MR. HEFAZI:
2 Q. So my question is, has Unified ever
3 advertised that its services are for its
4 membership, that its IPR services are there
5 to benefit its members?
6 MR. MUDD: Objection; form.
7 THE WITNESS: I don't know if I've
8 ever said those exact words before in any
9 materials, or in person.
10 BY MR. HEFAZI:
11 Q. Okay. Have you ever expressed that
12 sentiment?
13 MR. MUDD: Objection to form.
14 THE WITNESS: I don't know if I've
15 ever expressed that exact sentiment, in that
16 exact way, either on pay or literally.
17 BY MR. HEFAZI:
18 Q. I'm not asking for it that exact way.
19 Have you ever told members that, you know, your
20 services, your IPR services, would benefit those
21 members?
22 MR. MUDD: Objection; form. Object to
23 the extent it mischaracterizes testimony.
24 THE WITNESS: I have, on many
25 occasions, said that our activities will benefit

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18 BY MR. HEFAZI:
19 Q. Has Unified ever told its members that
20 its services are a benefit for its members?
21 MR. MUDD: Objection; form.
22 THE WITNESS: Unified's business
23 model is, it performs a bit for a zone, and
24 those benefits are enjoyed by everyone in the
25 zone in our approach.

Page 23

1 a zone and --
2 BY MR. HEFAZI:
3 Q. Okay. So my question's a little bit
4 different. So I understand you said that you
5 have said on many occasions that your activities
6 will benefit a zone. Have you also said, ever,
7 that your activities will benefit members?
8 MR. MUDD: Objection; form. Asked and
9 answered.
10 THE WITNESS: What I am saying is
11 that I have, on many occasions, said that our
12 activities will benefit a zone, which will
13 include both members and nonmembers.
14 BY MR. HEFAZI:
15 Q. And so my question for you, have you
16 -- have you ever said that your activities will
17 benefit members? Have you ever, kind of,
18 pitched it in the context of a member?
19 MR. MUDD: Objection; form. Asked and
20 answered.
21 THE WITNESS: Our pitch is always that
22 we are going to benefit the zone. The fact that
23 there are members in that zone is true. There
24 are also nonmembers who are in that zone that
25 choose not to pay us.

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1 BY MR. HEFAZI:
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10 BY MR. HEFAZI:
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1 Q. More than 10?
2 A. I don't recall.
3 Q. Okay. And let me clarify for a
4 second, when I say not asserted against any one
5 of its members, I mean not asserted or alleged
6 to be infringed, not formal litigation filed.
7 I guess in -- in the patent -- let me strike
8 that and try again.
9 In the IPRs you're referring to that
10 were filed, were members accused of infringing
11 that patent?
12 MR. MUDD: Objection; form.
13 THE WITNESS: I'm having some
14 difficulty understanding your question.
15 BY MR. HEFAZI:
16 Q. So a moment ago when I asked do you
17 know if Unified has ever filed an IPR on patents
18 that were not asserted against its members, I
19 just want to clarify, you said yes. Were those
20 IPRs, the ones that you were referring to in
21 your answer, were the patents in those IPRs
22 accused against your members? Were your members
23 accused of infringing those patents?
24 MR. MUDD: Objection to form.
25 Object to the extent it mischaracterizes

Page 28

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 BY MR. HEFAZI:
5 Q. Well, let me ask you this: Has
6 Unified ever filed an IPR on a patent that was
7 not asserted against one of its members?
8 A. Can you repeat that question?
9 Q. Has Unified ever filed an IPR on a
10 patent that was not asserted against at least
11 one of its members?
12 A. Yes, we have.
13 Q. And can you give me an example?
14 A. Off the top of my head, I don't
15 recall, but we could figure it out.
16 Q. How many times has Unified filed an
17 IPR on a patent that was not asserted against
18 any one of its members?
19 MR. MUDD: Objection to form.
20 THE WITNESS: I don't know the
21 specific number.
22 BY MR. HEFAZI:
23 Q. Do you have a rough range? Was it
24 one, two, 10, 20?
25 A. More than one.

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1 prior testimony. Objection to speculation.
2 BY MR. HEFAZI:
3 Q. Let me try rephrasing the question a
4 little better.
5 Has Unified ever filed an IPR on
6 patents that their members were not accused of
7 infringing?
8 MR. MUDD: Objection; form.
9 THE WITNESS: I believe that to be
10 true.
11 BY MR. HEFAZI:
12 Q. And how often -- well, strike that.
13 What is your belief based on?
14 A. We have filed IPRs where we have no
15 knowledge of any accusation of infringement
16 against any of our members.
17 Q. Okay. And as the CEO of the company,
18 can you name one IPR, sitting here today, where
19 the IPR was filed by Unified and the patent was
20 not asserted against one of Unified's members,
21 as far as Unified was aware?
22 MR. MUDD: Objection; form.
23 THE WITNESS: We have filed well over
24 a hundred IPRs, and I do not recall the names of
25 all of the IPRs we have filed. So I do not

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<p>1 recall, off the top of my head, the exact name 2 of the IPRs in which this scenario has taken 3 place. 4 BY MR. HEFAZI: 5 Q. Is this something that's common? 6 MR. MUDD: Objection; form. 7 THE WITNESS: I do not believe that it 8 is uncommon. 9 BY MR. HEFAZI: 10 Q. Okay. So you've said you've filed 11 well over a hundred IPRs, so would you say that 12 at least 20 or 30 of these IPRs would have been 13 filed on patents in which Unified is not aware 14 that its members were involved? 15 MR. MUDD: Objection; form. 16 Speculation. 17 THE WITNESS: I do not know the exact 18 number. 19 BY MR. HEFAZI: 20 Q. Well, you said it was believed to be 21 -- you believed it to be not uncommon. What was 22 the basis for that? 23 MR. MUDD: Objection; form. 24 Speculation. 25 THE WITNESS: I know there have been</p> <p style="text-align: right;">Page 30</p>	<p>1 A. We would look at all of the IPRs that 2 we have filed and check to see if members had 3 been sued on those IPRs prior to us filing that 4 IPR. 5 Q. Okay. And does Unified have a 6 membership list? 7 A. We do. 8 Q. And how many members does it have? 9 A. I think we are over 200 members right 10 now. 11 Q. And is that just a single paper, 12 or, I guess, it's a list of members on a single 13 document? 14 MR. MUDD: Objection; form. 15 THE WITNESS: It is on a spreadsheet. 16 BY MR. HEFAZI: 17 Q. Okay. It's a single file, though? 18 A. Yes. I believe so. 19 Q. Has Unified produced its member list 20 in this case? 21 A. I don't believe the member list was 22 asked for in discovery. 23 Q. Okay. Has Unified produced a member 24 list in any patent cases? 25 A. We have.</p> <p style="text-align: right;">Page 32</p>
<p>1 patents which have been in our zones where we 2 have filed an IPR, and my recollection is that 3 in those IPRs we had no knowledge that there was 4 any allegation of infringement on those patents. 5 BY MR. HEFAZI: 6 Q. So if I were to look at the last 20 7 patents -- 20 IPRs filed by Unified, would you 8 suspect that at least one of those would have 9 been against a patent that was not asserted 10 against your members? 11 MR. MUDD: Objection; form. 12 Speculation. 13 THE WITNESS: I don't know off the top 14 of my head. 15 BY MR. HEFAZI: 16 Q. Okay. Do you have a sense of the 17 percentage of patents that you challenge that 18 are not asserted against your members? 19 MR. MUDD: Objection; form. 20 Speculation. 21 THE WITNESS: I do not have that 22 number off the top of my head. 23 BY MR. HEFAZI: 24 Q. And who would you -- where would you 25 go to find that number?</p> <p style="text-align: right;">Page 31</p>	<p>1 Q. You have. 2 And is there a burden -- what would be 3 the burden associated with producing the members 4 list? 5 MR. MUDD: Objection; form. 6 Objection; calls for a legal conclusion. 7 THE WITNESS: I don't know what the 8 burden would be. 9 BY MR. HEFAZI: 10 Q. Well, is it something you could just 11 download off of a computer and e-mail? 12 A. It would not be a problem to produce 13 our membership list. 14 MR. HEFAZI: Okay. Counsel, we would 15 ask for a copy of the membership list. 16 MR. MUDD: We can take that up after 17 the deposition. 18 MR. HEFAZI: Okay. 19 BY MR. HEFAZI: 20 Q. So has Unified ever been sued for 21 patent infringement? 22 A. We have not. 23 Q. Has Unified ever been threatened with 24 patent infringement? 25 MR. MUDD: Objection; form.</p> <p style="text-align: right;">Page 33</p>

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1 THE WITNESS: I don't recall being
2 threatened, but I would not be surprised if that
3 has happened.
4 BY MR. HEFAZI:
5 Q. Okay. But as the CEO, you would
6 have been made aware if there was a patent
7 infringement lawsuit threatened against Unified?
8 A. Off the top of my head, I do
9 not recall being threatened with a patent
10 infringement lawsuit.
11 Q. Okay. So the IPRs that Unified filed,
12 that's not to protect Unified against any claim
13 of patent infringement, is it?
14 MR. MUDD: Objection; form.
15 THE WITNESS: Unified files IPRs on
16 behalf of zones, and some of the technologies
17 upon which we file are technologies that Unified
18 uses, so ...
19 BY MR. HEFAZI:
20 Q. Can you name a specific patent that
21 Unified is concerned about that Unified believes
22 might be in the space of its technology?
23 MR. MUDD: Objection; form.
24 Objection; speculation.
25 THE WITNESS: Off the top of my

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1 head over the last five years, I do not recall
2 a specific one. But Unified has patent portals,
3 we have -- or, sorry, web portals, we have
4 technology, we have logins, we have
5 authentication, we have all kinds of technology
6 that we employ. And I am certain that Unified
7 has filed on patents over the years that relate
8 to those specific technologies.
9 BY MR. HEFAZI:
10 Q. Has Unified ever -- well, strike that.
11 So Unified has never filed a IPR in
12 response to an assertion of patent infringement
13 by an entity against Unified?
14 MR. MUDD: Objection; form.
15 Objection; calls for a legal conclusion.
16 THE WITNESS: Not to my knowledge.
17 BY MR. HEFAZI:
18 Q. And does Unified -- strike that.
19 Has Unified ever filed an IPR on
20 a patent that has not been asserted in a
21 litigation or other adversarial proceeding?
22 A. Yes, we have.
23 Q. And how often do you do that?
24 MR. MUDD: Objection; form.
25 THE WITNESS: I don't know.

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1 BY MR. HEFAZI:
2 Q. Can you give me any example in which
3 this was done?
4 MR. MUDD: Objection; form.
5 THE WITNESS: Again, we have
6 filed over a hundred IPRs. I do not recall
7 the specific circumstances of all of them, other
8 than to say that I know that that fact pattern
9 has existed.
10 BY MR. HEFAZI:
11 Q. But you can't name a single case,
12 party or date on which this occurred?
13 MR. MUDD: Objection; form.
14 THE WITNESS: As I just
15 mentioned, over the course of a hundred IPRs,
16 at this point I can no longer remember the
17 specifics of each of those IPRs.
18 BY MR. HEFAZI:
19 Q. And how did Unified choose to file
20 this IPR?
21 MR. MUDD: Objection; form, and
22 objection on the basis of privilege. To the
23 extent it calls for privileged information,
24 I'll just caution the witness.
25 THE WITNESS: When you refer to this

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1 IPR, what are you referring to?
2 BY MR. HEFAZI:
3 Q. Sorry. So the current IPR for which
4 you're sitting for deposition is 2018-00067, and
5 it's Unified Patents versus Universal Secure
6 Registry. So when I refer to this IPR, is
7 it okay for you to understand that I'm referring
8 to the IPR 2018-00067?
9 A. I will try to make that clear going
10 forward.
11 Q. So how did Unified decide to file this
12 IPR?
13 MR. MUDD: Objection; form,
14 speculation and privilege. And I would
15 caution the witness not to reveal privileged
16 information. You can answer to the extent it
17 would not do so.
18 THE WITNESS: [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 BY MR. HEFAZI:
23 Q. Well, so let's start more generally,
24 then. In this case -- or, more generally, when
25 Unified sees a patent that's asserted -- strike

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1 that.
2 When a patent is asserted against one
3 of Unified's members, how does Unified generally
4 go about determining whether an IPR needs to be
5 filed?
6 MR. MUDD: Objection; form. And
7 objection to the extent it mischaracterizes the
8 record.
9 THE WITNESS: Unified doesn't care
10 whether or not a litigation is filed against
11 a member or not. The question for Unified is
12 whether or not a patent that we've become aware
13 of fits the zone or not.
14 MR. HEFAZI: Okay. Let me take a
15 moment. I think we have the exhibits there.
16 Could you -- could someone
17 please hand you the document beginning with
18 UNIFIED-USR-00008 Unified's Docket Navigator
19 Report, dated May 22nd, 2017?
20 MR. MUDD: We're doing that. Give us
21 one second.
22 THE WITNESS: Do you mind while we
23 find that if I take a break and I get a bio
24 break?
25 MR. HEFAZI: Sure. Let's take a

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1 break, and then we'll come back.
2 THE WITNESS: Thanks.
3 (Recess taken.)
4 THE WITNESS: We're back.
5 BY MR. HEFAZI:
6 Q. Okay. Great. If the document's in
7 front of you, perhaps we can begin.
8 A. It is.
9 Q. Okay.
10 MR. MUDD: Nima, do you want to mark
11 -- do you want to mark it as an exhibit, Nima?
12 MR. HEFAZI: Yes. Can we mark this as
13 -- let's mark it Jackle [sic] Exhibit 1.
14 THE WITNESS: You can mark it Jakel
15 Exhibit 1.
16 MR. HEFAZI: Jakel. Sorry about
17 that.
18 THE WITNESS: That's all right. I'm
19 just kidding.
20 MR. HEFAZI: Jakel Exhibit 1.
21 (Jakel Deposition Exhibit No. 1, a
22 document Bates Numbered UNIFIED-USR-00008
23 through UNIFIED-USR-00024, was marked.)
24 MR. MUDD: And just so the record's
25 clear, Nima, Exhibit 1 spans UNIFIED-USR-00008

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1 and goes up to 00024.
2 MR. HEFAZI: Correct. And it's a
3 Docket Report for May 22nd, 2017.
4 BY MR. HEFAZI:
5 Q. So this is one of the documents
6 your counsel produced, and I think you verified,
7 showing your first awareness of the '813 patent;
8 is that right?
9 MR. MUDD: Objection; form. Object
10 to the extent it mischaracterizes the record.
11 THE WITNESS: I believe this is
12 the very first e-mail that we received that
13 identified the Universal Secured Registry
14 litigation.
15 BY MR. HEFAZI:
16 Q. Okay. Now, a moment ago you said you
17 accept patents based on zone and challenge based
18 on zone. So if you could take a look at the
19 -- you know, let's look at the second page,
20 the first case that comes up there is Mobile
21 Networking Solutions LLC versus Experian
22 Information Solutions.
23 Do you see that?
24 A. Are you referring to Unified --
25 Q. It's on Page USR00009.

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1 A. Yes. I see that page.
2 Q. Okay. And you see it says Mobile
3 Networking Solutions versus Experian Information
4 Solutions?
5 A. I do.
6 Q. And so does -- so this -- you see the
7 patents there, they list a couple of patents,
8 and they're described as methods and systems for
9 a storage system; is that right?
10 A. Yes. I see that.
11 Q. And does Unified have a zone directed
12 at methods and systems for storage systems?
13 MR. MUDD: Objection; form.
14 Objection; foundation.
15 THE WITNESS: I believe, without
16 having taken a look at these patents, it is
17 possible, given they say storage system, that
18 these patents might read on our cloud zone.
19 BY MR. HEFAZI:
20 Q. Okay. And so, I guess, maybe more
21 generally, when you received this Docket Report,
22 would Unified have analyzed every single one of
23 these patents to determine whether they fall
24 within a zone?
25 MR. MUDD: Objection; form.

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1 THE WITNESS: It is our practice to
2 look at every litigation that's filed, every
3 day, to see whether or not those litigations
4 fall within our zones.
5 BY MR. HEFAZI:
6 Q. So would it be Unified's practice
7 when they receive a Docket Report like this, a
8 Daily Docket Report, to look at each one of the
9 patents?
10 MR. MUDD: Objection; form.
11 THE WITNESS: I mean, I guess with
12 respect to this, specifically, I don't know if
13 we would look at all of them or at one of them.
14 They look like they're probably a family. I
15 can't tell from this, but we would have looked
16 at this litigation to see whether or not it fit
17 one of our zones.
18 BY MR. HEFAZI:
19 Q. Okay. And if it fit one of your
20 zones, you would file a IPR, regardless of the
21 member?
22 MR. MUDD: Objection; form.
23 Objection; speculation. And objection to
24 the extent that it's asking for privileged
25 information.

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1 THE WITNESS: Can you repeat the
2 question?
3 BY MR. HEFAZI:
4 Q. [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 MR. MUDD: Objection; form.
11 THE WITNESS: [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 BY MR. HEFAZI:
19 Q. Okay. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Let me ask, did you file an IPR on the
23 litigation styled Mobile Networking Solutions
24 versus Experian Information Solutions that we
25 saw

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1 at Page 00009?
2 A. We do not file IPRs on litigations, so
3 I would answer no to that question.
4 Q. Let me clarify, then. Did you file
5 IPRs on any of the patents that were asserted
6 in the Mobile Networking versus Experian
7 Information Solutions case?
8 MR. MUDD: Objection; form.
9 THE WITNESS: I do not believe so.
10 BY MR. HEFAZI:
11 Q. Okay. And what was the reason
12 that you decided -- well, strike that.
13 Could you help me understand why
14 you would have filed on the Universal Secure
15 Registry versus Apple matter and not the Mobile
16 Networking Solutions versus Experian Information
17 Solutions matter?
18 MR. MUDD: Objection; form.
19 Objection; speculation, and objection to the
20 extent it calls for privilege.
21 You can answer to the extent it
22 wouldn't reveal privileged information.
23 THE WITNESS: I do not recall the
24 specifics of our analysis of the patent in
25 the Mobile Networking Solution case you've

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1 identified on Page 9, or identified with Bates
2 Number ending in 9, and the patents in the
3 Universal Secured Registry litigation identified
4 with Bates Number ending in 10.
5 BY MR. HEFAZI:
6 Q. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 Q. Okay. And let me ask you, the next
10 case on Page 9 is International Fruit Genetics
11 verse Orchard Depot. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 Q. And do you know if Unified filed a IPR
15 in the patent listed in this case?
16 A. I do not believe so.
17 Q. Okay. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Q. And do you know if Unified filed an
21 IPR on any of the patents listed here for the
22 Modern Telecom Systems versus TCL Corporation
23 matter, that's Patent Number 6,504,886?
24 A. Not to my knowledge.
25 Q. Okay. And the next case, Bayer

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1 Intellectual versus Mylan Pharmaceutical, █
2 █
3 █
4 Q. And to the best of your knowledge, an
5 IPR has never been filed on on that case either?
6 A. Not to my knowledge.
7 Q. Okay. And just to go back, you know,
8 I think you testified a little bit earlier
9 -- let me strike that.
10 Let me ask you, the next case is
11 Universal Secure Registry versus Apple, and is
12 that -- the first patent listed there, the '813
13 patent, that IPR was filed -- strike that.
14 The IPR in this case was filed against
15 the first patent that's listed there, 8,577,813;
16 is that right?
17 MR. MUDD: Objection; form.
18 THE WITNESS: Sorry. When you
19 say this case, what are you referring to?
20 BY MR. HEFAZI:
21 Q. All right. I'm referring to this
22 IPR, 2018-00067, so let me try and clarify.
23 So that patent, US 8,577,813, that
24 patent was filed -- that -- strike that.
25 Unified Patents filed this IPR, IPR

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1 A. I do not believe that we have.
2 Q. And can you tell me, did Unified go
3 about analyzing those patents?
4 A. █
5 █
6 █
7 Q. Let me ask you, what factors does
8 Unified take into consideration when deciding to
9 file an IPR?
10 A. You are asking in the general sense,
11 correct?
12 Q. Let's ask -- yes, let's start with the
13 general sense.
14 A. █
15 █
16 █
17 █
18 █
19 █
20 █
21 █
22 █
23 █
24 █
25 █

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1 2018-00067 against U.S. Patent Number 8,577,813
2 that is listed here on Page ending in Bates
3 Stamp 10. Do you understand that?
4 A. I understand what you said.
5 Q. Does that reflect your understanding
6 of what occurred here?
7 MR. MUDD: Objection; form.
8 THE WITNESS: Are you just
9 characterizing -- sorry. I'm not following
10 your question. Are you just characterizing
11 the --
12 BY MR. HEFAZI:
13 Q. You know that IPR 2018-0067 was filed
14 against U.S. Patent Number 8,577,813?
15 A. To be honest, I have not memorized
16 the IPR number you have just listed out, but
17 if that's the IPR we filed against the patent,
18 I will take your word for it.
19 Q. Okay. I'll represent to you that
20 you have filed -- this case was filed -- this
21 IPR, 2018-0067, was filed challenging the '813
22 patent. And I guess my next question here is do
23 you know if Unified has filed IPRs against any
24 of the other patents listed here, the '539
25 patent, '826 patent and the '137 patent?

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1 █
2 █
3 █
4 █
5 █
6 █
7 █
8 █
9 █
10 █
11 █
12 █
13 █
14 █
15 █
16 █
17 █
18 █
19 █
20 █
21 █
22 █
23 █
24 █
25 █

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 Q. Okay. So then looking at these
8 patents here, was there any reason you decided
9 not to file on the '539 and '826 and '137
10 patents?
11 MR. MUDD: Objection; form. Objection
12 to the extent it calls for privilege.
13 THE WITNESS: [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 BY MR. HEFAZI:
21 Q. Okay. But you would have, generally,
22 considered those factors that you enumerated; is
23 that right?
24 MR. MUDD: Objection; form.
25 Objection; calls for privilege. Objection;

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1 THE WITNESS: [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 BY MR. HEFAZI:
7 Q. Could you list off those that you can
8 recall?
9 MR. MUDD: Objection; form.
10 THE WITNESS: [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 foundation.
2 THE WITNESS: [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 BY MR. HEFAZI:
8 Q. And do you know, one way or another,
9 whether the three other patents were analyzed?
10 MR. MUDD: Objection; form.
11 Objection; foundation.
12 THE WITNESS: [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 BY MR. HEFAZI:
22 Q. I guess, more generally, then, how
23 does Unified go about assessing, you know, the
24 deterrence value to a zone?
25 MR. MUDD: Objection; form.

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 BY MR. HEFAZI:
 7 Q. So I guess I'm just having a little
 8 bit of trouble understanding. Is it that you
 9 deemed the '813 patent -- so you mentioned the
 10 two -- strike that.
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED] So do you
 14 consider the '813 patent to be more relevant to
 15 the zone than the other three patents?
 16 MR. MUDD: Objection; privilege.
 17 Objection; foundation.
 18 THE WITNESS: [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 BY MR. HEFAZI:
 25 Q. So I should say that, I mean, you

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1 testified that [REDACTED]
 2 [REDACTED] So I'm just
 3 asking, yes or no, did you consider the '813 to
 4 have a, you know, higher relevance to the zone
 5 than the other patent?
 6 MR. MUDD: Objection; privileged.
 7 Objection; foundation.
 8 THE WITNESS: [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 BY MR. HEFAZI:
 13 Q. Okay. So without disclosing
 14 privileged information, you couldn't testify
 15 whether Unified considered all of the factors
 16 that you iterated a little bit earlier in this
 17 particular IPR?
 18 MR. MUDD: Objection; form, privilege,
 19 speculation.
 20 THE WITNESS: [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 BY MR. HEFAZI:
 24 Q. I'm just trying --
 25 A. Are you going to let me finish?

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1 Q. Are you testifying that Unified
 2 Patents followed --
 3 MR. MUDD: Nima, can you let him
 4 finish his answer before you answer another
 5 -- or ask another question?
 6 MR. HEFAZI: Certainly.
 7 Go ahead and finish the answer.
 8 I didn't mean to cut you off.
 9 THE WITNESS: [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 BY MR. HEFAZI:
 18 Q. So there seems to be a little bit of
 19 confusion for me. Are you claiming privilege
 20 over the analysis here such that you're saying
 21 that you don't know whether or you can't testify
 22 whether Unified followed those steps and
 23 considered those factors in assessing these
 24 patents, or are you testifying that Unified
 25 followed those steps in assessing these patents?

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1 MR. MUDD: Objection; form, privilege,
 2 speculation, foundation.
 3 THE WITNESS: You asked us whether or
 4 not -- sorry. Let me restart.
 5 You asked us for some of the general
 6 considerations for how we look at things, and I
 7 gave you a list of everything that I could think
 8 of off the top of my head.
 9 The specific analysis --
 10 BY MR. HEFAZI:
 11 Q. In this --
 12 A. You've gotta let me finish my
 13 questions -- or my answers before you cut me
 14 off.
 15 But when you ask me about a specific
 16 legal analysis of either the '813 patent, or any
 17 of the other patents listed here, yes, our legal
 18 analysis of any of those patents is privileged
 19 legal analysis of those patents.
 20 Q. Okay. So sitting here today, you
 21 cannot say whether, in the specific instance
 22 of these patents, Unified considered the factors
 23 that you enumerated?
 24 MR. MUDD: Objection; form,
 25 foundation, speculation, privileged.

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1 THE WITNESS: The specific factors
2 that we considered -- the legal factors -- the
3 specific legal factors we considered on these
4 patents would be privileged legal analysis.
5 BY MR. HEFAZI:
6 Q. Okay. So the answer to my question
7 is, you cannot, for reasons of privilege, tell
8 me whether Unified followed and considered each
9 of those factors, or any of those factors, that
10 you earlier enumerated in consideration of this
11 IPR?
12 MR. MUDD: Objection; privileged,
13 speculation, form, foundation, asked and
14 answered.
15 BY MR. HEFAZI:
16 Q. Is that a yes or no?
17 MR. MUDD: Same objections.
18 THE WITNESS: To be honest, I'm not
19 completely clear what you're asking.
20 BY MR. HEFAZI:
21 Q. I'm asking whether you considered
22 -- strike that.
23 I'm asking if you can tell me the
24 specific -- I guess if you can tell me -- I'm
25 asking if you could tell me any of the factors

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1 that Unified Patents considered in assessing
2 whether to file an IPR of the '813 patent?
3 A. Off the top of my head, I do not
4 recall the analysis from a year ago on this one
5 IPR out of the hundred-plus that we have filed.
6 But even if I could, the specific analysis of
7 whether or not this patent was valid, any of
8 the aspects of the prior art or anything else
9 related to the specific legal analysis of this
10 patent would be our own internal information
11 privileged information.
12 Q. Okay. And that included the specific
13 factors that you considered in assessing this
14 specific IPR?
15 MR. MUDD: Objection; form.
16 THE WITNESS: Again, I don't recall a
17 year ago exactly what was considered on this IPR
18 at the time we filed -- or made the decision to
19 file this IPR.
20 BY MR. HEFAZI:
21 Q. Okay. Let's look at the next case
22 log on the page ending in Bates Stamp 00010.
23 There's a SportBrain Holdings versus multiple
24 defendants, and below it lists the defendants as
25 Bragi GmbH, Bragi North America, Bragi Store, GN

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1 Netcom, and then on the next page ending in
2 Bates stamp USR00011 it lists the final
3 defendant as GN Netcom, Inc. [REDACTED]
4 [REDACTED]
5 A. [REDACTED]
6 Q. [REDACTED]
7 [REDACTED]
8 A. [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 Q. And if you look at the next case,
16 Hybrid Audio versus Boynton Companies, that's
17 on USR11, is the defendant there, Boynton
18 Company, a member?
19 A. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Q. And is that patent, signal processing
23 utilizing a tree-structured array, does that
24 fall within the Unified zone?
25 A. I don't know if it does or not in the

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1 context of this particular document. From that
2 title, it's not enough to figure out.
3 Q. Okay. Well, let's switch to a
4 different topic.
5 Has Unified ever allowed its members
6 to identify patents they would like Unified to
7 submit an IPR on?
8 A. No.
9 Q. Never?
10 A. Never.
11 Q. Has Unified ever allowed its members
12 to identify the Unified patents they were
13 alleged to have infringed?
14 MR. MUDD: Objection; form.
15 THE WITNESS: I guess I'm confused.
16 In the context of litigation?
17 BY MR. HEFAZI:
18 Q. In any context. Has Unified ever
19 said, hey, you know, send us letters, send us
20 demand letters, send us lawsuit complaints and
21 let us know what patents have been asserted
22 against you?
23 MR. MUDD: Objection; form.
24 THE WITNESS: [REDACTED]
25 [REDACTED]

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1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 But litigation is public, so we don't
 5 need to -- to learn about litigation from
 6 anyone, given that we get Docket Navigator
 7 Reports every day.
 8 BY MR. HEFAZI:
 9 Q. Okay. So let me ask you this: Did
 10 [REDACTED] send you a demand letter?
 11 A. I do not believe I have ever received
 12 a demand letter from [REDACTED]
 13 Q. [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 MR. MUDD: Objection; form.
 18 Relevance.
 19 THE WITNESS: [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 BY MR. HEFAZI:
 23 Q. And do you actively solicit members
 24 and nonmembers to send you demand letters?
 25 MR. MUDD: Objection; form.

1 we've received over the years.
 2 BY MR. HEFAZI:
 3 Q. Okay. So you don't know how many
 4 demand members you got from members, as opposed
 5 to nonmembers?
 6 A. I do not.
 7 Q. And do you know if you've ever filed a
 8 IPR petition in response to a demand letter?
 9 MR. MUDD: Objection; form. Object to
 10 the extent it seeks privileged information.
 11 THE WITNESS: We would not have
 12 filed any IPR as the result of a demand letter,
 13 per se. Again, the demand letter is no
 14 different, in our opinion, than learning of a
 15 litigation, in that we look at whether or not a
 16 patent is active in a zone. So I honestly don't
 17 know if we have filed anything -- I would say
 18 that, no, we have not filed any IPRs in response
 19 to demand letters, because that's not what we
 20 do.
 21 BY MR. HEFAZI:
 22 Q. Have you filed any IPRs on patents
 23 that were identified in demand letters?
 24 MR. MUDD: Objection to form.
 25 Foundation.

1 Relevance.
 2 THE WITNESS: [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 BY MR. HEFAZI:
 11 Q. And so how do you obtain demand
 12 letters from nonmembers?
 13 MR. MUDD: Objection; form.
 14 Relevance.
 15 THE WITNESS: In every single, you
 16 know, kind of business development conversation
 17 we have, we tell them even if they don't join as
 18 a member that we would love to find out if there
 19 are demand letters out there, so we definitely
 20 ask for them.
 21 The other thing is that companies that
 22 are nonmembers can reach out to us and let us
 23 know that they have received a demand letter.
 24 Off the top of my head, I don't know the
 25 specifics of the any of the demand letters

1 THE WITNESS: I am absolutely certain
 2 that, of the hundred IPRs we have filed, some of
 3 those files were patents were identified in
 4 demand letters.
 5 BY MR. HEFAZI:
 6 Q. So let me clarify. Have you ever
 7 filed an IPR on a patent that was identified in
 8 a demand letter that was submitted to you by a
 9 member?
 10 MR. MUDD: Objection; form.
 11 THE WITNESS: I do not know.
 12 BY MR. HEFAZI:
 13 Q. So let me ask you this: Do you
 14 consider the IPR -- strike that.
 15 Does Unified consider -- strike that.
 16 Would you be surprised to find that
 17 the large majority of IPRs filed by Unified
 18 are on patents asserted against your members?
 19 MR. MUDD: Objection; form,
 20 speculation, foundation.
 21 THE WITNESS: I guess I'm not really
 22 sure what you mean by surprised.
 23 BY MR. HEFAZI:
 24 Q. I guess do you have any general sense
 25 of what percentage of the patents asserted in

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1 litigation -- strike that.
2 Do you have any sense of what
3 percentage of the IPRs filed by Unified are
4 on a patent asserted against your members?
5 MR. MUDD: Objection to form.
6 THE WITNESS: Sorry. Can you say that
7 again?
8 BY MR. HEFAZI:
9 Q. Do you have any rough sense of what
10 percentage of IPRs filed by Unified challenge
11 patents asserted against your members?
12 MR. MUDD: Objection; form.
13 THE WITNESS: I don't have that number
14 off the top of my head.
15 BY MR. HEFAZI:
16 Q. Okay. But Unified does file IPRs to
17 mitigate what it considers NPE risks for its
18 members, right?
19 MR. MUDD: Objection to form.
20 THE WITNESS: I would say that Unified
21 does a bunch of things, including filing IPRs
22 and other activities, to create a deterrence for
23 NPE activity against a zone.
24 BY MR. HEFAZI:
25 Q. Not for its members?

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1 MR. MUDD: Objection; form.
2 THE WITNESS: Not specifically for its
3 members. For the zone.
4 BY MR. HEFAZI:
5 Q. Okay. So Unified has never
6 represented that it mitigates NPE risk for its
7 members?
8 MR. MUDD: Objection; form.
9 Speculation.
10 THE WITNESS: I will answer
11 again in saying that Unified does a bunch of
12 deterrence activities that we believe mitigate
13 NPE activity against a zone.
14 BY MR. HEFAZI:
15 Q. Okay. Let's -- can we hand you -- I
16 sent a couple of PDFs the other day. One of
17 them was called 6.pdf.
18 MR. STROUD: Nima, I just didn't hear
19 you. Could you say that again?
20 MR. HEFAZI: Yeah. 6.pdf. It's a
21 website capture from January 1st, 2014, of
22 Unified Patents.
23 MR. STROUD: Can I just read the
24 -- this is the -- from the Web Archive from 2013
25 -- 04/13; is that right?

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1 MR. HEFAZI: It should be from January
2 1, 2014. Yeah. So there's -- on the left-hand
3 side, there's 1 March 2013 to 15 August 2018.
4 And then if you look at the capture date, it
5 should say January 1st, 2014. And the bottom
6 has <http://web.archive.org/web/201401033720>.
7 MR. MUDD: Sorry. Which PDF number
8 again?
9 MR. HEFAZI: It's of PDF.6. And if
10 you could actually pull out PDF.6 and 7 at the
11 same time and mark them as Exhibits 2 and 3.
12 MR. MUDD: So does PDF.6 state 153
13 captures and have March 1st, 2013-August 15th,
14 2018, on it?
15 MR. HEFAZI: Correct. And then if you
16 look on the right side, there's a capture date
17 of January 1st, 2014.
18 MR. STROUD: I think that --
19 MR. MUDD: Oh, okay. Yeah. And it
20 says, NPE's are a \$10 billion-a-year problem?
21 MR. HEFAZI: That's correct.
22 MR. STROUD: Okay. I think we have
23 the right one.
24 MR. HEFAZI: Yes. We have PDF.6.
25 MR. STROUD: Okay. So you want to

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1 mark that Exhibit 1?
2 MR. MUDD: Exhibit 2.
3 MR. STROUD: Exhibit 2.
4 MR. HEFAZI: It's, actually, Exhibit
5 2, I think. And then the next one will be
6 Exhibit 3, the PDF.7 that says, Join Us.
7 (Jakel Deposition Exhibit No. 2, a
8 document titled NPEs are a \$10 Billion A Year
9 Problem, Reduce Your Risk & Cost of NPE
10 Litigation, was marked.)
11 (Jakel Deposition Exhibit No. 3, a
12 document titled Join Us - Reasons To Join Now,
13 was marked.)
14 MR. MUDD: Okay. I'll just represent
15 for the record, so Jakel 2 and Jakel 3 are PDFs
16 that we received from you, Nima, last night
17 after midnight, and they are not documents that
18 have been produced by Unified in this matter
19 previously, nor have they been produced
20 previously by the patent owner in this matter.
21 So we object to it being outside the scope of
22 the deposition, and we also object to hearsay,
23 relevance and foundation.
24 So I just wanted to state those
25 objections on the record.

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1 Will you give me those standing
2 objections on Janel 2 and 3?
3 MR. HEFAZI: Correct. Yes.
4 BY MR. HEFAZI:
5 Q. Okay. So this is a -- so let's start
6 with Janel Exhibit 2, you have that in front of
7 you. Do you recognize this document?
8 A. I do not recognize it, specifically,
9 but it appears to be a web page from many years
10 ago.
11 Q. Do you have any reason to believe that
12 this is not the website of Unified patents as of
13 January 1st, 2014?
14 MR. MUDD: Objection; form.
15 Speculation. Foundation.
16 THE WITNESS: I do not.
17 BY MR. HEFAZI:
18 Q. Okay. And if you look at the bottom
19 of Page 1, it says, What We Do. Do you see
20 that?
21 A. I do.
22 Q. And can you read that paragraph into
23 the record?
24 A. I can.
25 It says, Unified counters the risks

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1 and costs of NPE litigation by protecting
2 strategic technologies. Unified's unique
3 solution partners startups, SMBs and large
4 companies and then proactively deters NPE
5 activity using deep patent expertise,
6 monitoring, market intelligence, advisory
7 services and USPTO challenges. By protecting a
8 strategic technology, Unified mitigates NPE risk
9 for its members' most important products and
10 services.
11 Q. Okay. So here it's saying that
12 Unified protects strategic technology for its
13 members; is that right?
14 MR. MUDD: Objection; form, hearsay.
15 Document speaks for itself.
16 BY MR. HEFAZI:
17 Q. Let me rephrase it. So Unified files
18 patents against -- strike that.
19 Unified files IPRs against patents in
20 zones to mitigate NPE risks for its members; is
21 that right?
22 MR. MUDD: Objection; form.
23 THE WITNESS: Unified does a lot of
24 things on behalf of a zone.
25 BY MR. HEFAZI:

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1 Q. So, okay, you mentioned a couple times
2 now that Unified does a lot of things on behalf
3 of its members. Can I ask, roughly, what
4 percentage of Unified --
5 MR. MUDD: Objection; form.
6 MR. HEFAZI: I'm sorry. What was
7 that?
8 MR. MUDD: Sorry. Objection; form,
9 and mischaracterizes prior testimony.
10 Go ahead.
11 BY MR. HEFAZI:
12 Q. Okay. Let me try restating it.
13 What percentage of Unified's patent
14 expenditures relate to IPR filings, as opposed
15 to other services it provides to its members?
16 A. I don't know the exact percentages.
17 Q. How would you find out that
18 information?
19 A. I would look at our -- our expenses.
20 Q. Does Unified provide its members with
21 reports?
22 MR. MUDD: Objection; form.
23 THE WITNESS: Reports on what?
24 BY MR. HEFAZI:
25 Q. Does Unified provide its members with

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1 reports outlining its expenditures for the
2 different services it provides?
3 MR. MUDD: Objection; form,
4 foundation, relevance.
5 THE WITNESS: [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 BY MR. HEFAZI:
11 Q. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 Q. [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 MR. MUDD: Objection; form. Object to
23 the extent it mischaracterizes.
24 THE WITNESS: So we produce a
25 lot of data. So, you know, we produce, like,

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1 litigation reports, we produce -- you know,
2 year-round, quarterly, this stuff is on our web
3 portal. It's on our blog. We produce all kinds
4 of data.
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 BY MR. HEFAZI:
13 Q. All right. So let me ask you
14 this: [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 Q. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 MR. MUDD: Objection; form. Object to
25 the extent it mischaracterizes the testimony.
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1 THE WITNESS: I guess I'm -- I don't
2 know what member you are talking about.
3 BY MR. HEFAZI:
4 Q. [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 MR. MUDD: Objection to form.
9 Objection to the extent it mischaracterizes the
10 record.
11 THE WITNESS: Are you referring to the
12 NPE zones or the HEVC zones?
13 BY MR. HEFAZI:
14 Q. Well, let's start -- well, let start
15 with this: [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Q. Okay. So let me ask you, with respect
21 to the NPE zone, at the end -- what -- what was
22 the end of the membership term -- the last
23 membership term?
24 MR. MUDD: Objection; form.
25 THE WITNESS: [REDACTED]
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1 [REDACTED]
2 [REDACTED]
3 BY MR. HEFAZI:
4 Q. Okay. [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 MR. MUDD: Objection; form.
8 Speculation.
9 THE WITNESS: [REDACTED]
10 BY MR. HEFAZI:
11 Q. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 Q. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 MR. MUDD: Objection; form.
23 THE WITNESS: [REDACTED]
24 BY MR. HEFAZI:
25 Q. So you have not reviewed [REDACTED]
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1 [REDACTED]
2 [REDACTED] is that right?
3 MR. MUDD: Objection; form. Objection
4 to the extent it mischaracterizes the record.
5 THE WITNESS: [REDACTED]
6 [REDACTED]
7 BY MR. HEFAZI:
8 Q. [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 MR. MUDD: Objection; form.
13 THE WITNESS: [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 BY MR. HEFAZI:
19 Q. Well --
20 A. Let me finish.
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
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1 Q. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 BY MR. HEFAZI:
16 Q. Okay. And is the automotive zone
17 different than your NPE zone?
18 MR. MUDD: Objection; relevance.
19 THE WITNESS: The automotive
20 zone, or I think we -- I think we call it
21 transportation zone, the transportation zone
22 is one of our NPE zones.
23 BY MR. HEFAZI:
24 Q. Okay. So in the transportation zone
25 that you -- sorry.

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 Q. Okay. So as the CEO of Unified
14 Patents, is it accurate -- can you tell me
15 whether the expenditures on IPR activity, as
16 opposed to other services provided to members,
17 is a high amount?
18 MR. MUDD: Objection; form.
19 Objection to the extent it mischaracterizes
20 prior testimony.
21 THE WITNESS: [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 BY MR. HEFAZI:

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1 Q. Okay. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 BY MR. HEFAZI:
21 Q. So you're the CEO of the company, you
22 have to have a rough sense of, if you were to
23 add up the amount you've spent on IPRs and for
24 the other services you provide your members,
25 what percentage of that is IPR-related?

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1 MR. MUDD: Objection; form.
2 Objection. Mischaracterizes prior testimony.
3 THE WITNESS: You're asking --
4 BY MR. HEFAZI:
5 Q. Is that not right?
6 A. -- across all of the company do I know
7 how much we spend on IPR activity?
8 Q. I'm asking, yes, across all of the
9 zones in the company, can you tell me, if you
10 were to add up the amount you spend for all of
11 the services you provide your members, what
12 percentage of those would go to IPRs?
13 MR. MUDD: Objection; form.
14 Objection; mischaracterizes prior testimony.
15 THE WITNESS: [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 BY MR. HEFAZI:
19 Q. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 MR. MUDD: Objection; form.
23 THE WITNESS: [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
 2 BY MR. HEFAZI:
 3 Q. Okay. If you wanted to confirm how
 4 much of Unified's expenditures went to IPRs, as
 5 opposed to other services in the NPE zone, where
 6 would you go?
 7 A. I would have to look at all of our
 8 expenses.
 9 Q. Okay. Do you have -- are -- are
 10 Unified's expenses maintained in a database, is
 11 there a annual report that would have this kind
 12 of information? Where would this be located?
 13 MR. MUDD: Objection; form.
 14 THE WITNESS: [REDACTED]
 15 [REDACTED]
 16 BY MR. HEFAZI:
 17 Q. [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

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1 Unified's expenditures go to IPR activities?
 2 MR. MUDD: Objection; form,
 3 foundation, speculation.
 4 THE WITNESS: [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 BY MR. HEFAZI:
 9 Q. Well, you say to the extent that ...
 10 I mean, are they or are they not? You're the
 11 CEO, so you've, presumably, looked at the
 12 financials. Do you know, yes or no, whether the
 13 enormity of Unified's expenditures goes to the
 14 IPR services it provides?
 15 MR. MUDD: Objection; form.
 16 Objection; mischaracterizes prior testimony.
 17 Objection; speculation.
 18 THE WITNESS: [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 BY MR. HEFAZI:

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1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 MR. MUDD: Objection; form.
 5 Foundation.
 6 THE WITNESS: [REDACTED]
 7 [REDACTED]
 8 BY MR. HEFAZI:
 9 Q. Okay. [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 BY MR. HEFAZI:
 18 Q. Okay. Okay. But it's fair to say
 19 that the majority of Unified's spending goes to
 20 filing of IPRs?
 21 MR. MUDD: Objection; form.
 22 THE WITNESS: I don't necessarily
 23 agree that it would be fair to say anything.
 24 BY MR. HEFAZI:
 25 Q. Would it be true that the majority of

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1 Q. Okay. And so getting back to the
 2 Exhibit 2 that you have in front of you, so
 3 one of the things that you provide to protect
 4 a strategic technology is IPR activity; is that
 5 right?
 6 MR. MUDD: Objection; form.
 7 THE WITNESS: I don't believe that's
 8 what the document labeled as Exhibit 2 says.
 9 BY MR. HEFAZI:
 10 Q. What does it say?
 11 MR. MUDD: Objection; form.
 12 THE WITNESS: Would you like me to
 13 read it again?
 14 BY MR. HEFAZI:
 15 Q. Well, what do you understand the last
 16 sentence to state?
 17 MR. MUDD: Objection; form.
 18 THE WITNESS: The last sentence
 19 saying, by protecting a tech -- strategic
 20 technology?
 21 BY MR. HEFAZI:
 22 Q. Yes.
 23 A. So I believe the last sentence to
 24 say that because of what we do on behalf of
 25 the zone, Unified mitigates NPE risk for its

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1 members' most important products and services.
2 Q. Okay. And one of the ways it
3 mitigates NPE risks for its members' most
4 important products and services is filing IPRs?
5 MR. MUDD: Objection to form.
6 THE WITNESS: As I testified in the
7 past, IPRs is only one of the things that we do,
8 but that is one of the things that we do on
9 behalf of a strategic technology in --
10 BY MR. HEFAZI:
11 Q. And it's one of the things you
12 -- sorry. Go ahead.
13 A. It's okay.
14 Q. And it's also one of the things you do
15 for your members?
16 MR. MUDD: Objection; form. Asked and
17 answered.
18 THE WITNESS: As that sentence very
19 specifically enumerates, we don't do anything
20 on behalf of members. It says, by protecting a
21 strategic technology, and by that I mean Unified
22 will work on behalf of the zone.
23 BY MR. HEFAZI:
24 Q. Correct. But the goal here is to
25 mitigate NPE risk for your members, is that not
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1 right?
2 MR. MUDD: Objection; form.
3 THE WITNESS: I do not believe that's
4 correct.
5 BY MR. HEFAZI:
6 Q. Okay. So you think -- so what did you
7 mean when -- sorry, what did Unified mean when
8 it wrote that it was mitigating NPE risk for its
9 members?
10 MR. MUDD: Objection; form.
11 Mischaracterizes the document.
12 THE WITNESS: It means that we are
13 going to work on behalf of the zone, and the
14 zone deterrence work that we do is going to have
15 a benefit for the zone.
16 I've never said that it would not,
17 therefore, mitigate NPE risk for its members'
18 most important products and services.
19 BY MR. HEFAZI:
20 Q. Okay. So it's accurate to say
21 that the work you do in a zone is intended
22 to mitigate NPE risk for its members' most
23 important products and services?
24 MR. MUDD: Objection; form.
25 Mischaracterizes the document.
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1 THE WITNESS: Yeah. I -- I guess --
2 the document speaks for itself. And so I
3 guess I don't agree with whatever alternative
4 statement that you're trying to make about this
5 document.
6 BY MR. HEFAZI:
7 Q. Okay. Would you change anything in
8 the last sentence? Is the last sentence
9 accurate, in your opinion?
10 A. I think the sentence, as a whole, is
11 completely accurate.
12 Q. Okay. Let me ask you, on the right
13 there, do you see the section that says, submit
14 a demand letter?
15 A. I do, yes.
16 Q. And so this is what you were referring
17 to earlier when you said that you solicited
18 demand members from members and nonmembers?
19 A. Yes.
20 Q. Now, if you look at Jakel Exhibit 3,
21 so this is what pops up if you were to click on
22 that demand letter link.
23 MR. MUDD: Just a reminder, same
24 standing objection on Jakel Exhibit 3.
25 BY MR. HEFAZI:
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1 Q. And does this, do you have any reason
2 to believe that this is not what pops up when
3 you click on the demand letter link on Unified's
4 website captured on March 1, 2014?
5 MR. MUDD: Objection to the form.
6 Objection to the extent it mischaracterizes the
7 documents.
8 THE WITNESS: I don't know.
9 BY MR. HEFAZI:
10 Q. Okay. Did you ever solicit members
11 to -- members or -- strike that.
12 Did you ever ask persons to join
13 Unified so that they could submit demand letters
14 to Unified?
15 MR. MUDD: Objection; form.
16 THE WITNESS: I'm sorry. I don't
17 quite understand your question.
18 BY MR. HEFAZI:
19 Q. Was it ever the case that you required
20 persons to join before they could submit a
21 demand letter?
22 A. No. Never.
23 Q. Did you consider -- strike that.
24 If a entity submitted a demand letter,
25 did you try to market your services to them?
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1 MR. MUDD: Objection; form,
2 speculation, relevance.
3 THE WITNESS: We encourage all
4 members to join Unified, whether or not they
5 have received a demand letter or not.
6 BY MR. HEFAZI:
7 Q. Okay. Let's turn to the membership
8 agreement that was produced as USR00025.
9 MR. MUDD: One second, Nima.
10 Okay. I have it, Nima. Do you want
11 to mark it?
12 MR. HEFAZI: Yeah. Please mark it as
13 Exhibit 4.
14 (Jakel Deposition Exhibit No. 4, a
15 document Bates Numbered UNIFIED-USR-00025
16 through 00042, was marked.)
17 THE REPORTER: Okay. It's marked.
18 BY MR. HEFAZI:
19 Q. Do you recognize this document?
20 A. I didn't catch that. I'm sorry.
21 MR. MUDD: Hang on one second.
22 Just for the record, Nima, Jakel Exhibit 4 has
23 a Bates stamp Unified USR25 through 42; is that
24 correct?
25 MR. HEFAZI: Correct. And it's

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1 MR. MUDD: Objection; form.
2 THE WITNESS: [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 titled Unified Patents Member Agreement.
2 BY MR. HEFAZI:
3 Q. Do you recognize this document?
4 A. I believe this is [REDACTED] membership
5 agreement.
6 Q. Okay. [REDACTED]
7 [REDACTED]
8 A. [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 BY MR. HEFAZI:
2 Q. What context would they have?
3 MR. MUDD: Objection; form.
4 BY MR. HEFAZI:
5 Q. Let me strike that.
6 Did any of the members ever send
7 e-mails relating to, you know, IPR filings or
8 the company's other services?
9 MR. MUDD: Objection; form.
10 THE WITNESS: No. [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 BY MR. HEFAZI:
25 Q. Okay. Turn to Section 4.1.

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1 A. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 Q. [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Q. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 Q. [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 Q. Okay. [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 MR. MUDD: Objection; form, and
3 objection to the extent it mischaracterizes the
4 document.
5 THE WITNESS: [REDACTED]
6 [REDACTED]
7 BY MR. HEFAZI:
8 Q. And so the subscription fees that are
9 provided by members are used to file and conduct
10 IPR?
11 MR. MUDD: Objection; form. Objection
12 to the extent it mischaracterizes the document.
13 THE WITNESS: I can say that the
14 subscription fees we get for a zone are used
15 for activities that we conduct in the zone.
16 BY MR. HEFAZI:
17 Q. Okay. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 Q. Okay. And if you look at the page
4 ending in Bates stamp 00030, [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 BY MR. HEFAZI:

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1 Q. Okay. In the last year, how much
 2 would you say that Unified spent on acquiring
 3 licenses to patents?
 4 A. We don't acquire patents or license
 5 rights, so we would not have spent money,
 6 specifically, on buying license rights at all.
 7 Q. Okay. [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 Q. And what percentage of -- well, let
 18 me -- strike that.
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 MR. MUDD: Object to form.
 23 THE WITNESS: [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

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1 BY MR. HEFAZI:
 2 Q. What range?
 3 MR. MUDD: Objection; form.
 4 THE WITNESS: No, I don't have a range
 5 off the top of my head.
 6 BY MR. HEFAZI:
 7 Q. [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 BY MR. HEFAZI:
 19 Q. So I'm not asking about a percentage.
 20 You can't even tell me the range that you've
 21 seen [REDACTED] you've reviewed?
 22 A. Do you have a range you'd like me to
 23 answer on?
 24 Q. Well, I mean, that -- have you
 25 -- well, let me start with this: Have you

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1 [REDACTED]
 2 [REDACTED]
 3 BY MR. HEFAZI:
 4 Q. Okay. [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 Q. Okay. [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED] -- strike that.
 14 Let me try this again.
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

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1 seen a range of greater than [REDACTED] percent?
 2 MR. MUDD: Objection; form.
 3 Relevance.
 4 THE WITNESS: [REDACTED]
 5 BY MR. HEFAZI:
 6 Q. Greater than [REDACTED] percent?
 7 MR. MUDD: Objection; form.
 8 Relevance.
 9 THE WITNESS: I don't know, but,
 10 again, this is [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 BY MR. HEFAZI:
 14 Q. Okay. And -- okay.
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 Q. And what about the renewal period of
 23 2016?
 24 A. I don't know.
 25 MR. MUDD: Objection; form.

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1 THE WITNESS: I'm not sure it would
2 have been captured in the discovery request.
3 BY MR. HEFAZI:
4 Q. Did you search for and confirm that
5 there are no [REDACTED] Unified provided to
6 [REDACTED]
7 A. That was not the discovery asked for.
8 Q. Has Unified provided [REDACTED] to
9 [REDACTED]
10 A. At some point in the past, I would
11 expect that to have been the case.
12 Q. And those [REDACTED] would have
13 identified [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 MR. MUDD: Objection; form,
17 foundation, speculation, relevance.
18 THE WITNESS: We do not put down [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 BY MR. HEFAZI:
22 Q. Okay. Let me rephrase that.
23 That [REDACTED] would have identified [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 mean by a lot.
2 BY MR. HEFAZI:
3 Q. Does Unified communicate with [REDACTED]
4 every month?
5 MR. MUDD: Objection; form,
6 foundation, speculation, relevance.
7 THE WITNESS: No. Not as a matter of
8 course.
9 BY MR. HEFAZI:
10 Q. Okay. Would you anticipate that
11 there are more than a hundred communications
12 with [REDACTED] over the last two years?
13 MR. MUDD: Objection; foundation,
14 speculation, relevance.
15 THE WITNESS: I honestly don't know.
16 BY MR. HEFAZI:
17 Q. [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 MR. MUDD: Objection; form. Objection
22 to the extent it mischaracterizes prior
23 testimony.
24 THE WITNESS: [REDACTED]
25 [REDACTED]

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1 MR. MUDD: Objection; form,
2 foundation, speculation, relevance.
3 THE WITNESS: I don't have in front
4 of me any of [REDACTED], so I don't
5 -- I can't answer your question.
6 BY MR. HEFAZI:
7 Q. Where would you -- strike that.
8 What was the process by which you
9 would obtain [REDACTED]
10 MR. MUDD: Objection; relevance.
11 THE WITNESS: I would do a search of
12 [REDACTED]
13 [REDACTED]
14 BY MR. HEFAZI:
15 Q. Okay. And how many communications
16 are there between Unified and [REDACTED] roughly?
17 MR. MUDD: Objection; form;
18 foundation, speculation.
19 THE WITNESS: I have no idea.
20 BY MR. HEFAZI:
21 Q. Do you anticipate that there are a
22 lot?
23 MR. MUDD: Objection; form.
24 Foundation. Speculation.
25 THE WITNESS: I don't know what you

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1 [REDACTED]
2 BY MR. HEFAZI:
3 Q. Okay. And were there e-mail
4 exchanges, as well?
5 MR. MUDD: Objection; form.
6 Relevance.
7 THE WITNESS: I am certain we have
8 exchanged some e-mails.
9 BY MR. HEFAZI:
10 Q. Okay. And let me ask -- you know,
11 prior to -- so in the -- in the period from 2006
12 -- sorry. Strike that.
13 In the period from 2017 to 2018,
14 did you also communicate with [REDACTED] or
15 representatives of [REDACTED]
16 MR. MUDD: Objection; form.
17 THE WITNESS: I have communicated with
18 [REDACTED]
19 BY MR. HEFAZI:
20 Q. And was that also a couple times a
21 month?
22 MR. MUDD: Objection; form.
23 THE WITNESS: I'm sorry. I did not
24 understand that question.
25 BY MR. HEFAZI:

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1 Q. Were -- those communications, did
2 those also occur a couple times a month?
3 MR. MUDD: Objection; form. Objection
4 to the extent it mischaracterizes prior
5 testimony.
6 THE WITNESS: [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 BY MR. HEFAZI:
16 Q. Okay. So prior to -- when did you
17 start the conversation on this HEVC zone?
18 MR. MUDD: Objection; relevance.
19 THE WITNESS: [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 BY MR. HEFAZI:
24 Q. Okay. When did you start
25 communicating with [REDACTED] regarding HEVC zone?
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1 MR. MUDD: Objection; relevance.
2 THE WITNESS: I don't know the
3 specific date at which I began communicating
4 with Apple.
5 BY MR. HEFAZI:
6 Q. [REDACTED]
7 [REDACTED]
8 MR. MUDD: Objection; relevance.
9 THE WITNESS: [REDACTED]
10 [REDACTED]
11 BY MR. HEFAZI:
12 Q. [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 BY MR. HEFAZI:
18 Q. Okay. In 2017 to 2018, how often did
19 you communicate with [REDACTED]
20 MR. MUDD: Objection; form.
21 THE WITNESS: I don't know. It's not
22 a specific number, and there are no set time
23 frames for communication.
24 BY MR. HEFAZI:
25 Q. Roughly, how many communications did
Page 107

1 you trade with [REDACTED]
2 MR. MUDD: Objection; form.
3 Speculation.
4 THE WITNESS: I don't know.
5 BY MR. HEFAZI:
6 Q. Did you communicate with [REDACTED] more
7 -- strike that.
8 Did you exchange more than a hundred
9 e-mails with [REDACTED] in 2017 to 2018?
10 MR. MUDD: Objection; form,
11 speculation.
12 THE WITNESS: I don't know.
13 BY MR. HEFAZI:
14 Q. More than 50?
15 MR. MUDD: Objection; form,
16 speculation.
17 THE WITNESS: I don't know.
18 BY MR. HEFAZI:
19 Q. Okay. So you could have exchanged
20 more than a thousand; is that right?
21 MR. MUDD: Objection; form,
22 speculation. Mischaracterizes prior testimony.
23 THE WITNESS: I don't know.
24 BY MR. HEFAZI:
25 Q. Okay. And do you know what you
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1 communi -- other than [REDACTED], what
2 other items did you talk with [REDACTED] with about?
3 MR. MUDD: Objection to form.
4 THE WITNESS: I guess in what
5 conversation?
6 BY MR. HEFAZI:
7 Q. Well, so have you spoken to [REDACTED]
8 about non-practicing entities?
9 MR. MUDD: Objection; relevance.
10 THE WITNESS: Not outside the context
11 of our NPE zone and their membership.
12 BY MR. HEFAZI:
13 Q. Okay. And what kind of things did you
14 tell them -- strike that.
15 [REDACTED]
16 [REDACTED]
17 MR. MUDD: Objection to form.
18 THE WITNESS: [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 BY MR. HEFAZI:
23 Q. Okay. [REDACTED]
24 [REDACTED]
25 [REDACTED]
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1 well, strike that.
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 Q. Is there anyone else at [REDACTED] that you
12 would have communicated with?
13 MR. MUDD: Objection to form.
14 THE WITNESS: I do not recall any
15 communications with [REDACTED] with others during
16 that time period.
17 BY MR. HEFAZI:
18 Q. So in the period between, I guess,
19 -- well, let me ask you this: Have you ever
20 communicated with anyone at [REDACTED] other than
21 [REDACTED]
22 MR. MUDD: Objection; form, relevance.
23 THE WITNESS: Yes. I have -- I --
24 I know people at [REDACTED] I do not recall any
25 communications with [REDACTED],
Page 110

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 BY MR. HEFAZI:
5 Q. Okay. Let's step back a little
6 earlier. In [REDACTED] when [REDACTED] joined, who were
7 you communicating with about [REDACTED]?
8 MR. MUDD: Objection; form.
9 Objection; relevance.
10 THE WITNESS: I believe that would
11 have been, primarily, [REDACTED]
12 BY MR. HEFAZI:
13 Q. Okay. And do you recall telling
14 [REDACTED] what the benefits of [REDACTED]
15 were for [REDACTED]
16 MR. MUDD: Objection; form.
17 THE WITNESS: I do not recall any of
18 the communications from [REDACTED]
19 [REDACTED]
20 BY MR. HEFAZI:
21 Q. Let me ask you, do you -- how far
22 back do you store e-mails or archived e-mails
23 -- strike that.
24 How far back does Unified Patents'
25 store e-mails?
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1 MR. MUDD: Objection; form, relevance
2 and scope.
3 Nima, I think we're getting pretty far
4 outside the scope of discovery that was agreed
5 to here.
6 MR. HEFAZI: Well, I think this is a
7 very relevant question to communications between
8 [REDACTED] and Unified.
9 MR. MUDD: Well, Nima, we didn't agree
10 to scope of, you know, any communications ever
11 with [REDACTED] so ...
12 MR. HEFAZI: I think you had indicated
13 in regards to anyone that we could explore this
14 subject with counsel.
15 MR. MUDD: Sure. You could explore
16 the subject of communications, but we're not
17 going to go into, you know, storage system
18 discussion from [REDACTED]
19 MR. HEFAZI: Well, I'm asking a very
20 simple question. If the witness could answer
21 it, I'd ask that he does.
22 BY MR. HEFAZI:
23 Q. How far back does Unified maintain
24 e-mails?
25 MR. STROUD: So, Nima, just to be
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1 clear -- this is Jonathan. Just to be clear,
2 this is a cross-examination of the sworn
3 testimony that you were given. So that's the
4 scope -- that's our understanding of the scope.
5 This is not like a litigation style 30(b)(6).
6 MR. HEFAZI: So are you instructing
7 the witness not to answer?
8 MR. MUDD: Yeah. You didn't -- you
9 never asked anything in your requested discovery
10 pertaining to, you know, maintaining e-mails
11 from, you know, [REDACTED]
12 MR. HEFAZI: I think we asked for
13 communications with [REDACTED] and Unified. And, you
14 know, the witness said he's been communicating
15 with [REDACTED]
16 And so we're asking -- so we're trying to
17 understand exactly what documents exist.
18 MR. MUDD: Well, no, Nima, you
19 asked for communications with [REDACTED] related to
20 preparation and filing of IPRs. We objected to
21 that scope and said, you know, the proper scope
22 would be communications pertaining to prep and
23 filing of this particular IPR. But we said we
24 would let you explore general communications
25 with [REDACTED] pertaining to IPR, but we didn't --
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1 MR. HEFAZI: Are you instructing him
2 not to answer?
3 MR. MUDD: Nima, hold on. Hold on.
4 Let's not talk over each other.
5 We didn't agree to a scope of,
6 you know, document retention from, you know,
7 [REDACTED] for any potential
8 communication with [REDACTED] ever.
9 So I just want to state all of that
10 understanding --
11 MR. HEFAZI: Okay. Well, I'm trying
12 to understand exactly --
13 MR. MUDD: Hang on, Nima.
14 MR. HEFAZI: -- what is there.
15 MR. MUDD: Nima, Nima, wait.
16 MR. HEFAZI: So you can instruct the
17 witness not to answer, but I'm asking a very
18 simple question, how far back does Unified
19 maintain e-mails?
20 MR. MUDD: Nima, hang on one second.
21 I haven't instructed the witness not to answer
22 yet. I'm just stating our understanding of the
23 scope. And your contention is that this is
24 within the proper scope of the discovery that
25 you all requested?

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1 MR. HEFAZI: I think that's right.
2 I think we have an agreement that we would
3 explore this with the witness so that we could
4 determine whether we need to seek additional
5 discovery, whether such, you know,
6 communications exist outside of the various
7 narrow and limited ones that you provided.
8 MR. MUDD: So, Nima, your contention
9 is that the scope of the discovery you requested
10 encompasses document retention from [REDACTED]?
11 MR. HEFAZI: Well, it's in -- no.
12 It encompasses communications between [REDACTED] and
13 Unified, and --
14 MR. STROUD: Whether related to this
15 IPR, patent or Universal Secure Registry or not?
16 MR. HEFAZI: So we didn't agree that
17 it would be limited to preparation or just USR.
18 That was something you added in, and that's
19 something that you said we could explore. So I
20 think I'm done arguing this on the record. I
21 think what I'm happy to do is, if you'd like to
22 object to the scope, that's a fair objection,
23 and we can resolve that at that time. But I've
24 asked a very simple question, how far back does
25 Unified retain e-mails?

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1 MR. MUDD: So I'll state the same
2 objections: Outside the scope. Objection to
3 relevance.
4 THE WITNESS: [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 BY MR. HEFAZI:
8 Q. Okay. How far back do you maintain
9 your e-mail?
10 MR. MUDD: Same objections on scope
11 and relevance.
12 THE WITNESS: [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 BY MR. HEFAZI:
17 Q. Sorry. Could you say that one more
18 time?
19 A. [REDACTED]
20 [REDACTED]
21 Q. So is the answer that [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 MR. MUDD: Objection; form, relevance
25 and scope.

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1 THE WITNESS: [REDACTED]
2 BY MR. HEFAZI:
3 Q. [REDACTED]
4 [REDACTED]
5 MR. MUDD: Objection; form,
6 foundation, relevance, scope, speculation.
7 THE WITNESS: I did not look.
8 BY MR. HEFAZI:
9 Q. Okay. [REDACTED]
10 [REDACTED] is that right?
11 MR. MUDD: Objection.
12 BY MR. HEFAZI:
13 Q. Strike that.
14 You don't [REDACTED]
15 [REDACTED] is
16 that right?
17 MR. MUDD: Objection; form,
18 foundation, relevance, scope.
19 THE WITNESS: [REDACTED]
20 BY MR. HEFAZI:
21 Q. Okay. And [REDACTED]
22 -- strike that.
23 [REDACTED]
24 [REDACTED] or -- strike that.
25 As far as you know, [REDACTED]

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1 [REDACTED]
 2 MR. MUDD: Objection; form, foundation
 3 relevance, scope, mischaracterizing prior
 4 testimony.
 5 BY MR. HEFAZI:
 6 Q. Where are your e-mails stored, let me
 7 ask that.
 8 MR. MUDD: Objection; form, relevance,
 9 scope.
 10 THE WITNESS: [REDACTED]
 11 [REDACTED]
 12 BY MR. HEFAZI:
 13 Q. Okay. And do you use [REDACTED]?
 14 A. [REDACTED]
 15 Q. What e-mail service do you use?
 16 MR. MUDD: Objection; form, relevance,
 17 scope.
 18 THE WITNESS: [REDACTED]
 19 [REDACTED]
 20 BY MR. HEFAZI:
 21 Q. So you use a [REDACTED] is that
 22 right?
 23 MR. MUDD: Nima, will you give me a
 24 standing objection of relevance and scope on
 25 this line of questioning?

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1 MR. HEFAZI: Yes.
 2 THE WITNESS: [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 BY MR. HEFAZI:
 7 Q. [REDACTED]
 8 [REDACTED] allow you to -- strike that.
 9 Are you able to sort e-mails by
 10 sender?
 11 A. [REDACTED]
 12 Q. [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 MR. STROUD: Nima, it's -- we've
 18 been going for, like, two-and-a-half hours.
 19 It's getting close to 1:00 here. Is it okay if
 20 we go for another three or four minutes and then
 21 take a break for lunch?
 22 MR. HEFAZI: Yeah. Let me take one
 23 last question, and then I think that's fine.
 24 BY MR. HEFAZI:
 25 Q. So what would be -- sorry. Strike

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1 that.
 2 So if you wanted to [REDACTED]
 3 [REDACTED]
 4 [REDACTED] is that right?
 5 A. That's correct.
 6 MR. HEFAZI: Okay. I think we could
 7 take a break.
 8 (Lunch recess.)
 9 MR. HEFAZI: So perhaps we could
 10 start, and I don't think we have much longer.
 11 MR. MUDD: Okay. Yeah, I think we're
 12 all ready here.
 13 MR. HEFAZI: So perhaps we can start
 14 by -- can we hand the supplemental Unified
 15 Patent's Responses to Voluntary Additional
 16 Discovery that were provided yesterday?
 17 MR. MUDD: Yes. Would you like to
 18 mark it as an exhibit?
 19 MR. HEFAZI: Yeah. Are we on Exhibit
 20 5 now?
 21 THE REPORTER: I believe, yes, 5.
 22 (Jakel Deposition Exhibit No. 5, a
 23 document titled Petitioner Unified Patents
 24 Inc.'s Supplemental Responses To Voluntary
 25 Additional Discovery, was marked.)

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1 BY MR. HEFAZI:
 2 Q. So if -- to start -- so this
 3 is Exhibit 5, Petitioner Unified Patent's
 4 Supplemental Responses to Voluntary Additional
 5 Discovery, and if you could please turn to the
 6 second-to-last page, there's a verification.
 7 Do you see that?
 8 A. Yes. I see it.
 9 Q. And is that your signature?
 10 A. It is.
 11 Q. Okay. Now, if you look at Document
 12 Request Number 1 that is back up on the second
 13 page, --
 14 A. I see it, yes.
 15 Q. -- it's an agreement between Unified
 16 Patents and Apple and/or Visa related to
 17 preparation or filing of IPRs and membership
 18 agreements of Apple and/or Visa. [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 And so I'm trying to understand [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

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1 [REDACTED]
2 MR. MUDD: Object to the form.
3 THE WITNESS: [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 BY MR. HEFAZI:
13 Q. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 Q. Okay. And if you look to Number 2
18 it says, communications and documents, Unified
19 Patents and/or recent IP sent, provided,
20 received or exchanged with Apple and/or Visa
21 that relate to the preparation or filing of
22 IPRs against USR, USR Patents and/or the
23 litigation styled USR verse Apple and Visa,
24 Case Number 17-cv-07585, District of Delaware,
25 2017, including any notes relating to these

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1 communications.
2 [REDACTED]
3 [REDACTED]. So what I'm
4 wondering is how many -- strike that.
5 There are documents -- strike that.
6 Are there communications between
7 Unified Patents and [REDACTED] that relate to the
8 preparation or filing of other IPRs?
9 A. No, there are not.
10 Q. And by other IPRs, I mean IPRs that
11 are not IPR2018-00067?
12 A. There are no communications with [REDACTED]
13 about the preparation of any IPR ever.
14 Q. Okay. And are there any
15 communications relating to notifying [REDACTED] that
16 an IPR was filed?
17 MR. MUDD: Object to the form.
18 Object to the extent it mischaracterizes the
19 record.
20 BY MR. HEFAZI:
21 Q. Let me rephrase that.
22 Did Unified ever inform [REDACTED] that a
23 IPR had been filed?
24 MR. MUDD: Object to the form.
25 THE WITNESS: The answer to that

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1 is, no. In an abundance of caution, we have
2 a newsletter, which goes out to a massive
3 mailing list of every e-mail account that we
4 have in any of our -- in our contacts, and
5 so, in an abundance of caution, we produced
6 the newsletters that went out to the world, that
7 [REDACTED] e-mail addresses are, likely,
8 in the tool that -- that sends out those mass
9 e-mail lists. And so just as an abundance of
10 caution, we produced copies of e-mails that
11 -- the newsletters that had come to us knowing
12 that those e-mails would have gone to the world,
13 including Apple. So -- and those --
14 BY MR. HEFAZI:
15 Q. And when you say the world, you mean
16 your members, all of your members?
17 MR. MUDD: Objection to the form.
18 Object to the extent it mischaracterizes
19 testimony.
20 THE WITNESS: I mean that it would
21 have gone to every single person that has a
22 contact in our -- that has an e-mail address in
23 our contacts, so that would be friends, it would
24 be my mother, it would be members, it would be
25 nonmembers, it would be absolutely everyone.

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1 BY MR. HEFAZI:
2 Q. Is the newsletter directed at your
3 mother? Is your mother the intended audience
4 for this newsletter?
5 MR. MUDD: Object to the form.
6 THE WITNESS: It's just a marketing
7 material to send out to the world about things
8 that we do.
9 BY MR. HEFAZI:
10 Q. And so when you send the newsletter
11 out to a member, is it intended for -- strike
12 that.
13 When you send the newsletter out to
14 these members, is it intended to show them that
15 you are benefiting them and providing services
16 to them?
17 MR. MUDD: Objection to the form.
18 Objection to the extent it mischaracterizes the
19 record.
20 THE WITNESS: It is not.
21 BY MR. HEFAZI:
22 Q. Okay. So you send these newsletters
23 to members without any intention for them to see
24 the good work that you're doing for them?
25 MR. MUDD: Object to the form. Object

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1 to the extent it mischaracterizes the record.
2 THE WITNESS: We send these
3 newsletters out on, approximately, a monthly
4 basis, and they go to everyone we have an e-mail
5 address for. There is no intention that -- that
6 our members get some information that we are not
7 sending to others or anyone. This is just
8 simply a newsletter.
9 BY MR. HEFAZI:
10 Q. Sir, that wasn't my question. I
11 guess, when you draft these newsletters, is
12 the intended audience your members?
13 A. No.
14 Q. Okay. So these newsletters are not
15 drafted with your members in mind?
16 A. No.
17 Q. Okay. And who is the intended you
18 audience for these newsletters?
19 A. The entire IP community.
20 Q. So let me ask you this: I would
21 consider myself a part of the IP community, I
22 didn't receive this e-mail, so it's clearly not
23 the entire IP community. This contact list that
24 you have, does it include all your members?
25 MR. MUDD: Objection to the form.

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1 THE WITNESS: It includes any
2 contact in our contacts that -- the -- let me
3 just say this: Every single e-mail that we have
4 in Unified Patents' system, collected over
5 years, it has scooped up every single e-mail
6 address we have, and if I had met you at a
7 conference years ago and taken your business
8 card and scanned it, even if I had never talked
9 to you for years, you would have received a copy
10 of it. Anyone who I have gotten a business card
11 from, whether a member or not, over the last 10
12 years plus, however long it's been that I've
13 started collecting business cards and maintained
14 a contact list, would be in the system.
15 BY MR. HEFAZI:
16 Q. You didn't know, really, who I was,
17 right? You're not drafting a newsletter that's
18 directed at me, are you?
19 MR. MUDD: Object to the form.
20 THE WITNESS: I guess I don't know
21 who you are, but if you're in the IP community,
22 yeah, I think I would be hoping that you would
23 know who Unified is and what we do.
24 BY MR. HEFAZI:
25 Q. Okay. And included in this IP

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1 community, and included in your contact list
2 is your members, correct?
3 MR. MUDD: Objection to the form.
4 THE WITNESS: As I've discussed, my
5 members' e-mails are part of all of my contact
6 list, and every single contact gets this
7 newsletter.
8 MR. HEFAZI: Okay. So let's also mark
9 as Exhibit 6 Unified USR00004. It's the late
10 June 2018 newsletters.
11 (Jakel Deposition Exhibit No. 6, a
12 document Bates Numbered UNIFIED-USR-00004
13 through 00007, was marked.)
14 MR. MUDD: And just for the record,
15 Nima, Jakel Exhibit 6 spans Unified USR 4
16 through 7.
17 MR. HEFAZI: That's correct.
18 BY MR. HEFAZI:
19 Q. Is this one of the newsletters you're
20 referring to?
21 A. It is.
22 Q. So this would have been sent to [REDACTED]
23 MR. MUDD: Object to the form.
24 THE WITNESS: This would have been
25 sent out to every single contact that we have.

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1 BY MR. HEFAZI:
2 Q. Would that have included [REDACTED]
3 A. I believe [REDACTED] was in my contacts;
4 therefore, [REDACTED] would have received this.
5 Q. So this newsletter would have been
6 sent to [REDACTED]?
7 A. This newsletter would have been sent
8 to all of my contacts, which included [REDACTED].
9 Q. Okay. And if you look at the top of
10 the e-mail, it says, 3rd day June 21, 2018, at
11 3:01 p.m.; is that right?
12 A. I see that, yes.
13 Q. Yes. And could you tell me which one
14 of the -- well, so the to field says, Employees
15 of Unifiedpatents.com. Do you see that?
16 A. I see that, yes.
17 Q. And would that mailing list include
18 [REDACTED]
19 A. It would not.
20 Q. Okay. So did you have a separate
21 e-mail that would have been sent to the contact
22 list that includes [REDACTED]
23 A. We do not.
24 Q. Okay. And why is that?
25 A. Because, as I mentioned, this is sent

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1 from a mass mailing tool called Mail Chimp, and
2 you can see that in the reply-to address. Mail
3 Chimp is not a address. It's a tool that sends
4 out mass e-mails. There is no account for it.
5 There's no communications on it. It sends out
6 this to all of the e-mail addresses that we've
7 given that tool. All of the e-mail addresses we
8 have given that tool include, as I mentioned,
9 all of my contacts. And so we do not --
10 Q. Okay.
11 A. Let me finish.
12 We do not have a copy of the e-mail
13 that possibly went to the e-mail addresses in
14 this list that would include [REDACTED]. But in
15 an abundance of caution, we have included this
16 e-mail, because this came from Mail Chimp to
17 us, meaning the distribution list for employees,
18 which is Unified only, but because we don't have
19 a copy or we're not in [REDACTED] own e-mail system
20 and able to find a copy of it on their system,
21 in an abundance of caution, we have produced a
22 copy of what would have gone out to the entire
23 world, including us, and so we're producing this
24 so that you are aware of the e-mail that would
25 have gone out to folks at [REDACTED] that happened to
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1 be in our contact list.
2 Q. Okay. So if you look at this
3 newsletter here, it says Federal Circuit
4 summarily affirms Unified IPR against Acacia
5 Research Entity. Do you see that's the first
6 entity?
7 A. I see that.
8 Q. And was that patent asserted against
9 members of Unified?
10 MR. MUDD: Object to the form. Lacks
11 relevance.
12 THE WITNESS: Off the top of my head,
13 I don't recall exactly what this patent is
14 that's related to Acacia.
15 BY MR. HEFAZI:
16 Q. Okay. So let's turn to the next page,
17 Page 5.
18 A. Okay.
19 Q. It says there at the top, the
20 Acacia Research Corp specifically had asserted
21 a patent which relates to single-side curtain
22 airbags for vehicles against a number of
23 automotive companies, including Honda, Nissan,
24 Toyota and Hyundai. Are Honda, Nissan, Toyota
25 and Hyundai one or more of these members of
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1 Unified?
2 A. Honda, Nissan, Toyota are members.
3 Hyundai is not.
4 Q. So the first items in the newsletter
5 goes to an IPR filed for members Honda, Nissan
6 and Toyota?
7 MR. MUDD: Object to the form.
8 THE WITNESS: I don't know what you're
9 asking.
10 BY MR. HEFAZI:
11 Q. So the first -- the first item
12 that's called out in this newsletter, the
13 Federal Circuit affirming Unified's IPR against
14 Acacia Research Entity, relates to an IPR filed
15 against a patent that was asserted against
16 Unified's members?
17 MR. MUDD: Object to the form.
18 THE WITNESS: I think everything you
19 said is -- we filed this IPR in the automotive
20 zone, or what we'll call transportation zone,
21 and Honda, Nissan and Toyota are members of that
22 zone.
23 BY MR. HEFAZI:
24 Q. So the answer to my question is yes
25 or no, the first item in this newsletter goes to
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1 an IPR that was filed against patents asserted
2 against Unified's members, yes or no?
3 MR. MUDD: Object to the form. Object
4 to the extent it mischaracterizes the document.
5 THE WITNESS: I believe that's
6 correct.
7 BY MR. HEFAZI:
8 Q. Okay. Now, the next one here, it
9 says, Red River Innovations in a drought as
10 patent looks invalid.
11 Do you know if that was filed at Red
12 River Innovations -- sorry. Strike that. This
13 is -- so it says, sorry. Strike that.
14 There's a patent here that has
15 been asserted multiple times in District Court
16 refers to, and I'm specifically reading from the
17 sentence underneath it that says, the Red River
18 Innovations patent relating to information
19 processing on a computer was previously named
20 EFS Stupid Patent of the Month and has been
21 asserted multiple times in District Court.
22 Do you know if that was asserted
23 against any one of Unified's members?
24 A. I have no idea.
25 Q. Okay. But underneath this particular
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1 entry, the second entry in the newsletter, it
2 does refer to 200-plus members being a part of
3 Unified; is that right?
4 MR. MUDD: Objection to the form.
5 THE WITNESS: That's correct.
6 BY MR. HEFAZI:
7 Q. And it also refers to 108 challenges,
8 and those refer to IPR challenges, right?
9 MR. MUDD: Object to the form.
10 THE WITNESS: I think those are most
11 IPR challenges, but there might be other types
12 of challenges in that account.
13 BY MR. HEFAZI:
14 Q. Okay. But they are challenges in
15 front of the U.S. Patent office?
16 A. I believe that is accurate, yes.
17 Q. Now, looking at the third item here,
18 they say Barkan Wireless Patent Challenged was
19 Likely Invalid.
20 Do you see that?
21 A. I do.
22 Q. And on June 1, Unified filed a
23 petition for IPR against a patent directed to
24 an add-on base station in a cellular network
25 that has been asserted in the District Court

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1 litigation against Verizon and Samsung.
2 And are Verizon and Samsung members of Unified?
3 A. [REDACTED]
4 [REDACTED]
5 Q. Okay. So a third of them also
6 relate to an IPR that was filed against a patent
7 asserted against Unified members, yes or no?
8 MR. MUDD: Object to the form.
9 THE WITNESS: I disagree with what you
10 said in terms of false hope.
11 BY MR. HEFAZI:
12 Q. Okay. So let me try again.
13 This third item was an IPR USR filed
14 -- strike that.
15 This third item was an IPR Unified
16 filed against a patent asserted against Unified
17 members.
18 MR. MUDD: Object to the form. Object
19 to the extent it mischaracterizes the record.
20 THE WITNESS: I mean, I've told you
21 already that [REDACTED]
22 [REDACTED] So you can interpret that as you
23 wish with respect to what the --
24 BY MR. HEFAZI:
25 Q. Okay. So is the answer yes or no,

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1 sir?
2 MR. MUDD: Object to the form.
3 Objection; relevance.
4 THE WITNESS: Your question is
5 unclear, as [REDACTED]
6 [REDACTED]
7 BY MR. HEFAZI:
8 Q. [REDACTED]
9 [REDACTED]
10 Q. So the third item relates to an IPR
11 against a patent that was asserted against
12 Unified member [REDACTED], correct?
13 MR. MUDD: Object to the form.
14 THE WITNESS: I'm sorry. Could you
15 repeat that again?
16 BY MR. HEFAZI:
17 Q. So the third item in the newsletter,
18 the one relates to the R&K Wireless patent
19 challenge, that that's an IPR that was filed by
20 Unified against the patents asserted against
21 Unified's member, specifically [REDACTED]
22 MR. MUDD: Object to the form.
23 THE WITNESS: Yeah. You said this
24 third item is an IPR. It's not an item. It's a
25 newsletter.

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1 BY MR. HEFAZI:
2 Q. Okay. Well, just for clarity, I was
3 referring to the fact that there's a first, kind
4 of, Federal Circuit summarily affirms Unified's
5 IPR against Acacia Research Entity, and that's
6 the first, I called it, an item in the list. Is
7 there an word that you would prefer?
8 A. As an item, that's fine. It's just
9 that it's not an IPR. It's talking about an
10 IPR, so it's just unfair what you're trying
11 to --
12 Q. Well, so is there any lack of clarity
13 in that? So let's put aside the item part. Is
14 there any confusion on your part when I ask you,
15 the IPR that's being referenced here under the
16 heading R&K Wireless, that that's an IPR Unified
17 Patents filed against a patent that was asserted
18 against one of its members, [REDACTED]
19 A. I believe that's an accurate
20 statement.
21 Q. Okay. Now, the next heading, I
22 called it item, but let's go with the heading,
23 it says, Universal Secure Registry Patent
24 determined to be likely invalid.
25 Do you see that?

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1 A. I see that heading, yes.
2 Q. And so in that heading -- or, sorry,
3 under that heading, there's a reference to
4 patents being asserted against Apple and Visa.
5 Do you see that?
6 A. I see that.
7 Q. And [REDACTED] is a member of Unified
8 Patents, right?
9 A. Correct.
10 Q. And so despite the fact that every
11 heading in this newsletter refers to, you know,
12 members and IPRs filed on [REDACTED]
13 [REDACTED], it's your testimony that this is not
14 a newsletter that's intended audience is its
15 members?
16 MR. MUDD: Object to the form.
17 THE WITNESS: This is a newsletter
18 that's sent out to every single person we have
19 in our contacts, and it is intended to go to the
20 entire IP unit.
21 BY MR. HEFAZI:
22 Q. In forming this newsletter, you never
23 once considered your intended audience to be
24 members of Unified Patents?
25 MR. MUDD: Objection to form. Asked
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1 and answered.
2 THE WITNESS: The facts that are
3 listed under each and every single one of these
4 are objective facts about each of these patents,
5 and it is not drafted as a -- with an intent,
6 specifically, for our members. It is simply
7 facts about recent events taking place at
8 Unified that we make the world aware of.
9 BY MR. HEFAZI:
10 Q. So let me get this straight, you
11 don't think that the information in here would
12 be something that your members would be
13 particularly interested in?
14 MR. MUDD: Object to the form.
15 Speculation.
16 THE WITNESS: This is public
17 information, and so if they were particularly
18 interested in it, as you have just suggested,
19 they could have looked this up on any number of
20 dockets tracking the PTAB at any time. They
21 are not pointing --
22 BY MR. HEFAZI:
23 Q. Certainly. But you went ahead --
24 A. Hold on. I'm talking.
25 Q. -- and you warned them of it, did you
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1 not, --
2 A. Hold on.
3 Q. -- like, you sent that to them
4 directly. You didn't --
5 MR. MUDD: Nima, Nima, let him finish
6 his answer before you ask another question.
7 MR. HEFAZI: Go ahead. I thought you
8 were finished.
9 THE WITNESS: I kind of forgot what I
10 was going to say.
11 Go ahead and ask your next question.
12 BY MR. HEFAZI:
13 Q. So my question is, if this is
14 information that's publicly available and
15 that the IP community already knows it, why
16 do you feel the need to send out a newsletter
17 highlighting these specific accomplishments
18 related to patents that [REDACTED]
19 [REDACTED]
20 MR. MUDD: Object to the form. Object
21 to the extent it mischaracterizes the document.
22 THE WITNESS: Well, I -- first of
23 all, I think this entire line of questioning
24 is a little bit misleading, because we are
25 talking about one newsletter out of what is,
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1 essentially, a monthly newsletter. So we
2 are talking about, you know, at least 12 of
3 these a year. And so this is not a specific
4 communication about these particular things.
5 This is just a monthly update to the IP
6 community about what's going on. And,
7 yes, we do want the IP community that isn't
8 necessarily tracking what Unified is doing to be
9 aware of the fact that we are active and that we
10 are doing work out there to deter NPE activities
11 in our zones, and we make the world aware of it
12 through our monthly newsletter.
13 BY MR. HEFAZI:
14 Q. And let me ask you this: Is it
15 typical for your monthly newsletter to highlight
16 IPRs that are associated with patents asserted
17 against your members?
18 MR. MUDD: Object to the form.
19 THE WITNESS: Our monthly newsletter
20 is -- it is typical in our monthly newsletter to
21 highlight any update in our activities, whether
22 or not it involves a member or it doesn't
23 involve a member.
24 BY MR. HEFAZI:
25 Q. Okay. Can you tell me the last time a
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1 newsletter included an IPR that was not filed
2 against a member?
3 MR. MUDD: Object to the form.
4 THE WITNESS: I have no idea.
5 BY MR. HEFAZI:
6 Q. And so there are only 12 of them a
7 year. Do you review them before they go out?
8 A. I do look at these, yes.
9 Q. Do you have any role in deciding what
10 goes into them?
11 A. Yes, I do.
12 Q. Okay. And so can you recall a
13 specific instance where you concluded a item
14 regarding an IPR on a patent that was not
15 asserted against one of your members?
16 MR. MUDD: Object to the form.
17 THE WITNESS: I, honestly, don't know
18 which IPRs, out of the hundred plus we have
19 filed over the last five years, were against
20 specific members or not, and, therefore, it is
21 impossible for me to tell you when the last time
22 a newsletter went out that had no activity in
23 it at all that referred to any patent where a
24 member had been sued on that patent.
25 I think that answers your question.

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1 BY MR. HEFAZI:
2 Q. Okay. Well let me ask you this:
3 In these newsletters, in this one that
4 we're seeing here, the [REDACTED] are listed
5 in the different headings we see that is
6 discussed in the IPR, and is that -- have you
7 ever seen a heading discussing a IPR that
8 included names that did not -- strike that. Let
9 me try it again.
10 Have you ever seen a newsletter
11 where the newsletter listed the names of the
12 defendants who -- which the patent was asserted
13 against, and that you recalled to yourself, oh,
14 that patent -- or that member -- entity, sorry,
15 was not a member of Unified?
16 MR. MUDD: Object to the form of the
17 question.
18 THE WITNESS: I'm sorry. Right in the
19 middle it cut out.
20 BY MR. HEFAZI:
21 Q. Let me try again.
22 Sitting here today, have you ever
23 seen a -- or can you recall a single newsletter
24 in which you recalled to yourself, oh, that's an
25 IPR that was asserted -- that was filed and

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1 didn't involve a patent that was asserted
2 against one of our members?
3 MR. MUDD: Object to the form.
4 THE WITNESS: As I think I've
5 testified many times, we have filed IPRs
6 against patents where none of our members were
7 litigated. But off the top of my head, I do
8 not recall the name of that, given that we have
9 filed over a hundred IPRs at this point. And so
10 I cannot tell you if I recall a patent in any of
11 our newsletters that met the description you
12 just gave.
13 BY MR. HEFAZI:
14 Q. And it's also your testimony that,
15 despite the fact that this newsletter relates to
16 IPRs that were filed on patents [REDACTED]
17 [REDACTED] that that's not something you guys
18 were trying to bring to the attention of your,
19 you know, members, that's something that you
20 were just generally speaking to the IP community
21 about?
22 MR. MUDD: Object to the form.
23 THE WITNESS: And I would, first of
24 all, say that not everything in this -- this
25 newsletter, as you just put forth, is about an

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1 IPR. So, yeah, I would -- at a very minimum, I
2 would disagree with your mischaracterization.
3 BY MR. HEFAZI:
4 Q. Okay. Earlier today you talked about
5 [REDACTED]
6 [REDACTED] do
7 you recall that?
8 MR. MUDD: Object to the form.
9 THE WITNESS: I do.
10 BY MR. HEFAZI:
11 Q. And you mentioned that -- well, let me
12 strike that.
13 How do you determine whether to [REDACTED]
14 [REDACTED]
15 A. I -- in -- in most cases, [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 Q. So you [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 MR. MUDD: Objection; form.
23 THE WITNESS: That is correct.
24 BY MR. HEFAZI:
25 Q. And so when did [REDACTED] say to you, hey,

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1 [REDACTED]
2 MR. MUDD: Objection to form.
3 Objection to the extent it mischaracterizes the
4 record.
5 THE WITNESS: I don't recall, but [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 BY MR. HEFAZI:
11 Q. And would that have been at the
12 -- well, strike that.
13 Did you ever think about updating your
14 membership agreement [REDACTED]
15 [REDACTED]
16 A. I did not.
17 Q. And did [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 MR. MUDD: Objection to form.
21 THE WITNESS: I do not recall [REDACTED]
22 [REDACTED]
23 BY MR. HEFAZI:
24 Q. Did you make some kind of notation in
25 your system to [REDACTED]

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1 [REDACTED]
2 A. Not that I recall, no.
3 Q. So how did you guys determine, at
4 the end of the year, [REDACTED]
5 [REDACTED]
6 A. As I just testified, it's not at
7 the end of the year. It's at the end of each
8 member's term [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 Q. Okay. And so how many members are
12 there at Unified?
13 A. There are over 200. [REDACTED]
14 are small companies that participate in Unified
15 Patents for free, and those members, you know,
16 [REDACTED] And then
17 there are, I guess, what we would call
18 companies, you know, members who are not free.
19 And -- and of those companies, I -- I don't
20 know, we've got maybe -- maybe [REDACTED] or so where
21 we have to go through [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 Q. Okay. And so how do you know whether
25 [REDACTED] What I mean is, is [REDACTED]

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1 it just something that you guys memorize that,
2 you know, hey, off the top of my head in my
3 memory, I know this person wants it and this
4 person doesn't, or is it written down somewhere?
5 MR. MUDD: Object to the form.
6 THE WITNESS: In the preparation [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 BY MR. HEFAZI:
12 Q. Okay. So this is something that [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 MR. MUDD: Object to the form.
17 THE WITNESS: I mean, that's correct.
18 I mean, in most cases, I would say that we have,
19 yes, that's correct.
20 BY MR. HEFAZI:
21 Q. Okay. And so your members can,
22 basically, tell you, [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 MR. MUDD: Object to the form.

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1 THE WITNESS: [REDACTED]
2 [REDACTED]
3 [REDACTED] So I guess
4 I'm -- I feel like I've answered this question
5 over and over.
6 BY MR. HEFAZI:
7 Q. I just want to confirm that that
8 report that you would prepare, [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 MR. MUDD: Object to the form.
12 THE WITNESS: What that report would
13 include [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 BY MR. HEFAZI:
17 Q. Okay. And [REDACTED]
18 [REDACTED]
19 A. [REDACTED]
20 [REDACTED]
21 Q. Okay. So who else, other than you,
22 communicates with [REDACTED]
23 A. There are, I think, occasional
24 communications between Shawn Ambwani and
25 [REDACTED] and occasional communications between [REDACTED]

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1 Sam Jaffna and [REDACTED]
2 Q. Anyone else?
3 A. Not to my knowledge, no.
4 Q. So to the best of your knowledge,
5 there are no communications between, for example
6 -- sorry, let me try that again.
7 To the best of your knowledge, there
8 are no communications between Jonathan Stroud
9 and [REDACTED]
10 A. To the best of my knowledge, there
11 are absolutely no communications between
12 Jonathan Stroud and [REDACTED]
13 Q. And is the same true with Roshan
14 Mansinghani -- I'm sorry for butchering the
15 name, Roshan Mansinghani?
16 A. That is correct.
17 Q. And that's true at any point in
18 time since the founding of Unified, there
19 wouldn't have been any communications between
20 those two and [REDACTED]
21 MR. MUDD: Object to form. You said
22 founding of USR?
23 MR. HEFAZI: Yes, the founding of USR.
24 I'm sorry. The founding of Unified Patents.
25 Strike that. Let me ask it again.

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1 BY MR. HEFAZI:
2 Q. From the founding of Unified Patents
3 until present, as far as you're aware, there are
4 no communications between Roshan and Jonathan
5 and [REDACTED]?
6 MR. MUDD: Object to the form.
7 Objection; foundation.
8 THE WITNESS: I am not aware of any
9 communications between Jonathan Stroud and [REDACTED]
10 or Roshan and [REDACTED]
11 BY MR. HEFAZI:
12 Q. Okay. And did anyone inform [REDACTED]
13 -- strike that.
14 So earlier today you mentioned you
15 had, you know, [REDACTED]
16 [REDACTED], and at any point did you inform,
17 you know, [REDACTED] that, oh, we had filed this IPR
18 on the '813 patent?
19 MR. MUDD: Object to the form.
20 THE WITNESS: So let me correct the
21 record on [REDACTED]
22 [REDACTED]
23 So -- so over the course of the last
24 year, we have been working on something called
25 the HEVC zone, and that is completely separate

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1 from what we do in the NPE zone. And in my
2 efforts to try and get a HEVC zone, [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED] This is just an intense period of
9 time to try and get an HEVC zone off the ground,
10 which is completely separate from any of the
11 work that we do in the NPE zones that we work
12 in, and completely separate from the transaction
13 zone that we work in, which is where the IPR for
14 the USR was located.
15 So the only zone that is relevant to
16 the USR IPR is the transaction zone. Absolutely
17 none of my communications with [REDACTED] have
18 ever referenced or been involved in the NPE
19 zones at all. We have never talked about the
20 NPE activity or anything else with [REDACTED] in my
21 conversations with [REDACTED]. So I just want to
22 kind of clear up this record with respect to
23 suggesting --
24 BY MR. HEFAZI:
25 Q. But you're --

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1 A. Wait. Let me finish.
2 -- clear up the record which is
3 suggesting that I've had, over the past year,
4 monthly communications with [REDACTED] That is a,
5 kind of, unfair characterization of the past
6 year.
7 Q. So in your -- well, how many
8 conversations did you have with [REDACTED]
9 over the last year?
10 A. I do not know.
11 Q. So earlier you mentioned that it was a
12 couple times a month. Now you're saying that it
13 wasn't a couple times a month, but you don't
14 know how much it is; isn't that right?
15 MR. MUDD: Object to the form. Object
16 to the extent it mischaracterizes the testimony.
17 THE WITNESS: What I'm saying is we
18 had conversations, we've exchanged some e-mails.
19 Those communications have been about the HEVC
20 zone, and those communications have not been
21 before NPE activities. They have not mentioned
22 USR ever, and they are about a completely
23 separate activity here at Unified.
24 And so I'm trying to make sure that
25 you understand this distinction because just

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1 simply talking to [REDACTED] I don't think, is
2 relevant to this.
3 BY MR. HEFAZI:
4 Q. Well, sir, just -- does -- the HEVC
5 zone that you're creating, is part of the
6 service you're providing filing IPRs on those
7 patents?
8 MR. MUDD: Object to the form.
9 Objection; relevance.
10 THE WITNESS: As part of the
11 activities in the HEVC zone, we plan on filing
12 IPRs.
13 BY MR. HEFAZI:
14 Q. Okay. So you're talking with [REDACTED]
15 about a, you know, product that involves filing
16 IPRs.
17 MR. MUDD: Object to the form.
18 THE WITNESS: I am talking to [REDACTED]
19 [REDACTED] about a HEVC program.
20 BY MR. HEFAZI:
21 Q. Okay. And let me ask you this: How
22 many con -- did you have more or less than 50
23 conversations with [REDACTED] in the last year?
24 MR. MUDD: Object to the form.
25 Objection; relevance.

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1 Will you give me a standing objection
2 on relevance of the HEVC discussions?
3 MR. HEFAZI: Yes.
4 THE WITNESS: I believe I've had less
5 than 50 conversations with [REDACTED] over the last
6 year.
7 BY MR. HEFAZI:
8 Q. Okay. More or less than 25?
9 A. I think I have had less than 25.
10 Q. Okay. More or less than 15?
11 A. I would think, maybe, less, but I
12 don't know.
13 Q. Okay. Are you referring to e-mail
14 communications or are you referring to just
15 general communications in person or via e-mail?
16 MR. MUDD: Object to the form.
17 THE WITNESS: I don't know. I'm
18 referring to all communications. I don't know
19 if it's been more or less than 50.
20 BY MR. HEFAZI:
21 Q. Over the course of the last year, how
22 many communications have you had -- do you have
23 a sense of the number of communications you've
24 had with [REDACTED] generally, not just [REDACTED]
25 MR. MUDD: Object to form. Asked and

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1 answered.
2 THE WITNESS: When you say meetings,
3 what exactly do you mean?
4 BY MR. HEFAZI:
5 Q. Let me ask you, how many times
6 have you spoken with anybody at [REDACTED] over the
7 last 15 -- well, over the last year?
8 MR. MUDD: Objection; form. Asked and
9 answered.
10 THE WITNESS: Do you want me to
11 include casual lunches with people at [REDACTED]
12 while I'm visiting California?
13 BY MR. HEFAZI:
14 Q. Well, let's include both. Why don't
15 we start with casual lunches. Can you give me a
16 rough estimate of how many times you've spoken
17 with people at [REDACTED] ?
18 MR. MUDD: Object to the form of the
19 question.
20 THE WITNESS: I would say that I have
21 spoken to [REDACTED] maybe a dozen times, maybe a
22 little bit more. I honestly don't keep track
23 of exactly how often I speak with anyone.
24 BY MR. HEFAZI:
25 Q. Okay. And the last time you spoke

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1 with someone at [REDACTED]
2 A. Last week.
3 Q. Was last week?
4 And was this regarding HEVC?
5 A. Yes, it was.
6 Q. And you've been discussing this [REDACTED]
7 for now over six months, right?
8 MR. MUDD: Object to the form.
9 THE WITNESS: I have been discussing
10 the HEVC zone with, probably, more than a dozen
11 companies for over a year.
12 BY MR. HEFAZI:
13 Q. Okay. And one of those companies is
14 [REDACTED] right?
15 A. Yes.
16 Q. And what have you told [REDACTED] -- over
17 the course of this six months, what have you
18 communicated to them about this HEVC zone?
19 MR. MUDD: Object to form. Objection
20 to relevance.
21 THE WITNESS: You want me to repeat
22 every conversation I've had with [REDACTED]
23 BY MR. HEFAZI:
24 Q. Well, let me ask you this: How many
25 hours have you spent speaking to [REDACTED] about

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1 this topic?
2 MR. MUDD: Object to the form.
3 Objection; speculation.
4 THE WITNESS: I do not know. I have
5 never timed it.
6 BY MR. HEFAZI:
7 Q. Would it be more or less than five
8 hours?
9 A. In aggregate, honestly, I do not know.
10 I have never timed my phone calls or my meetings
11 with [REDACTED] over the last year.
12 Q. Do you have any sense of how long
13 those calls would have been?
14 MR. MUDD: Object to the form.
15 THE WITNESS: I'd imagine some of them
16 have been 15 minutes, and I'd imagine some of
17 them have been an hour. I simply cannot tell
18 you the length of my communications with them
19 over the last -- over the last year.
20 BY MR. HEFAZI:
21 Q. Okay. And did you ever communicate to
22 IPR -- sorry. Strike that.
23 Did you ever communicate to [REDACTED] that
24 one of the benefits or one of -- strike that.
25 Did you ever communicate to [REDACTED] that

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1 one of the services you'd be providing as part
2 of the HEVC zone is filing of IPRs?
3 MR. MUDD: Object to the form. Object
4 to the extent it mischaracterizes the record.
5 THE WITNESS: I believe that everyone
6 knows that part of our zone activities will
7 include challenging patents that we believe
8 are invalid.
9 BY MR. HEFAZI:
10 Q. Okay. And is that one of the benefits
11 that you touted for [REDACTED]
12 MR. MUDD: Object to the form.
13 THE WITNESS: I do not recall ever
14 touting, individually, that we are going to file
15 IPRs as a benefit to [REDACTED]
16 BY MR. HEFAZI:
17 Q. But everyone knew that that was one of
18 the benefits that came with membership.
19 MR. MUDD: Object to the form.
20 THE WITNESS: I'm not going to
21 speculate as to what other people knew.
22 BY MR. HEFAZI:
23 Q. Well, you just said everybody knew,
24 didn't you?
25 MR. MUDD: Object to the form.

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1 Objection; speculation.
2 THE WITNESS: It is not a secret that
3 our zones include challenging the validity of
4 patents. Your question was directed to whether
5 or not I knew if they believe those activities
6 were of benefit, and I told you I'm not going to
7 speculate as to what they believed was a benefit
8 or not.
9 BY MR. HEFAZI:
10 Q. Okay. And you never communicated to
11 [REDACTED] that one of the benefits of your service
12 is filing IPRs against a zone?
13 MR. MUDD: Object to the form.
14 THE WITNESS: No, I don't. And the
15 reason is is because we don't know whether or
16 not our members actually believe that any one
17 IPR is actually a benefit or not. We are not
18 aware of their litigation strategy. We are
19 not aware of any of their activity involving a
20 particular patent or not. There are tons of
21 situations -- as a former litigator myself, and
22 as you are almost certainly aware, litigation
23 strategies are remarkably complex. And it is
24 very difficult to know when and how to file an
25 IPR that is going to be a, quote, benefit to

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1 your member. And given the fact that we have a
2 lot of members, there is no way for us to know,
3 or even try to know, whether or not something is
4 a benefit to an individual member or not.
5 We take action on behalf of the zone,
6 and we believe that the actions we take are of
7 benefit to that zone. But it is an absolute
8 impossibility, and we do not claim to be able
9 to see inside the minds of our members to know
10 whether or not, when we file an IPR, it's an
11 actual benefit or not to their litigation.
12 And we have put up -- you know,
13 we do not communicate in any way about their
14 litigation strategy, we have no idea what their
15 settlement offers are, we have no idea if
16 they're in settlement negotiations, we have
17 no idea what stage they are in litigation and we
18 don't talk to them about it.
19 And so it is impossible for us to know
20 whether or not anything that we do on the IPR
21 front actually turns out to be a benefit for
22 members who are not, and so we do not tout the
23 fact that we file an individual IPR as going to
24 be a benefit to our members, because we don't
25 see it that way. Rather, we say that the

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1 program, as a whole, will create a deterrence
2 for the zone, and we think that is a benefit not
3 only to our members, but everyone who has
4 the technology products that meet that zone
5 definition. And that is our pitch, and so this
6 is what we tell them every time we get together
7 about why they should join Unified, is that we
8 are going to go out and do work on behalf of a
9 zone and that they should support that.
10 Q. So [REDACTED] is paying Unified [REDACTED]
11 [REDACTED] without any anticipation of a benefit,
12 is that your understanding?
13 MR. MUDD: Object to the form.
14 Objection; speculation.
15 THE WITNESS: I never said that they
16 don't get a benefit.
17 BY MR. HEFAZI:
18 Q. Okay. So they are getting some
19 benefit from Unified's services; is that right?
20 MR. MUDD: Object to form. Objection;
21 speculation.
22 THE WITNESS: I am only saying that I
23 don't know what it is that they value from their
24 perspective, because I do not talk to them about
25 it. And so we do not pitch ourself as being a
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1 benefit on filing IPRs for them -- on behalf of
2 them. We pitch ourselves as --
3 BY MR. HEFAZI:
4 Q. Do you think that --
5 A. You've gotta let me finish, buddy.
6 Q. Yeah. Well, I apologize. I thought
7 you had finished. The telephone has a little
8 bit of a delay.
9 Do you consider Unified to be
10 providing benefits to its members?
11 MR. MUDD: Object to the form.
12 THE WITNESS: As I've testified, we do
13 work on behalf of a zone. We believe that the
14 work on behalf of our zone benefits the zone.
15 The fact that members have products and services
16 and they care about that zone, I believe they
17 joined for that reason, but we do not have a
18 benefit for them, specifically, because it is
19 impossible for us to figure out whether or not
20 any one company is going to benefit. And the
21 reason for that is that we have no idea what
22 their litigation strategy is, we have no idea
23 what's going on in their head and we have no
24 idea whether or not the filing of a particular
25 IPR at any particular time is actually a benefit
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1 to them and their litigation.
2 So we don't even speculate as to
3 suggest that we are going to file an IPR at the
4 perfect timing and at the perfect everything
5 with respect to them getting benefit from a
6 particular IPR.
7 Rather, it is the accumulation of
8 all the work we do throughout a year to create a
9 deterrence for a specific zone, and that is what
10 we believe our value is. It is what we pitch at
11 the end of the year asking for them to renew.
12 The benefit is the accumulation of
13 all the work we do for an entire year is what
14 we pitch them as a benefit to participating in a
15 zone, that we are going to deter NPE activities
16 in the zone when we're talking about our NPE
17 zones.
18 BY MR. HEFAZI:
19 Q. So is it fair to say that, in
20 the aggregate, the IPRs you file in the
21 aggregate and the service that you provide in
22 the aggregate for a zone provides a benefit for
23 your efforts?
24 MR. MUDD: Object to the form.
25 Objection; asked and answered.
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1 THE WITNESS: You're going to have
2 to ask them as to what exactly they see as the
3 benefit. We believe that we benefit a zone over
4 the course of a year doing work on behalf of
5 that one.
6 BY MR. HEFAZI:
7 Q. So that wasn't my question. My
8 question is, does Unified consider that its
9 filing of an IPR for a particular zone provides
10 a benefit to its members?
11 MR. MUDD: Object to the form.
12 Objection; speculation.
13 THE WITNESS: I guess I don't know
14 what you mean by benefit in that context.
15 BY MR. HEFAZI:
16 Q. Well, what part of that did you not
17 understand?
18 A. What do you mean by benefit?
19 Q. Okay. Well, let me ask -- let
20 me put it this way, then. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 A. That's correct.
24 Q. -- annually?
25 MR. MUDD: Objection to form.
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1 BY MR. HEFAZI:
2 Q. And so my question is, do you -- does
3 Unified consider itself to provide [REDACTED]
4 [REDACTED]
5 MR. MUDD: Object to the form.
6 Objection; foundation.
7 (Whereupon there was a telephone
8 interruption.)
9 MR. MUDD: Sorry. We're hearing some
10 chatter.
11 Are you still there, Nima?
12 MR. HEFAZI: I am, yes. Did you hear
13 my question?
14 MR. MUDD: We just heard some chatter.
15 Was that background or was it --
16 MR. HEFAZI: I don't know. I think
17 there's a little bit of a problem with the
18 telephone connection, but let me try asking the
19 question again.
20 BY MR. HEFAZI:
21 Q. So did you -- does Unified consider
22 [REDACTED]
23 [REDACTED]
24 MR. MUDD: Objection; speculation.
25 Objection; form.

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1 THE WITNESS: So Unified's zone
2 structure is such that [REDACTED] is participating in
3 all of the zones for the membership fee that it
4 pays. And whether or not they feel they get a
5 benefit is something that I think you need to
6 ask them. [REDACTED], and I'm
7 not going to speculate as to whether or not that
8 means they have a -- they got a benefit or not
9 for their participation in Unified starting
10 in, I think [REDACTED] when they [REDACTED]
11 BY MR. HEFAZI:
12 Q. And so I'm not asking you to
13 speculate. I'm asking Unified, do they believe
14 -- you know, you guys charge them a particular
15 fee. Do you believe you provide a service that
16 provides a benefit on par with that fee?
17 MR. MUDD: Objection; form.
18 THE WITNESS: I believe that
19 Unified provides a benefit to the zone that
20 is on par -- or, sorry, let me rephrase that.
21 I believe that Unified provides a
22 benefit to the zones, all of them, that [REDACTED]
23 has subscribed to in our NPE zones. And the
24 work that we do on behalf of those zones is
25 worth the fee that [REDACTED] pays us for working in

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1 those zones, along with others who pay us, as
2 well, for working in those zones.
3 BY MR. HEFAZI:
4 Q. Sir, that's not my question.
5 My question is, do you believe that [REDACTED]
6 [REDACTED]
7 MR. MUDD: Objection; speculation.
8 BY MR. HEFAZI:
9 Q. Let me rephrase that.
10 Do you believe that your service
11 provides [REDACTED] a benefit equivalent to or on
12 par with what you are charging [REDACTED]?
13 MR. MUDD: Objection; form.
14 Objection; speculation.
15 THE WITNESS: I believe that we did
16 a lot of great work on behalf of the zones that
17 we work on, and I believe that that work was
18 valuable, and I believe it's worth the amount
19 of money that all of our members pay us for the
20 work in those zones.
21 BY MR. HEFAZI:
22 Q. Okay. And you just mentioned you
23 believe that work is valuable. Do you believe
24 that work is valuable to [REDACTED]?
25 MR. MUDD: Objection; form.

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1 THE WITNESS: I believe that work is
2 valuable to all of the companies that pay us to
3 participate in our zones.
4 BY MR. HEFAZI:
5 Q. Including [REDACTED]
6 MR. MUDD: Objection to form.
7 THE WITNESS: [REDACTED] pays to
8 participate in our zones.
9 BY MR. HEFAZI:
10 Q. Okay. So the answer to my question
11 is, yes, including [REDACTED]
12 MR. MUDD: Objection; form.
13 Objection; speculation.
14 THE WITNESS: I believe that all of
15 our members who pay us believe that we do good
16 work on behalf of our zones.
17 BY MR. HEFAZI:
18 Q. Sir, my question was different. My
19 question was, do you believe that your service
20 provides a value to -- to -- strike that.
21 You said that your service provides a
22 value to your members. Now I'm asking you, is
23 that including [REDACTED]?
24 MR. MUDD: Objection; form.
25 THE WITNESS: Because [REDACTED] is a

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1 member, I believe -- I mean, yes, [REDACTED] is a
 2 member, but I'm confused as to what exactly
 3 you're trying to ask.
 4 BY MR. HEFAZI:
 5 Q. I'm just trying to ask whether you
 6 believe your IPR-filing service provides a
 7 benefit to your members, including [REDACTED]
 8 MR. MUDD: Objection; form.
 9 Objection; mischaracterizes prior testimony.
 10 Objection; speculation.
 11 THE WITNESS: I believe that Unified
 12 does valuable work on behalf of our zones, and
 13 I believe that those -- that -- that's it. We
 14 provide a service on behalf of the zones, and
 15 our members get to decide whether or not they
 16 get a benefit or not, but we do not predict,
 17 or try to predict, whether or not they get a
 18 benefit. We ask them to renew. If they renew,
 19 that's great. If they don't, that's unfortunate
 20 for us.
 21 BY MR. HEFAZI:
 22 Q. Sir, you mentioned a second ago that
 23 you believed your service provided a value to
 24 your members. I'm not asking you to speculate
 25 on what [REDACTED] thinks. I'm asking you for what

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1 you think. What does Unified Patents think?
 2 What do you think is the value to your members?
 3 Do you think that the IPR-filing provides a
 4 value to your members? Yes or no?
 5 MR. MUDD: Objection; form.
 6 Objection; speculation.
 7 THE WITNESS: I believe that our
 8 services provide deterrence value for a zone.
 9 We provide deterrence value for the zone, and
 10 we always have, and our members pay us to go to
 11 work in those zones to achieve that goal.
 12 Whether or not they consider that to
 13 be valuable, whether or not they consider that
 14 to be a benefit, whether or not they consider
 15 that to be anything else, you're going to have
 16 to ask them. I believe that the deterrence work
 17 we do in each zone is valuable, and I'm happy to
 18 say that members, you know, subscribe for us to
 19 do that work.
 20 BY MR. HEFAZI:
 21 Q. And they subscribe to you -- well,
 22 strike that.
 23 MR. HEFAZI: Let's take a five-minute
 24 break and then come back. Is that okay?
 25 MR. MUDD: Yep. Sounds good. We're


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1 off the record.
 2 (Recess taken.)
 3 MR. HEFAZI: Okay. Mr. Jakel, I have
 4 no further questions, and so I pass the witness.
 5 MR. MUDD: No redirect from us.
 6 And, as we've mentioned, Nima, we designate
 7 the entire transcript highly confidential,
 8 attorneys' eyes only, under the protective
 9 order.
 10 MR. HEFAZI: Okay. Is there -- we can
 11 talk about this later, is there a -- once we get
 12 the transcript, is there a way that we can go
 13 through and identify specific portions that you
 14 consider highly confidential?
 15 MR. MUDD: If you want to have that
 16 discussion, I'm happy to have it with you.
 17 MR. HEFAZI: Sure. Okay. When we get
 18 the transcript, I guess we can decide.
 19 MR. MUDD: Okay. All right. Thanks,
 20 Nima.
 21 (Deposition concluded -- 3:18 p.m.)
 22
 23
 24
 25

 KEVIN JAKEL

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1 CERTIFICATE
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 3 I do hereby certify that the aforesaid
 4 testimony was taken before me, pursuant to
 5 notice, at the time and place indicated; that
 6 said deponent was by me duly sworn to tell the
 7 truth, the whole truth, and nothing but the
 8 truth; that the testimony of said deponent was
 9 correctly recorded in machine shorthand by me
 10 and thereafter transcribed under my supervision
 11 with computer-aided transcription; that the
 12 deposition is a true and correct record of the
 13 testimony given by the witness; and that I am
 14 neither of counsel nor kin to any party in said
 15 action, nor interested in the outcome thereof.
 16
 17 WITNESS my hand and official seal this
 18 12th day of September 2018.
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 Ryan K. Black

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