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Transcript of Kevin Jakel

Date: September 10, 2018

Case: Unified Patents Inc. -v- Bradium Technologies LLC (PTAB)

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1 (1 to 4)

<p style="text-align: center;">1</p> <p>1 UNITED STATES PATENT AND TRADEMARK OFFICE 2 ----- 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD 4 ----- 5 UNIFIED PATENTS INC. 6 Petitioner 7 v. 8 BRADIUM TECHNOLOGIES LLC 9 Patent Owner 10 IPR2018-00952 11 Patent 9,253,239 12 ----- 13 CONFIDENTIAL 14 Deposition of KEVIN JAKEL 15 Washington, DC 16 Monday, September 10, 2018 17 9:41 a.m. 18 19 20 Job No.: 206126 21 Pages: 1 - 188 22 Reported By: Dawn M. Hart, RPR/RMR/CRR</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1 ON BEHALF OF THE PETITIONER: 2 DAVID L. CAVANAUGH, ESQUIRE 3 JONATHAN E. ROBE, ESQUIRE 4 WILMER CUTLER PICKERING HALE AND DORR LLP 5 1875 Pennsylvania Avenue, Northwest 6 Washington, DC 20006 7 (202) 663-6000 8 9 10 ON BEHALF OF THE PATENT OWNER: 11 CHRIS J. COULSON, ESQUIRE 12 MICHAEL N. ZACHARY, ESQUIRE 13 (via teleconference) 14 BUNSOW De MORY LLP 15 701 El Camino Real 16 Redwood City, California 94063 17 (650) 351-7248 18 19 ALSO PRESENT: Jonathan Stroud, Unified Patents 20 21 22</p>																																										
<p style="text-align: center;">2</p> <p>1 Deposition of Kevin Jakel, held at the law 2 offices of: 3 4 WILMER CUTLER PICKERING HALE AND DORR LLP 5 1875 Pennsylvania Avenue, Northwest 6 Washington, DC 20006 7 (202) 663-6000 8 9 10 11 12 13 14 15 16 17 18 19 20 Pursuant to Notice, before Dawn M. Hart, 21 RPR/RMR/CRR and Notary Public in and for the District 22 of Columbia.</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">C O N T E N T S</p> <table border="0"><tr><td>2 EXAMINATION OF KEVIN JAKEL</td><td style="text-align: right;">PAGE</td></tr><tr><td>3 By Mr. Coulson</td><td style="text-align: right;">6</td></tr><tr><td colspan="2" style="text-align: center;">E X H I B I T S</td></tr><tr><td colspan="2" style="text-align: center;">(Exhibits are attached to the transcript.)</td></tr><tr><td>6 K. JAKEL DEPOSITION EXHIBITS</td><td style="text-align: right;">PAGE</td></tr><tr><td>7 Exhibit 2005 Unified website excerpt</td><td style="text-align: right;">11</td></tr><tr><td>8 Exhibit 2006 Unified website excerpt</td><td style="text-align: right;">45</td></tr><tr><td>9 Exhibit 2007 Article - 2018</td><td style="text-align: right;">51</td></tr><tr><td>10 Exhibit 2008 Sample Membership Agreement</td><td style="text-align: right;">58</td></tr><tr><td>11 Exhibit 2009 [REDACTED] re Internet</td><td style="text-align: right;">73</td></tr><tr><td>12 of Thing Zone</td><td></td></tr><tr><td>13 Exhibit 2010 Article "Hacking the Patent</td><td style="text-align: right;">88</td></tr><tr><td>14 System" 5/2014</td><td></td></tr><tr><td>15 Exhibit 2011 Unified website excerpt re</td><td style="text-align: right;">104</td></tr><tr><td>16 Zones</td><td></td></tr><tr><td>17 Exhibit 2012 U.S. Patent 9,253,239</td><td style="text-align: right;">106</td></tr><tr><td>18 Exhibit 2013 Unified's Interrogatory</td><td style="text-align: right;">118</td></tr><tr><td>19 Responses</td><td></td></tr><tr><td>20 Exhibit 2014 Unified website excerpt re</td><td style="text-align: right;">134</td></tr><tr><td>21 General Patent Corp.</td><td></td></tr><tr><td>22</td><td></td></tr></table>	2 EXAMINATION OF KEVIN JAKEL	PAGE	3 By Mr. Coulson	6	E X H I B I T S		(Exhibits are attached to the transcript.)		6 K. JAKEL DEPOSITION EXHIBITS	PAGE	7 Exhibit 2005 Unified website excerpt	11	8 Exhibit 2006 Unified website excerpt	45	9 Exhibit 2007 Article - 2018	51	10 Exhibit 2008 Sample Membership Agreement	58	11 Exhibit 2009 [REDACTED] re Internet	73	12 of Thing Zone		13 Exhibit 2010 Article "Hacking the Patent	88	14 System" 5/2014		15 Exhibit 2011 Unified website excerpt re	104	16 Zones		17 Exhibit 2012 U.S. Patent 9,253,239	106	18 Exhibit 2013 Unified's Interrogatory	118	19 Responses		20 Exhibit 2014 Unified website excerpt re	134	21 General Patent Corp.		22	
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<p style="text-align: right;">9</p> <p>1 nonmembers and members.</p> <p>2 And same thing with Parallel Iron, it was</p> <p>3 cases against lots of companies, both members and</p> <p>4 nonmembers.</p> <p>5 Q Okay. I'd like to ask a little background</p> <p>6 about Unified Patents.</p> <p>7 I understand -- so you founded</p> <p>8 Unified Patents with Mr. Ambwani; is that right?</p> <p>9 A Not -- no. So I founded Unified Patents</p> <p>10 back in 2012. Shawn did not join Unified Patents</p> <p>11 until 2013.</p> <p>12 Q That's why I asked; I couldn't quite tell</p> <p>13 from the website.</p> <p>14 Can you tell me -- regarding the founding --</p> <p>15 founded -- you said founded in 2012, Unified Patents,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q And do I understand that there were -- that</p> <p>19 Google and NetApps were founding members or early</p> <p>20 members?</p> <p>21 A So the very first company to sign was</p> <p>22 NetApp.</p>	<p style="text-align: right;">11</p> <p>1 Q Let me give you -- there's a blurb about his</p> <p>2 and other roles on your website. I want you to have</p> <p>3 the benefit of that for a couple of questions. I'll</p> <p>4 mark it.</p> <p>5 MR. COULSON: Mark it 2005.</p> <p>6 (Exhibit 2005 was marked for identification</p> <p>7 and is attached to the transcript.)</p> <p>8 Q Had a chance to look at 2005?</p> <p>9 A I have flipped through it.</p> <p>10 Q And so I'll just ask, what -- this is --</p> <p>11 what is 2005?</p> <p>12 A 2005 would appear to be a printout from our</p> <p>13 web page at Unified Patents entitled "Team," with bios</p> <p>14 from our -- from some of the people that work with us</p> <p>15 on our team.</p> <p>16 Q All right. And at any time with these</p> <p>17 documents, just a reminder, you can take time to look</p> <p>18 through them and I can reask the question.</p> <p>19 So I gave this to you because I noted</p> <p>20 Mr. Ambwani's bio -- it's on, I think, page 2 of 2005,</p> <p>21 just for your reference and some other folks, on</p> <p>22 subsequent pages -- you can look or not look, it's up</p>
<p style="text-align: right;">10</p> <p>1 Q NetApp.</p> <p>2 A Yeah.</p> <p>3 Q And about when was that?</p> <p>4 A [REDACTED]</p> <p>5 [REDACTED].</p> <p>6 Q And Google?</p> <p>7 A [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 Q And is Unified Patents a for-profit company?</p> <p>16 A It is.</p> <p>17 Q And it's owned by who?</p> <p>18 A It is owned by myself and Shawn Ambwani.</p> <p>19 Q What's Mr. Ambwani's role in the company?</p> <p>20 A He -- we have very flexible business</p> <p>21 responsibilities for sure. And legal responsibilities</p> <p>22 as well. But technically his title is COO.</p>	<p style="text-align: right;">12</p> <p>1 to you.</p> <p>2 And Mr. Ambwani and yourself are kind of the</p> <p>3 face of the company and deal with the media; is that</p> <p>4 right?</p> <p>5 A I think that's probably fair.</p> <p>6 Q And is Mr. Ambwani involved in IPRs that</p> <p>7 Unified Patents files?</p> <p>8 MR. CAVANAUGH: Objection.</p> <p>9 A What exactly -- I mean, how do you mean by</p> <p>10 "involved," I guess?</p> <p>11 Q Okay. Well, let me come -- let me start</p> <p>12 with yourself --</p> <p>13 A Okay.</p> <p>14 Q -- then I'll kind of just go through</p> <p>15 linearly.</p> <p>16 Do you participate -- are you involved in</p> <p>17 the IPRs that Unified Patents files?</p> <p>18 MR. CAVANAUGH: Objection.</p> <p>19 A I think it's safe to say I'm involved</p> <p>20 (nodding head.)</p> <p>21 Q And how are you involved?</p> <p>22 A So -- well, first of all, I'm the CEO of the</p>

13

1 company, so I'm involved in overseeing just about
 2 everything that goes on in the company from that
 3 perspective.
 4 I'm also a patent lawyer, so I'm also
 5 involved in IPRs from a -- from a legal perspective as
 6 well.
 7 Q [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 Q And let me move on to Mr. Ambwani. I have
 13 the same question for Mr. Ambwani.
 14 Is he involved in the IPRs of
 15 Unified Patents?
 16 MR. CAVANAUGH: Same objection.
 17 A **Shawn is also an attorney as well. Most of**
 18 **the people in the company are attorneys. And so he is**
 19 **also involved in IPRs.**
 20 Q And what's his involvement? Is it similar
 21 to what your involvement is?
 22 MR. CAVANAUGH: I'm going to object to the

14

1 question just in terms of like the structure of it,
 2 but you can answer if you can.
 3 A **I wouldn't say it's identical to mine, but I**
 4 **mean he -- he is also participation -- he also**
 5 **participants in the IPRs as a part of what the company**
 6 **does.**
 7 Q Let me ask -- try to ask a cleaner question.
 8 Can you describe his involvement in the
 9 percent and roughly the share of his time that he
 10 spends on the IPRs of Unified Patents?
 11 A **I guess I don't know what you mean by like**
 12 **"participates." What activities are you asking about?**
 13 Q I'm just trying to get a little more
 14 information. I think you said he's -- Mr. Ambwani is
 15 involved in some manner in the Unified IPRs, right?
 16 A **In some manner, yes.**
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]

15

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 Q I want to kind of go down a list here in
 11 terms of Exhibit 2005, so you can follow along. I
 12 want to ask about some of the other folks and their
 13 roles.
 14 I assume Mr. Potts is not -- looks like a
 15 marketing guy, roughly?
 16 A **David Potts is the business development.**
 17 Q So no IPR involvement?
 18 A **No.**
 19 Q Okay. And Mr. Stroud.
 20 A **Jonathan is the chief intellectual property**
 21 **counsel.**
 22 Q And could I ask about his role with respect

16

1 to IPRs?
 2 A **Jonathan oversees the legal team within**
 3 **Unified which prepares and manages all of our IPRs.**
 4 Q Roughly -- or how many -- do you have a
 5 sense of how many IPRs Unified has filed since its
 6 2012 inception?
 7 A **I thought the last number was 116.**
 8 Q Is that published somewhere in your -- do
 9 you guys send that information out in terms of how
 10 many IPRs you've filed in your -- you put on your
 11 website or send it out in your email to your members?
 12 A **I don't know if we sent out the number 116;**
 13 **I know we publicized the fact that we hit 100.**
 14 Q Why did you do that?
 15 A **We think it's a good accomplishment.**
 16 Q Did you -- who did you publicize it to?
 17 A **I think we publicized it to the world.**
 18 Q Do you have a -- do you send updates to your
 19 members of Unified's activities?
 20 A **We do.**
 21 Q In what manner do you do that?
 22 A **We send updates in newsletters identifying**

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