

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,

Petitioner,

v.

OMNI MEDSCI, INC.,

Patent Owner.

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U.S. Patent No. 9,651,533

IPR Case No.: IPR2019-00916

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REMOTE DEPOSITION OF

DUNCAN LEO MACFARLANE, PH.D., P.E.

Thursday, April 16, 2020; 10:04 a.m. EST

Job No.: 568049

Pgs. 1 - 90

Reported by: Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR,  
CLR, RSA, Remote Counsel Court Reporter,  
LiveDeposition Authorized Reporter

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1 Remote Deposition of DUNCAN LEO  
2 MACFARLANE, PH.D., P.E., taken by Counsel for  
3 Petitioner, held remotely before Cindy L. Sebo,  
4 Registered Merit Court Reporter, Certified Real-Time  
5 Reporter, Registered Professional Reporter, Certified  
6 Shorthand Reporter, Certified Court Reporter,  
7 Certified LiveNote Reporter, Real-Time Systems  
8 Administrator, Remote Counsel Court Reporter,  
9 LiveDeposition Authorized Reporter and Notary Public,  
10 beginning at approximately 10:04 a.m. EST, when were  
11 present on behalf of the respective parties:

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

(All via video teleconference)

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## 1 INDEX OF EXAMINATION

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3 DUNCAN LEO MACFARLANE

4 EXAMINATION BY PAGE

5 Mr. Broughan 6, 82

6 Mr. LeRoy 80

7

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9 INDEX TO EXHIBITS

10 - - -

11 (Exhibits Attached to the Original Transcript)

12 MACFARLANE

DEPOSITION

13 EXHIBIT NUMBER DESCRIPTION PAGE

14 1 Declaration of Duncan L.

15 MacFarlane, Ph.D., P.E.

16 Bates stamped OMNI 2122 19

17

18 2 U.S. Patent Number 9,241,676 B2 46

19

20 3 U.S. Patent Application

21 Publication US 2005/0049468 A1 60

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## 1 S T I P U L A T I O N S

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3 IT IS HEREBY STIPULATED AND AGREED

4 by and between counsel no party to the litigation  
5 will object to the remote deposition on the grounds  
6 that the certified stenographer may not have the  
7 legal authority to swear in the witness.

8

9 FURTHER STIPULATED AND AGREED that in lieu of  
10 the oath administered in person, the witness  
11 declares the testimony in this matter under the  
12 penalty of perjury.

13

14 FURTHER STIPULATED AND AGREED that the  
15 certified stenographer is not physically present in  
16 the deposition room and will be reporting this  
17 deposition remotely.

18

19 FURTHER STIPULATED AND AGREED all parties and  
20 their counsel consent to this arrangement and waive  
21 any objections to this manner of reporting.

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