

In the Matter Of:
Unified Patents v Velos Media

Kevin Jakel

December 06, 2019



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Atlanta, GA 30316
855.478.7376

IPR2020-01048 - UP00018
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1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 - - - - -

4	UNIFIED PATENTS, INC.,)	
5)	
	Petitioner,)	
6)	Case IPR2019-00194
	vs.)	
7)	Patent 9,338,449
	VELOS MEDIA, LLC,)	
8)	
	Patent Owner.)	

10 CONFIDENTIAL PURSUANT TO PROTECTIVE ORDERS

11 DEPOSITION OF KEVIN JAKEL

12 Friday, December 6, 2019, 10:18 a.m.

13

14 Wilmer Cutler Pickering Hale and Dorr, LLP

15 1875 Pennsylvania Avenue, NW

16 Washington, DC

17

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19

20 Reported By: Marjorie Peters, FAPR, RMR, CRR

21 Job No:

22

23

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1 DEPOSITION OF KEVIN JAKEL,
2 a witness herein, called by the Patent Owner for
3 examination, taken pursuant to the 37 C.F.R. §
4 42.53(d), by and before Marjorie Peters, a
5 Registered Merit Reporter, Certified Realtime
6 Reporter and Notary Public in and for the District
7 of Columbia, at Wilmer Cutler Pickering Hale and
8 Dorr, LLP, 1875 Pennsylvania Avenue, NW, Washington,
9 DC, on Friday, December 6, 2019, at 10:18 a.m.
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1 P R O C E E D I N G S
2 KEVIN JAKEL,
3 having been duly sworn, was examined and testified
4 as follows:
5 EXAMINATION
6 BY MR. GRANAGHAN:
7 Q. Mr. Jakel, can you state your name for
8 the record.
9 A. Kevin Jakel.
10 Q. You're the CEO of Unified Patents?
11 A. I am.
12 Q. So the last time we talked about you
13 have been deposed a number of times before; right?
14 A. I have.
15 Q. And you participated in a number of
16 depositions as an attorney?
17 A. I have.
18 Q. So I'm not going to go over the ground
19 rules unless you want me to. I assume you know
20 them.
21 A. I'm fine.
22 Q. What did you do to prep for this
23 deposition today?
24 A. Yesterday I reviewed documents in
25 preparation for this meeting.



1 Q. Did you review the interrogatory
2 responses?

3 MR. FAWZY: Objection. I'm just
4 going to instruct the witness not to answer or
5 reveal any privileged attorney work product or
6 attorney-client information.

7 MR. GRANAGHAN: Are you instructing
8 him not to answer that question, or just cautioning
9 him?

10 MR. FAWZY: Yeah.

11 MR. GRANAGHAN: Are you going to
12 follow that instruction?

13 THE WITNESS: Yes.

14 BY MR. GRANAGHAN:

15 Q. Before your meeting with the attorneys
16 yesterday, did you review the interrogatory
17 responses?

18 A. I have reviewed the interrogatory
19 responses.

20 Q. And all of the IPRs that we are talking
21 about today?

22 A. I am aware of all of the IPRs we are
23 talking about today.

24 Q. Have you reviewed your deposition
25 transcript from the last deposition?



1 A. I have seen parts of it. I have not
2 read the entire thing at this point.

3 Q. There is -- you're not aware of anything
4 you want to change from that testimony; right?

5 A. Not off the top of my head, no.

6 Q. So you're aware that the board ordered
7 Unified to respond to Velos's interrogatories number
8 2 and 3 in the 194 IPR; right?

9 A. Yes.

10 Q. And then Unified agreed to answer
11 similar interrogatories in the other instituted
12 IPRs; is that right?

13 A. I am aware.

14 (Exhibit 2100, Petitioner's Interrogatory Responses
15 to Patent Owner's Second and Third Interrogatories,
16 was marked for identification.)

17 Q. All right. So you've been handed what
18 is marked Exhibit 2100; right?

19 This is the collection of
20 Petitioner's Interrogatory Responses to Patent
21 Owner's Second and Third Interrogatories, in the 194
22 IPR, 635 IPR, 707 IPR, 710 IPR, and 757 IPR.

23 Can you look on the last page of
24 each of these and confirm that that's your signature
25 on all of those?



1 A. Yes.

2 Q. Okay. Besides the patent numbers and
3 the responses, the answers are all the same across
4 each of the responses; is that right?

5 A. It's my belief that's the case, yes.

6 Q. For now, I'm just going to look at the
7 194 responses as representative of the others.

8 So let's look at response number 2
9 of the 194 responses starting on page 3, and spans
10 pages 3 through 4.

11 Do you see on page 4 the first full
12 paragraph, it cites a number of documents by Bates
13 range?

14 A. I see that, yes.

15 Q. Yeah. Have you reviewed all of those
16 documents?

17 A. I would need to look at them
18 specifically, but I believe that's the case, yes.

19 Q. Okay. So you're aware the board ordered
20 Unified to produce documents in Velos's first
21 request for production; right?

22 A. I believe so, yes.

23 Q. And then Unified actually did produce a
24 number of documents?

25 A. Yes.



1 Q. Did you review those documents?

2 A. That were produced?

3 Q. Yes.

4 A. Yes.

5 Q. All right. You can put that one aside.

6 All right, so Unified also served
7 voluntary interrogatory responses in each IPR; is
8 that right?

9 A. Yes.

10 Q. It served a first set in each IPR which
11 was filed, right, with the petition?

12 A. (Nods head up and down.)

13 Q. And then it served a second set
14 voluntarily; correct?

15 A. From my understanding, yes.

16 Q. Let's mark that one.

17 (Exhibit 2101, Second Voluntary Interrogatory
18 Responses, was marked for identification.)

19 Q. All right. You've been handed what's
20 been marked 2101, which is petitioner's Second
21 Voluntary Interrogatory Responses in 635 IPR. And
22 for the record, when I say the 635 IPR, I mean IPR
23 2019-00635. Petitioner's Second Voluntary
24 Interrogatory Responses in IPR 2019-00707, responses
25 in IPR 2019-00710, responses in IPR 2019-00757, and



1 IPR 2019-00763.

2 A. Yes.

3 Q. All right. Have you seen all of these
4 before?

5 A. I believe I have, yes.

6 Q. Can you confirm on the last page of each
7 of these that that's your signature?

8 A. I just looked, and it is.

9 Q. Okay. All right. And again, besides
10 the patent number and the responses, all of these
11 answers are the same; is that correct?

12 A. It's my understanding that they are.

13 Q. And they are the same as the
14 Petitioner's Second Voluntary Interrogatory
15 Responses that were served in IPR 2019-00194 which
16 we talked about in your last deposition; is that
17 correct?

18 A. I believe that's correct.

19 Q. I know we did this the last time, but I
20 just want to nail down today who the paying members
21 of Unified HEVC zone are.

22 So I understand that [REDACTED] is a
23 paying member of Unified's HEVC zone; correct?

24 A. Correct.

25 Q. [REDACTED] is a paying member of Unified's



1 HEVC zone; correct?
2 A. Correct.
3 Q. [REDACTED] is a paying member of
4 Unified's HEVC zone; correct?
5 A. Correct.
6 Q. [REDACTED]
7 [REDACTED] right?
8 A. Correct.
9 Q. [REDACTED] is a paying member of Unified's
10 HEVC zone; correct?
11 A. Correct.
12 Q. [REDACTED] is a paying member of
13 Unified's HEVC zone?
14 A. Correct.
15 Q. [REDACTED] is a paying member of Unified's
16 HEVC zone?
17 A. Correct.
18 Q. [REDACTED] is a member of Unified's HEVC
19 zone?
20 A. Correct.
21 Q. [REDACTED] is a member of Unified's HEVC
22 zone?
23 A. Correct.
24 Q. [REDACTED] is a member of Unified's HEVC zone;
25 right?



1 A. Correct.

2 Q. [REDACTED] is a paying member of Unified's
3 HEVC zone?

4 A. Correct.

5 Q. [REDACTED]

6 [REDACTED]

7 A. Not to my knowledge.

8 MR. FAWZY: Before we get too much
9 further and I forget, we're going to request this
10 transcript be placed on the confidential record,
11 subject to the protective orders in each of these
12 proceedings.

13 Q. All right. You can put that one aside,
14 too.

15 All right. So we talked a few
16 minutes ago about how the board ordered Unified to
17 produce documents in response to Velos's first
18 request for production.

19 Were you involved in the search for
20 documents?

21 A. I was. I'm the one who did it.

22 Q. Can you explain how you searched for the
23 documents?

24 A. I searched for every communication that
25 included the word "Velos," and then reviewed all of



1 them.

2 Q. Did you search just e-mail or physical
3 correspondence, too?

4 A. I discussed with possible owners of
5 documents for physical documents, but there were no
6 physical documents.

7 Q. Did anybody else search for documents or
8 just you?

9 A. I searched everyone's system for
10 documents.

11 Q. All right. So let's turn to the HEVC
12 zone and its creation. So it's my understanding
13 from looking at the documents that the zone was
14 created in two phases; is that right?

15 A. It -- yes. There was kind of a
16 exploratory phase that -- that started first. At
17 that point there really wasn't a zone yet. Mostly,
18 it was about understanding kind of the standard
19 essential patent licensing and landscape, and kind
20 of the environment around HEVC; and then at the end
21 of that zone or end of that kind of phase, we made
22 kind of a proposal to everyone of what we thought a,
23 like, SEP zone might look like.

24 Before that moment, there was no
25 such thing as an SEP zone, standard essential patent



1 zone, as opposed to what we had done before that
2 point, which we now call NPE zones.

3 So before everything was just called
4 zones. Now we have NPE zones, which represents
5 everything that we had done kind of previously
6 before middle of 2018; and then we proposed a new
7 zone which we called an SEP zone, which included a
8 whole bunch of kind of additional kind of specific
9 standard essential patent stuff, and that is what
10 ultimately became Phase 2, which became the SEP
11 video codec zone.

12 Q. Is there a -- when you say video codec
13 zone, is that the same thing as the HEVC zone; do
14 you also call it that?

15 A. When we first started out, we would
16 often refer to it as the HEVC zone because that's --
17 from a standard essential patent licensing
18 perspective, HEVC was, like, all of the landscaping
19 work and everything we did was directed to HEVC.
20 But we -- the zone in its kind of Phase 2 launch is
21 not intended to be limited only to HEVC because this
22 is like a first.

23 There's AVC, then there's HEVC and
24 VVC is coming in the future. So the idea would be
25 that we could be providing data and everything on



1 kind of implementation of the standard one version
2 of it after another.

3 So the -- the intention is very
4 specific when we say video codec zone is no longer
5 specific to HEVC, although right now, most of the
6 tools that are active in the zone are directed to
7 HEVC. There are also tools that are already
8 directed to AVC as well that are part of the zone as
9 well, but we have not yet done work in data on
10 future versions of it in VVC.

11 Q. Are there any other zones within the SEP
12 zone besides the video codec zone?

13 A. There are none that are launched.

14 Q. So the video codec zone was the first
15 one inside Unified's broad SEP zone; right?

16 A. Correct. We made pitches for other
17 zones.

18 Q. Why did Unified decide to proceed in
19 this two-phase fashion; the exploratory phase first
20 and then the full zone second?

21 A. So during 2017 and before the kind of
22 environment around the licensing activity in HEVC
23 seemed somewhat tumultuous and there was articles
24 and lots of information around the kind of lack of
25 adoption, and the confusion around the amount that



1 companies would have to pay to use HEVC.

2 Up until that point, we had -- we
3 had not really investigated doing any work in the
4 standard essential patent area. We had pretty much
5 been dedicated to running and continuing to do our
6 NPE zones, but we saw a opportunity, but we didn't
7 know exactly what it was and would look like and how
8 it would work.

9 And in particular, we believed that
10 the kind of unique aspects of standard essential
11 patent licensing included things like landscapes,
12 economic analysis, kind of understanding the
13 standard setting body and, like, its progress and
14 how it worked and the submissions to the standard
15 setting body and the progress of how that works.

16 And so we proposed to a group of
17 companies -- we proposed to lots of companies, but
18 we proposed to companies to have kind of an
19 exploratory period where we would look into how
20 Unified could provide data and go to work in the
21 standard essential patent areas, and asked them to
22 kind of fund us to kind of study those standard
23 essential patent area ourselves.

24 Q. Did any of Unified's customers ask
25 Unified to become involved in the SEP space?



1 A. I don't recall it being like them
2 asking. This is an ongoing conversation we've had
3 with kind of all of our members. I don't recall
4 anyone saying, hey, can you do this. I remember
5 talking to lots of companies, both members and
6 non-members, about the kind of issues around
7 standard essential patent areas, in particular
8 around HEVC; but also at the same time there was
9 lots of discussion around standard essential patent
10 areas for LTE, especially in the automotive space.

11 (Clarification requested by the Court Reporter.)

12 A. So this was not just HEVC. HEVC was the
13 area in which I think we saw an opportunity for
14 Unified to take a lead more so than LTE. LTE is
15 really -- I think, there's lots of licensing that's
16 well established in LTE.

17 And so that activity in LTE mostly
18 was involved in the automotive arena, and so HEVC
19 seemed like a better area in which we could kind of
20 get involved. That was kind of our decision. So we
21 pitched companies on a proposal for hey, we don't
22 know how this is going to work. Literally, we don't
23 know; but we're going to do some work here, and we'd
24 like to kind of get funded for it.

25 We think that one of the things we



1 want to build is a landscape, but it's going to take
2 money and it's going to take energy and we're going
3 to try to do something different. And if you kind
4 of fund us at the very minimum, you're going to get
5 the work product of this landscape when we get done
6 with it.

7 Q. Which --

8 A. That was the big pitch.

9 Q. Which companies do you remember talking
10 to HEVC about before this initial exploratory phase
11 launched?

12 A. Obviously all of the companies that
13 actually ended up participating. We didn't -- we
14 did talk to additional companies, but off the top of
15 my head I don't remember.

16 Most of those conversations would
17 have happened as, like, potentially part of other
18 meetings we were having, but this was something we
19 were doing on the side of our NPE sales activity.

20 Q. Which companies ultimately participated
21 in Phase 1?

22 A. Oh. Off the top of my head, I can list
23 some of them, but I'm not going to be able to make
24 sure I get all of them.

25 Q. Okay. Just do your best.



1 A. So [REDACTED] participated. [REDACTED]
2 participated. I think [REDACTED] participated. I believe
3 [REDACTED] participated. Maybe [REDACTED] too.

4 I mean, I -- this is something we
5 can answer.

6 Q. Do you know if [REDACTED] participated?

7 A. [REDACTED] did not participate.

8 Q. What about [REDACTED]?

9 A. I do -- do not believe that [REDACTED]
10 participated in Phase 1.

11 Q. How about [REDACTED]?

12 A. I do not believe [REDACTED] participated in
13 Phase 1.

14 Q. What about [REDACTED]?

15 A. I believe [REDACTED] might have participated
16 in Phase 1, yeah.

17 Q. When did this Phase 1 launch?

18 A. I mean, we put out -- Phase 1 didn't
19 have, like, a launch date in the sense of there was
20 a day in which we, like, formally announced it, I
21 don't think.

22 Q. About what time?

23 A. October time frame is when I believe we
24 started getting people to either sign commitments
25 or -- or participate.



1 Q. October 2017?

2 A. Yes. Sorry.

3 (Exhibit 2102, e-mail, Jakel, 9.4.2017,
4 UP-000065-86, was marked for identification.)

5 Q. All right. So I have -- you've been
6 handed what's been marked Exhibit 2102, which has
7 Bates Numbers UP-000065 through 86. It appears to
8 be an e-mail with its attachment.

9 Have you seen this e-mail before?

10 A. I believe I have.

11 Q. It's an e-mail from you to [REDACTED]
12 [REDACTED] dated September 4, 2017; right?

13 A. It looks to be dated September 4, 2017.

14 Q. Okay. It says on the first page that it
15 attaches a document with file name [REDACTED]
16 [REDACTED]; right?

17 A. Yes.

18 Q. And UP there stands for Unified Patents;
19 is that right?

20 A. Yes.

21 Q. All right. Then pages 67 through 86 is
22 that presentation; correct?

23 A. Yes.

24 Q. [REDACTED]; right?

25 A. Yes, he is.



1 Q. Is he in-house counsel?

2 A. Yes.

3 Q. In this e-mail string, you're asking to
4 have either a meeting or a call with him; is that
5 right?

6 A. Yes.

7 Q. Was the purpose of that call to discuss
8 this slide deck that's attached?

9 A. That looks to be the case.

10 Q. Did you ever have that phone call?

11 A. I don't know. I expect I probably
12 connected with him at some point.

13 Q. Do you recall what you would have
14 discussed on that phone call?

15 A. Not specifically, but I imagine that it
16 had to do with this presentation and what we were
17 thinking around the activities for kind of our Phase
18 1.

19 Q. All right. So let's talk about the
20 presentation. Feel free to flip through it if you
21 need to, but broadly, this is about the first phase
22 of Unified's HEVC program; is that right?

23 A. Yeah. I mean, it was very fluid early
24 on about what we were thinking. There was a lot of
25 ideas and stuff thrown out there. So September is



1 pretty early days in terms of some of the things
2 that we were thinking.

3 Q. This is a -- it's a marketing
4 spreadsheet; right?

5 A. Spreadsheet?

6 Q. I'm sorry. A marketing presentation;
7 right?

8 A. Yes. This is just some of our initial
9 ideas that we wanted to throw out and see what
10 people were thinking.

11 Q. It's intended to be distributed to
12 potential customers; correct?

13 A. We would have sent this to people that
14 we were interested in participating.

15 Q. Do you know who created this
16 spreadsheet -- ah. Sorry.

17 Do you know what created this
18 presentation?

19 A. I believe that that was myself and Shawn
20 Ambwani probably also had some activities involved
21 in it.

22 Q. Shawn Ambwani is the COO of Unified;
23 right?

24 A. Yes.

25



1 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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1 [Redacted text block containing 27 lines of blacked-out content]



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1 [REDACTED]

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United Patent, LLC. Ex. 1047 Page 30 of 263
United Patents, LLC v. Elects. & Telecomm. Res. Inst., et al.
IPR2021-00368

United Patent, LLC. Ex. 1047 Page 30 of 236
United Patents, LLC v. Elects. & Telecomm. Res. Inst., et al.
IPR2021-00368

1

[REDACTED]



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1 [Redacted text block]



1 [REDACTED]
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 12 (Exhibit 2103, e-mail, Ambwani, 9.14.2017,
 13 UP-004063-4081, was marked for identification.)
 14 Q. All right. You've been handed what's
 15 been marked as 2103, which has Bates Numbers
 16 UP-004063 through 4081.
 17 MR. FAWZY: This is 2103?
 18 (Off the record.)
 19 BY MR. GRANAGHAN:
 20 Q. All right. So this appears to be an
 21 e-mail from Shawn Ambwani to
 22 [REDACTED] correct?
 23 A. Correct.
 24 Q. Have you seen this e-mail before?
 25 A. I believe I have.



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1 Q. And it says that it attaches a document
2 with the file name UP Patent Pool Program updated
3 9-11-17.PPTX; right?

4 A. That's what it says, yes.

5 Q. And pages 4064 through 4081 is that
6 presentation; right?

7 A. Those would be the Bates Numbers.

8 Q. This presentation, like the last one, is
9 a document that Unified created to send to its
10 potential customers for this program; correct?

11 A. Yes. We sent this to [REDACTED] at least.

12 Q. Why did Mr. Ambwani send this
13 presentation to [REDACTED]?

14 A. [REDACTED] was one of the companies that we
15 did approach to see if they wanted to participate in
16 this Phase 1 opportunity.

17 Q. So was there a phone call or a meeting
18 with [REDACTED] before he sent this presentation?

19 A. There might have been. I -- we don't
20 know. I don't know.

21 Q. Would Mr. Ambwani know?

22 A. Mr. Ambwani and I talked about every
23 single conversation we had with all of this in doing
24 all of the discovery of this, so if we thought we
25 knew of a specific conversation between us and the



1 company, we included it on the list of every meeting
2 we had.

3 So I don't -- honestly, I don't know
4 if a specific calendar invite between those two, was
5 in the meeting.

6 If it is, then that would be
7 evidence that they talked, and I would think so.

8 However, Shawn and I would have both
9 made individual phone calls to lots and lots of
10 companies. And we've included every one that we
11 can -- we can recall on that log.

12 But I don't think we sent this to
13 them without probably having talked to them before
14 that, but that's to the extent that we recalled a
15 meeting, it would be on that -- on that list.
16 (Exhibit 2104, log, UP-004003-4062, was marked for
17 identification.)

18 Q. All right. You've been handed what's
19 been labeled Exhibit 2104. It's Bates Numbers
20 UP-004003 through 4062. Is this that list of
21 communications that you just mentioned?

22 A. I believe it is, yes.

23 Q. All right. Let's look at this
24 presentation and flip through that for a second.

25 So this is similar to the last



1 presentation that we looked at; right?

2 A. I don't know how similar, but I imagine
3 it's pretty similar.

4 Q. Just flip through it and let me know if
5 you agree that it's similar.

6 A. It has a lot of the same words in it.
7 Okay.

8 Q. Do you agree this is similar to the last
9 presentation we looked at?

10 MR. FAWZY: Objection to form and
11 vague. You can answer.

12 A. I think that this -- that there are
13 probably differences in here, but it looks like it's
14 a next version of the previous presentation.

15 Q. Okay. All right. Let's look at page
16 4081. Let me know when you're there.

17 A. Okay.

18 Q. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]
[REDACTED]



[REDACTED]

1 A. [REDACTED]

2 Q. All right. [REDACTED]

[REDACTED]

4 A. [REDACTED]

[REDACTED]

6 Q. Feel free to go back and look at it.

7 A. It said [REDACTED]

[REDACTED]

9 Q. Okay. And this one is [REDACTED]. So

11 it's broader; correct?

12 MR. FAWZY: Object to the form.

13 A. I wouldn't necessarily say it's broader.

14 I think they're probably two completely different

15 things.

16 Q. [REDACTED]

[REDACTED]

18 A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
8 Q. Who created this version of the
9 presentation?
10 A. It would have been myself and Shawn
11 probably would have had some impact in it, too, but
12 I tend to be the PowerPoint guy a little bit more
13 than he is.
14 Q. Would he know whether this bullet point
15 was changed in response to customer feedback or not?
16 A. I doubt it. The two of us were working
17 hand in hand on this, and I've talked to him
18 significantly about all of this as part of the
19 collection of all of these documents.
20 Q. So this e-mail presentation was sent to
21 [REDACTED] right?
22 A. It was sent to [REDACTED]
23 Q. [REDACTED] joined in the first phase sometime
24 after this; correct?
25 A. I believe [REDACTED] was in the first phase.



1 Q. Okay. All right. You can put that to
2 the side.

3 MR. FAWZY: Anytime there's a good
4 break.

5 MR. GRANAGHAN: Yeah. I was about
6 to say we can go now. We've been going about an
7 hour.

8 MR. FAWZY: Okay.
9 (RECESS, 11:21 a.m. - 11:29 a.m.)

10 BY MR. GRANAGHAN:

11 Q. All right. Mr. Jakel, I'll give
12 you what's been marked as Exhibit 2105.

13 (Exhibit 2105, e-mail, Ambwani, 9.25.2017,
14 UP-004166-4188, was marked for identification.)

15 Q. It's a document bearing Bates labels
16 UP-004166 through 4188. This first page appears to
17 be an e-mail from Shawn Ambwani to [REDACTED]; is
18 that right?

19 A. Mm-hmm.

20 Q. Is [REDACTED]?

21 A. She is.

22 Q. Is she in-house counsel?

23 A. Yes.

24 Q. All right. And it attaches two
25 documents. Do you see that?



1 A. I do.

2 Q. All right. The first one has file name
3 [REDACTED]; right?

4 A. Yes.

5 Q. That's the same file name of the last
6 presentation that we looked at; is that right?

7 A. Yes.

8 Q. And it also attaches a document with the
9 file name [REDACTED]
[REDACTED]; right?

11 A. Yes.

12 Q. Look at pages 4185 through 4188. Does
13 that appear to be that draft service agreement?

14 A. It does.

15 Q. All right. And pages 4167 through 4184
16 appears to be the [REDACTED]
17 presentation; right?

18 A. Correct.

19 Q. All right. So the second line in this
20 e-mail says, "Thanks for the time today."

21 Do you see that?

22 A. Yes.

23 Q. Does that indicate that Mr. Ambwani had
24 a meeting with [REDACTED] on September 25, 2017?

25 A. I suspect it was a phone call, but it



1 could have been me and him, or just him. We were
2 making many of these phone calls together, but back
3 then I imagine that's -- there was some phone call
4 that probably took place before that.

5 Q. Do you recall whether you were on that
6 phone call or not?

7 A. Specifically with [REDACTED] I don't recall
8 whether or not I was or not. But Shawn and I were
9 making phone calls to all of these people together
10 quite often.

11 Q. Is it possible that you were on the
12 phone call and Shawn was not?

13 A. Probably not, but that does happen
14 sometimes. Sometimes I have the phone call and I
15 ask him to forward something along.

16 Q. But you don't recall the specific phone
17 call?

18 A. No.

19 Q. All right. Let's look at the draft
20 service agreement that starts on page 4185.

21 All right. [REDACTED]
[REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]
[REDACTED]



1 A. [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 A. [REDACTED]
5 Q. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 A. [REDACTED]
9 Q. [REDACTED]
10 [REDACTED]
11 A. [REDACTED]
12 Q. [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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1 Q. [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 A. [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]

12 So, we have a bunch of tools that
 13 are on our, on our website. I don't know if you are
 14 familiar with them. One of them predicts
 15 patentability. Another one predicts, like, the
 16 scope of a patent. It's called "Pretext" [ph] or
 17 PRX, "Pretext". I don't know even know the acronym
 18 for it. But anyway, it predicts the scope of a
 19 patent. Then we have another one that tries to
 20 predict the value of patents. So these are all just
 21 like automated tools that already exist on our
 22 website for doing this.

23 So we were going to take a set of
 24 patents and we proposed that we would run them
 25 through kind of our automated tools. I think -- one



1 of the things that I think companies like about
2 Unified is we have used technology to -- to analyze
3 patents in kind of unique, interesting ways. And
4 our portal has all of those tools kind of on it.

5 I think the fact that we had taken
6 some very interesting approaches to analyzing
7 patents is one of the reasons why we thought we
8 could do a good job with the patent landscape as
9 well.

10 So this was going to basically
11 analyze the -- a specific patent pool. We picked
12 Advance, and that's just one of them, and said, hey,
13 we're going to kind of like run all of these through
14 our tools, and we thought it would be an interesting
15 way for us just to demonstrate the tools and stuff
16 that we had built in the past and kind of I guess
17 maybe toot our own horn in terms of stuff that we
18 had created in terms of software.

19 Q. [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]



1 Do you see that?
2 A. Yep.
3 Q. [REDACTED]
4 [REDACTED]
5 A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
12 But we didn't know what the SEP zone
13 was going to look like. We had our own kind of
14 ideas, but we were -- the whole point was that we
15 were going to study a landscape, we were going to
16 create one, and then we were going to turn it over.
17 We were going to use our tools on
18 some patents to show that we can use our tools on
19 things.
20 Then we were going to figure out
21 what, if anything, we were going to do next. But
22 there was absolutely no guarantee that, like, our
23 proposal or even that there was something to do,
24 honestly; but we were going to try and come up with
25 something.



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1 But this was all just, hey, we -- we
2 think this initial exploratory phase will allow us
3 to see if there's anything that Unified thinks it
4 can do.

5 Q. Was this service agreement drafted in
6 response to somebody showing interest in this
7 program?

8 MR. FAWZY: Object to the form of
9 the question.

10 A. I mean, I don't know -- I don't know
11 what you necessarily mean by interest, but there
12 were companies that we were in conversations with
13 that we said we are thinking about doing this, and
14 we've drafted up an agreement, to send it over, and
15 we did send this to companies, and companies did
16 sign different versions of this. But we have had
17 companies sign a version of this for our Phase 1.

18 Q. [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 [REDACTED]

24 [REDACTED] So we just

25 have to look at, like, what got signed by who.



1 Q. All right.

2 (Exhibit 2106, e-mail, Ambwani, 10.12.2017,
3 UP-000300-317, was marked for identification.)

4 Q. Handing you what's been labeled Exhibit
5 2106. This is a document bearing Bates Number
6 UP-000300 through 317. And it appears to be an
7 e-mail from Shawn Ambwani to [REDACTED] dated
8 October 12, 2017.

9 Do you see that?

10 A. I do.

11 Q. Who is [REDACTED]?

12 A. [REDACTED] is in-house counsel at
13 [REDACTED]

14 Q. Did [REDACTED] become a member of Phase 1?

15 A. They did not.

16 Q. All right. So this -- the first page of
17 this e-mail indicates that it attaches two
18 documents. Do you see that?

19 A. I do.

20 Q. All right. First one is HEVC Patent
21 Pool Program Updated 10-9-17.PPTX?

22 A. Yep.

23 Q. Actually, I have not attached that here
24 just to save space.

25 Second one is [REDACTED]



1 [REDACTED]. Do you
2 see that?
3 A. I see that.
4 Q. All right. That's a different file name
5 than the last one, I believe; correct?
6 A. This one appears to be dated September
7 28, and the other one appears to be dated September
8 12.
9 Q. All right. Let's look at the agreement,
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 A. [REDACTED]
14 Q. [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 A. [REDACTED]
18 Q. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 A. [REDACTED]
22 Q. Why was that change made from the last
23 draft agreement?
24 A. So this landscape that we're talking
25 about here is supposed to be the same kind of



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1 landscape you can buy from other companies that do
2 landscapes. It's supposed to be a landscape. Lots
3 of companies provide landscapes. IPlytics,
4 Innography. I don't know. Lots of landscapes.

5 Anyway, the idea would be this
6 landscape would be one where you would be able to
7 see kind of the same things that you could get in
8 other landscapes.

9 So in feedback I had in talking to
10 lots of companies in the proposal for us to do this,
11 this was kind of feedback that, like, hey, if you're
12 going to do this, one of the things that this
13 landscape needs to have is the same kinds of stuff
14 that other landscapes need to have, which we were
15 planning on doing, it was always part of the plan,
16 but it wasn't reflected in the agreement on the
17 original version, and it was one of the things that
18 I ended up adding to this.

19 **Q. Did Unified create the landscape itself,**
20 **or did it use third parties to create it?**

21 **A.** So we actually worked -- initially, we
22 wanted to work with a company that would kind of do
23 like a joint development of a landscape. But
24 eventually, the tool that they were using and the
25 approach that they were using was not basically



1 generating what we wanted. So we ended up
2 eventually ditching that landscape and bringing it
3 entirely in-house.

4 So at first, it was kind of
5 collaborative. We were working with a company
6 called IPlytics, and eventually, we said, no, thank
7 you, we'll just do it ourselves.

8 But that's the process of how we
9 ultimately did generate the landscape.

10 Q. All right. So going back to the
11 agreement, [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Do you see that.

18 A. I do.

19 Q. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 MR. FAWZY: Objection to the form,
24 and this mischaracterize testimony.

25 A. [REDACTED]



1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 Q. Okay. [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 A. [REDACTED]
 10 Q. Why was that change made?
 11 A. So the idea for this, if my recollection
 12 is correct, and I think it is, is that we were
 13 planning on using not only our kind of existing
 14 patent tools that were on our -- that were on our
 15 portal, but then once we actually built the
 16 landscape, the landscape was then going to have in
 17 it and apply on it, like, pools, right?
 18 So when you go to our landscape, you
 19 can not just select, like, a company and say, what
 20 patents does a company have that are, you know,
 21 related to HEVC.
 22 And at that point, we had this idea
 23 of a fairly unique approach to the landscape which
 24 is such that every patent number is given a score,
 25 and kind of -- so, the universe of patents that



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1 relate to HEVC could be different.

2 But you would take this tool and you
3 would apply it to the zones so that if you wanted to
4 go on to our portal and look at HEVC Advance, you
5 could select HEVC Advance and it would show you all
6 of the patents that HEVC Advance had identified in
7 the -- in its designation of standard essential
8 patents.

9 You could also go in and say, we
10 want to see all of HEVC Advance plus all of HEVC
11 Advance member patents, and you could then -- the
12 tool would show you what all of those patents are.

13 The same thing for MPEG LA and the
14 same thing for Velos Media, so that everyone using
15 the tool would be able to, like, look to see what
16 the patents were. All right. It's like, who owns
17 what. Really important questions when you are
18 someday doing standard essential patent licensing.
19 Whoever it is who is across the table from you,
20 whether it's a company or whether it's a pool, you
21 need to be able to assess, like, who owns what and
22 who you're talking to.

23 So the whole point of this was at --
24 you know, people were saying, hey, like, one of the
25 things your tool needs to be able to have is the



1 ability to do that. So we added it to this
2 preliminary assessment so that when you went into
3 the tool, you could see the analysis of those
4 individual things.

5 And that allowed us to generate
6 charts and things and everything around the
7 individual, like, groups of people that made up the
8 landscape of HEVC.

9 Q. So was the landscape that was delivered
10 to Unified's customer a software tool?

11 A. Yes. It is available on our platform.
12 You can go see it today.

13 Q. Did it include a validity analysis?

14 A. No. We have tools on our portal for
15 validity analysis. Like I said, you can take any
16 list of patents. We can, companies can, you can,
17 even. Like, it's kind of a free tool. Anyone can
18 take a list of patents, plug it into ours.

19 I think for free you can only do it
20 on one patent at a time, but if you are a member of
21 Unified, you can take as many patents as you want,
22 plug it into this tool, and it will just generate
23 what are numbers related to how strong our kind of
24 artificial intelligence tool believes that
25 individual patent to be.



1 So that's -- we have a tool that's
 2 related to patent scope. It analyzes the scope of a
 3 patent claim to decide whether or not it's a broad
 4 claim or a narrow claim.

5 We have another tool on our web page
 6 that's related to the strength of the patent, or
 7 what we refer to here as patentability.

8 And we have another one that
 9 analyzes how many kind of cross-references the
 10 patents have gotten. So forward and backward
 11 citation stuff, and it analyzes those to figure out
 12 whether or not it believes that patent is valuable
 13 or not.

14 So this was the idea that we would
 15 have the ability to kind of generate this stuff for
 16 the various patent pools out there because those are
 17 the ones that were kind of most known at the time.

18 Q. [REDACTED]
 19 [REDACTED]

20 A. [REDACTED]

21 Q. [REDACTED]
 22 [REDACTED]

23 A. [REDACTED] That was
 24 two years ago. But I will tell you that these
 25 negotiations were basically the same as companies



1 would have with any company that was generating
2 landscapes. They wanted to buy a landscape and they
3 wanted those landscapes to have information in them.
4 Ownership data is a really basic function of
5 landscape.

6 Q. Does that [REDACTED] we were just
7 looking at accurately describe what Unified
8 ultimately delivered in Phase 1?

9 A. I mean, I don't know. I mean, what we
10 ended up generating was a landscape, and at the time
11 we actually redid that landscape. I mean, we
12 didn't -- we -- the version that came out that was
13 built in conjunction with ourselves and IPlytics was
14 not performing the way we liked it to, and so we
15 ended up deciding that our in-house software guy and
16 machine learning expert that we happened to have
17 in-house, built all of the other tools we're talking
18 about, we thought we could do a better job.

19 But we kind of -- the first version
20 of it that I think kind of satisfied the contract is
21 one that ultimately doesn't even exist today. We
22 trashed that and moved on to rebuild it again.

23 Q. Unified -- did Unified deliver a

24 [REDACTED]

25 A. [REDACTED]



1 [REDACTED] -- I
2 don't recall. Most of this was us telling people
3 that, like, hey, we're going to analyze this with
4 the landscape, and we have tools that will be able
5 to kind of do that.

6 And everyone, if you're a member of
7 this thing, right, you can plug patents -- the idea
8 is that, like, with this initial service agreement,
9 you're going to get access to all of the tools that
10 you get access to as a member of Unified, and
11 then -- I mean, we wouldn't know what they were
12 doing, but you could take our landscape tool, you
13 could apply it to any company that you really want
14 to. All of our stuff is kind of self-help in terms
15 of tools.

16 You apply it to any entity that you
17 want to. You take that list of patents, you put it
18 in our patent value tool, and it will give you a
19 score for that value.

20 Let me show you one thing that kind
21 of points that out a little bit.

22 So UP-004080, we have a -- this is
23 2103, Exhibit 2103. There's an HEVC advance patent
24 analytics. And this is UP-004080. So these are two
25 of those tools that actually are referenced in this



1 agreement, so --

2 Q. These are Unified tools?

3 A. These are Unified tools.

4 So if you take a patent and you plug
5 it into our system, it will generate a CITX.
6 C-I-T-X, CITX tool. And it will generate a value of
7 that patent. That value is associated with how many
8 kind of forward or back citations an individual
9 patent has.

10 APIX is a machine run algorithm that
11 tries to predict how our patentable a patent is,
12 like the strength of its validity.

13 So we had run at a -- and I think we
14 presented this data at a conference in Washington,
15 D.C., kind of six months before this presentation
16 was made.

17 But we calculated the patentability
18 and the value of the HEVC Advance portfolio, and
19 used all of that public data to just kind of crunch
20 these numbers so you can kind of see patents that
21 get both an AA on CITX and an AA on APIX would kind
22 of be the very highest ranking scores.

23 And you then can kind of see those
24 that would get D and D would be the lowest ranking
25 scores. Anyway, you get the idea.



1 So the whole idea of what we were
2 offering people back then was kind of the option of
3 having all of these kind of self-help tools. This
4 was for that [REDACTED] we were saying, hey, like,
5 you're going to get these self-help tools that you
6 can use to analyze -- analyze patent portfolios,
7 and -- and do that work.

8 **Q. Has Unified ever done these analytics**
9 **for Velos patents?**

10 A. Honestly, off the top of my head, I
11 don't know. If we had done it, we would have put it
12 in a presentation somewhere. I don't recall that we
13 have done that. I don't think so.

14 But by the way, our tools, all you
15 have to do is copy the list of Velos patents, put it
16 in our tools and it will generate this very thing,
17 so...

18 (Exhibit 2107, e-mail, Ambwani, 10.6.2017,
19 UP-004251, was marked for identification.)

20 **Q. All right. You've been handed what's**
21 **been marked as Exhibit 2107 which has Bates Number**
22 **UP-004251, which appears to be an e-mail. The top**
23 **part appears to be an e-mail between Shawn Ambwani**
24 **and [REDACTED] dated October 6, 2017.**

25 Do you see that?



1 A. Yes.

2 Q. Who is [REDACTED]

3 A. [REDACTED], I don't know exactly what
4 his role is now, but he is -- I believe he's
5 in-house counsel at [REDACTED]

6 Q. It attaches a document -- the e-mail
7 says it attaches a document with file name [REDACTED]
8 [REDACTED]; do you see that?

9 A. I do.

10 Q. That's the same file name as one of the
11 presentations we previously looked at; right?

12 A. Yes.

13 Q. And I haven't included it here just for
14 space.

15 The first sentence of the middle
16 paragraph, the long one, says, "I talked to Steve
17 briefly about this when I met with him last month,
18 but we have developed a general program to provide
19 potential patent pool licensees with leverage we
20 don't believe they have had before."

21 The next sentence, "Our first area
22 is HEVC which I believe is something [REDACTED] cares
23 about."

24 Do you see that?

25 A. I do.



1 Q. [REDACTED]; right?

2 A. Yes.

3 Q. All right. And leverage there, that
4 leverage is referring to leverage for potential
5 patent pool licensees in negotiation; is that right?

6 A. So, this whole conversation is about the
7 landscape. So, we have -- we were touting to people
8 in October that what we believed would be
9 interesting would be to have a landscape that would
10 allow you to calc -- I mean, you understand, like,
11 the -- the calculation for kind of arriving at a
12 FRAND offer, which is on the top, you put the
13 licensor's patents that are essential to a standard.
14 On the bottom, you put all of the -- all of the
15 patents that are essential to a standard which gives
16 you kind of an apportionment. Multiply that by an
17 aggregate royalty rate, and then you would have what
18 would be a FRAND offer to an individual licensor.

19 And what we had gone around talking
20 to people at this particular stage, because this is
21 October 6, and we hadn't even -- we hadn't made a
22 proposal to anyone for what a zone would actually be
23 yet. We hadn't asked for money for a zone.
24 Basically, this was like, hey, we don't know what
25 we'll do with the zone, but we do have a really cool

1 idea for about how companies can negotiate based on
2 data and the landscape in a different way, which is
3 kind of what I'm talking about, the denominator of
4 that equation is no longer fixed.

5 Most landscapes that are still
6 available today and certainly were, like, kind of on
7 the market back in 2017 related to a fixed number of
8 patents, right.

9 So if you ordered a landscape on
10 HEVC, it would say there are 10,000 patents, and it
11 wouldn't be -- it wouldn't grow, it wouldn't shrink,
12 it would just say it's our opinion based on the
13 methodology that we used to figure this out, that we
14 are talking about 10,000 patents.

15 So we thought that this would be
16 very interesting because rather than having
17 attorneys waste time arguing about which patents are
18 essential to the standard and which patents are not
19 essential to the standard, and having both sets of
20 lawyers on both sides review what could be
21 potentially hundreds of patents for essentiality,
22 have the universe of patents grow or shrink based on
23 the strength of the patents that are being, you
24 know, asked for, licenses -- or are being offered as
25 licensed by the licensor.



1 So this -- I mean, this is what we
2 are pitching to people at this stage is, hey,
3 participate in Phase 1. We're going to give you --
4 at the very minimum, we're going to give you this
5 tool, which we think it going to change the way you
6 are going to be able to license -- do licensing
7 negotiations in the future, and at the very least,
8 you're going to get that.

9 So that's what all of these
10 conversations are about, and both myself and Shawn
11 had conversations with Steve, who reports to [REDACTED]
12 [REDACTED]. I had conversations with -- not [REDACTED]
13 [REDACTED]. [REDACTED].

14 I had conversations with [REDACTED] kind
15 of touting the idea around, hey, this idea of the
16 fixed universe of patents is ridiculous, because
17 no -- there's no approach to figuring out a universe
18 of patents for a standard which is ever going to get
19 it right.

20 And like, if you look at LTE, LTE
21 has courts who have come out with, like, three or
22 four different versions of how many, like, what the
23 universe of patents is for a -- for the standard
24 LTE.

25 So the conversations at this time



1 were kind of all about the ecosystem of SEP
2 licensing, and we thought we were going to provide
3 tools that would approach the whole problem of
4 licensing. We wouldn't be involved in those
5 negotiations by the way. We would just say, here,
6 you guys -- here's the tools, but we think that we
7 would provide it to you in a way where you say,
8 okay, these are the patents we're going to license.
9 Let's look at how strong those patents are and then
10 we'll set the universe of the denominator based on,
11 like, which patents you really think are necessary
12 to be -- to be licensed.

13 Now, if you want to -- we'll look at
14 your percentage based on these patents. We can look
15 at your percentage based on more patents, but the
16 idea is that even as you change the number of
17 patents that are included in the numerator, the
18 denominator grows and shrinks along with changes to
19 that number, such that the percentage might actually
20 be the same under both situations; and if so, why
21 waste attorney time, like, having you spend all of
22 this time reviewing the essentiality of patents.

23 So that, we thought, was actually a
24 pretty significant amount of leverage that would
25 allow you to really change the game on how standard



1 essential patent licensing was kind of done, and
2 that's -- this is what we are pitching. Participate
3 in Phase 1 and at the very least, we're going to try
4 and deliver -- honestly, we said we were going to
5 deliver it. It turned out to be a really hard thing
6 to build.

7 I think we actually did eventually
8 get it right, but this was -- this is the pitch.
9 Like, hey, we're going to develop this landscape.
10 It's going to have this unique function in it, and
11 we think it's going to be pretty interesting.

12 Q. But you were pitching it as a tool to
13 provide leverage in negotiations; correct?

14 A. The landscape.

15 MR. FAWZY: Objection. Object to
16 the form.

17 A. The landscape. We're only -- right here
18 when we were talking about this, we were talking
19 about the landscape as the thing that is going to
20 provide you leverage.

21 Q. Leverage in negotiations; right?

22 MR. FAWZY: Objection, asked and
23 answered.

24 A. When I say leverage, I mean they're
25 going to use it for creating their own landscapes.



1 This is going to be the landscape they use when they
2 are in negotiations with others.

3 So, like, I mean, they're going to
4 use it whatever way they want. I'm not going to be
5 in the middle of that. But that is -- this was --
6 just the same way that they would buy a landscape
7 from IPlytics, just the way they would buy a
8 landscape, they were going to use it. In whatever
9 way they use theirs, they're going to use ours.
10 (Exhibit 2108, e-mail, Ambwani, 10.12.2017,
11 UP-000281-299, was marked for identification.)

12 Q. All right. You have been handed what's
13 been marked as Exhibit 2108. It has Bates Number
14 UP-000281 through 299. It appears to be an e-mail
15 from Shawn Ambwani to [REDACTED], dated October
16 12, 2017.

17 Do you see that?

18 A. I do.

19 Q. Do you know who [REDACTED] is?

20 A. Off the top of my head I do not.

21 Q. All right. This e-mail indicates that
22 Mr. Ambwani spoke to [REDACTED]; is that right?

23 A. It looks like he did, yes.

24 Q. Do you know if you were part of that
25 discussion?



1 A. I might have been. I don't know.

2 Q. All right. So that you don't recall
3 what was discussed at that discussion; right?

4 A. I do not.

5 Q. All right. In it, the e-mail indicates
6 it attaches a document with file name [REDACTED]

7 [REDACTED]

8 Do you see that?

9 A. Yes.

10 Q. So that appears to be -- well, that
11 presentation is attached as pages 282 through 299;
12 right?

13 A. Looks like it, yes.

14 Q. And this appears to be an updated
15 version of some of the presentations we've
16 previously discussed; right?

17 A. I imagine it is.

18 Q. The file name indicates that, right?

19 A. It is dated after some of the other
20 presentations.

21 Q. All right. And this is -- this is
22 another presentation that was intended for
23 distribution to potential customers of Unified;
24 right?

25 A. Yeah. I mean, I guess I don't know who



1 [REDACTED] is, but I imagine we sent it to people.
 2 Q. Okay. But [REDACTED] is not -- he's not a
 3 Unified employee; right?
 4 A. He's not.
 5 Q. He's never been a Unified employee;
 6 right?
 7 A. No.
 8 Q. All right. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



1 [REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13 So we wanted to analyze a group of
14 patents to figure out whether or not, one, we
15 thought they were essential; and two, whether or not
16 they were valid.

17 So this would give us our own kind
18 of independent, I guess, feel for whether or not
19 standard essential patents were more or less valid
20 than other patents that were out there. NPE
21 patents, as an example, those are the ones that we
22 tend to go after in our other zones.

23 But anyway, this is a -- this was an
24 effort on our end to say, hey, we want to look at a
25 limited number of patents, and just get a feel for



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1 what we think essentiality and validity kind of look
2 like.

3 Q. Did Unified do this analysis?

4 A. We did do a validity analysis of, like,
5 five patents that we selected and analyzed.

6 Q. Were any of those five patents Velos
7 patents?

8 A. Off the top of my head, I don't know,
9 but they were -- I picked them along with another --

10 MR. FAWZY: Just sorry to interrupt,
11 but I just want to caution the witness not to reveal
12 any privileged attorney-client or attorney work
13 product info in talking about -- in answering this
14 question.

15 I'm sorry to interrupt.

16 A. We did all of this analysis ourselves
17 for our own kind of reason. So I don't know -- I
18 guess this is -- we did pick patents. I don't know
19 if any of them were Velos. I imagine -- I suspect
20 that some of them were, but not all of them.
21 Certainly not all of them.

22 Because we spread -- we
23 intentionally spread around the patents we picked to
24 do our legal analysis on, in that we did that by
25 priority date. So we tried to pick patents that had



1 really early priority dates and some that had late
2 priority dates. We tried to pick patents that were
3 on different technology areas across the standard.

4 And we tried to pick patents that
5 were spread out around different patent owners out
6 there.

7 Q. Did you deliver these analyses to
8 customers?

9 A. We did not.

10 Q. So why is it listed under initial
11 deliverables?

12 A. Because the whole idea of Phase 1 was
13 for Unified to study the problem.

14 So like I said, we really did not
15 know what we were going to be doing. We had -- we
16 have our presentation, which is some of our
17 thinking; but in conversations with people, like, we
18 did not know if, after we looked at validity as an
19 example, if it was going to turn out that every,
20 single standard essential patent that we looked at
21 had super strong validity, or if every single patent
22 we looked at was going to be completely invalid. We
23 literally didn't have a good feeling for any of
24 this.

25 And so we didn't know what we were



1 going to do at this stage. We had -- we had ideas
2 of what it was going to be doing. The whole point
3 of Phase 1 was we're going to study it, and we're
4 going to evaluate it. Essentiality, validity were
5 two things that we worked on.

6 Q. Did you tell customers what patents you
7 were analyzing for validity?

8 A. We did not.

9 Q. Did you tell them any of your results of
10 your validity analyses?

11 A. No. I mean, we said that -- I think the
12 results that we kind of put out there was to say, we
13 looked at this. I mean, this was me just telling
14 people, yes, we've looked at this, and we think that
15 the validity of patents is similar to the validity
16 of other patents. We don't really see, after taking
17 a look at a randomly kind of selected group of
18 patents -- we don't think of Velos as like Velos as
19 an entity.

20 We think of Velos as basically a
21 patent pool. So the patents aren't really Velos
22 patents. The patents are company patents, right.

23 So when we picked patents, we would
24 have picked a Sony patent or we would have picked a
25 Qualcomm patent as -- and obviously, some of these



1 have been assigned to Velos, but we're not thinking
2 of Velos as like Velos. We would have picked patent
3 owners across all of this.

4 So we would have picked like a Sony
5 patent or a GE patent or a -- you know, a patent by
6 random people across all of this, whether they
7 happened to be in Velos or they happened to be in
8 MPEG LA Advance. Of course our HEVC Advance
9 supported MPEG LA.

10 We basically randomly selected
11 patents based on these criteria we had, which was
12 spread out across ownership and spread out across
13 priority dates and spread out across the technology
14 areas, so that we could look at these and get a good
15 feel for it.

16 And our opinion at the end was we
17 didn't think that standard essential patents were
18 dramatically different than general patents in the
19 populated -- the general population of patents.

20 Q. You did tell customers that you were
21 doing invalidity reviews of patents, though; right?

22 A. We did.

23 Q. Going back to the e-mail, which is page
24 281, do you see this is the -- it's about halfway
25 down, the sentence that reads, "This is the first



1 step, and the intent is to do a full analysis and
2 implement all three prongs of the strategy after the
3 initial period with buy-in from existing
4 participants and new ones."

5 Do you see that?

6 A. Yes. Absolutely.

7 Q. What is the first step referring to?

8 A. This is referring to Phase 1.

9 Q. Okay. And what are the three prongs of
10 the strategy referring to?

11 A. So the three prongs were scope,
12 validity, and value.

13 So the -- the scope would have had
14 to have done with the landscape of the -- of
15 patents. It would have had to do with essentiality.
16 Basically, how many patents are actually out there
17 that are really important to license because they
18 are essential to the standard.

19 Validity was the deterrent strategy,
20 which is our kind of traditional approach. It would
21 work identical to all of our other kind of
22 traditional approaches to validity.

23 And the third was value. Value
24 being the kind of an economic analysis of HEVC. And
25 we kind of saw that as like data, right? Provide



1 that to companies.

2 And we thought all of that would be
3 something that members would want.

4 Q. Those [REDACTED]

6 [REDACTED] Exhibit 2100; right?

7 A. Yes. Yeah.

8 Q. Real quick, go back to page 298 again.

9 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15 Q. Was it added in response to customer
16 feedback?

17 A. I don't know that it was added. I mean,
18 this was two years ago.

19 So, one of the things in all of the
20 conversations we were having was, you know, people
21 asking us this question. What is -- what are your
22 thoughts of standard essential patents, and at the
23 time I'm not sure we had a -- we had never done that
24 work inside of Unified to look at standard essential
25 patents from the perspective of validity, from the



1 perspective of essentiality. This was not something
2 that to date we had done that kind of legal work on.

3 So I think we put it in there as
4 something that we wanted to study.

5 Q. Okay. Who typically had conversations
6 with customers about this Phase 1; you or
7 Mr. Ambwani?

8 A. So I'm -- I'm the person who negotiates
9 all agreements. All right. So like, every
10 single -- so I would have had, like, the discussions
11 to go from -- if someone was interested in
12 participating in this, then I would have taken over
13 for negotiating and getting an agreement signed.

14 Q. Does Mr. Ambwani typically do the
15 pitching or the marketing?

16 A. Along with me. I mean, so in sending
17 out e-mails and doing stuff like that, he is better
18 at like sending out this -- this stuff, I mean
19 obviously, from those e-mails.

20 I send e-mails, too, but usually --
21 you know, we -- we typically travel a lot together.
22 So if I'm in California, we would have gone around
23 and visited companies, and then we would have, after
24 those meetings, either in person or -- or over the
25 phone, then Shawn would be the one that sent that



1 e-mail. That's like the way it typically works.

2 So even sometimes if I have a phone
3 call with someone, then he will then send the
4 e-mail. If he has a phone call with someone, he
5 almost certainly would have sent the e-mail himself.

6 But that's typically the most
7 e-mails that come out of it are sent like that.

8 Q. If a customer has feedback on the pitch,
9 do they typically provide that to you or
10 Mr. Ambwani?

11 A. Well, probably to whoever happened to be
12 in the phone call with them; but in this concept, if
13 someone was interested in joining and signing an
14 agreement, that would absolutely be me. I'm the one
15 who handles all of that.

16 So whatever ends up in an agreement
17 of what we're going to do, that is always -- I'm the
18 one who negotiates it, even if it ultimately is
19 signed by Shawn. So I'm the one who negotiates
20 agreements.

21 MR. GRANAGHAN: You can put that one
22 aside. Do you guys want to take a break or do you
23 want to do another?

24 MR. FAWZY: All right. Let's do a
25 break. Do you want to do a break?



1 (Off the record.)

2 (RECESS, 12:26 p.m. - 1:06 p.m.)

3 (Exhibit 2109, e-mail, Ambwani, 11.24.2017,
4 UP-004433-4461, was marked for identification.)

5 BY MR. GRANAGHAN:

6 Q. All right. Mr. Jakel, you have been
7 handed a document with Bates Number UP-004433 to
8 4461, which appears to be an e-mail from Shawn
9 Ambwani to [REDACTED] dated November 24,
10 2017.

11 Do you see that?

12 A. I do.

13 Q. So at the bottom of the first page
14 appears to be an e-mail from I guess it's [REDACTED]
15 [REDACTED] to Mr. Ambwani dated the day before November 23,
16 2017.

17 Do you see that?

18 A. I do.

19 Q. And he or she says, "Can you explain
20 more about the benefits if we join in Phase 1."

21 Do you see that?

22 A. I do.

23 Q. Just for the record, do you know

24 [REDACTED]?

25 A. I do.



1 Q. Is he or she in-house counsel at
2 Samsung?
3 A. He is in-house counsel at [REDACTED]
4 Q. All right. So in response to that
5 question in the e-mail at the top of the first page,
6 Mr. Ambwani says, "Take a look at Slide 20. Maybe
7 that will help answer some of the questions. Access
8 and validity as well."
9 Do you see that?
10 A. I do.
11 Q. Does he appear to be referring to the
12 document that is attached with file name [REDACTED]
13 [REDACTED]?
14 A. I see that, yes.
15 Q. And that presentation is Bates Numbers
16 4435 to 4461 in this document; right?
17 A. Yes.
18 Q. All right. So let's look at Slide 20 of
19 that, which is Bates Number 4454. That is Slide 20;
20 right?
21 A. Yes.
22 Q. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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1 [REDACTED]
[REDACTED]
[REDACTED]

4 Q. All right. And the first thing is HEVC
5 landscaping report. That's the landscape we've
6 talked plenty about today; right?

7 A. Yes.

8 Q. All right. And it says here, hired
9 landscaping company and HEVC expert, but in fact you
10 guys moved away from the landscaping company; right?

11 A. Not at this point.

12 Q. Right. Not at this point, but
13 ultimately you did; right?

14 A. Yeah.

15 Q. All right. And the second item on the
16 deliverables is preliminary validity assessment.

17 Do you see that?

18 A. I do.

19 Q. Is that the validity assessment that we
20 were talking about just before we broke for lunch?

21 A. Yes.

22 Q. All right. So it says, a preliminary
23 validity assessment of at least six patents. Did
24 you guys analyze the six patents for validity?

25 A. I would have to go back and look, but I



1 thought it was five, but it's possible that it was
2 six.

3 Q. All right. And then right below that,
4 it provides some criteria for how those patents were
5 selected; correct?

6 A. Yeah. I explained this earlier. We
7 spread that across patent owners, the HEVC
8 technologies, and the priority dates.

9 Q. That first bullet point is patent owner
10 aggressiveness; right?

11 Do you see that?

12 A. I do.

13 Q. What is an aggressiveness rating?

14 A. This was just something that we were
15 using internal. There's no official, like, rating.
16 In-house at Unified we were looking at companies
17 that would be considered more or less aggressive
18 with enforcement.

19 So kind of like in NPE world there's
20 a bunch of patents out there. Some are going to get
21 more likely to enforced, and some are not.

22 So our view of the world is that
23 patents that are likely to get enforced and selected
24 to get enforced are kind of -- have their own -- I
25 don't know. Some people suggest that like patent



1 litigated -- litigated patents are of higher quality
2 than non-litigated patents.

3 Anyway, we have our internal way of
4 just, like, trying to figure out which companies we
5 would pick from, and which companies would -- we
6 would not pick from.

7 We had to create a list that we were
8 going to work from.

9 Q. Was the idea to pick patents from patent
10 owners that were known to be more aggressive?

11 MR. FAWZY: And I'm just going to
12 caution the witness, reiterate my caution from
13 earlier about revealing the substance of any
14 attorney-client or attorney work product with
15 regards to the validity opinion that we're talking
16 about.

17 A. So my view of aggressiveness would be,
18 like, companies that are asserting HEVC patents
19 would be the -- those that are at the higher end,
20 that includes basically all of the patent pools.

21 Like, we don't look at them as
22 patent pools, like individual companies within
23 patent pools would be kind of how we typically would
24 have ranked this.

25 But we are looking at, like a -- I



1 mean, we did our own effort to, like, just
2 categorize people into people who just own HEVC
3 patents, people who might monetize them, and people
4 who might enforce them.

5 Q. Did you hire outside counsel for the
6 validity assessments?

7 A. We did not.

8 Well, I don't know. I think we
9 might have hired some attorneys to help us with the
10 analysis, but we did this work -- directed this work
11 as an in-house legal effort.

12 Q. Was Unified intending to file IPRs at
13 this stage?

14 A. No.

15 Q. Was it anticipating filing IPRs at this
16 stage?

17 A. No. We did not even know what Phase 2
18 would look like. I mean we someday hoped to get a
19 program off the ground. Whether or not that program
20 would actually include IPRs or not, we did not know.

21 Q. Take a look at Slide 15, which is page
22 44 to 49, using Bates Numbers.

23 A. 48 and 49?

24 Q. No, 4449. Sorry.

25 A. 4449.



1 Q. It's Slide 15.

2 A. Yep.

3 Q. Does this summarize Unified's analysis
4 of patent owners and their aggressiveness?

5 A. This does summarize it. I mean, this is
6 like a way of just trying to look at, like, all of
7 the patents, and then just trying to categorize
8 companies into these categories.

9 Q. Who did that analysis?

10 A. I did, along with Shawn.

11 Q. Which category is Velos included in?

12 A. I honestly don't know.

13 MR. FAWZY: Object to the form of
14 the question and assumes facts not in evidence.

15 A. My feeling is that we categorized
16 companies. So, like, did not necessarily Velos
17 itself, although Velos might be in the aggressive
18 side as a patent owner; but more importantly, we
19 looked at individual companies as to what we
20 believed they were.

21 So just like there are companies in
22 Velos that may or may not -- are members of Velos
23 that may or may not be aggressive or less
24 aggressive, or anything like that.

25 Same thing with HEVC Advance. There



1 might be companies that are in HEVC Advance that are
 2 aggressive and some that are not aggressive. We
 3 went to and looked at the individual companies to do
 4 this analysis, not -- we didn't look at patent
 5 pools.

6 Q. Are any of Velos's members in the
 7 aggressive category?

8 A. I believe there probably are. No one
 9 ever knew -- I've never shown anyone who made up any
 10 of these categories. No one has ever heard of what
 11 our analysis in this looked like.

12 Q. Do you know today whether any Velos
 13 members are in the aggressive category?

14 A. Off the top of my head, I don't know
 15 which one we would have or not put in there, but I
 16 believe that there are some that are in the Velos
 17 members that did make it into the aggressive
 18 category.

19 Q. Do you know which ones?

20 A. Off the top of my head, no.

21 Q. All right. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



1 A. [REDACTED]

[REDACTED]

[REDACTED]

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1 Q. [REDACTED]

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1 [REDACTED]

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1 [REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21 Q. That's all right.

22 Go back to the e-mail at the very

23 front. The second paragraph, I guess, first

24 sentence reads, "We take all members' input into

25 account during this time as to Phase 2. That is



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1 part of the reason we have this first phase."

2 A. Yes.

3 Q. So besides this feedback on methodology,
4 did members give you any other feedback on what they
5 wanted to see in Phase 2?

6 A. So this -- like, what we were going to
7 offer in Phase 2. Phase 1 had the landscape in it
8 as a minimum, right? Obviously people who
9 participated in Phase 1 were going to get the
10 landscape; but for Phase 2, the landscape was going
11 to be part of Phase 2 as well, obviously, but people
12 who were in Phase 1 were going to get it anyway. So
13 it's been created.

14 So the other pieces of data that we
15 were talking to people about was that we had ideas
16 around databases for standard submissions. So we
17 have a tool called Open that is on our web portal.
18 It basically collects and makes searchable and
19 indexes all of the -- the submissions that were made
20 to the standard.

21 So this is like an example of one of
22 the things that we were, like, hey, you know,
23 what -- is this something that you would want to
24 see?

25 The other -- the other aspect of it



1 was we -- we want to do an independent, economic
2 analysis of the HEVC as a technology, and this is
3 one of the things that we are thinking about going
4 forward with and, you know, we have the essentiality
5 part of this. We also have the validity part of
6 this. And we said, these are all of the things that
7 we are, like, contemplating in our zone, and we're
8 going to get feedback from, kind of, people -- I
9 mean, we need to make sure that you understand that
10 when we say that we're going to do validity, like,
11 there is no direction by anyone with respect to who
12 or how or what we would do in terms of validity.

13 Our validity aspects is what we
14 would consider to be our kind of traditional
15 deterrent strategy, which is focussed on deterring
16 people from using, you know, invalid patents. We
17 think that's a good thing for everyone in all spaces
18 where there's patent monetization.

19 So, like, that was part of, like,
20 what we were contemplating for Phase 2, but there --
21 everyone knows how Unified works. All of our
22 members and all of these companies know.

23 So when Shawn put something like
24 this that we're going to take input, I know, Shawn
25 knows, [REDACTED] knows, we're not talking at all about



1 giving them input into how we would run a program
 2 that would do deterrence based on using IPRs or
 3 patent challenges on validity.

4 Everyone in this e-mail chain knows
 5 that what we're talking about are the data stuff.
 6 Like, we want to know, like, is this data stuff that
 7 we think would be really great for companies, is it
 8 something that you guys would be interested in.

9 Because they know and we know that
 10 we're not offering anyone any guidance on our
 11 deterrence program. That's been clear from day one.

12 Every one of these companies are
 13 either our members or know us really well, so they
 14 know that in no way is what we're talking about here
 15 giving input into who and what company we would file
 16 IPRs against.

17 Q. [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
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[REDACTED]
11 Q. Has Unified filed any ex parte re-exams?
12 A. We have filed one a very long time ago
13 when we first started out. We have not filed any
14 since.
15 Q. What about inter -- it doesn't exist
16 anymore. Strike that.
17 Did [REDACTED] join the HEVC zone,
18 either the first phase or the second phase?
19 A. They did not.
20 (Exhibit 2110, e-mail, Ambwani, 11.27.2017,
21 UP-000883-887, was marked for identification.)
22 Q. All right. You've been handed what's
23 been labeled as Exhibit 2110, with Bates labels
24 UP-000883 through 887. Appears to be an e-mail from
25 Shawn Ambwani to [REDACTED] --



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1 A. Yes.

2 Q. -- sent November 27, 2017.

3 Do you see that?

4 A. I do.

5 Q. And it attaches another one of these
6 presentations with file name [REDACTED]

7 [REDACTED]; right?

8 A. Yes. I note that that presentation is
9 not attached to this e-mail.

10 Q. It is not attached to this document.

11 All right. So I want to go to the
12 second e-mail in the chain, which is another e-mail
13 from Mr. Ambwani to, it looks like a number of
14 people at [REDACTED] right?

15 A. The one on the front page?

16 Q. Yeah. It starts on the front page and
17 it runs to the top of the second page.

18 A. Okay.

19 Q. The second e-mail in the chain. And it
20 says at the top of the second page, this is page
21 884, it says, "Finally, we would be happy to
22 organize a Webex to show you the current status of
23 the database and invalidity analysis if you have
24 time next week."

25 Do you see that?



1 A. I guess I do not.

2 Q. Top of the second page.

3 A. Top of the second page.

4 Yes.

5 Q. What is this invalidity analysis he's
6 referring to?

7 A. I don't know what he's referring to. We
8 have no invalidity analysis that we've ever shown
9 anyone. It's possible he's referring to the tools
10 that we have, but I know for certain that it's not
11 referring to the invalidity analysis that we did.
12 I'm not even sure the invalidity analysis was done.
13 I don't think it was.

14 So I don't know exactly what he's
15 referring to on this, but the current status of the
16 database, I think, would obviously -- I think he's
17 referring to the current status just to say, we did
18 have, like, stuff to show about the database at
19 different points in time, like presentations that --
20 that had, you know, graphs of what the patent
21 landscape looked like, but I don't -- I don't know
22 what he is referring to here in terms of invalidity
23 analysis.

24 Q. Presumably, Mr. Ambwani would know;
25 right?



1 A. Presumably, he would. Although I'm not
2 sure he would recall.

3 Q. Go back to the first page of that same
4 e-mail. Kind of -- this is at the bottom of the
5 page but kind of in the middle of that second
6 e-mail.

7 Mr. Ambwani says, "We have regular,
8 biweekly calls with the participants and will also
9 have an in-person meeting on November 17th, the day
10 after our conference."

11 Do you see that?

12 A. Mm-hmm.

13 Q. Did that in-person meeting he's
14 referring to happen?

15 A. I believe it did.

16 Q. Who was present?

17 A. Most of the people who participated in
18 Phase 1 had a person there. I don't -- I'm going to
19 have to -- I'm not sure we have a record of the
20 specific attendees. But we had -- we had people --
21 we had people there. I don't know who they were.
22 Most of the people, though, are from the -- who
23 signed up for Phase 1 were there.

24 Q. Do you recall what was discussed?

25 A. We walked through the landscape. We



1 demonstrated the functioning part of what we had at
2 that point of the database tool. So we actually
3 tried to demonstrate what we -- what it was doing.

4 We talked about the fact that our
5 version of what we believed the Phase 2 might look
6 like someday, which included basically the
7 presentation that we probably had just looked at.

8 And then we talked about -- that's
9 about it. I mean, basically, I think my
10 recollection is we presented the landscape. The
11 landscape was the vast majority of the conversation.
12 We also talked a lot about the methodology behind
13 the scenes of how we actually generated it.

14 We started calling it an objective
15 landscape because we actually used the patents that
16 had been designated by MPEG LA and HEVC Advance, as
17 the training set of patents that would be used to
18 train the algorithms so that they could go out into
19 the universe and find other patents.

20 So instead of using our own kind of
21 experts and potentially being accused of bias,
22 because this was like a big part of what we thought
23 was interesting about our landscape, and it turned
24 into a very big discussion about methodology. Just
25 trying to make sure that we created something that



1 wouldn't necessarily be accused of bias against the
2 licensors out there. Because we were actually using
3 licensors' patents to train the algorithm so that
4 the algorithm would go find out -- basically, it
5 helps -- it helps the licensors' patents more so in
6 the database than others.

7 Q. Is that what's called OPAL now? Is that
8 the landscape, O-P-A-L?

9 A. It is. Yeah. And O stands for that
10 objective patent landscape that -- I think we talked
11 about that last time.

12 Q. We talked about Shawn's acronyms last
13 time.

14 A. We did. OPAL. I don't know what the O
15 stands for, honestly.

16 I guess I know. The O is for
17 objective. The A is I guess for the P-A for patent,
18 and then L for landscape. Anyway. OPAL.

19 So the vast majority of the
20 conversation was about OPAL. The other part of this
21 conversation was about, hey, we see and envision the
22 possibility of additional tools. One of those would
23 be we would -- you know, we want to do an
24 independent analysis of what the value of HEVC is,
25 and we would hire an expert to do that work.

1 So that was -- we thought that was
2 an interesting component of the whole thing. And so
3 that basically summarized everything that we were
4 doing up to that point.

5 You know, we had hoped that by this
6 time we might have actually developed and be ready
7 to go, but turns out that we were way -- we were a
8 long ways away from actually building what we
9 eventually believed was a good working landscape.

10 But anyway, we presented a snapshot
11 of the landscape, and what we believed a zone or a
12 Phase 2 might look like.

13 **Q. Did you discuss the validity analyses?**

14 A. Not to my recollection, but I guess
15 I'm -- I'm not certain that it was done at this
16 point. It might have been. If it was, the
17 invalidity analyses would have included, like, us
18 saying -- you know, we didn't provide it to anyone
19 and we didn't tell them what patents were in there.
20 We didn't tell them anything.

21 But I know that I told people, I've
22 formed an opinion. We wanted to go out and look at
23 validity. We have done that, and my opinion is that
24 standard essential patents don't appear to be any
25 more or less valid than patents in the general



1 population.

2 (Exhibit 2111, e-mail, Ambwani, 12.3.2017,
3 UP-004484-4509, was marked for identification.)

4 Q. You have been handed what's been marked
5 as Exhibit 2011, which is an e-mail attachment with
6 Bates labels UP-004484 through 4509. And it appears
7 to be an e-mail from you to [REDACTED] dated
8 December 3, 2017; is that right?

9 A. Correct.

10 Q. Did I say his name right?

11 A. I think it's -- well, it doesn't matter.
12 It's a transcript.

13 Q. Good point. He's at [REDACTED] right?

14 A. He is, yes.

15 Q. Is he in-house counsel?

16 A. He is.

17 Q. All right. You were sending him a
18 document with the file name [REDACTED]
19 [REDACTED]; right?

20 A. Yes.

21 Q. And that is what is attached and has
22 Bates labels UP-4485 through 4509; right?

23 A. Yes.

24 Q. All right. [REDACTED]
[REDACTED]



1 [REDACTED]
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1 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 Q. All right. Let's go to page -- Slide 8,
13 which is page 4492. The proposal to [REDACTED] like in
14 the previous presentation we looked at, was that
15 HEVC zone would operate as a traditional Unified
16 zone; right?

17 A. Yes.

18 Q. Which included challenging validity and
19 royalty-free licensing of the HEVC patent families;
20 correct?

21 A. This is just describing that two of the
22 things in our traditional zones are we have filed --
23 we have challenged validity as part of our
24 deterrence strategy, and some of those IPRs settled.

25 So this was just putting down a



1 [Redacted]

[Redacted]

[Redacted]

[Redacted]

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1 Q. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

5 MR. FAWZY: Object to the form.

6 A. [REDACTED]
[REDACTED]

8 Q. And [REDACTED] ultimately did join HEVC
9 zone; right?

10 A. Yes.

11 Q. Were they the first one to join?

12 A. I don't know.

13 Q. All right. You can put that to the
14 side.

15 (Exhibit 2112, e-mail, Ambwani, 12.5.2017,
16 UP-004643-4670, was marked for identification.)

17 Q. All right. You've been handed what has
18 been marked as Exhibit 2112, which is an e-mail
19 presentation with Bates labels UP-004643 through
20 4670, and appears to be an e-mail from Shawn Ambwani
21 to [REDACTED] dated December 5, 2017.

22 Do you see that?

23 A. I do.

24 Q. Do you know who [REDACTED] is?

25 A. I do not.



1 Q. Okay. You can put that to the side.
2 (Exhibit 2113, e-mail, Ambwani, 1.18.2018,
3 UP-004897-4924, was marked for identification.)

4 Q. All right. You've been handed what has
5 been labeled Exhibit 2113, Bates labels UP-004897
6 through 4924. It appears to be an e-mail from Shawn
7 Ambwani to [REDACTED] dated January 18, 2018.

8 Do you see that?

9 A. I do.

10 Q. It attaches -- the subject line is [REDACTED]
11 [REDACTED]. Do you see that?

12 A. I do.

13 Q. And it attaches two documents; right?

14 A. Yes.

15 Q. One of which is [REDACTED]
16 [REDACTED]; right?

17 A. Yes.

18 Q. Is that what is attached, Bates Numbers
19 4901 through 4924?

20 A. Looks correct.

21 Q. All right. Then it attaches a document
22 file name [REDACTED];
23 right?

24 A. Yes.

25 Q. Does that appear to be the document

1 attached with the Bates labels 4898 through 4900?

2 A. Yes.

3 Q. And the e-mail indicates that Shawn
4 Ambwani sent this stuff in advance of a meeting with
5 [REDACTED] that day; correct?

6 A. Correct.

7 Q. Is [REDACTED]?

8 A. He is.

9 Q. Were you at that meeting?

10 A. I don't know. I could have been.

11 Q. All right. Let's look at the draft
12 subscription form. Is this ultimately the
13 subscription form that was used for the video codec
14 zone?

15 A. I don't know if every word here is the
16 same as what was ultimately signed.

17 Q. Okay. Look at page -- it spans pages 1
18 and 2 of the agreement. It's a [REDACTED]
19 [REDACTED].

20 A. Yep.

21 Q. Do you see that?

22 A. I do.

23 Q. That sets forth the activities that
24 Unified will take within the zone; right?

25 A. So when -- on the previous presentation



1 we were talking about where we said, like, kind of
2 the proposal of all of the things that we were going
3 to do, even if we didn't say we were going to do all
4 of them, but this is the contract form of how the
5 zone would ultimately operate.

6 So zone -- element 2 for zone
7 activities, there were things that we were going to
8 do in our video codec zone that were in addition to
9 the stuff we would do in all of our traditional
10 zones.

11 So obviously, the preparation of the
12 database and landscape -- I'm not sure which element
13 it is, but it has been added to this as well as, I
14 believe, the fact that we were going to produce an
15 economic analysis has also been added to this.

16 So these -- because we were going to
17 be doing additional stuff in our zone, we added it
18 to the list of things that we would do.

19 Q. All right. 2D is filing and conducting
20 re-examinations and review proceedings on patents in
21 such zone before the United States Patent and
22 Trademark Office; right?

23 A. Correct.

24 Q. All right. And that ultimately did make
25 it into the final subscription form; right?



1 A. A version of -- a version of all of
2 these things made it into the final subscription
3 form. This is -- we have the ability to do all of
4 these things, or technically even none of them, but
5 this is the list of all of the various things that
6 we would do as part of a -- as part of our video
7 codec zone.

8 Q. All right. Let's look at the
9 presentation, which is Bates Numbers 4901 through
10 4924.

11 All right, this looks similar to
12 what Mr. Ambwani -- I'm sorry, what you sent to
13 [REDACTED] correct?

14 A. On -- I don't know.

15 Q. All right. Well, look at Slide 8, which
16 is page 4908.

17 A. Okay.

18 Q. That slide is in the presentation that
19 you sent to [REDACTED] right?

20 A. It looks very similar.

21 Q. All right. Look at Slide 11.

22 A. Just to point out, though, like, when I
23 use the word traditional Unified zone, that means
24 everyone knows that that means that no one will have
25 any control over what Unified does and how it does

1 it.

2 So like, we were very clear about
3 this at kind of every stage of this; that when we
4 work as a traditional zone, we're going to go out
5 there and work independently from our members to go
6 out there and have an impact on HEVC, or in this
7 case, what had kind of developed by this point into
8 the video codec approach.

9 So just -- I mean, we tried to make
10 sure that that was clear to everyone from day one.

11 Q. Go to Slide 11, which is page 4911.

12 All right. [REDACTED]
[REDACTED]
[REDACTED]

15 Q. All right. And that slide is identical
16 to [REDACTED] in the presentation you sent [REDACTED]
17 right, which is Exhibit 2111?

18 A. I don't know if it's identical.

19 Q. Okay. You can look at it.

20 A. What slide is it?

21 Q. [REDACTED] I hope.

22 A. Appears to be the same.

23 Q. All right. Go to [REDACTED].

24 A. Yes.

25 Q. Which is [REDACTED]; right?



1 A. [REDACTED]. So I guess I can explain.

2 One of the reasons why all of our
3 presentation materials include the fact of licensing
4 is because when we hired our antitrust counsel to
5 look at this as a whole, he -- I mean, I don't want
6 to disclose kind of attorney work product and
7 privileged communications here, but licensing was
8 one of the things that he wanted to make sure that
9 we were very clear about, that we described it in
10 such a way that he -- anyway, this is -- we're
11 getting very close to the opinion work that -- that
12 they did for us.

13 But at the highest level, the
14 licensing that we do in our traditional zones
15 operates in such a way that we -- our members do not
16 know and have no understanding of -- no previous
17 knowledge, nothing, about the fact that a patent
18 owner might do a licensing deal with us.

19 And because we don't want in any way
20 to be kind of coordinating two companies with
21 respect to licensing or any type of -- at the
22 highest level, there's no antitrust. We are not
23 going to be involved in negotiating licenses for
24 companies. Companies won't know anything.

25 So we put here down at the bottom,



1 and it's included on all of these materials,
2 because -- this is kind of all coming back to me now
3 that I have seen this particular slide -- but the
4 reason for this was to tell companies, like, we've
5 done our own, like, analysis with respect to an
6 anti-competitive, antitrust analysis.

7 And one of the things that we felt
8 was important for us to make clear -- even though we
9 don't necessarily do it in our traditional NPE zones
10 make it clear this way -- is because of the
11 heightened kind of antitrust issues related to
12 standard essential patent licensing. We're not
13 really talking about the licenses here as like, hey,
14 this is -- but we had to describe it and say,
15 listen, it's the way it's going to work is you're
16 not going to have any control. You're not going to
17 going to know, and we need you to like, this is
18 something that we need to kind of describe.

19 This was our own kind of CYA aspect
20 of what we were doing in these materials is to make
21 sure that everyone understood, like, this is going
22 to work in the exact same way as our traditional
23 zones. You will have no knowledge, no nothing, be
24 completely independent; and if one happens to
25 happen, then the first you would ever learn of it is



1 through us telling you, but you wouldn't have any
2 knowledge of it before.

3 So this comes out of the work we did
4 as kind of CYA analysis of our -- of the kind of
5 antitrust issues so we made sure that we were doing
6 this the right way.

7 Q. [REDACTED] in Exhibit 2113 is the same
8 as -- I'm sorry, [REDACTED] in Exhibit 2113 is the
9 same as [REDACTED] in Exhibit 2111, which you sent to
10 [REDACTED] right?

11 A. Yes. And like I said, we included the
12 licensing both here and elsewhere because we wanted
13 to make sure that we were doing so in a way to make
14 it clear with respect to antitrust issues.

15 Q. All right. And in [REDACTED] Exhibit
16 2113, [REDACTED]
[REDACTED]

18 A. It looks to be so.

19 Q. All right. That's the same slide that
20 was in -- that is [REDACTED] in Exhibit 2111, that you
21 sent to [REDACTED] right?

22 A. It looks to be the same.

23 Q. [REDACTED] ultimately joined the video codec
24 zone; right?

25 A. They did.



1 (Exhibit 2114, e-mail, Ambwani, 1.19.2018,
2 UP-004925-4955, was marked for identification.)

3 Q. All right. You've been handed what has
4 been marked as Exhibit 2114, which appears to be an
5 e-mail with attachments bearing Bates labels
6 UP-004925 through 4955.

7 It appears to be an e-mail from
8 Shawn Ambwani to [REDACTED], copying [REDACTED],
9 you, [REDACTED]; is that
10 right?

11 A. Yes.

12 Q. Who is [REDACTED], do you know?

13 A. He is in-house counsel at [REDACTED] I
14 think they might have a different name now, but it's
15 a cable company at -- I believe it's [REDACTED]

16 Q. Who is [REDACTED]

17 A. [REDACTED] is in-house counsel at
18 [REDACTED]

19 Q. Who is [REDACTED]?

20 A. He is in-house counsel at [REDACTED]

21 Q. Who is [REDACTED]?

22 A. I believe he is also in-house counsel at
23 [REDACTED]

24 Q. Why is [REDACTED] copied on this e-mail?

25 A. I think this is just a -- I think this

1 is in advance of a [REDACTED] meeting. So [REDACTED]
2 has meetings once a year, two times a year, I don't
3 know.

4 Anyway, [REDACTED] meeting where
5 sometimes they -- all the IP folks at the various
6 cable companies get together to talk about random
7 stuff, and at this meeting, I was going to be
8 presenting kind of -- it says so right here.

9 So I would have gone to that
10 meeting. In advance of that, we were talking to
11 Kirill, and we wanted to present this to Kirill in
12 advance of that meeting.

13 Q. When you say present this, are you
14 talking about the three attachments here?

15 A. Yes.

16 Q. One of which is [REDACTED]
17 [REDACTED]; right?

18 A. [REDACTED]

19 Q. That's the same file name as what we
20 looked at in the last exhibit. Yeah. Yeah. The
21 last exhibit?

22 A. Yes.

23 Q. All right. And then also [REDACTED]

24 [REDACTED]?

25 A. [REDACTED]



1 Q. And then [REDACTED]

2 1 [REDACTED] right?

3 A. [REDACTED]

4 Q. Let's look at the spreadsheet that does

5 not have a Bates label on it because it was produced

6 natively, but it is right behind the e-mail.

7 A. I see it.

8 Q. Is this a printout of that spreadsheet

9 [REDACTED]?

10 A. It looks like it, yes.

11 Q. Look in the bottom right-hand corner.

12 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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1 [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



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1 [REDACTED]
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[REDACTED]
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1 Q. So did you send this spreadsheet to
2 customers with the idea that they would manipulate
3 these numbers?

4 MR. FAWZY: Objection to the form.

5 A. If -- if they wanted to, they could
6 have. We didn't talk to them about that,
7 necessarily. But our point -- my point of doing
8 this was I could show there's almost -- like, the
9 amount of money that is at issue in standard
10 essential patent areas is so large that, like, it
11 just makes sense for -- like, the -- I mean, this
12 amount is that we would be asking for is a tiny
13 fraction of what licensing revenue for -- or royalty
14 payments that people are going to have to pay.

15 Do you want to know what -- we
16 didn't know. We have no idea where licensing is
17 going to go in HEVC. Nowhere. We don't know if
18 MPEG LA is going to be the pool that ultimately gets
19 adopted and all of the patents from HEVC Advance and
20 Velos go into MPEG LA at which point the fee would
21 be 20 cents.

22 We don't know if HEVC would be the
23 one to do it.

24 I think, you know, they've got
25 actually publically announced data, too.



1 So the 70 cents there, I think,
2 comes from their public information. They have
3 since taken away their -- their subscribers. And
4 so, you know, we don't know if 70 cents will be the
5 thing.

6 Like, this wasn't -- no one does.
7 This was just a way to kind of calculate, like, how
8 big a problem is this; and if it's a big problem,
9 honestly, we hope that our data can be worth a whole
10 bunch of money.

11 But this is all about aggregate
12 royalty rates, and someday people will license HEVC.
13 Someday they will, right? We just don't know what
14 that -- we don't know what that's going to end up
15 being.

16 Q. So you said earlier that the IPRs don't
17 affect this at all; is that right?

18 A. Well, IPRs have no impact on what an
19 aggregate royalty rate would be. An aggregate
20 royalty rate is how much do you pay for the
21 technology, right? I mean, that's -- it's
22 independent of the patents, right? It's the whole
23 reason why patent pools and SEP licensors always say
24 there's no such thing as a royalty stacking problem
25 because there's an aggregate royalty rate.



1 This is exactly that analysis. If
2 there's no such thing as a problem for an aggregate
3 royalty rate, then the amount that you pay for the
4 technology is independent of each individual
5 portfolio.

6 If an IPR were to kill one patent,
7 that portfolio would shrink by a tiny percent and
8 everyone else's portfolio would grow by an
9 incremental fraction of a percent. The aggregate
10 royalty rate displayed on this would remain
11 completely identical.

12 Same thing as MPEG LA, it doesn't
13 charge more or less depending on whether or not they
14 have more licensors in their program or less.

15 Velos doesn't charge more or less --
16 well, actually, I don't know that, but my
17 understanding of the way patent pools typically work
18 is more licensors into the pool don't necessarily
19 change what the individual patent pool charges for
20 its thing.

21 This -- that's what this is all
22 about, is just to say, listen, aggregate royalty
23 rate, but what you will eventually pay is going to
24 be a very big number, and what we're talking about
25 for Unified is a tiny fraction. That's -- that's



1 what this is about.

2 Q. So it's your testimony that the IPRs
3 that Unified files doesn't have any effect on the
4 video codec zone members' return on investment; is
5 that right?

6 MR. FAWZY: Objection to the form.
7 Mischaracterizes testimony.

8 A. So I guess my point is, when we talk
9 about what we do with IPRs, we talk about deterring
10 people from using invalid patents. And that is --
11 that is the pitch. The pitch has always been,
12 listen, we want to reduce the use of invalid
13 patents. We think it's a problem in the NPE space.
14 We think it's a problem in the SEP space.

15 Our pitch on patents has always
16 been, we think it's a good thing for every industry
17 to make sure that invalid patents are less likely to
18 be used in the future. That is our traditional
19 approach. We've put it all over our materials to
20 make sure everyone knows, we are going to try and
21 make sure to deter people from using invalid
22 patents.

23 I am -- we also provide separately a
24 bunch of data for our video codec zone, and we think
25 it's really valuable. We think it's kind of really



1 state of the art, and we think it actually helps
2 people negotiate standard essential patents in a
3 very different way than what has been done in the
4 past with traditional landscapes, and traditional
5 approaches to use of economic data and otherwise.

6 So what we wanted to do was get out
7 there and provide companies with the data which
8 comprises of basically three pieces: The landscape,
9 the Open tool for submissions to the standard
10 setting body, and the third one is the economic
11 analysis of that.

12 Those three things, we think, allow
13 companies to ultimately have an impact on what their
14 aggregate royalty rate turns out to be.

15 And I mean, our -- we have our own,
16 independent analysis of what we think the aggregate
17 royalty rate is, and we've published that
18 information and made it public. At the low end, for
19 certain devices, it's like 8 cents a device, and
20 for -- at the high end, it's like 28 cents a device
21 for other types of products.

22 We hired an economist to do that,
23 and he was free to come up with whatever numbers he
24 wanted. And we said, you do the work. We will
25 provide you with data on everything we can find that



1 you need for your analysis of HEVC. We worked with
2 him, and we provided him that analysis and he's come
3 up with that work.

4 So like I said, a aggregate royalty
5 rate has nothing to do with one patent or two
6 patents. Everyone's estimate, your own estimate of
7 HEVC standard essential patents puts patents on the
8 order of 7, 8, 10,000, I don't know. I mean, I
9 don't even know how many you guys claim people need
10 to license for HEVC.

11 But these are really big numbers,
12 and a aggregate royalty rate is not going to drop
13 because a single patent is found -- or even a dozen,
14 two dozen patents are found invalid. The aggregate
15 royalty rate is what a company is going to pay for
16 all of the technology across the board, and those
17 numbers are really big.

18 And here there is a royalty stacking
19 problem, because each of these pools are demanding
20 that people take licenses from them right now. But
21 someday this pool or this universe will look
22 different.

23 But that's not going to happen
24 because of a single IPR.

25 Q. Let's just walk through this spreadsheet



1 real quick and how it works.

2 A. Sure.

3 Q. [REDACTED]

[REDACTED]



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1 [Redacted text block containing multiple lines of obscured text]



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1 [REDACTED]
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1 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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1 So pretty sure I presented it at
2 that [REDACTED] meeting along with, like, our zone
3 presentation. And that's it. I mean, this is -- I
4 don't know who -- if we sent it to someone. It has
5 Velos in the name of it, so it get captured when we
6 do a search for Velos.

7 Q. All right. So 4929 through 4952, that
8 is the document with the file name [REDACTED]
9 [REDACTED] right?

10 A. I believe so, yes.

11 Q. Which is the same proposal that was sent
12 to [REDACTED] in Exhibit 2113; right?

13 A. The dates are -- so the dates on the
14 file names are the same, so --

15 Q. The file name is the same; right?

16 A. The file name is the same. I assume
17 this is it.

18 Q. And then 4953 through 4955 is the
19 document with the file name [REDACTED]
20 [REDACTED] right?

21 A. Yep.

22 Q. And that is also the same file name as
23 the form draft that was sent to [REDACTED] right?

24 A. It has the same file name, yes.

25 Q. All right. And then [REDACTED]



1 ultimately joined as a subscriber of the video codec
2 zone; right?

3 A. [REDACTED] has joined as a subscriber to
4 the video codec zone.

5 Is that it on that document?

6 Q. Yeah. Do you want to take a break?

7 THE WITNESS: I want to. All right.
8 I'll be right back.

9 (RECESS, 2:37 p.m. - 2:47 p.m.)

10 (Exhibit 2115, e-mail, Ambwani, 2.7.2019,
11 UP-003125-3136, was marked for identification.)

12 BY MR. GRANAGHAN:

13 Q. All right. Mr. Jakel, you have been
14 handed what's been labeled Exhibit 2115, Bates
15 Numbers UP-003125 through 3136. It appears to be an
16 e-mail from you to [REDACTED] dated February 7
17 2019.

18 Do you see that?

19 A. I do.

20 Q. Who is [REDACTED]?

21 A. He is in-house at [REDACTED]

22 Q. All right. You attached a presentation
23 with file name [REDACTED]; right?

24 A. Right.

25 Q. Is that presentation what has Bates



1 labels 3126 through 3136?

2 A. It looks like that's the case.

3 Yes.

4 Q. All right. Again, this is a slide deck
5 that is intended for distribution to customers or
6 potential customers; right?

7 A. I sent it to [REDACTED].

8 Q. Why did you send him this?

9 A. It is my recollection that they were
10 either talking in-house. We were pitching to
11 Comcast during this time to join the zone, the video
12 codec zone.

13 Q. Separately from [REDACTED]

14 A. Separately. We basically pitched
15 everyone. So we pitched [REDACTED] and my
16 recollection is that they were having an internal
17 meeting. And my recollection is that [REDACTED] tends to
18 not like to produce -- or not produce -- not like to
19 use tons and tons of slides, but I sent him
20 something that -- this is a new deck, so this is
21 like the new version of what we kind of slowly moved
22 into.

23 No one had signed up by this point,
24 but my recollection is that they needed, like, a
25 couple of slides. So I sent them kind of the new



1 version of what I was working on at that moment in
2 time, and said, I think what you might want is only
3 a couple of slides in there.

4 Q. [REDACTED]

5 [REDACTED]

6 A. [REDACTED]

[REDACTED]

17 Q. All right. [REDACTED]

[REDACTED]



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1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
10 Q. Was that just a guess?
11 A. Yes. So all of this is a guess, and I'm
12 quite certain I probably explained that to them,
13 that all of this was a guess, too.
14 The reason I also know that it was
15 all a guess is we said minimum funding is [REDACTED].
16 Well, that -- the minimum funding for Unified wasn't
17 [REDACTED]. We actually didn't have [REDACTED] when
18 we launched.
19 So like, I -- this, this wasn't --
20 this wasn't, like, the set-in-stone thing. This is
21 us trying to -- I mean, I call this herding cats.
22 So when you're trying to put together tools that are
23 this type of an aggregated approach or this approach
24 where you join lots of people to participate in a
25 zone, you have to kind of herd them to get them



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1 together.

2 So this is kind of estimates and us
3 playing around with different communications to try
4 to see if we can get enough companies engaged so
5 that we would ultimately launch our video codec
6 zone.

7 Q. Why was [REDACTED] the funding goal?

8 A. It -- I mean, we wanted way more. We
9 just said minimum, but ultimately, we didn't -- we
10 didn't reach that. Not at launch, I mean.

11 (Exhibit 2116, e-mail, Ambwani, 7.18.2019,
12 UP-003822-3852, was marked for identification.)

13 Q. All right. You've been handed what's
14 been labeled Exhibit 2116 with Bates Numbers UP-3822
15 through 3852. It appears to be an e-mail from Shawn
16 Ambwani to [REDACTED] dated July 18,
17 2019.

18 Do you see that?

19 A. I do.

20 Q. That date is after the launch of the
21 zone; right?

22 A. July 18, 2019, is a year after the
23 launch of the zone, right.

24 Q. All right. And it attaches a -- it
25 attaches actually two documents; right?



1 A. It looks like it, yes.

2 Q. One is [REDACTED]
3 [REDACTED]; right?

4 A. Correct.

5 Q. Is that what is attached as -- I'm
6 sorry. That one I don't think is attached.

7 A. I don't think so.

8 Q. The second one is video codec zone [REDACTED]
9 [REDACTED]; right?

10 A. Correct.

11 Q. Is that what is attached as Bates 3829
12 through 52?

13 A. That's what it probably -- it would
14 appear so.

15 Q. All right. [REDACTED]
[REDACTED]
[REDACTED]

18 A. [REDACTED]

19 Q. Okay. Go to page 3848. So at this
20 point in July 2019, Unified is still trying to get
21 customers to join the video codec zone; right?

22 A. We were always trying to get people to
23 join our video codec zone.

24 Q. Okay. Was this sent to [REDACTED] to see if
25 they would be interested in joining the video codec



1 zone?
2 A. Yes.
3 Q. [REDACTED]
[REDACTED]
[REDACTED].
6 Q. It states that, [REDACTED]
[REDACTED]
8 right?
9 A. Yes.
10 Q. [REDACTED]
11 [REDACTED]
[REDACTED]
13 A. I mean this is, this is all -- at this
14 point this is public information, and we always say
15 that we strategically select patents to maximize
16 deterrent impact. That's why we do what we do.
17 Q. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
9 (Exhibit 2117, e-mail, Ambwani, 3.29.2018,
10 UP-005535-5559, was marked for identification.)
11 (Off the record.)
12 Q. All right. You have been handed Exhibit
13 2117, Bates labels 5535 through --
14 A. Mm-hmm.
15 Q. -- 5559, which appears to be an e-mail
16 from you to [REDACTED], dated
17 March 29, 2018; right?
18 A. Yep.
19 Q. Who is [REDACTED]?
20 A. [REDACTED] is an in-house counsel for [REDACTED]
21 [REDACTED]
22 Q. Are they a member of [REDACTED]
23 A. They are a member of [REDACTED]
24 Q. All right. Why is [REDACTED] copied?
25 A. I believe this is because I was



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1 travelling in Europe, and I believe, if anything, I
2 recall asking [REDACTED] if there was any companies that
3 made sense for me to talk to that were members of
4 his. And I think he suggested [REDACTED] and when I was
5 in Europe, I met with him, and kind of walked him
6 through, like, our zone.

7 Q. The last line of the e-mail says,
8 "Otherwise, I believe that you and [REDACTED] are in
9 contact about next steps."

10 Do you see that?

11 A. Yes.

12 Q. What did you mean by that?

13 A. So I think [REDACTED] was interested in
14 possibly doing a deal for [REDACTED] where all of
15 their members would get access to our video codec
16 zone, kind of like they joined the NPE zones.

17 So in this particular case, part of
18 me was talking to the individual companies, because
19 you know, each, individual company contributes money
20 to [REDACTED]. [REDACTED]
21 [REDACTED]

22 So you know, I think that buy-in
23 from companies as to the Unified video codec zone
24 was something that [REDACTED] was talking to everyone
25 about. And so I happened to be meeting with [REDACTED]



1 to say, hey, this is how everything is working.

2 And so this is part of -- part of
3 that.

4 Q. All right. This e-mail attaches two
5 documents; right?

6 A. Yes.

7 Q. All right. One is HEVC zone
8 3-28-17.PPTX; right?

9 A. Yes. I mean, by the way, this is back
10 in March of 2018. So to put it in perspective, this
11 is -- we are jumping around a little bit now in
12 terms of chronology.

13 Q. Yeah.

14 A. Okay.

15 Q. And then it also -- oh, is that
16 presentation, what's attached as -- or does that
17 have Bates labels 5537 through 5559?

18 A. Yep.

19 Q. All right. Then it also attaches [REDACTED]
20 [REDACTED] right?

21 A. Yes.

22 Q. Is that what the un-Bates labeled
23 document is right behind the e-mail?

24 A. That's my belief that that's true, yes.

25 Q. Why are the numbers in this spreadsheet

1 different than the last one we looked at?

2 A. So there are a couple of things that
3 kind of just got updated, and we were again just --
4 part of it is the -- between the last one and this
5 one, I'm pretty sure that HEVC Advance came out with
6 an indication that they were not going to go after
7 subscribers anymore. And so, we kind of decided we
8 would take that out of this analysis.

9 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



IPR2020-01048 - UP000172
HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
12 Q. Put that to the side.
13 (Exhibit 2118, e-mail, Vaughan, 11.30.2017,
14 UP-000915-935, was marked for identification.)
15 Q. All right. You've been handed what's
16 been marked as Exhibit 2118, Bates labels UP-915
17 through -- the end of the spreadsheet doesn't have
18 one, but the last Bates Number is 935.
19 A. Okay.
20 Q. It's about three pages before the end of
21 the spreadsheet. And it appears to be an e-mail
22 from [REDACTED] to Shawn Ambwani copying Sam Jaffna
23 and you dated November 30, 2017.
24 Do you see that?
25 A. Yep. I do.



1 Q. Who is [REDACTED]

2 A. So [REDACTED] is a -- technically, I'm
3 not sure exactly what his role is. He's a business
4 guy. He -- I think he runs a blog that relates to
5 HEVC or at the very least video codecs and stuff. I
6 think he's pretty active in kind of staying educated
7 in the loop about things related to HEVC.

8 And a couple of days before this, he
9 had attended our conference, and both Tom, myself,
10 Sam, had all gotten together at the conference and
11 just talked about kind of the general landscape of
12 licensing around HEVC, and we gave them a preview of
13 where we were in our thinking around Phase 1, and
14 this goes all the way back to November of 2017.

15 So at this point we were, like,
16 right at the -- well, we were still in Phase 1.
17 This is right here at the end of November.

18 So we're at Phase 1. We're thinking
19 about trying to put together proposals and go out to
20 see if we could start getting interest for Phase 2
21 and see if we can get people involved; and he sent
22 us -- as a result of that conversation we had in
23 person when we were at our conference a few days
24 before this, he sent us this, which was kind of a
25 summary of stuff he had learned about HEVC and the



1 licensing landscape.

2 Q. Okay. He's reporting to you on a
3 conversation he had with Fred Telecky; right?

4 A. He said that he did.

5 Q. Do you know why he had a conversation
6 with Fred Telecky?

7 A. I have no idea.

8 Q. Sam Jaffna is a Unified employee; right?

9 A. He is, yes.

10 Q. What's his role?

11 A. He is kind of the head of data. He
12 is -- he's an attorney, but he's kind of the head of
13 data and oversees our landscape, and like, all of
14 the -- all of that work.

15 Q. Okay. Then the e-mail indicates that
16 [REDACTED] sent you a couple of documents, one of
17 which has the file name Velos non-NDA presentation;
18 right?

19 A. Yeah. I mean, this -- this highlights
20 the fact that we make sure that we tell everyone we
21 don't want any confidential information ever from
22 anyone. So I am certain that we told [REDACTED] we'd never
23 want to -- if you have any confidential information,
24 or you ever get any, never to send it to us. But I
25 think in this case he had non-confidential



1 information, and he passed it along.

2 (Exhibit 2119, e-mail, Stroud, 6.4.2018,
3 UP-002419-2420, was marked for identification.)

4 Q. All right. You've been handed what's
5 been marked as Exhibit 2119, Bates Numbers 2419 to
6 2420. It appears to be an e-mail from Jonathan
7 Stroud to [REDACTED] dated June 4, 2018.

8 Do you see that?

9 A. Yep.

10 Q. Jonathan Stroud is chief IP counsel for
11 Unified; right?

12 A. He is.

13 Q. The e-mail below is an e-mail from [REDACTED]
14 [REDACTED] to Jonathan also dated June 4, 2018; right?

15 A. Yes.

16 Q. It says, "Nice to meet you, too. The
17 Caps game was fun. Hopefully they do as well
18 tonight. I did get a letter from Velos about HEVC
19 the other day. I will send that over."

20 Do you see that?

21 A. I do.

22 Q. Is this the e-mail -- you remember at
23 your last deposition, we talked about an e-mail of
24 somebody that attached an NDA from Velos and an
25 e-mail from Fred Telecky?



1 A. Yes.

2 Q. Is this the e-mail we were talking
3 about?

4 A. Yes.

5 Q. Okay.

6 A. I'll just note that -- that this was
7 not -- none of the information he sent us was under
8 the NDA, either.

9 Q. At the very bottom of the second page is
10 the first e-mail in the string. It's from Jonathan
11 Stroud to David Beck on June 3, 2018.

12 Do you see that?

13 A. Yep.

14 Q. It says, the next sentence is "Send me
15 any demand letters you get. Let me know about any
16 SEP/HEVC interest, and feel better"; right?

17 A. Yep.

18 Q. Why was Jonathan asking for any demand
19 letters?

20 MR. FAWZY: Objection. Object to
21 the form.

22 A. Just as a general rule, we love to find
23 out if there are demand letters. My understanding
24 is the demand letters here was -- and in fact
25 Jonathan's recollection -- that the demand letters



1 here were talking about NPE activity and Jonathan's
2 recollection of this, even from the last deposition,
3 was that they were talking about demand letters by
4 NPEs at the sporting event he was at.

5 And I think that they also talked
6 about SEP and HEVC, so he was saying, they always --
7 you know, we want to know what it is that's going on
8 out there. If you have got patents where people are
9 monetizing, we want to know about it so that we can
10 be as informed as humanly possible about all of the
11 activities that take place in our zones.

12 (Exhibit 2120, e-mail, Beck, 6.4.2018,
13 UP-002421-2447, was marked for identification.)

14 Q. You have been handed what's been marked
15 Exhibit 2120 with Bates Numbers 2421 through 2447,
16 an e-mail from [REDACTED] to Jonathan Stroud dated
17 June 4, 2018.

18 Do you see that?

19 A. I do.

20 Q. Is this [REDACTED] forwarding Fred
21 Telecky's e-mail along with all of the attachments?

22 A. This is exactly that.

23 Q. All right. This is what Mr. Ambwani
24 ultimately posted on LinkedIn; right?

25 A. Not all of this.



1 Q. The e-mail itself, though; right?

2 A. The e-mail itself --

3 Q. Yeah.

4 A. -- he posted on LinkedIn.

5 Q. You can put that aside.

6 (Exhibit 2121, e-mail, Ambwani, 6.13.2018,
7 UP-002457-2462, was marked for identification.)

8 Q. All right. You've been handed what has
9 been marked as Exhibit 2121, Bates Numbers 2457 to
10 2462. Appears to be an e-mail from Shawn Ambwani to
11 Nicholas Gaffney dated June 13, 2018.

12 Do you see that?

13 A. I do.

14 Q. This is forwarding -- right below that
15 is an e-mail from Jonathan Stroud to you and
16 Mr. Ambwani dated June 4, 2018; right?

17 A. Yes.

18 Q. That is forwarding on [REDACTED] e-mail
19 which in turn forwards on Mr. Telecky's e-mail;
20 right?

21 A. Yes.

22 Q. All right. Mr. Ambwani's e-mail to
23 Nicholas Gaffney, this e-mail indicates it included
24 all of the attachments which I have not attached
25 again here to save space; correct?



1 A. Correct.

2 Q. All right. His e-mail to Mr. Gaffney
3 says, "Do not share." Correct?

4 A. Correct.

5 Q. Who is Nicholas Gaffney?

6 A. Nicholas Gaffney is a individual who
7 does PR. He was working at this time on doing a PR
8 rollout, doing like a public announcement of our
9 video codec zone, and we were in the process of
10 educating him about how all of the HEVC landscape
11 works, so that he would be in a good position to
12 have conversations with reporters someday in the
13 future and say, here's how HEVC -- how the landscape
14 around HEVC works.

15 So we would have just been in the
16 process of educating him because he's a PR guy, and
17 we were just kind of showing him, like, this is --
18 this is -- this is how things are happening. This
19 is the licensing activity that goes on, kind of in
20 the background, and kind of the requirements for
21 NDAs, and like, all of the -- when we're talking
22 about this, like, a big part of what we see, and it
23 doesn't -- when we talk about this, we talk about
24 lack of transparency. We talk about lack of
25 information around the value of the technology, and



1 the landscape. We talk about all of this type of
2 information.

3 In order for Gaffney to do his job
4 of having conversations with reporters and encourage
5 reporters to talk about the problem around licensing
6 in HEVC or to convince reporters to report on our
7 zone and get us publicity, this is a part of just us
8 educating Nick Gaffney.

9 Q. Why did Shawn say, "Do not share"?

10 A. I mean, so I've talked to Shawn because
11 we didn't want -- Nick Gaffney -- we didn't want
12 this going to reporters. He's -- this is not
13 something we wanted going to reporters.

14 If we were going to disclose this,
15 we wanted to do it on our own terms. But, like,
16 Nick Gaffney talks to reporters and this is not
17 something we -- this was for purposes of educating
18 Nick, not to go out there and give to reporters.

19 Q. All right. Let's move back to Exhibit
20 2104, which is the big list of communications.
21 Sorry to mess up your stack.

22 A. I'm going to keep it straight.

23 MR. FAWZY: This was like a century
24 ago.

25 MR. GRANAGHAN: I know.



1 THE WITNESS: All right.

2 A. Okay.

3 Q. All right. So again, this is the list
4 of all non-written communications in response to
5 Velos's second interrogatory; right?

6 A. Correct.

7 Q. Were you involved in creating this list?

8 A. Yes, I was.

9 Q. Did you create it?

10 A. Yes. So -- well, Shawn and I created
11 this together by downloading all of the calendar
12 invites that we could find across the last, like,
13 three years, putting them into a spreadsheet, and
14 then we went through them together to recall whether
15 or not there were any meetings where we thought we
16 would have discussed the video codec zone, Velos, or
17 the environment around the HEVC licensing ecosystem.

18 Q. Okay.

19 A. And so we did the best we could with
20 what was an extremely broad request for any
21 communication where we could have talked about Velos
22 to another party.

23 Q. This specifically is just about
24 in-person meetings, phone conversations or
25 conferences; right? It does not include written



1 correspondence.

2 A. Well, so any written -- well, just to
3 save ourselves some time because this was
4 unbelievably time consuming, was if the e-mails that
5 we had were evidence of, like, an actual
6 communication that took place where we did that;
7 like, we didn't take those written communications or
8 whatever and input them into here because it would
9 be -- well, one, most of the companies are going to
10 show up on here somehow, but this -- evidence of
11 communications shows up in the written
12 communications.

13 This is -- there might be written
14 communications that are duplicative on here because
15 we might have followed up a meeting on this list
16 with an e-mail with a presentation; but if we -- if
17 we did that, and it shows up on here, it might be
18 duplicative. If we made a phone call and we don't
19 recall it, but we did send an e-mail, at the very
20 least it gets captured there.

21 So every -- to the best of our
22 ability, every single communication we've had with
23 anyone going all the way back that could include
24 Velos, and that would obviously include anytime we
25 talked about our video codec zone, and talk about



1 our slides, talk about our -- the ecosystem around
2 the video codec space, we have included in here
3 every, single time we think we would have had that
4 conversation.

5 And anything that's not captured
6 here, we believe is absolutely captured in the
7 written correspondence that we produced in e-mail.

8 Q. All right. So I just want to go through
9 this for the paying members of the video codec zone.
10 So let's start with [REDACTED], which is on page 4003,
11 right on the front, the fourth one down.

12 Do you see that?

13 A. I do.

14 Q. All right. It says you -- by you, I
15 mean Unified -- first began communicating with [REDACTED]
16 about discussions -- or -- first began communicating
17 with [REDACTED] in 2017-2019 and had discussions
18 including as related to Unified's video codec zone
19 and/or SEP tools; right?

20 A. Yes.

21 Q. Is video codec zone, does that mean what
22 currently exists as the video codec zone, or does
23 that also encompass Phase 1?

24 A. Our intention was that that would
25 encompass Phase 1. When we say we go back to 2017,



1 that it obviously has to.

2 Q. That's why I asked.

3 A. So it is -- video codec zone is anything
4 to do with the whole process of us bringing the
5 video codec zone into existence.

6 Q. All right. And it says the
7 communications were by meeting and/or phone; right?

8 A. Yes.

9 Q. And indicates -- far right-hand column
10 at least indicates that you were there, at least for
11 some of them; right?

12 A. I know personally I had conversations
13 with [REDACTED], both with Shawn and without him. I
14 imagine some of the -- so some of the other e-mails
15 on the list are people who might have participated
16 in phone calls and got captured, but [REDACTED] was the --
17 he's the head of IP. Now I think he's the general
18 counsel.

19 But he's the guy that 99 percent, I
20 think, of all of our communications were between.

21 Q. Do you know approximately how many
22 meetings or phone calls you had with him?

23 A. No. I mean, they participated in Phase
24 1, so we would have called up and talked to [REDACTED]
25 about what we were doing in the SEP area early on.



1 They participated in Phase 1.

2 So we don't -- I mean, we don't know
3 whether or not he called in to every single biweekly
4 meeting or not. Like, it would be -- just there's
5 no record of who called in or did not.

6 So I imagine [REDACTED] called in for
7 some of those. We definitely pitched Dana after
8 that on, hey, we're going to launch this thing.
9 This is what it's going to look like, and you know,
10 do you want to participate?

11 I know that I negotiated a price
12 with [REDACTED] and negotiated the agreement with [REDACTED],
13 and so that's -- those are obvious things I recall,
14 and that's that.

15 Q. So if there are no communications in the
16 production from Unified that attach any of these
17 presentations or spreadsheets we have discussed,
18 does that mean that nobody at Unified ever sent
19 [REDACTED] any of those presentations or spreadsheets?

20 A. To my knowledge -- not that I know of.
21 I mean, it's -- it's -- if it included the word
22 Velos, it should have come up in our searches
23 between us and [REDACTED].

24 So I don't -- I don't think anyone
25 sent [REDACTED] the presentations. They certainly saw



1 them in person at meetings when we presented the
2 presentations that are in these materials.

3 But as far as I know, there's no
4 communication that came up under our search for --
5 between -- I don't know. I mean, I reviewed all of
6 them when I found them, and I don't recall one way
7 or the other whether or not there's anything to
8 Adobe in there.

9 Q. But [REDACTED] would have seen some of the
10 presentations we discussed at things like meetings?

11 A. [REDACTED] would have seen these
12 presentations for certain.

13 Q. Okay. [REDACTED]
14 [REDACTED]

15 A. [REDACTED] But I
16 don't recall -- I don't recall sending it to him
17 specifically.

18 Q. And [REDACTED] joined the video codec zone --
19 and by that I'm referring to Phase 2 -- in [REDACTED] of
20 [REDACTED]; is that right?

21 A. [REDACTED] I -- that sounds about
22 right. I don't recall. I mean, without looking at
23 the agreement, I don't know when they actually
24 signed.

25 Q. They joined before any IPRs were filed

1 against Velos; right?

2 A. Yes.

3 Q. Let's go to [REDACTED], which is on the next
4 page, 4004. That indicates that Unified had
5 discussions with [REDACTED] about the video codec zone or
6 SEP tools from 27 and 2019?

7 A. Correct.

8 Q. Via meeting and/or phone?

9 A. Yes.

10 Q. And the far right-hand column indicates
11 that you were present in at least some of those
12 conversations; right? I believe you're in here,
13 yep.

14 A. Yes. I mean, I recognize lots of names
15 here.

16 Q. Do you recall any of those
17 conversations?

18 A. Plenty of them.

19 Q. About how many do you recall?

20 A. Over the course of, from beginning to
21 today, dozens. I mean, lots and lots of
22 conversations about all kinds of things.
23 (Exhibit 2122, e-mail, Ambwani, 2.3.2018,
24 UP-005366-5393, was marked for identification.)

25 Q. All right. You've been handed what's



1 been marked Exhibit 2122, Bates Numbers 5366 through
2 5393.

3 Do you see that?

4 A. I do.

5 Q. Appears to be an e-mail from Shawn
6 Ambwani to [REDACTED] dated February 3, 2018;
7 right?

8 A. Yes.

9 Q. Who is [REDACTED]?

10 A. [REDACTED] -- trying to remember his first
11 name. [REDACTED]

12 Anyway, he is an individual at [REDACTED]
13 that works on standard essential -- or standards
14 issues. So he's involved in standard setting
15 organizations and is, like, kind of like an expert
16 on standards in their structure.

17 Q. Is he in-house counsel?

18 A. I don't know if he's an attorney or not,
19 but he is in-house at [REDACTED].

20 Q. So this e-mail indicates that two
21 documents are attached; right?

22 A. Yep.

23 Q. First is [REDACTED]
24 right?

25 A. Yep.



1 Q. Is that what is labeled Bates Numbers
2 5391 through 5393?

3 A. 53. So this is -- I think I was -- this
4 is the original version of the landscaping tool that
5 we had initially got up and running.

6 I think by this point we might have
7 already abandoned IPlytics but I'm not sure. I
8 mean, this is dated February of 2018, so this is
9 definitely in that ballpark.

10 But essentially what we -- we
11 were -- we personally were very excited about the
12 potential use of the landscape and its kind of
13 functionality.

14 So we -- we thought it was, you
15 know, it would be interesting to -- to talk to
16 people who were experts in the area.

17 Anyway, this is one of the early
18 versions of it. We were using this, but as we were
19 kind of using this landscape and doing
20 demonstrations of it to everyone, members,
21 non-members, like, we started seeing problems with,
22 like, the -- the performance of this landscape, and
23 so we eventually abandoned the alpha score landscape
24 that we had built with IPlytics, and in the
25 background, we built up a whole new version of it



1 that we honestly thought was better and eventually
2 rolled that out.

3 Q. All right. And the e-mail also attaches
4 a document file name [REDACTED]
5 [REDACTED] right?

6 A. Yes.

7 Q. And that is -- is that what has Bates
8 Numbers 5367 through 5390?

9 A. Appears so, yep.

10 Q. All right. And that file name is the --
11 it's the same document that was sent to [REDACTED], right,
12 in one of these past exhibits? I'll find that.

13 THE WITNESS: That's the wrong time
14 frame. If you had just been chronological in this,
15 we'd be in much better shape.

16 MR. GRANAGHAN: I can find it if you
17 give me a sec.

18 MR. FAWZY: I believe 2113, maybe.

19 THE WITNESS: Here is [REDACTED] 2113.

20 I'll check. It is. They're both
21 dated 12/7/17.

22 Q. All right. Does that indicate they're
23 the same document?

24 MR. FAWZY: Object to the form.

25 A. I don't know if it indicates that



1 they're the same document. They have the same name.

2 Q. Yeah. Okay.

3 Then [REDACTED] joined the HEVC zone
4 Phase 2 sometime after this; right?

5 A. Well, a long time after this, like six
6 months after this, I think.

7 Q. So they joined in [REDACTED];
8 right?

9 A. [REDACTED].

10 Q. Before any IPRs were filed against
11 Velos?

12 A. Before -- yes. Yes. [REDACTED]
13 [REDACTED].

14 Q. And would [REDACTED] have also seen the
15 various presentations we looked at earlier today
16 about Phase 1?

17 A. Yes. I visited [REDACTED] on -- on
18 occasions, and presented presentations to them.
19 They attended some, I don't know exactly how many or
20 all of them, of the biweekly meetings and the
21 presentations. They would have possibly -- I do
22 believe they were at the meeting we had after our
23 conference on November 27-28, that ballpark.

24 So I think all of -- they would have
25 seen these presentations going forward.



1 Q. All right. Let's move to [REDACTED]
2 which is on 4008. The spreadsheet indicates that
3 Unified had conversations via meeting and/or phone
4 with [REDACTED] about the video codec zone and/or SEP
5 tools [REDACTED] right?

6 A. That looks correct.

7 Q. So that means [REDACTED] was not a member
8 of Phase 1; right?

9 A. [REDACTED] was not a member of Phase 1.

10 Q. And on the right-hand side it lists a
11 whole bunch of people, including you somewhere in
12 there; is that right?

13 A. Yes. So there would have been
14 conversations during this time period between me and
15 Jud, and -- but in particular there were at least
16 one meeting that we know of where I presented the
17 video codec zone to all of the cable companies at a
18 single meeting where everyone showed up and
19 participated.

20 So -- not participated, but anyway,
21 I presented all of kind of the video codec zone to
22 [REDACTED] at the time, and you know, we have a
23 record of all of the e-mails and people who were on
24 the invite list. We don't know if those -- I don't
25 know -- I don't know if each and every one of those



1 companies showed up, but these are the people that
2 were on the invite -- I mean, this is us collecting
3 all of that data, compiling it into a list, and
4 making it available.

5 (Exhibit 2123, e-mail, Cary, 9.1.2017,
6 UP-000060-000064, was marked for identification.)

7 Q. You've been handed what's been marked as
8 Exhibit 2123, Bates Numbers UP-60 through 64, which
9 appears to be an e-mail from [REDACTED] to Shawn
10 Ambwani copying you, dated September 21, 2017;
11 right?

12 A. Yes.

13 Q. Do you remember receiving this e-mail?

14 A. I don't remember receiving it, but I'm
15 sure -- I'm sure I did.

16 Q. He says in here, "BTW," which I
17 understand means "By the way"; right?

18 A. Yep.

19 Q. "Here are my slides on HEVC and AOM. I
20 am sure you have this info."

21 Do you see that?

22 A. Yep.

23 Q. Is he referring to the attachment that
24 has file name [REDACTED]?

25 A. Yes.



1 Q. All right. And that is what has Bates
2 Numbers 61 through 64; right?

3 A. Correct.

4 Q. Do you know why he sent this to you and
5 Shawn?

6 A. Yes. Because I had had conversations
7 with Jud about the video codec space and the
8 licensing issues around HEVC, and we had a
9 conversation to talk about these issues.

10 Q. And then right below, he says, "Do you
11 have the license from Velos Media? They have not
12 responded to my request."

13 Do you see that?

14 A. Yep.

15 Q. Do you know why he requested the
16 license?

17 A. So back in September of 2017, this is,
18 like, really, really early days for us. I think
19 this is -- this is around the time where we even
20 started proposing a Phase 1. We were -- this was
21 like, this is definitely pre-Phase 1.

22 Anyway, we were having conversations
23 with all kinds of people about the general -- the
24 general environment, licensing environment around
25 HEVC. [REDACTED] has been over the years very active in

1 MPEG LA.

2 I don't know if you know [REDACTED]
3 was one of the founders of MPEG LA.

4 So he's really well -- he's very
5 knowledgeable about patent pools just generally.

6 Anyway, so he was a person that I
7 talked to about how patent pools worked and learned
8 a lot from [REDACTED] just about patent pools, and some of
9 the standard essential patent licensing issues, and
10 I had seen -- I mean, I don't remember talking to
11 him about the license, but he was hoping to see how
12 it was that Velos was doing licensing way back then.

13 It's my understanding that no one
14 gets to see the Velos license unless they've signed
15 an NDA.

16 So I -- it looks to me like he
17 independently reached out to try to get a copy of it
18 so he could review it for himself. Wouldn't be
19 surprising if he was looking at that so he could
20 educate himself as part of his role as kind of the
21 lead IP attorney at [REDACTED]
22 (Exhibit 2124, e-mail, Jakel, 12.7.2017, UP-001159,
23 was marked for identification.)

24 Q. All right. You've been handed what's
25 been marked Exhibit 2124, which is Bates Number



1 1159, and attached to it is a spreadsheet. It
2 appears to be an e-mail from you to [REDACTED]
3 [REDACTED] dated December 7, 2017; right?

4 A. Sure.

5 Q. [REDACTED] is -- you said he's at
6 [REDACTED]; right?

7 A. Yes.

8 Q. And who is [REDACTED]

9 A. He is at [REDACTED] as well.

10 Q. All right. And it attaches a
11 spreadsheet with the name [REDACTED]
12 [REDACTED] right?

13 A. Yes.

14 Q. The two pages attached to this e-mail
15 are a printout of that spreadsheet, appear to be;
16 right?

17 A. Yes.

18 Q. All right. [REDACTED] was not a member of
19 Phase 1; right?

20 A. I believe [REDACTED] was a member of Phase
21 1.

22 Q. They were. Okay.

23 All right. That's it on that one.

24 [REDACTED] is not separately a member of the current
25 HEVC zone, though; right? They're a member through

1 CableLabs?

2 A. That's correct.

3 (Exhibit 2125, e-mail, Jakel, 2.10.2018,

4 UP-001952-1988, was marked for identification.)

5 MR. FAWZY: Are we getting close to
6 a break time here?

7 MR. GRANAGHAN: Yeah. Let me do
8 this one and we'll take a quick break.

9 MR. FAWZY: All right.

10 Q. All right. You've been handed Exhibit
11 2025. Bates Numbers UP-1952.

12 MR. FAWZY: 2125?

13 MR. GRANAGHAN: Yeah. I'm sorry.
14 2125.

15 Q. Bates Numbers 1952 through 1988, which
16 is an e-mail from you to [REDACTED] dated February 10,
17 2018; right?

18 A. Yes.

19 Q. All right. It says, "See attached. It
20 is really big because I had so much stuff I only
21 presented a tiny amount of this. Let me know if you
22 want me to cut this down to make it easier to
23 distribute."

24 Do you see that?

25 A. I do.



1 Q. All right. You're referring there to
2 the PowerPoint presentation attached with file name
3 [REDACTED] right?
4 A. Correct.
5 Q. Is that what is attached with Bates
6 Numbers 1953 through 1988?
7 A. I believe so.
8 Q. Is this the spreadsheet from the big
9 [REDACTED] meeting with all of their members that you
10 referred to earlier?
11 A. I -- yes.
12 Q. I said spreadsheet, I think.
13 Presentation?
14 A. Yes.
15 Q. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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1 [Redacted text block]



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1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
13 Q. [REDACTED] did ultimately join the zone;
14 right?
15 A. [REDACTED] did ultimately join the HEVC
16 zone.
17 Q. Did they join in the [REDACTED] is
18 that right?
19 A. They did.
20 Q. Do you know what month?
21 A. I believe it's [REDACTED].
22 MR. GRANAGHAN: Okay. Do you want
23 to take a break?
24 MR. FAWZY: Mm-hmm.
25 (RECESS, 3:52 p.m. - 4:01 p.m.)



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1 (Exhibit 2126, e-mail, Cary, 6.17.2019, UP-003764,
2 was marked for identification.)

3 BY MR. GRANAGHAN:

4 Q. Mr. Jakel, you've been handed what's
5 been marked Exhibit 2126, which is an e-mail Bates
6 Number 3764, and then a spreadsheet that does not
7 have a Bates label.

8 It's an e-mail from [REDACTED] to you
9 and Shawn Ambwani dated June 17, 2019.

10 Do you see that?

11 A. I do.

12 Q. All right. It says, "FYI, from MC-IF.
13 All public info."

14 Do you see that?

15 A. I do.

16 Q. Is what is MC-IF?

17 A. MC-IF is a working group that's part of
18 the standard setting body that manages the video
19 codecs. I think [REDACTED] is the president of MC-IF.
20 I'm pretty sure that Velos Media participates in it,
21 MPEG LA and Advance, and lots of licensors
22 participate in it.

23 This is a -- it's like a group that
24 is hoping to someday fix the licensing issues around
25 VVC so that when VVC comes out it doesn't have the



1 same kind of adoption problems that HEVC has.

2 That's --

3 Q. Why did -- and it attaches a spreadsheet
4 with file name list of [REDACTED]
5 right?

6 A. Yes.

7 Q. Is what's attached a printout of that
8 spreadsheet?

9 A. I think that's right. I mean, it's what
10 it appears to be.

11 Q. Do you know why he sent you that?

12 A. I do not. I think it's, as he put in
13 here, I'm pretty sure it's just public information
14 that someone presented to him or presented at MC-IF,
15 and so he just passed it along.

16 Q. All right. Let's talk about [REDACTED],
17 which is on page 4014 of this Exhibit 2104.

18 A. Okay.

19 Q. There about second on this page, and it
20 indicates that Unified had discussions with [REDACTED]
21 about the video codec zone and/or SEP tools from
22 January 2018 to September 2019, via meeting and/or
23 phone; right?

24 A. Yep.

25 Q. And the far right-hand column, which



1 lists the participants, you are one of them; right?

2 A. I am.

3 Q. Do you recall having discussions with

4 [REDACTED]?

5 A. Many times, yeah.

6 Q. Via phone or meeting?

7 A. I've had both with [REDACTED].

8 Q. Was [REDACTED] a member of Phase 1?

9 A. I believe they were, yes.

10 Q. Okay. Would they have seen all of these
11 presentations that we went over earlier today?

12 MR. FAWZY: Object to the form.

13 A. Yes, they would have.

14 Q. All right. Let's go to [REDACTED] which
15 is on page 4015 about halfway down.

16 And it indicates that Unified had
17 discussions about the video codec zone and/or SEP
18 tools with [REDACTED] from February 2018 to July 2019
19 via meeting; is that right?

20 A. So we had some in-person meetings in
21 Japan with them where we demonstrated the
22 landscaping tools and convinced them to purchase the
23 landscaping tool by itself.

24 So they paid us at that point for
25 nothing but the landscaping tool before they



1 ultimately joined. We had more meetings later on
2 where we presented to them the -- the, like, full
3 zone activity, and then during 2017, [REDACTED]
4 actually decided to join all of the -- well, they
5 joined the HEVC zone, and I think they also are in
6 one of the NPE zones as well.

7 (Exhibit 2127, e-mail, Ambwani, 2.9.2018,
8 UP-005394-5426, was marked for identification.)

9 Q. All right. You've been handed Exhibit
10 2127, Bates Numbers 5394 through 5426. Appears to
11 be an e-mail from Shawn Ambwani to a number of
12 people dated February 9, 2018; is that right?

13 A. That looks to be correct.

14 Q. Are these people in the "To" line that
15 have e-mail [REDACTED] Are they
16 associated with [REDACTED]?

17 A. No, they're associated with Unified
18 Patents.

19 Q. What is Syn Defense?

20 A. That's -- he is a -- he helps us to --
21 that's his company, but we don't really work with
22 Syn Defense.

23 Q. Okay.

24 A. But he helps us kind of go from company
25 to company and helps us with Japanese translation



1 and makes phone calls and talks to people. I mean,
2 he's Japanese. So he helps us with all of our kind
3 of communications with companies.

4 Q. Okay. And the other people in the "To"
5 and the "CC" field are all from [REDACTED] right?

6 A. It looks like it from their e-mail
7 addresses.

8 Q. All right. So this e-mail says it was a
9 pleasure to see you and present to you the
10 information.

11 Do you see that?

12 A. Yep.

13 Q. So does that indicate that there was a
14 meeting with [REDACTED] in February 2018?

15 A. Yes.

16 Q. Is that the meeting we talked about a
17 second ago where they agreed to purchase just the
18 landscape?

19 A. So I think this was early on before they
20 actually purchased it. The reason is -- I can tell
21 that the attached presentation is the old -- is the
22 old alpha score landscape stuff.

23 So this is -- we presented to them
24 this. I'm quite positive that they didn't sign up
25 at this point, that this -- it was -- I know Shawn



1 visited them. I know I visited [REDACTED] in person
2 and we presented the tools, showed them how they
3 could do searches, you know, plugged names into the
4 tool, showed them how the graphs change and all of
5 that good stuff.

6 So this is -- this is the first time
7 whatever that we probably presented it. Because
8 this was -- this was when we were still using the
9 IPlytics one, but in the background, I am quite
10 certain we had already switched over to trying to
11 build a better one.

12 Q. Were you at this meeting?

13 A. I don't know. It's possible, but I do
14 know I've been to [REDACTED] a couple of times in
15 Japan and presented to them presentations.

16 Q. All right. So the e-mail indicates that
17 it attaches a document with the file name [REDACTED]
18 [REDACTED] right?

19 A. Yes.

20 Q. That is what is Bates labeled 5396
21 through 5398; right?

22 A. Yes.

23 Q. And it attaches [REDACTED]
24 [REDACTED]; right?

25 A. Yep.



1 Q. And that's what is Bates labeled 5403 to
2 5426; right?

3 A. That's what it looks like.

4 Q. That's the same file name of the
5 proposal that was sent to [REDACTED], I believe; right?

6 A. It is.

7 Q. Then it attaches [REDACTED]
8 [REDACTED]; right?

9 A. Yes.

10 Q. And that is what's Bates labeled 5399
11 through 5402; right?

12 A. Yeah. I -- I mean, I kind of think this
13 is -- was -- might have been a mistake, but maybe --
14 maybe not. Only that this is basically -- this is
15 basically the Phase 1 agreement.

16 So maybe we were still trying to
17 say, hey, you can, you know -- obviously, they would
18 have gotten the landscape, too, but I don't -- I
19 don't think this is -- anyway. I don't know.

20 Q. But this is what was attached; right?

21 A. Yes.

22 Q. Okay.

23 (Exhibit 2128, e-mail, Ambwani, 3.1.2019,
24 UP-003181-3190, was marked for identification.)

25 Q. All right. You've been handed what's



1 been marked as Exhibit 2028, Bates Numbers 3181
2 through 3190. It's an e-mail from [REDACTED] to
3 Hisao Yamasaki dated March 1, 2019; right?

4 A. That's what it looks like.

5 Q. Is Hisao Yamasaki, that's the person
6 that Unified works with in Japan; right?

7 A. Yes.

8 Q. Is [REDACTED]?

9 A. Yes.

10 Q. I don't read Japanese.

11 A. Neither do I. I wouldn't be surprised
12 if this is coordination.

13 Q. Okay. So that's my question. Was there
14 a meeting with [REDACTED] around this time?

15 A. This is March of 2019. Yes. There
16 absolutely was a meeting with them in this ballpark.

17 Q. Would this have been the meeting that
18 led to them buying the landscape?

19 A. So at this point in time, this is 2019.
20 So I think this is around the time that they
21 actually joined. We convinced them to join. We
22 gave them a discount off of what they paid for the
23 landscape before so that they didn't have to kind of
24 pay for it twice, I guess; and we convinced them to
25 not only pay for the landscape, whatever, but to



1 join the whole zone.

2 Q. Were you present at the meeting around
3 this time?

4 A. I believe I was. I also know that,
5 like, I had a phone call with them.

6 So -- and I negotiated the agreement
7 with them, so I was definitely involved with [REDACTED]
8 [REDACTED] at this period of time.

9 Q. Did you ever show them any of the
10 presentations we looked at today?

11 A. They would have seen those at some
12 point, probably in meetings with them, but it's -- I
13 don't know. I don't know how we showed it to them.
14 Certainly they got an opportunity to see them.

15 Q. Do you know the date that [REDACTED]
16 joined?

17 A. I believe it's in [REDACTED]

18 Q. All right. [REDACTED]?

19 A. [REDACTED] I think so.

20 Q. All right.

21 A. It could be -- it could be [REDACTED]. I
22 don't know. It's [REDACTED], I think.

23 Q. All right. Let's move on to [REDACTED]

24 So the next page, 4016, indicates
25 that Unified had discussions with [REDACTED] about its



1 video codec zone and/or SEP tools from 27 to 2019
2 via meeting and/or phone; right?

3 A. Mm-hmm.

4 Q. On the right-hand side there's a big
5 list of people that were involved, including you;
6 correct?

7 A. Correct.

8 Q. All right. So we have gone through some
9 of the [REDACTED] communications earlier. I have just
10 got a few more.

11 (Exhibit 2129, e-mail, [REDACTED], 4.27.2018,
12 UP-002232-2243, was marked for identification.)

13 Q. All right. You've been handed what's
14 been marked as Exhibit 2129, Bates Numbers 2232
15 through 2243. Appears to be an e-mail from [REDACTED]
16 [REDACTED] to you dated April 27, 2018; right?

17 A. Yep.

18 Q. It says, "Hi, Kevin, this is the article
19 I was thinking of when we spoke yesterday." Right?

20 A. Yep.

21 Q. He is referring to the attachment with
22 file name, IAM89 HEVC custom V12.PDF; right?

23 A. I believe so yes.

24 Q. All right. That attachment is what is
25 Bates labeled 2233 to 2243; right?



1 A. Yes.

2 Q. Do you remember the conversation that
3 [REDACTED] refers to in this?

4 A. I believe that I do.

5 Q. What was it about?

6 A. We were talking generally about the HEVC
7 landscape, and all of the different video codecs.
8 We had talked -- [REDACTED] is a big backer of AV1, so I
9 recall that AV1 was kind of part of the
10 conversation.

11 Anyway, we were talking about how
12 there's quite a bit of lack of transparency, even at
13 that point, about how much the -- like, the -- the
14 technology of HEVC kind of costs, as well as the
15 fact that there's not a whole lot of, like, economic
16 justification for the amounts that are being charged
17 by the various pools.

18 And so this was one of those things.
19 This is just like general conversation about the
20 state of the ecosystem around video codecs at the
21 time.

22 (Exhibit 2130, e-mail, Sorell, 2.20.2019, UP-003142,
23 was marked for identification.)

24 Q. All right. You've been handed Exhibit
25 2130, Bates Number 3142, said e-mail from [REDACTED]



1 to you dated February 20, 2019; right?

2 A. Yes.

3 Q. And the bottom e-mail in the chain is
4 you sending him a couple of links to the Unified
5 Patents' portal; right?

6 A. Yep.

7 Q. And then he responds by saying thanks;
8 right?

9 A. Yes.

10 Q. Do you know what those links are to?

11 A. I do.

12 Q. Okay. What are they to?

13 A. So this -- either I was in New York and
14 we happened to meet up, or I had a phone call with
15 him, and we talked about kind of an update as far as
16 everything that was going on in the video codec
17 zone. I just was giving him an update.

18 It was easy for me to give him an
19 update on kind of the landscape and the -- the Open
20 tool, the economic analysis. It was easy for me to
21 kind of talk about all of those things. Off the top
22 of my head, I couldn't tell him -- I told him, hey,
23 we're active on the deterrent strategy as well, and
24 my recollection is, I said that I would send him a
25 list of everything we have done so far.



1 So I believe at this point in time,
2 the only IPRs we had filed against anyone in the
3 video codec zone could be found by following these
4 two links.

5 And so this was an easy way for me
6 to just say, we have a portal which lists all of
7 the -- it's a PTAB portal, right. It just shows
8 every single IPR that happens at the PTAB, not just
9 ours but everyone's.

10 But if you want to be able to find
11 those, you can use these searches and these searches
12 would have shown everything that we had done in our
13 zone as of that moment.

14 (Exhibit 2131, e-mail, Sorell, 6.12.2019,
15 UP-003760-3761, was marked for identification.)

16 Q. All right. You've been handed what's
17 been marked Exhibit 2131, which is an e-mail with
18 Bates Numbers 3760 to 61. It appears to be an
19 e-mail again from [REDACTED] to you, this time dated
20 June 12, 2019.

21 Do you see that?

22 A. I do.

23 Q. The bottom e-mail in the chain is --
24 appears to be a list of IPRs that Unified had filed
25 as of that date; is that right?



1 A. I believe so.

2 Q. All right. He responds and says,
3 awesome, thanks. Right?

4 A. So this was -- this is actually
5 identical to the last conversation, but four months
6 later where I was giving him another update just
7 because we had been talking, and he wanted to -- in
8 order to give a full, complete picture of everything
9 we had done, I talked about all of the other things
10 we have done.

11 But in terms of listing off this --
12 you can kind of see that this is a list of
13 everything. Dynamic data is on there. I think
14 HEVC, I think, hadn't been filed yet, so...

15 Anyway, this is a summary of that,
16 and this came about as of giving [REDACTED] verbally a
17 complete update of where we -- what we were doing on
18 the video codec zone. But as part of this, this
19 is -- this is me following up just to give him a
20 list of the IPRs.

21 Q. Unified had sent [REDACTED] the invoice for
22 the second year of the HEVC zone just a few days
23 before this; is that right?

24 Do you recall that?

25 A. Yes. Actually, I don't know. If you've



1 got an e-mail that says that, that will refresh my
2 recollection.

3 But there was no renewal discussion
4 because they were guaranteed for this year, so this
5 wasn't part of a renewal discussion. This was just,
6 like, an update as far as what was going on in the
7 zone.

8 Q. So the update wasn't connected to the
9 invoice anyway?

10 A. I mean, a conversation about updating
11 him for what they're paying for, it's possible that
12 we were talking about it. But the payment of the
13 invoice had no bearing on any of this material or
14 the update because this -- we had a two-year
15 agreement.

16 Q. Sure.

17 A. So this is not part of a -- hey, pay us
18 again.

19 Q. Right.

20 A. This is, here's the invoice. I said,
21 hey, that -- it's possible -- obviously, I don't
22 remember, but it's possible that he said, okay, hey,
23 can we have a call, do an update.

24 Anyway, but I do know that these
25 came about because we were talking about the entire

1 zone and I said, hey, listen, instead of me pulling
2 up and trying to go through IPRs or whatever, I'll
3 just send you links or an e-mail that lists
4 everything that we have done.

5 Q. And [REDACTED] joined the HEVC zone in the
6 summer of 2018; right?

7 A. Right.

8 Q. Before any IPRs were filed?

9 A. Correct.

10 Q. Let's talk about [REDACTED] on the same page.

11 It indicates there was one
12 discussion on September 6, 2018, or at least
13 discussions on one day, September 6, 2018, related
14 to Unified's video codec zone and/or SEP tools via
15 phone and that Shawn Ambwani was involved; right?

16 A. Yeah.

17 I mean, I had had -- I mean, a guy
18 named [REDACTED]. [REDACTED]
19 I've had conversations with him about this, called
20 him up. He's called me. I just don't think we set
21 up calendar invites. So kind of off the top of my
22 head, I don't know when exactly those happened, but
23 I mean, they -- this is probably a conversation we
24 had with [REDACTED].

25 We almost certainly pitched them on



1 our NPE activities, but we also certainly pitched
2 them on our video codec stuff. I had conversations
3 with him, and I believe eventually I think what
4 happened, they came into budget at the year-end
5 budget process, and we were able to convince them to
6 use that free budget to join our zones.

7 So that's -- I mean, I've definitely
8 had a bunch of conversations with [REDACTED], both in
9 person and over the phone.

10 Q. Would [REDACTED] have seen the presentations
11 we had talked about today?

12 A. They would have seen some form of that
13 presentation for sure.

14 Q. Both the Phase 1 and the Phase 2
15 presentations?

16 A. They would not have seen Phase 1.

17 Q. Okay.

18 A. They were not -- I don't think that -- I
19 mean, my suspicion is that the very first time we
20 ever talked to them about Phase 2 or the video codec
21 zone is here, which is after the launch of the video
22 codec zone. That's my guess.

23 I don't recall. I know that they
24 didn't join until 2019.

25 Q. Was it a -- do you know when in 2019?



1 A. I do not.

2 Q. All right. Let's go to [REDACTED] which is
3 page 4031 at the very bottom of the page. It
4 indicates that Unified had discussions related to
5 Unified's video codec zone and/or SEP tools with
6 [REDACTED] 2017 and 2019 via meeting and/or phone;
7 right?

8 A. Yes.

9 Q. All right. And on the right side it
10 indicates that you were involved in those
11 conversations; right?

12 A. I mean, I know that I visited [REDACTED] a
13 couple of times in person when I happened to be in
14 California. I'm certain that we talked about all of
15 this, and they were involved in the Phase 1 aspect
16 of this, so absolutely.

17 And then obviously they also
18 participated in the zone.

19 So they are members of the video
20 codec zone. So, both meetings and phones over this
21 time frame.

22 Q. All right. So we talked earlier about
23 one of the communications with them about Phase 1.
24 (Exhibit 2132, e-mail, Ambwani, 1.2.2018,
25 UP-004784-4808, was marked for identification.)



1 Q. All right. You've been handed what's
2 been marked as Exhibit 2132, which has Bates Numbers
3 4784 through 4808. It appears to be an e-mail from
4 Shawn Ambwani to [REDACTED] dated January 2
5 2018.

6 Do you see that?

7 A. I do.

8 Q. The e-mail below that is an e-mail from
9 Shawn Ambwani to [REDACTED] dated January 2,
10 2018; right?

11 A. Yep.

12 Q. And with a link to a Google Doc; right?

13 A. Yes.

14 Q. Do you have any idea what that Google
15 Doc is?

16 A. I don't know what that Google Doc is
17 from that, but I think it's very -- it's very
18 possible -- it's probably the same document, is my
19 guess, because...

20 It's probably the same document. I
21 don't know. They're on the same day, so my
22 suspicion is that this might have been shared as,
23 like the -- so sometimes we -- you can use this
24 Google Docs. It's like a -- just like sending them
25 to it. They can download it on their own, the



1 version of it.

2 So obviously, that may not have
3 worked, and then we sent it directly. I -- that's
4 my guess.

5 Q. Do you know if there was a meeting or
6 phone call with -- well, [REDACTED]
7 [REDACTED] right?

8 A. She is.

9 Q. Is she in-house counsel?

10 A. She is.

11 Q. Do you know if there was a phone call or
12 meeting around January 2, 2018, with [REDACTED]

13 A. I am quite certain that we either had a
14 phone call or a meeting with them. Either I was out
15 in California, or Shawn passed this on and had a
16 meeting with them to -- I mean, this is the proposal
17 with the same date on it.

18 So I think this is the presentation
19 we were showing everyone at that same time.

20 Q. All right. Same presentation that you
21 showed to [REDACTED], right, we discussed several times?

22 A. Has the same name, yes.

23 Q. That's what's attached Bates Numbers
24 4785 through 4808; right?

25 A. Yes.



1 Q. Okay. Then [REDACTED] joins Phase 2 of the
2 HEVC zone sometime after this; right?

3 A. I don't -- I mean, I -- I believe they
4 joined in [REDACTED]. That's my -- my guess.

5 So [REDACTED]
6 [REDACTED]

7 Q. Before any IPRs were filed; right?

8 A. It was before -- I mean that was part of
9 the zone launch, so.

10 Q. Right.

11 A. They were part of the group that
12 launched the zone by participating in it.

13 (Exhibit 2133, e-mail, Jakel, 6.20.2018,
14 UP-003774-3776, was marked for identification.)

15 Q. All right. You've been handed what's
16 been marked as Exhibit 2133, Bates Numbers 3774 to
17 76. It's an e-mail from you to [REDACTED] dated
18 June 20, 2019.

19 Do you see that?

20 A. I do.

21 Q. [REDACTED] right?

22 A. He is, yes.

23 Q. Is he in-house counsel?

24 A. He is in-house counsel at [REDACTED]

25 Q. Okay. All right. So the very last



1 e-mail in this chain starts on page 3775 and goes to
2 3776, is an e-mail from Sam Jaffna to [REDACTED]
3 [REDACTED]; right?

4 A. Yes.

5 Q. And it indicates, the last paragraph
6 indicates that he was sending an invoice to [REDACTED];
7 right?

8 A. Yes.

9 Q. All right. Then [REDACTED] responded
10 to you, telling you he would like to chat with you
11 about the HEVC zone and plans going forward;
12 correct?

13 A. Yes.

14 Q. All right. And the rest of the e-mail
15 string is you guys trying to coordinate a time to
16 talk; right?

17 A. Yes.

18 Q. Did you guys ever have that discussion?

19 A. Yes, we did.

20 Q. What did you talk about?

21 A. So we talked about kind of all of the
22 HEVC -- or sorry, all of the video codec kind of
23 update. I mean, this is -- obviously, this is
24 spurred by the -- sending the invoice and saying,
25 hey, we did one year of activity.



1 And he -- my recollection is that --
2 if I recall, what he -- recall what he asked for
3 was, are you ever going to make the entire economic
4 analysis of what we had done kind of public to the
5 world. Are you just going to publish the economic
6 analysis to the world.

7 We had published part of it, and I
8 mean, a big part of that had to do with the
9 negotiations we had with the economists that did the
10 work for us. So anyway, I -- I told him, like, hey,
11 for our own reasons, whatever, we have to kind of
12 keep it confidential. We're not really able to
13 publish it to the world.

14 So that's what I recall as the only
15 topic that we really talked about beyond just like
16 general overall update.

17 Q. All right. All right. Let's go on to
18 ██████████. It's on page 4040.

19 A. Okay.

20 Q. All right. It indicates that Unified
21 had discussions with ██████████ about Unified's video
22 codec zone and/or SEP tools from 27 of 2019 via
23 meeting and/or phone; right?

24 A. Yes.

25 Q. It indicates that you were involved in



1 those discussions; right?

2 A. I was.

3 Q. So I know we looked at a number of
4 communications with -- at least one communication
5 with [REDACTED] already.

6 (Exhibit 2134, e-mail, Ambwani, 10.6.2017,
7 UP-004228-4250, was marked for identification.)

8 Q. You've been handed Exhibit 2134, Bates
9 Numbers UP-004228 to 4250. Appears to be an e-mail
10 from Shawn Ambwani to [REDACTED];

11 A. Yep.

12 Q. Dated October 6, 2017; right?

13 A. Yep.

14 Q. Is [REDACTED]

15 A. He is not.

16 Q. All right. Is he at [REDACTED]

17 A. I believe he is at [REDACTED].

18 Q. All right. You can put that one aside.

19 It's in one of the -- the attachment
20 says Roku draft service agreement.

21 A. Oh. Yeah. I don't know. Attention to
22 detail.

23 Q. [REDACTED] is not a member of Phase 2;
24 right?

25 A. They are not a member of Phase 2.



1 Q. Were they a member of Phase 1?

2 A. They were not.

3 Q. [REDACTED] joined the summer of 2018, right,
4 at the very beginning?

5 A. (Nods head up and down.)

6 Q. They were a member of Phase 1 as well?

7 A. They were.

8 Q. So they would have seen all of these
9 versions of presentations; right?

10 A. I believe so, yes. I don't know which
11 ones they would have seen, but they would have been
12 part of this process.

13 Q. Right. They would have seen
14 presentations about both Phase 1 and Phase 2; right?

15 A. They would have seen Phase 1 and Phase
16 2, yes.

17 Q. All right. And let's go to [REDACTED], which
18 is on page 4060. It indicates that Unified had
19 discussions with [REDACTED] about Unified's video codec
20 zone and/or SEP tools between 2017 and 2019 via
21 meeting and/or phone; right?

22 A. Yes.

23 Q. And you were involved in those
24 discussions; right?

25 A. I was.



1 Q. All right. We've already talked about
2 some of those communications.

3 (Exhibit 2135, e-mail, Ambwani, 7.23.2018,
4 UP-002502-2505, was marked for identification.)

5 Q. All right. You've been handed what's
6 been marked Exhibit 2135.

7 A. Yep.

8 Q. Bates Numbers UP-2502 through 2505.

9 A. Yep.

10 Q. It's an e-mail from Shawn Ambwani to
11 [REDACTED] dated July 23, 2018; right?

12 A. Yep.

13 Q. Is [REDACTED]?

14 A. He is.

15 Q. Is he in-house counsel at [REDACTED]?

16 A. He is.

17 Q. All right. And the e-mail says, "Hey
18 [REDACTED], this is the first draft of the article.
19 Feel free to take a look and we can talk about it."

20 Do you see that?

21 A. I do.

22 Q. He's referring to the document that is
23 attached with file name HEVC.draft.docx; right?

24 A. Yep.

25 Q. That document is what has Bates Numbers



1 2503 to 2505; right?

2 A. Yep.

3 Q. All right. What -- what is this
4 article?

5 A. So we had a journalist who maybe lost
6 his job. We were talking to him. He has written
7 up -- he has worked on HEVC stuff and written stuff
8 on it.

9 Anyway, we wanted to use him to kind
10 of draft up some articles, and then get those
11 published out there to kind of talk about what was
12 going on with HEVC and the landscape.

13 And one of the kind of interesting
14 areas around HEVC is how it deals with its
15 interaction with 4K.

16 So I mean you'll probably see other
17 stuff out there in terms of marketing material. It
18 talks about how there's a lack of adoption of 4K
19 content because 4K content, in order to truly stream
20 it and be confident in its streaming, you need to
21 use HEVC as a thing.

22 So one of our ideas for marketing
23 was to have articles out there that would address
24 the issue and help educate people about what's going
25 on in the ecosystem.



1 So we got a out-of-work journalist,
2 if I recall, to put together something. Then we
3 offered it to [REDACTED] because he's -- because [REDACTED]
4 makes phones -- not phones. [REDACTED] makes
5 televisions, and so kind of good connection between
6 the lack of adoption of 4K content and telephones.

7 So -- telephones. Sorry. I'm
8 tired. It's been a long day and I have been sick
9 the last couple of days.

10 Lack of adoption of 4K content and
11 its connection to televisions was something that we
12 thought [REDACTED] would be a good person to kind of
13 put his name on. So the article would be from him,
14 but obviously it was our journalist behind the
15 scenes that actually wrote it.

16 Q. Did it ever get published?

17 A. I do not believe it ever did. I just
18 don't think -- I think ultimately the -- no one got
19 around to actually getting it done, and it died on
20 the vine.

21 (Exhibit 2136, e-mail, [REDACTED], 10.31.2018,
22 UP-002756-2760, was marked for identification.)

23 Q. All right. You've been handed what's
24 been marked Exhibit 2136, Bates Numbers UP-2756 to
25 2760. It's an e-mail from [REDACTED] to Shawn



1 Ambwani and Christine Bante?

2 A. Mm-hmm.

3 Q. Dated October 31st, 2018; right?

4 A. It looks like that's the case.

5 Q. Christine Bante, is she at Unified
6 Patents?

7 A. She used to be.

8 Q. All right. So I want to look at the
9 e-mail at the bottom of the first page from [REDACTED]
10 [REDACTED] to Shawn Ambwani that says, "Shawn, when we
11 talked a few months ago, you had mentioned a
12 possible meeting between members of the HEVC zone
13 either the Monday before or Wednesday after the
14 conference on November 13"; right?

15 A. Yes.

16 Q. And then in the e-mail just above that,
17 Shawn responds and says, "We will have the HEVC
18 meeting on Wednesday afternoon in the South Bay."

19 Do you see that?

20 A. I do, yes.

21 Q. All right. Did that meeting happen?

22 A. I believe it did.

23 Q. Were all of the members of the HEVC zone
24 present?

25 A. Everyone was invited, but I don't -- I



1 don't think everyone showed up because timing and
2 everything like that.

3 Q. What was discussed at the meeting?

4 A. So part of what was discussed is -- and
5 this was the time that we actually finally got the
6 economic report to be issued. So we did a live
7 presentation of the landscape at that point, and the
8 economist who did the economic analysis of HEVC did
9 a presentation of his work.

10 So he presented the economic
11 analysis. I'm pretty sure that that's like the
12 timeline of when the economic analysis was done, and
13 he presented his analysis at that point.

14 (Exhibit 2137, e-mail, Ambwani, 5.17.2019,
15 UP-003485, was marked for identification.)

16 Q. All right. You've been handed what's
17 been marked as Exhibit 2137, Bates Number UP-3485,
18 an e-mail from Shawn Ambwani to [REDACTED] dated
19 May 17, 2019.

20 Do you see that?

21 A. Yes.

22 Q. It says, "Hey, Charles, good news. We
23 got instituted in our first video codec zone IPR,
24 which was against Velos." Second sentence is, "I
25 failed to send along the proposals for your



1 consideration after our conversation."

2 Do you see that?

3 A. Yes.

4 Q. Do you know what proposals Shawn is
5 referring to?

6 A. I do. We made a proposal for [REDACTED] to
7 join our NPE zones, so I am fairly certain that
8 Shawn went down there to -- to LA to make a proposal
9 for him to have [REDACTED] join our NPE zones.

10 Q. Okay.

11 A. Getting instituted on the video codec
12 zone is -- we never announced this -- well,
13 obviously, we got instituted, but we basically
14 just -- it's like our announcement that we got
15 instituted we send to everyone.

16 But this is just an update saying,
17 hey, the proposal is absolutely for the -- it hasn't
18 happened yet, but I hope someday soon they will
19 actually join our NPE zones in addition to our video
20 codec zones.

21 Q. [REDACTED] was a member of the HEVC stuff in
22 Phase 1; right?

23 A. Yes.

24 Q. They were a member at [REDACTED]
25 [REDACTED] as well; right?



1 A. They were.

2 Q. So they would have seen these
3 presentations that we talked about today; right?

4 MR. FAWZY: Object to the form.

5 A. [REDACTED]

6 [REDACTED]

7 Q. Give me just a second.

8 So at our last deposition, you
9 recall we talked about how much each of the paying
10 members pays?

11 A. Yep.

12 Q. I don't think we ever actually talked
13 about [REDACTED].

14 Do you know how much [REDACTED] pays per
15 year to be part of the HEVC zone?

16 A. My guess is [REDACTED] But it's a guess
17 off the top of my head.

18 MR. GRANAGHAN: I will pass the
19 witness.

20 MR. FAWZY: I just need a couple of
21 minutes to pull out a couple of exhibits for
22 redirect, and then we can do it.

23 MR. GRANAGHAN: Sure.

24 (RECESS, 4:50 p.m. - 4:58 p.m.)

25 EXAMINATION



1 BY MR. FAWZY:

2 Q. Mr. Jakel, could you pull out Exhibit
3 2113, please.

4 A. They were in order.

5 All right. Yes.

6 Q. Okay. So we talked about this exhibit a
7 while ago. Just to refresh my memory, who is [REDACTED]

8 [REDACTED]?

9 A. [REDACTED]

10 Q. When was this e-mail sent?

11 A. January 18, 2018.

12 Q. A version of HEVC zone proposal
13 PowerPoint was sent attached to this e-mail; is that
14 correct?

15 A. Correct.

16 Q. That version, at least here the file
17 name is [REDACTED]; right?

18 A. Correct.

19 Q. Did [REDACTED] end up becoming a member of the
20 HEVC zone which we have called Phase 2 of the HEVC
21 zone?

22 A. They did.

23 Q. When did that occur?

24 A. I think they were -- became a member
25 on -- in I think it's [REDACTED]



1 Q. [REDACTED]

[REDACTED]

24 Q. And as part of Unified's thinking, you
25 thought that part of the zone might include the



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1 deterrence of poor quality or potentially invalid
2 patents; is that correct?

3 MR. GRANAGHAN: Objection, leading.

4 A. As part of the presentation in other
5 parts of this presentation, we do mention that we
6 are going to run the video codec zone like a
7 traditional Unified zone, which means that no one --
8 that everyone understood that when we ran this video
9 codec zone, no one was going to have any input into
10 what we do. No one was going to have any control
11 over what we did.

12 That was intended to be true for
13 basically everything that's in the zone, from the
14 landscape to the Open, to the economic analysis, to
15 the fact that we would try to deter the use of
16 invalid patents.

17 Like I said, we included licensing
18 because we needed to -- the whole point of including
19 licensing was to make sure that they understood that
20 we would be doing that completely independently and
21 no one would have any idea of that and couldn't rely
22 upon it in any way, because antitrust counsel wanted
23 to make sure that everyone understood that we would
24 be doing licensing in this type of anonymous,
25 completely way being done under NDA.



1 So that was the concept for this.
2 No one would have any control or direction over
3 Unified in this zone, and it is just in the exact
4 same way that we work in our NPE zones.

5 Q. As part of your discussions with [REDACTED]
6 have you ever promised, either prior to forming the
7 zone or after forming the zone, that Unified would
8 file a certain number of IPRs.

9 A. No, we -- we never promised what was on
10 this page. We never promised any other amounts of
11 IPRs. And everyone understood that if, after
12 reviewing specific patents and trying to figure out
13 what we could do, there was always the possibility
14 that we wouldn't find any good prior art at all on
15 anything.

16 And we didn't undertake any of that
17 activity until we started looking for opportunities
18 to do deterrence until after we had kind of launched
19 our zone.

20 Q. Same question with regards to any other
21 member -- any other Unified member or potential
22 member.

23 Did you ever promise that Unified
24 would file a certain number of IPRs?

25 MR. GRANAGHAN: Objection, form.



1 A. In none of our zones, whether they're
2 NPE zones or SEP zones, we have never promised that
3 we would file an IPR in terms of number. We have
4 never promised that we would file an IPR on any
5 specific entity. We never promised we would file
6 any IPRs on any type of company or patents or
7 entity, and we strictly made sure that there was
8 never any discussion with anyone.

9 Especially with respect to the SEP
10 zone, we never told anyone who we may or may not go
11 after with respect to IPRs, and we hadn't even
12 decided who we would go after in terms of IPRs until
13 after we started our zone, and after we started to
14 actually look at how we would do our deterrence
15 work.

16 The zone didn't start, so we
17 ultimately -- no one had any -- there was nothing
18 for us to even promise, because we hadn't even done
19 any work yet.

20 So once the zone was launched, only
21 then would we have actually looked at patents for
22 purposes of figuring out which patents we think
23 might work for purposes of creating deterrent in the
24 video codec zone.

25 But we've never disclosed to anyone



1 who those -- or what those patents were that we
2 might file IPRs on, and never promised anyone that
3 we would.

4 Q. Did anyone ever express to you a
5 requirement of filing a certain number of IPRs in
6 exchange for joining the zone?

7 A. Absolutely not.

8 Q. Is there a document that sets forth
9 Unified's obligations to its members with regards to
10 the video codec zone?

11 A. Yes. Every member who has joined the
12 video codec zone. For those members who were
13 already members of other zones, when we added the
14 video codec exhibit to that agreement, we included
15 an update to kind of the list of activities that
16 were possible within the zone, to include
17 landscaping data and other data that was related to
18 the video codec zone, to kind of make sure that the
19 agreement covered that and governed what we could do
20 in our discretion for the video codec zone.

21 For those members who had never
22 joined a video codec zone, we included all of those
23 things in the membership agreement and in the
24 exhibit for their joining the video codec zone.

25 Between these two approaches, all



1 companies basically have the same set of language
2 saying that we would operate under a -- an
3 agreement.

4 None of those agreements say
5 anything about Velos or any other patent pool, and
6 none of them say anything about who we would go
7 after or promise any number of IPRs or anything else
8 related to that.

9 Q. Are there any written or verbal
10 agreements or obligations between Unified and its
11 members other than what's in the membership
12 agreement?

13 A. No.

14 Q. Did you ever indicate to members who you
15 would file against -- file IPRs against?

16 A. We very closely guarded the kinds of
17 information to make sure that there was never any
18 indication on any of our materials about who we
19 might file IPRs against should we ever launch a
20 video codec zone where we would do our kind of
21 traditional deterrent strategy.

22 We made sure there was no
23 communication to members, and members are well aware
24 that they're not allowed to tell us that, you know,
25 who they would want us to file IPRs against.



1 So there was no communication by us
2 or members to us about which entities, companies,
3 patent pools or anything. There was no
4 communication about who we would file IPRs against.

5 Q. A few minutes ago you mentioned that
6 there was a meeting where at least all of the SEP
7 zone members were invited to attend. You weren't
8 sure if all of them actually did attend.

9 Do you recall that testimony?

10 A. I do.

11 Q. At that meeting, did you discuss
12 Unified's IPR work?

13 A. Not to my recollection, but if we had,
14 it would have been in accordance with the same
15 procedures that we do for all of our zone
16 discussions. We would have been free to say what we
17 had done and filed already, because that would have
18 been public information. And we might have
19 summarized that, but we would never have said what
20 our kind of future activity for the zone would be.

21 Q. I know you don't have -- I don't think
22 we have a document here with numbers, but do you
23 know an approximate amount or percentage of
24 Unified's expenditures in the video codec zone that
25 were spent on non-IPR related activities?



1 A. As a percentage?

2 Q. If you know that information, yes, as a
3 percentage.

4 A. I'm not sure I know exactly for non-IPR
5 activities. It would likely be in the [REDACTED]
6 range is my guess.

7 Q. Do you know the approximate range spent
8 on IPR related activities? Or video codec zone
9 expenditures?

10 A. We don't -- I don't track -- like,
11 well -- so I don't track specific -- there's a bunch
12 of things that go into -- IPR activities for a given
13 year have been probably in the two-and-a-half to
14 three million dollar range is my guess. Maybe less
15 than that, [REDACTED] in
16 spend for 2018 through 2019. Somewhere in that -- I
17 mean, it's -- it's hard because it started in the
18 middle of the year in 2019.

19 So I don't know. I suspect that for
20 the first year the video codec zone was running, we
21 spent somewhere between [REDACTED]
22 [REDACTED] in membership fees on deterrence activities.

23 Not all of which ultimately resulted
24 in IPRs, but it's work that we did on deterrence
25 activities.



1 Q. And approximately how much did Unified
2 take in for the video codec zone in its first year?

3 A. In the first year, I think we were
4 [REDACTED] and then during -- by the
5 time we hit the summer of 2019, we had brought in
6 more members, and I think we've kind of broken
7 [REDACTED] in -- you know, as a
8 yearly kind of contractual obligation, not
9 necessarily on an accrued revenue perspective.

10 But that would be as of the summer,
11 I think we've hit over [REDACTED].

12 Q. And are all of your members in the video
13 codec zone on a [REDACTED]

14 A. [REDACTED]
15 [REDACTED]

16 Q. Could we pull out Exhibit 2105, please.

17 A. 2105.

18 Q. Turning to the page ending in Bates
19 Number 4184.

20 A. Okay.

21 Q. Do you recall we talked about this
22 presentation which is a version of the patent --
23 Unified patent pool program PowerPoint that you sent
24 to certain in-house counsel?

25 A. Yes. This one appears to have been sent



1 to [REDACTED].

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 A. Yes. I see that.

6 Q. I believe there was a version of this
7 presentation we talked about earlier today that
8 mentioned that you were talking about with regards
9 to that in the initial kind of very early days,
10 Unified would analyze certain pool patents using
11 tools.

12 Do you remember talking about that
13 earlier today?

14 A. That was part of a proposal to companies
15 that you could take patents out of the landscape,
16 and that you could run them through our tools. I
17 think we referred to patentability, scope, and
18 value, was the language used in those presentations.

19 Q. Are those tools publicly available?

20 A. Yes, they are.

21 Q. Are they completely automated?

22 A. Yes.

23 Q. In Exhibit 2105, in that PowerPoint
24 presentation, on Slide 17, it's entitled HEVC
25 Advance, patent analytics, and we spoke earlier



1 about what CITX and what APIX are.

2 Do you recall that testimony?

3 A. I do.

4 Q. And these are two of the pools -- sorry,
5 two of the tools that are available on Unified's
6 website?

7 A. Yes, APIX is the validity or the
8 patentability tool, and CITX is the value tool.

9 Q. On this slide certain patents related to
10 the HEVC Advance patent pool were run through those
11 tools; is that correct?

12 A. Correct.

13 Q. How did Unified find out, gather
14 information as to what patents were in HEVC Advance
15 to run this analysis?

16 A. Actually, all of our knowledge about all
17 of the patent pools in HEVC, including this one,
18 were gathered either from the public websites or
19 HEVC or MPEG LA.

20 Velos Media is a patent pool, too,
21 but the members of Velos, instead of like Velos
22 reviewing patents and listing a list of patents that
23 have been designated as essential to the standard,
24 and instead patents were transferred to Velos Media.

25 And so we kind of used that as a --



1 as a way to determine kind of what patents they've
2 determined they believe are essential to HEVC.

3 But all of that was collected on our
4 own from public sources with no input from anyone,
5 including our members or others.

6 Q. These tools, APIX and CITX, are
7 completely independent from any effort by Unified in
8 the HEVC zone; is that correct?

9 A. These tools were built prior to us
10 launching our video codec efforts. These were all
11 built before we started working on the video codec
12 effort.

13 Q. With regard to the landscape tool that
14 is available on Unified's portal, we talked about
15 that at length today; is that right?

16 A. I believe so.

17 Q. Is that landscape limited only to pool
18 patents?

19 A. No. We have a process of creating a
20 machine learning algorithm that uses some of the
21 pool patents pool as a training set, so that we feel
22 like it's very objective. These were not using our
23 own patents. We're using the patents of licensors,
24 and assuming that they're right about their analysis
25 with respect to essentiality.



1 Then using those patents to train a
2 machine learning algorithm that goes out and finds
3 all patents which are then most likely to be
4 essential to the standard. The machine learning
5 algorithm is applied to all of the patents
6 regardless of who owns them or whether or not they
7 have been designated essential through any process
8 that gets applied to all patents regardless of
9 patent owner or any other previous information.

10 Q. In the landscape tool, how many
11 different patentees or licensors are there with
12 regards to HEVC, or the H.265 standard?

13 A. Well, I mean -- every single patent in
14 the hands of -- of any entity is in the database, so
15 hundreds and hundreds of companies have been
16 identified by the tool as owning patents, which are
17 essential to the HEVC standard.

18 Q. The landscape has nothing to do --
19 strike that.

20 Start a new question.

21 Does the landscape have anything to
22 do with the validity of the patent?

23 A. It has nothing to do with the validity
24 of the patent. It only gives us an estimation of
25 whether or not the patent is more or less likely to



1 be essential to the standard.

2 So you can set the level of what we
3 refer to as the similarity score higher or lower
4 depending on whether or not you want patents which
5 are extremely similar to the standard, or patents
6 that are willing to be less similar to the standard.

7 MR. FAWZY: No further questions.

8 EXAMINATION

9 BY MR. GRANAGHAN:

10 Q. Mr. Jakel, you remember at your last
11 deposition, I asked you to estimate the percentage
12 of subscription fees in the video codec zone that
13 were spent on IPRs?

14 A. I don't.

15 Q. I believe you estimated it was [REDACTED]
16 [REDACTED] of subscription fees.

17 Do you recall that?

18 A. I guess I kind of do, but not exactly.

19 I mean, so we -- I tried to track,
20 like, how much money is kind of spent on -- on fees,
21 and I've been looking at that more recently.

22 So I have been looking at what our
23 total spend is for the SEP zone. And so I think
24 we're in the order of, like, [REDACTED]
25 [REDACTED] for what we have kind of spent on the video



1 codec zone.

2 So if I estimated [REDACTED] before,
3 it's possible that I included maybe some other stuff
4 in that. I'm -- I mean, I just know that I've
5 looked at some of these numbers more recently, and
6 I'm pretty sure that one of the numbers that I think
7 is accurate is kind of over all of kind of 2019 so
8 far -- I've been looking at this because we're
9 getting close to the end of the year -- I think
10 we're in the ballpark of like [REDACTED]
11 [REDACTED] spent on outside counsel fees and everything
12 else kind of related to our video codec zone.

13 Q. That [REDACTED] is
14 for 2019; is that right?

15 A. That's for 2019, yeah.

16 So you know, I don't -- I don't
17 think 2018 was at a burn rate that was so
18 dramatically more that it would -- I don't know.

19 I mean, I -- it crosses a boundary,
20 so, I don't -- I don't know exactly what our spend
21 was. I don't expect it to be -- given what I now
22 know about 2019, I think that the total amount that
23 we spent is on just the IPR work. I think it's less
24 than 50 percent.

25 Q. Okay. How much does Unified bring in,



1 in subscription fees, for the HEVC zone a year?

2 A. For the video codec zone?

3 Q. Yes. Sorry.

4 A. So like, I mean, it was [REDACTED] kind
5 of when we started. It stayed [REDACTED]
6 [REDACTED] came
7 in. At this point we're over [REDACTED], but that
8 didn't happen until kind of the summer of 2019.

9 So for the remainder -- for the
10 remainder of this year, we might have accrued [REDACTED]
11 [REDACTED] right? The first half of it we might have
12 accrued [REDACTED].

13 So I would say for 2019, we probably
14 have accrued [REDACTED]. These are rough numbers,
15 but we're in this kind of ballpark.

16 And I think for 2019, the outside
17 counsel spend fees and experts and all of that for
18 our video codec zone, I think it will be
19 [REDACTED] or maybe even less.

20 Q. Okay.

21 MR. GRANAGHAN: No further
22 questions.

23 MR. FAWZY: Nothing from me.

24 (Signature not waived.)

25 (CONCLUDED, 5:29 p.m.)



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ACKNOWLEDGMENT OF DEPONENT

I, KEVIN JAKEL, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me

(DATE)

(SIGNATURE)



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CERTIFICATE OF COURT REPORTER

I, Marjorie Peters, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public in the District of Columbia, before whom the foregoing deposition was taken, do hereby certify that the witness was placed under oath according to the law; that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

I further certify that signature was not waived by the witness.

IN WITNESS WHEREOF, I have hereunto set my hand this day of , 2019.

Marjorie Peters

Marjorie Peters, RMR, CRR
My commission expires October 31, 2024.



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