

1 UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD
2 -----X
APPLE INC.,
3
4 Petitioner,
5 -against- Case No.:
IPR2002-00031
6 U.S. Patent No.
10,621,228
MEMORYWEB, LLC,
7
8 Patent Owner.
-----X
9 DATE: September 26, 2023
TIME: 9:00 A.M. PST

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REMOTE VIDEOTAPED DEPOSITION of
EUGENE LHYMN, taken by the Petitioner,
pursuant to a notice, held remotely via
Zoom Videoconference, before Suzanne
Pastor, a Notary Public of the State of New
York.

1 A P P E A R A N C E S:
(All appearances via Zoom)
2
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20 ALSO PRESENT:

21 JEFF QUILICI, ESQ.

22 RAISE AHMAD, ESQ., Apple Inc.
23

24 * * *

25

1 THE REPORTER: Good afternoon.
2 The attorneys participating in this
3 deposition acknowledge that I am not
4 physically present in the deposition
5 room and that I will be reporting
6 this deposition remotely.

7 They further acknowledge that
8 in lieu of an oath administered in
9 person, I will place the witness
10 under penalty of perjury.

11 The parties and their counsel
12 consent to this arrangement and waive
13 any objections to this manner of
14 reporting. Please indicate your
15 agreement by stating your name and
16 your agreement on the record.

17 MR. BAUGHMAN: This is Steve
18 Baughman for Apple, Groombridge Wu
19 Baughman & Stone. I'll give my
20 appearance if I may, Ms. Pastor, at
21 the same time. We also have Matthew
22 Mahoney and Lief Peterson from
23 Sidley, and two client
24 representatives, Raisa Ahmad and Jeff
25 Quilici with us today. Thank you.

1 And we agree, yes, on behalf of
2 Apple.

3 MR. CHRISTOPHER: This is
4 Angelo Christopher on behalf of
5 patent owner MemoryWeb, we agree.

6 THE WITNESS: This is Eugene
7 Lhymn on behalf of patent owner
8 MemoryWeb, I agree.

9 THE REPORTER: Mr. Lhymn,
10 please raise your right hand.

11 Do you swear or affirm that the
12 testimony you are about to give will
13 be the truth, the whole truth, and
14 nothing but the truth?

15 THE WITNESS: Yes.

16 THE REPORTER: Thank you.

17 Counsel, you are all set.

18 EXAMINATION

19 BY MR. BAUGHMAN:

20 Q. Good morning, Mr. Lhymn. I'm
21 Steve Baughman, I represent Apple in this
22 matter.

23 Could I ask first whether
24 you've been deposed before?

25 A. No, I have not.

1 Q. Okay, well, just some very
2 quick housekeeping, I'm sure it's intuitive
3 to you anyway. I'll be asking you some
4 questions. Your counsel may have an
5 objection. Unless he instructs you not to
6 answer, you can go ahead and answer the
7 question even if there's an objection.
8 We'll try to give him a pause to do that.

9 Ideally, I know the court
10 reporter will remind us if we need to, we
11 won't talk over each other, so I'll try to
12 finish my question before you start
13 answering and I'll try to let you finish
14 answering before I start asking my next
15 question. But if any of that is confusing,
16 feel free to ask or make a comment at any
17 time.

18 Also, if you need a break for
19 any reason, you're welcome to let me know
20 and we'll do that as soon as we can. Maybe
21 finishing the question that's on the table
22 and then breaking. Just let me know.

23 And I guess the one other thing
24 I wanted to note is that there's a rule at
25 the PTAB. I don't know if you've had a

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