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1 UNITED STATES PATENT AND TRADEMARK OFFICE  
 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
 3  
 4 APPLE INC.,  
 5 Petitioner,  
 6 IPR2022-00031  
 vs. U.S. Patent No. 10,621,228  
 7  
 8 MEMORYWEB, LLC,  
 9 Patent Owner.  
 10  
 11 \_\_\_\_\_  
 12 -AND-  
 13 \_\_\_\_\_  
 14 SAMSUNG ELECTRONICS CO., LTD. ET AL.  
 15  
 16 Petitioner,  
 17 IPR2022-00222  
 18 vs. U.S. Patent No. 10,621,228  
 19 MEMORYWEB, LLC,  
 20 Patent Owner.  
 21  
 22 \_\_\_\_\_  
 23 - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY -  
 24 DEPOSITION REMOTELY TAKEN VIA ZOOM CONFERENCE OF  
 25 KEVIN JAKEL  
 THURSDAY, SEPTEMBER 7, 2023  
 Stenographically Reported by:  
 Linda E. Marquette  
 RPR, CLR, CA CSR No. 11874  
 Job No. 10126423

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 24 DEPOSITION REMOTELY TAKEN VIA ZOOM CONFERENCE OF  
 25 KEVIN JAKEL, taken on behalf of Patent Owner, with  
 everyone appearing at their remote addresses, and the  
 witness appearing at Chevy Chase, Maryland, commencing  
 at 9:25 a.m. (EST), and concluding at 6:48 p.m., (EST)  
 on Thursday, September 7, 2023, before Linda E.  
 Marquette, RPR, CLR, CA Certified Shorthand Reporter

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25	Ryan Asanas, Zoom Host	

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21	Exhibit APPLE EX2058	52
22	Article titled "3 Questions for Unified Patents CEO Post-Oil States (Part II) (3 pages)	

1 Austin on behalf of Apple.  
2 With me are Leif Peterson and Matt Mahoney  
3 from Sidley and Steve Baughman from Groombridge.  
4 We also have Raisa Ahmad from Apple and  
5 Jeff Quilici from Apple.  
6 MR. GREEN: Good morning. My name is  
7 Christopher Green. I'm with Fish & Richardson and  
8 I'm appearing today on behalf of Samsung.  
9 With me today is my colleague Hyun Jin In  
10 and also appearing at the deposition is Samsung  
11 in-house counsel, Jong Choi.  
12 MR. MANSINGHANI: Good morning. This is  
13 Roshan Mansinghani appearing on behalf of Unified  
14 Patents.  
15 With me as well are Michelle Aspen and  
16 T.J. Murphy also from Unified Patents.  
17 COURT REPORTER: Is that everyone?  
18 (No response.)  
19 COURT REPORTER: Do all counsel agree that  
20 I may swear in the witness remotely?  
21 MR. WERBER: Agreed.  
22 MR. KUSHAN: Yes.  
23 ///  
24 ///  
25 ///

1 DEPOSITION REMOTELY TAKEN VIA ZOOM CONFERENCE  
2 T URSDAY, SEPTEMBER 7, 2023  
3 9:25 A.M. (EST) to 6:48 P.M.(EST)  
4  
5 COURT REPORTER: Okay. We are now on the  
6 record. Today's date is Thursday, September 7,  
7 2023, and the time is 9:25 a.m. Eastern.  
8 This is the remote deposition of Kevin  
9 Jake via Zoom videoconference being taken in the  
10 matter of Apple vs MemoryWeb IPR2022-00031 and  
11 Samsung vs MemoryWeb IPR2022-00222.  
12 The witnesses appearing remotely from  
13 Chevy Chase, Maryland.  
14 It is imperative that everyone speak slowly,  
15 clearly, and one at a time. Overlapping speakers are  
16 not discernible over Zoom and cannot be reported.  
17 My name is Linda Marquette, appearing for  
18 Aptus Court Reporting, located at 401 West A Street,  
19 Suite 1680, San Diego, California.  
20 Witnesses please identify yourselves  
21 and anyone with you, and state whom you represent,  
22 starting with the taking attorney.  
23 MR. WERBER: Matt Werber of Nixon Peabody  
24 here on behalf of MemoryWeb, patent owner.  
25 MR. KUSHAN: Jeff Kushan from Sidley

1 KEVIN JAKEL,  
2 having been first duly administered an oath  
3 remotely, was examined and testified as follows:  
4  
5 COURT REPORTER: Counsel may begin.  
6  
7 EXAMINATION  
8 BY MR. WERBER:  
9 Q. Yeah. Good morning. Could you please  
10 state and spell your full name for the record and  
11 remind me of the pronunciation of your last name?  
12 A. Sure. Kevin Jakel. First name is  
13 K-E-V-I-N. Last name is Jakel, J-A-K-E-L. It's  
14 like Jake with an L at the end.  
15 Q. Thank you. And a moment ago you stated to  
16 the court reporter that you are in, is it Chevy  
17 Chase, Maryland?  
18 A. Yes.  
19 Q. Okay. During the break -- or before we  
20 started you should see on the Zoom chat two  
21 deposition notices. Let me know if you're able to  
22 download them.  
23 A. All right. I have -- I was able to  
24 download the first one for Apple. Do you want me to  
25 download both of them?

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1 Q. Sure.

2 A. Okay.

3 Q. So at the witness's request parties from

4 two different IPRs are participating at this

5 deposition. You'll notice that this Apple notice

6 corresponds to IPR 2022-00031 where Apple has

7 challenged the claims of the '228 patent for today.

8 Could we call that the "Apple IPR" for short?

9 A. Sure.

10 Q. Okay. Take your time.

11 A. Yeah, that's fine.

12 Q. Yeah. So again, you'll see a case

13 captioned with Apple and I want to refer to that,

14 you know, for shorthand as the Apple IPR.

15 Now the Samsung notice corresponds to

16 IPR2022 -- just one moment. The Samsung notice

17 corresponds to IPR 2022-00222, and can we call that

18 the Samsung IPR for short?

19 A. Yes, we can.

20 Q. And during the testimony today we may be

21 referring to a third IPR, and I believe that number

22 is IPR2022-01413 -- strike that.

23 The third IPR we may be referring to is

24 IPR2021-01413. You may recall that IPR case number.

25 That is the -- that is the IPR where Unified

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1 challenged claims of the '228 patent. Can we refer

2 to that as the "Unified IPR"?

3 A. Yes. Absolutely. I don't have that

4 number in front of me, so I just trust that you got

5 it right.

6 Q. Okay. Yeah. And we'll look at a few

7 things from that.

8 These are deposition notices asking you to

9 appear and testify under oath in relation to the

10 matters that we've just discussed. I'm sure you

11 understand the routine because you have been doing

12 this -- you've done this a few times but I'll walk

13 through a few things to be sure.

14 You're here to testify about -- under oath

15 in relation to these two cases, the Apple IPR and

16 the Samsung IPR?

17 A. Yes, I am.

18 Q. You understand you're here to provide

19 truthful and accurate answers in response to my

20 questions?

21 A. I am.

22 Q. Is there anything you can think of that

23 may prevent you from hearing and understanding my

24 questions today?

25 A. I don't think so.

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1 MR. WERBER: All right. We're pasting one

2 more thing to the chat.

3 COURT REPORTER: Are you marking these as

4 exhibits?

5 MR. WERBER: These are not going to be

6 exhibits yet. These are legal pleadings.

7 BY MR. WERBER:

8 Q. Feel free to download.

9 A. Yeah. Okay. I've got this document

10 downloaded.

11 Q. Yes. And so you may or may not recognize

12 this, but this is an order referring to discovery to

13 be taken in relation to the Apple case. A similar

14 order was issued in relation to the Samsung IPR.

15 And you'll notice, just to confirm, there's a

16 reference to a related proceeding challenge Claims 1

17 through 7 of the '228 patent and that's the Unified

18 IPR, and you'll see the case number there.

19 A. Okay.

20 Q. Does that make sense?

21 A. That does.

22 Q. Did you do anything to prepare for today's

23 testimony, Mr. Jakel?

24 A. I met with counsel to prepare for this for

25 a few hours for a few days over the -- well, the

Page 16

1 last couple of weeks because this was originally

2 scheduled for a couple weeks ago and then it got

3 rescheduled. So there was some prep before and then

4 a little bit of prep over the last couple of days.

5 Q. And you spoke with -- you spoke with your

6 outside counsel?

7 A. I think in one case outside counsel was

8 on. Most of the depo prep was done with in-house

9 counsel.

10 Q. With in-house counsel.

11 MR. WERBER: Is John on? I'm not seeing.

12 MR. MANSINGHANI: Jonathan Strang is not

13 appearing today on behalf of Unified. Just the

14 in-house counsel. They are also counsel of record

15 in the case.

16 MR. WERBER: I got it. I got it.

17 BY MR. WERBER:

18 Q. So the -- can you remind me which -- which

19 attorney is representing you today, your lead

20 attorney representing you today?

21 MR. WERBER: Is that you, Roshan?

22 MR. MANSINGHANI: Yeah, this is Roshan

23 Mansinghani from Unified Patents.

24 MR. WERBER: I got you.

25 ///

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