



<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES PATENT AND TRADEMARK OFFICE</p> <p>2 BEFORE THE PATENT TRIAL AND APPEAL BOARD</p> <p>3</p> <p>4 APPLE INC.,</p> <p>5 Petitioner,</p> <p>6 IPR2022-00031</p> <p>7 vs. U.S. Patent No. 10,621,228</p> <p>8 MEMORYWEB, LLC,</p> <p>9 Patent Owner.</p> <p>10 -AND-</p> <p>11</p> <p>12 SAMSUNG ELECTRONICS CO., LTD. ET AL.</p> <p>13 Petitioner,</p> <p>14 IPR2022-00222</p> <p>15 vs. U.S. Patent No. 10,621,228</p> <p>16 MEMORYWEB, LLC,</p> <p>17 Patent Owner.</p> <p>18 - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY -</p> <p>19 DEPOSITION REMOTELY TAKEN VIA ZOOM CONFERENCE OF</p> <p>20 KEVIN JAKEL</p> <p>21 THURSDAY, SEPTEMBER 7, 2023</p> <p>22</p> <p>23 Stenographically Reported by:</p> <p>24 Linda E. Marquette</p> <p>25 RPR, CLR, CA CSR No. 11874</p> <p>Job No. 10126423</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES:</p> <p>2 (All parties appearing remotely.)</p> <p>3 For Petitioner Samsung:</p> <p>4 BY: CHRISTOPHER O. GREEN, ESQ.</p> <p>5 FISH & RICHARDSON LLP</p> <p>6 1180 Peachtree Street NE</p> <p>7 21st Floor</p> <p>8 Atlanta, Georgia 30309</p> <p>9 404.724.2777</p> <p>10 cgreen@fr.com</p> <p>11 -and-</p> <p>12 BY: HYUN JIN IN, ESQ.</p> <p>13 FISH & RICHARDSON LLP</p> <p>14 1000 Maine Avenue SW</p> <p>15 Washington, D.C. 20024</p> <p>16 202.626.7765</p> <p>17 in@fr.com</p> <p>18 -and-</p> <p>19 BY: JONG KYU CHOI, ESQ.</p> <p>20 SAMSUNG ELECTRONICS</p> <p>21 Samsung Electronics US R&D Center</p> <p>22 665 Clyde Avenue</p> <p>23 Suite 402</p> <p>24 Mountain View, California 94043</p> <p>25 408.529.3122</p>
<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES PATENT AND TRADEMARK OFFICE</p> <p>2 BEFORE THE PATENT TRIAL AND APPEAL BOARD</p> <p>3</p> <p>4 APPLE INC.,</p> <p>5 Petitioner,</p> <p>6 IPR2022-00031</p> <p>7 vs. U.S. Patent No. 10,621,228</p> <p>8 MEMORYWEB, LLC,</p> <p>9 Patent Owner.</p> <p>10 -AND-</p> <p>11</p> <p>12 SAMSUNG ELECTRONICS CO., LTD. ET AL.</p> <p>13 Petitioner,</p> <p>14 IPR2022-00222</p> <p>15 vs. U.S. Patent No. 10,621,228</p> <p>16 MEMORYWEB, LLC,</p> <p>17 Patent Owner.</p> <p>18 - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY -</p> <p>19 DEPOSITION REMOTELY TAKEN VIA ZOOM CONFERENCE OF</p> <p>20 KEVIN JAKEL, taken on behalf of Patent Owner, with</p> <p>21 everyone appearing at their remote addresses, and the</p> <p>22 witness appearing at Chevy Chase, Maryland, commencing</p> <p>23 at 9:25 a.m. (EST), and concluding at 6:48 p.m., (EST)</p> <p>24 on Thursday, September 7, 2023, before Linda E.</p> <p>Marquette, RPR, CLR, CA Certified Shorthand Reporter</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES CONTINUED:</p> <p>2 (All parties appearing remotely.)</p> <p>3 For Petitioner Apple Inc.:</p> <p>4 BY: JEFFREY P. KUSHAN, ESQ.</p> <p>5 BY: MATTHEW MAHONEY, ESQ.</p> <p>6 SIDLEY AUSTIN LLP</p> <p>7 1501 K Street, N.W.</p> <p>8 Washington, D.C. 20005</p> <p>9 202.736.8914</p> <p>10 jkushan@sidley.com</p> <p>11 mmahoney@sidley.com</p> <p>12 -and-</p> <p>13 BY: J. STEVEN BAUGHMAN, ESQ.</p> <p>14 GROOMBRIDGE, WU, BAUGHMAN & STONE LLP</p> <p>15 801 17th Street NW</p> <p>16 Suite 1050</p> <p>17 Washington, D.C. 20006</p> <p>18 202.505.5832</p> <p>19 steve.baughman@groombridgewu.com</p> <p>20 -and-</p> <p>21 BY: JEFF QUILICI, ESQ.</p> <p>22 ORRICK HERRINGTON & SUTCLIFFE LLP</p> <p>23 300 West 6th Street</p> <p>24 Suite 1850</p> <p>25 Austin, Texas 78701</p> <p>512.582.6916</p> <p>jquilici@orrick.com</p> <p>-and-</p> <p>BY: RAISA NOOR AHMAD, ESQ.</p> <p>APPLE INC.</p> <p>9455 Towne Centre Drive</p> <p>3039-2SD</p> <p>San Diego, California 92121</p> <p>602.785.7722</p> <p>602.758.7722 fax</p> <p>-and-</p> <p>BY: LEIF E. PETERSON, II, ESQ.</p> <p>SIDLEY AUSTIN LLP</p> <p>One South Dearborn</p> <p>Chicago, Illinois 60603</p> <p>312.853.7190</p> <p>leif.peterson@sidley.com</p>

Page 5			Page 7		
1	APPEARANCES CONTINUED:		1	EXHIBITS	
2	(All parties appearing remotely.)		2	NO. DESCRIPTION	PAGE
3	For: Unified Patents, LLC:		3	Exhibit APPLE EX2073/SAMSUNG EX2067	55
4	BY: ROSHAN MANSINGHANI, ESQ.		4	[REDACTED]	
5	BY: MICHELLE ASPEN, ESQ.		5	Exhibit APPLE EX2074/SAMSUNG EX2068	58
6	BY: T.J. MURPHY, ESQ.		6	[REDACTED]	
7	UNIFIED PATENTS LLC		7	Exhibit APPLE EX2075/SAMSUNG EX2069	59
8	4445 Willard Avenue		8	List of email address; Bates	
9	Suite 600		9	UNIFIED_000003 to 000005	
10	Chevy Chase, Maryland 20815		10	Exhibit APPLE EX2076/SAMSUNG EX2070	64
11	925.434.8754		11	Unified Petition for Inter Partes Review	
12	roshan@unifiedpatents.com		12	of U.S. Patent 10,621,228 (104 pages)	
13	michelle@unifiedpatents.com		13	Exhibit APPLE EX2077/SAMSUNG EX2071	66
14			14	Supplemental Declaration of Kevin Jakel;	
15			15	Bates UNIFIED_500001 to 500013	
16	For Patent Owner MemoryWeb, LLC:		16	Exhibit APPLE EX2078/SAMSUNG EX2072	67
17	BY: MATTHEW WERBER, ESQ.		17	Unified Patents News Update "MemoryWeb	
18	NIXON PEABODY LLP		18	Patent Likely Invalid; Bates	
19	300 South Grand Avenue		19	UNIFIED_000002	
20	Suite 4100		20	Exhibit APPLE EX2079/SAMSUNG EX 2073	67
21	Los Angeles, California 90071		21	List of email addresses; Bates	
22	213.629.6170		22	UNIFIED_000006 to 000008	
23	mwerber@nixonpeabody.com		23	Exhibit APPLE EX2080/SAMSUNG EX2074	70
24	-and-		24	Order Identifying Real	
25			25	Party-in-Interest; Bates UNIFIED_500479	
				to 500513	
	BY: PETER KRUSIEWICZ, ESQ.			Exhibit APPLE EX2081/SAMSUNG EX2075	73
	NIXON PEABODY LLP			[REDACTED]	
	70 West Madison Street			[REDACTED]; Bates	
	Chicago, Illinois 60602			APL-MW228_00000210	
	312.977.4473				
	pkrusiewicz@nixonpeabody.com			Exhibit APPLE EX2082/SAMSUNG EX2076	80
				Petitioner's Updated Mandatory Notices	
	ALSO PRESENT:			(4 pages)	
	Chris Landrum, Zoom Host				
	Ryan Asanas, Zoom Host				
Page 6			Page 8		
1	I N D E X		1	EXHIBITS CONTINUED	
2	WITNESS:	PAGE	2	NO. DESCRIPTION	PAGE
3	KEVIN JAKEL		3	Exhibit APPLE EX2083/SAMSUNG EX2077	94
4	EXAMINATION BY MR. WERBER	12	4	[REDACTED]; Bates	
5	EXAMINATION BY MR. KUSHAN	137	5	UNIFIED_000009 to 000047	
6	EXAMINATION BY MR. GREEN	179	6	Exhibit APPLE EX2084/SAMSUNG EX2078	94
7	EXAMINATION BY MR. MANSINGHANI	185	7	[REDACTED]; Bates	
8	FURTHER EXAMINATION BY MR. WERBER	216	8	UNIFIED_000049	
9	FURTHER EXAMINATION BY MR. MANSINGHANI	245	9	Exhibit APPLE EX2085/SAMSUNG EX2079	122
10			10	[REDACTED]; Bates APL-MW228_00000083	
11	EXHIBITS		11	Exhibit APPLE EX2086/SAMSUNG EX2080	127
12	NO. DESCRIPTION	PAGE	12	[REDACTED]; Bates	
13	Exhibit APPLE EX2068/SAMSUNG EX2062	22	13	APL-MW228-00000165	
14	Transcript of Kevin Jakel from May 26,		14	Exhibit APPLE EX2087/SAMSUNG EX2081	130
15	2022; Bates UNIFIED_500104 to 500282		15	Top 20 Petitioners (3 pages)	
16	Exhibit APPLE EX2065	25	16	Exhibit APPLE EX2088/SAMSUNG EX2082	133
17	Screenshot "Success at Challenging Bad		17	[REDACTED] Bates APL-MW228_00000193 to	
18	Patents" (3 pages)		18	00000194	
19	Exhibit APPLE EX2069/SAMSUNG EX2063	35	19	Exhibit APPLE EX1094	137
20	[REDACTED]		20	Declaration of Kevin Jakel (7 pages)	
21	Bates UNIFIED_500014 to 500031		21	Exhibit APPLE EX1095	148
22	Exhibit APPLE EX2070/SAMSUNG EX2064	42	22	[REDACTED]; Bates APL-MW228_00000161 to	
23	[REDACTED]		23	00000162	
24	[REDACTED] Bates		24	Exhibit APPLE EX1096	149
25	APL-MW228_00000040 with attachments to			[REDACTED]; Bates	
	APL-MW228_00000071			APL-MW228_00000158 to 00000160	
	Exhibit APPLE EX2071/SAMSUNG EX2065	49		Exhibit APPLE EX1097	154
	[REDACTED]			[REDACTED]; Bates	
	[REDACTED] Bates			APL-MW228_00000074 to 00000077	
	APL-MW228_00000072				
	Exhibit APPLE EX2072/SAMSUNG EX2066	50			
	[REDACTED]				
	[REDACTED]				
	[REDACTED] Bates APL-MW228_00000019 to				

<p>1 EXHIBITS CONTINUED</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 Exhibit APPLE EX1098 155</p> <p>4 [REDACTED]; Bates</p> <p>5 APL-MW228_00000079</p> <p>6 Exhibit APPLE EX1099 155</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]; Bates</p> <p>9 APL-MW228_00000166</p> <p>10 Exhibit APPLE EX1100 156</p> <p>11 [REDACTED]</p> <p>12 Bates APL-MW228_00000193</p> <p>13 to 00000194</p> <p>14 Exhibit MEMORYWEB EX2052 171</p> <p>15 Weekly Newsletter regarding petition</p> <p>16 filing (2 pages)</p> <p>17 Exhibit MEMORYWEB EX2053 171</p> <p>18 Summary Report for UP_Newsletter_Sept9</p> <p>19 Exhibit APPLE EX2089 220</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 Bates UNIFIED_000048</p> <p>23 Exhibit APPLE EX2090 221</p> <p>24 [REDACTED];</p> <p>25 Bates UNIFIED_000050 to 000052</p> <p>PREVIOUSLY MARKED EXHIBITS</p> <p>NO. DESCRIPTION PAGE</p> <p>Exhibit APPLE EX2058 52</p> <p>Article titled "3 Questions for Unified</p> <p>Patents CEO Post-Oil States (Part II)</p> <p>(3 pages)</p>	<p>Page 9</p> <p>1 Austin on behalf of Apple.</p> <p>2 With me are Leif Peterson and Matt Mahoney</p> <p>3 from Sidley and Steve Baughman from Groombridge.</p> <p>4 We also have Raisa Ahmad from Apple and</p> <p>5 Jeff Quilici from Apple.</p> <p>6 MR. GREEN: Good morning. My name is</p> <p>7 Christopher Green. I'm with Fish & Richardson and</p> <p>8 I'm appearing today on behalf of Samsung.</p> <p>9 With me today is my colleague Hyun Jin In</p> <p>10 and also appearing at the deposition is Samsung</p> <p>11 in-house counsel, Jong Choi.</p> <p>12 MR. MANSINGHANI: Good morning. This is</p> <p>13 Roshan Mansinghani appearing on behalf of Unified</p> <p>14 Patents.</p> <p>15 With me as well are Michelle Aspen and</p> <p>16 T.J. Murphy also from Unified Patents.</p> <p>17 COURT REPORTER: Is that everyone?</p> <p>18 (No response.)</p> <p>19 COURT REPORTER: Do all counsel agree that</p> <p>20 I may swear in the witness remotely?</p> <p>21 MR. WERBER: Agreed.</p> <p>22 MR. KUSHAN: Yes.</p> <p>23 ///</p> <p>24 ///</p> <p>25 ///</p> <p>Page 11</p>
<p>Page 10</p> <p>1 DEPOSITION REMOTELY TAKEN VIA ZOOM CONFERENCE</p> <p>2 T URSDAY, SEPTEMBER 7, 2023</p> <p>3 9:25 A.M. (EST) to 6:48 P.M.(EST)</p> <p>4</p> <p>5 COURT REPORTER: Okay. We are now on the</p> <p>6 record. Today's date is Thursday, September 7,</p> <p>7 2023, and the time is 9:25 a.m. Eastern.</p> <p>8 This is the remote deposition of Kevin</p> <p>9 Jake via Zoom videoconference being taken in the</p> <p>10 matter of Apple vs MemoryWeb IPR2022-00031 and</p> <p>11 Samsung vs MemoryWeb IPR2022-00222.</p> <p>12 The witnesses appearing remotely from</p> <p>13 Chevy Chase, Maryland.</p> <p>14 It is imperative that everyone speak slowly,</p> <p>15 clearly, and one at a time. Overlapping speakers are</p> <p>16 not discernible over Zoom and cannot be reported.</p> <p>17 My name is Linda Marquette, appearing for</p> <p>18 Aptus Court Reporting, located at 401 West A Street,</p> <p>19 Suite 1680, San Diego, California.</p> <p>20 We counsel please identify yourselves</p> <p>21 and anyone with you, and state whom you represent,</p> <p>22 starting with the taking attorney.</p> <p>23 MR. WERBER: Matt Werber of Nixon Peabody</p> <p>24 here on behalf of MemoryWeb, patent owner.</p> <p>25 MR. KUSHAN: Jeff Kushan from Sidev</p>	<p>Page 12</p> <p>1 KEVIN JAKEL,</p> <p>2 having been first duly administered an oath</p> <p>3 remotely, was examined and testified as follows:</p> <p>4</p> <p>5 COURT REPORTER: Counsel may begin.</p> <p>6</p> <p>7 EXAMINATION</p> <p>8 BY MR. WERBER:</p> <p>9 Q. Yeah. Good morning. Could you please</p> <p>10 state and spell your full name for the record and</p> <p>11 remind me of the pronunciation of your last name?</p> <p>12 A. Sure. Kevin Jakel. First name is</p> <p>13 K-E-V-I-N. Last name is Jakel, J-A-K-E-L. It's</p> <p>14 like Jake with an L at the end.</p> <p>15 Q. Thank you. And a moment ago you stated to</p> <p>16 the court reporter that you are in, is it Chevy</p> <p>17 Chase, Maryland?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. During the break -- or before we</p> <p>20 started you should see on the Zoom chat two</p> <p>21 deposition notices. Let me know if you're able to</p> <p>22 download them.</p> <p>23 A. All right. I have -- I was able to</p> <p>24 download the first one for Apple. Do you want me to</p> <p>25 download both of them?</p>

Page 13

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

Page 14

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.

Page 15

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 ///

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.