EXHIBIT 2

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 1              IN THE UNITED STATES DISTRICT COURT
               FOR THE WESTERN DISTRICT OF TEXAS
 2                         WACO DIVISION

 3    RFCYBER CORP.              *
                                 *         September 13, 2022
 4    VS.                        *
                                 * CIVIL ACTION NO. W-21-CV-916
 5    APPLE, INC.                *

 6            BEFORE THE HONORABLE ALAN D ALBRIGHT
                    MARKMAN HEARING (via Zoom)
 7
      APPEARANCES:
 8
      For the Plaintiff:   Vincent J. Rubino, III, Esq.
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11    For the Defendant:   Mark D. Fowler, Esq.
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                           John Michael Guaragna, Esq.
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16
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19      Proceedings recorded by mechanical stenography,

20    transcript produced by computer-aided transcription.

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10:41	1	(Hearing begins.)
10:50	2	DEPUTY CLERK: A civil action in Case
10:50	3	6:21-CV-916, RFCyber Corp. versus Apple, Inc. Case
10:50	4	called for a Markman hearing.
10:50	5	THE COURT: If I could have announcements
10:50	6	from counsel, starting with plaintiff, please.
10:50	7	MR. RUBINO: Your Honor, Vincent Rubino
10:50	8	from Fabricant LLP on behalf of the plaintiff.
10:50	9	THE COURT: I see Mr. Fowler and
10:50	10	Mr. Guaragna.
10:50	11	MR. GUARAGNA: Good morning, Your Honor.
10:50	12	It's John Guaragna from DLA Piper for Apple. With me
10:50	13	this morning from DLA are Mark Fowler.
10:50	14	MR. FOWLER: Good morning, Your Honor.
10:50	15	THE COURT: Morning.
10:50	16	MR. GUARAGNA: And Zach Loney.
10:50	17	MR. LONEY: Good morning.
10:50	18	THE COURT: Welcome.
10:50	19	MR. GUARAGNA: Also on the line, Your
10:51	20	Honor, are in-house counsel from Apple, Natalie Pous
10:51	21	and Amy Walters.
10:51	22	THE COURT: Very much welcome to counsel
10:51	23	and your clients for attending.
10:51	24	The first claim term I have is "e-purse,"
10:51	25	e-purse or electronic purse.

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10:51	1	I'll hear from counsel for Apple.
10:51	2	MR. GUARAGNA: Your Honor, if I may, just
10:51	3	before we start the argument, I understand the Court
10:51	4	wants to be informed when there are pending transfer
10:51	5	motions so the Court can have an opportunity to address
10:51	6	those before Markman.
10:51	7	In this case, Apple does have a pending
10:51	8	motion to transfer at Docket No. 93. The venue
10:51	9	discovery that has been served on Apple has been
10:51	10	responded to. So the briefing in that instance could
10:51	11	be completed promptly and a decision could be done
10:51	12	quickly in that regard.
10:51	13	THE COURT: Well, I typically -- maybe
10:51	14	something happened here. I'm happy to reschedule the
10:51	15	Markman till we take that up. I usually don't hold the
10:51	16	Markman until we've -- when -- Mr. Guaragna, when do
10:52	17	you anticipate the briefing to be done?
10:52	18	MR. GUARAGNA: We anticipate it could be
10:52	19	done within the next month, Your Honor. The -- I think
10:52	20	the plaintiff will have two weeks to respond to our
10:52	21	motion, then we will have another two weeks. So we're
10:52	22	looking at roughly four weeks of briefing schedule.
10:52	23	And then the motion should be ripe for resolution.
10:52	24	THE COURT: Mr. Rubino, do you agree with
10:52	25	that time estimate?

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10:52 1   MR. RUBINO: Your Honor, while we may

10:52 2   agree with the time frame, plaintiff's position, which

10:52 3   this is a catching us a bit by surprise honestly, but

10:52 4   plaintiff's position is and has been that Apple moved

10:52 5   to transfer to the Northern District of California.

10:52 6   That was an inter-district transfer. We briefed that.

10:52 7   We spent considerable time dealing with that motion.

10:52 8   And then right at the end Apple decided

10:52 9   to withdraw its motion and recast a new motion as a

10:52 10   motion to transfer intra-district to the Austin

10:52 11   Division.

10:52 12   We have two beliefs about how the law

10:52 13   stands. One is that there's no requirement -- or that

10:53 14   this Court -- we believe this Court hasn't had to do

10:53 15   intra-district transfers before the Markman, and only

10:53 16   inter-district transfers. I hope I said that right.

10:53 17   And in this case there's a bit more

10:53 18   egregious conduct here, which is that, you know, we

10:53 19   spent a lot of time, delayed the Markman from June all

10:53 20   the way till now to get that initial motion decided.

10:53 21   It got pulled.

10:53 22   We think there's probably even grounds to

10:53 23   strike their new motion in view of this behavior. And

10:53 24   we don't think the Markman should be postponed any

10:53 25   longer. And this seems like pure delay tactics on the

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