UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and FORTINET, INC.,

Petitioners,

v.

INFOEXPRESS INC.,

Patent Owner,

IPR2024-00539

U.S. Patent No. 8,051,460

IPR2024-00675

U.S. Patent No. 7,523,484

IPR2024-00676

U.S. Patent No. 8,677,450

IPR2024-00677

U.S. Patent No. 8,578,444

IPR2024-00679

U.S. Patent No. 7,523,484

VIDEOCONFERENCE DEPOSITION OF STACEY LUM

IRVINE, CALIFORNIA

TAKEN ON APRIL 29, 2025

Magna Job No.: 1321396

Reported by: Kimberly Crane, CSR No. 11594, RPR, CLR

MAGNA LEGAL SERVICES

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 _____
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD
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5 CISCO SYSTEMS, INC. and FORTINET, INC.,
6 Petitioners,
7 v.
8 INFOEXPRESS INC.,
9 Patent Owner,
10 _____
11 IPR2024-00539
U.S. Patent No. 8,051,460
12
IPR2024-00675
13 U.S. Patent No. 7,523,484
14 IPR2024-00676
U.S. Patent No. 8,677,450
15
IPR2024-00677
16 U.S. Patent No. 8,578,444
17 IPR2024-00679
U.S. Patent No. 7,523,484
18 _____
19 REMOTE VIDEOCONFERENCE DEPOSITION OF
20 STACEY LUM, who was, at the time of this proceeding,
21 located in Irvine, California, taken on behalf of the
22 Petitioner, commencing at 12:00 p.m. and ending at
23 2:32 p.m. on Tuesday, April 29, 2025, before KIMBERLY
24 CRANE, CSR NO. 11594, in and for the State of
25 California, Registered Professional Reporter.

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1 I N D E X

2 EXAMINATION OF STACEY LUM PAGE

3 BY MR. PADMANABHAN 5, 58

4 BY MR. MICHALEK 55

5

6

7 EXHIBITS PREVIOUSLY MARKED AND REFERENCED

8 (NOT ATTACHED TO TRANSCRIPT)

9

EXHIBIT	DESCRIPTION	PAGE
Exhibit 2004	Calendar	32
Exhibit 2006	Provisional Application in the Other Set of Claim Charts for Reduction of Practice	26
Exhibit 2013	Product Manual for the InfoExpress CyberGatekeeper Policy Manager from 2001	14
Exhibit 2036	Email String beginning on 12/18/02	40
Exhibit 2231	Email Chain between Stacey Lum and Jennifer Medlin	45
Exhibit 2564	Supplemental Declaration of Stacey Lum	9

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25

1 IRVINE, CALIFORNIA; TUESDAY, APRIL 29, 2025;
2 12:00 P.M.
3 -OOO-
4
5 THE COURT REPORTER: For the record, my name
6 is Kim Crane. I'm a California Certified Shorthand
7 Reporter. My CSR number is 11594.
8
9 STACEY LUM,
10 called as a witness on behalf of the Petitioner,
11 having been first duly sworn, testified as follows:
12
13 EXAMINATION
14 BY MR. PADMANABHAN:
15 Q. Good afternoon, Mr. Lum. My name is Krishan
16 Padmanabhan. I will be taking your deposition today.
17 Have you ever had your deposition taken
18 previously?
19 A. Yes.
20 Q. How many times?
21 A. Once.
22 Q. And what was that in relation to?
23 A. I don't know the specifics, but it was in
24 relation to another patent case.
25 Q. Was it a case filed by InfoExpress?

A. No.
Q. Do you recall the name of the matter?
A. Can you repeat that? I missed that.
Q. Do you recall the name of the matter?
A. No.
Q. Approximately how long ago was that?
A. A few months ago.
Q. Was Saul Ewing your attorney in defense of that deposition?
A. Saul Ewing was there.
Q. I am going to give you a quick refresher on the rules so you have a little bit of a primer for today's deposition. Is that okay?
A. Okay.
Q. My job is to ask you questions. You understand that, right?
A. Right.
Q. And your job is to answer the questions to the best of your ability. You understand that, right?
A. Yes.
Q. We have a court reporter who was kind enough to introduce herself at the beginning of this.
Do you recall that?
A. Yes.

1 Q. And for her benefit, would you try and let
2 me finish my question before you provide an answer?
3 A. Yes.
4 Q. Mr. Lum, what did you do to prepare for
5 today's deposition?
6 A. I had meetings with our attorneys a few
7 times.
8 Q. How many times?
9 A. About three.
10 Q. When were those meetings?
11 A. The past week or so.
12 Q. Now, you understand today's deposition is in
13 relation to an Inter Partes Review that was filed
14 regarding some InfoExpress patents, correct?
15 A. Yes.
16 Q. And in connection with those Inter Partes
17 Reviews, you submitted a declaration?
18 A. Yes.
19 Q. Do you have a copy of that declaration in
20 front of you, by any chance?
21 MR. MICHALEK: KP, I have a copy, a clean
22 hard copy.
23 MR. PADMANABHAN: Totally fine. Let me just
24 ask the question.
25 BY MR. PADMANABHAN:

1 Q. Do you have any documents with you for
2 today's deposition?
3 A. Not directly in front of me right now.
4 Q. Okay. Has your counsel provided any copies
5 of documents for you to access during the course of
6 today's deposition?
7 A. Well, not yet.
8 Q. Okay. So then why don't we just go to the
9 colloquy.
10 MR. PADMANABHAN: Brian, do you have copies
11 of certain documents for Mr. Lum's ease of review?
12 MR. MICHALEK: The only one that we have is
13 the supplemental declaration, Exhibit 2564, a paper
14 copy.
15 MR. PADMANABHAN: Beautiful. That will be
16 helpful during today's deposition.
17 MR. MICHALEK: I thought so.
18 MR. PADMANABHAN: So Mr. Michalek, can you
19 provide that to Mr. Lum for his ease of use. And
20 we'll mark as Exhibit 1 to the deposition the
21 Supplemental Declaration of Stacey C. Lum, which is
22 Exhibit 2564.
23 So we'll reference this as Exhibit 2564. My
24 apologies.
25 ///

1 (Exhibit 2564 was previously marked and
2 referenced for identification.)
3 BY MR. PADMANABHAN:
4 Q. Is that okay with you, Mr. Lum?
5 A. Yes.
6 Q. Are you having difficulty hearing me?
7 A. Sorry?
8 Q. Are you having difficulty hearing me?
9 THE WITNESS: Can I talk to my lawyer for a
10 second? I'll keep the speaker on.
11 MR. PADMANABHAN: Yes, you can talk to your
12 lawyer.
13 THE WITNESS: The sound is coming from here.
14 It's not coming from the speakers at all. It would
15 be nicer if the volume were a little bit higher. Oh,
16 wait.
17 MR. PADMANABHAN: Madam Reporter, why don't
18 we go off the record for the benefit of your hands.
19 THE COURT REPORTER: Okay. Thank you.
20 (Discussion held off the record.)
21 BY MR. PADMANABHAN:
22 Q. Mr. Lum, looking at Exhibit 2564, is this
23 the declaration you provided in connection with these
24 Inter Partes Review proceedings?
25 A. Yes.

1 Q. And did you prepare this with the help of
2 counsel?
3 A. Yes.
4 Q. I'd like you to turn to page 28. Let me
5 know when you're there.
6 A. Did you say "page 28"?
7 Q. Page 28.
8 A. It only goes up to page 24.
9 Q. I'm sorry. You know what? I know why.
10 Strike it. Let me try it again.
11 Can you go to paragraph 69.
12 A. Okay.
13 Q. Actually, let's go to paragraph 68. Tell me
14 when you're there.
15 A. Okay. I'm there.
16 Q. In paragraph 68, you say: "I used an Eudora
17 email client."
18 Do you see that?
19 A. Yes.
20 Q. It continues. It says: "The Eudora email
21 client automatically downloaded emails and
22 attachments from the server using the POP3 protocol
23 and then stored them locally on my laptop."
24 Do you see that?
25 A. Yes.

1 Q. And there are a number of emails that are
2 cited in your declaration, correct?
3 A. Yes.
4 Q. And some of those emails were also provided
5 with the attachments, correct?
6 A. Yes.
7 Q. And some of those emails were not provided
8 with attachments, correct?
9 A. Yes.
10 Q. If an email had an attachment, did you
11 automatically atta- -- strike that.
12 Did you include all of the attachments to
13 all of the emails that you cite in your declaration?
14 A. I provided all of the emails and attachments
15 to my attorneys, and the attorneys helped draft this
16 thing, so that was included, and I re- -- yeah.
17 Q. So if an email that is attached to your
18 declaration had an attachment, but the attachment was
19 not provided as part of your declaration, was that
20 document purposely withheld?
21 MR. MICHALEK: Objection. Form.
22 BY MR. PADMANABHAN:
23 Q. You can still answer.
24 A. Oh, okay. So you're asking if I withheld
25 the attachment from the attorneys? No.

1 Q. No. What I'm asking is if there are emails
2 attached to your declaration --
3 A. Uh-huh.
4 Q. -- that indicate they had an attachment --
5 A. Uh-huh.
6 Q. -- did you intend to not include the
7 attachment as part of your declaration?
8 MR. MICHALEK: Objection to form.
9 THE WITNESS: Okay. Can you clarify what
10 you're asking or do you want me to try to paraphrase
11 what you're asking?
12 BY MR. PADMANABHAN:
13 Q. I can ask it differently if you did not
14 understand my question. Did you not understand my
15 question?
16 A. I did not understand the question.
17 Q. Okay. Let's say that an exhibit to your
18 declaration included attachments.
19 A. Uh-huh.
20 Q. Were all of the attachments to the emails
21 preserved by your Eudora email client?
22 A. I believe so, yes.
23 Q. So if an email cited in your declaration was
24 provided without the attachments, that was
25 purposeful, correct?

1 MR. MICHALEK: Objection to form.
2 THE WITNESS: I provided the emails and all
3 of the attachments to my attorneys when we worked on
4 this, and if the -- and the attorneys helped draft
5 the agreement so -- or not -- sorry, the declaration.
6 So if an attachment was not included in this
7 declaration that was cited in an email, then that
8 would have been something that our attorneys -- the
9 attorneys had put together.
10 BY MR. PADMANABHAN:
11 Q. Something that your attorneys decided to not
12 include in the materials cited in the declaration?
13 MR. MICHALEK: Objection as to form. Calls
14 for speculation.
15 THE WITNESS: Yeah, I was about to say, are
16 you asking me to speculate?
17 BY MR. PADMANABHAN:
18 Q. I am asking you if you provided all of the
19 attachments to the emails when you provided materials
20 to counsel?
21 A. Yes. I provided all of the attachments and
22 all of the emails to counsel.
23 Q. For example, if we go to paragraph 72(b).
24 Are you there?
25 A. Yes, uh-huh. 72(b)?

1 Q. Correct.
2 A. Uh-huh.
3 Q. Paragraph 72(b) of your declaration
4 identifies a number of exhibits, and then says:
5 "These were emails and/or attachments that I sent
6 and/or received from my InfoExpress email account in
7 the ordinary course of business."
8 Do you see that?
9 A. Yes.
10 Q. So if any of the emails identified in
11 paragraph 72(b) indicated they had an attachment, you
12 provided that attachment to counsel, correct?
13 A. Yes.
14 Q. Okay. Let's go to paragraph 11.
15 A. Yes.
16 Q. Paragraph 11 of your declaration cites
17 Exhibit 2013, right?
18 A. Yes.
19 MR. PADMANABHAN: And why don't we put a
20 copy of Exhibit 2013 up.
21 (Exhibit 2013 was previously marked and
22 referenced for identification.)
23 BY MR. PADMANABHAN:
24 Q. And Exhibit 2013 is a product manual for the
25 InfoExpress CyberGatekeeper Policy Manager from 2001,

1 correct?
2 MR. MICHALEK: We don't have it up yet. Can
3 you just give us a second, please.
4 So drop the Chat down.
5 THE WITNESS: Uh-huh.
6 MR. MICHALEK: This is the first I've got.
7 THE WITNESS: Oh, there's two?
8 MR. MICHALEK: So you'll save that.
9 THE WITNESS: And how about this one? Do I
10 save this one?
11 MR. MICHALEK: Yes.
12 THE WITNESS: So I save this one as well.
13 So I should probably just -- I should probably pop up
14 this, and it will download?
15 MR. MICHALEK: Okay.
16 THE WITNESS: Yes, I see that document. It
17 says: "CyberGatekeeper Policy Manual, Copyright
18 2001, InfoExpress" on the cover.
19 BY MR. PADMANABHAN:
20 Q. And this is an InfoExpress technical
21 document from 2001?
22 A. Yes.
23 Q. The entirety of this document, Exhibit 2013,
24 is -- strike that. I am going to ask it more
25 clearly.

1 The entirety of Exhibit 2013 is prior art to
2 the invention that is at issue --
3 MR. MICHALEK: Objection to form.
4 BY MR. PADMANABHAN:
5 Q. -- in this IPR?
6 MR. MICHALEK: Sorry. Objection to form.
7 THE WITNESS: Did you have a question?
8 BY MR. PADMANABHAN:
9 Q. I did. That was my question. I will ask
10 you -- the copyright date on Exhibit 2013 is 2001,
11 correct?
12 A. Right. Correct.
13 Q. And InfoExpress created this document in
14 2001, correct?
15 A. Yes.
16 Q. So the entirety of Exhibit 2013 is prior art
17 to the patent at issue in this IPR, correct?
18 MR. MICHALEK: Objection to form.
19 THE WITNESS: This document was written in
20 2001.
21 BY MR. PADMANABHAN:
22 Q. Okay. Well, try it another way.
23 Do you know what "prior art" is?
24 A. I have some idea, but I'm not a lawyer.
25 Q. Fair. Let's try this a different way. Just

1 give me one moment.
2 So if you look at paragraph 7 of your
3 declaration --
4 A. Yes.
5 Q. -- you say: "No later than December 2,
6 2002, Ms. Lee and I collectively conceived of the
7 claimed inventions in the Challenged Patents as
8 further set forth in the corroborating evidence
9 herein."
10 Do you see that?
11 A. Yes, I see that.
12 Q. Now, Exhibit 2013 bears a copyright date of
13 2001, correct?
14 A. Yes.
15 Q. So the entirety of Exhibit 2013 predates
16 your December 2, 2002, claimed conception of the
17 Challenged Patents, correct?
18 MR. MICHALEK: Objection to form.
19 THE WITNESS: The document CyberGatekeeper
20 Policy Manager, copyright 2001, was written prior to
21 December 2nd, 2002.
22 BY MR. PADMANABHAN:
23 Q. It was written in 2001, right?
24 A. It was written in 2001, yes.
25 Q. Okay. If you go to Exhibit 2013, at page 8.

1 A. When you're referring to "page 8," are you
2 referring to the page 8 at the bottom right or the
3 top left?
4 Q. The bottom right.
5 A. Oh, okay.
6 Q. Page 8 of 46.
7 A. Okay. I am on page 8 where it lists five on
8 the top left, uh-huh.
9 Q. And there is a figure at the top of page 8,
10 correct?
11 A. Yes.
12 Q. And one of the elements of the figure is a
13 CGAgent?
14 A. Sorry. Sorry. Can you repeat that?
15 Q. One of the elements of the figure is the
16 CGAgent?
17 A. Yes.
18 Q. So the CGAgent predated the invention of the
19 Challenged Patents, contribute?
20 MR. MICHALEK: Objection to form.
21 THE WITNESS: The CGAgent is in this
22 document that was written in 2001.
23 BY MR. PADMANABHAN:
24 Q. I'll ask the question again. The CGAgent
25 predated the invention of the Challenged Patents,

1 correct?

2 MR. MICHALEK: Objection to form.

3 THE WITNESS: The CGAgent in this document

4 was written prior to December 2, 2002.

5 BY MR. PADMANABHAN:

[redacted]

1 BY MR. PADMANABHAN:
2 Q. So as of 2001, InfoExpress had a CGAgent
3 that performed audits, correct?
4 A. In 2001, we had a CGAgent that sent audit
5 information to CG Server.
6 Q. And the CG Server would decide whether or
7 not to provide a device access to the corporate
8 network, correct?
9 A. The CG Server determined whether to
10 determine access to the corporate network.
11 Q. Now, in the figure on page 8, the CGAgent is
12 in line with the CG Server, correct?
13 A. Did you say "CGAgent is in line with the
14 CG Server"?
15 Q. Correct. The CGAgent connects through the
16 Internet and a VPN gateway to the CG Server, correct?
17 A. Yes. Can I qualify that? So it does show
18 that on the upper part of the diagram.
19 Q. What is the NAS on the bottom part of the
20 diagram?
21 A. Network Access Server, a wireless -- a NAS.
22 Q. And the NAS is wireless?
23 A. One moment. Let me -- I'm reviewing the
24 document. The NAS here is dial-up.
25 Q. Well, you said "wireless" in your first

1 response, so I was trying to understand. What were
2 you referencing when you said "wireless"?
3 A. Oh, it's been awhile, so I used the wrong
4 word. I should have said "dial-up."
5 MR. PADMANABHAN: Let's go to Exhibit 2011.
6 THE WITNESS: Did you ask me to look at a
7 different document?
8 BY MR. PADMANABHAN:
9 Q. No. I am asking someone to put it into the
10 tab.
11 MR. PADMANABHAN: Madam Reporter, going
12 forward, I will mute myself.
13 THE WITNESS: Oh, I see. Okay. Oh, 2011.
14 Okay.
15 Okay. Yes, I have the document. It's dated
16 [redacted], "CyberGatekeeper" on the front -- at the
17 top of the front page.
18 BY MR. PADMANABHAN:
19 Q. Now, this document doesn't contain your name
20 anywhere, does it?
21 A. I do not see my name in this document.
22 Q. If you can turn to page 11.
23 A. Okay. I am on page 11.
24 Q. And do you see Figure 3 at the top of
25 page 11?

1 A. Yes.

[redacted]

[redacted]

[redacted]

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1 (Exhibit 2006 was previously marked and
2 referenced for identification.)
3 BY MR. PADMANABHAN:
4 Q. Let's go to Exhibit 2006.
5 A. Is there some other attachment?
6 Q. We will put it in the window.
7 A. Oh, okay. Thank you.
8 Q. Why don't we take a two-second break.
9 MR. PADMANABHAN: Madam Reporter, let's go
10 off the record for a moment.
11 (A recess was taken.)
12 BY MR. PADMANABHAN:
13 Q. Mr. Lum, if you turn to Exhibit 2006 at
14 page 4.
15 A. Yes, I'm there.
16 Q. And the heading on page 4 says: "Existing
17 System 1A CyberGatekeeper Remote." Correct?
18 A. Yes.
19 Q. And what you're saying -- I lost you. Hold
20 on. Strike it. Let me start it again.
21 First off, Exhibit 2006 is one of the
22 provisional applications related to the Challenged
23 Patents, correct?
24 A. Yes.
25 Q. And you're a named inventor on those,

1 correct?
2 A. Yes.
3 Q. Now, on page 4, under the title "Existing
4 System," what you're depicting is work that predates
5 your invention, correct?
6 A. The existing system, yes.
7 Q. And here, "EP" is "endpoint"?
8 A. Yes.
9 Q. And "NAS" is similar to the NAS that we saw
10 in Exhibit 2013?
11 MR. MICHALEK: Objection to form.
12 THE WITNESS: Yes.
13 BY MR. PADMANABHAN:
14 Q. And "GK" is "gatekeeper"?
15 A. Yes.
16 Q. And the "corporate network" is the network
17 that the gatekeeper is protecting, correct?
18 A. Yes.
19 Q. And in this Figure 1 of Exhibit 2006, all of
20 the data from the endpoint destined for the corporate
21 network must go through the gatekeeper, correct?
22 A. All the destined for -- between the endpoint
23 and the corporate network goes through the
24 gatekeeper.
25 Q. If you go to page 19 of the PDF, page 19 of

1 22.
2 A. Okay. I'm on page 19.
3 Q. And this is a slide prepared by InfoExpress?
4 A. Yes.
5 Q. And it's dated 2003?
6 A. Oh, yes.
7 Q. And was it made in 2003?
8 MR. MICHALEK: Objection to form.
9 THE WITNESS: It says: "Copyright 2003"
10 here.
11 BY MR. PADMANABHAN:
12 Q. Were you one of the authors of this slide?
13 A. Yes.
14 Q. And so to the best of your recollection, was
15 this created in 2003?
16 A. I don't recall.
17 Q. Do you have any reason to believe that it
18 wasn't created in 2003?
19 A. I don't have any -- are you asking whether I
20 know it was definitely created in 2003 or earlier
21 than 2003?
22 Q. Strike it. Let's just move on.
23 A. Uh-huh.
24 Q. Okay. In this -- this slide is entitled
25 "LAN mode."

1 Do you see that?
2 A. Yes.
3 Q. And then under that, it says: "Normal
4 traffic does not traverse CGS."
5 A. Yes.
6 Q. And "CGS" is the CG server?
7 A. Yes.
8 MR. MICHALEK: Objection to form.
9 BY MR. PADMANABHAN:
10 Q. And in slide -- can I refer to this as
11 slide -- actually, I will refer to this as the "LAN
12 mode diagram." Is that okay?
13 A. Okay.
14 Q. Now, in the LAN mode diagram, when it says:
15 "Normal traffic does not traverse the CGS," that
16 means that data from the CGAgent, after it has been
17 authorized to communicate with the corporate LAN,
18 will not send data through the CG server, correct?
19 A. It means data from the endpoint that CGAgent
20 is running on does not need to go through CG server.
21 Q. Once the endpoint has been authorized?
22 MR. MICHALEK: Objection to form.
23 THE WITNESS: Well, once the endpoint --
24 once the CGAgent has been authorized -- CGAgent has
25 been -- once CG Server has authorized access, then

1 the data between the endpoint destined for the
2 corporate network does not need to go through
3 CG server.
4 BY MR. PADMANABHAN:
5 Q. So the LAN mode diagram differs from
6 Figure 1 in Exhibit 2006 because all of the data
7 between the endpoint and the corporate network does
8 not need to go through the gatekeeper, correct?
9 MR. MICHALEK: Objection to form.
10 THE WITNESS: Yes.
11 BY MR. PADMANABHAN:
12 Q. And to be clear, the CG server in the LAN
13 mode diagram resides on the gatekeeper?
14 MR. MICHALEK: Objection to form.
15 THE WITNESS: I guess from InfoExpress'
16 description, we use the terminology "CG Server." As
17 shown in this particular diagram, we would have used
18 the terminology "CG Server, CG Server LAN," you know,
19 interchangeably, but there -- you know, there is
20 different software components on CG Server LAN, and,
21 you know, we would call those CyberGatekeeper,
22 CyberGatekeeper server.
23 BY MR. PADMANABHAN:
24 Q. Is the CG Server in the LAN mode slide the
25 equivalent of the gatekeeper in Figure 1; it serves

1 the role of protecting the network?
2 MR. MICHALEK: Objection to form.
3 THE WITNESS: It performs the function of
4 protecting the network, but it's not the same
5 software.
6 BY MR. PADMANABHAN:
7 Q. The CG server is, in fact, distinguishable
8 from the gatekeeper of Figure 1 in Exhibit 2006,
9 correct?
10 A. The functionality is not the same.
11 Q. So if we go back to Figure 1, which is on
12 page 4 --
13 A. Yes, uh-huh.
14 Q. -- all of the data from the endpoint to the
15 corporate network must go through the gatekeeper. We
16 established that, right?
17 A. Yes.
18 Q. And can we call that "inline"?
19 A. Yes.
20 Q. Now, by contrast, if we go to the LAN mode
21 slide, the CG server is not inline, correct?
22 A. Yes.
23 Q. And that was part of the invention in the
24 Challenged Patents, correct?
25 A. Yes.

1 (Exhibit 2004 was previously marked and
2 referenced for identification.)
3 BY MR. BORDER:
4 Q. Mr. Lum, we are introducing Exhibit 2004 to
5 the Chat window. In the interim, why don't we go to
6 Exhibit 2564, your declaration, in paragraph 24.
7 A. Okay. I am looking at paragraph 24.
8 Q. And paragraph 24 states that "a diligence
9 calendar, Exhibit 2004, summarizes the dates of
10 corroborating evidence of work by InfoExpress and/or
11 its subcontractors to implement the invention."
12 Do you see that?
13 A. Yes.
14 Q. And Exhibit 2004 is something that your
15 attorneys prepared?
16 A. Let me pull up the exhibit.
17 Q. It's in the Chat window.
18 A. I am looking at Exhibit 2004. Sorry. Could
19 you repeat your question?
20 Q. Exhibit 2004 is something that your
21 attorneys prepared, correct?
22 A. Yes. I provided information to attorneys,
23 and they prepared this document.
24 Q. And the earliest month shown is
25 [redacted]. Do you see that?

A. Page 1. Yes.

Q. Did you keep a personal diary in [redacted]?

A. I did not keep a personal diary in [redacted].

Q. Did you keep a personal diary in [redacted]?

A. I did not keep a personal diary in [redacted].

Q. Did you have a practice of working with an engineering notebook?

A. I don't recall.

Q. Let me ask a better question. In [redacted], did you have a habit of keeping a notebook to track your engineering work at InfoExpress?

A. I did not have -- I did not have a notebook in 2002.

Q. In [redacted], did you have a notebook to track your engineering work at InfoExpress?

A. I don't remember.

Q. In connection with preparing your declaration in this case, did you look to see whether or not you had an engineering notebook from [redacted]?

A. No.

Q. Okay. Going back to Exhibit 2004, which is the calendar, are you there?

A. Yes.

Q. For any days on which no documents are

1 identified in Exhibit 2004, that means that you had
2 no documents to corroborate your efforts in pursuing
3 your invention for that day, correct?
4 MR. MICHALEK: Objection to form.
5 THE WITNESS: No, not correct.
6 BY MR. PADMANABHAN:
7 Q. Are there documents you had relevant to your
8 pursuit of your invention which you did not provide
9 to counsel?
10 A. I provided counsel with all the documents
11 that I had and emails.
12 Q. Are there documents that you provided to
13 counsel relevant to your invention that are not
14 identified on Exhibit 2004?
15 A. Yes.
16 Q. Who made the decision to include or not
17 include documents on Exhibit 2004?
18 A. I provided all documents, emails,
19 attachments, and other information to the attorneys,
20 and the attorneys put together this schedule and
21 drafted, which -- and included the documents that are
22 in here.
23 Q. Did you review this calendar before your
24 declaration was submitted?
25 A. I looked at the -- I looked at the calendar.

1 Q. And did you look at the cited documents
2 identified in the calendar before your declaration
3 was submitted?
4 A. I did not look at all of the cited
5 documents.
6 Q. Did you identify any documents that were
7 omitted from Exhibit 2004 relevant to the pursuit of
8 your invention?
9 A. Can you define "identified"? In other
10 words, are you saying did I disclose them to the
11 attorneys or something else?
12 Q. Did you look at Exhibit 2004 and determine
13 that there were any documents related to pursuit of
14 your invention that should have been included that
15 were not?
16 MR. MICHALEK: Objection to form.
17 THE WITNESS: Ah. Not being an attorney, I
18 trusted -- I trust my counsel and assumed that the
19 documents that they included were pertinent for the
20 case.
21 BY MR. PADMANABHAN:
22 Q. It's fair to say your counsel made the
23 decision regarding which documents should or should
24 not be listed in Exhibit 2004, correct?
25 MR. MICHALEK: Objection to form.

1 THE WITNESS: Yes.
2 BY MR. PADMANABHAN:
3 Q. Okay. So going back to Exhibit 2004, if
4 there is a date on which no documents are identified,
5 sitting here today, you can't identify a document
6 related to pursuing your invention for that
7 particular day, correct?
8 MR. MICHALEK: Objection to form.
9 THE WITNESS: I -- I took -- can you clarify
10 the question?
11 BY MR. PADMANABHAN:
12 Q. Sure. Let's look at Exhibit 2004.
13 A. Uh-huh, yes.
14 Q. And on [redacted], there are no
15 documents identified for that day, correct?
16 A. Correct.
17 Q. Sitting here at this moment in time, you
18 can't identify a document corroborating any work you
19 did in pursuit of your invention on [redacted]
20 [redacted], correct?
21 A. I kind of missed -- did you say "can" or
22 "cannot"?
23 Q. You cannot. So I will ask it again.
24 Sitting here at this moment, you cannot identify any
25 documents corroborating your pursuit of your

1 invention on [redacted], correct?
2 A. There is no document in this little square
3 here that says: "[redacted]," if that is
4 what you're asking.
5 Q. And so sitting here during your deposition,
6 you can't identify any document corroborating any
7 work you did in pursuit of your invention on
8 [redacted], correct?
9 A. Are you asking if I have documentation that
10 would be present in [redacted], or are you
11 asking if I specifically remember a document from the
12 [redacted] Or are you asking something --
13 Q. Either. Either.
14 A. Either. I can definitely produce documents
15 from most of these dates that are not in this
16 calendar.
17 Q. Are you saying that there are documents that
18 you did not provide to counsel?
19 MR. MICHALEK: Objection to form.
20 THE WITNESS: I provided all documents and
21 exhibits to counsel; however, I view this calendar
22 with the exhibits as exemplary as opposed to
23 comprehensive.
24 BY MR. PADMANABHAN:
25 Q. Sitting here today, do you recall anything

1 you did specifically in pursuit of your invention on
2 [redacted]
3 A. So I -- if you're asking if I remember in my
4 memory specifically something that happened on, let's
5 see, [redacted], I don't recall
6 anything, any documents specifically from that
7 particular date.
8 Q. Is it fair to say that the same answer
9 applies for every one of the days on which no
10 document is identified in Exhibit 2004?
11 MR. MICHALEK: Objection to form.
12 THE WITNESS: No. For example, on
13 December 26, 2002, I do recall a document.
14 BY MR. PADMANABHAN:
15 Q. And is that a document that you provided to
16 counsel?
17 A. Yes.
18 MR. PADMANABHAN: Why don't we take a
19 two-minute break.
20 (A recess was taken.)
21 BY MR. PADMANABHAN:
22 Q. If you can go back to Exhibit 2564.
23 A. Twenty-five -- oh, sorry. Okay.
24 Q. Your declaration.
25 A. Oh, my declaration. Okay. I am looking at

1 the declaration.
2 Q. Go to paragraph 34.
3 A. Thirty-four. Okay. I am looking at
4 paragraph 34 in my declaration.
5 Q. And actually, let's start at page 9,
6 subheading A.
7 A. Okay. I am looking at page 9, A.
8 Q. And in paragraphs 28 through 34, you discuss
9 InfoExpress' attempts to enter an agreement with
10 Meetinghouse, correct?
11 A. You said in paragraphs 20 through --
12 Q. Twenty-eight through 34.
13 A. Oh, 28 through 34.
14 Q. So I will ask my question again.

[redacted]

5 Q. Now, Todd Nakano was one of the co-founders
6 of InfoExpress?
7 A. Yes.
8 Q. An honest guy?
9 MR. MICHALEK: Objection to form.
10 THE WITNESS: You know, that's pretty broad.
11 So I wouldn't --
12 BY MR. PADMANABHAN:
13 Q. Well, scrap the question. It's okay.
14 He was one of your colleagues?
15 A. Yes.

[redacted]

19 (Exhibits 2036 and 2037 were previously
20 marked and referenced for identification.)
21 BY MR. BORDER:
22 Q. I am going to drop Exhibits 2036 and 2037
23 into the window. Why don't you open up Exhibit 2036.
24 A. Okay. I am looking at Exhibit 2036.
25 Q. This is an email string that starts at the

1 bottom beginning December -- on December 18, 2002?

2 A. Yes. I see the email that started that

3 date.

[redacted]

[redacted]

[redacted]

15 MR. MICHALEK: Anthony, we have been going
16 for an hour and a half. I know we took a little
17 break, but --
18 MR. PADMANABHAN: Oh, you want to take a
19 break? That's fine.
20 MR. MICHALEK: Whenever you're ready. I
21 don't want to --
22 MR. PADMANABHAN: A five-minute break is
23 fine. I will gear up and be ready to roll when we
24 come back.
25 MR. MICHALEK: Sounds good.

1 (A recess was taken.)
2 (Exhibit 2231 was previously marked and
3 referenced for identification.)
4 BY MR. PADMANABHAN:
5 Q. Mr. Lum, I have introduced Exhibit 2231.
6 A. Okay. I am looking at Exhibit 2231.
7 Q. This is an email chain between you and
8 Jennifer Medlin, correct?
9 A. Yes.
10 Q. And Ms.~Medlin was one of your patent
11 prosecutors?
12 A. She -- Jennifer Medlin wrote our -- some of
13 our provisionals -- or not wrote, but she helped
14 assist with the provisionals.
15 Q. She was one of your patent lawyers?
16 A. Yes.

[redacted]

[redacted]

23 Q. I put into the Chat window Exhibit 2232.

24 Let me know when you have that open.

25 A. I am looking at Exhibit 2232.

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1 Q. So this is a continuation. If you go to the
2 second page, the top of the second page is your email
3 [redacted]

[redacted]

6 Q. But if you had a copy of that document, you
7 would have provided it to counsel, correct?
8 A. Yes.
9 Q. I've put a copy of Exhibit 2233 into the
10 Chat window.
11 A. Okay. I have Exhibit 2233 in front of me.
12 Q. And this is a [redacted] email from you
13 to your patent attorney, Ms.~Medlin, correct?
14 A. Yes.
15 Q. This is approximately three and a half
16 months after the [redacted] correspondence,
17 correct?
18 A. Yes.

[redacted]

Q. I put a copy of Exhibit 2239 in the Chat window.

A. Okay. I am looking at Exhibit 2239.

Q. So the bottom email is . Do you see that?

A. Yes, from Jennifer Medlin.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

5 Q. Well, that was your statement in -- on
6 [redacted], correct?
7 A. Right.
8 Q. It was made in earnest, correct?
9 A. Yes.
10 MR. PADMANABHAN: Why don't we take a
11 two-minute break.
12 (A recess was taken.)
13 MR. PADMANABHAN: We will pass the witness.
14 MR. MICHALEK: Okay. Give me just
15 five minutes. I want to go over my notes, please.
16 MR. PADMANABHAN: Okay.
17 (A recess was taken.)
18 MR. MICHALEK: Madam Court Reporter, can we
19 go back on the record.
20
21 EXAMINATION
22 BY MR. MICHALEK:
23 Q. Mr. Lum, do you remember counsel asking you
24 about emails and attachments today?
25 A. Yes.

1 Q. Have you withheld -- I think it's clear, but
2 have you withheld any relevant emails or attachments?
3 A. No.
4 Q. What did you do with them?
5 MR. PADMANABHAN: Mr. Michalek and Mr. Lum,
6 I am going to ask you to slow down so I can lodge my
7 objections. Thank you.
8 BY MR. MICHALEK:
9 Q. What did you do with them?
10 A. I provided emails and attachments to our
11 attorney, Saul Ewing.
12 Q. Mr. Lum, can we turn to Exhibit 2231 and
13 2232.
14 A. Okay. I have 2231 on the screen.
15 Q. What product are Exhibits 2231 and 2232
16 referring to?
17 A. Let's see. Exhibit 2231 sent on [redacted]
[redacted], refers to CyberArmor, which is unrelated to
19 CyberGatekeeper LAN, the invention.
20 Q. Is the same true for Exhibit 2232?
21 A. 2232 refers to an email sent in [redacted].
22 Are you referring to that one?
23 Q. Yes, so my question is, is that the same
24 product as with respect to 2231?
25 A. I don't -- in 2232, I -- can you point out

1 where it references the product? Or do you mean
2 22 -- a different exhibit like 2233?
3 Q. No. Let's just make sure this is clear. So
4 with respect to 2231, do you know what product is
5 being discussed in 2231?
6 A. Yes, CyberArmor.
7 Q. And my question is the same question for
8 2232.
9 A. 2232 would have been -- 2232 would have
10 been --
11 Q. Let's try it this way. Do you have 2232
12 open?
13 A. Yes, I have 2232.
14 Q. Okay. Can you go down to the bottom of the
15 exhibit. And do you see in the email message where
16 it says: [redacted]
18 A. Yes.
19 Q. And what is the date of that message?
20 A. That is [redacted].
21 Q. And do you know what product is being
22 referred to in this exhibit?
23 A. Yes, that is CyberArmor.
24 Q. Can we go to Exhibit 2233.
25 A. Okay, yes. I am looking at 2233.

1 Q. What is the subject line of this exhibit?
2 A. "CyberGatekeeper Presentation."
3 Q. Do you know what product is being referred
4 to in this exhibit?
5 A. This is dated [redacted] so we were referring
6 to CyberGatekeeper LAN.
7 MR. MICHALEK: No further questions. Pass
8 the witness back.
9 MR. PADMANABHAN: I will need a minute to
10 redirect. Just give me two minutes.
11
12 EXAMINATION (RESUMED)
13 BY MR. PADMANABHAN:
14 Q. Mr. Lum, was CyberArmor a different product
15 than CyberGatekeeper LAN?
16 A. Yes.
17 Q. And did CyberArmor not embody any of the
18 inventions of the Challenged Patents?
19 A. CyberArmor was a different product, so...
20 Q. CyberArmor didn't relate to the invention of
21 the Challenged Patents, correct?
22 A. That's correct.
23 Q. And so the work on CyberArmor doesn't relate
24 to your diligence regarding developing the invention
25 of the Challenged Patents, correct?

1 MR. MICHALEK: Objection to form.
2 THE WITNESS: It generally doesn't relate.
3 BY MR. PADMANABHAN:
4 Q. Now, if we just go to your declaration --
5 A. Okay.
6 Q. -- Exhibit 2564.
7 A. Yes.
8 Q. If go to paragraph 58, in paragraph 58 you
9 say: "On or about [redacted] I communicated
10 with patent counsel for assistance with the Record of
11 Invention form."
12 Do you see that?
13 A. Yes.
14 Q. And you cite Exhibits 2231 and 2232,
15 correct?
16 A. Yes.
17 Q. And Exhibits 2231 and 2232, you just
18 testified a few minutes ago, relate to CyberArmor,
19 correct?
20 A. Yes.
21 Q. Not CyberGatekeeper LAN, correct?
22 A. Yes.
23 Q. Is it fair to say that -- well, looking at
24 your declaration, the next paragraph is paragraph 59,
25 dated [redacted] Right?

1 A. Yes.
2 Q. And is it fair to say before [redacted]
3 your efforts related to patent protection related to
4 CyberArmor, not CyberGatekeeper LAN?
5 MR. MICHALEK: Objection to form.
6 THE WITNESS: We continuously worked on
7 CyberGatekeeper LAN in parallel with CyberArmor and
8 other products of the company for that time period.
9 BY MR. PADMANABHAN:
10 Q. Well, we have established that Exhibits 2231
11 and 2232 relate to CyberArmor and not CyberGatekeeper
12 LAN, correct?
13 A. Yes.
14 Q. And we have established that your
15 development work related to CyberArmor does not
16 relate to the Challenged Patents, correct?
17 A. Yes.
18 Q. I want you to pull up Exhibit 2004.
19 A. Okay.
20 Q. That is the calendar, correct?
21 A. Yes.
22 Q. You did not go through this calendar to
23 determine which of the cited documents relate to
24 CyberArmor and which of those cited documents relate
25 to CyberGatekeeper LAN, correct?

1 A. Are you asking if I distinguished which
2 documents were related to which product?
3 Q. Correct.
4 A. No.
5 Q. So you didn't confirm which of the documents
6 identified in Exhibit 2004 relate to CyberArmor,
7 correct?
8 A. I did not identify which ones related to
9 CyberArmor, if any.
10 Q. And similarly, you did not identify whether
11 any documents listed in Exhibit 2004 were specific to
12 CyberGatekeeper LAN, correct?
13 MR. MICHALEK: Objection to form.
14 THE WITNESS: Yes, I did not distinguish
15 item by item.
16 MR. PADMANABHAN: No further questions.
17 MR. MICHALEK: Give me a minute.
18 MR. PADMANABHAN: Brian, you don't get any
19 further redirect.
20 MR. MICHALEK: Oh, you're right. Okay.
21 Forgot where I am at.
22 MR. PADMANABHAN: Yeah. But your instincts
23 are strong.
24 MR. MICHALEK: Our witness will read & sign.
25 (The deposition was concluded at 2:32 p.m.)

1 REPORTER'S CERTIFICATION
2
3 I, KIMBERLY CRANE, CSR, RPR, reporter in
4 and for the State of California do hereby certify:
5
6 That the proceeding took place before me at
7 the time and place herein set forth; that the
8 testimony and proceedings were accurately reported
9 stenographically by me during the proceeding.
10
11 I further certify that I am not related to
12 any of the parties to this action by blood or
13 marriage and that I am not interested in the outcome
14 of this matter, financially or otherwise.
15
16 IN WITNESS THEREOF, I have hereunto set my
17 hand this 2nd day of May, 2025.
18
19
20
21 _____Kimberly Crane_____
22 KIMBERLY CRANE, CSR NO. 11594, RPR
23
24
25

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2

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5 taken in the above-captioned matter or the same has
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14

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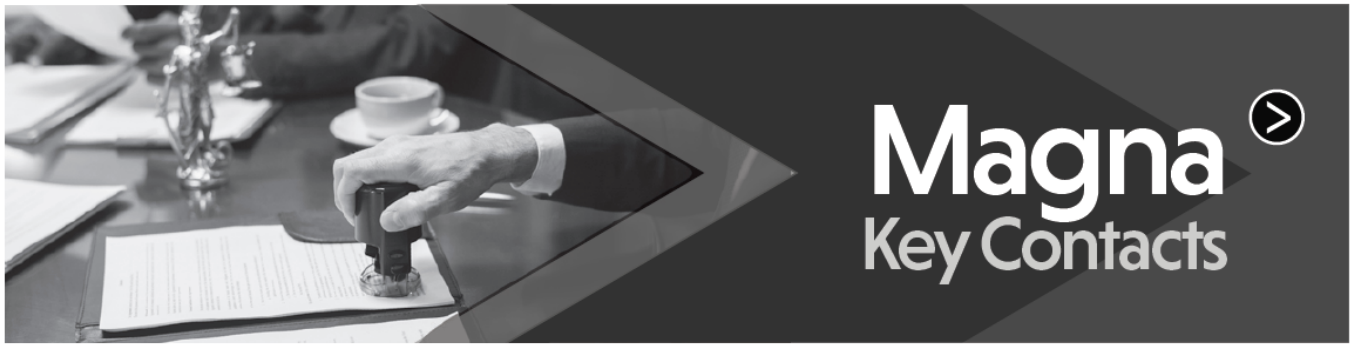

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