UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JUMIO CORP.,

Petitioner,

v.

FACETEC, INC.,

Patent Owner.

IPR2025-00106 (Patent 10,776,471 B2)

IPR2025-00107 (Patent 11,157,606 B2)

IPR2025-00108 (Patent 11,693,938 B2)

IPR2025-00109 (Patent 11,874,910 B2)

REMOTE TELEPHONIC PROCEEDINGS

August 5, 2025

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Reported by:

Janice M. Kocek, CSR, CLR

Job No. 57321

FACETEC EXHIBIT 2031
JUMIO v. FACETEC
IPR2025-00106

Report of proceedings held before Judge Garth D. Baer, Judge Nabeel U. Khan, and Judge Bach V. Hoang, via telephonic conferencing, reported stenographically by Janice M. Kocek, License No. 084-002871, Certified Shorthand Reporter, Certified LiveNote Reporter, and Notary Public of the State of Illinois, commencing at the hour of 3:00 p.m. EST, on the 5th day of August, 2025.

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A P P E A R A N C E S :

** ALL PARTIES APPEARING REMOTELY **

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JUDGE NABEEL U. KHAN

JUDGE BACH V. HOANG

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JUDGE BAER: This is a call for IPR2025 -106, -107, -108, and -109. I'm Judge Baer. With me on the line is also Judge Hoang and Judge Khan.

First of all, who do we have for petitioner on the call, please? 03:01

MS. NGUYEN: This is Jean Nguyen on behalf of petitioner Jumio. With me are my colleagues, Mehran Arjomand and Alex Yap. I also have another colleague on the phone, Chelsea Kehrer. And also with us is Jumio's counsel, Amanda Bradley. 03:01

JUDGE BAER: Thank you, Counsel. And who do we have for patent owner, FaceTec?

MR. STACH: Hello, Your Honor. This is Jason Stach. And with me is my colleague, Anthony Berlenbach, representing FaceTec. 03:01

JUDGE BAER: Thank you, Mr. Stach. It sounds like somebody has set up a court reporter; is that correct? 03:02

MR. STACH: Yes, Your Honor. We did that. This is Jason Stach.

THE STENOGRAPHER: Good morning, Judge. It's Janice Kocek. 03:02

JUDGE BAER: I believe that was counsel for petitioner and I didn't hear what you said.

Could you say that again, please? 03:02

MR. STACH: Yes, Your Honor. This is Jason Stach. We retained the court reporter and she is on the line.

JUDGE BAER: Thank you, Mr. Stach.

But I believe counsel for 03:02 petitioner also had something to add to that.

Did you have something for us, petitioner?

MS. NGUYEN: No, Your Honor. I 03:02 believe the person speaking was the court reporter.

JUDGE BAER: Great. Thank you.

All right. To get going on the substance then, this call is about what I 03:02 understand to be patent owner's request for authorization to file a motion for additional discovery.

So patent owner, given that it is you that's seeking something here, we'd 03:03

like to begin with you. If you would please tell us specifically what it is you're seeking.

MR. STACH: Thank you, Your Honor. This is Jason Stach again. We're seeking limited discovery on two topics. One is related to privity and real party-in-interest, and the second is objective indicia of nonobviousness. 03:03

And we have four requests related to the first category and three requests related to the second. And you mentioned additional discovery. 03:03

We do believe we meet the standards under the Garmin factors for additional discovery for all (inaudible) requests, but we also believe that we meet the standard for routine discovery. 03:03

And so if -- if you'd like, I'll walk through just sort of one of the -- the first request and explain what I mean under both of those prongs. 03:04

JUDGE BAER: That would be great.

MR. STACH: The first request relates to an indemnification agreement between 03:04

petitioner Jumio and a third party named IProov. And you may recall from the preliminary briefing the foreign institution that we had talked about in our papers, this relationship between those two companies. And IProov is a company that is time-barred on two of the patents that are involved in these proceedings.

And so we think it is relevant to inquire into the relationship further between those companies. And in particular, we know that there is an indemnification agreement that has been discussed, in fact, in the papers in these proceedings before the Board. 03:04

And Jumio, in fact, in one of its papers, paper 10 in the 106 proceeding, actually characterizes the nature of that agreement and the substance of it. They say that IProov and Jumio had an arm's-length business relationship with a standard indemnity agreement. 03:05

And so because they have discussed this agreement in their papers, it's gone beyond just mentioning that it 03:05

exists, but even gone so far as to characterize what is just standard as opposed to, you know, something else -- something more perhaps.

We believe it falls under routine discovery where there's a regulation with the Board that says that if you cite to a document in your paper that you haven't previously served, then you need to serve that document with the paper. 03:05

So here we think that because they have addressed the substance of it that they do need to provide it as routine discovery.

But as a separate matter, we also believe the Garmin factors for additional discovery, you know, for Factor 1, we know that this document exists. There doesn't seem to be any dispute about that. 03:06

We also know that it's relevant to the issues before the party and is likely to be helpful to our positions. And as the Board noted in the institutional decisions, for example, in the 106, the 03:06

Board noted that an indemnification agreement can in some instances support a finding that an indemnitor is a real party in interest.

So I think legally and factually this is helpful for our case. We know it exists. And so we think we meet Garmin Factor 1. 03:06

Garmin Factor 2, we are not seeking litigation positions. 03:06

Factor 3, about obtaining this through equivalent information through alternative means, we actually tried to do that. We reached out to both Jumio and IProov, both parties to the indemnification agreement, and asked them both if they would provide it to us. 03:06

Obviously Jumio has refused, as a party here, and is on the line. IProov separately also refused. And we can even talk about the email that the IProov sent to the Board, whether we would like to get into that. 03:07

But for Garmin Factor 3, we've done what we could. We tried to narrow the 03:07

issues before coming to you all, Your Honor, and both parties to the agreement have refused. So we think we meet Garmin Factor 3.

Garmin Factor 4 about easily being understood. Jumio, you know -- 03:07

JUDGE BAER: Counsel, if I could, Mr. Stach, just in the interest of time, so I appreciate you going through this here.

Other than the indemnification agreement you said there were, what other information are you seeking related to RPI and privity, just to make sure we're not on the phone forever here. 03:07

MR. STACH: I very much appreciate that. 03:07

Yes. So the second request is documents sufficient to show any payments made by IProov to Jumio or any other third party under the agreement. And so we're just looking for how has IProov satisfied its obligations under the agreement that apparently exists. 03:08

The third topic relates to correspondence between Jumio and IProov 03:08

about prior art for invalidity, including related to these inter partes reviews, which we think obviously is relevant to whether IProov is behind the scenes exercising control and participating in some way under the indemnity agreement under these proceedings.

And then the last category for RPI and privity relates to some statements from Jumio's chief revenue officer at the time in one of our exhibits, Exhibit 2001. 03:08

It talks about how close the relationship is between Jumio and IProov and how they were working as one team.

And so we think all of this together is helpful to our case, that this is not your typical arm's-length business relationship. This is something more that would tip into the area of privity and more party-in-interest. 03:09

JUDGE BAER: On that last one, Mr. Stach, I remember the statement you're talking about. What specifically would you be seeking?

How would you be -- what would 03:09

that request be specifically? Would that be a request to Jumio? Would it be a request to FaceTec? Sort of anything about your relationship? Or something more specific? 03:09

MR. STACH: So I presume they have a basis -- that the chief revenue officer has a basis for making the statement. And I do not know exactly what information the chief revenue officer had in mind in making that statement. 03:09

But I do believe there would be documents showing the collaboration between the two and maybe the substances and legal requirements that each party, between IProov and Jumio, what the requirements would be related to their contributions to their relationship. 03:10

And I think it is telling that, you know, the way it's characterized that they were operating as one team I think is an interesting way to phrase things when -- if they really are -- 03:10

JUDGE BAER: I'm going to cut you off there, Counsel. Mr. Stach, really what I'm 03:10

interested is the specificity with which -- what specific information you're looking for. And I think you've answered my question on that one.

So if you could turn to objective indicia and tell us what you're seeking on objective indicia, please. 03:10

MR. STACH: Certainly, Your Honor. Thank you.

JUDGE BAER: And again, I apologize. I'm not trying to be rude, but we've got a lot to cover in this call and not that much time to do it. So... 03:10

MR. STACH: Absolutely. I very much appreciate the direction. 03:10

So for objective indicia, small bit of background is just that Jumio were the licensee of FaceTec for years. And as part of the license, FaceTec shared information with Jumio about FaceTec's products. 03:11

Then the license ended and Jumio released a product that looks I'll say substantially similar, just because that's the language that's in the case law about 03:11

copying as an objective indicia. But it's virtually identical from a user's standpoint. It's I think more than substantially similar.

So what we're seeking in one of our requests is documents reflecting Jumio's use of that information that FaceTec provided when Jumio was a licensee and how that information was used when creating Jumio's own liveness assurance software. 03:11

And so it's directed very narrowly to the copying question that we think exists here. And I think, you know, if there are no documents on it, then it shouldn't be a very burdensome request for them to respond to. 03:12

But if there are extensive documents, then I think that's very damaging that they would have extensive documentation showing how they used FaceTec's software to develop their own software. 03:12

JUDGE BAER: But Mr. Stach, this is going to be a request for new documents. 03:12

It's not like these are documents that you have in a related district court matter that have already been produced or anything like that; is that correct?

MR. STACH: You are correct, Your Honor. 03:12

JUDGE BAER: Okay. So would I be correct to characterize it as any documentation regarding Jumio's potential copying of FaceTec's patent? 03:12

MR. STACH: I think that's --

(Simultaneous speaking.)

MR. STACH: Yeah, yeah, our request is more narrow and specific than that. But yes, it's related to that general topic. 03:13

JUDGE BAER: And you mentioned there were a few more. Go ahead with the others.

MR. STACH: Yes. There's just two others related to the objective indicia. So FaceTec and Jumio and many others in 03:13 this industry are private companies. And so there's not a lot of information that's in the public sphere about sales data, for example, and things that would relate to commercial success. 03:13

And so some of our -- well, one of the requests relates to the size of the market of the accused products, and then one relates to sales data for the accused products. And there's actually two pending litigations. 03:13

And so we're looking for not, you know, scorched earth, every document about this, but just documents sufficient to show the sales, documents sufficient to show the size of the market from Jumio's perspective. 03:13

And then also to the extent that there are records of drivers of demand, Jumio does do an annual survey of customers in the marketplace and they post some of their findings on the website. 03:14

JUDGE BAER: So Mr. Stach, would it be fair we're talking about broadly Jumio's -- evidence of Jumio's commercial success for their products? Is that roughly what we're talking about? 03:14

MR. STACH: Yes, Your Honor.

JUDGE BAER: And again, you don't have any of these documents. This is not 03:14

something that's been produced or identified in the district court or anything like that. This would just be a request for any documents -- this would be a new request; is that correct? 03:14

THE WITNESS: To some degree, yes. I guess I would cabin that by saying that we do have some of this information. It's not that we are speculating that, for example, the fact that Jumio does this annual survey 03:14 of customers, for example. That's information we have. We have some of the findings. Just the findings they choose to post on their website, for example.

So I guess it's not that we're 03:15 just asking with no basis. We have documents showing there is a basis. But we are not -- at least I'm not aware of Jumio having produced, say, for example, the underlying survey data in the litigation. 03:15 I'm not aware of that happening.

So anyway, I just want to be careful to say --

JUDGE BAER: So in addition to this specific annual survey -- in addition to 03:15

this specific annual survey, you're also after information on their sales and roughly what the market is for this product. Something -- something like that. Do I have that correct? 03:15

MR. STACH: You do have that correct, Your Honor.

JUDGE BAER: Okay. And there was one more, I believe.

MR. STACH: No, Your Honor. So there 03:15 were three requests for objective indicia and it was essentially the copying and the two -- we had two that are related to market and sales.

JUDGE BAER: That was the commercial 03:15 success and the annual survey were the two? The sales -- excuse me, the sales and the annual survey; is that right?

MR. STACH: That's correct. That's -- the annual survey is an example of the 03:16 -- you know, the -- the way we worded it is more about, you know, the drivers of demand, I think. But the survey is an example of it.

JUDGE BAER: So I'm still not seeing 03:16

the two categories. The two categories, one being the market and the second category being sales; is that right?

MR. STACH: Yes, we have the market, we have sales, and then we have the copying that we previously discussed. 03:16

JUDGE BAER: Got it. So that's three, market, sales, and copying. Got it.

Counsel for petitioner, I'm assuming that this is opposed. Could you give us petitioner's position on this, please? 03:16

MS. NGUYEN: Yes, Your Honor. If I may, I'd like to start by providing a quick, high-level summary of the events that have arisen as part of this proceeding. 03:16

So with respect to the RPI privity issue, patent owner first raised this issue in its POPR. Your Honor addressed it in the decision on institution and did not find patent owner's favorable -- in favor for patent owner's RPI/privity argument. 03:17

After that patent owner raised 03:17

the privity RPI issue again in its request for director review. That decision for request for director review came out today and was again denied.

And now, Your Honor, patent owner is asking for discovery in attempts to raise the RPI privity issue again for the third time. 03:17

So as Your Honors knows, discovery is limited in IPRs. The statute only allows for limited routine discovery. And any additional discovery is only if in the interest of justice. 03:17

With respect to routine discovery, FaceTec makes requests for documents that are not exhibit-cited in any paper and do not contain relevant information that is inconsistent with the position advanced by petitioner Jumio. 03:17

Thus, it is petitioner's position that patent owner's request do not satisfy any other requirements for routine discovery. 03:18

With respect to additional discovery, it is petitioner's position that 03:18

the request should not be granted because FaceTec's sales can be a burden to show that the Garmin factors weigh in favor of the Board granting additional discovery.

For the privity and RPI 03:18
argument, FaceTec has failed to show anything more than a mere possibility that the discovery it seeks will show RPI or privity relationship.

It has not shown that it is 03:18
already in possession of evidence beyond this mere speculation.

And then for secondary consideration arguments, FaceTec claims its
request relate to objective indicia of 03:18
nonobviousness. But those documents are -- these requests are not appropriate for routine or additional discovery.

Especially since FaceTec had the
opportunity to raise these arguments in 03:19
its response and its surreply but yet it never did. This is the first time we've been hearing about these arguments.

And Your Honor, another reason
petitioner does not believe you should 03:19

allow patent owner's request for routine or additional discovery is because it adds a whole other layer of issues.

There would be issues involving a third-party subpoena by IProov. And there's also issues related to patent owner separately seeking to depose a former APJ, Ms. Jessica Kaiser. 03:19

All these issues would distract from the core of the IPR proceeding and it would waste the Board's and parties' resources, costs, and time. 03:19

JUDGE BAER: Counsel, let me -- let me interrupt you for a minute here. I didn't hear anything, and we can -- and we'll get Mr. Stach to speak on this, too. I didn't hear anything that would necessarily implicate either a third-party subpoena or a subpoena of Ms. Kaiser. 03:19

What is it that you heard that they are seeking that is not in Jumio's possession? 03:20

MS. NGUYEN: Yes. I believe there was an email by IProov referencing a third-party subpoena. 03:20

JUDGE BAER: I saw the email and I'm familiar that IProov brought that up. But I'm just not seeing anything that -- that patent owner has asked for that wouldn't be in Jumio's possession. 03:20

Is there something I'm missing there? If you're not aware of it, that's fine. We can ask Mr. Stach in a moment. But I want to know if you know of something that patent owner is seeking that is only 03:20 in Jumio's -- excuse me, in IProov's possession.

MS. NGUYEN: Your Honor, we're currently not aware of anything. That email came to us as (inaudible). 03:21

JUDGE BAER: Fair enough.

MS. NGUYEN: And then with respect to the deposition of Mr. Jessica Kaiser, FaceTec has informed us that this is something that they plan to do with respect 03:21 to asking her questions about RPI and privity. And we just believe that this will create a whole other set of issues, even as she's a former APJ.

JUDGE BAER: Okay. On the 03:21

indemnification agreement between IProov and Jumio, it's not your position -- that document exists. Am I correct on that?

It's not your position that that document does not exist; is that correct? 03:21

MS. NGUYEN: Yes, Your Honor. We believe it exists.

JUDGE BAER: Okay. Give me just a moment here, if you would.

Mr. Stach, if I could just get you to speak to the issue of third-party subpoena and the potential deposing of what I understand is the former counsel for Jumio. 03:22

Could you speak to that, whether you are indeed seeking any third-party information or to depose Ms. Kaiser? 03:22

MR. STACH: Yes, Your Honor. So Ms. Kaiser provided a declaration in these proceedings. I believe it's Exhibit 1049. And as a declarant, it would be routine discovery to take -- you know, take the deposition and cross-examine that witness on that testimony. And we think there's good reason to do that. 03:22

She did make statements that are relevant to third-party interest and privity. And that was a choice that, you know, Jumio made, was to put in that declaration. 03:23

JUDGE BAER: Just to keep things rolling -- to keep things rolling here, Mr. Stach, you would be seeking to depose Ms. Kaiser regarding her -- regarding her testimony that she provided. 03:23

Is that the only third-party subpoena or third-party deposition or anything like that that you'd be seeking? Is everything else in Jumio's possession?

MR. STACH: So I guess I would say I don't think that the deposition of Ms. Kaiser would be a third party since she did put a declaration -- 03:23

JUDGE BAER: Fair enough. I didn't mean to characterize it that way. 03:23

But putting that one aside, is there anything else that's third party or not -- specifically not -- what I mean by that, not in Jumio's possession?

MR. STACH: Sure. No, I appreciate 03:23

that.

For IProov, several of our requests to them perfectly overlap with Jumio's. And if Jumio provides the information, then we do not need to get that information obviously from IProov. 03:24

There is a small category of information, however, that we do think IProov uniquely has. And what we are hoping to do is narrow -- figure out what Jumio is able to provide so that we can -- if we do take that next step and ask the Board for authorization for the subpoena, it can be as absolutely narrow and focused as possible. 03:24

We do --

JUDGE BAER: But at this point -- Mr. Stach, at this point you are not asking for a subpoena, a third-party subpoena; is that correct? 03:24

MR. STACH: We did not request that in the -- in the message to Your Honors. And so, no. But we do have that on our agenda to do --

JUDGE BAER: Well, putting aside 03:24

whether -- I guess what I need to clear up, if we were to authorize a motion, a motion for additional discovery, as part of that motion is FaceTec seeking a third-party subpoena as part of that specific motion? 03:25

MR. STACH: We had intended to seek the discovery from Jumio and not separately address the request to IProov. And then after seeing what Jumio provides, we can then -- we were planning to separately 03:25 follow up to narrow things.

Now, that does stagger things and it does draw things out, which I recognize is also maybe not ideal. And so, you know, we -- we would be interested, if 03:25 -- if the Board is so inclined, to you know, consider all of this together as one thing. We are certainly amenable to moving forward in that way.

We do think that much of what we 03:25 would want from IProov is actually in Jumio's possession and we would not need to seek it from IProov. But we do have a small category of unique information we would like to seek from IProov as well. 03:26

JUDGE BAER: But you're not doing that yet. You're going to wait and see what happens with Jumio.

Do I have that right?

MR. STACH: Well, if Your Honors are willing to entertain discussion about IProov, I would be happy to -- I mean, I do want to request at least that small subset. And we're just trying to figure out what's a way that we can burden the Board the least with that. And if the answer is let's consolidate and talk about it right now, I'm happy to do that. But I -- 03:26

JUDGE BAER: No, our inclination -- our inclination, Mr. Stach, is to not deal with that. It's not clear to us what information that would be uniquely in IProov's possession that wouldn't be in Jumio's possession. 03:26

And obviously that brings in a level of complexity that we'd like to avoid. I haven't heard you identify anything specifically that would be in IProov's possession. 03:26

So it would certainly be our 03:27

preference to deal with just Jumio and FaceTec, the two parties here at this point. And if something later comes up, then perhaps we could deal with that.

But at this point I haven't heard anything specific that you're seeking from IProov. So I'm going to go assume. Unless you identify something very specific, that we are not addressing a third-party subpoena at this point. 03:27

I'm not asking you to give that issue away forever but at least at this point.

MR. STACH: So I do have some very specific information. I'd be happy to -- so IProov -- just a small bit of history, I guess, is that FaceTec has what they call a Spoof Bounty Program. 03:27

This software checks if a live person is in front of a phone, for example. And they have this program where people can sign up and try to trick it or spoof it with things that are not live people. 03:27

And IProov, we have images because all of the -- the images that are 03:28

captured as part of this liveness process are run through FaceTec servers.

We have images of several top executives from IProov, including their CEO and their president and their chief technology officer, who used fake email addresses and fake names, who spent -- one of them spent about 80 hours using FaceTec's systems under the guise of this Spoof Bounty program. And we have all of this information that shows that. 03:28

We have also have what we believe is substantial similarity of IProov's product after they gained access. And we have all these images. We can, you know, put it into a motion -- 03:28

JUDGE BAER: So Mr. Stach, would this be secondary considerations information? Is that what you're roughly after? Are we talking about copying and commercial success? I'm not following why this is relevant to the proceedings here. 03:29

MR. STACH: You've exactly understood it. It is for copying. Because they had access and their product is substantially 03:29

similar.

And the request to them is very similar to the request to Jumio about how Jumio used the information that they gained from FaceTec under the -- under their 03:29
license while IProov gained access to FaceTec's systems through the Spoof Bounty Program.

And we want to obtain documents showing how they used that in developing 03:29
their own substantially similar product. It's copying-related information, Your Honor.

JUDGE BAER: This is IProov's copying of FaceTec's technology, correct? 03:29

MR. STACH: Yes, Your Honor. Yes, it's two different --

JUDGE BAER: IProov's commercial success. So we're talking about commercial success and copying by a third party. 03:30

Do I have that correct?

MR. STACH: You do, Your Honor.

JUDGE BAER: Okay. Petitioner, I'll give you one more chance if you'd like to speak briefly on this before we confer and 03:30

decide on a way forward.

MS. NGUYEN: Yes, Your Honor. I just wanted to raise two more points. Just going back to the indemnity agreement that Mr. Stach talked about earlier, it is our position that the indemnity agreement, it's really just a mere speculation with respect to whether it would lead to an RPI and privity issue. 03:30

And even Mr. Stach himself characterized it today as "perhaps." Perhaps something in there would show RPI or privity. 03:30

So Your Honor, petitioner believes that this does not qualify. It's mere speculation based on the Garmin factor towards the Board authorizing additional discovery. 03:30

And then the last point I just wanted to make is, Your Honor, the resources here are really being pushed because of the lateness of this request. 03:30

We are less than one month from the due date of the patent owner's response. And patent owner has waited 03:31

until now to raise the issues. And as you can see from the call today, it's so hard to understand what patent owner is requesting. Their requests have been very broad.

And it's just going to create so many layers of complexity that we'd really like to avoid having -- wasting all these resources from both Board and parties.

JUDGE BAER: Great. Thank you, Counsel.

With that I'm going to put the call on hold for just a minute and we're going to confer for a few minutes and we'll be back with you in just a minute. So if the parties would please stand by.

(Whereupon, a recess was taken.)

JUDGE BAER: Okay. This is Judge Baer. Just to let the parties know where we're headed on this, we're hopeful that we may be able to get an agreement on this, on these issues here.

As far as the indemnification agreement, it's clear that that is one document that does exist. And we would be

inclined to grant discovery on that. I'm hoping we might get petitioner to agree to that because that seems to be relevant and fairly specific.

Now, as far as payments go, any payments that have happened in satisfaction of that it seems to me we could probably address that here and just get petitioner to speak on that, whether there have been such payments or whether there haven't been such payments. 03:36

And if there have, then that would be something that I think we could hopefully get petitioner to agree to, to produce that information without doing a back-and-forth on motions. 03:36

Now, as far as the other things -- the other things in particular with regard to the in -- in particular with regard to IProov and commercial success of a third party, that sounds quite speculative. And we'd be very unwilling -- or disinclined, I should say, to grant a motion on that. 03:37

That would also fall into -- the 03:37

same would hold true for just general statements about the closeness of the relationship and statements about correspondence.

So as far as goes the request for deposing Ms. Kaiser, it's true that Ms. Kaiser provided testimony on that. We're not going to force her to do a deposition on that. 03:37

But be aware that if we have somebody providing testimony who was then unwilling to sit for deposition about that testimony, we would be inclined of course then to give a patent owner any negative inferences that would possibly come out of that. 03:37

So what I'm proposing is if we can't work this out, then we can do it through a motion. But what I'm proposing is perhaps the parties would agree that petitioner can provide the indemnification agreement, that patent owner is seeking that, petitioner can provide either a statement to us now that there have been no payments in -- from IProov to Jumio in 03:38 03:38

satisfaction of that indemnification.

Or that they would provide the payments -- the details as to the payments that they've provided in satisfaction of those -- of the -- of that agreement and 03:38 that petitioner will agree to either provide Ms. Kaiser for deposition or understand that we'll be taking any negative inferences that might be appropriate given her inability. 03:38

So I'd like to hear from patent owner first. Mr. Stach, is that something -- is that an agreement you might be amenable to?

MR. STACH: So I -- I would be 03:39 amenable. I would need to check with my client I think on that because we would be giving up requests that we, you know -- I would just need to verify with the clients. But I do think there may be some headway 03:39 that can be made under these terms.

JUDGE BAER: Thank you.

And counsel for petitioner, is this something that you might be amenable to to avoid then the difficulty of motions 03:39

and potential third-party subpoenas?

MS. NGUYEN: Your Honor, we are not in a position at this moment to an agreement to anything. So we would be willing to confer with patent owner 03:39
regarding this.

JUDGE BAER: So why don't we do this at this point then -- and I understand you all need to take a little time. Why don't we ask the parties to meet and confer about 03:39
these three things and see if the parties can come to an agreement. And then we can ask you to get back to us on that.

Really the schedule for that is up to you all. We're available. So let us 03:40
know what you come to. But I'm hopeful that we could -- it seems like this is the kind of thing we can come to an agreement on and not do through motions practice. So that's my hope. So I would encourage the 03:40
parties to negotiate in good faith on that.

Let's start with counsel for patent owner. Any specific questions for us or is that clear enough?

MR. STACH: I have no specific 03:40

questions, Your Honor. Thank you.

JUDGE BAER: And counsel for petitioner, any questions for us or anything else that we need to address today? 03:40

MS. NGUYEN: Yes, Your Honor. You mentioned payments with respect to -- sorry. You mentioned payments. Can you provide a little more clarity which payments you're referring to? 03:41

JUDGE BAER: Counsel for patent owner, Mr. Stach, indicated that they were seeking information about payments made in satisfaction of an indemnification agreement obviously. 03:41

The issue would then be going to control. So this is about the indemnification agreement and payments -- any potential payments between -- if there have been any payments from IProov to Jumio 03:41 in satisfaction of their indemnification agreement.

Those are the -- that would be what we're talking about. But frankly, it's not terribly important how I 03:41

characterize it. It's what patent owner is seeking and, you know, whether you all can come to an agreement on language relating to that.

We're not talking about any payments between the two. We're talking about payments that are in satisfaction of the indemnification agreement between IProov and Jumio. 03:41

Is that helpful? 03:42

MS. NGUYEN: Yes, that's helpful. Can we ask whether these payments are the types of payments that patent owner is looking for?

JUDGE BAER: Sure. 03:42

Mr. Stach, do you want to articulate that, what payments you're looking for?

MR. STACH: Yes. So it would be just documents sufficient to show any payments made under the indemnification agreement and, you know, to the extent that there's a note saying what those payments are for. 03:42

So if it says that it's for these IPRs for reimbursement, then I think 03:42

that would be something we would want. But really it's documents sufficient to show. We're not looking for every last document. We're just looking for, you know, the subset that -- the smallest subset that would provide that information. 03:42

JUDGE BAER: Counsel for petitioner, is that sufficiently clear?

MS. NGUYEN: That is. Thank you very much. 03:43

JUDGE BAER: And again, this is where I just want to encourage the parties, it strikes me that you all can figure out an agreement that will work, that will get you the information you want. 03:43

If not, it will involve us and then we will need to provide language and then, you know, coming up with compliance under that, the language that we provide instead of the language you provide. It strikes me as a much better way forward that you all would be able to come up with language that would be reasonable and agreeable without involving us. 03:43

So if the parties would give us 03:43

just one more minute, we want to confer for just another minute. I think that's about it. But if you'll give us just another moment, I think we can wrap up. So give us a moment, please. 03:43

(Whereupon, a recess was taken.)

JUDGE BAER: Okay. I think that's going to wrap it up.

Mr. Stach, you provided the -- you hired the court reporter; is that right? 03:44

MR. STACH: Yes, Your Honor.

JUDGE BAER: Mr. Stach, if you could please file a copy of the transcript as an exhibit, if you wouldn't mind. We'd appreciate that. And I think that's all we have. 03:44

Let me just ask one more time. Counsel for patent owner, any questions for us? 03:44

MR. STACH: No, Your Honor. And we will file that transcript.

JUDGE BAER: Great.

Counsel for petitioner, any questions for us before we conclude? 03:45

MS. NGUYEN: No other questions. Thank you, Your Honor.

JUDGE BAER: Great. We appreciate the parties' time and we certainly appreciate your willingness to confer in good faith. 03:45

There's no need to reach out to us again unless you need us to be involved. But we're hopeful that you all can work this out. So thanks very much. And with that, we are adjourned. 03:45

(Time concluded: 3:45 p.m.)

CERTIFICATE OF REPORTER

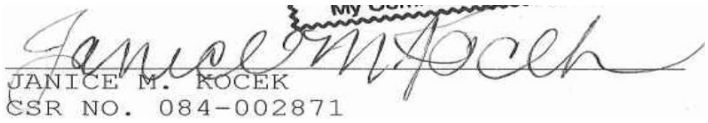
I, Janice M. Kocek, Certified Shorthand Reporter, Certified LiveNote Reporter, and Notary Public in and for the State of Illinois, County of Cook, the officer before whom the proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of these proceedings; that said proceedings were taken in Stenotype notes by me on the 5th day of August, 2025, via telephone audio conference commencing at 3:00 p.m. EST and ending at 3:45 p.m.

I further certify that present on behalf of Petitioner Jumio Corp. were Jean Nguyen, Ph.D., Esq., Alex S. Yap, Esq., Mehran Arjomand, Esq., and Chelsea Caylin Kehrer, Esq., of Morrison & Foerster LLP, and Amanda Bradley, Esq., of Jumio; and present on behalf of Facetec, Inc., were Jason E. Stach, Esq., and Anthony J. Berlenbach, Esq., of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP.

I further certify that I am not related to, nor associated with any of the parties or their attorneys, nor do I have any disqualifying

interest, personal or financial in the actions within.

Dated this 6th day of August, 2025, at LaGrange Park, Illinois.



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