

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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)

VIDEOCONFERENCE DEPOSITION OF JESSICA KAISER

THURSDAY, OCTOBER 9, 2025

Reported by: Monice K. Campbell

NV CCR No. 312, CA CCR No. 14171, CRR, RMR

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1 VIDEOCONFERENCE DEPOSITION OF JESSICA KAISER,
2 held on Thursday, October 9, 2025, at 11:30 a.m.,
3 before Monice K. Campbell, Certified Court Reporter,
4 in and for the State of California.

5
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I N D E X

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JESSICA KAISER

PAGE

3

Examination By Mr. Stach

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5

E X H I B I T S

6

NUMBER

DESCRIPTION

PAGE

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Exhibit 1

Declaration of Jessica Kaiser

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Exhibit 2

Declaration of Grant Kinsel

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2 THURSDAY, OCTOBER 9, 2025

3 11:30 A.M.

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5 Whereupon,

6 JESSICA KAISER,

7 having been sworn to testify to the truth, the
8 whole truth, and nothing but the truth, was examined
9 and testified under oath as follows:

10 MR. STACH: Before we were on, I
11 had heard that Ms. Jones is acting in a
12 representative capacity; is that correct?

13 MS. JONES: Yes, that's correct.
14 My name is Angela Jones. I'm a partner
15 and deputy general counsel at Perkins
16 Coie, and I am here on behalf of the
17 witness, Ms. Kaiser.

18 MR. STACH: And Mr. Mooney,
19 you're here on behalf of Jumeo, and to the
20 extent Jumeo privileges implicated in
21 relations to Perkins, you will be lodging
22 objections for Jumeo there as well. Is
23 that your understanding?

24 MR. MOONEY: I am here
25 representing Jumeo, that is correct.

1 EXAMINATION

2 BY MR. STACH:

3 Q. Ms. Kaiser, thank you for
4 joining us today. Can you please state
5 your name?

6 A. **Jessica Christine Kaiser.**

7 Q. Since we're proceeding remotely
8 today, if you have any trouble hearing me
9 or if my audio breaks up in any way, can
10 you please let me know?

11 A. **I will.**

12 Q. Have you ever been deposed
13 before?

14 A. **I have not.**

15 Q. Have you taken depositions
16 before?

17 A. **Many.**

18 Q. Then maybe I will skip some of
19 the formalities that we sometimes talk
20 about.

21 But I will just ask, if any of
22 my questions are unclear, if you could
23 please let me know and we'll try to
24 rephrase.

25 A. **Okay.**

1 Q. What programs do you have open
2 on your computer right now? I just want
3 to be sure we don't have any extraneous --

4 **A. Only this Zoom.**

5 Q. Do you have any other devices
6 that can be used for messaging near you?

7 **A. I have my phone, but it's turned**
8 **over so I'm not looking at it.**

9 Q. Is there anyone else in the room
10 with you?

11 **A. There is not.**

12 Q. And are you able to see anyone
13 else besides the people that are on the
14 screen right now?

15 **A. No.**

16 Q. Do you have any notes with you
17 today?

18 **A. I don't have notes. The only**
19 **paper that I have is a printout of**
20 **Exhibit 1049 in IPR2025-00106, which is my**
21 **declaration in that IPR.**

22 Q. I'll plan to take breaks every
23 hour, but if you need a break at any time,
24 just please let me know.

25 **A. Okay.**

1 Q. Before we take a break, though,
2 I ask that you complete your answer to any
3 pending question. Is that fair?

4 A. Okay.

5 Q. And I'd also just remind you if
6 there are any breaks, during the breaks,
7 you're not permitted to confer with others
8 about the substance of your testimony. Do
9 you understand?

10 A. That's my understanding, other
11 than if I'm conferring with counsel about
12 privilege.

13 Q. That's fair. What did you do to
14 prepare for today's deposition?

15 A. I had a meeting with Mr. Mooney
16 and Ms. Jones.

17 Q. How long did that meeting last?

18 A. I think about half an hour.

19 Q. When was that?

20 A. Yesterday.

21 Q. Did anyone else attend that
22 meeting?

23 A. No.

24 Q. Other than meeting with
25 Mr. Mooney and Ms. Jones, did you do

1 anything to prepare for today's
2 deposition?

3 **A. No.**

4 **Q. Did you review your declaration?**

5 **A. I did review my declaration**
6 **during that meeting.**

7 **Q. It sounds like you already have**
8 **a copy of your declaration, but just so we**
9 **all have this, I'm going to put into the**
10 **chat -- I will actually put all of your**
11 **declarations in the four proceedings.**
12 **They should show up in just a moment.**

13 **Can you please let me know when**
14 **you are able to access them, please.**

15 **A. Do you want me to open all four?**

16 **Q. If you need to open them to**
17 **answer my questions, then I think yes, but**
18 **if you do not need, to open them to answer**
19 **my questions, then I don't see any need**
20 **for you to open them all individually.**

21 **A. Okay. Give me a minute, then,**
22 **to download them.**

23 **Q. I may be able to short circuit**
24 **this a bit just by saying it appears that**
25 **all four of the declarations are**

1 substantively identical. Would you agree
2 with that?

3 **A. That's my recollection.**

4 MR. MOONEY: Counsel, I am
5 restricted from accessing whatever you are
6 dropping into the chat. That could be an
7 issue on our end. I will look into that
8 on the first break but if we're just
9 talking about the declaration right now,
10 we can proceed.

11 MR. STACH: Okay. Thank you.
12 I'm not certain if there's a permissions
13 issue.

14 BY MR. STACH:

15 Q. My question, Ms. Kaiser, is
16 really I will be asking about one of your
17 declarations today, and if any of your
18 answers would differ for any of the four
19 proceedings, I would like you to please
20 tell me that your answer is different for
21 one of the other proceedings.

22 Do you understand that?

23 **A. Okay.**

24 Q. So with that understanding, if
25 you want, we can just look at, let's say,

1 the Exhibit 1049 in -- which proceeding
2 did you say you have on your desk already?

3 **A. I have on my desk IPR2025-00106,**
4 **and that's the one that involves US Patent**
5 **10,776,471.**

6 Q. Then that's the one I'll ask you
7 questions about.

8 What did you do to prepare the
9 declaration -- the four declarations that
10 you submitted in the IPRs?

11 MR. MOONEY: Caution the witness
12 not to reveal any attorney-client
13 privileged information or work product in
14 responding to that question, but you can
15 respond.

16 THE WITNESS: I don't know that
17 I can respond to the question without
18 revealing privileged information or work
19 product.

20 BY MR. STACH:

21 Q. Well, just factually, did you
22 speak with anyone as you prepared these
23 declarations?

24 **A. I don't recall. Well, let me --**
25 **I'm not sure I understand your question.**

1 **When I was actually physically writing**
2 **them?**

3 Q. Yes. So when you were drafting
4 the declaration in Exhibit 1049, I'm
5 asking what steps did you take to obtain
6 the information that is contained in the
7 declaration?

8 A. I'm not sure what you're asking
9 because the declaration is based on my
10 personal knowledge. If you want to ask me
11 about any particular statement in the
12 declaration, then I would be happy to
13 address that, but I'm having a hard time
14 understanding what you're asking me for.

15 Q. Did you speak with any of your
16 team members who worked on -- I guess let
17 me step back.

18 Who are the team members who
19 worked on the IPRs with you?

20 A. I would have to look at the
21 notices that were filed in the IPRs to
22 give you an accurate answer. Do you
23 want -- do you want to put that in as an
24 exhibit?

25 Q. The mandatory notices you're

1 referring to?

2 **A. The mandatory notices or the**
3 **petitions.**

4 Q. Do you recall whether you spoke
5 with any of those people who are
6 identified in the mandatory notices or the
7 petitions as you prepared the declaration
8 in Exhibit 1049?

9 **A. I believe in Exhibit 1049 there**
10 **are statements about what the petitioner**
11 **knew or didn't know, and in making those,**
12 **I made an investigation to make sure that**
13 **that was true. Part of that investigation**
14 **involved talking to people at the law firm**
15 **who would have had knowledge about that,**
16 **about those statements.**

17 Q. Which portions of your
18 declaration are you referring to where you
19 conducted an investigation by contacting
20 others?

21 MR. MOONEY: Objection. Form.

22 THE WITNESS: Certainly, in
23 paragraph 6, there is a statement that
24 says:

25 "Petitioner did not have any

1 communications with IPR related to the
2 invalidity contentions in the California
3 case."

4 I conducted an investigation to
5 assure myself that this was factual, and
6 it is, and so part of that investigation
7 would have been communications.

8 BY MR. STACH:

9 Q. Who did you speak with as part
10 of that investigation?

11 **A. Members of the IPR and**
12 **litigation teams at Perkins.**

13 Q. Did you also speak with anyone
14 at Jumeo about this issue?

15 MR. MOONEY: Objection. Form.

16 THE WITNESS: I did not
17 personally. I don't recall whether people
18 on the team may have, but I did not
19 personally.

20 BY MR. STACH:

21 Q. Was there any other information
22 in your declaration where you contacted
23 others as part of your investigation?

24 **A. For paragraph 4, I personally --**
25 **I have personal knowledge that the facts**

1 in paragraph 4 are true. I may have also
2 talked to others to confirm my own
3 personal knowledge to make sure there
4 wasn't something that I didn't know about,
5 but I'm not recalling the specifics of
6 those conversations.

7 Q. And those conversations would
8 have been with the Perkins' attorneys; is
9 that right?

10 A. Yes.

11 Q. Approximately how long did it
12 take to prepare the declarations in
13 Exhibit 1049?

14 MR. MOONEY: Objection. Form.

15 THE WITNESS: I don't have an
16 estimate of the amount of time.

17 BY MR. STACH:

18 Q. Approximately how much time did
19 you spend investigating the facts
20 reflected in Exhibit 1049?

21 A. I don't have an estimate of the
22 amount of time. I don't recall.

23 Q. How did you become involved in
24 these four IPRs?

25 MR. MOONEY: I object to that as

1 beyond the scope of the declaration,
2 Counsel.

3 THE WITNESS: And, also, I'm not
4 sure I can talk about that without
5 revealing attorney-client privileged
6 information.

7 BY MR. STACH:

8 Q. At some point, Jumeo retained
9 Perkins for these IPRs; is that correct?

10 MR. MOONEY: I object to that as
11 beyond the scope of the deposition today
12 and declaration under 37 CFR 42.53.

13 I will also caution the witness
14 not to reveal any attorney-client
15 communications or work product.

16 THE WITNESS: I mean, certainly
17 in the public record there are powers of
18 attorney from Jumeo to Perkins' attorneys,
19 including myself, for the four IPRs.

20 BY MR. STACH:

21 Q. You don't recall when you began
22 work on the IPRs?

23 MR. MOONEY: I'm going to object
24 to that as beyond the scope of the
25 declaration and the declaration under

1 37 CFR 42.53.

2 I will further caution the
3 witness not to reveal the contents of any
4 attorney-client privilege or any work
5 product.

6 THE WITNESS: Your question was
7 when?

8 BY MR. STACH:

9 Q. Yes.

10 A. **I don't recall.**

11 Q. When did you commission the
12 prior art search for these IPRs?

13 A. **I believe I can't answer that**
14 **without revealing work product**
15 **information.**

16 Q. So the information that would go
17 on a privilege log is not privileged and
18 dates, names of people who communicated
19 general subject matter, these things are
20 not themselves privileged. I'm just
21 asking when did you commission the prior
22 art search, which is not privileged or
23 work product information.

24 MR. MOONEY: Object based on
25 form.

1 Again, caution the witness not
2 to reveal any attorney-client privilege or
3 work product.

4 THE WITNESS: I don't -- I think
5 that still does qualify as work product,
6 but maybe to save us time, I don't recall
7 the date.

8 BY MR. STACH:

9 Q. Who did you commission the prior
10 art search from?

11 **A. I believe that is work product**
12 **information, and I decline to answer.**
13 **Also, I don't think that's within the**
14 **scope of my declaration.**

15 MR. MOONEY: I'm going to agree
16 with the witness on those and on Jumeo's
17 behalf object to scope and also gets into
18 attorney work product and attorney-client
19 privilege.

20 BY MR. STACH:

21 Q. The declaration says petitioner
22 commissioned a prior art search
23 independently, and I'm just trying to
24 understand the non-privileged, nonwork
25 product aspects related to that, things

1 that you would have to identify to a court
2 or the PTAB to justify your claim of work
3 product, and just saying, "I don't have to
4 tell you" doesn't justify it.

5 And so I'm asking for things
6 that would need to go on a privilege log
7 or a work product log. I'm not asking for
8 the contents of the communication. I'm
9 asking if this were to go before the
10 board, what's the justification to show
11 that this is, in fact, privileged or work
12 product?

13 MR. MOONEY: Counsel, this is
14 the identity of the prior art search firm
15 or firms? Is that what you're asking for?

16 MR. STACH: Yes. Who
17 commissioned --

18 MR. MOONEY: I don't know that
19 this information necessarily would go on a
20 privilege log. I think you're making
21 several assumptions there in that regard.
22 But in any event, beyond the scope is my
23 objection.

24 I also caution the witness not
25 to reveal attorney-client privilege or

1 work product.

2 THE WITNESS: I believe the
3 identity of the prior art search firm that
4 was used would be work product, and so I'm
5 not going to answer that question.

6 MR. STACH: Like we spoke about
7 the board yesterday -- this is for --
8 Mr. Mooney, I guess you weren't on the
9 call maybe, but Ms. Jones --

10 MR. MOONEY: I was on the call.

11 MR. STACH: Oh, you were? Okay.
12 We can try to go through the entire
13 deposition and then identify areas where
14 we have disputes and maybe address those
15 at the board and then come -- maybe have
16 to do another day of this, or if you'd
17 like, we can try to reach out, try to get
18 some resolution.

19 It seems like, you know, we can
20 wait and see how often this arises or we
21 can reach out now. What's your
22 preference?

23 MR. MOONEY: Is that to me?

24 MR. STACH: That's to you, yes.

25 MR. MOONEY: I'm not sure what

1 you're asking me, but we don't plan to
2 come back for another day, and it's your
3 deposition to proceed as you'd like.

4 MR. STACH: All right.

5 BY MR. STACH:

6 Q. So I think I know the answer to
7 this, but did you ask the searcher whether
8 they had previously performed a search for
9 any of the patents involved in the IPRs?

10 MR. MOONEY: Object as beyond
11 the scope of the declaration under
12 37 CFR 42.53.

13 I will further caution the
14 witness not to reveal any attorney-client
15 privilege or work product information.
16 But if she can otherwise respond, she's
17 free to.

18 THE WITNESS: I don't think I
19 understood your question. Can you ask it
20 again?

21 BY MR. STACH:

22 Q. Did you ask the prior art search
23 service whether they had previously
24 performed a search regarding any of the
25 patents that are involved in these IPRs?

1 MR. MOONEY: I'm going to object
2 to that as beyond the scope under
3 37 CFR 42.53.

4 I will further caution the
5 witness not to reveal the contents of any
6 attorney-client privileged information or
7 any work product.

8 THE WITNESS: So I would say I
9 don't recall. It is my practice to have
10 prior art searchers perform a conflict
11 check, and so I would have had them do so
12 here.

13 BY MR. STACH:

14 Q. Have you worked with the
15 searcher before in performing the searches
16 for these IPRs?

17 MR. MOONEY: Objection.

18 THE WITNESS: I don't think I
19 can answer that based on work product.

20 MR. MOONEY: Also object to that
21 as beyond the scope.

22 BY MR. STACH:

23 Q. How did you decide to use this
24 searcher?

25 MR. MOONEY: Objection. Beyond

1 the scope of the declaration, as several
2 of these questions are at this point.
3 It's beyond the scope under 37 CFR 42.53.

4 I'm also going to instruct the
5 witness not to respond to that one based
6 on work product at least.

7 BY MR. STACH:

8 Q. Was the searcher recommended to
9 you by someone?

10 MR. MOONEY: I object to that as
11 beyond the scope under 37 CFR 42.53. I
12 will further instruct the witness not to
13 respond based on work product and also
14 potentially attorney-client privilege.

15 Again, would remind Counsel we
16 are here to discuss the facts that are set
17 forth in the declaration. It would be
18 nice if you could speed this along.

19 BY MR. STACH:

20 Q. I'm just asking about the facts
21 about the prior art search that's
22 expressly discussed in the declaration.

23 MR. MOONEY: Counsel, the
24 questions you're asking are going to
25 answers that you know are not relevant and

1 you know it's privileged and protected as
2 well. So it's your deposition, go ahead.

3 MR. STACH: I explained I do not
4 agree with that statement.

5 BY MR. STACH:

6 Q. Who evaluated the prior art that
7 came back from the search?

8 MR. MOONEY: Object to that as
9 beyond the scope.

10 I'd also caution the witness not
11 to reveal any work product, potentially
12 attorney-client privilege in connection
13 with that answer, but you can otherwise
14 answer.

15 THE WITNESS: I don't think I
16 can answer that without revealing work
17 product.

18 BY MR. STACH:

19 Q. Has this information already
20 been revealed in response to the
21 disqualification motion that was filed in
22 the California action?

23 MR. MOONEY: Objection. Form.

24 THE WITNESS: I don't know.

25 / / /

1 BY MR. STACH:

2 Q. Do you recall providing a
3 declaration in relation to this
4 qualification motion FaceTec filed in
5 California?

6 MS. JONES: Objection. Beyond
7 the scope.

8 THE WITNESS: As I sit here, I
9 don't remember. If I did, I would
10 appreciate you showing it to me if you're
11 going to ask me questions about it.

12 BY MR. STACH:

13 Q. Do you recall whether the names
14 of the IPR team were identified
15 specifically in relation to the
16 disqualification motion in California?

17 MR. MOONEY: Objection. Form.
18 Objection. Beyond the scope.

19 THE WITNESS: If you'd like to
20 give me a document, I could use it to
21 refresh my recollection. Otherwise, as I
22 sit here, I don't recall.

23 BY MR. STACH:

24 Q. Did the Perkins IPR team do
25 additional searching beyond the search

1 results that were provided by the search
2 service?

3 MR. MOONEY: Objection. Form.
4 Objection. Beyond the scope. Objection.

5 Also, actually, instruct the
6 witness not to respond to that based on
7 work product.

8 (Exhibit Number 1 was marked.)

9 BY MR. STACH:

10 Q. I've added to the chat an
11 Exhibit called Kaiser Exhibit 1.

12 MR. MOONEY: Counsel, we're
13 going to have to take a break so that I
14 can correct or try to correct whatever it
15 is that is precluding me from accessing
16 these exhibits.

17 I don't know. I guess this is
18 what it is. Perhaps we can take a
19 10-minute break to resolve this, if that's
20 possible.

21 MR. STACH: I am fine with that.
22 But I would just remind Ms. Kaiser not to
23 discuss the substance of her testimony
24 with anyone during the break.

25 THE WITNESS: Sounds good.

1 MR. MOONEY: Thank you, Counsel.

2 (Recess.)

3 MR. STACH: Just to confirm,
4 Counsel, Mr. Mooney, you have a copy of
5 Kaiser Exhibit 1, yes?

6 MR. MOONEY: I do, yes. Thank
7 you for your patience.

8 BY MR. STACH:

9 Q. Ms. Kaiser, if you could open
10 Kaiser Exhibit 1 and let me know when you
11 have it pulled up, please.

12 A. I have it.

13 Q. If you need to briefly take a
14 moment to review it, I'll be asking you a
15 particular question about paragraph 4 in a
16 moment.

17 A. Okay. I have it.

18 Q. In paragraph 4, it's talking
19 about the IPR petitions.

20 Do you see that?

21 MR. MOONEY: Object as beyond
22 the scope.

23 THE WITNESS: Yes, I see that.

24 MR. STACH: Counsel, this --

25 I'll just say this is within scope. In

1 fact, during yesterday's call with the
2 board, Ms. Nguyen said this deposition is
3 about the facts surrounding preparing the
4 IPR petitions. And I asked a question
5 about preparing the IPR petitions. This
6 is clearly within the scope.

7 MR. MOONEY: Counsel, this is
8 not -- this deposition is not to address
9 any questions you have about the IPR
10 petitions in any regard. The deposition
11 is limited, as you understand, to the
12 declaration that was submitted in the IPR
13 petitions.

14 Beyond the scope. Go ahead.

15 BY MR. STACH:

16 Q. So do you see the sentence:

17 "The team both reviewed prior art
18 returned from searchers and searched
19 itself for prior art"?

20 A. I do.

21 Q. Can you explain the portion of
22 that sentence where it says "that the team
23 searched itself for prior art?"

24 MR. MOONEY: Objection. Form.
25 Objection. Beyond the scope.

1 And further caution the witness
2 not to reveal any work product or any
3 attorney-client privileged information.

4 THE WITNESS: I don't understand
5 the question. It's a factual statement
6 that the team itself, that is the IPR
7 team, searched for prior art.

8 BY MR. STACH:

9 Q. Why did the team search itself
10 for prior art?

11 MR. MOONEY: Objection. Form.
12 Objection. Beyond the scope.

13 And I will instruct the witness
14 not to respond based on work product.

15 MR. STACH: We did establish
16 earlier that you believe even the fact
17 that additional searching occurred was
18 work product, but that's obviously public
19 and there's been -- if there ever was work
20 product, that's waived on this.

21 So you made the claim. It's
22 clear that this information is
23 volunteered. If there ever was work
24 product here, it's waived. So I'm just
25 asking for additional facts regarding the

1 search for prior art that is in this
2 declaration.

3 MR. MOONEY: Counsel, was that
4 an explanation and question for me or to
5 the witness?

6 MR. STACH: I'm trying to get
7 passed some of the work product and
8 attorney-client privilege disagreements by
9 explaining my rationale for why this
10 information, one, is not work product in
11 the first place, but to the extent that
12 you believed it was, it seems clear that
13 it no longer is. And I'm trying to get
14 past it so we don't have to contact the
15 board.

16 I do have an email that I've
17 started drafting to the board, and we can
18 talk through some of these issues with
19 them, but I'm just trying to make headway
20 here, you and me, so that we don't have to
21 raise as many issues with the board.

22 MR. MOONEY: The question is,
23 there is a statement in a declaration
24 submitted in another litigation
25 representing that there is a search for

1 prior art, and your position is that that
2 is a waiver as to all work product
3 protection that attaches to the rationale
4 and motivations and -- and review of that
5 prior art. Is that what you're telling
6 me?

7 MR. STACH: No. I'm telling you
8 that the limited question that I had asked
9 I don't believe is protected.

10 THE WITNESS: Can you ask your
11 question again? Because I don't have a
12 sense of what it was, and I don't have the
13 real time.

14 BY MR. STACH:

15 Q. Sure. Let me just ask this:
16 For how long did the team search itself
17 for prior art?

18 MR. MOONEY: Just a second,
19 Ms. Kaiser.

20 Objection. Form. Objection.
21 Beyond the scope.

22 And also instruct the witness
23 not to respond based on work product.

24 MR. STACH: Earlier today when I
25 asked for how long Ms. Kaiser prepared,

1 she answered the question and there was no
2 objection because asking for how long
3 something happened is not actually itself
4 protected.

5 BY MR. STACH:

6 Q. So I'll ask again. For how long
7 did the team, the IPR team search itself
8 for prior art?

9 MR. MOONEY: Same objections. I
10 will object as to the form. I will object
11 it's beyond the scope.

12 And I'll instruct the witness
13 not to respond based on work product.

14 Counsel, your position is that
15 how long Perkins attorneys independently
16 searched for prior art separate from prior
17 art searches that were conducted is
18 relevant to this declaration and the
19 merits of the IPR proceedings?

20 MR. STACH: Yes.

21 MR. MOONEY: Okay. I disagree.
22 Sorry. That's not going to be clear on
23 the record. I disagree.

24 MR. STACH: So I sent the board
25 a request for a call, and we will see if

1 they're available as they said they may
2 not be. And if they're not, then we will
3 follow up with a motion to compel on
4 whatever.

5 I will continue on with
6 questioning and see what we can get
7 through today. And then if you'll watch
8 your email, I'll watch mine a little bit
9 to see if they respond.

10 THE WITNESS: Did you copy
11 Ms. Jones as well?

12 MR. STACH: I believe she was on
13 it already. And let me just verify.

14 THE WITNESS: Angie, we can't
15 hear you.

16 MS. JONES: You can't hear me
17 still?

18 THE WITNESS: Now we can.

19 MS. JONES: Okay. No, I did not
20 receive that email, so I don't think I was
21 copied.

22 MR. STACH: I apologize.

23 I just forwarded it to you.

24 BY MR. STACH:

25 Q. What experts did you work with

1 in reviewing the prior art?

2 MR. MOONEY: Objection. Form.

3 Objection. Beyond the scope.

4 And I will caution the witness
5 not to reveal work product, but if she can
6 otherwise respond, she's free to.

7 THE WITNESS: I believe it's of
8 public record that there is an expert --
9 technical expert declaration submitted for
10 the four IPRs. So that expert had
11 opinions about the prior art and would
12 have disclosed them in the expert
13 declarations. Otherwise, I believe your
14 question calls for work product.

15 BY MR. STACH:

16 Q. Were there experts beyond the
17 expert who submitted declarations in the
18 four IPRs who you consulted with for these
19 IPRs?

20 MR. MOONEY: Object. Counsel,
21 you're asking her to identify undisclosed
22 experts.

23 MR. STACH: She mentions that
24 subject matter expert -- subject matter
25 experts were consulted, and I'm just

1 asking for a list of who those experts
2 were.

3 MR. MOONEY: Counsel, where --
4 what are you looking at that? Counsel,
5 what are you looking at that we're not
6 looking at here?

7 MR. STACH: So I'm asking --
8 there's paragraph 4 of Kaiser Exhibit 1.

9 MR. MOONEY: You said that
10 paragraph 4 talks about subject matter
11 experts reviewing prior art. I don't see
12 that.

13 THE WITNESS: It says what -- so
14 paragraph 4 says:

15 "Once the best prior art was
16 identified, the petitions themselves
17 had to be drafted and the subject
18 matter expert consulted."

19 I believe this paragraph or that
20 sentence is referring to the expert that
21 submitted a declaration in the IPRs.

22 BY MR. STACH:

23 Q. Were there any other experts
24 involved in the drafting of the IPRs?

25 A. I would decline to answer that

1 **because it calls for work product.**

2 MR. MOONEY: I object to that as
3 calling for work product and also beyond
4 the scope.

5 BY MR. STACH:

6 Q. Are you aware of any experts
7 retained by Jumeo for these matters who
8 were also retained by IProov?

9 MR. MOONEY: Just a second,
10 Ms. Kaiser.

11 Objection. Form.

12 THE WITNESS: I'm not aware.

13 MR. MOONEY: Sorry, not done.

14 THE WITNESS: I thought you were
15 done.

16 MR. MOONEY: First objection.
17 Form. Second objection beyond the scope.

18 And I would also caution the
19 witness not to reveal any work product or
20 attorney-client communications in
21 responding.

22 THE WITNESS: I'm not aware of
23 any experts that IProov has retained at
24 all.

25 / / /

1 BY MR. STACH:

2 Q. Has IProov suggested any experts
3 that Jumeo should retain?

4 MR. MOONEY: Just a minute.

5 Objection. Form. Objection.

6 Beyond the scope.

7 And I caution the witness not to
8 reveal any work product in responding to
9 that.

10 THE WITNESS: Can you ask the
11 question again because I don't remember it
12 now?

13 BY MR. STACH:

14 Q. Sure. Did IProov suggest that
15 Jumeo retain any particular expert?

16 MR. MOONEY: Objection. Form.
17 Objection. Beyond the scope.

18 And I just caution the witness
19 not to reveal work product.

20 THE WITNESS: Not that I am
21 aware of.

22 BY MR. STACH:

23 Q. Before filing, did you provide
24 drafts of IPR petitions to anyone outside
25 of Perkins Coie?

1 MR. MOONEY: Just a second,
2 Ms. Kaiser.

3 Object to that as beyond the
4 scope as it's phrased.

5 And just caution the witness not
6 to reveal any attorney-client privilege or
7 work product.

8 THE WITNESS: I'm pausing
9 because I don't want to reveal
10 attorney-client privileged communications.

11 Can you ask the question again?

12 BY MR. STACH:

13 Q. Before filing the IPR petitions,
14 did you provide draft -- drafts of the IPR
15 petitions to anyone outside of Perkins
16 Coie?

17 MR. MOONEY: Same objection.
18 Beyond the scope.

19 And to the extent there is a
20 privilege issue, Ms. Kaiser, that you're
21 looking to discuss, I'm happy to do that
22 off the record.

23 THE WITNESS: Maybe I would like
24 to do that just briefly.

25 MR. STACH: Okay.

1 MR. MOONEY: Give us five
2 minutes, Counsel, or less?

3 MR. STACH: Yeah. I'll just be
4 here. Whenever you're ready to come back,
5 just let me know.

6 MR. MOONEY: Okay.

7 (Recess.)

8 BY MR. STACH:

9 Q. I guess I'll reask the question.
10 Before filing the IPR petitions,
11 did you provide drafts of them to anyone
12 outside of Perkins Coie?

13 A. I provided drafts to the client,
14 but otherwise I did not provide drafts to
15 anyone outside of Perkins Coie.

16 Q. Who did you send those drafts
17 to?

18 A. As best as I recall, I sent them
19 to Gina Signorello.

20 Q. Was there anyone else at Jumeo
21 who you sent the drafts to?

22 A. Not that I recall.

23 Q. Do you recall if anyone else on
24 the IPR team sent drafts to anyone outside
25 of Perkins Coie?

1 A. They would not have, no.

2 Q. So you believe they did not?

3 A. Correct.

4 Q. Do you have information
5 confirming that they did not?

6 MR. MOONEY: Objection. Form.

7 THE WITNESS: I mean, the drafts
8 of IPR petitions are confidential and work
9 product, so no one sent them outside of
10 Perkins Coie, and I was responsible for
11 sending drafts to the client, so I was the
12 one who sent the drafts to the client.

13 BY MR. STACH:

14 Q. Do you have personal knowledge
15 of what the recipients did with those
16 drafts?

17 MR. MOONEY: Objection. Form.
18 Beyond the scope.

19 THE WITNESS: Can you ask the
20 question again? I'm not sure I understand
21 it.

22 BY MR. STACH:

23 Q. Do you have personal knowledge
24 of what the recipients of the IPR petition
25 drafts did with those drafts after they

1 received them?

2 MR. MOONEY: Objection. Form.

3 And beyond the scope. Where are we in the
4 declaration, Counsel? You're now asking
5 does she know who the clients and drafts
6 of a petition to, and I don't see anything
7 regarding that in here.

8 MR. STACH: It is within the
9 scope of at least paragraph 4 of
10 Exhibit 1049.

11 MR. MOONEY: It is absolutely
12 not within the scope of paragraph 4, is
13 it? How so?

14 MR. STACH: I'm trying to get an
15 understanding of the basis for
16 Ms. Kaiser's statements --

17 MR. MOONEY: Counsel, I take
18 that back in looking at this. Ask the
19 question again. Go ahead. Thank you for
20 that.

21 BY MR. STACH:

22 Q. Do you have personal knowledge
23 of what the recipients of the IPR petition
24 drafts did with those drafts after they
25 received them?

1 MR. MOONEY: Objection. Form.

2 THE WITNESS: I know that they
3 had back and forth with us about the
4 drafts, certainly, before filing.

5 BY MR. STACH:

6 Q. Do you know if they shared them
7 with other members of their team within
8 Jumeo?

9 A. I do not.

10 Q. Do you know if they shared them
11 with anyone outside of Jumeo besides
12 Perkins Coie?

13 A. I do not.

14 Q. When did you first learn that
15 the company IProov existed?

16 A. I don't recall.

17 Q. Do you recall if it was before
18 Perkins Coie was retained to work on the
19 IPRs for Jumeo?

20 A. I do not believe I had heard of
21 IProov before this case.

22 Q. By "this case," are you also
23 referring to the California litigation
24 where you entered an appearance?

25 A. Yes.

1 Q. How did you learn about IProov?

2 A. I don't recall.

3 Q. Do you recall any context in
4 which IProov became relevant to your work
5 in IPRs?

6 MR. MOONEY: Objection. Form.
7 Just caution the witness not to
8 reveal any attorney-client privilege or
9 work product.

10 THE WITNESS: I'm not sure I
11 understand the question. Can you repeat
12 it?

13 BY MR. STACH:

14 Q. What is your understanding of
15 the relationship between Jumeo and IProov?

16 MR. MOONEY: Object. Objection.
17 Form. Objection. Beyond the scope.

18 And, again, I just caution the
19 witness not to reveal any attorney-client
20 privileged information or work product.

21 THE WITNESS: I'm not sure I can
22 answer that question without revealing
23 attorney-client privileged communication
24 or work product.

25 / / /

1 BY MR. STACH:

2 Q. Is it your claim that your
3 entire understanding of the relationship
4 between Jumeo and IProov is based on
5 privileged or work product information?

6 MR. MOONEY: Objection. Form.
7 Objection. Beyond the scope.

8 THE WITNESS: I believe that I
9 reviewed filings -- public filings at some
10 point in litigation. I'm not remembering
11 currently whether they discussed -- that
12 were about IProov. I'm not recalling
13 whether those discussed any sort of
14 relationship between Jumeo and IProov.
15 But that would be the context of my
16 understanding that it's not work product
17 or privileged.

18 BY MR. STACH:

19 Q. Would those filings have been
20 from the litigation involving FaceTec and
21 IProov in Nevada?

22 A. I believe that's correct.

23 Q. When did you learn about the
24 FaceTec versus IProov litigation?

25 A. The Nevada litigation?

1 Q. Yes.

2 A. It would have been after I began
3 work on the IPR matter.

4 Q. Do you have an understanding of
5 FaceTec's infringement allegations against
6 IProov?

7 A. I do not.

8 Q. Did IProov provide any prior art
9 to Jumeo before the IPR petitions were
10 filed?

11 A. No.

12 Q. What is your basis for making
13 that statement?

14 A. I'm sorry, can you repeat your
15 question again? I want to make sure I
16 answered it accurately.

17 Q. Did IProov provide any prior art
18 to Jumeo before the IPR petitions were
19 filed?

20 A. So I'm not aware --

21 Go ahead. Sorry.

22 MR. MOONEY: Objection. Form.

23 Actually, one second.

24 Objection. Form. Objection.

25 Beyond the scope.

1 I just caution the witness on
2 work product. But go ahead.

3 THE WITNESS: I'm not aware of
4 conversations between IProov -- any
5 conversations between IProov and Jumeo
6 directly, so I don't think I have
7 knowledge to answer the question as you
8 phrased it.

9 BY MR. STACH:

10 Q. You mentioned, in paragraph 6,
11 invalidity contentions in the California
12 case.

13 MR. MOONEY: Are we back to the
14 IPR declaration now?

15 MR. STACH: That's correct.

16 MR. MOONEY: Okay.

17 BY MR. STACH:

18 Q. Exhibit 1049.

19 A. Yes. I'm there.

20 Q. Did you have a role in preparing
21 the invalidity contentions filed in the
22 California case?

23 MR. MOONEY: One second,
24 Ms. Kaiser. Answer that yes or no.

25 THE WITNESS: No.

1 BY MR. STACH:

2 Q. Who did work on the invalidity
3 contentions in the California case at
4 Perkins Coie?

5 MR. MOONEY: One second,
6 Ms. Kaiser.

7 Object as beyond the scope.
8 You're asking her to identify specific --
9 the specific attorneys at Perkins by name;
10 is that right?

11 MR. STACH: I am.

12 MR. MOONEY: Just asking. I'm
13 having trouble seeing how that's not
14 beyond the scope of this paragraph 6. Can
15 you help me out there or no?

16 MR. STACH: Well, in the
17 interest of trying to resolve some of
18 these issues before we talk to the board,
19 I will say that there's representations in
20 paragraph 6 about communications that did
21 or did not happen related to those and the
22 timing of those communications. And I'm
23 asking who was involved so I can then ask
24 follow-up questions about that.

25 MR. MOONEY: I mean, I could cut

1 through this. I think there is a way to
2 do exactly that within asking to identify
3 them by name. But if you're going to
4 insist on identifying -- asking that
5 question as you phrased it, then we'll
6 need to take a quick -- a quick break to
7 discuss privilege issue.

8 And now might be a good time for
9 a break anyways because we've been going
10 about an hour, I think, even with all
11 these technical glitches, one of which I
12 think is my fault.

13 MR. STACH: I'm good with a
14 break. Do you want 10 minutes, 15?

15 MR. MOONEY: 15 so that we can
16 resolve this and let people have a couple
17 of minutes. So 15 minutes from now.

18 MR. STACH: I would just remind
19 Ms. Kaiser other than the privilege
20 question, please do not discuss the
21 substance of your testimony with anyone.

22 (Recess.)

23 BY MR. STACH:

24 Q. Welcome back, Ms. Kaiser. Did
25 you discuss the substance of your

1 testimony with anyone during the break?

2 A. Other than to address privilege
3 questions, no.

4 Q. Maybe I'll go back and ask the
5 same question I asked before the break.

6 Who worked on the invalidity
7 contentions in the California case at
8 Perkins Coie?

9 A. So I don't recall all of the
10 people who may have worked on the
11 invalidity contentions at Perkins Coie. I
12 believe that Grant Kinsel was leading that
13 effort because he was leading the District
14 Court litigation for Perkins, and an
15 associate named Jessie, her last name
16 starts with a D, I believe also worked on
17 the invalidity contentions. And those are
18 the two names that I recall.

19 I do note, though, my declaration
20 is talking here about communication in
21 paragraph 6, I think which is what you
22 pointed me to, talks about communications
23 relating to the invalidity contentions in
24 the California case before the petitions
25 were filed, and this paragraph also talks

1 about the relative timing between when the
2 petitions were filed and when the
3 invalidity contentions were actually due.

4 So I'm not sure whether anyone was
5 working on the invalidity contentions
6 before the petitions were filed.

7 Q. Did you work on the invalidity
8 contentions?

9 A. I believe I already answered
10 that and said no.

11 Q. Did any lawyers who worked on
12 the invalidity contentions also work on
13 the IPRs?

14 MR. MOONEY: Objection. Form.

15 THE WITNESS: As I sit here
16 right now, I'm not sure.

17 BY MR. STACH:

18 Q. Was there overlap between the
19 litigation team at Perkins Coie and the
20 IPR team at Perkins Coie?

21 A. I believe so, yes. For example,
22 I think, as you identified, I believe I
23 filed an appearance in both.

24 Q. What was your role in the
25 California litigation?

1 A. It was minimal.

2 Q. What did it involve?

3 A. Primarily consulting between the
4 two teams.

5 Q. For what purpose?

6 A. Strategic coordination.

7 (Exhibit Number 2 was marked.)

8 BY MR. STACH:

9 Q. I've put in the chat Kaiser
10 Exhibit 2.

11 MR. STACH: And I will email it
12 to you, Mr. Mooney.

13 Once you both confirm you have
14 it up, I'll ask you about it.

15 THE WITNESS: I have it open.

16 MR. STACH: Has it arrived yet,
17 Mr. Mooney?

18 MR. MOONEY: It has not.

19 It's now arrived. An email from
20 the board counsel. Okay. Do you want to
21 briefly discuss -- I'm happy to jump on
22 with the board it might make sense, before
23 wasting anyone's time, mostly the board's,
24 for you to identify the specific questions
25 that you think should have been answered

1 and we can see if you can narrow any of
2 them or resolve them right now, or if not,
3 we don't have to. No, I take that back.
4 Let's do that. I'd like to know what
5 we're talking about.

6 MR. STACH: Well, as I explained
7 earlier, so sitting here right at this
8 moment, I do not have an exhaustive list
9 for you since I've been -- I think I can
10 give you the cliff notes.

11 MR. MOONEY: I think before -- I
12 mean, in fairness, before we get on with
13 the board, I should know what dispute
14 you're going to raise is. I mean,
15 otherwise, I can just tell them that you
16 haven't. But, I mean, that probably seems
17 to make the most sense.

18 MR. STACH: Well, I will explain
19 to them that there are extensive privilege
20 and work product objections, some of them
21 are objections to things that have been
22 publicly disclosed and are clearly not
23 work products. Some of them are about
24 identifying names of people who worked on
25 things which are things that would be on

1 privilege logs, things like that.

2 So also it's really more to
3 calibrate and say, okay, if I'm asking a
4 question about a communication, it is fair
5 game to ask for who was involved, when did
6 it occur, basically, all the things that
7 go in a privilege log. What is the basis
8 for the privilege and the general
9 description so you can assess whether the
10 privilege is appropriate. None of that
11 is, itself, privileged and protected. The
12 objections --

13 MR. MOONEY: You're talking
14 about two different things. The questions
15 that are being asked that are being
16 improperly not answered are what?
17 Questions about who -- you said who was
18 involved in communications and questions
19 about when those communications occurred.
20 Is there anything else?

21 MR. STACH: There have been so
22 many objections based on privilege today
23 and I --

24 MR. MOONEY: Counsel, if you
25 want -- if you want to get on with the

1 board and just tell them, I don't like the
2 objections, that's fine. But I think it
3 would be more productive to discuss the
4 specific questions or buckets of questions
5 that you're having an issue with, one, to
6 see if we can resolve this without
7 involving the board, and two, so that any
8 discussion with the board is going to not
9 waste their time.

10 And if you want to take a minute
11 now to do that off the record -- it's up
12 to you. If you want to just jump on with
13 the board and tell them that I don't like
14 all the objections, we can do it there
15 too. But I just wanted to try to -- and
16 I'll let them know this as well -- that I
17 would like to try to narrow the dispute or
18 figure out what it is your concern is.
19 But up to you.

20 But I will say that today you
21 have raised two issues with me so far.
22 One is that we are blocking questions
23 about who was involved in communications
24 and the other is that we're blocking
25 questions about when communications

1 occurred.

2 Those are the only two issues
3 you have raised with me. If you have any
4 questions that you think weren't answered
5 that fit into either of those buckets,
6 feel free to ask them now.

7 MR. STACH: Well, obviously,
8 earlier today I explained multiple times
9 why the privilege --

10 MR. MOONEY: Wait. We're
11 wasting precious time here. I can debate
12 this with you back and forth, but what I'm
13 saying right now is so we don't waste the
14 board's time, I am telling you that you
15 have raised two disputes with me: That I
16 am not allowing the witness to respond to
17 questions about who was involved in
18 communications or when those
19 communications occurred, and I have just
20 told you that you're free to ask those
21 questions again right now and we can maybe
22 resolve this before we get the board on,
23 or I can tell them that, up to you.

24 But I do think it's a waste of
25 time to just get on there and moan to the

1 board about, you know, vague concerns.

2 MR. STACH: I provided multiple
3 explanations today, so I'm planning to
4 just raise it with the board.

5 MR. MOONEY: And I will tell the
6 board exactly what I just told you. I
7 believe that we are wasting their time,
8 but it is your deposition and it is your
9 call. I do believe these are probably
10 questions the board will ask you when we
11 get on, but, again, up to you.

12 MR. STACH: I think we should
13 pause for the board call in 10 minutes.

14 MR. MOONEY: Okay. But before
15 we do, I will say for the record the only
16 issues that you have raised with me is
17 that we are blocking you from asking
18 questions about who was involved in
19 communications and questions about when
20 those communications occurred.

21 I am telling you right now that
22 you are free to ask those questions
23 because I don't believe that we've blocked
24 that, and we can see if the witness can
25 respond and we can avoid wasting the

1 board's time.

2 If you want to just stop this
3 now and get on with the board, that's up
4 to you. I don't believe that's a
5 productive use of their time or anybody's
6 time on this.

7 MR. STACH: We can agree to
8 disagree on that.

9 MR. MOONEY: Can you give me a
10 single example of a question about who or
11 when that wasn't answered today?

12 MR. STACH: Yeah. I mean,
13 there's numerous. We have -- if we search
14 for the word "work product," it's 39 times
15 in this thing and "privilege" is 52 times.
16 It's replete with objections and
17 discussions about this. To claim that you
18 don't understand --

19 MR. MOONEY: I made myself
20 clear, Counsel. You're asking questions
21 about clearly work product and privileged
22 information, a lot of them, so of course
23 there are going to be objections. That
24 should not surprise you.

25 I'm saying that -- I mean,

1 you're refusing to tell me which questions
2 in particular this witness didn't answer,
3 and there's not much more I can do.

4 MR. STACH: The realtime
5 identifies throughout.

6 MR. MOONEY: If you can identify
7 a single question that wasn't answered
8 that you think should have been answered,
9 I'm asking you to ask it now and see if we
10 can resolve it. It sounds like you do
11 want to do that and you want to talk to
12 the board. Happy to do that. But that is
13 not my prerogative. I would not use their
14 time like that.

15 But, again, to be clear, you are
16 free to ask questions about who was
17 involved in the communications or when the
18 communication happened.

19 MR. STACH: Well, I did ask
20 those questions, and I have --

21 MR. MOONEY: Ask it again. If I
22 made a mistake -- Counsel -- if there is a
23 question you don't think that was
24 answered, ask it now. If you just want to
25 complain about what has happened, then get

1 on with the board and complain about it.

2 But, again, I'm trying to narrow
3 the dispute here. It sounds like you're
4 not interested. So we can get on with the
5 board. It's fine.

6 MR. STACH: I think if you look
7 at the transcript, you'll see many
8 explanations that I've already provided
9 that you declined to agree with and we
10 just have a disagreement.

11 MR. MOONEY: So, Counsel, is
12 there anything that we can do right now to
13 narrow this dispute, or do you just want
14 to keep complaining that there are too
15 many objections? I'm asking.

16 MR. STACH: I would like to get
17 the board to confirm that --

18 MR. MOONEY: There's too many
19 objections.

20 MR. STACH: -- the types of
21 objections that you're making are improper
22 and that we should move forward and not
23 have to do this on a second day.

24 MR. MOONEY: Okay. I'm again
25 telling you that you're free to ask

1 questions about who or when as long as
2 they are within the scope. You are
3 telling me you don't want to do that and
4 you want to get on with the board, so
5 let's get on with the board. Let's waste
6 time.

7 THE WITNESS: Is there any
8 objection to me listening to the board
9 call?

10 MR. MOONEY: None here.

11 MR. STACH: That would be
12 irregular to have the witness involved in
13 that.

14 THE WITNESS: So you object to
15 me joining?

16 MR. STACH: Yes, Your Honor.
17 Not Your Honor. Sorry.

18 THE WITNESS: Fair enough. I
19 will not join then.

20 MR. MOONEY: Counsel, did you
21 want to ask any other questions that you
22 think were improperly blocked or not?

23 MR. STACH: I already asked them
24 and I repeated them and they were blocked,
25 and so I am going to raise that with the

1 board. I tried to narrow things earlier.
2 Now that we're minutes from a board call,
3 you are claiming that, oh, maybe I'll
4 reconsider, and I don't want to then have
5 another board call just because maybe you
6 decide to answer one question, but it's
7 replete through this transcript.

8 I think if the board were to
9 review this transcript, they will see a
10 litany of improper privilege and work
11 product objections, and they'll see me
12 explaining in detail the basis for why
13 they're improper. And I will stand by
14 this transcript 100 percent every time.

15 MR. MOONEY: Every time what?

16 MR. STACH: Every time anyone
17 wants to talk about it, including the
18 board right now.

19 MR. MOONEY: Okay. Again, I'm
20 just -- the first time you told me what
21 the issue was a moment ago. I've got who.
22 I've got when. I'm telling you to ask the
23 questions again. You're not going to ask
24 them, so let's talk to the board.

25 But to the clear, I will be

1 explaining to the board you have not
2 explained any more about the issue than
3 this, and I offered to resolve it on those
4 terms.

5 MR. STACH: I have been offering
6 to resolve it throughout this entire
7 deposition.

8 MR. MOONEY: But this just
9 sounds like you're angry that we didn't
10 resolve it earlier. This isn't
11 productive.

12 MR. STACH: I'm not angry.

13 MR. MOONEY: But not interested
14 in resolv- -- we're not getting anywhere.

15 So you have to go off the
16 record, not me, I think. You want to go
17 off the record?

18 MR. STACH: Well, I would like
19 if we can -- I don't know if there's a way
20 for the court reporter can transcribe the
21 call with the board, but maybe that's not
22 possible at this point.

23 MR. MOONEY: It's on the phone,
24 I think.

25 MR. STACH: It is.

1 THE COURT REPORTER: Are we off
2 the record?

3 MR. STACH: Yes.

4 (Recess.).

5 BY MR. STACH:

6 Q. I had sent you before the break
7 Kaiser Exhibit 2. Do you see that,
8 Ms. Kaiser?

9 A. Yes.

10 Q. And this is a declaration from
11 Grant Kinsel. He's the gentleman
12 mentioned earlier; is that right?

13 A. Yes.

14 Q. If we look towards the bottom of
15 the numbered page 2, PDF page 3, there's a
16 list of numbers of the District Court
17 litigation team and members of the IPR
18 team.

19 Do you see that?

20 A. Yes.

21 Q. Jamie D that you mentioned
22 earlier, is that in the second-to-last
23 line, Delacenserie?

24 A. Yes. **Jessie not Jamie.**

25 Q. I'm sorry. Jessie.

1 Does the list of names there for
2 the IPR team appear to be accurate to you?

3 **A. As far as I recall, yes.**

4 Q. Is there anyone who you recall
5 working on the IPRs who is not named
6 there?

7 **A. Not that I recall.**

8 Q. Did a lawyer named David Krone
9 work on the IPRs?

10 **A. So he's listed here as being on**
11 **the litigation team. It's Pekarek Krone.**
12 **I don't recall whether he worked on the**
13 **IPRs also or not, but if he's not listed**
14 **here, he probably didn't.**

15 Q. Do you recall supervising any
16 work performed by Mr. Krone?

17 MR. MOONEY: Objection. Form.

18 THE WITNESS: On these IPRs, he
19 asked me if I recall supervising any work
20 from Dave Pekarek Krone, and the answer to
21 that question is generally, yes.

22 BY MR. STACH:

23 Q. For these IPRs in particular?

24 **A. I don't recall.**

25 Q. Is it your understanding that

1 the lawyers listed here in Mr. Kinsel's
2 declaration as being part of the District
3 Court litigation team are the lawyers who
4 worked on the invalidity contentions in
5 the California action?

6 **A. I don't know.**

7 Q. Do you have any knowledge -- any
8 personal knowledge of which of the listed
9 individuals worked on the invalidity
10 contentions in the California action?

11 **A. As I mentioned, to the best of**
12 **my recollection, I know Grant -- I believe**
13 **Grant was supervising that work, and I**
14 **believe that Jessie was involved in it.**
15 **Beyond that, I don't recall.**

16 Q. What is your understanding of
17 the collaboration between Jumeo's counsel
18 and IProov regarding the California
19 invalidity contentions?

20 **A. My understanding is that prior**
21 **to the IPRs being filed, there was no**
22 **collaboration.**

23 Q. What is your understanding of
24 the collaboration after the IPRs were
25 filed?

1 **A. As I sit here, I don't recall.**

2 Q. You agree there was
3 collaboration, though?

4 MR. MOONEY: Objection. Form.

5 THE WITNESS: I don't recall.

6 For example, I don't recall if the
7 invalidity contentions were ultimately
8 submitted jointly or not. You would have
9 to show me them to refresh my
10 recollection.

11 BY MR. STACH:

12 Q. What's the basis for your
13 statement in your declaration -- this is
14 in paragraph 6 of Exhibit 1049-- that:

15 "Any communications between
16 petitioner and IProov relating to
17 those invalidity contentions occurred
18 well of a petitioner filed the
19 petitions"?

20 MR. MOONEY: Caution the witness
21 not to reveal any work product.

22 THE WITNESS: So I submitted
23 this declaration over five months ago. My
24 recollection is I conducted an
25 investigation, as I mentioned to you

1 earlier. As part of that investigation, I
2 spoke to team members who worked on the
3 invalidity contentions. I believe that
4 included Mr. Kinsel and Jessie, and it may
5 have included other people. I just don't
6 recall specific names.

7 BY MR. STACH:

8 Q. Did you speak with every team
9 member that you believe worked on the
10 invalidity contentions as part of your
11 investigation?

12 A. I don't recall.

13 Q. Were you copied on
14 communications related to the invalidity
15 contentions?

16 A. I believe that I would have
17 been, yes.

18 Q. And were any of those
19 communications -- did they also include
20 IProov on those communications?

21 MR. MOONEY: Objection. Form.

22 THE WITNESS: As I sit here
23 right now, I'm not sure.

24 BY MR. STACH:

25 Q. Do you recall reviewing any

1 Invalidity contentions provided by IProov?

2 A. No.

3 Q. Who at IProov did the Perkins
4 Coie lawyers work with in relation to the
5 invalidity contentions in California?

6 A. Who at IProov?

7 Q. Yes.

8 A. I don't believe they worked with
9 anybody at IProov.

10 Q. But in your declaration, you
11 define IProov as IProov and its counsel in
12 paragraph 3.

13 A. Okay. So when you say "IProov,"
14 you mean IProov and its counsel?

15 Q. Yes. I'm clarifying that now.

16 A. Okay. So I don't -- as I just
17 said, I don't believe that anyone at
18 Perkins communicated with IProov directly,
19 and I don't recall who counsel was for
20 IProov as I sit here. I would have to go
21 back and look at litigation pleadings and
22 things.

23 Q. What records exist that would
24 reflect the collaboration -- or rather the
25 coordination between Jumeo and IProov

1 regarding the invalidity contentions in
2 California?

3 MR. MOONEY: Objection. Form.

4 Caution the witness as to work
5 product and attorney-client privilege, but
6 you can respond.

7 THE WITNESS: As I sit here
8 right now, I don't know.

9 BY MR. STACH:

10 Q. Do you believe they include
11 emails between Jumeo or its counsel and
12 IProov or its counsel?

13 A. **It's possible.**

14 Q. What's your understanding of the
15 nature of the coordination between Jumeo
16 and IProov in relation to the invalidity
17 contentions?

18 A. **I don't have any personal**
19 **knowledge. As I testified earlier, I**
20 **didn't work on the invalidity contentions.**
21 **But, I guess, I do know consistent with**
22 **what's in my declaration, that there was**
23 **no coordination prior to the IPR petitions**
24 **being filed between Jumeo and IProov.**

25 Q. But you can't recall how you

1 verified that today?

2 MR. MOONEY: Objection. Form.

3 BY MR. STACH:

4 Q. Beyond speaking with Jessie and
5 Mr. Kinsel?

6 A. That's what I recall, as I sit
7 here today. But I know that I conducted
8 an investigation to assure myself that
9 that was accurate.

10 Q. Did that investigation include
11 speaking with every person on the list of
12 members of the District Court litigation
13 team in Mr. Kinsel's declaration?

14 A. I believe I already answered
15 that I don't recall.

16 Q. Would you agree that your
17 personal knowledge of the coordination
18 with IProov on the invalidity contentions
19 is limited?

20 MR. MOONEY: Objection. Form.

21 THE WITNESS: I would agree it's
22 limited after the IPR petitions were
23 filed. But as I said, what my testimony
24 and my declaration is about is before the
25 IPR petitions were filed, and it was also

1 consistent with my personal knowledge at
2 that time that no coordination had
3 occurred.

4 BY MR. STACH:

5 Q. Do you have any understanding of
6 whether drafts of invalidity contentions
7 were exchanged between Jumio and IProov
8 before they were filed in California?

9 A. My personal knowledge is that
10 there no drafts exchanged before the IPR
11 petitions were filed. And I don't have
12 personal knowledge after the IPR petitions
13 were filed because, again, that's not in
14 the content of my declaration.

15 Q. So you didn't conduct any
16 investigation in relation to the
17 communications that you mentioned that
18 occurred well after the petitioner filed
19 the petitions?

20 A. Only to find out that they
21 occurred well after. You're asking me
22 about specific content and timing, and I
23 didn't do an investigation into that other
24 than to verify that they occurred well
25 after the IPRs were filed.

1 Q. Did you review IProov's
2 invalidity contentions before they were
3 filed?

4 A. Which invalidity contentions?

5 Q. The California invalidity
6 contentions.

7 A. Did I personally?

8 Q. Yes.

9 A. No.

10 Q. Are you aware of whether anyone
11 at Perkins Coie reviewed drafts of
12 IProov's invalidity contentions before
13 they were filed?

14 A. I think that's outside the scope
15 of my declaration testimony, but no, I'm
16 not aware of whether Perkins' attorneys
17 did.

18 Q. And you had mentioned earlier
19 speaking with the litigation team about
20 coordinating strategy with the IPR team.
21 Is that fair?

22 MR. MOONEY: Objection. Form.

23 THE WITNESS: I think what I
24 testified was that part of my role on the
25 litigation team was to help coordinate

1 strategy between the IPR team and
2 litigation team.

3 BY MR. STACH:

4 Q. And as part of that role, you
5 did not have anything -- any involvement
6 in reviewing IProov's invalidity
7 contention in the California action?

8 A. Not that I recall.

9 Q. Did you review Jumeo's
10 invalidity contentions in the California
11 action before they were filed in
12 California?

13 MR. MOONEY: Object to that as
14 beyond the scope of the declaration.

15 THE WITNESS: I do not believe
16 that I did but -- because it would not be
17 my normal practice to review the entirety
18 of invalidity contentions for District
19 Court litigation when I'm the lead IPR
20 counsel.

21 BY MR. STACH:

22 Q. Did you review any portion of
23 the invalidity contentions?

24 A. I may have, but I don't recall
25 as I sit here.

1 Q. Do you recall whether anyone on
2 the IPR team reviewed the invalidity
3 contentions?

4 MR. MOONEY: Objection. Form.
5 BY MR. STACH:

6 Q. And I'm referring to Jumeo's
7 invalidity in the California action.

8 **A. Can you repeat the whole**
9 **question?**

10 Q. Sure. Did anyone on the IPR
11 team review the entirety or portions of
12 the invalidity contentions Jumeo filed in
13 the California action?

14 **A. So I have difficulty answering**
15 **that question because I don't remember who**
16 **worked on the invalidity contentions, and**
17 **as you noted earlier, there is overlap**
18 **between the teams, so it's possible that**
19 **there are members of the IPR team who were**
20 **also on the litigation team that worked on**
21 **the invalidity contentions and would have**
22 **reviewed them. But as I sit here, I don't**
23 **recall the specifics of that.**

24 Q. Did you discuss the IPR
25 petitions with IProov after the petitions

1 were filed?

2 **A. No.**

3 Q. Are you aware of anyone at
4 Perkins Coie discussing the IPR petitions
5 with IProov after the petitions were
6 filed?

7 **A. I'm not aware, no.**

8 Q. Are you aware of anyone at Jumeo
9 who spoke with IProov about the IPR
10 petitions after they were filed?

11 **A. I don't know.**

12 MR. MOONEY: Objection. Form.

13 BY MR. STACH:

14 Q. Has Perkins been paid for its
15 work on these IPRs?

16 MR. MOONEY: Objection. Beyond
17 the scope.

18 THE WITNESS: I don't know as I
19 sit here.

20 BY MR. STACH:

21 Q. Who did Perkins bill for its
22 work on the IPRs?

23 MR. MOONEY: Objection. Beyond
24 the scope?

25 THE WITNESS: We billed our

1 client Jumeo.

2 BY MR. STACH:

3 Q. How do you know that?

4 MR. MOONEY: Objection. Scope.
5 Beyond it.

6 THE WITNESS: I believe I
7 reviewed bills that would have gone to
8 Jumeo.

9 BY MR. STACH:

10 Q. Are you the person responsible
11 for sending those bills to a client?

12 MR. MOONEY: Objection. Beyond
13 the scope. Counsel, where are we looking
14 now in the declaration that dictates the
15 scope of this deposition? I've just been
16 looking at the declaration, and I don't
17 see anything about billing or invoicing or
18 payments. So if you'd direct my attention
19 to that, that would be helpful.

20 MR. STACH: I will do so, but I
21 will also remind you I've given lots of
22 leeway on speaking objections. If you
23 think it's outside the scope, you're
24 welcome to say that. Her declaration, she
25 specifically says in paragraph 4, she

1 talks about funding of the IPR petitions,
2 and I'm asking questions about funding the
3 IPR petitions.

4 THE WITNESS: Well, Counsel, the
5 statement in my declaration is IProov did
6 not direct, control, or fund the
7 petitions. That's just a true fact. I
8 didn't give any testimony in my
9 declaration about my own law firm's
10 billing to Jumeo.

11 BY MR. STACH:

12 Q. I'm probing the --

13 MR. MOONEY: You're asking about
14 who was billing Jumeo and how they're
15 billing Jumeo for the work, and that's not
16 at issue in the declaration. And I think
17 in fairness, and the record will reflect
18 it, we've given you plenty of leeway, and
19 so far we're probably approaching two
20 hours or more on a declaration that is
21 five substantive paragraphs. So go ahead,
22 but that question and those questions are
23 certainly beyond the scope of this.

24 BY MR. STACH:

25 Q. Can you answer the question,

1 Ms. Kaiser?

2 A. I don't remember what the
3 question was. Can you please reask it?

4 Q. Are you the person responsible
5 for sending those bills to Jumeo?

6 MR. MOONEY: Objection. Scope.

7 THE WITNESS: Sending the bills
8 directly to Jumeo, no.

9 BY MR. STACH:

10 Q. Do you have any knowledge of
11 whether those bills that you may have
12 reviewed have been paid?

13 MR. MOONEY: Objection. Form.
14 Objection. Scope. This is well beyond
15 the scope, Counsel.

16 THE WITNESS: I think I already
17 answered this question that I don't know.

18 BY MR. STACH:

19 Q. So you don't know if Perkins has
20 been paid for its work on these IPRs?

21 MR. MOONEY: Objection. Form.
22 Asked and answered. Counsel, I have given
23 you a lot of leeway, but this is well
24 beyond the scope, and you're not giving
25 any reason that this has anything to do

1 with what is stated in paragraph 4 as the
2 witness herself has reminded you.

3 THE WITNESS: I think I've
4 already answered that question.

5 BY MR. STACH:

6 Q. And the answer is you don't
7 know?

8 MR. MOONEY: Objection.

9 THE WITNESS: Can you reask the
10 question?

11 BY MR. STACH:

12 Q. Hopefully without the speaking
13 objection this time.

14 Do you have any knowledge of
15 whether those bills that you may have
16 reviewed have been paid?

17 MR. MOONEY: Objection to form
18 and scope.

19 THE WITNESS: As I sit here
20 right now, I don't know.

21 BY MR. STACH:

22 Q. Is it your testimony you don't
23 know whether Jumeo funded the IPRs because
24 you don't know whether Jumeo paid the
25 invoices?

1 MR. MOONEY: Objection. Form.

2 THE WITNESS: Jumeo was my
3 client until I withdrew from the IPRs. So
4 they were the entity that we billed for
5 the IPRs. I testified that I don't know
6 whether they have paid those bills as I
7 sit here right now, but if they have
8 not -- and, again, I don't know whether
9 they have -- no one else has paid them
10 either, if that's your question.

11 BY MR. STACH:

12 Q. How do you know that no one else
13 has paid them?

14 MR. MOONEY: Objection. Form.
15 Scope.

16 THE WITNESS: As I sit here
17 right now, I'm not aware of anybody else
18 having been billed for the work that we
19 performed for Jumeo.

20 BY MR. STACH:

21 Q. Did you do any investigation
22 into who paid or -- let me restart the
23 question.

24 Did you do any investigation
25 into who did fund the petitions?

1 A. We were retained by Jumeo. Our
2 bills went to Jumeo.

3 Q. Has Jumeo requested a refund of
4 any of the fees that have been billed to
5 Jumeo?

6 MR. MOONEY: Just a second,
7 Ms. Kaiser.

8 Objection. Form. Objection.
9 Beyond the scope as this entire line has
10 been.

11 And I would caution the witness
12 not to reveal any attorney-client
13 privileged communication in responding the
14 question.

15 MS. JONES: And I would repeat
16 that from the perspective of a Perkins
17 Coie privilege or work product protection.

18 THE WITNESS: I don't think I
19 can answer the question in light of the
20 instructions.

21 BY MR. STACH:

22 Q. So you have knowledge that's
23 responsive to that question, but you will
24 not answer based on privilege or work
25 product; is that correct?

1 MR. MOONEY: Objection. Form.

2 Objection. Beyond the scope.

3 Caution the witness not to
4 reveal any attorney-client privileged
5 communications in responding to that
6 question.

7 THE WITNESS: I am going to
8 follow my counsel's instruction and not
9 respond to the question.

10 BY MR. STACH:

11 Q. I'm just trying to understand if
12 you know the answer and are not answering
13 based on the objection, or if you don't
14 know the answer and are also concerned
15 about privilege.

16 MR. MOONEY: Objection.

17 THE WITNESS: I am taking my
18 counsel's instruction and declining to
19 answer the question.

20 BY MR. STACH:

21 Q. Are you aware of whether there's
22 any ongoing fee dispute between Jumeo and
23 Perkins regarding the funding of the
24 petitions?

25 MR. MOONEY: Counsel, this is

1 well beyond the scope. If you dispute
2 that, I would very much like for you to
3 point to me where in this declaration
4 there is anything that would justify you
5 asking that question. I also would object
6 on form.

7 And I would caution the witness
8 not to reveal any attorney-client
9 privilege communication in responding to
10 the question.

11 MS. JONES: I join in the
12 objections.

13 THE WITNESS: I'll take my
14 counsel's advice and not answer that
15 question.

16 BY MR. STACH:

17 Q. Who has been involved in
18 negotiating payment of Jumeo's invoices
19 related to the IPR petitions?

20 MR. MOONEY: Objection. Beyond
21 the scope. Objection. Once again, this
22 has nothing to do with anything in the
23 declaration. I've give you a lot of
24 leeway here, but we might get to a point
25 where we'll have to shut this down and

1 contact the board or follow up.

2 Where was I? Beyond the scope.

3 Objection. Form.

4 And I would again caution the
5 witness not to reveal any attorney-client
6 privilege communication or work product in
7 this case in responding to the question.

8 MS. JONES: I join in the
9 objections.

10 THE WITNESS: I think I
11 testified I don't know whether the
12 invoices have been paid, so I don't have
13 knowledge of your question because I don't
14 have knowledge of the assumption that's in
15 your question.

16 BY MR. STACH:

17 Q. You have no knowledge of whether
18 anyone at Perkins Coie has negotiated with
19 Jumeo regarding payment for the IPRs?

20 MR. MOONEY: Just a second,
21 Ms. Kaiser.

22 I take that back. That's a
23 statement, not a question. Do you want to
24 ask that again just so I know whether to
25 object.

1 BY MR. STACH:

2 Q. I can add the word "correct" at
3 the end of it.

4 You have no knowledge of whether
5 anyone at Perkins has negotiated with
6 Jumeo regarding payment for the IPRs,
7 correct?

8 MR. MOONEY: Hold on,
9 Ms. Kaiser.

10 Certainly objection. Beyond the
11 scope. And, again, after several
12 requests, Counsel has not identified
13 anything in the declaration that would
14 warrant this question. I'm going to
15 object to form of the question.

16 And just caution the witness not
17 to reveal any attorney-client privilege or
18 work product in responding.

19 THE WITNESS: As I sit here
20 right now, I don't have any knowledge of
21 that or recollection of it.

22 BY MR. STACH:

23 Q. Are you aware of any agreements
24 between Jumeo and IProov regarding funding
25 the IPRs?

1 **A. My knowledge is that there are**
2 **no such agreements.**

3 Q. What is the basis for that
4 knowledge?

5 MR. MOONEY: Just caution the
6 witness on attorney-client privilege and
7 work product.

8 THE WITNESS: My own personal
9 knowledge and involvement in the IPRs.

10 BY MR. STACH:

11 Q. Are you aware of any contractual
12 relationship between IProov and Jumeo?

13 MR. MOONEY: Objection. Beyond
14 the scope. Counsel, I'm sorry, I've went
15 several questions without asking this.
16 Where in the declaration does the witness
17 discuss contractual relationships between
18 IProov and Jumeo?

19 MR. STACH: Like I said,
20 paragraph 4. I'm asking questions about
21 her statements regarding IProov
22 specifically. She said that they did not
23 direct, control, or fund the petitions, so
24 I do think -- are you familiar with
25 testimonial guidelines from the PTAB that

1 you read when you submitted your pro hoc
2 application?

3 MR. MOONEY: I am. And I also
4 brushed up by reading the article that you
5 wrote, and I'm leaning on that a little
6 bit as well. I found that helpful. This
7 sentence "I did not direct, control, or
8 fund the petitions," your question didn't
9 concern a contractual relationship about
10 directing, controlling, or funding the
11 petitions.

12 You already asked about funding
13 the petitions; that question was answered.
14 If you'd like to ask a specific question
15 going to control of petitions or relating
16 to petitions, that's fine. But to ask
17 about general contractual relationships
18 between these parties is well beyond the
19 scope, as is obvious on the face of the
20 document.

21 So if you'd like to rephrase it
22 so that it's tailored toward that second
23 sentence or something else in the
24 declaration, I have no problem with that.

25 MR. STACH: That's the

1 foundational question.

2 MR. MOONEY: I'm going to object
3 to that as beyond the scope. There's
4 nothing in the declaration that discussed
5 general contractual relationships between
6 the parties.

7 I'd also caution the witness not
8 to reveal any attorney-client privilege or
9 work product in responding.

10 THE WITNESS: I feel like this
11 question is so far beyond the scope of my
12 declaration here that I'm inclined not to
13 answer it. I don't think you are -- you
14 know, I was lead counsel for Jumeo from
15 the time the petitions were filed until
16 they were withdrawn. And I don't think
17 the fact that I submitted a five-paragraph
18 declaration gives you the opportunity to
19 depose me about everything that I know
20 about Jumeo, IProov, the parties, the
21 District Court litigations, et cetera.

22 So I think we're getting very
23 close to where it doesn't make sense for
24 me to continue with the deposition if
25 you're not going to ask me questions that

1 relate to my declaration.

2 If the question is do I know
3 that there have been contractual
4 relationships or business relationships
5 with IProov between IProov and Jumeo, I
6 think the answer to that question is yes,
7 because they're part of the public record.

8 MR. STACH: I'll object to the
9 bulk of that response as non-responsive.

10 BY MR. STACH:

11 Q. Are you aware of any indemnity
12 obligation that IProov may owe to Jumeo in
13 relation to FaceTec's infringement
14 allegations against Jumeo?

15 MR. MOONEY: Objection. Form.

16 Caution the witness not to
17 reveal any attorney-client privilege or
18 work product. Again, this is way beyond
19 the scope of the deposition and -- I mean,
20 this has become, Counselor, a fishing
21 expedition, I guess, is the nicest way I
22 can put it.

23 If you'd like to ask about
24 things having to do with IProov directing,
25 controlling, or funding the petitions,

1 that certainly is within the scope of
2 paragraph 4, but to the extent that you're
3 just fishing about relationships between
4 the parties or indemnification
5 obligations, et cetera, it's well beyond
6 the scope of 4, and you haven't pointed me
7 to anywhere else in the declaration that
8 those issues are addressed. So beyond the
9 scope.

10 And I -- and for the witness,
11 this is coming close to shutting this down
12 on fishing expedition grounds. We've been
13 going a long time for five paragraphs.

14 MR. STACH: This is directly
15 related to the statements. I pointed to
16 the relationship regarding directing,
17 control, and funding of petitions.

18 MR. MOONEY: Whether there is an
19 indemnification obligation between the
20 parties that relates to any of the ongoing
21 litigation, no, it's not. It's just not.
22 But go ahead and ask your question. It's
23 beyond the scope.

24 THE WITNESS: I think the answer
25 that I would give you is that IProov did

1 not direct, control, or fund the
2 petitions.

3 BY MR. STACH:

4 Q. And I'm asking whether you're
5 aware of IProov having any indemnification
6 obligations to Jumeo in relation to
7 FaceTec's infringement allegations against
8 Jumeo?

9 MR. MOONEY: Beyond the scope.
10 And I would again note that you have not
11 pointed the witness or I any part of this
12 declaration that addresses that issue.

13 MR. STACH: Indemnity does
14 relate to, in many instances, direction,
15 control and funding, and so that's -- I've
16 pointed that out to you numerous times.

17 MR. MOONEY: It --

18 MR. STACH: If you're going to
19 instruct her not to answer, then that's
20 a -- on the basis of being outside the
21 scope, then that's something we can take
22 up with the board later as Judge Baer said
23 earlier.

24 THE WITNESS: I'm not aware of
25 any indemnity obligation or any indemnity

1 agreement that would relate to directing,
2 funding, or controlling the petitions.

3 BY MR. STACH:

4 Q. Are you aware of any that you
5 believe relate to the related litigation
6 in California?

7 MR. MOONEY: Well, Counsel, by
8 definition, that question is beyond the
9 scope given the prior answer. And so I
10 will object to that as beyond the scope.

11 I will also caution the witness
12 as to attorney-client privilege and work
13 product.

14 And just so I'm clear, Counsel,
15 so your question is whether the witness is
16 aware -- I'm sorry.

17 Your question is whether the
18 witness is aware of any indemnity
19 obligation between IProov and Jumeo that
20 relates to the California litigation?

21 MR. STACH: That's correct.

22 MR. MOONEY: Okay. Beyond the
23 scope.

24 THE WITNESS: As I sit here
25 right now, my recollection is that

1 FaceTec's infringement allegations against
2 Jumeo in the California litigation relate
3 both to technology -- I might have the
4 wording wrong here, I apologize -- but
5 technology that IProov supplied to Jumeo,
6 as well as Jumeo's own technology that has
7 nothing to do with IProov.

8 So it's -- I'm trying to
9 remember -- as I sit here right now, it's
10 possible or there may have been some sort
11 of agreement related to indemnity between
12 the parties -- not between the parties, I
13 apologize -- between IProov and Jumeo.
14 That agreement would have nothing to do
15 with FaceTec's allegations against Jumeo's
16 own technology.

17 And in addition, it had nothing
18 to do with IProov directing, controlling,
19 or funding the petitions, which IProov did
20 not do.

21 BY MR. STACH:

22 Q. So you are aware of an indemnity
23 obligation, or at least a subset of the
24 products that are accused in the
25 California action?

1 MR. MOONEY: Objection. Beyond
2 the scope. Objection. Form.

3 THE WITNESS: As I sit here
4 right now, there may be one. It's been a
5 long time since I was involved in this
6 case.

7 BY MR. STACH:

8 Q. Are you aware of any
9 consideration that's been exchanged under
10 that indemnity agreement?

11 MR. MOONEY: Objection.

12 Actually, just a second,
13 Ms. Kaiser.

14 Objection. Beyond the scope.
15 And objection. Form.

16 THE WITNESS: I'm not aware.

17 BY MR. STACH:

18 Q. What is your understanding of
19 that indemnity obligation?

20 A. As I sit here right now, I don't
21 have any understanding of it except that I
22 know that it did not involve direct --
23 IProov directing, controlling, or funding
24 the IPR petitions.

25 Q. Did it relate to collaborating

1 on invalidity contentions after the
2 petitions were filed?

3 MR. MOONEY: Objection. Beyond
4 the scope. Objection. Form.

5 THE WITNESS: I don't recall.

6 BY MR. STACH:

7 Q. Are you aware of any
8 consideration that was going to be
9 exchanged at some future point under the
10 indemnity obligation?

11 MR. MOONEY: Objection. Beyond
12 the scope. Objection. Form.

13 THE WITNESS: I'm not aware.

14 BY MR. STACH:

15 Q. Are you aware of any third
16 parties that may have been asked to
17 contribute to or pay Perkins' legal fees
18 for the IPRs?

19 MR. MOONEY: Objection. Beyond
20 the scope. Where are we in the
21 declaration, Counsel?

22 MR. STACH: This is about
23 funding. It's directly related to --

24 MR. MOONEY: I recognize that.
25 You're asking -- right now you're asking

1 about, I guess, unidentified third parties
2 not mentioned in the declaration and
3 communications with them; is that right?

4 MR. STACH: I'm asking if any
5 third parties have been asked to
6 contribute to or pay Perkins' legal fees
7 for the IPRs.

8 MR. MOONEY: By third parties,
9 are we talking about IProov?

10 MR. STACH: Any third parties.

11 MR. MOONEY: Okay. Just a
12 second.

13 Okay, as to IProov, I think
14 that -- this is within the scope. I
15 recognize, Counsel, that I have to keep my
16 objections to a minimum. At the same
17 time, I can't let this go on as a fishing
18 expedition for hours. And to the extent
19 that you're asking, as you seem to be,
20 about communications and parties that are
21 nowhere discussed in this declaration, I
22 have to make clear for the record that
23 you're doing that.

24 To the extent that your question
25 is about IProov, that's fine. I don't

1 have a problem as far as scope. To the
2 extent that that question is about, I
3 don't know, unidentified third parties not
4 mentioned in the declaration and that
5 you're not -- you're not identifying, I do
6 object as beyond the scope for sure.

7 I also just caution the witness
8 not to reveal attorney-client privilege
9 and work product in responding to the
10 question.

11 THE WITNESS: I have no
12 knowledge of that.

13 BY MR. STACH:

14 Q. Is that because you're not the
15 one who directly sends the invoices for
16 the services performed by Perkins on the
17 IPRs?

18 MR. MOONEY: Objection. Form.
19 And scope.

20 THE WITNESS: I don't understand
21 the question.

22 BY MR. STACH:

23 Q. I'm just trying to get a better
24 knowledge of why you have no knowledge of
25 this. Is that because that's just not

1 your role in the firm?

2 MR. MOONEY: Objection. Form.

3 THE WITNESS: It's likely
4 because it's not true.

5 BY MR. STACH:

6 Q. Would you know about it if it
7 occurred?

8 MR. MOONEY: Objection. Form
9 and scope.

10 THE WITNESS: I work for a very
11 large firm, so I don't know everything
12 that goes on in my law firm, certainly, so
13 I don't know how to answer a question
14 about would I know about something if it
15 occurred.

16 What I told you is that I
17 reviewed bills for Jumeo, and it's my
18 understanding that those bills were sent
19 to Jumeo, and it's particularly common in
20 our industry for large law firms to have
21 billing departments who are the people who
22 actually are the ones who send bills, and
23 that is the case here.

24 BY MR. STACH:

25 Q. When did you commission the

1 prior art search for these IPRs?

2 A. So you provided me earlier with
3 Kaiser Exhibit 1. And in paragraph 5 of
4 that, it refreshed my recollection that we
5 were retained in July of 2024, and that we
6 filed the IPRs in November of 2024. So we
7 would have commissioned the prior art
8 searches shortly after we were retained.

9 So I can't give you a specific time
10 because I don't recall, but it would have
11 been, you know, in that late summer time
12 frame of 2024.

13 Q. Who was it that evaluated the
14 prior art that came back from the search?

15 A. I don't recall. I mean, to some
16 extent I'm the lead counsel and signed the
17 IPR petitions, so I would have evaluated
18 some of it. Other members of the IPR team
19 who are listed on Kaiser Exhibit 2 would
20 have evaluated the IPR art or the search
21 firm art, but I can't recall specifically
22 which ones.

23 Q. Which prior art search service
24 did you commission the searches from?

25 A. I still think that's work

1 **product, and I'm -- I decline to answer**
2 **because it's work product.**

3 MR. STACH: Counsel, do you
4 agree with that?

5 MR. MOONEY: With her answer?
6 I'm sorry, what are you asking me?

7 MR. STACH: Do you agree that
8 this is protected work product?

9 MR. MOONEY: What is?

10 MR. STACH: The identity of the
11 name of the search service commissioned to
12 do prior art searching?

13 MR. MOONEY: Yes. But I also
14 believe that it's beyond the scope of the
15 declaration and not relevant to any issues
16 before the board. If you want to discuss
17 that, we can maybe get through that gate,
18 but I do believe it's work product.

19 BY MR. STACH:

20 Q. So on a work product log, you
21 just leave communications regarding prior
22 art search, the names of the people
23 corresponding would just be blank?

24 MR. MOONEY: Now, I actually
25 have no idea what you're talking about.

1 So, I guess, your question is if a law
2 firm retains a prior art search firm to do
3 a search and the law firm corresponds with
4 that prior art search firm in writing, and
5 the law firm is required -- the client is
6 required to produce a privilege log and
7 the time period would cover the time
8 period of this assumed communication, and
9 there would be no other agreement not to
10 log it, do you have to identify the prior
11 art search firm?

12 That's an incredible
13 hypothetical. I do believe this has
14 nothing to do with the declaration,
15 number 1, certainly not the relevant
16 issues that are before the board, and is
17 work product in this case, yes.

18 What does that have to do with
19 the declaration or any of the issues that
20 we're here for, Counsel? I ask because it
21 would be helpful, once again, to work
22 through these things here rather than
23 involve the board with that, and I just
24 don't see it.

25 MR. STACH: She discusses the

1 prior art search in the declaration.

2 MR. MOONEY: I'm aware of that.

3 MR. STACH: I can give
4 additional details surrounding that, so I
5 can then potentially ask follow-up
6 questions, but refusing to respond means I
7 can't really ask those questions
8 necessarily, and so there is relevance to
9 who the search service would have been.

10 It is not protected, as I
11 explained, because the identity would have
12 to be identified if this goes in front of
13 the board. I guess just tell them you
14 don't want to identify it and that's your
15 position, but that would not be sufficient
16 to establish a claim of privilege of work
17 product.

18 MR. MOONEY: In fairness,
19 Counsel, that would be for the board to
20 decide, not for you to decide. I don't
21 buy the premise of that, that you can't
22 ask any follow-up questions about this
23 search without knowing the identity of the
24 search firm. Of course I don't know what
25 questions you have, but I certainly don't

1 buy that premise.

2 But I guess -- I mean, I guess
3 if we're getting -- are we getting to a
4 point where we're getting close to the end
5 of the deposition and you want to sort of
6 collect your thoughts on -- I mean, I
7 would propose that you go forward like
8 this: You ask all the questions that you
9 have and then we take a break. You take
10 whatever time you need today, and if there
11 are questions about -- I think you had
12 said who and when and the identity of the
13 search firm that you think haven't been
14 answered, we can talk about those and see
15 if we can't get them answered.

16 But I would say let's finish it
17 up, try to limit that set and see if you
18 and I can sort of knock those off. I
19 think maybe a side discussion that I can
20 have with Ms. Jones and Ms. Kaiser to see
21 if we can narrow or eliminate whatever set
22 of questions remain here.

23 MR. STACH: I'm all for
24 resolving disputes, and I've been asking
25 questions that were previously objected to

1 as work product, and she has now been
2 answering some of them. I'm trying to
3 resolve these. So that's what's happening
4 here, obviously.

5 MR. MOONEY: And to be clear,
6 I'm happy you're doing this because this
7 is exactly what I wanted to do before we
8 got on with the board. What I'm not
9 interested in doing, at least not in
10 wasting all of these people's time, is for
11 you to do -- repeat grievances about the
12 objections that have taken place.

13 I'd rather, to be constructive
14 here, do everything that we can that
15 doesn't implicate one of those objections,
16 number 1. And number 2, to identify the
17 specific questions or buckets that you
18 think weren't answered that should have
19 been, whether or not they were objected
20 to.

21 Again, I'm trying to move
22 forward and be efficient here. And you
23 can take time to do that. So let me think
24 about that and have the discussions
25 necessary with Ms. Kaiser and Ms. Jones

1 and come back to you and figure out
2 whether we can't answer some of those
3 questions, all of those questions are fine
4 to pass on those questions. That's what I
5 propose.

6 MR. STACH: And I'm asking some
7 of those now.

8 MR. MOONEY: Okay. So here's
9 the first one. The identity of the search
10 firm. Continue with them. I'll write
11 them down. But I do maintain the work
12 product objection, yes.

13 BY MR. STACH:

14 Q. Which experts did you work with
15 in reviewing the prior art?

16 MR. MOONEY: I'm going to object
17 to that on a work product basis.

18 THE WITNESS: I think I did
19 previously testify that we worked with the
20 expert that gave the publicly-available
21 declaration in the IPRs.

22 MR. MOONEY: And I'm sorry,
23 Counsel. To clarify, I object to that to
24 the extent it goes to non-testifying,
25 non-disclosed experts.

1 MR. STACH: We can take
2 10 minutes. I will come back and see if
3 there's a path that I think there's a path
4 forward, and then obviously -- certainly
5 not trying to relive grievances or however
6 you phrased it. I just was explaining why
7 I believe it's not a proper work product
8 objection.

9 So you disagree. That's your
10 prerogative. I'll see if there are other
11 questions that we can maybe try to narrow
12 things on. It might take a bit more than
13 10 minutes. Maybe 15.

14 MR. MOONEY: I think that
15 Counsel -- I'm looking at Ms. Kaiser and
16 Ms. Jones, other people involved here and
17 the court reporter too. But my goal --
18 our goal would be to avoid further
19 burdening the board. So I've got down the
20 identity of the prior art search firm. I
21 would propose whatever time you need and
22 perhaps sending an email to me. See if
23 there are any other questions. The whos,
24 the whens, and what other questions you
25 have.

1 You can send an email and we can
2 all jump back on. I think that probably
3 works for all involved, and that way
4 ideally we can get as much of this done
5 right now and avoid or minimizing
6 burdening the panel.

7 MR. STACH: I will do what I
8 can. And we will see where we end up.

9 MR. MOONEY: Is that fair? Do
10 you want to email me?

11 (Recess.)

12 BY MR. STACH:

13 Q. Ms. Kaiser, do you have any
14 messaging apps open on your computer right
15 now?

16 A. No.

17 Q. Did you discuss the substance of
18 your testimony with anyone during the
19 break?

20 A. No.

21 Q. For how long did the IPR team
22 search itself for prior art?

23 MR. MOONEY: Counsel, can I
24 just -- sorry, what was -- I had suggested
25 perhaps to come back and let us know the

1 issues. You just want to ask the
2 questions that you think were responded
3 to -- Okay. Let's go.

4 THE WITNESS: Can you ask the
5 question again?

6 BY MR. STACH:

7 Q. Yes. As we talked about
8 earlier, the IPR team did some searching
9 itself, and I'm asking for how long did
10 the IPR team search itself for prior art?

11 MR. MOONEY: Counsel, I do
12 believe that is work product. If you'll
13 agree to her responding to that question
14 isn't a waiver of any work product or
15 attorney-client privilege or protection,
16 I'll let her respond to that. Is that
17 fair?

18 MR. STACH: I mean --

19 MR. MOONEY: I mean, I'm
20 obviously not going to let you just --

21 MR. STACH: I mean, I'm taking
22 this directly from the a public
23 declaration saying that they did this
24 searching. I'm just asking for a quantity
25 of time, which is very similar to the

1 question how long did you prepare for the
2 deposition. I'm just asking for a
3 quantity of time here.

4 MR. MOONEY: If it's in the
5 public documents, it's in public document.
6 It says what it says. So presumably
7 you're asking something more. But
8 again -- and this might come up for more
9 than just this question. I'm willing to
10 let the witness respond to some questions
11 that we -- that Jumeo at least and,
12 perhaps, Ms. Kaiser's counsel believe
13 implicate work product or attorney-client
14 privilege.

15 Of course I'm not going to be
16 able to do that if you're going to then
17 turn around and use that against me and
18 argue there is some sort of a waiver. So
19 if the plan is to ask these questions and
20 then to argue that all of this is waiver
21 and bring us back, I mean, it's a
22 nonstarter. If the objective is to just
23 get answers to the questions so that you
24 can use the answers and we can move on
25 without burdening the board, that would be

1 a shared interest and that's what I'd like
2 to do.

3 MR. STACH: I understand. But I
4 can't agree to sort of a selective waiver
5 of, yes, I'll let certain questions be
6 answered but I'm not going to allow other
7 questions. That's the concern I have.
8 And so I think if you think it's work
9 product, you can think it's work product.
10 That's your prerogative. I'm not in a
11 position say that it wouldn't mean that,
12 you know, additional questions that maybe
13 wouldn't you agree to let the witness
14 answer would also not be appropriate. So,
15 no, I can't agree that there would be no
16 waiver.

17 MR. MOONEY: Okay. And you
18 don't have to answer this, of course, but
19 are we thinking there are -- I'm trying to
20 think of the best way to proceed. Are
21 there sort of 5, 10 questions that you
22 have here, or is this like 50 questions?
23 And, again, this isn't my deposition. I'm
24 not telling you. I'm trying to figure out
25 a good plan to proceed.

1 MR. STACH: I'm hoping we will
2 wrap this up in the next 15 or 20 minutes.

3 MR. MOONEY: We'll take it one
4 question at a time.

5 MR. STACH: That's what I
6 propose.

7 MR. MOONEY: Let's make the
8 record. Let's do that. Go ahead and ask
9 your question. And you know what I'm
10 going to say and we'll take it from there.
11 BY MR. STACH:

12 Q. So the same question, for how
13 long did the IPR team search for prior art
14 itself?

15 MR. MOONEY: I'm going to object
16 on scope. Also going to object on the
17 grounds that that implicates at least
18 attorney work product.

19 In the interest of avoiding a
20 dispute and not further burdening the
21 panel, I will allow the witness to respond
22 to that question if FaceTec agrees that it
23 will not use that response to argue a
24 waiver of work product or privilege.

25 MR. STACH: No, I don't agree to

1 that.

2 MR. MOONEY: Okay. All I can do
3 is try. Next question.

4 BY MR. STACH:

5 Q. So we had previously discussed
6 collaboration between IProov's counsel and
7 Jumeo's counsel regarding the California
8 invalidity contentions, but I believe that
9 discussion happened before I provided one
10 or maybe both of the declarations that you
11 said refreshed some of your recollection
12 of some events and people.

13 So I'd like to ask again, what's
14 your understanding of the collaboration
15 between IProov's counsel and Jumeo
16 regarding California invalidity
17 contentions?

18 A. So I think I already answered
19 this question. My answer is that prior to
20 the filing of the IPR petitions, there was
21 no collaboration. And after the filing of
22 the IPR petitions, I'm unsure. As I sit
23 here right now, I don't recall details
24 about the collaboration.

25 Q. Do you recall ever having a

1 phone call with IProov's counsel regarding
2 invalidity?

3 **A. I do not.**

4 **Q.** Are you aware of anyone at
5 Perkins Coie having phone calls with
6 IProov's counsel regarding invalidity?

7 **A. As I sit here right now, I don't**
8 **recall.**

9 **Q.** So did you conduct any
10 investigation into who did fund the IPR
11 petitions?

12 **A. I believe I've already answered**
13 **this question, that I reviewed bills to**
14 **Jumeo. Those bills were sent to Jumeo and**
15 **I'm -- Jumeo was the only one who funded**
16 **the IPR petitions.**

17 **Q.** And remind the basis of your
18 knowledge for this. I don't know that I
19 asked that previously.

20 **A. My own review of the bills.**

21 **Q.** But you haven't seen payment
22 records?

23 **A. I don't recall whether the bills**
24 **have been paid. I think I already**
25 **testified to that.**

1 MR. STACH: With that, I have no
2 further questions today.

3 Do you have any redirect?

4 MR. MOONEY: I don't, Counsel.
5 But just to be clear, then, my
6 understanding is that the only question
7 that you believe should have been answered
8 that was not answered is the question that
9 you just posed, how long attorneys spent
10 reviewing certain prior art search
11 results; is that right?

12 MR. STACH: No.

13 MR. MOONEY: Okay. What other
14 questions do you have that you believe
15 should be answered that were not answered?
16 Because, again, we're all here. We don't
17 want to burden the panel and I don't plan
18 on bringing everybody back for another
19 deposition when we could resolve this
20 right now. I thought that's what we were
21 using the time at the break.

22 MR. STACH: So before the break
23 we talked about identification of the
24 search service. We also talked about --
25 we talked about several things that --

1 MR. MOONEY: Counsel --

2 MR. STACH: Just because it
3 happened before the break doesn't mean
4 it's not still an issue.

5 MR. MOONEY: Okay. Counsel, I
6 don't know how I can be any clearer. I
7 want to resolve every issue we can right
8 now while we are all here or to narrow
9 those issues. The reason for that is I do
10 want to waste the panel's time dealing
11 with issues that we all could have
12 resolved, and I think that was their
13 expectation given the tone on the call.

14 I also don't want to waste the
15 time of all of the people who are here who
16 are very busy in coming back in case
17 there's some reason to do that, and so as
18 I asked you before, I'd like to know what
19 questions you believe should have been
20 answered that were not answered so we can
21 try to address those.

22 One of them is -- well, let me
23 do this. Am I right that one of those
24 questions is how long Perkins' attorneys
25 spent reviewing prior art?

1 MR. STACH: Yes.

2 MR. MOONEY: Am I right that
3 another question is the identity of the
4 prior art search firm?

5 MR. STACH: Those are two of
6 them. I will say --

7 MR. MOONEY: Counsel, you can't
8 sit here, though, and say I'm not going to
9 tell you.

10 MR. STACH: That's not what I'm
11 saying. What I'm saying is I've looked
12 through. I've done my best to identify
13 them. I can't say that I've caught
14 everything. I do believe I've identified
15 a number of them, and we've spoken about
16 them and very recently, either just before
17 the break or after the break here. And so
18 at this point, it seems that the record is
19 clear, and I also have no interest in
20 burdening the board with things that they
21 don't need to address.

22 And so I need to circle back and
23 decide whether we want to proceed on the
24 questions that remain outstanding that
25 we've already discussed.

1 I also need to look back in more
2 detail at the transcript. I don't know
3 that there's anything, but I don't want to
4 foreclose the possibility. It's, frankly,
5 an unreasonable exercise to say read the
6 entire transcript and come up with
7 everything now or I will not -- I will
8 argue that it's somehow improper. That's
9 an unreasonable ask here.

10 So all I can tell you is that I
11 went through the transcript as best I
12 could in our time, and we talked about
13 things shortly before the break, we talked
14 about things after the break, and I
15 understand your position and I've done
16 what I can here.

17 So do you have any redirect?

18 THE WITNESS: Counsel, I want to
19 reiterate that I am here. If there are
20 questions that you don't think you got an
21 answer to, then I think you should ask
22 them. We took a break, ostensibly for you
23 to look at the transcript and also for me
24 to confer about work product and privilege
25 with counsel.

1 So if there are questions that
2 you asked before the break, right before
3 the break that you don't think you got an
4 answer to, then I think it would be
5 appropriate for you to ask them again.

6 If you're not willing to ask me
7 questions, it would be very odd indeed for
8 me to have you go to the board and say
9 that you couldn't get answers when you
10 couldn't be bothered to ask me the
11 questions while I'm sitting right here.

12 MR. STACH: I understand that
13 and I object to the witness.

14 MR. MOONEY: Sure, okay. As far
15 as time, we're all here. You take -- I
16 thought we were doing this before. You
17 should take the time that you need to
18 identify the questions that weren't
19 answered that you thought should have been
20 answered. I think that probably is
21 something that you might have done before
22 we got the board on the phone the first
23 time, but if not, please take the time
24 now.

25 We have no intent on coming

1 back. I'd like you to take the time you
2 need to identify the questions that
3 weren't answered that you think should
4 have been answered. We can then go
5 through them now and see if we can't
6 answer them. That is going to save the
7 board time. It's going to save us time.

8 And, I mean, I don't like to use
9 the word gamesmanship, but, like, this
10 doesn't seem like a reasonable approach,
11 you telling us and the witness who
12 practices, right? This isn't her
13 full-time job, that you're not willing to
14 figure out what questions should have been
15 asked. Instead, you're going to go off
16 and file a motion to compel. That seems
17 unreasonable and a waste of the panel's
18 time and our time, and I don't honestly
19 know that I've encountered this before.

20 MR. STACH: I understand your
21 position. I've articulated mine. Do you
22 have any redirect?

23 MR. MOONEY: I'm going to say it
24 one more time, very clearly. We are all
25 here today: Myself, Ms. Kaiser, a witness

1 who has a practice. We have Angie Jones
2 from Perkins Coie who also has a practice
3 and responsibilities. We are willing to
4 take the time that you need to perform
5 this exercise now while we are all here,
6 and what we are asking of you and that I
7 feel I am now pleading for, is for you to
8 try to figure out the questions that you
9 believe should have been answered but that
10 weren't answered.

11 We are willing to give you
12 whatever time you need right now to do
13 that. I wouldn't think it would take very
14 long. Presumably, you've been taking
15 notes and have some idea of these
16 questions. I don't know. We will give
17 you whatever time you need. I propose
18 that you then come back and we could try
19 to have those questions answered right
20 now.

21 It's my understanding you are
22 refusing to do that. Why you are refusing
23 to do that, I don't know. I'm not going
24 to speculate, but it is going to be our
25 position that if you want to refuse to

1 explain to us the issues, the questions
2 that weren't asked that you're going to
3 take to the board, if you want to refuse
4 to identify those to us now and instead
5 just take them to the board, we are going
6 to object to responding to those questions
7 in writing and in further deposition full
8 stop, and we have no intent to bring
9 everybody back again and to waste time
10 just because you don't want to go through
11 that right now.

12 MR. STACH: I understand. And
13 as I said, I already circled back before
14 the break on some things. I circled back
15 after the break. If you have any
16 redirect, now is the time. Otherwise, I
17 think we're concluded here.

18 MR. MOONEY: I'll ask one last
19 time. Could you identify for me the
20 questions that you believe should have
21 been answered but that were not answered
22 and that are going to form the basis of
23 your potential motion to compel here
24 because I would like to resolve this
25 issue? Will you do that?

1 MR. STACH: As soon as I circle
2 back -- I don't have the list in front of
3 me. There are questions I circled back
4 on --

5 MR. MOONEY: Now, is the time --
6 I would like to give you the time -- I'd
7 like to give you the time right now to
8 figure out that list. Are you willing to
9 do that?

10 MR. STACH: I already circled
11 back on a number of questions, and I have
12 your answers to those and your objections.
13 We don't need to do it again.

14 MR. MOONEY: You don't
15 understand. This isn't productive. What
16 I'm saying is there -- I don't know how
17 many there are. There may have been
18 instances where there was an objection or
19 there was a nonresponse that we may now be
20 willing to have a response to based on our
21 caucus, right?

22 There is no point in
23 relitigating this. I'm trying to solve
24 problems here. If you'd like to take 15
25 minutes, if you'd like to take half an

1 hour, if you'd like to take an hour, we
2 can all go grab a sandwich and come back
3 to our desks and then you can ask all of
4 these questions that allegedly were not
5 answered, and we can be done with it.

6 I don't know why you're not
7 willing to do that. Instead, you speak in
8 vagaries here and about motions to compel.
9 What is the reason that you're not willing
10 to do that?

11 MR. STACH: I have already
12 circled back on the questions. The number
13 of times circling back is futile, and like
14 I said, I don't know that there will be a
15 motion to compel.

16 What I'm saying is I just cannot
17 definitively answer the question whether
18 there will be or not. That's an
19 unreasonable ask. And I'm saying that I
20 am done asking questions for today. I
21 understand your position. You've stated
22 it many times. If you have any redirect,
23 now is the time.

24 MR. MOONEY: I'll just say it
25 one last time. I don't understand why

1 you're not willing to do this. I believe
2 that the panel would like us to cooperate
3 and to solve any issues to minimize any
4 disputes. I believe that we were told
5 that a few hours ago in words that
6 approximated that.

7 I believe that even independent
8 of that, that is our professional
9 obligation. I further believe that that
10 is what would most respect the time and
11 money of the clients and attorneys on this
12 call.

13 And so our position is that we
14 will give you whatever time you need now
15 to identify whatever questions you think
16 were not answered and to ask them again so
17 we can try and get them answered for you.
18 It is my understanding that you have
19 refused several times do that. Again, I
20 do not know why.

21 At this point, I think I've
22 exhausted my ability to try to resolve
23 this issue, but we don't plan on bringing
24 anybody back under the circumstances.
25 That's for sure.

1 MR. STACH: I understand, and I
2 have not refused to circle back on the
3 questions. I have done that. And as I'm
4 saying, if you have redirect, please
5 conduct it now.

6 MR. MOONEY: Well, then,
7 Counsel -- maybe I missed it. Here's the
8 opportunity. What was one of the
9 questions that you circled back on that we
10 did not answer that you would like
11 answered?

12 MR. STACH: I don't have them in
13 front of me. Before the break, you'll
14 see --

15 MR. MOONEY: Counsel, all you
16 keep saying is I circled back, I circled
17 back, I circled back. That's not a
18 productive way to solve this. Let me know
19 what the questions are right now. And if
20 you'd like to take the time to do it,
21 let's do that. But just refusing to
22 engage in that -- look, I think, the
23 record's clear. We have done absolutely
24 everything we can.

25 If you want to say something

1 after this that suggests to me you want to
2 solve this issue right now, we are all
3 willing to do it. If you are not, looks
4 like you're not, we're not willing to come
5 back. It's a waste of all our time.

6 MR. STACH: I understand your
7 objection.

8 MR. MOONEY: I've never faced
9 this issue before, but -- okay.

10 MR. STACH: I understand your
11 objection. You've already stated the
12 position multiple times. So do you have
13 any redirect?

14 MR. MOONEY: I don't even know
15 what the issue is. You're telling me that
16 there's an issue I'm taking to the board.
17 I don't even know what it is.

18 MR. STACH: I did not say that
19 I'm taking an issue to the board. What
20 I'm saying is I'm not able to confirm
21 100 percent to you right now that I have
22 no issues to take to the board. I did
23 circle back. I've tried to ask again
24 questions that have been objected to
25 previously. I have done that.

1 And now maybe I missed
2 something, I don't know. I can't confirm
3 100 percent that I've looked at every one
4 of your privilege objections and your work
5 product objections. There were so many of
6 them that it essentially entails reading
7 the entire transcript and analyzing it
8 again, and you're asking me to do that on
9 short order here.

10 I'm telling you, I endeavored to
11 do as best as possible there. And so it's
12 an unreasonable ask. I understand the
13 concerns, and I share the goal that you
14 have of minimizing the disputes. I have
15 taken actions to help do that. And now I
16 am done asking questions today. If you
17 have any redirect, please ask.

18 MR. MOONEY: I don't have
19 redirect. I'll just say again that I
20 think the board expects and, in fact, told
21 us to try to resolve any issues. I don't
22 know if you have an issue. You're not
23 telling me what it is if you do, and so
24 there's nothing more I can do, I guess, to
25 solve the issues, if there is one, if

1 you're not willing to say any more about
2 it. So, I guess, that's all that I can
3 do.

4 MR. STACH: Thank you,
5 Ms. Kaiser, for your time.

6 THE WITNESS: Have a good day.

7 THE COURT REPORTER: Kyle, do
8 you want a rough or anything?

9 MR. STACH: Sure. Thank you.
10 (Whereupon, the proceedings concluded
11 at 2:47 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF CALIFORNIA)

3) SS:

4 COUNTY OF LOS ANGELES)

5

6 I, Monice K. Campbell, a duly
7 commissioned and licensed court reporter,
8 County of Los Angeles, State of
9 California, do hereby certify: That I
10 reported the taking of the deposition of
11 the witness, Jessica Kaiser, commencing on
12 Thursday, October 9, 2025, at 11:30 a.m.;

13 That prior to being examined,
14 the witness was, by me, duly sworn to
15 testify to the truth. That I thereafter
16 transcribed my said shorthand notes into
17 typewriting and that the typewritten
18 transcript of said deposition is a
19 complete, true, and accurate transcription
20 of said shorthand notes.

21 I further certify that I am in no way
22 related to any of the parties, nor am I in any way
23 interested in the outcome thereof.

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IN WITNESS THEREOF, I have hereunto set my
hand in my office in the County of Los Angeles, State
of California, this 10th day of October, 2025.

Monice K Campbell
Monice K. Campbell, CCR No. 14171

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