1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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4 JUMIO CORPORATION,)
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5 PETITIONER,)
)CASE NO.
6 VS.)IPR2025-00106
)
7 FACE TEC, INC.,)
)
8 PATENT OWNER.)
_____)
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11 REPORTER'S REMOTE
12 TRANSCRIPT OF PROCEEDINGS
13 OCTOBER 8, 2025
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20 TECKLA T. CLAY, CSR 13125
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10 ALSO PRESENT: GARTH D. BAER, PANEL JUDGE
NABEEL U. KHAN, PANEL JUDGE
11 BACH V. HOANG, PANEL JUDGE
AMANDA BRADLEY
12 ANGELA JONES
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1 TRANSCRIPT OF PROCEEDINGS
2 OCTOBER 8, 2025
3 12:32 p.m.
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5 COURT REPORTER: My name is Teckla Clay, CSR
6 13125.
7 MS. NGUYEN: Good afternoon court reporter.
8 THE COURT: Hello everybody this is Judge Baer.
9 With me on the line is also Judge Hoang and Judge Khan.
10 This is a call regarding IPR 2025 106, 107, 108 and 109
11 between petitioner Jumio and patent owner Face Tec.
12 Before we get going who do we have here for petitioner
13 Jumio?
14 MS. NGUYEN: Good afternoon, your Honor. This
15 is Jean Nguyen of Morrison Foerster representing
16 petitioner Jumio.
17 With me is my colleague Alex Yap and also
18 on the line are Amanda Bradley, deputy general counsel
19 at Jumio along with Angela Jones deputy general counsel
20 at Perkins who is also on the call to answer any
21 questions that the Board may have. And as you heard
22 earlier we also have arranged for a court reporter to
23 be on this call.
24 THE COURT: Thank you, Ms. Nguyen. And from
25 Face Tec, Mr. Stach I assume? Who do we have for

1 patent owner Face Tec?
2 MR. STACH: Yes, your Honor, this is Jason Stach
3 for Face Tec.
4 THE COURT: Thank you, Mr. Stach. We appreciate
5 everybody being here on short time. We want to do this
6 quickly. Obviously this is coming up. Petitioner, why
7 don't we have you start, Ms. Nguyen, with what it is
8 you are seeking to do specifically.
9 I think we could get it from your e-mail,
10 but just to get it on the record and have you
11 articulate it would be helpful. What is it
12 specifically you want?
13 MS. NGUYEN: Yes, your Honor, and thank you very
14 much for arranging for this call on such short notice.
15 We requested this call with the Board because we would
16 like to have Ms. Angela Jones attend tomorrow's
17 deposition of Mr. Jessica Kaiser for the limited
18 purposes of making privilege objections if any are
19 required.
20 Petitioner asked patent owner Face Tec
21 whether they opposed having Ms. Jones attend the
22 deposition and petitioner or PO did oppose.
23 Now your Honors the plan is for MOFO to
24 defend the deposition. But if we believe it is
25 appropriate to allow Ms. Jones to make the privilege

1 objection if Face Tec asks any questions related to
2 when Perkins was counsel for the IPRs.
3 And as your Honors may know Perkins was
4 counsel of record at the time that the petitions were
5 filed up until April 2025. And the declaration is
6 Exhibit 1049 in the 106 proceeding submitted by Ms.
7 Kaiser. That's the same declaration submitted in all
8 four proceedings.
9 And that declaration is a 7 paragraph,
10 less than 3 page declaration. It discussed the facts
11 related to the preparation of the petition when Perkins
12 was counsel for Jumio for these IPRs.
13 THE COURT: Thank you.
14 MS. NGUYEN: And then your Honors, I'm sorry --
15 THE COURT: Go ahead, Ms. Nguyen.
16 MS. NGUYEN: Okay. So when we requested to have
17 Ms. Angela Jones at the deposition, just to give you
18 more information, Face Tec as I mentioned did oppose.
19 Face Tec's reasoning for this was that
20 Perkins was disqualified in the copending litigation.
21 However, we don't see how this is related your Honors
22 because it's a different proceeding with the copending
23 litigation.
24 And also as I mentioned this deposition
25 should be related to Ms. Kaiser's declaration. It

1 should have nothing to do with the substance of the
2 proceedings. So Ms. Jones will be there solely for
3 purposes of preserving privilege on behalf of Perkins
4 during the time that they were counsel for the IPRs.
5 THE COURT: Ms. Nguyen, just a point of
6 clarification. You said for preserving privilege,
7 preserving who's privilege, Ms. Kaisers privilege or
8 Perkin's Coie's privilege or petitioner's privilege?
9 MS. NGUYEN: Jumio petitioner and Perkins as
10 well.
11 THE COURT: Okay. Mr. Stach, would you like to
12 articulate your position on this and what you're
13 seeking from the Board?
14 MR. STACH: Yes, your Honor. So the request
15 that came to us was not whether we would object to Ms.
16 Jones attending the deposition which is, I think, how
17 Ms. Nguyen just phrased it.
18 They asked if we would oppose her being
19 admitted pro hac vice into these proceedings for the
20 purpose of lodging the privilege objections. And so I
21 just want to clarify we're not opposed to her attending
22 the deposition.
23 However, we are opposed to her
24 substantively being involved because of the
25 disqualification issue which I know Ms. Nguyen has said

1 is unrelated to these proceedings. But if look in
2 Exhibit 2030 it's the disqualification order on pages
3 12 and 13 are the relevant parts.
4 And the disqualification was actually
5 because at least in part due to the obviousness issues
6 that are at issue related to the asserted patents
7 litigation which is, are the exact same patents which
8 are issued in the IPRs.
9 And obviousness is an issue in the IPRs.
10 So we think that the disqualification there means that
11 she should not be permitted to come in and act adverse
12 to Face Tec because the disqualification was because
13 Perkins violated it's ethical obligations to Face Tec.
14 And we don't think Face Tec should be
15 facing down a Perkins Coie lawyer acting in an official
16 capacity in the proceedings when they violated and were
17 found to have violated and were disqualified based on
18 those ethical violations.
19 It's also unclear why Morrison and
20 Foerster is unable to lodge the objections because it's
21 very common in litigation when a litigation is filed a
22 company might retain counsel. And that counsel will
23 object to, on privilege and other grounds, for events
24 that occurred before they were ever retained as counsel
25 maybe related to prosecution, activities, things like

1 that.
2 It's a very common thing that happens in
3 deposition. It does not require counsel who represents
4 that client previously to also appear to make those
5 objections. And so it's just unclear to me why
6 Morrison and Foerster even needs Ms. Jones to be
7 present for that and to have the ability to lodge those
8 objections when they could do it themselves. So it's
9 primarily the disqualification issue and also just a
10 practical issue.
11 THE COURT: Thank you, Mr. Stach. I think I
12 understand it. I guess it strikes me that we may not
13 be that far off from each other because I think I heard
14 Ms. Nguyen say, look the only reason we need, first of
15 all we're not prepared to rule on Ms. Jones'
16 representation of Jumio in this particular matter.
17 Obviously we don't have enough to go on
18 there. But I think I heard Ms. Nguyen say the only
19 reason she would be there would be to articulate
20 privilege objections.
21 Now Mr. Stach's point is that Ms. Jones
22 does not represent Jumio in this matter. She's not the
23 counsel of record in this matter. So that's not
24 really, it needs to be Face Tec's, excuse me, Jumio's
25 counsel who is Morrison and Foerster that would be

1 making assertions of privilege.
2 So if it's true that Ms. Jones is there
3 only to articulate privilege objections, I wonder if we
4 might find an agreement here that Morrison and Foerster
5 would need to be the ones to actually make those
6 assertions that it's fine if Ms. Jones wants to sort
7 of, I don't know, raise her hand and sort of indicate
8 or whatnot.
9 But ultimately that would need to be
10 owned, those assertions of privilege need to be owned
11 by counsel of record for Jumio which is Morrison and
12 Foerster. So I wonder if we're not that far apart.
13 Ms. Nguyen, could you speak to whether you
14 think we can get to an agreement on this? Again the
15 agreement is not whether Ms. Jones can represent here,
16 but just what her role would be particularly in this
17 deposition.
18 MS. NGUYEN: Yes, your Honor. So we believe Ms.
19 Jones actually has a role that Morrison and Foerster
20 cannot fulfill. Perhaps I can have Ms. Jones speak to
21 the issues that she could --
22 THE COURT: Well again before we do that, Ms.
23 Jones does not represent Jumio in this matter. So I'm
24 hesitant to have Ms. Jones speak for Face Tec, excuse
25 me, for Jumio in this matter.

1 So I guess the question is Morrison and
2 Foerster represents Jumio. It's fine if you want to
3 confer and if you want to take a few moments to do
4 that, you can do that. But why isn't it that Morrison
5 and Foerster can't represent Jumio's interest when it
6 comes to privilege objections even if someone else
7 needs to bring that to your attention first?
8 I don't hear Face Tec objecting to her
9 being in the room, but ultimately somebody that is
10 counsel of record for Jumio needs to be the one making
11 privilege assertions unless it's an assertion of
12 privilege that is not Jumio's but is rather Ms.
13 Kaiser's or somebody else's. Can you address that?
14 MS. NGUYEN: Yes, your Honor. So we would be
15 okay with Ms. Jones raising her hand and allowing the
16 objection to come via the MOFO, MOFO attorneys.
17 However, if Ms. Jones has to represent Ms.
18 Kaiser that would be the situation where we think it's
19 appropriate to have Ms. Jones raise an objection and we
20 would suggest having Ms. Jones enter via a motion for
21 pro hac for that reason, if you are okay with that.
22 THE COURT: As Ms. Jones --
23 MS. NGUYEN: To misrepresent Ms.--
24 THE COURT: To represent who?
25 MS. NGUYEN: Perkins and Ms. Kaiser.

1 THE COURT: I don't take an issue with Ms.
2 Kaiser having whatever counsel she wants there and
3 that's fine. And certainly that person, I don't know
4 that we'll have time to deal with to the extent that
5 Ms. Kaiser is a third party declarant and has her own
6 attorney, and to the extent that Ms. Jones is speaking
7 on behalf of Ms. Kaiser, Ms. Kaiser's privilege, I
8 don't think we'd have a problem with that.
9 And by "we" I guess I should allow Mr.
10 Stach to speak to that. Mr. Stach, is it okay if Ms.
11 Jones asserts privilege for Ms. Kaiser's privilege?
12 This is not Jumio's privilege, but Ms. Kaiser's
13 privilege. Would you have a problem with that?
14 MR. STACH: Actually we would, your Honor. And
15 that's because we believe that would be a continuing
16 violation of the ethical obligations that Perkins has
17 towards Face Tec to not be adverse to Face Tec on
18 matters related to the patents.
19 And, you know, to the extent that she
20 raises her hand even I think we object to her acting in
21 any way adverse to Face Tec for the same reasons that
22 the district court judge found that Perkins could not
23 continue to be adverse to Face Tec in the litigation.
24 And so we would be we, would be opposed to
25 her participating substantively. As I said earlier we

1 would not be opposed to her attending. I did not mean
2 to imply that we thought she could then substantively
3 participate. She can attend. She can listen.
4 If she's acting in a way adverse to Face
5 Tec we view that as a continuing breach of Perkin's
6 ethical obligation to Face Tec.
7 THE COURT: Okay. Ms. Nguyen, anything further
8 that you'd like to explain before we take a few minutes
9 to confer?
10 MS. NGUYEN: Yes, your Honor. Just two points I
11 wanted to clarify. So how we envision this would be
12 that Morrison and Foerster would be representing Jumio
13 and Ms. Jones would be representing Perkins.
14 And as I mentioned earlier because the
15 declaration is solely within the scope about the facts
16 regarding the preparation of petitions, we do not
17 anticipate any questions related to the substance or
18 any sort of obviousness arguments that Mr. Stach raised
19 earlier.
20 THE COURT: Okay. Mr. Stach, give you one more
21 chance. Anything else you'd like to say on the matter?
22 MR. STACH: No, really just the disqualification
23 and the ethical issues that I raised earlier.
24 THE COURT: Okay. Thank you, Mr. Stach. We're
25 going to leave the line for a moment and we'll be back

1 with you. Thank you for your patience.
2
3 (A discussion is held off the record)
4
5 THE COURT: Okay. This is Judge Baer again. We
6 appreciate the parties patience. So Ms. Kaiser can
7 have her attorney and Ms. Jones can assert Ms. Kaiser's
8 privilege to the extent she wants to do that.
9 Just to be clear though if it's Jumio's
10 privilege that is being asserted that will need to come
11 from counsel of record of Jumio. As far as the
12 mechanics of doing that, that's really up to you all.
13 As far as, as far as we want to be clear
14 that we're not really weighing in at all sanctioning or
15 condoning whether Ms. Jones can act in opposition to
16 Face Tec or whether this is in some violation of some
17 ethical duty that Ms. Jones may or may not have or
18 whether this is in violation of some district court
19 order disqualifying Perkins Coie or Ms. Jones, we just
20 don't have any idea.
21 And we're not condoning that. We're not
22 saying, we just don't have a position on that because
23 it's not something we're prepared to weigh in on at
24 this point.
25 So with that, Ms. Nguyen, any questions

1 about our position on that or is there any further
2 guidance you need us to provide that we can provide?
3 MS. NGUYEN: Your Honors, if I may just raise
4 two issues with respect to the motion for pro hac. We
5 were planning to file that today for Ms. Jones. If
6 your Honors have not ruled on that motion before the
7 time of the deposition, can we seek additional approval
8 so that we can proceed with the deposition tomorrow or
9 is there any, do we need the pro hac is another
10 question?
11 THE COURT: How about this, what's your second
12 question? Let's start with the second question.
13 MS. NGUYEN: Yes, your Honor. So the second
14 question is if the deposition tomorrow begins to extend
15 outside of the scope of Ms. Kaiser's declaration and
16 the parties cannot resolve any issues during the
17 deposition, would your Honors be okay with us pausing
18 the deposition and contacting you immediately?
19 THE COURT: All right. Mr. Stach, any position
20 on either one of those two issues or anything
21 additional that you'd like to speak on?
22 MR. STACH: Yes, your Honor. So you had
23 mentioned Jones may represent Ms. Kaiser. And then you
24 mentioned that MOFO would represent Jumio. I think
25 part of Ms. Nguyen's argument was about who's

1 representing Perkins.
2 And so I guess that I don't know that
3 that's been touched on yet. And so I was curious about
4 that. And then also if there is a need to contact the
5 Board along the lines of Ms. Nguyen's second question
6 and it's based on an objection that Ms. Jones raised,
7 it seems to me that it would be Ms. Jones arguing that
8 to you all as opposed to Morrison and Foerster arguing
9 that to you all.
10 But I guess I'd just like a little
11 clarification, if you have any you can provide, on how
12 that might play out. And then I don't, I hope we don't
13 get into a lot of privileged objections.
14 But obviously it's an attorney being
15 deposed. So there might be some objections raised that
16 might be meritorious or might not be. There might be
17 some dispute about that.
18 THE COURT: All right. Thank you, Mr. Stach.
19 We're going to put you on hold for another minute.
20 Give us just a minute please.
21
22 (A discussion is held off the record)
23
24 THE COURT: Okay. We're back on the record.
25 This is Judge Baer again. So at this point assuming

1 that a motion, a pro hac motion would be opposed I
2 don't think, there's no way we could get an opposed
3 motion decided on in time for this deposition.
4 So absent a pro hac motion Ms. Jones
5 cannot represent Jumio. And I'm assuming it would be
6 opposed. So I'm not saying that we wouldn't ultimately
7 grant it. I don't know. But we're not going to be
8 able to get a resolution on that in time such that Ms.
9 Jones can represent Jumio.
10 Ms. Jones -- Ms. Kaiser can have whoever
11 she wants represent her. So to the extent that the
12 privilege assertion is Ms. Kaiser's it's fine if it
13 comes from Ms. Jones.
14 Any assertion of privilege that is Jumio's
15 will need to come from Jumio's counsel. Now as far as
16 if and when things come up in the deposition, we're
17 happy to help in anyway we can.
18 That said, in my experience with these
19 issues it's often quite difficult and usually we're not
20 allowed to, excuse me, not allowed, but we're not able
21 to make a ruling. It's very hard to make a ruling in
22 real time during a deposition.
23 Normally what will happen is we'll ask the
24 parties to preserve their objections and file motions
25 to compel or exclude or whatever kind of motion they

1 deem appropriate afterwards. And we'll have to deal
2 with it later.
3 So I appreciate that you all are in a
4 difficult situation. And we will do what we can to
5 help. I'm telling you that in our experience our
6 ability to do that tends to be limited. I think it's
7 in both parties best interest to do what you can to
8 come to an agreement.
9 To the extent that you can't preserve your
10 objections we'll deal with that later. That said if
11 you need to involve the Board during deposition we will
12 try to be available to the extent we can be tomorrow.
13 And certainly we plan to be available but
14 again I want to just set your expectations
15 appropriately that it's very difficult to rule on these
16 things real time. And often what we ask you to do is
17 preserve the record and make your motions, make your
18 motions later.
19 Ms. Nguyen, before we wrap up any
20 additional questions from you?
21 MS. NGUYEN: Your Honors, thank you very much
22 for this. One just further clarifying question.
23 So we will not have to file a pro hac
24 motion for Ms. Jones, is that correct, to represent
25 Perkins and Ms. Kaiser?

1 THE COURT: Correct, to represent Perkins and
2 Ms. Kaiser, I'm not quite following this would be them
3 representing her in some sort of personal capacity. I
4 don't, I don't know that, I don't know that I would
5 have, I don't know that this Board would have any say
6 over that.
7 You know she's welcome to have her
8 personal attorney there. But as far as whether Ms.
9 Jones can represent Jumio, that's the only thing that
10 this Board could decide.
11 So I frankly don't know what pro hac
12 representation of Ms. Kaiser would even frankly mean in
13 this case. Does that make sense?
14 MS. NGUYEN: Yes, yes, your Honor. It makes
15 complete sense. I was just seeking clarification or
16 confirmation. Thank you.
17 THE COURT: Thank you, Ms. Nguyen.
18 Mr. Stach, any further questions from you
19 although I hesitate to ask that because I keep not
20 being able to provide answers. But nonetheless any
21 additional questions from you that maybe we can answer
22 or give our best shot?
23 MR. STACH: Just one, your Honor. And that is,
24 you know, the privilege of the client is generally, so
25 even though the records might be in Perkin's possession

1 or might somehow relate to Perkins, it really is
2 Jumio's privilege to assert or not assert or waive.
3 So I guess I just, I know you've mentioned
4 that Ms. Jones can represent Ms. Kaiser, but I think it
5 seems to me that the Perkins aspect of what Ms. Nguyen
6 is talking about is actually Jumio's privilege to
7 assert and would be Morrison and Foerster asserting
8 that privilege on behalf of Jumio.
9 To my knowledge Perkins would not be
10 allowed to waive that privilege on behalf of Jumio,
11 without Jumio's consent. So it really is Jumio's
12 privilege.
13 So it seems to me those are the two
14 buckets of sort of Ms. Kaiser's personal attorney and
15 any privilege there versus Morrison and Foerster doing
16 everything else. I guess that's a long question. I
17 guess is that your understanding, your Honor?
18 THE COURT: I think I understand the question.
19 And it's true that I'm not quite following what would
20 be Perkin's privilege. You know, I don't want to guess
21 at everything that could be out there.
22 And I don't know how Ms. Kaiser could be
23 testifying on behalf of Perkins. So I'm not, so I
24 share your hesitation in I'm not exactly sure how that
25 would come up.

1 But it is certainly true that to the
2 extent that a privilege is Jumio's, it is Jumio's to
3 assert. And to the extent that there's a refusal to
4 answer a question, we are going to assume that if it's
5 Jumio's privilege that it is Jumio asserting that
6 privilege through Jumio's counsel. I think I'll leave
7 it at that. Is that adequately clear, Mr. Stach?
8 MR. STACH: It is to me, your Honor. I don't
9 know maybe Ms. Nguyen and I might have different views
10 on that. But it seems clear to me.
11 THE COURT: Ms. Nguyen, any specific sort of
12 scenario you're envisioning where we're talking about
13 Perkin's privilege not Ms. Kaiser's or Jumio's.
14 MS. NGUYEN: No, your Honor. This seems clear
15 to me.
16 THE COURT: Okay. All right. Well I think I
17 don't know if we've been terribly helpful. But I'm
18 afraid I think we've done all we can. So with that
19 we're going to conclude the call.
20 We certainly appreciate the parties
21 participation and willingness to stumble along in this
22 with us. Before we conclude what time is the
23 deposition scheduled for tomorrow please, Ms. Nguyen?
24 MS. NGUYEN: I believe it's at 10:30 a.m.
25 Pacific time.

1 THE COURT: Mr. Stach, is that your
2 understanding?
3 MR. STACH: Yes, your Honor, 1:30 Eastern.
4 THE COURT: And how long is it scheduled to go,
5 Mr. Stach?
6 MR. STACH: So it's, the end time is not set,
7 but I would anticipate it taking at most 3 to 4 hours.
8 But I don't know for sure.
9 THE COURT: Great. Appreciate it. That's going
10 to conclude our call. Again we appreciate the parties
11 time. And I assume we'll be hearing from you, yes Ms.
12 Nguyen?
13 MS. NGUYEN: One thing I'd like to just mention
14 3 hours for a 7 paragraph less than 3 page declaration
15 seems quite excessive. I'm surprised that Mr. Stach
16 mentioned 3 hours.
17 THE COURT: You know, if we need to weigh into
18 this, we can. We're not prepared to do it here. This
19 strikes me as the kind of thing that you all could come
20 to an agreement on.
21 But if you can't, if you need to involve,
22 you need to involve the Board, we can do that. But
23 we'll probably have to do it after. And I'm sure
24 you're all aware of the different directions that can
25 go. But I don't think we're prepared to weigh in on

1 that at this point.
2 We would hope that that's something that
3 the parties could come to an agreement on. So we're
4 not going to decide that one here. But if we need to
5 get involved, you can let us know later. Okay, Ms.
6 Nguyen?
7 MS. NGUYEN: Okay. Thank you, your Honor.
8 THE COURT: Thank you. All right. That will
9 conclude our call. Thank you.
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11 (The proceeding concluded at 1:10 p.m.)
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1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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4 JUMIO CORPORATION,)
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I, TECKLA CLAY, CSR NO. 13125, OFFICIAL
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