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Attorneys for Plaintiffs  
 NEO4J, INC. and NEO4J SWEDEN AB

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NEO4J, INC., a Delaware corporation, and  
 NEO4J SWEDEN AB, a Swedish  
 corporation,

Plaintiffs,

v.

PURETHINK LLC, a Delaware limited  
 liability company, IGOV INC., a Virginia  
 corporation, and JOHN MARK SUHY, an  
 individual,

Defendants.

CASE NO. 5:18-cv-07182-EJD

**STIPULATION FOR REMOTE  
 PROTOCOL FOR THE DEPOSITION OF  
 DEFENDANT IGOV INC. MADE  
 PURSUANT TO FRCP 30(b)(4)**

AND RELATED COUNTERCLAIM.

**STIPULATION**

Plaintiffs Neo4j, Inc. (“Neo4j USA”) and Neo4j Sweden AB (collectively “Plaintiffs”) and Defendants PureThink LLC, iGov Inc., and John Mark Suhy (collectively “Defendants”), by and through their counsel of record, hereby stipulation as follows:

WHEREAS, Federal Rule of Civil Procedure 29 permits parties to stipulate as to the manner in which depositions may be taken;

WHEREAS, Federal Rule of Civil Procedure 30(b)(4) permits parties to stipulate that a deposition be taken by remote means;

WHEREAS, Federal Rule of Civil Procedure 30(b)(5)(B) provides that if depositions are recorded, the appearance or demeanor of deponents or attorneys shall not be distorted through camera techniques; and

WHEREAS, as a result of the novel coronavirus pandemic, the parties’ ability to travel and conduct in-person meetings may be restricted or prohibited;

THEREFORE, the Parties agree to the following:

1. By agreeing to this Stipulated Deposition Protocol, no party waives the right to insist that the deposition of a particular witness be taken in person. This Protocol in no way constitutes an agreement by the Parties to take all depositions via remote means. It only applies to the deposition of iGov Inc., which the parties have agreed to take remotely.

2. The Parties agree to use the Zoom platform administered by Bell & Myers Court Reporters and Legal Videographers (“Bell & Myers Court Reporters”) to take the remote deposition of Defendant iGov Inc.

3. The Parties agree to waive the traditional in-person oath at deposition. In lieu of the traditional in-person oath, the Parties agree that the witness can be sworn-in remotely by the court reporter transcribing the deposition.

4. The remote deposition taken pursuant to this Stipulation will be deemed to have been conducted “before an officer” as required by Federal Rule of Civil Procedure 30(b)(5)(A) so long as that officer attends the deposition via the same remote means used to connect all other remote participants.

1           5.       The depositions subject to this Protocol shall be recorded by stenographic and by  
2 audiovisual means.

3           6.       The defending attorney shall ensure that the witness has access to technology that  
4 meets the minimum standards required by the Platforms, including but not limited to a computer  
5 with an internet speed of at least 1.5 Megabits per second; a webcam; and a phone, USB  
6 microphone, headphones with a microphone, or other technology sufficient to ensure the  
7 transmission of high quality audio and video via the platform.

8           7.       The questioning attorney (or another individual from the questioning attorney's  
9 office) shall have primary responsibility for handling exhibits during the deposition. The  
10 questioning attorney shall present digital copies of each of the exhibits to the witness and  
11 defending attorney via the "Chat" feature of the Zoom platform. The questioning attorney may  
12 elect to pre-mark exhibits, if desired, but otherwise the court reporter will electronically mark  
13 exhibits during the deposition and may save the marked exhibits in a unique folder maintained by  
14 the court reporter during the deposition. The court reporter will create an official set of these  
15 exhibits and make them available to all parties following the conclusion of the deposition.

16          8.       In addition to presenting copies of the exhibits via the "Chat" feature, as described  
17 above, the questioning attorney may display certain exhibits electronically on a split screen on the  
18 Zoom platform during the deposition. The questioning attorney will have primary control of the  
19 exhibit when displayed on the split screen and may annotate such exhibit on the record during the  
20 deposition. The questioning attorney may also give control of an exhibit to the witness to annotate  
21 on the record during the deposition. Annotated exhibits will be saved by the court reporter and  
22 become part of the official set of exhibits downloaded by the court reporter following the  
23 deposition. Likewise, the questioning attorney may use html links to bring up webpages in real  
24 time, which may be captured via video and/or screenshot.

25          9.       The witness shall maintain appropriate lighting for the duration of the deposition,  
26 so that the witness is always visible via the video feed to all participants at the deposition.

27          10.      No other video or audio recordings of the deposition or video feed shall be made  
28 by any participant to the deposition.

1           11. Audio feed can either be through the computer (preferable), or via phone, but not  
2 both (due to feedback). A Zoom telephone conference line number shall be provided by the court  
3 reporter. Parties with slower internet connections should utilize the phone line for audio.

4           12. Except for the witness, questioning attorney, defending attorney, court reporter and  
5 videographer, all other attendees should remain on mute when not speaking.

6           13. The witness will have his or her cell phone turned off during the deposition. The  
7 witness will also not use any chat, messenger or email programs or applications on his or her  
8 computer, tablet or any mobile device while on the record during the deposition. The witness will  
9 state under oath at the beginning of the deposition that he or she will not engage in  
10 communications by any means with counsel or anyone else while on the record outside of those  
11 communications to which all are privy.

12           14. For all depositions that proceed in a fully remote fashion, no one else will be in the  
13 room in which the witness is located during the deposition unless otherwise agreed in advance.

14           15. Prior to the scheduled deposition, the witness and a representative from Bell &  
15 Myers Court Reporters shall conduct a test videoconference to confirm sound and video quality,  
16 appropriate positioning of camera, lighting, and background, etc.

17           16. The public chat function will be enabled, but not any private chat functions. The  
18 court reporter shall be designated to receive communications from anyone who loses access to the  
19 deposition due to technical issues.

20           17. Attendance of the deposition shall be “locked” once the deposition begins, (i.e.,  
21 participants cannot join at will). The court reporter or exhibit tech shall establish a “waiting  
22 room” for the deposition. Should a participant wish to join a deposition in progress, need to leave  
23 and rejoin a deposition or loses their connection due to technical issues, that participant will be  
24 placed in the “waiting room” until the court reporter or exhibit tech allows their re-entry to the  
25 deposition.

26           18. The court reporter will set up private Zoom breakout rooms at counsel’s request,  
27 which may only be used off the record and during agreed-upon breaks.

28       ///

1           19.     The parties further agree that an objection to the form of a question made by  
2 counsel for any Defendant will be deemed to be an objection to form by all Defendants without  
3 the need for any other Defendant's counsel to repeat or join in any such objection.

4           20.     The parties may further modify this stipulation as circumstances change with the  
5 ongoing pandemic. Further, any party may seek relief from the Court to modify this stipulation  
6 for good cause shown.

7 Dated: October 21, 2020

HOPKINS & CARLEY  
A Law Corporation

By: /s/ Jeffrey M. Ratinoff

John V. Picone III  
Jeffrey M. Ratinoff  
Attorneys for Plaintiffs  
NEO4J, INC. AND NEO4J SWEDEN AB

14 Dated: October 21, 2020

By: /s/ Adron W. Beene

Adron W. Beene  
Adron G. Beene  
Attorneys for Defendants and  
Counterclaimants PURETHINK LLC,  
IGOV INC., and JOHN MARK SUHY

**FILER'S ATTESTATION**

I, Jeffrey M. Ratinoff, am the ECF user whose credentials were utilized in the electronic filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1(i)(3), I hereby attest that all signatories hereto concur in this filing.

Dated: October 21, 2020

HOPKINS & CARLEY  
A Law Corporation

By: /s/ Jeffrey M. Ratinoff  
Jeffrey M. Ratinoff  
Attorneys for Plaintiff and Counter-  
Defendant NEO4J, INC.