

CORRECTED

M2M Solutions, LLC
vs.
Motorola Solutions, Inc., et al.

Videotaped Deposition of
DR. RAY NETTLETON
May 06, 2015

Exhibits

Transcript

Media Included

Word Index

@ntus

Page 1

1 IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF DELAWARE
 2 CASE NO.: C.A. No.: 12-033-RGA
 -----x
 3 M2M SOLUTIONS, LLC, a Delaware limited
 liability company
 4
 5 Plaintiff,
 6 -against-
 7
 8 MOTOROLA SOLUTIONS, INC. a Delaware
 corporation, TELIT COMMUNICATIONS PLC,
 a United Kingdom public limited company,
 9 and TELIT WIRELESS SOLUTIONS, INC., a
 Delaware corporation,
 10
 11 Defendants.
 -----x
 12
 13
 14
 15 VIDEOTAPED DEPOSITION of
 16 DR. RAY W. NETTLETON
 17 New York, New York
 18 May 6, 2015
 19
 20
 21
 22 Reported By:
 23 Eileen Mulvenna
 24 CSR/RMR/CRR
 25 Job No.: 10016499

Page 2

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Page 3

I N D E X			
WITNESS	EXAMINATION BY	PAGE	
DR. RAY NETTLETON			
	MR. YONAY	6	
	MR. HENSCHKE	314	
	MR. YONAY	320	
E X H I B I T S			
NETTLETON		PAGE	
Exhibit 1	No Bates numbers, Opening Expert Report of Dr. Ray W. Nettleton regarding Telit's infringement of the '010 patent	32	
Exhibit 2	No Bates numbers, Reply Expert Report of Dr. Ray W. Nettleton regarding Telit's infringement of the '010 patent	32	
Exhibit 3	No Bates numbers, US Patent No. 8,094,010	46	
Exhibit 4	Bates Nos. Telit 13194 through 229, Document entitled Running AT Commands Remotely Application Note	93	

Page 4

(Continued)			
	E X H I B I T S		
Exhibit 5	No Bates numbers, Expert report of Kimmo Savolainen in rebuttal to Dr. Nettleton and Mr. Bluestein	98	
Exhibit 6	No Bates numbers, Diagram	137	
Exhibit 7	Bates Nos. Telit 01105 through 163, GE863 Product Description	210	
Exhibit 8	Bates Nos. Telit 08874, 09159 through 162, AT Commands Reference Guide excerpt	212	
Exhibit 9	No Bates numbers, Preliminary Infringement Contention Claim Chart, January 18, 2013	291	

Page 5

1 THE VIDEOGRAPHER: Good morning.
 2 We're on the record.
 3 This is the video deposition of
 4 Dr. Ray W. Nettleton in the matter of
 5 M2M Solutions, LLC versus Motorola
 6 Solutions, et al., Civil Action
 7 No. 12-033-RGA, filed in the US
 8 District Court for the District of
 9 Delaware.
 10 This deposition is taking place
 11 at Pearl Cohen, 1500 Broadway, New York
 12 New York.
 13 Today's date is May 6, 2015, and
 14 the time is 9:33 a.m.
 15 My name is Jonathan Popham. I'm
 16 the videographer representing Aptus
 17 Court Reporting.
 18 Video and audio will be recorded
 19 until all counsel have agreed to go off
 20 the record.
 21 Would all present please voice
 22 identify themselves for the record
 23 beginning with the witness.
 24 THE WITNESS: My name's Ray
 25 Nettleton.

Page 7

1 **Q. Dr. Nettleton, my name is Guy**
 2 **Yonay. I represent Telit. I'll be taking**
 3 **your deposition today.**
 4 **Have you been deposed before?**
 5 A. Many times.
 6 **Q. How many is "many times"?**
 7 A. Seven or eight.
 8 **Q. Seven or eight times?**
 9 A. Yes.
 10 **Q. Were those in an expert witness**
 11 **capacity?**
 12 A. Yes.
 13 **Q. Let me explain to you a few**
 14 **ground rules just so we're clear on how to go**
 15 **about today.**
 16 **I'm going to ask you questions.**
 17 **Please try to wait until the end of my**
 18 **question before you answer. If there's**
 19 **anything unclear in my question, please feel**
 20 **free to ask me for some clarification of**
 21 **anything that you didn't understand in my**
 22 **question.**
 23 **If at any time you need a break,**
 24 **please ask for one and if we're not in the**
 25 **middle of something. I'll break as soon as we**

Page 6

1 MR. YONAY: Guy Yonay of Pearl
 2 Cohen for Telit.
 3 MR. LOEWENSTEIN: David
 4 Loewenstein for Telit.
 5 MR. EADAN: Milo Eadan for
 6 Telit.
 7 CHRIS KENNERLY: I'm Chris
 8 Kennerly with Paul Hastings for the
 9 Novatel defendants, observing.
 10 MR. COSTAKOS: Jeff Costakos,
 11 Foley Lardner for M2M.
 12 MR. HENSCHKE: And Marc Henschke
 13 from Foley & Lardner also for the
 14 plaintiff, M2M.
 15 THE VIDEOGRAPHER: The certified
 16 court reporter is Eileen Mulvenna.
 17 Would you please swear in the witness.
 18 RAY NETTLETON,
 19 having been duly sworn by Eileen Mulvenna,
 20 a Notary Public of the State of New York,
 21 was examined and testified as follows:
 22 EXAMINATION
 23 BY MR. YONAY:
 24 **Q. Good morning.**
 25 A. Good morning.

Page 8

1 **reasonably can.**
 2 A. Sure.
 3 **Q. And please make sure to give**
 4 **your answers verbally so that your answers**
 5 **are captured by the court reporter.**
 6 **Is that all clear so far?**
 7 A. Yes.
 8 **Q. Good.**
 9 **Could you briefly describe your**
 10 **educational background?**
 11 A. Yes. I have a Ph.D. in
 12 electrical engineering from Purdue University
 13 and also a master's and a bachelor's.
 14 **Q. Where are those from?**
 15 A. The master's is from Purdue
 16 University also. Bachelor's is from
 17 University of Dayton, D-A-Y-T-O-N.
 18 **Q. As in Dayton, Ohio?**
 19 A. Yes.
 20 **Q. And what are the bachelor's and**
 21 **master's degrees in?**
 22 A. Electrical engineering.
 23 **Q. Are you currently affiliated**
 24 **with the University of Colorado?**
 25 A. Yes. I am.

Page 9

1 **Q. In what capacity?**
 2 A. As an adjunct associate
 3 professor.
 4 **Q. Do you teach courses in that**
 5 **capacity?**
 6 A. I still do from Southern
 7 California.
 8 **Q. Are you teaching one this**
 9 **semester?**
 10 A. Not now.
 11 **Q. Did you teach one last semester?**
 12 A. Yes.
 13 **Q. What course was that?**
 14 A. Satellite communications.
 15 **Q. Did you say adjunct professor?**
 16 A. Yes.
 17 **Q. And did you previously have**
 18 **other titles at the university?**
 19 A. Yes, I was a full-time associate
 20 professor for a couple of -- three years.
 21 **Q. When did you become adjunct?**
 22 A. When I left -- when I left the
 23 position and became a full-time consultant.
 24 **Q. Time-wise, when was that? How**
 25 **long ago was that?**

Page 11

1 **Are any of those courses that**
 2 **you've taught, for example, over the past ten**
 3 **years ones that are relevant to the subject**
 4 **matter of the patent we'll be talking about**
 5 **today?**
 6 A. Yes.
 7 **Q. Which ones?**
 8 A. The cellular communications
 9 ones.
 10 **Q. Any other ones that you can**
 11 **think of that you mentioned?**
 12 A. That's by far the most relevant.
 13 **Q. Do you specifically discuss**
 14 **machine-to-machine communications in that**
 15 **course?**
 16 A. Not explicitly.
 17 **Q. What's the connection then?**
 18 A. Well, cellular communications is
 19 the same whether it's machine to machine or
 20 person to person. After all, most cellular
 21 communications today is -- is text messaging.
 22 **Q. Right. So text messaging on a**
 23 **phone same as text messaging with a**
 24 **machine-to-machine device?**
 25 A. Yes. except the language would

Page 10

1 A. I'm thinking 2005.
 2 **Q. So about ten years?**
 3 A. Yeah.
 4 **Q. And over those ten years, how**
 5 **many semesters have you taught courses as**
 6 **opposed to not taught courses at the**
 7 **university?**
 8 A. I think probably four or five
 9 I've taught.
 10 **Q. Taught about four or five**
 11 **courses in the past ten years?**
 12 A. Yes.
 13 **Q. You mentioned satellite**
 14 **communications.**
 15 A. Yes.
 16 **Q. Do you remember the other**
 17 **courses you've taught over the past ten**
 18 **years?**
 19 A. Yeah, wireless area -- local
 20 area networks and cellular networks. And
 21 also some more elementary courses.
 22 **Q. Telemetry courses?**
 23 A. Elementary.
 24 **Q. Elementary. Excuse me. I've**
 25 **got M2M on the brain.**

Page 12

1 be different. You text in English to other
 2 people and in machine-ish to other machines.
 3 **Q. Machine is, for example, AT**
 4 **commands?**
 5 A. Yes.
 6 **Q. So the contents of the message**
 7 **might be different, but otherwise, the SMS**
 8 **protocol is the same?**
 9 A. The principle's the same.
 10 **Q. You have a number of patents?**
 11 A. I have two patents.
 12 **Q. Do those discuss**
 13 **machine-to-machine communications?**
 14 A. They discuss CDMA
 15 communications.
 16 **Q. CDMA communications?**
 17 A. Correct.
 18 **Q. Is there anything specific in**
 19 **those two machine-to-machine communications?**
 20 A. Not specific, no.
 21 **Q. Have you published any papers**
 22 **that relate to machine-to-machine**
 23 **communications?**
 24 A. No.
 25 **Q. Have your patents been licensed?**

Page 13

1 A. Yes, they were.
 2 **Q. To whom?**
 3 A. I think the company was Micro
 4 Electronics. It was a chip manufacturer.
 5 **Q. Do you recall whether you got**
 6 **royalties for licensing your patents?**
 7 A. It was an outright sale.
 8 **Q. Okay. You sold the patents?**
 9 A. Yes.
 10 **Q. Do you recall the amount?**
 11 MR. HENSCHKE: Can I interject
 12 for a moment? Dr. Nettleton, I would
 13 caution you if these agreements or
 14 licenses are confidential in any way
 15 and you have obligations to some other
 16 party in that regard, to keep that in
 17 mind.
 18 BY MR. YONAY:
 19 **Q. Do you recall the amount you**
 20 **sold them for?**
 21 A. I don't; but in any case, I
 22 think it's subject to confidentiality.
 23 **Q. Before your involvement in this**
 24 **lawsuit, had you ever built or designed a**
 25 **machine-to-machine device? If there's any**

Page 15

1 conceptual design, it went off to Pfizer and
 2 I never saw it again.
 3 **Q. So you didn't actually program**
 4 **the device?**
 5 A. No.
 6 **Q. Before your involvement in this**
 7 **case, had you ever used AT commands?**
 8 A. Yes.
 9 **Q. In what capacity?**
 10 A. As part of working with modems.
 11 **Q. When did you use those in**
 12 **connection with modems?**
 13 A. Oh, gosh, many times over the
 14 years.
 15 **Q. What's the earliest you remember**
 16 **using AT commands?**
 17 A. Late '70s, early '80s.
 18 **Q. Are some of those the same**
 19 **AT commands that we've been referring to in**
 20 **this case?**
 21 A. The AT commands we're talking
 22 about in this case are fairly substantial
 23 superset of the traditional Hayes commands.
 24 **Q. But the ATE command, for**
 25 **example. is that one that you used in the**

Page 14

1 **unclearly by what I meant by**
 2 **"machine-to-machine device," let me know.**
 3 A. Yes, there was one project that
 4 I worked on that was, believe it or not, a
 5 dog collar which monitored the location of
 6 the dog and informed the owner if it drifted
 7 away.
 8 **Q. Did it have a GPS?**
 9 A. It did.
 10 **Q. When was this project?**
 11 A. Oh, gosh. Five, six years ago.
 12 **Q. Do you recall what communication**
 13 **module you used in the dog collar?**
 14 A. No.
 15 **Q. Did you program that yourself?**
 16 A. No. No, I designed it as an
 17 exercise in estimating the cost of entering
 18 the market.
 19 **Q. I see.**
 20 **Was that for a client?**
 21 A. It was for Pfizer Animal Health.
 22 **Q. Who programmed the**
 23 **machine-to-machine communications module in**
 24 **that instance?**
 25 A. Well, once I had completed the

Page 16

1 **'70s?**
 2 A. Sure.
 3 **Q. What did you use AT commands for**
 4 **in connection with modems?**
 5 A. Usually in setting up,
 6 configuring modems for data links.
 7 **Q. Do you recall if any has**
 8 **commands that you used for that back then,**
 9 **any AT commands from then? No?**
 10 A. No.
 11 **Q. What did you say to configure or**
 12 **set up the modems?**
 13 A. Yeah. And to use them,
 14 obviously.
 15 **Q. Right.**
 16 **Did you use them to program the**
 17 **modems?**
 18 A. I did not program the modems,
 19 no, in the sense of writing the software for
 20 them.
 21 **Q. Did you use AT commands to**
 22 **program the modems?**
 23 A. Yeah. In the sense that
 24 programming means providing commands, yes.
 25 **Q. Before your work on this case.**

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