

CORRECTED

M2M Solutions, LLC

VS.

Motorola Solutions, Inc., et al.

**Videotaped Deposition of
ALON KONCHITSKY, PH.D.**

May 27, 2015

Exhibits

Transcript

Media Included

Word Index

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Page 1

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF DELAWARE
 3
 4 M2M SOLUTIONS LLC, a Delaware)
 limited liability company,)
 5)
 Plaintiff,)
 6)
 vs.) C.A. No. 12-033-RGA
 7)
 MOTOROLA SOLUTIONS, INC., a)
 8 Delaware corporation, TELIT)
 COMMUNICATIONS PLC, a United)
 9 Kingdom public limited company,)
 and TELIT WIRELESS SOLUTIONS)
 10 INC., a Delaware corporation,)
)
 11 Defendants.)
)
 12
 13
 14
 15 VIDEOTAPED DEPOSITION OF ALON KONCHITSKY, PH.D.
 16 Palo Alto, California
 17 Wednesday, May 27, 2015
 18
 19
 20
 21
 22
 23 Reported By:
 24 Hanna Kim, CLR, CSR No. 13083
 25 Job No.: 10016566

Page 2

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 10 INC., a Delaware corporation,)
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 11 Defendants.)
)
 12
 13
 14
 15 Videotaped deposition of ALON KONCHITSKY,
 16 PH.D., taken on behalf of the Telit Defendants, at the
 17 law offices of Paul Hastings LLP, located at 1117
 18 California Avenue, Palo Alto, California 94304, on
 19 Wednesday, May 27, 2015, beginning at 9:08 a.m. and
 20 ending at 7:07 p.m., before Hanna Kim, Certified
 21 LiveNote Reporter, Certified Shorthand Reporter, CSR
 22 No. 13083.
 23
 24
 25

Page 3

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Page 4

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 22 DAVID MANZO, Videographer
 23
 24
 25

Page 5		Page 6	
1	INDEX OF EXAMINATION	1	INDEX OF EXHIBITS (CONTINUED)
2		2	
3	WITNESS: ALON KONCHITSKY, PH.D.	3	Exhibit 4 "Expert Report of Kimmo Savolainen 42
4	EXAMINATION PAGE	4	on the Invalidity of U.S. Patent
5	BY MR. YONAY: 8, 253, 259	5	No. 8,094,010; 58 pages
6	BY MR. HENSCHKE: 251, 257, 260	6	Exhibit 5 "Claim Construction Order;" 3 pages 55
7		7	Exhibit 6 "Expert Report of Dr. Seth James 76
8		8	Nielson on the Invalidity of U.S.
9	INDEX OF EXHIBITS	9	Patent No. 8,094,010; 13 pages
10		10	Exhibit 7 Copy of U.S. Patent No. 6,463,474; 85
11	DEPOSITION EXHIBITS PAGE	11	24 pages
12	Exhibit 1 Copy of U.S. Patent No. 8,094,010; 27	12	Exhibit 8 PCT application publication number 154
13	Bates nos. M2M 0001516 through	13	WO 0017021; 20 pages
14	'1534	14	Exhibit 9 GSM 11.14, Version 7.3.0, Release 165
15	Exhibit 2 "Rebuttal Expert Report of Dr. Alon 36	15	1998; 102 pages
16	Konchitsky Responsive to the	16	Exhibit 10 GSM 11.11, Version 7.2.0, Release 165
17	Savolainen Report Regarding the	17	1998; 134 pages
18	Alleged Invalidity of the '010	18	Exhibit 11 GSM 07.07, Version 7.3.0, Release 172
19	Patent;" 396 pages	19	1998; 126 pages
20	Exhibit 3 "Rebuttal Expert Report of Dr. Alon 36	20	Exhibit 12 Chapter from GSM and Personal 182
21	Konchitsky Responsive to the	21	Communications Handbook
22	Nielson Report Regarding the	22	Original deposition exhibits maintained by Counsel.
23	Alleged Invalidity of the '010	23	
24	Patent;" 33 pages	24	
25		25	
Page 7		Page 8	
1	Palo Alto, California; Wednesday, May 27, 2015	1	MR. EADAN: Milo Eadan for Telit.
2	9:08 a.m. - 7:07 p.m.	2	MR. COSTAKOS: Jeff Costakos, Foley & Lardner,
3		3	3 for M2M.
4	PROCEEDINGS	4	MR. HENSCHKE: Marc Henschke, Foley & Lardner,
5		5	5 for Plaintiff M2M Solutions.
6	THE VIDEOGRAPHER: Time on the record is	6	THE VIDEOGRAPHER: The court reporter may
7	9:08 a.m. Today's date is May 27th, 2015.	7	now -- may now swear in or affirm the deponent.
8	My name is David Manzo of Aptus Court	8	ALON KONCHITSKY, PH.D.,
9	Reporting. The court reporter today is Hanna Kim of	9	9 having been administered an oath, was examined and
10	Aptus Court Reporting.	10	10 testified as follows:
11	This begins the video recorded deposition of	11	EXAMINATION
12	Alon Konchitsky, testifying in the matter of M2M	12	BY MR. YONAY:
13	Solutions, LLC versus Enfora Inc. et al, Telit et al.,	13	Q. Good morning, Dr. Konchitsky.
14	and Sierra et al., pending in the United States	14	A. Good morning.
15	District Court for the District of Delaware. The case	15	Q. How are you?
16	number is 12-033-RGA. This deposition is being taken	16	A. I'm fine. Thank you.
17	at Paul Hastings, LLC in Palo Alto, California.	17	Q. Good.
18	The video and audio recordings will take place	18	Have you been deposed before?
19	at all times during this deposition unless all counsel	19	A. Yes.
20	agree to go off the record. The beginning and end of	20	Q. Okay. So you know the ground rules, but I'll
21	each video recording will be announced.	21	21 repeat them for you, and let me know if anything is
22	Will counsel please identify yourselves and	22	22 unclear to you.
23	state whom you represent.	23	A. Sure.
24	MR. YONAY: Guy Yonay of Pearl Cohen for	24	Q. I will ask you questions, and you will do your
25	Telit.	25	25 best to answer them under oath. If anything in my

Page 9

1 question is not clear to you, please let me know. If
 2 there's something -- a word that I've used or something
 3 in my question that you don't understand that makes you
 4 unable to answer the question, please let me know and I
 5 will try to rephrase it.
 6 Is that clear?
 7 A. Yes, I will.
 8 Q. All your answers should be verbal, meaning
 9 spoken out loud rather than by gestures, so that the
 10 court reporter can record your full answers.
 11 Is that clear?
 12 A. Yes.
 13 Q. Good.
 14 Can you describe briefly your educational
 15 background?
 16 A. Yes. I got an electrical engineering degree,
 17 then -- in computer science, then a master's in
 18 management, and then a Ph.D. Also went through a
 19 postgraduate studies in CDMA engineering.
 20 Q. Okay. Could you tell me at which institutions
 21 each of those were from?
 22 A. Sure.
 23 The first one from Tel Aviv Institute of
 24 Technology.
 25 Q. The first one is?

Page 11

1 military service. I'm from Israel. And in Israel,
 2 people need to go to military service. It's mandatory.
 3 I have been selected out of a -- I would say
 4 ~~2000~~ -- 30 ~~2000~~ students or -- or high school graduates to
 5 go to college before military service, so I served as
 6 an engineer in the air force and later in the
 7 intelligence, so that's where I started to develop
 8 telecommunications systems.
 9 And later, I worked for -- in a few other
 10 places, like DSB Communications, that was acquired by
 11 Intel, and then I actually worked for Intel, and then
 12 Nokia. And after that, I worked for IP valuations and
 13 ~~noise free wireless~~. And recently, Patent Hive.
 14 Noise Free Wireless Q. In those positions you described, did you work
 15 with programming telecommunications devices?
 16 A. I developed telecommunication devices, yes.
 17 Q. So, for example, at Nokia, did you develop
 18 telecommunications device?
 19 A. At Nokia, I started as a system design and
 20 integration engineer, so I actually integrated
 21 different layers of a protocol stack.
 22 Q. And that protocol stack is at the base station
 23 of the mobile?
 24 A. The mobile.
 25 Q. In the mobile station?

Page 10

1 A. The electrical engineering.
 2 The computer science from the Academic College
 3 of Tel Aviv University. The master's is from
 4 Bournemouth University. The Ph.D. from Bournemouth
 5 University. And CDMA engineering from University of
 6 California at San Diego.
 7 Q. The Academic College you mentioned where you
 8 got your computer science degree, is that Tel Aviv
 9 University?
 10 A. It's the Academic College of Tel Aviv
 11 University. It's a college that teaches particular
 12 sciences of Tel Aviv University.
 13 Q. But that's different from the university
 14 itself, right?
 15 A. It is located in a different place; yes.
 16 Q. And the university offers a bachelor's degree
 17 in computer science separate from the Academic College,
 18 right?
 19 A. Yes.
 20 Q. Okay. So your degree is from the Academic
 21 College, not from Tel Aviv University, right?
 22 A. Yes.
 23 Q. Can you describe briefly your work experience
 24 as it relates to telecommunications?
 25 A. Yes. I actually went to college before

Page 12

1 A. Yes.
 2 Q. And was that for telephones, mobile
 3 telephones?
 4 A. Yes, Nokia mobile phones for telephones.
 5 Q. Did that involve machine-to-machine devices?
 6 A. At the beginning, it was mainly standard,
 7 which is called ~~3GPP2~~, so did not include
 8 machine-to-machine. 3gpp2
 9 Q. And at some point, did it -- did it -- did you
 10 work on developing machine-to-machine devices? was
 11 A. At Nokia, I mainly -- ~~has been~~ educated about
 12 the machine-to-machine market and -- but that was in --
 13 in later stage. Yes.
 14 Q. So at -- at any of the companies that you've
 15 worked at, did you work with developing
 16 machine-to-machine communication devices?
 17 A. I -- at Nokia, I learned about the market, but
 18 my particular work was not very specific to
 19 machine-to-machine development.
 20 Q. You wrote in your report that, while you were
 21 at Nokia, you managed product programs that were
 22 developing machine-to-machine terminal platforms and
 23 related software. What is that referring to?
 24 A. Can I see this, please?
 25 Q. We will introduce this as an exhibit at a

Page 13

1 later stage, but since you asked to refer to it to
 2 refresh your recollection, I can point to what I was
 3 reading to, which is at page 5.
 4 MR. HENSCHKE: This is the --
 5 MR. YONAY: Sorry.
 6 MR. HENSCHKE: -- OPA rebuttal invalidity
 7 report?
 8 MR. YONAY: Thank you.
 9 For the record, I've handed Dr. Konchitsky his
 10 rebuttal report responsive to the Savolainen report.
 11 THE WITNESS: So it says, "I began my career
 12 at Nokia as a systems design and integration engineer."
 13 That's what I just said before. And that was for the
 14 different layers of the protocol stack of the 3GPB2
 15 standard. 3gpp2
 16 BY MR. YONAY:
 17 Q. But that was for -- that was for mobile
 18 phones, you said, right?
 19 A. Yes. Yeah, absolutely.
 20 Q. Okay. So what does that have to do with
 21 machine-to-machine platforms?
 22 A. So later, it says here, "In that capacity, I
 23 successfully managed product programs that were
 24 developing machine-to-machine terminal platforms and
 25 related software."

Page 15

1 A. That was the program for developing the actual
 2 software in -- the software and the hardware in
 3 the -- in the phone itself. Those phones have the
 4 ability to be communicating with a -- external
 5 terminals, and that's just been the part that was
 6 related to M2M.
 7 Q. Did your work involve the aspect of the phones
 8 that had to do with the machine-to-machine
 9 functionality?
 10 A. No, no. The software -- the software
 11 development that -- has those capabilities, but not
 12 in -- I didn't work on any machine-to-machine
 13 particular solutions.
 14 Q. So nothing in what you did at Nokia was
 15 specifically directed to machine-to-machine
 16 communications?
 17 A. No. It was able to support it, but not
 18 directly to machine-to-machine.
 19 Q. And what you did at Nokia was able to support
 20 machine-to-machine in the same way that it supported
 21 voice communications?
 22 A. I mainly focused on -- on data communications.
 23 So to that extent, I would say no. No, because voice
 24 was the main -- as every cell phone, voice is the main
 25 function of a phone. In later years, it became voice

Page 14

1 Q. So I've asked you to explain what that means.
 2 A. And -- and in that sense, it says that "I
 3 supervised the development of Nokia's mobile platforms,
 4 which involving C code writing," and so on and so
 5 forth.
 6 So in this particular part, the -- and for
 7 your question, managed product programs that were
 8 developing machine-to-machine terminal platforms and
 9 related software, that was the -- the part that was
 10 integrating those protocol stacks, different layers
 11 into the Nokia chips. So what happened before with
 12 Nokia, because it was so -- so big and -- as I
 13 mentioned, in -- I think over 60 percent of the -- of
 14 the market share, Nokia wasn't the one that really
 15 defined and -- and even led the design for their
 16 baseband and radio chipsets.
 17 Q. Do -- do you remember my question? Do you
 18 understand what I'm asking you?
 19 A. Yes. You asked --
 20 Q. I'm asking you for your experience in
 21 machine-to-machine communication device design based on
 22 your report. I haven't heard anything you've said that
 23 indicates experience in machine-to-machine design. So
 24 what in -- what you did at Nokia was directed to
 25 machine-to-machine communications?

Page 16

1 and data. And I would say that at that time frame, it
 2 might have been able to -- to work in some capacity
 3 into machine-to-machine.
 4 Q. So you worked on the protocol stack that had
 5 to do with data communications, and some of that
 6 communications was all types of data and some of it
 7 could have been machine-to-machine communications?
 8 A. That's correct.
 9 Q. And did the data communications exist prior to
 10 the machine-to-machine applications?
 11 A. I -- I don't think so. I think the data --
 12 data was -- so I would say it this way: I think that
 13 data and machine-to-machine has been progressed
 14 together.
 15 Q. Is an SMS message a type of data
 16 communication?
 17 A. It depends when. In -- sometimes data could
 18 be -- could be over a voice communication. That's how
 19 they start -- standards has been.
 20 MR. YONAY: Could you read back my question,
 21 please?
 22 BY MR. YONAY:
 23 Q. Again, if you don't understand my question,
 24 let me know and I'll rephrase it.
 25 A. Okay.

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