

1 IN THE UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF TEXAS ~ MARSHALL DIVISION

3  
4 MOBILE TELECOMMUNICATIONS

5 Plaintiff,

6 Vs.

2:12-cv-832-JRG-RSP  
(Lead Case)

7 SPRINT NEXTEL CORPORATION,

8 Defendants.

9  
\_\_\_\_\_  
10 MOBILE TELECOMMUNICATIONS

11 Plaintiff,

12 Vs.

2:13-cv-258-JRG-RSP

13 APPLE,

14 Defendant.

15  
\_\_\_\_\_  
16 MOBILE TELECOMMUNICATIONS

17 Plaintiff,

18 Vs.

2:13-cv-259-JRG-RSP

19 SAMSUNG TELECOMMUNICATIONS

20 Defendant.

21  
\_\_\_\_\_  
22 ~ OUTSIDE COUNSEL'S EYES ONLY ~  
23 VIDEOTAPED DEPOSITION OF RADE PETROVIC, PH.D.  
24 San Diego, California  
25 Thursday, May 1, 2014

JOB NO. 72513

Page 2

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4  
5 May 1, 2014  
6 8:39 a.m.  
7  
8  
9 Videotaped deposition of RADE PETROVIC, PH.D.  
10 held at the Regus, 402 West Broadway,  
11 Suite 400, San Diego, California, before  
12 Jeanese Johnson, CSR No. 11635, Certified  
13 LiveNote Reporter, of the State of California.  
14  
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Page 3

1 APPEARANCES:  
2  
3  
4 WEIL, GOTSHAL & MANGES  
5 Attorneys for Apple, Inc.  
6 1300 Eye Street, NW,  
7 Washington, DC 20005  
8 BY: CHRISTOPHER PEPE, ESQ.  
9 RYAN FERGUSON, ESQ.  
10  
11  
12 GREENBERG TRAUERIG  
13 Attorneys for Samsung Electronics America  
14 3161 Michelson Drive,  
15 Irvine, California 92612  
16 BY: J. RICK TACHE, ESQ.  
17 ERIC SQUIRE, ESQ.  
18  
19  
20 REED & SCARDINO  
21 Attorneys for Mobile Telecommunications  
22 301 Congress Avenue  
23 Austin, Texas 78701  
24 BY: CHAD ENNIS, ESQ.  
25

Page 4

1  
2 Also Present:  
3 Mike Duarte, Videographer  
4  
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6  
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2  
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4  
5 THE VIDEOGRAPHER: This is the start  
6 of tape labeled number one in the videotaped  
7 deposition of Rade Petrovic in the matter of  
8 Mobile Telecommunications Technologies, LLC  
9 versus Sprint Nextel Corporation, Case No.  
10 2:12-CV-832-JRG-RSP; Mobile Telecommunications  
11 Technologies, LLC versus Apple, Inc., Case No.  
12 2:13-CV-258-JRG-RSP; Mobile Telecommunications  
13 Technologies, LLC versus Samsung  
14 Telecommunications America, LLC, Case No.  
15 2:13-CV-259-JRG-RSP, in the United States  
16 District Court for the Eastern District of Texas,  
17 Marshall Division.  
18 This deposition is being held at 402  
19 West Broadway, San Diego, California 92101 on  
20 May 1st, 2014, at approximately 8:39 a.m.  
21 My name is Mike Duarte from TSG  
22 Reporting, Inc., and I am the legal video  
23 specialist. The court reporter is Jeanese  
24 Johnson in association with TSG Reporting.  
25 Will counsel please introduce

1 yourself.  
 2 MR. PEPE: Chris Pepe for defendant  
 3 Apple.  
 4 MR. FERGUSON: Ryan Ferguson with  
 5 Weil, Gotchal & Manges for Apple.  
 6 MR. TACHE: Rick Tache from Greenberg  
 7 Traurig for Samsung.  
 8 MR. SQUIRE: Eric Squire from  
 9 Greenberg Traurig on behalf of Samsung  
 10 MR. ENNIS: Chad Ennis with Reed &  
 11 Scardino on behalf of the plaintiff and the  
 12 witness.  
 13 THE VIDEOGRAPHER: Will the court  
 14 reporter please swear in the witness.  
 15 THE COURT REPORTER: Please raise  
 16 your right hand.  
 17 Do you solemnly state the testimony  
 18 you will give during this deposition proceeding  
 19 will be the truth, the whole truth, and nothing  
 20 but the truth?  
 21 THE WITNESS: I do.  
 22 THE COURT REPORTER: Thank you.  
 23 ///  
 24 ///  
 25 ///

1 EXAMINATION BY  
 2 MR. PEPE:  
 3 Q. Good morning, Dr. Petrovic.  
 4 A. Good morning.  
 5 Q. Can you please state your name and  
 6 spell it for the record.  
 7 A. Rade Petrovic. R-a-d-e, first name,  
 8 P-e-t-r-o-v-i-c, last name.  
 9 Q. What's your current address?  
 10 A. Home address?  
 11 Q. Yes.  
 12 A. Is 11416 Cypress Woods Drive, San  
 13 Diego, California 92131.  
 14 Q. And is that your only residential  
 15 address?  
 16 A. It's my residential address. Yes, I  
 17 have another home, second home, in Bay Area, but  
 18 I live here. My wife lives there.  
 19 Q. Have you ever been deposed before?  
 20 A. Yes.  
 21 Q. What was the nature of that  
 22 deposition?  
 23 A. It was deposition where my company  
 24 was accused of infringing patents of another  
 25 company, and I was deposed regarding technology

1 that we are currently using.  
 2 Q. What company was that for?  
 3 A. My company is Verance, and the  
 4 technology is digital watermarking, and plaintiff  
 5 was Blue Spike.  
 6 Q. And is that case currently pending?  
 7 A. No. They dismissed the case while  
 8 reserving rights to reopen, something like this,  
 9 but it's not currently active case. That's my  
 10 understanding.  
 11 Q. Have you ever testified in court  
 12 before, either for that matter or another?  
 13 A. On that matter, I was deposed yes,  
 14 yes.  
 15 Q. Okay.  
 16 A. All --  
 17 Q. Okay. But have you testified in  
 18 court before?  
 19 A. No.  
 20 Q. No?  
 21 A. No.  
 22 Q. So given that you've been deposed  
 23 before, you understand that I'll be asking you  
 24 questions today, and you're here to answer them?  
 25 A. Yes.

1 Q. And if you don't understand a  
 2 question, you'll tell me, and I'll try to ask you  
 3 a better question. Does that sound good?  
 4 A. Okay. Yeah, sure.  
 5 Q. Is there anything that would keep you  
 6 from testifying truthfully and accurately today?  
 7 A. No.  
 8 Q. You're not taking any medication that  
 9 would compromise your memory?  
 10 A. No.  
 11 Q. You understand that currently you're  
 12 being video recorded, we have an audio recording,  
 13 and everything is also being transcribed?  
 14 A. I do.  
 15 Q. So because of that, it's important  
 16 that, you know, we give audible responses, yeses  
 17 and nos when appropriate.  
 18 A. Okay.  
 19 Q. And it's also important that if I'm  
 20 asking a question, you'll let me finish before  
 21 you start answering.  
 22 A. Sure.  
 23 Q. And while you're answering, I will,  
 24 you know, try not to cut you off to make the job  
 25 easier for the court reporter.

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1 We'll take breaks periodically today.  
2 So if you need to stretch your legs or anything  
3 like that, let me know, and I'll try to find a  
4 convenient time for us to stop.  
5 A. Okay.  
6 Q. And your counsel may object at  
7 certain points throughout the day, but unless he  
8 instructs you not to answer the question, you  
9 should still respond.  
10 A. Okay.  
11 Q. So is it your understanding that  
12 you're here today because you're a named inventor  
13 on several patents that are currently owned by an  
14 entity called MTEL, LLC?  
15 A. Yes, I understand.  
16 Q. You understand that when I refer to  
17 MTEL, LLC that I'm referring to Mobile  
18 Telecommunications Technologies, LLC?  
19 A. Yes, I do.  
20 Q. How did you first hear about this  
21 lawsuit?  
22 A. I think I heard first from  
23 defendants, from Apple lawyers, and I forgot  
24 names that contacted me and said that the  
25 subpoena is pending, and then I received

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1 A. I don't remember that I signed  
2 engagement letter, but maybe. I'm not sure.  
3 Q. Okay. So it's possible that you're  
4 -- their representation is based solely on a  
5 verbal agreement?  
6 A. It is possible, but I'm not sure.  
7 Q. Now, do you currently have or have  
8 you ever had any relationship with MTEL, LLC?  
9 A. Currently, I don't have. When I was  
10 working at University of Mississippi, they were  
11 sponsoring a project that I was leading at  
12 University of Mississippi, yes.  
13 Q. So the entity you were working with  
14 at University of Mississippi was MTEL, LLC?  
15 A. MTEL. I don't know LLC. What does  
16 it mean?  
17 Q. Okay. So you don't -- you don't know  
18 whether the -- the plaintiff in this matter is  
19 related to that entity you worked with at the  
20 University of Mississippi; is that right?  
21 A. But the name is MTEL. So, yes, it is  
22 the same company.  
23 Q. So based on the name being the  
24 same --  
25 A. Yeah, yeah.

Page 11

1 subpoena. That's how I knew that I needed to  
2 testify, yes.  
3 Q. Do you know how long ago that contact  
4 took place?  
5 A. Not quite sure, but between a month  
6 and two months, something like this.  
7 Q. So you were never contacted by MTEL,  
8 LLC prior to Apple contacting you?  
9 A. No.  
10 Q. And you were not contacted by a law  
11 firm called Reed & Scardino before that?  
12 A. Before that, no.  
13 Q. And today your understanding is that  
14 you're being represented by Reed & Scardino in  
15 this deposition; correct?  
16 A. Yes.  
17 Q. When did this representation start?  
18 A. After I had some exchange with the  
19 Apple lawyers, I was contacted by e-mail by Bill  
20 Hayes, who is one of the inventors, and in this  
21 exchange I mentioned that there is subpoena, and  
22 after that I was contacted by lawyers for the  
23 plaintiff. Yeah, plaintiff, yeah, correct.  
24 Q. Did you sign any sort of engagement  
25 letter with either MTEL, LLC or Reed & Scardino?

Page 13

1 Q. -- you presume that there is a  
2 relationship between the two?  
3 A. Um-hmm.  
4 Q. Are you currently working as a  
5 consultant for MTEL, LLC?  
6 A. No.  
7 Q. Have you ever been retained as an  
8 expert witness or a consultant in litigation  
9 before?  
10 A. No.  
11 Q. And so currently in this matter,  
12 you're not -- you have haven't been retained as  
13 an expert --  
14 A. No.  
15 Q. -- or a consultant witness?  
16 MR. PEPE: I would like this marked  
17 as Exhibit 48.  
18 (Exhibit 48 is marked)  
19 Q. So, Dr. Petrovic, I've just handed  
20 you what's been marked as Exhibit 48, which is a  
21 subpoena to testify at a deposition in a civil  
22 action that was issued to Rade Petrovic.  
23 A. Um-hmm.  
24 Q. Do you recognize this document.  
25 A. Yes. I think this is the subpoena

1 that I received. Yes.  
 2 Q. So when you received it, you read  
 3 through it?  
 4 A. Yes.  
 5 Q. And did you read the document  
 6 requests that are in Exhibit A of --  
 7 A. Yes.  
 8 Q. -- Exhibit 48?  
 9 A. Yes.  
 10 Q. So when you -- after you read those  
 11 requests, did you search for any documents?  
 12 A. Yes.  
 13 Q. Did you find any documents?  
 14 A. No.  
 15 Q. Where did you search?  
 16 A. I searched my home, the file cabinets  
 17 where I keep documents, I searched my home  
 18 computer, and that's about it, yes.  
 19 Q. So after that search, you determined  
 20 that there were no documents responsive to what  
 21 Exhibit 48 was asking for?  
 22 A. Correct.  
 23 Q. Do you think there was ever a time  
 24 when there were documents in your possession that  
 25 would have been responsive to Exhibit 48?

1 A. I am not sure.  
 2 Q. What did you do in order to prepare  
 3 for today's deposition?  
 4 A. When I was contacted by Apple  
 5 lawyers, they first sent me those patents that  
 6 were the subject of this litigation, and I looked  
 7 through claims only, didn't read the disclosure,  
 8 and my response at that time was that I don't  
 9 have good recollection of the events that led to  
 10 these claims.  
 11 But then patent lawyers asked me to  
 12 look at some paper that was published that I was  
 13 coauthor. I looked at this paper, remembered  
 14 research that led to publishing this paper, and  
 15 then we had some phone interview where I was  
 16 asked questions about research that led to  
 17 publishing this paper, and that's about it. I  
 18 didn't go back to read the disclosure or to read  
 19 other papers or anything else.  
 20 Q. And so did the paper that you read  
 21 refresh your recollection of the patents you had  
 22 looked at?  
 23 A. I can say that it refreshed  
 24 recollection about work, but actually I didn't  
 25 read the patents themselves. So I don't really

1 know details of the patents.  
 2 Q. Okay. Other than the Apple lawyers  
 3 that you spoke to, did you speak with anyone else  
 4 in preparation for today's deposition?  
 5 A. No.  
 6 Q. So you had mentioned previously that  
 7 you had exchanged e-mails with William Hayes.  
 8 Did you have any conversations with him?  
 9 A. Just e-mails. Didn't have any  
 10 conversation. And it was not about patents and  
 11 about -- yeah, I just mentioned subpoena because  
 12 -- and I asked him whether he got similar  
 13 subpoena as well, and after that I got contacted  
 14 from the plaintiff lawyers.  
 15 Q. Did you --  
 16 A. Apparently, he conveyed this message,  
 17 I guess.  
 18 Q. Did you meet with plaintiff's lawyers  
 19 at all prior to the deposition?  
 20 MR. ENNIS: Before you answer, I just  
 21 want to -- you can say whether we met or not, but  
 22 don't reveal any of our conversations.  
 23 THE WITNESS: Excuse me?  
 24 MR. ENNIS: You can say whether we  
 25 met or not, but please do not reveal any

1 attorney-client conversations.  
 2 THE WITNESS: Yes. I met last night  
 3 and this morning.  
 4 Q. Okay. How long would you say you met  
 5 for?  
 6 A. We had a dinner. It was about two  
 7 hours.  
 8 Q. And you didn't review any documents  
 9 during that meeting?  
 10 A. No, we didn't review documents.  
 11 Q. Can you please briefly summarize your  
 12 education background.  
 13 A. I am electrical engineer, and I  
 14 graduated at University of Nis, undergrad. I got  
 15 master's degree from Columbia University in New  
 16 York, and I got Ph.D. from University of Nis in  
 17 Serbia.  
 18 Q. Did you attend those universities  
 19 consecutively or did you work in between?  
 20 A. No, it was consecutive.  
 21 Q. So how long did it take you from  
 22 start to finish through your undergrad through  
 23 your Ph.D.?  
 24 A. Undergrad was five years. Yes. I  
 25 had military service that was back in Serbia

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