

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MOBILE TELECOMMUNICATIONS
TECHNOLOGIES, LLC,

Plaintiff and
Counter-Defendant,

vs. CASE NO. 2:13-cv-
00885-JRG-RSP

LEAP WIRELESS INTERNATIONAL,
INC. AND CRICKET
COMMUNICATIONS, INC.,

Defendants and
Counter-Plaintiffs.

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CONFIDENTIAL

VIDEOTAPED DEPOSITION OF

RADE PETROVIC

APRIL 3, 2015  
8:08 a.m.

3579 Valley Centre Drive  
Suite 300  
San Diego, California

Renee Kelch, RPR, CLR, CSR No. 5063

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2 WITNESS: RADE PETROVIC  
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25

1 INDEX TO EXHIBITS

2 EXHIBITS DESCRIPTION MARKED  
3 Exhibit 213 Notice of Videotaped Deposition 10  
4 of Rade Petrovic

5 Exhibit 214 US Patent Number 5,590,403, 24  
6 MTEL-LEAP00000671 through 719

7 Exhibit 215 US Patent Number 5,915,210, 40  
8 MTEL-LEAP00000735 through 784

9 Exhibit 216 Petition, MTEL-LEAP00000401 40

10 Exhibit 217 Deposition transcript of Rade 40  
11 Petrovic, Ph.D., taken on May 1,  
12 2014, MTEL-LEAP00007189 through  
13 7356  
14 (Confidential)

15 Exhibit 218 Paper titled, "Permutation 40  
16 Modulation for Advanced Radio  
17 Paging," CRICKET\_0003790 through  
18 3793

19 Exhibit 219 Paper titled, "Multicarrier 40  
20 Permutation Modulation for  
21 Narrowband PCS," CRICKET\_0003780  
22 through 3789

23 Exhibit 220 Paper titled, "Multicarrier 40  
24 Modulation for Narrowband PCS,"  
25 CRICKET\_0003767 through 3773

26 Exhibit 221 US Patent Number 5,659,891, 40  
27 MTEL-LEAP00000720 through 734

28 Exhibit 222 Document entitled, "Plaintiff 40  
29 MTEL's Initial Disclosures"

## DEPOSITION OF RADE PETROVIC

APRIL 3, 2015

THE VIDEOGRAPHER: Good morning. This is Media Number 1 in the videorecorded deposition of Rade Petrovic in the matter of Mobile Telecommunications Technologies, LLC versus Leap Wireless International, Incorporated and Cricket Communications, being heard before the United States District Court, Eastern District of Texas, Case Number is 2:13-cv-00885-JRG-RSP.

This deposition is being held at 3579 Valley Centre Drive, Suite 300, San Diego, California, 92130, on April 3rd, 2015, at 8:08 a.m.

My name is Scott Tanaka, and I'm the videographer. The court reporter today is Renee Kelch.

Would counsel please identify yourselves, stating whom you represent?

MR. GRAY: Justin Gray from Foley and Lardner, representing the Defendants Leap Wireless and Cricket Communications.

MR. SCHMIDT: Henning Schmidt with Reed & Scardino, on behalf of MTel and the witness, Dr. Petrovic.

THE VIDEOGRAPHER: Court reporter, please swear in the witness.

Q. Have you ever been deposed prior to your deposition with the Apple and Samsung case?

A. Yes.

Q. What were the circumstances of that?

A. It was Blue Spike against Verance. Verance is company that I work for. And it was about claim of infringement of Blue Spike patents. I was deposed regarding Verance technology.

Q. About how long ago was that?

A. I think it was early 2000s. I don't know exactly which year.

Q. Besides the depositions that you had just mentioned, have you had any other depositions that you've taken?

A. No.

Q. Well, even though you've gone through this before and you probably do know the ground rules, I'll just go over the ground rules with --

A. Okay.

Q. -- you briefly.

You understand that you're under oath today?

A. Yes.

Q. You understand that you should give testimony as you if giving it live to a court in an actual proceeding?

RADE PETROVIC,  
having been first duly sworn, testifies as follows:

## EXAMINATION

BY MR. GRAY:

Q. Good morning.

A. Good morning.

Q. Could you please state your full name for the record?

A. Full name, Rade Petrovic, R-a-d-e P-e-t-r-o-v-i-c.

Q. Dr. Petrovic, have you ever been deposed before?

A. Yes.

Q. When was the last time you were deposed?

A. I think it was in November, last year.

Q. What were the circumstances of that deposition?

A. I think it was case of -- similar case of patents regarding MTel, MTel patents, and it was against Amazon.

Q. What was the last time you were deposed prior to November of last year?

A. It was also last year, in the spring. I don't know the date. And it was again MTel, against Apple and Samsung.

A. Yes.

Q. Is there any reason you cannot give full and accurate testimony today?

A. No.

Q. You're not on any medications or have any medical conditions that would impair your ability to give full and accurate testimony today?

A. No.

Q. Today I'll be asking you a series of question. It's important that we do not speak over each other because the court reporter is taking down everything that we say.

A. Uh-huh.

Q. During the deposition today your attorney, Mr. Schmidt, may object to some of my questions. Unless he instructs you not to answer a question, I would ask you to go ahead and answer the question. Okay?

A. Okay.

Q. If you do not understand a question that I ask today, please let me know. Okay?

A. Okay.

Q. If you need a break at any time today, please let me know. We'll try to take breaks roughly once an hour or so. But if you need a break at any time, let me know. I would just ask that if there's a question

1 pending, you answer the question before we take a break.  
 2 Okay?  
 3 A. Okay.  
 4 Q. And I think the last ground rule is that --  
 5 this also helps the court reporter. The court reporter  
 6 can only take down words. So she can't take down  
 7 nodding your head up and down, or shaking your head back  
 8 and forth, or nonverbal things like "uh-huh" or  
 9 "unh-unh." So I would ask that you use words to answer  
 10 my questions today. Okay?  
 11 A. Okay.  
 12 Q. Did you prepare at all for your deposition here  
 13 today?  
 14 A. No.  
 15 Q. Did you meet with any attorneys prior to this  
 16 deposition today?  
 17 A. Yes. I met with Mr. Schmidt.  
 18 Q. When did you meet with Mr. Schmidt?  
 19 A. Yesterday afternoon.  
 20 Q. Approximately how long was that meeting with  
 21 Mr. Schmidt?  
 22 A. One and a half hour.  
 23 Q. Besides you and Mr. Schmidt, was anybody else  
 24 at that meeting yesterday?  
 25 A. No.

1 Q. Did you review any documents at that meeting?  
 2 A. Yes.  
 3 Q. What documents did you review?  
 4 MR. SCHMIDT: Objection. I instruct the  
 5 witness not to answer as privileged.  
 6 BY MR. GRAY:  
 7 Q. Did you speak with anyone else besides  
 8 Mr. Schmidt about your deposition here today?  
 9 A. No.  
 10 MR. GRAY: I'll have the court reporter mark as  
 11 Exhibit 213.  
 12 (Exhibit 213 marked)  
 13 MR. SCHMIDT: Does this take off where  
 14 Mr. Ackerman's deposition exhibit left off?  
 15 MR. GRAY: This takes off where Mr. Fitton's  
 16 exhibits took off.  
 17 MR. SCHMIDT: Okay. So you guys are sort of  
 18 going in line by left off Ackerman, or --  
 19 MR. GRAY: I believe Mr. Fitton's exhibits  
 20 started at 201 through 212, and so that's why we're  
 21 continuing with 213.  
 22 MR. SCHMIDT: Well, Mr. Ackerman's  
 23 deposition --  
 24 MR. GRAY: I'm sorry, Mr. Fitton's deposition.  
 25 MR. SCHMIDT: -- was in the interim.

1 MR. GRAY: Yes. And I believe there may have  
 2 been a miscommunication regarding his deposition. If I  
 3 remember correctly, his deposition exhibits may have  
 4 started at Exhibit 1.  
 5 MR. SCHMIDT: Okay.  
 6 MR. GRAY: So I want to try to keep us on  
 7 track.  
 8 MR. SCHMIDT: Okay.  
 9 MR. GRAY: Since Mr. Fitton's and  
 10 Mr. Ackerman's depositions were happening at the same  
 11 time.  
 12 MR. SCHMIDT: In the attempt to make it  
 13 easiest, it's quickly getting complexer.  
 14 Okay. That makes sense. Thanks.  
 15 BY MR. GRAY:  
 16 Q. So, Dr. Petrovic, you've been handed  
 17 Exhibit 213. Have you seen this exhibit before?  
 18 A. No.  
 19 Q. If you look at the first page of Exhibit 213,  
 20 it reads, Mobile Telecommunications Technologies, LLC  
 21 versus Leap Wireless international, Inc. and Cricket  
 22 Communications, Inc. Do you see that at the top?  
 23 A. At the top Leap Wireless International and  
 24 Cricket, yeah.  
 25 Q. When did you first learn about this litigation

1 between Mobile Telecommunications Technologies, LLC and  
 2 Leap and Cricket?  
 3 A. A couple of weeks ago.  
 4 Q. What were the circumstances of that?  
 5 A. I was informed by the law firm that deposition  
 6 is pending, and they asked me if they -- if I would like  
 7 to have them represent me, and I agreed.  
 8 Q. Do you have a written agreement with the Reed &  
 9 Scardino law firm to represent you for this deposition?  
 10 A. I think I do, but I'm not quite sure.  
 11 Q. Have you been retained by the Reed & Scardino  
 12 law firm in connection with this particular litigation  
 13 involving Leap and Cricket?  
 14 A. No.  
 15 Q. Have you been retained by the Reed & Scardino  
 16 law firm in connection with any other litigations?  
 17 A. No.  
 18 Q. Have you been retained -- well, actually,  
 19 stepping back.  
 20 I'm going to be referring to MTel today as  
 21 Mobile Telecommunications Technologies. Do you  
 22 understand that?  
 23 A. Yes.  
 24 Q. Have you been retained by MTel, LLC in  
 25 connection with this litigation against Leap and

1 Cricket?

2 A. Can you help me define "retained," what  
3 "retain" means?

4 Q. Sure. Do you have any agreement with MTel,  
5 LLC, for you to perform any work relating to this  
6 litigation between MTel, LLC and Leap and Cricket?

7 A. No.

8 Q. How about any other litigation involving MTel,  
9 LLC?

10 A. No.

11 Q. So just to be clear, you have not been retained  
12 in this litigation to provide any opinions with respect  
13 to patent infringement; is that right?

14 A. That's right.

15 Q. You have not been retained in this litigation  
16 to provide any opinions with respect to validity of  
17 patents; is that right?

18 A. That's right.

19 Q. And you have not been retained in this  
20 litigation to provide any opinions with respect to  
21 damages; is that correct?

22 A. Correct.

23 Q. Have you ever served as an expert in any  
24 litigation?

25 A. No.

1 A. I was first assistant and then professor at  
2 University of Nis.

3 Q. How long were you a professor there?

4 A. Until 1989.

5 Q. What was the focus of your work while you were  
6 a professor there?

7 A. It was department of telecommunication --  
8 telecommunications, and I was chair of the department by  
9 the end of the tenure.

10 Q. During that time were you performing any  
11 specific research in the field of telecommunications?

12 A. A few different projects. So one is -- was  
13 related to optical fibers. Another was related to data  
14 communication particles. Yeah, that's the two main  
15 focuses, yeah.

16 Q. What was your next job after that?

17 A. After that I moved to University of Mississippi  
18 in Oxford, Mississippi. And there I was accepted again  
19 as an expert in optical fiber communications. But when  
20 I arrived there, I realized that there is not a lot of  
21 opportunities for research in this field at the  
22 University of Mississippi. And there are opportunities  
23 of research in the field of wireless communication. So  
24 I decided to switch.

25 And that's where we started a project with the

1 Q. Do you know a gentleman by the name of Andrew  
2 Fitton?

3 A. No.

4 Q. Never spoken with Mr. Fitton before?

5 A. Don't recall the name.

6 Q. Do you know a gentleman by the name of Michael  
7 Carper?

8 A. No, I don't recall the name.

9 Q. So you've never spoken with Mr. Carper before,  
10 to your knowledge?

11 A. I cannot recall.

12 Q. Could you please describe your educational  
13 background?

14 A. My background is electrical engineering. And I  
15 got Ph.D. from University of Nis in Serbia. And yes,  
16 that's my background.

17 Q. When did you receive your Ph.D.?

18 A. I believe it's 1979.

19 Q. Did you have any particular focus while you  
20 were receiving your Ph.D. in any area specifically in  
21 electrical engineering?

22 A. Yes. I received Ph.D. by studying optical  
23 fiber communications.

24 Q. What was your first job after you received your  
25 Ph.D. in 1979?

1 MTel company in two-way paging. And that's where we  
2 created patents, and you know, we had success in getting  
3 pioneer preference from FCC for our project on two-way  
4 paging. And yeah, I did a couple other projects while  
5 being at University of Mississippi, but this was the  
6 main project.

7 Q. How long were you at the University of  
8 Mississippi working as a professor?

9 A. So since 1989 until early 1997.

10 Q. Besides the project that you just mentioned  
11 with MTel, what other major projects did you work on  
12 while you were at the University of Mississippi?

13 A. I recall one significant project, which is with  
14 Checkpoint, and it was about RF tags.

15 Q. What is Checkpoint?

16 A. Checkpoint is a company that sponsored this  
17 project. And they did, you know, those tags that you  
18 put on products that could be read using wireless  
19 communication.

20 Q. What was your role in that project?

21 A. I participated in research and design of those  
22 RF tags and particles for, you know, wireless  
23 communication that enabled those tags to be read from a  
24 bunch of products that are placed in a cart. So you  
25 don't need to take products from the cart in order to

1 read the tags and list the products that are in your  
2 cart.

3 Q. So a few minutes ago you mentioned a project  
4 with MTel involving a two-way paging system; is that  
5 right?

6 A. Yes.

7 Q. Can you please describe the work that you  
8 performed on that project.

9 A. On that project, the objective was -- you know,  
10 MTel at that time had paging networks nationwide, but  
11 they ran out of capacity. So that traffic in the  
12 network was too high. So they had run into delays and  
13 stuff. So they asked us to improve throughputs in  
14 paging networks.

15 And the objective of this project was to design  
16 a new network that would have higher throughput and  
17 better spectrum utilization, that is with a given  
18 channel bandwidth to send more bits than existing  
19 networks.

20 And to utilize nationwide network better.  
21 Original network would send the same messages nationwide  
22 even though a device is located in some particular  
23 location.

24 So we designed this two-way paging so that you  
25 can send messages locally, not nationwide.

1 A. I'm not quite sure, but I think it was Bill  
2 Hays. But maybe some other people.

3 Q. Were you ever employed by MTel?

4 A. I was never employed directly, but they  
5 sponsored research. And, for example, I was, you know,  
6 ten -- nine-month employee of the university. And  
7 during summer months I was receiving basically salary  
8 based on this project from University of -- from MTel.

9 Q. So you were paid by MTel for some of the work  
10 that you performed on this project?

11 A. But it was through the university. So they  
12 paid for the project, and then from the project I drew  
13 my salary, yes.

14 Q. Did that project have a lab associated with it?

15 A. Yes.

16 Q. Can you describe that lab for me?

17 A. We called it Wireless Communication Lab. And  
18 it was located in NCPA building, National Center for  
19 Physical Acoustics. I'm not 100 sure what was their  
20 acronym for.

21 And MTel provided the equipment. They  
22 purchased, you know, instruments for the lab, computers,  
23 and all other stuff. And we had, you know, graduate  
24 program and graduate students working in the lab for the  
25 project. And they got scholarships based on the

1 Q. Prior to your working with MTel, is it your  
2 understanding that MTel had a one-way paging network?

3 A. Yes.

4 Q. And the focus of your work was on developing a  
5 two-way paging network?

6 A. Yes.

7 Q. When did your work with MTel start?

8 A. I'm not 100 percent sure, but it was early in  
9 my work in the University of Mississippi. Probably 1990  
10 or 1991. I'm not 100 percent sure.

11 Q. Do you recall approximately how long that  
12 project lasted with MTel?

13 A. Yeah, I think it lasted until 1995 or 1996.  
14 I'm not 100 percent sure either.

15 Q. How did you first learn of MTel?

16 A. I learned of MTel in a meeting that was held at  
17 University of Mississippi. Apparently they had some  
18 ongoing cooperation, MTel and the university. And in  
19 this meeting I met representatives of MTel, and we  
20 discussed mutual interests. And I realized that they  
21 are helping University of Mississippi, sponsoring  
22 projects, and that I had an opportunity to ask them for  
23 additional projects.

24 Q. Who did you meet with at this meeting that was  
25 a representative from MTel?

1 project.

2 Q. Was the lab open to the public while you were  
3 working on it with MTel?

4 A. No.

5 Q. Who was the lab open to?

6 A. Students and staff.

7 Q. All students and staff, or students and staff  
8 working on the project?

9 A. I think students and staff working on the  
10 project, yes.

11 Q. For this project you were working on with MTel,  
12 who did you work with at MTel?

13 A. At MTel? There was another consultant that  
14 worked for MTel, not employee of MTel, Walt Roehr. And  
15 there were a number of MTel people: Dennis Cameron,  
16 Bill Hays, Kunio Tano, and so on.

17 Q. You mentioned Walt Roehr?

18 A. Yes.

19 Q. Do you recall what Mr. Roehr's responsibilities  
20 were for this project?

21 A. I don't know exactly responsibilities. He was  
22 a consultant of MTel. He had his own company. And he  
23 was major participant in the project in design, and  
24 testing experiments, so on. So he had a major role in  
25 this project.

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