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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MOBILE TELECOMMUNICATIONS
TECHNOLOGIES, LCC,

Plaintiff,

vs. CASE NO. 2:14-cv-
 00897-RSP

AT&T MOBILITY & AT&T INC.,

Defendants.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF
RADE PETROVIC

October 22, 2015
9:06 a.m.

750 B Street
Suite 2900
San Diego, California

Renee Kelch, RPR, CLR, CSR No. 5063

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20 Also Present:

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23 Duane Morris LLP

24

25

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1 INDEX TO EXAMINATION

2 WITNESS: RADE PETROVIC

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4 EXAMINATION PAGE

5 BY MS. SANGALLI 7

6 BY MR. WYSS

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1 INDEX TO EXHIBITS

2 EXHIBITS DESCRIPTION MARKED

3 Exhibit 1 Deposition subpoena 12

4 Exhibit 2 US Patent Number 5,590,403 17

5 Exhibit 3 Proposal to MTel, Inc., by the 30

6 Center for Telecommunications at

7 The University of Mississippi,

8 dated August 1991

9 Exhibit 4 Proposal to MTel, Inc., by the 43

10 Center for Telecommunications at

11 The University of Mississippi,

12 dated May 1992

13 Exhibit 5 Proposal to MTel, Inc., by the 61

14 Center for Telecommunications at

15 The University of Mississippi,

16 dated May 1993

17 Exhibit 6 Proposal cover sheet, and 68

18 Proposal to MTel, Inc., by the

19 Center for Telecommunications at

20 The University of Mississippi,

21 dated February 1993

22 Exhibit 7 Proposal cover sheet, and 69

23 Proposal to MTel, Inc. By the

24 Center for Telecommunications at

25 The University of Mississippi,

 dated May 1993

Exhibit 8 Proposal cover sheet, and 74

 Proposal to MTel, Inc., by the

 Center for Telecommunications at

 The University of Mississippi,

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4	Exhibit 13 US Patent Number 5,915,210	100
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6	Exhibit 15 US Patent Number 5,659,891	120
7	Exhibit 16 Document titled, "Permutation Modulation for Advanced Radio Paging"	125
8	Exhibit 17 Document titled, "Multicarrier Permutation Modulation for Narrowband PCS"	
9	Exhibit 18 Document titled, "Multicarrier Modulation for Narrowband PCS"	
10	Exhibit 19 Deposition transcript of Rade Petrovic, Ph.D., taken on May 1, 2014	
11	Exhibit 20 Deposition transcript of Rade Petrovic, taken on April 3, 2015	
12	(Original exhibits attached to original transcript)	
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1 RADE PETROVIC,

2 having been first duly sworn, testifies as follows:

3

4 EXAMINATION

5 BY MS. SANGALLI:

6 Q. Good morning.

7 A. Good morning.

8 Q. Could you please state your full name for the

9 record?

10 A. Rade Petrovic. Do you want spelling?

11 Q. Okay. And you live here in San Diego; right?

12 A. Yes.

13 Q. And you work here in San Diego --

14 A. Yes.

15 Q. -- now?

16 And one thing I'm noticing a little bit here

17 already before we're getting into it is that we're

18 having a little bit of tendency to talk over each other.

19 So just, you know, make sure that you let me ask my

20 question, and then you can provide your response, so the

21 court reporter stays happy and can get everything down.

22 A. Okay.

23 Q. You've been deposed before; correct?

24 A. Correct.

25 Q. And I know it's been probably several times

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1 DEPOSITION OF RADE PETROVIC

2 OCTOBER 22, 2015

3

4 THE VIDEOGRAPHER: Good morning. This is Tape

5 Number 1 to the videotaped deposition of Rade Petrovic,

6 in the matter of Mobile Technologies, LLC, et al.,

7 versus AT&T Mobility, et al., being heard before United

8 States District Court, Eastern District of Texas, Case

9 File 2:14-cv-00897-RSP.

10 This deposition is being held at Duane Morris

11 LLP, located at 750 B Street, Suite 2900, in San Diego,

12 California, 92101, on the date of October 22nd, 2015, at

13 the time of 9:06 a.m.

14 My name is Isaac Orihuela. I'm the

15 videographer. The court reporter is Renee Kelch.

16 Counsel, will you please introduce yourselves

17 and affiliations, and then the witness will be sworn.

18 MS. SANGALLI: Diana Sangalli, with Duane

19 Morris, on behalf of the Defendant AT&T. And with me by

20 telephone is Tom Sankey, also with Duane Morris.

21 MR. WYSS: Nicholas Wyss on behalf of the

22 Plaintiff Mobile Telecommunications Technologies LLC,

23 and representing the witness.

24 THE VIDEOGRAPHER: Thank you. The court

25 reporter can now administer the oath.

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1 that you've been deposed, but could you tell me when the

2 last time you were deposed?

3 A. Last time was in spring. I don't know the --

4 forgot dates.

5 Q. And was that in connection with a patent

6 litigation involving the plaintiff in this lawsuit,

7 MTel?

8 A. Yes.

9 Q. And was that also involving Cricket, perhaps;

10 do you recall?

11 A. No.

12 Q. Okay. So you don't know who the defendant in

13 that lawsuit --

14 A. No.

15 Q. -- was?

16 And before -- so the spring of this year, you

17 think it was?

18 A. Uh-huh.

19 Q. And before the spring of this year, when was

20 the last time you were deposed?

21 A. Fall last year.

22 Q. Okay. And do you recall what matter that was?

23 A. It was same plaintiff, but I don't remember

24 exactly what -- who was the defendant.

25 Q. Okay. And I assume before then you were

2 (Pages 5 to 8)

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1 deposed on other occasions too --
 2 A. Yes.
 3 Q. -- in advance of fall, 2014?
 4 Do you remember when that was?
 5 A. No. I know that I was deposed -- Apple and
 6 Samsung were defendants, but I forgot when.
 7 Q. Okay. Apple, it was?
 8 A. Uh-huh.
 9 Q. And Samsung?
 10 A. Uh-huh.
 11 Q. Were there any others, depositions that you
 12 recall in connection with the plaintiff in this lawsuit?
 13 A. No.
 14 Q. Okay. Have you been deposed in any other
 15 matters?
 16 A. Yes.
 17 Q. What matters were those?
 18 A. That was matters concerning my current company,
 19 Verance.
 20 Q. Did that have to with a patent lawsuit also?
 21 A. Yes.
 22 Q. Do you recall approximately when that
 23 deposition occurred?
 24 A. It was 2001 or '2, something like this.
 25 Q. Okay. And other than that deposition, have

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1 there been any other occasions when you've been deposed?
 2 A. No.
 3 Q. Okay. I'm going to be asking you questions
 4 today mostly regarding your relationship in the 1990s
 5 with a different MTel company, which was MTel, Inc. I'm
 6 going to attempt to refer today to that MTel, Inc., as
 7 MTel. And when I'm referring to the different MTel,
 8 which is the plaintiff in this lawsuit, I will clarify
 9 when I'm referring to that MTel as being the plaintiff
 10 in this lawsuit. Is that okay?
 11 A. Okay.
 12 Q. If there's any point where you are unclear
 13 about which MTel I'm referring to, if you could let me
 14 know, I would appreciate that. Is that okay?
 15 A. Okay.
 16 Q. Now, you understand that you're under oath
 17 today; right?
 18 A. Yes.
 19 Q. And that you should testify today just as if
 20 you were testifying before a jury and a court; right?
 21 A. Right.
 22 Q. Okay. Is there any reason why you cannot give
 23 full and accurate testimony today?
 24 A. No.
 25 Q. No medications or any issues --

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1 A. No.
 2 Q. -- that would prevent you?
 3 A. No.
 4 Q. Just a couple other ground rules I'll just go
 5 over to make sure that we're on the same page. We've
 6 already talked about trying not to talk over each other.
 7 I also would ask that your answers always be
 8 verbal. No shaking the head yes or no. Because again,
 9 the court reporter can't record shakes of the heads. Is
 10 that okay?
 11 A. Okay.
 12 Q. Okay. And if you don't understand a question
 13 I'm asking, if you could let me know, I'd appreciate
 14 that. Is that fine?
 15 A. Okay.
 16 Q. And if you don't, otherwise I'm going to assume
 17 that you understood what I asked. Okay?
 18 A. Okay.
 19 Q. Okay. If you need a break, let me know. I'll
 20 try to break probably about every hour or so. If -- you
 21 know, I know that you have a time constraint today. I
 22 don't think that's going to be an issue. But as long as
 23 you're willing to keep going without a break, that's
 24 fine with me too. So just let me know if there comes an
 25 occasion when you need a break.

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1 A. Okay.
 2 Q. Okay.
 3 (Exhibit 1 marked)
 4 BY MS. SANGALLI:
 5 Q. I'm going to hand you the first exhibit which
 6 I've marked as Exhibit 1. And we've got a really big
 7 table here.
 8 Exhibit 1 is a subpoena to testify. Have you
 9 seen this document before?
 10 A. No.
 11 Q. You have not?
 12 A. No.
 13 Q. Were you aware that AT&T had served a subpoena
 14 asking you to both testify and produce documents in this
 15 litigation?
 16 A. Yes.
 17 Q. And when did you first become aware that
 18 subpoena had been issued?
 19 A. I don't remember. It was relatively soon. Two
 20 weeks ago. Something like this.
 21 Q. Two weeks ago?
 22 A. Yes.
 23 Q. Okay. And was that the first time that you.
 24 Were aware of this particular lawsuit involving
 25 AT&T?

3 (Pages 9 to 12)

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1 A. I think so.
 2 Q. Okay. And if you need a moment to look through
 3 the subpoena, that's fine. But do you understand that
 4 the subpoena is asking you to provide both testimony and
 5 to produce documents?
 6 A. Yes. I'm aware of this fact from previous
 7 depositions.
 8 Q. Okay. But you haven't looked at this
 9 particular --
 10 A. No --
 11 Q. -- subpoena?
 12 A. -- I haven't.
 13 Q. Did you bring any documents with you today?
 14 A. No.
 15 Q. Did you provide any documents to counsel in
 16 response to the subpoena?
 17 A. To this subpoena? No.
 18 Q. Did you look for any documents?
 19 A. I did.
 20 Q. You did look for documents?
 21 A. For previous depositions.
 22 Q. Okay.
 23 A. I searched my files and I didn't find any
 24 documents related to this case.
 25 Q. Okay. Did you look for -- and the document

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1 agreements between you and MTel related to the two-way
 2 project?
 3 A. Yes, I looked for, and I didn't find any.
 4 Q. Did you look for any reports that you had
 5 prepared in connection with the two-way paging project?
 6 A. I looked for, and didn't find any.
 7 Q. And again, what you searched was your computer;
 8 right?
 9 A. Computer and file folders, papers.
 10 Q. In connection with your deposition today, did
 11 you do any preparation?
 12 A. We had a meeting last night, and we went over
 13 some of the papers, yes.
 14 Q. Who did you meet with?
 15 A. Nick. Nick Wyss -- Wyss.
 16 Q. Anyone else?
 17 A. No.
 18 Q. Anybody attend by telephone?
 19 A. I did talk this morning with Daniel Scardino.
 20 Q. Okay. And was there anyone else besides Daniel
 21 on the telephone?
 22 A. No.
 23 Q. So you have talked Nick and to Daniel --
 24 A. Yes.
 25 Q. -- to prepare?

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1 request in this case may be a little bit different than
 2 what you were asked for in previous cases. Did you
 3 search your files for any documents related to your
 4 relationship with the University of Mississippi?
 5 A. No, I did not.
 6 Q. Did -- so when you looked for documents before,
 7 what documents did you look for?
 8 A. I looked for documents that were related to the
 9 project, two-way paging project, or whatever it's called
 10 at that time. And that's what I didn't find.
 11 Q. Okay. Were you looking for papers that you had
 12 published?
 13 A. Papers, yes.
 14 Q. Okay.
 15 A. I looked computer drives also.
 16 Q. Okay.
 17 A. I looked for papers that I published too, yes.
 18 And I did look one or two of them.
 19 Q. You found one or two papers?
 20 A. Yeah.
 21 Q. Okay. And you provided those papers to
 22 counsel?
 23 A. I probably provided titles, and you know, not
 24 papers themselves. But publication details.
 25 Q. Okay. Did you find any -- did you look for any

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1 And how long did you meet with Nick yesterday?
 2 A. It was about one hour, or hour and a half.
 3 Q. Did you review any documents?
 4 A. Yes.
 5 Q. What documents did you review?
 6 A. Mostly was proposals that were related to this
 7 two-way paging patent that were retrieved from Ole Miss.
 8 Q. And those would be proposals between MTel and
 9 Ole Miss?
 10 A. Yes, I think so.
 11 Q. Were there any other documents that you
 12 reviewed besides the proposals?
 13 A. I think there was another document that I
 14 recall that was, I think, titled "Power of Attorney"
 15 document that was related to, I believe, submitting the
 16 patent to patent office.
 17 Q. Okay. Any others that you can recall?
 18 A. No.
 19 Q. Did you review any documents that to your
 20 knowledge have not been produced in this litigation?
 21 A. Don't quite understand question.
 22 Q. Did any -- to your knowledge, have all the
 23 documents -- were all the documents that you reviewed in
 24 preparation for your deposition, had those documents
 25 already been provided to AT&T, to your knowledge?

4 (Pages 13 to 16)

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1 A. I don't --
 2 MR. WYSS: Objection form.
 3 THE WITNESS: I don't know.
 4 BY MS. SANGALLI:
 5 Q. Okay. Do you have a written agreement with
 6 Reed & Scardino where they've agreed to represent you in
 7 this deposition?
 8 A. I think so.
 9 (Exhibit 2 marked)
 10 BY MS. SANGALLI:
 11 Q. I've handed you what I marked as Exhibit
 12 Number 2. It is -- it's a document that bears Bates
 13 Numbers MTEL-ATT 35232 through 233. Do you recognize
 14 this document?
 15 A. Yes.
 16 Q. Is this the agreement that you were referring
 17 to?
 18 A. Yes.
 19 Q. Do you know when you entered into this
 20 agreement with Reed & Scardino?
 21 A. I'm not sure. This document was first
 22 exchanged some time ago but actually not signed until,
 23 you see, relatively recently. Signed on August 21st,
 24 2015.
 25 Q. Okay.

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1 A. But I think I seen this document in the fall
 2 last year, something like this.
 3 Q. Okay. And so you're referring to on the second
 4 page there, 233, that's your signature there --
 5 A. Yes.
 6 Q. -- on the bottom, dated August 21st of 2015?
 7 A. Uh-huh.
 8 Q. So approximately two months ago?
 9 A. Yes.
 10 Q. Okay. On the first page there's a date on the
 11 top that indicates November 25th, 2014. To your
 12 recollection, is that when you first received this
 13 letter?
 14 A. I think so, yes.
 15 Q. Okay. Is there a reason why you did not sign
 16 the letter until August of 2015?
 17 MR. WYSS: Objection. Form.
 18 THE WITNESS: I think I've signed it before and
 19 sent. But it was kind of lost, or something. Didn't
 20 get any response to this. And then again this was --
 21 this matter was raised, and then I signed it again.
 22 Something like this.
 23 BY MS. SANGALLI:
 24 Q. Okay. So your recollection is that you've
 25 signed this agreement before?

Page 19

1 A. Uh-huh.
 2 Q. Okay. And you believe that that version of the
 3 letter was lost; is that correct?
 4 A. It's -- I don't know what happened. Probably
 5 is not lost, but whoever received it didn't act
 6 upon it, so.
 7 Q. And you don't have a copy of that previous --
 8 A. I think it's the same thing.
 9 Q. But would have been signed with a date --
 10 A. Yes.
 11 Q. -- upon it?
 12 A. Yes.
 13 Q. So the same -- you would have a copy of this
 14 same letter but with your signature as of a different
 15 date; is that right?
 16 A. I think so, yes.
 17 Q. Okay. What's your understanding of what this
 18 agreement is between you and Reed & Scardino?
 19 A. Consulting agreement.
 20 Q. A consulting agreement. Consulting agreement
 21 with respect to what?
 22 A. Consulting agreement that they would represent
 23 me during deposition. And that I'm supposed to show up
 24 on depositions as required, and that I would be witness
 25 and report all that I remember about this project, and

Page 20

1 to answer truthfully to all questions. That was my
 2 understanding of this.
 3 Q. Okay. And just so that I'm clear, do you
 4 intend to -- other than the services that you just
 5 described there, showing up at a deposition and
 6 providing testimony, do you intend to offer any opinions
 7 in this lawsuit about infringement?
 8 A. No. My understanding is that I'm here witness
 9 and not expert.
 10 Q. Okay.
 11 A. So I'm not expert in this field anymore. It's
 12 been 20 years since I moved away from this field, so I
 13 cannot give opinions as an expert.
 14 Q. Okay. So likewise -- and I'd asked
 15 specifically about infringement. But likewise, you
 16 don't intend to offer any opinions about the validity of
 17 any of the patents either; is that right?
 18 A. Right.
 19 Q. Have you received any compensation as a result
 20 of this agreement?
 21 A. Yes, I have.
 22 Q. How much have you been paid?
 23 A. I don't remember.
 24 Q. Do you remember when you first were paid under
 25 this agreement?

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