CORRECTED

M2M Solutions, LLC

VS.

Motorola Solutions, Inc., et al.

Videotaped Deposition of ALON KONCHITSKY, PH.D. May 27, 2015



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Alon Konchitsky, Ph.D.

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

		Page 1			Page 2
1	IN THE UNITED STATES		1	IN THE UNITED STATES	
2	FOR THE DISTRICT O	F DELAWARE	2	FOR THE DISTRICT O	F DELAWARE
3	M2M SOLUTIONS LLC, a Delaware)	4	M2M SOLUTIONS LLC, a Delaware)
	limited liability company,)	1	limited liability company,)
5)	5)
	Plaintiff,)		Plaintiff,)
6)	6)
	vs.) C.A. No. 12-033-RGA		vs.) C.A. No. 12-033-RGA
7	MOTOROLA COLUTIONS ING)	7	NOTIODOL & GOLUTIONS ING)
8	MOTOROLA SOLUTIONS, INC., a Delaware corporation, TELIT)	8	MOTOROLA SOLUTIONS, INC., a Delaware corporation, TELIT)
	-)		COMMUNICATIONS PLC, a United)
9	Kingdom public limited company,)	9	Kingdom public limited company,)
	and TELIT WIRELESS SOLUTIONS)		and TELIT WIRELESS SOLUTIONS)
10	INC., a Delaware corporation,)	10	INC., a Delaware corporation,)
11	Defendants.)	11	Defendants.)
))
12			12		
13 14			13 14		
14	VIDEOTAPED DEPOSITION OF A	LON KONCHITSKY PH D	15	Videotaped deposition of	ALON KONCHITSKY
16	Palo Alto, Ca			PH.D., taken on behalf of the Tel	
17	Wednesday, May		17	law offices of Paul Hastings LLP,	
18			18	California Avenue, Palo Alto, Cal	ifornia 94304, on
19			19	Wednesday, May 27, 2015, beginnin	
20			20	ending at 7:07 p.m., before Hanna	
21 22			21	LiveNote Reporter, Certified Shor No. 13083.	thand Reporter, CSR
22	Reported By:		22	NO. 15085.	
24			24		
25	Job No.: 10016566		25		
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1	APPEARANCES OF CO	Page 3	1	APPEARANCES OF COUNSEL	Page 4 (CONTINUED)
1 2	APPEARANCES OF CO		1 2	APPEARANCES OF COUNSEL	
	APPEARANCES OF CO For Plaintiff M2M Solutions LLC:			APPEARANCES OF COUNSEL For Defendants Enfora and the Nov	(CONTINUED)
2			2		(CONTINUED)
2 3 4	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP	UNSEL:	2 3 4	For Defendants Enfora and the Nov PAUL HASTINGS LLP	(CONTINUED) atel Wireless:
2 3 4 5	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, I	UNSEL:	2 3 4 5	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN	(CONTINUED) atel Wireless: , ESQ.
2 3 4 5 6	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, 1 111 Huntington Avenue	UNSEL: ESQ.	2 3 4 5 6	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN (Appearing by Telephone	(CONTINUED) atel Wireless: , ESQ.)
2 3 4 5 6 7	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, 111 Huntington Avenue Boston, Massachusetts 0	UNSEL: ESQ.	2 3 4 5 6 7	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN (Appearing by Telephone 4747 Executive Drive, 1	(CONTINUED) atel Wireless: , ESQ.) 2th Floor
2 3 4 5 6 7 8	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, 3 111 Huntington Avenue Boston, Massachusetts 0 617.342.4000	UNSEL: ESQ.	2 3 4 5 6 7 8	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN (Appearing by Telephone 4747 Executive Drive, 1 San Diego, California 9	(CONTINUED) atel Wireless: , ESQ.) 2th Floor
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2 3 4 5 6 7 8 9 10	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, T 111 Huntington Avenue Boston, Massachusetts 0. 617.342.4000 mhenschke@foley.com -and-	UNSEL: ESQ. 2199-7610	2 3 4 5 6 7 8 9 10	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN (Appearing by Telephone 4747 Executive Drive, 1 San Diego, California 9	(CONTINUED) atel Wireless: , ESQ.) 2th Floor 2121
2 3 4 5 6 7 8 9 10 11	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, T 111 Huntington Avenue Boston, Massachusetts 0 617.342.4000 mhenschke@foley.com -and- BY: JEFFREY N. COSTAKO	UNSEL: ESQ. 2199-7610 S, ESQ.	2 3 4 5 6 7 8 9 10 11	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN (Appearing by Telephone 4747 Executive Drive, 1 San Diego, California 9 858.458.3025 elizabethbrann@paulhast	(CONTINUED) atel Wireless: , ESQ.) 2th Floor 2121
2 3 4 5 6 7 8 9 10 11 12	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, T 111 Huntington Avenue Boston, Massachusetts 0 617.342.4000 mhenschke@foley.com -and- BY: JEFFREY N. COSTAKO 777 East Wisconsin Avenu	UNSEL: ESQ. 2199-7610 S, ESQ. ue	2 3 4 5 6 7 8 9 10 11 12	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN (Appearing by Telephone 4747 Executive Drive, 1 San Diego, California 9 858.458.3025 elizabethbrann@paulhast For Defendant Sierra Wireless:	(CONTINUED) atel Wireless: , ESQ.) 2th Floor 2121
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, T 111 Huntington Avenue Boston, Massachusetts 0 617.342.4000 mhenschke@foley.com -and- BY: JEFFREY N. COSTAKO 777 East Wisconsin Avenu Milwaukee, Wisconsin 53 414.297.5580 jcostakos@foley.com	UNSEL: ESQ. 2199-7610 S, ESQ. ue 202-5306	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN (Appearing by Telephone 4747 Executive Drive, 1 San Diego, California 9 858.458.3025 elizabethbrann@paulhast For Defendant Sierra Wireless: NIXON PEABODY LLP BY: RONALD F. LOPEZ, E (Appearing by Telephone One Embarcadero Center San Francisco, Californ	(CONTINUED) atel Wireless: , ESQ.) 2th Floor 2121 ings.com SQ.) ia 94111
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, T 111 Huntington Avenue Boston, Massachusetts 0 617.342.4000 mhenschke@foley.com -and- BY: JEFFREY N. COSTAKO 777 East Wisconsin Aven Milwaukee, Wisconsin 53 414.297.5580 jcostakos@foley.com For Defendants Telit: PEARL COHEN ZEDEK LATZE	UNSEL: ESQ. 2199-7610 S, ESQ. ue 202-5306	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN (Appearing by Telephone 4747 Executive Drive, 1 San Diego, California 9 858.458.3025 elizabethbrann@paulhast For Defendant Sierra Wireless: NIXON PEABODY LLP BY: RONALD F. LOPEZ, E (Appearing by Telephone One Embarcadero Center San Francisco, Californ 415.984.8200	(CONTINUED) atel Wireless: , ESQ.) 2th Floor 2121 ings.com SQ.) ia 94111
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	<pre>For Plaintiff M2M Solutions LLC: FOLEY & LARDNER LLP BY: MARC N. HENSCHKE, T 111 Huntington Avenue Boston, Massachusetts 0 617.342.4000 mhenschke@foley.com -and- BY: JEFFREY N. COSTAKO 777 East Wisconsin Avenu Milwaukee, Wisconsin 53 414.297.5580 jcostakos@foley.com</pre> For Defendants Telit: PEARL COHEN ZEDEK LATZE BY: GUY YONAY, ESQ. MILO EADAN 1500 Broadway, 12th Flo New York, New York 1003	UNSEL: ESQ. 2199-7610 S, ESQ. ue 202-5306 R BARATZ LLP or	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	For Defendants Enfora and the Nov PAUL HASTINGS LLP BY: ELIZABETH L. BRANN (Appearing by Telephone 4747 Executive Drive, 1 San Diego, California 9 858.458.3025 elizabethbrann@paulhast For Defendant Sierra Wireless: NIXON PEABODY LLP BY: RONALD F. LOPEZ, E (Appearing by Telephone One Embarcadero Center San Francisco, Californ 415.984.8200 rflopez@nixonpeabody.co	(CONTINUED) atel Wireless: , ESQ.) 2th Floor 2121 ings.com SQ.) ia 94111 m

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4	EXAMINATION PAG	E	4		on the Invalidity of U.S. Patent	
5	BY MR. YONAY: 8, 253, 2	59	5		No. 8,094,010; 58 pages	
б	BY MR. HENSCHKE: 251, 257, 2	60	6	Exhibit 5	"Claim Construction Order;" 3 pages	5
7			7	Exhibit 6	"Expert Report of Dr. Seth James	7
8			8		Nielson on the Invalidity of U.S.	
9	INDEX OF EXHIBITS		9		Patent No. 8,094,010; 13 pages	
10		1	0	Exhibit 7	Copy of U.S. Patent No. 6,463,474;	8
11	DEPOSITION EXHIBITS PA	GE 1	1		24 pages	
12		27 1	2	Exhibit 8	PCT application publication number	15
13	Bates nos. M2M 0001516 through	1			WO 0017021; 20 pages	
14	'1534	1		Exhibit 9	GSM 11.14, Version 7.3.0, Release	16
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17	Savolainen Report Regarding the	1		- 1 11 1. 11	1998; 134 pages	
18	Alleged Invalidity of the '010	1		Exhibit II	GSM 07.07, Version 7.3.0, Release	1'
19	Patent;" 396 pages	1			1998; 126 pages	
20		36 2		Exhibit 12	Chapter from GSM and Personal	18
21	Konchitsky Responsive to the	2			Communications Handbook	
22	Nielson Report Regarding the		2	Original depo	osition exhibits maintained by Counse	1.
23	Alleged Invalidity of the '010	2	3			
24	Patent;" 33 pages	2	4			
25		2	5			
1	Palo Alto, California; Wednesday, May 27, 2015	age 7	1		DAN: Milo Eadan for Telit.	Pa
-			2		STAKOS: Jeff Costakos, Foley & La	rdn/
2	9:08 a.m 7:07 p.m.				STAROS. Jell Costaros, Toley & La	lune
3	DROOFERINGO			for M2M.	NCOLIKE: Mana Llanaahka, Ealay & L	
4	PROCEEDINGS		4		NSCHKE: Marc Henschke, Foley & L	arc
5					2M Solutions.	
6	THE VIDEOGRAPHER: Time on the record is		6		DEOGRAPHER: The court reporter m	nay
	9:08 a.m. Today's date is May 27th, 2015.			-	ow swear in or affirm the deponent.	
8	My name is David Manzo of Aptus Court		8		ON KONCHITSKY, PH.D.,	
	Reporting. The court reporter today is Hanna Kim of			-	administered an oath, was examined a	and
10	Aptus Court Reporting.	1	0	testified as fo		
11	This begins the video recorded deposition of		1		EXAMINATION	
12	Alon Konchitsky, testifying in the matter of M2M	1	2	BY MR. YON	IAY:	
13	Solutions, LLC versus Enfora Inc. et al, Telit et al.,	1	3	Q. Good	morning, Dr. Konchitsky.	
14	and Sierra et al., pending in the United States	1	4	A. Good	morning.	
15	District Court for the District of Delaware. The case	e 1	5	Q. How a	are you?	
16	number is 12-033-RGA. This deposition is being ta	aken 1	6	A. I'm fine	e. Thank you.	
17	at Paul Hastings, LLC in Palo Alto, California.	1	7	Q. Good		
18	The video and audio recordings will take plac	e 1	8	Have y	ou been deposed before?	
	at all times during this deposition unless all counse		9	A. Yes.		
	agree to go off the record. The beginning and end		20		So you know the ground rules, bu	ıt l'
	each video recording will be announced.			-	for you, and let me know if anythin	
22	Will counsel please identify yourselves and			unclear to y		5.
	state whom you represent.		23	A. Sure.		
<u> </u>	MR. YONAY: Guy Yonay of Pearl Cohen for		.3 24		ask you questions, and you will do	VO
		14		Sec. 1 ₩111 c	ion you questions, and you will uo	yuu
24	Telit.	-	E	hast to anou	ver them under oath. If anything in	

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· · ·	1 question is not clear to you, please let me know. If	1 A. The electrical engineering.
:	2 there's something a word that I've used or something	2 The computer science from the Academic College
:	3 in my question that you don't understand that makes you	3 of Tel Aviv University. The master's is from
	4 unable to answer the question, please let me know and I	4 Bournemouth University. The Ph.D. from Bournemouth
	5 will try to rephrase it.	5 University. And CDMA engineering from University of
	6 Is that clear?	6 California at San Diego.
	7 A. Yes, I will.	7 Q. The Academic College you mentioned where you
;	8 Q. All your answers should be verbal, meaning	8 got your computer science degree, is that Tel Aviv
	9 spoken out loud rather than by gestures, so that the	9 University?
1	0 court reporter can record your full answers.	10 A. It's the Academic College of Tel Aviv
1	1 Is that clear?	11 University. It's a college that teaches particular
1	2 A. Yes.	12 sciences of Tel Aviv University.
1	3 Q. Good.	13 Q. But that's different from the university
1	4 Can you describe briefly your educational	14 itself, right?
1	5 background?	15 A. It is located in a different place; yes.
1	6 A. Yes. I got an electrical engineering degree,	16 Q. And the university offers a bachelor's degree
1	7 then in computer science, then a master's in	17 in computer science separate from the Academic College,
1	8 management, and then a Ph.D. Also went through a	18 right?
1	9 postgraduate studies in CDMA engineering.	19 A. Yes.
2	Q. Okay. Could you tell me at which institutions	20 Q. Okay. So your degree is from the Academic
2	21 each of those were from?	21 College, not from Tel Aviv University, right?
2	22 A. Sure.	22 A. Yes.
2	The first one from Tel Aviv Institute of	23 Q. Can you describe briefly your work experience
2	24 Technology.	24 as it relates to telecommunications?
	25 Q. The first one is?	25 A. Yes. I actually went to college before
	· · · · · · · · · · · · · · · · · · ·	
	Israel Page 11 1 military service. I'm from Israel. And in Israeli,	Page 12 1 A. Yes.
	2 people need to go to military service. It's mandatory.	2 Q. And was that for telephones, mobile
	3 I have been selected out of a I would say	3 telephones?
	4 20 00 30 2000 students or or high school graduates to	4 A. Yes, Nokia mobile phones for telephones.
	5 go to college before military service, so I served as	5 Q. Did that involve machine-to-machine devices?
	6 an engineer in the air force and later in the	6 A. At the beginning, it was mainly standard,
	-	7 which is called 3 GBP2 , so did not include
	7 intelligence, so that's where I started to develop	8 machine-to-machine. 3gpp2
	8 telecommunications systems.	
	9 And later, I worked for in a few other	
	0 places, like DSB Communications, that was acquired by	10 work on developing machine-to-machine devices? Was 11 A. At Nokia, I mainly has been educated about
	1 Intel, and then I actually worked for Intel, and then	12 the machine-to-machine market and but that was in
	2 Nokia. And after that, I worked for IP valuations and	
	3 noise free wireless. And recently, Patent Hive.	13 in later stage. Yes.
	4 1 Q. In those positions you described, did you work	14 Q. So at at any of the companies that you've
	5/with programming telecommunications devices?	15 worked at, did you work with developing
	6 A. I developed telecommunication devices, yes.	16 machine-to-machine communication devices?
	7 Q. So, for example, at Nokia, did you develop	17 A. I at Nokia, I learned about the market, but
	8 telecommunications device?	18 my particular work was not very specific to
	9 A. At Nokia, I started as a system design and	19 machine-to-machine development.
	20 integration engineer, so I actually integrated	20 Q. You wrote in your report that, while you were
	1 different layers of a protocol stack.	21 at Nokia, you managed product programs that were
	Q . And that protocol stack is at the base station	22 developing machine-to-machine terminal platforms and
	23 of the mobile?	23 related software. What is that referring to?
	A. The mobile.	A. Can I see this, please?
	25 Q. In the mobile station?	25 Q. We will introduce this as an exhibit at a

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	later stage, but since you asked to refer to it to	1	Q. So I've asked you to explain what that means.
	refresh your recollection, I can point to what I was	2	A. And and in that sense, it says that "I
3	reading to, which is at page 5.		supervised the development of Nokia's mobile platforms,
4	MR. HENSCHKE: This is the		which involving C code writing," and so on and so
5	MR. YONAY: Sorry.		forth.
6	MR. HENSCHKE: OPA rebuttal invalidity	6	So in this particular part, the and for
7	report?		your question, managed product programs that were
8	MR. YONAY: Thank you.		developing machine-to-machine terminal platforms and
9	For the record, I've handed Dr. Konchitsky his		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	5		mentioned, in I think over 60 percent of the of
	different layers of the protocol stack of the 3GPB2		the market share, Nokia wasn't the one that really
	standard. 3gpp2		defined and and even led the design for their
	BY MR. YONAY:		baseband and radio chipsets.
17		17	Q. Do do you remember my question? Do you
	phones, you said, right?		understand what I'm asking you?
19		19	A. Yes. You asked
20		20	Q. I'm asking you for your experience in
	machine-to-machine platforms?		machine-to-machine communication device design based on
22			your report. I haven't heard anything you've said that
	successfully managed product programs that were		indicates experience in machine-to-machine design. So
	developing machine-to-machine terminal platforms and		what in what you did at Nokia was directed to machine-to-machine communications?
25	related software."	25	
1	Page 15 A. That was the program for developing the actual	1	Page 16 and data. And I would say that at that time frame, it
	software in the software and the hardware in		might have been able to to work in some capacity
	the in the phone itself. Those phones have the		into machine-to-machine.
	ability to be communicating with a external	4	Q. So you worked on the protocol stack that had
	terminals, and that's just been the part that was		to do with data communications, and some of that
	related to M2M.		communications was all types of data and some of it
7	Q. Did your work involve the aspect of the phones		could have been machine-to-machine communications?
8	that had to do with the machine-to-machine	8	A. That's correct.
9	functionality?	9	Q. And did the data communications exist prior to
10	-	10	the machine-to-machine applications?
11	development that has those capabilities, but not	11	A. I I don't think so. I think the data
12	in I didn't work on any machine-to-machine	12	data was so I would say it this way: I think that
13	particular solutions.	13	data and machine-to-machine has been progressed
14	Q. So nothing in what you did at Nokia was	14	together.
15	specifically directed to machine-to-machine	15	Q. Is an SMS message a type of data
16	communications?	16	communication?
17	A. No. It was able to support it, but not	17	A. It depends when. In sometimes data could
18	directly to machine-to-machine.	18	be could be over a voice communication. That's how
19	Q. And what you did at Nokia was able to support	19	they start standards has been.
20	machine-to-machine in the same way that it supported	20	MR. YONAY: Could you read back my question,
21	voice communications?		please?
22	A. I mainly focused on on data communications.	22	BY MR. YONAY:
1	-		
	So to that extent, I would say no. No, because voice	23	Q. Again, if you don't understand my question,
24	-		Q. Again, if you don't understand my question,let me know and I'll rephrase it.A. Okay.

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