

London, UK

Page 1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF DELAWARE 3 4 5 M2M SOLUTIONS, LLC, a Delaware 6 limited liability company,) C.A. NO.) 1:12-cv-032-RGA 7 Plaintiff, 8 -vs-9 ENFORA, INC., a Delaware corporation, NOVATEL WIRELESS SOLUTIONS, INC., a Delaware 10 corporation, and NOVATEL WIRELESS 11 INC., a Delaware corporation, 12 Defendants. 13 14 15 16 VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION 17 OF 18 EVELINE WESBY-van=SWAAY 19 on Tuesday, January 21, 2014 20 commencing at 9:12 a.m. 21 Taken at the offices of: K&L Gates LLP 22 One New Change London EC4M 9AF 23 United Kingdom 24 25 Reported by: Thelma Harries, MBIVR, ACR



	Page 2		Page	4
1	SS: NAFTA:	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Deponent Page DR. EVELINE WESBY-van-SWAAY CROSS-EXAMINATION BY MS. HAYES 7 CROSS-EXAMINATION BY MR. RUSNAK 131 CROSS-EXAMINATION BY MR. WASSERMAN 159 CROSS-EXAMINATION BY MS. WU 225 CROSS-EXAMINATION BY MR. LOEWENSTEIN 237 DIRECT EXAMINATION BY MR. HENSCHKE 301	06
1 APPEARANCES, co. 2 3 4 On behalf of the Defendant, 5 Kowatec Corporation: ANOVA LAW GROUP, PLLC 6 21351 Gentry Drive, Suite 150 Sterling 7 VA 20166 Tel: 703.430.5759 8 Fax: 703.865.6569 e-mail: sherry.wu@anovalaw. BY: SHERRY WU, ESQ. 10 On behalf of the Defendants, Motorola & Telit: PEARL COHEN ZEDEK LAT 12 1500 Broadway New York 13 NY 10036 Tel: 646.878.0806 14 e-mail: DLoewenstein@Pearl- BY: DAVID A. LOEWEN: 15 Alena Onis Videographer 17 18 In attendance: 19 Philip Wesby Corporate representative of M: 20 21 Liz Dawson (Afternoon only) Partner 22 Pearl Cohen Zedek Latzer Bar	COM TZER BARATZ LLP Cohen.com STEIN, ESQ.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Exhibits Marked During This Deposition: Exhibit No. Description Page 1: Nokia Card Phone 1.0 57 2: Mobile phone 64 3: U.S. Patent 8,094,010 66 4: M2M Solutions LLC's First 89 Supplemental Responses and Objections to Defendant's First Set of Collective Interrogatories to Plaintiff regarding ownership and inventorship 5: Plaintiff M2M Solutions, LLC's 115 Supplemental Responses and Objections to Defendant's First Set of Common Interrogatories (Nos. 6-10) 6: Siemens M20/M20 Terminal 200 Cellular Engine. Bates Number DEPPRIORART 002494 to 2690 7: Bates Number M2M0004918 to 4919	
22 Pearl Conen Zedek Latzer Bar. 23 * * * 24 25	ac or lli	24 25	l .	

2 (Pages 2 to 5)



	Page 6		Page 8
1	VIDEOGRAPHER: We are now on the	1	A The address is Camden House, which is
2	record in the matter of M2M Solutions, LLC versus	2	in School Lane in Tiddington, Stratford-upon-Avon
3	Enfora, Inc. et al.	3	in the UK.
4	Today's date is Tuesday,	4	Q Thank you. So you understand that
5	21st January, 2014 and the time is 9:12.	5	you're under oath today?
6	This is the video recorded deposition	6	A I do.
7	of Mrs. Eveline Wesby-van-Swaay being taken at the	7	Q And your testimony in this deposition
8	offices of K&L Gates, LLP, One New Change, London,	8	will have the same legal effect as testimony in a
9	EC4M 9AF.	9	trial?
10	I'm the camera operator. My name is	10	A Yes, I do.
11	Alena Onis in association with Alderson Reporting.	11	Q And you understand that your
12	The court reporter is Thelma Harries also in	12	testimony in this deposition may be read to the
13	association with Alderson Reporting.	13	jury or used in other proceedings in this lawsuit?
14	Will all the attorneys please	14	A Yes.
15	identify themselves and the parties they represent	15	Q Thank you.
16	beginning with the party noticing this proceeding.	16	I will be asking you a series of
17	MR. HENSCHKE: Good morning. I'm	17	questions and, for purposes of the transcript and
18	Marc Henschke here on behalf of the plaintiff,	18	the court reporter, we ask that you, please, make
19	M2M Solutions, LLC, and I also have with me here in	19	your responses verbal, so, instead of nodding,
20	the deposition this morning the corporate	20	actually saying yes or no.
21	representative of M2M Solutions, Mr. Philip Wesby.	21	A Yes, I understand.
22	MS. HAYES: Jennifer Hayes from Nixon	22	Q And if you don't hear a question that
23	Peabody for Sierra Wireless.	23	I ask you, please ask me to repeat it, and, if you
24	MR. RUSNAK: Eric Rusnak for Enfora,	24	don't understand a question, please ask me to
25	Inc. and Novatel Wireless, Inc.	25	rephrase it.
	Page 7		Page 9
1	MR. LOEWENSTEIN: David Loewenstein	1	A Okay.
2	MR. LOEWENSTEIN: David Loewenstein for the Telit parties and Motorola.	2	A Okay. Q Please also wait until I finish my
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Page 10 Page 12 MR. HENSCHKE: Instruct the witness 1 That is correct. 1 A 2 You did not invent GPRS, correct? 2 not to answer. 3 3 Α That is correct. BY MS. HAYES: 4 4 Q Dr. Wesby, CDMA was known prior to Q You did not invent SMS, correct? the filing date of your Programmable Communicator 5 A That's correct. 5 6 You did not invent CDMA, correct? 6 patent, correct? Q 7 7 A That's correct. A That's correct. 8 MR. HENSCHKE: I'm going to object 8 And, for the record, you agree that 9 and instruct the witness not to answer these 9 the Programmable Communicator patent is US Patent 10 10 Number 8,094,010, correct? questions any further. 11 11 MR. HENSCHKE: If you need to see the These questions, clearly, address the 12 issue of inventorship, which was already covered at 12 document, please ask for it. 13 the previous deposition in August of 2012, and, 13 THE WITNESS: Can -- can you repeat 14 according to the Court's scheduling order, the 14 the question in full, please? 15 15 BY MS. HAYES: defendants are not permitted today to return to the 16 same topics that were previously covered. 16 Q You agree that the Programmable 17 Inventorship, obviously, was the main 17 Communicator patent is US Patent Number 8,094,010, 18 topic covered at that time. These questions are, 18 correct? 19 therefore, duplicative of inventorship topics and 19 A Yes. 20 20 Q Okay. Dr. Wesby, you did not invent the witness will not answer any further questions 21 of this nature, and I'm instructing her as such. 21 GPS, correct? 22 22 MR. HENSCHKE: Objection. Instruct MS. HAYES: We disagree with that 23 23 statement. We believe that these questions are the witness not to answer. 24 relevant to what existed in the prior art and are 24 BY MS. HAYES: 25 unrelated to inventorship. We believe that these 25 Q Dr. Wesby, GPS was known prior to the Page 13 Page 11 1 questions are appropriate. 1 filing date of your Programmable Communicator 2 2 MR. HENSCHKE: Your questions are patent, correct? 3 being directly phrased in terms of what Dr. Wesby 3 A Correct. 4 invented. You could not possibly be more clearly 4 Dr. Wesby, you did not invent the use 5 asking questions about inventorship and, if the 5 of GPS in wireless communications, correct? 6 questions are going to be anything along those 6 MR. HENSCHKE: Objection. Instruct 7 lines, she's going to be instructed not to answer. 7 the witness not to answer. 8 8 MR. LOEWENSTEIN: I'll just kick in. BY MS. HAYES: 9 9 I don't know if you can hear me. But these Q Dr. Wesby, the use of GPS in wireless 10 10 questions are related to invalidity, which is communications was known prior to the filing of different than what we talked about last time which your Programmable Communicator patent, correct? 11 11 12 related to inventorship. 12 MR. HENSCHKE: If you know, you can 13 13 So you can instruct her not to answer. 14 answer, but she'll be back in Delaware pretty soon. 14 THE WITNESS: Yes, it was. 15 MR. HENSCHKE: The question is -- is 15 BY MS. HAYES: 16 16 directly a question as to whether she invented Q Dr. Wesby, you did not invent 17 something and, clearly, is a question on 17 packet-switched data networks, correct? 18 inventorship. And if it's going to be put in those 18 MR. HENSCHKE: Objection. Instruct 19 terms, she's not going to answer the questions or 19 the witness not to answer. 20 20 any other like those. BY MS. HAYES: 21 21 MR. LOEWENSTEIN: Well, you can do Q You did not invent packet-switched 22 what you want. I guess we'll just press ahead. 22 data networks? 23 BY MS. HAYES: 23 MR. HENSCHKE: Objection. Instruct 24 24 Q Dr. Wesby, you did not invent CDMA, the witness not to answer. 25 correct? 25

4 (Pages 10 to 13)



Page 14 Page 16 BY MS. HAYES: 1 and the topic of whether Dr. Wesby knew whether or 1 2 2 Q Dr. Wesby, packet-switched data not coded numbers and authentication were used 3 3 networks were known prior to the filing of your with wireless devices was directly covered at the 4 4 Programmable Communicator patent, correct? August 2012 deposition, as that written record will 5 A That's correct. 5 reflect. And, accordingly, Dr. Wesby's being 6 Q Dr. Wesby, you did not invent coded 6 instructed not to answer that question, which is 7 7 numbers, correct? clearly duplicative. 8 8 MR. HENSCHKE: Objection. Instruct MS. HAYES: We disagree with your 9 9 the witness not to answer. instruction. We reserve the right to go to the 10 10 Court and seek our travel costs and fees in BY MS. HAYES: 11 Q Dr. Wesby, coded numbers were known 11 reimbursement. prior to the filing of your Programmable 12 MR. HENSCHKE: You're welcome to do 12 13 Communicator patent, correct? 13 that. 14 A That's correct. 14 BY MS. HAYES: 15 Q Dr. Wesby, you did not invent the use 15 Q Dr. Wesby, you did not invent the use 16 of coded numbers in wireless communications, 16 of passwords in wireless communications, correct? 17 17 MR. HENSCHKE: Objection. Instruct correct? 18 MR. HENSCHKE: Objection. Instruct 18 the witness not to answer. 19 the witness not to answer. 19 BY MS. HAYES: 20 20 BY MS. HAYES: Q Dr. Wesby, passwords in wireless 21 21 Q Dr. Wesby, the use of coded numbers communications were known prior to the filing of 22 in wireless communications was known prior to the 22 your Programmable Communicator patent, correct? 23 filing of your Programmable Communicator patent --23 MR. HENSCHKE: Objection. 24 MR. HENSCHKE: Objection. 24 (To the witness) Only if you know. 25 25 BY MS. HAYES: THE WITNESS: That's correct. Page 15 Page 17 1 O -- correct? 1 BY MS. HAYES: 2 MR. HENSCHKE: Instruct the witness 2 Q Dr. Wesby, you did not invent the use 3 not to answer. 3 of PIN codes in wireless communications, correct? 4 That question was -- exact question 4 MR. HENSCHKE: Objection. Instruct 5 was asked in the prior day's deposition. That's 5 the witness not to answer. 6 a duplicative topic. I instruct the witness not to 6 BY MS. HAYES: 7 7 Q Dr. Wesby, the use of PIN codes in answer. 8 8 MS. HAYES: I disagree. Can you wireless communications was known prior to the 9 please point out where in the deposition transcript 9 filing of your Programmable Communicator, correct? 10 10 that exact question was asked? A That's correct. Q Dr. Wesby, you did not invent PUK 11 MR. HENSCHKE: If you want to go off 11 12 the record, I can find the reference for you. And 12 codes, correct? 13 it's not relevant whether the exact question was 13 MR. HENSCHKE: Objection. Instruct 14 asked. The issue that's relevant is whether that 14 the witness not to answer. 15 topic was covered, and Dr. Wesby has already been 15 BY MS. HAYES: 16 16 asked whether she was aware of the use of coded Q Dr. Wesby, PUK codes were known prior 17 number authentication with wireless devices in the 17 to the filing of your Programmable Communicator --18 previous day's deposition. 18 MR. HENSCHKE: Objection. Instruct 19 MS. HAYES: I disagree with that. 19 the witness not to answer. The questions about PUK 20 I believe we're entitled to ask this question. It 20 codes and her knowledge of it in the prior art were 21 was not asked before, and we have the right to get asked at the previous August deposition. 21 22 a clear answer on the record to this question. 22 Therefore, this a duplicative topic. 23 23 MS. HAYES: We disagree. And I also MR. HENSCHKE: Again, the issue is 24 24 ask that you please wait for me to finish my not whether the exact question was asked before. 25 The issue is whether the topic was covered before, 25 question before objecting.

5 (Pages 14 to 17)



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