

In the Matter Of:

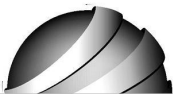
M2M SOLUTIONS vs. MOTOROLA SOLUTIONS

12-033-RGA

KIMMO SAVOLAINEN

June 10, 2015

Telit Wireless Solutions INC. and Telit Communications PLC Exh. 1235,
Telit Wireless Solutions INC. and Telit Communications PLC v. M2M Solutions LLC
IPR2016-01081, p. 1



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1 IN THE UNITED STATES COURT
2 FOR THE DISTRICT OF DELAWARE

3

4 C.A. NO. 12-033-RGA

5

6 M2M SOLUTIONS, LLC, a
7 Delaware limited liability
8 company,
9 Plaintiff,
10 v.
11 MOTOROLA SOLUTIONS, INC., a
12 Delaware corporation, TELIT
13 COMMUNICATIONS PLC, a United
14 Kingdom public limited
15 company, and TELIT WIRELESS
16 SOLUTIONS, INC., a Delaware
17 corporation,
18 Defendants.

19

20 AUDIO-VISUAL DEPOSITION OF
21 KIMMO SAVOLAINEN

22 June 10, 2015
23 9:05 a.m.

24 Foley & Lardner
25 111 Huntington Avenue
26 Boston, Massachusetts

27 Kristin M. Kelley, RPR, CRR

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1 APPEARANCES:

2

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13 and David Loewenstein, Esquire)
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18 for the Defendants.

19

20 ALSO PRESENT:

21 Jason LaChapelle, Videographer

22

23

24

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3 KIMMO SAVOLAINEN

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17 8 Appendix F of Opening Invalidation
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21 10 Exhibit B to Invalidation Report 94

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1 KIMMO SAVOLAINEN
2 JUNE 10, 2015
3 PROCEEDINGS
4
5 THE VIDEOGRAPHER: We're on the
6 record. Today's date is June 10, 2015. The
7 time on the video monitor is 9:05 a.m. Here
8 begins the video recording of the deposition
9 of Kimmo Savolainen in the matter of M2M
10 Solutions, LLC, versus Motorola Solutions,
11 Inc., et al., Case No. 12-033-RGA, In The
12 United States District Court for the
13 District of Delaware. This deposition is
14 being held at 111 Huntington Avenue, Boston,
15 Massachusetts.
16 Counsel, will you please voice
17 identify yourself and state whom you
18 represent.
19 MR. HENSCHKE: Good morning. I'm
20 Marc Henschke from Foley & Lardner
21 representing the Plaintiff M2M Solutions.
22 MR. COSTASKOS: Jeff Costakos,
23 Foley & Lardner, also for M2M Solutions.
24 MR. YONAY: Guy Yonay of Pearl

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1 Cohen for Defendants including Telit.
2 MR. LOEWENSTEIN: David
3 Loewenstein, Pearl Cohen, for Telit.
4 THE VIDEOGRAPHER: The video
5 operator today is Jason LaChappelle, a legal
6 video specialist contracted by Esquire
7 Deposition Solutions of Boston,
8 Massachusetts. The court reporter today is
9 Kristin Kelley. Will the reporter please
10 swear in the witness.
11
12 * * *
13 KIMMO SAVOLAINEN, a witness
14 called for examination by counsel for the
15 Plaintiff, having been satisfactorily
16 identified by the reporter, being first
17 sworn by the Notary Public, was examined and
18 testified as follows:
19 * * *
20
21 MR. YONAY: Before we get started,
22 I wanted to make a note on the record. We
23 are making Mr. Savolainen available for two
24 deposition days since he has given opinions

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1 on invalidity and non-infringement. We
2 understand that, based on your e-mail,
3 Mr. Henschke, that you intend to discuss
4 infringement issues on Friday and today will
5 be about invalidity. We intend to limit the
6 questions on Friday to issues of
7 infringement rather than have you go into
8 extra time on Friday on today's issues.
9 MR. HENSCHKE: Well, I don't agree
10 with that suggestion. What I did, as a
11 courtesy for you, Mr. Yonay, is I told you I
12 would not get to infringement issues until
13 some point on Friday, but I certainly did
14 not say that I can't ask invalidity
15 questions on Friday.
16 MR. YONAY: Okay.
17 MR. HENSCHKE: I can ask invalidity
18 questions on either day and I can use my two
19 days of deposition to address whatever
20 topics I see fit to address.
21 MR. YONAY: Okay. We disagree.
22 I'm letting you know now so you can
23 structure today's deposition to get your
24 questions out on invalidity so that when we

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1 limit you on Friday to infringement, you
2 won't have cause to complain. You can try
3 then but we will not allow them.
4 MR. HENSCHKE: Well, there's no
5 agreement that I can't ask invalidity
6 questions on Friday or that I'm limited to
7 only one day to ask invalidity questions.
8 As you know, there's no requirement from the
9 court about that and no agreement amongst
10 ourselves about that. We have voluminous
11 expert reports in this case, two of which
12 are invalidity, so there's a lot more
13 invalidity material, and I'm not going to
14 agree to any sort of artificial limitation
15 to only being able to ask questions on one
16 day and not another.
17 MR. YONAY: Okay. I'm letting you
18 know our position so that you can conduct
19 the deposition accordingly. You can do what
20 you choose.
21 MR. HENSCHKE: I'm not going to
22 conduct the deposition accordingly.
23 MR. YONAY: I'm letting you know.
24 You can do what you will with that

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1 information.
2 MR. HENSCHKE: I will.
3
4 EXAMINATION
5 BY MR. HENSCHKE:
6 Q. Can you state your name, please.
7 A. Kimmo Savolainen.
8 Q. Mr. Savolainen, what is your home address,
9 please?
10 A. Muottajanpiha 10 in Kempele in Finland. You
11 want me to spell that?
12 Q. Please.
13 A. Street is M-U-O-T-T-A-J-A-N-P-I-H-A. House
14 number is ten. And the city is
15 K-E-M-P-E-L-E. That's in Finland. I don't
16 think I need to spell that.
17 Q. Have you ever had your deposition taken
18 before?
19 A. No.
20 Q. Can I assume correctly that you've gotten
21 some explanation from your attorneys prior
22 to coming here this morning about the basics
23 of how the deposition process will work
24 today?

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1 MR. YONAY: I'm just going to
2 interrupt and instruct you not to discuss
3 the contents of discussions with counsel,
4 but to the extent the question is about
5 whether that is a topic that has been
6 discussed, you can answer.
7 A. That is a topic that has been discussed.
8 Q. So let me just say a few things then about
9 deposition procedures today.
10 As you can see, we have a court
11 reporter here who is taking down everything
12 we say stenographically. And in order to
13 create a clean record, it's important that
14 you and I don't both speak at the same time.
15 So I will do everything possible to let you
16 fully answer the question before asking a
17 new one, and, hopefully, you can do
18 everything possible to let me complete my
19 questions before starting to talk. Is that
20 understood?
21 A. Understood.
22 Q. If I ask any questions today that are
23 unclear to you, feel free to let me know
24 that and I'll do my best to clarify.

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1 If you need to take a break today, we
2 certainly can accommodate that, the only
3 exception being that it wouldn't be
4 appropriate to ask for a break at a time
5 when a question is pending but hasn't been
6 answered yet. Is that also understood?
7 A. Understood.
8 Q. Mr. Savolainen, what has your hourly rate of
9 compensation been for your work on the M2M
10 cases?
11 A. \$200 an hour.
12 Q. And how much have you been paid so far for
13 your work?
14 A. To be honest, I have not counted.
15 Q. Can you give me your best estimate?
16 A. It's probably -- I don't know. I wouldn't
17 guess. I don't know. This has been going
18 on for such a long time.
19 Q. How many hours have you worked on the cases
20 so far?
21 A. Well, if I knew that, then I would be able
22 to calculate the amount exactly.
23 Q. So as you sit here, are you able to tell me
24 anything about the amount of time you've

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1 spent on the case or the amount of
2 compensation that you have received?
3 MR. YONAY: Objection to form.
4 A. It has been tens of days but that's the
5 accuracy I can give you without really going
6 back to my invoices and bookkeeping on the
7 hours.
8 Q. Is there somewhere you can go to look to get
9 that information?
10 A. Not right now.
11 Q. Is there somewhere you can go to look to get
12 that information?
13 A. I could potentially look at the invoices but
14 I don't have them with me.
15 Q. All right. I'm going to ask you these same
16 questions again two days from now on Friday.
17 I would ask that you go and verify that
18 information so you're able to answer the
19 questions on Friday.
20 MR. YONAY: I'm going to -- that's
21 not a question. You don't need to respond.
22 MR. HENSCHKE: As an initial
23 housekeeping matter, I'd like to mark some
24 exhibits. First of all, what we'll call

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1 Savolainen Exhibit 1 is a report I'll be
2 referring to as your opening invalidity
3 report. The official title of this is
4 Expert Report of Kimmo Savolainen on the
5 Invalidity of U.S. Patent No. 8,094,010,
6 which was served in these cases on May 5,
7 2014. That's Exhibit 1.
8 (Opening Invalidity Report marked
9 Exhibit No. 1 for Identification.)
10 MR. HENSCHKE: I should note for
11 the record, to the extent that there were
12 exhibits that may have been attached to
13 this, I have not included those. This is
14 just the body of your opening invalidity
15 report.
16 Q. Do you recognize that, sir, as your opening
17 invalidity report in this case?
18 A. Yes, I do.
19 MR. HENSCHKE: All right. Let's
20 mark as Exhibit 2 what I'll be referring to
21 today as your reply invalidity report. This
22 was served in the case on July 7, 2014. The
23 official title of it is the Reply Expert
24 Report of Kimmo Savolainen to Rebuttal

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1 Expert Report of Doctor Alon Konchitsky on
2 the invalidity of U.S. Patent No. 8,094,010.
3 That's Exhibit 2. And once again, to the
4 extent there were exhibits, I have not
5 included those. This is just the body of
6 the report.
7 (Reply Invalidity Report marked
8 Exhibit No. 2 for Identification.)
9 Q. You recognize what we've marked as Exhibit 2
10 as your reply invalidity report in this
11 case?
12 A. Yes, I do.
13 MR. HENSCHKE: And then, finally,
14 for current purposes, I would like to mark
15 as Exhibit 3 what I'll be referring to as
16 your rebuttal infringement report. This is
17 a report that was served on -- I think I
18 need to correct something. The reply report
19 we marked as Exhibit 2, I believe I misspoke
20 about the date it was served. That would
21 have been served on August 4, 2014.
22 Now back to what we're marking as
23 Exhibit 3, this is what I'll refer to as
24 your rebuttal invalidity report. The

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1 official title of it is Expert Report of
2 Kimmo Savolainen in Rebuttal to Doctor
3 Nettleton and Mr. Bluestein, and this was a
4 report that was served on July 7, 2014. And
5 once again, to the extent there were
6 exhibits attached to it, I have not included
7 those. This is just the body of the report.
8 So that is Exhibit 3.
9 (Rebuttal Infringement Report
10 marked Exhibit No. 3 for Identification.)
11 MR. YONAY: I have no objection to
12 the admission of the non-infringement report
13 as an exhibit but I will remind you,
14 Mr. Henschke, that Mr. Savolainen is
15 prepared today to discuss the invalidity and
16 not the infringement issues, and we will
17 instruct him not to answer questions about
18 that report today.
19 MR. HENSCHKE: Again, Mr. Yonay, as
20 a courtesy to you, I told you my intention
21 was to begin the deposition with invalidity,
22 I would likely not get to infringement until
23 Friday. That certainly is not an agreement
24 on my part not to ask any infringement

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1 questions at all today.
2 Q. Mr. Savolainen, do you recognize what we've
3 marked as Exhibit 3 as your rebuttal report
4 referring to infringement in this case?
5 A. I do.
6 Q. You've not offered any opinions in your
7 expert reports that any of the asserted
8 patent claims are invalid for lack of
9 adequate written description, correct?
10 A. Can you clarify written in the patent.
11 Q. Written description is invalidity theory
12 which says that the patent specification
13 doesn't contain adequate written description
14 of claim terms or claim language.
15 You have not offered an opinion about
16 lack of adequate written description in your
17 reports, have you?
18 MR. YONAY: Mr. Henschke, I think
19 the reports speak for themselves. Is there
20 anything in the report you'd like to direct
21 the witness to?
22 A. Do you have a paragraph in the report?
23 Q. Well, why don't you look at your opening
24 invalidity report, Exhibit 1, at

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