

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GEOTAB USA, INC. AND )  
GEOTAB, INC., )  
 )  
Petitioner, ) Case No.  
 ) IPR2023-00504  
v. )  
 )  
OMEGA PATENTS, LLC, )  
 )  
Patent Owner. )

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DEPOSITION OF CHRISTIAN TREGILLIS, CPA, ABV, CFF, CLP  
December 22, 2023 9:01 a.m. PST  
Location: DEPOSITION BY VIDEOCONFERENCE

Reported by: Heidi Hunter, RPR, CSR,  
NV. CCR: 886

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ALSO PRESENT:

(None)

## I N D E X

PAGE

Christian Tregillis

Examination by Mr. Wichman

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## E X H I B I T S

NO.

DESCRIPTION

PAGE

Exhibit 1 Notice of Deposition

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Exhibit 1001 US Patent 8,032,278 B2

17

Exhibit 2014 Declaration of Christian Tregillis,  
CPA, ABV, CFF, CLP

17

Exhibit 1090 GPA and Limited Data Bus Patent  
License Agreement Between Omega  
Patens and Numerex

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Exhibit 1091 Data Bus Patent License Agreement  
Between Omega Patents LLC and  
Cimble Corporation

30

Exhibit 1092 Data Bus Patent License Agreement  
Between Omega Patents LLC and Mid  
City Engineering, LLC

30

Exhibit 1093 Data Bus Patent License Agreement  
Between Omega Patents LLC and  
Accele Electronics, Inc.

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Exhibit 2020 Confidential Settlement Agreement  
Between Omega Patents and Enfora

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Exhibit 2021 Master And Cross-License Agreement

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Exhibit 3 US Patent 6,606,561

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Exhibit 1028 Omega Patents v. CalAmp

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Exhibit 1021 Omega Patents, LLC v CalAmp

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P R O C E E D I N G S

\* \* \* \* \*

CHRISTIAN TREGILLIS,  
called as a witness, being first duly sworn, was  
examined and testified as follows:

MR. WICHMAN: This is Adam Wichman from Wolf,  
Greenfield for petitioners Geotab, USA and Geo and with  
me is my colleague Sarah Hassan also from Wolf  
Greenfield.

MR. SANTURRI: And on behalf of the patent  
owner, I'm Ryan Santurri, and also with me is David  
Carus and Chris Regan.

EXAMINATION

BY MR. WICHMAN:

Q Mr. Tregillis, am I pronouncing that  
correctly?

A You are. How, again, do you pronounce your  
last name?

Q Wichman.

A Thank you.

Q Mr. Tregillis, we're appearing for deposition  
in IPR2023-00504, correct?

A That's my understanding.

Q And you're appearing on behalf of Omega

1 Patents, LLC?

2 A That's right.

3 Q And they've retained you as an expert in this  
4 case?

5 A I believe counsel for Omega Patents has  
6 retained me. So not directly. But like I said, counsel  
7 for Omega Patents.

8 Q Where are you located today?

9 A In Henderson, Nevada.

10 Q Have you been deposed before?

11 A Yes.

12 Q How many times?

13 A About 150.

14 Q Have you been deposed in a remote deposition  
15 before like this format here?

16 A Yes.

17 Q So you understand that I'm going to ask you  
18 questions, right?

19 A Yes.

20 Q And like you to agree you'll wait until I  
21 finish asking the question before you start to answer?

22 A I'll do my best.

23 Q And I'd like you to agree that if -- well, you  
24 have to answer verbally so that Ms. Hunter here can  
25 transcribe the answer, right?

1           A     That's consistent with my understanding.

2           Q     Okay. And I'd like you to agree to ask for a  
3 clarification if you do not understand a question. Will  
4 you do that?

5           A     Yes.

6           Q     You understand that I will refer to exhibits  
7 in this matter, right?

8           A     I do.

9           Q     Okay. And we're going to -- we're going to  
10 publish the exhibits electronically on Exhibit Share,  
11 okay?

12          A     That's fine with me.

13          Q     You said you have Exhibit Share open on the  
14 computer in front of you?

15          A     The window is minimized right now. So I don't  
16 see it, but I can pull it up if -- if needed.

17          Q     Yeah, I'd like you to pull it up. I'm going  
18 to publish the deposition notice in this matter. It's  
19 been marked as Exhibit 1, and I'd like you to verify  
20 that you can see it. I just introduced it.

21                         (EXHIBIT 1 WAS MARKED.)

22          A     Normally in my experience there's a bit of a  
23 delay between when counsel posts something to Exhibit  
24 Share and when I can see it. But as I attempted to  
25 describe when I first joined, I don't see this matter

1 listed in my Exhibit Share directory.

2 So I don't at this time see any exhibits that  
3 you have posted, nor, like I said, this matter. I can  
4 see two other matters in which I've been deposed.

5 Q Well, this is a problem.

6 MR. WICHMAN: Let's go off the record.

7 (Recess from 9:04 to 9:10.)

8 MR. WICHMAN: So we've had some problems where  
9 the witness is unable to see the deposition -- the PDF  
10 deposition exhibits for this matter in his Exhibit Share  
11 account. So we've come up with a work-around, courtesy  
12 of the witness. We're going to email the documents to  
13 everybody when we introduce them and discuss them.

14 BY MR. WICHMAN:

15 Q So right now, Mr. Tregillis, I'm going to send  
16 you a document that's been premarked as Exhibit 1. If  
17 you can let me know when you receive that.

18 A I will.

19 Q Just sent it.

20 A I received it.

21 Q If you could open that up.

22 A I have it open.

23 Q So you see, this is a document, page number 22  
24 on the bottom right Exhibit 1. It's the notice of  
25 deposition in this matter.

1           Have you seen this document before?

2           A     Yes.

3           Q     Okay. Do you understand you're appearing  
4 today pursuant to this notice?

5           A     Yes.

6           Q     Okay. Thanks. Put that aside. So to get  
7 back to this deposition, you understand that Omega's  
8 counsel may object to a question that I ask?

9           A     Yes.

10          Q     You understand that unless you're instructed  
11 not to answer, you still need to answer the question  
12 after the objection?

13          A     Yes.

14          Q     I'd like you to agree that if you need to take  
15 a break, just tell me that you need a break. Will you  
16 do that?

17          A     Yes.

18          Q     I'd like you to agree that if we're in the  
19 middle of a question and you need to take a break, we  
20 just finish the answer or respond to the pending  
21 question and then we'll stop and take a break, okay?

22          A     That works for me.

23          Q     All right. Do you understand that in the IPR  
24 depositions, once the deposition begins, until we finish  
25 the examination, you are not permitted to discuss your

1 questions or answers with counsel for Omega?

2 A I wasn't familiar with that. But I am  
3 generally familiar with that in other venues and  
4 jurisdictions.

5 Q Okay. And you agree to follow that guidance  
6 today?

7 A I do.

8 Q You understand that that restriction applies  
9 during any breaks, including bathroom or lunch, or any  
10 other stop, any other breaks in the proceeding until the  
11 examination is over, correct?

12 A That's what I thought you meant.

13 Q Okay. Did you bring any materials with you to  
14 this deposition?

15 A Well, I -- I have a flash drive that is in my  
16 computer that has documents on which I have relied and  
17 that I used in the creation of my declaration. I also  
18 have a copy of my declaration.

19 Q Do the materials from this matter that you  
20 have with you today, do they have -- your markings or  
21 notes on them?

22 A Yes, some do.

23 Q All right. I'd like you to agree that during  
24 the deposition we are only going to refer to -- you will  
25 only refer to the exhibits that we introduce into --

1     into the deposition, okay?

2           A     That's fine with me.

3           Q     Okay. Are there other people in the room with  
4     you today?

5           A     No.

6           Q     What screens do you have open on your  
7     computer?

8           A     The Zoom application and my email, so I can  
9     see if you send me a document.

10          Q     Okay. I'd like you to agree that you're not  
11     going to open other files or screens during this  
12     deposition except, of course, we'll have to send you the  
13     exhibits in PDF?

14          A     And that includes during a break?

15          Q     Including during a break.

16          A     Okay.

17          Q     And I'd like you to agree you're not going to  
18     use any messaging applications to discuss your answers  
19     with your attorney while we're in deposition or before  
20     the examination is over.

21          A     I have no problem agreeing to that. It's  
22     consistent with my understanding per our discussion a  
23     moment ago about communications with counsel.

24          Q     Okay. What did you do to prepare for your  
25     deposition today?

1           A     I was turning off my ringer on my phone to  
2     make sure I don't hear communications or phones ringing.  
3     So pardon for me for that.

4                     In answer to your question, I think that  
5     question can be interpreted in different ways. Some  
6     people might interpret that very -- in a limited way to  
7     say, for example, things that I've done since the  
8     issuance of my declaration.

9                     Some might interpret it more broadly to  
10    include all of my work in this matter prior to the  
11    issuance of my declaration, or maybe even some of the  
12    work that I've performed going back into the past in  
13    previous matters that have some relationship to my work  
14    here, or even my work in my field more generally.

15                    So if you can help me with your definition of  
16    what you seek, I'll try to give you my best answer for  
17    that.

18           Q     When did you receive the notice of deposition  
19    for this matter?

20           A     Maybe two weeks ago, something like that.

21           Q     In that two weeks, what have you done to  
22    prepare for this deposition?

23           A     I have reviewed my declaration, I have  
24    reviewed supporting documents provided to me by counsel,  
25    and had a Zoom meeting with counsel and had a few phone

1 calls with counsel. I think I also reviewed my report  
2 in the CalAmp case, and I think I did a few Google  
3 searches and looked at websites that I saw related to my  
4 Google searches.

5 Q You said you had Zoom meetings with counsel.  
6 What counsel were involved in that call?

7 A Mr. Santurri, Mr. Regan, and a colleague of on  
8 theirs whose name I don't recall.

9 Q Anybody else?

10 A No.

11 Q You said you had phone calls with counsel.  
12 How many calls?

13 A I think at least three.

14 Q What attorneys were on that call?

15 A Mr. Santurri only.

16 Q On each of the three calls?

17 A Yes.

18 Q Was anybody else on the call besides you and  
19 Mr. Santurri?

20 A I don't think so.

21 Q Is there a reason you're not sure?

22 A It's conceivable Mr. Santurri could have had  
23 me on speakerphone and someone else could have been in  
24 the room. I don't know about that.

25 Q If you restrict your attention to just this

1 IPR2023-00504, how much time have you spent in total on  
2 this dispute?

3 A At least a dozen hours. I don't think it's  
4 been two dozen.

5 Q You submitted a declaration in this matter,  
6 right?

7 A Yes.

8 Q How much time did you spend preparing that  
9 declaration?

10 A I would say at least four hours but probably  
11 not 10.

12 Q You were the damages expert for Omega in a  
13 patent litigation involving a defendant CalAmp; is that  
14 correct?

15 A That's right. That's the -- what I was  
16 previously referring when I talked about my expert  
17 report.

18 Q You testified at deposition in that matter?

19 A Yes, I believe so.

20 Q You testified at trial in that matter?

21 A Yes, twice.

22 Q So there was a jury trial before and after  
23 remand from the federal circuit in that matter?

24 A That's right.

25 Q And you testified before and after remand?

1           A     That's right.

2           Q     How many different times have you been a  
3 damages expert for Omega?

4           A     I think there was that matter, this matter,  
5 and another PTAB proceeding. I remember talking with  
6 Mr. Santurri maybe a year or so ago. I think it was  
7 about a Geotab litigation. That's the only matters I  
8 can recall at this time.

9           Q     So I asked -- so you're saying that in the  
10 CalAmp litigation, this IPR in a different PTAB  
11 proceeding, are times when you have been an expert for  
12 Omega; is that correct?

13          A     Correct.

14          Q     And I asked you about when you've been a  
15 damages expert for Omega. So you identified the CalAmp  
16 litigations, correct?

17          A     Yes. I understood that to be just one CalAmp  
18 litigation. There was, like I said, a remand, but it  
19 was the same matter.

20          Q     And were there any other matters for Omega  
21 where you have been a damages expert?

22          A     Not that I can recall.

23          Q     When did you start working for Omega?

24          A     I think it was about 2015.

25          Q     How much time have you spent on disputes

1 involving Omega?

2 A I think it's at least 100 hours. I don't know  
3 if it's 200 hours. It might be.

4 Q So somewhere between 100 and 200 hours?

5 A That's my best estimate as I sit here.

6 Q And how much have you billed Omega for your  
7 work as an expert?

8 A When you say "your," are you talking about me  
9 and my firm -- the firms for which I've worked?

10 Q So you are -- you are -- when you provide  
11 expertise as a damages expert, it's through a firm where  
12 you work; is that right?

13 A Correct.

14 Q And during the course, since 2015 -- 2015  
15 you've worked for different firms, right?

16 A That's right.

17 Q And when --

18 A I used for a work for a firm called LitNomics,  
19 and I left them in 2016. And since that time, I've  
20 worked at my current firm Hemming Morse.

21 Q So when you invoice your time as an expert,  
22 you provide that invoice through the firms where you  
23 work, correct?

24 A That's correct.

25 Q Okay. So in total, how much has Omega been

1       invoiced for your work as an expert?

2           A       I don't know off the top of my head. I would  
3       estimate at least \$100,000, but I don't think \$200,000.

4           Q       Do you recall if I asked you what  
5       preparation -- what you did to prepare for this  
6       deposition and you responded that you looked at some  
7       documents?

8           A       I think that was included in my answer.

9           Q       What documents did you review?

10          A       I looked at a series of documents that were  
11       provided to me by counsel, which was a series of  
12       exhibits and testimony that were included and identified  
13       as exhibits, I believe, in this dispute. And that  
14       included the documents that were listed in my  
15       declaration.

16                I think I also mentioned I looked at my report  
17       from the CalAmp case.

18                I looked at a federal circuit opinion on  
19       CalAmp 2.

20          Q       When you say CalAmp 2, do you mean the -- what  
21       do you mean by CalAmp 2?

22          A       The second time that I testified at trial,  
23       there was another federal circuit appeal after that  
24       second one, and I read the opinion on that appeal.

25          Q       Had you read that opinion before you prepared

1 your declaration in this matter?

2 A Yes.

3 Q Is there any reason you cannot give me  
4 complete answers to my questions today?

5 MR. SANTURRI: Object to the form.

6 A There's no reason I can't give you a complete  
7 answer in terms of it being my best answer. But when  
8 you say "complete," my complete answer may not be  
9 perfectly accurate.

10 So, for example, you asked me what my fees  
11 have been. I can give you my complete answer to the  
12 best of my knowledge. But I can't say that it's a  
13 perfect answer in terms of -- there could be a better  
14 answer if I had the benefit of the ability to do  
15 research.

16 But like I said, I don't think there's a  
17 reason that I can't give you complete answers based on  
18 what I know as of the time I gave you the answer.

19 Q I just emailed you two documents, they're  
20 exhibits in this IPR, one is Exhibit 1001 and the other  
21 is Exhibit 2014.

22 (EXHIBIT 1001 AND 2014 WERE  
23 MARKED.)

24 Q You can let me know when you receive those.

25 A If you hear a small sound, it's me repeatedly

1 hitting F5 to refresh my screen.

2 Q While we're waiting, I'm going to put in the  
3 chat -- my assistant got ahold of Veritext and they  
4 provided a phone number and asked that Mr. Tregillis  
5 call and they can assist in connecting with Exhibit  
6 Share.

7 A I did just receive your email.

8 Q Let's talk about these exhibits and then we'll  
9 go off the record and see if we can sort out the Exhibit  
10 Share.

11 So you said you received an email.  
12 Exhibit 2014, if you could open that up and look at it.

13 A I have it open.

14 Q You have it open. All right. This is your  
15 declaration?

16 A Yes.

17 Q You provided that in this IPR2023-00504,  
18 right?

19 A Correct.

20 Q And this declaration or the IPR concerns US  
21 Patent Number 8,032,278, right?

22 A That's my understanding.

23 Q If you turn to the page 28 of your  
24 declaration, you see that signature?

25 A Yes.

1 Q That's your signature?

2 A Yes.

3 Q And you signed this declaration on October 17,  
4 2021?

5 A That's right.

6 Q If you turn paragraph 1, you state Omega  
7 retained you to offer certain opinions relating to US  
8 Patent 8,032,278, right?

9 A Not exactly. I think the sentence states that  
10 I've been retained by counsel for Omega Patents. And  
11 further in that first paragraph I agree it does relate  
12 to the '278 patent.

13 Q You wrote this declaration?

14 A Yes. I think I also had some input from  
15 Mr. Santurri, but I wrote it, that's right.

16 Q In paragraph 2, you were asked to provide  
17 opinions regarding the '278 patent as regards  
18 indications of commercial success and value attributable  
19 to the technology covered by the '278 patent, right?

20 A Right.

21 Q Does this declaration include all the opinions  
22 you formed in this matter?

23 A I think that it includes all of the opinions  
24 that I intend to offer.

25 Q What opinions did you form that are not

1 included in this declaration?

2 A Well, I have significant history that involves  
3 and relates to the '278 patent and indications of value.  
4 I have described some of that in my declaration here.  
5 But I have more knowledge, like I said, than just what  
6 I've described in the declaration.

7 Q If you turn to paragraph 11.

8 A I'm there.

9 Q So you provide a table that you identify as  
10 listing the materials that you've considered; is that  
11 right?

12 A Yes.

13 Q So you reviewed each of these documents?

14 A Yes.

15 Q And in addition to this, you also reviewed the  
16 federal circuit opinions before and after the remand in  
17 CalAmp, right?

18 A Correct.

19 Q And you also said that you reviewed your  
20 expert report from the CalAmp litigation?

21 A Yes.

22 Q Yes. And is that expert report been -- do you  
23 know if that was filed as an exhibit in the CalAmp  
24 litigation?

25 A Yes, it was to my understanding.

1           Q     If you could go back to the email and open  
2     Exhibit 1001.

3           A     I have it open.

4           Q     So this is the US Patent 8,032,278?

5           A     Yes, that's my understanding.

6           Q     So we'll call this the '278 patent.

7           A     That's how I refer to it.

8           Q     Okay. This is the patent that you understand  
9     is the subject of this IPR, right?

10          A     Correct.

11          Q     And when you say you're providing opinions on  
12     the -- regarding the '278 patent, this is the patent  
13     that you were referring to, right?

14          A     Correct.

15          Q     And you reviewed this patent?

16          A     I have reviewed it, that's correct. I don't  
17     hold myself out to be a technical expert. So some of  
18     this goes a bit above my head in terms of the technology  
19     But yes, I have reviewed it.

20          Q     So when you say you reviewed it, what does  
21     that mean? What did you actually do to review this  
22     patent?

23          A     I looked over it. It was a relatively brief  
24     review. I didn't, like I said, tried to get into deep  
25     understanding of the claims. But I have reviewed it at

1 a high level.

2 Q And you've read the claims?

3 A I looked over the claims. Like I said, I  
4 wouldn't say I reviewed them in intimate detail.

5 Q If you go back to your declaration for a  
6 moment, paragraphs 7 to 8. So you identify license  
7 certifications in paragraph 7?

8 A One of the certifications I referenced there  
9 is related to licensing, that's right.

10 Q So you're a CPA in California, right?

11 A That's right.

12 Q What does it mean to be accredited in business  
13 valuation?

14 A That's referred to often as an ABV, and it is  
15 a credential related to the appraisal of businesses,  
16 business interests, and I believe it actually also  
17 covers intellectual property rights; although I'd have  
18 to go back to take a look at that.

19 Q And you're certified in financial forensics?

20 A That's correct.

21 Q And you're a certified licensing professional?

22 A Yes.

23 Q What does it mean to be a certified licensing  
24 professional?

25 A It's a credential that is managed by a group

1     called the Licensing Executive Society, which is a  
2     professional organization, a group that is interested in  
3     and has education and activities related to intellectual  
4     property, licensing, valuation, management, to some  
5     extent, disputes regarding intellectual property as  
6     well. That's the group.

7             What LES is, the body of knowledge that's  
8     covered by the certified licensing professional  
9     examination. You may have seen on my curriculum vitae  
10    that I worked as part of the committee that created and  
11    managed the examination.

12            So it relates to some of those same fields. I  
13    don't know that litigation is covered in the exam, I  
14    don't believe it is. But the rest of those fields, like  
15    I said, valuation of intellectual property, licensing of  
16    intellectual property, components of licensing,  
17    intellectual property management, those kinds of things  
18    are -- those kinds of issues are covered by the CLP  
19    credential and the examination to obtain it.

20           Q     So your expertise is in licensing and  
21    intellectual property valuation is relevant to this  
22    case; is that right?

23           A     Yes. Some could argue that I bring other  
24    expertise that's relevant to this. But I think you hit  
25    on the two main ones, given that that's really what I

1 describe in my declaration is that I've seen indications  
2 of value.

3 Q You say that you testified in more than 60  
4 trials and arbitrations?

5 A Yes.

6 Q Right. And how many times have you testified  
7 on secondary considerations of nonobviousness?

8 A This is the first.

9 Q This is the first. So you've never been  
10 qualified as an expert on secondary considerations by  
11 any tribunal, right?

12 A Correct.

13 MR. SANTURRI: Object to form.

14 Q So in paragraph 9 you refer to courts have  
15 concluded that you're an expert in these fields, you're  
16 referring back to fields you describe in paragraph 7?

17 A I think I'm describing more generally. For  
18 example, in my qualifications, which starts with  
19 paragraph 3, I describe in paragraph 4, for example, I  
20 have -- I'm a partner at Hemming Morse, which is a  
21 forensic and financial consulting firm. So that's a  
22 field.

23 Additionally, I describe my education being in  
24 economics, finance, and accounting. And then I  
25 described that -- below that I've worked in the same

1 field continuously for the past 30 years, analyses and  
2 investigations of financial, economic, accounting, and  
3 market analyses in the context of disputes and other  
4 situations such as the negotiation of license agreement  
5 and other transactions.

6 I think that is generally descriptive of what  
7 I'm referring to as this field.

8 Q And courts have concluded that you're an  
9 expert in those fields?

10 A That's right.

11 Q But no court has ever concluded that you're an  
12 expert on secondary considerations of nonobviousness?

13 A I believe that when you talk about secondary  
14 considerations of nonobviousness, I understand that to  
15 be a legal issue. But the field of valuation may be  
16 interpreted by courts, and it's really above my pay  
17 grade because I, like I said, I'm not here to talk about  
18 legal opinions. But I understand that valuation may be  
19 interpreted by courts to be relevant as a secondary  
20 consideration.

21 MR. SANTURRI: Object to the form.

22 Q But you've testified, you've never offered  
23 testimony -- expert testimony in secondary  
24 considerations of nonobviousness before, right?

25 MR. SANTURRI: Object to form.

1           A     Not directly about secondary considerations of  
2 nonobviousness, that's correct.

3           Q     So no court has ever been asked to consider  
4 whether you're an expert on secondary considerations of  
5 nonobviousness?

6                     MR. SANTURRI: Object to the form.

7           A     Correct.

8           Q     What is a secondary consideration of  
9 nonobviousness?

10          A     I have some understanding, which I have  
11 attempted to describe in my report. In the Section 4,  
12 which is titled "Legal Understanding," as it says there  
13 I do not hold myself to be an expert in the law. But I  
14 understand that evidence of secondary considerations  
15 must be considered in determining obviousness and cannot  
16 be discounted as they play a critical role in the  
17 obviousness analysis.

18                     Again, I'm not holding myself out to be an  
19 expert in the law, nor in what secondary considerations  
20 are, but I have -- I understand that -- that's my  
21 understanding based on my discussion with counsel.

22                     And I understand that in that context, the  
23 value of the '278 patent would be potentially relevant  
24 as a secondary consideration, as I wrote in paragraph  
25 16.

1           Q     How did you arrive at the conclusion that the  
2     value of the '278 patent may be potentially relevant as  
3     a secondary consideration?

4           A     I would say it's a culmination of my  
5     discussion with counsel who instructed me about the law.  
6     But it is also generally consistent with my experience  
7     in the negotiation of license agreements and analysis of  
8     license agreements that has shown me that when companies  
9     and licensees pay money for the use of intellectual  
10    property, that is an indication that the technology  
11    covered by those license agreements is not obvious or  
12    else those licensees wouldn't be paying money for it.

13          Q     Paragraph 17 you state that there are multiple  
14    indications of value of the '278 patent, right?

15          A     Correct.

16          Q     You list five bullet points?

17          A     Correct.

18          Q     First one licenses?

19          A     I didn't understand your question. Could you  
20    restate that.

21          Q     First bullet point, licensing agreements and  
22    payments?

23          A     That's what's in the first bullet.

24          Q     Okay. So isn't that what you just told me  
25    that the reason the license agreement -- let me strike

1     that.  You said that when companies and licenses --  
2     licensees pay money for the use of intellectual  
3     property, that is an indication that the technology  
4     covered by those licensed agreements is not obvious or  
5     else those licensees would not be paying money for it;  
6     is that right?

7           A     Right.

8           Q     So how does that explanation you just gave me  
9     go beyond the first bullet point here of licensing  
10    agreements and payments under agreements?

11          A     I think it gets to the same topic.  That's a  
12    summary in the bullet point, and I think it's the same  
13    idea that I was referring to.  In the answer that I gave  
14    you previously, I also described that I was instructed  
15    by my discussion with counsel about the legal framework.

16                 But speaking from a licensing perspective, I  
17    gave you that example about -- which is the same concept  
18    as is depicted in bullet point -- the first bullet  
19    point.

20          Q     The fifth bullet point here you're referring  
21    to trial and appellate court decisions about the value  
22    of the '278 patent, right?

23          A     Yes, that's what it says in the fifth bullet.

24          Q     Tell me what that means.

25          A     It means that, for example, there were two

1 jury trials in which courts came to conclusions that --  
2 the juries came to conclusions about the value of the  
3 '278 patent.

4 In the second trial, for example, the jury  
5 concluded that there was a reasonable royalty of \$5 per  
6 unit, which multiplied by almost a million units, came  
7 to nearly \$5 million. I think it was more than  
8 4 million and less than 5 million, which was an  
9 indication that that jury came to a conclusion that the  
10 '278 patent was valuable.

11 Q So you're basing your opinion on the  
12 indications of value of the '278 patent on the damage  
13 awarded by the jury in CalAmp; is that correct?

14 A That is one of the things that I believe  
15 indicates value, that's right.

16 Q We've been going for 45 minutes. What I'd  
17 like to do is go off the record. Let's take, say, a 15  
18 minute break. And during that time, I wonder if  
19 Mr. Tregillis, if you and your counsel can sort out or  
20 try to sort out the Exhibit Share issue and maybe use  
21 the number that my assistant provided from Veritext,  
22 which I put in the chat here.

23 And then when we come back if we can reconvene  
24 at -- it would be 1:00 p.m. my time and 10:00 a.m. your  
25 time. At that point, if we've sorted out the Exhibit

1 Share we can use that for -- going forward. Is that an  
2 agreeable plan?

3 A That works for me.

4 MR. SANTURRI: Yep, we're good.

5 MR. WICHMAN: Let's go off the record and  
6 let's come back at 10:00 a.m. your time 1:00 p.m. East  
7 Coast.

8 (Recess from 9:46 to 9:59.)

9 BY MR. WICHMAN:

10 Q Mr. Tregillis, were you able to sort out  
11 Exhibit Share?

12 A Yes.

13 Q Are you able to see the exhibits in the  
14 Exhibit Share for this deposition?

15 A Yes.

16 (EXHIBIT 1090, 1091, 1092 AND  
17 1093 WERE MARKED.)

18 (EXHIBIT 2020 AND 2021 WERE  
19 MARKED.)

20 Q So I added six new exhibits. If you can tell  
21 me if you see them, they're Exhibits 1090 through 1093  
22 and Exhibits 2020 and 2021.

23 A I see those.

24 Q If we could go back to your declaration, which  
25 is Exhibit 2014, paragraph 18. Let me know when you're

1       there.

2               A       I'm there.

3               Q       CalAmp. In this paragraph you talk about  
4       Omega licenses that include the '278 patent; is that  
5       right?

6               A       Yes.

7               Q       And you have a Footnote 1 that lists six  
8       license agreements, Exhibits 1090 to 1093 and 2020 to  
9       2021; is that right?

10              A       Yes.

11              Q       So I want to understand this table that you  
12       put at paragraph 18 in your declaration. So let's talk  
13       about that. There are six rows in this table under the  
14       header; is that right?

15              A       Correct.

16              Q       And does each of those rows correspond to a  
17       license?

18              A       Yes.

19              Q       And so each of those rows corresponds to one  
20       of the licenses in your Footnote 1; is that right?

21              A       Yes.

22              Q       And you read each of those licenses?

23              A       Yes.

24              Q       Why did you pick those licenses to discuss in  
25       this declaration?

1           A     Because they each include the '278 patent.

2           Q     And by include, do you mean that they grant  
3 rights to use the '278 patent; is that right?

4           A     That's right.

5           Q     In this table, you did not associate exhibit  
6 numbers of each license; is that right?

7           A     That's right.

8           Q     I'm just curious, why not?

9           A     Because at the time that I created the table,  
10 I didn't know the exhibit numbers.

11          Q     Who created the table?

12          A     Me.

13          Q     When did you create them?

14          A     It existed in a similar form as part of my  
15 work on the CalAmp litigation, but I modified it for use  
16 in my declaration in the couple weeks prior to that  
17 declaration's issuance.

18          Q     So you said you create this table. You  
19 checked to make sure it was accurate?

20          A     I took steps to ensure its accuracy, yes.

21          Q     What steps did you take?

22          A     I looked at the license agreements and had  
23 someone on my team look at the license agreements when  
24 they were originally created -- when the schedule was  
25 originally created.

1           Q     And by schedule, you're referring to this  
2     table in paragraph 18?

3           A     No. I'm talking about the original version as  
4     part of my work on the CalAmp litigation.

5           Q     I'm sorry. What is the schedule that you're  
6     referring to?

7           A     At the end of paragraph 18 is right after  
8     Footnote 1 and the colon, it says, "Schedule 1, summary  
9     of agreements including the '278 patent." So this is a  
10    schedule.

11          Q     So you refer to this table as a schedule,  
12    Schedule 1?

13          A     Right.

14          Q     Got it. Let's talk about the columns here.  
15    And the second column of this table, you're identifying  
16    licensees; is that right?

17          A     Yes.

18          Q     Licensees for these six exhibits?

19          A     For the six license agreements that are the  
20    exhibit numbers indicated in Footnote 1.

21          Q     Okay. In the third column, you're identifying  
22    the agreement date for each of these exhibits; is that  
23    right?

24          A     Yes.

25          Q     The agreement date is the last date of -- or

1 the date of the last signature on each license; is that  
2 right?

3 A Either that or it's the date recited in the  
4 agreement. I don't recall.

5 Q The fourth column says, "Royalty Effective  
6 Date"; is that correct?

7 A Yes.

8 Q And that is the date when the licensee started  
9 owing royalties for each of these agreements; is that  
10 right?

11 A That's generally consistent with my  
12 understanding.

13 Q Well, how did you pick the numbers that you  
14 put in Column 4?

15 A By looking at the license agreements and  
16 seeing what they identified as the effective date.

17 Q And so what's the difference between an  
18 effective date and an agreement date?

19 A You could have an agreement date that -- for  
20 example, we could sign an agreement today. And it could  
21 be related to and call for royalties owed for everything  
22 during this year, in which case the effective date would  
23 be January 1 of this year, and the license agreement  
24 date would be today, if today's date were signing it.

25 Q So the agreement date is the date that parties

1 actually signed the agreement; is that right?

2 A I don't think I can give a better answer than  
3 I did about a minute or two ago, which is that it is the  
4 date that it was signed or the date that is identified  
5 in the agreement as being the date of the agreement.  
6 Oftentimes at the beginning of agreements there is a  
7 reference to the dating of the agreement.

8 Q The sixth column is -- has a header "Patents  
9 Involved (including '278)"; is that right?

10 A That's right, that's what that says.

11 Q So, explain to me, what are these entries that  
12 you put for each agreement in Column 6?

13 A They are the patents that were identified in  
14 the license agreement specifically.

15 Q And you broke these out in different cases,  
16 domestic patents, patent applications, foreign patents,  
17 and foreign patent applications; is that right?

18 A Yes.

19 Q So when the header says patents, you also  
20 include patent applications?

21 A That's right.

22 Q And you -- you counted these up, right, to get  
23 these numbers?

24 A I don't remember if it was me or someone  
25 working at my assistance.

1           Q     And if it was someone working for you, did you  
2     check their work?

3           A     I don't recall. It was awhile ago.

4           Q     But you believe these are accurate counts of  
5     the patents and applications that were licensed?

6           A     I think that's right. Although I note that in  
7     some instances there is inclusion of patents that are  
8     continuations in part or patents that are related to  
9     other patents. But those are not called out here. This  
10    is the patents that are specifically identified in these  
11    license agreements.

12          Q     If you could open Exhibit 1093, please.

13          A     I have it open.

14          Q     Do you recognize this?

15          A     Yes.

16          Q     So this is an agreement between Omega Patents  
17    and Accele Electronics; is that right?

18          A     That's right.

19          Q     So this corresponds to the first row in your  
20    Schedule 1, the table at paragraph 18?

21          A     Yes.

22          Q     And this is a -- this is a portfolio license,  
23    right?

24          A     I would describe it that way, yes.

25          Q     And in the table you list -- you break out the

1 patents and applications into four categories, right,  
2 Column 6 of Row 1 of your table?

3 A Yes.

4 Q Twenty-four domestics, six patent  
5 applications, right?

6 A Yes.

7 Q So when you say six patent applications, is  
8 that meant to be six domestic patent applications?

9 A That's right. You can see in that entry it  
10 says six patent applications and then it says six  
11 foreign patent applications later in that same cell.

12 Q All right. So I just want to add these up.  
13 You're a CPA, so you don't mind doing a little math.

14 A I don't. I don't mind adding things up, nor  
15 doing math.

16 Q Okay. So you agree there's 45 patents and  
17 applications that are licensed in Exhibit 1093; is that  
18 right?

19 A That's what this cell entry indicates.

20 Q Cell entry, meaning Column 6 of Row 1 of  
21 Schedule 1?

22 A Yes.

23 Q Forty-five patents involved?

24 A That's what 24 plus 6 plus 9 plus 6 equals:  
25 45.

1           Q     Okay. If you could set that aside. And I'd  
2     like to look at Exhibit 1091. Let me know when you have  
3     it open.

4           A     I have it open.

5           Q     So this is a license agreement between Omega  
6     Patents and Cimble Corporation; is that right?

7           A     That's right.

8           Q     This corresponds to the second row of the  
9     table in paragraph 18 of your declaration?

10          A     I believe it does.

11          Q     I'd like you to confirm that there are 54  
12     patents involved, adding up the numbers that you list in  
13     Column 6 of Row 2; is that right?

14          A     Yes.

15          Q     So Exhibit 1091 is a portfolio license  
16     involving 54 patents and applications?

17          A     That are specifically called out there, that's  
18     right. That's my understanding.

19          Q     Thank you. You can set that aside. I want to  
20     talk about Exhibit 2021.

21                 So Exhibit 2021 is an agreement between Omega  
22     Patents and also Omega Research Development,  
23     Incorporated, and Directed Electronics, Inc.; is that  
24     right?

25          A     Yes.

1           Q     If I say DEI, you'll understand I mean  
2     Directed Electronics, Inc.?

3           A     Yes.

4           Q     And this corresponds to the third row of your  
5     table in paragraph 18 of the declaration, right?

6           A     That's right.

7           Q     First, I want to confirm. If you look at the  
8     exhibit, this is the Exhibit 2021 that you identified in  
9     Footnote 1 to paragraph 18 of your declaration, right?

10          A     That's right.

11          Q     So in Column 1 of your table, you list Bates  
12     numbers for the documents, right?

13          A     Yes.

14          Q     Is there a reason that the Bates numbers you  
15     list in Column 1 Row 3 of this table at paragraph 18 are  
16     different than the Bates numbers in Exhibit 2021?

17          A     I think it's because when I originally created  
18     Schedule 1, it was for a version of this document that  
19     did not include all of the exhibits. Exhibit 2021  
20     includes all the exhibits, so I have this in two  
21     different forms.

22          Q     Did you -- okay. Is it your testimony that  
23     the information in Row 3 of this table in paragraph 18  
24     accurately describes the contents of Exhibit 2021?

25          A     I think it describes something I described

1 or -- I was referencing earlier wherein Column 6  
2 identifies the specific patents that are called out at  
3 the -- in the agreement, but it does not include all of  
4 the patents by virtue of continuations. And -- and so  
5 I -- I could get into a longer explanation of it.

6 But the '278 patent comes into DEI through  
7 continuations. And those -- the continuations are  
8 per -- I think it's Exhibit F or Exhibit G to this  
9 license agreement, which describes the continuations  
10 aspect.

11 Q Sorry, are you done?

12 A Yes.

13 Q Okay. If you can look at page 1 of  
14 Exhibit 2021, there are four recitals A, B, C and D. Do  
15 you see that?

16 A Yes.

17 Q And they refer to -- recital A receipts to a  
18 1999 settlement agreement between Omega R&D and DEI; is  
19 that right?

20 A That's right.

21 Q Recital B refers to a patent litigation by  
22 Omega against DEI, right?

23 A Right.

24 Q And recital, Charlie, C refers to final  
25 judgment in that patent litigation, right?

1           A     That's right.

2           Q     And recital D, delta, refers to a wish to  
3     resolve all matters including civil action and final  
4     judgment?

5           A     That's right.

6           Q     So this is a settlement agreement?

7           A     I think that this document is titled "Master  
8     and Cross License Agreement," but it does involve a  
9     settlement component, that's right.

10          Q     Okay. What patents did Omega accuse DEI  
11     infringing in this civil action identified in recital B?

12          A     I don't know as I sit here.

13          Q     You didn't check? Did you know at one time?

14          A     I believe I did.

15          Q     But when you prepared this declaration you  
16     didn't check?

17          A     Correct.

18          Q     But it didn't involve the '278 patent, did it?

19          A     I don't think the '278 patent, first of all,  
20     hadn't issued, and I don't think that it was part of  
21     that as a result.

22          Q     So paragraph -- in your declaration paragraph  
23     one, last sentence, you state you understand the filing  
24     date for the '278 patent was July 3, 2007; is that  
25     right?

1           A     Right.

2           Q     If we go back to Exhibit 2021, it's referring  
3     to litigation with 2005, right?

4           A     Right.

5           Q     So there -- at the time of the litigation, the  
6     '278 patent hadn't even been filed yet?

7           A     That's right.

8           Q     So the litigation did not involve '278 patent?

9           A     That's correct.

10          Q     All right. If you -- in this Exhibit 2021 if  
11     you turn to page 9.

12          A     I'm there.

13          Q     I want to make sure I have the right -- the  
14     numbering internally is a little off. But okay, page 9,  
15     that's the signature block. Do you see that?

16          A     The page to which I'm referring to at the  
17     bottom says nine, it has Bates number of Omega 4855, and  
18     it has signatures on that page.

19          Q     The last signature was May 12th of 2007?

20          A     The last signature was May 11th of 2007.

21          Q     The last dated signature was May 12th of 2007;  
22     is that right?

23          A     Yes.

24          Q     And back in your declaration you identify the  
25     agreement date at May 12th, 2007, right?

1           A     That's correct.

2           Q     So this was -- the agreement date was before  
3     the '278 patent was even filed, right?

4           A     That's correct.

5           Q     So this exhibit, in addition to being a  
6     settlement agreement, it's also a portfolio license,  
7     right?

8           A     That's correct.

9           Q     And if we tally up the numbers that are listed  
10    in your table, Row 3, Column 6, paragraph 18 of your  
11    declaration, there are 47 patents that you identify or  
12    describe as data bus patents; is that right?

13          A     Yes.

14          Q     And 36 patents and applications that you  
15    described as tracker patents; is that right?

16          A     Yes.

17          Q     So for the portfolio itself is 83 patents and  
18    applications, right?

19          A     Yes.

20          Q     If you go to page 32 of the exhibit, 32 of the  
21    PDF, I'm sorry.

22          A     Okay, I'm there.

23          Q     So this is -- I'm sorry, hold on a second.

24          A     No problem.

25          Q     So PDF page 32 says, "Omega-DEI Master

1 Cross-License Agreement Exhibit E," right?

2 A Right.

3 Q And the next page 33 says "The Licensed  
4 Database (sic) Patents," right?

5 A "Data bus patents."

6 Q You're correct. Data bus patents, right?

7 A Yes.

8 Q So these are the data bus patents that you  
9 break out in Column 6 Row 3 of your table, right? Yes?

10 A I'm checking, just a moment.

11 It looks like it.

12 Q And if you go to page 44 of Exhibit 2021.

13 A I'm there.

14 Q This is Omega DEI Master and Cross License  
15 Agreement Exhibit G, like golf?

16 A That's right.

17 Q And you go to the next page 45, it refers to  
18 the licensed GPS patents are as follows, right?

19 A That's right.

20 Q And the sixth entry down is US Patent Number  
21 6,606,561, right?

22 A That's right.

23 Q Back in your declaration a paragraph 20 you  
24 refer to this patent 6,606,561, right?

25 A Yes.

1           Q     Okay. You can agree with -- let's call that  
2     the '561 patent.

3           A     That's how I refer to it.

4           Q     Acceptable. All right. Why is the '561  
5     patent relevant?

6           A     Because I understand that the '278 patent  
7     was -- is a continuation in part at least of the '561  
8     patent.

9           Q     Okay. So the '561 patent and the '278 patent  
10    are in the same family?

11          A     That's my understanding.

12          Q     All right. In Exhibit 2021 at page 4, let me  
13    know when you're there.

14          A     I'm there.

15          Q     So there's a Section 5 "Tracker Patent  
16    License," correct?

17          A     Yes.

18          Q     And near the bottom there's a sentence, "In  
19    addition to those patents and applications currently  
20    identified in Exhibit G, the tracker patent portfolio  
21    shall include all divisions, continuations,  
22    continuations-in-part, reissues and reexaminations  
23    thereof," right?

24          A     Yes.

25          Q     So this is why you say that the '278 patent is

1 included in Exhibit 2021?

2 A Correct.

3 Q Because Exhibit G includes the '561 patent?

4 A Correct. I think there's one other as well,  
5 but the '571 patent was adequate for my purposes.

6 Q Okay. If we go back to page 45 of  
7 Exhibit 2021.

8 A I'm there.

9 Q Okay. The first slide reference to the  
10 licensed GPS patents. Do you see that?

11 A Yes.

12 Q So what does that mean to be a GPS patent?

13 A It's a tracker patent.

14 Q And what does that mean?

15 A It's a patent that relates to the ability to  
16 track the location of a vehicle among other  
17 functionalities, but I'll simplify it to that term.

18 Q How did you reach that conclusion?

19 A That GPS patent is the same as tracker patent,  
20 is that what you're asking?

21 Q Well, I asked you what a GPS patent and you  
22 said it's a tracker patent. And how did you get to that  
23 conclusion?

24 A I would say, based on my review of the  
25 technology, generally over the course of my work on

1 the -- on the matters that relate to that portfolio,  
2 including the review of license agreements, review of  
3 complaints and pleadings, discussion with  
4 Mr. McAlexander, Omega's technical expert, those are a  
5 few examples that I can think of as I sit here. The  
6 license agreements.

7 Q I'm going to mark an exhibit here. This is  
8 going to be marked Exhibit 3. I'll introduce it.

9 (EXHIBIT 3 WAS MARKED.)

10 Q Let me know when you see it.

11 A Just so you know, when I back out of the  
12 exhibit, then I'll go back to the Exhibit Share.

13 So you said go to 1093; is that right?

14 Q No, three.

15 A Oh, three. Exhibit 3?

16 Q It's marked Exhibit 3, US Patent 6,606,561.

17 A Okay. Give me a minute. It wasn't in the  
18 Exhibit Share but maybe it is now.

19 Oh, there it is.

20 Okay, I have it open.

21 Q You see the front page, the patent number at  
22 the top, right, 6,606,561?

23 A Right.

24 Q This is the patent you referred to in  
25 paragraph 20 of your declaration?

1           A     Yes.

2           Q     This is the patent listed that we just  
3 identified on Exhibit G, golf, of Exhibit 2021, DEI  
4 license, right?

5           A     Correct.

6           Q     Okay. I want you to turn to Column 24 and  
7 find claim 1.

8           A     Okay, I'm there.

9           Q     You see claim 1, a vehicle tracking system?

10          A     Yes.

11          Q     And then if you go down to line 14 it says --  
12 well, it says, "A vehicle tracking unit comprising: A  
13 vehicle position determining device," right?

14          A     That's right.

15          Q     Is that why you call this a tracking patent?

16               MR. SANTURRI: Object to the form.

17          A     I wouldn't say it's why, but it is consistent  
18 with that understanding. I didn't read this claim to  
19 come to that conclusion, but it's consistent with that.

20          Q     If you drop down claim 6 starting at line 39  
21 Column 24. Do you see that?

22          A     I do.

23          Q     So it says, "A vehicle tracking system,  
24 according to claim 1 wherein said vehicle position  
25 determining device comprises a Global Positioning System

1 (GPS) device," right?

2 A Right.

3 Q Okay. So does the fact that this patent  
4 recites a vehicle position determining device that is  
5 provided by GPS make this a GPS patent?

6 A I think it's referred to as the tracker  
7 patent. If you want to refer to it as a GPS patent you  
8 can, but I think that the Omega language is more along  
9 the lines of it being a tracker patent.

10 Q So if you go back to Exhibit 2021 page 45.

11 A Okay, I'm there.

12 Q Can you read the first line to me.

13 A "1. License Patents. The licensed GPS patents  
14 are as follows."

15 Q So Omega refers to it as a GPS patent; is that  
16 right?

17 A That's correct. In some instances it's  
18 referred to as a GPS patent.

19 Q And if you turn back to page 4 of Exhibit  
20 2021.

21 A Okay, I'm there.

22 Q Section 5 is titled "Tracker Patent License,"  
23 right?

24 A Yes.

25 Q In here, in fact, in the -- in the sentence we

1 looked at that refers to Exhibit G, it says, "The  
2 tracker" -- "In addition to patents and applications  
3 currently identified in Exhibit Golf, the tracker patent  
4 portfolio shall include the continuations," right?

5 A Yes. I generally agree with the way that you  
6 recite that.

7 Q So Omega is referring to the '561 patent as  
8 both the GPS patent and the tracker patent; is that  
9 right?

10 A Yes.

11 Q So you said that the '278 patent is a --  
12 through a series of continuations and continuation of  
13 parts from the '5 -- the application for the '561  
14 patent?

15 A That's generally my understanding.

16 Q All right. Well, we looked at exhibit Exhibit  
17 1001. Let's open that again.

18 A Okay.

19 Q All right. So it says related -- you see on  
20 the front page 1, field 63 is "Related US Application  
21 Data." Do you see that?

22 A I see that.

23 Q All right. So it says, Continuation-in-part  
24 of an application from 2005, which is a continuation of  
25 an application from 2003, which is a continuation of the

1 application issued as the '561 patent; is that right?

2 A Yes.

3 Q All right. And this is the reason that you  
4 think the '278 patent is included the DEI license  
5 Exhibit 2021, right?

6 A Yes. That's among the information that  
7 instructs that conclusion.

8 Q And the '561 patent Omega describes as the GPS  
9 patent and a tracker patent, right?

10 A That's right.

11 Q So the '278 patent would also come under those  
12 categories of GPS patent and tracker patent?

13 A I think that is one interpretation. I think  
14 there's also a data bus aspect of the '278 patent. But  
15 I've seen it referred to as the tracker patent as well.

16 Q Okay. While we have '278 patent open, if  
17 could turn to line 1, starts at the bottom column 25.  
18 Let me know when you're there.

19 A I'm there.

20 Q Recites, "A multi-vehicle compatible tracking  
21 unit comprising a vehicle position determining device,"  
22 right?

23 A Can you recite that again or restate that  
24 again. I see claim 1. When you read it it was a little  
25 bit shorter than the language that's there. So I just

1 want to make sure --

2 Q What I want to focus on in claim 1, the bottom  
3 of page 25 is what we call the preamble, and it ends in  
4 the phrase "comprising," right?

5 "The multi-vehicle compatible unit  
6 comprising." Do you see that?

7 A I do see it, yeah.

8 Q And then we go over to the top of column 26  
9 and there's an element that is a vehicle position  
10 determining device, right?

11 A Yes.

12 Q Exactly what we saw in the claim 1 of the '561  
13 patent?

14 MR. SANTURRI: Object to the form.

15 A I don't know if it's the same, but I see the  
16 column language.

17 Q The words are the same, "A vehicle position  
18 determining device," right?

19 A It's consistent with my understanding. I'd  
20 have to go back and crosscheck those with the two on the  
21 screen at the same time to make sure they were identical  
22 words.

23 Q Let's do that. We've got the '561 patent.  
24 Let's go back to that. If you don't recall, it's PDF  
25 page 24 of what we mark as Exhibit 3, the '561 patent?

1           A     I understand that. My issue is when I close  
2     one exhibit in Exhibit Share and I open another one, the  
3     first one is closed. So I'm not --

4           Q     We emailed -- fortunately we emailed  
5     Exhibit 1011, right? So why don't you open that PDF to  
6     do the comparison.

7           A     Okay. So I have 1001 open on the left side of  
8     my screen. And on the right side of the screen, which  
9     one do you want me to open?

10          Q     Exhibit 3, which is the '561 patent. Go to  
11     PDF page 24, which is -- on the right-hand side is  
12     Column 24.

13          A     Okay. I have them both open at the same time.

14          Q     Okay. So we'll do it a step at a time. In  
15     the '278 patent, claim 1 recites in the preamble, "A  
16     multi-vehicle compatible tracking unit comprising,"  
17     right?

18          A     Hold on a minute, I need to get to that.

19                 Yes, I see that.

20          Q     It says, "The multi-vehicle compatible  
21     tracking unit comprising a vehicle position determining  
22     device," right?

23          A     Right.

24          Q     And now if we go to the '561 patent, starting  
25     at line 10, it says, "A vehicle tracking system

1 comprising: Said vehicle tracking unit comprising a  
2 vehicle position determining device," right?

3 A Well, again, at the top in the '561 patent it  
4 says, "A vehicle tracking system comprising," as  
5 compared to the '278 patent which says, "A multi-vehicle  
6 compatible tracking vehicle comprising."

7 So that's one difference. But getting back to  
8 the '561, what was the part you identified after a  
9 vehicle tracking system comprising?

10 Q What does -- I'm going say line 10 lines up  
11 with the Number 1 for claim 1. Do you see that?

12 A Yes.

13 Q So read line 14 for me in the '561 patent.

14 A "A vehicle positioning" -- sorry, "A vehicle  
15 position determining device."

16 Q Right. And now if you go back to the '278  
17 patent, Column 26, read line 1 for me.

18 A It's the same language.

19 Q Okay. In the '278 patent, if you drop down to  
20 claim 11, starting at line 50, can you read that claim  
21 11.

22 A "The multi-vehicle compatible tracking unit  
23 according to claim 1 wherein said wireless position  
24 determining device comprises a Global Positioning System  
25 (GPS) receiver."

1 Q And an Exhibit 3, the '561 patent and PDF page  
2 24, can you read claim 6 out loud. Starts at line 39.

3 A "A vehicle tracking system, according to claim  
4 1 wherein said vehicle position determining device  
5 comprises a Global Positioning System (GPS) device."

6 Q Can you agree that this is why -- strike that.  
7 So in the DEI license agreement Exhibit 2021,  
8 we saw that Omega describes the '561 patent as a GPS  
9 patent and tracker patent; is that right?

10 A Yes, I believe that's right.

11 Q All right. And you said that the '278 patent  
12 is part of what is licensed in the DEI agreement,  
13 Exhibit 2021, because it has a family relationship to  
14 the '561 patent, right?

15 A That's right. It's a continuation in part  
16 and -- at least is my understanding.

17 Q And both the '561 patent claim 1 and the '278  
18 patent claim 1 require vehicle position determining  
19 device, right?

20 A Yes. In the case of '278, it's a  
21 multi-vehicle. That's the distinction I referenced  
22 earlier.

23 Q That's not the limitation we're talking about,  
24 though.

25 A Well, I think you asked me to read claim 11,

1     which begins with the multi-vehicle compatible tracking  
2     unit, and then you asked me to compare that to claim 6,  
3     which is a vehicle tracking system.

4           Q     Mr. Tregillis, we just saw and you just read  
5     into the record that both claim 1 of the '278 patent and  
6     claim 1 of the '561 patent recite a vehicle position  
7     determining device, correct?

8           A     I agree with that, that's right.

9           Q     And you just read into the record that claim  
10    11 of the '278 patent and claim 6 of the '561 patent say  
11    that the vehicle positioning -- position determining  
12    device comprises a GPS, right?

13          A     Yes. Again, the difference being that in the  
14    '278 patent it's multi-vehicle, but each of them has a  
15    GPS component.

16          Q     And in the DEI license, Exhibit 2021 at  
17    Exhibit G, the '561 patent is described as a GPS patent,  
18    right?

19          A     Yes.

20          Q     And in the DEI license at page 4, the '561  
21    patent is described as a tracker patent, right?

22          A     Right.

23          Q     And I am -- so you agree that the '278 patent  
24    would come within these descriptions of a GPS patent and  
25    a tracker patent, right?

1           A     I've seen it referred to in those ways as well  
2     a data bus patent. So I would agree that it has been  
3     referred to in that way at least on -- in some  
4     instances.

5           Q     Let's set aside Exhibit 2021 for a moment. If  
6     you could look at Exhibit 2020.

7           A     Okay.

8           Q     So this is a settlement agreement between  
9     Omega Patents and Enfora; is that right?

10          A     Yes.

11          Q     And in this is listed in Row 4 of your table  
12     in paragraph 18 of your declaration Exhibit 2014, right?

13          A     I don't have that declaration open right now.  
14     I have the Exhibit 2020 open, but that's generally  
15     consistent with my recollection.

16          Q     Well, what I would like you to do then is --  
17     since we distributed your declarations as a PDF, why  
18     don't you go ahead and open that PDF, Exhibit 2014.

19          A     Okay, I have it open.

20          Q     You go to paragraph 18, I want to confirm that  
21     Row 4 of the table in paragraph 18 of your declaration  
22     is referring to Exhibit 2020, the Enfora settlement  
23     agreement.

24          A     That's right. It's the same row.

25          Q     So in Exhibit 2020 on page 1, I want to look

1 at the definitions, 1A through 1D. Are you with me?

2 A Yes.

3 Q All right. So there's a reference to a Miami  
4 action?

5 A Yes.

6 Q There's a reference to a Georgia action?

7 A Yes.

8 Q There's a reference to -- it identifies five  
9 patents that were part of the Miami action, right?

10 A Right.

11 Q And the definition 1 delta refers to four  
12 patents that were part of the Georgia action, right?

13 A Correct.

14 Q So this litigation involved nine patents?

15 A I think that there were two actions. But  
16 combined between the two actions there were nine  
17 Patents-in-Suit.

18 Q All right. So the two litigations involved  
19 nine different patents, right?

20 A Right.

21 Q And this settlement agreement is settling  
22 these two actions, right?

23 A That's my understanding.

24 Q All right. And if you turn to page 6 of the  
25 PDF, which is Exhibit 1 of 2020.

1           A     I'm there.

2           Q     Under definitions 1 alpha, defines "License  
3 Patents"; is that right?

4           A     Yes.

5           Q     It identifies five patents that are licensed  
6 patents?

7           A     Yes.

8           Q     The '278 patent is not one of the licensed  
9 patents, is it?

10          A     That's correct, it's not one of those five.

11          Q     So this is a settlement agreement on two  
12 litigations involving nine patents, right?

13          A     That's right.

14          Q     And the settlement agreement grants a license  
15 to five patents that does not include the '278 patent;  
16 is that right?

17          A     This Exhibit 1 does not include the '278  
18 patent in that definition of Section 1A.

19          Q     You reviewed Exhibit 2020?

20          A     Yes.

21          Q     You picked this to include it in the table  
22 here, in paragraph 18 of your declaration?

23          A     That's right.

24          Q     And so you -- tell me, then, what patents does  
25 this agreement license other than the four listed on

1 page 6 under the definition of licensed patents? I'm  
2 sorry, the five listed on page 6 under your definition  
3 of licensed patents.

4 A I see here those five, which is why if you  
5 look at my summary table, it says -- in the sixth  
6 column, it says five domestic, and the '278 is not one  
7 of those. It's one of the patents that's listed in --  
8 on the first page about the patents that are part of the  
9 settlement agreement. But it's not one of those five  
10 that are on the sixth PDF page, Exhibit 1.

11 Q Try to clean this up in small steps. In  
12 paragraph 18 of your declaration in table at Row 4,  
13 you're describing 2020, right?

14 A Correct.

15 Q This is the settlement agreement between Omega  
16 and Enfora, right?

17 A Yes.

18 Q And that settlement agreement settles the  
19 dispute in two patent infringement litigations, right?

20 A Right.

21 Q The two patent infringement litigations  
22 involve nine different patents, right?

23 A That's right.

24 Q And the nine patents included the '278 patent,  
25 right?

1           A     That's right.

2           Q     But the Enfora settlement agreement does not  
3     grant a license to the '278 patent, does it?

4           A     It is included as one of the patents that is  
5     settled, but it is not in that Exhibit 1 page, PDF page  
6     6.

7           Q     Well, let's be precise. The litigation is  
8     settled. The patent was the subject of litigation,  
9     right?

10          A     That's right. The Exhibit 1 lists the patents  
11     that are part of the Miami Patents-in-Suit. It does not  
12     list the Georgia Patents-in-Suit.

13          Q     There's no license granted to the patents of  
14     the Georgia Patents-in-Suit?

15          A     I don't know that that's true, but I do agree  
16     that the Georgia Patents-in-Suit are not listed in  
17     Exhibit 1 Section 1A.

18          Q     So Exhibit 2020 does not contain a license to  
19     the '278 patent?

20          A     It has an agreement not to sue on the '278,  
21     but I agree that it is not -- the '278 patent is not  
22     listed in that Exhibit 1, nor are any of the Georgia  
23     Patents-in-Suit listed in that Exhibit 1 Section 1A. I  
24     agree with that.

25          Q     What I want to know is if -- is there any part

1 of Exhibit 2020 that grants a license to the '278  
2 patent?

3 A I don't know that the word "license" is  
4 indicated in the same sentence as the Georgia  
5 Patents-in-Suit. I do see that there is a standstill  
6 agreement that covers the Georgia Patents-in-Suit, and  
7 it says -- it relates to the Georgia action.

8 So as I understand it, there is a release and  
9 covenant not to sue. But -- but like I said, I agree  
10 that the Exhibit 1 list of patents does not include the  
11 Georgia patents, which include the '278 patent.

12 Q If you could open Exhibit 1092.

13 A Okay.

14 Q So this is a -- this is a portfolio license  
15 between Omega and Mid City Engineering; is that right?

16 A Right.

17 Q And this corresponds to Row 5 of the table in  
18 your declaration in paragraph 18?

19 A Yes.

20 Q And if we can tally up the patents and  
21 applications that are licensed, there are 47 patents and  
22 patent applications licensed, right?

23 A Yes.

24 Q And if you could open up Exhibit 1090.

25 A Okay.

1           Q     So this is a -- this is an agreement between  
2     Omega Patents and Numerex Corporation and Numerex  
3     Solutions, right?

4           A     That's correct.

5           Q     And this corresponds to Row 6 of the table in  
6     your declaration at Exhibit 18?

7                     I'm sorry -- strike that.

8                     This Exhibit 1090, the Numerex agreement,  
9     corresponds to Row 6 of the table at paragraph 18 of  
10    your declaration; is that right?

11          A     That's correct. And I thought that's what you  
12    were saying, but I agree with you.

13          Q     Okay. So in the recitals here, the whereas  
14    clause, the third one, refers to an infringement -- a  
15    patent litigation in the Northern District of Georgia;  
16    is that right?

17          A     Yes.

18          Q     And that litigation did not include the '278  
19    patent?

20          A     That's my understanding. That's correct.  
21    That's what that whereas paragraph states.

22          Q     Okay. And this -- so this is a settlement  
23    agreement; is that right?

24          A     It says it's a license agreement in the title  
25    of the document. But I understand that there is a

1 settlement that is part of what happened with this  
2 agreement.

3 Q Well, in your declaration, Column 4 Row 6 of  
4 the table, you refer to it as a patent license and a  
5 settlement agreement.

6 A That's right.

7 Q If we tally up the patents that are -- you  
8 identify in Column 6 Row 6 of your table, this  
9 Exhibit 1090 involves 86 patents and applications; is  
10 that right?

11 A Yes. Patent and applications, that's right.

12 Q So I kind of like to summarize what we have  
13 found here. So from these six exhibits we identified  
14 four settlement agreements, right?

15 A I think that there are settlement components  
16 to at least the bottom three, and I can see one above  
17 that that -- so the DEI, Enfora, Mid City and Numerex  
18 agreements all make reference to settlement and  
19 resolution of a dispute.

20 Q So Exhibit 1090, that's the one we have in  
21 front of us, that's the Numerex agreement, right?

22 A Yes.

23 Q That's a settlement agreement?

24 A I don't really know how to give a better  
25 answer than I have already, which is the document on its

1 face refers to it as a license agreement. But I  
2 understand there to be a settlement of the identified  
3 litigation. And that's why in my summary table,  
4 Schedule 1, I refer to it as a patent license and  
5 settlement agreement.

6 Q So it's a both, it's a settlement and a  
7 portfolio license?

8 A Yes.

9 Q Okay. And Exhibit 1092, the Mid City  
10 Engineering agreement, that's also a settlement  
11 agreement and a portfolio license, right?

12 A Yes.

13 Q And Exhibit 1093, the Accele Electronics  
14 agreement, that's a settlement -- I'm sorry. Let's back  
15 up here. Start over.

16 Exhibit 1090 is the Numerex agreement and that  
17 is a settlement agreement, right?

18 A That's right.

19 Q And Exhibit 1092, the Mid City Engineering  
20 agreement, is a settlement agreement as well?

21 A In part, that's right, and license.

22 Q And Exhibit 2020, the Enfora agreement, is  
23 also a settlement agreement?

24 A That's the way I describe it in my Schedule 1.

25 Q Well, we looked at it, right? There was a

1 Miami action and a Georgia action, right?

2 A Yes.

3 Q In Exhibit 2021, the DEI agreement is a  
4 settlement agreement?

5 A There is a settlement component, that's right.

6 Q So four of these exhibits involve settlements,  
7 right?

8 A That's right.

9 Q Those fours are Exhibits 1090, 1092, 2020 and  
10 2021, right?

11 A I believe that's right.

12 Q Now, if we consider which of these exhibits  
13 are portfolios, Exhibit 1090 to Numerex was also a  
14 portfolio license, right?

15 A That's right.

16 Q Involved 86 patents and applications, right?

17 A That's right.

18 Q Exhibit 1091 with the agreement with Cimble  
19 Corp was a portfolio license, right?

20 A That's right.

21 Q And it involved 54 patents and applications?

22 A That's right.

23 Q Exhibit 1092 with -- the agreement with Mid  
24 City Engineering was also a portfolio license, right?

25 A That's right.

1 Q Involved 47 patents and applications?

2 A That's right.

3 Q Exhibit 1093, the agreement with Accele  
4 Electronics was a portfolio license, right?

5 A That's correct.

6 Q And it involved 45 patents and applications?

7 A That's correct.

8 Q Exhibit 2021 with DEI was a portfolio license?

9 A Correct.

10 Q Involved 83 patents and applications, right?

11 A I think that's right.

12 Q I mean, let's go back.

13 A I'll have to add up those numbers again. Just  
14 give me a minute.

15 Q Okay. This is Row 3 of your table.

16 A That's correct. Give me a moment.

17 Q Eighty-three patents and license?

18 A If you just give me a moment, I'll redo that  
19 math in my head. Just a moment.

20 Eighty-three, that's right.

21 Q It's almost 2:00 o'clock East Coast and would  
22 make it 11:00 a.m. your time. Do you want to take a  
23 short break and resume at 10 minutes past the hour?

24 A Sure.

25 MR. SANTURRI: That's fine.

1 MR. WICHMAN: Off the record.

2 (Recess from 10:57 to 11:11.)

3 BY MR. WICHMAN:

4 Q Mr. Tregillis, during the break did you  
5 discuss anything with your attorney?

6 A I didn't discuss anything with the counsel for  
7 Omega, and I don't have an attorney representing me in  
8 this matter.

9 Q Did you discuss any of this deposition with  
10 counsel for Omega?

11 A No.

12 Q We were discussing the license agreements and  
13 we ended up discussing five portfolio licenses, correct?

14 A I think it was four.

15 Q We identified four settlement agreements,  
16 right?

17 A Oh, that's right. I agree with your  
18 characterization.

19 Q So of the six agreements we discussed,  
20 everything except Exhibit 2020 is a portfolio license,  
21 right?

22 A That's right, assuming 2020 is Enfora.

23 Q Enfora, yes, Row 4 of your table and in your  
24 declaration?

25 A Right.

1 Q Okay. Portfolio license?

2 A Right.

3 Q I want to talk about the terms here. So if  
4 you look at Exhibit 1090, this is the Numerex Solutions  
5 agreements.

6 A Yes, the Numerex agreement.

7 Q If you turn to page 13. Just let me know when  
8 you're there.

9 A I'm there.

10 Q At the top, it says "Schedule B To License  
11 Agreement"?

12 A That's right.

13 Q And there's a -- if you drop down to the  
14 bottom, it says, "3. Royalty," right?

15 A Correct.

16 Q Is one royalty for any licensed tracking unit  
17 without any data bus functionality, right?

18 A Correct.

19 Q And it's a different royalty for any license  
20 tracking unit with a limited data bus functionality,  
21 right?

22 A That's right.

23 Q So the royalty rate doesn't depend on any  
24 individual patent that's licensed, does it?

25 A When you say doesn't depend on the patent, I

1 think I agree with that. It relates to the  
2 functionality on the -- of the product.

3 Q If you turn to page -- page 10 of  
4 Exhibit 1090. Let me know when you're there.

5 A Okay, I'm there.

6 Q And this refers to license tracking patents?

7 A That's right.

8 Q So if you just crossed out the first listed  
9 patent and removed it from the agreement, that wouldn't  
10 change the royalty rate, wouldn't it?

11 A Correct.

12 Q If you go to page 11, this refers to licensed  
13 data bus patents, right?

14 A That's right. And just to clarify, when I  
15 said previously the licensed tracking patents are as  
16 follows, and you said if you eliminate the first one,  
17 that it wouldn't change the rate.

18 I think it would not change the rate. It  
19 might change the units that would be covered if the  
20 patents were no longer valid. So to the extent that you  
21 don't have valid patents, then I believe that there  
22 wouldn't be a royalty due.

23 Q Let's go back to page 13. Where does it say  
24 that the royalty for a licensed tracking unit changes if  
25 one of the listed patents is found invalid?

1           A     I'm not talking about it saying there's one of  
2     the listed patents invalid, but I understand there has  
3     to be a valid patent. So as long as you have at least  
4     one, then it's the royalty rate described in that  
5     schedule or in the agreement.

6           Q     The royalty rates are defined by technology  
7     that's licensed; is that correct?

8           A     That's right. But I understand there's no  
9     royalty due if there's no valid patent that's live.

10          Q     And, in fact, none of these five portfolio  
11     licenses make any royalty payment dependent on an  
12     individual patent; isn't that right?

13          A     Well, I think that's what I'm describing, that  
14     there has to be a valid patent. But once you have one,  
15     then the rate doesn't change if you have more than one.

16          Q     Okay. So let's go to Exhibit 2021.

17          A     Okay.

18          Q     And we went through this, that the last  
19     signature establishing this agreement was May 12th of  
20     2007, right?

21          A     Yes.

22          Q     And this agreement was signed before the '278  
23     patent was even filed, right?

24          A     Correct.

25          Q     Okay. And if you go to page 3 at the bottom

1 refers to a data bus patent license, right?

2 A Yes.

3 Q And it says that the royalty rate of \$5 per  
4 unit shall apply?

5 A That's right.

6 Q And on page 4, there's a Section 5 that refers  
7 to a tracker patent license, right?

8 A That's right.

9 Q And it says that a royalty rate of \$2 per unit  
10 shall apply, right?

11 A That's right.

12 Q And after -- you say this agreement covers the  
13 '278 patent?

14 A That's my understanding.

15 Q And the '278 patent issued in October of 2011,  
16 right?

17 A That's right.

18 Q Did the royalty rate on Exhibit 2021 change  
19 after the '278 patent issued?

20 A No.

21 Q It's the same rate before the patent, the '278  
22 patent was filed, as after the '278 patent issued?

23 A That's correct. And it's the same rate when  
24 the '278 patent is the only patent left standing, that's  
25 right.

1           Q     Do you agree that for Exhibits 1091, 1092, and  
2     1093, the royalty rates are not dependent on any  
3     individual patent?

4           A     The royalty rates don't change as long as you  
5     have one patent that is valid and live. So it's the  
6     same answer I described a moment ago.

7                     When the '278 patent issues on top of the  
8     others, the rate doesn't change. And when the '278 is  
9     the last patent, which I understand to have been the  
10    case through September of this year, the same rate  
11    applied when the '278 patent was the only one left  
12    standing. And when the '278 patent expired, then there  
13    was no more royalty due.

14          Q     So it's the same rate for any number of  
15    patents, any number -- as long as there's one issued and  
16    valid patent?

17          A     That's right.

18          Q     If you go to your declaration, Exhibit 2014  
19    paragraph 27.

20          A     Okay, I'm there.

21          Q     So it's your opinion that the '278 patent  
22    covers tracking patent technology?

23          A     Yes.

24          Q     And it's your opinion that the '278 patent  
25    provides an easy and efficient way to deploy the

1 geofence; is that right?

2 A That's correct.

3 Q What's a geofence?

4 A Geo refers to geography and fence is a  
5 boundary. So if you have a boundary that is defined in  
6 a tracking system, there will be a notification when a  
7 vehicle goes outside that fence.

8 Q Does geofence use GPS?

9 A That's my understanding.

10 Q It's your opinion that the '278 patent  
11 provides an easy-to-install efficient reliable way for a  
12 device to monitor a vehicle speed; is that right?

13 A That's my understanding.

14 Q And speed monitoring uses GPS?

15 A I believe that's right.

16 Q So the '278 patent does not claim deploying a  
17 geofence, does it?

18 A I don't know about that. I'd have to take a  
19 look at it. But I don't think it does. I don't think I  
20 saw the word "geofence" in the '278 patent.

21 Q But you didn't -- you didn't ask -- you didn't  
22 make that determination before signing your declaration;  
23 is that right?

24 A Well, you can see the Footnote 21 refers to  
25 the sentence mentioning geofencing. And for the

1 Footnote 21, I reference my discussion with Joe  
2 McAlexander. So I did think it was worth investigation  
3 before I wrote that.

4 Q Did you ask Mr. McAlexander whether the '278  
5 patent claimed geofences?

6 A I think we discussed whether the '278 patent  
7 technology included geofencing. I don't think I asked  
8 him about whether it was in the claims of the '278  
9 patent.

10 Q What's the difference between a patent claim  
11 and patent technology?

12 A Well, a patent claim can cover certain  
13 functionality that makes possible certain features. And  
14 that's the way I view this here. Geofencing is a  
15 feature that is made possible by the technology covered  
16 by the '278 patent.

17 Q The fact that the '278 patent uses the GPS?

18 A Yes. And one use of that GPS technology is in  
19 geofencing.

20 Q But the '278 patent did not claim deploying a  
21 geofence?

22 A I tried to answer that best I could just a  
23 minute ago. I think -- I can try to restate it if you  
24 want but I gave my best answer.

25 Q And the '278 patent does not claim monitoring

1 vehicle speed, does it?

2 A It's the same issue as what I described  
3 before. I don't think that monitoring vehicle speed --  
4 I don't remember seeing that. It could be. But it  
5 is -- as I understand it, and from my discussion with  
6 Mr. McAlexander, it is a feature that is made possible  
7 by the technology covered by the '278 patent.

8 Q Did you ask Mr. McAlexander whether the '278  
9 patent claimed monitoring vehicle speed?

10 A I don't recall. I don't recall answering that  
11 specific question or asking that specific question.

12 Q You recall we talked about the DEI license,  
13 Exhibit 2021?

14 A Yes.

15 Q And we talked about the fact that it  
16 characterized the '561 patent as a GPS patent?

17 A Yes.

18 Q And it characterizes the '561 patent as a  
19 tracker patent, correct?

20 A Yes.

21 Q You agree that the '278 patent would also come  
22 within the description of GPS patent and tracker patent?

23 A I see it referred to that as.

24 Q Where did you see it referred to those?

25 A I think I've seen it listed in a tracker

1 patent listing. I can't identify that as I sit here.

2 Q Can you go to Exhibit 1092, this is the Mid  
3 City Engineering license.

4 A Okay, I'm there.

5 Q On page 1 under license there's a recital B, 1  
6 bravo. Do you see that?

7 A Yes.

8 Q Can you read that into the record, please.

9 A "As used in the agreement, the patents shall  
10 mean and include those patents identified more fully in  
11 the attached Schedule A with the exception that no  
12 license is implied or granted to any claim (S) of any  
13 patent relating to or covering vehicle GPS tracking  
14 technology."

15 Q What's vehicle GPS tracking technology?

16 A That's the technology that I've been talking  
17 about, and I understood you to have been talking about.

18 Q The technology that you say supports  
19 geofencing?

20 A Yes.

21 Q The technology that supports monitoring  
22 vehicle speed?

23 A Correct.

24 Q The technology using GPS?

25 A Yes.

1 Q The technology that is in the '278 patent?

2 A Yes.

3 Q So, in fact, no license is implied or granted  
4 to any claim of any of the patents relating to or  
5 covering vehicle GPS technology means no license is  
6 implied or granted to any claim of the '278 patent,  
7 right?

8 A No, I don't think that's necessarily true  
9 because the '278 patent also refers to data bus access  
10 and multi-vehicle implementation reading and knowing  
11 codes and the ability to read codes from multiple  
12 vehicles.

13 Q Do you recall we looked at Exhibit 1001, the  
14 '278 patent?

15 A I'm going jump back over to 1001. I don't  
16 remember which document that is.

17 Would you like me to do that?

18 Q Do you recall we discussed the '278 patent  
19 claims?

20 A Yes.

21 Q You recall we looked at claim 1, right?

22 A Yes.

23 Q Claim 1 recited a vehicle position determining  
24 device?

25 A I'm going there right now. Just a minute.

1           A vehicle position determining device, that's  
2 correct.

3           Q     You saw that in claim 11 the vehicle position  
4 determining device is the GPS?

5           A     That's right.

6           Q     Okay. I want you -- I'm going to ask you a  
7 hypothetical. Are you comfortable doing hypothetical  
8 questions?

9           A     I -- I generally am comfortable with the  
10 concept of a hypothetical.

11          Q     We get to ask experts hypothetical questions,  
12 right?

13          A     That's my consistent with my understanding of  
14 the process.

15          Q     Okay. So I want you to assume that claim 1 of  
16 the '278 patent requires vehicle position determining  
17 provided by GPS. Just assume that.

18                Are you with me on the assumption? Do you  
19 understand?

20          A     I'm with you so far.

21          Q     So in that case, you agree that claim 1 would  
22 relate to vehicle GPS tracking technology?

23          A     Yes. It describes in claim 1 that it is a  
24 multi-vehicle compatible tracking unit, and that it has  
25 those requirements you just recited in your

1     hypothetical.

2           Q     Okay.  So then claim 1 would come under this  
3     description of claims of the '278 patent relating to  
4     vehicle GPS tracking technology?

5           MR. SANTURRI:  Form.

6           A     I lost your question.  Can you ask it again or  
7     can I get it read back?

8           Q     So let's start with the -- we're still with  
9     the same assumption that claim 1 requires a vehicle  
10    positioning -- a vehicle position determining device  
11    that is provided by GPS.

12          A     I'm with you that far.

13          Q     Okay.  In that -- in that case, claim 1 would  
14    be a claim of the '278 patent relating to or covering  
15    vehicle GPS tracking technology, right?

16          A     Yes.

17          Q     And it would be excluded from this license  
18    agreement, right?

19          MR. SANTURRI:  Objection; form.

20          A     I don't know.

21          Q     Why don't you know?

22          A     I don't know because the '278 patent covers  
23    more than just this part of the claim that you're  
24    talking about.  There's a multi-vehicle component that  
25    is in claim 1.  And I understand further that this

1 involves accessing the data bus.

2 Q Well, let's look at the recital here in  
3 Exhibit 1092. It says that no license is implied or  
4 granted to any claim of these patents, right? Let me  
5 strike that.

6 The language is the exclusion goes on a  
7 claim-by-claim basis. Do you agree with that?

8 A That's what the 1B language seems to indicate.

9 Q And the test for whether a claim comes within  
10 the exclusion is whether the claim relates to or covers  
11 vehicle GPS tracking technology, right?

12 A I'm not holding myself out to be an expert in  
13 the law and ultimately that may come to a determination  
14 by others. But I see the language to which you're  
15 referring that says, "No license is implied or granted  
16 to any claim" -- "claims of any of the patents relating  
17 to or covering vehicle GPS tracking technology," I see  
18 that language.

19 Q So the test for implementing or for evaluating  
20 this exclusion is whether a claim relates to or covers  
21 vehicle GPS tracking technology, right?

22 MR. SANTURRI: Form.

23 A That's consistent with my reading of this  
24 document.

25 Q Okay. And what I'm asking is whether you

1 agree that if the '278 patent claim 1 required a vehicle  
2 position determining device that is provided by GPS,  
3 then that claim would be a claim of the '278 patent  
4 relating to or covering GPS tracking technology?

5 A That may be. I'm not an expert in claim  
6 interpretation to be able to come to that conclusion.  
7 But that could be. I can see -- I can see how one might  
8 come to that conclusion.

9 Q But you're an expert in licensing, right?

10 A That's correct.

11 Q I mean, you're an accredited professional in  
12 licensing?

13 A That's correct.

14 Q Okay. And you understand that in license  
15 agreements, when a term is ambiguous the term is  
16 defined, right?

17 A I understand that in licensing agreements  
18 terms are defined.

19 Q But this agreement does not define the term  
20 "vehicle GPS tracking technology"?

21 A I would need to go through the whole license  
22 agreement to come to a certain conclusion on that.

23 Q But I thought you reviewed this when you  
24 prepared your declaration?

25 A That's right. But I don't have it committed

1 to memory.

2 Q You didn't evaluate what that exclusion would  
3 cover when you reviewed this license?

4 A I think I did generally consider that.

5 Q And what was your conclusion?

6 A My conclusion is that the '278 patent covers  
7 accessing the OBD2 port for multi-vehicle functionality,  
8 in other words, for multiple vehicles of various types,  
9 and using different command codes. And that it also  
10 involves vehicle tracking and GPS tracking.

11 So that is generally my understanding of what  
12 the patented technology includes and covers. So I  
13 understood that this aspect here, when we're talking  
14 about the exclusion of the tracking component, that  
15 would lead the rest of the '278 patent.

16 Q So when you evaluated this exclusionary  
17 recital, 1 bravo, you evaluated it in terms of  
18 technology and not in terms of individual claims; is  
19 that right?

20 A I don't know about that. I did look at the  
21 claims. Like I said, I don't hold myself out to be an  
22 expert in the law, but I did look at the claims. I also  
23 looked at the technology.

24 Q All right. So what I asked you was whether  
25 you that the '278 patent, if the '278 patent, claim 1

1 required a vehicle position determining device provided  
2 by GPS, then that claim would be a claim of the '278  
3 patent relating to or covering GPS technology.

4 And you said that may be, right?

5 A That's right.

6 Q Do you want to change your answer or do you  
7 agree now?

8 A No. What I said is -- and I tried to  
9 explain -- I think that there a part of claim 1 that  
10 relates to tracking. There's also a part of the claim 1  
11 that relates to multi-vehicle functionality. But I'm  
12 not disputing that there's a part of claim 1 that  
13 relates to tracking.

14 Q But you included Exhibit 1092 in your  
15 declaration in paragraph 18 as something that licenses  
16 the '278 patent?

17 A Right.

18 Q Even with this recital?

19 A That's right.

20 Q Can you look at Exhibit 1093.

21 A Okay.

22 Q So on page 1 under 1 license, there's a 1  
23 bravo that provides that recital with the same wording  
24 that we just discussed in Exhibit 1092, right?

25 A Yes.

1           Q     "No license is implied or granted to any claim  
2     (S) of any of the patents relating to or covering  
3     vehicle GPS tracking technology," right?

4           A     Right.

5           Q     So same analysis applies to the Exhibit 1093  
6     including -- let me strike that.

7                     Whether the '278 patent claims are excluded by  
8     this recital in 1093 is the same analysis as for the  
9     exclusionary recital in Exhibit 1092, right?

10          A     That's generally my understanding.

11          Q     Okay. So I want to jump ahead to -- actually  
12     jump back for a minute to paragraph 17 of your  
13     declaration.

14          A     Okay, I'm there.

15          Q     You say there are multiple indications of  
16     value of the '278 patent, right?

17          A     That's right.

18          Q     And then you list five bullets, the last  
19     bullet being trial and appellate court conclusions about  
20     the value of the '278 patent, right?

21          A     Correct.

22          Q     Correct. So if we can turn to paragraph 45 of  
23     your declaration, let me know when you're there.

24          A     I'm there.

25          Q     So this paragraph you're talking about jury

1       verdicts in the CalAmp litigation, right?

2           A       Yes.

3           Q       That's where you were the damages expert for  
4       Omega?

5           A       That's correct.

6           Q       And there was a jury trial that was appealed  
7       followed by a remand, right?

8           A       That's right.

9           Q       I should say the jury returned a verdict, the  
10       verdict was appealed at the federal circuit, and then  
11       the case was remanded, right?

12          A       That's what I was attempting to summarize in  
13       my previous answer. So yes, that's my understanding of  
14       what happened.

15          Q       And you wrote this testimony in paragraph 45,  
16       right?

17          A       That's right.

18          Q       And you were -- you were careful to make sure  
19       that this was accurate, right?

20          A       Yes, I tried to write accurate statements  
21       here.

22          Q       And you told us when we started this  
23       deposition that you reviewed the federal circuit  
24       opinions relating to those two jury verdicts, right?

25          A       Yes.

1           Q     You did that before you wrote this testimony,  
2     right?

3           A     Yes.

4           Q     And in the second sentence of paragraph 45 you  
5     refer to a jury finding in what you CalAmp 1; is that  
6     right?

7           A     Yes.

8           Q     And you have a Footnote 51 that refers to  
9     Exhibit 1027, right?

10          A     That's right.

11          Q     And you reviewed Exhibit 1027?

12          A     I believe so.

13          Q     That's the jury verdict form from the first  
14     verdict in CalAmp, correct?

15          A     It might be. I don't recall.

16          Q     You don't recall. All right. So what I want  
17     to know is whether you're aware that the federal circuit  
18     vacated the jury's damages award of the first CalAmp  
19     trial?

20          A     I am familiar with that, yes.

21          Q     You are. And yet you're pointing to a vacated  
22     jury finding on damages as evidence of the value and  
23     indication of the value of the '278 patent; is that  
24     right?

25          A     That's right.

1           Q     So how is a vacated jury damages award  
2 evidence of nonobviousness of any claim of a '278  
3 patent?

4                     MR. SANTURRI: Object to the form.

5           A     When I'm describing here is that the jury  
6 found that the '278 patent was valid. There was a  
7 remand, and there was the second jury award, and then  
8 there was another remand, although there was a  
9 dissenting opinion.

10          Q     The second sentence of paragraph 45 you are  
11 summarizing the jury's damages award before the first  
12 appeal, right?

13          A     Right.

14          Q     And that damages award was erased when the  
15 federal circuit vacated the judgment, right?

16          A     It was remanded. I don't know if that is the  
17 same as erased, but that's functionally adequate for me  
18 so sure, I'll call it erased.

19          Q     There was a second trial on damages?

20          A     That's right.

21          Q     You testified at the trial?

22          A     That's right.

23          Q     Okay. There was a second trial because the  
24 first award was vacated, was erased, right?

25          A     Right.

1 Q All right. So how is an erased finding by a  
2 jury an indication of value of the '278 patent?

3 A I'm pointing out here that there was this  
4 initial finding by a jury. It was vacated. There was a  
5 second jury ruling, and then there was another appeal,  
6 and that was remanded as well. And that's when the case  
7 settled when I was preparing for the third trial.

8 Q Why did the federal circuit vacate the jury  
9 award, the first jury award?

10 A I believe there were multiple issues in that.  
11 I don't remember the details of those.

12 Q In the third sentence of paragraph 45 you say,  
13 "After the ruling was remanded to trial court for a  
14 second trial, the jury also found that the '278 patent  
15 was valid," right? You say that?

16 A Yes.

17 Q But you're aware that the validity was not at  
18 issue in the second jury trial, right?

19 A I'm not sure about that, but I'll take your  
20 representation.

21 Q You've got a Footnote 52 on this sentence to  
22 Exhibit 1028, right?

23 A Yes.

24 Q Let's look at Exhibit at 1028.

25 A That's not in the Exhibit Share.

1           Q     I'm publishing it right now. I know you're  
2 eager.

3                               (EXHIBIT 1028 WAS MARKED.)

4           Q     If you refresh your Exhibit Share, you should  
5 see it there.

6           A     It's there.

7           Q     Is this the document you're reciting in your  
8 Footnote 52 paragraph 45 of your declaration?

9           A     Yes.

10          Q     And I want you to look at this document and  
11 tell me where there is a validity -- a finding that  
12 relates to validity.

13          A     I don't see a reference to validity of the  
14 '278 patent.

15          Q     Because the jury didn't major a finding on  
16 validity in Exhibit 20 -- or 1028, did it?

17          A     That would be consistent with my read of this  
18 document.

19          Q     Well, why did you write the jury also found  
20 '278 patent was valid after remand?

21          A     That's what I thought at the time that I wrote  
22 that.

23          Q     So you agree that's incorrect?

24          A     I do.

25          Q     Okay. If you look in the Exhibit Share and

1 refresh it, you should see an Exhibit 1021. We'll get  
2 to that in a second.

3 (EXHIBIT 1021 WAS MARKED.)

4 Just let me know if you see it.

5 A I do see it.

6 Q All right. So in the last sentence here of  
7 paragraph 45 of your declaration, you're referring to a  
8 damages award that the jury found in the CalAmp trial  
9 after remand, right?

10 A That's right.

11 Q And that's the damages award is part of the  
12 Verdict Form, Exhibit 1028, right?

13 A Right.

14 Q And you're aware that the federal circuit  
15 threw out that damages award?

16 A I think -- like I said, it was remanded and  
17 set forth another trial. I think there was a dissenting  
18 opinion but that's right.

19 Q Well, you said you read the opinion, right?

20 A That's right.

21 Q So can you open Exhibit 1021?

22 A It's open.

23 Q This is the second opinion that you read,  
24 right?

25 A This is that opinion.

1           Q     This is the federal circuit reviewing the  
2     second jury verdict in CalAmp, right?

3           A     Right.

4           Q     If you can turn to page 1382.

5           A     Okay. I'm there.

6           Q     When I say 1382, this is the actual the  
7     Federal Reporter. This is 13 F.4th 1361 Omega Patents  
8     LLC v. CalAmp Corporation, right?

9           A     I think that's right.

10          Q     All right. And at page 1382, this is in the  
11     Reporter, the bottom left column, you see where it says  
12     "Conclusion"?

13          A     Yes.

14          Q     And then on the top right it says that they  
15     vacate the jury's damages award for infringement of the  
16     '278 patent and remand for new trial on damages?

17          A     That's right.

18          Q     What does it mean when an appellate court  
19     vacates a damages award?

20                 MR. SANTURRI: Object to form.

21          A     That the award is no longer enforce and it  
22     needs to be redone in a subsequent trial. That's what  
23     the remand means.

24          Q     So that damages award was wiped out, right?

25          A     Yes.

1           Q     Okay. How can it possibly be the case that  
2     the damages award that has been wiped out is evidence of  
3     an indication of value of the '278 patent?

4           A     It is an indication that the jury came to its  
5     conclusion in the second case, in addition to the first  
6     jury, and the appellate court said that this needed to  
7     be remanded so that the proper quantum could be  
8     calculated.

9                     So there was this issue that needed to be  
10    resolved, much like I said, was part of the third trial,  
11    for which I was preparing. And again, I referenced  
12    earlier the dissent mentioned that, which starts on  
13    page 1382 as well.

14          Q     The federal circuit threw out the damages  
15    award because nobody apportioned damages relating to  
16    inventive features of the '278 patent as it compared to  
17    known features, right?

18          A     I think there was a conclusion there was not  
19    sufficient evidence of the '278's value as distinction  
20    from other patents that were licensed.

21                 MR. WICHMAN: All right. Ryan, I'll pass the  
22    witness at this point.

23                 MR. SANTURRI: Can you give me -- can we take  
24    a five minute and take a look over my notes and see if  
25    there's anything I want to ask.

1 MR. WICHMAN: Sure.

2 MR. SANTURRI: Sure we can go off the record  
3 and actually I've got 2:50 local time. We'll just jump  
4 back on at 3:00 o'clock.

5 MR. WICHMAN: That sounds great. Off the  
6 record.

7 (Recess from 11:50 to 12:00.)

8 MR. SANTURRI: I don't have any further  
9 questions for the witness.

10 MR. WICHMAN: I think that wraps things up.  
11 Thank you for your time today?

12 MR. SANTURRI: He will read and sign.

13 THE WITNESS: You're welcome, Mr. Wichman.

14 MR. WICHMAN: We did not order a rush on  
15 final. How long does it typically get a final?

16 (Off-record discussion.)

17 (Whereupon, the deposition was  
18 concluded at 12:00 p.m. PST this  
19 date.)

20 \* \* \* \* \*

21

22

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25

CERTIFICATE OF REPORTER

STATE OF NEVADA       )  
                                          ) SS:  
COUNTY OF CLARK       )

I, Heidi Hunter, a duly commissioned and licensed court reporter, State of Nevada, do hereby certify: That I reported the taking of the deposition of the witness, Christian Tregillis, commencing on Friday, December 22, 2023, at 9:01 a.m.;

That prior to being examined, the witness was, by me, duly sworn to testify to the truth. That I thereafter transcribed my said shorthand notes into typewriting and that the typewritten Transcript of said deposition is a complete, true, and accurate transcription of said shorthand notes.

I further certify that I am in no way related to any of the parties, nor am I in any way interested in the outcome thereof.

(X) Review and signature was requested.  
( ) Review and signature was waived.  
( ) Review and signature was not requested.

IN WITNESS THEREOF, I have hereunto set my hand in my office in the County of Salt Lake, State of Utah, this 8th day of January, 2024.

*Heidi Hunter*

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Heidi Hunter, CSR, RPR

1 Ryan T. Santurri, Esq.

2 Rsanturri@addmg.com

3 January 8, 2023

4 RE: GEOTAB USA, INC. AND GEOTAB, INC. vs. OMEGA PATENTS, LLC  
5 12/22/2023, Christian Tregillis (#6356931)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-ny@veritext.com.

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21  
22 Yours,

23 Veritext Legal Solutions  
24  
25

GEOTAB USA, INC. AND GEOTAB, INC. vs. OMEGA PATENTS, LLC

12/22/2023 - Christian Tregillis (#6356931)

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Christian Tregillis Date

GEOTAB USA, INC. AND GEOTAB, INC. vs. OMEGA PATENTS, LLC  
12/22/2023 - Christian Tregillis (#6356931)

ACKNOWLEDGEMENT OF DEPONENT

I, Christian Tregillis, do hereby declare that I  
have read the foregoing transcript, I have made any  
corrections, additions, or changes I deemed necessary as  
noted above to be appended hereto, and that the same is  
a true, correct and complete transcript of the testimony  
given by me.

\_\_\_\_\_  
Christian Tregillis

\_\_\_\_\_  
Date

\*If notary is required

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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