

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3
4

5 VERIZON CONNECT INC.,

6 PETITIONER,

7 V.

8 OMEGA PATENTS, LLC,

9 PATENT OWNER.
10

11
12
13 IPR2023-01162

14 Patent No.: 8,032,278 B2
15
16

17 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

18 KENNETH E. FLICK

19 DOUGLASVILLE, GEORGIA

20 FRIDAY, JULY 26, 2024
21
22
23

24 JOB NO. 6787883

25 REPORTED BY: D'ANNE MOUNGEY, CSR 7872

1 DEPOSITION OF KENNETH E. FLICK, TAKEN ON BEHALF OF
2 PETITIONER AT DOUGLASVILLE, GEORGIA COMMENCING AT
3 11:18 A.M. ON FRIDAY, JULY 26, 2024, BEFORE D'ANNE
4 MOUNGEY, CSR 7872.

5
6
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I N D E X

WITNESS	EXAMINATION	PAGE
KENNETH E. FLICK	BY MR. PURI	5

E X H I B I T S

NO.	PAGE	DESCRIPTION
EXHIBIT 1	7	NOTICE OF DEPOSITION OF KENNETH E. FLICK
EXHIBIT 2	9	DECLARATION OF KENNETH E. FLICK
EXHIBIT 3	11	CIVIL JURY TRIAL OMEGA V CALAMP
EXHIBIT 4	17	OMEGA ROYALTY REPORT - APRIL 2023
EXHIBIT 5	26	PATENT NO. US 6,606,561 B2 DATED 8/12/2003

QUESTIONS INSTRUCTED NOT TO ANSWER
(NONE)

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DOUGLASVILLE, GEORGIA

FRIDAY, JULY 26, 2024; 11:18 A.M.

THE VIDEOGRAPHER: Good morning. We're on 11:18:31
the record at 11:18 a.m. Eastern Time on Friday, 11:18:54
July 26, 2024. 11:19:00

Please note this deposition is being 11:19:05
conducted remotely using virtual technology. Quality of 11:19:06
recording depends on the participants' quality of 11:19:10
equipment and Internet connections. 11:19:14

The deponent, and what is heard on screen, 11:19:17
will be recorded. Audio and video recording will 11:19:20
continue to take place until all parties agree to go off 11:19:24
the record. 11:19:29

This is the beginning of media number 1 of 11:19:30
the video recorded deposition of Kenneth Flick, taken by 11:19:33
counsel for petitioner in the matter of "Verizon 11:19:38
Connect, Inc., Petitioner, versus Omega Patents, LLC, 11:19:42
Patent Owner," filed in the United States Patent and 11:19:51
Trademark Office before The Patent Trial and Appeal 11:19:54
Board, IPR2023-01162, patent number 8,032,278 B2. 11:19:57

My name is Jill Warren and I'm the 11:20:11
videographer. The court reporter is D'Anne Moungey and 11:20:14
we're representing Veritext Legal Solutions. 11:20:18

1 If there are any objections to proceeding, 11:20:21
2 please state them at the time of your appearance. 11:20:24
3 Beginning with the noticing attorney, please 11:20:27
4 state your appearance. 11:20:30
5 MR. PURI: Hi. This is Ashe Puri of Nixon 11:20:30
6 Peabody and I represent the petitioner Verizon Connect. 11:20:35
7 MR. SANTURRI: Good morning. This is Ryan 11:20:38
8 Santurri. With me are Chris Regan and Dave Carus. We 11:20:40
9 represent the patent owner Omega Patents, LLC. 11:20:46
10 THE VIDEOGRAPHER: Thank you. 11:20:48
11 The court reporter will administer the oath 11:20:49
12 and counsel may proceed. 11:20:50

13

14 KENNETH E. FLICK,
15 having been first duly sworn by the reporter, was
16 examined and testified as follows:

17

18 EXAMINATION

19 BY MR. PURI:

20 Q Hello, Mr. Flick. My name is Ashe Pure, and 11:21:15
21 as I mentioned, I'm an attorney representing Verizon 11:21:18
22 Connect in this matter. 11:21:21

23 You understand that you're testifying under 11:21:23
24 oath today as if you're in a court of law; correct? 11:21:25

25 A Yes. 11:21:30

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1	Q	Are you being represented by counsel today?	11:21:30
2	A	Yes.	11:21:32
3	Q	Okay. Is that Mr. Santurri?	11:21:33
4	A	Yes.	11:21:36
5	Q	I'll be asking you a series of questions	11:21:37
6		today. Since there is no judge here, if your counsel	11:21:40
7		objects to a question, you still need to provide an	11:21:43
8		answer, unless he instructs you not to answer and you	11:21:46
9		decide to follow that instruction.	11:21:50
10		Do you understand?	11:21:52
11	A	Yes.	11:21:53
12	Q	Is there any reason you cannot testify fully	11:21:54
13		or accurately today?	11:21:57
14	A	I'm capable.	11:21:59
15	Q	To help the court reporter and videographer,	11:22:01
16		please wait until I finish my question and your counsel	11:22:05
17		finishes any objections before you respond so we don't	11:22:09
18		talk over each other.	11:22:13
19		Do you understand?	11:22:14
20	A	Yes.	11:22:15
21	Q	You'll need to answer my questions verbally	11:22:16
22		since the transcript won't pick up any head gestures.	11:22:21
23		Do you understand that?	11:22:25
24	A	Yes.	11:22:26
25	Q	If you don't understand my question, please	11:22:27

1	feel free to ask me for clarification.	11:22:30
2	Does that make sense?	11:22:32
3	A Yes.	11:22:34
4	Q You understand that I will refer to -- I will	11:22:35
5	be referring to exhibits in this matter.	11:22:38
6	Do you have any visual impairment that may	11:22:42
7	prevent you from being able to read the exhibits?	11:22:45
8	A No impairments that I know of yet.	11:22:50
9	Q We're going to publish exhibits	11:22:55
10	electronically on Exhibit Share.	11:22:57
11	Is that okay with you?	11:23:00
12	A Yes.	11:23:02
13	Q And you have Exhibit Share now open on your	11:23:03
14	computer in front of you; correct?	11:23:06
15	A Correct.	11:23:08
16	Q I published just a short time ago, the	11:23:12
17	deposition notice in this matter. It has been marked as	11:23:15
18	Exhibit 1.	11:23:18
19	(Whereupon, Petitioner's Exhibit 1 was	11:23:18
20	marked for identification by the	11:23:18
21	Court Reporter.)	11:23:18
22	BY MR. PURI:	11:23:18
23	Q Do you see that?	11:23:19
24	A Yes.	11:23:20
25	///	11:23:22

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1	BY MR. PURI:	11:23:22
2	Q Have you seen this document before?	11:23:22
3	A Yes.	11:23:24
4	Q Do you understand you're appearing today for	11:23:25
5	deposition pursuant to this notice?	11:23:27
6	A Yes.	11:23:29
7	Q When did you receive this deposition notice?	11:23:32
8	A Yes.	11:23:34
9	Q What have you done to prepare for this	11:23:37
10	deposition?	11:23:40
11	A Conversation with counsel for about an hour	11:23:40
12	and a half going over it.	11:23:43
13	Q Anything else you've done to prepare for this	11:23:46
14	deposition?	11:23:51
15	A No.	11:23:52
16	Q Did you review any documents?	11:23:53
17	A No. Just what is in Exhibit 1.	11:23:56
18	Q We understand that U.S. Patent Number	11:24:02
19	8,032,278 has been the subject of another IPR	11:24:10
20	proceeding. The petitioners in that proceeding are	11:24:15
21	Geotab USA, Inc. and Geotab, Inc.; that correct?	11:24:19
22	A Yes.	11:24:24
23	Q Did you submit any declaration in that	11:24:24
24	proceeding?	11:24:27
25	A I don't remember.	11:24:29

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1	Q	Did you testify in that proceeding?	11:24:38
2	A	I don't think we've gotten to that point yet,	11:24:40
3		I don't think.	11:24:42
4	Q	As far as you're aware, you haven't testified	11:24:45
5		in the Geotab IPR proceeding?	11:24:48
6	A	Best I can think of, correct.	11:24:51
7		MR. PURI: I would like to introduce a copy	11:24:58
8		of your declaration that you submitted in the Verizon	11:25:00
9		IPR proceeding.	11:25:04
10		It will take a moment to load.	11:25:14
11		THE WITNESS: All right.	11:25:17
12		(Whereupon, Petitioner's Exhibit 2 was	11:25:17
13		marked for identification by the	11:25:17
14		Court Reporter.)	11:25:26
15		THE WITNESS: I can see the Exhibit 1 that	11:25:26
16		Ryan had sent onto it.	11:25:28
17		MR. PURI: Okay. Let me know -- I have	11:25:30
18		submitted Exhibit 2.	11:25:33
19		Let me know if you can see it.	11:25:34
20		THE WITNESS: No. Let me refresh it.	11:25:38
21		Okay. Now I do.	11:25:41
22		BY MR. PURI:	11:25:48
23	Q	Is this a copy of your -- a true and correct	11:25:48
24		copy of your declaration?	11:25:51
25	A	I had already printed it out, but I should	11:25:53

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1	just do it off the screen, I guess, to be safe.	11:25:56
2	Q I think that would be helpful.	11:26:00
3	A All right. Yeah. It looks like the one I	11:26:03
4	got printed out.	11:26:15
5	Q Is that your signature on the last page?	11:26:17
6	A Yes.	11:26:19
7	Q So I would like to turn to paragraph 15.	11:26:22
8	A All right.	11:26:30
9	Q In that paragraph, you state in the middle:	11:26:33
10	"CalAmp Corp began offering its LMU	11:26:45
11	3000 around the same time, as shown in	11:26:48
12	Exhibit 2027, and a jury subsequently	11:26:51
13	found that this product (and the	11:26:54
14	LMU-3030, a subsequent model) infringed	11:26:57
15	the '278 patent."	11:27:00
16	Do you see that?	11:27:02
17	A Yes.	11:27:03
18	Q Are you referring to the lawsuit that Omega	11:27:03
19	Patents filed against CalAmp in the Middle of District	11:27:09
20	of Florida, case number 613-CV-1950?	11:27:12
21	A I'm not sure your number is correct, but yes.	11:27:18
22	Q You're referring to that lawsuit?	11:27:22
23	A Yeah.	11:27:24
24	Q Did you testify in the CalAmp lawsuit?	11:27:31
25	A Yes, I did.	11:27:35

1	MR. PURI: I would like to introduce an	11:27:42
2	exhibit.	11:27:44
3	THE WITNESS: I need to go back to whatever	11:27:56
4	your -- I'm not quite sure how to go back. I'm on	11:27:58
5	Exhibit 2.	11:28:04
6	MR. PURI: I just introduced -- it's about to	11:28:05
7	load -- Exhibit 3, so I would do what you just did to	11:28:07
8	previously access Exhibit 2.	11:28:13
9	(Whereupon, Petitioner's Exhibit 3 was	11:28:13
10	marked for identification by the	11:28:13
11	Court Reporter.)	11:28:13
12	THE WITNESS: I just clicked on it to refresh,	11:28:20
13	but it's not doing that. I can't get back to the spot	11:28:22
14	where it has Exhibit 1, Exhibit 2 for me to click on it.	11:28:48
15	How do I get out of -- when I open up one of	11:29:11
16	your documents, how do I get back to the beginning?	11:29:15
17	MR. PURI: I will ask the court reporter	11:29:19
18	if --	11:29:21
19	THE WITNESS: Now I got it. Click around	11:29:24
20	here. I got that part down now.	11:29:27
21	Okay. Go to Exhibit 3.	11:29:30
22	BY MR. PURI:	11:29:49
23	Q If you turn on page 2, let me know when you	11:29:50
24	have access.	11:29:52
25	A All right. I'm waiting for it to come up.	11:29:53

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1	File preview may take a while.	11:29:57
2	Must be a big document.	11:30:00
3	Q Does it say it's loading?	11:30:20
4	A Yeah. Spinning around for loading and says	11:30:22
5	"Generating file preview. May take a while."	11:30:26
6	Q Okay. The file isn't that large. Volume II,	11:30:29
7	day two transcript. It's trying to open it up, but it	11:30:56
8	hasn't opened it up yet. I got a new Mac so it	11:30:59
9	shouldn't be going real slow.	11:31:11
10	This is only 500 kilobytes. It's a pretty	11:31:15
11	small file. It's smaller than the declaration.	11:31:19
12	A Wow. Then it should have come up already.	11:31:23
13	Q Do you want to try refreshing again?	11:31:31
14	A Okay. Now it came up.	11:31:33
15	Q Okay. You have it now, the whole document?	11:31:35
16	A Yep.	11:31:42
17	Q Okay. Great.	11:31:43
18	If you turn to page 2.	11:31:46
19	A All right.	11:31:50
20	Q This says "Kenneth Flick" in the index,	11:31:53
21	Direct Examination, Cross Examination, Redirect	11:31:57
22	Examination.	11:32:03
23	Do you see that?	11:32:04
24	A Yes.	11:32:05
25	Q Have you reviewed this transcript before?	11:32:05

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1	A	No, not that I know of.	11:32:07
2	Q	You've never reviewed your testimony from the	11:32:10
3		CalAmp trial?	11:32:13
4	A	I probably did if it was done during the	11:32:14
5		trial and the accountant and my counsel would have given	11:32:20
6		it to me and we would have gone over it.	11:32:24
7	Q	Okay.	11:32:26
8	A	Other than that, I don't recall going over	11:32:26
9		this document.	11:32:29
10	Q	Okay. So during that trial, was your	11:32:30
11		testimony truthful and accurate?	11:32:47
12	A	Yes.	11:32:49
13	Q	And I would like to turn your attention to	11:32:50
14		starting at page 37.	11:32:56
15	A	37. All right.	11:33:00
16		37.	11:33:15
17	Q	Okay. I'm on 37.	11:33:16
18		Okay. On page 37, if you turn to the portion	11:33:25
19		of your testimony where you -- it starts off by	11:33:34
20		saying -- you talk at the very end. It says:	11:33:38
21		"Hold on, Mr. Flick. Now you've taken	11:33:43
22		us a little different direction. You	11:33:45
23		talk about a tracker."	11:33:48
24		Can you explain to the jury what a tracker is?	11:33:49
25	A	What line is that on?	11:33:53

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1	Q	Line 24.	11:33:55
2	A	24.	11:34:01
3		"Well, hold on, Mr. Flick. Now you	11:34:02
4		have taken us a different -- a little	11:34:04
5		different direction. Talk about a	11:34:06
6		tracker." Okay.	11:34:08
7	Q	Can you explain to the jury what a tracker	11:34:11
8	is?		11:34:14
9		And you respond by saying:	11:34:15
10		"GPS tracking unit to where you're able	11:34:17
11		to know where your car is to where you	11:34:20
12		could get on the Internet and be able	11:34:23
13		to look at or go to a monitoring	11:34:26
14		station, call your monitoring station	11:34:29
15		and say, hey, where is my car and they	11:34:31
16		would be able to tell you 'cause of the	11:34:34
17		GPS coordinates."	11:34:37
18		You were then asked:	11:34:40
19		"How does this work?"	11:34:41
20		And you explained:	11:34:43
21		"It would have a GPS receiver inside of	11:34:48
22		it and a cellular mechanism inside of	11:34:51
23		it. And the GPS would be able to see	11:34:53
24		the satellite, figure out its latitude	11:34:57
25		and longitude and turn around and send	11:35:00

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1	off by cellular to a monitoring station	11:35:02
2	who, in turn, would read that and then	11:35:05
3	show a map on the screen and that's	11:35:07
4	where your car would be located."	11:35:09
5	You then proceeded to say:	11:35:12
6	"Did you develop the tracker product?"	11:35:14
7	Or you were asked:	11:35:16
8	"Did you develop the tracker product?"	11:35:17
9	You said:	11:35:21
10	"Yes."	11:35:22
11	Then the question preceded:	11:35:22
12	"What was the name of that?"	11:35:24
13	You responded:	11:35:25
14	"The first tracker unit that we built	11:35:26
15	was called the GPS 2000."	11:35:28
16	"And what year was that?"	11:35:30
17	"It actually got -- being sold the	11:35:33
18	first one in 2001, so I got hassled a	11:35:35
19	lot for calling it a GPS 2000 and not a	11:35:38
20	2001."	11:35:41
21	It's this next paragraph where you were asked:	11:35:43
22	"What did your GPS 2000 do?"	11:35:45
23	You testified that:	11:35:48
24	"The GPS 2000, being as I was the first	11:35:49
25	phase of what there was, and I figured	11:35:53

1	I would have data bus modules that you	11:35:56
2	add to it. And I didn't build data bus	11:35:59
3	codes into it at that time because of	11:36:02
4	the expense. But on the GPS 2000, it	11:36:04
5	did a lot of unique things that no one	11:36:07
6	else was doing, and we 'filled' -- we	11:36:10
7	filed quite a bit of patents on what	11:36:12
8	was in that."	11:36:15
9	That testimony -- again, I just want to make	11:36:18
10	sure, was your testimony there truthful and accurate?	11:36:20
11	A Yes.	11:36:23
12	Q Does it remain truthful and accurate today?	11:36:29
13	A Yes.	11:36:32
14	MR. PURI: So I want to introduce another	11:36:50
15	exhibit. There's some later questions I will have after	11:36:56
16	this, but I will ask that in the context of another	11:37:04
17	exhibit.	11:37:08
18	THE WITNESS: All right. I want to close	11:37:12
19	this exhibit; right?	11:37:13
20	MR. PURI: Yes.	11:37:15
21	THE WITNESS: Okay. See if I can remember if	11:37:15
22	I got it correct.	11:37:17
23	Nope. That didn't do it. I went back to	11:37:20
24	this.	11:37:25
25	Go back to this.	11:37:26

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1	How did I get back to that one?	11:37:28
2	Oh, I went to the arrow. I went back to	11:37:30
3	that. Back to that. That's all it is.	11:37:35
4	How did I do that?	11:37:41
5	Okay. I got to right click, then it comes up	11:37:47
6	with saying back and I clicked on it, so I'm back to	11:37:50
7	Exhibit 3.	11:37:53
8	MR. PURI: Okay.	11:37:55
9	THE WITNESS: You want me to open up	11:37:55
10	Exhibit 3?	11:37:57
11	MR. PURI: No. I just uploaded Exhibit 4.	11:37:59
12	Exhibit 4 is the Omega Royalty Report that	11:38:01
13	was introduced as part of Omega's filings as	11:38:04
14	Exhibit 2034.	11:38:11
15	So please let me know when you have Exhibit 4	11:38:14
16	up.	11:38:17
17	(Whereupon, Petitioner's Exhibit 4 was	11:38:17
18	marked for identification by the	11:38:17
19	Court Reporter.)	11:38:18
20	THE WITNESS: It hasn't shown up in the file	11:38:18
21	yet. I keep refreshing.	11:38:22
22	Okay. Exhibit 4 is there now. I will open	11:38:31
23	it.	11:38:34
24	Okay. I have the file open.	11:38:49
25	///	11:38:50

1	BY MR. PURI:	11:38:50
2	Q Have you seen this document before, what's	11:38:50
3	been marked as Exhibit 4?	11:38:52
4	A Yes.	11:38:54
5	Q At last week's deposition of Omega's expert,	11:38:54
6	Christian Tregillis, I asked Mr. Tregillis how many	11:38:57
7	license agreements Omega's royalty report covered.	11:39:01
8	Mr. Tregillis testified that he believed this	11:39:05
9	exhibit covered all license agreements, but he couldn't	11:39:08
10	identify how many. He said it's possible that it could	11:39:11
11	be more than 20 and he couldn't say with certainty	11:39:15
12	whether it was more than 50.	11:39:18
13	Do you know how many license agreements this	11:39:20
14	included in the royalty report shown in Exhibit 2034?	11:39:23
15	A The royalty report does show all of the	11:39:28
16	dollars I have ever received from the royalties and that	11:39:34
17	document will match all my IRS filings.	11:39:37
18	As far as how many different licenses cover	11:39:44
19	all that, some were in business for a while, some went	11:39:46
20	out, some new ones came in.	11:39:50
21	I think the ones that you were given already	11:39:57
22	for the license agreements and I brought up that I think	11:40:00
23	ADS is missing from it and Audiovox. And the Audiovox	11:40:07
24	one -- Audiovox bought Omega Patents and they also	11:40:14
25	bought Directed Electronics, which both of them had	11:40:22

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1 license agreements. 11:40:26

2 So from like 2004, '5, '6, that would be 11:40:27

3 Omega Research and Development, a lot of it. Then 2007, 11:40:31

4 '8 and above would end up being ADS added in, DEI added 11:40:36

5 in, Vox added in. 11:40:41

6 So the beginning years of 2004, '5 and '6 11:40:48

7 would not have had Audiovox or ADS. In 2004, it would 11:40:52

8 have been, I guess, Trilogix in '410. So it's probably 11:40:59

9 about ten, maybe. 11:41:05

10 Q Between 2004 to 2006, or ten agreements in 11:41:09

11 total? 11:41:15

12 A In total. 2004 would have been Trilogix and 11:41:15

13 Bomar. And then 2005 would have added '410. And 2007 11:41:21

14 would have added Directed Electronics and Audiovox. 11:41:31

15 Then about 2010, Audiovox bought out Omega 11:41:37

16 Research and Development, so all of the sales of Omega 11:41:41

17 and Audiovox would have been combined. 11:41:44

18 And then a few -- probably about four years 11:41:48

19 ago Audiovox bought out Directed Electronics, which the 11:41:51

20 sales would have been combined all into one entity, 11:41:58

21 Audiovox. 11:42:01

22 Q Okay. 11:42:04

23 A In between that there would have been smaller 11:42:04

24 people. I can't even remember all of them, but some of 11:42:07

25 them were -- I think most of it was all given to you 11:42:12

1	already.	11:42:15
2	When I went over it yesterday with counsel,	11:42:15
3	they were going, here's the licenses that were given	11:42:17
4	over to you and that covered a lot of the -- should have	11:42:19
5	covered the small guys.	11:42:25
6	Q So to be clear, what was provided to us was	11:42:29
7	six license agreements. You mentioned there were ten	11:42:35
8	agreements likely in total.	11:42:38
9	A Six -- I'm just going best I can. The six	11:42:39
10	that you got and I don't recall seeing in your six, one	11:42:43
11	for ADS. I don't recall seeing one for Audiovox, in	11:42:47
12	which the Audiovox would have included the -- because	11:42:52
13	they purchased Omega Patents and they also purchased	11:42:56
14	Directed Electronics.	11:43:02
15	That's why I was saying there's probably ten	11:43:04
16	based upon what I saw yesterday and the one -- and the	11:43:07
17	ones I'm thinking that were not on there. I don't know	11:43:12
18	why they didn't send all of it, but that's -- maybe they	11:43:16
19	weren't trying to bill me as much so they just sent	11:43:22
20	less.	11:43:25
21	Q So you mentioned a couple times the purchase	11:43:28
22	of Omega Patents. I just want to be clear.	11:43:33
23	What's the significance of the purchase?	11:43:37
24	Is that purchase price --	11:43:39
25	A I wouldn't say -- I said it wrong.	11:43:41

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1 They did not purchase Omega Patents. They 11:43:43
2 purchased Omega Research & Development, so I made a 11:43:46
3 mistake. 11:43:50
4 Q Okay. In terms of the purchase of this 11:43:50
5 entity, maybe explain to me what is the significance of 11:43:55
6 that purchase in terms of, you know, the royalties that 11:43:59
7 are reflected in this document. 11:44:03
8 A Well, the sales would have become now 11:44:05
9 invoiced under either Audiovox's name or they would have 11:44:08
10 got the Omega name. They changed it a little bit. They 11:44:13
11 bought all the inventory. They bought my customers, my 11:44:22
12 customer list. They basically became the new owners of 11:44:25
13 Omega Research & Development who had a license with 11:44:29
14 Omega Patents. 11:44:32
15 But Audiovox already had a license agreement 11:44:33
16 with Omega Patents. 11:44:37
17 Q Okay. Got it. 11:44:41
18 So are the royalties that were received by 11:44:43
19 the new entity or the purchaser, are those reflected in 11:44:45
20 this particular document? 11:44:50
21 A Yes. 11:44:52
22 Q Is the purchase price also reflected in the 11:45:03
23 net income? 11:45:07
24 A What net income are you talking about? 11:45:09
25 Q If you look on Exhibit 4, there's a row that 11:45:17

1	says "net income."	11:45:20
2	Do you see that?	11:45:21
3	A No. That's because I -- it has total dollars	11:45:22
4	received, then it has expenses, like paying my counsel	11:45:26
5	bills, which is like 99 percent of that is attorney	11:45:31
6	bills. You just subtract that and then my net income	11:45:35
7	that I owe taxes on is what that income is.	11:45:39
8	Q Okay. Let me state it a little bit	11:45:42
9	differently.	11:45:44
10	So are the dollars that are included where	11:45:45
11	you show January through December, are those strictly	11:45:50
12	royalties, or does it include any sort of additional	11:45:54
13	dollars in there?	11:45:57
14	A No. Only royalties.	11:45:58
15	Q Okay. Thank you.	11:46:02
16	So of those license agreements that were	11:46:13
17	provided to us, there were several licenses that	11:46:15
18	differentiate between Data Bus or GPS or tracker	11:46:21
19	patents.	11:46:26
20	Are you familiar with that?	11:46:26
21	A Yes.	11:46:27
22	Q What do you consider to be GPS patents?	11:46:28
23	A It only covers a GPS unit.	11:46:35
24	Q Do any of those patents also involve	11:46:38
25	connectivity to a Data Bus?	11:46:43

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1	A	I think only the '278.	11:46:48
2	Q	And in those licenses, did you ever consider	11:46:51
3		the '278 to be a GPS patent -- or let me say that	11:46:57
4		differently.	11:47:01
5		Did you ever list the '278 Patent as a GPS	11:47:01
6		patent?	11:47:05
7	A		11:47:06
8		Yes, I did.	11:47:06
9	Q	So does the '278 Patent also fall under the	11:47:09
10		category of the Data Bus patent?	11:47:13
11	A	Yes.	11:47:15
12	Q	So were they included in both?	11:47:16
13		Was the '278 Patent listed as both a Data Bus	11:47:17
14		and a GPS patent?	11:47:21
15	A	That's what was intended. If somebody was	11:47:23
16		doing GPS only and that's what I was giving them a	11:47:32
17		license for, I included the '278, but also in that	11:47:37
18		agreement it should state that if it has Data Bus	11:47:41
19		functionality, it would be 5 dollars.	11:47:43
20		Some of them in the beginning only did Data	11:47:47
21		Bus, but I knew somewhere down the line they're going to	11:47:51
22		go into being Data Bus with it and I didn't want to	11:47:54
23		hinder them of what they were doing, so it was included.	11:47:57
24	Q	So when I --	11:48:03
25	A	It's in there for the same royalty rate as	11:48:05

1	the GPS.	11:48:09
2	Q Say it again.	11:48:10
3	A If the GPS units were 2 dollars and the Data	11:48:11
4	Bus was 5 dollars, it would have -- and somebody could	11:48:14
5	say GPS license, it would have said in there the	11:48:19
6	2 dollars for the GPS and 5 dollars of an add Data Bus	11:48:21
7	functionality. There would not have been somebody	11:48:27
8	getting to use the '278 Patent and only paying me 2	11:48:30
9	dollars.	11:48:33
10	Q Would they have only paid you 5 dollars for	11:48:34
11	the '278?	11:48:36
12	A Yes.	11:48:37
13	Q What about the additional 2 dollars, was that	11:48:38
14	included as part of the royalty for the '278?	11:48:40
15	A What I had done with almost all, all but one	11:48:43
16	I think, the one that's on -- I'm trying to remember,	11:48:49
17	starts with a C, that's the only one that was a little	11:48:52
18	crazier and it was more money.	11:48:56
19	But the -- most of it I told them the max	11:48:59
20	royalty that I would charge you for whatever patents you	11:49:04
21	were going to use that I have would be 5 dollars.	11:49:07
22	Q Okay.	11:49:09
23	A So if you were going to start off with GPS at	11:49:10
24	2 dollars and then you were going to add the Data Bus	11:49:14
25	functionality, you would only owe me 5 dollars, not 7.	11:49:18

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1 Q Okay. And do you consider the '561 Patent to 11:49:22
2 be a GPS patent; is that correct? 11:49:40
3 A I did not look over the '561 Patent so I 11:49:43
4 don't know. If '561 has Data Bus in it, then it would 11:49:53
5 be Data Bus. 11:50:01
6 Q Do you know which patent I'm referring to on 11:50:02
7 '561? 11:50:06
8 I can give you the full patent number if you 11:50:06
9 need it, if it will help you. 11:50:09
10 A Okay. Well, I got to look it up from here or 11:50:12
11 do you already have a copy of it? 11:50:15
12 MR. PURI: I'll introduce it. 11:50:17
13 Do you have a copy? 11:50:31
14 THE WITNESS: No. Which will be Exhibit 5? 11:50:33
15 MR. PURI: I'll introduce it. I'll 11:50:38
16 introduce. I thought maybe you had just opened it. 11:50:41
17 THE WITNESS: The only thing I have on my 11:50:47
18 screen is you and that file. 11:50:49
19 MR. PURI: Okay. Just give me one second. 11:50:51
20 THE WITNESS: Am I able to open some of my 11:51:13
21 files to see if I can see some notes on it or not? 11:51:15
22 MR. PURI: I'll include this file, but you're 11:51:22
23 welcome to do what else you need to answer this 11:51:24
24 question. 11:51:28
25 THE WITNESS: What was the full numbers on 11:51:42

1	it?	11:51:43
2	MR. PURI: So it's 6,606,561. I'm about to	11:51:44
3	introduce it.	11:51:58
4	THE WITNESS: I don't -- the tracker is with	11:52:21
5	input/output features.	11:52:23
6	MR. PURI: Correct. That's the name of it.	11:52:26
7	THE WITNESS: That's all I got in my notes.	11:52:28
8	MR. PURI: Okay. I just loaded it.	11:52:30
9	It's now Exhibit 5.	11:52:32
10	(Whereupon, Petitioner's Exhibit 5 was	11:52:32
11	marked for identification by the	11:52:32
12	Court Reporter.)	11:52:39
13	THE WITNESS: Okay. 5 is there. Open that	11:52:39
14	up.	11:52:41
15	Okay. 5 is up.	11:53:11
16	I guess you want me to scan it over to see	11:53:34
17	what I was referring to?	11:53:37
18	BY MR. PURI:	11:53:38
19	Q Yes. Whether this would fall under the	11:53:38
20	category of a tracker patent or a Data Bus.	11:53:42
21	A Is the word "Data Bus" in this patent at all?	11:53:52
22	I mean, I -- usually counsel would do a	11:54:00
23	search to find a patent.	11:54:03
24	Q Okay. So to be clear, if the Data Bus	11:54:05
25	doesn't appear, this would just -- this would fall	11:54:10

1	strictly in the category of the GPS patent because	11:54:13
2	that's how you categorized it.	11:54:17
3	If the Data Bus -- I'm sorry.	11:54:20
4	I cut off your answer.	11:54:21
5	A Yes. That's what I see.	11:54:23
6	There's no Data Bus in it, then it's not a	11:54:26
7	Data Bus patent. The word should be in there somewhere.	11:54:29
8	On top of that, now that I'm thinking more,	11:54:32
9	the notes I had in here says "tracker with	11:54:35
10	input/outputs." And usually in my notes if it's a	11:54:38
11	tracker and a Data Bus, I put tracker/Data Bus or Data	11:54:42
12	Bus/tracker.	11:54:48
13	So from the note that I looked up from	11:54:48
14	before, I would say it was a tracker patent.	11:54:51
15	Q Okay. Thank you.	11:55:00
16	A All right.	11:55:03
17	MR. PURI: So I have no more questions. Just	11:55:05
18	wanted to cover these points with you today.	11:55:08
19	THE WITNESS: All right.	11:55:12
20	MR. PURI: That will close my deposition.	11:55:13
21	MR. SANTURRI: If you can give me just two	11:55:15
22	minutes to take a look back before I decide if we're	11:55:17
23	done.	11:55:22
24	Mr. Flick, just hold on for a second. Give	11:55:23
25	me just...	11:55:25

1 (Pause in the deposition.) 11:55:25

2 THE WITNESS: On the screen I have all the 11:56:28

3 files. Click on number 1, Exhibit Number 2, Number 3. 11:56:29

4 That one disappeared on my screen, so I don't 11:56:32

5 know if you guys did that or what. 11:56:34

6 MR. SANTURRI: I don't have any questions, 11:56:36

7 but the witness will read. 11:57:06

8 THE REPORTER: Thank you. 11:57:09

9 THE VIDEOGRAPHER: This concludes today's 11:57:11

10 testimony given by Kenneth Flick. One media was 11:57:13

11 recorded and will be retained by Veritext Legal 11:57:16

12 Solutions. 11:57:20

13 We're off the record at 11:56 a.m. 11:57:20

14

15 (Whereupon the deposition proceedings

16 were concluded at 11:56 a.m.)

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STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, KENNETH E. FLICK, declare under penalty of perjury that the foregoing testimony is true and correct to the best of my knowledge and belief.

Dated this ____ day of _____, 2024.

(KENNETH E. FLICK)

STATE OF CALIFORNIA)

13:04:11

COUNTY OF LOS ANGELES) ss.

I, D'Anne Moungey, C.S.R. No. 7872 in and for the
State of California, do hereby certify:

That prior to being examined, the witness named _____
in the foregoing deposition was by me duly sworn to
testify to the truth, the whole truth, and nothing but the
truth;

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction, and the same is a true, correct, and complete transcript of said proceedings;

That if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript { } was { } was not required.

I further certify that I am not interested in the event of the action.

Witness my hand this 2nd day of August,
2024.

Diane Mawnguy

Certified Shorthand Reporter

For the State of California

Page 30

1 RYAN T. SANTURRI, ESQ.

2 RSANTURRI@ALLENDYER.COM

3 August 2, 2024

4 RE: Verizon Connect, Inc. v. Omega Patents, LLC

5 7/26/2024, Kenneth E. Flick, (#6787883).

6 The above-referenced transcript has been
7 completed by Veritext Legal Solutions and
8 review of the transcript is being handled as follows:

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10 to schedule a time to review the original transcript at
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18 appearing counsel within the period of time determined at
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22 Counsel - Original transcript to be released for signature
23 as determined at the deposition.

24 ___ Signature Waived - Reading & Signature was waived at the
25 time of the deposition.

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2 Transcript - The witness should review the transcript and
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8 the deposition or provided by the Federal Rules.
9 ___ Federal R&S Not Requested - Reading & Signature was not
10 requested before the completion of the deposition.

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Verizon Connect, Inc. v. Omega Patents, LLC
Kenneth E. Flick (#6787883)

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(Kenneth E. Flick)

Date

[& - agreements]

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[commencing - dollars]

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[dollars - gps]

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[sold - understand]

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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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