UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC AND FREEDMAN ELECTRONICS PTY LTD,	)	Case No. IPR2025-00230
Petitioner	)	Patent
Vs.	)	7,711,443
ZAXCOM, INC.,	)	
Patent Owner.	)	Page 1-62

REMOTE VIDEOTAPED DEPOSITION OF JEFFREY S. WEXLER

TAKEN ON

MONDAY, NOVEMBER 10, 2025

Reported By:

BRENDA R. COUNTZ, RPR-CRR

CSR NO. 12563

Job No. J13699568

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Remote Videotaped Deposition of JEFFREY S. WEXLER taken via Zoom or teleconference in Los Angeles, California, on Monday, November 10th, 2025, Before Brenda R. Countz, CSR No. 12563.

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APPEARANCES OF COUNSEL:

(All Counsel and Participants Present Via Zoom And/Or Teleconference.)

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I N D E X

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NO.	DESCRIPTION	PAGE
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LOS ANGELES, CA - MONDAY, NOVEMBER 10, 2025
9:05 A.M.

JEFFREY S. WEXLER,
having Been First Duly Sworn, was
Examined and Testified As Follows:

EXAMINATION

BY MR. ROTTEVEEL:

Q. Good morning, Mr. Wexler. How are you today? 09:06:46AM

A. I'm doing okay.

Q. Could you please state your full name for the record?

A. Full legal name is Jeffrey S. Wexler. 09:06:54AM

Q. And what's your address?

A. 1027 Grant Street, Santa Monica, California 90405.

Q. Is that your primary residence?

A. Yes, it is. 09:07:14AM

Q. Have you ever been deposed before?

A. Yes, I have.

Q. How many times have you been deposed before?

A. Once. 09:07:24AM

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Q. And what was the context of that deposition?
A. It was part of some legal choice with the company Electrosonic.
Q. And was that in a prior IPR proceeding? 09:07:48AM
A. It was actually in person in some legal office in Santa Monica.
Q. Do you understand that you are under oath today?
A. Yes. 09:08:04AM
Q. So the procedure is that I'll ask you questions and the court reporter will record my questions as well as your answers.
Do you understand that?
A. Yes. 09:08:15AM
Q. If you don't understand a question, please let me know and I will try to clarify that question.
Do you understand?
A. Sure. 09:08:27AM
Q. So please try to give verbal answers such as yes or no instead of nods or gestures or saying things like um-hum so the court reporter is able to record your answers.
Do you understand? 09:08:40AM

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A. Certainly, yes, I will.
Q. So if you provide an answer to one of my questions, I will assume that unless you indicate otherwise, that your answer is complete.
Do you understand? 09:08:55AM
A. That my answer is what?
Q. So if you answer one of my questions, unless you indicate otherwise I'll assume that your answer is complete.
A. Complete? 09:09:10AM
Q. Yes, a complete answer.
A. That was the word I didn't know. Yes.
Q. Also, if you could wait for me to ask my full question before you give your answer and I will also wait to go to the next question until 09:09:25AM after you give your full answer, just because it's difficult for the court reporter to write down when we're talking at the same time.
Does that make sense?
A. Yes, it does. 09:09:39AM
Q. And you may answer a question and later on may think of something that you want to add to your previous answer or you may want to correct or clarify your previous answer. If that happens, just let me know and we'll give you a 09:09:55AM

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chance to either add to or correct your earlier response.

Do you understand?

A. Okay, yes.

Q. Mr. Wexler, if at any time you need a break during this deposition, please let me know. But if I just asked you a question, I'll ask that you finish your answer and then we will work out what to do about a break. 09:10:09AM

Is that okay? 09:10:22AM

A. Yes.

Q. And do you understand that during breaks you are not to discuss the subject matter of this deposition with anyone?

A. Yes. 09:10:34AM

Q. And how are you feeling generally today, physically?

A. Health-wise, not well. I'm not feeling well today.

Q. Okay. Well, is there anything stopping you from understanding and answering my questions today? 09:10:47AM

A. No. No.

Q. Are you taking any medications or drugs that might make it difficult for you to answer my 09:10:58AM

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questions today?
A. No.
Q. Is there any other reason you might not be able to understand my questions and answer them truthfully and completely today? 09:11:08AM
A. Not that I know of, no.
Q. So what room within your residence are you currently in right now?
A. I'm in the dining room.
Q. Is anyone else in the room with you right now? 09:11:31AM
A. No.
Q. Is anyone else in your residence at all?
A. No. 09:11:40AM
Q. Are there any electronic devices in the room with you other than the computer you're using for this deposition?
A. The cordless landline telephone. And what else is there? That's it. 09:12:06AM
Q. Okay, so there's no phones or other computers other than the one you are using for this deposition?
A. No, in this room, there's the one computer and one handset for a cordless phone. 09:12:20AM

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Q. Okay, no cell phones?
A. Yes, I have a cell phone.
Q. Is it in the room with you?
A. Yes, it's on my body.
Q. Okay. Do you mind turning off your cell phone during this deposition? 09:12:34AM
A. No. I've got to remember how to turn it off.
Q. Is it an iPhone?
A. Yup, it's off. 09:12:57AM
Q. Okay, so are there any other electronic devices in the room now that you can communicate with the outside world?
A. No.
Q. Do you have e-mail software on your computer? 09:13:10AM
A. Yes.
Q. Can you turn off the ability to receive e-mail messages during this portion of the deposition or can you X out of the e-mail browser on your computer during the course of the deposition? 09:13:24AM
A. I can quit the mail application.
Q. Yes, can you please do that? And if you need to, you can look at your cell phone or 09:13:46AM

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e-mail during any breaks that we may have.

Do you understand?

A. Say again?

Q. During any breaks we have of the deposition, you can look at your text messages or e-mail messages. 09:13:55AM

A. Okay.

Q. Do you have any other software on your computer that allows you to communicate with the outside world during this deposition? 09:14:09AM

A. Yes. I have a number of applications on the computer which communicate with the outside world.

Q. What I mean by that is do you -- are you able to receive text messages on your computer? 09:14:32AM

A. Yes.

Q. Could you close out of the ability or whatever application you have up?

A. I can quit Messages. 09:14:42AM

Q. Yes, could you please do that during the course of this deposition?

A. Okay. That's done.

Q. Now, are you represented by counsel here today? 09:15:02AM

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A. I don't know the answer to that.
Q. Do you have any agreement with Ms. Chipperson, who is here on the deposition? Do you have any agreement that she will be representing you as counsel today? 09:15:19AM
A. My only agreement was that I would show up here for the deposition. I don't know what agreement that would refer to.
Q. Mr. Wexler, is Ms. Chipperson your attorney? 09:15:43AM
A. No.
Q. Did you do anything to prepare for the deposition today?
A. No.
Q. Did you read your declaration that you wrote prior to this deposition? 09:16:00AM
A. No.
Q. Did you meet with Ms. Chipperson prior to this deposition?
A. Meet with -- we had a conversation. 09:16:12AM
Q. How did you have that conversation?
A. On the telephone.
Q. When did you have that conversation on the telephone?
A. I don't remember if it was yesterday or 09:16:38AM

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the day before.

Q. What did you and Ms. Chipperson discuss in that telephone conversation?

MS. CHIPPERSON: Objection, attorney-client work product. I'm instructing the witness not to answer anything related to what we discussed. 09:16:46AM

MR. ROTTEVEEL: What is your basis for saying that this is work product, Ms. Chipperson?

MS. CHIPPERSON: It is preparation for the IPR for this deposition. 09:17:01AM

MR. ROTTEVEEL: I don't believe that prevents Mr. Wexler from disclosing your conversation, since you are not representing him today. It's not privileged in any way. 09:17:15AM

MS. CHIPPERSON: I didn't say it's privileged, I said it's work product. And anything about my mental impressions, strategy or legal theories is not available for him to discuss. 09:17:28AM

MR. ROTTEVEEL: Well, that would only be true if any of that was confidential information but we are not dealing with confidential information today.

MS. CHIPPERSON: I disagree. He can 09:17:48AM

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talk about his own facts, his own thoughts, but not the substance of our conversations.

MR. ROTTEVEEL: Well, I disagree on that.

BY MR. ROTTEVEEL: 09:17:59AM

Q. Mr. Wexler, what did you discuss with Ms. Chipperson on your telephone conversation?

MS. CHIPPERSON: Objection, I direct the witness not to answer.

MR. ROTTEVEEL: Mr. Wexler, please don't follow her instruction. You can answer my question and I can repeat the question. 09:18:11AM

MS. CHIPPERSON: If we need to, I think we can call the Board or reach out to the PTAB to get this resolved. 09:18:21AM

BY MR. ROTTEVEEL:

Q. Mr. Wexler, I please request that you answer my question.

What did you discuss with Ms. Chipperson on your call? 09:18:34AM

MS. CHIPPERSON: Again, I'm instructing him not to answer.

MR. FISHER: Counsel, if you want to have a call with the PTAB, we can do that. I'm confident that whoever we reach will agree that a 09:18:44AM

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nonconfidential discussion that you had with this witness, who is not your client, is fair game and is not work product and is not privileged.

So if you feel like calling the Board and trying to argue that it is, that's fine with us. 09:18:59AM

MS. CHIPPERSON: That's fine. And which one of you is conducting this deposition?

MR. FISHER: Mr. Rotteveel is conducting the deposition. I'm not asking the witness any questions. You and I, counsel, are having a legal discussion which has nothing to do with asking questions of the witness. 09:19:11AM

So again, it's your choice what you want to do with respect to the Board. I will let Mr. Rotteveel continue with the examination. 09:19:29AM

MS. CHIPPERSON: For the purposes of time, I will allow the witness to answer and we will direct this to the Board prior to the next deposition. 09:19:46AM

BY MR. ROTTEVEEL:

Q. So Mr. Wexler, I will reask my question.

In your telephone conversation with Ms. Chipperson in preparation for this 09:20:01AM

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deposition, what did you discuss with Ms. Chipperson?

A. Primarily what the phone call meant for me was that she was explaining what depositions are, because I've only had the one other experience, and what to expect in terms of procedure. 09:20:17AM

And it's already gone way beyond whatever I could have ever imagined in terms of complexity, all of the back and forth. And it was more and less letting me know what the lay of the land is, that you will be questioned. 09:20:36AM

She said she might challenge a question and counsel me to not answer and that was about it. And obviously I'm under oath to make all of my statements as concise as possible and truthful and that was it. 09:21:07AM

Q. Do you remember anything else from your discussions with Ms. Chipperson?

A. Not specifically. 09:21:37AM

Q. Did you review any documents in preparation for this deposition?

A. No.

Q. Did anyone ask you to collect any documents for this deposition? 09:21:44AM

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A. Correct documents? No, I had no connection with any documentation. It was merely a voice call.

Q. Okay. Sorry, my question was not to correct any documents. 09:22:01AM

Did you collect any documents for this deposition?

A. Collect? No.

Q. So how did you first hear about this case? 09:22:17AM

A. I'm not even sure exactly what this case is, but I did hear in the general context from Glenn Sanders that there was litigation of some sort going on between Zaxcom and one or other companies. 09:22:51AM

Q. When did this conversation with Glenn Sanders occur?

A. It seems like a few months ago. I'm not sure.

Q. What else did you discuss with Glenn Sanders on that phone call? 09:23:10AM

A. I don't recall any specifics.

Q. You didn't discuss anything else about this case?

MS. CHIPPERSON: Object to form, asked 09:23:35AM

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and answered.
BY MR. ROTTEVEEL:
Q. Mr. Wexler, you can answer.
A. Ask the question again, please.
Q. So first of all, Mr. Wexler, if 09:24:00AM
Ms. Chipperson objects, that's just to get the answer on the record. And so if Ms. Chipperson objects, you can still answer my question.
Do you understand?
A. Yes. 09:24:15AM
Q. She's just getting the objections on the record.
So in your discussions a few months ago with Glenn Sanders, what else did you discuss in that conversation? 09:24:31AM
A. Well, I think we probably talked about the weather. I remember talking about what Glenn's plans were in the future in terms of attending various social events that were going to be coming up. 09:25:00AM
What else did we talk about? We talked about my health, because Glenn was concerned about my health. I had told him that I was having some difficulties and so I got a little bit of medical advice from him. 09:25:21AM

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And what else? Yeah, just kind of normal chitchat.

Q. How long have you known Glenn Sanders?

A. Well, that's the one bit of research I tried to do for this deposition. I believe that probably I met him in person in I think around 1997. 09:25:42AM

Q. How did you meet Glenn Sanders around 1997?

A. At Coffey Sound, which was one of our sound houses here in L.A. He brought in the first Deva recorder to run a little demonstration for fellow sound mixers and I was made aware of that meeting. 09:26:06AM

So I was invited and so I went and watched Glenn present this machine. 09:26:40AM

Q. So was that your first encounter with a Zaxcom product?

A. No.

Q. When did you start using Zaxcom equipment? 09:27:05AM

A. Well, that's a different question. Which question do you want me to answer?

Q. When did you first start using Zaxcom equipment? 09:27:21AM

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A. I think I wrote that date down.

I believe it would be 2001. I have to look at my resume. I remember the movie that I was on but I'm not sure exactly which movie I first used -- oh, a Zaxcom product in general? 09:27:46AM
Yeah, it would have been the first Deva which I used in -- gosh, my browser is closed now. Whatever year I did The Siege.

Well, the Deva had only been out a matter of months before I used it on a movie and 09:28:21AM
that would have been my first time using it.

Q. Can you spell Deva for the record?

A. D-E-V-A.

Q. So around 2001 did you and Glenn Sanders often talk about products that he was 09:28:50AM
developing?

MS. CHIPPERSON: Object to form.

THE WITNESS: I think I probably talked about products all along the way because I was going to answer one of your other questions, 09:29:19AM
which you seemed to abandon when you asked me my first connection with Zaxcom, was seeing the original Deva at the AES show on display, not yet a functioning unit, and I think I probably met Glenn Sanders then. 09:29:47AM

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I discussed development of gear with Glenn Sanders and probably with most of the other manufacturers that I've dealt with since I started my career in 1970.

BY MR. ROTTEVEEL: 09:30:17AM

Q. Okay, so around 2001 to 2004, you would be discussing the development of Zaxcom products with Mr. Sanders?

MS. CHIPPERSON: Object to form.

THE WITNESS: It's quite possible. 09:30:30AM

BY MR. ROTTEVEEL:

Q. Was this just verbal discussions?

MS. CHIPPERSON: Object to form.

THE WITNESS: What would be the other form? I don't understand the question. 09:30:45AM

BY MR. ROTTEVEEL:

Q. Did you have any e-mail correspondence with Mr. Sanders regarding products in development around this time?

A. I don't think so. 09:31:02AM

Q. Did you have any discussions with Mr. Sanders on any websites around this time?

MS. CHIPPERSON: Object to form.

THE WITNESS: I may very easily have been part of ongoing group discussions on various 09:31:24AM

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websites that Glenn Sanders was also participating in.

BY MR. ROTTEVEEL:

Q. Can you name me some of those websites?

A. Yeah. Well, I guess the most obvious one would be like Facebook. You know, I've been involved in conversations on Facebook with other people that are posting there and replying there and I believe that Glenn was part of some of those discussions. 09:31:45AM 09:32:18AM

Q. What about around 2001, any websites where you and Glenn would be discussing Zaxcom products?

A. I don't remember specifically.

MS. CHIPPERSON: Object to form. 09:32:31AM

THE WITNESS: Sorry, Rita, what?

MS. CHIPPERSON: Object to form.

THE WITNESS: I don't remember specifically any specific timeframe.

BY MR. ROTTEVEEL: 09:32:44AM

Q. Are you familiar with a website called Ramps?

A. Yes, I'm very familiar with it.

Q. What discussions about Zaxcom products had occurred around 2001 on Ramps? 09:32:55AM

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MS. CHIPPERSON: Objection, this goes beyond the scope of his declaration.
BY MR. ROTTEVEEL:
Q. Mr. Wexler, you can answer.
A. I will go with that objection in that it opens up a whole history of stuff that doesn't relate to anything that we're doing in this deposition, in my opinion. 09:33:10AM
Q. Mr. Wexler, did you and Mr. Sanders discuss Zaxcom products on the website Ramps? 09:33:33AM
MS. CHIPPERSON: Objection, it goes beyond the scope of his declaration.
MR. ROTTEVEEL: Mr. Wexler, you should still answer even if Ms. Chipperson has an objection. 09:33:54AM
THE WITNESS: Ramps was around for several years and I did participate in Ramps a lot. So I'm sure somewhere along the way there were discussions that involved both myself and Glenn Sanders. 09:34:08AM
That's about as clear an answer as I can give.
BY MR. ROTTEVEEL:
Q. Do you know the URL for Ramps?
MS. CHIPPERSON: Objection, goes beyond 09:34:19AM

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the scope of this declaration.
THE WITNESS: I don't remember. I haven't attempted to even look at Ramps in the last ten years or more.
BY MR. ROTTEVEEL:
Q. Do you remember anything about the URL for Ramps?
MS. CHIPPERSON: Objection, asked and answered, form, goes beyond the scope of his declaration. 09:34:39AM 09:34:50AM
THE WITNESS: It's irrelevant, in my mind. It was probably just bookmarked in my browser.
BY MR. ROTTEVEEL:
Q. How many times have you spoken with Mr. Sanders over the past year? 09:35:09AM
MS. CHIPPERSON: Objection, goes beyond the scope of the declaration.
THE WITNESS: I agree. I have no way of giving an answer to that. 09:35:23AM
MR. ROTTEVEEL: Mr. Wexler, you are to still answer and Ms. Chipperson is just getting the objections on the record.
THE WITNESS: I know, but I mean no way could -- I mean I could come up with a number but 09:35:42AM

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I can't verify that it's even close one way or the other. I mean I don't know.
BY MR. ROTTEVEEL:
Q. Is it more than ten discussions?
A. Oh, I'm sure I've had -- 09:35:56AM
MS. CHIPPERSON: Object to form.
THE WITNESS: I'm sure I've had more than ten discussions, yeah.
BY MR. ROTTEVEEL:
Q. Would it be more than 20 discussions? 09:36:05AM
MS. CHIPPERSON: Objection, goes beyond the scope of the witness's declaration.
THE WITNESS: I can't answer that, honestly. I don't know. There's no way -- I don't track it. It's not like contacting my 09:36:25AM doctor, you know. I don't know.
I had numerous conversations. He's a friend, you know. I can't...
BY MR. ROTTEVEEL:
Q. Have you attended many social events 09:36:55AM with Mr. Sanders?
MS. CHIPPERSON: Objection, assumes facts not in evidence.
THE WITNESS: You'd have to define "many" and then we are back again to try to come 09:37:03AM

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up with a number that makes sense.
BY MR. ROTTEVEEL:
Q. Have you attended any social events with Mr. Sanders?
A. Yes. 09:37:12AM
Q. What types of social events?
MS. CHIPPERSON: Objection, it goes beyond the scope of the declaration.
THE WITNESS: Well, one would be an event that's held almost every year for the last 09:37:37AM several years in Atlanta which is a get-together of primarily production sound people.
And I've also socialized with Glenn Sanders at NAB conventions, at Pizza Friday at Trew Audio in L.A., which again is just a social 09:38:13AM get-together of fellow sound people.
BY MR. ROTTEVEEL:
Q. Who contacted you about providing a declaration?
A. Who what? 09:38:30AM
Q. Who contacted you about providing a declaration in this case?
A. I don't know which person exactly but it was through whatever legal company Rita works with or for. I don't know the full name, but it 09:38:50AM

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was via e-mail.
Q. I'm sorry, go ahead.
A. No, that was it.
Q. Can you tell me about the process of constructing the declaration for this case? 09:39:11AM
MS. CHIPPERSON: Object to form.
THE WITNESS: I don't understand the question.
BY MR. ROTTEVEEL:
Q. Did you write the first draft of the declaration in this case? 09:39:20AM
A. Did I write -- I don't know what you are referring to.
Q. Do you understand that you provided a declaration for this case? 09:39:38AM
MS. CHIPPERSON: Objection, vague.
THE WITNESS: Well, again, I said I'm not sure exactly what this case is. I haven't currently written anything related to this case.
BY MR. ROTTEVEEL: 09:40:06AM
Q. Did you write a declaration for the prior Lectrosonics case?
MS. CHIPPERSON: Object to form.
THE WITNESS: I believe so.
BY MR. ROTTEVEEL: 09:40:19AM

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Q. Did you write the first draft of the declaration in that case?
MS. CHIPPERSON: Object to form.
THE WITNESS: I don't know what a draft is. I can't answer that. 09:40:33AM
BY MR. ROTTEVEEL:
Q. So in the prior Lectrosonics case --
A. Okay.
Q. -- you agreed to help out in that case, correct? 09:41:03AM
MS. CHIPPERSON: Object to form, assumes facts not in evidence.
THE WITNESS: Define "help out."
BY MR. ROTTEVEEL:
Q. You agreed to provide a declaration in that case, correct? 09:41:10AM
A. Yes, I did.
Q. And were you the one that drafted that declaration?
MS. CHIPPERSON: Object to form. 09:41:30AM
THE WITNESS: Anything that I wrote that was attributed to my writing I'm fairly confident was my writing, if that's what you are asking.
BY MR. ROTTEVEEL: 09:41:50AM

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Q. Okay, and did you write anything new for this case?
MS. CHIPPERSON: Object to form, vague.
THE WITNESS: No.
BY MR. ROTTEVEEL: 09:42:12AM
Q. Do you have any agreements with Zaxcom regarding your work in this case?
A. Define "agreements."
Q. Are you being paid by Zaxcom for any of your work in this case? 09:42:24AM
A. No.
Q. Are you being paid by Glenn Sanders for any of your work in this case?
A. No.
Q. Mr. Wexler, you state in your 09:42:58AM declaration that you've owned and used almost every piece of professional sound recording equipment in your career, correct?
A. Yes.
Q. And was trying out new professional 09:43:12AM sound recording equipment something you did throughout your career?
MS. CHIPPERSON: Object to form.
THE WITNESS: Say again.
BY MR. ROTTEVEEL: 09:43:25AM

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Q. Is trying out new professional sound recording equipment something you have done throughout your career?
A. Yes.
Q. Do you also spend time reading patents and patent applications relating to sound recording equipment? 09:43:43AM
MS. CHIPPERSON: Objection. This is outside the scope of the declaration.
THE WITNESS: I think over the years from the beginning of my career, I have, in fact, read a few patents and also researched the history of patented technology, just because it interested me. I'm saying -- this is actually even prior to my career. 09:43:58AM 09:44:25AM
So yeah, I've had minimal experience with -- and no personal experience with patents, but I have historical interest in patents.
BY MR. ROTTEVEEL:
Q. Can you name any specific patents that you have read? 09:44:50AM
MS. CHIPPERSON: Objection, outside the scope of this declaration.
THE WITNESS: I agree with Rita.
MS. CHIPPERSON: Calls for a 09:45:02AM

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hypothetical.

(Reporter clarification.)

BY MR. ROTTEVEEL:

Q. Mr. Wexler, you are to answer my question over Ms. Chipperson's objection. She's just getting it on the record. 09:45:14AM

A. Okay, but I agree with Rita that it's outside the parameters of this deposition, what my personal history or interests are.

Q. Mr. Wexler, yes or no, do you remember any specific patents or patent applications that you have read? 09:45:38AM

A. Yes.

MS. CHIPPERSON: Objection to form.

THE WITNESS: Yes. 09:45:54AM

BY MR. ROTTEVEEL:

Q. So you mentioned in your declaration that Zaxcom developed a transmitter with local recording capabilities, correct?

A. Say again? 09:46:05AM

Q. You mentioned that Zaxcom developed a transmitter with local recording capabilities, correct?

MS. CHIPPERSON: Object to form.

THE WITNESS: Yes. 09:46:15AM

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BY MR. ROTTEVEEL:
Q. And you referred to this local recording by the transmitter as a backup recording, correct?
MS. CHIPPERSON: Object to form. 09:46:29AM
THE WITNESS: Yes.
BY MR. ROTTEVEEL:
Q. And you state that you would never want to be without this function, correct?
A. Yes. 09:46:46AM
Q. Was the ability of a transmitter to have local recording capabilities a game-changer?
MS. CHIPPERSON: Object to form.
THE WITNESS: Yes. However, I'm not a big fan of that particular phrase, game-changer. 09:47:14AM
I can say for me personally it had a profound effect on my work.
BY MR. ROTTEVEEL:
Q. Had it ever occurred to you that you might need local recording capabilities? 09:47:39AM
MS. CHIPPERSON: Object to form.
THE WITNESS: I don't understand the question.
BY MR. ROTTEVEEL:
Q. Prior to using Zaxcom's product, the 09:47:48AM

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TRX900, had it ever occurred to you that you might need local recording capabilities?

MS. CHIPPERSON: Object to form.

THE WITNESS: It's a larger discussion, your phrase "local recording." I can't give you a sensible answer to that. 09:48:16AM

BY MR. ROTTEVEEL:

Q. How do you understand the phrase local recording capabilities?

A. Local recording. Well, in its loosest form I would say a local recording is a recording that is made with me and whatever is being recorded are in the same locale. 09:48:37AM

I don't know. It escapes me what the question actually means. 09:49:11AM

Q. How would you describe the recording that is on the user of the transmitter?

MS. CHIPPERSON: Object to form, vague.

THE WITNESS: How would I describe it?

BY MR. ROTTEVEEL: 09:49:39AM

Q. What name would you give it?

A. The recording.

Q. Is that the backup recording?

A. You tell me. Are you asking me -- when I record someone's dialog on a movie, let's say, 09:49:56AM

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that is what's referred to as the production dialog recording, meaning that which was recorded in realtime on the day, with the actor, and that becomes the element -- that's my professional responsibility. 09:50:26AM

Q. So that there is a transmitter -- strike that.

When you're working on a movie, a user wears the transmitter on their body, correct?

A. At times. 09:50:46AM

Q. So in the instances when a user has the transmitter on their person, is there a recording that is made locally on the transmitter itself that is not sent to the receiver?

MS. CHIPPERSON: Object to form, compound. 09:51:07AM

THE WITNESS: Are you asking how a transmitter with local record capability does its thing or -- do you want a technical answer or --

BY MR. ROTTEVEEL: 09:51:41AM

Q. You mention a backup recording in your declaration, correct?

A. Yes, you said that already.

Q. What do you mean by a backup recording?

A. What I mean is the actor is speaking 09:51:55AM

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and I'm recording that in two different places. If there's a potential failure at either one of them, I would have what we refer to as a backup recording, meaning that without a backup you would be forced to ask for another take so that 09:52:40AM you get another chance to record that line of dialog, which is our professional responsibility.

And with the backup, there is no necessity to ask for another take.

Q. So is there a recording in the device 09:53:06AM worn by the user of the transmitter?

MS. CHIPPERSON: Object to form, vague.

BY MR. ROTTEVEEL:

Q. Let me rephrase.

Is there a recording in the device worn 09:53:22AM by the user?

MS. CHIPPERSON: Object to form, vague.

THE WITNESS: In what device worn by the actor?

BY MR. ROTTEVEEL: 09:53:33AM

Q. The transmitter.

MS. CHIPPERSON: The same objections.

THE WITNESS: With the Zaxcom transmitter -- I don't remember the exact model number -- but with the Zaxcom transmitter there 09:53:50AM

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is a local recording that is in the transmitter.
BY MR. ROTTEVEEL:
Q. And what terms would you use to distinguish the local recording from the recording that is sent to the receiver? 09:54:12AM
MS. CHIPPERSON: Objection, assumes facts not in evidence.
THE WITNESS: Did I answer something wrong?
BY MR. ROTTEVEEL: 09:54:45AM
Q. So you would agree that the recording that is stored within the device worn by the user is the local recording?
MS. CHIPPERSON: Objection, asked and answered, form. 09:54:55AM
BY MR. ROTTEVEEL:
Q. Mr. Wexler, do you have an answer?
A. I don't -- it seems like we are asking the same question again. I mean, ask the question again. I don't know what you're referring to. 09:55:24AM
Again, we're using the word "local" but I don't -- I'm not --
Q. What would you call the recording that is sent digitally from the transmitter to the 09:55:43AM

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receiver?

MS. CHIPPERSON: Objection, assumes facts not in evidence, form.

THE WITNESS: I would call it the signal, the program material. 09:56:04AM

BY MR. ROTTEVEEL:

Q. So do you agree that there's a difference between the signal, the program material as you called it, that's sent to the receiver, and the local recording stored on the transmitter? 09:56:19AM

A. No. No, I didn't say that.

Q. You would not agree that those are two different recordings?

A. What difference are you referring to? 09:56:36AM

Q. I'm just --

MS. CHIPPERSON: Objection, vague, asked and answered; mischaracterizes his prior testimony.

BY MR. ROTTEVEEL: 09:57:13AM

Q. Mr. Wexler, you referred to digital RF transmission in your declaration, yes?

A. Yes.

Q. Does RF stand for radio frequency transmission? 09:57:26AM

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A. Yes.
Q. Prior to Zaxcom, did any companies have systems that used digital radio frequency transmission for motion pictures?
A. Not to my knowledge. 09:57:39AM
Q. How common is digital RF transmission in the use of motion pictures today?
MS. CHIPPERSON: Object to form, compound.
THE WITNESS: In terms of my 09:57:58AM
understanding of the industry these days, I would say it's about half and half; analog transmission, historically, and digital transmission. Both are still very much in use.
BY MR. ROTTEVEEL: 09:58:29AM
Q. You mention in your declaration that the digital RF transmission in Zaxcom's product, quote: "Went a long way in solving some of the problems associated with frequency allocation."
Can you explain what you meant by that? 09:58:44AM
A. You have to say it again.
Q. You mention in your declaration that the digital radio frequency transmission in Zaxcom's product, "Went a long way in solving some of the problems associated with frequency 09:59:00AM

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allocation."

What did you mean by that?

MS. CHIPPERSON: Objection, mischaracterizes -- sorry, assumes facts not in evidence. Form, also. 09:59:11AM

THE WITNESS: Can I just make a comment that I don't think --

(Brief interruption.)

I've got to get this person to stop.

I'm in a deposition, I've got to call you later. 09:59:31AM

I don't think it's part of this deposition for me to give you a technical lesson about digital transmission versus analog transmission. It seems like that's outside the scope of this particular deposition. 09:59:57AM

But I don't know. I could try. I'm not the most technical person but I do understand both worlds.

MR. ROTTEVEEL: Mr. Wexler, do you see the document on your screen? 10:00:22AM

THE WITNESS: I see a document, yes.

MR. ROTTEVEEL: I'll introduce this as Wexler Exhibit 1.

BY MR. ROTTEVEEL: 10:00:33AM

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Q. Do you recognize this as your declaration in this case?

A. Not yet. I see at the bottom it says, "Declaration of Jeffrey S. Wexler" but I've never seen this particular form, personally. 10:00:51AM

(Wexler Exhibit 1, Declaration of Jeffrey S. Wexler previously marked as Exhibit 2126, was marked for identification.)

MS. CHIPPERSON: I'm going to object to the exhibit. 10:01:19AM

MR. ROTTEVEEL: I'm going to refer to this as IPR Exhibit 2126.

BY MR. ROTTEVEEL:

Q. Mr. Wexler, do you see paragraph numbered five here on your screen? 10:02:12AM

A. No. I just see a title page and I don't see anything to advance to another page. I see exhibit -- Wexler Exhibit 1 and again it looks like a title page. 10:02:37AM

Do you want me to try to scroll down? I've never seen this document so I don't know what -- okay, scrolling down I see: "I, Jeffrey S. Wexler, have been asked by counsel for" --

Q. Mr. Wexler, do you mind scrolling down 10:03:04AM

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to paragraph five?

A. Okay, going to paragraph five. Okay, yeah. I'm at five.

Q. Okay. Do you see that you said: "Zaxcom produced the first wireless systems designed specifically for our usage in sound for picture that utilized digital RF transmission. This went a long way in solving some of the problems associated with frequency allocation." 10:03:18AM

What did you mean by, "This went a long way in solving some of the problems associated with frequency allocation"? 10:03:35AM

A. What I mean is the digital transmission provides the possibility of putting more channels within limited bandwidth area than analog; reliably putting it in so that we could actually use more transmitter units in the same location space in terms of frequencies closer together, without intermodulation and various other artifacts that go with analog transmission. 10:03:59AM 10:04:36AM

Q. Are there any other advantages?

A. Yes, there are numerous advantages but you asked about frequency allocation.

Q. What are those other advantages with respect to digital RF transmission? 10:04:56AM

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A. Is the question digital transmission versus or compared to analog, or digital transmission on its own?

Again, we're into discussing -- I'm not here to give you an education on digital transmission. 10:05:27AM

Q. So let's just start with what are the other advantages with respect to just digital RF transmission?

MS. CHIPPERSON: Object to form, vague. 10:05:41AM

THE WITNESS: There's a higher level of predictability of transmission of the signal with digital because of the nature of digital audio than there is with analog. That's one advantage.

It's outside the scope of this deposition for me to try, again, to give you a lesson in the advantages of digital transmission over analog. 10:06:14AM

MR. ROTTEVEEL: How about we take a 15-minute break? It's 1:06 p.m. How about we reconvene around 1:20 p.m.? 10:06:33AM

Is that okay with counsel?

MS. CHIPPERSON: Yes, that sounds fine.

(Break taken.)

MR. ROTTEVEEL: So I'm putting 10:23:21AM

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Exhibit 2126 from IPR 2025230 back up on the screen.

BY MR. ROTTEVEEL:

Q. Mr. Wexler, can you see the declaration? 10:23:33AM

A. Yes, I can see it. But I'm still sitting with point number five.

Q. Okay. So let's go to paragraph six.

Do you see that?

A. Okay, working my way down. (Perusing.) 10:23:46AM Okay, I'm on paragraph six.

Q. Okay. Do you see where it says: "Each Zaxcom transmitter can digitally locally record the output of the microphone in the talent's bodypack along with transmitting the audio signal 10:24:06AM to the receiver."

Do you see that?

A. Yes.

Q. What did you mean by "digitally locally record the output of the microphone" in your 10:24:18AM declaration?

A. It can't be any clearer than that statement.

Q. Can we refer to that as the local recording? 10:24:33AM

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A. I guess so, yeah.
Q. How would you refer to it normally?
A. The recording that is on the card in the transmitter.
Q. Is that the microSD card? 10:25:00AM
A. I believe it's microSD, yes.
Q. So if I refer to the recording on the microSD card, are we talking about the same recording now?
A. Yes. 10:25:16AM
Q. So if I refer to the recording within the transmitter, do we agree that I'm referring to the recording on the microSD card?
A. Yes.
Q. Now, if you see in paragraph six, you refer to RF dropouts, do you see that? 10:25:52AM
A. Yes.
Q. And just to be clear, that refers to radio frequency dropout?
A. Yes. 10:26:08AM
Q. What is a radio frequency dropout?
A. That's when the transmission of the signal via radio frequency is disrupted. And there are various reasons for that disruption, but it renders that particular portion of the 10:26:30AM

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recording as unusable.

Q. What is the importance of correcting radio frequency dropouts in your line of work?

A. Well, I would have to say that when the only recording available, in other words the output of that microphone, the only place that it's available is in a recording that has been disrupted, you are faced with losing that particular bit of dialog. 10:27:10AM

And that's crucial to our particular job and professionally that is the reason for our employment, is to reliably record production dialog. That is what is expected of a professional production sound mixer. 10:27:37AM

Q. And when did you first use a Zaxcom product with digital radio frequency transmission capabilities? 10:28:15AM

A. Well, I was looking at my notes and I was thinking that it's around 2001. But I would have to go through my resume and try and remember also because there was a period of time when I was using several different transmitters and I don't remember exactly when I first used -- I can't put an exact date on it. 10:28:33AM

Q. And when did you first use a Zaxcom 10:29:10AM

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product with a recording stored in the microSD card within a transmitter?

A. That was your previous question.

Q. No. My question now is around what time period did you first use a Zaxcom product with a recording stored in the microSD card of the transmitter? 10:29:29AM

MS. CHIPPERSON: Object to form and it assumes facts not in evidence.

THE WITNESS: Well, I thought I just answered that, 2001. But again, I can't place that specifically because, you know, when I was actively working, I have a tremendous amount of equipment that goes into every job and I can't remember the exact date. 10:29:45AM 10:30:11AM

Is that important?

BY MR. ROTTEVEEL:

Q. So before there was a Zaxcom product where you could store a recording within the microSD card of the transmitter, how did people in your line of work correct dropouts? 10:30:46AM

MS. CHIPPERSON: Object to form.

THE WITNESS: Well, I would say the simplest answer is if you feel that you've lost some of your recording for whatever reason, 10:31:06AM

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whether it's a dropout or some extraneous noise that ruined that particular part of the dialog, you would have to ask production in realtime, can we do another take? In other words, can I get another attempt at recording it so that you have the recording. 10:31:31AM

We also would make use of what we called wild lines, which is recording a line of dialog that had something interrupt it, record it wild without the camera shooting, in other words as a piece of what we call wild sound. 10:31:56AM

And often that will be helpful in editorial. Not always helpful but sometimes. And it just would be part of the process of doing production sound. 10:32:24AM

BY MR. ROTTEVEEL:

Q. What did you mean by the word "wild"?

A. "Wild" means that it's not -- let's say, a normal take. Let's say take two, the camera rolls, you get the slate, they say their dialog and then you cut, all right? 10:32:45AM

What you would do in terms of wild lines is you would do exactly the same thing with the actor, but you wouldn't roll the camera. You would be able to make the recording again and 10:33:10AM

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hope that their particular dialog would be close enough that it could be cheated in, synch-wise, to the take where the sound actually had a problem.

I didn't think it would be that difficult to explain what a wild line is. Maybe I didn't explain it properly. 10:33:35AM

Q. Was the ability to correct radio frequency dropouts using the recording stored on the microSD card in the transmitter an important advance in your line of work? 10:33:58AM

A. Absolutely.

Q. Let's turn to, if you see my screen, the bottom of paragraph six. I'm sorry, I will stop scrolling. 10:34:23AM

Do you see the bottom of page four?

A. I'm looking at six.

Q. Okay, you are looking at paragraph six?

A. Yes.

Q. And do you see the sentence spans from the bottom of page four to the top of page five? 10:34:36AM

It says: "I have done scenes where the actors have gone out of wireless range resulting in no audio at the remote receiver, but when the transmitters are back in range, I've played back 10:35:07AM

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the full track from the transmitters."

Do you see that?

A. Yes, I do.

Q. Can you explain this process of playing back the full track from the transmitters? 10:35:17AM

A. I can, but again it's like I'm giving you a lesson in how we do our work. It just doesn't seem like that's part of this deposition.

But as part of having the ability to record what we're now referring to as a local 10:35:45AM recording in the transmitter, of the dialog, Zaxcom has also provided a whole procedure for retrieving that audio remotely and re-recording it onto, let's say, the main recorder so that no one has to deal, physically, with the transmitter 10:36:21AM and the mini SD card or microSD or whatever it is referred to as.

And they end up with -- in post they end up with a track that has no difficulties, no dropouts, no disruption and life goes on and 10:36:42AM we've done our job.

Q. Does postproduction often use the hold track from the transmitter in postproduction?

MS. CHIPPERSON: Object to form.

THE WITNESS: I would have to speculate 10:37:29AM

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on each individual production. Certainly I can weigh in on my own personal experiences with postproduction on, you know, most of the jobs that I've been on. But I would only have to speculate or based on what I've learned from other fellow production sound mixers. 10:37:54AM

You know, it would be different on every job because the post job on any given job is variable, based on what happened in production. 10:38:26AM

There are particular production procedures which, I might add, are rapidly under technological change and physical change as we speak. You know, the industry has gone through a number of changes. 10:38:46AM

BY MR. ROTTEVEEL:

Q. Okay. So at the bottom of paragraph six here you also mention that the microSD cards on the transmitter are what you deliver to postproduction engineers to correct dropouts, correct? 10:39:14AM

A. No, that's not. Because I use a full Zaxcom system I don't have to -- I can do the rerecording myself and they end up with tracks that are on the main recorder, not the backup, 10:39:40AM

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the main recorder, anyway just as everything else is.

Personally, I have not had the need to send in the microSD cards physically themselves, pulling them out of the transmitter and sending them into postproduction, although there are productions that I'm aware of that do that routinely. 10:40:03AM

What they do with it and how they handle it is a whole other deal and you'd have to ask them about how they deal with it since I'm not doing it myself. I'm not in postproduction, I'm in production. 10:40:16AM

Q. Have you ever been involved in postproduction? 10:40:35AM

A. Yes.

Q. And have you ever been involved in a postproduction project where you took a whole track from the transmitter to replace the audio on the receiver? 10:40:55AM

A. No.

MS. CHIPPERSON: Object to form, vague.

MR. ROTTEVEEL: I think that's all the questions I have today. Thank you, Mr. Wexler.

THE WITNESS: That's it? 10:41:28AM

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MS. CHIPPERSON: I just have one question for redirect, so I'll just go ahead, if that's fine? I don't think we need --

MR. ROTTEVEEL: I will reserve recross.

MS. CHIPPERSON: Okay. 10:41:53AM

EXAMINATION

BY MS. CHIPPERSON:

Q. So Mr. Wexler, the local recording that existed in the Zaxcom devices, what was the timeframe for that technology, do you recall? 10:42:02AM

MR. ROTTEVEEL: Object to form.

THE WITNESS: What was the timeframe for --

BY MS. CHIPPERSON:

Q. Let me strike that. I'll ask it a different way. 10:42:18AM

Do you recall the year that Zaxcom made available a transmitter with a local recording or backup recording?

MR. ROTTEVEEL: Object to form. 10:42:34AM

THE WITNESS: Again, in my notes I have that as around 2001, but I could be way off. I just can't remember.

BY MS. CHIPPERSON:

Q. Do you recall around what year Zaxcom 10:42:55AM

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introduced it's TRX900?

A. No. Is that the model that first had the recording capability?

Q. I can't really answer that. If you don't recall by model number, that's fine. 10:43:19AM

A. I used a limited number of different transmitters from Zaxcom and the original ones obviously were quite different than the later ones.

And the original ones, there was a period of time when they were digital transmitters but they did not have recording capability. 10:43:46AM

MS. CHIPPERSON: That's it. No more questions. 10:44:01AM

MR. ROTTEVEEL: I have no more questions on recross but we would like to request the notes that Mr. Wexler has relied on in this deposition.

THE WITNESS: What's that? 10:44:17AM

MR. ROTTEVEEL: We would like to request the notes that Mr. Wexler has relied on in this deposition.

THE WITNESS: Notes that I rely on? I don't have any notes that I rely on. 10:44:33AM

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MR. FISHER: Mr. Wexler, you did refer to some notes --

MS. CHIPPERSON: Excuse me, Michael, who is running the deposition?

MR. ROTTEVEEL: Mr. Wexler, you referred to notes that you were using in the deposition. 10:44:46AM

THE WITNESS: Oh. Yeah, the only notes I had was just to mark what year I did certain movies because that helped me try and get as close as I can to the dates that you were requesting. 10:44:58AM

It was just scribbled. I just said Glenn, 1997, you know. That's all my notes.

MS. CHIPPERSON: We have no problem providing the notes. 10:45:34AM

MR. FISHER: Fine, so we will expect to receive a copy of those notes, counsel.

THE WITNESS: God, calling them notes is glorifying it. Okay. 10:45:46AM

MR. ROTTEVEEL: Thank you, everybody.

MS. CHIPPERSON. Thank you.

THE REPORTER: Before you go off, let me just verify your transcript requests.

Eric, do you get the original and one 10:46:01AM

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and would you like a rough draft today?
MR. ROTTEVEEL: Yes, please.
THE REPORTER: And you get the final in five days?
MR. ROTTEVEEL: That sounds good. 10:46:16AM
THE REPORTER: Okay, great.
MR. FISHER: I think we'd prefer to -- okay, five business days is fine.
THE WITNESS: I have a question.
THE REPORTER: Let me get 10:47:01AM
Ms. Chipperson's transcript order, please, real quick.
MS. CHIPPERSON: That's okay.
MR. FISHER: I'm okay if Mr. Wexler wants to ask his question. 10:47:09AM
MS. CHIPPERSON: For us we'll just take the rough draft for now and I'll let you know if we want a final.
THE REPORTER: Okay. I'm not sure how that works. 10:47:37AM
Mr. Wexler, do you want to put a question on the record?
THE WITNESS: Back to this getting you guys the notes. Literally, for example, here's another little note. I'm an old guy and my 10:48:00AM

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memory is not perfect. I just wrote this down on a little scratch paper when I thought I met Glenn Sanders; when I did the movie where I used digital wireless first, which I've already given that to you. 10:48:24AM

And then I also made a list of all the wireless transmitters that I've used in my career because I was afraid I would forget, because I have used almost everything ever created.

MS. CHIPPERSON: Mr. Wexler, we don't have to give this kind of detail. We will just provide the notes. The deposition has ended. 10:48:39AM

But thank you, but it's fine.

THE WITNESS: Well, when you say provide, I've got to go up and I've got to scan this. I think it's pointless. 10:48:52AM

MR. FISHER: If you just want to take a photograph of it and text it to Ms. Chipperson or us, that would be acceptable. We don't need like a super-clear -- 10:49:07AM

Are you saying you are holding it up for me to take a photograph? I guess I can. Can you scroll up a little?

Fine. That's everything you have?

THE WITNESS: Yes. 10:49:19AM

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MR. FISHER: All right. Those are the only notes you have?

THE WITNESS: That's my only notes.

MR. FISHER: Okay. Fine, I took a photograph of it. I suppose that could suffice. 10:49:29AM

THE WITNESS: Thank you.

MS. CHIPPERSON: Okay, thank you. We are all done here? We are off the record?

MR. FISHER: I don't have anything further. 10:49:45AM

MS. CHIPPERSON: Great, thank you.

(Whereupon, the deposition was concluded at 10:50 a.m.)

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DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed on the_____day of_____, 2025, at_____, California.

_____

JEFFREY S. WEXLER

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STATE OF CALIFORNIA) SS
COUNTY OF LOS ANGELES)

I, BRENDA R. COUNTZ, Certified Shorthand Reporter No. 12563 for the State of California, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was duly sworn to testify 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 transcribed and that the same is a true, correct, and complete transcript of said proceedings.

Before completion of the deposition, review of the transcript [ ] was [ ] was not requested. If requested, any changes made by the deponent during the period allowed are appended.

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

Witness my hand this 13th day of November, 2025.

Brenda R. Countz

BRENDA R. COUNTZ, CSR No. 12563

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DEPOSITION ERRATA SHEET

Assignment No. J13699568

Case Caption: RØDE MICROPHONES, LLC AND FREEDMAN ELECTRONICS PTY LTD vs. ZAXCOM, INC.

Deponent: JEFFREY S. WEXLER

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my deposition taken in the above-captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the deposition errata sheet hereof, with the understanding that I offer these changes as if still under oath.

Signed on the _____ day of _____2025.

_____

JEFFREY S. WEXLER

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DEPOSITION ERRATA SHEET

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10:57:43AM

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