

Exhibit 6

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 THE VIDEOGRAPHER: My name is Scot Ziarko in

102507weberROUGH.txt
3 association with A-1 Legal Video. My address is
4 Lockport, Illinois.

5 This deposition is taking place on
6 October 25, 2007. The time is now 10:10 a.m. The
7 location of this deposition is 70 West Madison,
8 Chicago, Illinois.

9 This deposition is taken in the matter
10 of IRobot Corporation vs. Robotic FX, Inc., Civil
11 Action No. 2:07 CV 1511 UWC-RRA.

12 The deponent's name is Eric Weber.

13 This deposition is being taken on behalf
14 of the Plaintiff. The party at whose instance this
15 deposition is being recorded on audio and video
16 recording device is the Plaintiff.

17 Will counsel please identify yourselves
18 for the record.

19 MR. HALKOWSKI: Tom Halkowski with
20 Fish & Richardson on behalf of the Plaintiff,
21 iRobot.

22 MR. ENGEL: Jason Engel, Bell, Boyd & Lloyd,
23 LLP, on behalf of Defendant, Robotic FX, and on
24 behalf of the witness Eric Weber. With me is my
25 colleague Patricia Kane Schmidt.

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2 THE VIDEOGRAPHER: Will the officer please
3 identify yourself and swear in the witness.
4 (WHEREUPON, the witness was duly
5 sworn.)

6 THE VIDEOGRAPHER: We are on the record.

7 BY MR. HALKOWSKI:

8 Q. Good morning.

9 A. Good morning.

10 Q. Can you state your name and address for
11 the record, please.

12 A. My name is Eric Weber and I live in
13 Arlington Heights at 1120 West Northwest Highway.

14 Q. Okay. And have you ever been deposed
15 before?

16 A. No.

17 Q. Probably gone over this with your
18 counsel, but I will just reiterate. You have now
19 taken an oath. So, you're supposed to testify with
20 the same truthfulness and accuracy as you would as
21 if you were sitting in a court of law. Do you
22 understand that?

23 A. Yes.

24 Q. Okay. And if for any reason you don't
25 understand any one of my questions, just let me

5

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2 know and I'll rephrase it or ask you something
3 else. Otherwise I'll assume that you understand
4 the question. Okay?

5 A. Okay.

6 Q. Is there any reason that you cannot
7 testify truthfully and accurately today?

8 A. No.

- 9 Q. No medications that you're under?
10 A. No.
11 Q. How did you go about preparing for this
12 deposition?
13 A. Talked to my counsel.
14 Q. Okay. About -- your counsel, you're
15 referring to Mr. Engel?
16 A. Yes.
17 Q. And Ms. Schmidt?
18 A. Yes.
19 Q. Anyone else that you met with?
20 A. No.
21 Q. How long did you meet with Ms. Engel --
22 Mr. Engel and Ms. Schmidt?
23 A. A couple hours.
24 Q. Okay. Was that yesterday?
25 A. Yes.

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- 1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 Q. Did you talk with anyone else about this
3 deposition?
4 A. No.
5 Q. Okay. You didn't talk with Ms. Hill?
6 A. Nobody.
7 Q. Okay. And you didn't talk with Mr. Ahed
8 about this deposition?
9 A. No.
10 Q. When did you start work at Robotic FX?
11 A. Late '05, in November or December.

12 Q. And what do you do at Robotic FX?
13 A. I run research and development.
14 Q. Just at a high level, for example, what
15 have some of your main responsibilities been?
16 A. Whenever engineering can't handle
17 something, that's when I step in.
18 Q. Do you work on mechanical issues,
19 electrical issues?
20 A. Mechanical, electrical, I deal with
21 field calls. Anybody has a problem with a robot in
22 the field, I deal with that. I handle repairs.
23 It's pretty much it.
24 Q. And have you had substantially the same
25 responsibilities since you started in late '05?

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2 A. No.
3 MR. ENGEL: Mr. Hall, I will give you a little
4 bit of leeway here on the background. It's my
5 understanding it's supposed to be a really focused
6 deposition. So, I don't want you to get into his
7 responsibilities, what his day-to-day actions are.
8 You said to the Court this is going to
9 be concerning events immediately after filing the
10 lawsuit and contemporaneous with the entry of the
11 temporary restraining order.
12 MR. HALKOWSKI: Right. Point is made.
13 BY MR. HALKOWSKI:
14 Q. How do your responsibilities differ

15 from -- now from when they were when you first
16 started?

17 A. Well, I would say once I learned how
18 everything functioned, I kept improving on the
19 product and kept getting better at my job and
20 taking on more of my own responsibilities to
21 improve the product --

22 Q. Okay.

23 A. -- individually.

24 Q. All right. Just trying to get a sense
25 of when you were first hired, was it for purposes

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2 of working on R & D?

3 A. Yes.

4 Q. Okay. All right. Moving to the events
5 that -- that we want to focus on here today for
6 this limited deposition, do you recall what you
7 were doing on or -- the Friday, August 17, when
8 this lawsuit was first filed?

9 A. Yes.

10 Q. What were you doing on that day?

11 A. Well, after work I went home, worked on
12 one of my De Loreans and thought about going for a
13 drive. Jameel called me and told me that he had
14 solved our resistor problem on one of our robotic
15 circuit boards. I said I'm excited to see what we
16 got. Been looking forward to driving my car all
17 day and now I have a destination. So I went back

18 to work.

19 Q. When did you go home?

20 A. Usually leave anywhere around 7,
21 8 o'clock.

22 Q. And prior to going home at 7 or
23 8 o'clock did Jameel say anything to you about the
24 lawsuits that had been filed?

25 A. No.

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2 Q. Did -- did anyone say anything to you
3 about the lawsuit?

4 A. I was the last one there.

5 Q. Okay. So, at 7 or 8 o'clock at night
6 you were the last person left at Robotic FX?

7 A. Jameel may have been upstairs in the
8 offices but I was downstairs in the lab and when I
9 finished my daily duties, I left.

10 Q. Okay. And -- and so to the best of your
11 recollection when you left at 7 or 8 o'clock you
12 hadn't heard anything from Jameel about the
13 lawsuits?

14 A. Nothing.

15 Q. And you hadn't heard anything from, for
16 example, Ms. Hill about the lawsuits?

17 A. Kim and I don't talk after hours.

18 Q. Okay. I'm talking about while you were
19 at the office.

20 A. No.

21 Q. Okay. So, when you left at 7 or
22 8 o'clock and went home as of that point, you
23 hadn't -- you didn't even know about the lawsuit,
24 right?

25 A. Nope.

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2 Q. Okay. So you go home. You get the
3 call. Did Jameel, when he called you --
4 approximately what time do you recall that to be?

5 A. I don't recall. It was sometime after 7
6 or 8.

7 Q. Okay.

8 A. Usually I'm out in my garage until 2,
9 3 o'clock in the morning. So...

10 Q. Okay. And when he called and he talked
11 about solving a resistor problem, did he mention
12 anything else during that call other than solving
13 that resistor problem?

14 A. No.

15 Q. Okay. So he didn't say anything about
16 the lawsuit at that point?

17 A. Nothing at all. Just his enthusiasm for
18 finally figuring out what I had been struggling
19 with with the resistors. That's it.

20 Q. Okay. And I don't want to get into the
21 detail of that resistor problem, but is it
22 something that would keep the robot from
23 functioning?

24 A. No.
25 MR. ENGEL: Objection. I'm going to instruct

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2 you not to answer. It's outside the scope.

3 BY MR. HALKOWSKI:

4 Q. Are you going to follow your counsel's
5 instruction?

6 A. Absolutely.

7 Q. All right. So Jameel called and sounded
8 excited when he called you?

9 A. Yes.

10 Q. And he was excited about solving this
11 resistor problem?

12 A. Yes.

13 Q. Okay. And so what's the next thing you
14 did after getting that call?

15 A. Got gas, headed back to work.

16 Q. Okay. And when did you arrive back at
17 work?

18 A. It was dark, could have been sometime
19 after 9, 10 o'clock.

20 Q. Okay. And as of the time you get back
21 to work around 9 or 10 o'clock you still didn't
22 know about the lawsuit, right?

23 A. No.

24 Q. Okay. So then what's the first thing
25 you do when you arrive back at work?

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2 A. walked inside and said, "Hey, I drove my
3 car here. You haven't seen it. Come outside and
4 take a look."

5 Q. What car was that?

6 A. It's my De Lorean.

7 Q. Okay. And then what happened?

8 A. Went down to the basement to see what he
9 did for circuit boards, see if I could proceed
10 installing them and run my testing.

11 Q. Okay. And then what did you do after
12 going back down to the basement and looking at the
13 circuit board?

14 A. Started running diagnostics on the
15 circui

2 A. No. Asked me to finish doing my diag
3 and make sure that the problem's been solved.

4 Q. By "diag," you mean diagnostic test?

5 A. Yes.

6 Q. Okay. And then you proceeded to do the
7 diagnostic testing. What did you do after that?

8 A. Spent a few hours running these tests,
9 just going up and down with motors, left and right
10 with motors, checking with varying voltages and
11 varying amplifiers, running everything, and saw no
12 problems, got excited, looked forward to finishing
13 the arm.

14 Q. Okay. And then after you -- I take it,
15 then, that the test was satisfactory?

16 A. Quite.

17 Q. Okay. And after you had completed the
18 test and it was satisfactory what do you recall
19 doing next?

20 A. Started putting all my stuff back
21 together, cleaned my shelf off, turned all my power
22 supplies off, put the arms back on the other table,
23 kept soldering some other circuit boards to the
24 robot.

25 Q. Okay. And then what do you recall after

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2 doing these soldering of the circuit boards?

3 A. Like I said, I just kind of kept
4 cleaning. I have a tendency to make a big mess in

5 the shop. And took everything off my tables, put
6 everything that was important on shelves, started
7 making space and everything that was in my way that
8 had nothing to do with my project at the time I
9 started putting off into the area where Jameel
10 normally goes through and sorts out things that are
11 either necessary or unnecessary.

12 Q. What do you mean by "things that are
13 necessary or unnecessary"?

14 A. Well, if I'm building an arm and I've
15 got boxes of wheels in the corner and I don't have
16 room for my arm, the boxes of wheels need to go
17 somewhere else. We are in a limited space. So...

18 Q. And so you would put the boxes of wheels
19 or box of wheels off in a corner somewhere or --

20 A. Right by the stairs. Anything that's in
21 the way usually goes by the stairs. It's my
22 indication to them that I need more space to do my
23 job and limited space means get the stuff out of
24 there.

25 Q. Okay. And then Jameel takes care of

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8 things were working on it. He is also a De Lorean
9 owner. So wanted to tell him about the new
10 products that I came up with for the car. We stood
11 outside for a while and he admired my car and told
12 me he wanted his to look just like it and that went
13 on for a while.

14 Q. And this was now after 11 o'clock?

15 A. Could have been anywhere between 11 and
16 12.

17 Q. Okay. So, after having this break
18 between 11 and -- or during that break between 11
19 and 12 when you are talking with Jameel, did he say
20 anything to you other than the discussion about the
21 De Lorean car?

22 A. We've always been fans of the De Lorean
23 and we always talk about ways to improve it, bring
24 it back. Usually goes on for hours until somebody
25 gets in the way and says, "You guys need to do

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2 something else. You guys are spending too much
3 time on an old relic."

4 Q. Did Jameel at that time -- when you were
5 talking with Jameel, did he seem agitated to you?

6 A. Not out of the ordinary. I mean, with
7 us, we usually put in seven days a week, sometimes
8 15, 16 hours day and he looked tired. Didn't seem
9 too concerned about anything in particular but more
10 or less excited with the fact that what I had been

11 working on and struggling with he had found a
12 solution for.

13 Q. Okay.

14 A. And that problem had been something I
15 had been stumbling with for the last week. So
16 overall excitement is how he exhibited himself.

17 Q. All right. And to be clear, you didn't
18 notice anything about Jameel that was different
19 from how he had appeared to you over the last
20 several weeks?

21 A. No.

22 Q. Okay. So, during this break you talk
23 about the De Lorean, nothing else that you talked
24 about?

25 A. That's it. Only when am I going to get

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2 a chance to get his car up on my lift and tear it
3 down and start.

4 Q. Okay.

5 A. Which has always been time constraints
6 in our lives.

7 Q. Okay. So then after this break, what's
8 the next thing that you recall?

9 A. Called my fiancée and tried to tell her
10 that I was going to be there for a little bit
11 longer and then I'd get on the road and come home.

12 Q. Okay. And after calling your fiancée,
13 what do you recall doing next?

14 A. Went in the basement, grabbed my bag and
15 then turned off the lights. Jameel asked me to
16 carry up one of the bags that was by the stairs.
17 Lifted that upstairs and I said, "Hey, just so you
18 know, you have a taillight out on your car."

19 And he found it kind of odd that I was
20 able to remember the fact that Kim had a taillight
21 out on her car.

22 walked outside with him. Put his bag in
23 the back. Took the taillight off his car. Started
24 repairing the broken light, told him that I was
25 going to be going shooting this weekend, possibly

18

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2 camping, fired up my car moments after that and
3 I'll talk to you guys Monday.

4 Q. Okay. So, you fixed the taillight?

5 A. No. Tried to.

6 Q. Tried to. Okay. And the bag that you
7 packed up that was by the stairs?

8 A. Um-hmm.

9 Q. Tell me about that. What did it look
10 like?

11 A. It's canvass Army bag just like all of
12 our robots end up getting. It's a man-portable
13 bag.

14 Q. You said it was sitting by the stairs?

15 A. Usually five or six of them by the
16 stairs.

17 Q. And what's typically in those bags?

18 A. Could be anything. Robots, OCUs,
19 chargers, batteries.

20 Q. And why did you pick up that particular
21 bag that was by the stairs?

22 A. It was the closest one to the door that
23 needed to go out and we've got a policy there that
24 nobody goes up those stairs with anything that's
25 too heavy because there is a few guys. If one guy

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2 gets hurt, we are down a man and that's just going
3 to make all of our lives that much harder. So any
4 time anything needs to go up the stairs, it's two
5 men at least.

6 Q. So you carried it up the stairs with
7 Jameel?

8 A. Yes.

9 Q. And did he ask you in particular to help
10 with that bag as opposed to some other bag or did
11 you just pick it at random?

12 A. No, it was just basically him going,
13 "Hey, I need you to carry one of the bags outside."
14 That was the one that he positioned in front of the
15 stairs. So...

16 Q. Did he tell you what was in the bag?

17 A. No.

18 Q. Did you have any idea what was in the
19 bag?

20 A. No. I was more concerned with the fact
21 that my car was running outside at the time.

22 Q. Okay. And so you carried the bag with
23 Jameel to the car and you put it in the backseat,
24 is that what you said?

25 A. Trunk.

20

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2 Q. The trunk?

3 A. By the taillight.

4 Q. Did you put anything else into
5 Ms. Hill's car?

6 A. No.

7 Q. Did you see Jameel put anything else
8 into Ms. Hill's car?

9 A. No.

10 Q. Did you see Jameel at any point on
11 Friday the 17th collecting objects?

12 A. Define collecting.

13 MR. ENGEL: Object to form. You can answer
14 the question if you can.

15 BY THE WITNESS:

16 A. What do you mean collecting?

17 BY MR. HALKOWSKI:

18 Q. Did you see him walk around picking
19 things up at Robotic FX's offices?

20 A. Nothing out of the ordinary. We have a
21 very small office and we have things in the dental
22 office and things in our office. So, shuffling

23 things back and forth is a normal thing. We have
24 one bathroom in the building so nothing out of the
25 ordinary.

21

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2 Q. Okay. Did you see him pick things up
3 and put them into the bag that you ultimately
4 carried out?

5 A. No.

6 Q. During the time that you were at the
7 office from 9 or 10 o'clock until midnight or so,
8 is that about the range of time we're talking
9 about?

10 A. Roughly.

11 Q. So during that time, from 9 to
12 10 o'clock to about midnight or so, you were in the
13 basement?

14 A. Yes.

15 Q. With the one exception of that break
16 that you took?

17 A. Yeah. I may have walked back and forth
18 a few times to the bathroom, but --

19 Q. Okay. And during the time you were in
20 the basement did Jameel come down to the basement
21 at any point during those few hours that you were
22 there?

23 A. He may have come down once or twice to

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2 two guys have a hard enough time doing it. So, in
3 some cases two. We have only got one or two
4 articles and if I'm not positive that I can handle
5 it, rather than destroy something, having four eyes
6 focus on one thing is a lot safer.

7 Q. Okay. Aside from coming down to assist
8 you with the circuit board, did you actually see
9 Jameel come down to the basement and pick up
10 anything and leave with it?

11 A. Actually wasn't even focusing on him.
12 My whole thing was get this thing done, get home
13 before the woman gets pissed.

14 Q. But did you -- do you recall seeing
15 him --

16 A. No.

17 Q. -- come down to the basement and pick up
18 anything?

19 A. I recall him coming to the basement, but
20 I wasn't paying attention to what he was doing.

21 Q. Okay. Do you have any CDs with data on
22 them in the basement?

23 A. In the basement of Robotic FX?

24 Q. Yes.

25 A. I am one of the few guys in the company

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2 that doesn't touch the computers. I'm computer
3 illiterate. I'm not allowed to touch anything down
4 there because every time something happens it's
5 always blamed on somebody and I'm the last person
6 that wants that. Strictly focus on mechanical.

7 Q. Okay. Are you aware, though, of any CDs
8 being in the basement that have data on them?

9 A. There is --

10 MR. ENGEL: Object to the form.

11 BY MR. HALKOWSKI:

12 Q. You can go ahead.

13 A. There is always backups for everything.
14 Everything that I have ever worked on with him
15 seemed to almost be a nature to make backups of
16 everything in case we lost powers, if computer
17 crashed or whatever.

18 Q. Okay. And do you recall Mr. Ahd
19 picking up any of the CDs while you were there in
20 the basement?

21 A. No.

22 Q. Did you -- so you put the bag into
23 the -- Ms. Hill's car. Was that close to midnight
24 when you did that?

25 A. I'd have to guess. But, yeah, I mean it

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2 was -- I think I arrived home around 1. So it

3 usually takes me about an hour to get to work. So
4 it should have been around 12 o'clock.

5 Q. And after you put the bag into the car,
6 your recollection is you simply got into your car
7 and then went home?

8 A. We may have stood around for a few
9 minutes observing the fact my car was shorter than
10 the other two cars and if you stood at the right
11 angle, you couldn't see my car because it was so
12 close to the ground.

13 That and the normal bantering back and
14 forth about the car until Kim had enough and said,
15 "Jameel, can we go home?"

16 Q. So, the only thing you recall in terms
17 of discussion with Jameel before you left right
18 around midnight was that you had kind of a joking
19 discussion about your car and that was around
20 midnight?

21 A. Yeah.

22 Q. Okay. And anything else that you recall
23 about that last conversation that you had with
24 Jameel before you left?

25 A. Nothing that stands out. Besides them

25

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2 always telling me not to drive so fast.

3 Q. Okay. So, as of that point you still
4 hadn't heard about this lawsuit, right?

5 A. Correct.

6 Q. And you then got your car, drove home?
7 A. Stopped at the Hinsdale oasis.
8 Q. Okay. Did you come back to work on
9 the --
10 A. Monday?
11 Q. Well, that's what I was going to ask.
12 Did you come back to work at any time over the
13 weekend?
14 A. No. This was one of the few weekends I
15 actually got to relax.
16 Q. Did you have any discussion with
17 Mr. Ahed over the weekend?
18 A. None.
19 Q. Did you have any discussion with
20 Ms. Hill over the weekend?
21 A. Like I said earlier, I don't talk to her
22 after hours.
23 Q. So you didn't come back to work until
24 Monday the 20th?
25 A. Correct.

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2 Q. And did -- did Mr. Ahed tell you
3 anything on the 20th about this lawsuit?
4 A. Is that the Monday?
5 Q. Yeah.
6 A. They came down and gave us all a
7 heads-up that something had happened. They are
8 usually very vague. They try not to let any of us

9 really know what's going on. Usually we always
10 worry about everything. So kept telling us, "Keep
11 going, keep finishing your arm, Eric. Keep
12 teaching the other guys how to help you." So...

13 Q. So, on the Monday the 20th you recall
14 Jameel coming down and telling you and all the
15 other people in the basement that something had
16 happened?

17 A. Yes.

18 Q. And that's all he said?

19 A. Pretty much. I mean he leaves
20 everything very vague. He is a very quiet guy when
21 it comes to telling us things because there is --
22 small crew and we're doing the work of three times
23 the people. So, for anything to come out that
24 would scare us that's going to slow production down
25 and not really help anything get done. So...

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2 Q. Was there any indication at all that
3 there was a lawsuit that had been filed when he
4 talked to you on the 20th?

5 A. Nothing in particular but I'm not naive.
6 I can usually make sense of things happening. I
7 mean usually the worst thing that can happen is a
8 lawsuit, you know. I mean, never been worried
9 about any robots breaking in the field or having
10 anything go out the door that needs to be recalled.
11 I mean, those things are routine with certain

12 prototype pieces.

13 I got nothing out of it that made me
14 feel like this is a different Monday than any other
15 day that we have had a hard day at work.

16 Q. And did Jameel or Mr. Ahed, did he say
17 anything else to you on the 20th concerning this
18 lawsuit or anything else that would --

19 A. As far as I can recall that day I spent
20 the majority of the time sitting in the basement
21 finishing the other circuit boards to resemble what
22 we worked on that Friday. So, I spent the entire
23 day soldering, stripping wires, crimping wires,
24 shuffling circuit boards in and out of carbon fiber
25 tubes, test fitting everything, and didn't call my

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2 fiancée, got yelled at during lunch and then ended
3 up trying to get out of there as soon as I could to
4 make up for it.

5 Q. So, your testimony is that the only
6 thing that Mr. Ahed said on Monday the 20th is
7 that, quote-unquote, "Something happened"?

8 A. And not to worry.

9 Q. And not to worry. Then he didn't say
10 anything else to you?

11 A. No.

12 Q. Did -- while you were at work, did
13 Ms. Hill say anything to you about the lawsuit?

14 A. No. The only thing I remember that day

15 was basically going upstairs, getting my food out
16 of the fridge, telling Kim, you know, hello, how
17 you doing, went back downstairs.

18 Her and I don't interact on a daily
19 basis because her part of the job and my part of
20 the job don't go together in any way. So...

21 Q. Okay. And do you recall hearing
22 anything on Monday the 20th about the lawsuit
23 having been filed?

24 A. My whole thing is I'm focused on my job
25 and when there is a group of people downstairs

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 talking back and forth, I hardly get distracted by
3 that type of situation. I try not to because if I
4 forget to put something on and I package up a robot
5 and it blows up, I'm liable for it.

6 So, if anybody was downstairs
7 communicating back and forth about it, it may have
8 come out but nothing that got me stirred up enough
9 to stop what I was doing and inquire more.

10 Q. Okay. But do you in fact recall hearing
11 anything about the fact that a lawsuit had been
12 filed --

13 A. (Shaking head.)

14 Q. -- on the 20th while you were at work?

15 A. No.

16 Q. Okay. You're just saying if there was
17 such a conversation you wouldn't have been paying

18 any attention to it?

19 A. If -- if I were concerned I may have
20 inquired more. But there is really nothing I've
21 ever been able to do to help financially or legally
22 in any way. So, I try not to ever just get in
23 anybody's way. So...

24 Q. Okay. So, about when did you leave the
25 office on the 20th?

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2 A. I couldn't even tell you that. I have
3 no idea. My usual days, I'm there until 8,
4 9 o'clock at night. Some days 10, 11 o'clock.
5 That day in particular I hope I could say 6, 6:30,
6 something like that.

7 Q. Okay. And on the 20th while you were at
8 work do you recall seeing Mr. Ahed collecting any
9 objects?

10 A. No.

11 Q. Do you recall seeing Mr. Ahed toss
12 anything out into the garbage on the 20th?

13 A. No. The only thing I can say I remember
14 specifically was him printing out some parts on our
15 FDM machine that I had been waiting for to mount
16 the circuit boards into the arms. That would be
17 the only time that I remember him doing anything
18 specifically for me.

19 Q. But that was just something that he was
20 doing to assist in the production of a Negotiator?

21 A. He takes care of the FDM machine. I am
22 not really capable of operating the machine without
23 his assistance. So whenever I need anything, I
24 usually just go tell him print me out some pieces
25 and I sit patiently waiting in the basement until

31

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2 the machine finishes.

3 Q. And just so we are clear, what is the
4 FDM machine?

5 A. It's a rapid prototype machine. It
6 prints out plastic versions of what we inevitably
7 have made out of Delrin, plastic or aluminum.

8 Q. Okay. So it's a machine for kicking out
9 plastic pieces?

10 A. Correct.

11 Q. And I take it from your prior testimony
12 you didn't see Ms. Hill at any time on Monday the
13 20th going around the office collecting objects?

14 A. Well, the office is next door. Kim
15 never goes into the lab and when she does it's
16 usually because she is handing me an order for
17 something but that's it.

18 Q. And so you didn't see her collecting
19 anything on the 20th?

20 A. No.

21 Q. All right. So, then when do you recall
22 coming back to work on Tuesday the 21st?

23 A. When do I recall?

24 Q. Um-hmm.
25 A. Usual time. 7:30.

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 Q. Okay. And as of when you arrived the
3 morning of Tuesday the 21st at the office, at that
4 point you still hadn't heard anything definitive
5 about a lawsuit being filed?

6 A. Nothing that would cause me any alarm or
7 any reason to go home and start looking for, you
8 know, something to help him with.

9 Q. Um-hmm.

10 A. Usual for me. I get there at 7:30, go
11 into the basement, fire up all the irons before
12 anybody gets there, start putting tools away and
13 then sit down, look at my dry erase board to see if
14 any new orders had come in and wait for my crew to
15 start.

16 Q. As of the time you arrived on Tuesday
17 the 21st, had you heard definitively anything about
18 a lawsuit being filed?

19 A. Nothing specifically.

20 Q. Okay. And in fact the only thing that
21 you had heard was what Mr. Ahed had told you on
22 Monday the 20th that something had happened?

23 A. Can you repeat that.

24 Q. Sure. As of Tuesday morning the only
25 thing you had heard about a lawsuit being filed was

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 this kind of vague reference that Mr. Ahed told you
3 on Monday, is that right?
4 A. Correct.
5 Q. So, you had no other information as of
6 Tuesday morning, right?
7 A. Correct.
8 Q. Okay. Before folks arrived and started,
9 you know, searching the premises, did Mr. Ahed tell
10 you anything about the lawsuit that had been filed
11 on Tuesday?
12 A. On that Tuesday? No, I just -- like I
13 said, I was in the basement getting the stuff put
14 together and that was it.
15 Q. Okay. And any conversation with
16 Ms. Hill on Tuesday before the people arrived to
17 search the offices?
18 A. The first interaction I had with anybody
19 that day was Kim coming downstairs with the U.S.
20 Marshals.
21 Q. Okay. And that was sometime in the
22 afternoon, right?
23 A. Honestly couldn't tell you. Once I get
24 in that place the only thing I look for is the
25 light to go down in the two glass blocks in the

□

2 wall and that's when I know it's time to go home.

3 Q. And on Tuesday the 21st, had you seen
4 Mr. Ahed going around the -- the area collecting
5 objects?

6 A. What day was this again? I'm sorry.

7 Q. Tuesday the 21st.

8 A. No.

9 Q. And had you seen Ms. Hill going around
10 the office collecting anything on Tuesday the 21st?

11 A. I stay in the lab. Anything that
12 happens upstairs is usually off limits to me. I
13 don't do anything in that area of the office.

14 Q. Okay. And you don't recall anyone
15 coming down to the basement lab area collecting
16 objects on Tuesday the 21st?

17 A. Not that I can recall. Besides taking
18 out the trash.

19 Q. Okay. And the first time you recall
20 seeing Ms. Hill on Tuesday the 21st was when she
21 came down with the U.S. Marshals, is that right?

22 A. From what I remember, yes. I kind of
23 remember that a lot because I was enthusiastic
24 about meeting U.S. Marshals thinking they were
25 customers of ours.

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2 Q. And after the U.S. Marshals arrived on
3 Tuesday the 21st, did Ms. Hill say anything to you
4 about what you should do?

5 A. She just told me to keep working and
6 that I couldn't talk to Jameel and so at that point
7 I looked at my pile of work and I said okay, bury
8 yourself in work, just keep doing what you do best.

9 Q. And she said that you couldn't talk to
10 Jameel?

11 A. Yeah.

12 Q. Did she say why?

13 A. Said he was upstairs dealing with the
14 situation with the U.S. Marshals and not to get in
15 his way.

16 Q. Okay. Did you have any other
17 conversation with Ms. Hill on Tuesday the 21st?

18 A. She came downstairs, led the Marshals
19 down there and then she was brought back upstairs.

20 Q. And did you see her again at all that
21 day?

22 A. Not until we all left.

23 Q. Okay. And when was it that you left?

24 A. I'd say sometime -- I wouldn't even note
25 honestly. There was still light. It was getting

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 darker, but I mean it could have been anywhere
3 between 3:30 and 7 o'clock.

4 Q. Were the U.S. Marshals still there when
5 you left the offices?

6 A. No, I was one of the last guys to leave.

7 Q. Who was still there when you left?

8 A. Matt Bethke and Eric Hwang.

9 Q. And so when you left Ms. Hill had
10 already left as well?

11 A. I remember she and Jameel had to go back
12 to her place so the two of them followed or led the
13 Marshals back there from what I remember.

14 Q. Okay. At any rate, when you left the
15 office, Ms. Hill and Mr. Ahed had already departed?

16 A. Yes.

17 Q. Did Mr. Ahed tell you anything on
18 Tuesday, I apologize if I asked this before, but
19 did Mr. Ahed tell you anything on Tuesday regarding
20 this lawsuit?

21 A. The only thing Jameel ever tells me is
22 to not worry. It's in my nature to worry about
23 things. He always looks at me and says, "Eric,
24 you're too compassionate for this job. You put too
25 much heart and soul into this. You don't have to

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 worry. I'm worrying. You focus on your job. I'll
3 focus on my job."

4 That's usually what happens on a weekly
5 basis. I get worried about something. He sees it,
6 reads me very well, and says, "Eric, you're
7 worrying about something, but you're not worrying
8 about your work." So...

9 Q. And, so, do you recall Mr. Ahed saying
10 anything about the lawsuit on Tuesday?

11 A. Not necessarily him coming out and
12 saying there is lawsuit been filed. Just may have
13 been said something like, "We are going to get sued
14 by iRobot" or "We are going to get sued by
15 somebody." The word "sue" is basically causing me
16 to link that together. I mean there is --

17 Q. And that was on Tuesday you recall the
18 day of the search?

19 A. Kind of made sense to me. I mean, U.S.
20 Marshals don't normally come into our facility and
21 start taking stuff. So it was almost like I
22 assumed, wow, the shit hit the fan. I'm kind of
23 capable of figuring out for myself.

24 Q. Okay. And did Mr. Ahd -- when the
25 search was -- after the search had started, did

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 Mr. Ahd tell you that you should do anything?

3 A. I didn't speak with Jameel until right
4 before he left.

5 Q. Okay. And what -- what -- what
6 conversation did you have with Jameel right before
7 he left?

8 A. Said, "Dude, are you okay?" He said,
9 "Don't worry about it. I'll be fine." He said,
10 "Are you okay?"

11 "I'm nervous. I'm tired of this. I
12 just want to go have a vacation finally."

13 And he goes, "I'll take care of it.

14 You're fine. Relax. Everything will be okay."

15 Q. And that's all that you recall of your
16 discussion with Mr. Ahd on Tuesday?

17 A. Yeah, I mean it's a pretty vague
18 relationship we have as far as he always seems to
19 tell me not to worry and I'm the one always
20 worrying. So differentiating between that Tuesday
21 and ten other Tuesdays, it's impossible for me.

22 Q. Okay. Before the search occurred did --
23 did you have any idea that -- that U.S. Marshals
24 may be coming to your offices?

25 A. No. I don't know how I could have.

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 Q. So, there is never any discussion about
3 expecting something on its way?

4 MR. ENGEL: Objection; foundation.

5 BY MR. HALKOWSKI:

6 Q. Go ahead.

7 MR. ENGEL: You can answer it if you can.

8 BY THE WITNESS:

9 A. Nothing that really -- I mean I watch a
10 lot of TV and imagination sometimes get the best of
11 you. But, I mean, I'm building robots here. I'm
12 not building anything that is dangerous or, you
13 know, something simple like that. I'm just looking
14 at it this is a robot. What is the big deal about
15 building robots?

16 BY MR. HALKOWSKI:

17 Q. Do you -- before the search occurred, do
18 you recall anyone within Robotic FX telling you
19 that, you know, the U.S. Marshals may be coming
20 here soon?

21 A. No. I don't think that actually struck
22 anybody's mind that that could happen.

23 Q. Okay. Then you certainly don't recall
24 any discussion like that with Mr. Ahed?

25 A. No.

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 Q. Okay.

3 MR. HALKOWSKI: I'm going to mark this as
4 Exhibit 57. Unfortunately I only had time to print
5 out one copy, but I will show it to you before I
6 show the witness. It should be Exhibit B to
7 Mr. Ahed's declaration.

8 (WHEREUPON, a certain document was
9 marked Plaintiff's Exhibit No. 57,
10 for identification, as of
11 10-25-2007.)

12 BY MR. HALKOWSKI:

13 Q. I'm just going to hand to you an
14 exhibit. We got a number on it so we can keep
15 track of it as Exhibit No. 57 and I just want to
16 ask you: Have you ever seen that robot device
17 that's pictured here on Exhibit 57 in the
18 Robotic FX's offices?

19 A. No. Because if I had, I probably would

20 have started playing with it. It doesn't look like
21 one of our robots.

22 Q. Okay.

23 A. It's got shock absorbers on it.

24 Q. Do you recall Mr. Ahed ever showing you
25 the robot that's pictured in Exhibit 57?

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 A. No. Usually if -- if there is anything
3 there I -- I've got curiosity about it. I ask
4 about it. If I had seen this, this would have
5 definitely would have been something I would have
6 been inquiring about.

7 Q. Okay. Do you recall ever seeing
8 Mr. Ahed working on the robot that's depicted in
9 Exhibit 57?

10 A. Definitely not.

11 MR. ENGEL: Object; foundation.

12 BY THE WITNESS:

13 A. Definitely not.

14 Q. All right. Thanks.

15 Have you ever been in Mr. Ahed's office?

16 A. In his office?

17 MR. ENGEL: Objection; vague.

18 BY MR. HALKOWSKI:

19 Q. Yeah.

20 A. Absolutely. I mean I got hired there.

21 I had to interview somewhere.

22 Q. Okay. And about -- have you on a given
Page 37

23 day do you go into his office once, two, three,
24 times?

25 MR. ENGEL: Counsel, if you want to ask him

42

1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 about the events that happened on the 17th to the
3 21st, go ahead but you're not going to ask him what
4 he does in Jameel's office on a daily basis.

5 MR. HALKOWSKI: This is when it refers to. So
6 go ahead.

7 MR. ENGEL: Pardon?

8 MR. HALKOWSKI: This is what I'm getting to.

9 BY MR. HALKOWSKI:

10 Q. Go ahead.

11 MR. ENGEL: Don't answer his question.

12 MR. HALKOWSKI: We may need to go to the judge
13 on this.

14 MR. ENGEL: What is your basis for this
15 question?

16 MR. HALKOWSKI: Allow me to lay a foundation.

17 MR. ENGEL: Okay. I will give you a little
18 leeway here.

19 BY THE WITNESS:

20 A. Have I ever gone into his office.

21 BY MR. HALKOWSKI:

22 Q. Yeah. I'm trying to get a sense of how
23 frequently have you been in his office?

24 A. Well, I can draw pretty well, but I'm
25 not an engineer but any means. I never had any

1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 formal training with SolidWorks, but most of my
3 friends like to refer to me as an intelligent idiot
4 savant and I use my hands a lot and so the arm
5 itself was something that I was very influential on
6 drawing things on paper and showing them to Jameel
7 and having him put it on SolidWorks. I watched. I
8 mean it's -- I'm not allowed to touch computers in
9 that place because it's just not my thing.

10 Q. Okay. So, that work, for that work you
11 were in his office, so you have some familiarity
12 with his office is all I'm --

13 A. Of course.

14 Q. Okay. Do you recall there being a shelf
15 in Jameel's office with like just different pieces
16 of -- objects?

17 A. You're going to have to define what part
18 of his office because in his immediate room there
19 there were no shelves, there were two desks.

20 Q. Okay. So you don't recall there being
21 any shelf in Jameel's immediate office?

22 A. Are we talking about his room?

23 Q. Yeah, his room.

24 A. Yeah, there were no shelves.

25 Q. Okay. Do you recall there being a shelf

1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 in the office in general where there was different
3 robot pieces?

4 MR. ENGEL: Object to the form.

5 BY THE WITNESS:

6 A. We didn't keep any robot pieces
7 upstairs. I hung a plane on the wall when I first
8 started working there and that was the only
9 mechanical piece that was up there.

10 Anything that was up there may have been
11 straight out of the FDM machine, which we took into
12 his office, looked at the computer, looked at our
13 piece to make sure that it was exactly what we
14 wanted and he said, "Will this work for you." And
15 I would usually go, "Let me take it to the lab and
16 see if I can make it work."

17 Q. Okay. All right. Let me show you a few
18 things. I will just note for the record what I am
19 going to hand the witness as previously marked
20 Exhibit 2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, and
21 ask if you've seen any of these either that box or
22 any of the items on those pictures previously.

23 A. The only thing I could say is most of
24 these electronic pieces here we don't use in our
25 robot, but I could identify parts like this is a

□

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 circuit board.

3 Q. That's 2.3?
4 A. Yeah. Circuit board.
5 Q. 2.2?
6 A. Circuit board and a battery.
7 Q. 2.1?
8 A. A box.
9 Q. 2.
10 A. Some chips.
11 Q. 2.7.
12 A. Chips.
13 Q. On 2.6 you're referring to.
14 A. And it looks like a remote control for a
15 car.
16 Q. That's 2.5 you're referring to. So you
17 don't recall seeing any of these objects or this
18 box on these exhibits previously?
19 A. No.
20 Q. Okay. I will hand you what's been
21 previously marked as Exhibit 3 and ask if you
22 recall seeing this before.
23 A. It's a fluke 77.
24 Q. Do you recall seeing that at Robotic FX?
25 A. Yeah, I have them. We got five of them.

□

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 I own three myself and my school trained me on
3 this. So I mean it looks like all the other fluke
4 77s I've ever seen.
5 Q. Okay. So you have this type of fluke

6 meter at Robotic FX?

7 A. Yes.

8 Q. But you don't know whether -- forget it.

9 Let's move on to Exhibit 4. Do you
10 recall ever seeing a box -- the box depicted in
11 Exhibit 4 at Robotic FX?

12 A. Well, it has our address on it and it's
13 got a McMaster Car label on it. I mean, we pretty
14 much order a lot of stuff from McMaster Car. So
15 this box looks like every other box I've seen.

16 Q. Okay. But nothing about that, that box
17 on Exhibit 4, nothing stands out for you as
18 being --

19 A. Nothing really identifying it as an
20 unusual box really. I mean it's got a bar code on
21 it and a McMaster Car label.

22 Q. Okay. Don't know if this has been
23 previously marked or not so I am going to mark it
24 now. Exhibit 4.1.

25 (WHEREUPON, a certain document was

□

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 marked Plaintiff's Exhibit No. 4.1,
3 for identification, as of
4 10-25-2007.)

5 BY MR. HALKOWSKI:

6 Q. Do you recall seeing that before at
7 Robotic FX?

8 A. No, I mean it looks like parts of a

9 milling machine but haven't seen that one
10 particularly.

11 Q. Okay. Do you -- can you say for sure
12 that you haven't seen the device that's shown in
13 Exhibit 4.1?

14 A. Definitely don't know what that is. I
15 mean I haven't seen that before.

16 Q. Okay. Do you have anything that is
17 similar to that at Robotic FX?

18 MR. ENGEL: Objection; foundation, outside the
19 scope of the deposition.

20 BY MR. HALKOWSKI:

21 Q. Go ahead.

22 A. Chunks of aluminum on the milling
23 machine that I usually grab and start making pieces
24 out of them. I mean that may have been a chunk of
25 aluminum at one point in its life. I don't know

48

1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 what that is.

3 Q. Okay. Do you recall ever seeing Jameel
4 walking around with the device that looks like
5 what's depicted in Exhibit 4.1?

6 MR. ENGEL: Objection; foundation.

7 BY THE WITNESS:

8 A. No. I don't.

9 Q. Okay. Have you ever discussed the
10 device that's shown in Exhibit 4.1 with anyone?

11 A. No. If I'm talking about anything I

12 normally know what it is.

13 Q. Okay. So, for example, you didn't
14 discuss any welding jig with Mr. Ahed that's made
15 out of aluminum?

16 MR. ENGEL: Objection to foundation. This is
17 outside the scope of the temporary restraining
18 order.

19 BY THE WITNESS:

20 A. For welding.

21 Q. Yeah. welding track together.

22 A. No. No.

23 Q. Are you a part of the process of welding
24 track together?

25 MR. ENGEL: Don't answer that question.

□

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 MR. HALKOWSKI: I need to know whether he has
3 any familiarity.

4 MR. ENGEL: How is this relevant to spoliation
5 of evidence?

6 MR. HALKOWSKI: I need to get and understand
7 what he is familiar with and what he is not.

8 BY THE WITNESS:

9 A. I can tell you what I am familiar with.
10 I open bags of tracks and hang them on the wall, go
11 through and make sure that they are all intact and
12 if not, they go back to the corner and they end up
13 going, cutting into a million pieces and they get
14 thrown away.

15 BY MR. HALKOWSKI:

16 Q. That's all I was trying to find out was
17 whether you had any familiarity with the actual
18 process of welding tracks.

19 A. No.

20 Q. All right. Take a look at Exhibit 5.
21 Have you ever seen that before, what's depicted on
22 Exhibit 5?

23 A. No.

24 Q. All right. I'm going to hand you a
25 group of things now. It's previously marked as

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 Plaintiff's Exhibit 6, 7, 8, 9, 12, 12.1, 12.2,
3 12.3, 12.4, 12.5, 27, 28 and 29. Ask if you have
4 ever seen any of those objects that are depicted in
5 those exhibits.

6 MR. ENGEL: Counsel, is this essentially 6
7 through 29 or --

8 MR. HALKOWSKI: No. There is a lot -- the
9 numbers I read off.

10 BY THE WITNESS:

11 A. Anything regarding SolidWorks, I mean,
12 my father is an engineer. I've been around
13 SolidWorks since it came out. I've seen SolidWorks
14 before, but I've never noticed anything between one
15 SolidWorks setup and another.

16 Q. Okay.

17 A. p-cad, I went to engineering school for

18 a year and a half and I know we used p-cad.

19 As far as seeing this at the office, I
20 mean, I don't know why I would have run across
21 this, anything related to software or computers was
22 kept upstairs. The lab downstairs was purely
23 mechanical.

24 Q. Okay.

25 A. I don't know if these are the same as

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 the other ones.

3 Q. So, in this last set of exhibits you
4 don't recall seeing any -- any of these pieces of
5 software or the brochures at Robotic FX?

6 A. Stuff like this doesn't interest me.
7 Seeing a SolidWorks CD, it's not like something
8 that is going to strike something in my mind like,
9 holy cow, a SolidWorks CD. I mean it's a CD. It's
10 got a program on it.

11 Q. Okay. All right. You mentioned that
12 you didn't have any of that stuff downstairs but
13 that Jameel had SolidWorks upstairs?

14 A. All I remember in the beginning is him
15 telling me that to run SolidWorks you needed a good
16 computer and as far as I remember there was only
17 one nice powerful computer in the place and that
18 was Jameel's.

19 Q. Okay.

20 A. It's a very intricate, you know, program

21 right there. It needs a lot of computer power to
22 run. So...
23 Q. Okay.
24 MR. HALKOWSKI: We can go ahead and take --
25 switch it.

52

1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 MR. ENGEL: Do you want to take a break right
3 now.
4 THE VIDEOGRAPHER: The time now is 11:07 a.m.
5 This is the end of tape 1. We are going off the
6 record.
7 (WHEREUPON, a recess was had
8 from 11:07 to 11:24 a.m.)
9 THE VIDEOGRAPHER: The time is now 11:24 a.m.
10 This is the beginning of Tape 2. We are back on
11 the record.
12 BY MR. HALKOWSKI:
13 Q. All right. I've got another set of
14 exhibits for you. Take a look and ask you if you
15 have seen any of the objects in -- depicted in the
16 exhibits that have been previously marked as
17 Plaintiff's Exhibit 14, 15, 16, 17, 18, 19, 20, 21,
18 22 and 23.
19 A. No.
20 Q. All right. So, you haven't seen any of
21 these objects depicted in Plaintiff's Exhibits 14
22 through 23 at Robotic FX's offices?
23 A. No.

24 Q. Okay. In fact, before me showing you
25 these pictures, have you ever seen any of these

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 objects before at all?

3 A. No.

4 Q. All right. Another one, Plaintiff's
5 Exhibit 13. Have you ever seen the object depicted
6 in Plaintiff's Exhibit 13 before?

7 A. No.

8 Q. Sometimes referred to as a heat knife?

9 A. No.

10 Q. No?

11 A. That's a knife?

12 Q. Yes.

13 A. Never seen that before.

14 Q. Okay. And never seen the object
15 depicted in Plaintiff's Exhibit 13 at Robotic FX's
16 offices?

17 A. No.

18 Q. Never discussed it with Jameel Ahed?

19 A. No.

20 Q. Looking at the -- what looks to be kind
21 of a smashed-up VCR tape depicted in Plaintiff's
22 Exhibit 24. Have you ever seen that before?

23 A. No.

24 Q. So, you have never seen the object
25 depicted in Plaintiff's Exhibit 24 at Robotic FX's

54

1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY

2 offices?

3 A. No.

4 Q. Okay. Have you ever seen the object
5 depicted in Plaintiff's Exhibit 26 before?

6 A. No.

7 Q. Does the handwriting on the CD depicted
8 in Plaintiff's Exhibit 26 look familiar to you?

9 MR. ENGEL: Object to the form.

10 BY THE WITNESS:

11 A. Looks like a Sharpie marker.

12 BY MR. HALKOWSKI:

13 Q. You don't know if that is Mr. Ahed's
14 handwriting?

15 A. No. Jameel's handwriting is very
16 doctor-like. That looks like something I would
17 write.

18 Q. You say doctor-like, you mean not
19 legible?

20 A. Exactly.

21 Q. Okay. So, with all these exhibits that
22 we have gone through so far this morning and the
23 various different objects, I want to make sure I
24 got a clear record. You don't recall seeing any of
25 these objects that are depicted in these various

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2 exhibits at Robotic FX's offices, right?

3 A. Definitely not.

4 Q. And you don't recall certainly, then,
5 Mr. Ahd collecting any of these objects?

6 A. No.

7 Q. Okay. Are you familiar with the backup
8 hard drives that Robotic FX has at its offices?

9 A. Like I said earlier, I don't do anything
10 with computers there.

11 Q. So, no?

12 A. No.

13 Q. Did Mr. Ahd ever talk to you during
14 this period from August 17 to August 22 about the
15 backup hard drives at Robotic FX?

16 A. No.

17 Q. Okay. Did he ever talk to you about
18 them at all?

19 A. No. We never talked computers really.

20 Q. Okay.

21 A. Unless I was instructed that I needed to
22 learn.

23 Q. Okay. Did you ever have access to any
24 computer at Robotic FX?

25 A. No.

□

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2 Q. Was there a laptop computer on the bench
3 downstairs in the laboratory at some point?

4 A. There's computers everywhere. Laptops

5 go from upstairs to downstairs. I do know there
6 was a Dell Computer downstairs but that was hooked
7 up I think to our server. But nothing in
8 particular, I mean.

9 Q. Okay.

10 A. I think everybody there had a laptop.

11 Q. Right. But you didn't have a laptop,
12 right?

13 A. No.

14 Q. But you say others at Robotic FX had
15 laptops?

16 A. They all looked like Dells to me.
17 Laptops all look the same.

18 Q. Okay. Is it your best understanding
19 that each of the other employees at Robotic FX had
20 a laptop computer?

21 MR. ENGEL: Object to the form.

22 BY THE WITNESS:

23 A. I don't know if everybody had one. I
24 know we had two software guys. I'm going to assume
25 that they had computers of their own.

□

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2 Q. Do you know if anyone else working with
3 you down in the basement had a laptop for use at
4 Robotic FX?

5 A. Matt had his laptop down there that I
6 know was taken.

7 Q. Anyone else?

8 A. (Shaking head.)

9 Q. No?

10 A. No.

11 Q. Okay. I was hoping to get the actual
12 computer, but for now I'm just going to have to
13 deal with these pictures and maybe we will get
14 these printed off and have them -- I'm going to
15 refer to them as Exhibit 58 for now. There is
16 three of them. So I will say 58.1, et cetera.

17 The first one I am going to show you is
18 a picture that is sitting on a desk open and ask if
19 you if you recall seeing anything like that before
20 at Robotic FX?

21 A. It looks like this one in front of me
22 here. I mean I -- can't really answer. I have
23 seen laptops there before.

24 Q. Okay. Do you recall using any -- a
25 laptop such as the one that's pictured in this

58

1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 picture while working on devices in the basement?

3 MR. ENGEL: Object to the form.

4 BY THE WITNESS:

5 A. Me, personally.

6 Q. Yes.

7 MR. ENGEL: Foundation.

8 BY THE WITNESS:

9 A. I don't use computers.

10 Q. Do you recall seeing anyone within

11 Robotic FX working on a computer such as the one
12 depicted here in the basement on the -- in the
13 laboratory?

14 MR. ENGEL: Objection; foundation.

15 BY THE WITNESS:

16 A. I have seen people using laptops.

17 Q. In the basement?

18 A. Everywhere.

19 Q. I know but I'm trying to focus on the
20 basement. Have you seen people using --

21 A. Oh, yeah.

22 Q. And okay. So, who have you seen using
23 computers in the basement at Robotic FX?

24 A. Matt, you know, he'd go on-line and say
25 does this bag look like it would fit our robot. I

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1 REALTIME ROUGH DRAFT-UNCERTIFIED COPY
2 mean, stuff like that. Any products that we would
3 want to include he'd show me on the computer before
4 we ordered anything.

5 Q. Okay. Let me just click over to.

6 Does that help at all, the second
7 picture that just shows the laptop that has now
8 been closed, does that look familiar at all in
9 terms of -- let me back up.

10 Does the picture I'm showing you now of
11 the laptop which has now been closed and it's got
12 the words or the letters "ARM" on the front, does
13 that look familiar at all to anything that you've

14 seen in the basement?

15 A. No.

16 MR. ENGEL: If you need to take a closer look
17 at it, feel free to.

18 BY THE WITNESS:

19 A. I can't really differentiate between one
20 and the other. I mean, the lettering on there.

21 Q. You can't recall one way or the other
22 whether there was a laptop computer in the basement
23 with the letters ARM on the front?

24 A. No.

25 Q. I don't know if this will help at all.

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2 But this is kind of a close-up picture of the --

3 A. That's not going to do it.

4 Q. Of the model number. I wouldn't think
5 so.

6 A. I would never even be concerned with
7 looking at that.

8 Q. Just for the record the third picture I
9 have shown the witness is a close-up of the back
10 portion of the laptop computer and at the top of it
11 on the nameplate is Model No. Green 759. And we'll
12 get those printed and then labeled as Exhibit 58.1,
13 58.2 and 58.3. All right.

14 Did Mr. Ahed ever mention anything to
15 you about using a program to wipe data off a hard
16 drive?

17 A. No.
18 Q. Did Ms. Hill ever discuss with you using
19 a program to wipe data off a hard drive?
20 A. No.
21 Q. Did anyone at Robotic FX discuss with
22 you the use of a program to wipe data off a hard
23 drive?
24 A. No.
25 Q. Okay. Are you aware of any such

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2 activity occurring at Robotic FX?
3 A. No.
4 Q. So just to be clear, the -- in your work
5 down in the basement at Robotic FX, you never used
6 a computer to program any part of the robot -- I
7 mean of the Negotiator robot?
8 A. I'm not a programmer. So, no.
9 Q. Okay. That would have been the function
10 of the people working on the software?
11 A. Pretty much every board that I ever used
12 was preprogrammed and I know every board that we
13 got had all of our stuff on it. So, I'd assemble
14 stuff straight from the box. If it failed, went
15 back in the box, straight back to the manufacturer.
16 Q. All right. I'm going to hand to you a
17 letter that has been previously marked as
18 Plaintiff's Exhibit 39 and ask if you have ever
19 seen this letter that's dated August 17. It's from

20 me to Ms. Schmidt.

21 A. No.

22 Q. No. Okay. Did you ever have any
23 discussion with anyone about the need to preserve
24 evidence once the lawsuit was filed?

25 A. No.

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2 Q. Okay. And I'm going to hand to you
3 what's been previously marked as Plaintiff's
4 Exhibit 40 and 41. You don't have to read through
5 everything on all these pages, but I'll represent
6 to you that these exhibits 40 and 41 are the two
7 complaints that were filed for the two lawsuits,
8 one in Massachusetts and one in Alabama, and my
9 question to you is whether or not you recall ever
10 seeing these complaints before.

11 A. No.

12 Q. And when did you actually first know
13 that the lawsuits had been filed?

14 A. Tuesday really was -- U.S. Marshals came
15 in. I mean, nothing is going to get more in your
16 face than that. So...

17 Q. Okay. And we went through discussions
18 that you had on Tuesday. Have you had any
19 discussions with Mr. Ahd concerning these lawsuits
20 since August 20, that's Tuesday?

21 MR. ENGEL: Before you answer, to the extent
22 that you had any discussions that were in the

23 presence of counsel.

24 THE WITNESS: No.

25 MR. ENGEL: Such as Patty or myself, just

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2 don't reveal the substance of any of those
3 discussions but you can answer Mr. Halkowski's
4 question.

5 BY MR. HALKOWSKI:

6 Q. It's just a yes or no whether or not you
7 had any discussion -- actually I need to correct
8 something.

9 Have you had any discussions with
10 Mr. Ahed regarding these lawsuits since Tuesday,
11 August 21 is the date?

12 A. We've all asked on a regular basis if
13 we're okay. But as far as details and stuff like
14 that, no. I mean he's not sharing anything with
15 us.

16 Q. And -- but what do you recall asking
17 about whether or not you were, quote-unquote,
18 "okay"?

19 MR. ENGEL: I'm going to ask what your basis
20 for asking questions about the lawsuit after. I
21 believe it was contemporaneous with the filing of
22 the temporary restraining order was the issue. I
23 don't understand how this question relates to
24 spoliation of evidence.

25 MR. HALKOWSKI: It kind of depends on what his
Page 57

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2 answer is, whether we got a foundation.

3 MR. ENGEL: I will give you a little leeway
4 here.

5 BY THE WITNESS:

6 A. You're going to have to ask it again
7 because I --

8 BY MR. HALKOWSKI:

9 Q. Sure. You said -- I was just trying to
10 find out whether you've had any discussions about
11 these lawsuits since August 21. That was the
12 Tuesday when the search occurred. And because
13 we've gone through all the discussions I believe
14 that you've had through from August 17 to August 21
15 and my -- this follow-up question is whether or not
16 you've any discussions about the lawsuits since
17 August 21, that Tuesday, and your response was kind
18 of general discussions about are we okay and I just
19 want to get at --

20 A. I would say on a weekly basis I ask if I
21 need to find a new job. Simple.

22 Q. Okay. And so there is no -- you've had
23 no discussion about anything that you ought to be
24 doing in terms of collecting objects or preserving
25 data?

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2 A. No.

3 Q. Okay. So, as of today sitting here,
4 you've never been instructed to do anything in
5 particular with regard to these lawsuits, is that
6 right?

7 MR. ENGEL: Again, to the extent that you had
8 any discussions with Ms. Schmidt or myself, you can
9 answer that question yes or no. But don't reveal
10 the substance of anything you discussed with us.

11 BY THE WITNESS:

12 A. What was that again?

13 Q. Okay. Just whether or not you've been
14 instructed to do anything with regard to these
15 lawsuits as of today.

16 A. No. Keep working.

17 Q. Okay. So, again, you haven't been
18 instructed to dispose of anything, right?

19 A. No.

20 Q. Okay. You haven't been instructed to
21 preserve everything --

22 MR. ENGEL: I'm going to object to the form.

23 BY MR. HALKOWSKI:

24 Q. -- is that right? You haven't been
25 instructed to preserve evidence, is that right?

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2 MR. ENGEL: Same objection.

3 BY THE WITNESS:

4 A. I have been told to just keep doing what
5 I always do.

6 BY MR. HALKOWSKI:

7 Q. All right. This is previously marked as
8 Plaintiff's Exhibit 42, which is the amended
9 temporary restraining order that led to the
10 searches on Tuesday. Just my question is whether
11 or not you've ever seen Plaintiff's Exhibit 42
12 before?

13 A. No.

14 MR. HALKOWSKI: Go off the record for a
15 moment.

16 THE VIDEOGRAPHER: The time is 11:44. Going
17 off the record.

18 (WHEREUPON, discussion was had off
19 the record.)

20 THE VIDEOGRAPHER: The time is 11:46. We're
21 back on the record.

22 BY MR. HALKOWSKI:

23 Q. All right. This has previously marked
24 as Plaintiff's Exhibit 37. It's the laptop that
25 was in the pictures that are going to be marked as

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2 Plaintiff's Exhibit 58 and just wondering if
3 actually seeing the computer helps you at all to
4 recall whether you had seen it before at
5 Robotic FX.

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6 A. Actually looks too old to be anything
7 we'd use. So, definitely not.
8 Q. Okay. So, you do not recall seeing
9 Plaintiff's Exhibit 37, this computer, at
10 Robotic FX?
11 A. Definitely not.
12 Q. Okay. Did Mr. Ahed tell you that he was
13 trying to collect anything that was at Robotic FX
14 that could relate to his prior work at iRobot?
15 A. No.
16 Q. Did Mr. Ahed ever tell you that he
17 wanted to dispose of objects that -- that were at
18 Robotic FX?
19 A. No.
20 Q. Okay. And has he ever told you that he
21 in fact went ahead and disposed of objects?
22 A. No.
23 Q. And has he ever discussed with you the
24 wiping of data from hard drives that he did?
25 A. No.

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2 Q. That relate to Robotic FX?
3 A. No.
4 MR. HALKOWSKI: All right. I have no further
5 questions at this time.
6 MR. ENGEL: I'd like to take a quick break.
7 THE VIDEOGRAPHER: The time is 11:48. We are
8 going off the record.

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(WHEREUPON, a recess was had
from 11:48 to 11:54 a.m.)

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THE VIDEOGRAPHER: The time is 11:54. We are
back on the record.

MR. ENGEL: We have no questions at this time.

MR. HALKOWSKI: Thank you.

THE VIDEOGRAPHER: The time is 11:54. This is
the end of Tape 2. This concludes this deposition.
We are off the record.

□

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