

EXHIBIT K

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

-----X
I/P ENGINE, INC.,

Plaintiff,

v. Civil Action No. 2:11-cv-512

GOOGLE INC., et al.,

Defendants.

-----X

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Videotaped Deposition of DONALD M. KOSAK

Washington, D.C.

Thursday, May 31, 2012

9:04 a.m.

Reported by: Amy E. Sikora, RPR, CRR, CSR-NY, CLR

Job No. CS397174

1 building a business incubator with the State of
2 Hawaiian for small businesses on the big island
3 of Hawaii. I have a small business that writes
4 software for Apple's iPad computer called Dakine
5 Apps, and I run a consulting business called
6 Kosak -- called Don Kosak & Associates.

7 Q. Is it Don Kosak & Associates that is
8 working with Dickstein Shapiro?

9 A. Yes, it is.

10 Q. So is there anyone else besides you
11 that is working with Dickstein Shapiro from Don
12 Kosak & Associates?

13 A. No.

14 Q. What's the nature of that arrangement?

15 A. The nature of the --

16 Q. Arrangement with Dickstein Shapiro?

17 A. Oh. They're representing me in
18 this -- in this matter, and I am basically
19 consulting in matters regarding the patents and
20 the inventions that I've created.

21 Q. Do you have a -- a written consulting
22 agreement?

23 A. Yes, I do.

24 Q. Did you bring it with you today?

25 A. I did not.

1 MR. BILSKER: Do you have it, Counsel?

2 MS. ALBERT: I don't have it. I'm not
3 sure --

4 MR. BILSKER: Is there a reason it
5 wasn't produced?

6 MS. ALBERT: I don't know that it
7 would be responsive to any request, but . . .

8 Q. What's the nature of the consulting
9 agreement? Are you paid on an hourly basis? Are
10 you paid by results, what?

11 A. It's an hourly basis. Time and
12 material; expenses, if I need to travel, or if I
13 have expenses for searches or phone calls or
14 video conferences, that type of thing.

15 [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

19 Q. Were you offered another type of
20 arrangement? And what I mean by that is,
21 ownership in I/P Engine or one of the various
22 iterations of that which is now Vringo, I guess,
23 or -- so were you offered an ownership position
24 in one of those companies?

25 A. Yes.

1 Q. And what's the result of that? Did
2 you take an ownership position?

3 A. I have ownership -- I have some shares
4 of stock that are restricted and not yet vested
5 in a -- a company called Labrador Search,
6 which -- which is affiliated or renamed, I'm not
7 sure exactly how it connects with
8 Innovate/Protect or I/P Engine, but it's --
9 that's the company that I have some shares in.

10 Q. Is it your understanding that Labrador
11 Search has a stake in the outcome of this
12 litigation?

13 A. I -- I believe so, yes.

14 Q. So if plaintiff is to win, your shares
15 will be worth more money; is that what you
16 understand?

17 A. Yes, I think so.

18 Q. When did you enter into that agreement
19 with Labrador Search?

20 A. Well, it was summertime of last year,
21 so maybe July of -- of 2011.

22 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

Q. How long have you been working on this

case?

A. Well, you're using the word "case,"

and I'm -- I'm not quite sure I understand that.

I -- I don't think that I have worked on the case

per se. I've answered questions about the