

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD4
5 Hisense USA Corporation,

6 Petitioner,

IPR2023-01311

7 vs.

Patent No. 8,177,382

8 Brightplus Ventures, LLC,

9 Patent Owner.
~~~~~10  
11 DEPOSITION OF

12 WILLIAM K. BOHANNON

13 September 6, 2024

14 12:01 p.m.

15  
16 (Via remote Zoom videoconference)17  
18  
19  
20 Juliana W. Pawenski, CCR-B-1256, RPR, CRR, CRC

## 1 APPEARANCES OF COUNSEL

2 On behalf of the Petitioner:

3 KILPATRICK TOWNSEND & STOCKTON, LLP  
4 MATIAS FERRARIO, ESQ.  
5 1001 West Fourth Street  
6 Winston-Salem, North Carolina 27101  
7 (336) 607-7475  
8 (336) 734-2651 (Fax)  
9 mferrario@ktslaw.com

8 On behalf of the Patent Owner:

9 NI, WANG & MASSAND, PLLC  
10 NEAL MASSAND, ESQ.  
11 8140 Walnut Hill Lane  
12 Suite 615  
13 Dallas, Texas 75231  
14 (972) 331-4601  
15 nmassand@nilawfirm.com

15 - - -

INDEX TO EXAMINATIONS

WITNESS

WILLIAM K. BOHANNON

Examination

5

By Mr. Ferrario

- - -

INDEX TO EXHIBITS

| <u>Petitioner</u> | <u>Description</u>                      | <u>Page</u> |
|-------------------|-----------------------------------------|-------------|
| Exhibit 1006      | Certified translation of Kobayashi      | 103         |
| Exhibit 1012      | Certified translation of Schiavoni      | 118         |
| Exhibit 1013      | Prior art Lim, US 2002/0071288 A1       | 128         |
| Exhibit 2003      | Declaration of William Bohannon         | 75          |
| Exhibit 2004      | Curriculum vitae of William K. Bohannon | 11          |

(Exhibits were introduced for identification and reference and have not been attached to the original transcript.)

1 Deposition of WILLIAM K. BOHANNON

2 September 6, 2024

3 (Reporter disclosure made pursuant to  
4 Article 8.B. of the Rules and Regulations of the  
5 Board of Court Reporting of the Judicial Council of  
6 Georgia.)

7  
8 MR. FERRARIO: Okay. Neal, I plan at  
9 least like last time to just drop exhibits into  
10 the chat if that works and share them.

11 MR. MASSAND: Sounds good.

12 THE WITNESS: I have a clean copy of my  
13 declaration here that I may refer to. I'll  
14 refer to what's on the screen; but if I can't  
15 read it, I have the paper.

16 MR. FERRARIO: Okay. Excellent. Thank  
17 you.

18 Okay. Juliana, I guess we're ready if you  
19 want to swear the witness in.

20 WILLIAM K. BOHANNON,  
21 having been first duly sworn, was examined and  
22 testified as follows:

23 EXAMINATION

24 BY MR. FERRARIO:

25 Q. Okay. Good morning, Mr. Bohannon. Thank

1 you for joining me. As you recall, my name is Matias  
2 Ferrario. I'm with Kilpatrick & Townsend, and I  
3 represent Hisense in these matters.

4 Would you state your full name for the  
5 record?

6 A. William K. Bohannon.

7 Q. Now, Mr. Bohannon, you recall you've been  
8 deposed in related IPR proceedings by me.

9 Do you recall that?

10 A. Yes.

11 Q. And I went through some instructions on  
12 depositions.

13 Do you recall those?

14 A. Not entirely.

15 If you have any instructions, you should  
16 repeat them.

17 Q. Okay. I'm glad to. I was trying to  
18 shorten the deposition length. But as you know there  
19 is a court reporter present who is transcribing our  
20 discussion.

21 Do you understand that?

22 A. Yes.

23 Q. And so it's important that your answers be  
24 verbal so that the court reporter can take them down.

25 Okay?

1 A. Yes.

2 Q. And so that means no shaking of the head  
3 or nodding because the court reporter cannot  
4 transcribe that. Okay?

5 A. I understand.

6 Q. It's also important that you wait until I  
7 finish my question so that the court reporter can  
8 take it down and then you can answer. Okay?

9 A. Yes.

10 Q. Now, if you need a break feel free to ask  
11 for one I would simply ask that you answer any  
12 question that is pending. Okay?

13 A. I understand.

14 Q. And I will try to take breaks from time to  
15 time. But, again, if you feel like you need one  
16 earlier, please just let me know. Okay?

17 A. Yeah.

18 Q. If for any reason my question is unclear  
19 or you don't understand it please ask for  
20 clarification. Okay?

21 A. Certainly.

22 Q. Unless your attorney instructs you  
23 otherwise, you must answer my questions. Okay?

24 A. I understand.

25 Q. Do you understand that you are under oath

1 today?

2 A. I do.

3 Q. You also understand that this is a  
4 cross-examination?

5 A. I do. You're cross-examining my  
6 declaration.

7 Q. And so it's important that you answer my  
8 questions and not try to be argumentative.

9 Do you understand that?

10 A. I understand.

11 Q. And you understand that your failure to  
12 answer my questions and including being argumentative  
13 can lead to sanction?

14 A. I understand.

15 Q. Now you mentioned a declaration that you  
16 submitted in connection with the IPR proceedings.  
17 Correct?

18 A. That's why we're here.

19 Q. And you have a copy of that declaration --

20 A. I do.

21 Q. -- with you?

22 A. (Indicating).

23 Q. Does that declaration have an Exhibit  
24 number on it?

25 A. Case Number IPR2023-01311, U.S. Patent

1 8,177,382, Exhibit 2'01, Declaration of William  
2 Bohannon.

3 Q. Did you say Exhibit 201?

4 A. 2001, 2001.

5 Q. Is that the only declaration that you have  
6 in front of you?

7 A. Yeah. I also have the patent in front of  
8 me (indicating).

9 Q. Thank you for showing me.  
10 What is the patent number that you have in  
11 front of you?

12 A. This is 8,177,382 B2.

13 Q. Now, does that list John Roberts and  
14 Chenhua You as inventors?

15 A. Yes. It does.

16 Q. Is it titled Apparatus and Methods For  
17 Multiplanar Optical Diffusers and Display Panels For  
18 Using the Same?

19 A. Yes. It does. Assignee is Cree from  
20 South Carolina -- or North Carolina.

21 Q. So, Mr. Bohannon, that's kind of an  
22 example of where I am going to ask you to answer my  
23 question and not questions that I didn't ask; is that  
24 fair?

25 A. Yeah. That's understandable.

1           Q.     So I would just please ask you to answer  
2 my question and not volunteer additional information.  
3 Okay?

4           MR. MASSAND: William, I would just  
5 instruct you to answer to the best of your  
6 ability.

7           THE WITNESS: I will.

8           MR. FERRARIO: Neal, no speaking  
9 objections.

10          Q.     (By Mr. Ferrario) Now, Mr. Bohannon, I  
11 believe you submitted a curriculum vitae in  
12 conjunction with your declaration; is that correct?

13          A.     That's correct.

14          Q.     And I will go ahead and place into chat  
15 that document.

16                 Are you able to see the document that I  
17 placed in the chat?

18          A.     Not yet, but I'm trying. Okay. I see it.

19          Q.     Okay. I am going to see if I can open and  
20 share this document with everyone.

21          A.     Which document?

22          Q.     The one I just put in the chat. Just one  
23 moment, please.

24                 (Exhibit 2004 was introduced for  
25 identification, not attached at the end of the

1 original transcript.)

2 Q. (By Mr. Ferrario) All right. Are you  
3 able to see this document?

4 A. I am.

5 Q. And this is your CV. Correct?

6 A. It is.

7 Q. And is this up-to-date?

8 A. It is.

9 Q. Now, are you able to see this section that  
10 I am highlighting?

11 A. I do.

12 Q. Okay. And do you see a reference to an  
13 addendum?

14 A. I do.

15 Q. Is there an addendum attached to this  
16 document?

17 A. Well, there is an addendum. I thought we  
18 sent it to you the last time.

19 Q. Did you in fact send that to your  
20 attorney?

21 A. Yes. I didn't fax it. I sent it by  
22 e-mail, you know, for the last deposition, so unless  
23 it's lost in the mail somewhere I'm pretty sure  
24 people have it.

25 MR. MASSAND: Matias, I can confirm that I

1           have it. I can send it to you at a break.

2                   MR. FERRARIO: That would be appreciated.

3           Thank you, Neal.

4           Q.       (By Mr. Ferrario) Let me get back in  
5 here. And since the last deposition, has there been  
6 any new engagements in either litigation or IPR work  
7 that I should be aware of?

8           A.       Since the last deposition, no, I don't  
9 think so.

10          Q.       And so the litigation addendum that you  
11 sent your counsel whenever that was would be  
12 up-to-date; is that correct?

13          A.       Up-to-date. I mean for litigation type of  
14 stuff it doesn't cover confidential clients.

15          Q.       All right. You mentioned that you had a  
16 copy of the patent at issue for today, and I'm going  
17 to put that into the chat here. You're welcome to  
18 refer to your hard copy but I will also be referring  
19 to the one that I just put in so that we can share.  
20 Give me a second while I do that.

21                   Mr. Bohannon, are you able to see the '382  
22 patent on the screen now?

23          A.       I do.

24          Q.       Is it okay if we prefer to it as the '382  
25 patent?

1           A.     I understand.

2           Q.     Now, this is the patent that you reviewed  
3 in connection with forming the opinions you provided  
4 in your declaration. Correct?

5           A.     Yes.

6           Q.     And you read the entirety of this patent?

7           A.     I did.

8           Q.     And did you study it?

9           MR. MASSAND: Objection to form.

10          THE WITNESS: I read it.

11          Q.     (By Mr. Ferrario) And approximately how  
12 much time have you spent looking at the patent?

13          A.     That's hard to estimate because I looked  
14 at so many different documents for this IPR. It's a  
15 bunch of prior art you know that other stuff, you  
16 know, altogether I don't know 40 hours or something  
17 like that playing with this stuff.

18          Q.     And when you were looking at this patent,  
19 did you read all the disclosures of the patent?

20          A.     What precisely are you meaning?

21          Q.     All of the, all of the words, the  
22 background, the claims, all of it, looked at the  
23 figures, all of it?

24          A.     I looked at the figures I read the  
25 description I read the claims.

1 Q. And did you understand everything in here  
2 as you were going through it?

3 A. Yes.

4 Q. And then based on that analysis, you then  
5 formed opinions about the claims and the disclosures;  
6 is that right?

7 A. Versus the prior art.

8 Q. Are you aware that at issue in these  
9 proceedings are Claims 1 to 4, 7 to 9, and 11 to 20?

10 A. I'm aware of the claims that are listed in  
11 my declaration. I haven't, I don't have it memorized  
12 precisely so I can say that my declaration is  
13 complete and valid.

14 Q. But you didn't limit yourself to the  
15 review of just those claims, right, you would have  
16 reviewed all the claims here in review of the patent?

17 A. Everything.

18 Q. All right. Well, I want to start with  
19 your understanding of the claims and here I wanted to  
20 just start with Claim 1. Okay? Is that okay?

21 A. Yeah I'm waiting for a question.

22 Q. So Claim 1 relates to solid state lighting  
23 device; is that right?

24 A. You read it correctly.

25 Q. And one of the components of that device

1 is a solid state light emitter; is that right?

2 A. You read it correctly.

3 Q. What is a solid state light emitter?

4 A. Well, it's usually an LED or a laser.

5 Q. What does LED stand for?

6 A. Light emitting diode.

7 Q. So a solid state light emitter emits

8 light; is that right?

9 A. Well, that's what's in the name, solid  
10 state light emitter.

11 Q. And it uses solid state technology?

12 A. I'm not sure what you mean by "solid state  
13 technology." It's like a semiconductor.

14 Q. Well, what is a solid state? What does  
15 that refer to?

16 A. Well, I think you're talking about a diode  
17 so a light emitting diode comprised of the things  
18 that you make other kinds of ICs out of, integrated  
19 circuits.

20 Q. Okay. Thank you. By "ICs" you mean  
21 integrated circuits?

22 A. Yes.

23 Q. Is this claim language limited to any  
24 particular type of solid state light emitter?

25 A. I don't know what you mean by "type."

1 Q. Are there different types of solid state  
2 light emitters?

3 A. Lasers and diodes, LEDs and lasers  
4 probably.

5 Q. Anything else?

6 A. There's probably other things that, you  
7 know, kind of glow when you run a current through  
8 them like but I don't think, you know, we're talking  
9 about those. I think this thing is based upon LEDs I  
10 mean it's a patent that Cree filed and Cree is a big  
11 LED manufacturer, so probably pretty specific to  
12 LEDs.

13 Q. Any particular types of LEDs?

14 A. Well, probably not limited to any  
15 particular types. There's probably surface emitters  
16 and edge emitters on these types of things, so it's  
17 not limited to types.

18 Q. And that would be true for all of the  
19 claims; is that correct?

20 A. Well, all of the claims have different  
21 language. All the dependent claims depend on Claim 1  
22 it's true for. You know how dependent claims work  
23 I'm sure.

24 Q. Well, then let's go to the first so  
25 independent Claim 1 is the first independent claim.

1 Right?

2 A. It looks like it.

3 Q. And then the next independent claim is  
4 independent Claim 13?

5 A. It looks like it.

6 Q. And that also recites a solid state light  
7 emitter; is that right?

8 A. It appears to be.

9 Q. And it's not limited to any particular  
10 type of solid state light emitter. Correct?

11 A. I'm looking at it. Yeah. I can't scroll  
12 up.

13 Q. Like that? I'm sorry. Like this, so you  
14 can read this part?

15 A. Well, it says it's a method. Claim 13  
16 reads: A method of providing diffused light  
17 comprising emitting light from a plurality of solid  
18 state light emitters arranged in a planar  
19 configuration. So that's kind of the entire preamble  
20 which gives you a better description than just saying  
21 it's a solid state light emitter.

22 Q. Again, that's -- I feel like you are being  
23 argumentative, Mr. Bohannon.

24 A. No. I'm not being argumentative. You  
25 asked me a question.

1 Q. And the question was is Claim 13 limited  
2 to any particular type of solid state light emitter?

3 A. So I provided you with my answer. It's  
4 Claim 13 is a method of providing diffused light  
5 emitting light from a plurality of solid state  
6 emitters arranged in a planar configuration. I think  
7 to be accurate, you have to cite the entire preamble.

8 Q. And as it relates to the type of solid  
9 state light emitter is it limited to a particular  
10 type?

11 MR. MASSAND: Objection to form.

12 THE WITNESS: I don't know what you mean  
13 by "type." Maybe you should explain it or ask a  
14 different question.

15 Q. (By Mr. Ferrario) Well, if you can't  
16 answer that, that's fine. Your answer is on the  
17 record.

18 Claim 17 is the next independent claim.  
19 Do you see that?

20 A. I do.

21 Q. And that also recites a plurality of solid  
22 state light emitters.

23 Do you see that?

24 A. Arranged in a substantially planar  
25 configuration.

1 Q. Now, is Claim 17 limited to any particular  
2 type of solid state light emitter?

3 A. Well, it's talking about a plurality of  
4 solid state light emitters arranged in a  
5 substantially planar configuration. So if your type  
6 question contains, you know, that type of information  
7 there we have it, planar configuration.

8 Q. Other than the configuration and the fact  
9 there's a plurality of them is Claim 17 limited to  
10 any other particular type of solid state light  
11 emitter?

12 A. It doesn't appear to.

13 Q. Now I want to direct your attention to  
14 Column 4 of the patent. You see how we are in the  
15 '382 patent in Column 4?

16 A. I do.

17 Q. And I want to review with you some of the  
18 disclosures in the '382 patent relating to light  
19 emitters, specifically beginning in the paragraph at  
20 Line 47.

21 Do you see this area?

22 A. I do.

23 Q. And do you want a minute to look through  
24 it? I want to ask you some questions about it.

25 A. Yeah. I want to look through it. So

1     you're just talking about the part of that column  
2     that goes from Line 47 or so down to Line 62 or so.  
3     Correct?

4             Q.     That's what I want to ask you some  
5     questions about.

6                     Have you had a chance to review that?

7             A.     I have.

8             Q.     So the '382 patent describes a number of  
9     different types of solid state light emitters; is  
10    that correct?

11            A.     I don't know if I would call those "types"  
12    or not. It describes different types or different  
13    constructions I guess. For example, package light  
14    emitting device is including one or more light  
15    emitting diodes. I don't know if that's a type for  
16    you. I'm not sure what you mean by "type."

17            Q.     I want to use your language. So what  
18    would you describe it as?

19            A.     Well, it's right there in front of us.  
20    Solid state lighting devices that may include, for  
21    example, a packaged light emitting device including  
22    one or more light emitting diodes, LEDs, parentheses.  
23    In some embodiments light emitters may include one or  
24    more LED emitter chips that are configured to emit  
25    light having one or more dominant wavelengths, et

1       cetera.

2           Q.       All right. Well, I'd like to ask you some  
3       questions about that. I want you to use whatever  
4       language and words you're comfortable using.

5                   And so if I am using the wrong word, let  
6       me know just so we can, so I can unpack this and  
7       understand this section. Okay? Sound fair?

8           A.       I'm waiting for a question.

9           Q.       So what is a packaged light emitting  
10       device?

11          A.       I think what they mean is it's versus a  
12       wafer. You know, these things are made in wafers and  
13       then the wafers are die stuff. And then the LED  
14       chips are mounted in a package with leads, electric  
15       being connected up electrically so they can be turned  
16       on and off.

17          Q.       All right. So the package would include  
18       an LED chip and wires; is that correct?

19          A.       Wiring.

20          Q.       Anything else that's in the package?

21          A.       No. I don't know. None of that stuff is  
22       in my opinion. I don't go into great detail of the  
23       manufacturing process for LEDs in my declaration.

24          Q.       All right. I just want to know if you  
25       understand that as part of your expertise you

1 reviewed the patent so I'm just asking questions  
2 about the patent that you opined on.

3 A. Yes. I understand.

4 Q. Okay. Anything else in the packaged light  
5 emitting device that you can identify at this time?

6 A. Not from these words in the patent.

7 Q. Now, when it says in the patent "some  
8 embodiments," how is it you interpret that?

9 MR. MASSAND: Objection to form.

10 THE WITNESS: I interpret it as meaning  
11 there is more than one embodiment. I think  
12 there's a couple of embodiments in this patent.  
13 I can't scroll through it. I can look through  
14 my own copy and tell you how many embodiments  
15 there are.

16 Q. (By Mr. Ferrario) And so some  
17 embodiments, it's your understanding that the patent  
18 discloses some embodiments that use packaged light  
19 emitting devices; is that correct?

20 A. Well, if you look on I guess Page 9 of  
21 Exhibit 1001, you can see that detailed description  
22 of the embodiments starts in Column 3, around  
23 Line 40, which you've got on the screen there.

24 Q. So in other words you understand it to be  
25 sort of an example of something. Right?

1 MR. MASSAND: Objection to form.

2 THE WITNESS: Well, an embodiment is an  
3 embodiment, something the inventor came up with  
4 it's in the patent description.

5 Q. (By Mr. Ferrario) And by the use of the  
6 word "some," you understand that not all embodiments  
7 may include packaged light emitting devices right?

8 MR. MASSAND: Objection to form.

9 THE WITNESS: I'm not sure -- I'm sorry  
10 for talking over you, Neal.

11 I'm not sure that we've construed come  
12 embodiments whether it includes all or not.

13 Q. (By Mr. Ferrario) I'm asking you your  
14 understanding when you read the patent is that how  
15 you understood the phrase "some embodiments"?

16 MR. MASSAND: Objection to form.

17 THE WITNESS: I don't think it's in my  
18 opinion as to what "some" means. I'm not sure.  
19 It may mean all. It may mean part. Fairly  
20 broad term.

21 Q. (By Mr. Ferrario) In the next sentence  
22 there's a reference to one or more LED emitter chips.

23 Do you see that?

24 A. I do.

25 Q. And those are light emitting diode emitter

1 chips; is that correct?

2 A. That's how I would read that.

3 Q. And those LED emitter chips are configured  
4 to emit light; is that right?

5 A. Yes.

6 Q. And that light can be one wavelength or  
7 more than one wavelength; is that correct?

8 A. Yes. You are reading it word by word.

9 Q. The reference to wavelengths is that a  
10 color?

11 A. For the most part.

12 Q. And so if you have, for example, blue  
13 light, would that be considered a dominant  
14 wavelength?

15 A. Well, I don't go into great detail. I  
16 don't think I go into any detail about wavelengths in  
17 my declaration, I mean.

18 Q. Can you answer the question?

19 A. What's your question?

20 Q. If you have an LED chip that emits blue  
21 light, is blue a dominant wavelength?

22 A. That's really hard to say. I mean because  
23 they're a lot of these LEDs have a broad spectrum of  
24 light that comes out. And so lasers have one  
25 particular wavelength. LEDs have a broad wavelength.

1           Q.     Now, the patent discloses that in some  
2     embodiments the light emitters can include white LED  
3     lamps; is that correct?

4           A.     You have read Line 55 correct.

5           Q.     And in this embodiment the LED is emitting  
6     blue light; is that correct?

7           A.     It says, it says light emitters 112 may  
8     include white LED lamps that include a blue-emitting  
9     LED coated with a fluorescing compound that may  
10    modify the wavelength of at least some light that is  
11    emitted from blue light emitting LED, period.

12          Q.     Now, in the case of this type of light  
13    emitter what does a viewer perceive light to be when  
14    blue light is modified by a fluorescing compound do  
15    you know?

16          A.     Well, it's very clear if you read the  
17    sentence again, it says in some embodiments light  
18    emitters may include white LED lamps that include a  
19    blue-emitting LED coated in a fluorescing compound.  
20    So if you read Line 55 carefully you'll see it's  
21    called a white LED lamp.

22          Q.     Now in your understanding of the patent  
23    claims are the claims limited to blue light emitting  
24    LEDs?

25          A.     Well, if you read that whole sentence in

1     that part of the patent it says they're a fluorescing  
2     compound that may modify the wavelength and some of  
3     the light from the blue light emitting LEDs. So they  
4     are talking about generally white LED lamps because  
5     white is a lot of different wavelengths that are all  
6     put together that makes the light appear white so  
7     we're not really picking it apart.

8           Q.     And I guess I'm asking you, Mr. Bohannon,  
9     when you read Claim 1, you understand Claim 1 to only  
10    be covering these types of LED lights?

11          A.     I'm going to go back and look at Claim 1.  
12    So Claim 1 is a solid state lighting device  
13    comprising a plurality of solid state emitters  
14    configured to emit light. So that's the Claim 1.

15                   What was your question about Claim 1?

16          Q.     Do you interpret Claim 1 to be limited to  
17    blue light emitting LEDs?

18          A.     Claim 1 is what it is. Claim 1 says it's  
19    light emitters that are configured to emit light.

20          Q.     Is that limited to blue light emitting  
21    LEDs?

22          A.     So we'll just keep going around and  
23    around. Where they're configured to emit light. A  
24    plurality of solid state light emitters that are  
25    configured to emit light. I don't know how to help

1     you.

2           Q.     Do you understand there are different  
3     types of LEDs than blue light emitting LEDs.  
4     Correct?

5           A.     So I'm trying to answer your questions  
6     here. So Claim 1 is talking about plurality of solid  
7     state light emitters that are configured to emit  
8     light. So I didn't think we were construing terms  
9     like this.

10          Q.     I'm not asking you to construe terms. I'm  
11     trying to understand how you're interpreting the  
12     claims and what you understand as an expert, okay, so  
13     let's start with that.

14          A.     Okay.

15          Q.     All right. Let me ask the question.  
16                   We've been talking about the different  
17     types of LEDs; is that right or fair?

18          A.     You've been talking about what's in  
19     Column 6 I think it is there on Page 9. That's what  
20     we've been talking about.

21          Q.     Packaged light emitting devices, right, do  
22     you recall that?

23          A.     In some embodiments, light emitters may  
24     include, some embodiments may include packaged light  
25     emitting device.

1 Q. And in some embodiments they include LED  
2 emitter chips that have one or more dominant  
3 wavelengths. Right?

4 A. That's in Line 53. Configured to emit  
5 light one or more dominant wavelengths. Yes.

6 Q. And then in some embodiments they have a  
7 blue-emitting LED coated with a fluorescing compound.  
8 Right?

9 A. So it says in some embodiments light  
10 emitters may include LED lamps that have  
11 blue-emitting LEDs coated with a fluorescing compound  
12 that may modify the wavelength of at least some  
13 light.

14 Q. And you understand that to be a  
15 description of different LEDs. Correct?

16 A. I wouldn't necessarily call it "different  
17 LEDs."

18 Q. What would you call it?

19 A. LED that is coated.

20 Q. Are all of them are coated?

21 A. It says, In some embodiments light  
22 emitters 112 may include white LED lamps that include  
23 a blue-emitting LED coated with a fluorescing  
24 compound that may modify some of the light that is  
25 emitted from the blue light emitting LED.

1           The next sentence says, In some  
2   embodiments the fluorescing compound may include a  
3   wavelength conversion phosphor that converts some of  
4   the blue light into yellow light. And some of the  
5   resulting light which is a combination of blue light  
6   and yellow light may appear white to an observer.

7           Q.     Now you understand what's being  
8   communicated in this section of the patent. Correct?

9           A.     I do.

10          Q.     When you read Claim 1 and when it recites  
11   "solid state light emitter," do you understand that  
12   to refer only to a blue-emitting LED coated with a  
13   fluorescing compound that may modify the wavelength  
14   of at least some light that is emitted from the blue  
15   light emitting LED?

16          A.     So when I read Claim 1, I do not see the  
17   limitation you are talking about. So when I read  
18   Claim 1 what is claimed, a solid state lighting  
19   device comprising a plurality of solid state emitters  
20   that are configured to emit light. It doesn't have  
21   all the other limitations you are talking about.

22          Q.     Would the limitation in Claim 1 include an  
23   LED that emits light of a dominant wavelength other  
24   than blue?

25          A.     So when I read Claim 1 -- I'm looking at

1 my own copy of the patent so I can read Claim 1.  
2 It's talking about solid state light emitters that  
3 are configured to emit light and said multiplane  
4 light diffuser but at times the light it diffuses at  
5 a distance is configured to receive the light emitted  
6 from the plurality, et cetera, et cetera. So I do  
7 not see the limitations you are trying to impose on  
8 that claim.

9 Q. So there's no limitation on the wavelength  
10 of light for that solid state light emitter in Claim  
11 1. Correct?

12 A. So Claim 1 says a plurality of solid state  
13 emitters configured to emit light.

14 Q. Yeah, so not my question. Again, please  
15 try to answer my questions. If you don't understand  
16 my question, I'm happy to repeat it. So let me ask  
17 again.

18 The solid state light emitter recited in  
19 Claim 1 is not limited to any particular dominant  
20 wavelength correct?

21 MR. MASSAND: Objection to form.

22 THE WITNESS: So I didn't know we were  
23 trying to construe claims here. The claim is  
24 very simple. It's solid state emitters  
25 configured to emit light semicolon. That's

1           what's in Claim 1.

2           Q.       (By Mr. Ferrario) Mr. Bohannon, you have  
3   to answer my questions, please.

4           MR. MASSAND: He's answering your question  
5   you can't force him to box into whatever you  
6   like.

7           MR. FERRARIO: No speaking objections.

8           MR. MASSAND: He's answering to the best  
9   of his ability.

10          MR. FERRARIO: We're going to mark all of  
11   them as argumentative and we'll go back to the  
12   board and move for sanctions. If he doesn't  
13   understand the question, he can ask me to  
14   clarify. He's not answering the question. Let  
15   me try it one more time.

16          MR. MASSAND: He's answering the question.

17          Q.       (By Mr. Ferrario) Mr. Bohannon, the solid  
18   state light emitter recited in Claim 1 is not limited  
19   to include light of any particular dominant  
20   wavelength; is that correct?

21          MR. MASSAND: Objection to form.

22          THE WITNESS: So I don't know what you're  
23   asking. A solid state -- Claim 1 reads a solid  
24   state light emitting device comprising a  
25   plurality of solid state light emitters that are

1           configured to emit light semicolon. So the  
2           claim is perhaps broader than you would like.

3           Q.       (By Mr. Ferrario) The claim is not  
4           limited to any particular wavelength; is that  
5           correct?

6                   MR. MASSAND: Objection to form.

7                   THE WITNESS: So we've been around and  
8           around here. So it's solid state light emitters  
9           that are configured to emit light semicolon. So  
10          the claim is broader than you would like, so I  
11          can't help you.

12          Q.       (By Mr. Ferrario) You are saying broader  
13          than I would like. I mean why do you say that? Are  
14          you saying that because it can include multiple  
15          wavelengths?

16          A.       No. Your questions are too, too specific.  
17          The claim is just -- the claim reads the plurality of  
18          solid state light emitters that are configured to  
19          emit light. You want to try to limit that to  
20          something particular. And you want me to agree with  
21          that. And I'm not agreeing with that.

22          Q.       I just want your testimony. So if your  
23          testimony is that it's not limited to a particular  
24          wavelength, then is that what you're saying?

25          A.       No. What I'm saying is that the Claim 1

1 is a plurality of light emitters that are configured  
2 to emit light. I would say period, but it's a  
3 semicolon.

4 Q. And so those solid state emitters do not  
5 have to be just the blue-emitting LEDs coated with a  
6 fluorescing compound that's described here in this  
7 specification. Correct?

8 A. So solid state light emitters configured  
9 to emit light is what is described in Claim 1.

10 Q. And Claim 1 is not limited to blue LEDs.  
11 Right?

12 MR. MASSAND: Objection to form.

13 THE WITNESS: Solid state light emitters  
14 configured to emit light.

15 Q. (By Mr. Ferrario) Yeah. Is that limited  
16 to blue LEDs?

17 A. So it's a solid state light emitter that's  
18 configured to emit light.

19 Q. Well, let me try it another way then. I  
20 think you are still not answering my question. So  
21 let me ask it to you this way is a blue-emitting LED  
22 one example of a solid state light emitter?

23 A. So if you go back to that column which I  
24 can't scroll on the screen with.

25 Q. This one here?

1           A.       I don't know which column it is until you  
2 get there. I have to get to the right spot so I can  
3 see which column I'm reading from.

4           Q.       I believe we were in Column 4 if that  
5 helps.

6           A.       That helps. And so anyway Line 47 that  
7 you like so much says in some embodiments the light  
8 emitters include, for example, solid state light  
9 emitting devices. Some embodiments provide solid  
10 state lighting devices that may include a packaged  
11 diode, et cetera, et cetera.

12                   And some of those are configured having  
13 light having one or more dominant wavelengths. So  
14 that's in the patent description. That's not the  
15 claims.

16           Q.       So my original question was is the claim  
17 language recited in Claim 1 limited to blue LEDs?

18                   MR. MASSAND: Objection to form.

19                   THE WITNESS: So I have read Claim 1 to  
20 you probably two-dozen times here. And it's  
21 basically solid state light emitters that are  
22 configured to emit light. It doesn't contain  
23 the limitation you're seeking me to agree on.  
24 So I can't agree to something that's not in  
25 Claim 1.

1           Q.       (By Mr. Ferrario) Mr. Bohannon, let's be  
2 clear. I'm not seeking your agreement on anything.  
3 I am asking a question, and you can answer "yes" or  
4 "no."

5                   So my question is Claim 1 limited to blue  
6 LEDs; and if your answer is "no," that's your answer.

7                   What is your answer?

8           A.       My answer is that what's described in  
9 Claim 1 or what's claimed in Claim 1 is a plurality  
10 of solid state light emitters that are configured to  
11 emit light. So I didn't think we were going to be  
12 caught in a claim construction argument.

13          Q.       Let me ask you another way.

14                   Is a blue LED an example of a solid state  
15 light emitter?

16          A.       So you're reading from Column 4 again I  
17 guess. So what's your question about Column 4?

18          Q.       My question, is a blue-emitting LED an  
19 example of a solid state light emitter?

20          A.       So it says some embodiments that may  
21 include -- light emitters that include, for example,  
22 solid state lighting devices, et cetera. In some  
23 embodiments -- okay. I'm looking at like Line 52.  
24 May include one or more LED emitter chips configured  
25 to emit light having one or more dominant

1 wavelengths.

2 Q. Can you answer my question, please?

3 A. I don't know what your question is.

4 Q. Is a blue-emitting LED an example of a  
5 solid state light emitter?

6 A. So I think the Column 4 speaks for itself  
7 where it says light emitters 112 may include white  
8 LED lamps that include a blue-emitting LED coated  
9 with a fluorescing material that may modify the  
10 wavelength of at least some light that's emitted from  
11 the blue light emitting LED. I think that's pretty  
12 clear.

13 Q. That's pretty clear to you? Is that clear  
14 to you?

15 A. I just read it to you. I hope it's clear  
16 to you.

17 Q. Is red emitting LED an example of a solid  
18 state light emitter?

19 A. So we're talking about Claim 1 anything  
20 that emits light, light emitting. Plurality of light  
21 solid state light emitters that are configured to  
22 emit light. So I think that encompasses a whole  
23 bunch of stuff.

24 Q. Does that encompass a red emitting LED?

25 A. The claim is not limited to colors like

1     you would like it to be. The claim is that it emits  
2     light.

3           Q.     I'm sorry. Go ahead.

4           A.     I'm done.

5           Q.     Does Claim 1 include green emitting LEDs?

6           A.     So Claim 1 solid state lighting device  
7     comprising a plurality of solid state light emitters  
8     configured to emit light, semicolon. We've been over  
9     that about two-dozen times. It emits light.

10          Q.     My question was is a green emitting LED  
11     included as a solid state light emitter?

12          A.     I think you can draw your own conclusions.

13          Q.     You need to answer my questions,  
14     Mr. Bohannon.

15          A.     I did answer the question. It says it's  
16     not limited to any colors. It's just light emitters  
17     that are configured to emit light semicolon. Light  
18     is light.

19          Q.     So it would not be limited to a light  
20     emitting diode that emitted RGB light. Correct?

21                   MR. MASSAND: Objection to form.

22                   THE WITNESS: I'm not sure what you mean  
23     by "RGB light."

24          Q.     (By Mr. Ferrario) Are you familiar with  
25     RGB LEDs?

1           A.     So are you talking about red, green, and  
2 blue? Is that what you mean?

3           Q.     I'm asking you are you familiar with the  
4 term "RGB LED"?

5           A.     Are you talking about red LEDs, green  
6 LEDs, and blue LEDs yes or no?

7           Q.     Is that what you understand RGB LEDs to  
8 refer to?

9           A.     It's your question. I'm asking you for  
10 clarification.

11          Q.     So you don't understand when I say "RGB  
12 LEDs," you don't understand that phrase?

13          A.     I want your clarification of what you  
14 mean, please.

15          Q.     Are you familiar with LEDs that emit red,  
16 green, and blue light?

17          A.     So are you talking about an LED that emits  
18 red light, an LED that emits green light, an LED that  
19 emits blue light? Is that what you're talking about?

20          Q.     Are you familiar with the term "RGB LED"?

21          A.     I'm asking you what you mean by it because  
22 obviously you are trying to make a point here. So  
23 what's your question? Please explain.

24          Q.     My question is what does "RGB LED" mean to  
25 you as an expert in this field?

1           A.       What does R mean to you as a questioner?  
2       You're making a question. What's the R mean? Does  
3       it mean red? Does it mean rambunctious?

4           Q.       And so is it your testimony that without  
5       further explanation by me you do not understand what  
6       "RGB LED" means?

7                   MR. MASSAND: Objection to form.

8                   THE WITNESS: I asked a question back. I  
9       said do you mean R for red are you talking about  
10      a red LED are you talking about a green LED are  
11      you talking about a blue LED? Are you talking  
12      about these packaged together? Are you talking  
13      about them all lit up together whereupon they're  
14      going to look like white light? What are you  
15      talking about?

16          Q.       (By Mr. Ferrario) Is there such a thing  
17      where a red, blue, and green diode is packaged  
18      together such that when they light up they emit white  
19      light?

20          A.       No. I'm talking about a system where  
21      there's like what's described in Column 4 where  
22      you've got some fluorescence on there. So you have  
23      a -- like it says there on Line 55, a blue-emitting  
24      LED with a fluorescing compound and a conversion  
25      phosphor. And the resulting light -- it says in

1 Line 63, the resulting light which is a combination  
2 of the blue and yellow light may appear white to an  
3 observer.

4 So some people would call that kind of a  
5 red, green, and blue, although it's not especially  
6 called out here. But you see these yellow and blue  
7 LEDs a lot to make white light. The reason why it  
8 makes it is because it's not one single spectrum.  
9 It's a whole, it's a very broad spectrum of light  
10 that ultimately appears white to the observer. So I  
11 don't know what they're talking about.

12 Q. Well, you're the expert. So I am trying  
13 to understand from you so I need you to --

14 A. Well, you're the one who is asking the  
15 questions.

16 Q. All right. Let me ask it. Are there  
17 other types of LEDs that make white light besides the  
18 blue and the yellow phosphor type?

19 A. People are working on that kind of stuff  
20 all the time.

21 Q. Are there other types like commercially  
22 available at the time of this invention?

23 A. I can't recall what was precisely  
24 commercially available at the time of this invention  
25 so I can't answer that.

1 Q. Are you aware of LEDs that go by RGB LED  
2 names that produce white light?

3 A. So what are you talking about? This is  
4 the basis of my not being able to understand your  
5 question. You are throwing terminology around but  
6 not explaining it.

7 Q. So does the RGB LED require, is it  
8 terminology that requires explanation by me, a  
9 lawyer?

10 A. Yes.

11 MR. MASSAND: Objection.

12 THE WITNESS: What do you mean by R? Are  
13 you talking about red? What do you mean by G?  
14 Are you talking green? Are you talking --

15 Q. (By Mr. Ferrario) You have the question.  
16 It's fine if you can't understand it. I mean, if you  
17 don't understand it, then that's fine. That's your  
18 testimony.

19 A. I don't understand your question.

20 Q. Now, moving through the rest of Claim 1, I  
21 want to talk about the next section that begins "a  
22 multiplane light diffuser," okay?

23 Do you see that?

24 A. It's right in front of me.

25 Q. Okay. Why don't you take a second to

1 review that and then I'll ask you some questions  
2 about it.

3 MR. MASSAND: So, Matias, did you have a  
4 question?

5 MR. FERRARIO: Yes. I asked Mr. Bohannon  
6 to let me know when he was finished reviewing.

7 Q. (By Mr. Ferrario) Are you finishing  
8 reviewing, Mr. Bohannon?

9 A. Yeah. I was reviewing some of the other  
10 things too.

11 Q. Let me know when you are ready for a  
12 question.

13 A. Go ahead and try.

14 Q. Have you reviewed the section I asked you  
15 to look through?

16 A. I have.

17 Q. So in this section the claim recites a  
18 multiplane light diffuser. Right?

19 A. That's what it appears to recite a  
20 multiplane light diffuser comprising a first  
21 diffusion plane that is a first distance from a  
22 plurality of solid state emitters.

23 Q. And then there's a second diffusion plane.  
24 Correct?

25 A. A second diffusion plane that is a second

1 distance from the plurality of solid state emitters  
2 that is different from the first distance.

3 Q. And so you understand this part of the  
4 claim to recite a multiplane light diffuser that  
5 includes at least two diffusion planes; is that  
6 correct?

7 A. So the first distance, so a first  
8 diffusion plane that is a first distance and a second  
9 diffusion plane that is a second distance from the  
10 plurality of solid state emitters that's different  
11 from the first distance.

12 Q. And the claim then similarly recites two  
13 distances, a first distance and a second distance; is  
14 that right?

15 A. So the first diffusion plane is a first  
16 distance from a plurality of solid state emitters.  
17 And a second diffusion plane that is a second  
18 distance from a plurality that is different from the  
19 first distance.

20 Q. And the first distance is defined as a  
21 distance that is between the plurality of solid state  
22 emitters to the first diffusion plane; is that  
23 correct?

24 A. I wouldn't say that's how you would define  
25 it. There where it says the first distance -- if you

1 look at the bottom of Claim 1 -- the first distance  
2 is a function of the third distance. So I don't know  
3 what you mean by "defined." I would say the function  
4 of the third distance is more the definition of the  
5 first distance.

6 Q. Let me re-ask it then. So the distance is  
7 a measure of space between two things. Would you  
8 agree with that?

9 A. Well, if you look at, you know, Figure 2  
10 you can graphically see what they're talking about.

11 Q. Can you answer my question, Mr. Bohannon?

12 A. What's your question?

13 Q. That the first distance is identifying a  
14 distance between two things in the system; is that  
15 fair?

16 A. Well, if you look at Figure 3 it shows the  
17 first distance is 147 call out which is between the  
18 bottom of the light emitting devices it looks like on  
19 the reflector to the bottom of the first diffusion  
20 plane.

21 Q. So when you were reading the claim  
22 language hereafter, did you limit your understanding  
23 of the claim language to what was shown in the  
24 figures?

25 A. No. I did not.

1           Q.     Let's focus on the language if we can and  
2 go back to the claim language. And here the first  
3 distance is a distance that is defined by on the one  
4 hand the first diffusion plane and on the other hand  
5 the plurality of solid state emitters; is that right?

6           A.     Yeah. Multiplane light diffuser including  
7 a first diffusion plane that's a first distance from  
8 the plurality of solid state emitters.

9           Q.     And then the second distance is defined by  
10 the space from the solid state light emitters to the  
11 second diffusion plane; is that right?

12          A.     Yeah. The claim says a second diffusion  
13 plane that's a second distance from the plurality of  
14 the solid state emitters that is different from the  
15 first distance.

16          Q.     Now, the distance to the first diffusion  
17 plane is one distance and then the distance to the  
18 second diffusion plane is a second distance; is that  
19 correct?

20          A.     According to the claim the second  
21 distance.

22          Q.     And distance is being measured to the I'm  
23 sorry it's defined one of the let me re-ask, let me  
24 re-ask the question. One of the points in the system  
25 that is a point from which the distance is defined is

1 the diffusion plane. Correct?

2 A. You mean a first diffusion plane that's  
3 the first distance and the second diffusion plane  
4 that is a second distance.

5 Q. Right. So you understand that it's one of  
6 the distance where the end points of these distances  
7 is the diffusion plane. Right?

8 A. Well, if you read further into the claim  
9 you'll see that the second side that corresponds to  
10 the second diffusion plane that's configured to  
11 transmit diffused light. So the multiplane light  
12 includes a first -- so I'll just read it in its  
13 entirety from about Line 57.

14 So the multiplane light diffuser includes  
15 a first side that corresponds to the first plane that  
16 is configured to receive the light. And the second  
17 side that corresponds to the second plane that is  
18 configured to transmit the light. So that's, that's  
19 a better understanding of where the diffusion planes  
20 are.

21 Q. And so you understand, for example, that  
22 the second plane is referring to the second diffusion  
23 plane; is that correct?

24 A. Well, that's what it appears. The second,  
25 so the second side that corresponds to the second

1 plane that's configured to transmit diffused light.

2 Q. And so the second plane has a second side  
3 that's what your understanding of this claim is,  
4 correct?

5 A. It says, the claim says a second side that  
6 corresponds to the second plane that is configured to  
7 transmit diffused light. So it goes on to say,  
8 Wherein, the multiplane light diffuser comprises a  
9 diffuser that includes a first side of the multiplane  
10 light the diffuser plate is configured to define the  
11 first diffusion plane.

12 Q. Yeah. So sticking with the second plane,  
13 though, I want to make sure your understanding is  
14 that the second plane includes a second side as part  
15 of the second plane; is that right?

16 A. I want to be clear. About Line 62 it  
17 says, second side corresponds to the second plane and  
18 that's configured to transmit diffused light.

19 Q. So you understand that to mean that the  
20 second plane has a second side. Correct?

21 A. Well, we can both read the claim and come  
22 to our own conclusions. So the second side that  
23 corresponds to the second plane and that is  
24 configured to transmit diffused light.

25 Q. All I'm asking is very simple when you

1 read that part of the claim do you understand it to  
2 say that the second plane has a second side of the  
3 plane?

4 A. I understand it the way I understand it  
5 which is the way I read it which is the second side  
6 corresponds to the second plane and it's configured  
7 to transmit diffused light. I can't help you out  
8 beyond that. We're not construing claims you want me  
9 to agree to your version of interpretation and I just  
10 want to read the claim.

11 Q. So you're refusing to answer my question?

12 A. I'm not refusing to answer your question.  
13 I'm saying that you --

14 Q. I'm asking you to answer my questions, if  
15 you could, please, whether you like the way I phrase  
16 them or not you are obligated to answer my questions.

17 Do you understand that?

18 A. What I understand is you're trying to get  
19 me to agree to your version of the claim terminology  
20 and I'm not doing it. I am just reading the claim.

21 Q. You're welcome to disagree with my  
22 question you simply need to explain.

23 Are you saying that a second side is not  
24 included in the second plane?

25 A. No. What I am reading is the claims where

1     it says quite clearly in plain English that any  
2     person of ordinary skill in the art would understand.  
3     It says there's a second side that corresponds to the  
4     second plane, and that is configured to transmit  
5     diffused light. That's what is in the claim. If you  
6     want to put something else in the claim, have fun.  
7     That's not how it reads to me.

8           Q.     What does it mean to you that a second  
9     side corresponds to a second plane?

10          A.     It's quite clear. Second side that  
11     corresponds to the second plane. I can't help you.

12          Q.     Does that mean that the second plane  
13     includes a second side?

14          A.     So again, you're trying to do claim  
15     construction here. I'm just reading the claim. It's  
16     plain English 2 person of ordinary skill in the art  
17     would read the claim and understand that a second  
18     side that corresponds to the second plane as  
19     configured to transmit diffused light, comma.

20          Q.     Does that mean that the second plane has a  
21     second side?

22          A.     So again you are trying to con true claims  
23     in a way that is not how it's read. It says a second  
24     side that corresponds to the second plane.

25          Q.     Does this language mean that the second

1 plane does not include the second side?

2 A. So the claim reads a second side that  
3 corresponds to the second plane.

4 Q. Does that mean that the second plane does  
5 not have a second side?

6 A. So it says a second side that corresponds  
7 to the second plane.

8 Q. What does it mean for a side to correspond  
9 to a plane?

10 A. I think it's plain English.

11 Q. Can you explain?

12 A. Explain English. The second side  
13 corresponds to the second plane.

14 Q. Looking at Claim 2, do you see that the  
15 diffuser sheet includes the second side?

16 A. I can read, yes.

17 Q. And did you understand that the second  
18 plane is the diffuser sheet?

19 A. So you're looking at Claim 2 which depends  
20 from Claim 1. So all the limitations of Claim 1 are  
21 subsumed or into Claim 2 with the addition of the  
22 multiplane light diffuser comprises a diffuser sheet  
23 that includes the second side of the multiplane light  
24 diffuser and is positioned a second distance from the  
25 plurality of the solid state light emitter. The

1 diffuser sheet configured to define the second  
2 diffusion plane. So we can argue about it ten times.

3 Q. So here the second distance is being  
4 measured or one of the points in the distance  
5 measurement is to the diffuser sheet; is that  
6 correct?

7 A. It says here the diffuser sheet that  
8 includes the second side of the multiplane light  
9 diffuser is positioned the second distance from the  
10 plurality of the solid state light emitters. That's  
11 the way the claim reads.

12 Q. And so the diffuser sheet is the second  
13 distance from the solid state light emitters; is that  
14 correct?

15 A. You're reading it wrong. The diffuser  
16 comprises a diffuser sheet that includes the second  
17 side of the multiplane light diffuser and is  
18 positioned the second distance from the plurality of  
19 the solid state light emitters.

20 Q. Yeah. What was wrong about what I was  
21 reading?

22 A. More or less the way you left out words.

23 Q. I see. The phrase is "positioned the  
24 second distance."

25 What is positioned the second distance?

1           A.       So the diffuser sheet that includes the  
2       second side of the multiplane light diffuser and is  
3       positioned the second distance from the plurality of  
4       solid state light emitters.

5           Q.       Yeah you're reading the whole grays I'm  
6       asking you what is the object of the phrase is  
7       positioned the second distance? What is positioned  
8       the second distance?

9           A.       So the diffuser sheet that includes the  
10       second side of the multiplane light diffuser and is  
11       positioned the second distance from the plurality of  
12       solid state light emitters I think that's a pretty  
13       clear English sentence.

14          Q.       So you understand it to mean that the  
15       diffuser sheet is positioned the second distance; is  
16       that right?

17                   MR. MASSAND: Objection to form.

18                   THE WITNESS: So the diffuser sheet that  
19       includes the second side of the multiplane light  
20       diffuser. We'll probably have to go back to  
21       Claim 1 because Claim 2 is a dependent claim on  
22       Claim 1 where it says here so the second  
23       diffuser plane is a second distance from the  
24       plurality of the solid state emitters.

25                   So to read the whole part of Claim 1,

1       multiplane light diffuser including a first  
2       diffusion plane it is a first distance from the  
3       plurality and a second diffusion plane that is a  
4       second distance from the plurality of light  
5       emitters.

6               And then Claim 2 where the multiplane  
7       light diffusing includes a diffusion sheet that  
8       includes the second side of the first, the  
9       second side of the multiplane light diffuser and  
10      is positioned a second distance. So you need to  
11      read Claim 1 and Claim 2 together to understand  
12      it, which I'm sure you do.

13      Q.       (By Mr. Ferrario) Does the claim identify  
14      a particular point of the second diffusion plane from  
15      which a measurement is defined?

16      A.       So you're trying to read limitations into  
17      the claims that don't exist.

18      Q.       Then the other end point of the  
19      measurement is the solid state light emitter do you  
20      see that?

21      A.       I do.

22      Q.       Does the claim recite any particular point  
23      of the solid state emitter that forms the definition  
24      of the distance?

25      A.       Well, if you -- so the claims are what

1     they are. And the claims are quite clear. A person  
2     of ordinary skill in the art can understand what  
3     Claim 1 and Claim 2 mean. And then if you look at  
4     the specification, you can get the specification  
5     which includes the drawings. You can get clarity  
6     from those distances, and I am pretty sure I covered  
7     this in my declaration.

8           Q.     Can you answer my question?

9           A.     According to my declaration on Page 7,  
10    Paragraph 28 I have a Figure 3 and Paragraph 29 I  
11    describe it. And I can read Paragraph 29 to you.

12                The distance between the top of support  
13    structure 114, the bottom of the solid state light  
14    emitters 113, which is shown in Figure 3, is referred  
15    to as the first distance as shown at 147 in Figure 3.  
16    I think the specification is quite clear about the  
17    first and second distances. And you have to look at  
18    Figure 3 to answer your questions more precisely.

19           Q.     Did you limit your understanding of the  
20    claims to what was shown in the figure?

21           A.     My declaration is quite clear on what is  
22    contained in my opinion. So we're basing my opinions  
23    based on the claims on the specification and the  
24    figures and the specification clearly calls out the  
25    distances, et cetera, from the bottom of the, between

1 the top of the support structure and the bottom of  
2 the solid state light emitters to the first and  
3 second diffuser plates shown as the first and second  
4 distances. So I'd like to limit my answer to what's  
5 in my declaration.

6 Q. Let's go back to the claim if we can and  
7 if you could answer my question instead of just  
8 arguing.

9 Does the language in the claim identify a  
10 particular point in the solid state emitter from  
11 which the distance is defined?

12 A. So I'm not arguing with you. I'm just  
13 trying to be clear as to what my opinion is. We're  
14 here --

15 Q. I know what your opinions are. I'm just  
16 asking you to answer my questions we can go through  
17 all your opinions, but let's start with the claim  
18 language.

19 Does the claim language identify a  
20 particular point in the solid state emitter that  
21 defines one of the points from which that defines the  
22 measurement?

23 A. So it says the first distance is from the  
24 plurality of the solid state emitters and the second  
25 diffusion plane that is the second distance from the

1 plurality of solid state emitters. So the claim is  
2 broader than what you would like. I can't help you.

3 Q. And the solid state emitters that are  
4 recited it doesn't say in the claim the top of the  
5 solid state light emitter. Right?

6 A. So the claim says the first distance from  
7 the plurality of solid state emitters and the second  
8 diffuser plane that is a second distance from the  
9 plurality of solid state light emitters. And if you  
10 are really confused go look at Figure 3 and read the  
11 patent description where it talks about where it  
12 graphically shows with arrows and callouts and all  
13 that stuff as is shown on Page 7, Paragraph 28 of my  
14 declaration.

15 Q. And the claim language doesn't say the  
16 bottom of the solid state light emitters either  
17 right?

18 A. The claim is broader than what you would  
19 like. I'm sorry.

20 Q. And the claim doesn't say the middle of  
21 the solid state light emitter either right?

22 A. The claim language says it's a first  
23 distance from the plurality of solid state emitters  
24 and a second diffusion plane that is a second  
25 distance from the plurality of solid state emitters.

1 If you want more clarification look at the patent  
2 description claims are interpreted in light of the  
3 patent description as you well know.

4 Q. Now, earlier you referenced Figure 3; is  
5 that right?

6 A. Just a minute ago.

7 Q. Did you limit your understanding of the  
8 claim terms to Figure 3?

9 A. Figure 3 is what is shown in my  
10 declaration.

11 Q. Did you limit your understanding of the  
12 claim terms to Figure 3?

13 A. I don't, I don't state that I've limited  
14 anything. The claims are what they are.

15 Q. You also referenced the specification do  
16 you recall that?

17 A. I'm looking at it, yeah.

18 Q. And did the specification inform your  
19 opinion on where the points within the system one  
20 would define measurements from?

21 A. So the specifications call out so if you  
22 look at -- I can't see which column you've got  
23 displayed on the screen. Can you help me. Okay. So  
24 Column 5. If you go down to like Line 21 or so you  
25 will see references made to Figure 3, which is a side

1 cross-sectional view of a solid state lighting device  
2 in accordance with some embodiments of the invention.  
3 "Some" means not all. So some embodiments of the  
4 invention are shown in that cross-sectional diagram  
5 of Figure 3 where it clearly shows the distances in  
6 all the questions that you have.

7 Q. Now, in Column 6 I want to ask you about  
8 this sentence right here.

9 Do you see it?

10 A. I see it.

11 Q. And doesn't the specification state that  
12 the diffuser sheet is positioned a second distance  
13 from the surface defined by the solid state light  
14 emitters?

15 A. It says what it says and then it calls out  
16 113 which is a callout for the light emitters.

17 Q. What surface of the solid state light  
18 emitters?

19 A. Well, if you read the entirety of that  
20 paragraph that you're looking at where it says the  
21 second distance 148 and the first distance 147. And  
22 if you look at Figure 3, which has the callouts 148  
23 and 147, you can see precisely what's being referred  
24 to.

25 Q. This phrase here doesn't say "bottom

1 surface," does it?

2 A. Okay. It says the diffuser Sheet 142 may  
3 be positioned a second distance 148 from the surface  
4 defined. And if you look at Figure 3, which I'm  
5 holding up in front of the camera, you can see 148.  
6 It called out 148. And 148 is measured from that  
7 surface to the bottom surface of 142. So you can't  
8 just take this in an abstract, in a vacuum. You have  
9 got to look at the figures and the callouts that are  
10 referred to in the description.

11 Q. So you limited your -- and so you limited  
12 your understanding of the claims to the one  
13 embodiment shown in Figure 3 is that what you're  
14 saying?

15 MR. MASSAND: Objection to form.

16 THE WITNESS: I did not say that. I was  
17 trying to answer your question.

18 Q. (By Mr. Ferrario) Figure 3 is just one  
19 embodiment. Right?

20 A. So if you go back and look at whatever  
21 column that's on where it says reference is now made  
22 to Figure 3 that's a cross sectional view in  
23 accordance with some embodiments of the invention.  
24 So the most you can get out of that is it's perhaps  
25 that all embodiments that there may be other

1     embodiments that do something different but Figure 3  
2     is a cross sectional view of the solid state lighting  
3     device in cans with some embodiments of the  
4     invention, plural so embodiments is plural.

5           Q.     Now that we're talking about Figure 3 and  
6     the solid state light emitters, does the '382 patent  
7     describe how tall those solid state light emitters  
8     are?

9           A.     I am not sure it does or it doesn't.

10          Q.     At the time of the invention here, how  
11     tall are those invention al solid state light  
12     emitters?

13                   MR. MASSAND:  Objection to form.

14                   THE WITNESS:  So I don't think there's  
15     anything in my declaration that refers to the  
16     height of the solid state light emitters.

17          Q.     (By Mr. Ferrario)  Is there anything in  
18     the patent --

19          A.     If you have my declaration something that  
20     talks about how tall the light emitters are, please  
21     show me.

22          Q.     Well, I'm just asking you if you know as  
23     one of skill in the art.

24                   Do you have an understanding of how tall  
25     these LEDs were at the time of invention?

1 MR. MASSAND: Objection to form.

2 THE WITNESS: That's too broad of a topic  
3 to answer with one simple question.

4 Q. (By Mr. Ferrario) Are they do you have a  
5 range of heights of LEDs at the time of the  
6 invention?

7 MR. MASSAND: Objection to form.

8 THE WITNESS: So I don't think it's, I  
9 don't think it's germane to anything because you  
10 can see the measurements 147 and 148 go to that  
11 surface they're lighting that surface where the  
12 LEDs 143 are resting upon and it's a surface  
13 that's used as a measuring starting point for  
14 147 and for 148. So I don't think anybody cares  
15 about the height of the LEDs. They could be  
16 whatever they want to be. It doesn't matter.

17 Q. (By Mr. Ferrario) Well, but that's just  
18 in that embodiment right as you testified?

19 A. No. It's in some embodiments, plural.  
20 That's what it says in the patent description.

21 Q. Not all embodiments then. Right?

22 A. Well, it's hard to say what some means  
23 generally it doesn't mean all but it means some.

24 Q. To go back to my question are you familiar  
25 with or have an understanding of why a typical range

1 of heights an LED might have at the time of this  
2 invention?

3 A. That's not in my declaration.

4 Q. And just to confirm the '382 patent  
5 doesn't describe LED height or have any ranges of LED  
6 heights. Right?

7 A. I can verify that let me do a search and  
8 find out.

9 Q. Well you can do that on your time if you  
10 like during the break.

11 A. Well, I can't answer specifically.

12 Q. Are you familiar with the term "reflective  
13 cavities"?

14 A. Well, that's a very kind of a broad term.  
15 What's the context are we talking about my  
16 declaration or are we talking about the patent or are  
17 we talking about something else entirely different.

18 Q. I want to ask you in the case of, you  
19 know, an LED that is placed within a reflective  
20 cavity of the substrate, say, here (indicating) are  
21 you familiar with that concept?

22 A. I think you're outside the scope of both  
23 the patent and my declaration. It sounds like you  
24 want to talk about something else entirely different.

25 Q. Are you refusing to answer my question?

1           A.     I don't think your question is pertinent.  
2     Is it in my declaration or the patent, yes or no?

3           Q.     It relates to this issue of distance that  
4     you've raised. Can you answer my question, please?

5                   Are you familiar with reflective cavities  
6     and cavities built into the substrate?

7           A.     I don't think I have to answer your  
8     questions outside the scope of my declaration.

9           Q.     Are you refusing?

10          A.     I don't discuss reflective cavities in my  
11     declaration yes or no.

12          Q.     Are you refusing to answer my question  
13     then?

14          A.     It's outside the scope of my declaration.  
15     If you can show me the scope I'll answer.

16          Q.     If Figure 3, if the LED resided within a  
17     reflective cavity would one of skill in the art  
18     understand that the distances would be measured from  
19     the bottom of the LED or the surface of the  
20     reflector?

21          A.     Well, you are going far fielded there.  
22     That's outside the scope of my declaration big time.  
23     You don't see any figures with cavities. If I go  
24     through this patent, I don't think there's any  
25     figures of cavities. Unless you want me to speculate

1     wildly about something else.

2           Q.     Are you refusing to answer my question?

3           A.     No. Your question calls for speculation  
4     and it's outside the scope of my declaration and it's  
5     outside the scope of the '382 patent. I'm looking at  
6     the figures. None of the figures show anything that  
7     could be described as a cavity so you're out of  
8     bounds.

9           Q.     I think you testified that distance ought  
10    to be defined by both the top surface of the  
11    reflector and the bottom of the LED; is that correct?

12          A.     So what I described to you is if you go  
13    back and look at Figure 3, you can see the callout  
14    that describes, that describes the second distance  
15    148 and you can see the callout 147 that describes  
16    the first distance. Then you can see the callout 149  
17    that describes the third distance. So I was showing  
18    Figure 3 and part of the description, the patent  
19    description which describes and explains Figure 3 to  
20    you. And none of them had those words you were  
21    looking for.

22          Q.     So can you confirm that in your  
23    declaration you defined the point from which the  
24    measurement or the distance is defined as both the  
25    bottom of the LED and the top surface of the

1 reflector; is that correct?

2 A. So I'm going to look at my declaration.  
3 I'm trying to answer your question. So if you can  
4 see on the top of Page 8 which is kind of a  
5 continuation of Paragraph 29, Paragraph 29 starts out  
6 on Page 7, an inventive concept of the '382 patent is  
7 utilizing a distance between the solid state emitters  
8 and both the first and second diffusion plates in a  
9 multiplane light diffuser to create an optimal  
10 display panel.

11 Specifically the distance between the  
12 centers of solid state light emitters as referred to  
13 in the '382 patent is the third distance which is 149  
14 as I just described. The distance between the top of  
15 the support structure 114/bottom of light emitters  
16 113 to the first diffuser plate is referred to as the  
17 first distance as shown in 147.

18 The distance between the top of the  
19 support structure 114 and bottom of the light  
20 emitters 113 to the second diffuser plate is referred  
21 to as the second distance shown as 148 in Figure 3.

22 Q. All right. So you are referencing the  
23 bottom of the LED and the top of the support  
24 structure as one point; is that right?

25 A. Well, where it says here on Page 8 of my

1 declaration, the distance between the top of support  
2 structure 114/bottom of solid state light emitters  
3 113. That's the, if you look at the callouts that  
4 refer to the double ended arrows 147 and 148, you can  
5 see that the bottom part of the arrow is pointing to  
6 that point.

7 The bottom of the solid state light  
8 emitter at the top of the support structure bottom of  
9 the light emitter, it's that line. It's quite clear.  
10 I don't know why I have to go over and over it for  
11 you.

12 Q. What is the top of the support structure  
13 and the bottom of the LED are not at the same point?

14 Which point defines the second distance?

15 A. You're asking me to speculate, and I'm not  
16 willing to speculate for you.

17 Q. You don't have an opinion one way or the  
18 other on that point?

19 A. It's not in my declaration, is it?

20 Q. It's your declaration. You are welcome to  
21 point me to a section if you feel it's relevant?

22 A. I was pointing you to paragraphs 29, most  
23 specifically, which talks about the '382 patent and  
24 the first and second distances and what they are.

25 Q. And so if the LED was sitting in a he

1     fleck active cavity from which point would the second  
2     distance be defined?

3           A.     You're asking me to speculate.   The '382  
4     doesn't have optical cavities.

5           Q.     So if it had an optical cavity would there  
6     be a second distance in your opinion?

7           MR. MASSAND:   Objection.

8           THE WITNESS:   You're asking me to  
9     speculate.

10          Q.     (By Mr. Ferrario)   Going back to Claim 1  
11     the term "diffusion plane," you understand that to  
12     recite a diffuser?

13          A.     Well, it says right there in Claim 1 a  
14     multiplane light diffuser including a first diffusion  
15     plane that is a first distance and the second  
16     diffusion plane that is a second distance.

17          Q.     What is a diffuser?

18          A.     A diffuser is something that scatters  
19     light evenly.

20          Q.     How much diffusion must there be for the  
21     optical film to be considered a diffuser in this  
22     claim language?

23          A.     Well, I think if you look, if you go back  
24     and look at see there's another figure in there in  
25     the patent.   Let me see.   So Figure 2 is kind of a

1 cartoon showing diffusion being spread out with those  
2 diffusers I don't think there's any numbers in the  
3 '382 patent. I think a person of ordinary skill in  
4 the art would know that a diffuser is something that  
5 makes light diffuse and even across a broad surface.

6 Q. Are you familiar with any ways in which to  
7 measure diffusivity of an optical film?

8 A. Yeah. I've seen that described someplace.  
9 I can't remember where.

10 Q. And is there a number associated with  
11 that?

12 A. Well, I've seen it described. I don't  
13 remember where. I don't think there's any numbers  
14 for diffusion ability. I know it varies from being  
15 very low like practically anything that gets in the  
16 way of light diffuses it to some degree but the  
17 extent it's diffused is the question which I think if  
18 we look at -- let me see if I can get there.

19 Q. Well, let's focus on the patent if you  
20 would. Is that what you are looking at?

21 A. I'm looking at the patent.

22 Q. The claim language doesn't recite any  
23 particular minimum for diffusivity does it?

24 A. It just says diffuser. Person of ordinary  
25 skill in the art a person skilled knows those

1 diffusers do what they say they do. They diffuse  
2 light.

3 Q. Yeah. So if a patent like this says it's  
4 a diffuser, one would know that it diffuses light.

5 Is that what you're saying?

6 A. Let me read in the thing. So if we look  
7 at the background if you look at Column 1 of the '382  
8 patent, it talks about the light illumination that is  
9 relatively uniform backlighting surface, backlighting  
10 unit.

11 Q. Where are you in Column 1, please?

12 A. Reading background.

13 Q. Yeah. This is talking about -- what is  
14 this talking about that you are referring to?

15 A. Backlighting unit.

16 Q. I'm sorry?

17 A. It's talking about a backlighting unit.

18 Q. Does it say anything about diffusers in  
19 this section?

20 A. Well, it talks about creating a relatively  
21 uniform backlighting unit. That's the goal of the  
22 invention is to make it so the light is uniform.  
23 It's not spotty. It doesn't show dark areas and  
24 light areas. It shows a uniform area and that's an  
25 indication of how much diffusion people want. They

1 want it to be as much as possible to create a uniform  
2 backlighting unit.

3 Q. But as we focus on the claims here and the  
4 diffuser there's multiple diffusers that are claimed  
5 here.

6 Is there anything about the claim language  
7 itself that would tell one of skill in the art how  
8 much diffusivity an optical film must have in order  
9 to qualify as a diffuser?

10 A. So they're using the word a person of  
11 skill in the art would know particularly in the field  
12 that we're working in here which is for LCD display  
13 backlighting units. So you want something that gives  
14 you a uniform illumination. And, you know, we've all  
15 looked at what uniformity means. You want it to be  
16 the corner is the same as the center. So you want  
17 uniform and uniformity to me means regardless of  
18 where you measure that backlighting unit it comes up  
19 to the same number, the same amount of light comes  
20 through the edge of the corner and the center.

21 Q. And the '382 patent accomplishes that by  
22 using multiple layers of diffusers; is that right?

23 A. Well, the claim is talking about a  
24 multiplane light diffuser having a first diffusion  
25 plane et cetera and a second diffusion plane and a

1 diffuser plane on the second side et cetera et cetera  
2 so the claims are what they are.

3 Q. And they are multiple layers of diffusers?

4 A. We both can read the claim. It's a  
5 plurality of solid state emitters that are configured  
6 to emit light and a multiplane light diffuser, et  
7 cetera, et cetera. Read the claim.

8 Q. And there's no numerical limitation on  
9 diffusivity in the claim. Right?

10 A. It's a relatively broad claim.

11 Q. And there's no numerical limitation on  
12 diffusivity on any of the claims. Right?

13 A. Well, you are looking for something that  
14 diffuses light and provides as it says in the  
15 background up here.

16 Q. Okay. I need you to answer my question.

17 A. Uniform backlighting unit. So you want it  
18 relatively uniform.

19 Q. I understand that. That's not the  
20 question. The question is there a numerical  
21 limitation on the diffusivity of light in any of the  
22 claims?

23 A. So I think there's an implied meaning  
24 there if you read the claims and letters of  
25 specification that the goal of the invention is to

1 provide uniform the uniformity in that backlighting  
2 unit and uniformity requires a high degree of  
3 diffusion if you don't have any diffusion you are not  
4 going to have uniformity you are going to have spots.  
5 Nobody wants a spot.

6 Q. You're argumentative again. Is there a  
7 numerical limitation in the claims regarding  
8 diffusivity?

9 A. Well, you don't need me to answer that you  
10 can read the claims for yourself.

11 Q. Again argumentative.  
12 I wish we were to have a jury trial Neal  
13 because this would come off well for us?

14 MR. MASSAND: Maybe there will be one day.

15 MR. FERRARIO: Yeah can't wait.

16 THE WITNESS: It will be fun.

17 Q. (By Mr. Ferrario) Mr. Bohannon, is there  
18 any numerical disclosures in the specification of the  
19 '382 patent that relates to the diffusivity of the  
20 diffuser that's claimed?

21 A. So I thought I already answered that.

22 Q. We asked the question relative to the  
23 claims. Now I'm asking you relative to the  
24 specification.

25 A. So when I read the claims, when I read the

1 specification, I see they want a uniform backlight,  
2 uniformity applies a very high degree of diffusivity.

3 Q. Are there any numerical expressions of  
4 that, quote, unquote, high degree of diffusivity in  
5 the '382 patent specification?

6 A. I think your meaning of the word "uniform"  
7 implies it's a hundred percent the same regardless of  
8 where you measure light on the backlight.

9 Q. So you understand the claims require a  
10 hundred percent diffusivity?

11 A. No.

12 MR. MASSAND: Objection to form.

13 THE WITNESS: The specification talks  
14 about the goal of having a uniform backlight  
15 unit and uniformity means when you regardless of  
16 where you look on the backlight unit you get  
17 essentially the same brightness reading, so no  
18 spots. But there's no -- I can't help you  
19 beyond that.

20 Q. (By Mr. Ferrario) There's no testing data  
21 in the '382 patent, is there, in relation to  
22 uniformity; is that correct?

23 A. Let me see. Well there's the words  
24 they're talking about diffuse light as being  
25 relatively uniform.

1 Q. Other than qualitative descriptions is  
2 there any data from tests in the '382 patent?

3 MR. MASSAND: Objection to form.

4 THE WITNESS: I don't talk about testing  
5 data in my declaration.

6 Q. (By Mr. Ferrario) Are there any  
7 specifications in the I'm sorry are there is there  
8 any data in the specification that relates to the  
9 amount of brightness for the system disclosed in the  
10 '382 patent?

11 A. So if I go back to the '382 patent it's  
12 talking about uniformity and evenness and that sort  
13 of thing which is an implied number that you want to  
14 have uniformity means it's the same across the area  
15 where you can speculate all you want and back out  
16 numbers depending upon how it's measured. There's  
17 nothing in my declaration that talks about number,  
18 numerical values of the '382 patent's diffuser. Not  
19 in my declaration.

20 Q. Not in the '382 patent either right?

21 A. Well, it's not in my declaration.

22 MR. FERRARIO: Neal, Mr. Bohannon, why  
23 don't we take a break here. Maybe 15 minutes.  
24 We'll come back on at 2:15. Sound good?

25 THE WITNESS: Well, I may want a few

1 minutes more than 15, so.

2 MR. FERRARIO: How much would you like,  
3 Mr. Bohannon? What would you like?

4 THE WITNESS: Let's do 20.

5 MR. FERRARIO: All right. We'll be back  
6 on at 2:20.

7 (A recess was taken at 2:01 p.m., and the  
8 deposition reconvened at 2:21 p.m.)

9 (Exhibit 2003 was introduced for  
10 identification, not attached at the end of the  
11 original transcript.)

12 MR. FERRARIO: I've placed into chat  
13 Exhibit 2003 which is the declaration of William  
14 K. Bohannon, and I'm going to share that with  
15 you, Mr. Bohannon, now. This has Exhibit 2003  
16 on it.

17 THE WITNESS: The one I have says 2001 at  
18 the bottom of the page there.

19 Q. (By Mr. Ferrario) Does the bottom of your  
20 page also have Exhibit 2001?

21 A. Yes. You can see it, 2001.

22 Q. And does it have 31 pages as well?

23 A. Yes.

24 Q. And if you flip to the end of the paper  
25 copy that you have, is it dated November 30th, 2023?

1 A. Yes. It is.

2 Q. And is your signature the one that I am  
3 showing here on the screen?

4 A. It looks identical to that one.

5 MR. FERRARIO: So, Neal, can we agree what  
6 Mr. Bohannon is using is the same declaration  
7 that is being shown and was submitted as  
8 Exhibit 2003 in the IPR?

9 MR. MASSAND: Yes. We can agree.

10 Q. (By Mr. Ferrario) All right. Going back  
11 to the patent, Mr. Bohannon, I'll ask you a few more  
12 questions about distances and I wanted to start by  
13 looking at Claim 8.

14 Do you see it?

15 A. I see Claim 8.

16 Q. And Claim 8 refers to the third distance.  
17 Do you see that?

18 A. Yes, I can read it.

19 Q. And it talks about a relationship between  
20 the third distance and the first distance.

21 Do you see that?

22 A. I do.

23 Q. And the first distance is approximately  
24 one half the third distance. Right?

25 A. You've read that correctly.

1           Q.     Now, Claim 9 also refers to distances; and  
2     this claim refers to the second distance.

3                     Do you see that?

4           A.     I do.

5           Q.     And this recites that the second distance  
6     comprises a distance in a range between the third  
7     distance and 1.5 times the third distance.

8                     Do you see that?

9           A.     Yeah. I can read it.

10          Q.     And when you read and understood this  
11     claim term, did you understand that the second  
12     distance could equal the third distance?

13          A.     It's a range between the third distance  
14     and the 1.5 times the third distance. So when I read  
15     that sentence, it's -- it says a range between third  
16     distance and 1.5 times the third distance.

17          Q.     And so I'm trying to understand how you  
18     interpreted the phrase "a range between"?

19          A.     Did I say that in my declaration?

20          Q.     You interpreted the claim. So I'm trying  
21     to understand how you interpreted it and what your  
22     understanding was. And my question is in your  
23     interpretation of the claim, can the second distance  
24     equal the third distance?

25          A.     I'm looking through my declaration to see

1 if I discussed that or not. On Page 19 it looks like  
2 the one place where I talk about Claim 9 and the  
3 second distance and all that. So it looks like under  
4 heading E Kobayashi does not disclose the second  
5 distance is 1-1.5x the third distance of Claim 9. So  
6 maybe it's not definitive in saying it equals 1.5 but  
7 it looks like it goes from 1 to 1.5 times the third  
8 distance.

9 Q. You understood the claim language to  
10 include the end points in the range?

11 MR. MASSAND: Objection to form.

12 THE WITNESS: Well, my declaration doesn't  
13 talk about that the way you would like. I just  
14 say there that in heading E Kobayashi doesn't  
15 disclose the second distance is 1-1.5x the third  
16 distance of Claim 9. So I can't be any more  
17 precise than that.

18 Q. (By Mr. Ferrario) And when you read the  
19 Claim 9, did you have an understanding of whether it  
20 included the end points or not?

21 A. Well, we've asked and answered this about  
22 three times so far. The claim reads a range between  
23 the third distance and 1.5 times the third distance.

24 Q. It's your understanding that --

25 A. It doesn't specifically call out the end

1 points.

2 Q. So how do you interpret that then?

3 A. It's a range between.

4 Q. I know you keep repeating the phrase but  
5 I'm asking you how you understand it?

6 A. I understand it as a range between.

7 Q. Does that include the end points?

8 A. It's a range between. It's a range  
9 between.

10 Q. I didn't get your answer. Does that  
11 include --

12 A. I said it's a range between.

13 Q. Yeah. I understand you keep saying the  
14 phrase. I'm asking you does it include the end  
15 points?

16 MR. MASSAND: Objection to form.

17 THE WITNESS: It doesn't include, it  
18 doesn't specifically say end points. It says a  
19 range between. It doesn't also say as close as  
20 you can get to the end points either. It says a  
21 range between. 1-1.5 times the third distance.  
22 So that's as good as I can get for you.

23 Q. (By Mr. Ferrario) So you can't answer my  
24 question if your understanding or one of skill in the  
25 art would read Claim 9 and understand that the range

1 includes or does not include the end points? I don't  
2 care what the answer is. Just tell me please how you  
3 understand the claim.

4 MR. MASSAND: Objection to form.

5 THE WITNESS: Well, I've told you several  
6 times I believe it's the range between the third  
7 distance and 1.5 times the third distance.

8 Q. (By Mr. Ferrario) Does it include the end  
9 points?

10 A. I understand that wherein the second  
11 distance comprises a distance in a range between the  
12 third distance and 1.5 times the third distance.

13 Q. Does it include the end points?

14 MR. MASSAND: Objection to form.

15 THE WITNESS: So I've answered it. I  
16 guess I should keep count here which point --  
17 I'm trying to determine at which point you'll  
18 stop. But I read this as a range between the  
19 third distance and 1.5 times the third distance.

20 Q. (By Mr. Ferrario) Is 1 the distance  
21 between the third distance and 1.5 times the third  
22 distance?

23 A. So Claim 9 reads, the device of Claim 2  
24 wherein the second distance comprises a range between  
25 the third distance and 1.5 times the third distance.

1 Q. Is 1.1 between 1 and 1.5?

2 A. So I read it as a range between the third  
3 distance and 1.5 times the third distance.

4 Q. Does 1 fall in a range between 1 and 1.5?

5 MR. MASSAND: Objection to form.

6 THE WITNESS: So I read that as a range  
7 between the third distance and 1.5 times the  
8 third distance. There is nothing in my  
9 declaration that construes that claim any better  
10 for you, so it's outside the scope.

11 Q. (By Mr. Ferrario) Does 1.2 fall in a  
12 range between 1 and 1.5?

13 MR. MASSAND: Objection to form.

14 THE WITNESS: I don't have a discussion of  
15 what that 1 to 1.5 includes or doesn't include.  
16 It's outside the scope of my declaration.

17 Q. (By Mr. Ferrario) Does 1.3 fall in a  
18 range between 1 and 1.5?

19 MR. MASSAND: Objection to form.

20 THE WITNESS: Now you're the one who is  
21 being argumentative.

22 Q. (By Mr. Ferrario) Are you going to answer  
23 my question?

24 A. I don't think I can answer your question.  
25 It's outside the scope. I don't go into a big study

1 of the construction of what that "range between"  
2 means. To me it's plain language, range between.

3 Q. Does 1.5 fall between a range between 1  
4 and 1.5?

5 MR. MASSAND: Objection to form.

6 THE WITNESS: So it's a range between the  
7 third distance of 1.5 times the third distance.

8 Q. (By Mr. Ferrario) Does 1.5 fall between a  
9 range between 1 and 1.5?

10 MR. MASSAND: Objection to form.

11 THE WITNESS: It's outside the scope of my  
12 declaration.

13 Q. (By Mr. Ferrario) Does 1.6 fall within a  
14 range between 1 and 1.5?

15 MR. MASSAND: Objection to form.

16 THE WITNESS: You're outside the scope.

17 Q. (By Mr. Ferrario) So you're refusing to  
18 answer?

19 A. It's outside the scope of my declaration.  
20 I don't go into a big analysis of each one of these  
21 claim terms. We're not doing claim construction to  
22 my knowledge.

23 Q. Yeah. So just to confirm you have the  
24 question. You're just refusing to answer it; is that  
25 right?

1 MR. MASSAND: Objection.

2 THE WITNESS: I'm not refusing to answer.

3 I give you an answer, and you don't like it. So  
4 you ask it again. And I give you an answer, and  
5 you don't like it. And so you ask again. And  
6 we go on and on and on. So I'm answering.

7 Q. (By Mr. Ferrario) I want the record to be  
8 clear because the board will see this.

9 So just for clarity, does 1.6 fall in a  
10 range between 1 and 1.5?

11 MR. MASSAND: Objection.

12 THE WITNESS: My opinion as stated in my  
13 declaration is that I think this language is  
14 quite clear. It's plain language and it reads a  
15 range between the third distance and 1.5 times  
16 the third distance.

17 Q. (By Mr. Ferrario) And that's your answer.  
18 Right?

19 A. That's what the claim says.

20 Q. But that's your answer to my question? I  
21 just want to make sure that's clear. Right?

22 A. That's what the claim says. You're asking  
23 me about the claim. I'm telling you how the claim  
24 reads.

25 Q. Looking at Claim 1 I want to go back to

1 the language and ask you some questions about the  
2 diffuser plate, okay? Sound okay?

3 A. I suppose. I'm waiting for your question.

4 Q. Well, that is a question. I want to ask  
5 you if that's okay. So I would appreciate it if you  
6 would respond to my questions.

7 Claim 1 recites a diffuser plate but  
8 doesn't say anything else about that plate. Correct?

9 A. You keep moving it around I have to get my  
10 own copy of the patent up here. So I'm looking at  
11 Claim 1. What's your question?

12 Q. So Claim 1 recites a diffuser plate.  
13 Do you see that?

14 A. I see it.

15 Q. And what is a diffuser plate?

16 A. It says here it's configured to define the  
17 first diffusion plane.

18 Q. Now, going to Claim 18 it's an independent  
19 claim from independent Claim 1.

20 Do you see that?

21 A. Yeah. I'm looking to see it in my  
22 declaration where I talk about Claim 18. So I'm  
23 looking through my declaration, and I don't see a  
24 discussion of Claim 18.

25 Q. You read Claim 18 in connection with

1     forming opinions in your declaration, though, right?

2           A.     There is not Claim 18 -- is Claim 18 a  
3     part of this IPR?

4           Q.     My question is did you read Claim 18 in  
5     forming opinions in your declaration?

6           A.     So where in my declaration do I discuss  
7     Claim 18 --

8           Q.     That's not my question.

9           A.     -- as a part of this IPR?

10          Q.     My question is did you read Claim 18 in  
11     forming opinions that you set forth in your  
12     declaration?

13          A.     Well, if it's an opinion set forth in my  
14     declaration. But I'm asking you is Claim 18 a part  
15     of this IPR, yes or no.

16          Q.     Look, I get to ask the questions  
17     unfortunately, Mr. Bohannon. So if you would just  
18     answer my questions, this will go a lot smoother.

19          A.     You kind of need to help me out if you  
20     want smoothness here. You're asking me my opinion.

21          Q.     I am asking you did you read Claim 18 in  
22     connection with forming your opinions in your  
23     declaration?

24          A.     All I can say is maybe. I am looking to  
25     see where in my opinion I talk about Claim 18.

1           Q.     Well, that's not necessary for my  
2 questions. And if you don't recall, you can say you  
3 don't recall. If you didn't you can say, no, I  
4 didn't. And if you did you can say yes. It's that  
5 simple.

6           A.     Well, I read the patent in its entirety.  
7 And you asked me about my opinions in relation to  
8 Claim 18. And I'm looking for my opinion in relation  
9 to Claim 18 specifically.

10          Q.     All right. Well, let's try to get back on  
11 track here and let me just proceed with my questions.

12                 Do you see the reference to a structured  
13 refractive diffuser?

14          A.     Where? Which claim are you talking about?

15          Q.     18.

16          A.     So the diffuser plate comprises a  
17 structured refractive diffuser that includes a  
18 plurality of extrusion peaks divided by a plurality  
19 of extrusion grooves.

20          Q.     What is a structured refractive diffuser?

21          A.     Well, I think the claim it's quite clear.  
22 A person of ordinary skill in the art would see that  
23 refractive descriptive diffuser includes a plurality  
24 of extrusion peaks that are divided by a plurality of  
25 extrusion grooves.

1 Q. What is a refractive diffuser?

2 A. I think there's probably a picture of that  
3 stuff in here. Probably that Figure 6 stuff.

4 Q. Are you referring to Figure 6A or B?

5 A. It looks like both of them.

6 Q. So those are both examples of a refractive  
7 diffuser?

8 A. I'm not sure.

9 Q. Well, what does it mean to refract? What  
10 does it mean to refract light?

11 A. Bend.

12 Q. (Indicating)?

13 A. I said to bend.

14 Q. To bend. Does it mean to bend in any  
15 particular way or orientation?

16 A. It's another one of those terms I don't  
17 think we've construed.

18 Q. Does one of skill in the art have an  
19 understanding of what that term means?

20 A. I'm sure. It's looks like on Column 7 of  
21 the patent it talks about, reference is now made to  
22 figures 6A and 6B which are a side sectional -- a  
23 side cross-sectional view and a top view of a  
24 structured refractive diffuser in accordance with  
25 some embodiments of the invention.

1                   So that stuff in Column 7, Line 60 down to  
2   Column 8 and 9, 5 -- well, just go on down to about  
3   14 or 15 or so. That talks about the refractive  
4   extrusions and the angles and all of that stuff.

5           Q.     Thank you. And are the refractive  
6   extrusions claimed in Claim 18 and shown in figures  
7   6A and 6B, are those prismatic extrusions?

8           A.     So where are you getting the terminology  
9   "prismatic extrusion"?

10          Q.     I'm just asking you.

11          A.     So I'm not going to speculate. I mean, if  
12   you look at Column 8 it talks about how these  
13   refractive extrusions may include a quadrilateral  
14   base and four extrusion facets that are configured to  
15   converge at the extrusion peak. May be considered  
16   as crossed linear -- oh, there you go. Refractive  
17   extrusions may be considered as crossed linear  
18   prismatic refractive lenselets. In some embodiments  
19   refractive extrusions may be configured using other  
20   base shape geometries such as hexagonal, circular,  
21   elliptical, and/or octagonal, among others.

22          Q.     So the extrusions shown in figure A are  
23   prismatic?

24                 MR. MASSAND: Objection to form.

25                 THE WITNESS: Well, I don't think it says

1           that. It says, in some embodiments the  
2           refractive extrusions may be considered as  
3           crossed linear prismatic refractive lenselets.  
4           So it doesn't have the words you want in there.  
5           I'm reading from Column 8, Line 10 and 11.

6           Q.       (By Mr. Ferrario) Yeah. So the reference  
7           there to "prismatic," does that mean prisms?

8           A.       It means crossed linear prismatic  
9           lenselets. I don't see a picture in there. So it's  
10          hard to see what they're really referring to, and I'm  
11          not going to speculate.

12          Q.       I want you to explain to me. You're the  
13          expert.

14                    So "prismatic" is that referring to the  
15          shape of a prism?

16          A.       I'm not sure. I think the terminology is  
17          fairly clear, but it's not clear to me exactly what  
18          he wants in those things.

19          Q.       What does the phrase "crossed linear" mean  
20          to you?

21          A.       I think if you look at Figure 6B, you'll  
22          see a bunch of drawings.

23          Q.       And the drawings show crossed linear?

24          A.       Let's see if it says what's in 6B.  
25          Refractive extrusions. So I'm not sure what the

1 inventor is talking about precisely.

2 Q. The '382 specification to my reading  
3 refers to refractive prismatic structures as  
4 lenselets.

5 Do you agree with that?

6 MR. MASSAND: Objection to form.

7 THE WITNESS: Well, if you look at Line 10  
8 where it says, the refractive extrusions may be  
9 considered as crossed linear prismatic  
10 refractive lenselets, it's as good as we're  
11 going to get.

12 Q. (By Mr. Ferrario) What are lenselets?

13 A. That's a simple term. Everybody  
14 understands.

15 Q. Is it the same thing as a lens?

16 A. I think it means some kind of a small lens  
17 or a small lens that's a part of a bigger lens. It's  
18 hard to tell.

19 Q. And then do figures 6A and 6B show  
20 prismatic lenses then?

21 A. I'm not sure. I mean 6A and 6B show a  
22 structured, the structured refractive diffuser plate.  
23 So that's as good as it's going to get the structured  
24 refractive diffuser plate.

25 Q. Well, then the '382 patent explains that

1 those structured refractive diffuser plates are made  
2 with crossed linear prismatic refractive lenselets  
3 right?

4 A. No.

5 Q. The '382 patent states that the refractive  
6 extrusions 182 may be considered as crossed linear  
7 prismatic refractive lenselets?

8 A. It says precisely. It's that word  
9 precisely. Let's see. I'm not finding the exact  
10 word.

11 Q. If I can direct your attention to  
12 Column 8, Line 10.

13 A. Some embodiments the refractive extrusions  
14 may be considered as crossed linear prismatic  
15 refractive lenselets. So in some embodiments it may  
16 be. I think that's as good as it's going to get for  
17 you.

18 Q. And it references to 182 and figures 6A  
19 and B. Correct?

20 A. I don't know what you mean by "correct."

21 Q. I just want to confirm that the  
22 refractive -- I'm sorry. Let me rephrase it.

23 I want to confirm that the crossed linear  
24 prismatic refractive lenselets is referred to in  
25 figures 6A and B as element 182?

1           A.     That appears to be so.

2           Q.     And in Figure 6A the cross section is  
3 shown as a prism shape. Right?

4           A.     I don't think so. It looks like a  
5 triangle.

6           Q.     A triangle shape, okay. And then in  
7 Figure 6B it looks like it's a quadrilateral  
8 extrusion.

9                     Would you agree with that?

10          A.     No. Does it say what it looks like in 6B?  
11 It looks like, you know, a four sided triangle shape  
12 thing of some sort. We've got the cross section in  
13 the top view. So you can work with that as much as  
14 you want. 182 it seems to point to one facet.

15          Q.     I see. And I think if I'll direct your  
16 attention to Line 6 it says, Referring to Figure 6B,  
17 the refractive extrusions 182 may include, for  
18 example, a quadrilateral base and four extrusion  
19 facets 188.

20                     Do you see that?

21          A.     I do.

22          Q.     So you understand that Figure 6B, element  
23 188 points to an extrusion facet?

24          A.     There is a point to something that would  
25 be called the extrusion facet 188.

1 Q. And they converge at a point 184?

2 A. They call it a peak, converge at extrusion  
3 peak 184.

4 Q. And these are prismatic structures?

5 A. It says, In some embodiments the  
6 refractive extrusions may be considered as crossed  
7 linear prismatic refractive lenselets.

8 Q. And that disclosure to one of skill in the  
9 art would explain that these lenses bend light; is  
10 that right?

11 MR. MASSAND: Objection to form.

12 THE WITNESS: I don't see any diagrams  
13 that show, you know, what the exact optical  
14 properties of these things are. I mean, they're  
15 refractive. So there's some bending going on.  
16 But precisely how they operate is not disclosed  
17 very clearly in here. So we're just speculating  
18 from here on.

19 Q. (By Mr. Ferrario) Does one of skill in  
20 the art need more information to understand how these  
21 would work or is it enough to just describe them as  
22 structured refractive diffusers?

23 MR. MASSAND: Objection.

24 THE WITNESS: I would let the words speak  
25 for themselves.

1           Q.       (By Mr. Ferrario) So does one of skill in  
2 the art understand what a structured refractive  
3 diffuser is?

4           A.       Well, if you look at the figures in the  
5 description, you can understand what the inventor is  
6 trying to describe.

7           Q.       A quadrilateral extrusion that bends  
8 light?

9           A.       Well, if you read like at the bottom of  
10 Column 7, Referring to Figure 6A, a structured  
11 refractive diffuser plate 180 may include multiple  
12 refractive extrusions that may be arranged in a  
13 pattern including rows and columns.

14                   The refractive extrusions may include  
15 peaks divided by grooves, et cetera, et cetera. And  
16 the peaks may be formed to include a peak angle. And  
17 the diffuser plate may be formed using materials such  
18 as polycarbonate. So there's a lot of waffle words  
19 in there. "May" is coming on every element in there.

20           Q.       And in fact it even explains later that  
21 the refractive extrusions don't even have to be  
22 prismatic in shape. They can be hexagonal, circular,  
23 elliptical, octagonal, and other shapes. Right?

24           A.       So the patent doesn't have your words in  
25 it. The patent reads, In some embodiments the

1 refractive extrusions may be configured using other  
2 base shape geometries such as, for example,  
3 hexagonal, circular, et cetera, among others. So  
4 it's pretty wide open.

5 Q. It's not just limited to prismatic shapes.  
6 Right?

7 A. So do you want me to read it again? In  
8 some embodiments the refractive --

9 Q. Mr. Bohannon, I'm just asking you it's  
10 just not limited to prismatic shapes right I mean?

11 A. I would not agree with you. In some  
12 embodiments it may include this, that, or the other.

13 Q. Yeah. So some embodiments include  
14 prismatic shapes and some include other shapes; is  
15 that fair?

16 A. So some embodiments include -- in some  
17 embodiments refractive extrusions may be configured  
18 using other base shape geometries such as hexagonal,  
19 circular, elliptical, and/or octagonal, among others.  
20 And there's no drawings to show how those things work  
21 or what they do or what they look like.

22 Q. One of skill in the art would understand  
23 what those are. Right?

24 A. One of skill in the art would certainly  
25 read that, those lines, and understand that it was

1 pretty open to being four-sided or six-sided or  
2 eight-sided or elliptical or circular or whatever.

3 Q. So some type of extruded material that  
4 bends light?

5 MR. MASSAND: Objection to form.

6 THE WITNESS: I'm not necessarily agreeing  
7 with you. I mean the words here are quite  
8 clear. If you want to put it in your own  
9 format, go right ahead. I don't have to agree  
10 with it.

11 Q. (By Mr. Ferrario) Does a lens refract  
12 light?

13 A. Lenses generally refract light.

14 Q. Does a convection lens refract light and  
15 convert it?

16 A. So I don't go through a whole structured  
17 description of all of the optical elements in my  
18 declaration so you're outside the declaration.

19 Q. Does a concave lens refract light to  
20 spread it?

21 A. So I don't describe concave lenses in my  
22 declaration, do I? I know I talk about bell lenses.

23 Q. Are you not able to answers the question?

24 A. Well, you want me to agree with you on  
25 some term, and I'm not going to do that. I mean the

1 terms are -- my declaration is finished, and we're  
2 supposed to be examining that. The patent is what it  
3 is, and we've examined that. And now you're looking  
4 for other words and definitions.

5 Q. Well, what words is it "concave" and  
6 "convection" that are problematic for you? Are those  
7 words difficult?

8 A. You're just asking me to speculate based  
9 upon something I'm not sure what.

10 Q. So it would require you to speculate in  
11 order to answer the question whether a convex lens  
12 focuses light?

13 MR. MASSAND: Objection to form.

14 THE WITNESS: I don't go through a whole  
15 tutoring session of what lenses do in my  
16 declaration.

17 Q. (By Mr. Ferrario) Do you know the answer?

18 A. It's not in my declaration, is it? I  
19 thought we were to be cross-examined on the  
20 declaration. I'm waiting for that to happen.

21 Q. That is fine. I'm just asking you if you  
22 know the answer to the question?

23 A. It's not in my declaration is it?

24 Q. Do you know the answer to my question?

25 A. It's not in my declaration is it?

1           Q.       Well, I tell you what I will be happy to  
2 confirm what is and what is not in your declaration,  
3 but I would ask you to please answer my question.  
4 And that is, do you know the answer to the previous  
5 question that I asked you?

6           A.       You know I know the answers. I'm not  
7 going to explain it to you.

8           MR. MASSAND: Matias, I mean, to the  
9 extent you are asking questions outside the  
10 scope of his declaration, you know, he's not  
11 here to give you opinions. If it's within the  
12 scope of his declaration, have at it.

13          MR. FERRARIO: First of all let me say,  
14 Neal, you ought to be making your objections.  
15 You can say object to form; object, scope;  
16 object, hearsay. You know that. That's in the  
17 trial practice guidelines. You are welcome to  
18 make those objections. Instead I think it's  
19 Mr. Bohannon that's making those objections. I  
20 think those objections are improper. I think  
21 these are foundational technical questions one  
22 of skill in the art would both know and should  
23 answer relevant to his opinions. But this is a  
24 discussion that we can have with the board.  
25 We'll show the board Mr. Bohannon's testimony.

1           We'll go through it all. It's on the record.  
2           So let's save that. Let me just ask the  
3           questions. And I'll get answers or I don't get  
4           answers. I don't really care.

5           MR. MASSAND: You are looking for answers  
6           outside the scope of his opinion, you know.

7           MR. FERRARIO: Objection; form. Object to  
8           form.

9           MR. MASSAND: It's outside the scope of  
10          the declaration.

11          Q.        (By Mr. Ferrario) Mr. Bohannon, let's go  
12          back to the '382 patent if you will, and I want to  
13          ask you about 7.

14                 Do you see it here?

15          A.        7, the device of Claim 2 wherein the  
16          diffuser sheet comprises a diffuser film, a  
17          brightness enhancing film, a polarizing film, and a  
18          substantially clear plate configured to support the  
19          diffuser film, the brightness enhancing film, and the  
20          polarizing film, Claim 7.

21          Q.        Thank you for reading that.

22                 What is a brightness enhancing film?

23          A.        Well, you know that from the last time  
24          we've gone on. A brightness enhancing film is that  
25          there is no clear definition of a brightness

1 enhancing film, although in this particular patent --  
2 let's see if I can find the spot. Let me look on  
3 this. Give me a minute. I'm finding a spot in the  
4 patent.

5 Q. Well, maybe I'll find it for you to speed  
6 things along.

7 Are you looking at this section?

8 A. If you look at Column 6. Column 6 about  
9 Line 42 or so.

10 Do you see that?

11 Q. Are you referring to the reference to  
12 prismatic brightness enhancing film?

13 A. Yes. I am. And references are made. It  
14 says, Commercial examples of such films may include  
15 products such as those available under the name  
16 Vikuiti, among others. So that's about as much of a  
17 definition of a "brightness enhancing film" you're  
18 going to get out of the '382.

19 Q. Well, that may be enough. Let's see. I  
20 mean so we know it's a film, right?

21 A. What's a film?

22 Q. That a brightness enhancing film is a  
23 film. Right?

24 A. A brightness enhancing film is a film. I  
25 mean, that's pretty clear.

1 Q. And the brightness enhancing film enhances  
2 brightness. Right?

3 A. Well, they do something. I'm not  
4 precisely sure if it describes what it's supposed to  
5 do in here.

6 Q. And they're prismatic. Right?

7 A. Well, it says here, May include such films  
8 as a prismatic brightness enhancing film or a  
9 multilayer based reflective polarizer film and then  
10 there's the Vikuiti thing. And I'm not sure if  
11 prismatic is contained within that definition or not.  
12 I don't think it's completely necessary to be  
13 prismatic.

14 Q. But it may be prismatic; is that right?

15 A. No.

16 Q. I'm sorry. Could you repeat yourself?  
17 You were breaking up.

18 A. So if you read from Line 40 on that  
19 Column 6 it says that, In some embodiments the  
20 diffuser sheet may include other films such as a  
21 prismatic brightness enhancing film and/or multilayer  
22 reflective film, not shown. And commercial examples  
23 are those available under the name Vikuiti. I think  
24 that's as good as we're going to get for what's in  
25 it. Brightness enhancing film, and you can argue

1       about it word by word.

2           Q.       I'm not arguing. I'm just asking you  
3       questions.

4                    So the brightness enhancing film here  
5       disclosed in the '382 includes prismatic refractive  
6       structures; is that right?

7           A.       It doesn't say those words. It says a  
8       prismatic brightness enhancing film, BEF.

9           Q.       Does the brightness enhancing film bend  
10      light?

11          A.       I'm just saying, I mean, you know, we've  
12      argued about this stuff on the other IPRs. Some of  
13      them have special qualities that do something to  
14      enhance the brightness. Whether it actually works or  
15      not is another question.

16          Q.       I'm sorry? If you can say that again.

17          A.       You can get the Vikuiti thing from 3M and  
18      play with it all you want.

19          Q.       Does the brightness enhancing film  
20      disclosed by the '382 patent include prismatic  
21      structures?

22          A.       Well, it's referred to as a prismatic  
23      brightness enhancing film, BEF. So, I mean, the  
24      words are there. So I don't know what more you want.

25          Q.       That's enough.

1 Does a BEF collect light?

2 A. What do you mean by "collect light"?

3 Q. What does it mean to collect light in the  
4 context of optical films used for displays?

5 A. I'm not sure what you're getting at. I'm  
6 not sure what "collect light" means. If you can  
7 explain yourself a little better.

8 Q. No. That's fine. That's totally fine.  
9 I'm not asking you to make up anything. So if you  
10 don't understand what it means, I'll move on and  
11 maybe ask another question if I can.

12 All right. Let's move to -- I'm going to  
13 drop in the chat for references what you covered in  
14 your report. I've got to stop sharing here for a  
15 second. I'm going to share. This should be coming  
16 across here. All right. Are you able to see this  
17 document here?

18 A. So this is the Kobayashi.

19 (Exhibit 1006 was introduced for  
20 identification, not attached at the end of the  
21 original transcript.)

22 Q. (By Mr. Ferrario) Okay. Good. You  
23 recognize it. Now, Mr. Bohannon, I've also dropped  
24 this in the chat, which it should be in a PDF form  
25 that you should be able to open if you like. Let's

1 just go through this document. So do you see how  
2 this is labeled as Exhibit 1006?

3 A. Yes. I see that, 1006. Pages 1 through  
4 14.

5 Q. And you recognize this as a Japanese  
6 unexamined patent application. I think you called it  
7 Kobayashi. Right?

8 A. It's an English translation of it. It's  
9 not the actual one.

10 Q. Okay. And this is a document you are  
11 familiar with. Right?

12 A. Yes. I've seen it before. I read it.

13 Q. Now, Kobayashi relates to backlight unit;  
14 is that right?

15 A. What do you mean by "relates to"?

16 Q. I'm sorry. Well, I'll be more precise  
17 then. I know you like to read things. The title of  
18 Kobayashi's invention is entitled backlight unit.  
19 Right?

20 A. Yes.

21 Q. And it's a backlight unit for display  
22 devices. Right?

23 A. Yes.

24 Q. And it uses LEDs as light sources?

25 A. Yes.

1 Q. And then it mentions reducing the  
2 eye-catching lamp image.

3 Do you see that?

4 A. I do.

5 Q. What is eye-catching lamp image?

6 A. Spots. You don't want to see bright  
7 spots. It's like I was talking about with the '382  
8 patent. And the purpose for the '382 patent was  
9 providing a uniform backlight so you wouldn't see  
10 spots.

11 Q. All right. Thank you. So Kobayashi  
12 discloses a backlight unit with two diffusing plates.  
13 Right?

14 A. Not necessarily. It's a backlight unit  
15 with a Fresnel lens in the place of one diffusing  
16 plate. I mean, I would call it a lens plate rather  
17 than a diffusing plate.

18 Q. Okay. So I understand what you call it.  
19 But Kobayashi calls it a diffusing plate 4. Right?

20 A. Kobayashi says diffusing plate with a lens  
21 having total light transmittance and light  
22 diffusivity of 0.5 to 30 percent, which is a really  
23 low percentage for diffusivity. I mean, 0.5 percent  
24 diffusivity is basically not there. I mean, anything  
25 is going to scatter that much light. A piece of

1 plain glass will probably be 0.5 percent diffused.

2 Q. Can you answer my question?

3 Kobayashi calls it a diffusing plate 4  
4 with a lens. Correct?

5 A. Yes.

6 Q. And Kobayashi also calls it diffusing  
7 plate 5. Correct?

8 A. You said called it diffusing. So there's  
9 diffusing plate 4, and there's diffusing plate 5.

10 Q. So there are two diffusing plates. Right?

11 A. There appears to be so.

12 Q. Now, diffusing plate 4 has a refractive  
13 structure on it. Correct?

14 A. Diffusing plate 4 is a lens.

15 Q. Diffusing plate 4 includes a lens in some  
16 embodiments of Kobayashi. Correct?

17 A. Diffusing plate 4 is a lens in the figures  
18 and the description.

19 Q. Let's look at the figures here. Diffusing  
20 plate 4 is shown in this Figure 1 of Kobayashi.  
21 Correct?

22 A. Let me get to Figure 1.

23 Q. Is that correct? Diffusing plate 4 is  
24 shown in Kobayashi?

25 A. So I'm going to scroll down to see

1     Figure 1.   So diffusing plate 4, the lens or  
2     diffusing lens or the Fresnel lens, plate 4 is there  
3     in Figure 1.

4           Q.     And 4, the line goes to the plate.  
5     Correct?

6           A.     What do you mean by "line"?

7           Q.     Do you see a line between the Number 4 and  
8     the structure shown?

9           A.     Oh, you mean the callout.   Yes.   I see a  
10    squiggly line.

11          Q.     And it goes to the plate.   Correct?

12          A.     It goes to the plate which consists of a  
13    lens.   It goes to the lens, plate 4.

14          Q.     So the lens in this figure is that shown  
15    as the triangles on top of the plate and the bottom  
16    of the plate?

17          A.     That's the way Fresnel lenses are built.

18          Q.     The lens are these triangles on top?

19          A.     Well, it's more than triangles.   You know,  
20    the Fresnel lens is a lens.   It's like a circular  
21    thing like a record player, you know, where you've  
22    got grooves and structure that focus the light.

23          Q.     So did you understand Kobayashi to only  
24    disclose Fresnel lenses as part of diffusion plate 4?

25          A.     It's pronounced Fresnel.   The S is silent.

1     It's French.

2           Q.     So did you understand Kobayashi to only  
3     disclose Fresnel lenses as part of the diffusing  
4     plate?

5                   MR. MASSAND:  Objection.

6                   THE WITNESS:  Well, it says if you look on  
7     Page 6 -- so it says at the bottom of Page 5  
8     which continues to Page 6 it says, Lensed  
9     diffusing plate 4 has a lens shape on at least  
10    one side.

11                  Various lens combinations are conceivable  
12    such as general uneven R lens shape, prism  
13    shape, pyramid shape, glider lens shape, Fresnel  
14    lens shape, moseye lens shape, lenticular lens  
15    shape but preferably with a Fresnel lens.

16                  The light incident surface of the  
17    diffusion plate in the vicinity of the LED  
18    located in the center is Fresnel with convex  
19    toward the light, cone with an apex angle, et  
20    cetera.  So he goes on to describe the Fresnel  
21    lens in great detail.

22           Q.     (By Mr. Ferrario)  So Kobayashi also  
23    discloses prism-shaped lenses?

24           A.     It says preferable with Fresnel lens.

25           Q.     I didn't ask you which he preferred.  I'm

1 asking you if Kobayashi also discloses prism-shaped  
2 lenses?

3 A. Yes. It does. R shape lens, prism shape,  
4 pyramid shape, glider lens shape, et cetera.

5 Q. Does Kobayashi also disclose a diffusing  
6 plate 4 without a lens, any type of lens?

7 A. Not to my knowledge. It says diffusing  
8 lens, diffusing plate 4. So in the description the  
9 title of plate 4 it's a lens diffusing plate. It has  
10 a lens shape on at least one side. So I think it  
11 shuts out anything other than a lens diffusing plate.

12 Q. So do you see this Comparative Example 1?

13 A. Where?

14 Q. I'm sharing the screen with you. At '78  
15 do you see this?

16 A. I see that.

17 Q. Does Comparative Example 1 disclose a  
18 diffusing plate 4 without a lens function?

19 A. I'm not sure what Comparative Example 1 is  
20 there for.

21 Q. I didn't ask you what it was there for,  
22 Mr. Bohannon. I just asked you if that example  
23 discloses a diffusing plate 4 without a lens  
24 function?

25 A. It's a comparative example. I don't know

1     what they're comparing it to. I'm taking issue with  
2     the title "comparative example."

3             Q.     I'm not asking you to take -- I mean, you  
4     can take issue with it, but can you answer my  
5     question?

6                     Does it disclose a diffusing plate 4  
7     without a lens?

8             A.     It says what it says. But I'm not sure  
9     what they mean by "comparative example." If it's  
10    part of the invention or just something they threw up  
11    for fun.

12                    MR. MASSAND: Is this a good spot for a  
13    five- or 10-minute break?

14                    MR. FERRARIO: Yeah, maybe. We've only  
15    been going for a little bit here. May I get  
16    through one more section? Is that okay just  
17    while we're in this reference? I'm trying to  
18    see if I can figure this out.

19                    MR. MASSAND: Yeah. It's fine. It's  
20    totally fine. It's fine with me if it's fine  
21    with William as well.

22                    THE WITNESS: I'm okay.

23             Q.     (By Mr. Ferrario) So I want to talk to  
24    you about the ratio disclosed by Kobayashi and I'm  
25    here in Paragraph '20. And so just for foundation

1 you understand that Kobayashi discloses a distance A  
2 and a distance B and then talks about the ratio  
3 between those two distances. Right?

4 A. So what part are you actually trying to  
5 refer me to? This is a Kobayashi reference?

6 Q. Yes. And, I mean, it's kind of what is at  
7 heart, what the heart of Kobayashi goes to, which is  
8 the distance between the diffusers.

9 A. What page?

10 Q. I'm looking at Paragraph '20, which I am  
11 sharing on the screen here with you. And you're  
12 familiar with this because you provided testimony on  
13 this. Let me know when you are there.

14 A. The paragraph that says, A is 10  
15 millimeters or more; B is 10 to 100?

16 Q. That's what I am going to ask you some  
17 questions about.

18 So in Paragraph '20 Kobayashi discloses  
19 the ratio of A to B.

20 Do you see that?

21 A. The ratio of A to B is preferably in the  
22 range of 0.2 to 1.0.

23 Q. That's what I am referring to. Are you  
24 familiar with that disclosure in Kobayashi?

25 A. Yeah. I read it before, and I want to go

1 back and make sure that I know what it means.

2 Otherwise, you will ask me questions that I can't  
3 answer.

4 Q. Well, why don't we go to the figure just  
5 to orientate ourselves. So you understand that A  
6 refers to the distance between the LED and the second  
7 diffusion plane. Right?

8 A. So I am looking at Figure 1, I guess,  
9 where A is measured from the top of the box marked 1,  
10 which I guess is referring to the light emitters. So  
11 we're going from the top of the light emitter box to  
12 the top of plate 5. And that's called A.

13 And B is from the middle of the light  
14 emitter box to the middle of the next adjacent light  
15 emitter box, and that's marked B.

16 Q. So the ratio is between this second  
17 distance and third distance B, A over B. Right?

18 MR. MASSAND: Objection to form.

19 THE WITNESS: I think it's A over B.

20 Okay.

21 Q. (By Mr. Ferrario) And that ratio -- okay.  
22 So that ratio that Kobayashi discloses says  
23 preferably .2 to 1. Right?

24 A. Preferably in the range of .2 to 1.

25 Q. So that's Kobayashi's preferred ratio.

1 Correct?

2 A. The ratio of A to B is preferably in the  
3 range of 0.2 to 1.

4 Q. But Kobayashi discloses ratios broader  
5 than that. Right? That's just the preferred  
6 embodiment?

7 MR. MASSAND: Objection to form.

8 THE WITNESS: I'm not sure where he talks  
9 about broader than that.

10 Q. (By Mr. Ferrario) So you didn't  
11 understand Kobayashi when you read it to disclose  
12 ratios broader than the preferred range? Is that  
13 what your testimony is?

14 A. No. I mean, you obviously got this thing  
15 up here. I mean, where does it talk about "broader"?

16 Q. Well, I'm asking you about your  
17 understanding and how you interpret it.

18 A. I'm trying to understand it. So I need to  
19 know where it says "broader." I can't find it in the  
20 PDF.

21 Where does it talk about outside the  
22 range?

23 Q. I'm asking for your understanding of  
24 Kobayashi; and if your understanding is that it's  
25 limited to that preferred range, that's fine. If you

1 understood that it disclosed ranges broader than  
2 that, then that's fine too. But what I am hearing is  
3 that you only understood Kobayashi to disclose a  
4 preferred range of .2 to 1?

5 A. I'm not sure if I can answer. I'm trying  
6 to understand where we talk about "broader." I'm  
7 looking in Kobayashi. I'm looking in my declaration.  
8 And I don't, I'm not finding "broader." Maybe you  
9 know where it is.

10 Q. I do know where it is, but why don't we  
11 move on.

12 A. Where is it?

13 Q. It's not my job to do your job.

14 Let me ask you Kobayashi provides some  
15 data, right, it did an empirical study on its  
16 invention. Right?

17 A. So Kobayashi provides data. What do you  
18 mean by "data"?

19 Q. I'm saying it did a study, took  
20 measurements, and it provided results. Right?

21 A. What did he take measurements of?

22 Q. Well, I mean, it's in your declaration.

23 A. Yeah. I'm just trying to be clear because  
24 you want me to be accurate.

25 Q. Yeah. But do you recall that about

1 Kobayashi, that it made measurements and put together  
2 an invention, measured brightness, uniformity, did a  
3 qualitative assessment? Do you recall all of that  
4 about Kobayashi?

5 A. Well, you said I put that in my  
6 declaration. That's what I am looking for to see  
7 where in my declaration I talk about Kobayashi taking  
8 data.

9 Q. Okay. Well, you can study your  
10 declaration maybe during the break.

11 MR. FERRARIO: You want to take a break?

12 You want ten minutes?

13 MR. MASSAND: That would be good.

14 THE WITNESS: Sure.

15 MR. FERRARIO: Great. Be back on at 3:40.

16 (A recess was taken at 3:30 p.m., and the  
17 deposition reconvened at 3:40 p.m.)

18 Q. (By Mr. Ferrario) So we were talking  
19 about Kobayashi. Let me share my screen again. I  
20 think we were just about to talk about some of the  
21 testing that Kobayashi did with his system.

22 Do you remember that, Mr. Bohannon?

23 A. Yes. I remember you wanting to talk about  
24 it.

25 Q. Now, Kobayashi set up a test system that

1 involved two LEDs. Right?

2 A. So this testing set is not in my  
3 declaration. I went back through the declaration and  
4 as you suggested to look and see if I had anything in  
5 there about testing, and I do not. For example, on  
6 Page 11 I talk about Kobayashi describes a backlight  
7 having multiple LEDs, et cetera. And a diffusing  
8 plate having total transmissions of 80 to 98 percent.  
9 Light diffusivity of 0.5 to 30.

10 So I have got numbers of the performance  
11 that Kobayashi expects from those elements. But I  
12 don't have anything in there about this testing  
13 configuration that you are talking about.

14 Q. Did you review the testing in connection  
15 with forming opinions about Kobayashi?

16 A. I reviewed Kobayashi's patent but I have  
17 no opinion of the testing stuff in my declaration, so  
18 it's outside the scope.

19 Q. So are you refusing to answer questions  
20 about the testing data?

21 A. I thought you were going to cross-examine  
22 me on the declaration.

23 Q. I am, but are you refusing to answer  
24 questions about the testing data?

25 A. I mean, it's outside the scope.

1           Q.     So I want to ask a few questions and let's  
2 just confirm you are refusing to answer the questions  
3 and then we can move on.

4                     Did you understand Kobayashi's testing  
5 system to include two LEDs?

6           A.     Where does it say two LEDs?

7           Q.     Are you saying here today you don't have a  
8 knowledge about that?

9           A.     It wasn't in my declaration. I just told  
10 you that.

11          Q.     Paragraph 47 where Kobayashi describes  
12 measuring brightness by setting each diffusing plate  
13 4, 5 and measuring brightness directly above each LED  
14 1 and between the left and right LEDs?

15          A.     I can read. I see that.

16          Q.     So you see that as disclosing a left and  
17 right LED?

18          A.     Yes. But this is not in my declaration.

19          Q.     And it measures brightness directly above  
20 each LED?

21          A.     I can read. It's not in my declaration.

22          Q.     So Kobayashi never tested a full array of  
23 LEDs. Correct?

24          A.     I am not answering. I can't speak to what  
25 he did or didn't do.

1 (Exhibit 1012 was introduced for  
2 identification, not attached at the end of the  
3 original transcript.)

4 Q. (By Mr. Ferrario) I'm popping into chat  
5 Exhibit 1012.

6 A. Which is?

7 Q. This is the certified translation of  
8 Schiavoni. I don't know if that's the correct  
9 pronunciation. Let me know when you have got it and  
10 open it up.

11 A. I see it there.

12 Q. Do you recall reviewing this reference in  
13 connection with forming your opinions in your  
14 declaration?

15 A. I do. That's in my declaration.

16 Q. And Schiavoni is titled Optical System For  
17 Lighting Device, Lighting Device and Method of  
18 Controlling the Device. Correct?

19 A. That's what it reads.

20 Q. And Schiavoni discloses backlight system.  
21 Right?

22 A. Let me see if he calls it a backlight  
23 system or not. Yeah. I guess if you look at Page 3,  
24 Rear lighting or backlighting devices, backlight or  
25 BLU for backlighting unit, are widely used for LCD

1 screens, et cetera.

2 Q. And it discloses using light emitting  
3 diodes as the light sources. Right?

4 A. It says, The increase in luminous  
5 efficiency. And then he talks about some are Cold  
6 Cathode Fluorescent Lamps. And then he talks the  
7 devices. And then he talks about with the increase  
8 in luminous efficiency of light-emitting diodes now  
9 makes it possible for their use in lighting or  
10 backlighting devices.

11 Q. All right. So these are light-emitting  
12 diodes discussed by Schiavoni that are similar or  
13 same as the solid state light emitters of the '382  
14 patent. Right?

15 MR. MASSAND: Object to the form.

16 THE WITNESS: I'm not sure if they're  
17 similar or the same. You know, it is what it  
18 is. There's some LEDs in there.

19 Q. (By Mr. Ferrario) And then Schiavoni  
20 discloses an optical system for use in the display  
21 unit. Right?

22 A. Well, he describes, you know, his  
23 invention is based on this concept of sectorization,  
24 so.

25 Q. Again, if you could -- I know you want to

1 be a lawyer and do our --

2 A. I don't want to be a lawyer.

3 Q. You just need to answer my questions.

4 A. I'm trying to answer your question.

5 Q. Okay. It discloses an optical system,  
6 right, for use in the --

7 A. An optical system is for sectorizing. So  
8 it's a little bit different from the other stuff.

9 Q. Well, we'll get to that. Let's just  
10 create the foundation and then we'll get to that.

11 So you agree that Schiavoni discloses an  
12 optical system for use in the display?

13 MR. MASSAND: Objection to form.

14 THE WITNESS: He describes a sectorization  
15 system for use in lighting devices or displays.  
16 So I think he's opening, he's focused on kind of  
17 the broader commercial lighting systems as well  
18 as backlights.

19 Q. (By Mr. Ferrario) So let's talk about his  
20 optical system since you can't seem to get to it.  
21 But I believe that you gave us in your declaration  
22 that Schiavoni is focused on sectorization; is that  
23 right?

24 A. Well, that's what it appears Schiavoni is  
25 focused on.

1           Q.       And that the optical system in Schiavoni  
2 ensures that the light sources do not significantly  
3 mix. Right? That's your testimony?

4           A.       So I just want to be accurate in here. So  
5 quoting from Schiavoni on Page 4 and in my  
6 declaration on Page 15, Paragraph 48 where I start  
7 Paragraph 48 is, Page 4 is Schiavoni states "to  
8 control the sectorization of normal luminance so that  
9 for a given row of point sources, or a given extended  
10 source occupying a row, the average profile along a  
11 direction orthogonal to the sources does not mix  
12 significantly with the average luminance profile of a  
13 neighboring row."

14                   Schiavoni -- this explains that in  
15 Schiavoni the purpose is to control the local  
16 contrast and reduce electrical power by dimming one  
17 or more LED's output to create dark areas or sectors  
18 on the screen when needed. So that's Schiavoni.

19           Q.       Yeah. And so your understanding of  
20 Schiavoni is limited to the idea that it is directed  
21 at controlling sectorization of normal luminance.  
22 Right?

23           A.       I wouldn't characterize it like that. You  
24 said "limited to." I mean, I'm quoting from  
25 Schiavoni.

1 Q. Oh, so Schiavoni has other and broader  
2 teachings than just directing to control  
3 sectorization. Is that your testimony?

4 MR. MASSAND: Objection to form.

5 THE WITNESS: So I say what I say in  
6 Paragraph 48. And this explains that Schiavoni  
7 the purpose is to control the local contrast and  
8 reduce power by dimming one or more LED's output  
9 to create one or more dark areas on screen.

10 Q. (By Mr. Ferrario) And then based on that  
11 understanding of Schiavoni in Paragraph 71 you  
12 conclude that, The purpose of optical system 100 in  
13 Schiavoni is to ensure that the light from the light  
14 sources do not significantly mix.

15 Is that your testimony?

16 A. So this is for ground, what is it, Ground  
17 7. Schiavoni and Lim in view of a POSITA fail to  
18 render obvious Claims 1 --

19 THE COURT REPORTER: I'm sorry. I don't  
20 know what you're saying. I can't see what  
21 you're reading.

22 THE WITNESS: Oh, I'm reading from my  
23 declaration. Sorry.

24 Q. (By Mr. Ferrario) Can you just answer my  
25 question?

1           A.     Well, you referred me to Paragraph 69 in  
2 my declaration, so I wanted to read it.

3           Q.     No, 71.

4           A.     I can read the stuff you are referring to,  
5 can't I?

6           Q.     I'm referring to 71.

7           A.     Paragraph 71. So that's what I was  
8 looking at, Paragraph 71 and 70 and 69. And you  
9 referred to my declaration. We're supposed to be  
10 cross-examining me on my declaration which is what I  
11 am trying to do in answering your questions.

12          Q.     Right. So let me restart then. So my  
13 question was then, you know, based on your  
14 understanding of Schiavoni in Paragraph 1 [sic] you  
15 conclude that the purpose of optical system 100 in  
16 Schiavoni is to ensure that the light from the light  
17 sources do not significantly mix. Correct?

18          A.     So you said Paragraph 1?

19          Q.     71.

20          A.     You mean 71.

21          Q.     Are you having a hard time hearing me?

22          A.     No. You said 1. You didn't say 71. So  
23 you threw me off there. Paragraph 1, I was looking  
24 for Paragraph 1. I thought that's what you were  
25 referring to.

1 Q. Let me re-ask the question. I thought I  
2 said 71. So based on your understanding of Schiavoni  
3 then in Paragraph 71 you conclude that, The purpose  
4 of optical system 100 in Schiavoni is to ensure that  
5 the light from the light sources do not significantly  
6 mix. Right?

7 A. That's exactly what I've got on there.

8 Q. And then you further conclude that based  
9 on that understanding of Schiavoni, that Schiavoni is  
10 antithetical to the purpose of the diffuser of the  
11 '382 patent which is to spread out the light from the  
12 light sources to achieve an even luminance profile.  
13 Correct?

14 A. Absolutely correct.

15 Q. And so it's your understanding that  
16 Schiavoni is not directed to achieving an even  
17 luminance profile. Right?

18 A. That's exactly what Schiavoni says.

19 Q. And then it's further your understanding  
20 that the diffuser in Schiavoni is not directed to  
21 achieving an even luminance profile. Correct?

22 A. That's absolutely right.

23 Q. And in support of that testimony you cite  
24 to the language in Schiavoni on Page 4 that  
25 discussions the control of sectorization of the

1 normal luminance. Right?

2 A. Yeah. Where it says right there at the  
3 top of the page it says, Page 4 where it says, The  
4 average of the profile of the normal luminance along  
5 a direction orthogonal to the sources does not mix  
6 significantly with the average luminance of the  
7 neighboring row.

8 Q. Based on that understanding of Schiavoni  
9 is how you reached your conclusions in Paragraph 71.  
10 Correct?

11 A. Well, there's probably more to it than  
12 that. He talks about the sectorization kind of  
13 throughout his patent so not just Page 4 but  
14 elsewhere.

15 Q. Now, you don't cite any of this section  
16 that I'm sharing with you of Schiavoni in your  
17 declaration. Right?

18 A. Which section?

19 Q. So let's just go through it. Schiavoni is  
20 talking about the first optical element when it's  
21 talking about sectorization. Correct?

22 A. What do you mean "the first optical  
23 element"?

24 Q. So on Page 3 it says here, The first  
25 optical element according to the invention. Do you

1 see that?

2 A. I do.

3 Q. And Schiavoni discloses that it has two  
4 functions. Right?

5 A. You mean he calls it a double function?

6 Q. Yes. And you see that as having two  
7 functions. Right?

8 A. Well, I see it says it has a double  
9 function.

10 Q. And the first function listed is the  
11 homogenization of the luminance. Correct?

12 A. So you've got to read the whole sentence.  
13 The homogenization of the luminance so that for each  
14 row of point sources, the average of the normal  
15 luminance along a direction is significantly wide,  
16 meaning that the curve of the luminance along is  
17 sufficiently planar. So it is what it is there.  
18 He's got his homogenization along the row, the  
19 extended source, and then he sectorizes it.

20 Q. And, Mr. Bohannon, homogenization of the  
21 luminance refers to diffusing light. Correct?

22 MR. MASSAND: Objection to form.

23 THE WITNESS: So let's see. Yeah. On  
24 Page 3 to Page 4. So you need to read the next  
25 dotted point on Page 4 where it controls the

1 sectorization so that for a given row of point  
2 sources, the average along a direction  
3 orthogonal doesn't mix significantly with the  
4 average luminance profile of a neighboring row.  
5 So he has got it homogenized within a row, but  
6 he won't mix the rows.

7 Q. (By Mr. Ferrario) So you need to answer  
8 my questions, but the homogenization of the luminance  
9 refers to diffusing light. Correct?

10 MR. MASSAND: Objection to form.

11 THE WITNESS: So he's talking about  
12 homogenization of the luminance for that row.  
13 So he's diffusing it in a row, but the rows  
14 don't mix.

15 Q. (By Mr. Ferrario) So there's two  
16 functions here. One is to diffuse lights within a  
17 row and also be able to sectorize between rows; is  
18 that correct?

19 A. Yes. And it's sectorizing between rows  
20 where it doesn't mix the light. One row doesn't mix  
21 with the other row so you can turn it off and make a  
22 dark spot.

23 Q. But within a row he's mixing light. He's  
24 diffusing light. Right?

25 A. So you're going to have a bunch of rows on

1 the screen that's toward sectorization not  
2 homogenizing the whole thing.

3 Q. When you reached your conclusion in the  
4 declaration, you only cited one function of the  
5 optical element; isn't that true?

6 MR. MASSAND: Objection.

7 THE WITNESS: What do you think I left  
8 off?

9 Q. (By Mr. Ferrario) Were you trying to hide  
10 the fact that the optical element homogenizes light?

11 MR. MASSAND: Objection to form.

12 THE WITNESS: No. I quote the stuff.  
13 Homogenizing the light in a row, this is all  
14 double function stuff where the rows are  
15 homogenized but one row doesn't talk to the  
16 other row. So you can turn the spot off and  
17 make a dark spot on the screen. I mean, it's  
18 trying to get the best of both possible worlds,  
19 and I don't think it works. I'm not hiding  
20 anything.

21 Q. (By Mr. Ferrario) We won't let you hide  
22 anything anyways. That's why we're here.

23 (Exhibit 1013 was introduced for  
24 identification, not attached at the end of the  
25 original transcript.)

1 Q. (By Mr. Ferrario) All right. I dropped  
2 into chat Exhibit 1013. It's prior art Lim. Let me  
3 know once you have it.

4 A. Oh, there we go.

5 Q. Let me share this. Now you're familiar  
6 with this prior art reference as well; is that right?

7 A. Yeah. I am.

8 Q. And this is directed to a backlight unit.  
9 Correct?

10 A. This appears to be so.

11 Q. And this uses LED chips. Correct?

12 A. It appears to be so.

13 Q. And those are light emitting diodes.  
14 Correct?

15 A. Yeah.

16 Q. Okay.

17 MR. FERRARIO: Why don't we take a  
18 ten-minute break and let me go through and see  
19 what else I have. Come back on at 4:12.

20 Does that work?

21 THE WITNESS: It should.

22 (A recess was taken at 4:03 p.m., and the  
23 deposition reconvened at 4:14 p.m.)

24 Q. (By Mr. Ferrario) So, Mr. Bohannon, I'd  
25 like to share with you and ask you some questions

1     about '382 patent and in particular Claim 4 which  
2     recites, The device of Claim 2 comprising a plurality  
3     of diffuser supports.

4                     Do you see that?

5             A.     Yeah.

6             Q.     And so you reviewed this claim and  
7     corresponding disclosure in connection with forming  
8     opinions in your expert declaration.    Correct?

9             A.     Yeah.

10            Q.     So I just want to ask you, go to Column 7  
11    where it talks a little bit about the diffuser  
12    supports, the top of Column 7 it says, Referring now  
13    to Figure 5B, the solid state lighting device may  
14    include multiple diffuser supports 164.

15                    Do you see that?

16            A.     I do.   I'm going to look at 5B so we're  
17    clear.

18            Q.     Please do.   You understand that they're  
19    configured to support the diffuser plate 140.   Right?

20            A.     Well, 5B looks like it's only supporting  
21    140.   5C is supporting 140 and 142.   And 5D is  
22    supporting 140 and 142.   So there's several different  
23    versions of it there.

24            Q.     Okay.   And I think the disclosures in  
25    Column 7 relating to Figure 5B and then further on

1 relating to Figure 5C describe the diffuser support?

2 A. There's also 5A, though.

3 Q. Now, 5A shows a different type of diffuser  
4 support. Right?

5 A. It does.

6 Q. And those are described as plate edge  
7 supports. Right?

8 A. Yes, I can read that.

9 Q. Now, there's no description in the '382  
10 patent of any of the optical characteristics of the  
11 diffuser supports. Correct?

12 A. I don't think there's anything in my  
13 declaration about optical characteristics of the '382  
14 diffuser support either.

15 Q. And by saying "either," that's  
16 confirmation that there's no disclosure of the  
17 optical characteristics of the diffuser supports in  
18 the '382 patent. Right?

19 A. I don't think so.

20 Q. Now, figures 5B, C, and D show the  
21 diffuser supports spaced about every two LEDs; is  
22 that right?

23 A. I don't think that's important.

24 Q. In other words the claims aren't limited  
25 to any particular spacing of diffuser supports to the

1       LEDs.   Right?

2           A.       Well, I want to read the claim to be sure  
3       before I say "right" blindly. So it just looks like  
4       where the distal end or the far end of the support is  
5       configured to support the diffuser sheet.

6           Q.       Right. So no limitation on spacing or  
7       anything like that?

8           MR. MASSAND: Objection to form.

9           THE WITNESS: As long as it's configured  
10       to support the optical elements. I mean, that's  
11       a part of the claim language that you can't skip  
12       over.

13          Q.       (By Mr. Ferrario) So no limitation on  
14       spacing. Correct?

15          A.       Say that again, please.

16          Q.       No limitation on spacing. Correct?

17          MR. MASSAND: Objection to form.

18          THE WITNESS: So it says in Claim 4,  
19       wherein, the proximal end, or the nearest end,  
20       configured to be positioned proximate the  
21       plurality of solid state emitters and a distal  
22       end is configured to support the diffuser sheet.  
23       So that kind of broadly defines how they should  
24       be arranged.

25          MR. FERRARIO: I have no further

1 questions. Pass the witness.

2 MR. MASSAND: We have no questions at this  
3 time.

4 MR. FERRARIO: Mr. Bohannon, thanks for  
5 your time.

6 Juliana, we will need something. I don't  
7 know what your time line is. Like any chance we  
8 can get a rough by like Monday?

9 (Discussion regarding receipt of rough  
10 draft.)

11 MR. MASSAND: I do want to read and sign.

12 THE COURT REPORTER: You just need an  
13 electronic transcript?

14 MR. MASSAND: Correct.

15 MR. FERRARIO: Yes. Electronic only for  
16 me as well.

17 (Whereupon, the deposition was concluded  
18 at 4:24 p.m.)

19 (Pursuant to Rule 30(e) of the Federal  
20 Rules of Civil Procedure and/or O.C.G.A.  
21 9-11-30(e), signature of the witness has been  
22 reserved.)

## C E R T I F I C A T E

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I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 133 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 15th of September, 2024.

  
JULIANA W. PAWENSKI, CCR-B-1256, RPR, CRR, CRC

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JULIANA W. PAWENSKI, CCR-B-1256, RPR, CRR, CRC

## 1 DEPOSITION ERRATA SHEET

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3 Assignment No.4 Case Caption: Hisense USA Corporation vs. Brightplus  
5 Ventures, LLC6 Witness: WILLIAM K. BOHANNON - September 6, 2024  
78 DECLARATION UNDER PENALTY OF PERJURY  
910 I declare under penalty of perjury that I have  
11 read the entire transcript of my Deposition taken in  
12 the captioned matter or the same has been read to me,  
13 and the same is true and accurate, save and except  
14 for changes and/or corrections, if any, as indicated  
15 by me on the DEPOSITION ERRATA SHEET hereof, with the  
16 understanding that I offer these changes as if still  
17 under oath.  
18

19 Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

20  
21 \_\_\_\_\_22 WILLIAM K. BOHANNON  
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## DEPOSITION ERRATA SHEET

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WILLIAM K. BOHANNON

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WILLIAM K. BOHANNON