

HISENSE USA CORPORATION vs BRIGHTPLUS VENTURES, LLC
William Bohannon on 07/12/2024

1	UNITED STATES PATENT AND TRADEMARK OFFICE	
2	BEFORE THE PATENT TRIAL AND APPEAL BOARD	
3	HISENSE USA	)
4	Corporation,	)
5		)
6	Petitioner,	)
7		)
8	vs.	) IPR2023-01168
9		)
10	BRIGHTPLUS VENTURES,	) Patent No. 9,605,835
11	LLC,	)
12		)
13	Patent Owner.	)
14		)
15		)
16		)
17		)
18		)
19		)
20		)

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Videoconference Deposition of
WILLIAM BOHANNON
(Taken by Petitioner)
Atlanta, Georgia
July 12, 2024

18 Reported by: Lynne C. Fulwood
19 Certified Court Reporter

1 STATE OF GEORGIA

2 COUNTY OF COBB

3 VIDEOCONFERENCE DEPOSITION OF WILLIAM BOHANNON

4

5 Pursuant to Article 8.B of the RULES AND
6 REGULATIONS OF THE BOARD OF COURT REPORTING OF THE
7 JUDICIAL COUNCIL OF GEORGIA, I make the following
8 disclosure:

9 I am a Georgia Certified Court Reporter.

10 I am here as a representative of Huseby Global
11 Litigation.

12 Huseby Global Litigation was contacted by
13 the offices of KILPATRICK TOWNSEND, to provide court
14 reporting services for this deposition. Huseby
15 Global Litigation will not be taking this deposition
16 by O.C.G.A. 15-14-37 (a) and (b).

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17

18 - - -

19 Videoconference deposition of WILLIAM
20 BOHANNON, taken by the Petitioner, at 1001
21 West Fourth Street, Winston Salem, North
22 Carolina, on the 12th day of July 2024, at
23 12:00 p.m. EST, before Lynne C. Fulwood,
24 Certified Court Reporter.
25

HISENSE USA CORPORATION vs BRIGHTPLUS VENTURES, LLC
William Bohannon on 07/12/2024

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1 P R O C E E D I N G S,

2 - - -

3 (It was stipulated by all counsel
4 present, that the Court Reporter is
5 authorized to swear the witness remotely.)

6 WILLIAM BOHANNON,
7 having first been duly sworn, was deposed and
8 examined as follows:

9 EXAMINATION

10 BY MR. FERRARIO:

11 Q Good morning, Mr. Bohannon. I know we
12 met before we officially started, but my name is
13 Matias Ferrario. I am counsel for Hisense in this
14 matter. Nice to meet you.

15 A Good morning.

16 Q Would you please state your name for the
17 record?

18 A William Bohannon.

19 Q Mr. Bohannon, have you been deposed
20 before?

21 A Yes.

22 Q So you know generally the rules. I'll go
23 over them briefly. In particular since we're doing
24 this via Zoom, it's very important that you wait
25 until I finish asking my question before you answer.

1 Is that okay?

2 A Yes.

3 Q And that way if we're not -- we'll avoid
4 talking over each other which can get very difficult
5 for the Court Reporter to transcribe everything.
6 Okay? Is that okay?

7 A Yes.

8 Q It's also important that when I ask a
9 question, that your answers be verbal so the Court
10 Reporter can take down your answer as opposed to a
11 head nod or some other type of nonverbal indication.
12 Okay?

13 A Yes.

14 Q I'll try to take regular breaks. But if
15 you feel like you need one, feel free to ask at
16 anytime. The only stipulation or condition that I
17 would ask is that we not take a break while a
18 question is pending. Okay?

19 A Yes.

20 Q All right. So we're here to talk about
21 your declaration that you submitted in connection
22 with an IPR that was filed by Hisense against the
23 '835 patent. Is that your understanding?

24 A Yes.

25 Q And that is IPR 2023-01168, right?

1 A 01168, right.

2 Q And that relates to U.S. patent number
3 9,605,835, right?

4 A Yes, '835.

5 Q And we'll refer to it as the '835 patent
6 the rest of today if you're okay with that?

7 A Yes.

8 Q Now, you submitted two declarations in
9 connection with that IPR; is that correct?

10 A Two declarations? Which two are we
11 talking about?

12 Q Well, you filed -- you submitted the
13 first declaration I believe in conjunction with a
14 preliminary response in the IPR. Do you recall that?

15 A Well, I have one declaration in front of
16 me that was the one that uses -- asks about IPR
17 2023-1166-68. That's the one I thought we were going
18 to discuss today.

19 Q Okay. Well, and that's why I wanted to
20 make sure we're talking about the same declaration so
21 that we can be specific about it because you filed a
22 second declaration -- well, let me ask you this.

23 You have a declaration in front of you, a
24 physical copy; is that right?

25 A Yes, the official signed version of the

1 declaration.

2 Q Does it have an exhibit number on the
3 lower right-hand corner?

4 A Exhibit -- well, not in the lower
5 right-hand corner. Kind of right in the middle down
6 below the -- anyway it says Exhibit 2006, declaration
7 of William Bohannon. That's the one I thought we
8 were going to discuss today.

9 Q Okay. Perfect. That is the one we're
10 going to discuss today. And that is if you flip to
11 the last page, you executed that on April 23rd, 2024;
12 is that correct?

13 A Yes, dated April 23rd, 2024 and it's got
14 my signature.

15 Q So what we will do I think is go ahead
16 and mark that as exhibit --

17 MR. FERRARIO: Let's say Bohannon 1,
18 Lynne, if that's okay.

19 THE COURT REPORTER: That's fine.

20 (Whereupon, Bohannon Exhibit No. 1 was
21 marked for identification by the court
22 reporter.)

23 BY MR. FERRARIO:

24 Q We'll mark that as Bohannon 1 or B-1 as
25 an exhibit in your deposition. I shared that

1 document into chat in case we want to pull it up and
2 reference any particular part. I understand you have
3 a physical version of that with you?

4 A Yes.

5 Q Now, the other document that I've shared
6 in the chat is a copy of the U.S. Patent 9,605,835,
7 which I'd like marked as Bohannon 2 or B-2.

8 (Whereupon, Bohannon Exhibit No. 2 was
9 marked for identification by the court
10 reporter.)

11 BY MR. FERRARIO:

12 Q And I will ask you, Mr. Bohannon, do you
13 have a copy of that patent with you?

14 A Yes. I sent it out, a copy, the '835
15 patent.

16 Q All right.

17 A How do I see these documents you've
18 supposedly shared in the chat?

19 Q Let's cover that now. Are you able to
20 see the chat window in your program?

21 A No. That's why I asked.

22 MR. FERRARIO: Neal, are you able to
23 see them?

24 MR. MASSAND: I have -- just maybe
25 suggest right there. William, if you look

1 at the bottom of your screen, there may be
2 an icon that says "chat".

3 THE WITNESS: It says show chat
4 previews and I click that button and it's
5 not coming up. I'm clicking the others.
6 Oh, there I clicked it. It says I'm
7 chatting as guest here. Okay. Now I see
8 it; the document is there. Exhibit 2007.

9 BY MR. FERRARIO:

10 Q Okay. Right. So I haven't introduced
11 that document yet, but what I'll try to do is make
12 sure we refer to them but both by -- this might be a
13 little confusing but both by your -- the document
14 name, which has its own exhibit number and the IPR
15 and --

16 A Which is 2007.

17 Q I haven't introduced that yet, but let's
18 go ahead. Lynne, you can mark --

19 A (Inaudible).

20 Q -- that as Bohannon -- let me finish.

21 MR. FERRARIO: Lynne, you can go ahead
22 and mark EX-2007 Bohannon CV as Bohannon 3.

23 (Whereupon, Bohannon Exhibit No. 3 was
24 marked for identification by the court
25 reporter.)

1 MR. MASSAND: Matias, I think we
2 should proceed as we are. But if we, you
3 know, if this turns out to be difficult, I
4 think one thing we could do is you could
5 just e-mail me the exhibit and I can e-mail
6 it to William. And I'm assuming we'd all
7 be on the same page then if this turns out
8 to be difficult or complicated but --

9 MR. FERRARIO: That's fine. Okay.
10 That's fine.

11 BY MR. FERRARIO:

12 Q Mr. Bohannon, are you able to see three
13 documents in the chat window?

14 A So I am able to see one document in the
15 chat room, the one that you -- I guess it's my
16 resume. So that's what's in the chat room on my
17 screen anyway. I don't know what you've got.

18 Q What I can do is share -- for example,
19 again it might be because you joined late, and I'll
20 share Bohannon 1 with you, which is the '835 patent.
21 Do you see that now?

22 A I see that.

23 Q Very well. And then I'll go ahead and
24 share as well what is Bohannon 1.

25 A Yes, I got that now. Better late than

1 never. Okay.

2 Q Okay. Great. I wanted to start with
3 Bohannon 3, which is Exhibit 2007, your resume if you
4 will. Let me know when you have that in front of
5 you.

6 A It's in front of me.

7 Q So working backwards, I just wanted to
8 cover a few items starting with your education. I
9 see that you received a BA in mathematics in 1977; is
10 that right?

11 A That's correct.

12 Q And that didn't include any courses
13 relating to LED displays, did it?

14 A I don't think LED displays were in use in
15 19 -- in the '70s.

16 Q Following graduation or perhaps while you
17 were also still in school, from 1976 to 1979, you
18 list Science Application?

19 A That's correct.

20 Q What is that?

21 A What do you mean what is that? What is
22 that?

23 Q Well, is Science Application the name of
24 a company?

25 A Yes.

1 **Q And what did you do during that time?**

2 A They're known as SAIT these days.
3 They're a fairly large company in San Diego. So at
4 any rate, I did, you know, a lot of data processing
5 and generally worked with neutron activation, gamma
6 ray spectroscopy, radio chemistry. Do you understand
7 what radio chemistry is?

8 **Q Thank you. I do. Any work with LED or**
9 **LCD display panels in that time?**

10 A Well, LED and LCD weren't really in
11 existence in the '70s although I worked in the lab
12 with Dr. Roger Johnson who was one of the inventors
13 of plasma displays. And so he was always showing me
14 his latest and greatest displays, which at the time
15 were kind of digital displays that worked with
16 crossed wires. So he created a grid of wires and
17 when you energized individual wires, you could make a
18 dot matrix type display. So that was probably the
19 earliest digital display I looked at in the '70s.

20 **Q Moving on, you went to Kappa Systems in**
21 **1979; is that right?**

22 A That's correct.

23 **Q And did your work with Kappa Systems**
24 **involve any work with LED or LCD display panels?**

25 A Well, I have my same answer from before.

1 I don't think LEDs or LCDs were much in use in the
2 '70s; really didn't have any -- didn't come to the
3 fore until the '80s.

4 Q So that's a no?

5 A That's correct. I don't think LEDs and
6 LCD displays were in existence in the '70s. Maybe
7 some -- some of the labs. I mean, I got some of the
8 first LCD displays in the '80s. I think I got the
9 first Samsung display that came to America in the
10 '80s or the '90s, end of '80s and '90s, so...

11 Q Mr. Bohannon, we'll get there.

12 A I'm just trying to explain the history of
13 it. You keep asking me about what happened in the
14 '70s and I'm telling you that those types of displays
15 weren't much in existence in the '70s.

16 Q Right. And I think this deposition will
17 go much quicker if we -- if you just allow me to ask
18 my question, you answer them and then we move onto
19 the next subject. Otherwise we may be here a long
20 time. Is that fair?

21 A That's fine.

22 Q Now, in 1980 you went to Hughes Aircraft;
23 is that right?

24 A Yes.

25 Q You spent approximately three years

1 there?

2 A Yes.

3 Q And there it states that you worked on
4 LCD projection systems; is that right?

5 A That's correct.

6 Q And then in 1983 you went to TRW; is that
7 right?

8 A That's correct.

9 Q And you were a program manager?

10 A That's correct.

11 Q Did you work on LCD or LED displays at
12 TRW?

13 A No, but I used lots of displays. I
14 didn't work on them per se. I don't know what work
15 on means to you.

16 Q All right. So that was a no, you did not
17 work on LCD or LED displays at TRW?

18 MR. MASSAND: Objection to form.

19 A I asked you what does work on mean to
20 you.

21 BY MR. FERRARIO:

22 Q Well, your description says development.
23 Did you do any development work on LED or LCD
24 displays at TRW?

25 A At TRW I was responsible for a lot of

1 systems, data collection systems or avionics systems.
2 And if those systems had displays as a part of their
3 -- if displays were in the system, then that's the
4 way it was. I mean my job was not to develop
5 displays per se. I mean you're using the word "work
6 on" kind of loosely, so I'm not quite sure what that
7 means.

8 Q So what I heard from that was that no,
9 you did not do any development work on LCD or LED
10 displays; is that correct?

11 MR. MASSAND: Objection to form.

12 THE COURT REPORTER: I'm sorry, I
13 didn't get the answer.

14 THE WITNESS: You want to repeat the
15 question?

16 BY MR. FERRARIO:

17 Q So you did not do any development work on
18 LCD or LED displays while you were at TRW?

19 A That's true.

20 Q You then moved to Computer
21 Accessories/Proxima in 1989; is that right?

22 A That's true.

23 Q And here it looks like you worked on LCD
24 display technology; is that correct?

25 A That's true.

1 Q I think you phrased it as tracked LCD
2 technology. Do you see that?

3 A I see that.

4 Q What does that refer to? What does
5 tracked?

6 A Well, I worked with all of the major LCD
7 companies IN Japan or tried to where the technology
8 was, to get samples from them, to develop new
9 products. We had -- the reason why I went to work
10 for that company or the reason why they hired me was
11 to help advance their technology of displays so...

12 Q I note that -- go ahead. I'm sorry. I
13 didn't mean to interrupt.

14 A So anyway, I worked with all of the major
15 LCD developing companies to understand where they
16 were and how we could use it and how to make it
17 better. And the result of this work was most of the
18 patents -- most of the patents that I hold -- so did
19 a lot of work on LCDs.

20 Q Right. I was -- that was going to be my
21 next question. So I see that you are a named
22 inventor on a number of patents, correct?

23 A That's correct.

24 Q And those are listed in your resume on
25 page five and six?

1 A Yes, I see them.

2 Q And did all of your patents listed there
3 come out of work while you were at Computer
4 Accessories/Proxima?

5 A Yes. So they are the assignee or they're
6 -- I think the patents have been cross-licensed and
7 shifted around, but Computer Accessories was the
8 initial assignee.

9 Q Did all those patents relate to overhead
10 projectors?

11 A Not really. I mean it was -- they make a
12 large screen projector -- to make a large screen
13 display system there are several ways to do it. You
14 can either have a large screen or you can blow up a
15 smaller screen with optics, basically a projection
16 type system.

17 Q And some of your patents related to that
18 what I would understand overhead projector, the kind
19 we would see in classrooms, right, the teachers would
20 use and would then project an image on a large
21 surface?

22 MR. MASSAND: Objection.

23 A We had a big market in the education
24 market. That's for sure. I mean 3M licensed all of
25 our products and, you know, and sold them together

1 with some of their other educational equipment. But
2 these things are also used in a variety of other ways
3 for entertainment purposes or what have you.

4 But, for example, the patent, the '967
5 for a projector, that was the large screen projector,
6 not an overhead projector. That's the system that
7 you would call like what you see these days when you
8 go to a venue and there's a large screen display even
9 in -- like in the movie theater. So large projector,
10 not an overhead projector.

11 And the other patents aren't necessarily
12 limited to overhead projectors. None of them were
13 basically limited to overhead projectors. They all
14 worked with a variety of projection technology. And
15 some of -- some of them were just means to increase
16 the brightness of a projector sort of like the '629
17 for liquid crystal display with an optical fluid
18 layer. The goal of that one was to get more light to
19 a series of LCDs and optical elements. So not
20 necessarily limited to a projector; to be used for a
21 variety of purposes to get more light to an LCD
22 system.

23 Q Thank you. And so you would -- you could
24 use that technology in a variety of applications, not
25 just overhead projectors?

1 A That's true.

2 Q Now, following your stint with Computer
3 Accessories, you then moved to Planet ATE; is that
4 correct?

5 A No. I did -- I did Manx Research.

6 Q You did what, I'm sorry?

7 A The company that I started, my own
8 consulting company, called Manx Research. It's the
9 one that's listed at the top, 1994 to present,
10 independent consultant Manx Research.

11 Q So you started --

12 THE COURT REPORTER: Can you say the
13 name of the company for me?

14 MR. FERRARIO: The name of the company
15 is Manx, M-A-N-X.

16 THE COURT REPORTER: Thank you.

17 BY MR. FERRARIO:

18 Q All right. So following Computer
19 Accessories, you started Manx in 1994?

20 A That's correct. And continue to the
21 present.

22 Q And then within that starting in 2001 to
23 2010, you were working at Planet ATE?

24 A Yeah, that was -- that fell out of all of
25 the consulting work that I do.

1 **Q And you were a cofounder of that company,**
2 **right?**

3 A I was a cofounder of that company.

4 **Q What does that company do?**

5 A I founded that company together with
6 people that I'd worked with before as a consultant.
7 So as a consultant it's like you're listed under
8 semiconductor under advance research on page two, you
9 see where it says semiconductor, manage the Asian
10 market development for Edge Semiconductor, a division
11 of Semtech. Do you see that paragraph?

12 **Q Is that where you're referring to Planet**
13 **ATE and carried over to another setup called ATE**
14 **Engine in 2012?**

15 A Yes, that's the paragraph. So I worked
16 with those guys as a consultant and then in 2001, we
17 started Planet ATE.

18 **Q Now, in Manx Research -- so in addition**
19 **to the work you were doing in conjunction with or for**
20 **AET, you were also doing other consulting activities;**
21 **is that right?**

22 A That's right. That's correct.

23 **Q And one of those is working as an expert**
24 **and investigator in high technology patent and other**
25 **legal matters, right?**

1 A Let me see where it says that. The
2 sentence that you just read, where does that appear?

3 Q I can direct your attention to the
4 paragraph beginning with miscellaneous. Do you see
5 that?

6 A Oh, also act as an expert and
7 investigator, right. Okay.

8 Q Is that right?

9 A That's correct.

10 Q And that's both in the U.S. and in Japan,
11 right?

12 A That's correct.

13 Q For various firms such as Power
14 Integrations and IP Value, right?

15 A That's correct.

16 Q So as part of your consulting work at
17 Manx, you provide expert services to companies
18 involved in patent litigation; is that right?

19 A That's correct.

20 Q And one of those companies that you
21 provide expert services to is IP Value?

22 A One of them.

23 Q Who is IP Value?

24 A A patent licensing firm.

25 Q And who do you work with at IP Value?

1 A A variety of people. I'm not currently
2 retained by them but I have worked with them in the
3 past with a bunch of different people. So I don't
4 have a handy list of all the people I've worked for.
5 That's probably confidential anyway so...

6 Q Well, some of your work would be public,
7 right, as an expert?

8 MR. MASSAND: Objection to form.

9 A Some of my work is public and most of the
10 work that I do is private. But you can do a search
11 on me through some kind of LexisNexis system and I'll
12 probably appear somewhere.

13 BY MR. FERRARIO:

14 Q Well, let me ask you then this. I mean,
15 on page four of your resume, you have a section
16 entitled litigation related areas. Do you see that?

17 A Page four. Oh, Computer Accessories, you
18 mean responsible for directing the company's patent,
19 trademark and litigation activities? Is that what
20 you're talking about?

21 Q No, I'm not. On page four of your
22 resume --

23 A I'm looking at it.

24 Q -- after your education, there's a
25 section titled Litigation Related Experience.

1 A Oh, that's the addendum.

2 Q Do you have an addendum to this resume?

3 A Well, I thought -- I thought you guys
4 would have it as well.

5 Q Did you provide it to counsel in this
6 case?

7 A I thought I did.

8 MR. FERRARIO: All right. We'll make
9 a request that that addendum be provided to
10 us, please.

11 MR. MASSAND: Yes. If it hasn't been
12 already, we'll certainly provide it.

13 BY MR. FERRARIO:

14 Q All right. Going back to IP Value, you
15 understand IP Value is a nonpracticing entity?

16 A They don't practice the patents. They
17 just license them.

18 Q Do you understand what the term
19 "nonpracticing entity" means?

20 A My understanding is that they don't
21 practice the patents. They don't build the product.
22 They license patents.

23 Q With that understanding of nonpracticing
24 entity, is IP Value a nonpracticing entity?

25 A As I said three times before, they

1 license patents so they acquire patent portfolios and
2 then work with people to license them.

3 Q So the answer to my question is yes?

4 A The answer to your question is they
5 license patents.

6 Q And do you work for any other
7 nonpracticing entities?

8 A I'm sure I have. It will be shown in the
9 addendum.

10 Q Is Brightplus Ventures a nonpracticing
11 entity?

12 A I'm not exactly sure what Brightplus
13 Ventures' business model is.

14 Q Were you retained by Brightplus Ventures
15 in this matter?

16 A Yes.

17 Q Is there another -- I'm sorry -- is there
18 another entity with which you were retained that is
19 non-Brightplus Ventures?

20 A Well, there's --

21 MR. MASSAND: Objection to form.

22 A Sorry for talking over you, Neal.
23 There's the law firm that Neal works with.

24 BY MR. FERRARIO:

25 Q There isn't like an owner of Brightplus

1 Ventures that you're working with?

2 A I'm not familiar with their corporate
3 structure.

4 Q But you signed an engagement letter
5 presumably in this case?

6 A I did.

7 Q And that was with Brightplus Ventures?

8 A I'd have to look at it to be sure.

9 Q So you don't know?

10 A I don't know for sure.

11 Q Are you working on any other matters for
12 Brightplus Ventures?

13 A No.

14 Q Were you retained for any work again, for
15 example, LG in relation to Brightplus Ventures?

16 A Not in relation to Brightplus Ventures.
17 Brightplus Ventures is only this case, these IPRs.

18 Q When were you retained for this matter?

19 A I don't know. Sometime last year. Do
20 you want the -- I don't know if you're allowed to see
21 the retention letter or not. I don't think so.

22 MR. MASSAND: We're not producing
23 documents right now. If there's something
24 that comes up, we'll get it out later.

25 MR. FERRARIO: Right. Just testify to

1 the best of your ability.

2 BY MR. FERRARIO:

3 Q Were you involved in analyzing any
4 Hisense products to determine if they fell within the
5 scope of the claims of the '835 patent?

6 A I have not done any teardown, product
7 teardown for Brightplus Ventures. I've worked on
8 IPRs.

9 Q Is Dominion Harbor a nonpracticing
10 entity?

11 A Yes.

12 Q Is it related to IP Value?

13 A No.

14 Q Is it related to Brightplus Ventures?

15 A No. I'm sure if you do a LexisNexis
16 search, you can find it.

17 Q Okay. Again, we'll go a lot faster if
18 you just answer my question and you can leave all the
19 other commentary off.

20 MR. MASSAND: I think he's trying to
21 answer your questions.

22 MR. FERRARIO: The question was if it
23 was related and the answer was no and that
24 was all that needed to be --

25 MR. MASSAND: He answered.

1 BY MR. FERRARIO:

2 Q What about Power Integrations? Is Power
3 Integrations related to IP Value?

4 A No.

5 Q You mentioned working with 3M before. Do
6 you recall that?

7 A I recall it in conjunction with Proxima
8 and Computer Accessories. They license it. So they
9 were an OEM. We called them an OEM. That means that
10 we would build the product and they could put 3M's
11 name on it and sell it in their own sales channel.

12 Q Mr. Bohannon, I just simply asked you if
13 you recall whether you worked with 3M, not what it
14 entailed and what it was about.

15 A Well, the word that bothered me was
16 "worked with." I wanted to explain what worked with
17 meant to me.

18 Q So you never worked with any of the
19 inventors that were or are part of the prior art in
20 this proceedings?

21 MR. MASSAND: Objection (inaudible).

22 A Not to my knowledge.

23 BY MR. FERRARIO:

24 Q And you understand that some of the prior
25 art involved in this proceedings was developed at 3M,

1 correct?

2 A I'm not sure what you mean by prior art.

3 Q You don't know what I mean by the term
4 "prior art" in these proceedings?

5 A Well, I'll explain then. So if you read
6 through some of the prior art in this proceedings,
7 you'll see that they refer to some products from 3M
8 called Vikuiti and other products. And so I didn't
9 work with them. I didn't see that -- their products
10 are mentioned in the prior art if that answers your
11 question.

12 Q You didn't understand that some of the
13 prior art in these proceedings is actually -- was
14 actually invented by 3M?

15 A So I'm taking issue --

16 MR. MASSAND: Objection to form.

17 A -- with your -- I understand prior art to
18 be patents.

19 BY MR. FERRARIO:

20 Q Well, we'll get into that then. I can
21 show you what you meant.

22 Mr. Bohannon, have you ever been subject
23 to a Daubert motion?

24 A No.

25 Q Do you know what a Daubert motion is?

1 A That's where you're objected to as an
2 expert. That's my understanding.

3 Q And has your testimony ever been struck
4 by a court --

5 A No.

6 Q -- in response to a Daubert motion?

7 A No.

8 Q Has any portion of your testimony ever
9 been struck by a court in response to a Daubert
10 motion?

11 A No.

12 Q You mentioned that you've done work with
13 Power Integrations; is that correct?

14 A Yes.

15 Q Was that in conjunction with a case
16 against Opti Current?

17 A Opti Current, yes.

18 Q And in that case Opti Current was the
19 plaintiff?

20 A I think so. I'd have to go back and look
21 at all the case. I've done a lot of work with Power
22 Integrations, a bunch of IPRs and -- with a bunch of
23 other companies. So you're asking me something
24 that's not on the tip of my tongue.

25 Q Do you recall working with Power

1 Integrations in a case in the Northern District of
2 California?

3 A Yes.

4 Q Around 2018?

5 A Probably.

6 Q And you provided expert testimony in that
7 case?

8 A Yes.

9 Q In the form of an expert report?

10 A Yes, and I testified in court.

11 Q Did you also give a deposition in that
12 case?

13 A I don't think so.

14 Q How are you being compensated for your
15 work in this matter?

16 A So your question is am I being
17 compensated? Was that your question?

18 Q My question was how are you being
19 compensated?

20 A I'm being paid.

21 Q Are you being paid by the hour?

22 A Yes.

23 Q I believe you listed your rate in your
24 declaration, \$350 an hour?

25 A Yes.

1 Q Do you have any other financial interest
2 in the outcome of this matter?

3 A My financial interest in the outcome of
4 the matter is I get paid by the hour. I submit an
5 invoice, so it's not dependent upon the outcome of
6 the matter.

7 Q Do you own any stock in Brightplus
8 Ventures or any affiliated entities?

9 A No.

10 Q Do you own any shares or other types of
11 interests in Brightplus Ventures or any of its
12 affiliated entities?

13 A No.

14 Q All right. I would like to ask you some
15 questions about your declaration, which we've marked
16 as Exhibit 1 and I believe is shared with you as
17 EX2006 in the chat. And I believe you also have a
18 copy of it as well. Do you have that with you?

19 A It's in the chat room. It's in front of
20 me.

21 Q All right. And I apologize. So my large
22 screen is over here. So I'm going to hope, you know,
23 I might be looking over here. Hopefully that doesn't
24 bother you but that's what I'm doing. I'll try to
25 refer to page numbers, PDF page numbers because I'd

1 like to get you to page five, the exhibit list, of
2 your declaration. And let me know when you're there.

3 A I'm there.

4 Q So there you list five exhibits, right?

5 A 2006, 2007, 2008, 2009 and 2010.

6 Q So one of the exhibits is your own
7 declaration, that's 2006, right?

8 A That's correct.

9 Q And then it's your curriculum vitae,
10 which is 2007, right?

11 A That's correct.

12 Q And then 2008 is the joint claim
13 construction statement, right?

14 A That's correct.

15 Q 2009 is Brightplus Ventures opening claim
16 construction brief, right?

17 A That's correct.

18 Q And then 2010 is Hisense's opening claim
19 construction brief, right?

20 A That's correct. And if you want to go
21 into any details of those things, you need to put it
22 (inaudible) because I don't have it --

23 Q Understood. Not a question pending.

24 Now, I may also refer to paragraph numbers, which
25 would refer to the paragraph numbers in your report.

1 And I'd like you to go to paragraph 12, please, of
2 your declaration.

3 A So paragraph 12 in section B, basis of my
4 opinion and materials considered.

5 Q Are you there?

6 A I'm there.

7 Q All right. Now, in paragraph 12, you
8 identify the materials you considered in forming your
9 opinions in your declaration; is that right?

10 A That's correct. Says I have reviewed the
11 '835 patent prosecution --

12 Q Mr. Bohannon, if you just answer my
13 question, I'll -- we'll get to it together. Is it
14 correct that that's where you identify in this
15 paragraph 12, yes or no?

16 A Yes.

17 Q And there in paragraph 12, you identify
18 the '835 patent, right?

19 A Yes.

20 Q And you identify the '835 patent
21 prosecution, correct?

22 A Yes.

23 Q You identify Dr. Pattison's declaration,
24 right?

25 A Yes.

1 Q The prior art discussed herein, right?

2 A That's what it says.

3 Q And the remaining exhibits listed herein,
4 right?

5 A That's what it says.

6 Q Now, you do not identify the responsive
7 claim construction briefing in either your exhibit or
8 paragraph 12, correct?

9 A So I refer to the ones we listed earlier,
10 2008, '9 and '10.

11 Q Correct. And those are the opening claim
12 construction briefs, right?

13 A They are what they are.

14 Q And those are not the responsive claim
15 construction briefs, right?

16 A I'm not sure what you're referring to.

17 Q You also don't identify in the exhibit
18 list or in paragraph 12 the petition, right?

19 A Paragraph 12 is as it is. I mean we both
20 kind of read it so there's a whole lot of stuff
21 that's not in paragraph 12.

22 Q Can you answer my question?

23 A Repeat your question.

24 Q You do not identify on either the exhibit
25 list or paragraph 12 the petition?

1 A Paragraph 12 does not contain the
2 petition.

3 Q The exhibit list doesn't contain the
4 petition either, right?

5 A True.

6 Q The exhibit list does not identify the
7 board's institution decision, does it?

8 A The exhibit list is what it is. It's
9 only a few items. So there's a whole bunch of stuff
10 that's not there also.

11 Q And I'm going to confirm what's not there
12 and my question is: Is the board's institution
13 decision listed in exhibit -- in the exhibit list?

14 A No, it is not.

15 Q Is the board's institution decision
16 listed in paragraph 12?

17 A No, it is not.

18 Q The exhibit list doesn't identify any
19 other Brightplus Venture patents, does it?

20 A No, it does not.

21 Q Paragraph 12 doesn't identify any
22 Brightplus patents either, right?

23 MR. MASSAND: Objection to form.

24 A So paragraph 12 says reviewed the '835
25 patent. So isn't the '835 patent a Brightplus

1 patent?

2 Q I said other Brightplus patents?

3 A I didn't hear you. Other.

4 MR. MASSAND: I didn't hear that
5 either.

6 BY MR. FERRARIO:

7 Q Okay. Well, let me re-ask it. The
8 exhibit list does not identify any other Brightplus
9 patents other than the '835, correct?

10 A Yes. This declaration is only on the
11 '835.

12 Q And paragraph 12 doesn't identify any
13 other Brightplus patents other than the '835,
14 correct?

15 A It doesn't need to, correct.

16 Q I didn't ask you if it needed to. I just
17 asked you if it did. I mean, we can get into
18 arguments all day and we're going to be here until
19 8:00 o'clock my time which who knows what time it is
20 for you. So this is a deposition testimony. I'm
21 going to ask you to answer my questions and they
22 should be mostly yes or no. And if you have other
23 commentary, your counsel can redirect you on it.
24 That's what he's here for. Okay?

25 MR. MASSAND: Matias, he's answering

1 your questions to the best of his ability.

2 A Some of your questions aren't what I
3 consider yes or no questions.

4 BY MR. FERRARIO:

5 Q Well, if something's listed in a list or
6 not, that's a yes or no question. Whether it needed
7 to be listed, that's argumentative and that's what
8 you're doing. So we can put this testimony in front
9 of the board and they're going to see very clearly
10 which answers are responsive or not. So really I
11 just think today will go a lot easier if you just
12 stick to answering my questions. Okay? Does that
13 sound fair?

14 A Yes.

15 MR. MASSAND: Mr. Bohannon, I
16 encourage you to answer to the best of your
17 ability.

18 THE WITNESS: That's what I intend to
19 do.

20 BY MR. FERRARIO:

21 Q So let me ask you this. So did you
22 review the institution decision in this case?

23 A When it was available. I'm not sure it
24 was available. I'm not exactly sure the timing of
25 these things. So a lot of times you submit a

1 declaration to an IPR before it's been decided by the
2 board.

3 Q Do you have a memory sitting here today
4 of having reviewed the institution decision?

5 A I might have reviewed it when it came
6 out. I'm not exactly sure when it came out. That
7 was the basis of my response previously.

8 Q You understand that you submitted this
9 declaration after the institution decision was
10 issued?

11 A I said I'm not sure.

12 Q But you don't know when the institution
13 decision issued?

14 A I'm not sure.

15 Q And sitting here today, do you have a
16 memory of having reviewed the institution decision?

17 A Yes.

18 Q What is your memory of that?

19 A What do you mean?

20 Q Do you remember reading it all the way
21 through?

22 A Yes. I mean you said what's my memory of
23 having reviewed it. I mean what other thing could I
24 have done?

25 Q Was to review the institution decision.

1 That was one of the things you've done?

2 A Yes.

3 Q So you are aware of the board's view on
4 substantive issues that are part of this matter?

5 MR. MASSAND: Objection to form.

6 A Well, I think it's clear if you look at
7 my declaration that I do not discuss the
8 institution's decision in the declaration.

9 BY MR. FERRARIO:

10 Q That's not my question. My question is:
11 You are aware of the substantive issues addressed by
12 the board in the institution decision, right?

13 MR. MASSAND: Objection to form.

14 A I'm aware of my -- I'm aware that I
15 reviewed it. I didn't -- it's not a part of my
16 opinion. So if you look at the declaration, my
17 opinion is based upon reading the patent and the
18 prior art and the things listed. It does not say in
19 here that my opinion is based upon the institution's
20 decision. It's not in the scope of my declaration.

21 BY MR. FERRARIO:

22 Q And so if the board had a view, for
23 example, on a claim construction issue, that would
24 not have fallen within the scope of your opinion in
25 this declaration; is that correct?

1 A I think it's clear from my declaration
2 what's in it and not in it.

3 **Q You don't cite the board's institution**
4 **decision anywhere in your declaration, right?**

5 MR. MASSAND: Objection to form.

6 A My declaration does not contain any words
7 that describe or refer to the institution decision.
8 BY MR. FERRARIO:

9 **Q Do you think the board's view of the**
10 **prior art or claim construction issues would be**
11 **important or relevant for you to do an analysis?**

12 MR. MASSAND: Objection to form.

13 A So that's not in my declaration. Like I
14 said before, a lot of times with these IPRs you do a
15 declaration before the institution has released their
16 decision. So I can't think of any IPRs that I've
17 worked on where the initial declaration contained any
18 words at all about the institution's decision
19 throwing in a sur reply or some other proceeding
20 further down the road. So you're kind of getting
21 ahead of yourself.

22 BY MR. FERRARIO:

23 **Q You still haven't answered my question.**
24 **Do you think it would have been important to have**
25 **considered the board's institution decision if you**

1 were to submit a declaration after such decision?

2 MR. MASSAND: Objection to form.

3 A That's a question I cannot answer.

4 BY MR. FERRARIO:

5 Q Why is that? Why can't you answer that?

6 A Because it's not in my declaration. I
7 don't think it existed at the time I prepared the
8 declaration.

9 Q Okay. And that may be a perfectly
10 reasonable explanation. You didn't consider it
11 because it didn't exist when you submitted your
12 declaration. Is that what your testimony is?

13 A That's true.

14 Q My question though is if you were going
15 to put a declaration together and there was an
16 institution decision, do you think it would be
17 important to review and understand what that decision
18 said such that you could include it in your analysis?

19 MR. MASSAND: Objection to form.

20 A You're asking me -- excuse me. You're
21 asking me to speculate.

22 BY MR. FERRARIO:

23 Q I'm not asking you -- I'm asking you
24 would you consider it important?

25 A You're asking me to speculate.

1 **Q Speculate.**

2 A I don't want to. It's not in my
3 declaration.

4 **Q So you're refusing to answer the question**
5 **as to whether you would think an institution decision**
6 **is something that you would or would not need to look**
7 **at in forming opinions such as the ones you've**
8 **provided here?**

9 MR. MASSAND: Objection to form.

10 A So you're asking me to peer into the
11 future, you know, while I'm writing a declaration.
12 I'm supposed to peer into the future and magically
13 come up with an institution decision when it doesn't
14 exist and then speculate on it?

15 BY MR. FERRARIO:

16 **Q Not what I'm asking you. I'm asking you**
17 **if an institution decision existed hypothetically and**
18 **you were going to submit a declaration after the**
19 **fact, do you think it would be important to review**
20 **and address the institution decision in creating a**
21 **declaration?**

22 A So you want me to answer a hypothetical
23 question --

24 **Q (Counsel nods head affirmatively.)**

25 A -- something in my declaration. My

1 declaration ignores the hypothetical situation. It's
2 based on the prior art and the knowledge at the time,
3 not in the future.

4 Q So are you refusing to answer my
5 question?

6 A I can't answer it. You're asking me to
7 speculate on a hypothetical situation.

8 Q If the institution decision existed
9 before you submitted this declaration, would you have
10 reviewed it?

11 MR. MASSAND: Objection to form.

12 A Hypothetical.

13 BY MR. FERRARIO:

14 Q Are you refusing to answer my question?

15 A I said it's hypothetical. You said "if".
16 So this is all a question of timing, you know, when
17 you write your declaration what exists. I wrote the
18 declaration and you can see what it's based upon. If
19 you look at paragraph 12, the institution decision is
20 not listed.

21 Q Yeah. I'm trying to get an
22 understanding, Mr. Bohannon, as to whether it's not
23 listed because you didn't think it was important or
24 because you believed it didn't exist or what. And
25 that's -- I think my questions are fairly directed to

1 that.

2 A Well, I've answered that.

3 Q Help me understand that.

4 A I've answered your question --

5 Q You haven't.

6 A -- enough times.

7 Q No. I asked you if the institution
8 decision existed before you submitted this
9 declaration, would you have thought it would be
10 important to include in your analysis?

11 A It's a hypothetical question. You said
12 "if".

13 Q Uh-huh.

14 A I'm not answering hypothetical questions.

15 Q If you were to submit a declaration today
16 after institution, would you include an analysis of
17 the institution decision?

18 A You're just speculating.

19 Q I'm asking you what you would do.

20 A You're asking me to speculate. I won't
21 speculate. I thought the purpose of this deposition
22 was to go over the declaration that exists, not a
23 hypothetical one.

24 Q Well, Mr. Bohannon, it's my deposition.

25 I get to ask the questions I want to ask. So I've

1 asked that question and are you saying you're
2 refusing to answer the question?

3 A I'm saying I can't answer a hypothetical
4 question based on some kind of future knowledge.

5 Q When did you submit this declaration?

6 A Well, we went over that earlier. When
7 you looked at my signature, I said April 23rd.

8 Q Just answer the question. When did you
9 submit the declaration?

10 MR. MASSAND: Matias, he did answer
11 the question.

12 A So if you turn to the last page of the
13 declaration, it says dated April 23rd, 2024 and next
14 to my signature. So that's pretty clear.

15 BY MR. FERRARIO:

16 Q When did the institution decision issue
17 in this case?

18 A I've answered that before. I do not
19 know.

20 Q The institution decision issued in this
21 case in January 23rd, 2024, three months before you
22 submitted this declaration, right?

23 A So I'm not saying right. I don't have
24 personal knowledge of that. This is your knowledge.

25 Q You think that's relevant to your

1 opinions?

2 MR. MASSAND: Objection to form.

3 A What's relevant?

4 BY MR. FERRARIO:

5 Q The fact that the institution decision
6 existed three months before you issued your
7 declaration?

8 A So you're -- you've made the statement
9 and you asked me to accept it as true?

10 Q True.

11 A Are you submitting that as
12 the (inaudible)?

13 Q Would that help you confirm?

14 A No. I mean, you're saying when it was
15 submitted or when it was issued or whatever. That's
16 not in my declaration. So I don't think it's
17 pertinent to my declaration as it exists.

18 Q That's all I wanted to know. So you
19 confirm that you do not believe the institution
20 decision is pertinent to your declaration?

21 A No. Pertinent or not pertinent is your
22 opinion as to when it existed or when it was issued
23 or whatever. That's not in my declaration is the
24 statement I'm making. We're looking at your
25 credibility, not mine.

1 Q You don't even know if an institution
2 decision exists in this case, do you?

3 MR. MASSAND: Objection to form.

4 A I've answered this question many times
5 before.

6 BY MR. FERRARIO:

7 Q Which is what? Remind me now.

8 A The institution decision is not part of
9 my declaration.

10 Q Yeah, but you testified earlier you
11 remember reviewing the institution decision.

12 A Yes, that's true. I said I reviewed it
13 when it was available.

14 Q Did you review it before or after -- I'm
15 sorry. I didn't mean to cut you off. Go ahead.

16 A I said I'm not sure when it was
17 available. I'm not sure when I reviewed it. I tell
18 you one thing I know absolutely for certain is that
19 it's not in my declaration. It's not a part of my
20 declaration.

21 Q So you remember reviewing the institution
22 decision but you don't know if it was before or after
23 you prepared your declaration. Is that your
24 testimony?

25 A I've answered this question many times

1 before and the answer is that I'm not sure when it
2 was available. I'm not sure when I reviewed it and
3 it's not in my declaration.

4 **Q But you did review it, correct?**

5 A I've answered this question many times
6 before. I reviewed it. I'm not sure when I reviewed
7 it. I'm not sure when it was issued and I'm not --
8 and it's not in the declaration.

9 **Q Now, you understand that the institution**
10 **decision is dated, right?**

11 MR. MASSAND: Objection to form.

12 A I don't have it in front of me.

13 BY MR. FERRARIO:

14 **Q In your review of the institution**
15 **decision you don't recall seeing the date on it, do**
16 **you?**

17 A I've answered this question many times
18 before. You want to read back the answer?

19 **Q This is a different question. I asked**
20 **you --**

21 A Why don't we read it back?

22 **Q -- do you remember seeing the -- do you**
23 **remember seeing the date on the institution decision**
24 **when you reviewed it?**

25 A I thought you just asked that question a

1 few minutes ago. Why don't we just read it back?

2 Q Why don't you just answer the question?

3 A Why don't you read it back? I've
4 answered it before.

5 Q Read what back?

6 A The Court Reporter.

7 Q We don't have a realtime transcript so
8 you just tell me. Do you remember seeing the date on
9 the institution decision when you reviewed it?

10 A I do not remember when I reviewed it. I
11 do not remember when it was issued. It's not a part
12 of my declaration.

13 Q Don't you think you should have included
14 it in the analysis of the institution decision since
15 you filed your declaration after it was issued?

16 MR. MASSAND: Objection to form.

17 A So my declaration does not contain
18 anything about the institution's decision.

19 BY MR. FERRARIO:

20 Q Don't you think the view of a panel of
21 three judges at the patent office on the
22 patentability of the '835 patent would be relevant to
23 the opinions you're expressing in your declaration?

24 MR. MASSAND: Objection to form.

25 A So if you look at paragraph 12, you can

1 see what I based my opinion on. The institution
2 decision is not listed in there. You're just asking
3 me to speculate and I don't understand why you want
4 me to speculate over and over again because I
5 answered that question so many times.

6 BY MR. FERRARIO:

7 **Q Do you think your expert opinion is**
8 **reliable if it does not include an analysis of the**
9 **institution decision by the patent office?**

10 MR. MASSAND: Objection to form.

11 A So I have done several IPRs and I don't
12 think any of the IPRs I did contained an analysis of
13 the institution decision. I don't think it's
14 standard practice. Maybe in your firm you can have
15 your experts do that. Did your experts have an
16 example of -- do an analysis of the institution
17 decision?

18 BY MR. FERRARIO:

19 **Q What -- did you say that was your**
20 **standard practice is to not review the institution**
21 **decision --**

22 A I have reviewed --

23 **Q -- of IPRs?**

24 A I have reviewed things when I'm asked to
25 review them. I don't go out and independently look

1 up documents to read. I work for my clients and
2 under their direction.

3 Q Okay. So if the client gives you a
4 certain set of materials, that's what you review and
5 if they don't give you materials, you won't go out
6 and look for other stuff; is that your testimony?

7 A I'm sure you --

8 MR. MASSAND: Objection.

9 A -- direct the same way. Nobody wants
10 somebody to independently dig up a whole bunch of
11 stuff and do a bunch of extra work. I work for the
12 client. If they want me to review something, I
13 review it.

14 BY MR. FERRARIO:

15 Q That same philosophy applied to a piece
16 of prior art, for example, and what I mean by that is
17 if somebody gives you a piece of prior art, are you
18 only going to look at the parts that they tell you to
19 look at or are you looking at all of the piece of
20 prior art?

21 MR. MASSAND: Objection to form.

22 A I look at all the prior -- I look at --
23 if someone hands me a patent to read, I read the
24 patent. I don't just read certain columns. I read
25 the entire patent.

1 MR. FERRARIO: All right, sir. We've
2 been going for a little over an hour. You
3 want to take a ten-minute break?

4 MR. MASSAND: Sure. Can we make it
5 15? Is that all right?

6 MR. FERRARIO: How about we say we'll
7 go back on the record at 1:30 my time.
8 That's about 16 minutes away.

9 MR. MASSAND: Sure. That work for
10 you, William?

11 THE WITNESS: Yeah, so that's 10:30.

12 MR. FERRARIO: See you then.

13 (Whereupon, a brief recess was taken.)

14 BY MR. FERRARIO:

15 Q Back on the record. Mr. Bohannon, I want
16 to direct your attention to your declaration,
17 paragraph 25. Let me know when you get there.

18 A Technology overview, paragraph 25.

19 Q In this paragraph you set forth your
20 understanding of the overview of the technology to
21 which the '835 patent relates, correct?

22 A Yes.

23 Q And one of the things you identify is the
24 purpose and alignment of certain structures to
25 maximize the amount of light directed through the LCD

1 panel, right?

2 A Well, kind of paraphrasing. I call it
3 the employment of several structures and layers
4 incident upon the surface. Overall structures
5 include a variety of things (inaudible) --

6 THE COURT REPORTER: I'm sorry. I
7 can't hear Mr. Bohannon.

8 THE WITNESS: So I was just reading a
9 part of paragraph 25.

10 BY MR. FERRARIO:

11 Q Yeah, I'm sorry. You were in the middle
12 of answering my question I think. Do you want to
13 continue?

14 A You want to repeat your question?

15 Q Yeah. So in paragraph 25, one of the
16 things you identify is the use of certain structures
17 disclosed in the '835 patent to maximize the amount
18 of light that's directed through the LCD panel,
19 correct?

20 A So that's what the last sentence says.
21 Maximize the amount of light directed through the LCD
22 panel at an angle and intensity that is appropriate
23 for viewing the images displayed on the LCD panel.

24 Q And I wanted to ask you a little bit
25 about the angles of light and how that works at least

1 as it's described in the '835 patent. So if I could
2 ask you to turn to section four, which is the '835
3 patent's overview. Do you see that?

4 A Paragraph 26?

5 Q Right. And here you provide a summary --
6 some of the technology disclosed by the '835 patent,
7 right?

8 A Well, I say the '835 patent accomplishes
9 this by orienting the LEDs on its surface to face in
10 a direction normal, etcetera.

11 Q And in paragraph 26, you identify some of
12 the structures as including a diffuser, right?

13 A Yes. I say the light emitted by the LED
14 passes through a diffuser and into a specific type of
15 brightness enhancement film.

16 Q And you also identify a brightness
17 enhancement film, right?

18 A So that's what I just said.

19 Q Yeah. If you can just limit it to
20 answering my question, which was first diffuser and
21 then I was going to ask you about BEF. So this will
22 go a lot faster and it will be simpler.

23 A All of your questions are leading
24 questions.

25 Q Yeah. This is a cross-examination. Are

1 you aware of that?

2 A I am.

3 Q Okay. Then let's proceed. So if I refer
4 to brightness enhancement film as BEF, you'll
5 understand that as well? Is that okay?

6 A Well, a BEF is -- a brightness
7 enhancement film is not a standardized term. I mean
8 the '835 patent has their version of a BEF and other
9 people have their versions of BEF. So you have to be
10 specific to the '835 patent, BEF.

11 Q Okay. And that's what I think we're
12 going to talk a little bit about today. And so I
13 think it's your opinion that a BEF refers to a class
14 of film; is that right?

15 A Well, there's several types of films that
16 go together to make up a stack that's certainly used
17 with the backlight in an LCD panel. Everybody --
18 it's kind of the art that people use to build up an
19 LCD display with LED backlight is to use a variety of
20 films. And they all have kind of similar names but
21 they do different functionality.

22 Q Not answering my question. You describe
23 BEF as referring to a class of films; is that right?

24 A So I said the term "brightness
25 enhancement film" or BEF is not a standardized term

1 not understood in the same way by everyone referring
2 to a class of films with different characteristics.

3 Q So you understand the term "BEF" to refer
4 to a class of films with different characteristics,
5 correct?

6 A Yes, different characteristics.

7 Q And it's your opinion that the BEF that
8 is claimed in the '835 patent has certain
9 characteristics, right?

10 A That's what's in the claims of the '835
11 patent, the characteristics of the BEF.

12 Q And those characteristics for that it
13 allows light having a first orientation through the
14 film and light having a second orientation back
15 towards the LED substrate; is that right?

16 A That's what -- yes, that's what's in
17 paragraph 26.

18 Q And that's a special type of BEF film
19 that is claimed by the '835 patent, right?

20 A That's what's in the claims, claim one
21 from the other claims.

22 Q All right. Well, let's look at the '835
23 patent, which I previously put into chat.
24 (Inaudible).

25 A The chat has gone away.

1 **Q I'm sorry?**

2 A The chat room has gone away.

3 **Q Okay. I'll put it back in.**

4 A When we took a break it disappeared.

5 MR. MASSAND: I think it did for me as
6 well. I think I logged off. That's
7 probably why.

8 MR. FERRARIO: I see. It should be
9 coming through now. This is just for the
10 record. It's been previously marked as
11 Bohannon 2 and it is Exhibit 1001 to the
12 IPR, the '835 patent. Once you've had a
13 chance to open it and confirm that, let me
14 know.

15 THE WITNESS: The chat is not working
16 well. Anyway I have it in front of me, so
17 what page do you want me to look at?

18 BY MR. FERRARIO:

19 **Q Well, I just want you to confirm that**
20 **we're all looking at the U.S. Patent No. 9,605,835 to**
21 **Roberts?**

22 A Yes. (Inaudible) Incorporated.
23 (Inaudible).

24 **Q Titled Solid-State Luminaires For General**
25 **Illumination, right?**

1 A Right; by Cree, Incorporated.

2 Q And you reviewed this patent in
3 connection with forming the opinions in your
4 declaration, correct?

5 A That's correct.

6 Q So this hopefully doesn't get too wonky,
7 but I'll be referring both to figures and text. You
8 know, maybe we'll need to jump a little bit around.
9 But you're familiar with how to read a patent,
10 correct?

11 A Yes.

12 Q And so if I refer to column and line
13 numbers, you're comfortable with being able to
14 navigate to that place, right?

15 A I think so.

16 Q Most of my questions are going to relate
17 to Figures 5A, 5B, 6A, and 6B. Okay?

18 A Okay.

19 Q And I don't know precisely how well you
20 recollect the disclosures, but looking at Figure 5A,
21 does that look familiar to you?

22 A I think there's a similar figure in my
23 declaration.

24 Q Yeah. And when you look at that figure,
25 do you recognize the component labeled as ten as the

1 **substrate?**

2 A In 5B, not in 5A.

3 Q I'm sorry. Did you say in 5B, yes, but
4 **not in 5A?**

5 A That's exactly what I said.

6 Q And do you recognize the component in
7 **Figure 5A that's labeled with 50 as the reflector?**

8 A Yes. We should look at the patent
9 description that describes the figure itself. We
10 should look at precisely how it's described.

11 Q But you do recognize that as the
12 **reflector as 50?**

13 A Generally recognized --

14 MR. MASSAND: Objection.

15 THE WITNESS: -- as 5A and 5B.

16 BY MR. FERRARIO:

17 Q All right. Well, then let's -- I was
18 just trying to see how well your memory was. But we
19 can go to column 11 if you like and line 20. Let me
20 know when you're there.

21 A So referring to Figure 5A, a portion of
22 the -- 40 is the idea.

23 Q You see in that paragraph it refers to
24 **element 50 as the reflector sheet?**

25 A Yes. The sheets may be smaller than the

1 lighting panel 40.

2 Q And then a little bit further down in
3 around line 54 refers to element 60 as the diffuser
4 sheet?

5 A Yes, I see that.

6 Q And then spanning over into the next
7 column 20?

8 A The next column is 12, not 20.

9 Q I'm sorry, 12. And we're now looking at
10 figure -- referring to Figure 5B right around line 17
11 -- I'm sorry, it's not referring to Figures 6A and
12 6B.

13 A That's B.

14 Q I'm revising the question. In line 17,
15 column 12, it's referring to Figure 6A and 6B,
16 there's a reference to a brightness enhancement film
17 seven; do you see that?

18 A Let me get the figure out. Brightness
19 enhancement films 72 or 70 -- with light extraction
20 features 72.

21 Q All right. So item 70 is the brightness
22 enhancement film. Is that what you understand?

23 A That's what's described in line 17 of
24 this column 12.

25 Q Now, I want to talk about Figure 6B if

1 you will and --

2 A (Inaudible) Zero?

3 Q I'm sorry?

4 A You said 60 as in 6-0?

5 Q No. I'm sorry. 6B as in boy.

6 A Oh, 6B, yes.

7 Q And you understand that 6B is sort of a
8 close-up of part of 70, the brightness enhancement
9 film?

10 A Well, if you read the description and
11 look at the figures, you can see that 72 is also on
12 Figure 6A, which is described in -- on line 18 or so,
13 there's three-dimensional light extraction features
14 72.

15 Q Right. So 72 are the prisms that are
16 part of the brightness enhancement film; is that what
17 your understanding is?

18 A Well, the light extraction features --

19 THE COURT REPORTER: I'm sorry. You
20 really have to speak up and get closer to
21 your microphones.

22 THE WITNESS: Three-dimensional light
23 extraction features is how they're
24 described on line 18 or so.

25 BY MR. FERRARIO:

1 Q Perfect. And this paragraph then goes on
2 to talk about light ray 73A. You see that?

3 A I do.

4 Q And then a little bit further on light
5 ray 73B. You see that?

6 A I do.

7 Q All right. And with respect to Figure
8 6B, it shows and then it's described as light ray
9 73A, bent toward an optical axis that's perpendicular
10 to the principal plane 76 of the lighting panel 40
11 when they exit the film 70. Do you see that?

12 A Oh, I read that. Definitely it says that
13 73A are bent towards an optical axis 74 that is
14 perpendicular to the principal plane 76.

15 Q All right. So you understand that light
16 ray 73A is light of a first orientation that is
17 emitted or passes through the brightness enhancement
18 film?

19 MR. MASSAND: Objection to form.

20 A So light 73A passes through -- although I
21 don't think it says first orientation on column 12 if
22 you can point it out to me.

23 BY MR. FERRARIO:

24 Q Right. No, I'm asking you though is that
25 in the orientation? Would you agree that's one

1 orientation?

2 A That's one orientation where the light
3 (inaudible) 74 perpendicular to the principal plane
4 76.

5 THE COURT REPORTER: I can't hear him.

6 THE WITNESS: So light ray 73A are
7 bent towards an optical axis 74.

8 BY MR. FERRARIO:

9 Q And that one is one that exits the film
10 70, right?

11 A It appears to.

12 Q And then there's another light ray 73B,
13 which is internally reflected back into the diffuser
14 sheet 60; is that right?

15 A It says -- the sentence reads:
16 Internally reflected into the diffuser sheet such as
17 light ray 73B where they may be further recycled.

18 Q Now, looking at Figure 6B, I see that ray
19 73A is labeled and is shown as exiting the brightness
20 enhancement film, right?

21 A It shows leaving that area of 72.

22 Q The three-dimensional light extraction
23 feature, right?

24 A The three-dimensional light extraction
25 feature, yes.

1 Q Which is shown in Figure 6A as part of
2 the brightness enhancement film, right?

3 A Yes.

4 Q And ray 73B is internally reflected in
5 Figure 6B, right?

6 A So, yes, according to line 23, column 12,
7 it says that 74 is perpendicular -- oh, 73B where
8 they're further recycled and diffused.

9 Q Are you familiar with the term "total
10 internal reflection"?

11 A Yes.

12 Q What does that refer to?

13 A That's where the light -- the optical
14 axis is coded and angled in a certain manner such
15 that light stays inside of the -- the optical element
16 such that it doesn't get transmitted except for
17 certain angles and certain faces. So it's a very
18 specifically designed optical structure that are used
19 in projection optics a lot. You know, if you were
20 making a projector to show a large screen image --
21 (inaudible) -- it's got to come out sometime.

22 Q Is 73B showing instance of total internal
23 reflection?

24 A Well, I'm not sure if you would describe
25 it like that. It's being internally reflected on

1 that structure depending upon the angle. I think
2 that if you're really designing something to be
3 totally internally reflected, it would be different.

4 THE COURT REPORTER: I'm sorry. I
5 cannot hear him.

6 THE WITNESS: I said I think that if
7 you were designing it to be totally
8 internally reflected, it would be different
9 and you would call it out in the patent
10 description, which this does not.

11 BY MR. FERRARIO:

12 Q Doesn't the patent describe ray 73B as
13 being totally internally reflected?

14 A Where do you think it says that in the
15 patent description?

16 Q Well, doesn't it show it?

17 A Where do you think it says that in the
18 patent description?

19 Q Does it -- does it show it, Mr. Bohannon?

20 A It shows reflection from two phases. It
21 doesn't show it -- it doesn't show it to be bouncing
22 around forever in there. It shows it some kind of
23 reflection, but I wouldn't necessarily call it total
24 internal reflection. That's a very specific term of
25 art.

1 Q In your view of the term of art, does it
2 mean that every light ray needs to be totally
3 internally reflective?

4 A For what to happen?

5 Q For it to be considered totally
6 internally reflecting enhancement film?

7 A I don't think -- my declaration doesn't
8 use that terminology. I don't think the patent '835
9 uses that terminology. I think it's something that
10 you are trying to impose upon it. So unless you can
11 show me where in the '835 it says total internal
12 reflection or in my declaration, I'm not going to
13 answer that correctly.

14 Q Is there some hesitancy on your part to
15 use that term as it relates to ray 73B?

16 A I said I was describing the patent.

17 Q Is ray 73B in your expert opinion totally
18 internally reflective?

19 A That's not how it's described in the
20 patent.

21 Q Let me direct your attention to column
22 12, line 40, the sentence beginning "thus". Are you
23 there?

24 A Oh, yeah, I'm there.

25 Q Do you understand --

1 A So it says it will be totally internally
2 reflected back into the diffuser sheet.

3 THE COURT REPORTER: Okay, Mr.
4 Bohannon, when you hold up the paper and
5 you're reading into it and I can't
6 understand what you're saying.

7 THE WITNESS: Okay. So I'm saying
8 that yes, on column 12 around there
9 where -- around line 45 or so it says, that
10 light traveling approximately parallel to
11 an optical axis 74 of the lighting panel 40
12 perpendicular to the plane of panel 40 will
13 be totally internally reflected back into
14 the diffuser sheet 60. So that's where it
15 says totally internally reflected. So I
16 was wrong when I said that I didn't think
17 the patent referred to it.

18 BY MR. FERRARIO:

19 Q Thank you. So just to step back so we're
20 able to continue discussing this, the '835 patent
21 discusses light ray 73A being of a certain angle that
22 allows it to pass through the brightness enhancement
23 film, correct?

24 A Yes.

25 Q And then light ray 73B being of a certain

1 angle where it is totally internally reflected,
2 right?

3 A So optical -- so light ray 73 (inaudible)
4 it says it's perpendicular when -- perpendicular to
5 the principal plane 76 of lighting panel 40 when they
6 exit the film 74 are internally reflected back into
7 diffuser sheet 60. This is the light ray 73B where
8 they further recycle. So that's what it says in the
9 patent description.

10 Q Right. And I appreciate you reading but,
11 you know, I'm trying to make this a little more
12 simple so that we are all talking about the same
13 thing. And I just want to confirm in simple ways 73A
14 is of a certain angle in which it exits the film,
15 correct?

16 A 73A is set on Figure 60 as exiting the
17 film.

18 Q And light ray 73B is at a different angle
19 such that it is totally internally reflected, right?

20 A No, there's an "or" in that sentence in
21 the patent description. So there's bent towards
22 optical axis that is perpendicular or are reflected
23 back to the diffuser sheet such as light where they
24 refer to recycle and/or diffused.

25 Q Yeah, that "or" refers to light ray 73B,

1 right?

2 MR. MASSAND: Objection to form.

3 A So ray 73A bent towards -- are internally
4 reflected back to diffuser sheet 60 such as light ray
5 73B so they may be further recycled.

6 BY MR. FERRARIO:

7 Q So again, maybe third or fourth time, it
8 shows light ray 73 of a certain angle that exits the
9 film, right?

10 A I think we agree that 73A exits the film
11 and Figure 6B.

12 Q And 73B of a different angle is
13 internally reflected?

14 A Reflected back into the diffuser sheet 60
15 so they may be further recycled. So I'm taking issue
16 with your wording.

17 Q Which part of my wording?

18 A So isn't it true that on line -- line I
19 just said, so looks like line 23 or something like
20 that -- no, it's line 25 where they may be further
21 recycled and/or diffused.

22 Q Yeah. So the light ray 73B that is
23 totally internally reflected may be further recycled
24 or diffused. Is that your understanding?

25 A No. It's not my understanding. Where it

1 says there on line 24 in column 12 where it says that
2 it's perpendicular to the optical axis 76 of the
3 lighting panel 40 when they exit the film 74 are
4 internally reflected back into the diffuser sheet, it
5 does not state totally. You're throwing words in
6 there. It says internally reflected back into the
7 diffuser sheet where they may be further recycled.

8 Q Well, let's try it this way then. So
9 light ray 73A exits the film. You would agree with
10 that?

11 A So bent towards an optical axis 74
12 perpendicular to the principal plane when they exit
13 the film 70, I agree it says that.

14 Q And do you agree that light ray 73B is
15 internally reflected back?

16 A So where they're -- so it says -- let me
17 get this straight here. 74 perpendicular to the
18 lighting panel 40, when they exit the film 70 are
19 internally reflected back into the diffuser sheet 60
20 such that light ray 73B so they may be further
21 recycled.

22 Q And the '835 patent describes this as
23 totally internally reflected, right?

24 A Where does it exactly precisely say that?

25 Q Well, let me ask you this. Do you

1 understand that as an expert in this field that light
2 ray 73B is totally internally reflected?

3 A Well, it says that light ray 73B is
4 internally reflected back into the diffuser sheet.
5 It doesn't say totally internally reflected because I
6 think if you meant totally internally reflected, it
7 would mean something slightly different.

8 Q What would it mean --

9 A (Inaudible).

10 Q What would it mean in your opinion?

11 A So I like to use the inventor's language
12 because it's (inaudible) it's pre-invention. So it
13 says here that light -- such as light ray 73B may
14 strike a sidewall at an angle that is greater than
15 the critical angle defined by the different and the
16 medium -- hold on.

17 So sidewall -- so look about line 41,
18 column 12, where it says, thus for example light
19 extraction features may include sidewalls sloped at
20 an angle such that light traveling approximately
21 parallel to the optical axis perpendicular to the
22 plane of the panel will be totally internally
23 reflected back into the diffuser sheet 60.

24 Q All right. So let's use the inventor's
25 language. Is ray 73B traveling approximately

1 parallel to the optical axis 74 on lighting panel 40?

2 A Approximately but we're qualifying it a
3 little bit because when you look at it, it's hard to
4 say whether it's -- whether it's approximately
5 parallel to 74 or angled to 74. But these drawings
6 are never accurate and the words have their own
7 meaning. It says on line 45: That is, light, such
8 as light ray 73B may strike a sidewall of the light
9 extraction feature at an angle greater than the
10 critical angle.

11 Q So looking at Figure 6B, as an expert in
12 this field, how would you describe light ray 73B?

13 A Well, it's the inventor's invention and
14 they drew the pictures and I believe the words that
15 they've gotten -- anyway, like in line 45, line ray
16 73 may strike a sidewall and depending upon the index
17 of refraction, etcetera, it goes on to describe how
18 the -- all that stuff works and makes it kind of a
19 (inaudible) lens effect.

20 At any rate it says the light extraction
21 features 72 may be designed and configured to
22 encourage light recycling/diffusion in the lighting
23 panel in order to improve uniformity of emission. I
24 think that's the whole crux of the invention.

25 Q You think the way light ray 73B is

1 reflected is the crux of the invention?

2 A No. What I said there was the light is
3 internally reflected back into the diffuser sheet
4 such that it -- such that it generally improves --
5 improves the illumination of the -- of the lighting
6 panel.

7 Q Does Figure 6B show internal reflection?

8 A Figure 6B shows light bouncing from the
9 left-hand side of the slope part of the light
10 extraction feature 72 reflecting over to the
11 right-hand side of the sloped part of light
12 extraction 72 and then bouncing back towards the
13 direction it went in implying recycling.

14 Q Is that internal reflection?

15 A It's reflecting internally there.

16 Q Is that recycling?

17 A It says it doesn't -- the light ray
18 doesn't further go on and show where it eventually
19 goes, but the words talk about recycling light. So
20 it says, in other words, light extraction feature 72
21 may be designed and configured to encourage light
22 recycling/diffusion in the lighting panel 40 in order
23 to improve uniformity of emission. So that's what I
24 said, part of the crux of the invention and that's
25 what's claimed in claim one and other claims is that

1 light extraction recycling to improve emissions.

2 Q I'm glad you referenced claim one. Let's
3 take a look at that and let's just confirm that what
4 we've been talking about is what's being referred to
5 in the claim. So if you go to column 22, let me know
6 when you get there.

7 A I'm there.

8 Q All right. And you see the paragraph
9 beginning "a brightness enhancement film"?

10 A What line?

11 Q 40.

12 A So we're talking about part of claim one,
13 brightness enhancement film under reflectors.

14 Q And this aspect of the claim recites the
15 specific type of brightness enhancement film that you
16 say belongs to a class of brightness enhancement
17 films; is that correct?

18 A Yes.

19 Q And this particular type of enhancement
20 film emits light having a first orientation, right?

21 A So it says on claim one: And the
22 brightness enhancement film is configured to
23 preferentially emit light having a first orientation
24 from the lighting panel and to preferentially reflect
25 light having a second orientation different from the

1 first orientation back into the lighting panel.

2 Q Now, is that -- an example of that is
3 what's being shown in Figure 6B?

4 A I think that's a reasonable example.

5 Q And that would show light ray 73A as one
6 that is emitted from the brightness enhancement film,
7 right?

8 A That's what it appears to show in 6B.

9 Q And then light ray 73B is one that is --
10 let me get the language right -- that is reflected
11 having a second orientation; is that right?

12 A That's what Figure 6B appears to show.

13 Q Now, I want to go back to your
14 declaration, please, and direct your attention to
15 paragraph 49. And it may be helpful -- actually
16 let's provide a little more foundation here. Let's
17 just do a quick sketch and start at paragraph 37 if
18 you will. And I presume you're reasonably familiar
19 with your declaration, right?

20 A Reasonably.

21 Q All right. So just above paragraph 37,
22 you've got section seven, which is petitioner's prior
23 art summary, right?

24 A That's what it says.

25 Q And the first prior art you summarize is

1 **Mok, M-O-K, right?**

2 A That's what it says, section A.

3 **Q And then section B overs Epstein, right?**

4 A That's correct.

5 **Q Section C covers K0, K-0?**

6 A That's correct in paragraph 40.

7 **Q Section D covers Holman?**

8 A That's correct, paragraph 41.

9 **Q Section E covers Lamb?**

10 A That's correct, paragraph 42.

11 **Q Section F covers Kretman?**

12 A That's correct, paragraph 44.

13 **Q And then that brings us to on the**
14 **following page section eight with the heading round**
15 **one, etcetera?**

16 A Round one Petitioner's Mok, Holman and
17 Lamb combination failed to render obvious independent
18 claim one.

19 **Q You see that?**

20 A I did. I just read it.

21 **Q And section A then states that Mok does**
22 **not disclose claim 1D of the brightness enhancement**
23 **film on the reflector?**

24 A So which page or paragraph are you
25 reading from?

1 **Q Section A just above paragraph 46. Do**
2 **you see that?**

3 A So Mok is described in paragraph 38. Oh,
4 the next page over, paragraph 46, Mok discloses,
5 section A is entitled Mok does not disclose claim 1D
6 of the brightness enhancement film on the reflector.

7 **Q Are you with me?**

8 A I just read it.

9 **Q So now we finally get to on the following**
10 **page just above paragraph 49, you have a section**
11 **titled the brightness enhancer 18 of Mok does not**
12 **recycle light and thus is not a brightness**
13 **enhancement film as claimed in the '835 patent. Do**
14 **you see that?**

15 A I see paragraph 49.

16 **Q And you see the section heading that I**
17 **just read to you?**

18 A Yes. I said, however, based on my
19 experience, the 3M product is not a brightness
20 enhancement film because it doesn't recycle light as
21 required of a brightness enhancement film as claimed
22 in the '835 patent.

23 (Whereupon, Bohannon Exhibit No. 4 was
24 marked for identification by the court
25 reporter.)

1 BY MR. FERRARIO:

2 Q We'll get to your opinions here. I'm
3 just trying to orient you as to where we are. So why
4 don't we -- I'm going to load Mok into chat and I'll
5 have Mok as Bohannon Exhibit -- I'm sorry, Bohannon
6 Exhibit 4. Mok, which is Exhibit 1005. Mr.
7 Bohannon, once you've had a chance to open it, let me
8 know and I'll begin asking you some questions.

9 A I've opened it. I'm looking at it.

10 Q You recognize this as Mok the piece of
11 prior art that you reviewed and opined on in
12 connection with the declaration? Are you familiar
13 with this prior art reference?

14 A Yeah. I haven't memorized it but I --
15 this is one that I've read and referred to.

16 Q You understand that Mok discloses a
17 brightness enhancer 18?

18 A Which figure are you referring to?

19 Q Generally.

20 A Yeah, I see 18.

21 Q And that's a brightness enhancement film;
22 is that correct?

23 A So --

24 MR. MASSAND: Objection to form.

25 A -- brightness enhancer 18 it says in

1 paragraph -- Mok paragraph 15. There is no line
2 numbering on this patent application. At any rate,
3 18 is a brightness enhancer.

4 BY MR. FERRARIO:

5 Q Do you recognize that as a film?

6 A Well, you know, we -- I guess we have to
7 argue over the definition of a film. It's an optical
8 structure. I'll admit that.

9 Q Yeah. I have a feeling we're going to
10 argue about a lot of stuff today. We're going to
11 refer to -- you're right that this does not have line
12 numbers. Instead it has paragraph numbers so we'll
13 -- and you see how those paragraph numbers are in
14 brackets at the top of each paragraph?

15 A That's how I was able to identify it,
16 paragraph 15.

17 Q Great. I'd like to direct your attention
18 to paragraph 24.

19 A So paragraph 24 starts: The brightness
20 enhancer 18.

21 Q Do you see there in the last full
22 sentence that the brightness enhancer 18 comprises a
23 brightness enhanced film, BEF, available from 3M and
24 sold under the registered trademark Vikuiti?

25 MR. MASSAND: Objection.

1 A I see that.

2 BY MR. FERRARIO:

3 Q And so when you read Mok, you understood
4 that one of the brightness enhancers that Mok said
5 could be used is the brightness enhancement film BEF
6 from 3M sold under the Vikuiti brand, correct?

7 A I see that.

8 Q And you understood Mok to disclose as one
9 of the potential brightness enhancers the 3M BEF,
10 right?

11 MR. MASSAND: Objection, form.

12 A Well, it says by way of example in the
13 embodiment shown in answer 18 comprises a brightness
14 enhanced film available from 3M, etcetera.

15 BY MR. FERRARIO:

16 Q So you understood one of the brightness
17 enhancers that Mok was saying could be used was the
18 3M BEF, right?

19 MR. MASSAND: Objection to form.

20 A I don't know what you want there. I just
21 read the sentence.

22 BY MR. FERRARIO:

23 Q I mean I just want you to answer my
24 question. Is it yes, did you understand it or no,
25 did you not understand it?

1 A I can read and understand simple English.

2 Brightness enhancer 18 comprises a film -- an
3 enhanced film BEF from 3M. So, yes, I understand
4 that sentence.

5 **Q In fact you quoted that sentence in your**
6 **declaration, right?**

7 A I would have to verify --

8 **Q Paragraph 49.**

9 A Oh, yeah, paragraph 49. Mok specifically
10 states comprises a brightness enhancement film
11 available from 3M. So, yes, I quoted that.

12 **Q Now, while you're in that paragraph,**
13 **let's just confirm now. It's your opinion, however,**
14 **that that film, the 3M BEF, is not a brightness**
15 **enhancement film as claimed in the '835 patent,**
16 **right?**

17 A So I say: However, based upon my
18 experience, the 3M product is not a brightness
19 enhancement film because it doesn't recycle light as
20 required of a brightness enhancement film as claimed
21 in the '835 patent. And in paragraph 49 says Mok
22 does not disclose or teach light recycling.

23 **Q Right. And I think you skipped over a**
24 **sentence because what you were saying is that the**
25 **brightness enhancement film in the '835 patent**

1 teaches light that has two angles, one that emits,
2 e.g., passive light, and one that reflects light to
3 be recycled, right?

4 A So the correct reading of the sentence is
5 the brightness enhancement film as taught in the '835
6 has two angles, one that emits light and one that
7 reflects light to be recycled.

8 Q And there you're describing what we
9 covered earlier in Figure 6B, right?

10 A Figure 6B shows a couple of angles.

11 Q And it shows one angle in which it emits
12 and another angle in which it's reflected, right?

13 A That's what 6B shows.

14 Q And so it's your opinion that the 3M
15 product does not do that?

16 A Well, I like the way I wrote paragraph 49
17 where it -- where I say at the end of paragraph 49
18 Mok does not disclose or teach light recycling.

19 Q I'd like you to answer my question. And
20 does the BEF 3M film allow light of one angle to emit
21 and reflect light of another angle?

22 A So that's not how I describe it in
23 paragraph 49. So I --

24 Q I'm not asking how you to describe it in
25 paragraph 49. I'm asking you with your experience

1 with 3M BEF films, do you understand how they work?

2 A So I say the brightness enhancement -- so
3 I say that the 3M brightness enhancement film does
4 not recycle light as required in the '835 patent.

5 Q That's not my question.

6 A Well, that's my statement.

7 Q Let me start over. I understand. Let me
8 start over.

9 Do you know how 3M BEF products work?

10 A Not precisely.

11 Q Do you know if 3M BEF products allow
12 light of a first orientation to emit and reflect
13 light having a second orientation?

14 MR. MASSAND: Objection to form.

15 A So my statement -- my opinion is that
16 based on my experience, it does not recycle light as
17 required in the '835 patent.

18 BY MR. FERRARIO:

19 Q You need to answer my question, please.
20 I really need you to answer my question.

21 A I can't answer your question.

22 MR. MASSAND: Are you asking him to
23 provide an opinion outside the scope of his
24 report about a product that's not referred
25 to? I mean that's what it sounds like.

1 MR. FERRARIO: You keep your objection
2 -- you can object to form and leave it at
3 that.

4 BY MR. FERRARIO:

5 Q You said you have experience in the
6 industry with the 3M product; is that right?

7 A I have looked at a wide variety of
8 optical films used in display products so...

9 Q Does that include the 3M product?

10 A I can't recall precisely if I looked at
11 Vikuiti. I've looked at a bunch of 3M products. I
12 can't recall precisely what I've done with Vikuiti or
13 not and -- but anyway, based on my experience, the 3M
14 product is not a brightness enhancement film as
15 described in the '835 patent because it doesn't do
16 light recycling.

17 BY MR. FERRARIO:

18 Q Well, let's start with that then. So
19 when you say it doesn't do light recycling, what do
20 you mean by that?

21 A So I say at the end of paragraph 49, Mok
22 does not disclose or teach light recycling.

23 Q What do you mean by that?

24 A (Inaudible) paragraph 50 where I say a
25 person of ordinary skill in the art would know that

1 there is no standard BEF in the brightness
2 enhancement film (inaudible) any kind of film that
3 enhances brightness. And the '835's brightness
4 enhancement film enhances brightness by enabling the
5 light recycling while other BEFs do other things.

6 Q What do you mean by light recycling?

7 A It's described in the '835 patent. So
8 we've got to go back to claim one and that speaks for
9 itself.

10 Q Are you refusing to answer my question?

11 A I'm answering your question the way I'm
12 answering it.

13 Q You're just referring to something else.
14 I'm asking you as the expert in this case who has
15 studied the '835 patent and Mok, if the difference
16 between the two is light recycling what are you
17 referring to?

18 A Well, the light is recycled back into the
19 lighting panel. So preferentially reflect light
20 having a second orientation different from the first
21 orientation back into the lighting panel. I think
22 that's as clear as it gets.

23 Q Okay. So if the BEF reflects light
24 having a second orientation back into the lighting
25 panel, that is recycling light?

1 A That's what it says in claim one,
2 preferentially recycle light having a second
3 orientation back into the lighting panel. But
4 there's more to say (inaudible).

5 **Q (Inaudible).**

6 A But that's basically what it says the
7 brightness enhancement film should do.

8 **Q And is it your -- then it's your opinion**
9 **based on your experience that the 3M BEF does not**
10 **reflect light having a second orientation back into a**
11 **lighting panel?**

12 A So my opinion is that Mok does not
13 disclose or teach light recycling. So I said based
14 on my experience that the 3M product is not a
15 brightness enhancement film because it doesn't
16 recycle light as required of the brightness
17 enhancement film as claimed in the '835 patent.

18 **Q All right. So I want to ask you about**
19 **that last piece of it. Why does the 3M product not**
20 **recycle light in your opinion?**

21 A Why? I don't know. I didn't design it,
22 3M's product.

23 **Q But what is it --**

24 A 3M designed it.

25 **Q What is it about the 3M product and the**

1 way it works that leads you to say it does not
2 recycle light?

3 A Well, we should let -- Mok describes
4 that. I think Mok talks about what the BEF does in
5 his invention.

6 Q I'm asking you --

7 A He's the one that used it in his
8 invention.

9 Q Based on your experience, you provided
10 this opinion, why do you say the 3M product does not
11 recycle light?

12 A So I'd have to go through Mok and dig
13 that out, but I stand by my statement that Mok does
14 not disclose or teach light recycling. And he's the
15 person who pointed to the Vikuiti and he's using it
16 for other purposes.

17 Q I mean you're really not answering my
18 question. And I just think the board is going to see
19 this testimony is going to really want to understand.
20 What's the basis --

21 A They can do what they want.

22 Q What's the basis -- on what technical
23 basis are you saying that the 3M product does not
24 recycle light?

25 A So I'm reading through Mok because I want

1 to get to the right point. So it says here the
2 brightness enhancer -- this is paragraph 15, detailed
3 description, where it says the brightness enhancer 18
4 collects diffused light and directs it out of the
5 front surface of the brightness enhancer 18 to
6 maximize the on-axis brightness of the light emitting
7 panel.

8 So what this tells me is that Mok, who
9 has filed a patent application on an invention where
10 he wanted to increase the brightness by using this
11 brightness enhancement film which maximizes the
12 on-axis brightness of the light emitting panel, not
13 to recycling. Not to recycling is my words but he
14 says he's using it to maximize the on-axis
15 brightness.

16 So right there it's telling me that he is
17 not reflecting light back into the lighting panel to
18 maximize brightness. He's using it to maximize the
19 on-axis brightness. So Mok himself -- (crosstalk)
20 what's going on.

21 Q Okay. Perfect. So it's your -- it's
22 your then opinion that because Mok does not describe
23 light reflecting, that it's not describing recycling?

24 A So --

25 MR. MASSAND: Object to form.

1 A -- Mok is describing. I can read it
2 again. I can read it over and over to you. And I
3 hope the board sees it, too, and then they can read
4 it themselves. But Mok himself who has studied this
5 Vikuiti film and it says it maximizes the on-axis
6 brightness of the light emitting panel. And it
7 doesn't say anything in there about maximizing it by
8 recycling. So I stand by my paragraph 49 where I've
9 handwritten Mok does not disclose or teach light
10 recycling.

11 BY MR. FERRARIO:

12 **Q Does the 3M product reflect light having**
13 **a second orientation?**

14 MR. MASSAND: Objection to form.

15 A So Mok studied it and Mok is using it to
16 do the on-axis brightness.

17 BY MR. FERRARIO:

18 **Q I understand that. But I need you to**
19 **answer my question "do you know". Do you know**
20 **whether the 3M product reflects light?**

21 A Do I know whether or not it reflects what
22 kind of light? What are you talking about exactly?

23 **Q Just generally, at all?**

24 A Everything reflects light. I mean light
25 bounces off the walls in my office. My walls of my

1 office are also reflecting light. They're not
2 necessarily used for recycling.

3 **Q So the 3M product's brightness**
4 **enhancement film does reflect light?**

5 MR. MASSAND: Objection to form.

6 A So you have to get specific. I mean go
7 back to Figure 6B if you want to see how the '835
8 patent describes light recycling and reflection. I'm
9 taking --

10 BY MR. FERRARIO:

11 **Q All right. So --**

12 A I'm taking Mok at his word where he --
13 where Mok is using it in his invention where he uses
14 it to maximize on-axis brightness.

15 **Q So I have to go back to Figure 6B to show**
16 **that a brightness enhancement film that is reflecting**
17 **and recycling light. Is that what you're saying?**

18 MR. MASSAND: Objection to form.

19 A Figure 6B is a part of the '835 patent.
20 It describes the invention.

21 BY MR. FERRARIO:

22 **Q And what you're telling me is that the 3M**
23 **BEF product does not do what's shown in Figure 6B?**

24 A No. I'm relying upon Mok. Mok doesn't
25 talk about recycling. Mok talks about using the film

1 to maximize on-axis brightness and he's got figures
2 that illustrate that point.

3 Q Well, setting Mok aside then -- so I
4 understand what your testimony is regarding Mok. Do
5 you as an expert in this field have an independent
6 understanding of how 3M's BEF products work and does
7 it reflect light in the way that's shown in Figure
8 6B?

9 A So you're asking me if I have an
10 independent opinion. So you're asking me if I have
11 analyzed the film that -- or measured the film that
12 Mok used and have I studied it to the degree as
13 described in Figure 6B of the '835 patent? Is that
14 what you're asking?

15 Q I'm asking if you know how the 3M BEF
16 product works?

17 A So I know what I read in the prior art.
18 I know whatever kind or what kind of information was
19 available with this prior art, what it describes, and
20 I have not seen anything similar to Figure -- Figure
21 6B, isn't it? 6A? 6B? So I haven't seen anything
22 similar to Figure 6B for the 3M Vikuiti product. I
23 have not seen that. And outside of that, I couldn't
24 say.

25 Q All right. Great. So that's all I was

1 trying to understand. Because, you know, you don't
2 -- you cite based on your experience in the industry
3 in this paragraph, right, but you don't cite sort of
4 like a brochure from 3M, right?

5 A So what are you saying?

6 Q I mean, in other words, you don't cite
7 any documents at the end of this sentence, right?

8 A I cite Mok. I say Mok does not teach
9 recycling.

10 Q Well, I'm saying on the however based on
11 my experience sentence, right there. You don't have
12 a cite to any evidence, right?

13 A I don't have a cite to anything other
14 than my own experience.

15 Q So other than your experience, you don't
16 cite, for example, any patents by 3M that might
17 relate to the 3M product, right?

18 A If it's not in my declaration, I didn't
19 cite it.

20 Q And you don't cite any brochures from 3M
21 that describe the 3M product, right?

22 A When we started this deposition, you
23 asked me what kind of documents I looked at and it
24 wasn't listed. So I'm not trying to --

25 Q I just want to confirm -- I'm sorry. Go

1 ahead.

2 A So I'm not trying to be deceptive or
3 anything. The documents that I looked at are shown
4 in that paragraph that we went over where we talked
5 about the prior art, the file history, etcetera,
6 etcetera.

7 Q And I'm just trying to confirm that you
8 don't have anything else other than that and you're
9 just -- this is your experience is what you're basing
10 your technical understanding of the 3M product,
11 right?

12 A I also don't have the institution
13 decision.

14 Q Do you not have it or --

15 A I don't have it in my declaration.

16 Q But you do have it?

17 A Somewhere. That referred to --

18 Q Sorry?

19 A I did not refer to it either.

20 Q Yeah, we know that. We covered that.
21 I'm going to -- have you ever worked with the Vikuiti
22 3M product before?

23 A I think I've taken stuff apart. I've
24 analyzed probably thousands of backlights and panel
25 construction and pretty sure I've played with it

1 before. But I never did measurements as described in
2 Figure 6B. Figure 6B in the '835 is pretty specific
3 about the two angles, and I never did a two-angle
4 analysis of the 3M Vikuiti product. I'm relying upon
5 Mok who is using it to enhance on-axis brightness
6 only.

7 Q So you don't know what the outcome of a
8 two-angle analysis on 3M's Vikuiti product would
9 have, do you?

10 A No, but I'm relying upon Mok who has
11 studied it.

12 Q Now, Mok is not the only one who
13 referenced 3M's Vikuiti product, right, in the prior
14 art?

15 A Well, I'm sure you've got somebody in
16 mind. So who is it?

17 Q Well, I mean this is from your
18 declaration. So I'm not trying to surprise you.

19 A Well, let's -- (crosstalk) --

20 Q -- (crosstalk) look at the declaration --
21 I'm going to load in the chat Bohannon 5, which is
22 Exhibit 1008 Epstein.

23 (Whereupon, Bohannon Exhibit No. 5 was
24 marked for identification by the court
25 reporter.)

1 MR. MASSAND: We've been going for
2 like an hour, so whenever you find a
3 stopping point.

4 MR. FERRARIO: Let me make -- I've got
5 sort of -- yeah give me 10, 15 minutes.
6 I've got four things.

7 MR. MASSAND: I just want it to be on
8 your radar.

9 MR. FERRARIO: I know, Neal. This
10 should be going a lot quicker.

11 MR. MASSAND: The testimony is what it
12 is.

13 BY MR. FERRARIO:

14 Q All right. Do you have Bohannon 5 open?

15 A You mean the Epstein patent?

16 Q Is that what you have, Epstein?

17 A It shows up as 1008 Epstein. It doesn't
18 show up as Bohannon 5.

19 Q Yeah. I'm marking these for your
20 deposition as well concurrently. So as I mentioned,
21 it's a little confusing, but yeah. So this is
22 Exhibit 1008 Epstein. That states patent application
23 publication entitled LED Array Systems. Do you have
24 that?

25 A Yes.

1 **Q** And we're probably going to get into this
2 more, but for right now I'm going to have you go to
3 paragraph 74, please. Let me know when you're there.

4 **A** It takes a while. Paragraph 74, one or
5 more light management films may be used above the
6 guiding layer for directing or redirecting the light.
7 One is available from 3M under the tradename BEF
8 trademark.

9 **Q** Okay. So Epstein also discloses the 3M
10 BEF product, right?

11 **A** It's not clear to me that this is the
12 exact same thing that Mok shows.

13 **Q** Because it's not referencing it as the
14 Vikuiti brand?

15 **A** That's one.

16 **Q** Anything else?

17 **A** The fact that it's under the tradename
18 BEF and it's got a TM signal so they -- 3M has
19 obviously applied for and going to apply for a
20 trademark in that.

21 **Q** So you're not sure whether that's the
22 same BEF or not; is that what you're --

23 **A** I don't think anybody is sure. I mean
24 Epstein knows what he did.

25 (Whereupon, Bohannon Exhibit No. 6 was

1 marked for identification by the court

2 reporter.)

3 BY MR. FERRARIO:

4 Q I'm going to put in the chat what I'd
5 like to be marked as Bohannon 6. This is Exhibit No.
6 1007 in the IPR to Lamb, L-A-M-B. Let me know when
7 you've got that.

8 A I've got it. I have Lamb patent
9 application from 2005.

10 Q And let me direct your attention to
11 paragraph 35.

12 A Takes a while to get down there. So this
13 one says paragraph 35, the traditional backlight
14 further includes a thin diffuser sheet and a layer of
15 enhancement film 14 having prismatic surface
16 structures such as Vikuiti brightness enhancement
17 film available from 3M.

18 Q So you recognize that Lamb discloses the
19 same 3M BEF product that Mok does?

20 A I don't know if it's the same or not. He
21 says such as Vikuiti brightness enhancement film.

22 Q I don't understand what you mean by that.

23 A Well, he's got "such as" as one example,
24 whatever such as means.

25 Q Yeah, so one of the examples disclosed in

1 Lamb is the same as one of the examples disclosed in
2 Mok, right?

3 A Well, I'm not sure it's the same thing
4 that Mok looked at it, but it's something that Lamb
5 certainly looked at. I won't argue with you about
6 that.

7 Q So you're saying that's sort of
8 (inaudible) wouldn't connect it to; is that what
9 you're saying?

10 MR. MASSAND: Objection to form.

11 A As a person who has sourced lots of films
12 and whatnot, you've got to be fairly precise in your
13 specifications and all that sort of thing to get the
14 right thing. And such as, without having an accurate
15 part number, it's hard for me to say whether this is
16 the exact same stuff Mok looked at or not. I don't
17 think it is. It says "such as". He's using an
18 example of it.

19 BY MR. FERRARIO:

20 Q All right. So the example that's given,
21 which is the Vikuiti brightness enhancement film,
22 BEF, that example, is that the same as brightness
23 enhancement film BEF available from 3M and sold under
24 the registered trademark Vikuiti?

25 A So I can't testify to that. I don't know

1 if it is or isn't. I'm sure there's a part number on
2 it and they all have different specifications. So
3 this -- it says such as. It's an example of a film.

4 **Q I know -- were 3M Vikuiti BEF products**
5 **well known to those with skill in the art?**

6 A I've seen them in products. I think
7 they're known to a degree. I don't think -- I know
8 for a fact that not everyone uses them. Some people
9 use them. Some people don't.

10 (Whereupon, Bohannon Exhibit No. 7 was
11 marked for identification by the court
12 reporter.)

13 BY MR. FERRARIO:

14 **Q Let's go ahead and do the final one here.**
15 **Load it into chat what I'd like to be marked as**
16 **Bohannon 7. It is Exhibit 1006 to Holman.**

17 A All right. I got it open. Where do you
18 want me to go?

19 **Q Page 118.**

20 A So there are no paragraph markers on
21 here? This is a huge document.

22 **Q This is going to be a tough one. It's**
23 **going to take us a while to get through.**

24 A So which page do you want me to go to,
25 118?

1 Q Yeah. Let me know when you're there,
2 please.

3 A So this says section 8.1, brightness
4 enhancement films and their use in standard
5 backlights?

6 Q Correct. So brightness enhancement films
7 were used and commonly used in standard backlight
8 applications; is that right?

9 A It says here despite the fact that prism
10 arrays have become common elements in practically all
11 illuminators used to backlight LCDs, their influence
12 has been neither well established nor productively
13 exploited.

14 So I kind of disagree with this paragraph
15 because I've looked at hundreds of different products
16 and you don't see them that often, these prism
17 arrays. I think one of the reasons is because
18 they're too expensive.

19 Q Do you see the next sentence? It says:
20 The most common prism sheets used to enhance
21 backlighting brightness are manufactured by 3M under
22 the tradename BEF, an acronym for brightness
23 enhancement films?

24 A Yes, I see that.

25 Q And you see that in recognizing that this

1 is referring to 3M's BEF product?

2 A I mean the sentence speaks for itself.

3 Q And so you're saying you disagree with
4 Holman that these types of arrays are commonly used
5 in backlight operation? Is that what you're saying?

6 A Yes, it is what I'm saying. I've taken
7 hundreds of them apart. You see them sometimes. You
8 don't see them -- I wouldn't call them common. I
9 think -- what's the date of this application anyway?
10 I'm going to go back and look at the date of it. So
11 this is 2003. So back in 2003, the LCD market was
12 completely different than what it is today. There
13 weren't that many of them, weren't as many products.
14 People were grasping at straws for ways to increase
15 brightness. It may have been more popular in 2003
16 but I doubt it.

17 MR. FERRARIO: Very interesting.

18 Well, we can take a break. We can go off
19 the record. How long -- how long you want?

20 MR. MASSAND: Ten minutes is fine with
21 me.

22 (Whereupon, a brief recess was taken.)

23 BY MR. FERRARIO:

24 Q So back to paragraph 49 of your
25 declaration, it's your opinion that based on your

1 experience in the industry, the 3M product is not a
2 brightness enhancement film because it does not
3 recycle light, correct?

4 A Well, I said it's not a brightness
5 enhancement film as claimed in the '835 patent.

6 Q Because it does not recycle light, right?

7 A Because it doesn't do the things as
8 claimed in the claims. It --

9 Q You said because -- go ahead.

10 A So I say in paragraph 49 that the
11 brightness enhancement film as taught in the '835
12 patent has two angles. This is explicitly cited in
13 claim one in Mok who -- this is in reference to the
14 Mok piece of prior art. Mok does not disclose or
15 teach light recycling. He teaches on-axis brightness
16 enhancement.

17 Q And, again, it's because the brightness
18 enhancement film in Mok does not recycle light?

19 MR. MASSAND: Objection to form.

20 A Right. Mok doesn't -- Mok uses it for
21 on-axis brightness enhancement.

22 BY MR. FERRARIO:

23 Q Didn't ask you how he uses it. I'm just
24 asking you, it's your opinion because the brightness
25 enhancement film in Mok does not recycle light?

1 MR. MASSAND: Objection.

2 BY MR. FERRARIO:

3 Q That's your opinion?

4 A It shows it as during on-axis brightness
5 enhancement.

6 Q So is it that it doesn't do it or Mok
7 doesn't show it?

8 A So Mok is the person who used this in his
9 invention and he's saying that he uses it for on-axis
10 brightness enhancement.

11 Q But do you know if it doesn't?

12 A I did not analyze Mok's piece of BEF
13 films.

14 Q You don't know if it does or does not do
15 it?

16 A I did not analyze Mok's films.

17 Q Do you know?

18 A How would I know? I did not analyze
19 Mok's films.

20 Q So you don't know if the 3M Vikuiti
21 brightness BEF film recycles light?

22 MR. MASSAND: Objection to form.

23 A I don't know the one that Mok looked at.
24 So Mok has looked at one example of a 3M brightness
25 enhancement film called Vikuiti and he uses it for

1 on-axis brightness enhancement.

2 BY MR. FERRARIO:

3 Q Let's go to Lamb, which should be
4 Bohannon 6 and 1007. And let's go to paragraph 35.
5 Let me know when you're there. And again, paragraph
6 35 refers to Vikuiti brightness enhancement film BEF
7 from 3M, right?

8 A It does.

9 Q And Lamb states that the enhancement film
10 14 reflects light within a certain angle toward the
11 view. See that?

12 A I do.

13 Q Is refracting light within a certain
14 angle toward the viewer similar to light ray 73A in
15 Figure 6B of the '835 patent?

16 MR. MASSAND: Objection to form.

17 A It doesn't -- does not Lamb show his own
18 figures?

19 BY MR. FERRARIO:

20 Q I'm asking you my question.

21 A So I did not look at --

22 Q I'm just asking you. Does refracting
23 light within a certain angle towards a viewer
24 describe light ray 73A?

25 MR. MASSAND: Objection to form.

1 A Well, it's hard to tell. I can't tell
2 from these words alone. I'd like to see a diagram.

3 BY MR. FERRARIO:

4 Q If you can't tell, you can't tell. Then
5 Lamb goes on to state: Light outside that angle is
6 recycled, i.e., reflected back into the backlight
7 ten. Do you see that?

8 A I do.

9 Q Does that describe light ray 73B in
10 Figure 6B of the '835 patent?

11 A I'd like to see a diagram.

12 MR. MASSAND: Objection to form.

13 A I can't tell from the words alone. Does
14 he have any diagram that shows a light ray -- kind of
15 what you would call a ray trace analysis? I don't
16 think so.

17 BY MR. FERRARIO:

18 Q Does Lamb describe the Vikuiti brightness
19 enhancement film BEF as recycling light?

20 A The words are what they are, so he
21 describes some form.

22 Q Is that a yes, he describes some form of
23 recycling light?

24 A Well, when I look at Figure 1 -- when I
25 look at Figure 2, Figure 1 is a prior art figure.

1 Figure 2 -- it says -- completely impossible for me
2 to understand how this is similar to the '835 patent
3 because if he's going to recycle light back into the
4 reflector, it's impossible without a ray trace. It's
5 impossible for me to understand how that would at all
6 work.

7 Q Okay. I didn't ask you how it worked.
8 I'm only asking you whether the BEF described in Lamb
9 is one that emits light having a first orientation
10 and reflects light having a second orientation?

11 A Like I said, it's -- it's hard to say how
12 that would work given the way the reflectors are
13 placed in the Lamb description. So if you look at
14 Figure 2, it's hard to -- it's impossible to see how
15 light could be recycled in that arrangement.

16 Q But Lamb describes light being recycled,
17 right?

18 A So what paragraph is that because I was
19 looking at --

20 Q 35.

21 A I was looking at the figures. Okay.
22 What Lamb says is that film 14 refracts light within
23 a certain angle and light outside that angle is
24 recycled or reflected back into the backlight. And
25 when you look at the -- at the cross-section -- when

1 you look at the construction figure, Figure 2, it's
2 impossible for me to tell how that works.

3 I can read the words, but when you look
4 and you realize where the reflectors are, where all
5 the optical elements are, it makes no sense.

6 Q Is that because they're off to the side?

7 A That's one reason. But it's not the
8 whole structure. It's multiple layer structure.
9 This just doesn't make any sense.

10 Q Now, one reason it may not make sense to
11 you is because the paragraph 35, that's describing
12 Figure 1 and not Figure 2, right?

13 A The traditional backlight -- well, Figure
14 2 is just as bad as Figure 1. Figure 1 and Figure 2
15 are quite similar in that the reflector -- backlight
16 reflector is not a smooth surface. So, again, it's
17 hard to see how any kind of recycling could happen
18 with the reflector in those CCFLs. This is a
19 different animal.

20 Q You understand Figure 1 identifies layer
21 14 as the brightness enhancement film, right?

22 A Yes.

23 Q And layer 16 and 18 are diffusers?

24 A I don't know what 18 is. I have to go
25 down and see what 18 is. So it calls 18 a typical

1 diffuser -- oh, and I guess they're showing two
2 diffusers. I don't know why one is so thick. It
3 doesn't make much sense. I wouldn't call that a
4 typical backlight anyway, so I guess it's from years
5 ago.

6 Q And 17 is the reflector, right?

7 A Let's see. They call it a shaped
8 reflector located behind an array of light bulbs; a
9 thick diffuse plate 18 is placed over the array of
10 light bulbs to diffuse the light from individual
11 bulbs, e.g., CCFLs in order to hide them from the
12 viewer. So it's a completely different animal.

13 Q Now, with this understanding that Lamb's
14 description of recycling, he's actually -- in
15 relation to Figure 1, do you understand that Lamb
16 teaches the Vikuiti brightness enhancement film, BEF,
17 as recycling light?

18 MR. MASSAND: Objection to form.

19 A Well, I don't like Figure 1 and I'll tell
20 you why. Where it says the typical diffuser -- this
21 is in paragraph 34 -- where it says a typical
22 diffuser plate 18 has a large amount of absorption
23 associated with it as well as a large amount of back
24 scattering, the effects of which grow exponentially.
25 If light recycling enhancement films are added

1 further aid in hiding the bulbs from the viewer,
2 diffuser plates have been patterned, which results in
3 artificial -- additional -- not artificial but
4 additional losses of light. So right now he's
5 telling you that this doesn't work.

6 Q That may very well be your opinion, but
7 he is --

8 A (Inaudible).

9 Q -- describing a system wherein the BEF is
10 recycling light, correct?

11 MR. MASSAND: Objection to form.

12 BY MR. FERRARIO:

13 Q So you disagree that Lamb states that the
14 light refracted from the enhancement film within a
15 certain angle is recycled back into the diffuser?

16 A Where it says light outside. It doesn't
17 say within. It says outside. So it's light within a
18 certain angle goes to the viewer. Light outside that
19 angle is recycled or refracted back but -- with all
20 the caveats in the explanation of Figure 1, you can
21 just tell this doesn't work.

22 Q All right. So you identified two types
23 of light. Light within a certain angle and then
24 light outside that angle, right?

25 A Yes. Lamb is claiming that light outside

1 that angle is recycled.

2 Q So is light within a certain angle light
3 of a first orientation?

4 A I don't know.

5 Q Is light outside that angle light of a
6 second orientation?

7 A I don't know. He uses -- he describes it
8 as he describes it. I'll let his words speak for
9 themselves.

10 Q Does the light within a certain angle,
11 i.e., first orientation, pass through the enhancement
12 film towards the viewer --

13 MR. MASSAND: Objection to form.

14 BY MR. FERRARIO:

15 Q -- according to Lamb?

16 A So it says the enhancement film refracts
17 light within a certain angle towards the viewer. The
18 words speak for themselves.

19 Q And does light outside that angle, i.e.,
20 of a second orientation reflect back towards the
21 display?

22 MR. MASSAND: Objection to form.

23 A It says it --

24 BY MR. FERRARIO:

25 Q I'm sorry. Back towards the backlight?

1 MR. MASSAND: Objection to form.

2 A It says it's reflected back into the
3 light -- into the backlight where it travels within
4 the system. But also the top of paragraph 34, which
5 claims a large loss of -- the amount of absorption
6 associated with that diffuser plate. So when I read
7 paragraph 34 and 35 together, it tells me that none
8 of the light's going to be recycled. It's not going
9 to get through the system.

10 BY MR. FERRARIO:

11 Q So Lamb is describing that it was known
12 in the prior art to use BEF film to recycle light?

13 MR. MASSAND: Objection to form.

14 A Those are your words.

15 BY MR. FERRARIO:

16 Q I'm asking you is that what one of skill
17 in the art would understand reading Lamb?

18 A By reading Lamb, I see a system that's
19 got lots of problems that's not doing any kind of
20 light recycling from a system perspective. I don't
21 think any of that light as it bounces off of the BEF,
22 it's not going to reach the reflector, therefore,
23 it's not going to do recycling.

24 Q That's despite what Lamb explicitly
25 teaches about that BEF used in the prior art system?

1 A So Lamb explicitly teaches that the BEF
2 as diffused in Figure 1 is not going to work the way
3 you think it's going to work because there's all
4 those losses in the various diffuser plates and that
5 light bulb arrangement with the shape reflector is
6 just not going to work. So regardless of what you
7 think it's doing, it's not going to work.

8 Q So if Lamb's specific arrangement doesn't
9 work, does Lamb at least confirm or educate you as to
10 how 3M's Vikuiti BEF reflects light having a second
11 orientation?

12 MR. MASSAND: Objection to form.

13 A So this is -- this is -- he's talking
14 about a layer of enhancement. So 14 having prismatic
15 surface structures such as Vikuiti implies some kind
16 of a light association with that. So he's using that
17 as an example. He doesn't indicate that he actually
18 tested it and kind of skeptic. Unless I tested it
19 and seen that the two-angle relationship as described
20 in the '835 patent, I'm not going to just take it at
21 face value. His recycling is not going to work
22 because of the way the whole system is built.

23 BY MR. FERRARIO:

24 Q But as an expert, you then don't have an
25 understanding that Vikuiti's brightness enhancement

1 films were well known to emit and reflect light in
2 the way that Lamb is describing. Is that what you're
3 saying?

4 A Well, I think this says -- says something
5 to the effect in here -- if you continue on, he talks
6 about the reflective polarizer placed over the
7 enhancement film, such as the multilayer polarizer
8 such as the Vikuiti dual brightness enhancement film
9 also available, transmits light with a predetermined
10 polarization while reflecting light with a different
11 polarization into the backlight where the
12 polarization state is altered and fed back to the
13 reflective polarizer. This process is also referred
14 to as recycling.

15 So that Vikuiti was a dual -- it was a
16 dual BEF. It is a different kind of creature during
17 Mok and what we're all talking about.

18 Q That's a different film, right?

19 A That's the continuation of paragraph 35
20 talking about Figure 1.

21 Q I mean, the dual brightness enhancement
22 film is a reflective polarizer, right? That's
23 different than the brightness enhancement film.
24 That's your understanding?

25 A That's the brightness enhancement film

1 with a polarizer.

2 Q And that also recycles light, right?

3 A But it's not going to work well.

4 Q Whether it works well or not, both of
5 these disclosures confirm that the 3M BEF recycles
6 light, right?

7 A I don't know why you say both.

8 Q Well, I say both because Lamb says both,
9 right?

10 MR. MASSAND: Objection to form.

11 A I'm looking at the figures.

12 THE COURT REPORTER: I'm sorry. I
13 didn't hear the answer.

14 THE WITNESS: I said I'm looking at
15 the figures.

16 MR. MASSAND: Are you guys frozen or
17 are you still there?

18 THE WITNESS: I'm here.

19 BY MR. FERRARIO:

20 Q I'm waiting on an answer. You were
21 looking at the figures. I'm waiting on an answer.
22 Do they both recycle light?

23 A Both.

24 Q Both the BEF and the DBEF?

25 A They appear to reflect some light back.

1 Whether it actually works in the system is to be
2 determined. I don't think it does.

3 **Q But they both do reflect some light back?**

4 A They appear to reflect some light back in
5 some state. I don't think it's going to work with
6 their systems. They won't -- it won't actually
7 recycle. It won't actually reflect off the reflector
8 and the polarizer doesn't work. People don't do that
9 kind of thing.

10 **Q Does Lamb describe the BEF as emitting**
11 **light having a first orientation?**

12 A So it reflects -- refracts light within a
13 certain angle towards the viewer so...

14 **Q And does Lamb describe the BEF as**
15 **reflecting light having a second orientation?**

16 MR. MASSAND: I think there was an
17 answer -- he was still trying to finish his
18 answer.

19 A Yeah, well, that sentence says it
20 refracts light within a certain angle towards the
21 viewer. It's not the exact -- it's not the same
22 wording as the '835 does for their -- for their first
23 angle. Refracting light within a certain angle is
24 different but light reflected back into the backlight
25 but I don't -- and then it says, outside that angle

1 -- light outside that angle is recycled, i.e.,
2 reflected back into the backlight. I don't think
3 that works.

4 BY MR. FERRARIO:

5 Q Whether it works or not, that's how Lamb
6 describes the BEF working, right?

7 A Those are Lamb's words. You can use them
8 as you wish.

9 MR. MASSAND: Objection to form.

10 BY MR. FERRARIO:

11 Q Well, or not apparently. Do you agree
12 that this description of the 3M BEF product is a
13 hallmark of 3M's BEF film?

14 A No.

15 MR. MASSAND: Objection to form.

16 BY MR. FERRARIO:

17 Q You think that this description of total
18 internal reflection has been a hallmark of 3M's
19 films --

20 A No.

21 Q -- in the industry?

22 MR. MASSAND: Objection.

23 A No, I don't see any words like total
24 internal reflection associated with that Vikuiti BEF.
25 And there's got to be precise part numbers associated

1 with those things all of which have different
2 characteristics. I mean, they've got to specify that
3 -- that sheet. You know, I think just because they
4 have a tradename doesn't mean that every single thing
5 has got the exact same qualities associated with it.

6 BY MR. FERRARIO:

7 Q Do you think that these brightness
8 enhancement films or prism sheets were the most
9 common brightness enhancement films known in the
10 industry?

11 A No, they're not.

12 MR. MASSAND: Object to form.

13 A Absolutely not.

14 BY MR. FERRARIO:

15 Q Let's take a look at Holman, which we had
16 previously marked as Bohannon 7. It is Exhibit No.
17 1006.

18 A Okay.

19 Q And I think we had previously looked at
20 page 118. Why don't we go there.

21 A So I'm looking at it.

22 Q And I want to direct you to the first
23 sentence of the second paragraph under the heading
24 that begins "the most common prism sheets." Do you
25 see that?

1 A Yes, I do.

2 Q And do you see where Holman states that
3 the most common prism sheets used to enhance
4 backlighting brightness are manufactured by 3M under
5 the tradename BEF?

6 A I see that.

7 Q And so do you agree that people of skill
8 in the art would have been familiar with the most
9 common prism sheets used to enhance backlighting and
10 brightness?

11 MR. MASSAND: Objection to form.

12 A So they've got their opinion. I mean
13 that was back in the early 2000s so there were
14 obviously some sold, but those systems are just not
15 commonplace. I haven't taken apart a modern one in a
16 long time.

17 BY MR. FERRARIO:

18 Q I'd like you to scroll to page 119 if you
19 would?

20 A Yes.

21 Q And in the paragraph beginning with
22 "preferable practice", do you see that?

23 A No. Down towards the bottom?

24 Q Yeah. Should be the last -- the last
25 paragraph of page 119. Do you see where it says

1 "preferable practice"?

2 A Yes.

3 Q And you see a reference there to Figures
4 1 through 3, 7 and 10 to 15?

5 A Yes.

6 Q And that's referring to multilayered
7 illuminator inventions described herein?

8 A Yes.

9 Q And you provide some opinion on some of
10 the figures in Holman in your declaration, right?

11 A I don't know. Which page?

12 Q Well, do have you a memory of it?

13 A I'm looking at the thing. Do you want me
14 to page through it and find it myself or do you want
15 to tell me?

16 Q Yeah, they're not critical. I'm just
17 wondering if you recollect it. We can keep -- I just
18 want to keep moving. I don't want to go back to your
19 declaration right now. But if you don't remember,
20 then that's fine.

21 A No, I don't recall what you're talking
22 about in my declaration unless you can point me to a
23 page.

24 Q Let's keep moving. I want to scroll down
25 to page 125. Let me know when you're there.

1 A Internally reflected light and its
2 recycling.

3 Q Yeah. So this is section 8.2.2.3 of
4 Holman, entitled Internally Reflected Light and Its
5 Recycling. You see that?

6 A I do.

7 Q And you reviewed this reference in
8 connection with forming opinions in your declaration,
9 right?

10 A I think so. I mean, you want to point me
11 to where I talked about it?

12 Q Well, we talked earlier that, you know,
13 you -- when you reviewed a reference, you reviewed
14 all of it, right?

15 A Part of my declaration where I talk about
16 Holman.

17 Q We'll get to that. Let's continue
18 looking on page 125 here. Do you see how Holman
19 describes angle specific total internal reflections
20 when combined with some type of reflective return
21 mechanism constitute the basis for the backlighting
22 specific brightness enhancement that has been the
23 hallmark of 3M's commercial prism array film BEF. Do
24 you see that?

25 A Yes, I see that.

1 Q A little further down, do you see the
2 paragraph beginning the reflective recycling?

3 A Yes.

4 Q And Holman states that the reflective
5 recycling of the rejected ray fraction illustrated by
6 bundles 1286 in Figure 58 and 1316 in Figure 59 is
7 important to the present inventions only in that
8 recycling efficiency increases the percentage of
9 input light that becomes a usable part of the prism
10 sheet's total light output.

11 A Yep. I see that.

12 Q Would you agree that total light output
13 refers to maximizing brightness?

14 A Well, what page was that you're reading
15 on? I was trying to find the figure.

16 Q 125.

17 MR. MASSAND: I'm sorry. Can you
18 repeat the question?

19 MR. FERRARIO: Yeah.

20 THE COURT REPORTER: You want me to
21 read it back?

22 MR. FERRARIO: Yes, please.

23 (Whereupon, the Court Reporter read
24 the record: Question: Would you agree
25 that total light output refers to

1 maximizing brightness.)

2 A So total light output, I don't understand
3 what that means. You've got -- the sentence starts
4 out angle specific total internal reflection. It
5 doesn't say -- so internal reflections but some type
6 of reflective return mechanism constitutes the basis
7 and has been a hallmark for their -- I mean, it's too
8 bad somebody doesn't ask him -- doesn't do a real
9 system analysis of it to show if there's actually an
10 increase in brightness at the end of the day. But I
11 see what the words say.

12 BY MR. FERRARIO:

13 Q And the words say that using BEF to
14 recycle light increases brightness, right?

15 A Where does it say all this increases
16 brightness? It talks about rejected protons that
17 scatter into angles -- increase viewable power within
18 the range -- reuse -- it's not quite -- it's not as
19 clear as you would like it to be, that paragraph.

20 Q Do you understand -- I'm sorry. Go
21 ahead.

22 A I said that paragraph isn't as clear as
23 you would like it to be.

24 Q Does increasing the percentage of input
25 light that becomes a usable part of the prism sheet's

1 total light output increase brightness?

2 A Where does it say that?

3 Q I'm asking you.

4 A I mean, we're talking about Holman.

5 Where does Holman use those words?

6 Q I'm on page 125.

7 A It says while the reuse of wasted photons
8 is an admirable feature, in general reuse in and of
9 itself does not influence the output uniformity in
10 any appreciable manner, therefore not a critical
11 feature for the use in the present invention.

12 Photons that are reflectively recycled randomly and
13 as such are equally apt to enhance brightness [sic]
14 of nonuniformity as they are to affect dark ones.
15 That's what that's paragraph says.

16 Q And does the paragraph below it say that
17 recycling efficiency increases the percentage of
18 input light that becomes a useable part of the prism
19 sheet's total light output?

20 A It says reflective recycling of rejected
21 ray fraction illustrated by bundles 1286 in Figure 58
22 and 59 -- that's what I was looking for by the way --
23 is important only in -- to the present invention only
24 in that the recycling efficiency increases a
25 percentage of input light that becomes a usable part

1 of the prism sheet's total light output.

2 So it doesn't say what you would like it
3 to say.

4 Q I don't know what it is you think I would
5 like it to say. I'm asking a question. And my
6 question is: Does increasing the percentage of input
7 light that becomes a usable part of the prism sheet's
8 total light output increase brightness?

9 A You would have to look at the system to
10 see that. Do they have a polarizer after that? Is
11 this one of the polarizers? So it's hard to say.
12 I'd have to look at it as a system rather than just
13 as a brochure for a BEF film made by 3M.

14 Q Is that what this is?

15 A Well, it kind of reads like a brochure.

16 Q But you read this -- you read this patent
17 application, right?

18 A I read this. Doesn't mean I believe
19 every --

20 Q The whole thing? You read the whole
21 thing?

22 A Doesn't mean that I believe every word of
23 it and take it as some form of gospel. I mean, it's
24 his opinion as much -- if anything.

25 Q His opinion describing the most commonly

1 used brightness enhancement film -- (cross-talk).

2 A That's why I said it reads like a
3 brochure. I can almost imagine that the inventors
4 have some kind of relationship with 3M and they're
5 using it to cite their products because it is not the
6 most commonly used film. You hardly ever see these
7 films. I can't remember the last time I saw one of
8 these films in a backlight system. They're not
9 common.

10 Q Since you were looking at figures, let's
11 go ahead and look at Figure 59.

12 A What page is that on?

13 Q It is on page 227 of 243.

14 A Okay. I'm looking at 59.

15 Q And do you see the light rays depicted in
16 Figure 59?

17 A I do. You're talking about --

18 Q And --

19 A -- 1312 or 1312 through 1314. I don't
20 know what 1314 is. A bundle perhaps.

21 Q Right. And then the output is 1316?

22 A Yes, I see that.

23 Q And do you recognize Figure 59 as showing
24 total internal reflection for certain light rays?

25 A It's showing reflection. Whether you

1 want to call it total internal or not is up to you.

2 Q Well, Holman calls it that, right?

3 A I'm not a believer in everything he's
4 saying.

5 Q And '835 patent calls it that, too,
6 right?

7 MR. MASSAND: Objection to form.

8 A I don't think they call it total
9 internal. They call it internal into -- they use
10 different wording. You're trying to force it into
11 this one format and I'm not buying it.

12 BY MR. FERRARIO:

13 Q I mean I'm not buying what you're saying.
14 It cites it as totally internally reflective, right?

15 A I'm not agreeing with everything you say.
16 I mean, the figure speaks for itself.

17 Q Okay, perfect. Let's go to Figure 58,
18 please, would you?

19 A Okay.

20 Q And this shows light rays in a BEF that I
21 don't know, you tell me. What does this show?

22 A Shows a bunch of light bouncing around.

23 Q Is this light being recycled?

24 A Hard to say if it would actually work or
25 not like that.

1 **Q** If it did, would it show light being
2 recycled?

3 **A** Well, tell me what that 1288 is doing.
4 It's going off to the side. It's going to be lost in
5 space.

6 **Q** I mean you're the expert. You tell me.
7 You reviewed this reference.

8 **A** I did.

9 **Q** You cited it. You analyzed it.

10 **A** I did.

11 **Q** Why don't you tell me?

12 **A** I told you what I thought.

13 **Q** Okay.

14 **A** Light bouncing around going in odd
15 places. I don't think any of it's useful.

16 **Q** Okay. Take a look at Figure 57, please.

17 **A** I am.

18 **Q** And what does light [sic] 57 show?

19 **A** Shows light --

20 **Q** I'm sorry, Figure 57?

21 **A** It shows light being directed towards the
22 viewer symbolized by an eyeball.

23 **Q** So is Holman disclosing that some light
24 is directed to the viewer and some light is reflected
25 back?

1 A And some light is lost as in Figure 58.

2 Q Is that what Holman is disclosing?

3 A That's what I'm saying the figure shows.
4 You asked my opinion of the figures.

5 Q And these figures are --

6 A Shows light being lost.

7 Q And those -- these figures are being used
8 to describe prism sheets, right?

9 A Looks like a prism sheet.

10 Q Such as 3M's BEF?

11 A I don't see a 3M trademark on these
12 figures. You've got to -- you measure them some way.
13 He made up these figures from something, so we'll
14 have to take him at his word. I can't testify that
15 this is a 3M BEF or not.

16 Q But Holman described them as 3M's BEFs,
17 right?

18 A You can take Holman's words for what they
19 are.

20 (Whereupon, Bohannon Exhibit No. 8 was
21 marked for identification by the court
22 reporter.)

23 BY MR. FERRARIO:

24 Q I'm going to drop in the chat a document
25 I'd like marked as Bohannon 8, please.

1 A So what's this document?

2 Q Have you ever seen this document before?

3 A Is it in my declaration?

4 Q I'm just asking if you've ever seen it
5 before?

6 A Do I say I see it somewhere?

7 Q Have you ever seen it before?

8 A I might have. I don't think it's in my
9 declaration. Are you -- you got it off the Internet
10 from a while back, huh?

11 Q Do you recognize this document as
12 describing the Vikuiti brightness enhancement film?

13 A This says what it says. It's your
14 document.

15 Q And you recognize that the Vikuiti
16 brightness enhancement film is described using total
17 internal reflection?

18 MR. MASSAND: Objection to form.

19 A So this is a document you got off the
20 Internet. I mean, I don't know its provenance. So
21 it is what it is. I can't speak to it.

22 BY MR. FERRARIO:

23 Q Do you see the sentence in the middle of
24 the paragraph that says the process of refracting
25 usable light?

1 A I can read.

2 Q Do you see where it says refracting
3 usable light towards the viewer and reflecting most
4 of the remaining light back into the display is
5 called recycling? Do you see that?

6 A I see that.

7 Q Do you agree with that sentence?

8 A What do you mean do I agree with it? Do
9 I agree with what this thing is supposed to be? I
10 mean, you got this thing off the Internet from
11 somewhere.

12 Q I'm just asking you if you agree that the
13 process of refracting useable light towards the
14 viewer and reflecting most of the remaining light
15 back into the display is known as recycling?

16 A Well, we call -- it's a similar process
17 recycling, but it's got to go back to the -- it's got
18 to go back to the right place. It can't just -- just
19 be reflecting some light because everything reflects
20 light. I mean, your office walls reflect light.
21 Doesn't mean it's useable or not. Just kind of adds
22 to the general glow.

23 So you got to look at these things as a
24 system, and this is some brochure that may or may not
25 be, you know, a real document or not. I can't tell

1 you. Something you found on the Internet.

2 (Whereupon, Bohannon Exhibit No. 9 was
3 marked for identification by the court
4 reporter.)

5 BY MR. FERRARIO:

6 Q I'm going to drop another document in the
7 chat I'd like marked as Bohannon 9, please. Mr.
8 Bohannon, please let me know once you've got that and
9 opened it up.

10 A What is it? I don't get Bohannon's 8s
11 and 9s. I just get a PDF file.

12 Q All right. This is a two-page PDF
13 document. Do you have it open?

14 A For propaganda from 3M.

15 Q And have you ever seen this document
16 before?

17 A I am not sure.

18 Q So you may have?

19 A This is from 2002 or before.

20 Q Now, I'd like to direct your attention to
21 the second page of the PDF and to the right side
22 middle of the page titled "how it works". Do you see
23 that?

24 A I see that.

25 Q And do you see that 3M describes that its

1 product utilizes refraction and reflection to
2 increase the efficiency of your backlight?

3 A I see that.

4 Q Do you see that it describes the film as
5 refracting light within the viewing cone toward the
6 viewer? See that?

7 A I see that.

8 Q And that light outside that angle is
9 reflected back and recycled. Do you see that?

10 A Well, here's the thing. You know, those
11 angles don't --

12 Q I just asked -- first of all, I'm just
13 asking if you see that. Do you see that?

14 A I see the figure. I see the document you
15 got from the Internet that's like 20-some-odd years
16 old so (inaudible) --

17 Q That's all I'm asking then. There is no
18 other question pending. (Cross-talk.) Did you see
19 it? I'm not asking you to argue. Mr. Bohannon,
20 there's no question pending. If you want to provide
21 some testimony, you can get with your attorney and
22 you can do something -- file a supplemental
23 declaration if you feel like you need to. That's all
24 I'm asking. That's all I'm saying. I'm just asking
25 you if you see the information here on this page? Do

1 **you agree that the Vikuiti BEF recycles light?**

2 MR. MASSAND: Objection to form.

3 A So you were just saying that you weren't
4 asking me any question and then you asked a question
5 so...

6 BY MR. FERRARIO:

7 **Q Yeah. That's how this works.**

8 A So I'm not sure of the provenance of this
9 document and I don't -- I'm not a believer of this
10 little figure and I don't know what those angles are.
11 Those angles look the same, looks to me like if light
12 gets through the initial reflection, some of that may
13 be directed towards the viewer. And what those
14 percentages are, it's hard to tell. It's not a very
15 believable document and I know that these things are
16 not used anymore these days. Maybe it was something
17 3M was trying to market back in the early 2000s and
18 it didn't get very far and they've dropped it. It's
19 too bad you don't have any recent documents, but
20 these things are not common.

21 **Q Let's go back to your declaration if you**
22 **would.**

23 MR. MASSAND: Lynne, do you have a
24 time like how much time we spent on the
25 record?

1 THE COURT REPORTER: Yes, I do. Hold
2 on one second. Three hours, thirty-two
3 minutes.

4 MR. MASSAND: Matias, I think your
5 time limit is four hours. I don't know how
6 close you are to done.

7 MR. FERRARIO: Got it.

8 MR. MASSAND: Seven? In a trial
9 practice cross-examination is four.

10 MR. FERRARIO: Maybe you can send it
11 to me and I'll look at it at a break.
12 Let's just keep going. You know, the
13 problem is the witness has wasted so much
14 time.

15 MR. MASSAND: You ask a question
16 basically paraphrasing things. I mean
17 that's the way you've asked the questions.

18 MR. FERRARIO: I get to ask the
19 questions.

20 MR. MASSAND: He's wanting to speak to
21 the declaration.

22 MR. FERRARIO: I get to ask the
23 questions --

24 MR. MASSAND: Anyway asking for more
25 time based on your paraphrasing and

1 mischaracterizations so...

2 MR. FERRARIO: Well, we can let the
3 board decide that, but we don't have to do
4 that now.

5 MR. MASSAND: Yes, we can.

6 BY MR. FERRARIO:

7 Q Going back to your declaration, please,
8 and I'm still back on paragraph 49, I got to ask.

9 A What page?

10 Q Paragraph 49.

11 A Is that a page?

12 Q That's right. Your declaration is not
13 page numbered. Let me know when you get there.

14 A Okay. I'm there.

15 Q Okay. You state that based on your
16 experience in the industry, the 3M product is not a
17 brightness enhancement film because it does not
18 recycle light. Do you recall that?

19 A I do. It's (inaudible).

20 Q Now, after looking at Mok, after looking
21 at Lamb, after looking at Holman and then after
22 looking at the 3M product brochures, do you stand by
23 that statement?

24 A Oh, yes, I do. I doubt your product
25 brochures. They weren't clear. They didn't show the

1 things that they need to show if I was going to
2 change my position, which I am not. Mok doesn't
3 teach it as light recycling. Lamb, that thing would
4 never work. It's not doing anything. And Holman was
5 something else, I forget. But I'm not changing my
6 opinion.

7 Q All right. Now, turning back, I want to
8 ask you some questions about your opinions beginning
9 in paragraph 46 of your declaration. In the section
10 A, Mok does not disclose claim 1D of a brightness
11 enhancement film on the reflector.

12 A I see that.

13 Q Now, in the second sentence of paragraph
14 46, you state that the term "on" requires that the
15 BEF be directly on the diffuser or on with
16 intervening elements present, right?

17 A I can read that.

18 Q And it's your opinion that an air gap or
19 space of air cannot be an intervening element, right?

20 A So I say the '835 patent invention
21 provides benefits of improved uniformity along with
22 overall reduced panel thickness without using any
23 spaced apart distance or larger spaced distances as
24 disclosed by Mok. Neither Mok nor the '835 describe
25 any kind of spaced apart distances or gaps between

1 elements using various elements as an element or an
2 optical element.

3 Q So it's your opinion that if there's a
4 space or air between elements, then those elements
5 are not on, right?

6 A I think I've answered that question.

7 Q And in fact in paragraph 47, you say that
8 Mok -- Mok's empty space between the elements is not
9 an intervening layer. That's your opinion, right?

10 A I say Mok includes an empty space between
11 the elements, which is not considered an intervening
12 layer. That's my opinion.

13 Q Now, you didn't consider a claim
14 construction where the word "on" included empty space
15 as an intervening element, right?

16 A Well, the claim construction documents
17 are a part of my declaration -- are referenced in my
18 declaration. You know that. If you want to see
19 what's in there, we can look at that.

20 Q Well, you understand that that's an issue
21 that is disputed between the parties, right, whether
22 air is an intervening element or not?

23 A Well, I also say there on paragraph 47
24 that petitioner appears to concede this point,
25 petitioner at paragraph 18 or page 18. I forget

1 which.

2 Q And that point of being conceded is that
3 Mok does disclose an empty space, right? You
4 understand that, not whether the claim construction
5 of the term "on" includes air as an intervening
6 element or not. Do you understand that?

7 A I understand what you're saying.

8 Q So, again, back to my question, it was
9 that you understand that the parties dispute whether
10 air is an intervening layer or not, right?

11 A I understand that that's part of the
12 dispute.

13 Q Okay. And your opinion in your
14 declaration assumes that air cannot be an intervening
15 element, right?

16 A It's an absence of elements. There's
17 nothing there.

18 Q Now, if you're wrong about that, if
19 you're wrong, then Mok does show a brightness
20 enhancement film on a reflector, right?

21 A If you're wrong, it doesn't.

22 Q So you agree that if you're wrong, then
23 Mok does disclose a brightness enhancement film on a
24 reflector?

25 A That's not how I construe "on."

1 Q That's not the question.

2 A "On" is construed as either directly on
3 or on an intervening element, and dead air does not
4 count.

5 Q I understand that's your position. You
6 didn't provide any analysis or opinions in the event
7 that the claim construction went against you, right?

8 A So why should I?

9 Q Well, I mean if you read the institution
10 decision, you might have wanted a backup.

11 A You're going to go back to that?

12 Q Well, do you know what the board's claim
13 construction was on that term?

14 A If it's not in my declaration, I don't
15 have it in front of me and would be a waste of time.

16 Q Now, going back to Mok if you would, go
17 to paragraph 25.

18 A Of what?

19 Q Mok, M-O-K.

20 A Mok prior art. Brightness enhancer 18
21 may be mounted in front of the diffuser and may be
22 separated therefrom by a spaced apart distance 54.

23 Q Do you see where Mok states that it is
24 preferable to stack the brightness enhancer directly
25 on the diffuser?

1 A Yes, I see that sentence, but that's not
2 how he did his drawings.

3 **Q Okay. But it is preferable that they be**
4 **directly on top of each other, right, according to**
5 **Mok?**

6 A It says however the brightness enhancer
7 is preferred -- preferably stacked directly on the
8 diffuser 16.

9 **Q And you don't cite this sentence anywhere**
10 **in your declaration, do you?**

11 A Well, we've got the drawings. I mean,
12 why did he have it on the front page of his patent
13 application if it's preferable as you state. I don't
14 think it is preferable. I think it's preferable
15 because the drawing is on the first page of the
16 patent application.

17 **Q Look, your argument is with Mok, not me.**

18 A I'm telling you. You said it's
19 preferable. I'm disagreeing with you.

20 **Q Mok said it was preferable, right?**

21 A It says preferably.

22 **Q So Mok's teaching is to preferably place**
23 **the brightness enhancement film directly on the**
24 **diffuser, right?**

25 MR. MASSAND: Objection to form.

1 A It says the brightness enhancer may be
2 mounted in front of the diffuser and may be separated
3 therefrom by a spaced apart distance 54. So I read
4 that sentence and I say it's not on. So says however
5 the brightness enhancer is preferably stacked on the
6 diffuser minimizing or eliminating the distance. But
7 it shows it in the figure. So Mok is ambiguous at
8 best.

9 Q And you don't address the second sentence
10 anywhere in your declaration, do you?

11 A Probably not.

12 Q Flip to the '835 patent if you would.

13 A Okay.

14 Q And I want you to look at Figure 5B for
15 me, please.

16 A I'm looking at it.

17 Q And do you recognize what elements 75 and
18 77 are?

19 A No. I'd have to read the description.

20 Q Did you consider Figure 5B in connection
21 with forming opinions in your declaration?

22 A Yeah, but I'm going to see what those --
23 I can't recall all the call outs and all these
24 various things. So I'm looking for the phrase where
25 it describes what those two are. 77, I don't see it.

1 I'm reading from column 12, line 4, as also
2 illustrated in Figure 5B are optional additional
3 layers which may include layers configured to
4 diffuse, polarize, collimate and/or reflect light.

5 That's additional optional layers may be
6 provided to improve the brightness and uniformity of
7 the light and/or otherwise to provide a desired
8 emission pattern. So that's what those are.

9 Q Going back up to Figure 5B now that you
10 understand what those are, I wanted to ask you are
11 layers 77 and 75 on layer 70?

12 A Well, they're optional layers. I think
13 it's just or whoever the inventor is -- I think that
14 they've just put them there to show you can do more
15 without being specific. So I wouldn't apply any of
16 that stuff to them.

17 Q I'll just reask my question: In your
18 opinion, are those layers 77 and 75 on layer 70?

19 MR. MASSAND: Objection to form.

20 A Well, I think he's just using it to
21 illustrate that you can do more if you want to. I
22 mean he's not showing it as a definite construction.
23 I mean he's got the depth on, the diffuser on, the
24 reflector all lined up below it doing what it's --
25 what the claim date they want to do; 77 and 75 are

1 just illustrative purposes.

2 Q So what you're saying is Figure 5B in
3 your opinion doesn't disclose the positional
4 configuration of optional layers 77 and 75?

5 A It doesn't even say what they are. It
6 could be -- it could be anything, a wide variety of
7 things. So it's just saying that you could put more
8 stuff on top if you wanted to without going into any
9 specifics at all whatsoever. So it doesn't make your
10 argument.

11 Q Let's go back to Mok if you will, please,
12 and let me know when you're there.

13 A Where do you want me to be in Mok?

14 Q I'm going to ask you some questions about
15 Figure 3.

16 MR. MASSAND: Matias, I sent you the
17 rule if you want to take a break and see if
18 there's some argument that I'm wrong. Let
19 me know. Otherwise you've got about 10
20 more minutes of your time.

21 MR. FERRARIO: You sent it via e-mail
22 or what?

23 MR. MASSAND: Yeah, e-mail.

24 MR. FERRARIO: I don't have it yet.

25 MR. MASSAND: I sent it a while ago.

1 MR. FERRARIO: I think you might be
2 confused with the defending party has four
3 hours for redirect.

4 MR. MASSAND: No. It says just the
5 trial testimony. I mean (inaudible).
6 Seven hours for direct, four hours for
7 cross, two hours for redirect. It's clear.
8 I think our scheduling order even says that
9 the rule applies as far as testimony. I'm
10 not a hundred percent sure about that, but
11 the trial practice guide is pretty clear
12 and so is the CFR.

13 MR. FERRARIO: Well, I'll take a look
14 at it. We may have to ask for extra time
15 given the behavior of your witness.

16 THE WITNESS: Given the questioner.

17 MR. FERRARIO: I'm sure it's my fault
18 as well. I'm sure I probably contributed
19 to it.

20 BY MR. FERRARIO:

21 Q So have you had a chance to look at
22 Figure 3?

23 A I'm looking at it. Wasting time.

24 Q And does this figure show angles,
25 sidewalls around a solid-state light emitter?

1 A I was asked to verify what that stuff is.

2 Q What do you mean? You need to go through
3 and look at all the different elements here to
4 understand the figure?

5 A Yes, I want to be accurate.

6 Q I direct you to paragraph 28.

7 A I'm looking at it.

8 Q Are you there?

9 A I'm bouncing around the other paragraphs
10 trying to see what all that stuff is. So what's your
11 question?

12 Q So do you understand Mok discloses the
13 reflector cup with angled sidewalls?

14 A So he's saying reflector cup formed in
15 the base portion thereof -- mechanically formed after
16 fabricating the base portion such as by drilling. It
17 is generally provided that the reflector cup be
18 provided with a reflective coating to improve
19 efficiency.

20 It's not a very full description. I
21 don't know what you're looking for.

22 Q Yeah, so I'm asking you if that reflector
23 cup has -- is made with reflective material that is
24 angled around the LED?

25 A Well, I'm not sure what they're trying to

1 show in that figure. They don't call out angles. I
2 don't think he uses the word "angles" to describe it.
3 He talks about making it by drilling. When you do
4 something with drilling it's more of a straight edge,
5 but it's hard to say.

6 Q So when you're looking at Figure 3, are
7 you saying that the surface 58 is not angled?

8 A 58 is a coating.

9 Q Yeah. Is that on an angled surface?

10 A Well, it's not called out as an angle.
11 He doesn't call out any specific angles for any
12 specific reason. I'm not sure what he's trying to
13 illustrate.

14 Q I'm not asking you whether he uses the
15 word "angled." I'm asking you whether looking at it
16 as one of skill in the art understand that is an
17 angled surface relative to the substrate?

18 A Well, the drawing is what it is, but he
19 doesn't call out angles as far as I know.

20 Q And is that surface a reflective surface?

21 A (Inaudible).

22 THE COURT REPORTER: I can't hear you.

23 A I'm trying to flip around in here and
24 find angles.

25 BY MR. FERRARIO:

1 Q Yeah. Again, I mean my question isn't
2 whether he uses the word "angle." It's whether you
3 as one of skill in the art would understand that is
4 shown as an angled surface relative to the substrate?

5 A Well, as a person of ordinary skill in
6 the art of somebody showing -- if somebody is
7 describing an angle or for whatever reason they show
8 it as an angle, they do a -- they do an angular
9 diagram and give it a name and call it out and say
10 this angle is such and such.

11 But when I look through Mok first and see
12 how he's using angle, he's saying the emitter emits
13 light over a certain angle. So he's talking about
14 the emitter emitting light. When he's describing the
15 cup, he's describing it done by drilling which
16 implies perpendicular walls. So it's ambiguous at
17 best and he's not calling it out and not mentioning
18 it in his patent description or anything.

19 I don't know. The drawing it is what it
20 is. I don't believe it. I don't believe it's
21 accurate.

22 Q What do you mean you don't believe it?

23 A Like I just said, if he wants to describe
24 an angle in that sidewall, he should have shown it as
25 an angular representation. He should have given it a

1 name and a number. He should describe it, rather
2 than just show a drawing without calling --

3 Q But the drawing does show it as an angle,
4 right?

5 A No, it doesn't show it as an angle. It
6 shows it as a cross-sectional -- it's got some kind
7 of sectional representation, but I'm not a believer.

8 Q Maybe a sloped surface relative to the
9 base layer?

10 A No. It's some kind of representation.

11 Q And the surface of Figure 3, that can be
12 made with metal, right?

13 A It's not clear to me that that's made by
14 metal. You mean the whole structure is metal? Is
15 that what you're saying?

16 Q Well, I'm saying paragraph 28 says it
17 could be plated with a metal?

18 A It's going to show you how if it's a
19 bunch of metal in there. So where is the plating?

20 Q It says the reflector cup can be plated
21 with copper. Do you see that in paragraph 28?

22 A So you see those wires going to the LED?
23 So when you -- if you coat that whole thing with
24 copper, you're going to short it out.

25 Q But that's what Mok describes is using a

1 metal to make the reflective surface, right?

2 A What paragraph?

3 Q 28.

4 A I mean, he says the reflector cup is
5 initially plated with copper then with a subsequent
6 layer of gold or silver to maximize reflectivity. To
7 me it's not his best practices.

8 Q I'm not asking what his best practice is.
9 Just asking you if it discloses it, right?

10 A It is what it is. You can write your
11 declaration however you want. I'm not a believer
12 that it's doing everything you say it's doing, and
13 I'm afraid it's going to short out if the whole thing
14 is made out of copper.

15 Q The reflective surface 50 described by
16 Mok could also be made out of metal, right?

17 A What paragraph?

18 Q 21.

19 A So what's your question now?

20 Q That reflective surface 50 can also be
21 made out of metal, right?

22 A Well, it says it may comprise a specular
23 reflective surface, e.g., aluminum or a diffuse
24 reflective surface, e.g., white paint.

25 Q Is aluminum a metal?

1 A Yes.

2 MR. FERRARIO: All right. Why don't
3 we take a break. Let's stay on the record,
4 but Mr. Bohannon, take a break for you.
5 And Neal, you and I can meet and confer on
6 this issue of the time limit.

7 So I kind of disagree with what you
8 sent me. I think this is testimony for the
9 seven-hour limit, not -- well, but let me
10 just say this. I'm looking at my outline.
11 And I've probably got well, what I would
12 say is 15 minutes but might actually be
13 more like 20 to 25. And if you let me take
14 a break, we'll come back. I'll do my best
15 to wrap up. Most of it will be in Mr.
16 Bohannon's control.

17 MR. MASSAND: Okay. Let me, you know,
18 also during the break just make sure that
19 we're okay with doing that, proceeding that
20 way. And then when we get back on if it's
21 -- if we're agreeable, we can go ahead that
22 way.

23 MR. FERRARIO: All right. I'll hang
24 out. So you want a five-minute break?
25 Ten-minute break?

1 MR. MASSAND: Ten would be better.

2 MR. FERRARIO: All right. We'll say
3 -- I've got my time is 4:42 we'll be back
4 on.

5 MR. MASSAND: Why don't we just make
6 it 4:45? Does that work?

7 MR. FERRARIO: All right. That's
8 fine. Off the record.

9 (Whereupon, a brief recess was taken.)

10 BY MR. FERRARIO:

11 Q Mr. Holman -- I mean Mr. Bohannon, I'd
12 like to direct your attention and ask you some
13 questions about Holman at EX 1006?

14 A What page?

15 Q Well, what I want to ask you is when you
16 formed your declaration, did you review the entirety
17 of Holman for all of its disclosures and teachings?

18 A I think so.

19 Q So you didn't limit your review of Holman
20 to only certain specific portions that might have
21 been cited by the petitioner?

22 A No, I don't think so. There's a
23 reference that I looked at.

24 Q So I want to ask you some questions --
25 (cross-talk) --

1 A -- (crosstalk.)

2 Q Well, I want to get that. Flip over to
3 your declaration if you would and ask you some
4 questions found in paragraph 41 of your declaration.

5 A Where you're on Holman?

6 Q Okay. Thank you. You're there. All
7 right. So in the third sentence you state that
8 Holman describes a multilayered LED light source
9 array that employs reflectors, elevated prismatic
10 films and polarization converting films to collimate
11 light for optical illumination of an LCD panel. Do
12 you see that?

13 A I do.

14 Q What does collimate light mean?

15 A That it's all going in the same
16 direction.

17 Q You then say that Holman is silent about
18 a reflector that is angled with respect to the base
19 panel.

20 A You want me to look at Holman?

21 Q No. I'm still on your declaration.

22 A Figure 7.

23 Q Yeah. So then you reference Figure 7 of
24 Holman and you conclude that the reflecting layer 76
25 is only shown as being flat and is not disclosed as

1 angled elsewhere.

2 A I got to get down to all those figures.

3 Q Well, I'll take you to the figure but
4 maybe we should cover what your testimony is first
5 and then we'll ask you some questions about it.
6 Okay?

7 A Well, you brought up the figures.

8 Q I'm sorry?

9 A I said you brought up the figures, so I
10 want to look at the figures because Holman's got a
11 lot of strange figures.

12 Q Why don't you let me know when you're
13 done with that exercise and then I'll (crosstalk) --

14 A (Crosstalk) -- look at figure --

15 Q When you're done looking at the figures
16 you want to look at, let me know and I'll continue
17 with my questions.

18 A All right. So what's your question?

19 Q So back to your declaration, you then
20 provide that Holman is silent about diffusely
21 gathering layer 68 contacting the reflecting layer.
22 See that?

23 A Holman is also citing about contacted in
24 76.

25 Q What do you mean by contacting?

1 A Well, I think it's pretty clear the
2 language. I mean, if you look at Figure 7 in Holman,
3 you'll see that 68 is a long distance away from 76.

4 **Q Yeah, okay, but I still want to know what**
5 **do you mean by contact? Do you mean direct contact?**

6 A I think I'm using contact in plain
7 language context. I mean 76 is a long ways away from
8 68. It's clear from the drawings. It couldn't be
9 more clear from the drawings. I mean a lot of these
10 drawings are -- (crosstalk) -- cartoons but 68 is a
11 long ways away from 76 any way you want to describe
12 it.

13 **Q So any way you want to describe contact**
14 **it's not contact plain language?**

15 A Plain language.

16 **Q But if it was indirectly contacting,**
17 **that's not contact in your opinion?**

18 A So I don't think Holman defines
19 contacting or indirect contacting or direct
20 contacting. I mean I'd have to search through 200
21 pages of stuff to verify that, but I don't think
22 there was any waffle words around his contact in
23 which the way I thought of it as plain language.
24 When you look at the design Figure 7, it's clear.

25 **Q Yeah, I understand that but you're using**

1 the word "contact," and so I'm trying to understand
2 what you mean by it?

3 A I just said plain language. Do we need
4 to get a dictionary?

5 Q Would that provide the plain language for
6 you?

7 A No. I'm asking you. You're the one who
8 seems to have a problem with contacting. I say it's
9 plain language and 68 is not contacting 76.

10 Q Sir, a dictionary provides for physical
11 touching, not your understanding of the plain meaning
12 of contacting?

13 MR. MASSAND: Objection to form.

14 A So my understanding is that 68 when I
15 look at Figure 7, it's clear that 68 is not
16 contacting 76.

17 BY MR. FERRARIO:

18 Q They're not physically touching?

19 A They're not physically touching.

20 Q That's all I wanted to know.

21 A He does not have any kind of descriptors
22 around contacting. I don't think we're trying to
23 construe terms in Holman. We're trying to construe
24 terms in the '835.

25 Q You might be surprised. Now, you also

1 state that Holman is silent about the reflecting
2 layer 76 forming reflected optical cavities, right?

3 A Yeah, I think so. Let me see. 76 does
4 not -- so Holman is silent about 76 forming
5 reflecting optical cavities. The reflecting layer 76
6 is flat and does not form around the light elements.

7 Q And then you further provide some
8 reasoning that confining structure 72 is not part of
9 the reflecting layer, right, and it's a separate
10 component?

11 A It appears to be so if you look at Figure
12 7.

13 Q Now, do you know why you provided this
14 testimony in this section, your description of
15 Holman?

16 A Do I know why? I mean it was cited.

17 Q So let's go to Holman and take a look at
18 some of this. Oh, wait before we do that, I'm sorry.
19 Let me ask you quickly about a figure that you have
20 in your declaration. If you could go to paragraph
21 56, please?

22 A Of what?

23 Q Your declaration.

24 A 56.

25 Q And the text is not really relevant at

1 this point, but I want you to scroll to the next page
2 where you reproduce a figure.

3 A Yes.

4 Q And that's Figure 13A. Do you see that?

5 A Yes.

6 Q Let's go to Holman if you would. Can you
7 show me Figure 13A?

8 A What?

9 Q Tell me what page it's on.

10 A You're asking me?

11 Q Can you tell me what page [sic] 13A is on
12 in Holman?

13 A Not off the top of my head.

14 Q I can't find it. There's a Figure 13.
15 Yeah, there's no Figure 13A in Holman, is there?

16 A There's a Figure 13 which looks almost
17 exactly like it.

18 Q Well, similar but it's not exact, right?

19 A There's exhibits in the shading.

20 Q That's all I mean. My concern -- what
21 Holman are you using?

22 A I don't know. Some version of Holman
23 obviously. Didn't make it up. Didn't get it off the
24 Internet.

25 Q And then going back to your declaration

1 in paragraph 56, do you see how in the text above the
2 figure you cite Holman at 40. See that?

3 A No. I'm looking for the original
4 document that I was using.

5 Q Well, whatever document you have is the
6 wrong document, not the one you used. We've
7 confirmed that.

8 A What's the exhibit number again for
9 Holman?

10 Q 1006.

11 A Oh, here it is. What page is that Figure
12 13 on?

13 Q Figure 13 of Holman is on PDF 177 of 243.

14 A I have another version of Holman here and
15 I was looking for it and not finding it with that
16 particular shading. But I didn't make it up. It
17 came from somewhere.

18 Q All right. Well, we don't have -- I
19 don't want to burn a bunch of my time on you figuring
20 out the error, but I guess you were using some other
21 Holman?

22 A No.

23 Q Does that concern you regarding the
24 accuracy of your opinions in your declaration?

25 A No. I mean the figure is in essence the

1 same but there's lots of shading in it. I don't know
2 why you don't see the shading because those call outs
3 are there.

4 Q Well, let's use the correct version of
5 Holman and I want to ask you some questions about
6 Figure 13. And in particular, I want to ask you
7 about the cavities that we see here. So if you can
8 go to pages 37 and 39 of Holman.

9 A So what page are you looking for?

10 Q Let's start at -- let's start at 37 and
11 by that I mean the 37 that's on the PDF on the upper
12 central portion --

13 A Page 37 of the Holman PDF?

14 Q Well, it's 38 of 243. Maybe that's a
15 more precise way.

16 A 38 of what document? Holman?

17 Q Yeah.

18 A So I'm on page 38 of Holman. What part
19 of page 38 do you want me to look at?

20 Q Well, just to make sure we're on the same
21 page, do you see a section entitled number 4.1.4.1?

22 A Nope.

23 Q Okay. Then do you see the labeling
24 Petitioner Hisense USA Corporation on the bottom
25 right?

1 A Yes.

2 Q And it's in Exhibit 1006?

3 A Yes.

4 Q What page is recited in the page you're
5 looking at?

6 A 39 which is called 38 at the top.

7 Q Yeah, it's confusing. Let's go to page
8 38 of 243, which is 37 at the top.

9 A Okay. All right. One page out.

10 Q And I'm wondering if I might be able to
11 share my screen just to try to make it easier for
12 both of us if I can -- so we can reference the figure
13 at the same time as looking at the text.

14 A Reference what figure?

15 Q 13. Unless you're -- you know, unless
16 you're more facile than me and you're happy to just
17 break I mean back and forth between all of them,
18 that's fine, too.

19 A What page was Figure 13 on?

20 Q 177 of 243.

21 A So I'm there. There's something wrong
22 with that Figure 13 because there's call outs,
23 something that's in the black part. You know there's
24 more structure like the so called Figure 13A but I'm
25 not sure where that came from. There's a bunch of

1 stuff missing on that Figure 13.

2 Q Well, would you be more comfortable using
3 13A then?

4 A It depends on what you want to talk
5 about. Why don't you ask your question and we can
6 see how it's best answered. Because you see what I'm
7 -- I see what you said the 13A in my declaration.
8 There's that whole middle section that's all solid
9 black. There's a lot of call outs in there. You
10 can't see any more because it's all blacked out like
11 it's been edited or something. But anyway what's
12 your question?

13 Q Well, I guess my question is on Figure 13
14 whether Holman discloses angles reflectors?

15 A That's page 177?

16 Q The figure is on 177.

17 A Well, you see there's 225, 226, 224, 220,
18 228, 238 points to something, 232. So there's a
19 whole bunch of call outs that they go into this black
20 that you can't tell what they're pointing at. That
21 figure that I had in the declaration, it's got
22 shading so you can see the various components of
23 impact. But that Figure 13 is -- something's gone
24 wrong there.

25 Q Does that make you remind why you found a

1 different Figure 13 for the declaration?

2 A I wasn't looking for a different figure.
3 I don't know which version of the PDF document I was
4 using. I can't seem to be able to switch because
5 they're called by the same name, but I didn't make it
6 up. I swear. And you can tell by looking at this
7 Figure 13 that there's -- it's missing information
8 structure in there. Like what does 225 point to.
9 What does 226 point to. What does 224 point to.
10 What does 220 point to. What does 228 point to. I
11 mean it's a big unknown black stone there that we
12 can't see into the figure that's in the declaration.
13 So I don't know what's going on with the document.

14 Q Okay. My concern is you used the wrong
15 document. But why don't we use this Figure 13A in
16 relation to the description that Holman gives so that
17 you can feel more comfortable about the interior
18 components of the figure?

19 A If you look at my Figure 13, 225 points
20 to a layer that's beneath it, 220 layer. The 220
21 layers are all thick layers that covers all that
22 stuff in the black stone. And then 228 points to --
23 looks like it points to a high of the 220 layer and
24 you can't see that in the same. There's something
25 going on.

1 Q Yeah. Okay. All right. Well, let's use
2 Figure 13A and then I'll ask you some questions about
3 it because, yeah, I suspect you were just -- for 13
4 you would just say you couldn't answer. Okay.

5 Holman describes Figure 13 as continuous
6 back plane package structure appropriate for LEDs,
7 right?

8 A Does say continuous for back plane
9 package structure for LEDs having planar electrodes.

10 Q And the LEDs are components 70, right?

11 A That's what it says.

12 Q And they are surrounded by reflective
13 base layers 220 and 225.

14 A That's why you need my Figure 13 because
15 you can see the difference between 225 and 220.

16 Q Yeah. And those are reflective base
17 layers, right?

18 A Electrically insulating reflective base
19 layers.

20 Q And does Holman describe what type of
21 reflectivity those base layers are made out of?

22 A No, other than the electrically
23 insulating. The thickness is H.

24 Q Yeah, and I understand that. I'm not
25 going to ask about that. We'll talk about heat sinks

1 and electrical insulating. But right now I'm focused
2 on the properties of the reflective base layers.

3 A Well, I don't see any other description
4 of it. Maybe you've got it squirreled away
5 somewhere.

6 Q Well, I'm looking at page -- what do you
7 prefer that we use? The top page number or the
8 bottom right page number?

9 A I don't care. Just point me in a
10 direction. The top page number seems to be the page.

11 Q Let's go to top page No. 38, please.

12 A Okay. I'm there.

13 Q And do you see in the second line the
14 sentence, the sloped sidewall?

15 A Page 38, okay. The sloped sidewall can
16 be a diffusely reflecting material identical to the
17 base layer material sloped sidewall, okay. So what's
18 the question?

19 Q So the question is that Figure 13 of
20 Holman discloses using an angled reflector to form a
21 housing for the LED, right?

22 A There's also a vertical component to
23 that. It's got an angle component at one part and a
24 vertical component in another part.

25 Q Yeah. So but both. It uses vertical --

1 an angle and a flat reflective layer to form a
2 housing around the LED, right?

3 A More or less.

4 Q And the reflective base layer surrounds
5 the LED in this figure, right?

6 A The reflective base layer, so which part
7 are you calling the reflective base layer?

8 Q Well, base layer 220 and 225.

9 A 220 is that whole substrate. So say that
10 again so...

11 Q It's the reflective base layer, right?

12 A Well, it's a whole electrically
13 insulating material so it's a whole bunch of stuff.
14 I mean, it's the reflecting part of it, it's only the
15 exposed surface part. You have to (inaudible) thick
16 part.

17 Q Holman calls it the reflective base
18 layer, right?

19 A Base layer 220 -- so what was your
20 question again? I'm rereading Holman and looking at
21 those figures.

22 Q Holman discloses using a reflective base
23 layer with angles sidewalls to form -- well, let me
24 finish the question -- to form housing around an LED,
25 right?

1 A Well, it's not just angle. It's got
2 straight components and angular components. And
3 there's no indication that what the meaning is of
4 either of those. But it's got angled components and
5 straight components.

6 Q It uses that reflective base layer to
7 form an optical cavity; is that right?

8 A It's forming something, yes.

9 Q Would it be fair to describe it as an
10 optical cavity?

11 A I don't know if Holman describes it as an
12 optical cavity or not.

13 Q Would you understand it as one?

14 A I don't know. In the grand scheme of
15 things, optical cavity is kind of specifically
16 described. It's a spot where he's got the LED. I'm
17 not sure how Holman refers to it.

18 Q Well, I can direct you to page 37 refers
19 to it as a hollow cavity.

20 A A hollow cavity. I'm looking at 37.

21 Q Actually, I'm sorry. I may have -- I
22 think he refers to it as -- well, a hollow cavity is
23 248, yeah.

24 A Where is that?

25 Q I'm looking at page 37 towards the

1 bottom, but I can't find 248 on the figure.

2 A Where a rectangular cavity 248 -- of all
3 the cavities 248 -- that's looking for 248 in my
4 figure there and not seeing it.

5 Q Right. Now at the bottom of page 37,
6 Holman describes the square rectangular cavities 248
7 are made only slightly larger in extent than the
8 emitting area of the LEDs themselves. Sloped
9 sidewalls 230 are used to increase the amount of LED
10 light coupled to the cavity output aperture of width
11 W42.

12 Based on that disclosure, you'd
13 understand he's referring to the cavity formed by the
14 reflective base layer, right?

15 A Yeah, I suppose, although it's not really
16 in the figures though really (inaudible).

17 Q And --

18 A I want to point out also on page 38 of
19 Holman is where he talks about this sidewall is
20 sloped at an angle to the vertical which may in some
21 cases be nearly zero degrees which is directly
22 vertical, so I don't know. It's kind of all over the
23 place.

24 Q Well, he's just talking about some part of
25 it is vertical, some can be sloped at an angle and

1 some flat and extended, right?

2 A It's all over the place. Then you've got
3 the -- (crosstalk.)

4 Q Now, can we go back to your declaration,
5 please?

6 A I'm there.

7 Q And in paragraph 40 -- I think we were in
8 paragraph 40 previously?

9 A I thought we were on 57.

10 Q No. I want to go to paragraph 41 of your
11 declaration.

12 A Okay.

13 Q And I just want to direct your attention
14 to the sentence where you say: Holman is also silent
15 about the diffusely scattering layer 68 contacting
16 the reflecting layer 76.

17 A Oh, that's -- yeah, we already talked
18 about that.

19 Q Well, I want to ask some more questions
20 about that. So I just wanted you to hold that in
21 mind. I know you looked at it relative to Figure 7,
22 but I want to -- I want to go to the -- I want to go
23 back to Figure 13 please of Holman. And if you want
24 to use Figure 13A, that's fine as well. Let me know
25 when you're there. Are you there at the figure?

1 A I'm looking at the PDF. So which figure,
2 the 13?

3 Q Either one, 13 or 13A, whichever one you
4 want to look at.

5 A I'll start with 13.

6 THE COURT REPORTER: I need you all to
7 speak up.

8 MR. FERRARIO: Okay. Sorry.

9 BY MR. FERRARIO:

10 Q 13, okay. You see -- do you see 68 there
11 in Figure 13?

12 A 68 on top, yes.

13 Q And do you see that it is contacting the
14 reflective base layer 220?

15 A I'm not sure what -- I'm not sure what
16 that is. So is 68 the thing on top or is 68 --
17 what's 68 pointing to? The call outs are funky in
18 there.

19 Q You understand that 68 is the diffusely
20 scattering layer that Holman describes?

21 A Yes.

22 Q And it's basically shown right on top of
23 that reflective base layer; isn't it?

24 A Reflective base layer being 225, but if
25 you look on the left side where 68 is pointing to

1 something, it's hard to see what it's pointing to.

2 If I look on the right side, it looks like the thing
3 on top may be spaced apart by some small amount from
4 that. So Figure 13 is hard to use.

5 **Q And 13A is showing it in contact, right?**

6 A I'm going back to 13A. 13A -- 68 and 13A
7 looks like -- is more in contact. So now you like my
8 Figure 13A, huh?

9 **Q Let's go to your opinions regarding the**
10 **heat sink if you would.**

11 A So what paragraph is that?

12 **Q Let's start with your -- let's see. I**
13 **think it's in your declaration paragraph 55.**

14 A Mok does not explicitly disclose a heat
15 sink and argues that a printed circuit board is a
16 heat sink.

17 THE COURT REPORTER: I can't hear you.

18 THE WITNESS: It says Mok does not
19 explicitly disclose a heat sink (inaudible)
20 argues that a printed circuit board is a
21 heat sink. So there we are.

22 BY MR. FERRARIO:

23 **Q And then in 56 you talk about Holman and**
24 **your statement is that Holman does not teach or**
25 **suggest that the base layer is considered by itself a**

1 heat sink panel on the second side of the at least
2 one substrate.

3 A I say Holman does not teach or suggest
4 that the base layer is considered by itself a heat
5 sink panel on a second side of at least one
6 substrate. We're talking about the base layer 220
7 which you can see in my Figure 13A and you cannot see
8 in your Figure 13. So what's the question?

9 Q A little bit later on you say that even
10 granting petitioner the most favorable interpretation
11 of Holman, if the base layers 220 and 225 would
12 function as heat sinks, the base layer of the LED
13 package is not a heat sink within the meaning
14 ascribed to it in the '835 patent.

15 A And the next sentence says if the '835 is
16 considered to draw heat away from the substrate in
17 the direction opposite to a direction of the light
18 emission.

19 Q Right. So I think your point there is
20 that the heat sink 220 would be drawing heat away in
21 a different direction, not away from the LED; is that
22 what you're trying to argue?

23 A All petitioner has demonstrated that
24 Holman discloses removing heat from the LEDs to the
25 substrate, not away from the substrate or the

1 sensitive components upon which they light.

2 Q Now, doesn't Holman provide that the base
3 layer 220 is just part of the collective heat sink,
4 right?

5 A I'm not agreeing with that.

6 Q And weren't heat sinks known well before
7 the earliest priority date in the '835 patent?

8 A I mean people have been using heat sinks
9 for a long time, which is why we know that this is
10 not going to work well. Call it as you wish.

11 Q And in fact --

12 A (Crosstalk) -- cooling an element if you
13 want to be a real heat sink.

14 Q So you actually -- (crosstalk) --

15 A This is going to absorb heat.

16 THE COURT REPORTER: You're both
17 talking over each other.

18 MR. FERRARIO: I know. I'm sorry.

19 BY MR. FERRARIO:

20 Q And so heat sinks were well known, right?

21 A Heat sinks are well known, yes.

22 Q And they were well known before the
23 earliest priority date of the '835 patent, right?

24 A Well, are you talking about the specific
25 arrangement in the '835 versus the specific

1 arrangement in Holman or are you talking in general?

2 Q In general.

3 A Well, people know LEDs and LCDs and all
4 that other stuff, too.

5 Q So in general they were well known?

6 A So are LCDs. So are LEDs. So are
7 convection development. (Inaudible) stuff is going
8 on.

9 Q Thank you for confirming that. In Ex
10 1008, do you mind turning to that, please?

11 A Yes. Which page?

12 Q Paragraph 54.

13 A 54. The one that starts substrate 408
14 may be provided with a metallic layer for extracting
15 heat generated by LEDs 420?

16 Q Yes, that sentence discloses a heat sink,
17 right?

18 A Well, it's the lowest surface for
19 extracting heat generated by the LED.

20 Q Is that a yes?

21 A So the substrate 408 may be provided with
22 a metallic layer on its lower surface not shown for
23 conducting heat generated by the LED. (Cross-talk.)

24 Q My question was: Is that the heat sink?

25 A I'm arguing with you. So the lower

1 surface extracts heat from the LED, but in my opinion
2 heat sinks have got to get the heat out of the
3 system. So there needs to be some kind of a
4 certainly resistant path to it -- a (inaudible) or a
5 cooling element or something that will actually
6 extract the heat, not just -- not just keep it there.

7 **Q Isn't that what Epstein discloses is a**
8 **metallic surface for extracting heat?**

9 A Yeah, but he's got the place where you
10 can cool it. So he says in addition to the
11 conductors 421 may be provided with large area pads
12 to aid in spreading the heat generated by the LEDs.
13 So that's a (inaudible) statement. You've got to be
14 able to spread the heat generated by the LEDs. You
15 want to call it more like a heat sink. Generally
16 where the conductors do not lie in the optical path.
17 Anyway, on and on. It's about the conductors and all
18 that stuff. But you need a thermally resistant path
19 to -- something that will cool it if you want to call
20 it a heat sink.

21 **Q And that's what Epstein is disclosing?**

22 A I don't agree with you. He's got part of
23 it for that.

24 MR. FERRARIO: All right. Why don't
25 we take a five-minute break. Let me go

1 through my outline, confirm I don't have
2 anything else and we can wrap up.

3 MR. MASSAND: Okay.

4 MR. FERRARIO: All right, five
5 minutes.

6 (Whereupon, a brief recess was taken.)

7 MR. FERRARIO: Mr. Bohannon, thank you
8 for your time today. I don't have any
9 further questions. I do want to put on the
10 record a request for a rough if you can,
11 Lynne, as soon as possible.

12 And then I would maybe mention, Mr.
13 Bohannon, that your expert testimony was
14 brought in the House of Current versus Power
15 Integrations case December 21st, 2018 case.
16 You may just want to look at that. That
17 way when you testify about that, you have
18 -- because I know a lot of lawyers
19 sometimes don't tell you outcomes of stuff,
20 but you might want to look at that.

21 THE WITNESS: I've heard that.

22 MR. FERRARIO: No problem. Thank you
23 for your time. I appreciate it.

24 EXAMINATION

25 BY MR. MASSAND:

1 Q Mr. Bohannon, I just have a couple of
2 quick questions. Have you reviewed the institution
3 decision in this proceeding?

4 A Yes. I think so.

5 Q And based on that review, did any of your
6 opinions in your report change?

7 A No, they did not.

8 MR. FERRARIO: I'll object to that.

9 MR. MASSAND: I have no further
10 questions.

11 MR. FERRARIO: All right. Thanks for
12 your time. Lynne, I appreciate it.

13 THE COURT REPORTER: You're welcome.

14 - - -

15 (Deposition concluded at 6:00 p.m.)

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1 E R R A T A S H E E T

2
3 Pursuant to Rule 30(7)(e) of the Federal
4 Rules of Civil Procedure and/or Georgia Code
5 Annotated 81A-130(B)(6)(e), any changes in form
6 or substance which you desire to make to your
7 deposition testimony shall be entered upon the
8 deposition with a statement of the reasons given
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10 To assist you in making any such corrections,
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13 same and attach them to this errata sheet.

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15 I, the undersigned, WILLIAM BOHANNON, do
16 hereby certify that I have read the foregoing
17 deposition and that to the best of my knowledge
18 said deposition is true and accurate (with the
19 exception of the following corrections listed
20 below).

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1 Page_____ Line_____should
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11 Sworn to and Subscribed before me
12 _____, Notary Public.
13 This_____day of _____, 2024.
14 My Commission Expires:
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1 C E R T I F I C A T E

2 STATE OF GEORGIA:

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5 I hereby certify that the foregoing
6 transcript was taken down as stated in the
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9 that the foregoing pages 1 through 180 represent
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11 evidence given upon said hearing, and I further
12 certify that I'm not of kin or counsel to the
13 parties in the case; am not in the regular employ
14 of counsel of any of said parties; nor am I in
15 anywise interested in the result of said case.

16 This 16th day of July 2024.

17

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19



20

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