

*** UNCERTIFIED ROUGH DRAFT ***

1 CASE: HISENSE USA CORPORATION VS. BRIGHTPLUS
2 VENTURES, LLC
3 WITNESS: WILLIAM BOHANNON
4 DATE: 10/1/2024

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1 (Sworn)

2 THE REPORTER: Thank you.

3 EXAMINATION

4 BY MR. LEE:

5 Q. Good afternoon or good morning to you,
6 Mr. Bohannon. My name is Josh Lee.

7 A. Good morning.

8 Q. Can you please -- can you please state
9 your name for the record.

10 A. William Keith Bohannon.

11 Q. And, Mr. Bohannon, you've been deposed
12 before, correct?

13 A. Yes.

14 Q. Okay. I just want to go over a couple
15 of -- of basics as friendly reminders. The court
16 reporter's making a written record of today's
17 deposition so to help her do so it's important
18 that you and I don't talk over each other.

19 Can we agree to hopefully do that?

20 A. Yes.

21 Q. It's also important that you answer
22 verbally as opposed to nodding or otherwise
23 shaking your head.

24 Can you strive to do that for me today?

25 A. I think so.

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1 Q. If I speak too quickly or you don't
2 hear my question or don't un- -- understand my
3 question, please let me know and I'll do my best
4 to reask or rephrase the question. If you don't,
5 however, I'll assume that you understood my
6 question.

7 Is that fair?

8 A. Sounds fair.

9 Q. All right. And I'll plan to take a
10 break periodically today during the deposition,
11 but if at any time you need a break, please just
12 let me know and I'll be happy to oblige provided
13 that we can answer any question that is pending.

14 Agreed?

15 A. I agree.

16 Q. Mr. Bohannon, you understand that
17 you're under oath today?

18 A. Yes.

19 Q. And that requires you to tell the
20 truth, correct?

21 A. Yes.

22 Q. Any reason you cannot testify
23 truthfully today?

24 A. No.

25 Q. No medi- -- medi- -- medications that

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1 would prevent you from testifying truthfully
2 today?

3 A. None.

4 Q. Mr. Bohannon, where are you presently
5 sitting?

6 A. Carlsbad, California.

7 Q. In what room?

8 A. In my apartment.

9 Q. Is there anyone in the room with you?

10 A. No.

11 Q. Is there anyone otherwise within your
12 field of vision?

13 A. No.

14 Q. And I see you have counsel joining you
15 today. Just to be clear, is counsel in the same
16 room as you?

17 A. No.

18 Q. Is counsel within your field of vision?

19 A. He's on the screen like you are.

20 Q. Do you have any documents in the room
21 with you today, Mr. Bohannon?

22 A. I printed out my -- copy of my
23 deposition -- my declaration, I mean. Sorry.

24 Q. Any other documents with you aside from
25 that physical copy of your declaration?

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1 A. No.

2 Q. Is that declaration a clean copy or
3 does it have notes or other handwriting on it?

4 A. It's a clean copy I just printed out.

5 Q. And for completeness, I'm going to go
6 ahead and introduce into the chat a copy of what
7 I believe is the declaration that you're holding
8 which has already been marked as Exhibit 2006.

9 (EXHIBIT 2006, Declaration of William
10 Bohannon, was previously marked for
11 identification.)

12 BY MR. LEE:

13 Q. Mr. Bohannon, can you access Exhibit
14 2006 and confirm that is the same document that
15 you have a physical copy of?

16 A. I'm looking through it. Yes, it looks
17 like the same copy signed and dated January 26th,
18 2024.

19 Q. Great. And that's your signature on
20 Page 30 next to that January 26th, 2024, date?

21 A. Yes, it is.

22 Q. And the front page of this document
23 refers to case IPR 2023-01411, correct?

24 A. Yes.

25 Q. And it refers to U.S. Patent Number

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1 7,872,705, correct?

2 A. Yes.

3 Q. Can we agree to refer to that as the
4 '705 patent today?

5 A. Okay.

6 Q. If I refer to the '705 patent, will you
7 understand that I'm referring to U.S. Patent
8 Number 7,872,705?

9 A. Yes.

10 Q. And this declaration is entitled,
11 Exhibit 2001, declaration of William Bohannon,
12 correct?

13 A. Yes. It's got -- it's under U.S.
14 Patent and Trademark Office before the Patent
15 Trial Appeal Board, Hisense Corporation V.
16 Brightplus Ventures then the case number, then
17 the patent number, then Exhibit 2001, declaration
18 of William Bohannon.

19 Q. At the very top of the first page of
20 this exhibit it's also marked with the Exhibit
21 Number 2006, correct?

22 A. Yeah. At the top it says declaration
23 of William Bohannon, Exhibit 2001. Above that in
24 the middle of the page is 2006. Here you can see
25 it yourself (indicates).

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1 Q. So it's your understanding this
2 declaration was submitted as both 2001 in this
3 proceeding can as well as Exhibit 2006 in this
4 proceeding?

5 A. That's how it appears.

6 Q. You only executed a single declaration
7 in this proceeding, correct?

8 A. Yes, the one -- the 2001. It looks
9 like it was marked again 2006 so the 2001 is
10 mine.

11 Q. Aside from the 2001 exhibit, you did
12 not execute any other declaration in this
13 proceeding regarding the '705 patent, correct?

14 A. That's correct.

15 Q. How much time did you spend working on
16 this declaration?

17 A. I don't know. Maybe 40 hours.

18 Q. Can you be more precise?

19 A. No.

20 Q. Do you have any written records that
21 would articulate or capture how long you spent
22 working on this declaration?

23 A. Well, I have invoices I submit to the
24 attorneys, but I think that's covered by
25 attorney-client privilege.

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1 Q. Do those invoices identify how long you
2 spent preparing this declaration?

3 A. They identify the work I've done and
4 how long I worked on it.

5 Q. When did you begin your work on this
6 declaration?

7 A. I don't know. Can't remember.
8 Sometime before I signed off on it, obviously, so
9 it had to have been sometime in late 2023.

10 Q. You can't be more precise?

11 A. I cannot.

12 Q. Would there be anything that would help
13 you refresh your recollection as to when you
14 started work on this declaration?

15 A. No, probably not.

16 Q. Would your invoices?

17 A. So -- so you want me to go back and
18 look through my -- all of my invoices and come up
19 with some date for you? Is that what you want?

20 Q. I'm sorry, Mr. Bohannon. That's not
21 what I asked. I just wondered whether your
22 invoices would help refresh your recollection as
23 to when you started work preparing this
24 declaration.

25 A. I don't know. Maybe. I mean, I get

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1 phone calls, too, and I don't record the context
2 of the phone calls so there's a lot of
3 back-and-forth communication that's not
4 documented.

5 Q. With respect to those phone calls, did
6 you speak with anyone in preparation of this
7 declaration?

8 A. Probably not.

9 MR. MASSAND: I'm going to object and
10 just instruct the answer -- to answer only to the
11 extent that he can without revealing the
12 substance of communications with counsel. But
13 to -- to the extent you can answer without doing
14 that, go ahead and do so.

15 A. I'm waiting for a question.

16 Q. I'll -- I'll ask it then -- again. And
17 to be clear, I'm only asking if you spoke with
18 anyone in connection with preparation of your
19 declaration.

20 A. Yes, I have spoken with the attorneys
21 representing Brightplus.

22 Q. Outside of attorneys representing
23 Brightplus, did you speak with anyone else in
24 connection with prep- -- preparation of your
25 declaration?

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1 A. I did not.

2 Q. Mr. Bohannon, what, if anything, did
3 you do to prepare for your deposition today?

4 MR. MASSAND: I'm going to, again,
5 object and instruct the an- -- the witness to
6 answer only to the extent he can without
7 revealing the substance of communications with
8 counsel.

9 A. I spoke with attorneys at --
10 representing Brightplus and read documents
11 related to my declaration and read my declaration
12 again.

13 Q. Aside from attorneys, did you speak
14 with anyone else in preparation for your
15 deposition today?

16 A. I did not.

17 Q. Which specific attorneys did you meet
18 or speak with in preparation for your deposition
19 today?

20 A. Neal.

21 Q. Anyone else?

22 A. I don't think so although, they may
23 have been on e-mail chains so if that's somehow
24 related or answering your question, it's --
25 consider it so.

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1 Q. Outside of e-mail chains, did you meet
2 with Neal or any other counsel to prepare for
3 your deposition today?

4 A. I've had video meetings. That's
5 considered a meeting.

6 Q. So just to make sure I understand, you
7 had video meetings with counsel to prepare for
8 your deposition today?

9 A. Just like what I'm doing with you.

10 Q. When did you have those meetings?

11 A. Last couple of days or so.

12 Q. How many meetings?

13 A. So I don't understand what difference
14 it makes. One meeting or two meetings or
15 anything.

16 Q. I'm entitled to understand how many
17 times you've met with your counsel in preparation
18 for your deposition. I'm just trying to
19 understand how many meetings it was, whether it
20 was one, two or more than two.

21 A. I think it depends about what you
22 consider a meeting. You know, I mean, a brief
23 phone call, is that a meeting? Is that a text
24 message a meeting? Is a e-mail a meeting or is
25 it just video meetings or does it have to be

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1 physical meetings?

2 Q. Let's -- let's take video meetings or
3 physical meetings. How many video meetings or
4 physical meetings did you have with counsel to
5 prepare for your deposition today?

6 A. Probably one or two.

7 Q. When were those meetings?

8 A. I already answered that question. Last
9 couple of days.

10 Q. Which days?

11 A. So what do I have to do, go back and
12 look at what my invoices say or something?

13 Q. No. I'm asking you to testify
14 truthfully to the best of your recollection as to
15 something that happened in the past couple of
16 days. So when was the first day you had a
17 physical or video meeting with counsel to prepare
18 for today's deposition?

19 A. Well, sometime in the previous week and
20 then sometime earlier this week.

21 Q. So you had two meetings with counsel to
22 prepare for your deposition?

23 A. I don't know for sure. I can't
24 recollect. I mean, there was a lot of meetings
25 and e-mails and phone calls and whatnot going

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1 back and forth so kind of the typical chain of
2 events.

3 Q. How long did you meet with counsel to
4 prepare for your deposition today?

5 A. I don't know. Some hours.

6 Q. More than two?

7 A. More than two.

8 Q. More than five?

9 A. Less than eight.

10 Q. So more than five but less than eight?

11 A. I don't know. I can't recall
12 precisely. It's just -- you know, in the course
13 of events I do a lot of stuff.

14 Q. Perhaps to aid you here, I've
15 introduced in the chat Exhibit 1001 which I'll
16 rep- -- represent to you is a copy of the '705
17 patent.

18 (EXHIBIT 1001, United States Patent No.
19 7,872,705, was previously marked for
20 identification.)

21 BY MR. LEE:

22 Q. Let me know when you've had a chance to
23 access that?

24 A. I've downloaded it.

25 Q. Do you recognize this document?

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1 A. I do.

2 Q. What is it?

3 A. It's the '705 patent.

4 Q. Do you recall the first time you became
5 familiar with the '705 patent?

6 A. No, I do not. It's been a while.
7 Sometime 2023.

8 Q. Were you familiar with the '705 patent
9 prior to your work in this proceeding?

10 A. So is your question was I familiar with
11 the '705 prior to writing the declaration? Is
12 that your question?

13 Q. Yes.

14 A. Probably. I think I might have become
15 aware of it when I first started working with the
16 attorneys representing Brightplus when they
17 described having a bunch of patents so...

18 Q. Prior to you beginning working with the
19 attorneys representing Brightview [sic], were you
20 familiar with the '705 patent?

21 A. No.

22 MR. MASSAND: Object to form.

23 BY MR. LEE:

24 Q. You see in the top of Page 1 of Exhibit
25 1001, the '705 patent, it lists three named

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1 inventors, Nicholas Medendorp, Norbert Hiller and
2 Russell Villard.

3 Do you see that?

4 A. I do.

5 Q. Did you speak with any of these three
6 named inventors in preparing your declaration?

7 A. I did not.

8 Q. Have you ever spoken with any of these
9 three named inventors in any capacity?

10 A. I don't think so.

11 Q. Sitting here today you cannot recall
12 ever speaking with any of these three named
13 inventors in any capacity?

14 A. I cannot recall. I mean, obviously I'm
15 familiar with Cree. They're relatively famous
16 and I might have spoken to Cree about LEDs or
17 something to that degree and maybe run into
18 them -- some of the Cree people at SID
19 conferences, Society for Information Display.
20 I've run into a bunch of people so, you know,
21 there's some small chance of that, but I haven't
22 spoken to anybody -- anyone from Cree about this
23 project.

24 Q. Thank you for that. That was some of
25 my next questions and I want to make sure we've

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1 got a clear record here. So Cree, Inc., is
2 listed as the assignee on the face of the '70
3 [sic] patent, correct?

4 A. Yes.

5 Q. Did you speak with anyone at Cree,
6 Inc., in preparing your declaration in this
7 proceeding?

8 A. I did not.

9 Q. Why not?

10 MR. MASSAND: Objection to form.

11 A. What do you mean why not? That
12 wasn't -- you know, I wasn't working for Cree. I
13 was working for the attorneys representing
14 Brightplus.

15 Q. So you didn't find it relevant to speak
16 to Cree, Inc., about the '705 patent in preparing
17 your declaration?

18 MR. MASSAND: Objection to form.

19 A. Relevant or not, I wasn't instructed to
20 meet with them. I wasn't -- when I -- when I
21 work on a deposition -- or declaration like this,
22 I work for the attorneys representing their
23 client and I generally meet with who they suggest
24 to meet with or not. In this case I worked only
25 with the attorneys representing Brightplus. I

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1 did not seek any information or ask any questions
2 of anyone outside of the attorneys representing
3 Brightplus.

4 Q. All right. Mr. Bohannon, I want to
5 turn back to your declaration, Exhibit 2006. And
6 I want to direct you to -- it was quite
7 helpful -- the table of contents in your
8 declaration. And I know you've got a physical
9 copy in front of you. I'm happy to allow you to
10 work from that. I'm also happy to share my
11 screen and direct you to the portions of your
12 declarations I reference if that would be
13 helpful. Just let me know.

14 A. It helps me to know what you're looking
15 at.

16 Q. Well, let me share my screen then. Can
17 you see my screen, Mr. Bohannon?

18 A. It's too small.

19 Q. You have a physical copy of this
20 document in front of you, though, correct?

21 A. I do.

22 Q. So feel free to reference that if you
23 have any difficulty viewing the screen.

24 A. Now you've made it bigger.

25 Q. So with respect to the table of

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1 contents in your declaration, you include a
2 Section II entitled, Legal Standards to be
3 Applied, correct?

4 A. I do.

5 Q. And thereunder you include a Subsection
6 B with respect to claim construction, correct?

7 A. I see that.

8 Q. And then later in your declaration you
9 include an independent section on claim
10 construction, correct, Section V?

11 A. I see.

12 Q. I want to refer to your sections on
13 claim construction. Let's begin with Section
14 II(b) on Page 7 which begins at Paragraph 22.

15 Do you see that?

16 A. I do.

17 Q. Mr. Bohannon, it's your understanding
18 that an IPR proceedings, claim terms in a patent
19 are given their ordinary and customary meaning as
20 understood by a person of ordinary skill in the
21 art in the context of the entire patent and the
22 prosecution history pertaining to the patent,
23 correct?

24 A. Correct.

25 Q. But it's also your understanding that

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1 if the specification provides a special
2 definition for a claim term that differs from the
3 meaning the term would otherwise possess, the
4 specification's special definition controls,
5 correct?

6 A. Yeah.

7 Q. And you applied these two standards in
8 preparing your opinions in this declaration,
9 correct?

10 A. That's what it says.

11 Q. All right. So let's go to your next
12 section on claim construction, Section 5, which
13 begins on Page 13 of your declaration at
14 Paragraph 38. And, again, therein in Paragraph
15 38 you state that it's your understanding that
16 the board construes claim terms as having their
17 ordinary and customary meaning to a person of
18 ordinary skill in the art at the time of the
19 invention, correct?

20 A. You read that correctly.

21 Q. And, again, you state that you have
22 applied this standard in rendering your opinions
23 in this declaration, correct?

24 A. You read that accurately.

25 Q. Section 5 of your declaration entitled,

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1 Claim construction, which proceeds from Paragraph
2 38 to 43, does not identify any special
3 definition for any claim term in the '705 patent,
4 correct?

5 A. Well, I'm going to look at the sections
6 and see.

7 Q. And, again, Mr. Bohannon, I'm asking
8 about Section 5, Paragraph 38 through 43?

9 A. Yeah. I'm checking it. So what's your
10 question?

11 Q. Your Section V on claim construction,
12 Paragraphs 38 through 43, does not identify any
13 special definition for any claim term of the '705
14 patent, correct?

15 A. Well, Paragraph 43 says, I understand
16 that in the parallel District Court litigation,
17 Hisense has proposed a construction for the terms
18 "waveguide element" and "light entry regions."

19 Q. Okay. Let's explore that. What were
20 those proposed constructions?

21 A. You'll have to open up the -- you know,
22 the Hisense claim construction document to see
23 that. I don't have it in front of me. I don't
24 have that document in front of me.

25 Q. So sitting here today, you do not know

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1 what Hisense's proposed constructions for the
2 terms waveguide element and light entry regions
3 are, correct?

4 A. I did not memorize that document. So
5 if you want to --

6 Q. You --

7 A. -- discuss it, you should show it.

8 Q. Hisense proposed constructions for the
9 terms waveguide element and light entry regions
10 are not set forth in Section V of your
11 declaration, correct?

12 (This is a draft.)

13 A. Well, they're in Paragraph 43.

14 Q. And what are they?

15 A. I don't know. We'll have to open that
16 document up if you want to see it. So you have
17 the document.

18 Q. I'm -- I'm asking about your
19 declaration and your understanding of any special
20 definitions that you applied in your declaration.
21 And I asked you if there were any special
22 definitions of the claim terms that you applied
23 in Section V, and you referred me to Paragraph
24 43. So I'm trying to understand what special
25 definitions, if any, that you applied in your

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1 declaration to the terms waveguide element or
2 light entry regions.

3 A. That wasn't my understanding of your
4 question. You asked if there were any special
5 meanings applied to any of the claim terms and I
6 said that Hisense proposed a construction for the
7 terms waveguide element and light entry regions.
8 I didn't say I applied them. I said Hisense has
9 proposed a construction for the terms.

10 Q. So let me clarify my question. In
11 Section V of your declaration regarding claim
12 construction from Paragraph 38 to Paragraph 43,
13 you do not identify any special definition of any
14 claim term of the '705 patent that you have
15 applied in rendering your opinions, correct?

16 A. So for claim construction, Paragraph 38
17 to Paragraph 42 I do not propose any terms.
18 Paragraph 43 indicates that in the parallel
19 court -- parallel District Court litigation
20 Hisense has proposed a construction for the terms
21 waveguide element and light entry regions.

22 Q. Mr. Bohannon, did you apply any special
23 definition of the term waveguide element in
24 rendering your opinions regarding the '705 patent
25 in your declaration?

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1 A. I did not.

2 Q. Mr. Bohannon, did you apply any special
3 definition of the term light entry regions in
4 rendering your opinions in your declaration
5 regarding the '705 patent?

6 A. I did not.

7 Q. Mr. Bohannon, did you apply any special
8 definition of any claim term of the '705 patent
9 in rendering your opinions in your declaration
10 regarding the '705 patent?

11 A. I did not.

12 Q. So in rendering your opinions in your
13 declaration regarding the '705 patent, you
14 applied the ordinary and customary meaning of
15 each claim term as understood by person of skill
16 in the art at the time of the invention, correct?

17 A. Yes, ordinary and customary meaning to
18 a POSITA at the time of the invention.

19 Q. All right. Mr. Bohannon, I want to
20 turn back to Exhibit 1001 which is a copy of the
21 '705 patent. And I'm happy to continue sharing
22 my screen if that will help facilitate our
23 discussion today.

24 A. Sure. That let's me know what you're
25 looking at.

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1 Q. Certainly.

2 A. You need to make it bigger, please.

3 Q. Happy to. Give me one moment.

4 A. That's sufficient.

5 Q. Thank you. I would like to turn Claim
6 1 of the '705 patent in Column 13 beginning at
7 approximately Line 32.

8 Do you see Claim 1?

9 A. I do.

10 Q. Element (c) of claim one refers to a
11 first light-emitting source comprising a first
12 plurality of LEDs arranged in a first strip.

13 Do you see that?

14 A. I do.

15 Q. Did I read that portion of Claim 1
16 correctly?

17 A. I think so.

18 Q. And Claim Element D refers to a second
19 light-emitting source comprising a second
20 plurality of LEDs arranged in a second strip. Do
21 you see that?

22 A. I do.

23 Q. Did I read that portion of Claim 1
24 correctly?

25 A. You read that portion of that sentence

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1 correctly.

2 Q. Mr. Bohannon, in rendering your
3 opinions in your declaration regarding the '705
4 patent, what ordinary and customary meaning of
5 the term strip did you apply?

6 A. Well, I looked at the figures so you
7 can go back to the figures. I think it's in
8 Figure 1 or Figure 2 where it shows a strip.

9 Q. I'm happy to discuss the figures with
10 you momentarily, Mr. Bohannon. I'm first asking
11 you to articulate the plain -- or, excuse me, the
12 ordinary and customary meaning of the term strip
13 that you applied in rendering your opinions in
14 your declaration regarding the '705 patent.

15 MR. MASSAND: Objection to form.

16 A. Well, a strip is a strip. I looked at
17 the figures to get a better understanding of it.

18 Q. How do you distinguish a strip of LEDs
19 from another arrangement of LEDs?

20 A. From the figure.

21 Q. Absent the figures of the '705 patent,
22 you cannot distinguish a strip of LEDs from an
23 arrangement -- of another arrangement of LEDs?

24 MR. MASSAND: Objection to form.

25 A. Well, we have to go back and read the

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1 rest of the patent description.

2 Q. I just want to make sure I understand.

3 You applied the ordinary and customary meaning of
4 the term strip in the art, correct?

5 A. Yes.

6 Q. What is that ordinary and customary
7 meaning of strip in the art prior to the '705
8 patent?

9 A. A strip is a strip. It's a simple
10 word.

11 Q. Help -- help me understand what's a
12 strip versus an arrangement that's not a strip.

13 A. A strip is a strip. It's a little
14 strip. I don't understand the difficulty. It's
15 quite clear and the -- and the figures make it
16 even more clear.

17 Q. So -- so I want to talk about the
18 figures. But you've testified that you applied
19 an ordinary and customary meaning of the word
20 strip in the art as it existed prior to the '705
21 patent and its figures. So I first --

22 MR. MASSAND: Objection to form.

23 BY MR. LEE:

24 Q. -- want to understand your
25 understanding of the ordinary and customary

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1 meaning of the term strip prior to the '705
2 patent.

3 MR. MASSAND: Objection to form.

4 BY MR. LEE:

5 Q. So with respect to that understanding,
6 how does a person of skill in the art distinguish
7 a strip of LEDs from a other arrangement of LEDs?

8 MR. MASSAND: Objection to form.

9 A. Well, a strip is a strip in relation to
10 other things that are not strips. I mean, it's
11 quite simple. If you look at the figure, you can
12 see a strip is a strip. You look at the --

13 Q. What are the --

14 (Crosstalk.)

15 A. -- usually in arrays. A strip is --

16 Q. What are --

17 A. -- not an array.

18 Q. What are other things that are not
19 strips in your opinion?

20 A. If you look at the prior art, you'll
21 see arrays. Those are not strips. You see --
22 you see LEDs kind of sprinkled throughout on a
23 light-emitting elements. Those are not strips.
24 A strip is a strip.

25 Q. If LEDs are arranged in a single

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1 straight line, is that a strip of LEDs?

2 A. That's close. I mean, look at the
3 figures. The figures show it quite clearly.

4 Q. I want to make sure I understand.
5 If -- if LEDs are arranged in a single straight
6 line, is that a strip of LEDs? Yes or no.

7 MR. MASSAND: Objection to form.

8 A. I'm not sure, you know, what your
9 definition of a single straight line is if
10 you're -- or how many LEDs you're talking about.
11 I mean, if you look at the figures in the patent,
12 it's quite clear what they're talking about, what
13 the '705 is doing.

14 Q. I -- I -- we are going to talk about
15 the figures. You've testified that the word
16 strip has an ordinary and customary meaning in
17 the art prior to the figures of the '705 patent.
18 So I'm trying to understand from you if a person
19 of skill in the art looked at a single straight
20 line containing multiple LEDs, would they
21 understand that to be a strip of LEDs? Yes or
22 no.

23 MR. MASSAND: Objection to form.

24 A. They might. They might.

25 Q. Why might they and why might they not?

*** UNCERTIFIED ROUGH DRAFT ***

1 A. Because you have to see what it looks
2 like.

3 Q. Please elaborate.

4 A. I don't think I'd want to make a
5 drawing for you. There's a drawing in the patent
6 that's quite clear.

7 Q. So --

8 A. If we look --

9 Q. -- we'll --

10 A. -- at the drawing, it will make it
11 clear.

12 THE REPORTER: Excuse me. One at a
13 time.

14 A. I said, why don't we look at the
15 drawing if you want to make it clear.

16 Q. We will look at the drawings,
17 Mr. Bohannon. You've testified that the word
18 strip has an ordinary and customary meaning in
19 the art prior to the drawings of the '705 patent.
20 Applying what -- whatever you believe that
21 understanding to be, is a single straight line of
22 multiple LEDs a strip? Yes or no.

23 MR. MASSAND: Objection to form.

24 A. Well, I did not offer a particular
25 definition for a strip in my declaration. I

*** UNCERTIFIED ROUGH DRAFT ***

1 assumed that everyone would understand a strip is
2 a strip.

3 Q. So is a single straight line of LEDs a
4 strip?

5 MR. MASSAND: Objection to form.

6 A. That's not in my declaration. I don't
7 have a --

8 Q. So sitting here today you cannot
9 testify one way or the other as to whether a
10 single straight line of LEDs is a strip?

11 MR. MASSAND: Objection to form.

12 A. So I do not have those words in my
13 declaration.

14 Q. So sitting here today you cannot
15 testify yes or no as to whether a single straight
16 line of LEDs is arranged in a strip?

17 MR. MASSAND: Objection to form.

18 A. You're trying to force a limitation
19 that I'm not willing to accept. I suggest we
20 look at the drawings if you want to see how the
21 '705 understands a strip.

22 Q. So, Mr. Bohannon, we're going to look
23 at the drawings. But you've testified you didn't
24 apply a special definition from the '705 patent
25 with respect to strip. You've testified that the

*** UNCERTIFIED ROUGH DRAFT ***

1 word strip has an ordinary and customary meaning
2 in the art prior to the '705 patent.

3 Applying that understanding in the art,
4 can you tell me whether a single straight line of
5 LEDs are arranged in a strip?

6 MR. MASSAND: Objection to form.

7 A. So you're trying to limit the -- the
8 extent of -- of the claims. I'm trying to point
9 to the figures in the patent and the patent
10 description. So we're kind of at odds here.

11 Q. We're going to get to the figures. But
12 absent looking at the figures, sitting here today
13 you cannot tell me whether a single straight line
14 of LEDs is a strip?

15 MR. MASSAND: Objection to form.

16 A. So you're trying to get me off the
17 declaration. My declaration does not limit strip
18 to a single straight line of LEDs. My
19 declaration points to the patent description and
20 the figures if you want to know what a strip is
21 beyond the simple word that it is.

22 Q. I'm -- respectfully, Mr. Bohannon,
23 you've told me that you applied an ordinary and
24 customary meaning of the word strip as it existed
25 before the figures of the '705 patent were

*** UNCERTIFIED ROUGH DRAFT ***

1 published.

2 I'm just trying to understand what your
3 ordinary and customary meaning of the word strip
4 is that you apply.

5 A. So I think you're putting words in my
6 mouth. I did not say that before the '705 patent
7 was published. You know, I did not say those
8 words. I said I applied plain and ordinary
9 meaning to the words in the '705 patent claims
10 and I looked to the patent description and the
11 patent figures to understand what those words
12 mean. I don't know why you refuse to go to the
13 figures, but you're trying to force me into a
14 limitation that I'm not willing to accept.

15 Q. Must LEDs be arranged in a straight
16 line for them to be arranged in a strip?

17 MR. MASSAND: Objection to form.

18 A. So, again, you're trying to force me
19 into a limitation that I'm not willing to accept.
20 I mean, if you want to know what a strip is to
21 the '705 patent, look at the patent description
22 and look at the figures.

23 Q. So is it your testimony that LEDs can
24 be arranged in a strip even if they're not
25 arranged in a straight line?

*** UNCERTIFIED ROUGH DRAFT ***

1 A. Those are your words, not mine.

2 Q. So must LEDs be arranged in a straight
3 line in order for them to be arranged in a strip?

4 MR. MASSAND: Objection to form.

5 A. Those are your words, not mine. I'm
6 not willing to accept your limitation to the '705
7 claims. The claims are what they are and the
8 patent description is there and the description
9 is there for anyone to look at once to understand
10 what a strip is.

11 Q. So sitting here today you cannot
12 testify one way or the other as to whether
13 multiple LEDs arranged in a single straight line
14 would be arranged in a strip or not?

15 MR. MASSAND: Objection to form.

16 A. So you're -- I don't like the way
17 you're phrasing your question. You're saying I'm
18 not willing. It's not that I'm not willing.
19 It's that it's outside the scope of my
20 declaration. I don't have those words in my
21 declaration. I don't have an opinion to those
22 words about -- that you're trying to force into
23 the claim limitations. I'm taking the claims as
24 they're written and the patent description as
25 it's written and the patent figures as they're

*** UNCERTIFIED ROUGH DRAFT ***

1 drawn. You want it know what strip means, look
2 there.

3 Q. Is it your opinion that the '705 patent
4 provides a special definition of the word strip?

5 A. So I -- you've gone over my claim
6 construction section. You're talking about plain
7 and ordinary meaning. I'm just going back to
8 look at that section just to be -- to make sure
9 that you understand what we're talking about. So
10 it says in Paragraph 38, I understand the Patent
11 Trial and Appeal Board construes claim terms as
12 having their ordinary and customary meaning to a
13 person of ordinary skill in the art at the time
14 of the invention, i.e., the same standard used in
15 District Court, and I have applied this standard
16 in rendering my opinions on claim construction.
17 In addition, I've been asked to assume that
18 claims are not indefinite. I also say in
19 Paragraph 40 the claims must be read in view of
20 the specification of which they are a part. And
21 the specification is a the best source for
22 understanding a technical term. And that's
23 why -- if you want to know what strip means, we
24 need to look at the specification -- the patent
25 specification and the figures which clearly

*** UNCERTIFIED ROUGH DRAFT ***

1 illustrate what a strip is -- what a strip means
2 to the inventors of the '705 patent.

3 Q. So it's your opinion that in order to
4 understand whether an arrangement of LEDs is in a
5 strip, one would have to consult the figures and
6 specification of the '705 patent?

7 A. So that's customarily how the claim
8 terms are construed. You -- claim terms -- so
9 when the -- let me go back and read that part to
10 you again. Paragraph 40, the claims must be read
11 in view of the specification of which they are a
12 part. That means the specification for the '705
13 patent, if you're talking about '705 claim terms.
14 I'd say the next sentence, the specification is
15 the best source for understanding a technical
16 term. That's quite clear. It's what's in every
17 IPR.

18 Q. In your opinion, is the term strip a
19 technical term in the art?

20 A. I don't know what your definition of
21 technical is.

22 Q. Well, you testified earlier that a
23 strip is a strip so I'm --

24 A. A strip is a --

25 Q. -- trying to --

*** UNCERTIFIED ROUGH DRAFT ***

1 A. -- a strip.

2 Q. -- understand if you believe strip is a
3 technical term or if a strip is just a strip?

4 A. A strip is a strip. And if you want to
5 see what -- what it means, you need to read the
6 specification and look at the figures. So I
7 repeat. The specification -- which includes the
8 words and the figures, not the claims. The
9 specification is the best source for
10 understanding a technical term. So if you want
11 to know what a strip is beyond a strip being a
12 strip which is really a simple word, then you
13 need to look at the specification and the
14 figures. I don't know why you're resisting.

15 Q. No. Let's take -- let's take a look at
16 it. You're -- you clearly can't opine otherwise
17 without looking at the figures so let's take a
18 look at it.

19 So I'll direct you to Column 12
20 beginning at Line 16. That states, Figure 5
21 illustrates of an exemplary light source for use
22 in an LCD system, including a plurality of LED
23 packages arranged in a strip 100.

24 Do you see that?

25 A. I do.

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1 Q. Did I read that correctly?

2 A. You did.

3 Q. And that paragraph specifically refers
4 to LED packages 101A through 101E, correct?

5 A. Correct.

6 Q. All right. Let's take a look at Figure
7 5. Do you see Figure 5?

8 A. I do.

9 Q. Would you agree that the LEDs
10 illustrated in Figure 5, 101A through 101E, are
11 arranged in a strip?

12 A. Well, that's what the patent
13 description says.

14 Q. That wasn't my question, Mr. Bohannon.
15 In your expert opinion, are the LEDs 101A through
16 101E in Figure 5 arranged in a strip?

17 MR. MASSAND: Objection to form.

18 A. Go back and read -- go back and show me
19 those words again.

20 Q. You -- looking at Figure 5, you cannot
21 tell me whether LEDs 101A through 101E are
22 arranged in a strip or not?

23 MR. MASSAND: Objection to form.

24 A. So isn't that how they're described in
25 the part that you just read?

*** UNCERTIFIED ROUGH DRAFT ***

1 Q. I'm asking you -- we -- we walked
2 through Figure 5. You have a copy of the patent.
3 I'm asking you, in your expert opinion whether
4 LEDs 101A through 101E in Figure 5 are arranged
5 in a strip.

6 MR. MASSAND: Objection to form.

7 A. Well, I'm looking at the text you just
8 read. So, anyway, Column 4, Line looks like 7 --
9 18, Figure 5 of the schematic illustration of a
10 plurality of LEDs arranged in a strip for use in
11 a light-emitting source in an LCD system
12 according to one embodiment of the invention.
13 So, yes. We look at the -- this patent
14 description and the figures and we can see what a
15 strip is.

16 Q. So let's be clear then. Mr. Bohannon,
17 are LEDs 101A through 101E in Figure 5 of the
18 '705 patent arranged in a strip?

19 A. Let me go to that part that describes
20 Figure 5 in more detail which is hard because the
21 way the patent is organized, not really the
22 easiest thing to look through. By the way, I
23 like Figure 1. I don't know why you don't want
24 to look at that one. It's more easy. I'm
25 looking for the part of the thing that -- part of

*** UNCERTIFIED ROUGH DRAFT ***

1 the description that talks about 5A. I'm going
2 to have to search on it. Okay. So now I found
3 it. In Column 12, Line 16 illustrates an
4 exemplary light source for use in an LCD system
5 including a plurality of LED packages arranged in
6 a strip 100. In a preferred embodiment, strip
7 100 has certain dimensions. Such a strip 100
8 comprises a circuit board, an ESD diode and
9 electrical communication with LEDs 101A and
10 101B -- 101E, I mean.

11 Q. Are you finished, Mr. Bohannon?

12 A. So I was trying to explain Figure 5 to
13 you. What --

14 Q. I have a -- a straightforward yes-or-no
15 question. Are LEDs 101A through 101E in Figure 5
16 of the '705 patent arranged in a strip? Yes or
17 no?

18 MR. MASSAND: Objection to form.

19 A. Well, that's what it -- that's what
20 it -- it says. So Figure 5 illustrates a light
21 source for use with a plurality of LED packages
22 arranged in a strip 100. So the patent
23 description says what it says.

24 Q. So, Mr. Bohannon, are LEDs 101A through
25 101E in Figure 5 of the '705 patent arranged in a

*** UNCERTIFIED ROUGH DRAFT ***

1 strip? Yes or no?

2 MR. MASSAND: Objection to form.

3 A. Well, Column 12, Line 24 or so says the
4 strip 100 -- so it's calling 100 the strip --
5 includes a common ECD diode in electrical
6 communication with the LEDs 101A, 101E, contacts
7 103 and 104 may be provided to serve as common
8 electrical inputs for the strip 100.

9 Q. So, Mr. Bohannon, are LEDs 101A through
10 101E in Figure 5 of the '705 patent arranged in a
11 strip? Yes or no?

12 MR. MASSAND: Objection to form.

13 A. So if you look at Figure 5, the whole
14 thing -- the thing that's being -- that has the
15 100 with an arrow pointing to it, the strip is
16 referred to as that whole arrangement. That --
17 that complete thing that includes contacts and an
18 ESD diode and LEDs and all that sort of thing and
19 the wiring are all together on what's called a
20 strip 100.

21 Q. So are LEDs 101A through 101E of Figure
22 5 of the '705 patent arranged in a strip? Yes or
23 no?

24 MR. MASSAND: Objection to form.

25 A. That's not what the patent description

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1 says.

2 Q. Okay.

3 A. The patent description says that 100 is
4 the strip and 100 has got other things on it
5 besides the LEDs so that the strip 100
6 includes -- I'm reading from Line 24. It says,
7 the strip, what's -- the thing we're talking
8 about, the strip 100 includes a common ESD diode,
9 102 and electrical communication with LEDs, 101A,
10 dash, 101E, contacts 103 and 104 may be provided
11 to serve as common electrical inputs for the trip
12 100. So the -- the strip has got more than just
13 that LED on it.

14 Q. So in your opinion, LEDs 101A through
15 101E are not arranged in a strip in Figure 5 of
16 the '705 patent?

17 A. So the strip includes the ESD diodes
18 and electrical communication with the LEDs
19 contacts for common electrical inputs for the
20 strip. So the strip -- what you're calling a
21 strip, what the patent is calling a strip
22 includes more than just LEDs.

23 Q. So in your opinion, are LEDs 101A
24 through 101E in Figure 5 of the '705 patent
25 arranged in a strip or not?

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1 MR. MASSAND: Objection to form.

2 A. So the strip 100 includes common ESD
3 diode 102 and electrical communication with the
4 LEDs and contacts may be provided to serve as
5 electrical inputs for the strip. So, again, that
6 whole thing that you see that's pointed to as 100
7 in Figure 5 is the strip.

8 Q. Let's go to Figure 4. And let's take a
9 look at Reference Numeral 35A.

10 Do you see that?

11 A. On the figure I see Reference Numeral
12 35A.

13 Q. Would you agree that the LEDs in light
14 source 35A are arranged in a strip?

15 A. Not without reading the patent
16 description.

17 Q. Looking at Figure 4 alone, can you not
18 testify one way or the other as to -- as to
19 whether the LEDs in Element 35A are arranged in
20 a strip or not?

21 MR. MASSAND: Objection to form.

22 A. As far as I know it's not in my
23 declaration.

24 Q. I'm asking for your expert opinion.

25 A. I'm looking through the patent

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1 description to see where 35A is described in
2 Figure 4. I'm having a hard time finding 35A in
3 the patent description, but I am diligently
4 looking for it to help you out.

5 Q. All right. Here, I'll help you. Let's
6 go to Column 13 beginning at Line 10 references
7 Figure 4.

8 Do you see that?
9 (This is a draft.)

10 A. Oh, good. Yeah.

11 Q. And it states that Figure 4 is a
12 schematic perspective view illustration view of
13 an exemplary LCD system 31 according to one
14 embodiment of the invention, correct?

15 A. Yeah. Let me go back and look at that
16 figure. Okay.

17 Q. Have you had a chance to consult the
18 Figure 4?

19 A. Yeah. I'm just kind of going back and
20 forth.

21 Q. Let me know when you're ready for my
22 next question.

23 MR. MASSAND: Josh, whenever you're
24 done with this line, no -- no major rush or
25 anything, line --

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1 MR. LEE: Yeah.

2 MR. MASSAND: -- or topic, if we could
3 take a break, that would be good.

4 MR. LEE: Yeah.

5 A. All right. What's your question about
6 that Figure 4?

7 Q. You'd agree Fig- -- in Figure 4
8 reference numeral 32 is an LCD panel, correct?

9 A. So which one do you -- which one are we
10 calling the LCD panel?

11 Q. You would agree that reference numeral
12 32 in Figure 4 is an LCD panel, correct?

13 A. Oh, it's a -- it looks like a plane so
14 there's -- there's not much dimensionality to it.

15 Q. The '705 patent states, with respect
16 to --

17 A. Okay. Now --

18 Q. -- Figure 4, the system 31 includes an
19 LCD Panel 32, correct?

20 A. Yes. The '705 patent description
21 Column 13, Line 13 or so says, system 31 includes
22 an LCD panel 32, a waveguide element 34, a first
23 light source 33 optically coupled to an edge 37
24 of the waveguide element 34, and additional light
25 sources 34A to 40 -- 34I optically coupled to the

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1 back side 35 of the waveguide element 34.

2 Q. In Figure 4, however, the light sources
3 are identified as 35A through 35I, correct?

4 A. Well, it says on Line 13 or so, a first
5 light source 33 optically coupled to the edge 37
6 of waveguide element and additional light sources
7 34A to 34 I if you want to be accurate.

8 Q. I -- I agree that's what the patent
9 says. Figure 4, however, does not use reference
10 numerals 34A through 34I for light sources; it
11 uses reference numerals 35A through 35I, correct?

12 A. Well, the patent description I'm
13 looking at says 34A.

14 Q. I do not disagree with you,
15 Mr. Bohannon. I believe there may be a typo in
16 the '705 patent. In Figure 4 of the '705 patent,
17 which is referenced in this disclosure, do you
18 see reference numerals 35A through 34I?

19 A. So I see in the patent description Line
20 14 -- or Line 15, 34A, 34I and then I see on
21 Figure 4 looks like they're calling things 35A
22 and 35I so, anyway, don't know what to say about
23 that.

24 Q. Would you agree with me -- I -- so let
25 me back up. I agree there appears to be an

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1 inconsistency in the specification in the
2 figures. Do you agree with me that the light
3 sources described in the specification of Figure
4 4 are identified as reference numerals 35A
5 through 35I in Figure 4?

6 MR. MASSAND: Objection to form.

7 A. I don't know if I can agree to that or
8 not, not being the inventor. I mean, I --

9 Q. So --

10 A. -- there's a disconnect what's shown in
11 the figure and what's described in the text.

12 Q. So the spec- -- the specification
13 refers to back side 35 of waveguide element 34,
14 correct?

15 A. Yes, it does. Back side 34 -- back
16 side 35, waveguide element 34.

17 Q. And do you see back side 35 of the
18 waveguide element 34 in Figure 4 of the '705
19 patent?

20 A. Yes, I see a 35.

21 Q. And the specification states that,
22 additional light sources are optically coupled to
23 the back side of 35 of the waveguide 30- --
24 element 34, correct?

25 A. So, yes, it says additional light

*** UNCERTIFIED ROUGH DRAFT ***

1 sources 34A to 34I optically coupled to the back
2 side 35. So, yes, I can read the description,
3 the description --

4 Q. In figure --

5 A. -- is clear.

6 Q. In Figure 4 of the '705 patent, do you
7 see light sources coupled to the back side 35 of
8 the waveguide element 34?

9 A. Well, unfortunately, there's a
10 disconnect between the figure and the text as we
11 both know where the text calls them 34A to 34I
12 and you do not see those callouts on Figure 4.

13 Q. What are reference numerals 34A through
14 34I in Figure 4 of the patent?

15 A. 34A to 34I are not in Figure 4.

16 Q. So sitting here today in your expert
17 opinion applying your expertise, you have no
18 understanding as to what reference numerals 34 --
19 or, excuse me, 35A through 35I are in Figure 4?

20 MR. MASSAND: Objection to form.

21 A. Well, there's -- it's clear that
22 there's a disconnect between -- in figure 4 on
23 sheet -- on Page 7 of 9 in the '705 patent that
24 the callout 34A through 34I are not shown on
25 Figure 4 so it's hard to tell what they're

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1 talking about.

2 Q. So you a- -- you would agree with me
3 that Column 13, Lines 10 through 16 describes
4 Figure 4 and describes light sources coupled to
5 the back side 35 of the waveguide element 34,
6 correct?

7 A. That's an accurate reading of Column
8 13.

9 Q. And in Figure 4 is it your
10 understanding that there are light sources
11 illustrated as being coupled to the back side 35
12 of waveguide element 34.

13 A. You're asking me to speculate and read
14 the mind of the inventor who -- or whoever did
15 the drawing because it doesn't show 34A and 34I.
16 It shows something else and it's -- so I'm not
17 willing to speculate as to what it's showing or
18 not showing.

19 Q. So you have no --

20 A. There's better --

21 Q. -- understanding as --

22 THE REPORTER: Excuse me. Excuse me.

23 A. There's better drawings that show
24 strips and LEDs mounted on them.

25 Q. I want to --

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1 A. And this --

2 Q. -- talk -- I want to --

3 (Crosstalk.)

4 A. This is --

5 Q. -- talk about here forward.

6 THE REPORTER: Excuse me. I didn't get
7 the end of the answer.

8 A. I said, there's better figures and are
9 better descriptions of the figures other than
10 Figure 4 which obviously has got a disconnect in
11 it.

12 Q. So in your expert opinion sitting here
13 today looking at Figure 4, you have no idea what
14 the items illustrated as reference numerals 35A
15 through 35I are?

16 MR. MASSAND: Objection to form.

17 A. Any potential errors in the patent are
18 not -- are not described in my declaration. I'm
19 not speculating as to what they are or aren't.
20 You should go talk to the inventors or ask them
21 to file some kind of a change or direction or
22 something. I'm not willing --

23 Q. So sit --

24 A. -- to speculate.

25 Q. So sitting here today you in your

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1 expert opinion cannot with any reasonable
2 certainty identify what reference numerals 35A
3 through 35I are in Figure 4 despite the
4 description of Figure 4 in Column 13, Lines 10
5 through 16?

6 MR. MASSAND: Objection to form.

7 A. So it's -- it's inaccurate to say that
8 I cannot. The more accurate answer is to say
9 that I will not. I am not going to speculate as
10 to what was in the mind of the inventor when he
11 did those drawings and that description.
12 Obviously, there's a disconnect. I'm not willing
13 to arbitrarily correct it for the inventor.

14 Q. Does Figure 4 illustrate light sources
15 in your opinion?

16 A. It says here that Figure 4 is a
17 schematic perspective view illustration view.
18 Kind of crazy wording in English as well. If you
19 want to correct the rest of it, you should
20 correct the wording, too. Anyway, Figure 4 is a
21 schematic perspective view illustration view of
22 an exemplary LCD system 31 according to one
23 embodiment of the invention.

24 That's what I'm willing to concede on.

25 Q. That wasn't my question. Do you as an

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1 expert, a skilled artisan, when you look at
2 Figure 4, in your opinion, does Figure 4 as
3 described in the '705 patent include light
4 sources?

5 MR. MASSAND: Objection to form.

6 A. It includes -- so if we continue on
7 reading, so system 31 includes an LCD panel 32, a
8 waveguide element 34, a first light source 33
9 optically coupled to the edge of the waveguide
10 element. And if you look at Figure 4 again, you
11 can see that lo and behold, there is a 33
12 pointing to a strip of -- of what appear to be
13 light sources with dashed lines coming out of it
14 representing light perhaps going into a 37 entry
15 point. So if you're looking for light sources
16 without an argument or speculation, look to 33.

17 Q. Does Figure 4 illustrate in your expert
18 opinion any light source in addition to light
19 source 33?

20 A. Well, you can't tell if it -- if it is
21 or not because the callout numbers are wrong.
22 The description says 34A through 34I are
23 additional sources but you cannot find those
24 numbers in Figure 4 so it's hard to tell what
25 those things are.

*** UNCERTIFIED ROUGH DRAFT ***

1 Q. So sitting here today you as a
2 proffered expert with respect to the '705 patent,
3 you cannot say what reference numerals 35A
4 through 35I in Figure 4 of the '705 patent refer
5 to?

6 MR. MASSAND: Objection to form.

7 A. So the inventor -- the inventors are --
8 obviously left something out so it's hard to say.
9 I'm not willing to speculate. It's not that I
10 can't tell you or I can't say. It's I'm not
11 willing to speculate as to what was going on in
12 the minds of the inventor or the draftsman who
13 drew the drawing or whoever it was who filled out
14 the numbers on there -- on the drawing, the
15 callout numbers. I'm not willing to speculate
16 what happened to the missing numbers or not,
17 whether or not 34A and 34I are there or not
18 there. They're not shown in the figures, 35A and
19 30- -- through 35I are shown in the figures, but
20 there's no description. You can't find 35A in
21 the patent description. I searched for it. So
22 we're at a loss here. I'm not willing to help
23 you out by speculating.

24 Q. You're -- you're -- you wouldn't be
25 helping me out.

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1 MR. LEE: Let's -- let's go ahead and
2 take a break. Clearly Mr. Bohannon can't connect
3 the two dots here so let's take a break.

4 A. Is that a question of --

5 MR. MASSAND: Objection.

6 A. -- connecting the dots. I'm not
7 willing to speculate. You misrepresented my
8 words.

9 MR. LEE: You want to go off --

10 THE REPORTER: Are we off the record?

11 MR. LEE: -- Neal?

12 MR. MASSAND: Yeah. If we can take a
13 break, that would be great.

14 MR. LEE: Yeah.

15 (Whereupon, there was a recess in the
16 proceedings from 3:15 p.m. to 3:28 p.m.).

17 BY MR. LEE:

18 Q. Welcome back, Mr. Bohannon. Did you
19 speak with anyone regarding the substance of your
20 testimony during the break?

21 A. I did not.

22 Q. I want to stay focused on the '705
23 patent, Exhibit 1001, and I want to turn to
24 Column 4, Lines 11 through 17 which I also have
25 displayed on the screen for your convenience.

*** UNCERTIFIED ROUGH DRAFT ***

1 Therein you will see that the '705 patent states,
2 Figure 4 --

3 A. I don't see that on the screen, by the
4 way.

5 Q. Oh, my apologies. Can you see my
6 screen now?

7 A. Yeah. Where are you reading, please?

8 Q. Column 4, Lines 11 to 17.

9 A. Okay.

10 Q. You'll agree with me that at Columns --
11 Column 4, Lines 11 through 17 the '705 patent
12 states, Figure 4 is a schematic perspective view
13 illustration of an exemplary LCD system including
14 a waveguide element subject to both backlighting
15 by a plurality of LEDs arranged in strips behind
16 the LCD screen and side backlighting by a
17 plurality of LEDs arranged in strips along at
18 least one side edge of the system according to
19 one embodiment of the invention, correct?

20 A. You read that correctly.

21 Q. So as described by the '705 patent,
22 Figure 4 illustrates a plurality of LEDs arranged
23 in strips behind the LCD screen, correct?

24 A. You read that correctly.

25 Q. Let's turn to Figure 4 which you have

*** UNCERTIFIED ROUGH DRAFT ***

1 but I'll throw it up on the screen.

2 Mr. Bohannon, where in Figure 4 are the
3 LEDs arranged in strips behind the LCD screen?

4 MR. MASSAND: Objection to form.

5 A. So first of all, we understand -- I'm
6 sure you remember our discussion just before the
7 break that there is some doubt as to what's being
8 shown in Figure 4, 35I through 35A versus 34A to
9 34I. So there's some doubt as to what's being
10 shown here, first of all. Secondly, there is no
11 discussion of Figure 4 in my declaration so
12 you're a bit outside the scope of what I'm --
13 what my declaration covers.

14 Q. You agree that the '705 patent
15 describes that Figure 4 illustrates a plurality
16 of LEDs arranged in strips behind the LCD screen,
17 correct?

18 A. Yes, you read that correctly.

19 Q. Okay. So we have agreement that Figure
20 4 illustrates a plurality of LEDs arranged in
21 strips behind the LCD screen, correct?

22 MR. MASSAND: Objection to form.

23 A. We have no agreement. There is no
24 agreement to that.

25 Q. You disagree --

*** UNCERTIFIED ROUGH DRAFT ***

1 A. As far as you can go as an -- as an
2 agreement is that Figure 4 is flawed and the
3 callouts are done inaccurately.

4 Q. So just to make sure --

5 A. So I... -- I don't know. You can go
6 ahead and talk. I'll stop.

7 Q. So we -- let me make -- we agree that
8 the '705 patent states Figure 4 illustrates a
9 plurality of LEDs arranged in strips behind the
10 LCD screen, correct?

11 A. We can agree that Column 4, Line 11
12 through 15 or 14 -- we -- I will agree with you
13 that it says, Figure 4 is a schematic perspective
14 view illustration of an exemplary LCD system
15 including a waveguide element subject to both
16 backlighting by a plurality of LEDs arranged in
17 strips behind the screen and side lighting by a
18 plurality of LCDs -- LEDs arranged in strips
19 along at least one side edge of the system
20 according to one embodiment of the invention.
21 That's what I'll agree to. Figure 4 is flawed.
22 I think we both recognize that. It's clearly in
23 the record that Figure 4 is flawed. It doesn't
24 show everything it's supposed to show correctly.
25 Q. So sitting here today testifying

*** UNCERTIFIED ROUGH DRAFT ***

1 truthfully under oath in your expert opinion you
2 cannot identify in Figure 4 any LEDs arranged in
3 strips behind the LCD screen?

4 MR. MASSAND: Objection to form.

5 A. So I will swear that I'm telling the
6 truth that Figure 4 is flawed and that this 35A,
7 35B, 35C, 35D, 35E, 35F, 35G, 35H and 35I are not
8 described in the patent description. There --
9 there's mislabeling or misdescription. There's
10 an error in the Patent application that nobody at
11 the patent office caught. Somebody needs to
12 correct the typos in here. Before the typos are
13 corrected, I'm not going to do it for them. I'm
14 not the inventor. It's not my duty to correct
15 the error in their patent disclosure and I'm not
16 going to agree to you what it's showing or not
17 showing. The only thing I'm going to agree to is
18 that there's an error in the drawing and/or the
19 patent description.

20 Q. So sitting here today as an expert when
21 you look at Figure 4 in light of the '705 Patent,
22 you will not agree with me that Figure 4
23 illustrates a plurality of LEDs arranged in
24 strips behind the LCD screen?

25 A. I will not agree with you because there

*** UNCERTIFIED ROUGH DRAFT ***

1 is an error in the Patent description and/or the
2 figure and we both know that and it's in the
3 record so it's not a question whether I agree
4 with you or not. It's that there's an error and
5 I'm not going to make a correction arbitrarily
6 all on my own just because you want it.

7 Q. In your opinion, would a person of
8 skill in the art reading the '705 patent
9 understand that Figure 4 of the '705 patent
10 illustrates a plurality of LEDs arranged in
11 strips behind the LCD screen?

12 MR. MASSAND: Objection to form.

13 A. I do not agree with you. There's an
14 error in the figure or an error in the patent
15 description words such that a person of ordinary
16 skill in the art cannot identify the LEDs
17 accurately.

18 Q. So in your opinion, a person skilled in
19 the art reading the '705 patent would not be able
20 to identify any LEDs arranged behind the LCD
21 screen in Figure 4?

22 MR. MASSAND: Objection to form.

23 A. So I said that -- earlier that you can
24 see on Element 33 the LEDs arranged in a strip
25 going into the end of the light guide at 37 are

*** UNCERTIFIED ROUGH DRAFT ***

1 clearly LEDs. That's -- those are identified
2 correctly in the callouts and in the patent
3 description. Beyond that, they're not identified
4 correctly. They're called 34 and here there is
5 no 34s, only 35s and you can't tell what they
6 are. So maybe the patent owner made a mistake.
7 It appears that there's a mistake in the patent
8 description or the figure.

9 Q. What's that mistake?

10 A. Make the correction if you want to
11 argue about it.

12 Q. You said there appears to be a mistake.
13 What mistake are you referring to?

14 A. 35s are not shown in the Patent
15 description and the patent description has 34s
16 and they're not shown. So the 35 is the back
17 side of the light -- of the waveguide and so who
18 knows what the other 35s are. You can just
19 speculate. You can speculate to your heart's
20 content. Why don't you have the Hisense expert
21 write a report and do a bunch of speculation, see
22 how far that goes.

23 Q. Well, I'm -- respectfully, you know,
24 you've proffered yourself as -- as an expert in
25 this subject matter, so I'm -- I'm really trying

*** UNCERTIFIED ROUGH DRAFT ***

1 to hear what your expert opinion is regarding
2 whether a person skilled in the art reading the
3 entirety of the '705 patent, how they would
4 understand Figure 4. And I believe your
5 testimony is that in your opinion a person
6 skilled in the art would not understand there to
7 be any plurality of LEDs arranged in strips
8 behind the LCD screen in Figure 4; is that
9 correct?

10 A. So you're mischaracterizing --

11 MR. MASSAND: Object to form.

12 A. -- my response once again. So my
13 response is that there's an error in the figure
14 and the patent description and you can't tell
15 with certainty what's being described.
16 Additionally, in my declaration there is no
17 description or discussion of Figure 4 so you're
18 outside the scope of my declaration.

19 Q. So looking at Figure 4, you do not see
20 any LEDs behind the LCD screen illustrated in
21 Figure 4?

22 MR. MASSAND: Objection to form.

23 A. So you have asked that question over
24 and over and over and gotten the same response.
25 There is an error in the figures and/or the

*** UNCERTIFIED ROUGH DRAFT ***

1 patent description. It's in the record. Even if
2 PTAB goes back through the record, they'll see
3 you've asked me the same question a dozen times
4 and refused to admit yourself there's an error in
5 the patent description so it's time for you to --
6 to fess up and move along.

7 Q. Mr. Bohannon, I readily acknowledge
8 that the patent owner has an error in this patent
9 and that reference numerals 34A through 34I in
10 the specification are meant to refer to reference
11 numerals 35A to 35I in Figure 4.

12 Do you agree?

13 MR. MASSAND: Objection to form.

14 A. I do not agree with your speculation.

15 Q. So when you look at the back side 35 of
16 waveguide element 34 in Figure 4, what do you
17 see?

18 A. I see what we see in Figure 4 and
19 there's an error in the patent description. It
20 doesn't describe it. Maybe they left something
21 out. Maybe they added something. Maybe they
22 subtracted something. We can't tell. Why don't
23 you depose the inventors and ask them.

24 Q. I'm -- I'm asking you respectfully,
25 Mr. Bohannon, on the back side of 35 of waveguide

*** UNCERTIFIED ROUGH DRAFT ***

1 element 34 as an expert who has read the '70
2 patent -- '705 patent, what is your understanding
3 or interpretation as to what you see in Figure 4
4 on the back side of 35?

5 MR. MASSAND: Objection to form.

6 A. What I see is an error. Somebody made
7 a mistake. I'm not going to speculate and
8 correct it for them.

9 Q. You don't -- you do not see LEDs
10 arranged in strips on the back side 35 of
11 waveguide element 34 in Figure 4?

12 MR. MASSAND: Objection to form.

13 A. So you can ask me a hundred times.
14 I'll give you the same answer. I see an error.

15 Q. I understand you're -- you see an
16 error. I'm asking you a different question. Do
17 you see LEDs arranged in strips on the back
18 surface 35 of waveguide 34 in Figure 4?

19 MR. MASSAND: Objection to form.

20 A. I see an error and I am not going to
21 speculate as to what the error is.

22 Q. I understand that you see some vague
23 error. I'm asking you a yes-or-no question. Do
24 you see LEDs arranged in strips on the back
25 surface 35 of waveguide element 34 in Figure 4?

*** UNCERTIFIED ROUGH DRAFT ***

1 Yes-or-no?

2 MR. MASSAND: Objection to form.

3 A. So I see an error and it's not a vague
4 error. We have been talking about this error for
5 probably at least a half hour, maybe more. The
6 error is that according to Column 13, Line 15,
7 the light sources are called out as 34A through
8 34I and they are not -- they do not appear in
9 Figure 4. So we can -- you can guess that Figure
10 4 is missing something. That's as far as it's
11 willing to go.

12 Q. What's Figure 4 missing?

13 MR. MASSAND: Objection to form.

14 A. 35I through 34A.

15 Q. Which are light sources?

16 A. I'll read it again.

17 MR. MASSAND: Objection to form.

18 A. So Figure -- so Column 13, Line 15
19 says, additional light sources 34A through 34I
20 optically coupled to the back side of the
21 waveguide element 34. Those are entirely missing
22 from the figure.

23 Q. So in your opinion, Figure 4 does not
24 have any light sources optically coupled to the
25 back side 35 of the waveguide element 34?

*** UNCERTIFIED ROUGH DRAFT ***

1 MR. MASSAND: Objection to form.

2 A. So you have asked me the same question
3 over and over and over. Don't you think it's
4 time to move on?

5 Q. I -- I would appreciate a yes-or-no
6 question [sic] to my straightforward answer
7 [sic].

8 In your opinion, does Figure 4
9 illustrate any light sources coupled to the back
10 side 35 of the waveguide element 34?

11 MR. MASSAND: Objection to form.

12 BY MR. LEE:

13 Q. Yes or no?

14 MR. MASSAND: Objection to form.

15 A. So first off, for the record, again,
16 which is probably the 20th time I've answered
17 this question, there is no discussion in Figure 4
18 in my declaration so Figure 4 has an error in it
19 so you can't tell what's being shown and there's
20 no discussion of it. Until you get the patent
21 owner to correct it, I'm not going to speculate.

22 Q. Sitting here today, you cannot identify
23 in Figure 4 any light sources coupled to the back
24 side 35 of waveguide element 34, correct?

25 MR. MASSAND: Objection to form.

*** UNCERTIFIED ROUGH DRAFT ***

1 A. Sitting here today or sitting here
2 tomorrow or sitting here all night doesn't make
3 those callouts magically appear. Somebody's got
4 to correct the figure if you want some kind of a
5 honest discussion of what's going on in Figure 4.
6 Figure 4 has an error. The elements called out
7 in -- in the patent description do not appear in
8 the patent figure so I can't help you.

9 Q. So you cannot identify any light
10 sources coupled to the back side 35 of the
11 waveguide element 34 in Figure 4, correct?

12 MR. MASSAND: Objection -- objection to
13 form.

14 A. So if you want somebody to speculate,
15 get your own expert to write a speculative
16 opinion as to what's actually going on in Figure
17 4. Take that to the board.

18 Q. So absent speculation --

19 A. Take your --

20 Q. -- on your --

21 THE REPORTER: I'm sorry.

22 A. I said take your -- your expert's
23 declaration to the board. You're not getting it
24 from me.

25 Q. So absent speculation on your part, you

*** UNCERTIFIED ROUGH DRAFT ***

1 cannot identify any light sources coupled to the
2 back side 35 of waveguide element 34 in Figure 4
3 of the '705 patent?

4 MR. MASSAND: Objection to form.

5 A. Sir, you've got this question before
6 and I've answered it before. I'm not
7 speculating. It's not in my declaration.
8 There's an error in the patent.

9 Q. Let's return to Claim 1 of the '705
10 patent. Claim element (e) appearing at Line 47
11 of Column 13 recites, a common control circuit in
12 electrical communication with at least one of the
13 first plurality of LEDs and the second plurality
14 of LEDs, correct?

15 (This is a draft.)

16 A. Common -- common control circuit with
17 electrical communication with at least one of the
18 first plurality of LEDs and the second plurality
19 of LEDs.

20 Q. So you agree Claim 1 recites a common
21 control circuit, correct?

22 A. It does.

23 Q. What ordinary and customary meaning of
24 common control circuit did you apply in rendering
25 your opinions in your declaration?

*** UNCERTIFIED ROUGH DRAFT ***

1 A. So just like with the other terms of
2 strip and whatnot, we look at the figures and the
3 patent description.

4 Q. Can you articulate for me the ordinary
5 and customary meaning of the term common control
6 circuit that you applied in rendering your
7 opinions in your declaration?

8 A. I'll have to look through the patent
9 description for a minute here. So if you look at
10 Column 12 in the '705 patent it says, the light
11 source including a strip of LEDs or LED packages
12 may include a circuit board or other common
13 structural support such that the LEDs may be
14 electrically connected to one another. The LEDs
15 may be further electrically connected to
16 components adapted to provide uniform performance
17 of the plurality of LEDs. Such components may
18 include common control circuits.

19 I think that's a good spot to get the
20 answer to your question.

21 Q. Sir, I'll ask my question again. What
22 ordinary and customary meaning of the term common
23 control circuit did you apply in rendering your
24 opinions in your declaration?

25 MR. MASSAND: Objection to form.

*** UNCERTIFIED ROUGH DRAFT ***

1 A. So you can see what I just read to you
2 from the '705. Let me look in my declaration and
3 see if I went beyond what's in the Column 12 --
4 the top of Column 12. I -- probably not but I
5 will look for you. I don't think I have any
6 other discussion in my declaration as to what
7 common control circuit is beyond what's in Column
8 12 -- top of Column 12.

9 Q. So I'll reask my question. Please
10 articulate for me the ordinary and customary
11 meaning of the term common control circuit that
12 you applied in rendering your opinions in your
13 declaration.

14 MR. MASSAND: Objection to form.

15 A. So the top of Column 12, Line 4 or so
16 LEDs may be further electrically connected to
17 components adapted to provide uniform performance
18 of the plurality of LEDs. Such components may
19 include one or more common control circuits,
20 (e.g., integrated circuits or processors) to
21 regulate, for example, power to the LEDs,
22 intensity of the emitted light, wavelength of the
23 emitted light or other parameters. So that's as
24 good as you're going to get. We'll do it, like,
25 ten times or 20 times like you did with the

*** UNCERTIFIED ROUGH DRAFT ***

1 Figure 4. That's fine.

2 Q. So that portion of the specification
3 that you've recited at Column 12, Lines 1 through
4 10 states that common control circuits regulate,
5 for example, power to the LEDs, intensity of the
6 emitted light, wavelength of the emitted light
7 and/or other parameters, correct?

8 A. So the such components may include one
9 or more common control circuits (e.g., integrated
10 circuits or processors) to regulate, for example,
11 power to the LEDs, intensity of the emitted
12 light, wavelength of the emitted light or other
13 parameters. This is all prefaced by electric --
14 electrically connected to components adapted to
15 provide uniform performance of the plurality of
16 the LEDs. So we're getting uniform performance
17 through these common control elements.

18 Q. So according to the '70 patent -- '705
19 patent, regulating power to the LEDs is one
20 example of what a common control circuit might
21 do, correct?

22 A. Well, so we provide uniform performance
23 as a plurality of LEDs. So first off, you're
24 getting uniform performance of the plurality of
25 LEDs and these components are as we described,

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1 integrated circuits, et cetera, which then
2 regulate power, intensity and whatnot. But the
3 overall goal is to provide uniform performance of
4 the plurality of LEDs. That's -- that's why
5 we're doing it, uniform performance so is
6 uniform -- is uniform performance the ordinary
7 and customary meaning that you applied to common
8 control circuit in rendering the opinions in your
9 declaration.

10 MR. MASSAND: Objection to form.

11 A. This -- so Line 4 says, the LEDs may be
12 further connected to components adapted to
13 provide uniform performance of the plurality of
14 LEDs. Such components may include one or more
15 common control circuits. So there you go. Your
16 common control circuits is what's used to provide
17 uniform performance of the plurality of LEDs. So
18 let's go around and around.

19 Q. That section describes the common
20 control circuits regulate, for example, power to
21 the LEDs, intensity of the emitted light,
22 wavelength of the emitted light, and/or other
23 parameters, correct?

24 A. I see what you've read.

25 Q. In your opinion, what are other

*** UNCERTIFIED ROUGH DRAFT ***

1 parameters that common control circuits might
2 regulate?

3 A. I'm not going to speculate. It's not
4 in my declaration.

5 Q. So sitting here today you can't
6 identify any other parameters that the common
7 control circuits might regulate?

8 MR. MASSAND: Objection to form.

9 A. So I don't want to step outside the
10 patent description and speculate. It's not in my
11 declaration.

12 Q. In your opinion, does the common
13 control circuit need to regulate each of the
14 power to the LEDs, the intensity of the emitted
15 light and the wavelength of the emitted light?

16 A. So these things -- such a -- look at
17 opinion 3 of Column 12, such that the LEDs may be
18 electrically connected to one another. The LEDs
19 may be further electrically connected to opon- --
20 components adapted to provide uniform performance
21 of the plurality of LEDs. Beyond that, I'm not
22 speculating. It's not in my declaration.

23 Q. So in your opinion the common control
24 circuit needs only provide uniform performance of
25 the plurality of LEDs?

*** UNCERTIFIED ROUGH DRAFT ***

1 A. So I'm reading from Column 12 of the
2 '705 patent where it says, the LEDs may be
3 further electrically connected to components
4 adapted to provide uniform performance of the
5 plurality of LEDs. Such components may include
6 one or more common control circuits (e.g.,
7 integrated circuits or processors. So that's as
8 far as it goes. There's no other speculation in
9 my declaration. There's no other description in
10 my declaration. That's as far as it goes.

11 Q. So in your opinion, there's no
12 requirement that the claim common control circuit
13 must regulate the wavelength of the emitted
14 light?

15 MR. MASSAND: Objection to form.

16 A. So it says, such components -- this is
17 in Line 6. Such components may include one or
18 more common control circuits (e.g., integrated
19 circuits or processors) to regulate, for example,
20 power to the LEDs, intensity of the emitted
21 light, wavelength of the emitted light, and/or
22 other parameters. Beyond that I am not
23 speculating.

24 Q. I think you identified the language
25 you've recited includes the clause, for example,

*** UNCERTIFIED ROUGH DRAFT ***

1 and it also includes this alternative or clause.

2 And -- and I -- I think you're -- we're in
3 agreement on this. I just want to be sure.

4 So in your opinion, the claimed common
5 control circuit, must it regulate power to the
6 LEDs.

7 A. So there is no must in that -- in any
8 of those sentences so you're trying to slip stuff
9 in.

10 Q. Okay. So I just want to be sure. So
11 in -- in -- in your opinion, the claimed common
12 control circuit, must it regulate power to the
13 LEDs?

14 A. No.

15 Q. In your opinion, the common control
16 circuit, must it regulate intensity of the
17 emitted light?

18 A. There is no must. I don't know where
19 you're -- you're adding in must. There is no
20 requirement for must. It says, such components
21 may include one or more common control circuits
22 to regulate, for example, power to the LEDs,
23 intensity of the emitted light, wavelength of the
24 emitted light, or other parameters. Nowhere does
25 it say must.

*** UNCERTIFIED ROUGH DRAFT ***

1 Q. In your opinion, the claimed common
2 control circuit must it regulate the wavelength
3 of the emitted light?

4 A. So obviously you're having a problem
5 with Claim 1 where in Claim 1 it says, a common
6 control circuit and electrical communication with
7 at least one of the first plurality of LEDs and a
8 second plurality of LEDs. That is Claim 1. Do
9 you want me to read it over about a hundred times
10 for you?

11 Q. No. I see it.

12 A. Good.

13 Q. So you would agree with me in Claim 1
14 there's no requirement that the common control
15 circuit must regulate intensity of the emitted
16 light, correct?

17 A. So there's a common control circuit --
18 an electrical communication with at least one of
19 the first plurality of LEDs and the second
20 plurality of LEDs. That's what's in element (e).
21 So Claim 1 is a liquid crystal display system
22 comprising a LCD panel, at least one waveguide
23 element comprising a plurality of light entry
24 regions, first light-emitting source comprising a
25 plurality of LEDs arranged in a first strip,

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1 second light-emitting source comprising a second
2 plurality arranged in a second strip and a common
3 control circuit in electrical communication with
4 at least one of the first plurality of LEDs and
5 the second plurality of LEDs. That's Claim 1.

6 Q. So in Claim 1 there is no requirement
7 that the common control circuit must regulate
8 intensity of the emitted light, correct?

9 MR. MASSAND: Objection to form.

10 A. I'm not going to agree with you.

11 Q. In Claim 1 there is no expressed
12 written requirement that the common control
13 circuit must regulate intensity of the emitted
14 light, correct?

15 MR. MASSAND: Objection to form.

16 A. I'm not going to agree with you. Claim
17 1 --

18 Q. Why not?

19 A. Because Claim 1 is what it is and what
20 is written as it is written.

21 Q. And as it is written, there is no
22 expressed requirement that the common control
23 circuit regulate intensity of the emitted light,
24 correct?

25 MR. MASSAND: Objection to form.

*** UNCERTIFIED ROUGH DRAFT ***

1 A. I'm not going to speculate as to what
2 is or isn't there. The claim speaks for itself.

3 Q. I agree. And the claim does not recite
4 any requirement that the common control circuit
5 must regulate the intensity of the emitted light,
6 correct?

7 MR. MASSAND: Objection to form.

8 A. You should put that in your brief.

9 Q. Mr. Bohannon, I've asked you a
10 question.

11 A. I've answered it at least six times.

12 Q. So can you point to the line in Column
13 13 where Claim 1 expressly recites that the
14 common control circuit must regulate intensity of
15 the emitted light?

16 MR. MASSAND: Objection to form.

17 A. Column 13?

18 Q. Yes. Can you point to the line number
19 in Column 13 in Claim 1 where Claim 1 requires
20 that the common control circuit must regulate
21 intensity of the emitted light?

22 A. I'm not going to follow you down some
23 primrose path. You want to put that stuff in
24 your brief to the PTAB, go right ahead. You're
25 not getting it from me.

*** UNCERTIFIED ROUGH DRAFT ***

1 Q. I -- I think we're in agreement on here
2 on this, Mr. Bohannon. You -- you'd agree Claim
3 1 as it appears in Line 33 through 49 of Column
4 13 does not include expressed language that
5 requires that the common control circuit must
6 regulate intensity of the emitted light, correct?

7 MR. MASSAND: Objection to form.

8 A. Well, you're imposing a limitation on
9 claims that don't exist. The claims are what
10 they are. You know, there's a whole bunch of
11 stuff that's also not in Claim 1. Claim 1
12 doesn't have the complete works of Shakespeare,
13 for example. It doesn't have a description of
14 automobile tires either. Put all that stuff in
15 your brief to the PTAB.

16 Q. So you agree Claim 1 does not recite
17 the common control circuit regulating intensity
18 of the emitted light?

19 MR. MASSAND: Objection to form.

20 A. Claim 1 says, a common control circuit
21 and electrical communication with at least one of
22 the first plurality of LEDs and the second
23 plurality of LEDs. That's a broad claim and you
24 don't like it, right?

25 Q. I'm trying to understand in your

*** UNCERTIFIED ROUGH DRAFT ***

1 opinion whether Claim 1 requires that the common
2 control circuit must regulate intensity of the
3 emitted light.

4 (This is a draft.)

5 A. So in my opinion -- can you point to me
6 in my opinion where I say that?

7 Q. You -- I asked you for the ordinary and
8 customary meaning of common control circuit that
9 you apply in your declaration. And you referred
10 me to Column 12, Lines 1 through 10 that describe
11 examples as to what a common control circuit may
12 regulate.

13 So I'm just trying to understand how
14 these examples that you've pointed to in the
15 specification in your opinion relate to the claim
16 language.

17 A. So in my opinion, as I described in the
18 section on claim construction is you look to the
19 patent description for a -- to get a clear
20 understanding of a technical term. And you asked
21 me about common control circuits and I pointed
22 you to Column 12 where it describes common
23 control circuits and which components may include
24 one or more common control circuits so regulate,
25 for example, power, intensity, wavelength,

*** UNCERTIFIED ROUGH DRAFT ***

1 et cetera. So that's as far as it goes.

2 Q. In your opinion, must a common control
3 circuit as claimed regulate each of the power to
4 the LEDs, the intensity of the emitted light and
5 the wavelength of the emitted light?

6 A. So that limiting language that you
7 would like to have so desperately does not exist
8 in Claim 1.

9 MR. LEE: Thank you, Mr. Bohannon. I
10 have no further questions at this time. I pass
11 the witness.

12 MR. MASSAND: We have no questions at
13 this time. And then we don't need any copies of
14 the transcript but we would like to read and sign
15 whatever free version of read and sign you guys
16 do.

17 THE REPORTER: Okay. Do you want me to
18 send that directly to Mr. Bohannon.

19 MR. MASSAND: Either way is fine.

20 (End at 4:09 p.m.)

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