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UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

- - - - - x  
LAM RESEARCH CORP., :  
Petitioner, : Case No. IPR2024-00033  
v. : U.S. Patent No.  
INPRIA CORP., : 9,823,564  
Patent Owner. :  
- - - - - X

Deposition of PATRICK CASEY FRANZEN  
Conducted Virtually  
Thursday, November 21, 2024  
11:59 a.m. EST

Job No.: 561081  
Pages 1 - 40  
Reported by: Debra A. Whitehead

1           Deposition of PATRICK CASEY FRANZEN, conducted  
2           virtually.

3  
4  
5           Pursuant to notice, before Debra Ann Whitehead,  
6           E-Notary Public in and for the Commonwealth of  
7           Virginia.

A P P E A R A N C E S

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C O N T E N T S

|                                      |      |
|--------------------------------------|------|
| EXAMINATION OF PATRICK CASEY FRANZEN | PAGE |
| By Mr. Wolfe                         | 5    |

EXHIBITS MARKED IN TODAY'S SESSION  
(None marked)

EXHIBITS MARKED IN PRIOR SESSIONS  
(Not Attached)

|                                                                     |      |
|---------------------------------------------------------------------|------|
| DEPOSITION EXHIBIT                                                  | PAGE |
| Exhibit 1024 Advances in Resist Materials and Processing Technology | 32   |
| Exhibit 1034 Declaration of P. Franzen                              | 11   |

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

2 PATRICK CASEY FRANZEN,

3 having been duly sworn, testified as follows:

4 EXAMINATION BY COUNSEL FOR PATENT OWNER

5 BY MR. WOLFE:

6 Q Mr. Franzen, thank you for joining us.

7 Can you please state your full name, for  
8 the record.

9 A Patrick Casey Franzen.

10 Q And are you represented by counsel today?

11 A Me personal -- well, no.

12 Q Have you ever been deposed before?

13 A I have.

14 Q How many times?

15 A I think once.

16 Q Okay. I'll just go over the ground rules  
17 really quick so we can make sure we're all on the  
18 same page. I'll be asking you questions, and  
19 you'll be answering those questions.

20 Do you understand?

21 A Yes.

22 Q And you understand that counsel for

1 another party, Lam, is attending this deposition  
2 also. Yes?

3 A Yes.

4 Q And that's Ms. Patitucci, who is here on  
5 the video with us also.

6 You understand that. Right?

7 A Yes.

8 Q You understand that counsel for Lam may  
9 object to some of my questions but you are still  
10 required to answer them.

11 Do you understand that?

12 A Correct.

13 Q And the court reporter -- we have a court  
14 reporter here today, so if we could just be clear  
15 about not talking over one another. I'll let you  
16 finish your answers, and please let me finish my  
17 questions.

18 Is that fair?

19 A That's fair.

20 Q And so we can have a clear record today,  
21 I'm going to need a verbal response, either yes or  
22 no, not a sort of shaking the head or uh-huh,

1 unh-unh.

2 A Yes.

3 Q And then if there's any questions that  
4 you don't understand as we're going along, I'll  
5 ask you to just please let me know that. Because  
6 otherwise I'll assume that you understand.

7 Fair?

8 A Okay. That's fair.

9 Q And if you need a break, just let me  
10 know. I just ask that, you know, if there is a  
11 question pending we just finish that before we  
12 take the break.

13 Does that sound okay?

14 A That's fine.

15 Q And finally, you understand that you're  
16 under oath today. Right?

17 A Yes, I do.

18 Q Is there any reason you cannot testify  
19 truthfully, completely, and accurately today?

20 A There is none.

21 Q Where are you located today?

22 A Bellingham, Washington.

1           Q     And is anybody in the room there with  
2     you?

3           A     No one.

4           Q     Who first contacted you about this case?

5           A     Ms. Patitucci.

6           Q     And when did they contact you?

7           A     Exact date, probably a couple of months  
8     ago. I don't have it offhand.

9           Q     Okay. But before that you didn't have  
10    any contact with Ms. Patitucci. Right?

11          A     None whatsoever.

12          Q     And what did they ask you to do when they  
13    contacted you?

14          A     They asked for a declaration regarding  
15    the paper development of an inorganic photoresist  
16    for DUV, EUV, and electron beam imaging.

17          Q     Did they send you a request with a  
18    specific title?

19          A     The title of the paper, yes. And I do a  
20    fair number of declarations regarding, you know,  
21    patent cases like this that testify to the  
22    publication date of the paper in question.

1           Q     So did they send you the paper they were  
2 asking about?

3           A     They sent me a hyperlink to the -- to our  
4 website, that is the official home of the version  
5 of record of the paper.

6           Q     And what, if any, instructions were given  
7 to you about the declaration?

8           A     Again, I don't have the email in front of  
9 me. But it would just be can you provide a  
10 declaration talking about the publication date of  
11 this paper.

12          Q     How much time did you spend in preparing  
13 for this proceeding?

14          A     For the declaration or this conversation?

15          Q     For both.

16          A     So declaration, our standard practice is  
17 we put in a request. We have archives of all of  
18 our hard-copied volumes for the proceedings of  
19 SPIE. So we pulled the copy from the archives.  
20 We also have an inventory sheet that provides the  
21 information about when the first print copies were  
22 available. So we pull that document. And then we

1 look at the online publication date.

2 So in terms of preparation, it's not a  
3 ton of work. It's probably an hour or two to go  
4 through the materials and then submit a  
5 declaration.

6 In preparation for the deposition I  
7 reviewed the materials that I received on Tuesday,  
8 and Ms. Patitucci and myself and Dion had a quick  
9 30-minute meeting yesterday afternoon.

10 Q And that's Dion Bregman from Morgan,  
11 Lewis. Right?

12 A That is correct.

13 Q You said that you received depo prep  
14 materials on Tuesday.

15 What did you receive?

16 A Exhibit 1024, Exhibit 1031, and Exhibit  
17 1043.

18 Q I think we had sent you those materials.  
19 So thank you for confirming that you received  
20 them.

21 If you could, could you open Exhibit  
22 1043, please.

1 (Deposition Exhibit 1034, previously  
2 marked, not attached.)

3 A Okay. Yep.

4 Q Do you recognize this document?

5 A This, I do, yeah.

6 Q Is that your signature on Page 2?

7 A That is my signature on Page 2.

8 Q Did you prepare this declaration?

9 A I did.

10 Q Did you write this declaration from  
11 scratch?

12 A We have a template that I picked up. So,  
13 you know, a lot of the information in Sections 1  
14 through 6 is part of our standard declaration  
15 template providing background information on both  
16 myself and my organization.

17 And then Sections 8 through -- 8 through  
18 10 are -- were customized or written for this  
19 specific declaration.

20 Q Was there anything in Paragraphs -- so  
21 you said 1 through 6 were from the template.

22 Right?

1           A     Correct. Yeah, just stating my role  
2     within the organization, kind of the business  
3     practice of SPIE, and then how we handle our  
4     publications.

5           Q     And then seven through ten you said were  
6     customized. Right?

7           A     Correct. Yeah.

8           Q     Did you work with anyone while you were  
9     preparing this declaration?

10          A     The -- in terms of pulling the inventory  
11     sheet and the archived hard copy, I put in a  
12     request to staff that manage those collections.  
13     In terms of the drafting of the document, I did  
14     that alone.

15          Q     Were the staff that managed those  
16     collections, would that be one person or a group  
17     of people?

18          A     So the hard copies, so these big books,  
19     are in our archive. So we have somebody who  
20     oversees those materials. I put in an email  
21     request. And, you know, I do this for all sorts  
22     of reasons that says, I need this specific volume,

1 can you bring it up.

2 And then in terms of the inventory  
3 documentation, we have somebody who manages those  
4 records. And it's -- basically it's just a  
5 receipt of print shipment.

6 Q Are you familiar with Lam Research  
7 Corporation?

8 A Vaguely.

9 Q How are you familiar with them?

10 A Well, they are active with SPIE, but I  
11 don't have much direct contact. Within our  
12 publications they publish on occasion. They also  
13 maintain a subscription to our SPIE Digital  
14 Library. And that has been most of my dealings  
15 with Lam, is through the subscription, since that  
16 falls within my purview.

17 Q Do you have any relationship with Lam  
18 outside of your roles for SPIE?

19 A I do not.

20 Q Are you aware that Lam has filed a  
21 petition for inter partes review of U.S. Patent  
22 Number 9,823,564?

1           A     I was not told specifically, but I kind  
2 of inferred that.

3           Q     When were you made aware of that?

4           A     Typically when I get a declaration, I  
5 assume that something is pending. I would say the  
6 first official notice I've received is when I  
7 received the deposition -- or the request for a  
8 deposition.

9           Q     Are you aware that the 9,823,564 is  
10 patent owned by Inpria Corporation?

11          A     I am not.

12               MS. PATITUCCI: Objection. Outside the  
13 scope.

14          Q     Do you know Inpria Corporation?

15          A     I do not.

16          Q     Do you have any relationship with Inpria  
17 Corporation?

18               MS. PATITUCCI: Objection. Scope.

19          Q     You can still answer.

20          A     Yeah, I do not.

21          Q     Are you aware that there is a district  
22 court litigation going on between Lam and Inpria?

1 MS. PATITUCCI: Objection. Scope.

2 A Do not.

3 Q Let's turn to your declaration now,  
4 beginning at Paragraph 1. This is one that you  
5 said was sort of standard from the template that  
6 you had prepared. It says, "I am the director,  
7 publications and platform, for SPIE."

8 What do you do as director of  
9 publications and platform for SPIE?

10 A So I oversee all of our publication  
11 activities. That includes the proceedings of  
12 SPIE, which are -- come out of our conferences.  
13 They're records of what happens at our conference;  
14 typically in paper format, but increasingly in  
15 multimedia at the moment.

16 I oversee our journals program. I  
17 oversee our books program. I oversee our digital  
18 library platform. And I'm also responsible for  
19 all sales and marketing activities as related to  
20 SPIE publications.

21 Q And you said "increasingly in  
22 multimedia."

1                   What did you mean by that?

2           A       So video. Video and audio.

3           Q       Have you always been the director of  
4       publications and platforms at SPIE?

5           A       I have not.

6           Q       And what was your role before?

7           A       When I was hired in October of 2015, I  
8       oversaw our sales activities for North America. I  
9       took on additional responsibilities thereafter.  
10      And I became interim director of publications in  
11      November of 2019, and then director of  
12      publications in early 2020.

13          Q       I am hoping to understand a little bit  
14      better your job history.

15                   When did you graduate college?

16          A       2004.

17          Q       And what jobs did you have between then  
18      and SPIE?

19                   MS. PATITUCCI: Objection. Scope.

20          A       I worked for a company that actually  
21      changed names a couple of times. My first company  
22      was company called PrePress Company that through a

1 merger became PreMedia Global, and then further on  
2 to Lumina Datamatics. And during that time I was  
3 based in Massachusetts.

4 Q What was your role within that company?

5 MS. PATITUCCI: Objection. Scope.

6 A A variety of roles. Ultimately  
7 everything from junior editorial assistant. And  
8 when I left the organization I was a senior  
9 director for scientific publishing.

10 Q If you could turn to Paragraph 3. It  
11 says that you act as custodian of records for  
12 SPIE's publications.

13 Can you explain a little bit more what  
14 custodian of records means here?

15 A So the official -- I am responsible for  
16 the archive is probably the best way to put it.

17 So we do maintain a record of every  
18 publication SPIE has published. And within the  
19 director role, that archive falls within my  
20 purview.

21 Q And is the archive physical or digital or  
22 both?

1           A     It is --

2                   MS. PATITUCCI:  Objection.  Form.

3           A     It is both.

4           Q     I'm sorry, did you say both?

5           A     It's both, yeah.

6           Q     And where is the digital archive held?

7           A     The digital archive is the SPIE Digital  
8     Library, which is our online platform.

9           Q     Do you know where that's hosted?

10          A     It is hosted by us.

11          Q     Do you know where it's hosted?

12          A     The infrastructure, for the most part I  
13     believe it's -- I can't say with certainty because  
14     we do have data centers.  But the management is  
15     from Bellingham, Washington.

16          Q     Understood.  For the physical archive,  
17     where is that located?

18          A     That is located in Bellingham,  
19     Washington.

20          Q     What do you do to maintain these  
21     archives?

22          A     So the physical archive, we have a

1 warehouse that everything is boxed and catalogued  
2 in. The digital archive, we have a internal  
3 customer relationship management tool, CRM, that  
4 stores the XML and the PDFs, which are then  
5 displayed through the SPIE Digital Library.

6 Q Are these records that you're maintaining  
7 for all SPIE publications or for just some?

8 A All SPIE publications.

9 Q If someone were to change one of the  
10 digital records, would you know?

11 A We would.

12 Q How would you know?

13 A We keep it basically a log of activity.

14 Q Turning to Paragraph 4. At the end of  
15 the paragraph you mention possibly confirmation  
16 with other responsible SPIE personnel with such  
17 knowledge.

18 Did you confer with any other SPIE  
19 personnel with such knowledge other than your  
20 request to get the archive pulled?

21 A I did not.

22 Q Looking at Paragraph 5, you describe a

1 little bit about conferences.

2 How do these conferences relate to your  
3 role at SPIE?

4 A So the proceedings of SPIE are the  
5 publication output of the conferences that are  
6 hosted by SPIE.

7 Q And I'm trying to understand how the  
8 articles sort of relate to the conferences as they  
9 relate to your job.

10 So can you sort of walk me through how  
11 the articles go from the authors to the  
12 publication?

13 MS. PATITUCCI: Objection. Form.

14 A Yes. So with a conference, what happens  
15 is there is a call for papers, or a call for  
16 talks. Authors submit an abstract that is then  
17 reviewed and either approved or denied.

18 You know, the talk happens, and then --  
19 we don't -- do not require this, but in many cases  
20 the authors will then submit a form of -- formal  
21 publication that is published as the record of the  
22 conference.

1           So my role as it relates to the  
2       conferences is the actual publication of a paper,  
3       of a video, of a poster that is considered to be  
4       part of that conference record.

5           Q     So let me see if I understand this right.  
6       They'll submit an abstract, and then the  
7       conference will happen, and then they'll submit a  
8       formal publication. Is that the correct order?

9           A     It depends.

10          So there are differences from one  
11       conference to another. We typically receive  
12       papers as the conference approaches. In some  
13       cases the papers are published ahead of a  
14       conference. Sometimes it is after the conference.

15          Q     Do you know if here the publications were  
16       printed before the conference or after the  
17       conference?

18          A     The publication for this was printed  
19       after the conference.

20          Q     And then looking at the last sentence in  
21       Paragraph 7 it says, "SPIE has published more than  
22       7600 volumes of proceedings of SPIE."

1                   What's that number based on?

2           A       So the volume that this paper was in is  
3   7,639. So, you know, it's basically a statement  
4   as to the, I would say, volume of content we had  
5   at that time.

6           Q       So it's based on the number of the volume  
7   that you were looking at, and then preceding that  
8   were previous volumes?

9           A       Right.

10          Q       So these are sequential numbers, then?

11          A       Yes, they are.

12          Q       Looking next to Paragraph 8. It says,  
13   "The SPIE Advanced Lithography occurred on 21-25  
14   February 2010."

15                   That was before you worked at SPIE.

16                   Right?

17          A       That is correct.

18          Q       Did you go to this conference?

19          A       I did not.

20          Q       So you wouldn't have personal knowledge  
21   whether this conference occurred or not, would  
22   you?

1           A     I do not.

2           Q     And then the same would be true for the  
3 SPIE Advanced Lithography that occurred 22-24  
4 February 2010 also?

5                   MS. PATITUCCI:  Objection.  Form.

6           A     I did not attend the conference.  And in  
7 that case the conference is Advances in Resist  
8 Materials and Processing Technology, which was a  
9 conference within Advanced Lithography.

10          Q     And then in Paragraph 9 it references  
11 Exhibit A to this declaration.

12                   If you don't mind, could we turn to  
13 Exhibit A.  And if you're there on the first page,  
14 let me know.

15          A     I'm on the first page.

16          Q     Okay.  And if you can see on the bottom  
17 right, there is page numbers that have been added  
18 by Lam.

19                   Do you see that it says Page 4?

20                   Is that the page you're looking at?

21          A     It is.

22          Q     On that page there isn't a cover page for

1 this article, is there?

2 A There is not a cover page for this  
3 article.

4 Q It begins just with the title, the  
5 abstract, and the introduction on this page.  
6 Right?

7 A Correct.

8 Q There is no table of contents for this  
9 volume?

10 A Correct.

11 Q If you look at the bottom of the page, it  
12 says, Proc. of SPIE Volume 7639.

13 What is the number that's 76390E?

14 A That I do not know.

15 Q And the dash 1, do you understand that to  
16 be the page number of the article?

17 A Correct.

18 Q And if we can turn to Page 3 of the  
19 article, which is Lam's Page 6.

20 A Okay.

21 Q This page is in color. Right?

22 A Yes, the second -- the figure is in

1 color.

2 Q And if we turn to the next page, which is  
3 Page 4 of the article, Page 7 of Lam's numbering,  
4 this one is also in color. Right?

5 A Yes.

6 Q And Page 5 of the article, the next page,  
7 this one is also in color?

8 A It is.

9 Q And Page 6, next page?

10 A It is.

11 Q And Page 7, the next page?

12 A It is.

13 Q It's fair to say that this article is in  
14 color. Right?

15 A It is.

16 Q Turning back to your declaration, please,  
17 at Paragraph 9.

18 A Yes.

19 Q Here you state that Exhibit A, dot, dot,  
20 dot, first published on the SPIE Digital Library  
21 in SPIE Proceedings Volume 7639 titled, dot, dot,  
22 dot, on 25 March 2010.

1 Do you see that?

2 A I do.

3 Q What do you mean by published?

4 MS. PATITUCCI: Objection. Calls for  
5 legal conclusion.

6 A So published would be the first time it  
7 was made publicly available.

8 Q And what do you mean by "made publicly  
9 available"?

10 MS. PATITUCCI: Objection, insofar as it  
11 calls for a legal conclusion.

12 A So on March 25th, 2010, is the first time  
13 it would have appeared on the SPIE Digital Library  
14 and been accessible to anyone.

15 Q What do you mean, "accessible to anyone"?

16 A You would have been able to download the  
17 paper. And if you, you know, were a  
18 nonauthenticated user, so a nonsubscriber, you  
19 would have been able to purchase the paper and  
20 then download it.

21 Q What does it mean to be an authenticated  
22 user or a subscriber?

1           A     So an authenticated user or subscriber is  
2     someone who has access to the paper either because  
3     they maintain a subscription to our collection, so  
4     to the SPIE Digital Library, or in this case if  
5     they were a technical attendee of the Advanced  
6     Lithography symposium.

7           Q     Is it typical practice for the attendees  
8     of the symposium to have access to the papers from  
9     that symposium?

10          A     It is.

11          Q     And if you are not an authenticated user,  
12     you said that it would be available for purchase.

13                Is that right?

14          A     That is correct.

15          Q     Do you know how much the purchase price  
16     is?

17          A     At that time I believe it was \$18.

18          Q     Was that just a flat rate across all  
19     articles?

20          A     For proceeding papers it would be, yes.

21          Q     And it wouldn't vary between different  
22     types of conferences?

1           A       It would not.

2           Q       What is the 25 March 2010 date in  
3       Paragraph 9 based on?

4           A       That is based on the digital publication  
5       date on the SPIE Digital Library.

6           Q       So how -- how would you go about looking  
7       that up?

8           A       One, it is on the website, which is an  
9       official time stamp. Then, two, that date is also  
10      recorded in our CRM.

11          Q       Did you check your CRM to verify this  
12      date?

13          A       I did not.

14          Q       Did you go on the website to look at the  
15      date?

16          A       I did.

17          Q       Could you check your CRM to see if the  
18      date was correct?

19          A       The digital publication date? Yes, I  
20      could.

21          Q       What does the information on your CRM  
22      look like?

1           A     Our CRM, it's paper records. So if you  
2 look at -- if we go back to, say, Exhibit A, the  
3 data, or the information that's captured at the  
4 top, so what we call the metadata, is all captured  
5 in a paper record.

6           Q     The paper -- you mentioned the  
7 information at the top. That I'm seeing here on  
8 Page 4 of Lam Exhibit 1043, at the top it says the  
9 title, Authors.

10                   Is that what you're talking about?

11          A     So it would be, yes, the title, the  
12 authors, their affiliations, the abstract, and  
13 then the publication information. Which Exhibit A  
14 is actually the PDF copy. If you look at the  
15 HTML, that is where the publication date is  
16 captured.

17          Q     Okay. So there would be a different HTML  
18 copy that has, in addition to the abstract, the  
19 title, and the authors, also the publication  
20 information?

21          A     It is -- yeah, it's the publication page  
22 for the PDF that indicates when the PDF was first

1       made publicly available.

2               Q       I'm just trying to understand.

3                       So is the HTML a link to a website where  
4       you could get the PDF? Is that what you're  
5       saying?

6               A       That is correct.

7               Q       And on that page, that would have a  
8       particular date?

9               A       Correct.

10               So -- yeah, correct.

11               Q       I'd like to look at the second sentence  
12       in Paragraph 9. It says the paper was  
13       published -- later published in the print version  
14       of Volume 7639, which published on 3 May 2010.

15                       What did you mean by "published" there?

16               MS. PATITUCCI: Objection to form. It  
17       calls for a legal conclusion.

18               A       So "published" there means the physical  
19       copies arrived at our warehouse, in which case we  
20       would then be able to distribute them to potential  
21       customers.

22               Q       And I believe you mentioned previously it

1 was something like a receipt.

2 Is that right?

3 A Correct. We have an inventory sheet that  
4 we maintain that lists when the physical  
5 publications arrived, the number of physical  
6 publications that we received, and that date is  
7 May 3rd, 2010.

8 Q And so this would be the date that you're  
9 receiving the publications from the printer.

10 Right?

11 A That's correct.

12 Q Do you know how much time would have  
13 passed between when you received these copies from  
14 the printer and then when you distributed them?

15 A I do not.

16 Q What else is in the inventory sheet other  
17 than the number of copies?

18 A There is a purchase order number,  
19 information about the printer, and then basically  
20 the financial information about what our costs  
21 were.

22 Q And the 3 May 2010 date, that's based on

1 the receipt we've been talking about. Right?

2 A That is correct.

3 Q And you looked up that receipt. Right?

4 A I did.

5 Q Is it typically the case that the print  
6 version comes out after the electronic version?

7 A It depends on the event. There are some  
8 events that the print would actually be available  
9 onsite at the conference, and then there are  
10 situations where the print would then be published  
11 after the conference.

12 Q And which type of situation would this  
13 be?

14 A This was printed after the --  
15 MS. PATITUCCI: Objection. Form.

16 A This was printed after the conference.

17 Q Next, if we could, one of the other  
18 documents is labeled Exhibit 1024. Would you  
19 please open that.

20 A Yeah.

21 (Deposition Exhibit 1024, previously  
22 marked, not attached.)

1           Q     And if you're on the first page, it's  
2     yellow, and it says, Advances in Resist Materials  
3     and Processing Technology 27.

4                     Do you see that?

5           A     I do.

6           Q     And you see it says, Volume 7639, Part 1  
7     of 2 parts.

8                     Do you see that?

9           A     I do.

10          Q     And your Exhibit A didn't have a cover  
11     page on it, did it?

12          A     That is correct.

13          Q     Do you see the white rectangle in the top  
14     left?

15          A     I do.

16          Q     Do you know what that is?

17                     MS. PATITUCCI: Objection. Scope.

18          A     I do not.

19          Q     Turning to the next page.

20                     Do you see that it has another cover  
21     page?

22          A     I do.

1           Q     And there wasn't a cover page like this  
2     in Exhibit A, was there?

3           A     There was not.

4           Q     Turning on the next page, which is Page 3  
5     of Exhibit 1024.

6                     You see there is certain information on  
7     here about publication.

8                     Do you see that?

9           A     There is, yeah.

10          Q     And that information was not in Exhibit  
11     A, was it?

12          A     It was not.

13          Q     Do you see at the bottom right there is a  
14     stamp that says Library of Congress, with a  
15     barcode?

16          A     I do.

17          Q     What do you understand that to mean?

18                     MS. PATITUCCI: Objection. Scope.

19          A     I don't. I don't know.

20          Q     Turning over the next few pages, you'll  
21     see that there is a table of contents.

22                     Do you see that?

1           A     I do.

2           Q     That wasn't in Exhibit A, was it?

3           A     It was not.

4           Q     Let's turn to Page 17 of Exhibit 1024.  
5                 And do you see Figure 1?

6           A     I do.

7           Q     And on the right-hand side it's in black  
8     and white, isn't it?

9           A     It is.

10          Q     So that's not like Exhibit A, is it?

11                 MS. PATITUCCI: Objection. Scope.

12          A     The color is different.

13          Q     And if you turn to Page 18, next page.

14     You see that this is also in black and white.

15                 Right?

16          A     I do.

17          Q     And Exhibit A was in color. Right?

18          A     It was.

19          Q     And the next page, same again? This one  
20     is in black and white?

21          A     It is.

22          Q     And Exhibit A was in color?

1           A     It was.

2           Q     And the same for the next page?

3           A     Yes.

4           Q     This one is in black and white?  Yeah.

5                     And just to round it out, the last one,  
6     Page 21, Exhibit 1024.  This one is also in black  
7     and white.  Right?

8           A     It is in black and white.

9           Q     And Exhibit A was in color.  Right?

10          A     It was.

11          Q     Considering all this, would you say that  
12     Exhibit 1024, the document you have in front of  
13     you, is a different publication than your Exhibit  
14     A?

15                     MS. PATITUCCI:  Objection.  Scope.

16          A     I would not.  Aside from the color, the  
17     content is identical.  The difference is the  
18     proceedings, the print version of proceedings were  
19     printed at a black-and-white printer.

20          Q     And this one is in black and white.

21                     Correct?

22          A     It is in black and white.

1           Q     So this seems to be the print version of  
2     the proceedings, doesn't it?

3           A     It is the print version.

4           Q     And the electronic version in this case  
5     published earlier, according to your testimony.

6                     Is that right?

7           A     That is correct.

8           Q     So the article underlying it might be the  
9     same, but the publication of that article is  
10    different.

11                    Is that right?

12                   MS. PATITUCCI:  Objection.  Scope.

13           A     The publication date of the article would  
14    be different.

15                   MR. WOLFE:  Okay.  I think if we can take  
16    a quick pause, we'll see if we can wrap things up.

17                    (A recess was taken.)

18                   MR. WOLFE:  Thank you for your time  
19    today, Mr. Franzen.  We have no further questions.

20                   MS. PATITUCCI:  I have no questions.  
21    Thank you.

22                    (Off the record at 12:35 p.m. EST.)

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ACKNOWLEDGMENT OF DEPONENT

I, PATRICK CASEY FRANZEN, do hereby  
acknowledge that I have read and examined the  
foregoing testimony, and the same is a true,  
correct and complete transcription of the  
testimony given by me, and any corrections appear  
on the attached Errata sheet signed by me.

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C E R T I F I C A T E

I, Debra Ann Whitehead, E-Notary Public in and for  
the Commonwealth of Virginia, do hereby certify:

That PATRICK CASEY FRANZEN, the witness  
whose deposition is hereinbefore set forth, was duly  
sworn by me before the commencement of such  
deposition and that such deposition was taken  
virtually and is a true record of the testimony  
given by such witness.

I further certify that the adverse party,  
LAM RESEARCH CORP., was represented by counsel at  
the deposition.

I further certify that the deposition of  
PATRICK CASEY FRANZEN occurred virtually, on  
Thursday, November 21st, 2024, from 11:59 a.m. to  
12:35 p.m. EST.

1 I further certify that I am not related to  
2 any of the parties to this action by blood or  
3 marriage, I am not employed by or an attorney to any  
4 of the parties to this action, and that I am in no  
5 way interested, financially or otherwise, in the  
6 outcome of this matter.

7

8 IN WITNESS WHEREOF, I have hereunto set my  
9 hand this 25th day of November, 2024.

10

11 My commission expires:

12 October 31, 2027

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15 E-NOTARY PUBLIC IN AND FOR THE

16 COMMONWEALTH OF VIRGINIA

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