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Transcript of Eric Bretschneider, Ph.D.

Date: May 13, 2025

Case: Optronic Sciences LLC -v- BOE Technology Group Co., Ltd.

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Conducted on May 13, 2025

1	1	3
1	UNITED STATES DISTRICT COURT	1 A P P E A R A N C E S
2	FOR THE EASTERN DISTRICT OF TEXAS	2
3	MARSHALL DIVISION	3 ON BEHALF OF THE PLAINTIFF:
4	- - - - - x	4 ANDREW WEISS, ESQ.
5	OPTRONIC SCIENCES :	5 RUSS AUGUST & KABAT
6	LLC, :	6 12424 Wilshire Blvd. 12th Floor
7	Plaintiff, :	7 Los Angeles, CA 90025
8	v. :	8 310.826.7474
9	BOE TECHNOLOGY GROUP :	9 Email: Aweiss@raklaw.com
10	CO., LTD., :	10
11	Defendant. :	11
12	- - - - - x	12 ON BEHALF OF THE DEFENDANT:
13		13 BRIAN ERICKSON, ESQ.
14	Remote Videotaped Deposition of	14 MICHAEL SAULNIER, ESQ.
15	ERIC BRETSCHNEIDER, Ph.D.	15 DLA PIPER LLP
16	Tuesday, May 13, 2025	16 303 Colorado Street, Suite 3000
17	10:30 A.M.	17 Austin, TX 78701
18		18 512.457.7000
19		19 Email: Brian.erickson@us.dlapiper.com
20		20
21		21
22	Job No.: 584444	22 ALSO PRESENT:
23	Pages: 1 - 108	23 RICHARD FIGUEROA, Videographer
24	Reported By: Anita M. Trombetta, RMR, CRR,	24
25	California CSR No. 14647	25
2	2	4
1	Videotaped Deposition of ERIC BRETSCHNEIDER,	1 -----I N D E X-----
2	Ph.D., conducted remotely, pursuant to notice,	2 WITNESS
3	before Anita M. Trombetta, a Certified Shorthand	3 ERIC BRETSCHNEIDER, Ph.D.
4	Reporter in the State of California, RMR, CRR, and	4 EXAMINATION BY Page
5	Notary Public in and for the State of New York.	5 ATTORNEY ERICKSON 7
6		6 -----E X H I B I T S-----
7		7 Exhibit Description Page
8		8 Exhibit A Declaration of 8
9		9 Eric
10		10 Bretschneider,
11		11 Ph.D.
12		12 Exhibit B Sze VLSI 14
13		13 Technology
14		14 Reference
15		15 Exhibit C Zhang Reference 21
16		16 Exhibit D '121 Patent 23
17		17 Exhibit E Kwak Patent 25
18		18 Exhibit F '909 Patent 27
19		19 Exhibit G '396 Patent 30
20		20 Exhibit H '287 Patent 35
21		21 Exhibit I Yamazaki Patent 81
22		22 Exhibit J '801 Patent 85
23		23 Exhibit K Farrier Patent 89
24		24 Exhibit L Chou Patent 99
25		25

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<p>5</p> <p>1 -----INSTRUCTION NOT TO ANSWER-----</p> <p>2 Page</p> <p>3 17</p> <p>4 33</p> <p>5 34</p> <p>6 35</p> <p>7 37</p> <p>8 44</p> <p>9 57</p> <p>10 61</p> <p>11 65</p> <p>12 82</p>	<p>7</p> <p>1 ERIC BRETSCHNEIDER, P h. D.,</p> <p>2 called as a witness, having been first</p> <p>3 duly sworn by a Notary Public, was</p> <p>4 examined and testified as follows:</p> <p>5 ATTORNEY ERICKSON:</p> <p>6 Q Good morning, Dr. Bretschneider.</p> <p>7 A Good morning.</p> <p>8 Q Is there any reason you can't give full</p> <p>9 and complete testimony today?</p> <p>10 A No.</p> <p>11 Q And you're in the Central time zone right</p> <p>12 now?</p> <p>13 A No, Pacific time.</p> <p>14 Q Okay. Great. Just let me know, if we run</p> <p>15 into a lunchtime, when you get hungry and you want</p> <p>16 to take a break for lunch. All right?</p> <p>17 A Okay.</p> <p>18 Q Okay. Is there anyone in the room with</p> <p>19 you?</p> <p>20 A Mr. Weiss.</p> <p>21 Q Okay. Do you have any materials in the</p> <p>22 room -- printed materials in the room with you?</p> <p>23 A I have a clean copy of my declaration and</p> <p>24 also the declarations of Dr. Neikirk and</p> <p>25 Dr. Baker.</p>
<p>6</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Here begins Media</p> <p>3 Number 1 in the videotaped deposition of Dr. Eric</p> <p>4 Bretschneider, in the matter of Optronix Sciences,</p> <p>5 LLC, versus BOE Technology Group Co., Ltd., in the</p> <p>6 United States District Court for the Eastern</p> <p>7 District of Texas, Marshall Division, Case</p> <p>8 Number 2:23-CV-00549.</p> <p>9 Today's date is May 13th, 2025. The time</p> <p>10 on the video monitor is 10:30 A.M.</p> <p>11 The remote videographer today is Richard</p> <p>12 Figueroa, representing Planet Depos.</p> <p>13 All parties of this video deposition are</p> <p>14 attending remotely.</p> <p>15 Would counsel please voice-identify</p> <p>16 themselves and state whom they represent.</p> <p>17 ATTORNEY ERICKSON: Brian Erickson and</p> <p>18 Mike Saulnier, representing defendant BOE.</p> <p>19 ATTORNEY WEISS: Andrew Weiss, of Russ</p> <p>20 August & Kabat, on behalf of the witness and</p> <p>21 plaintiff.</p> <p>22 THE VIDEOGRAPHER: The court reporter</p> <p>23 today is Anita Trombetta, representing Planet</p> <p>24 Depos.</p> <p>25 The witness will now be sworn.</p>	<p>8</p> <p>1 Q Can you see Mr. Weiss's laptop screen from</p> <p>2 where you're sitting?</p> <p>3 A No.</p> <p>4 Q Do you have any applications open on your</p> <p>5 laptop other than this Zoom window?</p> <p>6 A No.</p> <p>7 (Bretschneider Exhibit A, Declaration of</p> <p>8 Eric Bretschneider, Ph.D., marked for</p> <p>9 identification.)</p> <p>10 Q I have uploaded, as Exhibit A, to the</p> <p>11 chat, a copy of your declaration that you</p> <p>12 submitted in the -- that was submitted in the</p> <p>13 district court litigation regarding claim</p> <p>14 construction.</p> <p>15 Can you download that from the chat</p> <p>16 window.</p> <p>17 A Okay.</p> <p>18 Q Can you open that document, and let me</p> <p>19 know when you have it open.</p> <p>20 A I have it opened.</p> <p>21 Q And can you scroll through and confirm</p> <p>22 that it's a correct copy of your declaration as</p> <p>23 submitted in the district court litigation?</p> <p>24 A It appears to be.</p> <p>25 Q Okay. I understand you have a clean copy</p>

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<p>9</p> <p>1 of your declaration with you. If you prefer to 2 testify from the clean copy or not, that's fine, 3 or the electronic copy, that's fine. Just for the 4 record, please make clear which paragraph you are 5 referring to when you refer to either copy of your 6 declaration. Okay?</p> <p>7 A Okay.</p> <p>8 Q If you could turn to paragraph 21 of your 9 declaration, please.</p> <p>10 A Okay.</p> <p>11 Q Beginning at paragraph 21, you offer 12 opinions regarding the level of -- level of 13 ordinary skill in the art for the asserted 14 patents, correct?</p> <p>15 (Reporter clarification.)</p> <p>16 A That's correct.</p> <p>17 Q You compare in this section your opinion 18 regarding the level of skill with the opinions of 19 Dr. Neikirk and Baker regarding a level of 20 ordinary skill, correct?</p> <p>21 A Yes.</p> <p>22 Q Do any of the opinions you offer in your 23 declaration regarding the construction of the 24 claim terms -- let me restart that. I'm sorry. 25 Would any of the opinions you offer in</p>	<p>11</p> <p>1 Q With respect to professional experience, 2 you state that a POSITA would have had at least 3 two years of professional experience related to 4 the design and manufacture of the relevant aspects 5 of flat-panel displays, correct?</p> <p>6 A Yes.</p> <p>7 Q It's your opinion that a POSITA would need 8 two years of experience in both design and 9 manufacture; is that correct?</p> <p>10 A Yes.</p> <p>11 Q And how would you describe the difference 12 between design and manufacture of flat-panel 13 displays?</p> <p>14 A For -- I'll say a short summary or 15 analogy -- it's one thing to sketch out a device 16 structure. It's another thing to actually make 17 it. There is some details associated with how the 18 process is done. So if you're -- perhaps another 19 analogy, if you're drawing a picture of a house, 20 it doesn't mean you can build it.</p> <p>21 So I could -- someone could draw a design 22 structure and not know the details of how it is 23 made. And in theory, the device might work fine. 24 The problem is, it's also possible you might not 25 be able to actually make the design.</p>
<p>10</p> <p>1 your declaration regarding the construction of the 2 claim terms change if the Court adopts Dr. Neikirk 3 or Dr. Baker's understanding of the level of 4 ordinary skill?</p> <p>5 A No.</p> <p>6 Q Can you turn to paragraph 23, please.</p> <p>7 A Okay.</p> <p>8 Q In paragraph 23, you state, in part, that 9 a POSITA would have at least a bachelor's degree 10 in a field of engineering or physics.</p> <p>11 Do you see that?</p> <p>12 A Yes.</p> <p>13 Q Would a POSITA have a degree in any 14 particular field of engineering?</p> <p>15 A In my experience, the particular fields 16 have been mechanical engineering, electrical 17 engineering, chemical engineering, and material 18 science engineering, but I believe the background 19 in engineering or physics is a sufficient basis, 20 along with the professional experience. I don't 21 think I've encountered any civil engineers in the 22 field, but I'm not going to rule out that that 23 would be an adequate educational background in 24 conjunction with the experience, professional 25 experience.</p>	<p>12</p> <p>1 Q And you close with a statement about 2 additional graduate education. You state that 3 that could be related to relevant semiconductor 4 manufacturing or flat-panel display technology.</p> <p>5 So is it your opinion that additional 6 graduate education in either semiconductor 7 manufacturing or flat-panel display technology 8 would be relevant?</p> <p>9 A It's helpful. That's why it would reduce 10 the time requirement for professional experience, 11 but I wouldn't say that it would eliminate it.</p> <p>12 Q It's not your opinion that they would need 13 graduate education in both semiconductor 14 manufacturing and flat-panel display technology, 15 correct?</p> <p>16 A I will say both would be more helpful, but 17 one or the other would be needed to reduce the 18 time for professional experience.</p> <p>19 Q In paragraph 24, you define the relevant 20 experience for the '801 patent in your opinion, 21 correct?</p> <p>22 A Yes.</p> <p>23 Q And in paragraph 25, you do so for the 24 '509, '733, '121, '117, '477, and '222 patents, 25 correct?</p>

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<p>13</p> <p>1 A That's correct.</p> <p>2 Q You do not define the relevant experience</p> <p>3 for the '842 patent in your declaration, correct?</p> <p>4 A I don't see that I have it listed in my</p> <p>5 declaration.</p> <p>6 Q Okay. Moving to paragraph 31, please let</p> <p>7 me know when you're there.</p> <p>8 A Okay</p> <p>9 Q And paragraph 31 is where you begin</p> <p>10 offering your opinion regarding the term "layer"</p> <p>11 in the '801 patent, right?</p> <p>12 A That's correct.</p> <p>13 Q In forming your opinion about the term</p> <p>14 "layer," did you find any evidence of the patentee</p> <p>15 serving as a lexicographer in the intrinsic</p> <p>16 record?</p> <p>17 A For the '801 patent, no.</p> <p>18 Q Did you find any manifest words of</p> <p>19 exclusion?</p> <p>20 ATTORNEY WEISS: Object to form.</p> <p>21 Q Let me rephrase that.</p> <p>22 Did you find any words of manifest</p> <p>23 exclusion in the intrinsic record?</p> <p>24 ATTORNEY WEISS: Object to form.</p> <p>25 A I'm not sure I heard that term before, but</p>	<p>15</p> <p>1 properly pronounce the author's name?</p> <p>2 A When the textbook was introduced to me in</p> <p>3 class, it was "Sze," and I'm just going to go with</p> <p>4 that for now.</p> <p>5 Q Okay. Fair enough.</p> <p>6 In Exhibit B, you discuss paragraph 34 of</p> <p>7 your declaration, the steps performing an MOS</p> <p>8 capacitor in figure 2 of Exhibit B, correct?</p> <p>9 A Yes.</p> <p>10 Q And you quote from page 470 of Exhibit B</p> <p>11 that, "The capacitor that results from this</p> <p>12 sequence of steps will only work properly if the</p> <p>13 individual layers are isolated from each other,</p> <p>14 except where an intentional contact is made."</p> <p>15 Do you see that quote?</p> <p>16 A Yes.</p> <p>17 Q What does "isolated" mean in that quote?</p> <p>18 A Not in contact.</p> <p>19 Q If you go to page 470 of Exhibit B,</p> <p>20 immediately after the quoted sentence we just</p> <p>21 read, it states, "Therefore, if the aluminum over</p> <p>22 the thin oxide is misaligned so that it makes an</p> <p>23 electrical contact to the P region, the device</p> <p>24 will not function."</p> <p>25 Do you see that?</p>
<p>14</p> <p>1 I don't see the...</p> <p>2 Q Okay. Did --</p> <p>3 A I'm a little --</p> <p>4 Q I'm sorry?</p> <p>5 A As I said, I'm just -- the phrasing is odd</p> <p>6 to me. I haven't heard that. So if you could</p> <p>7 rephrase the question.</p> <p>8 Q Okay. Do you opine that there is any</p> <p>9 disavowal or disclaimer in the intrinsic record of</p> <p>10 the '801 patent relevant to the construction of</p> <p>11 the term "layer"?</p> <p>12 A No.</p> <p>13 Q When you said you had a clean copy of your</p> <p>14 declaration in front of you, did you include any</p> <p>15 other attachments to that declaration?</p> <p>16 A No, it's just my declaration itself.</p> <p>17 ATTORNEY ERICKSON: Okay. I've just</p> <p>18 uploaded what's been marked as Exhibit B. It's</p> <p>19 the Sze VLSI Technology reference that you cite.</p> <p>20 (Bretschneider Exhibit B, Sze VLSI</p> <p>21 Technology Reference, marked for identification.)</p> <p>22 Q Let me know when you've opened that,</p> <p>23 please.</p> <p>24 A Okay.</p> <p>25 Q The first question is: Do you know how to</p>	<p>16</p> <p>1 A Yes.</p> <p>2 Q If the aluminum over the thin oxide makes</p> <p>3 an electrical contact with the P region, why would</p> <p>4 the device not function?</p> <p>5 ATTORNEY WEISS: Form, scope.</p> <p>6 A It wouldn't function, because then both</p> <p>7 electrodes would be in contact. You'd basically</p> <p>8 short out the insulation, the dielectric. It</p> <p>9 wouldn't be a capacitor anymore.</p> <p>10 Q So to have a properly functioning</p> <p>11 capacitor, the two electrodes of the capacitor</p> <p>12 must not be in electrical contact, correct?</p> <p>13 ATTORNEY WEISS: Form, scope.</p> <p>14 A There's some different nuances there. If</p> <p>15 -- in the P regions, one of the electrodes and the</p> <p>16 aluminum on top of the thin oxide is the other</p> <p>17 electrode, but to make contact to the P region,</p> <p>18 there is a separate aluminum structure. So if</p> <p>19 both of those aluminum structures are in contact</p> <p>20 with the P region, then you've made a resistor,</p> <p>21 not a capacitor.</p> <p>22 Q Are the two electrodes that form the</p> <p>23 capacitor electrically connected to each other?</p> <p>24 ATTORNEY WEISS: Counsel, what relevance</p> <p>25 does this have to Mr. Bretschneider's declaration,</p>

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<p>17</p> <p>1 the claim construction here?</p> <p>2 ATTORNEY ERICKSON: Please don't have any</p> <p>3 speaking objections.</p> <p>4 ATTORNEY WEISS: Okay. I'm going to</p> <p>5 instruct you not to answer as outside the scope.</p> <p>6 Q Are you going to follow that instruction,</p> <p>7 Dr. Bretschneider?</p> <p>8 A Yes.</p> <p>9 ATTORNEY ERICKSON: So, Andrew, you're</p> <p>10 objecting -- you're instructing the witness not to</p> <p>11 answer based on outside the scope?</p> <p>12 ATTORNEY WEISS: He's here for a very</p> <p>13 limited purpose, and you don't seem to have any</p> <p>14 reason why this has anything to do with his</p> <p>15 declaration or claim construction, so yes, I think</p> <p>16 it's an inappropriate question.</p> <p>17 ATTORNEY ERICKSON: I'm asking him about</p> <p>18 the sentence after the sentence he quoted from the</p> <p>19 reference in this claim construction declaration.</p> <p>20 Can you answer --</p> <p>21 ATTORNEY WEISS: What term does this go</p> <p>22 to?</p> <p>23 ATTORNEY ERICKSON: It goes to his opinion</p> <p>24 on claim construction, in paragraph 34.</p> <p>25 ATTORNEY WEISS: About "layer." You don't</p>	<p>19</p> <p>1 the structure. And there is electrical</p> <p>2 insulation, the thin oxide, between them.</p> <p>3 Q Okay. So the sentence in your paragraph</p> <p>4 34 says, "The remainder of the aluminum layer."</p> <p>5 And by "remainder of the aluminum layer,"</p> <p>6 you're referring to the portion of the aluminum</p> <p>7 layer on the right, in figure 2; is that correct?</p> <p>8 A Yes.</p> <p>9 Q So the portion of the aluminum layer on</p> <p>10 the right, in figure 2, is electrically insulated</p> <p>11 from the conductor by the layer of insulating</p> <p>12 Si --</p> <p>13 (Reporter clarification.)</p> <p>14 Q The portion of the aluminum layer on the</p> <p>15 right in figure 2 of Exhibit B is electrically</p> <p>16 insulated from the conductor by the layer of</p> <p>17 insulating SiO material, correct?</p> <p>18 A I actually state, "The remainder of the</p> <p>19 aluminum layer is insulated from the conductor by</p> <p>20 the layer of insulating SiO material."</p> <p>21 You inserted a word.</p> <p>22 Q Yes. Do you agree that the remainder of</p> <p>23 the aluminum layer is electrically insulated by</p> <p>24 the conductor -- strike that.</p> <p>25 Do you agree that the remainder of the</p>
<p>18</p> <p>1 seem to be asking about "layer." You're asking</p> <p>2 about transistors and resisters.</p> <p>3 And I'll also note that "is electrically</p> <p>4 connected to" is a different term that he didn't</p> <p>5 offer an opinion on.</p> <p>6 Q In paragraph 34 --</p> <p>7 ATTORNEY ERICKSON: All right, so, I mean,</p> <p>8 I can't force him to answer, so if you're</p> <p>9 instructing him not to answer, I'll have to move</p> <p>10 on.</p> <p>11 Q So in paragraph 34 of your declaration,</p> <p>12 you state, "The aluminum layer is insulated from</p> <p>13 the conductor by the layer of insulating SiO</p> <p>14 material."</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q By "insulated," do you mean not</p> <p>18 electrically connected to?</p> <p>19 A It's electrically insulated from it.</p> <p>20 Q So the aluminum layer is electrically</p> <p>21 insulated from the conductor by the layer of</p> <p>22 insulating SiO material, correct?</p> <p>23 A (No verbal response.)</p> <p>24 Q I'm sorry, did you answer?</p> <p>25 A No. There is two aluminum components to</p>	<p>20</p> <p>1 aluminum layer is electrically insulated from the</p> <p>2 conductor by the layer of insulating SiO</p> <p>3 material?</p> <p>4 A Yes.</p> <p>5 Q If the remainder of the aluminum layer</p> <p>6 were electrically connected to the conductor by</p> <p>7 that, the capacitor would not function properly,</p> <p>8 correct?</p> <p>9 ATTORNEY WEISS: Object to form, scope.</p> <p>10 A If the remainder were in contact with the</p> <p>11 conductor with the contact with the P-type region,</p> <p>12 then it would not function as a capacitor.</p> <p>13 Q In paragraph 35 of your declaration, you</p> <p>14 discuss the dependent claims of the '801 patent.</p> <p>15 Is it your opinion that, in the dependent</p> <p>16 claims, the predetermined material layer is</p> <p>17 limited to the single claimed particular purpose?</p> <p>18 Let me strike that and re-ask it.</p> <p>19 Is it your opinion that dependent claim 12</p> <p>20 limits the predetermined material layer to a</p> <p>21 single particular purpose?</p> <p>22 ATTORNEY WEISS: Object to form, scope.</p> <p>23 A I didn't offer an opinion on that. I just</p> <p>24 stated that dependent claims 12 and 13 further</p> <p>25 refine the predetermined material layer to having</p>

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<p>21</p> <p>1 a particular purpose.</p> <p>2 Q Is it your opinion that dependent claim 14</p> <p>3 limits the claimed organic material pattern layer</p> <p>4 to only one of the recited chemical compounds?</p> <p>5 ATTORNEY WEISS: Objection to form and</p> <p>6 scope.</p> <p>7 A I don't have the full claim in front of</p> <p>8 me, but I do state "dependent claim 14 further</p> <p>9 refines 'organic material pattern layer' to using</p> <p>10 either a polymethyl methacrylate or photosensitive</p> <p>11 methyl-silsesquioxane." I had to get that right.</p> <p>12 Q Do you have an opinion whether dependent</p> <p>13 claim 14 encompasses an organic material pattern</p> <p>14 layer that includes additional compounds?</p> <p>15 A I don't believe I formed an opinion on</p> <p>16 that.</p> <p>17 Q Turning to paragraph 39. In paragraph 39,</p> <p>18 you offer opinions regarding the Zhang reference,</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 (Bretschneider Exhibit C, Zhang Reference,</p> <p>22 marked for identification.)</p> <p>23 Q Okay. I've just marked as Exhibit C and</p> <p>24 uploaded a copy of the same reference. Let me</p> <p>25 know when you have it open.</p>	<p>23</p> <p>1 Q Okay. What do you mean by "discards" in</p> <p>2 that sentence we just read?</p> <p>3 A It's providing a specific definition for</p> <p>4 "covering layer" in the context of the Zhang</p> <p>5 patent.</p> <p>6 Q So do you agree that Zhang is using</p> <p>7 "covering layer" to refer to multiple layers?</p> <p>8 A I'd say Zhang defined "covering layer" as</p> <p>9 a sequence of specific layers.</p> <p>10 Q In your opinion, is Zhang using the word</p> <p>11 "layer" according to its plain and ordinary</p> <p>12 meaning?</p> <p>13 ATTORNEY WEISS: Object to form.</p> <p>14 A I state Zhang refers to "layers" similar</p> <p>15 to how it would be understood by a POSITA.</p> <p>16 Q All right. Let's move to paragraph 41 of</p> <p>17 your declaration.</p> <p>18 In paragraph 41, you discuss the '121</p> <p>19 patent, correct?</p> <p>20 A Yes.</p> <p>21 ATTORNEY ERICKSON: Let's mark Exhibit D.</p> <p>22 It's the '121 patent.</p> <p>23 (Bretschneider Exhibit D, '121 Patent,</p> <p>24 marked for identification.)</p> <p>25 Q In your opinion, does the '121 patent use</p>
<p>22</p> <p>1 A It's not showing up in the chat, or it</p> <p>2 hasn't yet.</p> <p>3 ATTORNEY WEISS: Same here.</p> <p>4 ATTORNEY ERICKSON: Apparently, it's</p> <p>5 important to actually hit "send."</p> <p>6 A Okay.</p> <p>7 Q Okay. Before we look at Zhang itself,</p> <p>8 turning back to paragraph 39 of your declaration,</p> <p>9 if you look down to the second-to-last sentence,</p> <p>10 second-to-last sentence reads, "In an alternative</p> <p>11 embodiment, shown in figure 3C, though Zhang still</p> <p>12 uses a label of covering layer 370A to explain its</p> <p>13 relation to the structure in figure 3B, Zhang</p> <p>14 discards its 'single-layer structure' 'covering</p> <p>15 layer' in favor of individual layers, such as a</p> <p>16 'first metal layer 321, a dielectric layer 322,</p> <p>17 and a second metal layer 323.'"</p> <p>18 Do you see that sentence?</p> <p>19 A Yes.</p> <p>20 Q What do you mean by "discards"?</p> <p>21 A "Covering layer" isn't a regular term in</p> <p>22 the art, but it's -- Zhang is -- is there defining</p> <p>23 that the covering layer is made up of individual</p> <p>24 layers. And, again, I'd say "covering layer" is</p> <p>25 not a standard term in the art.</p>	<p>24</p> <p>1 the word "layer" according to its plain and</p> <p>2 ordinary meaning?</p> <p>3 A What I state is that the inventor of the</p> <p>4 '121 patent intended to provide his own definition</p> <p>5 of the term "second dielectric layer" so that it</p> <p>6 could include multiple layers of material.</p> <p>7 Q Okay. Let's look at Exhibit D.</p> <p>8 Exhibit D is the '121 patent that you</p> <p>9 opined about, correct?</p> <p>10 A Correct.</p> <p>11 Q And so, for example, claim 6, which is in</p> <p>12 column 8, begins in column 8, recites, "Wherein,</p> <p>13 the second dielectric layer comprises a layer of</p> <p>14 passivation silicon nitride, and a second organic</p> <p>15 layer formed on the layer of passivation silicon</p> <p>16 nitride, the second organic layer comprising the</p> <p>17 same material as the first organic layer."</p> <p>18 A That's correct.</p> <p>19 Q Is it your opinion that claim 6 of the</p> <p>20 '121 patent does not use the word "layer"</p> <p>21 according to its plain and ordinary meaning?</p> <p>22 A What I stated was that, in claim 6, the</p> <p>23 inventor of the '121 patent is acting as their own</p> <p>24 lexicographer. And they've provided a specific</p> <p>25 definition for "second dielectric layer."</p>

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<p>25</p> <p>1 Q Do you have an opinion as to whether claim 2 6 of the '121 patent uses the word "layer" 3 according to its plain and ordinary meaning? 4 A I don't see that I provided an opinion on 5 that. 6 Q Do you have one, as you sit here today? 7 A I haven't formed an opinion on that. 8 (Bretschneider Exhibit E, Kwak Patent, 9 marked for identification.) 10 Q Okay. I've uploaded Exhibit E, which was 11 a patent to Kwak, K-W-A-K. 12 Let me know when you have that open. 13 A Okay. 14 Q Do you recognize Exhibit E, the Kwak 15 patent, as a patent you've opined about in certain 16 declarations in the IPR, correct? 17 A It is familiar from IPR proceedings. 18 Q If you'll scroll down to column 7, line 19 16. 20 A Okay. 21 Q Do you see column 7, line 16, "It is an 22 interlayer 160, which can be a single layer or a 23 double-layered structure." 24 Do you see that? 25 A I see that.</p>	<p>27</p> <p>1 consisting of different materials, correct? 2 ATTORNEY WEISS: Objection, form and 3 scope. 4 A Again, I haven't formed an opinion on the 5 Kwak patent or related to the Kwak patent for 6 claim construction. 7 Q Okay. So going to column 7, line 41, Kwak 8 discusses an organic EL unit 230. 9 Do you see that? 10 A Yes. 11 Q Kwak states, "A small molecular organic 12 film is used, a whole injection layer, a whole 13 transport layer, an emission layer, an electron 14 transport layer, and an electron injection layer 15 can be stacked to form a single- or multi-layered 16 structure." 17 Do you see that? 18 A Yes. 19 (Bretschneider Exhibit F, '909 Patent, 20 marked for identification.) 21 Q Okay. I'm uploading into the chat what 22 I've marked as Exhibit F, the '909 patent, on 23 which you've opined. Let me know when you have 24 that open. 25 A Okay.</p>
<p>26</p> <p>1 Q And scrolling down to column 7, line 24, 2 you'll see it states, "A protection layer (a 3 passivation layer and/or finalization layer) 180." 4 Do you see that reference? 5 A Yes. 6 Q Starting at line, I think 27, at the end 7 of that line, it states, "The protection layer 180 8 can be formed of an inorganic material or an 9 organic material as a sealed-layer structure, a 10 double-layered structure, consisting of an SiNx 11 lower layer and an organic upper layer, such as a 12 benzocyclobutene or acryl upper layer or a 13 multi-layered structure." 14 Do you see that sentence? 15 A Yes. 16 Q In these passages we reviewed, in your 17 opinion, is Exhibit E, the Kwak patent, using 18 "layer" according to its plain and ordinary 19 meaning? 20 ATTORNEY WEISS: Objection, scope. 21 A I didn't cite the Kwak patent in my claim 22 construction declaration. So I haven't formed an 23 opinion on that. 24 Q Kwak discloses that the protection layer 25 180 can be made of multiple different layers</p>	<p>28</p> <p>1 Q Scroll to column 30, go down to line 61. 2 And let me know when you're there. 3 ATTORNEY WEISS: Which column? 4 ATTORNEY ERICKSON: Column 3, line 60 -- 5 I'm sorry, 61. 6 ATTORNEY WEISS: Okay. 7 A Okay. 8 Q Column 3, line 61 of the '509 patent 9 states, "A material of the insulating layer 104 is 10 an inorganic material, an organic material, or a 11 combination of the foregoing, for example. The 12 inorganic material includes silicon oxide, silicon 13 nitride, silicon oxynitride, or a stack layer of 14 at least two of the foregoing." 15 Do you see that? 16 A Yes. 17 Q In your opinion, is the '509 patent using 18 the phrase "a material of the insulating layer 19 104" according to its plain and ordinary meaning? 20 ATTORNEY WEISS: Objection, scope. 21 A I didn't consider the '509 patent in 22 forming my opinion on the term "layer." 23 Q Do you have an opinion, sitting here 24 today, whether the '509 patent uses the word 25 "layer" according to its plain and ordinary</p>

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<p>29</p> <p>1 meaning?</p> <p>2 A I do not.</p> <p>3 Q Over on column 4, in lines 60 to 65 of the</p> <p>4 '509 patent, has a similar disclosure related to</p> <p>5 the second insulating layer 108, where it can be</p> <p>6 at least two of certain recited materials.</p> <p>7 Do you see that passage?</p> <p>8 A Yes.</p> <p>9 Q Do you have an opinion whether the '509</p> <p>10 patent is using "a material of the second</p> <p>11 insulating layer" according to its plain and</p> <p>12 ordinary meaning in that passage?</p> <p>13 A I'm not aware of "second insulating layer"</p> <p>14 being a term of -- a term in the art, but again, I</p> <p>15 did not consider the '509 patent in forming my</p> <p>16 opinion on the term "layer."</p> <p>17 Q If you turn to column 6 and look at line</p> <p>18 18, it states here, "The single electrode layer is</p> <p>19 not necessarily an electrode layer with one layer,</p> <p>20 and the single electrode layer may also refer to</p> <p>21 an electrode layer having a multi-film stacked</p> <p>22 structure."</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q In your opinion, is the '509 patent using</p>	<p>31</p> <p>1 Do you see that phrase?</p> <p>2 A Yes.</p> <p>3 Q And then dependent claim 15 states,</p> <p>4 "Wherein, forming said silicon nitride-containing</p> <p>5 material layer comprises depositing a first</p> <p>6 silicon nitride material, depositing a silicon</p> <p>7 dioxide material on said silicon nitride and</p> <p>8 depositing a second silicon nitride material on</p> <p>9 said silicon dioxide material."</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q Do you have an opinion whether claims 10</p> <p>13 and 15 are using "material layer," according to</p> <p>14 the plain and ordinary meaning?</p> <p>15 A No, I do not. I didn't cite the '396</p> <p>16 patent in forming my opinions. And I don't recall</p> <p>17 reviewing this patent, so I can't answer about any</p> <p>18 opinions on something I don't recall reviewing.</p> <p>19 Q Sitting here today, are you able, by</p> <p>20 reading those two claims, claims 10 and 15, to</p> <p>21 form an opinion as to whether they're using the</p> <p>22 phrase "material layer" or the term "layer,"</p> <p>23 according to its plain and ordinary meaning?</p> <p>24 A Those are two claims that follow 15</p> <p>25 columns of text. And to answer any question about</p>
<p>30</p> <p>1 the term "layer" according to its plain and</p> <p>2 ordinary meaning in that passage?</p> <p>3 ATTORNEY WEISS: Objection, scope.</p> <p>4 A Again, I did not consider the '509 patent</p> <p>5 in forming my opinions on the term "layer." So I</p> <p>6 haven't provided an opinion on that.</p> <p>7 Q Do you have an opinion, as you sit here</p> <p>8 today, as to whether the '509 patent is using the</p> <p>9 term "layer" according to its plain and ordinary</p> <p>10 meaning in that passage?</p> <p>11 A Again, I haven't considered the '509</p> <p>12 patent in terms of its use of "layer." So I</p> <p>13 haven't formed an opinion yet.</p> <p>14 (Bretschneider Exhibit G, '396 Patent,</p> <p>15 marked for identification.)</p> <p>16 Q Okay. I've uploaded what's been marked as</p> <p>17 Exhibit G, it's the '396 patent. Let me know when</p> <p>18 you have it open, please.</p> <p>19 A Okay.</p> <p>20 Q Scroll back to claim 10, and let me know</p> <p>21 when you see claim 10.</p> <p>22 A Okay.</p> <p>23 Q Do you see the first step in claim 10 is,</p> <p>24 "Forming a silicon nitride-containing material</p> <p>25 layer"?</p>	<p>32</p> <p>1 the use of terms in a claim, it's necessary to</p> <p>2 review at least the specification. And as I</p> <p>3 stated, I don't recall reviewing this patent. So</p> <p>4 no, I cannot offer an opinion.</p> <p>5 Q You would agree that silicon nitride</p> <p>6 material and silicon dioxide material are two</p> <p>7 different materials, correct?</p> <p>8 ATTORNEY WEISS: Objection, scope.</p> <p>9 A I would need more context, because in</p> <p>10 semiconductor processing, people will discuss</p> <p>11 silicon oxynitride. So it's a combination, it's a</p> <p>12 silicon oxygen nitrogen compound, and there is a</p> <p>13 scope of compositions there. So depending on how</p> <p>14 you look at it, they could both be silicon</p> <p>15 oxynitride, but again, if you're asking me</p> <p>16 specifics about the '396 patent, I don't recall</p> <p>17 reviewing it.</p> <p>18 Q If we can go back to your declaration,</p> <p>19 Exhibit A, and turn to paragraph 67, I think.</p> <p>20 A Okay.</p> <p>21 Q In paragraph 67, you show a figure 3,</p> <p>22 which shows a cross-section of a AMOLED structure.</p> <p>23 Do you see the letters "TFT" in that</p> <p>24 figure, along the bottom, below the middle?</p> <p>25 A Yes.</p>

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<p>33</p> <p>1 Q Is there a TFT illustrated in that figure?</p> <p>2 A You weren't clear there. Could you repeat</p> <p>3 the question, please?</p> <p>4 Q Is there a TFT illustrated in that figure?</p> <p>5 A There is a label that says "TFT/OLED</p> <p>6 contact." And OLED, it's a difficult question to</p> <p>7 answer, because it's a cross-section, and OLED is</p> <p>8 not a device that you can fully define by a</p> <p>9 cross-section. So the best I can say is that a</p> <p>10 cross-section -- or the cross-section indicates</p> <p>11 that it's a TFT/OLED structure somewhere, but it's</p> <p>12 only part of it.</p> <p>13 Q What does "TFT" stand for?</p> <p>14 A Thin-film transistor.</p> <p>15 Q Is there a thin-film transistor</p> <p>16 illustrated in figure 3?</p> <p>17 ATTORNEY WEISS: Objection, scope.</p> <p>18 A Again, it's a cross-section. So there is</p> <p>19 some implications there, but a cross-section of a</p> <p>20 device is not an illustration of a device. At</p> <p>21 best, it could be an illustration of a portion of</p> <p>22 a device.</p> <p>23 Q Is there a cross-section of a thin-film</p> <p>24 transistor illustrated in figure 3?</p> <p>25 ATTORNEY WEISS: I'm going to instruct him</p>	<p>35</p> <p>1 construction declaration, Andrew, I'm asking him</p> <p>2 about it.</p> <p>3 ATTORNEY WEISS: Yes, he didn't offer any</p> <p>4 opinions as to what the structure of a gate was in</p> <p>5 this image that you're asking about. So I'm</p> <p>6 asking what relation this has to do with --</p> <p>7 ATTORNEY ERICKSON: I'm not going to</p> <p>8 discuss this with you, Andrew, you can object as</p> <p>9 to form, or you can instruct him not to answer on</p> <p>10 the basis of privilege. There is no in between</p> <p>11 here.</p> <p>12 ATTORNEY WEISS: Okay. I'm going to</p> <p>13 instruct you not to answer as outside the scope</p> <p>14 and improper questioning. You're clearly asking</p> <p>15 IPR questioning.</p> <p>16 Q What's the minimum number of material</p> <p>17 layers required to form a thin-film transistor?</p> <p>18 ATTORNEY WEISS: Same objection, and same</p> <p>19 instruction not to answer.</p> <p>20 Q Are you going to follow that instruction?</p> <p>21 A Yes.</p> <p>22 (Bretschneider Exhibit H, '287 Patent,</p> <p>23 marked for identification.)</p> <p>24 Q I have uploaded what's been marked as</p> <p>25 Exhibit H. Let me know when you've downloaded</p>
<p>34</p> <p>1 not to answer at this point. I don't understand</p> <p>2 the relevance.</p> <p>3 ATTORNEY ERICKSON: That's not a proper</p> <p>4 objection.</p> <p>5 ATTORNEY WEISS: I can instruct you not to</p> <p>6 answer as outside the scope.</p> <p>7 ATTORNEY ERICKSON: That is also not a</p> <p>8 proper objection.</p> <p>9 Q Dr. Bretschneider, do you see a</p> <p>10 cross-section of a thin-film transistor</p> <p>11 illustrated in figure 3?</p> <p>12 ATTORNEY WEISS: Objection. Instruction</p> <p>13 not to answer. Outside the scope. This is a very</p> <p>14 limited deposition as to his claim construction</p> <p>15 declaration and not IPR issues.</p> <p>16 Q Are you going to follow that instruction,</p> <p>17 Dr. Bretschneider?</p> <p>18 A I'm going to follow Mr. Weiss's</p> <p>19 instruction.</p> <p>20 Q What is the structure that's shown as a</p> <p>21 gate and a source and a drain in the lower</p> <p>22 left-hand corner of figure 3?</p> <p>23 ATTORNEY WEISS: What does this have to do</p> <p>24 with his opinion in this case?</p> <p>25 ATTORNEY ERICKSON: This is his claim</p>	<p>36</p> <p>1 Exhibit H, Dr. Bretschneider.</p> <p>2 A Okay.</p> <p>3 Q Exhibit H is the '287 patent.</p> <p>4 Are you the Eric Bretschneider that's</p> <p>5 listed as an inventor on Exhibit H?</p> <p>6 A Yes. I am.</p> <p>7 Q Okay. If you can turn to column 7,</p> <p>8 please, and go down to line 49. Let me know when</p> <p>9 you're there.</p> <p>10 A Okay.</p> <p>11 Q In Exhibit H, at column 11, line 49, it</p> <p>12 refers to a "thin-film transistor (TFT) layer."</p> <p>13 Do you see that?</p> <p>14 A Column 7?</p> <p>15 ATTORNEY WEISS: I think you said it</p> <p>16 wrong, counsel.</p> <p>17 ATTORNEY ERICKSON: The transcript is</p> <p>18 clear.</p> <p>19 Q Exhibit H. I'll start over.</p> <p>20 In Exhibit H, at column 11, line 49, it</p> <p>21 refers to a "thin-film transistor (TFT) layer."</p> <p>22 Do you see that?</p> <p>23 A Yes. Apologies before, I heard column 7,</p> <p>24 so I was very confused.</p> <p>25 Q What's the minimum number of material</p>

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<p>37</p> <p>1 layers required to form a thin-film transistor layer?</p> <p>2</p> <p>3 ATTORNEY WEISS: Objection. Outside the scope and instruct you not to answer.</p> <p>4</p> <p>5 Q Are you going to follow that instruction?</p> <p>6 A I'm going to follow that, and I will also say I haven't provided any opinions on that in this declaration, so...</p> <p>7</p> <p>8</p> <p>9 Q If you turn to column 12, line 10, in Exhibit 8, you refer to a "protective barrier layer."</p> <p>10</p> <p>11</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q Beginning at about line 24, you discuss a "process of atomic layer deposition." At the bottom, the end of that paragraph, you refer to a "sufficient number of layers have been deposited, sometimes as few as 10 and sometimes as many as 19 200."</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Do you see that?</p> <p>21 A I see that.</p> <p>22 Q So a barrier layer can be formed with as few as 10 and sometimes as many as 200 layers, 24 correct?</p> <p>23</p> <p>24</p> <p>25 ATTORNEY WEISS: Objection to the form.</p>	<p>39</p> <p>1 patents that I addressed in my claim construction declaration.</p> <p>2</p> <p>3 Q Okay. I understand your testimony is very clear that this is in a different field. My question goes to the factual issue of whether the barrier layer you're discussing in column 12 can comprise multiple layers.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 So I will ask you, in a factual matter, does the barrier layer referred to in column 12 comprise multiple layers?</p> <p>9</p> <p>10</p> <p>11 ATTORNEY WEISS: Objection to form, scope.</p> <p>12 A Again, it's a different field of endeavor, and I can say it's very clear, this is atomic layer deposition. So the discussion at the end is talking about atomic layers, which means it's still the same material.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 ATTORNEY WEISS: If now is a good time, can we take a break?</p> <p>18</p> <p>19 ATTORNEY ERICKSON: Let's go for another five minutes, I'm just about wrapped up with this 21 section.</p> <p>20</p> <p>21</p> <p>22 If that works for you, Dr. Bretschneider.</p> <p>23</p> <p>24 THE WITNESS: That's fine.</p> <p>25</p> <p>Q Do you --</p> <p>(Inaudible; Reporter clarification.)</p>
<p>38</p> <p>1 Scope.</p> <p>2 A I didn't provide an opinion on that. I will point out that this section of the patent is talking about a fluidized bed process for a powdered phosphor material, which is a completely different technical endeavor from the patents that I addressed in my claim construction declaration.</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 Q And the barrier layer you refer to in column 12 to comprise --</p> <p>9</p> <p>10 (Reporter clarification.)</p> <p>11 Q The barrier layer you refer to in column 12 can comprise as few as 10 and as many as 200 layers, correct?</p> <p>12</p> <p>13</p> <p>14 ATTORNEY WEISS: Objection, form, scope.</p> <p>15 A No, again, I didn't provide an opinion, but I will point out that you are not properly characterizing the statements in the patent.</p> <p>16</p> <p>17</p> <p>18 Q What's not proper with my characterization of the statements in the patent?</p> <p>19</p> <p>20 A The patent is a different field of technology and endeavor, and it would take me 22 hours to go into all the fine details.</p> <p>21</p> <p>22</p> <p>23 Again, the patent is related to production of powdered phosphor materials, and that is a completely different field of technology from the</p>	<p>40</p> <p>1 Q Do you agree that the predetermined material layer must be formed prior to the organic material pattern layer being formed?</p> <p>2</p> <p>3</p> <p>4 ATTORNEY WEISS: Object to form.</p> <p>5 A Could you repeat the question, please?</p> <p>6</p> <p>7 Q To speed things up, let's turn to paragraph 49 of Exhibit A, your declaration. Let me know when you're there.</p> <p>8</p> <p>9 A Okay.</p> <p>10 Q The third sentence of paragraph 49 states, "The predetermined material layer is formed on the first substrate, and the organic material pattern layer is then formed on the predetermined material layer."</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 Do you see that sentence?</p> <p>16 A Yes.</p> <p>17 Q Do you agree that the predetermined material layer must be formed before the organic material pattern layer is formed?</p> <p>18</p> <p>19</p> <p>20 A I haven't offered an opinion on that.</p> <p>21 ATTORNEY ERICKSON: Okay. Let's take a break. Let's go off the record.</p> <p>22</p> <p>23 THE VIDEOGRAPHER: Please stand by. We are going off the record. The time is 11:47 A.M.</p> <p>24</p> <p>25 (Recess.)</p>

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<p>41</p> <p>1 THE VIDEOGRAPHER: We are going back on 2 the record. The time is 11:58 A.M. 3 BY ATTORNEY ERICKSON: 4 Q Dr. Bretschneider, did you communicate 5 with counsel during the break? 6 A I did comment on the '287 patent. It's 7 been a while since I've seen it, but it's my 8 understanding it was acquired by GE and had -- 9 (Reporter clarification.) 10 A The '287 patent was -- had subsequently 11 been acquired by GE, and having GE acquire one of 12 your phosphor patents is, I'll say a nice 13 accomplishment. 14 Q Did you discuss anything else with counsel 15 during the break? 16 A No. 17 Q Okay. Let's go back to Exhibit A, your 18 declaration, and turn to paragraph 55, which is 19 where you begin to address the term "auxiliary." 20 A Okay. 21 Q In forming your opinion about the 22 construction of the term "auxiliary," did you 23 opine regarding any lexicography in the intrinsic 24 record? 25 A I don't believe so.</p>	<p>43</p> <p>1 some of the examples in the patent, but I don't 2 recall stating explicitly that pixel structure was 3 important. 4 Q In paragraph 21 of your declaration for 5 the '509 and '733 patents, you quote the statement 6 that, "The invention relates to a pixel structure, 7 and particularly it relates to a pixel structure 8 capable of improving the overall luminous 9 uniformity of a display panel." 10 Do you see that? 11 A Yes, I do. 12 Q Do you agree that the invention in the 13 '509 patent relates to a pixel structure? 14 A I'll say the discussion and examples are 15 for a pixel structure. 16 Q Do you disagree that the invention in the 17 '509 patent relates to a pixel structure? 18 A No. 19 Q All right. Please turn to claim 1 of the 20 '509 patent. 21 Do you have that in front of you? 22 A Yes, I do. 23 Q Are all the elements in claim 1 present in 24 a pixel? 25 ATTORNEY WEISS: Objection, scope.</p>
<p>42</p> <p>1 Q You're not relying on any disclaimer or 2 disavowal in the intrinsic record for your opinion 3 regarding "auxiliary," correct? 4 A I don't believe so. 5 Q Now, in your declaration, at paragraph 55, 6 you use claim 1 of the '733 patent as 7 representative, but that patent was recently 8 dismissed. 9 So let's move back to Exhibit F, which is 10 the '509 patent. If you need to refer to a claim 11 and would refer to claim 1 of the '509 patent, 12 Exhibit F. 13 Is that okay? 14 A Yes, that's fine. 15 Q Can you turn to claim 1 of the '509 16 patent, please, and let me know when you're there. 17 A Okay. 18 Q So claim 1 is drawn to a pixel structure, 19 correct? 20 A Correct. 21 Q And you referred to pixel structure as 22 being important when you were determining the 23 level of skill in the art for the '509 patent, 24 correct? 25 A I reference pixel structure because of</p>	<p>44</p> <p>1 A The best I can say is they could be. To 2 have them as necessarily being a part of a pixel, 3 I haven't offered an opinion on that. 4 Q In all disclosed embodiments, all of the 5 elements in claim 1 are part of a pixel, correct? 6 ATTORNEY WEISS: Objection, scope. 7 A I'd have to review the specification, but 8 I can say claim 1 includes or describes those 9 elements, those components. 10 Q In your opinion, are there any elements 11 recited in claim 1 that need not be part of a 12 pixel structure? 13 ATTORNEY WEISS: Objection, scope, and I'm 14 going to instruct you not to answer at this point. 15 This has nothing to do with claim construction. 16 Q Are you going to follow that instruction? 17 A Yes. 18 Q Turning to paragraph 60 of your 19 declaration, you state, in the second sentence, 20 "The specification describes embodiments where the 21 auxiliary electrode can be coordinated with the 22 first electrode layer to reduce the resistance of 23 the first electrode layer 132, and that the design 24 of the auxiliary electrode can be coordinated with 25 other suitable electrode layers or conductive</p>

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<p>45</p> <p>1 layers."</p> <p>2 Do you see that sentence?</p> <p>3 A Yes.</p> <p>4 Q Does claim 1 require that the auxiliary</p> <p>5 electrode be coordinated with the first electrode</p> <p>6 layer?</p> <p>7 A That's not in the language of the first</p> <p>8 claim. We haven't talked about what exactly</p> <p>9 "coordinated" means.</p> <p>10 Q Well, in your opinion, does anything in</p> <p>11 claim 1 require that the auxiliary electrode be</p> <p>12 coordinated with the first electrode layer?</p> <p>13 A I haven't offered an opinion on</p> <p>14 "coordinated with."</p> <p>15 Q Does anything in claim 1 require that the</p> <p>16 auxiliary electrode reduce the resistance of the</p> <p>17 first electrode layer?</p> <p>18 A No.</p> <p>19 Q Later in that paragraph, you state, "In</p> <p>20 other words, consistent with the plain meaning of</p> <p>21 'auxiliary,' the specification describes the</p> <p>22 auxiliary electrodes as providing supplemental</p> <p>23 functionality to the first electrode layer."</p> <p>24 Do you see that sentence?</p> <p>25 A Yes.</p>	<p>47</p> <p>1 functionality to the first electrode layer?</p> <p>2 A Again, I don't believe I've provided an</p> <p>3 opinion on "auxiliary electrode." Again, we're</p> <p>4 talking about "auxiliary" here.</p> <p>5 Q Does anything in the term "auxiliary"</p> <p>6 require providing supplemental functionality to</p> <p>7 the first electrode layer?</p> <p>8 A As I state in paragraph 56, "it is my</p> <p>9 understanding that Optronics has proposed that</p> <p>10 'auxiliary' should be given its plain and ordinary</p> <p>11 meaning, which does not include 'primary and</p> <p>12 essential.' In other words, an auxiliary</p> <p>13 electrode is not the primary and essential</p> <p>14 electrode."</p> <p>15 Q So you have no opinion regarding whether</p> <p>16 the term "auxiliary" requires providing</p> <p>17 supplemental functionality to the first electrode</p> <p>18 layer, correct?</p> <p>19 A Could you repeat the question, please?</p> <p>20 Q You have no opinion regarding whether the</p> <p>21 term "auxiliary" requires providing supplemental</p> <p>22 functionality to the first electrode layer,</p> <p>23 correct?</p> <p>24 A I'm trying to follow the logic there,</p> <p>25 because "auxiliary" isn't used with the primary</p>
<p>46</p> <p>1 Q Does anything in claim 1 require that the</p> <p>2 auxiliary electrode provide supplemental</p> <p>3 functionality to the first electrode layer?</p> <p>4 A I don't see the term "functional" here. I</p> <p>5 don't see those terms in the claim. I don't see</p> <p>6 "functional" or "supplemental functionality."</p> <p>7 Q So in your opinion, claim 1 does not</p> <p>8 require the auxiliary electrode to provide</p> <p>9 supplemental functionality to the first electrode</p> <p>10 layer, correct?</p> <p>11 A Again, I haven't provided an opinion on</p> <p>12 "supplemental functionality." And that wasn't a</p> <p>13 term to be construed.</p> <p>14 Q Does the term "auxiliary electrode"</p> <p>15 require that the auxiliary electrode provide</p> <p>16 supplemental functionality to the first electrode</p> <p>17 layer?</p> <p>18 A What we've been discussing is the term</p> <p>19 "auxiliary," not "auxiliary electrode."</p> <p>20 Q Well, the sentence here uses "auxiliary</p> <p>21 electrodes" in quotes, right?</p> <p>22 A Yes.</p> <p>23 Q Okay. Does anything about the term</p> <p>24 "auxiliary electrode" in claim 1 require that the</p> <p>25 auxiliary electrode provide supplemental</p>	<p>48</p> <p>1 electrode. So there is a disconnect there that I</p> <p>2 can't really follow.</p> <p>3 Q Do you have an opinion regarding whether</p> <p>4 anything in claim 1 requires providing</p> <p>5 supplemental functionality to the first electrode</p> <p>6 layer?</p> <p>7 A Again, I don't believe I've offered an</p> <p>8 opinion on that.</p> <p>9 Q Moving to paragraph 62 of your</p> <p>10 declaration, Exhibit A, you cite several times to</p> <p>11 Dr. Baker's opinion, and then in the -- about in</p> <p>12 the middle of that paragraph, you end with a cite</p> <p>13 to paragraphs 55 to 59.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q Okay. Then picking up after that cite,</p> <p>17 you state, "As I describe above, the claims, when</p> <p>18 read in the context of the plain meaning of</p> <p>19 'auxiliary' and the specification, tell a POSITA</p> <p>20 that the 'function or characteristic' being</p> <p>21 supplemented by the 'auxiliary electrode,' is the</p> <p>22 function or characteristic of the first electrode</p> <p>23 layer."</p> <p>24 Do you see that?</p> <p>25 A Yes.</p>

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<p>49</p> <p>1 Q Is claim 1 limited such that the auxiliary 2 electrode must supplement a function or 3 characteristic of the first electrode layer? 4 A Again, what I stated in my declaration was 5 that the auxiliary electrode is -- let me back 6 this up. 7 The function or characteristic being 8 supplemented by the auxiliary electrode is the 9 function or characteristic of a first electrode 10 layer. So the auxiliary electrode is 11 supplementing a function or a characteristic of 12 the first electrode layer. 13 Q Is that a requirement of the claim? 14 A I haven't offered an opinion on 15 requirements of the claim. Again, this is claim 16 construction, so I've been focused on the terms. 17 Q Well, I'm confused here about the sentence 18 we just read, whether you're describing an example 19 in the spec or whether you're describing a 20 requirement of the claim. 21 And the sentence begins, "As I describe 22 above, the claims" -- and it continues on to say, 23 "tell a POSITA." 24 So I'm trying to understand, is there 25 anything in the claims that, in your opinion,</p>	<p>51</p> <p>1 "auxiliary," not "auxiliary electrode." So you 2 seem to be asking about a term I didn't offer an 3 opinion on. 4 Q Well, let's look -- 5 A You're talking about "auxiliary," because 6 that's what I discuss, is "auxiliary." 7 Q Looking at the plain language of claim 1, 8 do you see anything in the plain language of claim 9 1 that requires the auxiliary electrode to 10 supplement a function or characteristic of the 11 first electrode layer? 12 A Again, it's a peculiar question, because 13 "auxiliary" means that it supplements the function 14 or characteristic. So again, it's -- where I get 15 confused is you keep saying "auxiliary electrode," 16 but we're talking about the term "auxiliary." So 17 you seem to be asking me about a claim term I 18 didn't offer an opinion on. 19 Q Okay. Are you aware of any secret 20 contention by plaintiff that auxiliary electrode 21 requires supplementing a function or 22 characteristic of a first electrode layer? 23 ATTORNEY WEISS: Objection to form. 24 A Again, where you've pointed me to in my 25 declaration is talking about "auxiliary," and you</p>
<p>50</p> <p>1 requires the auxiliary electrode to supplement a 2 function or characteristic of the first electrode 3 layer? 4 A It's a strange question, because again, 5 what I say is talking about the claims, when read 6 in the context of plain meaning what it would tell 7 a POSITA. So I'm talking about a POSITA's 8 understanding of the use of "auxiliary" in the 9 claims. 10 Q You've -- you're an experienced expert in 11 testifying in patent matters, correct? 12 A I've testified a few times. 13 Q Approximately how many? 14 A I don't know the total number. 15 Q More than 50? 16 A Yes. 17 Q You understand the importance of claim 18 construction to determine the metes and bounds of 19 the claim? 20 A Yes. 21 Q Optronic's proposed construction does not 22 require the auxiliary electrode to supplement a 23 function or characteristic of the first electrode 24 layer, correct? 25 A Again, the construction is for</p>	<p>52</p> <p>1 keep asking about the term "auxiliary electrode." 2 Q Well, in the sentence, you put word 3 "auxiliary electrode" in quotes, right? 4 A Yes. 5 Q All right. So is what you're describing 6 in that sentence required by the claim or not? 7 ATTORNEY WEISS: Object to form. 8 A Again, what I'm describing is the 9 understanding of a POSITA. 10 Q So in your opinion, a POSITA would 11 understand that claim 1 requires auxiliary 12 electrode to supplement a function or a 13 characteristic for the first electrode layer; is 14 that correct? 15 A What I state is, "As I describe above, the 16 claims, when read in the context of the plain 17 meaning of 'auxiliary' and the specification, tell 18 a POSITA that the function or characteristic being 19 supplemented by the auxiliary electrode is the 20 function or characteristic of the first electrode 21 layer." 22 Q And do you have an opinion as to whether a 23 POSITA would understand claim 1 to require the 24 auxiliary electrode to supplement a function or 25 characteristic of the first electrode layer?</p>

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<p>53</p> <p>1 A I believe I already answered that.</p> <p>2 Q And what was your answer? Yes or no?</p> <p>3 A What I had in my declaration, "As I</p> <p>4 describe above, the claims, as read in the context</p> <p>5 of the plain meaning of 'auxiliary' and the</p> <p>6 specification, tell a POSITA that the 'function or</p> <p>7 characteristic' being supplemented by the</p> <p>8 'auxiliary electrode' is the function or</p> <p>9 characteristic of the first electrode layer."</p> <p>10 Q And the next sentence in your declaration,</p> <p>11 you begin, "One of the examples."</p> <p>12 Do you see that sentence?</p> <p>13 A Yes.</p> <p>14 Q Is anything in that sentence required by</p> <p>15 claim 1?</p> <p>16 A In which sentence? The following</p> <p>17 sentence?</p> <p>18 Q Yeah, let me clarify that. Sorry. So...</p> <p>19 Does anything in claim 1 require a</p> <p>20 parallel arrangement that would reduce resistance?</p> <p>21 A No.</p> <p>22 Q What is the function of the first</p> <p>23 electrode layer?</p> <p>24 ATTORNEY WEISS: Objection to form and</p> <p>25 scope.</p>	<p>55</p> <p>1 reduce the resistance of the pixel structure?</p> <p>2 A No, that's not what I stated.</p> <p>3 Q Okay. Then in your opinion, what is the</p> <p>4 function or characteristic of the first electrode</p> <p>5 layer?</p> <p>6 ATTORNEY WEISS: Objection, form, scope.</p> <p>7 A I haven't offered an opinion on that.</p> <p>8 Q If you don't have an opinion on what the</p> <p>9 function or characteristic of the first electrode</p> <p>10 layer is, how can you form an opinion that the</p> <p>11 auxiliary electrode is supposed to supplement that</p> <p>12 function or characteristic?</p> <p>13 ATTORNEY WEISS: Objection, form, scope.</p> <p>14 A Again, you keep going to the term</p> <p>15 "auxiliary electrode," which I didn't offer an</p> <p>16 opinion on. "Auxiliary" supplements a function or</p> <p>17 characteristic. If you want me to sit down and</p> <p>18 spend a couple hours and think about every</p> <p>19 possible function and characteristic of an</p> <p>20 electrode, I could do that, but that's going to</p> <p>21 take a long time. You are asking a question as if</p> <p>22 there is a single unique answer, and I would have</p> <p>23 to disagree with that.</p> <p>24 Q So when you wrote "function or</p> <p>25 characteristic of the first electrode layer" in</p>
<p>54</p> <p>1 A That gets into my discussion on the term</p> <p>2 "electrode." Where -- are we talking about</p> <p>3 "auxiliary," or are we going on to a different</p> <p>4 term?</p> <p>5 Q I'm referring to, in this paragraph 62,</p> <p>6 you state the, quote, "Function or</p> <p>7 characteristic," quote, "of the first electrode</p> <p>8 layer."</p> <p>9 What is the "function or characteristic of</p> <p>10 the first electrode layer"?</p> <p>11 ATTORNEY WEISS: Form, scope.</p> <p>12 A Again, it -- there's different things. I</p> <p>13 mean, an electrode has a purpose, but what's the</p> <p>14 characteristic of the electrode -- those are two</p> <p>15 different things.</p> <p>16 Q What are you referring to here, in</p> <p>17 paragraph 62, when you say "function or</p> <p>18 characteristic of the first electrode layer"?</p> <p>19 A It's a general statement. It's not a</p> <p>20 specific. But there is an example about reducing</p> <p>21 the resistance, and more specifically, the example</p> <p>22 in the specification is reducing the resistance of</p> <p>23 the pixel structure.</p> <p>24 Q So is it your opinion that the function or</p> <p>25 characteristic of the first electrode layer is to</p>	<p>56</p> <p>1 paragraph 62, you did not have an opinion</p> <p>2 regarding what you were referring to there?</p> <p>3 ATTORNEY WEISS: Objection, form.</p> <p>4 A No, I think it's fairly clear to a POSITA.</p> <p>5 They know that an electrode would have functions</p> <p>6 and characteristics. Again, you seem to keep</p> <p>7 trying to find a single unique answer.</p> <p>8 Q Can you identify for me any of the</p> <p>9 functions or characteristics of the first</p> <p>10 electrode layer?</p> <p>11 A The example in the patent, I think, is</p> <p>12 fairly straightforward related to the resistance</p> <p>13 of the pixel structure.</p> <p>14 Q Without the auxiliary electrode, what</p> <p>15 would be the function or characteristic of the</p> <p>16 first electrode layer?</p> <p>17 ATTORNEY WEISS: Objection to form and</p> <p>18 scope.</p> <p>19 A Referring back to the example that I</p> <p>20 discuss, the embodiments of the specification, in</p> <p>21 that embodiment, the electrode is auxiliary,</p> <p>22 because it is not the primary and essential</p> <p>23 electrode, but provides the supplemental</p> <p>24 functionality of allowing for the electrodes to</p> <p>25 reduce the resistance of the pixel structure.</p>

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<p>57</p> <p>1 Conversely, without the auxiliary electrode in 2 this preferred embodiment, the first electrode 3 layer would still result in an operable pixel 4 structure, but it would have higher resistance. 5 Q So without the auxiliary electrode, what 6 is the function or characteristic of the first 7 electrode layer? 8 ATTORNEY WEISS: Objection, form and 9 scope. 10 A Your question, again, keeps going to the 11 function, which implies a singular answer, and 12 again, that's the problem. 13 Q Okay. 14 A An electrode can have many functions or 15 characteristics. 16 Q Without the auxiliary electrode, what are 17 the functions or characteristics of the first 18 electrode layer? 19 ATTORNEY WEISS: Okay. At this point, I'm 20 going to instruct you not to answer as outside the 21 scope. You've asked the same question, it has 22 nothing to do with claim construction. I instruct 23 you not to answer. 24 Q Are you going to follow that instruction? 25 A Yes, I am.</p>	<p>59</p> <p>1 to a light-emitting device 130, correct? 2 ATTORNEY WEISS: Object to scope. 3 A Could you repeat your question? 4 Q Auxiliary electrode 120 is connected in 5 series with the first electrode layer 132 to get 6 to light-emitting device 130, correct? 7 ATTORNEY WEISS: Object to scope. 8 A I don't see that I offered an opinion on 9 that. Because in paragraph 63, I'm talking about 10 the parallel connection. 11 Q Illustrated in figure 5, auxiliary 12 electrode 120 and first electrode layer 132 are 13 not connected in parallel, correct? 14 ATTORNEY WEISS: Objection to scope. 15 A It's a cross-sectional figure, so you 16 can't answer that question. 17 Q For current to flow from auxiliary 18 electrode 120 to light-emitting device 130, it 19 must go through light -- scratch that. 20 For current to flow from auxiliary 21 electrode 120 to light-emitting device 130, it 22 must go through the first electrode layer 132, 23 correct? 24 ATTORNEY WEISS: Object to form, scope. 25 A Again, figure 5 shows a cross-section</p>
<p>58</p> <p>1 Q In paragraph 63, you discuss a preferred 2 embodiment in the '509 patent. 3 Do you see that? 4 A Yes. 5 Q Can you turn to the '509 patent and look 6 at figure -- can we look at figure 5. I think you 7 used figure 5 in your declaration. So why don't 8 we start there. Let me know when you're at 9 figure 5. 10 A Okay. 11 Q Is figure 5 the auxiliary electrode -- 12 (Inaudible; Reporter clarification.) 13 Q In figure 5, the auxiliary electrode is 14 120, correct? 15 A Yes. 16 Q And the first electrode layer is 132, 17 correct? 18 A Yes. 19 Q The auxiliary electrode 120 is connected 20 in series with the first electrode layer 132 to 21 get to a light-emitting device 130, correct? 22 ATTORNEY WEISS: Object to scope. 23 A Could you repeat the question, please? 24 Q Auxiliary electrode 120 is connected in 25 series with the first electrode layer 132 to get</p>	<p>60</p> <p>1 through a three-dimensional device. So you have 2 to make some assumptions, and answering that 3 requires careful consideration, and I haven't 4 formed an opinion on that. 5 Q Nothing in figure 5 shows auxiliary 6 electrode 120 connected in parallel with first 7 electrode layer 132 to the light-emitting device 8 130, correct? 9 ATTORNEY WEISS: Objection, scope, form. 10 A I'm going to reiterate that figure 5 is a 11 cross-section through a three-dimensional device. 12 So your question actually can't be answered, 13 because it forces -- it would force me to ignore, 14 or a POSITA to ignore, the full three-dimensional 15 structure. 16 Q You refer to, in paragraph 63, an 17 embodiment with a parallel connection. 18 Do you see that? 19 A Actually, I cite a passage from the 20 patent, and it discusses parallel connection. 21 Q And what are the two ends of that parallel 22 connection? 23 ATTORNEY WEISS: Objection, scope, form. 24 A I don't think that question can be 25 answered.</p>

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<p>61</p> <p>1 Q Okay. So based on your review of the</p> <p>2 patent, you don't know what the two ends of the</p> <p>3 parallel connection are that you're referring to</p> <p>4 in paragraph 63?</p> <p>5 ATTORNEY WEISS: Objection, form, scope.</p> <p>6 A I'm trying to say that your question isn't</p> <p>7 consistent with the state -- statement I cited</p> <p>8 from the specification.</p> <p>9 Q What are you referring to when you say</p> <p>10 "parallel connection" in paragraph 63?</p> <p>11 A I'm quoting the patent.</p> <p>12 Q Can you offer --</p> <p>13 A What I'm referring to, but I'm referring</p> <p>14 to the '509 patent.</p> <p>15 Q Can you offer any testimony for the</p> <p>16 Court's consideration regarding what parallel</p> <p>17 connection is being described in that passage?</p> <p>18 ATTORNEY WEISS: Objection, form, scope.</p> <p>19 I'm going to shut this down at this point and</p> <p>20 instruct you not to answer. It has nothing to do</p> <p>21 with "auxiliary" or claim construction.</p> <p>22 Q Are you going to follow that instruction?</p> <p>23 A Yes.</p> <p>24 Q I think I may have asked this a couple</p> <p>25 times already, Dr. Bretschneider, but just to</p>	<p>63</p> <p>1 Q I'm sorry, before you do that, if you look</p> <p>2 at column 2, line 36, it states, "Figure 1 is an</p> <p>3 equivalent" --</p> <p>4 (Inaudible; Reporter clarification.)</p> <p>5 Q In column 2, line 37 states, "Figure 1 is</p> <p>6 an equivalent circuit diagram of a pixel structure</p> <p>7 of the invention."</p> <p>8 Do you see that?</p> <p>9 A Yes, I do.</p> <p>10 Q Figure 1 does not illustrate a parallel</p> <p>11 connection of the first electrode layer and</p> <p>12 auxiliary electrode, correct?</p> <p>13 ATTORNEY WEISS: Objection, scope, form.</p> <p>14 A Figure 1 is a circuit diagram. So it</p> <p>15 can't show details of a device structure. It's</p> <p>16 impossible.</p> <p>17 Q In your opinion, does anything in figure 1</p> <p>18 illustrate the auxiliary electrode?</p> <p>19 A Again, it's a circuit diagram, which a</p> <p>20 circuit diagram does not show details of the</p> <p>21 construction of the circuit elements.</p> <p>22 ATTORNEY ERICKSON: I'm about to move on</p> <p>23 to "electrode." I'm happy to keep going, Doctor,</p> <p>24 unless you wanted to take a break?</p> <p>25 THE WITNESS: I'm good.</p>
<p>62</p> <p>1 round it off, so in paragraph 63, where you refer</p> <p>2 to the "parallel connection," nothing in the</p> <p>3 claim -- nothing in claim 1 requires the parallel</p> <p>4 connection that's being referred to here in</p> <p>5 paragraph 63, correct?</p> <p>6 A I don't see the word "parallel" in claim</p> <p>7 1.</p> <p>8 Q In your opinion, does anything in claim 1</p> <p>9 require the parallel connection that you're</p> <p>10 referring to in paragraph 63 of your declaration?</p> <p>11 ATTORNEY WEISS: Objection, form, scope.</p> <p>12 A Again in paragraph 63, I'm discussing, or</p> <p>13 I quote the specification. And it gives an</p> <p>14 example.</p> <p>15 Q In your opinion, does anything in claim 1</p> <p>16 require the parallel connection that you're</p> <p>17 referring to in paragraph 63 of your declaration?</p> <p>18 ATTORNEY WEISS: Objection, scope, and</p> <p>19 form.</p> <p>20 A Again, I haven't offered an opinion on</p> <p>21 that, but I will state that the word "parallel"</p> <p>22 does not appear in claim 1.</p> <p>23 Q Going back to the '509 patent, can you</p> <p>24 turn to figure 1, please.</p> <p>25 A Okay.</p>	<p>64</p> <p>1 ATTORNEY ERICKSON: Okay.</p> <p>2 Q So moving to paragraph 66 of your</p> <p>3 declaration, you begin to address the term</p> <p>4 "electrode," correct?</p> <p>5 A That's correct.</p> <p>6 Q And in forming your opinion about the term</p> <p>7 "electrode," did you rely on any lexicography in</p> <p>8 the intrinsic record?</p> <p>9 A No, I don't believe so.</p> <p>10 Q But did you rely on any disclaimer or</p> <p>11 disavowal in the intrinsic record?</p> <p>12 A Not that I recall.</p> <p>13 Q So back to paragraph 67 in figure 3, you</p> <p>14 cite figure 3 with reference to an interconnect.</p> <p>15 Do you see that?</p> <p>16 A Yes, and actually, Dr. Baker was the one</p> <p>17 who cited figure 3 and the interconnect.</p> <p>18 Q And in your opinion, the interconnect in</p> <p>19 figure 3 is not an electrode; is that correct?</p> <p>20 A Could you repeat the question?</p> <p>21 Q Do you have an opinion regarding whether</p> <p>22 the interconnect in figure 3 is an electrode?</p> <p>23 A I believe I state clearly, in paragraph</p> <p>24 67, "An interconnect and a circuit is a structure</p> <p>25 that connects two or more elements, such as</p>

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<p>65</p> <p>1 transistors, together electronically," or I'm 2 sorry, "electrically." 3 Q So in the figure, there are actually, I 4 see two things labeled "interconnect." Do you see 5 one is just kind of left of center and one is off 6 to the right? 7 Do you see that? 8 A Yes. 9 Q Okay. So I'm going to ask you some 10 questions about the "interconnect," and I'm 11 referring to the "interconnect" that's just left 12 of center. Okay? 13 A Okay. 14 Q Is the end point of the interconnect that 15 is in contact with the drain an electrode? 16 ATTORNEY WEISS: I'm going to instruct you 17 not to answer. This is IPR questioning and 18 outside the scope of claim construction here. 19 Q Are you going to follow that instruction? 20 A Yes. 21 Q Is the ITO anode illustrated in figure 3 22 an electrode? 23 ATTORNEY WEISS: I'm going to instruct you 24 not to answer. This is not related to your 25 opinions in this case. It's related to IPR.</p>	<p>67</p> <p>1 the '509 patent, and let me know when you're 2 there. 3 A Okay. 4 Q Do you recall we were discussing the first 5 electrode layer 132 earlier? 6 A Yes. 7 Q Is the portion -- let me ask it this way: 8 Is all of 132 a first electrode layer or only a 9 portion? 10 ATTORNEY WEISS: Object to scope, form. 11 A I haven't formed an opinion on that, and I 12 don't see that I did. 13 Q Well, in your opinion, you say "an 14 electrode is the end structure of a conductor," 15 correct? 16 A Yes. 17 Q For first electrode layer 132, what is the 18 end structure, and what is the conductor? 19 ATTORNEY WEISS: Objection, scope, form. 20 A I'm really struggling here, because my 21 opinion is about "electrode," and now you're 22 talking about "electrode layer," which I don't 23 believe I offered an opinion on. 24 So are we talking about an "electrode," or 25 are we talking about an "electrode layer," because</p>
<p>66</p> <p>1 ATTORNEY ERICKSON: I totally disagree, 2 and regardless, that instruction is totally 3 improper. 4 ATTORNEY WEISS: Show me where he opined 5 regarding whether the -- any electrode in the -- 6 in the Hekmatshoar reference in this case. 7 ATTORNEY ERICKSON: He's trying to 8 distinguish between -- I'm not even sure how he's 9 distinguishing between these things. That's what 10 I'm trying to figure out, he's trying to 11 distinguish between an "interconnect" and an 12 "electrode." And I'm entitled to examine him on 13 that. 14 ATTORNEY WEISS: No, that's not what he's 15 doing. He's explaining why there is a dispute. 16 He's not trying to explain the difference here 17 between an "interconnect" and an "electrode." His 18 opinion is about what an "electrode" means. 19 You're asking about invalidity questions that have 20 to do with IPR. It's inappropriate here. 21 ATTORNEY ERICKSON: So you're instructing 22 him not to answer? 23 ATTORNEY WEISS: Absolutely. And you 24 absolutely know this is inappropriate. 25 Q Dr. Bretschneider, let's go to figure 5 of</p>	<p>68</p> <p>1 I didn't -- again, I don't recall offering an 2 opinion on the "electrode layer," a construction 3 for "electrode layer." 4 Q All right. So if you look at paragraph 66 5 of your report, you have the word "electrode" in 6 bold, where it says "first electrode layer." 7 Do you see that? Do you see "electrode" 8 in bold? 9 A Yes. 10 Q So I'm trying to have you, if you're able, 11 to apply your construction of "electrode" to the 12 disclosed "first electrode layer." 13 Are you able to do that? 14 ATTORNEY WEISS: Object to form and scope. 15 A Your question doesn't follow logically. 16 You're asking me to apply "electrode" to 17 "electrode layer," and those are different. Which 18 are we talking about? Again, I offered opinions 19 on "electrode," and now you're going to "electrode 20 layer." 21 Q Are you able to apply your construction of 22 "electrode" to the disclosed "first electrode 23 layer" or not? 24 ATTORNEY WEISS: Same objections. 25 A I haven't offered an opinion on "first</p>

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<p>69</p> <p>1 electrode layer."</p> <p>2 Q Are you able to apply your construction of</p> <p>3 "electrode" to the "second electrode layer"?</p> <p>4 ATTORNEY WEISS: Same objections.</p> <p>5 A Am I able to, yes; have I considered it</p> <p>6 and formed an opinion, no.</p> <p>7 Q So can you look at figure 5 and tell me,</p> <p>8 for the second electrode layer 136, where is the</p> <p>9 end structure and where is the conductor?</p> <p>10 ATTORNEY WEISS: Objection, form, scope.</p> <p>11 A You're asking me to offer an opinion</p> <p>12 off-cuff. I'm here as a technical expert, and my</p> <p>13 understanding of the role of a technical expert is</p> <p>14 to consider the evidence and information and then</p> <p>15 offer an opinion. And what you're asking, I</p> <p>16 haven't done, and it would take a significant</p> <p>17 amount of time. I'm not going to do it in</p> <p>18 30 seconds.</p> <p>19 Q Okay. How about for the auxiliary</p> <p>20 electrode 120? Can you apply your construction of</p> <p>21 "electrode" to the auxiliary electrode 120?</p> <p>22 ATTORNEY WEISS: Objection to form and</p> <p>23 scope.</p> <p>24 A Again, we're talking about "electrode,"</p> <p>25 and now you're talking about an "auxiliary</p>	<p>71</p> <p>1 A I've offered my opinion on "electrode."</p> <p>2 Q In your construction of "end structure of</p> <p>3 a conductor," how do you separate the end</p> <p>4 structure from the rest of the conductor? How do</p> <p>5 you draw that line?</p> <p>6 A That's an odd question. The end structure</p> <p>7 is the end structure. Again, we are talking about</p> <p>8 "electrode."</p> <p>9 Q All right. And you're not willing to</p> <p>10 identify -- well, are you willing to identify, for</p> <p>11 any of the first electrode layer, second electrode</p> <p>12 layer, or auxiliary electrode, where the end</p> <p>13 structure is in figure 5?</p> <p>14 A Not without careful consideration. Again,</p> <p>15 I'm not going to answer off-cuff.</p> <p>16 ATTORNEY ERICKSON: I'm probably ready to</p> <p>17 switch topics. Do you want to keep going?</p> <p>18 ATTORNEY WEISS: Why don't we take a</p> <p>19 break?</p> <p>20 ATTORNEY ERICKSON: Okay. How long?</p> <p>21 ATTORNEY WEISS: Ten minutes.</p> <p>22 ATTORNEY ERICKSON: Okay.</p> <p>23 THE VIDEOGRAPHER: Stand by. We are going</p> <p>24 off the record. The time is 1:05 P.M.</p> <p>25 (Recess.)</p>
<p>70</p> <p>1 electrode." A different term that I didn't offer</p> <p>2 an opinion on. We're talking about construction</p> <p>3 of "electrode." You're talking about different</p> <p>4 things.</p> <p>5 Q You're not comfortable mapping your</p> <p>6 construction of "electrode" to the disclosed</p> <p>7 auxiliary electrode 120 in figure 5, here today?</p> <p>8 ATTORNEY WEISS: Objection, form, scope.</p> <p>9 A That's not what I stated. I'm not</p> <p>10 comfortable giving you an off-cuff answer to a</p> <p>11 technical question.</p> <p>12 Q In forming your opinion about the proper</p> <p>13 construction of "electrode," you did not consider</p> <p>14 how that construction would be applied to any of</p> <p>15 the first electrode layer, the second electrode</p> <p>16 layer, or auxiliary electrode, correct?</p> <p>17 ATTORNEY WEISS: Objection to form.</p> <p>18 A Again, you're talking about different</p> <p>19 things. We're talking about "electrode" here.</p> <p>20 Now you're talking about "electrode layer."</p> <p>21 That's different.</p> <p>22 Q And you have not formed an opinion on how</p> <p>23 "electrode" would be used in combination with</p> <p>24 those other terms, correct?</p> <p>25 ATTORNEY WEISS: Object to the form.</p>	<p>72</p> <p>1 THE VIDEOGRAPHER: We are going back on</p> <p>2 the record. The time is 1:21 P.M.</p> <p>3 Q Dr. Bretschneider, did you discuss, or did</p> <p>4 you have any communications with counsel during</p> <p>5 the break?</p> <p>6 A Not related to my testimony.</p> <p>7 Q Going back to Exhibit A and into</p> <p>8 paragraph 74 is where you begin to address terms</p> <p>9 that BOE asserts are indefinite. Let me know when</p> <p>10 you're there.</p> <p>11 A Okay.</p> <p>12 Q With respect to "disposed above" in the</p> <p>13 '509 patent, you do not rely on any lexicography</p> <p>14 or disavowal or disclaimer in the intrinsic</p> <p>15 record, correct?</p> <p>16 A That's correct.</p> <p>17 Q Turning to paragraph 86.</p> <p>18 (Reporter clarification.)</p> <p>19 ATTORNEY ERICKSON: 86. Yes, thank you.</p> <p>20 Q Let me know when you're there, please.</p> <p>21 A Okay.</p> <p>22 Q You agree that a jury should not look at</p> <p>23 how a device is physically oriented by the end</p> <p>24 user to determine whether the above limitation is</p> <p>25 practiced, correct?</p>

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<p>73</p> <p>1 A That's correct.</p> <p>2 Q And that's true for both the '509 patent</p> <p>3 and the '842 patent, correct?</p> <p>4 A That's correct.</p> <p>5 Q And with respect to the '842 patent, you</p> <p>6 are not relying on any lexicography or disavowal</p> <p>7 or disclaimer in the intrinsic record for your</p> <p>8 opinions related to above, correct?</p> <p>9 A That's correct.</p> <p>10 Q Turning to paragraph 77 of your</p> <p>11 declaration, you state that the, "Meaning of this</p> <p>12 phrase is reasonably certain to a POSITA, and</p> <p>13 'disposed above' should be given its plain and</p> <p>14 ordinary meaning, which requires that, in a</p> <p>15 cross-sectional view, the light-emitting device be</p> <p>16 above the first auxiliary electrode."</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q Claim 1 claims an actual pixel, not a</p> <p>20 cross-sectional illustration of a pixel, correct?</p> <p>21 A Claim 1 refers to a pixel structure.</p> <p>22 Q Okay. So claim 1 is claiming a pixel</p> <p>23 structure, which is an apparatus, correct?</p> <p>24 A I'll say it's a physical construct.</p> <p>25 "Apparatus" sounds strange for a pixel, but it's a</p>	<p>75</p> <p>1 another element relative to the orientation of the</p> <p>2 page, right?</p> <p>3 A As I stated in paragraph 79, "In the field</p> <p>4 of semiconductor growth and processing, by</p> <p>5 convention, the substrate or starting material is</p> <p>6 considered down, and subsequent material layers</p> <p>7 are added or formed above the space or substrate."</p> <p>8 If you think about the derivation of the</p> <p>9 word "substrate," it literally means the stratum</p> <p>10 below. So that's the semiconductor industry, the</p> <p>11 substrate is down. Okay. So if it weren't, there</p> <p>12 is also a term called a "superstrate," which would</p> <p>13 mean that that's on top, that's above, but the</p> <p>14 patent is very clear about "substrate," and in</p> <p>15 paragraph 78, I also talk about displays, and</p> <p>16 there is a standard convention there, and for the</p> <p>17 '509 patent, both of these are consistent.</p> <p>18 Q Okay. So for paragraph 77, it's</p> <p>19 predicated on the fact that the cross-section view</p> <p>20 is oriented as you described in 79, correct?</p> <p>21 A Could you repeat the question?</p> <p>22 Q Your opinion in 77 is predicated on the</p> <p>23 fact that the cross-sectional view is oriented in</p> <p>24 the manner described in paragraph 79, correct?</p> <p>25 A No, because again, there is the convention</p>
<p>74</p> <p>1 physical component.</p> <p>2 Q Okay. Claim 1 does not claim a</p> <p>3 cross-section illustration of a pixel on a piece</p> <p>4 of paper, correct?</p> <p>5 A Correct.</p> <p>6 Q The cross-section in the '509 patent are</p> <p>7 oriented -- let me strike that.</p> <p>8 Figures 2, 3, and 4, are oriented with the</p> <p>9 substrate horizontal, and figure 5 is oriented</p> <p>10 with the substrate vertical on the page; is that</p> <p>11 correct?</p> <p>12 A I wouldn't say that, because figures 5 and</p> <p>13 6, the pages are in landscape mode, or are</p> <p>14 intended to be viewed in landscape mode.</p> <p>15 Q So in your opinion -- well, I'll ask you</p> <p>16 it this way:</p> <p>17 How should these figures be oriented --</p> <p>18 sorry, let me (inaudible) --</p> <p>19 Whether one component is above another</p> <p>20 component in a cross-section depends on which way</p> <p>21 the cross-section is oriented, correct?</p> <p>22 A For these devices, I'd say no.</p> <p>23 Q So it would not be legitimate to just, for</p> <p>24 example, turn figure 2 upside down, and then with</p> <p>25 it upside down, opine that some element is above</p>	<p>76</p> <p>1 for the semiconductor growth and processing.</p> <p>2 You're taking the cross-section, you know the</p> <p>3 substrate's down. So if you know which way is</p> <p>4 down and you know which way is up and what's above</p> <p>5 and what's below.</p> <p>6 Q I'm trying to figure out what 77 adds, if</p> <p>7 anything, to your opinion in 78 and 79.</p> <p>8 So in determining whether an actual device</p> <p>9 practices claim 1, you cannot take any</p> <p>10 cross-sectional view of the device and orient that</p> <p>11 cross-sectional view in an arbitrary fashion to</p> <p>12 determine whether the "disposed above" limitation</p> <p>13 is satisfied, correct?</p> <p>14 A I don't talk about the orientation of the</p> <p>15 cross-sectional view. I talk about the</p> <p>16 cross-sectional view. And then I further clarify,</p> <p>17 again, for a POSITA in the field, they know the</p> <p>18 substrate's down. If you look at the</p> <p>19 cross-section, you can spin it around if you want,</p> <p>20 but you know the substrate gives you the down</p> <p>21 direction.</p> <p>22 Q So in your opinion, whether something is</p> <p>23 disposed above another thing needs to be judged</p> <p>24 relative to the substrate, as opposed to any</p> <p>25 arbitrary orientation of the cross-section view;</p>

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<p>77</p> <p>1 is that fair?</p> <p>2 A I believe I explained that in paragraph</p> <p>3 79. It's just not my view; that's the whole</p> <p>4 semiconductor industry. Again, you can go back to</p> <p>5 the literal meaning of "substrate." "Sub" tells</p> <p>6 you it's -- "substrate" is, like I said, literally</p> <p>7 the stratum, the layer below. It's not a</p> <p>8 superstrate.</p> <p>9 Q All right. Starting with your opinion on</p> <p>10 paragraph 78, in your first sentence, you mention</p> <p>11 that, "These devices are to be used in a display</p> <p>12 device like a computer monitor or phone screen."</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q The claims do not recite a computer</p> <p>16 monitor or phone screen, correct?</p> <p>17 A That's correct.</p> <p>18 Q They do not recite a display device,</p> <p>19 correct?</p> <p>20 A Not explicitly. It's a pixel structure.</p> <p>21 Pixel is a picture element. So you can't have a</p> <p>22 pixel without knowing it has something to do with</p> <p>23 a display.</p> <p>24 Q The '509 patent, at column 1, line 22,</p> <p>25 states that, "There is no limit to the viewing</p>	<p>79</p> <p>1 Q All right. And then, in this sentence,</p> <p>2 you define "above" using the word "above."</p> <p>3 So what do you mean by, "A structure is</p> <p>4 therefore above another if it is above"?</p> <p>5 A So again, it's saying that "above," for a</p> <p>6 display, is referenced to the intended viewing</p> <p>7 direction, the normal direction, from the plane of</p> <p>8 the display.</p> <p>9 Q And if something is in the line through</p> <p>10 which light travels from the display to the eye,</p> <p>11 it is above something else in that line?</p> <p>12 A Could you repeat the question, please?</p> <p>13 Q If you have two components in the</p> <p>14 structure and one component is in the line through</p> <p>15 which light travels from the display to the eye,</p> <p>16 how do you determine whether it is above the other</p> <p>17 component?</p> <p>18 A Again, that direction gives you the</p> <p>19 preferred orientation for "above." So if you know</p> <p>20 which way is up, then you can figure out if</p> <p>21 something is above or below something else.</p> <p>22 Q If the viewer moves, would that line and</p> <p>23 definition of "above" move?</p> <p>24 A Again, a display has a preferred viewing</p> <p>25 direction. You talked about viewing angle before.</p>
<p>78</p> <p>1 angle."</p> <p>2 Do you see that statement?</p> <p>3 A Yes.</p> <p>4 Q What is that referring to?</p> <p>5 ATTORNEY WEISS: Objection, scope.</p> <p>6 A Viewing angle for a display for a</p> <p>7 self-emissive device refers to the range of angles</p> <p>8 over which you can see some light from the</p> <p>9 display.</p> <p>10 Q In paragraph 78, you refer to, "The line</p> <p>11 through which light travels from the display to</p> <p>12 the eye."</p> <p>13 Do you see that phrase?</p> <p>14 A Yes.</p> <p>15 Q Where is that line or, for example, with</p> <p>16 respect to figure 5?</p> <p>17 A I didn't offer an opinion on that, but</p> <p>18 again, if you look at 78 and 79 together, I know</p> <p>19 102 is the substrate that tells me which way up</p> <p>20 is, the viewing direction for a display is</p> <p>21 referenced to perpendicular to the frame of the</p> <p>22 display, or as close as possible. Some displays</p> <p>23 are curved, so it's -- there's not necessarily one</p> <p>24 unique perpendicular direction, but there is</p> <p>25 clearly a preferred direction for the display.</p>	<p>80</p> <p>1 Viewing angles can be large, they can go up to</p> <p>2 almost 180 degrees, which means that you can see</p> <p>3 something, a little bit of light from the side,</p> <p>4 but if you look at the light distribution pattern,</p> <p>5 it's focussed in that normal direction, and that's</p> <p>6 the reference. If the viewer moves around, it</p> <p>7 doesn't change what "up" is for the display</p> <p>8 structure.</p> <p>9 Q The direction of light emission is not</p> <p>10 claimed in claim 1 of the '509 patent, correct?</p> <p>11 A No, the direction of light emission is not</p> <p>12 discussed.</p> <p>13 Q The preferred viewing direction is not</p> <p>14 discussed in claim 1, correct?</p> <p>15 A No, it is not.</p> <p>16 Q What if a reflector is used to reflect the</p> <p>17 light emitted by the LED before it's viewed by the</p> <p>18 viewer? Would that change the frame of reference</p> <p>19 for "above"?</p> <p>20 A Could you repeat the question, please?</p> <p>21 Q What if a reflector is used to reflect the</p> <p>22 light emitted by the LED prior to it being</p> <p>23 observed by the viewer? Would that change the</p> <p>24 frame of reference for "above"?</p> <p>25 A It's a peculiar question, and there is not</p>

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<p>81</p> <p>1 enough details to answer that.</p> <p>2 Q In claim 12 of the '509 patent recites a</p> <p>3 "top emission device."</p> <p>4 What does "top emission" mean?</p> <p>5 A The emission goes away from the substrate.</p> <p>6 Q And claim 1 is not limited to a top</p> <p>7 emission device, correct?</p> <p>8 A That would be correct.</p> <p>9 Q What is a bottom emission device?</p> <p>10 ATTORNEY WEISS: Objection, form, scope.</p> <p>11 A The light goes in a downward direction.</p> <p>12 (Bretschneider Exhibit I, Yamazaki Patent,</p> <p>13 marked for identification.)</p> <p>14 Q Okay. I just uploaded what is Exhibit I.</p> <p>15 It's a patent to Yamazaki. If you could open that</p> <p>16 and flip to paragraph -- I'm sorry, figure 12B,</p> <p>17 when you get a chance. Let me know when you're</p> <p>18 there.</p> <p>19 A What paragraph?</p> <p>20 Q Figure 12B.</p> <p>21 A Okay.</p> <p>22 Q All right. And you see the big, thick</p> <p>23 white arrow pointed up from the LED in the middle</p> <p>24 of figure 12B?</p> <p>25 A Yes.</p>	<p>83</p> <p>1 is the '121 patent?</p> <p>2 A Okay.</p> <p>3 Q Do you see column 1, at line 30, there is</p> <p>4 a sentence that says, "For bottom-emission pixels,</p> <p>5 a storage capacitor having a greater capacitance</p> <p>6 may disadvantageously result in a smaller aperture</p> <p>7 ratio."</p> <p>8 Do you see that sentence?</p> <p>9 A Yes.</p> <p>10 Q So for a bottom-emission pixel like in the</p> <p>11 '121 patent, which way is above?</p> <p>12 ATTORNEY WEISS: Object to form, scope.</p> <p>13 A I'll point out that the '121 patent</p> <p>14 repeatedly uses the term "substrate," and again,</p> <p>15 we've talked about the clear understanding of</p> <p>16 "substrate." The substrate provides the</p> <p>17 information which way is down.</p> <p>18 Q Okay. So when the -- is it fair to say</p> <p>19 that your opinion in 79 controls when there is a</p> <p>20 contradiction between -- well, I said</p> <p>21 "contradiction." Let me withdraw that.</p> <p>22 Is it fair to say that your opinion in 79</p> <p>23 controls when the direction that light is emitted</p> <p>24 is through the substrate?</p> <p>25 ATTORNEY WEISS: Objection to form.</p>
<p>82</p> <p>1 Q And if you scroll down, on figure 14, you</p> <p>2 see the big white arrow pointing down through the</p> <p>3 substrate and from the LED?</p> <p>4 A Yes.</p> <p>5 Q So in a bottom-emission LED, which way is</p> <p>6 up?</p> <p>7 ATTORNEY WEISS: I'm going to object and</p> <p>8 instruct you not to answer. This is IPR</p> <p>9 substance, as well as outside of what he's put in</p> <p>10 the declaration on. I instruct you not to answer.</p> <p>11 Q Are you going to follow that instruction?</p> <p>12 A Since I didn't reference Yamazaki in my</p> <p>13 claim construction declaration, yes.</p> <p>14 Q In a bottom-emission LED structure, would</p> <p>15 your opinion in paragraph 78 or 79 control</p> <p>16 regarding the direction for "above"?</p> <p>17 ATTORNEY WEISS: I'm going to object as</p> <p>18 outside the scope and instruct him not to answer.</p> <p>19 This is getting into IPR issues, as evidenced by</p> <p>20 your citing to the Exhibit I reference, and it not</p> <p>21 having anything to do with the arguments in claim</p> <p>22 construction here.</p> <p>23 Q Are you going to follow that instruction?</p> <p>24 A Yes.</p> <p>25 Q Okay. Can you go back to Exhibit D, which</p>	<p>84</p> <p>1 A I'll say that when the term "substrate" is</p> <p>2 used, it provides a clear enough reference by</p> <p>3 itself.</p> <p>4 Q For a bottom-emission pixel, should the</p> <p>5 cross-section be oriented such that the substrate</p> <p>6 is down and the light -- direction of light</p> <p>7 emission is down on the page, or should it be</p> <p>8 oriented in a different direction?</p> <p>9 ATTORNEY WEISS: Objection to form, scope.</p> <p>10 A Again, I never stated which way it should</p> <p>11 be oriented on the page. But you keep talking</p> <p>12 about "substrate," and I -- I have repeatedly said</p> <p>13 what the clear meaning of how the term "substrate"</p> <p>14 was derived. That provides the orientation</p> <p>15 direction.</p> <p>16 Q And the substrate provides that</p> <p>17 orientation regardless of the line through which</p> <p>18 light travels from the display through to the eye?</p> <p>19 A The "substrate" term is clear by itself.</p> <p>20 Q And when the substrate in the direction of</p> <p>21 light emission would lead to opposite results,</p> <p>22 which one controls?</p> <p>23 ATTORNEY WEISS: Object to form.</p> <p>24 A I haven't provided an opinion on that.</p> <p>25 Q The '509 patent --</p>

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<p>85</p> <p>1 A Does -- I'll make a comment, looking at 2 the '121 patent, column 1, starting at about line 3 62, there is a clear statement that helps 4 reinforce my opinion: "Each pixel includes a 5 first capacitor in the first area, including a 6 first semiconductor layer over the substrate." 7 It doesn't say it's under; it says it's 8 over. 9 ATTORNEY WEISS: Which reference are you 10 reading from, sir? 11 THE WITNESS: Column 1. 12 ATTORNEY WEISS: Which exhibit? 13 THE WITNESS: Oh, Exhibit D. 14 (Reporter clarification.) 15 ATTORNEY ERICKSON: "D" as in David, yes. 16 A Then for the '509 patent, paragraph 80 17 makes a similar comment, "The specification 18 discloses that the light-emitting device 130 is 19 located above the first auxiliary electrode" -- 20 Q There is -- 21 A -- in figure 2. 22 Q There is no question pending. 23 (Bretschneider Exhibit J, '801 Patent, 24 marked for identification.) 25 Q I've uploaded Exhibit J. It's the '801</p>	<p>87</p> <p>1 attached to each other, and we've gone to a 2 completely different topic. 3 Q Well, in looking at a completed device 4 like -- that implements something like figure 2C, 5 you would have to know how it was manufactured to 6 know which substrate represented "down" under your 7 opinion, correct? 8 ATTORNEY WEISS: Objection, scope, form. 9 A I'm just going to state, in column 2, 10 starting at line 46, "TFT," in figures 2A and 2C, 11 "A TFT array substrate 232 and a colored filter 12 substrate 260 opposite thereto are provided." 13 If you want to go into discussions on 14 colored filter substrate and the clear 15 implications of viewing directions, we can do 16 that, but you have two substrates. It's not a 17 single device formed on one substrate. So you're, 18 again, going into different areas, you're trying 19 to imply that I have a substrate and that I did 20 another substrate. These are two that were 21 attached, and the references are clear here. 22 Q So which way is up and down -- or, I'm 23 sorry, which substrate is above the other 24 substrate, in figure 2C? 25 ATTORNEY WEISS: Objection, form, scope.</p>
<p>86</p> <p>1 patent that you have opined about. 2 If you can turn to figure 2C of Exhibit J 3 when you get a chance, and let me know when you're 4 there. 5 A Okay. 6 Q How many substrates are in figure 2C? 7 ATTORNEY WEISS: Objection, scope. 8 A I don't believe I provided an opinion on 9 that, and I haven't read through the patent 10 considering that. 11 Q Well, claim 9 opined on -- recites a first 12 substrate and a second substrate opposite thereto, 13 correct? 14 ATTORNEY WEISS: Objection, scope. 15 A That is what claim 9 states. 16 Q In figure 2C, there is the TFT LCD 17 substrate 232 and the color filter substrate 260, 18 correct? 19 ATTORNEY WEISS: Objection, scope. 20 A That is the designation, yes. 21 Q So neither one of those is called a 22 "superstrate," correct? 23 ATTORNEY WEISS: Objection, scope. 24 A I never provided an opinion, and we're 25 getting into a construction where things are</p>	<p>88</p> <p>1 A I'm going to say we've switched patents 2 here, and for the '801 patent, my declaration was 3 talking about a material layer formed on the first 4 substrate. 5 Q So referring to the portion of your 6 declaration discussing "disposed above," and so 7 which substrate in figure 2C is disposed above the 8 other substrate? 9 ATTORNEY WEISS: Objection, form, scope. 10 That language isn't in this patent, so it's a 11 confusing question. 12 A And I don't believe I referenced or cited 13 the '801 patent in regards to "above." So again, 14 if you want me to review it and consider the whole 15 patent to answer the question, I'm not going to do 16 it off-cuff. 17 Q Do you have an opinion as to how the jury 18 would apply your construction in paragraph 79 to a 19 device that contains multiple substrates? 20 ATTORNEY WEISS: Objection, form, scope. 21 A I would say that was incomplete. I just 22 heard "a device that contains." 23 Q Multiple substrates. 24 ATTORNEY WEISS: Objection, form, scope. 25 A I haven't considered that, and that hasn't</p>

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<p>89</p> <p>1 been brought up as an issue, and again, I'm not 2 going to answer or form an opinion off-cuff. As 3 you've asked an open-ended question, it can't be 4 interpreted. 5 (Bretschneider Exhibit K, Farrier Patent, 6 marked for identification.) 7 Q Okay. I've uploaded what's been marked as 8 Exhibit K. It's a patent to Farrier. Do you see, 9 on the cover, there is some illustrations of a 10 substrate 10, with semiconductor material built up 11 on both sides. 12 Do you see those figures? 13 A Not clearly. I'm not familiar with this 14 patent. 15 Q In general, are you familiar with the 16 semiconductors that are manufactured on two sides 17 of a substrate? 18 ATTORNEY WEISS: Object to scope. 19 A This is going outside of what I've opined 20 on in my claim construction declaration. 21 Q Do you have an opinion on how the jury 22 would apply your construction of "above," in 23 paragraph 79, with respect to semiconductor 24 devices that are built up on both sides of a 25 substrate?</p>	<p>91</p> <p>1 seen before, so are we talking -- are you talking 2 claim 1 of Ferrier? 3 Q Claim 1 of the '509 patent. You said my 4 question was exceptionally poor, "because at the 5 scale of pixels, everything is planar," so I'm 6 assuming you are referring to the pixels of claim 7 1 of the '509 patent; is that correct? 8 A No, the '509 patent doesn't discuss curved 9 displays, so you asked me a question outside of 10 the scope of the patents, more just displays in 11 general. 12 Q All right. So -- 13 A I mean, I can state semiconductor 14 processing is based on planar surfaces. And 15 beyond that, I'm going to have to assume things 16 that aren't in the patent. 17 Q Okay. Turning to figure 5 in the '509 18 patent, is element 138 above element 120? I'm 19 sorry, let me rephrase that. 20 Is element 138 disposed above element 120, 21 in figure 5? 22 ATTORNEY WEISS: Objection to form, scope. 23 A I haven't even discussed element 138. 24 Again, you're going outside of what's in my claim 25 construction declaration.</p>
<p>90</p> <p>1 ATTORNEY WEISS: Object to scope and form. 2 A Again, I haven't seen this before, but 3 just reviewing the abstract, this is a detector 4 device, this isn't a display or emitter. So you 5 are asking something -- questions that, as far as 6 I can tell, it's not even relevant art. So again, 7 I haven't seen this, I haven't reviewed it. If 8 you want to give me the time to review it and form 9 an opinion, I could do that, but I'd probably miss 10 my flight home. 11 Q You mentioned "curved displays" earlier. 12 If a substrate is not planar, how does that impact 13 your opinion on how a POSITA would determine 14 whether one component is above another component? 15 ATTORNEY WEISS: Objection, scope, form. 16 A I would say, in general, it's an 17 exceptionally poor question, because at the scale 18 of pixels, everything is planar. These are 19 microns across, versus something that might curve 20 over multiple inches. 21 Q So all of the elements in claim 1 would be 22 within microns of each other because they're 23 present in the same pixels? 24 A Forgive me, I'm not even sure which claim 25 1 -- you've sent me to patents that I haven't even</p>	<p>92</p> <p>1 Q Can you apply your opinion regarding what 2 "disposed above" means to tell me whether element 3 138 is disposed above element 120? 4 ATTORNEY WEISS: Objection, scope, form. 5 A I'm honestly not clear what you're asking 6 about, because we've been talking about "above" 7 and "below," but there are also issues disposed at 8 the side of. So I feel like you're asking me 9 "above" or "below," and what you're really trying 10 to say is "at the side of." So it makes it 11 unclear what we're actually talking about here. 12 Q Yeah, I'm -- I just want to know whether 13 you can apply your opinion regarding "disposed 14 above" to tell me whether element 138 is disposed 15 above element 120? 16 ATTORNEY WEISS: Objection, scope, form. 17 A If we're only talking about "above" or 18 "below," then, again, 102 is the substrate, it 19 provides a reference for down. So 138 would be 20 above 120. 21 Q Okay. So my question was specifically to 22 "disposed above." 23 Can you apply your opinion regarding 24 "disposed above" to tell me whether element 138 is 25 disposed above element 120?</p>

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<p>93</p> <p>1 ATTORNEY WEISS: Objection, scope, form.</p> <p>2 A Again, we've been talking about "above" or</p> <p>3 "below," but located above. And it's not really</p> <p>4 clear to me what you're asking. Is it directly</p> <p>5 above or is it somewhere above?</p> <p>6 Q So in paragraph 67 of your declaration,</p> <p>7 the title of the section is "disposed above." And</p> <p>8 you use that term repeatedly, in quotes,</p> <p>9 paragraphs 77. So can you apply your</p> <p>10 understanding of "disposed above" to tell me</p> <p>11 whether element 138 is disposed above element 120?</p> <p>12 ATTORNEY WEISS: Objection, form, scope.</p> <p>13 A Again, what I've stated, it's above.</p> <p>14 Q Is element 138 disposed at a side of</p> <p>15 element 120?</p> <p>16 ATTORNEY WEISS: Objection, scope, form.</p> <p>17 A Again, my opinions were relative</p> <p>18 directions. So if you know "above" and "below,"</p> <p>19 then you also have a reference for "to the side</p> <p>20 of."</p> <p>21 Q In your opinion, is element 138 disposed</p> <p>22 at a side of element 120?</p> <p>23 ATTORNEY WEISS: Objection, scope, form.</p> <p>24 A I didn't consider element 138, since we've</p> <p>25 clearly moved to a different part of my</p>	<p>95</p> <p>1 sure which question you're asking, honestly.</p> <p>2 Q Moving to paragraph 87 of your</p> <p>3 declaration. This is where you address -- begin</p> <p>4 addressing the '842 patent.</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q All right. I think I forgot a question on</p> <p>8 the '509 patent.</p> <p>9 Claim 1 -- well, no claim of the '509</p> <p>10 patent claims the substrate, correct?</p> <p>11 A I don't see the word "substrate" in the</p> <p>12 claims of the '509 patent.</p> <p>13 Q Oh, sorry about that, moving back to the</p> <p>14 '842 patent.</p> <p>15 In your declaration, you do not discuss</p> <p>16 the intrinsic record of the '842 patent other than</p> <p>17 to cite claim 7; is that correct?</p> <p>18 A That's correct.</p> <p>19 Q Claim 7 does not -- well, claim 7 claims a</p> <p>20 backlight package, correct?</p> <p>21 A That's the preamble.</p> <p>22 Q And in the specification, the '842 talks</p> <p>23 about the backlight package could be used as part</p> <p>24 of an LCD display, right?</p> <p>25 A I don't have the '842 patent in front of</p>
<p>94</p> <p>1 declaration, Paragraph 93, talking about element</p> <p>2 130 and element 460. Element 460 is to the side</p> <p>3 of element 130.</p> <p>4 Q Sitting here today, can you tell me</p> <p>5 whether element 138 is disposed at a side of</p> <p>6 element 120?</p> <p>7 ATTORNEY WEISS: Objection, scope, form.</p> <p>8 A What I state in paragraph 91, "The meaning</p> <p>9 of this phrase is reasonably certain to a POSITA,</p> <p>10 and 'disposed at the side of' should be given its</p> <p>11 plain and ordinary meaning in this claim, which</p> <p>12 requires that, in a cross-sectional view, the</p> <p>13 auxiliary electrode be disposed of the side of" --</p> <p>14 it should be "at the side" or "to the side of" --</p> <p>15 "the light-emitting device."</p> <p>16 Q So is element 138 disposed at a side of</p> <p>17 element 120?</p> <p>18 ATTORNEY WEISS: Objection, form, scope.</p> <p>19 A And the way we went almost seamlessly from</p> <p>20 "above" and "below" to "at the side of," I feel</p> <p>21 like -- I'm just not sure, do you want one or the</p> <p>22 other, or is it "above" and "to the side of," is</p> <p>23 it just "above," is it just "to the side of"?</p> <p>24 You're not making it clear which part of my</p> <p>25 declaration I should even be looking at. I'm not</p>	<p>96</p> <p>1 me.</p> <p>2 Q Will you agree that the specification</p> <p>3 talks about using the backlight package as part of</p> <p>4 a display? I'll withdraw that.</p> <p>5 Claim 7 does not recite a display,</p> <p>6 correct?</p> <p>7 A Explicitly, no, but implicitly, if it's a</p> <p>8 backlight, something is being backlit.</p> <p>9 Q The backlight package, claim 7 could read</p> <p>10 on a component that's not yet in a display,</p> <p>11 correct?</p> <p>12 A Again, I don't have the '842 patent to</p> <p>13 reference right now, so I'm trying not to go from</p> <p>14 memory and be precise.</p> <p>15 Q Just looking at claim 7, you can find all</p> <p>16 the elements of claim 7 in just a backlight</p> <p>17 package that has not yet been combined with the</p> <p>18 other elements of a display, correct?</p> <p>19 ATTORNEY WEISS: Objection, scope.</p> <p>20 A Could you repeat the question, please?</p> <p>21 Q Nothing in claim 7 requires a display,</p> <p>22 correct?</p> <p>23 ATTORNEY WEISS: Objection, scope.</p> <p>24 A I can say that "display" is not in the</p> <p>25 claim. Again, you haven't allowed me to review</p>

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<p>97</p> <p>1 the patent, but one of the claim elements is a</p> <p>2 light-guiding plate. So this isn't just a</p> <p>3 package, this is a package being used with a</p> <p>4 light-guiding plate.</p> <p>5 Q On paragraph 88, you state, in the second</p> <p>6 sentence, you refer to "the same reasons as</p> <p>7 explained above."</p> <p>8 Do you see that reference?</p> <p>9 A Could you repeat the question? The</p> <p>10 connection wasn't very good.</p> <p>11 Q In paragraph 88, your second sentence, you</p> <p>12 refer to "the same reasons as explained above."</p> <p>13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q And we spoke at length about your opinion</p> <p>16 in paragraph 79, which is directed to the field of</p> <p>17 semiconductor growth and processing.</p> <p>18 Is your opinion in paragraph 79 relevant</p> <p>19 to the '842 patent?</p> <p>20 A I'm trying to be precise, because you --</p> <p>21 if you have the backlight package, that's an LED,</p> <p>22 so semiconductors are involved in making LEDs. So</p> <p>23 there is a -- there is a path to semiconductor</p> <p>24 processing and fabrication, but the topic is more</p> <p>25 specific to LED packaging and used with a</p>	<p>99</p> <p>1 me know when you have it.</p> <p>2 (Bretschneider Exhibit L, Chou Patent,</p> <p>3 marked for identification.)</p> <p>4 A Okay.</p> <p>5 Q All right. If you could turn to figure 4</p> <p>6 of the '842 patent, and let me know when you're</p> <p>7 there.</p> <p>8 A Okay.</p> <p>9 ATTORNEY WEISS: Can you repeat that, I'm</p> <p>10 sorry, I didn't understand you.</p> <p>11 ATTORNEY ERICKSON: Figure 4 of the '842</p> <p>12 patent.</p> <p>13 Q And let me start with, I guess, a</p> <p>14 foundational question, Dr. Bretschneider.</p> <p>15 Do you feel like your opinion in paragraph</p> <p>16 78 relative to the proper frame of reference for</p> <p>17 "above" is applicable to the '842 patent?</p> <p>18 A Yes.</p> <p>19 Q And in your opinion, is your opinion in</p> <p>20 paragraph 77 applicable to the correct frame of</p> <p>21 reference for "above" in the '842 patent?</p> <p>22 A Paragraph 77 talks about the first</p> <p>23 auxiliary electrode, which isn't a part of the</p> <p>24 '842 patent, so there is an obvious disconnect</p> <p>25 there.</p>
<p>98</p> <p>1 backlight, but when you ask about the</p> <p>2 semiconductor industry and you ask about an LED,</p> <p>3 there is always some connection. I can't divorce</p> <p>4 those two topics completely.</p> <p>5 Q Fair enough.</p> <p>6 With respect to the frame of reference for</p> <p>7 whether the second portion is extending above the</p> <p>8 light guide plate, your opinion related to</p> <p>9 semiconductor growth and processing in paragraph</p> <p>10 79 is not relevant, correct?</p> <p>11 A That's correct.</p> <p>12 Q I think I've uploaded Exhibit I -- I'm</p> <p>13 sorry, "L," this should be Exhibit L, and I think</p> <p>14 I mislabeled it "I." No, no, I labelled it "L."</p> <p>15 It's just on the Zoom chat box, it looks like</p> <p>16 exhibit -- at least my eyes can't tell "I" and "L"</p> <p>17 apart.</p> <p>18 So at any rate, if you could open up or</p> <p>19 download the '842 patent, and let me know when you</p> <p>20 have it open.</p> <p>21 ATTORNEY WEISS: You uploaded Exhibit I,</p> <p>22 the Yamazaki again, I think?</p> <p>23 THE WITNESS: It came back Yamazaki.</p> <p>24 ATTORNEY ERICKSON: Makes sense. Sorry</p> <p>25 for the confusion. Exhibit L is on its way. Let</p>	<p>100</p> <p>1 Q Okay. All right. So turning back to</p> <p>2 figure 4 of Exhibit L, the '842 patent.</p> <p>3 Figure 4 illustrates the only disclosed</p> <p>4 embodiment in the '842 patent, correct?</p> <p>5 A I'll say I believe so. I don't -- I</p> <p>6 didn't review the patent specifically counting</p> <p>7 embodiments, but I believe you that's the case.</p> <p>8 Q In figure 4, the second portion, 44B, is</p> <p>9 below the light guide plate 48, correct?</p> <p>10 ATTORNEY WEISS: Objection, form, scope.</p> <p>11 A I haven't offered that opinion.</p> <p>12 Q Do you have an opinion, sitting here</p> <p>13 today, whether the second portion, 44B, is below</p> <p>14 the light guide plate 48?</p> <p>15 ATTORNEY WEISS: Same objections.</p> <p>16 A Again, I didn't offer the opinion, because</p> <p>17 it's talking about the light guide plate. The</p> <p>18 rest of the display isn't there.</p> <p>19 Q In figure 4, the direction of light</p> <p>20 emission is shown by the horizontal arrow 47,</p> <p>21 correct?</p> <p>22 ATTORNEY WEISS: Objection, form, scope.</p> <p>23 A Actually, 47 is described as the</p> <p>24 longitudinal axis of the light guide plate.</p> <p>25 Q What is the direction of light emission</p>

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<p>101</p> <p>1 from the LEDs in figure 4?</p> <p>2 ATTORNEY WEISS: Objection, form, scope.</p> <p>3 A I would say primarily towards the center,</p> <p>4 there is some issues the way the construction is,</p> <p>5 LED chips emit light over a wide range of angles,</p> <p>6 but I would say the optical axis is towards the</p> <p>7 center.</p> <p>8 Q Is that line through which light travels</p> <p>9 relevant to the frame of reference for determining</p> <p>10 "above"?</p> <p>11 A No, that's just the direction to inject</p> <p>12 light into the light guide plate.</p> <p>13 Q You mentioned figure 4 does not show the</p> <p>14 location of the other portions of the display,</p> <p>15 correct?</p> <p>16 A I believe that's correct.</p> <p>17 Q And figure 4 does not illustrate the</p> <p>18 location of the viewer relative to the light guide</p> <p>19 plate 48, correct?</p> <p>20 A I don't believe "viewer" is discussed in</p> <p>21 the patent --</p> <p>22 (Reporter clarification.)</p> <p>23 A I don't believe the word "viewer" is used</p> <p>24 in the patent or the direction of "viewer" is</p> <p>25 discussed.</p>	<p>103</p> <p>1 plates in displays. A person of ordinary skill in</p> <p>2 the art would be familiar with all of those</p> <p>3 details.</p> <p>4 Q Is it your opinion that, once the</p> <p>5 backlight package is used in a display, one of</p> <p>6 ordinary skill in the art would be able to</p> <p>7 determine the proper frame of reference for</p> <p>8 "above"?</p> <p>9 ATTORNEY WEISS: Object to form.</p> <p>10 A Could you repeat the question, please?</p> <p>11 Q Is it your opinion that, once the</p> <p>12 backlight package in the '842 patent is used in a</p> <p>13 display, one of ordinary skill in the art would be</p> <p>14 able to determine the proper frame of reference</p> <p>15 for "above"?</p> <p>16 ATTORNEY WEISS: Same objection.</p> <p>17 A That's a reasonable conclusion.</p> <p>18 Q Is it your opinion that the backlight</p> <p>19 package illustrated in figure 4 does not provide</p> <p>20 enough information to determine the proper frame</p> <p>21 of reference for "above"?</p> <p>22 ATTORNEY WEISS: Objection to scope, form.</p> <p>23 A I don't believe I provided an opinion on</p> <p>24 figure 4 in my declaration.</p> <p>25 Q Once the backlight package in the '842</p>
<p>102</p> <p>1 Q So do you have any way to apply your</p> <p>2 opinion in paragraph 78 of your declaration to the</p> <p>3 embodiment disclosed in figure 4?</p> <p>4 ATTORNEY WEISS: Objection, scope, form.</p> <p>5 A There are ways to do it, but I have to go</p> <p>6 into a discussion on light guide plates and their</p> <p>7 use in displays, which I did not include in my</p> <p>8 declaration.</p> <p>9 Q And you're not providing any opinion along</p> <p>10 those lines for purposes of this claim</p> <p>11 construction proceeding?</p> <p>12 A Could you repeat the question, please?</p> <p>13 Q You're not providing any opinion regarding</p> <p>14 how you would apply your opinion in paragraph 78</p> <p>15 to the '842 patent, correct?</p> <p>16 A I'm stating a person of ordinary skill in</p> <p>17 the art would not have an issue with the "disposed</p> <p>18 above" phrase.</p> <p>19 Q But you're not offering any opinion</p> <p>20 regarding how the criteria you explain in</p> <p>21 paragraph 78 could be applicable to the '842</p> <p>22 patent, correct?</p> <p>23 ATTORNEY WEISS: Object to form.</p> <p>24 A I'll try to be more specific again. I did</p> <p>25 not include details of the use of light guide</p>	<p>104</p> <p>1 patent is used in a display, how would one of</p> <p>2 ordinary skill in the art determine the proper</p> <p>3 frame of reference for "above"?</p> <p>4 A By considering the intended viewing</p> <p>5 direction of the display.</p> <p>6 Q Let's assume that, in the completed</p> <p>7 device, the intended viewing direction is -- the</p> <p>8 viewer would be located higher on the page as</p> <p>9 illustrated for figure 4.</p> <p>10 Do you understand that hypothetical? Is</p> <p>11 that clear?</p> <p>12 A Yes.</p> <p>13 Q Okay. So the viewer is kind of at the top</p> <p>14 of the page, looking down the page, if you will,</p> <p>15 at the light guide plate 48.</p> <p>16 In that hypothetical, would the second</p> <p>17 portion, 44B, extend above the light guide plate</p> <p>18 48?</p> <p>19 ATTORNEY WEISS: Objection to form, scope.</p> <p>20 A You're asking me to make assumptions about</p> <p>21 the figure, and when I look at the details of the</p> <p>22 construction of the LEDs and the light guide</p> <p>23 plate, there is some other elements that need to</p> <p>24 be considered, and I don't think it's fair to make</p> <p>25 a blanket assumption that the viewer is going to</p>

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<p>105</p> <p>1 be in that direction. Again, they're details of 2 how light guide plates are used for backlight 3 units, that I didn't include, because it can be a 4 lengthy topic. So I can go along with you as a 5 hypothetical, but understanding that it's a 6 hypothetical, I still have difficulty answering, 7 because there's a lot of factors that I have to 8 consider, and you're asking me to ignore those 9 factors.</p> <p>10 Q Are any of those factors set out in the 11 specification of the '842 patent?</p> <p>12 ATTORNEY WEISS: Objection, scope.</p> <p>13 A Explicitly, no; implicitly, it's a 14 backlight unit. There is a lot that goes on 15 there, and there could be pages talking about 16 backlight units, but it's assumed that a person of 17 ordinary skill in the art is familiar with those 18 issues, and we can talk about them, but again, 19 it's a very in-depth topic.</p> <p>20 Q You did not address that topic in your 21 declaration, correct?</p> <p>22 A I stated, "I disagree that a POSITA would 23 not reasonably understand the appropriate frame of 24 reference to judge 'extending above.' Nothing in 25 the claims, specification, or file history of the</p>	<p>107</p> <p>1 ACKNOWLEDGMENT OF DEPONENT 2 I, ERIC BRETSCHNEIDER, Ph.D., do hereby 3 acknowledge that I have read and examined the 4 foregoing testimony and the same is a true, 5 correct, and complete transcription of the 6 testimony given by me and any corrections appear 7 on the attached errata sheet signed by me. 8 9 _____ 10 (SIGNATURE) (DATE) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>106</p> <p>1 '842 patent contradicts the plain and ordinary 2 meaning of this phrase to a POSITA." 3 Q And that's all you said, correct? 4 A With respect to this, earlier, I did also 5 state about the relevant experience and training 6 of a POSITA. 7 ATTORNEY ERICKSON: All right. Let's take 8 a five-minute break. Go off the record. 9 THE VIDEOGRAPHER: Stand by. We are going 10 off the record. The time is 2:44 P.M. 11 (Recess.) 12 THE VIDEOGRAPHER: We are going back on 13 the record, and the time is 2:53 P.M. 14 ATTORNEY ERICKSON: Okay. I have no 15 further questions. We reserve all rights 16 regarding the improper instructions not to answer, 17 including seeking to strike Dr. Bretschneider's 18 testimony and declaration. We pass the witness. 19 ATTORNEY WEISS: We disagree that there 20 are any improper objections, but we have no 21 questions at this time, and we'll read and sign. 22 THE VIDEOGRAPHER: Thank you. Stand by. 23 This marks the end of the deposition. We 24 are going off the record. The time is 2:53 P.M. 25 (Time Noted: 2:53 P.M.)</p>	<p>108</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC 2 I, ANITA M. TROMBETTA, RMR, CRR, and Certified 3 California Shorthand Reporter, the officer before 4 whom the foregoing deposition was taken, do hereby 5 certify that the foregoing transcript is a true 6 and correct record of the testimony given; that 7 said testimony was taken by me stenographically 8 and thereafter reduced to typewriting under my 9 direction; that reading and signing was requested; 10 and that I am neither counsel for, related to, 11 nor employed by any of the parties to this case 12 and have no interest, financial or otherwise, in 13 its outcome. 14 IN WITNESS WHEREOF, I have hereunto set my 15 hand and affixed my notarial seal this 20th day of 16 May, 2025. 17  18 _____ 19 My commission expires: 10.07.2025 20 21 22 23 24 25</p>

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