

In The Matter Of:
Wintek Corporation v.
TPK Touch Solutions, Inc.

Tsung Liang (Ted) Tsai
September 19, 2014

Behmke Reporting and Video Services, Inc.
160 Spear Street, Suite 300
San Francisco, California 94103
(415) 597-5600

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1 UNITED STATES PATENT AND TRADEMARK OFFICE
 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
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 5 - - - - -)
 6 WINTEK CORPORATION,)
 7 Petitioner,)
 8) CASE NO.
 9 v.) IPR2013-00567;
 10) IPR2013-00568;
 11 TPK TOUCH SOLUTIONS, INC.,) IPR2013-0541
 12 Patent Owner.)
 13 - - - - -)
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 15
 16
 17 DEPOSITION OF TSUNG LIANG (TED) TSAI
 18 FRIDAY, SEPTEMBER 19, 2014
 19
 20
 21 BEHMKO REPORTING AND VIDEO SERVICES, INC.
 22 BY: TERRI A. HOURIGAN, CSR NO. 3838
 23 160 SPEAR STREET, SUITE 300
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 17
 18 ALSO PRESENT:
 19 HUANYI LIN, IN-HOUSE COUNSEL FOR TPK.
 20 YONGMEI LIU, INTERPRETER
 21 MIMI S. J. LAIN, INTERPRETER
 22
 23
 24
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 8 Deposition of TSUNG LIANG (TED) TSAI, taken on
 9 behalf of WINTEK CORPORATION, PETITIONER, at Law Offices
 10 of Quinn Emanuel Urquhart & Sullivan, 50 California
 11 Street, 22nd Floor, San Francisco, California,
 12 commencing at 10:19 A.M., FRIDAY, SEPTEMBER 19, 2014,
 13 before Terri A. Hourigan, Certified Shorthand Reporter
 14 No. 3838, pursuant to Notice of Deposition.
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 6 -o0o-
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 8 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:
 9 PAGE LINE
 10 None.
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Number	Description	Page
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1 So Derek, as TPK's counsel, I just want to make
2 sure that is accurate.
3 MR. TANG: Yes, that's accurate. Thank you.
4 BY MR. PALYS:
5 Q. Derek, just to make sure the record is clear, I
6 want to give you an opportunity to explain whether in
7 fact TPK's counsel did in fact schedule a reporter from
8 TSG; is that true?
9 MR. TANG: We will look into this. It was our
10 understanding that we had. We will look into it.
11 MR. PALYS: With that, we can begin.
12 Good morning, sir.
13 THE WITNESS: Good morning.
14 BY MR. PALYS:
15 Q. Can you please state your name?
16 A. Tsung Liang Tsai.
17 Q. Are you also known as Ted Tsai?
18 A. Yes.
19 Q. And Mr. Tsai, did you provide a declaration for
20 the IPR proceedings involving TPK's patent?
21 A. Yes.
22 Q. And by TPK's patent, I mean, sir, US Patent
23 No. 8217902.
24 Do you understand?
25 A. Yes.

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1 FRIDAY, SEPTEMBER 19, 2014; 10:19 A.M.
2 TSUNG LIANG (TED) TSAI
3 having been first duly sworn, testified as follows:
4
5 EXAMINATION
6 BY MR. PALYS:
7 Q. All right. This is Joseph Palys. For the
8 record, this is the deposition of Mr. Ted Tsai. This is
9 in regards to IPR 2013-567, IPR 2013-00541, and
10 IPR 2013-00568.
11 Before we get into this, I want to put some
12 information on the record. It's approximately 10:20 in
13 the morning Pacific Time which is almost one and a half
14 hours after the scheduled start time of the deposition
15 at nine o'clock.
16 My understanding is that the delay was caused
17 because no court reporter had arrived this morning at
18 nine o'clock to begin recording.
19 I understand from TPK counsel they had
20 scheduled a reporter from TSG Reporting agency but the
21 reporter did not arrive or that it was possible the
22 agency did not have this deposition on its schedule.
23 The court reporter who arrived this morning is
24 from Behme Reporting who informed us that she was called
25 in this morning as an emergency.

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1 MR. PALYS: I'm handing the witness a document
2 previously marked TPK Exhibit 2017.
3 THE WITNESS: Yes.
4 BY MR. PALYS:
5 Q. And Exhibit 2017 is for IPR 2013-00568; is that
6 right, sir?
7 A. 2013-00568, yes.
8 Q. Mr. Tsai, if you could please turn to page 6,
9 of Exhibit 2017.
10 A. Yes.
11 Q. Thank you. Can you please confirm that that is
12 your signature on page 6?
13 A. I signed it, yes.
14 Q. So Exhibit 2017 is your declaration, correct,
15 sir?
16 A. Yes.
17 Q. I want to just clarify for the record, too,
18 sir, is it true you can read and write English?
19 A. Yes. Yes, I have that ability.
20 Q. And do you understand English as it's being
21 spoken in some form?
22 A. Yes. But my ability is concentrated in the
23 business language used in my particular area.
24 Q. Is it fair to say that Mandarin is your native
25 tongue?

1 A. Yes. No problem.
2 **Q. Sir, did you sign or -- start over.**
3 **Mr. Tsai, did you prepare one declaration for**
4 **the IPR matters involving US Patent No. 8217902?**
5 A. May I ask you, when you say "declaration" are
6 you referring to this one?
7 **Q. Yes. So this Exhibit 2017 is your declaration,**
8 **correct?**
9 A. Yes.
10 **Q. Did you prepare another declaration other than**
11 **what is before you?**
12 A. I had another declaration, but I have another
13 declaration.
14 **Q. Okay. Is that other declaration relating to**
15 **these IPR matters?**
16 A. Because some legalese has been used, so I'm not
17 very clear on that but I know that the other declaration
18 is also related to our patent.
19 **Q. Was the other declaration prepared for IPR**
20 **2013-00567?**
21 A. To my knowledge, I'm here to answer questions
22 directed to this declaration but you keep asking about
23 the other declaration.
24 It's difficult for me to answer because I have
25 not prepared myself for that declaration.

1 **the litigation involving TPK and Wintek?**
2 A. Yes, but I still need to clarify. I'm here to
3 answer questions and clarify about this declaration.
4 **Q. I understand. I was just asking, please**
5 **confirm that the other declaration is a declaration you**
6 **submitted in the litigation involving TPK and Wintek.**
7 **THE INTERPRETER LAIN:** May the interpreter clarify.
8 The interpreter has used the word "submitted" in the
9 litigation Wintek and TPK.
10 Would you like to clarify the interpretation
11 based on the question asked?
12 **THE INTERPRETER LIU:** The question did use the word
13 "submit."
14 I stand by my interpretation. May I have the
15 question repeated?
16 (Record read back.)
17 **THE WITNESS:** Yes.
18 **BY MR. PALYS:**
19 **Q. Sir, did you prepare the declaration yourself**
20 **for Exhibit 2017?**
21 A. This document was prepared by me along with the
22 legal department and my own team. They followed my
23 instructions. They followed what I meant to say.
24 **Q. Can you please identify the names of the people**
25 **that helped you prepare this declaration?**

1 **Q. Okay. So, sir, I'm just trying to understand**
2 **you have one declaration here for IPR matter 568,**
3 **correct?**
4 **THE INTERPRETER LAIN:** Interpreter correction.
5 **THE INTERPRETER LIU:** So I stand by my
6 interpretation.
7 **BY MR. PALYS:**
8 **Q. Are we good? And the answer?**
9 A. I prepared this -- are you still asking about
10 the previous declaration? The other declaration?
11 **Q. Yes.**
12 A. The other declaration. So I truly do not
13 understand your question.
14 **Q. Let me help. You understand that your**
15 **declaration in Exhibit 2017 relates to an inter-party's**
16 **review of TPK's 902 Patent, correct, sir?**
17 A. Yes.
18 **Q. Is your declaration in Exhibit 2017, does that**
19 **pertain to both the 568 IPR matter and the 567 IPR**
20 **matter?**
21 A. Yes, yes.
22 **Q. Okay. Thank you. This other declaration you**
23 **brought up that does not pertain to the -- well strike**
24 **all of that.**
25 **Is the other declaration you refer to relate to**

1 **MR. TANG:** Objection. I would like to tell the
2 witness he can answer the question and identify the
3 people.
4 He should not reveal the subject of any
5 privileged communications.
6 **THE WITNESS:** People in the legal department who
7 prepared this document with me are Huanyi Lin.
8 **MR. PALYS:** Can you please provide a spelling of the
9 names?
10 **THE WITNESS:** May I write down the Chinese
11 characters?
12 **MR. PALYS:** Sure.
13 **THE WITNESS:** It's the gentleman that is sitting
14 here with me, and here is his business card.
15 **MR. PALYS:** Can you read the name, please?
16 **THE INTERPRETER LIU:** Interpreter speaking.
17 H-u-a-n-y-i, L-i-n.
18 **BY MR. PALYS:**
19 **Q. Anyone else?**
20 A. Sophia Kuo, K-u-o, last name.
21 **Q. Is Sophie Kuo an attorney?**
22 A. Legal department personnel.
23 **Q. Anyone else, sir?**
24 A. Justin Yew, Y-e-w, last name.
25 **Q. Is Justin an attorney, sir?**

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1 A. No. He is a member of my own department.
2 Justin Tang, T-a-n-g, last name.
3 So the last two people are people within my
4 department and the first two are with the legal
5 department.
6 **Q. Anyone else, sir?**
7 A. No.
8 **Q. Did anyone from Quinn Emanuel assist you with**
9 **this declaration?**
10 A. As far as I know I prepared the declaration
11 with the people that I have just mentioned, but the
12 attorneys may have had discussions with those people.
13 **Q. So these four people are the only people you**
14 **communicated with in preparing your declaration; is that**
15 **correct?**
16 A. Yes.
17 **Q. No telephone calls with anyone else?**
18 A. For the purpose of preparing this declaration?
19 No.
20 **MR. PALYS:** I'm going to mark the page that Mr. Tsai
21 has just identified that list the names of people he
22 said assisted him with the preparation of his
23 declaration in these three IPR matters as Wintek's
24 Exhibit 2025.
25 (Wintek's [Exhibit 1025](#) was marked for

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1 identification by the court reporter.)
2 **THE INTERPRETER LAIN:** May the interpreter clarify?
3 It is actually 1025 rather than 2025.
4 **BY MR. PALYS:**
5 **Q. Mr. Tsai, have you ever been deposed before**
6 **today?**
7 A. Two weeks ago. I was scheduled to do a
8 deposition like this but it was canceled so today is the
9 first time.
10 **Q. You mentioned you provided a declaration --**
11 **another declaration in the litigation involving TPK and**
12 **Wintek, correct?**
13 A. Are you referring to this one?
14 **Q. No. I am just confirming, you have another**
15 **declaration you submitted in the litigation involving**
16 **TPK and Wintek; isn't that right?**
17 A. Yes. There was another declaration in addition
18 to this one.
19 **Q. And is there anything in that other declaration**
20 **you submitted that would be considered inconsistent with**
21 **any of the statements you made in Exhibit 2017?**
22 A. I don't think so.
23 **Q. And was that another declaration you submitted**
24 **was that signed under oath?**
25 A. Can I take another look at the other

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1 declaration so that I can be more sure?
2 **Q. Do you have a copy of it?**
3 A. Not here today, no.
4 **Q. So you would need to see that other declaration**
5 **in order to answer that question; is that right?**
6 **MR. TANG:** Object to form.
7 **THE WITNESS:** I believe so.
8 **BY MR. PALYS:**
9 **Q. Did that other declaration relate to TPK's 902**
10 **Patent?**
11 **MR. TANG:** Objection to the scope.
12 **THE WITNESS:** First, as I said earlier the other
13 declaration is also related to the patent.
14 Second, I have to emphasize, again, all I have
15 done to prepare for this deposition is related to this
16 declaration.
17 I'm a busy person, it's impossible for me to
18 keep reviewing the other document, but you have been
19 going back to this other declaration again and again. I
20 don't think that is fair.
21 **BY MR. PALYS:**
22 **Q. Okay. Have you prepared any other declarations**
23 **other than the two that we talked about?**
24 A. No.
25 **Q. Have you ever testified in court involving a**

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1 **litigation?**
2 A. No.
3 **Q. Sir, I would like to ask you a little bit about**
4 **your background, okay?**
5 A. No problem.
6 **Q. Do you have a university degree?**
7 A. Yes.
8 **Q. What is that degree in?**
9 A. Mechanical engineering.
10 **Q. And where did you get that degree at?**
11 A. Feng Chia University in Taiwan.
12 **Q. Can you spell that, please?**
13 A. You are testing my English.
14 **Q. I understand. The best of your ability. It's**
15 **for the court reporter.**
16 A. If I can use my phone I can look it up so I
17 won't give you a wrong answer.
18 **Q. If you are happy to, yes.**
19 **Here we go, thank you. Is that the name of the**
20 **university?**
21 A. Correct.
22 **Q. It is F-e-n-g C-h-i-a University.**
23 A. Yes, correct.
24 **MR. TANG:** One E.
25 **MR. PALYS:** Yeah, one E.

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