

# Exhibit 1244

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

3  
4 THE GILLETTE COMPANY,  
5 et al.,  
6 Petitioners,

Patent No. 6,896,773

IPR 2014-00580

7 vs.

IPR 2014-01479

IPR 2014-00726

8 ZOND, INC.

IPR 2014-01481

9 Patent Owner.  
10 -----  
11  
12

13 VIDEOTAPED DEPOSITION OF LARRY D. HARTSOUGH, Ph.D.

14 Berkeley, California

15 Wednesday, February 18, 2015  
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17  
18  
19  
20  
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23

24 REPORTED BY:

TAVIA MANNING, CSR No. 13294, CLR, CCRR, RPR

25 JOB NO. 90258

1 February 18, 2015  
2 9:07 A.M.

3  
4  
5  
6 Deposition of LARRY D. HARTSOUGH, Ph.D.,  
7 taken on behalf of Petitioners at 200  
8 Marina Boulevard, Berkeley, California,  
9 before Tavia Manning, Certified Shorthand  
10 Reporter No. 13294, Certified LiveNote  
11 Reporter, California Certified Realtime  
12 Reporter, Registered Professional Reporter.  
13  
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1 APPEARANCES:  
2  
3 FOR TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY,  
4 LIMITED and TSMC NORTH AMERICA and FUJITSU:  
5 HAYNES AND BOONE  
6 BY: GREGORY HUH, ESQ.  
7 2505 North Plano Road  
8 Richardson, TX 75082  
9

10  
11  
12  
13  
14 FOR THE GILLETTE COMPANY:  
15 WILMERHALE  
16 BY: COSMIN MAIER, ESQ.  
17 7 World Trade Center  
18 250 Greenwich Street  
19 New York, NY 10007  
20  
21  
22  
23  
24  
25

1 APPEARANCES (CONTINUED):  
2  
3

4 FOR THE PATENT OWNER ZOND, LLC:  
5 RADULESCU  
6 BY: ETAI LAHAV, ESQ.  
7 TIGRAN VARDANIAN, ESQ.  
8 350 Fifth Avenue  
9 New York, NY 10118  
10  
11  
12  
13  
14  
15

16 Also present: Alan Dias, Videographer  
17  
18 \*\*\*  
19  
20  
21  
22  
23  
24  
25

1 BERKELEY, CALIFORNIA;  
2 WEDNESDAY, FEBRUARY 18, 2015; 9:07 A.M.  
3

4 THE VIDEOGRAPHER: Good morning.  
5 My name is Alan Dias from TSG Reporting.  
6 This is a matter appearing before the  
7 United States Patent and Trademark Office before  
8 Patent Trial and Appeal Board; IPR numbers  
9 2014-00580, IPR number 01479, 00726, 01481.  
10 We are located today at 200 Marina  
11 Boulevard in the City of Berkeley, California.  
12 Today is February 18th, 2015, and the time  
13 is 9:08 a.m.

14 Here with me is Tavia Manning also from TSG  
15 Reporting.

16 Counsel, will you please identify yourself  
17 and your clients for the record.

18 MR. MAIER: Cosmin Maier, of WilmerHale, on  
19 behalf of the Gillette Company.

20 MR. HUH: Gregory Huh, from Haynes and  
21 Boone, on behalf of TSMC and Fujitsu.

22 MR. LAHAV: Etai Lahav representing Zond,  
23 patent owner, and the witness.

24 MR. VARDANIAN: Tigran Vardanian, with  
25 Radulescu, on behalf of Zond, LLC.

1 THE VIDEOGRAPHER: Would the court reporter  
2 please swear in the witness.

3  
4 LARRY D. HARTSOUGH, Ph.D.,  
5 having been first duly sworn by the court reporter,  
6 testified as follows:

7  
8 EXAMINATION

9 BY MR. MAIER:

10 Q. Good morning, sir.

11 A. Good morning.

12 Q. You recall the sort of background rules we  
13 went over in connection with the '184 and '155?

14 A. Yes.

15 Q. Would you like me to repeat any of them?

16 A. Please.

17 Q. So, again, as -- as we discussed last time,  
18 it's important that we try not to talk over each  
19 other. It happens but -- but we should try to  
20 minimize it to give the court reporter a chance to  
21 write everything down; is that fair?

22 A. Yes.

23 Q. And I'll ask you to answer audibly rather  
24 than nodding your head; is that -- is that okay?

25 A. Yes.

1 Q. And is there any reason you can't give your  
2 best, truthful and accurate testimony today?

3 A. No.

4 Q. Not on any medications or anything like  
5 that?

6 A. No.

7 Q. Okay. And if I ask you a question and you  
8 answer it, I'll assume you understood it; okay?

9 A. Yes.

10 Q. Did you do anything to prepare for today's  
11 deposition in connection with the '773 patent?

12 MR. LAHAV: I'm just going to counsel you  
13 not to reveal the content of any attorney-client  
14 communications, but you can answer.

15 THE WITNESS: Yes.

16 BY MR. MAIER:

17 Q. What did you do?

18 A. I reviewed materials and I met with  
19 counsel.

20 Q. For how long did you meet with counsel?

21 A. Approximately a day and a half.

22 Q. What day?

23 A. What days? Sunday and Tuesday of this  
24 week.

25 Q. Have you reviewed your rough deposition

1 transcripts in connection with the '155 patent?

2 A. I have looked at them. I haven't  
3 thoroughly reviewed them.

4 Q. Have you reviewed rough transcripts in  
5 connection with the '184 deposition?

6 A. I -- I don't think so. Because I -- that  
7 was -- I don't believe it was sent to me. But I  
8 can't -- can't recall.

9 Q. Okay. I'm going to hand you what's already  
10 been marked as Gillette 1001. It's the '773 patent.

11 Sir, will you understand if I refer to  
12 Gillette 1001 as the '773 patent?

13 A. Will I understand it? Yes.

14 Q. This is the patent that you studied in  
15 connection with today's deposition; correct?

16 A. That's correct.

17 Q. Now, the '773 patent is titled, "High  
18 Deposition Rate Sputtering"; correct?

19 A. That's correct.

20 Q. So it relates to sputter deposition  
21 generally; correct?

22 A. It relates to high deposition sputtering,  
23 yes.

24 Q. I'm going to hand you your declaration,  
25 which is Exhibit 2005.

1 A. Okay.

2 Q. Sir, Exhibit 2005 is the declaration that  
3 you submitted in connection with the '773 patent;  
4 correct?

5 A. Remember, I do have a hearing issue.

6 Q. My apologies.

7 A. Please, you know, I -- I want to make sure  
8 that I understand you correctly and --

9 Q. Absolutely.

10 A. -- sometimes I misunderstand words as well  
11 when -- okay.

12 Q. Fair enough.

13 Exhibit 2005 is the declaration you  
14 submitted in support of Zond's oppositions to the  
15 '773 patent IPRs; correct?

16 A. Yes.

17 Q. And if you could turn to your CV at  
18 Appendix A, at page 6.

19 Let me know when you're there.

20 A. I am -- I'm there.

21 Q. Now, here you list a number of publications  
22 on which you're an author; correct?

23 A. Excuse me, yes.

24 Q. Do any of those papers relate to  
25 sputtering?

1 A. Yes.  
 2 Q. Which one -- which ones?  
 3 A. Is it -- well, I may have to refer to them  
 4 both -- both by author and others' references.  
 5 The D'Couto et al. paper, listed them, the  
 6 first one.  
 7 The third one with Denison, et al.  
 8 The fourth one, Denison and Hartsough.  
 9 The fifth one, Denison and Hartsough.  
 10 Hartsough, Koch and Moulder is -- refers to  
 11 sputtering.  
 12 The -- the Joshi, Hartsough, and Denison  
 13 referred to sputtering.  
 14 Hartsough resistivity was sputtered --  
 15 referred to sputtering.  
 16 Hartsough and Denison in 1979 refers to  
 17 sputtering.  
 18 The Hartsough presentation electrooptics  
 19 laser, '77, refers to sputtering.  
 20 Hartsough and McCleod, 1977, refers to  
 21 sputtering.  
 22 McCleod and Hartsough, 1977, refers to  
 23 sputtering.  
 24 Q. In -- in these papers that refer to  
 25 sputtering, you cite work done by others; correct?

1 Q. Okay. Why do you cite others' work in  
 2 papers you've written about sputtering?  
 3 MR. LAHAV: Objection; form.  
 4 THE WITNESS: For various reasons.  
 5 BY MR. MAIER:  
 6 Q. What are those reasons?  
 7 A. To call that other -- you know, other  
 8 work -- again, there are various reasons why one  
 9 would cite it. And reasons might be to present  
 10 data. It might be to discuss similar work in the  
 11 field, to credit similar work in the field.  
 12 There are many, many reasons.  
 13 Q. Would you say someone -- I'm sorry, were  
 14 you finished?  
 15 A. There are many reasons why one might cite.  
 16 Q. Would a reason why one would cite papers is  
 17 because the author used the -- the reference's  
 18 teachings in the author's work?  
 19 MR. LAHAV: Objection; form.  
 20 THE WITNESS: It -- it could be. It  
 21 depends.  
 22 BY MR. MAIER:  
 23 Q. Okay. And because maybe you're building on  
 24 the knowledge of what's cited in the prior works;  
 25 correct?

1 A. Well, I'm -- I'm sure I did in -- in them.  
 2 But I certainly don't recall what -- you know, what  
 3 works were cited.  
 4 MR. MAIER: I'm going to ask the court  
 5 reporter to mark Gillette 1025.  
 6 (Deposition Exhibit Number 1025 was marked  
 7 for identification.)  
 8 BY MR. MAIER:  
 9 Q. Exhibit 1025 is the first paper you listed  
 10 that referred to sputtering, D'Couto et al.,  
 11 correct?  
 12 A. That's correct.  
 13 Q. Now, if you look at the end of the paper,  
 14 there are a number of references cited?  
 15 A. Yes.  
 16 Q. So you do, in fact, cite work by others in  
 17 connection with the papers that you write; correct?  
 18 MR. LAHAV: Objection; form.  
 19 THE WITNESS: Well, as -- as primary  
 20 author -- as not -- not primary author, I would say,  
 21 you know, the paper cites those documents.  
 22 BY MR. MAIER:  
 23 Q. But you were a contributor to this paper;  
 24 correct?  
 25 A. I -- I was a contributor, yes.

1 MR. LAHAV: Objection; form.  
 2 THE WITNESS: Again, one would have -- you  
 3 know, look at what was -- I said there are many,  
 4 many reasons.  
 5 BY MR. MAIER:  
 6 Q. Understood. And --  
 7 A. So would you repeat your question?  
 8 Q. Yeah. I'm just trying to understand.  
 9 What are the reasons why an author would  
 10 cite the work of prior authors in his or her work?  
 11 A. Well, I -- I can't --  
 12 MR. LAHAV: Objection; form.  
 13 THE WITNESS: I'm sorry.  
 14 MR. LAHAV: Go ahead.  
 15 THE WITNESS: I -- I can't -- I can't think  
 16 of all the reasons that one might do it, you know,  
 17 sitting here today. There are many reasons.  
 18 BY MR. MAIER:  
 19 Q. What are the reasons you can think of  
 20 sitting here today?  
 21 A. I've -- I've talked about the ones I could  
 22 think of, data, prior work in the field, properly  
 23 citing it. So -- I can't think of any more at the  
 24 moment.  
 25 Q. If you can turn with me to page -- or,

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