

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3

4 TAIWAN SEMICONDUCTOR	Patent No. 6,853,142
MANUFACTURING COMPANY,	IPR 2014-00818
LTD., et al.,	IPR 2014-00819
5	IPR 2014-00821
Petitioners,	IPR 2014-00827
6	IPR 2014-01098

7 vs.

8 ZOND, LLC, INC.,

9 Patent Owner.
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15 VIDEOTAPED DEPOSITION OF LARRY D. HARTSOUGH, Ph.D.
16 Berkeley, California
17 Thursday, February 26, 2015
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24 REPORTED BY:

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

25 JOB NO. 90527

Renesas Exhibit 1327
IPR2014-00782

1 February 26, 2015
 2 9:00 A.M.
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 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.
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1 BERKELEY, CALIFORNIA;
2 THURSDAY, FEBRUARY 26, 2015; 9:00 A.M.

3
4 THE VIDEOGRAPHER: Good morning.

5 This is the beginning of Disk Number 1 of
6 the videotaped deposition of Dr. Larry Hartsough in
7 the matter Taiwan Semiconductor Manufacturing
8 Company, Ltd., et al., versus Zond, LLC, in the
9 United States Patent and Trademark Office before the
10 Patent Trial and Appeal Board; cases IPR 2014-00818,
11 IPR 2014-00819, IPR 2014-00821, IPR 2014-00827 and
12 IPR 2014-01098.

13 This deposition is being held at 200 Marina
14 Boulevard, Berkeley, California on February 26th,
15 2015 at approximately 9:01 a.m.

16 My name is Sean McGrath from TSG Reporting,
17 and I am the legal video specialist.

18 The court reporter is Tavia Manning in
19 association with TSG reporting.

20 Will counsel please introduce yourselves
21 starting with the questioning attorney.

22 MR. FITZPATRICK: Anthony Fitzpatrick, from
23 Duane Morris, LLP, on behalf of petitioners Taiwan
24 Semiconductor Manufacturing Company, Limited and
25 TSMC North America.

1 A. Larry Dowd Hartsough.

2 Q. Doctor, obviously, you've been through this
3 several times in the last couple of weeks, but let's
4 just talk briefly about the ground rules.

5 You understand that you have taken an oath
6 to testify truthfully?

7 A. Yes.

8 Q. And your answers to my questions will be
9 truthful?

10 A. Yes.

11 Q. They will be complete?

12 A. Yes.

13 Q. You understand that you are required to
14 answer my question even if your attorney objects,
15 unless your attorney instructs you not to answer?

16 A. Yes.

17 Q. Have you ingested anything that could
18 impair or impact your ability to testify truthfully
19 and completely today?

20 A. No.

21 Q. If, at any point, you don't fully hear or
22 understand any of my questions, will you please let
23 me know?

24 A. Yes.

25 Q. If you answer my question, then I'll assume

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

3 MR. McCOMBS: David McCombs, with Haynes
4 and Boone, on behalf of TSMC Fujitsu.

5 MR. RISMILLER: Brett Rismiller, with White
6 & Case, on behalf of GLOBALFOUNDRIES.

7 MR. SADOWITZ: Michael Sadowitz, with
8 Radulescu, and here with me is Etai Lahav, also with
9 Radulescu, representing patent owner and the
10 witness.

11 MR. SULLIVAN: This is Michael Sullivan
12 from Toshiba.

13 THE VIDEOGRAPHER: Will the court reporter
14 please swear in the witness, and we can proceed.

15
16 LARRY D. HARTSOUGH, Ph.D.,
17 having been first duly sworn by the reporter,
18 testified as follows:

19
20 EXAMINATION

21 BY MR. FITZPATRICK:

22 Q. Good morning, Doctor.

23 A. Good morning.

24 Q. Would you please state your full name for
25 the record.

1 that you understood it.

2 Is that okay?

3 A. Yes.

4 Q. Since the conclusion of yesterday's
5 deposition, have you done anything to prepare for
6 this deposition?

7 A. Yes.

8 Q. What did you do?

9 A. I met for several hours with counsel after
10 the -- after yesterday's meeting and for
11 approximately an hour this morning and spent about
12 two hours at home reviewing the patent.

13 Q. Did you -- and by "the patent," you're
14 referring to United States Patent Number 6,853,142?

15 A. The '142 patent, yes.

16 Q. So if we talk about it about as the '142
17 patent today, you'll understand what I'm referring
18 to?

19 A. Yes.

20 Q. Did you review anything, other than the
21 '142 patent itself, in the context of what you've
22 reviewed since yesterday?

23 A. I did look at Lantsman.

24 Q. The Lantsman reference?

25 A. Mm-hmm.

1 Q. You'll have to say "yes" or "no" for the
2 record.

3 A. Oh, yes.

4 Q. Anything else that you reviewed?

5 A. Parts of Wang.

6 Q. Do you remember which parts?

7 A. Just the -- reviewing the layout, the
8 structural parts. But that's what I concentrated
9 on.

10 Q. Anything else that you reviewed?

11 A. Not that I recall specifically from that
12 period.

13 Q. Other than what you've just described as
14 your preparation since yesterday for this
15 deposition, together with what you described
16 yesterday concerning your preparation for that
17 deposition, have you done anything else to prepare
18 for this deposition?

19 MR. SADOWITZ: Caution the witness not to
20 reveal the content of any attorney-client -- or any
21 communications with your attorneys.

22 If you can answer without revealing the
23 content of those communications, you can do so.

24 THE WITNESS: Not -- not to prepare -- not
25 preparing specifically for this deposition.

1 BY MR. FITZPATRICK:

2 Q. Okay. Let me hand you what has previously
3 been marked as Exhibit 2005 in IPR number -- IPR
4 2014-00818, '819, '821, '827, and '1098.

5 Please look at that and tell me what it is.

6 A. It is my declaration in regard to the '142
7 patent.

8 Q. And, unfortunately, the document is not
9 page numbered until you get to the very last few
10 pages, but about eight -- approximately eight pages
11 from the end of the document, there's a declaration
12 or a signature page.

13 Do you see that?

14 A. Yes.

15 Q. And is that your signature there?

16 A. Yes.

17 (Mr. Tennant joins the proceedings.)

18 Q. And you signed that on or about January 2nd
19 of this year?

20 A. Yes.

21 Q. Does this declaration contain the entirety
22 of your testimony with respect to the IPR
23 proceedings for the '142 patent?

24 A. This represents my opinion on the
25 obviousness of the '142 patent.

1 What do you mean by "testimony?"

2 Q. Well, directing your attention back to the
3 signature page of the document, in that -- on that
4 signature page, you declared that:

5 "All statements made herein on my own
6 knowledge are true, and that all statements
7 made on information and belief are believed
8 to be true, and, further, that these
9 statements were made with the knowledge
10 that willful false statements and the like
11 so made are punishable by fine or
12 imprisonment or both under Section 1001 of
13 Title 18 of the United States Code."

14 Do you see that?

15 A. Yes.

16 Q. And you read that --

17 A. Yeah.

18 Q. -- at the time that you signed the
19 document?

20 A. Yes.

21 Q. You understood it?

22 A. Yes.

23 Q. So you understood that this was a
24 declaration to be used in a proceeding before the
25 United States Patent and Trademark Office?

1 A. Yes.

2 Q. So this declaration is a complete statement
3 of all of your opinions with respect to the '142
4 patent; is that correct?

5 A. It's a statement of the opinions of -- of
6 the -- yes.

7 Q. Turn to paragraph 3 of the document,
8 please.

9 This paragraph reads:

10 "This list of materials I considered in
11 forming the opinions set forth in this
12 declaration includes the '142 patent, the
13 file history of the '142 patent, the
14 petitions for inter partes review and the
15 exhibits, the PTAB's Institution decisions,
16 the transcript of the petitioner's expert
17 on the '142 patent, and the prior art
18 references discussed below."

19 Do you see that?

20 A. Yes.

21 Q. In forming your opinions that are set forth
22 in this declaration, did you review or consider
23 anything else other than the items that are
24 enumerated in this paragraph?

25 A. I don't recall at the moment.

1 Q. Is there anything that would help you to
2 recall?

3 A. If there are citations in here other than
4 that, I would have to look at them and determine
5 whether they were considered in forming the opinion
6 or whether they were just illustrating the opinion.

7 Q. So you're referring now to items cited in
8 your declaration; is that right?

9 A. I said that would be one thing that would
10 remind me if I had considered anything other than
11 this.

12 I don't recall at the moment.

13 Q. If you recall anything during the course of
14 the day or while we're going through your
15 declaration, would you please let me know?

16 A. I'll try.

17 Q. Turn, please, to paragraph 55 of the
18 declaration -- I'm sorry -- 52 of the declaration.

19 In paragraphs 52, 53, and 54, you describe
20 what it is that the inventor of the '142 patent
21 purportedly invented; isn't that correct?

22 A. He describes this invention in his -- in
23 his specification, but what he invented in the '142
24 patent does go beyond that, as it is -- '142 is a
25 plasma generation system.

1 Q. Well, I'm not asking you, Doctor, what or
2 how the inventor described his invention.

3 I am asking you: Isn't it the case that in
4 these three paragraphs of your declaration you
5 describe what it is that you believe the inventor
6 purportedly invented? Right?

7 A. This was -- you know, this was copied over
8 from my declaration for the -- for I believe the
9 '759.

10 And as I said, his invention isn't limited
11 to that.

12 Q. Well, again, Doctor, in paragraph 52 of
13 your declaration concerning the -- let me back up.

14 This declaration relates to the '142
15 patent; correct?

16 A. That's correct.

17 Q. Turn, please, to paragraph 52 -- to
18 paragraph 52 --

19 A. Yes.

20 Q. -- five-two.

21 Paragraph 52 begins:

22 "To overcome the deficiencies of the prior
23 art, Dr. Chistyakov invented..."

24 And then you describe what it is that you
25 believe he invented; right?

1 A. I describe an invention, yes.

2 Q. These are your words; right?

3 A. I understand that.

4 Q. These are your words?

5 A. Yes.

6 Q. Okay. And this is your description of the
7 invention; right?

8 A. Yes.

9 Q. And you say:

10 "As illustrated in Figure 2 of the '142
11 patent reproduced below."

12 Right?

13 A. Yes.

14 Q. And then in paragraph 53, you continue your
15 discussion, and you have a series of quotes citing
16 to the specification; right?

17 A. May I see the -- may I see the '142 patent,
18 please?

19 Q. Doctor, I'm going to hand you what has been
20 marked as TSMC 1001, which is a copy of the '142
21 patent.

22 A. (Witness reviewing document.)

23 So what was your question?

24 Q. My question is: In paragraph 53, you have
25 a series of quotes citing to the specification of

1 the '142; right?

2 A. May I see the '759 patent?

3 Q. Why would you like to see the '759 patent,
4 Doctor?

5 A. Well, I want to see it.

6 Q. Why is that?

7 A. Because the quote doesn't match the
8 reference location.

9 Q. That's because all the quotes come from the
10 '759 patent; right, Doctor?

11 A. Looks like...

12 Q. Let me hand you what was marked -- or what
13 was introduced yesterday, in yesterday's deposition.
14 It's the '759 patent marked as TSMC 1201 from the
15 '759 IPR proceedings.

16 A. (Witness reviewing document.)

17 Q. The quotes in paragraph 53 are actually all
18 from the '759 patent; right, Doctor?

19 A. That's correct.

20 Q. Not from the '142?

21 A. That's correct.

22 Q. And, in fact, the Figure 2 in paragraph 52
23 that you say is from the '142 patent isn't from the
24 '142 patent either; right?

25 A. That's correct.

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