

1 OVERZET - 5/7/15

2 UNITED STATES PATENT AND TRADEMARK OFFICE

3 -----
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD
5 -----

6 TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY,
7 LTD., TSMC NORTH AMERICA CORPORATION, FUJITSU
8 SEMICONDUCTOR LIMITED, FUJITSU SEMICONDUCTOR
9 AMERICA, INC., ADVANCED MICRO DEVICES, INC.,
10 RENESAS ELECTRONICS CORPORATION, RENESAS
11 ELECTRONICS AMERICA, INC., GLOBALFOUNDRIES
12 U.S., INC., GLOBALFOUNDRIES DRESDEN MODULE ONE
13 LLC & CO., KG, GLOBALFOUNDRIES DRESDEN MODULE
14 TWO LLC & CO., KG, TOSHIBA AMERICA ELECTRONIC
15 COMPONENTS, INC., TOSHIBA AMERICA INC., TOSHIBA
16 AMERICA INFORMATION SYSTEMS, INC., TOSHIBA
17 CORPORATION, and THE GILLETTE COMPNAY,

18 Petitioners,

19 vs.

20 ZOND, LLC,

21 Patent Owner.

22 Patent 7,811,421 B2

23 -----
24 IPR Case Nos. IPR2014-00800, 00802, 00805
25 -----

26 VIDEOTAPED DEPOSITION OF
27 LAWRENCE J. OVERZET PH.D.

28 DALLAS, TEXAS

29 MAY 7, 2015

30 Reported by: Susan S. Klinger, RMR-CRR, CSR
31 Job No. 93304

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4 May 7, 2015
5 9:08 a.m.

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9 Deposition of LAWRENCE J. OVERZET, PH.D.,
10 held at the offices of Baker Botts, 2001 Ross
11 Avenue, Dallas, Texas, before Susan S. Klinger,
12 a Registered Merit Reporter and Certified
13 Realtime Reporter of the State of Texas.
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2 VIDEOGRAPHER: This is the start of
3 tape labeled number 1 in the deposition of
4 Dr. Overzet in the matter of Gillette
5 Company versus Zond, Incorporated in the
6 court of the United States Patent and
7 Trademark Office, patent number 7,811,421
8 B2, IPR case numbers 2014-8 -- I'm sorry,
9 -00800, 00802, 00805. This deposition is
10 being held at Baker Botts, 2001 Ross
11 Avenue, Dallas, Texas on May 7th, 2015 at
12 approximately 9:09 a.m.

13 My name is Jay Wiggins. I'm a
14 representative of -- I am a legal video
15 specialist representing TSG Reporting,
16 Incorporated headquartered at 747 Third
17 Avenue, New York, New York. The court
18 reporter is Susan Klinger in association
19 with TSG Reporting.

20 Will counsel please introduce
21 yourself.

22 MR. BARKER: My name is Bruce Barker
23 of Chao Hadidi Stark & Barker, and I
24 represent the patent owner, Zond.

25 MR. TENNANT: My name is David

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2 A P P E A R A N C E S:

3
4 Attorneys for GlobalFoundries:
5 Mr. David Tennant, Esq.
6 Mr. Brett Rismiller, Esq.
7 WHITE & CASE
8 701 Thirteenth Street, N.W.
9 Washington, D.C. 20005

10
11 Attorneys for Toshiba:
12 Mr. Robinson Vu, Esq.
13 BAKER BOTTS
14 910 Louisiana Street
15 Houston, Texas 77002

16
17 Attorneys for Defendant(s):
18 Mr. Bruce Barker, Esq.
19 CHAO HADIDI STARK & BARKER
20 176 East Main Street
21 Westborough, Massachusetts 01581

22
23 Also Present:
24 Mr. Jay Wiggins, videographer
25

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2 Tennant of White & Case. I represent
3 GlobalFoundries.

4 VIDEOGRAPHER: Will the court
5 reporter please swear in the witness. Oh,
6 I'm sorry. Other parties may introduce
7 themselves.

8 MR. RISMILLER: My name is Brett
9 Rismiller with White & Case, also for
10 GlobalFoundries.

11 MR. VU: Robinson Vu with Baker
12 Botts representing Toshiba.

13 MR. RISMILLER: Is there anyone
14 online?

15 MR. TENNANT: Bruce, just real
16 quick, any objections that are made today
17 will apply to all petitioners.

18 MR. BARKER: That's fine.

19 DR. LAWRENCE OVERZET,
20 having been first duly sworn, testified as
21 follows:

22 EXAMINATION

23 BY MR. BARKER:

24 Q. Good morning, Dr. Overzet. As you
25 heard, my name is Bruce Barker. I represent

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2 Zond, and I'm going to be asking you some
3 questions today about a declaration you
4 prepared in connection with the '421 patent
5 that the videographer just identified.

6 Let me start by asking you whether
7 you've ever been deposed before?

8 A. I have not.

9 Q. Okay. So let me make sure then that
10 you're familiar with the procedure. Do you
11 understand that I'll be asking questions, and
12 that your counsel may offer an objection, but
13 you're still obligated to answer the question
14 over his objection. Do you understand that?

15 A. I do.

16 Q. Okay.

17 A. Except in the case where --

18 Q. Unless he instructs you not to
19 answer.

20 A. Yes.

21 Q. Okay. You understand that. So
22 fine, I just wanted to make sure that you're
23 aware that if counsel poses an objection,
24 that's to preserve his rights, and that you
25 then answer the question.

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2 recollection you have.

3 A. I honestly do not recall which of
4 the companies were primarily involved in which
5 of the declarations. My primary contact has
6 been with the counsel.

7 Q. Let's go that route then. Maybe you
8 can identify for me the names of counsel you
9 have dealt with, and I can figure it out from
10 there.

11 A. Okay. Mr. Tennant, David Tennant,
12 Mr. Rismiller, Rismiller -- Rismiller, Mr. Ho,
13 Mr. Feldhouse, Mr. Rooney. There was -- I'm
14 trying to remember lines in emails, because the
15 primary contact has been through email, but
16 I've met with those five in person.

17 Q. And when did you -- when were you
18 first retained?

19 A. I'm sorry, I now remember. Mr. Hugh
20 and Mr. O'Dell. There may have been others as
21 well.

22 Q. But you specifically recall meeting
23 with each of the individuals that you just
24 listed?

25 A. Correct.

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2 A. Yes.

3 Q. You'll have to answer audibly so
4 the -- for the record.

5 A. Yes.

6 Q. Okay. And if you don't understand
7 my questions along the way, will you mention
8 that to me so we can clarify the record?

9 A. Yes.

10 Q. Okay. On paragraph 11 of your
11 declaration, you say that you have been
12 retained by Toshiba; is that correct?

13 A. Paragraph 11?

14 Q. Yes.

15 A. That's correct.

16 Q. Now, have you been retained by any
17 of the other Petitioners in the IPRs against
18 the Zond patents?

19 A. Yes.

20 Q. Would you identify those Petitioners
21 for me?

22 A. I need to see my other two
23 declarations.

24 Q. Okay. I don't have them available.
25 Why don't you just share with me whatever

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2 Q. Okay. And when did you first begin
3 representing Toshiba in this matter?

4 A. In the IPRs?

5 Q. Yes.

6 A. That would have been in March of
7 this year for the IPR.

8 Q. Okay. You mean just a few months
9 ago?

10 A. Yes, for the specific purpose of the
11 IPR now.

12 Q. Okay. So did you have any -- did
13 you -- did you have any relationship with them
14 prior to March when you began representing them
15 on the IPR?

16 MR. TENNANT: Objection to the
17 extent that your answer calls for
18 privileged information. I just caution you
19 that you can answer the question to the
20 extent you are not revealing any privileged
21 communication.

22 A. I also had discussions with lawyers
23 from Duane Morris as part of some consulting.
24 Actually with Duane Morris was not specifically
25 consulting. It was a little bit odd. It was

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2 an agreement through my university to -- for
3 teaching and for providing information.

4 Q. Can you elaborate on that? Can you
5 identify the subject matter that this
6 consulting related to?

7 MR. TENNANT: Again, I'll caution
8 the witness. I object to the extent it's
9 calling for you to reveal privileged
10 communication.

11 Also to the extent you have any
12 confidentiality agreements in place, you
13 may want to be careful how you answer and
14 not to violate any confidentiality
15 agreements.

16 A. I don't wish to violate any
17 confidentiality in that.

18 Q. Fine, and I'm just exploring
19 nonconfidential information. So, for example,
20 you said you were consulting with Duane Morris;
21 correct?

22 A. Uh-huh.

23 Q. Do you know whether the matter
24 related to any one of the Petitioners -- strike
25 that.

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2 technical material had any relationship to the
3 Zond patents?

4 A. I'm not -- yes, I do.

5 Q. And is the --

6 A. I do know whether it related or not.

7 Q. And did it relate to the Zond
8 patents?

9 A. I'm worried about confidentiality in
10 that space.

11 Q. Do you know whether the
12 representation was related to any -- any
13 litigation, any patent litigation?

14 MR. TENNANT: Again, I object to
15 this line of questioning to the extent your
16 questions are calling -- requiring the
17 witness to reveal privileged communication
18 or any confidential communications subject
19 to confidentiality agreements. You can
20 answer the question to the extent you do
21 not violate any of those two agreements.

22 A. I'm going to listen to my counsel.

23 Q. So is it your position that whether
24 or not the representation related to any patent
25 litigation, that that is privileged

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2 Can you identify any other party
3 that this representation or consulting related
4 to?

5 A. Could you explain to me what you
6 mean by "participants"?

7 Q. Fair enough. I'm imagining a
8 situation where Duane Morris actually
9 represents a company, for example, in the
10 semiconductor space.

11 A. Uh-huh.

12 Q. And so I'm trying to get at the
13 identity of that company. So when I made
14 reference to other parties, that's what I had
15 in mind. So can you identify for me any other
16 entities to whom this consulting related?

17 MR. TENNANT: Same objection.

18 A. I don't know that I'm -- I don't
19 know that I am allowed to speak about whoever
20 the counsel there were representing or not.
21 They asked me for help with some technical
22 understanding. I provided them with some help
23 in technical understanding and face-to-face
24 meetings.

25 Q. Okay. Do you know whether the

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2 information?

3 MR. TENNANT: Same objection.

4 A. Would you please repeat that for me?

5 MR. BARKER: Would you read that
6 back, please.

7 (Record read.)

8 MR. TENNANT: Same objection.

9 A. I have concerns. I have concern
10 regarding that. I'm not a lawyer to know
11 precisely where that boundary occurs. I,
12 therefore, will listen to my counsel.

13 Q. Well, let me take a different
14 approach then. Have you ever done any
15 consulting work for Toshiba outside the context
16 of any IPR litigation?

17 MR. TENNANT: Object to the form of
18 the question, and also to the extent it's
19 requiring the witness to reveal privileged
20 communication. I just caution you you can
21 answer the question to the extent you don't
22 reveal any privileged communication.

23 A. I do not recall doing consulting
24 work for Toshiba outside of this.

25 Q. And I'm going back in time

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2 throughout your entire career. I'm trying to
3 get a sense of whether you have done any
4 consulting during the course of your career for
5 Toshiba.

6 MR. TENNANT: Same objection.

7 A. If I turn to my -- to my CV, I've
8 listed primary consulting work there that I can
9 discuss under employment history, concurrent,
10 temporary or visiting appointments,
11 consultantships.

12 Q. So you're referring to the first
13 page of your CV attached as Appendix A to your
14 declaration; is that correct?

15 A. That's correct.

16 Q. And under the heading employment
17 history: Concurrent, temporary and visiting
18 appointments, consultantships, is that what you
19 are referring to?

20 A. That is correct.

21 Q. So is it your testimony that this is
22 a comprehensive list of every -- of all
23 consulting work you have ever done in your --
24 during your career?

25 A. This list does not include the

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2 of power supply design?

3 MR. TENNANT: Objection, form.

4 A. Because the electronic device
5 courses discuss transistors and the operation
6 of transistors, which provide amplification of
7 a signal, they have -- they provide the basis
8 for a power supply, although the design of a
9 power supply today would involve multiple
10 transistors, multiple systems.

11 Q. Understood. So other than your
12 general teaching of transistors, did you teach
13 any other material that involved power supply
14 design?

15 MR. TENNANT: Objection, form.

16 A. Mostly the courses that I've taught
17 have involved -- have been -- have involved
18 teaching about the use of power supplies rather
19 than the design of power supplies.

20 Q. Okay. And in what context were you
21 discussing the use of power supplies?

22 A. In a teaching context?

23 Q. Let me rephrase that. Not a good
24 question. What applications were involved when
25 you were discussing the use of power supplies?

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2 present work.

3 Q. With that exception, are there any
4 other consulting projects that you have ever
5 had during your career that aren't listed here?

6 A. Not that I recall.

7 Q. So looking at your employment
8 history in the heading above, it looks as if
9 you have been a faculty member for the
10 University of Texas at Dallas for your whole
11 career. Did I get that right?

12 A. Yes, since -- since my -- obtaining
13 my Ph.D.

14 Q. I understand. Now, in the years
15 that you have been a professor at the
16 University of Texas, have you ever taught any
17 classes that involve the design of power
18 supplies?

19 A. I have taught courses on electronic
20 devices that are used in the design of power
21 supplies, but not a course that is specifically
22 devoted to the design of power supplies.

23 Q. Understood. But in the courses in
24 which you were teaching electronic devices, did
25 those courses ever touch on the subject matter

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2 MR. TENNANT: Objection, form.

3 A. Again, in the -- in the context of
4 teaching at the University --

5 Q. Yeah, let's start there.

6 A. -- of Texas at Dallas?

7 Q. So for teaching, you mentioned that
8 you addressed the use of power supplies, and
9 I'm asking, for what uses?

10 A. Got it. In -- in coursework, the
11 use of power supplies as applied to
12 electromagnetic waves, propagation of
13 electromagnetic waves or the generation of
14 electromagnetic waves and the use in generating
15 plasmas primarily for semiconductor processing
16 applications, but also for lighting
17 applications in some instances.

18 In teaching at the university, not
19 in a classroom, but with my graduate students
20 in the laboratory and in group meetings, in the
21 context of pulsing the power supplies and
22 making measurements of those pulsed waves. I'm
23 sure that are there other contexts, but I'm not
24 recalling them at the moment.

25 Q. Well, let's focus for a bit on the

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