

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DEVICES, INC., RENESAS ELECTRONICS CORPORATION,
RENESAS ELECTRONICS AMERICA, INC.,
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DRESDEN MODULE ONE LLC & CO., KG,
GLOBALFOUNDRIES DRESDEN MODULE TWO LLC & CO.,
KG, TOSHIBA AMERICA ELECTRONIC COMPONENTS,
INC., TOSHIBA AMERICA INC., TOSHIBA AMERICA
INFORMATION SYSTEMS, INC., TOSHIBA CORPORATION,
and THE GILLETTE COMPANY,
Petitioners

v.

ZOND, LLC,
Patent Owner

Case IPR2014-00781, 00782, 01083, 01086, and
01087

U.S. Patent 7,147,759

**PATENT OWNER ZOND'S OBSERVATIONS ON
CROSS-EXAMINATION OF DR. OVERZET**

Patent Owner, Zond LLC (“Zond”), hereby files observations on the testimony given by Petitioners’ Declarant Dr. Overzet (Exhibit 2012) at a deposition held on May 8, 2015.

(1) Testimony From Dr. Overzet Indicating That He Is Not An Expert In Gas

Lasers: At the following transcript location (Exhibit 2012), when asked a question relating to a gas laser, Dr. Overzet stated that he was not an expert in gas lasers.

The testimony is relevant because many of the prior art references asserted against U.S. Patent 7,147,759 (“the ’759 patent”) are directed to gas lasers (e.g., Kudryavtsev, Müller-Horsche) and therefore, that there is no expert support for the Petitioners’ positions with respect to the gas laser references:

A. I am not an expert in gas laser design. My expertise -- my field of expertise is removed from that. (Exhibit 2012, p. 107, ll. 6-8).

(2) Testimony From Dr. Overzet Indicating That He Did Not Understand

Kudryavtsev To Disclose A Gas Laser Even Though It Explicitly Does so: At the following transcript location (Exhibit 2012), when asked a question relating to Kudryavtsev, Dr. Overzet stated that Kudryavtsev did not disclose a gas laser even though Kudryavsev explicitly does so: “studying *emission mechanisms in pulsed gas lasers, gas breakdown, laser sparks*, etc.” (Kudryavtsev, Exhibit 1204, p. 34, emphasis added). The testimony is relevant because it further establishes, as Dr.

Overzet admitted, that he is not an expert in gas lasers and this his expertise is removed from gas lasers:

Q. I wasn't referred to any particular passage, but in light of what you read and the other parts of Kudryavtsev, would you conclude that Kudryavtsev discloses emission mechanisms, pulsed gas lasers, gas breakdown and laser sparks?

A. Because of the list at the end, I have forgotten the word that described them in the beginning. Could you please repeat the question?

Q. Sure. Is it your opinion that Kudryavtsev discloses *emission mechanisms in pulsed gas lasers, gas breakdown and laser sparks?*

MR. TENNANT: Objection, form.

A. I believe that my answer to that 23 question needs to be no. (Exhibit 2012, p. 83, ll. 7-23, emphasis added).

(3) Testimony From Dr. Overzet Indicating That Müller-Horsche Discloses A Gas Laser And Therefore, That His Expertise Is Removed From Müller-Horsche: At the following transcript location (Exhibit 2012), when asked a question relating to Müller-Horsche, Dr. Overzet stated that Müller-Horsche discloses a gas laser. The testimony is relevant because it indicates -- in light of Dr. Overzet's admission that he is not an expert in gas lasers and that his expertise is removed from gas lasers -- that Petitioners have no expert support for any of their positions with respect to

Müller-Horsche:

A. ... Müller-Horsche applies his invention to a pulsed gas laser. (Exhibit 2012, p. 104, ll. 5-6).

(4) Testimony From Dr. Overzet Indicating That It Would Not Have Been Obvious To Combine Wang With Kudryavtsev To Achieve The Invention Claimed In The '759 Patent. At the following transcript locations (Exhibit 2012), when asked questions relating to Kudryavtsev and Wang, Dr. Overzet testified that the results shown in Kudryavtsev's Figure 5 is applicable to only devices that have a radius. The testimony is relevant because Wang's device does not have a radius and therefore, the testimony indicates that combining the teachings of Wang and Kudryavtsev would not have led to predictable results:

Q. What do you feel the horizontal axis of Figure 5 [of Kudryavtsev] represents?

A. Normalized radius.

Q. A normalized radius of what type of device?

A. Kudryavtsev's model is widely applicable, and so it could be many different devices.

Q. What type of device could it be?

A. There are many types of devices that it could be.

Q. Well, *it would have to be a type of device that has a radius; correct?*

A. *Correct.* (Exhibit 2012, p. 28, l. 20 – p. 29, l. 9, emphasis added)

(5) Additional Testimony From Dr. Overzet Indicating That It Would Not Have Been Obvious To Combine Wang With Kudryavtsev To Achieve The Invention Claimed In The '759 Patent. At the following transcript locations (Exhibit 2012), when asked questions relating to the devices disclosed in Wang and Kudryavtsev, Dr. Overzet testified about the numerous differences between the Wang device and the Kudryavtsev device. The testimony is relevant because it further demonstrates that the devices of Wang and Kudryavtsev are very different and that there is no objective evidence tending to establish that the teachings of the very different devices of Wang and Kudryavtsev would have led to predictable results:

Q. To perform the experiments, did Kudryavtsev use a device including electrodes and a cylindrical tube of diameter 2.5 centimeters?

MR. TENNANT: Objection, form.

A. Kudryavtsev writes on page 32 in the right column, the fifth paragraph, the center of the paragraph: "*The discharge occurred inside a cylindrical tube of diameter 2R equals 2.5 centimeters.*" (Exhibit 2012, p. 8, ll. 9-18, emphasis added).

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