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UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION, SAMSUNG)
ELECTRONICS CO., LTD.,)
SAMSUNG DISPLAY CO., LTD.,)
)

Petitioners,)

vs.)

Case No.
IPR2015-00863

SURPASS TECH INNOVATION,)
LLC,)

Patent Owner.)

-----)

January 27, 2016
10:03 a.m.

Deposition of WILLIAM K. BOHANNON, held
at the offices of Kenyon & Kenyon LLP, One
Broadway, New York, New York, before Laurie A.
Collins, a Registered Professional Reporter
and Notary Public of the State of New York.

Page 2

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2 APPEARANCES:
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Page 3

1
2 APPEARANCES (continued):
3
4 ALSO PRESENT:
5 THOMAS L. CREDELLE
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Page 4

1
2 WILLIAM K. BOHANNON,
3 called as a witness, having been duly sworn
4 by the notary public, was examined and
5 testified as follows:
6 EXAMINATION BY
7 MR. HANLEY:
8 Q. Good morning, Mr. Bohannon.
9 A. Good morning.
10 Q. Would you just state your full name and
11 your residence address, please?
12 A. William K. Bohannon, and I live at 216
13 Woodland Star Circle in Whitefish, Montana.
14 Q. Now, I'm going to show you a document
15 that's labeled petitioner's notice of deposition
16 of William K. Bohannon, and it's something that we
17 on behalf of the petitioners have filed in the
18 patent office.
19 MR. HELGE: I'm sorry, do we need to go
20 around the room and introduce ourselves?
21 THE REPORTER: Not for my purposes.
22 Q. So I'll just note, Mr. Bohannon, that I
23 read the title. It relates to case IPR2015-00863,
24 patent number 7,202,843. Do you see that?
25 A. Yeah.

Page 5

1 Bohannon
2 Q. And have you seen this petitioners'
3 notice of petition before?
4 A. No, but Wayne told me about it.
5 Q. Do you understand at least that you're
6 appearing here today pursuant to the notice that
7 we provided that you're looking at right now?
8 A. Excuse me, what was the question?
9 Q. Do you understand you're appearing --
10 A. Yes, I'm here.
11 Q. -- in response to this notice?
12 A. Yes, not for a vacation.
13 And you must be Michelle Carniaux?
14 MS. CARNIAUX: Yes.
15 THE WITNESS: Because I see you signed
16 it.
17 Q. And you also understand that the patent
18 that this proceeding relates to is the '843
19 patent?
20 A. Yeah.
21 Q. And this proceeding is IPR2015-00863?
22 A. Yes.
23 Q. Have you testified either at a trial or
24 at a deposition previously?
25 A. Yes.

Page 6

1 Bohannon
2 Q. And approximately how many times?
3 A. Oh, maybe about a dozen.
4 Q. And does that dozen include any actual
5 trial testimony?
6 A. Not in a -- not in a trial. I
7 testified in front of a three-judge, you know,
8 arbitration process once, which is probably the
9 closest to a trial. The other times it was just
10 this kind of situation.
11 Q. And this kind of situation is a
12 deposition?
13 A. Yeah.
14 Q. So I gather, then, I don't need to
15 explain in great detail what's going to happen
16 here today, so I will do that. I will also
17 surmise that Mr. Helge probably gave you some
18 briefing on what a deposition is about.
19 I just want to go over a couple of
20 things. One is that we have a court reporter
21 sitting here who's going to be taking down
22 everything that is said. And I will be asking you
23 questions, and you will be responding to the
24 questions. What I'd ask you to do is allow me to
25 complete my question before you begin your answer.

Page 7

1 Bohannon
2 A. Okay.
3 Q. You'll do that?
4 A. Yes. See, I'm waiting for you.
5 Q. Good. Okay. We're off to a good
6 start.
7 Is there any reason why you feel that
8 you are at all impaired in being able to testify
9 today, that is, for a health reason or other
10 reason?
11 A. No.
12 Q. If I ask a question that you don't
13 understand, please ask me to clarify the question.
14 Will you do that?
15 A. Oh, yeah.
16 Q. So if you don't ask me to clarify the
17 question, then I'm going to proceed on the
18 assumption that you understand the question. Is
19 that fair?
20 A. That's fair.
21 Q. Now, you understand that we have a rule
22 that applies to these proceedings that says that
23 now that we have started the deposition that you
24 are not to confer with Mr. Helge during the course
25 of the deposition?

Page 8

1 Bohannon
2 A. Yes, I understand.
3 Q. So when we take periodic breaks, which
4 we will do, you're not to confer with Mr. Helge
5 regarding your deposition testimony?
6 A. Yes, I understand.
7 Q. And during our lunch break you
8 understand you are not to confer with Mr. Helge
9 regarding your testimony?
10 A. Yes, I understand that part.
11 Q. When I conclude my questioning and if
12 Mr. Helge decides he wants to ask you some
13 questions, do you understand you're not to confer
14 with him concerning the questions he might want to
15 ask you?
16 A. Yes, I understand.
17 Q. Your connection with this matter is
18 that you are providing expert consultation for
19 Surpass, the patent owner in this case?
20 A. Yes.
21 Q. And have you testified as an expert
22 witness previously?
23 A. Yes.
24 Q. Has your testimony ever been limited or
25 excluded by a court?

Page 9

1 Bohannon
2 A. No.
3 Q. Have you prepared expert reports
4 previously?
5 A. Yes.
6 Q. And have any of the opinions set forth
7 in your expert reports been limited or excluded by
8 a court?
9 A. No.
10 Q. Mr. Bohannon, I have handed you a copy
11 of what's entitled declaration of William K.
12 Bohannon in response of Petitioner Sony
13 Corporation, et al. Do you see that title?
14 A. Yes. It says Sony and Samsung.
15 Q. Correct. So do you understand the "et
16 al." to mean Samsung?
17 A. Yeah. So you're representing Samsung
18 also or just Sony?
19 Q. I represent Sony.
20 A. Okay.
21 Q. This has been marked and submitted in
22 these proceedings as Exhibit 2022. Do you see
23 that in small letters way down in the lower right
24 corner?
25 A. Yes, I do.

Page 10

1 Bohannon
2 Q. Now, do you recognize this declaration?
3 A. Yes.
4 Q. Is this a declaration that you
5 prepared?
6 A. Yes.
7 Q. Am I correct that your signature
8 appears on page 21?
9 A. Yes, that's my signature.
10 Q. And you executed this declaration on
11 November 24th, 2015?
12 A. Yes.
13 MR. HELGE: Walter, let's put something
14 on the record quickly. You mentioned that you
15 represent Sony, but our understanding is that
16 this deposition is intended to be the sole
17 deposition on behalf of both Sony and the
18 Samsung entities in this case; is that right?
19 MR. HANLEY: That's correct.
20 A. So you are in fact representing Samsung
21 at this deposition, then?
22 Q. Technically not. I'm not -- I will not
23 say I'm representing -- I'm asking questions, and
24 Mr. Wilson can speak on behalf of Samsung.
25 A. Oh, he's representing Samsung?

Page 11

1 Bohannon
2 Q. He's representing Samsung.
3 A. Okay.
4 And what's your name, sir?
5 MR. WILSON: Paul Wilson.
6 THE WITNESS: Nice to meet you. Which
7 company are you with?
8 MR. WILSON: Covington & Burling.
9 THE WITNESS: Thank you.
10 Q. Have you reviewed this declaration
11 since you prepared it?
12 A. Yes.
13 Q. How recently have you reviewed it?
14 A. I read it again a couple of days ago.
15 Q. Apart from a couple days ago, had you
16 reviewed it from the time you signed and up to
17 that couple days ago?
18 A. Probably not. Maybe a week before -- I
19 looked at it a couple of times in the last week,
20 let's say, so -- since I signed it in November.
21 Q. And did you notice, in looking at this,
22 any statements that you perceived to be erroneous?
23 A. No.
24 Q. Did you see anything that you wish to
25 correct?

Page 12

1 Bohannon
2 A. No.
3 Q. Did you see anything that you wish to
4 add to?
5 A. No.
6 Q. And am I correct in understanding the
7 situation that this declaration sets forth all the
8 opinions that you are offering in this matter?
9 A. Yes.
10 Q. Now, we're going to talk about some
11 specific statements and matters that you've
12 addressed here. I want to go back toward the
13 back, actually, start back, paragraph 41. That's
14 on page 18.
15 A. Yeah.
16 Q. And you say in the first sentence
17 there: Further, I understand that the petitioners
18 are simply looking to Nitta for the details on the
19 AMLCD.
20 Do you see that?
21 A. Yes, I do.
22 Q. Is Nitta that you refer to there
23 identified on page 4 within paragraph 7 as one of
24 the documents that you considered?
25 A. Yes.

Page 13

1 Bohannon
2 Q. Is that the third bullet down on page
3 4?
4 A. Yeah, that looks like it.
5 Q. And that's identified as Exhibit 1005?
6 A. Yes. Hopefully you have those
7 exhibits. Hopefully you have those exhibits;
8 right?
9 Q. I do.
10 A. Oh, good.
11 Q. I'm not relying on you bringing them
12 with you.
13 A. Good.
14 Q. I've handed you what has been submitted
15 in this as Exhibit 1005. You can see, just to
16 confirm it, in the lower right corner of the first
17 page.
18 A. Yes.
19 Q. Is Exhibit 1005, is this a copy of the
20 Nitta reference that you considered?
21 A. It looks like it.
22 Q. Now going back to the sentence in your
23 declaration in paragraph 41 that I read a moment
24 ago, you said, Petitioners are simply looking to
25 Nitta for the details on AMLCD.

Page 14

1 Bohannon
2 Does Nitta in fact disclose or describe
3 an AMLCD?
4 A. First off, my understanding, you know,
5 based on your petition that you were looking at it
6 for an active matrix panel.
7 Q. And you considered the Nitta reference?
8 A. I'm verifying that. Give me a second.
9 So in paragraph 2 of the Nitta on page
10 3 it says TFT active matrix -- TFT liquid crystal
11 displays which are active matrix LCD displays. So
12 yeah.
13 Q. So you agree that Nitta discloses an
14 active matrix LCD display?
15 A. Yes.
16 Q. Now going further down in paragraph 41
17 to the next sentence, you say, However, they have
18 not evaluated whether Suzuki and Nitta are
19 compatible.
20 Do you see that?
21 A. I do.
22 Q. You refer to Suzuki there. Would you
23 look back on page 4 within paragraph 7 and tell me
24 whether or not what you identify in 41 as Suzuki
25 is one of the items that you considered.

Page 15

1 Bohannon
2 A. Yes, sir, Exhibit 3, 1003.
3 Q. That's the second bullet on page 4?
4 A. Yes.
5 Q. I've handed you a copy of United States
6 patent application publication U.S. 2003/0156092
7 A1. It says Suzuki, et al. Do you see down on
8 the bottom, sir, on the first page it is
9 identified as Exhibit 1003?
10 A. Yes.
11 Q. Is this a copy of the Suzuki reference
12 that you considered?
13 A. It appears to be.
14 Q. Is there anything in the copy that
15 suggests to you that it might not be?
16 A. No.
17 Q. Now, I've handed you now the Suzuki
18 reference and the Nitta reference. Have you
19 reviewed Nitta recently?
20 A. Yeah, I looked at it around the same
21 time that I looked at my declaration.
22 Q. In the last couple days?
23 A. Within the last couple days.
24 Q. And with respect to Suzuki, same
25 question: Have you reviewed that recently?

Page 16

1 Bohannon
2 A. Same time frame.
3 Q. Going back to the sentence, second
4 sentence, of paragraph 41 of your declaration,
5 again you said, They -- referring to petitioners,
6 I gather -- have not evaluated whether Suzuki and
7 Nitta are compatible.
8 Do you see that?
9 A. Yes.
10 Q. Now, do you express an opinion here in
11 this paragraph 41 or elsewhere in your declaration
12 that Suzuki is not compatible with Nitta?
13 A. I don't -- I don't think that it was --
14 I think that it was the petitioners' job to
15 combine Nitta and Suzuki, not mine.
16 Q. So regardless of whether or not it's
17 your job, I'm asking a little more simple
18 question. Do you express the opinion that Suzuki
19 is not compatible with Nitta either in paragraph
20 41 or elsewhere in the declaration?
21 MR. HELGE: Object to form.
22 A. So paragraph 41, you know, my
23 sentence -- the sentence that I have there, it
24 says that they, the petitioners, haven't evaluated
25 whether Suzuki and Nitta are compatible.

Page 17

1 Bohannon
2 Q. I see that. So my question is do you
3 say here that they are not compatible.
4 MR. HELGE: Object to form.
5 A. Excuse me, what I say here is I think
6 that the petitioners need to determine whether
7 it's compatible or not.
8 Q. So you're not saying here that Suzuki
9 and Nitta are not compatible?
10 A. My opinion is contained within that
11 paragraph.
12 Q. And your opinion doesn't include the
13 expression of an opinion that Suzuki is not
14 compatible with Nitta?
15 A. My --
16 MR. HELGE: Object to form again.
17 A. Sorry. My opinion is that the
18 petitioners needed to do a better job of combining
19 those references.
20 Q. We see that. So that opinion does not
21 include the expression of an opinion that Suzuki
22 is not compatible with Nitta; is that right?
23 MR. HELGE: Object to form. This is
24 asked and answered multiple times.
25 A. I'll say it again. My opinion is

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