

1 *** UNCERTIFIED ROUGH DRAFT TRANSCRIPT ***
2 REALTIME ROUGH DRAFT AND
3 UNCERTIFIED TRANSCRIPT
4

5 The following file is not an official
6 transcript. It is intended only to aid in case
7 preparation. The final transcript will be different,
8 both in form and substance, from this rough draft
9 translation.

10 You may see errors and omissions during
11 the real time translation. This is not an unusual
12 process, and these errors and omissions will be
13 corrected on the final transcript.
14 Please do not try to bring these discrepancies to the
15 attention of the reporter during the course of the
16 deposition.

17 UNOFFICIAL DRAFT TRANSCRIPT
18 THIS IS AN UNOFFICIAL DRAFT TRANSCRIPT!

19
20 This transcript has not been checked,
21 proofread or corrected. It is a draft transcript,
22 NOT a certified transcript.
23 As such, it may contain computer-generated
24 mistranslations of stenotype code, resulting in

♀

1 *** UNCERTIFIED ROUGH DRAFT TRANSCRIPT ***
2 inaccurate or nonsensical word combinations or
3 untranslated stenotype symbols which cannot be

ROUGH DRAFT TRANSCRIPT OF DEPOSITION OF E. FITZGERALD MAY 6 2016.txt
4 deciphered by non-stenotypists.

5 Corrections will be made in the
6 preparation of the certified transcript, resulting in
7 differences in page and line numbers, punctuation and
8 formatting.

9 THIS DRAFT TRANSCRIPT IS SUPPLIED TO YOU
10 ON THE CONDITION THAT UPON RECEIPT OF THE CERTIFIED
11 TRANSCRIPT, THIS DRAFT AND ANY COPIES THEREOF (IN
12 CONDENSED FORMAT OR OTHERWISE) WILL BE DESTROYED.

13 THE CERTIFIED TRANSCRIPT IS THE ONLY
14 OFFICIAL TRANSCRIPT WHICH MAY BE RELIED UPON FOR
15 PURPOSES OF VERBATIM CITATION OF TESTIMONY. THANK
16 YOU.

17
18 DINA G. MANCILLAS, CSR, RPR, CRR, CLR
19 Cell: (630) 450-7354
20 E-mail: koukla11469@gmail.com
21
22
23
24

♀

3

1 *** UNCERTIFIED ROUGH DRAFT TRANSCRIPT ***

2

3

4 (The witness was duly sworn.)

5 EUGENE A. FITZGERALD, PH. D.,
6 called as a witness herein, having been first duly
7 sworn, was examined and testified as follows:

8 EXAMINATION

9 BY MR. SMITH:

Page 2

10 Q. So, Dr. Fitzgerald, good morning.
11 Thank you for coming?
12 A. Good morning.
13 Q. Could you just spell your full name for
14 the record?
15 A. Spell it letter by letter?
16 Q. If you would.
17 A. Yeah. All right. It's E-u-g-e-n-e, A,
18 which is for Arthur, Fitzgerald,
19 F-i-t-z-g-e-r-a-l-d.
20 Q. Great?
21 A. Officially a junior, Jr.
22 Q. Do you know any other Eugene A.
23 Fitzgeralds that are active in your field?
24 A. No.

♀

4

1 *** UNCERTIFIED ROUGH DRAFT TRANSCRIPT ***
2 Q. Have you ever had your deposition taken
3 before?
4 A. Yes.
5 Q. How many times, do you think?
6 A. One time.
7 Q. Was it in an interparty's review or --
8 A. It was -- it was for a case that went
9 to trial.
10 Q. So a district court litigation, patent
11 case?
12 A. Yes.
13 Q. You understand you're under oath,
14 right?

15 A. Yes.

16 Q. Great. I'm going to ask you questions,
17 typical procedure, if you don't understand
18 something, ask me to clarify, if you would.

19 Do you have any medical issues or
20 anything that would prevent you from testifying
21 fully, completely, accurately today?

22 A. Only that it's my anniversary. No.
23 I'm just joking.

24 Q. Can't tell the truth on your

♀

5

1 *** UNCERTIFIED ROUGH DRAFT TRANSCRIPT ***
2 anniversary?

3 A. Yeah. It actually is, but anyway. So
4 it's my sacrifice to you guys.

5 Q. Thank you very much.

6 A. All right.

7 Q. Any reason you would need to take
8 additional breaks or anything like that?

9 A. No.

10 Q. Great. Do you understand that for this
11 particular procedure, during the cross
12 examination, during breaks, you can't talk to
13 anybody about the substance of the deposition?

14 A. Yes.

15 Q. Good. Now, I have given you a copy of
16 Exhibit 2019.

17 Is this a declaration signed by you?

18 A. It looks like my declaration. Yeah. I
19 assume it's -- if you say so. Do you want me to
20 look at my signature or --

21 Q. If you're comfortable with it, that's
22 fine with me.

23 A. Yeah. I'm sure -- there it is.
24 There's my signature. Yes, it is.

♀

6

1 *** UNCERTIFIED ROUGH DRAFT TRANSCRIPT ***

2 Q. And just to confirm, this is about U.S.
3 patent number 5,591,678?

4 A. Yes.

5 Q. And I've given you a copy of
6 Exhibit 1001 which is that patent?

7 A. Yes.

8 Q. And if I refer to that as "the '678
9 patent," is that all right? You know what I'm
10 talking about?

11 A. That's fine. Yes.

12 Q. Good. Are you an expert in the field
13 of the '678 patent?

14 A. Yes.

15 Q. Do you keep up-to-date on new
16 developments in the field?

17 A. Yes.

18 Q. And is that true -- has that been true
19 throughout your career?

20 A. Sure. I mean, my area is pretty broad
21 from heteroepitaxy all the way up to this kind of
22 topic, yes.

23 Q. Semiconductor fabrication in general?

24 A. Yes.

♀

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.