

Filed on behalf of: Nichia Corp.

Paper \_\_\_\_\_

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Date Served: June 29, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VIZIO INC.,  
Petitioner,

v.

NICHIA CORP.,  
Patent Owner.

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Case IPR2017-01623  
Patent 8,530,250

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**SECOND DECLARATION OF DAISUKE YAGI**

**NICHIA EXHIBIT 2748**

The undersigned, Daisuke Yagi, does hereby declare and state that:

1. I make the following declaration based on my knowledge and belief.
2. Counsel for Nichia Corporation (“Nichia”) has requested that I submit this second declaration, providing further explanation of the evidence previously submitted in connection with this proceeding.
3. As I stated in my first declaration, I am currently employed by Nichia as a staff member in the Intellectual Property Department. I initially joined Nichia as a staff member in the Legal Department on April 2014. I was transferred to the Intellectual Property Department on October 2015. My current responsibilities include prosecution of patent applications as well as working with outside counsel regarding numerous patent litigation and IPR cases in the United States.
4. In my capacity as staff in the Intellectual Property Department, I have personal knowledge of Nichia’s record keeping practices, including regarding the documents described in this declaration.
5. I have been informed that objections have been made as to some of the exhibits I refer to in my first declaration for lack of authentication and hearsay.
6. Exhibits 2130-2203, 2205-2351, 2353, 2355-2369, 2371-2381, 2383-2455, 2462-2509, 2511-2521, 2524-2550, 2552-2592, 2594-2598, 2606-2611, 2614-2630, 2633-2639, and 2643-2662 consist of true and correct copies of, *inter alia*, a lab notebook, email data, files stored on Nichia employee computers, and

files stored on Nichia's network servers. Based on conversations with individuals at Nichia identified in the documents or who otherwise have knowledge regarding the documents, I verify that these documents were prepared, sent, or received by Nichia personnel in the ordinary course of business on or about the date that appears in the document (or its metadata), unless otherwise indicated in a declaration, as part of their regular practice in carrying out their job responsibilities, and as expected and required by their supervisors and department, as well as the general business practices of Nichia. I also verify that these documents were kept and maintained at Nichia, either in physical form, stored on Nichia employee computers, and/or stored on Nichia's network servers, in the ordinary course of regularly conducted business activity and in accordance with the general business practices of Nichia.

7. Exhibit 2683 is a true and correct copy of a document titled "SANCS データ提供(250)", along with an English translation. This document is a profit and loss statement that is specific to the products I have been told by Nichia personnel practice the '250 Patent. The profit and loss statement was prepared using data entered, kept, and maintained by Nichia in Nichia's financial accounting systems in the course of the company's regularly conducted business activity and in accordance with the general business practices of Nichia. Nichia uses and relies

on the data in this accounting system in the course of its day-to-day business operations.

8. Exhibit 2684 is a true and correct copy of a document reporting Nichia's worldwide sales data for products I have been told by Nichia personnel practice the '250 Patent, along with an English translation. The document was prepared using data entered, kept, and maintained by Nichia in Nichia's financial accounting systems in the course of the company's regularly conducted business activity and in accordance with the general business practices of Nichia. Nichia uses and relies on the data in this accounting system in the course of its day-to-day business operations.

9. Exhibit 2685 is a true and correct copy of a Profit and Loss statement for Nichia Corporation's divisions responsible for manufacturing and selling Nichia's LED products, along with an English translation. This document was created, updated, and kept and maintained in the course of Nichia's regularly conducted business activity and in accordance with the general business practices of Nichia. Nichia uses and relies on these Profit and Loss statements in the management of its business operations.

10. I have also been informed that an objection has been made as to the screenshots of metadata attached to the exhibits for lack of authentication.

11. I have personal knowledge with respect to the screenshots of metadata attached to the exhibits and the process used to prepare those screenshots. The process by which I gathered metadata consisted of my locating the original native file for each exhibit, my opening the portion of the file showing the document's properties, and my taking a screenshot of the metadata displayed. In some instances, for email attachments, I gathered the metadata by opening the native email file and taking a screenshot of the "last changed" date for the attachment displayed within the email.

### **Conclusion**

12. In signing this declaration, I understand that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I acknowledge that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or

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