

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG DISPLAY CO., LTD. AND DELL INC.,

Petitioner,

v.

SOLAS OLED, LTD.,

Patent Owner.

Case IPR2020-00140
U.S. Patent No. 6,072,450

ZOOM DEPOSITION OF ADAM FONTECCHIO, Ph.D.

(Reported Remotely via Video & Web Videoconference)

Downington, Pennsylvania (Deponent's location)

Thursday, September 10, 2020

REPORTED BY:

REBECCA L. ROMANO, RPR, CSR No. 12546

JOB NO. 28413

TransPerfect Legal Solutions

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1 DEPOSITION OF ADAM FONTECCHIO, Ph.D.,
 2 taken on behalf of the Patent Owner, with the
 3 deponent located in Downington, Pennsylvania,
 4 commencing at 10:38 a.m., Thursday,
 5 September 10, 2020, remotely reported via
 6 video & web videoconference before
 7 Rebecca L. Romano, Stenographic California
 8 Certified Shorthand Reporter, No. 12546, RPR.
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1 APPEARANCES OF COUNSEL
 2 (All parties appearing via web videoconference)
 3
 4 For the Petitioner:
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 24 ALSO PRESENT:
 25 Kevin Johnson, Videographer

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1 I N D E X
 2 DEPONENT EXAMINATION
 3 ADAM FONTECCHIO, Ph.D. PAGE
 4
 5 MR. RUBIN 8
 6 MR. GARR 103
 7
 8 E X H I B I T S
 9 NUMBER PAGE
 10 DESCRIPTION
 11 Exhibit 1001 US Patent No. 6,072,450; 12
 12
 13 Exhibit 1003 US Patent No. 5,670,792; 12
 14
 15 Exhibit 1004 Patent Application 12
 16 Disclosure H05-3079;
 17
 18 Exhibit 1005 International Application 12
 19 No. WO96/25020;
 20
 21 Exhibit 1007 Declaration of 12
 22 Adam Fontecchio, Ph.D.
 23
 24
 25 ////

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1 Downington, Pennsylvania;
 2 Thursday, September 10 2020
 3 10:38 a.m.
 4 ---o0o---
 5
 6 (Exhibits were previously marked.)
 7
 8 THE VIDEOGRAPHER: We are now on the
 9 record. Today's date is September 10th, 2020, and
 10 the time is 10:38 a.m. Eastern Standard Time.
 11 This is the video deposition of
 12 Dr. Adam Fontecchio in the matter of
 13 Solas OLED, Ltd., versus Samsung Display Co., Ltd.,
 14 Case No. IPR 2020-00140.
 15 This deposition is taking place video Web
 16 videoconference, with all participants attending
 17 remotely due to the COVID-19 pandemic.
 18 My name is Kevin Johnson. I'm the
 19 videographer representing TransPerfect Deposition
 20 Services.
 21 Would counsel please identify yourself
 22 and state whom you represent, beginning with the
 23 questioning attorney.
 24 MR. RUBIN: This is Neil Rubin of
 25 Russ August & Kabat, and I represent the Patent

1 Owner, Solas OLED, Ltd.
 2 MR. GARR: Hi, and this is David Garr
 3 with Covington & Burling. I represent the
 4 petitioner.
 5 And just for the record, the caption in
 6 this case, because it's the IPR, is
 7 Samsung Display Co., Ltd., and Dell Inc.,
 8 Petitioner, versus Solas OLED, Ltd., Patent Owner.
 9 And I am here on behalf of Petitioner,
 10 Samsung Display Co., Ltd. and Dell Inc.
 11 THE VIDEOGRAPHER: Our court reporter
 12 today is Rebecca Romano, representing TransPerfect
 13 Deposition Services.
 14 You may now swear in the witness.
 15 THE COURT REPORTER: And before I swear
 16 in the deponent, I will ask Counsel to stipulate on
 17 the record that due to the current national
 18 emergency pandemic, the Court Reporter may swear in
 19 the deponent even though she is not in the physical
 20 presence of the deponent and that there will be no
 21 objection to that at this time, nor will there be
 22 an objection to it at a future date.
 23 Counsel?
 24 MR. RUBIN: The Patent Owner agrees.
 25 MR. GARR: No objections for Petitioner.

1 Thank you.
 2 THE COURT REPORTER: If you could raise
 3 your right hand for me, please.
 4 THE DEPONENT: (Complies.)
 5 THE COURT REPORTER: You do solemnly
 6 state, under penalty of perjury, that the testimony
 7 you are about to give in this deposition shall be
 8 the truth, the whole truth and nothing but the
 9 truth?
 10 THE DEPONENT: I do.
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1 ADAM FONTECCHIO, Ph.D.,
 2 having been administered an oath, was examined and
 3 testified as follows:
 4
 5 EXAMINATION
 6 BY MR. RUBIN:
 7 Q. Good morning, Dr. Fontecchio.
 8 A. Good morning, Mr. Rubin.
 9 Q. Is there any reason today that you cannot
 10 give full and complete testimony?
 11 A. There is not.
 12 Q. So, in particular, is there any medical
 13 reason, any illness you are suffering or medication
 14 that you're taking that would affect your ability
 15 to understand or answer questions?
 16 A. I don't think so. I am recovering from
 17 COVID, but I'm -- I'm feeling pretty good today. I
 18 did take some Advil earlier. I don't think that
 19 will impact my ability to answer the questions.
 20 Q. Great. Glad to hear that your recovery
 21 continues to go well.
 22 A. Thank you.
 23 Q. And you have been deposed before; is that
 24 correct?
 25 A. I have, yes.

1 Q. And have you been deposed before in IPR
 2 proceedings?
 3 A. No, I haven't.
 4 Q. Okay.
 5 A. As an expert, but I haven't been deposed.
 6 Q. I'm sorry. Could you say that again?
 7 A. I have participated in them before, but I
 8 haven't been deposed.
 9 Q. Understood.
 10 So the process should be familiar from
 11 District Court cases. If at any time a question of
 12 mine is -- is unclear, please ask me to clarify the
 13 question, and if you answer the question, we can
 14 assume that you feel that the -- that you
 15 understood the question that was asked.
 16 Is that fair?
 17 A. Yes.
 18 Q. And you understand that counsel may
 19 object to one of my questions, but unless you are
 20 instructed not to answer, you still have to answer
 21 the question notwithstanding the objection?
 22 A. Yes, I understand.
 23 Q. And do you understand that there's a rule
 24 that applies specifically in IPR proceedings that,
 25 during -- pardon me -- during breaks in my

1 questioning, you are not permitted to discuss
2 the -- the substance of your testimony with -- with
3 Petitioner's counsel?

4 A. I do.

5 Q. And so I -- I take it that you will
6 follow that rule and not discuss the substance of
7 your testimony during breaks?

8 A. I will, yes.

9 Q. Okay. Tell me: Do you have any printed
10 documents with you in the room that you are
11 testifying from?

12 A. I do, yes.

13 Well, of course, there's other things in
14 the other side of my office that are not within my
15 reach, but for this deposition, I brought some hard
16 copies of the exhibits. So I have a copy of my
17 declaration. It's a clean copy. I have clean copy
18 of the '450 patent. I have a clean copy of the
19 Manabe copy. The only edit -- alteration I made
20 was I highlighted Manabe so I could figure out
21 which document it was, sitting here in the pile. I
22 have a copy of the Utsugi patent. Once again, I
23 simply highlighted Utsugi's name so I could see
24 which patent it was. And I have a hard copy of the
25 Eida patent, where I also highlighted the -- sorry,

1 backwards on the screen -- highlighted his name so
2 I could find it. There's no other markings in
3 these copies.

4 Q. Okay. And anything else?

5 A. No.

6 I do like Post-Its in case I need to mark
7 a section, as we have done in previous depositions.

8 Q. Okay. So, then, each of the -- well,
9 actually, let me -- let me ask a clarifying
10 question.

11 So for both Manabe and Eida, do you
12 understand that the actual published references
13 are -- were written in a -- a language other than
14 English and then there were translations to English
15 that were prepared for this case?

16 A. I do understand, and these are the
17 English translations that I have printed out. They
18 are -- for Eida, it's Exhibit 1005. And for
19 Manabe, it's Exhibit 1004. I was provided copies
20 of the exhibits, and those are the ones I printed.

21 Q. Okay. So you have the English
22 translations, but not the -- the -- the references
23 in their original language?

24 A. That's correct.

25 Q. And I take it that you -- well,

1 withdrawn.

2 Are you able to read Japanese?

3 A. No, I am not.

4 Q. All right. So your -- your opinions were
5 based on the translations and not on reviewing
6 the -- or not on attempting to understand the --
7 the Japanese originals; is that right?

8 A. That's correct. I did not attempt to
9 understand the Japanese language. I probably
10 looked at the original Japanese ones for figures,
11 just to correlate them. I usually do. But I don't
12 have a copy here because they weren't an exhibit.

13 Q. Okay. I think they -- they were,
14 actually, exhibits submitted in -- with the
15 petition, but I think that's neither here nor
16 there. Just wanted to make sure that I understood
17 what was in front of you.

18 So, then, for the -- so for the '450
19 patent, which is Exhibit 1001, for the Utsugi and
20 translated Manabe and Eida references, which are
21 1003 through 1005, and for your declaration, which
22 is 1007, I won't plan to distribute copies of those
23 through Zoom. Although, if -- if you do need me to
24 provide electronic copies, let me know.

25 Fair?

1 A. Yes, and I also have electronic copies
2 here if I need them as well.

3 Q. Okay. And when you say you have
4 electronic copies -- so do you have a laptop
5 that -- that has -- do you all of the exhibits in
6 the case on -- well, I'm sorry.

7 Do you have -- are those electronic
8 copies on a -- a laptop?

9 A. My counselor provided me a folder that
10 has --

11 Q. Okay.

12 A. -- these exhibits in it. They sent it by
13 email, I think it was, or Dropbox, and I downloaded
14 it to a folder on my desktop that I am using here
15 to -- for Zoom.

16 Q. Okay. And that folder is -- is just
17 those five exhibits that you mentioned, or does
18 this --

19 A. Yes.

20 Q. -- have others?

21 A. No, just those five files in a separate
22 folder on my desktop.

23 Q. Okay. So, then, there is another
24 exhibit, 1008, that is your CV.

25 Do I understand correctly that you don't

1 have a printed copy of that?
 2 A. That is correct.
 3 Q. Okay.
 4 A. I don't have a digital copy of that
 5 either, not -- not labeled as Exhibit 1008.
 6 Q. Okay. Understood.
 7 So Exhibit 1007, which you have a copy
 8 of, do you recognize that as the declaration that
 9 you submitted in this case?
 10 A. I do, yes.
 11 Q. Are there any errors that you are aware
 12 of in the declaration, sitting here today?
 13 A. Not that I'm aware of.
 14 Q. Okay. Anything you would like to change
 15 in the declaration?
 16 A. Not at this time.
 17 Q. Okay. Can you tell me: Have you ever
 18 designed or fabricated an electroluminescent
 19 display?
 20 A. I have, yes.
 21 Q. Have you ever designed or fabricated an
 22 organic electroluminescent display?
 23 A. Yes, but not in the traditional sense.
 24 So in my own research activities, I have
 25 been working on fabricated embedded displays,

1 primarily electroluminescent, and this includes
 2 working with organic LED materials, OLED materials.
 3 So the -- the work that I have done has
 4 been to try and integrate a display into woven
 5 fabric in a sleeve, so I have been working on that
 6 for several years, and my work has crossed over
 7 because, of course, it relies upon OLED technology.
 8 I have also worked rather extensively in
 9 liquid crystal technology for -- for decades.
 10 On -- a lot of underlying technologies are the
 11 same, such as active matrix back-planes and the
 12 concept of color -- color filtration, so a lot of
 13 the technology I work with overlaps with OLED
 14 technology.
 15 Q. I'd like to ask you to turn in your
 16 report to -- well, actually, let me change that.
 17 If you could please turn to Exhibit 1003
 18 [sic], the Utsugi patent?
 19 A. Okay. Yes, I have that here.
 20 Q. And claim 4 of the '450 patent requires,
 21 among other things, a selection transistor and a
 22 driver transistor.
 23 Do you recall that?
 24 A. I do.
 25 Q. And you've offered the opinion that

1 Utsugi anticipates claim 4 or, in the alternative,
 2 renders claim 4 obvious; is that right?
 3 A. Yes, I have.
 4 MR. GARR: Objection --
 5 Q. (By Mr. Rubin) So --
 6 MR. GARR: -- form.
 7 Q. (By Mr. Rubin) So as you've applied
 8 claim 4 to the Utsugi prior art reference, what, in
 9 Utsugi, is the selection transistor?
 10 A. The selection transistor is the switching
 11 transistor. I think he calls it "QS."
 12 Q. And as you have applied the -- as you've
 13 applied claim 4 to the Utsugi reference, what, in
 14 Utsugi, is the drive transistor?
 15 A. The current controlling transistor. I
 16 think they -- I think it's "QI"? Yes, QI.
 17 Q. And I would like to take a look at the
 18 figures at Utsugi.
 19 In figure 1 of Utsugi, would you agree
 20 that the -- that neither the driving transistor
 21 or -- well, I'm sorry. Withdrawn.
 22 Would you agree that figure 1 of Utsugi
 23 does not have a selection transistor or a driver
 24 transistor?
 25 MR. GARR: Objection. Form.

1 THE DEPONENT: I would agree that
 2 figure 1 doesn't show those; that is correct.
 3 Q. (By Mr. Rubin) Okay. And figure 1 of
 4 Utsugi is a passive matrix display; is that right?
 5 A. I believe so. Let me verify with the
 6 figure description just to make sure we are
 7 accurate.
 8 That's correct. They call it a
 9 "conventional symbol matrix-type display," but it's
 10 passive matrix display.
 11 Q. So in a passive matrix display, you would
 12 not have a selection transistor, and you would not
 13 have a drive transistor; is that right?
 14 A. Yes, that's correct. Passive matrix
 15 displays don't use transistors -- well, they may
 16 use transistors for driving schemes or for control
 17 systems, but not within the display matrix itself.
 18 Q. And -- withdrawn.
 19 Now, figure 2 of Utsugi shows a -- shows
 20 a transistor QS and then shows a transistor QI.
 21 Do you see that?
 22 A. I do, yes, in the left-hand -- lower left
 23 corner.
 24 Q. You would agree that figure 2 of Utsugi
 25 does not show an insulating layer?

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