

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC.,
Petitioner,

v.

IMMERVISION, INC.,
Patent Owner.

U.S. Patent No. 6,844,990

**DECLARATION OF RUSSELL CHIPMAN, PH.D.
IN SUPPORT OF PETITIONER'S REPLY TO PATENT OWNER'S
RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF U.S.
PATENT NO. 6,844,990**

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I, Russell Chipman, hereby declare the following:

I. BACKGROUND AND QUALIFICATIONS

1. My name is Russell Chipman and I am over 21 years of age and otherwise competent to make this Declaration. I make this Declaration based on facts and matters within my own knowledge and on information provided to me by others, and, if called as a witness, I could and would competently testify to the matters set forth herein.

2. I have been retained as a technical expert witness in this matter by Counsel for Petitioner LG Electronics Inc. to provide my independent opinions on certain issues requested by Counsel for Petitioner relating to the petitions for Inter Partes Review of U.S. Patent No. 6,844,990 (“the ’990 Patent”). My compensation in this matter is not based on the substance of my opinions or the outcome of this matter. I have no financial interest in Petitioner. I have been informed that ImmerVision, Inc. (“ImmerVision”) is the purported owner of the ’990 Patent, and I note that I have no financial interest in ImmerVision.

3. I previously provided a declaration dated November 27, 2019, in support of the petitions for *inter partes* review of claims 5 and 21 of the ’990 Patent (Ex. 1008). I summarized my educational background, career history, and other qualifications relevant to this matter in my prior declaration. I also previously provided my curriculum vitae as Appendix A to my prior declaration

(Ex. 1009). Finally, I provided a declaration (Ex. 1017) regarding certain Code V exhibits (Exs. 1014-1016).

4. Since submitting my November 27, 2019, declaration, I have reviewed the following documents in this proceeding:

- Patent Owner’s Preliminary Response (Paper No. 5)
- Decision Granting Institution (Paper No. 6)
- Exhibits 1014-1016
- Patent Owner’s Response (Paper No. 12)
- Exhibits 2001-2022, which includes the Declaration of Mr. Aikens (Exhibit 2009)
- October 1, 2020, Transcript of the Deposition of Mr. David Aikens (Exhibit 1018)
- K-10 Glass Data Sheet, Schott North America, Inc. (Exhibit 1020)
- Definition of “embodiment,” Black’s Law Dictionary (11th ed. 2019) (Exhibit 1021)
- Optikos® LensCheck™ VIS Lens Measurement System Datasheet (Exhibit 1022)

II. TADA RENDERS CLAIMS 5 AND 21 OBVIOUS

5. I disagree with Mr. Aikens that the purported error in Table 5 was “readily apparent.” Ex. 2009, ¶¶53-77, 132-136, 144-148. I also disagree with Mr. Aikens’s premise that a POSA would only be interested in recreating Tada’s exact lens models, rather than the explanations that Tada provides for wide-angle lenses and everything else it discloses. Ex. 2009, ¶43. There is nothing in Table 5 that would lead a POSA to believe there is an error because it includes all of the information necessary to enable a complete lens. I also disagree with Mr. Aikens that a POSA would always check the Table 5 data using the sag information in Table 6. Ex. 2009, ¶61. There would have been no reason to do so since the Table 5 information is complete and stands on its own. Moreover, contrary to Mr. Aikens’s suggestion, sag information would not have been used for this purpose. As I previously testified, a sag table is typically only used in the fabrication process, not to check modeled lenses. *See* Ex. 2002 at 44:12-45:9.

6. Even if a POSA were to check Table 5 with other parts of Tada, it would have taken many hours to conclude there was an error, as it did for Mr. Aikens himself. Ex. 1018 at 132:1-15, 136:5-137:12 (“I had figured out that something was wrong probably within two to three hours. Then modeling the other embodiments, that took time. And then continuing to try to understand how to recreate the surface, that took more time.”). In other words, the purported error

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