

In the Matter Of:

SAMSUNG ELECTRONICS v

NANOCO TECHNOLOGIES

BRANDI COSSAIRT, PH.D.

October 28, 2021



Page 1

1 UNITED STATES PATENT AND TRADEMARK OFFICE
 2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
 3 Case Nos. IPR2021-00183 Patent No. 7,588,828
 4 IPR2021-00184 Patent No. 7,803,423
 5 IPR2021-00185 Patent No. 7,867,557
 6 IPR2021-00186 Patent No. 8,524,365
 7
 8 -----
 9 SAMSUNG ELECTRONICS CO.,
 10 LTD., SAMSUNG ELECTRONICS
 11 AMERICA, INC.
 12 Petitioner,
 13 -v-
 14 NANOCO TECHNOLOGIES LIMITED,
 15 Patent Owner.
 16 -----
 17
 18 REMOTE TESTIMONY OF BRANDI COSSAIRT, PhD
 19 OCTOBER 28, 2021 - 12:00 P.M. EDT
 20
 21
 22 JOB NO. 2021-813664

Page 2

1
 2
 3
 4 OCTOBER 28, 2021
 5 12:00 P.M. EDT
 6
 7
 8 REMOTE DEPOSITION of BRANDI COSSAIRT,
 9 PhD, before S. Arielle Santos, Certified Court
 10 Reporter, Certified LiveNote Reporter and Notary
 11 Public.
 12
 13
 14
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 18
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 20
 21
 22

Page 3

1 REMOTE APPEARANCES:
 2
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Page 4

1 INDEX
 2
 3 BRANDI COSSAIRT 7
 4 MR. WILSON 7
 5 MR. NEWMAN 148
 6 MR. WILSON 151
 7
 8
 9 EXHIBITS REFERENCED - PREVIOUSLY MARKED
 10
 11 Exhibit D - Nanoco Exhibit 2046 10
 12 Exhibit F - IPR2021-00186 Institution 14
 13 Decision
 14 Exhibit G - Samsung Ex. 1001 31
 15 Exhibit H - Samsung Ex. 1001 31
 16 Exhibit I - Samsung Ex. 1001 31
 17 Exhibit J - Samsung Ex. 1001 31
 18 Exhibit A - Nanoco Exhibit 2030 40
 19 Exhibit B - Nanoco Exhibit 2030 41
 20 Exhibit C - Nanoco Exhibit 2030 41
 21 Exhibit E - Nanoco Exhibit 2030 41
 22 Exhibit K - Samsung Ex. 1001 141

Page 5

1 THE VIDEOGRAPHER: We are now
2 on the record.
3 Today's date is October 28,
4 2021. Time on the record is
5 12:10 p.m. Eastern Time.
6 This is the video deposition
7 of Brandi Cossairt, in the Matter
8 of Samsung Electronics Company
9 Limited, et al., versus Nanoco
10 Technologies Limited, et al., all
11 in the United States Patent
12 Trademark Office before the Patent
13 Trial and Appeal Board.
14 The case numbers are IPR
15 2021-00183, Patent Number
16 7,588,828; IPR 2021-00184, Patent
17 Number 7,803,423; IPR 2021-00185,
18 Patent 7,867,557; and IPR
19 2021-00186, Patent Number
20 8,524,365.
21 This deposition is taking
22 place via web videoconference with

Page 6

1 all participants attending
2 remotely.
3 My name is Isaac Orihuela. I
4 am the videographer representing
5 Lexitas.
6 Will counsel on the
7 conference please identify
8 yourselves and state whom you
9 represent beginning with
10 questioning attorney.
11 MR. WILSON: This is Jeremy
12 Wilson from Kirkland & Ellis
13 representing Petitioners. And
14 with me is Stephen DeSalvo, also
15 from Kirkland & Ellis.
16 MR. NEWMAN: Michael Newman
17 from Mintz on behalf of patent
18 owner Nanoco Technologies Limited.
19 And with me is Pete Cuomo also
20 from Mintz.
21 THE VIDEOGRAPHER: Thank you.
22 Our reporter today is Arielle

Page 7

1 Santos representing Lexitas. Our
2 reporter can now swear in the
3 witness.
4
5 BRANDI COSSAIRT, Testifies under penalty of
6 perjury as follows:
7
8 THE WITNESS: I do.
9
10 EXAMINATION
11 BY MR. WILSON:
12 **Q Good morning. Would you please**
13 **state your name for the record?**
14 A Yeah. It's Brandi Cossairt.
15 **Q And I know you have been deposed**
16 **before, but I want to just go over a**
17 **couple of ground rules.**
18 **If you don't understand a**
19 **question, will you tell me and,**
20 **otherwise, I will assume you have heard**
21 **it and understood it?**
22 A Sounds good. Yes, I can.

Page 8

1 **Q And would you please make sure**
2 **to answer verbally; so no head shaking or**
3 **thumbs up or anything like that, just so**
4 **the court reporter can take down your**
5 **answer?**
6 A Will do.
7 **Q And, you know, this is really**
8 **hard over Zoom sometimes, so we have to**
9 **be careful not to talk over each other.**
10 **So just please let me finish my question**
11 **before answering, and I will do my best**
12 **to let you finish your answer before**
13 **asking my next question.**
14 **Sound good?**
15 A Sounds good.
16 **Q And finally, if you need a**
17 **break, let me know and we can definitely**
18 **take a break but not if a question is**
19 **pending. And if you do need to take a**
20 **break, I may, you know, seek to just ask**
21 **a few more questions to fill out our line**
22 **of questioning. But other than that. we**

Page 9

1 can take a break whenever.
2 And just because we are not in
3 the same room, can you just, you know,
4 confirm that you have closed, you know,
5 all applications other than Zoom, and,
6 you know, the PDF reader that you will
7 use to read exhibits?
8 A Yes. Let me do that.
9 Q Fair enough.
10 A Okay. I can confirm that I have
11 done that.
12 Q Yeah. And it is also helpful to
13 just, you know, mute your cell phone and
14 make sure it's not on your desk.
15 A Okay.
16 Q I think I did the same, but I
17 have an iPad that may act up on me, so
18 let's see.
19 MR. WILSON: All right. And
20 then this is just a housekeeping
21 issue for Mr. Newman. I know that
22 we already spoke about it off the

Page 10

1 record, but I just want to make
2 sure that we have an agreement on
3 the record that this deposition
4 applies to the IPR 2021-183, 184,
5 185, and 186 cases.
6 Sound good?
7 MR. NEWMAN: That's right,
8 Jeremy.
9 MR. WILSON: All right.
10 Thank you.
11 All right. So I will go
12 ahead and -- I will go ahead and
13 put it in the chat. So I just
14 dropped into the chat a document,
15 the title is Exhibit D.
16 Can you please let me know
17 when you get that?
18 (Premarked Exhibit D - Nanoco
19 Exhibit 2046 - is shown to
20 Witness.)
21 THE WITNESS: Yes, I have it.
22 MR. WILSON: All right. And

Page 11

1 for the record, this was marked as
2 Exhibit A [sic] to Exhibit 2046 in
3 the 186 case.
4 Is this your curriculum
5 vitae?
6 A Yes.
7 Q Is it accurate?
8 A It appears to be accurate.
9 Yeah.
10 Q So I just want to go over your
11 background and qualifications a little
12 bit.
13 So where did you receive your
14 bachelor's degree from?
15 A I received my bachelor's degree
16 from California Institute of Technology.
17 Q And was that in chemistry?
18 A That was in chemistry.
19 Q Okay.
20 And can you please describe your
21 graduate school experience?
22 A Sure. I got my PhD in inorganic

Page 12

1 chemistry from the Massachusetts
2 Institute of Technology in 2010.
3 Q Okay.
4 And do you know what a molecular
5 cluster compound is?
6 A I do.
7 Q What is it?
8 A Are we using the court's
9 definition or broader chemistry
10 definition?
11 Q Well, let's first use a broader
12 chemistry definition.
13 A Yeah. So I think using the
14 broad chemistry definition, most
15 inorganic chemists or materials chemists
16 would describe molecular cluster compound
17 as a species that has main group elements
18 interconnected to one another with bonds
19 between the atoms. So, yeah, that's how
20 I would describe it.
21 Q And just to be clear, were you
22 describing a cluster compound or a

Page 13

1 **molecular cluster compound?**
2 A A molecular cluster compound.
3 So a molecule that is a cluster
4 and a cluster has main group elements
5 connected by -- interconnected by bonds
6 between the elements.
7 **Q Okay.**
8 **And is that different than the**
9 **definition that the District Court**
10 **provided for molecular cluster compound?**
11 A Yeah. It's a broader use of the
12 term for sure.
13 **Q So what's the -- are you**
14 **familiar with the District Court's --**
15 **well, here let me just go ahead and...**
16 (Whereupon a Discussion is
17 Held Off the Record.)
18 MR. WILSON: I will go ahead
19 and put this in the chat.
20 I have put in what's been
21 premarked as Exhibit F, the
22 institution decision for IPR

Page 14

1 2021-186.
2 (Premarked Exhibit F -
3 IPR2021-00186 Institution Decision
4 - is shown to Witness.)
5 THE WITNESS: Yes, I have it.
6 BY MR. WILSON:
7 **Q Have you seen that before?**
8 A Yes.
9 **Q And here it says the board took**
10 **note -- if you look at page 16, this**
11 **would be the first full paragraph which**
12 **is sort of the second paragraph on the**
13 **page.**
14 **It says, "We take note, however,**
15 **that the District Court construed the**
16 **term 'molecular cluster compound' in the**
17 **challenged claims to mean 'clusters of**
18 **three or more metal atoms and their**
19 **associated ligands of sufficiently**
20 **well-defined chemical structure such that**
21 **all molecules of the cluster compound**
22 **possess the same relative molecular**

Page 15

1 **formula."**
2 **Do you see that?**
3 A I do.
4 **Q Do you agree with that**
5 **definition?**
6 A I think that is a fine
7 definition as it pertains to the case and
8 the patents under consideration.
9 **Q Okay.**
10 **Now, using that definition, have**
11 **you ever made a molecular cluster**
12 **compound?**
13 A Yes.
14 **Q And when have you made one?**
15 A During my PhD, during my
16 post-doc, and as independent investigator
17 at the University of Washington.
18 **Q Okay.**
19 **And how did you make a molecular**
20 **cluster compound?**
21 A Can you be more specific?
22 **Q Well, let me see if I can figure**

Page 16

1 **out the source of confusion.**
2 **You said you made a molecular**
3 **cluster compound. Is the problem that**
4 **you made tons of them and you need a more**
5 **specific one or what is the problem with**
6 **the question?**
7 A Yeah. So I have made multiple
8 and used different methods to make them.
9 There are, you know, lots of ways to make
10 a molecular cluster compound. It depends
11 on which one you are making.
12 **Q Fair enough. Fair enough.**
13 **Well, can you give me an example**
14 **of a molecular cluster compound that you**
15 **have made?**
16 A Sure. So I will take one that I
17 made as a PhD student as an example.
18 It was a compound that contained
19 three gallium atoms, an arsenic atom, and
20 three phosphorous atoms, along with
21 associated carbon-based ligands. And I
22 made it by taking the molecular

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