### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Tianma Microelectronics Co. Ltd.,

Petitioner

v.

Japan Display Inc.

Patent Owner

Patent No. 9,310,654 Case No. IPR2021-01029

DECLARATION OF E. FRED SCHUBERT, PH.D. IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,310,654



# **TABLE OF CONTENTS**

| I.    | Introduction   |  |    |  |
|-------|--|--|----|--|
| II.   | Qualifications and Background                                      |  |    |  |
| III.  | Materials Considered   |  |    |  |
| IV.   | Legal Standard   |  |    |  |
|       | A.   | Claim Construction   | 8  |  |
|       | B.   | Anticipation Under 35 U.S.C. § 102   | 9  |  |
|       | C.   | Requirement for determining entitlement to priority to prior-filed application under 35 U.S.C. § 120 | 10 |  |
|       | D.   | Written description requirement under pre-AIA § 112, ¶1 or post-AIA 35 U.S.C. § 112(a)               | 10 |  |
| V.    | Overview of the '654 Patent  |  |    |  |
|       | A.   | Overview   | 11 |  |
|       | B.   | Parent Application   | 15 |  |
|       | C.   | Effective Filing Date  | 24 |  |
|       | D.   | Person of Ordinary Skill in the Art  | 24 |  |
| VI.   | Clain  | n Construction   | 26 |  |
| VII.  | Over   | view of Prior Art: Atarashiya-267  | 26 |  |
| VIII. | Atarashiya-267 Anticipates Claims 1-7 and 12-14 of the '654 Patent |  |    |  |
|       | A.   | Claim 1  | 32 |  |
|       | B.   | Claim 2  | 52 |  |
|       | C.   | Claim 3  | 53 |  |
|       | D.   | Claim 4  | 56 |  |
|       | Ε.   | Claim 5  | 59 |  |



|    | F.  | Claim 6  | 62 |
|----|-----|----------|----|
|    | G.  | Claim 7  | 62 |
|    | Н.  | Claim 12 | 62 |
|    | I.  | Claim 13 | 63 |
|    | J.  | Claim 14 | 64 |
| IX | Con | clusion  | 75 |



#### I. Introduction

- 1. I, E. Fred Schubert, Ph.D., submit this declaration to state my opinions on the matters described below.
- 2. I have been retained by Petitioner Tianma Microelectronics Co. Ltd. as an independent expert in this proceeding before the United States Patent and Trademark Office.
- 3. I understand that this proceeding involves U.S. Patent No. 9,310,654 ("the '654 patent"), and I have been asked to provide my opinions as to the patentability of the claims of the '654 patent. I have been informed that a copy of the '654 patent is attached to the petition as Exhibit 1001.
- 4. This declaration sets forth the opinions that I have formed in this proceeding based on my study of the evidence, my understanding as an expert in the field, and my education, training, research, knowledge, and personal and professional experience.
- 5. I am being compensated for my time at the rate of \$500 per hour for my work. This compensation is not contingent in any way upon the nature of my findings, the presentation of my findings in testimony, or the outcome of this proceeding, nor does it affect the substance of my statements in this declaration.



6. I have no financial interest in the Petitioner, the Patent Owner Japan Display Inc., or the '654 Patent, and I have not had any contact with the named inventors of the '654 Patent, Takao Atarashiya and Hayato Kurasawa.

## II. Qualifications and Background

- 7. Based upon my educational and work experience, I believe I am well qualified to serve as a technical expert in this matter.
- 8. I expect to testify further, if requested, regarding the subject matter set forth in this declaration.
- 9. I am currently an active tenured full professor in the Department for Electrical, Computer, and Systems Engineering at the Rensselaer Polytechnic Institute (RPI) located in Troy, New York.
- 10. I also held other positions at RPI. For example, from 2002 to 2012, I was a professor in the Department of Physics, Applied Physics, and Astronomy. In 2008-2009, I served as the founding director for RPI's Engineering Research Center for Smart Lighting, which was funded by the National Science Foundation (NSF).
- 11. Before I moved to RPI, I was a professor in the Department of Electrical and Computer Engineering at Boston University, from 1995 to 2002. I also served as the director of Boston University's Semiconductor Devices Research Laboratory.



# DOCKET

# 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.

