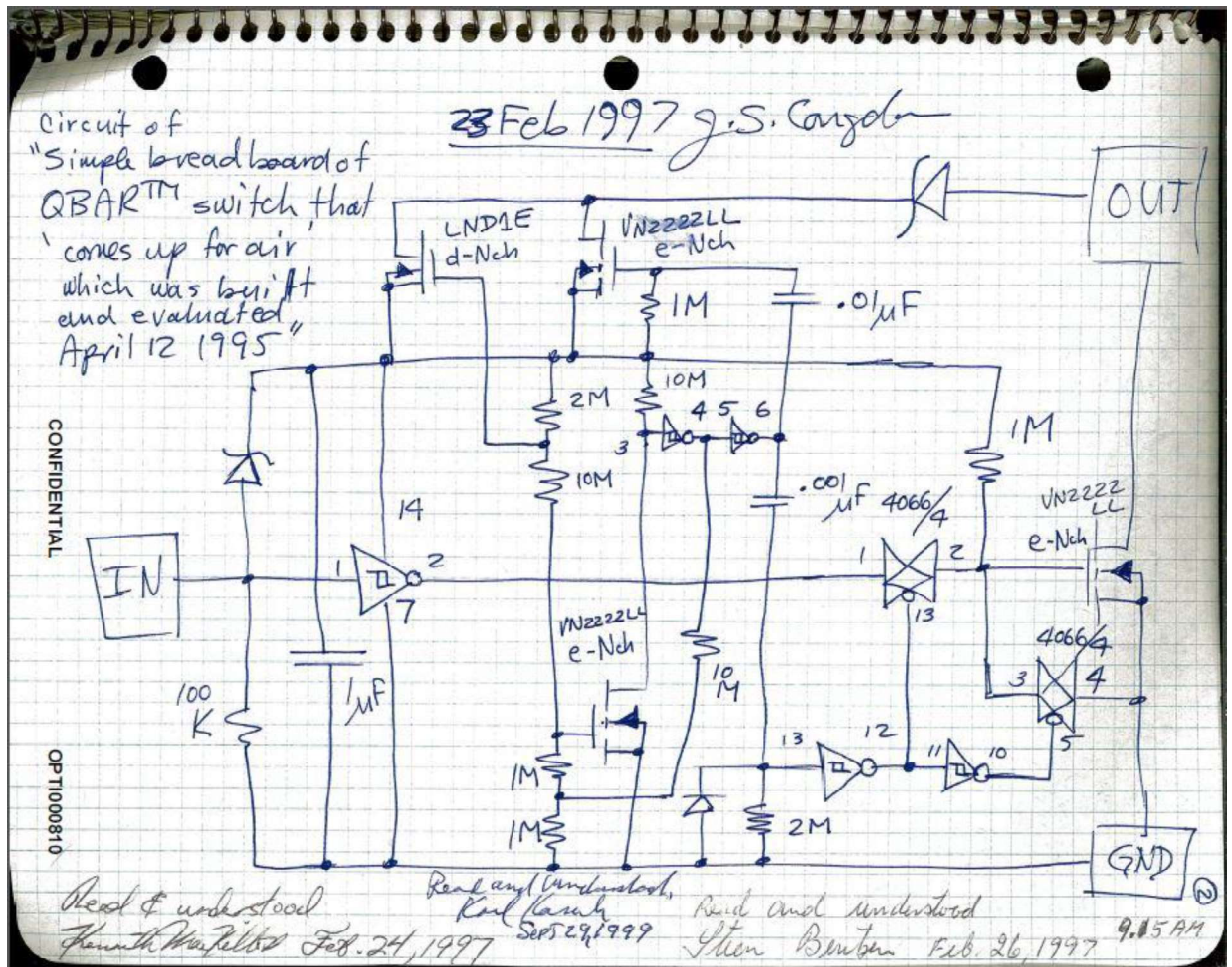


United States District Court  
Northern District of California



See Headley Decl. Ex. 6. Opticurrent states and PI does not dispute that Congdon made this drawing and that it contains each and every element of Claim 1 of the '623 Patent. At issue, however, are the three signatures that appear at the bottom of the drawing. Each reflects that the drawing was “[r]ead and understood” by three separate individuals on February 24, 1997, February 26, 1997, and September 29, 1999, respectively. *Id.* The signatories to the document have not provided any testimony or declarations in this litigation.

The parties vigorously debate whether this is the type of physical evidence that does not require corroboration. See *Mahurkar*, 79 F.3d at 1577. The case law on this issue is less than clear. On the one hand, the Federal Circuit has stated in various opinions that “[t]he inventor . . . must provide *independent* corroborating evidence in addition to his own statements and documents.” *Hahn v. Wong*, 892 F.2d 1028, 1031 (Fed. Cir. 1989) (emphasis added); see also *Procter v. Gamble Co. v. Teva Pharm. USA, Inc.*, 566 F.3d 989, 998–99 (Fed. Cir. 2009)