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Transcript of Guerry Grune, Ph.D., Volume II

Date: February 10, 2023

Case: Certain Soft Projectile Launching Devices (337-TA-1325)

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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, D.C.

In the Matter of
CERTAIN SOFT PROJECTILE
LAUNCHING DEVICES, COMPONENTS Inv. No. 337-TA-1325
THEREOF, AMMUNITION, AND
PRODUCTS CONTAINING SAME

REMOTE VIDEOTAPED DEPOSITION OF
GUERRY GRUNE, Ph.D.

VOLUME II

Friday, February 10, 2023

2:08 p.m. EST

Reported by:
Misty Klapper, RMR, CRR
Job No. 480525
Pages 404 - 463

1 UNITED STATES INTERNATIONAL TRADE COMMISSION

2 WASHINGTON, D.C.

3 _____
4 In the Matter of

5 CERTAIN SOFT PROJECTILE

6 LAUNCHING DEVICES, COMPONENTS Inv. No. 337-TA-1325

7 THEREOF, AMMUNITION, AND

8 PRODUCTS CONTAINING SAME
9 _____

10
11 Continuation of videotaped deposition of

12 GUERRY GRUNE, VOLUME II

13 taken by remote videoconference on behalf of

14 Complainant Hasbro, beginning at 2:08 p.m. EST,

15 on Friday, February 10, 2023, before Misty Klapper,

16 RMR, CRR, and Notary Public in and for the District

17 of Columbia.
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16 BRENDON SKIPPER, VIDEOGRAPHER, PLANET DEPOS

17 MANITA JOSEPH, TECHNICIAN, PLANET DEPOS
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C O N T E N T S

WITNESS:	EXAMINATION BY:	PAGE:
Guerry Grune	Mr. Hoffman	412
	Mr. Gold	435

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E X H I B I T S

NO.	DESCRIPTION	PAGE:
Exhibit 27	Stampede select fire modification how-to (See Exhibit 15, Volume I)	448

PREVIOUSLY MARKED EXHIBITS REFERRED TO:	PAGE:
Grune Exhibit 1	414
Grune Exhibit 15	447
Grune Exhibit 20	440

Transcript of Guerry Grune, Ph.D., Volume II
February 10, 2023

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1 P R O C E E D I N G S

2 VIDEO OPERATOR: Here begins the 02:07:56
3 continued remote video deposition of 02:07:57
4 Dr. Guerry Grune, Ph.D., In the Matter of 02:08:00
5 Certain Soft Projectile Launching Devices 02:08:04
6 in the United States International Trade 02:08:08
7 Commission, Washington, D.C., Case Number 02:08:08
8 337-TA-1325. 02:08:13

9 Today's date is February 10th 2023. 02:08:19
10 The time on the video monitor is 14:08 02:08:23
11 p.m. Eastern Standard Time. 02:08:27

12 The remote videographer today is 02:08:30
13 Brendon Skipper, representing Planet 02:08:32
14 Depos. All parties of this video 02:08:34
15 deposition are attending remotely. 02:08:37

16 Would counsel please voice identify 02:08:39
17 themselves and state whom they represent. 02:08:41

18 MR. HOFFMAN: David Hoffman from 02:08:45
19 Fish on behalf of Hasbro. 02:08:47

20 MR. GOLD: Aaron Gold, Kelley 02:08:50
21 Drye & Warren, on behalf of Gel Blaster, 02:08:51
22 representing the witness. 02:08:55

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February 10, 2023

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1	MR. GEORGE: Kenneth George from	02:08:58
2	Amster Rothstein & Ebenstein on behalf of	02:09:00
3	the PTT Respondents.	02:09:03
4	MS. KNAPP: And Tiffany Knapp from	02:09:07
5	Kirkland & Ellis on behalf of the	02:09:09
6	Splat-R-Ball Respondents.	02:09:12
7	MR. TAYLOR: Todd Taylor	02:09:15
8	representing the Office of Unfair Import	02:09:16
9	Investigations.	02:09:19
10	VIDEO OPERATOR: The court reporter	02:09:21
11	today is Misty Klapper, representing	02:09:21
12	Planet Depos.	02:09:24
13	Would the reporter please swear in	02:09:24
14	the witness.	02:09:26
15	MS. REPORTER: One moment.	02:09:28
16	GUERRY GRUNE, Ph.D.,	02:09:29
17	The witness herein, called for	02:09:29
18	continuing examination by counsel for	02:09:29
19	Complainant Hasbro, having	02:09:29
20	been duly sworn, was examined and testified as follow	02:09:29
21	MS. REPORTER: Thank you.	02:09:51
22	MR. HOFFMAN: Am I good?	02:09:54

1	MS. REPORTER: Yes. Go ahead, sir.	02:09:55
2	CONTINUED EXAMINATION BY COUNSEL FOR	02:09:57
3	COMPLAINANT HASBRO, INC.	02:09:57
4	BY MR. HOFFMAN:	02:09:57
5	Q. I believe what I'll be asking today	02:09:57
6	isn't confidential, so we can start off on the	02:10:00
7	public record at least.	02:10:02
8	First, Dr. Grune, I apologize for my	02:10:04
9	dress. I had intended to change before I had to	02:10:07
10	run home to avoid the -- the bomb threat in the	02:10:11
11	building. So I apologize for that. I -- I	02:10:13
12	wanted to wear something a little more -- you	02:10:16
13	know, to match you. So I -- I -- my apologies.	02:10:18
14	A. I understand.	02:10:22
15	Q. I will be relatively quick here.	02:10:23
16	Sir, do you recall that during your	02:10:27
17	last deposition when we talked before you	02:10:29
18	testified that you did not have one year of	02:10:32
19	experience designing toys, including projectile	02:10:34
20	launching systems?	02:10:39
21	MR. GOLD: Objection, form.	02:10:40
22	///	

1	BY MR. HOFFMAN:	02:10:47
2	Q. You -- you can answer.	02:10:47
3	A. Yes, sir.	02:10:48
4	Q. And just to be clear on that, it --	02:10:51
5	would it be correct to say you have no experience	02:10:53
6	at all designing projectile launching systems,	02:10:55
7	correct?	02:11:00
8	MR. GOLD: Objection.	02:11:01
9	THE WITNESS: Yes.	02:11:06
10	BY MR. HOFFMAN:	02:11:08
11	Q. So last deposition you told me that a	02:11:09
12	POSITA would understand that a superabsorbent	02:11:11
13	polymer was a polymer that had the ability to	02:11:17
14	absorb at least 100 times its weight in fluid.	02:11:21
15	Do you recall that?	02:11:25
16	A. Yes.	02:11:31
17	Q. Okay. And do you still believe that	02:11:31
18	a POSITA would understand that a superabsorbent	02:11:33
19	polymer was a polymer that had the ability to	02:11:37
20	absorb at least 100 times its weight in fluid?	02:11:41
21	A. Yes.	02:11:48
22	Q. Okay. Haven't changed your mind,	02:11:48

1	right?	02:11:51
2	A. No, sir.	02:11:51
3	Q. Okay. Are there any polymers that	02:11:53
4	can absorb at least 100 times their weight in	02:11:55
5	fluid that are not SAPs?	02:11:59
6	A. Well, I don't believe I address that	02:12:07
7	in my report anywhere. And I would -- I -- I --	02:12:08
8	I would have to investigate that. I don't -- I	02:12:15
9	have insufficient information at this point to	02:12:19
10	answer that question.	02:12:22
11	Q. Okay. Well, do you have your report	02:12:24
12	in front of you?	02:12:27
13	A. Yes, sir, I do.	02:12:28
14	Q. Okay. If you could turn to page 12	02:12:29
15	of your report. It's Exhibit 1.	02:12:36
16	(Thereupon, Grune Exhibit 1,	06:33:46
17	previously marked for identification,	06:33:46
18	was referred to.)	06:33:46
19	THE WITNESS: Page 12, I'm there,	02:12:50
20	yes, sir.	02:12:52
21	BY MR. HOFFMAN:	02:12:52
22	Q. And there's a reference there to	02:12:53

1	CXM-0008, which is a publication?	02:12:54
2	A. Yes. CXM-008 is a publication,	02:13:00
3	Advances in -- in Superporous Hydrogels, Journal	02:13:04
4	of Controlled Release.	02:13:09
5	Q. And you quoted a section from the --	02:13:11
6	the article Advances in Superporous Hydrogel?	02:13:13
7	A. Yes.	02:13:21
8	Q. Okay. And that quote you have there	02:13:22
9	says, SAPs, just like SPHs, and then continues.	02:13:26
10	Do you see that?	02:13:32
11	A. I do.	02:13:33
12	Q. What is an SPH?	02:13:34
13	A. In this case I believe they're	02:13:37
14	referring to a superporous hydrogel.	02:13:39
15	Q. And can superporous hydrogels absorb	02:13:44
16	100 times their weight in -- at least 100 times	02:13:48
17	their weight in fluid?	02:13:53
18	MR. GOLD: Objection.	02:13:55
19	You can answer the question,	02:14:07
20	Dr. Grune.	02:14:08
21	THE WITNESS: Oh, okay. Thanks,	02:14:10
22	Aaron.	02:14:11

1	Well, I did not address superporous	02:14:12
2	hydrogels in -- in my report. I -- only	02:14:15
3	addressed SAPs, superabsorbent polymer	02:14:18
4	absorbent polymers.	02:14:21
5	BY MR. HOFFMAN:	02:14:23
6	Q. Are you not familiar, sir, with	02:14:24
7	superporous hydrogel?	02:14:25
8	A. I -- I guess I really don't know how	02:14:30
9	to answer that question. It's a -- it's a --	02:14:32
10	it's a broad term. And superporous hydrogels is	02:14:34
11	a big -- big class that I would say I have much	02:14:42
12	less familiarity with than SAPs.	02:14:46
13	Q. You would agree, though, sir, that	02:14:49
14	the portion of CXM 8 that you quoted in your	02:14:51
15	report says that SPHs can absorb 10 to 1,000	02:14:56
16	times of their original weight or volume,	02:15:03
17	correct, sir?	02:15:07
18	MR. GOLD: Objection.	02:15:10
19	THE WITNESS: Well -- sorry.	02:15:12
20	MR. GOLD: You can answer the	02:15:14
21	question.	02:15:14
22	THE WITNESS: Thanks, Aaron.	02:15:16

1	So I would state exactly what it	02:15:18
2	says in my report. I don't think I would	02:15:24
3	vary from what it says in the report.	02:15:26
4	The quote that's written in the	02:15:30
5	report is what it says.	02:15:32
6	BY MR. HOFFMAN:	02:15:35
7	Q. And so you'd agree that CXM 8 says	02:15:36
8	that superporous hydrogels could also absorb at	02:15:38
9	least 100 times their original weight or volume	02:15:43
10	in fluid, right?	02:15:46
11	A. Well, I stand by what's stated in my	02:15:50
12	report, which is an excerpt from CXM-008.	02:15:53
13	Q. And that excerpt from CXM-008 says	02:15:59
14	that superporous hydrogel can absorb 10 to 1,000	02:16:02
15	times their volume or weight, so they'd certainly	02:16:08
16	be able to absorb at least 100 times their	02:16:11
17	weight --	02:16:14
18	MR. GOLD: Objection.	02:16:16
19	BY MR. HOFFMAN:	02:16:17
20	Q. -- correct, sir?	02:16:18
21	MR. GOLD: Dr. Grune, unless I	02:16:19
22	instruct you not to answer, even if I	02:16:21

1 object, you -- you -- you should answer 02:16:22
2 the question. 02:16:23
3 THE WITNESS: So the question is 02:16:27
4 can they absorb at least 100 times their 02:16:28
5 original weight? 02:16:31
6 BY MR. HOFFMAN: 02:16:33
7 Q. Yes, sir. 02:16:34
8 A. I'd say based on that excerpt, the 02:16:36
9 answer is yes. 02:16:38
10 Q. Okay. If you can move a little 02:16:39
11 further up page 12 -- 02:16:42
12 A. Okay. 02:16:45
13 Q. -- you replicated a chart from 02:16:45
14 CXM-006. 02:16:48
15 Do you see that? 02:16:50
16 A. Yes, I do. 02:16:51
17 Q. And that chart, if I understand it 02:16:53
18 right, it -- it shows that a cotton ball can 02:16:55
19 absorb 18.9 times its weight. 02:16:59
20 Is that what it says, sir? 02:17:04
21 A. Right. It says 1890 weight percent, 02:17:06
22 which I believe is 18.9 times its weight, yes, 02:17:11

1	sir.	02:17:14
2	Q. And do you believe that the chart	02:17:15
3	that -- with the reference to cotton balls	02:17:18
4	supports your opinions that an SAP has to absorb	02:17:21
5	at least 100 times its weight?	02:17:24
6	MR. GOLD: Objection.	02:17:28
7	THE WITNESS: Well, I'm confused	02:17:32
8	about your question. It -- you know,	02:17:34
9	the -- the material that it's talking	02:17:37
10	about there specifically is a cotton ball.	02:17:39
11	And it's giving a number for cotton ball	02:17:42
12	water absorbency of 18.9 or -- or 1,890	02:17:45
13	weight percent increase, and it's in	02:17:52
14	comparison with the SAP.	02:17:55
15	BY MR. HOFFMAN:	02:17:59
16	Q. Do you believe that's relevant to the	02:17:59
17	definition of an SAP?	02:18:00
18	A. Well, I believe exactly what I said	02:18:08
19	in -- in my report, that this table is	02:18:10
20	representative of both non-polymers and polymers.	02:18:12
21	So there's the filter paper. There's	02:18:19
22	the facial tissue paper. There's the urethane	02:18:22

1 sponge. There's the wood pulp. There's the 02:18:26
2 cotton ball. And then there's an SAP, which was 02:18:29
3 produced by Rahab Resin Company in Iran and 02:18:35
4 that's referenced in that table. 02:18:42
5 Q. Do you believe that an SAP could have 02:18:44
6 a water absorbency of 18.9 times? 02:18:48
7 A. I don't understand the question. 02:18:57
8 The -- the water absorbency is for a cotton ball. 02:18:59
9 Q. Right. I think we talked about last 02:19:06
10 time that you believed that the fact that a 02:19:09
11 cotton ball had an absorbency, in this chart at 02:19:10
12 least, of 18.9 per -- times, that that was 02:19:15
13 indicative that a superelastic -- super -- 02:19:21
14 superabsorbent polymer needed to have more than 02:19:27
15 ten times water absorbency. 02:19:29
16 MR. GOLD: Objection. 02:19:33
17 THE WITNESS: I -- yeah, I don't -- 02:19:37
18 I don't recall saying that. 02:19:38
19 BY MR. HOFFMAN: 02:19:40
20 Q. Maybe I'm -- I -- I'm confused there, 02:19:43
21 so let me just clarify then. 02:19:44
22 Do you believe that it is relevant -- 02:19:46

1 that the water absorbency of a cotton ball is in 02:19:49
2 any way relevant to the proper definition of a 02:19:54
3 superelastic -- excuse me. Withdraw. 02:19:58
4 Do you believe that -- sir, that the 02:20:00
5 water absorbency of a cotton ball is in any way 02:20:02
6 relevant to the proper definition of 02:20:06
7 superabsorbent polymer? 02:20:10
8 A. Well, it's -- it's relevant based on 02:20:13
9 the table that's shown. So the table that's 02:20:16
10 shown is showing the absorbency of water for 02:20:19
11 these five different substances versus or 02:20:25
12 compared to an SAP, a superabsorbent polymer. 02:20:29
13 So that's -- that's what the table's 02:20:35
14 there for. I don't think it's there for any 02:20:37
15 other reason, other than as a comparison. It 02:20:39
16 says, Water absorbency of some common absorbent 02:20:41
17 materials in comparison with a typical commercial 02:20:45
18 SAP sample. And that's -- that's -- that's why 02:20:48
19 it's there. 02:20:52
20 Q. So the -- the -- the example shown in 02:20:54
21 the chart, that's 202 times absorbency for the 02:20:56
22 SAP, right, sir? 02:21:03

1	A.	Yes, that's correct.	02:21:06
2	Q.	Was well -- well above your at least	02:21:08
3		100 times, right?	02:21:11
4	A.	Yes, that's -- that's correct. Yes,	02:21:15
5		sir.	02:21:18
6	Q.	Do you believe that the water	02:21:27
7		absorbency percent of a cotton ball is -- is	02:21:30
8		relevant to how one defines what a	02:21:34
9		superelastic -- I keep saying it -- withdraw.	02:21:40
10		Sir, do you believe that the water	02:21:43
11		absorbency of a cotton ball is any way relevant	02:21:44
12		to how one defines the term superabsorbent	02:21:49
13		polymer?	02:21:51
14	A.	Well, again, I -- I think you're	02:21:56
15		asking the same question a different way. I -- I	02:21:58
16		think that the relevance is -- is just what this	02:21:59
17		table presents. And that is just water	02:22:01
18		absorbency of common materials versus that of an	02:22:06
19		SAP. And I think it is relevant to make those	02:22:09
20		comparisons.	02:22:14
21	Q.	Do you believe that SAPs have a	02:22:19
22		unique exclusive range of water absorbency?	02:22:22

1	A.	I -- I think that the SAPs as -- as	02:22:32
2		it had been described is -- they -- they do have	02:22:38
3		special properties regarding their ability to	02:22:46
4		absorb water.	02:22:49
5	Q.	Sir, do you believe that the	02:22:55
6		absorbency of a -- that a cotton ball and an SAP	02:22:56
7		could not have the same water absorbency	02:23:01
8		percentages?	02:23:04
9	A.	Well, I don't have enough information	02:23:10
10		to really answer that question. I think it's a	02:23:11
11		very broad question.	02:23:15
12		Again, the table is what it is. You	02:23:17
13		know, the reason that table is in there is for	02:23:20
14		comparison purposes. So I don't -- I -- I don't	02:23:23
15		have sufficient information to respond to that	02:23:28
16		any differently than I -- than I'm -- than what	02:23:31
17		we've been talking about.	02:23:35
18	Q.	Okay. Putting aside the table, do	02:23:36
19		you believe that a superelastic polymer should	02:23:37
20		absorb the same -- I keep doing it. I have	02:23:43
21		another case involving those. I'll withdraw	02:23:45
22		that.	02:23:47

1 Sir, putting aside the table, just 02:23:48
2 asking you, do you believe that a superabsorbent 02:23:50
3 polymer could have the same level of water 02:23:52
4 absorbency as a cotton ball? 02:24:00
5 A. Well, I don't have any information 02:24:04
6 regarding that question. So I -- I -- I just -- 02:24:06
7 I don't know how to answer that question other 02:24:09
8 than to say I don't have any information that 02:24:11
9 suggests that. 02:24:14
10 Q. Okay. But when we talked about it 02:24:16
11 earlier, you would agree from what you've seen in 02:24:19
12 CXM 8 that a superabsorbent polymer could have 02:24:21
13 the same level of water absorbency as an SPH -- 02:24:26
14 MR. GOLD: Objection. 02:24:31
15 BY MR. HOFFMAN: 02:24:32
16 Q. -- correct, sir? 02:24:33
17 A. Well, so I think we went through 02:24:36
18 CXM-008 and we talked about SAPs and SPHs. And, 02:24:39
19 again, the excerpt that's there is from that 02:24:45
20 reference. And what that excerpt says is that 02:24:49
21 the SPH can have that range. 02:24:53
22 Q. So you would agree that various 02:24:58

1	material can have overlapping ranges of water	02:25:00
2	absorbency, correct?	02:25:05
3	MR. GOLD: Objection.	02:25:11
4	THE WITNESS: I mean, the table	02:25:15
5	above makes it very clear that different	02:25:16
6	materials can have different absorbencies.	02:25:20
7	The table above doesn't talk about ranges	02:25:23
8	per se. It's an actual -- it's actual	02:25:25
9	data that was taken from those -- the	02:25:27
10	filter paper, the -- the tissue paper,	02:25:33
11	the -- the urethane sponge, the wood pulp,	02:25:36
12	cotton ball and one superabsorbent	02:25:40
13	polymer. And that's -- they didn't	02:25:41
14	provide a range there, but they just	02:25:44
15	provided some specific numbers based on, I	02:25:46
16	guess, the test that was performed.	02:25:48
17	BY MR. HOFFMAN:	02:25:51
18	Q. Right, sir. But the question was --	02:25:52
19	it's fairly basic -- you would agree that	02:25:54
20	different materials can have overlapping ranges	02:25:57
21	of -- of water absorbency, right?	02:26:00
22	MR. GOLD: Objection.	02:26:04

1	THE WITNESS: Yeah, I think you	02:26:06
2	have to define what overlapping ranges	02:26:06
3	are.	02:26:09
4	BY MR. HOFFMAN:	02:26:10
5	Q. You don't know what the term	02:26:10
6	overlapping ranges means?	02:26:11
7	MR. GOLD: Objection.	02:26:13
8	THE WITNESS: I really don't. I --	02:26:14
9	I -- oh, sorry. I'm sorry.	02:26:14
10	MR. GOLD: Yeah, just --	02:26:17
11	THE WITNESS: Don't talk over,	02:26:19
12	yeah.	02:26:19
13	BY MR. HOFFMAN:	02:26:20
14	Q. So what -- what we -- what we	02:26:20
15	talked -- what we -- I'll withdraw it.	02:26:20
16	What we talked about sir, earlier,	02:26:22
17	you would agree that both SAPs and SPHs could	02:26:23
18	have water absorbency of at least 100 times?	02:26:28
19	MR. GOLD: Objection.	02:26:35
20	BY MR. HOFFMAN:	02:26:36
21	Q. Correct, sir?	02:26:36
22	A. Well, I stand by what I said before,	02:26:37

1	that, you know, I -- I believe that the excerpt	02:26:39
2	from CXM-008 is -- you know, speaks for itself.	02:26:41
3	Q. Again, sir, my question wasn't	02:26:54
4	directed to CXM-008.	02:26:56
5	A. Okay.	02:26:58
6	Q. I'm just asking generally. I'm just	02:26:59
7	trying to get to a general point here and then	02:27:02
8	we'll -- we'll -- we'll hopefully be done.	02:27:04
9	You would agree that materials --	02:27:06
10	different materials can both have the same level	02:27:08
11	of water absorbency, right?	02:27:12
12	MR. GOLD: Objection.	02:27:15
13	THE WITNESS: All right. So what I	02:27:19
14	understand your question is, you said can	02:27:20
15	different materials have the same level of	02:27:22
16	water absorbency. And I guess the answer	02:27:24
17	to that question is it depends on the	02:27:27
18	materials.	02:27:29
19	BY MR. HOFFMAN:	02:27:30
20	Q. Right. But in -- in theory, two	02:27:31
21	different materials could both have the same	02:27:33
22	level of absorbency, right?	02:27:35

1	MR. GOLD: Objection.	02:27:39
2	THE WITNESS: In theory your	02:27:40
3	statement is, I guess -- I -- I don't have	02:27:44
4	a reason to believe your statement's	02:27:48
5	false. I -- I think in theory that could	02:27:49
6	happen, yes.	02:27:52
7	BY MR. HOFFMAN:	02:27:53
8	Q. So in the case of your at least	02:27:54
9	100 times range, SAPs and SPHs could both qualify	02:27:58
10	for that range, right?	02:28:04
11	MR. GOLD: Objection.	02:28:07
12	THE WITNESS: Well, again, I	02:28:10
13	just -- I -- I think you're asking the	02:28:11
14	question a lot of different ways. And I	02:28:14
15	think I just have to stick by what the	02:28:16
16	excerpt says because you're asking the	02:28:18
17	same question based on what SAPs and SPHs	02:28:21
18	are.	02:28:24
19	And the water absorbency for SAPs	02:28:26
20	is what this is about. It's not about the	02:28:29
21	water absorbency for anything other than	02:28:32
22	SAPs, unless it's in comparison with the	02:28:35

1 absorbent materials that are, for example, 02:28:38
2 provided in Table 1. 02:28:40
3 BY MR. HOFFMAN: 02:28:44
4 Q. Okay. But is it your -- if we go on 02:28:45
5 the -- the other side of things, you would 02:28:54
6 agree -- I think maybe you already said this, so 02:28:55
7 it will be quick -- you would agree that the mere 02:28:58
8 fact that a cotton ball has an absorbency of, for 02:29:00
9 example, 18.9 times doesn't mean that an SAP 02:29:06
10 can't have an absorbency of 18.9 times -- 02:29:12
11 MR. GOLD: Objection. 02:29:16
12 BY MR. HOFFMAN: 02:29:18
13 Q. -- right, sir? 02:29:19
14 A. Well, I -- I definitely didn't say 02:29:19
15 that. You did. 02:29:20
16 I -- I -- I'm saying that the cotton 02:29:22
17 ball is one of the five other substances that's 02:29:25
18 listed here and that it's for comparison purposes 02:29:29
19 for this table to show that there's differences 02:29:33
20 between these substances, these materials, if you 02:29:37
21 will, and that of a superabsorbent polymer. 02:29:40
22 Q. I understand. But I'm trying to -- 02:29:47

1	and that's why I asked you earlier if you	02:29:49
2	believed that the absorbency of a cotton ball was	02:29:51
3	relevant to the absorbency of a superelastic	02:29:54
4	polymer and you said you -- I believe you said	02:29:58
5	you didn't know.	02:30:00
6	MR. GOLD: Objection.	02:30:02
7	BY MR. HOFFMAN:	02:30:02
8	Q. Is that not right?	02:30:03
9	A. Well, I don't remember saying I	02:30:04
10	didn't know. I think I -- I think I said that it	02:30:06
11	was relevant. And it's relevant because of what	02:30:08
12	the table shows for comparison purposes.	02:30:15
13	Q. Okay. So you believe that the	02:30:22
14	absorbency of a cotton ball is relevant to	02:30:25
15	properly defining the meaning of superabsorbent	02:30:30
16	polymer, right?	02:30:36
17	MR. GOLD: Objection.	02:30:38
18	THE WITNESS: I believe that the	02:30:43
19	table provides relevancy to compare	02:30:46
20	materials that are not considered SAPs	02:30:51
21	versus a -- an SAP that is. And I --	02:30:53
22	MR. GOLD: David, just before you	02:30:59

1	continue, it's like -- we're -- I think	02:31:00
2	we're over 20 minutes now. I'm -- I	02:31:01
3	understand regarding, but how much longer	02:31:04
4	do you anticipate?	02:31:07
5	MR. HOFFMAN: I'm -- well, this is	02:31:09
6	my only line of questions, so when I'm	02:31:10
7	done with this.	02:31:12
8	MR. GOLD: Okay.	02:31:15
9	BY MR. HOFFMAN:	02:31:20
10	Q. So is it your position, sir, that the	02:31:20
11	absorbency of a cotton ball cannot overlap with	02:31:22
12	the absorbency of a superabsorbent polymer?	02:31:26
13	MR. GOLD: Objection.	02:31:31
14	THE WITNESS: I mean, the table's	02:31:37
15	provided to show differences between	02:31:41
16	materials, but there's no discussion -- I	02:31:44
17	don't think I provided any discussion in	02:31:49
18	my report anywhere about overlapping	02:31:51
19	ranges or overlapping numbers.	02:31:54
20	I think, you know, the difference	02:32:00
21	that we're talking about is pretty	02:32:02
22	self-evident. It's just a table for	02:32:05

1 comparison of materials, absorbent 02:32:09
2 materials, that have certain water -- 02:32:14
3 water absorbency capabilities and it shows 02:32:18
4 what it shows. 02:32:22
5 And, you know, you're asking a 02:32:24
6 question -- a theoretical question that I 02:32:25
7 don't -- I didn't address. I don't -- I 02:32:28
8 don't have any -- I don't have sufficient 02:32:30
9 information to address that. 02:32:32
10 BY MR. HOFFMAN: 02:32:34
11 Q. Then I guess you -- let's get to an I 02:32:35
12 don't know. 02:32:39
13 I'm not asking about the chart 02:32:40
14 anymore. I'm just asking general principle. You 02:32:41
15 know -- 02:32:43
16 A. Okay. 02:32:44
17 Q. -- is it your opinion that the 02:32:44
18 absorbency of a cotton ball cannot overlap with 02:32:45
19 the absorbency of a superabsorbent polymer? 02:32:49
20 MR. GOLD: Objection. 02:32:54
21 THE WITNESS: I mean, when you say 02:32:57
22 overlap, in what sense? 02:32:58

1	BY MR. HOFFMAN:	02:33:05
2	Q. Sir, the word overlap? What -- what	02:33:06
3	different senses are there for the word overlap?	02:33:08
4	MR. GOLD: Objection. No question	02:33:11
5	pending.	02:33:12
6	BY MR. HOFFMAN:	02:33:13
7	Q. I asked the question. What different	02:33:14
8	meanings are there for the term overlap?	02:33:15
9	MR. GOLD: Objection.	02:33:17
10	THE WITNESS: I mean, overlap is a	02:33:21
11	pretty -- I wouldn't consider overlap to	02:33:23
12	be an objective term. It's -- it's	02:33:27
13	somewhat subjective because overlap could	02:33:31
14	be a range. It could be a range that	02:33:35
15	overlaps with another range. It could be	02:33:41
16	a set of numbers that overlap with another	02:33:42
17	set of numbers.	02:33:44
18	It could be -- you know, it -- it	02:33:46
19	would be very difficult to -- I think, to	02:33:49
20	describe what an overlap is exactly	02:33:53
21	because --	02:33:59
22	///	

1	BY MR. HOFFMAN:	02:33:59
2	Q. You said --	02:34:00
3	A. -- you know, it's -- it's -- it's not	02:34:00
4	a scientific term. It's not a mathematical term	02:34:01
5	that I know of.	02:34:04
6	Q. You said one definition is an overlap	02:34:07
7	of ranges, right, sir?	02:34:10
8	MR. GOLD: Objection.	02:34:12
9	THE WITNESS: I didn't say that was	02:34:13
10	the definition. I said that could be --	02:34:14
11	it could be interpreted as that, yes.	02:34:16
12	BY MR. HOFFMAN:	02:34:19
13	Q. Let's interpret it that way.	02:34:20
14	Where overlap means an overlap --	02:34:21
15	overlap of ranges, you believe that the range of	02:34:24
16	water absorbency from -- for a cotton ball can	02:34:27
17	overlap with a superabsorbent polymer?	02:34:31
18	MR. GOLD: Objection.	02:34:34
19	THE WITNESS: I -- no, I did not	02:34:37
20	say that. And I don't have an opinion on	02:34:38
21	that. It's -- it -- I don't have enough	02:34:42
22	evidence in -- nor did I address that in	02:34:46

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1	my report to make such a statement.	02:34:48
2	MR. HOFFMAN: All right. I'll pass	02:35:09
3	the witness.	02:35:10
4	MR. GOLD: All right. Thank you.	02:35:12
5	Could we take a break and go off	02:35:13
6	the record for maybe about ten minutes?	02:35:14
7	VIDEO OPERATOR: We're going off	02:35:17
8	the record. The time is 14:35.	02:35:18
9	(Thereupon, a brief recess was	02:35:21
10	taken.)	02:35:21