

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2

3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4

5 MOM Enterprises, LLC,

6 Petitioner,

7

v.

8

ELAINE AND REINHOLD W. VIETH,

9

Patent Owner,

10

11 Case IPR 2023-00726

12 Patent 9,066,958

13

14 HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY

15

16 January 30, 2024 12:00 PT

17 DEPOSITION OF YASMIN KADERALI

18 1001 Canal Blvd

19 Richmond, CA 94804

20 Via Zoom

21

22

23 Reported Stenographically by:

24 Jennifer Miller, RMR, CRR, CCR

25 NOTARY PUBLIC

1 A P P E A R A N C E S

2

3 ALAN ANDERSON LAW FIRM LLC

4 BY: ALAN M. ANDERSON, PHD, ESQ

5 Crescent Ridge Corporate Center

6 11100 Wayzata Blvd, Suite 545

7 Minneapolis, MN 55305

8 (612) 756-7010

9 aanderson@anderson-lawfirm.com

10 Counsel for Patent Owners

11 -and-

12 UNGERMAN IP PLLC

13 BY: MARK UNGERMAN, ESQ.

14 2305 Calvert Street, N.W. Washington, DC 20008

15 Attorney for Patent Owner

16 (202) 461-3200

17 mungerman@ungermanip.com

18

19 FISH & RICHARDSON

20 BY: DAVID CONRAD, ESQ.

21 SARIKA PATEL, ESQ.

22 1717 Main Street, Suite 5000

23 Dallas, TX 75201

24 (214) 747-5070

25 conrad@fr.com

1 I N D E X

2 WITNESS PAGE

3 YASMIN KADERALI

4 EXAMINATION BY:

5 ATTORNEY ANDERSON 5, 144

6 ATTORNEY CONRAD 134

7 E X H I B I T S

8 Exhibit 25 Document Bates-stamped 25
9 MOM_0005332

10 Exhibit 26 Document Bates-stamped 36
11 MOM_0005312

12 Exhibit 27 Document Bates-stamped 61
13 MOM_0001661

14 Exhibit 28 Document Bates-stamped 71
15 MOM_0001750

16 Exhibit 29 Document Bates-stamped 82
17 MOM_0001620

18 Exhibit 30 Document Bates-stamped 86
19 DDROPS-0022416

20 Exhibit 31 Document Bates-stamped 95
21 MOM_0004239

22 Exhibit 32 Document Bates-stamped 99
23 MOM_0004311

24 Exhibit 33 Document Bates-stamped 104
25 MOM_0002371

26 Exhibit 34 Document Bates-stamped 117
27 MOM_000008

28 Exhibit 35 Document Bates-stamped 120
29 MOM_0002480

30 Exhibit 36 Document Bates-stamped 123

1	EXHIBITS CONT'D		
2			
3	Exhibit 37	Document Bates-stamped MOM_0002099	128
4	Exhibit 38	Document Bates-stamped MOM_0002303	130
5			
6	Exhibit 39	Document Bates-stamped MOM_0002007	131
7			
8	Exhibit 40	Document Bates-stamped MOM_0002250	132
9	Exhibit 1026	Document Bates-stamped MOM_0006599	137
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 PROCEEDINGS

2 YASMIN KADERALI, after
3 having been first duly sworn, was
4 examined and testified as follows:

5 - - -

6 EXAMINATION

7 - - -

8 BY ATTORNEY ANDERSON:

9 Q. Good afternoon, Ms. Kaderali. My
10 name is Alan Anderson, and I am one of the
11 attorneys for patent owners, Reinhold and
12 Elaine Vieth.

13 Pleasure to meet you.

14 A. Thank you.

15 Q. Have you ever previously given
16 deposition or trial testimony?

17 A. No.

18 Q. All right. Let me go over briefly
19 the ground rules for this afternoon's
20 testimony.

21 I am going to be asking you a
22 series of questions. I would like your best,
23 most accurate, and, obviously, truthful answers
24 to those questions.

25 Please answer audibly for the

1 benefit of the Court Reporter, particularly
2 since this is being conducted virtually over
3 Zoom.

4 So nods of the head and other
5 common inaudible responses, such as "uh-uh" or
6 "uh-hum," won't turn out very well on the
7 transcript. Okay?

8 A. Understood.

9 Q. All right. Please wait until I have
10 finished my question before you begin your
11 answer.

12 And by the same token, if I
13 interrupt you before you have completed your
14 answer, don't hesitate to tell me so that I can
15 be quiet.

16 It is very important that we try
17 very hard not to speak at the same time because
18 it is very difficult, particularly when we're
19 doing this testimony virtually, for the Court
20 Reporter to take down more than one of us
21 speaking at once. Okay?

22 A. Yes. Understood.

23 Q. If you do not understand any of my
24 questions, please don't hesitate to ask me to
25 rephrase or clarify them. Otherwise, we will

1 assume that you understood the question.

2 Fair enough?

3 A. Yes.

4 Q. Okay. You understand that you're
5 under oath here today, the same as you would be
6 if you were in court testifying?

7 A. Yes.

8 Q. And is there anyone else -- since
9 this is being done via Zoom, is there anyone
10 else in the room with you?

11 A. Yes. David Conrad is to my left.

12 Q. All right. Anyone other than your
13 counsel, Mr. Conrad?

14 A. No.

15 Q. And do you have any communication
16 devices by you, such as a iPad or iPhone or
17 cell phone?

18 A. I have my iPhone to my right on
19 silent only in case of child emergency that I
20 will check during the break only.

21 Q. All right. And speaking of break,
22 we'll try to take a break about every hour. So
23 hopefully that will be all right.

24 But if something comes up and
25 you have, as you said, a child emergency, just

1 let us know. Okay?

2 A. And there's a Mark Ungerman noted
3 here.

4 Q. Yes. Mr. Ungerman is with our side.

5 A. Okay.

6 THE WITNESS: Hello. Just
7 checking.

8 BY ATTORNEY ANDERSON:

9 Q. Okay. And by the way, you have a
10 computer screen in front of you or a monitor?

11 A. Yes.

12 Q. Okay. I ask because I'm going to be,
13 during the deposition, showing you some
14 exhibits. And, hopefully, you'll be able to
15 see and read them all right.

16 If you have any difficulties,
17 don't hesitate to let me know, and I can try to
18 adjust the magnification or sizing of it.

19 All right?

20 A. Sure. Yes.

21 Q. Thank you.

22 Prior to today's testimony, did
23 you meet with anyone to prepare?

24 A. Yes.

25 Q. With whom did you meet?

1 A. I have met with counsel, David Conrad
2 and Sarika Patel and some other advising
3 counsel.

4 Q. Okay. Who are the advising counsel?

5 A. William Meyer, Lema Khorshid.

6 Q. Could you spell Mr. Meyer's last
7 name?

8 A. M-E-Y-E-R.

9 Q. And Lema Khorshid's name, could you
10 spell that, please?

11 A. K-O-R-S-H-I-D.

12 Q. And are they with a law firm?

13 A. Yes.

14 Q. What law firm are they with?

15 A. I believe it's Fuksa Khorshid, LLC.

16 Q. Could you spell the first name there?

17 A. F-U-K-S-A K-O-R-S-H-I-D.

18 ATTORNEY CONRAD: So one
19 correction there. I think it's
20 K-H-O-R-S-I-D. There's an H in there.

21 THE WITNESS: Thank you. Yes.

22 BY ATTORNEY ANDERSON:

23 Q. Okay. K-H-O-R-S-H-I-D?

24 A. Yes.

25 Q. All right. Thank you.

1 Let's first talk about your
2 preparation with Mr. Meyer and -- is it
3 Ms. Khorshid or Mr. Khorshid?

4 A. Ms.

5 Q. Ms. Khorshid.

6 All right. How many times did
7 you meet with them to prepare for your
8 testimony here today.

9 A. Two times.

10 Q. And when was the first time?

11 A. Without my notes in front of me, it
12 was last week.

13 Q. Was this an in-person meeting or
14 virtual?

15 A. Virtual.

16 Q. And was anyone else involved in that
17 meeting other than yourself, Mr. Meyer, and
18 Ms. Khorshid?

19 A. Stephanie Medina.

20 Q. Anyone else?

21 A. No.

22 Q. Approximately how long did this first
23 meeting last?

24 A. 45 minutes to an hour.

25 Q. Did you review any documents to

1 refresh your memory to testify here today?

2 A. No.

3 Q. Okay. Your second meeting with
4 Mr. Meyer and Ms. Khorshid, when did that take
5 place?

6 A. Last week.

7 Q. Okay. So after the -- about how long
8 after the first meeting?

9 A. A few days.

10 Q. Was anyone else present other than
11 yourself, Mr. Meyer, and Ms. Khorshid?

12 A. No.

13 Q. Was this in person or virtual?

14 A. Virtual.

15 Q. About how long did it last?

16 A. 30 minutes.

17 Q. Did you review any documents to
18 refresh your memory to testify here today?

19 A. No.

20 Q. Okay. With regard to Mr. Conrad and
21 Ms. Patel, how many times did you meet with
22 them?

23 A. Approximately three times.

24 Q. Okay. Were they both involved in
25 each of those meetings?

1 A. No.

2 Q. Let's take the first meeting.

3 Approximately when did that
4 occur?

5 A. Last week.

6 Q. And was it in person or virtual?

7 A. Virtual.

8 Q. Who was it with?

9 A. David Conrad, Sarika Patel, Stephanie
10 Medina, and myself.

11 Q. About how long did that meeting last?

12 - - -

13 (Stenographer clarification.)

14 - - -

15 THE WITNESS: Two hours.

16 BY ATTORNEY ANDERSON:

17 Q. Did you review any documents to
18 refresh your memory to testify here today?

19 A. No.

20 Q. The second meeting that you had with
21 Mr. Conrad and/or Ms. Patel, when did that
22 occur?

23 A. Last week.

24 Q. And was Mr. Conrad and Ms. Patel both
25 involved in that meeting?

1 A. I don't -- I don't recall. I -- I
2 believe yes.

3 Q. Okay. Approximately how long after
4 the first meeting with Mr. Conrad and Ms. Patel
5 and Ms. Medina did the second meeting occur?

6 A. A few days.

7 Q. Was Mr. Conrad and Ms. Patel each --
8 both involved in the second meeting?

9 A. I don't recall. I believe so, but I
10 don't recall.

11 Q. Was it virtual or in person?

12 A. Virtual.

13 Q. Approximately how long did it last?

14 A. Two to three hours.

15 Q. Did you review any documents to
16 refresh your memory to testify here today?

17 A. Yes.

18 Q. Do you recall what documents you
19 reviewed?

20 A. No.

21 Q. Do you recall any of the documents
22 that you reviewed last week in this two- to
23 three-hour virtual meeting to refresh your
24 memory to testify here today?

25 A. Not specifically.

1 Q. How about generally?

2 A. Generally.

3 Q. Okay. Generally what do you recall
4 in terms of the subject matter of the documents
5 that you reviewed last week to refresh your
6 memory to testify here today?

7 A. Company -- company documents, emails.

8 Q. Anything more specific than that?

9 - - -

10 (Stenographer clarification.)

11 - - -

12 THE WITNESS: No.

13 ATTORNEY ANDERSON: You have to
14 remember to answer audibly.

15 THE WITNESS: Yeah. Sorry.

16 ATTORNEY ANDERSON: That's okay.

17 BY ATTORNEY ANDERSON:

18 Q. And then the last time, in
19 preparation for testifying here today, was that
20 with Mr. Conrad and Ms. Patel?

21 A. It was with Mr. Conrad only.

22 Q. Was that in person?

23 A. It was virtual.

24 Q. Virtual.

25 When did that occur?

1 A. Yesterday.

2 Q. About how long did it last?

3 A. Two hours.

4 Q. Did you review any documents to
5 refresh your memory to testify here today
6 during your two-hour meeting with -- virtual
7 meeting with Mr. Conrad yesterday?

8 A. Yes.

9 Q. Do you recall what documents you
10 reviewed?

11 A. Not specifically. General company
12 documents and emails.

13 And I should just correct
14 myself.

15 William Meyer also joined
16 yesterday's preparatory session.

17 Q. Who does Mr. Meyer and Ms. Khorshid
18 represent?

19 A. They're advising counsel to
20 Mommy's Bliss.

21 Q. They're retained by Mommy's Bliss?

22 A. Yes.

23 Q. What's your current position with
24 Mommy's Bliss?

25 A. CEO.

1 Q. How long have you been CEO?

2 A. Approximately 12 years.

3 Q. So that would be since approximately
4 what? 20 --

5 A. 2012.

6 ATTORNEY CONRAD: I'm going to
7 remind Ms. Kaderali to just wait until the
8 question's finished and then give your
9 answer.

10 Just try not to speak over each
11 other. It will make the Court Reporter
12 very happy if we all do that.

13 THE WITNESS: Got it.

14 Apologize for that.

15 BY ATTORNEY ANDERSON:

16 Q. During the approximately 12 years
17 that you have been CEO of Mommy's Bliss, have
18 your duties and responsibilities remained
19 essentially the same?

20 A. Yes.

21 Q. What are your duties and
22 responsibilities as CEO of Mommy's Bliss?

23 A. To lead the company and oversee
24 strategic projects.

25 Q. Anything else?

1 A. No.

2 Q. Would it be fair to say that you're
3 the final decision-maker?

4 ATTORNEY CONRAD: Objection.

5 Vague.

6 BY ATTORNEY ANDERSON:

7 Q. Do you understand my question?

8 ATTORNEY CONRAD: Ambiguous.

9 You can answer if you...

10 THE WITNESS: Decision-making is
11 included in strategic and oversight.

12 BY ATTORNEY ANDERSON:

13 Q. Let me ask it this way.

14 Is there anyone that you report
15 to as CEO?

16 A. I report to a board of directors.

17 Q. And has that been true for the entire
18 12 years that you've been CEO?

19 A. No.

20 Q. Okay. How long have you been
21 reporting to a board of directors?

22 A. Since 2021.

23 Q. Prior to 2021, would I be correct
24 that you did not report to a board of
25 directors?

1 A. Yes.

2 Q. What was the change or what occurred
3 in 2021 that led to you now having -- then
4 having to report to a board of directors?

5 A. We merged with a private equity
6 company.

7 Q. When you say "merged," what do you
8 mean?

9 Did they acquire all of the
10 ownership interest in your company?

11 A. They acquired the majority share of
12 equity.

13 Q. Do you know approximately how much?

14 A. Not specifically. I do not know.

15 Q. Okay. Do you have any ownership
16 interest in Mommy's Bliss today?

17 A. Yes.

18 Q. What is your approximate ownership
19 interest?

20 A. [REDACTED]

21 [REDACTED]

22 Q. And that raises a good point, the
23 different entities.

24 We have here MOM Enterprises and
25 then Mommy's Bliss.

1 Can you tell us, please, the
2 relationship between those two entities?

3 A. MOM Enterprises, LLC does business as
4 the brand Mommy's Bliss.

5 Q. So Mommy's Bliss is not a separate
6 legal entity.

7 Would that be correct to your
8 knowledge?

9 A. That would be correct.

10 Q. Okay. And then it's MOM Enterprises,
11 LLC that is [REDACTED]
12 [REDACTED]; is that correct?

13 A. Yes.

14 Q. And what is the name of the private
15 equity company?

16 A. Swander Pace Capital.

17 Q. Could you spell the first name?

18 A. Sure. S-W-A-N-D-E-R Pace, P-A-C-E,
19 Capital.

20 Q. The board of directors that you now
21 report to or have reported to since [REDACTED]
22 [REDACTED], are you
23 a member of that board?

24 A. Yes.

25 Q. How many members are there to the

1 board?

2 - - -

3 (Stenographer clarification.)

4 - - -

5 THE WITNESS: Five excluding
6 myself.

7 BY ATTORNEY ANDERSON:

8 Q. Are there any other members of the
9 board who are employed by or were previously
10 affiliated with MOM Enterprises other than
11 yourself?

12 A. No.

13 Q. As CEO of -- by the way, if I use
14 "MOM Enterprises" and "Mommy's Bliss"
15 interchangeably, is that okay? We'll know that
16 we're talking about the same entity?

17 A. Yes.

18 Q. Thank you.

19 Do you have any direct reports
20 to you as CEO of Mommy's Bliss?

21 A. Yes.

22 Q. Can you tell me who?

23 A. Yes.

24 Q. Who are they?

25 A. Caroline Lloyd, chief revenue

1 officer; Sara Gelenberg-Field; William Price;
2 Stephanie Medina; Nicole de Jong.

3 ATTORNEY CONRAD: And,
4 Mr. Anderson, I'm giving you a little rope
5 here.

6 I don't think some of these
7 questions are within the scope of the
8 deposition. I'm letting you get a little
9 bit of background information.

10 But if this keeps going on, then
11 I'm going to have to object.

12 ATTORNEY ANDERSON: No. That's
13 fair. And I understand. And it is just
14 trying to get a little background
15 information.

16 I'll be getting into the meat of
17 the matter here very shortly.

18 ATTORNEY CONRAD: Thank you.

19 BY ATTORNEY ANDERSON:

20 Q. You mentioned that Ms. Lloyd was the
21 chief revenue officer.

22 What is Ms. Gelenberg- --
23 what's --

24 A. Field.

25 Q. -- Field's position?

1 A. Chief marketing officer.

2 Q. And Mr. Price's position?

3 A. Chief financial officer.

4 Q. Ms. Medina?

5 A. As of today, vice president of

6 product development and compliance.

7 Q. What was her position prior to today?

8 A. Senior director of regulatory and

9 product development.

10 Q. And Ms. de Jong?

11 A. Director of human resources.

12 Q. Prior to becoming CEO of MOM in 2012,

13 were you employed by Mommy's Bliss?

14 A. Yes.

15 Q. What was your position?

16 A. President.

17 Q. How long were you president?

18 A. Approximately one year.

19 Q. So that would be about 2011 to 2012?

20 A. Yes.

21 Q. And were your duties and

22 responsibilities different as president than

23 they have been as CEO?

24 A. Yes.

25 Q. What were your duties and

1 responsibilities as president?

2 A. Oversight and company project
3 management.

4 Q. Did you work at Mommy's Bliss prior
5 to 2011 when you became president?

6 A. Yes.

7 Q. What was your position?

8 A. Product manager.

9 Q. How long were you product manager?

10 A. Since 2009.

11 Q. What were your duties and
12 responsibilities as product manager?

13 A. To oversee inventory, purchasing, and
14 product management.

15 Q. Were you employed by Mommy's Bliss
16 prior to 2009?

17 A. Yes.

18 Q. What was your position?

19 A. Assistant.

20 Q. Assistant to your mom?

21 A. Yes, the CEO.

22 Q. And just for the record, what's your
23 mom's name?

24 A. Roshan Kaderali.

25 Q. How long were you assistant?

1

- - -

2

(Stenographer clarification.)

3

- - -

4

THE WITNESS: Less than one

5

year.

6

BY ATTORNEY ANDERSON:

7

Q. And is that when you first started

8

working for Mommy's Bliss?

9

A. Yes.

10

Q. So you first started working for

11

Mommy's Bliss in about 2008.

12

Would that be correct?

13

A. Yes.

14

Q. When was the first time that you

15

recall becoming aware of a -- of the need for

16

a -- or the possibility of a vitamin D product

17

for infants?

18

A. I don't recall.

19

Q. Do you recall when you first became

20

aware of the company known as Ddrops?

21

A. Yes.

22

Q. When was that?

23

A. 2010.

24

ATTORNEY ANDERSON: If I can

25

pull it off here, I'm going to show you a

1 document which will be Exhibit 25.

2 Let's see.

3 - - -

4 (Whereupon, Exhibit 25 was
5 marked for identification.)

6 - - -

7 ATTORNEY ANDERSON: Can you see
8 Exhibit 25?

9 THE WITNESS: Yes.

10 ATTORNEY ANDERSON: Okay. And
11 is it too large or what?

12 Can you see it, David?

13 ATTORNEY CONRAD: I can see it.

14 Before we go any further, I did
15 want to make it known that I believe this
16 document is marked as highly confidential,
17 attorneys' eyes only.

18 Is that correct? Yes.

19 So I wanted -- before we go
20 forward, I wanted to make sure we are on
21 the same understanding that -- that
22 parties are operating under a protective
23 order that we have agreed upon and intend
24 to submit to the board.

25 ATTORNEY ANDERSON: Correct.

1 ATTORNEY CONRAD: And pursuant
2 to that, since we are discussing highly
3 confidential, attorneys'-eyes-only
4 information, I'm going to designate this
5 transcript as highly confidential,
6 attorneys' eyes only.

7 ATTORNEY ANDERSON: Yes. I
8 think you'll have to designate specific
9 pages and lines after the transcript is
10 out as opposed to just en masse the entire
11 transcript.

12 But yes.

13 ATTORNEY CONRAD: Understood.

14 And after the deposition, we
15 will discuss that, and we will designate
16 as appropriate.

17 ATTORNEY ANDERSON: Sounds good.

18 BY ATTORNEY ANDERSON:

19 Q. So, Ms. Kaderali, can you see and
20 read all right Exhibit 25 that I put up on my
21 screen?

22 A. Yes.

23 Q. All right. Thank you.

24 This is a document that appears
25 to be an email from yourself to a number of

1 individuals dated February 12th, 2010.

2 Do you recall sending or
3 authoring -- authoring this email on or about
4 that date?

5 A. Yes.

6 Q. Okay. And in this date -- or on this
7 email, the subject is "vitamin D drops."

8 Do you see that?

9 A. Yes.

10 Q. And the importance is "High."

11 Do you see that?

12 A. Yes.

13 Q. Why did you designate the importance
14 of this email on vitamin D drops as high?

15 A. I don't recall.

16 Q. In the first line of the email, you
17 say [as read]:

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Do you see that?

24 A. Yes.

25 Q. What was the research that you had

1 done on vitamin D drops?

2 A. I believe the research is included in
3 the email.

4 Q. Okay. And that would be the box area
5 in the middle, approximately, of the documents?

6 A. Yes.

7 Q. Okay. Had you --

8 ATTORNEY CONRAD: Mr. Anderson,
9 apologies.

10 Before we continue, what is the
11 Bates number of this document? I don't
12 think that was ever stated.

13 ATTORNEY ANDERSON: Sorry.
14 MOM_0005332.

15 ATTORNEY CONRAD: Okay. And
16 what's the end page number?

17 ATTORNEY ANDERSON: It's a
18 one-pager.

19 ATTORNEY CONRAD: Okay. Thank
20 you.

21 BY ATTORNEY ANDERSON:

22 Q. Ms. Kaderali, can you describe for us
23 please the research that you did that resulted
24 in the box of, I think it's, six entities
25 that's on Exhibit 25?

1 A. The research shown in the boxes shows

2

3

4 Q. But how did you go about getting that
5 information, if you recall?

6 A. From a trip to the store.

7 Q. Just any old store?

8 A. Yes.

9 Q. Okay. Why were you interested -- and
10 this is at a time that you were, I believe,
11 product manager.

12 Why were you interested in
13 determining whether or not to pursue vitamin D
14 drops as a new product?

15 A. Can you please repeat the question.

16 Q. Sure.

17 In the first sentence, you
18 reference that you -- that you were providing
19 some guidance for a discussion on whether to
20 pursue vitamin D drops as a new product.

21 Do you see that?

22 A. Yes.

23 Q. My question is:

24 Why were you interested in
25 considering whether to pursue vitamin D drops

1 as a new product?

2 A. I don't recall.

3 Q. In your research, you became aware of
4 at least these six companies, correct?

5 A. Yes.

6 Q. Okay. Do you recall whether there
7 were any other companies that you became aware
8 of that did not make it to your chart?

9 A. I do not recall.

10 Q. Okay. In the line just above the
11 chart it says, in part [as read]:

12 " [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Do you see that?

16 A. Yes.

17 Q. What did you mean by [REDACTED]

18 [REDACTED]

19 A. I was referring to [REDACTED]

20 [REDACTED]

21 Q. And what is [REDACTED]

22 [REDACTED]

23 ATTORNEY CONRAD: Objection.

24 Ambiguous. Vague.

25 You can answer.

1 BY ATTORNEY ANDERSON:

2 Q. Well, let me ask it this way.

3 When you just used the words

4 [REDACTED] what did you mean by it?

5 A. I was referring to [REDACTED]

6 [REDACTED]

7 Q. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 ATTORNEY CONRAD: Objection.

11 Ambiguous.

12 THE WITNESS: [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 BY ATTORNEY ANDERSON:

16 Q. Okay. Back in 2010, when you wrote
17 Exhibit 25, was the retailers like -- that you
18 just mentioned the main channel of sales for
19 Mommy's Bliss?

20 A. Can you repeat the question, please.

21 ATTORNEY ANDERSON: Could you
22 just read it back, please, Madam Court
23 Reporter. Thank you.

24 - - -

25 (Whereupon, the record was read

1 as follows:

2 "QUESTION: Back in 2010, when
3 you wrote Exhibit 25, was the
4 retailers like -- that you just
5 mentioned the main channel of sales
6 for Mommy's Bliss?")

7 - - -

8 THE WITNESS: No.

9 BY ATTORNEY ANDERSON:

10 Q. What was the main channel for sales
11 of Mommy's Bliss back then?

12 A. I -- I don't recall specifically.

13 Q. How about generally?

14 A. [REDACTED].

15 Q. [REDACTED]

16 A. [REDACTED]

17 Q. Thank you.

18 The entity in the top half of
19 your chart in the middle is Baby Ddrops.

20 Do you see that?

21 A. Yes.

22 Q. Okay. And do you recall whether, as
23 part of your research, you acquired or
24 purchased a sample of the Baby Ddrops product?

25 A. I do not recall.

1 Q. Just don't recall one way or the
2 other?

3 A. I don't recall.

4 Q. Do you recall whether you made any
5 notes regarding these six entities?

6 A. Not other than what is shown here on
7 this document.

8 Q. Okay. Looking at the entries where
9 you have a manufacturer's suggested retail
10 price for all of these entities and you appear
11 to have dosage amounts, does that help refresh
12 your memory as to whether you purchased an
13 actual sample product?

14 A. No.

15 Q. Do you recall how you became aware
16 that the Baby Ddrops products was sold in
17 packaging of 90 doses, as indicated in
18 Exhibit 25?

19 A. From looking at the box on the shelf.

20 Q. Okay. When you looked at the box on
21 the shelf, do you recall learning anything
22 about its composition or what -- how it was
23 made?

24 A. No.

25 Q. Do you recall learning anything about

1 its instructions for use?

2 A. No.

3 Q. You just don't recall one way or the
4 other, as you sit here today; is that correct?

5 A. That's correct.

6 Q. Did you have a discussion with the
7 individuals to whom you sent this email
8 regarding whether to pursue a baby vitamin D
9 drops product as a new product?

10 A. I do not recall.

11 Q. You just don't recall one way or the
12 other?

13 A. Yes, I do not recall.

14 Q. Do you recall whether any decision
15 was reached on whether to pursue the -- a baby
16 vitamin D drops product as a new product at the
17 time in early 2010?

18 A. I do not recall.

19 Q. You just don't recall one way or the
20 other?

21 A. No.

22 Q. In your chart, in the middle, under
23 the [REDACTED] column, you have as a
24 comment [as read]:

25 [REDACTED]

1 Do you see that?

2 A. Yes.

3 Q. Why did you make that comment?

4 A. I believe because the product had
5 dyes and/or parabens in the product.

6 Q. And what was it about that fact that
7 caused you to make the comment "lower quality"?

8 A. We're a company that values dye-free,
9 chemical-free.

10 Q. Okay. Under [REDACTED]
11 in the lower left-hand corner of your chart,
12 you had -- you have a comment [as read]:

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Is there a reason why you made
18 that comment?

19 A. I believe similar to the other
20 product.

21 Q. Okay. And then under [REDACTED]
22 [REDACTED] you have a comment in bold,

23 [REDACTED]

24 Do you see that?

25 A. Yes.

1 Q. Why did you make that comment?

2 A. Because gummy bears cannot be given
3 to infants. They are for toddlers.

4 Q. Okay. Why can't they be given to
5 infants?

6 A. Because they're a choking hazard.

7 Q. Okay.

8 ATTORNEY ANDERSON: Now we'll
9 see if I can make the Court Reporter happy
10 by uploading the exhibit to her.

11 So give me a moment.

12 Ms. Kaderali, I'm now going to
13 show you a document that is going to be
14 marked as Exhibit 26.

15 - - -

16 (Whereupon, Exhibit 26 was
17 marked for identification.)

18 - - -

19 ATTORNEY ANDERSON: It is a
20 document with Bates Numbers MOM_0005312 --
21 5310, and 5311.

22 ATTORNEY CONRAD: Mr. Anderson,
23 can you upload a copy of this exhibit to
24 the witness so she has the whole copy to
25 be able to review?

1 I don't have copies of the
2 potential exhibits.

3 ATTORNEY ANDERSON: Sure.
4 Although I'm only going to refer to the
5 first page, if that makes a difference at
6 this stage of the game.

7 ATTORNEY CONRAD: It does
8 because -- this one is a good example. I
9 don't -- this looks like a compound
10 document production of things that are out
11 of order.

12 So I want the witness to be able
13 to review the document so that she's able
14 to testify accurately about what they are,
15 if she knows what they are.

16 ATTORNEY ANDERSON: Yeah. I
17 will tell you that it is actually one
18 exhibit. It's just that the pages were --
19 it appeared to be in a different order, so
20 it was placed like this.

21 But I'm happy to give it a go
22 here to see if I can upload this.

23 So give me a moment.

24 ATTORNEY CONRAD: Thank you.

25 Ms. Kaderali, can you download

1 that file so you can review it. It's in
2 the chat window.

3 THE WITNESS: Uh-hum.

4 ATTORNEY CONRAD: Is it
5 available to you now?

6 THE WITNESS: Yes.

7 ATTORNEY CONRAD: Okay. Thank
8 you, Mr. Anderson.

9 ATTORNEY ANDERSON: Thank you.

10 BY ATTORNEY ANDERSON:

11 Q. Ms. Kaderali, could you take a moment
12 to look at Exhibit 26 and tell me whether you
13 recall having seen it previously.

14 A. Yes.

15 Q. And the first page of Exhibit 26
16 appears to be an email dated March 1st of 2010
17 that you sent to individuals named Shannon,
18 Mimi, and Kathy, correct?

19 A. Yes.

20 Q. And who are or were Shannon, Mimi,
21 and Kathy, if you recall?

22 A. Shannon worked at [REDACTED] And Mimi and
23 Kathy worked at [REDACTED]

24 Q. What is -- or what is or was
25 [REDACTED]?

1 A. [REDACTED] is a manufacturer.

2 Q. A manufacturer of what, if you know?

3 A. Liquids, tablets, capsules, lotions.

4 Q. Were they a supplier of or to

5 Mommy's Bliss in 2010?

6 A. Yes.

7 Q. What did they supply to Mommy's Bliss
8 at that time?

9 A. A different liquid product.

10 Q. Okay. What liquid product?

11 A. Gripe water.

12 Q. Who did Shannon work for again?

13 A. [REDACTED]

14 Q. And what was or is [REDACTED]

15 A. I believe it stands for [REDACTED]
16 [REDACTED].

17 Q. And what was or is [REDACTED]

18 [REDACTED]

19 A. They are a manufacturer.

20 Q. A manufacturer of what?

21 A. I don't recall.

22 Q. Were they, at that time, a supplier
23 or manufacturer to Mommy's Bliss?

24 A. They were a middleman broker to

25 [REDACTED]

1 Q. Okay. In your email to Shannon,
2 Mimi, and Kathy, you say in the first line
3 [as read]:

4 "As you know, we are really
5 looking into the idea of developing
6 a vitamin D product. "

7 Do you see that?

8 A. Yes.

9 Q. Does that refresh your recollection
10 regarding the research or looking into that was
11 going on at Mommy's Bliss at that time into
12 developing a vitamin D product?

13 A. Can you specify in your question?

14 Q. Sure. It was a bad question. I'll
15 certainly give you that -- or poorly phrased.

16 You say in your first sentence
17 that [as read]:

18 "We are really looking into the
19 idea of developing a vitamin D
20 product. "

21 Do you see that?

22 A. Yes.

23 Q. Okay. Why was Mommy's Bliss really
24 looking into the idea of developing a vitamin D
25 product at the time that you sent this email in

1 Exhibit 26?

2 A. Because we were a baby company.

3 Q. Okay.

4 A. We made products for babies.

5 Q. What caused you or -- what caused
6 you, as the product manager for Mommy's Bliss,
7 to decide that -- or to look at developing a
8 baby vitamin D product?

9 A. I don't recall.

10 Q. Had you been aware of the existence
11 of baby vitamin D products in the marketplace
12 prior to 2010 when you started your -- or did
13 your research reflected in the previous
14 exhibit, Exhibit 25?

15 A. No.

16 Q. What made you decide to start to be
17 really looking into the idea of developing a
18 vitamin D product?

19 A. I don't recall.

20 Q. Do you recall becoming aware of any
21 sort of need -- nutritional need in babies for
22 vitamin D?

23 A. I don't recall.

24 Q. Do you recall becoming aware of the
25 marketing by others prior to when you did your

1 research in Exhibit 26, marketing by others of
2 baby vitamin D products?

3 ATTORNEY CONRAD: Objection.
4 Vague.

5 THE WITNESS: I do not recall.

6 BY ATTORNEY ANDERSON:

7 Q. This email is dated about two and a
8 half weeks after your previous email that we
9 looked at in Exhibit 25, which references a
10 discussion on how/if we want to pursue this new
11 product.

12 The fact that on March 1st of
13 2010 you sent this email to Shannon, Mimi, and
14 Kathy, does that refresh your recollection as
15 to whether, as a result of the discussion that
16 you had internally, a decision was made to
17 pursue further developing a baby vitamin D
18 product?

19 A. Not that I recall outside of this
20 document.

21 Q. In your email of March 1st -- excuse
22 me -- you have some requests for some
23 information.

24 Do you see those three points?

25 A. Yes.

1 Q. Okay. And do you recall how you came
2 up with requesting pricing for a bottle that
3 has [as read]:

4

5

6 A. I don't recall.

7 Q. Okay. You reference that you have a
8 quote for [as read]:

9

10 Do you see that?

11 A. Yes.

12 Q. Do you recall who that quote was
13 from?

14 A. No.

15 Q. You ask in the second bullet point
16 there [as read]:

17

18

19 Do you see that?

20 A. Yes.

21 Q. Why were you looking for [REDACTED]

22

23 A. I don't know.

24 Q. Do you recall what possible sources
25 for vitamin D you were aware of at the time

1 time other than, apparently, fish oil?

2 A. I do not recall.

3 Q. If we go to the second page of
4 Exhibit 26, we see Mimi's response to you, sent
5 a day later, on March 2nd, 2010.

6 Do you see that?

7 A. Yes.

8 Q. And in it, she references [as read]:

9

10

11

12

13 Do you see that?

14 A. Yes.

15 Q. Did you do any research -- do you
16 recall whether you did any research or further
17 checking or inquiries concerning sources for
18 vitamin D3 at about the time of this email,
19 March of 2010?

20 A. I do not recall.

21 Q. Okay. Then she references [as read]:

22

23

24 Do you see that?

25 A. Yes.

1 Q. Do you recall any further research
2 into using vitamin D2?

3 A. I do not recall.

4 Q. And then, lastly, Mimi says that they
5 [as read]:

6 [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED]

9 Do you see that?

10 A. Yes.

11 Q. Do you recall any discussions
12 regarding that option?

13 A. I do not recall.

14 Q. Okay. Based on seeing Exhibit 26, do
15 you recall whether Mommy's Bliss made a
16 decision at or about that time either to
17 proceed or not to proceed further with
18 developing a baby vitamin D product?

19 A. I do not recall.

20 Q. You just don't recall anything about
21 that?

22 A. No.

23 Q. Do you recall when Mommy's Bliss
24 first introduced a baby vitamin D product?

25 A. Yes.

1 Q. When?

2 A. We launched the vitamin D product in
3 2016 -- between 2016 and 2017.

4 Q. Okay. Do you recall why having first
5 looked at introducing -- excuse me --
6 developing and introducing a baby vitamin D
7 product in 2010 you did not actually do so
8 until approximately the middle of 2016?

9 A. I do not recall.

10 Q. Do you recall any discussions with
11 anyone during that time period, from March of
12 2010 to July of 2016, regarding a baby
13 vitamin D product?

14 A. No.

15 Q. Do you recall what caused you, in or
16 about 2016, to go back to developing a baby
17 vitamin D product?

18 A. Could you please repeat the question?

19 Q. Sure.

20 At some point in about 2016,
21 Mommy's Bliss decided to develop a baby
22 vitamin D product, correct?

23 A. Yes.

24 Q. And at that time, you were the CEO,
25 correct?

1 A. Yes.

2 Q. Okay. So was it your decision to
3 develop a baby vitamin D product in about 2016?

4 ATTORNEY CONRAD: Objection.

5 Vague and ambiguous.

6 THE WITNESS: There are a number
7 of people involved in the decision-making
8 of launching a product.

9 BY ATTORNEY ANDERSON:

10 Q. Was it your final decision in 2016?

11 A. Yes.

12 Q. Who were the other people involved in
13 the decision process to develop and start
14 selling a baby vitamin D product in 2016, other
15 than yourself?

16 A. Stephanie Medina, the president at
17 that time.

18 Q. She was the president at that time?

19 A. No. A different person was the
20 president.

21 Q. Who was the president at that time?

22 A. April Howell.

23 - - -

24 (Stenographer clarification.)

25 - - -

1 THE WITNESS: April Howell,

2 H-O-W-E-L-L.

3 BY ATTORNEY ANDERSON:

4 Q. Is Ms. Howell still with
5 Mommy's Bliss?

6 A. No.

7 Q. Approximately when did she leave?

8 A. 2021.

9 Q. Anyone else besides Ms. Medina and
10 Ms. Howell and yourself involved in the
11 decision process to develop and start selling a
12 baby vitamin D product in about 2016?

13 A. The VP of sales.

14 Q. Who was that?

15 A. Caroline Lloyd.

16 Q. Anyone else?

17 A. Stephanie O'Brien.

18 Q. What was Ms. O'Brien's position at
19 the time?

20 A. Director of marketing.

21 Q. Is she still with Mommy's Bliss?

22 A. No.

23 Q. Approximately when did she leave?

24 A. 2022.

25 Q. Anyone else involved in the decision

1 in 2016 other than the four individuals plus
2 yourself that you have identified thus far?

3 A. I don't recall.

4 Q. You just don't recall one way or the
5 other if there was anyone else?

6 A. Yes.

7 Q. What was it that caused Mommy's Bliss
8 to, I'll say, revisit developing and
9 introducing a baby vitamin D product in
10 approximately 2016?

11 A. We were launching innovation every
12 year, so vitamin D was included.

13 Q. What was the innovation in launching
14 a vitamin D product?

15 A. Seeking an organic product or
16 products.

17 Q. At the time that you were
18 considering, along with Ms. Medina, Ms. Howell,
19 Ms. Lloyd and Ms. O'Brien, introducing a baby
20 vitamin D product, did you do any market
21 research?

22 A. I believe so.

23 Q. That would be market research of
24 other entities that had a baby vitamin D
25 product on the market; is that correct?

1 A. Yes.

2 Q. Do you recall who specifically did
3 that market research of the five of you that
4 you've identified?

5 ATTORNEY CONRAD: Objection.

6 Assumes facts not in evidence.

7 You can answer.

8 THE WITNESS: I don't recall.

9 BY ATTORNEY ANDERSON:

10 Q. All right. Were there any written
11 reports or analyses that you recall in about
12 2016 regarding developing a baby vitamin D
13 product?

14 A. I don't recall.

15 Q. Do you recall why the decision was
16 made to -- in 2016 to develop and launch a baby
17 vitamin D product?

18 A. I don't -- I don't recall.

19 Q. What was it, if you recall, that was
20 different between 2010 when you first looked at
21 introducing a baby vitamin D product and 2016
22 when you made the decision to proceed?

23 A. I believe organic products were
24 something we explored. And at that time, it
25 was available for us to make an organic

1 vitamin D product.

2 Q. In 2016, when you made the decision
3 to introduce a baby vitamin D product, were you
4 aware of the -- generally aware of the size of
5 the market?

6 A. I don't recall.

7 Q. Okay. By the way, back in 2010, when
8 you first became aware of D drops and started
9 looking at introducing a baby vitamin D
10 product, whose idea was it originally to look
11 at introducing a baby vitamin D product?

12 Was that your idea or someone
13 else?

14 A. I don't recall.

15 Q. So you don't recall whether you came
16 up with that idea in the first instance or
17 whether some other person said, "Hey,
18 Ms. Kaderali, look at a baby vitamin D product"
19 back in 2010; is that correct?

20 A. That's correct.

21 Q. Okay. And in 2016, while you said
22 that you made the final decision to introduce a
23 baby vitamin D product, did Ms. Medina,
24 Ms. Howell, Ms. Lloyd, and Ms. O'Brien all
25 agree with that decision or was there any

1 dissent?

2 A. Yes. They were in agreement.

3 Q. Okay. What was it more specifically
4 or as best you can recall that caused you in
5 2016 to make the final decision to introduce a
6 baby vitamin D product?

7 A. It was available as an organic
8 product.

9 Q. When you say "available as an organic
10 product," can you be more specific or explain
11 what you mean by that, ma'am?

12 A. Can you be more specific with the
13 question, please?

14 Q. You have said that the reason why you
15 decided -- correct me if I'm wrong -- you have
16 testified that the reason why you decided to
17 introduce a baby vitamin D product in 2016 is
18 because it was available as an organic product,
19 correct?

20 A. Yes.

21 Q. Okay. Can you be more specific or
22 explain what you mean when you said that it was
23 available as an organic product?

24 A. Meaning it was a possible product to
25 label as organic.

1 Q. And what would make the product
2 organic?

3 A. The oil.

4 Q. When you say "the oil," what do you
5 mean?

6 A. The sunflower oil is the main
7 ingredient with the vitamin D -- or I should
8 rephrase that.

9 There are two or three
10 ingredients in the product. And the oil was
11 sunflower oil, which was organic.

12 Q. What were the other two
13 ingredients -- one or two ingredients besides
14 the sunflower oil?

15 A. Vitamin D. And I don't recall what
16 specific other ingredient might have been in
17 the product.

18 Q. Did you -- did Mommy's Bliss do any
19 testing or analysis of different ingredients
20 for this product in 2016?

21 ATTORNEY CONRAD: Objection.

22 Vague and ambiguous.

23 THE WITNESS: I don't recall.

24 BY ATTORNEY ANDERSON:

25 Q. Do you recall who the supplier or

1 provider was for Mommy's Bliss for the oil in
2 the vitamin D product in 2016?

3 A. No.

4 ATTORNEY CONRAD: Mr. Anderson,
5 it's been about an hour or so.

6 Do you think we could take a
7 break? It's lunchtime here.

8 ATTORNEY ANDERSON: Yes, of
9 course.

10 Let's take -- what? Do you want
11 to go about 14 minutes until 3:20? That
12 would be -- what? -- 1:20 your time.

13 ATTORNEY CONRAD: So we need to
14 eat lunch. So maybe half an hour would be
15 good.

16 Would that be okay for you, or
17 do you need more time?

18 THE WITNESS: No. That's fine.

19 ATTORNEY ANDERSON: Is that all
20 right with the Court Reporter? You're the
21 most important person on this call.

22 THE COURT STENOGRAPHER: That's
23 fine with me. Thank you.

24 So we will break until 3:36 p.m.
25 or 1:36 Pacific time.

1 Is that correct?

2 ATTORNEY CONRAD: Yes. Thank
3 you.

4 ATTORNEY ANDERSON: All right.
5 Thanks, everyone. See you back here in
6 30 minutes.

7 - - -

8 (Whereupon, a short recess was
9 taken.)

10 - - -

11 ATTORNEY ANDERSON: Thank you.

12 BY ATTORNEY ANDERSON:

13 Q. Ms. Kaderali, before we took the
14 break -- I guess sort of a lunch break -- we
15 were talking about the development and the
16 decision to introduce a vitamin D product by
17 Mommy's Bliss in about 2016.

18 Do you recall that generally?

19 A. Yes.

20 Q. Okay. First off, in 2016, were all
21 of Mommy's Bliss's products organic?

22 A. No.

23 Q. What was it about having an organic
24 baby vitamin D product -- what was it that made
25 you want to have an organic vitamin D product,

1 then?

2 A. We wanted to have a number of
3 products that could be labeled "organic." It
4 was not specific only to vitamin D.

5 Q. Why did you want to have a number of
6 products that could be labeled "organic"?

7 A. As moms in the company, we felt that
8 we valued organic for our babies and children.
9 And that was a value we wanted to bring to the
10 brand and the consumers.

11 Q. Okay. And what was it more
12 specifically about organic?

13 Why was organic something that
14 you, as moms, valued?

15 A. Organic products in foods have
16 benefits versus nonorganic.

17 Q. What benefits are those?

18 A. It's always product-dependent.

19 Q. Okay. With regard to vitamin D,
20 what's the benefits?

21 A. There wasn't another vitamin D
22 product that I recall being organic, in that it
23 is a implied cleaner product for an infant.

24 Q. In 2016, do you know whether anyone
25 did, what I'll call, some updated market

1 research or analysis of existing products --
2 existing baby vitamin D products in the market
3 beyond what you had done back in 2010?

4 A. Can you please repeat the question?

5 Q. Sure.

6 My question is:

7 With regard to 2016, when
8 Mommy's Bliss is considering to develop and
9 introduce a baby vitamin D product, do you know
10 whether someone went out and did some market
11 research regarding existing baby vitamin D
12 products at that time in 2016 or thereabouts?

13 A. I don't recall.

14 Q. Okay. With regard to the four other
15 individuals who were involved in the decision
16 to introduce a baby vitamin D product --
17 Ms. Medina, Ms. Howell, Ms. Lloyd, and
18 Ms. O'Brien -- do you recall more specifically
19 what their roles or involvement was in the
20 design and development process?

21 A. I don't recall.

22 Q. So you can't tell me, for example,
23 what Ms. Medina more specifically did in
24 relation to the decision to develop and
25 introduce a baby vitamin D product in 2016; is

1 that correct?

2 A. I can recall as it may relate to her
3 role, but I don't recall her specific research
4 or involvement in the decision-making process.

5 Q. Okay. What would have been her -- so
6 with regard to her general role, what was her
7 general role at that time?

8 A. She worked with the manufacturers.

9 Q. Okay. How about Ms. Howell? Do you
10 recall more specifically what her role was with
11 regard to the decision to design and
12 development a baby vitamin D product in 2016?

13 A. Her role was related to finances.

14 Q. Okay. How about Ms. Lloyd? Same
15 question.

16 A. Her role was related to sales.

17 Q. Okay. And Ms. O'Brien?

18 A. Her role was related to marketing.

19 Q. Okay. And with regard to these roles
20 that you've just identified, those are simply
21 their general roles. You don't have a specific
22 recollection of what -- you don't have a
23 recollection of what they did specifically
24 regarding the decision to develop and introduce
25 a baby vitamin D product in 2016; is that

1 correct?

2 A. Yes, that's correct.

3 Q. Okay. Did you have a belief in 2016
4 that there would be demand for a baby vitamin D
5 product in the market?

6 A. Yes.

7 Q. And why did you believe there would
8 be a demand for a baby vitamin D product in the
9 market?

10 A. As a team of moms, we had all used
11 baby vitamin D products with our children. We
12 were all breastfeeding our children.

13 Q. Did you use a baby vitamin D product?

14 A. I did.

15 Q. What product did you use?

16 ATTORNEY CONRAD: Objection.

17 Vague and ambiguous.

18 THE WITNESS: I don't recall.

19 BY ATTORNEY ANDERSON:

20 Q. Okay. Do you recall -- am I
21 correct -- I don't know how many children you
22 have, but I'm going to assume as a fact not in
23 evidence that you have more than one.

24 A. Yes.

25 Q. Okay. Now it's in evidence.

1 Do you recall, for any of your
2 children, the baby vitamin D product that you
3 used with them?

4 A. For my second child, I used the
5 Mommy's Bliss vitamin D organic drops.

6 Q. And as for your first, you don't
7 recall?

8 A. I don't recall.

9 Q. Okay. And do you have only two
10 children?

11 A. Yes.

12 ATTORNEY ANDERSON: Okay. Let's
13 see if I can upload the next exhibit,
14 which will be Exhibit 27.

15 - - -

16 (Whereupon, Exhibit 27 was
17 marked for identification.)

18 - - -

19 ATTORNEY ANDERSON: Should be
20 there.

21 Can you see my screen, or am I
22 not sharing it? I'm not sharing.

23 There. Can you see my screen
24 now?

25 THE WITNESS: Yes.

1 ATTORNEY ANDERSON: All right.

2 I have put up and uploaded Exhibit 27. It
3 has Bates Numbers MOM_0001661 through
4 1686.

5 And I'd like to ask you to first
6 take a minute to look at the exhibit and
7 tell me whether you recall having seen it
8 previously.

9 And for the record, it is a
10 document headed "New Item Presentation.

11 [REDACTED] Mommy's Bliss."

12 And it says [as read]:

13 "Prepared by:

14 "Caroline Lloyd: VP of sales.

15 "Stephanie O'Brien: Director of
16 Marketing.

17 "Margaret Paugh" --

18 P-A-U-G-H -- [REDACTED]

19 And it appears to have a date of
20 2015.

21 BY ATTORNEY ANDERSON:

22 Q. Do you recall having seen this
23 document previously?

24 ATTORNEY CONRAD: Mr. Anderson,
25 apologies.

1 Do you have a Bates number for
2 that exhibit?

3 ATTORNEY ANDERSON: Yes. I read
4 it off.

5 ATTORNEY CONRAD: I'm sorry.
6 Could you repeat that for me?

7 ATTORNEY ANDERSON: Sure. It is
8 MOM_0001661 through 1686.

9 ATTORNEY CONRAD: Thank you.

10 THE WITNESS: Is it possible to
11 zoom out slightly so I can see the entire
12 slide?

13 BY ATTORNEY ANDERSON:

14 Q. Absolutely. How is that? Would you
15 like to see two pages at once or a little bit
16 bigger now?

17 A. Just a little bigger now. That's
18 good.

19 Q. Okay. Great.

20 So my question is whether you
21 recall having seen Exhibit 27 previously.

22 A. I do not recall seeing this.

23 Q. Okay. By the way, with regard to
24 the -- your -- the vitamin D that you
25 administered to your first infant that you had,

1 do you recall how you administered it?

2 A. I don't recall.

3 Q. You don't recall anything like the
4 dose or how you did it?

5 A. I don't.

6 Q. Okay. Fair enough.

7 And you don't recall having seen
8 Exhibit 27 previously; is that correct?

9 A. That's correct.

10 Q. All right. I am just going to go to
11 a page in the exhibit and see if it refreshes
12 your recollection on anything.

13 So I'm going to scroll down to
14 the Bates-numbered page 1674.

15 Do you see that, Ms. Kaderali?

16 A. Yes.

17 If you could zoom in a little
18 bit more, that would be helpful.

19 Q. Okay. So a little bit bigger.

20 How is that?

21 A. That's good. Thank you.

22 Q. Okay. Great.

23 So this is a page that's
24 headed -- the new item name is [as read]:

25 "Mommy's Bliss Vitamin D

1 Organic Drops. "

2 Do you see that?

3 A. Yes.

4 Q. All right. And my question is:

5 In the attributes, one of the
6 attributes says [as read]:

7 "a single 1 drop per day."

8 Do you see that?

9 A. Yes.

10 Q. Do you recall how it was that the
11 product that you introduced in 2016 was a
12 single drop per day dose?

13 A. Yes.

14 Q. How?

15 A. The bottle was one in which it slowly
16 dispensed one drop at a time.

17 Q. Okay. Well, that explains how it
18 operates.

19 My question is:

20 What was -- how did you decide
21 to have a product where the dose was one drop
22 per day?

23 And I would refer you back to
24 Exhibit 25, which we looked at, which
25 references different doses.

1 My question, just to be clear

2 is:

3 Why did you decide to develop
4 the product with one drop per day as the dose?

5 ATTORNEY CONRAD: Objection.

6 Vague and ambiguous.

7 I think you mentioned Exhibit 25
8 from 2010.

9 Is that what you're referring
10 to?

11 ATTORNEY ANDERSON: Yes.

12 Because that references a number of other
13 manufacturers. I'm trying to -- let me
14 just ask the question over again.

15 BY ATTORNEY ANDERSON:

16 Q. Ms. Kaderali, I'm not asking you how
17 the product works by having a bottle that
18 slowly dispenses something.

19 My question is:

20 Why did you decide -- why was
21 the decision made to have a product where the
22 dose was one drop per day?

23 A. I don't recall.

24 Q. By the way, of the five individuals
25 that you identified as having work done or been

1 involved in the decision to introduce -- to
2 develop and introduce a vitamin D product in
3 2016, who was most involved in that development
4 and design, if you recall? Ms. Medina,
5 Ms. Howell, Ms. Lloyd, Ms. O'Brien, or some
6 combination?

7 A. Ms. Medina.

8 Q. Okay. So she was most involved.

9 Is that a fair statement?

10 A. Yes.

11 Q. Okay. And if we go down into the
12 "Supporting Insights," one of the bullets
13 points is [as read]:

14 "Simple ingredient
15 list – organic sunflower oil and
16 vitamin D (+ vit E for stability)."

17 Do you see that?

18 A. Yes.

19 Q. Do you recall how it -- or why it was
20 decided to use organic sunflower oil in your
21 product?

22 A. I do not recall.

23 Q. Do you have a recollection of
24 considering it -- of considering any other
25 ingredients other than sunflower oil in 2016?

1 A. We worked with the manufacturer, and
2 I don't recall what they may or -- may have
3 suggested.

4 Q. Who was the manufacturer? Was that
5 [REDACTED]?

6 A. Yes.

7 Q. And was it Ms. Medina that worked
8 more directly with [REDACTED] at that time,
9 if you recall?

10 A. Her team worked closely with
11 [REDACTED]

12 Q. And if we go -- excuse me.

13 If we go to the next box in
14 Exhibit 27, it says [as read]:

15 "90-day supply versus current
16 60-day format."

17 Do you see that?

18 A. Yes.

19 Q. How did it come to be that you
20 decided -- or that it was decided to have a
21 product with a 90-day supply?

22 A. I don't recall.

23 Q. Do you know if Ms. Medina would know?

24 A. I cannot comment on her recollection.

25 Q. By the way, have you discussed your

1 testimony here today — excluding conversations
2 with your counsel, have you discussed your
3 expected testimony here today with anyone at
4 Mommy's Bliss?

5 ATTORNEY CONRAD: I'm going to
6 object on privilege grounds because I
7 think your question is calling for
8 privileged information.

9 It was unclear to me exactly
10 what you were seeking, though. Maybe you
11 want to rephrase the question.

12 ATTORNEY ANDERSON: Yeah.

13 BY ATTORNEY ANDERSON:

14 Q. I'm excluding, Ms. Kaderali, just so
15 we're clear, any communications or conversation
16 with your counsel or any conversations about
17 your discussions with your counsel.

18 So with those exclusions, have
19 you discussed your testimony here today or your
20 upcoming, at the time, testimony with anyone at
21 Mommy's Bliss?

22 ATTORNEY CONRAD: I'm going to
23 instruct the witness not to answer on
24 privilege grounds because I think your
25 question is asking for things that she

1 did, which would have been at the
2 direction of counsel.

3 So I'm going to instruct the
4 witness not to answer.

5 ATTORNEY ANDERSON: Well, I
6 don't know that --

7 BY ATTORNEY ANDERSON:

8 Q. Well, have you had any conversations
9 with other individuals at Mommy's Bliss at the
10 direction of your counsel?

11 A. Today?

12 Q. No. Ever. With regard to your
13 testimony, your evidence, your deposition.
14 Sorry.

15 A. No.

16 Q. Okay. By the way, during the break,
17 did you discuss the substance of your testimony
18 with anyone, including your counsel?

19 It's just a yes-or-no question.

20 A. No.

21 Q. Okay.

22 ATTORNEY ANDERSON: I'm going to
23 show you and upload, hopefully, what I
24 have marked as Exhibit 28.

25 - - -

1 (Whereupon, Exhibit 28 was
2 marked for identification.)

3 - - -

4 ATTORNEY ANDERSON: Can you see
5 my screen now, Ms. Kaderali?

6 THE WITNESS: Yes.

7 ATTORNEY ANDERSON: All right.
8 And I have uploaded -- Exhibit 28 has
9 Bates Numbers MOM_0001750 to 1793.
10 The first page of the document
11 says "2017 NPD. "

12 BY ATTORNEY ANDERSON:

13 Q. Do you recall having seen Exhibit 28
14 previously?

15 A. No.

16 Q. Okay. Do you know what Exhibit 28 is
17 in terms of its title of "2017 NPD"?

18 A. NPD typically refers to new product
19 development.

20 Q. Do you know who the author or authors
21 was or were of Exhibit 28?

22 A. No.

23 Q. Okay.

24 A. Just to be clear, you're showing a
25 single page at this time?

1 Q. Right. I uploaded to you in the chat
2 box, as your counsel had previously requested
3 for multiple-page documents, the complete copy
4 of the exhibit.

5 So if you want to take a few
6 minutes to look at it in the chat box or if
7 you'd like me to scroll through this, I'm happy
8 to do either one.

9 A. You can continue. And if I need to
10 pause to scan the entire document to understand
11 what it is, I'll do that.

12 Q. Okay. Fair enough.

13 So I am going to scroll through
14 Exhibit 28 up to page Bates Number 1757.

15 And it is headed "Vitamin D
16 Drop- Competition."

17 Have you ever seen this -- do
18 you recall ever having seen this page
19 previously?

20 A. I don't recall.

21 Q. Okay. If you look at the page, there
22 is -- on the upper part, left-hand side, there
23 is a description of a product [as read]:

24 

25 Do you see that?

1 A. Yes.

2 Q. And do you recognize this as a
3 competing baby vitamin D product in the market?

4 A. Yes.

5 Q. And then on the right-hand side,
6 there is a box that's headed [REDACTED]

7 [REDACTED]
8 Do you see that?

9 A. Yes.

10 Q. And do you recognize [REDACTED]
11 [REDACTED] as a competing baby vitamin D product?

12 A. Yes.

13 Q. Okay. And then in the lower
14 left-hand corner, there is a photograph of a
15 product bottle, and it says [as read]:

16 "D drop 1 drop per serving."

17 Do you see that?

18 A. Yes.

19 Q. And do you recognize that as the
20 Ddrops baby vitamin D drop product?

21 A. Yes.

22 Q. The actual bottle pictured there, do
23 you recognize that as an actual bottle of the
24 baby vitamin D -- of the Ddrops baby vitamin D
25 product?

1 A. Yes.

2 Q. Have you seen the actual package and
3 bottle of the baby vitamin D drops product --

4 ATTORNEY CONRAD: Object --
5 sorry. Finish your question.

6 ATTORNEY ANDERSON: Sure.

7 BY ATTORNEY ANDERSON:

8 Q. When do you recall first having seen
9 the package for a Ddrops baby vitamin D
10 product?

11 A. I don't recall.

12 Q. Do you recall having seen the package
13 prior to introducing the Mommy's Bliss baby
14 vitamin D product in 2016?

15 A. I don't recall.

16 Q. Do you recall having seen the bottle,
17 as shown in the photograph on page 1757, for
18 the baby vitamin -- for the Ddrops baby
19 vitamin D product previously?

20 A. I don't recall.

21 Q. Do you recall whether you had seen
22 the bottle for the baby vitamin D products --
23 excuse me -- for the Ddrops baby vitamin D
24 product prior to introducing the Mommy's Bliss
25 baby vitamin D product in 2016?

1 A. I don't recall.

2 Q. Do you recall having any discussion
3 with anyone internally at Mommy's Bliss
4 regarding the different ingredients of the four
5 products shown on Bates-numbered page 1757?

6 A. I don't recall, other than what is
7 contained on this slide.

8 Q. Okay. Do you recall having any
9 discussion internally with anyone at
10 Mommy's Bliss concerning the dosage size of
11 these various products?

12 A. I recall, as a team of moms, we liked
13 the idea of smaller drops -- drop quantity.

14 Q. Okay. And so, for example, the
15 [REDACTED], if you look on the
16 serving size, it says 4 drops.

17 Do you see that?

18 A. Yes.

19 Q. And for [REDACTED] which is -- I
20 didn't mention previously, but that's on the
21 lower right-hand side of the page, it says
22 [as read]:

23 "3 drops a day."

24 Do you see that?

25 A. Sorry. Yes.

1 Q. Okay. And then for Ddrops baby

2 vitamin D product, it says [as read]:

3 "1 drop per serving."

4 Do you see that?

5 A. Yes.

6 Q. And then for [REDACTED] it is

7 1 milliliter.

8 Do you see that?

9 A. Yes.

10 Q. Okay. And Mommy's Bliss decided to

11 go with the one drop per serving, correct?

12 A. Yes.

13 Q. And that's the serving size for

14 Ddrops' product, correct?

15 A. I'm not clear other than what is on

16 the slide at that time.

17 Q. Okay. And was there a reason why you

18 went with the same serving size as Ddrops'

19 product of one drop per serving as opposed to,

20 for example, two drops or three drops or four

21 drops?

22 ATTORNEY CONRAD: Objection.

23 Misstates her testimony.

24 You can answer. Sorry. It's an

25 objection for the record.

1 THE WITNESS: As a team of moms,
2 we liked the idea of less servings.

3 BY ATTORNEY ANDERSON:

4 Q. And when you're talking of the team
5 of moms, is that yourself and the other four
6 ladies that you identified previously:
7 Ms. Medina, Ms. Howell, Ms. Lloyd, and
8 Ms. O'Brien?

9 A. Yes. Not all of us -- all of us
10 became moms at different times.

11 Q. Who is the team of moms in 2016 that
12 you're referencing?

13 A. I was pregnant.

14 Are you referring to the date on
15 this slide?

16 Q. I'm referring to back in 2016 when
17 you were discussing developing and introducing
18 what became the Mommy's Bliss vitamin D
19 product.

20 A. So there were three existing moms;
21 one pregnant mom, which is myself; and
22 Stephanie Medina was not yet a mom, so -- I
23 feel this is encroaching on personal
24 information.

25 There are many moms on the

1 Mommy's Bliss team.

2 Q. Okay. So was it more than -- so it
3 was more mom -- did you have some sort of an
4 internal survey amongst moms at Mommy's Bliss
5 at that time?

6 A. I don't recall.

7 Q. Okay. By the way, this document, in
8 the lower right-hand side, says [as read]:

9 "Copyright 2013.

10 MOM Enterprises."

11 Do you see that? Can you see
12 that?

13 A. Yes.

14 Q. Okay. Do you recall -- but the first
15 page is new product development 2017.

16 Do you recall that?

17 A. Yes.

18 Q. Okay. Do you recall? Was this just
19 a -- did you start considering whether to
20 introduce a baby vitamin D product in 2013, or
21 is this just a carryover from some prior
22 PowerPoint slide format where it says 2013?

23 A. This is a templated -- Mommy's Bliss
24 slide template from 2013.

25 Q. Okay. So the actual information is

1 from 2017, correct?

2 A. Yes.

3 Q. Okay.

4 All right. And if we go to the
5 next page, which is Bates-numbered 1758, it
6 references a concept [as read]:

7 "Mommy's Bliss Organic D Drop."

8 Do you see that?

9 A. Yes.

10 Q. Have you ever -- do you recall having
11 seen this page previously?

12 A. I don't recall.

13 Q. By the way, the document, the 2017
14 new product development, NPD, document, who is
15 that, if you know, prepared for at
16 Mommy's Bliss?

17 Who's the intended audience?

18 A. I'm not -- I don't know.

19 Q. Okay. I apologize if I asked this
20 before.

21 Do you know who authored
22 Exhibit 28?

23 A. No, I don't know.

24 Q. All right. If you look on
25 Bates-numbered page 1758, there is a header --

1 an entry that says "Servings" and, in bold,
2 says "90."

3 Do you see that?

4 A. Yes.

5 Q. Do you know why the decision was made
6 to have 90 servings in a bottle?

7 A. I don't recall.

8 Q. Okay. Do you recall any discussion
9 surrounding the decision to have 90 servings in
10 a bottle?

11 A. I don't recall.

12 Q. Okay. Under "Competition," a little
13 further down there, it lists [as read]:

14 [REDACTED]

15 [REDACTED]

16 Do you see that?

17 A. Yes.

18 Q. Do you recall the source for that
19 information?

20 A. I do not.

21 Q. Would you agree that at the time that
22 Mommy's Bliss introduced its baby vitamin D
23 product, [REDACTED]

24 [REDACTED]

25 ATTORNEY CONRAD: Sorry.

1 Objection. Foundation.

2 You can answer.

3 THE WITNESS: I can recall that

4 [REDACTED]

5 [REDACTED]

6 BY ATTORNEY ANDERSON:

7 Q. And listed here, the [REDACTED]
8 is 50 servings.

9 Do you see that?

10 A. Yes.

11 Q. And then the Ddrops product is
12 90 days, which is 90 servings.

13 [REDACTED] is 60 servings.

14 [REDACTED] is one drop,
15 365 servings.

16 And [REDACTED] is
17 200 servings, one-drop serving.

18 Do you see that?

19 A. Yes.

20 Q. Does seeing that refresh your
21 recollection as to any discussion that you had
22 at -- with anyone at Ddrops concerning the
23 decision to go with first one drop as the
24 serving size?

25 A. No. I don't recall.

1 Q. And, second, to go with 90 servings
2 in a bottle?

3 A. No, I don't recall.

4 Q. Okay. We saw in the exhibit that we
5 just looked at that the new product was made
6 with sunflower oil, which you talked about as
7 being organic.

8 Do you recall whether there were
9 any other organic alternatives available at the
10 time?

11 A. I don't recall.

12 ATTORNEY ANDERSON: Let's see if
13 I can -- I'm now uploading, and I am going
14 to show you what has been marked as
15 Exhibit 29.

16 - - -

17 (Whereupon, Exhibit 29 was
18 marked for identification.)

19 - - -

20 ATTORNEY ANDERSON: It has Bates
21 numbers DDROPS-0022416 to 22424.

22 Excuse me. I take that back.

23 It has Bates numbers MOM_0001620
24 to 1642.

25

1 BY ATTORNEY ANDERSON:

2 Q. Have you seen Exhibit 29 previously?

3 And, again, if you'd like, I'll
4 be happy to scroll through it. Or you can
5 scroll through it from the copy I uploaded in
6 the chat box.

7 It's headed "Mommy's Bliss
8 Category Update 2018."

9 And it says [as read]:

10

11 A. I don't recall this document.

12 Q. Okay. Do you recognize what it is as
13 some -- can you tell me what -- this document
14 that's headed "Category Update 2018," what it
15 may be?

16 A. It may be related to a category
17 update at [REDACTED], who
18 may have been the buyer [REDACTED]

19 Q. All right. I'm going to move down to
20 Bates-numbered page 1641.

21 It's a page on Mommy's Bliss
22 organic vitamin D.

23 Can you see that, ma'am?

24 A. Yes.

25 Q. And then there are a number of key

1 facts listed there.

2 Do you see that?

3 A. Yes.

4 Q. And one of the key facts is

5 [as read]:

6 "Easy to administer – 1 drop
7 per day. "

8 Do you see that?

9 A. Yes.

10 Q. Do you recall that being one of the
11 key marketing or sales points for the
12 Mommy's Bliss organic vitamin D product?

13 ATTORNEY CONRAD: Objection.
14 Foundation.

15 You can answer.

16 THE WITNESS: Yes.

17 BY ATTORNEY ANDERSON:

18 Q. And then the second-to-last key fact
19 listed is [as read]:

20 "90-day supply, 1 drop per
21 day. "

22 Do you see that?

23 A. Yes.

24 Q. And do you recall if that was one of
25 the key marketing or sales facts for the

1 Mommy's Bliss organic vitamin D product?

2 A. It would be a key fact about the
3 product. I would not categorize that a key
4 marketing and sales fact. It's just a key
5 fact.

6 The package picture is very
7 small.

8 Q. Sorry.

9 A. No, not in reference to the slide.

10 In reference to the document
11 that the person is looking at, you would have
12 to share that.

13 Q. In the box toward the bottom of the
14 page, it says, the second slide [as read]:

15 "Servings: 90 servings, 1 drop
16 per day."

17 Do you see that?

18 A. Yes.

19 Q. Okay. Why was that one of the key
20 facts for the Mommy's Bliss organic vitamin D
21 product?

22 A. Because it was a fact the bottle
23 contained a 90-day supply.

24 Q. Why was that a key fact?

25 A. I don't know.

1 Q. You had no involvement in coming up
2 with the "key facts" for the Mommy's Bliss
3 organic vitamin D product, correct?

4 Is that your testimony?

5 A. I didn't author this document.

6 Q. I understand you didn't author the
7 document.

8 My question is whether you had
9 any involvement in coming up with the seven
10 bullet-pointed key facts listed for
11 Mommy's Bliss organic vitamin D product.

12 A. I don't recall.

13 ATTORNEY ANDERSON: Okay. I'm
14 now going to show you a document that has
15 been marked as Exhibit 30.

16 - - -

17 (Whereupon, Exhibit 30 was
18 marked for identification.)

19 - - -

20 ATTORNEY ANDERSON: It has Bates
21 numbers DDROPS-0022416 through 22424.

22 And I will tell you it is pages
23 from the internet Wayback Machine showing
24 a brochure or pages relating to the
25 Mommy's Bliss organic baby vitamin D

1 product.

2 BY ATTORNEY ANDERSON:

3 Q. Do you recall having seen any of
4 these marketing images previously?

5 And I'm showing you the first
6 page, second page, third, fourth, fifth, and
7 sixth.

8 And if you'd like, I can go back
9 through those for you. I realize that was
10 rather quick.

11 A. Yes, please.

12 Q. All right. How about -- do you
13 recall having seen page 1 previously?

14 A. Yes.

15 Q. Okay. How about page 2?

16 A. Yes.

17 Q. Page 3?

18 A. Yes.

19 Q. Page 4?

20 A. No.

21 Q. Page 5?

22 A. No.

23 Q. Page 6?

24 A. Yes.

25 Q. Page 7?

1 A. No.

2 Q. Page 8?

3 A. No.

4 Q. Page 9?

5 A. Yes.

6 Q. Okay. Let's go back to page 1.

7 And on the first page is one of
8 the five bullets points on the bottom of that
9 page -- blow that up a bit so it's easier to
10 see.

11 One of the bullet points is just
12 [as read]:

13 "One drop per day."

14 Do you see that?

15 A. Yes.

16 Q. Does that refresh your recollection
17 as to why the decision was made to have one --
18 to have one drop per day?

19 A. Not other than what we've discussed.

20 Q. Okay. Going to page 2.

21 You've seen page 2, right?

22 A. Yes.

23 Q. Okay. And in page 2, in the text,
24 there is a reference to [as read]:

25 "The sunshine vitamin."

1 Do you see that?

2 A. Yes.

3 Q. Do you recall where that phrase came
4 from?

5 A. No.

6 Q. Do you know who came up with that
7 phrase, "the sunshine vitamin"?

8 A. No.

9 Q. Somebody at Mommy's Bliss, though.
10 Would that be fair to say?

11 ATTORNEY CONRAD: Objection.
12 Foundation.

13 BY ATTORNEY ANDERSON:

14 Q. If you know.

15 A. I don't know.

16 Q. Okay. Rolling down to page 7 of the
17 exhibit.

18 Do you recall having seen the
19 frequently asked questions page previously?

20 A. No, I do not recall this page.

21 Q. Okay. In the section where one of
22 the questions is "How do I give this to my
23 baby?" it says [as read]:

24 "or you can place the drop
25 directly onto the breast prior to

1 feeding. "

2 Do you see that?

3 A. Yes.

4 Q. Do you recall how that instruction of
5 how to give the Mommy's Bliss organic baby
6 vitamin D product came about?

7 A. I don't recall.

8 Q. Did you have any involvement?

9 A. I don't recall.

10 Q. Okay. Do you recall how the market
11 received the Mommy's Bliss baby vitamin D
12 product when it was introduced in 2016?

13 A. Vaguely.

14 Q. What's your vague recollection?

15 A. I recall that the retailers and
16 consumers liked the product or the concept of
17 the product.

18 Q. When you say "the concept of the
19 product," what do you mean?

20 A. As seen in presentations to
21 retailers.

22 Q. Can you be more specific other than
23 just "as seen in presentations to resellers"?

24 What was it about the concept of
25 the product?

1 A. They generally liked most products
2 from Mommy's Bliss.

3 Q. Okay. Was there anything particular
4 about the Mommy's Bliss baby vitamin D product
5 that they liked?

6 A. They liked that it was organic.

7 Q. Anything else?

8 A. That's all I remember at this time.

9 Q. Okay. Do you recall whether they
10 liked that it was one drop?

11 A. I don't recall.

12 Q. Do you recall whether they liked that
13 it was a 90-day -- 90 days of dose in a bottle?

14 A. No.

15 Q. Do you recall whether they liked that
16 you called it "the sunshine vitamin"?

17 A. I don't recall that.

18 Q. Do you recall anything that they
19 didn't like about the product?

20 ATTORNEY CONRAD: Objection.

21 Vague.

22 You can answer.

23 BY ATTORNEY ANDERSON:

24 Q. Do you understand my question, ma'am?

25 Do you recall anything that

1 resellers did not like about the concept of the
2 product when it was introduced?

3 A. No, I don't recall anything.

4 Q. Do you recall how it sold?

5 Was it a good seller? Bad
6 seller?

7 A. I don't recall.

8 Q. Do you recall whether it met your
9 expectations for the new product?

10 A. I don't recall.

11 Q. Do you recall that by about the first
12 half of 2020 there was an issue -- there was an
13 issue that had developed with regard to the
14 Mommy's Bliss organic baby vitamin D product in
15 the market?

16 A. Yes.

17 Q. What do you recall in that regard?

18 A. I recall that there was a stability
19 issue and we had changed -- we had changed the
20 bottle, and there was a stability issue.

21 Q. By "stability issue," would that be
22 the product becoming rancid, rancidity?

23 A. Yes.

24 Q. Do you recall how you became aware of
25 the rancidity issue?

1 A. I don't recall.

2 Q. Were you involved -- strike that.

3 Am I correct that a decision was
4 made in 2020, approximately May or June of
5 2020, to redesign the product with a different
6 formulation or ingredients to address the
7 rancidity issue?

8 A. Yes.

9 Q. Were you involved in making that
10 decision?

11 A. Yes.

12 Q. What was your involvement?

13 A. Making sure that the new product was
14 stable.

15 Q. Were there other individuals who were
16 involved in addressing the rancidity issue at
17 that time?

18 A. Yes.

19 Q. Who?

20 A. Stephanie Medina and her -- people on
21 her quality team and the manufacturer.

22 Q. Who was the manufacturer?

23 A. In which year?

24 Q. In 2020, when you had to address the
25 rancidity issue.

1 A. [REDACTED]

2 Q. When did you start using

3 [REDACTED]

4 A. Can you clarify the question?

5 Q. Sure. What don't you understand of
6 the question?

7 A. Are you referring to the relationship
8 with [REDACTED] or the relationship
9 specific to vitamin D drops?

10 Q. Let's say -- let's take both. First,
11 the relationship generally with

12 [REDACTED]

13 Had you used [REDACTED] for
14 products other than the baby vitamin D drops
15 prior to 2020?

16 A. Yes.

17 Q. When did you first start using them
18 for any product?

19 A. I don't recall specifically.

20 Q. When did you start using
21 [REDACTED] for the baby vitamin D product?

22 A. Between 2020 and 2021.

23 Q. Was the decision to go to them as a
24 result of the reformulation to address the
25 rancidity issue?

1 A. No. It was to first change the
2 bottle, I believe.

3 Q. And then to fix the rancidity issue?

4 A. Yes.

5 Q. Do you recall that the only change in
6 formula that was considered to fix the
7 rancidity issue was to use MCT oil or
8 medium-chain triglyceride oil?

9 ATTORNEY CONRAD: Objection.
10 Assumes facts not in evidence. Lack of
11 foundation.

12 THE WITNESS: I don't recall.

13 ATTORNEY ANDERSON: Okay. I'm
14 going to show you a document that will be
15 Exhibit 31.

16 - - -

17 (Whereupon, Exhibit 31 was
18 marked for identification.)

19 - - -

20 ATTORNEY ANDERSON: It is a
21 series of emails. It has production
22 numbers MOM_0004239 through 4243.

23 BY ATTORNEY ANDERSON:

24 Q. And I will tell you that you're not
25 listed as a author or recipient of any of these

1 emails.

2 My question is whether -- and
3 I'm going to take you to Bates-numbered
4 page 4240 that references formula MCT oil.

5 Do you see that?

6 A. Yes.

7 Q. Okay. And then if we go up to the
8 email preceding that, it says, underlined
9 [as read]:

10 [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Do you see that?

18 A. Yes.

19 Q. Does any of those references to
20 MCT oil refresh your recollection that the
21 product change was to MCT oil or medium-chain
22 triglyceride?

23 ATTORNEY CONRAD: Objection.

24 Misstates her testimony.

25 THE WITNESS: Can you repeat the

1 question, then?

2 BY ATTORNEY ANDERSON:

3 Q. Sure. Let me sort of start a little
4 farther back.

5 Do you recall that the only
6 product formulation change that was considered
7 was to go to MCT oil?

8 ATTORNEY CONRAD: Objection.

9 Assumes facts not in evidence.

10 THE WITNESS: I don't recall.

11 BY ATTORNEY ANDERSON:

12 Q. You just don't recall one way or the
13 other?

14 A. No.

15 Q. Do you recall having any discussions
16 with anyone concerning changing the formulation
17 to MCT oil?

18 A. I do not recall that.

19 Q. Okay. I'm going to move on to
20 page 4241.

21 And in an email from Ms. Medina
22 to QC Office, April Howell, and Lisette Silva
23 dated June 3 of 2020, she says, in the very
24 last line, [as read]:

25

1

2

3

Do you see that?

4

A. Yes.

5

6

Q. Do you recall whether you were aware
in June of 2020 that Ddrops' product was
MCT oil as an ingredient — as an ingredient?

8

A. That states it here?

9

10

Q. No. Just in general. I'm asking
whether you recall.

11

A. Oh. No, I do not recall.

12

13

Q. Okay. Do you recall ever being aware
that Ddrops' product ingredient was MCT oil?

14

A. No.

15

16

ATTORNEY CONRAD: Do you want to
take a break?

17

THE WITNESS: No. That's okay.

18

19

ATTORNEY ANDERSON: We'll take a
break in just a little bit.

20

21

22

I have now uploaded and I am
sharing, hopefully, what will be
Exhibit 32.

23

24

25

It is an email — series of
emails with Bates Numbers MOM_0004311 to
4323.

1

- - -

2

(Whereupon, Exhibit 32 was

3

marked for identification.)

4

- - -

5

BY ATTORNEY ANDERSON:

6

Q. First question -- well, you're not

7

listed, I will tell you, as a copyee or

8

addressee, to my knowledge, on any of these.

9

But my question from the first

10

place is:

11

There's a number of emails to or

12

from an individual by the name of Jerry

13

Oliveras.

14

Do you see that on the first

15

page?

16

A. Yes.

17

Q. Okay. Who is Mr. Oliveras at

18

Mommy's Bliss?

19

A. He was a quality contractor.

20

Q. Okay. But he was -- had a

21

Mommy's Bliss email address?

22

A. Yes.

23

Q. All right. Did he work remotely or

24

at Mommy's Bliss's office?

25

A. Remotely.

1 Q. Okay.

2 A. Primarily remotely.

3 Q. Okay. If I go on to Bates-numbered
4 page 4313, it's dated October 1st of 2020.

5 And in it, Ms. Nguyen says
6 [as read]:

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Do you see that?

11 A. Yes.

12 Q. Were you part of the leadership team
13 that gave approval to move forward with the
14 reformulation to MCT oil?

15 A. I do not recall.

16 Q. Just don't recall one way or the
17 other?

18 A. It could be referring to one person
19 on the leadership team or the leadership team
20 as a whole.

21 Q. Okay. Well, do you consider yourself
22 part of the leadership team at Mommy's Bliss?

23 A. Yes.

24 Q. And did you consider yourself part of
25 the leadership team at Mommy's Bliss in October

1 of 2020?

2 A. Yes.

3 Q. Okay. And do you recall, as you sit
4 here today, as part of the leadership team,
5 making a decision on or about October 1st of
6 2020 to move forward with the reformulation to
7 MCT oil?

8 ATTORNEY CONRAD: Objection.

9 Misstates her testimony. Lacks
10 foundation.

11 BY ATTORNEY ANDERSON:

12 Q. You can go ahead and answer.

13 A. I don't recall.

14 Q. Okay. In the second paragraph,
15 second sentence, Ms. Nguyen says [as read]:

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Do you see that?

21 A. Yes.

22 Q. Okay. Would you agree that the only
23 change made to the Mommy's Bliss baby vitamin D
24 product as a result of the reformulation in the
25 second half of 2020 was to remove vitamin E and

1 change organic sunflower oil to organic

2 MCT oil?

3 ATTORNEY CONRAD: Objection.

4 Misstates testimony.

5 BY ATTORNEY ANDERSON:

6 Q. You can answer.

7 A. I don't recall, other than what it
8 says on the document.

9 ATTORNEY ANDERSON: Okay. We've
10 been going about an hour.

11 Can we take a short break,
12 Counsel? Say, about 10 minutes.

13 ATTORNEY CONRAD: Sure.

14 ATTORNEY ANDERSON: Thank you
15 very much.

16 So we'll be back around
17 2:45 your time. Thank you.

18 - - -

19 (Whereupon, a short recess was
20 taken.)

21 - - -

22 ATTORNEY ANDERSON: Counsel, are
23 you and your client ready?

24 ATTORNEY CONRAD: Yes. I think
25 we're on the record now.

1 ATTORNEY ANDERSON: Okay. Thank
2 you.

3 BY ATTORNEY ANDERSON:

4 Q. Ms. Kaderali, during the break, did
5 you discuss the substance of your testimony
6 with anyone?

7 A. No.

8 Q. Do you recall that in 2020, when you
9 were -- when Mommy's Bliss was reformulating
10 the formula to go to MCT oil in its organic
11 vitamin D product, were you aware of Ddrops as
12 a competitor in the marketplace?

13 A. Yes.

14 Q. Do you recall for how long you had
15 been aware of Ddrops as a competitor in the
16 marketplace?

17 A. I don't recall.

18 Q. Do you recall Mommy's Bliss carefully
19 watching Ddrops as a product in the marketplace
20 at that time --

21 ATTORNEY CONRAD: Objection --

22 BY ATTORNEY ANDERSON:

23 Q. -- in 2020?

24 ATTORNEY CONRAD: Objection.

25 Vague and ambiguous.

1 - - -

2 (Stenographer clarification.)

3 - - -

4 THE WITNESS: I do not recall.

5 BY ATTORNEY ANDERSON:

6 Q. Do you recall, in late 2020, early
7 2021, being aware that Ddrops' product was the
8 market leader in various segments?

9 A. I don't recall that.

10 Q. I'm sorry?

11 A. I do not recall that.

12 Q. Okay. Just don't recall one way or
13 the other?

14 A. Correct.

15 ATTORNEY ANDERSON: Okay. I'm
16 going to upload and share my screen with
17 what is Exhibit 33.

18 Can you see that?

19 - - -

20 (Whereupon, Exhibit 33 was
21 marked for identification.)

22 - - -

23 THE WITNESS: Yes.

24 ATTORNEY ANDERSON: And for the
25 record, Exhibit 33 has production numbers

1 MOM_0002371 through 2418.

2 BY ATTORNEY ANDERSON:

3 Q. The first page is an email from an
4 individual named Sindhu.

5 Am I pronouncing that correctly?

6 A. Sindhu.

7 Q. Sindhu Wessels sent on January 30th
8 of 2021 to, amongst others, leadership team.

9 Do you see that?

10 A. Yes.

11 Q. Do you recall whether you were within
12 the email group leadership team?

13 A. Yes, I was.

14 Q. Okay. So do you recall receiving
15 this email and the attached quarterly business
16 review, 29 January 2021, on or about
17 January 30th of 2021?

18 A. I don't recall this document.

19 Q. You just don't recall one way or the
20 other?

21 A. No.

22 Q. Do you have any reason to believe, as
23 you sit here today, that as a member of the
24 leadership team email group, that you did not
25 or would not have received this email and the

1 attachment on or about January 30th of 2021?

2 A. Can you please restate the question?

3 Q. Sure. You said you don't recall
4 receiving Exhibit 33.

5 My question is:

6 Given that you were within the
7 leadership team email group, as you sit here
8 today, do you have any reason to believe that
9 you did not receive this email and the
10 attachment?

11 ATTORNEY CONRAD: Objection.

12 Vague. Ambiguous.

13 THE WITNESS: That's correct. I
14 don't know -- I don't believe there is a
15 reason I would not have received it.

16 BY ATTORNEY ANDERSON:

17 Q. Okay. Great.

18 In the email, it talks about
19 [as read]:

20 [REDACTED]

21 Do you see that?

22 A. Yes.

23 Q. And in point 5, it says [as read]:

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 Do you see that?

6 A. Yes.

7 Q. Do you recall any discussion at the
8 quarterly business review meeting regarding
9 Ddrops and their 600 IU item?

10 A. I don't recall.

11 Q. Okay. I'm going to move on.

12 The next page is the quarterly
13 business review for the fourth quarter of 2020.

14 Do you see that?

15 A. Yes.

16 Q. First off, does Mommy's Bliss have
17 any policy or practice of preparing and
18 conducting business reviews on a quarterly or
19 other basis?

20 A. The practice is to present a
21 quarterly business review every quarter. The
22 content may vary.

23 Q. Okay. And do you have any
24 involvement in the preparation of the quarterly
25 business reviews?

1 A. On occasion.

2 Q. Can you describe generally what your
3 involvement is?

4 A. It would relate to annual company
5 goals.

6 Q. Okay.

7 A. High-level goals.

8 Q. I'm now going to go to the next page
9 of the exhibit, which is Bates-numbered
10 page 2373.

11 It has the agenda.

12 I'm going to zoom in there, and
13 you'll see the second agenda item, number 2 is
14 [as read]:

15 "BOP Assessment - yasmin
16 (10 minutes). "

17 Do you see that?

18 A. Yes.

19 Q. And is Yasmin referring to yourself?

20 A. Yes.

21 Q. Just wanted to make sure there were
22 no other Yasmins at the company.

23 What is "BOP assessment"?

24 A. BOP assessment is the Bliss operating
25 plan. It refers to the annual goals.

1 Q. Okay. And what is your involvement
2 in coming up with the Bliss operating plan, if
3 any?

4 A. I think I would have to refer to --
5 are you asking what is my involvement in the
6 BOP assessment?

7 Q. In general, yes, ma'am.

8 ATTORNEY CONRAD: Objection.

9 Vague.

10 THE WITNESS: In this document,
11 my role was to reiterate the annual
12 company goals and possibly add the status
13 update on those goals at this point in
14 time.

15 BY ATTORNEY ANDERSON:

16 Q. Okay. How about in general? Do you
17 develop the Bliss operating plan?

18 A. Yes.

19 Q. Okay. Does anyone else develop the
20 Bliss operating plan other than yourself?

21 A. Yes.

22 Q. Who else?

23 A. At a high level, me and the
24 president. But the entire company is
25 ultimately involved --

1 - - -

2 (Stenographer clarification.)

3 - - -

4 THE WITNESS: The entire company
5 is involved in creating the Bliss
6 operating plan.

7 BY ATTORNEY ANDERSON:

8 Q. Does the Bliss operating plan include
9 what I'll call a Bliss operating plan specific
10 to product line, such as baby vitamin D
11 products?

12 A. It may.

13 Q. Do you recall that you introduced the
14 reformulated Mommy's Bliss baby vitamin D
15 product in about February of 2021?

16 A. Can you restate the question, please.

17 Q. Sure.

18 Do you recall that you, MOM,
19 introduced the reformulated Mommy's Bliss baby
20 vitamin D product in about February 2021?

21 And by "reformulated," I mean
22 the one that had MCT as the ingredient.

23 A. Yes.

24 Q. Okay. And it was about February of
25 2021, correct?

1 A. I do not recall specific dates.

2 Q. Well, I'm not asking for a specific
3 date. I'm asking for a month and year.

4 Do you recall that it was
5 February of 2021?

6 ATTORNEY CONRAD: Objection.

7 Asked and answered. Lacks foundation.

8 BY ATTORNEY ANDERSON:

9 Q. Do you recall?

10 A. I recall it in 2021.

11 Q. Do you recall anything more
12 specifically than sometime in 2021?

13 A. In the first half of 2021.

14 Q. Okay. With regard to the Bliss
15 operating — Bliss operating plan that you
16 prepared, is that a separate document that is
17 prepared on an annual basis?

18 A. Yes.

19 Q. And for how many years have you
20 prepared a Bliss operating plan?

21 A. Since 2015.

22 Q. I'm sorry. Since 2015?

23 A. Yes.

24 Q. And has the Bliss operating plan, in
25 those years since 2015, referenced or dealt

1 with the — in the first instance, the decision
2 to introduce a Mommy's Bliss baby vitamin D
3 product in about 2016?

4 A. I don't know.

5 Q. Don't recall?

6 A. I don't recall.

7 Q. Okay. Did it reference, if you
8 recall, the reformulation to MCT oil?

9 A. I don't recall.

10 Q. Do you recall whether any of the
11 Bliss operating plan — plans referenced
12 Ddrops?

13 A. I don't recall.

14 Q. Okay. The quarterly business review
15 that's the attachment to the email that's in
16 Exhibit 33 is for the final quarter of 2020,
17 given its date. There it is, Q4 2020.

18 Do you see that?

19 A. Yes.

20 Q. Okay. By the way, does Mommy's Bliss
21 operate on a calendar year basis?

22 A. Yes.

23 Q. Okay. Excuse me one second here. I
24 need to take a moment.

25 Would it be fair to say,

1 Ms. Kaderali, that this quarterly business
2 review was the last quarterly business review
3 prior to introduction into the market of the
4 reformulated Mommy's Bliss baby vitamin D
5 product?

6 ATTORNEY CONRAD: Objection.
7 Lacks foundation.

8 THE WITNESS: Yes.

9 BY ATTORNEY ANDERSON:

10 Q. I'm going to take you to
11 Bates-numbered page 2383.

12 Can you see that page on your
13 screen, ma'am?

14 A. Yes.

15 Q. And this is with regard to [REDACTED]
16 performance.

17 Do you see that?

18 A. Yes.

19 Q. Is [REDACTED] a significant distribution
20 or sales channel for Mommy's Bliss?

21 ATTORNEY CONRAD: Objection.
22 Vague and ambiguous.

23 THE WITNESS: Yes.

24 BY ATTORNEY ANDERSON:

25 Q. I'm sorry. Did you say "yes," ma'am?

1 A. Yes.

2 Q. And in this, for vitamin D, it says,
3 for the fourth quarter, [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Do you see that?

7 A. Yes.

8 Q. And is your recollection that in the
9 fourth quarter of 2020, at least on [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. Only as it relates to this chart.

13 Q. Okay. By the way, I've seen
14 references -- and we'll see some more here in a
15 number of exhibits -- to market share
16 information and competitive sales information
17 and references to something called Nielsen.

18 Are you familiar with Nielsen?

19 A. Yes.

20 Q. Okay. What is your understanding of
21 who Nielsen is as it relates to your business?

22 A. Nielsen is a data vendor for national
23 retailers that stores the sales points of --
24 the sales by point of distribution by item.

25 Q. Does Mommy's Bliss use the

1 information from Nielsen in its business
2 operations?

3 A. Yes.

4 Q. Mommy's Bliss is a subscriber to
5 Nielsen; is that correct?

6 A. Yes. We purchase data from Nielsen.

7 Q. Okay. And you consider their
8 information to be accurate?

9 ATTORNEY CONRAD: Objection.
10 Lacks foundation.

11 THE WITNESS: Mostly.

12 BY ATTORNEY ANDERSON:

13 Q. I mean, you rely on the information
14 in your business -- quarterly and annual
15 business reviews and in making marketing
16 decisions, correct?

17 A. Yes.

18 Q. Okay. If we go on to Bates-numbered
19 page 2412, there is another page that says
20 [as read]:

21 [REDACTED]

22 Do you see that?

23 A. Yes.

24 Q. And under "Liquid Vitamin D," it has

25 [REDACTED]

1 [REDACTED] is

2 that correct?

3 A. May I have a minute to review?

4 Q. Sure. Sure.

5 A. Can you repeat the question, please?

6 Q. Sure.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED], correct?

10 A. Yes.

11 Q. And then [REDACTED]

12 is that correct?

13 A. Yes.

14 Q. And you wanted to take market share
15 from Ddrops with your reformulated product,
16 correct?

17 ATTORNEY CONRAD: Objection.

18 Misstates testimony. Vague and ambiguous.

19 THE WITNESS: We wanted to grow
20 our business.

21 BY ATTORNEY ANDERSON:

22 Q. And that included wanting to steal
23 market share from Mommy's Bliss -- excuse me --
24 from Ddrops?

25 Q. You wanted to steal market share from

1 Ddrops, correct?

2 A. We wanted to steal share from
3 competition.

4 Q. And that included Ddrops?

5 A. Yes.

6 ATTORNEY ANDERSON: I'll show
7 you next what I marked as Exhibit 34.

8 I'll see if I can upload it.

9 - - -

10 (Whereupon, Exhibit 34 was
11 marked for identification.)

12 - - -

13 ATTORNEY ANDERSON: This has
14 production numbers MOM_000008 through 10.

15 BY ATTORNEY ANDERSON:

16 Q. Have you ever seen -- in the
17 document, it says [as read]:

18 [REDACTED]
19 [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED]

22 Have you previously seen
23 Exhibit 34?

24 And if you want, I can show you
25 the other pages.

1 A. Sure.

2 Q. Okay.

3 A. I'll see the other pages.

4 Q. There is -- the second page, and
5 there's the last page.

6 A. Okay.

7 Q. Have you seen -- do you recall having
8 seen any of these pages previously?

9 A. I do not recall.

10 Q. You just don't recall one way or the
11 other?

12 A. No.

13 Q. On the first page, it references

14

[REDACTED]

15 Do you see that?

16 A. Yes.

17 Q. Do you know who authored or came up
18 with those directions?

19 A. No, I don't know.

20 Q. Do you know why your directions on
21 the Mommy's Bliss baby vitamin D product were
22 changed in or about May of 2021?

23 ATTORNEY CONRAD: Objection.

24 Assumes facts not in evidence.

25

1 BY ATTORNEY ANDERSON:

2 Q. You may answer.

3 A. My recollection is they "do not
4 administer directly into infant's mouth" may
5 have been the update to the directions.

6 Q. Do you recall the source or how you
7 came about to have the instructions [as read]:

8 "Place one drop daily onto
9 mother's nipple or a pacifier"?

10 A. Other than being a mom myself, I
11 don't recall.

12 Q. So you don't recall how that came
13 about as part of your instructions?

14 A. No.

15 Q. Is that a no?

16 A. No. I don't recall.

17 Q. All right. You got to keep your
18 voice up a little bit.

19 A. Yes. Will do.

20 ATTORNEY ANDERSON: Thank you.

21 Now I'm going to show you what
22 is Exhibit 35.

23 - - -

24 (Whereupon, Exhibit 35 was
25 marked for identification.)

1

- - -

2

ATTORNEY ANDERSON: This is the

3

quarterly business review for the first

4

quarter of 2021. It has production

5

numbers MOM_0002480 through 2518.

6

BY ATTORNEY ANDERSON:

7

Q. Do you recall having seen this

8

document previously?

9

And if you'd like, I'm happy to

10

scroll through it.

11

A. I recall seeing quarterly business

12

review documents.

13

Q. Do you recall any -- specifically

14

seeing the quarterly business review for the

15

first quarter of 2021?

16

A. No, I don't recall.

17

Q. And the agenda, the second item says

18

"BOP assessment" with your name.

19

Do you see that?

20

A. Yes.

21

Q. Okay. And do you recall anything

22

about what your BOP assessment was for the

23

first quarter of 2021?

24

A. No, I don't recall.

25

Q. Do you recall that when you

1 introduced the reformulated baby vitamin D
2 product, that it was well received in the
3 market?

4 A. There was no change for the consumer
5 or the retailer. It was the same product.

6 Q. Okay. That's not my question,
7 though.

8 A. Sorry. Please repeat the question.

9 Q. Do you recall that the reformulated
10 baby vitamin D drops product was well received
11 in the market after you introduced the
12 reformulation?

13 A. Yes.

14 Q. And if we go to page 2482, under the
15 "Executive Summary," it says in particular
16 [as read]:

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 A. Yes.

22 Q. Okay. And that's consistent with
23 your recollection that the reformulated baby
24 vitamin D product was showing -- was well
25 received in the market, correct?

1 A. My recollection is the item was
2 performing well.

3 Q. Okay.

4 A. I would exclude the word
5 "reformulated," but the item was performing
6 well.

7 Q. Well, the fact of the matter is the
8 item was reformulated at that time, correct?

9 A. Yes.

10 Q. As we've seen, the only change that
11 was made in 2020 was to change from sunflower
12 oil plus vitamin E to MCT oil, correct?

13 ATTORNEY CONRAD: Objection.

14 Misstates the record. Assumes facts not
15 in evidence.

16 BY ATTORNEY ANDERSON:

17 Q. You may answer.

18 A. Can you repeat the question?

19 ATTORNEY ANDERSON: Could you
20 read back the question please.

21 - - -

22 (Whereupon, the record was read
23 as follows:

24 "QUESTION: As we've seen, the
25 only change that was made in 2020

1 was to change from sunflower oil
2 plus vitamin E to MCT oil,
3 correct?")

4 - - -

5 THE WITNESS: The only change to
6 the product was the reformulation, yes.

7 BY ATTORNEY ANDERSON:

8 Q. Okay. And if we look at page 2487,
9 it says that with regard -- [as read]:

10 ██

11 ██

12 Do you see that?

13 A. Yes.

14 Q. And that's consistent with your
15 recollection that the product was well received
16 in the market, correct?

17 A. Yes.

18 - - -

19 (Whereupon, Exhibit 36 was
20 marked for identification.)

21 - - -

22 ATTORNEY ANDERSON: I'll show
23 you what I've marked as Exhibit 36. It
24 has production numbers MOM_0000601 through
25 620.

1 BY ATTORNEY ANDERSON:

2 Q. The first page says [as read]:

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Do you recall having seen

7 Exhibit 36 previously?

8 And if you'd like, I'm happy to

9 scroll through it for you.

10 A. I don't recall seeing this.

11 Q. All right.

12 Page 609 says [as read]:

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 Do you see that?

16 A. Yes.

17 Q. And at the bottom there, it says

18 [as read]:

19 [REDACTED]

20 [REDACTED]

21 Do you see that?

22 A. Yes.

23 Q. Okay. And is that the Nielsen

24 information for the 52 weeks ending on

25 January 1st of 2022?

1 A. Yes.

2 Q. So this would be your first year of
3 selling the reformulated product, correct?

4 A. Yes.

5 Q. And Mommy's Bliss market share now,
6 according to Nielsen, [REDACTED]

7 Do you see that?

8 A. Yes.

9 Q. So that would be -- excuse me. I
10 take that back. That's the percentage change.

11 Its share is [REDACTED]
12 correct?

13 A. Yes.

14 Q. And so it has [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 A. Yes.

18 Q. If we move on to page 612. This is
19 the [as read]:

20 [REDACTED] [REDACTED]
21 [REDACTED]

22 And it says [as read]:

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1

[REDACTED]

2

Do you see that?

3

A. Yes.

4

Q. First off, do you know what B&M is?

5

A. Yes.

6

Q. What is B&M?

7

A. Stands for brick and mortar.

8

Q. Okay. And what's omnichannel?

9

A. Omnichannel would include brick and

10

mortar and e-commerce.

11

Q. Okay. And so for baby vitamin D, in

12

the -- or for the 2021 year, would you agree

13

that Mommy's Bliss was [REDACTED]

14

[REDACTED]

15

[REDACTED]

16

A. Yes, as according to this document.

17

Q. Okay. By the way, the [REDACTED]

18

that we looked at for performance, is the --

19

what's the source for the [REDACTED] Is that

20

Nielsen?

21

A. No. It's a source called Profitero.

22

Q. What is --

23

A. It's hidden behind the box on the

24

bottom.

25

Q. Okay. What is Profitero?

1 A. Profitero is a company that sells
2 sales data, modeling it from [REDACTED]

3 Q. So they're sort of like -- they're
4 like Nielsen except focused on [REDACTED]

5 Is that a fair statement?

6 A. Yes.

7 Q. And is Profitero a source that
8 Mommy's Bliss uses in its operations?

9 A. Yes.

10 Q. And it is a source that you rely on?

11 A. Yes.

12 Q. Okay. And if we look at
13 Bates-numbered page 615, it says in the
14 comments [as read]:

15 [REDACTED]

16 [REDACTED]

17 Do you see that?

18 A. Yes.

19 Q. [REDACTED]

20 A. [REDACTED]

21 Q. [REDACTED]

22 A. [REDACTED]

23 [REDACTED]

24 - - -

25 (Whereupon, Exhibit 37 was

1 marked for identification.)

2 - - -

3 ATTORNEY ANDERSON: I'm going to
4 show you next what I have marked or what
5 we marked as Exhibit 37.

6 This is another quarterly
7 business review. This is for the first
8 quarter of 2022.

9 It has Bates numbers MOM_0002099
10 to 2156.

11 BY ATTORNEY ANDERSON:

12 Q. Do you recall having seen this
13 quarterly business review previously?

14 A. I do not recall.

15 Q. But is this something that you would
16 normally see in the usual and ordinary course
17 of your work at Mommy's Bliss?

18 A. Yes.

19 Q. If you go to page 2119, this is
20 headed "Total Market: Baby Vitamin D."

21 Do you see that?

22 A. Yes.

23 Q. And this shows now that the baby
24 vitamin D Nielsen total, that Mommy's Bliss has
25 [REDACTED], correct?

1 A. Yes.

2 Q. And in the comment box at the bottom,
3 it says [as read]:

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Do you see that?

8 A. Yes.

9 Q. Do you recall what that references or
10 relates to?

11 A. It relates to marketing.

12 Q. Okay. What do you mean by that,
13 "relates to marketing"?

14 A. Marketing at [REDACTED].

15 Q. And what more specifically with
16 regard to [REDACTED]
17 [REDACTED]?

18 A. I would believe it implies we invest
19 in marketing [REDACTED].

20 Q. Do you recall the percentage,
21 roughly, increase in sales of Mommy's Bliss
22 liquid vitamin D product increase after the
23 product reformulation change?

24 A. No, I do not.

25 Q. Would you have any reason to believe

1 that the increase in the third quarter of 2021
2 was [REDACTED]

3 A. I know the company's growth was
4 significant in general, so -- I do not know
5 specifics.

6 Q. With regard to the baby vitamin D
7 product?

8 A. I do not know specifics.

9 ATTORNEY ANDERSON: Okay. I'm
10 going to ask you to look at what has been
11 marked -- will be marked as Exhibit 38.
12 It has production numbers MOM_0002303 to
13 2312.

14 - - -

15 (Whereupon, Exhibit 38 was
16 marked for identification.)

17 - - -

18 ATTORNEY ANDERSON: It's headed
19 "Q3 2021 Business Review," and it's dated
20 November 19th, 2021.

21 BY ATTORNEY ANDERSON:

22 Q. Do you recall having seen Exhibit 38
23 previously?

24 A. I don't recall specifically.

25 Q. Okay. Is this the sort of document

1 that you would normally see in your work at
2 Mommy's Bliss?

3 A. Yes.

4 ATTORNEY ANDERSON: Showing you
5 now what has been marked -- will be marked
6 as Exhibit 39. It has production numbers
7 MOM_0002007 through 2039.

8 - - -

9 (Whereupon, Exhibit 39 was
10 marked for identification.)

11 - - -

12 ATTORNEY ANDERSON: It's headed
13 "2021 Fiscal Year Business Review," and
14 it's dated 2/10/2022.

15 BY ATTORNEY ANDERSON:

16 Q. Do you recall having seen this
17 document previously?

18 A. No, I do not.

19 Q. Is this the type of document that you
20 would, however, normally see during the usual
21 and ordinary course of your business operations
22 as CEO of Mommy's Bliss?

23 A. Yes.

24 Q. And this is the sort of document that
25 you, in Mommy's Bliss, would rely on in

1 analyzing its business and making decisions; is
2 that correct?

3 A. Yes.

4 Q. After you introduced the reformulated
5 product in the first part of 2021, do you
6 recall any discussions internally regarding how
7 it was performing?

8 A. Not specifically.

9 Q. How about generally?

10 A. Generally, we talked about company
11 performance was very strong.

12 Q. Do you recall discussing the
13 performance of the reformulated baby vitamin D
14 products?

15 A. I don't recall.

16 Q. Do you recall any discussions
17 internally after introduction of the
18 reformulated baby vitamin D product regarding
19 Ddrops?

20 A. No. I don't recall.

21 - - -

22 (Whereupon, Exhibit 40 was
23 marked for identification.)

24 - - -

25 ATTORNEY ANDERSON: I'll show

1 you what I have marked as Exhibit 40.

2 This is — the document has production
3 numbers MOM_0002250 to 2302.

4 It is "Q2 2022 Business Review"
5 dated August 10th of 2022.

6 BY ATTORNEY ANDERSON:

7 Q. Do you recall having seen this
8 document previously?

9 A. I don't recall.

10 Q. Okay. But, again, this is a document
11 that you would normally see in the
12 day-to-day — in your day-to-day work in
13 operations at Mommy's Bliss, correct?

14 A. Yes.

15 Q. And it's a document that
16 Mommy's Bliss would use and rely on in its
17 business operations, correct?

18 A. Yes.

19 ATTORNEY ANDERSON: Let's take a
20 short break, and I'll see if I have
21 anything further.

22 ATTORNEY CONRAD: Okay.

23 - - -

24 (Whereupon, a short recess was
25 taken.)

1 - - -

2 ATTORNEY ANDERSON: Thank you,
3 Ms. Kaderali. I have no further questions
4 for you at this time.

5 I appreciate your time here this
6 afternoon.

7 ATTORNEY CONRAD: Ms. Kaderali,
8 I have a few questions following up on the
9 questions that Mr. Anderson had for you.

10 Okay?

11 THE WITNESS: Okay.

12 - - -

13 E X A M I N A T I O N

14 - - -

15 BY ATTORNEY CONRAD:

16 Q. Let's go back to the questions that
17 you were being asked about around -- about the
18 time period from 2010 to around 2016, 2017 when
19 the vitamin D product was launched.

20 A. Uh-hum.

21 Q. Was there ongoing research and
22 development into introducing a vitamin D
23 product during the entire period from 2010 to
24 2016?

25 A. No.

1 Q. What was the focus of Mommy's Bliss
2 during that time period?

3 A. We launched gripe water at Walmart at
4 the beginning of 2011, and that was a huge
5 focus and undertaking for the company.

6 Q. Why would that be a huge focus and
7 undertaking for the company?

8 A. Because there was a lot more to
9 manage in terms of purchasing, marketing,
10 having more staff to do so.

11 Just many more areas of the
12 company had to be focused on successful launch
13 at Walmart.

14 Q. Okay. When Mommy's Bliss eventually
15 began investigating and releasing a vitamin D
16 product around 2016 and 2017, what role did any
17 work that you did on a vitamin D product around
18 2010 play into that effort?

19 ATTORNEY CONRAD: Object to the
20 form of the question.

21 THE WITNESS: Nothing. There
22 was no connection between whatever
23 happened in 2010 until when we did
24 actually launch the product. There was no
25 influence or impact.

1 BY ATTORNEY CONRAD:

2 Q. Did you reuse any research you had in
3 2010 when the company began releasing a
4 vitamin D product around 2016 and 2017?

5 A. Not that I recall. We released a
6 number of other products.

7 Q. What other products were --

8 ATTORNEY ANDERSON: I'll object
9 and move to strike as nonresponsive.

10 BY ATTORNEY ANDERSON:

11 Q. What other products were released by
12 Mommy's Bliss around the 2016, 2017 time frame?

13 A. We released a probiotic drops. We
14 had released a different gripe water variant.
15 We had released, I think, a few other Mommy
16 items possibly.

17 Q. And by 2020 and 2021, what did
18 Mommy's Bliss's product portfolio look like?

19 ATTORNEY ANDERSON: Object to
20 the form of the question.

21 BY ATTORNEY CONRAD:

22 Q. Let me ask you a different question.

23 What are some examples of the
24 products within Mommy's Bliss product line
25 around 2020 and 2021?

1 A. Yes. So we had expanded into
2 prenatal products. We were launching into
3 postpartum products. We had kids' products,
4 and we had expanded the infant line as well.

5 Q. Was the vitamin D product that
6 Mommy's Bliss released in 2017 the only product
7 that mentioned applying the product to a
8 breast?

9 A. No. I believe the probiotic drops
10 also had instructions related to that.

11 ATTORNEY CONRAD: I'm going to
12 introduce Exhibit 1026.

13 - - -

14 (Whereupon, Exhibit 1026 was
15 marked for identification.)

16 - - -

17 ATTORNEY ANDERSON: And,
18 Counsel, could you upload that as well,
19 please.

20 ATTORNEY CONRAD: Yes. That was
21 what I was referring to. I hope I can
22 technically get that done.

23 It looks like it's working.

24 BY ATTORNEY CONRAD:

25 Q. Ms. Kaderali, please let me know when

1 you have that open.

2 A. Yes.

3 Q. What is Exhibit 1026?

4 A. It is the carton packaging for our
5 probiotic drops.

6 Q. Approximately when was this document
7 created?

8 A. 2015.

9 Q. How do you know that?

10 A. We launched it around 2015, and I can
11 see one sign-off in the corner that says
12 4/27/15.

13 Q. And I'll read the directions on this
14 label here.

15 It says [as read]:

16 "Disperse clumps by shaking
17 well before use. May be given
18 directly by spoon, mixed into breast
19 milk or formula, or applied directly
20 to breast during feeding. Do not
21 add to formula or food before
22 heating. Do not microwave. Hot
23 food or formula will damage live
24 bacteria."

25 Do you see that?

1 A. Yes.

2 Q. And that direction includes -- those
3 directions include giving by spoon and also by
4 applying directly to breast during feeding; is
5 that right?

6 A. Yes.

7 ATTORNEY ANDERSON: Object to
8 the form of the question. Leading.

9 BY ATTORNEY CONRAD:

10 Q. Do you know where these instructions
11 came from -- well, let me ask a different
12 question.

13 How were these products applied?
14 Was it -- I'll ask you that.

15 How were these products applied?
16 What form did they come in?

17 ATTORNEY ANDERSON: Object to
18 the form of the question.

19 THE WITNESS: This is a drop
20 product, and it was given -- it could be
21 given just as it is noted in the
22 directions.

23 BY ATTORNEY CONRAD:

24 Q. Where did the directions for this
25 product come from?

1 ATTORNEY ANDERSON: Object to
2 the form of the question. No foundation.

3 THE WITNESS: I believe they
4 came from [REDACTED] the manufacturer.

5 BY ATTORNEY CONRAD:

6 Q. Where is [REDACTED] located?

7 A. They are located in [REDACTED]

8 Q. Was this probiotic product released
9 prior to -- prior to or before the vitamin D
10 drops product was released?

11 ATTORNEY ANDERSON: Object to
12 the form of the question. No foundation.

13 THE WITNESS: It was before the
14 vitamin D product.

15 BY ATTORNEY CONRAD:

16 Q. I'm going to turn to a series of
17 questions that counsel had asked you about,
18 what he called a reformulation or a
19 reformulated product. Okay?

20 A. Okay.

21 Q. You testified that there was a
22 stability issue and that -- you had changed the
23 bottle, and there was a stability issue.

24 What do you mean by "changed the
25 bottle"? What was that referring to?

1 A. We moved from a bottle type called
2 the Euro Dropper to a squeeze bottle to make it
3 easier to dispense the drops.

4 And when we moved to the squeeze
5 bottle is when we had the issue -- the
6 stability issue.

7 Q. Why was there a move from the
8 Euro Dropper to a squeeze bottle?

9 ATTORNEY ANDERSON: Objection.

10 No foundation.

11 BY ATTORNEY CONRAD:

12 Q. What instigated the change from a
13 Euro Dropper to a squeeze bottle?

14 A. Consumers complained that the
15 Euro Dropper, getting the one drop out, was
16 difficult. And so the squeeze bottle made it
17 much easier to get the drop out.

18 Q. Were you aware of any rancidity
19 issues with the Euro Dropper product?

20 A. No.

21 Q. When did those issues come to light?

22 A. They came to light in the new bottle.
23 In the new bottle.

24 Q. What triggered the decision to switch
25 manufacturers from [REDACTED] to

1

[REDACTED]

2

A. The ability to have a new bottle.

3

[REDACTED] could not fill the -- the new
bottle.

4

5

Q. You were asked a series of questions
about whether the reformulated baby vitamin D
product was well received in the market.

6

7

8

Do you remember those questions?

9

A. Yes.

10

11

Q. You said to one of those questions
that there was no change for the consumer or
the retailer; it was the same product.

12

13

Do you remember that?

14

A. Yes.

15

Q. What did you mean by that?

16

17

A. I meant that the formula change for
the consumer was not apparent. We did not
change the marketing of the product so that --
they would not have known that the product
changed from a different composition to the new
composition.

18

19

20

21

22

Q. Not from the marketing? They would
not have known that?

23

24

ATTORNEY ANDERSON: Objection.

25

Leading.

1 BY ATTORNEY CONRAD:

2 Q. Let me ask you a different question.

3 Are you aware of any praise --
4 or new praise for Mommy's Bliss's vitamin D
5 products that references the change of -- from
6 sunflower oil to medium-chain triglycerides?

7 A. No, none.

8 Q. You were also asked a series of
9 questions about the performance of the
10 vitamin D product in 2020 and 2021.

11 Do you remember that?

12 A. Yes.

13 Q. How was the company's performance
14 generally during that time period?

15 A. The company's performance in 2020 and
16 2021 was incredibly successful and high growth,
17 [REDACTED] for the entire company.

18 Q. Was the vitamin D line's performance
19 an outlier from the rest of the product line
20 during that time period?

21 ATTORNEY ANDERSON: Object to
22 the form of the question.

23 THE WITNESS: No.

24 ATTORNEY CONRAD: I'll pass the
25 witness.

1 ATTORNEY ANDERSON: Thank you.

2 I have just a few.

3 - - -

4 E X A M I N A T I O N

5 - - -

6 BY ATTORNEY ANDERSON:

7 Q. With regard to the change to the MCT
8 being the ingredient, you did list that as a
9 new ingredient on the product packaging,
10 correct?

11 A. Yes.

12 Q. And you also listed it as a new
13 ingredient on the bottle, correct?

14 A. Yes.

15 Q. And in your advertising and marketing
16 for the product, you listed it as being MCT,
17 correct?

18 A. No. I do not recall that.

19 Q. You just don't recall one way or the
20 other?

21 A. I do not recall that we marketed
22 anything to do with the oil.

23 Q. I'm asking whether you listed it as
24 one of the bullet points in selling the
25 reformulated product, that it was MCT oil.

1 A. Only in a presentation where the
2 facts about the composition of the product was
3 needed.

4 Q. Okay. And that was presentations to
5 the people that sell your product, that buy it?

6 A. To retailers.

7 Q. Sure. Those are the folks that
8 matter in terms of buying your product.

9 If the resellers don't buy it,
10 you aren't going to sell it, correct?

11 A. No. If the consumer doesn't buy it,
12 there are no sales.

13 Q. Okay. But if the reseller doesn't
14 want to buy it, you aren't going to sell
15 product because that's your customer is the
16 reseller, correct?

17 A. Depends on your channel.

18 Q. Well --

19 A. There are methods of selling the
20 product outside of brick and mortar.

21 Q. Okay. Is brick and mortar your
22 primary channel?

23 A. I can't answer that. It's
24 product-dependent.

25 Q. Well, for your vitamin D product,

1 your baby vitamin D product.

2 A. I don't know specifically.

3 Q. Okay. But it's true, as you said,
4 that with regard to resellers, when you're
5 making presentations to them, you would include
6 telling them that the ingredient is MCT,
7 correct?

8 A. I do not recall.

9 Q. You don't recall now?

10 A. I don't recall specifically if that
11 was included, unless you have a document to
12 share from 2021.

13 Q. Well, do you recall -- do you have
14 any reason to believe that it was not included?

15 Otherwise, I can get some.

16 A. I don't recall.

17 Q. Okay. Before we do that, with regard
18 to the exhibit that counsel showed you,
19 Exhibit 1026, did you -- this is a yes-or-no
20 question.

21 Did you discuss that exhibit
22 previously in your preparation to testify here
23 today?

24 A. Yes.

25 Q. And with regard to Exhibit 1026, is

1 any of the handwriting on it yours?

2 A. I would have to see it again. I do
3 not recall.

4 Q. Well, let's see if we can't get it up
5 here.

6 Can you see it now?

7 A. Yes.

8 Q. Okay. Any of that handwriting on the
9 first page of the exhibit yours?

10 A. I'm going to open it on my computer
11 so I can --

12 Q. Okay. Otherwise, I can make it
13 bigger here. It's up to you.

14 A. Repeat the question.

15 Q. Sure.

16 Is any of the handwriting on the
17 first page of Exhibit 1026 yours?

18 A. I don't know.

19 Q. Okay. You don't know.

20 Don't recognize any of it as you
21 sit here today?

22 A. I don't. My signature is not on
23 the -- is not on the document.

24 Q. Okay. Prior to discussing this
25 exhibit with your counsel in preparation for

1 testifying here today, do you recall having
2 seen this exhibit previously?

3 A. No.

4 Q. On the second page of the exhibit,
5 any of that handwriting on it yours?

6 A. No.

7 Q. How about the third page? Any of
8 that handwriting yours?

9 A. No.

10 Q. Okay. You said that -- you testified
11 that the instructions came from a company in

12 ██████

13 A. Yeah.

14 Q. Do I recall your testimony correctly?

15 A. Yes.

16 Q. How do you know it came from a
17 company in ██████

18 A. They were the ones that made this
19 product, and they had made probiotic drops for
20 infants for many years.

21 I believe they were the ones who
22 had provided the directions.

23 Q. Okay. So you don't know of your own
24 knowledge, as you sit here today, that they, in
25 fact, provided these directions; is that

1 correct?

2 A. Not at 100 percent.

3 Q. Okay. With regard to the questions
4 that you were asked regarding the period from
5 2010 to 2016-'17, when you decided to develop
6 the Mommy's Bliss baby vitamin D product, you
7 were aware in 2010, as we saw from the
8 exhibits, of Ddrops and its product, correct?

9 A. Yes.

10 Q. And you were also aware of Ddrops in
11 2016, as we saw in one of the exhibits, it was
12 one of the four competitors that you — that
13 were specifically called out on a document,
14 correct?

15 A. Yes.

16 ATTORNEY ANDERSON: Just give me
17 a minute here, please.

18 Thank you. I have nothing
19 further.

20 ATTORNEY CONRAD: I have nothing
21 further.

22 Thank you.

23 THE COURT STENOGRAPHER: And,
24 Mr. Conrad, can you just confirm for me
25 that you want a rough draft and a regular

1 final?

2 ATTORNEY CONRAD: Yes. We would
3 like a rough draft but no expedited
4 transcripts, please.

5 And we would like to review and
6 and sign as well.

7 - - -

8 (Whereupon, the deposition
9 was concluded at 4:00 p.m. PT)

10 - - -

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1	ATTORNEY'S NOTES
2	- - -
3	-----
4	-----
5	-----
6	-----
7	-----
8	-----
9	-----
10	-----
11	-----
12	-----
13	-----
14	-----
15	-----
16	-----
17	-----
18	-----
19	-----
20	-----
21	-----
22	-----
23	-----
24	-----
25	

1

2

ERRATA SHEET

3

PAGE	LINE	CHANGES OR CORRECTION AND REASON
------	------	----------------------------------

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

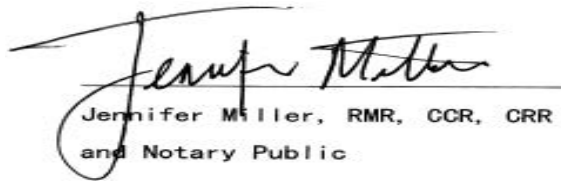
24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
deposition of YASMIN KADERALI, taken on
January 30, 2024 and that this is
a true and correct transcript of same.



Jennifer Miller, RMR, GCR, CRR
and Notary Public

(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means
unless under the direct control and/or
supervision of the certifying reporter.)

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that Patent Owners Exhibits 2023-2066 are being served on February 8, 2024, by filing Patent Owners Exhibits 2023-2066 through the Patent Trial and Appeal Case Tracking System (P-TACTS) and by electronic mail as directed by Petitioner upon the following counsel of record for Petitioners:

David B. Conrad
Lance E. Wyatt
Sarika Patel
Casey Kraning
Fish and Richardson P.C.
To: IPR53953-0001IP1@fr.com

/Mark E Ungerman/
Mark E. Ungerman
(Reg. No. 32,070)