

In The Matter Of:

Fusion Orthopedics, LLC

vs.

Extremity Medical, LLC

IPR 2023-00894

April 15, 2024

Eric Ledet

Covering All Upstate New York

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M-F Reporting, Inc.
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5 1 - Eric Ledet, Ph.D. - 2 A. Correct. 3 Q. You specifically identified that patent 4 in your declaration for this case? 5 A. Yes, I do. 6 Q. You consider that patent to reflect your 7 knowledge and experience in the relevant 8 art? 9 A. This is one piece of my experience in 10 the relevant art, yes. 11 Q. You consider that patent your -- to 12 reflect your knowledge and experience -- 13 Excuse me. 14 Do you consider that patent to be 15 evidence of your qualifications as an 16 expert in this case? 17 A. One piece of my evidence, yes. One 18 piece of my qualifications. Excuse me. 19 Yes. 20 Q. Go to page 52 of your CV, please. 21 A. Okay. I'm there. 22 Q. Excuse me for a moment. I think that's 23 the wrong page. 24 No. It's the correct page. 25 You see item 9 on that page?	7 1 - Eric Ledet, Ph.D. - 2 identification.) 3 * * * 4 BY MR. KAMHOLZ: 5 Q. Do you recognize this as patent 6 number -- US Patent Number 10,639,076? 7 A. Yes, I do. 8 Q. You are the first named inventor? 9 A. That's correct. 10 Q. The patent is entitled, "Dynamic 11 fixation system, method of use, and 12 fixation system attachment portions"? 13 A. That's correct. 14 Q. This is the patent you identified in 15 your declaration, paragraph 14? 16 A. That is correct. 17 Q. There are no errors in this patent you 18 wish to correct? 19 A. Not that I'm aware of. 20 Q. No clarifications in this patent you 21 wish to make? 22 A. Not that I'm aware of. 23 Q. Did you review this patent before 24 submitting your declaration? 25 A. Yes, I did.
6 1 - Eric Ledet, Ph.D. - 2 A. I do, yes. 3 Q. This is a paper supposedly entitled, "A 4 Novel Lumbosacral Axial Fixation 5 Technique," that was published in 2016 6 in the journal of Expert Review of 7 Medical Devices, and listing you as 8 first author? 9 A. Correct. 10 Q. Do you consider that paper to reflect 11 your knowledge and experience in the 12 relevant art? 13 A. I believe that this is one item that 14 does reflect my experience in the 15 relevant art, yes. 16 Q. And do you consider that paper to be 17 evidence of your qualification as an 18 expert in this case? 19 A. I do consider that to be one component, 20 yes. 21 MR. KAMHOLZ: I'm giving the 22 witness a copy of a document to be 23 marked Exhibit 1022 in this proceeding. 24 * * * 25 (Exhibit 1022 herein marked for	8 1 - Eric Ledet, Ph.D. - 2 MR. KAMHOLZ: I'm giving the 3 witness a copy of a document to be 4 marked Exhibit 1023. 5 * * * 6 (Exhibit 1023 herein marked for 7 identification.) 8 * * * 9 BY MR. KAMHOLZ: 10 Q. You recognize this document as a copy of 11 your 2006 paper, An Expert Review of 12 Medical Devices? 13 A. That is what it appears to be, yes. 14 Q. You see that the title that's published 15 is "Novel Lumbosacral Axial Fixation 16 Techniques"? 17 A. Yes. 18 Q. But the title for this paper is slightly 19 different from what you listed in item 9 20 on page 52 of your CV? 21 A. It appears that they are a little 22 different, yes. 23 Q. So your CV is in error? 24 A. There would appear to be a typo on my 25 CV, yes.

9 1 - Eric Ledet, Ph.D. - 2 Q. But this document I've just given you is 3 a complete and correct copy of your 2006 4 paper? 5 A. It appears to be so, yes. 6 Q. There are no errors in this paper you 7 wish to correct? 8 A. Not that I'm aware of. 9 Q. No clarifications in this paper you wish 10 to make? 11 A. Not that I'm aware of. 12 Q. Turn to page 329 of this paper, 13 Exhibit 1023. 14 A. Okay. I'm there. 15 Q. You see in the left column starting in 16 the seventh line a sentence that begins, 17 "A transosseous tunnel is formed..."? 18 A. Yes, I do. 19 Q. Then there are several sentences 20 describing that process. 21 MR. FERRARO: Is there a question? 22 BY MR. KAMHOLZ: 23 Q. Do you see several sentences following 24 that sentence describing the process? 25 A. I'm just reading it right now. And yes,	11 1 - Eric Ledet, Ph.D. - 2 Do you understand what I mean by 3 "Cognet"? 4 A. Yes, I do. 5 Q. You see that you have two annotated 6 copies of Cognet Figure 1? 7 A. Yes, I do see that. 8 Q. In Cognet Figure 1, element 4 is a 9 screw; correct? 10 A. Yes, it is. 11 Q. Cognet figure -- Cognet Figure 1 shows 12 screw 4 as having threads; correct? 13 A. Yes, it does. 14 Q. You noted in your annotation in the 15 upper reproduction of Cognet Figure 1, 16 that Figure 1 shows the threads of screw 17 4. 18 Do you see that? 19 A. I'm sorry. Can you repeat the question? 20 Q. You noted in your annotation on the 21 upper reproduction of Cognet Figure 1, 22 that Cognet Figure 1 shows the threads 23 of screw 4; right? 24 A. I see my annotation of threads in the 25 upper figure, yes.
10 1 - Eric Ledet, Ph.D. - 2 I do see several sentences that appear 3 to describe a process. 4 Q. And then a sentence that reads, "The 5 axial fixation rod is shown in Figure 2 6 is then inserted as shown in Figure 3." 7 Do you see that? 8 A. Yes, I do see that written. 9 Q. No corrections or clarifications you 10 wish to make to those sentences? 11 A. Not at this time, no. 12 Q. Turn to page 330. 13 A. (Complies.) 14 Q. Do you see Figure 3 and its caption? 15 A. Yes, I do. 16 Q. No corrections or clarifications you 17 wish to make to Figure 3 or its caption? 18 A. Not at this time, no. 19 Q. Please turn to page 35 of your 20 declaration. 21 A. Thirty-five of the declaration. 22 Q. Of the declaration. 23 A. Okay. I'm there. 24 Q. On that page, you included two annotated 25 copies of Cognet Figure 1.	12 1 - Eric Ledet, Ph.D. - 2 Q. Threads are present on the exterior 3 surface of the screw; right? 4 A. Generally speaking, yes. 5 Q. So as you recognized in your 6 declaration, Cognet Figure 1 is 7 depicting surface features of screw 4? 8 A. It is depicting threads. 9 Q. Regarding -- Excuse me. 10 MR. KAMHOLZ: I'm giving the 11 witness a copy of a document marked 12 Exhibit 1019. 13 * * * 14 (Exhibit 1019 herein marked for 15 identification.) 16 * * * 17 BY MR. KAMHOLZ: 18 Q. Do you see this is a copy of US Patent 19 Number 6,056,753 to Jackson? 20 A. That's what it appears to be, yes. 21 Q. Jackson describes a set screw for bone 22 repair? 23 A. I have not previously reviewed this 24 patent. 25 Q. You can see from the title it's directed

13 1 - Eric Ledet, Ph.D. - 2 to a set screw for use of 3 osteosynthesis; is that right? 4 A. I see the title says it's a set screw 5 for use with osteosynthesis apparatus. 6 Q. Turn to column 5 of the text. 7 A. I'm there. 8 Q. At line 21, Jackson starts describing 9 Figure 3. 10 Do you see that? 11 A. I see line 21, it looks like it is 12 starting to describe Figure 3, yes. 13 Q. And at line 24, Jackson explains, "The 14 Bore 27 comprises a first bore 15 section 31, second bore section 32 and 16 so on." 17 Do you see that? 18 A. Yes, I do see that. 19 Q. And at line 28, you see Jackson 20 explains, "The first bore section 31 is 21 separated from the second bore 22 section 32 by a first internal filter at 23 41." 24 Do you see that? 25 A. I do see that, yes.	15 1 - Eric Ledet, Ph.D. - 2 that question. 3 Q. So you didn't take this patent into 4 account when rendering your opinions in 5 this case? 6 A. I don't think I've seen this patent 7 before. 8 Q. Go back to column 5, please. 9 A. Okay. I'm there. 10 Q. Back to line 24. You see that Jackson 11 uses the words "the bore" to identify 12 the bore sections collectively? 13 A. Again, without going back through this 14 and putting that sentence into context, 15 I'm not sure that I can answer the 16 question. I can tell you what the words 17 say here, but I can't give you an 18 interpretation of what I think they mean 19 without going back through and reviewing 20 the entire patent and considering 21 figures and the written description 22 here. 23 MR. KAMHOLZ: I'm giving the 24 witness a copy of a document to be 25 marked Exhibit 1020.
14 1 - Eric Ledet, Ph.D. - 2 Q. Turn to Figure 3 of Jackson. It's on 3 the second sheet of the document. 4 MR. FERRARO: I'm sorry. Which 5 page is that? 6 MR. KAMHOLZ: Figure 3, which is 7 sheet 1. 8 MR. FERRARO: Okay. 9 BY MR. KAMHOLZ: 10 Q. Do you see bore 27 marked on that 11 figure? 12 A. I do see something marked as 27 on this 13 figure, yes. 14 Q. And you see a bore section 31? 15 A. I do see something marked as 31 on this 16 figure, yes. 17 Q. And bore section 32; do you see that? 18 A. I do see something marked as 32 on the 19 figure, yes. 20 Q. Do you see that the first bore 21 section 31 and the second bore 22 section 32 are contiguous of one 23 another? 24 A. I'm not sure that just taking a quick 25 look at this figure, that I could answer	16 1 - Eric Ledet, Ph.D. - 2 * * * 3 (Exhibit 1020 herein marked for 4 identification.) 5 * * * 6 BY MR. KAMHOLZ: 7 Q. You see this is a copy of US Patent 8 Application Publication Number US 9 2006/0200147? 10 A. That's what it appears to be, yes. 11 Q. You see the title is "Orthopedic plate 12 system and method for using the same"? 13 A. I do see that, yes. 14 Q. Turn to paragraph 33 in the text. 15 A. I'm there. 16 Q. Do you see Figure 3C as being described 17 there? 18 A. It appears, yes. 19 Q. And that description continues into 20 paragraph 35? 21 A. I have not previously read this patent. 22 Q. You did not consider this document when 23 rendering your opinions? 24 A. I do not think that I have seen this 25 patent before, patent application

17 1 - Eric Ledet, Ph.D. - 2 before. 3 Q. Looking back at paragraph 35, you see 4 the first line of that paragraph refers 5 to "The through bore 230"? 6 A. I see those words in this paragraph, 7 yes. 8 Q. And you see this document then explains 9 that, "The through bore 230 includes a 10 varying bore profile, including a top 11 reception diameter 330, a center cavity 12 diameter 350, and an exit diameter 340, 13 defined by a bore stop 360"? 14 A. I do see those words on the page, yes. 15 Q. Turn to sheet 3 of 11, the drawing 16 sheets. Figure 3C. 17 A. Okay. I'm looking at Figure 3C. 18 Q. Do you see that the central cavity 19 diameter 350 is contiguous with exit 20 diameter 340? 21 A. I have not previously reviewed this 22 patent. And so out of context and 23 without taking the time to review this, 24 I can't comment on actually what I'm 25 looking at here, or what this is	19 1 - Eric Ledet, Ph.D. - 2 identification.) 3 * * * 4 BY MR. KAMHOLZ: 5 Q. Do you see this is a copy of US Patent 6 Number 5,562,670 to Per-Ingvar 7 Brånemark? 8 A. That's what this appears to be, yes. 9 Q. Brånemark is a well-known orthopedic 10 surgeon? 11 MR. FERRARO: Objection. Form. 12 BY MR. KAMHOLZ: 13 Q. You have heard of him? 14 A. I'm not sure which Brånemark this is. 15 I'm very aware of a Brånemark who has 16 developed -- spent a lot of time 17 researching osseointegration for dental 18 implants. He was also from Sweden. I'm 19 not sure if this is him or someone else. 20 I don't actually recall his first name. 21 Q. You didn't take this patent into 22 consideration when forming your opinions 23 in this case? 24 A. I have not previously reviewed this 25 patent.
18 1 - Eric Ledet, Ph.D. - 2 actually showing. 3 Q. So you did not consider this document 4 when forming your opinion that a person 5 of ordinary skill would not have 6 understood the term "bore" to include 7 two sections of a hole separated by a 8 ledge or stepped longitudinal cross 9 section? 10 A. As I indicated, I have not previously 11 reviewed this patent application. 12 Q. So you did not take it into 13 consideration when forming your 14 opinions? 15 A. I have not previously reviewed this 16 application. 17 Q. And you did not take it into 18 consideration when forming your 19 opinions? 20 A. Correct. 21 MR. KAMHOLZ: I'm giving the 22 witness a copy of a document to be 23 marked Exhibit 1021. 24 * * * 25 (Exhibit 1021 herein marked for	20 1 - Eric Ledet, Ph.D. - 2 Q. You did not take it into consideration 3 when forming your views in this case? 4 A. I have not previously reviewed this 5 patent. 6 Q. And so you did not take this patent into 7 consideration when forming your opinions 8 in this case? 9 MR. FERRARO: Objection. Asked 10 and answered. 11 You can answer again. 12 A. I have not previously reviewed this 13 patent. 14 MR. KAMHOLZ: I'm giving the 15 witness a copy of a document to be 16 marked 1025. 17 * * * 18 (Exhibit 1025 herein marked for 19 identification.) 20 * * * 21 BY MR. KAMHOLZ: 22 Q. Do you see this is a copy of US Patent 23 Number 4,726,121 to Ray, et al.? 24 A. That's what it appears to be, yes. 25 Q. Did you take this patent into

21 1 - Eric Ledet, Ph.D. - 2 consideration when forming your opinions 3 in this case? 4 A. I can't recall whether this is a patent 5 that I've seen before or not. I do not 6 think that I've seen this patent 7 previously. 8 Q. You see this patent describes by its 9 title "A Surgical Caliper"? 10 A. Yes, I see that. 11 Q. In column 2. 12 A. I'm sorry? 13 Q. Column 2, please. 14 A. Okay. I'm there. 15 Q. See at line 9, Ray is describing caliper 16 10? 17 A. I see those words, yes. 18 Q. And at line 10, Ray refers to, "A 19 stepped cylindrical bore 14." 20 A. I see those words, yes. 21 Q. Go to Figure 1, please. 22 A. Okay. I'm there. 23 Q. Do you see the stepped cylindrical bore 24 14? 25 A. I see a call-out 14 like the other	23 1 - Eric Ledet, Ph.D. - 2 Q. Do you see Brown explains here that, 3 "Coupling member 30 includes a body 4 portion 32 having therein a stepped 5 cylindrical bore 34"? 6 A. I do see those words on the page, yes. 7 Q. And do you see Brown explains, "The 8 stepped cylindrical bore 34 includes 9 stepped fluid passage portions 36 and 10 38"? 11 A. I see those words on the page, yes. 12 Q. Go to Figure 2, please. 13 On the left side of Figure 2, you 14 see the steps fluid passage portion 36? 15 A. I see a call-out number 36 in that 16 figure. And again, like the other 17 patents, patent application, I have not 18 previously reviewed this one, so I can't 19 opine on what 36 is actually pointing to 20 without taking the time to review the 21 specification and unpack this drawing. 22 Q. You did not take this patent, Brown, 23 into consideration when forming your 24 opinions in this matter? 25 A. I have not previously seen this patent.
22 1 - Eric Ledet, Ph.D. - 2 patents that you just presented to me 3 that I haven't seen previously. I would 4 not be able to determine exactly what 5 that feature is that's being called out 6 by 14 without previously reviewing this 7 patent, the specification, looking in 8 detail -- from a closer detail at this 9 drawing, et cetera. 10 MR. KAMHOLZ: I'm giving the 11 witness a copy of a document to be 12 marked Exhibit 1026. 13 * * * 14 (Exhibit 1026 herein marked for 15 identification.) 16 * * * 17 BY MR. KAMHOLZ: 18 Q. See this is a copy of US Patent 19 Number 4,327,770 Brown? 20 A. That's what it appears to be, yes. 21 Q. Brown describes a fluid valve coupling? 22 A. The title of this appears to be "Quick 23 disconnect fluid line coupling." 24 Q. Turn to column 3, last paragraph. 25 A. Okay. I'm there.	24 1 - Eric Ledet, Ph.D. - 2 Q. Go back to Exhibit 1025, Ray. 3 A. Okay. I have it. 4 Q. I believe you said you did not recall 5 having seen this patent before; is that 6 right? 7 A. That is correct. 8 MR. KAMHOLZ: I'm giving the 9 witness a copy of a document previously 10 marked Exhibit 1006 in this proceeding. 11 BY MR. KAMHOLZ: 12 Q. Do you recognize this document? 13 A. I believe I do, yes. 14 Q. You recognize this as US Patent 15 Number 4,827,917 to Brumfield? 16 A. That is what it appears to be, yes. 17 Q. You considered this reference when 18 preparing your declaration? 19 A. Yes, I did. 20 Q. Go to column 6, line 41. 21 A. Okay. I'm there. 22 Q. Actually, backing up. 23 You took this paragraph of 24 Brumfield into consideration; correct? 25 A. I'm sorry. Which paragraph?

25 1 - Eric Ledet, Ph.D. - 2 Q. The paragraph that includes line 41. 3 A. Yes, I did. 4 Q. You see Brumfield discloses, quote, A 5 hole in the femoral head and neck is 6 prepared? 7 That's in line 41. 8 A. Yes, I do see that. 9 Q. And then you see Brumfield discloses 10 that the hole is prepared, quote, with a 11 step drill or step reamer containing 2 12 diameters? 13 A. I see that, yes. 14 Q. So the hole created by Brumfield's step 15 drill that has two sections, one with a 16 larger diameter and one with a smaller 17 diameter? 18 A. I'm not sure that there's any more 19 details included in here that define the 20 step drill itself. I don't recall 21 seeing that. 22 Q. You don't know what a step drill is? 23 A. I don't know what a step drill is in the 24 context of Brumfield, whether there's a 25 specific definition in this first step	27 1 - Eric Ledet, Ph.D. - 2 A. I see the word "aperture" here, yes. 3 Q. Sorry. This is your patent; correct? 4 A. It is. Correct. 5 Q. You identified holes 1002; correct? 6 A. That's what it says here, yes. 7 Q. And then you referred to them as 8 "apertures"? 9 A. I don't know. It's been a while since 10 I've actually reviewed the entire 11 description of this. And I would have 12 to go through to see what the context in 13 these particular lines is before I can 14 opine exactly in this context and that 15 paragraph and that line what "hole" and 16 "aperture" are referring to. 17 Q. You reviewed this patent in preparation 18 for your -- in preparing your 19 declaration? 20 A. I have reviewed this patent previously. 21 Q. At column 29, line 3, you see you wrote, 22 "One side of the apertures may be 23 filleted, chamfered, countersunk, or 24 counterbored to accommodate the head of 25 bone screw"?
26 1 - Eric Ledet, Ph.D. - 2 drill or not. And I can think of 3 multiple different descriptions of what 4 a step drill could be. 5 Q. Go back to Exhibit 1022, which is your 6 patent. 7 A. Okay. I have it. 8 Q. Go to the paragraph starting at 9 column 28, line 62. That's the very 10 bottom of column 28. 11 A. Column 28. I'm sorry, what line did you 12 say? 13 Q. Sixty-two. The paragraph that begins, 14 "Describing figures 47 to 60..." 15 A. Did you mean "57 to 60" at the very 16 bottom? 17 Q. Yes. I'm sorry. Fifty-seven to 60. 18 A. Okay. I'm there. 19 Q. Do you see at line 66, you refer to -- 20 Actually, starting on line 65, 21 you refer to a series of holes, 1,002? 22 A. Yes. See those words here. 23 Q. And continuing on to column 29. At the 24 top, you refer to those holes as the 25 "apertures"?	28 1 - Eric Ledet, Ph.D. - 2 A. I do see those words, yes. 3 Q. And then you say that one side of the 4 aperture -- you said one side of the 5 aperture may be counterbored. 6 Do you see that? 7 A. I see one side of the apertures may be 8 filleted, chamfered, countersunk or 9 counterbored. 10 Q. One of your counterbored apertures has a 11 wider diameter section on one side; 12 correct? 13 A. I would have to review this to know 14 exactly what that is referring to. It's 15 been a long time since I've looked at 16 this specifically. 17 Q. Take your time. 18 MR. FERRARO: Excuse me. What's 19 the pending question? 20 BY MR. KAMHOLZ: 21 Q. One of your counterbored apertures has a 22 wider diameter section on one side? 23 A. Okay. If I've reminded myself of the 24 context of this, I have not reviewed the 25 entire specification, I may be able to

29 1 - Eric Ledet, Ph.D. - 2 answer a question or I may need more 3 time to review. And I didn't hear the 4 question that you just asked. So I 5 would ask you to repeat that if you'd 6 like me to answer it. 7 Q. My question was, one of your 8 counterbored apertures has a wider 9 diameter section on one side than the 10 other? 11 MR. FERRARO: I'm going to object 12 to form on that. 13 A. I don't see in any of the figures where 14 anything with a different diameter on 15 one side than another is shown. And in 16 the part that I just reviewed of the 17 specification, I don't see anything 18 where a counterbored is defined as you 19 just described in the question. 20 So no, I don't see that. 21 Q. Do you know what a counterbore is? 22 A. Yes, I do. 23 Q. Do you know what a counterbored aperture 24 is? 25 A. I know what a counterbore is in	31 1 - Eric Ledet, Ph.D. - 2 history of my knowledge and all of my 3 learnings. 4 Q. You cited it in your declaration, but 5 you didn't consider it when preparing 6 your declaration? 7 A. I definitely considered this. 8 Q. You considered it when preparing your 9 declaration? 10 A. I considered it prior to preparing my 11 declaration when I wrote this and -- and 12 when it was being reviewed by the patent 13 office. 14 Q. And that consideration took place years 15 ago? 16 A. Yes. 17 Q. That consideration took place before you 18 had been retained as an expert witness 19 in this matter? 20 MR. FERRARO: Objection to form. 21 A. The last time that I reviewed this 22 patent in detail, every word, was a few 23 years ago. 24 Q. In this patent, you don't separately 25 identify a bore and a counterbore for
30 1 - Eric Ledet, Ph.D. - 2 relationship to a bore. 3 Q. You wrote in your patent an aperture may 4 be counterbored, but you don't know what 5 a counterbored aperture is? 6 A. In the context of the patent, it would 7 depend on exactly the description of 8 aperture and whether that was defined 9 explicitly in the context of the patent 10 or not. 11 Q. Is it? 12 A. I would have to review the patent to 13 recall that. 14 Q. You testified that you did review the 15 patent. 16 A. Several years ago, yes, when this was 17 written and reviewed, and ultimately 18 before it was awarded. 19 Q. So you did not review this patent in 20 preparation for your declaration? 21 A. Well, I did review it years ago, as I 22 said, when I helped to author this. 23 Q. You didn't review this patent in 24 preparation for your declaration? 25 A. Well, I have reviewed it. It's in the	32 1 - Eric Ledet, Ph.D. - 2 the aperture; correct? 3 A. As I just said, it's been a while since 4 I reviewed every word of this patent. 5 In order to answer that question, I 6 would need the time to go back through 7 this in detail. 8 Q. And if you accept my representation that 9 this is the only paragraph in this 10 patent that uses the word 11 "counterbored," and that the word 12 "counterbored" does not occur anywhere 13 else in this patent, could you answer 14 the question? 15 A. Can you ask the question again? 16 Q. One of your counterbored apertures has a 17 wider diameter section on one side than 18 the other? 19 A. I don't see anything in this 20 specification. And if you say this is 21 the only place -- If I assume that what 22 you're saying is correct in that the 23 only place that the word "countersunk" 24 shows up is in this paragraph, I don't 25 see anything in the figures or in the

33 1 - Eric Ledet, Ph.D. - 2 paragraph to specifically suggest the 3 definition of a counterbore. 4 Q. You said "countersunk" earlier. Did you 5 mean "counterbore"? 6 A. I'm sorry. My apologies. I confused 7 myself. 8 Can you ask your question again? 9 Q. Do you know the difference between 10 countersunk and counterbored? 11 A. Yes, I do. 12 Q. And as you explained in your 13 declaration, a counterbore is contiguous 14 with a bore but with a step diameter? 15 A. Can you tell me where in my declaration 16 that's shown? 17 Q. Page 19 of your declaration, 18 paragraph 48. Please turn to that. 19 A. Okay. I'm there. 20 Q. Is that your definition of a 21 counterbore? 22 A. Yes. My definition of a counterbore is 23 a circular hole with a flat bottom which 24 coincides with another hole, and allows 25 a bolthead or fastener to be recessed.	35 1 - Eric Ledet, Ph.D. - 2 is that, a person of ordinary skill 3 would understand that a bore does not 4 include two sections of a hole separated 5 by a ledge or stepped longitudinal 6 cross-sections. 7 Q. And going back to your patent, 8 Exhibit 1022. 9 A. Yes. I have it. 10 Q. Your counterbored aperture has stepped 11 longitudinal cross-sections? 12 A. I don't see -- 13 MR. FERRARO: Objection. Form. 14 A. I don't see where anything about a 15 stepped longitudinal cross-section shows 16 up here. 17 Q. Go back to your 2006 paper, which is 18 Exhibit 1023. 19 A. Okay. I have it. 20 Q. Please turn to page 330. Look at the 21 legend for Figure 3. 22 Do you see there you refer to, 23 quote, a transosseous tunnel across the 24 L5-S1 disc space? 25 A. I see the caption here, yes.
34 1 - Eric Ledet, Ph.D. - 2 And that came from the reference that is 3 cited here, the Machinist Guidebook. 4 Q. Turn to page 15 of your declaration. 5 A. Okay. I'm here. 6 Q. In paragraph 41, you give an opinion 7 about the term "bore." 8 A. Yes, I see that. 9 Q. And your opinion there is that a person 10 of ordinary skill would not have 11 understood the term "bore" to include, 12 quote, two sections of a hole separated 13 by a ledge or, quote, stepped 14 longitudinal cross-section? 15 A. I'm sorry. Can you ask the question 16 again? 17 Q. You gave an opinion that a person of 18 ordinary skill would not have understood 19 the term "bore" to include, quote, two 20 sections of a hole separated by a ledge 21 or, quote, stepped longitudinal 22 cross-sections, unquote. 23 MR. FERRARO: Objection to form. 24 A. So I'm not sure how to answer that the 25 way that you asked it. What I will say	36 1 - Eric Ledet, Ph.D. - 2 Q. Go back to page 329. 3 A. Okay. I'm there. 4 Q. About 14 lines down on the left column, 5 you explain, quote, The tunnel is 6 continued through the distant L5 with a 7 smaller concentric hole -- 8 A. I'm sorry. I didn't mean to interrupt 9 you. Where is that again? In the left 10 column? 11 Q. Left column, about 14 lines down from 12 the top. 13 A. And what does the sentence start, 14 please? 15 Q. Once the bone graft is placed -- 16 A. I see it. Okay. Thank you. 17 Q. -- in the debrided disc space. 18 A. Yes. I'm with you. 19 Q. The tunnel is continued through the disc 20 into L5 or the smaller concentric hole 21 drilled into L5. 22 A. I see that, yes. 23 Q. So in this paper, you're describing a 24 tunnel formed in the L5-S1 disc space 25 that is continued with a smaller

37 1 - Eric Ledet, Ph.D. - 2 diameter section in L5? 3 MR. FERRARO: Objection to form. 4 A. It's been a while since I have reviewed 5 this work, and I honestly can't recall 6 whether that was multiple operations 7 with multiple tools that created two 8 different -- two different holes. 9 Q. My question was, you describe a tunnel 10 formed in the L5-S1 disc space that is, 11 quote, continued, unquote, with a 12 smaller diameter section in L5? 13 MR. FERRARO: Objection to form. 14 A. I see the words here that say, Once the 15 bone graft is placed and the debrided 16 disc space, the tunnel is continued 17 through the disc into L5 with a smaller 18 concentric hole drilled into L5. 19 Q. So sometimes, sometimes you use words 20 like, quote, a tunnel, to mean a void 21 with contiguous regions having different 22 diameters; correct? 23 MR. FERRARO: Objection to form. 24 A. No. In this context, I'm sure I agree 25 with that. There may have been an	39 1 - Eric Ledet, Ph.D. - 2 but you don't remember whether it was 3 drilled in one step or in more than one 4 step? 5 A. I don't. 6 MR. FERRARO: Objection to form. 7 A. I don't recall. 8 Q. If it had been drilled in one step or if 9 it had been drilled in more than one 10 step, either way, you called it "a 11 tunnel"; correct? 12 MR. FERRARO: Objection. Form. 13 A. I see -- 14 MR. FERRARO: Form. 15 A. I see the words in the manuscript here. 16 Once the bone graft is placed in the 17 debrided disc space, the tunnel is 18 continued through the disc into L5 with 19 a smaller concentric hole drilled into 20 L5. 21 Q. The question is not how you made the 22 tunnel, the question is how you named 23 the tunnel. 24 You agree that you referred to a 25 tunnel formed in the L5-S1 disc space
38 1 - Eric Ledet, Ph.D. - 2 initial hole that was drilled, and then 3 a second hole that was drilled of 4 different diameter. And I would have to 5 go back and recall what the exact 6 process was for placing these axial lift 7 rods. 8 Q. It makes a difference whether a tunnel 9 is drilled by one or more operations? 10 MR. FERRARO: Objection to form. 11 A. I guess I'm not sure what you mean by 12 that, it "makes a difference." 13 What do you mean by that? 14 Q. It doesn't matter whether the tunnel was 15 drilled in one step or more than one 16 step for it to be called "a tunnel"; 17 correct? 18 A. I don't think that's correct. I think 19 that totally depends on the context, 20 what the tunnel is, what the process is, 21 what the product is, what the tools are, 22 et cetera. 23 Q. In this case, you referred to a tunnel 24 formed in the L5-S1 disc space continued 25 with a smaller diameter section in L5,	40 1 - Eric Ledet, Ph.D. - 2 that is continued with a 3 smaller-diameter section at L5? 4 MR. FERRARO: Objection. Form. 5 A. Again, the words say here, once the bone 6 graft is placed in the debrided disc 7 space, the tunnel is continued through 8 the disc into L5 with a smaller 9 concentric hole drilled into L5. 10 Q. Turn to page 29 of your declaration. 11 MR. FERRARO: Which page was that, 12 Scott? 13 MR. KAMHOLZ: Page 29. 14 A. Okay. I'm there. 15 Q. In paragraph 59 you reproduce an image. 16 You see that? 17 A. I do see that, yes. 18 Q. You refer to that image as a hex lag 19 screw? 20 A. That's correct. 21 Q. You gave this image of a hex lag screw 22 as an example of a screw that does not 23 include a torque-transmitting aperture? 24 A. That's correct. 25 Q. You did not locate this image of a hex

41 1 - Eric Ledet, Ph.D. - 2 lag screw? 3 MR. FERRARO: Objection to form. 4 BY MR. KAMHOLZ: 5 Q. It was provided to you? 6 MR. FERRARO: Objection to form. 7 A. Are you asking me if I took the photo of 8 this? 9 Q. Yes. 10 A. I did not take the actual photograph 11 that is shown here, no. 12 Q. Did you find this photograph? 13 MR. FERRARO: Objection to form. 14 BY MR. KAMHOLZ: 15 Q. Or was it provided to you? 16 A. I found this on a website and copied it 17 off of the website. 18 Q. It's not a medical device, is it? 19 MR. FERRARO: Objection to form. 20 A. I believe that this particular image was 21 taken from a non-medical website. 22 Q. The pictured object has a head with a 23 hexagonal cross-section; correct? 24 A. Yes. 25 Q. That is to say it has a head with six	43 1 - Eric Ledet, Ph.D. - 2 the head -- of the hex head, two sides 3 of the hex head, and there are four that 4 I can't see. 5 Q. How can you tell that those are sides? 6 A. I'm not sure I understand the question. 7 Q. You said you see two sides? 8 A. I see two surfaces. 9 Q. How can you tell -- I'll rephrase. 10 On what basis do you conclude 11 that you see two surfaces? 12 A. I am looking at an oblique view of the 13 object of the screw, and in that oblique 14 view, I can identify two surfaces of the 15 hex head. 16 Q. Those are side surfaces, as you said 17 earlier? 18 A. In the orientation that it's shown here, 19 I'd say there's a top and a bottom and 20 there are sides. 21 Q. It's a hexagonal cross-section; correct? 22 Not a circular cross-section? 23 A. Through the -- 24 MR. FERRARO: Object to the form. 25
42 1 - Eric Ledet, Ph.D. - 2 sides? 3 A. Yes. 4 Q. And those are flat sides? 5 A. That I don't know. It depends on what 6 your definition of "flat" is. 7 Q. You can see that this object has sides 8 delineated by straight lines connecting 9 the top of the head to the bottom of the 10 head? 11 MR. FERRARO: Objection. Form. 12 A. I'm not sure exactly what you mean as 13 you described lines. 14 Q. You said earlier it is a head with six 15 sides? 16 A. Yes. 17 Q. And how can you tell that it has six 18 sides? 19 A. In the image, I can see three of them. 20 You can see outlines of three others. 21 And it's called a hex lag screw. A 22 "hex" referring to hexagon, six sides. 23 Q. How is it you know you can see three 24 sides? 25 A. So correction. I can see two faces of	44 1 - Eric Ledet, Ph.D. - 2 BY MR. KAMHOLZ: 3 Q. Through the head? 4 A. Through the head? 5 Q. Yes. 6 A. Yes, it would appear to be hexagonal 7 cross-section through the head. 8 Q. Not a circular cross-section through the 9 head? 10 A. That is correct. 11 Q. What in this image to your eye 12 distinguishes the two side surfaces from 13 one another? 14 MR. FERRARO: Objection to form. 15 BY MR. KAMHOLZ: 16 Q. Well, you said that you see two side 17 surfaces. 18 How do you conclude that you can 19 see two side surfaces as opposed to some 20 other number? 21 A. Well, I have approximately 30 years' 22 experience looking at mechanical 23 drawings. And based on features that I 24 see here, it appears to me that I can 25 see two surfaces of the hex head.

45 1 - Eric Ledet, Ph.D. - 2 Q. Well, you're here in your capacity as an 3 expert. So explain how you reach that 4 conclusion as an expert, please. 5 MR. FERRARO: Objection to form. 6 A. So I believe that when I took this 7 image, I also saw other views of this 8 particular screw. Decided to take this 9 image because I thought it was 10 representative. And so based on my 11 looking at this image in this view and 12 other images of the same object in 13 different views, I was able to determine 14 that there were multiple surfaces on the 15 head. 16 Q. So the information on which you based 17 your opinion is not included in this 18 declaration? 19 A. Well, I have 30 years of experience in 20 reviewing mechanical drawings, in 21 orthopedic implants and for 22 extra-fixation devices and bone fusion. 23 Not every piece of information that I 24 use to draw my conclusions could fit in 25 a declaration like this.	47 1 - Eric Ledet, Ph.D. - 2 A. So my experience in looking at images 3 like this along with some of the 4 features that can be seen directly in 5 this image. 6 Q. And what are those features? 7 A. So some of the features in this image in 8 particular that helped to determine what 9 the shape -- or what the surfaces are is 10 the shading and some of the lines that 11 can be observed here. 12 Q. Which shading are you referring to? 13 A. The shading on the head of the screw. 14 Q. And what is it about the shading on the 15 head of the screw that allows you to 16 reach the conclusion that there are two 17 surfaces -- two side surfaces of the 18 head shown? 19 A. The shading on them. I'm not sure what 20 you're asking me. 21 Q. You mean the difference in shading on 22 one side surface versus the other? 23 A. The difference in shading is one of the 24 factors that helps to determine what's 25 depicted in this figure.
46 1 - Eric Ledet, Ph.D. - 2 Q. You just said that you looked at other 3 images of the same object in different 4 views; correct? 5 A. Yeah, I believe I did. 6 Q. And on that basis, you concluded that 7 you could see two surfaces in this view? 8 A. I'm sorry. I'm not sure that that's 9 what you asked me before. You asked me 10 how I knew that there was two surfaces. 11 Q. Is there anything in this view that 12 allows you to conclude that there are 13 two surfaces of the side shown? 14 A. Yes. 15 Q. What allows you to conclude that? 16 A. Number 1, my experience in looking at 17 objects like this. 18 Q. I didn't ask about your experience. 19 I asked, what in this image 20 allows you to conclude that? 21 A. My experience in looking at images like 22 this. 23 Q. Your experience is not in the image, 24 however. I'm asking about features in 25 this image.	48 1 - Eric Ledet, Ph.D. - 2 Q. You also mentioned lines; do you recall? 3 A. Yes. 4 Q. Which lines were you referring to? 5 A. Rather than lines, I think I would call 6 them, perhaps, edges or transitions in 7 the shading that are very specific to 8 this view that might look different in a 9 different view or might not show up in 10 another view. 11 Q. Which transitions are you referring to, 12 or edges? 13 A. Do you want me to point them out to you? 14 Q. Sure. 15 A. I'm talking about differences in shading 16 between this surface -- 17 Q. Would you use a pen or some sharp 18 object? 19 Can you hold the paper up to the 20 camera? 21 A. I'm not sure I can do this this way. 22 Can I draw it on here? 23 Q. Yes. If you would like to draw on the 24 image, you may as well, and then show it 25 to the camera.

49 1 - Eric Ledet, Ph.D. - 2 A. I can't see this small enough on this 3 little camera to see where I'm actually 4 drawing here. 5 MR. FERRARO: You could draw down 6 and then show. 7 A. I don't want to cover what's on here, 8 though. 9 So I have circled four different 10 areas there, each of which has different 11 shading just based on the head itself. 12 Q. You see -- 13 So you made four, we'll call them 14 circles? 15 A. Yes. 16 Q. Is that fair enough? 17 A. Close enough, yes. 18 Q. The upper circle is identifying one 19 shaded area? 20 A. Sorry. That's a mirror image now, so... 21 So that -- This is really... 22 Can you flip that? Like it's 23 normal over here. It's not over there. 24 I'll try to do it from here. 25 Q. I'm having flashbacks from my time in	51 1 - Eric Ledet, Ph.D. - 2 A. Yes. That appears to me to be a second 3 side surface. 4 Q. Thank you. 5 And between the first side 6 surface on the top and that second side 7 surface on the side, there is a change 8 in the shading; right? 9 A. Are you asking me if there's a change in 10 the shading there? 11 Q. Yes. 12 A. Yes, there appears to be a change in the 13 shading. 14 Q. And that change in shading is along a 15 line, as you -- or transition, as I 16 think you called it. I think you called 17 it an edge. 18 A. There is a transition in the shading 19 there, yes, that you can see in this 20 view that you may not be able to see or 21 may look very different in other views. 22 MR. KAMHOLZ: I'd like to take a 23 10-minute break. 24 MR. FERRARO: I was just going to 25 suggest that. Sounds good.
50 1 - Eric Ledet, Ph.D. - 2 medical school when I had to hold the 3 laparoscopic camera and everything was 4 backwards. 5 Yes, so that is one -- 6 A. Based on the shading there, that 7 different -- 8 It's really hard to do. 9 You have different shading here 10 and different shading here. 11 Q. Now, the uppermost circle -- 12 A. It's really hard. This one here. 13 Q. You would call that a side? 14 A. I would call that a surface. 15 Q. Side surface? 16 A. A side of the head. 17 Q. And the bottom circle you would call the 18 top? 19 A. Yes. So this here. 20 MR. FERRARO: Objection to form. 21 BY MR. KAMHOLZ: 22 Q. And the circle off to the side, you 23 displayed on the left? 24 A. This one. 25 Q. That is the second side surface?	52 1 - Eric Ledet, Ph.D. - 2 * * * 3 (A brief recess was taken.) 4 * * * 5 BY MR. KAMHOLZ: 6 Q. Please go to page 49 of your 7 declaration. 8 A. Okay. I'm here. 9 Q. You present a claim chart starting on 10 that page and continuing through 11 page 59; correct? 12 A. That's correct. Yes. 13 Q. In the center column of this chart, you 14 cite support in the, we'll call it the 15 923 application, which matured into the 16 patent at issue here; right? 17 A. Yes. 18 Q. And this is support for the proposed new 19 claims in the motion to amend? 20 A. Were you asking me that? 21 Q. Yes. 22 A. Yes. 23 Q. And as you scan through this middle 24 column of the chart, for each limitation 25 of each substitute claim, you cite the

53 1 - Eric Ledet, Ph.D. - 2 same source of support in the 923 3 application; right? 4 A. Yes. 5 Q. The source of support, you cite 6 identically for each limitation of each 7 substitute claim is Exhibit 2014, pages 8 17 to 20, 34 to 38, 43 to 45, Figures 9, 9 11, and 18; right? 10 A. That's correct. 11 MR. KAMHOLZ: I'm giving the 12 witness a copy of a document previously 13 entered in this proceeding as 14 Exhibit 2014. 15 BY MR. KAMHOLZ: 16 Q. Do you recognize this document? 17 A. So I think, in this table, there's an 18 error in the exhibits. And I think 19 these exhibits where it says "2014" 20 should say "2020." And where it says 21 "Exhibit 2015," it should say "2021" 22 throughout. 23 MR. KAMHOLZ: I'm giving the 24 witness a copy of portions of a document 25 previously entered in the proceeding as	55 1 - Eric Ledet, Ph.D. - 2 claim, you cite exactly the same source 3 of support in the 680 application; 4 correct? 5 A. I'm not sure what you mean when you say 6 "the exact" -- 7 Q. Looking through the chart, scanning 8 through the chart, you cite the same -- 9 A. The page numbers are different between 10 the two, but... 11 Q. You cite to Exhibit 2015, but as you 12 said earlier, you intended to cite to 13 Exhibit 2021. 14 A. That's correct. 15 Q. And you cite the same pages of 16 Exhibit 2021 for each limitation of each 17 proposed new claim; correct? 18 A. I guess I'm not understanding what 19 you're asking me there. 20 Q. As you look through this chart -- 21 A. Yes. 22 Q. -- you see that in every cell in the 23 right-hand column -- 24 A. Yes. 25 Q. -- you cite exactly the same materials
54 1 - Eric Ledet, Ph.D. - 2 Exhibit 2020. 3 BY MR. KAMHOLZ: 4 Q. It's portions mostly to spare us the 5 burden of paper. 6 Do you recognize these pages? 7 A. I do, yes. 8 Q. These are pages of Exhibit 2020 that you 9 cited in the chart; correct? Pages 17 10 through 20, 34 through 38 -- 11 A. Yes. This was the intention, again, 12 with the typos that's in the chart, this 13 was what was the intended document to be 14 cited here. 15 Q. And Figures 9, 10, 11, and 18 are 16 located in Exhibit 2020 on pages 56, 57, 17 58, and 65; correct? 18 A. Yes. 19 Q. Go back to your declaration, page 49. 20 In the right-hand column of the chart, 21 you cite support in, what we'll call the 22 680 application. 23 Do you recognize? 24 A. Yes. 25 Q. For each limitation of each substitute	56 1 - Eric Ledet, Ph.D. - 2 from Exhibit 2021 in support of each 3 limitation of each proposed new claim; 4 right? 5 A. You mean in the chart where it currently 6 says 2015, I'm just substituting 2021 7 for that with the same pages and figures 8 that are listed in the chart. 9 Is that what you're asking me? 10 Q. Yes. 11 A. Yes. 12 Q. On every line of the chart? 13 A. Yes. 14 MR. KAMHOLZ: I'm giving the 15 witness a copy of portions of a document 16 previously identified as Exhibit 2021 in 17 this proceeding. 18 BY MR. KAMHOLZ: 19 Q. Do you recognize these as the pages you 20 intended to cite in the table for 21 support from the 680 application? 22 A. Yes, it does look like that. 23 Q. Figures 9, 11, and 18 are located on 24 Exhibit 2021, pages 95, 96, and 100; 25 correct?

57 1 - Eric Ledet, Ph.D. - 2 A. Yes. That's correct. 3 Q. And Figure 18, as shown on page 100 of 4 that exhibit, Exhibit 2021, is identical 5 to the Figure 18 you reproduced in the 6 right-hand column on page 49 of your 7 declaration; right? 8 A. Yes. 9 Q. And Figure 18, as shown in Exhibit 2021, 10 page 100, is identical to the Figure 18 11 you reproduced in paragraph 90 -- I'm 12 sorry, paragraph 90 on page 61 of your 13 declaration? 14 MR. FERRARO: Hey, Scott, can I 15 interrupt for one second? It looks like 16 in the excerpts of Exhibit 2021, 17 Figure 10 might be missing. 18 MR. KAMHOLZ: It's not missing. 19 MR. FERRARO: Say that again. 20 MR. KAMHOLZ: It's not missing. 21 It's page 95 to 96; right? 22 MR. FERRARO: I only have Figure 9 23 and Figure 11. 24 MR. KAMHOLZ: Correct. That's 25 what you submitted to the patent office.	59 1 - Eric Ledet, Ph.D. - 2 the annotations -- is not the version of 3 Figure 18 that was originally filed with 4 the 680 application; correct? 5 A. I'm actually not sure what the answer to 6 that question is. 7 Q. What you reproduced in your declaration 8 was the formal drawing version 9 Figure 18; correct? 10 MR. FERRARO: Objection to form. 11 A. The intent here was to reproduce the 12 figures from the applications. 13 Q. Look at Exhibit 2021, page 100. You see 14 at the top it's marked, "Replacement 15 sheet"? 16 A. I do see that, yes. 17 Q. You understand that that indicates that 18 this is a formal drawing that was 19 submitted later during the 680 20 application process? 21 A. I see that it says, "Replacement sheet." 22 I'm not sure at what point in the 23 process this would have been submitted 24 as a replacement sheet. 25 MR. KAMHOLZ: I'm giving the
58 1 - Eric Ledet, Ph.D. - 2 MR. FERRARO: Okay. 3 A. Yes. So that would appear to be an 4 error and Figure 10 should be in here. 5 Q. I'm sorry. The question was not 6 directed to you. 7 My question to you was, Figure 18 8 on Exhibit 2021, page 100, is identical 9 to the Figure 18 you reproduce in 10 paragraph 90 on page 61 of your 11 declaration? 12 A. Yes. And in this Figure 10 appears to 13 be missing in Exhibit 2021. 14 Q. Figure 18 as shown on Exhibit 2021, 15 page 100 is identical to the Figure 18 16 you reproduce in paragraph 93 on page 62 17 of your declaration; correct? 18 A. Yes, other than the annotations and 19 call-outs that are both on pages 61 and 20 62 of my declaration, the figures -- the 21 figures minus the annotations and 22 call-outs are the same. 23 Q. But the version of Figure 18 that 24 appears in your declaration on page 49 25 and page 61 and page 62 -- I'm ignoring	60 1 - Eric Ledet, Ph.D. - 2 witness additional pages from 3 Exhibit 2021. 4 BY MR. KAMHOLZ: 5 Q. You recognize the new pages I've given 6 you as Exhibit 2021, pages 65, 66, 67, 7 and 74? 8 A. I do, yes. 9 Q. The figures on Exhibit 2021, pages 65, 10 66, 67, and 64 are Figures 9, 10, 11, 11 and 18; correct? 12 A. I think you meant page 74? 13 Q. Seventy-four, yes. 14 A. Yes, they are. 15 Q. And these pages are the figures as 16 originally filed in the 680 application; 17 correct? 18 A. That I'm not clear. I'd have to look 19 back and put this into the context. 20 MR. KAMHOLZ: Would Mr. Ferrero 21 care to stipulate to that? 22 MR. FERRARO: Can you repeat the 23 question? 24 MR. KAMHOLZ: The figures on 25 Exhibit 2021, pages 65, 66, 67, and 74

61 1 - Eric Ledet, Ph.D. - 2 are Figures 9, 10, 11, and 18 as 3 originally filed in the 680 application. 4 MR. FERRARO: I'm just 5 double-checking. 6 As originally filed, yes. They 7 appear to be that, yes. There's nothing 8 on these sheets that would indicate that 9 it came from there, but they do look 10 like that, yes. 11 MR. KAMHOLZ: And I so represent 12 that is what these pages are. 13 MR. FERRARO: Pulled directly from 14 the file history? 15 MR. KAMHOLZ: No. Pulled directly 16 from the exhibit you filed. 17 MR. FERRARO: Oh, okay. Okay. 18 BY MR. KAMHOLZ: 19 Q. To the extent the originally filed 20 drawings differ from the formal 21 drawings, that is the originally filed 22 drawings that mostly you relied upon 23 when showing that the proposed new 24 claims do not contain new matter 25 introduced since the 680 application was	63 1 - Eric Ledet, Ph.D. - 2 screw 1805 disappears into the right 3 side of tapered screw 1815, that 4 provides support for the proposed new 5 claim limitation, wherein the exterior 6 surface of the head of the first member 7 above the interior surface of the first 8 floor of the second aperture? 9 MR. FERRARO: Objection to form. 10 A. I see where the exterior surface of the 11 head of the first member abuts the 12 interior surface of the third member at 13 the second aperture, yes. 14 Q. And the area that we're talking about is 15 the area -- 16 If you go to page 62 of your 17 declaration. 18 A. (Complies.) 19 Q. Do you see there are two areas you have 20 circled on that drawing? 21 A. Yes. 22 Q. One to the left and one to the right? 23 A. Yes, I do. 24 Q. We're talking about the circled areas to 25 the right; right?
62 1 - Eric Ledet, Ph.D. - 2 filed. 3 Do you understand that? 4 A. I'm not aware of that. 5 Q. Look at Exhibit 2021, page 74, please, 6 which is the original Figure 18. 7 A. All right. I'm there. 8 Q. I think we've agreed that this Figure 18 9 is the Figure 18 as originally filed in 10 the 680 application? 11 A. Is that a question? 12 Q. Yes. 13 A. Yes. 14 Q. Look at the place where screw 1805 15 disappears into the right side of 16 tapered screw 1815. 17 Do you see tapered screw 1815? 18 That's the more vertical screw. 19 A. Yes. 20 Q. And you see where screw 1805 disappears 21 into the right side of 1850? 22 A. I'm not sure what you mean by 23 "disappears." 24 Q. Well, as you state in paragraph 93 of 25 your declaration, this region where	64 1 - Eric Ledet, Ph.D. - 2 A. Correct. 3 Q. Now, proposed Claim 16 requires that the 4 second aperture is provided on the 5 exterior surface of the third member; 6 right? 7 MR. FERRARO: Can you repeat that 8 question, please? 9 BY MR. KAMHOLZ: 10 Q. Proposed Claim 16 specifies that the 11 second aperture is provided on the 12 exterior surface of the third member? 13 A. Can you remind me where that claim -- 14 where that language shows up against 15 proposals to claimed text. 16 Q. Yes. It's on page 51 of your 17 declaration in the first box. 18 A. Second aperture on an exterior surface 19 of the third member. Yes, I see that. 20 Q. So going back to the annotation on page 21 62 of your declaration. The second 22 aperture is the hole on the surface of 23 tapered screw 1815 on -- within that 24 circle where screw 1805 disappears; 25 right?

65 1 - Eric Ledet, Ph.D. - 2 A. The aperture is shown in the circle 3 there. 4 Q. I asked because you've annotated the 5 entire circle as the second aperture. 6 Do you see that? 7 A. Well, the circle -- 8 MR. FERRARO: Objection to form. 9 A. The circle is surrounding the aperture. 10 Q. And is there a particular line within 11 that circle that indicates the second 12 aperture? 13 A. The second aperture is indicated in the 14 circle approximately -- I can't tell 15 from this if it's approximately or 16 exactly where the head of the arrow is 17 pointing. 18 Q. The head of the arrow that leads from 19 your annotation reading "Interior 20 surface of the first bore at the second 21 aperture," is that the arrow you mean, 22 or do you mean the arrow that leads from 23 your annotation that reads simply 24 "Second aperture"? 25 A. Not the arrow for second aperture.	67 1 - Eric Ledet, Ph.D. - 2 the aperture is. 3 Q. This part? 4 MR. FERRARO: Objection to form. 5 A. If you continue down, the aperture 6 extends further within where you were 7 just indicating, yes. From 8 approximately that point. 9 Q. Immediately above the edge of the circle 10 to about three quarters of the way up 11 the circle? 12 A. Somewhere around there, yes. 13 Q. Understood. 14 Now, proposed Claim 16 also 15 requires that the first bore have an 16 interior surface of the second aperture. 17 That's also on page 51. 18 A. Yes, I see that. 19 Q. And that's your understanding of the 20 claim? 21 A. Correct. 22 Q. If the second aperture is on the 23 exterior surface of the third member, 24 then the interior surface of the first 25 bore at the second aperture is the
66 1 - Eric Ledet, Ph.D. - 2 Q. The arrow for the other annotation, 3 interior surface of the first bore of 4 the second aperture? 5 A. Yeah. I would like to look at a digital 6 version of this bigger to make sure that 7 I'm clear exactly where that arrowhead 8 is pointing. But the line that is 9 either at or just to the left of that 10 arrowhead is the -- indicating the 11 aperture. And the circle completely 12 encloses the line that represents the 13 aperture that we can see from this view. 14 Q. Let me see if I can bring it up on your 15 screen. 16 Is that more helpful? 17 A. Yes. 18 Q. Now, which line is indicating the second 19 aperture? 20 A. The line that is completely within the 21 circled area. 22 Q. Do you mean the more vertical line with 23 a sort of curve in the middle of it? I 24 don't know if I can slide -- 25 A. The curved part of that line shows where	68 1 - Eric Ledet, Ph.D. - 2 portion of the first bore at the 3 exterior surface where the second 4 aperture is located; correct? 5 MR. FERRARO: Object to form. 6 That's a tough one. 7 MR. KAMHOLZ: To whom should the 8 objection be directed? 9 Shall I read that again very 10 slowly? Should I ask that again? 11 THE WITNESS: Yes, please. If you 12 could break that down into chunks. 13 MR. KAMHOLZ: I could put that 14 picture back up, if that would help. 15 BY MR. KAMHOLZ: 16 Q. As you agreed earlier, the second 17 aperture is on the exterior surface of 18 the third member, right, as the claim 19 says? 20 A. That is correct. 21 Q. Now we're talking about the interior 22 surface for the first bore. And the 23 claim requires that the interior surface 24 of the first bore be at the second 25 aperture; right?

69 1 - Eric Ledet, Ph.D. - 2 A. That's correct. 3 Q. So the interior surface of the first 4 bore at the second aperture is the 5 portion of the first bore at the 6 exterior surface where the second 7 aperture is located; is that right? 8 A. Not at the exterior surface. The 9 aperture is essentially the 10 distinguishing feature between the 11 exterior and interior surface. 12 Q. So the aperture, the second aperture, 13 is, in this case, the line delineating 14 interior from exterior? Delineating -- 15 Let me see -- the surface of the first 16 bore at the second aperture from the 17 exterior surface of the third row? 18 Shall I say that again? 19 MR. FERRARO: I'll object to form 20 since it's on the record, but... 21 MR. KAMHOLZ: Vin and I are going 22 to have to figure it out at the hearing. 23 BY MR. KAMHOLZ: 24 Q. So the second aperture in this case is 25 the line delineating the interior of the	71 1 - Eric Ledet, Ph.D. - 2 Is that fair? 3 A. That's fair. 4 Q. Thank you. 5 Going back to your annotated -- 6 And you can look on the screen or your 7 declaration. You've drawn a red arrow 8 that approximately reach -- As we 9 discussed before, you can't quite tell 10 if the arrowhead is touching that line, 11 but we discussed what that line is. 12 That's the second aperture line, that 13 mostly vertical line with the curve in 14 it, that I'm indicating with the cursor; 15 correct? 16 A. Correct. That's even better. 17 Q. So I'll do that one more time. 18 From here to here; correct? 19 A. Approximately. 20 Q. Essentially, from where the upper line 21 of the screw head intersects to where 22 the lower line of the screw head 23 intersects; is that correct? 24 A. Approximately there, yes. 25 Q. Now, on page 64 of your declaration, you
70 1 - Eric Ledet, Ph.D. - 2 second ap -- the interior of the first 3 bore -- 4 All right. Let's try this again. 5 The second aperture is on the 6 exterior surface of the third member. I 7 think we're all agreed on that; right? 8 A. Yes. 9 Q. And the claim requires an interior 10 surface of the first bore -- an interior 11 surface of the first bore at the second 12 aperture. 13 So the interior surface of the 14 first bore at the second aperture is the 15 portion of the first bore that extends 16 to the second aperture on the inside, on 17 the inner bore surface; is that correct? 18 A. Yes, I believe what you just said is 19 correct. 20 Q. And so the second aperture, if we think 21 of that as a line, is the line that 22 delineates the exterior surface of the 23 third member from the interior surface 24 of the first bore at the second 25 aperture.	72 1 - Eric Ledet, Ph.D. - 2 have another annotated version of 3 Figure 18 in paragraph 95. 4 Do you see that? 5 A. Yes, I do. 6 Q. And perhaps, to save time, I was in that 7 one here. 8 Can you see that more clearly on 9 the screen? 10 A. Yes. Thank you. 11 Q. In the annotated Figure 18 on page 64 of 12 your declaration, you have circled the 13 place where the left side of screw 1805 14 intersects, disappears, as I have said, 15 into the tapered screw 1815. 16 Do you see that? 17 A. Yes. 18 Q. And you have annotated that as showing 19 that, quote, Exterior surface of the 20 head of the first member abuts the 21 interior surface of the first bore of 22 the third member at the second aperture. 23 Do you see that? 24 A. Yes, I see that. 25 Q. There will be a quiz on this later.

73 1 - Eric Ledet, Ph.D. - 2 And you conclude that this figure 3 shows that feature because the line 4 illustrating the upper edge of the screw 5 head intersects the curved portion of 6 the line illustrating the right edge of 7 tapered screw 1815 or what you have 8 further said was the second aperture; 9 right? 10 MR. FERRARO: Objection to form. 11 A. Can you repeat that? 12 Q. You conclude that this feature shows 13 that feature, the feature that you've 14 quoted in the annotation above? 15 A. Yes. 16 Q. Because the lines illustrating the upper 17 edge of screw 1805 meets the line 18 illustrating the second aperture? 19 MR. FERRARO: Objection. 20 Mischaracterizes. 21 A. Which shown here is the exterior surface 22 of the head of the first member is 23 abutting the interior surface of the 24 first bore of the third member at the 25 second aperture.	75 1 - Eric Ledet, Ph.D. - 2 interior surface of the first bore, 3 third member at this second aperture. 4 Q. You mentioned other portions of the 5 specification and drawings; right? 6 A. Yes. 7 Q. There is no other mention, in fact, 8 there is no mention at all of the 9 exterior surface of the head of the 10 first member abutting the interior 11 surface of the first bore at the second 12 aperture anywhere in the specification; 13 correct? 14 A. No, I don't think that that's true. 15 Based on the description of the taper of 16 the head of the screw and the taper of 17 the holes, a person of ordinary skill 18 would understand that it's making 19 contact along the interior surface of 20 the bore. And based on this drawing, 21 this figure, that it's making contact at 22 the surface both at the first 23 aperture -- the interior surface, excuse 24 me, both at the first aperture and at 25 the second aperture.
74 1 - Eric Ledet, Ph.D. - 2 Q. And it's because the lines meet that you 3 conclude they abut; right? The surfaces 4 they represent abut; correct? 5 MR. FERRARO: Objection. 6 Mischaracterizes. 7 A. The conclusion that the exterior surface 8 of the head of the first member is 9 abutting the interior surface of the 10 first bore of the third member of the 11 second aperture is based on what is 12 shown in this image, it's based on the 13 rest of the specification, the 14 description that's there, and the other 15 figures that support this showing the 16 screw and describing the screw going 17 through the bore and extending from one 18 aperture -- from the first aperture to 19 the second aperture. 20 Based on the other figures in 21 conjunction with this -- in conjunction 22 with this figure, excuse me, a person of 23 ordinary skill and I both would conclude 24 that the exterior surface of the head of 25 the first member is abutting the	76 1 - Eric Ledet, Ph.D. - 2 Q. Would you turn to page 37 of 3 Exhibit 2021? That will be in the 4 stapled packet of Exhibit 2021. 5 A. Thank you. 6 I'm sorry. You said page 37? 7 Q. Page 37 of the exhibit, which is page 35 8 of the specification. 9 A. I see it. I'm there. 10 Q. You see a paragraph starting at line 3, 11 which begins, "Also as shown in 12 Figure 18..."? 13 A. Yes, I do. 14 Q. Is this the paragraph that describes the 15 taper you mentioned? 16 A. This is one of them. 17 Q. And you see starting at line 11, there's 18 a sentence beginning, "Additionally, 19 each of the bulbous portions, 1850..., " 20 et cetera? 21 A. Yes, I see that. 22 Q. The "bulbous portions" refer to the 23 screw heads; right? 24 A. I would have to go back and review 25 whether that's explicitly defined in

77 1 - Eric Ledet, Ph.D. - 2 the -- 3 This is from the original 4 application; correct? 5 So I'd have to go back and look 6 at the application and see whether those 7 are explicitly called out. 8 Q. Well, this paragraph provides support, 9 as you say, then the "bulbous portions," 10 1815, 1865, would have to correspond to 11 the screw heads; correct? 12 A. I don't recall whether 1850 and 1865 13 explicitly are referring to a feature 14 that is the screw head. 15 Q. Well, look at page 74 of Exhibit 2021. 16 That's the Figure 18. 17 You see 18, element 1850? 18 A. Yes. 19 Q. Element 1850 is pointing to the screw 20 head? 21 A. I can't recall if that's pointing to the 22 screw head or -- to a screw head, to a 23 feature on the screw head, or to 24 something else. 25 Q. So going back to page 37 of	79 1 - Eric Ledet, Ph.D. - 2 did that, no. 3 Q. So if you don't give an opinion as to 4 which portion of the screw -- or which 5 portion of this figure corresponds to 6 the head, that means you have not given 7 an opinion as to whether this paragraph 8 supports the claim; correct? 9 MR. FERRARO: Objection. Form. 10 A. What I would like, if it's possible, is 11 to have a minute to review my 12 declaration and the patent to make sure 13 that I'm not confusing myself on the 14 definition of what 1850 and 1865 are 15 calling out. 16 Is that all right? 17 Q. Oh, yes. 18 A. Do I have a copy of the '166 patent? 19 Q. I didn't give you one. 20 A. Is it possible to take a look at one 21 before I answer your question? 22 Q. I don't have one. 23 MR. FERRARO: I'll represent this 24 is the whole patent. 25 MR. KAMHOLZ: In two pieces?
78 1 - Eric Ledet, Ph.D. - 2 Exhibit 2021, you can't tell whether 3 this discussion of the taper is in 4 reference to the screw head? 5 A. It's in reference to 1850 and 1865, 6 which I can see called out on this 7 drawing. 8 Q. But because you don't know whether the 9 "bulbous portion," 1850, corresponds to 10 the head recited in the patent proposed 11 new claim, you can't be certain that 12 this description supports that 13 annotation; correct? 14 MR. FERRARO: Objection. Form. 15 A. No, that's not correct. What I'm trying 16 to do is make sure that the call-outs 17 that are referred to in this document, I 18 understand exactly what they are and how 19 they correspond to the proposed claim 20 language and the question that you're 21 asking me. 22 Q. You didn't give an opinion in your 23 declaration about what structure in this 24 figure is the head; correct? 25 A. I don't recall. I don't think that I	80 1 - Eric Ledet, Ph.D. - 2 MR. FERRARO: Yeah. Figures and 3 spec. 4 MR. KAMHOLZ: I agree. Thank you. 5 THE WITNESS: Thank you. Okay. 6 Thank you. I think I'm ready to answer 7 your question. 8 MR. FERRARO: Would you repeat it 9 so it's fresh in your mind, please? 10 * * * 11 (Requested portion of the record 12 read back by the reporter as 13 follows: 14 Q: So if you don't give an 15 opinion as to which portion of the 16 screw -- or which portion of this 17 figure corresponds to the head, that 18 means you have not given an opinion 19 as to whether this paragraph 20 supports the claim; correct?) 21 * * * 22 MR. FERRARO: Objection. Form. 23 A. Can you reask the question for me, 24 please? 25

81 1 - Eric Ledet, Ph.D. - 2 BY MR. KAMHOLZ: 3 Q. My question stands. 4 The claim recites a head. The 5 patent describes a "bulbus portion." 6 You have declined to agree so far that 7 the "bulbus portion" corresponds to the 8 head; yet, you say that this paragraph 9 provides support for this claim 10 limitation. 11 But if it is your opinion that 12 the head does not correspond to the 13 "bulbus portion," then you have not 14 taken a position that this paragraph 15 supports that limitation; correct? 16 MR. FERRARO: Objection to form. 17 A. I'm not sure what you're asking me to 18 agree or disagree to in the statement 19 you just made. 20 Q. Well, as I -- Sorry. 21 A. I'm prepared to answer a question. I'm 22 just not clear as to what the question 23 actually was there. 24 Q. My question several questions ago was, 25 the "bulbus portion," 1850, corresponds	83 1 - Eric Ledet, Ph.D. - 2 Q. So this sentence refers to tapered 3 aperture 1835; correct? 4 MR. FERRARO: Objection to form. 5 The word "taper" appears twice 6 here. I'm just not clear which -- I'm 7 just trying to make it clearer for 8 everybody which taper you're talking 9 about. Is it the earlier taper or the 10 tapered apertures? 11 I don't mean to have a speaking 12 objection. I'm just trying to make it 13 clear. 14 A. So this sentence, the words here are 15 with respect to apertures 1835 and 1840 16 respectively. 17 Q. Yes. 18 Now, 1840 refers to an aperture 19 for the second member; right? Not the 20 first one? 21 A. That's correct. 22 Q. So we're not really talking about 23 aperture 1840; correct? 24 A. I'm not sure when you say we're not 25 talking about it. What do you mean?
82 1 - Eric Ledet, Ph.D. - 2 to the head of the first member; right? 3 A. So the call-out, 1850, is pointing to 4 the "bulbus portion" of the head of the 5 first member. 6 Q. And in that paragraph we were discussing 7 beginning on line 3 of page 37 of 8 Exhibit 2021, the sentence beginning at 9 line 11, "Additionally..." 10 Do you see that? 11 A. Yes, I do. 12 Q. You are relying on that description as 13 providing -- as describing the taper. 14 You had earlier talked about the taper; 15 do you recall? 16 A. Yes. I recall talking about the taper 17 earlier. 18 Q. Now, that sentence refers to tapered 19 aperture 1835; correct? 20 MR. FERRARO: Objection. 21 Mischaracterizes. 22 BY MR. KAMHOLZ: 23 Q. Line 13 refers to tapered apertures 1835 24 and 1840; correct? 25 A. I do see those words on the page, yes.	84 1 - Eric Ledet, Ph.D. - 2 Q. We were discussing the exterior surface 3 of the head of the first member abutting 4 the interior surface of the first bore 5 of the third member at the second 6 aperture; correct? 7 A. Correct. 8 Q. There is no discussion in this paragraph 9 of a locked interference fit at any 10 other aperture relating to the first 11 member; correct? 12 A. In this paragraph, no. That only shows 13 up with respect to apertures 1835 and 14 1840. 15 Q. Turn to page 36 of that exhibit, 16 Exhibit 2021, prior page. 17 And as you scan down the page, 18 you see there is no reference to 19 aperture 1835; correct? 20 A. I do not see a reference to aperture 21 1835 on this page. 22 Q. And turn to page 35 again, prior page. 23 You don't see any reference to 24 aperture 1835 on this page as you scan 25 it; correct?

85 1 - Eric Ledet, Ph.D. - 2 A. I do not see a reference specifically to 3 aperture 1835 on this page, no. 4 Q. Turn to page 27, which is immediately 5 preceding the page in this packet. 6 Now, this page is not describing 7 Figure 18; correct? It's describing 8 other figures? 9 A. I don't see a reference specifically to 10 Figure 18 on this page, although the top 11 paragraph is cut off from the preceding 12 page. 13 Q. You see no reference to aperture 1835 14 here? 15 A. I see no reference to aperture 1835 on 16 this page. 17 Q. Turn to page 26, the immediately 18 preceding page. 19 Are you there? 20 A. Yes. 21 Q. Do you see on the first line of this 22 page, there is a reference to tapered 23 aperture 1130? 24 A. I see that. 25 Q. And again on line 2. Do you see that?	87 1 - Eric Ledet, Ph.D. - 2 A. Understood. 3 Q. The circle on the left indicates the 4 first bore; right? 5 A. Let me just make sure that's what the 6 circle is intended to indicate. 7 MR. FERRARO: Can you repeat the 8 question, please? 9 BY MR. KAMHOLZ: 10 Q. The circle on the left indicates the 11 first bore; right? 12 A. The circle on the left is encircling the 13 aperture, first aperture to the -- to 14 the first bore. 15 Q. And which number indicates the first 16 aperture? 17 It may be easier to see on the 18 clean copy, which you have, page 67 of 19 Exhibit 2021. 20 A. According to this specification, 1120 is 21 the first aperture. 22 Q. Where do you see that on the 23 specification? 24 A. That's in column 9, starting around 25 line, what's that, 43.
86 1 - Eric Ledet, Ph.D. - 2 A. Yes. 3 Q. Now, tapered aperture 1130 is 4 illustrated in Figure 11; correct? 5 A. Yes, that appears to be the case. 6 Q. And Figure 11 is shown on page 67 of 7 Exhibit 2021; right? 8 A. Correct. 9 Q. You have that in front of you? 10 A. I do, yes. 11 Q. Now, go to page 63 of your declaration, 12 please. 13 A. Okay. I'm there. 14 Q. And you see you have a reproduced 15 Figure 11 with your annotations; 16 correct? 17 A. I do see that, yes. 18 Q. And I will bring this up on the screen 19 for you. 20 MR. KAMHOLZ: Good for you. 21 MR. FERRARO: Yup. Thank you. 22 BY MR. KAMHOLZ: 23 Q. You see you've drawn two circles -- 24 Well, I call them "circles," but they're 25 -- We'll call them "circles."	88 1 - Eric Ledet, Ph.D. - 2 Q. May I look at that when you're finished 3 with it so I can -- 4 A. Yes. Column 9, line 43. 5 Q. Thank you. 6 So that's the paragraph 7 further -- that begins, "Further tapered 8 portion 1110 is generally tubular in 9 shape..."? 10 A. Yes. 11 Q. And that occurs on page 25 of 12 Exhibit 2021 at line 11? 13 A. Yes. I just found that there. 14 MR. KAMHOLZ: Do you need to see 15 that, Vin? 16 MR. FERRARO: I do not, no. Thank 17 you. 18 BY MR. KAMHOLZ: 19 Q. And where does this paragraph identify 20 1120 as the first aperture? 21 A. So my interpretation of this is that 22 where it says, "Further, first end 1120 23 has a tapered aperture, 1130 which 24 traverses tapered portion 1110 along 25 axis 1102."

89 1 - Eric Ledet, Ph.D. - 2 MR. FERRARO: Scott, we've been 3 going about an hour. I don't know if 4 you want to try to plow through the 5 lunch or take a short break. 6 MR. KAMHOLZ: If you would like to 7 take a break, you may. 8 MR. FERRARO: Doctor, do you want 9 a break? 10 THE WITNESS: I'm good if we 11 continue for a little while. 12 Thank you. 13 BY MR. KAMHOLZ: 14 Q. The paragraph we've been discussing 15 continues on to page 26 of Exhibit 2021. 16 Do you see that? 17 A. Yes, I see that. 18 Q. And you see at line 8, a sentence 19 begins, "It should also be 20 appreciated..."? 21 A. I see that. 22 Q. "It should also be appreciated that 23 tapered aperture 1130 when combined with 24 tapered bulbus portion 1010, shown in 25 Figure 10, creates a locked interference	91 1 - Eric Ledet, Ph.D. - 2 A. Yes, I do. 3 Q. Is it your position that number 1135 4 identifies the second aperture? 5 A. I would have to go back and review the 6 specification to see whether it was 7 explicitly called out. I don't know if 8 that part of it is here in this excerpt. 9 Q. Go to page -- back to page 25. It's in 10 that passage you just read. 11 A. I'm sorry. Exhibit, page 25. Sorry. 12 Q. Exhibit 2021, page 25. 13 You see at line 16, there's a 14 reference to surface 1135? 15 A. Okay. I'm sorry. Can you reask the 16 question again? 17 Q. At line 16 of page 25 of Exhibit 2021, 18 you see a reference to surface 1135? 19 A. Yes, I do see that. 20 Q. And go back to your declaration, page 21 63. 22 A. Yup, okay. 23 Q. It's the annotated drawing that's 24 projected. I will zoom this in. 25 You see you've placed an
90 1 - Eric Ledet, Ph.D. - 2 fit between tapered screw member 815 and 3 lag screw member 815." 4 I think there's a typo in the 5 patent. It should be "lag screw member 6 810." I don't think that matters. 7 Do you see that sentence? 8 A. Yes, I see that sentence. 9 Q. That sentence indicates that there is a 10 locked interference fit resulting from 11 the combination of tapered aperture 1130 12 with tapered bulbus portion 1010; right? 13 A. Between tapered screw member -- 14 Q. Between tapered aperture 1130 and 15 tapered bulbus portion 1010. 16 Do you see that? 17 A. Yes, I see that it says that tapered -- 18 tapered aperture 1130, when combined 19 with tapered bulbus portion 1010, 20 creates a locked interference fit. 21 Q. Now, it's your position that -- Going 22 back to Figure 11, page 67 of 23 Exhibit 2021. 24 A. Got it. 25 Q. You see the number 1135?	92 1 - Eric Ledet, Ph.D. - 2 annotation that says, "Second aperture"? 3 A. Yes, I do. 4 Q. And there's a red arrow leading from 5 that to a circle? 6 A. Yes. 7 Q. And the arrow touches the circle? 8 A. Are you referring to the red circle or 9 the black shape that's underneath the 10 red circle? 11 Q. The red circle that you drew. 12 A. Okay. 13 Q. There's another arrow that ends in the 14 interior of that circle, but I'm not 15 talking about that one. I'm talking 16 about the right side arrow that touches 17 the outside of that red circle. 18 A. Understood. 19 Q. And that is -- that arrow and circle are 20 indicating a second aperture; right? 21 A. That circle is intended to completely 22 encircle the second aperture. 23 Q. And is there a line in this drawing that 24 delineates the second aperture, that 25 represents, I mean, the second aperture?

93 1 - Eric Ledet, Ph.D. - 2 A. Yes. The second aperture -- 3 There is a line, yes, that 4 represents the second aperture. 5 Q. Does it have a number? 6 A. I can't tell because of the annotations. 7 Q. Well, you have page 67 of Exhibit 2021 8 there? 9 A. Yes. 10 I'm sorry. What's the question? 11 Q. Is there a line that represents the 12 second aperture? 13 A. I'm sorry. Do you mean in the original 14 annotations, not my annotations? 15 Q. In the original figure. And your answer 16 to that was "yes." And then I asked 17 whether there was a number that 18 identifies that line. 19 A. So there is a line that represents that 20 aperture, and I do not see a number 21 explicitly pointing to where that line 22 is. 23 Q. Which line, if you could indicate, 24 identifies the second aperture in the 25 original figure?	95 1 - Eric Ledet, Ph.D. - 2 the interior surface of the bore, not at 3 any -- 4 Q. Up to, but not including the line, would 5 you say? 6 A. I'm not sure I understand. 7 Q. The inner surface of the bore up to, but 8 not including the line that marks the 9 second aperture? 10 A. No, I wouldn't say that. Just the 11 interior surface of the first bore at 12 the second aperture. 13 Q. Now, we discussed Figure 11 and 14 Figure 18 with regards to this 15 limitation, specifically the limitation 16 wherein the exterior surface of the head 17 of the first member abuts the first -- 18 abuts the interior surface of the first 19 bore at the second aperture. 20 Figure -- But Figure 9 shows the 21 interaction between the first member and 22 the third member for the embodiment 23 illustrated in Figure 11; right? 24 A. Yes. That's correct. 25 Q. And you said earlier that there was
94 1 - Eric Ledet, Ph.D. - 2 A. On the exterior surface. 3 Q. I'm going to zoom way in here. 4 Is it this line? It's a little 5 obscured. It goes up to about there 6 (indicating). 7 A. Yes, that would appear to be the 8 aperture. 9 Q. And I realize the wording will be a 10 little confusing, but you have a second 11 red arrow on that annotation indicating 12 the interior surface of the first bore 13 at the second aperture. 14 Do you see that? 15 A. Yes. I see that. 16 Q. Now, that arrow is pointing to the line 17 you just identified; correct? Or very 18 near it. 19 A. It is pointing near it, yes. 20 Q. The arrow is meant to indicate the 21 immediate inner surface of the bore? 22 A. Correct. 23 Q. At the line, at the line marking the 24 second aperture? 25 A. No. Just the interior surface -- Just	96 1 - Eric Ledet, Ph.D. - 2 support in the specification for the 3 abutment limitation; is that right? 4 MR. FERRARO: Objection to form. 5 BY MR. KAMHOLZ: 6 Q. There was support in the specification 7 for the limitation, wherein the exterior 8 surface of the head of the first member 9 abuts the interior surface of the first 10 bore of the second aperture; correct? 11 A. Yes. Someone who -- Person of ordinary 12 skill and myself, in looking at the 13 figures and reading the specification, 14 would understand that to be the case. 15 Q. Looking at page 26 of Exhibit 2021. 16 A. Okay. I'm there. 17 Q. The sentence that begins at line 8 -- 18 A. I'm sorry. Line? 19 Q. Eight. 20 A. Okay. 21 Q. There is no discussion of the second 22 aperture in that sentence; correct? 23 A. Can you ask the question again? 24 Q. There is no discussion in that sentence 25 of the second aperture; correct?

97 1 - Eric Ledet, Ph.D. - 2 MR. FERRARO: Objection to form. 3 Which line? Which sentence? 4 MR. KAMHOLZ: The sentence 5 beginning line 8 on page 26 of 6 Exhibit 2021. 7 A. I see reference to tapered aperture 8 1130. 9 Q. But not to a second aperture; correct? 10 A. I see reference just to tapered aperture 11 1130. 12 Q. Tapered aperture 1130 does not 13 correspond to the claimed second 14 aperture; correct? 15 A. I would have to, again, go back and 16 review the specification to see whether 17 there was any additional information 18 describing the aperture that is called 19 out by call-out 1130. 20 Q. You see it in Figure 11 on page 67 of 21 Exhibit 2021? 22 A. I do see 1130 called out in that figure, 23 yes. 24 Q. And in your annotation of Figure 11 on 25 page 63 of your declaration --	99 1 - Eric Ledet, Ph.D. - 2 end of this member, and one of those is 3 shown on the left encircled where I've 4 indicated, and the other is shown on the 5 right encircled where I've indicated. 6 Q. So you don't give an opinion as to what 7 1130 indicates as far as the claim? In 8 other words, you don't give an opinion 9 as to whether element 1130 corresponds 10 to any limitation in proposed Claim 16? 11 MR. FERRARO: Objection to form. 12 A. 1130, what is called out as 1130, is a 13 tapered aperture. And I think someone 14 of ordinary skill can recognize the way 15 that 1130 is called out in this to 16 represent the first aperture, as I've 17 indicated here on the terminal end, and 18 the second aperture where I've 19 indicated. 20 Q. I'm sorry. You said the way 1130 is 21 called out, is this -- is the first 22 aperture as I've indicated on the 23 terminal end? Is that -- Are you saying 24 that 1130 is the first aperture? 25 A. I'm saying that the way that 1130 is
98 1 - Eric Ledet, Ph.D. - 2 A. Yes. 3 Q. -- have you identified the first 4 aperture? 5 A. Yes, I have. 6 Q. I brought this up. 7 A. I can see it right here. 8 Q. And I think you said earlier, you 9 consider line 1120 to indicate the first 10 aperture? 11 A. I believe that's what I said, yes. 12 Q. Is it your position that line 1130 13 indicates the second aperture? 14 A. No, it is not. 15 Q. Do you have an opinion as to what line 16 1130 identifies? 17 A. According to the specification, it is a 18 tapered aperture. 19 Q. And in your opinion, does that 20 correspond to any limitation in the 21 proposed new Claim 16? 22 A. A person of ordinary skill and myself 23 would recognize that there's two 24 apertures shown for that bore that 25 extends diagonally through the terminal	100 1 - Eric Ledet, Ph.D. - 2 called out in the figure is that a 3 person of ordinary skill would 4 understand that there's a first 5 aperture, which is on the terminal end 6 where I've encircled it in Figure 11 7 here, and the second aperture on the 8 exterior surface on the right where I've 9 shown it there. 10 Q. And that 1130 is neither of the first 11 aperture, nor the second aperture, as 12 recited in proposed Claim 16? 13 A. 1130 is described as a tapered aperture 14 in the patent application. 15 Q. Does it correspond to either the first 16 aperture or the second aperture of 17 proposed new Claim 16? 18 A. It's a tapered aperture. 19 Q. Does it correspond to any structure in 20 the claim? 21 A. It's called out as a tapered aperture. 22 Q. So you don't take a position as to 23 whether it corresponds to any limitation 24 in the claim? 25 A. 1130 is tapered aperture. It has --

101 1 - Eric Ledet, Ph.D. - 2 There's -- 3 Based on the way that it's called 4 out, there's a first core that's shown 5 that I've called out in my drawing -- 6 excuse me, in the annotated Figure 11, 7 and there's a second aperture that I've 8 called out in my annotated Figure 11 as 9 well. 10 Q. The claim does not recite a tapered 11 aperture, does it? 12 A. The claim does not recite a tapered 13 aperture, no. 14 Q. Go to page 65 of your declaration, 15 please. 16 A. Okay. I'm there. 17 Q. This is -- 18 At the bottom of page 65, you 19 included an annotated version of 20 Figure 9. 21 Do you see that? 22 A. I do see that, yes. 23 Q. And you drew a red circle. 24 Do you see that? 25 A. I do see that, yes.	103 1 - Eric Ledet, Ph.D. - 2 where it's abutting. That's not the 3 only place where it's abutting. 4 Q. Figure 11 is a two-dimensional rendering 5 of the three-dimensional object; 6 correct? 7 A. This Figure 11? 8 Q. Figure 11 on page 67. 9 A. Yes. 10 Q. And Figure 18 on page 74, similarly, is 11 a two-dimensional rendering of a 12 three-dimensional object? 13 A. Yes. 14 Q. Let's concentrate on Figure 18. 15 Figure 18 uses perspective to 16 render the three-dimensional object in 17 two dimensions; right? 18 A. Correct. 19 Q. For example, on the left side, the 20 torque apertures for screws 1805 and 21 1810 are visible on the left ends of the 22 screws. You can see into the holes on 23 the back end of the screws; right? 24 A. Correct. 25 Q. And that tells you that the drawing is
102 1 - Eric Ledet, Ph.D. - 2 Q. And you drew a red line from an 3 annotation above to a place inside that 4 circle. 5 Do you see that? 6 A. I do see that, yes. 7 Q. And that red line has an arrow that ends 8 at a curved black line. 9 Do you see that? 10 A. I do see that, yes. 11 Q. And that curved black line is the second 12 aperture; correct? 13 A. I want to make sure we're talking about 14 the same curved black line. 15 Q. I'll zoom in. 16 As I'm indicating on -- I'm 17 sorry. As I'm indicating on the screen, 18 this is the curved black line the arrow 19 points to; right? 20 A. Yes. That's where the tapered screw 21 abuts the interior surface of the first 22 bore. 23 Q. At that line? 24 A. At that line, at that aperture. 25 I should say, that's one place	104 1 - Eric Ledet, Ph.D. - 2 in perspective; right? 3 A. That's one of many things that tells 4 you, yes. 5 Q. And it also tells you that the screws 6 are angled -- I should say, the left 7 ends of those screws are angled in 8 perspective toward the viewer; right? 9 A. I guess I'm not sure what you mean. You 10 mean -- 11 What do you mean? 12 Q. Because you can see into those 13 apertures, that means the left ends -- 14 if you imagine this object in three 15 dimensions, the left ends are pointing 16 more toward the viewer, and the right 17 ends of those screws are pointing more 18 away from the viewer. That's how the 19 perspective is rendered? 20 A. I think I understand what you're saying. 21 Yes. 22 Q. Are there better words to put it in? 23 A. So we're looking at an oblique view with 24 the tips of the screws slightly rotated 25 out of plane, out of the page away from

105 1 - Eric Ledet, Ph.D. - 2 us. 3 Q. Thank you. 4 A. Is that what you're describing? Okay. 5 Q. And in this oblique view, screws 1805 6 and 1810 extend along a plane that's 7 angled somewhat into the paper? 8 A. Correct. 9 Q. Now, as such any rendering of a 3D 10 object in two dimensions, some 11 information about the shape of the 12 object is lost; right? 13 MR. FERRARO: Objection to form. 14 A. I'm not sure what you mean by "lost." 15 Q. Well, for example, we can't see the 16 other side of the object illustrated in 17 Figure 18; right? 18 A. Correct. 19 Q. We can imagine what it might look like; 20 right? 21 A. We generally try not to use our 22 imagination to interpret a mechanical 23 drawing. 24 MR. KAMHOLZ: I think now is a 25 good time to break for lunch.	107 1 - Eric Ledet, Ph.D. - 2 the screen a computer file that will be 3 designated Exhibit 1034. I'm giving the 4 court reporter a piece of paper that 5 describes the computer file. We have it 6 on a thumb drive which I'll give to you 7 in the end. There's a copy of the 8 printout. I don't think there's 9 anything useful for you on that 10 document. Here it is. 11 You see that this computer file 12 contains a reproduction of Figure 18? 13 A. Yes. 14 Q. The original file. 15 A. Yes. That's what it appears. 16 Q. Just so we're all oriented, compare 17 that, if you would, to page 74 of 18 Exhibit 2021. 19 Can you see they are identical? 20 A. They appear to be so, yes. 21 Q. I'm going to add some gray -- I'm going 22 to add some gray shade here. 23 Do you see that gray shading that 24 I've added? I'll just turn it off and 25 on again.
106 1 - Eric Ledet, Ph.D. - 2 * * * 3 (A lunch recess was taken.) 4 (Thereafter, Exhibits 1034 and 5 1035 herein marked for 6 identification.) 7 * * * 8 BY MR. KAMHOLZ: 9 Q. You did not discuss the substance of 10 your testimony with counsel during the 11 lunch break; right? 12 A. We did not. 13 Q. When we left off, we were talking about 14 trying not to imagine things in 15 mechanical drawings such as Figure 18; 16 right? 17 A. Yes, we were. 18 Q. All right. I am bringing up on the 19 screen -- I don't know, whichever is 20 easier for you. 21 A. This is a little easier for me. Well... 22 Q. Okay. So you can look at either the 23 computer screen or the big monitor. The 24 big monitor might be a little more... 25 All right. I'm bringing up on	108 1 - Eric Ledet, Ph.D. - 2 A. Yes, I do see it. 3 Q. The extent of the gray shading exactly 4 matches the contours of all the places 5 where the lines of the drawing occur. 6 Do you see that? 7 MR. FERRARO: Objection to form. 8 A. I'm not sure exactly what you're asking 9 me. 10 Q. The point is that, the gray shading 11 agrees completely with the lines of the 12 drawing, where the tapered screw 1815 13 interacts with screw 1805. And I'm 14 referring to this portion where screw 15 1805 interacts with screw 1815. 16 You see this area of the drawing, 17 the gray shading coincides with the 18 lines? 19 A. Okay. I see what you're indicating 20 there, yes. 21 Q. In other words, I'm staying within the 22 lines, as they say in first grade. 23 A. I wasn't clear, because it looks like 24 the tips of the first member and the 25 second member are not gray. So I'm not

109 1 - Eric Ledet, Ph.D. - 2 sure -- 3 Q. That's right. We'll get to that in a 4 moment. 5 A. Okay. 6 Q. Now, I'm going to add color to the gray 7 shading. You see the color I've added? 8 A. I do. Yes. 9 Q. The upper part of tapered screw 18 is 10 shaded in blue, or bluish, and the lower 11 part of tapered screw 1815 is shaded in 12 the lighter blue. 13 Do you see that? 14 A. I see what you're pointing to, yes. 15 Q. And the shaft of screw 1805 is 16 illustrated in green. 17 Do you see that? 18 A. I see the green, yes. 19 Q. And the head of the screw 1805 is shaded 20 in a lighter green. 21 Do you see that? 22 A. I see that some of that member is shaded 23 in lighter green, yes. 24 Q. Now, I'm going to turn off the 25 reproduction of Figure 18.	111 1 - Eric Ledet, Ph.D. - 2 Q. I'm going to turn off this reproduction 3 of Figure 18 so that all that's left is 4 the color model of Figure 18. 5 Do you see that? 6 A. I see what looks like the representation 7 that you recreated of Figure 18, yes. 8 Q. Now, I'm going to turn off parts of this 9 representation. I'm going to turn off 10 the top screw. 11 Do you see that? 12 A. Yes. 13 Q. Turned it on. Turned it off. 14 See that? 15 A. I do. 16 Q. And I'm going to turn off the lower 17 screw as well. 18 You see that? 19 A. Yes. 20 Q. Back on and now off. 21 Do you see that? 22 A. Yes, I do. 23 Q. Now all that you see on the screen is 24 tapered screw 1815 that's in the model 25 1815.
110 1 - Eric Ledet, Ph.D. - 2 Do you see that? 3 A. Yes. 4 Q. I'm turning it back on. 5 A. Yes. 6 Q. And as you study this, you agree that -- 7 you can see in this view the entire 8 screw is visible; right? 9 A. I'm not sure what you mean by "the 10 entire screw is visible." 11 Q. All the way to the tip. In the other 12 view with the gray shading, and to 13 extend all the way to the tip, but you 14 see it's all the way to the tip here; 15 right? 16 A. Yes, I see that. 17 Q. And if I flip back and forth somewhat 18 rapidly, you can see that they coincide. 19 Do you see that? 20 A. They appear to coincide, yes. 21 Q. And the same thing with the other side 22 over here, near the left-side end of the 23 screw. You see that they coincide? 24 A. Yes. I see that they appear to 25 coincide.	112 1 - Eric Ledet, Ph.D. - 2 You see that? 3 A. I see what looks like -- or a 4 representation of the screw. 5 Q. And this part that's visible on the 6 screen, that corresponds to the claimed 7 third member; right? 8 A. It appears in this view to correspond to 9 the third member that was in the figure 10 that you just hid. 11 Q. So this computer file is actually a 12 three-dimensional rendering of the 13 assembly shown in Figure 18, rendered in 14 the program blender. 15 Are you familiar with the 16 blender? 17 A. I am, yes. 18 Q. So I'm rotating this view. You see 19 this? I'm rotating the view to show the 20 bores. 21 Do you see that? 22 A. I see the rotation that you just did, 23 yes. 24 Q. I'll zoom in a little bit and move 25 around.

113 1 - Eric Ledet, Ph.D. - 2 Do you see these views? If you 3 would like to drive the model at some 4 point, you're welcome to. 5 MR. FERRARO: I'd just like to 6 just state an objection to this, just to 7 the extent that this model is not 8 totally accurate to Figure 18. We 9 haven't had a chance to look at it. So 10 I just want to reserve that objection 11 and as it relates to all following 12 questions on it. 13 BY MR. KAMHOLZ: 14 Q. You see the upper bore in this is shaded 15 red, or reddish? You see that? 16 Can you speak your answer? 17 A. Yes, I see that there is what appears to 18 be a bore in this model that's a 19 recreation, and that there's an area 20 shown in red, which appears to be a 21 surface. 22 Q. And you see that this would correspond 23 to the claimed first bore; correct? 24 A. In this reproduction that looks similar 25 to the Figure 18 that would correspond	115 1 - Eric Ledet, Ph.D. - 2 Q. And as we discussed earlier, Figure 18 3 is presented in an oblique view such 4 that the screws are lying in a plane 5 that's angled a bit to the paper; right? 6 A. Correct. 7 Q. So if we rotate -- 8 I've turned the view of Figure 18 9 back on. 10 If we rotate out of the plane of 11 the paper, you can see that the screws 12 are, indeed, lying -- in this model, the 13 screws are lying in a plane that's 14 angled to the paper. 15 Do you see that? 16 A. I see that in the model, yes. 17 Q. And you see that they -- 18 Actually, I'm going to turn the 19 Figure 18 off. You can see that they 20 all lie in the plane; right? 21 A. It appears so, yes. 22 Q. I'm going to go turn that model off. 23 And so if I just move around 24 generally, you could see that this is a 25 representation of an assembly shown in
114 1 - Eric Ledet, Ph.D. - 2 to in this -- this reproduction, 3 something like the first bore in 4 Figure 18. 5 Q. And the lower bore here is colored in, I 6 guess, peach. 7 Do you see that? 8 A. I do see. 9 Q. You do see the second bore? 10 A. I do see what appears to be a recreation 11 in this 3D model something that looks 12 similar to the second bore that's in 13 Figure 18. 14 Q. Now, I'm going to turn the screws back 15 on. 16 You see that? 17 And I'm going to go back to the 18 view in Figure 18. 19 Do you see that? 20 And I'm just going to turn on the 21 reproduction Figure 18 again so that, 22 aside from the disappearing screw tips, 23 this view is the same as the view in 24 Figure 18; right? 25 A. It looks similar.	116 1 - Eric Ledet, Ph.D. - 2 Figure 18; right? 3 A. I'm sorry. I didn't realize that was a 4 question. 5 MR. FERRARO: Can you restate the 6 question, please? 7 BY MR. KAMHOLZ: 8 Q. You'll see that looking from various 9 views of this model, it is a 10 representation of the assembly shown in 11 Figure 18? 12 A. It looks like a reproduction of a 13 possible representation of what's in 14 Figure 18. 15 Q. I'm going to zoom in a little. 16 By the way, are you interested in 17 operating this model at all yourself? 18 A. Not so far. 19 Q. I'm going to zoom in a little bit. And 20 this is still the view from Figure 18. 21 You see that? 22 I can click Figure 18 on and off. 23 A. This is -- 24 Q. Sorry. From this angle, this is the 25 same view of the object as in Figure 18?

117 1 - Eric Ledet, Ph.D. - 2 A. This looks like it is a similar 3 reproduction of Figure 18, but 4 impossible to tell from looking at this, 5 whether it's what actually was 6 visualized in Figure 18 or not. 7 Q. I'm going to slowly rotate the view 8 around the upper screw so we can see 9 where -- in this representation, it will 10 enter the first bore. Okay? 11 Understand? 12 A. Yes. I understand. 13 Q. So you can see the screw head in light 14 green and the bore in red. 15 Do you see that? 16 A. I see what you're calling the bore in 17 red and what you're calling the screw 18 head in light green, yes. 19 Q. So you see red color where the screw 20 enters the first bore here? 21 A. I can't see the first bore. I'm sorry. 22 Say that again. 23 Q. You see red color where the screw enters 24 the first bore here? 25 A. Where it enters the first bore?	119 1 - Eric Ledet, Ph.D. - 2 various views of the model that we've 3 been looking at for the last few 4 minutes. I will designate these as 5 Exhibit 1036. 6 * * * 7 (Exhibit 1036 herein marked for 8 identification.) 9 * * * 10 BY MR. KAMHOLZ: 11 Q. You see that these are printouts of the 12 model we've been looking at? 13 A. It appears that, yes. 14 Q. Turn to page -- I'm sorry. 15 On page 1, you can see that this 16 is an initial view roughly corresponding 17 to Figure 18? 18 A. Yes, roughly corresponding to Figure 18. 19 Q. And turn to page 2. You see that this 20 is a rotated view in which you can see 21 the screw with the head in light green 22 and the shaft in dark green? 23 MR. FERRARO: I'm going to object 24 to the extent it's not an accurate 25 representation.
118 1 - Eric Ledet, Ph.D. - 2 Q. Yes. This is the screw head. The green 3 is the screw head; correct? 4 I'll go back to the original 5 view. 6 A. As you have defined it in this figure, 7 that appears to be the screw head, yes. 8 Q. You can tell I'm still a bit of a 9 blender novice. 10 As I rotate -- I think the 11 program may have frozen. Let me try 12 this again. 13 We're back to the view we had 14 before. 15 MR. KAMHOLZ: Excuse me. While we 16 have technical difficulties, can I go 17 off the record? 18 * * * 19 (Discussion off the record.) 20 * * * 21 BY MR. KAMHOLZ: 22 Q. Now, before the technical glitch, I was 23 swivelling around to -- 24 MR. KAMHOLZ: I'm giving the 25 witness a series of printouts from	120 1 - Eric Ledet, Ph.D. - 2 BY MR. KAMHOLZ: 3 Q. And you can see -- 4 Did you see that? 5 A. I see what's represented as the screw 6 head in light green here and the surface 7 of the bore, whatever, in red here, yes. 8 Q. Turn to page 3. You can see another 9 view of the -- of the model showing the 10 interaction of the screw and the bore? 11 MR. FERRARO: Same objection. 12 A. I see an image of a model of a screw in 13 a bore. 14 Q. And do you see underneath the shaft of 15 the screw a slice of what's very dark 16 red? 17 A. In this image, what appears to be 18 towards the bottom of the page relative 19 to the threads on the screw, I do see 20 some red here, yes. 21 Q. Turn to page -- Thank you. 22 Turn to page 4. Similarly, you 23 see some red area between the green and 24 the blue? 25 MR. FERRARO: Same objection.

121 1 - Eric Ledet, Ph.D. - 2 A. In this image representing a screw and a 3 bore I do see some red below, meaning 4 towards the bottom of the page, below 5 the threaded part of the screw. 6 Q. And on page 5, again, you see red? 7 A. Yes. Again, in this -- 8 MR. FERRARO: Same objection. 9 A. -- in this image of a screw in a bore, I 10 do see red below, meaning towards the 11 bottom of the page, of the green part of 12 the screw. 13 Q. And on page 6, again, you see red? 14 A. Same -- 15 MR. FERRARO: Same objection. 16 A. Same thing. In this image of a screw in 17 a bore, I see red in the image below the 18 green portion of the screw. 19 Q. And in page 7, you see the red? 20 MR. FERRARO: Same objection. 21 A. Same response. In this image of a screw 22 in a bore, I see red below the green 23 part of the screw. 24 Q. And then on page 8, you see red 25 extending all the way in the part	123 1 - Eric Ledet, Ph.D. - 2 three-dimensional model matches this 3 exactly unless this two-dimensional 4 drawing was derived from the 5 three-dimensional model. 6 Q. And it's inappropriate to imagine 7 things, as you said earlier, when 8 interpreting -- trying to extrapolate a 9 three-dimensional model from a 10 two-dimensional image; correct? 11 A. Correct. 12 Q. But in the model that we've looked at, 13 and you can look through these pages 2 14 through 8, you can see red color 15 everywhere at the place where the screw 16 enters the bore; correct? 17 MR. FERRARO: Objection, to the 18 extent it's not an accurate 19 representation of Figure 18. 20 A. In the views that are provided in pages, 21 I'm sorry, it's two 2 -- pages 2 through 22 8 of this particular screw and this 23 particular bore, there is red showing 24 below the screw in each of the images. 25 Q. So what appears to be abutment
122 1 - Eric Ledet, Ph.D. - 2 visible between the screw and the bore? 3 MR. FERRARO: Same objection. 4 A. The context of this image is a little 5 bit more challenging because it is 6 zoomed way in. But if we are looking at 7 sort of that under part of the screw, I 8 see a screw sticking through a bore with 9 some red shown below the green part of 10 the screw. 11 Q. Now, earlier when we began looking at 12 this model, you agreed that, to the 13 extent you could observe the model, it 14 was in agreement with Figure 18. That 15 is to say, when you look at this model 16 from the view presented in Figure 18, 17 which you are in agreement; right? 18 MR. FERRARO: Objection to form. 19 A. I don't think that by looking at this 20 Figure 18, that I could determine 21 whether a three-dimensional model 22 matches what the intent is in this 23 figure. It is by definition a 24 two-dimensional figure. And so it would 25 be impossible to tell whether a	124 1 - Eric Ledet, Ph.D. - 2 between -- if you go to the page 1 3 there, or Figure 18 -- what appears to 4 be abutment between the first screw of 5 that exterior surface of the screw -- of 6 the first -- the exterior surface of the 7 head of the first member and the 8 external surface of the third member, in 9 this three-dimensional model, when 10 rotated to a different view, reveals 11 that there is not abutment? 12 MR. FERRARO: Objection to form. 13 BY MR. KAMHOLZ: 14 Q. In this model. 15 MR. FERRARO: Same objection as to 16 the model. 17 A. I'm sorry. Was there a question? I 18 missed the question in there. 19 Q. What appears to be abutment between the 20 first screw of the first -- of the 21 exterior surface of the head of the 22 first member and the external surface of 23 the third member in Figure 18, and also 24 on page 1 of Exhibit 1036, is revealed 25 as not abutting in the alternative views

125 1 - Eric Ledet, Ph.D. - 2 of the 3D model shown on pages 2 to 8 of 3 Exhibit 1036; correct? 4 A. So the model -- 5 MR. FERRARO: Same objections. 6 A. The model shown in these images, it's 7 not clear to me how accurately or 8 inaccurately this model reflects the 9 figure shown -- the Figure 18. 10 Figure 18, I interpret what I'm seeing 11 in Figure 18 based on the figure as well 12 as the language that's in the 13 specification and the other figures. 14 And I can't tell by looking at this 15 model or these views that you've 16 provided to me how accurate or 17 inaccurate a representation this model 18 is relative to Figure 18. 19 So if you're asking me to draw 20 any conclusions about what I'm seeing in 21 the model and Figure 18, I can't do 22 that. 23 Q. You've spent some time today reading the 24 sections of the specification you cited 25 in support of the proposed new claims;	127 1 - Eric Ledet, Ph.D. - 2 follows? 3 A. So I'd like to take a moment to look 4 through the specification, but this 5 model does not necessarily represent 6 what is shown in Figure 18. And it does 7 not necessarily represent what's in the 8 specification. This is one possible 9 model that looks like this figure, but 10 the details in the model and, in 11 particular, the geometry of the head, 12 head portion of the screws, and the 13 bores in the apertures, slight 14 differences between the model and what's 15 intended for this figure could make a 16 big difference in the types of things 17 that you're asking me as far as the 18 contact between members. 19 Q. You mean you can't tell from -- 20 A. Your model. 21 Q. You can't tell -- 22 You can't tell whether this model 23 is an accurate depiction of what was 24 intended? 25 A. I can't tell whether your model is an
126 1 - Eric Ledet, Ph.D. - 2 right? 3 A. Yes. Some of them, yes. 4 Q. And in particular the portions of the 5 specification that describe Figure 18; 6 correct? 7 A. Yes. 8 Q. And have you identified anything in 9 those descriptions that is inconsistent 10 with this model? 11 A. The geometry of the model, the way that 12 the first member and the second member 13 make contact with the third member, 14 that's unclear whether that follows 15 what's in the specification. 16 Figure 18 supports the narrative 17 of the specification and the description 18 of the relationships between the 19 members, the first member and the third 20 member, and then the second member and 21 the third member. 22 Q. You said it's unclear whether the model 23 follows what's in the specification. 24 Which portions of the 25 specification is it unclear that it	128 1 - Eric Ledet, Ph.D. - 2 accurate depiction of what was intended 3 in the specification and is shown in 4 Figure 18. 5 Q. And you're going to identify portions of 6 the specification that you believe are 7 inconsistent with the model? 8 MR. FERRARO: Is there a question 9 pending, just so I'm clear? 10 MR. KAMHOLZ: Yes. The witness is 11 looking for passages in the 12 specification he believes are 13 inconsistent with the model. That's 14 what I asked. 15 A. Can we go back to the model? We can't 16 go back to the model? 17 Q. I can provide you with a copy of it. 18 A. Well, I thought I saw gaps when we were 19 looking up through one of the views more 20 towards what is described in Figure 18 21 as the first aperture. It looked like 22 there were gaps that were there as well. 23 And that appears to me to be 24 inconsistent with what is described in 25 the specification for the Morse taper

129 1 - Eric Ledet, Ph.D. - 2 that is described here and the fixed 3 angle, as if there were gaps. 4 Q. Do you see the small black areas? 5 A. Yes. 6 Q. And actually, if you look on page 9 of 7 Exhibit 1036, do you see the white 8 area -- 9 A. Yes. 10 Q. -- that corresponds -- 11 Are those the gaps you're 12 referring to? 13 A. Those are some of the gaps that I'm 14 referring to, yes. 15 Q. And it's your position that an 16 interference fit could not exist -- 17 A. I'm sorry to interrupt you. I'm not 18 sure if those are the gaps I'm talking 19 about or not. I need to look at it from 20 the underside, the side that we were 21 looking at it from before. 22 Q. All right. This is an animation from 23 the model. I'm not sure if it'll 24 show... 25 Is that a gap?	131 1 - Eric Ledet, Ph.D. - 2 and the third member. 3 Q. And if you look at Exhibit 2021, page 4 37. 5 A. Yes, I'm there. 6 Q. The paragraph -- The sentence beginning 7 in line 11, "Additionally, each of the 8 bulbous portions..." 9 MR. FERRARO: What line number is 10 it, Scott? 11 MR. KAMHOLZ: The sentence 12 beginning on line 11 of page 37 in 13 Exhibit 2021. 14 A. Yes, that's what I'm referring to, that 15 relationship that is partially described 16 there. 17 Q. So it's your contention that, for this 18 requirement to be satisfied, there would 19 have to be contact all the way around 20 the circumference where the head 21 interacts with the first aperture? 22 MR. FERRARO: Objection to form. 23 A. There would have to be a matching taper. 24 A Morse taper is a very specific thing. 25 There would have to be a matching taper
130 1 - Eric Ledet, Ph.D. - 2 A. Yeah. I'm talking about in the upper 3 left up there, yes. 4 No. I think you just went past 5 where I was talking about. 6 Q. Well, we have limited views. 7 Right there? 8 A. Yeah. You just went past a couple of 9 views that show to me a gap that would 10 be inconsistent with the way that the 11 relationship between those two members 12 is described. 13 Q. Does black sort of crescent above the 14 head, that's what you're referring to? 15 A. That is one of the things I'm referring 16 to, yes. 17 Q. And when referring to that, you mean 18 that a gap there is inconsistent with a 19 locked interference fit at the first 20 aperture as is described in Figure 18? 21 A. Having gaps in between the head of the 22 screw and the bore is not consistent 23 with the relationship that's described 24 between the Morse taper and the locking 25 relationship between the first member	132 1 - Eric Ledet, Ph.D. - 2 between the head of the first member and 3 the bore of the third member in each 4 case to get that Morse taper that's 5 described here for the interference fit. 6 Q. It's your opinion that a Morse taper is 7 required? 8 A. A Morse taper is one of the types of 9 tapers that's described here. 10 Q. But it's not required? 11 A. It says here that it -- 12 MR. FERRARO: Objection to form. 13 A. It says here that it must have a taper, 14 such as a Morse taper. So a Morse taper 15 would be one of the types of tapers that 16 would achieve what's described here, to 17 get this interference fit. And in my 18 opinion, looking at a model where I see 19 gaps would not be sufficient to get the 20 interference fit that is described here. 21 Q. And what do you mean by "gaps"? 22 A. What we were just describing on the 23 solid model, the animation that you were 24 just showing me. 25 Q. And that would be a gap between the

133 1 - Eric Ledet, Ph.D. - 2 exterior surface of the head of the 3 screw and the first aperture of the 4 bore -- of the first bore? 5 A. Can you say that again? 6 Q. The gap would be between the exterior 7 surface of the head of the screw and the 8 first aperture of the first bore? 9 A. Gaps around the taper of the head of the 10 screw. 11 Q. And so it's your opinion that the gaps 12 shown in the model lead you to conclude 13 that the model is not an accurate 14 representation of Figure 18? 15 A. It leads me to conclude that the model 16 may not be an accurate representation of 17 what's in Figure 18. 18 Q. And your concern is that the presence of 19 a gap, as you observe here, is 20 inconsistent with the presence of a 21 locked interference fit? 22 A. No. My concern is that you're asking me 23 to answer questions about a model that 24 I'm not sure whether it represents 25 Figure 18 or not.	135 1 - Eric Ledet, Ph.D. - 2 MR. KAMHOLZ: I understand. 3 MR. FERRARO: And then you can 4 just ask and the objection will flow. 5 Thank you. 6 BY MR. KAMHOLZ: 7 Q. I'm also bringing up on the screen what 8 will be designated Exhibit 1035, which 9 is another computer file. And I have a 10 one-pager here summarizing the identity 11 of the file. And I'll supply a copy of 12 this. 13 Do you see that this is a 14 representation of Figure 9 in the '166 15 patent? 16 A. I'm sorry. Can you ask me the question 17 again? 18 Q. You see on the screen a representation 19 of Figure 9 from the '166 patent? 20 A. Yes. 21 Q. This is, again, a blender file. 22 And you see I click on gray 23 shading as we did before for Figure 18? 24 A. Yes. 25 Q. And that is in agreement with the lines
134 1 - Eric Ledet, Ph.D. - 2 Q. A locked interference fit between the 3 bulbus portion and the aperture 1835 4 requires contact between those two 5 structures; correct? 6 A. Yes. I believe it would require contact 7 between those two structures. 8 Q. And it requires contact between those 9 two structures all the way around the 10 circumference of the bulbus portion? 11 MR. FERRARO: Objection to form. 12 A. I don't know that. 13 MR. KAMHOLZ: I am giving the 14 witness a document to be designated 15 Exhibit 1037. 16 * * * 17 (Exhibit 1037 herein marked for 18 identification.) 19 * * * 20 MR. FERRARO: Scott, to avoid sort 21 of objecting after every question, maybe 22 I'll just object at the top -- you know, 23 to the extent this isn't an accurate 24 representation, we'll object to all the 25 questions that follow.	136 1 - Eric Ledet, Ph.D. - 2 drawn in Figure 9. I'll click it on and 3 off. 4 A. Yes. I see that the gray shading is 5 contained within some of the lines, or 6 contained within the lines. 7 Q. I'm sorry, it crashed again. So we'll 8 have to go back to the drawings I've 9 already given you. 10 For the moment that you can see 11 it, you saw that the lines of the model 12 corresponded with the lines of Figure 9. 13 A. Just like the previous solid model that 14 you showed, it looks like a reproduction 15 that is similar in form to Figure 9. 16 Q. And if you look at the Exhibit 1037, 17 you'll see that the page 1 is a 18 representation of Figure 9 from the -- 19 taken from the 3D model? 20 A. Again, this appears to be a reproduction 21 of something that looks similar to 22 Figure 9. 23 Q. If you turn to page -- Sorry. Stay on 24 page 1. 25 You'll see that, as in the

137 1 - Eric Ledet, Ph.D. - 2 Figure 18 model, the screw is shaded in 3 green; right? 4 A. I see that, yes. 5 Q. The screw head is shaded in light green? 6 A. I see that, yes. 7 Q. The third member is shaded in blue? 8 A. I see that, yes. 9 Q. And the bore is shaded in red? 10 A. I'll call that red. 11 Q. Thank you. 12 Turn to page 2, please. This is 13 a close-up view that's been slightly 14 rotated. If you'll indulge me to use 15 your imagination. 16 A. I see what you're describing here. 17 Q. And you can see that the red area, which 18 is somewhat shaded here, extends around 19 the bottom, the side, and the top of the 20 screw as it enters the bore. 21 Do you see that? 22 A. I can see in this image the red of the 23 bore that is shown here and the screw 24 that is shown here, and a -- some of the 25 red is visible around parts of the screw	139 1 - Eric Ledet, Ph.D. - 2 when I just answered the last question 3 that you asked me. 4 Q. Can you turn back to page 3? 5 A. I'm back on page 3 now. My apologies. 6 Q. And you can see that red is visible 7 around the circumference of the head of 8 the screw to the extent the head is 9 visible? 10 A. And this does look more like an axial 11 view as you originally described it. 12 And what I can see is, in this view of a 13 screw in an aperture -- excuse me, in a 14 bore, that there is some red showing 15 around the edges of the screw or screw 16 head. 17 Q. And turning back to page 4, your 18 description earlier stands, you can see 19 some red above and some red below the 20 screw head? 21 A. My response from earlier stands, yes. 22 Q. Thank you. 23 And turn to page 5. This is 24 taken from another angle. 25 Again, you can see areas of red
138 1 - Eric Ledet, Ph.D. - 2 or screw head. 3 Q. The darkened areas are, I believe, red 4 areas that are obscured by a shadow? 5 A. Understood. 6 Q. Turn to page 3, please. 7 You can see page 3 is sort of an 8 axis-on view along the screw looking 9 back toward the third member? 10 A. I wouldn't call this an on-axis view, 11 but I understand what view I'm looking 12 at here. 13 Q. Thank you. 14 And you can see that areas of red 15 are visible all the way around the 16 portion of the circumference of the 17 screw head that's visible? 18 A. I do not see it all the way around the 19 circumference. I can see red relative 20 to the orientation of the page below the 21 green part of the screw and a little bit 22 above the green part of the screw. 23 Q. And on page 4, this is a view from the 24 other side. 25 A. I apologize. I was looking at page 4	140 1 - Eric Ledet, Ph.D. - 2 where the screw enters the bore? 3 A. I can see in this image of a screw in a 4 bore, that there is red showing around 5 the head or shaft of the screw. 6 Q. Thank you. We will, of course, provide 7 you with copies of the computer files. 8 We got at least a glimpse of them today. 9 Turn back to your -- sorry, to 10 Exhibit 2021, page 74. That's the 11 Figure 18. 12 A. Okay. I'm there. 13 Q. This is the only figure in the '166 14 patent that shows both the third member 15 and the second member; correct? 16 A. I believe that is correct, yes. 17 Q. And you recall that the proposed new 18 Claim 16 requires that the third member, 19 that is the vertical screw in that 20 figure labeled 1815, extends along a 21 third longitudinal axis? 22 That's on page 50 of your 23 declaration. 24 A. I see that, yes. That is correct. 25 Q. And the third longitudinal axis is

141 1 - Eric Ledet, Ph.D. - 2 identified by number 1806 in Figure 18? 3 A. That's correct. Yes. 4 Q. And the proposed new Claim 16 requires 5 that the second bore extends along a 6 second bore axis; correct? 7 A. Correct. 8 Q. And the second bore axis is identified 9 by the number 1804 in Figure 18; right? 10 A. Correct. 11 Q. Now, proposed new Claim 16 also requires 12 that the second bore axis be 13 substantiated perpendicular to the third 14 longitudinal axis. 15 Do you recall that? 16 A. I do, yes. 17 Q. It's on page 53 of your declaration. 18 And it's your opinion that the 19 '166 patent discloses this limitation; 20 correct? 21 A. Yes, it is. 22 Q. And in your citations, in support -- 23 showing support for that limitation on 24 page 53 of your declaration, you cite -- 25 Well, you cite everything that you	143 1 - Eric Ledet, Ph.D. - 2 MR. FERRARO: Objection to form. 3 A. Again, it looks substantially 4 perpendicular to me. 5 Q. Would you say that the angle between the 6 bore -- second bore axis and the third 7 longitudinal axis is within about 10 to 8 15 degrees of perpendicular? 9 A. It looks substantially perpendicular to 10 me. 11 Q. Does it look exactly perpendicular to 12 you? 13 A. It looks substantially perpendicular to 14 me. 15 MR. KAMHOLZ: I'm giving the 16 witness a pen, and I'm giving the 17 witness a protractor. 18 BY MR. KAMHOLZ: 19 Q. Now, using the straight edge of the 20 protractor, would you please draw on 21 your copy of page 74 of Exhibit 2021 a 22 continuation of axis 1806 all the way 23 through the third number? 24 In other words, draw -- join up 25 the top and bottom portions of that
142 1 - Eric Ledet, Ph.D. - 2 cited. We'll go with the right-hand 3 column that's Exhibit 2021, not 4 Exhibit 2015. 5 A. Correct. 6 Q. And it's all those pages listed there as 7 well as the figures; correct? 8 A. Correct. 9 Q. So you cite Figure 18 as providing 10 support for that limitation; right? 11 A. Yes. 12 Q. And it is your opinion that Figure 18 13 shows that the second bore axis is 14 substantially perpendicular to the third 15 longitudinal axis? 16 A. Yes. 17 Q. The angle looks a little less than 18 90 degrees as it's displayed on the 19 page; right? 20 MR. FERRARO: Objection to form. 21 A. It looks substantially perpendicular to 22 me. 23 Q. So whatever the angle is, it's close 24 enough to 90 degrees, in your opinion, 25 to be substantially perpendicular?	144 1 - Eric Ledet, Ph.D. - 2 axis. 3 A. (Complies.) 4 Q. Tell you what. I'll give you a red pen, 5 and you can try again. 6 A. (Complies.) 7 Q. And now, using the straight edge of the 8 protractor, would you draw a 9 continuation of axis 1804 all the way 10 through the second member and second 11 bore? 12 A. (Complies.) 13 Q. And using the protractor, would you 14 measure that angle, please? 15 A. As it is shown in this projected 16 two-dimensional view of this 17 three-dimensional object, the projected 18 angle, as I've marked it up here, is 19 approximately 80 degrees. 20 Q. Okay. 21 MR. KAMHOLZ: I'm giving the 22 witness a copy of an exhibit to be 23 marked 1038. 24 * * * 25 (Exhibit 1038 herein marked for

145 1 - Eric Ledet, Ph.D. - 2 identification.) 3 * * * 4 BY MR. KAMHOLZ: 5 Q. You recognize this as another projection 6 of the Figure 18 model that we looked at 7 earlier? 8 A. I recognize this as a view of the same 9 model that we looked at earlier, that is 10 a reproduction that is intended to look 11 like Figure 18. 12 Q. I know it's hard to tell from the single 13 view, but would you accept my 14 representation that this is a face-on 15 view of the model? 16 A. For this model, I understand what you're 17 indicating this represents. 18 Q. The original model was angled a little 19 bit out of the plane of the paper and 20 it's been swivelled into the plane of 21 the paper for purposes of this view. 22 A. I understand what you're describing. 23 Q. Would you do -- 24 Would you repeat what you did for 25 the Figure 18 model, draw an axis	147 1 - Eric Ledet, Ph.D. - 2 Q. And it's your opinion that that angle is 3 substantially perpendicular? 4 A. I can't -- 5 MR. FERRARO: Objection to form. 6 A. I can't really opine on -- on this, 7 looking at this two-dimensional view. 8 It's something that I haven't seen 9 before, don't know how this is 10 described, because this is not identical 11 to Figure 18. 12 MR. KAMHOLZ: Why don't we take a 13 break? 14 * * * 15 (A brief recess was taken.) 16 * * * 17 MR. KAMHOLZ: I have no further 18 questions. 19 MR. FERRARO: Okay. Can we take 20 10 minutes or so to -- I wasn't 21 expecting that. Ten, maybe 15? But 22 I'll try to keep it short. 23 What's your timeline? I'll try to 24 be respectful of that. 25 MR. KAMHOLZ: ASAP.
146 1 - Eric Ledet, Ph.D. - 2 through the third member? 3 MR. FERRARO: I'm just going to 4 object to the extent that it's not 5 perfectly the way you described it, 6 that's all, in terms of that it's been 7 rotated to be flush with the paper, 8 essentially. We just can't tell, so 9 we'll object to that. 10 MR. KAMHOLZ: Understood. 11 A. It would also be challenging to know 12 exactly where the midline of each of 13 these members are. And that will make a 14 difference when I'm taking a 15 quantitative measurement here. 16 Q. We will rely on your expertise to do 17 your best. 18 A. (Complies.) 19 Q. And measure that, please. 20 A. In this drawing that you've handed me of 21 this model that appears to be a 22 reproduction, you know, representation, 23 not necessarily an exact reproduction of 24 what's in Figure 18, I measure that 25 angle to be about 78 degrees.	148 1 - Eric Ledet, Ph.D. - 2 * * * 3 (A brief recess was taken.) 4 * * * 5 EXAMINATION 6 BY MR. FERRARO: 7 Q. If you could turn to paragraph 112 on 8 page 72 of your declaration. 9 A. Okay. I'm there. 10 Q. Is that paragraph written as you 11 intended it? 12 A. No, it is not. 13 Q. Can you explain? 14 A. There appears to be a typo. In the 15 first sentence, the word "not" is 16 missing. It should read: Simon does 17 not disclose screws that have threads -- 18 that have heads and, therefore, does not 19 teach having the exterior surface of a 20 head the first member. 21 So the word "not" is missing 22 right where the line breaks there. 23 Q. Okay. Thank you. 24 Earlier today you were shown 25 exhibits, and I'll just kind of talk

149 1 - Eric Ledet, Ph.D. - 2 about them all together, because it's 3 really just one question. Exhibits 1019 4 to 1021, 1025, and 1026. 5 Do you recall seeing those 6 exhibits? 7 A. Yes, I do. 8 Q. And 1022. Apologies. 9 A. Yes, I do. 10 Q. Okay. Is it your opinion you didn't 11 need to take these documents into 12 consideration to render your opinion in 13 this matter? 14 MR. KAMHOLZ: Objection. Leading. 15 Objection. Leading. 16 A. I did not need to take these exhibits -- 17 specific exhibits into consideration to 18 render my opinion. My opinions were 19 based on my approximately 30 years of 20 experience in orthopedic surgery and 21 product development, and the many, many 22 journal articles, research articles, and 23 patents and patent applications that I 24 reviewed over that period. 25 Q. And that answer relates to also	151 1 - Eric Ledet, Ph.D. - 2 the first member and a taper in the bore 3 of the -- the first bore of the third 4 member. And the intent of the 5 relationship, the assembly between the 6 first member and the third member, is 7 that is locking at a fixed angle. 8 And in order for that to lock at 9 a fixed angle, I believe that would have 10 to make contact at that point. 11 Q. And what would happen if it wasn't 12 locked at that point that we're talking 13 about at the second aperture, if the -- 14 if the screw 1805, the head of that 15 screw was not locked at the second 16 aperture of the third member? 17 A. I believe that if there were gaps 18 around -- or gaps between the head of 19 the first member and the bore on the 20 third member, that that would not 21 provide a sufficient locking fixed-angle 22 assembly. And that, under any type of 23 mechanical challenge, that that screw 24 would actually move. And that's not 25 consistent with what is described in the
150 1 - Eric Ledet, Ph.D. - 2 Exhibit 1023, which I might have 3 inadvertently left off? 4 A. That's correct. It also applies to 5 Exhibit 1023 as well. 6 Q. Okay. Thank you. 7 Could you turn to Figure 18 of 8 the '166 patent, please? 9 A. Okay. I have it here. 10 Q. Okay. Give me a second. 11 Is it your opinion that the 12 exterior surface of the head of the 13 first member abuts the interior surface 14 of the first bore at the second 15 aperture? 16 MR. KAMHOLZ: Objection. Leading. 17 A. Yes, it is. 18 Q. And is that shown in Figure 18? 19 A. I believe that to be shown in Figure 18, 20 yes. 21 Q. And why do you think it's shown in 22 Figure 18? 23 A. It's shown in Figure 18 in light of the 24 specification where the narrative 25 describes having a taper on the head of	152 1 - Eric Ledet, Ph.D. - 2 specification, which is that this is 3 locked at a fixed angle. 4 Q. Okay. Let's turn to Exhibit 1036. 5 You recall Scott showing you that 6 earlier this afternoon? 7 A. Yes, I do. 8 Q. Is it your opinion that it is an 9 accurate representation of Figure 18 of 10 the '166 patent? 11 A. It is not necessarily an accurate 12 representation of Figure 18. 13 Q. And can you give me one example as to 14 why it's not an accurate representation 15 of Figure 18 of the '166 patent? 16 MR. KAMHOLZ: Objection. 17 Mischaracterizes the witness' testimony. 18 A. Looking at, for example, Figure 6 of the 19 Exhibit 1036, the gaps that are shown in 20 between the bore of this member which is 21 shown in red, the inside surface is 22 shown in red, and the head of the screw, 23 which is shown in light green, those 24 gaps suggest that this would not be a 25 functional representation that would

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1 - Eric Ledet, Ph.D. -
 2 achieve what's described in the
 3 specification of the screw -- sorry, of
 4 the first member and third member being
 5 fixed and locked at a specific angle.
 6 This appears to me, in the way
 7 that this is depicted in Figure 6 and
 8 the rest of the figures, there was a big
 9 gap shown between the screw head of the
 10 first member and the bore of the third
 11 member, that this would not be
 12 functional at a fixed angle --
 13 functional to achieve a fixed angle if
 14 this were subjected to any mechanical
 15 challenge.
 16 Q. Okay. And can you please take a look at
 17 Exhibit 1037?
 18 A. Okay. I have that.
 19 Q. Okay. And on page 1 -- Well, really the
 20 whole exhibit.
 21 Is this -- Would you say this is
 22 an accurate representation of what's
 23 shown in Figure 9 of the '166 patent?
 24 MR. KAMHOLZ: Objection. Leading.
 25 A. I do not think this is necessarily an

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1 - Eric Ledet, Ph.D. -
 2 accurate reproduction -- or accurate
 3 representation of what is in Figure 9 of
 4 the '166 patent.
 5 Q. And can you give me one example as to
 6 why it's not an accurate representation
 7 of Figure 9 of the '166 patent?
 8 MR. KAMHOLZ: Objection.
 9 Mischaracterizes.
 10 A. Yeah. We didn't actually go through all
 11 the pages, but just looking at the
 12 figure that's on page 1 and comparing
 13 that to Figure 9, there are actually
 14 gaps that are shown in Figure 1 of the
 15 1037 Exhibit that do not look to me like
 16 they are in Figure 9.
 17 Gaps at the junction between the
 18 head of the screw and the bore of the --
 19 I don't know what to call this -- the
 20 blue member that's in Figure 1 here. So
 21 the head -- the light green head of the
 22 green screw and the bore on the blue
 23 member, when I look at the interface
 24 between those two in Figure 1 and I
 25 compare it to the interface between

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1 - Eric Ledet, Ph.D. -
 2 those analogous members in Figure 9 of
 3 the '166 patent, I see what looks like
 4 gaps shown in Figure 1 that do not
 5 appear to be there in Figure 9.
 6 And small differences in
 7 dimensions when we're talking about a
 8 tapered head fitting into a tapered
 9 bore. Small differences in dimensions
 10 could have a huge functional change in
 11 whether this is actually a locking,
 12 fixed construct. And so, therefore,
 13 what I see in Exhibit 1037 does not
 14 necessarily represent what I see in
 15 Figure 9 of the '166 patent.
 16 MR. FERRARO: No further
 17 questions. Thank you, Dr. Ledet.
 18 MR. KAMHOLZ: I have no further
 19 questions.
 20 * * *
 21 (Whereupon, the proceedings
 22 concluded at 2:33 p.m.)
 23 * * *
 24
 25

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1 - Eric Ledet, Ph.D. -
 2 I N D E X
 3 TO TESTIMONY
 4 WITNESS EXAMINATION BY PAGE
 5 ERIC H. LEDET, PhD.
 6 Mr. Kamholz 3
 7 Mr. Ferraro 148
 8
 9 TO EXHIBITS: (Retained By Counsel)
 10 FOR ID DESCRIPTION PAGE
 11 EXHIBIT 2012 (Part 1) - Declaration ... 3
 12 EXHIBIT 2022 (Part 2) - CV 4
 13
 14 EXHIBIT 1019 US Patent Number 6,056,753
 15 to Jackson 12
 16 EXHIBIT 1020 US Patent Application
 17 Publication Number US 2006/0200147. 16
 18 EXHIBIT 1021 US Patent Number 5,562,670
 19 to Per-Ingvar Brånemark 18
 20 EXHIBIT 1022 US Patent Number 10,639,076 6
 21 EXHIBIT 1023 2006 paper: An Expert
 22 Review of Medical Devices 8
 23 EXHIBIT 1025 US Patent Number 4,726,121
 24 to Ray, et al. 20
 25

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1 - Eric Ledet, Ph.D. -

2 TO EXHIBITS: (Retained By Counsel)

3 FOR ID	DESCRIPTION	PAGE
4 EXHIBIT 1026	US Patent Number 4,327,770	
5	Brown	22
6 EXHIBIT 1034	Computer file	
7	Name: Fig-19.blend	106
8 EXHIBIT 1035	Computer file	
9	Name: Fig-9.blend	106
10 EXHIBIT 1036	Printouts of model	119
11 EXHIBIT 1037	Representations of Fig. 9	134
12 EXHIBIT 1038	Representations of Fig. 18	144

13

14

15

16 INFORMATION/REQUESTS

17 Documents Page

18 (None)

19

20

21 MARKED QUESTIONS Page/Line

22 (None)

23

24

25

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1 - Eric Ledet, Ph.D. -

2 SHORTHAND REPORTER CERTIFICATION

3 I, the undersigned, a certified

4 shorthand reporter of the State of New York,

5 do hereby certify:

6 That the proceedings within were taken

7 before me at the time and place herein set

8 forth; that any witnesses in the foregoing

9 proceedings, prior to testifying, were duly

10 sworn; that a record of the proceedings was

11 made by me using machine shorthand, which

12 was thereafter transcribed under my

13 direction;

14 that the foregoing transcript is a true

15 record of the testimony given.

16

17 Further, that if the foregoing pertains

18 to the original transcript of a deposition

19 in a federal case, before completion of the

20 proceedings, review of the transcript

21 [] was [] was not requested.

22

23 I further certify I am neither

24 financially interested in the action nor a

25 relative or employee of any attorney or

party to this action.

Dated: April 15, 2024



BRENDA J. O'CONNOR-MARELLO, CSR
NYS License No.: 001088-1

Notary Public, State of New York.
Qualified in Saratoga County
Commission Expires: April 4, 2026

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1 - Eric Ledet, Ph.D. -

2 DECLARATION/WITNESS CERTIFICATION

3 Case: FUSION ORTHOPEDICS, LLC v. EXTREMITY

4 MEDICAL, LLC

5 Witness: ERIC H. LEDET, PhD.

6 Deposition Date: April 15, 2024

7 I declare under penalty of perjury

8 that I, ERIC H. LEDET, PhD., the witness

9 herein, have read the entire transcript of

10 my deposition taken in the captioned matter

11 or the same has been read to me, and the

12 same is true and accurate, save and except

13 for changes and/or corrections, if any, as

14 indicated by me on the DEPOSITION ERRATA

15 SHEET hereof, with the understanding that I

16 offer these changes as if still under oath.

17

18 ERIC H. LEDET, PHD.

19

20 Sworn to, before me, this _____ day

21 of _____, 20____.

22

23 _____

24 [_____](print)

25 Notary Public.

Registration No.: _____

State of _____

Qualified in _____ County.

My commission expires _____.

160

1 - Eric Ledet, Ph.D. -

2 DEPOSITION ERRATA SHEET

3 Case: FUSION ORTHOPEDICS, LLC v. EXTREMITY

4 MEDICAL, LLC

5 Witness: ERIC H. LEDET, PhD.

6 Deposition Date: April 15, 2024

7 Reason Codes:

8 1: To clarify the record

9 2: To conform to the facts

10 3: To correct transcription errors.

11 PAGE/LINE	CORRECTION MADE	REASON CODE
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1 - Eric Ledet, Ph.D. -
2 DEPOSITION ERRATA SHEET
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21 Subject to the above changes, I
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23 correct.
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25 No changes have been made. I
26 certify that the transcript is true and
27 correct.
28 _____
29 ERIC H. LEDET, PhD.

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