

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUSION ORTHOPEDICS, LLC,)
) Case No.
) IPR2023-00894
Petitioner,)
vs.) U.S. Patent No.
) 11,298,166
EXTREMITY MEDICAL, LLC,)
Patent Owner.)
-----)

ZOOM DEPOSITION OF
ERIC H. LEDET, Ph.D.
FRIDAY, JULY 12, 2024
10:05 a.m.

Fusion Ortho. v. Extremity Med. IPR2023-00894
Fusion Ex. 1055

Reported by: NICOLE KOCHY, CCR, RPR, CRR

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<p>1 2 3 4 5 6 7 8 DEPOSITION of ERIC H. LEDET, Ph.D., 9 taken stenographically in the above-entitled matter, 10 as taken by and before NICOLE KOCHY, a Certified 11 Court Reporter, Registered Professional Reporter, 12 Certified Realtime Reporter, and Notary Public of the 13 State of New York, held VIA ZOOM, on July 12, 2024, 14 commencing at 10:05 a.m. 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 I N D E X 2 WITNESS PAGE 3 ERIC LEDET 5 4 5 6 * * * * * 7 8 E X H I B I T S 9 (Previously Marked) 10 11 NUMBER DESCRIPTION PAGE 12 Exhibit First Declaration 6 13 2012 14 Exhibit Second Declaration 5 15 2023 16 17 * * * * * 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S : 2 3 SCOTT E. KAMHOLZ, ESQ. 4 TOOLPAT PLLC 5 sek@toolpat.com 6 Counsel for Petitioner 7 8 ABHISHEK BAPNA, ESQ. 9 KELLEY DRYE & WARREN LLP 10 ONE JEFFERSON ROAD 11 PARSIPPANY, NEW JERSEY 07054 12 Abapna@kelleydrye.com 13 Counsel for Patent Owner 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 E R I C L E D E T, having been duly sworn, was 2 examined and testified as follows: 3 EXAMINATION BY MR. KAMHOLZ: 4 (Exhibit 2023 previously marked for 5 identification.) 6 MR. KAMHOLZ: I'm introducing a copy of 7 an exhibit previously marked 2023. I will introduce 8 it through the chat function. Please let me know 9 when you receive it. 10 THE WITNESS: I have multiple monitors 11 open here. I'm going to take the document and open 12 it up on the other monitor so I can see it better. 13 Let me create a folder there so I can see it easily 14 so I don't have to minimize the Zoom each time. 15 Give me one second, please. 16 Okay. I have the document open on the 17 other screen here. 18 BY MR. KAMHOLZ: 19 Q. You recognize Exhibit 2023 as your 20 second declaration in this proceeding? 21 A. Yes, I do. 22 Q. Would you turn to page 3? Do you see in 23 paragraph 7 that you declare that paragraphs 6 24 through 19 of Exhibit 2012 are, quote, "incorporated 25 herein by reference," unquote?</p>

<p style="text-align: right;">Page 6</p> <p>1 A. Yes, I see that.</p> <p>2 Q. You understand "incorporated herein by</p> <p>3 reference" means that paragraphs 6 through 19 of</p> <p>4 Exhibit 2012 form part of your second declaration?</p> <p>5 A. Yes, I do.</p> <p>6 Q. And Exhibit 2012 is your first</p> <p>7 declaration in this proceeding?</p> <p>8 A. I believe that's true, yes.</p> <p>9 (Exhibit 2012 previously marked for</p> <p>10 identification.)</p> <p>11 MR. KAMHOLZ: I'm giving the witness a</p> <p>12 copy of a document previously marked Exhibit 2012 in</p> <p>13 this proceeding. Please let me know when you receive</p> <p>14 it.</p> <p>15 THE WITNESS: Okay. I have that open in</p> <p>16 front of me.</p> <p>17 BY MR. KAMHOLZ:</p> <p>18 Q. Do you recognize Exhibit 2012 as your</p> <p>19 first declaration in this proceeding?</p> <p>20 A. Yes, I do.</p> <p>21 Q. Go back to your second declaration,</p> <p>22 please, Exhibit 2023.</p> <p>23 A. I have that open.</p> <p>24 Q. Looking again at paragraph 7, in your</p> <p>25 second declaration, you see that you incorporate by</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. And what is your primary employer now?</p> <p>2 A. My primary employer is Rensselaer</p> <p>3 Polytechnic Institute. R-e-n-s-s-e-l-a-e-r</p> <p>4 Polytechnic Institute.</p> <p>5 Q. And what is your title?</p> <p>6 A. My title is director of the The Severino</p> <p>7 Center for Technological Entrepreneurship,</p> <p>8 S-e-v-e-r-i-n-o.</p> <p>9 Q. Do you have any other title at RPI?</p> <p>10 A. Not at this time, no.</p> <p>11 Q. Do you have any other employment at this</p> <p>12 time?</p> <p>13 A. That has not changed from my CV. I</p> <p>14 served as chief operating officer for ReVivo Medical.</p> <p>15 Q. And you still hold that position?</p> <p>16 A. I do.</p> <p>17 One additional change to the CV as well.</p> <p>18 My appointment that I had at the Stratton VA hospital</p> <p>19 has expired over the last few weeks as well. So I no</p> <p>20 longer have an appointment at the Stratton VA Medical</p> <p>21 Center.</p> <p>22 Q. Go back to your second declaration,</p> <p>23 Exhibit 2023, please. Page 5. In paragraph 11 you</p> <p>24 see you incorporate by reference paragraphs 30</p> <p>25 through 34 of your first declaration?</p>
<p style="text-align: right;">Page 7</p> <p>1 reference your CV from Exhibit A to Exhibit 2012?</p> <p>2 A. Yes, I see that's written here.</p> <p>3 Q. I'm introducing a copy of an exhibit</p> <p>4 previously marked Exhibit A to Exhibit 2012 in this</p> <p>5 proceeding. Please let me know when you receive it.</p> <p>6 A. I have that open in front of me.</p> <p>7 Q. Do you recognize Exhibit A to</p> <p>8 Exhibit 2012 as containing your CV?</p> <p>9 A. Yes, I do.</p> <p>10 Q. If you look at page 2 of your CV, in the</p> <p>11 lower left corner, you see it's dated February 5,</p> <p>12 2024?</p> <p>13 A. Yes, I see that.</p> <p>14 Q. Do you have any updates to your CV you</p> <p>15 consider relevant to this proceeding?</p> <p>16 A. I have updates to my CV. It's going</p> <p>17 through a transition right now.</p> <p>18 Q. My question was, do you have any updates</p> <p>19 to your CV since February 5, 2024, that you consider</p> <p>20 relevant to this proceeding?</p> <p>21 MR. BAPNA: Objection. Form.</p> <p>22 A. I'm not sure exactly what's relevant to</p> <p>23 the proceeding or not, but I have changed my primary</p> <p>24 position -- my primary employer has changed over the</p> <p>25 last couple of weeks.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. I see that, yes.</p> <p>2 Q. And those paragraphs concern your</p> <p>3 understanding of the person of ordinary skill in the</p> <p>4 art in this proceeding?</p> <p>5 A. Yes.</p> <p>6 Q. Go to your first declaration, please,</p> <p>7 that's Exhibit 2012, paragraph 14.</p> <p>8 A. Okay. I'm there.</p> <p>9 Q. In this paragraph you refer to a patent</p> <p>10 titled "Dynamic Spinal Fixation System, Method of</p> <p>11 Use, and Spinal Fixation System Attachment Portions."</p> <p>12 Do you see that?</p> <p>13 A. I do, yes.</p> <p>14 Q. Do you recall we discussed that patent</p> <p>15 during your deposition in April 2024?</p> <p>16 A. I do recall that, yes.</p> <p>17 Q. Is there any particular reason that you</p> <p>18 cited this patent as representative of your</p> <p>19 experience?</p> <p>20 MR. BAPNA: Objection. Form.</p> <p>21 A. There is no particular reason that I</p> <p>22 recall for citing this particular patent.</p> <p>23 BY MR. KAMHOLZ:</p> <p>24 Q. You recall testifying in the April</p> <p>25 deposition that this dynamic spinal fixation patent</p>

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1 is, quote, one piece of my experience in the relevant
2 art, quote?

3 **A.** I don't specifically recall saying that,
4 but I believe that statement is true, yes.

5 **Q.** Again, looking at paragraph 14 of your
6 first declaration, you see you mention another patent
7 entitled, "Bone Fixation Apparatus With Fastener
8 Securement Mechanism and Method of Use"?

9 **A.** I see that, yes.

10 **Q.** Now, both of the patents mentioned in
11 this paragraph relate to spinal fixation apparatuses,
12 right?

13 **A.** Some of the embodiments that are in each
14 of those patents are specifically -- specifically
15 related to the spine.

16 **Q.** You said some of the embodiments are
17 specifically related to the spine. Are there any
18 embodiments that are not related to the spine?

19 **A.** I would have to go back and look
20 specifically what's disclosed in those patents. I
21 believe that each of those are patent families that
22 have multiple issued patents. I would have to go
23 back and look at exactly what is disclosed in each of
24 those, but I believe that some of the embodiments are
25 agnostic to the specific location in the body and

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C E R T I F I C A T E

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3 I, NICOLE KOCHY, a Registered
4 Professional Reporter, Certified Realtime Reporter,
5 Certified Court Reporter of the States of New Jersey
6 and California, and Notary Public of the State of New
7 York, do hereby certify that prior to the
8 commencement of the examination ERIC LEDET was duly
9 sworn by me to testify the truth, the whole truth and
10 nothing but the truth.

11 I DO FURTHER CERTIFY that the foregoing
12 is a true and accurate transcript of the testimony as
13 taken stenographically by and before me at the time,
14 place and on the date hereinbefore set forth.

15 I DO FURTHER CERTIFY that I am neither a
16 relative nor employee nor attorney nor counsel of any
17 of the parties to this action, and that I am neither
18 a relative nor employee of such attorney or counsel,
19 and that I am not financially interested in the
20 action.

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22 
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Dated: July 23, 2024

NICOLE KOCHY

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1 could be used for multiple different clinical
2 applications.

3 **Q.** For example, they could be used for
4 clinical applications for vertebrae as well as in
5 long bones?

6 **A.** Again, I would have to go back and look
7 at what is actually disclosed in each of those
8 patents. But some of them are generic for bones.

9 **Q.** Generic for which bones?

10 **A.** Just bones.

11 **Q.** All bones?

12 **A.** Again, I think it's -- the way that
13 they're described, I'd have to go back and look at
14 the exact language in what's disclosed in each of the
15 patents, but for a number of different bones. There
16 may be applications for a number of different bones.

17 MR. KAMHOLZ: I'd like to take a
18 10-minute break.

19 (Recess taken from 10:18 a.m. to
20 10:29 a.m.)

21 MR. KAMHOLZ: I have no further
22 questions.

23 MR. BAPNA: Dr. Ledet, I have no
24 questions for you. Thank you.

25 (Deposition concluded at 10:29 a.m.)