

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BILLERUD AKTIEBOLAG (PUBL),

Petitioner,

v.

WESTROCK MWV, LLC,

Patent Owner.

Case No. IPR2023-01206

Patent No. 11,293,142 B2

Wednesday, October 30, 2024

9:07 a.m. (EDT)

REMOTE DEPOSITION OF ANDERS WIREN

(This proceeding was conducted via Zoom.

All participants appeared remotely.)

STENOGRAPHICALLY REPORTED BY:

Deanna J. Dean, RDR, CRR

WESTROCK EXHIBIT 2011

BILLERUD v. WESTROCK

IPR2023-01206

Wednesday, October 30, 2024

9:07 a.m. (EDT)

Remote deposition of ANDERS WIREN, held
via Zoom videoconference, before Deanna J. Dean,
a Registered Diplomate Reporter, Certified
Realtime Reporter, and licensed court reporter
of the state of New Hampshire.

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P R O C E E D I N G S

THE REPORTER: Here begins the remote deposition of Anders Wiren, taken in the matter of Billerud Aktiebolag (PUBL), Petitioner, v. Westrock MWV, LLC, Patent Owner, pending in the United States Patent and Trademark Office before the Patent Trial and Appeal Board, Case No. IPR2023-01206.

Today's date is October 30, 2024. The time is now 9:07 a.m. Eastern Daylight Time.

This deposition is being held remotely by Zoom videoconferencing. I am the licensed stenographic court reporter, Deanna Dean, presenting on behalf of Intrepid Managed Discovery.

Will counsel please introduce themselves and state whom they represent, beginning with the party noticing the deposition.

ATTORNEY WOFSY: This is Scott Wofsy from the law firm of Locke Lord representing the patent owner, Westrock.

ATTORNEY BARNES: Thad Barnes and Richard Myers on behalf of the petitioner, Billerud.

THE REPORTER: At this time, do all parties agree to waive any objection, now or in

1 the future, to me swearing in the witness
2 remotely?

3 ATTORNEY WOFSY: Yes.

4 ATTORNEY BARNES: Yes.

5 ANDERS WIREN,
6 a witness called for examination, having been first
7 duly sworn according to law, was deposed and
8 testified as follows:

9 EXAMINATION

10 BY ATTORNEY WOFSY:

11 Q. Good morning, Mr. Wiren. How are you
12 today?

13 A. Good morning. I'm fine, thank you.

14 Q. Would you please state your full name and
15 address for the record.

16 A. So my first name is Anders, last name
17 Wiren, W-i-r-é-n. I'm residing at Hornsgatan
18 39A -- I guess that's difficult for you --
19 H-o-r-n-s-g-a-t-a-n 39A, in Stockholm, Sweden.

20 Q. And are you today located in Stockholm,
21 Sweden?

22 A. Yeah. I'm in my office in Stockholm,
23 Sweden.

24 Q. Okay. Is that your place of business,
25 your workplace?

1 A. Yes.

2 Q. Okay. And where do you currently work?

3 A. I work in a patent firm called Kransell &
4 Wennborg.

5 Q. Could you spell that for the record,
6 please.

7 A. K-r-a-n-s-e-l-l & W-e-n-n-b-o-r-g.

8 Q. Okay. Thank you.

9 And I'm going to, unless you think
10 otherwise, dispense with any of the formalities for
11 the deposition. I know you've sat before with me
12 at depositions, so you know the ground rules.

13 But basically I will be asking a series of
14 questions of you, perhaps from time to time
15 referring to exhibits that we'll try and share on
16 the screen, and then I'll look to you for audible
17 responses to those questions. And that -- and when
18 you're providing a response, I ask that you don't
19 respond with any head gestures or hand gestures,
20 but to speak clearly and accurately so that the
21 court reporter can understand and take down
22 everything that you're responding.

23 Is that fair?

24 A. Okay.

25 Q. Okay.

1 And, Mr. Wiren, if there is any time
2 during the deposition that you'd like to take a
3 break, please let us know and we'll take a break.
4 We're going to do that in any event from time to
5 time today. And hopefully this won't take too much
6 of your time today. So we can move ahead right
7 away.

8 So you are currently a European patent
9 attorney. Correct?

10 A. Correct.

11 Q. And what exactly is a European patent
12 attorney?

13 A. Patent attorney -- a European patent
14 attorney is a patent attorney that's authorized to
15 represent clients before European Patent Office.
16 You have to take --

17 Q. Are you a --

18 A. You have to take an exam and pass the exam
19 to be authorized to do that.

20 Q. Did you have to go to law school of any
21 type?

22 A. No.

23 Q. And did you have to pass any legal exams
24 to become a European patent attorney?

25 A. Yes. You can say that -- or you would

1 probably recognize the European Qualification
2 Examination, the EQE, as a legal exam.

3 Q. And when did you take that?

4 A. 2009.

5 Q. And when you took that exam in 2009, you
6 passed that exam?

7 A. Yes.

8 Q. And in 2009 you became a European patent
9 attorney?

10 A. Correct.

11 Q. And when you first became a European
12 patent attorney, were you employed by a European
13 patent firm?

14 A. Yes.

15 Q. And what firm was that?

16 A. At the time it was called Awapatent,
17 A-w-a-p-a-t-e-n-t.

18 Q. And were they also located in Stockholm?

19 A. Yes.

20 Q. And how long did you -- were you employed
21 by that firm?

22 A. Four and a half years.

23 Q. And did you move on to a -- another firm
24 after that?

25 A. Yes. The firm --

1 Q. Okay. Where --

2 A. The firm where I'm now.

3 Q. Okay. So how long have you been at
4 Kransell & Wennborg?

5 A. 14 years.

6 Q. And what is your current position there in
7 terms of the rank? Are you --

8 A. Partner.

9 Q. -- an associate?

10 A partner?

11 A. Yes.

12 Q. And how many partners are there at
13 Kransell & Wennborg?

14 A. I don't know exactly, but about 15.

15 Q. 5-0 or 1-5?

16 A. No. 1-5.

17 Q. 1-5.

18 And how many attorneys are there, European
19 patent attorneys?

20 A. I don't know for sure, but I would guess
21 perhaps 25.

22 Q. And are the European patent attorneys at
23 Kransell & Wennborg broken up into technology
24 groups?

25 A. Not formally.

1 Q. Well, is there an informal breakdown of
2 the areas within which each of the attorneys there
3 work?

4 A. Yes. Informal depending on what kind of
5 technical degree you have. We all have technical
6 degrees.

7 Q. And what technical area of the firm do you
8 typically work in?

9 A. I would say chemistry.

10 Q. Okay. And how many attorneys -- European
11 patent attorneys are in the chemistry practice
12 there at your -- at Kransell & Wennborg?

13 ATTORNEY BARNES: Anders, my instruction
14 would be if you know. No one wants you to
15 guess. If you know.

16 A. I would say six or seven.

17 Q. Okay. And of the six or seven of the
18 European patent attorneys that are in the chemistry
19 area there, how many of them are partners?

20 A. Three or four, depending on how you draw
21 the lines.

22 Q. Okay. All right. Taking a step back now.
23 In your -- or before you became a European
24 patent attorney, did you go to university?

25 A. Yes.

1 Q. And did you get an undergraduate degree at
2 any university?

3 A. Well, I got one degree, which was a
4 master's of science in chemical engineering.

5 Q. And what university was -- did you get
6 that degree from?

7 A. I graduated from Lund University in
8 Sweden, and my studies included one year at
9 University of California San Diego. So that was
10 part of my degree.

11 Q. Was that an abroad year?

12 A. Yes.

13 Q. And did you do any particular research in
14 order to -- were you focused on any particular
15 research to get your master's?

16 A. I did -- I was part of a program that was
17 kind of a pre-PhD study program where I did various
18 research, and that also became part of my degree.

19 Q. Did you do a master's thesis?

20 A. Yes, I did.

21 Q. And what was the title of that thesis, if
22 you recall?

23 A. I can't recall.

24 Q. Do you recall the subject matter?

25 A. Organic chemistry.

1 Q. Organic chemistry.

2 Did you have an advisor for that thesis?

3 A. Yes.

4 Q. Was the advisor in Europe or in San Diego?

5 A. Oh, in Europe. In Sweden.

6 Q. Okay. What year did you obtain your
7 Master of Science in chemical engineering?

8 A. 2004.

9 Q. Okay. And after 2004, when you obtained
10 your Master of Science in chemical engineering, did
11 you then become employed?

12 A. Yes.

13 Q. And where did you become employed?

14 A. First I did some short research project --
15 projects -- at a company in my university town.
16 And then I moved to Stockholm and started working
17 for the Swedish Patent Office in 2004.

18 Q. The research projects that you
19 characterize as short research projects at a
20 company in your town, what were -- what was the
21 subject matter of those research projects, if you
22 recall?

23 A. It was to -- it was work related to a
24 sensor that could detect the levels of different --
25 different comp -- like different solutes in a

1 solution.

2 Q. Solutes, s-o-l-u-t-e-s?

3 A. Yes. Dissolved substances in some kind of
4 aqueous liquid.

5 Q. Okay. And then you said you -- after
6 those research projects, you started another job in
7 2004?

8 A. Correct.

9 Q. And what company was that with?

10 A. It was with the Swedish Patent Office.

11 Q. Oh, Swedish -- I'm sorry. Swedish Patent
12 Office.

13 Were you an examiner?

14 A. Correct.

15 Q. And were you an examiner in a particular
16 art unit?

17 A. Yes. That art unit handled mainly organic
18 chemistry.

19 Q. And how long were you with the Swedish
20 Patent Office?

21 A. 15 months.

22 Q. During the 15 months that you were at the
23 Swedish Patent Office, were you at the same art
24 unit?

25 A. Yes.

1 Q. And within that art unit during that
2 15 months, can you estimate how many patent
3 applications you examined?

4 A. No. Can't remember.

5 Q. Okay. Why did you leave the Swedish
6 Patent Office after 15 months?

7 A. It was a boring place.

8 Q. And where did you move --

9 A. As you might imagine.

10 Q. Where did you move on after the Swedish
11 Patent Office? Where did you move to?

12 A. To Awapatent, the patent firm I told you
13 about before.

14 Q. Okay. So that was the first patent job
15 that you had in a law firm?

16 A. Yeah. Patent law firm.

17 Q. And at the patent law firm as a European
18 patent attorney?

19 A. Yeah. When I was first employed, I was
20 not allowed to call myself European patent
21 attorney. I had to take that exam first I told you
22 about.

23 But, yeah, I was employed as a -- let's
24 say pre patent attorney.

25 Q. Okay. In the course of your time at

1 Kransell & Wennborg, when did you start working for
2 Billerud?

3 A. After a month or two.

4 Q. So what year was that?

5 A. 2010.

6 Q. And what were your responsibilities with
7 respect to Billerud? Without revealing any
8 privileged information. Just in general, what were
9 your responsibilities?

10 A. I was responsible for that account and
11 most of the work that we did for that client.

12 Q. Would that involve writing patent
13 applications?

14 A. Yes.

15 Q. Would that involve -- be involving
16 oppositions?

17 A. Yes.

18 Q. Would that be -- would that involve any
19 other type of contentious work?

20 ATTORNEY BARNES: Object to the form.

21 A. Yes.

22 Q. So other litigation?

23 A. Yes. There's been some. Not much.

24 Q. And primarily within Europe, or would it
25 be around the world?

1 A. Only Europe.

2 Q. And who were your primary contacts at
3 Billerud?

4 A. Dr. Steffner.

5 Q. Can you spell his name, or her name?

6 A. S-t-e-f-f-n-e-r.

7 Q. And what is Dr. Steffner's position at
8 Billerud?

9 A. His -- what is his formal title? Like
10 kind of intellectual property manager.

11 Q. Do you have other folks at Billerud that
12 you interact with --

13 ATTORNEY BARNES: Object to the form.

14 Q. -- in the course of --

15 ATTORNEY BARNES: What do you mean,
16 "interact"? Your question before was who he
17 reported to.

18 Object to the form.

19 Q. Are there any other people aside from
20 Dr. Steffner that you work with at Billerud?

21 A. Yes.

22 Q. And who are they?

23 A. You know, it's a big company. And
24 depending on the case, like, could be an inventor.
25 Could be someone from a business -- business area.

1 It could be someone from production. Depends on
2 the case.

3 Q. And in the case that we're involved in
4 right now, who are the folks that you interact with
5 at Billerud?

6 ATTORNEY BARNES: Object to the form.

7 A. You want me to name them?

8 Q. Yes, please.

9 ATTORNEY BARNES: Well, hold on. Anders,
10 don't answer yet.

11 Scott, I'm -- I'm happy, you know, to
12 provide the background, but I'm not sure of
13 the -- I think we're invading, almost. He is
14 one of the attorneys for Billerud.

15 You want him to name every person that
16 he's talked to at Billerud about this case?

17 ATTORNEY WOF SY: That's not what I asked.

18 ATTORNEY BARNES: I think that's what you
19 said.

20 ATTORNEY WOF SY: Are you finished with the
21 objection?

22 ATTORNEY BARNES: Yes.

23 Q. Aside from Dr. Steffner, are you working
24 with any other folks in the legal department at
25 Billerud on this matter?

1 A. No.

2 Q. Okay. Aside from Billerud, do you
3 represent any other companies that are in the paper
4 manufacturing industry?

5 A. No.

6 Q. So Billerud is your only client in the
7 paper manufacturing industry. Is that correct?

8 A. Yes.

9 Q. Do you have any practical experience on
10 your own outside of your work with Billerud in
11 paper manufacturing business?

12 A. Outside my work with -- as a patent
13 attorney with Billerud, at least, I don't have any
14 experience outside my work as a patent attorney.

15 Q. So, then, it's a correct statement that
16 you do not have any practical work experience in
17 the paper manufacturing industry. Correct?

18 ATTORNEY BARNES: Object to the form.

19 A. I am not being employed by a paper mill.

20 Q. So your understanding of paper
21 manufacturing comes solely from your work as a
22 European patent attorney. Correct?

23 A. I would say also as I'm a chemical
24 engineer. Paper making is part of the chemical
25 engineering field. So I was also taking

1 papermaking classes at university.

2 Q. Did you take paper manufacturing classes
3 at university?

4 A. Yes.

5 Q. How many?

6 A. At least one. I can't remember. I've
7 taken at least one papermaking class at university.

8 Q. And that was in the course of your
9 master's degree?

10 A. Yes.

11 Q. So aside from one class on paper making
12 while you were studying for your master's, do you
13 have any other practical work experience in the
14 paper manufacturing industry?

15 A. No.

16 Q. Is there any other European patent
17 attorney's at Kransell & Wennborg that has
18 practical experience in the paper manufacturing
19 industry?

20 ATTORNEY BARNES: Object to the form.

21 Q. If you know.

22 A. Yes.

23 Q. Who are those European patent attorneys at
24 your firm?

25 ATTORNEY BARNES: Hold on, Anders.

1 I'll object to the form, and also I think
2 it's outside the scope of the declaration, what
3 we're here for for his testimony, to ask about
4 other people just randomly or what their
5 experience is.

6 Q. Mr. Wiren, are there --

7 ATTORNEY BARNES: If you can rephrase in
8 some way, maybe we can reconsider.

9 Q. Mr. Wiren, are there other European patent
10 attorneys that work at your firm that have
11 practical experience in the paper manufacturing
12 industry?

13 A. I've said yes. I've answered the
14 question.

15 ATTORNEY WOF SY: Gab, could you put up the
16 declaration.

17 Can everyone see the screen?

18 ATTORNEY BARNES: Yes.

19 ATTORNEY WOF SY: Okay.

20 ATTORNEY BARNES: Anders, can you see it?

21 THE WITNESS: I see it.

22 Q. I've just introduced an exhibit that is
23 entitled the Declaration of Anders Wiren Pursuant
24 to 37 CFR Section 42.64(b)(2).

25 Do you see that, Mr. Wiren?

1 A. I do.

2 Q. Okay. We're going to be marking this
3 exhibit as Exhibit No. 1 for the deposition of
4 Anders Wiren. That's for the court reporter.

5 (Wiren Exhibit 1 is marked for
6 identification.)

7 Q. Anders, do you have a copy of this with
8 you currently?

9 A. I do.

10 Q. Okay. The document that I have posted on
11 the screen includes a cover page, three typed
12 pages, and then a proof of service, as well as an
13 exhibit attached to it -- let's scroll through it,
14 please, Gabby -- the exhibit being a document
15 called "Paper Technology."

16 Did you prepare this exhibit, Mr. Wiren?

17 ATTORNEY BARNES: The declaration exhibit?

18 ATTORNEY WOFSY: Yes, the declaration.

19 Thank you, Thad.

20 You can go back to the title.

21 Q. Did you prepare this declaration that
22 we've marked as Exhibit 1?

23 A. Yes.

24 Q. And when did you prepare this exhibit?

25 A. The day before it was signed.

1 Q. So it was signed on October 2, 2024.

2 A. Yes.

3 Q. So you're saying you prepared it on the
4 day before, October 1, 2024. Is that correct?

5 A. I was probably working on it on and off
6 for a couple of days. I can't recall exactly.

7 ATTORNEY WOFSEY: Okay. If you can turn to
8 paragraph 3, please. Sorry. Paragraph 6. Oh,
9 you fell out?

10 Okay. Is everybody with me still, other
11 than Gabby? Court reporter, are you still
12 there?

13 THE REPORTER: I'm here.

14 ATTORNEY BARNES: I'm here, yeah.

15 Q. All right. I'm going to ask some
16 questions about your declaration, Mr. Wiren. And,
17 in particular, I'm going to ask some questions that
18 relate to the Gratton reference, G-r-a-t-t-o-n.

19 Are you familiar with the Gratton
20 reference?

21 A. I am.

22 Q. Okay. And along with that, I'm going to
23 be referring to another exhibit which was
24 previously marked as Exhibit B14 during the
25 deposition of Mr. Klass.

1 Are you familiar with the document that
2 was previously marked as Exhibit B14?

3 ATTORNEY WOFSY: If you can put that up
4 there, Gab.

5 A. I am.

6 Q. You are familiar with that, Anders?

7 A. Yes.

8 Q. Okay.

9 ATTORNEY BARNES: Scott, for the record,
10 B14 has also in this proceeding been identified
11 as Exhibit 1014. Correct?

12 ATTORNEY WOFSY: That's correct.

13 ATTORNEY BARNES: Okay.

14 ATTORNEY WOFSY: Yes, Mr. Barnes.
15 Billerud Exhibit 1014, 1-0-1-4, is equivalent to
16 Deposition Exhibit B14.

17 ATTORNEY BARNES: Thank you.

18 ATTORNEY WOFSY: Which we are going to try
19 and post -- there we are.

20 Q. So, Mr. Wiren, do you see what's on your
21 screen now?

22 A. Yes.

23 Q. Okay. And that is what we previously
24 referred to as Exhibit B14.

25 Did you prepare this table, Mr. Wiren?

1 A. I did.

2 Q. Okay. And I'd like to discuss with you,
3 in conjunction with your declaration and with the
4 Gratton reference, I'd like to understand where you
5 obtained the data in Exhibit B14, the table that
6 we're looking at. In particular, I'm wondering
7 where you obtained the basis weight in column 2.
8 The basis weight is 361.

9 Where did you obtain that data point from?

10 A. As stated in my declaration, I obtained it
11 from the experimental section of the Gratton paper
12 which is on page 86.

13 Q. So on page 86 -- could you post that up.
14 We're going to post that page up now.

15 ATTORNEY WOF SY: Are you able to put them
16 side by side, Gab?

17 ATTORNEY GELOZIN: Yes. Which table?

18 ATTORNEY WOF SY: The table in the upper
19 left-hand corner on page 86.

20 Beautiful. Okay. Can you move -- there
21 we go. Okay.

22 Q. So the three -- in the experimental
23 section that you just referred to, Mr. Wiren, we
24 are looking at that right now. Correct?

25 A. Correct.

1 Q. And you say -- one, two -- so about four
2 lines down, I see the 361 grams per meters squared.

3 Is that what you're referring to?

4 A. Yes.

5 Q. And it also says, for sized board in the
6 same paragraph, 377 grams per meters squared.

7 Correct?

8 A. Yes.

9 Q. And those are the two data points of basis
10 weights on the table to the left?

11 A. Yes.

12 Q. Okay. Now, do you see below the sentence
13 that reads, "The samples were prepared on a
14 commercial machine with the calendar stack lifted"?

15 Do you see that?

16 A. Yes.

17 Q. And then could you read the sentence right
18 after that.

19 A. "Hence they were effectively
20 uncalendared."

21 Q. Yes.

22 So, in other words, is it correct, then,
23 that the experimental paperboard referenced here
24 was not subjected to calendaring. Correct?

25 A. It appears so.

1 Q. Now, the bulk data that is in Table 1 on
2 column 1, 1.81, and 1.8, do you see that?

3 A. Yes.

4 Q. Where did you get those data points from?

5 A. As stated in the exhibit in my
6 declaration, I got them from Table 1 from Gratton,
7 which is on page 82.

8 Q. So you -- is this the table we're looking
9 at right here, where you got it, Mr. Wiren?

10 A. I believe you are pointing somewhere in
11 Table 1, yes.

12 Q. Okay. So I'm looking at -- Table 1 says,
13 "Strength properties of unsized food board
14 calendared to a Hunter gloss of 10 percent," and
15 then there's a table below that.

16 Is that what you're referring to?

17 A. Yes.

18 Q. And you're looking at the sized and
19 unsized, 1.8 and 1.80?

20 A. Yes.

21 Q. And how were you able to relate 1.81 and
22 1.8 to the basis weights 361 and 377 in column 2?

23 A. Well, if you want to know what kind of
24 material was used for an experiment, you typically
25 refer to the experimental section, and that's what

1 I did. In the experimental section, the basis
2 weights are provided.

3 ATTORNEY WOF SY: Gab, can you turn to
4 Table 2 on page 84.

5 Oh, you passed it.

6 Q. Okay. Mr. Wiren, do you see the bulk
7 value of 1.81 on this table that we're looking at
8 now on the screen, which is Table 2 on page 84 of
9 the Gratton reference?

10 A. I believe there's one -- one sample in
11 that table that has a bulk value 1.81, yes.

12 Q. And the -- do you see the basis weight
13 there for the example that has 1.81 in it?

14 A. Yes.

15 Q. What is that basis weight?

16 A. It's 376.

17 Q. So why didn't you use 376? Why did you
18 use 361 instead?

19 A. I don't -- I'm not convinced that this is
20 the same sample. I think that these are other
21 samples. I made a calculation also for this one,
22 but I didn't -- I made calculations for the ones I
23 found in Table 1.

24 Q. Well, how did you relate the ones in
25 table -- the basis weight values in --

1 ATTORNEY WOFSY: Can we go back to Table
2 1, please, Gabby.

3 Q. Withdrawn. Question withdrawn.

4 How did you relate the 1.81 and 1.8 bulk
5 in Table 1 to the basis weight 361 and 377 from the
6 experiment?

7 A. As I told you, this one -- this table
8 doesn't provide or doesn't list the basis weight.
9 So I referred to the experimental section for the
10 basis weights.

11 Q. Did you take into account smoothness when
12 you did the --

13 ATTORNEY BARNES: Object to the form.

14 Sorry. Go ahead. Sorry, Scott. You
15 paused.

16 Q. Sorry.

17 Did you take into account the smoothness
18 in your calculations?

19 A. I have not made any calculations in which
20 smoothness is a factor.

21 Q. Why don't you believe smoothness is a
22 factor?

23 A. I have a -- I have made very simple basic
24 calculations to obtain thicknesses from bulk values
25 and basis weights. And then I used those thickness

1 or caliper numbers to calculate what the basis
2 weight is in relation to the Y2 and Y3 prime curve.
3 And in those calculations, smoothness is not a
4 factor.

5 Q. Are you saying that's --

6 A. I did this in preparing questions for
7 impeachment purposes before Klass's deposition
8 because of a specific statement he made in his
9 supplemental declaration about there being no prior
10 art boards below the Y2 curve. And when I read
11 that, I was thinking this can't be right.

12 So I calculated the position of these
13 boards in relation to the Y2 curve, and in those
14 calculations, smoothness is not a factor.

15 Q. Are you saying smoothness is not a factor
16 in the Y2 calculation?

17 A. Yes.

18 Q. Can we turn to the exhibit that is -- the
19 other exhibit from the deposition of Klass.

20 So I'm showing you what has been
21 previously marked as Exhibit B16, which corresponds
22 to Billerud Exhibit 1013.

23 Do you see this, Mr. Wiren?

24 A. I do.

25 Q. Okay. Can you tell me if you prepared

1 this exhibit?

2 A. I did.

3 Q. When did you prepare this exhibit?

4 A. I prepared it when preparing for Klass's
5 deposition again. So earlier in the week of
6 Klass's deposition or perhaps the week before. I
7 can't recall exactly.

8 Q. And what was the purpose of this exhibit?

9 A. So, again, on -- in Klass's supplemental
10 declaration, there is a statement in Point 29 which
11 reads, "Example 3 is the only place in Fugitt or
12 any of the prior art where there is an example of a
13 paperboard structure that falls under the Y2 curve
14 of Claim 1 of the '142 patent."

15 And, again, when I read that statement, my
16 immediate thinking this can't be right. So I made
17 calculations for various boards disclosed in the
18 prior art in this case, and -- for example, the
19 calculations then provided in the exhibit we are
20 looking at now.

21 Q. Okay. Let's talk about the exhibit we're
22 looking at now and where we -- and where the data
23 came from.

24 So there are six data points here in terms
25 of caliper points. Do you see those, in the last

1 column?

2 A. Yes.

3 Q. How many data points are plotted by you on
4 the figure below the table?

5 A. Eight.

6 Q. And why are there eight data points
7 plotted but there are only six data points in the
8 table?

9 A. The ones in the upper right corner of the
10 graph, I made for confirmatory purposes, as I
11 explain in -- as I explain in my declaration. I
12 calculated those dots just to confirm that I had
13 drawn the diagonal line correctly.

14 Q. And did you consider what happens if
15 you -- if the Y2 curve in that figure were to
16 continue beyond the 30 on the x-axis?

17 ATTORNEY BARNES: Object to the form.

18 Scott, could you repeat that, or could you
19 pull it down a little bit? Because on mine,
20 it's not showing the whole thing.

21 ATTORNEY WOFSY: Sorry. Yeah.

22 Q. So the x-axis has caliper points in Figure
23 8. Correct?

24 A. Correct.

25 Q. Did you determine or did you consider

1 whether it -- the Y2 curve was continued, whether
2 the data points on the right -- for example, the
3 data point beyond 30 caliper points -- whether that
4 point would be above or below the Y2 curve?

5 A. Because those two points are outside the
6 basis weight range in the underlying reference, the
7 papermaking reference, I did not consider that.

8 Q. At some point would the Y2 curve intersect
9 the 1.8 line that you drew?

10 A. As I said, I have not made calculations.
11 I don't know.

12 Q. And would the Y2 curve intersect the 1.9
13 line that you drew?

14 A. Again, I did not make that calculation, so
15 I don't know.

16 Q. Well, based upon your understanding of
17 Figure 8, is it possible that there are points that
18 lie above the Y2 curve on the line that you drew
19 for the 1.8 centimeter cubed per gram?

20 ATTORNEY BARNES: Object to the form.

21 A. Are you asking me to speculate about that?

22 Q. Well, you drew the line there. So I'm
23 asking you, based on the line that you drew, is it
24 possible that there are points on that line that
25 would lie above the Y2 curve?

1 ATTORNEY BARNES: Same objection.

2 A. You know, without having made the
3 calculation or the comparison, I cannot exclude
4 that.

5 Q. And is it also possible that there are
6 points on the line for 1.9 that lie above the Y2
7 curve and the Y3 curve?

8 ATTORNEY BARNES: Object to the form.

9 A. Again, I cannot exclude that, but I think
10 in such case that would be for very high basis
11 weights, which are not within the range disclosed
12 on page 80 of "Papermaking," which is the basis
13 weight range of -- of interest here.

14 ATTORNEY WOF SY: Gab, could you pull up
15 "Papermaking," please.

16 Q. We're going to put up an exhibit now that
17 you were just referring to.

18 So this is an exhibit that was previously
19 marked during the Zotterman deposition as Exhibit
20 4.

21 Are you familiar with this document,
22 Mr. Wiren?

23 A. Yes.

24 ATTORNEY WOF SY: Okay. Gab, if you could
25 turn to Figure 62, which is on page 80, I

1 believe.

2 Q. Mr. Wiren, we have on the screen now a
3 Figure 62 on page 80 of the "Papermaking"
4 reference.

5 Do you see that?

6 A. Yes.

7 Q. And is this a figure that you utilized to
8 obtain the data in Exhibit No. B16 that we were
9 just looking at?

10 A. Yes. I used data from Figure 62 together
11 with information from -- from section 4.4.1 on the
12 same page, yes.

13 Q. Okay. Let's go through that now.

14 So what did you -- what data did you take
15 from Figure 62?

16 A. Bulk values.

17 Q. Bulk values, b-u-l-k?

18 A. 1.8 and 1.9.

19 Q. So those would be on the x-axis down
20 towards the right-hand corner. I see 1.8 and 1.9,
21 bulk. Correct?

22 A. Yes.

23 So Mr. Klass said that there would be
24 no -- no examples of paperboard below the Y2 curve
25 in the prior art, and I suspected that this

1 paperboard in that part of the FBB circle in Figure
2 62 would be below the Y2 curve. So I made the
3 calculations for those bulk values.

4 Q. And what else did you use from this -- you
5 said -- you said section 4.4.1 you took information
6 from, for the data on Exhibit No. B16. Is that
7 correct?

8 A. Or -- really, I didn't need anything else
9 but the bulk. Because as I explain in my
10 declaration, all you need -- it's just a
11 mathematical fact that all you need is the bulk
12 value, and the bulk value will be a diagonal line
13 in the basis weight versus caliper ref like Figure
14 8 in the '142 patent.

15 But then the patent -- then the basis
16 weight range in 4.4.1, like, gave me a -- I wanted
17 the line to include that range, cover that range.

18 Q. You want -- say that -- I don't understand
19 what you mean.

20 You wanted what line to include that
21 range?

22 A. Like the line, the diagonal line for the
23 bulk 1.8 and the bulk 1.9, I wanted to demonstrate
24 the position of that line in relation to the Y2 and
25 Y3 curve for the basis weight range disclosed here

1 in 4.4.1.

2 Q. And what is the basis range -- basis
3 weight range disclosed in 4.4.1?

4 A. 150 to 400 grams per square meter.

5 Q. And you're seeing that on line 4.
6 Correct?

7 A. Correct.

8 Q. Does 4.4.1 provide any data regarding
9 caliper points?

10 A. Not directly. 4.4.1 discusses this range
11 for -- for the basis weight, and it also refers to
12 Figure 62, which shows bulk values. And when you
13 have a basis weight and you have a bulk value, you
14 can get a caliper.

15 Q. But it's correct that 4.4.1 does not
16 specifically provide any information regarding
17 caliper points. Correct?

18 ATTORNEY BARNES: Object to the form.

19 Asked and answered.

20 Q. You can answer.

21 A. There is no direct disclosure of caliper
22 points. But that was not needed to draw my -- my
23 bulk lines.

24 ATTORNEY WOFSY: I'm going to take a short
25 break here if that's okay.

1 ATTORNEY BARNES: Five minutes?

2 ATTORNEY WOFSY: That's fine.

3 Court reporter, can we go off the record.

4 THE REPORTER: Off the record at 9:58 a.m.

5 (Recess taken from 9:58 a.m.

6 to 10:11 a.m.)

7 THE REPORTER: On the record at 10:11 a.m.

8 BY ATTORNEY WOFSY:

9 Q. Okay. Welcome back, Anders Wiren.

10 Can you hear me?

11 A. I can.

12 Q. Okay. Great.

13 I'm going to return back to the Gratton
14 reference that we were looking at early in
15 conjunction with Exhibit B14, which is the exhibit
16 that corresponds to 1014, an exhibit that you had
17 created.

18 Now, the exhibit that you had created,
19 earlier you testified that the two basis weights of
20 361 grams per meter squared and 377 grams per meter
21 squared were obtained from the experimental section
22 on page 86 of the Gratton reference. Correct?

23 A. Yes.

24 Q. And those were for sized and unsized food
25 board samples. Correct?

1 A. Yes.

2 Q. Now, you also testified that you referred
3 to the Table 1 of the Gratton reference to obtain
4 bulk values?

5 A. Yes.

6 Q. Is that correct?

7 A. Correct.

8 Q. And the bulk values that you obtained in
9 Table 1 were 1.81 and 1.8. Correct?

10 A. Correct.

11 ATTORNEY WOFSY: Now, if you can -- Gab,
12 can you put up Gratton again.

13 Q. Okay. Do you see where the 1.81 and 1.8
14 values are in Table 1 there?

15 A. Yes.

16 Q. For sized and unsized?

17 A. Yes.

18 Q. And do you see above that it says "TG
19 Calendaring"?

20 A. Yes.

21 Q. Do you know what that refers to, "TG
22 Calendaring"?

23 A. Yes.

24 Q. What does that refer to?

25 A. Temperature gradient calendaring.

1 ATTORNEY WOFSY: Okay. Could you turn to
2 the experimental section, please.

3 Q. In the experimental section that is now up
4 on the screen, do you see the TG Calendaring
5 section?

6 A. Yes.

7 ATTORNEY WOFSY: And -- keep going, Gab.

8 Q. Do you see the reference to Table 2 in the
9 TG Calendaring section at the bottom of the second
10 paragraph?

11 A. Yes.

12 Q. All right. So, then, why didn't you look
13 to Table 2 for basis weights relating to the bulk
14 values of 1.8 and 1.81?

15 ATTORNEY BARNES: Object to the form.

16 A. So they can't be the same. It has to be
17 different samples in Table 1 and Table 2. In the
18 sample in Table 2, that has bulk value of 1.81 as
19 sized, whereas the sample in Table 1, that has a
20 bulk value of 1.81 as unsized.

21 So they are different samples.

22 Q. Is there any -- in Table 1 of Gratton, are
23 there any -- is there any data regarding the
24 surface finish of the samples?

25 A. The surface finish, it says in the heading

1 of the table that they were calendared to a Hunter
2 gloss of 10 percent, which is a -- Hunter gloss is
3 a surface property. But beyond that, I don't see
4 anything about the surface.

5 Q. And do you know what the Hunter gloss of
6 10 percent corresponds to in a Parker Print surface
7 finish?

8 A. I don't know if it corresponds to
9 anything.

10 Q. Do you know if it relates at all to Parker
11 Print surface?

12 ATTORNEY BARNES: Object to the form.

13 A. What do you mean by "relates"?

14 Q. Does Hunter gloss have any relationship,
15 in your mind, to Parker Print surface?

16 A. What do you mean by "relationship"?

17 Q. Do they correspond to one another?

18 A. Such that a certain gloss value can always
19 be converted to a certain smoothness value, or
20 something like that?

21 Q. Yes. Are they related in any way?

22 ATTORNEY BARNES: Object to the form.

23 Q. If you know.

24 A. Well, you know, I have just made
25 calculations here. I've not given an opinion about

1 anything like this. I have not given an opinion
2 about anything. I've just been a calculator. I've
3 been taking values from the Gratton reference and
4 made very, very basic mathematical operations:
5 divisions, multiplications, unit conversions. That
6 is what my declaration is about.

7 Q. Are the --

8 A. None of those -- in none of those
9 calculations surface properties are a factor.

10 Q. Is surface property a factor in Claim 1 of
11 the patent involved in this proceeding?

12 ATTORNEY BARNES: Object to the form.

13 Outside the scope of his declaration.

14 A. Yes, there is such a feature in Claim 1.
15 But the reason I did the calculation was this
16 statement in point 29 of Klass's supplemental
17 declaration, Example 3 in Fugitt being the only
18 place in the prior art where there is an example of
19 paperboard structure falling under the Y2 curve.
20 There is nothing about any surface properties
21 there.

22 So I did the calculation for impeachment
23 purposes, to prove that this statement is
24 incorrect.

25 ATTORNEY WOF SY: Can you turn to Table 2

1 one more time.

2 Q. Do you see Table 2 on the Gratton
3 reference on page 4?

4 A. I do.

5 Q. Do you see the second column from the
6 left -- or from the right, there's a Parker Print
7 surface in microns --

8 A. I do.

9 Q. -- of S-10?
10 Do you see that?

11 A. Yes.

12 Q. Do you see any value for S-10 Parker Print
13 surface that is less than or equal to 3 microns?

14 ATTORNEY BARNES: Object to the form.
15 Outside the scope of his declaration.

16 A. Can you repeat the question, please.

17 Q. I'm going to be more specific.
18 Do you see the sample number S-6 with a
19 bulk value of --

20 A. Yes, I do.

21 Q. And it has a bulk value of 1.81?
22 Do you see that?

23 A. Yes.

24 Q. Do you know what the Parker Print surface
25 S-10 is for that sample?

1 ATTORNEY BARNES: Object to the form.

2 A. Yes, I can read that in the table.

3 Q. And what is it?

4 A. 7.45.

5 Q. And do you see the unsized sample number

6 6 --

7 A. Yes.

8 Q. -- U-6?

9 Yes?

10 And do you see the bulk 1.8?

11 A. Yes.

12 Q. And what is the S-10 Parker Print surface
13 finish for that unsized sample?

14 ATTORNEY BARNES: Object to the form.

15 Outside the scope of his declaration.

16 Q. You can answer.

17 A. It is 7. But these are uncoated samples.

18 Q. What do you mean, they're uncoated?

19 A. They are not coated.

20 Q. How do you know that?

21 A. From the experimental section.

22 Q. And are the -- what relevance does it have
23 that they're uncoated?

24 A. It's something that I noted.

25 Q. Are the samples, the unsized samples and

1 sized samples in Table 1 coated or uncoated?

2 ATTORNEY BARNES: Object to the form.

3 Where did you go to now, Scott?

4 ATTORNEY WOFSY: Table 1.

5 ATTORNEY BARNES: Okay.

6 Can you repeat the question, please.

7 Q. Are the samples in Table 1 coated or
8 uncoated, if you know?

9 A. It doesn't say in Table 1, but from the
10 experimental section, I believe they are uncoated.

11 But, again, the statement that this
12 calculation is a reaction to in point 29 of Klass's
13 declaration doesn't say anything about coating.

14 ATTORNEY WOFSY: We have no further
15 questions for Mr. Wiren.

16 ATTORNEY BARNES: Let me -- let us just
17 take a couple minutes and see.

18 We'll go off the record for a minute and
19 be right back.

20 THE REPORTER: Off the record at 10:24.

21 (Recess taken from 10:24 a.m.
22 to 10:35 a.m.)

23 THE REPORTER: Back on the record at
24 10:35 a.m.

25 * * *

EXAMINATION

BY ATTORNEY BARNES:

Q. I just have a couple of questions for you, Anders.

You were asked today about your deposition -- I mean, your declaration -- and about the creation of what was Exhibit 1013 and 1014.

Why did you create these two exhibits?

A. So in Klass's supplemental declaration, again, he made the statement about examples in Fugitt being the only place in the prior art where it's an example of a paperboard falling under the Y2 curve.

So he kind of, to me, attempted to give an impression that it was exceptional to go beyond the Y2 curve. And I was thinking that can't be right. So I checked for paperboard disclosed in the prior art already on file, and I checked by making these simple calculations. So that's --

Q. Right.

A. So I made the calculations to see if Mr. Klass's statement was correct.

Q. And are you aware that Mr. Klass agreed with your calculations that were in Exhibit 1013 and 1014?

1 A. Yeah. My -- I was there during his
2 deposition, and as I recall, he did not object in
3 any way to these calculations.

4 Q. You were asked some questions about your
5 exhibits regarding smoothness.

6 Does smoothness matter as it relates to
7 your calculations in these exhibits?

8 A. So the statement in question again relates
9 to the Y2 curve. The Y2 curve is defined by an
10 equation provided in Claim 1 of the '142 patent.
11 And if we look into that equation, smoothness is
12 not a factor.

13 So when calculating the Y2 curve or the
14 relation -- or how something lays in relation to
15 the Y2 curve, you don't need any information about
16 the smoothness.

17 Q. I'll shift gears slightly.

18 You were asked -- do you have the Gratton
19 reference in front of you?

20 A. I do.

21 Q. You were asked about Gratton in the
22 experimental section on page 86. There was a
23 sentence in the experimental part that says, "Hence
24 they were effectively uncalendared."

25 Do you recall that testimony?

1 A. Yes.

2 Q. As it relates to your declaration, does it
3 matter to you that the information came from
4 uncalendared material?

5 A. So in calendaring, you don't add anything
6 or take anything away. You just smooth it and
7 compact the surface.

8 So the basis weight is not changed. So it
9 should not matter.

10 ATTORNEY BARNES: That's all the questions
11 I have.

12 ATTORNEY WOFSY: I have a little follow-up
13 here.

14 EXAMINATION

15 BY ATTORNEY WOFSY:

16 Q. Mr. Wiren, you said you prepared these two
17 exhibits, B14 and B16, to, quote, impeach the
18 testimony of Mr. Klass. Correct?

19 A. Yeah, in the preparation of questions to
20 him.

21 Q. Did you confer with Mr. Zotterman, the
22 expert for the Billerud in this matter, in
23 connection with the two exhibits you prepared?

24 A. As I was making such basic mathematical
25 operations, just multiplication, division, unit

1 conversions, like math operations -- mathematical
2 operations I could have done out of high school, I
3 had felt no need to consult with any one of
4 particular papermaking experience.

5 However, I asked a colleague, who is also
6 an engineer and a PhD, by the way, to just
7 independently do the -- independently do the same
8 calculations. And he got the same results, just to
9 confirm that I didn't make a mistake.

10 Q. You testified just momentarily ago that it
11 didn't matter if something was calendared or not.

12 Did you base that on any knowledge that
13 you have of calendaring?

14 A. Well, I think that you can understand
15 already from the Gratton reference that, in the
16 calendaring operation, you don't add anything or
17 take anything away. And if you don't add anything
18 or take anything away, you don't change the basis
19 weight, the weight per unit area.

20 Q. And did you come upon this conclusion on
21 your own or did you refer to -- did you ask
22 Mr. Zotterman if that's the case?

23 ATTORNEY BARNES: Object to the form.

24 A. I didn't need -- I felt no need to have
25 that confirmed by Mr. Zotterman, no.

1 ATTORNEY WOFSY: No further questions.

2 ATTORNEY BARNES: Thank you. We're done.

3 THE REPORTER: We are off the record at
4 10:43 a.m.

5 Would anyone like a rough draft
6 transcript?

7 ATTORNEY WOFSY: Sure.

8 ATTORNEY BARNES: Yes.

9 ATTORNEY WOFSY: Yes, thank you.

10 THE REPORTER: And regular turnaround of
11 10 business days?

12 ATTORNEY WOFSY: 10 business days?

13 Yeah, that's fine.

14 THE REPORTER: Okay.

15 Thanks, everybody.

16 (Witness excused and deposition concluded
17 at 10:43 a.m.)

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J U R A T

I, Anders Wiren, do hereby certify that I have read the foregoing transcript of my testimony, and is an accurate record of said testimony (except for the following corrections listed below):

Page	Line	Correction
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Anders Wiren

Sworn to and subscribed before me this ____
day of ____, 2024.

Notary Public/Justice of the Peace

My commission expires:

1 CERTIFICATE OF REPORTER
2

3 I, Deanna J. Dean, Registered Diplomate
4 Reporter, Certified Realtime Reporter, and New
5 Hampshire licensed court reporter, the officer
6 before whom the proceedings were taken, do hereby
7 certify that the foregoing transcript is a true and
8 accurate record of these proceedings; that said
9 proceedings were taken in Stenotype note by me on
10 the 30th day of October, 2024, commencing at 9:07
11 a.m. (EDT) and ending at 10:43 a.m. (EDT).

12 I further certify that present on behalf of
13 Party Billerud Aktiebolag (PUBL) was Thad M. Barnes
14 of Stites & Harbison, PLLC and on behalf of Party
15 Westrock MWV, LLC was Scott D. Wofsy of Locke Lord.

16 I further certify that I am not related to, nor
17 associated with any of the parties or their
18 attorneys, nor do I have any disqualifying
19 interest, personal or financial, in the actions
20 within.
21

22 Dated this 13th day of November, 2024, at
23 Hillsborough County in the State of New Hampshire.

24 *Deanna J. Dean*
25