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

SHARKNINJA, INC.,
SHARKNINJA OPERATING
LLC, SHARKNINJA
MANAGEMENT LLC, AND
SHARKNINJA SALES
COMPANY,

Case No. IPR
2023-01322

Petitioners,
v.

U.S. Patent No.
10,433,687

DYSON TECHNOLOGY
LIMITED,

Patent Owner

~~~~~

DEPOSITION OF  
DONALD DAVIDSHOFER

July 30, 2024

9:01 a.m. Central

KIRKLAND & ELLIS

333 West Wolf Point Plaza

Chicago, Illinois

Stenographically Reported By:

Deanna Amore - CRR, RPR, CSR - 084-003999

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2 (All Participants Appeared Remotely.)

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I N D E X

| WITNESS                               | EXAMINATION |
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| DONALD DAVIDSHOFER                    |             |
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| Exhibit 3 | Declaration of Joseph Fester in Support of Petition for Inter Partes Review of U.S. Patent No. 10,433,687 (SharkNinja Exhibit 1003) | 41 |
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EXHIBITS

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1 (Whereupon, the witness was  
2 duly sworn at 9:01 a.m.)

3 THE STENOGRAPHER: Thank you.

4 You may proceed.

5 MR. ELDESSOUKI: Good morning, Mr. Davidshofer.

6 MR. EMERICK: Do you want to do appearances for  
7 the record?

8 MR. ELDESSOUKI: Yeah. Sorry.

9 I know, usually, also, the videographer  
10 keeps track of time. I'll do that on my end. 09:01:29  
11 Actually, I'll try to say that on the record.

12 I'm Ahmed ElDessouki, from Gibson Dunn,  
13 appearing on behalf of petitioners SharkNinja and  
14 the other petitioners.

15 Do you want to introduce yourself?

16 MR. EMERICK: Jay Emerick, of Kirkland & Ellis,  
17 on behalf of Dyson.

18 MS. DEAN: Caitlin Dean, Kirkland & Ellis, on  
19 behalf of Dyson.

20 MR. ELDESSOUKI: The time now is 9:01 a.m., and 09:01:59  
21 we are going to get started.

22 Good morning, Mr. Davidshofer.

23 Introduce yourself for the record as well.

24 THE WITNESS: Don Davidshofer working with Jay  
25 and Caitlin.

1 DONALD DAVIDSHOFER,  
2 called as a witness herein, having been first duly  
3 sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MR. ELDESSOUKI:

6 Q. Have you been deposed before?

7 A. No, I haven't.

8 Q. Okay. So let me just go over some ground  
9 rules. Please use audible responses.

10 A. Understood. 09:02:25

11 Q. The court reporter here will take down  
12 whatever you say. There's no video being recorded  
13 today. So it's important that you speak up because  
14 if she does not -- if you do not speak up, she will  
15 not be typing it.

16 A. Understood.

17 Q. Thank you.

18 If you do not understand a question that  
19 I've asked, please let me know.

20 A. Very good. 09:02:45

21 Q. If you need a break, just let us know.  
22 The one thing I would caution is if there's a  
23 question pending, just answer the question, and  
24 then we can take a break.

25 A. Okay.

1 Q. You understand you're testifying under  
2 oath as if you were in front of a -- as if you're  
3 being sworn in in court?

4 A. Understood.

5 Q. Any reason you cannot testify truthfully  
6 today?

7 A. No.

8 Q. So I understand you prepared a declaration  
9 in support of Dyson's response and IPR petition  
10 filed by SharkNinja; is that correct? 09:03:20

11 A. Yes.

12 Q. And Dyson retained you to provide your  
13 opinions; is that correct?

14 A. Yes.

15 Q. And Mr. Fester provided a declaration in  
16 this proceeding, and did you review Mr. Fester's  
17 declaration in preparing your opinions?

18 A. I did.

19 Q. Have you prepared any other declarations  
20 in any other legal proceeding? 09:03:43

21 A. No.

22 Q. And do you understand that you're here to  
23 testify about the opinions you provide in the  
24 declaration in the SharkNinja IPR?

25 A. Yes.

Page 7

1 Q. And have you ever -- I think you actually  
2 answered this already -- you haven't testified  
3 before; is that right?

4 A. That's correct.

5 Q. When were you first retained by Dyson in  
6 connection with this case?

7 A. I don't know the exact date --  
8 February, March.

9 Q. And that's February or March of 2024?

10 A. '24, yes. 09:04:28

11 Q. And did you prepare for your deposition  
12 today?

13 A. I did.

14 Q. What did you do to prepare for your  
15 deposition today?

16 A. I had meetings with counsel. That's  
17 basically it.

18 Q. Did you meet anyone from Dyson in  
19 preparation for your deposition?

20 A. No. 09:04:50

21 Q. How many hours did you spend preparing?

22 A. Oh, that's a good question. I would guess  
23 around approximately 15 hours.

24 Q. Did you review any documents?

25 A. I did.

1 Q. And what types of documents did you  
2 review?

3 MR. EMERICK: And I'll caution you, for  
4 attorney-client privilege, if there is documents  
5 that I gave you, that's an attorney-client  
6 communication, and so you should exclude that from  
7 your answer.

8 THE WITNESS: Rather than going into specifics,  
9 patents, specifically patents, and the declaration  
10 by Fester, as well as the Fester deposition. 09:05:29

11 BY MR. ELDESSOUKI:

12 Q. And you were paid or you will be paid \$300  
13 per hour in connection with your work on this case;  
14 is that correct?

15 A. My pay rate changes. Deposition is 450 an  
16 hour. Prep work or pre-work was \$300 an hour, yes.

17 Q. Do you currently have any clients other  
18 than Dyson regardless of whether it's in connection  
19 with a legal case or a non-legal proceeding?

20 A. No. 09:06:14

21 Q. Have you worked for Dyson in any other  
22 capacity prior to your engagement on this matter?

23 A. No.

24 MR. ELDESSOUKI: I'd like to introduce  
25 Exhibit 1, Appendix A of Dyson Exhibit 2017, which

Page 9

1 is your resume.

2 (Whereupon, Davidshofer  
3 Exhibit 1 was marked for  
4 identification.)

5 BY MR. ELDESSOUKI:

6 Q. You have an associate's degree in  
7 mechanical design; is that correct?

8 A. That is true.

9 Q. And what is an associate's degree in  
10 mechanical design? What type of material do you 09:07:19  
11 cover?

12 A. It was a trade school for drafting and  
13 design.

14 Q. How many years of study did you undertake  
15 to complete your degree?

16 A. It was a two-year school.

17 Q. And are you currently employed?

18 A. Yes.

19 Q. And what -- who is your current employer?

20 A. GLG. 09:07:43

21 Q. GLG.

22 Sorry. What is GLG?

23 A. They represent companies like Ellis and --  
24 whatever -- Kirkland & Ellis.

25 Q. So you're referring to the expert

Page 10

1 retention firm; is that correct?

2 A. Correct.

3 Q. Do you -- are you currently doing any  
4 other work other than litigation consulting?

5 A. Not at this time.

6 Q. You said in your declaration that you've  
7 worked for 34 years as a vacuum cleaner designer.  
8 Do you remember that?

9 A. That is --

10 MR. EMERICK: Object to form. 09:08:28

11 And also he doesn't have the declaration  
12 but...

13 BY MR. ELDESSOUKI:

14 Q. And when did you start working as a vacuum  
15 cleaner designer?

16 A. In 1980.

17 Q. And that was in your capacity as a  
18 draftsman at the Eureka Company; is that correct?

19 A. That's true.

20 Q. And you were a draftsman at 09:08:52  
21 the Eureka Company until 1988; is that correct?

22 A. That's true.

23 Q. And what were your job responsibilities  
24 for the Eureka Company as a draftsman?

25 A. I started as a detail draftsman whereby

Page 11

1 I was working for a layout draftsman detailing  
2 parts and putting them -- basically putting them in  
3 drawings.

4 Q. So you -- were you a detail draftsman for  
5 the full eight years?

6 A. No, I actually became a layout draftsman  
7 as well.

8 Q. And what is a layout draftsman?

9 A. That's where you take the concepts from  
10 the engineers and assemble all the parts in a 2D 09:09:42  
11 layout.

12 Q. Did you do any 3D draftsman drafting?

13 A. Computers came out about 1984. So, yes,  
14 I did, too, some 3D.

15 Q. And prior to 1984 you were predominantly  
16 working by hand?

17 A. This is true.

18 Q. As a draftsman for the Eureka Company, you  
19 prepared drawings of vacuum cleaner designs; is  
20 that correct? 09:10:30

21 A. Correct.

22 Q. And as a draftsman for the Eureka Company,  
23 did you develop your own vacuum cleaner designs?

24 A. Not as a draftsman.

25 Q. So have you ever developed a design for a

Page 12

1 vacuum cleaner?

2 A. Yes.

3 Q. When was the first time that you did that?

4 A. As a -- components of a vacuum cleaner is  
5 where I started in 1988.

6 Q. And did your development work go beyond  
7 components?

8 A. Yes.

9 Q. And approximately when did that happen?

10 A. Early 1990s. 09:11:16

11 Q. So this -- your development of vacuum  
12 cleaner components, that would have been in your  
13 capacity as a project engineer for the  
14 Eureka Company; is that right?

15 A. Yes.

16 Q. What types of vacuum cleaners have you  
17 designed?

18 A. Canister vacuums; power nozzles for  
19 canister vacuums; handheld vacuums; wet/dry  
20 vacuums; central vacuums; and an extension of an 09:12:09  
21 ongoing job, I also did some commercial floor care  
22 vacuums.

23 Q. When did you first design your first  
24 canister vacuum?

25 A. Probably mid 1990s.

1 Q. And just talking about the first time you  
2 designed a canister vacuum, did you work with  
3 others on the design?

4 A. Right. Yes.

5 Q. And so what was your contribution to the  
6 design?

7 A. Project engineer.

8 Q. And what are the responsibilities of a  
9 project engineer?

10 A. Responsible for performance, which would 09:13:29  
11 include sound, durability, those types of issues;  
12 packaging; go-to-market plan.

13 Q. Approximately when did you design your  
14 first handheld vacuum?

15 A. About the same point of time, early 1990s.

16 Q. Were you working with others on that  
17 design?

18 A. I had an industrial designer and myself.

19 Q. And what was your contribution to the  
20 project versus what the industrial designer 09:14:21  
21 contributed?

22 A. Component selection, performance,  
23 durability, packaging.

24 Q. What does component selection entail?

25 A. Components would include motor switches,

1 electrical components, cords, filter media, plastic  
2 materials.

3 Q. And what is the process by which you  
4 select components?

5 A. Typically, we would have a series of parts  
6 that we could use from a purchasing standpoint. So  
7 we would be able to select, for instance, a motor  
8 that would fit the criteria we're looking for, and  
9 the criteria might include weight, performance,  
10 cost, those types of issues. So we had a list of 09:15:45  
11 components that we could choose from.

12 Q. And how did you get that list of  
13 components?

14 A. It was a purchasing department list that  
15 we ended up with.

16 Q. And is my understanding correct that the  
17 list of components was determined based on  
18 components that were available in the marketplace  
19 that could be purchased by your employer?

20 A. Unless there was a -- there wasn't 09:16:16  
21 something available to us, we would have, like, for  
22 instance, a switch, the turn posts were on the  
23 wrong side or something to that effect. We would  
24 do modifications to components as necessary.

25 Q. And when you say, "we would do

1 modifications," did you mean yourself personally or  
2 the company?

3 A. The company in conjunction with  
4 purchasing.

5 Q. Was one of the components that you were  
6 responsible for selecting, did that include a  
7 handle for a vacuum cleaner?

8 A. I don't recall a situation where a handle  
9 itself was part of a specification, no.

10 Q. When you say you were responsible for 09:17:22  
11 performance. What does performance entail?

12 A. Performance could be air performance which  
13 could be CFM and also CM negative pressure.  
14 Performance could mean cost. It could mean weight.  
15 Physical size would also be considered performance.  
16 Sound.

17 Q. And what was your process for determining  
18 the appropriate performance for a particular vacuum  
19 cleaner?

20 A. We had a running tally of life, motor 09:18:11  
21 life, for instance, or switch life durability.  
22 Before it even got onto the component list, we had  
23 to be approved by testing certification.

24 Q. And did you take part in the approval  
25 process of any component?

1 A. Yes.

2 Q. And what was your role in approving  
3 various components?

4 A. We had to ensure that they met the  
5 criteria specified: durability, life,  
6 air performance, suction, cost.

7 Q. And was the -- were the performance  
8 parameters defined in a requirements document or  
9 some other type of document --

10 A. Sometimes they were, yes. 09:19:10

11 Q. And who provided -- who created those  
12 documents?

13 A. In conjunction with engineering and  
14 marketing.

15 Q. So you worked in conjunction with  
16 engineering and marketing?

17 A. Correct.

18 Q. And what was your specific role in  
19 determining the requirements for various  
20 components? 09:19:38

21 A. Once it is established, the requirements  
22 per product specification, my role was to validate  
23 or select the best components that would fit within  
24 that parameter.

25 Q. And who established the requirements for

Page 17

1 the product specification?

2 A. Typically, it was marketing and  
3 engineering. It was a combined effort.

4 Q. And were you involved in establishing the  
5 requirements for product specifications?

6 A. Yes.

7 Q. What was your specific role?

8 A. Basically, air performance, cleaning  
9 potential, those types of things.

10 Q. And -- sorry -- I didn't understand what 09:20:39  
11 you mean.

12 So you were -- what did you do in  
13 connection with air performance in terms of  
14 determining the requirements for product  
15 specifications?

16 A. Once we submitted a component for testing  
17 or evaluation, we would get a report back from what  
18 we called industrial engineering or testing and  
19 certification. It has changed names. Once we got  
20 that report back, it would be thumbs-up or 09:21:17  
21 thumbs-down basically to say, yes, this component  
22 meets our requirements.

23 Q. So let me just understand just to make  
24 sure we are on the same page.

25 You would receive a product specification

1 from engineering and marketing; is that correct?

2 A. Typically, yes.

3 Q. And then you would select a component that  
4 you thought would satisfy those requirements; is  
5 that correct?

6 A. Yes.

7 Q. And then you'd send that decision to  
8 engineering; is that correct?

9 A. Well, no, the -- once we have that  
10 specification, we need to validate and make sure it 09:22:04  
11 met those requirements.

12 Q. So you were responsible for validating  
13 whether, like, components --

14 A. No. I submitted them to testing and  
15 certification. I would create, for instance, like,  
16 durability of a switch, how many cycles does it  
17 need to be. I would give them the number of  
18 cycles. They would do the test and give me the  
19 report, did it meet or exceed the expectations.

20 Q. So just going back to your resume, I might 09:22:42  
21 have covered some of this already in our  
22 discussion, but you were a project engineer for the  
23 Eureka Company from 1988 to 1999; is that correct?

24 A. Yes.

25 Q. And what were your job responsibilities as

1 a project engineer?

2 A. In this instance, at this time, I would  
3 take specifications from marketing, engineering,  
4 and create a product from those specifications.

5 Q. What do you mean by "create a product from  
6 those specifications"?

7 A. I would have people working for me, either  
8 a CAD designer or designer at that time. So  
9 I would give instructions to a CAD operator.

10 Q. And what would the CAD operator do after 09:23:52  
11 receiving instructions from you?

12 A. Well, the first thing they would do is  
13 assign a position for the components that have been  
14 selected, for instance, a switch, a cord, a motor,  
15 those types of things. They would spatially orient  
16 them in CAD.

17 Q. So what does "assign position for the  
18 components," what does that mean?

19 A. The location of the motor.

20 Q. You determined the location of each 09:24:19  
21 particular component in the overall vacuum cleaner  
22 product?

23 A. Say that again.

24 Q. So you determined the location of each  
25 particular component in the overall vacuum cleaner

1 product?

2 A. The rough spatial placement, yes.

3 Q. And then the CAD operator would basically  
4 draw a layout design that included the components  
5 that you provided?

6 A. Correct.

7 Q. And you would have two different types of  
8 CAD operators: one that does the layout and one  
9 that does the detail; is that correct?

10 A. Correct. 09:25:08

11 Q. You would oversee that process; is that  
12 correct?

13 A. Correct.

14 Q. And, then, my understanding is you moved  
15 on to the Electrolux Company in 1998. Was that  
16 part of the acquisition of the Electrolux Company  
17 by Eureka?

18 A. The other way around. We were --  
19 I believe -- don't quote me on this -- Electrolux  
20 owned the Eureka Company in the 1970s. Their 09:25:43  
21 presence wasn't known while I was working at the  
22 Eureka Company until approximately 1996, '97. At  
23 that point they changed the name from the Eureka to  
24 Electrolux.

25 Q. So is it my understanding -- is my

Page 21

1 understanding correct that Electrolux and Eureka  
2 were essentially the same company between 1990 to  
3 when you moved there?

4 A. Correct.

5 Eureka became a brand instead of a  
6 company.

7 Q. I understand. Okay.

8 So what was the -- what was your role as  
9 senior project engineer with Electrolux?

10 A. I would actually represent engineering in 09:26:34  
11 team meetings. Many times I would actually lead  
12 the meetings, the technical team meetings.  
13 Basically lead the team. That would include CAD,  
14 some marketing, and sales and industrial design.

15 Q. And what does it mean to "lead the team"?

16 A. So I would be doing -- I would be  
17 conducting the meetings. I would be doing meeting  
18 minutes. Everybody would basically report to me.

19 Q. And what was the subject matter of these  
20 meetings, generally speaking? 09:27:33

21 A. Product development.

22 Q. Were you responsible for developing vacuum  
23 cleaners at this point?

24 A. That was our goal, yes.

25 Q. And what type of vacuum cleaners were you

1 working on during this period?

2 A. It really depended on what was on the  
3 gen plan. If you had a project that was nearing  
4 completion, you would be put in basically order of  
5 sequence. So there wasn't anything specific that  
6 we would be working on but predominantly canister  
7 vacuums; power teams, which means it has a power  
8 nozzle; or even wet/dry vacuums.

9 Q. Throughout your career, how many handheld  
10 vacuum cleaners have you worked on? 09:28:44

11 A. That's a good question.

12 I would say a handful.

13 Q. Around five?

14 A. Yeah, I would say.

15 Q. And when was the last one that you worked  
16 on?

17 A. Probably around 2000.

18 Q. And what is a handheld vacuum cleaner?

19 A. It is a device that its primary goal is to  
20 pick up dust and dirt. It is described as small 09:29:24  
21 enough to hold in your hand and orient it while  
22 you're using it.

23 Q. What do you mean by "orient it while  
24 you're using it"?

25 A. Depending on the substrate you're

1 cleaning, it could be a curtain. It could be a  
2 couch. It could be a floor. It could be something  
3 on your kitchen counter, just wherever the dust or  
4 dirt is that you want to pick up or contain, the  
5 orientation is conducive to the matter that you're  
6 picking up and where it is.

7 Q. Am I understanding correctly that a  
8 handheld vacuum cleaner can be used in any number  
9 of orientations?

10 A. Yes. 09:30:21

11 Q. Just going back to your resume, you were a  
12 regional technical area manager between 2007 to  
13 2011; is that correct?

14 A. Yes.

15 Q. And what were your responsibilities as a  
16 regional technical area manager?

17 A. Basically, I would lead the concept  
18 development phase. We call it the fuzzy front end.  
19 To do that I needed to evaluate anything from  
20 customer pain points, attitudes, and usage studies, 09:31:16  
21 over-the-counter returns, product costs, whether it  
22 entailed product cost reductions. Basically doing,  
23 in conjunction with marketing, what are the needs  
24 of the business.

25 Q. Was cost reduction a particular area that

1 you focused on?

2 A. At given times, yes.

3 Q. And why was that?

4 A. During this time, 2007-2011, our sales  
5 were down. So in order to improve our bottom line,  
6 we actually had active project cost reduction  
7 projects.

8 Q. Okay. And in 2011, you became an insights  
9 to innovation manager/technical concepts manager;  
10 is that right? 09:32:41

11 A. It's a mouthful, yes.

12 Q. And what were your job responsibilities in  
13 that role?

14 A. This became more of a global position.  
15 Advanced development for Electrolux was in  
16 Stockholm. So my role here was to keep in mind  
17 what Stockholm advanced development was doing and  
18 bring it to Electrolux U.S.

19 Q. And then, in 2014, you left the  
20 Electrolux Company; is that right? 09:33:30

21 A. In 2014, Electrolux chose to close the  
22 division of small appliances where I worked.

23 Q. Do you know why they did that?

24 A. No, I don't.

25 Q. And then after your tenure with

Page 25

1 Electrolux/the Eureka Company, what did you do for  
2 work?

3 A. I was off work for approximately one year,  
4 spent most of my time looking for work.

5 Q. And then did you work on designing vacuum  
6 cleaners after you left Electrolux?

7 A. I did.

8 Q. In what capacity was that?

9 A. As a product manager for  
10 Tacony Corporation. 09:34:35

11 Q. And what were your job responsibilities  
12 there?

13 A. My responsibilities at Tacony were to  
14 drive the product to market process. Since I had  
15 the history of designing products -- that wasn't my  
16 role -- but I did mentor engineers and designers on  
17 commercial floor care products.

18 Q. Sorry. So what wasn't your role?

19 A. I was responsible for product to market.  
20 Basically, the gen plan and product we were going 09:35:19  
21 to offer for sale at retail.

22 Q. And at that point, you were no longer  
23 responsible for designing the vacuum cleaners?

24 A. There was instances where I was mentoring  
25 the engineering teams because I have that history.

Page 26

1 That's why I was hired, to mentor them on how to  
2 develop products, not only in-house but external as  
3 well.

4 Q. And in -- after you left  
5 Tacony Corporation, did you work on vacuum cleaner  
6 products?

7 A. After I left, temporarily, yes, as a  
8 consultant.

9 Q. And that was in your role working for  
10 Donald Davidshofer Design and Engineering? 09:36:20

11 A. It was -- correct. That was in 2019,  
12 actually, for Future Generation Power Tools in  
13 Peoria.

14 Q. And why did you say "temporarily"?

15 A. As a consultant. I didn't consider that  
16 full-time work.

17 Q. Understand.

18 MR. ELDESSOUKI: I am going to introduce as  
19 Exhibit 2 a document that was obtained from your  
20 LinkedIn profile on July 20, 2024. 09:37:13

21 (Whereupon, Davidshofer  
22 Exhibit 2 was marked for  
23 identification.)

24 BY MR. ELDESSOUKI:

25 Q. Do you recognize this document?

Page 27

1 A. I do.

2 Q. And what is it?

3 A. This is my portfolio of work.

4 Q. Did you prepare this document?

5 A. I did.

6 Q. And why did you prepare this document?

7 A. At the time I was looking for work.

8 Q. Do you remember approximately when you

9 prepared it?

10 A. Oh boy. It would have been probably 2016, 09:37:41

11 2017, somewhere in there.

12 Q. The metadata on this document says it was

13 created on April 14, 2020. Which time frame do you

14 think is correct?

15 A. That might have been an update.

16 Q. If you can go to the second page.

17 A. Yes.

18 Q. Did you work on all the vacuum cleaners

19 shown on this page?

20 A. Yes. 09:38:39

21 Q. And, generally speaking, what was your

22 role working on these vacuums?

23 A. As an engineer, product engineer.

24 Q. Are you proud of your work on these vacuum

25 cleaners?

1 A. Yes.

2 Q. And did you assess these designs for  
3 comfort and operability?

4 A. As you develop them, you do, yes.

5 Q. How did you do that?

6 A. There's a testing process for, for  
7 instance, weight in hand, positioning of actual --  
8 if you had a carry handle, for instance, the weight  
9 in hand of the carry handle versus the operating  
10 handle. There's a number of things, like, if it 09:39:46  
11 was important -- for instance, for Electrolux  
12 products, they had to meet a certain sound  
13 requirement. But basic performance.

14 Q. And did you oversee the testing process  
15 for these vacuums?

16 A. On some of them, yes.

17 Q. Did you supervise -- sorry. Scratch that.  
18 Did you review any test reports relating  
19 to weight in hand?

20 A. Yes. 09:40:32

21 Q. For which vacuums did you oversee those?

22 A. In the category of upright vacuum.

23 Q. Okay. So, just to summarize, you oversaw  
24 the testing process for a weight in hand for all  
25 the upright vacuums that appear on this page; is

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1       that correct or am I misunderstanding?

2           A.    That is correct.

3           Q.    Okay.  Thank you.

4                   What was your role in terms of overseeing  
5       the testing process for weight in hand?

6           A.    To do -- to set up the test properly and  
7       then evaluate the data.

8           Q.    And how would one set up the test?

9           A.    There were factors that we had to  
10       consider, for instance, the distance from the floor     09:41:46  
11       to a user's hand.

12          Q.    Any other factors?

13          A.    That was a key one.

14          Q.    You also said that you evaluated the data?

15          A.    Correct.

16          Q.    And what was your role in terms of  
17       evaluating the data?

18          A.    To determine whether or not it was  
19       acceptable for a user to operate that device for a  
20       given time.  The time would vary depending on the     09:42:37  
21       operation or the use, intended use.

22          Q.    And what would you look for when you would  
23       evaluate the data?

24          A.    Numbers that would exceed a given  
25       threshold.

1 Q. And who determines the threshold?

2 A. The engineer would, myself.

3 Q. And how did you determine the threshold?

4 A. We were given a range of what is  
5 acceptable dependent on the -- how the device was  
6 being used. For instance, a commercial vacuum  
7 would have different requirements than a household  
8 vacuum.

9 Q. Can you give me an example -- just take  
10 any of the vacuums on the page and give me an 09:43:38  
11 example of what the testing and evaluation process  
12 would look like.

13 A. Let's take the third one from the left,  
14 the yellow vacuum. This was a low-cost product.  
15 There's a number of things that we had to consider;  
16 that is, durability, the performance requirements,  
17 the cleaning performance, first push or the amount  
18 of energy it takes to move the vacuum forward and  
19 aft. We would also have to consider how it is  
20 assembled by the user and whether or not they could 09:44:38  
21 assemble it incorrectly.

22 Q. Okay. Let's talk about durability.

23 What did you do to assess durability?

24 A. We would have a battery of tests, likely  
25 20 or more tests, that we need to endure.

1           It could be dragging the vacuum by its  
2           handle over a number of thresholds to simulate  
3           going over a threshold or in your home.

4           There was a life test where you would do  
5           cycling life tests on and off -- eight minutes on,  
6           two minutes off.

7           We would do drop tests to meet  
8           certification standards, typically, ETL or UL.

9           We would have hose stretch tests, thermal  
10          tests, cycling thermal goes from cold to hot to       09:45:56  
11          cold, high humidity.

12          We would have a sound test that it would  
13          have to meet.

14          Just a whole battery of engineering tests  
15          that were specified at the beginning of the project  
16          we had to validate.

17          Q.   And were there any durability tests  
18          specific to the handle itself?

19          A.   We did the handle drop test, yes.

20          Q.   And what does a handle drop test --       09:46:26

21          A.   In an upright --

22          Q.   -- entail?

23          A.   In an upright, it's possible that the user  
24          does not engage the latch to hold it upright  
25          allowing the handle to fall onto a hardwood

1 surface.

2 Q. And so what would the test itself entail?

3 A. Cycling test of -- usually, on a cam of  
4 some sort where the handle would drop onto a hard  
5 surface a number of cycles. It had to meet a lot  
6 of cycles, 30,000 to 40,000 cycles, without  
7 failure.

8 Q. And what did you do to test the force to  
9 push?

10 A. There is -- at Electrolux we had a device 09:47:28  
11 that actually measured with load cells the amount  
12 of energy it takes to push a vacuum cleaner forward  
13 and rearward on different carpets. At that time we  
14 had four different carpets, anything from what we  
15 called Kada (phonetic), shag to plush, different  
16 substrates.

17 Q. Did you test for wrist strain?

18 A. No.

19 Q. Did you test for wrist strain on any of  
20 the vacuums shown here? 09:48:14

21 A. We had what we called field engineering,  
22 who would put prototypes out into the hands of  
23 common folk and/or even in commercial settings  
24 where they would get a lot of use, and as an  
25 engineer, product engineer, we would monitor any

1 and all comments from products that were in the  
2 field.

3 Q. Have you ever received comments referring  
4 to wrist strain that required you to alter the  
5 design?

6 A. I don't recall any.

7 Q. Did you work on any vacuum cleaners not  
8 shown on page 2 of this exhibit, of Exhibit 2?

9 A. Certainly.

10 Q. And what types of vacuums were those? 09:49:11

11 A. Canisters. Those are, like, for instance,  
12 the one -- the first one, upper left; hand vacuums,  
13 wet/dry vacuums; and carpet cleaning as in wet  
14 carpet cleaning devices; and central vacuums.

15 Q. And why did you omit those from this  
16 document?

17 A. This was just -- this was a portfolio.  
18 I didn't intend it to be comprehensive.

19 Q. And how did you decide what to include in  
20 this portfolio versus what to omit? 09:49:55

21 A. Personally, I had some good images of the  
22 products that had my signature on them basically.

23 Q. And what do you mean by had your signature  
24 on them?

25 A. That I worked on.

1 Q. I apologize. This document does not have  
2 page numbers. I'd like to refer you to what is  
3 actually page 15, second-to-last page. It starts  
4 with "All of the work presented here is mine."

5 A. Okay.

6 Q. And then the -- I'd like to refer you  
7 specifically to the last sentence on the first  
8 paragraph. Let me know once you've had a chance to  
9 read it.

10 A. Okay. 09:51:20

11 Q. And what did you mean here?

12 MR. EMERICK: Objection. Form.

13 THE WITNESS: By -- I'll just pick out a word,  
14 and that's snapshot. It means it's not a  
15 comprehensive list.

16 BY MR. ELDESSOUKI:

17 Q. Let me ask a more specific question.  
18 What does "ideation" mean in this context?

19 A. Ideation is the process whereby you  
20 synthesize all of the data that comes at you, for 09:51:57  
21 instance, from sales, marketing, voice of the  
22 customer, pain points. All the data that you would  
23 get as a product designer, we call that ideation.

24 Q. And what does concept generation mean in  
25 this context?

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1           A.    To take and synthesize all of that  
2           information and develop a product around those pain  
3           points, customer needs, even corporate needs for,  
4           like, product at shelf.  In other words, a  
5           customer -- Walmart, Target -- would come to us and  
6           say, "Could you do this for us?"

7           Q.    And what does verification validation mean  
8           in this context?

9           A.    Performance requirements have been met and  
10          that means performance, cleaning performance,           09:53:00  
11          durability, certification.  All the requirements  
12          that were set up in the project initially have been  
13          met or exceeded.

14          Q.    I'd like us to go back to the fourth page,  
15          which has the heading "Eureka (take-off)."

16                 What is the Eureka take-off?

17          A.    This was a concept whereby the customer  
18          would buy one product to do two tasks.

19          Q.    And what were the two tasks?

20          A.    To have an upright vacuum cleaner where           09:53:56  
21          you could do large substrates, for instance,  
22          floors; as well as a canister, which would do  
23          stairs or above-floor surfaces.

24          Q.    And you described it as a canister.  What  
25          do you -- would you say that it's distinct from a

1 handheld vacuum?

2 MR. EMERICK: Objection. Form.

3 THE WITNESS: It could be. I wouldn't say --  
4 it wouldn't be entirely different.

5 BY MR. ELDESSOUKI:

6 Q. So just so we're on the same page, the  
7 Eureka take-off has a removable portion; is that  
8 correct?

9 A. Yes.

10 Q. And that removable portion can be 09:55:06  
11 described as a handheld or a canister vacuum; is  
12 that correct?

13 A. I wouldn't describe it as handheld.  
14 I would describe it as a canister vacuum.

15 Q. And why -- why would you describe it as a  
16 canister as opposed to a handheld?

17 A. That's just the nomenclature that we used  
18 at Electrolux. That's -- that was just the way it  
19 was.

20 Q. And what was the distinction specifically? 09:55:37

21 A. A canister typically does not have -- it's  
22 a straight air. It does not have active beater  
23 brushes or any way of actively pulling dirt out of  
24 a carpet or any substrate.

25 Q. So -- and was this product generally -- it

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1 focused on cleaning stairs?

2 A. No, it was dual purpose.

3 Q. Dual purpose.

4 So why does this say "convertible stair  
5 and mini upright vacuum cleaner"?

6 A. That was just the words that I used to  
7 describe this image here where I was using it on  
8 stairs.

9 Q. And earlier you described this as a  
10 concept. Did Eureka launch a commercial product 09:57:00  
11 based on this concept?

12 A. We did not.

13 Q. Why was that?

14 A. It didn't fit the model that we were  
15 looking for. I wasn't privy to the -- what  
16 marketing and sales were looking for, but this  
17 concept didn't meet that need.

18 Q. And under the heading, the second line  
19 under heading, it reads "strategic partner-driven  
20 project." Who is the strategic partner referenced 09:57:37  
21 on this page?

22 A. I do not recall. It was likely one of the  
23 big box stores.

24 Q. And how did you come up with this design?

25 A. You take the needs of an upright and the

1 needs of a canister, and you isolate during your  
2 DFMA what is required to have a canister and what  
3 is required to have an upright, and you  
4 synthesize -- you basically combine them.

5 Q. Do you remember around when approximately,  
6 what year, this design was created?

7 A. I do not.

8 Q. And did you create -- did you personally  
9 create the renderings shown on this page?

10 A. I did with the exception of the "ID 09:58:42  
11 Rendering." I didn't do that. I did the sketches.

12 Q. Who created the ID rendering?

13 A. Every project had an industrial designer.

14 Q. So the industrial designer created the ID  
15 rendering?

16 A. Correct. Correct.

17 Q. Was the industrial designer working under  
18 your supervision?

19 A. Yes.

20 Q. Did you provide instructions to the 09:59:05  
21 industrial designer on what to draw for the ID  
22 rendering?

23 A. I don't recall, but I likely gave them the  
24 image above, the "Concept 1" image.

25 Q. And in the middle, there are some

1 photographs. Do you see that?

2 A. Yes.

3 Q. Do those represent an actual physical  
4 product that was built?

5 A. This is a prototype, yes.

6 Q. And the ID rendering, where is the  
7 location of the handle on the removable portion of  
8 the vacuum?

9 MR. EMERICK: Objection. Form.

10 THE WITNESS: Uppermost -- well, you can see 09:59:54  
11 where -- the image of the woman. Where she's  
12 grasping is the approximate location of the latch  
13 that removes this portion from the upright.

14 BY MR. ELDESSOUKI:

15 Q. So does the detachable portion have a  
16 handle at the top of the -- of the detachable  
17 portion?

18 MR. EMERICK: Objection. Form.

19 THE WITNESS: It was a combination latch and  
20 handle. 10:00:41

21 BY MR. ELDESSOUKI:

22 Q. And why was the handle placed in that  
23 location?

24 A. Ergonomics. You didn't have to bend over  
25 to pick up the device.

1 Q. We've been going for about an hour. Do  
2 you want to take a break or do you want to keep --

3 A. I could use the restroom.

4 MR. ELDESSOUKI: So the time now is 10:01, and  
5 we'll take a break. Going off the record.

6 (A short break was taken from  
7 10:01 a.m. to 10:13 a.m.)

8 MR. ELDESSOUKI: The time now is 10:13, and we  
9 are back on the record.

10 I'd like to introduce as Exhibit 3, 10:13:45  
11 Mr. Fester's declaration.

12 (Whereupon, Davidshofer  
13 Exhibit 3 was marked for  
14 identification.)

15 BY MR. ELDESSOUKI:

16 Q. You said you reviewed Mr. Fester's  
17 declaration; is that right?

18 A. Yes.

19 Q. And this is the declaration you reviewed?

20 A. I believe so, yes. 10:14:20

21 Q. Thank you.

22 Are you familiar with cyclonic filtration?

23 A. Yes.

24 Q. And what is cyclonic filtration?

25 A. It's the ability to separate different

1 particle sizes using a spinning air path.

2 Q. And was the use of cyclonic filtration  
3 well known in the year 2015?

4 A. We knew about it. I don't know if it was  
5 well known.

6 Q. In 2015 were there any known advantages to  
7 cyclonic filtration?

8 A. Yes.

9 Q. And what are they?

10 A. The customer, the user, did not need to 10:15:43  
11 buy or purchase or procure bags.

12 Q. And is that because cyclonic filtration  
13 does not require the use of bags?

14 A. Not necessarily.

15 Q. So why would the user not need to buy or  
16 purchase or procure bags?

17 A. In many instances, a cyclone does not need  
18 or require a bag, but there are instances where  
19 there are cyclonic vacuums that have bags.

20 Q. Are bags disfavored? 10:16:26

21 A. From a user standpoint, if you do not have  
22 to find the specific style of bag and procure or  
23 buy that particular bag, yes, that is an advantage.

24 Q. Are there some advantages of using the  
25 cyclonic filtration without the bag?

1 A. The fact that you don't have to purchase  
2 bags.

3 Q. And what are the disadvantages of using  
4 bags?

5 A. The cost and time to procure.

6 Q. And do vacuum cleaners that use bags  
7 generally lose suction as the bag gets filled up?

8 A. Say that again.

9 Q. Do vacuum cleaners that use bags generally  
10 lose suction as the bags fill up? 10:17:37

11 A. Generally, yes.

12 Q. And do cyclonic cleaners give the user a  
13 visual indication of how full the container is and  
14 when to empty it?

15 A. Providing -- yes, providing they offer a  
16 clear or transparent vessel.

17 Q. Are you familiar with a Dyson V6 vacuum  
18 cleaner?

19 A. I don't recall what a V6 is.

20 Q. Can I refer you to page 5 of Fester's 10:18:20  
21 declaration?

22 And just to be clear, I'm talking about  
23 the page number in the middle of the page as  
24 opposed to the page number on the right.

25 A. Okay.

1 Q. Does this picture refresh your  
2 recollection of the Dyson V6?

3 MR. EMERICK: Objection. Form.

4 THE WITNESS: I'm not -- I remember seeing this  
5 image. I don't know what the designation is, if  
6 I've ever seen one, a V6.

7 BY MR. ELDESSOUKI:

8 Q. So you don't know if the Dyson V6, if  
9 you've ever seen a Dyson V6 in your life? Is that  
10 what you're saying? 10:19:14

11 A. I don't recall it being referred to as a  
12 V6.

13 Q. Are you familiar with the vacuum cleaner  
14 depicted on page 5 of Mr. Fester's declaration?

15 A. Either that one or one very similar.

16 Q. Do you remember when you first heard about  
17 or became aware of the vacuum depicted on page 5 or  
18 the one that is very similar to it?

19 A. No, I do not.

20 Q. Does the Dyson V6 have a cyclone? 10:19:43

21 MR. EMERICK: Objection. Form. Scope.

22 THE WITNESS: I don't know.

23 BY MR. ELDESSOUKI:

24 Q. Does the Dyson V6 have a dirt collector?

25 MR. EMERICK: Objection. Form. Scope.

1 THE WITNESS: That I don't know.

2 MR. ELDESSOUKI: I'd like to introduce as  
3 Exhibit 4 SharkNinja Exhibit 1007, which I'll refer  
4 to as the Dyson reference.

5 (Whereupon, Davidshofer  
6 Exhibit 4 was marked for  
7 identification.)

8 BY MR. ELDESSOUKI:

9 Q. Are you familiar with this document?

10 A. Yes. 10:21:04

11 Q. And what is it?

12 A. It is a Dyson product. It looks to be, as  
13 described, a handheld cleaning appliance.

14 Q. Is the diagram, on the first page of the  
15 Dyson reference, does it have any similarities with  
16 the Dyson V6 vacuum cleaner shown on page 5 of  
17 Mr. Fester's declaration?

18 MR. EMERICK: Objection. Form. Scope.

19 THE WITNESS: There are similarities.

20 BY MR. ELDESSOUKI: 10:21:55

21 Q. Do you notice any differences between the  
22 two diagrams?

23 A. Yes.

24 MR. EMERICK: Objection. Form. Scope.

25

1 BY MR. ELDESSOUKI:

2 Q. What are the differences?

3 A. There are many.

4 MR. EMERICK: Objection. Form and scope.

5 THE WITNESS: The number of mini cyclones is  
6 different.

7 The air path on the tool has -- on the  
8 patent has distinguishing ribs or, I am assuming,  
9 industrial design.

10 And it appears that there is a latch of 10:22:47  
11 some sort above number 42 on the patent. I don't  
12 know what that does.

13 BY MR. ELDESSOUKI:

14 Q. Is that all?

15 I just wasn't sure if you were done.

16 A. I'm sorry. That's all.

17 Q. Thank you.

18 Are you familiar with the Dyson V10 vacuum  
19 cleaner?

20 A. Yes. 10:23:28

21 Q. You discussed the Dyson V10 vacuum cleaner  
22 in your declaration; is that right?

23 MR. EMERICK: Objection. Form.

24 And he doesn't have the declaration.

25

1 BY MR. ELDESSOUKI:

2 Q. You can answer, if you can.

3 A. I believe I did, yes.

4 Q. Sitting here today, right now, with the  
5 understanding that you don't have your declaration  
6 in front of you, are you aware of any differences  
7 in the design of the Dyson V6 and the Dyson V10?

8 MR. EMERICK: Objection. Form. Scope.

9 And if you'd like, we can take a break and  
10 I can print out the declaration for him. 10:24:23

11 MR. ELDESSOUKI: I have it. I'll give it to  
12 him in a minute.

13 THE WITNESS: I don't have one side by side.  
14 So I don't know.

15 BY MR. ELDESSOUKI:

16 Q. Okay. Can I direct you to page 35 of  
17 Mr. Fester's declaration?

18 A. Yes.

19 Q. Have you seen this diagram before today?

20 A. Yes. 10:25:08

21 Q. And what do you understand the figure on  
22 page 35 of Mr. Fester's declaration to show?

23 MR. EMERICK: Objection. Form.

24 THE WITNESS: Mr. Fester was intimating that  
25 there are other handle locations that could be

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1 applied to this vacuum.

2 BY MR. ELDESSOUKI:

3 Q. Does the figure show a handle with a  
4 portion on the top of the vacuum parallel to the  
5 cleaning surface?

6 MR. EMERICK: Objection. Form.

7 THE WITNESS: Yes, at 102.

8 BY MR. ELDESSOUKI:

9 Q. Would a user be able to hold a vacuum  
10 using the top portion of the handle? 10:26:02

11 MR. EMERICK: Objection. Form.

12 THE WITNESS: I don't know what you mean by  
13 "top portion."

14 BY MR. ELDESSOUKI:

15 Q. You just said that -- you just agreed that  
16 the figure shows a handle with a portion of the  
17 top -- on the top of the vacuum parallel to the  
18 cleaning surface. So that's what I was referring  
19 to as the "top portion."

20 MR. EMERICK: Objection. Mischaracterizes. 10:26:31

21 BY MR. ELDESSOUKI:

22 Q. So the question was would a user be able  
23 to hold a -- a vacuum holding the top portion of  
24 the -- sorry. I think the question was a little  
25 joggled there.

1           Would a user be able to hold the vacuum  
2 shown on page 35 using the top portion of the  
3 handle?

4           MR. EMERICK: Objection. Form.

5           THE WITNESS: Again, I don't know what you  
6 refer to as the "top portion of the handle."

7 BY MR. ELDESSOUKI:

8           Q. Does the figure on page 35 show a handle  
9 with a portion on the rear of the vacuum?

10          MR. EMERICK: Objection. Form. 10:27:21

11          THE WITNESS: No.

12 BY MR. ELDESSOUKI:

13          Q. I'd like to refer you to the prior page,  
14 page 34, on Mr. Fester's declaration.

15               Specifically, there's a sentence about  
16 halfway down the page that starts with "For  
17 example."

18          A. Yes, sir.

19          Q. Can you read that sentence and let me  
20 know -- 10:28:27

21          A. "For example" --

22          Q. Sorry. You don't have to read it out  
23 loud. I just wanted you to get familiar with the  
24 paragraph, the sentence, and I'd like to ask you  
25 something about that sentence.

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1 A. Okay.

2 Q. What is your understanding of that  
3 sentence?

4 MR. EMERICK: Objection. Form.

5 THE WITNESS: It is suggesting that a person of  
6 ordinary skill in the art could have designed the  
7 handle that attaches where the existing handle is  
8 and extending rearward.

9 BY MR. ELDESSOUKI:

10 Q. Going back to the diagram on page 35 of 10:30:07  
11 Mr. Fester's declaration, what do you understand  
12 the green line to be representing?

13 MR. EMERICK: Objection. Form.

14 THE WITNESS: An approximate location of an  
15 alternate handle.

16 MR. EMERICK: Let's take a break. I am going  
17 to print him off a copy of his declaration.

18 MR. ELDESSOUKI: I have it here.

19 MR. EMERICK: Well, you're asking him questions  
20 about his declaration -- about Mr. Fester's 10:30:35  
21 declaration for which he's submitted a rebuttal  
22 opinion. So -- and you've asked him questions  
23 specifically about what his declaration contains so  
24 far.

25 MR. ELDESSOUKI: Right now we are not asking

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1 about his declaration.

2 MR. EMERICK: Let's take a break.

3 The time is 10:30.

4 MR. ELDESSOUKI: I mean, we can just introduce  
5 his declaration right now. It's not an issue.

6 MR. EMERICK: If you'd prefer to do that, we  
7 can do that. We can stay on the record.

8 MR. ELDESSOUKI: We are up to Exhibit 4; right?

9 MR. EMERICK: This will be 5.

10 (Whereupon, Davidshofer  
11 Exhibit 5 was marked for  
12 identification.)

13 BY MR. ELDESSOUKI:

14 Q. This is Exhibit 5, Mr. Davidshofer's  
15 declaration.

16 Okay. So there was a question pending  
17 before the interruption, which was: Going back to  
18 the diagram on page 35 of Mr. Fester's declaration,  
19 what do you understand the green line to be  
20 representing? 10:32:46

21 MR. EMERICK: Objection. Form.

22 THE WITNESS: The green line represents an  
23 alternate location of the handle.

24 BY MR. ELDESSOUKI:

25 Q. Okay. How would you describe the

1 alternative location of the handle?

2 MR. EMERICK: Objection. Form.

3 THE WITNESS: So it's a line and not a  
4 representation of a handle itself. It's a proposed  
5 location substantially rearward of the existing  
6 handle itself.

7 BY MR. ELDESSOUKI:

8 Q. Do you agree that the handle generally has  
9 a top portion and a rear portion?

10 MR. EMERICK: Objection. Form. 10:34:03

11 THE WITNESS: The handle itself, as in 102,  
12 does have attributes you could call a top and  
13 rearward, yes.

14 BY MR. ELDESSOUKI:

15 Q. And does the alternative handle have a top  
16 and a rear portion?

17 MR. EMERICK: Objection. Form.

18 THE WITNESS: Since this is a handheld device,  
19 it's really hard to distinguish what would be top  
20 and what would be bottom. So it's hard to 10:34:52  
21 determine what this really represents.

22 BY MR. ELDESSOUKI:

23 Q. Given the orientation on the page, do you  
24 agree that there is an alternative handle drawn  
25 that is above the surface to be cleaned?

1 MR. EMERICK: Objection. Form.

2 THE WITNESS: The existing handle at 102 is  
3 above the surface to be cleaned.

4 BY MR. ELDESSOUKI:

5 Q. And is the alternative handle shown also  
6 above the surface to be cleaned?

7 MR. EMERICK: Objection. Form.

8 THE WITNESS: In this Figure 6, assuming that  
9 the surface to be cleaned is -- I don't know a  
10 number on it -- the horizontal line, the handle -- 10:35:50  
11 the line that is to represent a handle is above  
12 that surface.

13 BY MR. ELDESSOUKI:

14 Q. Do you agree that there is a portion of  
15 the alternative handle on the right side of the  
16 item labeled 110?

17 MR. EMERICK: Objection. Form.

18 THE WITNESS: Can you reword the question?

19 BY MR. ELDESSOUKI:

20 Q. Do you agree that there is a portion of 10:36:20  
21 the alternative handle to the right of the item  
22 labeled 110 in the diagram shown on Figure -- on  
23 page 35?

24 MR. EMERICK: Objection. Form.

25 THE WITNESS: The line representing a potential

1 handle, the green line, is to the right of  
2 Item 110.

3 BY MR. ELDESSOUKI:

4 Q. Do you agree that there is a portion of  
5 the alternative handle above the item labeled 164  
6 in the diagram shown on page 35?

7 MR. EMERICK: Objection. Form.

8 THE WITNESS: The line representing an  
9 alternative handle, the green line representing an  
10 alternative handle is, in this view, Figure 6, 10:37:13  
11 page 35, above Item 164.

12 BY MR. ELDESSOUKI:

13 Q. Does the vacuum cleaner shown on page 35  
14 have a cyclone?

15 A. I cannot discern that. I don't know.

16 Q. What information do you need to determine  
17 if the vacuum cleaner shown on page 35 has a  
18 cyclone?

19 A. It would be helpful to have a cross  
20 section through the cyclone itself, but at this 10:38:31  
21 point, just looking at this, I cannot determine  
22 whether or not it does have a cyclone.

23 (Whereupon, Davidshofer  
24 Exhibit 6 was marked for  
25 identification.)

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1 MR. ELDESSOUKI: Introducing as Exhibit 6  
2 SharkNinja Exhibit 1004, which is a reference  
3 Conrad U.S. 2011/0314630.

4 BY MR. ELDESSOUKI:

5 Q. Are you familiar with this document?

6 A. I am.

7 Q. And what is it?

8 A. This is a patent, Conrad Patent No. '630.

9 Q. Can I point you to paragraph 73, please?

10 A. Okay. 10:40:18

11 Q. What does the third sentence say?

12 A. "Preferably" -- do you want me to read it  
13 out loud?

14 Q. Sure.

15 A. "Preferably. As exemplified. Dirt outlet  
16 is at the front 196 of the cyclone 122 and further,  
17 is at the front end 108 of the cleaner 100."

18 Q. Go to Figure 6 of Conrad '630.

19 Does this diagram show an item labeled as  
20 122? 10:41:12

21 A. Yes, sir.

22 Q. Does this diagram show a cyclone?

23 MR. EMERICK: Objection. Form.

24 THE WITNESS: I can't answer that. I don't  
25 have an opinion on that.

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1 BY MR. ELDESSOUKI:

2 Q. Even though you just read that "Preferably  
3 as exemplified, dirt outlet is at the front 196 of  
4 the cyclone 122." You still cannot answer that?

5 A. The question was does this Figure 6 at 122  
6 show a cyclone? There's no reference to verbiage  
7 122 on the previous page.

8 Q. Sorry. When you say "the previous page"?

9 A. The previous page we were looking at.  
10 What was it? 73 or something? Page 4. 10:42:26

11 Q. Would you please take a second look  
12 because I believe it does say "cyclone" --

13 A. My objection is that you asked me whether  
14 or not Figure 6 at 122 shows a cyclone. There's no  
15 mention of 122 or any reference to 73 which we  
16 looked at earlier. You didn't connect the words to  
17 the image.

18 Q. Okay. So your objection is that  
19 paragraph 73 does not specifically mention  
20 Figure 6? Is that your objection? 10:43:14

21 A. No. Your question was -- and I'll repeat  
22 it again -- does Figure 6, item -- do you see  
23 Item 122, does it represent a cyclone?

24 And I'm saying without the context of the  
25 verbiage that I read out loud, I cannot intimate to

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1 say that Figure 6, Item 122, represents a cyclone.

2 Q. But with the context of the verbiage, can  
3 you say that Figure 6 represents a cyclone at 122?

4 A. So in the verbiage on 0073 references the  
5 cyclone 122 in this patent. So the patent is --  
6 Conrad patent is suggesting that 122 is the  
7 cyclone.

8 Q. And on Figure 6 of Conrad '630, which axis  
9 is the longitudinal axis of the cyclone?

10 MR. EMERICK: Objection. Form. 10:44:49

11 THE WITNESS: Using just Figure 6, there is no  
12 description showing longitudinal axis of a cyclone.

13 BY MR. ELDESSOUKI:

14 Q. Are you able to determine the longitudinal  
15 axis based on your experience?

16 MR. EMERICK: Objection. Form. Foundation.

17 THE WITNESS: Not using Figure 6, no.

18 BY MR. ELDESSOUKI:

19 Q. Do you need to look at another figure?

20 Would that help? 10:45:23

21 A. If it describes the longitudinal axis of  
22 the cyclone, yes.

23 Q. Why don't we go to Exhibit 5?

24 What is Exhibit 5?

25 A. This is my declaration.

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1 Q. Did you prepare this document?

2 A. Yes.

3 Q. I'd like to refer you to page 28 of your  
4 declaration. You provided four diagrams labeled  
5 AA, BB, CC, and DD.

6 Do you see that?

7 A. Yes.

8 Q. Did you draw these diagrams?

9 A. I did.

10 Q. And what do these diagrams show? 10:47:49

11 A. These are hypothetical examples of  
12 alternate handle locations.

13 Q. What do you mean by "alternate handle  
14 locations"?

15 A. '630 offers a handle substantially close  
16 to the motor itself, the suction motor. In this  
17 instance the handle -- alternate handle locations  
18 are moved rearward.

19 Q. How did you decide on the shape of the  
20 handle in the Diagram AA? 10:49:03

21 A. I came up with it on my own.

22 Q. What were the factors that you considered  
23 in deciding to draw the handle shown in Diagram AA?

24 A. To represent a handle similar to the '630  
25 representation in Figure 6 of the Conrad patent.

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1 Q. Why was it -- scratch that.

2 Why did you decide that you wanted to  
3 represent a handle similar to the '630  
4 representation in Figure 6 of the Conrad patent?

5 A. Just to show examples of alternate handle  
6 locations.

7 Q. Did you consider the ergonomics of the  
8 handle when you drew it in Diagram AA?

9 A. It was considered. It was not advised.

10 Q. Why was it not advised? 10:50:58

11 A. Because a person of ordinary skill in the  
12 art would not actually design something similar to  
13 this.

14 Q. Why not?

15 A. Because the weight of the product itself  
16 is forward of the handle.

17 Q. Were there other factors that you  
18 considered when you designed the handle in  
19 Diagram AA?

20 A. Yes. 10:51:38

21 Q. What were those factors?

22 A. The other factors were you have a handle  
23 extending outside of the envelope of the vacuum  
24 cleaner, and I wanted to support it because it  
25 could be vulnerable to drop.

1 Q. Does the handle in AA, in Diagram AA,  
2 account for durability?

3 A. It suggests a more durable solution.

4 Q. More durable than what?

5 A. Than not having -- by that I meant the  
6 added feature below -- below the handgrip itself.

7 Q. Just so we are on the same page, you're  
8 describing the loop?

9 A. You can call it whatever you want. You're  
10 completing the end of the handle and marrying it 10:52:54  
11 with the body of the vacuum cleaner.

12 Q. Understood.

13 Were there any other factors other than  
14 ergonomics and durability that you considered in  
15 designing the handle in AA?

16 A. I'm suggesting alternate handle locations  
17 based on the original '630 handle design.

18 Q. Were there other factors that you  
19 considered that I didn't mention or that we did not  
20 discuss? 10:53:25

21 A. I don't recall.

22 Q. How about the handle in the Diagram BB?  
23 What was the motivation behind that design?

24 A. To suggest an alternate handle location  
25 and/or design intimating the same handle --

1 original handle location in Figure 6 of the  
2 Conrad patent.

3 Q. And how is the handle BB different than  
4 the handle in Diagram AA?

5 A. BB is very similar with the exception it  
6 does not include the lower structure almost tying  
7 the handle itself or the grip itself into the main  
8 body of the vacuum.

9 Q. Would a POSITA actually show something,  
10 design something, like the handle shown in BB? 10:54:35

11 A. A person of ordinary skill in the art  
12 could design something like this. I would not  
13 advise it.

14 Q. Why would you not advise it?

15 A. A number of reasons.

16 I think I already suggested the weight  
17 forward is -- could be an issue.

18 In BB, the handle itself in this instance  
19 is more vulnerable to durability testing.

20 Q. Why would a person of ordinary skill in 10:55:23  
21 the art -- why did you say that a person of  
22 ordinary skill in the art could design something  
23 like this?

24 A. As a designer, you can design a lot of  
25 things. It doesn't necessarily mean that it would

1 improve the product or improve the experience by  
2 the user. In this case I don't believe it would  
3 improve either.

4 Q. Is it your position that the experience by  
5 the user would not be improved in any orientation  
6 in which the vacuum shown in diagram BB could be  
7 used?

8 MR. EMERICK: Objection. Form.

9 THE WITNESS: I don't know.

10 BY MR. ELDESSOUKI:

10:56:22

11 Q. Taking a look at the Diagram CC now, how  
12 does the handle in the Diagram CC compare with the  
13 handle in Diagram AA?

14 A. The main differences are the handle grip  
15 has features that mimic the human hand.

16 Q. What is the advantage, if any, of those  
17 features?

18 A. User comfort.

19 Q. What are the drawbacks, if any, of the  
20 handle shown in Diagram CC?

10:57:29

21 A. Similar to all of these hypotheticals,  
22 extending the physical size of the vacuum cleaner  
23 increases weight and increases packaging size and  
24 cost.

25 Q. Would a person of ordinary skill in the

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1 art design a vacuum cleaner with a handle like  
2 shown in Diagram CC?

3 MR. EMERICK: Objection. Form.

4 THE WITNESS: No.

5 BY MR. ELDESSOUKI:

6 Q. Taking a look at the Diagram DD now, how  
7 does the handle in the Diagram DD compare with the  
8 handle in Diagram AA?

9 A. DD is -- offers a larger handgrip with a  
10 feature on the end to either wrap a cord or some 10:59:01  
11 other -- have some other function. It wasn't  
12 intended to represent anything.

13 Q. Would a person of ordinary skill in the  
14 art design a vacuum cleaner with a handle like  
15 shown in DD?

16 MR. EMERICK: Objection. Form.

17 THE WITNESS: Knowing the use of this device,  
18 probably not.

19 BY MR. ELDESSOUKI:

20 Q. What is the use that you reference? 10:59:56

21 A. How this vacuum is being used. It's a  
22 handheld device with a suction port opposed to, if  
23 you reference Figure 6 of the Conrad patent, the  
24 suction port is opposed to the handle grip itself.

25 Q. Why did you remove the original handle

1 from Conrad '630, the Diagram AA?

2 A. I was showing alternate handle locations.

3 Q. Is it possible to have -- is it possible  
4 to include two handles, the original handle and the  
5 modified handle, shown in Diagram AA?

6 MR. EMERICK: Objection. Form.

7 THE WITNESS: It is possible.

8 BY MR. ELDESSOUKI:

9 Q. Are there any advantages to keeping both?

10 A. I don't see an advantage. 11:01:16

11 Q. Would keeping the original handle while  
12 adding a second handle, alternative handle that you  
13 drew, maintain the advantages of the original  
14 handle?

15 A. With the exception of adding cost, weight,  
16 and packaging, yes.

17 Q. What are the advantages of the original  
18 handle?

19 A. The weight is evenly distributed along the  
20 grip. 11:02:22

21 Q. And why is having the weight evenly  
22 distributed along the grip a useful feature?

23 A. From a user's standpoint, having the  
24 weight distributed below the hand reduces the  
25 stress and strain on the user.

1 Q. Did you conduct any testing to evaluate  
2 the stress and strain on the user using the  
3 Conrad '630 vacuum cleaner?

4 A. No.

5 Q. Did you conduct any testing to evaluate  
6 the stress and strain on the user using the  
7 modified handle -- sorry -- the modified Conrad  
8 '630 vacuum shown in Diagram AA?

9 A. No.

10 Q. Did you conduct any testing to evaluate 11:03:44  
11 the stress and strain on the user using any of the  
12 modified handles shown in Diagrams BB, CC, or DD?

13 A. No.

14 Q. Referring to page 28 of your declaration,  
15 you say "The hypothetical examples below offer the  
16 user the comfort to manipulate the vacuum cleaner  
17 for and aft on a horizontal surface that is below  
18 the user's elbow."

19 Do you see that?

20 A. Yes. 11:04:50

21 Q. What does this sentence mean?

22 A. The way I envision this product being  
23 used, the vacuum cleaner is moved forward and  
24 reverse and aft, and the weight is below the user's  
25 elbow.

1 Q. And, here, you're referring to the  
2 modified vacuum shown in Diagrams AA, BB, CC, and  
3 DD; is that correct?

4 A. Correct.

5 Q. And in the following sentence, you say,  
6 "These hypothetical examples also provide an  
7 orientation substantially traverse to gravity that  
8 reduces stress on the wrist while holding the  
9 vacuum structured like Conrad '630" and so forth.

10 Do you see that?

11:06:34

11 A. Yes.

12 Q. What does that sentence mean?

13 A. The examples that are shown in AA through  
14 DD offer the -- a solution to -- an alternate  
15 solution to a handle that is transverse to gravity.

16 Q. I'd like to move to page 32 of your  
17 declaration.

18 On page 32, you provided two diagrams  
19 labeled A and B; is that correct?

20 A. This is true.

11:07:47

21 Q. And who drew these diagrams?

22 A. I did.

23 Q. How did you determine the scale of the  
24 vacuum relative to the person shown?

25 A. This was a pictorial representation. It

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1 isn't meant to be scaled.

2 Q. So it could be -- the vacuum cleaner could  
3 be longer or shorter?

4 A. Again, it isn't -- it was a pictorial  
5 representation.

6 Q. And what do the Diagrams A and B show?

7 A. Orientation of an alternate handle as  
8 proposed by petitioners and Mr. Fester showing the  
9 fore and aft movement and the relative position of  
10 the arm, elbow, and wrist. 11:08:57

11 Q. You say this is an alternative handle as  
12 proposed by petitioners and Mr. Fester.

13 How did you get that understanding?

14 A. From Mr. Fester's declaration.

15 Q. Can you point me where in Mr. Fester's  
16 declaration you were able to deduce that from?

17 A. In Figure 6, the green lines.

18 Q. And, for the record, you're referring to  
19 page 35 from Mr. Fester's declaration?

20 A. Yes, sir. 11:09:36

21 Q. So what are the green lines shown on  
22 Mr. Fester's declaration?

23 MR. EMERICK: Objection. Form.

24 THE WITNESS: Figure 6 shows an alternate  
25 handle location.

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1 BY MR. ELDESSOUKI:

2 Q. Is it your position that the vacuum  
3 cleaner shown in Diagram A in your declaration is  
4 the same as the vacuum cleaner shown on page 35 of  
5 Mr. Fester's declaration?

6 A. Certain aspects of it, yes.

7 Q. What are those certain aspects that are  
8 the same?

9 A. The rearward green line on page 35 of  
10 Mr. Fester's declaration. 11:10:24

11 Q. And what are the certain aspects that are  
12 different?

13 A. Mr. Fester shows a representation of a  
14 handle via a line. I'm showing a representation of  
15 a handle in a pictorial representation.

16 Q. And does your diagram omit any portion of  
17 Mr. Fester's alternative handle?

18 A. Based on page 35, Figure 6, of  
19 Mr. Fester's declaration, he intimates the addition  
20 of a rearward handle, and that's what I show. 11:11:14

21 Q. In the Diagrams A and B, why is the person  
22 holding the vacuum in the middle there?

23 A. This is just to represent the movement  
24 with a rearward-oriented handle.

25 Q. And does this show the surface to be

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1 cleaned?

2 A. It does not.

3 Q. And where would the surface to be cleaned  
4 be positioned relative to the vacuum cleaner?

5 A. I don't intimate that.

6 Q. Do you have an opinion as to where the  
7 surface to be cleaned would be located?

8 A. I don't.

9 Q. Do you agree, when used for cleaning, the  
10 vacuum shown in Figure A and Figure B will rest on 11:12:36  
11 the surface being cleaned?

12 A. Can you ask the question again?

13 Q. Do you agree that, when used for cleaning,  
14 the vacuum shown in Figure A and Figure B will rest  
15 on the surface being cleaned?

16 MR. EMERICK: Objection. Form.

17 THE WITNESS: Yes.

18 BY MR. ELDESSOUKI:

19 Q. And the surface to be cleaned would bear  
20 some of the weight of the vacuum; correct? 11:13:12

21 MR. EMERICK: Objection. Form.

22 THE WITNESS: It could.

23 BY MR. ELDESSOUKI:

24 Q. On page 31 of your declaration,  
25 paragraph 64, about four lines from the bottom, you

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1 say "There would be additional strain on the user's  
2 hands/wrist would be caused" and so forth.

3 Do you see that?

4 A. Yes.

5 Q. How did you come to this conclusion?

6 A. Being a person of ordinary skill in the  
7 art, I am aware that weight distribution has an  
8 effect on the strain of the user.

9 Q. Did you consider weight distribution when  
10 you worked for the Eureka Company in designing 11:14:44  
11 vacuum cleaners?

12 A. Yes.

13 Q. Approximately when was the first time you  
14 considered weight distribution?

15 A. I can't answer that. I don't know. Early  
16 on.

17 Q. Was that during your role as a draftsman  
18 between 1980 and 1999?

19 A. I don't know. I don't recall.

20 Q. Now going back to the -- to paragraph 64 11:15:24  
21 and that sentence that we were talking about, did  
22 you take into account that the weight of the vacuum  
23 cleaner would rest on a surface during cleaning in  
24 coming to that conclusion?

25 MR. EMERICK: Objection. Form.

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1 THE WITNESS: Since this is a handheld vacuum,  
2 that is one option.

3 BY MR. ELDESSOUKI:

4 Q. What do you mean by "that is one option"?

5 A. Since it's a handheld vacuum, it can be  
6 used in different orientations.

7 Q. In one orientation it would rest on the  
8 surface being cleaned; is that correct?

9 A. That is one of many.

10 Q. And is the additional strain referenced on 11:16:42  
11 paragraph 34 -- sorry -- in paragraph 64 of your  
12 declaration, is that something that will happen if  
13 the vacuum is resting on a surface to be cleaned?

14 A. It is going to impact it, yes.

15 Q. Moving to page 33 of your declaration,  
16 what do Diagrams E and F show?

17 A. E and F represent the hand and arm  
18 movement of Conrad '630 as intended.

19 Q. Is the vacuum shown in Diagram E or F the  
20 same as the vacuum shown in Diagram AA of your 11:18:20  
21 declaration, which is on page 28?

22 A. Can you ask the question again, please?

23 Q. Is the vacuum shown in Diagram E the same  
24 as the vacuum shown in Diagram AA of your  
25 declaration?

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1 A. No. AA has been modified.

2 Q. Is the vacuum shown in Diagram E the same  
3 as shown in Diagram A of your declaration, which is  
4 on page 32?

5 A. No.

6 Q. Is the vacuum shown in Diagram E of your  
7 declaration the same as the vacuum shown on page 35  
8 of Mr. Fester's declaration?

9 A. No.

10 Q. Can the vacuum cleaner shown on page 35 of 11:19:28  
11 Mr. Fester's declaration be carried in the same way  
12 as the vacuum cleaner shown in Diagram E of your  
13 declaration?

14 A. As represented in Figure 6 on page 35 of  
15 Mr. Fester's declaration, assuming he maintains the  
16 handle 102, the orientation is similar, yes.

17 Q. We've been going for a little bit over an  
18 hour. Do you want to continue or do you want to  
19 take a break now?

20 A. I'm good for two more questions. 11:20:43

21 MR. EMERICK: It's 11:20. We've been going  
22 about an hour. If you want to take a break, fine.  
23 If not, I'm fine to continue.

24 THE WITNESS: Let's just continue.

25 MR. EMERICK: And if at any time you do need a

1 break, just let me know, as Ahmed mentioned, as  
2 long as we finish any pending questions.

3 THE WITNESS: I understand.

4 BY MR. ELDESSOUKI:

5 Q. Let's go to page 38 of your declaration.

6 What does the Diagram H show here?

7 A. It is suggesting an alternate handle  
8 location of Conrad '630 rearward as suggested by  
9 Mr. Fester. The image represents a person or a  
10 user picking up the device with that handle as 11:21:52  
11 represented as an alternate handle by Mr. Fester.

12 Q. And is the vacuum shown on -- in Diagram H  
13 of your declaration the same as the vacuum shown on  
14 page 35 of Mr. Fester's declaration?

15 A. It is not, no.

16 Q. If we can go to Diagram G, on the prior  
17 page of your declaration, what does Diagram G show?

18 A. This is a pictorial representation of a  
19 person or user picking up a vacuum cleaner as  
20 represented in Figure 6 of Conrad patent '630. 11:22:42

21 Q. And can the vacuum cleaner shown on  
22 page 35 of Mr. Fesler's declaration be carried in  
23 the same way as the vacuum cleaner shown in  
24 Diagram G of your declaration?

25 A. Assuming that Mr. Fester represents a --

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1 retains the handle -- original handle location of  
2 Conrad '630, Figure 6, yes.

3 Q. Can we go to page 42 of your declaration?  
4 Here there are two diagrams that you  
5 provided labeled M and -- L and M; is that correct?

6 A. Yes.

7 Q. And did you draw these diagrams?

8 A. I did.

9 Q. And what does the -- what does Diagram L  
10 show? 11:24:12

11 A. L shows the original handle location,  
12 Conrad patent '630, and the arrow is showing how  
13 the vacuum is manipulated on a surface to be  
14 cleaned.

15 Q. Can the vacuum cleaner shown on page 35 of  
16 Mr. Fester's declaration be carried and moved in  
17 the same way as the vacuum cleaner shown in  
18 Diagram L of your declaration?

19 A. Assuming Mr. Fester, on page 35 of his  
20 declaration, Figure 6, retains the handle as 11:25:13  
21 represented in Conrad patent '630, Figure 6, yes.

22 Q. And what does Figure M of your declaration  
23 show?

24 A. Figure M shows or represents -- it's a  
25 pictorial representation of a handle on

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1 Conrad '630, Figure 6, rearward showing the action  
2 required by the user to manipulate the vacuum  
3 cleaner in a user position.

4 Q. And is the vacuum in the diagram labeled M  
5 the same as the vacuum in the diagram in Fester's  
6 declaration at page 35?

7 A. No.

8 Q. On page 42, about halfway down,  
9 paragraph 85, you say, "Thus, Conrad '787's alleged  
10 'drive handle'" -- do you see that sentence? 11:26:42

11 A. Yes, sir.

12 Q. How did you make this determination?

13 MR. EMERICK: Objection. Form.

14 THE WITNESS: I'm intimately aware of how a  
15 device of this design is used. It is fore and aft  
16 action. In order to move the vacuum cleaner  
17 horizontal, you have to turn the vacuum. So in  
18 order to turn, you have to push one way or the  
19 other to get the device to skate across the surface  
20 as intimated on page 43. 11:27:39

21 BY MR. ELDESSOUKI:

22 Q. Did you conduct any analysis in coming to  
23 this conclusion?

24 A. No.

25 Q. On page 43, paragraph 86, you say that --

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1 I'll just read the beginning of the sentence,  
2 "One typical cleaning action," so forth.

3 Then you say, "Rather, the vacuum cleaner  
4 is moved in a sequentially diagonal line that  
5 'walks' the vacuum cleaner across the surface like  
6 in Illustration 0 below."

7 Do you see that?

8 A. Yes, sir.

9 Q. How did you make that determination?

10 A. My vast experience on how a vacuum cleaner 11:28:43  
11 is used.

12 Q. Does this apply to all types of vacuum  
13 cleaners?

14 A. I don't have an opinion on that.

15 Q. Did you conduct any analysis in coming to  
16 this conclusion?

17 A. No.

18 (Whereupon, Davidshofer  
19 Exhibit 7 was marked for  
20 identification.) 11:29:46

21 BY MR. ELDESSOUKI:

22 Q. I'd like to introduce as Exhibit 7  
23 SharkNinja Exhibit 1008, which is Conrad  
24 Patent U.S. 9,301,663.

25 Are you familiar with this document?

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1 A. I have reviewed it, yes.

2 Q. And you have, I believe, as Exhibit 6  
3 Conrad '630; is that right?

4 A. Yes. Yes.

5 Q. Do you agree that Figure 1 of Conrad '630  
6 is the same as Conrad '663 with different labels?

7 MR. EMERICK: Objection. Form. Foundation.

8 THE WITNESS: Sorry. What reference on '663?

9 BY MR. ELDESSOUKI:

10 Q. So we are comparing Figure 6 on '663 with 11:31:22  
11 Figure 1 on '630.

12 A. Thank you.

13 A cursory look suggests they are similar,  
14 yes.

15 Q. And comparing Figure 8 in '663 with  
16 Figure 7a of '630, do you agree that Figure 7a of  
17 Conrad '630 is the same as Figure 8 of Conrad '663  
18 with different labels at slightly different  
19 orientation?

20 MR. EMERICK: Objection. Form. Foundation. 11:32:29

21 THE WITNESS: A cursory review would suggest  
22 they are very similar.

23 BY MR. ELDESSOUKI:

24 Q. Do you agree that Conrad '630 and  
25 Conrad '663 disclose the same vacuum cleaner?

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1 MR. EMERICK: Objection. Form.

2 THE WITNESS: They have some similar  
3 attributes.

4 BY MR. ELDESSOUKI:

5 Q. Are you aware of any differences between  
6 the vacuum cleaner shown in Conrad '630 and  
7 Conrad '663?

8 A. Conrad '663 is showing a completely  
9 different vacuum with a handle and a floor nozzle  
10 and some other features. So they are not 11:33:48  
11 identical, no.

12 Q. Okay. And you said that they have some  
13 similar attributes. What are the similar  
14 attributes that you were referring to?

15 A. In reference to your comparison of  
16 Figure 7a in Conrad '630 and Figure 8 in  
17 Conrad '663, the similar attributes are the air  
18 inlet, wheel locations, and what appears to me as  
19 the motor exhaust.

20 Q. I'd like you to go to column 12, which is 11:35:03  
21 on page 48 in the bottom right corner of  
22 Conrad '663.

23 A. Say that again. Which?

24 Q. On the bottom right corner, it is page  
25 48 of 58, the first complete paragraph, which

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1 starts with the word "Optionally," I'd like you to  
2 take -- on column 12 -- apologies.

3 A. Oh, okay.

4 Q. I'd like you to take a minute to read  
5 that, and let me know when you're done, please.

6 A. Okay.

7 Q. Does Conrad '663 disclose using  
8 attachments that are directly attached to the  
9 nozzle of the vacuum?

10 MR. EMERICK: Objection. Form. 11:36:56

11 THE WITNESS: No.

12 BY MR. ELDESSOUKI:

13 Q. Do you see line 5?

14 A. You had me read a paragraph. I didn't  
15 read that line 5. Oh, I apologize. I read the  
16 other paragraph that started with "optionally."

17 Q. It's a common word in patents.

18 A. Optionally. I apologize. I'll need to --

19 Q. I'm looking at column 12, line 3, to --

20 A. I apologize. Give me a minute here. 11:38:03

21 Q. Sure.

22 A. And you're right. They like the word  
23 "optionally."

24 Okay.

25 Q. So let me ask you the question again.

1 Does Conrad '663 disclose using  
2 attachments that are directly attached to the  
3 nozzle of the vacuum?

4 MR. EMERICK: Objection. Form.

5 THE WITNESS: Yes.

6 BY MR. ELDESSOUKI:

7 Q. And what types of attachments does it  
8 disclose?

9 A. What they intimate as auxiliary cleaning  
10 tool. 11:39:13

11 Q. Can I point you to the last line of that  
12 paragraph which starts with "Including wands,  
13 brushes, crevice tools, and other hoses"?

14 Do you see that?

15 A. Okay.

16 Q. Does Conrad '663 disclose using wands,  
17 brushes, crevice tools, and other hoses with the  
18 vacuum?

19 A. It does.

20 Q. And do you agree that those attachments -- 11:39:38  
21 sorry.

22 Do you agree that nozzle 412 may be  
23 directly connected to any of these attachments?

24 MR. EMERICK: Objection. Form.

25 THE WITNESS: That's what it is suggesting,

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1 yes.

2 BY MR. ELDESSOUKI:

3 Q. I'd like to go back to your declaration,  
4 please, page 39.

5 On page 39, around the second line, you  
6 say, "Notably Conrad '663 only discloses using hose  
7 attachments for the connector as illustrated in  
8 Figure 3b."

9 Do you agree with that statement?

10 A. Figure 3b. 11:40:50

11 Yes.

12 Q. What does the sentence mean?

13 A. On Conrad '663 suggests a hose with some  
14 type of a connector with -- oh, discloses using  
15 hose attachments with the connector, and the  
16 connector is referenced as 128 in Figure 3b of the  
17 '663.

18 Q. I guess I'm confused by the use of the  
19 word "or" in your -- sorry -- the use of the words  
20 "only" in your declaration on the second line on 11:42:15  
21 page 39, and what is that referring to?

22 A. I don't recall.

23 Q. Are you saying here that Conrad '663 only  
24 discloses using hose attachments with a connector,  
25 or are you saying that Conrad '663 at Figure 3b

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1 only discloses hose attachments with a connector?

2 A. I don't remember. I don't recall.

3 Q. Do you have an opinion about that sitting  
4 here today?

5 A. No, I don't.

6 Q. But earlier you agreed that Conrad '663  
7 discloses using a crevice tool, for example?

8 A. That's what they're suggesting, yes.

9 Q. So do you agree with this statement in  
10 your declaration? 11:43:20

11 A. In this statement crevice tool is a hose  
12 attachment.

13 Q. Okay. And how would the crevice tool  
14 attach to the vacuum cleaner?

15 A. That, I don't know.

16 Q. And the crevice tool can be attached  
17 directly to the nozzle 412?

18 A. Can you elaborate on what 412 is?

19 Q. Sure. I'll refer you to the same  
20 paragraph we were looking at on column 12, which is 11:44:11  
21 page 48 of Conrad '663. I think it's line 8.

22 A. "In addition"? Is that what you're  
23 looking at? I'm sorry.

24 Q. Yeah. Starting that sentence, yes.

25 A. (Reading sotto voce).

1 Q. The question was: And the crevice tool  
2 can be attached directly to the nozzle 412; is that  
3 correct?

4 A. Or vice versa.

5 Q. What do you mean by "vice versa"?

6 A. Well, it's suggesting that the nozzle may  
7 be directly connected to any loose tools. So the  
8 tools could be connected to the nozzle, if you  
9 interpolate.

10 Q. Okay. And does it have any functional 11:45:44  
11 difference?

12 A. That, I don't know all the functions.

13 MR. ELDESSOUKI: The time is 11:46 a.m. I'd  
14 like to take a break for lunch, if that's okay.

15 MR. EMERICK: We can take a break.

16 (A lunch break was taken from  
17 11:46 a.m. to 12:45 p.m.)

18 MR. ELDESSOUKI: We can go on the record. The  
19 time now is 12:45.

20 I'd like to introduce as Exhibit 8, a 12:45:37  
21 document titled "OmniVerse Upright Vacuum Quick  
22 Shift Technology," which reflects a website from  
23 the Eureka -- the web page from the  
24 Eureka Company's website.  
25

1 (Whereupon, Davidshofer  
2 Exhibit 8 was marked for  
3 identification.)

4 BY MR. ELDESSOUKI:

5 Q. Are you familiar with the Eureka OmniVerse  
6 vacuum?

7 A. No, I'm not.

8 Q. I'd like you to take a look at the exhibit  
9 I just provided to you.

10 A. Okay. 12:47:02

11 Q. Do you believe this to be related to the  
12 concept that we discussed earlier from page 4 of  
13 your portfolio --

14 MR. EMERICK: Objection. Form.

15 BY MR. ELDESSOUKI:

16 Q. -- which was titled the "Eureka  
17 (take-off)"?

18 A. No.

19 Q. And why is that?

20 A. The Eureka brand was sold. This is a new 12:47:25  
21 product, I presume, by the new company, Haier, not  
22 the original Eureka.

23 Q. Just for the record, the new company what?

24 A. Electrolux sold the Eureka brand when they  
25 disbanded in 2014. Haier, H-a-i-e-r, bought this.

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1 I believe they are a Chinese company. So what  
2 I believe happened is all of the Eureka brand  
3 knowledge was transferred, including patents, was  
4 transferred to Haier. So this is the result of  
5 that new collaboration.

6 Q. Okay. Thank you for the clarification.  
7 I was really just asking for the name but --

8 A. I understand.

9 Q. What type of vacuum cleaner is the  
10 OmniVerse vacuum cleaner based on the diagrams you 12:48:41  
11 see on Exhibit 8?

12 MR. EMERICK: Objection. Form. Foundation.

13 THE WITNESS: This is the first time I've seen  
14 this. I don't have an opinion on the type, to be  
15 honest with you.

16 BY MR. ELDESSOUKI:

17 Q. Do you agree that it's an upright vacuum  
18 with a detachable handheld vacuum cleaner?

19 MR. EMERICK: Objection. Form. Foundation.

20 THE WITNESS: I don't have an opinion one way 12:49:09  
21 or the other. Like I said, this is the first time  
22 I've seen this.

23 BY MR. ELDESSOUKI:

24 Q. Okay. And looking on the first page, the  
25 picture shown there, is that a handheld vacuum?

1 MR. EMERICK: Objection. Form. Foundation.

2 BY MR. ELDESSOUKI:

3 Q. The picture shown on the top of page -- of  
4 the first page of Exhibit 8, is that -- does that  
5 show a handheld vacuum cleaner?

6 MR. EMERICK: Objection. Form. Foundation.

7 THE WITNESS: I don't have an opinion on how to  
8 categorize this.

9 BY MR. ELDESSOUKI:

10 Q. Do you agree the vacuum cleaner shown on 12:50:03  
11 the top of page 1, Exhibit 8, has a handle that  
12 loops from the top to the bottom?

13 MR. EMERICK: Objection. Form. Foundation.

14 THE WITNESS: Based on this image, the top  
15 image rather, that does appear to be correct.

16 BY MR. ELDESSOUKI:

17 Q. And what type of attachments are shown on  
18 the top image of page 1 of Exhibit 8?

19 MR. EMERICK: Objection. Form. Foundation.

20 THE WITNESS: I'm sorry. Where were you 12:50:50  
21 looking?

22 BY MR. ELDESSOUKI:

23 Q. On the top image on page 1 of Exhibit 8,  
24 what type of attachments are shown?

25 A. It's a little strange, but it appears to

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1 be -- well, I'd be guessing.

2 MR. ELDESSOUKI: Let's introduce as Exhibit 9 a  
3 collection of images related to the OmniVerse  
4 vacuum cleaner obtained from the Eureka website and  
5 retrieved on July 21 of 2024.

6 (Whereupon, Davidshofer  
7 Exhibit 9 was marked for  
8 identification.)

9 BY MR. ELDESSOUKI:

10 Q. Just a correction for the record: I think 12:52:30  
11 I said that the page was retrieved -- that  
12 Exhibit 9 -- the images off of Exhibit 9 were  
13 retrieved on July 21, but it was actually retrieved  
14 on July 25.

15 I'd like to direct your attention to  
16 page 5.

17 A. I'm there.

18 Q. What does this photo show?

19 MR. EMERICK: Objection. Form. Foundation.

20 THE WITNESS: It shows a device being used to 12:53:00  
21 clean a couch.

22 BY MR. ELDESSOUKI:

23 Q. And where does the user hold the vacuum to  
24 clean the couch?

25 MR. EMERICK: Objection. Form. Foundation.

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1 THE WITNESS: There is a handle that they  
2 grasp.

3 BY MR. ELDESSOUKI:

4 Q. And the user has the option to hold the  
5 vacuum using the portion of the handle that is at  
6 the top of the page and/or the portion of the  
7 handle that is on the left side of the page; is  
8 that correct?

9 MR. EMERICK: Objection. Form. Foundation.

10 THE WITNESS: The image, as shown on page 5, 12:53:48  
11 does not reflect the handle being used at the top.

12 BY MR. ELDESSOUKI:

13 Q. Where is the handle being used?

14 A. Kind of upwardly corner of this feature.

15 Q. In your opinion, where would the hand  
16 position be the most comfortable during this mode  
17 of operation?

18 A. I won't speculate. This is the first time  
19 I've seen this.

20 Q. Is there any additional information that 12:54:33  
21 you need to provide an opinion?

22 MR. EMERICK: Objection. Form.

23 THE WITNESS: It would be nice to have -- to  
24 know where the weight is.

25

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1 BY MR. ELDESSOUKI:

2 Q. Are you able to tell where the weight is  
3 by looking at the picture?

4 A. No, sir.

5 Q. Can we look at page 6 of the same exhibit,  
6 please?

7 A. Yes, sir.

8 Q. What does the top photo on page 6 show?

9 MR. EMERICK: Objection. Form. Foundation.

10 THE WITNESS: A cleaning -- a person using a 12:55:33  
11 cleaning device to clean a couch.

12 BY MR. ELDESSOUKI:

13 Q. In your opinion, which hand position is  
14 the most comfortable for the user to clean the  
15 couch as shown?

16 MR. EMERICK: Objection.

17 BY MR. ELDESSOUKI:

18 Q. In the top image, page 6.

19 MR. EMERICK: Objection. Form. Foundation.

20 THE WITNESS: Again, this is the first time 12:56:07  
21 I've seen this. I don't have knowledge of weight  
22 distribution or anything about this product.

23 BY MR. ELDESSOUKI:

24 Q. Are you able to tell the weight  
25 distribution of a product by looking at the image?

1 MR. EMERICK: Objection. Form. Foundation.

2 THE WITNESS: Yeah, I don't have an opinion on  
3 that.

4 BY MR. ELDESSOUKI:

5 Q. Sorry. You do not have an opinion on  
6 whether you can tell the weight distribution by  
7 looking at the image?

8 MR. EMERICK: Objection. Form. Foundation.

9 THE WITNESS: In this situation on page 6 of  
10 Exhibit, 9 or whatever this is, 8 -- 9, I cannot 12:56:46  
11 tell what the weight distribution is on this  
12 product.

13 BY MR. ELDESSOUKI:

14 Q. And what additional information, if any,  
15 do you need to know?

16 MR. EMERICK: Objection. Form.

17 THE WITNESS: I don't have an opinion on that.

18 BY MR. ELDESSOUKI:

19 Q. Let's turn to page 8.

20 What does this photo show? 12:57:33

21 MR. EMERICK: Objection. Foundation. Form.

22 THE WITNESS: The image on page 8 of this  
23 document, No. 9, shows a person using a vacuum to  
24 clean stairs.

25

1 BY MR. ELDESSOUKI:

2 Q. And which hand position would be the most  
3 comfortable for the user to clean the stairs as  
4 shown on page 8?

5 MR. EMERICK: Objection. Form. Foundation.

6 THE WITNESS: There's actually too many  
7 variables to determine that.

8 BY MR. ELDESSOUKI:

9 Q. What are the variables that you were  
10 referencing? 12:58:27

11 A. How tall a person is, what the height of  
12 these stairs are, how deep they are, the weight and  
13 distribution of the devices.

14 Q. Are you able to tell the height of the  
15 stairs by looking at the picture on page 8?

16 MR. EMERICK: Objection. Form. Foundation.

17 THE WITNESS: No.

18 BY MR. ELDESSOUKI:

19 Q. Are you able to tell the height of the  
20 person by looking at the picture on page 8? 12:58:57

21 MR. EMERICK: Objection. Form.

22 THE WITNESS: No.

23 BY MR. ELDESSOUKI:

24 Q. Are you able to tell the depth of the  
25 stairs by looking at the picture on page 8?

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1 A. No.

2 Q. Are you able to tell the weight  
3 distribution of the device by looking at the  
4 picture on page 8?

5 MR. EMERICK: Objection. Form.

6 THE WITNESS: No.

7 BY MR. ELDESSOUKI:

8 Q. You can put that to the side.

9 I'd like to get to page 46 of your  
10 declaration, please. 12:59:39

11 And paragraph 93, I'd like to point your  
12 attention to the second sentence. Okay.

13 Does the opinion -- does your opinion on  
14 paragraph -- sorry. Let me restate that.

15 Does your opinion in the second sentence  
16 of paragraph 93 apply to instances where  
17 Conrad 6 -- where the user uses the original handle  
18 of Conrad '630?

19 MR. EMERICK: Objection. Form.

20 THE WITNESS: Can you ask the question again? 13:01:08

21 BY MR. ELDESSOUKI:

22 Q. Does the opinion stated in the second  
23 sentence of paragraph 93 of your declaration apply  
24 to instances where Conrad -- where the user uses  
25 the original handle of Conrad '630?

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1 MR. EMERICK: Objection. Form.

2 THE WITNESS: Not to the extent it would be as  
3 if the handle was in a rearward position.

4 BY MR. ELDESSOUKI:

5 Q. What do you mean by "not to the extent"?

6 A. The stress on the elbow and/or wrist would  
7 be greater as the handle moves rearward.

8 Q. And would your opinion change if the  
9 vacuum cleaner in Conrad '630 had a crevice tool  
10 attached directly to the nozzle of the vacuum 13:02:30  
11 cleaner?

12 MR. EMERICK: Objection. Form. Foundation.

13 THE WITNESS: I didn't consider that. I don't  
14 know if it would or not.

15 BY MR. ELDESSOUKI:

16 Q. I'd like to point your attention to  
17 paragraph 94 on page 47 of your declaration.

18 Does the opinion stated in paragraph 94 of  
19 your declaration apply to instances where a user  
20 uses the original handle of Conrad '630? 13:03:35

21 MR. EMERICK: Objection. Form. Foundation.

22 THE WITNESS: It would be greater as the handle  
23 is rearward.

24 BY MR. ELDESSOUKI:

25 Q. Would your opinion change if a vacuum

1 cleaner in Conrad '630 had a crevice tool attached  
2 directly to the nozzle of the vacuum cleaner?

3 MR. EMERICK: Objection. Form. Foundation.

4 THE WITNESS: Again, that isn't something that  
5 I considered.

6 BY MR. ELDESSOUKI:

7 Q. I'd like to point you to page 8 of  
8 Mr. Fester's declaration.

9 Page 8 has claim 1 of the '687 patent  
10 reproduced there. Do you see that? 13:05:22

11 A. Yes, sir.

12 Q. And it starts on page 8 and goes through  
13 page 9. Do you see that?

14 A. Yes, sir.

15 Q. Are you familiar with claim 1 of the  
16 '687 patent?

17 A. I remember reviewing it. I don't have it  
18 in my -- I don't know it by memory.

19 Q. If you'd like, you can take a minute to  
20 review it again. 13:05:48

21 A. Okay.

22 Q. Is it your opinion that claim 1 of the  
23 '687 patent would only be satisfied by a handheld  
24 vacuum cleaner?

25 MR. EMERICK: Objection. Form. Foundation.

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1 THE WITNESS: I didn't consider that. However,  
2 it could possibly not be limited to a handheld  
3 vacuum.

4 BY MR. ELDESSOUKI:

5 Q. And why do you say that?

6 A. We referenced earlier today the device,  
7 the takeaway device, from Eureka whereby it could  
8 have these same features and not necessarily a  
9 completed -- it could be a completed product having  
10 the identical features, and it would not be 13:08:05  
11 considered a handvac.

12 Q. Why would it not be considered a handvac?

13 A. I'd have to give that some thought.  
14 I don't really have an opinion right now.

15 Q. Okay. Can we go to page 62 of your  
16 declaration?

17 You can put Fester's declaration away, if  
18 you'd like.

19 I'd like to point your attention to  
20 page 62 of your declaration. 13:09:12

21 A. Okay.

22 Q. Here, you reproduced a diagram from  
23 Matsumoto which was annotated on the IPR's  
24 petition; is that right?

25 MR. EMERICK: Objection. Form. Foundation.

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1 THE WITNESS: Can you say that again? Where it  
2 was annotated?

3 BY MR. ELDESSOUKI:

4 Q. Let me ask you this: What does the  
5 diagram on page 62 of your declaration show?

6 A. It appears to be the Matsumoto device in a  
7 reclined or in an operating position.

8 Q. And what is the item shown in orange in  
9 this diagram?

10 A. It is labeled as connection pipe. 13:10:42

11 Q. And what are the items shown in blue on  
12 this figure?

13 MR. EMERICK: Objection. Form. Foundation.

14 THE WITNESS: They are labeled as collars.

15 BY MR. ELDESSOUKI:

16 Q. And in paragraph 124, which is on the same  
17 page --

18 A. Yes, sir.

19 Q. -- the last sentence you reference  
20 "physical friction fit interfaces." 13:11:47

21 Do you see that?

22 A. It's not the last -- on this page --

23 Q. On page 62 of your declaration, the  
24 last -- sorry -- the last line, there's a reference  
25 to physical friction fit interfaces.

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1 Do you see that?

2 A. Yes, sir.

3 Q. What are physical friction fit interfaces?

4 A. A methodology of attaching two or more  
5 features.

6 Q. What do you mean by "features" in this  
7 context?

8 A. In this context, it would be the  
9 connection pipe to, for instance, another  
10 connection pipe. 13:12:50

11 Q. And would this method of attaching the two  
12 connection pipes, would this enable the connection  
13 pipes to be detached from one another?

14 A. I can't discern that from this image or  
15 the text.

16 Q. Based on your understanding of physical  
17 friction fit interfaces, which is a term that  
18 appears in your declaration?

19 A. Physical fit -- physical friction fit  
20 interfaces can be permanent or not permanent. 13:13:25  
21 I can't discern whether they are permanent or not  
22 permanent.

23 Q. In some instances. The physical friction  
24 fit interfaces would allow the connection pipes to  
25 be separated from one another; is that correct?

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1 A. I don't know what they're intimating here.

2 Q. Based on your declaration, what you say  
3 are physical friction fit interfaces, would that  
4 support the physical -- the connection pipes --  
5 would that enable, in some instances, the  
6 connection pipes to be separated from one another?

7 A. Again, I don't know what their intent was.

8 Q. In your opinion, how is the suction port 4  
9 shown in the diagram in your petition on page 62  
10 attached to the connection pipe 3? 13:14:27

11 A. The image in petition 65 or this image on  
12 page 62 does not suggest how they are attached.

13 Q. As a person of ordinary skill in the art,  
14 do you have an opinion on how the suction port 4  
15 could be attached to connection pipe 3?

16 A. It would be speculation.

17 Q. And what would you say?

18 A. It could be glued. It could be screwed.  
19 It could be bayonet mounted. It could be pinned.  
20 There's a number of manufacturing and/or design 13:15:08  
21 methodologies that can be used.

22 Q. What is a bayonet mount?

23 A. A bayonet mount is a rotatable feature  
24 that once engaged, you rotate for a locking  
25 mechanism.

1 Q. So if a bayonet mount was used to attach  
2 suction port 4, suction port 4 could be removed?

3 A. Not all bayonet mounts are removable.

4 Q. And some of them are?

5 A. Some of them are, but it does not show one  
6 way or intimate one way or another on this.

7 Q. When you say it "does not show one way or  
8 the other," you mean you're referring to the  
9 diagram on page 62 of your declaration; is that  
10 correct? 13:16:12

11 A. This is true.

12 Q. I'd like to refer you to page 65 of your  
13 declaration, please.

14 On the top there are two lines. It reads  
15 in part that "Petitioner's proposed combinations  
16 are larger and more robust than Matsumoto's  
17 existing handle."

18 Do you see that?

19 A. Yes.

20 Q. What does that sentence mean? 13:17:19

21 A. The handle, as proposed and shown in the  
22 exhibit, I guess it's 164 on the left-hand side, is  
23 different in mass than the other two photos or  
24 images. By that I mean they are larger and  
25 structurally more sound or robust.

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1 Q. What do the three diagrams on page 65 of  
2 your declaration show?

3 A. That the -- changing the handle 10a to a  
4 different design as shown in the two images to the  
5 right would increase the physical size of the  
6 handle on the device while also providing a more  
7 robust handle.

8 Q. And when you say the "physical size," are  
9 you referring to any particular axis?

10 A. Axis?

13:19:04

11 Q. Are you familiar with X and Y axis?

12 A. Yes.

13 Q. Is the handle shown in the diagram in the  
14 middle longer in the X axis compared to the handle  
15 shown in the diagram on the left?

16 MR. EMERICK: Objection. Form.

17 THE WITNESS: In this -- in these images, the  
18 original as in 10a appears to be larger in the  
19 X axis.

20 BY MR. ELDESSOUKI:

13:19:52

21 Q. In the diagram in the middle on page 65,  
22 where is the handle axis?

23 MR. EMERICK: Objection. Form.

24 THE WITNESS: Are we talking X/Y axis or a  
25 different type of axis?

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1 BY MR. ELDESSOUKI:

2 Q. I believe it's drawn on this diagram. So  
3 we're not talking necessarily about X/Y.

4 MR. EMERICK: To the extent that's a question,  
5 object to form and foundation.

6 BY MR. ELDESSOUKI:

7 Q. So I refer you to Mr. Fester's declaration  
8 at page 82. There's a diagram at the bottom of  
9 page 82, the same diagram that appears on page 62  
10 of your declaration in the middle. 13:21:43

11 MR. EMERICK: Objection to form. Foundation.

12 THE WITNESS: It appears -- yes.

13 BY MR. ELDESSOUKI:

14 Q. Is there a line drawn on the diagram at  
15 the bottom of page 82 that represents the handle  
16 axis?

17 MR. EMERICK: Objection. Form. Foundation.

18 THE WITNESS: There is a line in the area of  
19 what I would consider the handle, but I don't know  
20 what it represents. 13:22:25

21 BY MR. ELDESSOUKI:

22 Q. Do you have an opinion as to whether the  
23 purple line represents the handle axis or not?

24 MR. EMERICK: Objection. Form. Foundation.

25 THE WITNESS: I apologize. I don't see a

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1 purple line unless I'm -- I see two red lines.

2 Can you ask the question again?

3 BY MR. ELDESSOUKI:

4 Q. Sure.

5 And just for clarity, because the image's  
6 print might be difficult to see, I represent that  
7 there's a purple line shown above the pink handle  
8 and a red line that goes through the longitudinal  
9 axis of the vacuum cleaner.

10 MR. EMERICK: Objection. Form. Foundation. 13:23:20

11 BY MR. ELDESSOUKI:

12 Q. And so the question --

13 MR. EMERICK: Mischaracterizes.

14 I just want to get that objection in.

15 MR. ELDESSOUKI: Sure.

16 MR. EMERICK: I didn't realize you're now  
17 asking a question. So I'll re-object once you ask  
18 the question.

19 MR. ELDESSOUKI: That wasn't part of the  
20 question, just to be clear. 13:23:47

21 BY MR. ELDESSOUKI:

22 Q. Do you have an opinion as to whether the  
23 purple line shown on the bottom figure of page 82  
24 represents the handle axis or not?

25 MR. EMERICK: Objection. Form. Foundation.

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1 Mischaracterizes the document.

2 THE WITNESS: I don't know what it represents.

3 I don't have an opinion.

4 BY MR. ELDESSOUKI:

5 Q. Do you have an opinion as to what the  
6 portion colored in yellow represents?

7 MR. EMERICK: Objection. Form. Foundation.

8 THE WITNESS: The yellow is part of the  
9 cyclonic separation system.

10 BY MR. ELDESSOUKI:

13:24:52

11 Q. On the diagram in Fester's declaration on  
12 page 82 at the bottom, which axis is the  
13 longitudinal axis of the cyclone?

14 MR. EMERICK: Objection. Form. Foundation.

15 THE WITNESS: I would say the red line,  
16 diagonal red line.

17 BY MR. ELDESSOUKI:

18 Q. I'd like to refer you to page 118 of  
19 Mr. Fester's declaration.

20 A. Say that again. What page?

13:26:15

21 Q. Page 118 of Mr. Fester's declaration.  
22 Do you have an opinion as to what the  
23 portion colored in yellow on the diagram on the  
24 bottom, page 1 -- sorry -- did I say 118?

25 A. Yes, sir.

Page 103

1 Q. Oh, sorry. 112.

2 Focusing on the diagram on the bottom of  
3 the page.

4 A. Yes, sir.

5 Q. Do you have an opinion as to what the  
6 portion colored in yellow represents?

7 MR. EMERICK: Objection. Form. Foundation.

8 THE WITNESS: A portion of the cyclonic  
9 separation system.

10 BY MR. ELDESSOUKI:

13:27:07

11 Q. And on the same diagram, which axis is the  
12 longitudinal axis of the cyclone?

13 MR. EMERICK: Objection. Form. Foundation.

14 THE WITNESS: As before, the red line.

15 BY MR. ELDESSOUKI:

16 Q. And which axis is the handle axis?

17 MR. EMERICK: Objection. Form. Foundation.

18 THE WITNESS: I would be speculating. I guess  
19 it's the purple line.

20 BY MR. ELDESSOUKI:

13:27:42

21 Q. And which axis is the nozzle axis?

22 MR. EMERICK: Objection. Form. Foundation.

23 THE WITNESS: I don't have an opinion on that.  
24 I don't know.

25

1 BY MR. ELDESSOUKI:

2 Q. Can we go to page 66 of your declaration,  
3 please?

4 A. Okay.

5 Q. In the section of your declaration that  
6 starts on page 66, you analyze whether a person of  
7 ordinary skill in the art would have used an  
8 alternative handle on a miniaturized version of  
9 Matsumoto; correct?

10 MR. EMERICK: Objection to form. 13:29:14

11 THE WITNESS: Where on page 66 are you looking?

12 BY MR. ELDESSOUKI:

13 Q. You can look, for example, at  
14 paragraph 132.

15 A. Okay. What is your question? I'm sorry.

16 Q. So the question was in the section of your  
17 declaration that starts on page 66, you analyze  
18 whether a person of ordinary skill in the art would  
19 have used an alternative handle on a miniaturized  
20 version of Matsumoto; is that correct? 13:30:18

21 MR. EMERICK: Objection. Form.

22 THE WITNESS: I'm sorry. Could you ask the  
23 question again?

24 BY MR. ELDESSOUKI:

25 Q. You focus your analysis on the

Page 105

1 miniaturized version of Matsumoto; is that correct?

2 MR. EMERICK: Objection. Form.

3 THE WITNESS: In addition to the weight  
4 distribution changes.

5 BY MR. ELDESSOUKI:

6 Q. Okay. And did you analyze whether a  
7 person of ordinary skill in the art would have used  
8 an alternative handle on the original version of  
9 Matsumoto?

10 MR. EMERICK: Objection. Form. 13:30:53

11 THE WITNESS: I mention that Mr. Fester claimed  
12 that Dyson claim angle with miniaturized version.

13 BY MR. ELDESSOUKI:

14 Q. Did you, at any point, consider whether  
15 the Dyson handle could be used with the  
16 non-miniaturized version of Matsumoto?

17 MR. EMERICK: Objection. Form.

18 THE WITNESS: In conjunction with or a  
19 replacement for?

20 BY MR. ELDESSOUKI: 13:32:18

21 Q. Either.

22 A. My opinion or my comments were that there  
23 are severe disadvantages to using both the '787 and  
24 the Dyson.

25 Q. And, to clarify, your opinion or your

comments about the severe disadvantages, did they relate to the non-miniaturized version of Matsumoto or the miniaturized version of Matsumoto?

MR. EMERICK: Objection. Form.

THE WITNESS: I don't recall.

BY MR. ELDESSOUKI:

Q. Sitting here today, do you have an opinion as to whether using the handle of Dyson in combination with the Matsumoto non-miniaturized handle would have any disadvantages?

13:33:38

A. As mentioned earlier, the disadvantages to use of the '787 or the Dyson handle in this application would increase weight, would increase cost, and weight distribution would be different.

Q. And when you say "this application," what do you mean by that?

A. The Matsumoto design.

Q. Looking at page 64 of your declaration -- sorry -- apologize -- at 67 of your declaration, there's a diagram on the right labeled

13:34:32

"Petition 94 Annotated."

Do you see that?

A. Yes, sir.

Q. What is this diagram or what does this diagram show?

1           A.    It's suggesting where the weight in this  
2   device is by use of green dots.

3           Q.    Does the suction port 4 in this diagram  
4   rest on the surface being cleaned?

5           MR. EMERICK:  Objection.  Form.  Foundation.  
6   Mischaracterizes the document.

7           THE WITNESS:  I don't see a suction port 4.

8                   We are on page 67?

9   BY MR. ELDESSOUKI:

10          Q.    Correct. 13:35:33

11          A.    Image on the right side "Petition 94  
12   Annotated"?

13          Q.    Correct.

14                   If you remember, we -- scratch that.

15                   Can you just look at the -- page 62 of  
16   your declaration?

17                   There's a diagram on page 62.  Do you see  
18   that?

19          A.    Yes.

20          Q.    Do you see a suction port 4 on that 13:36:02  
21   diagram?

22          MR. EMERICK:  Objection.  Form.  Foundation.  
23   Mischaracterizes a document.

24          THE WITNESS:  I see a feature labeled 4.

25

1 BY MR. ELDESSOUKI:

2 Q. Do you have -- do you know what the  
3 feature labeled 4 is?

4 MR. EMERICK: Objection. Form. Foundation.

5 If you'd like, I can print the Matsumoto  
6 reference.

7 MR. ELDESSOUKI: It's right here.

8 THE WITNESS: I can speculate what it is.

9 BY MR. ELDESSOUKI:

10 Q. I was just asking if you know. 13:36:35

11 A. No, I don't know.

12 Q. On page 63, I'd like to refer you to the  
13 last sentence on the top paragraph.

14 A. Last sentence on the top paragraph. Okay.

15 Q. Let me know once you've had a minute to  
16 review.

17 A. Okay.

18 Q. Does this refresh your recollection as to  
19 which portion is the suction port 4?

20 MR. EMERICK: Objection. Form. Foundation. 13:37:22

21 THE WITNESS: Yes.

22 BY MR. ELDESSOUKI:

23 Q. And go back to page 67 of your  
24 declaration.

25 Do you see the feature labeled suction

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1 port 4 from the diagram on page 62 of your  
2 declaration appear in the diagram on the right of  
3 page 67 of your declaration?

4 A. There's no mention of suction port 4 in  
5 this Annotated No. 94 on the right.

6 Q. Do you have an opinion as to which portion  
7 of the vacuum interfaces with the surface to be  
8 cleaned in this diagram?

9 MR. EMERICK: Objection. Form. Foundation.

10 THE WITNESS: I have an opinion, yes. 13:38:27

11 BY MR. ELDESSOUKI:

12 Q. And what is your opinion?

13 A. It is very likely that the -- where the  
14 yellow or the green dot, the lower green dot is is  
15 considered suction port 4.

16 Q. And does the suction port 4 that you just  
17 identified rest on the surface being cleaned during  
18 the operation of this device?

19 A. It could. I don't say it will.

20 Q. And in instances where the suction port 4 13:39:15  
21 is resting on the surface to be cleaned, would the  
22 weight of the vacuum be supported by the surface  
23 being cleaned?

24 A. In that instance, some of the weight would  
25 be supported by the floor.

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1 Q. And now looking at the diagram on the left  
2 on page 67 of your declaration.

3 A. Yes, sir.

4 Q. Are there any instances where the weight  
5 of the vacuum would be supported by the surface to  
6 be cleaned?

7 MR. EMERICK: Objection. Form. Foundation.

8 THE WITNESS: It depends on what the surface to  
9 be cleaned is.

10 BY MR. ELDESSOUKI:

13:40:13

11 Q. And in what instances would the weight be  
12 supported by the surface to be cleaned?

13 A. If this device was used -- if you rotated  
14 this device 90 degrees counterclockwise.

15 Q. Are there any other instances?

16 A. I haven't really considered that. I don't  
17 know.

18 Q. I'd like to talk about pages 68 and 69 of  
19 your declaration. There are two diagrams, one  
20 labeled P and one labeled Q.

13:41:15

21 Do you see those?

22 A. Yes, sir.

23 Q. Did you draw those diagrams?

24 A. I'm sorry?

25 Q. Did you draw those diagrams?

Page 111

1 A. I did.

2 Q. How did you determine the size of the  
3 vacuum relative to the size of the stairs?

4 A. It's an arbitrary sketch. It's not  
5 intended to be representative of physical size.

6 Q. Do you agree that the vacuum in Diagram Q  
7 could be lowered such that the person's arm could  
8 be straight -- straightened?

9 MR. EMERICK: Objection. Form.

10 THE WITNESS: The person's arm could be 13:42:03  
11 straight. However, the wrist would also be --  
12 would be manipulated as well.

13 BY MR. ELDESSOUKI:

14 Q. What do you mean by the "wrist would also  
15 be manipulated as well"?

16 A. The wrist would have to rotate.

17 Q. And do you agree that if the person in  
18 Diagram Q changed their position, they could  
19 maintain a straight arm while vacuuming the stairs  
20 using the vacuum? 13:42:52

21 A. I haven't considered that. I don't know.

22 Q. Okay. Can we go to page 71 of your  
23 declaration?

24 What does the diagram here show?

25 A. There are two sketches or images. They

Page 112

1 have been annotated to add an X where I -- where  
2 I -- is my opinion where the device would fail or  
3 fracture as the handle or the device hits a hard  
4 surface or a point of impact.

5 Q. And did you draw these two diagrams?

6 A. Honestly, I don't recall. It does look  
7 like something I would draw.

8 Q. Do you believe that the handwriting there  
9 is your handwriting?

10 A. Yes. 13:44:00

11 Q. And when the Matsumoto vacuum falls, would  
12 a person of ordinary skill in the art expect that  
13 its handle would impact the floor?

14 A. Yes.

15 Q. And when the handle impacts the floor,  
16 that would create a risk of a fracture at the point  
17 X shown in the red; is that correct?

18 A. That's my opinion, yes.

19 Q. And would using a handle that is shorter  
20 in length reduce the risk of a fracture? 13:44:51

21 A. Possibly, yes.

22 MR. ELDESSOUKI: Can we just take a brief  
23 break?

24 MR. EMERICK: Sure.

25 MR. ELDESSOUKI: The time is now 1:45, and

1 we'll take a brief break.

2 (A short break was taken from  
3 1:45 p.m. to 1:55 p.m.)

4 MR. ELDESSOUKI: The time is now 1:55 p.m. We  
5 just came back from a short break.

6 BY MR. ELDESSOUKI:

7 Q. I'd like to point your attention to  
8 page 57 of your declaration, please.

9 A. Okay.

10 Q. What is the diagram shown on the right on 13:56:16  
11 page 57?

12 A. It is an annotated version of the  
13 '630 Conrad patent annotated by Mr. Fester to  
14 include an alternate handle.

15 Q. On diagram -- on page 57 of your  
16 declaration on the right, which axis is the handle  
17 axis?

18 MR. EMERICK: Objection. Form. Foundation.

19 THE WITNESS: Well, there's -- Mr. Fester is  
20 showing an alternate on the original. I don't know 13:57:35  
21 which axis you're referring to.

22 BY MR. ELDESSOUKI:

23 Q. Well, why don't you tell me about both.

24 A. Okay. The original at 102 is proposed by  
25 Conrad '630. The purple line, I guess it is, is --

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1 represents Mr. Fester's alternative handle  
2 location.

3 Q. And on the same diagram, which axis is the  
4 longitudinal axis of the cyclone?

5 MR. EMERICK: Objection. Form. Foundation.

6 THE WITNESS: The -- I would presume it's the  
7 red vertical line forward of the motor.

8 BY MR. ELDESSOUKI:

9 Q. How many hours did you spend preparing  
10 your declaration? 13:58:42

11 A. Over the course of several months,  
12 probably 10 or 12 hours.

13 MR. ELDESSOUKI: No further questions.

14 MR. EMERICK: Why don't we take a break. I am  
15 going to try to get a document printed.

16 MR. ELDESSOUKI: I have additional documents.

17 MR. EMERICK: Do you have Matsumoto printed?

18 MR. ELDESSOUKI: Yes.

19 (A short break was taken from  
20 1:59 p.m. to 2:05 p.m.) 14:05:48

21 MR. EMERICK: Back on.

22 MR. ELDESSOUKI: Just for the record, the time  
23 is 2:05 p.m.

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EXAMINATION

BY MR. EMERICK:

Q. Mr. Davidshofer, if you could turn to your declaration, paragraph 124. You were asked questions on this page, page 62, paragraph 124. You were asked questions about what the blue portions are in the diagram above paragraph 124.

Do you recall that?

A. Yes.

Q. And could you read the first sentence of paragraph 124 of your declaration? 14:06:32

A. "However, there is no disclosure in Matsumoto that indicates that the portions annotated in blue are, in fact, collars or that connection pipe 3 is made up of multiple pipes connected to one another."

Q. I'm handing you what will be Exhibit 10.  
(Whereupon, Davidshofer  
Exhibit 10 was marked for  
identification.) 14:07:26

BY MR. EMERICK:

Q. Do you recognize Exhibit 10 as the Matsumoto reference?

A. Yes.

Q. Are you aware of any disclosure in

1 Matsumoto that indicates the portions indicated in  
2 blue in paragraph 123 of your declaration are  
3 collars?

4 A. I don't see any reference to collars in  
5 this Matsumoto reference.

6 Q. All right. You can set that aside.

7 If you can turn to page 42 of your  
8 declaration, this will be paragraphs 85 through 86.  
9 It continues on to the next page, page 43.

10 Do you recall you were asked questions 14:11:20  
11 about the bases for these opinions in paragraph 85  
12 and 86?

13 A. Yes.

14 Q. Did you analyze the Conrad '630 reference  
15 in forming these opinions in paragraph 85 and 86?

16 MR. ELDESSOUKI: Objection. Leading.

17 THE WITNESS: Yes.

18 BY MR. EMERICK:

19 Q. Did you analyze the Conrad '787 reference  
20 in forming these opinions in paragraphs 85 and 86? 14:12:26

21 MR. ELDESSOUKI: Objection. Leading.

22 THE WITNESS: Yes.

23 BY MR. EMERICK:

24 Q. Did you rely on your education and  
25 experience in forming these opinions on

Page 117

1 paragraphs 85 and 86?

2 MR. ELDESSOUKI: Objection. Leading.

3 THE WITNESS: Yes.

4 MR. EMERICK: Pass the witness.

5 FURTHER EXAMINATION

6 BY MR. ELDESSOUKI:

7 Q. Prior to today, did you read Matsumoto  
8 from start to end?

9 A. Matsumoto?

10 Q. Correct.

14:13:12

11 A. Yes, I read it. I mean, I didn't memorize  
12 it.

13 MR. ELDESSOUKI: No further questions.

14 For the record, the time is 2:13.

15 (Whereupon, the proceedings  
16 concluded at 2:13 p.m.)  
17  
18  
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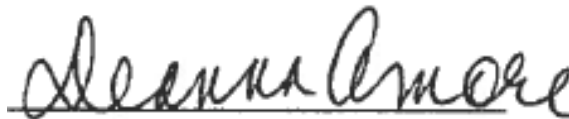
C E R T I F I C A T E

I, DEANNA AMORE, a Shorthand Reporter and  
notary public, within and for the State of  
Illinois, County of DuPage, do hereby certify:

That DONALD DAVIDSHOFER, the witness whose  
examination is hereinbefore set forth, was first  
duly sworn by me and that this transcript of said  
testimony is a true record of the testimony given  
by said witness.

I further certify that I am not related to  
any of the parties to this action by blood or  
marriage, and that I am in no way interested in the  
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 2ND day of AUGUST, 2024.

A handwritten signature in cursive script that reads "Deanna Amore". The signature is written in dark ink and is positioned above the printed name.

Deanna M. Amore, CRR, RPR, CSR

1 JAY EMERICK, ESQ.

2 jay.emerick@kirkland.com

3 AUGUST 2, 2024

4 RE: Sharkninja Inc Et Al v. Dyson Technology Limited

5 7/30/2024, Donald Davidshofer, (#6806316).

6 The above-referenced transcript has been  
7 completed by Veritext Legal Solutions and  
8 review of the transcript is being handled as follows:

9 \_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext  
10 to schedule a time to review the original transcript at  
11 a Veritext office.

12 \_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF  
13 Transcript - The witness should review the transcript and  
14 make any necessary corrections on the errata pages included  
15 below, notating the page and line number of the corrections.  
16 The witness should then sign and date the errata and penalty  
17 of perjury pages and return the completed pages to all  
18 appearing counsel within the period of time determined at  
19 the deposition or provided by the Code of Civil Procedure.  
20 Contact Veritext when the sealed original is required.

21 \_\_\_ Waiving the CA Code of Civil Procedure per Stipulation of  
22 Counsel - Original transcript to be released for signature  
23 as determined at the deposition.

24 \_\_\_ Signature Waived - Reading & Signature was waived at the  
25 time of the deposition.

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1    \_X\_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF  
2       Transcript - The witness should review the transcript and  
3       make any necessary corrections on the errata pages included  
4       below, notating the page and line number of the corrections.  
5       The witness should then sign and date the errata and penalty  
6       of perjury pages and return the completed pages to all  
7       appearing counsel within the period of time determined at  
8       the deposition or provided by the Federal Rules.  
9    \_\_\_ Federal R&S Not Requested - Reading & Signature was not  
10       requested before the completion of the deposition.

1 Sharkninja Inc Et Al v. Dyson Technology Limited

2 Donald Davidshofer (#6806316)

3 E R R A T A S H E E T

4 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

5 \_\_\_\_\_

6 REASON\_\_\_\_\_

7 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

8 \_\_\_\_\_

9 REASON\_\_\_\_\_

10 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

11 \_\_\_\_\_

12 REASON\_\_\_\_\_

13 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

14 \_\_\_\_\_

15 REASON\_\_\_\_\_

16 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

17 \_\_\_\_\_

18 REASON\_\_\_\_\_

19 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

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21 REASON\_\_\_\_\_

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24 (Donald Davidshofer)

Date

25

|                                                                                                    |                                                                 |                                       |                                                    |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------|----------------------------------------------------|
| <b>&amp;</b>                                                                                       | <b>10:01</b> 41:4,7                                             | <b>1984</b> 12:13,15                  | <b>2016</b> 28:10                                  |
| <b>&amp;</b> 1:21 2:7 5:16<br>5:18 10:24<br>120:24 121:9                                           | <b>10:13</b> 41:7,8                                             | <b>1988</b> 11:21<br>13:5 19:23       | <b>2017</b> 3:21 9:25<br>28:11                     |
| <b>0</b>                                                                                           | <b>10:30</b> 51:3                                               | <b>199</b> 4:11                       | <b>2019</b> 27:11                                  |
| <b>0073</b> 57:4                                                                                   | <b>10a</b> 100:3,18                                             | <b>1990</b> 22:2                      | <b>2020</b> 28:13                                  |
| <b>023</b> 4:11                                                                                    | <b>110</b> 53:16,22<br>54:2                                     | <b>1990s</b> 13:10,25<br>14:15        | <b>2023-01322</b> 1:8                              |
| <b>084-003999</b><br>1:25                                                                          | <b>112</b> 104:1                                                | <b>1996</b> 21:22                     | <b>2024</b> 1:19 8:9<br>27:20 87:5<br>119:17 120:3 |
| <b>1</b>                                                                                           | <b>115</b> 3:5                                                  | <b>1998</b> 21:15                     | <b>2025.520</b> 120:9<br>120:12                    |
| <b>1</b> 3:8 4:11 9:25<br>10:3 39:24<br>77:5,11 86:11<br>86:18,23 94:9<br>94:15,22<br>103:24 121:1 | <b>116</b> 4:9                                                  | <b>1999</b> 19:23<br>70:18            | <b>21</b> 87:5,13                                  |
| <b>10</b> 3:8 4:9<br>115:12 116:17<br>116:19,22                                                    | <b>118</b> 3:6 103:18<br>103:21,24                              | <b>1:45</b> 113:25<br>114:3           | <b>24</b> 8:10                                     |
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| <b>100</b> 55:17                                                                                   | <b>11:46</b> 83:13,17                                           | <b>1:59</b> 115:20                    | <b>27</b> 3:9                                      |
| <b>10022</b> 2:9                                                                                   | <b>12</b> 78:20 79:2<br>79:19 82:20<br>115:12                   | <b>2</b>                              | <b>28</b> 58:3 65:14<br>71:21                      |
| <b>1003</b> 3:15                                                                                   | <b>122</b> 55:16,20<br>56:4,5,7,14,15<br>56:23 57:1,3,5<br>57:6 | <b>2</b> 3:9 27:19,22<br>34:8,8 120:3 | <b>2:05</b> 115:20,23                              |
| <b>1004</b> 3:25 55:2                                                                              | <b>123</b> 117:2                                                | <b>20</b> 27:20 31:25                 | <b>2:13</b> 118:14,16                              |
| <b>1005</b> 4:12                                                                                   | <b>12384</b> 119:22                                             | <b>200</b> 2:4                        | <b>2d</b> 12:10                                    |
| <b>1007</b> 3:17 45:3                                                                              | <b>124</b> 96:16<br>116:4,5,7,11                                | <b>2000</b> 23:17                     | <b>2nd</b> 119:17                                  |
| <b>1008</b> 4:4 76:23                                                                              | <b>128</b> 81:16                                                | <b>2007</b> 24:12                     | <b>3</b>                                           |
| <b>10166</b> 2:5                                                                                   | <b>12:45</b> 83:17,19                                           | <b>2007-2011</b> 25:4                 | <b>3</b> 3:10 41:10,13<br>79:19 98:10,15<br>116:15 |
| <b>102</b> 48:7 52:11<br>53:2 72:16<br>114:24                                                      | <b>132</b> 105:14                                               | <b>2008/009888...</b><br>3:16         | <b>30</b> 1:19 121:1                               |
| <b>108</b> 55:17                                                                                   | <b>14</b> 28:13                                                 | <b>2011</b> 24:13<br>25:8             | <b>30,000</b> 33:6                                 |
|                                                                                                    | <b>15</b> 8:23 35:3                                             | <b>2011/0314630</b><br>55:3           | <b>300</b> 9:12,16                                 |
|                                                                                                    | <b>164</b> 54:5,11<br>99:22                                     | <b>2011/3014630</b><br>3:24           | <b>31</b> 69:24                                    |
|                                                                                                    | <b>196</b> 55:16 56:3                                           | <b>2014</b> 25:19,21<br>84:25         | <b>32</b> 66:16,18<br>72:4                         |
|                                                                                                    | <b>1970s</b> 21:20                                              | <b>2015</b> 42:3,6                    | <b>33</b> 71:15                                    |
|                                                                                                    | <b>1980</b> 11:16<br>70:18                                      |                                       | <b>333</b> 1:22                                    |
|                                                                                                    |                                                                 |                                       | <b>34</b> 11:7 49:14<br>71:11                      |

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**[forming - handheld]**

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[petition - privy]

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[probably - recall]

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## [recall - requirements]

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[support - time]

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[time - user]

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[user - way]

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[way - york]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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