

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

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3 SHARKNINJA, INC., SHARKNINJA OPERATING LLC,  
4 SHARKNINJA MANAGEMENT LLC, AND  
5 SHARKNINJA SALES COMPANY,  
6 Petitioners,  
7 v.  
8 DYSON TECHNOLOGY LIMITED,  
9 Patent owner.

10  
11 Case No. IPR2023-01324  
12 U.S. Patent No 9,414,662

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15 PURSUANT TO WRITTEN NOTICE and the appropriate  
16 rules of civil procedure, the deposition of DR. BREIGH  
17 NONTE ROSZELLE, called for examination by the  
18 Petitioners, was taken at the law offices of Faegre  
19 Drinker Biddle & Reath LLP, 1144 15th Street, Suite  
20 3400, Denver, Colorado, commencing at 9:00 AM MDT, on  
21 July 22, 2024, before Linda M. Breech, RPR, CRCR.

22  
23  
24 JOB No. 6806271  
25 PAGES 1 - 63

1 APPEARANCES:

2

3 ON BEHALF OF THE PETITIONERS:

4

5 JOSHUA SHUO ZHANG, ESQ.

6 GIBSON DUNN & CRUTCHER, LLP

7 333 S. Grand Avenue, 47th Floor

8 Los Angeles, California 90071

9 Phone: 213-229-7000

10 Email: SZhang@gibsondunn.com

11

12

13 ON BEHALF OF THE PATENT OWNER:

14

15 CHRISTOPHER P. BRUENJES, ESQ.

16 FAEGRE DRINKER BIDDLE & REATH, LLP

17 1500 K Street NW, Suite 1100

18 Washington, DC 20005

19 Phone: 202-230-5000

20 Email: Christopher.Bruenjes@faegredrinker.com

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I N D E X

|                                                                                                                            |       |
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| By Mr. Zheng                                                                                                               | 4, 59 |
| By Mr. Bruenjes                                                                                                            | 57    |
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P R O C E E D I N G S

DR. BREIGH NONTE ROSZELLE,  
having been first duly sworn, was examined and  
testified as follows:

EXAMINATION

BY MR. ZHANG:

Q. Okay. All right. Good morning.

A. Good morning.

Q. My name is Josh Zhang, and I'm from the  
law firm Gibson Dunn representing the Petitioners,  
SharkNinja.

A. Okay.

Q. So today I do have some questions,  
clarifying questions about your declaration and your  
report.

So here is Exhibit 1, which is a  
deposition notice.

(Exhibit 1 marked.)

Q. (By Mr. Zhang) Have you seen this  
document before?

A. I cannot recall if I have seen this one  
before.

Q. Okay. So just for the record, do you  
understand today that you are testifying on behalf of  
Dyson, patent owner, in the IPR proceeding; the number

1 is 2023-01324?

2 Do you understand that?

3 A. Yes.

4 Q. Okay. Can you state for the record your  
5 full name, please?

6 A. Breigh Nonte Roszelle.

7 MR. ZHANG: Exhibit 2.

8 (Exhibit 2 marked.)

9 Q. (By Mr. Zhang) Have you seen this  
10 document before?

11 A. Yes.

12 Q. What is this document?

13 A. This is the Dyson patent.

14 Q. So do you understand that this is the  
15 patent that is subject to this IPR proceeding?

16 A. Yes.

17 Q. Okay. Do you know which claims are  
18 being challenged?

19 A. Yes.

20 Q. What are they?

21 A. Claims 26, 27, and 28.

22 Q. Okay. Which one of the three challenged  
23 claims is an independent claim?

24 Do you understand?

25 A. No.

1 Q. Okay. Can you take a look at claim 26,  
2 which is toward the end of Exhibit 2?

3 Claim 26 --

4 A. Okay.

5 Q. -- 27, and 28.

6 Do you see the -- do you see the three  
7 claims?

8 A. Yes.

9 Q. Okay. Do you understand the differences  
10 between independent claims and dependent claims?

11 A. Yes.

12 Q. Okay. Which one of the challenged  
13 claims is an independent claim?

14 A. 26.

15 Q. Okay. And do you understand that claims  
16 27 and 28 depend from independent claim 26?

17 A. Yes.

18 Q. Okay. So I do understand that you are  
19 an expert witness retained by patent owner Dyson.

20 Is that correct?

21 A. Correct.

22 Q. When were you retained in this case?

23 A. March of 2024.

24 Q. Who retained you for this case?

25 A. The attorneys retained me.

1 Q. The attorneys representing Dyson?

2 A. Correct.

3 MR. ZHANG: Okay. This is Exhibit 3.

4 (Exhibit 3 marked.)

5 Q. (By Mr. Zhang) Do you recognize this  
6 document?

7 A. Yes.

8 Q. What is this document?

9 A. This is my declaration.

10 Q. So I do understand that Exhibit 3 is  
11 your declaration submitted in association with this  
12 case.

13 Is that correct?

14 A. Correct.

15 Q. Okay. What facts and documents did you  
16 review and consider in preparing this document?

17 A. In this document, I looked at the Dyson  
18 patent. I also looked at the three referenced patents  
19 that were given in the previous declaration by  
20 Dr. Nosenchuck, and then I reviewed that declaration as  
21 well, and then as well as the previous IPR.

22 And I'm trying to think else. Oh, and  
23 then the -- yeah. The original response from the  
24 patent owners.

25 Q. By "the previous IPR," what do you mean?

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1           A.       The inter partes review.

2           Q.       So by that, you mean the original  
3 petition?

4           A.       Correct. I believe so.

5           Q.       Okay. And you mentioned a -- Dyson's  
6 response.

7                    Do you mean the preliminary patent  
8 owner's response?

9           A.       Correct.

10          Q.       Okay. There is an Exhibit B on the last  
11 page of Exhibit 3.

12          A.       Uh-huh.

13          Q.       Is this the complete collection of the  
14 documents you have reviewed?

15          A.       Yes.

16          Q.       Any other documents?

17          A.       Not for writing this, no.

18          Q.       Okay. And do you understand that your  
19 opinions and testimony on patent law and examination  
20 practice will not be admitted?

21                    Do you understand that?

22          A.       Correct.

23          Q.       Okay. So what did you do in preparation  
24 for today's deposition?

25          A.       I read through these exhibits as well as

1 reviewed my own declaration and then also met with the  
2 attorneys from Dyson.

3 Q. How many attorneys?

4 A. Two.

5 Q. Who are they?

6 A. Chris, and then Brianna Silverstein.

7 Q. When did you speak to the -- to the  
8 attorneys and for how long?

9 A. Specifically about the deposition?

10 Q. Correct.

11 A. We met through the past few weeks,  
12 throughout July, probably for a total of six or seven  
13 hours.

14 Q. Spread across multiple times?

15 A. Correct.

16 Q. How many times?

17 A. Three.

18 Q. Did you review documents together with  
19 the attorneys?

20 A. Yes.

21 Q. Were there documents that you reviewed  
22 that are not listed on the Exhibit B of your  
23 declaration?

24 A. I did also look at the motion to amend  
25 that was submitted.

1           Q.       Okay. So who drafted the first draft of  
2 your report?

3           A.       It was a collaborative effort; so  
4 initial thoughts were given between myself and the  
5 attorneys to draft it.

6           Q.       When was the first draft drafted?

7           A.       It would have been in April.

8           Q.       How many rounds of back and forth  
9 between you and your counsel were there in preparation  
10 for today?

11          A.       For the declaration?

12          Q.       For the declaration. Yes.

13          A.       Probably five or six.

14          Q.       Who conducted the analysis that you  
15 relied on in your report?

16          A.       So I looked at everything and did my own  
17 analysis initially, and then I worked in conjunction  
18 with the team to build the document.

19          Q.       Who selected the exhibits to your  
20 report?

21          A.       The -- initially, that would have come  
22 from the attorneys, I believe.

23          Q.       Okay. And how much time in total did  
24 you bill drafting your report?

25          A.       It was about 11 or 12 hours.

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1 Q. And how many hours did you spend for  
2 reviewing the documents you relied on?

3 A. Probably five or six hours for that.

4 Q. And how long did you spend specifically  
5 reviewing the 662 patent?

6 A. 662 patent?

7 Q. Yeah.

8 A. I believe it was a couple of hours, just  
9 looking through that.

10 Q. And how much have you billed in  
11 preparation for your opinions?

12 A. I think about -- are you looking for  
13 hours or dollar?

14 Q. In dollar.

15 A. In dollar? Probably about 4,000.

16 Q. So sitting here today --

17 A. Uh-huh.

18 Q. -- are you aware of any errors or  
19 corrections that need to be made to Exhibit 3?

20 A. No.

21 Q. Have you worked with Dyson before this  
22 case?

23 A. No.

24 Q. Have you worked for Dyson before this  
25 case?

1 A. No.

2 Q. Okay. Have you worked with SharkNinja  
3 before?

4 A. No.

5 Q. Are you aware of the various litigation  
6 cases involving Dyson and SharkNinja going on right  
7 now?

8 A. I'm aware of some cases.

9 Q. Are you aware of any litigation cases on  
10 the 662 patent?

11 A. Not besides this one.

12 Q. Have you provided any testimony or  
13 expert opinion in any other legal proceedings?

14 A. No.

15 Q. Is this your first time being deposed?

16 A. Yes.

17 Q. Okay. So because this is your first  
18 time, some general rules:

19 Make audible answers, which you have  
20 been doing.

21 And from time to time, Counsel may have  
22 objections to my questions, but you may still answer my  
23 question, even if there's an objection. That's for the  
24 record.

25 Do you understand that?

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1           A.       Yes.

2           Q.       Okay. All right. Let's go to Exhibit A  
3 of Exhibit 3, which is I think your -- your resume that  
4 you appended to your report.

5                    So looking at this, I noticed that you  
6 have not worked in any projects related to a consumer  
7 product.

8                    Is that correct?

9           A.       I did work as a senior engineer for  
10 Interactive Flow Studies Corporation, and that is --  
11 their job was building and developing benchtop -- like,  
12 laboratory systems for students to learn about fluid  
13 mechanics.

14           Q.       But that is not a consumer product.

15                    Is that correct?

16           A.       I don't know necessarily how you would  
17 define a consumer product, but they were products that  
18 were able to be purchased by universities --

19           Q.       Okay.

20           A.       -- for student use.

21           Q.       You have not designed a hair dryer.

22                    Is that correct?

23           A.       I have worked with students on hair  
24 dryer design projects, but I personally have not  
25 designed a, let's say, commercial hair dryer.

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1 Q. Have you ever designed a hair blower of  
2 any kind?

3 A. Not, again, outside of the classroom  
4 experience.

5 Q. Okay. You've been referring to your  
6 students and classroom experiences.

7 How long have you been teaching?

8 A. I've been teaching in this position 11  
9 and a half years.

10 Q. Okay. So would it be fair to say that  
11 the majority of your career, you have been in a  
12 teaching position.

13 Is that correct?

14 A. Correct.

15 Q. Okay. Have you ever designed components  
16 of any hair blower?

17 A. No.

18 Q. What was your thesis for your Ph.D.  
19 degree?

20 A. My thesis was based on the fluid  
21 mechanics of a pediatric ventricular assist device, and  
22 specifically, I looked at the fluid mechanics of that  
23 device; so I have a strong background in understanding  
24 the fluid mechanics of different devices.

25 Q. When did you obtain your Ph.D. degree?

1 A. 2010.

2 Q. I see that you started teaching at the  
3 University of Denver starting in January 2013.

4 What did you do between 2010 and 2013?

5 A. Between 2010 and 2013, I was a  
6 post-doctoral researcher at Arizona State University,  
7 where I worked on the fluid mechanics of aneurysms and  
8 their associated medical devices, and then I was also a  
9 senior engineer at Interactive Flow Studies  
10 Corporation.

11 Q. So your experience at that Interactive  
12 Flow Studies Corporation was mostly related to medical  
13 devices.

14 Is that fair to say?

15 A. No.

16 Q. Okay. How would you characterize your  
17 experience at Interactive Flow Studies Corporation?

18 A. So they were developing, like, bench-top  
19 devices --

20 Q. Okay.

21 A. -- for -- to help students understand  
22 fluid mechanics.

23 So they were small, you know, table-top  
24 appliances that either fluid -- well, fluids such as  
25 water or air could be moved through to help students

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1 understand the principles of fluid mechanics,  
2 thermodynamics, and heat transfer.

3 Q. So the projects are intended for  
4 education.

5 Is that correct?

6 A. Correct.

7 Q. So please flip to paragraph 32 of your  
8 report.

9 I see in this paragraph, you are setting  
10 up your definition of a person of skill in the art  
11 relevant to the 662 patent.

12 Is that correct?

13 A. Correct.

14 Q. And based on your education and your  
15 experience, you would be, at the minimum, a person of  
16 skill in this art.

17 Is that correct?

18 A. Correct.

19 Q. Prior to 2013, what fluid mechanics  
20 experience did you have in addition to your Ph.D.  
21 thesis?

22 A. During my thesis, I took advanced fluid  
23 mechanics courses in the mechanical engineering  
24 department; so outside of my thesis classwork, and then  
25 working, as I mentioned, both as a post-doc and

1 Interactive Flow Studies, both of those positions, I  
2 was dealing with the principles of fluid mechanics and  
3 heat transfer.

4 Q. All right. Let's head back to Exhibit  
5 2, which is the patent.

6 A. Uh-huh.

7 Q. You previously said that you have  
8 reviewed the patent for at least a couple of hours.

9 Is that correct?

10 A. Correct.

11 Q. Did you read every single paragraph of  
12 the specification?

13 A. Yes.

14 Q. And did you read every single figure and  
15 associated text?

16 A. I would have looked at every figure.  
17 Yes.

18 (Exhibit 4 marked.)

19 MR. ZHANG: Exhibit 4, motion to amend.

20 Q. (By Mr. Zhang) Have you seen this  
21 document before?

22 A. Yes.

23 Q. What is this document?

24 A. The motion to amend that was presented  
25 by the patent owners.

1 Q. Have you reviewed this document?  
2 A. Yes.  
3 Q. Have you reviewed the document in its  
4 entirety?

5 A. I believe so, yes.

6 Q. So you have reviewed the substitute  
7 claims 40 through 42?

8 A. Yes.

9 Q. I believe those are in appendix A, the  
10 last two pages of this document.

11 So you did review the substitute claims.  
12 Correct?

13 A. Correct.

14 Q. And I note in your -- in your report,  
15 Exhibit 3, you had a section about your understanding  
16 of law, but you never laid out your understanding of  
17 law regarding a motion to amend during an IPR process.

18 What is your understanding of the law  
19 regarding a motion to amend?

20 A. I am not a lawyer.

21 My understanding is that the motion to  
22 amend would be to change the claims or amend the  
23 claims.

24 Q. What's your understanding of the law  
25 about how claims may be amended during the IPR process?

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1           A.       I do not have an understanding of that.

2           Q.       So I see in your report, your paragraphs  
3 103 through 137 are regarding the motion to amend.

4                   And as you stated, you do not have a  
5 legal understanding of how claims may be amended during  
6 the IPR process.

7                   How do you think your opinion is  
8 relevant to the case?

9           A.       So I did not write the claims; I am just  
10 saying, if these were amended, how I think the  
11 references relate to them.

12           Q.       So your opinion laid out in paragraphs  
13 103 through 137 are only applying the three prior  
14 references to the claims as if they were amended.

15                   Is that correct?

16           A.       Correct.

17           Q.       Do you have an understanding of what  
18 adding new matter to a motion to amend is?

19           A.       No.

20           Q.       Okay. So you are not providing any  
21 opinion as related to adding new matter in this motion  
22 to amend.

23           A.       Correct.

24           Q.       What is your understanding of written  
25 description support for substituted claims?

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1           A.       I do not have an understanding of that.

2           Q.       So your opinions do not relate to  
3 written description support as related to the motion to  
4 amend.

5                   Is that correct?

6           A.       Could you restate the question --

7           Q.       Okay.

8           A.       -- please?

9           Q.       Your opinions provided in your  
10 declaration do not relate to the issue of written  
11 description of the substitute claims 40 through 42.

12                   Is that correct?

13           A.       Not in my understanding.

14                   Or I wouldn't understand otherwise.

15           Q.       To be clear, your understanding is you  
16 did not provide any opinions on the issue of written  
17 descriptions for substitute claims 40 through 42.

18           A.       My opinion that I gave was whether the  
19 references would -- how they would fall with these  
20 claims, if that's what you're saying.

21           Q.       Did you provide opinions on whether the  
22 specification of the 662 patent support substitute  
23 claims 40 through 42?

24           A.       No. I was not pulling opinions from the  
25 spec.

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1 Q. Okay. And to confirm, you do not have  
2 any understanding of the law regarding adding new  
3 matter.

4 A. Correct.

5 Q. So please take a look at substitute  
6 claim 40, the second to last page of Exhibit 4.

7 What is your understanding of the scope  
8 of substitute claim 40?

9 A. My understanding of the scope is it's  
10 defining the flow path in relation to the handle on the  
11 walls.

12 Q. There is an element, "The inner wall  
13 extends from the primary fluid inlet to the first end  
14 of the handle."

15 Do you see that?

16 A. Yes.

17 Q. What does this element mean?

18 A. So my declaration doesn't have to do  
19 with if these claims -- if I believe these claims; it's  
20 whether or not I think the references relate to them.

21 Q. But if you do not know the limitations  
22 scope, how do you apply the references to the -- to the  
23 claim?

24 A. So it's not that I don't understand the  
25 scope; I'm trying to understand what -- how this

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1 question relates to my declaration, I guess.

2 If you could explain that piece of what  
3 you are trying to ask.

4 Q. In your declaration, you're making  
5 statements regarding whether any of the three  
6 references disclose this element.

7 A. Uh-huh.

8 Q. Is that correct?

9 A. Correct.

10 Q. Okay. So I want to know, as the basis  
11 for your opinion, what did you understand this element  
12 to mean?

13 A. Okay. Could you repeat the question?

14 Q. The question is:

15 What does the element, "The inner wall  
16 extends from the primary fluid inlet to the first end  
17 of the handle" mean?

18 A. Would -- it would depend on the context,  
19 because that's a single statement within that; so I  
20 couldn't say what it means.

21 I would have to look at the context, but  
22 "extends from the primary fluid inlet to the first end  
23 of the handle" is a description of the fluid path and  
24 what path that would take within whatever device it's  
25 looking at.

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1 Q. Okay. Let's put that into context.  
2 Can you take a look at your report,  
3 Exhibit 3, paragraphs 35 through 46?

4 I see that there's a section header  
5 named "Claim Construction," and I take it to mean that  
6 paragraphs 35 through 46 lay out your understanding of  
7 the claim language of claim 26.

8 Is that correct?

9 A. Correct.

10 Q. Do you understand the scope of claim 40  
11 to be different from your understanding of the scope of  
12 claim 26?

13 A. Not necessarily. I think my  
14 understanding of claim 26 is correct.

15 My understanding is if it's considered  
16 not correct by the board or whoever it is, then the  
17 patent owners are interested in the amendment.

18 Q. Is it your opinion that your proposed  
19 construction of claim 26 and your proposed  
20 understanding of claim 40 are the same?

21 A. Yes. In -- because I think that claim  
22 26 is correct, I'd have to -- I haven't considered if  
23 they are exactly the same. I would have to look at  
24 that. Yeah.

25 Q. Can you spend a little bit of time

1 reviewing claim 26 at the end of Exhibit 2 versus claim  
2 40 at the end of Exhibit 4.

3 I think, actually, on the last page,  
4 there's a marked-up version comparing the two.

5 Can you please review that and then  
6 answer the question:

7 Do you think your proposed construction  
8 of claim 26 and claim 40 are the same?

9 A. So looking at both claims, I think a  
10 POSITA would come to a similar conclusion on the  
11 claims.

12 Q. By "A POSITA would come to a similar  
13 conclusion" -- P-O-S-I-T-A.

14 By "A POSITA would come to a similar  
15 conclusion," you mean a POSITA would have viewed claim  
16 26 and claim 40 to be the same in scope.

17 Is that correct?

18 A. I guess it depends how you are defining  
19 the word "scope," but I think they have a similar scope  
20 to each other -- broad scope.

21 Q. Do you think you have listed all the  
22 support from the specification for your proposed  
23 construction of claim 26 in your declaration?

24 A. I think there could always be additions,  
25 but I think I've done a pretty good job of what I've

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1       been looking at of giving those things.

2               Q.       Please take a look at paragraph 40 of  
3       your report. The first sentence here in this  
4       paragraph:

5                       "The specification and drawings also  
6       support my construction because they  
7       consistently require the 'inner wall,'  
8       to extend the entirety of the handle from  
9       the primary fluid inlet to the body of the  
10      appliance."

11                    Do you see that sentence?

12               A.       Yes.

13               Q.       What do you mean by "consistently  
14      require"?

15               A.       They show the inner wall extends the  
16      entirety of the handle.

17               Q.       By "consistently require," do you mean  
18      that all the embodiments disclosed have the inner wall  
19      extend the entirety of the handle?

20               A.       To my understanding, yes.

21               Q.       What is your understanding of "extend  
22      from" in this context?

23               A.       What do you mean, "extend from"?

24               Q.       Do you see the relevant element is:  
25      "A primary flow path -- a primary

1 fluid flow path --

2 A. Okay.

3 Q. -- "that extends from a primary fluid

4 inlet into the appliance."

5 Do you see that?

6 A. Yes.

7 Q. So "a primary fluid flow path that

8 extends from" -- what does this "extend from" mean?

9 A. Extend from, meaning it needs to move

10 beyond the inlet.

11 Q. Can there be gaps between the flow --

12 the primary flow path and the primary fluid inlet?

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

14 Q. Let's -- let's change the question:

15 Can there be a gap between the inner

16 wall and the primary fluid inlet?

17 A. I haven't considered that.

18 Q. So let's take a look at Exhibit 2, the

19 patent.

20 Can you please take a look at Figures 8a

21 and 8b?

22 So in 8a, there's a structure labeled

23 "560."

24 Do you see that structure?

25 A. Yes.

1 Q. And then flip to the text, column 12,  
2 rows 52 and 53. Sorry. Scratch that.

3 Yeah. It's actually column 13, rows 52  
4 and 53.

5 "The inner wall 560 is a duct which  
6 surrounds and defines a fluid flow path 550  
7 through the appliance."

8 Do you see that description?

9 A. Yes.

10 Q. So combining this description with  
11 figure 8a, do you think inner wall 560 extends the  
12 entirety of the handle?

13 A. I'm just reading the text again.

14 It's hard to see exactly where it stops.  
15 I think it would also depend where the handle is  
16 defined as to whether it goes through the handle -- the  
17 entire handle.

18 Q. So please take a look at row 20, column  
19 13, which states:

20 "The handle 520 also includes a fan  
21 unit 570, which comprises a fan and a motor,  
22 which drives the fan and, in use, draws  
23 fluid in through the primary inlet 540."

24 Do you see that?

25 A. Yes.

1           Q.       So in your thought, do you think at  
2       least the motor unit 570 in figure 8a is a part of the  
3       handle?

4           A.       Yes.

5           Q.       Do you think inner wall 560 extends into  
6       the motor unit 570 according to figure 8a?

7           A.       From this figure, it's hard to tell  
8       whether 560 extends in or not; so I couldn't be 100  
9       percent sure where exactly it ends.

10          Q.       And going back up further, to column 13,  
11       row -- I think that's 8, rows 4 through 8, figures 8a  
12       and 8b show an alternate hair care appliance -- dot dot  
13       dot -- starting from row 7, "The distal end 522 of the  
14       handle 520."

15                   Do you see that?

16          A.       Yes.

17          Q.       Is it fair to say that 522 marks the  
18       distal end of the handle?

19          A.       In this sentence, yes.

20          Q.       And back to figure 8a, do you think the  
21       inner wall 560 extends to the distal end of the handle  
22       522?

23          A.       I cannot see where 560 necessarily ends  
24       in this figure.

25          Q.       Did you review figures 8a and 8b and the

1 relevant text when you drafted photograph 40 of your  
2 report?

3 A. I would have looked at them. I don't  
4 know if I reviewed them specifically while drafting  
5 that paragraph.

6 Q. Please flip to paragraph 44, Exhibit 3  
7 of your report. There's a sentence at the turn of the  
8 page between 17 and 18.

9 "However, by specifying that the  
10 claimed inner wall of the handle, as opposed  
11 to the claimed outer wall of the handle  
12 defines the primary fluid flow path from a  
13 primary fluid inlet into the appliance,  
14 claim 26 does preclude a handle in which  
15 the inner wall fails to define the entirety  
16 of the primary fluid flow path within the  
17 handle."

18 Do you see that?

19 A. Yes.

20 Q. What do you mean by that? I had  
21 difficulty following your logic in here.

22 A. It's saying that the inner wall is  
23 defining the primary fluid flow path, just instead of  
24 the outer wall of the handle to define it.

25 And then the inner wall, as you define

1     that path within the handle itself.

2             Q.       Do you mean that because it's the inner  
3     wall which touches the primary fluid flow path that  
4     defines it, it has to extend the entire length of the  
5     primary fluid flow path.   Correct?

6             A.       Within the handle, not the length of the  
7     entire path.

8             Q.       Okay.   So let me restate:  
9                 Within the handle, the inner wall  
10    defines the primary flow -- fluid flow path; therefore,  
11    it has to extend the entirety of the primary fluid flow  
12    path.

13                    Is that correct?

14             A.       Within the handle.   Correct.

15             Q.       So back to a previous question of mine:  
16                 So if an inner wall does not start along  
17    the primary fluid flow path at the primary fluid inlet,  
18    i.e., there's a gap along the fluid flow between the  
19    inlet and the beginning of the inner wall.

20             A.       I have not taken an opinion on that.

21             Q.       Do you think that would cover this  
22    element?

23             A.       Where the inner wall begins, I would  
24    have to see -- can you restate the question?

25             Q.       Okay.   So in -- let me restart.

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1                   So there is a primary fluid flow path  
2 starting at a primary fluid inlet. Correct?

3                   A.       Correct.

4                   Q.       But in one embodiment, the inner wall  
5 does not start at the primary fluid inlet; instead,  
6 there's a gap between the primary fluid inlet and the  
7 start of the inner wall along the fluid flow path.

8                   Do you think that embodiment from a  
9 prior reference would still cover this element?

10                  A.       I would have to see the reference. I  
11 would have to understand what -- what you mean by  
12 "gap," what that looks like, in order to answer that  
13 question fully.

14                  Q.       Can you please review paragraph 45 of  
15 your report?

16                         Do you still agree with your opinion set  
17 forth in paragraph 45?

18                  A.       Yes.

19                         MR. ZHANG: It's been about an hour.

20                         Do you want to take a break?

21                         MR. BRUENJES: Sure.

22                         MR. ZHANG: All right. Off the record.

23                         (Recess taken.)

24                  Q.       (By Mr. Zhang) All right. Welcome  
25 back.

1           A.       Thank you.

2           Q.       During the break, did you talk with your  
3 counsel about the substance of this case?

4           A.       No.

5                    (Exhibit 5 marked.)

6                    MR. ZHANG: Exhibit 5.

7           Q.       (By Mr. Zhang) Do you recognize this  
8 document?

9           A.       Yes.

10          Q.       What is this?

11          A.       The patent for Jeffs, which is one of  
12 the references.

13          Q.       Have you reviewed it?

14          A.       Yes.

15          Q.       Back to Exhibit 3, your declaration,  
16 paragraphs 85 and 86.

17                    Do you see those two paragraphs?

18          A.       Yes.

19          Q.       I see that your opinion is that the  
20 inner wall has to be distinct from the outer wall of  
21 the handle.

22                    Is that correct?

23          A.       Correct.

24          Q.       Why do you think that?

25          A.       I think that's how it's defined in the

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1 claim.

2 Q. Do you think separately listed claim  
3 terms must be physically distinct?

4 A. I don't understand that question.

5 Q. So if a claim lists an inner wall and an  
6 outer wall, do you take that to mean that the inner  
7 wall and the outer wall have to be physically distinct?

8 A. I think it would depend on the context  
9 of what the claim was saying.

10 Q. You said previously that it is your  
11 opinion that the inner wall has to be distinct from the  
12 outer wall of the handle.

13 A. In this case, yes.

14 Q. Why do you say "in this case"?

15 A. I think there's context to the  
16 terminology.

17 Q. Okay. What kind of context, such as  
18 that for the handle, the inner wall, and the outer  
19 wall ==

20 A. I think that --

21 Q. -- have to be separate?

22 A. I think for this case, the inner and the  
23 outer wall are separate.

24 Q. Do you see support from the patent for  
25 your assertion?

1 A. Yes.

2 Q. Can you identify the support?

3 A. I think in paragraph 86, I explain that  
4 support.

5 Q. I see, for example, the specification  
6 notes that, "The handle 20 has both an outer wall 200  
7 and an inner wall 220, and that, quote, 'Inner wall 220  
8 is a duct which surrounds and defines a primary fluid  
9 flow path 400 through the hairdryer.'"

10 Do you see that?

11 A. Yes, I see that.

12 Q. How do you think that supports your  
13 assertion?

14 A. That the duct is separate from the outer  
15 wall.

16 Q. Does it say the duct has to be separate  
17 from the outer wall?

18 A. I -- this is how I -- I don't recall off  
19 the top of my head, but that's how I believe it would  
20 be interpreted, is to having a separate inner wall and  
21 outer wall that are distinct.

22 Q. Can an outer wall just be thick and form  
23 a duct?

24 A. I think, in general, there could be a  
25 duct in a wall.

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1 Q. Can the inner side of the very thick  
2 outer wall be called the inner wall?

3 A. I would not call that an inner wall. I  
4 would call it an inner surface.

5 Q. And again, looking at figure 1 quoted  
6 multiple times in your declaration from paragraphs 84  
7 through 91 -- do you see that?

8 A. Yes.

9 Q. That is annotated version of figure 1  
10 from Jeffs.

11 Is that correct?

12 A. Correct.

13 Q. Do you see the white squiggly structure  
14 in between the smooth inner wall and the unit 36?

15 A. Yes.

16 Q. Do you think that's a separate structure  
17 from the outer wall?

18 A. This squiggly part? Yes.

19 Q. Do you think that can be the inner wall?

20 A. No.

21 Q. Why?

22 A. It's not moving through the handle.

23 Q. So disregarding that squiggly part, just  
24 the smooth part of 35, does that move the air through  
25 the handle?

1           A.       35 -- yes.

2           Q.       Although that part does not extend the  
3       entirety of the handle?

4           A.       Correct.

5           Q.       Take a look at paragraph 41 of your  
6       declaration.

7                    Can you read that?

8           A.       Yes.

9           Q.       Do you agree with it, sitting here  
10       today?

11          A.       Yes.

12          Q.       I take it to mean that the inner wall  
13       defines a fluid flow path through the hair dryer;  
14       therefore, the inner wall has to extend the entirety of  
15       the handle.

16                    Is that correct?

17          A.       Yes.

18          Q.       So you are saying the preposition  
19       "through" suggests the entirety of the length.

20                    Is that correct?

21          A.       I am saying that it must pass through  
22       the handle to go through the hair dryer.

23          Q.       What do you mean by that?

24                    Can an inner wall define a flow path  
25       that goes only a section of the length of the handle?

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1           A.       That is not how I defined that.

2           Q.       So by "through" -- scratch that.

3                    Is it your understanding that the claim  
4 language "through" here -- sorry.

5                    The specification language "through"  
6 here suggests that the inner wall has -- has to extend  
7 from one end of the handle to the other end of the  
8 handle?

9           A.       I think that the inner wall needs to  
10 extend through the handle.

11          Q.       So back to Jeffs, figure 1.

12                    Is the 235 extending through the handle?

13          A.       No.

14          Q.       Why not?

15          A.       I show in the figures that were  
16 annotated, the red shown as the handle and the yellow,  
17 which is shown to them as the inner wall, does not go  
18 through that entire portion.

19          Q.       What does 35 have to do in order to go  
20 through the handle?

21          A.       It would need to go all the way to the  
22 outlet of the handle.

23          Q.       Can an inner wall be defined as a  
24 collection of separate parts?

25                    For example, in Jeffs, can the

1 collection of the squiggly part plus the yellow 35 plus  
2 the part guiding the air flow path through the handle  
3 to the handle outlet be identified as the inner wall?

4 A. That's not how it was presented. It was  
5 presented as the yellow section, so that's what I have  
6 considered; and so I don't think that that goes through  
7 the handle.

8 Q. So you are saying what was identified in  
9 yellow here does not go through the handle, and you do  
10 not know if adding parts on top and at the bottom of  
11 that part would change your opinion.

12 Is that correct?

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

15 Q. Now back to figure 8 of the patent,  
16 Exhibit 2, figure 8-1.

17 And again, please take a look at patent  
18 column 13, rows 52 and 53. I read:

19 "The inner wall 560 is a duct which  
20 surrounds and defines a fluid flow path 550  
21 through the appliance."

22 Please look back at figure 8a.

23 Do you think 560 defines a path through  
24 the handle?

25 A. Yes.

1 Q. Why is that?

2 A. I think it's showing the primary flow  
3 path from the inlet through.

4 Q. However, on figure 8a, I do not see 560  
5 extending the entire length of the handle.

6 Is that correct?

7 A. It is -- I would have to look further  
8 into it to see where 560 actually ends.

9 Q. How much time do you need to review  
10 that?

11 A. I want to read through it again; so I  
12 don't know -- however long that would take.

13 Q. So can you please review the text from  
14 column 13, row 4, through column 14, row 42.

15 A. Yes.

16 Q. Please do that.

17 (The witness reviewed the document.)

18 Q. (By Mr. Zhang) Have you reviewed that  
19 section?

20 A. Yes.

21 Q. What is your understanding of where  
22 inner wall 560 ends in figure 8a?

23 A. So I can't confirm where it ends based  
24 on the text, just that it's aligned with the handle --  
25 which is the 526 -- discusses them being together.

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1 Q. Can you identify the row where that is?

2 A. So 51, the handle 420 has an outer wall  
3 526 and an inner wall 560.

4 So row 51. Sorry. Did I say that?

5 Q. How does that suggest that the inner  
6 wall 560 is of the same length as the handle?

7 A. So how I am interpreting it, it says the  
8 handle has an outer wall and an inner wall.

9 Q. Let's flip back one page to column 12 of  
10 the patent, rows 47 through 50.

11 "It is preferred that the insulating  
12 material 212 is substantially continuous  
13 around the inner 220 wall and extends for  
14 the length of the inner wall 220 of the  
15 handle as this has the most impact on  
16 insulating the handle."

17 Do you see that?

18 A. Yes.

19 Q. What's your understanding of "the most  
20 impact on insulating the handle"?

21 A. My understanding is that the way they've  
22 described it would be the most beneficial to insulate  
23 the handle.

24 Q. Does it suggest that there are sections  
25 of the handle that are less than most impact on

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1 insulating?

2 A. I haven't really thought about that.  
3 I think this is just indicating that having it on the  
4 inner wall would be beneficial.

5 Q. I take this section to mean that having  
6 some insulating material along the inner wall would be  
7 beneficial.

8 Do you agree with that?

9 A. Yes.

10 Q. And it discloses that the insulating  
11 material 212, quote, "extends for the length of the  
12 inner wall 220 of the handle."

13 Do you see that?

14 A. Yes.

15 Q. But it does not say insulating material  
16 extends for the length of the handle.

17 Is that correct?

18 A. Well, correct. It says the inner wall  
19 of the handle; so it could be interpreted as the inner  
20 wall is with the handle; so, therefore, the insulation  
21 would be on the handle.

22 Q. Do you think this suggests that the  
23 inner wall can be less than the entire length of the  
24 handle?

25 A. I don't think that suggests that, no.

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1 Q. If not, where would the section of "less  
2 than most impact on insulating along the handle" be?

3 A. Could you restate that question?

4 Q. Okay. You're saying that this  
5 disclosure does not suggest that the inner wall is less  
6 than the entire length of the handle.

7 If that is the case, where would be a  
8 section of the handle that has less than most impact on  
9 insulating?

10 A. I don't think that -- I think this is --  
11 my interpretation would be it has the most impact  
12 because it is on the inner wall, which is the entire  
13 length.

14 And so if you were not to have the  
15 insulation on the entire inner wall, that's why it  
16 would have less impact, not that the wall itself  
17 extends the entire length of the handle.

18 Q. Now, let's flip back to the end of the  
19 patent. Let's read claims 20 -- let's read claim 26.

20 Do you see 26 --

21 A. Yes.

22 Q. -- at the end? Yeah?

23 Do you think the body and the handle  
24 should be distinct parts?

25 A. Yes.

1           Q.       In a similar way as inner wall versus  
2 outer wall?

3           A.       I think the context is different in that  
4 design, but yes, they should be distinct.

5           Q.       What defines the boundary between the  
6 handle and the body?

7           A.       I think it's where the handle ends.

8                    So the handle would have to end, and  
9 then there would be a body, but it doesn't have to be  
10 right at where the handle ends.

11          Q.       Would someone be able to draw the  
12 boundary if the body and the handle are a continuous  
13 piece?

14          A.       Perhaps. It depends on what they're  
15 looking at and the context of the design.

16          Q.       So let's flip back to paragraph 42 of  
17 your report.

18                    Do you see that?

19          A.       Uh-huh.

20          Q.       So in this paragraph, you are quoting  
21 figures 5 and 6 from the patent.

22                    Is that correct?

23          A.       Correct.

24          Q.       So please take a look at figure 5.

25                    Where is the boundary between the body

1 and the handle?

2 A. Do you want me to show it?

3 Q. Feel free to mark it.

4 A. Okay. In my observation, it's about  
5 here (indicating).

6 Q. Can you mark it?

7 So from what I see, you are drawing a  
8 line right below the curve line?

9 A. Yeah. Or maybe it's the curved line. I  
10 don't --

11 Q. So which one do you think it is, the  
12 straight line you drew or the curved line originally on  
13 figure 5?

14 A. I'd probably say the curved line; so --

15 Q. Do you see a lighter curved line on top  
16 of that in figure 5?

17 A. Yes.

18 Q. What is that line?

19 A. I don't know off the top of my head.

20 Q. Do you think that's where the outer wall  
21 of the handle meets the outer wall of the body?

22 A. I don't know.

23 Q. Let's assume that the second line is  
24 where the outer wall of the handle meets the outer wall  
25 of the body.

1                   Which line do you think is the end, the  
2 first end of the handle, according to substitute claim  
3 40?

4                   The motion to amend is Exhibit 4.

5           A.       It was hard to tell -- I don't know if I  
6 have an opinion if it's one -- I haven't really thought  
7 about that, if it's the inner or the outer for that  
8 claim. I wouldn't -- I can't -- I'm not sure.

9           Q.       Now, please take a look at, again, the  
10 figures 5 and 6. There's a structure 222.

11                   Do you see that?

12          A.       Yes.

13          Q.       Now flip back to Exhibit 2. Column 12,  
14 starting at row 6, describes structure 222 as an access  
15 hatch.

16                   Do you see that?

17          A.       Yes.

18          Q.       Do you think 222 is a part of the inner  
19 wall?

20          A.       Yes.

21          Q.       So do you think the inner wall can be  
22 comprised of physically separate parts?

23          A.       Again, it depends on the context of the  
24 design.

25          Q.       In this context, why do you think 222,

1 which, according to the figures 5 and 6, is apparently  
2 a separate physical structure, is part of the inner  
3 wall?

4 A. I think in this case -- in this context,  
5 in this case, I would say it's part of the inner wall.

6 Q. Why is that?

7 Do you have support from the text?

8 A. Seeing the access hatch is provided in  
9 the inner wall of 220; so that's probably that I would  
10 use.

11 Q. Is the hole 224 part of the inner wall?

12 A. What do mean by "the hole 224"?

13 Q. In figures 5 and 6, do you see there's  
14 the hole accommodating 222 that's called 224?

15 A. Uh-huh.

16 Q. Do you think that part without 222 is  
17 part of the inner wall?

18 A. No, I don't.

19 Q. But the text also describes, say, on  
20 rows 14 and 15 of column 12 that this corresponding  
21 hole 224 is, quote, "in the inner wall 220."

22 Do you see that?

23 A. Yes, I see the text.

24 Q. If the hole is in the inner wall, why is  
25 it not part of the inner wall?

1           A.       I mean, I haven't -- the definition of  
2 "hole" is a whole other thing.

3           Q.       What's your definition of "hole"?

4           A.       My mean, I think there's context, but I  
5 think a hole can be the lack of something; it can be  
6 part of something, but I haven't -- I don't have an  
7 opinion on what that would be in this case.

8           Q.       So can a singular tube going through the  
9 entirety of the length of the handle be an inner wall,  
10 according to the patent?

11          A.       Just by itself, or with something else?

12          Q.       Structured within the outer wall of the  
13 handle.

14          A.       If it was a tube within the outer wall  
15 of the handle, I would have to see what it looked like,  
16 but it could possibly be an inner wall.

17          Q.       Can physically separate but adjoining  
18 parts forming a tube I just mentioned form an inner  
19 wall, according to the patent?

20          A.       Again, I would have to see what it  
21 looked like before I could decide if it would be in  
22 this context.

23          Q.       Let's flip back to paragraph 84.

24                   And you may also refer to Exhibit 5,  
25 which is Jeffs.

1                   Here, do you see the figure 1 of Jeffs?

2           A.       Yes.

3           Q.       You just testified previously today that  
4   the yellow part, 35, by itself, cannot be the inner  
5   wall because it does not extend through the handle.

6                   Is that correct?

7           A.       Well, yes. It doesn't fit the claim  
8   because it does not extend through the handle.

9           Q.       Adding the white squiggly part, does it  
10   extend through the handle?

11          A.       If you were to add that, no, I still  
12   don't believe it does.

13          Q.       Why is that?

14          A.       Because there's still a portion beyond  
15   what they're showing at channel 35 that's within the  
16   handle.

17          Q.       On the flip side, combining the yellow  
18   part 35 with the air duct connecting the handle of that  
19   with the upper end of 35, would that be through the  
20   handle?

21          A.       What do you mean connecting --

22          Q.       So --

23          A.       -- because there's other things in  
24   there. I don't understand.

25          Q.       I understand, in this section, you are

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1 saying that part 35 cannot be the inner wall because it  
2 does not extend far up enough.

3 Is that correct?

4 A. I'm not saying that it's not the inner  
5 wall; I'm saying that, as the inner wall, it does not  
6 extend enough if it is the inner wall.

7 Q. Okay. If I combine 35 with the  
8 structure connecting the handle outlet with 35, does  
9 that extend far enough?

10 A. So you are saying combining 35 with the  
11 valve structure that's above it?

12 Q. Yeah. Including 30, 32.

13 A. I mean, I haven't considered that. I'd  
14 have to consider whether or not -- there would be a lot  
15 of things, because it's not -- I wouldn't combine that  
16 and call it the same thing as the inner wall.

17 Q. Can the yellow structure 35 by itself  
18 extend from the unit 36 without the white squiggly  
19 part?

20 A. I don't know. It depends on the  
21 coupling structure, what it would need.

22 (Exhibit 6 marked.)

23 MR. ZHANG: I'm marking Exhibit 6.

24 Q. (By Mr. Zhang) Do you recognize this  
25 document?

1 A. Yes.

2 Q. What is it?

3 A. It is the patent for one of the other  
4 references named Jeong.

5 Q. Back to your report, page 25, paragraph  
6 58, the last sentence of this paragraph:

7 "The air from the two fluid flows may  
8 be missed in central passage part 37 and be  
9 discharged together through discharge hole 38."

10 Do you see that?

11 A. Yes.

12 Q. So according to your opinion, air  
13 passing through 36 -- 37 -- so scratch that.

14 So according to your opinion, the air  
15 passing through structure 37 and discharged through the  
16 hole 38 contains both air from what you call the  
17 primary air flow and the secondary air flow.

18 Is that correct?

19 A. Correct.

20 Q. Back one page to paragraph 56.

21 Here you are quoting an annotated figure  
22 3 from the patent.

23 Do you see this part?

24 A. Okay. Uh-huh. Yes.

25 Q. Is there any part of the patent naming

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1 the access AA, the fluid flow path 300, to be secondary  
2 fluid flow, or this is your creative label?

3 A. I don't recall.

4 Q. If there's no such term as "secondary  
5 fluid flow" in the specification, would you be  
6 surprised?

7 A. I haven't thought about it.

8 Q. Can this secondary fluid flow be your  
9 creative labeling?

10 A. Again, I don't recall.

11 Q. Did you refresh your memory regarding  
12 your declaration during preparation for this  
13 deposition?

14 A. I did.

15 Q. Yet you still do not recall whether this  
16 annotation of "secondary fluid flow" was of your own  
17 creation or taken from the specifications?

18 A. Correct. It's just not something I  
19 remember right now.

20 Q. Do you think this access AA, also  
21 labeled as 300, is in the body?

22 A. Could you show me on the figure where?

23 Q. The access AA right below the blue line  
24 that you labeled "secondary fluid flow"?

25 A. Okay.

1 Q. Do you see that access?

2 A. Yes, I do.

3 In my opinion, that's not in the body.

4 Q. Why is it not?

5 A. Because it's a channel through the  
6 middle, but it's not in the body of the device.

7 Q. Do you have any textual support from the  
8 patent supporting your assertion?

9 A. I would have to look through. I don't  
10 recall just off the top of my head.

11 Q. If that empty space within the  
12 cylindrical shape not in the body, what would you call  
13 that space within the cylindrical shape?

14 A. From my own opinion, it's like a channel  
15 through, but it's not within the actual body.

16 Q. Back to the patent, Exhibit 2. The  
17 paragraph in column 10, starting at row 59 through row  
18 63.

19 Do you see that paragraph?

20 A. Yes.

21 Q. And I read:

22 "The primary fluid outlet 440 may  
23 be internal; so the primary fluid flow  
24 path 400 merges with the fluid flow path  
25 300 within the body 30."

1 Do you see that?

2 A. Yes.

3 Q. From what I read, this defines fluid  
4 flow path 300 as being within the body 3 -- 30.

5 Do you agree?

6 A. I'm reading it as it "may be internal,"  
7 so that it could merge within the body in that  
8 sentence.

9 Yes, that's what that says.

10 Q. You do not think this paragraph is  
11 describing the same embodiment that figure 3 is  
12 depicting?

13 A. No, I don't think they're the same.

14 Q. Do you think figures 2, 3, 4, and 5 and  
15 6 are depicting the same embodiment of the patent?

16 A. I would think so. However, I would need  
17 to look at all the citations of the figures in full to  
18 confirm that.

19 Q. If they were the same embodiment, why do  
20 you think the paragraph at column 10, rows 59 through  
21 63 that we've discussed just now, are not describing  
22 the same embodiment that the figures 2, 3, 4, and 5 are  
23 depicting?

24 A. Well, I -- right. I would have to look  
25 through and make sure if they were or not.

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1 (Exhibit 7 marked.)

2 MR. ZHANG: Marking as 7.

3 Q. (By Mr. Zhang) Do you recognize this  
4 document?

5 A. Yes.

6 Q. What is this document?

7 A. It is a patent of one of the references.  
8 It's called the Yoshida.

9 Q. Have you reviewed it?

10 A. Yes.

11 Q. So please look -- take a look at pages  
12 32 and 33 of your report, back to Exhibit 3.

13 And you're quoting figure 1 from Yoshida  
14 and paragraph 30 -- 73.

15 Please read 73.

16 A. You want me to read it?

17 Q. Yeah -- no. Please read in your mind,  
18 and here's my question:

19 The annotated arrows on the top of 33,  
20 page 33, pointing down -- are those primary fluid flow  
21 path or secondary fluid flow path?

22 A. When you say "pointing down," do you  
23 mean --

24 Q. At the left hand of the structure,  
25 vertically pointing down, there are about four green

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1 arrows.

2 Do you see those?

3 A. Yes.

4 Q. Okay. Do you think these those are  
5 primary fluid flow paths or secondary fluid flow paths?

6 A. I believe that the primary fluid flow  
7 path exits right before those arrows.

8 Q. Before those arrows, meaning --

9 A. That's where the primary fluid flow path  
10 is exiting.

11 Q. You mean, between the red structure and  
12 the purple structure inside?

13 A. What -- yeah. As it -- so it's where  
14 the primary fluid path leaves the red structure.

15 Q. Okay. So you're saying that's where the  
16 fluid -- the primary fluid flow path ends.

17 Is that correct?

18 A. Yes.

19 Q. So let's flip to page 45, paragraph 100  
20 of your report, Exhibit 3.

21 In that -- in the middle of that  
22 paragraph, you said:

23 "Petitioners and Dr. Nosenchuck do  
24 not provide any explanation for why the  
25 green arrow correctly represents fluid

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1 flow from inner chamber 30 through  
2 channel 29 to barrel chamber 26."

3 Do you see that?

4 A. Yes.

5 Q. Do you see any alternative fluid flow  
6 from 30 to the outlet?

7 A. Yes, but I'd have to know more about the  
8 context of the fluid flow and what was happening in  
9 order to define how that would look.

10 Q. Did you review Jeffs?

11 A. Yes. But it doesn't give information --  
12 additional information that could be helpful.

13 Q. So you're saying, other than the figure  
14 1 presented here, Jeffs didn't give enough description  
15 of where the fluid flow would go.

16 Is that correct?

17 A. Correct. And that there's not enough  
18 information to define how that fluid flow would look  
19 based on the information we have.

20 Q. Do you have an opinion as to any  
21 secondary indicia of non-obviousness?

22 All right. Let's scratch that.

23 Do you have any understanding of the  
24 legal term "secondary indicia of non-obviousness"?

25 A. No. I do not have an opinion.

1 MR. ZHANG: All right. I'll pass the  
2 witness now.

3 MR. BRUENJES: Okay. Can we take a  
4 break?

5 MR. ZHANG: Sure. Ten minutes?

6 MR. BRUENJES: Yeah. I think so. Well,  
7 let's do a 15.

8 MR. ZHANG: 15? All right.

9 (Recess taken.)

10 MR. BRUENJES: Just a very few  
11 clarifying questions.

12 MR. ZHANG: Sure.

13 MR. BRUENJES: Okay.

14 MR. ZHANG: Back on the record.

15 EXAMINATION

16 BY MR. BRUENJES:

17 Q. So you wanted to clarify paragraph 40 of  
18 your report.

19 A. Yes.

20 Q. Okay. So when you mentioned the word  
21 saying "specification drawings consistently show the  
22 inner wall extending the entirety," were there  
23 particular embodiments you were thinking of in that  
24 statement?

25 A. Yes. The figures that I have listed; so

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1 the 3, 4b, 5, 6, and 7 in the patent.

2 Q. And why did you look at those rather  
3 than other figures?

4 A. Those were the figures that were  
5 pertinent to claim 26.

6 Q. And why do you say those were pertinent?

7 A. Because they were the -- they had the  
8 nonlinear embodiment.

9 Q. And when you refer to nonlinear, you  
10 were mentioning in the claim of claim 26 that it  
11 requires a flow path that's nonlinear.

12 Is that correct?

13 A. Correct.

14 Q. Okay. And then going to your report on  
15 paragraph 75, the -- first, we'll say claim 26.  
16 It says:

17 "Wherein the primary fluid flow  
18 path from the primary fluid inlet to  
19 and primary fluid outlet from the body."

20 Is that correct?

21 A. Yes.

22 Q. So when does the primary fluid flow exit  
23 the body in figure 1 of Yoshida?

24 A. It exits the body at the purple line  
25 prior to the green downward arrows.

1 Q. Okay. And do those downward green  
2 arrows correctly identify how the fluid is flowing  
3 within body 5?

4 A. No.

5 MR. BRUENJES: Okay. Those are all my  
6 questions.

7 MR. ZHANG: One more question from me:

8 EXAMINATION

9 BY MR. ZHANG:

10 Q. Back to the paragraph 40 of your report,  
11 Exhibit 3, you see in paragraph 40 you cited figures 3,  
12 4b, 5, 6, and 7 from the patent.

13 Do you see that?

14 A. Yes.

15 Q. Are all of those figures describing one  
16 embodiment?

17 A. Again, I believe so, but I'd have to  
18 double-check with the text to make sure, to confirm  
19 that.

20 Q. Can you spend a few minutes confirming  
21 that?

22 A. It might take a while.

23 (The witness reviewed the document.)

24 THE DEPONENT: So based on my  
25 understanding, I would say they are the same

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1       embodiment.

2                       MR. ZHANG:   Okay.   I don't have any  
3       further questions.

4                       MR. BRUENJES:   No further questions.

5                       THE STENOGRAPHER:   Mr. Bruenjes, would  
6       you like a copy with the exhibits?

7                       MR. BRUENJES:   Yes, please.

8                       THE STENOGRAPHER:   Would you like a  
9       rough draft?

10                      MR. BRUENJES:   Yes.

11                      THE STENOGRAPHER:   And the three-day  
12       expedite?

13                      MR. BRUENJES:   Yeah, that would be  
14       great.

15                      THE STENOGRAPHER:   Mr. Zhang, would you  
16       like the exhibits electronically attached?

17                      MR. ZHANG:   Yes.

18                      THE STENOGRAPHER:   Okay.   Thank you.

19

20                               \*   \*   \*   \*   \*   \*   \*

21                      WHEREUPON, the foregoing deposition was  
22       concluded at the hour of 11:50 AM.   Total time on the  
23       record was 2 hours and 18 minutes.

24

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25

I, DR. BREIGH NONTE ROSZELLE, the  
deponent in the above deposition, do acknowledge that I  
have read the foregoing transcript of my testimony and  
state under oath that it, together with any attached  
Statement of Change Pages, constitutes my sworn  
statement.

\_\_\_\_\_ I have made changes to my deposition

\_\_\_\_\_ I have NOT made any changes to my deposition

---

DR. BREIGH NONTE ROSZELLE

1 Sharkninja, Inc., Et Al. v. Dyson Technology Limited  
2 Dr. Breigh Nonte Roszelle (#6806271)

3

4 E R R A T A S H E E T

5 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

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7 REASON\_\_\_\_\_

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22 REASON\_\_\_\_\_

23

24 \_\_\_\_\_

25 (Dr. Breigh Nonte Roszelle) Date

1 REPORTER'S CERTIFICATE

2  
3 I, Linda M. Breech, a Registered  
4 Professional Reporter and Colorado Realtime Certified  
5 Reporter, commissioned to administer oaths, do hereby  
6 certify that previous to the commencement of the  
7 examination, the witness was duly sworn by me to  
8 testify to the truth in relation to matters in  
9 controversy between the said parties; that the said  
10 deposition was taken in stenotype by me at the time and  
11 place aforesaid and was thereafter reduced to  
12 typewritten form by me; and that the foregoing is a  
13 true and correct transcript of my stenotype notes  
14 thereof.

15 I further certify that I am not an  
16 attorney, nor counsel, nor in any way connected with  
17 any attorney or counsel for any of the parties to said  
18 action, nor otherwise interested in the outcome of this  
19 action.

20  
21   
22

23 Linda M. Breech, RPR  
24 Registered Professional Reporter  
25 Colorado Realtime Certified Reporter

[& - 5]

| &                                                                                                                                                                                                                                                                                                                                                                             | 20 27:18 34:6                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 27 5:21 6:5,16                                                                                                                                                                                                                                                                                                                                                                                                                       | 4                                                                                                                                                                                                                                                                                                                                                                                                            |
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[appliance - changes]

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[szhang - understand]

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[understanding - zheng]

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