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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	GARY FLETCHER, PH.D., Having first been sworn by the Certified Shorthand Reporter to tell the truth, testified under oath as follows: MR. HAFERTEPE: Do you want us to announce our names for the record? COURT REPORTER: That would be great. MR. HAFERTEPE: James Hafertepe on behalf of Abbott. I'll be the questioning attorney. And from McAndrews Held & Malloy. MR. HANSEN: Leland Hansen also from McAndrews Held & Malloy on behalf of Abbott Diabetes Care. MR. MASON: And Andy Mason of Klarquist Sparkman on behalf of Dexcom Inc. Alexa Johnston of Klarquist on behalf of Dexcom Inc., and also with us here today is Julia Kottmeier. EXAMINATION BY MR. HAFERTEPE: Q Good morning, Dr. Fletcher. A Good morning. Q Could you please state your full name for the record.	Page 4												
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	EXAMINATION INDEX Examination by MR. HAFERTEPE EXHIBIT INDEX <table><tr><th>No.</th><th>Item</th><th>Page</th></tr><tr><td>Exhibit 1</td><td>Document entitled U.S. Pat. No. 11,202,591 (Claims 1-30) (Yee)</td><td>12</td></tr><tr><td>Exhibit 2</td><td>Document entitled Jury Trial Demanded</td><td>67</td></tr><tr><td>Exhibit 3</td><td>Table of grounds</td><td>89</td></tr></table> * * *	No.	Item	Page	Exhibit 1	Document entitled U.S. Pat. No. 11,202,591 (Claims 1-30) (Yee)	12	Exhibit 2	Document entitled Jury Trial Demanded	67	Exhibit 3	Table of grounds	89	Page 3
No.	Item	Page												
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Exhibit 2	Document entitled Jury Trial Demanded	67												
Exhibit 3	Table of grounds	89												
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	A Yes, it's Gary David Fletcher. Q What is your current home address? A 241 Indian Lane in Media, Pennsylvania. Q I just know from your name, you have been deposed before; is that correct? A That is correct. Q Approximately how many times do you think? A It's either four or five times. Approximately four. Q Even though you've kind of been through it before, I think it never hurts to kind of go over just a couple basic things that will hopefully help things go smoothly today, both for you and me and the court reporter. One thing I would ask is before you answer one of my questions is let me finish, that way we're not talking over each other. It makes the court reporter's job easier, if that's okay. A Yes, it is. Q Second is provide verbal answers because shrugs of the shoulder, nods of the head, that can't be picked up on the transcript; is that fair? A That's fair. Thank you. Q If you don't understand a question that I'm asking, just ask me to clarify it. If you don't say	Page 5												

Page 6 1 anything I'll assume you understood it. But please 2 feel free to speak up; is that fair? 3 A That's fair. 4 Q And typically I try to take a break about every 5 hour. But if there is a point in time that you need 6 a break, just speak up. Generally we don't like to 7 break in the middle of a question, but beyond that 8 we'll try and accommodate you if you need it. 9 A That's great. Thank you. 10 Q Is there anything that would prevent you from 11 providing truthful and accurate testimony here today? 12 A No, there is not. 13 Q Did you do anything to prepare for your 14 deposition today? 15 A Yes, I did. 16 Q What did you do to prepare? 17 A I prepared with Counsel via some Zoom calls, 18 reviewing the declaration and the grounds references 19 over the course of the last couple of weeks. And I 20 came in Monday night, and I was here yesterday to 21 review in person with Counsel. 22 Q So let's start with the Zoom calls. How many 23 Zoom calls were you involved with in preparing for 24 your deposition? 25 A I would estimate three to four.	Page 8 1 Q And for the various Zoom calls, were there any 2 other participants that you recall other than the 3 names you've already identified? 4 A There was one other person. I'm not sure his 5 affiliation that was on -- I remember seeing a face. 6 Not sure of the name or the affiliation. He was 7 introduced to me. I just don't remember. 8 Q That was on one of the Zoom calls? 9 A Yes. 10 Q With respect to counsel from Keker, is the only 11 person that you recall Amy Philips? 12 A That's the only person I recall. There may have 13 been a second person, but that's the person I recall 14 being on the phone call. I don't recall a second 15 person from Keker, but there might have been. 16 Q How many Zoom calls did Amy Philips from Keker 17 participate in? 18 A Probably two to three. 19 Q So Amy Philips would have been on all the Zoom 20 calls or all but one? 21 A I don't believe she was on all of them. I don't 22 know how many she was not on. I don't recall how 23 many she was not on. 24 Q Do you know if there was any representatives 25 from Quinn Emanuel on any of the deposition
Page 7 1 Q And when was the first Zoom call? 2 A Earlier this month, middle of June. 3 Q And how long did that call last? 4 A I would estimate less than two hours, but I'm 5 not sure the actual duration. 6 Q And who was on that Zoom call? 7 A That would have been Andy, Alexa and probably 8 Derrick Toddy. 9 Q Who is Derrick Toddy? 10 A He's also an attorney for Klarquist. 11 Q Anyone else you can think of? 12 A The first call. Yeah. Not sure if there was 13 anyone else. There were one or two other calls where 14 at least one person from Keker was listening in. I 15 believe at least on the call. Didn't really -- 16 wasn't actually involved in the call but was 17 listening in. That would have been probably Amy 18 Phillips. 19 Q So let's move -- I think you said there were 20 three to four Zoom calls in preparation for your 21 deposition. Do you recall when the second Zoom call 22 took place? 23 A I couldn't tell you the exact date. They've 24 been between the middle of June -- and the last Zoom 25 call was last Friday.	Page 9 1 preparation calls? 2 A What is -- I don't understand the question. 3 What is Quinn Emanuel? 4 Q Quinn Emanuel is the name of a law firm that 5 represents Dexcom in some of the matters. 6 A I don't believe so. That's a name that I 7 don't -- obviously didn't recognize, so I'm not aware 8 of it. 9 Q Fair enough. And I know you said that the first 10 Zoom call lasted less than two hours. Can you just 11 give me an approximation of how long the other Zoom 12 calls lasted? 13 A I don't recall any Zoom call lasting more than, 14 like, an hour and a half or at most, two hours. 15 Q And then I think you said you had an in-person 16 session yesterday; is that correct? 17 A Yes. 18 Q Who participated in the in-person prep session 19 yesterday? 20 A Andy, Alexa and Derrick Toddy. 21 Q Did anyone join remotely? 22 A I think at the start of that Amy Philips from 23 Keker was on, but I believe she was only on for an 24 hour, the first hour. 25 Q Approximately how long did yesterday's prep

Page 10 1 session last? 2 A Approximately six hours. 3 Q Now, the matter in connection with what your 4 deposition is happening today is in connection with 5 an Inter Partes Review. Correct? 6 A That's correct. 7 Q The Inter Partes Review is directed to a patent 8 number U.S. 11202591; is that correct? 9 A I believe that's correct. I have -- I should 10 mention that I have copies of the various exhibits in 11 front of me. So you need to be okay with that. 12 They're unmarked. So I'm just mentioning that. 13 11202591, yes. 14 Q So you predicted one of my upcoming questions. 15 What do you have -- I see you have a binder 16 in front of you with some documents. What is in that 17 binder? 18 A So in that binder is a table of the grounds, 19 which was not in my declaration but I believe was in 20 the petition, just to help me -- these are all to 21 help me navigate through my declaration. I have 22 another table which just lists the various claims. I 23 have a claim chart that I believe was in the petition 24 but not in my declaration. That's what I was told. 25 I have not reviewed the petition. And then	Page 12 1 MR. MASON: Yeah. 2 MR. HAFERTEPE: This, I don't believe, is 3 part of any other filing. 4 MR. MASON: Yeah. My understanding is it's 5 the claims with numbering as added in the petition 6 and his declaration. 7 MR. HAFERTEPE: Could we mark 8 Dr. Fletcher's -- the table -- one of the tables he 9 had in the pocket of his binder is Fletcher Exhibit 10 1. It's a chart of the claims of the 591 patent. 11 (Reporter requests clarification.) 12 MR. HAFERTEPE: 591 patent. 13 MR. MASON: Counsel, do you want to mark it 14 as Exhibit 1 or did you want to mark it starting from 15 your exhibit numbers. 16 MR. HAFERTEPE: I'm going to do it one and 17 then worry -- 18 MR. MASON: Worry about it later. Fair 19 enough. 20 (Exhibit No. 1 marked.) 21 Q BY MR. HAFERTEPE: And the court reporter asked 22 the question that kind of leads me to another thing 23 we'd like to establish for the record. I mentioned 24 earlier the patent number that the IPR is directed 25 to. Is it okay going forward here we use the
Page 11 1 Exhibit 1001, which is an unmarked exhibit of the 2 actual patent. And if you want to take a look at the 3 binder. 4 Q Sure. 5 A The various exhibits I believe that are with 6 tabs that are the -- my declaration in the first and 7 then the various exhibits that I referred to in the 8 grounds. 9 Q Just for the record, the binder has -- or 10 appears to have a copy of your declaration and 11 Exhibit 1004, Exhibit 1005, Exhibit 1006, 12 Exhibit 1007, Exhibit 1008, Exhibit 1009 and 13 Exhibit 1040. 14 Can I have back the documents you had 15 inside the pocket real fast? 16 A Sure. These? 17 Q Yeah. 18 A I had the -- 19 Q Yeah. So this claim chart I do believe is part 20 of the petition. It looks familiar to me. I 21 would -- Andy, is it all right if I mark this? 22 MR. MASON: Yeah. You're referring to the 23 claims listing? 24 MR. HAFERTEPE: The claim chart, just so we 25 have in the record we know what he had.	Page 13 1 shorthand 591 patent for everybody's ease? 2 A Yes, it's okay with me. 3 MR. HAFERTEPE: So for the court reporter's 4 sake, you're probably going to be hearing the phrase 5 591 patent a fair amount. 6 Q BY MR. HAFERTEPE: Now, earlier you testified 7 about you had a few Zoom sessions to prepare for your 8 deposition and one in-person meeting. Did you review 9 any materials in preparation for your deposition? 10 A Yes. 11 Q What materials did you review in prep? 12 A I reviewed the materials, my declaration which I 13 have in front of me, and the various exhibits, 1004, 14 5, 6, 7, 8, 9 and 10 -- Exhibit 1040 that are in the 15 binder along with at least reviewing the references 16 in my declaration to other documents that I reference 17 in the declaration. 18 Q Do you recall which ones, by chance? Let me 19 restart the question. 20 Do you recall reviewing any materials 21 outside of what's sitting before you that's in your 22 binder? 23 A Yes. 24 Q What do you recall? 25 A That they would have been additional references

Page 14 1 beyond what I have in my binder but references that 2 are included in the -- in paragraph eight of my 3 declaration, which is a list of exhibits. 4 Q Okay. Now, you're serving as an expert on 5 behalf of Dexcom in this matter. Correct? 6 A Yes, I am. 7 Q When were you first retained as an expert for 8 this 591 IPR? 9 A That would have been -- for this specific 10 action, that would have been some time the last 11 summer I would guess, since we filed in October as I 12 recall. But I've been retained -- it's hard to say 13 because I've been retained in other matters, as you 14 know, for Dexcom. So this has been an ongoing 15 engagement. 16 Q So that was going to be one of my next 17 questions. This 591 IPR, this is not the first 18 matter on which you've been retained as an expert by 19 Dexcom; is that correct? 20 A That is correct. 21 Q For how many matters have you been retained as 22 an expert by Dexcom? 23 A I couldn't tell you the exact number. 24 Q You were retained by Dexcom as an expert in an 25 IPR directed to 649 patent?	Page 16 1 that ring a bell? 2 A Involves what? 3 Q Recesses on the periphery of the on-body unit. 4 A Okay, yes. 5 Q Does that ring a bell? 6 A Yes. 7 Q And you were an expert in three different IPRs 8 involving that patent. 9 A Is that -- is the lead inventor Donaey 10 (phonetic)? 11 Q I think so. 12 A Have there been three? Okay. I'm not sure. I 13 know there were at least two. 14 Q Okay. You served as an expert on behalf of 15 Dexcom in the litigation involving the G6 product. 16 Correct? 17 A That is my understanding. That would have been 18 for what I call the Funderburk, one of the Funderburk 19 patents. 20 Q The 443 patent? 21 A Yes. 22 Q But you remember by inventor names, which is 23 fair. 24 A Yes. For which I was deposed last year at Kecker 25 by --
Page 15 1 A You would have to tell me who is -- which one is 2 the 649 patent? What's the lead inventor? 3 Q I know the number, but I can -- it was one of 4 the patents that involved a torsion spring and a 5 compression spring. Does that ring a bell? 6 A Yes, but I'm still not sure -- which would that 7 have been, so -- 8 Q I think it was the Lee patent. 9 A Yes, I was involved in IPR proceedings for the 10 Lee patent, I believe. 11 Q There were two patents in the family. If you 12 remember, there was a 649 patent and a 440 patent. 13 Does that ring a bell? 14 A Yes. 15 Q All right. 16 A Now you're jogging the gray matter. 17 Q That would have been two IPRs in which you 18 served as an expert for Dexcom; is that correct? 19 A That is correct. 20 Q And you also served as an expert for Dexcom in 21 three separate IPRs directed to what's called a 335 22 patent. Does that ring a bell? 23 A The number rings a bell but I'm not sure which 24 patent that actually is. I remember 335. 25 Q What if I say it involves OB recesses. Does	Page 17 1 Q By Mr. Hansen? 2 A By Mr. Hansen, yes. 3 Q Can you think of any other matters where you 4 served as an expert on behalf of Dexcom? 5 A Not that I recall. I believe you've identified 6 the matters that have been filed. 7 Q So if I've done my numbers correctly, it 8 appears, if you include this 591 IPR, you served as 9 an expert on behalf of Dexcom in seven matters since 10 approximately 2021? 11 A I'll have to take your word for it, but that's 12 probably approximately correct. 13 Q Have you been retained as an expert on behalf of 14 Dexcom -- strike that. 15 You're aware that Abbott is currently 16 asserting the 591 patent against Dexcom's G7 product. 17 Correct? 18 A I believe I've been told that. Yeah, I believe 19 I've been told that, yes. 20 Q Have you been retained by Dexcom as an expert in 21 that pending litigation involving the 591 patent and 22 Dexcom's G7 product? 23 A No, I don't believe I have. As a witness of 24 record, I have been contacted -- 25 MR. MASON: I'm going to caution the

Page 18 1 witness not to discuss any attorney/client privileged 2 information or any work product privileged 3 information. 4 A I am aware of the litigation but I'm not 5 actively being pursued as an expert in that case, is 6 my understanding. 7 Q BY MR. HAFERTEPE: When did you first learn of 8 the litigation involving the 591 patent, Dexcom's 9 G7 product? 10 A I'm not sure. That may have been as late as 11 earlier this year. I'm not sure when. 12 Q So at the time you were retained as an expert in 13 this IPR, you weren't aware that Abbott was asserting 14 the 591 patent against Dexcom's G7? 15 A I can't remember when or I can't recall when I 16 learned of the G7 litigation and which patents were 17 being asserted. 18 Q Other than the IPRs that you've been an expert 19 on behalf of Dexcom, have you worked previously with 20 the Klarquist firm? 21 A No, I don't believe so. 22 Q You served as an expert in cases on behalf of 23 parties other than Dexcom. Correct? 24 A That is correct. 25 Q Approximately how many times have you served as	Page 20 1 that right? 2 A That's correct. 3 Q When did you prepare that declaration? 4 A That would have been the September/October time 5 frame since it was -- I believe it was filed some 6 time in October of last year. 7 Q And you have a copy of your declaration in front 8 of you. Right? 9 A I do. 10 Q I think you referred to it earlier, paragraph 11 eight of your declaration. 12 A Yes. I remember referring to that. 13 Q You provide a list of the materials that you 14 considered. 15 A Yes. 16 Q Is that fair? 17 A That's correct. 18 Q Did you consider any materials not listed in 19 paragraph eight of Exhibit 1003? 20 A No, I did not. In preparation for this -- of 21 this declaration, I considered these materials only. 22 Q I think you said you prepared your declaration 23 in this kind of September/October time frame. 24 A That's -- to the best of my recollection, that's 25 correct.
Page 19 1 an expert? 2 A I would estimate three or four other cases 3 where, at times, when I was retained as an expert. 4 Q And when was the first time you were retained as 5 an expert, approximately what year? 6 A I believe that would have been 2019. 7 Q Was it in connection with a patent matter? 8 A It was. 9 Q Was it a litigation or an IPR, if you know? 10 A It was an international trade commission case. 11 Q I'm not looking for any confidential information 12 at all, but do you know the parties that were 13 involved? 14 A Two small companies involved in platelet-rich 15 plasma preparations for therapeutic use. One was, I 16 believe, Ravgen and the other side was Estar. I 17 represented attorneys representing Estar. 18 Q Were you deposed in that matter? 19 A I believe I was deposed, yes. I did not testify 20 at the hearing. 21 Q Now, in this IPR -- when I say this IPR I'm 22 referring to the 591 IPR -- you submitted a 23 declaration. Correct? 24 A Yes, I did. 25 Q And that declaration is marked Exhibit 1003; is	Page 21 1 Q Did you draft the declaration entirely on your 2 own? 3 A With Counsel's assistance I prepared it. 4 Q When you say Counsel, who are you referring to? 5 A Members of Klarquist. 6 Q Now, I think one of the documents you had in the 7 binder, I think in the pocket, was a chart 8 summarizing the grounds in the 591 petition; is that 9 correct? 10 A That is correct. 11 Q And there are eight asserted grounds; is that 12 correct? 13 A That's correct. 14 Q And in each of those grounds, for the inserter 15 part of the 591 claims you rely on inserter 1100 from 16 the Cote reference, which is Exhibit 1005; is that 17 correct? 18 A I'm sorry. Can you repeat the question. I want 19 to make sure I understand. 20 Q Sure. First, if you need it, I believe in your 21 binder you have a copy of the Cote reference, which 22 is Exhibit 1005; is that correct? 23 A Yes, I do. 24 Q And if you need to consult it to answer my 25 question, you're welcome to do so. But I'll repeat

Page 22 1 my question. 2 In each of the eight asserted grounds, for 3 the inserter part of the 591 claims, you rely on 4 inserter 1100 from the Cote reference; is that 5 correct? 6 A I believe that your statement is correct. I'm 7 only hesitant to give an affirmative answer because I 8 want to make sure there is not other parts of an 9 inserter -- there are other parts of an inserter that 10 are included in the various grounds that are in 11 addition to Cote. Correct? 12 Q I guess I'm asking you. It's your declaration. 13 A Yes. 14 Q It's my understanding that the inserter that 15 you're relying on for the inserter part of the claims 16 is inserter 1100 from Cote but -- 17 MR. MASON: Objection. Form. 18 MR. HAFERTEPE: Sorry. 19 A So certainly the inserter 1100 is included in 20 each of the grounds, but there are other parts of the 21 inserter beyond what is described in Cote embodiment 22 1100 that are included in each of the grounds as part 23 of the inserter. 24 Q BY MR. HAFERTEPE: Could you explain your 25 answer, please.	Page 24 1 an example. Stafford plus Cote includes a Cote-like 2 inserter i.e. -- e.g. similar to Cote's device 1100. 3 But the next one, proximal end and distal end and an 4 inserter (sic), that's covered by Cote inserter 1100. 5 The next component comprising the inserter 6 is a sharp. And the Stafford plus Cote includes a 7 sharp that is taught by Stafford. So in that ground 8 combination, the sharp is taught by Stafford, not 9 Cote. 10 (Reporter requests clarification.) 11 A Ground, it's ground. Yes. So I could go 12 through their -- 13 Q How about this, and maybe -- let's look at the 14 beginning of claim one of the 591 patent. And claim 15 one recites a glucose monitoring assembly, right, if 16 you look at the opening clause? 17 A It says an insertion assembly comprising, the 18 version I have. Am I looking at -- in claim one of 19 the 591 patent? 20 Q Sorry. Yeah. I got the wrong patent. Sorry. 21 So claim one of the 591 patent refers to an 22 assertion assembly. Correct? 23 A Yes. 24 Q And two components of that insertion assembly 25 are an on-body unit and an inserter. Correct?
Page 23 1 A In each of the grounds there is combinations 2 that include Cote's embodiment 1100 inserter with 3 other components learned from the various other 4 teachings that are included in each of the grounds. 5 Q What other inserter are you relying on in your 6 eight grounds other than the inserter 1100 from Cote? 7 And I'm talking about the inserter part of the 8 claims. 9 MR. MASON: Objection to form. 10 A So Counsel, as I understand the claims of the 11 591 patent, when you say "inserter claims," for 12 example in claim one of the 591, on claim 1B there is 13 an inserter comprising a proximal one, a distal one, 14 an interior and a sharp. And then I think we're in 15 the on-body unit and the sharp are entirely -- so if 16 I go through the various components there, not all of 17 those under the part of the claim B and inserter 18 comprising, not all of the things listed there as 19 being comprised of an inserter are in Cote 20 exclusively. 21 Q BY MR. HAFERTEPE: What parts are you talking 22 about then? 23 A So, for example, if I look starting at page 53, 24 paragraph 80, Stafford plus Cote, which is the -- 25 let's start by talking about the first ground just as	Page 25 1 A Yes. At the high level that's components parts 2 A and B of the claim. 3 Q And under the 591 claims the inserter comprises 4 a proximal end, a distal end, an interior and a 5 sharp. Correct? 6 MR. MASON: Objection to form. 7 A Inserter comprising a proximal end, a distal 8 end, an interior and a sharp, that says -- the claim 9 reads. Yes. 10 Q BY MR. HAFERTEPE: I think you indicated that 11 with respect to the sharp, you're getting that from 12 Stafford. 13 A At least in -- at least in ground one. And 14 probably all the other grounds it looks like also. 15 Q So excluding the sharp, and specifically with 16 respect to the inserter comprising a proximal end, a 17 distal end and an interior, do you rely on any 18 inserter other than inserter 1100 in Cote? 19 MR. MASON: Objection to form. 20 A So in that inserter-comprising section, there is 21 a claim element wherein at least a portion of the 22 glucose center is disposed in the sharp. That 23 what -- I'm relying on the teachings of Stafford for 24 that element. 25 Q BY MR. HAFERTEPE: The glucose sensor is not

Page 26 1 part of the inserter, though. Correct? 2 A So as I read the claim, the glucose sensor is 3 part of the on-body unit. I'm just saying that in 4 the inserter-comprising section, there is reference 5 to that glucose sensor. 6 Q Sure. Again, let me just be clear. I'm 7 referring to the inserter aspect of the claims, and 8 I'm going to set aside the sharp. 9 A Okay. And so to answer your question I'm going 10 to go through each one of these claim elements to 11 make sure that we're only -- we're only referring to 12 Cote and not the combination specifically for that 13 claim element. 14 Q When you refer to claim elements, I'm talking 15 about the inserter claim elements; is that fair? 16 A Yes, from B on in this first claim. So there is 17 a claim element under this inserter comprising when 18 the sharp extends to an opening of the top surface -- 19 excuse me, an opening of the top surface and the 20 opening of the bottom surface along the longitudinal 21 axis when the on-body unit is in a first position. 22 So -- 23 Q But that's referring to openings in the on-body 24 unit. Correct? 25 MR. MASON: Objection to form.	Page 28 1 peripheral apertures are on the on-body unit but the 2 pins that interface with those apertures would be on 3 the inserter, as an example. 4 Q Let me ask the question a different way. 5 With respect to Cote, the only inserter 6 that you were relying on is inserter 1100; is that 7 correct? 8 MR. MASON: Objection. Form. 9 A I believe that is the case. But without 10 carefully reviewing my full declaration, there might 11 be reference to other embodiments at Cote that I 12 can't recall at this time. 13 Q BY MR. HAFERTEPE: So sitting here today, you 14 don't recall at least relying on any inserter 15 embodiment Cote other than inserter 1100? 16 A Without carefully going through the declaration 17 I believe that's the case. 18 Q And -- 19 A Yeah, I believe that's the case. But I have not 20 gone through the full declaration looking for 21 references to Cote other embodiments that I might 22 have made somewhere. 23 Q The 591 claims require the automatic retraction 24 of the sharp within the user. Correct? 25 MR. MASON: Objection. Form.
Page 27 1 A It is, but it's in the inserter-comprising 2 section. So I'm just trying to answer your question 3 as completely as I can, Counsel. 4 Q BY MR. HAFERTEPE: It's actually in wherein 5 clause is following the inserter-comprising section; 6 is that correct? 7 A Right. 8 MR. MASON: Is there a question pending? 9 Q BY MR. HAFERTEPE: I'll repeat the question I 10 asked before. 11 So excluding the sharp and specifically 12 with respect to the inserter comprising a proximal 13 end, a distal end and an interior, do you rely on any 14 inserter other than inserter 1100 in Cote? 15 MR. MASON: Objection. Form. 16 MR. HAFERTEPE: I didn't think this was 17 going to be a complicated question. 18 A It's complicated in my mind because I want to 19 confirm that they're not in any of these grounds, I 20 haven't referred to other -- there are other 21 components of other inserters which I refer to in 22 some of the other grounds. 23 Q BY MR. HAFERTEPE: Like what? 24 A For example, pins on an inserter that would mate 25 with peripheral apertures, for example. So the	Page 29 1 A I'm sorry. Repeat the question. 2 Q BY MR. HAFERTEPE: Sure. The 591 claims require 3 the automatic retraction of the sharp from within the 4 user. Correct? 5 MR. MASON: Same objection. 6 Q BY MR. HAFERTEPE: Let me rephrase it. That -- 7 strike it. 8 The 591 claim require that the inserter 9 configure to automatically retract the sharp from 10 within the user; is that fair? 11 A It appears that that's the language in both 12 claim one and claim 19, which are the independent 13 claims. Where claim one of the inserter-comprising 14 section says, wherein the inserter is configured -- 15 further configured to automatically retract the sharp 16 from within the user, and claim 19, similar language, 17 wherein the inserter is further configured to 18 automatically retract the sharp from within the user. 19 Q For that aspect of the 591 claims directed to 20 the automatic retraction of the sharp from within the 21 user, you rely on Cote's inserter 1100 for the 22 automatic retraction feature; is that fair? 23 A I believe it is. Let me check. 24 MR. MASON: Object to form. 25 A I believe that is correct as I state in

Page 30 1 paragraph 101 of my declaration on page 67. 2 [as read:] As the Stafford plus Cote 3 inserter is advanced in the linear direction, the 4 needle hub becomes uncoupled from engagement with the 5 cylinder hub, allowing the needle hub and sharp to be 6 automatically retracted by a spring, while the 7 cylinder hub and site remain down in the extended 8 position, as taught by Cote, paragraph -- 9 Exhibit 1005, paragraph 211. 10 Q You're quoting part of your declaration again? 11 A That is correct. That was a quote from 12 paragraph 101. 13 Q Quoting and describing aspects of the Cote 14 inserter 1100? 15 A That's what I was trying to check here with that 16 reference. I believe that's correct. Yes. 17 Q Sorry. 18 A Yes, that is correct. 19 Q Could you pull out your copy of Cote and turn to 20 figure 81A, for example. First of all, go to the 21 front of the patent. I'm sorry. The front of Cote. 22 A Yes. 23 Q And again for the record, Cote's Exhibit 1005. 24 Cote was published in May of 2005. 25 Correct?	Page 32 1 answer to that question. 2 Q BY MR. HAFERTEPE: Since Cote's November 2003 3 filing date, has the inserter 1100 of Cote ever been 4 commercialized to insert a cannula? 5 MR. MASON: Same objections. 6 A Again, I didn't offer an opinion and I don't 7 know the answer to that question. 8 Q BY MR. HAFERTEPE: Do you have a copy of the 591 9 patent, which is Exhibit 1001? 10 A Yes, I do. 11 Q Could you look at the paragraph in the 591 12 patent that spans from column 19, line 41 to line 57. 13 A So column 19? 14 Q Lines 41 to 57. 15 A Yes, I'm there. 16 Q I'll give you an opportunity to read that 17 paragraph and I'll have a few questions for you. 18 A Okay, I've read the paragraph, 41 through 57? 19 Q Correct, of column 19. 20 A Yes. 21 Q Now, the 591 specification teaches sensor 22 electronics that are in a sleeper idle mode; is that 23 correct? 24 A It certainly mentions it there, yes. 25 Q The 591 specification also talks about
Page 31 1 A That's what is listed on the cover page of the 2 patent, yes. 3 Q And it has an application filing date of 4 November 10, 2003; is that correct? 5 A That appears to be correct, yes. 6 Q Now can you turn to -- for example, let's turn 7 to figure -- I guess you can look at 80A of Cote. 8 Let me know when you're there. 9 A Okay. 10 Q And figure 80A of Cote depicts inserter 1100; is 11 that correct? 12 A Yes, that's correct. 13 Q Since Cote's November 2003 application filing 14 date, has the inserter 1100 of Cote ever been 15 commercialized to deliver a sensor? 16 MR. MASON: Objection. Form. Scope. 17 A I'm not aware of commercialization status of 18 what's claimed in this patent. 19 Q BY MR. HAFERTEPE: That's not my question. 20 A Okay. 21 Q My question is since Cote's November 2003 22 application filing date, has the inserter 1100 of 23 Cote ever been commercialized to deliver a sensor? 24 MR. MASON: Objection. Form. Scope. 25 A I didn't offer an opinion. I don't know the	Page 33 1 activating such electronics that are in a sleeper 2 idle mode. Correct? 3 A That's correct. 4 Q And would you agree that electronics that are in 5 a sleeper idle mode have some power but are in a 6 low-power state; is that fair? 7 MR. MASON: Objection. Form. Form and 8 scope. 9 A I'm sorry. Could you repeat the question. 10 Q BY MR. HAFERTEPE: I said and you would agree 11 that electronics that are in a sleep or idle mode 12 have some power but are in a low-power state; is that 13 fair? 14 MR. MASON: Same objections. 15 A Again, I didn't offer an opinion as to the -- I 16 don't believe, unless you can refer to me a place in 17 my declaration that I offer an opinion, as to what 18 the definition or what the 591 patent meant by 19 specifically about by sleeper idle mode. 20 Q BY MR. HAFERTEPE: I'm just asking for your 21 common understanding of electronics in a sleeper idle 22 mode. 23 Let me ask you this: Do you have a laptop 24 computer? 25 A Not in the room.

Page 34 1 Q But do you own one? 2 A I do. 3 Q And does your laptop sometimes go into a sleep 4 mode or idle mode? 5 A Again, I'm not sure of the terminology, but it 6 goes into -- yeah, I'm not sure what mode they call 7 it. Depends on the manufacturer what they call it, I 8 suppose. I don't know what they call the mode where 9 they go into -- sorry. I didn't offer an opinion as 10 to when my laptop does or does not go into a sleep 11 mode. 12 Q Dr. Fletcher, I'm asking some pretty every day 13 basic stuff here. Okay? So I'm going to ask you 14 again. 15 The laptop that you own, does it sometimes 16 go into a sleep or idle mode as that term that 17 everybody understands? 18 MR. MASON: Objection. Form. 19 A Again, I'm not sure the terminology idle mode is 20 well understood by everyone. I don't know. 21 Q BY MR. HAFERTEPE: How about sleep mode then? 22 A My understanding, although I didn't offer an 23 opinion, is that for a laptop it can go into a mode 24 where the display is turned off in order to conserve 25 battery power.	Page 36 1 in that mode. 2 Counsel, would this be a good time to take 3 a break? 4 Q Sure. I have a few quick questions, and we've 5 been going about an hour. I want to wrap this topic 6 up. 7 What is your understanding of the meaning 8 of sleep or idle mode in the claims of the 591 9 patent? 10 MR. MASON: Objection. Form. 11 A My understanding is, as I state in my 12 declaration paragraph 164, that claim element sleep 13 mode or idle mode is met by Says description in 14 Exhibit 1008, the on-skin sensor control unit 44 15 optionally remains in a sleep mode prior to use to 16 conserve the battery's power. 17 Q BY MR. HAFERTEPE: Is your understanding of the 18 term sleep mode, does it include a device that has 19 some power but in a low-power state? 20 MR. MASON: Objection. Form. Scope. 21 A Insofar as I understand, as I stated there, my 22 only -- the only requirement for sleep mode is, as 23 stated, that -- the conservation of battery power. I 24 don't know it is -- by conserving battery power, one 25 would assume it's operating at a powerless than
Page 35 1 Q But the laptop at that point in time still has 2 some power. Correct? 3 A I believe it does, but I'm not an expert in 4 engineering laptops and the electronics of laptops, 5 so that would be conjecture on my part. 6 Q You've certainly heard of the phrase electronics 7 being in a sleep mode. Correct? 8 A I've certainly heard the phrase. I haven't 9 studied it in detail. 10 Q What's your understanding of the phrase, 11 electronics being in a sleep mode? 12 MR. MASON: Objection. Form. 13 A As I state in here, I believe its purpose is to 14 conserve battery power of whatever unit is in that 15 sleep mode. 16 Q BY MR. HAFERTEPE: I'm asking what's your just 17 common understanding of the term sleep mode when 18 referring to electronics. 19 MR. MASON: Objection. Form. 20 A Again, I think I've answered it. It's a mode 21 where battery power can be conserved. 22 Q BY MR. HAFERTEPE: How? 23 MR. MASON: Objection. Form. 24 A One would understand to conserve battery power 25 that the unit -- the electronics is using less power	Page 37 1 whatever it means by full power. 2 MR. HAFERTEPE: We can take a break. 3 (Break in proceedings.) 4 Q BY MR. HAFERTEPE: Dr. Fletcher, during the 5 break, did you discuss the substance of your 6 testimony so far today with Counsel? 7 A No, I did not. 8 Q Are you familiar with the acronym CGM? 9 A I believe in this context it means continuous 10 glucose monitor or monitoring, if that's what you're 11 referring to. 12 Q That is what I'm referring to. If I use that 13 acronym, you'll understand what I'm talking about? 14 A Yes, I will. 15 Q When were CGM devices first commercially 16 released? 17 MR. MASON: Objection. Form. Scope. 18 A I'm not sure of the exact date because it's been 19 a while since I looked at the timeline. I believe 20 that would have been -- the first commercialized 21 would have been Medtronic MiniMed device. And it's 22 either the late '90s or the early 2000s. Probably 23 the late '90s, '97, somewhere around then, to the 24 best of my recollection. 25 Q BY MR. HAFERTEPE: Now, the earliest CGM devices

Page 38 1 were what I call two-part systems where the user 2 first inserts the sensor into the skin and then the 3 user manually connects sensor electronics to the 4 sensor after insertion? Is that -- do you understand 5 what I mean when I refer to a two-part system? 6 A Yes. If by two parts you mean first insert and 7 then separately the user brings electronics to the 8 sensor. Did I understand that correctly? 9 Q Yeah. So by two-part system, if I use that 10 phrase, again -- and if you don't agree with it, let 11 me know -- the user inserts a sensor into their skin, 12 and then after sensor insertion, manually connects 13 central electronics to the sensor. 14 A Okay. Yes. 15 Q So let me go back to my question. The earliest 16 CGM devices were two parts CGM devices with that 17 understanding; is that right? 18 A I believe that's the case but I haven't looked 19 in detail into the Medtronic MiniMed device, per se. 20 Q We talked about earlier, you've been an expert 21 for Dexcom on numerous matters. Right? 22 A Yes, we did talk about that. 23 Q You have some familiarity with Dexcom historical 24 CGM products? 25 A Some familiarity with Dexcom's products.	Page 40 1 that. I was prepping for being part of the 2 litigation and then was no longer needed as an expert 3 in the testimony. So it's been a while since I've 4 looked at the G6 information. 5 Q You certainly are aware that Dexcom's G6 CGM 6 device is a two-part system where the user first 7 inserts a sensor and then manually applies 8 electronics to the sensor after sensor insertion. 9 A I'm not sure that I recollect that. I couldn't 10 tell you for sure. 11 Q So you're not even familiar with Dexcom G6 12 device? 13 MR. MASON: Objection. Form. 14 A I can't recollect the internal structures of the 15 G6. 16 Q BY MR. HAFERTEPE: And I'm -- I'm sorry. I 17 thought you were done. 18 A I can't recollect what the mechanisms are 19 exactly in the G6. 20 Q And I wasn't referring to the internal 21 structures. You do recall that the G6 used reusable 22 electronics. Do you recall that much? 23 A I don't recall what's reusable and what's 24 disposable on the G6. Sorry. 25 Q So are you familiar with the term the G6
Page 39 1 Q Dexcom's first CGM product was called the STS, 2 released in March of 2006 in the United States. Does 3 that product sound familiar? 4 A I remember seeing the name of that product, yes. 5 Q Dexcom's first CGM device was a two-part system, 6 correct, where the sensor was first inserted and then 7 the user manually applied electronics after sensor 8 insertion? 9 MR. MASON: Objection. Form. Scope. 10 A I believe that is the case, but I haven't looked 11 in -- I can't recollect exactly what the 12 configuration was for the STS product. 13 Q BY MR. HAFERTEPE: You're certainly familiar 14 with the G6 product. Correct? That's a Dexcom CGS 15 device. 16 A Yes. 17 Q That was released in the United States in March 18 of 2018. 19 A I wasn't aware of the exact date of the launch 20 of that product. I can't tell you exactly if that's 21 correct or not. 22 Q Does it sound approximately correct based on 23 your work on the G6 case? 24 A That's probably approximately correct, but 25 again, it's been a year since I've -- I shouldn't say	Page 41 1 transmitter? Does that refresh your recollection at 2 all? 3 A I'm not familiar with that terminology. I do 4 recollect that there's an insertion -- inserter which 5 is disposable and there is probably a transmitter 6 that is reusable, but I'm not -- I didn't study the 7 G6 in detail and I haven't -- I certainly didn't 8 offer any opinions on the G6 in this declaration. 9 Q In rendering your obviousness opinions in this 10 591 IPR, did you take into consideration Dexcom's 11 historical CGM products? 12 A I don't believe I offered an opinion or laid out 13 the historical context of Dexcom's product line in 14 this declaration, no. 15 Q Did you ask Dexcom at all about their historical 16 CGM products? 17 A I did not ask them about their historical 18 products. I believe -- and this is -- I believe in 19 one of the other cases, and I couldn't tell you which 20 one, I saw information or laid out information about 21 the Dexcom product line, but I couldn't recall. 22 That's been quite a while ago that I did that. 23 Q And that wasn't something you took into account 24 in rendering your opinions in this 591? 25 A No, I don't believe so.

Page 42 1 Q Are you familiar with Abbott's Navigator device? 2 A I believe I'm familiar with it if, by Navigator, 3 you mean the product line, for example, for which 4 Funderburk -- I don't know the number. 5 Q The 443 patent? 6 A The 443 patent I believe describes components of 7 what was launched as the Navigator, if memory serves 8 me. 9 Q Do you recall approximately when Navigator was 10 commercially released? 11 A Approximately 2006 is what I recall, but could 12 have been as late at 2008. 13 Q And -- strike that. 14 Abbott's Navigator CGM device was a 15 two-part system where the user first inserted the 16 sensor and then manually connected the sensor 17 electronics to the sensor after sensor insertion. 18 Correct? 19 A I believe that the case if the Navigator 20 practiced what was taught in the Funderburk patent, 21 then I believe that's the case. 22 Q Do you know what CGM product was the first 23 commercial CGM product that had an integrated on-body 24 unit within an inserter where the sensor was 25 pre-connected to the sensor electronics?	Page 44 1 MR. MASON: Objection. Form. 2 A If it's not an exhibit, and I don't believe it 3 is, and I don't believe I offered an opinion anywhere 4 in this declaration to say anything about which 5 products are commercially available that practiced 6 the claims of the 591 patent, or might have 7 practiced, as you described an integrated on-body 8 unit sensor in an inserter. 9 Q BY MR. HAFERTEPE: Now, Dr. Fletcher, you're 10 familiar with infusion set inserters; is that fair? 11 A I'm familiar with some of the patent literature 12 on infusion set inserters, yes. 13 Q Do you have any personal experience with 14 infusion set inserters? 15 A I don't believe I've ever worked on any kind of 16 an inserter that would have been considered an 17 infusion set inserter. 18 Q Do you have any personal experience with a CGM 19 sensor inserter? 20 A I don't believe I've ever done any development 21 or research personally on a CGM inserter. 22 Q Infusion set inserters insert a cannula into the 23 body to deliver fluid medication; is that fair? 24 A That's -- is my understanding. That's one 25 aspect that they can do, yes.
Page 43 1 A I may have seen -- I may have seen a publication 2 on that topic, but I don't recall which product that 3 was and which publication that was. 4 Q So in rendering your opinions in this case, you 5 didn't consider which commercial CGM product was the 6 first one to have an integrated on-body unit within 7 an inserter where the sensor was pre-connected to the 8 sensor electronics? 9 MR. MASON: Objection. Form. 10 A I don't believe in this declaration I offered an 11 opinion on which product was the first to practice an 12 integrated sensor on-body unit in an inserter. Did I 13 reconstruct the question correctly? 14 Q BY MR. HAFERTEPE: Yeah. So essentially it's an 15 integrated on-body unit within an inserter where the 16 sensor is pre-connected to the sensor electronics. 17 A Right. I didn't study which -- whether it was 18 Abbott or Dexcom, which product was first or someone 19 else. I didn't review the timeline there. 20 I'm sure I've seen a timeline with products 21 labeled, but I haven't looked carefully at which 22 product did what in that timeline. 23 Q And you didn't consider those facts in rendering 24 your opinions in the declaration that you submitted 25 in this IPR?	Page 45 1 Q And infusion set inserters use a needle to 2 insert the cannula into the body? 3 A To my knowledge that's the most common approach, 4 yes. 5 Q And with infusion set inserters, the needle goes 6 inside the cannula that's being inserted into the 7 body? 8 A To my understanding, that's the most general 9 use, yes. 10 Q Are you aware of any infusion set inserter that 11 delivered a cannula from inside a needle? 12 A I believe I'm aware of patent applications where 13 inventors mentioned that or discussed that type of 14 approach. 15 Q What application is that? 16 A That would have been one of my applications 17 while I was at Sarnoff. We discussed that as one 18 application of inserting a device inside a needle in 19 order to collect body fluids, not necessarily infuse 20 body fluids. 21 Q Can you identify any commercial infusion set 22 inserter device that delivered a cannula from inside 23 a needle? 24 A Not that I can tell you sitting here today, no. 25 Q And for how long have infusion set inserters

Page 46 1 been around? 2 A The general term infusion set inserters, whether 3 automatic or not, have been around probably since the 4 1990s, but that's just a guess. I haven't looked at 5 the timeline. 6 Q They've been around -- let me make my question 7 more clear. Infusion set inserters have been around 8 longer than CGM insertion device; is that fair? 9 A I believe that's the case, yes. 10 Q Now, you mentioned that you thought you had some 11 kind of patent filing -- 12 A Uh-huh. 13 Q -- that allegedly disclosed some type of cannula 14 inside a needle. Did you rely on that filing at all 15 in rendering your opinion in this case? 16 A No, I did not. 17 Q Did you consider it as prior art in this 591 18 IPR? 19 A No. 20 Q Now cannulas of infuser set inserters, they're 21 hollow tubes. Correct? 22 A That's my understanding, yes. 23 Q And the cannulas of infusion set inserters 24 provide a conduit to put things into or take things 25 out of the body. Right?	Page 48 1 discloses electronics associated with the cannula. I 2 believe that is correct, but I would have to go back 3 and check to be certain. I don't recall any 4 electronics associated with that cannula. 5 Q BY MR. HAFERTEPE: And you testified that Cote 6 doesn't disclose electronics associated with the 7 cannula. That's true of the entire Cote device, 8 correct, there is no electronics? 9 MR. MASON: Same objection. 10 A I did not offer an opinion on what is involved 11 in Cote's infusion set that attaches to the site 12 after the insertion, after the inserter is removed. 13 I believe that is correct, but I didn't look 14 carefully at what is involved in his insertion set 15 and if there is any electronics. I would have to 16 review the document specifically to answer that 17 question. 18 Q BY MR. HAFERTEPE: Certainly with respect to the 19 portion of Cote that you rely upon in your 20 declaration, there was no electronics involved; is 21 that fair? 22 A I believe that is the case, but I don't know 23 that I offered -- I certainly didn't offer an opinion 24 about whether Cote did or did not have electronics. 25 Q You would agree that the cannula of the Cote
Page 47 1 A That's my understanding, yes. 2 Q Cannulas of infusion set inserters don't contain 3 any delicate electronics; is that fair? 4 MR. MASON: Objection. Form. 5 A I believe in general that's the case. I've seen 6 patent filings which claimed both -- coupling of both 7 infusion cannulas and sensors in order to deliver 8 insulin and monitor blood glucose in a single device, 9 but I couldn't tell you which patent. I didn't rely 10 on those, but I've seen them in the past. 11 Q BY MR. HAFERTEPE: Did you cite any of these 12 alleged references in your declaration in this IPR? 13 A I don't believe I did. If they were cited, they 14 were cited for other parts of the document and not 15 that part of the document. But it doesn't mean that 16 there is not a part of that document that might not 17 have that disclosure or that description. 18 Q You just didn't cite it for that purpose in this 19 IPR. Correct? 20 A I don't believe I did, no. 21 Q Now, let me ask you this: The cannula of the 22 Cote infusion set inserter that you rely on, that 23 cannula doesn't have any electronics; is that fair? 24 MR. MASON: Objection. Form. 25 A I don't believe -- I don't believe Cote	Page 49 1 inserter that you rely upon doesn't have any 2 electronics that risks being damaged when it gets 3 inserted into the skin; is that fair? 4 MR. MASON: Objection. Form. 5 A I'm sorry. Could you repeat the question. 6 Q BY MR. HAFERTEPE: Sure. With respect to the 7 cannula of the Cote infusion set inserter that you 8 rely upon in your declaration, that cannula doesn't 9 have any electronics on it that risk getting damaged 10 when the cannula gets inserted into the skin; is that 11 fair? 12 MR. MASON: Same objection. 13 A To the best of my knowledge, there is no 14 electronics associated with the cannula that could be 15 damaged in Cote. 16 Q BY MR. HAFERTEPE: And the cannula of Cote 17 infusion set inserter that you rely upon in your 18 declaration, that cannula doesn't get connected to 19 electronics even after it's inserted; is that fair? 20 A I didn't offer an opinion, but I believe that is 21 the case, yes. 22 Q The cannula of the Cote infusion set inserter 23 that you rely upon does not need a power supply; is 24 that fair? 25 A To the best of my recollection, that is correct.

Page 50 1 Q And the cannula of the Cote infusion set and 2 server on which you rely doesn't later get connected 3 to a power supply after it's inserted in the skin; is 4 that correct? 5 A I can't say. As I said, I did not offer an 6 opinion or study the details of what is attached to 7 the site -- what kind of infusion set is attached to 8 the site after the inserter has been removed. 9 Q And I'm referring to the cannula component that 10 goes in the body. The cannula that is part of the 11 infusion set inserter of Cote that you rely on, that 12 cannula does not get connected -- the cannula itself 13 doesn't get connected to a power source after it's 14 inserted in the skin; is that fair? 15 MR. MASON: Objection to form. 16 A To the best of my recollection that is correct. 17 Q BY MR. HAFERTEPE: And the cannula of the 18 infusion set inserter of Cote that you rely on, that 19 cannula doesn't sense anything inside the body; is 20 that fair? 21 MR. MASON: Objection. Form. 22 A To the best of my recollection, Cote does not 23 describe sensing in that cannula. 24 Q BY MR. HAFERTEPE: And with respect to the 25 cannula of the infusion set inserter of Cote that you	Page 52 1 Q You would agree that with respect to CGM sensor 2 inserters, the needle does not go through the 3 sensor; is that fair? 4 MR. MASON: Objection. Form. 5 A I'm not sure I understand what you mean by 6 through. I don't understand the question. 7 Q BY MR. HAFERTEPE: With respect to -- let me try 8 and ask it a different way. 9 With respect to CGM sensor inserters, the 10 sensor doesn't surround the needle like a cannula. 11 Correct? 12 MR. MASON: Objection. Form. 13 A In the CGMs for which I'm offering opinions here 14 today, I believe that is the case. 15 Q BY MR. HAFERTEPE: Do you agree that CGM sensors 16 have highly sensitive electrical components on them? 17 MR. MASON: Objection. Form. 18 A I'm not sure -- when you say highly sensitive, 19 that's a relative term. So I'm not sure how to 20 answer your question. 21 Q BY MR. HAFERTEPE: Let's take it piece by piece. 22 CGM sensors have electrical components on 23 them. Correct. 24 MR. MASON: Objection to form. 25 A I believe -- yes, I would agree with that
Page 51 1 rely upon, that cannula doesn't measure anything 2 inside the body; is that correct? 3 A To the best of my recollection, Cote does not 4 describe measuring anything with that cannula. 5 Q Now, with respect to CGM sensor inserters, the 6 sensor is delivered into the body from inside a 7 needle. Correct? 8 MR. MASON: Objection. Form. 9 A Could you repeat the question. I want to make 10 sure I understand the breadth of the question. 11 Q BY MR. HAFERTEPE: Sure. With respect to CGM 12 sensor inserters, the sensor is delivered into the 13 body from inside a needle. Correct? 14 MR. MASON: Same objection. 15 A The continuous glucose monitoring sensors that 16 we are discussing today in this IPR appear to be 17 predominately inserted from inside a needle. 18 Q BY MR. HAFERTEPE: Are you aware of any CGM 19 devices that have been sold where the sensor is not 20 delivered from inside a needle? 21 A Not that I can recall, but I know there are some 22 new developments in that space. I just can't tell 23 you what the delivery mechanism is and how they work. 24 Q So sitting here today, you can't think of any? 25 A That is correct. I can't recall any.	Page 53 1 statement. 2 Q BY MR. HAFERTEPE: Including at the distal tip 3 that goes inside the body. Correct? 4 MR. MASON: Objection to form. 5 A Yes. 6 Q BY MR. HAFERTEPE: And the CGM sensors with 7 electronics at the distal tip typically also have 8 coatings on them. Correct? 9 MR. MASON: Objection to form. Scope. 10 A Again, I didn't offer an opinion, but that's my 11 understanding, yes. 12 Q BY MR. HAFERTEPE: And with respect to CGM 13 sensors, the electronics and coatings at the distal 14 end of the sensor need to be protected when they're 15 inserted into the skin to prevent damage. Correct? 16 MR. MASON: Objection. Form. 17 A That is my understanding, yes, to the best of my 18 recollection. 19 Q BY MR. HAFERTEPE: And there was no such concern 20 when inserting a cannula into the skin. Right? 21 MR. MASON: Objection. Form. Scope. 22 A I don't know what the concerns are with respect 23 to damaging or impacting the insertion of a cannula. 24 Q BY MR. HAFERTEPE: CGM sensors delivered by 25 sensor inserters ultimately need to be connected at

Page 54 1 some point to sensor electronics. Correct? 2 A That is my understanding, yes. 3 Q And CGM sensors delivered by sensor inserters 4 ultimately need to be connected to a power supply. 5 Correct? 6 MR. MASON: Objection. Form. 7 A To the best of my understanding that is correct. 8 Q BY MR. HAFERTEPE: And CGM sensors of sensor 9 inserters don't have any kind of conduit passing 10 through them for delivery of medication to the body; 11 is that correct? 12 MR. MASON: Objection. Form. Scope. 13 A I'm not sure whether there are not CGM devices 14 which also allow for infusion of medication. So I 15 can't answer the question. 16 Q BY MR. HAFERTEPE: So let me rephrase -- repeat 17 my question because I'm specifically asking about the 18 sensor. 19 CGM sensors of sensor inserters do not have 20 any kind of conduit passing through them for the 21 delivery of medication to the body; is that fair? 22 MR. MASON: Objection. Form. Scope. 23 A So could you repeat the question, because I'm a 24 little confused of what you're asking. 25 Q BY MR. HAFERTEPE: Sure. My question is focused	Page 56 1 allows for the delivery of medication to the body? 2 Can you think of any example? 3 A I'm not -- I don't know but I'm not aware of 4 any. 5 Q I mentioned this earlier, but you're aware that 6 Abbott is currently asserting the 591 patent against 7 Dexcom's G7 CGM device. Right? 8 MR. MASON: Objection. Form. Scope. 9 A I believe I was informed of that in the past, 10 yes. 11 Q BY MR. HAFERTEPE: Informed by who? 12 A Not sure exactly which person. Someone on -- 13 probably someone on Klarquist. 14 Q Was that before you submitted your declaration 15 in this IPR? 16 A I couldn't recall. I don't recall when it was 17 that I heard that. 18 Q Are you aware that Abbott filed its complaint 19 that asserts the 591 patent against the G7 in March 20 of 2023? 21 A I may have been aware of that, but I didn't 22 recall that date. Sitting here today I didn't recall 23 the date. 24 Q In rendering your obviousness opinions in this 25 591 IPR, did you review the assertion in Abbott's
Page 55 1 on the CGM sensor itself. CGM sensors of sensor 2 inserters don't have any type of conduit going 3 through them for the delivery of medication to the 4 body. 5 MR. MASON: Objection. Form. Scope. 6 A Can you tell me what you mean by CGM sensor. 7 Because I can imagine -- I can imagine -- I'm not 8 sure whether this has been in the patent literature, 9 a sensor which also has a conduit for fluid delivery. 10 So I'm not sure if that's what you're asking. In the 11 same channel. 12 Q BY MR. HAFERTEPE: I'm not asking for what you 13 might imagine. I'm asking for what you factually 14 know about. 15 What do you understand a CGM sensor to be? 16 A I didn't offer an opinion as to what is and is 17 not a CGM sensor. What I understand is that it will 18 have two or more electrodes to allow it to sense 19 glucose in vitro, in the body, and transmit that 20 information electrically out to electronics outside 21 the body. 22 Q Did you mean in vivo instead -- 23 A I'm sorry. Yes, I did mean in vivo. I'm sorry. 24 Q Are you aware -- can you think of any CGM sensor 25 that actually has a conduit going through it that	Page 57 1 complaint against Dexcom's G7 device? 2 A I don't recall that I reviewed the complaint, 3 no. 4 Q So in rendering your opinions in this IPR, you 5 did not review Abbott's complaint which asserts the 6 591 patent against G7 or the attachments to that 7 complaint; is that fair? 8 A Yeah, I don't recall seeing the complaint or the 9 attachments. It doesn't mean that -- well, so I 10 don't know what the attachments were so it's hard to 11 know whether I might have seen them for some other 12 reason. 13 Q Did you ever ask Dexcom or its counsel for a 14 copy of Abbott's complaint wherein it asserts the 591 15 patent against the G7? 16 A I don't recall ever asking for that document. 17 Q Were you ever provided a copy of Abbott's 18 complaint against Dexcom's G7 device? 19 A No, not that I recall. 20 Q So in rendering your obviousness opinions in 21 this IPR, did you ever look at Abbott's patent 22 marking for the 591 patent to see whether Abbott 23 asserts its products are covered by the 591? 24 A I don't believe I did. I don't recall doing 25 that.

Page 58 1 Q In -- 2 A Let me ask you a question, just for 3 clarification. 4 In order to have seen Abbott's in a 5 G7 case, the complaint -- the assertion of the 591 6 patent and the associated documents, I would have had 7 to sign a protective order in order to see those 8 documents; is that correct? 9 Q No. Those are public documents. 10 A So I never -- I know I never signed a protective 11 order to get involved in seeing protected documents. 12 I don't recall seeing or having asked or being 13 delivered the public documents either in that case. 14 Q You're aware that Dexcom, in its IPR petition in 15 this case, identifies Abbott's lawsuit and complaint 16 in the petition itself? 17 A I did not review the petition per se, so I'm 18 not -- actually not aware of what is said or not said 19 in the petition, beyond the scope that I assume they 20 rely on my declaration in the petition. 21 Q So it's at least fair to say, in rendering your 22 obviousness opinions in this IPR, you did not take 23 into account the secondary consideration assertions 24 that Abbott made in its complaint against the 25 G7 product?	Page 60 1 patent to the G7 device; is that fair? 2 A I don't believe I did. I don't recall doing 3 that, no. I don't recall seeing the attachment or 4 using it for this -- yeah. 5 Q Have you formed an opinion as to whether 6 Dexcom's G7 device is covered by the 591 patent? 7 MR. MASON: Objection. Form. Scope. 8 A I did not offer an opinion in that matter in 9 this declaration. 10 Q BY MR. HAFERTEPE: Did you offer that opinion 11 anywhere? 12 MR. MASON: Same objections. 13 A Again, I don't believe I have. 14 Q BY MR. HAFERTEPE: Have you formed an opinion as 15 to whether Abbott's Libre's CGM products are covered 16 by any claims of the 591 patent? 17 MR. MASON: Objection. Form. Scope. 18 A To the best of my knowledge, no, I have not. I 19 have not made any opinion about the Abbott Libre 20 system and whether it -- I'm sorry, whatever the 21 question was. Can you repeat the question? 22 Q BY MR. HAFERTEPE: My question was, had you 23 formed an opinion as to whether Abbott's Libre CGM 24 products are covered by any claims of the 591 patent. 25 MR. MASON: Objection. Form. Scope.
Page 59 1 A I believe I make a statement about that in my 2 declaration toward the end. Let me just see if I 3 did. 4 So in a couple of places in the -- so I'll 5 just read paragraph 211 of my declaration, which is 6 one sentence. "I am unaware of any secondary 7 considerations of non-obviousness that would refute 8 the showing of obviousness set forth above." 9 Does that answer your question? 10 Q Not really. So in making that assertion in 11 paragraph 211 of your declaration, you didn't take 12 into account the assertions that Abbott made in its 13 complaint against the G7 device, including assertions 14 relating to secondary considerations? 15 A I believe -- I don't recall that I did, no. 16 Q And are you aware that one of the attachments to 17 Abbott's complaint against the G7 is a claim chart 18 applying one of the 591 claims to Dexcom's G7 device? 19 Are you aware of that? 20 MR. MASON: Objection. Form. 21 A I'm not aware of that document, that attachment. 22 Q BY MR. HAFERTEPE: So in rendering your 23 obviousness opinions in this case, you didn't take 24 into account the infringement claim chart that Abbott 25 attached to its G7 complaint that applied the 591	Page 61 1 A Again, no. The answer is no, it's beyond the 2 scope of this IPR. So I have not formed those 3 opinions. 4 Q BY MR. HAFERTEPE: You're certainly aware of 5 Abbott's Libre CGM products. Right? 6 A I'm aware that they exist, yes. 7 Q You're also aware of Dexcom's G7 CGM device? 8 A I am aware of it, yes. 9 Q What's your knowledge of the G7 device? 10 MR. MASON: Objection. Form. Scope. 11 A I've seen some public domain information about 12 how the G7 functions, but I couldn't answer detailed 13 questions about it because I don't recall those 14 details. 15 Q BY MR. HAFERTEPE: Have you ever held, 16 physically, a G7 device? 17 A I don't believe that I have. I have physically 18 held a G6 device but I have not physically held a G7. 19 Q Have you seen photographs or images of Dexcom's 20 G7 device? 21 A Yes, I believe I have. 22 Q Do you recall when? 23 A No, I couldn't -- some time -- some time in the 24 last six to nine months maybe. Some time in the last 25 nine months -- or, yeah. I'm guessing some time in

Page 62 1 the last ten months. 2 Q You know enough about Dexcom's CGM device to 3 know that it has an inserter? 4 MR. MASON: Objection. Form. Scope. 5 A Again, I didn't offer an opinion about how the 6 G7 functions or what the function is. I would 7 imagine it has an inserter, but I don't remember 8 the -- I don't remember much about whatever photos or 9 information I saw six to nine months ago. I haven't 10 looked at it since. 11 Q BY MR. HAFERTEPE: I'm not asking right now 12 about the details how it works, just its basic 13 components. 14 MR. MASON: Same objections. 15 A I would be speculating, but the speculation 16 would be I assume that it has an inserter but I don't 17 remember. 18 Q BY MR. HAFERTEPE: Just from the images that 19 you've seen of the G7? 20 MR. MASON: Same objections. 21 A Yes, I assume it has an inserter but I don't 22 recall the details. 23 Q BY MR. HAFERTEPE: And is it your understanding 24 the G7 also has an on-body unit housing that starts 25 off inside the inserter?	Page 64 1 I'm not asking how the thing works. 2 You said you've seen it before. You're an 3 expert on behalf of Dexcom. The G7 is accused of 4 infringing the 591 patent. Abbott provided a 5 detailed infringement chart that shows complaint. So 6 I'm trying to get some basics. I'm not even getting 7 into how it works. 8 And at least for starters, can we at least 9 agree that the G7 has an inserter in an on-body unit 10 housing? 11 MR. MASON: Objection. Form. Scope. 12 Counsel, I've allowed some questions on G7, 13 but you just indicated you're asking about 14 infringement contentions in the district court 15 litigation. Those aren't at issue in this IPR. 16 MR. HAFERTEPE: Oh, they are. 17 MR. MASON: So if you're going to be asking 18 whether G7 has components -- we can take this off 19 record with or without the witness. But at a 20 certain -- I'll give you some leeway, but I don't 21 want to get into whether or not the accused product 22 in litigation has certain -- 23 MR. HAFERTEPE: First, I'll give you some 24 leeway with coaching the witness. I think the record 25 is pretty clear that you're trying to do that.
Page 63 1 MR. MASON: Objection. Form. Scope. 2 A Counsel, I don't remember the details. I'm not 3 really prepared to answer questions about what is and 4 is not part of the G7. 5 Q BY MR. HAFERTEPE: I'm just going off -- if 6 you've seen -- have you seen the part of the G7 that 7 goes on the body? 8 A I don't recall specifically seeing that 9 component but I may have. 10 Q But you do know that the G7 does have an on-body 11 unit housing that goes on the user's arm or abdomen? 12 MR. MASON: Objection. Form. Scope. 13 A I believe I have seen photographs in the public 14 domain of people wearing a G7 device, yes. 15 Q BY MR. HAFERTEPE: And do you recall the shape 16 of G7 -- G7's on-body unit housing? 17 MR. MASON: Objection. Form. Scope. 18 A So I don't know exactly. I seem to recall an 19 oval-shaped device. But how tall it is, how deep it 20 is, and what the overall shape is I don't recall. 21 Q BY MR. HAFERTEPE: And -- 22 A Counsel, I did not study the -- any information 23 related to the G7 in order to prepare this IPR 24 declaration. 25 Q I'm just asking you some pretty basic questions.	Page 65 1 Second of all, it's 100 percent relevant. 2 He's got a section on secondary considerations. The 3 products accused of infringement, there's a detailed 4 claim chart. So I don't know how you can say it's 5 not relevant. I think what you're really trying to 6 do is give the witness a little guidance. I think 7 the record reflects that. 8 MR. MASON: There is nothing in the record 9 that shows any secondary considerations. Nothing has 10 been introduced in this record. That's your 11 representation. I'm not disagreeing with it, but I 12 haven't seen anything. You have not established that 13 there -- 14 MR. HAFERTEPE: You represent Dexcom. 15 Right? Are you aware of a complaint filed by Abbott 16 against the G7 to us? In fact, you referred to it in 17 the petition. 18 So I think you're -- I mean I'm just trying 19 to be -- to me it's pretty clear you're trying to 20 coach the witness here. 21 MR. MASON: No, I'm not. I'm not trying to 22 coach the witness. I'm trying to make clear that -- 23 like I said, we can take this off record with or 24 without the witness if you want. 25 MR. HAFERTEPE: I'm asking some basic --

Page 66 1 he's seen the G7. He's seen pictures. I'm not 2 asking -- maybe I was going to ask some more, but I'm 3 just trying to ask some most basic information about 4 the G7. 5 MR. MASON: I'll let you proceed. 6 MR. HAFERTEPE: I can only go as far as -- 7 Q BY MR. HAFERTEPE: I'm saying at the most basic 8 level, at a minimum you're aware that the Dexcom G7 9 device has an inserter and an on-body unit housing 10 that goes on the user's skin. 11 MR. MASON: Objection. Form. Scope. 12 A Again, Counselor, I did not -- in preparation 13 for this IPR declaration and in preparation for this 14 deposition, I did not review or look even at pictures 15 of the G7 that I recall. It's been months since I 16 saw that, and I can't recall what is and is not part 17 of the G7. 18 Q BY MR. HAFERTEPE: But I think you said -- I'm 19 just asking about what you do recall from the 20 photographs or images, which you testified earlier 21 you saw not too long ago. Right? 22 A Months ago. Months ago. 23 Q The questions I'm asking about aren't getting 24 any details. It's at a very high level that -- 25 A And I'm uncomfortable, Counselor, offering an	Page 68 1 A I don't -- so I don't recall seeing it, but -- I 2 don't recall seeing it, but that doesn't mean -- I 3 might have seen it at some point. But it doesn't 4 look familiar and I haven't looked at it. If I did 5 see it, it was months ago. 6 Q So I want to ask you a few specific questions. 7 If you turn to pages 16 and 17. And start with 16 of 8 Fletcher Exhibit 2. 9 A Okay. 10 Q And do you see on the right-hand side there are 11 some images of the G7. 12 A Yes, on page 16. 13 Q And then on page 17 I'll represent to you are 14 images -- or excerpted images from the G7 user guide. 15 A Okay. I'm not familiar with that user guide, 16 but that's what is represented here, so yes. 17 Q So looking back at page 16 I guess my question 18 is, does seeing the images of the G7, does that 19 refresh your recollection of the images of the 20 G7 that you've seen in the past? 21 A Vaguely, yes. 22 Q And before you described at least your 23 recollection of the G7 on-body unit housing as being 24 oval shaped. Is what you see on page 16 appear to be 25 a picture of the G7 on-body unit housing on the
Page 67 1 affirmative or negative answer to your questions 2 without more carefully reviewing -- without having 3 more carefully reviewed the G7 itself. 4 We need to take a break soon. Is that not 5 a good time? 6 Q I would like to finish the line of questions 7 first, if you don't mind. 8 A Okay. Actually I really do need to take a 9 break. If we're going to -- physically I need to hit 10 the bathroom. 11 Q If it's that bad, I would appreciate if you 12 don't speak with Counsel. 13 A I won't speak with Counsel. 14 (Break in proceedings.) 15 Q BY MR. HAFERTEPE: So Dr. Fletcher, what I would 16 like to mark as Fletcher Exhibit 2 is a copy of 17 Abbott's complaint filed against the G7 without the 18 attachments. And the reason I'm doing that is to 19 save everybody, because the attachments are hundreds 20 of pages. 21 MR. MASON: What number is this? 22 MR. HAFERTEPE: Fletcher 2. 23 (Exhibit No. 2 marked.) 24 Q BY MR. HAFERTEPE: And Dr. Fletcher, have you 25 seen this document before?	Page 69 1 bottom part of that right image? 2 A That's what it appears to be, yes. 3 Q And does it look -- on the top image on the 4 right, does that appear to show the G7 insertion 5 device which still has the cap on the end? 6 A That's what it appears to be, yes. 7 Q You can put that off to the side for now. 8 A Okay. 9 Q Could you pull out your copy of the Cote 10 reference, which is Exhibit 1005. Where is my 11 binder? Here it is. 12 Let me know when you have it. 13 A I have it. I'm sorry. 14 Q Okay. Now Cote is one of the references that 15 you rely on in all eight of your grounds. Correct? 16 A I believe that is correct, yes. 17 Q And Cote is directed to infusion set inserters. 18 Correct? 19 A I believe that is correct, yes. 20 Q Cote doesn't mention sensors. Correct? 21 MR. MASON: Objection. Form. 22 A To the best of my recollection, Cote does not 23 specifically mention sensors. 24 Q BY MR. HAFERTEPE: And Cote doesn't mention 25 sensor electronics. Correct?

Page 70 1 MR. MASON: Objection. Form. 2 A To the best of my recollection -- I don't 3 recall. To the best of my recollection Cote does not 4 mention sensor electronics. 5 Q BY MR. HAFERTEPE: And Cote does not disclose a 6 glucose sensor that is pre-connected to sensor 7 electronics before sensor insertion; is that correct? 8 A To the best of my recollection that is correct. 9 Q And Cote does not disclose an on-body unit 10 within an inserter where the on-body unit has a 11 sensor -- pre-connected to sensor electronics; is 12 that correct? 13 A To the best of my recollection that is correct. 14 Q Glucose sensor inserters were known in the art 15 at the time of the Cote reference; is that correct? 16 MR. MASON: Objection. Form. 17 A Ask the question again. I'm sorry. 18 Q BY MR. HAFERTEPE: Sure. Glucose sensor 19 inserters were known in the art at the time of the 20 Cote reference. Correct? 21 A The time of the Cote reference was 2003. I 22 believe that is the correct statement, yes. 23 Q And certainly glucose sensor inserters were 24 known as of the priority date for the 591 patent. 25 Correct?	Page 72 1 speed things up. 2 A Okay. 3 Q Now inserter 1100 of Cote has a number of 4 different components. Correct? 5 A As listed -- as identified in both figure 79A 6 and 80A, yes. 7 Q One component of inserter 1100 of Cote is the 8 housing 1110. Correct? 9 A That is correct, yes. 10 Q And one component of inserter 1100 of Cote is 11 sleeve 1140. Correct? 12 A Yes, that is correct. 13 Q One component of inserter 1100 of Cote is 14 cylinder hub 1120. Correct? 15 A Yes, that is correct. 16 Q One component of inserter 1100 of Cote is Spring 17 1150. Correct? 18 A Yes, that appears to be the right number, yes. 19 Q One component of inserter 1100 of Cote is Needle 20 Hub 1130, which has Shoulders 1227 and Barbs 1135 -- 21 I'm sorry, 1335. Correct? 22 A Yes, I believe that's correct. 23 Q Another component of inserter 1100 of Cote is 24 Needle 1336. Correct? 25 A Yes, that is correct.
Page 71 1 A If by priority date you mean it's either 2 February 2010 or February of -- I guess February of 3 2010 or is it February of 2009? 4 Q I can reask the question. I appreciate your 5 clarification. 6 Even assuming the earliest date, as of 7 February of 2009, glucose sensor inserters were known 8 in the art? 9 A I believe that is the case, yes. 10 Q With respect to Cote's inserter 1100, that 11 inserter involves manual insertion of the needle in 12 the cannula. Correct? 13 MR. MASON: Objection. Form. 14 A The embodiment at 1100 does require manual 15 insertion of the device. Is that the question? 16 Q BY MR. HAFERTEPE: Yeah. Could you turn to 17 figure 79A in Cote. And also it might be useful to 18 have your paragraph 51 where you -- I believe -- and 19 specifically on page 36 where you colored and labeled 20 various aspects of inserter 1100. 21 A From figure 3A, not 79A. 22 Q Yeah, I wonder -- 79A is available, but I'm 23 offering you to have your colored 80A. It might be 24 helpful for answering the question. You can answer 25 the questions how you want. I'm just -- it may help	Page 73 1 Q And another component of Cote's inserter 1100 is 2 the Adhesive Portion 1160. Correct? 3 A Yes. 4 Q And now I'm looking at figure 79A. Another 5 component of Cote's inserter 1100 is the cap 1170. 6 Right? 7 A I believe that's the right number for the cap. 8 Let me make sure the numbering is correct. Yes, 1170 9 is the cap. 10 Q Another component of Cote's inserter 1100 is the 11 gasket, which is 1122. Correct? 12 A I see a part labeled 1122. I'm trying to 13 confirm whether I referred to that specifically or 14 referred to it via reference. Yes, I didn't refer to 15 paragraph 198, but Cote refers to gasket 1122 in his 16 paragraph 198. 17 Q Now, in operation, Cote's inserter 1100 requires 18 several structures to move together relative to the 19 sleeve. Correct? 20 A I believe that is the case as detailed in my 21 paragraph -- in my declaration paragraph 57 22 quoting -- well, I'm not sure which paragraph it is. 23 Reference paragraph 12, 203 and 207 Cote. But the 24 quote is [as read:] The patient applies pressure to 25 the upper end 1111 of the housing 1110 to move the

Page 74 1 housing 1110 and associated structures including the 2 cylinder head 1120 and needle hub 1130 (including 3 needle 1336 and site 1800) and -- excuse me, end 4 parenthesis -- in a direction A with respect to the 5 sleeve 1140 and toward the skin 1900 of the patient. 6 Q So if I understand it correctly, in operation 7 some of the several structures of Cote's inserter 8 1100 that must move together relative to the sleeve 9 include the housing, the cylinder hub, the needle 10 hub, the needle, the cannula, and the site; is that 11 fair? 12 MR. MASON: Objection. Form. 13 A Yes. All those things are called out with the 14 exception of the cannula. But one would understand 15 the cannula is part -- is included in the needle. 16 Q BY MR. HAFERTEPE: And in Cote's inserter 1100, 17 the cannula is outside and surrounds the needle. 18 Correct? 19 A Yes, as depicted in Cote figure 6A and annotated 20 on page 39 of my declaration. 21 Q If we look back at your colored and labeled 22 image of Cote inserter 1100 on page 36 of your 23 declaration. 24 A Uh-huh. 25 Q Would you agree that the height of Cote's	Page 76 1 itself is simply the height of the color of the part 2 labeled 1800 and colored purple in this figure. 3 Q BY MR. HAFERTEPE: Yes. 4 A I believe, yes, I would agree with that 5 statement. 6 Q Now, one of the references that you rely upon in 7 some of your grounds is the Say reference; is that 8 correct? 9 A Yes. 10 Q And just for the record -- 11 A By Say record, which exhibit is that? 12 Q Sure. I was just going to say for the record, 13 the Say reference is Exhibit 1008, and it's U.S. 14 patent number 6175752. Do you have a copy of the Say 15 reference? 16 A I do in this binder, yes. 17 Q And again, this is -- Say was one of the 18 references that you rely in a subset of your grounds 19 in this IPR. Right? 20 A Yes. In addition to being a secondary reference 21 even in ground one. Did I say that right, secondary 22 reference? 23 Q Do you mean a background reference? 24 A Yeah, background reference. Sorry. 25 Q Say is not formally part of ground one?
Page 75 1 insertion assembly is significantly greater than the 2 height of Cote's on-body unit by itself? 3 MR. MASON: Objection. Form. 4 A Could you repeat the question. 5 Q BY MR. HAFERTEPE: Sure. Let me just maybe lay 6 a little groundwork. So you colored, on page 36 of 7 your declaration, the site 1800 of Cote purple; is 8 that fair? 9 A Yes, that appears to be what color we used. 10 Q And would you agree that the overall height of 11 Cote's entire insertion assembly is significantly 12 greater than just the height of the site 1800 by 13 itself? 14 MR. MASON: Objection. Form. 15 A When you say "insertion assembly," are you 16 talking about everything in this figure? 17 Q BY MR. HAFERTEPE: Yes. And we say "this 18 figure" just for the record, you have colored figure 19 80A on page 36 of your declaration of Cote. 20 A Yes. So the question was? 21 Q That the height of the overall Cote insertion 22 assembly is significantly greater than just the 23 height of the site by itself. Correct? 24 MR. MASON: Objection. Form. 25 A And the site of the -- the height of the site	Page 77 1 A No, it's not. It's a background reference in 2 ground one. 3 Q And the Say reference is directed to two parts 4 CGM systems, where the user first inserts the sensor 5 and then manually connects the sensor electronics to 6 the sensor after sensor insertion. Right? 7 A Yes, I believe that's my understanding of the 8 description in Say. 9 Q And in which grounds did you formerly cite Say, 10 just for the record, just so we have it? Do you have 11 your chart? 12 A Yeah, if the chart is correct, which is what I 13 was going to check, the chart says that formerly 14 ground two, where we formerly include Say in addition 15 to other grounds later. But specifically Stafford, 16 Cote and Say includes grounds four, seven and eight, 17 15, and 19 through 30. 18 I want to make sure that's correct in my 19 declaration, seven and eight, 15, 28, four and parts 20 of 19. Okay. And then -- yes, so I believe that 21 chart is correct. 22 Q Okay. And so just to summarize, Say is a 23 formerly cited reference in grounds two, five, six, 24 and eight; is that fair? 25 A That's what my chart states here.

Page 78 1 Q Okay. Now, one of the references that you cite 2 in the subset of your grounds is the Shah reference, 3 and that's S-H-A-H; is that correct? 4 A I believe that's Exhibit 1006. 5 Q That's correct. 6 A Yes. 7 Q Do you have a copy of the Shah reference in your 8 binder? 9 A I do. 10 Q With respect to Shah, you rely on the embodiment 11 in figure six; is that fair? 12 MR. MASON: Objection. Form. 13 A I'm running out of fingers here to keep places. 14 I certainly reference figure six of Shah. There are 15 other texts, but figure six is the predominant figure 16 referred to in Shah. 17 Q BY MR. HAFERTEPE: Do you rely on any other 18 embodiment in Shah other than figure six and its 19 corresponding textual description? 20 MR. MASON: Objection to form. 21 A Let me see what else refer to Shah in claim 22 nine. 23 Q BY MR. HAFERTEPE: While you're looking, I'm 24 going to step behind you and fill my water. 25 A It appears that figure six and associated	Page 80 1 A Yes, please. 2 Q Sure. The Shah embodiment in figure six does 3 not have an on-body unit that advances from a first 4 position wholly within an inserter to a second 5 position under the skin. Correct? 6 A To the best of my recollection, I believe the 7 answer is yes. 8 Q And looking at figure six from Shah, it's 9 on-body unit has two parts. It's got the base ten. 10 Do you see the ten with the bracket? 11 A Yes. 12 Q And it also has the top of the on-body unit, 13 which is 144. Do you see that? 14 A Uh-huh. 15 Q And with respect to the embodiment in Shah in 16 figure six, the top of the on-body unit, part 144, is 17 applied after the needle and sensor are inserted. 18 Correct? 19 A I don't believe I offered an opinion on that, so 20 I would have to review the document. 21 I believe in paragraph 45 -- to the best of 22 my understanding what's described in paragraph 45 -- 23 what is stated is, the insertion needle 115 is 24 adapted to extend through the partially shown 25 flexible mounting base ten adapted for seating --
Page 79 1 paragraph 45 of Shah are the specific references I 2 point to in my declaration. 3 Q Okay. Now, in the Shah embodiment figure six, 4 it does not have an on-body unit that's contained 5 fully inside an inserter. Correct? 6 MR. MASON: Objection. Form. 7 A Sorry. Could you repeat the question? 8 Q BY MR. HAFERTEPE: Sure. In the Shah embodiment 9 in figure six, it does not have an on-body unit 10 that's contained fully inside an inserter. Correct? 11 MR. MASON: Same objection? 12 A To the best of my knowledge that is correct. 13 Q BY MR. HAFERTEPE: And with respect to the Shah 14 embodiment in figure six, there is no on-body unit 15 that advances from a first position within an 16 inserter to a second position on the skin. Correct? 17 A To answer your question in paragraph 197, Shah 18 teaches a flexible mounting base, functionally 19 similar to Stafford's data processing unit, 20 comprising a flexible partial circuit having an 21 opening and an insertion needle configured to extend 22 partially through the opening in the central portion 23 of the mounting base. 24 Q I don't think that answered my question. Do you 25 want me to reask it?	Page 81 1 mounting on the patient's skin. It does not describe 2 144 as being adapted to having the needle go through 3 it, at least it's not described there in that 4 paragraph. 5 Q If you look at figure six, subparts 145 and 143 6 are part of the base ten. Right? 7 A That's what the figure seems to indicate. 8 Q And they both have center apertures through 9 which the needle goes through. Correct? 10 A It appears that way, yes. 11 Q And the top piece of Shah's OBU in figure six, 12 which is item 144, that does not have an aperture 13 through which the needle goes through. Correct? 14 A The figure does not indicate or show an opening 15 or aperture. 16 Q And figure six is an exploded view of that 17 particular embodiment. Correct? 18 A He calls it the expanded configuration, but I 19 believe an exploded view would be another way to say 20 that. 21 Q And the way it's depicted, it shows the needle 22 and the sensor below the top of the OBU piece 144 23 that does not have -- 24 A That's what it appears to show, yes. 25 (Reporter requests clarification of the question.)

Page 82 1 Q I said in Shah figure six and its exploded view, 2 it shows the sensor needle below the top piece of the 3 on-body unit housing 144, which does not have an 4 opening through which the needle would go through; is 5 that fair? 6 A That's what the figure apparently shows. Again, 7 in paragraph 46, Shah teaches, as I state in my 8 paragraph 203, Shah teaches that the, quote, the 9 sensor electronics may be contained in a housing, end 10 quote. But in that figure -- I'm sorry. What was 11 your question again? 12 Q I don't know if I had a question. 13 A That's why I paused. Am I answering your 14 question? 15 Q Fundamentally after we kind of stepped through 16 that, the embodiment of Shah in figure six -- the top 17 part of the on-body housing was added after the 18 sensor is inserted and the needle is taken out. 19 A I believe that's my understanding of what Shah 20 has communicated in paragraphs 45 and 46. 21 MR. HAFERTEPE: And it's 12:00 on the dot. 22 Are you hungry? 23 THE WITNESS: I'm hungry, but I always need 24 to take a break, whether I'm hungry or not. 25 MR. HAFERTEPE: It's okay if we break for	Page 84 1 And then there is a reference, 2 Exhibit 1021, which I believe in one of those 3 references -- I think it's either 16 -- column 16, 4 lines three through five, or 17, 11, 12 actually 5 speaks to the -- a typical depth of a continuous 6 glucose monitor. I don't have that reference in 7 front of me. 8 Q Do you want me to provide you a copy of 9 Exhibit 1021? 10 A 1021 is one of the Funderburk 184 patents. 11 Q Here is a copy of Exhibit 1021. 12 A Thank you. So go to -- so refer -- let me see. 13 I'm looking at the reference in column 17 and also 14 the reference in column 16, which I'm trying to -- or 15 figure 23. In 16 it says, "Tail 424 of introducer 16 sharp 340 provides rigidity and a skin piercing edge 17 430 for allowing the flexible tail 431 of sensor 314 18 to be implanted in the patient's skin." 19 Now, then later in column 17 lines 11 and 20 12 it stated, "The length and width of introducer 21 tail 424 are .354 and .036 inches, respectively." So 22 that's the length of the introducer tail 424. 23 So let's go to whatever figure -- some 24 figures 23 I would guess would be where I would start 25 or refer to what -- sensor -- no. Introducer tail
Page 83 1 lunch? 2 MR. MASON: Yep. 3 (Break in proceedings.) 4 Q BY MR. HAFERTEPE: Welcome back after lunch, 5 Dr. Fletcher. 6 A Thank you. 7 Q Have you discussed the substance of your 8 testimony today at all with Counsel during any of the 9 breaks so far? 10 A No, I have not. 11 Q What is the typical insertion depth for a CGM 12 glucose sensor? 13 MR. MASON: Objection. Form. Scope. 14 A I did not offer an opinion as to the typical 15 insertion depth. It's my understanding that it -- 16 there is a range -- when patent disclosures give 17 insertion depths, there is usually a range given. I 18 think I speak to that at some point in my declaration 19 or I refer to a document. Let's see if I can find 20 that. 21 I believe I -- I believe in paragraph 114 22 of my declaration, may read, "Further, a POSITA 23 understood that transcutaneous devices, e.g. sensors 24 or cannulas, routinely had an in vivo portion that 25 was longer than the on-body portion was tall."	Page 85 1 424. So it's my understanding from figure 23, you 2 see down at the bottom there is the end of the 3 introducer sharp is labeled 424. 4 Q Yeah, I see that. 5 A I think that's the -- that would be the -- what 6 is indicated there in column 17, the length lines 11 7 and 12, the length and width of introducer tail 424 8 are -- so we're looking about the length. It 9 indicates the length is .354 inches or whatever that 10 is in millimeters, probably close to ten millimeters. 11 So as an example, that's one insertion depth for a 12 continuous glucose monitor. 13 Q But the entirety -- so first of all we're 14 talking about the tail 424, that's part of the 15 needle. That's not part of the sensor. Correct? 16 A That is correct. 17 Q And the entirety of the tail 424 doesn't go on 18 the skin; is that correct? For example, you can see 19 it labeled in figure 16 of Exhibit 1021. 20 A I see that part of the introducer. 21 Q An introducer is just another term for the sharp 22 or the needle; is that right? 23 A Right. Well, in this case the introducer may 24 include all of 340, introducer 340, which is more 25 than just -- well, it includes the sharp. It

Page 86 1 includes the sharp but it has other characteristics. 2 My assumption in reading this is what is 3 labeled as 424 is actually the length of the sharp, 4 which he calls introducer tail 424, that is actually 5 being inserted into the skin. 6 Q Do you understand that a CGM sensor usually gets 7 inserted into the interstitial fluid? 8 A That is my understanding, yes. 9 Q And how does that compare to the insertion of an 10 infusion set cannula in terms of insertion depth, a 11 CGM sensor versus infusion set cannula? 12 MR. MASON: Objection. Form. 13 A I'm not -- I did not -- I have not studied 14 intensely nor have I looked -- provided -- excuse me. 15 I have not provided an opinion on what the 16 depth of insertion for a cannula is. 17 Q BY MR. HAFERTEPE: Do you know sitting here? 18 A I do not know sitting here. 19 Q In forming your opinions in this IPR, did you 20 consider the insertion depth of a CGM sensor versus a 21 infusion set cannula? 22 MR. MASON: Objection. Form. 23 A Sorry. Could you repeat the question? 24 Q BY MR. HAFERTEPE: Sure. In rendering your 25 opinions in this IPR, did you consider the comparison	Page 88 1 A Yes. 2 Q And with respect to the prior arts that are 3 cited as part of your eight grounds, the only 4 reference that you assert teaches the claim, the 5 sensor hub limitation, is the Say reference; is that 6 correct? 7 MR. MASON: Objection. Form. 8 A I would like to refer to my paragraph 179, which 9 also references a -- would you call a secondary 10 reference? 11 Q BY MR. HAFERTEPE: You called a background 12 reference? 13 A Background -- well, which is it? Background or 14 second -- background? I'm just asking. Bickoff 15 Exhibit 1018. 16 Q Bickoff is not part of any of the eight grounds, 17 though. Correct? 18 A Again, as I said, Bickoff is part of background 19 reference supporting the use of a sensor hub. 20 Q So my question is for the references that are 21 expressly cited as part of your eight grounds, okay, 22 the only reference among those references that you 23 cite or that you assert teaches the claim sensor hub 24 limitation is the Say reference; is that correct? 25 A I believe that's correct with the understanding
Page 87 1 of the insertion depth of a CGM sensor versus an 2 infusion set cannula? 3 A I do not believe that I did. 4 Q Now, do you have Exhibit 1001, which is the 591 5 patent? 6 A Yes. 7 Q If you could turn to the claims of the 591 8 patent. 9 A Uh-huh. 10 Q Claim 15 and claim 28 both recite a sensor hub. 11 Correct? 12 A Yes, that is correct. 13 Q With respect to the prior art that you site as 14 part of your eight grounds, the only reference that 15 you assert that teaches the claim sensor hub 16 limitation is the Say reference. Correct? 17 MR. MASON: Objection. Form. 18 A I'm sorry. Could you -- I don't believe I agree 19 with that statement -- that question. 20 Q BY MR. HAFERTEPE: So you've asserted eight 21 grounds in this IPR. Correct? 22 A Eight grounds, yes. 23 Q And those eight grounds identify certain 24 references as summarized in the table that you have 25 in your hand. Correct?	Page 89 1 that Bickoff is described as also teaching a sensor 2 hub as the background reference. 3 Q Just so I can make the question more clear. Can 4 I have your sheet that has the summary of the eight 5 grounds? 6 A This table? 7 Q Yes, I'm going to mark that just so we have it. 8 The record will be more clear as Fletcher 3. 9 (Exhibit No. 3 marked.) 10 Q BY MR. HAFERTEPE: Just so the record is clear, 11 the only reference that is part of your eight grounds 12 listed on Fletcher Exhibit 3 that you allege teaches 13 the sensor-held limitation is the Say reference; Is 14 that fair? 15 A I believe that's a correct statement. 16 Q Now, looking back at the 591 patent, claims 17 seven and 25 require that the sensor electronics are 18 in a sleep mode or an idle mode when the on-body unit 19 is in the first position within the inserter; is that 20 correct? 21 A That is my understanding, yes. 22 Q And with respect to the prior art cited in your 23 eight grounds identified in Fletcher Exhibit 3, the 24 only reference that you assert teaches the sensor 25 electronics sleep mode and idle mode limitation of

Page 90 1 claims seven and 25 is the Say reference. Correct? 2 A I believe that is correct. 3 MR. MASON: Objection. Form. 4 Q BY MR. HAFERTEPE: And for your grounds that 5 exclude the Say reference, you do not assert those 6 grounds against the 591 sensor hub claims. Correct? 7 A I'm sorry. Which grounds and which claims? 8 Q For your grounds that exclude the Say reference. 9 A Yes. 10 Q You do not assert those grounds against the 591 11 sensor hub claims which are claims 15 and 28; is that 12 correct? 13 MR. MASON: Objection. Form. 14 A I believe that is correct, yes. 15 Q BY MR. HAFERTEPE: And for your grounds that 16 exclude the Say reference, you do not assert those 17 grounds against the 591 sleep mode/idle mode claims, 18 which are claims seven and 25; is that correct? 19 MR. MASON: Objection. Form. 20 A I believe that's a correct statement. 21 Q BY MR. HAFERTEPE: Now looking back at the 591 22 patent, claims eight and 26 require that the sensor 23 electronics are configured to be activated when the 24 on-body unit is at or near the second position; is 25 that correct?	Page 92 1 Q And the insertion assembly of claim one includes 2 an on-body unit and an inserter; is that correct? 3 A That is correct, as the claim reads. 4 Q And I think I've been using on-body unit 5 throughout the deposition, but sometimes the acronym 6 OBU is used for on-body unit; is that fair? 7 A That's fair. You have used it. 8 Q I have? 9 A Yes. Because I had to catch myself. 10 Q It doesn't surprise me. 11 A All the lawyers use it. I don't use it, but 12 okay. 13 Q To the extent I've already used it today, you 14 understood if I used the acronym OBU, that it was 15 referring to on-body unit? 16 A Yes. 17 Q Is it okay if I continue to potentially use OBU 18 as an acronym for on-body unit? 19 A It is okay. 20 Q All right. Thank you. The -- under claim one 21 of the 591 patent, the OBU has a housing; is that 22 right? 23 A Yes. 24 Q And the OBU housing of claim one of the 591 25 patent has a top surface and a bottom surface; is
Page 91 1 A That's correct. 2 Q And with respect to the prior art cited in your 3 eight grounds identified on Fletcher Exhibit 3, the 4 only reference that you assert teaches the sensor 5 electronics activation limitation of claims eight and 6 26 is the Say reference. Correct? 7 MR. MASON: Objection. Form. 8 A I believe regarding claims eight and 26, I also 9 referenced Stafford itself. 10 Q BY MR. HAFERTEPE: Let me ask you this: For 11 your grounds that exclude the Say reference, you do 12 not assert those grounds against the 591 sensor 13 electronics activation claims, which are claims eight 14 and 26. Correct? 15 A I believe that is correct. 16 Q Turning back to -- turning back to the 591 17 patent, which is Exhibit 1001, there is a total of 30 18 claims in the 591 patent; is that right? 19 A That is correct. 20 Q There is two independent claims in the 591 21 patent which are claims one and 19; is that correct? 22 A Yes, that is correct. 23 Q And claim one of the 591 patent recites an 24 insertion assembly; is that correct? 25 A Yes, that is correct.	Page 93 1 that correct? 2 A I'm sorry. Repeat the question. I was reading 3 the claim. 4 Q The OBU housing of claim one of the 591 patent 5 has a top surface and a bottom surface. Correct? 6 A That is correct. 7 Q And the top surface of the OBU housing in claim 8 one has an opening. Correct? 9 A That's correct. 10 Q And the bottom surface of the OBU housing of 11 claim one has an opening. Correct? 12 A As the claim states, yes. 13 Q And under claim one of the 591 patent, a 14 longitudinal axis extends through the OBU housing top 15 surface and OBU housing bottom surface openings. 16 Correct? 17 A That's what the claim reads. 18 Q And under claim one of the 591 patent, the OBU 19 has a glucose sensor; is that right? 20 A Yes. 21 Q It also has sensor electronics within it? 22 A Within -- 23 Q The OBU housing. 24 A Yes. 25 Q And under claim one the sensor electronics are

Page 94 1 coupled with the glucose sensor; is that correct? 2 A Yes. 3 Q And the inserter of claim one of the 591 patent 4 has a proximal end, a distal end, and an interior. 5 Correct? 6 A Yes. 7 Q The inserter of claim one also has a sharp? 8 A Yes. 9 Q And in this CGM field, the term sharp sometimes 10 is used interchangeably with the word needle or 11 introducer; is that fair? 12 MR. MASON: Objection. Form. 13 A Those terms are used. I'm not sure they're 14 completely interchangeable in all instances. Like 15 the introducer has in the Funderburk, it's a sharp 16 plus another part of the body to hold additional -- 17 to do something else. 18 Q BY MR. HAFERTEPE: You certainly agree that the 19 term sharp and needle are often used interchangeably 20 in the CGM field? 21 A Yes. 22 Q And under claim one of the 591 patent, the sharp 23 extends through the openings in the top surface and 24 bottom surface of the OBU housing when the OBU is in 25 the first position?	Page 96 1 A That's the way that that claim element reads, 2 yes. 3 Q Independent claim 19 of the 591 patent, it has 4 all the limitations of claim one. Right? 5 MR. MASON: Objection. Form. 6 A Is that a correct statement? I believe I state 7 something about that. 8 Q BY MR. HAFERTEPE: And let me rephrase the 9 question. You can still look. 10 Independent claim 19 of the 591 patent has 11 all the limitations of independent claim one plus a 12 few extra limitations; is that fair? 13 A Yeah. The reason I'm hesitating is I haven't 14 done the full -- I'm looking at the full analysis 15 what is claim 19 -- I see. It has additional things. 16 MR. MASON: Objection. Form. 17 A Yeah, it's a little confusing. 18 Q BY MR. HAFERTEPE: Do you know, without going 19 through line by line -- I didn't know if you knew the 20 answer to that question just from your prior 21 analyses. Do you know that or not? 22 A I don't know specifically the answer to that 23 question without looking -- reviewing a little more 24 detail. 25 Q Then I'll withdraw the question.
Page 95 1 A I'm sorry. Repeat the question. 2 Q Sure. Under the claim one of the 591 patent, 3 when the OBU is in the first position, which is 4 within the inserter, the sharp extends through the 5 openings in the top surface and bottom surface of the 6 OBU housing; is that correct? 7 A That is the way I would interpret that, yes. 8 Q And under claim one of the 591 patent, the 9 inserter is configured to advance the OBU and sharp, 10 such that the sharp pierces the skin of the user; is 11 that fair? 12 MR. MASON: Objection. Form. 13 A Yes, that appears to be the way the claim reads, 14 yes. 15 Q BY MR. HAFERTEPE: Under claim one of the 591 16 patent, the distal end of the inserter is configured 17 to be positioned on the skin before the advancement 18 of the OBU and the sharp; is that fair? 19 MR. MASON: Objection. Form. 20 A Yes. 21 Q BY MR. HAFERTEPE: And then under claim one of 22 the 591 patent, the distal end of the inserter is 23 further configured to be removed from that 24 positioning on the skin after automatic retraction of 25 the sharp from within the user?	Page 97 1 Do you know that claim 19 of the 591 patent 2 includes limitations that are not found in claim one? 3 Do you know that? 4 A It appears -- it appears that there is some 5 additional -- as I state in a footnote on page 49 to 6 the original ground one claims discussion, footnote 7 four says, [as read:] the elements of claim 19 that 8 correspond to those of claim one are mapped herein 9 with claim one. Remaining ones are mapped with 10 claims three, four, five and 14, which must indicate 11 that there are components of claim 19 that are beyond 12 what was in claim one -- independent claim one 13 itself, and our end, independent claims three, four 14 five and 14. 15 Q Now, could you pull out your copy of the 16 Stafford reference -- let me pull mine out too. The 17 Stafford reference is Exhibit 1004; is that correct? 18 A Yes. 19 Q And you have a copy of that of Stafford? 20 A I do. 21 Q Now, look at figure one that shows the Stafford 22 insertion assembly. Right? 23 A I believe that's correct. Yes. 24 Q And the Stafford insertion assembly just has the 25 needle, which I think is 106 in figure two. Can't

Page 98 1 see it in 104 because it's covered by a needle guard. 2 Let me restart my question. 3 The Stafford insertion assembly has the 4 needle, the on-body unit and the needle guard? 5 A I'm sorry. Repeat the question. 6 Q Sure. The Stafford insertion assembly just has 7 a needle, an on-body unit and the needle guard. 8 Correct? 9 MR. MASON: Objection. Form. 10 A I would say there is a sensor also, so I don't 11 agree with that statement completely. Repeat the 12 question again. 13 Q BY MR. HAFERTEPE: Sure. The sensor is part of 14 the on-body unit. Correct? 15 A I want to make sure that I answer correctly 16 based on what I understand. So repeat the question 17 again finally. Sorry. 18 Q Sure. The Stafford insertion assembly has a 19 needle, the on-body unit and the needle guard. 20 Right? 21 A I agree with that statement as long as you 22 include, as indicated in figure one, an adhesive 103 23 and, in his embodiment, a temperature sensor 105 as 24 part of the on-body unit. 25 Q Fair enough. Now, in your eight grounds, you	Page 100 1 the Stafford by itself. 2 Q That's not my question. My question simply is, 3 you would agree that the Stafford plus Cote 4 combination, as proposed in your grounds, would have 5 more components than just the Stafford insertion 6 assembly by itself? 7 A Yes, that's probably correct. 8 Q And you would agree that the Stafford plus Cote 9 insertion assembly proposed in your eight grounds 10 would have -- or would require more materials than 11 the Stafford insertion assembly by itself. Correct? 12 MR. MASON: Objection. Form. 13 A By materials are you -- what do you mean by 14 materials? 15 Q BY MR. HAFERTEPE: All the materials that make 16 up the insertion assembly including the materials 17 that make up the Cote inserter including the spring, 18 cylinder hub, and all its other components. 19 A If by material you mean mass of material or 20 volume of material, then I will probably agree with 21 that statement. 22 Q The insertion assembly of your proposed Stafford 23 plus Cote combination asserted in your eight grounds, 24 that would require more manufacturing steps than the 25 Stafford insertion assembly by itself. Correct?
Page 99 1 propose combining Stafford's insertion assembly with 2 Cote's inserter 1100. Correct? 3 A Yes, I believe that is correct. 4 Q And the combined insertion assembly of your 5 Stafford plus Cote combination would have more 6 components than the Stafford insertion assembly by 7 itself. Correct? 8 A I would believe that's probably the case, 9 although I haven't counted components of one or the 10 other. 11 Q You're simply adding Stafford to the Cote 12 inserter. Correct? 13 MR. MASON: Objection. Form. 14 A We are combining Stafford and Cote. I'm not 15 sure simply adding it is the right term I would use, 16 but we have a combination. 17 Q BY MR. HAFERTEPE: So wouldn't, inherently, the 18 combination of Stafford plus Cote -- strike that. 19 Let me ask the question a little more clearly. 20 Wouldn't your proposed combination of 21 Stafford plus Cote inherently have more components 22 than Stafford by itself? 23 A I believe that would be the case. But again, 24 there is motivation to combine because of the 25 additional attributes that the combination gives over	Page 101 1 A I didn't offer an opinion. I don't know what 2 the manufacturing steps of Stafford are. I didn't 3 offer an opinion on the manufacturing steps of 4 Stafford or of Cote or of the combination. 5 Q So you didn't take into account the amount and 6 cost of manufacturing that would be required for your 7 Stafford plus Cote combination versus Stafford by 8 itself in referencing your opinions in this IPR? 9 MR. MASON: Objection. Form. 10 A I don't believe I offered any opinion as to the 11 consideration of cost in comparison -- comparing the 12 various grounds, but I could have. I'm just not 13 seeing it in the declaration right now. 14 Q BY MR. HAFERTEPE: Would you agree that the 15 insertion assembly of your Stafford plus Cote 16 combination that underlies your eight grounds would 17 be larger in size than the Stafford insertion 18 assembly by itself? 19 A Yes, I believe probably that the combination -- 20 the Stafford plus Cote combination would be larger 21 than the Cote embodiment alone. 22 Q Stafford embodiment? 23 A Stafford embodiment alone. 24 Q And would you agree that the insertion assembly 25 of your Stafford plus Cote combination that underlies

Page 102 1 your eight grounds would require larger packaging 2 than the Stafford insertion assembly by itself, given 3 its larger size? 4 A I didn't offer any opinion as -- I don't believe 5 I offered an opinion as to their packaging 6 requirements of either -- of either the Stafford or 7 Cote alone or in a combination. Based on what we've 8 just discussed, one might expect that the packaging 9 of the combination would be larger than the packaging 10 for Stafford alone. It might not be any larger than 11 the packaging for Cote alone. 12 Q Would you agree that the insertion assembly of 13 your Stafford plus Cote combination that underlies 14 your eight grounds would be heavier than the Stafford 15 insertion assembly by itself? 16 A I would -- while I didn't offer an opinion, I 17 would suspect that given that the combination of 18 Stafford plus Cote includes most of the components of 19 Stafford, that the combination would be heavier than 20 Stafford alone. 21 Q Would you agree that the insertion assembly of 22 your Stafford plus Cote combination that underlies 23 your eight grounds would result in more disposed 24 waste after product use than the Stafford insertion 25 assembly by itself?	Page 104 1 respect to the Stafford plus Cote combination that 2 underlies your eight grounds. There is an inserter 3 that gets thrown away by the user after use; is that 4 right? 5 A I believe I said that. I should probably check 6 to see what we said around disposing -- re 7 disposability. I seem to recall referencing 8 disposable -- I just want to make sure what we said 9 in the declaration about disposable devices. I'm 10 sure that somewhere in my declaration I talk about 11 disposable devices, because that was discussed in 12 both Stafford and Cote. I'm just not seeing where 13 I -- yes, we certainly refer in paragraph 67 to the 14 fact that Stafford's goal of a single disposable 15 assembly does not require a separate sensor 16 introducing device, which is paragraph 44. I'm 17 sorry. What was the question again? 18 Q Sure. I'll reread it, and I'll try to break it 19 down into two. Is that with respect to the Stafford 20 plus Cote combination that underlies your eight 21 grounds, there is an inserter that gets thrown away 22 by the user after use; is that right? 23 A I believe that is correct. Again, I'm sure I 24 mentioned that regarding the combination, but I'm 25 just not sure where in the document I state that.
Page 103 1 A I didn't offer an opinion, so I don't -- no. I 2 don't know -- I didn't offer an opinion. I would 3 only be speculating as to what the disposed waste 4 might be versus the recycled waste. 5 Q Let me ask you this: With your Stafford plus 6 Cote combination, the user ends up throwing away a 7 separate inserter. Correct? That's Cote's inserter? 8 A I believe that I offered an opinion that Cote -- 9 yeah, that Cote's insertion mechanism can be 10 disposable. 11 Q And with respect to just the Stafford insertion 12 assembly by itself, there is no separate inserter 13 that gets thrown away; is that correct? 14 A There is an introducer that gets thrown away. 15 Q There is also an introducer in the Stafford 16 plus Cote combination. Right? 17 A That's correct. 18 Q So in the Stafford plus Cote combination, there 19 is an inserter that gets thrown away. That does not 20 happen when you just have the Stafford insertion 21 assembly by itself. Correct? 22 MR. MASON: Objection to form. 23 Q BY MR. HAFERTEPE: Let me ask -- 24 A That was a long question, multiple parts. 25 Q That -- I think you testified already with	Page 105 1 Q With respect to the Stafford insertion assembly 2 by itself, there is no such inserter that gets thrown 3 away by the user after sensor insertion. Right? 4 A If, when you say that, you're assuming the 5 introducer in Stafford is part of the inserter in the 6 combination. There is something in Stafford that 7 gets thrown away. It's the introducer. 8 Q All right. Let me make my -- that's a decent 9 point. Let me rephrase my question. 10 When a user uses the Stafford insertion 11 assembly, there is no inserter housing, cylinder hub, 12 spring -- what's the other -- sleeve that gets thrown 13 away as it does with respect to the -- 14 A I disagree. In Stafford there is the needle 15 guard that is removed and thrown away prior to use, 16 and the introducer is also thrown away. 17 Q Let me ask it a different way: You certainly 18 would agree that the amount of waste that gets thrown 19 away after use is greater with the Stafford plus Cote 20 combination than it is with the Stafford insertion 21 assembly by itself? 22 A I would agree that it appears to be the case. 23 But again, you're getting all the additional benefits 24 that I highlighted that come with the combination. 25 Q Again, I'm just going to ask that you answer the

Page 106 1 questions that I ask. If your counsel wants to ask 2 you some questions. I would appreciate not the 3 self-serving followup. 4 So to go back to what I actually asked, 5 just so the record is a little more clear, you would 6 agree that there would be greater waste thrown away 7 after use with your proposed Stafford plus Cote 8 combination than with the Stafford insertion assembly 9 by itself. 10 A I would agree -- it would appear that there 11 would be greater material to be disposed of in the 12 combination. 13 MR. MASON: I think we're at about 53 14 minutes or so, for the break. 15 Q BY MR. HAFERTEPE: Would you agree that you're 16 not an electronics expert? 17 MR. MASON: Objection. Form. 18 A I would qualify -- no, I wouldn't agree to that. 19 I have done electronics, analog electronics in the 20 distant past. And am I trained? I am not trained as 21 an electrical engineer but I have done electronics 22 development in the past. 23 Q BY MR. HAFERTEPE: Have you ever served as an 24 expert on electronics? 25 A I have not served as an expert in patent	Page 108 1 Right? 2 A I don't believe that it does, but again, I 3 couldn't say definitively without reviewing the whole 4 document. I don't refer to it as stating that. 5 Page 509, lets see what it says. I can't 6 find -- as I'm reviewing the document now rather 7 quickly, I don't see any reference to glucose sensors 8 or continuous glucose monitors in Exhibit 1034. It 9 doesn't mean that they're not, just that I don't see 10 it at this point. 11 MR. HAFERTEPE: We've been going about an 12 hour. Do you want to take a break? 13 THE WITNESS: Sure. 14 (Break in proceedings.) 15 Q BY MR. HAFERTEPE: Welcome back, Dr. Fletcher. 16 A Uh-huh. 17 Q Did you discuss the substance of your testimony 18 on the break with Counsel? 19 A No, I did not. 20 Q Now, I think you've taken the position that 21 there are -- strike that. 22 I think you have taken the position that as 23 of the priority date of the 591 patent, there were 24 numerous known reasons and advantages for having the 25 on-body unit further up inside the inserter; is that
Page 107 1 litigation as an electronics expert. 2 Q Have you served as an expert in any litigation 3 as an electronics expert? 4 A I don't believe I have. 5 Q I would like to show you Exhibit 1034 that you 6 site. Do you recognize Exhibit 1034? 7 A I do. 8 Q Is this one of the exhibits that you reference? 9 A It appears to be, yes. 10 Q Would you agree that Exhibit 1034 does not 11 mention glucose sensors? 12 A I do not refer to Exhibit 1034, at least the 13 place in paragraph 120 of my declaration, as having a 14 reference to continuous glucose monitoring. 15 Q I didn't ask you -- I guess my simple question 16 is, does Exhibit 1034 ever mention glucose sensors at 17 all? 18 A It doesn't appear to mention glucose sensors. I 19 can't say that it doesn't, but I haven't found any 20 reference to glucose sensor as I'm reviewing it. 21 Q And it doesn't mention sensors generally at all. 22 Right? 23 A I couldn't say without rereading the whole 24 document. 25 Q Exhibit 1034 doesn't mention CGM devices at all.	Page 109 1 a fair characterization? 2 A Could you be more specific when you say that? 3 Q For example -- 4 A Can you refer to a place in my declaration? 5 Q That's what I was going to do. How about 6 paragraph 115 of your report. 7 A Okay. I'm there. 8 Q And so I'll reask my question. In your opinion, 9 as of the priority date of the 591 patent, were there 10 numerous known reasons for having an on-body unit 11 kind of tucked up inside an inserter? 12 A There are better -- 13 Q Sure. You can probably state it more eloquently 14 than -- 15 A It's hard to answer the question because I think 16 what you're asking is -- I would phrase differently. 17 Q How would you phrase it? 18 A I believe I've stated there were numerous 19 reasons and ways by the priority date of the 591 20 patent to, for one, avoid needle sticks. And by that 21 I mean position, as I stated in the paragraph, 22 position the sharp up within the inserter device to 23 avoid needle sticks, as an example. That's -- I 24 reference Cote 235, yeah. 25 This is Cote paragraph 235, [as read:]

Page 110 1 further, several embodiments disclosed herein include 2 structures that cover or hide the needle prior to 3 insertion of the site and also cause the needle to be 4 retracted into the device after insertion to protect 5 against inadvertent contact with the needle. 6 Q So in your opinion were there known reasons the 7 skilled person, as of the 591 priority date, to 8 position an OBU well up inside the inserter, away 9 from the distal end of the inserter? 10 A Again, what is included in your definition of 11 OBU in that case, because the important thing is to 12 have the end of the introducer or needle or sharp 13 away from the distal, not right at the distal end of 14 the insertion device. 15 Q And typically in these devices, the insertion 16 needle goes through the on-body unit when it's in the 17 insertion device? 18 A The devices we are discussing today, yes, that 19 would be the case. 20 Q So what reasons, if any, would a skilled person 21 want to have the OBU with the needle going through, 22 tucked up higher inside the inserter, as opposed to 23 being at the distal end when it's in its initial 24 position? And this is as the 591 priority date. 25 MR. MASON: Objection. Form.	Page 112 1 aperture." It references paragraph 27 of Cote -- I'm 2 sorry, of Stafford. 3 In paragraph 27, Stafford in one 4 embodiment -- this is about a third of the way down 5 that paragraph. [as read:] In one embodiment the 6 housing of the transmitter unit 101 is provided with 7 a self-sealing aperture (not shown) through which the 8 introducer may be removed such that when the 9 introducer is withdrawn, there is no opening or 10 aperture on the data processing unit 101 housing 11 where moisture or contaminant may compromise the 12 functions and operations of the data processing unit 13 101. 14 So at least Stafford teaches that moisture 15 and other contamination could be a problem or may 16 compromise the functions and operations of the data 17 processing unit. 18 Q So one reason that you would want to prevent 19 moisture and contamination from getting into the 20 on-body unit housing is to avoid compromising the 21 functions and operations of the electronics inside 22 the housing? 23 A That's my interpretation. He says the functions 24 and operations of the data processing unit, but 25 that's an interpretation of that description, yes.
Page 111 1 A As I state in paragraph 115, in addition, such 2 positioning allows the needle to accelerate prior to 3 hitting the skin, which can be beneficial. In other 4 words, the needle can move downward prior to hitting 5 the skin because it's up inside the insertion device 6 for patients with higher-than-average skin thickness 7 or skin density. That's from Exhibit 1042. 8 As it would have been obvious for this 9 reason and other reasons that I refer in the 10 preceding two paragraphs, "to position the Stafford 11 plus Cote sharp some distance away from the distal 12 end of the inserter, thus requiring some initial 13 travel before the sharp contacts the user's skin, 14 e.g. to, quote, unquote, 'shroud,' end quote, the 15 needle prior to insertion as taught in Cote." 16 Q BY MR. HAFERTEPE: When you have an on-body unit 17 housing with electronics inside, is it desirable to 18 prevent moisture and contamination from getting into 19 the on-body unit housing? 20 A I believe I discuss that in reference to both 21 Stafford and Cote's self-sealing aperture and/or 22 diaphragm. So let's -- paragraph 93 I make reference 23 to -- there is a sentence about a third of the way 24 down in my paragraph 93 saying, "Stafford also 25 teaches that its upper opening is a self-sealing	Page 113 1 Q Is that a fair interpretation? 2 A Yes. 3 Q And people who wear these on-body units, they 4 shower, they swim, they sweat. Right? 5 A I can only assume so, yes. 6 Q So what CGM devices are you familiar with? 7 A I am aware of devices manufactured by Dexcom. 8 I'm aware of devices manufactured by Abbott Diabetes 9 Care. I'm aware that there are other companies 10 attempting to develop devices in the space. I am not 11 seeing or looked at any documentation other than 12 maybe a patent popped up that I kind of glanced at 13 the title at, but I haven't thoroughly studied any 14 other continuous glucose monitors. 15 Q Which ones are you familiar with generally how 16 they operate, like specific devices? 17 A I have some familiarity with the Dexcom 18 products, some familiarity with G6, less with G7, and 19 familiarity with the Abbott devices if they practice 20 claim elements on the patents that I've filed 21 declarations on. 22 Q What do you mean by that last part? 23 A I mean I have not physically had an Abbott 24 device in my hands to look at and understand. I 25 understand from various patents how an Abbott device

Page 114 1 may work if it uses -- if it leverages those patents 2 in its operation. 3 Q Are you aware that Abbott's Libre products have 4 automatic retraction of a needle from within a user? 5 A I was not specifically aware of that attribute, 6 I don't believe. I don't recall having learned that 7 from anywhere. 8 Q Are you aware that the G6 has automatic 9 retraction of a needle from an end user? 10 A I believe it does but I have not -- as I said, 11 not taken it apart to see or used it and taken it 12 apart. I physically have a G6 on my desk or near my 13 desk at home, but I have not used it or taken it 14 apart. 15 Q Are you aware that -- you've seen the G6 16 inserter. It kind of looks like a computer mouse. 17 A Yes. 18 Q And you've seen when a user puts it on their 19 skin, they push an activation button, the needle and 20 the sensor go in, the needle automatically retracts 21 and the user removes the inserter; is that fair? 22 MR. MASON: Objection. Form. 23 A Again, I have not physically done that. I have 24 not looked at -- or at least not recently looked at 25 any brochures describing it -- any patient handouts	Page 116 1 commercially available cannula inserter or insertion 2 device or set. 3 Q Have you ever photographed a cannula inserter? 4 A I don't believe I have photographed one. I 5 probably have seen diagrams or photographs of such 6 devices, but I have not photographed one. 7 Q Have you ever broken one down, taken it apart. 8 When I say "it," I mean the cannula inserter. 9 A I don't believe that I have, no. 10 Q So coming back -- again, I was talking about the 11 G6 inserter and how it works. The inserter stays on 12 the skin until the needle comes out and then the user 13 throws it away, the inserter. Right? 14 A I believe so, yes. 15 Q What is the advantage of keeping the base of the 16 inserter on the skin during the insertion or 17 retracting process, if any, until the retraction 18 process is over? 19 MR. MASON: Objection. Form. 20 A Not sure that I offered an opinion other than 21 minimizing pain during insertion or retraction. And 22 I probably -- in speaking about the grounds which 23 include Brenneman around the peripheral apertures, I 24 believe, and we can go to that part, prevent damage 25 or misalignment of the introducer and the sensor
Page 115 1 that would describe how to use it. I would not be 2 surprised if that's not the correct interpretation of 3 how it works. 4 Q BY MR. HAFERTEPE: Have you ever personally used 5 the CGM product or tested one? 6 A I believe the answer to that is no, I have not 7 personally used or tested one. 8 Q Have you ever photographed one? 9 A I might have photographed the G6 that's in my 10 office, but I'm not sure I did. I don't know why I 11 would have done that. 12 Q Have you ever broken down or taken apart a CGM 13 device? 14 A No, I have not. No, I have not. 15 Q Coming back to the G6, I was describing at a 16 high level how it works. The user puts the 17 mouse-shaped inserter on their skin, they remove the 18 safety guard, push an actuation button, needle and 19 sensor go in, needle comes back out and they remove 20 the inserter. Is that generally your understanding 21 of how that works? 22 A It would be a general high-level understanding. 23 Q Let me ask you a separate question: Have you 24 ever tested a cannula inserter before? 25 A I don't believe that I've ever tested a	Page 117 1 during insertion and retraction of the introducer. 2 Q BY MR. HAFERTEPE: That was going to be a 3 question. Does it provide stability during that 4 insertion/retraction process by keeping the base of 5 the inserter on the skin? 6 A I haven't studied that specifically, but one 7 would guess that's probably a benefit. 8 Q And I think -- were you familiar with any of the 9 electronic CGM devices or just their names? 10 A I was only familiar with the original Medtronic 11 devices in that it was known and I was reading the 12 literature that they didn't work very well as far as 13 reporting glucose. Did I know the devices and the 14 mechanisms? Not specifically. 15 Q Okay. Now, one of the references that you rely 16 on in some of your grounds, and you've mentioned it 17 here today, is the Brenneman reference. Right? 18 A Yes. 19 Q And that's Exhibit 1040. Right? 20 A I believe that's the case. 21 Q Do you know how the Brenneman insertion process 22 works in terms of how the needle and sensor goes into 23 the body? 24 A I believe I reviewed that in reviewing the 25 exhibit, yes.

Page 118 1 Q And in Brenneman, the needle and sensor are 2 inserted into the body via rotational motion. Right? 3 A I believe that's my understanding, yes. In the 4 embodiment as shown in -- well maybe all the 5 embodiments, but at least the embodiment that we 6 referred to, yes. 7 Q And the on-body unit in Brenneman starts at the 8 end of the inserter and never leaves that 9 position; is that fair? 10 Let me rephrase it because maybe -- the 11 on-body unit in Brenneman doesn't start at a first 12 position within the Brenneman inserter and then 13 advance to a second position on the skin; is that 14 right? 15 A I'm not sure I agree with that. Some part of 16 the Brenneman on-body unit rotates in order to insert 17 the sensor. 18 Q And my question is referring to vertical motion. 19 A Okay. You didn't specify. There is motion to 20 insert. 21 Q So let me just kind of rephrase so -- I wasn't 22 asking it clearly. 23 In Brenneman the on-body unit doesn't start 24 in a first proximal position within the inserter and 25 then advance distally to a second position on the	Page 120 1 remember whether -- whether it's loaded by the user 2 or whether it comes packaged together. I just don't 3 know. 4 I believe I recall a section of Brenneman 5 where that may be correct in that the insertion 6 device can be reused. So if I'm correct in -- if my 7 recollection is correct, then a possible use case is 8 with the user loading a new on-body unit within the 9 inserter. But I would have to review the full 10 document, unless you have -- 11 Q One example would be paragraph 41 of Brenneman 12 which describes the steps of using it, and the first 13 step is loading the continuous analyte monitoring 14 assembly into the inserter. But you can look -- you 15 can look for yourself. 16 A So yes, in that -- in that method listed in 17 paragraph 41 it appears someone is loading -- that's 18 the first uploading in continuous analyte monitoring 19 assembly with implantable sensor into the -- an 20 inserter. 21 Q I think you can -- let me doublecheck really 22 fast. I think you can put Brenneman away for now at 23 least. 24 Are you familiar with insulin pens? 25 A I am familiar with them in the sense that they
Page 119 1 skin. Correct? 2 A If by proximal and distal, you mean vertical? 3 Q I do. 4 A I believe that's my understanding. That is 5 correct. 6 Q The on-body unit in Brenneman starts at the 7 distal end of the inserter and stays there, but 8 inserts the sensor needle via rotational motion of 9 the on-body unit relative to the inserter. 10 A That's my understanding. Correct. 11 Q And the Brenneman needle does not retract back 12 within the inserter. It retracts back within the 13 on-body unit. Correct? 14 A That is -- I believe that is correct. That's my 15 understanding. 16 Q And the on-body unit in Brenneman does not have 17 an opening in its top surface through which the 18 needle goes through. Correct? 19 A That is correct. 20 Q That's because Brenneman's needle is contained 21 fully within its on-body unit. Correct? 22 A That's my understanding. 23 Q And the on-body unit of Brenneman is loaded into 24 the inserter by the user just before use. Correct? 25 A I'd have to review Brenneman. I'm not sure I	Page 121 1 exist. I have not studied the devices in great 2 detail, and I don't believe I've come across them or 3 studied them in the declarations that I've prepared. 4 In other words, I don't believe I've looked 5 extensively at the patent literature for insulin 6 pens. 7 Q And then how about actual commercial products of 8 insulin pens? Do you have familiarity with them? 9 A Not a great detail, no. Other than they exist. 10 Q Would you agree that insulin pens have been 11 around a lot longer than CGM devices? 12 A I believe that injection pens have been around, 13 and probably insulin as the most common use of an 14 injection pen. I don't know when the first insulin 15 pen was brought to market. 16 Q Could you pull out your copy of the Cote 17 reference, which is Exhibit 1005. And I think you 18 also have your -- let me know when you get to Cote. 19 A I have it. 20 Q And then -- I think this is a simple issue, but 21 could you go to page -- or paragraph 110 of your 22 report. 23 A The declaration? 24 Q Or declaration, I'm sorry. And Cote -- could 25 you turn to figure 81C. I just want to confirm one

Page 122 1 thing. 2 A 81C, yes, the 81C problem. 3 Q That's what I wanted to clarify. In Cote figure 4 81C is supposed to show inserter 1100, but Cote 5 erroneously put in a different embodiment. It might 6 be -- I don't know if it's 1100 double prime or -- 7 A I believe it's synonymous with -- yeah, with 8 figures 85A and B, which is 1100 double prime. 9 Q 85. Yeah, I think you're right. But you 10 appreciate, which I think we did as well, figure 81C 11 was just an error on the part of Cote. Was supposed 12 to be showing inserter 1100. Right? 13 A Right. 14 Q And the corresponding paragraphs describing 15 figure 81C is describing inserter 1100. It's just 16 Cote put in the wrong inserter picture. 17 A I believe that's the case. That's -- 18 Q That's what we -- 19 A That's my interpretation of what happened. 20 Otherwise -- you spend more hours than you should 21 have. 22 Q Fair enough. 23 A I believe I tried to explain that at some point. 24 Q That was the footnote in your paragraph 110. 25 It's technically on page 74. That's what I -- I	Page 124 1 MR. HAFERTEPE: Dr. Fletcher, thank you for 2 your time. I actually don't have any further 3 questions. 4 MR. MASON: And we have nothing on 5 redirect. 6 MR. HAFERTEPE: We can go off. 7 8 (DEPOSITION ADJOURNED AT 2:46 p.m.) 9 * * * 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Page 123 1 thought we were all on the same page, but I figured 2 if we were at a deposition, let's just make clear 3 that we are. And I think that's what you were trying 4 to say in your footnote six. 5 A And hopefully that footnote was clear enough for 6 anyone reading it to understand that's what I was 7 trying to say. 8 Q That's what I figured. 9 A They were trying -- Cote is trying to illustrate 10 the overtravel of the 1100 device. It just didn't 11 illustrate the overtravel. It's the 1100 double 12 prime. 13 Q It showed it -- it used the wrong figure to show 14 it. 15 A Yes. 16 MR. HAFERTEPE: Can we take, like, a 17 ten-minute break? I'm not going to be immediately 18 end but I'm near the end, and it would be more 19 efficient if I could talk with him for ten or 15 20 minutes, I think for everybody, if that works. 21 MR. MASON: Yes. We'll meet back in here 22 at about 40 after? 23 MR. HAFERTEPE: Yeah, that would be 24 perfect. 25 (Break in proceedings.)	Page 125 1 CERTIFICATE 2 I, Rosemary Tanzer, a Registered 3 Professional Reporter, and a Certified Shorthand 4 Reporter for Oregon and Washington Certified Court 5 Reporter, hereby certify that said witness personally 6 appeared before me at the time and place set forth in 7 the caption hereof; that at said time and place I 8 reported in stenotype all testimony adduced and other 9 oral proceedings had in the foregoing matter; that 10 thereafter my notes were transcribed through 11 computer-aided transcription, under my direction; and 12 that the foregoing pages constitute a full, true and 13 accurate record of all such testimony adduced and 14 oral proceedings had, and of the whole thereof. 15 Witness my hand at Portland, Oregon, this 16 28th day of June, 2024. 17 18 19 <u>Rosemary Tanzer</u> 20 21 Rosemary Tanzer 22 OREGON CSR NO. 94-0299 23 Expires September 30, 2026 24 25

Exhibits Exhibit 1 3:8 12:9,10, 14,20 Exhibit 2 3:10 67:16, 23 68:8 Exhibit 3 3:11 89:9, 12,23 91:3 0 036 84:21 1 1 12:10,14,20 10 13:14 31:4 100 65:1 1001 11:1 32:9 87:4 91:17 1003 19:25 20:19 1004 11:11 13:13 97:17 1005 11:11 21:16,22 30:9,23 69:10 121:17 1006 11:11 78:4 1007 11:12 1008 11:12 36:14 76:13 1009 11:12 101 30:1,12 112:6,10, 13 1018 88:15 1021 84:2,9,10,11 85:19 103 98:22 1034 107:5,6,10,12,16, 25 108:8 104 98:1 1040 11:13 13:14 117:19 1042 111:7 105 98:23 106 97:25 11 84:4,19 85:6 110 121:21 122:24 1100 21:15 22:4,16,19, 22 23:2,6 24:2,4	25:18 27:14 28:6,15 29:21 30:14 31:10,14, 22 32:3 71:10,14,20 72:3,7,10,13,16,19,23 73:1,5,10,17 74:8,16, 22 99:2 122:4,6,8,12, 15 123:10,11 1110 72:8 73:25 74:1 1111 73:25 1120 72:14 74:2 11202591 10:8,13 1122 73:11,12,15 1130 72:20 74:2 1135 72:20 114 83:21 1140 72:11 74:5 115 80:23 109:6 111:1 1150 72:17 1160 73:2 1170 73:5,8 12 73:23 84:4,20 85:7 120 107:13 1227 72:20 12:00 82:21 1335 72:21 1336 72:24 74:3 14 97:10,14 143 81:5 144 80:13,16 81:2,12, 22 82:3 145 81:5 15 77:17,19 87:10 90:11 123:19 16 68:7,12,17,24 84:3, 14,15 85:19 164 36:12 17 68:7,13 84:4,13,19 85:6 179 88:8 1800 74:3 75:7,12 76:2 184 84:10 19 29:12,16 32:12,13, 19 77:17,20 91:21 96:3,10,15 97:1,7,11 1900 74:5 197 79:17 198 73:15,16	1990s 46:4 1B 23:12 2 2 67:16,22,23 68:8 2000s 37:22 2003 31:4,13,21 32:2 70:21 2005 30:24 2006 39:2 42:11 2008 42:12 2009 71:3,7 2010 71:2,3 2018 39:18 2019 19:6 2021 17:10 2023 56:20 203 73:23 82:8 207 73:23 211 30:9 59:5,11 23 84:15,24 85:1 235 109:24,25 241 5:3 25 89:17 90:1,18 26 90:22 91:6,8,14 27 112:1,3 28 77:19 87:10 90:11 2:46 124:8 3 3 89:8,9,12,23 91:3 30 77:17 91:17 314 84:17 335 15:21,24 340 84:16 85:24 354 84:21 85:9 36 71:19 74:22 75:6,19 39 74:20 3A 71:21 4 40 123:22 41 32:12,14,18 120:11, 17	424 84:15,21,22 85:1, 3,7,14,17 86:3,4 430 84:17 431 84:17 44 36:14 104:16 440 15:12 443 16:20 42:5,6 45 79:1 80:21,22 82:20 46 82:7,20 49 97:5 5 5 13:14 509 108:5 51 71:18 53 23:23 106:13 57 32:12,14,18 73:21 591 12:10,12 13:1,5 14:8,17 17:8,16,21 18:8,14 19:22 21:8,15 22:3 23:11,12 24:14, 19,21 25:3 28:23 29:2,8,19 32:8,11,21, 25 33:18 36:8 41:10, 24 44:6 46:17 56:6, 19,25 57:6,14,22,23 58:5 59:18,25 60:6, 16,24 64:4 70:24 87:4,7 89:16 90:6,10, 17,21 91:12,16,18,20, 23 92:21,24 93:4,13, 18 94:3,22 95:2,8,15, 22 96:3,10 97:1 108:23 109:9,19 110:7,24 6 6 13:14 6175752 76:14 649 14:25 15:2,12 67 30:1 104:13 6A 74:19 7 7 13:14 74 122:25 79A 71:17,21,22 72:5	73:4 8 8 13:14 80 23:24 80A 31:7,10 71:23 72:6 75:19 81A 30:20 81C 121:25 122:2,4, 10,15 85 122:9 85A 122:8 9 9 13:14 90s 37:22,23 93 111:22,24 97 37:23 A Abbott 4:10,13 17:15 18:13 43:18 56:6,18 57:22 58:24 59:12,24 60:19 64:4 65:15 113:8,19,23,25 Abbott's 42:1,14 56:25 57:5,14,17,21 58:4,15 59:17 60:15, 23 61:5 67:17 114:3 abdomen 63:11 about 6:4 12:18 13:7 23:7,22,25 24:13 26:15 32:25 33:19 34:21 36:5 37:13 38:20,22 41:15,17,20 44:4 48:24 54:17 55:14 59:1 60:19 61:11,13 62:2,5,8,12 63:3 64:13 66:3,19,23 75:16 85:8,14 96:7 104:9,10 106:13 108:11 109:5 111:23 112:4 116:10,22 121:7 123:22 above 59:8 accelerate 111:2 accommodate 6:8
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account 41:23 58:23 59:12,24 101:5 accurate 6:11 accused 64:3,21 65:3 acronym 37:8,13 92:5, 14,18 across 121:2 action 14:10 activated 90:23 activating 33:1 activation 91:5,13 114:19 actively 18:5 actual 7:5 11:2 121:7 actually 7:16 15:24 27:4 55:25 58:18 67:8 84:4 86:3,4 106:4 124:2 actuation 115:18 adapted 80:24,25 81:2 added 12:5 82:17 adding 99:11,15 addition 22:11 76:20 77:14 111:1 additional 13:25 94:16 96:15 97:5 99:25 105:23 address 5:2 adhesive 73:2 98:22 ADJOURNED 124:8 advance 95:9 118:13, 25 advanced 30:3 advancement 95:17 advances 79:15 80:3 advantage 116:15 advantages 108:24 affiliation 8:5,6 affirmative 22:7 67:1 after 38:4,12 39:7 40:8 42:17 48:12 49:19 50:3,8,13 77:6 80:17 82:15,17 83:4 95:24 102:24 104:3, 22 105:3,19 106:7 110:4 123:22 again 26:6 30:10,23 32:6 33:15 34:5,14,19 35:20 38:10 39:25	53:10 60:13 61:1 62:5 66:12 70:17 76:17 82:6,11 88:18 98:12, 17 99:23 104:17,23 105:23,25 108:2 110:10 114:23 116:10 against 17:16 18:14 56:6,19 57:1,6,15,18 58:24 59:13,17 65:16 67:17 90:6,10,17 91:12 110:5 ago 41:22 62:9 66:21, 22 68:5 agree 33:4,10 38:10 48:25 52:1,15,25 64:9 74:25 75:10 76:4 87:18 94:18 98:11,21 100:3,8,20 101:14,24 102:12,21 105:18,22 106:6,10,15,18 107:10 118:15 121:10 Alexa 4:16 7:7 9:20 all 8:19,20,21 10:20 11:21 15:15 19:12 23:16,18 25:14 30:20 41:2,15 46:14 65:1 69:15 74:13 83:8 85:13,24 92:11,20 94:14 96:4,11 100:15, 18 105:8,23 107:17, 21,25 118:4 123:1 allege 89:12 alleged 47:12 allegedly 46:13 allow 54:14 55:18 allowed 64:12 allowing 30:5 84:17 allows 56:1 111:2 alone 101:21,23 102:7, 10,11,20 along 13:15 26:20 already 8:3 92:13 103:25 also 4:12,17 7:10 15:20 25:14 32:25 53:7 54:14 55:9 61:7 62:24 71:17 80:12 84:13 88:9 89:1 91:8 93:21 94:7 98:10 103:15 105:16 110:3 111:24 121:18	although 34:22 99:9 always 82:23 am 14:6 18:4 24:18 59:6 61:8 82:13 106:20 113:7,10 120:25 among 88:22 amount 13:5 101:5 105:18 Amy 7:17 8:11,16,19 9:22 an 7:10 9:11,14,15,23 10:5 11:1 14:4,7,14, 18,22,24 15:18,20 16:7,14 17:4,9,13,20 18:5,12,18,22 19:1,3, 5,9,10 22:7,8,9 23:13, 14,19 24:1,3,17,21,25 25:4,8,17 26:18,19 27:13,24 28:3 31:3,25 32:6,16 33:15,17 34:9,22 35:3 36:5 38:20 40:2 41:4,12 42:23,24 43:6,7,10, 11,12,14,15 44:2,3,7, 8,16 48:10,23 49:20 50:5 53:10 55:16 60:5,8,14,23 62:3,5,7, 16,21,24 63:10,18 64:2,9 66:9,25 70:9, 10 79:4,5,9,10,15,20, 21 80:3,4,19 81:12, 14,16,19 82:3 83:14, 24 85:11,21 86:9,15 87:1 89:18 91:23 92:2,18 93:8,11 94:4 98:7,22 101:1,3 102:5,16 103:1,2,8, 14,15,19 104:2,21 106:16,21,23,25 107:1,2,3 108:11 109:10,11,23 110:8 111:16 112:25 113:23,25 114:9,19 115:18 116:20 119:17 120:19 121:13 122:11 analog 106:19 analyses 96:21 analysis 96:14 analyte 120:13,18 and 4:10,15,17 5:13 6:4,8,11,18,19,20 7:1, 3,6,7,24 8:1 9:9,14, 15,20 10:25 11:2,6, 10,12 12:6,16,21 13:8,13,14 15:4,12,20 16:7 17:21 18:16 19:4,16,25 20:7 21:11,14,24 23:7,14, 15,17 24:3,6,13,14, 24,25 25:2,3,4,8,13, 15,17 26:7,9,12,19 27:11,13 28:18 29:12, 16 30:5,7,13,19,23 31:3,10 32:6,17 33:4, 7,10 34:3 35:4 36:4 37:21 38:2,6,10,12 39:6 40:2,7,16,20,23 41:5,7,18,19,23 42:13,16 43:3,23 44:2,3 45:1,5,25 46:23 47:7,8,14 48:3, 5,15 49:16 50:1,9,17, 24 51:23 52:8 53:6, 12,13,19 54:3,8 55:16,19 58:6,15 59:16 60:20 62:23 63:3,15,20,21 64:8 66:9,13,16,25 67:18, 24 68:4,7,10,13,22 69:3,17,24 70:5,9,23 71:17,18,19 72:6,10, 20 73:1,4,23 74:1,2,3, 5,10,16,17,19,21 75:10,17,25 76:2,10, 13,17 77:3,5,9,16,17, 19,20,22,24 78:3,18, 24,25 79:13,21 80:8, 12,15,17 81:5,8,11, 16,21,22 82:1,18,20, 21 84:1,13,16,19,20, 21 85:7,17 86:9 87:10,23 88:2 89:17, 22,25 90:1,4,7,11,15, 18,22 91:2,5,8,14,21, 23 92:1,2,4,24,25 93:5,7,10,13,15,18,25 94:3,4,9,19,22,23 95:5,8,9,18,21 96:8 97:10,13,14,19,24 98:4,7,19,23 99:4,14 100:8,18 101:5,24 103:11 104:12,18 105:15,16 106:20 107:21 108:24 109:8, 19,20 110:3,15,24 111:9,18,21 112:12, 15,16,19,21,24 113:3, 18,24 114:11,18,19, 21 115:18,19 116:11, 12,21,24,25 117:1,8, 11,13,16,19,22 118:1, 7,8,12,18,24 119:2,7, 11,16,23 120:12 121:2,7,13,17,20,24 122:8,14 123:3,5,18 124:4 and/or 111:21 Andy 4:15 7:7 9:20 11:21 annotated 74:19 announce 4:6 another 10:22 12:22 72:23 73:1,4,10 81:19 85:21 94:16 answer 5:15 21:24 22:7,25 26:9 27:2 32:1,7 48:16 52:20 54:15 59:9 61:1,12 63:3 67:1 71:24 79:17 80:7 96:20,22 98:15 105:25 109:15 115:6 answered 35:20 79:24 answering 71:24 82:13 answers 5:20 any 8:1,24,25 9:13 12:3 13:9,20 17:3 18:1,2 19:11 20:18 25:17 27:13,19 28:14 41:8 44:13,15,18,20 45:10,21 47:3,11,23 48:3,15 49:1,9 51:18, 24,25 54:9,20 55:2,24 56:2,4 59:6 60:16,19, 24 63:22 65:9 66:24 78:17 83:8 88:16 101:10 102:4,10 107:2,19 108:7 110:20 113:11,13 114:25 116:17 117:8 124:2 anyone 7:11,13 9:21 123:6 anything 6:1,10,13 44:4 50:19 51:1,4 65:12 anywhere 44:3 60:11 114:7
---	---	---

apart 114:11,12,14 115:12 116:7 aperture 81:12,15 111:21 112:1,7,10 apertures 27:25 28:1, 2 81:8 116:23 apparently 82:6 appear 51:16 68:24 69:4 106:10 107:18 appears 11:10 17:8 29:11 31:5 69:2,6 72:18 75:9 78:25 81:10,24 95:13 97:4 105:22 107:9 120:17 application 31:3,13,22 45:15,18 applications 45:12,16 applied 39:7 59:25 80:17 applies 40:7 73:24 applying 59:18 appreciate 67:11 71:4 106:2 122:10 approach 45:3,14 approximately 5:7,8 9:25 10:2 17:10,12 18:25 19:5 39:22,24 42:9,11 approximation 9:11 are 10:20 11:5,6 13:14 14:2 21:4,11 22:9,10, 20,22 23:4,5,15,19,21 24:25 27:20 28:1 29:12 32:22 33:1,4,5, 11,12 37:8 40:5,18,25 42:1 44:5 45:10 51:16,18,21 53:22 54:13 55:24 56:18 57:23 58:9 59:16,19 60:15,24 64:16 65:15 67:19 68:10,13 74:13 75:15 78:14 79:1 80:17 81:6 82:22 84:21 85:8 88:2,20 89:17 90:11,18,23 91:13,21 93:25 94:13, 19 97:2,8,9,11 99:14 100:13 101:2 108:21 109:12 110:18 113:6, 9,15 114:3,8,15 118:1 120:24 123:3	aren't 64:15 66:23 arm 63:11 around 37:23 46:1,3, 6,7 104:6 116:23 121:11,12 art 46:17 70:14,19 71:8 87:13 89:22 91:2 arts 88:2 as 4:3 12:5,14 14:4,7, 11,13,18,21,24 15:18, 20 16:14 17:4,8,13, 20,23 18:5,10,12,22, 25 19:3,4 22:22 23:10,18,25 26:2 27:3 28:3 29:25 30:2,8 33:15,17 34:9,16 35:13 36:11,21,22 40:2 42:7,12 44:7 45:17 46:17 50:5 55:16 60:5,14,23 66:6 67:16 68:23 70:24 71:6 72:5 73:20,24 74:19 81:2 82:7 83:14 85:11 86:3 87:13,24 88:3,18,21 89:1,2,8 92:3,18 93:12 97:5,7 98:21,22,23 100:4 101:10 102:4,5 103:3 105:13 106:20,23,25 107:1,2,3,13,20 108:4,6,22 109:9,21, 23,25 110:7,22,24 111:1,8,15 112:5 114:10 117:12 118:4 121:13 122:10 aside 26:8 ask 5:15,25 28:4 33:23 34:13 41:15,17 47:21 52:8 57:13 58:2 66:2, 3 68:6 70:17 91:10 99:19 103:5,23 105:17,25 106:1 107:15 115:23 asked 12:21 27:10 58:12 106:4 asking 5:25 22:12 33:20 34:12 35:16 54:17,24 55:10,12,13 57:16 62:11 63:25 64:1,13,17 65:25 66:2,19,23 88:14 109:16 118:22	aspect 26:7 29:19 44:25 aspects 30:13 71:20 assembly 24:15,17,22, 24 75:1,11,15,22 91:24 92:1 97:22,24 98:3,6,18 99:1,4,6 100:6,9,11,16,22,25 101:15,18,24 102:2, 12,15,21,25 103:12, 21 104:15 105:1,11, 21 106:8 120:14,19 assert 87:15 88:4,23 89:24 90:5,10,16 91:4,12 asserted 18:17 21:11 22:2 87:20 100:23 asserting 17:16 18:13 56:6 assertion 24:22 56:25 58:5 59:10 assertions 58:23 59:12,13 asserts 56:19 57:5,14, 23 assistance 21:3 associated 48:1,4,6 49:14 58:6 74:1 78:25 assume 6:1 36:25 58:19 62:16,21 113:5 assuming 71:6 105:4 assumption 86:2 at 7:14,15 9:14,22 11:2 13:15 16:13,24 18:12 19:3,12,20 23:23 24:13,16,18 25:1,13,21 28:11,12, 14 31:7 32:11 35:1 36:25 37:19 40:4 41:1,15 42:12 43:21 45:17 46:4,14 48:14 53:2,7,13,25 57:21 58:21 62:10 64:8,15, 19 66:7,8,14,24 68:3, 4,17,22 70:15,19 71:14 73:4 74:21 80:8 81:3,5 83:8,18 84:13 85:2 89:16 90:21,24 96:14 97:21 106:13 107:12,16,21,25 108:10 110:13,23 112:14 113:11,12,13, 24 114:13,24 115:15 118:5,7,11 119:6 120:22 121:5 122:23 123:2,22 124:8 attached 50:6,7 59:25 attaches 48:11 attachment 59:21 60:3 attachments 57:6,9,10 59:16 67:18,19 attempting 113:10 attorney 4:10 7:10 attorney/client 18:1 attorneys 19:17 attribute 114:5 attributes 99:25 automatic 28:23 29:3, 20,22 46:3 95:24 114:4,8 automatically 29:9, 15,18 30:6 114:20 available 44:5 71:22 116:1 avoid 109:20,23 112:20 aware 9:7 17:15 18:4, 13 31:17 39:19 40:5 45:10,12 51:18 55:24 56:3,5,18,21 58:14,18 59:16,19,21 61:4,6,7, 8 65:15 66:8 113:7,8, 9 114:3,5,8,15 away 103:6,13,14,19 104:3,21 105:3,7,13, 15,16,19 106:6 110:8, 13 111:11 116:13 120:22 axis 26:21 93:14	bad 67:11 Barbs 72:20 base 79:18,23 80:9,25 81:6 116:15 117:4 based 39:22 98:16 102:7 basic 5:12 34:13 62:12 63:25 65:25 66:3,7 basics 64:6 bathroom 67:10 battery 34:25 35:14, 21,24 36:23,24 battery's 36:16 be 4:8,10 5:21 10:11 13:4 14:16 26:6 27:17 28:2,11 30:5 31:5 35:5,21 36:2 48:3 49:14 51:16 53:14,25 54:4 55:15 62:15,16 64:17 65:19 68:24 69:2,6 71:17,23 72:18 75:9 81:19 82:9 84:18,24 85:5 89:8 90:23 95:13,17,23 99:23 101:6,17,20 102:9,10,14,19 103:3, 4,9 105:22 106:6,11 107:9 109:2 110:3,19 111:3 112:8,15 115:1, 22 117:2 120:5,6,11 122:6,12 123:17,18, 23 because 5:20 14:13 22:7 27:18 37:18 54:17,23 55:7 61:13 67:19 92:9 98:1 99:24 104:11 109:15 110:11 111:5 118:10 119:20 becomes 30:4 been 4:2 5:4,10 7:7,17, 24 8:13,15,19 13:25 14:9,10,12,13,14,18, 21 15:7,17 16:12,17 17:6,13,18,19,20,24 18:10,18 19:6 20:4 31:14,23 32:3 36:5 37:18,20,21 38:20 39:25 40:3 41:22 42:12 44:16 45:16 46:1,3,6,7 50:8 51:19 55:8 56:21 65:10 66:15 92:4 108:11
--	---	--	--

111:8 121:10,12 before 5:5,11,15 13:21 27:10 56:14 64:2 67:25 68:22 70:7 95:17 111:13 115:24 119:24 beginning 24:14 behalf 4:9,13,16,17 14:5 16:14 17:4,9,13 18:19,22 64:3 behind 78:24 being 8:14 18:5,17 23:19 35:7,11 40:1 45:6 49:2 58:12 68:23 76:20 81:2 86:5 110:23 believe 7:15 8:21 9:6, 23 10:9,19,23 11:5,19 12:2 15:10 17:5,18,23 18:21 19:6,16,19 20:5 21:20 22:6 28:9,17,19 29:23,25 30:16 33:16 35:3,13 37:9,19 38:18 39:10 41:12,18,25 42:2,6,19,21 43:10 44:2,3,15,20 45:12 46:9 47:5,13,20,25 48:2,13,22 49:20 52:14,25 56:9 57:24 59:1,15 60:2,13 61:17,21 63:13 69:16, 19 70:22 71:9,18 72:22 73:7,20 76:4 77:7,20 78:4 80:6,19, 21 81:19 82:19 83:21 84:2 87:3,18 88:25 89:15 90:2,14,20 91:8,15 96:6 97:23 99:3,8,23 101:10,19 102:4 103:8 104:5,23 107:4 108:2 109:18 111:20 114:6,10 115:6,25 116:4,9,14, 24 117:20,24 118:3 119:4,14 120:4 121:2, 4,12 122:7,17,23 bell 15:5,13,22,23 16:1,5 below 81:22 82:2 beneficial 111:3 benefit 117:7 benefits 105:23	best 20:24 37:24 49:13,25 50:16,22 51:3 53:17 54:7 60:18 69:22 70:2,3,8,13 79:12 80:6,21 better 109:12 between 7:24 beyond 6:7 14:1 22:21 58:19 61:1 97:11 Bickoff 88:14,16,18 89:1 binder 10:15,17,18 11:3,9 12:9 13:15,22 14:1 21:7,21 69:11 76:16 78:8 blood 47:8 body 44:23 45:2,7,19, 20 46:25 50:10,19 51:2,6,13 53:3 54:10, 21 55:4,19,21 56:1 63:7 94:16 117:23 118:2 both 5:13 29:11 47:6 72:5 81:8 87:10 104:12 111:20 bottom 26:20 69:1 85:2 92:25 93:5,10,15 94:24 95:5 bracket 80:10 breadth 51:10 break 6:4,6,7 36:3 37:2,3,5 67:4,9,14 82:24,25 83:3 104:18 106:14 108:12,14,18 123:17,25 breaks 83:9 Brenneman 116:23 117:17,21 118:1,7,11, 12,16,23 119:6,11,16, 23,25 120:4,11,22 Brenneman's 119:20 brings 38:7 brochures 114:25 broken 115:12 116:7 brought 121:15 but 6:1,5,7 7:4,16 8:13,15,20 9:23 10:19,24 14:1,12 15:3,6,23 16:22 17:11 18:4 19:12 21:25 22:16,20 24:3 26:23	27:1 28:1,9,19 33:5, 12 34:1,5 35:1,3 36:19 38:18 39:10,24 41:6,21 42:11 43:2,21 46:4 47:9,10,15 48:2, 13,22 49:20 51:21 53:10 56:3,5,21 61:12,18 62:7,15,16, 21 63:9,10,19 64:13, 19,20 65:11 66:2,18 68:1,2,3,16 71:22 73:15,23 74:14 77:15 78:15 81:18 82:10,23 85:13 86:1 92:5,11 99:16,23 101:12 104:24 105:23 106:21 107:19 108:2 112:24 113:13 114:10,13 115:10 116:6 117:6 118:5 119:7 120:9,14 121:20 122:4,9 123:1, 18 button 114:19 115:18 by 4:2,21 12:21 13:6, 18 14:18,22,24 16:22, 25 17:1,2,20 18:7 22:24 23:21,25 24:4, 7,8 25:10,25 27:4,9, 23 28:13 29:2,6 30:6, 8 31:19 32:2,8 33:10, 18,19,20 34:20,21 35:16,22 36:13,17,24 37:1,4,25 38:6,9 39:13 40:16 42:2 43:14 44:9 47:11 48:5,18 49:6,16 50:17,24 51:11,18 52:5,7,15,21 53:2,6, 12,19,24 54:3,8,16,25 55:6,12 56:11 57:23 59:22 60:6,10,14,16, 22,24 61:4,15 62:11, 18,23 63:5,15,21 65:15 66:7,18 67:15, 24 69:24 70:5,18 71:1,16 74:16 75:2,5, 12,17,23 76:3,11 78:17,23 79:8,13 83:4 86:17,24 87:20 88:11 89:10 90:4,15,21 91:10 94:18 95:15,21 96:8,18,19 98:1,13 99:6,17,22 100:1,6, 11,13,15,19,25 101:7, 14,18 102:2,15,25	103:12,21,23 104:3, 22 105:2,3,21 106:9, 15,23 108:15 109:19, 20 111:16 113:7,8,22 115:4 117:2,4 119:2, 24 120:1 C call 7:1,3,6,12,15,16, 21,25 8:14 9:10,13 16:18 34:6,7,8 38:1 88:9 called 15:21 39:1 74:13 88:11 calls 6:17,22,23 7:13, 20 8:1,8,16,20 9:1,12 81:18 86:4 came 6:20 can 7:11 9:10 11:14 15:3 17:3 21:18 27:3 31:6,7 33:16 34:23 35:21 37:2 44:25 45:21,24 51:21 55:6, 7,24 56:2 60:21 64:8, 18 65:4,23 66:6 69:7 71:4,24 83:19 85:18 89:3 96:9 103:9 109:4,13 111:3,4 113:5 116:24 120:6, 14,15,21,22 123:16 124:6 can't 5:21 18:15 28:12 39:11,20 40:14,18 50:5 51:22,24,25 54:15 66:16 97:25 107:19 108:5 cannula 32:4 44:22 45:2,6,11,22 46:13 47:21,23 48:1,4,7,25 49:7,8,10,14,16,18,22 50:1,9,10,12,17,19, 23,25 51:1,4 52:10 53:20,23 71:12 74:10, 14,15,17 86:10,11,16, 21 87:2 115:24 116:1, 3,8 cannulas 46:20,23 47:2,7 83:24 cap 69:5 73:5,7,9 Care 4:14 113:9 carefully 28:10,16 43:21 48:14 67:2,3	case 18:5 19:10 28:9, 17,19 38:18 39:10,23 42:19,21 43:4 46:9,15 47:5 48:22 49:21 52:14 58:5,13,15 59:23 71:9 73:20 85:23 99:8,23 105:22 110:11,19 117:20 120:7 122:17 cases 18:22 19:2 41:19 catch 92:9 cause 110:3 caution 17:25 center 25:22 81:8 central 38:13 79:22 certain 48:3 64:20,22 87:23 certainly 22:19 32:24 35:6,8 39:13 40:5 41:7 48:18,23 61:4 70:23 78:14 94:18 104:13 105:17 Certified 4:2 CGM 37:8,15,25 38:16,24 39:1,5 40:5 41:11,16 42:14,22,23 43:5 44:18,21 46:8 51:5,11,18 52:1,9,15, 22 53:6,12,24 54:3,8, 13,19 55:1,6,15,17,24 56:7 60:15,23 61:5,7 62:2 77:4 83:11 86:6, 11,20 87:1 94:9,20 107:25 113:6 115:5, 12 117:9 121:11 CGMS 52:13 CGS 39:14 chance 13:18 channel 55:11 characteristics 86:1 characterization 109:1 chart 10:23 11:19,24 12:10 21:7 59:17,24 64:5 65:4 77:11,12, 13,21,25 check 29:23 30:15 48:3 77:13 104:5 circuit 79:20 cite 47:11,18 77:9 78:1 88:23
--	---	---	---	--

cited 47:13,14 77:23 88:3,21 89:22 91:2 claim 10:23 11:19,24 23:12,17 24:14,18,21 25:2,8,21 26:2,10,13, 14,15,16,17 29:8,12, 13,16 36:12 59:17,24 65:4 78:21 87:10,15 88:4,23 91:23 92:1,3, 20,24 93:3,4,7,11,12, 13,17,18,25 94:3,7,22 95:2,8,13,15,21 96:1, 3,4,10,11,15 97:1,2,7, 8,9,11,12 113:20 claimed 31:18 47:6 claims 10:22 11:23 12:5,10 21:15 22:3,15 23:8,10,11 25:3 26:7 28:23 29:2,13,19 36:8 44:6 59:18 60:16,24 87:7 89:16 90:1,6,7, 11,17,18,22 91:5,8, 13,18,20,21 97:6,10, 13 clarification 12:11 24:10 58:3 71:5 81:25 clarify 5:25 122:3 clause 24:16 27:5 clear 26:6 46:7 64:25 65:19,22 89:3,8,10 106:5 123:2,5 clearly 99:19 118:22 close 85:10 coach 65:20,22 coaching 64:24 coatings 53:8,13 collect 45:19 color 75:9 76:1 colored 71:19,23 74:21 75:6,18 76:2 column 32:12,13,19 84:3,13,14,19 85:6 combination 24:8 26:12 99:5,16,18,20, 25 100:4,23 101:4,7, 16,19,20,25 102:7,9, 13,17,19,22 103:6,16, 18 104:1,20,24 105:6, 20,24 106:8,12 combinations 23:1	combine 99:24 combined 99:4 combining 99:1,14 come 105:24 121:2 comes 115:19 116:12 120:2 coming 115:15 116:10 commercial 42:23 43:5 45:21 121:7 commercialization 31:17 commercialized 31:15,23 32:4 37:20 commercially 37:15 42:10 44:5 116:1 commission 19:10 common 33:21 35:17 45:3 121:13 communicated 82:20 companies 19:14 113:9 compare 86:9 comparing 101:11 comparison 86:25 101:11 complaint 56:18 57:1, 2,5,7,8,14,18 58:5,15, 24 59:13,17,25 64:5 65:15 67:17 completely 27:3 94:14 98:11 complicated 27:17,18 component 24:5 50:9 63:9 72:7,10,13,16, 19,23 73:1,5,10 components 23:3,16 24:24 25:1 27:21 42:6 52:16,22 62:13 64:18 72:4 97:11 99:6,9,21 100:5,18 102:18 compression 15:5 comprised 23:19 comprises 25:3 comprising 23:13,18 24:5,17 25:7,16 26:17 27:12 79:20 compromise 112:11, 16 compromising 112:20	computer 33:24 114:16 concern 53:19 concerns 53:22 conduit 46:24 54:9,20 55:2,9,25 confidential 19:11 configuration 39:12 81:18 configure 29:9 configured 29:14,15, 17 79:21 90:23 95:9, 16,23 confirm 27:19 73:13 121:25 confused 54:24 confusing 96:17 conjecture 35:5 connected 42:16 49:18 50:2,12,13 53:25 54:4 connection 10:3,4 19:7 connects 38:3,12 77:5 conservation 36:23 conserve 34:24 35:14, 24 36:16 conserved 35:21 conserving 36:24 consider 20:18 43:5, 23 46:17 86:20,25 consideration 41:10 58:23 101:11 considerations 59:7, 14 65:2,9 considered 20:14,21 44:16 consult 21:24 contact 110:5 contacted 17:24 contacts 111:13 contain 47:2 contained 79:4,10 82:9 119:20 contaminant 112:11 contamination 111:18 112:15,19 contentions 64:14 context 37:9 41:13	continue 92:17 continuous 37:9 51:15 84:5 85:12 107:14 108:8 113:14 120:13, 18 control 36:14 copies 10:10 copy 11:10 20:7 21:21 30:19 32:8 57:14,17 67:16 69:9 76:14 78:7 84:8,11 97:15,19 121:16 correct 5:5,6 9:16 10:5,6,8,9 14:5,19,20 15:18,19 16:16 17:12, 17 18:23,24 19:23 20:2,17,25 21:9,10, 12,13,17,22 22:5,6,11 24:22,25 25:5 26:1,24 27:6 28:7,24 29:4,25 30:11,16,18,25 31:4, 5,11,12 32:19,23 33:2,3 35:2,7 39:6,14, 21,22,24 42:18 46:21 47:19 48:2,8,13 49:25 50:4,16 51:2,7,13,25 52:11,23 53:3,8,15 54:1,5,7,11 58:8 69:15,16,18,19,20,25 70:7,8,12,13,15,20, 22,25 71:12 72:4,8,9, 11,12,14,15,17,21,22, 24,25 73:2,8,11,19 74:18 75:23 76:8 77:12,18,21 78:3,5 79:5,10,12,16 80:5,18 81:9,13,17 85:15,16, 18 87:11,12,16,21,25 88:6,17,24,25 89:15, 20 90:1,2,6,12,14,18, 20,25 91:1,6,14,15, 19,21,22,24,25 92:2,3 93:1,5,6,8,9,11,16 94:1,5 95:6 96:6 97:17,23 98:8,14 99:2,3,7,12 100:7,11, 25 103:7,13,17,21 104:23 115:2 119:1,5, 10,13,14,18,19,21,24 120:5,6,7 correctly 17:7 38:8 43:13 74:6 98:15 correspond 97:8	corresponding 78:19 122:14 cost 101:6,11 Cote 21:16,21 22:4,11, 16,21 23:6,19,24 24:1,4,6,9 25:18 26:12 27:14 28:5,11, 15,21 30:2,8,13,19, 21,24 31:7,10,14,23 32:3 47:22,25 48:5,7, 19,24,25 49:7,15,16, 22 50:1,11,18,22,25 51:3 69:9,14,17,20, 22,24 70:3,5,9,15,20, 21 71:17 72:3,7,10, 13,16,19,23 73:15,23 74:19,22 75:7,19,21 77:16 99:5,11,14,18, 21 100:3,8,17,23 101:4,7,15,20,21,25 102:7,11,13,18,22 103:6,8,16,18 104:1, 12,20 105:19 106:7 109:24,25 111:11,15 112:1 121:16,18,24 122:3,4,11,16 123:9 Cote's 23:2 24:2 29:21 30:23 31:13,21 32:2 48:11 71:10 73:1,5, 10,17 74:7,16,25 75:2,11 99:2 103:7,9 111:21 Cote-like 24:1 could 4:24 12:7 22:24 24:11 30:19 32:11 33:9 42:11 49:5,14 51:9 54:23 69:9 71:16 75:4 79:7 86:23 87:7, 18 97:15 101:12 109:2 112:15 121:16, 21,24 123:19 couldn't 7:23 14:23 40:9 41:19,21 47:9 56:16 61:12,23 107:23 108:3 counsel 6:17,21 8:10 12:13 21:4 23:10 27:3 36:2 37:6 57:13 63:2, 22 64:12 67:12,13 83:8 106:1 108:18 Counsel's 21:3 Counselor 66:12,25
--	---	---	--	---

counted 99:9 couple 5:12 6:19 59:4 coupled 94:1 coupling 47:6 course 6:19 court 4:8 5:14,17 12:21 13:3 64:14 cover 31:1 110:2 covered 24:4 57:23 60:6,15,24 98:1 current 5:2 currently 17:15 56:6 cylinder 30:5,7 72:14 74:2,9 100:18 105:11 D damage 53:15 116:24 damaged 49:2,9,15 damaging 53:23 data 79:19 112:10,12, 16,24 date 7:23 31:3,14,22 32:3 37:18 39:19 56:22,23 70:24 71:1,6 108:23 109:9,19 110:7,24 David 5:1 day 34:12 decent 105:8 declaration 6:18 10:19,21,24 11:6,10 12:6 13:12,16,17 14:3 19:23,25 20:3,7,11, 21,22 21:1 22:12 28:10,16,20 30:1,10 33:17 36:12 41:8,14 43:10,24 44:4 47:12 48:20 49:8,18 56:14 58:20 59:2,5,11 60:9 63:24 66:13 73:21 74:20,23 75:7,19 77:19 79:2 83:18,22 101:13 104:9,10 107:13 109:4 121:23, 24 declarations 113:21 121:3 deep 63:19 definition 33:18	110:10 definitively 108:3 delicate 47:3 deliver 31:15,23 44:23 47:7 delivered 45:11,22 51:6,12,20 53:24 54:3 58:13 delivery 51:23 54:10, 21 55:3,9 56:1 density 111:7 Depends 34:7 depicted 74:19 81:21 depicts 31:10 deposed 5:5 16:24 19:18,19 deposition 6:14,24 7:21 8:25 10:4 13:8,9 66:14 92:5 123:2 124:8 depth 83:11,15 84:5 85:11 86:10,16,20 87:1 depths 83:17 Derrick 7:8,9 9:20 describe 50:23 51:4 81:1 115:1 described 22:21 44:7 68:22 80:22 81:3 89:1 describes 42:6 120:12 describing 30:13 114:25 115:15 122:14,15 description 36:13 47:17 77:8 78:19 112:25 desirable 111:17 desk 114:12,13 detail 35:9 38:19 41:7 96:24 121:2,9 detailed 61:12 64:5 65:3 73:20 details 50:6 61:14 62:12,22 63:2 66:24 develop 113:10 development 44:20 106:22 developments 51:22 device 24:2 36:18	37:21 38:19 39:5,15 40:6,12 42:1,14 45:18,22 46:8 47:8 48:7 56:7 57:1,18 59:13,18 60:1,6 61:7, 9,16,18,20 62:2 63:14,19 66:9 69:5 71:15 104:16 109:22 110:4,14,17 111:5 113:24,25 115:13 116:2 120:6 123:10 devices 37:15,25 38:16 51:19 54:13 83:23 104:9,11 107:25 110:15,18 113:6,7,8,10,16,19 116:6 117:9,11,13 121:1,11 Dexcom 4:16,17 9:5 14:5,14,19,22,24 15:18,20 16:15 17:4, 9,14,20 18:19,23 38:21,23 39:14 40:11 41:15,21 43:18 57:13 58:14 64:3 65:14 66:8 113:7,17 Dexcom's 17:16,22 18:8,14 38:25 39:1,5 40:5 41:10,13 56:7 57:1,18 59:18 60:6 61:7,19 62:2 Diabetes 4:13 113:8 diagrams 116:5 diaphragm 111:22 did 6:13,15,16 7:3 8:16 9:21,25 12:14 13:8,11 18:7 19:19,24 20:3,18,20 21:1 37:5, 7 38:8,22 41:10,15, 17,22 43:12,22 46:14, 16,17 47:11,13,20 48:10,24 50:5 55:22, 23 56:25 57:5,13,21, 24 58:17,22 59:3,15 60:2,8,10 63:22 66:12,14 68:4 76:21 77:9 83:14 86:13,19, 25 87:3 108:17,19 115:10 117:13 122:10 didn't 7:15 9:7 27:16 31:25 32:6 33:15 34:9,22 41:6,7 43:5, 17,19,23 47:9,18	48:13,23 49:20 53:10 55:16 56:21,22 59:11, 23 62:5 73:14 96:19 101:1,2,5 102:4,16 103:1,2 107:15 117:12 118:19 123:10 different 16:7 28:4 52:8 72:4 105:17 122:5 differently 109:16 directed 10:7 12:24 14:25 15:21 29:19 69:17 77:3 direction 30:3 74:4 disagree 105:14 disagreeing 65:11 disclose 48:6 70:5,9 disclosed 46:13 110:1 discloses 48:1 disclosure 47:17 disclosures 83:16 discuss 18:1 37:5 108:17 111:20 discussed 45:13,17 83:7 102:8 104:11 discussing 51:16 110:18 discussion 97:6 display 34:24 disposability 104:7 disposable 40:24 41:5 103:10 104:8,9,11,14 disposed 25:22 102:23 103:3 106:11 disposing 104:6 distal 23:13 24:3 25:4, 7,17 27:13 53:2,7,13 94:4 95:16,22 110:9, 13,23 111:11 119:2,7 distally 118:25 distance 111:11 distant 106:20 district 64:14 do 4:6 5:7 6:13,16 7:21 8:24 10:15 11:19 12:13,16 13:18,20,24 19:12 20:9 21:23,25 25:17 27:13 32:8,10 33:23 34:1,2 38:4 40:21,22 41:3 42:9,22	44:13,18,25 52:15 54:19 55:15 61:22 63:10,15 64:25 65:6 66:19 67:8 68:10 76:14,16,23 77:10 78:7,9,17 79:24 80:10,13 84:8 86:6, 17,18 87:3,4 90:5,10, 16 91:11 94:17 96:18, 21 97:1,3,20 100:13 107:6,7,12 108:12 109:5 113:22 117:21 119:3 121:8 document 47:14,15,16 48:16 57:16 59:21 67:25 80:20 83:19 104:25 107:24 108:4, 6 120:10 documentation 113:11 documents 10:16 11:14 13:16 21:6 58:6,8,9,11,13 does 15:5,13,22,25 16:5 34:3,10,15 35:3 36:18 39:2,22 41:1 49:23 50:12,22 51:3 52:2 59:9 63:10 68:18 69:3,4,22 70:3,5,9 71:14 79:4,9 80:2 81:1,12,14,23 82:3 86:9 103:19 104:15 105:13 107:10,16 108:2 114:10 117:3 119:11,16 doesn't 47:15,23 48:6 49:1,8,18 50:2,13,19 51:1 52:10 57:9 68:2, 3 69:20,24 85:17 92:10 107:18,19,21, 25 108:9 118:11,23 doing 57:24 60:2 67:18 domain 61:11 63:14 don't 5:24,25 6:6 8:7, 14,21,22 9:2,6,7,13 12:2 17:23 18:21 28:14 31:25 32:6 33:16 34:8,20 36:24 38:10 40:23 41:12,25 42:4 43:2,10 44:2,3, 15,20 47:2,13,20,25 48:3,22 52:6 53:22
--	--	--	--	---

54:9 55:2 56:3,16 57:2,8,10,16,24 58:12 59:15 60:2,3,13 61:13,17 62:7,8,16,21 63:2,8,18,20 64:20 65:4 67:7,12 68:1,2 70:2 79:24 80:19 82:12 84:6 87:18 92:11 96:22 98:10 101:1,10 102:4 103:1, 2 107:4 108:2,4,7,9 114:6 115:10,25 116:4,9 120:2 121:2, 4,14 122:6 124:2 Donaey 16:9 done 17:7 40:17 44:20 96:14 106:19,21 114:23 115:11 dot 82:21 double 122:6,8 123:11 doublecheck 120:21 down 30:7 85:2 104:19 111:24 112:4 115:12 116:7 downward 111:4 Dr 4:22 12:8 34:12 37:4 44:9 67:15,24 83:5 108:15 124:1 draft 21:1 duration 7:5 during 37:4 83:8 116:16,21 117:1,3 E e.g. 24:2 83:23 111:14 each 5:17 21:14 22:2, 20,22 23:1,4 26:10 earlier 7:2 12:24 13:6 18:11 20:10 38:20 56:5 66:20 earliest 37:25 38:15 71:6 early 37:22 ease 13:1 easier 5:18 edge 84:16 efficient 123:19 eight 14:2 20:11,19 21:11 22:2 23:6 69:15 77:16,19,24 87:14,20,	22,23 88:3,16,21 89:4,11,23 90:22 91:3,5,8,13 98:25 100:9,23 101:16 102:1,14,23 104:2,20 either 5:8 37:22 58:13 71:1 84:3 102:6 electrical 52:16,22 106:21 electrically 55:20 electrodes 55:18 electronic 117:9 electronics 32:22 33:1,4,11,21 35:4,6, 11,18,25 38:3,7,13 39:7 40:8,22 42:17,25 43:8,16 47:3,23 48:1, 4,6,8,15,20,24 49:2,9, 14,19 53:7,13 54:1 55:20 69:25 70:4,7,11 77:5 82:9 89:17,25 90:23 91:5,13 93:21, 25 106:16,19,21,24 107:1,3 111:17 112:21 element 25:21,24 26:13,17 36:12 96:1 elements 26:10,14,15 97:7 113:20 eloquently 109:13 else 7:11,13 43:19 78:21 94:17 Emanuel 8:25 9:3,4 embodiment 22:21 23:2 28:15 71:14 78:10,18 79:3,8,14 80:2,15 81:17 82:16 98:23 101:21,22,23 112:4,5 118:4,5 122:5 embodiments 28:11, 21 110:1 118:5 end 24:3 25:4,7,8,16, 17 27:13 53:14 59:2 69:5 73:25 74:3 82:9 85:2 94:4 95:16,22 97:13 110:9,12,13,23 111:12,14 114:9 118:8 119:7 123:18 ends 103:6 engagement 14:15 30:4	engineer 106:21 engineering 35:4 enough 9:9 12:19 62:2 98:25 122:22 123:5 entire 48:7 75:11 entirely 21:1 23:15 entirety 85:13,17 erroneously 122:5 error 122:11 essentially 43:14 establish 12:23 established 65:12 Estar 19:16,17 estimate 6:25 7:4 19:2 even 5:10 40:11 49:19 64:6 66:14 71:6 76:21 ever 31:14,23 32:3 44:15,20 57:13,16,17, 21 61:15 106:23 107:16 115:4,8,12,24, 25 116:3,7 every 6:4 34:12 everybody 34:17 67:19 123:20 everybody's 13:1 everyone 34:20 everything 75:16 exact 7:23 14:23 37:18 39:19 exactly 39:11,20 40:19 56:12 63:18 EXAMINATION 4:20 example 23:12,23 24:1 27:24,25 28:3 30:20 31:6 42:3 56:2 85:11,18 109:3,23 120:11 exception 74:14 excerpted 68:14 exclude 90:5,8,16 91:11 excluding 25:15 27:11 exclusively 23:20 excuse 26:19 74:3 86:14 exhibit 11:1,11,12,13 12:9,14,15,20 13:14 19:25 20:19 21:16,22	30:9,23 32:9 36:14 44:2 67:16,23 68:8 69:10 76:11,13 78:4 84:2,9,11 85:19 87:4 88:15 89:9,12,23 91:3,17 97:17 107:5, 6,10,12,16,25 108:8 111:7 117:19,25 121:17 exhibits 10:10 11:5,7 13:13 14:3 107:8 exist 61:6 121:1,9 expanded 81:18 expect 102:8 experience 44:13,18 expert 14:4,7,18,22,24 15:18,20 16:7,14 17:4,9,13,20 18:5,12, 18,22 19:1,3,5 35:3 38:20 40:2 64:3 106:16,24,25 107:1,2, 3 explain 22:24 122:23 exploded 81:16,19 82:1 expressly 88:21 extend 79:21 80:24 extended 30:7 extends 26:18 93:14 94:23 95:4 extensively 121:5 extent 92:13 extra 96:12 F face 8:5 fact 65:16 104:14 facts 43:23 factually 55:13 fair 5:22,23 6:2,3 9:9 12:18 13:5 16:23 20:16 26:15 29:10,22 33:6,13 44:10,23 46:8 47:3,23 48:21 49:3, 11,19,24 50:14,20 52:3 54:21 57:7 58:21 60:1 74:11 75:8 77:24 78:11 82:5 89:14 92:6,7 94:11 95:11,18 96:12 98:25 109:1	113:1 114:21 118:9 122:22 familiar 11:20 37:8 39:3,13 40:11,25 41:3 42:1,2 44:10,11 68:4, 15 113:6,15 117:8,10 120:24,25 familiarity 38:23,25 113:17,18,19 121:8 family 15:11 far 37:6 66:6 83:9 117:12 fast 11:15 120:22 feature 29:22 February 71:2,3,7 feel 6:2 few 13:7 32:17 36:4 68:6 96:12 field 94:9,20 figure 30:20 31:7,10 71:17,21 72:5 73:4 74:19 75:16,18 76:2 78:11,14,15,18,25 79:3,9,14 80:2,8,16 81:5,7,11,14,16 82:1, 6,10,16 84:15,23 85:1,19 97:21,25 98:22 121:25 122:3, 10,15 123:13 figured 123:1,8 figures 84:24 122:8 filed 14:11 17:6 20:5 56:18 65:15 67:17 113:20 filing 12:3 31:3,13,22 32:3 46:11,14 filings 47:6 fill 78:24 finally 98:17 find 83:19 108:6 fingers 78:13 finish 5:16 67:6 firm 9:4 18:20 first 4:2 7:1,12 9:9,24 11:6 14:7,17 18:7 19:4 21:20 23:25 26:16,21 30:20 37:15, 20 38:2,6 39:1,5,6 40:6 42:15,22 43:6, 11,18 64:23 67:7 77:4
---	--	--	---	---

79:15 80:3 85:13 89:19 94:25 95:3 118:11,24 120:12,18 121:14 five 5:8 77:23 84:4 97:10,14 Fletcher 4:1,22 5:1 12:9 34:12 37:4 44:9 67:15,16,22,24 68:8 83:5 89:8,12,23 91:3 108:15 124:1 Fletcher's 12:8 flexible 79:18,20 80:25 84:17 fluid 44:23 55:9 86:7 fluids 45:19,20 focused 54:25 following 27:5 follows 4:4 followup 106:3 footnote 97:5,6 122:24 123:4,5 for 4:7,24 5:13 6:13, 23 7:10,20 8:1 9:23 11:9 12:23 13:1,3,7,9 14:7,9,14,21 15:9,18, 20 16:18,24 17:11 19:11,15 20:20 21:14 22:2,15 23:11,23 25:23 26:12 27:24,25 28:20 29:19,21 30:20, 23 31:6 32:17 33:20 34:23 36:22 38:21 39:12 40:1,10 42:3 45:25 47:14,18 52:13 54:10,14,20 55:3,9, 12,13 56:1 57:11,13, 16,22 58:2 60:4 64:8 66:13 69:7 70:24 71:24 73:7 75:18 76:10,12 77:10 80:25 82:25 83:11 84:17 85:11,18,21 86:16 88:20 90:4,8,15 91:10 92:6,18 101:6 102:10, 11 106:14 108:24 109:3,10,20 111:6,8 120:15,22 121:5 123:5,19,20 124:1 form 22:17 23:9 25:6, 19 26:25 27:15 28:8, 25 29:24 31:16,24	33:7 34:18 35:12,19, 23 36:10,20 37:17 39:9 40:13 43:9 44:1 47:4,24 49:4 50:15,21 51:8 52:4,12,17,24 53:4,9,16,21 54:6,12, 22 55:5 56:8 59:20 60:7,17,25 61:10 62:4 63:1,12,17 64:11 66:11 69:21 70:1,16 71:13 74:12 75:3,14, 24 78:12,20 79:6 83:13 86:12,22 87:17 88:7 90:3,13,19 91:7 94:12 95:12,19 96:5, 16 98:9 99:13 100:12 101:9 103:22 106:17 110:25 114:22 116:19 formally 76:25 formed 60:5,14,23 61:2 formerly 77:9,13,14, 23 forming 86:19 forth 59:8 forward 12:25 found 97:2 107:19 four 5:8,9 6:25 7:20 19:2 77:16,19 97:7, 10,13 frame 20:5,23 free 6:2 Friday 7:25 from 4:11,12 5:4 6:10 7:14 8:10,15,16,25 9:22 12:14 21:15 22:4,16 23:3,6 25:11 26:16 29:3,9,16,18,20 30:4,11 32:12 45:11, 22 51:6,13,17,20 62:18 66:19 68:14 71:21 79:15 80:3,8 85:1 95:23,25 96:20 110:9,13 111:7,11,18 112:19 113:25 114:4, 7,9 front 10:11,16 13:13 20:7 30:21 84:7 full 4:24 28:10,20 37:1 96:14 120:9 fully 79:5,10 119:21	function 62:6 functionally 79:18 functions 61:12 62:6 112:12,16,21,23 Fundamentally 82:15 Funderburk 16:18 42:4,20 84:10 94:15 further 29:15,17 83:22 95:23 108:25 110:1 124:2 G G6 16:15 39:14,23 40:4,5,11,15,19,21, 24,25 41:7,8 61:18 113:18 114:8,12,15 115:9,15 116:11 G7 17:16,22 18:9,14, 16 56:7,19 57:1,6,15, 18 58:5,25 59:13,17, 18,25 60:1,6 61:7,9, 12,16,18,20 62:6,19, 24 63:4,6,10,14,16,23 64:3,9,12,18 65:16 66:1,4,8,15,17 67:3, 17 68:11,14,18,20,23, 25 69:4 113:18 G7's 63:16 Gary 4:1 5:1 gasket 73:11,15 general 45:8 46:2 47:5 115:22 generally 6:6 107:21 113:15 115:20 get 49:18 50:2,12,13 58:11 64:6,21 121:18 gets 49:2,10 86:6 103:13,14,19 104:3, 21 105:2,7,12,18 getting 25:11 49:9 64:6 66:23 105:23 111:18 112:19 give 9:11 22:7 32:16 64:20,23 65:6 83:16 given 83:17 102:2,17 gives 99:25 glanced 113:12 glucose 24:15 25:22, 25 26:2,5 37:10 47:8 51:15 55:19 70:6,14,	18,23 71:7 83:12 84:6 85:12 93:19 94:1 107:11,14,16,18,20 108:7,8 113:14 117:13 go 5:11,13 23:16 24:11 26:10 30:20 34:3,9, 10,16,23 38:15 48:2 52:2 66:6 81:2 82:4 84:12,23 85:17 106:4 114:20 115:19 116:24 121:21 124:6 goal 104:14 goes 34:6 45:5 50:10 53:3 63:7,11 66:10 81:9,13 110:16 117:22 119:18 going 12:16,25 13:4 14:16 17:25 26:8,9 27:17 28:16 34:13 36:5 55:2,25 63:5 64:17 66:2 67:9 76:12 77:13 78:24 89:7 96:18 105:25 108:11 109:5 110:21 117:2 123:17 gone 28:20 good 4:22,23 36:2 67:5 got 24:20 65:2 80:9 gray 15:16 great 4:8 6:9 121:1,9 greater 75:1,12,22 105:19 106:6,11 ground 23:25 24:7,11 25:13 76:21,25 77:2, 14 97:6 grounds 6:18 10:18 11:8 21:8,11,14 22:2, 10,20,22 23:1,4,6 25:14 27:19,22 69:15 76:7,18 77:9,15,16,23 78:2 87:14,21,22,23 88:3,16,21 89:5,11,23 90:4,6,7,8,10,15,17 91:3,11,12 98:25 100:4,9,23 101:12,16 102:1,14,23 104:2,21 116:22 117:16 groundwork 75:6 guard 98:1,4,7,19 105:15 115:18	guess 14:11 22:12 31:7 46:4 68:17 71:2 84:24 107:15 117:7 guessing 61:25 guidance 65:6 guide 68:14,15 H had 9:15 11:14,18,25 12:9 13:7 21:6 42:23 46:10 58:6 60:22 82:12 83:24 92:9 113:23 Hafertepe 4:6,9,21 11:24 12:2,7,12,16,21 13:3,6 18:7 22:18,24 23:21 25:10,25 27:4, 9,16,23 28:13 29:2,6 31:19 32:2,8 33:10,20 34:21 35:16,22 36:17 37:2,4,25 39:13 40:16 43:14 44:9 47:11 48:5,18 49:6,16 50:17,24 51:11,18 52:7,15,21 53:2,6,12, 19,24 54:8,16,25 55:12 56:11 59:22 60:10,14,22 61:4,15 62:11,18,23 63:5,15, 21 64:16,23 65:14,25 66:6,7,18 67:15,22,24 69:24 70:5,18 71:16 74:16 75:5,17 76:3 78:17,23 79:8,13 82:21,25 83:4 86:17, 24 87:20 88:11 89:10 90:4,15,21 91:10 94:18 95:15,21 96:8, 18 98:13 99:17 100:15 101:14 103:23 106:15,23 108:11,15 111:16 115:4 117:2 123:16,23 124:1,6 half 9:14 hand 87:25 handouts 114:25 hands 113:24 Hansen 4:12 17:1,2 happen 103:20 happened 122:19 happening 10:4
---	--	---	--	--

hard 14:12 57:10 109:15 has 11:9 14:14 31:3, 14,22 32:3 35:1 36:18 50:8 55:8,9,25 62:3,7, 16,21,24 64:9,18,22 65:9 66:9 69:5 70:10 72:3,20 80:9,12 82:20 86:1 89:4 92:21,25 93:5,8,11,19,21 94:4, 7,15 96:3,10,15 97:24 98:3,6,18 114:8 have 5:4 7:7,17 8:12, 15,19 10:9,10,15,21, 23,25 11:10,14,25 13:13,25 14:1,9,10,21 15:1,7,17 16:12,17 17:6,11,13,20,23,24 18:10,19,25 19:6 20:4,7 21:21 24:18 28:19,22 32:8,17 33:5,12,23 36:4 37:20,21 38:23 42:12 43:1,6 44:6,13,16,18 45:16,25 46:3,7 47:17,23 48:2,15,24 49:1,9 51:19 52:16,22 53:7 54:9,19 55:2,18 56:21 57:11 58:4,6 60:5,13,14,18,19 61:2,15,17,18,19,21 63:6,9,10,13 65:12 67:24 68:3 69:12,13 71:18,23 75:18 76:14 77:10 78:7 79:4,9 80:3,20 81:8,12,23 82:3 83:7,10 84:6 86:13,14,15 87:4,24 89:4,7 92:7,8 97:19 99:5,16,21 100:4,10 101:12 103:20 106:19,21,23,25 107:2,4 108:22 110:12,21 111:8,16 113:17,23 114:3,10, 12,13,23 115:4,6,8,9, 11,12,14,23 116:3,4, 5,6,7,9 119:16,25 120:9,10 121:1,8,10, 12,18,19 122:21 124:2,4 haven't 27:20 35:8 38:18 39:10 41:7 43:21 46:4 62:9 65:12	68:4 96:13 99:9 107:19 113:13 117:6 having 4:2 58:12 67:2 79:20 81:2 107:13 108:24 109:10 114:6 he 8:6 11:25 12:8 81:18 86:4 112:23 he's 7:10 65:2 66:1 head 5:21 74:2 heard 35:6,8 56:17 hearing 13:4 19:20 heavier 102:14,19 height 74:25 75:2,10, 12,21,23,25 76:1 held 4:11,13 61:15,18 help 5:12 10:20,21 71:25 helpful 71:24 here 4:18 6:11,20 12:25 28:13 30:15 34:13 35:13 45:24 51:24 52:13 56:22 65:20 68:16 69:11 77:25 78:13 84:11 86:17,18 117:17 123:21 herein 97:8 110:1 hesitant 22:7 hesitating 96:13 hide 110:2 high 25:1 66:24 115:16 high-level 115:22 higher 110:22 higher-than-average 111:6 highlighted 105:24 highly 52:16,18 him 123:19 his 8:4 12:6,9 48:14 73:15 98:23 historical 38:23 41:11, 13,15,17 hit 67:9 hitting 111:3,4 hold 94:16 hollow 46:21 home 5:2 114:13	hopefully 5:12 123:5 hour 6:5 9:14,24 36:5 108:12 hours 7:4 9:10,14 10:2 122:20 housing 62:24 63:11, 16 64:10 66:9 68:23, 25 72:8 73:25 74:1,9 82:3,9,17 92:21,24 93:4,7,10,14,15,23 94:24 95:6 105:11 111:17,19 112:6,10, 20,22 how 5:7 6:22 7:3 8:16, 22 9:11,25 14:21 18:25 24:13 34:21 35:22 45:25 51:23 52:19 61:12 62:5,12 63:19 64:1,7 65:4 71:25 86:9 109:5,17 113:15,25 115:1,3,16, 21 116:11 117:21,22 121:7 hub 30:4,5,7 72:14,20 74:2,9,10 87:10,15 88:5,19,23 89:2 90:6, 11 100:18 105:11 hundreds 67:19 hungry 82:22,23,24 hurts 5:11 I I'D 119:25 I'LL 4:10 6:1 17:11 21:25 27:9 32:16,17 59:4 64:20,23 66:5 68:13 96:25 104:18 109:8 I'M 5:24 7:4 8:4 9:7 10:12 12:16 15:6,23 16:12 17:25 18:4,10, 11 19:11,21 21:18 22:6,12 23:7 25:23 26:3,6,8,9,14 27:2 29:1 30:21 31:17 32:15 33:9,20 34:5,6, 12,13,19 35:3,16 37:12,13,18 40:9,16 41:3,6 42:2 43:20 44:11 45:12 49:5 50:9 52:5,13,18,19 54:13, 17,23 55:7,10,12,13,	23 56:3 58:17 59:21 60:20 61:6,25 62:11 63:2,5,25 64:1,6 65:11,18,21,22,25 66:1,2,7,18,23,25 67:18 68:15 69:13 70:17 71:22,25 72:21 73:4,12,22 78:13,23 82:10,23,24 84:13,14 86:13 87:18 88:14 89:7 90:7 93:2 94:13 95:1 96:13,14 98:5 99:14 101:12 104:9, 12,16,23,24 105:25 107:20 108:6 109:7 112:1 113:8,9 115:10 118:15 119:25 120:6 121:24 123:17,18 I'VE 14:12,13 17:7, 18,19 32:18 35:8,20 39:25 40:3 43:20 44:15,20 47:5,10 61:11 64:12 92:4,13 109:18 113:20 115:25 121:2,3,4 i.e. 24:2 identified 8:3 17:5 72:5 89:23 91:3 identifies 58:15 identify 45:21 87:23 idle 32:22 33:2,5,11, 19,21 34:4,16,19 36:8,13 89:18,25 if 5:18,24,25 6:5,8 7:12 8:24 11:2,21 15:11,25 17:7,8 19:9 21:20,24 23:15,23 24:15 37:10,12 38:6, 9,10 39:20 42:2,7,19 44:2 47:13 48:15 55:10 59:2 63:5 64:17 65:24 67:7,9,11 68:4, 7 71:1 74:6,21 77:12 81:5 82:12,25 83:19 87:7 92:14,17 96:19 100:19 105:4 106:1 110:20 113:19 114:1 115:2 116:17 119:2 120:6 122:6 123:2,19, 20 illustrate 123:9,11 image 69:1,3 74:22	images 61:19 62:18 66:20 68:11,14,18,19 imagine 55:7,13 62:7 immediately 123:17 impacting 53:23 implantable 120:19 implanted 84:18 important 110:11 in 5:3 6:5,7,20,21,23 7:14,16,17,20 8:17 9:5,18 10:3,4,10,16, 18,19,23,24 11:6,7,25 12:5,9 13:9,11,13,14, 16,17,21 14:1,2,5,11, 13,24 15:9,11,17,20 16:7,15 17:9,20 18:5, 12,22 19:7,14,18,21 20:6,7,18,20,23 21:6, 7,8,14,20 22:2,10,19, 21,22 23:1,4,5,12,14, 19 24:7,18 25:13,18, 20,22 26:3,16,21,23 27:1,4,14,18,19,21 29:11,25 30:3,7,24 31:18 32:11,22 33:1, 4,5,11,12,16,21,25 34:24 35:1,3,7,9,11, 13,14 36:1,8,11,13, 15,19 37:3,9 38:19 39:2,11,17 40:3,19 41:7,8,9,13,18,24 42:20 43:4,10,12,22, 23,24,25 44:4,8 45:18 46:15,17 47:5,7,8,10, 12,18 48:11,14,19 49:8,15,17 50:3,10, 14,23 51:16,22 52:13 55:8,10,19,22,23 56:9,15,19,24,25 57:4,20 58:1,4,7,11, 13,14,16,19,20,21,22, 24 59:1,4,10,12,22,23 60:8 61:23,24,25 63:13,23 64:9,14,15, 22 65:8,10,16 66:12, 13 67:14 68:20 69:15 70:14,19 71:8,11,17 72:5 73:15,17,20,21 74:4,6,15,16,19 75:16 76:2,6,16,18,19,20,21 77:1,8,9,14,18,23 78:2,7,11,16,18,21 79:2,3,8,9,14,17,22 80:2,15,21,22 81:3,11
--	--	--	---	---

82:1,7,9,10,16,20 83:3,18,21,24 84:2,6, 13,14,15,18,19 85:6, 10,19,23 86:2,10,19, 24,25 87:21,24,25 89:18,19,22,23 91:2, 18,20 93:7 94:9,14, 15,20,23,24 95:3,5 97:2,5,12,25 98:1,22, 23,25 100:4,9,23 101:8,11,13,17 102:7, 23 103:15,18 104:9, 10,11,13,25 105:5,6, 14 106:11,19,22,25 107:2,13 108:8,14 109:4,8,21 110:6,10, 11,15,16,23 111:1,3, 9,15,20,24 112:3,5 113:10,24 114:2,20 115:9,19 116:22 117:11,16,22,24 118:1,3,4,7,11,16,23, 24 119:6,16,17 120:5, 6,16,18,25 121:1,3,4 122:3,5,16,24 123:4, 21,25 in-person 9:15,18 13:8 inadvertent 110:5 Inc 4:16,17 inches 84:21 85:9 include 17:8 23:2 36:18 74:9 77:14 85:24 98:22 110:1 116:23 included 14:2 22:10, 19,22 23:4 74:15 110:10 includes 24:1,6 77:16 85:25 86:1 92:1 97:2 102:18 including 53:2 59:13 74:1,2 100:16,17 independent 29:12 91:20 96:3,10,11 97:12,13 Indian 5:3 indicate 81:7,14 97:10 indicated 25:10 64:13 85:6 98:22 indicates 85:9	information 18:2,3 19:11 40:4 41:20 55:20 61:11 62:9 63:22 66:3 informed 56:9,11 infringement 59:24 64:5,14 65:3 infringing 64:4 infuse 45:19 infuser 46:20 infusion 44:10,12,14, 17,22 45:1,5,10,21,25 46:2,7,23 47:2,7,22 48:11 49:7,17,22 50:1,7,11,18,25 54:14 69:17 86:10,11,21 87:2 inherently 99:17,21 initial 110:23 111:12 injection 121:12,14 insert 32:4 38:6 44:22 45:2 118:16,20 inserted 39:6 42:15 45:6 49:3,10,19 50:3, 14 51:17 53:15 80:17 82:18 86:5,7 118:2 inserter 21:14,15 22:3,4,9,14,15,16,19, 21,23 23:2,5,6,7,11, 13,17,19 24:2,4,5,25 25:3,7,16,18 26:1,7, 15,17 27:12,14,24 28:3,5,6,14,15 29:8, 14,17,21 30:3,14 31:10,14,22 32:3 41:4 42:24 43:7,12,15 44:8,16,17,19,21 45:10,22 47:22 48:12 49:1,7,17,22 50:8,11, 18,25 62:3,7,16,21,25 64:9 66:9 70:10 71:10,11,20 72:3,7, 10,13,16,19,23 73:1, 5,10,17 74:7,16,22 79:5,10,16 80:4 89:19 92:2 94:3,7 95:4,9,16, 22 99:2,12 100:17 103:7,12,19 104:2,21 105:2,5,11 108:25 109:11,22 110:8,9,22 111:12 114:16,21 115:17,20,24 116:1,3,	8,11,13,16 117:5 118:8,12,24 119:7,9, 12,24 120:9,14,20 122:4,12,15,16 inserter-comprising 25:20 26:4 27:1,5 29:13 inserters 27:21 44:10, 12,14,22 45:1,5,25 46:2,7,20,23 47:2 51:5,12 52:2,9 53:25 54:3,9,19 55:2 69:17 70:14,19,23 71:7 inserting 45:18 53:20 insertion 24:17,24 38:4,12 39:8 40:8 41:4 42:17 46:8 48:12,14 53:23 69:4 70:7 71:11,15 75:1, 11,15,21 77:6 79:21 80:23 83:11,15,17 85:11 86:9,10,16,20 87:1 91:24 92:1 97:22,24 98:3,6,18 99:1,4,6 100:5,9,11, 16,22,25 101:15,17, 24 102:2,12,15,21,24 103:9,11,20 105:1,3, 10,20 106:8 110:3,4, 14,15,17 111:5,15 116:1,16,21 117:1,21 120:5 insertion/retraction 117:4 inserts 38:2,11 40:7 77:4 119:8 inside 11:15 45:6,11, 18,22 46:14 50:19 51:2,6,13,17,20 53:3 62:25 79:5,10 108:25 109:11 110:8,22 111:5,17 112:21 Insofar 36:21 instances 94:14 instead 55:22 insulin 47:8 120:24 121:5,8,10,13,14 integrated 42:23 43:6, 12,15 44:7 intensely 86:14 Inter 10:5,7	interchangeable 94:14 interchangeably 94:10,19 interface 28:2 interior 23:14 25:4,8, 17 27:13 94:4 internal 40:14,20 international 19:10 interpret 95:7 interpretation 112:23, 25 113:1 115:2 122:19 interstitial 86:7 into 34:3,6,9,10,16,23 38:2,11,19 41:10,23 44:22 45:2,6 46:24 49:3,10 51:6,12 53:15,20 58:23 59:12, 24 64:7,21 86:5,7 101:5 104:19 110:4 111:18 112:19 117:22 118:2 119:23 120:14, 19 introduced 8:7 65:10 introducer 84:15,20, 22,25 85:3,7,20,21, 23,24 86:4 94:11,15 103:14,15 105:5,7,16 110:12 112:8,9 116:25 117:1 introducing 104:16 inventor 15:2 16:9,22 inventors 45:13 involved 6:23 7:16 15:4,9 19:13,14 48:10,14,20 58:11 involves 15:25 16:2 71:11 involving 16:8,15 17:21 18:8 IPR 12:24 14:8,17,25 15:9 17:8 18:13 19:9, 21,22 41:10 43:25 46:18 47:12,19 51:16 56:15,25 57:4,21 58:14,22 61:2 63:23 64:15 66:13 76:19 86:19,25 87:21 101:8 IPRS 15:17,21 16:7 18:18	is 4:18 5:2,5,6,15,16, 19,20,22 6:2,5,10,12 7:9 8:10 9:2,3,4,16 10:4,7,8,16,18 11:1, 19,21 12:2,4,9,24,25 14:3,17,19,20 15:1, 18,19,24 16:9,17,22 17:15 18:5,24 19:25 20:16 21:8,10,11,16, 22 22:4,6,8,16,19,21 23:1,12,24 24:6,7,8 25:20,22,25 26:2,4, 15,16,21 27:1,5,6,8 28:6,9 29:10,14,17, 22,23,25 30:3,11,18 31:1,4,10,21 32:9,22 33:6,12 34:19,23,24 35:13,14,25 36:7,11, 13,17,22,24 37:12 38:4,17 39:10 40:6 41:5,6,18 42:11 43:16 44:3,10,23,24 45:15 46:8 47:3,16,23 48:2, 8,10,12,13,14,15,20, 22 49:3,10,13,19,20, 23,25 50:3,6,7,10,14, 16,19 51:2,6,12,19, 23,25 52:3,14 53:17 54:2,7,11,21,25 55:16,17 56:6 57:7 58:8,18 59:5,17 60:1, 6 61:1 62:6,23 63:3,4, 19,20 64:3,25 65:6,8 66:16 67:4,16,18,21 68:16,18,24 69:10,11, 14,16,17,19 70:6,7,8, 11,13,15,22 71:3,9, 15,22 72:7,9,10,12, 13,15,16,19,23,25 73:1,5,8,9,10,11,20, 22,24 74:10,15,17 75:1,7,11,22 76:1,7, 11,13,17,25 77:3,12, 21,22,24 78:2,3,11,15 79:12,14 80:7,13,16, 23 81:12,16 82:4,18 83:11,16,17 84:1,10, 11 85:2,3,6,9,10,16, 18,21,22,24 86:2,3,4, 8,16 87:4,12,16 88:5, 13,16,18,20,24 89:1, 10,11,13,19,21 90:1, 2,11,14,18,24 91:6, 15,17,18,19,20,21,22, 24,25 92:2,3,6,17,19,
---	---	--	---	---

21,25 93:6,19 94:1, 10,11,24 95:3,6,7,9, 10,16,18,22 96:6,12, 13,15 97:4,17,25 98:10,13 99:3,15,24 100:2 103:12,13,14, 15,19 104:2,3,16,19, 21,22,23 105:2,5,6, 11,14,15,16,19,20 106:5 107:8,16 108:25 109:16,25 110:10,11,24 111:17, 23,25 112:4,6,9,20 113:1 114:21 115:6, 20 116:15,18 117:17 118:9,13,18,19 119:4, 14,19,20,23 120:7,13, 17 121:17,20 122:4,8, 15 123:9 issue 64:15 121:20 it 5:10,11,17,19,25 6:1,8 9:8 11:20,21 12:13,14,16,18,25 15:3,8,25 17:7,11 19:7,8,9,10 20:5,10 21:3,20,24 24:17 25:14 27:1 29:6,7,11, 23 31:3 32:24 34:5,7, 15,23 35:3,9,20 36:18,24 37:1,9 38:10 39:22 42:2 43:17 44:2 46:17 47:15,18 49:2,9 52:8,21 55:17,18,25 56:16 57:9,14 60:4,20 61:8,13 62:3,7,10,12, 16,21,23 63:19 64:2,7 65:11,16 68:1,2,3,4,5 69:2,3,6,11,12,13 71:3,17,23,25 73:14, 22 74:6 77:10 78:25 79:4,9,25 80:12 81:1, 3,10,18,21,24 82:2 83:15 84:15,20 85:8, 19,25 86:1 88:13 89:7 92:7,10,11,13,14,17, 19 93:21 96:3,15 97:4 98:1 99:15 101:13 102:10 104:18 105:13,17,20,22 106:10 107:9,18,19, 20,21 108:2,4,5,8,10 109:13,17 111:8,17 112:1 114:1,10,11,13, 16,18,25 115:1,3,16, 22 116:7,8,11,13	117:3,11,16 118:10, 22 119:12 120:2,12, 17 121:19 122:5 123:6,10,13,14,18 it's 5:1,8 12:4,10 13:2 14:12 22:12,14 24:11 27:1,4,18 35:20 36:25 37:18,21 39:25 40:3 43:14 44:2 49:19 50:3,13 57:10 58:21 61:1 65:1,4,19 66:15, 24 67:11 71:1 76:13 77:1 80:8,9 81:3,21 82:21,25 83:15 84:3 85:1 94:15 96:17 98:1 105:7 109:15 110:16, 23 111:5 120:1 122:6, 7,15,25 123:11 item 81:12 its 35:13 56:18 57:13, 23 58:14,24 59:12,25 62:12 78:18 82:1 100:18 102:3 110:23 111:25 114:2 119:17, 21 itself 50:12 55:1 58:16 67:3 75:2,13,23 76:1 91:9 97:13 99:7,22 100:1,6,11,25 101:8, 18 102:2,15,25 103:12,21 105:2,21 106:9	7,10 96:20 97:24 98:6 100:5 101:12 102:8 103:11,20 104:8,12, 25 105:25 106:5 108:9 117:9 118:21 119:24 120:2 121:25 122:11,15 123:2,10 K keep 78:13 keeping 116:15 117:4 Keker 7:14 8:10,15,16 9:23 16:24 kind 5:10,11 12:22 20:23 44:15 46:11 50:7 54:9,20 82:15 109:11 113:12 114:16 118:21 Klarquist 4:15,17 7:10 18:20 21:5 56:13 knew 96:19 know 5:4 8:22,24 9:9 11:25 14:14 15:3 16:13 19:9,12 31:8,25 32:7 34:8,20 36:24 38:11 42:4,22 48:22 51:21 53:22 55:14 56:3 57:10,11 58:10 62:2,3 63:10,18 65:4 69:12 82:12 86:17,18 96:18,19,21,22 97:1,3 101:1 103:2 115:10 117:13,21 120:3 121:14,18 122:6 knowledge 45:3 49:13 60:18 61:9 79:12 known 70:14,19,24 71:7 108:24 109:10 110:6 117:11 Kottmeier 4:18	laptops 35:4 larger 101:17,20 102:1,3,9,10 last 6:19 7:3,24,25 10:1 14:10 16:24 20:6 61:24 62:1 113:22 lasted 9:10,12 lasting 9:13 late 18:10 37:22,23 42:12 later 12:18 50:2 77:15 84:19 launch 39:19 launched 42:7 law 9:4 lawsuit 58:15 lawyers 92:11 lay 75:5 lead 15:2 16:9 leads 12:22 learn 18:7 learned 18:16 23:3 114:6 least 7:14,15 13:15 16:13 25:13,21 28:14 58:21 64:8 68:22 81:3 107:12 112:14 114:24 118:5 120:23 leaves 118:8 Lee 15:8,10 leeway 64:20,24 Leland 4:12 length 84:20,22 85:6, 7,8,9 86:3 less 7:4 9:10 35:25 113:18 let 5:16 13:18 26:6 28:4 29:6,23 31:8 33:23 38:10,15 46:6 47:21 52:7 54:16 58:2 59:2 66:5 69:12 73:8 75:5 78:21 84:12 91:10 96:8 97:16 98:2 99:19 103:5,23 105:8, 9,17 115:23 118:10, 21 120:21 121:18 let's 6:22 7:19 23:25 24:13 31:6 52:21 83:19 84:23 111:22 123:2	lets 108:5 level 25:1 66:8,24 115:16 leverages 114:1 Libre 60:19,23 61:5 114:3 Libre's 60:15 like 6:6 9:14 12:23 25:14 27:23 52:10 65:23 67:6,16 88:8 94:14 107:5 113:16 114:16 123:16 limitation 87:16 88:5, 24 89:13,25 91:5 limitations 96:4,11,12 97:2 line 32:12 41:13,21 42:3 67:6 96:19 linear 30:3 lines 32:14 84:4,19 85:6 list 14:3 20:13 listed 20:18 23:18 31:1 72:5 89:12 120:16 listening 7:14,17 listing 11:23 lists 10:22 literature 44:11 55:8 117:12 121:5 litigation 16:15 17:21 18:4,8,16 19:9 40:2 64:15,22 107:1,2 little 54:24 65:6 75:6 96:17,23 99:19 106:5 loaded 119:23 120:1 loading 120:8,13,17 long 7:3 9:11,25 45:25 66:21 98:21 103:24 longer 40:2 46:8 83:25 121:11 longitudinal 26:20 93:14 look 11:2 23:23 24:13, 16 31:7 32:11 48:13 57:21 66:14 68:4 69:3 74:21 81:5 96:9 97:21 113:24 120:14,15 looked 37:19 38:18 39:10 40:4 43:21 46:4
--	---	--	---	--

62:10 68:4 86:14 113:11 114:24 121:4 looking 19:11 24:18 28:20 68:17 73:4 78:23 80:8 84:13 85:8 89:16 90:21 96:14,23 looks 11:20 25:14 114:16 lot 121:11 low-power 33:6,12 36:19 lunch 83:1,4	39:9 40:13 43:9 44:1 47:4,24 48:9 49:4,12 50:15,21 51:8,14 52:4,12,17,24 53:4,9, 16,21 54:6,12,22 55:5 56:8 59:20 60:7,12, 17,25 61:10 62:4,14, 20 63:1,12,17 64:11, 17 65:8,21 66:5,11 67:21 69:21 70:1,16 71:13 74:12 75:3,14, 24 78:12,20 79:6,11 83:2,13 86:12,22 87:17 88:7 90:3,13,19 91:7 94:12 95:12,19 96:5,16 98:9 99:13 100:12 101:9 103:22 106:13,17 110:25 114:22 116:19 123:21 124:4 mass 100:19 mate 27:24 material 100:19,20 106:11 materials 13:9,11,12, 20 20:13,18,21 100:10,13,14,15,16 matter 10:3 14:5,18 15:16 19:7,18 60:8 matters 9:5 14:13,21 17:3,6,9 38:21 may 8:12 18:10 30:24 43:1 56:21 63:9 71:25 82:9 83:22 85:23 112:8,11,15 114:1 120:5 maybe 24:13 61:24 66:2 75:5 113:12 118:4,10 Mcandrews 4:11,13 me 5:13,16,25 8:7 9:11 10:11,20,21 11:20 12:22 13:2,13, 18 15:1 26:6,19 28:4 29:6,23 31:8 33:16,23 38:11,15 42:8 46:6 47:21 52:7 54:16 55:6 58:2 59:2 65:19 69:12 73:8 74:3 75:5 78:21 79:25 84:7,8,12 86:14 91:10 92:10 96:8 97:16 98:2 99:19 103:5,23 105:8,9,17	115:23 118:10,21 120:21 121:18 mean 38:5,6 42:3 47:15 52:5 55:6,22,23 57:9 65:18 68:2 71:1 76:23 100:13,19 108:9 109:21 113:22, 23 116:8 119:2 meaning 36:7 means 37:1,9 meant 33:18 measure 51:1 measuring 51:4 mechanism 51:23 103:9 mechanisms 40:18 117:14 Media 5:3 medication 44:23 54:10,14,21 55:3 56:1 Medtronic 37:21 38:19 117:10 meet 123:21 meeting 13:8 Members 21:5 memory 42:7 mention 10:10 69:20, 23,24 70:4 107:11,16, 18,21,25 mentioned 12:23 45:13 46:10 56:5 104:24 117:16 mentioning 10:12 mentions 32:24 met 36:13 method 120:16 middle 6:7 7:2,24 might 8:15 28:10,21 44:6 47:16 55:13 57:11 68:3 71:17,23 102:8,10 103:4 115:9 122:5 millimeters 85:10 mind 27:18 67:7 mine 97:16 Minimed 37:21 38:19 minimizing 116:21 minimum 66:8	minutes 106:14 123:20 misalignment 116:25 mode 32:22 33:2,5,11, 19,22 34:4,6,8,11,16, 19,21,23 35:7,11,15, 17,20 36:1,8,13,15, 18,22 89:18,25 90:17 mode/idle 90:17 moisture 111:18 112:11,14,19 Monday 6:20 monitor 37:10 47:8 84:6 85:12 monitoring 24:15 37:10 51:15 107:14 120:13,18 monitors 108:8 113:14 month 7:2 months 61:24,25 62:1, 9 66:15,22 68:5 more 9:13 46:7 55:18 66:2 67:2,3 85:24 89:3,8 96:23 99:5,19, 21 100:5,10,24 102:23 106:5 109:2, 13 122:20 123:18 morning 4:22,23 most 9:14 45:3,8 66:3, 7 102:18 121:13 motion 118:2,18,19 119:8 motivation 99:24 mounting 79:18,23 80:25 81:1 mouse 114:16 mouse-shaped 115:17 move 7:19 73:18,25 74:8 111:4 Mr 4:6,9,12,15,21 11:22,24 12:1,2,4,7, 12,13,16,18,21 13:3,6 17:1,2,25 18:7 22:17, 18,24 23:9,21 25:6, 10,19,25 26:25 27:4, 8,9,15,16,23 28:8,13, 25 29:2,5,6,24 31:16, 19,24 32:2,5,8 33:7, 10,14,20 34:18,21 35:12,16,19,22,23	36:10,17,20 37:2,4, 17,25 39:9,13 40:13, 16 43:9,14 44:1,9 47:4,11,24 48:5,9,18 49:4,6,12,16 50:15, 17,21,24 51:8,11,14, 18 52:4,7,12,15,17, 21,24 53:2,4,6,9,12, 16,19,21,24 54:6,8, 12,16,22,25 55:5,12 56:8,11 59:20,22 60:7,10,12,14,17,22, 25 61:4,10,15 62:4, 11,14,18,20,23 63:1, 5,12,15,17,21 64:11, 16,17,23 65:8,14,21, 25 66:5,6,7,11,18 67:15,21,22,24 69:21, 24 70:1,5,16,18 71:13,16 74:12,16 75:3,5,14,17,24 76:3 78:12,17,20,23 79:6, 8,11,13 82:21,25 83:2,4,13 86:12,17, 22,24 87:17,20 88:7, 11 89:10 90:3,4,13, 15,19,21 91:7,10 94:12,18 95:12,15,19, 21 96:5,8,16,18 98:9, 13 99:13,17 100:12, 15 101:9,14 103:22, 23 106:13,15,17,23 108:11,15 110:25 111:16 114:22 115:4 116:19 117:2 123:16, 21,23 124:1,4,6 much 40:22 62:8 multiple 103:24 must 74:8 97:10 my 5:16 10:14,19,21, 24 11:6 12:4 13:12,16 14:1,2,16 16:17 17:7 18:6 20:24 21:24 22:1,14 27:18 28:10 30:1 31:19,21 33:17 34:10,22 35:5 36:11, 21 37:24 38:15 44:24 45:3,8,16 46:6,22 47:1 49:13,25 50:16, 22 51:3 53:10,17 54:2,7,17,25 58:20 59:1,5 60:18,22 68:17 69:10,22 70:2,3,8,13 73:20,21 74:20 77:7,
---	---	---	--	---

18,25 78:24 79:2,12, 24 80:6,22 82:7,19 83:15,18,22 85:1 86:2,8 88:8,20 89:21 98:2 100:2 104:10 105:8,9 107:13,15 109:4,8 111:24 112:23 113:24 114:12 115:9 118:3,18 119:4, 10,14,22 120:6 122:19 myself 92:9	no 6:12 12:20 17:23 18:21 20:20 37:7 40:2 41:14,25 45:24 46:16, 19 47:20 48:8,20 49:13 53:19 57:3,19 58:9 59:15 60:3,18 61:1,23 65:21 67:23 77:1 79:14 83:10 84:25 89:9 103:1,12 105:2,11 106:18 108:19 112:9 115:6, 14 116:9 121:9 nods 5:21 non-obviousness 59:7 nor 86:14 not 5:17 6:12 7:5,12 8:4,6,22,23 9:7 10:19, 24,25 14:17 15:6,23 16:12 17:5 18:1,4,10, 11 19:11,19 20:18,20 22:8 23:16,18 24:8 25:25 26:12 27:19 28:19 31:17,19 33:25 34:5,6,10,19 35:3 37:7,18 39:21 40:9,11 41:3,6,17 44:2 45:19, 24 46:3,16 47:14,16 48:10,24 49:23 50:5, 12,22 51:3,19,21 52:2,5,18,19 54:13,19 55:7,10,12,17 56:3,12 57:5,19 58:17,18,22 59:10,21 60:8,18,19 61:2,18 62:11 63:2,4, 22 64:1,6,21 65:5,11, 12,21 66:1,12,14,16, 21 67:4 68:15 69:22 70:3,5,9 71:21 73:22 76:25 77:1 79:4,9 80:3 81:1,3,12,14,23 82:3,24 83:10,14 85:15 86:13,15,18 87:3 88:16 90:5,10,16 91:12 94:13 96:21 97:2 99:14 100:2 101:12 102:10 103:19 104:12,15,25 106:2, 16,20,25 107:10,12 108:9,19 110:13 112:7 113:10,23 114:5,10,11,13,23,24 115:1,2,6,10,14 116:6,20 117:14 118:15 119:11,16,25	121:1,9 123:17 nothing 65:8,9 124:4 November 31:4,13,21 32:2 now 10:3 13:6 14:4 15:16 19:21 21:6 31:6 32:21 37:25 44:9 46:10,20 47:21 51:5 62:11 69:7,14 72:3 73:4,17 76:6 78:1 79:3 84:19 87:4 89:16 90:21 97:15,21 98:25 101:13 108:6,20 117:15 120:22 number 10:8 12:24 14:23 15:3,23 42:4 67:21 72:3,18 73:7 76:14 numbering 12:5 73:8 numbers 12:15 17:7 numerous 38:21 108:24 109:10,18	OBU 81:11,22 92:6, 14,17,21,24 93:4,7, 10,14,15,18,23 94:24 95:3,6,9,18 110:8,11, 21 obvious 111:8 obviously 9:7 obviousness 41:9 56:24 57:20 58:22 59:8,23 October 14:11 20:6 of 4:10,13,15,16,17 5:10,11,16,21 6:7,19 7:2,11,24 8:6,8,21,25 9:4,5,8,11,22 10:10, 11,14,16,18 11:1,10, 20 12:3,8,9,10,22 13:13,21 14:2,3,5,16 15:3 16:3,14,18 17:3, 4,9,13,23 18:4,7,16, 19,22 20:6,7,8,11,13, 19,20,23,24 21:5,6, 14,15,21 22:2,3,8,9, 15,20,22,23 23:1,4,7, 10,12,16,17,18,19 24:14,18,21,24 25:2, 21,23 26:1,3,7,10,18, 19,20 27:19,21,22 28:24 29:3,13,19,20 30:1,10,13,19,20,21, 24 31:1,3,7,10,14,17, 22 32:3,8,19 33:21 34:5 35:4,6,10,14,17 36:7,8,17,23 37:5,18, 24 39:2,4,18,19,20 40:1,14 41:13,19 42:6 44:6,11,15 45:10,12, 13,16,18 46:11,13,20, 23,25 47:2,6,11,14, 15,16,21 48:7,19,25 49:7,13,16,22,25 50:1,6,7,10,11,16,17, 18,22,25 51:3,10,18, 24 53:14,17,23 54:7, 8,9,10,14,19,20,21,24 55:1,2,3,24 56:1,2,3, 9,20,21 57:14,17 58:5,18 59:4,5,6,7,8, 11,16,18,19,21 60:16, 18,24 61:2,4,7,8,9,19 62:19 63:4,6,14,16 64:3 65:1,3,15 66:15, 17 67:6,16,20 68:7, 11,18,19,23,25 69:1,	9,14,15,22 70:2,3,8, 13,15,19,21,24 71:2, 3,6,7,11,15,20 72:3,7, 10,13,16,19,23 73:1, 5,10,25 74:5,7,14,20, 22,25 75:2,6,7,10,12, 19,21,23,25 76:1,6,7, 14,17,18,25 77:7,20 78:1,2,7,13,14 79:1, 12,23 80:6,12,16,21 81:6,11,16,22,25 82:2,15,16,17,19 83:7,8,22 84:2,5,7,8, 10,11,15,17,20,22 85:2,7,13,14,15,17, 19,20,24 86:3,9,10, 16,20 87:1,7,14 88:3, 16,18,19,21 89:4,11, 25 91:5,17,23 92:1, 21,24 93:4,7,10,13,18 94:3,7,16,22,24 95:2, 5,8,10,15,16,18,21, 22,24 96:3,4,10,11 97:1,7,8,11,15,19 98:13,24 99:4,9,18, 20,24 100:19,20,22 101:2,3,4,6,11,15,25 102:6,9,12,17,18,21 104:14 105:5,18 106:11 107:8,13 108:17,23 109:6,9,11, 19 110:3,7,9,10,12,13 111:12,23 112:1,2,4, 6,12,16,21,24,25 113:7,8,12 114:4,5,9, 16 115:2,21 116:5,15, 25 117:1,4,8,15,16,22 118:8,15,21 119:7,8, 23 120:4,11,12 121:7, 13,16,21 122:11,19 123:10 off 34:24 62:25 63:5 64:18 65:23 69:7 124:6 offer 31:25 32:6 33:15,17 34:9,22 41:8 48:10,23 49:20 50:5 53:10 55:16 60:8,10 62:5 83:14 101:1,3 102:4,16 103:1,2 offered 41:12 43:10 44:3 48:23 80:19 101:10 102:5 103:8 116:20
---	---	---	---	---

offering 52:13 66:25 71:23 office 115:10 often 94:19 Oh 64:16 okay 5:18 10:11 12:25 13:2 14:4 16:4,12,14 26:9 31:9,20 32:18 34:13 38:14 67:8 68:9,15 69:8,14 72:2 77:20,22 78:1 79:3 82:25 88:21 92:12,17, 19 109:7 117:15 118:19 on 4:9,13,16,17 5:22 7:6,15 8:5,8,14,19,21, 22,23,25 9:23 14:4,18 16:3,14 17:4,9,13 18:19,22 21:1,15 22:3,15 23:5,12 25:17,23 26:16 27:13, 24 28:1,2,6,14 29:21 30:1 31:1 34:7 35:5 38:21 39:22,23 40:24 41:8 43:2,11 44:12, 15,21 46:14 47:10,22 48:10 49:9 50:2,11,18 52:16,22 53:8 55:1 56:12,13 58:20 63:7, 11 64:3,12 65:2 66:10 68:10,12,13,24,25 69:3,5,15 71:19 74:20,22 75:6,19 78:10,17 79:16 80:19 81:1 82:21 85:17 86:15 89:12 91:3 95:17,24 97:5 98:16 101:3 102:7 106:24 108:18 112:10 113:20,21 114:12,18 115:17 116:11,16 117:5,16 118:13,25 122:11,25 123:1 124:4 on-body 16:3 23:15 24:25 26:3,21,23 28:1 42:23 43:6,12,15 44:7 62:24 63:10,16 64:9 66:9 68:23,25 70:9,10 75:2 79:4,9,14 80:3,9, 12,16 82:3,17 83:25 89:18 90:24 92:2,4,6, 15,18 98:4,7,14,19,24 108:25 109:10 110:16	111:16,19 112:20 113:3 118:7,11,16,23 119:6,9,13,16,21,23 120:8 on-skin 36:14 one 5:15,16 7:13,14 8:4,8,20 10:14 12:8, 16 13:8 14:16 15:1,3 16:18 19:15 21:6 23:12,13 24:3,14,15, 18,21 25:13 26:10 29:12,13 34:1 35:24 36:24 41:19,20 43:6 44:24 45:16,17 59:6, 16,18 69:14 72:7,10, 13,16,19 74:14 76:6, 17,21,25 77:2 78:1 84:2,10 85:11 91:21, 23 92:1,20,24 93:4,8, 11,13,18,25 94:3,7,22 95:2,8,15,21 96:4,11 97:2,6,8,9,12,21 98:22 99:9 102:8 107:8 109:20 112:3,5, 18 115:5,7,8 116:4,6, 7 117:6,15 120:11 121:25 ones 13:18 97:9 113:15 ongoing 14:14 only 8:10,12 9:23 20:21 22:7 26:11 28:5 36:22 66:6 87:14 88:3,22 89:11,24 91:4 103:3 113:5 117:10 opening 24:16 26:18, 19,20 79:21,22 81:14 82:4 93:8,11 111:25 112:9 119:17 openings 26:23 93:15 94:23 95:5 operate 113:16 operating 36:25 operation 73:17 74:6 114:2 operations 112:12,16, 21,24 opinion 31:25 32:6 33:15,17 34:9,23 41:12 43:11 44:3 46:15 48:10,23 49:20 50:6 53:10 55:16	60:5,8,10,14,19,23 62:5 80:19 83:14 86:15 101:1,3,10 102:4,5,16 103:1,2,8 109:8 110:6 116:20 opinions 41:8,9,24 43:4,24 52:13 56:24 57:4,20 58:22 59:23 61:3 86:19,25 101:8 opportunity 32:16 opposed 110:22 optionally 36:15 or 5:8 7:13 8:6,20 9:14 11:9 12:14 18:2,15 19:2,9 33:11,18 34:4, 10,16 36:8,13 37:10, 22 39:21 41:12,20 43:18 44:6,21 45:13 46:3,24 47:17 48:24 50:6 53:23 55:18 57:6,8,13 58:12,18 60:3 61:19,25 62:6,8 63:11 64:19,21 65:23 66:14,20 67:1 68:14 71:2,3 73:13 81:14,15 82:24 83:19,24 84:4, 14,25 85:9,22 88:13, 23 89:18 90:24 94:10 96:21 99:9 100:10,19 101:4 102:6,7 106:14 108:8 110:2,12 111:7 112:9,11,15 113:11 114:11,12,13,24 115:5,7,12 116:1,2,5, 16,21,25 117:9 120:2 121:2,21,24 122:6 123:19 order 34:24 45:19 47:7 58:4,7,11 63:23 118:16 original 97:6 117:10 other 5:17 7:13 8:2,4 9:11 12:3 13:16 14:13 17:3 18:18,23 19:2,16 22:8,9,20 23:3,5,6 25:14,18 27:14,20,21, 22 28:11,15,21 41:19 47:14 57:11 77:15 78:15,17,18 86:1 99:10 100:18 105:12 111:3,9 112:15 113:9, 11,14 116:20 121:4,9 Otherwise 122:20	our 4:7 97:13 out 30:19 41:12,20 46:25 55:20 69:9 74:13 78:13 82:18 97:15,16 115:19 116:12 121:16 outside 13:21 55:20 74:17 oval 68:24 oval-shaped 63:19 over 5:11,17 6:19 99:25 116:18 overall 63:20 75:10,21 overtravel 123:10,11 own 21:2 34:1,15 P p.m. 124:8 packaged 120:2 packaging 102:1,5,8, 9,11 page 23:23 30:1 31:1 68:12,13,17,24 71:19 74:20,22 75:6,19 97:5 108:5 121:21 122:25 123:1 pages 67:20 68:7 pain 116:21 paragraph 14:2 20:10,19 23:24 30:1, 8,9,12 32:11,17,18 36:12 59:5,11 71:18 73:15,16,21,22,23 79:1,17 80:21,22 81:4 82:7,8 83:21 88:8 104:13,16 107:13 109:6,21,25 111:1,22, 24 112:1,3,5 120:11, 17 121:21 122:24 paragraphs 82:20 111:10 122:14 parenthesis 74:4 part 11:19 12:3 21:15 22:3,15,22 23:7,17 26:1,3 30:10 35:5 40:1 47:15,16 50:10 63:4,6 66:16 69:1 73:12 74:15 76:1,25 80:16 81:6 82:17 85:14,15,20 87:14	88:3,16,18,21 89:11 94:16 98:13,24 105:5 113:22 116:24 118:15 122:11 Partes 10:5,7 partial 79:20 partially 79:22 80:24 participants 8:2 participate 8:17 participated 9:18 particular 81:17 parties 18:23 19:12 parts 22:8,9,20 23:21 25:1 38:6,16 47:14 77:3,19 80:9 103:24 passing 54:9,20 past 47:10 56:9 68:20 106:20,22 patent 10:7 11:2 12:10,12,24 13:1,5 14:25 15:2,8,10,12, 22,24 16:8,20 17:16, 21 18:8,14 19:7 23:11 24:14,19,20,21 30:21 31:2,18 32:9,12 33:18 36:9 42:5,6,20 44:6, 11 45:12 46:11 47:6,9 55:8 56:6,19 57:6,15, 21,22 58:6 60:1,6,16, 24 64:4 70:24 76:14 83:16 87:5,8 89:16 90:22 91:17,18,21,23 92:21,25 93:4,13,18 94:3,22 95:2,8,16,22 96:3,10 97:1 106:25 108:23 109:9,20 113:12 121:5 patents 15:4,11 16:19 18:16 84:10 113:20, 25 114:1 patient 73:24 74:5 114:25 patient's 81:1 84:18 patients 111:6 paused 82:13 pen 121:14,15 pending 17:21 27:8 Pennsylvania 5:3 pens 120:24 121:6,8, 10,12
---	--	---	---	---

people 63:14 113:3 per 38:19 58:17 percent 65:1 perfect 123:24 peripheral 27:25 28:1 116:23 periphery 16:3 person 6:21 7:14 8:4, 11,12,13,15 56:12 110:7,20 personal 44:13,18 personally 44:21 115:4,7 petition 10:20,23,25 11:20 12:5 21:8 58:14,16,17,19,20 65:17 PH.D. 4:1 Philips 8:11,16,19 9:22 Phillips 7:18 phone 8:14 phonetic 16:10 photographed 115:8,9 116:3,4,6 photographs 61:19 63:13 66:20 116:5 photos 62:8 phrase 13:4 35:6,8,10 38:10 109:16,17 physically 61:16,17,18 67:9 113:23 114:12, 23 picked 5:22 picture 68:25 122:16 pictures 66:1,14 piece 52:21 81:11,22 82:2 pierces 95:10 piercing 84:16 pins 27:24 28:2 place 7:22 33:16 107:13 109:4 places 59:4 78:13 plasma 19:15 platelet-rich 19:14 please 4:24 6:1 22:25 80:1	plus 23:24 24:1,6 30:2 94:16 96:11 99:5,18, 21 100:3,8,23 101:7, 15,20,25 102:13,18, 22 103:5,16,18 104:1, 20 105:19 106:7 111:11 pocket 11:15 12:9 21:7 point 6:5 35:1 54:1 68:3 79:2 83:18 105:9 108:10 122:23 popped 113:12 portion 25:21 48:19 73:2 79:22 83:24,25 POSITA 83:22 position 26:21 30:8 79:15,16 80:4,5 89:19 90:24 94:25 95:3 108:20,22 109:21,22 110:8,24 111:10 118:9,12,13,24,25 positioned 95:17 positioning 95:24 111:2 possible 120:7 potentially 92:17 power 33:5,12 34:25 35:2,14,21,24,25 36:16,19,23,24 37:1 49:23 50:3,13 54:4 powerless 36:25 practice 43:11 113:19 practiced 42:20 44:5,7 43:7,16 70:6,11 preceding 111:10 predicted 10:14 predominant 78:15 predominately 51:17 prep 9:18,25 13:11 preparation 7:20 9:1 13:9 20:20 66:12,13 preparations 19:15 prepare 6:13,16 13:7 20:3 63:23 prepared 6:17 20:22 21:3 63:3 121:3 preparing 6:23	prepping 40:1 pressure 73:24 pretty 34:12 63:25 64:25 65:19 prevent 6:10 53:15 111:18 112:18 116:24 previously 18:19 prime 122:6,8 123:12 prior 36:15 46:17 87:13 88:2 89:22 91:2 96:20 105:15 110:2 111:2,4,15 priority 70:24 71:1 108:23 109:9,19 110:7,24 privileged 18:1,2 probably 7:7,17 8:18 13:4 17:12 25:14 37:22 39:24 41:5 46:3 56:13 85:10 99:8 100:7,20 101:19 104:5 109:13 116:5, 22 117:7 121:13 problem 112:15 122:2 proceed 66:5 proceedings 15:9 37:3 67:14 83:3 108:14 123:25 process 116:17,18 117:4,21 processing 79:19 112:10,12,17,24 product 16:15 17:16, 22 18:2,9 39:1,3,4,12, 14,20 41:13,21 42:3, 22,23 43:2,5,11,18,22 58:25 64:21 102:24 115:5 products 38:24,25 41:11,16,18 43:20 44:5 57:23 60:15,24 61:5 65:3 113:18 114:3 121:7 propose 99:1 proposed 99:20 100:4, 9,22 106:7 protect 110:4 protected 53:14 58:11 protective 58:7,10 provide 5:20 20:13	46:24 84:8 117:3 provided 57:17 64:4 86:14,15 112:6 provides 84:16 providing 6:11 proximal 23:13 24:3 25:4,7,16 27:12 94:4 118:24 119:2 public 58:9,13 61:11 63:13 publication 43:1,3 published 30:24 pull 30:19 69:9 97:15, 16 121:16 purple 75:7 76:2 purpose 35:13 47:18 pursued 18:5 push 114:19 115:18 put 46:24 69:7 120:22 122:5,16 puts 114:18 115:16	quick 36:4 quickly 108:7 Quinn 8:25 9:3,4 quite 41:22 quote 30:11 73:24 82:8,10 111:14 quoting 30:10,13 73:22
R				
range 83:16,17 rather 108:6 Ravgen 19:16 re 104:6 read 26:2 30:2 32:16, 18 59:5 73:24 83:22 97:7 109:25 112:5 reading 86:2 93:2 117:11 123:6 reads 25:9 92:3 93:17 95:13 96:1 real 11:15 really 7:15 59:10 63:3 65:5 67:8 120:21 reask 71:4 79:25 109:8 reason 57:12 67:18 96:13 111:9 112:18 reasons 108:24 109:10,19 110:6,20 111:9 recall 7:21 8:2,11,12, 13,14,22 9:13 13:18, 20,24 14:12 17:5 18:15 28:12,14 40:21, 22,23 41:21 42:9,11 43:2 48:3 51:21,25 56:16,22 57:2,8,16, 19,24 58:12 59:15 60:2,3 61:13,22 62:22 63:8,15,18,20 66:15, 16,19 68:1,2 70:3 104:7 114:6 120:4 recently 114:24 recesses 15:25 16:3 recite 87:10 recites 24:15 91:23 recognize 9:7 107:6				
Q				
qualify 106:18 question 5:24 6:7 9:2 12:22 13:19 21:18,25 22:1 26:9 27:2,8,9,17 28:4 29:1 31:19,21 32:1,7 33:9 38:15 43:13 46:6 48:17 49:5 51:9,10 52:6,20 54:15,17,23,25 58:2 59:9 60:21,22 68:17 70:17 71:4,15,24 75:4,20 79:7,17,24 81:25 82:11,12,14 86:23 87:19 88:20 89:3 93:2 95:1 96:9, 20,23,25 98:2,5,12,16 99:19 100:2 103:24 104:17 105:9 107:15 109:8,15 115:23 117:3 118:18 questioning 4:10 questions 5:16 10:14 14:17 32:17 36:4 61:13 63:3,25 64:12 66:23 67:1,6 68:6 71:25 106:1,2 124:3				

recollect 39:11 40:9, 14,18 41:4 recollection 20:24 37:24 41:1 49:25 50:16,22 51:3 53:18 68:19,23 69:22 70:2, 3,8,13 80:6 120:7 reconstruct 43:13 record 4:7,25 11:9,25 12:23 17:24 30:23 64:19,24 65:7,8,10,23 75:18 76:10,11,12 77:10 89:8,10 106:5 recycled 103:4 redirect 124:5 refer 26:14 27:21 33:16 38:5 73:14 78:21 83:19 84:12,25 88:8 104:13 107:12 108:4 109:4 111:9 reference 13:16 21:16, 21 22:4 26:4 28:11 30:16 69:10 70:15,20, 21 73:14,23 76:7,13, 15,20,22,23,24 77:1, 3,23 78:2,7,14 84:1,6, 13,14 87:14,16 88:4, 5,10,12,19,22,24 89:2,11,13,24 90:1,5, 8,16 91:4,6,11 97:16, 17 107:8,14,20 108:7 109:24 111:20,22 117:17 121:17 referenced 91:9 references 6:18 13:15, 25 14:1 28:21 47:12 69:14 76:6,18 78:1 79:1 84:3 87:24 88:9, 20,22 112:1 117:15 referencing 101:8 104:7 referred 11:7 20:10 27:20 65:16 73:13,14 78:16 118:6 referring 11:22 19:22 20:12 21:4 26:7,11,23 35:18 37:11,12 40:20 50:9 92:15 118:18 refers 24:21 73:15 reflects 65:7 refresh 41:1 68:19	refute 59:7 regarding 91:8 104:24 related 63:23 relating 59:14 relative 52:19 73:18 74:8 119:9 released 37:16 39:2,17 42:10 relevant 65:1,5 rely 21:15 22:3 25:17 27:13 29:21 46:14 47:9,22 48:19 49:1,8, 17,23 50:2,11,18 51:1 58:20 69:15 76:6,18 78:10,17 117:15 relying 22:15 23:5 25:23 28:6,14 remain 30:7 Remaining 97:9 remains 36:15 remember 8:5,7 15:12,24 16:22 18:15 20:12 39:4 62:7,8,17 63:2 120:1 remotely 9:21 remove 115:17,19 removed 48:12 50:8 95:23 105:15 112:8 removes 114:21 rendering 41:9,24 43:4,23 46:15 56:24 57:4,20 58:21 59:22 86:24 repeat 21:18,25 27:9 29:1 33:9 49:5 51:9 54:16,23 60:21 75:4 79:7 86:23 93:2 95:1 98:5,11,16 rephrase 29:6 54:16 96:8 105:9 118:10,21 report 109:6 121:22 reporter 4:3,8 5:14 12:11,21 24:10 81:25 reporter's 5:18 13:3 reporting 117:13 represent 65:14 68:13 representation 65:11 representatives 8:24 represented 19:17	68:16 representing 19:17 represents 9:5 requests 12:11 24:10 81:25 require 28:23 29:2,8 71:14 89:17 90:22 100:10,24 102:1 104:15 required 101:6 requirement 36:22 requirements 102:6 requires 73:17 requiring 111:12 reread 104:18 rereading 107:23 research 44:21 respect 8:10 25:11,16 27:12 28:5 48:18 49:6 50:24 51:5,11 52:1,7, 9 53:12,22 71:10 74:4 78:10 79:13 80:15 87:13 88:2 89:22 91:2 103:11 104:1,19 105:1,13 respectively 84:21 restart 13:19 98:2 result 102:23 retained 14:7,12,13, 18,21,24 17:13,20 18:12 19:3,4 retract 29:9,15,18 119:11 retracted 30:6 110:4 retracting 116:17 retraction 28:23 29:3, 20,22 95:24 114:4,9 116:17,21 117:1 retracts 114:20 119:12 reusable 40:21,23 41:6 reused 120:6 review 6:21 10:5,7 13:8,11 43:19 48:16 56:25 57:5 58:17 66:14 80:20 119:25 120:9 reviewed 10:25 13:12 57:2 67:3 117:24	reviewing 6:18 13:15, 20 28:10 67:2 96:23 107:20 108:3,6 117:24 right 11:21 15:15 20:1,8 24:15 27:7 38:17,21 43:17 46:25 53:20 56:7 61:5 62:11 65:15 66:21 69:1,4 72:18 73:6,7 76:19,21 77:6 81:6 85:22,23 91:18 92:20,22 93:19 96:4 97:22 98:20 99:15 101:13 103:16 104:4,22 105:3,8 107:22 108:1 110:13 113:4 116:13 117:17, 19 118:2,14 122:9,12, 13 right-hand 68:10 rigidity 84:16 ring 15:5,13,22 16:1,5 rings 15:23 risk 49:9 risks 49:2 room 33:25 rotates 118:16 rotational 118:2 119:8 routinely 83:24 running 78:13 S S-H-A-H 78:3 safety 115:18 said 7:19 9:9,15 20:22 33:10 50:5 58:18 64:2 65:23 66:18 82:1 88:18 104:5,6,8 114:10 sake 13:4 same 29:5 32:5 33:14 48:9 49:12 51:14 55:11 60:12 62:14,20 79:11 123:1 Sarnoff 45:17 save 67:19 saw 41:20 62:9 66:16, 21 say 5:25 14:12 15:25 19:21 21:4 23:11	39:25 44:4 50:5 52:18 58:21 65:4 75:15,17 76:7,11,12,13,14,17, 21,25 77:3,8,9,14,16, 22 81:19 87:16 88:5, 24 89:13 90:1,5,8,16 91:6,11 98:10 105:4 107:19,23 108:3 109:2 116:8 123:4,7 saying 26:3 66:7 111:24 says 24:17 25:8 29:14 36:13 77:13 84:15 97:7 108:5 112:23 scope 31:16,24 33:8 36:20 37:17 39:9 53:9,21 54:12,22 55:5 56:8 58:19 60:7,17,25 61:2,10 62:4 63:1,12, 17 64:11 66:11 83:13 se 38:19 58:17 seating 80:25 second 5:20 7:21 8:13, 14 65:1 79:16 80:4 88:14 90:24 118:13, 25 secondary 58:23 59:6, 14 65:2,9 76:20,21 88:9 section 25:20 26:4 27:2,5 29:14 65:2 120:4 see 10:15 57:22 58:7 59:2 68:5,10,24 73:12 78:21 80:10,13 83:19 84:12 85:2,4,18,20 96:15 98:1 104:6 108:5,7,9 114:11 seeing 8:5 39:4 57:8 58:11,12 60:3 63:8 68:1,2,18 101:13 104:12 113:11 seem 63:18 104:7 seems 81:7 seen 43:1,20 47:5,10 57:11 58:4 61:11,19 62:19 63:6,13 64:2 65:12 66:1 67:25 68:3,20 114:15,18 116:5 self-sealing 111:21,25 112:7
---	---	---	--	---

self-serving 106:3 sense 50:19 55:18 120:25 sensing 50:23 sensitive 52:16,18 sensor 25:25 26:2,5 31:15,23 32:21 36:14 38:2,3,4,8,11,12,13 39:6,7 40:7,8 42:16, 17,24,25 43:7,8,12,16 44:8,19 51:5,6,12,19 52:1,3,9,10 53:14,25 54:1,3,8,18,19 55:1,6, 9,15,17,24 69:25 70:4,6,7,11,14,18,23 71:7 77:4,5,6 80:17 81:22 82:2,9,18 83:12 84:17,25 85:15 86:6, 11,20 87:1,10,15 88:5,19,23 89:1,17,24 90:6,11,22 91:4,12 93:19,21,25 94:1 98:10,13,23 104:15 105:3 107:20 114:20 115:19 116:25 117:22 118:1,17 119:8 120:19 sensor-held 89:13 sensors 47:7 51:15 52:15,22 53:6,13,24 54:3,8,19 55:1 69:20, 23 83:23 107:11,16, 18,21 108:7 sentence 59:6 111:23 separate 15:21 103:7, 12 104:15 115:23 separately 38:7 September/october 20:4,23 served 15:18,20 16:14 17:4,8 18:22,25 106:23,25 107:2 server 50:2 serves 42:7 serving 14:4 session 9:16,18 10:1 sessions 13:7 set 26:8 44:10,12,14, 17,22 45:1,5,10,21,25 46:2,7,20,23 47:2,22 48:11,14 49:7,17,22	50:1,7,11,18,25 59:8 69:17 86:10,11,21 87:2 116:2 seven 17:9 77:16,19 89:17 90:1,18 several 73:18 74:7 110:1 Shah 78:2,7,10,14,16, 18,21 79:1,3,8,13,17 80:2,8,15 82:1,7,8,16, 19 Shah's 81:11 shape 63:15,20 shaped 68:24 sharp 23:14,15 24:6,7, 8 25:5,8,11,15,22 26:8,18 27:11 28:24 29:3,9,15,18,20 30:5 84:16 85:3,21,25 86:1,3 94:7,9,15,19, 22 95:4,9,10,18,25 109:22 110:12 111:11,13 she 8:21,22,23 9:23 sheet 89:4 shorthand 4:2 13:1 should 10:9 104:5 122:20 shoulder 5:21 Shoulders 72:20 shouldn't 39:25 show 69:4 81:14,24 107:5 122:4 123:13 showed 123:13 shower 113:4 showing 59:8 122:12 shown 80:24 112:7 118:4 shows 64:5 65:9 81:21 82:2,6 97:21 shroud 111:14 shrugs 5:20 sic 24:4 side 19:16 68:10 69:7 sign 58:7 signed 58:10 significantly 75:1,11, 22 similar 24:2 29:16	79:19 simple 107:15 121:20 simply 76:1 99:11,15 100:2 since 14:11 17:9 20:5 31:13,21 32:2 37:19 39:25 40:3 46:3 62:10 66:15 single 47:8 104:14 site 30:7 48:11 50:7,8 74:3,10 75:7,12,23,25 87:13 107:6 110:3 sitting 13:21 28:13 45:24 51:24 56:22 86:17,18 six 10:2 61:24 62:9 77:23 78:11,14,15,18, 25 79:3,9,14 80:2,8, 16 81:5,11,16 82:1,16 123:4 size 101:17 102:3 skilled 110:7,20 skin 38:2,11 49:3,10 50:3,14 53:15,20 66:10 74:5 79:16 80:5 81:1 84:16,18 85:18 86:5 95:10,17,24 111:3,5,6,7,13 114:19 115:17 116:12,16 117:5 118:13 119:1 sleep 33:11 34:3,10, 16,21 35:7,11,15,17 36:8,12,15,18,22 89:18,25 90:17 sleeper 32:22 33:1,5, 19,21 sleeve 72:11 73:19 74:5,8 105:12 small 19:14 smoothly 5:13 so 6:22 7:19 8:19 9:6,7 10:11,12,14,18 11:19, 24 13:3 14:14,16 15:7 16:11 17:7 18:12,21 21:25 22:19 23:10,15, 23 24:7,11,21 25:15, 20 26:2,9,16,22 27:2, 11,25 28:13 32:13 34:13 35:5 37:6 38:9, 15 40:3,11,25 41:25 43:4,14 51:24 52:19 54:14,16,23 55:10	57:4,9,10,20 58:10, 17,21 59:4,10,22 61:2 63:18 64:5,17 65:4,18 67:15 68:1,6,16,17 74:6 75:6,20 77:10, 20,22 80:19 83:9 84:12,21,23 85:1,8, 11,13 87:20 88:20 89:3,7,10 98:10,16 99:17 101:5 103:1,18 106:4,5,14 109:8 110:6,20 111:22 112:14,18 113:5,6 116:10,14 118:21 120:6,16 sold 51:19 some 6:17 9:5 10:16 14:10 20:5 27:22 33:5,12 34:12 35:2 36:19 38:23,25 44:11 46:10,13 51:21 54:1 57:11 61:11,23,24,25 63:25 64:6,12,20,23 65:25 66:2,3 68:3,11 74:7 76:7 83:18 84:23 97:4 106:2 111:11,12 113:17,18 117:16 118:15 122:23 someone 43:18 56:12, 13 120:17 something 41:23 94:17 96:7 105:6 sometimes 34:3,15 92:5 94:9 somewhere 28:22 37:23 104:10 soon 67:4 sorry 21:18 22:18 24:20 29:1 30:17,21 33:9 34:9 40:16,24 49:5 55:23 60:20 69:13 70:17 72:21 76:24 79:7 82:10 86:23 87:18 90:7 93:2 95:1 98:5,17 104:17 112:2 121:24 sound 39:3,22 source 50:13 space 51:22 113:10 spans 32:12 Sparkman 4:16	speak 6:2,6 67:12,13 83:18 speaking 116:22 speaks 84:5 specific 14:9 68:6 79:1 109:2 113:16 specifically 25:15 26:12 27:11 33:19 48:16 54:17 63:8 69:23 71:19 73:13 77:15 96:22 114:5 117:6,14 specification 32:21,25 specify 118:19 speculating 62:15 103:3 speculation 62:15 speed 72:1 spend 122:20 spring 15:4,5 30:6 72:16 100:17 105:12 stability 117:3 Stafford 23:24 24:1,6, 7,8 25:12,23 30:2 77:15 91:9 97:16,17, 19,21,24 98:3,6,18 99:5,6,11,14,18,21,22 100:1,3,5,8,11,22,25 101:2,4,7,15,17,20, 22,23,25 102:2,6,10, 13,14,18,19,20,22,24 103:5,11,15,18,20 104:1,12,19 105:1,5, 6,10,14,19,20 106:7,8 111:10,21,24 112:2,3, 14 Stafford's 79:19 99:1 104:14 start 6:22 9:22 23:25 68:7 84:24 118:11,23 starters 64:8 starting 12:14 23:23 starts 62:24 118:7 119:6 state 4:24 29:25 33:6, 12 35:13 36:11,19 82:7 96:6 97:5 104:25 109:13 111:1 stated 36:21,23 80:23 84:20 109:18,21
---	---	---	--	---

statement 22:6 53:1 59:1 70:22 76:5 87:19 89:15 90:20 96:6 98:11,21 100:21	34:5,6,19 36:4 37:18 40:9,10 43:20 49:6 51:10,11 52:5,18,19 54:13,25 55:8,10 56:12 70:18 73:8,22 75:5 76:12 77:18 79:8 80:2 86:24 94:13 95:2 98:6,13,15,18 99:15 104:8,10,18,23,25 108:13 109:13 115:10 116:20 118:15 119:25	talks 32:25 tall 63:19 83:25 taught 24:7,8 30:8 42:20 111:15 teaches 32:21 79:18 82:7,8 87:15 88:4,23 89:12,24 91:4 111:25 112:14 teaching 89:1 teachings 23:4 25:23 technically 122:25 tell 4:3 7:23 14:23 15:1 39:20 40:10 41:19 45:24 47:9 51:22 55:6 temperature 98:23 ten 62:1 80:9,10,25 81:6 85:10 123:19 ten-minute 123:17 term 34:16 35:17 36:18 40:25 46:2 52:19 85:21 94:9,19 99:15 terminology 34:5,19 41:3 terms 86:10 94:13 117:22 tested 115:5,7,24,25 testified 4:3 13:6 48:5 66:20 103:25 testify 19:19 testimony 6:11 37:6 40:3 83:8 108:17 texts 78:15 textual 78:19 than 7:4 8:2 9:10,13 18:18,23 23:6 25:18 27:14 28:15 36:25 46:8 75:1,12,22 78:18 83:25 85:25 99:6,22 100:5,10,24 101:17, 21 102:2,9,10,14,19, 24 105:20 106:8 109:14 113:11 116:20 121:9,11 122:20 thank 5:23 6:9 83:6 84:12 92:20 124:1 that 4:8 5:5,6,12,16, 21,22,24 6:2,5,7,10 7:3,6,7,17 8:2,5,8,11	9:4,6,9,16,22 10:8,10, 11,12,16,18,23 11:5, 6,7 12:22,24 13:14, 16,25 14:1,9,10,16, 19,20 15:4,5,6,13,17, 18,19,22,24 16:1,5,8, 9,17 17:5,6,14,15,18, 19,21 18:5,10,13,18, 24 19:6,12,18,25 20:1,3,4,12,13,16 21:8,10,11,16,22 22:4,6,9,10,14,22 23:2,4 24:7,24 25:8, 10,11,20,22,24 26:3, 5,11,12,15 27:6,19,24 28:2,6,9,11,21 29:6,8, 10,11,19,22,25 30:11, 15,18 31:4,5,11 32:1, 7,12,16,22 33:1,4,6, 11,12,17 34:15,16,23 35:1,5,14,25 36:1,12, 18,23 37:12,20 38:4, 8,9,16,17,22 39:3,4, 10,17,20 40:1,5,9,21, 22 41:1,3,4,6,22,23 42:13,19,23 43:2,3, 22,24 44:5,10,16,23, 25 45:10,13,15,16,17, 22,24 46:8,10,13,14 47:3,15,16,17,18,22, 23 48:2,4,5,11,13,16, 19,21,22,23,25 49:1, 2,3,7,8,9,10,14,17,18, 19,20,23,24,25 50:4, 9,10,11,14,16,18,20, 23,25 51:1,2,4,15,19, 21,22,25 52:1,3,14, 15,25 53:3,17 54:2,7, 11,21 55:17,19,25 56:5,9,14,17,18,19, 21,22 57:2,6,7,9,16, 19,25 58:8,13,14,19, 24 59:1,7,9,10,12,15, 16,19,21,24,25 60:1, 3,8,10 61:6,17 62:3, 16,18,24 63:6,8,10,11 64:5,9,25 65:7,9,12, 22 66:8,10,15,16,24 67:4,11,18 68:2,15, 18,20 69:1,4,7,14,16, 19 70:6,7,8,12,13,15, 22 71:9,10,15 72:9, 12,15,18,25 73:13,20 74:8,10,25 75:8,9,10, 21 76:4,6,7,11,18,21	77:13,20,24 78:1,3, 11,25 79:12,15,24 80:3,13,19 81:3,10, 12,16,20,23 82:5,8, 10,16 83:15,18,20,23, 24 84:6 85:4,5,9,16, 18,20,22 86:4,6,8,9 87:3,12,13,14,15,19, 24 88:2,4,5,20,22,23, 24 89:1,4,7,11,12,14, 17,19,21,24 90:2,4,8, 11,14,15,18,22,25 91:4,11,15,18,19,21, 22,24,25 92:2,3,6,14, 21 93:1,6,19 94:1,11, 18 95:6,7,10,11,13, 18,23 96:1,6,7,12,20, 21,22 97:1,2,3,4,7,11, 17,19,21 98:11,15,21 99:3,18,23,25 100:3, 8,15,17,21,24 101:6, 14,16,19,24,25 102:8, 12,13,17,19,21,22 103:8,9,13,14,19,24, 25 104:1,3,5,10,11, 14,19,20,21,22,23,24, 25 105:2,4,6,12,15, 18,22,24,25 106:1,6, 10,15,18 107:5,8,10, 19 108:2,4,9,20,21, 22,25 109:2,20 110:2, 11,18 111:9,20,25 112:5,8,14,18,25 113:1,9,12,20,22 114:3,5,6,8,15,21,23 115:1,6,11,20,21,25 116:9,20,24 117:2,3, 6,11,12,15,24 118:5, 8,9,13,15 119:4,14,19 120:5,16,25 121:3,10, 12 122:23,24 123:3,5, 20,23 that's 5:18,23 6:3,9 8:12,13 9:6 10:6,9,24 13:21 17:11 20:2,17, 24 21:13 24:4 25:1 26:23 28:17,19 29:11 30:15,16 31:1,12,19 33:3 37:10 38:18 39:14,20,24 41:22 42:21 44:24 45:3,6,8 46:4,9,22 47:1,5 48:7 52:19 53:10 55:10 65:10 68:16 69:2,6 72:22 73:7 77:7,18,25
--	--	--	--	--

78:3,4,5 79:4,10 81:7, 24 82:6,13,19 84:22 85:5,11,14,15 88:25 89:15 90:20 91:1 92:7 93:9,17 96:1 97:23 99:8 100:2,7 103:7,17 105:8 109:5,23 111:7 112:23,25 115:2,9 117:7,19,20 118:3 119:4,10,14,20,22 120:17 122:3,17,18, 19,25 123:3,6,8 the 4:2,3,7,10,24 5:13, 17,21,22 6:7,18,19,22 7:1,5,12,15,16,21,23, 24 8:1,2,6,8,10,12,13, 14,19,25 9:2,4,5,9,11, 18,22,24 10:3,7,10, 18,20,22,23,25 11:1, 2,5,6,7,9,14,15,18,20, 22,24,25 12:5,8,9,10, 21,22,23,24,25 13:3, 4,12,13,14,15,17,19 14:2,10,17,23 15:2,3, 4,8,9,11,16,23 16:3,9, 15,18,20 17:6,16,21, 25 18:4,8,12,14,16, 18,20 19:4,12,16,20, 22 20:4,13,24 21:1,6, 7,8,14,15,16,18,21 22:2,3,4,10,14,15,19, 20,22,23 23:1,3,4,6,7, 10,12,15,16,17,18,24, 25 24:3,5,6,8,13,14, 16,17,19,20,21 25:1, 2,3,8,11,14,15,16,21, 22,23,25 26:1,2,3,4,7, 8,12,15,18,19,20,21, 23 27:1,5,9,11,12,22, 25 28:1,3,4,5,9,16,17, 19,20,23,24 29:1,2,3, 8,9,10,11,12,13,14, 15,16,17,18,19,20,21 30:2,3,4,5,6,7,13,20, 21,23 31:1,14,22,25 32:3,7,8,11,18,21,25 33:9,15,18,25 34:5,7, 8,15,19,24 35:1,4,6,8, 10,17,25 36:7,8,14, 16,17,22,23 37:4,5,8, 18,19,20,22,23,25 38:1,2,3,7,11,13,15, 18,19 39:1,2,4,6,7,10, 11,12,14,17,19,23 40:1,3,4,6,8,14,18,19,	20,21,24,25 41:6,8, 13,19,21 42:3,4,5,6,7, 15,16,17,19,20,21,22, 24,25 43:5,7,11,13, 15,16,19,24 44:6,11, 22 45:2,3,5,6,8 46:2, 3,5,9,23,25 47:5,10, 14,15,21 48:1,6,7,11, 12,16,18,22,25 49:3, 5,6,7,10,13,14,16,21, 22,25 50:1,3,6,7,8,9, 10,12,14,16,17,19,22, 24,25 51:2,3,5,6,9,10, 12,15,19,23 52:2,6,9, 10,13,14 53:2,3,6,7, 13,14,15,17,20,22,23 54:7,10,15,17,20,21, 23 55:1,3,8,10,19,21 56:1,6,9,19,23,25 57:2,5,6,8,10,14,15, 22,23 58:5,6,13,16, 17,19,20,23,24 59:2, 4,8,12,13,16,17,18, 24,25 60:1,3,6,16,18, 19,20,21,24 61:1,9, 12,23,24 62:1,5,6,8, 12,15,18,19,22,24,25 63:2,4,6,7,10,11,13, 15,20,22,23 64:1,3,4, 9,14,19,21,24 65:2,6, 7,8,16,17,20,22,24 66:1,4,7,8,10,15,17, 19,23 67:3,6,10,17, 18,19 68:10,11,14,18, 19,20,23,25 69:3,4,5, 7,9,14,22 70:2,3,8,10, 13,14,15,17,19,21,22, 24 71:4,6,8,9,11,12, 14,15,24,25 72:7,18 73:2,5,7,8,9,10,18,20, 23,24,25 74:1,4,5,7,8, 9,10,13,14,15,17,25 75:1,4,7,10,12,18,20, 21,22,23,25 76:1,6,7, 10,12,13,14,17 77:3, 4,5,6,7,10,12,13 78:1, 2,7,10,15 79:1,3,7,8, 12,13,16,22,23 80:2, 5,6,9,10,12,15,16,17, 20,21,23,24 81:1,2,6, 7,9,11,13,14,18,21, 22,25 82:2,4,6,8,16, 17,18,21,23 83:7,8, 11,14,25 84:5,10,13, 14,17,18,20,22 85:2,	5,6,7,8,9,13,14,15,17, 18,20,21,22,23,25 86:1,3,5,7,9,15,20,23, 25 87:1,4,7,13,14,15, 16,24 88:2,3,4,5,16, 19,20,22,23,24,25 89:2,3,4,8,10,11,13, 16,17,18,19,22,23,24 90:1,5,6,8,10,16,17, 21,22,23,24 91:2,3,4, 6,11,12,16,18,20,23 92:1,3,5,11,13,14,20, 21,24 93:2,3,4,7,10, 12,13,14,17,18,23,25 94:1,3,7,9,10,15,16, 18,20,22,23,24,25 95:1,2,3,4,5,7,8,9,10, 13,15,16,17,18,22,24, 25 96:1,3,4,8,10,11, 13,14,19,22,25 97:1, 6,7,15,16,21,24 98:3, 4,5,6,7,11,13,14,16, 18,19,24 99:4,6,8,9, 11,15,17,19,23,24,25 100:1,3,5,8,11,15,16, 17,22,24 101:2,3,4,5, 10,11,13,14,17,19,20, 21,24 102:2,6,8,9,11, 12,14,17,18,19,21,24 103:3,4,6,11,15,18,20 104:1,3,9,13,17,19, 22,24,25 105:1,3,4,5, 7,10,12,13,14,16,18, 19,20,22,23,24,25 106:2,5,8,11,14,19,22 107:8,12,23 108:3,6, 13,17,18,20,22,23,24, 25 109:9,15,19,21,22 110:2,3,4,5,6,7,8,9, 11,12,13,14,15,16,18, 19,21,22,23,24 111:2, 3,4,5,9,10,11,12,13, 14,19,23 112:4,5,6,7, 8,10,11,12,16,19,20, 21,22,23,24 113:10, 13,17,19,20 114:8,15, 19,20,21 115:2,5,6,9, 15,16,17,20 116:8,10, 11,12,13,15,16,17,22, 23,25 117:1,4,5,8,10, 11,13,15,17,20,21,22, 23,24 118:1,2,3,4,5,7, 8,10,12,13,16,17,23, 24,25 119:6,7,8,9,11, 12,16,17,23,24 120:1,	5,8,9,12,13,14,18,19, 25 121:1,3,5,13,14, 16,23 122:2,11,14,16, 17,24 123:1,10,11,13, 18 their 24:12 38:11 41:15,17 102:5 114:18 115:17 117:9 them 8:21 41:17 47:10 52:16,23 53:8 54:10, 20 55:3 57:11 120:25 121:2,3,8 then 9:15 10:25 11:7 12:17 23:14,22 34:21 37:23 38:2,7,12 39:6 40:2,7 42:16,21 68:13 77:5,20 84:1,19 95:21 96:25 100:20 116:12 118:12,25 120:7 121:7,20 therapeutic 19:15 there 6:5,10,12 7:12, 13,19 8:1,4,12,15,24 15:11,12 16:12,13 21:11 22:8,9,20 23:1, 12,16,18 25:20 26:4, 16 27:8,20 28:10 31:8 32:15,24 36:21 41:5 43:19 47:16 48:8,15, 20 49:13 51:21 53:19 54:13 65:8,13 68:10 78:14 79:14 81:3 83:16,17 84:1 85:2,6 91:17,20 97:4,11 98:10 99:24 103:12, 14,15,18 104:2,21 105:2,6,11,14 106:6, 10 108:21,23 109:7,9, 12,18 110:6 111:23 112:9 113:9 118:19 119:7 there's 41:4 65:3 these 10:20 11:16 20:21 26:10 27:19 47:11 110:15 113:3 they 13:25 34:6,7,8,9 44:25 47:13 51:23 58:19 61:6 64:16 81:8 113:3,4,16,19 114:19 115:17,19 117:12 120:25 121:9 123:9 they're 10:12 27:19 46:20 53:14 94:13	108:9 They've 7:23 46:6 thickness 111:6 thing 5:15 12:22 64:1 110:11 122:1 things 5:12,13 23:18 46:24 72:1 74:13 96:15 think 5:7,11 7:11,19 9:15,22 15:8 16:11 17:3 20:10,22 21:6,7 23:14 25:10 27:16 35:20 51:24 55:24 56:2 64:24 65:5,6,18 66:18 79:24 83:18 84:3 85:5 92:4 97:25 103:25 106:13 108:20,22 109:15 117:8 120:21,22 121:17,20 122:9,10 123:3,20 third 111:23 112:4 this 7:2 11:19,21 12:2 14:5,8,9,14,17 17:8 18:11,13 19:21 20:20, 21,23 24:13 26:16,17 27:16 28:12 31:18 33:23 36:2,5 37:9 41:8,9,14,18,24 43:4, 10,25 44:4 46:15,17 47:12,18,21 51:16 55:8 56:5,15,24 57:4, 21 58:15,22 59:23 60:4,9 61:2 63:23 64:15,18 65:10,23 66:13 67:21,25 75:16, 17 76:2,16,17,19 85:23 86:2,19,25 87:21 89:6 91:10 94:9 101:8 103:5 107:8 108:10 109:25 110:24 111:8 112:4 121:20 thoroughly 113:13 those 21:14 23:17 28:2 43:23 47:10 58:7,9 61:2,13 64:15 74:13 84:2 87:23 88:22 90:5,10,16 91:12 94:13 97:8 114:1 though 5:10 26:1 88:17 thought 40:17 46:10 123:1
--	--	--	---	---

three 6:25 7:20 8:18 15:21 16:7,12 19:2 84:4 97:10,13 through 5:10 10:21 23:16 24:12 26:10 28:16,20 32:18 52:2,6 54:10,20 55:3,25 77:17 79:22 80:24 81:2,8,9,13 82:4,15 84:4 93:14 94:23 95:4 96:19 110:16,21 112:7 119:17,18 throughout 92:5 throwing 103:6 thrown 103:13,14,19 104:3,21 105:2,7,12, 15,16,18 106:6 throws 116:13 thus 111:12 time 6:5 14:10 18:12 19:4 20:4,6,23 28:12 35:1 36:2 61:23,24,25 67:5 70:15,19,21 124:2 timeline 37:19 43:19, 20,22 46:5 times 5:7,8 18:25 19:3 tip 53:2,7 title 113:13 to 4:3,6 5:11,25 6:2,4, 6,13,16,20,25 7:20 8:7,10,18 10:7,11,20 11:2,7,10,20,22 12:13,14,16,22,23,25 13:4,7,16 14:12,16,25 15:1,21 17:11,25 18:1 19:22 20:10,12,24 21:4,19,24,25 22:7,8, 11 23:9 24:2,21 25:6, 11,16,19 26:5,7,8,9, 10,11,14,18,23,25 27:2,12,17,18,20,21 28:5,11,21 29:9,15, 17,19,24 30:5,15,19, 20 31:5,6,7,15,23 32:1,4,7,12,14,16 33:15,16,17 34:10,13, 24 35:13,18,24 36:2, 5,15 37:11,12,23 38:3,5,7,13,15 40:8, 20 42:17,25 43:6,7, 11,16 44:4,23 45:1,3,	8,19 46:24 47:7 48:2, 3,11,15,16,18 49:6, 13,18,25 50:3,6,7,9, 13,15,16,22,24 51:3, 5,9,11,16 52:1,7,9,19, 24 53:4,9,12,14,15, 17,23,25 54:1,4,7,10, 21 55:3,15,16,18,20 56:1 57:6,10,22 58:4, 7,11,21 59:14,16,18, 25 60:1,5,15,18,23 61:24 62:2,9 63:3,18, 23 64:6,17,21,25 65:5,16,19,21,22 66:2,3 67:1,4,6,8,9, 16,18 68:6,7,13,24 69:2,4,6,7,17,22 70:2, 3,6,8,11,13 71:10,16, 17,23 72:18 73:12,13, 14,15,18,24,25 74:4,8 75:9 76:12,20 77:3,5, 13,15,18,22 78:10,13, 16,20,21,24 79:2,12, 13,16,17,19,21,25 80:4,6,15,20,21,24 81:2,7,19,24 82:24 83:14,18,19 84:5,8, 12,14,18,23,25 85:10 86:9 87:7,13 88:2,8 89:7,22 90:23 91:2,16 92:9,13,15,17 94:16, 17 95:9,13,17,23 96:20,22 97:5,8 98:15 99:11,24 101:10 102:5 103:3,11,22 104:1,6,7,8,13,18,19 105:1,13,15,22,25 106:1,4,11,18 107:5, 9,12,14,18,20 108:4, 7,12 109:4,5,15,20,22 110:2,3,4,7,11,21,22 111:2,4,10,14,15,17, 20,23 112:18,20 113:10,24 114:11 115:1,6,15 116:24 117:2 118:6,13,16,18, 19,25 119:9,25 120:9 121:15,18,21,25 122:3,4,12,23 123:4, 6,7,9,13,17 today 4:18 5:13 6:11, 14 10:4 28:13 37:6 45:24 51:16,24 52:14 56:22 83:8 92:13 110:18 117:17	Toddy 7:8,9 9:20 together 73:18 74:8 120:2 told 10:24 17:18,19 too 66:21 97:16 took 7:22 41:23 top 26:18,19 69:3 80:12,16 81:11,22 82:2,16 92:25 93:5,7, 14 94:23 95:5 119:17 topic 36:5 43:2 torsion 15:4 total 91:17 toward 59:2 74:5 trade 19:10 trained 106:20 transcript 5:22 transcutaneous 83:23 transmit 55:19 transmitter 41:1,5 112:6 travel 111:13 tried 122:23 true 48:7 truth 4:3 truthful 6:11 try 6:4,8 52:7 104:18 trying 27:2 30:15 64:6,25 65:5,18,19, 21,22 66:3 73:12 84:14 123:3,7,9 tubes 46:21 tucked 109:11 110:22 turn 30:19 31:6 68:7 71:16 87:7 121:25 turned 34:24 turning 91:16 two 7:4,13 8:18 9:10, 14 15:11,17 16:13 19:14 24:24 38:6,16 55:18 77:3,14,23 80:9 91:20 97:25 104:19 111:10 two-part 38:1,5,9 39:5 40:6 42:15 type 45:13 46:13 55:2 typical 83:11,14 84:5 typically 6:4 53:7	110:15 U U.S. 10:8 76:13 Uh-huh 46:12 74:24 80:14 87:9 108:16 ultimately 53:25 54:4 unaware 59:6 uncomfortable 66:25 uncoupled 30:4 under 4:3 23:17 25:3 26:17 80:5 92:20 93:13,18,25 94:22 95:2,8,15,21 underlies 101:16,25 102:13,22 104:2,20 understand 5:24 9:2 21:19 23:10 35:24 36:21 37:13 38:4,8 51:10 52:5,6 55:15,17 74:6,14 86:6 98:16 113:24,25 123:6 understanding 12:4 16:17 18:6 22:14 33:21 34:22 35:10,17 36:7,11,17 38:17 44:24 45:8 46:22 47:1 53:11,17 54:2,7 62:23 77:7 80:22 82:19 83:15 85:1 86:8 88:25 89:21 115:20,22 118:3 119:4,10,15,22 understands 34:17 understood 6:1 34:20 83:23 92:14 unit 16:3 23:15 24:25 26:3,21,24 28:1 35:14,25 36:14 42:24 43:6,12,15 44:8 62:24 63:11,16 64:9 66:9 68:23,25 70:9,10 75:2 79:4,9,14,19 80:3,9, 12,16 82:3 89:18 90:24 92:2,4,6,15,18 98:4,7,14,19,24 108:25 109:10 110:16 111:16,19 112:6,10, 12,17,20,24 118:7,11, 16,23 119:6,9,13,16, 21,23 120:8	United 39:2,17 units 113:3 unless 33:16 120:10 unmarked 10:12 11:1 unquote 111:14 until 116:12,17 up 5:22 6:2,6 36:6 72:1 100:16,17 103:6 108:25 109:11,22 110:8,22 111:5 113:12 upcoming 10:14 uploading 120:18 upon 48:19 49:1,8,17, 23 51:1 76:6 upper 73:25 111:25 us 4:6,17 65:16 use 12:25 19:15 36:15 37:12 38:9 45:1,9 88:19 92:11,17 99:15 102:24 104:3,22 105:15,19 106:7 115:1 119:24 120:7 121:13 used 40:21 75:9 92:6, 7,13,14 94:10,13,19 114:11,13 115:4,7 123:13 useful 71:17 user 28:24 29:4,10,16, 18,21 38:1,3,7,11 39:7 40:6 42:15 68:14,15 77:4 95:10, 25 103:6 104:3,22 105:3,10 114:4,9,18, 21 115:16 116:12 119:24 120:1,8 user's 63:11 66:10 111:13 uses 105:10 114:1 using 35:25 60:4 92:4 120:12 usually 83:17 86:6 V Vaguely 68:21 various 8:1 10:10,22 11:5,7 13:13 22:10 23:3,16 71:20 101:12 113:25
---	---	---	--	--

verbal 5:20 version 24:18 versus 86:11,20 87:1 101:7 103:4 vertical 118:18 119:2 very 66:24 117:12 via 6:17 73:14 118:2 119:8 view 81:16,19 82:1 vitro 55:19 vivo 55:22,23 83:24 volume 100:20 W want 4:6 11:2 12:13, 14 21:18 22:8 27:18 36:5 51:9 64:21 65:24 68:6 71:25 77:18 79:25 84:8 98:15 104:8 108:12 110:21 112:18 121:25 wanted 122:3 wants 106:1 was 6:20 7:1,6,12,14, 16,25 8:4,5,6,8,21,22, 23,24 9:23 10:19,23, 24 14:16 15:3,8,9,12 16:24 18:13 19:3,4,7, 8,9,10,15,16,19 20:5 21:7 27:16 30:11,15, 24 39:1,5,6,12,17 40:1,2 42:7,9,14,20, 22,24 43:3,5,7,11,17, 18 45:17 48:20 53:19 56:9,14,16 60:21,22 66:2 68:5 70:21 75:20 76:12,17 77:13 82:10, 17 83:25 92:14 93:2 97:12 103:24 104:11, 17 109:5 114:5 115:15 116:10 117:2, 10,11 121:15 122:11, 24 123:5,6 wasn't 7:16 39:19 40:20 41:23 118:21 waste 102:24 103:3,4 105:18 106:6 water 78:24 way 5:16 28:4 52:8 81:10,19,21 95:7,13	96:1 105:17 111:23 112:4 ways 109:19 we 6:6 11:24,25 12:7, 25 14:11 37:2 38:20, 22 45:17 51:16 64:8, 18 65:23 67:4 74:21 75:9,17 77:10,14 82:15,25 89:7 99:14, 16 104:6,8,13 110:18 116:24 118:5 122:10, 18 123:1,2,3,16 124:4,6 we'd 12:23 we'll 6:8 123:21 we're 5:16 23:14 26:11 67:9 85:8,13 106:13 we've 36:4 102:7 108:11 wear 113:3 wearing 63:14 weeks 6:19 welcome 21:25 83:4 108:15 well 34:20 57:9 73:22 85:23,25 88:13 110:8 117:12 118:4 122:10 were 6:23 7:13,19 8:1 14:7,24 15:11 16:7,13 18:12,16 19:4,12,18 28:6 37:15 38:1,16 40:17 47:13,14 57:10, 17 70:14,19,23 71:7 108:23 109:9,18 110:6 117:8 123:1,2, 3,9 weren't 18:13 what 5:2 6:16 9:2,3 10:3,15,16,24 11:25 13:11,24 14:1 15:25 16:2,18 19:5 22:21 23:5,21 25:23 27:23 30:15 31:1 33:17,18 34:6,7,8 36:7 37:10, 12,13 38:1,5 39:11 40:18 42:7,11,20,22 43:22 45:15 48:10,14 50:6,7 51:23 52:5 53:22 54:24 55:6,10, 12,13,15,16,17 57:10 58:18 62:6 63:3,20	65:5 66:16,19 67:15, 21 68:16,24 69:2,6 75:9 77:12,25 78:21 80:23 81:7,24 82:6, 10,19 83:11 84:25 85:5 86:2,15 93:17 96:15 97:12 98:16 100:13 101:1 102:7 103:3 104:6,8,17 106:4 108:5 109:5,16 110:10,20 113:6,22 116:15 122:3,18,19, 25 123:3,6,8 what's 13:21 15:2,21 31:18 35:10,16 40:23 61:9 80:22 105:12 whatever 35:14 37:1 60:20 62:8 84:23 85:9 when 7:1,21 14:7 18:7,11,15 19:3,4,21 20:3 21:4 23:11 26:14,17,21 31:8 34:10 35:17 37:15 38:5 42:9 49:2,10 52:18 53:14,20 56:16 61:22 69:12 75:15 83:16 89:18 90:23 94:24 95:3 103:20 105:4,10 109:2 110:16,23 111:16 112:8 114:18 116:8 121:14,18 where 7:13 17:3 19:3 29:13 34:8,24 35:21 38:1 39:6 40:6 42:15, 24 43:7,15 45:12 51:19 69:10 70:10 71:18,19 77:4,14 84:24 104:12,25 112:11 120:5 wherein 25:21 27:4 29:14,17 57:14 whether 43:17 46:2 48:24 54:13 55:8 57:11,22 60:5,15,20, 23 64:18,21 73:13 82:24 120:1,2 which 10:19,22 11:1 13:12,18 14:3,18 15:1,6,17,23 16:22,24 18:16 21:16,21 23:24 27:21 29:12 32:9 41:4,19 42:3 43:2,3,5, 11,17,18,21 44:4	47:6,9 50:2 52:13 54:14 55:9 56:12 57:5 59:5 66:20 69:5,10 72:20 73:11,22 76:11 77:9,12 80:13 81:9, 12,13 82:3,4 84:2,14 85:24 86:4 87:4 88:8, 13 90:7,11,18 91:13, 17,21 95:3 97:10,25 104:16 111:3 112:7 113:15 116:22 119:17 120:12 121:17 122:8, 10 while 30:6 37:19 40:3 41:22 45:17 78:23 102:16 who 7:6,9 9:18 15:1 21:4 56:11 113:3 whole 107:23 108:3 wholly 80:4 why 82:13 115:10 width 84:20 85:7 will 5:12 37:14 55:17 89:8 100:20 with 4:17 6:17,21,22, 23 8:10 10:3,4,11,16 11:5 12:5 13:2,15 18:19 19:7 21:3 23:2 25:11,15 27:12,25 28:2,5 30:4,15 37:6,8 38:10,16,23,25 39:14 40:11,25 41:3 42:1,2 43:20 44:10,11,13,18 45:5 48:1,4,6,18 49:6, 14 50:24 51:4,5,11 52:1,7,9,25 53:6,12, 22 64:19,24 65:11,23 67:12,13 68:7,15 71:10 74:4,13 76:4 78:10 79:13 80:10,15 83:8 87:13,19 88:2,25 89:22 91:2 94:1,10 97:9 98:11,21 99:1 100:20 103:5,11,25 104:19 105:1,13,19, 20,24 106:7,8 108:18 110:5,21 111:6,17 112:6 113:6,15,17,18, 19 117:8,10 118:15 120:8,19,24,25 121:8 122:7 123:19 withdraw 96:25	withdrawn 112:9 within 28:24 29:3,10, 16,18,20 42:24 43:6, 15 70:10 79:15 80:4 89:19 93:21,22 95:4, 25 109:22 114:4 118:12,24 119:12,21 120:8 without 28:9,16 64:19 65:24 67:2,17 96:18, 23 107:23 108:3 witness 17:23 18:1 64:19,24 65:6,20,22, 24 82:23 108:13 won't 67:13 wonder 71:22 word 17:11 94:10 words 111:4 121:4 work 18:2 39:23 51:23 114:1 117:12 worked 18:19 44:15 works 62:12 64:1,7 115:3,16,21 116:11 117:22 123:20 worry 12:17,18 would 4:8 5:15 6:10, 25 7:4,7,17 8:19 11:21 13:25 14:9,10, 11 15:1,6,17 16:17 19:2,6 20:4 27:24 28:2 33:4,10 35:5,24 36:2,25 37:20,21 44:16 45:16 48:2,15, 25 52:1,25 58:6 59:7 62:6,15,16 67:6,11,15 74:14,25 75:10 76:4 80:20 81:19 82:4 84:24 85:5 88:8,9 95:7 98:10 99:5,8,15, 23 100:3,4,8,10,24 101:6,14,16,20,24 102:1,9,12,14,16,17, 19,21,23 103:2 105:18,22 106:2,5,6, 10,11,15,18 107:5,10 109:16,17 110:19,20 111:8 112:18 115:1, 11,22 117:7 120:9,11 121:10 123:18,23 wouldn't 99:17,20 106:18
---	---	--	--	---

wrap 36:5 wrong 24:20 122:16 123:13 Y yeah 7:12 11:17,19,22 12:1,4 17:18 24:20 28:19 34:6 38:9 43:14 57:8 60:4 61:25 71:16,22 76:24 77:12 85:4 96:13,17 103:9 109:24 122:7,9 123:23 year 16:24 18:11 19:5 20:6 39:25 Yep 83:2 yes 5:1,19 6:15 8:9 9:17 10:13 13:2,10,23 14:6 15:6,9,14 16:4,6, 21,24 17:2,19 19:19, 24 20:12,15 21:23 22:13 24:11,23 25:1,9 26:16 30:16,18,22 31:2,5,12 32:10,15, 20,24 37:14 38:6,14, 22 39:4,16 44:12,25 45:4,9 46:9,22 47:1 49:21 52:25 53:5,11, 17 54:2 55:23 56:10 61:6,8,21 62:21 63:14 68:12,16,21 69:2,6, 16,19 70:22 71:9 72:6,9,12,15,18,22,25 73:3,8,14 74:13,19 75:9,17,20 76:3,4,9, 16,20 77:7,20 78:6 80:1,7,11 81:10,24 86:8 87:6,12,22 88:1 89:7,21 90:9,14 91:22,25 92:9,16,23 93:12,20,24 94:2,6,8, 21 95:7,13,14,20 96:2 97:18,23 99:3 100:7 101:19 104:13 107:9 110:18 112:25 113:2, 5 114:17 116:14 117:18,25 118:3,6 120:16 122:2 123:15, 21 yesterday 6:20 9:16, 19 yesterday's 9:25	you 4:6,24 5:4,7,13, 15,23,24,25 6:1,5,8,9, 10,13,16,23 7:11,19, 21,23 8:2,11,24 9:9, 10,15 10:11,14,15,16 11:2,14 12:13,14 13:6,7,8,11,18,20,21, 24 14:7,13,21,23,24 15:1,11,17,20 16:7, 14,22 17:3,8,13,20 18:7,12,13,19,22,25 19:4,9,12,18,22 20:3, 7,8,10,13,18,22 21:1, 4,6,15,18,20,21,24 22:3,12,24 23:5,11,21 24:16 25:10,17 26:14 27:13 28:6,13 29:21 30:19 31:6,7 32:8,11, 16,17 33:4,9,10,16,23 34:1,13,15 37:5,8 38:4,6,10,23 39:20 40:5,10,17,21,22,25 41:10,15,19,23 42:1, 3,9,22 43:4,23,24 44:7,13,18 45:10,21, 24 46:10,14,17 47:9, 11,18,21,22 48:5,19, 25 49:1,5,7,17,23 50:2,11,18,25 51:9, 18,23,24 52:1,5,15,18 54:23 55:6,12,13,15, 22,24 56:2,14,18,25 57:4,13,17,21 58:2,22 59:11,16,19,23 60:5, 10,14,21,22 61:15,19, 22 62:2 63:6,10,15,25 64:2,13,20,23 65:4, 12,14,15,16,24 66:5, 18,19,20,21 67:7,11, 24 68:6,7,10,13,22,24 69:7,9,12,15 71:1,16, 18,19,23,24,25 74:25 75:4,6,10,15,18 76:6, 14,18,23 77:9,10 78:1,7,10,17,24 79:7, 24 80:10,13 81:5 82:22 83:6,7 84:8,12 85:1,18 86:6,17,19, 23,25 87:4,7,13,15, 18,24 88:4,9,11,22,23 89:12,24 90:5,10,16 91:4,10,11 92:7,13,20 94:18 96:9,18,19,21 97:1,3,15,19 98:21,25 100:3,8,13,19 101:5, 14,24 102:12,21 103:5,20,25 105:4,17, 25 106:2,5,15,23 107:2,5,6,8,10,15 108:12,17,22 109:2,4, 13,17 111:16 112:18 113:6,15,22 114:3,8, 15 115:4,8,12,23 116:3,7 117:8,15,21 118:19 119:2 120:10, 14,21,22,24 121:8,10, 16,17,18,21,25 122:9, 20 123:3 124:1 you'll 37:13 you're 11:22 13:4 14:4 15:16 17:15 21:25 22:15 25:11 30:10 31:8 37:10 39:13 40:11 44:9 54:24 55:10 56:5 58:14 61:4,7 64:2,13, 17,25 65:5,18,19 66:8 78:23 99:11 105:4,23 106:15 109:16 122:9 you've 5:10 8:3 14:18 17:5 18:18 35:6 38:20 62:19 63:6 64:2 68:20 87:20 108:20 114:15, 18 117:16 your 4:24 5:2,4 6:13, 24 7:20 10:3 11:10 12:15 13:7,9,21 17:11 20:7,11,22 21:1,20 22:6,12,24 23:5 26:9 27:2 30:10,19 33:20 34:3 35:10,16 36:7,17 37:5 39:23 41:1,9,24 43:4,24 46:15 47:12 48:19 49:8,17 52:20 56:14,24 57:4,20 58:21 59:9,11,22 61:9 62:23 65:10 67:1 68:19,22 69:9,15 71:4,18,23 74:21,22 75:7,19 76:7,18 77:11 78:2,7 79:17 82:11,13 83:7 86:19,24 87:14, 25 88:3,21 89:4,11,22 90:4,8,15 91:2,11 96:20 97:15 98:25 99:4,20 100:4,9,22,23 101:6,8,15,16,25 102:1,13,14,22,23 103:5 104:2,20 106:1, 7 108:17 109:6,8 110:6,10 115:20 117:16 121:16,18,21 122:24 123:4 124:2 yourself 120:15 Z Zoom 6:17,22,23 7:1, 6,20,21,24 8:1,8,16, 19 9:10,11,13 13:7
--	---