

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 -----  
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
4 -----

5 SPECTRUM SOLUTIONS LLC

6 Petitioner,

7 V.

8 DNA GENOTEK INC.

9 Patent Owner.

10 Patent No. 11,002,646

11 Inter Partes Review No. IPR2022-01347

12  
13  
14  
15 VIDEOTAPED DEPOSITION OF KARL LEINSING  
16 FRIDAY, AUGUST 25, 2023, 11:02 A.M.  
17 VIA VIDEOCONFERENCE (ZOOM)  
18  
19  
20  
21

22  
23 Reported by Desiree Cooks, CSR No. 14075

24 Job No. 6068062

25 Pages 1 - 76

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1 APPEARANCES:

2 ALL APPEARING VIA VIDEOCONFERENCE (ZOOM)

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WITNESS: KARL LEINSING

| EXAMINATION    | PAGE |
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| BY MR. HILLIER | 6    |

INFORMATION REQUESTED

| PAGE | LINE |
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(NONE)

DOCUMENTS REQUESTED

| PAGE | LINE |
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WITNESS INSTRUCTED NOT TO ANSWER

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INDEX TO EXHIBITS

| EXHIBIT      |                                                       | MARKED |
|--------------|-------------------------------------------------------|--------|
| Exhibit 1004 | International Publication<br>Number WO 2005/051775 A2 | 43     |
| Exhibit 2056 | International Publication<br>Number WO 2005/051775 A2 | 70     |

|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | FRIDAY, AUGUST 25, 2023, 11:02 A.M.                       |          |
| 2  | VIA VIDEOCONFERENCE                                       |          |
| 3  |                                                           | 11:02:24 |
| 4  | THE VIDEOGRAPHER: We are on the record at                 | 11:02:24 |
| 5  | 11:02 a.m. on August 25th, 2023. Please note that this    | 11:02:29 |
| 6  | deposition is being conducted virtually. Quality of       | 11:02:37 |
| 7  | recording depends on the quality of camera and internet   | 11:02:41 |
| 8  | connection of participants. What is seen from the         | 11:02:45 |
| 9  | witness and heard on screen is what will be recorded.     | 11:02:48 |
| 10 | Audio and video recording will continue to take place     | 11:02:52 |
| 11 | unless all parties agree to go off the record.            | 11:02:55 |
| 12 | This is Media Unit Number 1 of the                        | 11:02:57 |
| 13 | video-recorded deposition of Karl R. Leinsing taken by    | 11:03:01 |
| 14 | counsel for Patent Owner DNA Genotek, Inc., in the matter | 11:03:09 |
| 15 | of Spectrum Solutions LLC vs. DNA Genotek, Inc., filed    | 11:03:15 |
| 16 | before the Patent and -- the Patent Trial and Appeal      | 11:03:22 |
| 17 | Board of the United States Patent and Trademark Office,   | 11:03:27 |
| 18 | IPR2022-01347.                                            | 11:03:38 |
| 19 | My name is Steven Togami representing                     | 11:03:39 |
| 20 | Veritext Legal Solutions, and I am the videographer. The  | 11:03:42 |
| 21 | court reporter is Desiree Cooks from the firm             | 11:03:46 |
| 22 | Veritext Legal Solutions. I am not related to any party   | 11:03:51 |
| 23 | in this action, nor am I financially interested in the    | 11:03:54 |
| 24 | outcome. If there are any objections to proceeding,       | 11:03:58 |
| 25 | please state them at the time of your appearance.         | 11:04:01 |
|    |                                                           | Page 5   |

|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | At this time, will counsel and all present                | 11:04:03 |
| 2  | please state their appearances and affiliations for the   | 11:04:08 |
| 3  | record, starting with the noticing party.                 | 11:04:13 |
| 4  | MR. HILLIER: Good morning. This is                        | 11:04:14 |
| 5  | Drew Hillier. I'm with the law firm                       | 11:04:17 |
| 6  | Morrison & Foerster LLP on behalf of the Patent Owner DNA | 11:04:22 |
| 7  | Genotek, Inc., and with me is Mehran Arjomand, also of    | 11:04:26 |
| 8  | Morrison & Foerster, and also on behalf of the            | 11:04:30 |
| 9  | Patent Owner.                                             | 11:04:32 |
| 10 | MR. ANGER: Good morning. My name is                       | 11:04:33 |
| 11 | Ben Anger. I'm with the law firm                          | 11:04:35 |
| 12 | Knobbe Martens Olson & Bear. And today, I am              | 11:04:36 |
| 13 | representing the witness, Mr. Leinsing, and the           | 11:04:40 |
| 14 | Petitioner, Spectrum Solutions.                           | 11:04:45 |
| 15 | KARL LEINSING,                                            | 11:04:45 |
| 16 | having been first duly sworn, testifies as follows:       | 11:04:45 |
| 17 |                                                           | 11:04:45 |
| 18 | EXAMINATION                                               | 11:05:05 |
| 19 | BY MR. HILLIER:                                           | 11:05:05 |
| 20 | Q Good morning.                                           | 11:05:09 |
| 21 | A Good morning.                                           | 11:05:10 |
| 22 | Q You've had your deposition taken dozens of              | 11:05:11 |
| 23 | times; correct?                                           | 11:05:14 |
| 24 | A Yes.                                                    | 11:05:17 |
| 25 | Q And you've testified against DNA Genotek, Inc.          | 11:05:17 |

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|    |                                                   |          |
|----|---------------------------------------------------|----------|
| 1  | several times; correct?                           | 11:05:21 |
| 2  | A I think twice before this.                      | 11:05:22 |
| 3  | Q Is there any reason you cannot testify          | 11:05:31 |
| 4  | truthfully today?                                 | 11:05:33 |
| 5  | A No.                                             | 11:05:33 |
| 6  | Q Will you please state your full name for the    | 11:05:35 |
| 7  | record.                                           | 11:05:40 |
| 8  | A It's Karl, with a "K," Robert Leinsing.         | 11:05:40 |
| 9  | Q You submitted a declaration in this IPR in      | 11:05:50 |
| 10 | support of Spectrum's reply; is that right?       | 11:05:54 |
| 11 | A Yes.                                            | 11:05:57 |
| 12 | Q And that -- I'm going to call that declaration  | 11:05:58 |
| 13 | "your reply declaration."                         | 11:06:00 |
| 14 | Is that okay with you?                            | 11:06:02 |
| 15 | A Yes.                                            | 11:06:03 |
| 16 | Q Your reply declaration responds to the          | 11:06:04 |
| 17 | Patent Owner response; correct?                   | 11:06:09 |
| 18 | A Can you say that again, please?                 | 11:06:11 |
| 19 | Q Your reply declaration responds to the          | 11:06:14 |
| 20 | Patent Owner response?                            | 11:06:20 |
| 21 | A Correct.                                        | 11:06:24 |
| 22 | Q You did not speak with Dr. Vincent Fischetti in | 11:06:25 |
| 23 | preparing your reply declaration; correct?        | 11:06:32 |
| 24 | A No, I did not.                                  | 11:06:34 |
| 25 | Q Your reply declaration does not report the      | 11:06:36 |

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|    |                                                         |          |
|----|---------------------------------------------------------|----------|
| 1  | results of any testing; correct?                        | 11:06:40 |
| 2  | A Correct.                                              | 11:06:42 |
| 3  | Q You did not conduct any testing for your reply        | 11:06:49 |
| 4  | declaration?                                            | 11:06:53 |
| 5  | A No, I did not do any testing as I didn't feel         | 11:06:53 |
| 6  | it was necessary.                                       | 11:06:58 |
| 7  | Q So it's correct, then, that you did not test          | 11:06:59 |
| 8  | the RE-100?                                             | 11:07:03 |
| 9  | A No, I did not test that device because it was         | 11:07:05 |
| 10 | not necessary.                                          | 11:07:11 |
| 11 | Q And you didn't test the OG-250?                       | 11:07:12 |
| 12 | A No, I did not test that as it's not necessary         | 11:07:15 |
| 13 | for my analysis of motivation. The motivation was still | 11:07:23 |
| 14 | clear.                                                  | 11:07:29 |
| 15 | Q And you didn't test any embodiment of the             | 11:07:29 |
| 16 | Plante device, did you?                                 | 11:07:33 |
| 17 | A Of which device? I didn't hear all that.              | 11:07:34 |
| 18 | Q For the court reporter, the word is Plante,           | 11:07:39 |
| 19 | P-L-A-N-T-E.                                            | 11:07:43 |
| 20 | You did not test an embodiment of the Plante            | 11:07:46 |
| 21 | reference, did you?                                     | 11:07:50 |
| 22 | A No. And again, that's not necessary. A person         | 11:08:00 |
| 23 | of skill in the art looks at the available prior art,   | 11:08:02 |
| 24 | which is the Plante reference, which speaks for itself. | 11:08:04 |
| 25 | And the motivations come from that, and what the        | 11:08:07 |

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | knowledge of a person of skill in the art, and what was  | 11:08:13 |
| 2  | available in the industry at the time.                   | 11:08:17 |
| 3  | Q Do you agree that part of what a POSA would            | 11:08:17 |
| 4  | consider is information available in the industry at the | 11:08:22 |
| 5  | time of the invention?                                   | 11:08:24 |
| 6  | MR. ANGER: Objection. Form.                              | 11:08:30 |
| 7  | THE WITNESS: Can you repeat that, please?                | 11:08:31 |
| 8  | BY MR. HILLIER:                                          | 11:08:33 |
| 9  | Q You agree that a person of ordinary skill in           | 11:08:33 |
| 10 | the art would consider the information available to them | 11:08:35 |
| 11 | in the industry at the time of the invention?            | 11:08:38 |
| 12 | MR. ANGER: Object to form.                               | 11:08:42 |
| 13 | THE WITNESS: They would consider the                     | 11:08:43 |
| 14 | information if it was relevant in the -- or to the prior | 11:08:56 |
| 15 | art analysis.                                            | 11:09:01 |
| 16 | BY MR. HILLIER:                                          | 11:09:02 |
| 17 | Q You don't have a doctoral degree?                      | 11:09:02 |
| 18 | A No, I do not.                                          | 11:09:06 |
| 19 | Q You're not a biologist?                                | 11:09:07 |
| 20 | A I am not a biologist, but I have significant           | 11:09:09 |
| 21 | experience with medical device development, specifically | 11:09:14 |
| 22 | these types of disposable medical devices, including     | 11:09:18 |
| 23 | manufacturing and molding and polymer selection and      | 11:09:21 |
| 24 | safety hazards.                                          | 11:09:27 |
| 25 | Q When you're referring to these "disposable             | 11:09:29 |

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1 medical devices," are you referring to the Plante 11:09:32  
2 collection device, for example? 11:09:38  
3 A That would be an example of a disposable 11:09:40  
4 medical device, as well as many others. 11:09:51  
5 Q Other disposable medical devices would include 11:09:54  
6 the RE-100 and the OG-250; correct? 11:09:58  
7 A I have not analyzed those devices, so I don't 11:10:02  
8 know whether they would fall into the scope of what I'm 11:10:14  
9 referring to as disposable medical devices. 11:10:17  
10 Q You're not an expert in biological 11:10:20  
11 contamination; correct? 11:10:23  
12 MR. ANGER: Object to form. 11:10:26  
13 THE WITNESS: A microbiologist would be an 11:10:26  
14 expert -- or would be an expert. I'm not putting myself 11:10:32  
15 out as a microbiologist expert, but I have significant 11:10:35  
16 experience with doing contamination studies, particularly 11:10:39  
17 with my needle-free device called the SmartSite valve. 11:10:43  
18 BY MR. HILLIER: 11:10:48  
19 Q So you would need to talk to a microbiologist 11:10:50  
20 expert to assess biological contamination? 11:10:54  
21 MR. ANGER: Object to form. Outside the scope. 11:11:00  
22 THE WITNESS: With medical devices, we work as 11:11:03  
23 a team, and a microbiologist was part of the team. And I 11:11:10  
24 would want to have a microbiologist as part of my team 11:11:13  
25 with a contamination study. 11:11:19

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | BY MR. HILLIER:                                          | 11:11:21 |
| 2  | Q And so in your past work with your own                 | 11:11:23 |
| 3  | needle-free device, you worked with a microbiologist for | 11:11:27 |
| 4  | your contamination studies; correct?                     | 11:11:31 |
| 5  | A Yes, I did.                                            | 11:11:33 |
| 6  | Q And you would have -- withdrawn.                       | 11:11:36 |
| 7  | You're not an expert in genetic                          | 11:11:40 |
| 8  | testing; correct?                                        | 11:11:43 |
| 9  | A I am not an expert with genetic testing. I             | 11:11:44 |
| 10 | just have significant experience with medical devices    | 11:11:55 |
| 11 | such that I can opine on the collection devices          | 11:11:58 |
| 12 | pertaining to this IPR.                                  | 11:12:02 |
| 13 | Q And you're not an expert in cellular biology?          | 11:12:04 |
| 14 | A I'm not an expert in cellular biology.                 | 11:12:08 |
| 15 | Q You're not an expert in the cellular epigenome?        | 11:12:13 |
| 16 | A No, I am -- I am not. I'm an expert in medical         | 11:12:22 |
| 17 | device product development, particularly disposables and | 11:12:23 |
| 18 | devices such as those discussed in this IPR.             | 11:12:27 |
| 19 | Q You're not an expert in antigens?                      | 11:12:31 |
| 20 | A No, I am not. I'm a medical device expert.             | 11:12:37 |
| 21 | Q You're not an expert in histones?                      | 11:12:41 |
| 22 | A I am not an expert on histones, only a medical         | 11:12:46 |
| 23 | device expert related to the device itself.              | 11:12:48 |
| 24 | Q And "the device itself," you're referring to           | 11:12:51 |
| 25 | the Plante device; is that right?                        | 11:12:55 |

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|    |   |                                                          |          |
|----|---|----------------------------------------------------------|----------|
| 1  | A | A disposable device is used for a collection of          | 11:12:57 |
| 2  |   | bodily fluids such as the Plante, the Cho,               | 11:13:04 |
| 3  |   | Spectrum-Genent, Genotek, or other such disposable       | 11:13:08 |
| 4  |   | medical devices, as I mention in my declarations.        | 11:13:13 |
| 5  | Q | You understand that the RE-100 and the OG-250            | 11:13:15 |
| 6  |   | are Genotek devices; correct?                            | 11:13:26 |
| 7  | A | That's my understanding, yes.                            | 11:13:28 |
| 8  | Q | And Genotek is the Patent Owner in this case?            | 11:13:35 |
| 9  | A | Yes, that's my understanding.                            | 11:13:38 |
| 10 | Q | You're not an expert in DNA methylation                  | 11:13:47 |
| 11 |   | patterns?                                                | 11:13:53 |
| 12 | A | Can you repeat that, please?                             | 11:13:53 |
| 13 | Q | Of course.                                               | 11:13:55 |
| 14 |   | You're not an expert in DNA methylation                  | 11:13:56 |
| 15 |   | patterns?                                                | 11:14:00 |
| 16 | A | No, I'm not an expert in anything related to             | 11:14:01 |
| 17 |   | DNA, just the medical device itself and the -- or        | 11:14:06 |
| 18 |   | disposable medical type devices.                         | 11:14:14 |
| 19 | Q | You're not an expert in consumer behavior?               | 11:14:17 |
| 20 | A | I don't put myself as an expert at consumer              | 11:14:19 |
| 21 |   | behavior, but I have significant experience as a medical | 11:14:27 |
| 22 |   | device engineer and inventor and know packaging and ways | 11:14:30 |
| 23 |   | of orienting certain components in a package such that   | 11:14:37 |
| 24 |   | they're used more intuitively or properly.               | 11:14:41 |
| 25 | Q | You don't think that being an expert in                  | 11:14:44 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | consumer behavior is necessary to evaluate whether the    | 11:14:48 |
| 2  | challenged claims of the '646 patent are obvious; is that | 11:14:54 |
| 3  | right?                                                    | 11:14:58 |
| 4  | MR. ANGER: Object to form.                                | 11:14:58 |
| 5  | THE WITNESS: That's kind of a long question.              | 11:14:59 |
| 6  | Can you either break it up or repeat that,                | 11:15:04 |
| 7  | please?                                                   | 11:15:06 |
| 8  | BY MR. HILLIER:                                           | 11:15:06 |
| 9  | Q You don't think that being an expert in                 | 11:15:07 |
| 10 | consumer behavior is necessary to evaluate whether the    | 11:15:08 |
| 11 | challenged claims of the '646 patent are                  | 11:15:12 |
| 12 | obvious; correct?                                         | 11:15:18 |
| 13 | MR. ANGER: Same objection.                                | 11:15:19 |
| 14 | THE WITNESS: I don't think you need to be a               | 11:15:22 |
| 15 | consumer behavior expert. A medical device engineer,      | 11:15:24 |
| 16 | such as myself, is aware of specific standards and        | 11:15:28 |
| 17 | documents, such as human factors, where we can understand | 11:15:33 |
| 18 | different shape, sizes, abilities of what a human can do. | 11:15:37 |
| 19 | That, with my combined experience going all the           | 11:15:43 |
| 20 | way back to 1992 of medical device product development to | 11:15:46 |
| 21 | current day, I would have sufficient knowledge and        | 11:15:50 |
| 22 | experience to be able to make the opinions I make in my   | 11:15:53 |
| 23 | declaration.                                              | 11:15:58 |
| 24 | BY MR. HILLIER:                                           | 11:15:58 |
| 25 | Q You're not an expert in medicine; right?                | 11:16:03 |

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1           A       I don't fully understand your question with       11:16:07  
2       medicine. I develop devices that use or contain       11:16:15  
3       medicine, so I have significant experience with polymer       11:16:21  
4       selection in regards to drug constituents and how to       11:16:24  
5       safely contain and transport and deliver and inject       11:16:28  
6       different medicines into the human body.       11:16:31  
7           Q       Are you a medical doctor?       11:16:35  
8           A       I am not a medical doctor. I am a medical       11:16:37  
9       device expert.       11:16:41  
10          Q       You're not a pharmacist?       11:16:41  
11          A       I'm not a pharmacist, but I make devices that a       11:16:43  
12       pharmacist would use -- or I shouldn't say "make." I       11:16:47  
13       develop, design, and developed devices that a pharmacist       11:16:53  
14       would use.       11:16:56  
15          Q       And you're not an expert in automated       11:16:56  
16       laboratory procedures?       11:16:59  
17               MR. ANGER: Object to form.       11:17:01  
18               THE WITNESS: I design devices that are often       11:17:03  
19       used within a medical lab.       11:17:11  
20       BY MR. HILLIER:       11:17:16  
21          Q       So that's a no?       11:17:16  
22               MR. ANGER: Object to form.       11:17:19  
23               THE WITNESS: Well, I think your question is       11:17:21  
24       quite broad: an expert in medical lab procedures. I'm       11:17:24  
25       an expert in developing devices that are used within a       11:17:27

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | medical lab.                                              | 11:17:30 |
| 2  | BY MR. HILLIER:                                           | 11:17:31 |
| 3  | Q But you're not an expert in automated                   | 11:17:32 |
| 4  | laboratory procedures?                                    | 11:17:34 |
| 5  | A It would depend -- oh, sorry.                           | 11:17:35 |
| 6  | MR. ANGER: I was just objecting to the form of            | 11:17:41 |
| 7  | the question.                                             | 11:17:43 |
| 8  | You can answer.                                           | 11:17:43 |
| 9  | THE WITNESS: It would depend on the procedure.            | 11:17:44 |
| 10 | BY MR. HILLIER:                                           | 11:17:47 |
| 11 | Q Tell me more about that: Which procedures are           | 11:17:50 |
| 12 | you not an expert in for automated laboratory procedures? | 11:17:53 |
| 13 | A Well, I personally have a medical lab in my             | 11:17:58 |
| 14 | company, so medical lab is quite broad. There's lots of   | 11:18:02 |
| 15 | medical labs, types of medical labs, types of procedures, | 11:18:09 |
| 16 | types of devices, types of sampling.                      | 11:18:14 |
| 17 | So it would depend on what you mean by medical            | 11:18:17 |
| 18 | lab procedure. I work very closely with medical labs, so  | 11:18:21 |
| 19 | depending on what you're talking about, I would be        | 11:18:27 |
| 20 | considered an expert in some medical lab procedures,      | 11:18:31 |
| 21 | depending on what it is.                                  | 11:18:35 |
| 22 | Q Okay. Which procedures are those?                       | 11:18:36 |
| 23 | A Well, I have testing procedures with testing            | 11:18:37 |
| 24 | for strength of materials, doing volumetric flow, vacuum  | 11:18:46 |
| 25 | flow, air pressure flow, laboratory procedures in terms   | 11:18:53 |

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1 of aseptic technique, laboratory -- I can go on and on. 11:18:55

2 I don't know how much time you have, but I have very 11:19:01

3 significant experience in laboratory procedure. 11:19:03

4 Q But you don't hold yourself out as an expert in 11:19:05

5 automated laboratory procedures? 11:19:08

6 MR. ANGER: Object to form. 11:19:10

7 THE WITNESS: That would depend on what you 11:19:13

8 mean by "automated laboratory procedures." I do lots of 11:19:15

9 medical lab stuff with my own company, and I've made many 11:19:19

10 automated pieces of equipment, so I think that would 11:19:25

11 depend on what you're talking about. 11:19:28

12 BY MR. HILLIER: 11:19:30

13 Q You never designed a device that can be used 11:19:36

14 with the Qiagen high-throughput polymerase chain 11:19:38

15 reaction? 11:19:54

16 (Reporter clarification.) 11:19:54

17 MR. ANGER: Objection to form. Lacks 11:19:54

18 foundation. 11:20:01

19 THE WITNESS: I would need to look at the 11:20:01

20 device. I would likely have the ability, skill set, 11:20:02

21 knowledge, and experience to be able to design a device 11:20:05

22 that could be used in that procedure. 11:20:09

23 BY MR. HILLIER: 11:20:11

24 Q And you're able to testify to that without 11:20:11

25 ever -- without knowing what that is? 11:20:13

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | MR. ANGER: Object to form. And lacks                      | 11:20:15 |
| 2  | foundation.                                               | 11:20:17 |
| 3  | THE WITNESS: Well, I -- again, you know, to be            | 11:20:17 |
| 4  | sure I understand what you're talking about, I would like | 11:20:24 |
| 5  | to look at the device, but being an expert with           | 11:20:25 |
| 6  | disposable medical devices, laboratory procedures,        | 11:20:29 |
| 7  | laboratory experiments, testing, I would likely have the  | 11:20:32 |
| 8  | experience to develop the devices to work with such a     | 11:20:38 |
| 9  | procedure.                                                | 11:20:43 |
| 10 | But if you would be more specific, I could look           | 11:20:45 |
| 11 | at the device and tell you whether that's something I     | 11:20:48 |
| 12 | could do. I have significant experience with all types    | 11:20:51 |
| 13 | of materials. I'm a mechanical engineer and respected     | 11:20:54 |
| 14 | inventor with 39 patents. I have sufficient experience    | 11:20:59 |
| 15 | and design many things that are used in a medical lab.    | 11:21:04 |
| 16 | BY MR. HILLIER:                                           | 11:21:08 |
| 17 | Q You "have significant experience with all types         | 11:21:08 |
| 18 | of materials."                                            | 11:21:10 |
| 19 | What do you mean by "all types of materials"?             | 11:21:11 |
| 20 | A All types of polymers, metals, pure metals,             | 11:21:13 |
| 21 | alloys, composites, all types of materials.               | 11:21:21 |
| 22 | Q So you can really do anything; is that right?           | 11:21:24 |
| 23 | A That's not what I said. That mischaracterizes           | 11:21:27 |
| 24 | my testimony.                                             | 11:21:31 |
| 25 | Q So what is your testimony when you say you have         | 11:21:33 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | experience with "all types of materials"?                 | 11:21:37 |
| 2  | MR. ANGER: Object to form. Asked and                      | 11:21:42 |
| 3  | answered.                                                 | 11:21:43 |
| 4  | MR. HILLIER: Mr. Anger, it's not appropriate              | 11:21:45 |
| 5  | to make speaking objections.                              | 11:21:47 |
| 6  | MR. ANGER: What was my speaking objection? I              | 11:21:52 |
| 7  | was just objecting to form and indicating that it was     | 11:21:54 |
| 8  | asked and answered.                                       | 11:21:56 |
| 9  | MR. HILLIER: Asked and answered is a speaking             | 11:21:57 |
| 10 | objection in this form.                                   | 11:21:58 |
| 11 | MR. ANGER: Okay. I mean, I disagree, but I've             | 11:22:03 |
| 12 | lodged my objection.                                      | 11:22:08 |
| 13 | Do you want to continue this?                             | 11:22:10 |
| 14 | MR. HILLIER: No, I don't want to continue the             | 11:22:11 |
| 15 | colloquy.                                                 | 11:22:13 |
| 16 | MR. ANGER: Okay.                                          | 11:22:15 |
| 17 | BY MR. HILLIER:                                           | 11:22:19 |
| 18 | Q You're not an expert in beverage containers?            | 11:22:19 |
| 19 | A Well, I drink a lot from them. I would -- if I          | 11:22:21 |
| 20 | was asked to help develop a beverage container, I think I | 11:22:31 |
| 21 | could assist in doing that task.                          | 11:22:35 |
| 22 | Q So you laughed when you answered that question.         | 11:22:39 |
| 23 | You're not testifying that you're an expert in            | 11:22:43 |
| 24 | beverage containers; right?                               | 11:22:47 |
| 25 | A I have not developed a beverage container               | 11:22:48 |

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | before, but the materials, processes, tools, engineering | 11:22:52 |
| 2  | ability, and knowledge of other types of containers that | 11:22:57 |
| 3  | would be similar but not labeled the same, I have had    | 11:23:02 |
| 4  | experience with, so I would have the ability to develop  | 11:23:05 |
| 5  | such containers and opine on them.                       | 11:23:08 |
| 6  | Q Is there any device you think you couldn't             | 11:23:14 |
| 7  | design?                                                  | 11:23:20 |
| 8  | MR. ANGER: Object to form.                               | 11:23:21 |
| 9  | THE WITNESS: I mean, there's a lot of devices            | 11:23:22 |
| 10 | I don't think I could design, but I think -- I think     | 11:23:27 |
| 11 | within the scope of the declarations that we're talking  | 11:23:31 |
| 12 | about here, in this case, I feel very comfortable being  | 11:23:34 |
| 13 | able to design all such devices related to this case.    | 11:23:37 |
| 14 | BY MR. HILLIER:                                          | 11:23:42 |
| 15 | Q You don't pretend to be an expert in statutory         | 11:23:42 |
| 16 | interpretation?                                          | 11:23:46 |
| 17 | A I'm not an attorney. I think it's clear within         | 11:23:46 |
| 18 | the scope of my declarations that I'm clearly an expert  | 11:23:50 |
| 19 | in this area.                                            | 11:23:53 |
| 20 | Q Earlier, you used the word "disposable" talking        | 11:23:54 |
| 21 | about saliva collection devices.                         | 11:24:01 |
| 22 | When you say "disposable," do you mean a                 | 11:24:04 |
| 23 | single-use device?                                       | 11:24:07 |
| 24 | A Yes, typically a disposable device would be a          | 11:24:08 |
| 25 | single patient-used device, but I also have experience   | 11:24:21 |

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | with devices that are reusable or other medical devices  | 11:24:27 |
| 2  | that are -- such as pumps and other electromechanical    | 11:24:33 |
| 3  | devices, and devices I've shown in my CV that I have     | 11:24:39 |
| 4  | experience with.                                         | 11:24:42 |
| 5  | Q You considered Chapter 8, Volume I of the              | 11:24:43 |
| 6  | Injection Molding Handbook as part of your reply and     | 11:24:55 |
| 7  | declaration; correct?                                    | 11:24:58 |
| 8  | A I would need to pull that open to make sure I          | 11:24:59 |
| 9  | accurately answer that question. I don't remember what   | 11:25:07 |
| 10 | the section number was of that.                          | 11:25:09 |
| 11 | Q Sure. Do you have your exhibits in front of            | 11:25:11 |
| 12 | you? This is Exhibit 1021. I can also introduce it.      | 11:25:13 |
| 13 | A Yeah, I can get it.                                    | 11:25:18 |
| 14 | MR. ANGER: Are you going to make it available            | 11:25:34 |
| 15 | through Exhibit Share?                                   | 11:25:35 |
| 16 | MR. HILLIER: Yes.                                        | 11:25:41 |
| 17 | THE WITNESS: Okay. I have the document                   | 11:25:41 |
| 18 | available.                                               | 11:25:43 |
| 19 | BY MR. HILLIER:                                          | 11:25:43 |
| 20 | Q Okay. And I think you can also access it               | 11:25:43 |
| 21 | through the marked exhibits. It's being distributed now. | 11:25:48 |
| 22 | A I have Exhibit 1021 open in front of me.               | 11:26:04 |
| 23 | Q And you have that open on your computer?               | 11:26:07 |
| 24 | A Yes.                                                   | 11:26:10 |
| 25 | Q What else do you have open on your computer?           | 11:26:10 |

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|    |   |                                                          |          |
|----|---|----------------------------------------------------------|----------|
| 1  | A | I just have that -- that document and I have my          | 11:26:17 |
| 2  |   | two declarations open in front of me.                    | 11:26:20 |
| 3  | Q | You're referring to your reply declaration and           | 11:26:23 |
| 4  |   | your opening declaration in this IPR?                    | 11:26:27 |
| 5  | A | Correct.                                                 | 11:26:31 |
| 6  | Q | Are those PDF documents?                                 | 11:26:37 |
| 7  | A | Yes.                                                     | 11:26:38 |
| 8  | Q | Do you have anything else open on your                   | 11:26:38 |
| 9  |   | computer?                                                | 11:26:48 |
| 10 | A | No.                                                      | 11:26:48 |
| 11 | Q | Do you have anything else on your desk?                  | 11:26:49 |
| 12 | A | Well, to be clear, I have the explorer window            | 11:26:51 |
| 13 |   | open so I can see -- not explorer window; what do you    | 11:26:54 |
| 14 |   | call that? -- the internet, Google Chrome open on my     | 11:26:57 |
| 15 |   | computer, and I have a folder -- explorer folder open so | 11:27:03 |
| 16 |   | I can open up these exhibits.                            | 11:27:07 |
| 17 | Q | I want to make sure this exhibit gets                    | 11:27:18 |
| 18 |   | introduced just for everyone who is at the deposition.   | 11:27:20 |
| 19 |   | Going back to my earlier question, you relied            | 11:27:48 |
| 20 |   | on the Injection Molding Handbook for your opinions in   | 11:27:52 |
| 21 |   | the reply declaration; correct?                          | 11:27:56 |
| 22 | A | I referenced the Exhibit 1021                            | 11:27:57 |
| 23 |   | Injection Molding Handbook to support my opinions        | 11:28:03 |
| 24 |   | regarding injection molding of thin, sharp objects.      | 11:28:06 |
| 25 |   | MR. ANGER: Sorry, Drew. I'm still not seeing             | 11:28:16 |

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | this in the marked exhibit folder.                       | 11:28:17 |
| 2  | MR. HILLIER: We can take a break if it's not             | 11:28:26 |
| 3  | showing up. I'm not sure why it's there, or -- it's just | 11:28:28 |
| 4  | Exhibit 1021.                                            | 11:28:34 |
| 5  | BY MR. HILLIER:                                          | 11:28:39 |
| 6  | Q Do you consider the Injection Molding Handbook         | 11:28:39 |
| 7  | to be a reliable authority?                              | 11:28:42 |
| 8  | A I wouldn't say it's an authoritative document;         | 11:28:44 |
| 9  | I would just refer to it as support for my opinions      | 11:28:52 |
| 10 | regarding molding. I have significant experience with    | 11:28:56 |
| 11 | molding.                                                 | 11:28:58 |
| 12 | My company actually does what's called fact              | 11:29:00 |
| 13 | molding, and I've been instrumental in teaching some of  | 11:29:03 |
| 14 | the largest molding companies in the country on how to   | 11:29:08 |
| 15 | mold using scientific techniques.                        | 11:29:12 |
| 16 | Q So you relied on a document that you don't             | 11:29:15 |
| 17 | consider authoritative in providing an opinion in this   | 11:29:19 |
| 18 | case?                                                    | 11:29:23 |
| 19 | MR. ANGER: Objection. Mischaracterizes the               | 11:29:23 |
| 20 | witness's testimony.                                     | 11:29:25 |
| 21 | THE WITNESS: I think it is a relevant                    | 11:29:27 |
| 22 | reference that supports my opinion. I wouldn't           | 11:29:33 |
| 23 | necessarily call it "authoritative document." I believe  | 11:29:36 |
| 24 | that's a legal term. I'm not a legal attorney -- or I'm  | 11:29:39 |
| 25 | not an attorney.                                         | 11:29:43 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | This document is just used to support my                  | 11:29:44 |
| 2  | particular opinions so that it is clear to the patent     | 11:29:47 |
| 3  | office that I am not coming up with these opinions        | 11:29:51 |
| 4  | regarding molding of thin structures or structures of     | 11:29:53 |
| 5  | variable wall thickness. It's not just my opinion but     | 11:30:00 |
| 6  | the opinion of others.                                    | 11:30:03 |
| 7  | BY MR. HILLIER:                                           | 11:30:04 |
| 8  | Q Well, "authoritative document" was your word,           | 11:30:05 |
| 9  | not mine.                                                 | 11:30:08 |
| 10 | Why do you say that it's not an authoritative             | 11:30:08 |
| 11 | document?                                                 | 11:30:12 |
| 12 | A Well, I guess we'll let the transcript speak            | 11:30:12 |
| 13 | for itself. I don't think I called it an authoritative    | 11:30:16 |
| 14 | document or said the word "authoritative." I said it's a  | 11:30:21 |
| 15 | reference used to support my opinion regarding molding of | 11:30:24 |
| 16 | thin, sharp, or thick-to-thin features and how difficult  | 11:30:30 |
| 17 | it can be and risky to do that to make a quality part.    | 11:30:33 |
| 18 | Q So is it reasonable to rely on the                      | 11:30:39 |
| 19 | Injection Molding Handbook, even though it's not an       | 11:30:46 |
| 20 | authoritative document?                                   | 11:30:49 |
| 21 | MR. ANGER: Objection to form.                             | 11:30:50 |
| 22 | THE WITNESS: I think it's reasonable to use               | 11:30:55 |
| 23 | the Molding Handbook as a reference to support my         | 11:30:57 |
| 24 | opinions.                                                 | 11:31:00 |
| 25 | ///                                                       | 11:31:01 |

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1 BY MR. HILLIER: 11:31:01

2 Q Even though, in your opinion, it's not an 11:31:02

3 authoritative document? 11:31:05

4 A I would need to review the entire document. I 11:31:06

5 think authoritative is a legal term that I was -- you 11:31:18

6 know, did not form an opinion on the entire document to 11:31:27

7 say that -- whether or not it's authoritative or not. 11:31:29

8 It's at least significant enough to support my 11:31:35

9 opinions regarding molding, and it's well-known in the 11:31:37

10 industry that molding parts with variable wall thickness 11:31:40

11 is difficult to do. 11:31:47

12 Q Have you ever relied on the 11:31:48

13 Injection Molding Handbook in practice? 11:31:50

14 MR. ANGER: Object to form. 11:31:57

15 THE WITNESS: I have not relied on this 11:31:59

16 particular book in my practice. I've gone beyond a lot 11:32:04

17 of the teachings back in this time to present day and 11:32:10

18 have been instrumental in developing molding techniques 11:32:15

19 that even the best molders in the country were not using 11:32:19

20 until I had worked with them. 11:32:23

21 BY MR. HILLIER: 11:32:25

22 Q And was that in the 2010 time frame? 11:32:26

23 A I did it prior to the 2002 time frame. 11:32:28

24 Q So prior to 2002, there were techniques that 11:32:37

25 are advanced than those disclosed in the 11:32:40

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | Injection Molding Handbook; correct?                     | 11:32:43 |
| 2  | A I had some techniques that were more advanced.         | 11:32:45 |
| 3  | This document doesn't talk about those particular        | 11:32:52 |
| 4  | techniques that I -- that I used. But it does talk about | 11:32:55 |
| 5  | the difficulties of molding thick-to-thin structures,    | 11:33:01 |
| 6  | which still remain a challenge to this day.              | 11:33:08 |
| 7  | Q Did you review the entire                              | 11:33:11 |
| 8  | Injection Molding Handbook in forming your opinions in   | 11:33:18 |
| 9  | your reply declaration?                                  | 11:33:21 |
| 10 | A I did not read this entire document; I just            | 11:33:22 |
| 11 | read the sections before, and during, and after the      | 11:33:56 |
| 12 | sections I cited to provide reference and support for my | 11:34:01 |
| 13 | opinions regarding molding of thick-to-thin structures.  | 11:34:07 |
| 14 | Q So in assessing the state of the art, you              | 11:34:12 |
| 15 | didn't think it was necessary to review the entire       | 11:34:16 |
| 16 | Injection Molding Handbook to form an opinion in this    | 11:34:19 |
| 17 | case?                                                    | 11:34:25 |
| 18 | A I didn't feel it necessary to read this entire         | 11:34:25 |
| 19 | book to form my opinions. I'm experienced in polymer     | 11:34:33 |
| 20 | selection molding and processes, process validation. And | 11:34:39 |
| 21 | to where I form opinions and where it's relevant, I read | 11:34:45 |
| 22 | those sections and provided those opinions and stand     | 11:34:49 |
| 23 | behind them as I sit here today.                         | 11:34:52 |
| 24 | Q Do you agree with everything in Chapter 8 of           | 11:34:54 |
| 25 | the Injection Molding Handbook?                          | 11:34:58 |

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1 MR. ANGER: Object to form. 11:35:02

2 THE WITNESS: I would need to read Chapter 8 11:35:07

3 again to answer that question. 11:35:12

4 BY MR. HILLIER: 11:35:13

5 Q Well, you had testified earlier that you 11:35:13

6 haven't read all of Chapter 8 at all. 11:35:15

7 So why do you say you need to read it again? 11:35:18

8 A I think -- 11:35:21

9 MR. ANGER: Objection to the extent it 11:35:26

10 mischaracterizes the witness's testimony. 11:35:27

11 THE WITNESS: Yes, I believe you asked me if I 11:35:30

12 read this entire book. I did not read the entire book; I 11:35:32

13 read the sections related to my opinions. And to the 11:35:36

14 extent that I did not read parts of Chapter 8, I would 11:35:41

15 need to read that or read the sections that I did read 11:35:46

16 before again so that I could properly answer your 11:35:51

17 question. 11:35:57

18 BY MR. HILLIER: 11:35:57

19 Q Okay. We have a full day of deposition here. 11:35:58

20 What, if anything, do you disagree with in 11:36:05

21 Chapter 8 of the Injection Molding Handbook? 11:36:07

22 A Again, I would need to read Chapter 8 to answer 11:36:09

23 that question. 11:36:16

24 Q Okay. Chapter 8 is in front of you. 11:36:16

25 What, if anything, do you disagree with in 11:36:22

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | Chapter 8 of the Injection Molding Handbook?             | 11:36:24 |
| 2  | A So you want me to read all of Chapter 8 to see         | 11:36:26 |
| 3  | if I disagree with anything right now?                   | 11:36:31 |
| 4  | Q I'd like you to answer my question.                    | 11:36:33 |
| 5  | What, if anything, do you disagree with in               | 11:36:44 |
| 6  | Chapter 8 of the Injection Molding Handbook, which you   | 11:36:46 |
| 7  | rely on in your reply declaration submitted to the board | 11:36:49 |
| 8  | in this case?                                            | 11:36:54 |
| 9  | A I don't know, sitting here without reading that        | 11:36:54 |
| 10 | chapter again, if there's anything I disagree with. I    | 11:37:00 |
| 11 | show the parts that I agree with, and that support my    | 11:37:05 |
| 12 | opinions.                                                | 11:37:08 |
| 13 | If you would like me to read the chapter to see          | 11:37:09 |
| 14 | if there's anything I do disagree with, I'm happy to do  | 11:37:12 |
| 15 | that if you want to spend time doing that. I don't think | 11:37:15 |
| 16 | it's necessary for the four corners of my declaration in | 11:37:19 |
| 17 | the IPR, but if that's how you want to spend your time,  | 11:37:23 |
| 18 | that's fine.                                             | 11:37:26 |
| 19 | Q Go ahead, please.                                      | 11:37:27 |
| 20 | A Okay.                                                  | 11:37:30 |
| 21 | MR. ANGER: To be clear for the record, you're            | 11:37:31 |
| 22 | asking Mr. Leinsing to read the entirety of this 79-page | 11:37:33 |
| 23 | exhibit in order to be able to answer your question?     | 11:37:40 |
| 24 | MR. HILLIER: Mr. Anger, that's a speaking                | 11:37:43 |
| 25 | objection again.                                         | 11:37:45 |

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1 MR. ANGER: No, I'm asking for clarification. 11:37:46  
2 Is that right? 11:37:48  
3 BY MR. HILLIER: 11:37:51  
4 Q Mr. Leinsing, sitting here today, no points of 11:37:52  
5 disagreement with Chapter 8 come to your mind; correct? 11:37:56  
6 A First, my last name is pronounced Leinsing. 11:38:01  
7 And the Chapter 8, I don't know of anything that I would 11:38:10  
8 disagree with sitting here today. I would need to read 11:38:13  
9 Chapter 8 to see if there's anything I disagree with. 11:38:17  
10 Q And you don't think there's anything in 11:38:20  
11 Chapter 8 that undercuts your opinions; correct? 11:38:24  
12 MR. ANGER: Object to form. 11:38:28  
13 THE WITNESS: Again, I would need to read 11:38:29  
14 Chapter 8. I don't think there's anything that would 11:38:33  
15 undercut my opinions, but if there's a particular section 11:38:35  
16 you want me to review, I'm happy to do that. 11:38:39  
17 BY MR. HILLIER: 11:38:46  
18 Q Well, why don't you skim through it and tell me 11:38:46  
19 if there's anything that jumps out at you. 11:38:49  
20 A Well, first, I'm an engineer. To answer any of 11:38:53  
21 your questions as best as I can, I don't think I should 11:38:56  
22 skim a document. If there's a particular section you 11:39:00  
23 want me to review and answer, I'm happy to do that. 11:39:02  
24 Or if you want me to read through it with 11:39:07  
25 enough comprehension to answer your question properly and 11:39:10

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | accurately, then it will take me some time to read 79    | 11:39:15 |
| 2  | pages of that document.                                  | 11:39:19 |
| 3  | Q And you didn't read that document before you           | 11:39:20 |
| 4  | submitted your reply declaration in full?                | 11:39:23 |
| 5  | MR. ANGER: Objection to the extent it                    | 11:39:30 |
| 6  | mischaracterizes the witness's testimony.                | 11:39:31 |
| 7  | MR. HILLIER: Mr. Anger, the speaking                     | 11:39:33 |
| 8  | objections need to stop. You can say "objection to       | 11:39:35 |
| 9  | form."                                                   | 11:39:39 |
| 10 | BY MR. HILLIER:                                          | 11:39:39 |
| 11 | Q You didn't read all of Chapter 8 before you            | 11:39:40 |
| 12 | submitted your reply declaration?                        | 11:39:43 |
| 13 | A When you asked me the question previously, I           | 11:39:48 |
| 14 | believe you asked me if I read the entire book on -- the | 11:39:50 |
| 15 | Injection Molding Handbook. My reply was based on no; I  | 11:39:57 |
| 16 | did not read the entire Injection Molding Handbook.      | 11:40:00 |
| 17 | But I did read most, if not all, of Chapter 8,           | 11:40:06 |
| 18 | if I recall, and then pulled out the sections that I     | 11:40:10 |
| 19 | discussed relating to molding of thick-to-thin sections. | 11:40:15 |
| 20 | Q You agree that a person of ordinary skill in           | 11:40:19 |
| 21 | the art would consider industry practice in considering  | 11:40:26 |
| 22 | whether a claim is obvious; correct?                     | 11:40:29 |
| 23 | MR. ANGER: Objection to form.                            | 11:40:32 |
| 24 | THE WITNESS: I don't understand your question.           | 11:40:34 |
| 25 | ///                                                      | 11:40:39 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | BY MR. HILLIER:                                           | 11:40:39 |
| 2  | Q Would a person of ordinary skill in the art             | 11:40:40 |
| 3  | consider industry practice in considering whether a claim | 11:40:42 |
| 4  | is obvious?                                               | 11:40:45 |
| 5  | MR. ANGER: Objection to form.                             | 11:40:48 |
| 6  | THE WITNESS: I don't understand what you mean             | 11:40:50 |
| 7  | by "industry practice" to answer that question.           | 11:40:55 |
| 8  | BY MR. HILLIER:                                           | 11:40:59 |
| 9  | Q What don't you understand about industry                | 11:41:04 |
| 10 | practice?                                                 | 11:41:08 |
| 11 | A Well, I think it's a broad -- a broad term, so          | 11:41:08 |
| 12 | I don't understand what you're -- what you're talking     | 11:41:14 |
| 13 | about or what's the scope of the meaning of "industry     | 11:41:16 |
| 14 | practice." A person -- in my particular analysis in this  | 11:41:19 |
| 15 | case, I considered what was available to the public,      | 11:41:25 |
| 16 | namely the prior art that I've cited.                     | 11:41:29 |
| 17 | And then to the extent we're talking about the            | 11:41:32 |
| 18 | motivation to do the combinations that I've talked about, | 11:41:38 |
| 19 | I've made it clear what the motivations would be, at      | 11:41:43 |
| 20 | minimum. I mean, there's many motivations that a person   | 11:41:48 |
| 21 | of skill in the art would look to to combine these        | 11:41:51 |
| 22 | references.                                               | 11:41:55 |
| 23 | And to that extent, I formed opinions in that             | 11:41:56 |
| 24 | and then supported it with -- with documents. I didn't    | 11:42:01 |
| 25 | just support it with opinions or what you're calling      | 11:42:04 |

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1 "industry practice." I used some documents that I could 11:42:09  
2 include to support my opinions. 11:42:13

3 Q And so do you disagree that a person of 11:42:16  
4 ordinary skill in the art should consider products that 11:42:20  
5 are on the market in analyzing whether a claim is 11:42:24  
6 obvious? 11:42:27

7 MR. ANGER: Objection to form. 11:42:31

8 THE WITNESS: I think it would depend. To the 11:42:32  
9 extent that you're referring to the testing in the 11:42:37  
10 Genotek devices, that -- those opinions that your expert 11:42:42  
11 formed only supports the fact that there was motivation 11:42:48  
12 to remove a sharp in the Plante device to come up with 11:42:52  
13 other options. 11:42:58

14 BY MR. HILLIER: 11:43:04

15 Q Do you agree that a person of ordinary skill in 11:43:05  
16 the art should consider whether products are successful 11:43:07  
17 in the market in considering whether a claim is obvious? 11:43:13

18 MR. ANGER: Objection to form. 11:43:21

19 THE WITNESS: If you're referring to secondary 11:43:27  
20 considerations of non-obviousness, then -- then those 11:43:29  
21 were -- those were considered. 11:43:34

22 BY MR. HILLIER: 11:43:47

23 Q So is that a "yes," you do agree that a person 11:43:47  
24 of ordinary skill in the art should consider the success 11:43:51  
25 of products in analyzing whether a claim is obvious? 11:43:54

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1 MR. ANGER: Objection to form. 11:44:00

2 THE WITNESS: A person of skill in the art 11:44:01

3 would consider that, but there's an analysis that's quite 11:44:07

4 extensive with doing that in terms of determining whether 11:44:10

5 there's a nexus, whether or not that success is relevant 11:44:13

6 to the argument of obviousness. 11:44:18

7 And I did not find where any of those arguments 11:44:21

8 that Genotek's expert put forward that would undermine my 11:44:24

9 opinions regarding the obviousness combinations I discuss 11:44:32

10 in my declaration. 11:44:35

11 BY MR. HILLIER: 11:44:36

12 Q Would you please -- so putting aside secondary 11:44:40

13 considerations, should a person of ordinary skill in the 11:44:49

14 art consider the status of industry before the time of 11:44:53

15 invention? 11:45:03

16 (Reporter clarification.) 11:45:06

17 MR. ANGER: Objection to form. 11:45:06

18 THE WITNESS: I don't understand your question, 11:45:07

19 particularly what you mean by "status of industry." 11:45:10

20 BY MR. HILLIER: 11:45:14

21 Q Well, does the state of the art include 11:45:14

22 products on the market? 11:45:16

23 MR. ANGER: Same objection. 11:45:21

24 THE WITNESS: Well, you can consider products 11:45:22

25 on the market, but unfortunately, the patent IPR process 11:45:28

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | does not allow us to include industry art or actual       | 11:45:32 |
| 2  | devices -- device art.                                    | 11:45:35 |
| 3  | So in these particular proceedings, we rely on            | 11:45:39 |
| 4  | documents only, is my understanding. I'm not an           | 11:45:42 |
| 5  | attorney, but we can't consider or submit devices that    | 11:45:45 |
| 6  | were around or what the results of those are.             | 11:45:51 |
| 7  | So that's why I didn't do any testing of any              | 11:45:56 |
| 8  | particular devices in addition to the reasons I mentioned | 11:45:59 |
| 9  | earlier, that it's irrelevant and, if anything, it only   | 11:46:01 |
| 10 | supports my opinions on motivation.                       | 11:46:06 |
| 11 | BY MR. HILLIER:                                           | 11:46:06 |
| 12 | Q I'm going to ask you to take a look at                  | 11:46:28 |
| 13 | Exhibit 1003, which is the Plante reference. Please let   | 11:46:31 |
| 14 | me know when you have that up.                            | 11:46:41 |
| 15 | A Okay. I have the Plante reference in front of           | 11:46:43 |
| 16 | me, also known as U.S. Publication Number 2012-0325721.   | 11:46:45 |
| 17 | Q And the PDF that you have open?                         | 11:46:59 |
| 18 | A Yes.                                                    | 11:47:02 |
| 19 | Q Do they have highlighting?                              | 11:47:02 |
| 20 | A No, they do not.                                        | 11:47:06 |
| 21 | Q Do they have any annotations?                           | 11:47:07 |
| 22 | A No, they do not.                                        | 11:47:10 |
| 23 | Q Will you please turn to Figure 1 of Plante?             | 11:47:12 |
| 24 | A Okay.                                                   | 11:47:28 |
| 25 | Q You agree that Figure 1 is a cross                      | 11:47:28 |

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1 section; correct? 11:47:32

2 A Yes, I would -- I would understand that to be a 11:47:36

3 cross section, even though it's really not drawn with the 11:48:12

4 cross-sectional lines that we would normally see. 11:48:18

5 Q And what are "the cross-sectional lines" that 11:48:21

6 you would normally see? 11:48:24

7 A For example, Figure 2 shows some 11:48:25

8 cross-sectional lines for the fluid that was collected in 11:48:32

9 the container. 11:48:40

10 Q Which lines are those? 11:48:42

11 Can you describe the lines that you're 11:48:51

12 referring to in Figure 2? 11:48:53

13 A In Figure 2, there's some diagonal lines that 11:48:54

14 are equally spaced, multiple lines that represent the 11:48:59

15 fluid that was collected. 11:49:04

16 Q Understood. But you agree that Figures 1 11:49:06

17 through 3 are depicting the cross-sectional view of the 11:49:13

18 Plante device? 11:49:15

19 A Yes, that's my understanding that it would be a 11:49:16

20 cross section. 11:49:33

21 Q And the dotted vertical lines in 11:49:35

22 Figures 1 through 3 represents a center axis; correct? 11:49:40

23 A It looks like that dotted line is intended to 11:49:42

24 be a central axis. It's not drawn as a centerline or as 11:50:59

25 an axis, but it looks like that's what it's drawn. 11:51:04

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | It's difficult to confirm, and I don't believe            | 11:51:07 |
| 2  | there's any discussion about that line.                   | 11:51:10 |
| 3  | Q I want to make sure I heard what you said; I            | 11:51:14 |
| 4  | don't think I heard all of it.                            | 11:51:20 |
| 5  | But did you say it looks like that dotted line            | 11:51:21 |
| 6  | is intended to be a central axis?                         | 11:51:24 |
| 7  | A It looks like it's intended to be a central             | 11:51:26 |
| 8  | axis. It's just not drawn as a central axis like a        | 11:51:46 |
| 9  | person of skill in the art would draw it, which a long    | 11:51:54 |
| 10 | line, a short line, and then a long line again.           | 11:51:57 |
| 11 | Again, I don't know that there's any support              | 11:51:59 |
| 12 | that says it's a central axis, so I can't confirm it from | 11:52:01 |
| 13 | the specification.                                        | 11:52:08 |
| 14 | Q You're referring to the -- withdrawn. Let me            | 11:52:08 |
| 15 | say this more clearly.                                    | 11:52:13 |
| 16 | So you're saying that although this dotted                | 11:52:15 |
| 17 | vertical line is where a central axis line would be,      | 11:52:19 |
| 18 | sometimes you've seen central axes drawn with a dotted    | 11:52:28 |
| 19 | line as opposed to a longer line than a shorter line than | 11:52:34 |
| 20 | a longer line?                                            | 11:52:40 |
| 21 | MR. ANGER: Objection to form.                             | 11:52:42 |
| 22 | THE WITNESS: So the proper way to draw is not             | 11:52:48 |
| 23 | the way I sometimes see it. The proper way to draw a      | 11:52:50 |
| 24 | central axis or a centerline is by one short line,        | 11:52:54 |
| 25 | followed by some space, a long line, space, short line    | 11:53:00 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | space, long line, and then it repeats.                    | 11:53:03 |
| 2  | And the dotted line that's shown in Figures 1,            | 11:53:07 |
| 3  | 2, and 3 of the Plante reference is shown as a dotted     | 11:53:10 |
| 4  | line, and I would need to review the spec to determine if | 11:53:14 |
| 5  | that's being referenced as a central axis.                | 11:53:20 |
| 6  | BY MR. HILLIER:                                           | 11:53:24 |
| 7  | Q In Figure 1, there are a series of pointed              | 11:53:24 |
| 8  | triangles on the portion indicated by the                 | 11:53:28 |
| 9  | Number 11; correct?                                       | 11:53:33 |
| 10 | A Correct. I see the Item 11 in Figure 1.                 | 11:53:34 |
| 11 | Q And those pointed triangles are screw threads           | 11:53:58 |
| 12 | on the cap; correct?                                      | 11:54:02 |
| 13 | A Correct.                                                | 11:54:05 |
| 14 | Q The triangles representing the threads extend           | 11:54:21 |
| 15 | into the page; correct?                                   | 11:54:33 |
| 16 | A That's not entirely correct.                            | 11:54:34 |
| 17 | Q Explain to me why it's not entirely correct             | 11:54:51 |
| 18 | whether the triangles representing the thread extend into | 11:54:56 |
| 19 | the page?                                                 | 11:55:02 |
| 20 | MR. ANGER: Object to form.                                | 11:55:04 |
| 21 | THE WITNESS: When you say "extend into the                | 11:55:05 |
| 22 | page," I would understand that to extend perpendicular    | 11:55:07 |
| 23 | into the page. Screw threads would be circular and        | 11:55:11 |
| 24 | spiral, so they would have a particular trajectory other  | 11:55:17 |
| 25 | than extending or being perpendicular to the page.        | 11:55:24 |

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | BY MR. HILLIER:                                          | 11:55:27 |
| 2  | Q So they extend on the Z-axis, but because              | 11:55:28 |
| 3  | they're curved, that's why you gave that answer; is that | 11:55:32 |
| 4  | right?                                                   | 11:55:41 |
| 5  | MR. ANGER: Object to form.                               | 11:55:41 |
| 6  | THE WITNESS: I don't agree with your                     | 11:55:42 |
| 7  | characterization of your question. They don't extend     | 11:55:46 |
| 8  | into the Z-axis. They're threads. They have a spiral     | 11:55:48 |
| 9  | pitch to them that meet with corresponding threads       | 11:55:55 |
| 10 | Number 8 on the container.                               | 11:56:01 |
| 11 | BY MR. HILLIER:                                          | 11:56:04 |
| 12 | Q And the threads extend into the Z-axis?                | 11:56:07 |
| 13 | MR. ANGER: Object to form.                               | 11:56:14 |
| 14 | THE WITNESS: I don't -- I don't agree with               | 11:56:15 |
| 15 | that. I think a person of skill in the art would just    | 11:56:21 |
| 16 | describe them differently. They don't really extend into | 11:56:24 |
| 17 | the Z-axis.                                              | 11:56:28 |
| 18 | They -- they -- they -- they are spiral threads          | 11:56:30 |
| 19 | that move in and around the central axis to form threads | 11:56:46 |
| 20 | that meet the threads of the container.                  | 11:56:51 |
| 21 | BY MR. HILLIER:                                          | 11:56:54 |
| 22 | Q So you agree that the theta extent of the              | 11:56:55 |
| 23 | threads is 360 degrees?                                  | 11:56:57 |
| 24 | MR. ANGER: Object to form.                               | 11:57:03 |
| 25 | ///                                                      | 11:57:15 |

|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | BY MR. HILLIER:                                          | 11:57:15 |
| 2  | Q And that's theta, T-H-E-T-A.                           | 11:57:16 |
| 3  | (Reporter clarification.)                                | 11:57:16 |
| 4  | THE WITNESS: Can you repeat that question,               | 11:57:25 |
| 5  | please?                                                  | 11:57:26 |
| 6  | BY MR. HILLIER:                                          | 11:57:26 |
| 7  | Q Do you agree that the theta extent of the              | 11:57:29 |
| 8  | threads is 360 degrees?                                  | 11:57:31 |
| 9  | MR. ANGER: Same objection.                               | 11:57:39 |
| 10 | THE WITNESS: I don't understand your question.           | 11:57:39 |
| 11 | I would need to understand what theta is, which axis     | 11:57:41 |
| 12 | theta would be about. And then second, assuming theta is | 11:57:47 |
| 13 | around a central axis of the device or which would be    | 11:57:54 |
| 14 | defined as the longitudinal axis of the device, I don't  | 11:57:59 |
| 15 | think the threads necessarily have to go 360 degrees.    | 11:58:04 |
| 16 | There are threads that would meet with a                 | 11:58:10 |
| 17 | container that could be shorter, longer threads.         | 11:58:13 |
| 18 | BY MR. HILLIER:                                          | 11:58:16 |
| 19 | Q And the longitudinal axis that you're referring        | 11:58:16 |
| 20 | to is the dotted line depicted in Figure 1 -- the        | 11:58:21 |
| 21 | vertical dotted line?                                    | 11:58:33 |
| 22 | A As I said earlier, I would need to read the            | 11:58:33 |
| 23 | spec to see if that's what that dotted line was defined  | 11:58:36 |
| 24 | as.                                                      | 11:58:41 |
| 25 | Q If Figure 1 is a cross section and the threads         | 11:58:41 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | are spiral, shouldn't Figure 1 reflect the spiral?        | 11:58:45 |
| 2  | MR. ANGER: Object to form.                                | 11:58:55 |
| 3  | THE WITNESS: As I said earlier, the figures               | 11:58:58 |
| 4  | are not entirely proper as a person of skill in the art   | 11:59:35 |
| 5  | would properly draft them. But the figures, in            | 11:59:40 |
| 6  | combination with the spec, give enough information to a   | 11:59:45 |
| 7  | person of skill in the art to understand that those are   | 11:59:50 |
| 8  | threads and how to make those threads and make them meet  | 11:59:52 |
| 9  | with the container without fully drawing them.            | 11:59:58 |
| 10 | BY MR. HILLIER:                                           | 12:00:01 |
| 11 | Q So a person of ordinary skill in the art                | 12:00:04 |
| 12 | looking at Figure 1, in light of the specification, would | 12:00:06 |
| 13 | understand that these are spiral threads that extend in   | 12:00:09 |
| 14 | three dimensions?                                         | 12:00:14 |
| 15 | A A person of skill in the art would understand           | 12:00:25 |
| 16 | that the device is a three-dimensional part and 11 and 8  | 12:00:31 |
| 17 | are threads that meet together and that they would also   | 12:00:38 |
| 18 | have some three-dimensional shape to them when you look   | 12:00:41 |
| 19 | at the figures and the specification together.            | 12:00:49 |
| 20 | Q And the person of ordinary skill in the art             | 12:00:53 |
| 21 | would understand that Figure 1 does not indicate that the | 12:00:56 |
| 22 | threads are cone-shaped; correct?                         | 12:00:59 |
| 23 | A I wouldn't think they're cone-shaped from the           | 12:01:02 |
| 24 | figure reading in conjunction with the specification.     | 12:01:49 |
| 25 | But to the extent that a person of skill in the art could | 12:01:52 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | make a thread with multiple cones on the inside and       | 12:01:56 |
| 2  | outside and still be, you know, threads that would        | 12:02:00 |
| 3  | interact with the container, I don't think the spec would | 12:02:05 |
| 4  | limit it in that way.                                     | 12:02:10 |
| 5  | Q And in Figure 1, Number 19, is the Plante's             | 12:02:11 |
| 6  | knife; correct?                                           | 12:02:24 |
| 7  | A Correct.                                                | 12:02:24 |
| 8  | Q And the point in -- withdrawn.                          | 12:02:25 |
| 9  | Figure 1 depicts Plante's knife as Number 19,             | 12:02:33 |
| 10 | and there's a point at the top of Number 19; correct?     | 12:02:39 |
| 11 | A Correct. Nineteen and Figure 1 is depicted as           | 12:02:44 |
| 12 | a knife.                                                  | 12:02:55 |
| 13 | Q And the top of that knife is an outside corner?         | 12:02:58 |
| 14 | MR. ANGER: Object to form.                                | 12:03:09 |
| 15 | THE WITNESS: I don't understand your question.            | 12:03:10 |
| 16 | BY MR. HILLIER:                                           | 12:03:14 |
| 17 | Q You don't know what an outside corner is?               | 12:03:14 |
| 18 | A I know what an outside corner is, but I                 | 12:03:17 |
| 19 | don't -- I don't see how I -- I wouldn't describe the     | 12:03:26 |
| 20 | knife as an outside corner. If you're talking about the   | 12:03:29 |
| 21 | sharp edge of the knife, we would consider that an edge   | 12:03:33 |
| 22 | or the sharp point of the knife.                          | 12:03:38 |
| 23 | Q And so you testified earlier that Figure 1 is a         | 12:03:42 |
| 24 | cross section.                                            | 12:03:51 |
| 25 | So a person of ordinary skill in the art would            | 12:03:52 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | understand that Plante's knife, Number 19, also extends   | 12:03:56 |
| 2  | into the page?                                            | 12:03:59 |
| 3  | A Well, a person of skill in the art would                | 12:04:00 |
| 4  | understand it wouldn't have zero thickness, so it would   | 12:04:11 |
| 5  | have some extension to the page, either perpendicular or  | 12:04:14 |
| 6  | with some sort of cylindrical sort of shape to it.        | 12:04:22 |
| 7  | But the important part is that it would be a              | 12:04:30 |
| 8  | knife or a sharp knife that would be able to cut the      | 12:04:33 |
| 9  | Foil 13.                                                  | 12:04:36 |
| 10 | Q And so this knife, Number 19 in Plante, extends         | 12:04:39 |
| 11 | on the Z-axis?                                            | 12:05:00 |
| 12 | MR. ANGER: Object to form.                                | 12:05:03 |
| 13 | THE WITNESS: I disagree.                                  | 12:05:04 |
| 14 | BY MR. HILLIER:                                           | 12:05:16 |
| 15 | Q Why do you disagree that the knife in Number 19         | 12:05:16 |
| 16 | does not extend into the page?                            | 12:05:21 |
| 17 | MR. ANGER: Object to form.                                | 12:05:26 |
| 18 | THE WITNESS: That's not the question you asked            | 12:05:27 |
| 19 | me prior. You asked me if it extends on the Z-axis. You   | 12:05:29 |
| 20 | first need to define your axes, but regardless of what    | 12:05:34 |
| 21 | axis, it doesn't extend on any axis.                      | 12:05:38 |
| 22 | And I answered your question before. It's not             | 12:05:45 |
| 23 | going to have zero thickness, so it will extend into or   | 12:05:47 |
| 24 | out of the page in some shape or form, but the important  | 12:05:51 |
| 25 | part is that Number 19 has -- is a sharp knife that would | 12:05:57 |

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | need to cut the Foil 13.                                 | 12:06:02 |
| 2  | BY MR. HILLIER:                                          | 12:06:04 |
| 3  | Q So while Number 19 has to have a sharp edge, in        | 12:06:04 |
| 4  | your opinion, sufficient to cut the foil, you agree that | 12:06:11 |
| 5  | Figure 1 is subject to multiple interpretations about    | 12:06:21 |
| 6  | what the shape of that knife ultimately is?              | 12:06:24 |
| 7  | MR. ANGER: Object to form.                               | 12:06:30 |
| 8  | THE WITNESS: At minimum, the shape of the                | 12:06:33 |
| 9  | knife would be a knife. It would be a sharp knife. It    | 12:06:41 |
| 10 | could either be a straight knife, or it could have some  | 12:06:46 |
| 11 | cylindrical shape to it, but it would still have a sharp | 12:06:51 |
| 12 | edge or be a knife as described by the specification.    | 12:06:54 |
| 13 | BY MR. HILLIER:                                          | 12:06:57 |
| 14 | Q You don't believe, then, that Plante's knife is        | 12:07:04 |
| 15 | necessarily cone-shaped?                                 | 12:07:08 |
| 16 | MR. ANGER: Object to form. And to the extent             | 12:07:14 |
| 17 | it mischaracterizes the witness's testimony.             | 12:07:16 |
| 18 | THE WITNESS: Well, there's a couple of things:           | 12:07:23 |
| 19 | First, if it was cone-shaped, it would still have some   | 12:07:45 |
| 20 | depth to it in and out of the page because it would be   | 12:07:48 |
| 21 | three-dimensional.                                       | 12:07:52 |
| 22 | But the description of the patent talks about            | 12:07:53 |
| 23 | it being a knife, so a person of skill in the art would  | 12:07:57 |
| 24 | think that 19 would have some length on the sharp end.   | 12:08:02 |
| 25 | But to the extent it's shown as a knife, it              | 12:08:10 |

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|    |                                                         |          |
|----|---------------------------------------------------------|----------|
| 1  | needs to be sharp such that it is able to cut the       | 12:08:14 |
| 2  | Foil 13.                                                | 12:08:20 |
| 3  | BY MR. HILLIER:                                         | 12:08:20 |
| 4  | Q It's not your opinion that Plante's knife is          | 12:08:30 |
| 5  | necessarily shaped like a needle?                       | 12:08:34 |
| 6  | MR. ANGER: Object to form.                              | 12:08:42 |
| 7  | MR. HILLIER: Withdrawn.                                 | 12:08:50 |
| 8  | BY MR. HILLIER:                                         | 12:08:50 |
| 9  | Q Plante's knife is not necessarily shaped like a       | 12:08:51 |
| 10 | needle; correct?                                        | 12:08:53 |
| 11 | A If a needle can be shaped such that it acts           | 12:08:54 |
| 12 | like a knife, as described by Plante, then I think you  | 12:09:14 |
| 13 | could make a -- make a needle sharp like a knife such   | 12:09:17 |
| 14 | that it can cut Foil 13.                                | 12:09:24 |
| 15 | Q A knife is not a needle; correct?                     | 12:09:29 |
| 16 | A In general, I would agree, but both are sharp.        | 12:09:36 |
| 17 | MR. HILLIER: Would you please pull up                   | 12:10:08 |
| 18 | Exhibit 1019, which is Cho -- I'm sorry, I have that    | 12:10:13 |
| 19 | wrong. Please pull up Cho. I'll get the exhibit number. | 12:10:21 |
| 20 | THE WITNESS: I think it's 1004.                         | 12:10:29 |
| 21 | MR. HILLIER: That's correct, yes. Thank you.            | 12:10:33 |
| 22 | (Exhibit 1004 marked.)                                  | 12:10:33 |
| 23 | BY MR. HILLIER:                                         | 12:10:33 |
| 24 | Q Okay. I've introduced Cho into the Exhibit            | 12:10:59 |
| 25 | Share platform, so you should be able to see it there.  | 12:11:03 |

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|    |   |                                                          |          |
|----|---|----------------------------------------------------------|----------|
| 1  | A | Okay. I have it up on my computer.                       | 12:11:08 |
| 2  | Q | Okay.                                                    | 12:11:14 |
| 3  | A | And just to be clear, we're talking about Cho,           | 12:11:17 |
| 4  |   | which is W02005-051775.                                  | 12:11:19 |
| 5  | Q | That's right.                                            | 12:11:27 |
| 6  | A | Since there are two Cho references that we've            | 12:11:29 |
| 7  |   | talked about.                                            | 12:11:32 |
| 8  | Q | Thank you. Yes, that's correct. This is                  | 12:11:33 |
| 9  |   | Exhibit 1004.                                            | 12:11:37 |
| 10 |   | Will you please turn to Figure 43 of                     | 12:11:39 |
| 11 |   | Exhibit 1004?                                            | 12:11:47 |
| 12 | A | Okay.                                                    | 12:12:13 |
| 13 | Q | And I'm now going to -- you'll need to turn now          | 12:12:14 |
| 14 |   | to the Veritext Exhibit Share. I'm going to ask you      | 12:12:17 |
| 15 |   | to -- you may want to annotate a document. The way to do | 12:12:20 |
| 16 |   | this is to click on the square button next to            | 12:12:26 |
| 17 |   | Exhibit 1004. And a field will open up on the right side | 12:12:37 |
| 18 |   | of your screen. And then click "annotate exhibit."       | 12:12:42 |
| 19 |   | MR. ANGER: Karl, are you able to do that?                | 12:13:08 |
| 20 |   | THE WITNESS: It's still opening the document.            | 12:13:11 |
| 21 |   | MR. ANGER: And Drew, is there a way for us to            | 12:13:13 |
| 22 |   | see that annotation during the deposition?               | 12:13:15 |
| 23 |   | MR. HILLIER: Yes. If you also click                      | 12:13:18 |
| 24 |   | "annotate" the same way, you'll be able to view the      | 12:13:20 |
| 25 |   | annotations in Realtime.                                 | 12:13:23 |

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1 MR. ANGER: Okay. I should say, Karl, if 12:13:25  
2 you're interested in taking a break at any time, let us 12:13:43  
3 know. We've been going over an hour. 12:13:45  
4 THE WITNESS: Okay. Well, do you want to take 12:13:52  
5 one now since this thing is taking a long time to pull 12:13:55  
6 up? 12:13:58  
7 MR. ANGER: Fine by me. 12:14:00  
8 MR. HILLIER: That's up to you, Mr. Leinsing. 12:14:01  
9 Should we take ten minutes? Five minutes? 12:14:06  
10 THE WITNESS: Yeah, just take a five-minute 12:14:09  
11 break. 12:14:10  
12 MR. HILLIER: Okay. 12:14:10  
13 THE VIDEOGRAPHER: This marks the end of 12:14:12  
14 Media Number 1. Going off the record at 12:14 p.m. 12:14:13  
15 (Break held off the record.) 12:29:51  
16 THE VIDEOGRAPHER: This marks the beginning of 12:29:51  
17 Media Number 2. Going back on the record at 12:29 p.m. 12:29:54  
18 BY MR. HILLIER: 12:29:58  
19 Q Mr. Leinsing, did you speak with anybody during 12:30:02  
20 the break? 12:30:04  
21 A No. I was just asked what time I wanted to go 12:30:05  
22 to lunch, and I replied around 1:30. 12:30:12  
23 Q And that was a conversation with Mr. Anger? 12:30:17  
24 A Yeah, just a text, quick text. That was it. 12:30:19  
25 Q Have you had any other text messages with 12:30:22

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | Mr. Anger today?                                          | 12:30:24 |
| 2  | A No. Oh.                                                 | 12:30:25 |
| 3  | MR. ANGER: That's fine.                                   | 12:30:31 |
| 4  | BY MR. HILLIER:                                           | 12:30:32 |
| 5  | Q Did you review any documents during the break?          | 12:30:32 |
| 6  | A Just that patent we were both looking at to             | 12:30:34 |
| 7  | figure out how to annotate it.                            | 12:30:41 |
| 8  | Q And you have a number of tabs open on your web          | 12:30:45 |
| 9  | browser right now; is that right?                         | 12:30:51 |
| 10 | A Yes.                                                    | 12:30:53 |
| 11 | Q Have you looked at any of those tabs during             | 12:30:53 |
| 12 | today's deposition?                                       | 12:30:56 |
| 13 | A No. They're all mostly -- I think they're all           | 12:30:57 |
| 14 | personal stuff.                                           | 12:31:02 |
| 15 | Q Would you please close all of those tabs?               | 12:31:03 |
| 16 | A Well, a number are --                                   | 12:31:03 |
| 17 | (Multiple speakers speaking at once.)                     | 12:31:12 |
| 18 | MR. ANGER: It's not a requirement that he                 | 12:31:12 |
| 19 | closes. If you need to keep them open, Karl, you can do   | 12:31:14 |
| 20 | that, just don't refer to them, please, during the        | 12:31:18 |
| 21 | deposition.                                               | 12:31:20 |
| 22 | MR. HILLIER: If you're going to keep them                 | 12:31:20 |
| 23 | open, then you'll need to produce them.                   | 12:31:22 |
| 24 | THE WITNESS: I just need to save them somehow             | 12:31:24 |
| 25 | because they were searches for some things I'm doing, but | 12:31:26 |

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | let me see if I can.                                     | 12:31:29 |
| 2  | MR. ANGER: They're unrelated to the                      | 12:31:40 |
| 3  | deposition, so they're not relevant. He would not need   | 12:31:42 |
| 4  | to produce them.                                         | 12:31:45 |
| 5  | MR. HILLIER: Mr. Leinsing, what are the tabs?            | 12:31:46 |
| 6  | MR. ANGER: And you don't need to answer that             | 12:31:51 |
| 7  | question.                                                | 12:31:52 |
| 8  | MR. HILLIER: Mr. Anger, he absolutely does               | 12:31:53 |
| 9  | need to answer that question.                            | 12:31:55 |
| 10 | MR. ANGER: First of all, they're personal --             | 12:31:56 |
| 11 | MR. HILLIER: You cannot interrupt while a                | 12:31:58 |
| 12 | question is pending.                                     | 12:32:00 |
| 13 | MR. ANGER: They're unrelated to the                      | 12:32:00 |
| 14 | deposition. He doesn't need to produce them.             | 12:32:02 |
| 15 | MR. HILLIER: Okay. You're disrupting the                 | 12:32:03 |
| 16 | conduct of this deposition.                              | 12:32:04 |
| 17 | MR. ANGER: I'm sorry?                                    | 12:32:06 |
| 18 | MR. HILLIER: Mr. Leinsing, what are the tabs             | 12:32:06 |
| 19 | that you had open?                                       | 12:32:09 |
| 20 | THE WITNESS: Well, they're unrelated to the              | 12:32:11 |
| 21 | case. The one, it's either referring to motorsports      | 12:32:15 |
| 22 | cars -- I'm looking for a trailer for my car -- and then | 12:32:20 |
| 23 | all the other tabs are personal, whether it's bank       | 12:32:25 |
| 24 | accounts, investment accounts, or other personal things  | 12:32:27 |
| 25 | completely unrelated.                                    | 12:32:31 |

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1           They're all pinned to the Google Chrome, so I           12:32:32  
2       can't unpin them all. I would have to create all of my       12:32:36  
3       pins again. But I -- actually, you know what I think I       12:32:41  
4       can do? I might be able to move it over.           12:32:45  
5           MR. ANGER: Yeah, you can separate that one           12:32:47  
6       window that's for this case. I think you can pull it out       12:32:49  
7       of Chrome and do it separately.           12:32:52  
8           THE WITNESS: Yeah, let me try that.           12:32:53  
9           MR. HILLIER: That's fine. And we will reserve       12:32:56  
10       the right to request the production of those web pages,       12:32:58  
11       but we will move on, Mr. Leinsing.           12:33:03  
12           THE WITNESS: Yeah, I can't --           12:33:06  
13       (Multiple speakers speaking at once.)           12:33:06  
14       (Reporter clarification.)           12:33:17  
15           MR. ANGER: I just wanted to lodge my objection       12:33:17  
16       based on relevance.           12:33:19  
17           THE WITNESS: And I'd like to make an objection       12:33:22  
18       due to personal confidentiality. There is -- and I       12:33:25  
19       assure there's nothing in any of the web pages that are       12:33:27  
20       related to the case, and I'm not going to disclose my       12:33:29  
21       personal bank accounts and which accounts I use in this       12:33:35  
22       case or any other case.           12:33:38  
23       BY MR. HILLIER:           12:33:49  
24       Q       Okay. So let's turn back, please, to           12:33:50  
25       Exhibit 1004.           12:33:52

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|    |                   |                                                        |          |
|----|-------------------|--------------------------------------------------------|----------|
| 1  | A                 | I have to log back in because I just closed            | 12:34:03 |
| 2  |                   | that window, so give me a second.                      | 12:34:06 |
| 3  | MR. HILLIER:      | All right. Let's go off the                            | 12:34:13 |
| 4  |                   | record until you have that open.                       | 12:34:14 |
| 5  | THE VIDEOGRAPHER: | Going off the record at                                | 12:34:17 |
| 6  |                   | 12:34 p.m.                                             | 12:34:20 |
| 7  |                   | (Break held off the record.)                           | 12:35:54 |
| 8  | THE VIDEOGRAPHER: | Going back on the record at                            | 12:35:54 |
| 9  |                   | 12:35 p.m.                                             | 12:35:57 |
| 10 | BY MR. HILLIER:   |                                                        | 12:35:58 |
| 11 | Q                 | Will you please look at Figure 43 of                   | 12:36:04 |
| 12 |                   | Exhibit 1004, which I believe is on Page 119?          | 12:36:11 |
| 13 | A                 | Okay.                                                  | 12:36:47 |
| 14 | Q                 | Does -- withdrawn.                                     | 12:36:47 |
| 15 |                   | You agree that Number 622C refers to the upper         | 12:36:59 |
| 16 |                   | ratchet; correct?                                      | 12:37:06 |
| 17 | A                 | Correct.                                               | 12:37:08 |
| 18 | Q                 | And Number 613 refers to the lower                     | 12:37:39 |
| 19 |                   | ratchet; correct?                                      | 12:37:46 |
| 20 | A                 | Correct.                                               | 12:37:46 |
| 21 | Q                 | There's a solid vertical line in Figure 43.            | 12:38:22 |
| 22 |                   | Do you understand that line to be indicating           | 12:38:26 |
| 23 |                   | the central axis?                                      | 12:38:29 |
| 24 | A                 | I can't be sure. It's not drawn as a                   | 12:38:31 |
| 25 |                   | centerline. And I don't believe that line is discussed | 12:38:58 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | as a central axis, but I understand there's a central     | 12:39:04 |
| 2  | axis of the device. We can call that the longitudinal     | 12:39:10 |
| 3  | axis, if you prefer.                                      | 12:39:17 |
| 4  | Q So what do you understand that solid vertical           | 12:39:18 |
| 5  | line to be in Figure 43?                                  | 12:39:26 |
| 6  | A I don't think it's clear. I'd have to read the          | 12:39:29 |
| 7  | spec to see if it was discussed. It's close to what       | 12:39:39 |
| 8  | would be the central axis, but it goes outside -- outside | 12:39:46 |
| 9  | parts. It's not shown hidden like going inside there.     | 12:39:52 |
| 10 | It's not really drawn proper, so.                         | 12:39:56 |
| 11 | Q You said "it's not shown hidden."                       | 12:40:02 |
| 12 | Would that be indicated by a dash line?                   | 12:40:04 |
| 13 | A No. The Figure 43 is not showing any parts as           | 12:40:06 |
| 14 | hidden, so what you would do is the portions of the --    | 12:40:15 |
| 15 | that vertical line, solid vertical line in the page that  | 12:40:21 |
| 16 | goes over all the parts should not be seen in certain     | 12:40:26 |
| 17 | portions of the figure.                                   | 12:40:32 |
| 18 | Q Figure 43 shows three teeth under 622C; is that         | 12:40:34 |
| 19 | right?                                                    | 12:40:44 |
| 20 | A 622C and Figure 43 is pointing to ratchet,              | 12:40:44 |
| 21 | upper ratchet. And there's three ratchet teeth that are   | 12:41:05 |
| 22 | depicted.                                                 | 12:41:12 |
| 23 | Q You don't understand Cho to be limited to a             | 12:41:14 |
| 24 | ratchet system with only three teeth; correct?            | 12:41:23 |
| 25 | MR. ANGER: Object to form.                                | 12:41:30 |

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1 THE WITNESS: Cho just describes an upper and a 12:41:32  
2 lower ratchet, so to the extent a person of skill in the 12:41:43  
3 art could accomplish the same ratchet with one tooth or 12:41:48  
4 multiple teeth, then it would be understood you could do, 12:41:56  
5 you know, whatever number of teeth -- 12:42:03  
6 BY MR. HILLIER: 12:42:04  
7 Q What is -- 12:42:06  
8 A -- needed to accomplish it. 12:42:06  
9 Q I didn't mean to interrupt you. 12:42:08  
10 Figure 43 does not show a tongue-and-groove 12:42:11  
11 structure; correct? 12:42:20  
12 A No. It's a simplified drawing, so you need to 12:42:22  
13 go to Figures 44 and 45A on the next page and 45B to see 12:42:33  
14 the tongue and groove detailed arrangement. 12:42:43  
15 Q Would you please turn to Figure 44? 12:42:46  
16 A Okay. 12:42:59  
17 Q Can you please show me where the ratchet is in 12:42:59  
18 44? 12:43:08  
19 And if you'd like to annotate, there's a 12:43:15  
20 function called Freehand. It looks like a pencil. If 12:43:17  
21 you click on that, you'll be able to indicate where the 12:43:21  
22 ratchet is in Figure 44. 12:43:28  
23 A Okay. I don't think that will be necessary, 12:43:35  
24 but if you zoom in at 352 percent, and you look at where 12:43:38  
25 Item 613 is pointing, which is the lower ratchet teeth, 12:43:46

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | it shows that the ratchet teeth are at the base of the    | 12:43:58 |
| 2  | groove.                                                   | 12:44:05 |
| 3  | Q Can you please circle the lower ratchet teeth           | 12:44:05 |
| 4  | in Figure 44?                                             | 12:44:12 |
| 5  | And I see that you've circled the Number 613.             | 12:44:13 |
| 6  | A Yes.                                                    | 12:44:37 |
| 7  | Q Is that right?                                          | 12:44:37 |
| 8  | A Correct.                                                | 12:44:40 |
| 9  | Q Will you please circle the structure depicted,          | 12:44:40 |
| 10 | in your opinion, as the lower ratchet teeth in Figure 44? | 12:44:47 |
| 11 | A Actually, can I undo that? Let's see. Yes.              | 12:44:51 |
| 12 | It's quite small, so difficult to circle. I'll do the     | 12:45:14 |
| 13 | best I can. 613, as it points to the lower ratchet        | 12:45:26 |
| 14 | teeth, points to where the lower ratchet is, and then     | 12:45:36 |
| 15 | I've circled it as best I can. It's at the bottom of the  | 12:45:39 |
| 16 | groove.                                                   | 12:45:47 |
| 17 | Q Are the lower ratchet teeth visually depicted           | 12:45:48 |
| 18 | in Figure 44?                                             | 12:45:53 |
| 19 | A Figure 44 shows a cross-sectional view, and the         | 12:45:54 |
| 20 | lower ratchet would be as shown in the lower portion of   | 12:46:06 |
| 21 | the groove, as pointed to by Item 613 circled in red.     | 12:46:12 |
| 22 | Q Please indicate where the upper ratchet teeth           | 12:46:17 |
| 23 | are in exhibit -- withdrawn.                              | 12:46:22 |
| 24 | Please indicate where the upper ratchet teeth             | 12:46:23 |
| 25 | are in Figure 44.                                         | 12:46:26 |

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1           A       I'm seeing if I can change the color here; it       12:46:27  
2       doesn't look like it gives me choice of color.       12:46:59  
3                So the upper ratchet is 622C. I've circled       12:47:15  
4       that also in red. And then those would mate with and be       12:47:28  
5       located on Part 622, also circled in red. They are at       12:47:35  
6       the bottommost portion of the tongue, such that they mate       12:48:02  
7       with the bottom part of the groove, which contains the       12:48:08  
8       lower ratchet.       12:48:14  
9           Q       Explain to me why Figure 44 shows interaction       12:48:15  
10       between the upper and lower ratchet.       12:48:27  
11               MR. ANGER: Object to form.       12:48:32  
12               THE WITNESS: Because in the cross-sectional       12:48:39  
13       view shown in Figure 44, there's a single line that       12:48:41  
14       depicts the contact between 613 and 622C.       12:48:50  
15       BY MR. HILLIER:       12:49:11  
16           Q       Where does Cho teach that 622C and 613 provide       12:49:12  
17       a fluid-tight seal, if at all?       12:49:22  
18           A       On Page 2 of Cho, Line 13, it talks about "a       12:49:30  
19       first seal groove, so that a lower end of the inside wall       12:51:25  
20       of the opening unit is axially inserted into the first       12:51:34  
21       seal groove to a predetermined depth."       12:51:34  
22               Then it says, "The bottle may further comprise       12:51:38  
23       a second seal groove formed in the opening unit       12:51:41  
24       positioned outside the wall."       12:51:44  
25               It goes on and talks about seal grooves. It       12:51:47

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | also talks about a locking -- the locking groove on      | 12:51:58 |
| 2  | Page 4. It talks about a sealing groove again on Page 5, | 12:52:03 |
| 3  | Line 6. It talks about another seal -- seal groove on    | 12:52:12 |
| 4  | Page 12, Line 4.                                         | 12:52:32 |
| 5  | And the spec goes on talking about the sealing           | 12:52:38 |
| 6  | groove. In addition to the figures, a person of skill in | 12:52:44 |
| 7  | the art would understand this is a traditional way to    | 12:52:48 |
| 8  | form a seal with a cap and a bottle. And the spec speaks | 12:52:50 |
| 9  | for itself.                                              | 12:52:59 |
| 10 | Q None of the passages you just referenced refer         | 12:53:02 |
| 11 | to a tongue; correct?                                    | 12:53:06 |
| 12 | A I don't believe the spec uses the word tongue,         | 12:53:11 |
| 13 | but it uses the word "protrusion."                       | 12:54:05 |
| 14 | Q And Figure 4 does not include any number               | 12:54:11 |
| 15 | pointing to a tongue?                                    | 12:54:15 |
| 16 | MR. ANGER: Object to form.                               | 12:54:20 |
| 17 | BY MR. HILLIER:                                          | 12:54:21 |
| 18 | Q Figure 44 does not include any number pointing         | 12:54:21 |
| 19 | to a tongue?                                             | 12:54:24 |
| 20 | And you're searching right now with Control-F            | 12:55:11 |
| 21 | to try to find the word; is that right?                  | 12:55:13 |
| 22 | A I'm looking to see the other identifying               | 12:55:15 |
| 23 | numbers in Figure 44 to make sure there isn't anything   | 12:55:21 |
| 24 | talking about a protrusion. I don't think it's           | 12:55:28 |
| 25 | particularly labeled, but as I mentioned, Figure 44      | 12:55:34 |

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1 clearly shows a tongue and groove or protrusion and 12:55:38  
2 groove arrangement. 12:55:42

3 Q And none of the passages that you referred to 12:55:44  
4 earlier list 622C or 613; correct? 12:55:50

5 A Those sections are the summary of the 12:56:00  
6 invention, which describe a protrusion and groove 12:56:06  
7 arrangement. And there's many other areas other than the 12:56:10  
8 ones I cited. I can cite them all, if you would like, 12:56:15  
9 that talk about how the seals are formed. 12:56:19

10 And then it goes into specific detail of where 12:56:23  
11 the ratchets are and depicts that in the figures. In 12:56:26  
12 addition to the understanding that there would be a seal 12:56:36  
13 between a cap and a container, it wouldn't make sense to 12:56:40  
14 a person of skill in the art to have a cap on a container 12:56:44  
15 that didn't seal. 12:56:48

16 Q You agree that the sealing, what you're 12:56:52  
17 considering a sealing mechanism in Cho, is more 12:56:58  
18 complicated than Plante's cap? 12:57:01

19 MR. ANGER: Object to form. 12:57:06

20 THE WITNESS: I don't agree. I think it's a 12:57:06  
21 very similar arrangement. In fact, the other one has a 12:57:16  
22 protrusion that seals on the inside cylinder portion of 12:57:20  
23 the opening, and Cho has also a protrusion that seals on 12:57:29  
24 the inside surface of a cylinder and the outside surface, 12:57:36  
25 so it adds an additional surface for sealing. 12:57:40

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1                   So it's an improved sealing means than Plante.                   12:57:46

2           In fact, it actually seals before the hazardous agent or                   12:57:53

3           agent or preservative that's in the cap is released.                   12:58:04

4           BY MR. HILLIER:                   12:58:09

5           Q           That's not anywhere in your declaration.                   12:58:09

6           A           No. I don't -- the portion about the sealing                   12:58:17

7           and when it seals is not, but that Cho shows there's a                   12:58:20

8           seal with the protrusion and a groove arrangement is in                   12:58:27

9           my declaration.                   12:58:33

10          Q           And there's no discussion of a groove in                   12:58:34

11          connection with the 21st embodiment of Cho.                   12:58:36

12          A           Can you repeat that, please, slowly?                   12:58:41

13          Q           It's possible -- I'm going to ask a different                   12:58:43

14          question.                   12:58:50

15                   It's possible to depict hidden lines; correct?                   12:58:50

16          MR. ANGER: Object to form.                   12:59:00

17          THE WITNESS: I mean, mostly you can, but                   12:59:01

18          sometimes hidden lines can make something look confusing,                   12:59:11

19          which is why we do cross-sectional views or other views.                   12:59:15

20          Sometimes, there's so many hidden lines you can't see the                   12:59:19

21          drawings, so you omit them.                   12:59:24

22          BY MR. HILLIER:                   12:59:36

23          Q           And a hidden line depicts a structure that's                   12:59:36

24          not otherwise visible; correct?                   12:59:39

25          MR. ANGER: Object to form.                   12:59:44

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | THE WITNESS: That's not entirely correct. A              | 12:59:45 |
| 2  | hidden line would depict a particular line or edge that  | 12:59:48 |
| 3  | would be behind another surface or section of a part.    | 12:59:53 |
| 4  | BY MR. HILLIER:                                          | 01:00:03 |
| 5  | Q And Cho does that with dashed lines; correct?          | 01:00:04 |
| 6  | A I don't understand your question by "does              | 01:00:08 |
| 7  | that."                                                   | 01:00:16 |
| 8  | Q Sure. Cho depicts hidden lines by using a              | 01:00:16 |
| 9  | dashed line; correct?                                    | 01:00:25 |
| 10 | A Which figure are you referring to?                     | 01:00:26 |
| 11 | Q Take a look, for example, at Figure 25 or 29.          | 01:00:30 |
| 12 | A Figure 29 does not show any hidden lines. Or,          | 01:00:52 |
| 13 | actually, there might be some really tiny ones. Let me   | 01:00:59 |
| 14 | zoom in on that.                                         | 01:01:02 |
| 15 | Yes, I see it. It looks like there's a few               | 01:01:24 |
| 16 | hidden lines in Figure 29 of Cho.                        | 01:01:27 |
| 17 | Q Are you referring to that -- the circular              | 01:01:34 |
| 18 | toothed structure in the middle of Figure 29?            | 01:01:41 |
| 19 | A It looks like the features are depicted by 323         | 01:01:50 |
| 20 | and 322A and E that are being depicted as hidden because | 01:01:56 |
| 21 | they're inside what looks like 322.                      | 01:02:05 |
| 22 | Q And that's not any more difficult than                 | 01:02:11 |
| 23 | depicting a tongue and groove would have been in         | 01:02:19 |
| 24 | Figure 43?                                               | 01:02:24 |
| 25 | MR. ANGER: Object to form.                               | 01:02:27 |

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1           THE WITNESS: Well, first, it didn't look easy       01:02:28  
2       to do the hidden lines in 29. And the ratchet teeth       01:02:33  
3       there are not entirely shown hidden in every part. But       01:02:39  
4       the features in the other figures would be a little bit       01:02:45  
5       smaller and difficult.       01:02:54  
6           But to a person of skill in the art, you don't       01:02:57  
7       necessarily need the figures to show everything because       01:03:00  
8       you have the spec as well that's explaining the       01:03:02  
9       arrangement, in addition to the figures, so that you can       01:03:07  
10      figure them out.       01:03:13  
11      BY MR. HILLIER:       01:03:14  
12           Q       But the spec of Cho never describes a tongue in       01:03:14  
13      connection with the 21st embodiment?       01:03:19  
14           A       Can we establish what the 21st embodiment is?       01:03:29  
15      Oh, I see it. It's Figures 43 and 44.       01:03:34  
16           So can you repeat your question again?       01:03:42  
17           Q       The spec of -- withdrawn.       01:03:44  
18           The specification of Cho never describes a       01:03:47  
19      tongue in connection with the 21st embodiment?       01:03:50  
20           A       The spec talks about forming seals as a       01:03:53  
21      protrusion, and then the figures show a protrusion or a       01:04:01  
22      tongue going into a groove.       01:04:08  
23           Q       But it doesn't describe that in connection with       01:04:20  
24      the 21st embodiment?       01:04:23  
25           A       Just before the discussion of the spec of the       01:04:24

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | 21st embodiment, it talks about grooves and protrusions   | 01:06:48 |
| 2  | and the interferences between the two that form a seal,   | 01:06:54 |
| 3  | and then it goes on to talk about the 21st embodiment     | 01:07:00 |
| 4  | with the different features that are on the 21st          | 01:07:04 |
| 5  | embodiment.                                               | 01:07:12 |
| 6  | So that discussion, in combination with how               | 01:07:13 |
| 7  | Figures 43 and 44 show the same protrusion in groove      | 01:07:16 |
| 8  | arrangement, a person of skill in the art understands     | 01:07:22 |
| 9  | that to be the seal, in conjunction with the fact that    | 01:07:25 |
| 10 | the cap and that outer cylinder that forms the annular    | 01:07:32 |
| 11 | valve would have to seal in order for it to function as   | 01:07:39 |
| 12 | intended.                                                 | 01:07:49 |
| 13 | Q "The annular valve would have to seal"; is that         | 01:07:49 |
| 14 | right?                                                    | 01:07:52 |
| 15 | A The annular valve would have to seal over the           | 01:07:52 |
| 16 | vents, and it would have to seal with the bottle or       | 01:08:03 |
| 17 | the -- a container or form some other type of seal so     | 01:08:11 |
| 18 | that there isn't a leak of the fluid inside the container | 01:08:14 |
| 19 | or any leak of the agent or fluid within the cap.         | 01:08:21 |
| 20 | And Figure 44 clearly shows a protrusion and              | 01:08:27 |
| 21 | groove arrangement that forms a seal.                     | 01:08:33 |
| 22 | Q So you would expect that the annular valve              | 01:08:36 |
| 23 | depicted in Cho would not leak?                           | 01:08:41 |
| 24 | A I would not expect it to leak if you make it as         | 01:08:43 |
| 25 | it's taught and specified in Cho.                         | 01:08:58 |

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1 Q Earlier, I asked you about the fact that a 01:09:03  
2 groove is not mentioned and a tongue is not mentioned in 01:09:12  
3 connection with the 21st embodiment. 01:09:15  
4 You referenced a discussion about a tongue and 01:09:17  
5 groove. 01:09:23  
6 Were you referring to Pages 47 and 49 of the 01:09:23  
7 native pages of Exhibit 1004? 01:09:28  
8 A Yes, I was referring to a discussion on Page 47 01:09:31  
9 into 48 of the document that talks about seals, as well 01:09:43  
10 as the rest of the document that talks about seals with 01:09:50  
11 grooves and protrusion, in addition to what is taught by 01:09:55  
12 the fact that the cap bust seal on the container, in 01:09:58  
13 addition to what is taught and described by the figures, 01:10:01  
14 a protrusion and groove arrangement that would form a 01:10:10  
15 seal. 01:10:12  
16 Q And the groove that you referred to is 01:10:12  
17 described in connection be with the 20th embodiment on 01:10:16  
18 Page 47 of Exhibit 1004; correct? 01:10:20  
19 A Yes. That's what the 20th embodiment -- and 01:10:23  
20 then if you look at that figure, you see a tongue and 01:10:28  
21 groove arrangement on that as well, and the spec talks 01:10:32  
22 about seals in multiple places. 01:10:36  
23 (Multiple speakers speaking at once.) 01:10:36  
24 THE WITNESS: Again, in addition to Figure 44 01:10:42  
25 and 40 -- yeah, in addition to Figure 44, that shows a 01:10:45

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1 protrusion and groove or tongue and groove arrangement. 01:10:52

2 BY MR. HILLIER: 01:10:52

3 Q Which figure are you referring to for the 20th 01:10:58

4 embodiment? 01:11:01

5 A The 20th embodiment refers to -- Figure 40 is 01:11:01

6 the figure for the 20th embodiment, and that's the 01:11:44

7 particular figure that I was looking at that shows a 01:11:48

8 protrusion and groove or tongue and groove arrangement. 01:11:56

9 Q Will you please circle the tongue or what you 01:12:02

10 call the "protrusion" in Figure 40? 01:12:10

11 A The one I've circled in red on Figure 40 shows 01:12:12

12 a tongue and groove arrangement. In this case, the 01:12:52

13 sealing surface is only on one side of the groove. It's 01:12:58

14 on the outer side of the groove in this arrangement. 01:13:06

15 Although, I need to read the spec again. It 01:13:12

16 might also be on the inside, but that's the tongue and 01:13:16

17 groove arrangement. 01:13:20

18 Q And for the record, you've circled in red on 01:13:21

19 the left portion of Figure 40 a structure that's 01:13:26

20 underneath 532B. 01:13:29

21 My question is just -- you put -- I'm just 01:15:29

22 trying to establish that you put a circle in the upper 01:15:31

23 left side of this document. 01:15:35

24 We're going to have a copy of this document, so 01:15:36

25 withdraw that question. 01:15:39

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1           A       Well, I'm just checking to make sure the area       01:15:48  
2       that I circled was correct because it's hard to see in       01:15:54  
3       this -- on this picture without zooming in and then       01:15:57  
4       aligning that with the discussion in the spec.       01:16:02  
5           Q       So there's no question pending.       01:16:05  
6                   In your opinion, going back to the 21st       01:16:07  
7       embodiment -- so if you'll just look at Figure 44 -- or       01:16:11  
8       43, rather.       01:16:19  
9                   In your opinion, is the tongue the upper       01:16:23  
10       ratchet and the groove the lower ratchet in the 21st       01:16:27  
11       embodiment?       01:16:33  
12          A       Can you repeat that again?       01:16:33  
13          Q       In your opinion, is the tongue the upper       01:16:42  
14       ratchet and is the groove the lower ratchet in the 21st       01:16:47  
15       embodiment?       01:16:53  
16          A       The lower ratchet 613 is within the groove       01:16:53  
17       that's in the top surface of the container, and the upper       01:17:05  
18       ratchet is on the end of the tongue or protrusion that's       01:17:16  
19       on the outer cylinder of the valve. I believe that's       01:17:24  
20       called 624.       01:17:54  
21          Q       So --       01:18:02  
22          A       Or 620.       01:18:03  
23          Q       Understood. So the lower ratchet, 613, is not       01:18:05  
24       on the top of the mouth because it's within the groove.       01:18:12  
25                   Is that your opinion?       01:18:18

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1           A       That's correct. It would have to be so that a       01:18:21  
2       portion of the groove, the side walls of the groove, and       01:18:25  
3       then the side walls of the protrusion would have a       01:18:31  
4       continuous smooth surface for them to seal against each       01:18:37  
5       other.       01:18:43  
6           Q       So how can the lower ratchet be formed on the       01:18:43  
7       top of the mouth if it's within the groove?       01:18:47  
8               MR. ANGER: Object to form.       01:18:52  
9               THE WITNESS: Because it's still -- it's still       01:18:53  
10       at the top of the mouth, but it's within the groove       01:18:57  
11       that's at the top of the mouth. It's at the bottom of       01:19:00  
12       the groove that's at the top of the mouth.       01:19:06  
13       BY MR. HILLIER:       01:19:08  
14           Q       So the word "top" can refer to more than one       01:19:08  
15       portion of a collection device.       01:19:11  
16               Is that your opinion?       01:19:13  
17               MR. ANGER: Object to form. Outside the scope.       01:19:15  
18               THE WITNESS: "Top" is a general indicator of       01:19:21  
19       the location of where to look. And then the figures,       01:19:26  
20       such as Figure 44, give clarification to where that       01:19:27  
21       location is.       01:19:31  
22       BY MR. HILLIER:       01:19:34  
23           Q       And so the top of the figure can change       01:19:34  
24       depending on the configuration of the device.       01:19:41  
25               Is that your opinion?       01:19:45

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1 MR. ANGER: Object to form. Lacks foundation. 01:19:46

2 THE WITNESS: I don't understand what you're 01:19:49

3 talking about. I think the spec and the figures speak 01:19:50

4 clearly to which area of the container we're talking 01:19:56

5 about. 01:19:59

6 BY MR. HILLIER: 01:19:59

7 Q Well, my question is: How can the lower 01:20:00

8 ratchet be formed on the top of the mouth if it's below 01:20:02

9 the groove? 01:20:06

10 A Because the upper ratchet is on a part that's 01:20:06

11 above the top surface of the opening, and the lower 01:20:12

12 ratchet is below that portion but on the top portion of 01:20:18

13 the container, as depicted in Figure 44. 01:20:28

14 Q So the top can refer to different parts of the 01:20:31

15 container? 01:20:35

16 MR. ANGER: Object to form. Lacks foundation. 01:20:36

17 THE WITNESS: No, that's not correct. It's 01:20:37

18 talking about one area of the container, as shown in 01:20:44

19 Figure 44. 01:20:47

20 BY MR. HILLIER: 01:20:48

21 Q Would you please look at Figure 45A? 01:20:52

22 Where is the top of the mouth? 01:20:54

23 A I don't understand your question. 01:21:08

24 Q Do you know what the mouth is? 01:21:09

25 A Are you talking about the mouth of the 01:21:11

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | container?                                                | 01:21:13 |
| 2  | Q Number 611 is the mouth.                                | 01:21:15 |
| 3  | Will you please circle the top of the mouth in            | 01:21:22 |
| 4  | Figure 45A?                                               | 01:21:33 |
| 5  | A It's on -- this is a cross-sectional view               | 01:21:36 |
| 6  | and...                                                    | 01:21:53 |
| 7  | Q And to help make it clear, you -- so you've             | 01:21:53 |
| 8  | circled both the upper and lower ratchets.                | 01:21:56 |
| 9  | Is that your -- is that what you've done in               | 01:21:59 |
| 10 | Figure 45A?                                               | 01:22:04 |
| 11 | A Yes. It's a protrusion and groove arrangement           | 01:22:04 |
| 12 | and one is on one part, one is on the other part. And     | 01:22:14 |
| 13 | they interlock with each other so that they form a seal   | 01:22:17 |
| 14 | and create a ratchet system to cooperate with each other. | 01:22:24 |
| 15 | Q Will you please draw an arrow that points to            | 01:22:31 |
| 16 | the top of the mouth?                                     | 01:22:35 |
| 17 | A If I circle it right there, the very top                | 01:22:43 |
| 18 | surface is the very top surface here, but that's not what | 01:22:47 |
| 19 | the -- why won't it work?                                 | 01:22:52 |
| 20 | It says the top of the container and the groove           | 01:23:04 |
| 21 | is formed within the top surface.                         | 01:23:09 |
| 22 | Q And you've just drawn a line pointing downwards         | 01:23:13 |
| 23 | on the left side of the Figure 45A; is that right?        | 01:23:17 |
| 24 | A Yeah, so I'm going to label that "top surface."         | 01:23:20 |
| 25 | Q Okay. Yeah, I think you can annotate that if            | 01:23:26 |

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|    |                                                           |          |
|----|-----------------------------------------------------------|----------|
| 1  | you'd like.                                               | 01:23:31 |
| 2  | And would you please draw an arrow point at the           | 01:24:11 |
| 3  | end of that line so we understand what you're referring   | 01:24:17 |
| 4  | to?                                                       | 01:24:19 |
| 5  | A It's very difficult to do because the -- it's           | 01:24:20 |
| 6  | pretty small. And again, this is the top surface, not     | 01:24:35 |
| 7  | the top. The top -- the groove is formed into the top     | 01:24:42 |
| 8  | surface of the container.                                 | 01:24:53 |
| 9  | Q Earlier, you used the word "very top."                  | 01:24:56 |
| 10 | You understand "top" to be a word of degree?              | 01:25:19 |
| 11 | MR. ANGER: Object to form.                                | 01:25:24 |
| 12 | THE WITNESS: I don't understand your question.            | 01:25:25 |
| 13 | BY MR. HILLIER:                                           | 01:25:27 |
| 14 | Q Oh, what's the difference between the top and           | 01:25:28 |
| 15 | the very top?                                             | 01:25:31 |
| 16 | A Well, I didn't use the word "very top," I used          | 01:25:31 |
| 17 | "top surface" and the top. Or it can be -- when you say   | 01:25:38 |
| 18 | "the top," it can be referring to as the top portion of a | 01:25:43 |
| 19 | container. And depending on the context, you know, that   | 01:25:47 |
| 20 | can mean anything from the -- the midpoint upward would   | 01:25:56 |
| 21 | be the top portion, and then from the midpoint below      | 01:26:00 |
| 22 | would be the bottom portion.                              | 01:26:03 |
| 23 | Q The top is the midpoint up?                             | 01:26:07 |
| 24 | MR. ANGER: Object to form. And to the extent              | 01:26:10 |
| 25 | it mischaracterizes the witness's testimony.              | 01:26:11 |

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1 THE WITNESS: Well, as I said, it depends on 01:26:13  
2 the context. Here, I'm pointing to just the top surface 01:26:19  
3 of the opening of the container. And the top portion, 01:26:22  
4 depending, again, on the context, could be from the 01:26:27  
5 midpoint to the very top surface of the container. 01:26:31  
6 And that top surface can also help form the 01:26:38  
7 seal with the mating surface as well. 01:26:41  
8 BY MR. HILLIER: 01:26:47  
9 Q Did you review all of the Center for Disease 01:26:47  
10 Control workbook that is Exhibit 1020 to your reply 01:26:56  
11 declaration? 01:27:02  
12 A Yes, I read that -- that entire document. 01:27:09  
13 Q Do you consider Exhibit 1020 to be a reliable 01:27:11  
14 source? 01:27:20  
15 A It's reliable as a reference to support my 01:27:21  
16 opinions that there was motivation and drive towards 01:27:36  
17 making devices without sharps or protecting against sharp 01:27:41  
18 injury. 01:27:51  
19 MR. HILLIER: Let's take a break. Ten minutes. 01:27:57  
20 MR. ANGER: I think the plan is to go a little 01:28:02  
21 bit longer here for lunch for Mr. Leinsing. 01:28:04  
22 MR. HILLIER: I'm taking a break. 01:28:07  
23 THE VIDEOGRAPHER: This marks the end of 01:28:10  
24 Media Number 2. Going off the record at 1:28 p.m. 01:28:12  
25 (A lunch recess was taken.) 02:11:18

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1 THE VIDEOGRAPHER: This marks the beginning of 02:11:18  
2 Media Number 3. Going back on the record at 2:11 p.m. 02:11:23  
3 BY MR. HILLIER: 02:11:31  
4 Q Did you speak with anybody during the break? 02:11:31  
5 A No, I did not. 02:11:33  
6 Q Did you communicate with anybody in any way 02:11:37  
7 during the break? 02:11:40  
8 A Ben just sent me a text saying you guys were 02:11:41  
9 ready, and I said, "Okay." 02:11:46  
10 Q Have you texted with counsel during this 02:11:47  
11 deposition other than that text message? 02:11:53  
12 A No, I did not. 02:11:59  
13 Q Well, earlier today, you said that he sent you 02:12:00  
14 a text message? 02:12:02  
15 A Yes, I just said he sent a text saying you guys 02:12:08  
16 are ready, and I said, "Okay." 02:12:11  
17 Q Didn't he send you a text message this morning? 02:12:13  
18 A Yes, and I mentioned that. 02:12:15  
19 Q Other than those two text messages, have you 02:12:21  
20 had any communication with anybody during this 02:12:23  
21 deposition? 02:12:28  
22 A No. 02:12:29  
23 Q Did you review any documents during the break? 02:12:29  
24 A I reviewed Cho a little bit, the reference of 02:12:36  
25 Cho. 02:12:46

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|    |   |                                                          |          |
|----|---|----------------------------------------------------------|----------|
| 1  | Q | Anything else?                                           | 02:12:46 |
| 2  | A | And then I reviewed a little bit of my reply             | 02:12:47 |
| 3  |   | declaration regarding Paragraph 16 that talks about the  | 02:12:55 |
| 4  |   | sections that talk about a seal. And I looked at Cho,    | 02:13:05 |
| 5  |   | and I wanted to clarify that the section of Cho that     | 02:13:13 |
| 6  |   | talks about the sealing areas, not the tongue and groove | 02:13:15 |
| 7  |   | seal. The tongue and groove seal that I circled in the   | 02:13:20 |
| 8  |   | figures for Embodiment 20 is depicted in the figures but | 02:13:25 |
| 9  |   | not discussed in the spec. Only the seal areas that I    | 02:13:31 |
| 10 |   | talked about earlier.                                    | 02:13:57 |
| 11 | Q | There's not a question pending, Mr. Leinsing.            | 02:13:58 |
| 12 | A | Yeah, you asked me what I reviewed, and I was            | 02:14:00 |
| 13 |   | explaining what I reviewed.                              | 02:14:03 |
| 14 | Q | Yeah, I understand. There's not a question               | 02:14:04 |
| 15 |   | pending. You have to wait for a question.                | 02:14:06 |
| 16 |   | MR. ANGER: Well, he was answering your                   | 02:14:07 |
| 17 |   | question --                                              | 02:14:09 |
| 18 |   | (Multiple speakers speaking at once.)                    | 02:14:10 |
| 19 |   | MR. HILLIER: Counsel, Counsel, do not                    | 02:14:10 |
| 20 |   | interrupt the questioning.                               | 02:14:11 |
| 21 |   | THE WITNESS: I was expanding on my answer.               | 02:14:14 |
| 22 |   | MR. HILLIER: I don't have any further                    | 02:14:18 |
| 23 |   | questions at this time. I'll pass the witness if you     | 02:14:21 |
| 24 |   | want.                                                    | 02:14:26 |
| 25 |   | THE WITNESS: I can elaborate now if you want.            | 02:14:26 |

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|    |                                                          |          |
|----|----------------------------------------------------------|----------|
| 1  | MR. ANGER: That's unacceptable. If he has                | 02:14:29 |
| 2  | additional material he wants to add in response to your  | 02:14:31 |
| 3  | pending question, he is permitted to do that. Please     | 02:14:34 |
| 4  | don't cut him off.                                       | 02:14:39 |
| 5  | MR. HILLIER: All right. There's no pending               | 02:14:47 |
| 6  | question with no redirect, so thank you for your time,   | 02:14:48 |
| 7  | Mr. Leinsing.                                            | 02:14:53 |
| 8  | THE WITNESS: You're welcome.                             | 02:14:57 |
| 9  | Ben, did you -- you didn't have anything?                | 02:15:03 |
| 10 | MR. ANGER: Let me just clarify, Drew, you're             | 02:15:05 |
| 11 | done with your questioning today?                        | 02:15:08 |
| 12 | MR. HILLIER: Yes. The one thing I wanted to              | 02:15:09 |
| 13 | add -- and we talked about this during the break -- is   | 02:15:13 |
| 14 | we've marked the annotated Exhibit 1004 as Exhibit 2056. | 02:15:16 |
| 15 | (Exhibit 2056 marked.)                                   | 02:15:27 |
| 16 | THE WITNESS: And it's that exhibit that I was            | 02:15:27 |
| 17 | talking about the areas I circled for the seal. And that | 02:15:28 |
| 18 | the figures show those areas that the spec doesn't       | 02:15:33 |
| 19 | necessarily show those areas, other than what I discuss  | 02:15:36 |
| 20 | in my declaration in Paragraph 16 on the other areas of  | 02:15:39 |
| 21 | the spec that I discuss.                                 | 02:15:44 |
| 22 | MR. HILLIER: Okay. Well, thank you for your              | 02:15:46 |
| 23 | time.                                                    | 02:15:49 |
| 24 | THE WITNESS: You're welcome.                             | 02:15:50 |
| 25 | MR. ANGER: I have no questions for                       | 02:15:52 |

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1 Mr. Leinsing. 02:15:55

2 THE VIDEOGRAPHER: Desiree, Counsel, is it okay 02:15:56

3 to conclude? 02:16:00

4 MR. HILLIER: Yes. 02:16:01

5 THE VIDEOGRAPHER: Anything else? 02:16:04

6 MR. HILLIER: I reserve the right to strike, 02:16:05

7 you know, colloquy that's not responsive to a question, 02:16:08

8 but we're done. 02:16:12

9 MR. ANGER: And I would just note that the 02:16:13

10 witness reserves the right to review and sign. 02:16:15

11 MR. HILLIER: Thank you. 02:16:19

12 THE VIDEOGRAPHER: All right. We are off the 02:16:20

13 record at 2:16 p.m., and this concludes today's testimony 02:16:23

14 given by Karl R. Leinsing. 02:16:29

15 The total number of media used was three and 02:16:33

16 will be retained by Veritext Legal Solutions. Thank you. 02:16:36

17 (At 2:16 p.m., the deposition of

18 KARL LEINSING was adjourned.)

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DECLARATION UNDER PENALTY OF PERJURY

I, KARL LEINSING, do hereby certify under penalty of perjury that I have reviewed the foregoing transcript of my deposition taken on August 25, 2023; that I have made such corrections as appear noted herein in ink; that my testimony as contained herein, as corrected, is true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, at \_\_\_\_\_, California.

\_\_\_\_\_

KARL LEINSING

REPORTER'S CERTIFICATION

I, Desiree Cooks, Certified Shorthand Reporter in  
and for the State of California, do hereby certify:

That the foregoing witness was by me duly sworn;  
that the deposition was then taken before me at the time  
and place herein set forth; that the testimony and  
proceedings were reported stenographically by me and  
later transcribed into typewriting under my direction;  
that the foregoing is a true record of the testimony and  
proceedings taken at that time.

Further, that if the foregoing pertains to the  
original transcript of a deposition in a federal case,  
before completion of the proceedings, review of the  
transcript [ ] was [ ] was not requested.

IN WITNESS WHEREOF, I have subscribed my name on  
this date: AUGUST 29, 2023



Desiree Cooks, CSR No. 14075

1 BENJAMIN ANGER, ESQ.

2 ben.anger@knobbe.com

3 AUGUST 29, 2023

4 RE: SPECTRUM SOLUTIONS V. DNA GENOTEK INC

5 AUGUST 25, 2023, KARL LEINSING, JOB NO. 6068062

6 The above-referenced transcript has been  
7 completed by Veritext Legal Solutions and  
8 review of the transcript is being handled as follows:

9 \_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext  
10 to schedule a time to review the original transcript at  
11 a Veritext office.

12 \_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF  
13 Transcript - The witness should review the transcript and  
14 make any necessary corrections on the errata pages included  
15 below, notating the page and line number of the corrections.  
16 The witness should then sign and date the errata and penalty  
17 of perjury pages and return the completed pages to all  
18 appearing counsel within the period of time determined at  
19 the deposition or provided by the Code of Civil Procedure.

20 \_\_\_ Waiving the CA Code of Civil Procedure per Stipulation of  
21 Counsel - Original transcript to be released for signature  
22 as determined at the deposition.

23 \_\_\_ Signature Waived - Reading & Signature was waived at the  
24 time of the deposition.

25

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Veritext Legal Solutions  
Calendar-CA@veritext.com 866-299-5127

DNA Genotek Inc. Exhibit 2057 Page 74  
Spectrum Solutions L.L.C. v. DNA Genotek Inc. IPR2022-01347

*DNA Genotek Inc. - IPR2023-01424*  
*Exhibit 2009 - Page 74 of 101*  
*Spectrum Solutions L.L.C. v. DNA Genotek Inc.*

1    \_X\_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF  
2       Transcript - The witness should review the transcript and  
3       make any necessary corrections on the errata pages included  
4       below, notating the page and line number of the corrections.  
5       The witness should then sign and date the errata and penalty  
6       of perjury pages and return the completed pages to all  
7       appearing counsel within the period of time determined at  
8       the deposition or provided by the Federal Rules.  
9    \_\_\_ Federal R&S Not Requested - Reading & Signature was not  
10       requested before the completion of the deposition.

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SPECTRUM SOLUTIONS V. DNA GENOTEK INC

KARL LEINSING (#6068062)

E R R A T A S H E E T

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

REASON\_\_\_\_\_

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[device - electromechanical]

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[embodiment - figures]

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[guess - interrupt]

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**[log - molding]**

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**[molding - okay]**

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**[talking - top]**

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**[videographer - zooming]**

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at [www.veritext.com](http://www.veritext.com).