

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

Inter Partes Review No.: IPR2024-00291

* * * * *

DBR FINANCE, INC., *

Petitioner *

V. *

RUGGED CROSS HUNTING BLINDS, LLC., *

Patent Owner *

* * * * *

DEPOSITION OF:

DR. KIMBERLY CAMERON

Conducted Remotely

November 5, 2024 at 1:38 p.m.

Volume I

Christine M. Lo Schiavo

Professional Court Reporter

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16
17 Also Present:

18 Thomas Eschweiler

19 Jefferson Derry

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I N D E X

WITNESS: Dr. Kimberly Cameron

EXAMINATION BY: PAGE:
Mr. Abdelnour 6

EXHIBITS: PAGE:
(None offered)

1 THE COURT REPORTER: Okay. So my
2 name is Christine LoSchiavo, and I am a
3 notary public and a court reporter in the
4 Commonwealth of Massachusetts.

5 This deposition is being taken
6 remotely. The witness is appearing remotely
7 as well. The attorneys participating in
8 this proceeding acknowledge their
9 understanding that I am not physically
10 present in the proceeding room, nor am I
11 physically present with the witness, and
12 that I will be reporting this proceeding
13 remotely.

14 They further acknowledge that in lieu
15 of an oath administered in person, the
16 witness will verbally declare her testimony
17 in this matter under the pains and penalties
18 of perjury. The parties and their counsel
19 consent to this arrangement and waive any
20 objections to this manner of proceeding.

21 Please indicate your agreement by
22 stating your name, who you represent, and
23 your agreement on the record, after which
24 time I will swear in the witness.

1 So someone needs to say you
2 stipulate.

3 MR. WOLTER: So you want me to go
4 first?

5 THE COURT REPORTER: Sure, go ahead.

6 MR. WOLTER: I'm Robert Wolter, and
7 with me is Jefferson Derry. We're here on
8 behalf of the patent owner, Rugged Cross
9 Hunting Blinds.

10 THE COURT REPORTER: And you agree?

11 MR. WOLTER: We agree.

12 THE COURT REPORTER: Okay.

13 MR. ABDELNOUR: I agree, Dennis
14 Abdelnour, on behalf of the Petitioner, DBR.

15 THE COURT REPORTER: Okay.

16 MR. ESCHWEILER: Thomas Eschweiler, I
17 agree on behalf of Petitioner, DBR.

18 THE COURT REPORTER: Okay. Perfect.

19

20 KIMBERLY CAMERON, Deponent, having first
21 been satisfactorily identified and duly sworn,
22 deposes and states as follows:

23

24 THE COURT REPORTER: Okay. I'm going

1 to put myself on mute because I have a dog
2 that sits outside my office that likes to
3 bark. So I don't want to interrupt the
4 proceeding, but if you need me, I can get
5 right off mute.

6 MR. ABDELNOUR: Okay.

7 THE COURT REPORTER: And you can
8 begin.

9

10

11 EXAMINATION BY MR. ABDELNOUR:

12

13 Q. Good afternoon. Can you say your
14 name and address for the record?

15 A. I'm Kimberly Cameron, 15604 Cavin
16 Lane, Monte Sereno, California, 95030.

17 Q. Where do you work?

18 A. I work at a company called
19 Engineering Systems.

20 Q. And what do you do for Engineering
21 Systems?

22 A. I am a princ -- principal engineer
23 there, mechanics and materials. So I -- I work as
24 a consultant there.

1 Q. And you also act as an expert witness
2 in legal proceedings, correct?

3 A. Yes, I do that too, yes.

4 Q. Is that in -- in connection with your
5 work at ESI?

6 A. Yes, so I'm just a salaried employee
7 at ESI, and I work on a lot of different technical
8 things. And that also includes giving testimony
9 related to litigation sometimes.

10 Q. What percentage of your work is
11 expert work in legal proceedings?

12 A. Probably about half of what I do
13 is -- is somehow related to legal proceedings,
14 yeah.

15 Q. And you understand you're here in
16 connection with an IPR proceeding involving a
17 patent owned by Rugged Cross, right?

18 A. That's correct, yeah.

19 Q. Okay. And you've submitted a
20 declaration in this case on behalf of the patent
21 owner, Rugged Cross?

22 A. I did, yes.

23 Q. And you're being compensated for your
24 time in this matter, correct?

1 A. So I -- I just work for ESI, so I --
2 I do get a salary for working there. Yeah, so
3 indirectly, yes.

4 Q. And Rug -- Rugged Cross is paying for
5 your time on an hourly basis to ESI, correct?

6 A. Yes -- so yes, the way it works is
7 they pay hourly for my time to ESI, and then, yeah,
8 and I get paid a -- a salary, obviously.

9 Q. I take it you've been deposed before?

10 A. I have, yes.

11 Q. I have a list of some of your
12 depositions at the end of your declaration, right?

13 A. I -- I think that's true, yes.

14 Q. So -- so I'm going to forego with all
15 the ground rules. I assume you know them, but let
16 me ask this. Is there any reason you can't give
17 complete accurate, truthful testimony today?

18 A. No.

19 Q. Thanks.

20 And if -- if you don't understand a
21 question, please ask for clarification, fair?

22 A. Sure.

23 Q. And if -- and if you don't hear a
24 question, just let me know and I can restate it, or

1 ask it to be reread, fair enough?

2 A. Sure.

3 Q. And if you do provide an answer, may
4 I assume that you heard and understand my question?

5 A. Ye -- yes, that's reasonable.

6 Q. Do you have a copy of your
7 declaration with you, Dr. Cameron?

8 A. I -- I -- I don't, but I could
9 probably get it if you need me to.

10 Q. I mean, I have it -- I -- I obviously
11 have it here. I'm going to screen share it with
12 you and we'll do that. But if you feel like --

13 A. Okay.

14 Q. -- you have a need to want to print
15 out a copy so you have easier access, you know, we
16 can take a break and do that. So let me know.

17 A. Okay. Okay.

18 Q. Let me -- I'm going to share my
19 screen. Let me know when you see it.

20 A. I can see it, but I can't read what's
21 on it. Is there, like, a way to make it --

22 Q. Yeah, let me make it bigger.

23 A. -- bigger?

24 Q. Let me move my --

1 A. Word.

2 Q. Let me move my outline off the
3 screen so we're not reading my outline. Okay. So
4 this -- what I put on -- what I put up is the front
5 page of the declaration of Dr. Kimberly Cameron.
6 Do you see that?

7 A. Yes.

8 Q. Is it the -- is it the cover page of
9 your declaration that you submitted in this case?

10 A. That -- that's what it looks like,
11 yes.

12 Q. Okay. And this is for Inter Partes
13 Review No. IPR2024-291, correct?

14 A. Yeah, I don't have my own in front of
15 me, but I assume that's the cover, and that's
16 correct, yes.

17 Q. And your declaration has been marked
18 as Exhibit 2031 in this proceeding. Do you see
19 that?

20 A. Okay.

21 Q. Do you see it?

22 A. Yeah, I see that.

23 Q. Okay. And this IPR involves Patent
24 No. 11,399,535, correct?

1 A. That's correct.

2 Q. All right. You -- this declaration
3 that I've got up here is a 79-page document. Sound
4 right?

5 A. I -- I don't remember, but rough -- I
6 mean, it is of that order alone, yes.

7 Q. So let me go to the signature page
8 here, which is on page 71. Do you see that?

9 A. I do see that, yes.

10 Q. Okay. And if I go to the bottom, I
11 see a signature dated September 5, 2024. Do you
12 see that?

13 A. I do, yes.

14 Q. Is that your signature?

15 A. Yes.

16 Q. Okay. And above it, you declare,
17 under penalty of perjury, that the contents of your
18 declaration is true and correct, right?

19 A. Yeah. That's correct, yes.

20 Q. Okay. Attached to your declaration,
21 it looks like you've got your CV; is that right?

22 A. That's correct.

23 Q. And then a -- a few pages later, we
24 labeled at the top, "Appendix B." This appears to

1 be a list of cases you've worked on; is that right?

2 A. Yes.

3 Q. And it's a four-page list. It's
4 called, "Expert Testimony List," right?

5 A. That's correct.

6 Q. Okay. Dr. Cameron, does the
7 declaration that you submitted in this IPR contain
8 all of the opinions that you've formed?

9 A. That was the intention, yes.

10 Q. Okay. And does it contain all of the
11 bases for those opinions?

12 A. Yes.

13 Q. And any analysis that you did in
14 order to form those opinions, is that contained in
15 your declarations as well?

16 A. I believe so, yes.

17 Q. * And does your declaration contain
18 citation to all of the evidence upon which you are
19 relying in forming your opinions?

20 A. Sorry. Can you ask that one again?

21 MR. ABDELNOUR: Can you read that
22 back?

23
24 * (Question read)

1 THE WITNESS: So I'm not -- I guess
2 I'm not exactly sure what that means, but
3 certainly if I, like, point to something in
4 the patent or in someone else's declaration
5 or something like that, I typically will put
6 a citation there. I'm sure there are also
7 things in there that I'm explaining that
8 I -- that may or may not have citations.

9 Q. (By Mr. Abdelnour) Provide -- you --
10 you don't provide a citation for something, I take
11 it, that you explain what it is you're relying
12 upon, fair?

13 A. Yeah. I mean, if you want to show me
14 an example, but that generally sounds right, yes.

15 Q. All right. Are all of the
16 qualifications upon which you are relying upon set
17 forth in your declaration?

18 A. Of my qualifications?

19 Q. Yes.

20 A. I think I tried to provide kind of
21 like a summary of my background in the report. And
22 then I also provided my CV. Neither of those is
23 obviously, like, an exhaustive list of -- of
24 everything I've done, but I -- I did try to give

1 kind of a flavor of my -- my background.

2 Q. And is there anything outside of the
3 summary in your CV that you've done that you're
4 relying on as a qualification to offer expert
5 testimony?

6 A. I'm not sure what that means exactly,
7 but certainly when I provide my opinions, I'm
8 relying on kind of all of my education and
9 experience. And I have not, for example, made an
10 exhaustive list of every single thing I've ever
11 done.

12 However, I did try to provide, like,
13 a flavor of my background, both in the report
14 itself -- I think I have, like, a section talking
15 about that. And then I also provided, like, my CV
16 separately.

17 Q. And that's -- and -- and that's fair.
18 And so let me -- let me try to ask it in a -- in a
19 different way. Is there any particular experience
20 or credential upon which you're relying that --
21 that you know of, sitting here today, that you want
22 to identify that's not either in your CV or -- or
23 declaration?

24 A. I mean, I don't -- like, would say

1 I'm not even precisely sure what's in my CV without
2 looking at it. I -- I'm not sure how to answer
3 that question exactly.

4 Q. Let -- let me ask you this, are --
5 are you offering yourself as an expert in this
6 case?

7 A. Yes, I am.

8 Q. Okay. And what is the --

9 A. Well, other people are offering me,
10 but -- but broadly speaking, yes.

11 Q. Right. And -- and what is your
12 expertise as it relates to this case?

13 A. So my -- my general background is in
14 mechanical engineering and materials, especially in
15 the areas that those overlap. So I think for this
16 case, it's kind of using that background as well as
17 my industry experience, generally, to talk about
18 some of the concepts or explain some of the -- I
19 guess, give context on how, you know, different
20 things would be understood and what things were in
21 particular references, things like that.

22 Q. And -- and what industry experience
23 are you referring to?

24 A. So I work a lot -- I actually work in

1 quite a bunch of different fields. So I work in
2 consumer electronics, consumer products. I do a
3 fair amount of medical device -- on -- let me think
4 about that other question and get back to you, but
5 no, I haven't specifically, like, designed a
6 hunting blind, if that's what you are asking.

7 Q. Have you ever wor -- outside of what
8 you've done in this case, have you ever worked with
9 hunting blinds in any capacity?

10 A. I don't think as part of my work.
11 No, I don't think so.

12 Q. Not limited to as part of your work,
13 have you ever -- well, let me ask it this way. Are
14 you a hunter?

15 A. I am not a hunter.

16 Q. Have -- have you ever sat in a
17 hunting blind?

18 A. I don't think I've sat in one, but I
19 have seen them before. I have other friends that
20 hunt.

21 Q. Have you ever hunted with a hunting
22 blind?

23 A. No.

24 Q. And you're familiar with the hunting

1 blinds that are discussed in your declaration,
2 right?

3 A. Yes.

4 Q. As part of this case, right?

5 A. Yes.

6 Q. Including the Primos SurroundView
7 blind, right?

8 A. Yes.

9 Q. Did you -- did you have a Primos
10 SurroundView blind?

11 A. Yes.

12 Q. Were you given a physical version of
13 it?

14 A. Yes.

15 Q. Okay. Did you set it up?

16 A. Yes.

17 Q. Did you -- did you sit in it?

18 A. Yes.

19 Q. Other than the Primos SurroundView
20 blind, what other blinds have you seen physically
21 in person?

22 A. I think that was the only one.

23 Q. And can -- you -- you mentioned
24 materials -- your materials credentials. Can you

1 be more specific? What's your expertise as it
2 relates to materials?

3 A. Sure. So I -- it's kind of in
4 product design. The area that I'm usually looking
5 at is kind of the interplay between kind of the
6 mechanical behavior and the material properties
7 that you've chosen for various parts. So I have --
8 I guess my -- one of my main focuses is on that
9 sort of overlap between material properties and
10 mechanical behavior.

11 Q. How many times -- how many different
12 patent cases have you worked on?

13 A. I don't know, at least a dozen.

14 Q. Have any of them ever involved
15 hunting blinds?

16 A. I don't believe so, before this one,
17 no.

18 Q. Have any of them ever involved any
19 product that would be used in the context of
20 hunting?

21 A. I have -- I have worked on consumer
22 products, generally, in the sporting good space,
23 so, like, backpacks and -- and things of that
24 nature. So I -- I'm not exactly sure they overlap,

1 but -- but possibly there could be some overlap
2 there.

3 Q. Other than backpacks, any others come
4 to mind?

5 A. Not off the top of my head, but I
6 have done a fair amount of, like, sporting goods
7 areas, so it's possible that I'm forgetting
8 something.

9 Q. Have you ever testified in an IPR?

10 A. Yes.

11 Q. How many?

12 A. Not sure exactly, but let's -- let's
13 say at least three or four.

14 Q. On the patent owner's side or the
15 petitioner's side?

16 A. I don't remember.

17 Q. Have you ever testified on the patent
18 owner's side before?

19 A. In general, outside of the context of
20 an IPR?

21 Q. No, in the context of an IPR.

22 A. I think I have testified on both
23 sides of plaintiffs and defendants, but you could
24 probably -- there's, like, a list at the end of my

1 report, I think, and you could probably tell from
2 looking at it -- or I could tell from looking at
3 that.

4 Q. Are -- are you holding yourself out
5 as an expert in the manufacturing of textiles?

6 A. I don't know how that works in terms
7 of holding out, but certainly I have expertise in
8 that, yes.

9 Q. Describe your expertise in that area.

10 A. So I have worked with, you know,
11 large-scale manufacturing of basically the machines
12 that do the weave.

13 And then I've also worked on, like,
14 string reinforced plastics, for example. So I have
15 worked on kind of helping with the -- or looking at
16 the sort of different settings and different
17 adhesives and different coatings and settings that
18 you can use on those kind of larger manufacturing
19 machines.

20 Q. In your declaration, at paragraph 10,
21 you list materials considered. Do you see that?

22 A. It's really small. Let me see if I
23 can do something. Okay. Yeah, I can see that now.

24 Q. Can you read it?

1 A. I just -- yeah.

2 Q. Does this list of materials,
3 considered at paragraph 10, contain all of the
4 materials that you reviewed and considered in
5 performing the opinions that you offer in this
6 case?

7 A. So this was meant to be, like, a list
8 of the things I looked at that was kind of, like,
9 specific to this case that I relied on.

10 Q. Sorry. Was that -- were you asking
11 me that or was that your answer?

12 A. Oh, that was my answer.

13 Q. So -- so the -- my question is, is
14 this -- is -- is this exhaustive? Are there
15 materials that you considered in performing your
16 opinions that are not listed in paragraph 10?

17 A. Obviously, there's, like, other
18 things I've, like, read over the course of my
19 career that inform what I put down as this opinion.
20 I obviously have not listed, like, things like
21 that. This was a list of things, like, specific to
22 this case that I relied upon. That's what I was
23 trying to explain.

24 Q. Understand. So -- so outside

1 of -- of your knowledge and expertise and
2 experience, this list in paragraph 10 contains all
3 of the materials you considered in forming your
4 opinions that are specific to this case, fair?

5 A. No -- yeah, that was the intention of
6 this list, yeah.

7 Q. Okay. All of the written materials
8 that you've listed here are materials that have
9 off -- that have been submitted to the Patent
10 Office in this case. You understand that; is that
11 right?

12 A. Yes.

13 MR. WOLTER: I'll object based on
14 lack of foundation.

15 THE WITNESS: That was my
16 understanding, yes.

17 Q. (By Mr. Abdelnour) Sorry. I missed
18 that last thing.

19 A. That's my -- that's my -- that's my
20 understanding, yes.

21 Q. Okay. And -- and the -- the one
22 I -- the one item on here that's not a material,
23 that's already been submitted to the Patent Office,
24 is the Primos Double Bull SurroundView blind, the

1 actual physical blind, correct?

2 A. Right.

3 Q. Was there any evidence that you
4 thought would be pertinent to your analysis that
5 you did not have access to or were not given?

6 A. Not that I remember, no.

7 Q. Is there -- is there anything that
8 you needed that you asked for and were not given?

9 A. I don't remember asking for -- for
10 anything that I wasn't given, no.

11 Q. Okay. I -- I -- I take it you
12 analyzed the 535 Rugged Cross patent closely,
13 correct?

14 A. Yes.

15 Q. Are you aware that Rugged Cross has
16 other patents related to the 535 patent?

17 A. I think there are. I don't recall,
18 sitting here, what -- which ones they are.

19 Q. Did you ever review any Rugged Cross
20 patents other than the 535 patent?

21 A. I may have, but I don't remember
22 doing so sitting here.

23 Q. Well, let me -- let me ask it this
24 way. If you reviewed a Rugged Cross patent that's

1 not the 535 patent -- strike that.

2 Let me -- let me ask it this way.

3 You didn't list any Rugged Cross patents, other
4 than the 535 patent, in your materials considered,
5 correct?

6 A. Yes. All -- yes, although I just --
7 I guess, just to be complete, there are other
8 documents listed that also refer to other patents.
9 And I -- when I list those other things, I'm
10 looking at, basically, everything that's in there
11 too. Does that make sense?

12 Q. Yeah. I'm -- I'm going to have to
13 ask you this, so -- so can you -- can you tell me,
14 sitting here today, whether you have a specific
15 recollection of reviewing any Rugged Cross patent
16 other than the 535?

17 A. I may have done that, but, like I
18 said, I don't have a specific recollection of doing
19 that sitting here.

20 Q. Is there anywhere in your declaration
21 where you have any discussion of -- of Rugged Cross
22 patent other than the 535?

23 A. I don't -- I don't remember writing
24 that, but if it's there, it's obviously there.

1 Q. Right, but if -- if it's there, it's
2 there; that's fine. My -- my -- my question is, if
3 it's there, can you please point me to it?

4 MR. WOLTER: I'll object to lack of
5 foundation. I don't think that she has
6 her declaration in front of her. Do you
7 want -- do you need to share the screen so
8 she can scroll through it?

9 MR. ABDELNOUR: Well, I've got it on
10 the screen, but if you want to go off the
11 record and print a copy to answer the
12 question, we could do that.

13 THE WITNESS: I guess that -- I mean,
14 that's really up to you. If you want me to
15 look through it to tell you if it's there or
16 where, then obviously I do need to do that.

17 MR. ABDELNOUR: Let's go off the
18 record -- why -- why don't we -- let's --
19 I'm going to ask that you print out a full
20 copy of your declaration. Do you have the
21 ability to do that?

22 THE WITNESS: I -- I don't know how
23 to do that at this second, but there are
24 other people here that probably do know, so

1 I -- I most -- most likely, yes, but not --
2 I'm not 100 percent sure.

3 MR. ABDELNOUR: All right. Let's --
4 then let's take a break. Let's go off the
5 record. And why don't you come back when
6 you have that?

7 THE WITNESS: Okay.

8 MR. ABDELNOUR: All right. Thank
9 you.

10
11 (A recess was taken)

12
13 THE COURT REPORTER: Go ahead. I'm
14 ready.

15 MR. ABDELNOUR: Okay.

16 Q. (By Mr. Abdelnour) Okay. Before
17 we -- we broke, you grabbed a -- a full electronic
18 copy of your declaration. So what I'm trying to --
19 to -- to get at, is there anywhere in your
20 declaration where you discuss related Rugged Cross
21 patents other than the -- other than the 535
22 patent?

23 A. (Witness perusing documents)

24 Yeah, so I think if you look on page

1 25, there's some discussion of the file history of
2 the 535 patent. So that talks about some of the, I
3 guess, other related applications and priority
4 applications that eventually also independently
5 issued as patents. So obviously those would be
6 related, so that's page 25.

7 Q. Paragraph 56, right?

8 A. Paragraph -- yes, paragraph 56,
9 correct.

10 Q. Anywhere else?

11 A. Hang on, I'm looking.

12 (Witness perusing documents)

13 So I just kind of briefly flipped
14 through. I don't see any others, but, I mean, like
15 I've said before, I mean, if it's in there, it's
16 obviously in there.

17 Q. Let me try it a different way, Dr.
18 Cameron. I'm going to put the 535 patent up so we
19 can take a look at it together. Let me know if you
20 see it.

21 A. I can see it, but it's too small to
22 read it, but I do recognize it from the figure.

23 Q. Okay. And you recognize the cover
24 page and the 535 patent, right?

1 A. Yes.

2 Q. And at the bottom of it, it's been
3 marked as DBR Finance, Inc. Exhibit 1001. See
4 that?

5 A. I do, yes.

6 Q. Okay. And this is the 535 patent
7 that you analyzed for purposes of this case,
8 correct?

9 A. Correct.

10 Q. Okay. On the front page, it says,
11 "Related US Application Data." Do you see that?

12 A. Yes.

13 Q. And it says that it is a continuation
14 of an application filed on August 20, 2020, which
15 is a continuation of an application -- and if I
16 scroll to the next page -- of -- of another
17 application number filed on February 28, 2017. Do
18 you see that?

19 A. Yes.

20 Q. And the application filed on February
21 28, 2017, is now Patent No. 10765108. Do you see
22 that?

23 A. Yes.

24 Q. Have you read the Patent No.

1 10765108?

2 MR. WOLTER: I object to lack of
3 foundation.

4 But go ahead.

5 THE WITNESS: I don't actually
6 specifically remember doing that, but I --
7 I'm relatively confident that I did, just
8 because that's my general -- general
9 practice.

10 Q. (By Mr. Abdelnour) You're going to
11 have to be more specific. What's your general
12 practice?

13 A. Oh, that I will, like -- well,
14 especially, like, when I review the file history, I
15 will look at the priority applications as well. So
16 I do that as part of my review of the file history.

17 Q. Okay. So how -- so in -- I want to
18 be very specific. In this case, how did you review
19 the file history? Was it given to you by the
20 lawyers, or did you go do your own research?

21 A. I think I downloaded that from the
22 Patent Office, but I'm not a 100 percent sure of
23 that. I -- it -- it's possible that it might've
24 been given to me.

1 Q. Well, maybe I can help you. Let's go
2 back to your declaration.

3 A. Okay.

4 Q. In paragraph 56, you have a section
5 titled, "The File History of the 535 Patent,"
6 right?

7 A. Yes.

8 Q. And this is the one you just pointed
9 me to, right?

10 A. The...

11 Q. The paragraph you pointed me to.

12 A. Oh, yeah -- yes. Sorry. Yes, yes.

13 Q. And can --

14 A. I can't -- I can't read that very
15 well. Maybe if -- if you want to make it big, like
16 you did before.

17 Q. I'm happy to.

18 A. Oh, yeah, I can read that now. Thank
19 you.

20 Q. In this section, you say, "I have
21 reviewed the file history of the 535 patent." Do
22 you see that?

23 A. Yes.

24 Q. And then the next sentence talks

1 about various continuation applications. See that?

2 A. Yes.

3 Q. And at the end of it, you have a site
4 to an Exhibit 1002, pages 1 through 2. You see
5 that?

6 A. Yes.

7 Q. You understand that Exhibit 1002 in
8 this IPR is the file history that was submitted to
9 the Patent Office in connection with this IPR?

10 A. Right.

11 Q. Right. And so does that help refresh
12 your recollection of whether you analyzed the file
13 history that's part of the record already or
14 whether you did your own independent research?

15 A. I mean, I don't know why the file
16 history that's produced as an exhibit would be any
17 different than what's at the Patent Office. It
18 should be the same.

19 Having said that, usually it's faster
20 for me just to grab it from the Patent Office, but
21 it's possible that I was given that as well.

22 Q. Let me ask you a question about what
23 you did review. If you look at paragraph 56, you
24 referred to a continuation of Application No.

1 16-998843. You see that?

2 A. Yes.

3 Q. And there's another continue
4 application -- continuation application cited,

5 15 --

6 A. Yes.

7 Q. -- 444909. You see that?

8 A. Yes.

9 Q. And then there's a priority -- it
10 says claiming priority to Application No. 62301007.
11 Do you see that?

12 A. Yes.

13 Q. Did you review the file histories of
14 all those different applications?

15 A. I don't specifically remember if I
16 went through each thing, but I certainly would have
17 looked -- looked back at those, and most likely I
18 did, yes.

19 Q. And under oath, do you have a
20 specific recollection of looking at those
21 applications?

22 MR. WOLTER: Objection, asked and
23 answered.

24 THE WITNESS: Yeah. So this is just

1 the same answer as I had before, which is I
2 don't specifically remember something
3 standing out to me on that, but most likely
4 I did just because that's my general
5 practice.

6 Q. (By Mr. Abdelnour) Dr. Cameron, did
7 you analyze the claims of the 108 patent?

8 A. I don't believe I did that, in terms
9 of comparing -- in terms of comparing them to --
10 I'm -- I'm not sure what you have in mind, but I
11 don't think I looked at those claims in terms of,
12 like, comparing them to prior -- or is that what
13 you're asking me?

14 Q. It -- well, let me -- yeah. I -- I
15 want to know if you've ever looked at them.

16 A. That's the same thing. I don't -- I
17 don't specifically remember, but I may have, yeah.

18 Q. Have you ever specifically compared
19 the claims of the 108 patent to the claims of the
20 535 patent?

21 A. I don't specifically remember doing
22 that, but I may have.

23 Q. If you did, I take it would be in
24 your declaration, fair?

1 A. I think if I did, and I thought there
2 was something relevant to the questions at hand,
3 then I would have put it in the declaration, yes.

4 Q. And you agree with me that comparison
5 is not in your declaration, right?

6 A. That's correct.

7 Q. Okay. Well, when you say you
8 reviewed the file history, did you read it top to
9 bottom?

10 MR. WOLTER: Object to the
11 (indiscernible).

12 THE WITNESS: I --

13 MR. WOLTER: Go ahead.

14 THE WITNESS: So when I -- typically
15 when I do it, I actually reorder them so
16 that I can read in the correct times order,
17 rather than -- you know, typically if you
18 just get it from the Patent Office, you'll
19 see, like, the latest thing that happened
20 first. So I -- I -- I typically will
21 reorder that because it just -- I don't
22 know. In my head, it's just easier to read
23 in terms of time. It makes more sense to
24 me.

1 Yeah, so most likely I read that,
2 and, like, I guess if you call that bottom
3 to top, it would be bottom to top.

4 THE COURT REPORTER: Just -- I don't
5 mean to interrupt, but did I hear an
6 objection before her answer?

7 MR. WOLTER: Yes.

8 THE COURT REPORTER: Okay. I didn't
9 hear -- I just heard -- I think I heard
10 objection, but I don't know if you stated
11 anything else. So if you can restate --

12 MR. WOLTER: (Indiscernible)

13 THE COURT REPORTER: -- your
14 objection, that would be great. I'm sorry.
15 Say that again?

16 MR. WOLTER: No, I did not say
17 anything else.

18 THE COURT REPORTER: Okay. Perfect.
19 Go ahead. I'm sorry to interrupt.

20 Q. (By Mr. Abdelnour) I'm going to put
21 the -- your declaration back up, paragraph 56.
22 Paragraph 56 is underneath the section that you've
23 titled, "The File History of the 535 Patent,"
24 right?

1 A. Yes.

2 Q. I see. It's a single paragraph

3 and --

4 A. That's right, yeah.

5 Q. Okay. I take it that anything that

6 you thought was relevant to this case, that you

7 found in the final history, is contained in

8 paragraph 56; is that fair?

9 A. I -- I don't remember if I cited to
10 the file history outside of that or not right now.

11 Q. Can you answer my question?

12 A. Well, so no, I don't agree with that.
13 I'm not sure. There might be things outside of
14 that paragraph.

15 Q. * Outside of this paragraph and any
16 specific discussions of the 535 file history, I
17 take it that would be the sum total of what you
18 thought was relevant in the file histories; is that
19 fair?

20 A. The beginning of your question ran
21 on. So I'll ask can you just read it back to me,
22 maybe.

23 THE COURT REPORTER: You want me to
24 read it back?

1 MR. ABDELNOUR: Please.

2

3 * (Question read)

4

5 THE WITNESS: Yeah. I said, yes.

6 Generally speaking, if there was a -- a

7 point that I wanted to make or some support

8 from the file history, I would have -- I

9 would have put that in the declaration, yes.

10 Q. (By Mr. Abdelnour) You understand

11 that an obviousness analysis has to be conducted

12 from the perspective of a person of ordinary skill

13 in the art at the time of the invention, correct?

14 A. That's correct.

15 Q. What is the time of the invention for

16 the 535 patents?

17 MR. WOLTER: Objection. Lack of

18 foundation.

19 MR. ABDELNOUR: Let me -- let me

20 withdraw that.

21 Q. (By Mr. Abdelnour) Did you analyze

22 obviousness of the 535 patent from the perspective

23 of somebody of ordinary skill in the art at the

24 time of the invention?

1 A. Yes.

2 Q. What -- what date did you apply when
3 you did that analysis at the time of the invention?

4 A. I think -- I don't remember the exact
5 date, but I think it was 2016, but I'm -- I'm sure
6 I have it written in my report somewhere if you
7 want me to look it up.

8 Q. I'm happy to direct you to paragraph
9 21. I'll put it up here for you. In paragraph 1,
10 you state that the 535 patent claims priority to
11 provisional Application No. 62-301007, filed on
12 February 29, 2016, correct?

13 A. That's correct.

14 Q. Is that the date that you applied
15 when conducting your obviousness analysis?

16 A. Yes.

17 Q. How did you determine that the date
18 of invention is February 29, 2016?

19 MR. WOLTER: Ob -- objection. Lack
20 of foundation.

21 MR. ABDELNOUR: Well, then let
22 me -- let -- let me withdraw it.

23 Q. (By Mr. Abdelnour) Let me ask this.
24 Did you make -- did you make a determination that

1 February 29, 2016, was the proper date of invention
2 that you should be looking at for purposes of your
3 obviousness analysis?

4 A. I -- I used that date because --
5 well, I reviewed the file history and the priority
6 chain, that when you follow it back and you review
7 those documents, it goes back to this provisional
8 ac -- application with that date.

9 Q. Did you analyze whether any claim of
10 the 535 patent -- strike that. Let me start over.

11 Do you understand that a claim of a
12 patent is entitled to priority only to the extent
13 that it has written description support in a
14 priority application?

15 A. Right. So yes, I understand that.
16 So if there was, like, new matter, for example, in
17 one of the continuation applications, then
18 sometimes there'll be what's called a continuation
19 in part. And then only the portion that you can
20 trace back to the original priority application
21 would have the benefit of that date. So maybe
22 that's more than you wanted, but, in general, what
23 you said is correct.

24 Q. Okay. Did you analyze whether any

1 claim of the 535 patent has full written
2 description support in provisional Application
3 No. 62-301007?

4 MR. WOLTER: Object to form.

5 THE WITNESS: So I -- I did review
6 the file history. I looked back through
7 applications. I don't -- if I had seen
8 something that was not supported in the
9 initial application, then I would have noted
10 it in here.

11 Q. (By Mr. Abdelnour) All right. Let
12 me ask it a different way. You agree with me that
13 your declaration does not contain any analysis
14 comparing the 535 patent to the contents of the
15 provisional Application 62-301007; is that correct?

16 A. Can you -- sorry. Do you mind just
17 asking that again?

18 Q. You -- you don't have a written
19 description analysis for the claims of the 535
20 patent, to show some level of support, in any
21 earlier application; isn't that true?

22 A. I don't recall there being an issue
23 with written description support, so there isn't a
24 section on that; that's -- that's correct.

1 Q. And you didn't conduct any written
2 description analysis, correct?

3 A. Well, again, I did look at the file
4 history to look at the priority, which, I guess, in
5 some sense includes that, but I didn't -- I don't
6 remember seeing any issues with written
7 description, which is why there's nothing in -- in
8 my report on that.

9 Q. Dr. Cameron, what I've put on the
10 screen has been marked as Exhibit 1006 in this IPR
11 proceeding. Do you see it?

12 A. I -- I can see your screen, but I
13 can't read what's on the page.

14 Q. Okay. Let me make it bigger. Do you
15 see Exhibit 1006 in the bottom right-hand corner?

16 A. Yes.

17 Q. Do you see it says page 1 of 278?

18 A. I can see that, yes.

19 Q. Okay. Do you recognize Exhibit 1006?

20 A. I'm assuming that's the file history.

21 Q. Right, do you recognize it?

22 A. I -- I still can't -- I can't -- I
23 mean, I could read when you zoomed in on the
24 things, but I can't actually read right now what's

1 on there. I can see, like, a few things. Like,
2 I can read "Issue Notification," but I can't read
3 the -- what's under -- underneath that.

4 Q. All right. Well, why don't we do
5 this? I can put the document in the chat, and you
6 can take a look at the whole thing.

7 A. Okay.

8 Q. Bear with me while I do that.

9 A. Okay.

10 THE COURT REPORTER: While you're
11 doing that, I am going to just go off the
12 record for two seconds. I'm having problems
13 with my readback, as you could probably
14 imagine, as you heard me. So I'm going to
15 try and fix that real quick while she's
16 reading the document. Is that okay?

17 MR. ABDELNOUR: Yup, that's fine.

18 THE COURT REPORTER: Okay.

19 MR. ABDELNOUR: So we're off the
20 record?

21 THE COURT REPORTER: Is that okay
22 with you?

23 MR. ABDELNOUR: Yeah, it's okay.

24 THE COURT REPORTER: Okay.

1 (A recess was taken)

2

3 THE COURT REPORTER: Okay. Go ahead.

4 MR. ABDELNOUR: Can you see if
5 there's a question out pending, Christine?

6 THE COURT REPORTER: Oh, yeah. Hold
7 on. Hang on. I have to -- I opened up a
8 new session, so I got to go back to my older
9 one.

10 Your question was, "Do you recognize
11 Exh -- Exhibit 1006?"

12 And she said, "I'm assuming that's
13 the file history."

14 And you said, "Right, do you
15 recognize it?"

16 And that's when she said she couldn't
17 really read it.

18 MR. ABDELNOUR: Okay.

19 Q. (By Mr. Abdelnour) So now you have
20 it. Do you recognize Exhibit 1006?

21 A. Yes.

22 Q. Can you identify it for me?

23 A. That's the file history.

24 Q. The file history of the 535 patent,

1 right?

2 A. Right.

3 Q. Exhibit 1006 does not contain the
4 provisional application, correct?

5 A. That seems to be correct, yes.

6 Q. Is Exhibit 1006 the version of the
7 file history that you analyzed for purpose -- that
8 you reviewed for purposes of this case?

9 A. So, like I said before, I think the
10 one I looked at I got from the Patent Office.

11 Q. Is it fair to say that you haven't
12 offered an expert opinion on whether the 535 patent
13 claims have written description support in
14 provisional Application 62301007?

15 MR. WOLTER: Objection to lack of
16 foundation and to form.

17 THE WITNESS: I guess I don't agree
18 with that completely, because while, you
19 know, for example, there wasn't, like
20 a -- like a standalone issue that was raised
21 about written description, I did talk about,
22 like, the priority date and went through
23 the -- the chain of how you got there. And
24 so, kind of as part of that exercise,

1 obviously in order to have that priority
2 date, there -- there is a written
3 description there.

4 So when you're talking about the
5 written description, as it's -- as related
6 to the priority, I -- I mean -- that is
7 there. I -- there isn't, like a -- I -- I
8 don't know -- there wasn't, like, an issue
9 raised, in general, of there being a written
10 description problem for it to be, like,
11 invalid rather than, you know, a priority
12 issue. So I don't have, like, a -- some
13 separate discussion of written description,
14 but I do talk about the priority date.

15 Q. (By Mr. Abdelnour) I understand. So
16 you assume a priority date of 2016, but you haven't
17 done the written description analysis; is that
18 fair?

19 A. No. I guess what I was trying to say
20 is I did look back through the priority chain, so,
21 like, written description is part of that.

22 But if you're asking if I have a,
23 like, separate section that addresses just
24 written description, then I don't have, like, a

1 sub -- something separate from the priority
2 discussion, no.

3 Q. I don't have anything on written
4 description in your declaration; isn't that true?

5 MR. WOLTER: Objection. Asked and
6 answered.

7 THE WITNESS: Well, again, I -- like,
8 I -- like I say -- as I'm explaining, I
9 don't have, like, a -- some response to,
10 like, someone raising, like, a written
11 des -- description argument in terms of the
12 patent being invalid. But I do talk about
13 the priority. Of course there does need to
14 be written description through the chain as
15 I talked about. So in that context, I mean,
16 that priority discussion is there.

17 Q. (By Mr. Abdelnour) Okay. So is
18 paragraph 21 of your declaration the entire portion
19 where you discuss priority; is that fair?

20 A. I don't remember offhand. Like,
21 that would be my expectation, but I -- I -- I mean,
22 to be certain, I would need to look through, but
23 I -- my guess is that it's just in that section.

24 Q. Well, I need -- I -- I -- I need a

1 specific answer to this question. So you have your
2 declaration.

3 A. Okay.

4 Q. My question is, is paragraph 21 your
5 entire analysis of priority in this case?

6 MR. WOLTER: Objection. Asked and
7 answered.

8 THE WITNESS: Okay. Well, I mean, I
9 can flip through -- I'll -- I'll look --
10 look through my declaration to see if it's
11 anywhere else, then.

12 (Witness perusing documents)

13 I think there -- again, there
14 was -- so there's 21, which is the one
15 that you just mentioned, and then there's
16 50 -- paragraph 56 talks about the priority
17 and the chain as well.

18 Q. (By Mr. Abdelnour) Anywhere else?

19 A. Hang on. I'm looking.

20 (Witness perusing documents)

21 So just from quickly looking through
22 right there, I think it's just those two paragraphs
23 that I mentioned.

24 Q. Okay. Thank you.

1 I'm putting the 535 patent cover page
2 up again. Do you see it?

3 A. No. Right now I just see your
4 desktop.

5 Q. You should -- I clicked the wrong
6 one.

7 A. Don't worry. I couldn't read
8 anything there either.

9 Q. That's okay. All my -- all my
10 confidential stuff -- it's all right. All right.
11 Now I think you have it.

12 A. Yes, so that's the same thing. Can
13 you do your thing where you make it wider?

14 Q. Yeah. So this being the -- the cover
15 page, you see, on the front page, the figure at the
16 bottom, those two figures; do you see them?

17 A. Yes.

18 Q. All right. What's the figure on the
19 right?

20 A. The figure on the right is the --
21 like, image of the blind when it's up.

22 Q. Right. That's one embodiment of the
23 blind, right?

24 A. Right.

1 Q. That's the pop-up blind, yes?

2 A. Yes.

3 Q. You agree with me that the 535 patent
4 claims are specific to pop-up blinds, correct?

5 A. I think at -- at least some of the
6 claims that I looked at talk about a pop-up frame.
7 I -- I would need to look through to see if that
8 was the case for all of them, I guess.

9 Q. Well, every independent claim refers
10 to a pop-up frame, correct?

11 A. (Witness perusing documents)

12 Yes, that's correct.

13 Q. Figure 5 of the 535 patent is a
14 hunting blind that is not a pop-up frame, correct?

15 MR. WOLTER: Objection. Lack of
16 foundation.

17 THE WITNESS: (Witness perusing
18 documents)

19 I think...

20 (Witness perusing documents)

21 Well, I think it shows -- I would
22 need to -- to look at a little more
23 description. Offhand, I don't think it
24 shows the pop-up frame there, but it may be

1 just intending to show some other aspect of
2 the -- of the blind besides the pop-up
3 frame.

4 Q. (By Mr. Abdelnour) You agree with me
5 that the frame structure of the blind in Figure 5
6 is not a pop-up frame structure, fair?

7 MR. WOLTER: Objection. That's asked
8 and answered. Lack of foundation.

9 THE WITNESS: (Witness perusing
10 documents)

11 Well, I guess I agree with you
12 that it doesn't show the same type of
13 pop-up frame that you see, like, in full in
14 Figure 9. I would need to look back at this
15 description to know. I mean, I think this
16 may be just describing one part of the
17 blind. If you want a more detailed answer
18 than that, I would need to look back at the
19 description.

20 Q. (By Mr. Abdelnour) Okay. So let me
21 turn to Figure 9. You agree that the frame
22 structure of the blind in Figure 9 is different
23 than the frame structure of the blind in Figure 5,
24 fair?

1 A. Yes, I agree that what you can see
2 overall in, like, the 3D of Figure 9 is more than
3 you can see in Figure 5.

4 MR. WOLTER: Dennis, are we at a
5 point for a break or...

6 MR. ABDELNOUR: Let me fin -- yes,
7 but let me finish this line of questions.
8 We're just about there.

9 Q. (By Mr. Abdelnour) Do you recall --
10 let me start over.

11 By looking at Figure 9 in the 535
12 patent, can we agree that it's a pop-up blind?

13 A. (Witness perusing documents)

14 Yes, I would agree with that. Well,
15 let me think about that, actually. Hold on. Let
16 me look at that for a second.

17 Q. You're not sure?

18 A. I think it does obviously look like
19 it is, but I just want to read the description
20 really quickly.

21 (Witness perusing documents)

22 I think there's actually some
23 discussion in the spec that could either be, like,
24 fixed or be a pop-up.

1 Q. Okay. So -- so Figure 9 could be a
2 fixed blind or it could be a pop-up blind, fair;
3 that's your testimony?

4 A. Yes. I think the spec describes
5 it as being able to be either a fixed frame or a
6 pop-up frame.

7 Q. All right. What about Figure 5, is
8 that also described as being a pop-up blind? You
9 have the patent. I need an answer to this
10 question.

11 A. Okay. Let me look and see the
12 description.

13 (Witness perusing documents)

14 Q. Dr. Cameron, how are we doing?

15 A. I'm getting there. So -- okay.
16 Well, hold on, let me just finish.

17 (Witness perusing documents)

18 So I don't think it specifically
19 discusses whether it was pop-up or not. I think
20 the point -- some of the point of Figure 5 was to,
21 like, show how you could put, like, doors and
22 windows on the roof and things. So it's not the
23 same sort of 3D view like you have in 9.

24 And the discussion is focused on

1 different aspects than whether the frame is pop-up
2 or not. So it doesn't -- or at least from the
3 quick review I did right now, it doesn't say one
4 way or the other whether it needs to be pop-up or
5 not.

6 Q. Now, Dr. Cameron, you are an expert
7 in mechanical engineering, and would you agree with
8 me, based on your expertise and your analysis of
9 the 535 patent, that the structural blind shown in
10 Figure 5, that embodiment, is not a pop-up tent?

11 A. I mean, I think we talked about
12 before how it's not -- it's not a similar or not
13 the same as what's depicted in Figure 9, but it's
14 also not focused on showing you that aspect of the
15 invention in Figure 5.

16 Q. That's not my question, Dr. Cameron.
17 My question is whether you believe the embodiment
18 of Figure 5 is a pop-up tent; is that your
19 testimony, that it's a pop-up tent?

20 A. My testimony is that it is not --
21 Figure 5 is not focused on showing you the
22 structure of a pop-up tent, like, you potentially
23 have as a possibility in Figure 9, where you can
24 see, like, the 3D. So Figure 9 (sic) is talking

1 about, you know, here you can put a window. It
2 doesn't show the whole thing. That's why you have
3 that, like, wavy line, for example. So you don't,
4 like, see the whole thing, but, I mean, it doesn't
5 show a 3D structure like you have in Figure 9, for
6 example.

7 So then, I mean -- then you asked me
8 to go look in the patent, and it doesn't have a
9 description of it either way.

10 THE COURT REPORTER: You said, look
11 at the what?

12 Q. (By Mr. Abdelnour) I --

13 THE WITNESS: Look at --

14 THE COURT REPORTER: The -- did you
15 say pod?

16 MR. ABDELNOUR: She said patent.

17 THE COURT REPORTER: Pat -- patent.

18 Okay.

19 Q. (By Mr. Abdelnour) Figure 9 is
20 described in the specification as having a
21 structure that is similar to a pop-up tent, true?

22 A. It says that, but later on it also
23 says it could be a fixed frame.

24 Q. Listen -- or Dr. Cameron, please just

1 answer the questions that I'm asking. In --

2 MR. WOLTER: She's answered that
3 question about five different ways you've
4 asked it. I'm objecting to this -- these
5 lines. You -- you asked her the question.
6 She's answered it. You may not like her
7 answer, but, you know, are we -- keep going
8 down this, where we're going to ask the same
9 question over and over just in slub --
10 subtly different ways?

11 MR. ABDELNOUR: Limit your statements
12 to objections, please.

13 Q. (By Mr. Abdelnour) In column 9, it
14 says that in a -- in an example embodiment, the
15 hunting blind 10 prime has a structure that is
16 similar to a pop-up tent. It's about halfway down
17 the page. Do you see that? Line 33.

18 A. (Witness perusing documents)

19 Yes, I see that.

20 Q. And that discussion is in the context
21 of the embodiment shown in Figure 9, true?

22 A. That's true, yes.

23 Q. Okay. And the term "pop-up," outside
24 of the claims, is only found in the 535 patent in

1 this one paragraph, at column 9, starting at line
2 30; isn't that true?

3 A. I would need to review the patent
4 to -- to verify that, but it certainly is mentioned
5 in that paragraph.

6 Q. Okay.

7 MR. ABDELNOUR: Let's take a break.
8 Maybe 10 minutes, does that work?

9 MR. WOLTER: Maybe 15, but...

10 MR. ABDELNOUR: Off the record, yeah?

11 THE COURT REPORTER: Yes, we're off
12 the record.

13

14 (A recess was taken)

15

16 THE COURT REPORTER: Go ahead.

17 Q. (By Mr. Abdelnour) Dr. Cameron, you
18 mentioned a concept called "new matter." What's
19 your understanding of what new matter is in the
20 context of continuation applications?

21 A. Maybe just giving, like, a kind of
22 example is better. So like, if you submit one
23 application to the Patent Office and you've kind of
24 invented, like, let's say A and B concepts in

1 there, and then -- or let's just say A, so invented
2 the Concept A. And then you will kind of have
3 another idea, and you've got now, like, A plus,
4 like, we'll call the next kind of improvement idea
5 maybe as, like, B. So then you file another
6 application that discusses, like, the original A
7 and your new B.

8 So then, like, your B can be new
9 matter, but you can still put it in, like, an
10 application that also had A in it, and you just
11 call that ba -- that basically is called, like, a
12 continuation in part. So like the A would be the
13 in part, so you can go back to the previous
14 application for that A, but then B could be, like,
15 new, for example. That's what I meant by "new
16 matter."

17 Q. Okay. So you would agree if -- if an
18 applicant adds a new embodiment in a later
19 application, that that would be new matter, right?

20 A. Not nec -- not necessarily just a new
21 embodiment, because maybe, like, you've kind of
22 already disclosed, and, like, you know, you could
23 add -- like, for example, you could have a patent
24 where you have laid out, like, a certain number of

1 figures or whatever; it's still, like, Concept or
2 Invention A. And then you might have like a
3 continue application, where it's, like, you got
4 more figures on there or something, but it's
5 not -- it's not new matter because that's -- like,
6 you've already explained what that is or there's a
7 description there.

8 So it's not -- like, a new embodiment
9 or a new figure, or something like that, is not
10 necessarily new matter. I mean, it could be if
11 it's -- if it's different, but I wouldn't say --

12 Q. Could be, right?

13 A. -- it is necessarily.

14 Q. Could be, right?

15 A. It could -- yeah, it could be. So
16 like, yeah, you could have, like --

17 Q. You'd have to analyze it on a
18 case-by-case basis, fair?

19 A. Yeah. It would depend -- yeah, it
20 would depend on what the specifics are. That's
21 right.

22 Q. You're aware that the embodiments
23 shown in Figure 9 in the 535 patent was not
24 included in provisional Application 62301007,

1 correct?

2 A. What the --

3 Q. You're aware of that?

4 A. By that, you just mean that specific
5 figure?

6 Q. I'm sorry. Say that again?

7 A. By that, you just mean that specific
8 figure, by that -- that figure is on there; is that
9 what you mean?

10 Q. Figure 9 and the description about
11 Figure 9 is not in the provisional. You know that,
12 right?

13 A. So I think that's my general
14 recollection, that that figure is not -- is not
15 there, yeah.

16 Q. And the description about it is not
17 there, right?

18 A. Right.

19 Q. All right. In your list of materials
20 considered, you've -- you've considered the
21 declarations of four other witnesses in this case,
22 correct?

23 A. Correct.

24 Q. Did you speak with any of those

1 witnesses?

2 A. I don't believe so.

3 Q. You're not making any credibility
4 determinations in this case, are you?

5 MR. WOLTER: Object to form of the
6 question, lack of foundation.

7 THE WITNESS: I -- I'm not sure what
8 you mean by that.

9 Q. (By Mr. Abdelnour) You agree that
10 credibility determinations are for the Board,
11 right?

12 A. Like -- okay. I don't -- I'm
13 not -- I'm not sure what you're talking about,
14 but...

15 Q. In assessing the -- and -- and
16 relying on the declarations that Rugged Cross has
17 submitted in this case, did you make a
18 determination, one way or the other, of whether
19 those declarants were being truthful?

20 A. No. I just read their declaration.

21 Q. You assumed they're telling the
22 truth, correct?

23 A. Yeah, I -- I don't have any reason to
24 think they were lying, no.

1 Q. You agree with me if the declarations
2 are -- any of these declarations are found to be
3 not credible, that your opinions relying on those
4 declarations would have to change, fair?

5 MR. WOLTER: Object to form.

6 THE WITNESS: I -- I'm not
7 su -- quite sure I understood that, but, I
8 mean, there's some facts that are put out on
9 those declarations. I don't -- I -- maybe
10 I'm not understanding your -- your question.

11 Q. (By Mr. Abdelnour) Let me try it
12 again. Let's just take the declaration of Chris
13 Seaton; you reviewed that, correct?

14 A. I did, yes.

15 Q. And you relied upon that declaration,
16 correct?

17 A. I -- I had -- yeah, I think I had
18 that in my report, some discussion of that, yes.

19 Q. And you rely upon it in forming your
20 opinion of non-obviousness, correct?

21 A. I discussed that, yeah, mostly in the
22 context of, like, secondary considerations, yes.

23 Q. Okay. And would you agree with me
24 that if the Board finds Mr. Seaton's testimony

1 unreliable, then your opinion of non-obviousness
2 would have to change, right?

3 MR. WOLTER: Object to form and lack
4 of foundation.

5 THE WITNESS: I -- I -- I guess
6 I'm -- I'm not sure how to answer that
7 question, beyond I review the evidence
8 that's there, including those declarations.
9 I provide my opinion based on the review of
10 all of the information. I mean, I'm just
11 here to provide my input as a -- as an
12 expert in the field, and to give context on,
13 you know, some things like skill in the art.

14 The judge or the Board is free to
15 come to, I guess, whatever conclusions they
16 want. I mean, I just see myself as -- as
17 input there. I'm -- I'm not sure how to
18 answer that beyond that.

19 Q. (By Mr. Abdelnour) Are you aware
20 that all four of the declarants have been deposed
21 by now?

22 A. I think that's true.

23 Q. Have you read their deposition
24 transcripts?

1 A. (No audible response)

2 Q. It's -- it's a yes or no question.

3 A. It's not. I'm trying to think

4 because it's not -- it's four questions, really.

5 So I think -- I think I have read some, but I don't

6 think I have read all of them, but I'm not sure.

7 Q. Which deposition transcripts did you
8 read?

9 A. That's why I was taking some time to
10 try to remember. I -- I don't specifically
11 remember.

12 Q. Well, all four depositions were last
13 week.

14 A. Oh, then I didn't read them. Sorry.
15 I must have been thinking of something else. I did
16 not read the depositions.

17 Q. Okay. Thank you.

18 What were you thinking of? A
19 Different case?

20 A. Possibly. I thought I had -- yeah,
21 it must -- maybe it was a different case. I
22 thought it was this case, but I -- I think I would
23 remember more clearly if it was last week, so I
24 must be mistaken.

1 Q. Turn to paragraph 41 in your
2 declaration, please.

3 THE COURT REPORTER: Can you repeat
4 that? You said -- I know I heard paragraph
5 of your declaration, but I didn't hear the
6 beginning.

7 Q. (By Mr. Abdelnour) Turn to paragraph
8 41 of your declaration, please.

9 THE COURT REPORTER: Thank you.

10 MR. ABDELNOUR: Yeah.

11 Q. (By Mr. Abdelnour) Are you there?

12 A. No, sorry. Almost. I'm at 30. I'm
13 there.

14 Q. Okay. At paragraph 41, it starts
15 a -- a section in your declaration called, "Claim
16 Construction." Do you see that?

17 A. Yes.

18 Q. And from paragraphs 41 through 52,
19 you have a section describing the legal standard
20 for claim construction, right?

21 A. Sorry. What number did you say?
22 50 -- 52, yeah.

23 Q. Yup.

24 A. Okay. Yes.

1 Q. Are you offering an opinion on the
2 construction of any terms in this case?

3 A. No, I don't -- I don't think I opined
4 on any, like, po -- post-construction or anything
5 like that.

6 Q. Do you consider yourself an expert in
7 mesh material?

8 A. Sure. As part of the broader --
9 yeah -- yes, as part of a broader -- I usually
10 think of myself as an expert in mechanics and
11 materials, and I consider that, like, a subset of
12 that, yeah.

13 Q. There are different types of mesh,
14 right?

15 A. Yes.

16 Q. That have different characteristics,
17 true?

18 A. Sure.

19 Q. I think in your declaration, you
20 mentioned what's called a "porthole mesh," right?

21 A. Yes, I had mentioned -- yes, yes.

22 Q. What's a porthole mesh?

23 A. So I was explaining that -- that was
24 in one of the references that I talked about, and

1 that porthole mesh has, like, pretty big
2 openings. I think I was explaining it in the
3 context of -- yeah, one of the prior art
4 references.

5 Q. Yeah. But what's a porthole mesh?

6 A. Is that not what you just asked me?

7 Q. Yes, but I want -- I want you to tell
8 me what it is. What does the term "porthole mesh"
9 mean?

10 A. It's -- that's what I just told you.

11 Q. Well, then I have to apologize,
12 but -- but please just answer the question. What's
13 a porthole mesh?

14 A. Sure. So --

15 MR. WOLTER: Objection. Asked and
16 answered.

17 THE WITNESS: Yes, I mean, I just
18 said it, but port -- porthole mesh has,
19 like, larger -- larger openings.

20 Q. (By Mr. Abdelnour) Okay. What other
21 types of mesh are you familiar with?

22 A. So I'm not sure exactly what you mean
23 by that, but there can be -- you can use different
24 materials for the mesh. You can have kind of

1 different sizes. I guess I'm not sure what you're
2 getting at exactly.

3 Q. Okay. Well, let me ask it this way.
4 Porthole mesh is a specific kind of mesh, right?

5 A. Sure. When someone says, "porthole
6 mesh," yeah, that -- that typically refers to,
7 like, a mesh that has fairly large openings.

8 Q. All right. What other types of mesh
9 are you familiar with?

10 A. Again, I guess I don't know what you
11 have in mind, but like you can have mesh that's
12 made of nylon. You could have mesh -- like
13 polyester mesh. I -- I'm not sure what the scope
14 of what you're referring to is, I guess.

15 Q. All right. It's a really simple
16 question. Are there other categories of mesh with
17 which you are familiar?

18 A. I mean, I don't know that it's -- I
19 don't -- there's different ways you can have a
20 mesh. A porthole mesh is like one ex -- I guess
21 one particular example that I was describing what
22 it is.

23 If you have a question about some
24 other kind of mesh or some other term, that's fine.

1 I don't know what you're getting at to just broadly
2 talk about examples of mesh, I guess.

3 Q. I'd like you to tell me, are there
4 any other categories of mesh?

5 A. What do you -- what do you mean by
6 that? I don't know what you mean by that.

7 Q. A mesh that would -- outside of
8 porthole mesh, is there another category of mesh
9 with which you're familiar? Can you name one?

10 A. I mean, you could have --

11 Q. Can you name another type of mesh?

12 A. You could have different
13 characteristics or things like that of a mesh
14 material. If you say, "porthole mesh," to me that
15 indicates, like, the material -- that type of
16 material that has a, like, larger hole. I don't
17 know that that's like a category, or I -- I don't
18 know what you mean by a "category of mesh."

19 Q. Can you list the characteristics of
20 mesh for me?

21 MR. WOLTER: Ob -- objection for lack
22 of foundation.

23 THE WITNESS: So I mean, again,
24 usually what's -- you would be focused on

1 with a mesh is, like, the openness or
2 the -- or the holes.

3 Q. (By Mr. Abdelnour) Any other
4 characteristics?

5 A. I mean, that's the main thing, is
6 that you have, like, the interweaving or the
7 strands and there's holes there.

8 Q. Anything else?

9 A. I guess I don't really know what
10 else you have in mind as what you want to know
11 about mesh. But when people talk about mesh,
12 it's -- you're generally focused on the -- on the
13 holes.

14 Q. Size of the holes, right?

15 A. Yeah, it depends on -- I mean,
16 depends on the context you're in, but -- but
17 generally speaking.

18 Q. And so when somebody says porthole
19 mesh, that -- that's an indication to you of the
20 size of the holes of the mesh?

21 A. Yeah. That's -- that's a thing that
22 comes to mind if someone says a porthole mesh, yes.
23 I think about that as having, like, those larger
24 holes.

1 Q. Is there a certain amount of minimum
2 threshold of hole size that qualifies a material as
3 mesh?

4 A. I don't think there's, like, a
5 specific numeric number, if that's what you're --
6 if that's what you're asking.

7 Q. It is. That's fine.

8 A. Yeah.

9 Q. What -- what about on -- on -- on
10 the other end of the spectrum, is there a threshold
11 of -- of hole size that's too big beyond which the
12 material wouldn't be considered mesh?

13 A. No, I don't think there's a specific
14 number like that either.

15 Q. When I say "mesh," what does that
16 term mean to you? Strike that.

17 What does the term "mesh" mean to
18 you?

19 A. I mean, I think I described this a
20 little bit in my report, but generally speaking,
21 you know, in the context of the patent, you're
22 really thinking about that kind of material, you
23 know, that has holes that let air and water
24 through. Yeah, you're kind of focused on that,

1 like, openness, I guess.

2 Q. So a material that has holes, right?

3 A. I mean, that's something that
4 you're -- that's a characteristic that you're
5 thinking of, yes.

6 Q. Is there a minimum threshold of hole
7 per inch size to qualify a material as mesh?

8 A. Yes. I think I discussed that a
9 little bit in my report, when I talk about, you
10 know, in the context of the 535 patent. That mesh
11 material is, like -- it's -- it's, you know, you're
12 thinking of in the context of allowing, like, the
13 air and the water to pass through. And so, you
14 know, if you had holes that are so tight that
15 you're not really able to do that, or you're, like,
16 frustrating that purpose, and that, you know,
17 wouldn't be really considered a mesh in context
18 there, even though it technically might have, like,
19 tiny holes, even if -- for example.

20 Q. What would you consider the minimum
21 hole per inch number to qualify a material as mesh?

22 MR. WOLTER: Objection. Form and --
23 that's it. I'm sorry.

24 THE WITNESS: I don't think I thought

1 about that in terms of, like, a specific
2 number.

3 Q. (By Mr. Abdelnour) Would you agree
4 with me that air flow rate through a material would
5 be an indication of the openness of the material?

6 A. Yes. I -- I think I talk about this
7 a little bit in my report as well. That is
8 something you can think of, but you do have to keep
9 in mind that if you're just defining openness as,
10 like, what the amount of hole area is compared to
11 the area that's not the hole, it's not really a
12 full picture, because, like, if you have a lot of
13 small holes, for example, you might have -- if
14 you're just thinking about it in terms of area, you
15 might have something that's fairly open, but you
16 don't -- you don't actually let, like, a lot of air
17 through because there's, like, basically drag at
18 the edges or -- or resistance at the edges.

19 And so even for, like, two materials
20 that have the same, like, open space compared to a
21 closed space, you can have different air flows. I
22 think I -- I made some comments related to that in
23 my -- in my report.

24 Q. Okay. Well, have you submitted any

1 evidence in support of your understanding of what
2 mesh means in this case?

3 MR. WOLTER: Object to form.

4 THE WITNESS: I mean, yes, I -- I
5 talk about the -- I talk about the patent
6 there, but yeah, yes.

7 Q. (By Mr. Abdelnour) Which patent?
8 535 patent?

9 A. Yes.

10 Q. Anything else?

11 A. I mean, as I mentioned, I have a
12 longer discussion on -- related to the other prior
13 art references on that question.

14 Q. Outside of the prior art references,
15 anything else?

16 A. Those are the main things I remember
17 talking about, but if you want a more complete
18 answer, I can look back through my declaration.

19 Q. No. I just want to know what you
20 recall right now.

21 A. So right now, I recall discussing the
22 context of the 53 (sic) patent, and I recall
23 applying that to the different prior art
24 references.

1 Q. Okay. And that's all you recall?

2 A. And also -- and also to the
3 declaration of -- I've -- I've forgotten his name,
4 but the other expert in the case.

5 Q. Anything else?

6 A. There might be more in there. That's
7 what I remember saying here right now.

8 Q. You said a declaration of someone you
9 don't remember their name?

10 A. The -- it's the other technical
11 expert. I read his report, but I can't remember
12 his name right now.

13 Q. Who's the other technical expert?

14 A. Do you want me to look back in my
15 report?

16 Q. If you could -- you have your
17 report --

18 A. Yeah. I -- I didn't --

19 Q. -- so if you need to do that --

20 A. Okay. I mean, I can -- I can
21 just -- okay. I'm not trying to waste your time if
22 you don't really want me to look, but I can give
23 you --

24 Q. There's Chris Seaton --

1 A. -- or I can do --

2 Q. I can list the declarants for you.

3 Is it Chris Seaton, is that who you're talking
4 about?

5 A. I'm really bad with names, so
6 I -- even though you said it, I would still need to
7 look.

8 (Witness perusing documents)

9 MR. WOLTER: Is there a question?

10 THE WITNESS: Yeah.

11 MR. WOLTER: What is the --

12 MR. ABDELNOUR: Yes --

13 MR. WOLTER: -- question?

14 MR. ABDELNOUR: -- there is a
15 question.

16 THE WITNESS: My -- yes. He asked me
17 what the name of the other technical expert
18 was, and I'm looking at my report for it.

19 MR. WOLTER: Are you asking about the
20 technical expert for DBR or for Rugged
21 Cross?

22 THE WITNESS: That name is
23 Dr. Ellison.

24 Q. (By Mr. Abdelnour) And you're --

1 you're talking about DBR's expert?

2 A. Correct.

3 Q. Turn to paragraph 70 of your
4 declaration, please.

5 A. Did you say 70?

6 Q. Seventy, seven-zero.

7 A. Yeah. Okay.

8 Q. Paragraph 70, you referred to the
9 mesh of Whybrew. You see that?

10 A. Yes.

11 Q. Okay. Do you agree with me that
12 Whybrew discloses a panel of mesh in a hunting
13 blind, right?

14 A. So not, like, the whole thing, but
15 just -- I'm talking about just, like, that one
16 panel.

17 Q. So you agree with me? Yes?

18 A. It discloses a -- a window, but not,
19 like, a whole hunting blind.

20 Q. It discloses a window of mesh, yes?

21 A. Yes.

22 Q. And it's your opinion that a person
23 of ordinary skill in the art would not contemplate
24 that the open mesh of Whybrew would benefit from a

1 camouflage pattern; that's your opinion, correct?

2 A. Correct.

3 MR. WOLTER: Object to form.

4 Q. (By Mr. Abdelnour) And the reason
5 for that opinion, the basis for it is that the mesh
6 of Whybrew has large holes, which makes putting a
7 camouflage pattern on the mesh more difficult and
8 costly without significant benefits. Do you see
9 that?

10 A. I see that, yes.

11 Q. What evidence do you have in support
12 of that opinion?

13 A. Whybrew it -- itself, and then my
14 background and experience.

15 Q. Anything else?

16 A. That's what comes to mind.

17 Q. Have you ever applied a camouflage
18 pattern to a mesh material?

19 A. Not a camouflage pattern, no.

20 Q. When you say, "more difficult and
21 costly," what are you comparing to?

22 A. So, like, for example, if you look at
23 the image that I have just above that, of Figure 2
24 of Whybrew, you can see the sections of that blind

1 that do have the camouflage on it. And so, I mean,
2 on the first order, I'm comparing that to putting
3 it on the window.

4 Q. So it -- it would be more difficult
5 and more costly to add camouflage to the mesh
6 window over a version with no camouflage on the
7 mesh, right?

8 MR. WOLTER: Object to form.

9 THE WITNESS: That's also true, but
10 not what I just said.

11 Q. (By Mr. Abdelnour) You -- you say
12 adding the camouflage pattern to Whybrew would not
13 give significant benefit, right?

14 A. Yes.

15 Q. You agree adding camouflage to
16 Whybrew would provide some benefit, true?

17 A. I don't think there would be any
18 significant benefit to doing that.

19 Q. That's not my question. My question
20 is, don't you agree with me that adding camouflage
21 to the mesh of Whybrew would result in some
22 benefits?

23 A. A negligible benefit, maybe.

24 Q. What -- what do you mean by

1 "negligible benefit"?

2 MR. WOLTER: Object to form.

3 THE WITNESS: I -- I mean, I'm -- I'm
4 not looking for another word now, but for
5 me, it wouldn't be significant. Maybe you
6 could have something that someone would
7 con -- be considered negligible. I don't
8 know a different word beyond those two, I
9 guess.

10 Q. (By Mr. Abdelnour) You agree with me
11 that if you apply a camouflage pattern to the mesh
12 of Whybrew, the Whybrew hunting blind will be more
13 camouflaged, true?

14 A. That's what I guess I was getting at,
15 is that you would be spend -- spending or having a
16 large cost increase trying to do that for a
17 negligible benefit. I -- I think that was my
18 point.

19 Q. But you agree there's some benefit
20 because there's more camouflage, true?

21 A. I mean, I think that's what I'm
22 explaining, is that you aren't really getting more
23 camouflage because that's just, like, a pretty
24 large mesh on just the window. I mean, that's --

1 that's the point; that's the point I'm trying to
2 make, yeah.

3 Q. Okay. You're -- you're familiar with
4 shoot-through mesh in the context of hunting
5 blinds, right?

6 A. Yes.

7 Q. And in fact --

8 THE COURT REPORTER: Did you say --
9 did you say shoot-through?

10 MR. ABDELNOUR: Shoot-through, yeah.

11 THE COURT REPORTER: Okay.

12 MR. ABDELNOUR: Like boom, through
13 it.

14 THE COURT REPORTER: Okay. Thank you
15 for clarifying.

16 MR. WOLTER: Object to the
17 description.

18 Q. (By Mr. Abdelnour) In -- in -- in
19 fact, some of the declarations that Rugged Cross
20 submitted in this case, and that you reviewed,
21 discussed using shoot-through mesh in some prior
22 art blinds, right?

23 A. That's correct.

24 Q. Would there be a benefit to applying

1 a camouflage pattern on shoot-through mesh, in your
2 opinion?

3 A. Depends on the -- it would depend on
4 other factors, like the extent of the mesh, et
5 cetera. In some situations, it could.

6 Q. Okay. What are the factors that
7 you'd need to consider to determine whether
8 applying a camouflage pattern to a mesh would
9 provide a benefit?

10 A. So, for example, if you just have
11 that mesh on a very small area, then -- and the
12 rest is already camouflage, it may not really
13 provide any significant benefit, compared to if you
14 have a much larger section, then -- then it would
15 be more likely to.

16 Q. Anything else?

17 A. That's the first one that comes to
18 mind. There may be others.

19 Q. Okay. If the shoot-through mesh of
20 the prior art hunting blinds has full sizes the
21 same size as Whybrew, is it your opinion that you
22 wouldn't put camouflage on them?

23 MR. WOLTER: Objection to lack of
24 foundation.

1 THE WITNESS: Typically the
2 shoot-through mesh has a tighter weave, so,
3 you know, that's why it's more -- you can
4 put camouflage patterns on it more readily.
5 If you did somehow have a shoot-through mesh
6 with very large holes, then you would have
7 the same issue.

8 Q. (By Mr. Abdelnour) What's the
9 basis for your statement that "typically the
10 shoot-through mesh has a tighter weave"?

11 A. That's my -- I don't know. That's my
12 experience or understanding, but again --

13 Q. What's the base -- what experience --

14 A. What's that?

15 Q. What's your understanding based on?

16 A. I don't remember specifically where
17 that knowledge comes from. That was just my
18 understanding.

19 Q. Have -- have you ever seen
20 shoot-through mesh used in a hunting blind?

21 A. I don't know if I've seen it in -- in
22 person or just a photo. I don't remember.

23 Q. You state that the mesh of -- in
24 paragraph 7, you state, "The mesh of Whybrew has

1 large holes." What's that based on?

2 A. I was just looking at the -- the
3 patent.

4 Q. Can you be more specific?

5 A. Do you want me to go -- I mean,
6 if you want to give me Whybrew, I can walk
7 that -- walk through that with you.

8 Q. I -- I don't want you to read
9 the -- the Whybrew patent while we're all sitting
10 here. I assume you've prepared for this
11 deposition.

12 What I want to know is, when you
13 wrote, "the mesh of Whybrew has large holes," what
14 was your basis?

15 A. That was from reviewing Whybrew.

16 Q. What specifically in Whybrew says
17 that it has large holes?

18 A. I mean, as a -- as a first point, you
19 can just look at the figure in Whybrew that's
20 reproduced there. I'm sure there's other things in
21 Whybrew as well.

22 Q. All right. Can -- other than the
23 figure, what else can you point to? Anything?

24 A. I think -- I think, again, it

1 talks -- Whybrew talks about the porthole mesh,
2 which, again, as I mentioned before, has large
3 openings.

4 I would need to look at Whybrew to
5 give you more than that.

6 Q. Well, the only citation in paragraph
7 70 is this statement that Whybrew lists porthole
8 mesh as an example. And you cite to column 5,
9 lines 26 and 27. See that?

10 MR. WOLTER: Object to form.

11 THE WITNESS: That was in paragraph
12 70?

13 Q. (By Mr. Abdelnour) Paragraph 70 of
14 your declaration.

15 A. Yeah -- yes, I cite to that in
16 paragraph 70. Yes.

17 Q. You don't cite to anything else in
18 Whybrew, correct?

19 MR. WOLTER: Objection.

20 THE WITNESS: Well, I cite to the
21 figures of -- of Whybrew. That's probably
22 not the only paragraph I'm discussing
23 Whybrew either.

24 Q. (By Mr. Abdelnour) You agree that

1 Whybrew says you could use porthole mesh, and
2 that's just an example, right?

3 A. I don't recall the specific wording,
4 but yes, Whybrew talks about porthole mesh.

5 Q. Well, it's your -- your -- in your
6 words in paragraph 70, you say, "Whybrew lists a
7 porthole mesh as an example material," right?

8 A. Correct.

9 Q. Does Whybrew say that it can't --
10 that it can't use any other type of mesh other than
11 porthole?

12 A. I wouldn't imagine so, but if you
13 want me to look at Whybrew, I can.

14 Q. Well, if it says it's using porthole
15 as an example, we can agree that Whybrew
16 contemplates using other types of mesh in its
17 hunting blind, right?

18 MR. WOLTER: Object to form.

19 THE WITNESS: I think here I was just
20 pointing out that it is talking about
21 porthole mesh. I don't -- I wouldn't expect
22 it to say you can only use porthole mesh,
23 but if you want more texture on what it
24 says, I would need to look back at Whybrew.

1 Q. (By Mr. Abdelnour) So do you have
2 Whybrew in front of you?

3 A. I don't, but I can get it if you
4 like.

5 Q. I can put -- I can give it to you.
6 I'm going to put it in the chat.

7 A. Okay.

8 Q. All right.

9 A. Sure.

10 Q. So now that you have it, and I want
11 you to open it up because I have some very specific
12 questions about Whybrew.

13 A. Sure.

14 THE COURT REPORTER: Can you spell
15 that for me?

16 MR. ABDELNOUR: W-H-Y-B-R-E-W.

17 THE WITNESS: For once, just like it
18 sounds.

19 THE COURT REPORTER: I wasn't sure.
20 Is it one word or two?

21 THE WITNESS: One word.

22 MR. ABDELNOUR: It's just one word.

23 THE COURT REPORTER: Okay. Thank
24 you.

1 Q. (By Mr. Abdelnour) All right.

2 Dr. Cameron, let me know when you have it.

3 A. Okay.

4 Q. Okay. Now, you have Whybrew. My
5 question is, isn't it true, Dr. Cameron, that
6 Whybrew does not state how big the holes in the
7 mesh are?

8 A. I -- I don't remember there being
9 particular numbers in here, but I'm just going to
10 quickly look.

11 Q. I presume if it did, you would have
12 cited that in support of your statement in
13 paragraph 70; isn't that fair?

14 A. I -- I do agree with that, yes. But
15 at the same time, you're asking me this, and if you
16 want an answer and you've given me Whybrew, then
17 I'm going to look to make sure.

18 (Witness perusing documents)

19 Q. All right. While you're taking a
20 look, just so you -- we're clear, the question is,
21 point me to any disclosure that specifically says
22 how big the holes in the mesh are, outside of the
23 discussion that says, "use porthole mesh as an
24 example."

1 A. (Witness perusing documents)

2 So there's no specific number, but it
3 does, on column 5, talk about it being less dense
4 than the other material.

5 Q. Anything else? Is that it?

6 A. I'm looking. Hold on.

7 (Witness perusing documents)

8 Another indirect thing is it's -- it
9 talks about the -- the difference of the wind being
10 able to go -- go through.

11 (Witness perusing documents)

12 Q. Anything else?

13 A. Hold on. I'm looking.

14 (Witness perusing documents)

15 I think it's just that, obviously,
16 plus the -- the figures showing the mesh window.

17 Q. Okay. So -- so you mentioned a
18 couple of indirect things. Can we at least now
19 agree that there is no specific disclosure of any
20 particular hole size for the mesh in Whybrew?

21 A. With a number attached to it? No.

22 Q. And are you giving weight to your
23 perception of the hole size in the figures of
24 Whybrew?

1 A. The figures, plus the description,
2 yes.

3 Q. Do you agree with me that porthole
4 meshes come in different configurations? Yes?

5 A. Yes.

6 MR. WOLTER: Object to form.

7 Q. (By Mr. Abdelnour) Sorry. Did you
8 answer?

9 A. I did, probably too fast. I
10 apologize. I -- I said yes.

11 Q. All right. Do you agree with me that
12 porthole mesh could have different hole sizes,
13 right?

14 A. I agree.

15 Q. Is there any specific definition of
16 how big the hole size would be in a porthole mesh
17 that you're aware of?

18 A. Not in terms of a specific number,
19 no.

20 Q. Do you agree that you should not rely
21 on a patent drawing to show a particular size if
22 the specification is silent on the issue?

23 MR. WOLTER: Object for lack of
24 foundation.

1 THE WITNESS: I think that probably
2 depends on the -- the con -- the context. I
3 don't -- yeah.

4 Q. (By Mr. Abdelnour) Can you answer
5 yes or no?

6 A. Depends on the context, so I can't
7 answer yes or no.

8 Q. What context does it depend on?

9 A. So, I mean, you can -- I would say it
10 depends on -- I mean, patent figures are not
11 necessarily to scale, for example, but they are
12 read in context with the rest of the spec, and so
13 that depends on the particular patent.

14 Q. Would you agree, as a general matter,
15 that patent drawings do not define the precise
16 proportions of the elements and may not be relied
17 on to show particular sizes if the specification is
18 silent on the issue?

19 A. If by "silent" you're saying it
20 doesn't provide any context to the figure -- so
21 there's no -- there's no help at all from --
22 from -- in context-wise from the figure, then I
23 do -- I agree, in general, then that, you know, you
24 shouldn't be looking to assume that, like, a patent

1 figure is to scale or, like, measure something from
2 there to give a particular number. So as long as
3 by silent you mean there's no context from the
4 patent, then I -- I would agree with that.

5 Q. Do you agree that you shouldn't be
6 construing the figures of Whybrew as a measure of
7 any particular hole size for the mesh?

8 A. So, like I said, I do think you can
9 look at figures in Whybrew in conjunction with the
10 spec to draw some conclusions. I -- also, I'm
11 not suggesting that you can give a specific number
12 to -- to what that mesh size is based on the -- on
13 the figure in terms of a number.

14 Q. * Would you agree with me that the
15 size of the holes in Whybrew has to be small enough
16 to allow for the one-way viewing feature that
17 Whybrew describes?

18 A. I don't recall a discussion of the
19 size in conjunction with the one-way, but I can
20 comment on that if you want to point me to it.

21 Q. No. I just want you to answer the
22 question.

23 MR. ABDELNOUR: Can you read the
24 question back, please?

1 * (Question read)

2

3 THE WITNESS: So again, I -- I
4 don't recall Whybrew discussing a one-way
5 characteristic that was dependent on
6 the -- the hole size, but if -- if you want
7 to point me there, then I -- I can look at
8 that.

9 Q. (By Mr. Abdelnour) You're -- you're
10 familiar that Whybrew talks about its hunting blind
11 as facilitating a one-way viewing feature, right?

12 A. Yes.

13 Q. And so my question to you, as an
14 expert, is, wouldn't you agree that the hole size
15 in the mesh of Whybrew would have to be small
16 enough to allow for the one-way viewing feature?

17 A. I -- I don't understand how you're
18 linking those. So -- so again, the one-way vision
19 characteristic that's discussed -- what I remember
20 in Whybrew, has to do with the other panels
21 blocking light, and so that's why there's a one-way
22 vision characteristic in the window.

23 I don't recall any discussion of some
24 one-way vision characteristic that has to do with

1 the holes of the mesh.

2 Q. But the one-way vision characteristic
3 is that the person inside the blind can see outside
4 the mesh, but animals cannot see inside of the
5 blind through the mesh, right? Do you understand
6 that?

7 A. Yeah, that's -- that's correct.

8 Q. Okay.

9 A. Correct.

10 Q. So the one-way viewing feature is
11 through the mesh, right?

12 A. It is through the mesh, but it
13 doesn't -- it doesn't -- there's no description of
14 that being dependent on -- on the mesh hole size.
15 Like --

16 Q. But I'm asking you for your expert --

17 A. My -- in my expert opinion, that's
18 not discussed in Whybrew. What I saw in Whybrew,
19 related to one-way vision characteristic, was
20 provided by the properties of the other panels that
21 are not mesh.

22 Q. Let me ask this.

23 A. Okay.

24 Q. If there was no mesh in Whybrew, you

1 agree that you don't have a one-way viewing
2 feature, fair enough?

3 A. No, I don't -- I don't agree with --

4 MR. WOLTER: Objection --

5 THE WITNESS: I don't agree with
6 that.

7 MR. WOLTER: Objection for lack of
8 foundation.

9 Q. (By Mr. Abdelnour) You don't agree
10 with that, Dr. Cameron?

11 A. Correct.

12 Q. Okay. So it's your testimony that
13 the hole size of the mesh in Whybrew has absolutely
14 nothing to do with the one-way viewing feature? I
15 just want to be clear. Is that true?

16 A. What I saw disclosed in Whybrew was a
17 one-way vision characteristic which was based on
18 the other panels being less translucent, and
19 therefore, that makes the inside darker, and that's
20 what creates the one-way effect. That's what I saw
21 described in Whybrew.

22 If I am somehow missing something,
23 and there's some other discussion of hole size in a
24 mesh, which I don't recall, I'm happy to look at

1 that and comment on that as well, but I don't have
2 any memory of that being part of the disclosure of
3 Whybrew.

4 Q. I'm not asking you for your
5 recollection of what Whybrew says. I'm asking for
6 your understanding of how Whybrew works. And my
7 question is simply this, does hole size of the mesh
8 have any bearing, whatsoever, on the one-way
9 viewing feature?

10 A. I didn't see any disclosures related
11 to that in Whybrew. My understanding of the way
12 that Whybrew explains the one-way vision
13 characteristic is, again, based on the lower
14 translucence of the other panels.

15 Q. But you have no opinion, based on
16 your reading and understanding, of how -- how
17 Whybrew works; is that fair?

18 MR. WOLTER: Object to form, asked
19 and answered.

20 THE WITNESS: I just explained to you
21 what I understood Whybrew to disclose.

22 Q. (By Mr. Abdelnour) You say porthole
23 mesh is commonly used in football jerseys, right?

24 A. Yes.

1 Q. And that's based on your personal
2 experience?

3 A. That was more just -- I -- I chose
4 that example because I thought it would be more
5 accessible to the average layperson to get an idea
6 of what porthole mesh was.

7 Q. Okay. You agree that porthole mesh
8 football jerseys have patterns applied to them,
9 right?

10 A. Yes, they can.

11 Q. Like a number, right?

12 A. Sure.

13 Q. Like a team's logo, for example,
14 right?

15 A. Sure.

16 Q. And somebody who's viewing that
17 football jersey is going to be able to see the
18 pattern that's printed upon it, correct?

19 A. Yes.

20 Q. Despite the fact that it's porthole
21 mesh, right?

22 A. That's correct, yes.

23 MR. ABDELNOUR: Let's -- let's take
24 a -- a short break. We've been going for a

1 while. Can you go off the record,
2 Christine?

3 THE COURT REPORTER: Yeah, off the
4 record.

5
6 (A recess was taken)

7
8 THE COURT REPORTER: Okay. I am
9 ready when you guys are.

10 MR. ABDELNOUR: I'm ready.

11 THE WITNESS: I'm here.

12 MR. ESCHWEILER: I'm ready.

13 Q. (By Mr. Abdelnour) Okay.

14 Dr. Cameron, do -- do you agree that it is the mesh
15 fabric window material that allows an occupant in
16 Whybrew to see outwardly through the blinds, but
17 observers, like animals, cannot see inside the
18 blinds?

19 A. This is what I was describing before,
20 that the -- the second part of what you said is
21 based on the other panels, not the mesh fabric
22 window.

23 Q. Do you agree that the material --

24 A. Obviously -- obviously, you know,

1 they can see out --

2 Q. Let me ask it different -- let me
3 ask another question. Do you agree that the
4 material --

5 A. I didn't -- okay. Are you
6 withdrawing that? Because I wasn't done with that
7 answer.

8 Q. I thought -- I thought you had
9 answered it.

10 A. Well --

11 Q. Let me -- let me ask it --

12 MR. WOLTER: She didn't -- she wasn't
13 finished. You interrupted her. Give her
14 time to answer the question. If you're
15 going to ask the question, give her time to
16 answer it.

17 Q. (By Mr. Abdelnour) Dr. Cameron, what
18 else do you have on that?

19 A. Oh, that I -- I was just saying, so
20 you talked about two things. One of them is based
21 on the other panels and they will see through it.
22 Obviously, it -- it helps that it's mesh.

23 Q. Do you agree that the material of the
24 mesh fabric window contributes to the one-way

1 viewing feature described in Whybrew?

2 A. That's just kind of what I was
3 explaining before, which is the -- the one-way is
4 not just a you see out, but also in. So obviously,
5 it does help you to see out, that the material is
6 mesh, but the -- the real part of a one-way that,
7 you -- you know, other people can't see is from the
8 other panels, not from the mesh.

9 Q. So what about the material of the
10 mesh contributes to the one-way viewing feature?

11 MR. WOLTER: Object to form. Lack of
12 foundation.

13 THE WITNESS: So again, what I was
14 explaining is that the other panels are what
15 contribute to the, like, the one-wayness of
16 it, so that you can't see in. But
17 obviously, in terms of seeing out, it just
18 helps that it's mesh.

19 Q. (By Mr. Abdelnour) But that's -- my
20 question is different, Dr. Cameron. My question
21 is, what about the mesh fabric window contributes
22 to the one-way viewing feature?

23 MR. WOLTER: Object to form.

24 THE WITNESS: How does that

1 not -- how does what I said not answer your
2 question?

3 Q. (By Mr. Abdelnour) I -- I want to
4 know what characteristics of the mesh fabric window
5 matter?

6 A. So it's not -- so this is what I just
7 told you. So it doesn't matter for the part that
8 people from the outside or animals from the outside
9 can't see you. The fact that it's not solid does
10 help you see out.

11 Q. Well, do you -- so I mean, are you
12 telling me that Whybrew would work with any type of
13 mesh; is that true?

14 A. What's described in Whybrew is the
15 effect from the other panels blocking light, so
16 that the inside is darker.

17 Q. In which case, any kind of mesh would
18 do, right?

19 MR. WOLTER: Object. Lack of
20 foundation.

21 THE WITNESS: That effect doesn't
22 have to do necessarily with the mesh itself.
23 Other than, like I mentioned, the fact that
24 it's mesh, obviously, helps you see out.

1 Q. (By Mr. Abdelnour) So -- so please
2 answer the question. Do you agree with me --

3 A. I answered your -- you know, it's
4 really distracting because I've answered that same
5 question, like four times.

6 MR. WOLTER: Yeah. You just don't
7 like the answer.

8 Q. (By Mr. Abdelnour) I mean, any type
9 of --

10 MR. WOLTER: This is suddenly
11 different about --

12 MR. ABDELNOUR: Let me ask the
13 question. You don't get to testify.

14 MR. WOLTER: -- break (indiscernible)
15 answering it.

16 MR. ABDELNOUR: Counsel, please.

17 THE COURT REPORTER: I can't hear you
18 guys when you're talking over each other, so
19 if you could wait until each other is done.
20 Thank you.

21 Q. (By Mr. Abdelnour) I apologize if
22 you already -- if you believe you've answered it,
23 but I want -- I'm asking a specific question. Let
24 me try it in -- in a slightly different way.

1 Would you agree that Whybrew can
2 achieve the one-way viewing feature described with
3 a mesh having any hole size?

4 A. So --

5 MR. WOLTER: Object to lack of
6 foundation.

7 THE WITNESS: Again, this -- whether
8 an animal or someone can see you from the
9 outside doesn't depend on the mesh.

10 The mesh does, of course, help the
11 person inside to see out, because if it was
12 just solid or if the holes were too tight,
13 then you wouldn't be able to see out. So in
14 that sense, that portion of it matters.

15 But the overall effect is really
16 caused by the other panels.

17 Q. (By Mr. Abdelnour) Do you agree with
18 me that in the context of the 535 patent, the mesh
19 material is used to ensure ventilation?

20 A. Yes. There's a discussion of -- of
21 ventilation, yes.

22 Q. Do you agree with me that the mesh
23 material in the context of the 535 patent is like a
24 porthole mesh?

1 A. I don't recall any specific
2 discussion on porthole mesh, specifically, in the
3 53 (sic) patent, but I -- I could look to check.

4 Q. No. I -- I -- I just wanted you to
5 focus on this question. I'll try it a different
6 way.

7 Do you agree that a mesh material in
8 the context of the 535 patent, which is used to
9 ensure ventilation, can be a porthole mesh?

10 A. I don't recall any specific
11 discussion about that on the 535 patent.

12 Q. I'm not asking you if you recall a
13 discussion of the -- on the 535. I'm just asking
14 if you agree that the 535 mesh can be a porthole
15 mesh ensuring ventilation?

16 MR. WOLTER: Object to the form,
17 asked and answered.

18 THE WITNESS: Yeah. Again, I don't
19 remember it specifically saying that it
20 was -- could be a porthole mesh.

21 Q. (By Mr. Abdelnour) Okay. Paragraph
22 72 of your declaration, why don't you turn there.
23 Are you there?

24 A. Not yet. Hold on. Yeah, I'm there.

1 Q. You disclose your opinion that a
2 person skilled in the art would not replace the
3 mesh of Whybrew with the fabric of strength,
4 correct?

5 A. Correct.

6 Q. And the -- the basis for that is that
7 strength teaches to increase the blocking of light
8 exactly contrary to the purpose of Whybrew's mesh
9 fabric window, right; that's your testimony?

10 A. Correct.

11 Q. Is it your opinion that Whybrew is
12 trying to facilitate more light coming into the
13 tent through the mesh window?

14 MR. WOLTER: Object to form.

15 THE WITNESS: Relative to the other
16 panels, yes.

17 Q. (By Mr. Abdelnour) Where in Whybrew
18 does it state that its purpose is to allow
19 increased transmission of light?

20 MR. WOLTER: Object to form of the
21 question.

22 Q. (By Mr. Abdelnour) If anywhere.

23 A. I'm sorry. I'm actually trying to
24 find Whybrew again because I was on my declaration.

1 Okay. I have Whybrew. Let me just take a look for
2 you.

3 Q. Let -- let -- let me ask you this,
4 while you're looking. In paragraph 72, you have a
5 statement that says, "The purpose of Whybrew's mesh
6 fabric window allows increased transmission of" --

7 A. Hold on, hold on. Let me go back,
8 going back in my declaration. What paragraph?

9 Q. 72.

10 A. Okay. Yeah, I'm there.

11 Q. But you -- but you don't cite to
12 anything, correct?

13 A. I don't have a citation here, no.

14 Q. So when you have no citation, does
15 that mean that we don't know what you're relying
16 upon, or is it that you're relying on the whole
17 thing?

18 A. I'm -- I'm relying on, you know,
19 Whybrew generally, but I can point you to specific
20 things that might help you if you want.

21 Q. That the -- in the last sentence in
22 paragraph 72, you say, strength and Whybrew teach
23 away from one another. Do you see that?

24 A. Yes.

1 Q. What's your basis for that statement?

2 A. That was what I was just explaining
3 in that paragraph. So strength teaches to increase
4 of blocking out the light, whereas Whybrew teaches
5 to increase for the -- for the window. And
6 actually, there's some other discussion of that in
7 the next paragraph, too.

8 Q. And the next paragraph is saying
9 there's some passages of strength, right?

10 A. Correct.

11 Q. All right. I'm regretting asking
12 this, but if you have specific support for your
13 statement, that Whybrew's purpose is to allow
14 increased transmission of light, can you point me
15 to it?

16 A. Yes. Let me go back to Whybrew. One
17 second.

18 (Witness perusing documents)

19 Oh, if you look in -- on 5, it talks
20 about the mesh having a weave that's less dense and
21 that allows you to see through it.

22 Q. Anything else?

23 A. I'm looking.

24 (Witness perusing documents)

1 And then it says, in that same
2 column, it explains that Sections 31, 32, 33, 34 of
3 the Body 20, are form of a material that is not as
4 translucent or light permeable -- that means light
5 going through -- as the mesh fabric window 24.
6 That's also in 5.

7 (Witness perusing documents)

8 Q. Anything else?

9 A. Talks about the porthole mesh. I
10 think we talked about that already.

11 Q. Where does it say allows increased
12 transmission of light?

13 A. That's the light -- that's increased
14 tran -- transmission of light, that means the
15 light -- that's another way to say that it's light
16 permeable or translucent.

17 Q. Why -- where does Whybrew say that
18 the purpose -- its purpose is to have increased
19 transmission of light into inside of the blinds?

20 A. I mean, that's the -- what -- that's
21 what I was just reading you, the translucent and
22 the light permeable.

23 Q. Do you have any other support,
24 Dr. Cameron? Are we good?

1 A. I'm looking for more.

2 (Witness perusing documents)

3 Q. Are you still looking?

4 A. I am, but I mean, if you want me to
5 stop, I can. So did you?

6 Q. I mean, we've been at it for ten
7 minutes.

8 A. I don't think -- I mean, I don't
9 think it's been ten minutes, but I'm telling you
10 that that's what Whybrew teaches. I've showed you
11 already a section that it does. If you're going to
12 try to say that I wasn't able to find anything
13 else, then I need to look through. So it's -- it's
14 really up to you. If -- if you just want the first
15 things I find to help you understand, that's --
16 that's all good.

17 But if you're going to say, well,
18 there's nothing else in there because Dr. Cameron
19 didn't see it in two minutes, that's not going to
20 be fine.

21 So if you want assurance that there's
22 nothing in there, then I need to look at the rest.
23 But that's -- you know, that's -- it's your
24 question. It's up to you.

1 Do you want me to keep looking or you
2 don't want me to?

3 Q. No. I'm on a clock, Dr. Cameron. So
4 I -- we -- we can't -- I can't have you read the
5 whole Whybrew patent. So you've given me a couple
6 of examples. We'll have to stick with that.

7 Let me ask you a different question.
8 Don't you agree -- no. That is -- you agree with
9 me that the purpose of Whybrew is to create a light
10 differential between the exterior of the blind and
11 the interior of the blind; isn't that true?

12 A. That -- that is one thing it talks
13 about, yeah. I -- I mean, I said this already.

14 Q. And so Whybrew is trying to keep it
15 dark on the inside of the blind and light on the
16 outside, true?

17 A. It is trying to do that by the panels
18 besides the mesh one, yes.

19 Q. It's trying to do that with the whole
20 blind, true?

21 A. With the panels other than the mesh
22 panels. I explained this a dozen times.

23 Q. Isn't it true that because the
24 interior of the Whybrew blind is darker than the

1 exterior, that an animal is not able to visualize
2 the occupant through the mesh fabric window?

3 A. That's correct.

4 Q. Isn't it true that the darker inside
5 the Whybrew blind the better?

6 MR. WOLTER: Object to form.

7 THE WITNESS: Well, again, you can't
8 just have -- not necessarily, because you
9 can't just have all the panels be the ones
10 that are not translucent; otherwise you
11 wouldn't be able to see out of the Whybrew
12 blind. So that's why I keep explaining that
13 the light differential between the exterior
14 and the interior has to do with the panels
15 that are not the mesh.

16 Q. (By Mr. Abdelnour) But it also has
17 to do with the panels that are the mesh, because
18 there's only one light inside of the blind, due to
19 the whole blind; you agree with that, right?

20 MR. WOLTER: Object to form.

21 THE WITNESS: So again, in Whybrew,
22 you cannot have all the panels be not the
23 ones that are not translucent, because then
24 you wouldn't be able to see outside. So my

1 point --

2 Q. (By Mr. Abdelnour) So in --

3 A. -- was what Whybrew is explaining, is
4 that you want to have -- that you can achieve a
5 light differential by the non-mesh panels.

6 Q. If you had to pick between two types
7 of mesh for Whybrew, and you could see out of both
8 of them, but one blocked more light from coming
9 into the blind, wouldn't you pick the one that
10 blocks more light?

11 MR. WOLTER: Object to the form of
12 the question.

13 THE WITNESS: Based on the
14 disclosures in Whybrew, no. Whybrew is
15 teaching you that you can have a window in
16 a hunting blind where all the other
17 panels are blocking the light to create a
18 different -- differential light between the
19 inside and the outside. That's what Whybrew
20 is teaching you.

21 Q. (By Mr. Abdelnour) That's your
22 expert opinion?

23 A. Yes, it is.

24 Q. You're familiar with the strength

1 reference, right?

2 A. Yes.

3 Q. You have a 1003 in this proceeding?

4 A. Yes.

5 THE COURT REPORTER: Are you saying
6 strength?

7 MR. ABDELNOUR: Strength, like
8 (Mr. Abdelnour demonstrating).

9 THE COURT REPORTER: Yeah, that's
10 what I thought. I just wanted to be sure.

11 Q. (By Mr. Abdelnour) And is it
12 your -- it's your opinion that strength is not a
13 mesh, correct?

14 A. That's correct.

15 Q. And that's because, in your opinion,
16 there are no holes in the fabric, right?

17 A. Yes.

18 MR. WOLTER: Object to the form, lack
19 of foundation.

20 Q. (By Mr. Abdelnour) Sorry. Did you
21 answer?

22 A. That's correct. There's no visible
23 holes in the strength, correct.

24 Q. And -- and when you say there's no

1 visible holes, are you saying -- are you talking
2 about patent figures?

3 A. The patent figures and the -- how it
4 describes that it makes that -- makes the fabric in
5 strength.

6 Q. So strength has a base fabric and
7 then coating on it, right?

8 A. That's correct.

9 Q. Okay. There's a coating on both
10 sides of the strength, right?

11 A. Yes.

12 Q. Okay. On one side there's a
13 camouflage coating, yes?

14 A. Yes. There's camouflage on one side,
15 yes.

16 Q. And on the other side, there's a
17 coating of a solid color, right, a dark color?

18 A. I don't remember the color,
19 but -- but yes, there's another coating there.
20 There's basically an extrusion coating.

21 Q. And it's your opinion that when the
22 coatings are applied to that base material, the
23 resulting material does not have any holes, right?

24 A. That's correct.

1 Q. Do you agree with me that the base
2 material without any coating has holes, doesn't it?

3 A. There's like an intermediate stage
4 before the final stage where there's holes, yes.

5 Q. Right. There's a base material upon
6 which you're applying a coating on both sides of
7 it, and that base material has holes in it, true?

8 A. If you just mean if you remove the
9 coating, there's holes in it, then -- then, yes, I
10 agree.

11 Q. That base material, before you apply
12 any coating to it, is a mesh material, true?

13 A. Yeah, the intermediate product,
14 before you coat it, has holes in it. But I think I
15 also explained that that wouldn't be a mesh in the
16 context of the 535 patent anyway.

17 Q. So it's a -- it's a material with
18 holes, but it's not mesh?

19 A. Correct. In the context of the 535
20 patent, that's correct.

21 Q. Why? I don't understand. Why?

22 A. So we talked about this a little bit
23 before, but as I was explaining, in the context of
24 a 535 patent, when you are thinking about, like,

1 air flow, you can have, like, holes in material.
2 But if there are a lot of them and they're small,
3 it's really not the same; even if you consider
4 holes with the same, like, cover ratio, it's not
5 the same, because for each of the holes, there's,
6 like, extra resistance from the edges, and so you
7 get less air flow if you have, like, a higher
8 number of holes, even if you have the same, like,
9 overall cover factor.

10 So I think I have a longer discussion
11 of that in -- in the report, too, but I -- we -- we
12 talked about this earlier as well.

13 Q. In paragraphs 76 and 77, you're
14 describing your opinion that the base material for
15 strength would not qualify as a mesh in the 535
16 patent, right?

17 A. Yes.

18 Q. And it goes on to paragraph 78 as
19 well, correct?

20 A. Yes.

21 Q. And so you say that Dr. Ellison is
22 wrong, that the material has -- is 70 percent open,
23 right?

24 A. Yes, I explained why that is --

1 that's misleading, yes.

2 Q. How open is it?

3 A. So if you -- I don't recall the
4 precise number, but it's something like 50 percent.

5 Q. So a 70-percent open material would
6 qualify as mesh, and a 50-percent open material
7 would not; is that your testimony?

8 A. Well, I think there's two things. I
9 think, one, is that he misleadingly says that the
10 openness of something like 70 percent, which is
11 not -- not accurate.

12 And then, secondly, as I mentioned,
13 you have to look more than that number, because,
14 like, as I was just explaining, you could have two
15 materials that have the same number for the
16 openness, but if you have more holes, it is not the
17 same because you have, like, basically dry air
18 resistance compared to larger holes.

19 So that was what I was explaining in,
20 like, the earlier paragraphs. I think -- let me
21 see. That was in -- yeah, the -- there in 70,
22 yeah, I explain a little bit more about that.

23 But basically, it matters, like, what
24 your hole size is, not just the number for the

1 cover factor.

2 Q. Okay. Is -- is it your opinion that
3 in order to qualify as a mesh, for purposes of the
4 535 patent, the material has to have the right air
5 flow rate?

6 MR. WOLTER: Object to form.

7 THE WITNESS: I -- I guess I'm not
8 exactly sure what you meant by that, but
9 yes, generally speaking, in the context of
10 the 535 patent, you would understand mesh
11 in -- in terms of things like -- like air
12 flow.

13 Q. (By Mr. Abdelnour) Now, you -- you
14 disagree with Dr. Ellison's calculations of the
15 openness of the material, right?

16 A. Yes. We just talked about that.

17 Q. And you calculate it differently,
18 right?

19 A. That's correct.

20 Q. What evidence do you have to support
21 your opinion?

22 A. I'm -- I'm not sure what you mean by
23 that. So I explained that you have to calculate
24 the area. Math? I....

1 Q. Well, let me ask it this way, do you
2 disagree with Dr. Ellison because you take a
3 different approach than he took? What evidence
4 supports the approach that you took, that suggests
5 you had the right approach and he has the wrong
6 approach?

7 MR. WOLTER: Object to form.

8 THE WITNESS: Because when you look
9 at the open area and do the math, you get my
10 number and not his. I don't know...

11 Q. (By Mr. Abdelnour) Do you have
12 any -- any evidence that supports your opinion that
13 the approach that you've taken is the right one?

14 A. I'm not sure I'm understanding your
15 question, but --

16 Q. Any peer-review articles that
17 suggests this is a -- this is the way that you
18 would calculate openness in a fabric?

19 A. Openness in a fabric is calculated by
20 the area. When you do that, that shows you that
21 it's 50 percent, not 70 percent.

22 Q. I -- I take it you don't have any
23 peer-reviewed articles that you're relying on,
24 fair?

1 A. I mean, I'm sure that you can look up
2 definition of openness for -- and it will tell you
3 that it's based on the area.

4 Q. But you haven't cited in your
5 declaration; can we agree on that?

6 A. I did not put a specific reference in
7 there, I don't believe, but that is true based on
8 my -- my experience. And I'm sure that you could
9 find that in a -- in a published article as well.

10 Q. Strength is silent about whether
11 there's ventilation through the fabric, true?

12 A. Well, the strength gives the -- the
13 numbers. I don't know if it -- aside from given
14 the actual numbers -- talked about the ventilation,
15 specifically.

16 Q. Let me ask in a simpler way. You
17 agree strength says nothing about ventilation,
18 correct?

19 A. Other than giving specific sizes,
20 and, like -- I'm not sure.

21 Q. You're not sure?

22 A. I mean, strength tells you the
23 specific sizes, so you already have that --

24 Q. Does --

1 A. I don't -- sorry.

2 Q. Sorry. Specific sizes of what? You
3 keep saying "specific sizes." What do you mean?

4 A. Oh, for -- for the mesh.

5 Q. So talk -- strength talks about
6 the -- the -- the mesh material it uses, right?

7 A. Right.

8 Q. Okay. It doesn't -- for that mesh
9 material in strength, it doesn't talk about the
10 level of ventilation, fair?

11 MR. WOLTER: Objection to form.

12 THE WITNESS: Right. Not -- yeah,
13 not beyond telling you what the fabric is.
14 I don't -- I don't remember it specifically
15 using the word "ventilation," but I would
16 need to check that to be sure.

17 Q. (By Mr. Abdelnour) So it's your
18 opinion that when you apply the coating to the mesh
19 and strength, it covers all the holes, right?

20 A. Yes.

21 Q. You agree that strength doesn't
22 expressly say that the coating completely covers
23 all the holes, right?

24 MR. WOLTER: Object to form.

1 THE WITNESS: I think it -- I think
2 it does.

3 Q. (By Mr. Abdelnour) Okay. Point me
4 to where you say that in your declaration, that's
5 your opinion.

6 A. (Witness perusing documents)
7 Well, in paragraph 75, "This fabric
8 will not allow water or air to pass through because
9 there are no holes in the fabric because the 3-mil
10 thick extrusion coating eliminates them and creates
11 a solid barrier."

12 Q. That's -- that's your testimony,
13 right? You just read your testimony?

14 A. You just told me to show you where in
15 my report it said that.

16 Q. I'm saying -- so all right. Let's
17 stay -- let's stay there. Paragraph 75, that's
18 your opinion, that when you add the coating, it
19 eliminates holes and creates a solid barrier,
20 correct?

21 A. That's what I -- that's what this
22 says and what I explained here, yes.

23 Q. Yes. What -- strength doesn't say
24 that it eliminates holes and creates a solid

1 barrier, does it?

2 A. I mean, I could look at the exact
3 wording for you, but it tells you there's a 3-mil
4 thick extrusion coating there.

5 Q. Strength says there's a 3-mil
6 extrusion coating. And from that, you extrapolate
7 that you believe it covers all the holes; isn't
8 that your testimony?

9 A. That's what you get from reading
10 strength. Yes, that's what it says.

11 Q. But strength doesn't say it covers
12 the holes; we can at least agree on that, right?

13 A. What do you mean? It's has the 3-mil
14 extrusion coating there; of course it does. I
15 don't know what we're -- I -- I don't know what I'm
16 missing here, but strength does say that.

17 Q. Okay. What I'm saying is that
18 strength that says -- we have a 3-mil coating; can
19 we agree to that, right?

20 A. Yeah.

21 Q. Strength doesn't further explicit --

22 A. Can you put -- can you put strength
23 in the chat too?

24 Q. I'm happy to. Let me finish my

1 question.

2 A. Okay.

3 Q. You agree with me that strength
4 doesn't explicitly state that the 3-mil coating
5 covers all the holes; it doesn't say anything about
6 covering holes, correct?

7 A. If you want to put the strength in
8 the chat, I can tell you the exact words it uses.
9 But I can tell you from reading strength that it
10 does not have holes. But if you want to get the
11 exact words, then you can put strength in the chat.

12 Q. I'm going to assume that strength
13 said it covers all the holes; it's in your
14 declaration. So can you -- looking at your
15 declaration --

16 A. I don't know why you assume that.
17 Right in my declaration, I told you, and I read
18 right from paragraph 75, "This fabric will not
19 allow water or air to pass through, as there are no
20 holes in the fabric because of 3-mil thick
21 extrusion coating eliminates them and creates a
22 solid barrier."

23 Q. You're not quoting strength there.
24 That's your -- that's your testimony.

1 A. But that's from strength. Strength
2 tells you there's a 3-mil thick extrusion coating
3 there. If you put strength in the chat, I'll show
4 you exactly where that is.

5 Q. All right. Let's put it in the chat,
6 and -- and I want you to point me to where it says
7 that it covers all the holes and creates a solid
8 barrier. Okay?

9 A. It tells you that there's a 3-mil
10 extrusion coating there. Yeah, put it in the chat.
11 I'll show you.

12 Q. Okay. Dr. Cameron, now that you have
13 strength -- I'm on a --

14 A. Yeah, I got it.

15 Q. But I'm on a time limit, so take
16 strength -- take your -- take a moment and point me
17 to where it says it creates a solid barrier or it
18 covers holes. I can't give you 10 minutes to read
19 strength, so please do your best.

20 You also have your declaration to
21 help you.

22 A. I mean, I've told you from my
23 declaration already, it tells you there's a 3-mil
24 extrusion coating there. That means it has no

1 holes. And I'm going to show you where that is in
2 strength too. I don't -- it's like, I've told you,
3 like, five times this.

4 (Witness perusing documents)

5 On par -- on column 3, it talks about
6 the coating is a 3-mil extrusion coating. That
7 tells you that there's no holes and there's a solid
8 barrier there.

9 Q. Okay. Can you be more specific?
10 What line?

11 A. Column 3, line 4.

12 Q. "The coating in this embodiment of
13 the camouflage material was about a 3-mil extrusion
14 coating, on the second side of about 94 percent by
15 weight of ethylene methyl acrylate and about 6
16 percent carbon black." Did I read that correctly?

17 A. Yes. And then it goes on to tell you
18 that the coating was placed by hot melt extrusion.

19 Q. Yes.

20 A. Correct.

21 Q. From that, you've extrapolated that
22 the 3-mil thick extrusion would eliminate holes and
23 create a solid barrier, right?

24 A. A 3-mil extrusion coating that's put

1 there by hot melt extrusion does not have holes in
2 it; that's correct.

3 Q. And that's your testimony, that's
4 your opinion, but it does -- it doesn't say that in
5 strength. Can we at least agree on that?

6 A. It tells you right here, 3-mil
7 extrusion that's put on there by hot melt. I just
8 showed you.

9 MR. ABDELNOUR: All right. We're at
10 5:34 Eastern, and we've got an agreement to
11 go from 1:30 to 5:30 each day to day. So
12 we're going to call it here and come back at
13 1:30 tomorrow.

14 THE WITNESS: Okay.

15 MR. WOLTER: Okay.

16 THE COURT REPORTER: Who need -- you
17 guys both need a copy of the transcript,
18 right? Obviously.

19 MR. ABDELNOUR: We'll need a copy,
20 yeah.

21 THE COURT REPORTER: Yeah.

22 MR. ABDELNOUR: But I prefer it to be
23 all together.

24 THE COURT REPORTER: I'll do it at

1 the end. They like me to get it on the
2 record for each day, so -- but I'll make
3 sure I do.

4 MR. ABDELNOUR: Oh, I see. Okay.

5 THE COURT REPORTER: Yeah. Because
6 they're all going to be three separate
7 transcripts. So you both want PDF, okay for
8 both of you?

9 MR. WOLTER: Yeah. And she'll want
10 to read each.

11 THE COURT REPORTER: Okay.

12 MR. WOLTER: Great.

13 THE COURT REPORTER: Perfect. All
14 righty. Sounds good.

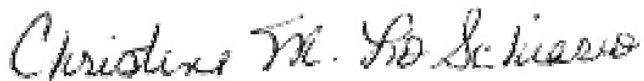
15 MR. ABDELNOUR: Thank you, Christine.

16
17 (Deposition suspended at 5:35 p.m.)
18
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24

1 I, CHRISTINE M. LO SCHIAVO, Notary Public,
2 do hereby certify that DR. KIMBERLY CAMERON
3 remotely appeared before me, via Zoom, and
4 satisfactorily identified herself on the 5th day of
5 November, 2024, and was duly sworn by me to testify
6 to the truth and nothing but the truth as to her
7 knowledge touching and concerning the matters in
8 controversy in this cause; that she was thereupon
9 examined upon her oath and said examination reduced
10 to writing by me; and that the statement is a true
11 record of the testimony given by the witness, to
12 the best of my knowledge and ability.

13 I further certify that I am not a relative
14 or employee of counsel/attorney for any of the
15 parties, nor a relative or employee of such
16 parties, nor am I financially interested in the
17 outcome of the action.

18 WITNESS MY HAND this 13th day of November,
19 2024.

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21 
22

23 Christine M. Lo Schiavo My Commission Expires:
24 Notary Public April 13, 2029

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UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
Inter Partes Review No.: IPR2024-00291

* * * * *

DBR FINANCE, INC., *

Petitioner *

v. *

RUGGED CROSS HUNTING BLINDS, LLC., *

Patent Owner *

* * * * *

I, DR. KIMBERLY CAMERON, do hereby certify,
under the pains and penalties of perjury, that the
foregoing testimony is true and accurate, to the best
of my knowledge and belief.

WITNESS MY HAND, this__day of_____2024.

DR. KIMBERLY CAMERON

1	CORRECTION SHEET		
2	DEPONENT:	Dr. Kimberly Cameron	
3	CASE:	DBR Finance, Inc. v.	
4		Rugged Cross Hunting Blinds, LLC	
5	DATE TAKEN:	November 5, 2024, Volume I	
6	*****		
7	PAGE	/ LINE /	CHANGE OR CORRECTION AND REASON
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