

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4
5 NESPRESSO USA, INC.,

6 Petitioner ,

7 v.

8 K-FEE SYSTEM GMBH,

9 Patent Owner.

10
11 Case IPR2024-00254

12 U.S. Patent No. 11,465,829

13 Case IPR2024-00257

14 U.S. Patent No. 11,558,722

15 Case IPR2024-00299

16 U.S. Patent No. 11,554,910

17 Case IPR2024-00304

18 U.S. Patent No. 11,465,830

19
20 Deposition of DOV GLUCKSMAN

21 Washington, DC

22 Tuesday, December,17, 2024

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4 Stenographically reported by: Judith E. Bellinger,
5 RPR, CRR, CSR-TX CCR-WA, CCR-NM

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10 Deposition of DOV GLUCKSMAN, conducted
11 virtually.

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19 Pursuant to notice, before Judith E.
20 Bellinger, Registered Professional Reporter,
21 Certified Realtime Reporter, and Notary Public in
22 and for the District of Columbia.

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1 C O N T E N T S

2	EXAMINATION OF DOV GLUCKSMAN	PAGE
3	By Mr. McCraw	6

4 E X H I B I T S

5 (Attached to the transcript)

6	Exhibits:	PAGE
7	Exhibit 1067 United States Patent Application	34
8	Publication Number US 2015/0289709	
9	A1	
10	Exhibit 1068 United States Patent Number US	56
11	11,565,930 B2	

12

13 Previously Marked:

14 Exhibit:

15	Exhibit 1001 United States Patent Number US	97
16	11,554,910 B2	
17	Exhibit 1004 United States Patent Application	115
18	Publication Number Us 2010/0239734	
19	A1	
20	Exhibit 1006 United States Patent Application	124
21	Publication Number US 2013/0064929	
22	A1	

1 E X H I B I T S C O N T I N U E D

2 Exhibit 2020 Declarations of Dov Glucksman in 68
3 Support of Patent Owner's.
4 Response, IPR2024-00257, U.S.
5 Patent Number 11,548,722;
6 IPR2024-00299, U.S. Patent
7 Number 11,554,910; IPR2024-00254
8 U.S. Patent Number 11,465,829;
9 and IPR2024-00304, U.S. Patent
10 Number 11,465,830

11 Exhibit 2027 United States Patent Number US 117
12 9,277,837 B2

13 Exhibit 2028 United States Patent Number US 117
14 9,271,598 B2

15 Exhibit 2029 United States Patent Number US 117
16 9,668,604 B2

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P R O C E E D I N G S

DOV GLUCKSMAN,

Being first duly sworn, was examined
and testified as follows:

EXAMINATION BY COUNSEL FOR THE PETITIONER

BY MR. McCRAW:

Q Good morning. My name is
Clayton McCraw, I'm an attorney for Petitioner
Nespresso USA. I'm going to be taking your
deposition today.

To begin, could you, please, state your
name for the record.

A Dov Glucksman.

Q Mr. Glucksman, do you understand that
you're under oath today?

A I do.

Q And is there anything that would
prevent you from providing complete and truthful
testimony today?

A No.

1 Q Have you been deposed before?

2 A Yes.

3 Q When?

4 A Last time, some 15 or over -- over
5 15 years ago.

6 Q Have you been deposed more than once or
7 only one time?

8 A More than once.

9 Q Okay. How many times have you been
10 deposed?

11 A Maybe around four, five, or six. I do
12 not recall.

13 Q Could you describe to me the nature of
14 the cases that you've been deposed in?

15 A The last time I was deposed was a
16 patent issue between Salton, an American
17 corporation, and Philips, NVA, global Dutch-space
18 corporation.

19 Prior to that, I was deposed in a
20 patent litigation between Conair, a U.S.
21 corporation, and a small startup, I don't remember
22 the name of the corporation, regarding a

1 coffeemaker.

2 Prior to that, I was deposed in my
3 divorce proceedings, and I don't recall any point
4 beyond that.

5 Q Okay. So there's three depositions
6 that you recall, sitting here today?

7 A I -- yes.

8 Q Going to the deposition you just
9 mentioned between Salton, an American corporation,
10 and Philips.

11 A Yes.

12 Q Who did you represent?

13 A Salton.

14 Q And what was the nature of the
15 technology in that case?

16 A It related to a single-serve, hub-based
17 coffeemaker.

18 Q And was this a patent infringement
19 case?

20 A It was a bit more complicated. It was
21 many years ago, but the -- the -- Philips claimed
22 that the manufacturer who produced the Salton

1 product was a Chinese company by the name of
2 Electrical and Electronics [sic], or referred to
3 as E&E, was using information that they had
4 acquired during their prior manufacturing period
5 where they produced a product for Philips and that
6 they attempted to enjoin that E & E corporation
7 from producing the product for Salton. And, in
8 fact, I believe that Salton was the -- brought the
9 suit against Philips in the U.S. court.

10 Q Okay. And on what issue did you
11 provide -- strike that.

12 Were you an expert in that case?

13 A I was.

14 Q And on what issue did you provide
15 expert testimony?

16 A I do not recall the details.

17 Q So -- and, roughly, when did this
18 occur? Do you recall?

19 A Roughly, in around 2005.

20 Q Okay. And you don't recall the details
21 of what you provided testimony on in the case; is
22 that right?

1 A It was quite involved. It involved
2 analyzing and understanding the Philips patent.
3 It involved manufacturing technology. But I do
4 not recall any more specifics.

5 Q Okay. So you don't recall the
6 conclusions you reached in that matter?

7 A I -- I'm -- no.

8 Q So you mentioned another litigation
9 that was a litigation between Conair and a small
10 startup that you didn't remember the name; is that
11 right?

12 A Correct.

13 Q Okay. And you were deposed in that
14 case?

15 A I was deposed.

16 Q And were you an expert in that case?

17 A I was a witness for the defendant.

18 Q Were you a fact witness or an expert
19 witness?

20 A I was a fact witness.

21 Q And who was the defendant in that case?

22 A The company -- the name of the company

1 was Coffee One, I now recall.

2 Q And what was your role in connection
3 with Coffee One in that case?

4 A I was the designer of the coffeemaker
5 in question, designer and developer, and I was
6 also a minor shareholder in that corporation.

7 Q And what was the nature of the
8 coffeemaker that you had designed in that matter?

9 A The coffeemaker I designed in that
10 matter was a carafe-based coffeemaker, in other
11 words, a coffeemaker that delivers the coffee into
12 a carafe, which can, then, be used by the consumer
13 to pour into individual cups. And it was what is
14 also known as a drip-type coffeemaker.

15 Q And, approximately, when did that
16 deposition occur?

17 A I believe sometime in the '90s, in the
18 1990s.

19 Q Okay. Do you recall the outcome of
20 that patent litigation between Conair and Coffee
21 One?

22 A Yes. The court ruled in favor of

1 Conair.

2 Q So Coffee One was infringing Conair's
3 patents?

4 A It -- they were no -- it wasn't a
5 patent. I'm sorry. If I said it was a patent
6 litigation, it was not a patent litigation.

7 Q Okay. What was the -- do you -- strike
8 that.

9 Do you recall the nature of the claim
10 in that case?

11 A Yes.

12 Q Which was what?

13 A The claim was that the industrial
14 designer, Mr. Harrison, who designed the
15 coffeemaker for Coffee One, had previously
16 designed a similar coffeemaker for Conair. And
17 even though there were no design patents involved,
18 Conair sued Coffee One for, um, the use of what,
19 apparently, belonged to them. And they paid for.

20 Q Is that like a trade dress kind of
21 claim?

22 A I'm not sure that I would understand

1 the term.

2 Q That's okay.

3 And the only other deposition that you
4 recall was your divorce proceedings; is that
5 right?

6 A That's correct.

7 Q I'm not going to ask you about that.

8 So, have you provided trial testimony
9 before?

10 A I did.

11 Q In what cases have you provided trial
12 testimony?

13 A I provided trial testimony in the case
14 between SEB, a French corporation, and Jordab, a
15 U.S. corporation.

16 Q And what was the nature of the claim in
17 that case? Do you recall?

18 A Yes. SEB, who owned patents on -- that
19 relate to a -- I'll use the term air fryer that
20 they had developed, claimed that the air fryer
21 that was marketed, sold by a division of Jordab,
22 in the UK, infringed their patent.

1 Q Was this a UK patent infringement case?

2 A It was in -- the litigation took place
3 in the UK, in London.

4 Q And were you a fact witness or an
5 expert witness?

6 A An expert witness.

7 Q And on what issues did you provide
8 expert testimony?

9 A On the -- my testimony was to
10 demonstrate that the appliance, the air fryer that
11 was being sold by the Jordab division, did not
12 infringe on the claims of the S -- the SEB patent.

13 Q Do you recall the outcome of that case?

14 A The outcome -- the outcome of the case,
15 the initial outcome of the case was ruled in favor
16 of SEB. Upon appeal, the case was reversed and it
17 was ruled in favor of Jordab.

18 Q And, approximately, when was that trial
19 testimony?

20 A I believe it was February of 2014.

21 Q Okay. Are there any other cases where
22 you've provided trial testimony?

1 A No.

2 Q Have there been any other cases where
3 you've provided declarations?

4 A Yes.

5 Q What -- what are those cases?

6 A Well, the, um, the S -- SEB versus, um,
7 Jordab case. The Philips, versus -- the Salton
8 Philips case, were a couple of Salton cases
9 against where the -- I do not recall. They were
10 cases relating to a rotisserie oven, and I don't
11 recall the name of the other side. But it is in
12 my CV.

13 Q Have you been retained as an expert in
14 any other matters that you haven't mentioned here?

15 A I was retained in a case between WIK
16 and another Chinese corporation. And the case
17 I -- I was, essentially, retained but did not
18 provide much of evidence because the case was
19 settled in Hong Kong.

20 Q Understood.

21 Mr. Glucksman, are you currently
22 working?

1 A Slight -- somewhat. I am -- I ended my
2 active work in December of 2022. I still provide
3 consulting to some limited extent.

4 Q And to whom do you provide consulting
5 to?

6 A To previous clients of my company.

7 Q And when you say your "company," what
8 company are you referring to?

9 A Appliance Development Corporation.

10 Q Are you the CEO of Appliance
11 Development Corporation?

12 A Yeah. I call myself president.

13 Q When did K-Fee first approach you to
14 become an expert in this case?

15 A I believe I was first approached over a
16 year ago. I was -- I heard from the law firm, or
17 from an expert witness recruiter, I don't recall
18 exactly, and I believe that in February of this
19 year, I've had my initial conversation
20 specifically regarding this case with the -- the
21 law firm.

22 Q I see. And when you say "the law

1 firm," you're referring to McDermott Will & Emery?

2 A Right.

3 Q And who approached you from McDermott
4 Will & Emery?

5 A I believe it was Adam, attorney,
6 Burrowbridge.

7 Q And when were you retained by McDermott
8 Will & Emery, or by K-Fee, whichever it may be?

9 A In the spring of this year.

10 Q So in spring of 2024?

11 A I believe so.

12 Q And you understand that today's
13 deposition deals with four IPR proceedings where
14 you have issued declarations --

15 A Yes.

16 Q -- correct?

17 When did you begin preparing the
18 declarations in those four IPRs?

19 A I would say late spring of 2024.

20 Q And could you describe the process for
21 how your reports were prepared?

22 A I was provided with a number -- number

1 of exhibits, and I was asked to review them and to
2 provide my opinion with regard to specifics --
3 specific items. And that's why I was -- period.
4 Thank you.

5 Q Who prepared the first draft of the
6 declaration of your report?

7 A To be -- to be specific, I provided
8 written and verbal in -- information or opinion
9 with regard to these subject. When I say "verbal"
10 mainly on Zoom calls. And was -- which was --
11 were then put together jointly, by counsel and
12 myself, as a final declaration.

13 Q And how much of the declaration was
14 completed at the time counsel first gave it to
15 you?

16 MR. BROOKS: Objection.
17 Mischaracterizes prior testimony.

18 Q You can answer.

19 A Can you, please, repeat the question?
20 I'm sorry.

21 MR. McCRAW: Can you read it back to
22 me, please.

1 (The requested text was read by the
2 reporter as follows: "And how much of the
3 declaration was completed at the time counsel
4 first gave it to you?")

5 A It was a draft form. It wasn't -- the
6 declarations were in draft form and included,
7 primarily -- or included the opinions I provided
8 counsel.

9 Q And how complete were these drafts?

10 MR. BROOKS: Objection.

11 A They were drafts.

12 Q Do you recall, approximately, how many
13 pages they were at the time.

14 A No, I do not.

15 Q Do you recall, approximately, what
16 percentage of your final report was already
17 drafted in the first draft?

18 A Can you repeat that question, I'm
19 sorry, please?

20 MR. McCRAW: Sure. Can you read it
21 back.

22 (The requested text was read by the

1 reporter as follows: "Do you recall,
2 approximately, what percentage of your final
3 report was already drafted in the first draft?")

4 A So when you say "percentage," as it
5 relates to the final report?

6 Q Yes.

7 A Okay. It's difficult for me to give
8 you a precise number because we have gone through
9 many conversations and iterations between the
10 first draft and the final report.

11 Q Were any nonlawyers involved in the
12 preparation of your report?

13 A I'm not a lawyer and I --

14 Q Other than you, were there any
15 nonlawyers involved in the preparation of your
16 report.

17 A I do not know.

18 Q Was anyone at K-Fee Systems involved in
19 the preparation of your declaration?

20 A Again, I assume, since I was provided
21 the drafts by K -- by -- K -- I'm sorry. Did you
22 ask K-Fee?

1 Q I'll ask the question --

2 A Could you repeat, I'm sorry? So sorry.

3 Q That's okay. Let me try again.

4 Was anyone at K-Fee System involved in
5 the preparation of your declaration?

6 A No.

7 Q Was anyone at the Krüger Group involved
8 in the preparation of your declaration?

9 A No.

10 Q Was Marc Krüger involved in the
11 preparation of your declaration?

12 A No.

13 Q You mentioned that counsel provided you
14 a series of exhibits; is that correct?

15 A That's correct.

16 Q Approximately, how long did you spend
17 reviewing those materials for preparing your
18 opinions in this case?

19 A How many hours?

20 Q (Nonverbal response.)

21 A Many. I do not recall the exact
22 number.

1 Q More than ten?

2 A Yes.

3 Q More than 20?

4 A Yes.

5 Q More than 40?

6 A Hard for me to say, but -- I don't know
7 where -- how to answer the question because I
8 don't -- I'm -- I will be happy to look at my time
9 sheets and give you a very precise answer.

10 Q That won't be necessary right now.

11 Do you know Dr. Howell?

12 A Dr. Howell? Could you, maybe, help me
13 by elaborating?

14 Q I believe -- I believe his name is
15 Dr. Lawrence Howell, the prior expert of K-Fee in
16 prior IPRs?

17 A No, I do not.

18 Q Did you speak with him in connection
19 with this declaration?

20 A No.

21 Q Did you review any of his prior
22 reports?

1 A Not unless some were incorporated in
2 the exhibit and I was not aware that they were
3 such.

4 Q So I skipped over the general rules. I
5 think you probably already know most of this
6 because you've been deposed before. But before we
7 go on, let me just throw in a couple of things.

8 We obviously don't want to talk over
9 one another. You've already been doing a great
10 job of that.

11 If you don't understand the question
12 I'm asking, can you ask me for clarification?
13 Which I think you've already been doing. But if
14 you don't ask for clarification, I'm going to
15 assume you understood the question.

16 Does that make sense?

17 A Thank you.

18 Q Okay. What did you do to prepare for
19 today's deposition?

20 MR. BROOKS: Mr. Glucksman, I'll just
21 caution you not to reveal any attorney-client
22 communications.

1 A I studied my declaration, I reviewed
2 the exhibits, and I met with counsel last Thursday
3 and yesterday in this office.

4 Q Did you have any other meetings with
5 counsel other than last Thursday and yesterday,
6 such as over Zoom?

7 A In preparation for this deposition?

8 Q Correct.

9 A No.

10 Q How many hours would you say you spent
11 reviewing materials in preparation for this
12 deposition?

13 A Around 20 hours.

14 Q And in the last Thursday meeting and
15 yesterday's meetings, who was present?

16 A Ms. Rallabhandi and Mr. Brooks.

17 Q Anyone else?

18 A Mr. Burrowbridge dropped in for lunch.

19 Q Did anyone join by phone or video?

20 A No.

21 Q Have you spoken to anyone else
22 regarding this deposition?

1 A Other than my wife, no.

2 Q Have you ever spoken to Marc Krüger?

3 A No.

4 Q Have you ever spoken to Dr. Lawrence
5 Howell?

6 A No.

7 Q Did you review the Yoakim reference in
8 preparation for today's deposition?

9 A Can you be specific what you're --
10 reference you're referring to? Exhibit number?

11 Q 1004.

12 A Yes.

13 Q Did you review the Jarisch 929
14 reference, which I believe is Exhibit 1006?

15 A Yes.

16 Q Did you review the petition?

17 A Not in preparation for this -- for this
18 deposition.

19 Q Did you review the four patents at
20 issue in these IPRs?

21 A Yes.

22 Q And by "four patents," I'm referring to

1 the four K-Fee patents.

2 A I understand that.

3 Q Is there anything new that you've
4 reviewed since signing your declarations that
5 informs your opinions in these IPRs?

6 A Do you mind repeating the question?

7 MR. McCRAW: Would you read it back for
8 me, please?

9 (The requested text was read by the
10 reporter as follows: "Is there anything new that
11 you've reviewed since signing your declarations
12 that informs your opinions in these IPRs?")

13 A When you say "new," are you referring
14 to any new exhibit?

15 Q Any information that you've reviewed
16 that's not cited in your IPRs. Strike that.

17 I'm referring to any information you've
18 reviewed that's not cited as an exhibit in your
19 declarations.

20 A I don't believe so.

21 Q So I think, earlier, you testified that
22 you've designed coffee machines in the past; is

1 that right?

2 A That's right.

3 Q And how many of those machines brewed
4 espresso as opposed to drip coffee?

5 A May I ask for clarification?

6 Q Sure.

7 A When you say "espresso," are you
8 referring to, particularly, an espresso drink or
9 are you referring to a single-serve coffeemaker,
10 broadly?

11 Q Let's start with an espresso drink.

12 So I'll re-ask the question.

13 A Please.

14 Q How many machines have you designed
15 that brew an espresso beverage?

16 MR. BROOKS: Objection. Form.

17 A I'm having a hard time answering the
18 question for the simple reason that the term
19 "espresso" is a relatively broad term, unless you
20 want to be very specific.

21 So, it would be easier for me to answer
22 the question if I was asked regarding single-serve

1 rather than carafe, simply because I don't want to
2 give you a wrong answer.

3 Q Right. So we'll get to single-serve.
4 But for now, any other machine that is, you know,
5 brewing an espresso beverage, could you tell me
6 how many you've designed?

7 MR. BROOKS: Object to form.

8 A One or two.

9 Q And how did those machines operate?
10 Could you describe that to me?

11 A There's one that comes to mind, use
12 what -- what is known as hard pot. A hard pot is
13 a pot that is very tightly packed. And as a
14 result of it, it creates a high back pressure,
15 which is what is required for producing an
16 acceptable or a suitable espresso drink.

17 Q Are there different design
18 considerations when making a machine that brews
19 coffee versus one that brews espresso?

20 A In essence, yes.

21 Q And what -- strike that.

22 Could you describe the different design

1 considerations for me?

2 A Yes. Goes somewhat to the nature of
3 espresso. Espresso was -- is a type of a coffee
4 drink which is brewed at a very fast pace, hence,
5 the term espresso, at relatively low temperatures
6 and where high pressure, water pressure, is used
7 to extract certain oils or organic acids from the
8 coffee grounds. And the typical size of an
9 espresso drink is somewhere around an ounce and a
10 half, 45-millimeter. Whereas, a whole carafe
11 brewing system provides water at about a
12 temperature of 90, plus/minus 5 degrees,
13 centigrade at atmospheric pressure for a brewing
14 duration of somewhere up to, you know, 15 minutes
15 and with a volume, typical volume ranging from the
16 smallest being a four-cup system to the largest,
17 that I'm familiar with, going as high as 16 or
18 maybe even beyond that cups of brewed -- brewed
19 liquid.

20 Q Now, a moment ago, you mentioned that
21 espresso was brewed at relatively low
22 temperatures.

1 A Correct.

2 Q What temperature are you referring to
3 when you say that?

4 A I have to consult the Nespresso --
5 Espresso Institute of Italy. But I believe that
6 the typical brewing temperature of espresso would
7 range somewhere around 75 to 85 degrees
8 centigrade.

9 Q Okay. But that's still a hot
10 temperature, right?

11 A What do you mean by "hot temperature"?
12 Where is your reference point, if I may ask?

13 Q What a human would feel to the touch.

14 A Yeah, yeah. I mean, yeah.

15 Q Now, earlier you mentioned a
16 high-quality espresso.

17 A Yes.

18 Q What are the qualities that you'd say
19 make a high-quality espresso?

20 A First of all, the taste. Espresso
21 being brewed very rapidly allows the extraction of
22 a certain type of organic oils -- oils or organic

1 acid. And as a result of it, a good, high-quality
2 espresso would almost taste sweet without any
3 addition of sweetener or sugar. And because of
4 the lower temperature is responsible for
5 extracting these types of oils.

6 Typically, a -- an espresso would
7 require a head of crema. Crema is formed by --
8 consist of very small bubbles of air where the
9 outer layer of each bubble consist of liquid and
10 inside of the bubbles are very small, somewhere in
11 the range of less than a millimeter, probably in
12 the range of .1 millimeter, which is kind of part
13 of the espresso experience. And, again, the
14 temperature of the brewed part -- product is
15 somewhere in the range of 75 degrees, which allows
16 you to immediately consume it upon being brewed.

17 Oh, I should also say the espresso has
18 a very high TDS. TDS stands for total dissolved
19 solids.

20 Q What does that mean, total dissolved
21 solvent?

22 A Sorry, did I say solvent? I mean to

1 say total dissolved solids.

2 Q I may have misheard you.

3 What does total dissolved solids mean?

4 A Total dissolved solids is a term used
5 in the art of making coffee that relates to what a
6 person would call the strength of the coffee. So
7 a typical carafe-type coffee would have total
8 dissolved solids in the range, again, I'm using a
9 number of 1 to 1 1/2. Espresso may have as high
10 as 4, 5, or 6.

11 Q Does that relate, at all, to the amount
12 of material left over after brewing -- strike
13 that.

14 Does that relate at all to the amount
15 of coffee material left over after brewing?

16 MR. BROOKS: Objection.

17 A Not really. It's a --

18 Q What causes the crema you mentioned a
19 moment ago?

20 A Very hard question to answer. It's
21 essentially -- it's -- it -- people have struggled
22 to explain what causes the crema in a typical, in

1 a typical espresso.

2 There are ways of creating -- if you
3 don't mind my elaborating here, there are ways of
4 what's known as faux crema, F-A-U-X, crema, which
5 involves taking a coffee, liquid coffee, and
6 bouncing it at high velocity against a solid wall
7 and, by doing so, creating those bubbles.

8 In a true espresso brewing process,
9 that does not necessarily have to happen and the
10 crema is formed as part of the -- the infusion
11 process, as the water passes through the densely
12 packed granules of coffee.

13 So my apology or not being able to be
14 more specific.

15 Q That's okay.

16 Give me a moment while I find an
17 exhibit for you.

18 MR. McCRAW: So I would like to
19 introduce a new exhibit. I believe we'll be
20 picking up at Exhibit 1067.

21 Could you, please, mark this as
22 Exhibit 1067.

1 (Exhibit 1067 marked for identification
2 and attached to the transcript.)

3 Q And what I'm handing you,
4 Mr. Glucksman, is United States Patent Application
5 Publication Number 2015/0289709, published on
6 October 15th, 2015.

7 Do you see that?

8 A Yes.

9 Q And this is a patent where the
10 applicant was Sunbeam Products.

11 Do you see that?

12 A Yes. I do.

13 Q And are you one of the named inventors
14 on this patent?

15 A It says so. The answer, yes.

16 Q At a high level, can you explain to me
17 how this system works, in this patent?

18 MR. BROOKS: Objection. Outside the
19 scope.

20 You can answer.

21 THE WITNESS: Okay.

22 A Okay. High level, you said?

1 Q (Nonverbal response.)

2 A There has been a marketing need for a
3 coffeemaker that is able to produce both a carafe
4 of coffee, as we discussed before, a carafe-type
5 coffee, as well as a single-serve of coffee so
6 that the counter space, at the home, will not be
7 occupied by more than one appliance.

8 This was a -- an objective that was
9 relayed to me and my team, and we were asked to
10 develop -- use some of our technology to develop
11 such a coffeemaker for Sunbeam, which was, at the
12 time, part of Jordab Corporation.

13 Q And if I understand this correctly, the
14 way in which you achieve a carafe or a
15 single-serve coffee is by having different sized
16 brew baskets that fit in the machine; is that
17 right?

18 A My recollection -- that's my
19 recollection, but I'll be happy to go and review
20 it one more time.

21 I'm just looking at the figures for --
22 at the moment, unless further clarification would

1 be required.

2 All right. Would you mind repeating
3 your question, sir?

4 Q If I understand this reference
5 correctly, the way you brew a carafe or
6 single-serve coffee is by having different sized
7 brew baskets that fit in the machine; is that
8 right?

9 MR. BROOKS: Objection. Hypothetical.

10 A I seem to recall that that is the case.

11 Q So once brewing is completed, what does
12 a user need to do to set up the system to brew it
13 a second time?

14 A Essentially, refill the coffeemaker
15 with another portion of ground coffee -- or, you
16 know, and the fill -- and the filter, if a filter
17 is being used. And then ensuring that there is
18 enough water in the water container to brew a
19 second carafe or a second single-serve coffee.

20 Q Well, what do you do with the coffee
21 that's left over from the first brewing before
22 putting in the new coffee?

1 A You remove the -- let's talk about the
2 carafe brewing right now. For example, you take
3 the old filter out --

4 Q -- uh-huh.

5 A -- and dispose of its content.

6 Q Uh-huh.

7 A And if it is a -- there may be a
8 permanent filter, which is made out of mesh, or
9 there may be a filter holder that includes, within
10 it, a paper filter. You, essentially, dump the
11 paper filter with its content. Or in the case you
12 have a permanent filter, you go wash it, dry it,
13 return the filter holder or the filter to the
14 machine, pour in more coffee grounds, as required
15 for the size of carafe that you are planning to
16 brew. Close the lid and start the machine.

17 Q Understood.

18 So, in terms of removing the filter and
19 cleaning it and putting it back, I didn't see that
20 in this patent. Is that a concept that's just
21 understood?

22 MR. BROOKS: Objection. Vague.

1 A (Nonverbal response.)

2 Q So I want to go back to the different
3 types of coffee brewing systems that we were
4 talking about and the key considerations. I think
5 we were talking about what considerations you
6 would look at when designing a coffee brewing
7 system.

8 Is reliability of a single-serve system
9 an important quality?

10 A Could you define the term
11 "reliability," please?

12 Q Well, as a designer, what do you
13 understand the term "reliability" to mean?

14 A Okay. Reliability, I could define
15 reliability as the product meeting the user's
16 expectations.

17 Q Is one quality of reliability, the
18 machine being able to function without breaking?

19 A Yes.

20 Q And if you were to break a single-serve
21 machine down into its components, what are the
22 components you would say are important for

1 reliability?

2 MR. BROOKS: Object to form.

3 A When we use the term "break down," what
4 do you -- are you -- it's a -- could you use a
5 different term?

6 Q Let me be clear. What I mean is, if
7 you were to evaluate a single-serve machine based
8 on its components --

9 A Yes.

10 Q -- what are the components you would
11 say are important for reliability?

12 A Maintaining an appropriate temperature
13 of water at point of delivery. Maintaining an
14 appropriate volume of water in -- you know, as a
15 function of the quantity of grounds in the
16 single-serve machine. Preventing bypassing,
17 making sure that all the water passes through the
18 coffee grounds. And I would say these are primary
19 concerns of a designer.

20 Q Okay. And when designing a
21 single-serve coffee system, would it be beneficial
22 to have multiple ways of ensuring that the

1 system's reliable?

2 A Again, if you don't mind clarifying,
3 what do you mean by "multiple ways to ensure that
4 the machine is reliable"?

5 Q So when designing a single-serve coffee
6 system, would it be beneficial to have more than
7 one way of ensuring that the system operates
8 reliably?

9 MR. BROOKS: Objection.

10 A I'm still -- I'm sorry. I don't mean
11 to be difficult, but I still don't understand.
12 What do you mean by "more than one way to
13 ensuring"? Maybe you could be more specific.

14 Q I mean more than one way of ensuring
15 that the system meets the user's expectations.

16 MR. BROOKS: Objection. Hypothetical.

17 A I'm unable, really, to answer that
18 question because I don't understand what you mean
19 by more than one way to ensure the reliability of
20 can mean.

21 Q Is vibration a factor to consider when
22 designing a single-serve coffee system?

1 MR. BROOKS: Objection. Hypothetical.

2 A Vibration of what?

3 Q Vibration in the system. It could be
4 anything.

5 MR. BROOKS: Objection. Vague.

6 A I am not able to -- to really answer it
7 in a -- in a -- in a meaningful way. So --

8 Q Let me ask it differently.

9 Can vibration of components impact the
10 reliability of a single-serve coffee system?

11 A I think one has to be very specific.
12 In other words, first of all, as a designer, you
13 want to make sure that a machine produces the same
14 result with -- repetitively. Therefore, you want
15 to make sure you avoid any elements in that
16 machine that may cause something to occur during
17 the operation that would create an unusual
18 circumstance.

19 Q And is vibration of components one
20 thing that could create an unusual circumstance?

21 A So, the question is, is it a deliberate
22 vibration or is it a vibration caused by some

1 unexpected element? You know, for example, water
2 being stuck in the tube during the brewing and
3 creating some kind of a vibration.

4 But I would say, generally speaking,
5 it's not a big deal. And I'm referring to
6 conventional equipment, not equipment that
7 involves rotation or centrifugal brewing.

8 Q Okay. Let's back up. Let's talk about
9 centrifugal brewing systems.

10 A Sure.

11 Q You would want a centrifugal brewing
12 system to be reliable, right?

13 A Yes.

14 Q Of course.

15 You -- if I understand you correctly,
16 and correct me if I'm wrong, you would want to
17 avoid vibration in a centrifugal system?

18 A You would want to avoid vibration in a
19 centrifugal -- in a centrifugal brewing system in
20 case that vibration would interfere, say, for
21 example, with clarity of identifying.

22 Q Okay. So someone designing a

1 centrifugal system would know they would want to
2 avoid that type of vibration for the reasons you
3 just said?

4 A Yes.

5 Q And just now, when you said
6 "identifying," are you referring to identifying
7 the capsule?

8 A Yes. Identifying the capsule and the
9 content of the capsule.

10 Q Let's talk about safety for a second.

11 A Sure.

12 Q Is safety a consideration when
13 designing a single-serve coffee system?

14 A Yes.

15 Q Is safety a consideration when
16 designing a centrifugal-based, single-serve coffee
17 system?

18 A So now we're talking about what do --
19 what is the definition of safety. In other words,
20 if you -- there are safety to the user or there is
21 a safety of the equipment not breaking down.

22 Q Let's talk about safety to the user.

1 A Okay.

2 Q Is safety to the user an important
3 quality when designing a centrifugal brewing
4 system?

5 A I would say yes. And, therefore, the
6 designer has to make sure that there are no --
7 there's no opportunity for the user to be injured
8 by the machine.

9 Q Such as by using the wrong capsule with
10 the machine, for example?

11 MR. BROOKS: Objection. Hypothetical.

12 A It would -- yeah, that would generally
13 not be considered a safety consideration.

14 Q What would be a safety consideration,
15 then --

16 A Okay.

17 Q -- in a centrifugal-based, single-serve
18 brewing system?

19 A Again, I could be a little more general
20 and saying, for example, if you press a button to
21 open the lid, you want to make sure that when the
22 lid opens, it doesn't hit your hand because of

1 where you put your hand during the pressing the
2 button. You want to make sure that when you are
3 done with the brewing cycle, that -- and you open
4 the lid, no water will spray the user. You want
5 to make sure that the capsule does not explode
6 during the, you know, operation.

7 Q Now, if you were using the wrong
8 capsule, the wrong -- strike that.

9 If you were using the wrong shaped
10 capsule in a machine, that didn't actually seal
11 the system, hot water could spray out at the user,
12 right?

13 MR. BROOKS: Objection. Hypothetical.

14 A If I were to design such a machine, I
15 would design it so that only the right capsule
16 could be, you know, placed in the machine and the
17 machine be -- you know, can be closed to avoid
18 that kind of an incident.

19 Q So you would want to -- you would want
20 to design a system so that the system wouldn't
21 even begin the brewing process if the wrong
22 capsule was in the machine, is what you're saying?

1 A Are you asking from a safety
2 consideration or from what other -- or from --
3 from a safety point of view, it doesn't really
4 matter if it was the right or wrong capsule, as
5 long as the machine is closed.

6 Q Okay. What about from a quality point
7 of view.

8 A From a quality point of view, you would
9 like to make sure that you control the, you know,
10 volume of water and the temperature of water. And
11 in a centrifugal brewing machine, the RPM of
12 the -- the speed of turning to optimize the
13 operation.

14 Q So, I want to go back to what you said
15 a moment ago, where you were saying it doesn't
16 really matter if you put the wrong capsule in the
17 machine. Is that, effectively, what you're
18 saying?

19 A From a safety point of view.

20 Q Okay. You've reviewed K-Fee's patents,
21 the four patents that are challenged in this case,
22 correct?

1 A I did.

2 Q What do you understand the purpose of
3 those patents to be if it's not preventing the
4 wrong capsule from being used in a machine?

5 MR. BROOKS: Objection.
6 Mischaracterizes prior testimony.

7 A I wasn't asked to opine on the four
8 K-Fee patents.

9 Q So you don't have an opinion on what
10 the K-Fee patents are designed to accomplish; is
11 that right?

12 MR. BROOKS: Objection.
13 Mischaracterizes prior testimony.

14 MR. McCRAW: Let's stick with form.

15 Q Go ahead.

16 A I reviewed the claims and I was asked
17 to opine on whether the claims were anticipated,
18 were covered by the prior art.

19 Q What do you understand the benefit to
20 be from the purported invention of K-Fee's patent?

21 MR. BROOKS: Object to form.

22 A I was -- I was not asked to opine on

1 it, so...

2 Q Well, you're a coffee system expert,
3 right?

4 A Yes.

5 Q Okay. And you've read those patents?

6 A I did.

7 Q Having read them, what do you
8 understand the benefit to be?

9 MR. BROOKS: Object to form.

10 A I really do not -- I'm -- I cannot
11 answer the question as to the benefit. I can
12 describe to you what has been claimed. But the
13 word "benefit" is not one that I can respond to.

14 Q Well, what do you understand to be
15 novel or nonobvious about the alleged invention?

16 MR. BROOKS: Object to form.

17 A Again, I was asked to look at the
18 claims and was asked to review the prior art,
19 which was what -- which was brought up by the
20 petitioner, and to opine on whether the claims
21 were anticipated or whether the prior art was --
22 it rendered the claims obvious. And I concluded

1 that it did not.

2 MR. McCRAW: Let's take a quick break.

3 THE WITNESS: Of course.

4 (Recess taken from 10:46 a.m. to
5 10:58 a.m.)

6 MR. McCRAW: Back on the record.

7 BY MR. McCRAW:

8 Q Welcome back, Mr. Glucksman.

9 A Thank you, sir.

10 Q Did you speak with counsel about the
11 substance of your testimony over the break?

12 A No.

13 Q Have you ever designed a single-serve,
14 capsule-based coffee system?

15 A Yes.

16 Q What was the time frame of that system?

17 A I believe I started the work around
18 2005, 2007.

19 Q Okay. And what kind of beverage did
20 the capsule in that system brew?

21 A The capsule was primarily designed to
22 brew coffee, and, specifically, in the range of

1 eight ounces, six to eight ounces cups. And it
2 was, though, adaptable to infusing steeping tea
3 and also dissolving cocoa powder into a chocolate
4 drink.

5 Q And how did the system operate to brew
6 a beverage, at a high level?

7 A System was designed to -- the system
8 consisted of a brew chamber into which a capsule
9 was being placed. The system had a water
10 reservoir with an integral heater placed in the
11 water reservoir. And the system was designed so
12 that when the capsule was placed in the brew
13 chamber and the lid of the machine was closed, it
14 concurrently -- it punctured the capsule in the
15 top of the cap -- and the bottom -- and created an
16 opening in the bottom of the capsule and, yet, at
17 the same time, also, sealed the boiling
18 compartment of the -- of the coffee machine.

19 Q When you say "the boiling compartment,"
20 what are you referring to?

21 A The boiling compartment, it was the
22 area where the water was placed and the heater,

1 when the unit was turned on, started heated up the
2 water.

3 Q So the system sealed both the boiling
4 compartment as well as the brewing chamber?

5 A Yes.

6 Q So you wanted multiple areas of safety
7 for that aspect; is that right?

8 A Yes.

9 Q And did the system work with more than
10 one type of capsule?

11 A No.

12 Q Could you describe the one type of
13 capsule that worked with it?

14 A Yes. It is described in my patent
15 application, which is an exhibit in this case, but
16 I'd be happy to describe the capsule to you as we
17 sit here.

18 The capsule consisted of a lower -- a
19 body, a lid. The body was -- consisted of a
20 filter, a flat filter that was on -- basically, on
21 the lower part of the capsule. It also consisted
22 of a water distribution plate that was placed

1 towards the top of the capsule, and the volume
2 between the filter and the water distribution
3 plate was filled with infusible material.

4 Q So --

5 A It was sealed to prevent oxygen from
6 entering the capsule.

7 Q Understood.

8 So did that capsule have a filter
9 inside its cavity?

10 A It did.

11 Q How were -- strike that.

12 What material were the capsules made
13 of?

14 A They were made out of plastic material.

15 Q How were they manufactured at a high
16 level?

17 A The capsule products were molded. The
18 filter was thermally sealed against ribs in the
19 capsule, and the -- there were seals made out of
20 aluminum foil, adhesive aluminum film that was
21 also applied by plastic parts. These parts were,
22 then, shipped from the manufacturer in Malaysia to

1 our filling facility, where the capsule parts were
2 filled in the filling machine by automation, and
3 coffee was -- coffee ground -- coffee was ground
4 in -- I should say it again. And ground coffee
5 was, then, dispensed into the capsule and the
6 capsule was evacuated and then provided with a --
7 in a gas, namely nitrogen, and the lid was, then,
8 sealed -- sealed onto the base.

9 And, subsequently, a label was applied
10 to the capsule to, essentially, identify the
11 content of the capsule.

12 Q Thank you.

13 Have you ever designed a
14 centrifuge-based coffee brewing system?

15 A No.

16 Q Have you ever designed any
17 centrifuge-based products, such as medical
18 centrifuges?

19 A No.

20 Q And you're familiar with optical codes,
21 correct?

22 A With -- with codes that are read

1 optically?

2 Q Correct.

3 A Yes.

4 Q And what are different ways of reading
5 a code optically?

6 A Well, essentially, a typical
7 optically -- optical code, say, known as a
8 barcode, consist of black-and-white areas. The
9 black areas, I refer to them as strips or
10 designs -- can be made in different width and they
11 can, then, be spaced apart from each other at
12 different distances and, thereby, forming a
13 multitude of -- you know, forming a variety of
14 differences in opacity or reflectivity, which can
15 be discerned by a sensor.

16 Q And how would a code like that be
17 discerned by a sensor?

18 A For example, a sensor may emit a ray of
19 light or infrared light, and that light, when it
20 hits an absorptive element, mainly a black line,
21 will be absorbed and not reflected. On the other
22 hand, when it is hitting a white or a reflective

1 area, it will be able to be -- it will reflect and
2 be able to be absorbed or recognized by the
3 sensor.

4 Q Have you ever designed a single-serve
5 coffee system -- strike that.

6 Have you ever designed a single-serve
7 beverage system that uses -- strike that.

8 Have you ever designed a single-serve
9 beverage system that integrates a code reader into
10 the device?

11 A I did design one that the code is
12 actually being read by a smartphone rather than
13 the device. But I'm well aware and was involved
14 in development of devices that included a
15 device-based sensor.

16 Q When you say "a device-based sensor,"
17 what are you referring to?

18 A Okay. What I'm saying is when you
19 take -- allow me to elaborate, to explain what I'm
20 meaning by that.

21 When you have a capsule, for example,
22 that contains a -- an identifier, or a code, and

1 you place that capsule in a device, being the
2 coffee brewer or the beverage brewer, that device
3 has a sensor, one sort or the other, that is
4 designed to read the identifier. That's what I'm
5 referring to as a "device-based sensor."

6 Q I thought you testified that you had
7 not designed a capsule system that included a
8 device sensor integrated into it.

9 Am I incorrect?

10 A I think if you -- I believe that I
11 stated that I did develop a beverage -- a drink
12 maker that include -- it involved a -- the use of
13 an identifier placed on the capsule.

14 MR. McCRAW: I'd like to mark a new
15 exhibit, I believe it's Exhibit 1068.

16 Could you mark that, please.

17 (Exhibit 1068 marked for identification
18 and attached to the transcript.)

19 Q This is United States Patent Number
20 11,565,930, issued on January 31, 2023, to
21 Dov Glucksman.

22 Take a moment and review the exhibit,

1 sir.

2 A Thank you, sir.

3 I'm going through the figures only, to
4 explain. I'm -- I'm familiar with this.

5 Q Actually, I know I just introduced
6 this. But I actually want to quickly go back to a
7 point we were just talking about.

8 You mentioned your description of what
9 you thought a barcode was and how it was read
10 using an infrared light. Do you remember that a
11 minute ago?

12 A I said infrared light as a possibility.

13 Q As a possibility.

14 And you were explaining how that light
15 would be directed to the black or white portions,
16 the absorptive or reflective portions, and then be
17 able to discern information from that; is that
18 right?

19 A Correct.

20 Q Okay. Would increasing the surface
21 area of that code increase the chances of it
22 correctly being read by the sensor?

1 MR. BROOKS: Objection. Hypothetical.

2 A Okay. So I think I will have to ask
3 you to rephrase your question. Because are you
4 talking about as we -- as I stated before and as
5 shown in this new exhibit, a barcode consists of a
6 number of bars, okay, that are different -- that
7 are differentiated from each other in width. And
8 that are differentiated and the gap or the spacing
9 between each consecutive bar is different, which
10 allows the information -- a lot of information to
11 be stored.

12 So the question that you asked was, by
13 enlarging it, would that help? And the question
14 is, are you adding more bars on --

15 Q No.

16 A -- or are you making the bars larger?

17 Q No. Simply just making the size of the
18 image larger.

19 A Using the same number of bars?

20 Q Same number.

21 A That's a good question and it's one
22 that's going to be difficult for me to answer

1 because it relates to the ability of the scanning
2 beam to travel. The scanning beam doesn't really
3 require a lot of -- I mean, the speed of light is
4 so rapid that it -- enlarging it may not
5 necessarily help.

6 Q What about enlarging the length? Would
7 that increase the chances that the laser actually
8 hits the bars?

9 MR. BROOKS: Object to form.

10 A It's a good question. In some cases, I
11 would say yes, in the event that the bar cannot be
12 precisely placed within the machine and,
13 therefore, by enlarging it, you increase the
14 likelihood that you can read it, even if it was,
15 you know, not exactly placed in the exact
16 location.

17 Q Okay. Let's move on to this '930
18 patent.

19 So, if I'm correct, you are a named
20 inventor on this patent; is that correct?

21 A That's correct.

22 Q And this patent, the applicant is

1 Appliance Development Corporation, which is the --
2 your corporation that you mentioned earlier today;
3 is that right?

4 A Yes.

5 Q Now, you're not the only named
6 inventor, right.

7 A I believe there are two other
8 inventors, but I would like to make sure. Andrew
9 Joseph Rojee and Michael David Miller, and Joseph
10 Grossi, who were employees of mine.

11 Q What was your contribution to this
12 patent?

13 A Can you -- I'm sorry. Sorry for -- for
14 asking to clarify.

15 When you mean "contribution" can you be
16 more specific in directing your -- me to --

17 Q So what I'm referring to is the fact
18 that there's four named inventors on this patent.
19 And sometimes when there are multiple inventors on
20 a patent, it means that different people
21 contributed different aspects of the invention?

22 A Correct.

1 Q Which is why they're named as an
2 inventor.

3 A Correct.

4 Q So what I'm trying to understand, what
5 do you understand your contribution to this patent
6 to be, as opposed to some of the other inventors?

7 A The original concept was mine. The
8 choice of the different embodiments was my
9 contribution. And many of the mechanical aspects
10 were my contribution.

11 It would be easier for me to say that,
12 for example, Michael Miller, who was my industrial
13 designer, contributed to the appearance of the
14 product. Joseph Grossi, who was my expert
15 electronics guy, contributed to aspects of the
16 electronic control. And Andrew, who was my senior
17 development engineer, contributed to, you know,
18 aspects of the product in general.

19 Q Who developed the capsule
20 identification system?

21 A The capsule identification system was
22 really not developed, per se.

1 Q What do you mean by that?

2 A What I meant to say is barcodes and
3 sensors are known, and, therefore, the -- at the
4 time that this patent was drafted and submitted,
5 we did not focus on the specific development of
6 the barcode or the sensor.

7 Q And that's because integrating that
8 type of brewing control was known to a person of
9 skill in the art?

10 A Yes. Strike that.

11 What I mean to say is that was not the
12 only reason, but I admit that sensors and barcodes
13 are known in the art and we were not compelled, at
14 that point, to finalize that design.

15 Q Okay. So if I understand it correctly,
16 you're saying that the system that's described in
17 this patent and is patented, was not a final
18 product; is that right?

19 A When you're saying "the system," what
20 are you referring to? Are you referring to the
21 structure.

22 Of the elements, or are you referring

1 to the controls as shown in Figures 11 through.
2 Sorry when I say control, the flowchart that is in
3 Figures 11 through 16, I believe.

4 Q I'm just asking if the product that's
5 described in this '930 patent was a commercially
6 viable product at the time?

7 MR. BROOKS: Objection. Relevance.

8 A I may -- I can answer it in a way that
9 we did not prototype or manufacture the product in
10 its entirety at the time of the application.

11 Q So, at the time of the application,
12 this was not in a place that was ready for
13 commercialization; is that right?

14 A That's -- that is correct.

15 Q Now, I believe this is the system you
16 were referring to earlier, where a cell phone
17 takes a picture of a code on a capsule.

18 Is that right?

19 A Yes.

20 Q But this system does not have any kind
21 of optical sensor for reading a code integrated
22 into the device; is that right?

1 A This system does not. I believe that
2 it does not because the claimed aspect of it was
3 that the sensor is remote.

4 Q How many patents have you been an
5 inventor on; do you know?

6 A More than a hundred.

7 Q Have any of your patents been
8 continuations?

9 A Yes.

10 Q Have any of your patents been
11 continuations in part?

12 A Yes.

13 Q What do you understand a continuation
14 in part to be used for, in patents?

15 A I understand that it -- you know, and I
16 may be wrong about my understanding. That at the
17 time that the patent is granted, the Patent Office
18 allows the patentee to file a CIP to add a subject
19 matter, if I may use that term, to the
20 application -- to come up with a new application
21 with additional subject matter.

22 Q And that application can add additional

1 content describing the invention; is that right?

2 MR. BROOKS: Object to form.

3 A I believe so. I'm not a patent lawyer,
4 so...

5 Q Let's go back to the '930 patent. I
6 have another question about it.

7 Do you understand this patent to be
8 enabled?

9 MR. BROOKS: Objection. Relevance.

10 A Which are you talking about?

11 Q I'm referring to the '903 patent,
12 Exhibit 1068.

13 A Oh, the '930?

14 Q I'm sorry, you're correct, and I was
15 incorrect. The '930 patent.

16 A Right.

17 Q Do you understand this patent to be
18 enabled?

19 MR. BROOKS: Objection.

20 A I don't understand the term "enable," I
21 apologize.

22 Q You don't understand the term

1 enablement?

2 A No.

3 Q Another question. Have you ever heard
4 the term embossed before, in the context of
5 mechanical engineering?

6 A Embossed?

7 Q Embossed, E-M-B-O-S-S-E-D.

8 A Like something being embossed right
9 here?

10 Q Well, I was going to ask you what it
11 meant, actually. What do you understand embossed
12 to mean?

13 A Embossed, I believe to be a process
14 where a mechanic -- where a -- let's say a word or
15 a term is being applied to something through the
16 process of applying pressure by a dye that has the
17 reverse image of that word or term to a, say,
18 piece of leather or other material.

19 Q Like a stamp; is that right?

20 A If you wish to use that term.

21 Q And if you were embossing something
22 made of metal, how do you understand that to work?

1 MR. BROOKS: Object to form.

2 A As I said, there is a dye that has a
3 reverse image of what you are looking to create in
4 that piece of metal, and the dye is applied under
5 pressure to the piece of metal and it forms a
6 variation in the height of the surface, which is
7 readable.

8 Q I see.

9 So it changes the shape of the metal;
10 is that correct?

11 A If you say so, yes.

12 Q I'm asking you. Does it change the
13 shape of the metal?

14 A When you say "the shape of the metal,"
15 it locally -- it creates an image. It creates --
16 yeah, it changes the shape of the metal in that
17 particular area.

18 Q But it doesn't add any material to the
19 metal, does it?

20 A I don't believe so, but I may be wrong.
21 I'm not -- I'm not qualified to answer whether the
22 term "embossing" involves adding material.

1 MR. McCRAW: Okay. I'm going to hand
2 you your four declarations from these four IPRs,
3 which -- all of which, I believe, have previously
4 been marked as Exhibit 2022, in the respective
5 proceedings. And for the record, I will note that
6 the proceeding in this question here is Nespresso
7 USA, Inc. v. K-Fee System GMBH, for IPR numbers
8 2024-00254, IPR 2024-00304, IPR 2024-00299, and
9 IPR 2024-00257.

10 MR. BROOKS: Just so the record is
11 clear, I think they're Exhibit 2020.

12 MR. McCRAW: Yes.

13 A Do I need these any further or should I
14 put them to the side?

15 Q Put them to the side is okay.

16 (Exhibit 2020 previously marked for
17 identification and attached to the transcript.)

18 MR. McCRAW: And, also, for the record,
19 the '257 proceeding relates to
20 U.S. Patent Number 11,548,722, which I'll refer to
21 as the '722 patent. The 299 IPR proceeding refers
22 to U.S. Patent Number 11,554,910, which I will

1 refer to as the '910 patent. Proceeding 254
2 relates to IPR number [sic] 11,465,829, which I'll
3 refer to as the '829 patent. And proceeding 304
4 relates to U.S. Patent Number 11,465,830, which I
5 will refer to as the '830 patent.

6 I'm going to hand you these four
7 declarations right now.

8 A Thank you, sir.

9 Q Please take a second and just look at
10 them.

11 A It would be a long second. But,
12 please, proceed.

13 Q Okay. Let's start with the '910
14 declaration. This is Exhibit 2020 in IPR number
15 299, relating to the '910 patent.

16 Is that what you have in front of you?
17 It sure is.

18 Let's turn to page 110. I believe it's
19 your signature page.

20 And is that your signature,
21 Mr. Glucksman?

22 A Yes, sir.

1 Q And it's dated October 1st, 2024; is
2 that correct?

3 A That's correct.

4 Q And you signed this under penalty of
5 perjury; is that correct?

6 A Yes.

7 Q And have any of your opinions in this
8 declaration changed since you've signed it?

9 A I don't believe so. There may be some
10 additions that are -- you know, some additional
11 aspects that came to my mind, but, in essence, no.

12 Q Well, that's what I'm trying to
13 understand. Is there any of your opinions that
14 have changed since you've signed? Because I would
15 want to know that now.

16 A Yeah. Like I said, I don't -- I
17 might -- I am comfortable with the -- with what I
18 provided here as a -- as my declaration as of that
19 date. More ideas might have come to my mind since
20 then.

21 Q Is there anything inaccurate in this
22 declaration, that you're aware of?

1 A I'm not aware of anything that's
2 inaccurate.

3 Q And sitting here today, is there
4 anything you'd like to correct in this
5 declaration.

6 A Not in substance.

7 Q Does this declaration contain all of
8 the opinions you intend to offer in the 299 IPR as
9 of today?

10 A As it relates to the '910 patent?

11 Q Uh-huh.

12 A So can you repeat that question,
13 please. Is that all?

14 MR. McCRAW: Could you read it back for
15 me, please?

16 (The requested text was read by the
17 reporter as follows: "Does this declaration
18 contain all of the opinions you intend to offer in
19 the 299 IPR as of today?")

20 A Unless something else comes up during
21 conversation, yes.

22 Q Does this declaration include all of

1 the analysis that you believe is necessary to
2 support your opinions?

3 A Yes.

4 Q Okay. Let's move on, for a moment, to
5 the '722 declaration, which is for the
6 257 proceeding.

7 A Yes, sir.

8 Q And I just want to go through the same
9 series of questions, for the record.

10 If we could go to page 108.

11 A Okay.

12 Q Okay. Is that your signature on
13 page 108, Mr. Glucksman?

14 A Yes.

15 Q Okay. And you signed this under
16 penalty of perjury, correct?

17 A Yes.

18 Q Have any of your opinions in this
19 declaration changed since you've signed it?

20 A Not in substance.

21 Q Is there anything inaccurate, that
22 you're aware of, in this declaration?

1 A No.

2 Q Is there anything you'd like to correct
3 in this declaration?

4 A Not in general terms.

5 Q What do you mean by that?

6 A In other words, if I'm point -- if
7 something is pointed out to me and I find that I
8 made an error in -- in the statement, I would like
9 to have the opportunity to explain.

10 Q Okay. But at this moment, you're not
11 aware of anything you'd like to correct in this
12 declaration --

13 A No, sir.

14 Q -- is that right?

15 And does this declaration contain all
16 the opinions that you intend to offer in the 257
17 IPR as of today?

18 A As it relates to the -- to this patent?
19 Yes.

20 Q Does this declaration include all of
21 the analysis that you believe is necessary to
22 support your opinions?

1 A I believe so.

2 Q Okay. Let's move on to the '830
3 declaration for the 304 IPR proceeding.

4 A Yes.

5 Q Same series of questions. If we could
6 go to page 109, please.

7 A Yes.

8 Q Is that your signature, Mr. Glucksman?

9 A It is.

10 Q And you signed this under penalty of
11 perjury, correct?

12 A Yes.

13 Q And have any of your opinions in this
14 declaration changed since you've signed it?

15 A No.

16 Q Is there anything inaccurate, that
17 you're aware of, in this declaration?

18 A No.

19 Q Is there anything that you'd like to
20 correct in this declaration?

21 A Not that I'm aware of.

22 Q Does this declaration contain all of

1 the opinions you intend to offer in these IPRs as
2 of today?

3 A Yes.

4 Q And does this declaration include all
5 of the analysis that you believe is necessary to
6 support your opinions?

7 A Yes.

8 Q Okay. Let's move on to the final
9 declaration, the '829 patent, for the 254
10 proceeding. And let's turn to page 102.

11 Is this your signature on page 102,
12 Mr. Glucksman?

13 A Yes.

14 Q And you signed this under penalty of
15 perjury, correct?

16 A Yes.

17 Q Have any of your opinions in this
18 declaration changed since you've signed it?

19 A I don't believe so.

20 Q Is there anything inaccurate in this
21 declaration, that you're aware of?

22 A No.

1 Q Are you aware of anything you'd like to
2 correct in this declaration?

3 A Not as of this point -- moment.

4 Q Does this declaration contain all of
5 the opinions that you intend to offer in this IPR
6 as of today?

7 A Yes.

8 Q And does this declaration include all
9 the analyses that you believe is necessary to
10 support your opinions?

11 A Yes.

12 Q Okay. Let's go back to the '910
13 declaration.

14 And let's go to pages 11 and 12, and,
15 actually, spanning through 18. It's a table.

16 Do you see it?

17 A Yes.

18 Q And starting on page 16, the exhibit
19 numbers begin with the number 2000, do you see
20 that, and it spans through 18?

21 A Correct.

22 Q Have you reviewed all of these

1 exhibits, Mr. Glucksman?

2 A I have.

3 Q And of these exhibits, specifically
4 Exhibit 2001 through 2033, were these exhibits
5 provided to you by counsel or did you identify any
6 of these exhibits yourself?

7 A They were provided by counsel.

8 Q Okay. Are you aware that there's also
9 a district court litigation pending in California
10 between K-Fee and Nespresso?

11 A I am.

12 Q Have you been retained as an expert in
13 that proceeding?

14 A I believe I have, but -- because I --
15 I -- I was told that --

16 MR. BROOKS: Don't reveal
17 communications with counsel.

18 THE WITNESS: I'm sorry?

19 MR. BROOKS: Please do not reveal
20 communications with counsel.

21 A I believe I have.

22 Q And on what issues have you been

1 retained to provide opinions in the District Court
2 case?

3 A I have -- I'm -- I -- I wasn't -- to my
4 recollection, I wasn't given any issues to opine
5 on.

6 Q Have you formed any opinions regarding
7 infringement in the district court case?

8 A No.

9 Q Going back to pages 11 through 18 in
10 the '910 proceeding. In forming your opinions,
11 did you review any materials other than those
12 cited here in this declaration?

13 MR. BROOKS: Object to form.

14 A I cannot think of any exhibits other
15 than these that I was -- that I reviewed.

16 Q Is that answer the same for the other
17 three IPR proceedings, the 254, 304, and 257?

18 A Yes.

19 Q Going back to the district court
20 litigation. Have you formed any opinions on claim
21 construction in the district court?

22 MR. BROOKS: Objection. Relevance.

1 Scope.

2 A I have not.

3 Q So your declarations opine on the issue
4 of obviousness; is that right?

5 A I believe so.

6 Q Okay. What do you understand is
7 required to establish obviousness with a single
8 reference?

9 A I prefer to read -- you know, use the
10 advice -- the information I was provided by
11 counsel with regard to obviousness so not to
12 misspeak.

13 Q Sure. I believe that starts on
14 paragraph 37 of your '910 declaration.

15 A Obviousness. Correct. Would you like
16 me to read that to you or --

17 Q I would like you to explain to me what
18 you understand is required to establish
19 obviousness using a single reference.

20 A Then I have to take a few minutes to
21 read it.

22 Q Please, go ahead.

1 A Okay. So -- in paragraph 37, states
2 that counsel has informed me and I understand that
3 a patent claim is invalid as obvious under US
4 35 -- under 35 103 in light of one or more prior
5 art references if -- if it would have been obvious
6 to a person of ordinary skill in the art at the
7 time of the alleged invention, taking into
8 account, one, the scope content of the prior art,
9 two, the differences between the prior art and the
10 claims. Three, the level of ordinary skill in the
11 art. And four, any so-called secondary
12 considerations of nonobviousness, which would --
13 which include long-felt need to the claim to -- to
14 be -- to the claimed invention, commercial success
15 attributable to the claimed invention, expected
16 result of the claimed invention and skepticism of
17 others, failure of others to achieve the claimed
18 invention, and copying of the claimed inventions
19 by others.

20 Q Okay. I want to ask you, for a minute,
21 about the differences between single reference
22 obviousness and multiple reference obviousness.

1 Specifically, what do you understand
2 the difference to be in establishing single
3 reference obviousness versus multiple reference
4 obviousness?

5 A I guess I will have to, again, refer to
6 what counsel advised me or taught me.

7 Do you -- can you help me in directing
8 me to the right paragraph for the sake of...

9 Q You could try 38. I don't know if it
10 necessarily answers the question, but go ahead and
11 read it.

12 A Thank you.

13 So, I'm -- my paragraph 38 says that
14 counsel has informed me and I understand that a
15 claim may be obvious in light of a single prior
16 art reference or multiple prior art references to
17 be -- period. To be obvious, in light of a single
18 prior art reference or multiple prior art
19 references, there must be a reason that would have
20 prompted a POSITA to modify the single prior art
21 reference or combine two or more references in a
22 manner that provides the element of the claimed

1 invention. The reason may come -- sorry. The
2 reason may come from teaching, suggestions, or
3 motivations to combine. The references,
4 themselves -- to combine the references
5 themselves. The knowledge of a common sense of a
6 POSITA or from the nature of the problem to be
7 solved. The reason that would have prompted a
8 POSITA to modify a single prior art -- art
9 reference, or combine two or more references, may
10 be explicit or implicit from the prior art as
11 owned.

12 I've been informed that, under the law,
13 the combination of familiar elements, according to
14 a known method, is likely to be obvious when it
15 does no more than give a predictable result. I
16 also understand it is improper to rely on
17 hindsight of making an obviousness determination.

18 Q Thank you for reading paragraph 38 of
19 your report. Let me ask another question.

20 When dealing with single reference
21 obviousness, do you need a motivation to combine
22 embodiments within the reference?

1 A I don't -- I don't know the answer to
2 that. And if there is somewhere in the
3 declaration that this is, um, elaborated or
4 explained, please, point me out to it.

5 Q To establish obviousness with multiple
6 references, does it require demonstrating a
7 motivation to combine embodiments within a
8 particular reference?

9 A You -- okay. Was your question -- your
10 question was -- related to multiple references.
11 And the motivation to combine aspects from those
12 multiple references? Was that your question?

13 MR. McCRAW: Could you read back the
14 question, please.

15 (The requested text was read by the
16 reporter as follows: "To establish obviousness
17 with multiple references, does it require
18 demonstrating a motivation to combine embodiments
19 within a particular reference?")

20 A Okay. So, the way I understand the
21 question is I have two multiple -- I have two
22 references. And you're asking, in order to --

1 to -- to -- to have the motivation to combine
2 these two, I should -- am I combining references
3 within a particular reference? Or did you say --
4 did you mean to say those two references?

5 Q Let me try to clarify for you.

6 A Thank you.

7 Q In a multi-reference obviousness
8 combination, where one of the references teaches
9 more than one embodiment --

10 A One reference teaches more than one
11 embodiment, okay.

12 Q -- but there are other references
13 involved in the obviousness combination as well.
14 Do you understand?

15 A All within one -- within one patent,
16 one patent?

17 Q As well as an additional patent.

18 A Okay.

19 Q Do you need a motivation to combine the
20 embodiments of the single patent when combining,
21 also, with a second patent?

22 A And that's what my question to you was.

1 Back to the question as to whether there -- there
2 has to be a mot -- if there is a reference in my
3 declaration that pertains to the motivation of
4 combining references within a single patent. And
5 I didn't hear if you had an answer to that.

6 If you could point me to it, then I'd
7 be happy to read that.

8 Q I'm not aware -- I'm not aware of one.
9 That's why I'm asking you, is I'm trying to
10 understand, when forming your opinions of
11 obviousness in this case, were you -- were you
12 requiring a motivation within a particular
13 reference for the embodiments?

14 A I'm trying to visualize. So, having --
15 you know, involved in developing patent language,
16 it is my understanding that a patent should
17 disclose the embodiments that are relevant to
18 the -- to what -- what is being claimed. And --
19 so, if there are different references within a
20 particular patent that are very different from
21 each other I don't know if I -- a POSITA would be
22 motivated to combine these references. That's --

1 it is my understanding.

2 Q So in these IPRs, they involve
3 combining a Yoakim reference with another Jarisch
4 reference, as well as some other references?

5 A I understand that.

6 Q Do you understand that?

7 A Yes.

8 Q And my question for you is, in using
9 Yoakim's teachings to combine with the other
10 references to achieve the claimed invention, were
11 you requiring a motivation to combine Yoakim's
12 embodiments with one another?

13 MR. BROOKS: Object to form.

14 A I understand -- again, it's very hard
15 for me -- I think I answered that question before.

16 You're talking about taking a Yoakim
17 embodiment and combining it with a Jarisch or a --
18 Rapparini, or whatever other references, which I
19 understand there has to be a motivation to combine
20 them. But you're also asking whether in the
21 context of combining references from two different
22 sources, whether combining references from a

1 singular source, single patent, whether there's a
2 motivation to do that.

3 And I'm saying, as a -- as a technical
4 person, I would -- I would understand that
5 different embodiments entail descriptions of
6 concepts that being -- are being discussed in
7 the -- in the -- in the application. But a POSITA
8 would have to use its own judgment as to whether
9 there is a motivation to combine these within a
10 single reference. That's my understanding.

11 Q Okay. Let me -- let me try to clarify
12 and make sure I understand what you've asked -- or
13 what you've answered, rather.

14 A Yes, sir.

15 Q When evaluating the complete disclosure
16 of Yoakim, in combination with Jarisch or another
17 reference, are you saying there needs to be a
18 motivation to combine Yoakim's embodiments with
19 one another?

20 A I believe so. I believe that a person
21 skilled in the art would have to be convinced that
22 there is a motivation to combine different --

1 different embodiments and it would be the -- the
2 patent -- you know, the -- the -- the drafter of
3 the patent to explain why such have to be -- are
4 combinable.

5 Q Okay. Let's talk about claim
6 construction, for a minute, as forming these
7 opinions in your declarations.

8 Did you interpret the claim language of
9 the respective patents?

10 MR. BROOKS: Object to form.

11 A Okay. I was -- I looked at the claim
12 language, and I used that claim language and I --
13 in understanding why the petitioner sought to
14 combine references to label these claims as
15 obvious, in my replies, I found that I did not
16 think -- well, that the -- in my opinion, the --
17 the -- what the petitioner claimed was not in line
18 with my understanding.

19 Q Okay. And to evaluate whether the
20 prior art was -- strike that.

21 To evaluate whether the prior art
22 disclosed what was in the claims --

1 A Whether the prior art -- okay. Go
2 ahead.

3 Q Strike that.

4 To evaluate whether the prior art
5 disclosed what was in the claims, did you
6 interpret the claims?

7 MR. BROOKS: Object to form.

8 A I read the claim language and that --
9 that's what I was -- you know, what I used as a
10 guide for my opinion.

11 Q How did you determine the meaning of
12 the words in the claim across the four patents?

13 A Well, the meaning was -- you know, the
14 meaning was clear to me when I read -- when I read
15 the claim language.

16 Q And what did you use to inform yourself
17 as to whether those -- the meaning was clear?

18 A My understanding of the words.

19 Q Did you consider anything else to
20 determine the meaning of the claims?

21 MR. BROOKS: Object to form.

22 A No. I didn't.

1 Q Do any of the terms of the four patents
2 require a construction, in your opinion?

3 A I don't understand the term
4 "construction."

5 Q Do any of the terms of the four patents
6 require a specific definition, in your opinion?

7 MR. BROOKS: Object to form.

8 A I don't understand the term "specific
9 definition."

10 Q Were you using the plain and ordinary
11 meaning of the terms when you were evaluating the
12 claims?

13 A Was I using the plain?

14 Q And ordinary meaning of the terms when
15 you were evaluating the claims?

16 A Yes.

17 Q Okay. And what informed your
18 understanding of the plain and ordinary meaning of
19 the terms? Anything?

20 A No.

21 Q Okay.

22 A No.

1 MR. BROOKS: We've been going over an
2 hour.

3 MR. McCRAW: Sure. We can take a
4 break.

5 (Recess taken from 12:08 p.m. to
6 12:50 p.m.)

7 MR. McCRAW: Are we on the record?

8 BY MR. McCRAW:

9 Q Welcome back, Mr. Glucksman. During
10 the lunch break, did you speak with your counsel
11 about the substance of your testimony?

12 A No.

13 Q Now, you've used single-serve coffee
14 systems before, right?

15 A Used, as a consumer?

16 Q Correct.

17 A Yes.

18 Q Have you ever owned one?

19 A Yes.

20 Q What model have you owned?

21 A I owned my own model, the one that we
22 developed for Brew One. I owned a -- I currently

1 own a retro espresso machine. A owned a De'Longhi
2 machine, I owned several Jura machines, a Philips
3 machine, and --

4 Q Okay. So in any of these machines,
5 after they've been used over time, have you ever
6 seen leftover coffee sitting inside of the brewing
7 chamber?

8 A What do you mean? Coffee -- you mean
9 grounds of coffee, coffee grounds?

10 Q Either grounds or dried liquid coffee.

11 A I don't recall having seen coffee
12 grounds in a machine. And, you know, there may be
13 some film of liquid coffee.

14 Q Right. You need to clean the machines
15 periodically, correct?

16 A Yes.

17 Q And if you don't clean the machines,
18 like, a residue can build up inside the chamber;
19 is that right?

20 A Stands to reason.

21 Q And what do you understand that residue
22 to be made of?

1 A Essentially, dried organic acids or
2 oils.

3 Q Let's go back to your '910 declaration.
4 I want to go to paragraph 15.

5 A Okay.

6 Q Let me know when you're there.

7 A Okay.

8 Q And before I ask you, why don't you
9 just take a moment and review paragraph 15.

10 A Okay. That is on page 5?

11 Q Correct.

12 A Okay. Yeah, I finished reading --

13 Q Okay.

14 A -- the paragraph.

15 Q So in this paragraph, you discuss your
16 first exposure to pod-based, single-serve
17 coffeemakers.

18 Do you see that?

19 A Yes.

20 Q What do you mean by "pod-based"?

21 A Okay. The term pod or pad is -- is
22 used in German-speaking countries, is a

1 single-serve -- single-serve coffee or otherwise
2 brewing material that is ground and packaged in a
3 filter material that is sealed, essentially,
4 consisting of an upper and lower disc of filter
5 material that is filled automatically in filling
6 equipment and then sealed on its periphery to
7 prevent -- to, basically, create a pod or create
8 this particular pouch that holds the coffee.

9 Q So do you always need a filter in a pod
10 system?

11 MR. BROOKS: Object to form.

12 A No. For example, I just had a -- made
13 myself a cup of coffee in the Nespresso machine
14 out here, and that Nespresso machine uses a pod,
15 again, cylindrically shaped pod that is made out
16 of aluminum foil and is, therefore, not made out
17 of a filter material.

18 Q Okay. Now, the second sentence of
19 paragraph 15 states "I recognized then the
20 commercial value of single-serve coffee making and
21 started working in my lab on different options for
22 such technology."

1 Do you see that?

2 A Yes. I saw that.

3 Q Can you describe your lab setup that
4 you're referring to there?

5 A Oh, okay. The company that I founded
6 and that managed for some close to 50 years, or
7 around 50 years, was a product development firm.
8 We focused and specialized in developing electric
9 appliances. And in order to test the concepts, we
10 had a lab, laboratory, where we built prototypes
11 or tested complete appliances to learn or to
12 improve the functionality of the -- of the
13 appliance.

14 Q And how did the process of beginning a
15 design start in your lab? How did you begin that
16 process?

17 A It -- are you talking, for
18 clarification sake, are you talking about the
19 process of developing a product?

20 Q Sure. Go ahead.

21 A Okay. So, you either have an idea
22 about any product that you think -- when I say

1 "you," myself or one of my team members came up
2 with an idea of a product that we felt was
3 worthwhile developing. We usually used the
4 brainstorming session to -- for input for various
5 people to provide their input to the concept. And
6 if the concept appears to be valid and of value,
7 we, then, proceeded to develop the product, which
8 usually started with a very preliminary prototype
9 that was designed to, um, test the concept.

10 It was not something that resembled, in
11 any way, the end product. But it allowed us, the
12 team of -- our technical team, to learn whether
13 the concept was viable, whether the end product of
14 the -- of the, um -- end product was produced,
15 let's say, coffee was of the quality that deserved
16 continuing to develop it.

17 Q I see. Is that what you would call
18 laboratory model?

19 A Yes.

20 Q Okay. And did any of those designs,
21 that started as laboratory models, ultimately
22 become commercial products?

1 A Yes.

2 Q And did any of those designs, that
3 started as laboratory models, ultimately become
4 patented?

5 A Yes.

6 Q Okay. Let's go to a different part of
7 your declaration. Actually, let's talk about the
8 '910 patent claims themselves.

9 A Oh, okay.

10 Q Let me make it easier. Actually, I'll
11 just give you a copy of the patent to make it
12 easier.

13 A I rephrase this.

14 MR. McCRAW: So I'd like to introduce
15 what has been previously marked as Exhibit 1001 in
16 the IPR 299 proceeding. And this is a copy of the
17 '910 patent to Krüger.

18 (Exhibit 1001 previously marked for
19 identification and attached to the transcript.)

20 A Thank you.

21 Q And you can turn to the back and begin
22 reviewing claim 1.

1 A I'm looking at column 12.

2 Q Uh-huh.

3 A Starting line 52. Is that...

4 Q Yes, correct.

5 A Good, thank you.

6 Q And I actually want to direct you to a
7 specific claim limitation.

8 A Okay.

9 Q And it is located on column 13,
10 lines 30 and 31.

11 A Okay.

12 Q And it recites "Wherein the portion
13 capsule is free of a filter inside of the cavity."
14 Do you see that?

15 A Give me a minute, please.

16 Q Sure, sure.

17 A Did you say a line?

18 Q Lines 30 and 31 on column 13.

19 A 30 and 31. Wherein the portion capsule
20 is free of a filter inside of the cavity and
21 wherein -- sorry, the individualization -- oh,
22 sorry. 30 and 31, correct.

1 Q So, my question for you is, does the
2 '910 patent claim prohibit any filter, at all,
3 being used in the entire brewing system?

4 MR. BROOKS: Object to form.

5 A I can -- to answer that question, I --
6 I will read aloud the claim language, where it
7 says "wherein, the portion capsule is free of a
8 filter inside of the cavity."

9 Q Right. I understand that language.
10 And what I'm asking you is, in interpreting that
11 language, do you understand the claim to prohibit
12 any filter, at all, from being used in the entire
13 system?

14 MR. BROOKS: Object to form.

15 A I mean, the claim language is -- is
16 silent as to -- for there being anywhere in the
17 system.

18 Q So the claim does not prohibit a filter
19 being used generally in the system?

20 A Well, the claim language says it is
21 free of a filter inside of the cavity.

22 Q So that's the only aspect -- that's the

1 only -- strike that.

2 So the only feature that this
3 limitation prohibits is a filter inside of the
4 cavity; is that correct?

5 A You say prohibits or covers?
6 Prohibits, meaning if somebody has a filter inside
7 a cavity, this claim would be infringed?

8 Q Well, this is a negative claim
9 limitation, where the capsule is free of a filter
10 inside of the cavity, such that the capsule does
11 not have a filter inside of the cavity.

12 Is that how you understand it?

13 A The claim says that it is -- does not
14 have a filter -- yeah, I can -- I can accept that,
15 yes.

16 Q So what I'm asking is, does this
17 require the machine to lack a filter?

18 MR. BROOKS: Object to form.

19 A Again, it is only directed to the
20 capsule. So, therefore, I don't understand --
21 maybe -- maybe I don't understand the question.

22 It obviously addresses the lack of a

1 filter in a capsule. And that's all it says.

2 Q Right. So let me ask you another
3 question.

4 We agree that the capsule -- strike
5 that.

6 We agree that this limitation prohibits
7 a filter inside of the cavity, correct?

8 A I -- I don't understand the term of
9 the -- the -- your term "prohibits."

10 Q Let me ask it differently. We agree
11 that this claim is directed to a capsule that does
12 not have a filter inside of the cavity; is that
13 right?

14 A Yes.

15 Q Okay. So my question for you is, what
16 are some examples of where a filter could be in
17 the system of the '910 claims, other than inside
18 the cavity?

19 MR. BROOKS: Object to form.

20 A Okay. A good question. And if -- from
21 my experience with single-serve coffee systems,
22 capsules, et cetera, it is a filter should be part

1 of the disposable capsule in order that all of the
2 grounds was in -- that are used for brewing would
3 be disposed of when the capsule is being disposed.

4 Q Okay. But even with a capsule, the
5 filter doesn't have to be inside of the cavity,
6 correct?

7 A We -- we just said -- when you mean
8 "the cavity," you mean the body of the -- what do
9 you -- how do you define the word "cavity," if I
10 may ask, so I can answer it precisely.

11 Q Well, sir, you actually are the expert
12 here who's opined on these claims.

13 A Okay.

14 Q So I'm interested in how do you define
15 the word "cavity."

16 A Okay. Cavity, in this reference, means
17 a -- a part of the overall body of the cavity --
18 of the capsule, which has a -- basically, a
19 concave shape, hence, the word cavity.

20 Q Okay. And the cavity in the '910
21 patent is directed to the area in which the coffee
22 grounds reside; is that correct?

1 A I believe so.

2 Q Okay. Let's go back to, I believe it
3 was Exhibit 1067 that I marked. It's your patent.
4 You put it over here (indicating).

5 A Correct. Thank you.

6 Q Which is publication number
7 2015/0289709.

8 A The 709, right.

9 Q I just wanted to ask about this because
10 you were saying that the capsule should have a
11 filter. But you agree, in this machine, the
12 machine has a filter that is reused, correct?

13 A Certainly, the machine has a filter
14 when it produces a whole -- whole carafe of
15 coffee. And I do not recall whether this machine
16 is -- I sincerely don't recall whether this
17 machine is designed to use a capsule or whether it
18 is designed to use a secondary brew chamber with a
19 filter for brewing a single-serve.

20 Q But you would agree, in this system,
21 the filter is part of the machine that you remove
22 and clean and put back? I believe you testified

1 to that earlier.

2 A It's not part of the machine. It's a
3 very good distinction. The filter is actually
4 housed in what is called a filter basket, which is
5 removable.

6 Q Uh-huh.

7 A Therefore, once the filter basket
8 containing the filter, which contains the coffee
9 grounds, is removed, the machine remains clean,
10 other than, you know, where coffee -- liquid
11 coffee passed.

12 Q Let's go back to the '910 patent
13 itself.

14 A Okay.

15 Q So, is it your opinion that the '910
16 patent discloses a coffee capsule that is free of
17 a filter inside of the cavity?

18 A I was not asked to opine on that. I
19 only -- I was shown the claim and the claim
20 clearly requires that the capsule be free of a
21 filter.

22 Q Have you read the specification?

1 A I have -- I read the specification.

2 Q Did you evaluate, in the specification,
3 whether or not the coffee system disclosed in the
4 '910 patent discloses a capsule that's free of a
5 filter?

6 A I -- I can't -- I do not -- I do not
7 recall whether it does or does not.

8 Q Do you understand how the coffee system
9 disclosed in the '910 patent operates?

10 MR. BROOKS: Object to form.

11 A Okay. So, my understanding of the '910
12 patent is that it is particularly directed to a
13 identifier on the capsule. You know, a capsule
14 identifier.

15 Q Uh-huh. Okay.

16 So, what I want to understand is, in
17 using the system disclosed in the '910 patent, how
18 would it operate with a capsule that's free of a
19 filter inside of the cavity?

20 MR. BROOKS: Object to form.

21 A I really didn't -- I did not form an
22 opinion in that respect.

1 Q Okay. Let's move on.

2 Let's go back to the '910 patent
3 claims. And let's go to column 12, lines 52 and
4 53.

5 A 52 and 53. Okay.

6 Q The claims recite a portion capsule for
7 making a beverage having an individualization
8 identifier.

9 Do you see that?

10 A I see that.

11 Q Okay. And if we move on to column 13,
12 lines 3 through 5.

13 A Okay. I saw that. 3 to 5, okay.

14 Q Okay. The claims further specify that
15 the individualization identifiers located on the
16 bottom side of the flange.

17 Do you see that?

18 A I'm sorry. 13, 3 to 5. Is there a
19 period before line -- line 3 starts with the word
20 having a top side and then opposing bottom side.

21 Am I --

22 Q All right. Try 4 and 5.

1 A Oh, 4 and 5. Okay.

2 Q Says the individualization identifier
3 is located on the bottom side.

4 A Individualization, yeah, okay. Now I
5 see.

6 Q Now, if we jump down to 33 and 34.

7 A 33 and 34, okay.

8 Q Which starts with a little i. It says
9 that the individualization identifier comprises at
10 least two areas which differ in their optically
11 detectable reflective properties.

12 Do you see that?

13 A Yes.

14 Q And move to 35 and 36, with little ii,
15 says that it includes an optically detectable,
16 machine readable, repeat pattern.

17 Do you see that?

18 A Yes.

19 Q Okay. And then if we go down to
20 lines 49 and 50, which is little I -- vi?

21 A Yes.

22 Q Says that the identifier's further

1 provided on the outside surface of the wall of the
2 base element.

3 Do you see that?

4 A Yes.

5 Q Okay. What do you understand the
6 purpose in the '910 patent to be of having an
7 identifier that is both on the bottom side of the
8 flange and, also, on the outside surface of the
9 capsule wall?

10 MR. BROOKS: Object to form.

11 A Okay. I'm sorry, but I'm going to have
12 to -- so -- can you help me understand your
13 question by repeating it, please?

14 MR. McCRAW: Could you read it back for
15 me, please.

16 (The requested text was read by the
17 reporter as follows: "Okay. What do you
18 understand the purpose in the '910 patent to be of
19 having an identifier that is both on the bottom
20 side of the flange and, also, on the outside
21 surface of the capsule wall?")

22 A Well, when you used the word "both," do

1 you mean that there is an identifier -- that a
2 particular -- a single capsule has an
3 identifier -- two identifiers, one on the rim and
4 one on the body?

5 Q Well, I'm asking you how you interpret
6 this claim feature. Because the claims require an
7 individualization identifier to be on the bottom
8 of the flange and, also, on the outside surface of
9 the wall, right? We went through those two
10 different limitations, right?

11 A Yes. And so --

12 Q So I'm asking you, what is the purpose
13 of having an identifier both on the bottom of the
14 flange and on the capsule body wall?

15 MR. BROOKS: Object to form.

16 A So, you -- you're saying that the
17 identifier, given a single capsule -- a particular
18 capsule, should have two identifiers, one on the
19 rim and one on the base -- one on the side wall?

20 Q Well, I'm asking you. What do you --
21 what do you understand these claim limitations --
22 bless you. What do you understand these claim

1 limitations to mean in this claim?

2 Do you understand there to be a
3 identifier both on the bottom of the flange and on
4 the capsule body side wall?

5 A This is the first -- this is the first
6 time that I'm addressing this question, so I have
7 to go back and see.

8 Where is the limitation? What
9 limitation are you referring to that points out to
10 the identifier being on the rim or on the --

11 Q So if we -- if we go back up to lines 4
12 and 5 of column 13.

13 A Okay. So lines 4 and 5. Okay. It
14 says the individualization identifier is located
15 on the bottom side of the flange.

16 Q Uh-huh.

17 A That is clear. It is.

18 Q Now, let's go down to lines 49 and 50.
19 If you could read that aloud for me.

20 A Lines 49 and 50. "Is further provided
21 on the outside surface of the wall of the base
22 element."

1 When you say "is further," can you --
2 just make sure that I understand. Wherein the
3 individualization -- okay, I'm going back to
4 line 31 to help me understand.

5 It says, in line 31 -- line 32, I'm
6 sorry. Wherein the individualization identifier
7 comprises at least two areas, which differ in
8 their optical, et cetera, et cetera, includes an
9 optical detectable, encodes information used,
10 encodes information used by the specific coffee
11 machine.

12 Encodes information used in a specific
13 coffee machine. Okay. Is further provided on the
14 outside surface of the wall of the base element.

15 Q Right. And so I'm asking you, do you
16 understand this claim to require an
17 individualization identifier that is both on the
18 bottom of the flange and, also, on the side wall
19 of the capsule?

20 A As a, you know, for practical purposes,
21 it's -- it's -- it's a possibility. It would
22 require more than one sensor. But it is a

1 possibility.

2 Q Sorry. I'm -- I'm trying to ask a
3 clearer question than that.

4 A Okay.

5 Q Which is, do the claims require a
6 capsule that has an identifier both on the bottom
7 of the flange and on the side wall? It's a
8 yes-or-no question.

9 A And I truly understand it's a yes-or-no
10 question. And it requires that I understand
11 the -- it -- I'm -- I'm really -- I don't feel
12 qualified to answer that question because I can
13 see where these two things are mentioned in a
14 claim, and I -- I'm not qualified -- I don't feel
15 myself being qualified to answer this question in
16 a yes-or-no manner. Sorry.

17 Q Okay. Let's move on.

18 What do you understand -- strike that.

19 If you were dealing with a capsule that
20 had an identifier -- strike that.

21 If you were designing a capsule that
22 had an identifier both on the bottom of the flange

1 and on the outside surface of the wall, is there
2 any benefit you can see to having it in both
3 places?

4 MR. BROOKS: Object to form.

5 A I would say there might be a benefit
6 where, if for some unique reason, the identifier
7 cannot be read in one of those two locations, then
8 the opportunity for it to be read on the other
9 location would enhance the -- you know, the
10 experience.

11 Q Okay. And going back to the disclosure
12 of the '910 patent. Are you aware of anywhere in
13 the patent where it discloses an identify -- an
14 individualization identifier that's optically
15 read, that's both on the bottom of the flange and
16 on the capsule side wall?

17 A I can look at the figures, if you allow
18 me.

19 Q Sure.

20 A I am not able to see, in the figures
21 that I just viewed, that there is an identifier
22 located in both locations.

1 Q Okay. Let's go to your declaration
2 again, in the '910.

3 A Okay.

4 Q Let's go to paragraph 75.

5 A Would that be found on page 37.

6 Q That's correct.

7 A I note that the institution of -- okay.
8 Let me read it.

9 Q Sure.

10 A Okay. I read my paragraph 75.

11 Do you have any specific questions that
12 you'd like me to answer?

13 Q Yes. I'd like to direct you to the
14 bottom of page 37, where you say "petitioner here
15 seeks to combine over five separate embodiments
16 across numerous paragraphs."

17 Do you see that?

18 A I saw that in reading it. Let me come
19 back to it.

20 Did you say it was -- where you say the
21 bottom, throughout your -- could you just point
22 out the number, the line, to help me quickly?

1 Q Sure. The line starts with "other
2 capsules."

3 A Other capsules. I see that.

4 Q Yes. Then go to the end of the line.
5 The sentence says "petitioner here seeks to
6 combine over five separate embodiments."

7 Do you see that?

8 A Yes.

9 Q Okay. My question for you is, what,
10 specifically, are the five separate embodiments
11 that you contend are being combined in Yoakim?

12 And let me, if it's easier, let me get
13 you a copy of Yoakim.

14 A Right.

15 MR. McCRAW: I would like to introduce
16 what has been previously marked as Exhibit 1004.
17 U.S. Publication 210/0239734 to Yoakim.

18 (Exhibit 1004 previously marked for
19 identification and attached to the transcript.)

20 Q And my question from before is the
21 same, which is, specifically, what are the five
22 separate embodiments that you contend are being

1 combined by the petitioner in Yoakim?

2 A I'm having a little difficulty in
3 equating my statement of five different
4 embodiments with my -- you know, presently
5 reviewing the figures at this point here.

6 So, I -- I would try to see if there
7 is -- if I enumerated these embodiments. Do
8 you -- have you -- can you help me in showing --
9 allowing me to revisit my declaration as to which
10 were those specific five embodiments?

11 Q You're welcome to revisit your
12 declaration. I don't know that I have a
13 particular location to direct you to, though.

14 A Okay. I have to take a little bit of
15 time to do so.

16 Q That's fine.

17 A So I reviewed my declaration all the
18 way to paragraph -- to my paragraph 87. I don't
19 find that I outline, specifically, what these five
20 different embodiments were.

21 Q Okay. Let me introduce some new
22 exhibits -- well, not new, but some additional

1 exhibits.

2 (Exhibit 2027 previously marked for
3 identification and attached to the transcript.)

4 MR. McCRAW: I'd like to introduce what
5 has been previously marked Exhibit 2027,
6 U.S. Patent Number 9,227,837 to Yoakim.

7 A Okay. Thank you.

8 Q And what has been previously marked
9 Exhibit 2028, U.S. Patent Number 9,271,598, also
10 to Yoakim.

11 And what has been previously marked
12 Exhibit 2029, U.S. Patent 9,668,604, also to
13 Yoakim.

14 (Exhibits 2028 and 2029 previously
15 marked for identification and attached to the
16 transcript.)

17 A Okay.

18 Q Now what I'd like to do is I'd like to
19 go to paragraph 75 of your '910 declaration?

20 A Okay. So let me just get organized
21 here for a minute.

22 Q And in particular, I'm interesting in

1 going to --

2 A You said paragraph 75?

3 Q Yes, but page 38. It's the end of it,
4 right before 76.

5 A Okay.

6 Q And the last sentence in paragraph 35,
7 right before 76 states --

8 A 75.

9 Q Thank you.

10 The last paragraph in 75, right before
11 76, the last sentence states "Yoakim further
12 sought to separately patent embodiments from
13 Figures 1 through 25, 26 through 43, and 61/61,
14 which suggests to a POSITA that they are discrete
15 embodiments."

16 And then you cite Exhibits 2027, 2028,
17 and 2029.

18 Do you see that?

19 A I do.

20 Q And those citations to Exhibits 2027
21 through 29 are the three patents that I just
22 handed you, correct?

1 A Okay.

2 Q Okay. Are these documents, and,
3 specifically, I mean Exhibits 2027 through 2029,
4 your basis for why Yoakim teaches discrete
5 embodiments?

6 A So going back to my declaration, if you
7 don't mind, I said that -- so I said in the lines
8 just before the end of paragraph 75, currently,
9 Yoakim presents various capsule embodiments
10 without ever presenting or suggesting a capsule
11 having all of the features of patent owner's
12 claims, and it does not suggest a reason to
13 combine the features of the -- of all Yoakim's
14 capsule into a single capsule.

15 So, that is my statement, correct?

16 Q You do state that. And then the
17 following sentence states "Yoakim further sought
18 to separately patent embodiments from Figures 1
19 through 25, 26 to 33, and 61/61, which suggests to
20 a POSITA that they are discrete embodiments," and
21 then your citation in support of that sentence is
22 Exhibit 27 through 29.

1 Do you see that?

2 A Yes, I do.

3 Q Okay. And so, my question for you is,
4 is it these patents, Exhibits 27 through 29, that
5 are the reason you understand Yoakim to be
6 describing separate patent embodiments?

7 A No. Not necessarily. It's that
8 Yoakim -- my studying of the Yoakim Exhibit 1004,
9 that also leads me, or a POSITA, to conclude that
10 they cannot be combined because of them -- their
11 being so different.

12 Q Let's go to Yoakim Exhibit 1004.

13 A Okay.

14 Q And I would like to go to Figure 35 for
15 a moment.

16 A Sure. Yes, I have Figure 35 open.

17 Q Okay. Now, this embodiment describes
18 the valve seal configuration; is that correct?

19 A Let me look at it in detail. Yeah, I
20 can see the valve seal. I believe numeral 151.

21 Q No, I believe 151 is pointing to --

22 A Am I seeing it wrongly?

1 Q I think it's maybe 157 or 159.

2 A Oh, you are right. 157, you are right.
3 I didn't see where the line ended. 157 would be
4 the cylindrical downward -- downward pointing
5 cylindrical portion, correct.

6 Q Okay. Now, the way this valve seal
7 embodiment operates is that the seal remains
8 closed until a certain pressure inside the chamber
9 is reached; is that correct?

10 A Correct.

11 Q And until that pressure is reached,
12 liquid is building up inside the chamber, correct?

13 And is the force of that chamber that
14 exits the --

15 A Okay.

16 Q Exits the valve seal?

17 A Just for sake of definition, what do
18 you define as "chamber"?

19 Q What do you define as the chamber?

20 A Well, it was your question, not mine.

21 Q Well, but you're interpreting -- I want
22 you to interpret the reference here.

1 A Okay.

2 Q So if I understand this correctly, the
3 valve seal remains closed until the liquid
4 pressure inside pushes the valve seal open; is
5 that correct?

6 A Okay. Correct.

7 So, my understanding is that the liquid
8 were being induced by centrifugal force will rise
9 through the openings that were created by the
10 chamfered -- chamfered, what's it called? Spike,
11 the word just doesn't --

12 Q Mandrel?

13 A Chamfered mandrel. Thank you very
14 much. And would fill the gap that is shown
15 between the bottom of the -- top of the housing
16 and the foil 103. It's not shown here as 103, I
17 seem to recall foil 103 that is the membrane on
18 top of the capsule. And when that pressure, when
19 that, the pressure generated there is sufficiently
20 high, it will raise the top of the brew chamber,
21 which is currently urged downwardly by the
22 springs, as you can see, I believe, 158, so that a

1 gap will be formed between -- you know, between
2 the top of the capsule and the valve 157.

3 Q But you would agree that the valve 157
4 sits outside of the capsule area below the
5 membrane, correct? It sits on the rim?

6 A It sits on the rim, but, presumably,
7 the membrane is attached to the rim.

8 Q Right.

9 A The rim.

10 Q But the valve is outside of the -- the
11 valve is not underneath the membrane inside the
12 capsule, right?

13 A No. The valve is -- the valve is
14 positioned against the rim of the capsule.

15 Q Okay. So the liquid that would be
16 pressing against the valve to open it must be
17 outside of the membrane, right?

18 A Correct.

19 Q Okay.

20 A I agree.

21 Q Let's go to a different exhibit.

22 MR. McCRAW: I would like to introduce

1 what's been previously marked as Exhibit 1005 in
2 the four IPR proceedings, and this is U.S.
3 Publication Number 2013/0064937 to Jarisch.

4 A Okay.

5 (Exhibit 1006 previously marked for
6 identification and attached to the transcript.)

7 Q Also known as the Jarisch -- oh, this
8 is the wrong exhibit. Strike that.

9 I was looking to introduce this
10 exhibit. What has been previously marked as
11 Exhibit Number 1006 in the four IPR proceedings as
12 Publication Number 2013/0064929 to Jarisch, also
13 known as the Jarisch '929 patent.

14 A Yes, sir.

15 Q And I would like to direct you to
16 paragraph 17, please.

17 A In mine?

18 Q No, paragraph 17 of the exhibit.

19 A Oh, publication. Okay. That's page 2?

20 Q Yes.

21 A Okay, sir.

22 Q So, in this paragraph, it explains that

1 the code location is less prone to damages caused
2 by the processing module and, in particular, by
3 the pyramidal plate and to ingredients
4 projections.

5 Do you see that?

6 A I'm looking for this. Bear with me for
7 a minute, please.

8 Could you point out the line that I
9 should be looking for?

10 Q Sure. It's in the lower portion of the
11 paragraph.

12 A Okay.

13 Q The line --

14 A I see the word pyramidal.

15 Q Yeah, go up a couple lines.

16 A Okay.

17 Q It states "less prone to damages caused
18 by the processing module and, in particular, by
19 the pyramidal plate and to ingredients
20 projections."

21 Do you see that?

22 A Right. The processing model.

1 Q And in particular, the pyramidal plate?

2 A I'm trying to understand the term
3 processing and what you're -- could you help me in
4 clarifying what Jarisch refers to as the
5 processing module?

6 Q Well, do you understand it to be the
7 broader brewing chamber that would include the
8 pyramid plate?

9 A That's what I don't know. Okay. Okay.
10 So let me go and read it again. These locations
11 are especially advantageous since they offer -- so
12 when you say "these locations," is he referring to
13 the location on the underneath of the rim?

14 Q Let's go to paragraph 14.

15 A Okay. That will be helpful.

16 Q It says "Another object" -- let me know
17 when you get to paragraph 14.

18 A I have paragraph 14. Okay. Go ahead.
19 You can read it.

20 Q It says "Another object is to provide a
21 solution for reliably reading information related
22 to capsule with a sensor disposed in the machine,

1 for example, in the processing module/brewing unit
2 of the machine."

3 Do you see that?

4 A Yes.

5 Q Okay. Do you understand the processing
6 module to be just another way to describe the
7 brewing unit of the machine?

8 A No. I did not. But it looks -- slash,
9 I would -- based on reading that, I would assume
10 that it is a different definition of the brewing
11 unit.

12 Q You don't think it would be the brewing
13 unit?

14 A No, it's a different word.

15 Q Different phrase for the brewing unit?

16 A Correct.

17 Q We agree.

18 A Okay. So that clarifies which was
19 processing module.

20 Q And another question on this. Going
21 back to paragraph 17.

22 A Okay.

1 Q Which is the same sentence, says "less
2 prone to damages caused by the processing module
3 and, in particular, by the pyramidal plate," and
4 then it says "and to ingredients projections."

5 What do you understand the term
6 "ingredients projections" to mean?

7 A I don't know. I have to look at it.
8 That's in 17, correct?

9 Q Correct.

10 A Okay.

11 Q Do you understand it to be coffee
12 ingredients that are projected during the brewing
13 process?

14 A I have a very hard time equating why
15 he -- understanding -- first of all, I have not
16 seen the term pyramidal plate used in -- I don't
17 recall seeing the term pyramidal plate used in
18 Yoakim or previously in Jarisch. And I may be
19 wrong, but this is -- it doesn't jump up as being
20 something that has been either described by a
21 figure or by a description in the -- in the spec.

22 Q Well, let's be clear. I'm not asking

1 you about the pyramidal plate. I'm asking you
2 about the ingredients projections and what you
3 understand that to mean in the concept of
4 Jarisch's coffee system.

5 A I freely understand. But what I'm
6 saying is he's -- he's talking about a -- he says,
7 in particular, by the pyramidal plate and
8 ingredient projections.

9 And if I read that, I would assume that
10 pyramidal plate and ingredient projections are --
11 are -- are somewhat akin to each other because
12 he's grouping them together.

13 Q Well, but let's look at grammar of that
14 sentence because there's a comma between plate and
15 ingredients projections. It's not saying
16 pyramidal plate and ingredients projections. It's
17 listing additional things, correct, as a matter of
18 grammar?

19 A Right. I mean, grammar, comma and
20 "and" really shouldn't be used in my
21 understanding. But that comma is there to
22 separate two subjects.

1 So I really do not -- I totally
2 honestly don't understand the term "ingredients
3 projection."

4 MR. McCRAW: Let's take a break.

5 THE WITNESS: Thank you.

6 (Recess taken from 1:58 p.m. to
7 2:15 p.m.)

8 MR. McCRAW: Back on the record.

9 We pass the witness.

10 MR. BROOKS: Okay. I have no
11 questions.

12 MR. McCRAW: Then before we go off the
13 record. I just want to note, for the record, that
14 petitioner objects to the oral and written
15 testimony of Mr. Glucksman based on today's
16 deposition. Based on today's testimony
17 Mr. Glucksman's declaration is inadmissible under
18 Federal Rules of Evidence 402, 403, and 702.
19 Mr. Glucksman applied legally incorrect standards
20 and demonstrated a lack of understanding of core
21 issues in the case.

22 That is all we have.

1 MR. BROOKS: We disagree with your
2 characterization of Mr. Glucksman's testimony.
3 Mr. Glucksman is sitting here. He is prepared to
4 respond to Petitioner's questions. We believe to
5 the extent that you believe there was any
6 incorrect standards or lack of understanding of
7 core issues, it's the result of the inadequate
8 questioning and improper understanding of
9 Mr. Glucksman's testimony and declarations.

10 MR. McCRAW: We, of course, disagree
11 with that. And I think that concludes the
12 deposition.

13 (Off the record at 2:16 p.m.)
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CERTIFICATE OF REPORTER - NOTARY PUBLIC

I, JUDITH E. BELLINGER, RPR, CRR, CSR,
the officer before whom the foregoing deposition
was taken, do hereby certify that the foregoing
transcript is a true and correct record of the
testimony given; that said testimony was taken by
me and thereafter reduced to typewriting under my
direction; that reading and signing was not
requested; and that I am neither counsel for,
related to, nor employed by any of the parties to
this case and have no interest, financial or
otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my notarial seal this 18th day
of December, 2024.

My Commission Expires: January 1, 2027

Judith E. Bellinger

NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA

Transcript of Dov Glucksman
Conducted on December 17, 2024

133

A			
al	acquired	92:5	alleged
4:9, 4:19, 4:22	9:4	again	48:15, 80:7
ability	across	20:20, 21:3,	allow
59:1	89:12, 114:16	31:13, 32:8,	55:19, 113:17
able	active	40:2, 44:19,	allowed
33:13, 35:3,	16:2	48:17, 53:4,	96:11
38:18, 41:6,	actually	81:5, 86:14,	allowing
55:1, 55:2,	45:10, 55:12,	94:15, 100:19,	116:9
57:17, 113:20	57:5, 57:6,	114:2, 126:10	allows
about	59:7, 66:11,	against	30:21, 31:15,
13:7, 29:11,	76:15, 97:7,	9:9, 15:9,	58:10, 64:18
37:1, 38:4,	97:10, 98:6,	33:6, 52:18,	almost
38:5, 42:8,	102:11, 104:3	123:14, 123:16	31:2
43:10, 43:18,	adam	ago	aloud
43:22, 46:6,	17:5	7:5, 8:21,	99:6, 110:19
48:15, 49:10,	adaptable	16:16, 29:20,	already
57:7, 58:4,	50:2	32:19, 46:15,	19:16, 20:3,
59:6, 64:16,	add	57:11	23:5, 23:9,
65:6, 65:10,	64:18, 64:22,	agree	23:13
80:21, 86:16,	67:18	101:4, 101:6,	also
88:5, 91:11,	adding	101:10, 103:11,	11:6, 11:14,
95:18, 95:22,	58:14, 67:22	103:20, 123:3,	31:17, 50:3,
97:7, 103:9,	addition	123:20, 127:17	50:17, 51:21,
129:1, 129:2,	31:3	ahead	52:21, 68:18,
129:6	additional	47:15, 79:22,	77:8, 82:16,
absorbed	64:21, 64:22,	81:10, 89:2,	84:21, 86:20,
54:21, 55:2	70:10, 84:17,	95:20, 126:18	108:8, 108:20,
absorptive	116:22, 129:17	air	109:8, 111:18,
54:20, 57:16	additions	13:19, 13:20,	117:9, 117:12,
accept	70:10	14:10, 31:8	120:9, 124:7,
100:14	addresses	akin	124:12
acceptable	100:22	129:11	aluminum
28:16	addressing	all	52:20, 94:16
accomplish	110:6	30:20, 32:11,	always
47:10	adhesive	32:14, 36:2,	94:9
according	52:20	39:17, 41:12,	amanda
82:13	admit	68:3, 71:7,	3:10
account	62:12	71:13, 71:18,	american
80:8	advantageous	71:22, 73:15,	7:16, 8:9
achieve	126:11	73:20, 74:22,	americas
35:14, 80:17,	advice	75:4, 76:4,	3:6
86:10	79:10	76:8, 76:22,	amount
acid	advised	84:15, 99:2,	32:11, 32:14
31:1	81:6	99:12, 101:1,	analyses
acids	affixed	102:1, 106:22,	76:9
29:7, 93:1	132:14	116:17, 119:11,	analysis
	after	119:13, 128:15,	72:1, 73:21,
	32:12, 32:15,	130:22	75:5

Transcript of Dov Glucksman
Conducted on December 17, 2024

134

analyzing 10:2 andrew 60:8, 61:16 another 10:8, 15:16, 23:9, 36:15, 65:6, 66:3, 82:19, 86:3, 86:12, 87:16, 87:19, 101:2, 126:16, 126:20, 127:6, 127:20 answer 18:18, 22:7, 22:9, 27:21, 28:2, 32:20, 34:15, 34:20, 40:17, 41:6, 48:11, 58:22, 63:8, 67:21, 78:16, 83:1, 85:5, 99:5, 102:10, 112:12, 112:15, 114:12 answered 86:15, 87:13 answering 27:17 answers 81:10 anticipated 47:17, 48:21 any 8:3, 10:4, 14:21, 15:2, 15:14, 20:11, 20:14, 22:21, 23:21, 24:4, 26:14, 26:15, 26:17, 28:4, 31:2, 41:15, 53:16, 63:20, 64:7, 64:10, 67:18, 68:13, 70:7, 70:13, 72:18, 74:13, 75:17, 77:5,	78:4, 78:6, 78:11, 78:14, 78:20, 80:11, 90:1, 90:5, 92:4, 95:22, 96:11, 96:20, 97:2, 99:2, 99:12, 113:2, 114:11, 131:5, 132:10 anyone 20:18, 21:4, 21:7, 24:17, 24:19, 24:21 anything 6:19, 26:3, 26:10, 41:4, 70:21, 71:1, 71:4, 72:21, 73:2, 73:11, 74:16, 74:19, 75:20, 76:1, 89:19, 90:19 anywhere 99:16, 113:12 apart 54:11 apologize 65:21 apology 33:13 apparently 12:19 appeal 1:3, 14:16 appearance 61:13 appears 96:6 appliance 14:10, 16:9, 16:10, 35:7, 60:1, 95:13 appliances 95:9, 95:11 applicant 34:10, 59:22 application 4:7, 4:17,	4:20, 34:4, 51:15, 63:10, 63:11, 64:20, 64:22, 87:7 applied 52:21, 53:9, 66:15, 67:4, 130:19 applying 66:16 approach 16:13 approached 16:15, 17:3 appropriate 39:12, 39:14 approximately 11:15, 14:18, 19:12, 19:15, 20:2, 21:16 area 50:22, 55:1, 57:21, 67:17, 102:21, 123:4 areas 51:6, 54:8, 54:9, 107:10, 111:7 around 7:11, 9:19, 24:13, 29:9, 30:7, 49:17, 95:7 art 32:5, 47:18, 48:18, 48:21, 62:9, 62:13, 80:5, 80:6, 80:8, 80:9, 80:11, 81:16, 81:18, 81:20, 82:8, 82:10, 87:21, 88:20, 88:21, 89:1, 89:4 asked 18:1, 27:22, 35:9, 47:7,	47:16, 47:22, 48:17, 48:18, 58:12, 87:12, 104:18 asking 23:12, 46:1, 60:14, 63:4, 67:12, 83:22, 85:9, 86:20, 99:10, 100:16, 109:5, 109:12, 109:20, 111:15, 128:22, 129:1 aspect 51:7, 64:2, 99:22 aspects 60:21, 61:9, 61:15, 61:18, 70:11, 83:11 assume 20:20, 23:15, 127:9, 129:9 atmospheric 29:13 attached 4:5, 34:2, 56:18, 68:17, 97:19, 115:19, 117:3, 117:15, 123:7, 124:6 attempted 9:6 attorney 6:10, 17:5 attorney-client 23:21 attributable 80:15 automatically 94:5 automation 53:2 avenue 3:6 avoid 41:15, 42:17, 42:18, 43:2,
---	--	--	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

135

45:17 aware 23:2, 55:13, 70:22, 71:1, 72:22, 73:11, 74:17, 74:21, 75:21, 76:1, 77:8, 85:8, 113:12	130:15, 130:16 basically 51:20, 94:7, 102:18 basis 119:4 basket 104:4, 104:7 baskets 35:16, 36:7 beam 59:2 bear 125:6 because 15:18, 20:8, 22:7, 23:6, 28:1, 31:3, 40:18, 44:22, 58:3, 59:1, 62:7, 64:2, 70:14, 77:14, 103:9, 109:6, 112:12, 120:10, 129:11, 129:14 become 16:14, 96:22, 97:3 been 7:1, 7:6, 7:9, 7:14, 15:2, 15:13, 23:6, 23:9, 23:13, 35:2, 48:12, 64:4, 64:7, 64:10, 68:4, 77:12, 77:22, 80:5, 82:12, 91:1, 92:5, 97:15, 115:16, 117:5, 117:8, 117:11, 124:1, 124:10, 128:20 before 1:3, 2:19, 7:1, 13:9, 23:6, 35:4, 36:21, 58:4, 66:4,	86:15, 91:14, 93:8, 106:19, 115:20, 118:4, 118:7, 118:10, 119:8, 130:12, 132:3 begin 6:13, 17:17, 45:21, 76:19, 95:15, 97:21 beginning 95:14 behalf 3:3, 3:16 being 6:4, 14:11, 29:16, 30:21, 31:16, 33:13, 36:17, 38:18, 42:2, 47:4, 50:9, 55:12, 56:1, 57:22, 66:8, 66:15, 85:18, 87:6, 99:3, 99:12, 99:16, 99:19, 102:3, 110:10, 112:15, 115:11, 115:22, 120:11, 122:8, 128:19 believe 9:8, 11:17, 14:20, 16:15, 16:18, 17:5, 17:11, 22:14, 25:14, 26:20, 30:5, 33:19, 49:17, 56:10, 56:15, 60:7, 63:3, 63:15, 64:1, 65:3, 66:13, 67:20, 68:3, 69:18, 70:9, 72:1, 73:21, 74:1, 75:5, 75:19, 76:9, 77:14, 77:21, 79:5,	79:13, 87:20, 103:1, 103:2, 103:22, 120:20, 120:21, 122:22, 131:4, 131:5 bellinger 2:4, 2:20, 132:2 belonged 12:19 below 123:4 beneficial 39:21, 40:6 benefit 47:19, 48:8, 48:11, 48:13, 113:2, 113:5 between 7:16, 7:20, 8:9, 10:9, 11:20, 13:14, 15:15, 20:9, 52:2, 58:9, 77:10, 80:9, 80:21, 122:15, 123:1, 129:14 beverage 27:15, 28:5, 49:19, 50:6, 55:7, 55:9, 56:2, 56:11, 106:7 beyond 8:4, 29:18 big 42:5 bit 8:20, 116:14 black 54:9, 54:20, 57:15 black-and-white 54:8 bless 109:22 board 1:3
B			
b2 4:11, 4:16, 5:12, 5:14, 5:16 back 18:21, 19:21, 26:7, 28:14, 37:19, 38:2, 42:8, 46:14, 49:6, 49:8, 57:6, 65:5, 71:14, 76:12, 78:9, 78:19, 83:13, 85:1, 91:9, 93:3, 97:21, 103:2, 103:22, 104:12, 106:2, 108:14, 110:7, 110:11, 111:3, 113:11, 114:19, 119:6, 127:21, 130:8 bar 58:9, 59:11 barcode 54:8, 57:9, 58:5, 62:6 barcodes 62:2, 62:12 bars 58:6, 58:14, 58:16, 58:19, 59:8 base 53:8, 108:2, 109:19, 110:21, 111:14 based 39:7, 127:9,			

Transcript of Dov Glucksmann
Conducted on December 17, 2024

136

body 51:19, 102:8, 102:17, 109:4, 109:14, 110:4	30:21, 31:14, 31:16	68:10, 77:16, 77:19, 78:13, 78:22, 86:13, 88:10, 89:7, 89:21, 90:7, 91:1, 94:11, 99:4, 99:14, 100:18, 101:19, 105:10, 105:20, 108:10, 109:15, 113:4, 130:10, 131:1	cannot 48:10, 59:11, 78:14, 113:7, 120:10
boiling 50:17, 50:19, 50:21, 51:3	brewer 56:2		cap 50:15
both 35:3, 51:3, 108:7, 108:19, 108:22, 109:13, 110:3, 111:17, 112:6, 112:22, 113:2, 113:15, 113:22	brewing 28:5, 29:11, 29:13, 30:6, 32:12, 32:15, 33:8, 36:11, 36:21, 37:2, 38:3, 38:6, 42:2, 42:7, 42:9, 42:11, 42:19, 44:3, 44:18, 45:3, 45:21, 46:11, 51:4, 53:14, 62:8, 92:6, 94:2, 99:3, 102:2, 103:19, 126:7, 127:1, 127:7, 127:10, 127:12, 127:15, 128:12	brought 9:8, 48:19	capitol 3:20
bottom 50:15, 50:16, 106:16, 106:20, 107:3, 108:7, 108:19, 109:7, 109:13, 110:3, 110:15, 111:18, 112:6, 112:22, 113:15, 114:14, 114:21, 122:15	brews 28:18, 28:19	brown 3:5, 3:10, 3:11	capsule 43:7, 43:8, 43:9, 44:9, 45:5, 45:8, 45:10, 45:15, 45:22, 46:4, 46:16, 47:4, 49:20, 49:21, 50:8, 50:12, 50:14, 50:16, 51:10, 51:13, 51:16, 51:18, 51:21, 52:1, 52:6, 52:8, 52:17, 52:19, 53:1, 53:5, 53:6, 53:10, 53:11, 55:21, 56:1, 56:7, 56:13, 61:19, 61:21, 63:17, 98:13, 98:19, 99:7, 100:9, 100:10, 100:20, 101:1, 101:4, 101:11, 102:1, 102:3, 102:4, 102:18, 103:10, 103:17, 104:16, 104:20, 105:4, 105:13, 105:18, 106:6, 108:9, 108:21, 109:2, 109:14, 109:17, 109:18, 110:4, 111:19, 112:6, 112:19, 112:21, 113:16, 119:9, 119:10, 119:14, 122:18, 123:2,
bouncing 33:6	broad 27:19	bubble 31:9	
brainstorming 96:4	broader 126:7	bubbles 31:8, 31:10, 33:7	
break 38:20, 39:3, 49:2, 49:11, 91:4, 91:10, 130:4	broadly 27:10	build 92:18	
breaking 38:18, 43:21	brooks 3:17, 18:16, 19:10, 23:20, 24:16, 27:16, 28:7, 32:16, 34:18, 36:9, 37:22, 39:2, 40:9, 40:16, 41:1, 41:5, 44:11, 45:13, 47:5, 47:12, 47:21, 48:9, 48:16, 58:1, 59:9, 63:7, 65:2, 65:9, 65:19, 67:1,	building 121:12	
brew 27:15, 35:16, 36:5, 36:7, 36:12, 36:18, 37:16, 49:20, 49:22, 50:5, 50:8, 50:12, 91:22, 103:18, 122:20		built 95:10	
brewed 27:3, 29:4, 29:18, 29:21,		burrowbridge 17:6, 24:18	
		button 44:20, 45:2	
		bypassing 39:16	
		C	
		california 77:9	
		call 16:12, 32:6, 96:17	
		called 104:4, 122:10	
		calls 18:10	
		came 70:11, 96:1	
		can't 105:6	

123:4, 123:12, 123:14, 126:22 capsule-based 49:14 capsules 52:12, 101:22, 115:2, 115:3 carafe 11:12, 28:1, 29:10, 35:3, 35:14, 36:5, 36:19, 37:2, 37:15, 103:14 carafe-based 11:10 carafe-type 32:7, 35:4 case 1:11, 1:13, 1:15, 1:17, 8:15, 8:19, 9:12, 9:21, 10:14, 10:16, 10:21, 11:3, 12:10, 13:13, 13:17, 14:1, 14:13, 14:14, 14:15, 14:16, 15:7, 15:8, 15:15, 15:16, 15:18, 16:14, 16:20, 21:18, 36:10, 37:11, 42:20, 46:21, 51:15, 78:2, 78:7, 85:11, 130:21, 132:11 cases 7:14, 13:11, 14:21, 15:2, 15:5, 15:8, 15:10, 59:10 cause 41:16 caused 41:22, 125:1, 125:17, 128:2 causes 32:18, 32:22	caution 23:21 cavity 52:9, 98:13, 98:20, 99:8, 99:21, 100:4, 100:7, 100:10, 100:11, 101:7, 101:12, 101:18, 102:5, 102:8, 102:9, 102:15, 102:16, 102:17, 102:19, 102:20, 104:17, 105:19 ccr-nm 2:5 ccr-wa 2:5 cell 63:16 centigrade 29:13, 30:8 centrifugal 42:7, 42:9, 42:11, 42:17, 42:19, 43:1, 44:3, 46:11, 122:8 centrifugal-based 43:16, 44:17 centrifuge-based 53:14, 53:17 centrifuges 53:18 ceo 16:10 certain 29:7, 30:22, 121:8 certainly 103:13 certificate 132:1 certified 2:21 certify 132:4 cetera 101:22, 111:8	challenged 46:21 chamber 50:8, 50:13, 51:4, 92:7, 92:18, 103:18, 121:8, 121:12, 121:13, 121:18, 121:19, 122:20, 126:7 chamfered 122:10, 122:13 chances 57:21, 59:7 change 67:12 changed 70:8, 70:14, 72:19, 74:14, 75:18 changes 67:9, 67:16 characterization 131:2 chicago 3:13 chinese 9:1, 15:16 chocolate 50:3 choice 61:8 cip 64:18 circumstance 41:18, 41:20 citation 119:21 citations 118:20 cite 118:16 cited 26:16, 26:18, 78:12 claim 12:9, 12:13, 12:21, 13:16,	78:20, 80:3, 80:13, 81:15, 88:5, 88:8, 88:11, 88:12, 89:8, 89:12, 89:15, 97:22, 98:7, 99:2, 99:6, 99:11, 99:15, 99:18, 99:20, 100:7, 100:8, 100:13, 101:11, 104:19, 109:6, 109:21, 109:22, 110:1, 111:16, 112:14 claimed 8:21, 13:20, 48:12, 64:2, 80:14, 80:15, 80:16, 80:17, 80:18, 81:22, 85:18, 86:10, 88:17 claims 14:12, 47:16, 47:17, 48:18, 48:20, 48:22, 80:10, 88:14, 88:22, 89:5, 89:6, 89:20, 90:12, 90:15, 97:8, 101:17, 102:12, 106:3, 106:6, 106:14, 109:6, 112:5, 119:12 clarification 23:12, 23:14, 27:5, 35:22, 95:18 clarifies 127:18 clarify 60:14, 84:5, 87:11 clarifying 40:2, 126:4 clarity 42:21
---	--	--	---

Transcript of Dov Glucksmann
Conducted on December 17, 2024

138

clayton 3:4, 6:10 clean 92:14, 92:17, 103:22, 104:9 cleaning 37:19 clear 39:6, 68:11, 89:14, 89:17, 110:17, 128:22 clearer 112:3 clearly 104:20 clients 16:6 close 37:16, 95:6 closed 45:17, 46:5, 50:13, 121:8, 122:3 cocoa 50:3 code 54:5, 54:7, 54:16, 55:9, 55:11, 55:22, 57:21, 63:17, 63:21, 125:1 codes 53:20, 53:22 coffee 11:1, 11:3, 11:11, 11:20, 12:2, 12:15, 12:18, 26:22, 27:4, 28:19, 29:3, 29:8, 32:5, 32:6, 32:7, 32:15, 33:5, 33:12, 35:4, 35:5, 35:15, 36:6, 36:15, 36:19, 36:20, 36:22, 37:14, 38:3,	38:6, 39:18, 39:21, 40:5, 40:22, 41:10, 43:13, 43:16, 48:2, 49:14, 49:22, 50:18, 53:3, 53:4, 53:14, 55:5, 56:2, 91:13, 92:6, 92:8, 92:9, 92:10, 92:11, 92:13, 94:1, 94:8, 94:13, 94:20, 96:15, 101:21, 102:21, 103:15, 104:8, 104:10, 104:11, 104:16, 105:3, 105:8, 111:10, 111:13, 128:11, 129:4 coffeemaker 8:1, 8:17, 11:4, 11:8, 11:9, 11:10, 11:11, 11:14, 12:15, 12:16, 27:9, 35:3, 35:11, 36:14 coffeemakers 93:17 columbia 2:22, 132:22 column 98:1, 98:9, 98:18, 106:3, 106:11, 110:12 combinable 88:4 combination 82:13, 84:8, 84:13, 87:16 combine 81:21, 82:3, 82:4, 82:9, 82:21, 83:7, 83:11, 83:18, 84:1, 84:19,	85:22, 86:9, 86:11, 86:19, 87:9, 87:18, 87:22, 88:14, 114:15, 115:6, 119:13 combined 115:11, 116:1, 120:10 combining 84:2, 84:20, 85:4, 86:3, 86:17, 86:21, 86:22 come 64:20, 70:19, 82:1, 82:2, 114:18 comes 28:11, 71:20 comfortable 70:17 comma 129:14, 129:19, 129:21 commercial 80:14, 94:20, 96:22 commercialization 63:13 commercially 63:5 commission 132:16 common 82:5 communications 23:22, 77:17, 77:20 company 9:1, 10:22, 16:6, 16:7, 16:8, 95:5 compartment 50:18, 50:19, 50:21, 51:4 compelled 62:13	complete 6:20, 19:9, 87:15, 95:11 completed 18:14, 19:3, 36:11 complicated 8:20 components 38:21, 38:22, 39:8, 39:10, 41:9, 41:19 comprises 107:9, 111:7 conair 7:20, 10:9, 11:20, 12:1, 12:16, 12:18 conair's 12:2 concave 102:19 concept 37:20, 61:7, 96:5, 96:6, 96:9, 96:13, 129:3 concepts 87:6, 95:9 concerns 39:19 conclude 120:9 concluded 48:22 concludes 131:11 conclusions 10:6 concurrently 50:14 conducted 2:10 configuration 120:18 connection 11:2, 22:18 consecutive 58:9
--	--	--	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

139

consider 40:21, 89:19	65:1, 80:8	30:1, 42:16,	125:8, 126:3
consideration 43:12, 43:15, 44:13, 44:14, 46:2	context 66:4, 86:21	46:22, 53:21, 54:2, 57:19,	counsel 6:6, 18:11, 18:14, 19:3, 19:8, 21:13, 24:2, 24:5, 49:10, 77:5, 77:7, 77:17, 77:20, 79:11, 80:2, 81:6, 81:14, 91:10, 132:9
considerations 28:18, 29:1, 38:4, 38:5, 80:12	continuation 64:13	59:19, 59:20, 59:21, 60:22, 61:3, 63:14,	counter 35:6
considered 44:13	continuations 64:8, 64:11	65:14, 67:10, 70:2, 70:3, 70:5, 71:4,	countries 93:22
consist 31:8, 31:9, 54:8	continuing 96:16	72:16, 73:2, 73:11, 74:11, 74:20, 75:15,	couple 15:8, 23:7, 125:15
consisted 50:8, 51:18, 51:19, 51:21	contributed 60:21, 61:13, 61:15, 61:17	76:2, 76:21, 79:15, 91:16, 92:15, 93:11, 98:4, 98:22,	course 42:14, 49:3, 131:10
consisting 94:4	contribution 60:11, 60:15, 61:5, 61:9, 61:10	100:4, 101:7, 102:6, 102:22, 103:5, 103:12, 114:6, 118:22,	court 9:9, 11:22, 77:9, 78:1, 78:7, 78:19, 78:21
consists 58:5	control 46:9, 61:16, 62:8, 63:2	119:15, 120:18, 121:5, 121:9, 121:10, 121:12,	covered 47:18
construction 78:21, 88:6, 90:2, 90:4	controls 63:1	122:5, 122:6, 123:5, 123:18, 127:16, 128:8, 128:9, 129:17, 132:5	covers 100:5
consult 30:4	conventional 42:6	correctly 35:13, 36:5, 42:15, 57:22, 62:15, 122:2	create 41:17, 41:20, 67:3, 94:7
consulting 16:3, 16:4	conversation 16:19, 71:21	could 6:13, 7:13, 17:20, 21:2, 22:12, 28:5, 28:10, 28:22,	created 50:15, 122:9
consume 31:16	conversations 20:9	33:21, 38:10, 38:14, 39:4, 40:13, 41:3, 41:20, 44:19, 45:11, 45:16, 51:12, 56:16, 71:14, 72:10, 74:5, 81:9, 83:13, 85:6, 101:16, 108:14, 110:19, 114:21,	creates 28:14, 67:15
consumer 11:12, 91:15	convinced 87:21		creating 33:2, 33:7, 42:3
contain 71:7, 71:18, 73:15, 74:22, 76:4	copy 97:11, 97:16, 115:13		crema 31:7, 32:18, 32:22, 33:4, 33:10
container 36:18	copying 80:18		crr 2:5, 132:2
containing 104:8	core 130:20, 131:7		csr 132:2
contains 55:22, 104:8	corporation 7:17, 7:18, 7:21, 7:22, 8:9, 9:6, 11:6, 13:14, 13:15, 15:16, 16:9, 16:11, 35:12, 60:1, 60:2		
contend 115:11, 115:22	correct 10:12, 13:6, 17:16, 21:14, 21:15, 24:8,		
content 37:5, 37:11, 43:9, 53:11,			

Transcript of Dov Glucksmann
Conducted on December 17, 2024

140

csr-tx 2:5 cup 94:13 cups 11:13, 29:18, 50:1 currently 15:21, 91:22, 119:8, 122:21 cv 15:12 cycle 45:3 cylindrical 121:4, 121:5 cylindrically 94:15	21:8, 21:11, 22:19, 24:1, 69:14, 70:8, 70:18, 70:22, 71:5, 71:7, 71:17, 71:22, 72:5, 72:19, 72:22, 73:3, 73:12, 73:15, 73:20, 74:3, 74:14, 74:17, 74:20, 74:22, 75:4, 75:9, 75:18, 75:21, 76:2, 76:4, 76:8, 76:13, 78:12, 79:14, 83:3, 85:3, 93:3, 97:7, 114:1, 116:9, 116:12, 116:17, 117:19, 119:6, 130:17	delivery 39:13 demonstrate 14:10 demonstrated 130:20 demonstrating 83:6, 83:18 densely 33:11 deposed 7:1, 7:6, 7:10, 7:14, 7:15, 7:19, 8:2, 10:13, 10:15, 23:6 deposition 1:20, 2:10, 6:12, 8:8, 11:16, 13:3, 17:13, 23:19, 24:7, 24:12, 24:22, 25:8, 25:18, 130:16, 131:12, 132:3 depositions 8:5 describe 7:13, 17:20, 28:10, 28:22, 48:12, 51:12, 51:16, 95:3, 127:6 described 51:14, 62:16, 63:5, 128:20 describes 120:17 describing 65:1, 120:6 description 57:8, 128:21 descriptions 87:5 deserved 96:15 design 12:17, 28:17, 	28:22, 45:14, 45:15, 45:20, 55:11, 62:14, 95:15 designed 11:8, 11:9, 12:14, 12:16, 26:22, 27:14, 28:6, 47:10, 49:13, 49:21, 50:7, 50:11, 53:13, 53:16, 55:4, 55:6, 55:8, 56:4, 56:7, 96:9, 103:17, 103:18 designer 11:4, 11:5, 12:14, 38:12, 39:19, 41:12, 44:6, 61:13 designing 38:6, 39:20, 40:5, 40:22, 42:22, 43:13, 43:16, 44:3, 112:21 designs 54:10, 96:20, 97:2 detail 120:19 details 9:16, 9:20 detectable 107:11, 107:15, 111:9 determination 82:17 determine 89:11, 89:20 develop 35:10, 56:11, 96:7, 96:16 developed 13:20, 61:19, 61:22, 91:22 developer 11:5
D damages 125:1, 125:17, 128:2 date 70:19 dated 70:1 david 60:9 day 132:14 dc 1:21, 3:21 de'longhi 92:1 deal 42:5 dealing 82:20, 112:19 deals 17:13 december 1:22, 16:2, 132:15 declaration 18:6, 18:12, 18:13, 19:3, 20:19, 21:5,	declarations 5:2, 15:3, 17:14, 17:18, 19:6, 26:4, 26:11, 26:19, 68:2, 69:7, 79:3, 88:7, 131:9 defendant 10:17, 10:21 define 38:10, 38:14, 102:9, 102:14, 121:18, 121:19 definition 43:19, 90:6, 90:9, 121:17, 127:10 degrees 29:12, 30:7, 31:15 deliberate 41:21 delivers 11:11		

developing 85:15, 95:8, 95:19, 96:3 development 16:9, 16:11, 55:14, 60:1, 61:17, 62:5, 95:7 device 55:10, 55:13, 56:1, 56:2, 56:8, 63:22 device-based 55:15, 55:16, 56:5 devices 55:14 differ 107:10, 111:7 difference 81:2 differences 54:14, 80:9, 80:21 different 28:17, 28:22, 35:15, 36:6, 38:2, 39:5, 54:4, 54:10, 54:12, 58:6, 58:9, 60:20, 60:21, 61:8, 85:19, 85:20, 86:21, 87:5, 87:22, 88:1, 94:21, 97:6, 109:10, 116:3, 116:20, 120:11, 123:21, 127:10, 127:14, 127:15 differentiated 58:7, 58:8 differently 41:8, 101:10 difficult 20:7, 40:11, 58:22 difficulty 116:2	direct 98:6, 114:13, 116:13, 124:15 directed 57:15, 100:19, 101:11, 102:21, 105:12 directing 60:16, 81:7 direction 132:8 disagree 131:1, 131:10 disc 94:4 discern 57:17 discerned 54:15, 54:17 disclose 85:17 disclosed 88:22, 89:5, 105:3, 105:9, 105:17 discloses 104:16, 105:4, 113:13 disclosure 87:15, 113:11 discrete 118:14, 119:4, 119:20 discuss 93:15 discussed 35:4, 87:6 dispensed 53:5 disposable 102:1 dispose 37:5 disposed 102:3, 126:22 dissolved 31:18, 31:20, 32:1, 32:3,	32:4, 32:8 dissolving 50:3 distances 54:12 distinction 104:3 distribution 51:22, 52:2 district 2:22, 77:9, 78:1, 78:7, 78:19, 78:21, 132:22 division 13:21, 14:11 divorce 8:3, 13:4 documents 119:2 doing 23:9, 23:13, 33:7 done 45:3 dov 1:20, 2:10, 4:2, 5:2, 6:3, 6:15, 56:21 down 38:21, 39:3, 43:21, 107:6, 107:19, 110:18 downward 121:4 downwardly 122:21 dr 22:11, 22:12, 22:15, 25:4 draft 18:5, 19:5, 19:6, 19:17, 20:3, 20:10 drafted 19:17, 20:3, 62:4 drafter 88:2	drafts 19:9, 19:11, 20:21 dress 12:20 dried 92:10, 93:1 drink 27:8, 27:11, 28:16, 29:4, 29:9, 50:4, 56:11 drip 27:4 drip-type 11:14 drive 3:12 dropped 24:18 dry 37:12 duly 6:4 dump 37:10 duration 29:14 during 9:4, 41:16, 42:2, 45:1, 45:6, 71:20, 91:9, 128:12 dutch-space 7:17 dye 66:16, 67:2, 67:4 E e&e 9:3 e-m-b-o-s-s-e-d 66:7 each 31:9, 54:11, 58:7, 58:9, 85:21, 129:11
---	--	--	--

Transcript of Dov Glucksman
Conducted on December 17, 2024

142

earlier 26:21, 30:15, 60:2, 63:16, 104:1 easier 27:21, 61:11, 97:10, 97:12, 115:12 effectively 46:17 eight 50:1 either 92:10, 95:21, 128:20 elaborate 55:19 elaborated 83:3 elaborating 22:13, 33:3 electric 95:8 electrical 9:2 electronic 61:16 electronics 9:2, 61:15 element 42:1, 54:20, 81:22, 108:2, 110:22, 111:14 elements 41:15, 62:22, 82:13 else 24:17, 24:21, 71:20, 89:19 embodiment 84:9, 84:11, 86:17, 120:17, 121:7 embodiments 61:8, 82:22, 83:7, 83:18, 84:20, 85:13, 85:17, 86:12,	87:5, 87:18, 88:1, 114:15, 115:6, 115:10, 115:22, 116:4, 116:7, 116:10, 116:20, 118:12, 118:15, 119:5, 119:9, 119:18, 119:20, 120:6 embossed 66:4, 66:6, 66:7, 66:8, 66:11, 66:13 embossing 66:21, 67:22 emery 3:19, 17:1, 17:4, 17:8 emit 54:18 employed 132:10 employees 60:10 enable 65:20 enabled 65:8, 65:18 enablement 66:1 encodes 111:9, 111:10, 111:12 end 96:11, 96:13, 96:14, 115:4, 118:3, 119:8 ended 16:1, 121:3 engineer 61:17 engineering 66:5 enhance 113:9 enjoin 9:6 enlarging 58:13, 59:4,	59:6, 59:13 enough 36:18 ensure 40:3, 40:19 ensuring 36:17, 39:22, 40:7, 40:13, 40:14 entail 87:5 entering 52:6 entire 99:3, 99:12 entirety 63:10 enumerated 116:7 equating 116:3, 128:14 equipment 42:6, 43:21, 94:6 error 73:8 especially 126:11 espresso 27:4, 27:7, 27:8, 27:11, 27:15, 27:19, 28:5, 28:16, 28:19, 29:3, 29:5, 29:9, 29:21, 30:5, 30:6, 30:16, 30:19, 30:20, 31:2, 31:6, 31:13, 31:17, 32:9, 33:1, 33:8, 92:1 esquire 3:4, 3:10, 3:17, 3:18 essence 28:20, 70:11 essentially 15:17, 32:21,	36:14, 37:10, 53:10, 54:6, 93:1, 94:3 est 2:1 establish 79:7, 79:18, 83:5, 83:16 establishing 81:2 et 101:22, 111:8 evacuated 53:6 evaluate 39:7, 88:19, 88:21, 89:4, 105:2 evaluating 87:15, 90:11, 90:15 even 12:17, 29:18, 45:21, 59:14, 102:4 event 59:11 ever 25:2, 25:4, 49:13, 53:13, 53:16, 55:4, 55:6, 55:8, 66:3, 91:18, 92:5, 119:10 evidence 15:18, 130:18 exact 21:21, 59:15 exactly 16:18, 59:15 examination 4:2, 6:6 examined 6:4 example 37:2, 42:1, 42:21, 44:10, 44:20, 54:18,
--	---	---	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

143

55:21, 61:12, 94:12, 127:1 examples 101:16 exhibit 4:7, 4:10, 4:14, 4:15, 4:17, 4:20, 5:2, 5:11, 5:13, 5:15, 23:2, 25:10, 25:14, 26:14, 26:18, 33:17, 33:19, 33:20, 33:22, 34:1, 51:15, 56:15, 56:17, 56:22, 58:5, 65:12, 68:4, 68:11, 68:16, 69:14, 76:18, 77:4, 97:15, 97:18, 103:3, 115:16, 115:18, 117:2, 117:5, 117:9, 117:12, 119:22, 120:8, 120:12, 123:21, 124:1, 124:5, 124:8, 124:10, 124:11, 124:18 exhibits 4:6, 18:1, 21:14, 24:2, 77:1, 77:3, 77:4, 77:6, 78:14, 116:22, 117:1, 117:14, 118:16, 118:20, 119:3, 120:4 exits 121:14, 121:16 expectations 38:16, 40:15 expected 80:15 experience 31:13, 101:21, 113:10	expert 9:12, 9:15, 10:16, 10:18, 14:5, 14:6, 14:8, 15:13, 16:14, 16:17, 22:15, 48:2, 61:14, 77:12, 102:11 expires 132:16 explain 32:22, 34:16, 55:19, 57:4, 73:9, 79:17, 88:3 explained 83:4 explaining 57:14 explains 124:22 explicit 82:10 explode 45:5 exposure 93:16 extent 16:3, 131:5 extract 29:7 extracting 31:5 extraction 30:21 F f-a-u-x 33:4 facility 53:1 fact 9:8, 10:18, 10:20, 14:4, 60:17 factor 40:21	failure 80:17 familiar 29:17, 53:20, 57:4, 82:13 fast 29:4 faux 33:4 favor 11:22, 14:15, 14:17 feature 100:2, 109:6 features 119:11, 119:13 february 14:20, 16:18 federal 130:18 feel 30:13, 112:11, 112:14 felt 96:2 few 79:20 figure 120:14, 120:16, 128:21 figures 35:21, 57:3, 63:1, 63:3, 113:17, 113:20, 116:5, 118:13, 119:18 file 64:18 fill 36:16, 122:14 filled 52:3, 53:2, 94:5 filling 53:1, 53:2, 94:5 film 52:20, 92:13	filter 36:16, 37:3, 37:8, 37:9, 37:10, 37:11, 37:12, 37:13, 37:18, 51:20, 52:2, 52:8, 52:18, 94:3, 94:4, 94:9, 94:17, 98:13, 98:20, 99:2, 99:8, 99:12, 99:18, 99:21, 100:3, 100:6, 100:9, 100:11, 100:14, 100:17, 101:1, 101:7, 101:12, 101:16, 101:22, 102:5, 103:11, 103:12, 103:13, 103:19, 103:21, 104:3, 104:4, 104:7, 104:8, 104:17, 104:21, 105:5, 105:19 final 18:12, 19:16, 20:2, 20:5, 20:10, 62:17, 75:8 finalize 62:14 financial 132:11 find 33:16, 73:7, 116:19 fine 116:16 finished 93:12 firm 16:16, 16:21, 17:1, 95:7 first 6:4, 16:13, 16:15, 18:5,
---	--	---	--

Transcript of Dov Glucksman
Conducted on December 17, 2024

144

18:14, 19:4, 19:17, 20:3, 20:10, 30:20, 36:21, 41:12, 93:16, 110:5, 128:15 fit 35:16, 36:7 five 7:11, 114:15, 115:6, 115:10, 115:21, 116:3, 116:10, 116:19 flange 106:16, 108:8, 108:20, 109:8, 109:14, 110:3, 110:15, 111:18, 112:7, 112:22, 113:15 flat 51:20 flowchart 63:2 focus 62:5 focused 95:8 foil 52:20, 94:16, 122:16, 122:17 following 119:17 follows 6:5, 19:2, 20:1, 26:10, 71:17, 83:16, 108:17 force 121:13, 122:8 foregoing 132:3, 132:4 form 19:5, 19:6, 27:16, 28:7, 39:2, 47:14, 47:21, 48:9, 48:16, 59:9,	65:2, 67:1, 78:13, 86:13, 88:10, 89:7, 89:21, 90:7, 94:11, 99:4, 99:14, 100:18, 101:19, 105:10, 105:20, 105:21, 108:10, 109:15, 113:4 formed 31:7, 33:10, 78:6, 78:20, 123:1 forming 54:12, 54:13, 78:10, 85:10, 88:6 forms 67:5 found 88:15, 114:5 founded 95:5 four 7:11, 17:13, 17:18, 25:19, 25:22, 26:1, 46:21, 47:7, 60:18, 68:2, 69:6, 80:11, 89:12, 90:1, 90:5, 124:2, 124:11 four-cup 29:16 frame 49:16 free 98:13, 98:20, 99:7, 99:21, 100:9, 104:16, 104:20, 105:4, 105:18 freely 129:5 french 13:14	front 69:16 fryer 13:19, 13:20, 14:10 function 38:18, 39:15 functionality 95:12 further 35:22, 68:13, 106:14, 107:22, 110:20, 111:1, 111:13, 118:11, 119:17 G gap 58:8, 122:14, 123:1 gas 53:7 gave 18:14, 19:4 general 23:4, 44:19, 61:18, 73:4 generally 42:4, 44:12, 99:19 generated 122:19 german-speaking 93:22 give 20:7, 22:9, 28:2, 33:16, 82:15, 97:11, 98:15 given 78:4, 109:17, 132:6 global 7:17 glucksman 1:20, 2:10, 4:2, 5:2, 6:3, 6:15, 6:16,	15:21, 23:20, 34:4, 49:8, 56:21, 69:21, 72:13, 74:8, 75:12, 77:1, 91:9, 130:15, 130:19, 131:3 glucksman's 130:17, 131:2, 131:9 gmbh 1:8, 68:7 go 23:7, 35:19, 37:12, 38:2, 46:14, 47:15, 57:6, 65:5, 72:8, 72:10, 74:6, 76:12, 76:14, 79:22, 81:10, 89:1, 93:3, 93:4, 95:20, 97:6, 103:2, 104:12, 106:2, 106:3, 107:19, 110:7, 110:11, 110:18, 114:1, 114:4, 115:4, 117:19, 120:12, 120:14, 123:21, 125:15, 126:10, 126:14, 126:18, 130:12 goes 29:2 going 6:11, 8:8, 13:7, 23:14, 29:17, 57:3, 58:22, 66:10, 68:1, 69:6, 78:9, 78:19, 91:1, 108:11, 111:3, 113:11, 118:1, 119:6, 127:20 gone 20:8
--	---	---	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

145

good 6:9, 31:1, 58:21, 59:10, 98:5, 101:20, 104:3	happy 22:8, 35:19, 51:16, 85:7	29:17, 31:18, 32:9, 33:6, 34:16, 34:22, 50:6, 52:15, 122:20	41:1, 44:11, 45:13, 58:1
grammar 129:13, 129:18, 129:19	hard 22:6, 27:17, 28:12, 32:20, 86:14, 128:14	high-quality 30:16, 30:19, 31:1	I
granted 64:17	harrison 12:14	hindsight 82:17	ian 3:17
granules 33:12	head 31:7	hit 44:22	idea 95:21, 96:2
great 23:9	hear 85:5	hits 54:20, 59:8	ideas 70:19
grossi 60:10, 61:14	heard 16:16, 66:3	hitting 54:22	identification 34:1, 56:17, 61:20, 61:21, 68:17, 97:19, 115:19, 117:3, 117:15, 124:6
ground 36:15, 53:3, 53:4, 94:2	heated 51:1	holder 37:9, 37:13	identifier 55:22, 56:4, 56:13, 105:13, 105:14, 106:8, 107:2, 107:9, 108:7, 108:19, 109:1, 109:3, 109:7, 109:13, 109:17, 110:3, 110:10, 110:14, 111:6, 111:17, 112:6, 112:20, 112:22, 113:6, 113:14, 113:21
grounds 29:8, 37:14, 39:15, 39:18, 92:9, 92:10, 92:12, 102:2, 102:22, 104:9	heater 50:10, 50:22	holds 94:8	identifier's 107:22
groups 21:7	height 67:6	home 35:6	identifiers 106:15, 109:3, 109:18
grouping 129:12	help 22:12, 58:13, 59:5, 81:7, 108:12, 111:4, 114:22, 116:8, 126:3	honestly 130:2	identify 53:10, 77:5, 113:13
guess 81:5	helpful 126:15	hong 15:19	identifying 42:21, 43:6, 43:8
guide 89:10	hence 29:4, 102:19	hot 30:9, 30:11, 45:11	ii 107:14
guy 61:15	here 8:6, 15:14, 33:3, 51:17, 66:9, 68:6, 70:18, 71:3, 78:12, 94:14, 102:12, 103:4, 114:14, 115:5, 116:5, 117:21, 121:22, 122:16, 131:3	hour 91:2	il 3:13
H		hours 21:19, 24:10, 24:13	image 58:18, 66:17, 67:3, 67:15
half 29:10		housed 104:4	
hand 44:22, 45:1, 54:22, 68:1, 69:6, 132:14		housing 122:15	
handed 118:22		howell 22:11, 22:12, 22:15, 25:5	
handing 34:3		hub-based 8:16	
happen 33:9		human 30:13	
		hundred 64:6	
		hypothetical 36:9, 40:16,	

Transcript of Dov Glucksman
Conducted on December 17, 2024

146

immediately 31:16	individual 11:13	128:4, 128:6, 128:12, 129:2, 129:15, 129:16, 130:2	109:5, 121:22
impact 41:9	individualization 98:21, 106:7, 106:15, 107:2, 107:4, 107:9, 109:7, 110:14, 111:3, 111:6, 111:17, 113:14	initial 14:15, 16:19	interpreting 99:10, 121:21
implicit 82:10	induced 122:8	injured 44:7	introduce 33:19, 97:14, 115:15, 116:21, 117:4, 123:22, 124:9
important 38:9, 38:22, 39:11, 44:2	industrial 12:13, 61:12	input 96:4, 96:5	introduced 57:5
improper 82:16, 131:8	inform 89:16	inside 31:10, 52:9, 92:6, 92:18, 98:13, 98:20, 99:8, 99:21, 100:3, 100:6, 100:10, 100:11, 101:7, 101:12, 101:17, 102:5, 104:17, 105:19, 121:8, 121:12, 122:4, 123:11	invalid 80:3
improve 95:12	information 9:3, 18:8, 26:15, 26:17, 57:17, 58:10, 79:10, 111:9, 111:10, 111:12, 126:21	institute 30:5	invention 47:20, 48:15, 60:21, 65:1, 80:7, 80:14, 80:15, 80:16, 80:18, 82:1, 86:10
inaccurate 70:21, 71:2, 72:21, 74:16, 75:20	informed 80:2, 81:14, 82:12, 90:17	institution 114:7	inventions 80:18
inadequate 131:7	informs 26:5, 26:12	integral 50:10	inventor 59:20, 60:6, 61:2, 64:5
inadmissible 130:17	infrared 54:19, 57:10, 57:12	integrated 56:8, 63:21	inventors 34:13, 60:8, 60:18, 60:19, 61:6
inc 1:5, 68:7	infringe 14:12	integrates 55:9	involve 86:2
incident 45:18	infringed 13:22, 100:7	integrating 62:7	involved 10:1, 10:3, 12:17, 20:11, 20:15, 20:18, 21:4, 21:7, 21:10, 55:13, 56:12, 84:13, 85:15
include 56:12, 71:22, 73:20, 75:4, 76:8, 80:13, 126:7	infringement 8:18, 14:1, 78:7	intend 71:8, 71:18, 73:16, 75:1, 76:5	involves 33:5, 42:7, 67:22
included 19:6, 19:7, 55:14, 56:7	infringing 12:2	interest 132:11	ipr 1:11, 1:13, 1:15, 1:17, 5:4, 5:6, 5:7, 5:9, 17:13, 68:7, 68:8, 68:9, 68:21, 69:2,
includes 37:9, 107:15, 111:8	infusible 52:3	interested 102:14	
incorporated 23:1	infusing 50:2	interesting 117:22	
incorrect 56:9, 65:15, 130:19, 131:6	infusion 33:10	interfere 42:20	
increase 57:21, 59:7, 59:13	ingredient 129:8, 129:10	interpret 88:8, 89:6,	
increasing 57:20	ingredients 125:3, 125:19,		
indicating 103:4			

Transcript of Dov Glucksman
Conducted on December 17, 2024

147

69:14, 71:8, 71:19, 73:17, 74:3, 76:5, 78:17, 97:16, 124:2, 124:11 iprs 17:18, 22:16, 25:20, 26:5, 26:12, 26:16, 68:2, 75:1, 86:2 issue 7:16, 9:10, 9:14, 25:20, 79:3 issued 17:14, 56:20 issues 14:7, 77:22, 78:4, 130:21, 131:7 italy 30:5 items 18:3 iterations 20:9 itself 104:13	14:11, 14:17, 15:7, 35:12 joseph 60:9, 61:14 judgment 87:8 judith 2:4, 2:19, 132:2 jump 107:6, 128:19 jura 92:2	92:12, 93:6, 104:10, 105:13, 111:20, 113:9, 116:4, 116:12, 123:1, 126:9, 126:16, 128:7 knowledge 82:5 known 11:14, 28:12, 33:4, 54:7, 62:3, 62:8, 62:13, 82:14, 124:7, 124:13 kong 15:19 krüger 21:7, 21:10, 25:2, 97:17	118:10, 118:11 late 17:19 law 16:16, 16:21, 16:22, 82:12 lawrence 22:15, 25:4 lawyer 20:13, 65:3 layer 31:9 leads 120:9 learn 95:11, 96:12 least 107:10, 111:7 leather 66:18 left 32:12, 32:15, 36:21 leftover 92:6 legally 130:19 length 59:6 less 31:11, 125:1, 125:17, 128:1 let's 27:11, 37:1, 42:8, 43:10, 43:22, 47:14, 49:2, 59:17, 65:5, 66:14, 69:13, 69:18, 72:4, 74:2, 75:8, 75:10, 76:12, 76:14, 88:5, 93:3, 96:15, 97:6, 97:7, 103:2, 104:12, 106:1, 106:2, 106:3, 110:18, 112:17,
K		L	
	k-fee 1:8, 16:13, 17:8, 20:18, 20:22, 21:4, 22:15, 26:1, 47:8, 47:10, 68:7, 77:10 k-fee's 46:20, 47:20 kavya 3:18 key 38:4 kind 12:20, 31:12, 42:3, 45:18, 49:19, 63:20 know 20:17, 22:6, 22:11, 23:5, 28:4, 29:14, 36:16, 39:14, 42:1, 43:1, 45:6, 45:16, 45:17, 46:9, 54:13, 57:5, 59:15, 61:17, 64:5, 64:15, 70:10, 70:15, 79:9, 81:9, 83:1, 85:15, 85:21, 88:2, 89:9, 89:13,	lab 94:21, 95:3, 95:10, 95:15 label 53:9, 88:14 laboratory 95:10, 96:18, 96:21, 97:3 lack 100:17, 100:22, 130:20, 131:6 language 85:15, 88:8, 88:12, 89:8, 89:15, 99:6, 99:9, 99:11, 99:15, 99:20 larger 58:16, 58:18 largest 29:16 laser 59:7 last 7:4, 7:15, 24:2, 24:5, 24:14, 118:6,	
J			
january 56:20, 132:16 jarisch 25:13, 86:3, 86:17, 87:16, 124:3, 124:7, 124:12, 124:13, 126:4, 128:18 jarisch's 129:4 job 2:2, 23:10 join 24:19 jointly 18:11 jordab 13:14, 13:21,			

Transcript of Dov Glucksman
Conducted on December 17, 2024

148

114:1, 114:4, 120:12, 123:21, 126:14, 128:22, 129:13, 130:4 level 34:16, 34:22, 50:6, 52:16, 80:10 lid 37:16, 44:21, 44:22, 45:4, 50:13, 51:19, 53:7 light 54:19, 57:10, 57:12, 57:14, 59:3, 80:4, 81:15, 81:17 likelihood 59:14 likely 82:14 limitation 98:7, 100:3, 100:9, 101:6, 110:8, 110:9 limitations 109:10, 109:21, 110:1 limited 16:3 line 54:20, 88:17, 98:3, 98:17, 106:19, 111:4, 111:5, 114:22, 115:1, 115:4, 121:3, 125:8, 125:13 lines 98:10, 98:18, 106:3, 106:12, 107:20, 110:11, 110:13, 110:18, 110:20, 119:7, 125:15 liquid 29:19, 31:9,	33:5, 92:10, 92:13, 104:10, 121:12, 122:3, 122:7, 123:15 listing 129:17 litigation 7:20, 10:8, 10:9, 11:20, 12:6, 14:2, 77:9, 78:20 little 44:19, 107:8, 107:14, 107:20, 116:2, 116:14 llp 3:5, 3:11, 3:19 locally 67:15 located 98:9, 106:15, 107:3, 110:14, 113:22 location 59:16, 113:9, 116:13, 125:1, 126:13 locations 113:7, 113:22, 126:10, 126:12 london 14:3 long 21:16, 46:5, 69:11 long-felt 80:13 look 22:8, 38:6, 48:17, 69:9, 113:17, 120:19, 128:7, 129:13 looked 88:11 looking 35:21, 67:3, 98:1, 124:9, 125:6, 125:9	looks 127:8 lot 58:10, 59:3 low 29:5, 29:21 lower 31:4, 51:18, 51:21, 94:4, 125:10 lunch 24:18, 91:10 M machine 28:4, 28:18, 35:16, 36:7, 37:14, 37:16, 38:18, 38:21, 39:7, 39:16, 40:4, 41:13, 41:16, 44:8, 44:10, 45:10, 45:14, 45:16, 45:17, 45:22, 46:5, 46:11, 46:17, 47:4, 50:13, 50:18, 53:2, 59:12, 92:1, 92:2, 92:3, 92:12, 94:13, 94:14, 100:17, 103:11, 103:12, 103:13, 103:15, 103:17, 103:21, 104:2, 104:9, 107:16, 111:11, 111:13, 126:22, 127:2, 127:7 machines 26:22, 27:3, 27:14, 28:9, 92:2, 92:4, 92:14, 92:17 made 37:8, 52:12, 52:14, 52:19,	54:10, 66:22, 73:8, 92:22, 94:12, 94:15, 94:16 mainly 18:10, 54:20 maintaining 39:12, 39:13 make 23:16, 30:19, 41:13, 41:15, 44:6, 44:21, 45:2, 45:5, 46:9, 60:8, 87:12, 97:10, 97:11, 111:2 maker 56:12 making 28:18, 32:5, 39:17, 58:16, 58:17, 82:17, 94:20, 106:7 malaysia 52:22 managed 95:6 mandrel 122:12, 122:13 manner 81:22, 112:16 manufacture 63:9 manufactured 52:15 manufacturer 8:22, 52:22 manufacturing 9:4, 10:3 many 7:9, 8:21, 19:12, 20:9, 21:19, 21:21, 24:10, 27:3, 27:14, 28:6, 61:9, 64:4 marc 21:10, 25:2
---	--	---	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

149

mark 33:21, 56:14, 56:16 marked 4:13, 34:1, 56:17, 68:4, 68:16, 97:15, 97:18, 103:3, 115:16, 115:18, 117:2, 117:5, 117:8, 117:11, 117:15, 124:1, 124:5, 124:10 marketed 13:21 marketing 35:2 material 32:12, 32:15, 52:3, 52:12, 52:14, 66:18, 67:18, 67:22, 94:2, 94:3, 94:5, 94:17 materials 21:17, 24:11, 78:11 matter 10:6, 11:8, 11:10, 46:4, 46:16, 64:19, 64:21, 129:17 matters 15:14 maybe 7:11, 22:12, 29:18, 40:13, 100:21, 121:1 mayer 3:5, 3:11 mccraw 3:4, 4:3, 6:8, 6:10, 18:21, 19:20, 26:7, 33:18, 47:14, 49:2, 49:6, 49:7, 56:14, 68:1, 68:12,	68:18, 71:14, 83:13, 91:3, 91:7, 91:8, 97:14, 108:14, 115:15, 117:4, 123:22, 130:4, 130:8, 130:12, 131:10 mcdermott 3:19, 17:1, 17:3, 17:7 mean 30:11, 30:14, 31:20, 31:22, 32:3, 38:13, 39:6, 40:3, 40:10, 40:12, 40:14, 40:18, 40:20, 59:3, 60:15, 62:1, 62:11, 66:12, 73:5, 84:4, 92:8, 93:20, 99:15, 102:7, 102:8, 109:1, 110:1, 119:3, 128:6, 129:3, 129:19 meaning 55:20, 89:11, 89:13, 89:14, 89:17, 89:20, 90:11, 90:14, 90:18, 100:6 meaningful 41:7 means 60:20, 102:16 meant 62:2, 66:11 mechanic 66:14 mechanical 61:9, 66:5 medical 53:17 meeting 24:14, 38:15	meetings 24:4, 24:15 meets 40:15 members 96:1 membrane 122:17, 123:5, 123:7, 123:11, 123:17 mentioned 8:9, 10:8, 15:14, 21:13, 29:20, 30:15, 32:18, 57:8, 60:2, 112:13 mesh 37:8 met 24:2 metal 66:22, 67:4, 67:5, 67:9, 67:13, 67:14, 67:16, 67:19 method 82:14 michael 60:9, 61:12 might 70:17, 70:19, 113:5 miller 60:9, 61:12 millimeter 29:10, 31:11, 31:12 mind 26:6, 28:11, 33:3, 36:2, 40:2, 70:11, 70:19, 119:7 mine 60:10, 61:7, 121:20, 124:17 minor 11:6 minus 29:12	minute 57:11, 80:20, 88:6, 98:15, 117:21, 125:7 minutes 29:14, 79:20 mischaracterizes 18:17, 47:6, 47:13 misheard 32:2 misspeak 79:12 model 91:20, 91:21, 96:18, 125:22 models 96:21, 97:3 modify 81:20, 82:8 module 125:2, 125:18, 126:5, 127:1, 127:6, 127:19, 128:2 molded 52:17 moment 29:20, 32:19, 33:16, 35:22, 46:15, 56:22, 72:4, 73:10, 76:3, 93:9, 120:15 more 7:6, 7:8, 8:20, 10:4, 22:1, 22:3, 22:5, 33:14, 35:7, 35:20, 37:14, 40:6, 40:12, 40:13, 40:14, 40:19, 44:19, 51:9, 58:14, 60:16, 64:6, 70:19, 80:4, 81:21, 82:9, 82:15, 84:9,
---	--	---	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

150

84:10, 111:22 morning 6:9 most 23:5 mot 85:2 motivated 85:22 motivation 82:21, 83:7, 83:11, 83:18, 84:1, 84:19, 85:3, 85:12, 86:11, 86:19, 87:2, 87:9, 87:18, 87:22 motivations 82:3 move 59:17, 72:4, 74:2, 75:8, 106:1, 106:11, 107:14, 112:17 much 15:18, 18:13, 19:2, 122:14 multi-reference 84:7 multiple 39:22, 40:3, 51:6, 60:19, 80:22, 81:3, 81:16, 81:18, 83:5, 83:10, 83:12, 83:17, 83:21 multitude 54:13 must 81:19, 123:16 myself 16:12, 18:12, 94:13, 96:1, 112:15 N name 6:9, 6:14,	7:22, 9:1, 10:10, 10:22, 15:11, 22:14 named 34:13, 59:19, 60:5, 60:18, 61:1 namely 53:7 nature 7:13, 8:14, 11:7, 12:9, 13:16, 29:2, 82:6 necessarily 33:9, 59:5, 81:10, 120:7 necessary 22:10, 72:1, 73:21, 75:5, 76:9 need 35:2, 36:12, 68:13, 80:13, 82:21, 84:19, 92:14, 94:9 needs 87:17 negative 100:8 neither 132:9 nespresso 1:5, 6:11, 30:4, 68:6, 77:10, 94:13, 94:14 new 3:7, 26:3, 26:10, 26:13, 26:14, 33:19, 36:22, 56:14, 58:5, 64:20, 116:21, 116:22 nitrogen 53:7 nonlawyers 20:11, 20:15	nonobvious 48:15 nonobviousness 80:12 nonverbal 21:20, 35:1, 38:1 north 3:20 notarial 132:14 notary 2:21, 132:1, 132:21 note 68:5, 114:7, 130:13 notice 2:19 novel 48:15 number 4:8, 4:10, 4:15, 4:18, 4:21, 5:5, 5:7, 5:8, 5:10, 5:11, 5:13, 5:15, 17:22, 20:8, 21:22, 25:10, 32:9, 34:5, 56:19, 58:6, 58:19, 58:20, 68:20, 68:22, 69:2, 69:4, 69:14, 76:19, 103:6, 114:22, 117:6, 117:9, 124:3, 124:11, 124:12 numbers 68:7, 76:19 numeral 120:20 numerous 114:16 nva 7:17 nw 3:20	ny 3:7 O oath 6:17 object 28:7, 39:2, 47:21, 48:9, 48:16, 59:9, 65:2, 67:1, 78:13, 86:13, 88:10, 89:7, 89:21, 90:7, 94:11, 99:4, 99:14, 100:18, 101:19, 105:10, 105:20, 108:10, 109:15, 113:4, 126:16, 126:20 objection 18:16, 19:10, 27:16, 32:16, 34:18, 36:9, 37:22, 40:9, 40:16, 41:1, 41:5, 44:11, 45:13, 47:5, 47:12, 58:1, 63:7, 65:9, 65:19, 78:22 objective 35:8 objects 130:14 obvious 48:22, 80:3, 80:5, 81:15, 81:17, 82:14, 88:15 obviously 23:8, 100:22 obviousness 79:4, 79:7, 79:11, 79:15, 79:19, 80:22, 81:3, 81:4, 82:17, 82:21,
---	---	---	--

Transcript of Dov Glucksman
Conducted on December 17, 2024

151

83:5, 83:16, 84:7, 84:13, 85:11 occupied 35:7 occur 9:18, 11:16, 41:16 october 34:6, 70:1 offer 71:8, 71:18, 73:16, 75:1, 76:5, 126:11 office 1:1, 24:3, 64:17 officer 132:3 oh 31:17, 65:13, 95:5, 97:9, 98:21, 107:1, 121:2, 124:7, 124:19 oils 29:7, 30:22, 31:5, 93:2 old 37:3 once 7:6, 7:8, 36:11, 104:7 one 7:7, 11:1, 11:3, 11:21, 12:2, 12:15, 12:18, 23:9, 28:8, 28:11, 28:19, 34:13, 35:7, 35:20, 38:17, 40:7, 40:12, 40:14, 40:19, 41:11, 41:19, 48:13, 51:10, 51:12, 55:11, 56:3, 58:21, 80:4,	80:8, 84:8, 84:9, 84:10, 84:15, 84:16, 85:8, 86:12, 87:19, 91:18, 91:21, 91:22, 96:1, 109:3, 109:4, 109:18, 109:19, 111:22, 113:7 only 7:7, 13:3, 45:15, 57:3, 60:5, 62:12, 99:22, 100:1, 100:2, 100:19, 104:19 opacity 54:14 open 44:21, 45:3, 120:16, 122:4, 123:16 opening 50:16 openings 122:9 opens 44:22 operate 28:9, 50:5, 105:18 operates 40:7, 105:9, 121:7 operation 41:17, 45:6, 46:13 opine 47:7, 47:17, 47:22, 48:20, 78:4, 79:3, 104:18 opined 102:12 opinion 18:2, 18:8, 47:9, 88:16,	89:10, 90:2, 90:6, 104:15, 105:22 opinions 19:7, 21:18, 26:5, 26:12, 70:7, 70:13, 71:8, 71:18, 72:2, 72:18, 73:16, 73:22, 74:13, 75:1, 75:6, 75:17, 76:5, 76:10, 78:1, 78:6, 78:10, 78:20, 85:10, 88:7 opportunity 44:7, 73:9, 113:8 opposed 27:4, 61:6 opposing 106:20 optical 53:20, 54:7, 63:21, 111:8, 111:9 optically 54:1, 54:5, 54:7, 107:10, 107:15, 113:14 optimize 46:12 options 94:21 oral 130:14 order 83:22, 95:9, 102:1 ordinary 80:6, 80:10, 90:10, 90:14, 90:18 organic 29:7, 30:22, 93:1 organized 117:20	original 61:7 other 11:10, 13:3, 14:21, 15:2, 15:11, 15:14, 20:14, 24:4, 24:5, 25:1, 28:4, 41:12, 43:19, 46:2, 54:11, 54:21, 56:3, 58:7, 60:7, 61:6, 66:18, 73:6, 78:11, 78:14, 78:16, 84:12, 85:21, 86:4, 86:9, 86:18, 101:17, 104:10, 113:8, 115:1, 115:3, 129:11 others 80:17, 80:19 otherwise 94:1, 132:12 ounce 29:9 ounces 50:1 out 37:3, 37:8, 45:11, 52:14, 52:19, 73:7, 83:4, 94:14, 94:15, 94:16, 110:9, 114:22, 125:8 outcome 11:19, 14:13, 14:14, 14:15, 132:12 outer 31:9 outline 116:19 outside 34:18, 108:1, 108:8, 108:20,
---	--	---	--

Transcript of Dov Glucksman
Conducted on December 17, 2024

152

109:8, 110:21, 111:14, 113:1, 123:4, 123:10, 123:17 oven 15:10 over 7:4, 16:15, 23:4, 23:8, 24:6, 32:12, 32:15, 36:21, 49:11, 91:1, 92:5, 103:4, 114:15, 115:6 overall 102:17 own 87:8, 91:21, 92:1 owned 13:18, 82:11, 91:18, 91:20, 91:21, 91:22, 92:1, 92:2 owner 1:9, 3:16 owner's 5:3, 119:11 oxygen 52:5	124:19 pages 2:3, 19:13, 76:14, 78:9 paid 12:19 paper 37:10, 37:11 paragraph 79:14, 80:1, 81:8, 81:13, 82:18, 93:4, 93:9, 93:14, 93:15, 94:19, 114:4, 114:10, 116:18, 117:19, 118:2, 118:6, 118:10, 119:8, 124:16, 124:18, 124:22, 125:11, 126:14, 126:17, 126:18, 127:21 paragraphs 114:16 part 31:12, 31:14, 33:10, 35:12, 51:21, 64:11, 64:14, 97:6, 101:22, 102:17, 103:21, 104:2 particular 67:17, 83:8, 83:19, 84:3, 85:12, 85:20, 94:8, 109:2, 109:17, 116:13, 117:22, 125:2, 125:18, 126:1, 128:3, 129:7 particularly 27:8, 105:12 parties 132:10 parts 52:21, 53:1 pass 130:9	passed 104:11 passes 33:11, 39:17 past 26:22 patented 62:17, 97:4 patentee 64:18 patents 12:3, 12:17, 13:18, 25:19, 25:22, 26:1, 46:20, 46:21, 47:3, 47:8, 47:10, 48:5, 64:4, 64:7, 64:10, 64:14, 88:9, 89:12, 90:1, 90:5, 118:21, 120:4 pattern 107:16 penalty 70:4, 72:16, 74:10, 75:14 pending 77:9 people 32:21, 60:20, 96:5 percentage 19:16, 20:2, 20:4 period 9:4, 18:3, 81:17, 106:19 periodically 92:15 periphery 94:6 perjury 70:5, 72:16, 74:11, 75:15 permanent 37:8, 37:12 person 32:6, 62:8,	80:6, 87:4, 87:20 pertains 85:3 petition 25:16 petitioner 1:6, 3:3, 6:6, 6:10, 48:20, 88:13, 88:17, 114:14, 115:5, 116:1, 130:14 petitioner's 131:4 philips 7:17, 8:10, 8:21, 9:5, 9:9, 10:2, 15:7, 15:8, 92:2 phone 24:19, 63:16 phrase 127:15 picking 33:20 picture 63:17 piece 66:18, 67:4, 67:5 place 14:2, 56:1, 63:12 placed 45:16, 50:9, 50:10, 50:12, 50:22, 51:22, 56:13, 59:12, 59:15 places 113:3 plain 90:10, 90:13, 90:18 planning 37:15 plastic 52:14, 52:21
P			
pace 29:4 packaged 94:2 packed 28:13, 33:12 pad 93:21 page 4:2, 4:6, 69:18, 69:19, 72:10, 72:13, 74:6, 75:10, 75:11, 76:18, 93:10, 114:5, 114:14, 118:3,			

Transcript of Dov Glucksman
Conducted on December 17, 2024

153

plate 51:22, 52:3, 125:3, 125:19, 126:1, 126:8, 128:3, 128:16, 128:17, 129:1, 129:7, 129:10, 129:14, 129:16 please 6:13, 18:19, 18:22, 19:19, 26:8, 27:13, 33:21, 38:11, 56:16, 69:9, 69:12, 71:13, 71:15, 74:6, 77:19, 79:22, 83:4, 83:14, 98:15, 108:13, 108:15, 124:16, 125:7 plus 29:12 pod 93:21, 94:7, 94:9, 94:14, 94:15 pod-based 93:16, 93:20 point 8:3, 30:12, 39:13, 46:3, 46:6, 46:8, 46:19, 57:7, 62:14, 73:6, 76:3, 83:4, 85:6, 114:21, 116:5, 125:8 pointed 73:7 pointing 120:21, 121:4 points 110:9 portion 36:15, 98:12, 98:19, 99:7, 106:6, 121:5,	125:10 portions 57:15, 57:16 posita 81:20, 82:6, 82:8, 85:21, 87:7, 118:14, 119:20, 120:9 positioned 123:14 possibility 57:12, 57:13, 111:21, 112:1 pot 28:12, 28:13 pouch 94:8 pour 11:13, 37:14 powder 50:3 practical 111:20 precise 20:8, 22:9 precisely 59:12, 102:10 predictable 82:15 prefer 79:9 preliminary 96:8 preparation 20:12, 20:15, 20:19, 21:5, 21:8, 21:11, 24:7, 24:11, 25:8, 25:17 prepare 23:18 prepared 17:21, 18:5, 131:3 preparing 17:17, 21:17 present 24:15	presenting 119:10 presently 116:4 presents 119:9 president 16:12 press 44:20 pressing 45:1, 123:16 pressure 28:14, 29:6, 29:13, 66:16, 67:5, 121:8, 121:11, 122:4, 122:18, 122:19 presumably 123:6 prevent 6:20, 52:5, 94:7 preventing 39:16, 47:3 previous 16:6 previously 4:13, 12:15, 68:3, 68:16, 97:15, 97:18, 115:16, 115:18, 117:2, 117:5, 117:8, 117:11, 117:14, 124:1, 124:5, 124:10, 128:18 primarily 19:7, 49:21 primary 39:18 prior 7:19, 8:2, 9:4, 18:17, 22:15, 22:16, 22:21, 47:6, 47:13, 47:18, 48:18, 48:21, 80:4,	80:8, 80:9, 81:15, 81:16, 81:18, 81:20, 82:8, 82:10, 88:20, 88:21, 89:1, 89:4 probably 23:5, 31:11 problem 82:6 proceed 69:12 proceeded 96:7 proceeding 68:6, 68:19, 68:21, 69:1, 69:3, 72:6, 74:3, 75:10, 77:13, 78:10, 97:16 proceedings 8:3, 13:4, 17:13, 68:5, 78:17, 124:2, 124:11 process 17:20, 33:8, 33:11, 45:21, 66:13, 66:16, 95:14, 95:16, 95:19, 128:13 processing 125:2, 125:18, 125:22, 126:3, 126:5, 127:1, 127:5, 127:19, 128:2 produce 35:3 produced 8:22, 9:5, 96:14 produces 41:13, 103:14 producing 9:7, 28:15 product 9:1, 9:5, 9:7,
--	---	---	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

154

31:14, 38:15, 61:14, 61:18, 62:18, 63:4, 63:6, 63:9, 95:7, 95:19, 95:22, 96:2, 96:7, 96:11, 96:13, 96:14 products 34:10, 52:17, 53:17, 96:22 professional 2:20 prohibit 99:2, 99:11, 99:18 prohibits 100:3, 100:5, 100:6, 101:6, 101:9 projected 128:12 projection 130:3 projections 125:4, 125:20, 128:4, 128:6, 129:2, 129:8, 129:10, 129:15, 129:16 prompted 81:20, 82:7 prone 125:1, 125:17, 128:2 properties 107:11 prototype 63:9, 96:8 prototypes 95:10 provide 9:11, 9:14, 14:7, 15:18, 16:2, 16:4, 18:2, 78:1, 96:5, 126:20 provided 9:21, 13:8,	13:11, 13:13, 14:22, 15:3, 17:22, 18:7, 19:7, 20:20, 21:13, 53:6, 70:18, 77:5, 77:7, 79:10, 108:1, 110:20, 111:13 provides 29:11, 81:22 providing 6:20 public 2:21, 132:1, 132:21 publication 4:8, 4:18, 4:21, 34:5, 103:6, 115:17, 124:3, 124:12, 124:19 published 34:5 punctured 50:14 purported 47:20 purpose 47:2, 108:6, 108:18, 109:12 purposes 111:20 pursuant 2:19 pushes 122:4 put 18:11, 45:1, 46:16, 68:14, 68:15, 103:4, 103:22 putting 36:22, 37:19 pyramid 126:8 pyramidal 125:3, 125:14,	125:19, 126:1, 128:3, 128:16, 128:17, 129:1, 129:7, 129:10, 129:16 Q qualified 67:21, 112:12, 112:14, 112:15 qualities 30:18 quality 38:9, 38:17, 44:3, 46:6, 46:8, 96:15 quantity 39:15 question 11:5, 18:19, 19:18, 21:1, 22:7, 23:11, 23:15, 26:6, 27:12, 27:18, 27:22, 32:20, 36:3, 40:18, 41:21, 48:11, 58:3, 58:12, 58:13, 58:21, 59:10, 65:6, 66:3, 68:6, 71:12, 81:10, 82:19, 83:9, 83:10, 83:12, 83:14, 83:21, 84:22, 85:1, 86:8, 86:15, 99:1, 99:5, 100:21, 101:3, 101:15, 101:20, 108:13, 110:6, 112:3, 112:8, 112:10, 112:12, 112:15, 115:9, 115:20, 120:3, 121:20, 127:20 questioning 131:8	questions 72:9, 74:5, 114:11, 130:11, 131:4 quick 49:2 quickly 57:6, 114:22 quite 10:1 R raise 122:20 rallabhandi 3:18, 24:16 range 30:7, 31:11, 31:12, 31:15, 32:8, 49:22 ranging 29:15 rapid 59:4 rapidly 30:21 rapparini 86:18 rather 28:1, 55:12, 87:13 ray 54:18 re-ask 27:12 reached 10:6, 121:9, 121:11 read 18:21, 19:1, 19:20, 19:22, 26:7, 26:9, 48:5, 48:7, 53:22, 55:12, 56:4, 57:9, 57:22, 59:14, 71:14, 71:16, 79:9, 79:16,
---	---	--	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

155

79:21, 81:11, 83:13, 83:15, 85:7, 89:8, 89:14, 99:6, 104:22, 105:1, 108:14, 108:16, 110:19, 113:7, 113:8, 113:15, 114:8, 114:10, 126:10, 126:19, 129:9 readable 67:7, 107:16 reader 55:9 reading 54:4, 63:21, 82:18, 93:12, 114:18, 126:21, 127:9, 132:8 ready 63:12 really 32:17, 40:17, 41:6, 46:3, 46:16, 48:10, 59:2, 61:22, 105:21, 112:11, 129:20, 130:1 realtime 2:21 reason 27:18, 62:12, 81:19, 82:1, 82:2, 82:7, 92:20, 113:6, 119:12, 120:5 reasons 43:2 recall 7:12, 8:3, 8:6, 9:16, 9:18, 9:20, 10:4, 10:5, 11:1, 11:19, 12:9, 13:4, 13:17, 14:13, 15:9, 15:11, 16:17,	19:12, 19:15, 20:1, 21:21, 36:10, 92:11, 103:15, 103:16, 105:7, 122:17, 128:17 recess 49:4, 91:5, 130:6 recite 106:6 recites 98:12 recognized 55:2, 94:19 recollection 35:18, 35:19, 78:4 record 6:14, 49:6, 68:5, 68:10, 68:18, 72:9, 91:7, 130:8, 130:13, 131:13, 132:5 recruiter 16:17 reduced 132:7 refer 54:9, 68:20, 69:1, 69:3, 69:5, 81:5 reference 25:7, 25:10, 25:14, 30:12, 36:4, 79:8, 79:19, 80:21, 80:22, 81:3, 81:16, 81:18, 81:21, 82:9, 82:20, 82:22, 83:8, 83:19, 84:3, 84:10, 85:2, 85:13, 86:3, 86:4, 87:10, 87:17, 102:16, 121:22	references 80:5, 81:16, 81:19, 81:21, 82:3, 82:4, 82:9, 83:6, 83:10, 83:12, 83:17, 83:22, 84:2, 84:4, 84:8, 84:12, 85:4, 85:19, 85:22, 86:4, 86:10, 86:18, 86:21, 86:22, 88:14 referred 9:2 referring 16:8, 17:1, 25:10, 25:22, 26:13, 26:17, 27:8, 27:9, 30:2, 42:5, 43:6, 50:20, 55:17, 56:5, 60:17, 62:20, 62:22, 63:16, 65:11, 95:4, 110:9, 126:12 refers 68:21, 126:4 refill 36:14 reflect 55:1 reflected 54:21 reflective 54:22, 57:16, 107:11 reflectivity 54:14 regard 18:2, 18:9, 79:11 regarding 7:22, 16:20, 24:22, 27:22, 78:6	registered 2:20 relate 13:19, 32:11, 32:14 related 8:16, 83:10, 126:21, 132:10 relates 20:5, 32:5, 59:1, 68:19, 69:2, 69:4, 71:10, 73:18 relating 15:10, 69:15 relatively 27:19, 29:5, 29:21 relayed 35:9 relevance 63:7, 65:9, 78:22 relevant 85:17 reliability 38:8, 38:11, 38:13, 38:14, 38:15, 38:17, 39:1, 39:11, 40:19, 41:10 reliable 40:1, 40:4, 42:12 reliably 40:8, 126:21 rely 82:16 remains 104:9, 121:7, 122:3 remember 7:21, 10:10, 57:10 remote 64:3 removable 104:5
---	---	--	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

156

remove 37:1, 103:21 removed 104:9 removing 37:18 rendered 48:22 repeat 18:19, 19:18, 21:2, 71:12, 107:16 repeating 26:6, 36:2, 108:13 repetitively 41:14 rephrase 58:3, 97:13 replies 88:15 report 18:6, 19:16, 20:3, 20:5, 20:10, 20:12, 20:16, 82:19 reported 2:4 reporter 2:20, 2:21, 19:2, 20:1, 26:10, 71:17, 83:16, 108:17, 132:1 reports 17:21, 22:22 represent 8:12 requested 19:1, 19:22, 26:9, 71:16, 83:15, 108:16, 132:9 require 31:7, 59:3, 83:6, 83:17, 90:2, 90:6, 100:17, 109:6,	111:16, 111:22, 112:5 required 28:15, 36:1, 37:14, 79:7, 79:18 requires 104:20, 112:10 requiring 85:12, 86:11 resembled 96:10 reservoir 50:10, 50:11 reside 102:22 residue 92:18, 92:21 respect 105:22 respective 68:4, 88:9 respond 48:13, 131:4 response 5:4, 21:20, 35:1, 38:1 responsible 31:4 result 28:14, 31:1, 41:14, 80:16, 82:15, 131:7 retained 15:13, 15:15, 15:17, 17:7, 77:12, 78:1 retro 92:1 return 37:13 reused 103:12 reveal 23:21, 77:16, 77:19 reverse 66:17, 67:3	reversed 14:16 review 18:1, 22:21, 25:7, 25:13, 25:16, 25:19, 35:19, 48:18, 56:22, 78:11, 93:9 reviewed 24:1, 26:4, 26:11, 26:15, 26:18, 46:20, 47:16, 76:22, 78:15, 116:17 reviewing 21:17, 24:11, 97:22, 116:5 revisit 116:9, 116:11 ribs 52:18 right 9:22, 10:11, 13:5, 17:2, 22:10, 27:1, 27:2, 28:3, 30:10, 35:17, 36:2, 36:8, 37:2, 42:12, 45:12, 45:15, 46:4, 47:11, 48:3, 51:7, 57:18, 60:3, 60:6, 62:18, 63:13, 63:18, 63:22, 65:1, 65:16, 66:8, 66:19, 69:7, 73:14, 79:4, 81:8, 91:14, 92:14, 92:19, 99:9, 101:2, 101:13, 103:8, 106:22, 109:9, 109:10, 111:15, 115:14, 118:4, 118:7, 118:10,	121:2, 123:8, 123:12, 123:17, 125:22, 129:19 rim 109:3, 109:19, 110:10, 123:5, 123:6, 123:7, 123:9, 123:14, 126:13 rise 122:8 rojee 60:9 role 11:2 rotation 42:7 rotisserie 15:10 roughly 9:17, 9:19 rpm 46:11 rpr 2:5, 132:2 ruled 11:22, 14:15, 14:17 rules 23:4, 130:18 S s 11:17 safety 43:10, 43:12, 43:15, 43:19, 43:20, 43:21, 43:22, 44:2, 44:13, 44:14, 46:1, 46:3, 46:19, 51:6 said 12:5, 34:22, 43:3, 43:5, 46:14, 57:12, 67:2, 70:16, 102:7, 118:2,
---	--	---	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

157

119:7, 132:6 sake 81:8, 95:18, 121:17 salton 7:16, 8:9, 8:13, 8:22, 9:7, 9:8, 15:7, 15:8 same 41:13, 50:17, 58:19, 58:20, 72:8, 74:5, 78:16, 115:21, 128:1 saw 95:2, 106:13, 114:18 say 16:7, 16:22, 17:19, 18:9, 20:4, 22:6, 24:10, 26:13, 27:7, 30:3, 30:18, 31:17, 31:22, 32:1, 38:22, 39:11, 39:18, 42:4, 42:20, 44:5, 50:19, 53:4, 54:7, 55:16, 59:11, 61:11, 62:2, 62:11, 63:2, 66:14, 66:17, 67:11, 67:14, 84:3, 84:4, 95:22, 96:15, 98:17, 100:5, 111:1, 113:5, 114:14, 114:20, 126:12 saying 44:20, 45:22, 46:15, 46:18, 55:18, 62:16, 62:19, 87:3, 87:17, 103:10, 109:16, 129:6, 129:15	says 34:15, 81:13, 99:7, 99:20, 100:13, 101:1, 107:2, 107:8, 107:15, 107:22, 110:14, 111:5, 115:5, 126:16, 126:20, 128:1, 128:4, 129:6 scanning 59:1, 59:2 scope 34:19, 79:1, 80:8 se 61:22 seal 45:10, 120:18, 120:20, 121:6, 121:7, 121:16, 122:3, 122:4, 132:14 sealed 50:17, 51:3, 52:5, 52:18, 53:8, 94:3, 94:6 seals 52:19 seb 13:14, 13:18, 14:12, 14:16, 15:6 second 36:13, 36:19, 43:10, 69:9, 69:11, 84:21, 94:18 secondary 80:11, 103:18 see 16:22, 34:7, 34:11, 37:19, 67:8, 76:16, 76:19, 93:18, 95:1, 96:17, 98:14, 106:9, 106:10, 106:17,	107:5, 107:12, 107:17, 108:3, 110:7, 112:13, 113:2, 113:20, 114:17, 115:3, 115:7, 116:6, 118:18, 120:1, 120:20, 121:3, 122:22, 125:5, 125:14, 125:21, 127:3 seeing 120:22, 128:17 seeks 114:15, 115:5 seem 36:10, 122:17 seen 92:6, 92:11, 128:16 senior 61:16 sense 23:16, 82:5 sensor 54:15, 54:17, 54:18, 55:3, 55:15, 55:16, 56:3, 56:5, 56:8, 57:22, 62:6, 63:21, 64:3, 111:22, 126:22 sensors 62:3, 62:12 sentence 94:18, 115:5, 118:6, 118:11, 119:17, 119:21, 128:1, 129:14 separate 114:15, 115:6, 115:10, 115:22, 120:6, 129:22 separately 118:12, 119:18 series 21:14, 72:9,	74:5 session 96:4 set 36:12, 132:13 settled 15:19 setup 95:3 several 92:2 shape 67:9, 67:13, 67:14, 67:16, 102:19 shaped 45:9, 94:15 shareholder 11:6 sheets 22:9 shipped 52:22 should 31:17, 53:4, 68:13, 84:2, 85:16, 101:22, 103:10, 109:18, 125:9 shouldn't 129:20 showing 116:8 shown 58:5, 63:1, 104:19, 122:14, 122:16 sic 9:2, 69:2 side 15:11, 68:14, 68:15, 106:16, 106:20, 107:3, 108:7, 108:20, 109:19, 110:4, 110:15, 111:18, 112:7, 113:16 signature 69:19, 69:20,
--	--	--	--

Transcript of Dov Glucksman
Conducted on December 17, 2024

158

72:12, 74:8, 75:11 signature-plkal 132:19 signed 70:4, 70:8, 70:14, 72:15, 72:19, 74:10, 74:14, 75:14, 75:18 signing 26:4, 26:11, 132:8 silent 99:16 similar 12:16 simple 27:18 simply 28:1, 58:17 since 20:20, 26:4, 26:11, 70:8, 70:14, 70:19, 72:19, 74:14, 75:18, 126:11 sincerely 103:16 single 79:7, 79:19, 80:21, 81:2, 81:15, 81:17, 81:20, 82:8, 82:20, 84:20, 85:4, 87:1, 87:10, 109:2, 109:17, 119:14 single-serve 8:16, 27:9, 27:22, 28:3, 35:5, 35:15, 36:6, 36:19, 38:8, 38:20, 39:7, 39:16, 39:21, 40:5, 40:22, 41:10, 43:13, 43:16,	44:17, 49:13, 55:4, 55:6, 55:8, 91:13, 93:16, 94:1, 94:20, 101:21, 103:19 singular 87:1 sir 36:3, 49:9, 57:1, 57:2, 69:8, 69:22, 72:7, 73:13, 87:14, 102:11, 124:14, 124:21 sit 51:17 sits 123:4, 123:5, 123:6 sitting 8:6, 71:3, 92:6, 131:3 six 7:11, 50:1 size 29:8, 37:15, 58:17 sized 35:15, 36:6 skepticism 80:16 skill 62:9, 80:6, 80:10 skilled 87:21 skipped 23:4 slash 127:8 slight 16:1 small 7:21, 10:9, 31:8, 31:10 smallest 29:16	smartphone 55:12 so-called 80:11 sold 13:21, 14:11 solid 33:6 solids 31:19, 32:1, 32:3, 32:4, 32:8 solution 126:21 solved 82:7 solvent 31:21, 31:22 some 7:4, 16:3, 23:1, 35:10, 41:22, 42:3, 59:10, 61:6, 70:9, 70:10, 86:4, 92:13, 95:6, 101:16, 113:6, 116:21, 116:22 somebody 100:6 someone 42:22 something 41:16, 66:8, 66:15, 66:21, 71:20, 73:7, 96:10, 128:20 sometime 11:17 sometimes 60:19 somewhat 16:1, 29:2, 129:11 somewhere 29:9, 29:14, 30:7, 31:10, 31:15, 83:2 sorry 12:5, 18:20,	19:19, 20:21, 21:2, 31:22, 40:10, 60:13, 63:2, 65:14, 77:18, 82:1, 98:21, 98:22, 106:18, 108:11, 111:6, 112:2, 112:16 sort 56:3 sought 88:13, 118:12, 119:17 source 87:1 sources 86:22 south 3:12 space 35:6 spaced 54:11 spacing 58:8 spanning 76:15 spans 76:20 speak 22:18, 49:10, 91:10 speaking 42:4 spec 128:21 specialized 95:8 specific 18:3, 18:7, 25:9, 27:20, 33:14, 40:13, 41:11, 60:16, 62:5, 90:6, 90:8, 98:7, 111:10, 111:12, 114:11, 116:10
---	--	--	---

specifically 16:20, 49:22, 77:3, 81:1, 115:10, 115:21, 116:19, 119:3 specification 104:22, 105:1, 105:2 specifics 10:4, 18:2 specify 106:14 speed 46:12, 59:3 spend 21:16 spent 24:10 spike 122:10 spoken 24:21, 25:2, 25:4 spray 45:4, 45:11 spring 17:9, 17:10, 17:19 springs 122:22 stamp 66:19 standards 130:19, 131:6 stands 31:18, 92:20 start 27:11, 37:16, 69:13, 95:15 started 49:17, 51:1, 94:21, 96:8, 96:21, 97:3 starting 76:18, 98:3 starts 79:13, 106:19, 107:8, 115:1	startup 7:21, 10:10 state 6:13, 119:16 stated 56:11, 58:4 statement 73:8, 116:3, 119:15 states 1:1, 4:7, 4:10, 4:15, 4:17, 4:20, 5:11, 5:13, 5:15, 34:4, 56:19, 80:1, 94:19, 118:7, 118:11, 119:17, 125:17 steeping 50:2 stenographically 2:4 stick 47:14 still 16:2, 30:9, 40:10, 40:11 stored 58:11 street 3:20 strength 32:6 strike 9:11, 12:7, 26:16, 28:21, 32:12, 45:8, 52:11, 55:5, 55:7, 62:10, 88:20, 89:3, 100:1, 101:4, 112:18, 112:20, 124:8 strips 54:9 structure 62:21 struggled 32:21	stuck 42:2 studied 24:1 studying 120:8 subject 18:9, 64:18, 64:21 subjects 129:22 submitted 62:4 subsequently 53:9 substance 49:11, 71:6, 72:20, 91:11 success 80:14 sued 12:18 sufficiently 122:19 sugar 31:3 suggest 119:12 suggesting 119:10 suggestions 82:2 suggests 118:14, 119:19 suit 9:9 suitable 28:16 sunbeam 34:10, 35:11 support 5:3, 72:2, 73:22, 75:6, 76:10, 119:21 sure 12:22, 19:20, 27:6, 39:17, 41:13, 41:15,	42:10, 43:11, 44:6, 44:21, 45:2, 45:5, 46:9, 60:8, 69:17, 79:13, 87:12, 91:3, 95:20, 98:16, 111:2, 113:19, 114:9, 115:1, 120:16, 125:10 surface 57:20, 67:6, 108:1, 108:8, 108:21, 109:8, 110:21, 111:14, 113:1 sweet 31:2 sweetener 31:3 sworn 6:4 system 1:8, 21:4, 29:11, 29:16, 34:17, 36:12, 38:7, 38:8, 39:21, 40:6, 40:7, 40:15, 40:22, 41:3, 41:10, 42:12, 42:17, 42:19, 43:1, 43:13, 43:17, 44:4, 44:18, 45:11, 45:20, 48:2, 49:14, 49:16, 49:20, 50:5, 50:7, 50:9, 50:11, 51:3, 51:9, 53:14, 55:5, 55:7, 55:9, 56:7, 61:20, 61:21, 62:16, 62:19, 63:15, 63:20, 64:1, 68:7, 94:10, 99:3,
---	---	---	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

160

99:13, 99:17, 99:19, 101:17, 103:20, 105:3, 105:8, 105:17, 129:4 system's 40:1 systems 20:18, 38:3, 42:9, 91:14, 101:21	teaches 84:8, 84:10, 119:4 teaching 82:2 teachings 86:9 team 35:9, 96:1, 96:12 technical 87:3, 96:12 technology 8:15, 10:3, 35:10, 94:22 tell 28:5 temperature 29:12, 30:2, 30:6, 30:10, 30:11, 31:4, 31:14, 39:12, 46:10 temperatures 29:5, 29:22 ten 22:1 term 13:1, 13:19, 27:18, 27:19, 29:5, 32:4, 38:10, 38:13, 39:3, 39:5, 64:19, 65:20, 65:22, 66:4, 66:15, 66:17, 66:20, 67:22, 90:3, 90:8, 93:21, 101:8, 101:9, 126:2, 128:5, 128:16, 128:17, 130:2 terms 37:18, 73:4, 90:1, 90:5, 90:11, 90:14, 90:19 test 95:9, 96:9	tested 95:11 testified 6:5, 26:21, 56:6, 103:22 testimony 6:21, 9:15, 9:21, 13:8, 13:12, 13:13, 14:8, 14:9, 14:19, 14:22, 18:17, 47:6, 47:13, 49:11, 91:11, 130:15, 130:16, 131:2, 131:9, 132:6 text 19:1, 19:22, 26:9, 71:16, 83:15, 108:16 th 34:6, 132:14 thank 18:4, 23:17, 49:9, 53:12, 57:2, 69:8, 81:12, 82:18, 84:6, 97:20, 98:5, 103:5, 117:7, 118:9, 122:13, 130:5 themselves 82:4, 82:5, 97:8 thereafter 132:7 thereby 54:12 therefore 41:14, 44:5, 59:13, 62:3, 94:16, 100:20, 104:7 thermally 52:18 thing 41:20 things 23:7, 112:13,	129:17 think 23:5, 23:13, 26:21, 38:4, 41:11, 56:10, 58:2, 68:11, 78:14, 86:15, 88:16, 95:22, 121:1, 127:12, 131:11 thought 56:6, 57:9 three 8:5, 78:17, 80:10, 118:21 through 20:8, 33:11, 39:17, 57:3, 63:1, 63:3, 66:15, 72:8, 76:15, 76:20, 77:4, 78:9, 106:12, 109:9, 118:13, 118:21, 119:3, 119:19, 119:22, 120:4, 122:9 throughout 114:21 throw 23:7 thursday 24:2, 24:5, 24:14 tightly 28:13 time 7:4, 7:7, 7:15, 18:14, 19:3, 19:13, 22:8, 27:17, 35:12, 35:20, 36:13, 49:16, 50:17, 62:4, 63:6, 63:10, 63:11, 64:17, 80:7, 92:5, 110:6, 116:15, 128:14
T			
table 76:15 take 37:2, 49:2, 55:19, 56:22, 69:9, 79:20, 91:3, 93:9, 116:14, 130:4 taken 49:4, 91:5, 130:6, 132:4, 132:6 takes 63:17 taking 6:11, 33:5, 80:7, 86:16 talk 23:8, 37:1, 42:8, 43:10, 43:22, 88:5, 97:7 talking 38:4, 38:5, 43:18, 57:7, 58:4, 65:10, 86:16, 95:17, 95:18, 129:6 taste 30:20, 31:2 taught 81:6 tds 31:18 tea 50:2			

Transcript of Dov Glucksman
Conducted on December 17, 2024

161

times 7:9 today 6:12, 6:17, 6:21, 8:6, 60:2, 71:3, 71:9, 71:19, 73:17, 75:2, 76:6 today's 17:12, 23:19, 25:8, 130:15, 130:16 together 18:11, 129:12 told 77:15 took 14:2 top 50:15, 52:1, 106:20, 122:15, 122:18, 122:20, 123:2 total 31:18, 31:20, 32:1, 32:3, 32:4, 32:7 totally 130:1 touch 30:13 towards 52:1 trade 12:20 trademark 1:1 transcript 4:5, 34:2, 56:18, 68:17, 97:19, 115:19, 117:3, 117:16, 124:6, 132:5 travel 59:2 trial 1:3, 13:8, 13:11, 13:13,	14:18, 14:22 true 33:8, 132:5 truly 112:9 truthful 6:20 try 21:3, 81:9, 84:5, 87:11, 106:22, 116:6 trying 61:4, 70:12, 85:9, 85:14, 112:2, 126:2 tube 42:2 tuesday 1:22 turn 69:18, 75:10, 97:21 turned 51:1 turning 46:12 two 28:8, 60:7, 80:9, 81:21, 82:9, 83:21, 84:2, 84:4, 86:21, 107:10, 109:3, 109:9, 109:18, 111:7, 112:13, 113:7, 129:22 type 29:3, 30:22, 43:2, 51:10, 51:12, 62:8 types 31:5, 38:3 typewriting 132:7 typical 29:8, 29:15, 30:6, 32:7, 32:22, 33:1,	54:6 typically 31:6 U uh-huh 37:4, 37:6, 71:11, 98:2, 104:6, 105:15, 110:16 uk 13:22, 14:1, 14:3 ultimately 96:21, 97:3 um 12:18, 15:6, 83:3, 96:9, 96:14 unable 40:17 under 6:17, 67:4, 70:4, 72:15, 74:10, 75:14, 80:3, 80:4, 82:12, 130:17, 132:7 underneath 123:11, 126:13 understand 6:16, 12:22, 17:12, 23:11, 26:2, 35:13, 36:4, 38:13, 40:11, 40:18, 42:15, 47:2, 47:19, 48:8, 48:14, 61:4, 61:5, 62:15, 64:13, 64:15, 65:7, 65:17, 65:20, 65:22, 66:11, 66:22, 70:13, 79:6, 79:18, 80:2, 81:1, 81:14, 82:16, 83:20,	84:14, 85:10, 86:5, 86:6, 86:14, 86:19, 87:4, 87:12, 90:3, 90:8, 92:21, 99:9, 99:11, 100:12, 100:20, 100:21, 101:8, 105:8, 105:16, 108:5, 108:12, 108:18, 109:21, 109:22, 110:2, 111:2, 111:4, 111:16, 112:9, 112:10, 112:18, 120:5, 122:2, 126:2, 126:6, 127:5, 128:5, 128:11, 129:3, 129:5, 130:2 understanding 10:2, 64:16, 85:16, 86:1, 87:10, 88:13, 88:18, 89:18, 90:18, 105:11, 122:7, 128:15, 129:21, 130:20, 131:6, 131:8 understood 15:20, 23:15, 37:17, 37:21, 52:7 unexpected 42:1 unique 113:6 unit 51:1, 127:1, 127:7, 127:11, 127:13, 127:15 united 1:1, 4:7, 4:10, 4:15, 4:17, 4:20, 5:11, 5:13, 5:15, 34:4, 56:19
--	--	--	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

162

unless 23:1, 27:19, 35:22, 71:20 until 121:8, 121:11, 122:3 unusual 41:17, 41:20 upper 94:4 urged 122:21 usa 1:5, 6:11, 68:7 use 12:18, 13:19, 28:11, 35:10, 39:3, 39:4, 56:12, 64:19, 66:20, 79:9, 87:8, 89:16, 103:17, 103:18 user 36:12, 43:20, 43:22, 44:2, 44:7, 45:4, 45:11 user's 38:15, 40:15 uses 55:7, 94:14 using 9:3, 32:8, 44:9, 45:7, 45:9, 57:10, 58:19, 79:19, 86:8, 90:10, 90:13, 105:17 usually 96:3, 96:8 V vague 37:22, 41:5 valid 96:6 value 94:20, 96:6	valve 120:18, 120:20, 121:6, 121:16, 122:3, 122:4, 123:2, 123:3, 123:10, 123:11, 123:13, 123:16 variation 67:6 variety 54:13 various 96:4, 119:9 velocity 33:6 verbal 18:8, 18:9 versus 15:6, 15:7, 28:19, 81:3 vi 107:20 viable 63:6, 96:13 vibration 40:21, 41:2, 41:3, 41:9, 41:19, 41:22, 42:3, 42:17, 42:18, 42:20, 43:2 video 24:19 view 46:3, 46:7, 46:8, 46:19 viewed 113:21 virtually 2:11 visualize 85:14 volume 29:15, 39:14, 46:10, 52:1 W wacker 3:12	wall 33:6, 108:1, 108:9, 108:21, 109:9, 109:14, 109:19, 110:4, 110:21, 111:14, 111:18, 112:7, 113:1, 113:16 want 23:8, 27:20, 28:1, 38:2, 41:13, 41:14, 42:11, 42:16, 42:18, 43:1, 44:21, 45:2, 45:4, 45:19, 46:14, 57:6, 70:15, 72:8, 80:20, 93:4, 98:6, 105:16, 121:21, 130:13 wanted 51:6, 103:9 wash 37:12 washington 1:21, 3:21 water 29:6, 29:11, 33:11, 36:18, 39:13, 39:14, 39:17, 42:1, 45:4, 45:11, 46:10, 50:9, 50:11, 50:22, 51:2, 51:22, 52:2 way 35:14, 36:5, 40:7, 40:12, 40:14, 40:19, 41:7, 63:8, 83:20, 96:11, 116:18, 121:6, 127:6 ways 33:2, 33:3, 39:22, 40:3,	54:4 we'll 28:3, 33:19 we're 43:18 we've 91:1 welcome 49:8, 91:9, 116:11 went 109:9 whatever 86:18 whereas 29:10 wherein 98:12, 98:19, 98:21, 99:7, 111:2, 111:6 whereof 132:13 whether 47:17, 48:20, 48:21, 67:21, 85:1, 86:20, 86:22, 87:1, 87:8, 88:19, 88:21, 89:1, 89:4, 89:17, 96:12, 96:13, 103:15, 103:16, 103:17, 105:3, 105:7 whichever 17:8 white 54:22, 57:15 whole 29:10, 103:14 width 54:10, 58:7 wife 25:1 wik 15:15 wish 66:20
---	--	---	---

Transcript of Dov Glucksman
Conducted on December 17, 2024

163

within 37:9, 59:12, 82:22, 83:7, 83:19, 84:3, 84:15, 85:4, 85:12, 85:19, 87:9	45:21, 46:4, 46:16, 47:4, 64:16, 67:20, 124:8, 128:19 wrongly 120:22	, 17 1:22 . .1 31:12 .2500 3:8 .8000 3:22 .8645 3:14 0 00254 1:11, 5:7, 68:8 00257 1:13, 5:4, 68:9 00299 1:15, 5:6, 68:8 00304 1:17, 5:9, 68:8 0064929 4:21, 124:12 0064937 124:3 0239734 4:18, 115:17 0289709 4:8, 34:5, 103:7 08 91:5 1 1 130:6 10 49:4, 49:5 1001 4:15, 97:15, 97:18 10020 3:7 1004 4:17, 25:11,	115:16, 115:18, 120:8, 120:12 1005 124:1 1006 4:20, 25:14, 124:5, 124:11 102 75:10, 75:11 103 80:4, 122:16, 122:17 1067 4:7, 33:20, 33:22, 34:1, 103:3 1068 4:10, 56:15, 56:17, 65:12 108 72:10, 72:13 109 74:6 11 63:1, 63:3, 76:14, 78:9 11,465,829 1:12, 5:8, 69:2 11,465,830 1:18, 5:10, 69:4 11,548,722 5:5, 68:20 11,554,910 1:16, 4:16, 5:7, 68:22 11,558,722 1:14 11,565,930 4:11, 56:20 110 69:18 115 4:17 117 5:11, 5:13, 5:15 12 76:14, 91:5,
without 31:2, 38:18, 119:10	Y yeah 16:12, 30:14, 44:12, 67:16, 70:16, 93:12, 100:14, 107:4, 120:19, 125:15		
witness 10:17, 10:18, 10:19, 10:20, 14:4, 14:5, 14:6, 16:17, 34:21, 49:3, 77:18, 130:5, 130:9, 132:13	year 16:16, 16:19, 17:9 years 7:5, 8:21, 95:6, 95:7		
word 48:13, 66:14, 66:17, 102:9, 102:15, 102:19, 106:19, 108:22, 122:11, 125:14, 127:14	yes-or-no 112:8, 112:9, 112:16 yesterday 24:3, 24:5 yesterday's 24:15		
words 11:11, 41:12, 43:19, 73:6, 89:12, 89:18	yoakim 25:7, 86:3, 86:16, 87:16, 115:11, 115:13, 115:17, 116:1, 117:6, 117:10, 117:13, 118:11, 119:4, 119:9, 119:17, 120:5, 120:8, 120:12, 128:18		
work 16:2, 49:17, 51:9, 66:22	yoakim's 86:9, 86:11, 87:18, 119:13		
worked 51:13	york 3:7		
working 15:22, 94:21	yourself 77:6, 89:16		
works 34:17	Z		
worthwhile 96:3	zoom 18:10, 24:6		
wouldn't 45:20			
written 18:8, 130:14			
wrong 28:2, 42:16, 44:9, 45:7, 45:8, 45:9,			

Transcript of Dov Glucksman
Conducted on December 17, 2024

164

91:6, 98:1, 106:3 1221 3:6 124 4:20 13 98:9, 98:18, 106:11, 106:18, 110:12 132 2:3 14 126:14, 126:17, 126:18 15 7:4, 7:5, 29:14, 34:6, 93:4, 93:9, 94:19, 130:7 151 120:20, 120:21 157 121:1, 121:2, 121:3, 123:2, 123:3 158 122:22 159 121:1 16 29:17, 63:3, 76:18, 131:13 17 124:16, 124:18, 127:21, 128:8 18 76:15, 76:20, 78:9, 132:14 1990 11:18 1st 70:1 2 2 130:7, 131:13 20 22:3, 24:13,	34:6 2000 76:19 2001 3:21, 77:4 2005 9:19, 49:18 2007 49:18 2010 4:18 2013 4:21, 124:3, 124:12 2014 14:20 2015 4:8, 34:5, 34:6, 103:7 202.756 3:22 2020 5:2, 68:11, 68:16, 69:14 2022 16:2, 68:4 2023 56:20 2024 1:11, 1:13, 1:15, 1:17, 1:22, 5:4, 5:6, 5:7, 5:9, 17:10, 17:19, 68:8, 68:9, 70:1, 132:15 2027 5:11, 117:2, 117:5, 118:16, 118:20, 119:3, 132:16 2028 5:13, 117:9, 117:14, 118:16 2029 5:15, 117:12, 117:14, 118:17, 119:3	2033 77:4 210 115:17 212.506 3:8 25 118:13, 119:19 254 69:1, 75:9, 78:17 257 68:19, 72:6, 73:16, 78:17 26 118:13, 119:19 27 119:22, 120:4 29 118:21, 119:22, 120:4 299 68:21, 69:15, 71:8, 71:19, 97:16 3 30 98:10, 98:18, 98:19, 98:22 304 69:3, 74:3, 78:17 31 56:20, 98:10, 98:18, 98:19, 98:22, 111:4, 111:5 312.701 3:14 32 111:5 33 107:6, 107:7, 119:19 34 4:7, 107:6, 107:7	35 80:4, 107:14, 118:6, 120:14, 120:16 36 107:14 37 79:14, 80:1, 114:5, 114:14 38 81:9, 81:13, 82:18, 118:3 39 2:1 4 40 22:5 402 130:18 403 130:18 43 118:13 45 29:10 46 49:4 49 107:20, 110:18, 110:20 5 50 91:6, 95:6, 95:7, 107:20, 110:18, 110:20 500 3:20 52 98:3, 106:3, 106:5 53 106:4, 106:5 56 4:10 565501 2:2
---	---	--	--

Transcript of Dov Glucksman
Conducted on December 17, 2024

165

58 49:5, 130:6 6 60606 3:13 61 118:13, 119:19 68 5:2 7 702 130:18 709 103:8 71 3:12 722 68:21, 72:5 75 30:7, 31:15, 114:4, 114:10, 117:19, 118:2, 118:8, 118:10, 119:8 76 118:4, 118:7, 118:11 8 829 69:3, 75:9 830 69:5, 74:2 85 30:7 87 116:18 9 9 2:1 9,227,837 117:6 9,271,598 5:14, 117:9 9,277,837 5:12	9,668,604 5:16, 117:12 90 11:17, 29:12 903 65:11 910 69:1, 69:13, 69:15, 71:10, 76:12, 78:10, 79:14, 93:3, 97:8, 97:17, 99:2, 101:17, 102:20, 104:12, 104:15, 105:4, 105:9, 105:11, 105:17, 106:2, 108:6, 108:18, 113:12, 114:2, 117:19 929 25:13, 124:13 930 59:17, 63:5, 65:5, 65:13, 65:15 97 4:15	
---	---	--