

Transcript of Dr. Jongju Na, Volume 2

Conducted on July 25, 2023

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(161
to
164)

161	163
1 UNITED STATES INTERNATIONAL TRADE COMMISSION	1 A P P E A R A N C E S
2 Washington, D.C.	2 ON BEHALF OF COMPLAINANT SERENDIA, LLC:
3 x	3 CHARLES H. SANDERS, ESQUIRE
4 In the Matter of :	4 LATHAM & WATKINS LLP
5 CERTAIN DERMATOLOGICAL : Inv. No. 337 TA 1356	5 John Hancock Tower, 27th Floor
6 TREATMENT DEVICES AND :	6 200 Clarendon Street
7 COMPONENTS THEREOF :	7 Boston, Massachusetts 02116
8 x	8 617.948.6000
9	9 And MICHAEL A. DAVID, ESQUIRE (Via Zoom)
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12 Volume 2	12 Washington, DC 20004 1304
13	13 202.637.2000
14 Videotaped Deposition of DR. JONGJU NA	14
15 Washington, D.C.	15 ON BEHALF OF RESPONDENTS CUTERA, INC. And
16 Tuesday, July 25, 2023	16 ILOODA CO., LTD.:
17 9:24 a.m.	17 W. KIERSTEN CHOI, Ph.D.
18	18 BRIAN R. NESTER, ESQUIRE
19	19 COVINGTON & BURLING LLP
20 Job No. 501141	20 OneCity Center, 850 Tenth Street, NW
21 Pages: 161 300	21 Washington, DC 20001
22 Reported by: Janet A. Hamilton, RDR	22 202.662.6000
162	164
1 Videotaped Deposition of DR. JONGJU NA,	1 A P P E A R A N C E S C O N T I N U E D
2 held at the offices of:	2 ON BEHALF OF RESPONDENTS ROHRER AESTHETICS, LLC
3	3 And ROHRER AESTHETICS, INC.:
4	4 ROBERT D. KEELER, ESQUIRE
5	5 ICE MILLER LLP
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7 555 Eleventh Street, NW	7 New York, New York 10036
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9 Washington, DC 20004 1304	9
10 202.637.2200	10 ON BEHALF OF RESPONDENTS SHENB CO., LTD.,
11	11 CARTESSA AESTHETICS, LLC and AESTHETICS
12	12 BIOMEDICAL, INC.:
13	13 RYAN B. MCCRUM, ESQUIRE
14	14 STEVEN J. CORR, ESQUIRE (Via Zoom)
15 Pursuant to Notice, before Janet A.	15 YEAH SIL MOON, ESQUIRE (Viz Zoom)
16 Hamilton, Registered Diplomat Reporter and Notary	16 JONES DAY
17 Public in and for the District of Columbia.	17 901 Lakeside Avenue
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20	20
21	21
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MR SANDERS: What are you referring to as "th s"? MS CHOI: Exh b t 26 and 28 MR SANDERS: I'm not sure we had -- you know, you have the most knowledgeab e w tness here So I don't know that we're going to be ab e to prov de any greater c ar ty than conta ned dur ng th s depos t on But I'm happy to take your request under adv sement MS CHOI: Thank you That sa d, we're going to take a f ve-m nute break MR SANDERS: You're tak ng a break now? We just came back -- MR NESTER: We're just sw tch ng up MR SANDERS: Oh, gett ng new counse Okay THE VIDEOGRAPHER: We are go ng off the record The t me s :24 (A d scuss on was he d off the record) THE VIDEOGRAPHER: We are go ng back on the record The t me s :28 EXAMINATION BY COUNSEL FOR RESPONDENTS ROHRER	203 1 consist of the machine body, a machine -- how can 2 I say -- the main body of machine, and then 3 electric connector to electric outlet, and pull 4 switch to operate, and then a handle -- a hand -- 5 handle and then connected to main body, and then 6 the hanger to hold the connector line. 7 Yes. I think so, yeah. 8 Q As part of the main body, is there an RF 9 generator? 10 A (In English) Yes. 11 Q How does that RF generator work in the 12 Sylfirm X? 13 A (In English) Please clear your question. 14 How -- what means how? 15 What are you -- what I mean -- 16 (Through Interpreter) If you can be more 17 specific with your question -- what you're getting 18 at with your question, I'll be able to better 19 answer your question, please. 20 Q What does the RF generator generate? 21 A Sylfirm X RF generator generates ACRF 22 frequency.
202 AESTHETICS, INC. AND ROHRER AESTHETICS, LLC BY MR. KEELER: Q Good morning, Dr. Na. My name is Robert Keeler. I will be asking you questions now. A (In English) Thank you. Good morning. Q Dr. Na, what is the Sylfirm X? A (In English) Sylfirm X is last my 8 product. I mean last product which I developed. Q And what is it used for? 10 A (In English) Sylfirm X has two kinds of 11 wave. First one is a continuous wave. Second one 12 is pulsed wave. Q Is Sylfirm X an RF microneedling device? 14 A (In English) Sylfirm X is one of RF 15 microneedling device. Q The Sylfirm X has a center console; correct? 18 A (In English) I cannot understand what you 19 mean console. Q What are the different parts of the Sylfirm X? 22 A (In English) Sylfirm X which I develop	204 Q What do you mean by ACRF frequency? MR. SANDERS: Objection. Asked and answered. 4 A I don't quite catch that. May I have one 5 more time? 6 May I have the question one more time, 7 please? 8 What was the question again, please? Q The question was: What do you mean by ACRF frequency? MR. SANDERS: Objection. Asked and answered. 13 A (In English) I answered to you. ACRF 14 generator in Sylfirm X generate ACRF frequency. Q Does the ACRF frequency generated by the Sylfirm X have an RF frequency rate? 17 A (In English) Yes, RF frequency rate -- 18 (Through Interpreter) Yes. It does. Q What is that RF frequency rate? 20 A Two megahertz. Q Does the ACRF frequency also have an AC frequency rate?

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205 1 MR. SANDERS: Objection. Ambiguous. 2 A (In English) ACRF include that. AC 3 frequency alternate at RF frequency, and AC 4 frequency can be same with RF frequency, and AC 5 frequency can be different from the RF frequency. 6 Yeah -- means, yeah -- I means, yes, that -- 7 (Through Interpreter) I may not be right. 8 LEAD INTERPRETER: And the rest was spoken 9 in English by Dr. Na. 10 A (Through Interpreter) And then again, I'm 11 not sure whether I answered your question. 12 Q In the Sylfirm X, is there a separate AC 13 frequency rate from the RF frequency rate? 14 A (In English) Sylfirm X, AC frequency -- 15 (Through Interpreter) In Sylfirm X, AC 16 frequency and RF frequency are there together. 17 They are not separated. 18 Q What do you mean by they are there 19 together? 20 A In Sylfirm X is AC alternate 2 megahertz 21 RF that is delivered -- or I mean it's generated. 22 Q So is it fair to say that there is a	207 1 that are involved and that is, generally speaking. 2 So that is why I said I am not clear what you are 3 saying. 4 Q Is the 2 megahertz RF signal generated by 5 the Sylfirm X and applied to the needles, is that 6 a sine wave? 7 A (In English) Okay. My invention -- 8 (Through Interpreter) RF signals, they 9 could have sine wave or could have different 10 shapes because it all depends on whether RF 11 generator is designed well or not. 12 So depending on the state -- state of 13 design, the shape could differ. And also you 14 could actually pick wave form depending on the 15 purpose of the RF generator. 16 So depending on what kind of output you'd 17 want, RF generator can have the kind of wave form 18 that -- that you want. But -- but it does -- it's 19 not to say that my invention has only sine wave. 20 One of the product Sylfirm X that 21 incorporates my invention is designed to have the 22 sine wave to the extent possible. But then again,
206 1 2 megahertz signal generated and applied to 2 needles in the Sylfirm X product? 3 A To put it more accurately, 2 megahertz, 4 that's generated by Sylfirm X RF generator. That 5 electric signal is delivered to the needles. 6 Q And is that electric signal modulated at 7 all? 8 MR. SANDERS: Objection. Ambiguous. 9 A Well, I don't quite understand what you 10 just said, sir. 11 Q Do you know what it means to modulate a 12 signal? 13 A Yes, I do. 14 Q Is the 2 megahertz signal generated by the 15 Sylfirm X modulated? 16 MR. SANDERS: Same objection. 17 A RF generator -- actually, if I may provide 18 a general descriptions -- it's an electric -- 19 electric signal is received and modulated, and 20 then output as 2 megahertz. And that is 21 2 megahertz RF generator. 22 And for modulation there are many part	208 1 having said that, that is not to say my invention 2 delivers only sine wave. 3 Q What else could your invention deliver? 4 A I find your question unclear. If you 5 could specify as to what -- which of my invention 6 you are referring to, please. 7 Q You said that your -- "it is not to say my 8 invention delivers only sine wave." 9 I'm asking in response to your statement, 10 what else could your invention deliver? 11 A Of my inventions the one that relates to 12 wave forms or wave form -- 13 LEAD INTERPRETER: By the interpreter, 14 plurality is unknown at this point. 15 Q Is it fair to say the only frequency rate 16 in the RF signal generated by the Sylfirm X is the 17 2 megahertz frequency? 18 (Interpreters conferring) 19 A So I would think that it be -- if I put it 20 this way, it be more accurately put. So when RF 21 generate -- generator outputs 2 megahertz, for the 22 most part, it's 2 million hertz --

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249 1 (Check interpreter conferring with 2 witness.) 3 (Interpreters conferring.) 4 A Actually if I may, I would like to ask you 5 to repeat your question. I did not quite 6 understand your question, sir. 7 Q In the Sylfirm X do the needles extend 8 from a surface? 9 A So that is correct. So the word "surface" 10 was not very clear to me. So if you delve more 11 into the word "surface," so in terms of needle, so 12 I was thinking more like in terms of when the 13 needles are retracted, the tips of the needles. 14 So in English, so the surface of all the ends are 15 connected. So that is plane of the needle tip -- 16 tips, and so I understood your question to mean 17 that the needles extend from that plane. 18 Q To clarify, do the needles telescope out 19 from that plane? 20 CHECK INTERPRETER: (Conferring with 21 witness.) 22 A Move to penetrate the skin.	25 1 Q And is it within the handle or on the 2 surface of the handle? 3 A So in Sylfirm X it's toward the end. It's 4 not to say it's inside. If you look at it, I 5 guess it's very hard to put it in words, but I'm 6 not saying it's inside but it's toward the end. 7 Q When does the LED in the handle light up? 8 A In a Sylfirm X the LED in the handle -- I 9 am a bit confused right now. So when the radio 10 frequency of the needles come out, that's when it 11 lights up, but then I am a bit confused right now. 12 Q Why are you confused? 13 A Because without a product, so we looked at 14 Sylfirm, Scarlet -- strike that. 15 We looked at Scarlet S previously. So 16 when the LED lights up refers in Scarlet S. So I 17 am a bit mixed up because, frankly speaking, I'm 18 very tired right now and I'm unusually a bit mixed 19 up. 20 Q So is it your testimony today that the LED 21 in the handle in the Sylfirm X lights up when the 22 radio frequency is applied to the needles and the
250 1 Q When the needles penetrate to move the 2 skin, do they become longer? 3 A Huh? I don't understand what you mean by 4 that, sir. 5 Q Does their length increase? 6 A Are you saying the needles themselves, 7 their length increase? I'm not quite sure what is 8 increasing in length. 9 Q The needles themselves. 10 A (In English) I don't know -- I don't 11 know -- (speaking Korean). 12 (Through interpreter) I don't know. I 13 don't know. Needles themselves? Needles? 14 Q I think earlier you testified that there 15 was an LED in the handle; is that correct? 16 I should clarify, in the Sylfirm X. 17 A In the Sylfirm X that I made, there is an 18 LED on the handle. That is correct. 19 Q Where on the handle is the LED? 20 A So if I put it in proximal end, I hope you 21 would understand. So it's at the end, the 22 proximal end of that.	252 1 needles are extended? 2 A No, sir. What I said was that at this 3 moment right now, sitting here right now, I do not 4 quite remember. 5 Q Did the original Scarlet that we were 6 talking about earlier from the 2010 Korean FDA 7 document have an LED on the handle? 8 A That, too, frankly I do not remember. 9 Q Do you know if there's a document that 10 would help you remember? 11 A So if you show me the document, the 12 machine that you're asking me about and the 13 document of KFDA approval, that will help me 14 remember. 15 Q Dr. Na, could you please take out Exhibit 16 28 from earlier today. 17 A 28. Is this the one? I have it. 18 Q Is this the document you were referring 19 to? 20 A This appears to be different from the KFDA 21 approval document. 22 Q Does this document show that the original

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2 I, Janet A. Hamilton, Registered Diplomate
3 Reporter and Notary Public before whom the
4 foregoing deposition was taken, do hereby certify
5 that the foregoing transcript is a true and
6 correct record of the testimony given; that said
7 testimony was taken by me stenographically and
8 thereafter reduced to typewriting under my
9 direction; that review was not requested; and that
10 I am neither counsel for, related to, nor employed
11 by any of the parties to this case and have no
12 interest, financial or otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 27th day of July, 2023.

15
16
17
18 
19

20 Registered Diplomate Reporter

21 My commission expires

22 March 31, 2028