

Transcript of Dr. Jongju Na

Conducted on July 24, 2023

1
(1
to
4)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22
UNITED STATES INTERNATIONAL TRADE COMMISSION Washington, D.C. x In the Matter of : CERTAIN DERMATOLOGICAL : Inv. No. 337 TA 1356 TREATMENT DEVICES AND : COMPONENTS THEREOF : x [REDACTED] [REDACTED] Videotaped Deposition of DR. JONGJU NA Washington, D.C. Monday, July 24, 2023 9:17 a.m. Job No. 501135 Pages: 1 160 Reported by: Janet A. Hamilton, RDR	APPEARANCES ON BEHALF OF COMPLAINANT SERENDIA, LLC: CHARLES H. SANDERS, ESQUIRE LATHAM & WATKINS LLP John Hancock Tower, 27th Floor 200 Clarendon Street Boston, Massachusetts 02116 617.948.6000 And MICHAEL A. DAVID, ESQUIRE LATHAM & WATKINS LLP 555 Eleventh Street, Suite 1000 Washington, DC 20004 1304 202.637.2000 ON BEHALF OF RESPONDENTS CUTERA, INC. And ILOODA CO., LTD.: W. KIERSTEN CHOI, Ph.D. BRIAN R. NESTER, ESQUIRE COVINGTON & BURLING LLP One CityCenter, 850 Tenth Street, NW Washington, DC 20001 202.662.6000	APPEARANCES ON BEHALF OF COMPLAINANT SERENDIA, LLC: CHARLES H. SANDERS, ESQUIRE LATHAM & WATKINS LLP John Hancock Tower, 27th Floor 200 Clarendon Street Boston, Massachusetts 02116 617.948.6000 And MICHAEL A. DAVID, ESQUIRE LATHAM & WATKINS LLP 555 Eleventh Street, Suite 1000 Washington, DC 20004 1304 202.637.2000 ON BEHALF OF RESPONDENTS CUTERA, INC. And ILOODA CO., LTD.: W. KIERSTEN CHOI, Ph.D. BRIAN R. NESTER, ESQUIRE COVINGTON & BURLING LLP One CityCenter, 850 Tenth Street, NW Washington, DC 20001 202.662.6000	APPEARANCES ON BEHALF OF COMPLAINANT SERENDIA, LLC: CHARLES H. SANDERS, ESQUIRE LATHAM & WATKINS LLP John Hancock Tower, 27th Floor 200 Clarendon Street Boston, Massachusetts 02116 617.948.6000 And MICHAEL A. DAVID, ESQUIRE LATHAM & WATKINS LLP 555 Eleventh Street, Suite 1000 Washington, DC 20004 1304 202.637.2000 ON BEHALF OF RESPONDENTS CUTERA, INC. And ILOODA CO., LTD.: W. KIERSTEN CHOI, Ph.D. BRIAN R. NESTER, ESQUIRE COVINGTON & BURLING LLP One CityCenter, 850 Tenth Street, NW Washington, DC 20001 202.662.6000
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22
Videotaped Deposition of DR. JONGJU NA, held at the offices of: Latham & Watkins LLP 555 Eleventh Street, NW Suite 1000 Washington, DC 20004 1304 202.637.2200 Pursuant to Notice, before Janet A. Hamilton, Registered Diplomat Reporter and Notary Public in and for the District of Columbia.	APPEARANCES CONTINUED ON BEHALF OF RESPONDENTS ROHRER AESTHETICS, LLC And ROHRER AESTHETICS, INC.: ROBERT D. KEELER, ESQUIRE ICE MILLER LLP 1500 Broadway, Suite 2900 New York, New York 10036 212.824.4940 ON BEHALF OF RESPONDENTS SHENB CO., LTD., CARTESSA AESTHETICS, LLC and AESTHETICS BIOMEDICAL, INC.: RYAN B. MCCRUM, ESQUIRE STEVEN J. CORR, ESQUIRE (Via Zoom) YEAH SIL MOON, ESQUIRE (Viz Zoom) JONES DAY 901 Lakeside Avenue Cleveland, Ohio 44114 1190 216.586.3939	APPEARANCES CONTINUED ON BEHALF OF RESPONDENTS ROHRER AESTHETICS, LLC And ROHRER AESTHETICS, INC.: ROBERT D. KEELER, ESQUIRE ICE MILLER LLP 1500 Broadway, Suite 2900 New York, New York 10036 212.824.4940 ON BEHALF OF RESPONDENTS SHENB CO., LTD., CARTESSA AESTHETICS, LLC and AESTHETICS BIOMEDICAL, INC.: RYAN B. MCCRUM, ESQUIRE STEVEN J. CORR, ESQUIRE (Via Zoom) YEAH SIL MOON, ESQUIRE (Viz Zoom) JONES DAY 901 Lakeside Avenue Cleveland, Ohio 44114 1190 216.586.3939	APPEARANCES CONTINUED ON BEHALF OF RESPONDENTS ROHRER AESTHETICS, LLC And ROHRER AESTHETICS, INC.: ROBERT D. KEELER, ESQUIRE ICE MILLER LLP 1500 Broadway, Suite 2900 New York, New York 10036 212.824.4940 ON BEHALF OF RESPONDENTS SHENB CO., LTD., CARTESSA AESTHETICS, LLC and AESTHETICS BIOMEDICAL, INC.: RYAN B. MCCRUM, ESQUIRE STEVEN J. CORR, ESQUIRE (Via Zoom) YEAH SIL MOON, ESQUIRE (Viz Zoom) JONES DAY 901 Lakeside Avenue Cleveland, Ohio 44114 1190 216.586.3939

Transcript of Dr. Jongju Na

Conducted on July 24, 2023

2
(5
to
8)

5	7
1 APPEARANCES CONTINUED	1 CONTENTS
2 ON BEHALF OF RESPONDENT ENDYMED MEDICAL, LTD.:	2 EXAMINATION OF DR. JONGJU NA PAGE
3 KYLE AUTERI, ESQUIRE (Via Zoom)	3 By Ms. Choi 12
4 PEARL COHEN ZEDEK LATZER BARATZ LLP	4
5 7 Times Square, 19th Floor	5
6 New York, New York 10036	6
7 646.878.0806	7 EXHIBITS
8	8 (Attached to the transcript)
9 ON BEHALF OF RESPONDENTS JEISYS MEDICAL, INC.,	9 NA DEPOSITION
10 And CYNOSURE, LLC	10 Exhibit 1 Respondents First Notice of 16
11 JAMES W. SANNER ESQUIRE (Via Zoom)	11 Deposition to Serendia, LLC
12 NICOLE KOPINSKI, ESQUIRE (Via Zoom)	12 Exhibit 2 Subpoena Duces Tecum and 17
13 LEYDIG VOIT & MAYER, LTD.	13 Ad Testificandum to ViOL Co., Ltd.
14 Two Prudential Plaza	14 Exhibit 3 Subpoena Duces Tecum and 18
15 180 N. Stetson Avenue, Suite 4900	15 Ad Testificandum to Benev Company, Inc.
16 Chicago, Illinois 60601 6745	16 Exhibit 4 Respondents Notice of 20
17 312.616.5600	17 Deposition of Jongju Na
18	18 Exhibit 5 SYNK CAR0032920 47
19	19 SYNK CAR0032940/SERENDIA 00061017
20	20 SERENDIA 00061039
21	21 Exhibit 6 Certificate of Translation 47
22	22 Ilooda 0010187 Ilooda 0010210
6	8
1 APPEARANCES CONTINUED	1 EXHIBITS CONTINUED
2 ON BEHALF OF RESPONDENTS LUTRONIC CORPORATION	2 Exhibit 7 SYNK CAR0047811 51
3 And LUTRONIC AESTHETICS, INC.:	3 SYNK CAR0047849/SERENDIA 00075908
4 GRAHAM CRONOGUE, ESQUIRE (Via Zoom)	4 SERENDIA 00074946
5 BAKER MCKENZIE LLP	5 Exhibit 8 Certificate of Translation 51
6 815 Connecticut Avenue, NW	6 Ilooda 0010211 Ilooda 0010250
7 Washington, DC 20006	7 Exhibit 9 Excel spreadsheet 57
8 202.452.7000	8 Exhibit 10 Certificate of Translation 57
9	9 Exhibit 11 US Patent No. 9,480,836 103
10	10 Skin Treatment Apparatus and Method
11 ON BEHALF OF THE US INTERNATIONAL TRADE	11 Jongju Na, Songpa Gu
12 COMMISSION OFFICE OF UNFAIR IMPORT	12 Exhibit 12 Ilooda 0009799 125
13 INVESTIGATIONS:	13 Exhibit 13 Certificate of Translation 125
14 AARON RAUH, ESQUIRE	14 Exhibit 14 Ilooda 0009800 126
15 500 E Street, SW	15 Ilooda 0009804
16 Washington, DC 20436	16 Exhibit 15 Certificate of Translation 126
17 ALSO PRESENT:	17 Exhibit 16 Korean patent application 142
18 AUSTIN COSTELLO, Videographer	18 No. 10 2011 0057691
19 BRENDON SKIPPER, Remote Technician	19 Exhibit 17 Certificate of Translation 143
20 HARRY RHEE, Serendia, LLC	20 Exhibit 18 SYNK CAR0053152/ 153
21 LEE BOESE, Lead Interpreter	21 SERENDIA 00081249
22 JAMES Y. VICTORY, ESQUIRE, Check Interpreter	22

PLANET DEPOS

888.433.3767 WWW.PLANETDEPOS.COM

Conducted on July 24, 2023

4 1 Q Then did you apply for FDA approval for 2 Scarlet S? 3 A Application for FDA, actually that product 4 was Scarlet SRF. 5 Q So is this your testimony, that you didn't 6 apply for FDA approval for Scarlet S? 7 A (In English) Scarlet S, I don't remember 8 exactly. But as to device to apply – to apply 9 FDA, the Scarlet maybe S, and then Celfirm, 10 Celfirm and then Scarlet SRF, and then later 11 Sylfirm X. 12 Q What is the spelling of Celfirm, Celfirm? 13 A C-E-L-F-I-R-M. C-E-L-F-I-R-M. 14 Q You testified earlier that you changed the 15 power level from voltage to wattage to joules; is 16 that correct? 17 MR. SANDERS: Objection. Ambiguous. 18 A (In English) I cannot understand 19 question. 20 Q You testified earlier that power level can 21 be expressed in wattage, also in joules; is that 22 correct?	43 1 (Through Interpreter) The electric signal 2 used for Scarlet S was AC RF. AC standing for 3 alternating current. 4 Q What do you mean by alternating current 5 radio frequency signal? 6 A Alternating current normally referred to 7 as polarity, switching between plus and minus, 8 plus and minus, up and down. 9 Q My question was what -- 10 LEAD INTERPRETER: Pardon interpreter. 11 Positive and negative versus positive and minus. 12 Q My question was: What did you mean by 13 alternating current radio frequency signal? 14 A (In English) Okay. Electricity, the AC 15 alternating current electricity, the AC frequency 16 can alter -- alternate at radio frequency, and -- 17 is that okay? Did I say that? 18 Q So you mean AC RF means AC frequency 19 alternating at radio frequency; is that correct? 20 MR. SANDERS: Objection. Ambiguous. 21 A Yes. I find it ambiguous. RF -- at RF, 22 current can alternate at radio frequency. And AC
42 1 A What I meant was that in user manuals it 2 is expressed in joules, but when engineers make 3 things they usually use wattage. But then to know 4 the watt, you actually have to measure the voltage 5 to know it properly, so... And then in the end, 6 it can be expressed in joules. 7 Q Before the break you testified that the 8 conduction time was different between Scarlet and 9 Scarlet S; is that correct? 10 A (In English) Yes. 11 Q How is it different? 12 A For Scarlet, it had a wider range. So it 13 had more -- it had greater numbers, whereas 14 Scarlet S had three. 15 Q What do you mean by the conduction time? 16 A (In English) It is -- conduction time 17 means the duration of conduction with the electric 18 signal. 19 Q What kind of electric signal? 20 A (In English) Scarlet S is a single radio 21 frequency. AC RF, alternating current radio 22 frequency.	44 1 frequency may be the same as RF frequency or 2 may -- may be different. So because of that, I 3 cannot definitively say this is that or that is 4 that. 5 Q What is the difference between AC RF and 6 just RF? 7 A Well, for RF there are DC RF and also AC 8 RF method as well. 9 Q What is the DC RF? 10 A (In English) Direct current, DC, DC means 11 direct current. DC RF is the polarity. 12 (Through Interpreter) So for DC RF 13 polarity remains constant, so remains the same. 14 So to be more precise, DC refers to 15 polarity of the electrode being constant. 16 Q Dr. Na, I asked the meaning of DC RF, not 17 DC. 18 MR. SANDERS: Objection. No question 19 pending. 20 A Ma'am, I just did my best with my answer 21 as a medical doctor. 22 Q Do you understand you claimed AC RF in

PLANET DEPOS

888.433.3767 WWW.PLANETDEPOS.COM

Conducted on July 24, 2023

57 1 Q Then what will be the scientifically 2 correct way to explain it? 3 A For example, it's reversible when it's 4 less than 60 degrees. Mostly people tend to 5 believe it's between less than 55 to 60 degrees, 6 it's reversible, and it says otherwise in other 7 places, but here in this document, it's less than 8 40 percent. I think it's incorrect. 9 Q Here in the middle, is this -- 10 LEAD INTERPRETER: By the interpreter, 11 correction. Less than 40 degrees instead of 40 12 percent. 13 Q In the middle it says: Coagulation (58 to 14 85 degrees C). 15 Do you see that? 16 A Yes. 17 Q Do you think this is a correct 18 representation? 19 A So in terms of the temperature for 20 coagulation, it will say something else in 21 different literatures, and in some other 22 literatures it will say about the same thing, but	59 1 done for the day. We won't be coming back 2 tonight. 3 THE VIDEOGRAPHER: Shall I take us off 4 record? 5 We are going off the record. The time is 6 18:36. 7 (Off the record at 6:36 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22
58 1 I don't -- so I don't know, but just based on this 2 alone, I cannot conclusively say this is incorrect 3 representation. I cannot say that because 4 different literatures will say different things. 5 Q So what other temperature range or 6 different literature would say about coagulation? 7 A (In English) I don't remember. 8 Q When you use Scarlet S machine to 9 coagulate the tissue around each needle, what 10 temperature do you aim to reach in the tissue? 11 A I don't quite understand your question, 12 and having said that, if you think that we have 13 spent enough time today, although I do not have a 14 watch so I cannot tell the time, can we rest 15 today? 16 MR. SANDERS: If you're tired, Dr. Na, we 17 can go off the record. 18 THE WITNESS: (In English) Yeah. I'm 19 tired. 20 MS. CHOI: We can take a short break 21 and -- 22 MR. SANDERS: I think we're going to be	60 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC 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 25th day of July, 2023 15 16 17 18 19  20 Registered Diplomate Reporter 21 My commission expires 22 March 3, 2028