

1 UNITED STATES INTERNATIONAL TRADE COMMISSION

2 WASHINGTON, D.C.

3 -----x

4 In the Matter of :

5 CERTAIN DERMATOLOGICAL : Investigation No.

6 TREATMENT DEVICES AND : 337-TA-1356

7 COMPONENTS THEREOF :

8 -----x

9
10 [REDACTED]

11 [REDACTED]

12
13 Videotaped Deposition of

14 JEAN WOLOSZKO, M.D., Ph.D.

15 Austin, Texas

16 Thursday, September 14, 2023

17 8:00 a.m.

18
19
20 Job No. 505912

21 Pages: 1 - 328

22 Reported by: Susan S. Klinger, RMR-CRR, CSR

1	Figures 9 and 10, correct?	15:06:21
2	A So 8, yes. 9 and 10, yes, indeed.	15:06:23
3	Q Figure 8 is not using Ganz's approach,	15:06:36
4	right?	15:06:42
5	A Correct.	15:06:42
6	Q Does Ganz disclose whether results shown	15:06:43
7	in Figures 9 and 10 were obtained by delivering RF	15:06:55
8	to bipolar electrodes?	15:07:03
9	A I think it is monopolar, let me -- let me	15:07:06
10	check again. Figure 9 talks about it.	15:07:13
11	Those are monopolar electrodes.	15:08:02
12	Q Does Ganz disclose any results obtained by	15:08:04
13	delivering RF to bipolar electrodes?	15:08:09
14	A He does not provide any pathological --	15:08:14
15	pathology results using bipolar.	15:08:31
16	Q Does Ganz disclose any other type of	15:08:38
17	results besides pathology results obtained using	15:08:51
18	RF delivered to bipolar electrodes?	15:08:57
19	A He shows only one, there was only one	15:09:00
20	example in the -- in the patent monopolar. He	15:09:41
21	doesn't show any -- any -- any outcome with the	15:09:45
22	bipolar.	15:09:52

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1	Q Ganz discloses creating perforations,	15:09:53
2	right?	15:10:06
3	A Yes, he does.	15:10:06
4	Q Those perforations are vertical holes in	15:10:12
5	the tissue, correct?	15:10:15
6	A Yes, vertical -- perpendicular to the	15:10:16
7	surface of the skin, because if you are like that	15:10:21
8	it would be horizontal.	15:10:23
9	Q And do you agree that Ganz teaches	15:10:25
10	removing tissue to create holes that extend	15:10:35
11	vertically from the surface of the skin into the	15:10:42
12	tissue?	15:10:44
13	A He does teach removing some -- some --	15:10:45
14	some tissue, yes.	15:10:52
15	Q Was that -- let me start again.	15:10:53
16	Do you have a view as to what the	15:11:02
17	mechanism was for removal of that tissue?	15:11:06
18	A Yes. Very much so.	15:11:09
19	Q And what is your view of what the	15:11:12
20	mechanism was for removal of that tissue?	15:11:18
21	A So it's -- it's -- it's a hybrid	15:11:20
22	mechanism. As you know, conventional	15:11:26

1 electrocautery, as explained in my technology, is 15:11:33
2 when the electrode is distant -- very close 15:11:36
3 contact, very contact with tissue, you have a very 15:11:38
4 small area of contact, you create a spark. 15:11:41

5 The spark is very high temperature, but 15:11:43
6 doesn't -- but very localized, like -- like a 15:11:45
7 lightning. So it cuts tissue, and then right 15:11:49
8 with -- actually, those little electrode, it has a 15:11:52
9 margin of -- very, very small, like 50 micron, 15:11:55
10 very -- so what I believe happens is, when the 15:11:59
11 electrodes makes contact at the beginning, you 15:12:01
12 have electrical resistance. 15:12:05

13 As soon as the electrode goes in, you have 15:12:07
14 a larger surface area. And then, because I 15:12:09
15 believe this system is power -- because it seems 15:12:13
16 to be using a regular electrosurgical units, so 15:12:16
17 those are power regulated, as the contact area 15:12:20
18 grows bigger, the voltage goes down, but more 15:12:24
19 importantly, it's in contact now with 15:12:27
20 extracellular fluid. 15:12:30

21 And then, he infringes my patents. They 15:12:31
22 are -- they are public domain, it doesn't matter, 15:12:33

1 A Vaporization is the wrong terminology 15:15:15
2 because you break down -- I've identified 28 15:15:21
3 chemical reactions. It is published in the paper 15:15:24
4 from Don McMillan. Feel free to read it if you 15:15:28
5 cannot sleep. It is very interesting. 15:15:31

6 So it is a chemical reaction. So it 15:15:34
7 transforms, indeed, the -- the molecule -- 15:15:38
8 molecule, for instance, in many, many smaller 15:15:43
9 molecule, including water vapor, including many 15:15:47
10 gases, but it is not what we call vaporization in 15:15:52
11 the way that now defines it. 15:15:55

12 Vaporization, the way it is defined in 15:15:57
13 Dr. Na's patent, he says, we heat up tissue and we 15:16:00
14 extract and we desiccate, and the water comes out 15:16:04
15 in water vapor. No, that's not what happens. So 15:16:07
16 it's a form of vaporization, but not what is 15:16:10
17 described in Dr. Na's patent. 15:16:13

18 Q And then after that 1 to 2 millisecond 15:16:15
19 process, you mentioned that then there's ablation; 15:16:19
20 is that correct? 15:16:23

21 A Yeah, that is what we talked about as I 15:16:23
22 described, yeah. So the first one is the 15:16:26

1 heat-driven process. It's very short, so it 15:16:27
2 doesn't do much, and then -- and then you 15:16:31
3 progressively go into this -- the tradename, which 15:16:33
4 is not, you know, it is called coblation is what 15:16:37
5 I've used, but I can't use it anymore because I 15:16:40
6 don't own it anymore. I mean, I'm not part of the 15:16:43
7 company, but it is a plasma ablation, chemical 15:16:45
8 etching process. 15:16:48

9 Q So in this context, does ablation mean a 15:16:49
10 chemical etching process? 15:16:56

11 A Yes. 15:16:57

12 Q Okay. 15:16:57

13 A The same way you etch silicon to make a 15:16:59
14 microchip, exactly the same thing, except it's 15:17:04
15 done at atmospheric temperature and -- atmospheric 15:17:06
16 pressure and room temperature. 15:17:12

17 Q The etching process etches away some of 15:17:13
18 the tissue; is that correct? 15:17:22

19 A Yeah, absolutely, yeah, very precise. 15:17:23

20 Q If you look at paragraph 6 of Ganz -- 15:17:36

21 A Yes. 15:17:51

22 Q -- Ganz distinguishes only creating zones 15:17:51

1 of coagulation from his process, right? 15:18:02

2 A Coagulation with a laser, compared with a 15:18:06

3 laser, coagulation with a laser, so it is 15:18:13

4 different. 15:18:16

5 Q So -- 15:18:16

6 A This says laser don't do perforation. 15:18:30

7 Q All right. So referring to the Fraxel 15:18:35

8 infrared scanning laser, and this is at the top of 15:18:42

9 the second column. 15:18:45

10 A Yes. 15:18:46

11 Q Ganz states: This device uses a scanner 15:18:46

12 to direct a small 10 to 70 micron diameter laser 15:18:50

13 beam across the tissue surface in order to create 15:18:56

14 small vertical zones of coagulated tissue. 15:19:01

15 Do you see that? 15:19:05

16 A Yes. 15:19:05

17 Q And Ganz goes on to say that a drawback of 15:19:06

18 the Fraxel laser is that it does not create 15:19:12

19 perforations or vertical holes in the skin, right? 15:19:18

20 A Yes, I see that. 15:19:20

21 Q So would you agree that Ganz distinguishes 15:19:22

22 the approach of only creating coagulation from his 15:19:30

1	approach of creating perforations of vertical	15:19:36
2	holes in the skin?	15:19:40
3	A I agree.	15:19:40
4	Q And in -- go forward to paragraph 28.	15:19:42
5	Ganz explains that Figure 8 shows zones of	15:20:13
6	coagulation produced using the Fraxel laser	15:20:19
7	system, right?	15:20:27
8	A Yes.	15:20:27
9	Q And Ganz distinguishes that from what he	15:20:27
10	shows in Figures 9 and 10 which show the	15:20:32
11	perforations Ganz produced using a monopolar	15:20:38
12	configuration, right?	15:20:42
13	A Yes.	15:20:43
14	Q You can put aside Ganz. On to Manstein.	15:20:43
15	(Exhibit 13 marked.)	15:21:19
16	A Oh, did I put it down? I'm sorry, I'm	15:21:29
17	getting tired, I guess.	15:21:30
18	Q You have been handed what has been marked	15:21:31
19	as Exhibit 13. It's U.S. Patent Number 7,824,394	15:21:33
20	to the inventor Manstein.	15:21:41
21	A Yes.	15:21:43
22	Q And you address this Manstein reference in	15:21:44

1	your report, right?	15:21:48
2	A Yes.	15:21:48
3	Q And you understand that the contents of	15:21:49
4	this Manstein reference were before the examiner	15:21:53
5	during prosecution, right?	15:21:56
6	A I am aware.	15:21:57
7	Q The title of the Manstein patent, Exhibit	15:21:58
8	13, is method and apparatus for dermatological	15:22:15
9	treatment and tissue reshaping, right?	15:22:19
10	A Yes.	15:22:20
11	Q And Manstein discloses that the energy	15:22:25
12	source is capable of outputting either an AC or DC	15:22:52
13	electro current, right?	15:22:59
14	A ORF, yeah. And they are for a different	15:23:01
15	purpose, but he says that -- he said the generator	15:23:13
16	is able to generate several types of wave signals	15:23:18
17	or whatever -- waveforms.	15:23:21
18	Q So if it is helpful, Column 5 --	15:23:25
19	A Yeah.	15:23:30
20	Q -- the paragraph that begins around line	15:23:31
21	42.	15:23:35
22	A Yes.	15:23:37

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1 CERTIFICATE OF STENOGRAPHIC SHORTHAND REPORTER

2 I, Susan S. Klinger, Registered Merit Reporter
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12 this case and have no interest, financial or
13 otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 17th day of September, 2023.

16
17 
18

19 Susan S. Klinger, RMR-CRR, CSR

20 Texas CSR 6531, Exp: 10/31/25

21 California CSR 14487, Exp: 14487

22 New Mexico CSR 572, Exp: 12/31/24

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