

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHARKNINJA OPERATING LLC, and SHARKNINJA)
SALES COMPANY)

Case No.
1:23-cv-11277-ADB

Plaintiffs, and)
Counter-claim Defendants)

vs)
DYSON INC., and DYSON TECHNOLOGY LIMITED,)

Defendants and)
Counter-claim Plaintiffs)

*** HIGHLY CONFIDENTIAL OUTSIDE COUNSEL EYES ONLY ***

ROBERT TWEEDIE a 30(b)(6) Witness
In-Person/Hybrid Deposition
on 15th May 2024
8:58 a.m. - 17:37 p.m.

Taken at Offices of:
DLA PIPER 160 Aldersgate Street,
Barbican, London EC1A 4HT

VOLUME I

Court Reporter: David Erdos
Certified Deposition Reporter
CDR-1865

A P P E A R A N C E S:

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Also Present: Lauren Barbor, Videographer
Amneek Thiara DLA Piper Trainee

1 VIDEOGRAPHER: Good morning. We're going on the
2 Record at 8:58 a.m. on the 15th of May 2024.

3 Please note that the microphones are
4 sensitive and may pick up whispering and private
5 conversations. Please mute your phones at this time.
6 Audio and video recording will continue to take place
7 unless all Parties agree to go off the Record.

8 This is Media Unit I in the Video Recorded
9 Deposition of Robert Tweedie, in both a personal
10 capacity and as a 30(B)(6) Witness in the Matter of
11 SharkNinja Operating LLC et al versus Dyson, Inc. et al
12 filed the United States District Court for the District
13 of Massachusetts.

14 The case number is 1:23-cv-11277.

15 The location of the Deposition is the offices
16 of DLA Piper LLP, 160 Aldersgate Street, London EC1A
17 4HT.

18 My name is Lauren Barbor, representing
19 Veritext California, and I'm the Videographer.

20 The Court Reporter is David Erdos, also from
21 the law firm Veritext California. I'm not authorized to
22 administer an oath. I'm not related to any Party in
23 this Action, nor am I financially interested in the
24 outcome. If there any objections to the proceedings,
25 please state them at the time of your appearance.

1 Counsel and all present will now state their appearances
2 and affiliations for the Record, beginning with the
3 Noticing Attorney.

4 MR. BUROKER: Bryan Buroker from Gibson Dunn on
5 behalf of SharkNinja. I also have Clare Santiago from
6 Gibson Dunn on behalf of SharkNinja as well.

7 MR. STEADMAN: Paul Steadman, DLA Piper for the
8 Dyson Parties. With me are Giles Lane from Dyson and
9 Amneek Thiara, who is a Trainee in our office.

10 VIDEOGRAPHER: Thank you. Will the Court Reporter
11 please swear in the Witness and then Counsel may
12 proceed.

13 Whereupon ROBERT TWEEDIE was duly sworn.

14 And Testified as follows:

15 EXAMINATION

16 BY MR. BUROKER:

17 Q. Good morning Mr. Tweedie. How are you?

18 A. Not too bad, thank you.

19 Q. Could you please state your full name for the
20 Record?

21 A. Robert Lawrence, Tweedie.

22 Q. And your current home address, please?

23 A. [REDACTED]

24 Q. And do you have a business address?

25 A. Dyson Technology Ltd.

1 in 2015 or 2016. It was a very brief exchange of the
2 equipment; "how you getting on?" But we didn't discuss
3 Dyson.

4 Q. And you still work with Mr. Coulton?

5 A. Not for him, but within the same Department.
6 New Product Innovation.

7 Q. And what did you speak about with Mr. Coulton
8 to prepare for your Deposition today?

9 A. So, we, clarifying some aspects of some of
10 the order of events 12 years ago. Some clarification
11 around some of the things that were around the business.
12 So we're talking about scepticism around our invention
13 within the business. And I think that was probably all
14 it --

15 Q. What specifically do you recall him telling
16 you, regarding scepticism within the business about your
17 invention?

18 A. Yeah. So, in terms of what we had created
19 because it was doing something unexpected, because it
20 was a very different concept of the existing competitors
21 we had to explain the, how it was working. And of
22 course there would be scepticism because everybody would
23 say it wouldn't work. It was difficult for people to
24 understand, difficult for someone to operate it, and so
25 generally there was scepticism within the business, but

1 also within the people we tried, prototyped and tested
2 this item with at the beginning of the project.

3 Q. Who specifically expressed scepticism that
4 Mr. Coulton told you about?

5 A. So we had, I mean, you got to imagine this
6 is, this is 12 years ago. But Brett was actually able
7 to recap some of my thoughts on this as well, actually.

8 So, we had an engineer. Anne-Marie Nicholson
9 was her name, and she was brought into the project
10 because we had something which worked and was pretty
11 magic. We thought "This is great."

12 Unfortunately she had fine hair and
13 unfortunately it struggled -- she was dead excited to
14 get on board of the team, dead excited to use it. But
15 we struggled to wrap her hair at that moment in time
16 with the early prototype. So, she was sceptical of
17 whether people get it, whether it would work for someone
18 of her type of hair.

19 Q. Any other people other than Ms. Nicholson
20 that Mr. Coulton relayed to you had scepticism for your
21 invention?

22 A. So, I can't remember any more names because
23 it was a long time ago, and I think a lot of people
24 probably aren't working for the business anymore. But
25 yeah, general scepticism around the business was, was

1 there. It was: Are people going to get it? Is it
2 going to be a commercial success? Is it going to meet
3 some unmet need? Was there throughout -- my time on the
4 project, now my time was from the beginning to around,
5 from what I can remember 2013, 2014. And during that
6 time, it was in its early days, creating the technology,
7 inventing it, refining it. So, yeah.

8 Q. Did he relate to you any scepticism that he
9 had heard from persons outside of Dyson?

10 A. So, my stages of the project was early on.
11 We weren't doing any external trials by that time. But
12 later on the project, I'm pretty sure we reheard those,
13 those, those issues. Yes.

14 Q. You say you're pretty sure. What is the
15 basis for you saying you're pretty sure "we reheard
16 those issues?"

17 A. Again, I wasn't involved with the project
18 when those trials were happening. But it took us a long
19 time to develop this technology from the initial concept
20 which showed promise. It wrapped hair, to developing
21 that concept. And I think those sentiments, we weren't
22 going to expect such a commercial success as what we
23 made of this device in those days of the project.

24 Q. Mr. MacLaine talked about a process by which
25 the New Product Innovation Team would pass the project

1 widths for the slots?

2 MR. STEADMAN: Object to Form.

3 A. I can't comment.

4 BY MR. BUROKER:

5 Q. After you joined the project and Mr. Coulton
6 joined the project, did you spend time to determine
7 ranges for the width of the slots that would work?

8 A. I mean, without I mean, I guess we would
9 have. That would been part of the development journey
10 to take that device, which we, we're both, you know, all
11 three of us were party to from the start and make it
12 work better. But that first prototype AM01 was able to
13 wrap hair. That is correct.

14 Q. Is the width and dimension of the slot
15 important in determining whether or not hair will wrap
16 around a, the prototype?

17 MR. STEADMAN: Object to Form. Foundation.

18 A. It's not as simple as that because you've got
19 various other parameters at play.

20 You've got the User with different hair
21 types.

22 You've got the hair, which has different
23 levels of moisture content in.

24 You've got the amount of hair which the User
25 would wrap, which we need to define.

1 You've got the motor which gives you a
2 limited amount of flow and pressure.

3 And you've got a heater element, which again
4 all plays into the part of the device.

5 Then you've also got the restriction of all
6 the other components in the device. So the PCB, for
7 example: a Printed Circuit Board. The filter on the air
8 in the cable. How the User's holding it. Some fairly
9 basic things.

10 But that is why there was a lot of
11 development from that first initial working device,
12 which worked with hair. And we can't argue that that
13 didn't work with hair, because it did.

14 To work with all of Dyson's customers and to
15 work in a way which would provide that unmet need, the
16 sort of unexpected offering which we created for the
17 consumer, which at that moment in time, those devices
18 weren't providing. And that's what we did.

19 MR. STEADMAN: Brian, a restroom break when you?

20 MR. BUROKER: Oh, right.

21 MR. STEADMAN: Whenever it's convenient.

22 MR. BUROKER: Well, we can take that, right?

23 MR. STEADMAN: Sure.

24 MR. BUROKER: Now. Finish .

25 VIDEOGRAPHER: This is the end of Media II in the

1 the 979 Patent, your team had a preference between a
2 tapered barrel and a barrel that's not tapered?

3 A. I don't think we had a preference at that
4 moment in time. I'm just reading the note behind, and
5 one of the problems we did have was hair sliding off the
6 barrel during styling process, so it would have been --
7 again, it depends on the circumstance, the type of hair
8 how much, how you wrap, how much moisture content the
9 hair has got, flow rate, the pressure; all of these
10 parameters would affect how well the hair wraps.

11 So in this instance and this particular set
12 up, it might be that the tapered barrel -- it says:

13 "Allow the hair to slide off the barrel more
14 easily and give the user more flexibility when
15 straightening curls."

16 So I don't know how much testing we did on
17 this with real life users, and certainly I think that's
18 very different to the, the newest, the prototype, the
19 device we ended up launching.

20 Q. In what way is it different?

21 A. So you'll notice there's a helical profile to
22 those slots on the, on, on that, on that device.

23 Q. Which? I'm sorry, the helical profile on the
24 sides of which one? The product you launched?

25 A. Yeah. I haven't got it, it's, as a slight

1 expensive to design around the patent, even if it were
2 possible?

3 MR. BUROKER: Objection. Compound. Foundation.

4 A. So it took us six years and we're relatively.
5 I'd say I'd like to think we're quick to bring things to
6 Market. We put a lot of time, effort and money into
7 this. But that's not to say that if you put enough
8 Research and Development into something like this, you
9 might get something which works, but whether it was to
10 infringe on this Patent, I have to see what the solution
11 is.

12 The principle of wrapping hair is now known
13 as Automatic Wrapping. I've been out in the field since
14 2018. These patents, I think, were published in 20 --
15 they ranged obviously on the publication date, depending
16 on the territory, but it was known to the outside world
17 that we'd invested time, effort and money in developing
18 an automatically wrapping device for wrapping hair, so
19 yes, it would be difficult. It'd take time. And no one
20 has managed to achieve it yet, which doesn't obviously
21 infringe on what we would lay claim to within this
22 Patent Spec, which we are disputing today.

23 I mean, as an engineer, the challenge is
24 there, right? So I guess, talking as an engineer, if
25 someone can, not that they can necessarily infringe this

1 A. Yeah, I mean, it was a game changer. You
2 know, it ended up with, I don't know, quite a lot of
3 Industry Awards; a lot of praise from Users of this
4 device. We ended up with one of the biggest Tik Tok
5 hashtags, or whatever it is for this device. It was a
6 viral sensation from when we launched it. And that was
7 down to the technology which we've laid claim to in this
8 Patent.

9 MR. STEADMAN: I have no further questions. Thanks
10 for your time .

11 THE WITNESS: Thank you.

12 EXAMINATION

13 BY MR. BUROKER:

14 Q. Sir, were you aware that the 979 Patent was
15 rejected by the United States Patent and Trademark
16 Office seven times?

17 A. All patents? You know, I've got hundreds of
18 patents, and I could say that to any of those
19 applications. The, I mean, it's in the File Wrapper,
20 the things that I haven't personally in my capacity. So
21 those rejections. But I think that would be normal
22 practice.

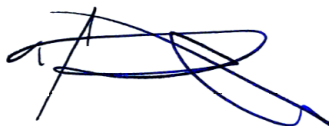
23 Q. And the resulting claim that issued was much
24 narrower than Dyson saw it, originally. Correct?

25 MR. STEADMAN: Object to Form.

CERTIFICATE OF COURT REPORTER

I, DAVID ERDOS, a Certified Real-Time Court Reporter, hereby certify that Robert Tweedie was duly sworn, that I took the notes of the foregoing deposition and that the transcript thereof is a true and accurate record transcribed to the best of my skill and ability. I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which the deposition was taken, and that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

Before completion of the deposition, review of the transcript was requested. Any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.



Signed: _____

DAVID ERDOS

Dated: 30/05/2024