1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 - - - - - - - - - - - - x

4 AVANOS MEDICAL, INC., : Case IPR2024-01209

5 Petitioner, : IPR2024-01210, IPR2024-0211

6 v. : IPR2024-01212

7 STRATUS MEDICAL, LLC, : U.S. Patent Nos. 10,966,782,

8 Patent Owner. : 10,736,688, 10,952,664

9 - - - - - - - - - - - - x

10

11

12

13 Deposition of DENNIS JOHNSON

14 Conducted Remotely

15 Thursday, September 18, 2025

16 8:58 a.m. Eastern Standard Time

17

18

19

20 Job No. 600609

21 Pages: 1 - 19

22 Reported by: Janet A. Hamilton, RDR

1 Deposition of DENNIS JOHNSON, held
2 remotely:
3
4
5
6
7
8
9
10 Pursuant to Notice, before Janet A.
11 Hamilton, Registered Diplomate Reporter and Notary
12 Public in and for the State of Maryland.
13
14
15
16
17
18
19
20
21
22

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 A P P E A R A N C E S
2 ON BEHALF OF THE PETITIONER:
3 CHRISTOPHER KELLY, ESQUIRE
4 WARREN THOMAS, ESQUIRE
5 MEUNIER CARLIN & CURFMAN
6 999 Peachtree Street, Northeast, #1300
7 Atlanta, Georgia 30309
8 404.645.7700
9
10 ON BEHALF OF THE PATENT OWNER:
11 DAN HIGGS, ESQUIRE
12 KEVIN LAURENCE, ESQUIRE
13 LAURENCE & PHILLIPS IP LAW
14 1050 Connecticut Avenue, NW
15 Suite 500
16 Washington, DC 20036
17 503.964.1129
18
19 ALSO PRESENT:
20 ELIZABETH GONZALEZ, Remote Technician
21
22

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

C O N T E N T S

EXAMINATION OF DENNIS JOHNSON PAGE
By Mr. Higgs 5

E X H I B I T S

(Pre-marked and attached to the transcript)

JOHNSON DEPOSITION
Exhibit 1044 7
Declaration of Dennis Johnson

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 P R O C E E D I N G S
2 -----
3 DENNIS JOHNSON,
4 a witness herein, being duly sworn, testified as
5 follows:
6 EXAMINATION BY COUNSEL FOR THE PATENT OWNER
7 BY MR. HIGGS
8 Q Mr. Johnson, will you please state your
9 full name for the record.
10 A Dennis Aaron Johnson.
11 Q Thank you. Is there any reason you cannot
12 competently testify today?
13 A There is not.
14 Q Okay. You were just placed under oath, so
15 do you understand that you must give truthful and
16 complete answers to my questions?
17 A I do.
18 Q Okay. And Mr. Thomas, I understand, is
19 defending today. He has the right to make short,
20 non-suggestive objections for the record to any of
21 my questions, but do you understand that you still
22 need to answer my questions unless he instructs

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 you not to do so?
2 A I do.
3 Q Okay. And if you answer my question, I
4 will assume that you have understood it. Is that
5 fair?
6 A Yes.
7 Q Okay. Where are you located today?
8 A I am currently in my home office.
9 Q Okay. And where's that?
10 A I'm in Cumming, Georgia.
11 Q Okay. And so no one else is with you?
12 A No one is.
13 Q Do you have anything open on your computer
14 by which you could communicate with any of the
15 attorneys other than through this app?
16 A I do not.
17 Q Okay. All right. And just in case we
18 need it, do you have a copy of your declaration
19 available to you which has been marked as Exhibit
20 1044?
21 A I do not have it with me, no.
22 MR. HIGGS: Okay. And is it possible --

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 this question is to the Planet Depos crew. Do you
2 have the ability to provide that to him in the
3 event that we need it?
4 THE REPORTER: I do not have it at my
5 fingertips. Elizabeth?
6 MR. THOMAS: Are you saying, like, could
7 we -- if you -- are you asking if the Zoom thing
8 has it or -- Dan?
9 MR. HIGGS: I uploaded that exhibit to
10 Planet Depos --
11 MR. THOMAS: Got it. Okay.
12 MR. HIGGS: -- so it would be available.
13 I don't think we'll need it. This is just in
14 case.
15 THE REPORTER: Elizabeth?
16 REMOTE TECHNICIAN: I was muted. Sorry.
17 Yes, sir. We can share the screen. Certainly.
18 MR. HIGGS: Okay. Thank you. All right.
19 (Exhibit 1044 was introduced for
20 identification.)
21 MR. THOMAS: And as a preliminary matter,
22 just say it on the record since we said it before

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 we went on the record, Avanos is designating this
2 transcript confidential, highly confidential,
3 outside attorneys' eyes only, under our
4 provisional protective order for the time being,
5 and then we will provide redactions to Stratus's
6 counsel afterwards and so that they can file the
7 public and nonpublic versions.
8 MR. HIGGS: Thank you.
9 BY MR. HIGGS:
10 Q Mr. Johnson, in paragraph 2 of your
11 declaration you indicate that you began working
12 with Avanos in 2021 as a Senior Global Product
13 Manager, and in 2024 you were made the Associate
14 Marketing Director of Avanos. Have you held any
15 positions at Avanos between those two positions?
16 A I have not.
17 Q In your capacity as Senior Global Product
18 Manager, did you also -- you testified that you
19 did do this as Associate Marketing Director, but
20 in your role as Senior Global Product Manager, did
21 you regularly review, analyze and rely upon sales
22 data for Avanos's COOLIEF products?

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 MR. THOMAS: Objection to form.
2 Q So were you aware in your role in 2021 as
3 Senior Global Product Manager of the overall
4 performance of Avanos's COOLIEF products in the
5 market?
6 A Can you be more clear? I'm sorry. I
7 don't understand when you say...
8 Q Were you aware of how the COOLIEF product
9 performed in the market in your role as Senior
10 Global Product Manager?
11 A For performance I would have to check with
12 our financial team, ask for information.
13 Q Okay. So in that role did you -- did you
14 sell the COOLIEF product?
15 MR. THOMAS: Objection. Form.
16 A In the Global Senior Product Management
17 role I was responsible for COOLIEF as a part of my
18 portfolio.
19 Q Okay. So in that role were you aware of
20 how the COOLIEF product was performing in the
21 market? Did you have an understanding of its --
22 of the number of sales of the device in that role?

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 MR. THOMAS: Objection to form.
2 A In that role I would ask for information
3 from our financial team as to the performance of
4 the product, when needed.
5 Q Okay. Did you have any personal
6 knowledge, without going to the specifics of what
7 the exact numbers were, do you have any
8 understanding year to year of the performance of
9 that product? By that I mean -- strike that.
10 In that role did you have a general sense
11 from one year to the next as to how that product
12 was performing one year relative to the next?
13 A In that role I would ask for the financial
14 data and it would give me an idea as to the
15 performance of the product one year to the next,
16 yes.
17 Q And did you ever request that data?
18 MR. THOMAS: Objection to form.
19 A In that role I would typically request
20 that data for, as needed.
21 Q Okay. Do you have an understanding of how
22 the COOLIEF device performed in the market? By

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 that I mean its number of sales, whether that's
2 number of units sold or the actual dollars
3 generated. So let me rephrase the question
4 because I'm giving probably too much information
5 in there.
6 The number of sales, did you have a sense
7 for, from the year 2021, which is when you began,
8 to 2022, did the COOLIEF -- did sales of the
9 COOLIEF increase or decrease from 2021 to 2022?
10 MR. THOMAS: Objection to form, and
11 objection, outside the scope.
12 A Off the -- I would have to go back and ask
13 for the financial information to clarify. I don't
14 know today what the results of '21 to '22 would
15 be.
16 Q Is the answer the same for 2022 to '23?
17 MR. THOMAS: Same objections.
18 A That's correct. I'd have to verify the
19 financial performance with it by asking for the
20 information, yes.
21 Q Okay. Does your finance department have
22 sales data for the COOLIEF device from 2020

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 through 2024?
2 MR. THOMAS: Objection. Form and outside
3 the scope.
4 A I believe in the declaration if we had to
5 pull it up, I could see it. I provided the
6 information for '23 and '24 for the COOLIEF
7 product.
8 Q Correct. I'm asking for the years 2020
9 through 2024.
10 MR. THOMAS: Same objections.
11 A I would have to ask our finance team if
12 they have access to that information.
13 Q Okay. In your declaration, as you
14 mentioned, you provided the sales data for 2023
15 and 2024 only. Why did you ask only for those two
16 years?
17 A Counsel asked me for that information, so
18 I made a request for the finance team for that
19 information only.
20 Q Okay. All right. Turning to paragraph 7
21 of your declaration you state, "
22

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 [redacted]
2 [redacted]"
3 I just need a little help understanding
4 this sentence, what it means. So is this sentence
5 referring to [redacted]
6 [redacted]
7 [redacted]?
8 MR. THOMAS: Objection to form.
9 A So if you're referring -- so the
10 information I provide in the declaration for '23
11 and '24 is the product family for COOLIEF that
12 includes our kits, [redacted]
13 [redacted], yes. Each one is.
14 Q Okay. So, right. And in an earlier
15 sentence you indicate that your kits are sold in
16 sets of one, two or three, and that means one
17 introducer and probe for a kit with two
18 introducers and two probes or a kit with three
19 introducers and three probes; is that correct?
20 A That's correct.
21 MR. THOMAS: Objection to form. And, Dan,
22 if you're going to ask him about specific

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 sentences like you're going to reference, well, in
2 this sentence you said that and in another
3 sentence you said this, then you should show him
4 the declaration. I think that will make things go
5 more smoothly.
6 MR. HIGGS: Okay. Yeah. Would you --
7 Q Could you go ahead and open that up then,
8 Mr. Johnson?
9 Elizabeth, if you could provide that to
10 him?
11 A I don't know how to do that.
12 MR. HIGGS: Elizabeth, if you could make
13 that happen. Great. Okay. Thank you.
14 Q So, yes. If you look at your sentence 1
15 of paragraph 7. So that's where you talk about
16 the kits are sold in sets of one, two or three.
17 My question pertains to the second
18 sentence that's highlighted in pink. "
19
20
21 "
22 I'm just having a little difficulty

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 understanding what that sentence means. So I'm
2 trying to clarify.
3 So my question is: Does that table
4 include [redacted] sales of [redacted]?
5 MR. THOMAS: Objection to form.
6 A That table includes the sale of the kits
7 as indicated [redacted]
8 [redacted].
9 Q Okay. Is there any way to tell from that
10 table how many total introducers were sold?
11 A From that table specifically, it's just a
12 sum total of the product family.
13 Q Understood. So is there any way to tell
14 from that table then how many probes, total probes
15 were sold? Whether those were in kits or
16 individually overall, how many total probes were
17 sold?
18 A That table only includes a sum total. The
19 information is summed to a product family.
20 Q Okay. Are any of the COOLIEF probes
21 reusable?
22 A They are not.

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 Q And are the introducers, are all
2 introducers disposable, that is, not intended for
3 reuse?
4 A That is correct.
5 MR. THOMAS: Object to form.
6 MR. HIGGS: I have no further questions.
7 MR. THOMAS: Just a second.
8 Okay. Then we have no questions either.
9 So then we are closed for today. Actually, can we
10 go into the breakout room for just a second? I
11 want to -- I'm going to rewind and say hold on
12 just a second because I want to address something
13 just about the confidentiality. We may be able to
14 just -- I'm going to ask about something before we
15 go totally off the record.
16 Dennis, Chris, into a room for a sec.
17 Actually, you know what, never mind. I take it
18 back. Forget it. We can go off the record. We
19 will -- I was trying to decide if there was
20 confidential information we needed to -- we could
21 just say it wasn't confidential, but the questions
22 did ask about that. So we'll go with our previous

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 plan. My apologies.
2 THE REPORTER: All right. Transcript
3 orders, counsel?
4 MR. HIGGS: Kevin, I think we requested an
5 expedited copy.
6 MR. LAURENCE: Yeah.
7 MR. THOMAS: And none for Avanos.
8 THE REPORTER: No transcript at all?
9 MR. THOMAS: We do not need a copy of the
10 transcript. We do not need to order a copy of the
11 transcript.
12 THE REPORTER: Thank you.
13 (Off the record at 9:14 a.m.)
14
15
16
17
18
19
20
21
22

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC
2
3 I, Janet A. Hamilton, Registered Diplomate
4 Reporter and Notary Public within and for the
5 District of Columbia do hereby certify:
6 That DENNIS JOHNSON, the witness whose
7 deposition is hereinbefore set forth, was duly
8 sworn by me before the commencement of such
9 deposition and that such deposition was taken
10 before me and is a true record of the testimony
11 given by such witness.
12 I further certify that the adverse party,
13 AVANOS MEDICAL, INC., was represented by counsel
14 at the deposition.
15 I further certify that the deposition of DENNIS
16 JOHNSON, occurred remotely on Thursday, September
17 18, 2025, commencing at 8:58 a.m. to 9:14 a.m.
18 I further certify the inspection, reading and
19 signing of said deposition was not discussed on
20 the record.
21 I further certify that I am not related to any
22 of the parties to this action by blood or

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041

marriage, I am not employed by or an attorney to any of the parties to this action, and that I am in no way interested, financially or otherwise, in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of September, 2025.

My commission expires:
February 4, 2028.
STATE OF MARYLAND

IPR2024-01212
Avanos v. Stratus
Stratus Ex. 2041