

In the Matter Of:

Silencerco Weapons Research, LLC vs

HuxWrx Safety Co. LLC

JOHN NIXON

April 22, 2025



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SILENCERCO WEAPONS	)	
RESEARCH, LLC,	)	
	)	Case IPR2024-01214
Petitioner,	)	
	)	Patent 8,286,750
VS.	)	
	)	
HUXWRX SAFETY CO., LLC,	)	
	)	
Patent Owner.	)	
	)	

SilencerCo Weapons Research, LLC v. HuxWrx Safety Co. LLC
HuxWrx Safety Co. LLC Ex. 2002 - 2
U.S. Patent No. 8,286,750
IPR2024-01214

Page 2	Page 4
1 2 3 ORAL AND VIDEOTAPED DEPOSITION OF 4 JOHN NIXON, produced as a witness at the 5 instance of the Patent Owner and duly sworn, 6 was taken in the above-styled and numbered 7 cause on April 22, 2025, from 9:03 a.m. to 8 11:18 a.m., Mountain Daylight Time, before 9 KATERI A. FLOT-DAVIS, CSR, CRR, in and for the 10 State of Texas, reported by machine shorthand, 11 Taken Remotely Via Zoom, pursuant to the 12 Federal Rules of Civil Procedure and the 13 provisions stated on the record herein. 14 15 16 17 18 19 20 21 22 23 24 25	1 INDEX 2 3 PAGE 4 5 Appearances..... 3 6 7 8 WITNESS: JOHN NIXON 9 10 Examination by Mr. DeZern..... 6 11 Examination by Mr. Roeser..... 78 12 13 14 Signature and Changes..... 82 15 Reporter's Certificate..... 84 16 17 18 19 20 21 22 23 24 25
Page 3	Page 5
1 APPEARANCES 2 3 FOR THE PETITIONER: 4 RANDY ROESER, ESQ. 5 PHIL W. HARRIS, ESQ. Holland Hart 6 1800 Broadway 7 Ste. 300 8 Boulder, Colorado 80302 9 jrroeser@hollandhart.com 10 pwharris@hollandhart.com 11 12 FOR THE PATENT OWNER: 13 DAVID DEZERN, ESQ. 14 Nelson Bumgardner Conroy P.C. 15 3131 W. 7th Street 16 Ste. 300 17 Fort Worth, Texas 76107 18 mackenzie@nelbun.com 19 20 21 22 23 24 25 16 Also Present: 17 Kenneth Inoa, Videographer 18 19 20 21 22 23 24 25	1 PROCEEDINGS 2 3 THE VIDEOGRAPHER: The time is 4 9:03 a.m., Mountain Time, on April 22nd, 5 2025, and we are going on the record for 6 remote video deposition of John Nixon in 7 the matter of SilencerCo Weapons 8 Research, LLC, versus HuxWrx Safety Co., 9 LLC. 10 My name is Kenneth Inoa and I am 11 the legal videographer on behalf of 12 Lexitas. 13 Will counsel please introduce 14 themselves and state their firm and who 15 they represent, beginning with the party 16 noticing this proceeding. 17 MR. DEZERN: Yes. 18 This is David DeZern from Nelson 19 Bumgardner Conroy, representing the 20 patent owner. 21 MR. ROESER: And this is Randy 22 Roeser and Phil Harris from Holland & 23 Hart, and we represent the petitioner. 24 THE VIDEOGRAPHER: If that 25 concludes our introductions, will the

Page 6

1 court reporter please swear or affirm in
2 the witness.
3 (Witness sworn.)
4
5 JOHN NIXON,
6 having been first duly sworn, testified as
7 follows:
8
9 EXAMINATION
10 BY MR. DEZERN:
11 Q. All right.
12 Good morning, Mr. Nixon.
13 A. Good morning.
14 Q. I'm sorry. Can you speak up?
15 I didn't --
16 A. Can you hear me better now?
17 Q. Yes, I can.
18 Thank you. I just wanted to make
19 sure.
20 Mr. Nixon, have you been deposed
21 before?
22 A. Yes.
23 Q. Approximately how many times?
24 A. I don't keep a count, but I would
25 say approximately 50 times.

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1 Q. Okay.
2 So you know the drill.
3 You understand that I'm going to
4 ask you a series of questions, and you're
5 under oath to answer the best of your ability,
6 correct?
7 A. Yes.
8 Q. And you understand that this is
9 being transcribed, so you need to answer
10 audibly.
11 And we'll both do our best to try
12 not to talk over one another.
13 Correct?
14 A. Yes.
15 THE COURT REPORTER: Mr. Nixon is
16 too far away from the mic.
17 THE VIDEOGRAPHER: Counsel, could
18 we go off the record for one second?
19 MR. DEZERN: Sure.
20 THE VIDEOGRAPHER: The time is
21 9:05 a.m. We are going off the record.
22 (Brief Recess Taken.)
23 THE VIDEOGRAPHER: The time is
24 9:07 a.m. We are going back on the
25 record.

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1 MR. DEZERN: Okay.
2 Q. (BY MR. DEZERN) Mr. Nixon, so, as
3 we were just discussing off the record, in
4 addition to the normal deposition procedure
5 where we try not to talk over one another,
6 we'll try to put a little more delay between
7 the end of my questions and when you begin
8 responding to account for this remote format.
9 Is that okay?
10 A. Yes, it is.
11 Q. That sounds better.
12 Thank you.
13 And, of course, if -- if you need a
14 break or anything, please just let me know and
15 we'll find a point to break off and we can
16 stop.
17 So, Mr. Nixon, let's talk about
18 exhibits first.
19 I have put through the chat several
20 exhibits, including -- that have previously
21 been given numbers in this proceeding,
22 including a declaration by you labeled
23 Exhibit 1013.
24 Do you have that file?
25 A. Yes, I do.

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1 Q. Okay.
2 MR. DEZERN: Well, that's probably
3 where we'll start.
4 (Exhibit No. 1013 Previously
5 Marked.)
6 Q. (BY MR. DEZERN) So I understand
7 that you have submitted a declaration on
8 behalf of SilencerCo regarding U.S. Patent
9 8,286,750.
10 Correct?
11 A. Yes.
12 Q. And can we just refer to that as
13 the '750 Patent today?
14 A. Sorry. I didn't hear what you
15 said.
16 Q. Sorry.
17 MR. DEZERN: Are you all getting
18 feedback on my end?
19 (No Audible Response.)
20 Okay.
21 Q. (BY MR. DEZERN) Can we refer to
22 that as the '750 Patent?
23 A. Yes, we do.
24 MR. DEZERN: And do you also
25 have -- I put through what has been

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1 marked as Exhibit 1001, which is a copy
2 of that '750 Patent.
3 THE WITNESS: Yes. I have that,
4 too.
5 MR. DEZERN: Okay.
6 (Exhibit No. 1001 Previously
7 Marked.)
8 MR. DEZERN: So we'll start there.
9 Q. (BY MR. DEZERN) So I understand
10 you've submitted this declaration as part of
11 a -- in support of a petition that SilencerCo
12 filed with the USPTO.
13 Correct?
14 A. Yes.
15 Q. And, of course, we're here today
16 because, among other things, the -- the Patent
17 Board instituted trial on that petition,
18 correct?
19 A. Yes. I don't know what went on
20 legally. I only have knowledge as to what I
21 did.
22 Q. Understood.
23 And that was going to be my
24 question.
25 Have you -- have you reviewed the

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1 Patent Board's preliminary decision?
2 A. Yes. I skimmed through it.
3 Q. Was that recently?
4 A. It was probably at least a month
5 ago. I don't recall when I got it now.
6 Q. Okay.
7 But you at least skimmed it a
8 little bit?
9 A. Yes.
10 Q. Okay.
11 And so I would like to go through
12 your declaration and some of the prior art
13 references discussed.
14 But, first off, do you recall that
15 you provided a -- an explanation of what I
16 believe you referred to as "the ordinary and
17 common meaning" several times?
18 A. Yes.
19 Q. And I can direct you to where that
20 is in your declaration, if you would give me a
21 moment.
22 (Counsel reviewing exhibit.)
23 Yes. So I believe that begins
24 around Page 40, Paragraph 101, in your
25 declaration, which is Exhibit 1013.

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1 A. Okay. I've got it now.
2 Q. Great. And I gave you that to
3 reference, as needed.
4 But I wanted to go through a couple
5 of these just to make sure we're on the same
6 page when we're using some of this terminology
7 as we look at this art.
8 Okay?
9 A. Okay.
10 Q. So let's take the first two
11 together. You talk about the meaning of a
12 "common off-axis chamber," right?
13 A. Yes. I have that on Page 41.
14 Q. And then also "a plurality of
15 deflectors configured to deflect the energy
16 from the high-energy material to the common
17 off-axis chamber."
18 Right?
19 A. Would that be Paragraph 103?
20 Q. Yes. I believe that's one place
21 it's mentioned.
22 And if I could direct you to -- so,
23 for example, in Paragraph 108, you state that:
24 "A common off-axis chamber is an off-axis
25 chamber into which at least two deflectors

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1 separately and directly deflect energy
2 transferred from high-energy material received
3 by the central chamber."
4 Correct?
5 A. Yes.
6 Q. I was wondering if you could
7 elaborate on what you mean by the deflectors
8 separately and directly deflecting energy into
9 the common off-axis chamber in this context.
10 And -- and please feel free to
11 reference any of the drawings or other --
12 other text in your declaration here.
13 A. I believe there are some drawings
14 that relate to that, but basically you have a
15 series of -- series of baffles, which are what
16 we were referring to as deflectors here.
17 Between each one there would be
18 holes to enable the gases to flow into the
19 off-axis chamber.
20 Q. And can you just, kind of, describe
21 generally: What do you mean by "baffles"
22 here?
23 A. Baffles are the devices which are
24 inserted into a silencer to restrict or direct
25 the flow of the gases coming out of the

Page 14	Page 16
1 firearm barrel. 2 Q. Okay. 3 And by "separately and directly," 4 is it your opinion that there -- there needs 5 to be a hole in between each one of these 6 deflectors? 7 A. Yes. At least one hole. 8 Q. At least one hole. 9 A. (No Further Response.) 10 Q. And, in your opinion, are there any 11 other restrictions on where or how the holes 12 have to be oriented with respect to the 13 deflector in order -- in order to fit into 14 what you're articulating here as the -- as the 15 ordinary and customary meaning of a plurality 16 of deflectors configured to deflect energy as 17 in the '750 Patent? 18 A. I think, as mentioned in my report, 19 no, there would be no further restriction. 20 Q. Okay. 21 Let's look at the next term you 22 address. I believe it begins on Page 47, "a 23 fluid outlet." 24 A. Can you repeat that page number? 25 Q. Page 47.	1 communication with the central chamber? 2 A. I think the definition you just 3 gave wasn't necessarily my definition. It was 4 one that was provided from the -- the patent. 5 If you read on in Paragraph 116, it 6 says, "In my opinion, this definition is 7 overly restrictive." 8 Q. Right. I didn't -- 9 (Simultaneous speaking.) 10 A. -- (inaudible) -- 11 Q. -- mean to -- go ahead. 12 A. The term "fluid outlet" appears 13 only twice in the '750 Patent specification, 14 and I give a reference to where that is. 15 So the definition we had before 16 wasn't necessarily my definition. 17 Q. Understood. 18 And I didn't mean to suggest that 19 it was. 20 But just to point out that, in -- 21 in your opinion, the fluid outlet is simply an 22 orifice out of the off-axis chamber, as in 23 Paragraph 117, right? 24 A. Yes. 25 Q. And in Paragraph 116 you're
Page 15	Page 17
1 And I believe at Paragraph 115 is 2 where it starts. 3 A. I'm there now. 4 Q. And if we can jump to the 5 conclusion in Paragraph 117, you note that 6 it's your opinion that a fluid outlet is, 7 quote: "An orifice through which gas flows 8 out of the common off-axis chamber." 9 Correct? 10 A. Yes. 11 Q. And I believe, if you look to the 12 previous paragraph, you noted that, among 13 other things, during -- during prosecution the 14 patent owner had described the fluid outlet in 15 the claim as, quote: "a separate limitation 16 from the fluid communication with the central 17 chamber, and presents an outlet for the fluids 18 to escape the off-axis chamber without 19 returning the central chamber," end quote. 20 Right? 21 A. Yes. 22 Q. So when -- when you're pointing to 23 a fluid outlet in the prior art, applying your 24 definition, the -- is it your opinion that the 25 outlet could also include that same fluid	1 commenting on the fact that the -- the patent 2 owner, when they were applying for this 3 patent, took the position that the fluid 4 outlet was a separate limitation from the 5 fluid communication with the central chamber. 6 Right? 7 A. I'm not sure if I understand your 8 question right. 9 Q. Well, if you want to take a second 10 just to review Paragraph 116. 11 Really, my only question is: You 12 understand there's a distinction between -- 13 and I believe you're making a distinction in 14 this declaration between your interpretation 15 of "fluid outlet" and what the patent owner 16 said during prosecution. 17 Correct? 18 A. Yeah. 19 In 116 I say that: "Nowhere in the 20 patent does it describe the fluid outlet in 21 this way." 22 So the term "fluid outlet" appears 23 only twice in the '750 Patent specification, 24 and in neither of those instances does the 25 specification describe the fluid outlet in

Page 18 1 this way. 2 Q. Okay. 3 But you would agree that's 4 different than the -- the way you describe it 5 in Paragraph 116. That's all I'm asking. 6 A. In Paragraph 117, where I give an 7 opinion: "The customary meaning of a fluid 8 outlet is an orifice through which gas flows 9 out of the common off-axis chamber." 10 Q. Okay. 11 A. So that would just be as it is in 12 my report. It doesn't say where it flows to. 13 It's just, "out of the common" ... "axis 14 chamber." 15 Q. Okay. 16 Very good. 17 Well, I just wanted to go over 18 that. 19 Let's -- let's keep that in mind as 20 we look at the art today. And I will try to 21 keep it clear -- and if you could help me keep 22 it clear, if we talk -- should we happen to 23 refer to something as a fluid outlet, we'll 24 try to specify precisely what we mean. 25 Okay?	Page 20 1 And take all the time you need, but 2 if you could review that and, kind of, explain 3 in words, if you could, what this is showing 4 and what we're looking at in the diagram here. 5 A. (Witness reviewing exhibit.) 6 Yes. 7 Looking at 127, and Figure 1, I 8 think a simple explanation of what's going on 9 there is that you have a radius that extends 10 outwardly from the central point to the 11 exterior. 12 So that's indicated in Figure 1. 13 And then you would have fluid 14 flowing around that. So it's similar to if 15 you looked into a coffee mug and stirred it, 16 you have the fluid running around. 17 Q. Okay. 18 So this -- the left side of 19 Figure 1 that we about, right? 20 A. Yes. 21 Q. Is the idea that we are looking 22 straight on to, in this case, a cylinder that 23 would be the -- a cylinder of a suppressor 24 pointing straight out of the page? 25 A. Yes. That would be if you were
Page 19 1 A. Okay. 2 Q. Okay. 3 So what -- the next term discussed, 4 I believe -- if you'd flip one page to 5 Page 48. And this goes on for a bit. 6 So I would like to have you help me 7 understand your -- your opinion regarding the 8 meaning of the term "radially serpentine" in 9 the context of these claims. 10 Okay? 11 A. I'm -- 12 (Simultaneous speaking.) 13 Q. Well, let me -- 14 A. -- (inaudible) -- sure -- 15 Q. -- frame -- 16 A. -- if I understand what you're 17 asking. 18 Q. -- let me frame that as a question. 19 So I -- I understand there's 20 probably several caveats we're going to have 21 to go through here. 22 So if we could just start with -- 23 and I believe you included some figures -- 24 and, perhaps, if you want to start at 25 Paragraph 127.	Page 21 1 looking -- well, from either end. You could 2 be looking at the end that the muzzle goes 3 into or the end that the bullet comes out of; 4 but you're looking straight into. 5 Q. Okay. 6 And then the way you've drawn the 7 radius -- the radius (r) is in that same 8 plane, extending out from the center, correct? 9 A. Yes. 10 Q. And then, can you, kind of, 11 elaborate on the -- what -- what is shown in 12 red there? 13 A. Yes. 14 The red is to indicate the fluid 15 flow. And that would be circulating fluid 16 at -- and, as I said, it would be like if you 17 were to stir your cup of coffee, if you looked 18 from the side that would be -- it's showing -- 19 trying to show the fluid flow rotating around 20 the radius out. 21 Q. Okay. 22 And that would be radially 23 serpentine? 24 A. Yes. 25 Q. And if I can understand the analogy

Page 22 1 with -- if Figure 1 on the left is us looking 2 at a silencer from either end, straight on, 3 like it's pointed right at my face -- right? 4 A. Yes. 5 Q. And with your analogy of the 6 coffee, is that like looking straight down 7 into the cup? 8 A. Yes. You could look straight down 9 into the cup, and you would see what you're 10 looking at in the right side of Figure 1. 11 Q. Okay. 12 So then how can -- all right. 13 So let's talk about the right side. 14 Could you explain what -- what the 15 right side of Figure 1 is showing us, then? 16 A. The right side is if you were 17 looking down, so if you were standing where 18 the (r) is on the left side, looking into 19 that. 20 Q. Okay. 21 And on the right side of Figure 1, 22 how are we to interpret the dashed radius (r)? 23 Is that coming into the page or out 24 of the page? 25 Or -- or how would you describe	Page 24 1 specification. 2 Right? 3 A. I don't think it says everything 4 that you just said. 5 Q. Well, I was trying to avoid reading 6 the quote. 7 But I just -- the -- the second 8 sentence refers to the '750 Patent -- what the 9 '750 Patent says about Figure 14 in the 10 specification. 11 A. Yes. Actually, the third sentence. 12 There's a short sentence in between. 13 Q. Oh, fair enough. 14 You're talking about the citation 15 to Exhibit 1004? 16 A. Yes. 17 Q. Got it. 18 Fair -- fair enough. 19 Okay. 20 So that takes us to the bottom of 21 Page 53 and onto Page 54, correct? 22 A. Yes, it does. 23 Q. All right. 24 So if we look at the top of 25 Page 54, and now we've got -- at the bottom of
Page 23 1 that? 2 A. That would be coming out of the 3 page. 4 Q. Okay. 5 And so this figure and your 6 description here at 127 is a description of a 7 radially serpentine fluid pathway, correct? 8 A. Yes. 9 Q. Now you've got another -- another 10 figure -- actually, the very next paragraph. 11 Do you see Paragraph 128? 12 A. Yes. 13 Q. And then the -- well, we'll just 14 take it each sentence. 15 So the first -- the first sentence 16 refers to, in the prosecution history, the 17 patent owner explicitly references Figure 14 18 as illustrating a radially serpentine fluid 19 pathway. 20 Correct? 21 A. Yes. That's what it says. 22 Q. And then the next sentence talks 23 about: "The '750 Patent identifies the ESD of 24 Figure 14 as having a serpentine path that 25 is" -- and it -- it quotes from the	Page 25 1 Page 54 we've got -- you've got the picture of 2 Figure 14, the actual figure from the patent, 3 right? 4 A. Yes. 5 Q. And then at the top, the first 6 sentence that begins on that page says, quote: 7 "In other words, the radially serpentine fluid 8 pathway illustrated in Figure 14 is a pathway 9 that serpentine back" -- parentheses -- 10 "(i.e., counterclockwise)" -- close 11 parentheses -- "and forth (i.e., clockwise) 12 while advancing radially outward through a 13 series of annular spaces that are connected 14 and progressively larger." 15 Right? 16 A. Yes. 17 Q. Okay. 18 So -- and that's -- that's your 19 position of the -- the structure of what is in 20 Figure 14 from the '750 Patent, right? 21 A. Yes. 22 Q. Okay. 23 Now if you could flip over to 24 Page 55. 25 And I guess, really, the --

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1 Figure 2 is on the top of Page 55, right?

2 A. Yes, it is.

3 Q. And so that's a continuation of the

4 previous paragraph, 128, right?

5 A. Yes.

6 Q. And is this to show the pathway

7 that you just described in Paragraph 128

8 for -- for the device shown in Figure 14?

9 A. Yes.

10 Q. Okay.

11 Can you elaborate a little bit on

12 what is being shown in Figure 2, please.

13 A. Figure 2 shows the path of the

14 fluid. The red line is the path of the fluid

15 as it comes down the center, the axis of the

16 device.

17 And it's moving into successively

18 larger annular rings. It goes in different

19 directions.

20 So it's going clockwise initially,

21 and then it goes to the next size of ring and

22 it goes counterclockwise. Then it goes to the

23 outer ring shown and it's going clockwise

24 again.

25 Q. Okay.

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1 Thank you.

2 So this Figure 2 is like the left

3 side of Figure 1 in the perspective that it's

4 the cylinder pointed at us, either from the

5 back or the front, but we're looking -- we're

6 looking down the cylinder of the -- of the

7 suppressor.

8 A. Yes.

9 Q. And then in this drawing, Figure 2,

10 likewise, radius (r), is in that same plane

11 extending from the -- from the center, right?

12 A. Yes.

13 Q. Okay.

14 All right.

15 I think that covers what I wanted

16 to ask you about those figures and

17 terminology.

18 Well, just briefly, on Page 56,

19 from Paragraphs 132 through 135, you discuss

20 the -- the limitation from the patent. And

21 I'll read it from the heading, quote: "A

22 serpentine fluid pathway which is at least one

23 of axially serpentine and radially

24 serpentine."

25 Right?

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1 A. Yes.

2 Q. And I understand from this that

3 it's your opinion, based on what counsel has

4 instructed you about how to interpret the

5 phrase "at least one of" in this context, that

6 that requires a pathway that is both axially

7 serpentine and radially serpentine.

8 Is that your understanding?

9 A. No. That it would be independent.

10 (Witness reviewing exhibit.)

11 Q. Are you done reviewing that

12 section?

13 A. Yeah.

14 I think I may have given you a

15 mis- -- a mis-answer just before.

16 On 135, the last sentence, "A

17 serpentine fluid pathway, which is at least

18 one axially serpentine and radially

19 serpentine," would be a fluid pathway that is

20 both axially serpentine and radially

21 serpentine.

22 -- (communications

23 breakup/inaudible) -- right?

24 Q. Okay.

25 And I -- and I understand that's

Page 29

1 your opinion in this declaration.

2 Right?

3 A. Yes.

4 Q. But for purposes of today, as we're

5 looking at some of this prior art, would you

6 be able to clarify whether a given pathway is

7 axially serpentine or radially serpentine, or

8 both?

9 A. Yes.

10 Q. All right.

11 Well, let's take a look. I would

12 like to walk through some of the art you

13 discuss in this declaration.

14 A. -- (communications

15 breakup/inaudible) -- but if it's included in

16 my report, I -- then I obviously could define

17 it.

18 Q. Fair enough.

19 MR. DEZERN: If we could start

20 with -- let's get the exhibit right.

21 I believe it is -- it is the

22 Thurler reference -- T-h-u-r-l-e-r. And

23 if you'll give me a second I'll confirm

24 which exhibit number that is.

25 So I believe that should be

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1 Exhibit 1015, that was uploaded to you
2 today.
3 (Exhibit No. 1015 Previously
4 Marked.)
5 MR. DEZERN: Do you have that?
6 THE WITNESS: Yes. I have a
7 printed copy in front of me.
8 MR. DEZERN: Great.
9 Q. (BY MR. DEZERN) And so that
10 printed copy of Exhibit 1015 is -- it says at
11 the top, "United States Patent Office," and
12 underneath that, "Eugène Thurler" --
13 T-h-u-r-l-e-r.
14 And I won't try to pronounce the
15 city in Switzerland, but from some city --
16 city in Switzerland.
17 Right?
18 A. Yes.
19 Q. Okay.
20 And I believe you gave an overview
21 of this reference in your declaration.
22 Correct?
23 A. Yes.
24 Q. Can you find the paragraph where
25 that is?

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1 Or, if not, I should have it
2 shortly.
3 And here it is. I believe it's
4 approximately at Page 58, onto 59, where it
5 begins.
6 A. Yes. I've got it.
7 Q. All right.
8 Could you provide a brief overview
9 of the structure you're pointing to in
10 Thurler, and then describe how, in your
11 opinion, gases would flow through that device
12 in -- in practice?
13 A. Yes.
14 I'm looking at the actual diagram
15 on the patent. And you can see that the
16 first -- between -- between Baffles -- let's
17 see -- 1 and 2, 2 and 3, and 3 and 4, there
18 are holes where the fluid flow goes down into
19 the off-axis chamber.
20 Q. I hate to interrupt, but we're
21 talking about Figure 1 on the Thurler patent,
22 correct?
23 A. Yes, we are.
24 Q. And -- and are the holes you're
25 referring to where those arrows are shown?

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1 A. Yes.
2 Q. Okay.
3 I'm sorry.
4 Please go ahead.
5 A. Okay.
6 And then it indicates that the
7 fluid flow continues to the right, and then it
8 goes down into the material at the bottom and
9 moves to the left, and then it exits the
10 device altogether on the left side of the
11 butt.
12 Q. Okay.
13 And the -- let's see.
14 On that pathway, it goes through --
15 let's see.
16 Can you -- can you clarify which
17 cylinders or which -- which chambers you're
18 talking about when the -- when it flows
19 through as you just described?
20 A. There's a chamber which is depicted
21 directly under the baffles, which is pure
22 white for about two-thirds of the way. And
23 then there's another lower chamber which is
24 filled with material, which is shown as a gray
25 color on the -- on the diagram.

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1 Q. Okay.
2 And then it shows the fluid exits
3 from the bottom of that chamber that is filled
4 with material, correct?
5 A. Yes.
6 Q. And I believe -- for example, if
7 you look at the text of Thurler on the first
8 page, that column on the right, around
9 Line 77, do you see the sentence beginning:
10 "The space between g and h is filled with
11 shavings of metal"?
12 A. Yes.
13 Q. And that's the portion you're
14 talking about where the gas ends up and then
15 exits out the bottom, right?
16 A. It's on "g" and "h" on the
17 diagrams.
18 Q. I believe, if you're looking at
19 Figure 1 in --
20 (Simultaneous speaking.)
21 A. Yeah. I guess --
22 Q. -- side view -- okay. Go on.
23 A. Yes. So that's -- that's correct.
24 That is the -- some kind of
25 material is in there. I think it gives

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1 options of aluminum -- yeah, "...filled with
2 shavings of metal, such as aluminum."
3 Q. And that's the space between the
4 tube labeled "g" and "h," correct?
5 A. That's correct.
6 Q. Okay.
7 And then it says: "The position of
8 the tube h is also" e-centric (sic/phonetics)
9 "with regard to the axis of the sleeves d,"
10 right?
11 On Page 1, around Line 80?
12 A. That's correct.
13 Q. And that's referring to how it
14 hangs down below that axis along the -- what I
15 believe you referred to as the baffles.
16 Right?
17 A. Yes. And that's depicted in
18 Figure 2.
19 Q. So this Thurler patent is addressed
20 in four of the grounds that you included in
21 your declaration, right?
22 A. I don't recall the number, but it's
23 certainly more than -- than one.
24 Q. More than one. Fine.
25 So looking at Figure 1, and keeping

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1 in mind our previous conversation about some
2 of these terms, where -- where do you find a
3 common office -- off-axis chamber in Thurler?
4 A. That would be the white area
5 underneath the baffles.
6 Q. And what you're referring to as the
7 baffles, I believe is labeled "d," correct?
8 A. Yes.
9 Q. And I believe, as you were
10 describing, those would direct gases following
11 the -- the arrows shown in Thurler.
12 Right?
13 A. Yes.
14 Q. So, basically, the arrows give us
15 the pathway that -- that the gases follow in
16 this device, right?
17 A. Yes.
18 Q. Do you consider -- well, let me
19 rephrase that.
20 So how would you, within the
21 context of what we were discussing as far as
22 "radially serpentine or axially serpentine, or
23 both," how do you view -- how would you
24 describe the pathway that the gases flow in
25 Thurler?

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1 A. That would be axially serpentine.
2 Q. Okay.
3 And then the -- as we said, the --
4 the gas exits from the bottom of the device in
5 Thurler, correct?
6 A. Yes.
7 Q. So that would be a fluid outlet, in
8 your view, right?
9 A. Yes.
10 Q. And what's your understanding of
11 the purpose of the -- the material in the
12 bottom portion of Thurler that we were
13 discussing, that might be metal shavings of
14 various types?
15 Can you describe how one would
16 understand what that does and what its purpose
17 is?
18 A. It's there to slow down and disrupt
19 gas flow and absorb heat.
20 Q. If you could look at the -- again,
21 the text accompanying this diagram in Thurler,
22 on Page 1 again, the second column -- and I
23 may need to reference Figure 1 again to see --
24 but around -- or exactly at Line 99 there's a
25 sentence that begins: "The solid wall of the

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1 "forward part of the tube e prevents the gas
2 from entering the sleeves d, thus escaping by
3 the central channel before the shot."
4 And then it says: "The more
5 elongated the form of the sleeve, the less the
6 gas will endeavor to penetrate into the
7 passage for the projectile."
8 And that ends at Line 105.
9 Do you see that?
10 A. Yes.
11 Q. Can you describe, from -- from your
12 experience and expertise, what are they
13 telling us here?
14 Why -- why are they noting that?
15 Why might that be important in this
16 context?
17 MR. ROESER: Objection. Form.
18 THE WITNESS: I wasn't asked to
19 address this when I analyzed this
20 material for the purpose of my -- my
21 declaration.
22 MR. DEZERN: Okay.
23 THE WITNESS: I'm not exactly sure
24 what you're asking me to -- if I can
25 read through that again.

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1 (Witness reviewing exhibit.)
 2 I probably need to do more analysis
 3 on this, but I think the gist of it is
 4 they don't want gases escaping the
 5 barrel in front of the projectile. It's
 6 a physical barrier that --
 7 (inaudible) --
 8 MR. DEZERN: Okay.
 9 Q. (BY MR. DEZERN) So I have another
 10 question.
 11 If you continue on -- and this is
 12 actually, I guess, in Exhibit 1015. The
 13 second page has the figures, but the second
 14 page of the text begins -- well, they restart
 15 the line number.
 16 Do you see the second page of the
 17 text that -- that ends with --
 18 (Simultaneous speaking.)
 19 A. Yes.
 20 Q. Okay.
 21 So on that page, Page 2 of the text
 22 of Thurler, the first full paragraph that
 23 begins there at Line 4 says: "Experiments
 24 have shown that the recoil of a gun fitted
 25 with the above-described device is only very

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1 slightly diminished. The automatic reloading
 2 by recoil could therefore be accomplished."
 3 How do you -- what do you
 4 understand that to mean, based on your
 5 knowledge and experience?
 6 A. Again, I wasn't asked to address
 7 this issue.
 8 I think, taken at face value, it's
 9 just telling you that this -- this device is
 10 not going to impair the -- the action of a
 11 semiautomatic or automatic firearm.
 12 Q. And do you have any opinion about
 13 what about this design, if anything, permits
 14 that to be the case, so that it does not
 15 interfere with the semiautomatic or automatic
 16 reloading?
 17 A. No. I would need to do some
 18 further research to -- to come up with an
 19 opinion on that.
 20 Q. Okay.
 21 MR. DEZERN: I think we can set
 22 that to the side for now. If you need
 23 it...
 24 But let's talk about one of the
 25 other references discussed in your

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1 declaration.
 2 And I believe -- if you give me a
 3 second -- it should be -- Exhibit 1017
 4 is a French patent to Barlowatz,
 5 B-a-r-l-o-w-a-t-z, in French.
 6 (Exhibit No. 1017 Previously
 7 Marked.)
 8 MR. DEZERN: But I think you and I
 9 will look at Exhibit 1018, which is the
 10 same, certified translation provided
 11 by -- provided by SilencerCo in English.
 12 (Exhibit No. 1018 Previously
 13 Marked.)
 14 MR. DEZERN: Do you have that?
 15 THE WITNESS: Yes, I do.
 16 MR. DEZERN: Okay.
 17 As do I now.
 18 Q. (BY MR. DEZERN) And this is one of
 19 the pieces of prior art you addressed in your
 20 declaration, generally, and for -- for several
 21 different grounds, right?
 22 A. Yes.
 23 Q. Okay.
 24 Can you give us, kind of, a brief
 25 overview of what is shown in Barlowatz's

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1 figure -- the only figure in the patent --
 2 what this structure is and how you understand
 3 the gases would flow in that -- such a device?
 4 A. Yes. I have this described in my
 5 declaration.
 6 So in the text of my declaration,
 7 on Page 63, I state that: "Barlowatz
 8 discloses a silencer device specifically
 9 applicable to firearms.
 10 "Barlowatz's sole figure, referred
 11 to here in Barlowatz Figure 1, discloses one
 12 such device made according to Barlowatz's
 13 Figure 1, shows parts in axial vertical
 14 section and parts in external view, with
 15 tiering."
 16 So the diagram is used there.
 17 My view of this was that the
 18 central axis is aligned with the barrel. The
 19 gases enter on the left.
 20 And I'm looking at the figure,
 21 which is reproduced on Page 64 of my
 22 declaration.
 23 So the gases are shown entering on
 24 the left. There's a chamber before the
 25 baffles begin. And then some of the gases go

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1 around those baffles and some of them go into 2 the baffles. 3 And then they're showing the 4 baffle -- there are two -- essentially two 5 helical baffles. One goes in one direction, 6 clockwise; the other one is counterclockwise. 7 And some of the gases go through holes in the 8 center tube. 9 And I give quite a good description 10 of this on Page 64, running onto Page 65. 11 "At or near" -- so it says: "At or 12 near the end of the gun barrel, a cylindrical 13 sleeve b is fastened by screwing, or any other 14 suitable means, inside which two coils are 15 nested, one external, the other internal, 16 whose turns are oriented in different 17 directions. 18 "These coils are supported by part 19 e, preferably domed in the shape of a cap, 20 held at a certain distance from the end of the 21 gun barrel by a spacer sleeve f, housed in the 22 front end of the sleeve b. 23 "This cap e has a hole e1 at its 24 center, slightly larger in diameter than the 25 projectile, which passes through an axial	1 The outer coil and the outer wall of the strip 2 d1 and a helical duct between the coils; the 3 inner wall of the strip d1 and the axial 4 channel for the passage of the projectile. 5 "These strips, c1 and d1, have 6 perforations, holes, or notches of any desired 7 shape; respectively, c2 and d2, making the two 8 helical parts or ducts of each coil 9 communicate with each other, as well as the 10 inner coil d with the outer coil c. 11 "To increase efficiency, several of 12 these groups of two coils can be mounted one 13 after the other in the same outer sleeve; for 14 example, two groups as shown in the drawing. 15 "In this case, the two outer coils 16 c have coils oriented in opposite directions, 17 as do the two inner coils d, so that the gas 18 flows leaving the first group have the same 19 flow direction in it of two coils c and d at 20 an already reduced speed, are forced to change 21 direction in both the outer and inner coils." 22 I know that's quite a lot to -- to 23 take in. 24 Q. Yeah. 25 Let's -- let's start at the
Page 43	Page 45
1 channel left free in the inner coil. 2 "Some of the blast gases" flow -- 3 "follow the projectile and enter the inner 4 coil, while most of the gases are diverted by 5 the cap towards the periphery of the sleeve b, 6 and enter the outer coil c through openings e2 7 beveled in the cap e, following the tilt of 8 the turns from this coil. 9 "Each coil c and d consist of a 10 thin, helically wound metal sheath. The turns 11 of these two coils are braced to prevent them 12 being crushed during the explosion by the 13 sudden impact of the gases by a metal sheath, 14 c1 and d1, respectively, wound between these 15 turns, preferably halfway along the width of 16 the sheath used to run the coils. 17 "Each coil is thus divided into two 18 helical ducts; the outer coil c into a duct 19 between the coil" -- "coils of the coil and 20 the inner wall of the sleeve b, and the outer 21 wall of the strip c1, and into a duct between 22 the coils. 23 "The inner wall of the strip c1 and 24 the inner coil d. The latter is likewise 25 divided into a helical duct between its coils.	1 beginning. 2 So on the left of your -- the 3 diagram, as -- as you've annotated, just 4 below -- or I'm sorry -- just above 5 Paragraph 150 -- right? 6 A. Yes. 7 Q. You -- you see that -- that would 8 be -- on the left side of that diagram is 9 where the -- the barrel of the gun would 10 come -- the bullet projectile, right? 11 A. That's correct. 12 Q. And then I think you just explained 13 to us about the -- the cap e that is there, 14 which splits the gases into two, so that some 15 go into the inner coil and some go into the 16 outer coil. 17 Right? 18 A. That's correct. 19 Q. And then -- I believe when you 20 started, you said something that they've shown 21 the baffles, there's two helical baffles. One 22 goes in one direction, clockwise; the other 23 one is counterclockwise. 24 Can you elaborate on -- on that 25 point?

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1 What are the baffles you're talking
2 about here?
3 A. Well, they are described as helical
4 coils, and you can -- you can see them in the
5 diagram. So they're winding their way
6 forward.
7 Q. Okay.
8 So in this context, are you using
9 the word "baffle" to refer to that -- that
10 back helical coil -- let's take the inner
11 coil, for example.
12 It has -- that -- that coil is the
13 part that is sticking up around the cylinder
14 that's wound around it.
15 Is that -- is that what you mean by
16 "the helical coil"?
17 A. Yes.
18 Q. And you're -- and you're calling
19 that a baffle, right?
20 A. Yes.
21 Q. And in the -- in the context of the
22 '750 Patent, is that -- is that baffle the --
23 the deflector that we talked about earlier?
24 A. Yes.
25 I considered the '750 Patent that

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1 described "deflectors," that's what most
2 people would call the baffle.
3 Q. Okay.
4 So looking at this Barlowatz
5 figure, the -- the helical coil, which you've
6 also described as a baffle, would -- would
7 also be a deflector, in your view; is that
8 right?
9 A. Yes. It does deflect the gas flow,
10 directed. So you could call it a deflector or
11 a baffle.
12 Q. Okay.
13 And -- and that -- in this case of
14 Barlowatz, that baffle or deflector, it's --
15 it's the helically wound coil -- I don't know
16 how else to say it -- the -- it winds all the
17 way around it from beginning to end.
18 Right?
19 A. Well, if you look in the Figure 1,
20 any of the coils, the first one ends about
21 just over halfway along the length of the
22 device.
23 And, as it says in the description,
24 those baffles are braced by another piece of
25 metal between them so that they don't buckle

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1 and give out.
2 Q. Okay.
3 So -- but -- but what we're talking
4 about, the baffle itself, is -- is wound
5 around -- I understand it's braced so they
6 don't collapse.
7 But it's wound around in a -- in a
8 helical shape.
9 A. Yes.
10 Q. Okay.
11 Well, I appreciate that help with
12 the structure.
13 And I think you covered some of
14 this -- well, we'll cover it again, too.
15 So if the gases come in from the
16 barrel at the left side -- right? -- and then
17 they're split at that cap e, right?
18 A. That's correct.
19 Q. And then some going to go around
20 the inner coil and some around the outer coil,
21 correct?
22 A. Yes.
23 Q. And I believe you pointed out at
24 some point they're going to switch directions,
25 right?

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1 A. Yes.
2 Q. Okay.
3 Well, let's -- let's stop there.
4 So am I correct -- is your
5 understanding of this that gases go through
6 the inner coil, turning one direction, and --
7 well, let me try to be clear.
8 Turning in accordance with the
9 arrows -- they are quite tiny, but they are
10 shown in this diagram, right?
11 A. Yes.
12 Q. So let's just talk about the gases
13 that go down the inner coil.
14 They're -- they're going to turn in
15 a helical fashion around -- around the --
16 well, around the outer edge of that coil,
17 right?
18 A. Yes.
19 Q. And then about --
20 (Simultaneous speaking.)
21 A. I wouldn't say the outer edge of
22 the coil. They're going to be restrained by
23 the coil and flow in the -- in between the
24 vanes of the coil.
25 Q. Fair enough.

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1 So within the chamber defined by
2 the coil, they're going to swirl one direction
3 around -- around the coil, and then around
4 halfway they're going to change direction and
5 swirl the other way, right?
6 A. That would be correct.
7 Q. So would it be fair to characterize
8 the flow in the inner coil is going -- it's
9 going helically for half of its length, and
10 then it switches direction and goes the other
11 way, helically?
12 MR. ROESER: Objection. Form.
13 THE WITNESS: I say the gases go
14 clockwise for half the length and then
15 counterclockwise for the other half.
16 MR. DEZERN: All right.
17 Q. (BY MR. DEZERN) And then the outer
18 coil is doing the same thing, except the
19 directions are reversed, so they offset,
20 right?
21 A. That's correct.
22 Q. Okay.
23 And then keeping in mind, again,
24 our discussion about "axially serpentine" and
25 "radially serpentine," or simply "helical,"

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1 what type of pathway -- what type of fluid
2 pathway do you consider that to be in
3 Barlowatz?
4 A. I would refer to what I put into my
5 declaration. I'm not sure where I covered
6 that.
7 (Witness reviewing exhibit.)
8 THE COURT REPORTER: Mr. Nixon,
9 when you read, could you read just a
10 little slower, please?
11 THE WITNESS: Yes. I can try to
12 slow it down.
13 THE COURT REPORTER: Thank you.
14 Just when you're reading, a little
15 slower.
16 THE WITNESS: (Witness reviewing
17 exhibit.)
18 MR. DEZERN: Have you got it yet,
19 Mr. Nixon?
20 THE WITNESS: I'm just reading
21 through Paragraphs 238 and 239.
22 So the annotated Figure 1, which is
23 Exhibit -- Exhibit 1018, there's a
24 dashed line underneath which indicates
25 the flow through the device.

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1 MR. DEZERN: Yes. I've got that.
2 Yes, I see that.
3 THE WITNESS: That's on Page 101.
4 So the description is that: The
5 gases moved down toward the front, and
6 then they're redirected and they come
7 back towards the rear. So it's a
8 two-direction -- that's actually in two
9 directions.
10 And it's also -- it's axially and
11 radially serpentine, was my conclusion
12 in Paragraph 239.
13 MR. DEZERN: All right.
14 Q. (BY MR. DEZERN) So, yeah, the
15 conclusion is that Barlowatz's pathway is
16 radially serpentine, right?
17 A. Yes, both axially and radially
18 serpentine.
19 Q. Okay.
20 Well, I -- I guess -- well, let's
21 do this.
22 So for one it's radially
23 serpentine, yes?
24 A. It must be. That's what I
25 concluded in the report.

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1 Q. Okay.
2 Can you explain to me, then, in
3 what way it is axially serpentine?
4 A. Yes. Because it moves down in one
5 direction towards the muzzle and then it turns
6 around and comes back.
7 Q. Okay.
8 I think I understand your position.
9 Got it.
10 And then, finally -- well, you can
11 look at your annotated figure or the original
12 figure in Barlowatz.
13 But in the figure, again, the
14 arrows show the pathway of the fluid, right?
15 A. Yes.
16 Q. And so they show that they all come
17 together back to the inner coil and then out
18 at the right, correct?
19 A. That's correct.
20 Q. Okay.
21 And so that's the only -- the only
22 part that you would refer to as a -- as a
23 fluid outlet in Barlowatz, right?
24 A. I believe so, yes.
25 Q. Okay.

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1 MR. DEZERN: Well, that's two
2 references.
3 We've been going about an hour and
4 a quarter, so if you would like to take
5 a break this seems like a good point.
6 THE WITNESS: Okay. That sounds
7 good to me.
8 MR. DEZERN: Randy?
9 MR. ROESER: Yes. Perfect.
10 THE VIDEOGRAPHER: Stand by.
11 The time is 10:17 a.m. We are
12 going off the record.
13 (Brief Recess Taken.)
14 THE VIDEOGRAPHER: The time is
15 10:31 a.m. We are going back on the
16 record.
17 MR. DEZERN: All right.
18 Welcome back, Mr. Nixon.
19 Q. (BY MR. DEZERN) I would like --
20 (Simultaneous speaking.)
21 A. Can you hear me okay?
22 Q. Yes. Sounds good.
23 I would like to look at another one
24 of the references addressed in your
25 declaration.

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1 And let's stick with silencers.
2 MR. DEZERN: So the -- please
3 correct me if I mispronounce it, but the
4 Eichenseher, which is Exhibit 1021,
5 translated into the English; with the
6 original German in Exhibit 1020.
7 (Exhibit No. 1020 Previously
8 Marked.)
9 (Exhibit No. 1021 Previously
10 Marked.)
11 MR. DEZERN: Let me know when you
12 have that.
13 THE WITNESS: I have that document
14 itself.
15 I'm not sure whether I refer to it
16 in my document.
17 MR. DEZERN: But you've got
18 Exhibit 1021, right?
19 THE WITNESS: Yes, I do.
20 And I don't know how to pronounce
21 the name either.
22 MR. DEZERN: Okay.
23 Well, I'm saying Eichenseher and --
24 until I'm corrected.
25 And I believe you give an overview

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1 of this in Paragraph 160 of your
2 declaration, if you need it.
3 Q. (BY MR. DEZERN) So if you'll give
4 me a second, let me just, kind of, orient --
5 orient ourselves to this.
6 In the patent itself, the German
7 patent, Exhibit 1021, there's -- there's --
8 actually, there's -- well, there's five
9 figures, right?
10 A. Yes, there is.
11 Q. Okay.
12 And -- and two of those are full
13 silencer or suppressor figures, right?
14 (No pause.)
15 A. (No Audible Response.)
16 Q. Figure 3 and Figure 1, right?
17 A. That's right, yes.
18 Q. And if you look on the first page
19 of the text, the third paragraph tells us that
20 Figure 1 and 2 are for rifles, and Figure 3 is
21 a longitudinal section for machine guns,
22 right?
23 A. That's correct.
24 Q. Now, I believe the only one of
25 these that you actually used in your

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1 declaration is -- is Figure 1.
2 Is that right?
3 The rifle suppressor?
4 A. Yeah. I have to look where I've
5 included that.
6 Q. Well, it's not critical.
7 But, anyway, I -- my understanding
8 of Exhibit 1021 is that they use the same
9 reference numerals in each -- in each figure.
10 Right?
11 A. Yeah.
12 But it's Figure 1 and Figure 2 on
13 Page 96 of my declaration.
14 Q. Right.
15 Figure 2. Got it. Yeah.
16 But I don't believe Figure 3 makes
17 an appearance, as far as I'm aware.
18 A. It's not in the first part, on
19 Page 69-ish. I don't know if there's anything
20 else later in the document.
21 Q. Okay.
22 Well, anyway, let's -- let's talk
23 about -- can you just give a high-level
24 description of what the structure in Figure 1
25 is that you're pointing to, and how it would

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1 work in operation as far as the flow of gases?
 2 A. Yes.
 3 Figure 1 here is, obviously, what
 4 the other figures that we've been discussing
 5 are. The firearm barrel is on the right.
 6 On Page 69 is a duplicative
 7 Figure 1, in the patent.
 8 So my description here is:
 9 "The helical is formed in:
 10 (Inaudible) -- "about two cylinders, 1 and 2,
 11 placed one inside the other, at a suitable
 12 distance whereby, according to the embodiment,
 13 Figures 1 and 2, the two cylinders are screwed
 14 tightly together at the bottom, while slots 4
 15 can be adjustable by slides otherwise provided
 16 at the top in the rim, closing off cavity 3.
 17 "The double wall, hollow body 1 and
 18 2, is screwed onto rifle barrel 6 by means of
 19 a mouthpiece 5, otherwise fastened in a
 20 detachable manner.
 21 "Inner cylinder 1 is provided with
 22 slots 7 along its entire length, which run
 23 parallel to the twist. See Figure 1.
 24 "The purpose of this is to ensure
 25 that the gases swirling with the projectile in

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1 the direction of the twist can quickly escape
 2 through slots into cavity 3, and from there
 3 through openings 4 into the open air with as
 4 little resistance as possible."
 5 And then: "Inner cylinder 1 serves
 6 to accommodate known silencers 8, which, as
 7 shown in Figure 4, have slightly" --
 8 (inaudible) -- "shaped cross-section and are
 9 slightly retracted at equal distances around
 10 the circumference inner 5, so that notches 9
 11 form through which gases can escape."
 12 (Pause.)
 13 Q. Okay --
 14 (Simultaneous speaking.)
 15 A. -- (inaudible) -- look in my
 16 declaration to find the -- the area, where I
 17 describe it in -- in better detail.
 18 Q. Yeah.
 19 And I -- I can help with that,
 20 probably, because that was going to be my next
 21 question.
 22 I believe this is only used in one
 23 ground as part of a combination, and that
 24 would be Ground 8, for which I will have a
 25 page number, possibly soon.

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1 Ah, here we go.
 2 I believe Page 116 is where you
 3 begin talking about this.
 4 A. (Witness reviewing exhibit.)
 5 Ah, yes. Yes. This is under
 6 Ground 8.
 7 Q. Yes.
 8 So can you describe how the gases
 9 would flow -- as you mentioned, in this figure
 10 we've got the -- the end of the firearm on the
 11 right.
 12 And as they flow into the -- the
 13 suppressor of Figure 1, could you, kind of,
 14 take us through how the gases would travel?
 15 A. If you look on Page 117, Figure 1
 16 annotated, there are some arrows on there to
 17 indicate the direction of fluid flow.
 18 Q. Yes.
 19 A. And so there are curved slots in
 20 the inner -- inner chamber. And it appears
 21 that the gases flow through the slots and
 22 travel between the inner and outer chambers.
 23 And there are some baffle materials near the
 24 end.
 25 I think we have a good description

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1 of this in the paragraph above.
 2 So there's a separate chamber. The
 3 axis 2 cylinder 1 discloses the central axis.
 4 Cylinder 2 discloses the outer shell.
 5 And the cylinder portion between
 6 mouthpiece 5 and the rifle barrel discloses
 7 the central chamber, having a --
 8 (inaudible) -- configured to receive
 9 high-energy material from the high-energy
 10 outlet.
 11 So 6 is the end of the rifle
 12 baffle, 5 is what's described as the
 13 mouthpiece, which is basically a tapered area
 14 between the barrel and the device itself.
 15 And then cylinder 2 is the outer
 16 shell. So that is depicted in blue in this --
 17 this colored diagram.
 18 Q. Yes. I see that.
 19 A. Okay.
 20 The device having two concentric
 21 tubes with inner cylinder 1 forming central
 22 chamber and outer cylinder 2 forming the
 23 off-axis chamber.
 24 So I'm just trying to determine
 25 what the colors are.

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1 So the purple -- the purple line
2 depicts the inner chamber.
3 Q. Okay.
4 I see that.
5 A. So the blue line is the outer --
6 outer casing. The purple line is the inner
7 chamber. Then the green arrows are the fluid
8 flow.
9 So it's a serpentine pathway which
10 goes along the length of the device.
11 Q. Okay.
12 Let me ask you there -- yeah.
13 Along our discussion of -- as
14 between "radially serpentine," "axially
15 serpentine," or "helical," or some combination
16 thereof, where -- where do you -- how do you
17 label the -- the fluid path shown here in
18 Eichenseher?
19 A. Initially, it is -- initially, it's
20 helical. And then when it gets near the --
21 the front end, you have the serpentine
22 pathway.
23 Let's see if I describe that better
24 on the next page.
25 And there are four openings in the

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1 end cover which allow for the gases to escape
2 to the atmosphere.
3 (Pause.)
4 Q. Mr. Nixon, anything on the -- the
5 pathway in Eichenseher, other than it's --
6 it's helical?
7 A. (Witness reviewing exhibit.)
8 On Page 117 of my declaration I
9 concluded that --
10 (Witness reviewing exhibit.)
11 So I think it's helical initially,
12 and then there is a serpen- -- serpentine
13 aspect to it.
14 Q. Okay.
15 And what do you mean by that?
16 A. So -- yes.
17 I put a sentence here: "A
18 serpentine fluid pathway which is at least one
19 of axially serpentine and radially serpentine,
20 and which dissipates energy transferred from
21 the high-energy material."
22 Q. I'm sorry. Where are you reading
23 from?
24 A. This is on Page 117 of my
25 declaration.

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1 Q. 117.
2 Okay.
3 A. -- (inaudible) -- collect that.
4 Q. That's the limitation of the
5 '750 Patent, Claim 1, right?
6 One of the limitations?
7 A. Let's see what you're asking.
8 (Witness reviewing exhibit.)
9 I'm not sure what you're asking me
10 there.
11 Q. Well, I'm just saying that the --
12 the colored -- the colored language in the
13 heading is just the -- the claim language in
14 the '750 Patent, right?
15 A. Yes. It's inserted as 31B.
16 Q. All right.
17 Well, anyway, looking at
18 Eichenseher -- and I think -- you can stay in
19 that section of your -- of your report -- your
20 declaration.
21 Maybe look at the beginning, on
22 Page 116, before we annotated -- well, I
23 realize there's a box around it -- before you
24 annotated the figure.
25 And you might look at the original

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1 patent, German patent, Exhibit 1021.
2 Do I have that right?
3 Hold on.
4 The actual patent being Exhibit --
5 yeah, 1021, the translation.
6 Do you see on the -- on the
7 silencer of Figure 1, the section marked with
8 reference numeral "7"?
9 A. Yes.
10 Q. And I believe in the text it
11 explains, somewhere -- yeah.
12 If you look at the text of the
13 translation of Eichenseher, the first page,
14 second column, towards the end of that long
15 paragraph, do you see where it says: "Inner
16 cylinder 1 is provided with slots" -- "slots
17 7"?
18 Right?
19 A. I'm trying to find that.
20 Which -- which paragraph was it?
21 Q. It's -- it's the one -- in the
22 column on the right, there is a paragraph that
23 continues down. So the one that started in
24 Column 1.
25 And it's, I don't know, maybe an

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1 inch and a half from the bottom of that 2 paragraph, the sentence beginning: "Inner 3 cylinder 1 is provided..." 4 A. Yes. I've got that now. 5 Q. Okay. 6 So that tells us, in Eichenseher, 7 that 7 -- that reference numeral 7 is pointing 8 to slots, right? 9 A. Yes. 10 Q. And you see that in the figure 11 itself, where that reference numeral is 12 labeled, right? 13 A. Yes. The slots 7 are on Figure 1. 14 Q. Okay. 15 All right. 16 Now, if you turn in your 17 declaration, Page 121, and Paragraph 282, and 18 the figure just above it. 19 A. Yes. I'm looking at that now. 20 Q. Okay. 21 Yeah. Take a second and let me 22 know when you're ready for the question. 23 A. (Witness reviewing exhibit.) 24 Yes. I've read through that. 25 Q. Okay.	1 under your interpretation of the term, or as 2 you understand HuxWrx to be interpreting that, 3 without that additional limitation? 4 MR. ROESER: Objection. Form. 5 THE WITNESS: Looking at the 6 Figure 1 imagery, it appears that those 7 baffles, or deflectors, deflect the 8 gases up into the -- the outer chamber, 9 and then they flow out of the front of 10 the device. 11 Q. (BY MR. DEZERN) And they deflected 12 through the slot 7; is that correct? 13 A. Yeah. There would be slots there. 14 It's not very well depicted in the image, but 15 there would not be any point in having them 16 with no slots. 17 Q. Right. 18 A. The description in the patent says 19 that the gases do go up into that off-axis 20 chamber, and then they are diverted out of the 21 front of the device, which is the black items 22 on the -- on the figure on Page 121. 23 Q. Okay. 24 MR. DEZERN: I think that's all I 25 had to ask about Eichenseher.
Page 67	Page 69
1 So we're back to talking about the 2 deflectors again, which we talked about at the 3 beginning of our conversation this morning, 4 what -- what your position is on what those 5 mean. 6 So, then in Paragraph 282, it says: 7 "At least Eichenseher's first two silencers 8 8" -- and I won't read the rest of the thing. 9 But -- sorry. Let me start that 10 over. I don't know if the speaker picked that 11 up, but my watch started saying things. 12 Okay. 13 So looking at Paragraph 282, you 14 explain that at least the first two silencers 15 8 are what you're pointing to for the 16 plurality of deflectors. 17 Right? 18 A. Yes. 19 Q. And so my question is: How does 20 that square with your opinion on -- that we 21 discussed this morning, as far as the 22 deflectors having separate -- separate and 23 direct connections? 24 Are you -- is it your position that 25 those silencers 8 satisfy that limitation	1 So if you could pick up, next -- it 2 should be Exhibit 1016, which is a U.S. 3 patent to -- I'll try another name, but 4 B-o-u-t-o-n, so I'm going to say Bouton, 5 unless you have a better pronunciation. 6 THE WITNESS: That's close enough. (Exhibit No. 1016 Previously 7 Marked.) 8 MR. DEZERN: All right. 9 Do you have that exhibit? 10 THE WITNESS: Yes, I do. 11 Q. (BY MR. DEZERN) And to speed 12 things along, I believe your overview of this 13 one -- give me a second. 14 Yeah. 15 So I believe your overview of it is 16 on Page 61 of your report. So if you would 17 let me know when you've got -- got both the 18 exhibit and that; then we can go. 19 A. I'm on Page 61 now. 20 Q. Great. 21 A. Yes. I'm there now. 22 Q. Okay. 23 So this is U.S. Patent 748,157 to 24 Bouton, which is Exhibit 1016.

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1 And then you provided an annotated 2 figure on Page 62. This is Figure 2. 3 Correct? 4 A. That's correct. 5 Q. So I was hoping you could just give 6 a brief overview of what -- well, let's start 7 here. 8 So Bouton discloses a -- a muffler 9 for muffling or deadening the sound of the 10 escaping vapors, such as exhaust, gasoline 11 vapors and the like, from -- from, like, an 12 engine or something, right? 13 A. Yes. 14 Q. Okay. 15 And I believe in the Figure 2 16 there -- perhaps it's labeled -- but in 17 Figure 2 the idea is that the exhaust from the 18 engine is coming in at -- from the right side 19 of that figure. 20 Is that right? 21 A. That's correct. 22 Q. Okay. 23 So can you take it from there? 24 What -- what does this structure do 25 with exhaust vapors as they -- as they pass	1 helically -- or helical, which type of fluid 2 pathway is this showing? 3 A. We have an axially serpentine. 4 Q. Okay. 5 Now, again, you're pointing at 6 those baffles, which are the, I would say, 7 conical structures in the middle -- in the 8 middle pipe there. 9 Correct? 10 A. Yes. 11 Q. And if you give me a second I can 12 find the actual -- which precise -- there's 13 several reference numerals coming off of 14 those, as you could see. 15 Well, let me look at the actual 16 patent, just so that we can be cleaner about 17 which -- which reference numeral responds to 18 those things. 19 Oh, "truncated cones 21" on Line 75 20 of the -- of the actual Bouton patent. 21 And I believe you will see that 22 21 is one of those references numerals that's 23 pointing at those cones. 24 A. Yes. 25 Q. Right?
Page 71	Page 73
1 through? 2 A. Well, they are coming in from the 3 right. There are some baffles or deflectors 4 in there initially. 5 And I'm just looking at the iris 6 here. 7 There are holes at the end of the 8 tube, which is on the left side. The fluid 9 will flow through those holes into the next 10 surrounding chamber, the off-axis chamber. 11 And then they go back towards 12 the -- the engine, as it would be if this were 13 an exhaust muffler, or back towards the gun if 14 it was a silencer. 15 And then, when they get to the end 16 of that first off-axis chamber, there are some 17 holes which direct it into the second off-axis 18 chamber. 19 And then the flow moves back 20 towards the left side again, and it exits on 21 the outside front of the device. 22 Q. Okay. 23 And for this one, keeping in mind 24 the terminology we discussed as far as axially 25 serpentine, radially serpentine, or	1 Okay. 2 But anyway, that -- that's what 3 you're referring to as baffles, correct? 4 A. Yes. 5 Q. Okay. 6 And -- sorry. I don't know why my 7 watch keeps ringing and asking me questions. 8 Anyway. 9 Okay. 10 And those -- so those are baffles 11 that you would consider, in the context of the 12 '750 Patent, to be deflectors, right? 13 A. I would just describe them as 14 baffles. 15 Q. Okay. 16 Because there doesn't appear to be 17 any -- any connection -- or I'm sorry -- 18 any -- any place -- well, is there any hole 19 for fluid to escape from those -- to be 20 deflected by those, other than the holes shown 21 at the end of the -- at the end of that air 22 pipe? 23 A. No, there isn't -- 24 (Simultaneous speaking.) 25 MR. ROESER: Objection. Form.

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1 THE WITNESS: No holes where fluid
2 could be deflected by those baffles
3 through into one of the other chambers.
4 The patent states the function of
5 those is to slow down the flow of the
6 gas.
7 MR. DEZERN: I see.
8 Okay.
9 All right.
10 Then I believe we got one more
11 piece of art. If you'll give me a
12 second, I can give you the exhibit
13 number.
14 It should be Exhibit 1019, which is
15 a U.S. patent to Reeves.
16 (Exhibit No. 1019 Previously
17 Marked.)
18 MR. DEZERN: If you can let me know
19 when you find it.
20 THE WITNESS: Yes. I've got that
21 one here now.
22 MR. DEZERN: Okay.
23 And your -- your background
24 discussion of that should be nearby.
25 I believe it's Page 65 of your

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1 declaration.
2 THE WITNESS: I'm there now.
3 MR. DEZERN: Okay.
4 I'm sorry. You said you're ready?
5 THE WITNESS: Yes.
6 MR. DEZERN: Okay.
7 Q. (BY MR. DEZERN) So if we look at
8 Figure 1 from Reeves, which you've reproduced
9 and annotated at the top of Page 66 --
10 (Simultaneous speaking.)
11 A. That's correct.
12 Q. -- this is, again, another muffler,
13 right?
14 A. Yes.
15 Q. Can you --
16 (Simultaneous speaking.)
17 A. -- (inaudible) -- the one we just
18 looked at before, I don't think it was
19 described as a muffler, specifically. It said
20 it could be a muffler or similar device.
21 Q. Well, we're talking about -- you're
22 referring to Bouton?
23 A. Yes. Just when you said "another
24 muffler," I just wanted it to be clear that I
25 didn't really specifically consider the other

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1 one to be a muffler --
2 (Simultaneous speaking.)
3 Q. Okay.
4 A. -- for a car.
5 Q. Well -- nevertheless.
6 So this one, Exhibit 1019, the
7 actual patent, is a -- it's titled, "Exhaust
8 Muffler for Engines," right?
9 A. Yes, it is.
10 Q. And so then Figure 1, from that
11 patent, you've annotated in your declaration
12 at Page 66, right?
13 A. Yes.
14 Q. So with reference to either, can
15 you, kind of, walk through how the fluid flow
16 is through this structure?
17 A. I'm just going to read the patent
18 so I can refresh my memory.
19 Q. Please take your time.
20 A. (Witness reviewing exhibit.)
21 It's the diagramed numbered -- I
22 just read the text.
23 Q. Yep.
24 A. Would you like me to describe the
25 flows through the device?

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1 Q. Please.
2 A. The exhaust gases come in on the
3 left, enter the device, and the device
4 consists of a number of concentric chambers.
5 And the gases enter each chamber
6 through an alternating end, where eventually
7 they're exhausted out of the right side.
8 (Pause.)
9 Any questions relating to that?
10 Q. No.
11 Let me just -- so -- yeah.
12 So for this -- for Reeves, this
13 exhaust muffler, as it's titled, as the gases
14 come in from the left, they expand out into
15 those chambers, and then they all exit out the
16 end on the right, correct?
17 A. That's correct.
18 Q. Okay.
19 While I just clarified, they --
20 they exit where the arrow is shown on the
21 right, right?
22 (No pause.)
23 I believe that's -- I believe
24 that's where all the gases go as this -- as
25 the exhaust passes through this device.

Page 78	Page 80
1 Right? 2 A. That's correct. Yes. 3 Q. Okay. 4 MR. DEZERN: All right. 5 Well, I don't believe I have any 6 other questions, so I will pass the 7 witness, to the extent that your counsel 8 wants to ask you anything. 9 MR. ROESER: Yeah. Just a few 10 brief questions. 11 Can you all hear me fine? 12 THE WITNESS: Yes. 13 MR. ROESER: Great. 14 15 EXAMINATION 16 BY MR. ROESER: 17 Q. Mr. Nixon, earlier today Mr. DeZern 18 was asking you a few questions about the 19 ordinary and customary meaning that you 20 applied to certain terms. 21 Do you recall that? 22 A. Yes. 23 Q. Your full opinion, and the reasons 24 for those opinions as, to the ordinary and 25 customary meanings that you opined upon are	1 I'll pass the witness. 2 MR. DEZERN: Nothing further. 3 So I think that concludes it. 4 THE VIDEOGRAPHER: Okay. 5 Off the record. The time -- 6 (communications breakup/inaudible) -- 7 THE COURT REPORTER: We can't hear 8 you. 9 THE VIDEOGRAPHER: The time is 10 11:18 a.m. We are going off the record. 11 (Off the videographer's record.) 12 THE COURT REPORTER: Regular 13 turnaround on the transcript for 14 everyone? 15 MR. DEZERN: We're going to need 16 ours faster. And a rough, if you could, 17 please. 18 THE COURT REPORTER: Is Friday 19 okay? 20 MR. DEZERN: Yeah. That will work. 21 THE REPORTER: The same for you, 22 Mr. Roeser? 23 MR. ROESER: Yeah, the same for me. 24 That's great. 25 THE COURT REPORTER: Okay. Thank
Page 79	Page 81
1 set forth in your report, correct? 2 A. Yes, they are. 3 Q. And you also recall you were asked 4 questions about where certain elements of the 5 '750 Patent's claims are disclosed within the 6 five prior art references that we discussed. 7 Do you recall that? 8 A. Yes. 9 Q. And your full opinion and reasons 10 for those opinions on where those elements are 11 disclosed in those prior art references are 12 set forth in your report, correct? 13 A. Yes, they are. 14 Q. And the same thing with what sort 15 of fluid flow is disclosed by those prior art 16 references: Do you recall the questions you 17 were asked about the fluid flows in those 18 prior art references? 19 A. Yes. 20 Q. And your full opinion as to what 21 fluid flows are disclosed, and the reasons for 22 those opinions, are set forth in your report; 23 is that correct? 24 A. That's correct. 25 MR. ROESER: Okay.	1 you. I will get you the rough in about 2 20 minutes. 3 (Deposition Concluded.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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1 CHANGES AND SIGNATURE

2 WITNESS NAME: JOHN NIXON

3 DATE OF DEPOSITION: APRIL 22, 2025

4 PAGE LINE CHANGE REASON

5 _____

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7 _____

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11 _____

12 _____

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3

4 SILENCERCO WEAPONS)

5 RESEARCH, LLC,)

6) Case IPR2024-01214

7 Petitioner,)

8) Patent 8,286,750

9 VS.)

10)

11 HUXWRX SAFETY CO., LLC,)

12)

13 Patent Owner.)

14)

15

16 REPORTER'S CERTIFICATION

17

18 DEPOSITION

19 OF

20 JOHN NIXON

21

22 APRIL 22, 2025

23

24 I, Kateri A. Flot-Davis, Certified

25 Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, JOHN NIXON, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

There was a request for examination and signature of the witness to the deposition transcript. The original transcript was sent

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1 I, JOHN NIXON, have read the

2 foregoing deposition and hereby affix my

3 signature that same is true and correct,

4 except as noted above.

5

6 JOHN NIXON

7

8 THE STATE OF _____)

9 COUNTY OF _____)

10

11 Before me,

12 _____, on this day

13 personally appeared JOHN NIXON, known to me

14 (or proved to me under oath or through

15 _____) (description of

16 identity card or other document) to be the

17 person whose name is subscribed to the

18 foregoing instrument and acknowledged to me

19 that they executed the same for the purposes

20 and consideration therein expressed.

21 Given under my hand and seal of

22 office this _____ day of

23 _____, _____.

24

25

18 NOTARY PUBLIC IN AND FOR

19 THE STATE OF _____

20 COMMISSION EXPIRES: _____

21

22

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24

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Page 85

1 for review on _____ to the

2 witness or to the attorney for the witness for

3 examination, signature and return to me by

4 _____;

5 I further certify that I am neither counsel

6 for, related to, nor employed by any of the

7 parties or attorneys in the action in which

8 this proceeding was taken, and further that I

9 am not financially or otherwise interested in

10 the outcome of the action.

11 Certified to by me this ____ of _____

12 , _____.

13

14 

15 _____

16 Kateri A. Flot-Davis

17 Texas CSR No. 8462

18 Expiration Date: 09-30-26

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((r) 21:7 22:18,22 27:10 1 1 20:7,12,19 22:1,10,15,21 27:3 31:17,21 33:19 34:11,25 36:22,23 41:11,13 47:19 51:22 56:16,20 57:1, 12,24 58:3,7,10,13,17,21,23 59:5 60:13,15 61:3,21 64:5 65:7,16,24 66:3,13 68:6 75:8 76:10 1001 10:1,6 1004 24:15 101 11:24 52:3 1013 8:23 9:4 11:25 1015 30:1,3,10 38:12 1016 69:2,7,25 1017 40:3,6 1018 40:9,12 51:23 1019 74:14,16 76:6 1020 55:6,7 1021 55:4,9,18 56:7 57:8 65:1,5 103 12:19 105 37:8 108 12:23 10:17 54:11 10:31 54:15 115 15:1 116 16:5,25 17:10,19 18:5 60:2 64:22 117 15:5 16:23 18:6 60:15 63:8,24 64:1 11:18 80:10 121 66:17 68:22 127 19:25 20:7 23:6 128 23:11 26:4,7 132 27:19 135 27:19 28:16 14 23:17,24 24:9 25:2,8,20 26:8 150 45:5 160 56:1	2 2 26:1,12,13 27:2,9 31:17 34:18 38:21 56:20 57:12,15 58:10,13,18 61:3,4, 15,22 70:2,15,17 2025 5:5 21 72:19,22 22nd 5:4 238 51:21 239 51:21 52:12 282 66:17 67:6,13 3 3 31:17 56:16,20 57:16 58:16 59:2 31B 64:15 4 4 31:17 38:23 58:14 59:3,7 40 11:24 41 12:13 47 14:22,25 48 19:5 5 5 58:19 59:10 61:6,12 50 6:25 53 24:21 54 24:21,25 25:1 55 25:24 26:1 56 27:18 58 31:4 59 31:4 6 6 58:18 61:11 61 69:17,20 62 70:2 63 41:7 64 41:21 42:10	65 42:10 74:25 66 75:9 76:12 69 58:6 69-ish 57:19 7 7 58:22 65:8,17 66:7,13 68:12 748,157 69:24 75 72:19 750 9:13,22 10:2 14:17 16:13 17:23 23:23 24:8,9 25:20 46:22,25 64:5,14 73:12 79:5 77 33:9 8 8 59:6,24 60:6 67:8,15,25 8,286,750 9:9 80 34:11 9 9 59:10 96 57:13 99 36:24 9:03 5:4 9:05 7:21 9:07 7:24 A a.m. 5:4 7:21,24 54:11,15 80:10 ability 7:5 above-described 38:25 absorb 36:19 accommodate 59:6 accompanying 36:21 accomplished 39:2 accordance 49:8 account 8:8 action 39:10 actual 25:2 31:14 65:4 72:12,15,20
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