UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

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|---|---|---|
| HUXWRX SAFETY CO. LLC, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| VS. | § | Case No. 2:24-cv-00130 |
| | § | |
| SILENCERCO WEAPONS RESEARCH, LLC, | § | |
| | § | |
| Defendant. | § | |

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VOLUME II
ORAL DEPOSITION OF
GEORGE PAUL NEITZEL, PhD
SEPTEMBER 30, 2025

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ORAL DEPOSITION OF GEORGE PAUL NEITZEL, PhD, produced as a witness at the instance of the Plaintiff and duly sworn, was taken in the above-styled and numbered cause on Tuesday, September 30, 2025, from 9:06 a.m. to 10:30 a.m., before Kari Behan, CCR, CSR, a Texas certified machine shorthand reporter, at the offices of Nelson Bumgardner Conroy, Conference Center, 2727 N. Harwood Street, Dallas, Texas 75201, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record herein.

Job No. 7628564





SilencerCo – EX1040 – G. Paul Neitzel, PHD Second Deposition Transcript

A P P E A R A N C E S

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I N D E X

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* * *

E X H I B I T S

| EXHIBITS | DESCRIPTION | PAGE |
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| Exhibit 2003 | Second Declaration of G. Paul Neitzel, PhD | 5 |
| Exhibit 2004 | Definition of "around" | 30 |

PRIOR EXHIBITS REFERENCED

EXHIBITS PAGE
Exhibit 1001..... 12
Exhibit 1021..... 56
Exhibit 1038..... 53

(REPORTER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily denote an exact quote from the document.)

PROCEEDINGS:

(Tuesday, September 30, 2025, at 9:06 a.m.)

GEORGE PAUL NEITZEL, PhD,

after having been first duly sworn by the above-mentioned Certified Court Reporter, was examined and testified as follows:

EXAMINATION

BY MR. ROESER:

Q. Good morning, Dr. Neitzel.

Could you please state your full name for the record?

A. George Paul Neitzel.

Q. All right. As you know from our previous deposition, my name is Randy Roeser. I represent SilencerCo in this IPR, and I'm going to be asking you some questions today.

Last time I went over some ground rules. Do you still remember those?

A. I do.

Q. One of them is to try not to talk over each other. I know we kind of started doing that towards the end of last time, so let's try not to do that. Breaks, if at any point you need them, just -- I ask that you answer the question before we take that break if there's a pending question.

A. Okay.

MR. ROESER: Let's look at your second declaration, which is Exhibit 2003.

(Exhibit 2003 was marked for identification.)

THE WITNESS: Okay.

BY MR. ROESER:

Q. Okay. And this is a --

THE COURT REPORTER: Oh, I'm sorry. Can we take a brief break?

MR. ROESER: Sure.

(Pause in proceedings.)

BY MR. ROESER:

Q. All right. Exhibit 2003, that's your second declaration that you submitted on September 2nd?

A. Yes.

Q. Okay. And does this declaration -- your second declaration, in addition to your first declaration, do those two declarations contain all your opinions in this IPR proceeding?

A. To this point, yes.

Q. Okay. And did you personally prepare that declaration?

A. Yes, with the assistance of counsel.

Q. Did you collaborate with anyone at HUXWRX in

drafting your second declaration?

A. No.

Q. Have you ever spoken with anyone at HUXWRX?

A. Not to my knowledge.

Q. All right. And let's look at -- we're just going to go through your declaration here for little bit. Let's look at paragraph 5. And there you list documents that you reviewed in preparing your declaration; is that correct?

A. Yes.

Q. Are there any other documents than those listed in paragraph 5 that you reviewed in forming the opinions set forth in your second declaration?

A. There was a document about the definition of word "around." I don't think it's listed here, but maybe --

Q. Exhibit 2004. I have it in front of you.

A. Yeah, I saw it.

Q. Other than that, any other documents?

A. Not that I can see.

Q. All right. Let's turn to paragraph 8. It talks about the qualifications, and you've just referred to your CV that's appended to end of your declaration and your first declaration where you set forth your qualifications, right?

A. Right.

Q. Your qualifications are the same as they were at the time you submitted your first declaration, correct?

A. Yes.

Q. You haven't gained any new qualifications that are relevant to your opinions?

A. No.

Q. Okay. All right. Let's turn to paragraph 10. And that -- if you look at the second-to-last paragraph, you use the word "enabled."

Do you see that? Second-to-last sentence of that paragraph, sorry. Paragraph 10.

A. Yes.

Q. What does it mean for a disclosure in a reference to be enabled?

MR. GRANAGHAN: Objection, form.

BY MR. ROESER:

Q. In your opinion -- or as your understanding?

A. My understanding, it means the person applying for the patent has the ability to create what is put forth as the invention.

Q. So that's your understanding as to what "enabled" means?

A. My understanding.

Q. In the last sentence, you state that "merely naming or description of the subject matter is insufficient if it cannot be produced without undue experimentation."

Do you see that?

A. Yes.

Q. Is merely naming or describing something only insufficient if it requires undue experimentation to reproduce the disclosure?

MR. GRANAGHAN: Objection, form.

BY MR. ROESER:

Q. Or are there other circumstances?

A. I'm not sure.

Q. You just don't know one way or another, sitting here today?

A. Not off the top of my head, no.

Q. You can't think of any circumstances where merely naming or describing the subject matter is insufficient, other than undue experimentation?

A. Well, the person has to have the ability to create the invention, to produce the invention and --

THE COURT REPORTER: Did you say "finish"?

THE WITNESS: To create the invention.

BY MR. ROESER:

Q. Okay. So no other circumstances that you can

think of?

A. Not that I can think of right now.

Q. All right. Let's look at paragraph 15. All right. You say here in paragraph 15 that "the Phillips standard requires the claims be given their ordinary and customary meaning to a person of ordinary skill in the art at the time of the invention," correct?

A. That's my understanding of it, yes.

Q. And is that the standard you applied in forming your opinions set forth in the second declaration?

A. Yes.

Q. And that's -- what what's you say in paragraph 16, correct?

A. Correct.

Q. All right. And then the next paragraph, paragraph 17, you state that "whether a patent claim satisfies the written description requirement under U.S. patent law depends on whether the description clearly allows persons of ordinary skill in the art to recognize that the inventor invented what is claimed"?

A. That's also my understanding.

Q. And that's the standard that you applied in forming your opinions in the second declaration?

A. Yes.

Q. If the word "clearly" were omitted from that

sentence, from that standard, would the statement still be accurate?

A. I'm not sure. I think "clearly" makes it clear -- to be redundant -- that the person has to lay this out carefully, so that a person of ordinary skill in the art would understand what was being done.

Q. Is there a difference between clearly allowing and allowing?

MR. GRANAGHAN: Objection to form.

THE WITNESS: Only in the emphasis that I just mentioned.

BY MR. ROESER:

Q. And that's the standard that you applied in forming your opinions --

A. Yes.

Q. -- the ones set forth in paragraph 17?

A. Yes.

Q. All right. Let's turn to Section 4 of your second declaration. It starts on paragraph 19.

A. Okay.

Q. Actually, let's back up to 18. Sorry.

So you understand that in this proceeding, a motion to amend cannot enlarge the scope of the claims, correct?

A. I do.

Q. And you understand that the test is whether the proposed claim "contains within its scope any conceivable apparatus or process which would not have infringed the original patent"?

A. I do.

Q. Okay. And in your opinion, Proposed Substitute Claim 43 does not enlarge the scope of the claims, correct?

A. It does not.

Q. But you understand the board, in its preliminary guidance, stated that it does indeed enlarge the scope of original claim 22, correct?

MR. GRANAGHAN: Objection to form.

THE WITNESS: I understand what the board said. I also know what was said in rebuttal to that -- that statement by the board.

BY MR. ROESER:

Q. Right, I'm just asking --

A. Yes, I understand the board said that.

Q. And you think the board's wrong?

A. I do.

Q. Okay. So I've set forth in front of you the motion to amend, so you can clearly see Claim 43 in the amendments. It's at the very back of that table.

So Claim 43, it deletes the phrase "high

energy device" and replaces it with "weapon"; is that right?

A. Yes.

Q. So the original claim required a method for energy capture from a high energy device; and then the new claim, 43, requires a method from energy capture from a weapon, correct?

A. Correct.

Q. You'd agree that there are weapons that aren't high energy devices, right?

A. Yes.

Q. And does the '750 define what a high energy device is?

A. I don't recall.

Q. Do you want to -- you have it in front of you. It's Exhibit 1001, if you'd like to look.

A. Well, in the first paragraph under background, it mentions "high energy sources can produce high levels of acoustic noise and/or particulate pollution." And in the second paragraph it mentions snipers, so it clearly gets very quickly to the idea of a high energy weapon such as a rifle.

So I'm not sure that I would say it's defined what a high energy device is, but it makes clear that what the patent is aimed toward is a method for

suppression of energy and sound coming from a rifle.

Q. So the '750 describes examples of high energy devices; it doesn't define it, right?

A. I believe so.

Q. And you'd agree there are high energy devices that aren't firearms?

A. Depending on where you draw the threshold for something being high energy.

Q. Well, I mean that's sort of my question: What is your opinion as to what the definition of a high energy device is?

A. I don't have a definition, per se. It's just, as far as I'm concerned, the amended claim makes it clear this is applicable to a weapon and that high energy produced is through a projectile and gases that flow out of that weapon.

Q. Right. But I'm just trying to get to what a high energy device is versus what is a device.

What makes something a high energy device?

A. I think it goes along with the phrase "beauty is in eye of the beholder." I don't have a specific threshold to say this is a high energy device. To some persons, a muffler may be a high energy device.

Q. Is a muffler a high energy device to you?

A. It could be.

Q. The '750 patent doesn't define what makes something high energy, does it?
A. It does not, to my knowledge.
Q. And you don't have your own threshold or definition of what makes something high energy?
A. I do not.
Q. And you can't tell what makes something high energy based on reading the '750 patent?
A. No.
Q. And that applies to both devices and material, right?
MR. GRANAGHAN: Objection, form.
THE WITNESS: I don't know what you mean by "material."
BY MR. ROESER:
Q. Well, it's -- there's high energy devices and high energy materials discussed.
A. Okay.
Q. So you can't tell what -- I'll start -- you can't tell if something is high energy in terms of either a device or a material by reading the '750 patent?
A. No.
Q. Okay. So you'd agree that there are weapons that aren't high energy devices, right?

A. Yes.
Q. So like a paint-ball gun, is that a high -- that's a weapon, right?
A. I wouldn't call that a weapon.
Q. You wouldn't call a paint-ball gun a --
A. I'd call it a toy.
Q. A toy. Okay. Let's try something else.
A crossbow, that would be a weapon, right?
A. Yes.
Q. Wouldn't that be a high energy device?
A. Could be. Could be.
Q. What would make it a high energy device?
A. The kinetic energy it imparts to its target.
Q. And again, there's no threshold that you know of to crossover from a device to a high energy device?
A. Not that I know of.
Q. And I think we talked about this in terms of the device, but the '750 patent doesn't define what high energy material is either, does it?
A. Let me take a second to look.
(Witness examines document.)
I don't see anything that describes that -- that defines it.
Q. Okay. So the '750 patent does not define what high energy material is?

A. Not that I see in the very cursory glance of the patent.

Q. Oh, you can take your time and look through it, if you want.

A. I looked at it, I think, carefully enough.

Q. Okay. But Claim 43 does sort of give us a little guidance on that, right? It says that the high energy material comprises a projectile and gas?

A. Yes.

Q. So we at least know it has to have both projectile and gas --

A. Yes.

Q. -- in Claim 43.

What -- how would we quantify this material? Would it be defined by speed or by the amount of energy it has to cross that threshold into a high energy material?

A. Well, then -- there, again, you're asking me for a threshold at which I would say something is high energy versus low energy. And I -- I don't have such a threshold.

Q. Right.

Set the threshold aside. What -- what factors would you consider to determine whether something is material versus high energy material?

A. The amount of energy it possesses as it escapes the muzzle.

Q. The amount of energy --

A. Is there a question?

Q. No. Sorry.

A. Okay.

Q. Okay. So for example, our crossbow, you agreed that was a weapon. Let's say a crossbow shot the arrow, and it's CO2-powered or whatever it is. It produces a projectile and gas, and it's -- it doesn't shoot very fast. Would that qualify as a high energy device?

MR. GRANAGHAN: Objection, form.

THE WITNESS: I wouldn't call it a high energy device.

BY MR. ROESER:

Q. And I'll take that same crossbow, and it can shoot very fast -- it can shoot the arrow very fast and produce a lot of energy. Would that same crossbow now become a high energy device in your opinion?

A. Are you talking about a crossbow fired using a gas?

Q. Uh-huh.

A. I guess it could be, but I haven't formed an opinion on that.

Q. So the same device could be both just a regular

device and a high energy device, depending on how fast the projectile or how much energy it produces?

MR. GRANAGHAN: Objection, form.

THE WITNESS: Possibly. As an example, I might contrast a BB gun with an AK- 47. I wouldn't call a BB gun a high energy device or a high energy weapon.

BY MR. ROESER:

Q. Is that because you're defining the device based on what it produces; so if that device produces high energy material, does it automatically become a high energy device?

MR. GRANAGHAN: Objection, form.

THE WITNESS: I'm not sure. I don't have an opinion on that.

BY MR. ROESER:

Q. You don't have an opinion on --

A. Not really, no.

Q. So you can't tell me, as a person of ordinary skill in the art, when something becomes a high energy device based on the '750 patent's disclosure?

MR. GRANAGHAN: Objection to form.

THE WITNESS: I think the '750 patent disclosure makes it pretty clear that this invention is oriented toward rifles, and in particular, sniper rifles, which do produce projectiles moving at very high

speeds. And so I think a person of ordinary skill would automatically assume that that is the type of weapon that is being described with respect to the use of the '750 patent device.

BY MR. ROESER:

Q. So you mentioned high speeds. So high speeds is something that makes the material high energy material?

A. Well, kinetic energy is 1/2 mv2, where "M" is the mass and "V" is the velocity. So as the speed increases, the square of the velocity increases much more rapidly, so that kinetic energy increases much more rapidly.

Q. You also mentioned sniper rifles. Is it your opinion that the '750 patent's invention is only related to sniper rifles?

A. No, but that's certainly the focus of the discussion in the patent.

Q. Some examples that were given within the '750?

A. Yes.

Q. All right. Let's look at paragraph 21.

A. In my declaration?

Q. Yes, sir. So there you're talking about a person of ordinary skill and what they would understand in the context of Claim 43, right?

A. Right.

Q. But that's not the standard for claim scope enlargement, is it? We already talked about what the standard was in paragraph 18.

A. Right.

MR. GRANAGHAN: Objection, form.

BY MR. ROESER:

Q. So the standard is not what a person of ordinary skill in the art would understand, correct?

A. I don't believe so, no.

Q. All right. So I just want to make sure I understand your opinions on this.

So if a device produces high energy material, is it a high energy device?

A. One could argue that.

Q. Is that your opinion?

A. Yes and no. Because the qualifier in Claim 43 talks about high energy material comprising a projectile and gases from the weapon, and so something could be producing something that has an awful lot of energy associated with it, but has no gases associated with it and no projectile. If I hit someone in head with a sledge hammer, there's a lot of energy associated with the fall of that sledge hammer, but there's no projectile, there are no gases. But it's high energy.

So I think we might be mincing words here.

Q. Right. And I'm trying not to do that. I'm trying to understand your opinion on it.

And let's just look at paragraph 23. You state: "If the weapon discharges 'a high energy material,' it must be a high energy weapon."

A. If it discharges a high energy material comprising a projectile and gases from a weapon, yes. Yes, it must be a high energy weapon.

Q. So if something produces a high energy material, it automatically is a high energy weapon?

A. Yes, according to what I've said here.

Q. Are there -- so -- okay. Then look at paragraph -- or Claim 22 of the '750 patent. That was the original claim that Substitute Claim 43 has amended.

A. Okay.

Q. Claim 22 is: A method of capture and control from a high energy device comprising discharging a high energy material from the high energy device.

So something that produces high energy material is automatically a high energy device, right?

MR. GRANAGHAN: Objection to form.

BY MR. ROESER:

Q. Is that your opinion?

A. I would say so.

Q. Okay. So we could just leave out "high energy device" and just say "device" in Claim 22, right?

A. Leave it out from where?

Q. Claim 22.

So if the device -- your opinion is that if the device produces high energy material, it's automatically a high energy device. So you could just leave out "high energy device" at the beginning of Claim 22, right?

A. I would say that might be misleading to a person of ordinary skill.

Q. Well, if we know it's a high energy device, it's kind of redundant, right, to state it twice? If we know that producing high energy material makes it a high energy device, couldn't we just say "device"?

A. You might, but I'm a firm believer in stating things multiple times for clarity.

Q. But you could do that, right?

A. Probably.

Q. And the claim would still read the same, in your opinion, if you did that?

A. Slightly different. I -- I would take the word "the" out of the first line of 22-A and replace it with "a" because it doesn't describe the high energy device mentioned in the first line, but other than that, it

could be the same.

Q. Other than that, that change would make that claim the same?

A. Substantially the same. Once again, I like the repetition.

Q. Okay. With that context, so then would you agree that any device that receives a high energy material becomes a high energy device? So now we're moving on from your example of a firearm, and now we're talking about the silencer.

A. Oh, okay. I thought we were talking about the target.

Q. Oh, no.

A. It's a device that operates with a high energy device, so I -- whether you call it high energy or not is debatable because its -- the purpose of the suppressor is to reduce the amount of energy that's being expended from the end of the muzzle to reduce the -- the report of the device. So one might argue whether it's still a high energy device after you've slowed the gases down to the point that you don't hear as loud a sound. You're still producing the projectile and the gases behind them. It's true.

(Reporter clarification.)

THE WITNESS: It's still producing a

projectile and the gases that follow behind it, which are high energy.

So with that standard, I guess you could still call it a high energy device.

BY MR. ROESER:

Q. All right. Let's look at paragraph 25.

A. Okay.

Q. All right. And again, the test for claim scope enlargement is not based on a POSITA, right?

A. Right.

Q. In the second-to-last sentence, you state --

A. The one beginning with "Specifically"?

Q. Yes, sir.

A. Okay.

Q. You're talking about high energy weapons in that sentence. Do you see that?

A. Yes.

Q. High energy weapons is not -- that term is not used in Substitute Claim 43, right; it's just "weapons"?

A. Correct. The board was trying to say that not every weapon is a high energy weapon.

Q. I'm just talking about --

A. This was just an attempt to clarify that what we are talking about is a high energy weapon.

Q. So you understand "weapon" to be "high energy

weapon" in Substitute Claim 43?

A. In claim -- Substitute Claim 43, yes.

Q. Do you think it would have been better to have amended the claim to state "high energy weapon" rather than just "weapon"?

A. I don't have an opinion.

MR. GRANAGHAN: Objection to form.

BY MR. ROESER:

Q. You don't have an opinion?

A. No opinion.

Q. You don't think it would have been clearer?

A. No.

Q. You don't?

Why not?

A. Because paragraph A talks about the fact that we're -- we're using a high energy weapon. We're using a weapon.

Q. Well, it just says "weapon," right?

A. It just says weapon.

Q. So wouldn't high energy weapon be clearer?

MR. GRANAGHAN: Objection to form.

THE WITNESS: I don't really have an opinion on that.

BY MR. ROESER:

Q. Well, you say you like clarity in repeating

things, so wouldn't high -- I mean, if we're talking about high energy weapons, wouldn't using the phrase "high energy weapon" rather than just "weapon" be clearer?

MR. GRANAGHAN: Objection to form.

THE WITNESS: I don't have an opinion.

BY MR. ROESER:

Q. Would it be less clear?

MR. GRANAGHAN: Objection to form.

THE WITNESS: No.

BY MR. ROESER:

Q. Would it provide more information to someone reading that claim?

A. Given that the material coming from the weapon is a high energy material consisting of a projectile and gases, I don't think it needs to be said.

Q. So you don't think "high energy" needs to be used at all?

A. It's used in paragraph A.

Q. What paragraph A are you talking about?

A. Well, right under 43.

Q. Oh, 43, Claim Element A?

A. Yeah. Discharging a high energy material comprising a projectile and gases. So that right there says it's a high energy weapon.

Q. So the high energy material that's produced by the device, you don't need to describe the device as high energy?

A. I don't think so.

Q. Okay. All right. Let's look at Section 5, and that's paragraph 35 -- oh, wait. It starts at paragraph 26.

A. Okay.

Q. So this section sets forth all of your opinions regarding whether or not the proposed substitute claims introduced a new subject matter, right?

A. Yes.

Q. And let's look at paragraph 28.

So you understand that the board, in its preliminary guidance, indicated that the motion to amend introduces new subject matter, right?

MR. GRANAGHAN: Objection, form.

THE WITNESS: Would you repeat the question --

BY MR. ROESER:

Q. Yes.

A. -- because it got confused with his objection?

Q. Based on what you say in paragraph 28, you understand that in its preliminary guidance the board indicated that the motion to amend introduced --

introduces new subject matter, right?

A. Yes.

Q. Okay. And that's because, which you state here in paragraph 28, patent owner has not provided written description support for a radially serpentine fluid pathway?

A. I understand that that's what the board said, but I disagree with that.

Q. Right. You think the board is wrong on this point as well?

A. Correct.

Q. Well, you partially agree with the board as to the definition of radially serpentine including a back-and-forth flow around the radius of the off-axis chamber?

A. Yes. But I disagree with around the radius --

Q. Right. Yeah, we'll get there.

A. Okay.

Q. But you agree with that?

A. Yes.

Q. Okay.

Okay. Let's look back to the '750 patent specification and specifically Column 9, lines 1 through 20.

You understand that --

A. You said lines number -- the line numbers --
Q. 1 through 20, yes, sir.
A. 1 through 20.
MR. GRANAGHAN: Column 9? Sorry.
MR. ROESER: Column 9, yeah.
BY MR. ROESER:
Q. You understand that portion of the specification describes Figure 14, correct?
A. Let me read it quickly.
Q. Yes. Yes, sir.
A. (Witness examines document.)
Yes, it describes Figure 14.
Q. Okay. It doesn't -- in that section describing paragraph -- or Figure 14 -- first of all, are there any other portions of the specification that describe Figure 14?
A. Not that I recall.
Q. Okay. So in that part of the specification describing Figure 14, the specification doesn't mention a radius, does it?
A. It does not.
Q. And it doesn't describe the flow that's radially serpentine?
A. It uses serpentine, but not radially serpentine.

Q. So that's a no?
A. Yes.
Q. Instead, the specification describes Figure 14 as showing concentric offset cylinders with a serpentine path, right?
A. Correct.
Q. But it doesn't describe that as radially serpentine, right?
MR. GRANAGHAN: Object to form.
THE WITNESS: Not in that paragraph.
BY MR. ROESER:
Q. Okay. And there's no other paragraph describing Figure 14 in the specification, right?
A. Not that I recall.
Q. Okay. Let's look at paragraph 35 of your declaration.
A. (Complied.)
Q. All right. And here, you cite to Exhibit 2004.
A. Yes.
Q. And that's the Merriam Webster dictionary entry for "around"?
A. Correct.
(Exhibit 2004 was marked for identification.)

BY MR. ROESER:

Q. All right. Let's look at Exhibit 2004.

And that's the definition that you're referencing in paragraph 35?

A. Yes.

Q. And if you'll look at the top left, very top left corner, that dictionary entry was accessed on September 2nd, 2025?

A. Yes.

Q. And that's the date of your report?

A. Yes.

Q. You understand the '750 patent has a priority date in and around 2010?

A. I do.

Q. Okay. You didn't look at the definition of "around" at that time?

A. No, I did not --

Q. Okay.

A. -- but I don't think it's changed an awful lot.

Q. But you don't know if it has, right, because you didn't look?

A. I'm not a lexicographer. No, I don't know.

Q. So it could have changed? You just don't know that because you didn't look --

A. It could have.

Q. Okay.

MR. GRANAGHAN: Real quick. Randy, can you just -- I'm sorry. Paul, just make sure you pause a second so you guys don't talk over each other --

MR. ROESER: Yeah.

MR. GRANAGHAN: -- and give me a chance to get in any objection I have.

THE WITNESS: Okay.

BY MR. ROESER:

Q. You didn't check any dictionary definitions from around 2010, did you?

A. No.

Q. You didn't check any technical textbooks or dictionaries from around that time?

A. No. I don't think I would need a technical dictionary to look up the word "around." We're talking about ordinary and customary meaning.

Q. Okay. So Exhibit 2004 shows multiple definitions for "around," right?

A. Correct.

Q. And one of those is in a circle or a circumference, right?

A. That's in its use as an adverb. When we say around a fixed radius, we're talking about its use as a preposition.

Q. Okay. But it has a definition that is in a circle or in a circumference, right?
A. As an adverb, yes.
Q. Yes.
And that's your understanding as to what the board applied as their understanding of what "around" means when they're talking about around a radius in a circle or a circumference around a radius, right?
A. That's my understanding of what the board thought.
Q. Right.
Another definition is "in, along, or through a circuit"; is that correct?
A. Correct.
Q. "On all or various sides: in every or any direction." Is that another definition?
A. Yes.
Q. Okay. And "here and there: from one place to another" is another definition; is that correct?
A. Which one?
Q. "Here and there: from one place to another."
A. Yes. We're still talking about adverbs.
Q. We're still talking about -- yes, we are talking about the adverb section of Exhibit 2004.

And you're saying -- I think you mentioned it's your opinion that "around" used in the '750 patent is a preposition?

A. Correct.

Q. And there's -- one, two, three, four -- five different definitions of "around" as a preposition in Exhibit 2004?

A. Correct.

Q. One of them is "near"?

A. Correct.

Q. One of them is "in all directions outward from"?

A. Yes.

Q. Okay. Let's talk about some of these.

So if we're talking about "around" meaning here and there, from one place to another, under that definition, really any fluid flow would fall within that definition of "around," right?

A. Basically.

Q. It's from one place to another, right?

A. Yes.

Q. So any fluid flow would meet that definition of around?

A. Correct.

Q. Okay. Same thing with "in or to an opposite

direction or position"?

A. Which one was that?

Q. Oh, sorry.

"In, along, or through a circuit," under that definition, "around," that also encompasses pretty much any fluid flow, right?

A. It could.

Q. Same thing with the preposition definitions, "near." If something is near something, any fluid flow is near a radius, that would fall within that definition of "around," right?

A. Yes.

Q. Okay.

A. But none of those, in my opinion, is what a person of ordinary skill would interpret "around" to mean in the context of a -- of around a fixed radius.

Q. I understand that's your opinion.

None of these dictionary definitions in Exhibit 2004 that you cite to in your second declaration, they don't mention any sort of clockwise or counterclockwise rotation, do they?

A. No.

Q. Other than to encircle or in a circle or a circumference?

A. Correct.

Q. And in a circle or a circumference was the first definition provided for "around," correct?

A. Yes.

Q. Okay. Let's talk about mosquitoes, paragraph 39.

A. Yes.

Q. Just in broad strokes, can you describe the analogy set forth in paragraph 39?

A. I'm giving you an example of a motion, the motion of the mosquito and tracking the plume of expirated breath from a human being who is turning his or her head from side to side while breathing through a porous screen.

Q. And -- okay.

So the mosquito, you're -- you're equating the mosquito in your analogy to the fluid flow in the '750 patent?

A. It could be thought of as a fluid particle in that sense, yes.

Q. Okay. So the man in your example is seated at some distance along a radius?

A. A fixed radius R, right.

Q. And the -- if he turns his head and breathes -- I didn't know it was just female mosquitos that did that, but --

A. Only female mosquitoes bite.
Q. Oh. Didn't know that.
So he is sitting somewhere along the radius, and he's turning his head and breathing, and the mosquito is following him, and that path that the mosquito takes, in your opinion, is radially serpentine?
A. Yes.
Q. It doesn't flow clockwise or counterclockwise around a radius as the board understands it?
A. Not as the board understands it.
Q. It's going sort of above the radius, right, back and forth above the radius, on top of?
A. I think it's going around the radius, but that's where I differ with the board.
Q. Right. Well, I think I'm using -- I'm trying to use your language from paragraph 39. I think you say "on top of," or that might have been in a different section.
A. I don't think I stated that.
Q. Around the fixed radius?
A. But the mosquito does go in a clockwise and counterclockwise path trying to track that CO2 plume.
Q. Okay. So the man in your example, he's not on the central axis, right?
A. No. He's at a fixed radial location R from the

central axis.

Q. Let's move him to the central axis.

A. Yes.

Q. He's doing the same thing --

A. Yes.

Q. -- breathing, turning his head. Is that mosquito still moving in a radially serpentine pathway?

A. Yes.

Q. And at that point, the mosquito would be rotating around the central axis --

A. Correct.

Q. -- if he's sitting on the central axis?

A. In the board's definition of "around," yes.

Q. And that's one definition of "around," right?

A. Yes.

Q. You would agree that that's one definition of "around"?

A. Correct. But the -- the radial vector in that case is R equals 0 on the man that's at the center.

Q. Okay. And so it would be traveling clockwise and counterclockwise around the central axis where the man is sitting, which is R equals 0?

A. Correct.

Q. Okay. All right. Let's look at paragraph 40, the one right after.

So here you say: "In sum, in my opinion, one embodiment of a 'radially serpentine' fluid path encompasses a back and forth flow around a longitudinal axis of the off axis chamber, as shown in Figure 14."

MR. GRANAGHAN: Objection, form.

BY MR. ROESER:

Q. Do you see that?

A. Yes.

Q. So let's look at the definition of radially serpentine in Column 4 of the '750 patent, and it's in the right-hand column, starting at line 34.

So as the '750 defines radially serpentine, it defines it as "fluids received in the off axis chamber to flow back and forth around a radius of the off axis chamber."

Do you see that?

A. Yes, I do.

Q. And your opinion in paragraph 40 is that rotating around a longitudinal axis meets definition of radially serpentine, right?

A. Well, that's just the -- the radius being R equals 0, but that would not be a radius of the off-axis chamber, so I would have to qualify it.

Q. I'm not sure I understand.

A. The -- the specification in -- in paragraph --

let's say lines 38 to 40 said, "can be radially serpentine pathway which causes the fluids to flow back and forth around a radius of the off axis chamber" -- oh, it actually says that earlier, lines 35 through 38.

Q. Right.

A. So a radius of the off-axis chamber would not be R equals 0 on the longitudinal axis.

Q. Well, then how is your opinion in paragraph 40 that a radially serpentine fluid path encompasses a back-and-forth flow around a longitudinal axis?

A. Because the -- the radius extends from the longitudinal axis, and if the pathway is moving clockwise and counterclockwise around that radius, it is also moving counterclockwise and clockwise around the longitudinal axis.

Q. The longitudinal axis starting from the -- the barrel of the gun to the exit of the silencer?

A. Whatever the centerline of the silencer is, that's the longitudinal axis.

Q. Right.

But we're going from the gun to the end of the silencer?

A. Yes.

Q. And so rotating back and forth around that longitudinal axis, in your opinion, is radially

serpentine?

A. Yes. In my opinion, it's a special case of the other definition.

Q. So you could substitute in "longitudinal axis" for "radius" in that definition?

A. No, I don't think so. I think it needs to be more specific and talk about a radius of the off-axis chamber.

Q. So paragraph 40 doesn't mention a radius of the off-axis chamber --

A. True.

Q. -- it mentions a longitudinal axis. So I'm trying to understand your opinion in paragraph 40.

A. Paragraph 40 more or less generalizes what is seen in Column 4 of the patent, in that if the flow is moving clockwise and counterclockwise around a radius of the off-axis chamber, it is also moving clockwise and counterclockwise around the perpendicular longitudinal axis.

Q. The perpendicular longitudinal axis?

A. The longitudinal axis and the radial axis are perpendicular --

Q. Oh, so --

A. -- the radius are perpendicular to one another.

Q. Sorry. I think we are saying the same thing.

So I do -- I want to back up.

That's the silencer in my mind --

A. Okay.

Q. -- and the radius is coming off of it like that (indicating) --

A. Yes.

Q. -- right?

A. Yes. Those two axes -- those two lines are perpendicular to one another.

Q. So how does this -- I'm trying to get a definition of what radially serpentine means with your opinion in paragraph 40.

So would -- a way to describe or define radially serpentine is to replace "radius" with "longitudinal axis" in the definition in Column 4 of the '750 patent?

A. It could be, but it doesn't really describe that this is occurring in off-axis chamber, which is what I believe was trying to be conveyed --

Q. Got it.

A. -- with paragraph --

Q. So you could say --

A. -- Column 4.

Q. I'm sorry. Yeah. I did not mean to talk over you. Sorry.

So another way to define radially serpentine fluid pathway, in your opinion, again discussing paragraph 40 of your report, is a fluid pathway can be radially serpentine if it causes the fluids received in the off-axis chamber, so we're mentioning the off-axis chamber, to flow back and forth around a longitudinal axis of the off-axis chamber?

A. It could include that, yes.

Q. That would be a definition based on --

A. It wouldn't be a complete definition.

Q. What would make it complete?

A. Well, because we also point out that there can be longitudinal motion of the fluid, and that's the second part of radially serpentine.

Q. Right.

Well, that -- and we can get there because --

A. Okay.

Q. -- there's kind of two definitions.

So one definition would be of your opinion of what radially serpentine means --

A. One second.

(Cell phone interruption.)

BY MR. ROESER:

Q. Right. Because there's two definitions in

paragraph -- or Column 4 for radially serpentine.

A. Yes.

Q. Let's talk about the first one.

So based on your opinion in paragraph 40 of your declaration, a definition of radially serpentine would be a fluid pathway which causes fluids received in the off-axis chamber to flow back and forth around a longitudinal axis of the off-axis chamber?

A. I believe that would include this, yes.

Q. That would be a definition of radially serpentine?

A. It could be, yes.

Q. And then sort of, for completeness, the second part of radially serpentine includes transversing a length of the device, right?

A. Traversing, yeah.

Q. Traversing, yes.

And we could, again, replace "radius" with that in that definition with "longitudinal axis"?

A. We could.

Q. Okay.

A. But this is coming down to a choice of words chosen by the people who wrote the patent to try to convey what is happening and where it is happening. And so I believe the radius of the off-axis chamber is in

there to make it clear that this behavior is occurring in the off-axis chamber.

Q. We just talked about traversing. What does traversing mean?

A. Well, a dictionary definition might be to move in one direction or another. It can go back and forth.

Q. So just like any movement along the device --

A. A distance.

Q. I'm sorry?

A. Traver- -- traversing can be any movement along some distance --

Q. Right. Any distance --

A. -- or motion from one place to another.

Q. Okay. It's not like a --

A. Yeah.

Q. -- it doesn't have to go the full length or anything?

A. No.

Q. Okay. All right. Let's look at paragraph 37.

A. Okay.

Q. You mention cylindrical coordinate systems?

A. Yes.

Q. Okay. The '750 doesn't define radially serpentine in terms used in this paragraph, right; it doesn't talk about cylindrical coordinate systems?

MR. GRANAGHAN: Objection, form.

THE WITNESS: It's implicit that we're talking about a cylindrical coordinate system because we are talking about a device with cylindrical symmetry, so any reasonable person would use a cylindrical coordinate system to describe that device.

BY MR. ROESER:

Q. That's knowledge that, in your opinion, a POSITA would have; it's just not necessarily discussed in '750 patent?

A. Correct.

Q. And the prosecution history also doesn't discuss that; it's just knowledge, again, in your opinion, that a POSITA would have?

A. Correct.

Q. Okay. I just didn't know if you were citing to anything.

A. No.

Q. Okay. Let's look at the preliminary guidance. I have that in front of you.

And you reviewed that in forming your opinions in your declaration?

A. Yes, I did.

Q. All right. At page 8 --

A. 8?

Q. Yes, sir.

It's the little "ii. An Outer Shell Oriented Along the Central Axis."

Do you see that?

A. Yes.

Q. And that -- and you can look over that section if you need to. Just let me know.

A. (Witness examines document.)

Okay.

Q. All right. The last paragraph on page 9, the board notes: "That the parties appear to interpret an outer shell 'oriented along the central axis' to mean the shell is arranged concentric to the central axis."

Do you see that?

A. Yes.

Q. You don't -- and I looked through your declaration. You don't have an opinion -- you don't discuss this opinion in your declaration, right?

A. No, I don't.

Q. Okay. I just wanted to make sure.

Okay. Let's -- let's look at Thurler real quick. I don't think I gave it to you.

A. No, I don't have Thurler.

Thank you. Thanks.

Q. All right. So just generally, I'm going to ask

you about your opinions moving on to Ground 1, specifically paragraph 53, but just in general, Thurler Figure 1, you've got --

A. My paragraph 53?

Q. Yes, sir.

A. Let me get there before we go to Thurler.

Q. Thank you.

A. Okay.

Q. All right. So -- so Thurler Figure 1, you've got Central 2(e), and then 2 -- Eccentric 2 is G and H, right?

A. Correct.

Q. And they are running along the same axis or direction longitudinally, right?

A. Their centers are parallel to the central axis, yes.

Q. Right.

They are running along the same parallel longitude?

A. I wouldn't call it longitude. Same longitudinal direction, yes.

Q. Okay. So, okay. Now, going back to paragraph 53, you said there is no reason why a POSITA would modify Thurler to be concentric; is that right?

MR. GRANAGHAN: Objection, form.

THE WITNESS: That's what I said, yes.
BY MR. ROESER:
Q. Okay. And that's your opinion?
A. Yes.
Q. Okay. So this paragraph, you understand that you're discussing Mr. Nixon's opinion that someone would modify Thurler with Kenney and WerBell?
A. Yes.
Q. Okay. And earlier on in your report, you discuss what Kenney discloses -- there's a whole section on it -- and Kenney discloses symmetric gas expansion. Would you agree with that?
A. Yes.
Q. And Kenney discloses -- actually, scratch that.
So with symmetric gas expansion, would you agree that's generally desirable to have symmetric expansion?
A. Thurler didn't seem to think so.
Q. In Kenney. I'm asking about Kenny's disclosures.
A. Probably.
Q. You're not -- I mean, I'm just trying to figure out what your opinion -- your opinion is not that symmetric gas expansion is undesirable, right?
A. No.

Q. Okay. And you're not testifying that a POSITA would avoid symmetric gas expansion?

A. No.

Q. Okay. Same --

A. I'm -- I'm testifying why -- why a POSITA would seek to do what -- what Mr. Nixon asserts in his report -- in his declaration.

Q. Okay. So your opinion is that a POSITA wouldn't modify them, not that if they did modify them, it would accomplish what Mr. Nixon said?

MR. GRANAGHAN: Objection to form.

THE WITNESS: I think there needs to be motivation to modify based upon the prior art, and I don't see the motivation.

BY MR. ROESER:

Q. Right. So your opinion --

A. Just from -- just from the standpoint of symmetric gas expansion.

Q. Right. In that context, your opinion is that there's no motivation to combine. Some- -- someone wouldn't do that. You're not saying that if they did do it, that it wouldn't work?

A. No.

Q. Okay.

A. However, Kenney's patent also requires that the

bullet be blanketed with a jacket of gases surrounding it within the device, and that is definitely not the case with Thurler. So it's unclear how one would modify Thurler to accomplish that.

Q. Right. Yes.

So your opinion is that you don't see the combination?

A. Correct.

Q. Not that if someone made a combination, it wouldn't work?

A. Correct.

Q. Okay.

A. In addition, I don't see how the combination would be made achieving the goals of Kenney.

Q. Which goals, like the --

A. The jacket of gases within the suppressor itself.

Q. But not the symmetric expansion?

A. No.

Q. Okay. And not having the gas exit at the end cap?

A. No.

Q. Okay. So paragraph 59 -- well, you can review it. Let me know.

A. (Witness examines document.)

Q. All right. So you argue that Thurler and Kenney are fundamentally different and incompatible; is that correct?

A. Correct.

Q. But they're both -- they're both suppressers, right?

A. Right.

Q. They're both used for the same purpose, of dampening sound?

A. Correct.

Q. Both in the same field of art?

A. Correct.

Q. They might use different approaches to accomplish that goal of dampening the sound or suppressing the energy, but they are in the same field and accomplish the same goals?

MR. GRANAGHAN: Objection, form.

THE WITNESS: I don't know that they accomplish the same goals. They are in same field. But Kenney teaches a one-directional gas flow throughout the entire device, whereas Thurler employs gas flow in a back-and-forth along the axis.

Q. They accomplish the same goal of suppressing the sound?

A. They claim to.

MR. ROESER: Okay. Let's go --

(Brief recess taken.)

BY MR. ROESER:

Q. All right. Dr. Neitzel, you understand we're back on the record and you're still under oath?

A. Yes.

Q. All right. I put the WerBell patent in front of you.

And can you read what the exhibit number is? Sorry. Is it 1038.

MR. GRANAGHAN: (Nods head.)

MR. ROESER: At the bottom in red. 1038. Okay.

BY MR. ROESER:

Q. If you look at the figures of WerBell -- I think they might be on the next page.

MR. GRANAGHAN: Do you need it, Randy? I've got a copy.

MR. ROESER: No. I just have one question, really.

BY MR. ROESER:

Q. What is the fluid pathway disclosed in WerBell?

A. Well, there's a central chamber that has holes in it, and fluid flows out of those holes into these helical disks, disk-like structures, that alternate in

direction as you go longitudinally down the suppresser.

Q. Would that be radially serpentine fluid flow, in your opinion?

A. In my opinion, yes. It does not match the board's definition of radially serpentine, however.

Q. All right. Let's look at paragraph 81. You can be done with WerBell.

MR. GRANAGHAN: Did you say 81?

MR. ROESER: Yes.

BY MR. ROESER:

Q. All right. In this section, you're discussing your opinions as to ground 2 of petitioner's response to the motion to amend.

A. Yes.

Q. Okay. So you -- it's your opinion that Thurler and Barlowatz, they teach different approaches to lengthening pathways, right?

A. Yes.

Q. But they're both trying to lengthen pathways; would you agree with that?

A. Barlowatz is trying to do more than that.

Q. But it is trying to lengthen pathways?

A. It does lengthen pathways as part of what it's attempting to do.

Q. And they're directing to firearm sound

suppression?

A. Yes.

Q. So they are both directed to solving the problem of noise reduction in firearms?

A. Yes.

Q. And they both -- I think you said they both attempt to lengthen the pathway of the fluid in order to increase that noise suppression.

A. Among other things.

Q. All right. The claims require a helical wall, not necessarily Barlowatz's dual coils, right?

A. Correct.

MR. GRANAGHAN: Objection, form.

BY MR. ROESER:

Q. And Barlowatz has helical walls?

A. Yes, but not in same sense as the '750 patent.

Q. Yeah. So your opinion in paragraph 84 is that using one coil instead of two would defeat Barlowatz's canceling-out purpose?

A. Correct. Barlowatz wants the two flows to, quote, counteract, end quote, one another.

Q. The claims don't require canceling out, do they?

A. Nope.

Q. They just require having a helical wall that

directs fluids along a helical path?

A. Correct.

MR. GRANAGHAN: Objection, form.

BY MR. ROESER:

Q. And that could be achieved using a single helical wall?

A. Correct, but it doesn't practice Barlowatz.

Q. I understand that's your opinion. I'm just -- what the claims require, they just require a single helical wall?

MR. GRANAGHAN: Objection, form.

THE WITNESS: Correct.

BY MR. ROESER:

Q. Let's look at paragraph 99, and that's relating to Ground 4. So in paragraph 99, I'm trying to understand the scope of your opinion.

Your opinion is that Mr. Nixon has not explained how a mounting mechanism of Eichenseher has a hollow interior with a reducing throat portion and a flared exit?

A. Correct.

Q. It's not your opinion that Eichenseher doesn't have that element, just that Mr. Nixon hasn't explained how?

A. Would you show me Eichenseher's figure?

Q. Yes.
A. That's my opinion. It does -- he does not have a reducing throat, in addition to my opinion that Mr. Nixon doesn't describe this.
Q. So paragraph 99, you don't say that Eichenseher doesn't have those elements, right?
A. I do not.
Q. Just that Mr. Nixon hasn't shown that?
A. Correct.
Q. Okay. All right. All right. In context of the motion to amend, we talked about using different words, the inventor could have described the invention in any way they wanted to, right?
MR. GRANAGHAN: Objection, form.
THE WITNESS: Any way they wanted to that made sense to the patent examiner.
BY MR. ROESER:
Q. So, for instance, they could have described -- or they could have referred to the high energy material specifically as bullets and gases?
A. They could have, yes.
Q. And they could have referred to the "discharge device," instead of a high energy discharge device?
A. Correct.
Q. In fact, I think it was your opinion earlier

that the '750 relates to firearms. They could have used "firearms" instead high energy devices?

A. Yes. But that's what's been being with the amends claims.

Q. Well, "firearms" isn't in amended claim, is it?

A. Do I have the amendments here in front of me?

Q. The motion to amend, yes, sir. That chart at the back.

MR. GRANAGHAN: Is that it? No, that's not.

THE WITNESS: True, it doesn't say "firearms." It says "weapon."

BY MR. ROESER:

Q. Would it have been clearer --

A. My mistake.

Q. Would it have been clearer had they used "firearms"?

A. I don't think so.

Q. The patent owner could have described the devices as high energy weapons, right?

A. Could have.

Q. Do you think it would have been better had they done that?

MR. GRANAGHAN: Objection, form.

THE WITNESS: I don't think it's needed.

The specification makes it clear that the patent is oriented toward rifles.

BY MR. ROESER:

Q. Do the claims make that clear?

A. Firearms.

I think so, because the high energy materials is a bullet and gases.

Q. So the definition -- or the amended description of the high energy material or the description of high energy material makes it clear what the device is?

A. I think so.

MR. ROESER: Can we take a few-minute break? I think I might be done. I just want to make sure.

MR. GRANAGHAN: Yeah.

(Brief recess taken.)

MR. ROESER: All right. No further questions for you today. Thank you, Dr. Neitzel.

THE WITNESS: Thank you very much.

MR. GRANAGHAN: I have no questions.

THE COURT REPORTER: Read and sign?

MR. GRANAGHAN: Yeah.

(Deposition concluded at 10:30 a.m.)

I, GEORGE PAUL NEITZEL, PhD, have read the foregoing deposition and hereby affix my signature that same is true and correct, except for the changes noted above.

_____
GEORGE PAUL NEITZEL, PhD

COUNTY OF: _____ §
§
STATE OF: _____ §

Before me, _____, on this day personally appeared GEORGE PAUL NEITZEL, PhD, known to me (or proved to me under oath or through _____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, _____.

_____
NOTARY PUBLIC IN AND FOR
THE STATE OF _____

My Commission Expires: _____

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

HUXWRX SAFETY CO. LLC, §
§
Plaintiff, §
§
VS. § Case No. 2:24-cv-00130
§
SilencerCo WEAPONS §
RESEARCH, LLC, §
§
Defendant. §

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VOLUME II
REPORTER'S CERTIFICATION
ORAL DEPOSITION OF
GEORGE PAUL NEITZEL, PhD
TUESDAY, SEPTEMBER 30, 2025

I, Kari J. Behan, CCR, CSR, and in and for the State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true;

That there came before me the aforementioned named person, who was by me duly sworn to testify the truth concerning the matters in controversy in this cause;

And that the examination was reduced to writing by computer transcription under my supervision; that the deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

Given under my hand and seal of office on this 1st day of October, 2025.

Kari J. Behan

KARI BEHAN, CCR, CSR
Texas CSR NO. 8564;
Expiration Date: 7-31-2026
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Chris Granaghan

Chris@nelbum.com

October 1st, 2025

RE:Silencerco Weapons Research, LLC v. Huxwrx Safety Co., LLC
9/30/2025, G. Paul Neitzel, Ph.D., Vol. 2 (#7628564)

The above-referenced transcript is available for review.

Within the applicable timeframe, the witness should read the testimony to verify its accuracy. If there are any changes, the witness should note those with the reason, on the attached Errata Sheet.

The witness should sign the Acknowledgment of Deponent and Errata and return to the deposing attorney. Copies should be sent to all counsel, and to Veritext at (Calendar-CO@veritext.com).

Return completed errata within 30 days from receipt of testimony.

If the witness fails to do so within the time allotted, the transcript may be used as if signed.

Yours,

Veritext Legal Solutions

Silencerco Weapons Research, LLC v. Huxwrx Safety Co., LLC

G. Paul Neitzel, Ph.D., Vol. 2 (#7628564)

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G. Paul Neitzel, Ph.D., Vol. 2 Date

Silencerco Weapons Research, LLC v. Huxwrx Safety Co., LLC
G. Paul Neitzel, Ph.D., Vol. 2 (#7628564)

ACKNOWLEDGEMENT OF DEPONENT

I, G. Paul Neitzel, Ph.D., Vol. 2, do hereby declare that I have read the foregoing transcript, I have made any corrections, additions, or changes I deemed necessary as noted above to be appended hereto, and that the same is a true, correct and complete transcript of the testimony given by me.

_____ _____

G. Paul Neitzel, Ph.D., Vol. 2 Date

*If notary is required

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_____ DAY OF _____, 20___.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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