UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT LABORATORIES, Petitioner, VS. MIRACOR MEDICAL SA, Patent Owner.	IPR2025-00096 Patent 11,351,356

REMOTE VIDEOTAPED DEPOSITION OF
PETER CROSBY

TAKEN: January 8, 2026
TIME: 9:00 a.m.
JOB NO. 7828044

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

VIDEOTAPED DEPOSITION OF PETER CROSBY, conducted virtually, is taken on this 8th day of January, 2026, commencing at 9:00 a.m.

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THE COURT REPORTER: We are on the record. I am Brandi Bigalke, court reporter for Veritext Legal Solutions. Today's date is January 8th in the year 2026. The time is now 8:57 a.m.

We are taking the remote deposition of Peter Crosby in the matter of Abbott Laboratories versus Miracor Medical SA.

Will counsel please state your appearances for the record beginning with the noticing attorney first.

MR. CAHILL: This is Ron Cahill from Barnes & Thornburg for the patent owner Miracor Medical.

MS. RAGHAVAN: Saranya Raghavan from Winston & Strawn on behalf of Abbott Laboratories, the petitioner.

THE COURT REPORTER: Thank you.

Do all counsel stipulate to the swearing of the witness remotely by the court reporter?

(All counsel so stipulated and the

court reporter remotely swore in the witness:)
PETER CROSBY,
Called as a witness and having been first duly sworn, testifies as follows:
THE COURT REPORTER: Thank you. You may begin, Counsel.
EXAMINATION
BY MR. CAHILL:
Q. Good morning, Mr. Crosby.
A. Good morning, Mr. Cahill. Nice to see you again.
(Exhibit 1042 was shown to the witness.)
BY MR. CAHILL:
Q. So as we have mentioned, I've placed Exhibit 1042 in the Exhibit Share folder, and I understand you have access to that.
Can you confirm that you can see that document?
A. Yes, I can. I also printed out hard copies of each of my reply reports. And if it's okay with you, I can refer to those. It's easier than scrolling through a screen.
Q. That's fine.
Do you have any other documents

relating to the IPR matters --
A. No.
Q. -- with you? Okay. Yeah, so that's fine. Please feel free to use either the computer screen or your paper copies.
Mr. Crosby, did you prepare for your deposition today?
A. Yes.
Q. How did you prepare?
A. I reread my reply reports, all six of them. And I spent some time with the attorneys for the petitioner.
Q. Okay. How much time did you spend with the attorneys?
A. About three to four hours, if I remember correctly.
Q. And you said you reviewed your reply declarations. When you did so, did you see any errors in them that you feel the need to correct?
A. Yes.
Q. And what was that?
A. There are a couple of typographical errors. If I can pick up the '356, one in particular because that's easy to remember. I'll give you one example.

(Derek Roller joined the deposition.)
A. On page 9 in Paragraph 11 it says: "As I testified during my cross-examination for about five years from 2005 to 2010," that should be 2009. I think that's a typo. I left VentraCor in 2009.
Q. Okay.
A. And I think there's one -- I can't remember exactly where it is, there's one place towards the end of the report where there's a missing link which came through on the PDF. But that's about all I saw. There may be other typographical errors of which I'm not aware.
Q. But in terms of the substance, you think it's correct?
A. Yes.
(Exhibit 2013 marked for identification and was shown to the witness.)
BY MR. CAHILL:
Q. Mr. Crosby, I would like to start with a paper we discussed before. Let's see. Trying to work the controls here to bring it up.
Okay. So I've introduced Exhibit Number 2013. And this is the -- this is the Esmore paper entitled VentrAssist left

ventricular assist device: clinical trial results and Clinical Development Plan update.
Do you have that?
A. Yes, I do.
Q. Now, you were -- on the second page of this document there are some illustrations of the VentrAssist pump.
And you were the CEO of VentraCor, the maker of this pump; is that right?
A. From 2006, yes.
Q. Okay. And in your declarations, did you provide any exhibits describing the VentrAssist pump?
MS. RAGHAVAN: Objection; form.
THE WITNESS: I think all the exhibits in my declaration are listed on the declaration. I cannot recall if I provided them or they were found by another party. But I have a pretty big library of scientific papers in this field, so I may have provided this one for example. But I don't recall if I did.
BY MR. CAHILL:
Q. Well, I submit to you that this one was provided by Miracor which is why the exhibit number starts with 2.

A. Okay.
Q. And certainly we've discussed this one.
But my question for you is in your declarations, do you provide any other exhibits that describe the VentrAssist pump?
MS. RAGHAVAN: Objection; form.
THE WITNESS: Which report are you looking at, and I can go through the list of exhibits and see if any jog my memory?
BY MR. CAHILL:
Q. Well, today I would like to refer only to the reply declaration in the '096 IPR.
A. '096.
Q. Yeah. So that's -- that one should be sufficient for our purposes. I don't think we'll need to look at the other ones.
A. '096. I have '077, '879, '415, '517, '356, and '357. That's the six declarations.
Q. Those are the patent numbers, I believe.
A. Oh, okay.
Q. It would be the '356 patent.
A. Okay. I'm sorry. I misunderstood. I have that here, yes.

Q. Okay. And the question is, did you provide any exhibits describing the VentrAssist pump?
A. Let me have a look --
MS. RAGHAVAN: Objection to form.
THE WITNESS: -- at this list.
I don't think there are any exhibits on the list that I provided regarding the VentrAssist pump.
BY MR. CAHILL:
Q. Okay. Did you provide any exhibits describing the placement of the VentrAssist pump?
MS. RAGHAVAN: Objection; form.
THE WITNESS: The place -- did you say --
BY MR. CAHILL:
Q. The placement.
A. The placement.
Q. Yes.
A. You mean the --
Q. It's a challenge sometimes in these remote proceedings to not talk over each other, especially when there are questions.
But yes, placement within the body during implantation.

A. You mean the surgical placement of the pump? Because there are multiple components.
Q. Yes.
A. Could you repeat the question now I understand the context?
Q. In your declarations, have you provided any exhibits describing the surgical placement of the VentrAssist pump?
MS. RAGHAVAN: Objection; form and outside the scope to the extent you're asking about previous declarations.
THE WITNESS: I don't believe so for this declaration, for this reply declaration, no.
BY MR. CAHILL:
Q. Okay. In this declaration, did you provide any exhibits that describe the inflow cannula of the VentrAssist pump?
MS. RAGHAVAN: Objection; form.
THE WITNESS: No.
BY MR. CAHILL:
Q. So in your reply declaration for the '356 patent, Exhibit Number 1042, could you turn to page 52?
A. I have that.
Q. Okay. So I want to ask you about the

three figures shown there and your annotations of it. You might want to flip back a page and look at Paragraph 96 first.
A. Yes. I've read Paragraph 96.
Q. Okay. So if we could look at those figures on page 52. You identify an inflow cannula. And on the two figures on the right, you identify what looks like a fitting on the top of the pump as the inflow cannula; is that correct?
A. The inflow cannula is attached at the end of that arrow on the top right illustration with a threaded element. That's where the inflow cannula attaches to the pump.
Q. Okay. And is it the same for the bottom figure?
A. Well, yes. The bottom figure is a kind of a pseudo x-ray illustration of what's inside it. But yes, that's the same location where the inflow cannula is attached.
(Exhibit 1036 was shown to the witness.)
BY MR. CAHILL:
Q. So Mr. Crosby, I have shared Exhibit Number 1036.
A. I have it up on the screen.

Q. Now, if you'd like to look, I believe you refer to this document in Paragraph 41 of your reply declaration.
A. I'm sorry. I need -- so you want me to look at Paragraph 41 of the --
Q. Yeah. Yeah, I don't want to -- I don't mean to take any of this out of context. You refer to this exhibit there, and you're welcome to look at it if you'd like.
A. Paragraph 41 of the '356 starts with, "For infringement, Miracor alleges that the 'Rotor' of," is that the one you're referring to?
Q. Yes, I am. And you can see there that cite to Exhibit 1036, which is the one we're looking at now.
A. Okay. But which page of Exhibit 1036? It's a large number of pages.
Q. Okay.
(Simultaneous speaking.)
THE WITNESS: Go ahead.
BY MR. CAHILL:
Q. There are a number of questions I'd like to ask you about this document, Exhibit 1036.
Have you reviewed the entire document of Exhibit 1036?

A. Yes. But I don't think I spent a lot of time reviewing it for generating my reply declaration.
Q. Okay. Could you turn to page 5 of Exhibit 1036.
A. Yes. I have page 5.
Q. Okay. On the left-hand side there is some patent claim language.
Do you see that?
A. Yes, I see that.
Q. Could you read that claim language into the record for us?
A. This is U.S. Patent Number 11,572,879 claim, quote, "a magnetically driven rotor axially aligned with the inflow axis and being rigidly coupled and axially adjacent to a first magnetic device that is axially aligned with the inflow axis."
Q. Okay. And in the figures in the box on the right-hand side, do you see that there's an identification of a magnetically driven rotor?
A. Yes, I see that.
Q. And the arrows for that magnetically driven rotor, those are pointed to guide surfaces that direct blood flow; is that right?

MS. RAGHAVAN: Objection; form.
THE WITNESS: Well, hold on. You asked me to look at the '356 reply declaration, but you're referring to a claim for a different patent. So I'm confused about which you want me.
BY MR. CAHILL:
Q. Okay. Well, sir, you're the one who cited it. In your '356 declaration you cite this document, and that's why I'm asking you about it.
A. That's exhibit -- which -- can you tell me where I cite that, please, and which page number just to remind me?
Q. It is Paragraph 41.
A. I think it cites to Exhibit 1040, and the exhibit you have up is 1036.
Q. Sir, right underneath the figure it's cited to Exhibit 10 --
A. 36.
Q. -- 36.
A. I see it. I beg your pardon.
And what's the 20? Is that page 20?
Q. You've cited to page 20, yes.
A. And you got my attention directed to page 5.
Q. Correct.

A. Okay. And what was the question on page 5?
Q. The question on page 5 is in the figures on the right, a magnetically driven rotor is identified.
A. Yes.
Q. And my question is, the arrows for the magnetically driven rotor, are those pointed to guide surfaces that are intended to move blood through the pump?
MS. RAGHAVAN: Objection; form.
THE WITNESS: Well, perhaps I should look at page 20 to see the illustration that's on page 20 since that's the one I actually refer to.
BY MR. CAHILL:
Q. Well, sir, I'm asking you specifically about this illustration on page 5.
Are you going to answer my question?
MS. RAGHAVAN: Object to form.
THE WITNESS: I'm trying to understand. You refer to a reference in my report, then you're asking me a question about a different page in the same reference.
BY MR. CAHILL:
Q. That's right.

A. I beg your pardon?
Q. That's right, sir. In a deposition I get to ask the questions, and I'm asking you a question about page 5.
A. I don't think it referred to page 5. So if you're asking me to come up with an opinion now, I can do that.
If your question is does the arrow point to the impeller part of the magnetically driven rotor in that illustration, then the answer is yes. But that's not the illustration referred to in my report.
Q. Understood.
And it also identifies a first magnetic device, correct?
A. Go back to your page 5 again. You know, it's harder on the screen, but I'm doing my best.
So page 5, it identified a magnetically driven rotor and a first magnetic device, yes.
Q. And the first magnetic device is identified as a magnet that's above the magnetically driven rotor; is that correct?
MS. RAGHAVAN: Objection; form.

THE WITNESS: You mean above on the page?
MR. CAHILL: Yes.
THE WITNESS: I'm trying to understand.
MR. CAHILL: Correct. Above on the page.
MS. RAGHAVAN: Same objection.
THE WITNESS: I think the first magnetic device in that illustration is referred to as the magnets which are embedded in the entire rotor, which includes the impeller, which is underneath the rotor of the direction we're talking about. Excuse me, underneath the magnet.
BY MR. CAHILL:
Q. Okay. So the first magnetic device is above what's identified as the magnetically driven rotor; is that right?
MS. RAGHAVAN: Objection; form.
THE WITNESS: Well, I'm not sure about that because there are other parts of this document and other parts which talk about the magnetically driven rotor is the entire thing that rotates, including the impeller. So it talks about magnetically driven rotor with an arrow to one part

of it. It's not clear if the arrow refers only to that part of it. If it was only that part I would have expected some sort of box around it, but there's nothing. So I could interpret that as saying the arrow which identifies the magnetically driven rotor is that entire thing. It's not clear to me what you're trying to say.
BY MR. CAHILL:
Q. I'm saying the arrows point to what they point to.
The magnetically driven rotor arrow points to the impeller at the bottom, correct?
MS. RAGHAVAN: Objection; form.
THE WITNESS: Well, the tip of the arrow is on the impeller at the bottom, which is part of the entire magnetically driven rotor according to patent owners' contentions, in my understanding.
BY MR. CAHILL:
Q. Okay. And the first magnetic device points to a magnet that's above the impeller, correct?
MS. RAGHAVAN: Objection; form.
THE WITNESS: The arrow at the end of the label first magnetic device points to the

magnet part which is inside the entire magnetically driven rotor, which is above in the direction we're talking about, yes.
BY MR. CAHILL:
Q. Okay. Will you turn to page 6.
A. Of?
Q. Of Exhibit 1036.
A. I have this.
Q. And again, there's a figure here that identifies a first magnetic device and a magnetically driven rotor.
Do you see that?
A. I do.
Q. And again, the arrow for the magnetically driven rotor points to the impeller at the bottom. Do you see that?
MS. RAGHAVAN: Objection; form.
THE WITNESS: The arrow -- the end of the arrow for the text box magnetically driven rotor is on the impeller part of the entire magnetically driven rotor, which is one unitary object.
BY MR. CAHILL:
Q. And the first magnetic device points to a magnet that is above the impeller; is that

right?
MS. RAGHAVAN: Objection; form.
THE WITNESS: The end of that arrow points to a magnet which was embedded inside the magnetically driven rotor, that's correct.
BY MR. CAHILL:
Q. And could we turn to page 7 of Exhibit 1036.
A. I have page 7.
Q. And there's another figure here that identifies the magnetically driven rotor and the first magnetic device; is that correct?
A. It's the same -- looks like the same illustration we were looking at before where the end of the arrow referring to the magnetically driven rotor is on the impeller part, and the end of the arrow labeled first magnetic device is on the magnet which is embedded inside the entire magnetically driven rotor.
Q. Okay. And can we turn to page 8 of Exhibit 1036.
A. I have page 8, yes.
Q. And do you see a figure there in which the magnetically driven rotor and the first magnetic device are identified?

A. I see again the end of the arrow for the box labeled magnetically driven rotor is on the impeller part, and the end of the arrow labeled first magnetic device is on the magnet embedded inside the magnetically driven rotor.
Q. Could we turn to page 11 of Exhibit 1036.
A. I have that.
Q. And do you see a figure there where the magnetically driven rotor is identified?
MS. RAGHAVAN: Objection; form and outside the scope of his declaration. I don't see this page cited in his declaration.
THE WITNESS: The text box magnetically driven rotor has the end of the arrow on the right-hand side pointing to the impeller part of the magnetically driven rotor, yes.
BY MR. CAHILL:
Q. Okay. Could we turn to page 12 of Exhibit 1036.
MS. RAGHAVAN: Same objection.
THE WITNESS: I have it.
BY MR. CAHILL:
Q. And do you see a figure there that identifies the magnetically driven rotor and the

first magnetic device?
A. Yes. Again, the arrow at the orange arrow from the text box magnetically driven rotor points to the impeller part of the entire magnetically driven rotor.
Q. Okay. Can we turn to page 16 of Exhibit 1036.
A. I see that.
Q. And do you see a figure there where it is identified a magnetically driven rotor with guide surface to produce centrifugal flow components?
A. I see that.
MS. RAGHAVAN: Objection; form, outside the scope.
THE WITNESS: I see that text box, yes.
BY MR. CAHILL:
Q. And does that point to the impeller portion of the rotor?
MS. RAGHAVAN: Same objection.
THE WITNESS: The end of the blue arrow is on the impeller part of the magnetically driven rotor, and that's what the text box says. The magnetically driven rotor with guide surfaces

to produce centrifugal flow.
BY MR. CAHILL:
Q. Could we turn to page 17 of Exhibit 1036?
A. I see that.
Q. And do you see there a figure where it has identified the magnetically driven rotor?
A. I see a text box that says magnetically driven rotor, and I see above that the text from the original illustration which says rotor magnet, which says that that's a magnet which is part of the rotor. So yes, the text box arrow points to the impeller part of the magnetically driven rotor.
Q. Okay. Could you turn to page 18 of Exhibit 1036.
A. I have it, yes.
Q. And do you see there elements identified as a magnetically driven rotor and a first magnetic device?
MS. RAGHAVAN: Objection; outside the scope.
THE WITNESS: I see a text box with a blue arrow, the arrow which is pointing to the impeller part of the magnetically driven rotor.

And I see another text box where the end of the blue arrow is pointing to the magnet which is embedded in the magnetically driven rotor.
BY MR. CAHILL:
Q. Can you turn to page 21 of Exhibit 1036.
A. Just going past page 20 which has also got an illustration which has a text box magnetically driven rotor which show the arrow points to the entire thing, by the way. But I'm on page 21 now.
Q. Thank you.
And do you see there identified a magnetically driven rotor within a first chamber?
A. I see that.
MS. RAGHAVAN: Objection; form, outside the scope.
THE WITNESS: I see the text box magnetically driven rotor within a first chamber, yes.
BY MR. CAHILL:
Q. And what portion of the device does it identify or does it point to?
MS. RAGHAVAN: Objection to form.
THE WITNESS: Well, it's not clear

because the two halves are actually different. The left side of the illustration, the blue text box -- excuse me, the blue arrow from the text box with the text magnetically driven rotor within a first chamber points to the bottom of the impeller, whereas on the right-hand side the end of the blue arrow from the same text box appears to include the whole of the rotor. It's not clear that it's limited to just the impeller or it includes the whole thing. I think that picture is ambiguous.
BY MR. CAHILL:
Q. So do you not think that the blue arrow on the right that the point of that arrow is on the impeller portion?
MS. RAGHAVAN: Objection; form.
THE WITNESS: Well, in my view it's ambiguous.
BY MR. CAHILL:
Q. Okay. Is the point of the arrow in the impeller portion?
MS. RAGHAVAN: Objection; form.
THE WITNESS: Well, the point of the arrow appears to be in -- just in the impeller portion of the entire magnetically driven rotor. But I'll point you also to the text to the right

which is part of the original figure which says, quote, "rotor with internal magnet."
So the original figure talks about the rotor with an internal magnet, and the text box that we refer to appears to talk {ph} only part of that rotor with an internal magnet.
(Exhibit 1001 was shown to the witness.)
BY MR. CAHILL:
Q. Okay. Mr. Crosby, I've just introduced Exhibit 1001. And this is the '356 patent.
A. Yes, I have that up.
Q. So to start with, Mr. Crosby, could you confirm that the figure on the front face of the patent is figure number 2?
A. Yes. It appear -- yes, it's figure number 2.
Q. Okay. Could we turn to figure number 2.
A. I have it.
Q. So are you -- I know you've looked at this before, but I don't know how recently you've looked at it.
Are you familiar with the elements of

this figure?
A. With the what of the figure?
MS. RAGHAVAN: Objection; form.
MR. CAHILL: The elements.
MS. RAGHAVAN: Same objection.
THE WITNESS: In general, yes. I'd have to refer back to the text to remind myself of which number refers to which element. But in general, yes.
BY MR. CAHILL:
Q. Okay. And if you'd like, we could turn to the text. It's Column 4, the bottom paragraph introduces the elements of Figure 2.
A. Okay. I don't think I can get both the figure and the text up at once.
Q. Well, that's okay. I offer it in case you'd like to read through that paragraph before answering questions about the figure.
A. Okay. I understand.
Are you waiting on me?
Q. I am.
A. I'm sorry. I wasn't sure if there was a question pending.
Q. There isn't.
Have you read through that paragraph

regarding Figure 2?
A. I beg your pardon.
Yes, I have read through paragraph starting on line 47 on Column 4 of the patent, yes.
Q. Okay. Could we turn to Figure 2?
A. Yes, I have it up. I apologize. I was waiting on you and you were waiting on me.
Q. Okay. So do you understand Element 18 to be a rotor?
A. Element 18 is -- let me see what exactly what it defines it as.
It's called a rotor, yes.
Q. And Element 9 is a tube?
A. Yes. They label it as a tube, 9.
Q. And we don't see the entirety of tube 9 here, it's partially torn away; is that right?
A. No. We see the entirety of tube 9 on Figure 1.
Q. Right. But we're looking at Figure 2.
A. Yes.
Q. So it's partially torn away on Figure 2, isn't it?
A. That's correct.
Q. Okay. And this figure shows flow

lines 24?
A. Yes.
Q. Okay. And that would indicate the flow of blood through the pump; is that right?
A. Well, it is at best a fanciful representation of how the blood might flow.
Q. Okay. Do you understand the rotor 18 to have an axis of rotation?
A. I do.
Q. In the page of the figure, what direction would that axis run?
A. What direction would the what, sorry?
Q. The axis of rotation of the rotor.
A. In Figure 2 it runs vertically from the center of the axis of tube 9 down through the center of the axis of the second tube.
Q. Okay. So straight up and down?
A. In that part, yes.
Q. Okay. In the portion of tube 9 that we see, does that also run straight up and down?
A. Well, as you point out, this is tube 9 cut off in a small section here. So this sketch shows tube 9 running straight up and down in this illustration. The flow arrows that you referred to before, 24, don't get anywhere near the rotor when

obviously that's wrong if the rotor is providing the acceleration of the blood then it had to go through the rotor. That's why I say it's kind of a cartoon representation of the general direction of flow.
Q. Okay. So the rotor 18 and the tube 9 for the portion that we see in Figure 2, are they axially aligned?
MS. RAGHAVAN: Objection; form.
THE WITNESS: What definition -- in order for me to answer that question I need to understand what definition you are using for the term "axially aligned".
BY MR. CAHILL:
Q. I'm using the ordinary meaning of those terms.
They're just English words, aren't they?
MS. RAGHAVAN: Objection; form.
THE WITNESS: I don't think I provide an opinion on the ordinary meaning of the terms axially aligned. I think I relied on the institution decision on how that term is to be used. And I think my reply reports refer to the way Mr. Leschinsky uses the term "axially aligned".

I don't think I've offered my own opinion on what those terms mean.
BY MR. CAHILL:
Q. Okay. So as you sit here today, you have no opinion on what "axially aligned" means in the context of the '356 patent; is that right?
MS. RAGHAVAN: Objection; form.
THE WITNESS: That wasn't part of my assignment to come up with definitions of what the terms mean. My assignment was to apply the definitions of the board {ph} used in their institutional decision and then consider the opinions that Mr. Leschinsky provided on those terms and discuss it in that context.
I haven't given any thought into what that term might mean. I guess I could come back in a week.
BY MR. CAHILL:
Q. Okay. Mr. Crosby, are you familiar with the structure of the HeartWare HVAD pump?
A. In general terms, yes.
(Exhibit 2003 was shown to the witness.)
BY MR. CAHILL:
Q. Okay. I've just introduced

Exhibit Number 2003.
A. I have it here, yes.
Q. And have you seen this document before?
A. Do I cite it as one of the exhibits in any of my reports? If I have, then yes, I have.
Q. Let's see. So I don't think you cite it in your reply declaration. It was cited by Mr. Leschinsky in his declaration.
A. I recall reviewing this briefly, yes.
MS. RAGHAVAN: I'm going to object to this line of questioning as outside the scope. If it's not citing his declaration he's not -- he's not here to opine on things that are outside his reply declaration.
MR. CAHILL: And everything that I am introducing today relates directly to his opinions. It is a proper cross-examination certainly for impeachment purposes, but also simply to understand what his opinions are. He has --
(Simultaneous speaking.)
MS. RAGHAVAN: If you're able to tie it to his declaration, then I can assess that -- assess whether it's part of the scope. But right now you're just introducing a document that's

nowhere cited in his declaration. We have no idea where you're going with it. So I'm going to object to the line of questioning as it stands.
MR. CAHILL: Okay. He does express opinions in his reply report about the HeartWare HVAD pump.
MS. RAGHAVAN: And you can ask about those opinions as they appear in his declaration, not about random documents that don't appear in his declaration.
MR. CAHILL: It's hardly a random document if it's been --
(Simultaneous speaking.)
MS. RAGHAVAN: If you want to tie it to his declaration I'm more than happy for you to ask him questions about it.
MR. CAHILL: Okay. Well, I'm going to ask my questions.
BY MR. CAHILL:
Q. So Mr. Crosby, I believe you said you have some familiarity with the structure of the HeartWare HVAD pump; is that right?
A. That's what I said, yes.
Q. Could you turn to page -- in the PDF it's page 6 of 8 in Exhibit 2003.

A. I have that page, yes.
Q. And there are two figures at the top. They're labeled A and B.
Do you see those?
A. I see them.
Q. Are those figures consistent with your understanding of the structure of the HeartWare HVAD pump?
A. Look, you're presenting me a document I haven't looked at in detail and for a long time, if at all. It may be part of my library of documents. I may have read it in considering the declaration of Mr. Leschinsky. But I certainly did not review this in preparation for this deposition, so I don't feel comfortable providing any views on this document at this time.
Q. But my question for you isn't an opinion about the document, it's about your understanding of the structure of the HeartWare HVAD device. And there are two figures here.
And are you able to answer the question, are these figures consistent with your understanding of the structure of that device?
MS. RAGHAVAN: Objection; form.
THE WITNESS: I might be able to

answer the question better if you talked about which specific elements of the structure you're referring to. I mean, this is an entire pump and an illustration of part of the pump and cross-section. So I'm not sure which part of the structure you're referring to.
BY MR. CAHILL:
Q. Well, Figure A on the left is an exterior view of a HeartWare pump, isn't it?
MS. RAGHAVAN: Objection; form.
THE WITNESS: I don't know if that's a photograph, or an engineering drawing, or an illustration. I don't know what you mean by that's an exterior view. And if it is an exterior view, for example, a photograph, it's an exterior view from one side of one angle. It's very difficult for anyone to opine or give even any thought about the structure of an object if you only see it from one side. I'm not sure I can answer your question.
BY MR. CAHILL:
Q. If you look at the figure on the right labeled B, and do you see that that figure shows some of the interior of the pump?
A. Well, I think any way to really give an answer to your question is to read the text

which describes that figure in the paper. If I can do that I might be able to answer your question a bit better. But just looking at an illustration in a paper without also understanding how it's referred to in the text, it's -- I'm sorry, it's difficult to answer your question.

Q. Do you know what the structure of the impeller in the HeartWare HVAD device is?

MS. RAGHAVAN: Objection; form.

THE WITNESS: I'm not sure what you mean by the word "structure." Are you asking, for example, what's the engineering equations of the curve of the volumes. Are you asking what the materials are. Are you asking how it's machined.

For an engineer who has worked many years on design of these devices, I'm sorry, it's a question I can't ascribe meaning to.

BY MR. CAHILL:

Q. What does it look like?

MS. RAGHAVAN: Objection; form.

THE WITNESS: What does what look like? The impeller; is that what you're asking?

MR. CAHILL: Yes.

MS. RAGHAVAN: Same objection.

THE WITNESS: I don't have one in

front of me. It's a while since I've held one in my hands. I wouldn't feel confident answering that question without more data. And I'm not here as an expert on the HVAD pump. You need to talk with someone who has worked with that pump.

BY MR. CAHILL:

Q. You did express views about the HVAD pump though, didn't you?

A. I did express views about the HVAD pump, but I don't think I expressed a view which would directly answer your question what does the impeller look like unless you can point to it somewhere in my report where I expressed that view. I'd be happy to review it.

Q. When you prepared your reply declaration, did you have an understanding of what the rotor in the HeartWare HVAD pump looked like?

MS. RAGHAVAN: Objection; form.

THE WITNESS: I reviewed the documents which are listed as exhibits in my reply declaration, and I relied on those exhibits to form my opinions. If you can point to one of those exhibits which might answer your question, then I can look at that exhibit.

BY MR. CAHILL:

Q. So I believe you cite to two exhibits apart from citing to the Leschinsky declaration. Let me pull them up.

(Exhibits 1014 and 1044 were shown to the witness.)

BY MR. CAHILL:

Q. Okay. So I've introduced Exhibits 1015 and 1044, which I believe are the two exhibits that you cite.

A. Which one would you like me to pull up? I can only do one at a time, I think.

Q. How about 1015.

A. Okay. Pulling up 1015. I have that.

Q. Okay. So this is one of the two exhibits that you cited in your declarations regarding the HVAD pump.

So my question is at the time you prepared your reply declaration, did you have an understanding of what the rotor in the HeartWare HVAD pump looked like?

A. Can you please point out where I cite this exhibit in my reply declaration because I need to have the context of why I cited this so that I know what I relied on in this.

Q. Mr. Crosby, have you ever had an

understanding of what the rotor in the HeartWare HVAD pump looked like?

A. Have I ever had an understanding, well, yes. I've attended many conferences and met with many people and read many papers. When I was working in the left ventricular assist device industry for many years, I've held them in my hands, yes. I was very familiar with them when I worked in this industry about almost 20 years ago.

Q. Okay. But you can't describe what the impeller looks like today?

MS. RAGHAVAN: Objection; form.

THE WITNESS: Well, that's a different question.

I wasn't -- in preparation for this deposition, I didn't spend time looking over what the HeartWare HVAD looks like so I could be prepared to answer these questions. I could, given time, go through my literature and maybe even -- I'm sure I don't have any notes, but maybe from my recollections from about 20 years ago and form an opinion. But I certainly didn't do that in preparation for this deposition.

MR. CAHILL: I'm going to introduce a new exhibit, number 2023.

(Exhibit 2023 was marked for identification and shown to the witness.)
BY MR. CAHILL:
Q. I'm just going to see if I can jog your memory a little bit.
MS. RAGHAVAN: I'm going to object to your questions about this exhibit as outside the scope.
THE WITNESS: I don't see it yet.
MR. CAHILL: Okay. Let me try to do this. Okay. It should be there now.
THE WITNESS: 2023. I see it.
BY MR. CAHILL:
Q. Okay. So just looking at the front page of this, have you ever seen -- this is labeled, by the way, it's Exhibit 2023, its title is HeartWare HVAD System Instructions for Use.
Have you ever seen HeartWare HVAD Instructions for Use before?
A. It depends on the date.
What is the date of this document, and then I might be able to.
Q. So this document I think is copyrighted in 2018.
A. Well, if it's copyrighted in 2018,

no, I would not have seen this document. I stopped working on the LVAD industry in about 2009.
Q. Is this a depiction of the HeartWare HVAD system on the front page of this document?
MS. RAGHAVAN: Objection; form, outside the scope.
THE WITNESS: Well, if this is the instructions for use for 2018, I can't say with certainty if this is the same HeartWare HVAD that was in use prior to 2009 because like all medical devices, they go through multiple revisions over time. So I don't think that I can answer that question sitting here today looking at a 2018 document if this is the same as the HVAD system that I would have seen prior to 2009.
BY MR. CAHILL:
Q. You wouldn't be able to tell by looking at it if it was the same one you saw before 2009?
MS. RAGHAVAN: Objection; form.
THE WITNESS: You put up this document which I don't think I've seen before with a picture of a version of the HeartWare HVAD pump. I don't know if this is the same as the pump that I would have seen prior to 2009. The question is

unanswerable.
It's like if you show me a picture of a Ford F-150 from 2026 and say is this the same as a Ford F-150 from 2005 that you drove, well, it might look the same, but they're not the same.
BY MR. CAHILL:
Q. Well, you might be able to answer from your memory of an earlier Ford F-150 that you drove, couldn't you?
MS. RAGHAVAN: Objection; form and completely outside the scope.
MR. CAHILL: I will agree that Mr. Crosby's reply declaration expresses no opinions about Ford F-150s.
MS. RAGHAVAN: We can agree on one thing today.
BY MR. CAHILL:
Q. So Mr. Crosby, then, is it your view that the documentation after 2009 is not reliable for determining what documentation on the HeartWare HVAD after 2009 is not a reliable indication of what the clinically implanted pump for the HeartWare HVAD looked like before 2009?
MS. RAGHAVAN: Objection; form, outside the scope, mischaracterizes his testimony.

THE WITNESS: I think that mischaracterizes what I said. I said I could not answer the question based on a document from 2018. If you provide me documents from the contemporary period, and in particular from the priority date or before the priority date of the patents at issue then I might be able to answer the question.
BY MR. CAHILL:
Q. But if I provided you with a document from 2013, would it be your position that you wouldn't be able to tell what that -- okay.
So if I provide you with a document from 2013 that shows the structure of a HeartWare HVAD system, would it be your opinion that that wouldn't tell you anything about the HeartWare HVAD system that was clinically implanted prior to 2009?
MS. RAGHAVAN: Objection; form, outside the scope, mischaracterizes his testimony, and now poses incomplete hypotheticals.
THE WITNESS: I don't think the question is answerable. If you as you suggest to provide me a drawing of the HVAD from 2013, I ask if it was the same one that was available in say 2006, I would need additional information to answer that question. Like a representation that there

were no changes made between 2006 and 2013, or if there were changes made here is the list of what they were, or, you know, this is the device that was approved by the FDA in 2000 whenever it was and no changes have been made since. The question is not answerable just looking at a photograph without additional information.

BY MR. CAHILL:

Q. Is it the case that you don't know what changes may or may not have been made to the HeartWare HVAD system over time between 2006 and say 2013?

MS. RAGHAVAN: Objection; form, outside the scope.

THE WITNESS: I wasn't part of {ph} HeartWare. I wasn't part of the engineering team. I wasn't following the company in the 2013 timeframe. I have no knowledge of what changes were made or not made in that time period you referred to in your question.

BY MR. CAHILL:

Q. Okay. So for the HeartWare HVAD system that was clinically implanted prior to the priority date, do you today recall what the rotor in that pump looked like?

MS. RAGHAVAN: Objection; form.

THE WITNESS: I think that's the same question you were asking before. I didn't prepare for that question in this deposition. Of course I was familiar with the HeartWare device at that time. I would have to refer to documents and publications contemporaneous with that time to be able to answer the question. I'm certainly not going to sit here and either speculate or go into the depths of my memory from 20 years ago and come up with an answer.

BY MR. CAHILL:

Q. Could you go back to your reply declaration, Exhibit 1042, and could you take a look through the exhibit list and tell me if any of those exhibits would explain the structure of a HeartWare HVAD pump before 2009?

MS. RAGHAVAN: Objection to form.

THE WITNESS: And you're referring -- apologize. Say it again.

I think you're referring to reply declaration for the '356 patent; is that correct?

MR. CAHILL: Correct.

THE WITNESS: Okay. And you want me to go through the exhibit list and see if I recall

that any of these might describe the HeartWare HVAD structure, is that what you're asking?

MR. CAHILL: Yes.

THE WITNESS: Do I have the question correct? Okay. Hold on a moment, please.

I don't have the exhibits in front of me, but just looking from the titles, Exhibit 1046, may. I don't know, it may. Exhibit 1015 may. And again, I'd have to look at the exhibit to answer your question specifically, but these titles are suggestive that they could. They are the two documents that stand out as possibly answering your question.

(Exhibit 1008 was shown to the witness.)

BY MR. CAHILL:

Q. Mr. Crosby, I have introduced Exhibit Number 1008, and I think you'll recognize that as the Wampler reference?

A. Yeah, I have it up.

Q. Now, in your reply declaration you say that you relied on a single embodiment of Wampler.

Do you recall that?

A. Vaguely. Can you point out where

that is in my reply declaration, please, so I can refresh my memory?

Q. Sure. You might look at Paragraph 56.

A. Yes, I see that.

Q. So can we -- are you okay with referring to the "first embodiment" and the "second embodiment" in Wampler as you quote in Paragraph 56?

MS. RAGHAVAN: Objection; form.

THE WITNESS: I think in Paragraph 56 I refer to Mr. Leschinsky's description as the first and second embodiment. If you're asking it for the purposes of this question I'll take his definition, then that's fine.

BY MR. CAHILL:

Q. Okay. So could we look on the second page of the document, Figure 3. So this is Figure 3 of Wampler.

A. Yes, I have it.

Q. So would it be fair to call this a partial cross-sectional view?

A. Yes, that would be fair.

Q. Okay. And this is a view of the embodiment, Mr. Leschinsky's first embodiment, the

embodiment that you did not rely on; is that correct?
MS. RAGHAVAN: Objection; form.
THE WITNESS: Well, if it's part of Figures 1 to 8, which is the first embodiment, that's correct. I didn't -- well, rely on, I'm not sure I understand your question.
Will you repeat the question, please?
BY MR. CAHILL:
Q. Sure. I mean, you have a title in your reply declaration that said I relied on a single embodiment of Wampler.
And so that's why I'm asking you, this is the -- Figure 3 illustrates the embodiment that you did not rely on; is that right?
A. In the sense that it illustrates the embodiment that I did not rely on, that's correct.
Q. Okay. And could we go to Figure 13.
A. Yes, I have it.
Q. And would it be fair to call this a partial cross-sectional view in Figure 13?
A. Yes, that's fair.
Q. Okay. And does this illustrate the second embodiment termed by Mr. Leschinsky that you did rely on?

MS. RAGHAVAN: Objection; form.
THE WITNESS: It is one of the illustrations of the second embodiment, yes.
BY MR. CAHILL:
Q. Okay. The embodiment that you did rely on, right?
MS. RAGHAVAN: Objection; form.
THE WITNESS: Well, yes. As I said in my report, I relied on what the disclosure of a complete device depicted in Figures 11 to 14, and of course the text which describes it.
BY MR. CAHILL:
Q. So Mr. Crosby, you discuss in your reply report the DuraHeart.
Do you remember that?
A. I do recall it.
Can you point to where it is in my report to refresh my memory?
Q. Sure. You start to discuss it at Paragraph 99.
A. 91 did you say?
Q. 99.
A. Oh, 99. I beg your pardon.
Okay. Yes, I have that.
Q. Are you familiar with the structure

of the DuraHeart pump --
MS. RAGHAVAN: Objection; form.
THE WITNESS: I think I cited a number of references for the DuraHeart pump. And I certainly have familiarity with it as I -- when I was involved in the LVAD business myself and I was very familiar with it. It's a while since I've looked at it.
BY MR. CAHILL:
Q. Are you familiar with the manner of implantation of the DuraHeart pump that you describe in Paragraph 99?
A. Are you referring to a reference that I cite here?
Q. Well, I'm asking you are you familiar with how it was implanted?
A. I haven't seen an implant of a DuraHeart pump. I've seen implant of many other pump, but not that one. It is the device which has an inflow tube inserted into the apex of the left ventricular, which connects directly to the pump, then the outflow graft is routed, excuse me, towards the ascending aorta, and then the percutaneous lead is routed to a percutaneous plug or connecter in the abdomen, which then connects to

the battery pack and controller {ph} externally.
That's a general configuration.
(Exhibit 1046 was shown to the witness.)
BY MR. CAHILL:
Q. Okay. So I've introduced Exhibit 1046, which is the reference that you cite for the DuraHeart VAD.
A. I have it on the screen, yes.
Where do I cite this reference, please?
Q. Well, you cite it multiple times in Paragraph 99.
A. I'll check again. Okay.
Q. Now, if you turn to the fourth page of the PDF, page 4 of 15.
A. Yeah, I have that.
Q. Okay. So Figure 2B.
A. I have to expand it on the screen so I can see it. Give me a moment.
Yeah, I have it.
Q. So you reproduced Figure 2B in Paragraph 99. I'd like you to look at Figure 2A.
A. Figure?
Q. 2A right next to it.

So that is labeled as the Terumo DuraHeart, correct?
A. It is.
Q. And there's a generally cylindrical pump there?
A. I don't think I refer to this illustration in my report. What we're looking at is a -- it's one view of the pump, yes.
Q. So there are three elements extending out of the pump, are there not?
A. Well, sure. But again, as we talked about before, it's very difficult to look at an illustration on its own without referring to the text which describes the illustration in the paper itself. So you're asking me questions about an illustration without any context. In order for me to answer your questions, I need to consider the context of this.
Q. Okay. Well, there is no reference in the text to Figure 2 that I can tell. I stand corrected. On page 326 there's a reference to Figure 2, and it says what it says there.
A. Okay. So I've read it.
What was your question again, please?
Q. So could we go back to Figure 2A, and

there is a pump illustrated there, correct?
A. There appears to be, yes.
Q. And there are three elements extending out from the pump; is that right?
A. Appears to be, yes.
Q. So starting on the left, do you know what those three elements are, the left-most one?
A. Well --
(Simultaneous speaking.)
MS. RAGHAVAN: Object to form.
THE WITNESS: -- as you pointed out earlier -- sorry, Saranya.
MS. RAGHAVAN: Go ahead.
THE WITNESS: As I pointed out earlier, that -- as you pointed out earlier, that illustration is not described in the text, so it would be pure speculation for me to suggest what those elements were. The text does say that that was implanted in sheep and in humans, and I don't know if that is the device that was implanted in sheep and/or humans or if they were different. So I don't think that question is really answerable.
I didn't look at Figure 2A for the purposes of my report. I looked at Figure 2B, which illustrates the points I made in my report.

BY MR. CAHILL:
Q. So what it says in the text is Figure 2 shows the levitation and drive mechanisms of the Terumo DuraHeart system. The implantable DuraHeart system consists of a titanium pumping unit, a titanium inflow and outflow conduit, and a drive and a comp control consol.
So looking at Figure 2A, do you know which one is the titanium inflow?
A. I can't tell.
Q. It's not the one on the upper right?
A. It may be. It's not labeled as such.
Q. So are you able to identify in this figure -- let me put it this way.
So there is a titanium inflow and outflow. The two upper most elements extending from the pump, aren't those the inflow and outflow?
A. Well, they could be. They're not labeled as such, but they could be.
Q. How else would the blood enter or exit the pump?
A. How would what? Sorry.
Q. How else would the blood enter or exit the pump if those were not an inflow and outflow?

A. Obviously the blood enters the pump through an inflow cannula and exits the pump through an outflow cannula. I don't see an illustration of the whole pump, I see one view. So it's -- I can't tell which of those two devices is the inflow and the outflow. I could speculate. I'm not really here to speculate.
And as I mentioned before, I don't know if that's the configuration of the pump that was used for animal studies or for human implantation.
Q. So of the two elements extending from the top of the pump in Figure 2A, is one of those the inflow and one of them the outflow?
MS. RAGHAVAN: Objection; form.
THE WITNESS: Most likely, yes. We know from other publications referenced in my report that there are -- that show the configuration of the pump implanted in a human. I refer to that in my report.
MR. CAHILL: Could we take a break?
MS. RAGHAVAN: Sure.
MR. CAHILL: Ten minutes.
We may be close to done.
MS. RAGHAVAN: Okay. All right.

Let's say ten minutes then.
THE WITNESS: Okay. See you in ten.
THE COURT REPORTER: We are off the record.
(Thereupon, a break was taken, and then the proceedings continued as follows:)
THE COURT REPORTER: We are back on the record.
MR. CAHILL: Thank you, Mr. Crosby. I have no further questions at this point.
THE WITNESS: Thank you.
MS. RAGHAVAN: Thank you, Mr. Crosby. No further questions from Abbott.
THE COURT REPORTER: Okay. We are off the record.
(Whereupon, the remote deposition was terminated at 10:46 a.m.)

(The Court Reporter received the following orders:
MR. CAHILL: Original & 1 copy w/exhibits, expedite 5 days.
MS. RAGHAVAN: 1 copy w/exhibits, remote realtime, rough draft copy, read & sign transcript, expedite 5 days.)

STATE OF ILLINOIS:
CERTIFICATE
COUNTY OF COOK:

BE IT KNOW, that I, Brandi N. Bigalke, RPR, RSA, CSR, Stenographic Court Reporter, do hereby certify that the foregoing transcript of PETER CROSBY, in the matter of ABBOTT LABORATORIES versus MIRACOR MEDICAL SA is true, correct and accurate;

That said transcript was prepared under my direction and control from my stenographic shorthand notes taken on the 8th day of January, 2026;

That I am not related to any of the parties in this matter, nor am I interested in the outcome of this action;

That the cost of the original has been charged to the noticing party, and that all parties who ordered copies have been charged at the same rate for such copies;

WITNESS MY HAND AND SEAL this 14th of January, 2026.

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January 15, 2026

To: Saranya Raghavan, Esq.

Case Name: Abbott Laboratories v. Miracor Medical SA

Veritext Reference Number: 7828044

Witness: Peter Crosby Deposition Date: 1/8/2026

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,
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NO NOTARY REQUIRED IN CA

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 7828044
CASE NAME: Abbott Laboratories v. Miracor Medical SA
DATE OF DEPOSITION: 1/8/2026
WITNESS' NAME: Peter Crosby
In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.
I have made no changes to the testimony as transcribed by the court reporter.

_____ _____
Date Peter Crosby
Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn Statement; and
Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

this _____ day of_____, 20____.

_____
Notary Public
_____
Commission Expiration Date