

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3

4 IMPERATIVE CARE, INC.,)
5)
6 Petitioner,)
7)
8 vs.) Case No. IPR2025-00156
9)
10 INARI MEDICAL, INC.,) Patent No. 11,697,012
11)
12 Patent Owner.)
13 _____)
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VIDEOTAPED DEPOSITION OF
TROY L. THORNTON
SAN FRANCISCO, CALIFORNIA
THURSDAY, NOVEMBER 20, 2025

Reported Stenographically By:
Cody Knacke, RDR, CSR No. 13691
Job No.: 608049
Pages: 1 - 66

Transcript of Troy L. Thornton
Conducted on November 20, 2025

2

1 VIDEOTAPED DEPOSITION OF TROY L. THORNTON,
2 taken before Cody Knacke, RDR, CSR No. 13691, a
3 Certified Shorthand Reporter for the State of
4 California, commencing on Thursday,
5 November 20, 2025, at 12:56 p.m., at 333 Bush
6 Street, 21st Floor, San Francisco, California.
7

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25

I - N - D - E - X

EXAMINATION BY:	PAGE
BY MR. HAMILTON	5

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MARKED	DESCRIPTION	PAGE
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PREVIOUSLY MARKED EXHIBITS

MARKED	DESCRIPTION	PAGE
Exhibit 1001	U.S. Patent No. 11,697,012	56
Exhibit 1003	Declaration of Troy L. Thornton in Support of Inter Partes Review of U.S. Patent No. 11,697,012	9
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Transcript of Troy L. Thornton
Conducted on November 20, 2025

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1	SAN FRANCISCO, CALIFORNIA	
2	THURSDAY, NOVEMBER 20, 2025	
3	12:56 P.M.	
4	THE VIDEOGRAPHER: Here begins Media	12:56:20
5	Number 1 in the videotaped deposition of	12:56:21
6	Troy Thornton in the matter of Imperative Care, Inc.	12:56:23
7	versus Inari Medical, Inc., in the United States	12:56:26
8	Patent and Trademark Office, Case Number	12:56:32
9	IPR2025-00156.	12:56:38
10	Today's date is November 20, 2025, and the	12:56:42
11	time on the monitor is 12:56 p.m.	12:56:44
12	The videographer today is Tomas Reyes	12:56:48
13	representing Planet Depos, and this video deposition	12:56:50
14	is taking place at 333 Bush Street, 21st Floor,	12:56:54
15	San Francisco, California.	12:56:59
16	Would counsel please voice identify	12:57:00
17	themselves and state whom they represent, starting	12:57:02
18	with the plaintiff.	12:57:04
19	MR. STOWELL: Joshua Stowell of	12:57:04
20	Knobbe Martens on behalf of the petitioner and the	12:57:09
21	witness.	12:57:10
22	MR. HAMILTON: Joseph Hamilton of	12:57:11
23	Perkins Coie on behalf of the patent owner.	12:57:13
24	THE VIDEOGRAPHER: The court reporter today	12:57:19
25	is Cody Knacke, representing Planet Depos.	12:57:20

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1	And the witness will now be sworn.	12:57:24
2	THE STENOGRAPHER: This is Cody Knacke,	
3	CSR 13691. This deposition is being recorded	
4	stenographically.	
5	TROY THORNTON,	
6	called as a witness, having been first duly sworn,	
7	testified as follows:	
8	EXAMINATION	
9	BY MR. HAMILTON:	
10	Q. Mr. Thornton, welcome back. Thank you for	12:57:43
11	appearing today.	12:57:45
12	I know we've done this a few times. I'm	12:57:45
13	just going to go briefly over some of the ground	12:57:48
14	rules to refresh your memory.	12:57:50
15	So you understand you're under oath?	12:57:51
16	A. Yes.	12:57:53
17	Q. Is there any reason you can't give your	12:57:53
18	full, complete, and truthful testimony today?	12:57:58
19	A. No.	12:58:00
20	Q. Are you on any medications that might	12:58:00
21	prevent you from giving your full, complete, and	12:58:04
22	truthful testimony today?	12:58:06
23	A. No.	12:58:07
24	Q. If at any time you don't understand a	12:58:08
25	question, please ask for clarification. If you	12:58:14

1	don't, we're going to assume that you understand the	12:58:15
2	yes.	12:58:17
3	Is that fair?	12:58:17
4	A. Yes.	12:58:18
5	Q. I also ask that we don't speak over each	12:58:18
6	other. I'll try not to speak when you're answering	12:58:22
7	a question. If you could do the same while I'm	12:58:24
8	asking a question. And then also give an audible	12:58:26
9	answer, not a head nod. So a "yes" or a "no."	12:58:29
10	Is that fair?	12:58:40
11	A. Yes.	12:58:40
12	Q. I also ask that we -- you can take a break	12:58:41
13	any time you want, but as long as we don't do it	12:58:48
14	while a question's pending.	12:58:50
15	Okay?	12:58:51
16	A. Yes.	12:58:51
17	Q. Did you do any prep for your deposition	12:58:52
18	today?	12:58:54
19	A. Yes.	12:58:54
20	Q. What did you do?	12:58:57
21	A. Reviewed a number of documents. Met with	12:58:58
22	counsel yesterday.	12:59:02
23	Q. How long did you meet with counsel?	12:59:05
24	A. Around two hours.	12:59:07
25	Q. And by counsel do you mean Mr. Stowell	12:59:10

Transcript of Troy L. Thornton
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1	sitting next to you?	12:59:17
2	A. Yes.	12:59:18
3	Q. Was anybody else present?	12:59:19
4	A. No.	12:59:21
5	Q. Have you spoken with anybody else in	12:59:21
6	preparation for your deposition here today?	12:59:23
7	A. No.	12:59:24
8	Q. What documents did you review?	12:59:24
9	A. Several. Several documents that are listed	12:59:27
10	in the supplemental declaration.	12:59:44
11	Q. Do you recall reviewing any documents that	12:59:48
12	aren't listed in the supplemental declaration?	12:59:51
13	A. I need to look at that list of the exhibits	12:59:53
14	in the supplemental declaration.	01:00:02
15	Q. So as you sit here you don't recall	01:00:04
16	reviewing any?	01:00:06
17	A. I don't believe I reviewed anything that	01:00:06
18	wasn't listed there. No.	01:00:08
19	Q. Then I just want to be clear for the	01:00:11
20	record.	01:00:14
21	So I'm going to hand you what's been	01:00:15
22	previously marked as Exhibit 1020.	01:00:16
23	(Exhibit 1020 was previously marked by the	01:00:16
24	Certified Shorthand Reporter, and a copy is	01:00:16
25	attached hereto.)	01:00:29

Transcript of Troy L. Thornton
Conducted on November 20, 2025

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1	BY MR. HAMILTON:	01:00:29
2	Q. Is this the supplemental declaration that	01:00:30
3	you just referred to?	01:00:31
4	A. Yes.	01:00:32
5	Q. I'm going to hand you another document.	01:00:32
6	This document's been previously marked as	01:01:00
7	Exhibit 10 --	01:01:03
8	Yes?	01:01:04
9	A. Just to add to my last answer, after	01:01:04
10	looking at the exhibits, I did review the transcript	01:01:06
11	from the last deposition related to the '012	01:01:08
12	supplemental -- or '011 supplemental, I guess it	01:01:16
13	would have been.	01:01:20
14	Q. When you say transcript, you mean	01:01:20
15	transcript of your deposition?	01:01:23
16	A. My own deposition, yes.	01:01:24
17	Q. And when did you review that document?	01:01:26
18	A. This morning.	01:01:35
19	Q. Prior to this morning, had you seen that	01:01:36
20	document before?	01:01:40
21	A. I believe so.	01:01:40
22	Q. I'm going to hand you what was previously	01:01:53
23	marked as Exhibit 1003 in this matter.	01:01:55
24	///	
25	///	

1	(Exhibit 1003 was previously marked by the	01:01:55
2	Certified Shorthand Reporter, and a copy is	01:01:55
3	attached hereto.)	01:02:04
4	BY MR. HAMILTON:	01:02:04
5	Q. Do you recognize Exhibit 1003?	01:02:06
6	A. Yes.	01:02:07
7	Q. What's 1003?	01:02:07
8	A. It's a declaration of Troy Thornton in	01:02:12
9	Support of Petitioner for Inter Partes Review of	01:02:14
10	US Patent Number 11,697,012.	01:02:18
11	Q. And is this your declaration submitted in	01:02:20
12	association with this matter?	01:02:25
13	MR. STOWELL: Objection. Vague.	01:02:26
14	THE WITNESS: This was my declaration	01:02:34
15	submitted as of November 8, 2024.	01:02:35
16	BY MR. HAMILTON:	01:02:41
17	Q. Have you done any other declarations	01:02:41
18	related -- excuse me -- withdraw that question.	01:02:45
19	Have you prepared any other declarations --	01:02:49
20	I withdraw the question.	01:03:01
21	When did you last review this Exhibit 1003?	01:03:03
22	A. I looked at parts of it yesterday in	01:03:17
23	preparation for this deposition.	01:03:22
24	Q. Did any portion of this document refresh	01:03:23
25	your recollection as to the matters of this case?	01:03:35

Transcript of Troy L. Thornton
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1	A.	I'm not sure I understand the question.	01:03:37
2	Q.	You said you reviewed this document	01:03:42
3		yesterday, is that correct, Exhibit 1003?	01:03:46
4	MR. STOWELL:	Objection. Misstates	01:03:50
5		testimony.	01:03:52
6	THE WITNESS:	I've read some portions of	01:03:52
7		the document yesterday.	01:03:56
8	BY MR. HAMILTON:		01:03:57
9	Q.	And did your review of any portions of the	01:03:57
10		document refresh your recollection about any matter	01:04:00
11		in this -- any issue in this case?	01:04:02
12	MR. STOWELL:	Objection. Vague.	01:04:04
13	THE WITNESS:	Well, they're very	01:04:05
14		interrelated, so they cross-reference back and	01:04:18
15		forth. I was cross-referencing back and forth a few	01:04:20
16		things.	01:04:23
17	BY MR. HAMILTON:		01:04:23
18	Q.	If you could turn to page 2 of	01:04:27
19		Exhibit 1003. Let me know when you're there.	01:04:39
20	A.	Yes.	01:04:50
21	Q.	So under the heading on page 2 it says	01:04:50
22		"Experience and Qualifications," and that goes on	01:04:55
23		through paragraph 14 on page 4; is that correct?	01:04:58
24	A.	Yes.	01:05:05
25	Q.	Do you have any additional experience not	01:05:06

1	included in this paragraphs 5 to 14 related to	01:05:09
2	hemostasis valves that's not listed here?	01:05:16
3	MR. STOWELL: Objection. Vague.	01:05:19
4	THE WITNESS: Can you repeat the question.	01:05:34
5	BY MR. HAMILTON:	01:05:37
6	Q. Is there anything you want to add to your	01:05:37
7	experience between paragraphs 5 to 14 related to	01:05:39
8	hemostasis valves?	01:05:41
9	MR. STOWELL: Objection. Vague.	01:05:42
10	THE WITNESS: No.	01:05:44
11	BY MR. HAMILTON:	01:05:45
12	Q. If you look at paragraph 14, paragraph 14	01:05:45
13	says you have more than 35 years of experience, and	01:06:06
14	it lists several categories.	01:06:08
15	You see that?	01:06:09
16	A. Yes.	01:06:10
17	Q. In those categories what I don't see is the	01:06:10
18	word "hemostasis valve."	01:06:16
19	Would you consider your 35 years of	01:06:19
20	experience in these categories listed in this first	01:06:22
21	sentence of paragraph 14 to include experience in	01:06:26
22	hemostasis valves?	01:06:28
23	A. The second sentence says: "I'm very	01:06:30
24	familiar with the concepts of catheters, catheter	01:06:34
25	systems, and hemostasis valves."	01:06:36

1 Q. Other than this 35 years of experience
2 reference in paragraph 14, do you have any other
3 experience with hemostasis valves?

4 MR. STOWELL: Objection. Vague.

5 THE WITNESS: During the 35 years I've
6 worked with several hemostasis valves on several
7 different catheters.

8 BY MR. HAMILTON:

9 Q. So over the course of 35 years, you said
10 you've worked with several hemostasis valves on
11 several different catheters.

12 Do you know about how many hemostasis
13 valves?

14 A. Just on my last project, a MitraClip
15 development project that was started in 2020 in
16 which I was the head of R&D for 12 years, that
17 product had at least three hemostasis valves built
18 in to that catheter system.

19 Q. Okay. So we've -- you've identified three
20 in your 35 years of experience.

21 How many others?

22 A. So Advanced Cardiovascular Systems, as I
23 talk about in paragraph 11, I didn't develop any
24 hemostatic -- hemostatic valves there, but we used
25 those regularly in clinical use and testing.

1 Prior to that in '95 to 2000 when I was at 01:09:15
2 Prograft Medical, we did develop -- had a 01:09:21
3 custom-made introducer sheathe, which had a custom 01:09:28
4 hemostatic valve as part of that development 01:09:31
5 project. 01:09:37

6 Q. Did that hemostatic valve you just 01:09:37
7 mentioned use a string, a wire, or some type of 01:09:40
8 flexible wire to constrict the lumen? 01:09:45

9 A. No. 01:09:48

10 Q. What caused the construction, or what 01:09:48
11 allowed that valve to seal? 01:09:53

12 A. It was a passive sealing valve that had a 01:10:01
13 silicone-type seal that had a slit and a circular 01:10:05
14 opening as part of the design. 01:10:13

15 Q. Have you ever encountered a valve in your 01:10:18
16 35 years of experience that employed a string, wire, 01:10:27
17 or other type of flexible member to constrict a 01:10:31
18 lumen? 01:10:39

19 A. At Evalve we did prototype a pinch-type 01:10:48
20 valve that was used to constrict a polymeric tube. 01:10:54
21 We didn't ever commercialize that option. That was 01:10:58
22 a side-pinch type valve on a single-lumen tube. 01:11:02

23 Q. Did that employ a string, wire, or other 01:11:10
24 flexible member to constrict the lumen? 01:11:13

25 A. No. 01:11:15

1 Q. So the question was, have you ever
2 encountered a valve in your 35 years of experience
3 that employed a string, wire, or other type of
4 flexible member to constrict the lumen? And you
5 gave me an example that didn't include that.

6 Do you have an example of any one you've
7 encountered that does include string, wire, or other
8 type of flexible member to constrict the lumen?

9 MR. STOWELL: Objection. Compound.

10 THE WITNESS: Not until this project
11 working with -- working as an expert witness here.

12 BY MR. HAMILTON:

13 Q. And when you say not until this project,
14 what valves have you encountered that use a string,
15 wire, or other type of flexible member to constrict
16 the lumen?

17 A. The valve described in '011 patents and
18 '0 -- other patents we've reviewed and referenced --
19 Hartley, Eller, et cetera.

20 Q. So '011, you're referring to Inari's
21 patents; is that right?

22 A. Yes.

23 Q. And have you ever reviewed an Inari device?

24 A. I have not seen one.

25 Q. Have you ever reviewed any device that

1 includes a string, wire, or other type of flexible
2 member to constrict a lumen?

3 MR. STOWELL: Objection. Vague.

4 THE WITNESS: I have not seen one.

5 BY MR. HAMILTON:

6 Q. So other than the prior art references you
7 just referred to, you have no experience with a
8 valve that includes a string, wire, or flexible
9 member to constrict a lumen; is that correct?

10 MR. STOWELL: Objection. Misstates
11 testimony.

12 THE WITNESS: I don't have experience
13 designing or implementing a valve with that
14 description that you provided.

15 BY MR. HAMILTON:

16 Q. Have you ever tested a valve with that
17 description?

18 A. Not with a flexible actuating member or
19 filament, no.

20 Q. In connection with this matter, have you
21 ever tested a valve with a flexible string, wire, or
22 other type of flexible member to constrict a lumen?

23 A. No.

24 Q. If you could pick up Exhibit 1020. This is
25 the supplemental declaration. And because these are

1 from different matters, I'm going to try to refer to 01:13:45
2 the actual exhibit number in this matter. 01:13:49

3 So when I refer to Exhibit 1020, you'll 01:13:54
4 understand what I'm referring to; correct? 01:13:57

5 A. Yes. 01:13:58

6 Q. All right. 01:13:58

7 If you could turn to paragraph 33. 01:14:00

8 A. Okay. 01:15:29

9 Q. Before I ask about that, I just wanted to 01:15:30
10 clarify for your -- the last topic. 01:15:34

11 So have you ever seen images of a valve 01:15:37
12 that includes a string, wire, or other type of 01:15:39
13 flexible member? 01:15:41

14 A. Yes. 01:15:43

15 Q. And let me clarify that question. 01:15:44

16 Images of an actual device, an actual valve 01:15:48
17 as opposed to, for example, the images in the 01:15:52
18 patents that includes a string, wire, or other type 01:15:55
19 of flexible member to constrict a lumen. 01:15:59

20 MR. STOWELL: Objection. Vague. Compound. 01:16:01

21 THE WITNESS: I do remember seeing images 01:16:09
22 from a -- I guess it was the court -- court filing, 01:16:11
23 district court filing, maybe. I can't remember what 01:16:18
24 document that was in. 01:16:27

25 ///

1 BY MR. HAMILTON:

01:16:29

2 Q. Do you recall if that was before or after
3 you rendered your -- we'll say you signed your first
4 declaration in this matter, Exhibit 1003?

01:16:30

01:16:31

01:16:35

5 A. I don't remember.

01:16:44

6 Q. Okay. Going back to paragraph 33 of
7 Exhibit 1020.

01:16:44

01:17:06

8 In the first sentence you refer to a highly
9 sticky or gelatinous material that would not work
10 well with Figures 31 through 34 of Schaffer.

01:17:10

01:17:15

01:17:18

11 Do you see that?

01:17:22

12 A. Yes.

01:17:23

13 Q. So what I want to clarify is, what is the
14 highly sticky or gelatinous material you're
15 referring to in that sentence?

01:17:23

01:17:30

01:17:35

16 A. It's how Schaffer describes those
17 materials. I need to look at the Schaffer reference
18 to clarify that.

01:17:36

01:17:39

01:17:41

19 Q. Let's do that.

01:17:43

20 I'm going to hand you what's been
21 previously marked Exhibit 1005.

01:18:03

01:18:05

22 (Exhibit 1005 was previously marked by the
23 Certified Shorthand Reporter, and a copy is
24 attached hereto.)

01:18:05

01:18:05

01:18:16

25 ///

1 BY MR. HAMILTON:

01:18:16

2 Q. Is this the Schaffer reference you've just
3 referred to?

01:18:16

01:18:18

4 A. Yes.

01:18:19

5 Q. And I'll give you Exhibit 1008 just in case
6 you need it.

01:18:20

01:18:23

7 (Exhibit 1008 was previously marked by the
8 Certified Shorthand Reporter, and a copy is
9 attached hereto.)

01:18:23

01:18:23

01:18:37

10 BY MR. HAMILTON:

01:18:37

11 Q. And then if you could turn to Exhibit 1005,
12 the Schaffer reference.

01:18:37

01:18:40

13 At paragraph 59 at about the middle of that
14 paragraph you can see the sentence: "This provides
15 a material 166 that is extremely soft and compliant
16 and intrinsically sticky."

01:18:42

01:18:50

01:18:54

01:18:57

17 Do you see that?

01:19:00

18 A. Yes.

01:19:00

19 Q. Is that the material you're referring to as
20 the sticky or gelatinous material in paragraph 33 of
21 your declaration, Exhibit 1020?

01:19:00

01:19:03

01:19:08

22 A. Yes. In paragraph 59 they give as examples
23 of another option, another option being in the range
24 between 15 and 20 Shore on the 00 scale. This
25 provides a material 166 that is extremely soft and

01:19:14

01:19:19

01:19:25

01:19:30

1 compliant and intrinsically sticky. 01:19:34

2 Q. Okay. So now looking back at your 01:19:42
3 declaration, paragraph 33, the highly sticky or 01:19:44
4 gelatinous material referenced in paragraph 33, that 01:19:49
5 would not work well with the seal modules disclosed 01:19:52
6 in Figures 31 through 34, that material 166 we just 01:19:54
7 identified in Schaffer; correct? 01:19:59

8 A. In Schaffer they provide a wide range of 01:20:00
9 material properties, including the first part of 01:20:08
10 paragraph 59, which says that can include materials 01:20:12
11 that are highly elastic, deformable, compliant, yet 01:20:15
12 virtually noncompressible. 01:20:20

13 And they give examples of vinyl, silicone, 01:20:21
14 polyurethane. 01:20:24

15 So they're listing a type that is in the 01:20:30
16 first case options that are in the range of 5 to 01:20:37
17 15 Shore A and then later talk about the Shore 00 01:20:40
18 options that are even softer, extremely soft, 01:20:45
19 compliant, and intrinsically sticky. 01:20:52

20 Q. So then is it -- is it fair to say that 01:20:59
21 your testimony is that this material 166 identified 01:21:01
22 in paragraph 59 of Schaffer is the highly sticky and 01:21:07
23 gelatinous material that would not work well with 01:21:16
24 the seal modules disclosed in Figures 1 -- 31 01:21:18
25 through 34? Excuse me. 01:21:22

1 A. They give a range of options. And what I'm
2 saying is that the most gelatinous -- I don't know
3 if they use that word there. Maybe it's later --
4 sticky, softest materials would probably not work
5 appropriately with the design shown in Figure 31
6 through 34 because those must retract on their own
7 to an uncollapsed configuration when the tension is
8 released by the actuating members.

9 So 165 could have properties shown in the
10 beginning of paragraph 59 and it could have
11 properties that are much softer and compliant.

12 Q. So there you said 165. Before we were
13 talking about material 166.

14 Is there a difference between material 165
15 and 166?

16 A. Well, they use 165 for the third central
17 seal member to denote the third central seal member
18 and they use 166, I believe, as just the material
19 itself.

20 Q. And for that material itself, 166, is it
21 your testimony that there is a range of properties
22 of that material that would not be used in
23 Figures 31 through 34, the embodiment in Figures 31
24 through 34?

25 A. Can you repeat the question?

1 Q. So for that material 166, is it your
2 testimony that there is a range of properties of
3 that material 166 that would not be used in the
4 embodiment of Figures 31 through 34?

5 A. I think a person of skill in the art would
6 have understood that an extremely soft, gelatinous,
7 sticky, self-closing material -- they use that term
8 later in that paragraph -- would probably not work
9 well for a seal module that had to recover and open
10 once the force of the filaments was released.

11 Q. So you just said would not work well, but
12 it could be used, couldn't it?

13 MR. STOWELL: Objection. Vague.

14 THE WITNESS: I think a person of skill in
15 the art would not find that it works well. If it's
16 stuck to itself, it won't reopen. It wouldn't work,
17 it seems to me.

18 BY MR. HAMILTON:

19 Q. So you just said it wouldn't work. That
20 means you could not use that material 166 in the
21 embodiments of Figures 31 through 34; is that right?

22 MR. STOWELL: Objection. Asked and
23 answered.

24 THE WITNESS: Well, in my declaration I
25 said it would not work well. Could it work at some

1	level? I don't know. Depends on a lot of other	01:24:41
2	characteristics of the material, the other aspects	01:24:45
3	of the design.	01:24:51
4	BY MR. HAMILTON:	01:25:09
5	Q. Could a person of ordinary skill in the	01:25:09
6	art, as that term has been defined in your	01:25:12
7	declaration and in this matter, have been able to	01:25:14
8	construct an embodiment following Figures 31 through	01:25:18
9	34 of Schaffer that included material 166 that is	01:25:21
10	extremely soft and compliant and intrinsically	01:25:24
11	sticky?	01:25:28
12	A. As I said, I don't think it would work well	01:25:30
13	if you chose a material that was in that category of	01:25:34
14	the softest, most gelatinous range that they provide	01:25:38
15	in paragraph 59.	01:25:42
16	Q. So it wouldn't work well. You keep saying	01:25:45
17	wouldn't work well, but you could design an	01:25:49
18	embodiment that would work, couldn't you?	01:25:51
19	MR. STOWELL: Objection. Misstates	01:25:53
20	testimony.	01:25:54
21	THE WITNESS: Yeah, I don't know.	01:25:56
22	BY MR. HAMILTON:	01:26:01
23	Q. So let's turn to paragraph 34 of	01:26:51
24	Exhibit 1020, the very next paragraph.	01:26:53
25	Four lines down you used the phrase	01:27:22

1	"conform sufficiently to the size or the shape of	01:27:26
2	the tool inserted."	01:27:30
3	Do you see that?	01:27:31
4	A. Yes.	01:27:32
5	Q. What do you mean by conform sufficiently to	01:27:32
6	the size or the shape of the tool inserted?	01:27:36
7	A. That depends on Schaffer's U-shape	01:27:43
8	actuating members. Depending on their material	01:27:47
9	properties, dimensions, how they're attached, that	01:27:54
10	they may not sufficiently conform to every	01:27:56
11	conceivable tool that could be inserted.	01:28:03
12	Q. What material properties and dimensions	01:28:05
13	would allow those actuating members, 55, to	01:28:42
14	conform -- to sufficiently conform to the size or	01:28:48
15	shape of a tool inserted?	01:28:50
16	A. I don't know.	01:28:55
17	Q. If each of the actuating members 55 -- and	01:29:24
18	you can look at that figure that you have right	01:29:29
19	there in that -- on that same page 19 in the middle	01:29:30
20	of paragraph 34, if those were strings, would those	01:29:34
21	conform sufficiently to the size or shape of the	01:29:41
22	tool inserted?	01:29:44
23	MR. STOWELL: Objection. Outside the	01:29:49
24	scope.	01:29:50
25	THE WITNESS: I haven't really considered	01:29:52

1	replacing those U-shaped members with two strings.	01:29:53
2	In later, of course, we talk about replacing it with	01:29:59
3	a single string that's wrapped around the sealing	01:30:02
4	tube.	01:30:08
5	BY MR. HAMILTON:	01:30:08
6	Q. And why couldn't you just replace each of	01:30:09
7	those members with a string, then include two	01:30:12
8	strings?	01:30:18
9	MR. STOWELL: Objection. Outside the	01:30:19
10	scope.	01:30:20
11	THE WITNESS: I didn't say I couldn't. I	01:30:20
12	said I didn't consider it in this declaration.	01:30:22
13	BY MR. HAMILTON:	01:30:24
14	Q. So a person of skill in the art could	01:30:24
15	replace both those U-shaped members with a string or	01:30:25
16	a wire that was flexible enough to conform	01:30:30
17	sufficiently to the size and the shape of the tools	01:30:33
18	inserted; is that correct?	01:30:35
19	MR. STOWELL: Objection. Outside the	01:30:36
20	scope.	01:30:37
21	THE WITNESS: I don't know. I didn't	01:30:38
22	consider it. And it also depends on where -- where	01:30:41
23	it's attached to the buttons.	01:30:44
24	BY MR. HAMILTON:	01:30:49
25	Q. Would replacing the U-shaped actuating	01:30:53

1 members each with a string conform sufficiently to
2 the size and the shape of the tool inserted?

3 MR. STOWELL: Objection. Outside the
4 scope.

5 THE WITNESS: It depends on the tools.
6 Depends on the tubing. Depends on spring tension
7 force. Depends on where they would be attached.
8 It's -- I did not really consider that for this
9 declaration.

10 BY MR. HAMILTON:

11 Q. Can you consider it now?

12 A. I think I just did.

13 Q. So a person of skill in the art could
14 replace the U-shape -- each of the U-shaped
15 actuating members with a string or some other
16 flexible material like a wire, and it would
17 sufficiently -- excuse me -- conform sufficiently to
18 the size or shape of the tool inserted; is that
19 right?

20 MR. STOWELL: Objection. Asked and
21 answered. Outside the scope.

22 THE WITNESS: Yeah, I don't know. It would
23 depend on the -- what's being inserted, what the
24 dimensions are, what the tubing characteristics are,
25 and the string, I guess, also.

1	BY MR. HAMILTON:	01:32:12
2	Q. And couldn't a person of ordinary skill in	01:32:12
3	the art figure out those other variables you just	01:32:15
4	mentioned in order to make it -- make the string or	01:32:18
5	wire member conform sufficiently to the size or	01:32:22
6	shape of the tool inserted?	01:32:24
7	MR. STOWELL: Same objection.	01:32:26
8	THE WITNESS: Yeah, I don't know. I didn't	01:32:32
9	consider it here.	01:32:33
10	BY MR. HAMILTON:	01:32:40
11	Q. And a moment ago I asked if you could	01:32:41
12	consider it now, and you said you already did.	01:32:44
13	So what did you mean by that, you've	01:32:47
14	already considered it?	01:32:49
15	A. Can you read back my answer just before	01:32:51
16	that?	01:32:54
17	Q. I asked "Can you consider it now?"	01:33:28
18	You answered "I think I just did."	01:33:31
19	What did you mean by that?	01:33:32
20	A. I think it was before that.	01:33:33
21	Q. Your answer immediately before that was "I	01:33:36
22	did not really consider that for this declaration."	01:33:39
23	MR. STOWELL: That's not the complete	01:33:41
24	answer.	01:33:42
25	Objection.	01:33:44

1	For the record, the complete answer said:	01:33:50
2	"It depends on the tools, depends on the tubing,	01:33:51
3	depends on string tension force, depends on where	01:33:54
4	they would be attached. It's -- I did not really	01:33:57
5	consider that for this declaration."	01:34:00
6	MR. HAMILTON: And then I asked, "Can you	01:34:03
7	consider it now?" and you said, "I think I just	01:34:05
8	did."	01:34:07
9	What does that mean?	01:34:07
10	THE WITNESS: The same I said before, which	01:34:11
11	was it depends on the tubing characteristics, the	01:34:13
12	mechanical characteristics of the components,	01:34:17
13	string, actuator, sutures.	01:34:22
14	BY MR. HAMILTON:	01:34:25
15	Q. And could a person of ordinary skill in the	01:34:26
16	art determine what tubing characteristics,	01:34:29
17	mechanical characteristics, string, actuator,	01:34:32
18	sutures, would allow a string in place of each of	01:34:35
19	the actuating members 55 to conform sufficiently to	01:34:41
20	the size or shape of the tool inserted?	01:34:45
21	MR. STOWELL: Objection. Asked and	01:34:47
22	answered. Outside the scope.	01:34:48
23	THE WITNESS: I think a person of ordinary	01:34:52
24	skill in the art would consider those things and	01:34:55
25	could, along with other things. Like, a	01:35:00

1	single-suture line wrapping around the tubing would	01:35:01
2	be another consideration that a person of ordinary	01:35:09
3	skill would try.	01:35:14
4	BY MR. HAMILTON:	01:35:16
5	Q. So a person of ordinary skill would try	01:35:20
6	both of those scenarios you just described; is that	01:35:24
7	right?	01:35:27
8	MR. STOWELL: Objection. Outside the	01:35:27
9	scope. Misstates testimony.	01:35:29
10	THE WITNESS: I didn't consider it here. I	01:35:32
11	think it's possible that a person of ordinary skill	01:35:38
12	could try multiple different design options to	01:35:41
13	optimize sealing and recovery of the tubing.	01:35:45
14	BY MR. HAMILTON:	01:35:52
15	Q. And those different options -- would a	01:35:54
16	person of ordinary skill in the art expect that they	01:35:59
17	would successfully seal?	01:36:02
18	A. That would be the design goal, to create a	01:36:04
19	seal, but also address other design goals like	01:36:07
20	ability to recover when the tension is released.	01:36:11
21	Q. So a moment ago you said "a single-suture	01:36:14
22	line wrapping around the tubing."	01:36:28
23	Do you recall saying that?	01:36:31
24	A. Yes.	01:36:32
25	Q. Could one skilled in the art replace one of	01:36:32

1 the U-shaped members, actuating members 55, with a 01:36:42
2 single-suture line wrapping around the tubing, and 01:36:47
3 that returns to the same button so that both ends of 01:36:54
4 that line are attached to the same button? 01:36:56

5 MR. STOWELL: Objection. Outside the 01:36:58
6 scope. 01:36:59

7 THE WITNESS: What we have shown is, using 01:37:02
8 Eller or Hartley, that a single-suture line would be 01:37:08
9 able to wrap around the sealing member and attach to 01:37:17
10 the opposing button, not to the same button. 01:37:21

11 BY MR. HAMILTON: 01:37:24

12 Q. So Eller and Hartley don't have an opposing 01:37:24
13 button; correct? 01:37:29

14 A. They do not have two buttons, no. 01:37:31

15 Q. And could one skilled in the art take a 01:37:33
16 single-suture line from one button in Schaffer, wrap 01:37:37
17 it around the tubing, completely around the tubing, 01:37:43
18 so it goes 360 degrees around the tubing and back to 01:37:48
19 that same button? 01:37:51

20 MR. STOWELL: Objection. Outside the 01:37:53
21 scope. Incomplete hypothetical. 01:37:55

22 THE WITNESS: If I'm understanding what 01:37:58
23 you're saying right, I don't think that would be a 01:38:04
24 feasible design. 01:38:06

25 ///

1 BY MR. HAMILTON:

01:38:07

2 Q. And why not?

01:38:07

3 A. Because it wouldn't compress the tubing
4 appropriately.

01:38:09

01:38:14

5 Q. Why wouldn't it compress the tubing
6 appropriately?

01:38:15

01:38:18

7 A. It would pull it to one side. It wouldn't
8 compress it circumferentially.

01:38:19

01:38:30

9 Q. So if the actuating material, the actuating
10 member -- string, wire, whatever it is -- pulls the
11 tube to the side, that would not be a -- a person of
12 ordinary skill in the art would not adopt that
13 design; is that correct?

01:38:42

01:38:46

01:38:49

01:38:54

01:38:57

14 MR. STOWELL: Objection. Outside the
15 scope. Misstates testimony.

01:38:58

01:38:59

16 THE WITNESS: I haven't considered that in
17 this document. Doesn't seem like it would make a
18 sensible design to me.

01:39:00

01:39:03

01:39:09

19 BY MR. HAMILTON:

01:39:56

20 Q. If you can take a look at your Exhibit 1003
21 in front of you, page 35.

01:39:56

01:39:59

22 Do you see Figures 16 and 17 were
23 reproduced on page 35?

01:40:11

01:40:21

24 A. Yes.

01:40:22

25 Q. Isn't that exactly what's shown in

01:40:22

1 Figure 16 and 17, a single wire wrapped around the 01:40:24
2 tube pulling the tube to one side? 01:40:30

3 MR. STOWELL: Objection. Vague. 01:40:39

4 THE WITNESS: I don't see that as what you 01:40:42
5 were describing to me in looking at Figure 31 in 01:40:43
6 Schaffer. 01:40:48

7 BY MR. HAMILTON: 01:40:48

8 Q. And what's the difference? 01:40:48

9 A. I don't know. They seem to be different 01:40:49
10 mechanisms of action here. 01:40:56

11 Q. Eller has a single rotatable actuator; 01:41:04
12 correct? 01:41:11

13 MR. STOWELL: Objection. Vague. 01:41:14

14 THE WITNESS: Actuator 18 as shown in 01:41:23
15 Figure 2 is the rotating portion. 01:41:25

16 BY MR. HAMILTON: 01:41:28

17 Q. Was that a "yes"? 01:41:28

18 A. Yes. Actuator 18 rotates to actuate the 01:41:29
19 valve. 01:41:36

20 Q. And then in Figure 17 reproduced on page 35 01:41:36
21 of your Exhibit 1003, you see what's labeled 422. 01:41:40

22 Is that attached to the actuator, the 01:41:51
23 single rotatable actuator? 01:41:53

24 MR. STOWELL: Objection. Compound. 01:41:55

25 THE WITNESS: Can you ask the question 01:42:20

1	again?	01:42:22
2	BY MR. HAMILTON:	01:42:22
3	Q. What's labeled as 422 in Figure 17 on	01:42:23
4	page 35 of your Exhibit 1003, is that attached to	01:42:26
5	that single rotatable actuator in Eller?	01:42:31
6	A. It's not showing the actuator, but I	01:42:42
7	believe that does get attached to the actuator.	01:42:46
8	This is just showing the housing surrounding the	01:42:49
9	sleeve.	01:42:51
10	Q. So here we have a single -- let's call it	01:42:52
11	flexible wire that extends and wraps around a	01:43:04
12	tubular member, and it's attached to a single	01:43:10
13	actuator; correct?	01:43:13
14	A. Yes. It would appear that the 422 wire	01:43:16
15	member attaches to the actuator.	01:43:21
16	Q. And do you believe this would seal?	01:43:24
17	MR. STOWELL: Objection. Vague.	01:43:29
18	THE WITNESS: I think Eller shows	01:43:32
19	cross-sections of the device sealing.	01:43:35
20	BY MR. HAMILTON:	01:43:38
21	Q. And would this pull the tubular member to	01:43:38
22	one side?	01:43:42
23	MR. STOWELL: Objection. Vague. Outside	01:43:47
24	the scope.	01:43:56
25	THE WITNESS: There's not much room for it	01:43:57

1	to move, but I'm not sure how it would collapse. I	01:44:00
2	would need to look at Eller's cross-sections to see	01:44:04
3	how they show their cross-sections.	01:44:07
4	BY MR. HAMILTON:	01:44:09
5	Q. Could a person of skill in the art design	01:44:09
6	this tube member so that it is not pulled to one	01:44:12
7	side in this configuration shown in Figure 17?	01:44:15
8	MR. STOWELL: Objection. Outside the	01:44:17
9	scope.	01:44:19
10	THE WITNESS: Yeah, I don't know. I	01:44:19
11	haven't considered that.	01:44:22
12	BY MR. HAMILTON:	01:44:22
13	Q. Let's look at the previous page, 34.	01:44:25
14	There's a figure there.	01:44:28
15	You recognize that figure?	01:44:30
16	A. Yeah, it's Hartley's Figure 3.	01:44:35
17	Q. In that configuration --	01:44:39
18	A. Sorry. This is messed up. It's stuck	01:44:41
19	under my roller or something.	01:44:45
20	Q. In that configuration of Hartley, would the	01:44:49
21	tubular member be pulled to one side?	01:44:54
22	MR. STOWELL: Objection. Vague.	01:44:56
23	THE WITNESS: Yeah, I don't know. I	01:45:05
24	haven't considered that.	01:45:06
25	///	

1	BY MR. HAMILTON:	01:45:07
2	Q. The item labeled "string filament" in that	01:45:07
3	figure, you see that?	01:45:11
4	A. Yes.	01:45:12
5	Q. That's offset from the center of the	01:45:12
6	tubular member.	01:45:17
7	Do you see that?	01:45:18
8	A. Yes.	01:45:20
9	Q. So pulling on that what's labeled "string	01:45:21
10	filament," wouldn't that pull the tubular member to	01:45:25
11	the side?	01:45:29
12	MR. STOWELL: Objection. Vague.	01:45:30
13	THE WITNESS: Yeah, I'm not sure. Depends	01:45:31
14	on material properties, space in there. It's not	01:45:34
15	clear to me what would happen.	01:45:38
16	BY MR. HAMILTON:	01:45:40
17	Q. So what I'm trying to understand is, with	01:45:40
18	respect to Schaffer, you said one wouldn't put a	01:45:42
19	single string, wrap it around the tube and have it	01:45:45
20	come back to the same button because it would be	01:45:48
21	pulled to the side, and yet that's exactly what's	01:45:50
22	shown in Hartley and in Eller. And now you're	01:45:52
23	telling me you haven't thought about it.	01:45:55
24	MR. STOWELL: Objection. Misstates	01:45:58
25	testimony. Argumentative.	01:45:59

1 THE WITNESS: I hadn't considered putting a 01:46:07
2 single line, single actuating filament around the 01:46:09
3 Schaffer valve, no. 01:46:18

4 BY MR. HAMILTON: 01:46:19

5 Q. So what I'm trying to understand is, why 01:46:36
6 would one skilled in the art, instead of replacing 01:46:41
7 each U-shaped actuating member with a single string, 01:46:45
8 put a single string -- let me withdraw that 01:46:51
9 question. It was poorly worded. 01:46:54

10 What I'm trying to understand is why one 01:46:56
11 skilled in the art wouldn't replace each U-shaped 01:46:58
12 actuating member with a single string in Schaffer 01:47:01
13 and instead put one string in place of both U-shaped 01:47:04
14 actuating members in Schaffer. 01:47:10

15 And it seems to me you're saying you have 01:47:13
16 never considered replacing each with a U-shaped 01:47:15
17 actuating members; is that correct? 01:47:18

18 MR. STOWELL: Objection. Misstates 01:47:19
19 testimony. Outside the scope. 01:47:20

20 THE WITNESS: As I show in -- on page 20, 01:47:54
21 the second image down, if those actuating members 01:48:00
22 got more and more flexible, more like a thread or a 01:48:08
23 suture, they could still not seal as well because of 01:48:14
24 the attachment points. 01:48:21

25 If you had a single suture that went across 01:48:23

1 and wrapped around one time and it attached to 01:48:27
2 opposing buttons, that seems like a very simple way 01:48:31
3 to modify the design to create a better seal around 01:48:35
4 smaller tools. 01:48:46

5 BY MR. HAMILTON: 01:48:49

6 Q. And I just want to clarify for the record. 01:48:49
7 You're now looking back at Exhibit 1020, 01:48:50
8 the figures on page 20; is that right? 01:48:54

9 A. Yes. 01:48:57

10 Q. So is it your testimony that one skilled in 01:48:58
11 the art would not replace each U-shaped member with 01:49:03
12 a string -- 01:49:06

13 MR. STOWELL: Objection. 01:49:08

14 BY MR. HAMILTON: 01:49:10

15 Q. -- for the reasons shown on this figure? 01:49:10

16 MR. STOWELL: Objection. Misstates 01:49:12
17 testimony. Outside the scope. 01:49:13

18 THE WITNESS: I'm saying it would seem to 01:49:14
19 be a pretty simple substitution to replace the two 01:49:17
20 actuating members with a single string that wraps 01:49:22
21 around one time and attaches to the opposing button. 01:49:27
22 And it may seal better as the tools are smaller and 01:49:36
23 smaller. 01:49:44

24 BY MR. HAMILTON: 01:49:56

25 Q. So I understand your testimony that it 01:49:56

1 would be simple to put a single string and attach
2 each end to a different button. What I'm trying to
3 understand is why wouldn't one skilled in the art
4 replace each actuator with a string as opposed to
5 taking a single string and spanning it between two
6 buttons?

7 MR. STOWELL: Objection. Outside the
8 scope. Asked and answered.

9 THE WITNESS: I'm kind of considering the
10 lower image on page 20 as -- as that actuator could
11 be extremely flexible, if that would be similar --
12 similar to changing out those two Schaffer actuators
13 with a suture line, let's say.

14 So I think we are showing that as an option
15 there.

16 BY MR. HAMILTON:

17 Q. So one skilled in the art would replace
18 each U-shaped actuating member in Schaffer with a
19 string as shown in the figure -- the bottom figure
20 on page 20 of your Exhibit 1020; is that right?

21 MR. STOWELL: Objection. Misstates
22 testimony. Asked and answered.

23 THE WITNESS: I think there are many
24 different options that a person of skill in the art
25 could attempt. A very simple one would be a single

01:49:58
01:50:00
01:50:03
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01:50:14
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01:50:40
01:50:43
01:50:48
01:50:52
01:50:54
01:51:02
01:51:02
01:51:05
01:51:09
01:51:14
01:51:17
01:51:18
01:51:20
01:51:21
01:51:23

1 filament wrapping one time around to the opposing
2 buttons. Other designs could be attempted, of
3 course.

4 BY MR. HAMILTON:

5 Q. Would one skilled in the art be motivated
6 to make this change that's shown in the bottom
7 figure that you just described on page 20 of your
8 Exhibit 1020?

9 A. I think if the valve is not sealing well,
10 then other options would be considered, as I'm
11 showing there.

12 Q. So what I'm trying to understand is, why
13 would one skilled in the art choose a single string
14 in place of the two actuators as opposed to one
15 string replacing each actuator?

16 MR. STOWELL: Objection. Asked and
17 answered. Outside the scope.

18 THE WITNESS: It certainly seemed like a
19 simple substitution and something easy and quick to
20 try.

21 BY MR. HAMILTON:

22 Q. And there are multiple substitutions to
23 make; is that right?

24 MR. STOWELL: Objection. Vague.

25 THE WITNESS: I don't know.

1	BY MR. HAMILTON:	01:52:38
2	Q. You could replace each actuator with a	01:52:38
3	string. That's one option; correct?	01:52:40
4	A. That may be a possibility that a person of	01:52:49
5	skill in the art would consider.	01:52:52
6	Q. When you say may be a possibility, are you	01:52:54
7	testifying they would consider it, or they would	01:53:03
8	not?	01:53:05
9	MR. STOWELL: Objection. Asked and	01:53:06
10	answered.	01:53:08
11	THE WITNESS: I don't know if they would or	01:53:08
12	not. I didn't really address it in this	01:53:11
13	declaration.	01:53:14
14	BY MR. HAMILTON:	01:53:16
15	Q. So the only option you addressed in the	01:53:18
16	declaration is a single string attached to two	01:53:20
17	separate buttons; is that right?	01:53:23
18	A. I believe in the '012 -- yeah, '012	01:53:33
19	declaration, Exhibit 1003, I also discuss that other	01:53:45
20	aspects can be -- maybe it was in prior	01:53:52
21	declarations -- depositions, sorry, prior	01:54:00
22	depositions where I explained that other aspects	01:54:03
23	could be optimized between the spring force, the	01:54:06
24	actuator design and material properties, and the	01:54:10
25	seal module properties.	01:54:15

1 Q. So does that mean there are many options to
2 improve the sealing of Schaffer that don't include
3 replacing Schaffer's U-shaped actuating members with
4 a string or a wire?

01:54:17
01:54:40
01:54:43
01:54:48

5 A. It would depend on the size of the tools
6 going through, the shape of the tools, what type of
7 optimization might be necessary. But certainly one
8 option would be to simply take a string and wrap it
9 around the central sealing member.

01:54:50
01:54:52
01:54:58
01:55:03
01:55:07

10 Q. And is it fair to say that there are other
11 options with respect to taking a string or a wire
12 and configuring it differently around the sealing
13 member? So for example, two U-shaped strings?

01:55:20
01:55:22
01:55:27
01:55:31

14 MR. STOWELL: Objection. Vague. Compound.
15 Uh.

01:55:34
01:55:39

16 THE WITNESS: Yeah, I haven't really
17 considered two U-shaped strings.

01:55:39
01:55:41

18 BY MR. HAMILTON:

01:55:42

19 Q. So you have considered one option; is that
20 right?

01:55:42
01:55:44

21 MR. STOWELL: Objection. Misstates
22 testimony.

01:55:44
01:55:46

23 THE WITNESS: I've said in certain places
24 that we -- a person skilled in the art would have
25 aspects of the design that could be modified in

01:55:49
01:55:56
01:56:00

1 order to try to optimize a design, minimize leaks to 01:56:05
2 be able to get good opening when the force is 01:56:10
3 removed, including the ones I just mentioned, spring 01:56:15
4 force, et cetera. 01:56:19

5 So there are -- those are some of the other 01:56:22
6 options that I think I've mentioned in depositions 01:56:25
7 or declarations. 01:56:28

8 BY MR. HAMILTON: 01:56:35

9 Q. And other than connecting a single string 01:56:35
10 or wire between two different buttons, are there 01:56:38
11 other configurations of the string or wire that a 01:56:41
12 person of skill in the art would consider? 01:56:45

13 MR. STOWELL: Objection. Outside the 01:56:47
14 scope. 01:56:49

15 THE WITNESS: I don't know. 01:56:49

16 BY MR. HAMILTON: 01:56:50

17 Q. You didn't consider any of those other 01:56:50
18 configurations; is that correct? 01:56:52

19 A. Which other configurations are you talking 01:56:54
20 about? 01:56:57

21 Q. For example, two U-shaped strings. 01:56:57

22 A. Yeah, I've said my declaration didn't 01:57:01
23 include replacing those with two U-shaped strings. 01:57:07

24 Q. Another example would be a single string 01:57:10
25 that is attached on one end to a button, wraps all 01:57:12

1 the way around a tubular member, and then is

01:57:15

2 attached back to the same button at the other end.

01:57:18

3 You didn't consider that option as well; is
4 that right?

01:57:21

01:57:23

5 A. I did not consider that.

01:57:23

6 Q. So going back to page 19 of Exhibit 1020,
7 the portion above the figure, and back to that
8 phrase "conform sufficiently to the size or the
9 shape of the tool inserted."

01:57:24

01:58:04

01:58:12

01:58:16

10 And I'll ask you the question here in just
11 a minute.

01:58:17

01:58:19

12 Are you at that spot?

01:58:20

13 A. Yes.

01:58:21

14 Q. Is it fair to say that that's the reason
15 you believe that one skilled in the art would
16 replace Schaffer's U-shaped actuating members with a
17 string or a wire, because a string or a wire would
18 conform sufficiently to the size and the shape of
19 the tool inserted?

01:58:22

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01:58:32

01:58:35

01:58:37

20 A. Yeah. As I say on the end of page 20:

01:58:58

21 "Because Hartley's string or Eller's wire would be

01:59:01

22 wrapped around Schaffer's seal module, with each

01:59:05

23 respective end secured to the opposing actuator

01:59:08

24 buttons, the string/wire member would be better able

01:59:10

25 to conform to varying-diameter tools in this

01:59:12

1	situation."	01:59:19
2	BY MR. HAMILTON:	01:59:32
3	Q. So if there's a configuration of a wire or	01:59:32
4	a string that would be better able to conform to	01:59:35
5	varying-diameter tools, that would motivate one	01:59:38
6	skilled in the art to make that modification; is	01:59:42
7	that right?	01:59:45
8	MR. STOWELL: Objection. Vague.	01:59:46
9	THE WITNESS: If the current design does	01:59:48
10	not conform sufficiently to create a good seal, that	01:59:49
11	would be the motivation to try other design options.	01:59:55
12	MR. HAMILTON: Why don't we take a	02:00:25
13	five-minute break.	02:00:28
14	MR. STOWELL: Okay.	02:00:28
15	THE VIDEOGRAPHER: Okay. Going off record.	02:00:29
16	Time, 2:00 p.m.	02:00:31
17	(Recess.)	02:00:34
18	THE VIDEOGRAPHER: We are back on the	02:07:23
19	record. The time is 2:07 p.m.	02:07:24
20	BY MR. HAMILTON:	02:07:27
21	Q. Do you understand you're still under oath?	02:07:27
22	A. Yes.	02:07:28
23	Q. Did you discuss or communicate with anyone	02:07:29
24	regarding your testimony during the break?	02:07:34
25	A. No.	02:07:35

1 Q. Did you talk to anyone about this matter
2 during the break?

3 A. No.

4 Q. Look at any documents?

5 A. No.

6 Q. Turning back to Exhibit 1020, page 20, the
7 two figures we were just referring to.

8 A. Yes, sir.

9 Q. If a material that was highly elastic,
10 deformable, compliant, and yet virtually
11 noncompressible was included as an inner seal member
12 in the tube shown -- the seal module, excuse me,
13 shown in those two figures, would that form a seal?

14 MR. STOWELL: Objection. Vague.

15 THE WITNESS: Depends on the material
16 properties and the dimensions and the other
17 parameters that create the seal.

18 BY MR. HAMILTON:

19 Q. And a person of ordinary skill in the art
20 could figure out those material properties,
21 dimensions, et cetera, to form a seal using an
22 internal seal member; correct?

23 MR. STOWELL: Objection. Vague.

24 THE WITNESS: That would certainly be the
25 goal of a design, would be to come up with a design

1	that is able to seal and meet the other design	02:09:12
2	requirements.	02:09:15
3	BY MR. HAMILTON:	02:09:16
4	Q. And could a person of ordinary skill in the	02:09:16
5	art accomplish that goal by including an internal	02:09:19
6	seal member that's highly compliant, deformable, yet	02:09:22
7	virtually noncompressible in the seal module shown	02:09:25
8	in these two figures on page 20?	02:09:31
9	MR. STOWELL: Objection. Vague.	02:09:34
10	THE WITNESS: Those are descriptive words	02:09:36
11	for a polymer. Not really sufficient to determine	02:09:40
12	if -- determine what the material properties and	02:09:46
13	characteristics would be to see if that would work.	02:09:53
14	BY MR. HAMILTON:	02:09:55
15	Q. If you look at page 59 of Exhibit 1005,	02:09:55
16	that's Schaffer -- excuse me -- paragraph 59, that's	02:09:59
17	the paragraph we were looking at earlier.	02:10:03
18	Schaffer shows -- says: "The third central	02:10:08
19	seal member 165 includes material 166 that is highly	02:10:10
20	elastic, deformable, compliant, and yet virtually	02:10:14
21	noncompressible."	02:10:19
22	Do you see that?	02:10:20
23	A. Yes. It starts with "in one embodiment,"	02:10:21
24	and continues on with what you read.	02:10:33
25	Q. And do you understand what that means,	02:10:35

1 "highly elastic, deformable, compliant, and yet
2 virtually noncompressible"?

3 A. I think these are general terms to describe
4 the materials that they're listing as possible
5 materials that they list below -- vinyl, silicone,
6 polyurethane, for instance.

7 Q. And would a person of ordinary skill in the
8 art be able to select a material that has those
9 properties, that if it was included in the seal
10 module shown on page 20 in the two figures on 20,
11 that those gaps wouldn't form and that module would
12 be sealed?

13 MR. STOWELL: Objection. Vague.

14 THE WITNESS: I think it depends on the
15 seal member properties, but also on the size of the
16 tool that's being inserted, the location of the
17 attachment points for the actuating members, the
18 mechanical characteristics of the actuating members,
19 probably other characteristics.

20 BY MR. HAMILTON:

21 Q. So you said it depends on other
22 characteristics.

23 Would a person of skill in the art
24 understand what those characteristics are and be
25 able to select a material that's highly elastic,

02:10:37

02:10:40

02:10:42

02:10:51

02:10:53

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02:11:04

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02:11:41

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02:11:54

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02:11:57

02:11:59

02:12:02

1 deformable, compliant, and yet virtually 02:12:05
2 noncompressible as disclosed in Schaffer so that the 02:12:08
3 two figures on page 20 of your declaration, 1020, 02:12:16
4 would seal? 02:12:21

5 MR. STOWELL: Objection. Asked and 02:12:22
6 answered. Outside the scope. 02:12:23

7 THE WITNESS: It's difficult to say without 02:12:31
8 knowing the size of the tools inserted. I think a 02:12:35
9 person of skill in the art would find it difficult 02:12:38
10 to create a perfect -- a perfectly sealing 02:12:41
11 hemostatic valve in all cases as shown in the 02:12:49
12 figures on page 20. 02:12:55

13 BY MR. HAMILTON: 02:12:57

14 Q. It's quite complicated, isn't it? 02:12:58

15 MR. STOWELL: Objection. Vague. 02:13:00

16 THE WITNESS: What's complicated? 02:13:10

17 BY MR. HAMILTON: 02:13:12

18 Q. You just said there's all these other cases 02:13:12
19 in terms of size of the tool, materials, et cetera, 02:13:17
20 such that one skilled in the art would find it 02:13:20
21 difficult to include a material that forms a seal; 02:13:22
22 is that right? 02:13:25

23 MR. STOWELL: Objection. Misstates 02:13:25
24 testimony. 02:13:26

25 THE WITNESS: I think a person of skill in 02:13:31

1 the art has several parameters to work with, and it 02:13:33
2 would be difficult to find a perfect combination 02:13:37
3 that seals in all cases. 02:13:43

4 BY MR. HAMILTON: 02:13:44

5 Q. You mean it went beyond the ordinary skill 02:13:50
6 of a person -- of ordinary skill in the art? 02:13:58

7 A. I think a person of ordinary skill in the 02:14:00
8 art would require iteration and optimization to find 02:14:02
9 the right balance, and it still may be difficult 02:14:06
10 with this design of two U-shaped actuating members 02:14:10
11 attached at a fixed location to create a valve that 02:14:17
12 worked perfectly in all cases. 02:14:20

13 Q. Wouldn't it be simple to just attach the 02:14:22
14 location, move the U-shaped members to the 02:14:25
15 attachment together? Wouldn't that take care of it? 02:14:27

16 MR. STOWELL: Objection. Vague. 02:14:31

17 BY MR. HAMILTON: 02:14:32

18 Q. That's pretty simple. 02:14:33

19 MR. STOWELL: Vague. Compound. 02:14:34

20 THE WITNESS: I haven't considered it in 02:14:42
21 here. I think that's one possibility that a person 02:14:43
22 of skill in the art could consider, along with other 02:14:45
23 simple options like a single-suture line that might 02:14:48
24 wrap around the central sealing member. 02:14:52

25 ///

1	BY MR. HAMILTON:	02:14:54
2	Q. So I'm trying to find out. Now you're	02:14:55
3	saying they're simple options. A minute ago you	02:14:57
4	said it would be very difficult and there would be	02:15:00
5	many iterations to form a seal.	02:15:03
6	Which one is it?	02:15:05
7	MR. STOWELL: Objection. Misstates	02:15:06
8	testimony and argumentative.	02:15:07
9	THE WITNESS: What I said was for the	02:15:13
10	drawings shown in Figure 20, that to create a	02:15:14
11	perfect seal in all cases would require iteration	02:15:21
12	and still may not seal perfectly in all cases.	02:15:24
13	BY MR. HAMILTON:	02:15:29
14	Q. And there are many options to do that; is	02:15:29
15	that right?	02:15:31
16	A. There are different design considerations	02:15:35
17	for each of the components that a person of skill in	02:15:37
18	the art would optimize.	02:15:40
19	Q. And a person of ordinary skill in the art	02:15:43
20	would understand each of those design	02:15:46
21	considerations; correct?	02:15:48
22	A. I think a person of skill in the art would	02:15:53
23	be able to consider different options for the	02:15:58
24	different components and yet still may not be able	02:16:03
25	to create a perfect seal as shown with the pair of	02:16:07

1 actuators on page 20.

02:16:12

2 Q. If a single string was used as opposed to
3 the pair of actuators, would there be different
4 design considerations in that instance?

02:16:15

02:16:18

02:16:22

5 A. I think many of the same design
6 considerations would apply.

02:16:24

02:16:37

7 Q. And so is it possible that they would still
8 not be able to create a perfect seal as shown with
9 the pair of actuators on page 20 with a single
10 string or wire?

02:16:42

02:16:44

02:16:48

02:16:51

11 MR. STOWELL: Objection.

02:16:54

12 THE WITNESS: I don't know. It depends on
13 what's going through the -- what tools are being
14 inserted, I think.

02:16:54

02:16:56

02:16:58

15 MR. HAMILTON: I'm going to give you what
16 I'm going to ask the court reporter to mark as a new
17 exhibit, 2011.

02:17:33

02:17:35

02:17:38

18 (Exhibit 2011 was marked for identification
19 by the Certified Shorthand Reporter, and a
20 copy is attached hereto.)

02:17:38

02:17:38

02:18:07

21 BY MR. HAMILTON:

02:18:07

22 Q. Do you recognize Exhibit 2011?

02:18:08

23 A. Yes.

02:18:09

24 Q. And is Exhibit 2011 your declaration in an
25 IPR related to Patent 11,697,011?

02:18:09

02:18:16

1	A. Yes.	02:18:22
2	Q. If you could turn to page 50, paragraph 75.	02:18:22
3	I want you to focus on the last sentence of	02:19:04
4	page 50 that goes over the page 51. Let me know	02:19:07
5	when you're there and ready for a question.	02:19:23
6	A. Okay.	02:20:32
7	Q. What did you mean by: "The actuating	02:20:33
8	members could be formed from a thin, flexible sheet	02:20:40
9	or flat ribbon of aluminum or plastic so that they	02:20:43
10	have the flexibility to conform to the outer surface	02:20:48
11	of the cylindrical seal module"?	02:20:50
12	MR. HAMILTON: Sorry. I was going very	02:20:55
13	fast there. I'll slow it down next time.	02:20:56
14	MR. STOWELL: We'll object to questions	02:20:59
15	about Exhibit 2011 as being outside the scope of	02:21:03
16	today's deposition.	02:21:05
17	THE WITNESS: What I meant was what it says	02:21:12
18	on page 50: "The actuating members could be formed	02:21:16
19	from a thin, flexible sheet or flat ribbon of	02:21:16
20	aluminum or plastic so that they have the	02:21:16
21	flexibility to conform to the outer surface of the	02:21:16
22	cylindrical module."	02:21:28
23	BY MR. HAMILTON:	02:21:28
24	Q. You don't have anything to add beyond the	02:21:28
25	words there that you just read back to me?	02:21:32

1 A. I think that's what it means. It seems
2 clear.

3 Q. And does that mean that each U-shaped
4 actuating member in Schaffer would be made flexible?
5 So for example, like a flexible wire or a string?

6 MR. STOWELL: Objection. Compound.

7 THE WITNESS: As I said in prior
8 declarations, I think a person of ordinary skill in
9 the art would look at Schaffer and presume that they
10 have a certain amount of inherent flexibility that
11 they are -- they have some flexibility to start
12 with.

13 So this is just stating that it could be
14 modified to be more flexible and have a wider
15 surface area, narrower surface area, et cetera, to
16 better conform to the outer surface of the
17 cylindrical seal module.

18 BY MR. HAMILTON:

19 Q. So as I read this paragraph, what I
20 understand is you're testifying that one skilled in
21 the art would understand that Schaffer either
22 discloses in and of itself flexible U-shaped
23 actuating members that conform to the outer surface
24 of a tubular member or would modify those to make
25 them flexible so they conform to the outer surface

1 of the tubing member; is that right? 02:23:01

2 A. I think what I've said elsewhere is a 02:23:03
3 person of skill in the art would understand that 02:23:09
4 there's some flexibility in the actuating members of 02:23:11
5 Schaffer to start with. 02:23:15

6 Q. So what I'm trying to understand is, in 02:23:15
7 Exhibit 1020, you say one skilled in the art would 02:23:19
8 not simply replace each U-shaped member with a 02:23:22
9 string or a wire, and yet in this Exhibit 1 -- 02:23:25
10 excuse me -- 2011 you're saying that's exactly what 02:23:31
11 a person of ordinary skill in the art would do. 02:23:33

12 And I'm trying to understand, which one is 02:23:36
13 it? 02:23:37

14 MR. STOWELL: Objection. Misstates 02:23:41
15 testimony. 02:23:42

16 THE WITNESS: What I'm saying in 02:23:49
17 Exhibit 1003 is that they could be modified so that 02:23:51
18 they have additional flexibility to better conform 02:23:55
19 if it wasn't conforming as well initially. 02:24:00

20 BY MR. HAMILTON: 02:24:02

21 Q. And that would form a better seal; correct? 02:24:16

22 A. As I've said before, there are many 02:24:24
23 different things that could be adjusted to optimize 02:24:26
24 sealing, optimize tubing recovery. This is one 02:24:30
25 aspect, would be optimizing the actuating members. 02:24:37

1	Q. So in Exhibit 2011 --	02:24:43
2	A. Which is which one?	02:24:47
3	Q. Which is the one you were just looking at,	02:24:49
4	so it was previously labeled Exhibit 1003 from a	02:24:53
5	different IPR.	02:24:58
6	You testify that: "To form a better seal,	02:25:07
7	the actuating members could be formed from a thin,	02:25:11
8	flexible sheet or flat ribbon of aluminum or plastic	02:25:14
9	so they have better flexibility to conform to the	02:25:20
10	outer surface of the cylindrical seal model --	02:25:23
11	module."	02:25:26
12	MR. STOWELL: Objection. Misstates the	02:25:28
13	document.	02:25:30
14	BY MR. HAMILTON:	02:25:30
15	Q. And then in Exhibit 1020, your testimony is	02:25:30
16	one skilled in the art would not include two	02:25:38
17	flexible U-shaped members because that would not	02:25:43
18	form a better seal; is that correct?	02:25:45
19	MR. STOWELL: Objection. Misstates	02:25:47
20	testimony.	02:25:48
21	THE WITNESS: I certainly never said that	02:25:51
22	these actuating members were not flexible, to start	02:25:53
23	with.	02:25:57
24	BY MR. HAMILTON:	02:26:13
25	Q. And then you also said that if they were	02:26:13

1 flexible, they would conform to the cylindrical
2 shape of the seal module; correct?

3 MR. STOWELL: Objection. Vague. Misstates
4 testimony.

5 THE WITNESS: What I'm saying on page 50 of
6 Exhibit 2011 is that they could be modified in order
7 to optimize sealing. And as I've said elsewhere,
8 there are several other aspects that could also be
9 optimized by a person of skill in the art in order
10 to optimize sealing around different-size tools.

11 BY MR. HAMILTON:

12 Q. So there are many options that could be
13 optimized to improve sealing; is that right?

14 A. There are several that I have suggested in
15 the past, yes.

16 Q. And a single string connected to two
17 independently moving actuators is not shown in any
18 reference you've cited; is that right?

19 MR. STOWELL: Objection. Vague.

20 THE WITNESS: Can you repeat the question?

21 BY MR. HAMILTON:

22 Q. The configuration of a single flexible
23 string or wire where each end is connected to a
24 different independently movable actuating button or
25 any other type of actuator is not shown in any

1	reference in this matter, is it?	02:27:53
2	A. It's not shown in Eller or Hartley as two	02:27:56
3	separate buttons, no.	02:28:02
4	Q. And it's not shown in Schaffer either, is	02:28:03
5	it?	02:28:06
6	A. A single line is not shown in Schaffer,	02:28:10
7	that's correct.	02:28:12
8	Q. I'm going to hand you what's been	02:28:13
9	previously marked Exhibit 1001.	02:29:01
10	(Exhibit 1001 was previously marked by the	02:29:01
11	Certified Shorthand Reporter, and a copy is	02:29:01
12	attached hereto.)	02:29:11
13	BY MR. HAMILTON:	02:29:11
14	Q. Do you recognize Exhibit 1001?	02:29:12
15	A. Yes.	02:29:14
16	Q. If you could turn -- is this the	02:29:15
17	'012 patent that's the subject of this IPR?	02:29:28
18	A. Yes.	02:29:30
19	Q. If you could turn to page 30, Column 22.	02:29:30
20	I want to focus on Claim 1.	02:29:40
21	The fourth line down, you see the line	02:29:44
22	beginning "A hemostasis valve on the proximal end"?	02:29:46
23	Do you see that?	02:29:52
24	A. Yes.	02:29:53
25	Q. What does that mean, "on the proximal end"?	02:29:54

1 A. Well, that is typically where a hemostatic
2 valve would be located for a catheter.

3 Q. And then it actually continues "of the
4 catheter."

5 Do you see that?

6 A. Yes.

7 Q. What does that mean -- what catheter's
8 referred to by "the catheter"?

9 A. Claim 1 starts out as an aspiration
10 catheter.

11 Q. So the reference to a catheter in that
12 fourth line down is referring to the aspiration
13 catheter; is that right?

14 MR. STOWELL: Objection. Calls for a legal
15 conclusion.

16 THE WITNESS: That's my assumption as a
17 nonlawyer.

18 BY MR. HAMILTON:

19 Q. If you go back to Exhibit 1005, that is the
20 Schaffer reference. And it might be easier if you
21 want to look at Exhibit 1008 figures. And let's
22 just look at Figure 30.

23 Do you understand what's shown in
24 Figure 30?

25 A. I'd have to look deeper into Schaffer to

1	see how they describe it.	02:32:15
2	Q. Do you see a catheter depicted in	02:32:16
3	Figure 30?	02:32:19
4	A. No.	02:32:19
5	Q. Do you understand that Figure 30 could be	02:32:20
6	used with a catheter?	02:32:29
7	A. Yes.	02:32:30
8	Q. And where would one -- how would -- how	02:32:33
9	would one use Figure 30 with a catheter?	02:32:37
10	A. They don't have that item numbered in	02:32:42
11	Figure 30 through 34, but there would appear to be a	02:32:54
12	Luer attachment as part of the design which would	02:33:06
13	typically be used to attach to the catheter that	02:33:08
14	this distal to the hemostatic valve.	02:33:11
15	Q. And when you say there appears to be a Luer	02:33:13
16	attachment, is that on the left of Figure 30?	02:33:23
17	A. Right-bottom.	02:33:29
18	Q. Maybe if you orient that so that	02:33:30
19	Figure 30's upright. So now would that be	02:33:33
20	left-bottom?	02:33:36
21	A. Left-bottom if you're looking at the page	02:33:36
22	horizontally.	02:33:41
23	Q. Okay. And then what would be -- and one	02:33:41
24	would attach a catheter at that Luer attachment on	02:33:46
25	the left-bottom; is that right?	02:33:53

1 A. That would be a typical attachment point
2 for a catheter, a side arm that would then lead to a
3 catheter.

4 These are typical medical device
5 connections.

6 Q. And would something be attached to the
7 other end?

8 A. In the Schaffer drawings of 30 through 34,
9 that other end also not labeled -- well, 276, I'd
10 have to look what 276 is in this Schaffer patent.

11 Schaffer describes 276 as the cap 276
12 secured to the housing 20. And typically through
13 that cap would be where the tool would be
14 introduced.

15 Q. Does the -- does the term "cap" in this
16 context have any special meaning?

17 MR. STOWELL: Objection. Vague. Outside
18 the scope.

19 THE WITNESS: I think it has the meaning
20 that Schaffer gives it, which is the components
21 that's attached to the housing on the proximal end
22 of the device.

23 BY MR. HAMILTON:

24 Q. Is it just an opening?

25 MR. STOWELL: Objection. Vague. Asked and

1 answered.

02:37:10

2 THE WITNESS: I don't know. I'd have to
3 look at Schaffer in more detail of what they call
4 the opening, but the cap is the plastic component
5 that is attached to the housing, is how it's
6 described in the section I just read.

02:37:11

02:37:12

02:37:15

02:37:22

02:37:27

7 BY MR. HAMILTON:

02:37:36

8 Q. Would the cap cover the opening?

02:37:36

9 MR. STOWELL: Objection. Vague.

02:37:37

10 BY MR. HAMILTON:

02:37:38

11 Q. And would it have to be removed to insert a
12 tool?

02:37:38

02:37:42

13 A. I don't see anything in Schaffer that says
14 that that's a cap that would have to be removed. In
15 fact, it shows it as a -- Figure 32 shows in the
16 cross-section view of 32 and 34 that there's a
17 channel through that cap through which the tool
18 could be inserted and removed.

02:38:05

02:38:08

02:38:10

02:38:19

02:38:23

02:38:37

19 Q. So do you have an understanding of what the
20 purpose of that cap is in Schaffer?

02:38:40

02:38:44

21 A. If the cap weren't there, the seal member
22 wouldn't be -- wouldn't be maintained in position.

02:38:53

02:39:01

23 Q. So other than for insertion of a tool, is
24 there any other purpose for that cap?

02:39:15

02:39:21

25 A. It's -- it looks like it's keeping the seal

02:39:24

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1	member in place also.	02:39:30
2	Q. Anything else?	02:39:38
3	A. Not that I know of. I'd have to read into	02:39:41
4	Schaffer in more detail, if they describe it	02:39:46
5	differently.	02:39:50
6	MR. HAMILTON: Why don't we take another	02:40:19
7	five-minute break.	02:40:20
8	MR. STOWELL: Okay.	02:40:21
9	MR. HAMILTON: I might be just about done.	02:40:21
10	THE VIDEOGRAPHER: Okay. Going off the	02:40:24
11	record. Time, 2:40 p.m.	02:40:25
12	(Recess.)	02:40:28
13	THE VIDEOGRAPHER: And we're back on the	02:46:59
14	record. The time is 2:46 p.m.	02:47:02
15	BY MR. HAMILTON:	02:47:06
16	Q. Do you understand you're still under oath?	02:47:09
17	A. Yes.	02:47:10
18	Q. Did you have any conversations or review	02:47:10
19	any documents or do anything related to your	02:47:13
20	testimony here today during the break?	02:47:15
21	A. No.	02:47:16
22	Q. I'm going to hand you an exhibit.	02:47:17
23	I'll ask the court reporter to mark it	02:47:27
24	2012.	02:47:29
25	///	

1	(Exhibit 2012 was marked for identification	02:47:29
2	by the Certified Shorthand Reporter, and a	02:47:29
3	copy is attached hereto.)	02:47:35
4	BY MR. HAMILTON:	02:47:35
5	Q. Do you recognize Exhibit 2012?	02:47:35
6	A. Yes.	02:48:02
7	Q. And what is it?	02:48:02
8	A. It's my Declaration in Support of	02:48:04
9	Opposition to Plaintiff's Motion for Preliminary	02:48:06
10	Injunction. I signed it September 9, 2024.	02:48:12
11	Q. Earlier today you had testified that you	02:48:17
12	had seen a device with a string that constricts a	02:48:22
13	tubular member, and you said it was in connection	02:48:28
14	with a declaration.	02:48:30
15	Is this that declaration you were referring	02:48:31
16	to? And if it's helpful, I'll refer you to page 34,	02:48:34
17	paragraph 85. It starts on paragraph 85 and goes	02:48:47
18	on.	02:48:52
19	A. I remember these pictures, yes.	02:49:04
20	Q. And is this the declaration that you	02:49:06
21	referred to this morning where you had seen a --	02:49:08
22	pictures of a device that included a string that	02:49:11
23	constricts a tubular member in a hemostasis valve?	02:49:15
24	A. I'm not sure if it was this document. It	02:49:25
25	might have been a different document.	02:49:30

1 Q. When you say it might have been a different
2 document, do you mean you have another declaration
3 that includes images of a hemostasis valve with a
4 string that constricts a tubular member?

02:49:31

02:49:34

02:49:36

02:49:41

5 A. Not another declaration, no.

02:49:43

6 Q. What'd you mean by another document?

02:49:45

7 A. I think it was a document I reviewed with
8 counsel as part of putting together this.

02:49:50

02:50:00

9 Q. So I don't want to get into
10 attorney-client, you know, conversations with
11 counsel. I just want to -- I just want to clarify
12 what other document you looked at.

02:50:04

02:50:06

02:50:08

02:50:18

13 Is this the result of that document? Is
14 this the declaration that you referenced this
15 morning that includes pictures of a device that you
16 reviewed with a string wrapped around a tubular
17 member to constrict it?

02:50:19

02:50:22

02:50:28

02:50:28

02:50:30

18 A. This is the declaration where we -- I
19 talked about that, yes.

02:50:32

02:50:34

20 Q. And you had said the date of that was
21 September 9, 2024; right?

02:50:35

02:50:39

22 A. Yes.

02:50:39

23 Q. And you would have viewed these images
24 sometime before that?

02:50:40

02:50:42

25 A. Yes.

02:50:43

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1 Q. Do you remember when you first saw these
2 images?

3 A. I don't.

4 Q. Did you ever see the device shown in the
5 images on pages 35 and 36 in person?

6 A. I did not.

7 Q. So you've -- you've reviewed images of a
8 device but you've never actually held the device or
9 inspected the device itself; is that right?

10 A. That's correct.

11 Q. All right. Great. Well, thank you for
12 your time.

13 I've got no further questions.

14 MR. STOWELL: I have no questions for the
15 witness.

16 THE VIDEOGRAPHER: Okay. No further
17 questions. We're going off record at 2:51 p.m.

18 (End of video record at 2:51 p.m.)

19 THE STENOGRAPHER: Mr. Stowell, would you
20 require a rough draft or expedited copy?

21 MR. STOWELL: Rough is fine. Yeah, we'll
22 take a rough.

23 (Deposition concluded at 2:51 p.m.)

24 -o0o-
25

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DECLARATION UNDER PENALTY OF PERJURY

I hereby declare under penalty of perjury
that the foregoing is my deposition under oath; that
I have read same; and that I have made the
corrections, additions, or changes to my answers
that I deem necessary.

In witness thereof, I hereby subscribe my
name this day of , 2025.

TROY THORNTON

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1 COUNTY OF LOS ANGELES,)

2 STATE OF CALIFORNIA,)

3 I, Cody Knacke, Registered Diplomate
4 Reporter, Certified Shorthand Reporter in and for
the State of California, License No. 13691, hereby
certify:

5 That Troy L. Thornton, the witness whose
6 deposition is hereinbefore set forth, was duly sworn
by me before the commencement of such deposition and
that such deposition was taken before me and is a
true record of the testimony given by such witness.

7 I further certify that the adverse party,
8 Petitioner, was represented by counsel at the
deposition.

9 I further certify that the deposition of
Troy L. Thornton occurred at the offices of
Knobbe Martens at 333 Bush Street, 21st Floor,
10 San Francisco, CA on Thursday November 20, 2025,
commencing at 12:56 p.m. to 2:51 p.m.

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

14 In witness whereof, I have hereunto set my
15 hand this day: November 24, 2025.

16
17 

18 _____
CODY KNACKE, RDR, CSR No. 13691

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