UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

Anthony Inc.

Petitioner

v.

ControlTec, LLC

Patent Owner

Patent No. 7,421,847

_____

Inter Partes Review No. IPR2025-00636

Ref. 43789-0260IP1

VIDEO DEPOSITION of MICHAEL A. POLLOCK

Thursday, March 26, 2026

9:02 a.m. EDT

Boston, Massachusetts

Reported by: Dana Welch, CSR, RPR, CRR, CRC

Exhibit 1062
Anthony v. ControlTec
IPR2025-00636

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

Anthony Inc.,

Petitioner

v.

ControlTec, LLC

Patent Owner

_____

IPR2025-00559

Patent 7,207,181 B2

Ref. 43789-0259IP1

VIDEO DEPOSITION of MICHAEL A. POLLOCK

Thursday, March 26, 2026

9:02 a.m. EDT

Boston, Massachusetts

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Video Deposition of MICHAEL A. POLLOCK, appearing at Fish & Richardson, P.C., One Marina Park Drive, Suite 1700, Boston, Massachusetts 02210, reported by Dana Welch, a Registered Professional Reporter, Certified Realtime Reporter.

APPEARANCES OF COUNSEL:

On Behalf of the Petitioner:
FISH & RICHARDSON P.C.
Whitney A. Reichel, Esq.
One Marina Park Drive, Suite 1700
Boston, MA 02210
(617) 542-5070
wreichel@fr.com

On Behalf of the Patent Owner and the Witness:

HAYNES and BOONE, LLP
BY: ROBERT PAUL ZIEMIAN, ESQ.
675 15th Street, Suite 2200
Denver CO 80202
(303) 382-6200
robert.ziemian@haynesboone.com

-- and --

HAYNES and BOONE
BY: CHARLES M. JONES II, ESQ.
2801 N. Harwood Street, Suite 2300
Dallas, TX 75201
(214) 651-5000
charlie.jones@haynesboone.com

Also Present:
Marissa DeMonte, Videographer

I N D E X

WITNESS:

MICHAEL A. POLLOCK

EXAMINATION:
PAGE:
BY MS. REICHEL 7
BY MR. JONES 279

EXHIBITS MARKED:
NO. DESCRIPTION
PAGE:

Pollock Exhibit 1 57
Cogent Experts Michael A. Pollock P.E. CV

Pollock Exhibit 2 168
Declaration of Michael Pollock, ''181 patent

Pollock Exhibit 3 168
Declaration of Michael Pollock, ''847 Patent

Pollock Exhibit 4 196
Laboratory Undercounter Refrigerators, Futura

Pollock Exhibit 5 251
Diagram On/Off Temperatures

Pollock Exhibit 6 265
U.S. Patent 7,207,181

Pollock Exhibit 7 265
U.S. Patent 7,421,847

NOTATIONS:
Instruction not to answer 28

Exhibits retained by reporter.

P R O C E E D I N G S

THE VIDEOGRAPHER: We are now on the record. This begins media unit number one in the deposition of Michael A. Pollock in the matter of Anthony, Inc. versus ControlTec, LLC, filed in the United States Patent and Trademark Office before the Patent Trial and Appeal Board, Inter Partes Review Numbers IPR2025-00636 and IPR2025-00559.

Today is March 26, 2026, and the time is 9:02 a.m. This deposition is being taken at One Marina Park, Boston, Massachusetts.

The videographer is Marissa DeMonte, and the court reporter is Dana Welch. We represent Esquire Deposition Solutions.

Will counsel state their appearances and whom they represent, after which the court reporter will swear in the witness.

MS. REICHEL: This is Whitney Reichel from Fish & Richardson for the petitioner.

MR. JONES: Good morning. Charlie Jones with the law firm of Haynes and Boone, joined by my partner Robert Ziemian for ControlTec LLC, the patent owners, and the witness.

MICHAEL A. POLLOCK,

having provided proper identification, was placed under oath and testified as follows:

EXAMINATION

BY MS. REICHEL:

Q. Could you please state your full name for the record?

A. Michael Andrew Pollock.

Q. And it's Mr. Pollock; is that right?

A. Yes.

Q. You've been deposed before?

A. Yes.

Q. About how many times?

A. Once.

Q. Was that a video deposition?

A. Yes.

Q. So you're a little familiar, I guess, with the roles of the attorneys here today and the rules that we'll follow, but I'm just going to go over them again just to make sure we're all on the same page. Okay?

A. Okay.

Q. I'll be asking you a series of questions today and the court reporter will be taking down everything that anyone in the room says when we're on the record.

Do you understand that?

A. Yes.

Q. It's very hard for the court reporter to take down more than one person at once, so I'm going to do my best to wait for you to fully finish your answer before I start to ask another question, and I'll ask that you do your best to wait for me to fully finish my question, even if you think you know what the end of my question is going to be, before you start to answer and that way we'll have a clean transcript. Okay?

A. Yes.

Q. If you don't understand my question, you can feel free to ask me to clarify. I'll do my best to do that. But if you go ahead and answer, I'll assume you understood it; is that fair?

A. Yes.

Q. We'll take breaks throughout the day. If you need a break at any point in time, just let me know, and we can take a break. But I'll just ask that we finish the question that's pending or maybe the line of questioning until we get to a good stopping point. Is that okay?

A. Okay.

Q. Do you understand that you're under oath

here today?
A. Yes.
Q. Do you understand that that's the same oath that you would give if you were in a courtroom?
A. Yes.
Q. You understand that as you speak here today you're creating evidence in this proceeding?
A. Yes.
MR. JONES: Objection, form.
Q. Your attorney may object throughout the course of the day, and you understand that unless ControlTec's attorney instructs you not to answer, you should go ahead and answer my question.
Do you understand that?
A. Yes.
Q. And you're not represented by counsel here today; is that right?
A. Correct.
Q. You're here as an independent expert?
A. Yes.
Q. All right.
MR. JONES: Just to be clear, I'm

representing the witness for the purpose of the deposition.

MS. REICHEL: So the witness is your client?

MR. JONES: I'm representing the witness for the purpose of the deposition.

MS. REICHEL: But that wasn't my question.

MR. JONES: I'm not going to argue with you on the record, counsel. I'm just noting the fact. We can discuss it later. But you can go ahead.

BY MS. REICHEL:

Q. Is Mr. Jones your attorney?

MR. JONES: Objection, form.

A. Yes.

Q. Mr. Jones is your attorney?

A. In this deposition.

MR. JONES: Objection, form.

Q. Okay. So you have signed some kind of engagement letter retaining Mr. Jones to represent you in these proceedings?

A. No.

MR. JONES: Objection, form.

Q. Can you repeat your answer?

A. No.
Q. And to the extent Mr. Jones objects, if you can let him finish the objection before you answer, that way we'll have a clean transcript. Okay?
A. Okay.
Q. So I just want to make sure I understand, Mr. Jones is your attorney for purposes of this deposition?
MR. JONES: Objection, form.
Q. Is that correct?
A. Yes.
Q. Okay. And Mr. Jones is also ControlTec's attorney, to your understanding, correct?
A. Yes.
Q. To the best of your knowledge, you have not signed a formal retention agreement retaining Mr. Jones as your counsel.
MR. JONES: Objection, form.
Q. Is that right?
A. No.
Q. Are you compensating Mr. Jones to represent you as your attorney in these proceedings?
A. No.

MR. JONES: Objection, form.
Q. Can you just repeat your answer?
A. No.
Q. So that way we can have a clean transcript. Sorry.
All right. So if your counsel instructs you not to answer a question and you're going to follow that instruction, then that would be a time when you would not answer my question. But otherwise, if your counsel objects to the question and you understood the question, do you understand that you should proceed to answer it once he's done with the objection?
A. Yes.
MR. JONES: Objection to form.
Q. All right. So you understand that you're under oath here today, right?
A. Yes.
Q. You understand that your testimony is part of a legal proceeding, right?
A. Yes.
Q. You're going to do your best to provide truthful and accurate testimony here today, right?
A. Yes.

Q. And you understand that it's important that your testimony is truthful and accurate, right?
A. Yes.
Q. Is there any reason, medical or otherwise, that your testimony today would not be truthful?
A. No.
Q. Any reason that your testimony here today would not be complete on the subject matter on which I ask you questions?
A. No, not that I'm aware.
Q. If that changes at any point during the day, you start to not feel well, anything like that, will you let me know?
A. Yes.
Q. All right. So we've established, I guess, that you're here with Mr. Jones as your counsel, correct?
MR. JONES: Objection, form.
A. For this deposition.
Q. You're also here as a expert witness. You understand that, right?
A. Yes.
Q. Did you sign an engagement letter

relating to your role as an expert in this case?
A. Yes.
Q. When did you sign that engagement letter?
A. In 2025.
Q. When in 2025 were you engaged?
A. I don't recall the exact date.
Q. Do you recall what season of the year it was?
A. As I sit here right now, I would estimate the middle of the year.
Q. Okay. Around July or August?
A. As I recall, in that time frame.
Q. Do you know if you were engaged before or after the patent office instituted these proceedings?
A. Can you rephrase that question? When you say "these proceedings," what do you mean?
Q. Sure.
Are you familiar with the process of an Inter Partes Review?
A. Not -- not -- I mean, generally, but not as -- as a POSITA and not as an attorney.
Q. When you say "generally," can you explain what you mean by that?
A. Just that this matter is in front of an

Inter Partes Review that I'm here deposed today for.

Q. Do you understand that proceeding is happening with the patent office?

A. Yes.

Q. Have you ever been involved in a Inter Partes Review proceeding before?

A. No.

Q. Are you aware that on August 25, 2025 the patent office issued a decision granting institution of the Inter Partes Review for the '181 patent?

A. Yes.

Q. When did you first learn about that institution decision?

A. I don't recall exact dates.

Q. Do you know whether the institution decision predated your involvement in these proceedings?

A. I don't recall exactly.

Q. And were you told about an institution decision when you were first approached for possible engagement in this matter?

MR. JONES: Objection.

You can answer that yes or no.

A. I'm sorry. Can you repeat the question?
Q. Were you told about an institution decision when you were first approached for possible engagement in this matter?
MR. JONES: Again, you can answer that yes or no.
A. Yes.
Q. All right. So if the institution decision in the '181 proceeding was issued on August 25, 2025, is it reasonable to conclude that you were first approached for engagement in this matter after August 25, 2025?
MR. JONES: Objection, form.
A. That's reasonable.
Q. And that's consistent with your memory, correct?
MR. JONES: Objection, form.
A. At this time, correct.
Q. Who approached you?
A. I don't recall exactly.
Q. Was it an attorney?
A. No.
Q. All right. Were you first approached for possible engagement in this matter by someone at ControlTec?

A. No.
Q. Were you retained through some sort of expert search firm?
A. Yes.
Q. All right. What firm is that?
A. I don't recall their exact name.
Q. You don't recall the name of the firm that contacted you for possible engagement in these proceedings?
A. I don't recall their exact name.
Q. Do you work with a number of different expert search firms?
A. Yes.
Q. Are you paid through those search firms?
A. Yes.
Q. So you don't know who's writing the checks to pay you for your work in this matter?
A. I don't recall as I sit here right now their exact name.
Q. Okay.
A. I don't want to state it on the record if I don't know the exact name.
Q. All right. But that first person who reached out to you, that was not an attorney, right?

A. Correct.
Q. Sure.
Can you describe the substance of that first communication, please?
A. The communication, as I recall, was there was a potential client looking for assistance in a refrigeration patent matter.
Q. Were you given information about what kind of assistance the potential client was looking for?
A. Expert witness work.
Q. What do you mean by "expert witness work"?
A. It was a legal proceeding where they needed a refrigeration expert.
Q. What was your understanding of why the potential client needed a refrigeration expert?
A. Because there was a legal matter in front of the USPTO.
Q. What was your understanding of why the potential client needed a refrigeration expert for the legal matter that was in front of the PTO?
A. To opine on refrigeration technology.
Q. What kind of refrigeration technology?

A. Refrigerated display cases.
Q. You were specifically told about refrigerated display cases in that very first conversation as being a relevant technical inquiry for this assignment?
A. I believe so, and I believe I was offered the reference to the patent.
Q. Which patent?
A. The patent ending '181.
Q. Were you also offered the '847 patent?
A. I don't recall exactly at that time.
Q. And just so the record is clear for purposes of the proceedings today, when you or I refer to the '181 patent, can we have a joint understanding that we're referring to U.S. Patent Number 7,207,181?
A. Yes. If I can just confirm that, but that would be fair.
Q. Okay. That's your understanding of one of the patent numbers at issue in this case?
A. Yes.
Q. Okay. For purposes of the proceeding today, when you or I refer to the '847 patent, can we have a shared understanding that we'll be referring to patent number 7,421,847?

A. Yes.
Q. All right. Coming back to that first conversation that took place after August 25th, 2025, you were approached by an expert search firm that you'd worked with, that search firm told you that there was a potential client looking for a refrigeration expert, and that search firm provided you with a copy of the '181 patent; is that a fair summary?
A. As I recall, I'm not sure if they provided me the patent or the patent number.
Q. Were you asked to review the patent to assess whether you would be a good fit for the assignment?
A. As I recall, yes.
Q. Was that inquiry solely limited to whether you would be a good technical fit for the technology, or was there another component to your initial assessment?
A. As a technical expert.
Q. Whether you had appropriate technical expertise?
A. Yes.
Q. Okay. Were you told at the time whether the potential client was the patent owner or the

petitioner in the patent office proceedings?
A. I don't recall.
Q. Were you asked to assess whether you would be able to provide opinions that the patented claims were valid or invalid?
MR. JONES: Counsel, are you still talking about the very first call he had with the expert service?
MS. REICHEL: Yes. All my questions are about that very first call that did not involve an attorney.
A. I'm sorry. Can you repeat that question?
Q. Sure.
In that very first call where you were not speaking with an attorney, were you asked to assess whether you would be able to provide opinions that the patented claims for the '181 or '847 patents were valid or invalid?
A. I don't recall that specifically.
Q. How long was that first conversation?
A. Maybe 15 minutes.
Q. What happened next after that 15-minute conversation?
A. With regards to --
Q. With regards to --

A. In regards to...
Q. -- anything relating to these proceedings that involved you.
A. I believe we had -- there was a phone call with the attorneys that were the client.
Q. There must have been a way for you to provide feedback that you felt qualified enough to move on to the next step, right?
A. Yes. There would have been feedback in that phone call.
Q. I see.
So during that first 15-minute phone call, you either were sent the patent or you actually pulled up the patent yourself based on the patent number and you did enough of an assessment in those 15 minutes to determine that you had adequate technical expertise to provide opinions on the validity of those claims?
MR. JONES: Objection, form.
A. No. I would have provided feedback that I would review those materials.
Q. So how did you move to the next step of confirming that you were ready to meet with the attorneys?
A. I reviewed those materials and the

technology therein.

Q. When you say "materials," are you referring exclusively to the patents, or are you referring to something else also?

A. As I recall, the patent.

Q. All right. So you after the first 15-minute phone call, you spent some time reviewing the '181 patent, right?

A. Yes.

Q. About how long did you spend reviewing it in that first review?

A. Maybe an hour or two.

Q. What were your initial opinions about the technology in the '181 patent during that initial review?

A. That I was familiar with that technology.

Q. Did you know at that point in time whether the potential client was the patent owner or the petitioner when you were doing that one to two-hour review?

A. I don't recall specifically.

Q. Did you review the claims of either patent in that initial one to two-hour review?

A. I did review the claims to an extent.

Q. What do you mean "to an extent"?

A. Just a preliminary review, read them.
Q. Did you have an opinion at that point upon reading the claims whether you thought they were valid or invalid?
A. No.
Q. All right. So your initial assessment was not to determine whether you thought that the patent claims were valid or invalid, it was just to assess the technology; is that right?
A. Correct.
Q. Do you recall what your original opinion was when you read the claims in the '181 patent for that first time?
MR. JONES: Objection, form.
A. I'm sorry. Can you repeat that question?
Q. When you first reviewed the claims for the '181 patent in that first one to two-hour independent review session, do you recall having any sort of opinion about the claims of the '181 or '847 patents?
A. Just that I knew the technology space and understood what the claims -- you know, what the patent and the claims generally read.
Q. How did you -- like what aspect of your background put you in a position of having the

capability of understanding what the claims generally meant?

A. My education and experience in refrigeration and work in commercial refrigerated display cases.

Q. What experience and work in commercial refrigerated display cases did you consider relevant in that first review session to whether you would be able to provide expert testimony in this case?

A. I had worked with refrigerated display cases for approximately ten years while working at the DuPont company.

Q. Was that experience in your mind during that initial one to two-hour review session?

A. Yes.

Q. All right. So what happened next after you did that one to two-hour review session?

A. I don't recall exactly. Some time passed, and then later in 2025 I was contacted about the matter again saying that this matter may be moving forward. Their interest in my engagement would potentially be moving forward.

Q. Who contacted you that second time?

A. The same expert witness firm. And I

believe her name was Monica Poole, P-o-o-l-e.

Q. You don't remember what firm Monica works for?

A. I don't know the firm name off the top of my head. They changed names.

Q. Do you recall approximately when that second conversation took place with Ms. Poole?

A. Like fourth quarter off the top of my head.

Q. After November 3rd, 2025?

A. I don't recall exactly.

Q. Do you recall whether it was before or after Thanksgiving?

A. I think before.

Q. Do you recall whether it was before or after Halloween.

A. I don't. I think before, but I don't recall exactly.

Q. All right. So sometime in the October, November time frame you were contacted again by the expert search firm to let you know that there was continued interest in retaining you for this matter; is that right?

MR. JONES: Objection, form. Counsel, I'm going to instruct the witness not to answer

any more questions about his specific conversations with Ms. Poole. Ms. Poole is my agent, working at my direction in furtherance of this litigation.

So you can say whether you did or did not have conversations with Ms. Poole, but don't disclose any further substance of that conversation.

You can ask your questions.

MS. REICHEL: Okay. I don't think that objection was warranted based on the question I asked, which was solely about the timing of a point in contact, nor is Ms. Poole an attorney, nor have we established that she was acting as your agent, and --

MR. JONES: I'm telling you she acted as my agent.

When you asked him what the subject matter -- you asked that there was continued interest for retaining him, that's the subject of the conversation. It wasn't about timing.

Counsel, quit trying to pierce the attorney-client privilege.

MS. REICHEL: I'm not trying to pierce the attorney-client privilege.

MR. JONES: Yes, you are. You know you are.

MS. REICHEL: These are perfectly permissible questions.

MR. JONES: Okay. I'm instructing the witness not to answer.

MS. REICHEL: He already provided the information.

MR. JONES: About the first call.

MS. REICHEL: He said that there was a second call where they expressed continued interest, and that's --

MR. JONES: Okay. And I'm telling him not to say anything else.

MS. REICHEL: I'm only asking him what he's already talked about.

MR. JONES: Okay.

MS. REICHEL: Will you please stop interfering with the deposition.

MR. JONES: I'm not interfering, counsel. I'm protecting our rights.

Go ahead.

MS. REICHEL: You're instructing him not to provide information that's already been disclosed.

MR. JONES: Go ahead, counsel. Move on.
BY MS. REICHEL:
Q. You ready, Mr. Pollock, to continue?
A. Yes.
Q. All right. Sometime in the October, November time frame you were contacted again by the expert search firm to, as you described earlier, let you know there was continued interest in retaining you for this matter; is that correct?
MR. JONES: Objection, form.
You can answer that yes or no.
A. Yes.
Q. Thank you.
Without revealing the content of any attorney-client communication or any attorney communication, what was the next step in your engagement, the next event?
A. I was provided case materials, as I recall.
Q. Had you signed an engagement letter at that point in time?
A. Yes.
Q. When did you sign the engagement letter?
A. I don't recall the exact date.

Q. Was it after that second conversation?
A. I don't recall.
Q. Who was the other signatory on the engagement letter?
A. The expert witness firm's representative.
Q. And understanding that you don't remember exactly when the engagement letter with the expert witness firm was signed, was it, to the best of your recollection, around that second call in the October, November time period 2025?
A. Generally in that similar time frame.
Q. Did the initial engagement letter include terms relating to compensation?
A. Yes.
Q. What were the compensation terms in that engagement letter?
A. Based on hourly rate.
Q. What's your hourly rate?
A. I believe 350 an hour.
Q. That's what you receive out of pocket, or that's what the search firm charges for your time?
A. That's what I receive.
Q. So for every hour of work that you've done on these matters you have received $350; is

that right?
A. Yes.
Q. Do you know what the expert search firm charges your client for your time?
A. I do not.
Q. Do you believe it to be more than $350 per hour?
MR. JONES: Objection, form.
A. I don't know.
Q. You don't know one way or the other?
MR. JONES: Objection, form.
A. I don't have that information.
Q. When you first started working with the expert search firm, did they let you know that they mark up your rates, or how do you think the relationship works?
MR. JONES: Objection, form.
You can answer yes or no, but you can't -- don't say anything else about what the expert search firm told you.
MS. REICHEL: That's not a proper objection. I'm asking him about his relationship with the search firm. It has nothing to do with this case.
MR. JONES: I made my objection.

A. I didn't have any information relating to what they charge for me.
Q. Okay. So you don't have an understanding one way or the other about how the rate that you receive in your pocket compares to the rate that the expert search firm charges for your time, right?
MR. JONES: Objection, form, asked and answered.
A. No.
Q. All right. When did you first speak with counsel for ControlTec in this case?
MR. JONES: Objection.
A. I --
MR. JONES: Just hold on. You can tell her the dates, but don't tell her anything about what we discussed. Okay?
THE WITNESS: Okay.
MR. JONES: Go ahead.
A. In that same general time frame.
Q. Do you recall if it was before or after Thanksgiving?
A. I believe it was before Thanksgiving.
Q. And you said earlier you were provided with some materials to review; is that right?

A. Yes.
Q. Were those materials provided to you by Ms. Poole or someone else at the expert search firm, or were they provided by counsel?
A. I don't recall exactly if they came from counsel or from the firm.
Q. Was the information that you were provided to begin your review information that you relied on to form your opinions in this case?
A. Yes.
Q. What information were you provided that you relied on to form your opinions in this case?
A. Well, the materials listed in my report.
Q. You were given all those materials at once?
A. It may have been a couple downloads.
Q. What were the first materials that you were provided upon which you relied to develop your opinions in this case?
A. Well, the patent information.
Q. What do you mean by "patent information"?
A. The patent numbers and the patents themselves.
Q. Anything else?
A. That was the first materials that I

recall.
Q. That you recall being provided after your engagement?
A. Yes.
Q. You'd already looked at the patents or at least the '181 patent, right?
A. Yes.
Q. Were you provided any of the proceedings from the IPR itself?
A. I was presented with those documents and the exhibits relevant to those documents.
Q. So you were provided copies of the petitions that Anthony filed; is that right?
A. As I recall, yes.
Q. Were you provided copies of the petitions for both the '181 and the '847 patents?
A. I don't know if I received both at that time. I believe I did for the '181 patent.
Q. Were you provided all the exhibits or just a subset?
MR. JONES: Objection, form.
A. I don't recall.
Q. What was your understanding when you received those materials, the petition and the exhibits, of your assignment in this case?

A. What was my understanding?
Q. Uh-huh.
A. That those materials were provided for this proceeding.
Q. What was your understanding of what your assignment was at that point in time? What were you supposed to do with those materials?
A. To review those materials.
Q. For what purpose?
A. To determine an opinion on this IPR, Dr. Henze's report relevant to the '181 patent.
Q. You were asked to review Dr. Henze's report or declaration?
A. Yes.
Q. And you were asked to comment on it?
A. Yes.
Q. Were you asked to rebut Dr. Henze's declaration?
MR. JONES: Objection, form.
A. I don't recall using that --
MR. JONES: Hold on, hold on. I've let you go way far into this, counsel. He has a report here. Stop asking about what the lawyers told him.
Go ahead. Don't reveal the contents of

attorney-client discussions. Okay?

Q. And Mr. Pollock, I'll clarify my question because I don't believe I was asking you about attorney-client communication. When you began your work in this case, what was your understanding of what your assignment was as an independent expert in this case with respect to Dr. Henze's declarations?

A. Can you repeat the question?

Q. When you began your work in this case, what was your understanding of what your assignment was with respect to Dr. Henze's declarations?

A. To read it and understand it.

Q. Okay. Anything else?

A. And to opine on it as contained in my report.

Q. What do you mean "to opine on it as contained in my report"?

MR. JONES: Objection, form.

A. To provide an opinion on the validity of the report.

Q. What do you mean "to provide an opinion on the validity of the report"?

A. In what respect?

Q. Mr. Pollock, I'm just asking what you meant when you said your understanding of your assignment in this case with respect to Dr. Henze's declarations was to provide an opinion on the validity of the report, what did you mean by that?

MR. JONES: Objection to form.

A. To read it and form an opinion.

Q. Form an opinion about what?

A. The report, Dr. Henze's report.

Q. His declarations?

A. Yes.

Q. Were you --

MS. REICHEL: Strike that.

Q. At that point in time when you first began your work on this case, did you understand that you had an assignment with respect to the patents in this case?

A. To review and understand them.

Q. Did you understand your assignment involved developing an opinion on the validity or invalidity of the claims in the patents?

A. No. I was not asked for -- to perform validity of the patents -- validity or invalidity of the patents.

Q. At any point in time, or just at that initial conversation?

MR. JONES: Objection, form.

Please don't reveal the contents of attorney-client communications.

Counsel, he has a report in this case. I know you want to know what we talked about.

MS. REICHEL: My question was about timing, Mr. Jones.

MR. JONES: Your question was at any point in time.

MS. REICHEL: Yes. My question was about timing. I'm allowed to ask about the timing of conversations that he's already testified to.

MR. JONES: Ask the question again, please.

Q. Mr. Pollock, you testified earlier that you were not asked to perform an assessment of the validity or invalidity of the patents. My question is, are you referring to just your initial assignment call, or are you referring to any point in time over the course of your work on this case?

A. I was not asked to perform an invalidity assessment.

Q. At any point in time?
A. Correct.
Q. Sitting here today, do you have an opinion about whether the claims in the '181 or '847 patent are valid or invalid?
MR. JONES: Objection, form.
A. No, just the opinions in my report.
Q. All right. So sitting here today, you don't have an opinion that the claims of the '181 or '847 patents are valid?
MR. JONES: Objection, form.
You mean other than the opinions in his report?
MS. REICHEL: Please don't interfere. You're --
MR. JONES: I'm not interfering.
MS. REICHEL: -- coaching the witness.
MR. JONES: I'm not coaching the witness.
MS. REICHEL: You absolutely are.
MR. JONES: You just said he has the opinions in his report.
MS. REICHEL: You just added to my question.
MR. JONES: I'm not adding to your question.

BY MS. REICHEL:

Q. Okay. Mr. Pollock, I'm going to focus you back on the question I asked and not the question that Mr. Jones is trying to ask you.

Sitting here today, you don't have an opinion that the claims in the '181 and '847 patents are valid; is that right?

A. All my opinions are in my report.

Q. Are you able to tell me sitting here today whether you believe that the claims of the '181 and '847 patents are valid or invalid?

A. Correct.

Q. You're not able to tell me that?

A. Correct.

Q. And you believe that your assignment in this case was not to provide opinions on the validity or invalidity of the claims of the '181 --

A. Correct.

Q. -- or '847 patents, right?

A. Yes.

Q. And you didn't perform that assessment, right?

A. No.

Q. And you don't have opinions sitting here

today about the validity or invalidity of the claims in the '181 or '847 patents, right?

A. No.

Q. Is that correct?

A. No, I did not do that analysis.

Q. You didn't analyze the validity of the '181 and '847 patents?

A. Correct.

Q. And you didn't develop opinions on the validity of the '181 and '847 patents?

A. Just the opinions that are in my report.

Q. Do you believe you provided opinions in your report about the overall validity of the '181 and '847 patent claims?

MR. JONES: Objection, form.

A. No, not specifically.

Q. So you don't believe you have provided opinions about the validity of the claims in '181 and '847 patents?

A. Correct.

Q. And you didn't develop such opinions at any point in time, right?

MR. JONES: Objection, form.

A. Just the opinions in my report.

Q. Sitting here today, to your best

recollection, you don't have an opinion about whether the claims in the '181 and '847 patents are valid, right?

MR. JONES: Objection, form.

A. No.

MR. JONES: Asked and answered.

A. I was not asked to perform that analysis.

Q. You were not asked to perform an invalidity or validity analysis for the '181 and '847 patents and, therefore, you have not done so, right?

MR. JONES: Objection, form, asked and answered.

A. My opinions are in my report.

Q. And Mr. Pollock, I'm asking about the work you did. You understand that, right?

A. Yes.

Q. You have not performed an analysis of the validity or invalidity of the claims of the '181 or '847 patents, right?

MR. JONES: Objection, form, asked and answered.

A. I have not performed an invalidity report for invalidity opinions for those patents.

Q. Or a validity opinion, right?

A. Or a validity opinion.
MR. JONES: Objection, form, asked and answered.
Q. And sitting here today, you don't have a belief in your mind that the claims of the '181 and '847 patents are valid, right?
MR. JONES: Same objection.
A. Correct.
Q. Because you weren't asked to do that assessment, right?
A. Correct.
MR. JONES: Same objection.
Q. Correct?
MR. JONES: Same objection.
A. Yes. My opinions are in my report.
Q. And I understand that, you've said that. My question is, sitting here today you don't hold in your mind an opinion that the '181 and '847 patent claims are valid, correct?
MR. JONES: Objection, form, asked and answered.
A. Correct.
Q. You were asked and you testified earlier to respond to the technical information in Dr. Henze's report; is that right?

MR. JONES: Objection, form.
A. Correct.
Q. And, again, when your counsel objects, just so we have a clean record, if you can just wait or repeat your answer when he's done, then we'll have a cleaner transcript. I know it's frustrating --
A. Okay.
Q. -- and just where we are with these kind of proceedings. All right? Can you do your best?
A. I'm sorry. Can you repeat the question?
Q. Yeah, sorry.
I'm just asking, can you do your best to either wait for your counsel to object or to repeat your answer if you spoke over each other?
A. Yes.
Q. Thank you.
And if I like hold my hand out to you like this (indicating), I'm just asking for you to repeat your answer so that there's no talking over.
A. Okay.
Q. So I'll try and do that as well.
All right. So you were retained in this

case to respond to Dr. Henze's technical opinions; is that right?

A. I was asked to write my report to review those materials and form an opinion on them.

Q. On Dr. Henze's declaration?

A. On the declaration and the case materials that I reviewed.

Q. Were you asked to review prior art in this case?

A. Yes.

Q. Do you know what prior art you were asked to review?

A. As listed in my report.

Q. Sitting here today, do you remember any of the prior art that you were asked to review?

A. The Carter patent, the Kotani patent, Gatling patent, and there's others as listed in my report.

Q. Sitting here today, those are the three that come to mind?

A. Those are the majors as I sit here.

Q. The majors?

A. The main ones.

Q. What do you mean by "the majors" or "main ones"?

A. And there's another one, I can't remember the gentleman's name as I sit here. It's automobile related.

Q. When you say these references are the majors or main ones, what do you mean by that?

A. These are just the ones that I remember --

Q. The ones you've --

A. -- as I sit here.

And you're asking about the '181 patent?

Q. Did you do a different analysis for the two different patents in the case?

A. No. I just -- well, I issued different opinions: One on the '181 patent and another on the '847 patent.

Q. Did you do a separate analysis for each of those declarations, or did you write two different declarations based on kind of one analysis that you had done?

A. Well, you know, they were separate analyses based on the art that was presented.

Q. Did you conduct those separate analyses at different points in time?

A. Portions of the analyses were at different times.

Q. You started out your analysis focusing on the '181 patent?
A. Yes.
Q. And then later you did an analysis specific to the '847 patent and the prior art in those proceedings?
A. There was overlap. I don't remember the specific dates and timelines.
Q. Do you recall when you issued your first declaration in this case?
A. Towards the end of -- well, in January 2026 time frame.
Am I able to reference my report?
Q. If I represent to you that you executed your '181 declaration on December 29, 2025, is that consistent with your recollection?
A. Yes.
Q. All right. So at the end of this --
A. End of '20.
Q. -- calendar or the end of the previous calendar year between Christmas and New Year's?
A. Yes.
Q. Probably remember well working during that time period on the declaration?
MR. JONES: Objection, form.

A. Yes.
Q. So over what period of time were you conducting the analysis and the work that led to your declaration in the '181 patent?
A. During the fourth quarter generally of 2025.
Q. November, December basically.
A. October through December.
Q. During what period of time were you working on your analysis for the '847 patent and your declaration in that proceeding?
A. A lot of the materials were similar, so portions in that same time frame and then into January of 2026.
Q. If I represent to you that you executed your '847 declaration on January 21st, 2026, is that consistent with your recollection?
A. Yes, generally.
Q. Do you recall how much additional analysis or drafting work you did between December 29, 2025 and January 21, 2026 that was specific to the '847 patent?
A. Yes. It's -- if you look at the reports, the different references are cited therein.
Q. Is it fair to say that during that

January time frame you focused on the references that were unique to the '847 proceeding?

MR. JONES: Objection, form.

A. No.

Q. All right. You were focused on the '847 proceeding in its totality during the January time frame?

MR. JONES: Objection, form.

A. No.

Q. How would you describe the analysis that you did for the '847 proceeding in the January 2026 time frame?

A. I did work on the analysis of the '847 declaration during that time period.

Q. Overall, how much time did you spend analyzing the issues and reaching your opinions for the two proceedings combined?

A. I don't recall the exact amount of time. It was over, you know, weeks of time.

Q. Was it over 40 hours?

A. Yes.

Q. Over 80 hours?

A. Yes.

Q. Over a hundred hours?

A. I don't recall exactly. Likely over a

hundred or in that order of magnitude.

Q. And of that approximately 100 hours that you've spent forming your opinions in this case, can you estimate how much of that time was spent analyzing the prior art as opposed to drafting your declarations?

A. In general terms I could.

Q. Go ahead.

A. Maybe 50/50.

Q. So around 50 hours spent doing your analysis of the prior art and Dr. Henze's declarations and around 50 hours spent drafting your declarations for the '181 and '847 patents?

A. I would keep it in percent. 50 percent, because I don't have the exact number of hours.

Q. Sure.

Is that in the right ballpark?

A. I don't know exactly sitting here today.

Q. Okay. Do you believe you've spent significantly more than a hundred hours in your work on this case?

A. I could have spent more than a hundred hours in this case.

Q. You've invoiced for your time, right?

A. I do.

Q. So you know how much you've invoiced for?
A. Not the exact amount as I sit here today. And I don't charge for every minute that I spend. You know, it's representative.
Q. Do you have an estimate of how much you've invoiced for your work on this case as of today?
A. Not with me.
Q. You can't estimate it based on you memory?
A. I'd rather not on the record. You know, I don't have that with me.
Q. What percentage of your time in the November, December, January time period, your working hours, did you spend on this case as opposed to other matters that you're involved with?
MR. JONES: Objection, form.
A. I don't recall.
Q. Were you working somewhat full time on these proceedings, or did you have other work you were doing in the same time frame?
A. There were portions where I was working full time on this and working on other matters.
Q. Okay. So you weren't working 40 hours a

week on these proceedings during those three months, right?

MR. JONES: Objection, form.

A. I could have been. I'd have to look at the records.

Q. But you do remember you had other work going on in the same time period, right?

A. Yes.

Q. And you had the holidays and whatnot in there as well, right, Thanksgiving, Christmas?

A. Well, the holidays were on the calendar, yes.

Q. Do you recall working through those holidays on these proceedings?

A. I did work -- I did work during the holidays.

Q. Okay. All right. So your best guess sitting here today is you spent in the neighborhood of a hundred hours total, right?

A. Something along those lines generally, yes.

Q. What about for your deposition, what did you do to prepare for that? And I don't want you to tell me about the substance of any communications with counsel, but aside from those

communications?

A. I reviewed my reports and the prior art references and the case exhibits.

Q. And when you say "prior art references," did you review all of them or just the major ones that you referenced earlier?

A. The ones, you know, within my report that I formed opinions on relevant to those opinions.

Q. And when you said you looked at case exhibits, what exhibits are you referring to?

A. They're listed in my report. I don't have a memorized list of them.

Q. Did you review all of the exhibits in preparation for your deposition, or did you select just a few of them?

A. I reviewed the ones that were relevant to my report.

Q. How did you decide which case exhibits were relevant to your report?

A. I used the report as my guide to review those references.

Q. As you read through the report, if you saw something cited, you went and looked at, that kind of procedure?

A. I did do portions of that.

Q. Is there any other process you used to determine what case exhibits to review to prepare for your deposition?
A. I tried to view what a POSITA would consider important for this matter.
Q. What do you mean by that?
A. For a person of skill in the art.
Q. What do you mean you "tried to view what a POSITA would consider important for this matter"?
A. Yes. As someone familiar with refrigerated display cases and relevant matter from Dr. Henze's report and materials referenced in my report.
Q. Okay. So if we just come back to this idea of deciding what exhibits you were going to look at to prepare for your deposition, other than reading through your report or your declaration and checking the documents you'd cited, is there any other process that you used to determine what you wanted to review to prepare for today?
A. I don't recall specifically. That was generally the process I used.
Q. Okay. About how long did you spend

reviewing those materials, your report, prior art references, and case exhibits, in preparation for your deposition?

A. A few to several days, maybe not full days.

Q. And that was work you did on your own?

A. Generally, yes.

Q. Did you also -- and, again, I don't want you to reveal the substance of communications with counsel, but did you also meet with counsel to prepare for your deposition?

A. We had phone calls.

Q. Did you have any in-person meetings with counsel to prepare for your deposition?

A. No.

Q. Did you meet over Zoom?

A. I mean, we met last night for dinner and had dinner, that was it.

Q. Was that in preparation for the deposition or just a social outing?

A. Just social dinner outing.

Q. Did you have any Zoom meetings to prepare for your deposition?

MR. JONES: You can answer that yes or no.

A. I think there were Zoom meetings, yes. They mostly were telephonic, I believe, even if they were Zoom.

Q. About how many times did you speak with counsel for the purpose of preparing for your deposition?

A. I think twice.

Q. How long were those phone calls?

A. Approximately an hour or two hours.

Q. Each or total?

A. Each.

Q. So somewhere in the neighborhood of two to four hours that you spent speaking with counsel to prepare for the deposition?

A. Sounds approximately correct.

Q. Over the course of two phone calls?

A. Yes.

Q. Most of your preparation for the deposition was on your own?

A. Yes.

Q. Was that several days you spent reviewing your declaration, the case exhibits, and the prior art?

A. Yes.

Q. Anything else you did to prepare for your

deposition?

A. I don't recall anything as I sit here currently.

Q. Okay.

MS. REICHEL: We've been going about an hour. Do you want to take a break now, or do you want to keep going?

THE WITNESS: I could take a short break. Bathroom break.

MS. REICHEL: Okay. Why don't we go off the record.

THE VIDEOGRAPHER: The time is 9:59 a.m. This concludes media unit number one. We're off the record.

(Recess commencing at 9:59 a.m. and reconvened at 10:11 a.m.)

THE VIDEOGRAPHER: The time is 10:11 a.m. This is the beginning of media unit number two. We're back on the record.

(Pollock Exhibit 1, Cogent Experts Michael A. Pollock P.E. CV, marked for identification.)

BY MS. REICHEL:

Q. Welcome back, Mr. Pollock.

A. Thank you.

Q. I've handed you what has been marked as Exhibit 1 for your deposition. It is Exhibit 2024 from IPR 2025-00559, Anthony Inc. versus ControlTec, LLC. It's a document with the title "Cogent Experts, LLC" and then under that is your name and principal engineer title.

A. Yes.

Q. Do you recognize Exhibit 1?

A. Yes.

Q. Is this your CV?

A. Yes.

Q. Is this a CV that you prepared specifically for Cogent Experts?

A. Yes.

Q. Do you have a different CV you use for other purposes?

A. No.

Q. Is Cogent Experts, LLC the name of the expert search firm that you were trying to remember earlier?

A. No.

Q. That's a different search firm?

A. Yes.

Q. Or what is Cogent Experts, LLC?

A. It's an expert witness firm that I work

for.

Q. That's not your own company?

A. It is.

Q. Oh, okay. So Cogent Experts, LLC is your personal company?

A. Yes.

Q. And do you place other experts in matters, or is it just yourself that you place through Cogent Experts?

A. Just myself.

Q. So you basically incorporated a company, Cogent Experts, LLC, to use as a platform for offering your own expert witness work?

A. Yes. A business.

Q. Okay. Under the heading "Cogent, Experts LLC," it says, "Domestic and International Expert Witness & Forensic Solutions."

Do you see that?

A. Yes.

Q. So is this a company that is exclusively about providing expert support for expert witness and forensic purposes?

A. Not exclusively, but we -- you know, generally the company works in expert witness and forensics matters.

Q. Do you do any of your own engineering work as part of Cogent Experts, LLC?
A. What do you mean by "engineering"?
Q. Designing products or that kind of -- working on products?
A. No.
Q. Do you do any sort of product design or engineering in any other type of work that you currently do?
A. "Engineering" is a broad term. When you say "engineering," what do you mean?
Q. Yeah. Maybe I'm not asking it the right way, but like if we look at your general experience on you CV, you talk about having 25 years of engineering experience. The second paragraph says your expertise includes design and engineering of different types of venues.
Do you still do that kind of work?
A. I do engineering work, yes.
Q. Just not as part of Cogent Experts, LLC, or is it all integrated under that company now?
A. I do engineering work under Cogent Experts, engineering analyses-related work.
Q. As part of a forensic assessment?
A. Yes.

Q. Okay. What about -- like what does that mean, "forensic assessment"?
A. Forensic investigations.
Q. After something bad has happened you try to figure out why?
A. Could be something bad. Could be just an investigation.
Q. Is it fair to say that the forensic work that you do is about trying to analyze something that has already happened?
A. Or currently happening.
Q. Or currently happening.
It's not about designing products for future use, right?
A. Correct.
Q. Do you do any work designing products for future use right now?
A. No.
Q. So your work right now as an engineer is about providing expert witness services and providing forensic analysis of events that have already occurred or are currently occurring?
A. Yes. It's generally what we do, what I do.
Q. And when did you focus your work on that

expert witness and forensic work as opposed to product development --

A. Since approximately 2019, 2020.

Q. Why did you change the focus of your professional efforts in that time period?

A. I left a career position at DuPont.

Q. Why?

A. Wanted to do something different, you know, corporate America.

Q. What was the date that you left DuPont?

A. It was September of 2019 time frame.

Q. Okay. So this professional transition wasn't related to COVID or anything like that?

A. No.

Q. Did you leave DuPont at your own initiative?

A. Yes.

Q. Did you work in patents at DuPont?

A. I didn't work in patents, but I had worked on patent-related matters.

Q. What kind of patent-related matters did you work with at DuPont?

A. The review of refrigeration-related patents.

Q. For what purpose were you reviewing

refrigeration-related patents for DuPont?
A. To understand the technology.
Q. For what purpose were you trying to understand the technology found in refrigeration patents when working at DuPont?
A. For new product use and existing product use for environmental considerations under those technologies.
Q. Were you reviewing DuPont patents or competitor patents or something else?
A. Both.
Q. What percent of your job was spent reviewing patents while you worked at DuPont?
A. 5 percent or less.
Q. Sounds like when you were reviewing patents while you were at DuPont you were focused on the technical description of the patents; is that fair?
A. Generally.
Q. Were you analyzing claim scope at all?
A. I reviewed claims in those patents.
Q. Were you working with attorneys as part of that process?
A. There were patent attorneys on those teams, yes.

Q. Was your patent claim analysis work done at the direction of those attorneys?
A. I don't recall specifically that direction to me.
Q. Okay. I'm just asking because I don't want to probe into anything that you were doing at the direction of attorneys. But I'm curious what claim analysis work you were doing on your own during that time period.
A. I mean, I didn't report to attorneys at DuPont for doing that patent-related work. I reported to the business who, you know, had patent attorneys reviewing those matters. So I was asked to do something by the business. I don't know who, the genesis of how that work began. Whether it was an attorney or not.
Q. You were asked specifically to review the claims, or was that just something you did on your own?
A. Not specifically the claims, but the patents, you know, the whole patent.
Q. Do you have any legal training?
A. No. I'm not an attorney.
Q. Do you have any formal patent training?
A. I do.

Q. What kind of formal patent training do you have?
A. I'm a patent practitioner under the USPTO.
Q. When did you become a patent practitioner under the USPTO?
A. Late 2019.
Q. During your time at DuPont, did you have any patent training?
A. No. But I was studying for the patent bar while I was at DuPont.
Q. Why?
A. Because I wanted to take the test.
Q. Were you already planning to move on to a different career path at that point?
A. I don't recall that specifically.
Q. Was DuPont paying for your --
A. No.
Q. -- studying?
A. It was independent.
MR. JONES: Do counsel a favor and just let her ask her question and then you can answer. I'm just trying to keep her record clean for her.
THE WITNESS: Okay.
Q. So while you were at DuPont, towards the

end of your tenure there you were studying for the patent bar on your own?

A. Yes.

Q. Prior to that time you had been reviewing patents as part of your regular work at DuPont?

A. Yes.

Q. And that work involved reviewing claim scope?

A. I reviewed claims, yes.

Q. Did you conduct any sort of infringement or validity assessment of those claims?

A. No, not formally. Just for my own understanding. Just to understand what the patent was and what the claims were.

Q. Not for purposes of assessing whether there was freedom to use a certain product --

A. No.

Q. -- or anything like that?

A. No.

Q. Was it more personal curiosity?

A. No.

Q. Okay. So for what purpose were you reviewing the actual claims of the patents that you were looking at while you were at DuPont?

A. To understand the technology.

Q. In the claims?
A. Yes. And the patent.
Q. Okay. And I'm just trying to differentiate between the technical description and the patent specification and the language of the claims and if there was a different intention in your review of those two distinct sections of the patents.
A. I don't recall a distinction.
Q. Okay. But while you were at DuPont, you were not engaged in analyzing the validity or invalidity of patents or infringement, right?
A. No.
Q. Have you done any sort of infringement analysis before?
A. No.
Q. So you haven't done an infringement analysis in this case, right?
A. No.
Q. So you haven't reached any opinions about whether any specific products meet any of the limitations of the claims in the '181 or '847 patents?
MR. JONES: Objection, form.
A. No, I wasn't asked to do that.

Q. Okay. After you left DuPont, you formed a patent LLC, right?
A. Yes.
Q. It's called Pollock Patents?
A. Yes.
Q. That was with your wife, I presume?
A. No. It was a separate business.
Q. Okay. The website that you formed for Pollock Patents referenced an attorney as well as yourself. Who was that?
A. It was my wife.
Q. Okay. So your wife is an attorney?
A. Yes.
Q. Is she a patent attorney?
A. No.
Q. Does she do any kind of patent work?
A. She does trademark work occasionally.
Q. So when you left DuPont, you applied for the patent bar, right?
A. Yes.
Q. You passed --
A. Yes.
Q. -- presumably?
So you're now a patent agent?
A. Yes.

Q. And you and your wife formed a company called Pollock Patents?
A. Yes. I formed the company.
Q. And as part of the product offering of Pollock Patents, you and your wife offered patent counseling work to potential clients, right?
A. Yes.
Q. And that work was not focused on anything relating to HVAC&R, right?
A. I think I've worked on refrigeration patents related.
Q. What kind of patents do you remember working on that related to refrigeration?
MR. JONES: Objection, form.
A. I don't recall the specifics, but it was refrigeration-based application I developed.
Q. This is something you invented?
A. No. It was for a client.
Q. What do you mean when you say you developed a refrigeration-based application for a client?
A. I wrote the application for a client.
Q. Oh, I see. A patent application?
A. Yes.
Q. Is that patent application published?

A. No.
Q. Was it filed?
A. It was filed. I believe it was abandoned.
Q. All right. So you remember one patent application that you worked on.
MS. REICHEL: Excuse me. Okay. Sorry about that. Something caught in my throat.
Q. Okay. You remember during your time at Pollock Patents working on one patent application relating to HVAC&R?
A. Yes.
Q. That went abandoned?
A. Yes.
Q. How many patents did you work on that actually published while you were with Pollock Patents?
A. I don't recall an exact number.
Q. Is it fair to say that the majority of the patents you worked on during your tenure at Pollock Patents didn't have anything to do with HVAC&R?
A. Generally not refrigeration or HVACR related.
Q. One of the patents that you wrote the

application for was for an instrument holder, right?

A. I'd have to see the reference.

Q. You don't remember that for like guitars, violins?

A. Oh, I do remember that one.

Q. So you worked on that kind of application. But in general, the time that you spent working at Pollock Patents had nothing to do with HVAC&R work other than the one application that you worked on that never published and went abandoned, right?

A. Correct, at Pollock Patents.

Q. Your CV also mentions a couple of patents that you have yourself, right?

A. Yes.

Q. Those also don't have anything to do with HVAC&R, do they?

A. Correct.

Q. They're relating to some kind of stretching apparatus?

A. Yes.

Q. When did you develop your stretching apparatus patented product?

A. I mean, between approximately 2015, 2016.

Q. While you were working at DuPont?
A. Yes.
Q. Did you have an obligation to assign your patents during the time that you were working at DuPont back to DuPont?
A. No.
MR. JONES: Objection to form, calls for a legal conclusion.
You can answer.
A. I'm not a lawyer, but only if it was related to the work I was doing.
Q. And your stretching apparatus patent was unrelated to the work you were doing at DuPont, right?
A. Yes.
Q. And ultimately, your Pollock Patents company is no longer in existence, right?
A. It still exists.
Q. Okay. Is there --
A. I just don't do -- I do very little work under that company.
Q. Is there a reason you don't maintain the website?
A. No. I just don't want new clients under that business right now.

Q. Why not?
A. I primarily focus on Cogent Experts' work.
Q. Why is that?
A. I prefer the engineering-related work of the expert work over the Pollock patent work.
Q. So you don't really like being a patent agent; is that right?
MR. JONES: Objection, form.
A. No, that's not true. It's, you know, just that business model is difficult as a patent agent, private practitioner. I do enjoy patent work.
Q. But you haven't gone to law school to pursue --
A. No.
Q. -- a career --
A. Correct.
Q. -- as a patent attorney, right?
COURT REPORTER: I'm sorry. Please repeat.
THE WITNESS: Sorry.
MS. REICHEL: Yeah, sorry.
Q. I know it's very different from how we normally speak, so just do your best to wait

until I'm done, even if you know what I'm going to say.

You haven't gone to law school to pursue a career as a patent attorney, right?

A. Correct.

Q. All right. So let's turn back to Exhibit 1, your CV. So in terms of education, you have a bachelor's of science in mechanical engineering from Drexel University, right?

A. Yes.

Q. No subsequent degrees, right?

A. No.

Q. So you don't have a master's degree?

A. No.

Q. You don't have a Ph.D.?

A. No.

Q. What was the focus of your study when you were pursuing your mechanical engineering degree?

A. Predominantly thermodynamics, HVACR heating, ventilation, air conditioning, refrigeration.

Q. Did you have like a senior project, or anything like that --

A. Yes.

Q. What was your senior project?

A. An HVAC system for one of Drexel's buildings on campus.
Q. Did that --
A. Chiller plant, chiller machine.
Q. "Chiller machine" you said?
A. Yes.
Q. What kind of chiller machine were you studying as part of your senior project at Drexel?
A. It was for building HVAC.
Q. Like heating, air conditioning type thing?
A. Yes.
Q. Did your work as part of your senior project at Drexel involve condensation sensors?
A. That systematic condensation sensor, as I recall.
Q. Do you know what kind of condensation sensor it was?
A. I don't recall the specific technology.
Q. Why did the chiller machine that you studied at Drexel University have a condensation sensor?
A. To sense condensate in the condensate collection pen.

Q. Why was that important to sense?
A. So it doesn't overflow.
Q. Was there any sort of feedback between the condensation sensor of that chiller machine to the actual heating or cooling functions?
A. I believe it de-energized the system, as I recall.
Q. Can you explain what you mean by that?
A. If the pan were to overflow, it would sense the condensation. And I don't recall if it would set an alarm or if it deactivated the equipment.
Q. It would deactivate the cooling function?
A. Yes.
Q. Could the feedback mechanism also enable heating function?
A. I don't recall that part.
Q. Did your work on the cooling machine that you studied at Drexel relate to the condensation sensing?
MR. JONES: Objection, form.
A. Not specifically. It was the overall system.
Q. Have you ever yourself worked on a condensation sensor?

A. Yes.
Q. Which ones?
A. I've worked on air conditioning systems with condensation sensors.
Q. Did you work on the actual development of the condensation sensors in those air conditioning systems?
A. No.
Q. You used condensation sensors that already existed?
A. Yes.
Q. What work did you do on those air conditioning systems that had condensation sensors?
A. Diagnosed and trouble shot those sensors.
Q. How did you do that?
A. By looking at the systems and assessing whether or not they were functioning.
Q. Whether the condensation sensors were functioning?
A. Yes. Properly.
Q. Did your work involve doing any kind of programming of set points or that kind of thing?
A. Not for condensation sensors.
Q. Do you know what kind of condensation

sensors were used in the air conditioning systems that you worked on?

A. I recall resistance type, thermal conductivity type.

Q. Any others?

A. Not as I sit here.

Q. Other than the air conditioning systems that had condensation sensors that you already described, have you done any other work on condensation sensors?

A. Yes. I've worked on steam condensate systems with temperature sensors.

Q. "With temperature sensors" you said?

A. Yes.

Q. How would those temperature sensors be used to detect condensation?

A. They would sense the temperature of the condensate.

Q. How would those sensors use the temperature of the condensate to detect condensation?

A. The liquid would cover the sensor.

Q. Is it like an optical sensor?

A. Thermal.

Q. So the temperature of the condensate was

used to determine whether there was condensation?
A. It was to determine condensation and its temperature.
Q. The sensors would determine both the existence of the condensation and the temperature of the condensation?
A. Yes.
Q. Any other systems you've worked on that involve condensation sensors?
A. Not as I recall.
Q. Have you worked on any systems that had dew point sensors?
A. Yes.
Q. Which systems?
A. Commercial refrigeration systems.
Q. Any other examples of systems you've worked on that use a dew point sensor?
A. Well, I've worked on many systems which have temperature and relative humidity sensors, which give you a dew point temperature.
Q. What type of systems are you thinking of?
A. HVAC systems, building systems, thermostatic systems.
Q. Anything else?
A. I think those are the majors.

Q. Does your prior work with the air conditioners and steam condensation systems and HVAC building systems form part of the expertise that you believe makes you qualified to opine on the issues in this case?

A. Yes.

Q. Why is that?

A. Because condensation is a consideration on all the systems I looked at inclusive of commercial refrigeration systems and refrigerated display cases.

Q. Do you believe that the work that you've done with condensation and dew point sensing and other applications is relevant to your analysis relating to refrigerated display cases?

MR. JONES: Objection, form, calls for a legal conclusion.

A. Yes.

Q. Why do you believe that work is relevant to the specific application of refrigerated display cases?

MR. JONES: Same objections.

A. Because I worked on refrigerated display cases with dew point sensing equipment.

Q. Why would your work on dew point sensing

or condensation sensing equipment for other applications be relevant to your work with refrigerated display cases?

MR. JONES: Same objections.

A. The work in commercial refrigeration included refrigerated display cases.

Q. You describe work that you had done involving condensation or dew point sensing in applications like air conditioning and steam condensation systems and building systems, right?

A. Yes.

Q. Is the knowledge that you acquired as a part of those experiences relevant to your analysis of dew point or condensation sensing in refrigerated display cases?

MR. JONES: Objection, form and calls for a legal conclusion.

You can answer.

A. Yes, from a thermodynamic standpoint, but my experience on commercial refrigeration systems included dew point sensors on refrigerated display cases.

Q. I understand. I'm asking you about the other experience that you just described.

Do you understand that?

A. Yes.

Can you repeat the question?

Q. Sure.

From a thermodynamic standpoint, how is your prior work on dew point sensing and condensation sensing and other applications like air conditioning, steam condensation, or building systems relevant to the work that you did analyzing refrigerated display cases?

MR. JONES: Objection, form and calls for a legal conclusion.

You can answer.

A. Just from a very general standpoint.

Q. Can you explain?

A. Just thermodynamics standpoint where water vapor condenses to condensate.

Q. Can you explain what you mean by "thermodynamics standpoint where water vapor condenses to condensate"?

A. Just a basic understanding of how dew point works for air.

Q. Well, what do you mean? What's the basic understanding of how dew point works for air?

MR. JONES: Objection, compound.

You can answer.

A. Can you break that down into just a singular question?
Q. Sure.
Is it fair to say that whether the application is an air conditioner or a steam condenser or a building system or refrigerated display case, that the thermodynamics associated with how a dew point works for air, those principals would apply in all those applications?
MR. JONES: Form.
A. Just the general -- just a general understanding of dew point.
Q. All those types of thermodynamics applications that we just referenced use the same understanding of dew point, right?
A. They use the same general understanding of dew point.
Q. Those different applications use the same general understanding of condensation, right?
A. No.
Q. Why not?
A. Well, they're different systems, different temperatures, different applications, different equipment, different materials.
Q. Is it your opinion that the thermodynamic

principles associated with the condensation of water vapor apply differently in those different applications?

MR. JONES: Objection, form.

A. In their application, yes.

Q. In what way?

MR. JONES: Same objection.

A. Different materials, different equipment, different geometries, different applications.

Q. The process by which the water vapor condenses to liquid is the same process in all those applications, right?

A. When you say "process," I don't know what you mean by that.

Q. The way in which the condensation occurs. The scientific principles behind the condensation.

MR. JONES: Objection, form. Objection, compound.

A. No, because they're different -- they're different temperatures, so they're different -- they occur in different ways in different applications.

Q. What do you mean "they occur in different ways in different applications"?

A. Well, a steam system that has steam condensing to water, that's at a much higher temperature than an air conditioning system that has condensate for comfort cooling application, and that's also different from refrigeration condensation temperatures, different temperature ranges.

Q. Okay. So is it fair to say that across these different applications where you've personally dealt with dew point sensing or condensation sensing the temperature at which the condensation might occur is different but the scientific principle of water vapor condensing to liquid is a universal principle that has to be accounted for?

MR. JONES: Objection, form.

A. No. It's different equipment, different geometries, different heat transfer rates.

Q. Okay. So your opinion is that the work that you've done with condensation sensors for air conditioning, steam condensation, or HVAC building systems has nothing to do with the expertise that you applied to your opinions in this case; is that right?

MR. JONES: Objection, form, misstates

his prior testimony.
A. No, just -- no.
Q. Why is that wrong?
A. The general principles apply.
Q. What general principles apply across those different applications?
A. How water condenses from air in general terms.
Q. Is it fair to say that your work with applications like air conditioning, steam condensers, and HVAC building systems informs your understanding of how water condenses from air, which is relevant to your analysis about the refrigerated display cases in this proceeding?
A. Can you break that down into a singular question? It's hard to answer the two parts.
Q. Sure.
Your prior work with applications like air conditioning, steam condensers, and HVAC building systems informs your understanding of how water condenses from air, right?
A. In general terms.
Q. Your understanding and expertise about how water condenses from air is part of the expertise that you applied in rendering your

opinions in this case, right?
A. Those general portions are part of that analyses, yes.
Q. Your prior work with dew point sensing in applications like HVAC building systems also informs the expertise you applied to analyze the issues in these proceedings, right?
A. Yes, in general terms.
Q. And as you described before, systems that are measuring temperature and relative humidity are effectively analyzing or sensing dew points, right?
MR. JONES: Objection, misstates prior testimony.
You can answer.
A. I'm sorry. Can you repeat the question?
Q. Sure.
As you described before, systems that are measuring temperature and relative humidity are effectively sensing or analyzing dew points, right?
MR. JONES: Same objection and form.
You can answer.
A. No.
Q. You want to change your prior testimony

on that?

MR. JONES: Objection, form.

A. The measurement of temperature and relative humidity can be used to calculate or determine dew point is my understanding of what I testified to.

Q. Your experience with measuring temperature and relative humidity in applications like HVAC building systems is relevant to your analysis in this case relating to dew point sensing, right?

MR. JONES: Objection, calls for a legal conclusion.

A. In general terms.

Q. In general terms that experience is relevant, right?

MR. JONES: Same objection.

A. Yes, in general terms.

Q. The type of dew point sensing that the scientific principles associated with dew point sensing in a refrigerated display case application, sensing temperature and relative humidity, are the same scientific principles employed in dew point sensing in applications like HVAC building systems, right?

MR. JONES: Form.
A. I'm sorry. Can you repeat that question?
Q. The scientific principles associated with dew point sensing in a refrigerated display case, sensing temperature and relative humidity, are the same scientific principles that are used to sense dew point in other applications like HVAC building systems, right?
MR. JONES: Form.
A. In general terms, the measurement of temperature and relative humidity can be used to determine the dew point.
Q. That's a thermodynamic principle that you probably learned in your undergraduate work at Drexel, right?
A. Yes.
Q. As part of your undergraduate study focusing on thermodynamics you learned about dew point sensing for all kinds of applications, right?
A. Yes.
Q. You learned about how to use temperature and relative humidity to determine the dew point for potential future applications you might work on as an engineer, right?

A. Yes.
Q. And so that's fundamental scientific knowledge that can be applied to a variety of applications, right?
MR. JONES: Objection, form.
A. Yes.
Q. While you were studying thermodynamics at Drexel University, you also presumably learned about condensation sensors, right?
A. In general terms.
Q. Your study of condensation sensors in general terms while you were at Drexel was intended to allow you to apply that knowledge later to a specific application, right?
MR. JONES: Form.
A. No.
Q. Why not?
MR. JONES: Same objection.
A. The education was academic, not application based.
Q. Is it your testimony here today that the academic study that you did at Drexel University on condensation sensors, dew point sensing, and other thermodynamics principles was not intended for future application to specific areas of

commercial equipment, for example?

MR. JONES: Objection, form, calls for speculation.

A. No. I don't know what the university's intent was.

Q. Well, let's talk about what your intent was, Mr. Pollock. When you were studying thermodynamics at Drexel University and learning about dew point sensing and condensation sensing and humidity and temperature, was it your intention that you would be able to apply that knowledge to future specific applications that you might work with when you became an engineer?

A. I learned the technologies that were presented to me as they were presented to me.

Q. Presumably you were studying thermodynamics at Drexel University because you believed the knowledge that you acquired in that course of study would be applicable and relevant in your future application-specific work, right?

A. Yes, as those applications -- yes. As I became involved in applications unbeknownst to me at that time.

Q. When you became involved in those applications in your subsequent work at DuPont,

for example, you came back to those basic thermodynamics engineering principles that you learned at Drexel University, right?

A. Portions of, yes.

Q. And you continued to apply that knowledge that you acquired while studying thermodynamics to real-world applications that you worked on in your professional career, right?

A. I used scientific and engineering principles, yes.

Q. And you used specifically scientific and engineering principles from the thermodynamics work that you had done while at Drexel, right?

MR. JONES: Form.

A. I used portions of those technologies.

Q. And you used, for example, knowledge you acquired at Drexel about condensation sensing in your later work on air conditioners that used condensation sensors, right?

A. I don't recall specifically using technologies I learned at Drexel in the HVAC industry specifically.

Q. You did, though, learn general principles associated with dew point sensing and condensation sensing at Drexel University, right?

A. Yes.
Q. And you later worked on applications that used those same thermodynamic principles in specific applications, right?
A. Yes.
Q. So let's talk about some of your specific experience. So if we can turn back to your CV, which is Exhibit 1, you have a section on "Forensic Consulting & Expert Witness Experience" and then you have a section "Forensics & Expert Witness Work-in-Progress."
What's the difference between those two sections of your CV?
A. The Forensic Consulting & Expert Witness Experience were matters that are closed matters. The work in progress are matters that are in progress.
Q. And is that why you don't have much of a description for the work-in-progress --
A. Yes.
Q. -- items?
Which of these experiences in either of the sections relating to forensic and expert witness work dealt with refrigerated display cases specifically?

A. Under Forensic Consulting & Expert Witness Experience, there's a fourth item down, is "Supermarket Heating Ventilation, Air Conditioning, & Refrigeration Matter in Florida," was refrigerated display case condensation matter.

Q. Any others?

A. I'm sorry. Can you repeat your question?

Q. Are there any other experiences in either of your sections for Forensic Consulting & Expert Witness Experience that related to refrigerated display cases?

A. Not that I recall looking at this currently.

Q. Okay. Then if we turn to page 5 of your CV, you have Commercial & Industrial Investigations here. Are there any experiences in that section of your CV that relate to refrigerated display cases?

A. Yes.

Q. Which ones?

A. So page 6, second item down, "Commercial Supermarkets," that item was predominantly related to commercial refrigeration display cases.

Q. Any others?
A. No, that's -- that's -- I believe that's it.
Q. Okay. And then you have a section starting on page 9 of Exhibit 1, "Subject Matter Expertise & Consulting." Any of those entries relate to refrigerated display cases?
A. No. Oh, I'm sorry. Commercial Supermarkets item on page 11.
Q. Okay. Then you have Project Management Expertise. Do any of those entries relate to refrigerated display cases?
A. No.
Q. You have a section entitled "Professional Training & Seminars." Do any of those entries relate to refrigerated display cases?
A. I don't believe so.
Q. Under Awards on page 14 of your CV, do any of those entries relate to refrigerated display cases?
A. Yes.
Q. Which ones?
A. The Marketing Excellence Award for DuPont Refrigerants and Project Teams, 2008.
Q. Any other?

A. No.
Q. Then under Software & Programs on page 15, do any of those entries relate to refrigerated display cases?
A. Under Software & Programs, the Energy-10 (DOE) I don't specifically recall, but I may have used that for energy analyses for refrigerated display cases.
Q. What is Energy-10 (DOE)?
A. Just an energy conservation tool we used to analyze systems.
Q. What kind of systems?
A. HVACR systems.
Q. The Energy-10 (DOE) system was a general HVAC&R system analysis tool?
A. Yes.
Q. What type of engineering principles did the Energy-10 (DOE) utilize?
A. We used it for thermal conservation analysis.
Q. For what applications?
A. Refrigeration system, HVAC systems, building systems.
Q. You used the same thermal concentration analysis tool, the Energy-10 (DOE), for a variety

of applications including HVAC, building systems, and potentially refrigerated display cases?

A. Yes, as I recall, and a lot of those systems are commingled.

Q. What do you mean "a lot of those systems are commingled?

A. Like in a commercial refrigeration application like a supermarket, you have an HVAC system and you have a refrigeration system that are -- that work together. So we would use tools like Energy-10 to look at those relevant systems.

Q. You would use a general thermal conservation analysis system to assess a variety of different components in a supermarket application, including the HVAC system and the refrigeration system?

A. I don't recall specifically. It just was one item that I remember using around that time period when we analyzed a lot of those types of systems.

Q. What types of systems are you referring to?

A. HVACR.

Q. When you say "HVACR," what does that mean?

A. Heating ventilation, air conditioning, and refrigeration.
Q. Why are you using that as a term to describe this specific field?
A. Because that's the field I worked in as an energy engineer at that time.
Q. Is HVAC&R a typical way to describe the field in which you worked as an energy engineer?
A. It was one of the fields, yes.
Q. Is HVAC&R the field in which building refrigeration or HVAC systems would --
MS. REICHEL: Strike that.
Q. Are building HV and AC systems part of the HVAC&R field?
MR. JONES: Objection, form, calls for a legal conclusion.
A. I'm sorry. Can you repeat that question?
Q. Are HVAC systems for buildings part of the HVAC&R field?
MR. JONES: Same objections.
A. Yes.
Q. Are refrigeration systems part of the HVAC&R field?
MR. JONES: Same objection.
A. If they're commingled in that

application.
Q. What do you mean by that?
MR. JONES: Same objections.
A. If they're used together.
Q. The field is HVAC&R, right?
A. Yes.
MR. JONES: Same objections.
Q. The R stands for refrigeration, right?
A. Yes.
Q. HVAC&R is a well-known term in your industry to generally refer to systems that relate to heating ventilation, air conditioning, and refrigeration, right?
A. Yes.
Q. Why are those different applications typically grouped together under the HVAC&R umbrella?
A. Because they share basic commonality.
Q. What do you mean by that?
A. They encompass thermodynamics and other similar engineering principles.
Q. Can you explain what kind of thermodynamic and similar engineering principles you're describing that are generally relevant to HVAC&R overall?

A. Well, not --

MR. JONES: Objection, form, calls for a legal conclusion.

You can answer.

A. The application I used was in energy concentration, and those HVACR systems use energy, that was the main theme.

Q. There are a number of different scientific thermodynamics principles that apply across that kind of entire field of HVAC&R with a variety of different applications?

A. Yes.

Q. And while you were working at DuPont, you analyzed a lot of those systems together where they were commingled; is that right?

A. Generally they were -- they could be commingled, but generally we would separate them out in categories of their own.

Q. When you were working, for example, in -- at the supermarket, an example you gave before, you analyzed together the energy efficiency of the heating system, the AC system, and the refrigeration systems in that supermarket, right?

A. I'm sorry. Can you repeat that?

Q. You gave an example before of working on

an energy analysis for thermal efficiency analysis for supermarkets, right?

A. Yes.

Q. When you were conducting your energy efficiency analysis for the supermarket, you analyzed together the efficiencies of all the heating ventilation, air conditioning, and refrigeration systems in that supermarket, right?

MR. JONES: Objection to form.

A. We generally separated them out, but understood that they worked together.

Q. So the heating and air conditioning systems in the supermarket worked with the refrigeration systems, right?

A. Yes.

Q. When you're conducting an energy analysis of that supermarket, it's important to analyze all those components both individually and to understand how they affect each other, right?

A. Yes.

Q. So your work on the HVAC building system informs the work that you were doing on the efficiency of the refrigeration systems, right?

MR. JONES: Objection, form.

A. It can affect the efficiency, yes.

Q. Is it important as an engineer who's studying a specific application like a supermarket to have an understanding of the energy efficiency of not only the refrigeration system but also the HVAC systems in the supermarket?

MR. JONES: Form.

A. Can you ask that again?

Q. As an engineering studying a specific application like a supermarket, is it important to have an understanding of the energy efficiency not only of the refrigerators but also of the HVAC systems in that supermarket?

MR. JONES: Objection, form.

A. It can be, yes.

Q. And typically one engineer or one group of engineers would collectively study all of those different systems in one supermarket, right?

A. No.

MR. JONES: Form.

Q. Why not?

A. It could be separate analyses performed by different parties.

Q. To provide inputs into a common analysis?

A. No.

MR. JONES: Form.

A. Not necessarily. Could be separate analyses, separate findings.

Q. The work that you were doing in analyzing the energy efficiency of supermarkets involved studying not only the efficiency of the refrigerators but also the HVAC systems, right?

A. Yes.

Q. And all that work was related to each other, right, for purposes of determining the overall energy efficiency?

A. There were interrelations between those systems, yes.

Q. And as a thermodynamics engineer, you understood the inner relationship of those different applications within the same environment, right?

A. Yes. My focus, though, was on the refrigeration side.

Q. Sure.

But as part of your analysis, as a thermodynamics engineer it's important to consider all of the different HVAC systems that are affecting --

A. Yes.
Q. -- your work?
And so a HVAC&R engineer typically has an understanding of the thermodynamic principles associated with not only the refrigerators but also the HVAC systems in that building, right?
MR. JONES: Objection, form, calls for speculation.
A. In my experience, most people were not familiar with the supermarket refrigeration side. They would be familiar with the HVAC side and not the refrigeration side, in my experience.
Q. Why is that?
MR. JONES: Objection, form.
A. They're different systems with different details.
Q. Did you -- while you were at Drexel, did you do any study that was specific to refrigerators?
A. Refrigeration.
Q. What's the difference?
A. Refrigerator is a device; refrigeration is the general technical field.
Q. What kind of overlap is there in the scientific principle between refrigeration as a

general technical field and a refrigerator as a specific device?

MR. JONES: Objection, form.

A. I'm sorry. Can you repeat that?

Q. What kind of overlap is there in the scientific principles between refrigeration as a general technical field and a refrigerator as a specific device?

MR. JONES: Same objection, please.

A. The fundamentals are similar.

Q. What do you mean by that?

A. The refrigeration cycle used in a refrigerator and a refrigeration cycle taught in refrigeration, they're similar.

Q. When you say "a refrigeration cycle taught in refrigeration," are you referring to the kind of study that you would have done at Drexel into refrigeration as a field?

A. Yes.

Q. So the principles of refrigeration that you learned in your undergraduate engineering program applied to the refrigeration devices you worked with later?

A. There were aspects that I applied, yes.

Q. It's the same refrigeration cycle as you

described, right?

MR. JONES: Objection, form.

A. No. They were different specifics that I worked on in industry versus what I learned at Drexel.

Q. I think you said earlier that the refrigeration cycle used in refrigeration is similar to --

A. Yes.

Q. -- the cycle used in a specific refrigerator, right?

A. Yes.

Q. And so the study that you did of the refrigeration cycle as a technical field is relevant to specific refrigeration devices, right?

A. Yes.

MR. JONES: Objection, form, calls for a legal conclusion.

You may answer.

A. Yes, in general terms.

Q. All right. So let's come back to the specific experiences that you identified as being related to refrigerated display cases specifically.

MR. JONES: Are you doing okay, Mr. Pollock? Counsel is going to switch to a more specific thing.

THE WITNESS: I'm okay for a little while, yeah.

MS. REICHEL: Do you want to take a break?

BY MS. REICHEL:

Q. So if we come back to your Forensic Consulting & Expert Witness Experience, both the completed matters and the work in progress, I counted approximately 38 different entries. Is that consistent with your understanding?

A. Yes.

Q. Of those approximately 38 different entries, only one relates to refrigerated display cases, right?

A. Yes.

Q. And that is this entry on page 2 of your CV entitled "Supermarket Heating Ventilation, Air Conditioning, and Refrigeration Matter in Florida," Right?

A. Yes.

Q. And here again we see the title that you used for this matter is HVAC&R, not refrigerated

display cases specifically, right?
A. Yes.
Q. And that's because the HVAC&R is the kind of general term used to describe this field, right?
MR. JONES: Objection.
A. No.
Q. Then why did you use that as the title for your matter, HVAC&R?
A. That specifically matter had issue -- in my understanding, that specific matter had issues both on the HVAC and the refrigeration side.
Q. Okay. So you were analyzing refrigeration units as well as the building HVAC system?
A. Building HVAC conditions.
Q. Was this a slip and fall kind of case?
A. Yes.
Q. Was it a kind of case where there's a pool of water on the floor and the question is how long that pool has been there or what the cause was, negligence kind of case?
A. Yes.
Q. And you didn't testify in that case, right?

A. No.
Q. You just provided kind of background expertise?
A. I performed an inspection, inspected the equipment, and provided an opinion to counsel.
Q. A written opinion?
A. I don't recall if it was written or verbal.
Q. Do you know whether you provided a signed report in that case?
A. I did not, that I recall.
Q. This supermarket matter in Florida, that addressed a system that had malfunctioned in some way, right?
A. The system malfunctioned in the sense that condensate was on the floor.
Q. Was that condensate on the floor from a refrigeration unit or refrigerated display case?
A. Yes.
Q. How did you determine that?
A. I saw it and photographed it.
Q. Was it at one specific refrigerated display case that was malfunctioning?
A. At the point of the incident, there was one specific case, but multiple cases had

condensation issues.

Q. Were you able to determine what the source of those condensation issues was?

A. The refrigerated display cases.

MS. REICHEL: Let me rephrase the question.

Q. What was the problem that was causing the refrigerated display cases to have condensation issues?

A. The temperature of the exposed portions of the refrigerated display cases, the doors, were cold enough to cause condensation to occur from ambient air.

Q. Did the doors have heaters?

A. Yes, as I understood.

Q. So as part of your work, you were measuring the temperature of the doors?

A. I measured the temperature of the doors, yes.

Q. Did you analyze the sensors that were being used by those refrigerated display cases?

A. No.

Q. Did you investigate whether those refrigerated display cases had dew point sensing?

A. No.

Q. Did you investigate whether those refrigerated display cases had condensation sensing?

A. I visibly inspected the cases and did not see that instrumentation on the outside of the cases.

Q. Did you investigate how those refrigerated display cases determined whether and when to heat the doors?

A. I don't recall specifically.

Q. Fair to say your work in that case involved temperature measuring but not necessarily analyzing how to sense or anticipate the formation of condensation?

MR. JONES: Objection, form.

A. During my investigation I reviewed the equipment and understood that condensation prevention, if properly working, would have prevented that from occurring.

Q. What condensation prevention are you referring to?

A. In general, if condensation prevention systems had been functioning properly.

Q. Which condensation prevention systems are you referring to?

A. Any. If a condensation prevention had been performed, the condensate would have not formed.

Q. Did you analyze whether specific kinds of condensation prevention systems had been used or this was more of a binary situation where no condensation prevention was being done?

A. Well, those systems, the condensation was -- condensation prevention was not being performed.

Q. At all?

A. Correct.

Q. Which you concluded by measuring the temperature of the door and not by analyzing any specific sensors that were being used in that unit.

A. I analyzed the temperature sensors in the units.

Q. Were they malfunctioning?

A. I found them to be inaccurate, as I recall.

Q. Was there a humidity sensor in those units?

A. I don't recall seeing one.

Q. You didn't analyze the humidity sensor in

those units, right?

A. No. I was not provided that information.

Q. Your analysis in this case was specific to evaluating temperature in refrigerated display cases, right?

MR. JONES: Objection, form.

A. Part of my analysis was to monitor temperature; the other was to assess the condensation issue from a standard of care perspective.

Q. What would have been reasonable for the supermarket to do to address the condensation on the floor?

A. Not have condensation on the floor.

Q. Okay. And what kind of standard of care perspective were you analyzing?

A. From a slip and fall standpoint.

Q. So you developed an opinion essentially that some type of condensation prevention control should have been used?

MR. JONES: Objection, form.

A. There should not have been condensation on the floor was my conclusion.

Q. And you also concluded those units had no kind of condensation control, right?

A. No. I was not provided that information.
Q. Okay. So you don't know one way or the other what kind of condensation prevention control those units had, right?
A. I don't specifically recall that.
Q. What you do know is that the temperature of the door was lower than you thought it should be, right?
A. Correct.
Q. And based on that, you concluded that something had gone wrong leading to condensation on the floor that shouldn't have been there?
A. Yes. And also measured humidity, you know, ambient humidity conditions.
Q. You measured the humidity in the air of the store?
A. Yes.
Q. To assess whether it was high humidity situation?
A. Yes.
Q. And you found that it was typical ambient humidity conditions?
MR. JONES: Objection, form.
A. I recall it being elevated.
Q. Elevated relative to what?

A. What you would typically expect --
Q. In a supermarket in Florida?
A. -- in the supermarket aisle.
Q. In a supermarket in Florida?
A. Yes.
Q. What type of humidity would you typically expect in the aisle of the supermarket?
A. I mean, there would -- depends on the location, but you could expect 50 percent relative humidity in a properly maintained store.
Q. Why is it a problem to have humidity levels higher than 50 percent in a supermarket aisle?
A. It can increase the chances of condensation issues.
Q. Is that why it's recommended to maintain humidity at a level of around 50 percent in supermarkets?
MR. JONES: Objection, form.
A. Approximately, yes.
Q. Is it fair to say that refrigerated display cases are designed for that typical ambient humidity level?
A. I mean, they'd be designed for a range of relative humidities. I don't recall a specific

relative humidity design criteria for those cases.

Q. Sitting here today you don't know the range of relative humidities that refrigerated display cases are designed to handle?

MR. JONES: Objection, misstates his testimony.

You can answer.

A. I don't have design documents in front of me. No.

Q. Okay. So sitting here today, what you can say is refrigerated display cases are preferably operated around 50 percent humidity, they may be designed to handle a bit of a wider range, but you can't say for sure what that humidity range would be.

A. No. I'd be speculating. That would be determined by the designer.

Q. As part of your work in case, you didn't analyze what a typical range of humidity levels would be for a supermarket application, right?

A. As part of which case?

Q. As part of the current case.

A. I reviewed relative humidity data expectations for stores.

Q. And what did you conclude in this case was an expectation of the range of humidity levels that would be encountered in a supermarket by a refrigerated display case?

A. It could vary widely.

Q. What did you conclude was the range?

A. I didn't conclude there was a range.

Q. Okay. So sitting here today as part of these proceedings, you didn't identify a specific range of humidity levels that a refrigerated display case would be expected to operate in, right?

A. I did. And in my report, I believe I provided data for in the range of 40 percent to 90 plus percent humidity that you could see in an ambient environment.

Q. What was the humidity level that you determined was elevated in the supermarket case that you worked on, that negligence matter?

A. I don't recall the specific number. I believe it was over 65.

Q. So in your prior litigation work or expert witness work you determined that a 65 percent humidity level in a grocery store was above what one would reasonably expect, right?

MR. JONES: Objection, form, misstates his testimony.

A. No.

Q. You testified that you determined that the level that you found in that case, 65 percent, was elevated, right?

A. For the scenario --

MR. JONES: Objection, misstates his testimony.

Just give me a second. You can answer.

A. For that scenario.

Q. For the scenario of the supermarket, right?

A. Of the case in Florida.

Q. A supermarket in Florida, right?

A. That specific supermarket.

Q. And in that specific supermarket you found that the humidity level of 65 percent was a contributing factor to the development of condensation on the floor that should not have been there, right?

MR. JONES: Objection, form, misstates his testimony.

You can answer.

A. Yes, I cited elevated humidity, as I

recall, as being an issue in that store.

Q. And 65 percent, in your opinion, was an elevated level of humidity that contributed to negligence in that case, right?

MR. JONES: Same objection.

A. That was one aspect.

Q. The 65 percent humidity was one aspect that you found contributed to the negligence of the store in that case?

A. Yes, elevated humidity in the store was part of the issue as I -- part of my findings, opinions.

Q. And your opinion in that case was that the store should have maintained the ambient humidity closer to 50 percent to prevent condensation from forming, right?

A. No.

MR. JONES: Same objections.

Q. How did I get that wrong?

MR. JONES: Same objection.

A. My finding in that case was that there were elevated humidity conditions in the store related to condensation issues.

Q. Elevated relative to a typical standard of care, right?

MR. JONES: Same objections.
A. Standard of care based on not having condensation on the floor.
Q. Have you ever seen a supermarket that had an ambient humidity of 95 percent?
A. Have I ever seen it? No.
Q. That would be atypical, right?
A. I don't know. I can't have an opinion on something. There's stores all over the country. Could be unconditioned. I don't know.
Q. Mr. Pollock, sitting here today as an expert in refrigerated display cases, you can't tell me one way or the other whether a 95 percent ambient humidity in a supermarket is atypical?
A. It wouldn't be expected.
Q. It wouldn't be expected, right?
A. Correct.
Q. We don't design supermarkets to have a 95 percent ambient humidity, right?
A. I would not.
Q. We employ HVAC systems to maintain store humidity levels closer to 50 percent, right?
A. Generally.
Q. And one of the reasons that we do that is to help prevent condensation from forming on the

floor of the store --
A. Correct.
Q. -- right?
And 65 percent is considered an elevated ambient humidity for a supermarket, in your opinion, right?
MR. JONES: Objection, form.
A. It would depend on the circumstances.
Q. Well, you previously concluded that 65 percent humidity in Florida in a supermarket was elevated, right?
MR. JONES: Objection, form --
A. For that store, yes.
MR. JONES: -- misstates his testimony.
Just give me a second, please. Go ahead.
A. For that store, yes.
MR. JONES: Let's take a break, please.
MS. REICHEL: Sure. We can go off the record.
THE VIDEOGRAPHER: The time is 11:35 a.m. This concludes media unit number two. We're off the record.
(Recess commencing at 11:35 a.m. and reconvened at 11:46 a.m.)
THE VIDEOGRAPHER: The time is 11:46 a.m.

This is the beginning of media unit number three. We're back on the record.
BY MS. REICHEL:
Q. Mr. Pollock, I know we talked about this off the record, but I can't remember if I asked you on the record. So turning back to Exhibit 1, this is a copy of your CV, right?
A. Yes.
Q. To the best of your recollection, you've provided the same CV for the '181 proceeding as well as the '847 IPR proceeding, right?
A. Yes.
Q. Okay. So I've only marked this one CV and asked you about this CV because your answers would apply equally to both, right?
A. For the CV?
Q. Yes.
A. Yes.
Q. Okay.
A. I believe so.
Q. All right. If we can turn to page 5 of Exhibit 1, which is the Commercial & Industrial Investigations, how does this differ from the forensic consulting investigations that you've done?

A. These were not legal cases.
Q. Your forensic analysis is all related to legal cases?
A. Yes.
Q. So how would you describe these other commercial and industrial investigations.
A. They were investigations into incidents that occurred in industry.
Q. Not necessarily ones that led to litigation, though?
A. I think that's generally correct.
Q. I counted around 27 different commercial and industrial investigations on your CV. Is that consistent with your understanding?
A. Yes, generally.
Q. Of the around 27 commercial and industrial investigations on your CV, only one relates to refrigerated display cases, right?
A. Yes. That seems correct.
Q. And we find that example on page 6, second entry down entitled "Commercial Supermarkets-US Nationally," right?
A. Yes.
Q. This experience does not have HVAC&R in the title. Why is that?

A. Primarily focused on supermarkets.
Q. The first example we looked at in your forensic analysis was also supermarkets, right, the supermarket heating ventilation, air conditioning, and refrigeration matter in Florida?
A. Yes.
Q. In this second entry on page 6, you wrote "Commercial supermarkets" and you didn't reference HVAC&R in the title, right?
A. Correct.
Q. Is that because this project was more about flammability than about HVAC&R thermodynamics?
A. It was more focused on supermarkets and refrigeration systems than HVAC.
Q. And you didn't write "refrigeration" in the title either, did you?
A. No.
Q. Was your engineering work in this particular project based in thermodynamics?
A. I would say refrigeration focused.
Q. Or refrigerant focused?
A. Refrigerant focused and refrigeration focused.

Q. Refrigerant is a chemical, right?
A. Yes.
Q. And this particular project was focused on the flammability of the refrigerant chemicals, right?
A. Flammability was a consideration in these analyses.
Q. There's nothing in your description of this project that talks about the refrigeration cycle or any other thermodynamics-related principles, right?
A. Well, the first sentence describes investigations of refrigeration system issues.
Q. What issues did you investigate other than the fires during maintenance activities?
A. General maintenance practices of refrigeration systems.
Q. Such as oil removal?
A. Oil removal, refrigerant removal.
Q. Did you analyze any type of condensation issues as part of this project?
A. This specific bullet item?
Q. Correct.
A. This specific item on page 6?
Q. Correct.

A. Not as I recall.
Q. Did you apply any thermodynamics principles in your analysis of the technical issues relating to the specific project, the second entry on page 6 of your CV?
A. Yes.
Q. What?
A. Well, energy conservation, performance of systems, refrigeration cycles, refrigerants analysis.
Q. You don't mention refrigeration cycles in your description anywhere, right?
A. Correct.
Q. Instead, you talk about the flammability of the chemicals in the refrigerant, right?
A. Yes, and refrigeration system issues.
Q. Meaning fires?
A. Including fires.
Q. You don't mention any other refrigeration system issues other than fires during maintenance activities in this description, right?
A. Well, oil removal aspects, flammability considerations of refrigerants, de-inventorying refrigerant oil.
Q. Do you believe that your work

investigating oil removal and flammability of refrigerants provides expertise that you found relevant to these proceedings?

MR. JONES: Objection, calls for a legal conclusion.

A. Yes. In the sense that they were predominantly commercial refrigeration systems with refrigerated display cases.

Q. What aspect of your investigation into the flammability of these specific display cases did you find relevant to your analysis in this case?

MR. JONES: Objection, form and legal conclusion.

A. The review of the systems. Inspection of the systems. Review of documents that were available regarding those equipment and systems.

Q. Is there anything specific that you can identify about the work that you did on these flammability issues that you believe informs your expertise that you rendered in these proceedings?

A. Well, we would look at system information, and that information included display case design aspects relevant to refrigerants, and that included load information

from things like condensation prevention systems.

Q. Tell me what kind of condensation prevention systems the refrigerators that you worked with as part of the second entry on page 6 of your CV had?

A. Well, many of those systems had condensation prevention systems to prevent the formation of condensation on doors.

Q. Which systems did they have for condensation prevention?

A. When you say "which system," what do you mean?

Q. Specifically, what type of system, what type of sensors, what kind of methodologies or algorithms were used for condensation prevention in the refrigerator display cases that you analyzed in the second entry on page 6 of your CV?

MR. JONES: Objection, form, compound.

A. Can you repeat that question?

Q. What type of condensation prevention systems, what type of sensors, what type of algorithms, et cetera, were used in the refrigerated display cases that you analyzed in this entry -- on the second entry on page 6 of

your CV?

MR. JONES: Same objections, please.

A. In general terms, temperature, instrumentation, heaters that heat the doors to prevent condensation.

Q. What about dew point sensing and relative humidity sensing?

A. I don't recall the specifics of those systems. There were many of them. I did review load information for those systems because the refrigeration system had to consider those loads in many cases.

Q. What do you mean by "load"?

A. The load from heating of display doors.

Q. That energy used?

A. Energy use.

Q. You don't remember, though, whether those refrigerated display cases included any kind of humidity sensing, right?

MR. JONES: Objection, form.

A. I don't specifically recall that.

Q. Do you know what brand those refrigerated display cases or doors were?

A. I recall some names, Hillphoenix, Anthony.

Q. Do you know which models you worked with?
A. I do not recall specific models.
Q. Have you relied on any of the factual information about how the Hillphoenix or Anthony systems you looked at functioned as part of your work in this case?
MR. JONES: Objection, form.
A. Can you say that question again?
Q. Have you relied on any of the factual information about how the Hillphoenix or Anthony systems that you looked at as part of this investigation and on the second entry on page 2 of your CV as part of your analysis in these proceedings?
MR. JONES: Same objections.
A. Not that I recall.
Q. And to the best of your knowledge, you don't recall the specifics about what, if any, condensation prevention systems those devices utilized?
A. I don't re --
MR. JONES: Same objection.
A. I don't recall the specific data of those systems.
Q. Okay. And sitting here today, you can't

provide me any specifics about what, if any, condensation prevention systems those devices utilized?

MR. JONES: Asked and answered.

A. Well, there were condensation prevention systems on that equipment.

Q. What were they? What were the condensation prevention systems?

A. They were heating systems.

Q. What else?

A. That's the only type I encountered.

Q. A door heating system?

A. Heating systems to prevent condensation.

Q. And a temperature sensor?

A. There were temperature sensors.

Q. Any other components that you can recall of the condensation prevention system in those units?

A. Not specifically.

Q. Did you analyze the functionality of the condensation prevention systems in those units?

MR. JONES: Asked and answered.

A. Can you repeat that?

Q. Did you analyze the functionality of the condensation prevention systems in those units?

A. Yes.

MR. JONES: Asked and answered.

Q. At the time that you were doing this project?

A. Yes.

Q. Well, tell me again what you did exactly.

A. We ascertained in field inspections if those systems were working.

Q. How did you do that?

A. Whether or not there was condensation --

Q. What did you --

A. -- issues visibly. We considered the loads that those systems would require the refrigeration systems to be able to handle.

Q. Anything else?

A. No. Those were the main points.

Q. Did you identify any visible condensation in those units?

A. Yes. There was visible condensation from time to time.

Q. How did that impact your analysis?

A. We would provide recommendations to correct those things.

Q. Are you talking now still about the specific analysis that you did on page 6 of your

CV, or are you talking about something else?
A. If we saw condensation issues, we would certainly have made a note of that and brought it to the attention of an owner or operator.
Q. Do you remember ever doing that specifically as part of the project that's referenced in the second entry on page 6 of your CV about flammability of refrigerants?
MR. JONES: Objection, form.
A. Well, be more specific under the investigation of refrigeration system issues, there would be a maintenance issue.
Q. Sitting here today under oath, do you remember ever providing feedback about condensation issues as part of the project that's listed in the second entry on page 6 of your CV?
MR. JONES: Objection to form.
You can answer.
A. I don't recall specifically. I do remember discussing with refrigeration people those systems and issues in general.
Q. You don't remember identifying any specific issues with the condensation systems that were being utilized as part of the investigation referenced in the second entry on

page 6 of your CV?

MR. JONES: Asked and answered.

A. Not specifically. I don't have a record of who I spoke with or when.

Q. You don't have a record saying we found condensation issues as part of investigating flammability, right?

A. Not for that item.

Q. Okay. And what work did you do to analyze the load of the heating systems in that specific assignment?

A. We considered that load as part of the capacity requirements for the refrigeration equipment.

Q. Were you investigating whether the heating load had contributed to the fires?

A. Not in that regard.

Q. So how was investigating the load of heating the doors relevant to the project you were doing in the second entry on page 6 of your CV?

A. Well, one of the main refrigeration system issues we analyzed was undersized systems or systems that could potentially be undersized would be a main issue of a refrigeration system,

and so the load from condensation prevention systems would be considered in the system loads.

Q. And you remember doing that specifically as part of this project?

A. Yes.

Q. And ultimately, did you determine whether a load issue contributed to the fires that you were asked to investigate?

A. I don't recall a load issue being relevant to a fire analyses.

Q. Your conclusion in that case was about the flammability of the refrigerant itself and the improper oil removal, right?

MR. JONES: Objection, form.

A. The fires, as I recall, at that time were related to oil removal maintenance concerns.

Q. And you were not tasked as part of the second entry on page 6 of your CV to provide expertise or suggestions to improve condensation prevention systems, right?

MR. JONES: Form.

A. Well, under investigation of refrigeration system capacity issues, we considered those loads from those systems that was a routine activity.

Q. You didn't provide any advice about improvements to the anti-condensation systems in those units, right?

A. If they weren't functioning, we would have recommended they make them function.

Q. And, Mr. Pollock, I'm not asking about a hypothetical question. I'm asking about what you remember doing in that specific investigation. Do you understand that? So let me reask my question.

Sitting here today, do you remember specifically making recommendations about how to improve condensation prevention systems as part of the project that's listed in the second entry on page 6 of your CV?

MR. JONES: Objection, form, asked and answered. Now you're arguing with the guy.

You can answer.

A. I don't recall specifically.

Q. You don't recall doing that, right?

A. Specifically.

Q. So now let's turn to the Subject Matter Expertise & Consulting section of your CV. All right.

A. If I may, I just observed something under

that heading.

Q. Sure.

A. So this CV is categorized such that this 1999 to 2019 was my employment at DuPont, you know, for 20 years, so that first paragraph includes, you know, my work in supermarket refrigeration. It's a kind of comprehensive paragraph, but it would also have included those considerations in commercial refrigeration that I -- we've discussed earlier.

Q. Is that the same work that's referenced at the top of page 11, or something else?

A. The work on page 11 would have been included in that category on page 9.

Q. Okay. So the first paragraph under the Subject Matter Expertise & Consulting section of your CV is a summary, right?

A. Yes.

Q. And so as part of that summary, it includes reference to the work you later describe in more detail relating to commercial supermarkets, right?

A. Yes.

Q. Okay. And where on your CV does the work for DuPont stop?

A. So the work for DuPont was not included in the headings for Forensic Consulting & Expert Witness Experience from pages 2 to 3 as well as under the heading "Forensics & Expert Witness Work-in-Progress" spanning page 3 to the top of page 5.

And then there's other aspects where such as a nuclear power generation facility, that work was different, petrochemical manufacturer work was different, that's at the top of page 9. The pulp and paper mill work on page 9 was not DuPont.

Q. Okay. So in the subject matter section starting on page 9, you describe in a few different entries here work you did at DuPont, right?

A. Yes.

Q. And then at some point you transitioned to other work, for example, as a Product & Intellectual Property Developer for a real estate investor, right?

A. Can you point me to that reference?

Q. Sure.

Page 11, second entry from the bottom, "Product & Intellectual Property Developer."

Then if we continue on the last entry at the top of page 13, "Real Estate Investor."

Do you see that?

A. Yes.

Q. So --

A. DuPont would have not included either of those entries.

Q. Right.

So where do the entries that apply to your time at DuPont stop in this Subject Matter Expertise & Consulting section?

A. So in that section under Subject Matter Expertise & Consulting, they span up until the Product & Intellectual Property Developer heading. They do include the Rockwell automation.

They do not include the Pulp and Paper Processing and Manufacturing in Chester. They do not include the nuclear utility facility in Peach Bottom, PA. They do not include the automotive and instrumentation manufacturer in Germantown, Philadelphia. They do not include the ARCO Chemical Company entry in Newtown Square. And they do not include the 2001 to 2024 Real Estate Investor heading on page 13.

Q. Is there a reason you organized your CV in this way, sort of interspersing DuPont related experience with non-DuPont related experience?

A. Just to cover the various technology sectors where the work was performed.

Q. Was there some sort of rhyme or reason to the order that you selected to list these various experiences?

A. No. They were separated out by content, project content.

Q. The non-DuPont related entries in this Subject Matter Expertise & Consulting section, do those chronologically occur after you left DuPont, or did some of them occur in parallel?

A. Well, the 2001 to 2024 Real Estate Investor would have been through that whole period.

Q. Okay.

A. The Pulp and Paper entry on page 12, the nuclear facility on page 12, the automotive instrumentation manufacturer on page 12, and the ARCO Chemical Company entry on page 12 would have been before DuPont. Product and intellectual property manager would have been after DuPont.

Q. How much time did you have between when

you graduated with your bachelor's degree and when you started working at DuPont?

A. Approximately one year.

Q. And during that time, is that when you worked on this pulp and paper processing, the utility facility, automotive and instrumentation manufacturer, and ARCO Chemical Company experiences?

A. The pulp and paper was before DuPont. The nuclear facility, automotive and instrumentation manufacturer, and ARCO Chemical Company were while I was in university.

Q. Like an internship?

A. Cooperative.

Q. Okay. So your CV lists several experiences you had as a coop while you were getting your undergraduate degree and then one job that you held in between your undergraduate degree and beginning at DuPont that related to Pulp and Paper Processing and Manufacturing?

A. Yes.

Q. And then the rest of these entries, other than the Product & Intellectual Property Developer and the Real Estate Investor entries, all tie into your time at DuPont?

A. Yes. We're under Subject Matter Expertise & Consulting?
Q. Yes. Uh-huh.
Is that right?
A. I'm just looking.
Yes. That sounds correct.
Q. Okay. And out of all of those different experiences that are described from pages 9 to 13 of your CV as your Subject Matter Expertise & Consulting, there's one main entry on page 11 relating to Commercial Supermarkets, which you believe relates to refrigerated display cases, right?
MR. JONES: Objection, form.
A. Under the Subject Matter Expertise & Consulting?
Q. Yes.
A. Well, the main heading included work in commercial refrigeration including refrigerated display cases, the main heading for DuPont.
Q. You're referring to that summary paragraph?
A. Yes.
Q. Right.
Aside from the initial summary paragraph,

out of all the different 20 or so experiences that you describe on pages 9 to 13 of your CV, there's one entry that relates to refrigerated display cases, right?

A. No.

Q. Why is that wrong?

A. The Commercial Supermarkets paragraph at the top of page 11 --

Q. Yeah.

A. -- that related.

Q. That's --

A. Is that the one you mentioned?

Q. That's the one I was referring to.

A. Oh, I'm sorry.

Q. So let me ask that one more time. Aside from this initial summary paragraph on page 9, out of all the 20 or so different experiences that you describe on pages 9 to 13 of your CV, there's one entry on page 11 that relates to refrigerated display cases, correct?

A. Yes.

Q. That entry has the title "Commercial Supermarkets," right?

A. Yes.

Q. You didn't include HVAC&R as part of the

title for this specific experience, right?
A. I did not.
Q. Does DuPont manufacture refrigerated display cases?
MR. JONES: Objection, form.
A. No.
Q. DuPont manufacturers refrigerants, right?
A. They do manufacture refrigerants.
Q. And so while you were working for DuPont, you were not designing refrigerated display cases, correct?
A. I did not design refrigerated display cases for manufacture, correct.
Q. Were you involved in developing refrigerants, or were you involved in selling refrigerants?
A. I was involved in both.
Q. Both designing and selling refrigerants?
A. Yes.
Q. You sold those refrigerants to retail stores, right?
A. The sales included sales to retail stores, yes.
Q. Those are the major customers that you list in your CV, right?

MR. JONES: Objection, form.

A. Yes. They were generally commercial retail stores.

Q. What were you selling to those retail stores?

A. We were selling refrigerants -- I mean DuPont was selling refrigerants. I was asked to assist in that effort.

Q. What was your title at the time?

A. Consulting engineer.

Q. Did you have a sales role or marketing role?

A. My role included working with marketing and sales.

Q. For the purpose of selling refrigerant.

A. One of those aspects were selling refrigerant, yes.

Q. You reference a Marketing Excellence Award here.

Do you see that?

A. Yes.

Q. Why would you as an engineer be receiving a Marketing Excellence Award?

A. I worked with the DuPont business in a marketing sales and technical sales capacity and

was awarded that Marketing Excellence Award.
Q. For your marketing efforts?
A. For the market -- I mean it was a Marketing Excellence Award. I didn't only do marketing as part of that effort for that business.
Q. What other things did you do?
A. My primary role was to assess supermarket refrigeration equipment for use with DuPont refrigerants.
Q. You were assessing equipment that already existed in the retail stores to determine whether you could convince that retail store to start using DuPont refrigerant in that refrigerator?
MR. JONES: Objection, form.
A. That was one thing we did, yes.
Q. Was that the main thing you did?
A. It was one of the main things we did.
Q. What were the other main things you did?
A. We assessed systems for capacity and energy efficiency.
Q. Why did you do that?
A. Because DuPont understood that the customers were interested in those aspects.
Q. Was DuPont trying to show customers that

they could improve system capacity and energy efficiency by switching to DuPont refrigerant?

MR. JONES: Objection, form.

A. I can't really answer that.

Q. Why not?

A. That's proprietary for DuPont, and I have an NDA with them on the specifics of that work.

Q. Were you working to market or sell condensation prevention systems to any of those retail customers?

A. No.

Q. Have you ever designed a condensation prevention system for a refrigerated display case?

A. No.

Q. Did you analyze the system capacity and energy efficiency of the condensation prevention system specifically for those units?

A. We included all loads for a refrigeration system that were available, inclusive of if we had condensation prevention system loads.

Q. At what time period were you doing this work at commercial supermarkets for DuPont?

A. Really beginning 2006 through about 2015.

Q. What percentage of your time from 2006 to

2015 focused on the commercial supermarket market?

A. Maybe 35 or 40 percent, depending on activity requirements.

Q. And when you say you were analyzing the loads for the condensation prevention systems in those refrigerators, what kind of analysis were you doing?

A. A capacity analysis.

Q. What do you mean by that?

A. We analyzed the refrigeration systems to ensure that they had enough capacity, inclusive of all loads that we had available to us.

Q. And when you say to ensure they had enough capacity, are you referring to power, or something else?

A. Refrigeration capacity. The ability to refrigerate the cases and make temperatures, that capacity.

Q. The ability to maintain the temperature at the appropriate level inside the refrigerator?

A. That was one aspect. The ability to pull down the cases to temperature as needed. The ability to add additional refrigeration equipment to assist them if a customer desired to do so.

Q. As part of assessing the capacity of a particular unit to either maintain or bring the system to a specific refrigeration level, it was important to know the load of any condensation prevention systems, right?

A. Yes.

Q. I take it, it wasn't part of your work to analyze the actual condensation prevention ability of the unit, right?

MR. JONES: Objection, form.

A. We considered it part of the functioning system on a system.

Q. Did you provide any feedback on ways customers could improve their condensation prevention systems?

A. Not specifically.

Q. Did you analyze what specific sensors these units were using for condensation prevention?

A. I recall discussing it with technicians during activity in field trials and retrofits when we took cases apart.

Q. What exactly do you recall discussing?

A. The issues with the systems as store mechanics encountered the energy use, maintenance

requirements. Those were the main points I remember.

Q. Did you provide any specific engineering input to those, conversations, or was it more of a casual discussion as they were just working next to you to take apart the systems?

A. Well, we would review the overall system controls, which included those controls and, you know, mentioned that they needed to maintain functionality.

Q. Are you referring to like a specific algorithm that was used to determine when to activate condensation prevention systems, or are you referring to something else?

A. I don't have a specific algorithm that I recall from that time.

Q. You don't have any recollection sitting here today of investigating or analyzing any specific condensation prevention algorithms that were being used in the refrigerated display units that you looked at, right?

MR. JONES: Objection, form.

A. I don't recall that specifically.

Q. Instead, your focus was to catalog the load of those existing condensation prevention

systems from an energy perspective so you could include it as part of your overall analysis of the energy capacity of those units, right?

MR. JONES: Objection, form.

A. We definitely included all loads, inclusive of condensation load -- condensation prevention system loads, amongst any general recommendations as a refrigeration expert.

Q. And your ultimate goal was to convince the customer that they would save energy by switching to DuPont refrigerants, right?

MR. JONES: Objection, form.

A. No. I mean, I worked as a refrigeration expert, and part of using DuPont products, they offered refrigeration expertise to customers. And we provided consulting on whatever aspects we thought were necessary.

Q. So you considered yourself to be a refrigeration expert capable of providing guidance on whatever aspects of the refrigeration system were applicable including condensation prevention systems, right?

A. I would have had that capability, yes.

Q. But prior to this project that you started working on, you didn't have any

experience with refrigerated display cases, right?

A. Correct.

MR. JONES: Objection, form.

Q. So even though you didn't have --

A. In -- sorry.

MR. JONES: Go ahead.

A. In a professional setting. I've encountered refrigeration cases prior to working on them at DuPont.

Q. Sure. In the grocery store?

A. Yeah.

Q. Even though you didn't have prior professional experience specific to refrigerated display cases, DuPont was holding you out to customers as a refrigeration expert who could provide them advice about their refrigeration systems and display case, right?

A. Yes.

Q. And that's because you had a lot of expertise in thermodynamics and a bachelor's degree where you focused on thermodynamics and other relevant experiences, right?

MR. JONES: Objection, form.

A. Those experiences, and I was also trained

by the DuPont fluoro products business in commercial refrigeration.

Q. Relating to Dupont's refrigerants?

MR. JONES: Objection, form.

A. Including Dupont's refrigerants, but commercial refrigeration in general. And in supermarkets.

Q. Are you saying DuPont provided you specific training about refrigerated display cases?

A. Yes.

Q. And what was that training?

A. How to assess and diagnose and evaluate those systems.

Q. Was it like a course, or what was it exactly?

A. It was training through in-house experts that had done that work for many years.

Q. What information did you learn in that training specific to refrigerated display cases?

A. Well, we looked at energy efficiency of systems with refrigeration display cases.

Q. Systems specific to refrigeration display cases?

A. Yes.

Q. How so?
A. We would assess a commercial refrigeration system, and many of them included refrigerated display cases.
Q. Many of what?
A. Many of those refrigeration systems.
Q. You would agree, though, that your training wasn't focused on refrigerated display cases, it was focused on refrigeration cases, right?
MR. JONES: Objection, form.
A. I was trained on refrigerated display cases as part of that effort.
Q. What specific information did you acquire as part of that training that was unique to refrigerated display cases?
A. We were educated on obtaining manufacturers' data of refrigerated display cases, understanding how the systems functioned, inclusive of condensation control systems, assessing capacities for those systems. We were trained on known industry problems with those systems. Those are the main points.
Q. And that training was specific to refrigerated display cases, so not refrigerators

generally?
A. That work was predominantly focused on supermarket systems, and that was predominantly including or predominantly encompassing refrigerated display cases.
Q. I'm asking about what features of this training that you took to hold yourself out as an expert to these customers was unique to characteristics of refrigerated display cases.
MR. JONES: Objection, form.
You can answer.
A. The functionality of the cases. How they worked. What they were used for. What the customers' concerns were. Cold food storage requirements.
Q. Is it your opinion --
MR. JONES: Hold on. Are you done?
THE WITNESS: -- yes.
Q. Is it your opinion that cold food storage requirements are unique to refrigerated display cases and not refrigeration units generally?
A. It's its own category of concerns. It's not unique. It's wherever food is refrigerated as requirements.
Q. Cold foods storage generally has

requirements, right?
A. Yes.
Q. And refrigerators have specific requirements, right?
A. Yes.
Q. And that functionality that need to keep cold food at a certain temperature is not specific to whether the door of the refrigerator has a glass pane or not, right?
MR. JONES: Objection, form.
A. Well, it could depend on whether it has a glass door if that affects the ability to refrigerate the food.
Q. And, Mr. Pollock, did DuPont specifically train you on the impact that adding a glass pane to a refrigerator door would have on its ability to properly store food at the appropriate temperature?
A. We were trained to include all loads of those refrigerated display cases that we assessed, including those of the refrigerated display case.
Q. Okay. I'm asking you a slightly different question. I understand you were trained to look at all the different loads in the

system.

My question is, did DuPont specifically train you on the impact that adding a glass pane to a refrigerator door has on its ability to store food at appropriate temperatures before holding you out as a refrigeration expert to its customers?

MR. JONES: Objection, form. Objection, asked and answered.

You can tell her again.

A. Generally, yes. We were taught to treat display cases based on their characteristics.

Q. What specific training did you get that was specific to the inclusion of a glass pane in a refrigerator door prior to holding yourself out as an expert to your customers?

MR. JONES: Objection, form, asked and answered.

A. To consider the thermal loads of a display case with a glass front door.

Q. How is that different from the thermal loads of a refrigerator that doesn't have a glass door?

A. They're typically higher because they have more heat transfer through the glass versus

a non-glass door.

Q. Just like heat transfer through a window would occur at a higher rate than through a wall?

MR. JONES: Objection, form.

A. It would be a different analysis. They're different temperatures. They're different rates of heat transfers. But specific to a display case, the loads that correspond to that case, that's what we were trained by DuPont to include.

Q. So the training that you got from DuPont that was specific to the display aspect of a refrigerated display case was simply make sure you include all the loads; is that what your testimony is?

MR. JONES: Objection, form, misstates his prior testimony.

A. It included the assessment of those loads, and also understanding issues that customers had in general.

Q. What training did DuPont specifically give you on issues that customers had that were unique to refrigerated display cases prior to holding you out as an expert to its customers?

MR. JONES: Objection, form.

A. They provided their in-house knowledge and experience having run that business for a number of years. They provided the relevant information to supermarket display cases.

Q. What was that relevant information, that's what I'm asking you? I want specifics.

MR. JONES: Objection, form. Objection, argumentative.

You can answer.

A. I mean, again, I have an NDA with DuPont. I can't specifically give proprietary information from DuPont. But it included the aspects for display cases.

Q. Okay. Mr. Pollock, if you can't tell me, that's fine, but you're holding yourself out as an expert in refrigerated display cases and asserting that that's different from other refrigeration systems.

So what I'm asking you is, sitting here today, what specific information, technical knowledge can you tell me you acquired from DuPont as part of your training before DuPont held you out as an expert to its customers on refrigerated display cases?

MR. JONES: Objection to form.

Objection, argumentative, asked and answered. And whatever your soliloquy was at the beginning, I object to that.

You can answer.

A. We were trained on how those systems worked generally comprehensively.

Q. Can you provide me anything more specific today that was information unique to refrigerated display cases that you acquired from DuPont prior to holding yourself out as a refrigerated display case expert to your customers?

MR. JONES: Asked and answered and to the form of the question.

You can go ahead.

A. The refrigeration requirements of those systems, the specific design details to expect and encounter with those systems.

Q. What are those specific design details that you were specifically trained on prior to going out as an expert to your customers?

MR. JONES: Form, asked and answered:

You can answer again.

A. The heat transfer -- heat transfer considerations, capacity considerations, materials of construction considerations,

functionality considerations, those are the main ones.

Q. And none of that was information that you understood based on all of your other prior experience?

A. No. It was very different.

Q. How long did this special training unique to refrigerated display cases take place?

A. Multiple years, really.

Q. Which years?

A. Beginning 2006 into 2007, and there were always things over years that we learned.

Q. I'm not asking for information you acquired over the course of your work. You started working with refrigerated display cases in 2006, right?

A. Yes, in industry.

Q. Okay. And DuPont held you out to its customers as an expert in refrigerated display cases, right?

MR. JONES: Objection, form.

A. It included commercial refrigeration systems which encompassed refrigerated display cases, yes.

Q. And prior to DuPont holding you out as an

expert in refrigerated display cases, how much specialized training, how many hours, days, years of specialized training did you get from DuPont that was unique to refrigerated display cases before you went to a customer site?

MR. JONES: Objection, form, compound, asked and answered.

You can tell her again.

A. Several months to a couple of years of training.

Q. Starting when?

A. 2006 time frame.

Q. You went to customers in 2006, right?

A. I'm not sure the exact date I went to customers. I know my training began before that for some time.

Q. How long?

A. I don't recall specifically.

Q. Months, days, weeks?

A. Months for sure.

Q. Okay. So your testimony under oath is that you received months of training unique to refrigerated display cases from DuPont prior to 2006?

MR. JONES: Objection, form, misstates

his testimony.

A. I was trained on supermarket refrigeration systems which included display cases for many months before providing engineering assistance for those systems.

Q. How much of that training was unique to features of refrigerated display cases? How many day? How many weeks? How much of that training was only focused on issues unique to refrigerated display cases?

MR. JONES: Asked and answered.

A. I don't recall the specific time frame.

Q. So you don't know if it was days, weeks, months?

MR. JONES: Objection, asked and answered.

A. Weeks or months.

Q. You believe you received potentially months of training that was focused solely on refrigerated display cases prior to the first time you went to a customer site?

MR. JONES: Asked and answered.

A. Yes.

Q. And was this around the clock, 40 hours a week?

MR. JONES: Asked and answered.
A. No.
Q. So how many hours?
A. I don't recall the specific hours.
Q. Can you estimate?
A. Would be difficult. I don't recall the exact hours. It was many hours of educating myself and being trained by that business.
Q. On issues unique to refrigerated display cases and not just refrigeration and supermarket HVAC?
MR. JONES: Objection, asked and answered.
A. Many -- much of that training was refrigerated display cases, yes.
Q. And it's your position that prior to that training, even with all the other experience you had, you were not capable of understanding the principles associated with condensation prevention in a refrigerated display case?
A. No. I did not understand supermarket refrigeration or display cases prior to that time. No.
Q. When did you first develop that understanding?

MR. JONES: Objection, form.
A. In the 2006 time frame.
Q. Prior to visiting customers?
A. Yes.
Q. Were you the only one in this position, or was there like a class of people receiving this refrigerated display case training?
A. The training for supermarket refrigeration systems was done by the business for several people that were involved in those efforts.
Q. How many other students were there?
A. I don't recall the number of people. Several.
Q. Was there like a class?
A. No, not a class.
Q. How many other people were learning this information unique to refrigerated display cases?
A. I recall several.
Q. Like three or four?
MR. JONES: Objection, form, vague.
A. Approximately.
Q. And it was not a formal training process, or there was some sort of formal time slot for these trainings?

MR. JONES: Objection, form.
A. What do you mean by "formal"?
Q. How often did you meet? Was it every day? Was it a specific number of hours?
A. You know, the business formally chose to engage corporate engineering to train us for that purpose, and the business agreed to do that.
Q. And you met how often to specifically focus on refrigerated display cases?
A. Multiple times a week.
Q. For how long?
A. Several to many hours depending on the week.
Q. Per day, several to many hours, or several to many hours per week?
A. Can you repeat that?
Q. You said "several to many hours per week," so I'm just trying to clarify. Did you mean --
A. In a range, yes. Sorry.
Q. Per day, or per week?
A. Both.
Q. And it's your testimony that all this time that you spent training with engineers was focused on issues unique to refrigerated display

cases --

MR. JONES: Objection, form.

Q. -- and not refrigeration generally or other places where DuPont might sell its refrigerants?

MR. JONES: Asked and answered.

A. That training was focused on commercial refrigeration systems including refrigerated display cases. The majority of it was refrigerated display case-based refrigeration systems.

Q. And how much of it was focused on features for refrigeration display cases that are unique to refrigeration display cases?

A. The major --

MR. JONES: Asked and answered.

THE WITNESS: Sorry.

You can tell her again, please.

A. The majority.

MR. JONES: Can we have lunch, please?

MS. REICHEL: Sure.

Let's take a break.

MR. JONES: Thanks.

THE VIDEOGRAPHER: The time is 12:52 p.m. This concludes media unit number three. We're

off the record.

(Recess commencing at 12:52 p.m. and reconvened at 1:27 p.m.)

THE VIDEOGRAPHER: The time is 1:27 p.m. This the beginning of media unit number four. We're back on the record.

BY MS. REICHEL:

Q. Welcome back, Mr. Pollock.

A. Thank you.

Q. We have marked as Exhibit 2 to your deposition a document, the title "Declaration of Michael Pollock," Inter Partes Review No. IPR2025-00559.

(Pollock Exhibit 2, Declaration of Michael Pollock, '181 patent, marked for identification.)

Q. Do you recognize that as the declaration you submitted relating to the '181 patent?

A. Yes.

Q. And this declaration was executed by you on December 29, 2025?

A. Yes.

(Pollock Exhibit 3, Declaration of Michael Pollock, '847 Patent, marked for identification.)

Q. We've marked as Exhibit 3 to your deposition a document with the title "Declaration of Michael Pollock" for Inter Partes Review No. IPR2025-00636.

Do you recognize this as the declaration you submitted for the '847 patent?

A. Yes.

Q. This declaration was executed by you on January 21st, 2026?

A. Yes.

Q. I was curious if you used any collaborative or generative AI as part of your drafting for this declaration?

A. No.

Q. Can you say under oath that no generative AI was used at all in the creation of this declaration?

MR. JONES: Objection, form.

A. Not that I'm aware.

Q. And you yourself did not provide any prompts to any generative AI as part of your process of doing your analysis or declaration drafting in this case?

A. No.

Q. If you could turn to page 12 of

Exhibit 2, and also page 11 of Exhibit 3.

A. I'm sorry. 11 of Exhibit 3?

Q. Yeah. The '847.

A. I'm there.

Q. And actually, if you could turn, I want to ask you about the end of that paragraph, which I think falls on page 12 in Exhibit 3 and page 13 in Exhibit 2.

A. 12 in Exhibit 3. 13 -- I'm sorry. 12 Exhibit 2 and 13 Exhibit 3?

Q. Yes.

A. I'm there.

Q. Okay. In the last sentence of what is paragraph 11 of your '181 declaration and paragraph 10 of your '847 declaration, you provide a definition of the level of skill required for a person of ordinary skill in the art or a POSITA.

Do you see that?

A. Yes.

Q. You provide the same definition for both patents, right?

A. Yes. I'm specifically looking at the last sentence.

Q. Right.

So your proposed level of skill definition for both the '181 and the '847 patents is "a POSITA would have a bachelor's degree in mechanical or electrical engineering or a related field and at least two years working with refrigerated display cases."

Is that your opinion?

A. Yes.

Q. When did you first determine that that was your opinion regarding the required level of skill in the field of the '181 and '847 patents?

A. During the development of my analysis and these reports.

Q. When specifically?

A. Would have been during, you know, the fourth quarter of 2025 and through January of 2026.

Q. Was it at the beginning of your analysis, the middle, the end?

A. I don't recall specifically.

Q. What's your understanding of the relevance of the definition of the POSITA in an IPR proceeding?

MR. JONES: Objection, form, calls for a legal conclusion.

You can answer if you understand.
A. As a layperson, as a POSITA, we understand -- I understand that it's a person of ordinary skill in the art.
Q. Why is it important to define a level of skill for a POSITA in an IPR proceeding?
MR. JONES: Objection, form, calls for a legal conclusion.
A. I'm not an attorney, but it's important because a POSITA would be familiar with the technology.
Q. What did you do with your POSITA definition in terms of your analysis for the '181 and '847 patents?
A. I'm sorry. Can you repeat that?
MS. REICHEL: Sure. Let me ask it in a slightly different way.
Q. How do you use your POSITA definition in your analysis for the '181 and '847 patents?
A. Well, a person of ordinary skill in the art that understands the specific technology area.
Q. Was that the end of your answer?
A. Yes.
Q. I'm asking what you did. So you defined

this level of skill, and then how did you apply this definition in your analysis for the '181 and '847 patents?

A. Well, as I wrote these, I wrote them from the perspective of me being a POSITA having worked with the technologies of these patents in a similar technology space.

Q. Did you write your declarations from your perspective, or did you write your declarations from the perspective of a hypothetical person of skill in the art?

A. From my perspective.

Q. Your perspective as someone having a number of years of expertise with thermodynamics refrigerated display cases, et cetera?

A. Yes.

Q. Okay. Your opinions in this case are based on your perspectives and not necessarily the perspectives of a hypothetical POSITA; is that right?

A. Yes.

MR. JONES: Objection, form.

A. I've never -- it's based on my understanding of a POSITA, not a hypothetical POSITA.

Q. You've analyzed the issues in this case from your own perspective based on your own experience; is that right?
A. Yes.
Q. And you rendered opinions from your own perspective with the experience that you've had, right?
A. Yes.
Q. You didn't render opinions from the perspective of a hypothetical person with a certain level of skill; is that right?
MR. JONES: Objection, form.
A. No.
Q. No, you did not?
A. I did not.
Q. Did you actually use the definition of POSITA that's in your declarations in any way in your report other than what you have written here in paragraph 10 of your '847 declaration and paragraph 11 of your '181 declaration?
A. You mean throughout the report?
Q. Was it part of your analysis, or was it just something you presented here in this one paragraph?
A. Oh, it was part of my analysis of how a

POSITA would, you know, look at this technology area.

Q. You proposed that the POSITA would have a bachelor's degree in mechanical or electrical engineering or a related field, right?

A. Yes.

Q. And you proposed at least two years working with refrigerated display cases?

A. Yes.

Q. How many years of experience do you have working with refrigerated display cases?

A. Approximately nine or ten.

Q. So your level of skill and experience exceeds the level of ordinary skill in this art; is that fair?

A. I would say it meets the level of skill as a POSITA or exceeds.

Q. Well, you've said that someone can become a POSITA with two years experience working with refrigerated display cases, right?

MR. JONES: Objection, form, misstates the words on the page in his report.

A. I'm sorry. Can you repeat the question?

Q. Sure.

In your report you've said that someone

could be a POSITA if they have two years experience working with refrigerated display cases, right?

MR. JONES: Objection, form. Stop misleading the witness.

MS. REICHEL: Please stop coaching the witness.

MR. JONES: I'm not coaching. I'm asking you to not mislead him.

MS. REICHEL: I'm not. Please stop interrupting.

MR. JONES: I'm not interrupting.

Q. Do you need me to restate the question?

MR. JONES: I'm just interposing my objections.

A. My opinion of a POSITA is they "would have a bachelor's degree in mechanical or electrical engineering or a related field and at least two years working with refrigerated display cases."

Q. So someone with exactly two years with refrigerated display cases would meet your definition, right, as long as they met your educational requirement?

A. No. And at least two years.

Q. So exactly two years of work with refrigerated display cases wouldn't be enough?
A. I would phrase it as "at least two years" because it could be more than two years.
Q. Sure.
I'm just trying to understand what the minimum experience is you believe is required to be considered a POSITA in the field of the '181 and '847 patents.
Do you understand that?
A. Yes, at least two years working with refrigerated display cases.
Q. So a person with a bachelor's degree in mechanical engineering and exactly two years working with refrigerated display cases would be a POSITA under your definition?
MR. JONES: Objection, asked and answered.
A. If they met those requirements, yes, they could be a POSITA.
Q. And someone with exactly two years of experience would meet your requirement of at least two years working with refrigerated display cases?
MR. JONES: Asked and answered.

A. Yes, it could be.
Q. Okay. And you yourself have more than two years of experience working with refrigerated display cases?
A. Yes.
Q. I believe you said you have eight or nine years of experience?
A. Yes, approximately.
Q. So is it fair to say that you, Mr. Pollock, have more experience working with refrigerated display cases than the minimum required by your proposed level of skill, which is two years?
A. I have more than two years working with refrigerated display cases, yes.
Q. All right. So you have more than the minimum work experience requirement according to your definition of a POSITA in these cases, right?
A. Yes.
Q. Okay. Does the experience working with refrigerated display cases have to be in any specific context?
A. What do you mean by "context"?
Q. For example, if a Ph.D. student spent two

years writing a thesis on refrigerated display cases, would that type of academic work with refrigerated display cases qualify, in your opinion?

A. They could possibly qualify.

Q. So you don't believe that the two years working with refrigerated display cases has to be in the context of professional experience; is that right?

MR. JONES: Objection, misstates his testimony.

A. Can you repeat that question?

Q. Sure.

The two years of experience working with refrigerated display cases in your definition, that does not have to be in the context of a professional work experience. It could be in the context of an academic experience. Is that fair?

MR. JONES: Objection.

A. What I mean by this statement when I write "refrigerated display cases" is in industry or industry-type display cases.

Q. I'm not asking you about the type of display cases. I'm asking you about the type of experience you believe is necessary for the

minimum amount of experience to be considered a POSITA in this field. Okay?

A. Yes.

Q. Okay. So let me reask my question.

When you reference at least two years experience working with refrigerated display cases in your proposed definition, does that work have to be in the context of professional experience, or could it also be in the context of academic experience?

MR. JONES: Asked and answered.

A. In my experience, it would be with industry-based equipment, not in an academic setting.

Q. Okay. So do you want to change your answer about whether a Ph.D. student who spent two years writing a thesis on refrigerated display cases could qualify as a person of ordinary skill in the art?

MR. JONES: Objection, misstates his testimony.

A. Can you read my statement?

Q. Sure.

I previously asked you, for example, if a Ph.D. student spent two years writing a thesis on

a refrigerated display case or with refrigerated display cases, would that type of academic work with refrigerated display cases qualify, in your opinion?

Your answer was, "they could possibly qualify."

Is that still your testimony?

A. Yes, if they were based on industry-based equipment.

Q. Okay. So in your view, the equipment must be industry-type refrigerated display cases but the work does not have to be in a professional capacity, it could be in an academic capacity.

A. I'm not sure I have an opinion on that. I just know that the equipment would be in the industry space.

Q. So in your opinion, a Ph.D. student who spent two years working on a thesis analyzing industry refrigerated display cases could be considered a person of ordinary skill in the field of the '181 and '847 patents?

MR. JONES: Objection, calls for speculation.

A. Can you break that down? Seems like

there's multiple questions in there.

Q. Sure.

I'm just trying to understand what kind of work is required under your definition of the level of ordinary skill in the art. Okay?

Okay?

A. Yes.

Q. So you've explained that when you refer in your proposed definition to refrigerated display cases, you mean industry equipment refrigerated display cases; is that right?

A. That's my understanding, yes.

Q. Okay. And my question is, the type of work with those industry refrigerated display cases, can that be academic study, or does it have to be work as a professional in the field?

A. I guess I'm confused on the question. When you say academic working on a matter that's in a professional capacity, if it's working in an industry setting on industry equipment.

Q. I'm asking about a Ph.D. student who spent two years looking at product documentation, analyzing load capacity, et cetera, of commercial refrigerated display cases but has not actually worked as a professional in the field of

refrigerated display cases, would that person satisfy your definition of level of ordinary skill in the art?

MR. JONES: Objection, calls for speculation and it's asked and answered.

A. I think it would be difficult without field experience on refrigerated display cases for an academic to opine on that, that be a POSITA.

Q. All right. So your opinion is no matter how much a person has studied refrigerated display cases or studied thermodynamics or studied refrigerator loads or studied condensation prevention systems, that person cannot qualify as a person of ordinary skill in the art for the '181 and '847 patents unless they have had field experience working on refrigerated display cases?

MR. JONES: Objection, misstates his prior testimony.

A. Can you break that down? It's multiple questions in there. It's hard to answer.

Q. In your opinion, is field experience with refrigerated display cases required for someone to be considered a person of ordinary skill in

the art of the '181 and '847 patents?
A. It would be helpful.
Q. I'm not asking if it would be helpful. I'm asking about what's required under your definition.
In your opinion, is field experience with refrigerated display cases required for someone to be considered a person of ordinary skill in the art of the '181 and '847 patents?
MR. JONES: Objection, argumentative and it's asked and answered.
But you can answer again.
A. It would depend on their degrees and if they have at least two years working with refrigerated display cases.
Q. When you say "it would depend on their degrees," what do you mean?
A. Do they have mechanical or electrical engineering or related field?
Q. Okay. If a person has a bachelor's degree in mechanical or electrical engineering --
MS. REICHEL: Let's strike that.
Q. If a person has a bachelor's degree in mechanical engineering and they have spent two years working with refrigerated display cases by

studying them and writing about them and analyzing their performance but they have not worked in the field with physical refrigerated display cases, is that person a POSITA under your definition?

MR. JONES: Objection, asked and answered, calls for speculation.

You can answer.

A. So when you say they studied them but they haven't worked with them, can you explain that difference?

Q. Well, the working with is your language, right?

A. Okay. Can you ask the question again?

Q. Sure.

If a person has a bachelor's degree in mechanical engineering and they have spent two years analyzing and studying refrigerated display cases but they have not conducted field work with refrigerated display cases, would that person satisfy your definition of a POSITA for the '181 and '847 patents?

MR. JONES: Form, calls for speculation, asked and answered.

You can go ahead.

A. Field work includes inspecting, so I guess that's why I'm confused on the question.
Q. I didn't say "inspecting" in my question.
A. Okay. Can you repeat your question?
Q. If a person has a bachelor's degree in mechanical engineering and they have spent two years analyzing and studying refrigerated display cases but they have not actually conducted field work, they haven't touched a refrigerated display case, could that person satisfy your definition of a POSITA for the '181 and the '847 patents?
MR. JONES: Same objections as last time, please, ma'am.
A. I just don't know. It's a difficult question because I don't know how you would analyze them without doing field work on them. That's why I'm hung up on the answer.
Q. You mentioned before you yourself reviewed a number of product documentation during your course of study in refrigerated display cases, right?
A. As part of my initial involvement in that -- in that technology space, yes.
Q. And there are patents that talk about refrigerated display cases and how they work,

right?
A. Yes.
Q. There are other written materials in the world that describe the functionality of refrigerated display cases, right?
A. Yes.
Q. Could a person who spent two years studying all that written documentation, writing a thesis potentially on refrigerated display cases qualify under your definition of a POSITA if they have not physically touched a refrigerated display case?
MR. JONES: Objection, form, calls for speculation.
You can answer.
A. I can answer for me as a POSITA. I would have had difficulty with not having had field experience to be a POSITA in refrigerated display cases.
Q. Mr. Pollock, I'm not asking about your experience.
You have put forward a definition, a legal definition for a POSITA for the '181 and '847 patents.
Do you understand that?

MR. JONES: Objection, misstates what he's done.

You can answer.

A. I'm not an attorney, so I'm just phrasing this from my understanding as a POSITA in this field.

Q. Okay. You have proposed a specific definition of what you contend to be the minimum requirements for a POSITA in the field of the '181 and '847 patents, right?

A. Yes, as a POSITA in this field.

Q. Your proposed requirement requires "two years working with refrigerated display cases," right?

A. Yes.

Q. Those are your words, right?

A. Yes.

Q. You chose those words, right?

A. Yes.

Q. My question is, does analyzing written documentation of a refrigerated display case qualify, or does it have to be physical contact with a refrigerated display case?

MR. JONES: Objection, form and speculation.

A. I don't have an opinion on that. I don't have the documents that were reviewed by this person.

Q. So your definition does or does not require field experience specifically with refrigerated display cases?

MR. JONES: Objection, form.

You can answer.

A. As a POSITA I worked in the field and can answer that I included that in my experience as a POSITA.

Q. Mr. Pollock, I'm not asking about your experience.

You understand that?

A. Yes.

Q. Okay. A POSITA is a hypothetical person.

Do you understand that?

A. I thought a -- well, I guess, can we clarify the definition then of what you mean by "hypothetical"?

Q. Well, what definition did you use when you were trying to come up with who a POSITA would be in the field of the '181 and '847 patents?

A. A person with a bachelor's degree in

mechanical engineering or electrical engineering or a related field and at least two years working with refrigerated display cases. I didn't go into a hypothetical person in that description.

Q. What framework did you use to arrive at your definition?

MR. JONES: Objection, form.

A. My experience working in this particular field.

Q. Anything else?

A. My background and experience as an engineer and training as an engineer.

Q. Anything else?

A. And having worked specifically with refrigerated display cases.

Q. Anything else?

A. Those are the main points at this time.

Q. Did you consider the education level of the inventors on the patents, the '181 and '847 patents?

A. Which individuals?

Q. The inventors.

Did you consider their education level?

A. No.

Q. Did you consider the prior art solutions

to problems encountered in the art?
A. The ones that are cited in my report, yes.
Q. As part of coming up with your definition of a POSITA?
A. Yes.
Q. How?
A. What's the specific question?
Q. How did you consider prior art solutions to the problems encountered in the art when evaluating what your proposed definition is for the minimum level of skill required for the field of the '181 and '847 patents?
A. I considered it from the standpoint of the type of knowledge and experience one would have required to be a POSITA in the field.
Q. How?
A. From education and experience levels.
Q. What prior art solutions exactly did you consider as part of developing your definition of a POSITA?
MR. JONES: Objection, form.
A. I mean, I reviewed the prior art that's listed in my reports.
Q. How did that impact your conclusion about

what the level of skill is required to be a POSITA for the '181 and '847 patents?

MR. JONES: Objection, form, asked and answered.

A. It directed me to the technology space for these relevant patents.

Q. What does that mean?

MR. JONES: Objection, form.

A. It directed me to the refrigerated display case technologies area.

Q. How did the prior art you considered in this case affect your conclusion on whether someone needs to have hands-on field experience working with refrigerated display cases to be considered a POSITA?

MR. JONES: Objection, form, asked and answered.

A. Knowledge of the equipment in this space.

Q. Which prior art are you talking about?

MR. JONES: Objection, form, asked and answered.

A. The prior art that was provided as part of this analysis.

Q. If a person with a bachelor's degree in mechanical engineering had studied all of the

prior art that has been provided as part of the proceedings in this case, would that person qualify as a POSITA under your proposed definition?

A. No.

MR. JONES: Objection, calls for speculation.

A. Not necessarily.

Q. But possibly?

A. My definition of a POSITA is having a bachelor's degree in mechanical or electrical engineering or related field and at least two years working with refrigerated display cases.

Q. And if that person spent two years reading documentation about refrigerated display cases, could that qualify as working on refrigerated display cases for two years or not?

A. I don't have an opinion on that because I don't know what that documentation would be.

Q. Is it possible? Is there a sufficient documentation that one could study to develop the necessary expertise in refrigerated display cases without having done field work?

MR. JONES: Objection, form, calls for speculation, asked and answered.

A. I don't have an opinion.
THE WITNESS: Sorry.
MR. JONES: Go ahead.
A. I don't have an opinion because I don't have the information to form an opinion on that.
Q. You don't have opinion one way or the other about whether a person with a bachelor's degree in mechanical engineering could spend enough time studying documentation about refrigerated display cases to meet your definition of a POSITA without having done field work with refrigerated display cases?
MR. JONES: Objection to the form. This is about the 15th time it's been asked and answered.
You can go ahead, sir.
A. I don't have an opinion because I don't know what their background is based on your definition of the documentation they would have reviewed.
Q. Okay. So you don't have an opinion on that question; is that your testimony?
MR. JONES: Objection, asked and answered. He just said it.
Q. Correct, you don't have an opinion on

that question?
A. Yes. I don't --
Q. Yes, you don't?
A. I don't have an opinion at this time.
Q. Are you aware of other types of refrigeration devices that have a display other than refrigerated display cases?
MR. JONES: Objection, vague.
A. I'm sorry. Can you repeat the question?
Q. Sure.
Are you aware of other types of refrigeration devices that have a display other than refrigerated display cases?
MR. JONES: Objection, vague.
A. Generally not.
Q. You're familiar with lab refrigerators and freezers, right?
A. Yes.
Q. Have you ever worked on those?
A. Yes.
Q. You're aware that lab refrigerators and freezers can have a window display, right?
A. Yes.
Q. Would a laboratory refrigerator with a window display be considered a refrigerated

display case?
A. I believe it could be considered a refrigerated display case.
Q. Could be, based on what?
A. If you could view the inside portion through glass, I think it could be a display case.
Q. A refrigerated --
A. Refrigerated display case.
Q. In the meaning of the '181 and '847 patents?
A. Yes.
(Pollock Exhibit 4, Laboratory Undercounter Refrigerators, Futura, marked for identification.)
Q. I've marked as Exhibit 4 to your deposition a document with the title "Laboratory Undercounter Refrigerators."
Do you have that in front of you?
A. Yes.
MR. JONES: Counsel, just before we get going, is Exhibit 4 somewhere in the IPR record?
MS. REICHEL: I don't believe so.
MR. JONES: Okay. So this is new evidence that you're bringing into this

deposition today for the first time?

MS. REICHEL: It's an exhibit I'm going to ask him about.

MR. JONES: Right.

I'm just trying to figure out, is this somewhere in the IPR record? It doesn't have any --

MS. REICHEL: I don't believe so.

MR. JONES: It's not. And it's not believe so. Is it, or is it not?

MS. REICHEL: I don't believe so.

MR. JONES: You don't believe so? You don't know?

MS. REICHEL: To my understanding, it's not.

MR. JONES: It's not. Okay.

Q. Are you generally familiar with the type of laboratory refrigerators in Exhibit 4?

A. No.

Q. Do you see that some of these refrigerators include a window pane?

A. Yes.

Q. Okay. Would you consider these type of refrigerators to be a refrigerated display case?

MR. JONES: Objection, calls for

speculation.

A. I just received this document. I'm not ready to render an opinion on it.

Q. Okay. But you do agree that a laboratory refrigerator with a window pane could constitute a refrigerated display case, right?

MR. JONES: Objection, form, calls for speculation.

A. I don't have an opinion on that currently.

Q. You don't have an opinion. Okay.

Are you familiar with temperature and humidity chambers?

A. Yes.

Q. Do those sometimes have a display, a window display?

A. I would have to see a document showing me that.

Q. Are you an expert in temperature and humidity chambers?

MR. JONES: Objection, form.

A. No. I've worked with them.

Q. The ones you've worked with, did they have a window?

A. I don't recall.

Q. Isn't it important to be able to see inside the temperature and humidity chamber?

MR. JONES: Objection, form, calls for speculation.

A. It would depend on -- I can't -- I don't have an opinion. It would depend on what you're doing.

Q. Would a person who has experience with temperature and humidity chambers with a window display be a POSITA under your definition?

MR. JONES: Objection, calls for speculation.

A. I wasn't asked to perform that analysis.

Q. So you don't have an opinion one way or the other?

MR. JONES: Objection, form, calls for speculation.

A. Not at this time.

Q. What about a walk-in test chamber, would that be considered a refrigerator display case if it had a window pane?

MR. JONES: Objection, form, calls for speculation.

A. I wasn't asked for that analysis as part of this effort.

Q. So you don't have an opinion on that one way or the other?

MR. JONES: Objection, form, asked and answered, calls for speculation.

A. I do not at this time.

Q. Okay. So sitting here today, you don't have an opinion about whether someone with a bachelor's degree in mechanical engineering who has reviewed a large quantity of documentation about refrigerated display cases could satisfy your definition of a POSITA, right?

MR. JONES: Objection, form, asked and answered, mischaracterizes his prior testimony.

You can go ahead, sir.

A. I don't. I don't have enough information to render an opinion on that as I sit here today.

Q. And sitting here today, you don't have an opinion about whether a person with a bachelor's degree in mechanical engineering and two years of field experience working with laboratory refrigerators with a window display meets your definition of a POSITA for the '181 and '847 patents?

MR. JONES: Objection, form, asked and answered, mischaracterizes his prior testimony,

and calls for speculation.

But you can go ahead, sir.

A. In my opinion, it would not meet the requirements of a POSITA.

Q. So now you have an opinion on that?

MR. JONES: Objection, argumentative.

A. In my opinion, a POSITA would have a bachelor's degree in mechanical or electrical engineering and two years working with refrigerated display cases to be a POSITA in this space.

Q. And you testified before that a laboratory refrigerator with a window could be considered a refrigerated display case, right?

MR. JONES: Objection, misstates his prior testimony, calls for speculation.

You can answer.

A. I don't have an opinion on that.

Q. Okay. So you don't have an opinion about whether a laboratory refrigerator with a window display qualifies as a refrigerated display case; is that right?

MR. JONES: Objection, asked and answered.

A. Yes.

Q. So you don't have an opinion about whether a person with a bachelor's degree in mechanical engineering and two years working with laboratory refrigerators with a window display would meet your definition of a POSITA; is that right?

MR. JONES: Objection, asked and answered, to the form, calls for speculation, and now it's getting harassing.

But go ahead.

A. I don't have an opinion on that today because I don't understand what those documents are that you're referring to.

Q. I'm not asking you about documents. I'm asking you about laboratory refrigerators with window displays. You said you're familiar with those, right?

A. Yes.

Q. Okay. Those are actual products, right?

A. Yes.

Q. They exist in the real world, right?

A. Yes.

Q. Okay. Do you have an opinion about whether a person with a bachelor's degree in mechanical engineering and two years of

experience working with a laboratory refrigerator with a window display would meet your definition of a POSITA for the '181 and '847 patents?

A. I don't --

MR. JONES: Hold on. Objection to form, it's been asked and answered a dozen times, it calls for speculation, and it's harassing.

You can go ahead and answer.

A. Can you repeat the question?

Q. Sure.

Do you have an opinion about whether a person with a bachelor's degree in mechanical engineering and two years of experience working with a laboratory refrigerator with a window display would meet your definition of a POSITA for the '181 and '847 patents?

MR. JONES: Same objections.

A. I don't have an opinion because I don't know the specifics.

Q. Okay. You don't have an opinion, that's all I'm trying to ask.

A. Yes.

MR. JONES: Objection, same objections as last time.

Q. Yes, you have no opinion?

MR. JONES: Same objections.

Q. Have you ever worked on a patent case before this?

A. No.

Q. But you have taken the patent bar, right?

A. Yes.

Q. As part of taking the patent bar, did you study what the level of ordinary skill construct is in the context of patents?

A. I recall studying aspects of that, yes.

Q. Do you have a recollection that when defining a level of skill in the art it is not uncommon to provide a definition wherein certain educational experience can compensate for a lack of real-world experience?

MR. JONES: Objection, form, calls for a legal conclusion, calls for speculation.

But go ahead, you can answer.

A. I don't recall that specifically.

Q. Okay. So you don't remember investigating whether it's appropriate to consider whether a higher level of education can compensate for a lack of real-world or professional experience when defining a POSITA in the patent context?

MR. JONES: Objection to form, it calls for a legal conclusion. The man is not a lawyer. It calls for speculation. And I'm not sure that's a correct statement of the law.

But other than that, you can answer.

A. Can you repeat the question?

Q. Sure.

You don't remember investigating whether it's appropriate to consider whether a higher level of education can compensate for a lack of real-world or professional experience when defining a POSITA in a patent context?

MR. JONES: Same objections.

A. I don't recall that specifically.

Q. And did you consider when coming up with your POSITA definition in this case whether a higher level of education could compensate for a lack of real-world experience with refrigerated display cases?

MR. JONES: Objection, form.

You can answer.

A. Yes.

Q. Why did you consider that?

MR. JONES: Objection, form.

A. Because --

MR. JONES: You can -- don't disclose conversations with the lawyer, but otherwise you can answer that.

A. Because Mr. Henze, he appears to meet that description and that brought it current in my mind.

Q. So you had Dr. Henze in mind when you put together your definition for a POSITA in this case?

A. As I read his report, yes, Dr. Henze was in my mind for regarding that definition.

Q. Okay. So as you put together your definition of a POSITA for the '181 and '847 patents, you were aware that Dr. Henze had a higher level of educational experience?

MR. JONES: Objection, form.

A. I reviewed his credentials, yes.

Q. You were aware he has a Ph.D.?

A. Yes.

Q. And you had Dr. Henze's credentials in mind when you put together your proposed definition of POSITA?

A. Yes.

Q. And your proposed definition of POSITA does not allow for a higher level of education to

compensate for a lack of real world experience, right?

MR. JONES: Objection, form, misstates his prior testimony.

You can answer.

A. No, no, I don't have an opinion on that.

Q. So you don't have an opinion about whether a higher level of education could compensate for the real-world experience required by your POSITA definition?

MR. JONES: Objection, form, asked and answered.

A. I'm not an attorney. Seems like a legal argument.

Q. If you don't have an opinion, that's fine. But I'm going to ask you one more time.

Mr. Pollock, you don't have an opinion sitting here today about whether a higher level of education could compensate for the real-world experience required by your POSITA definition?

MR. JONES: Objection, form.

A. It sounds like that may be reasonable, but I don't have specific reference to it in front of me.

Q. It sounds like what may be reasonable?

A. Well, can you read your last question back to me?
Q. Sure.
Do you have an opinion sitting here today about whether a higher level of education could compensate for a lack of real-world experience as required by your definition of a POSITA?
MR. JONES: Objection to form, asked and answered, calls for a legal conclusion.
You can answer.
A. I'm not an attorney. It sounds like a reasonable statement, but I don't know that specifically.
Q. It sounds like a reasonable statement that a higher level of experience -- or of education could qualify or compensate for a lack of real-world experience?
MR. JONES: Same objections.
A. It sounds reasonable.
Q. And you don't have a specific opinion on that one way or the other sitting here today?
MR. JONES: Same objections.
A. Other than it sounds reasonable, no.
Q. Okay. Your proposed definition of a POSITA does not require experience with

thermodynamics; is that right?

MR. JONES: Objection, form.

A. No.

Q. Your proposed definition of a POSITA does not require any HVAC&R education, right?

MR. JONES: Objection, form.

A. I'm sorry. Can you repeat that?

Q. Sure.

Your proposed definition for a POSITA for the '181 and '847 patents does not require any education in the field of HVAC&R; is that right?

MR. JONES: Form.

A. No.

Q. No, it does not require such education?

MR. JONES: Objection, form, misstates his testimony.

A. No. My testimony includes education which would encompass aspects of HVAC science.

Q. So your understanding that a POSITA with a bachelor's degree in electrical engineering necessarily has studied HVAC&R?

MR. JONES: Objection, form.

A. Aspects of it they would have studied in physics.

Q. You haven't required a POSITA to have

taken any specific coursework relating to HVAC&R; is that right?

A. Not specific to HVACR.

Q. Anyone with a mechanical or electrical engineering degree would meet the educational requirement in your definition, right?

A. Generally.

MR. JONES: Objection, form.

A. Generally. Yes.

Q. Your proposed work experience also is not specific to HVAC&R in the context of refrigerated display cases, right?

A. Can you repeat that?

Q. Your proposed work experience also is not specific to HVAC&R in the context of refrigerated display cases, right?

A. I think a POSITA would have a background in HVAC related equipment and that's captured under the or a related field.

Q. Or a related field, right?

A. Yes.

Q. Not and/or a related field, right?

A. Or a related field.

Q. And that related field is in the context of your educational requirement, isn't it?

A. Yes.
Q. I'm asking about your work experience requirement.
You understand that?
A. Yes.
Q. Your proposed definition for POSITA does not require any HVAC&R specific experience in the context of refrigerated display cases, right?
MR. JONES: Objection, misstates his report.
You can answer.
A. There would be HVACR science and coursework in mechanical engineering courses.
Q. Mr. Pollock, I'm asking about your work experience requirement.
Do you understand that?
A. Okay.
Q. Your work experience requirement in your proposed definition for a POSITA does not require HVAC&R specific experience, right?
A. No, that's not correct.
Q. Why is that incorrect?
A. The POSITA definition in my report requires "and at least two years working with refrigerated display cases."

Q. Wouldn't a person who is working in a supermarket and tasked with refilling products in refrigerated display cases meet your definition?
A. No.
Q. Why not?
A. I wouldn't expect that person to have a bachelor's degree in mechanical or electrical engineering or a related field.
Q. So it's your opinion that a person who has a bachelor's degree in engineering could not take on the job of refilling refrigerated display cases in a supermarket?
MR. JONES: Objection, form, argumentative.
A. No, that's not my position.
Q. Would a person who got their bachelor's degree in mechanical engineering and then took a job at a supermarket refilling refrigerated display cases for two years meet your definition?
A. I don't believe so.
Q. Why not?
A. As a POSITA for this art, they would need knowledge in the specific area of condensation control in refrigerated display cases.
Q. Then why doesn't your proposed definition

reference condensation control in refrigerated display cases?

A. Well, it does in the context of my report.

Q. You've given a definition in your report that "a POSITA would have a bachelor's degree in mechanical or electrical engineer or a related field and at least two years working with refrigerated display cases."

Did I read that correctly?

MR. JONES: Objection, form.

A. Yes, that sentence is read correctly.

Q. Nowhere in that sentence does it require work experience in the specific area of condensation control in refrigerated display cases, does it?

MR. JONES: Objection.

A. Are you specifically referring to section VI?

Q. I'm referring to your definition of a POSITA, which is that sentence that we've read in paragraph 10 of your '847 declaration and paragraph 11 of your '181 declaration.

MR. JONES: Objection, form. I don't think his definition is limited to that single

sentence, but if that's what you want to call it, that's fine.

MS. REICHEL: Can you please stop interjecting? That was completely improper. That was not an objection --

MR. JONES: That is an objection.

MS. REICHEL: -- to form. That was a commentary on my question.

MR. JONES: You're misstating his report.

MS. REICHEL: I'm focusing him on a specific sentence.

MR. JONES: Okay.

MS. REICHEL: Please stop interfering.

MR. JONES: A specific sentence of his report.

Go ahead.

Q. Mr. Pollock, is that specific sentence at the end of paragraph 10 in your '847 declaration and '181 of your -- oh sorry -- and paragraph 11 of your '181 declaration your proposed requirement for who qualifies as a POSITA in these proceedings?

A. I mean, my report, section VI, it really shows my opinion of what a POSITA is. It's not limited to the last sentence of section VI.

Q. Where in your proposed definition do you capture that a POSITA must have experience with condensation control in refrigerated display cases?

A. So in paragraph 11, In my experience, a POSITA working on supermarket display cases appreciates that condensation control requires careful coordination of sensors, packaging, air flow, and control hysteresis and that small differences in sensors placement, thermal isolation, and algorithm design materially affect performance, energy use, and reliability.

Q. So is it your testimony that when you refer to working with refrigerated display cases in the last sentence of paragraph 11 of your '181 declaration, what you mean by working with refrigerated display cases is someone who appreciates that condensation control requires careful coordination of sensor, packaging, air flow, and control hysteresis and that small differences in sensors placement, thermal isolation, and algorithm design materially affect performance, energy use, and reliability?

MR. JONES: Object to form, misstates his reports.

A. Yes, amongst the other items in paragraph 11 regarding a POSITA.

Q. Okay. So a POSITA has to have the specific type of experience working with refrigerated display cases that would give them that appreciation of what condensation control requires in order to meet your definition; is that your testimony here today?

A. Can you repeat that question?

Q. Is it your testimony that when you refer to "working with refrigerated display cases" at the end of paragraph 11 of your '181 declaration, what you mean is someone who appreciates that condensation control requires careful coordination of sensors, packaging, air flow, and control hysteresis and that small differences in sensor placement, thermal isolation, and algorithm design materially affect performance, energy use, and reliability?

A. Yes. A POSITA would have those things.

Q. So a POSITA has to have that specific type of experience working with refrigerated display cases to meet the definition of POSITA as you're explaining it here today?

MR. JONES: Objection, form, misstates

his testimony and the report.
A. Well, yes, along with the other POSITA requirements as defined in paragraph 11.
Q. So your definition of POSITA is someone who has specific experience with condensation control in a refrigerated display case?
MR. JONES: Same objections.
A. A POSITA working on a supermarket display case appreciates condensation control requires careful coordination and then the last section at the bottom of paragraph 12, yes.
Q. All right. So two years working with refrigerated display cases is not enough, it has to be a specific type of work. That's your opinion today?
MR. JONES: Objection, form, misstates his testimony and his report.
A. Can you repeat the question?
Q. Two years working with refrigerated display cases is not enough, it has to be a specific type of work. That's your opinion here today?
MR. JONES: Objection, form, same objections.
A. A POSITA would generally have and meet

the requirements of paragraph 11 in my report, which includes at least two years working with refrigerated display cases, yes.

Q. Specifically in the context of condensation control for refrigerated display cases, right?

MR. JONES: Same objections.

A. Yes. Generally speaking.

Q. And you yourself have never designed a condensation control system for a refrigerated display case, right?

A. No.

Q. And you've never installed a condensation control system for a refrigerated display case?

A. No.

Q. Have you ever analyzed in the context of your professional experience, not as an expert, the appropriate placement of sensors for condensation control in refrigerated display cases?

A. Yes.

Q. Is that -- in which of your professional experiences that we talked about earlier?

A. While working in commercial refrigeration.

Q. While you were at DuPont?
A. Yes.
Q. You provided feedback of instructing people to change the location of their sensors?
A. Can you repeat the first question?
Q. Have you ever analyzed in your professional experience the appropriate placement of sensors for condensation control in refrigerated display cases?
A. I've analyzed it in my mind, yes.
Q. Was it part of any written work product you produced?
A. I don't recall that specifically.
Q. Okay. And this was in the context of when you were trying to sell refrigerant to DuPont customers?
A. It was during that time period, yes.
Q. But you don't remember ever writing a report analyzing the proper location for sensors for condensation control in refrigerated display cases?
A. I don't --
MR. JONES: Objection, form, asked and answered.
A. I don't recall it specifically.

Q. And the condensation control or optimizing the condensation control was not the focus of your work at DuPont, right?

MR. JONES: Objection, form, vague.

A. I don't have an opinion. There were many aspects of that work, so there were no particular focus points.

Q. You yourself were not focused on optimizing the condensation control of your customers' refrigerators, is that fair?

A. Correct. My job was not a condensation control expert engineer.

Q. Does your definition of a POSITA for the '181 and '847 patents require someone to have designed a refrigerated display case?

A. No.

Q. Does your definition of a POSITA for the '181 and '847 patents require someone to have designed the doors or frame units of a refrigerated display case?

A. No.

Q. Does your definition of a POSITA for the '181 and '847 patents require someone to have written any paper that touches on refrigerated display cases?

A. No.
Q. Does your definition of a POSITA for the '181 and '847 patents require someone to have written a paper that discusses control of condensation in refrigerated display cases?
A. No.
Q. Does your definition of a POSITA for the '181 and '847 patents require someone to have obtained a grant for work on refrigerated display cases?
A. No.
Q. Does your definition of a POSITA for the '181 and '847 patents require someone to have supervised a student in university working on refrigerated display cases or refrigerated cases?
A. No.
Q. If someone studied refrigerated display cases in the context of preparing a grant application relating to their energy usage, would that person meet your definition of a POSITA?
MR. JONES: Objection, calls for speculation.
A. I've not performed that analysis.
Q. Sitting here today you don't have an opinion one way or the other about whether the

analysis going into a grant application relating to refrigerated display cases could qualify as sufficient experience to meet your definition of a POSITA?

MR. JONES: Objection, calls for speculation.

A. I don't have an opinion.

Q. You don't have an opinion?

MR. JONES: Same objections. Asked and answered.

You can answer.

A. Yes.

Q. Yes, you don't have an opinion?

A. I don't have an opinion as I sit here today. I was not asked to analyze that.

MS. REICHEL: Why don't we take a break.

MR. JONES: Sure.

THE VIDEOGRAPHER: The time is 2:32 p.m. This concludes media unit number four. We're off the record.

(Recess commencing at 2:32 p.m. and reconvened at 2:43 p.m.)

THE VIDEOGRAPHER: The time is 2:43 p.m. This is the beginning of media unit number five. We're back on the record.

BY MS. REICHEL:

Q. Welcome back, Mr. Pollock.

A. Thank you.

Q. You still have your declarations in front of you?

A. Yes.

Q. Can you turn to paragraph 56 in the '181 declaration and 38 in the '847 declaration?

A. Paragraph 56 and --

Q. In the '181. And it's paragraph 38 in the '847 declaration.

Do you have that in front of you?

A. Yes.

Q. Okay. In this paragraph you describe a comparison between Carter and the '181 patent controls; is that right?

A. Yes, differences.

Q. Is the content of these two paragraphs, paragraph 56 in your '181 declaration and paragraph 38 in your '847 declaration, generally the same?

A. Yes, they're generally the same.

Q. The figures that you have here on -- it's pages 38 and 39 of the '181 declaration and paragraph or pages 30 and 31 of the '847

declaration, did you reuse the same figures?

A. Yes, I believe so.

Q. Okay. So let's look at the figure you have on page 38 of the '181 declaration and page 30 of the '847 declaration.

Are you there?

A. Yes.

Q. This figure has a title "Ambient (Dry Bulb) Temperature vs. Dewpoint Temperatures"; is that right?

A. Yes.

Q. The y-axis is labeled "Temperature Fahrenheit," correct?

A. That's correct.

Q. You have not provided any sort of label for the x-axis; is that right?

A. Correct.

Q. Nor have you provided any sort of scale for the x-axis; is that right?

A. Well, the scale is contained in the figure. I didn't provide a scale calculation.

Q. Well, there's no units for the x-axis, right?

A. No.

Q. And the Y axis you've labeled different

temperatures, zero, 20, 40, 60, et cetera, right?
A. Yes.
Q. You haven't given any kind of numerical labels for your x-axis, correct?
MR. JONES: Objection, form.
A. Correct.
Q. And nowhere in your report do you provide the data for what you're presenting here on the x-axis of the figure on page 38 of your '181 declaration and page 30 of your '847 declaration; isn't that right?
A. And can you repeat that question?
Q. Nowhere in your declaration do you provide the data for what you're presenting here on the x-axis of the figure on page 38 of your '181 declaration and page 30 of your '847 declaration; is that right?
MR. JONES: And object to form.
A. Not specifically the x-axis, but the curves do have temperature data provided.
Q. The temperature data on the curves corresponds to the values on the y-axis, right?
A. Yes. And to the -- and the lines correspond with each other.
Q. What does that mean?

A. Well, the lines correspond with the dew point percentages relative humidity.
Q. You've used different colors to reflect the different relative humidities, right?
A. Yes.
Q. And then the numbers that are on the two of the four lines that you've presented in this figure map to the temperature on the y-axis, right?
A. Yes.
Q. So there's nothing mapping to any value on the x-axis in this figure; isn't that right?
MR. JONES: Objection, form.
A. Not in the figure.
Q. And not anywhere in your declaration either, right?
A. What do you mean not anywhere in the declaration?
Q. There's no information in your declaration that tells me how to interpret the x-axis of the figure that you have on page 38 of your '181 declaration and page 30 of your '847 declaration, is there?
MR. JONES: Objection, form.
A. No, that's not correct.

Q. Where is that information in your declaration?
A. In the text labels pointing to the curves.
Q. Which text labels are you talking about?
A. So the text label at top is "Carter's Ambient Temperature for Heater Deactivation" and the text below is the "'181 Patents' Exemplary Dewpoint Temperatures for Hysteresis Based Heater Deactivation."
Q. And the values on those lines map to the y-axis, right?
MR. JONES: Objection, form.
A. The values on this map to the y-axis and those curves map to each other.
Q. But there's nothing mapping to any value on the x-axis, right?
MR. JONES: Objection, form.
A. Not on the x-axis, but in the X direction. The numbers are on the curves themselves.
Q. The numbers on the curves correspond to the numbers on the y-axis, right?
A. The values are derived from the y-axis numbers.

Q. Because if I look at the two numbers that are in boxes, I see a number 70 and then approximately right below it on the gray line I see a number 50 and those align approximately to the same place on the x-axis, don't they?

MR. JONES: Objection, form.

A. Yes.

Q. So the numbers on these curves can't correspond to a value on the x-axis because then those two boxes would have much more similar numbers, wouldn't they?

A. No. Those curves correspond to each other.

MR. JONES: Counsel, I'm happy to tell you outside the presence of the witness and off the record if you want me.

MS. REICHEL: I don't. I'm asking the witness.

MR. JONES: Okay. Okay. That's fine.

MS. REICHEL: I don't need your testimony.

MR. JONES: I'm not trying to testify. I'm just trying to help.

MS. REICHEL: It's his declaration.

Q. Did you prepare this figure, Mr. Pollock?

A. Yes.
Q. So you know what you used --
MR. JONES: Objection, form.
Q. -- to create this figure, right?
MR. JONES: Objection, form.
A. Yes.
Q. What did you use for the x-axis when you put this together?
MR. JONES: Objection, form.
A. What do you mean what did I use for the x-axis?
Q. What values for the x-axis?
A. The values in the X direction are temperature values determined from the y-axis.
Q. What do you mean "determined from the y-axis"?
A. The temperatures from those curves derive from the y-axis. And those curves correlate to one another.
Q. So there's a number 70 in a box on a blue line, right?
A. Yes.
Q. And approximately just below it there's a number 50 on the gray line in a box, right?
A. Yes.

Q. And those two values map to a value on the y-axis, right?
A. Yes.
Q. They don't map to a common value on the x-axis, right?
A. They map to a common value in the X direction.
Q. What do you mean "a common value in the X direction"?
A. The 70 degrees that's in the box, which is Carter's ambient temperature for heater deactivation, correlates to 50 degrees for the 50 percent RH curve below it.
Q. Correlates in terms of what, time, temperature, space?
A. Temperature. They're listed as temperature. Carter's ambient temperature is the note above in the '181 patent. Exemplary dew point temperature is the note below.
Q. But what is the value of the x-axis that corresponds to that point?
MR. JONES: Objection, form.
A. The values in the X direction are shown on the curves.
Q. Which curve?

MR. JONES: Objection, form.
A. In the top curve, "Carter's Ambient Temperature for Heater Deactivation."
Q. What about the bottom curve?
A. "'181 Patents' Exemplary Dewpoint Temperatures for Hysteresis Based Heater Deactivation."
So in that example, Carter is deactivating at 70 degrees F, and '181 is deactivating based off of the dew point curves shown below.
Q. And that 70 and that 50-degree reference map to a value on the y-axis, right?
A. Those values are derived from the y-axis.
Q. There's no value on the x-axis, is there?
MR. JONES: Objection, form.
A. No. There's no need for one.
Q. Well, you had to put in some data to create this map, right, this graph?
MR. JONES: Objection, form. Form of the last question, please.
A. I mean, they're independent curves.
Q. What data did you use for the x-axis to plot this figure?
MR. JONES: Objection, form.

A. So the three bottom curves are dew point curves and the top curve is ambient temperature curve and those curves correlate the deactivations between Carter and the '181 patent.

Q. What data did you use when you plotted this figure for the x-axis?

MR. JONES: Objection to the form of the question.

You can answer.

A. There is no x-axis. This is for a comparison amongst these curves.

Q. There is no x-axis?

A. No scale.

Q. No scale, no legend, no temperature, right?

MR. JONES: Objection, form.

A. There's a legend at the bottom.

Q. There's a dew point legend that identifies which curve corresponds to which dew point, right?

A. Yes.

Q. And those lines all move from left to right, right?

A. Yes.

Q. So the x-axis is not a specific dew point

value because then we wouldn't have a line traversing the x-axis for a 40 percent relative humidity, it would be a point, right?

MR. JONES: Objection, form.

A. I don't understand your question.

Q. Is it your testimony that the dew point is what you're charting on the x-axis?

MR. JONES: Objection, form.

A. The chart is showing the relationship between dew point temperatures and ambient temperature. And the scale is on the y-axis.

Q. The ambient temperature is the blue line, right?

A. Correct.

Q. And that maps to the corresponding Y value, right?

A. Yes. It correlates to the Y value and correlates to a relative humidity value on the curve below.

Q. And that relative humidity value is constant for each of these lines, right, the blue line has a -- or the --

MS. REICHEL: Strike that.

Q. The green line has a constant relative humidity of 70 degrees, right?

A. You know, they're percent, and it's changing from the high side --
Q. Yeah. Sorry. Let me ask that again.
The green line has a constant relative humidity of 70 percent, right?
A. No. Or yes, rather.
Q. I'm correct, right?
A. Yes.
Q. And the gray line has a constant relative humidity of 50 percent, right?
A. Yes.
Q. The orange line has a constant relative humidity of 40 percent, right?
A. Yes.
Q. And these lines traverse your graph from left to right and they change value as they go, right?
A. Yes.
Q. So the units for the x-axis cannot be dew point.
MR. JONES: Objection, form.
Q. Or relative humidity?
MR. JONES: Objection, form and misstates his testimony.
A. They're dew point temperatures. The

bottom three curves are dew point temperatures corresponding to the ambient temperatures of the curve above.

Q. When you plotted this, which you put -- do you use Excel to make this?

A. Yes.

Q. So you had to put a value for the y-axis and a corresponding value for the x-axis, right?

MR. JONES: Objection, form, misstates the facts.

A. I don't recall what I specifically graphed in Excel, but these curves are the dew point curves on the bottom corresponding to the ambient temperatures on the top line.

Q. So you don't recall what you put in for the x-axis values when you made this chart?

MR. JONES: Objection, misstates his prior testimony.

A. I don't have that spreadsheet in front of me. I know these dew point values were derived from ASHRAE psychrometric calculations, and the illustration shows the relation between dew point temperatures to ambient temperature.

Q. All mapped to the y-axis, right?

MR. JONES: Objection, form.

A. And correlating to one another.
Q. And nowhere in your declaration do you give the data values that you inputted that would correspond to the Y or the x-axis, sorry, the x-axis of your figure on page 38 of your '181 declaration and 30 of your '847 declaration.
MR. JONES: Object to the form.
A. I did not include those data tables.
Q. And sitting here today, you can't tell me what the data is for the x-axis that you used in the figure on page 38 of your '181 declaration and 30 of your '847 declaration, right?
MR. JONES: Object to the form.
A. I don't have that data in front of me to say exactly.
Q. Okay. Let's turn to the figure that you have on page 39 of your '181 declaration and 31 of your '847 declaration.
Do you have that?
A. Yes.
Q. Did you make this figure?
A. Yes.
Q. Did you use Excel?
A. Yes.
Q. Why is it that you did not include any

values between 50 percent relative humidity and 95 percent relative humidity?

A. I don't recall specifically. There was a lot of data that's used as an exemplary showing.

Q. So you don't have any technical reason why you did not include any data points anywhere between 51 and 94 percent relative humidity in this graph?

MR. JONES: Objection, form, asked and answered.

A. There's no technical reason, no.

Q. Is there any other reason?

A. No.

MR. JONES: Objection, form.

A. These were exemplary showings of both high and low humidity conditions.

Q. And you agree with me that 95 percent humidity is quite a high unexpected humidity level for a supermarket?

MR. JONES: Objection, form, calls for speculation.

A. Yes, it generally would be considered.

Q. Considered to be an unexpected level for a supermarket?

A. Inside, yes.

MR. JONES: Same objections.
Q. Just repeat your answer.
A. Yes.
MR. JONES: Same objections.
Q. So if I'm looking at your chart here on page 39 of your '181 declaration and 31 of your '847 declaration, your value for Carter deactivate, that's a constant, right, the green dots?
A. Yes.
Q. And so if we were to draw a line that connected all of your Carter deactivate data points, that would be straight line following the 70-degree point on the y-axis, right?
A. Yes.
Q. Okay. You also have a '181 deactivate set of data, right?
A. Yes.
Q. And that's the blue dot, right?
A. Correct.
Q. And we could also draw a line that would connect the three blue dots that you have in your chart, right?
A. Yes.
Q. You didn't do that as part of your

analysis, right?

MR. JONES: Objection, form.

A. I did not.

Q. And if I look at the 40-degree -- sorry -- I keep doing that. If I look at the 40 percent point on the x-axis, our blue dot is where would you say?

A. Which -- which dot?

Q. The 40 percent relative humidity, our blue dot, is what value?

A. 45 degrees.

Q. The blue dot? Are there two blues?

A. Oh, there's two blues.

Q. Okay. All right. So I'm going to ask you about the '181 deactivate blue dot. Okay?

A. Yes.

Q. Do you understand which dot I'm referring to?

A. I do.

Q. This is the light blue all the way on the right side of your legends. Okay?

A. Okay.

Q. At the 40 percent relative humidity point, what degree value have you used for the '181 deactivate point?

A. '181 deactivate? Let me just read this paragraph.
Q. Sure.
A. 55 F -- or I'm sorry -- 56.5 F.
Q. I'm asking you about the 40 percent Relative Humidity line.
A. I'm sorry. Can you repeat the question?
Q. Sure.
At the 40 percent relative humidity spot on your x-axis here --
A. In which chart?
Q. Okay. I'll start over.
Let's look at the chart you have on page 39 of your '181 declaration and 31 of your '847 declaration.
Are you with me?
A. Yes.
Q. Those are the same charts in both declarations, right?
A. This chart?
Q. Yes.
A. Okay.
Q. The same chart in both declarations, right?
A. Yes.

Q. This chart has a legend on the x-axis, right?
A. Yes.
Q. It's called "Relative Humidity," right?
A. Yes.
Q. And we can actually see you put the values here, 30 percent, 40 percent, 50 percent, et cetera, right?
A. Yes.
Q. If we go to the 40 percent point on your x-axis, 40 percent relative humidity, what is the temperature that you used for '181 deactivate, that lighter blue dot?
MR. JONES: Objection, form.
A. Approximately 56 degrees.
Q. On my version it's showing as under the 55-degree line. Do you have something different on yours?
A. On the chart it shows about 52.
Q. 52? That's your understanding of what you charted as the '181 deactivate for 40 percent relative humidity?
A. Yes. That's what the chart shows.
Q. Is that number actually in your declaration anywhere?

A. No. I think it's stated as 56 and a half in the declaration.
Q. For which relative humidity?
A. Oh, I'm sorry. That's at 50. Oh, I'm sorry. I was reading down below.
Can you reask the question?
Q. Sure.
If we go to the 40 percent point on your x-axis, 40 percent relative humidity, what is the temperature you've used to chart the '181 deactivate, that light blue dot?
A. About 52 degrees.
Q. And you don't have that 52-degree number anywhere in your declaration, right?
A. Let me just check. I don't believe so.
Q. Is there any reason why that data is not actually expressed in your declaration?
MR. JONES: Objection, form.
A. No specific reason.
Q. Okay. And now if we go to the 50 percent humidity line or point, what temperature have you used to chart the light blue '181 deactivate here?
A. 56, 56 and a half.
Q. You think you've charted 56 and a half?

A. For deactivation at 50 percent?
Q. Uh-huh.
A. Yes, approximately.
Q. And if we go to the 95 percent relative humidity, what value have you charted for the '181 deactivate, the light blue dot?
A. 75.
Q. Okay. Now, we talked a moment ago about how if you draw a line for what you call the Carter deactivate, that would be a constant line at the 70-degree mark, right?
A. Yes, for ambient condition of 70 degrees.
Q. That's what you're using for your Carter deactivate for purposes of this analysis, right?
A. Yes.
Q. And if we draw a line from across all your light blue points, the '181 deactivate, we would start at that 52 mark, right, and then we would go up through the next blue point and then we would go all way up to that 75-degree point, right?
A. No.
Q. No?
A. I don't have that data here for those other points, and I don't know if it would be

linear.

Q. Why wouldn't it be linear?

A. I mean, I don't know why I would draw a line through there, I guess. What's the purpose of drawing the line through there?

Q. Aren't you using a fixed set point for the '181 deactivate relative to relative humidity?

A. No.

Q. You're changing the set point based on what humidity level you're using?

A. The set point for '181 is based on the dew point.

Q. How does that relate to the relative humidity?

A. Well, the dew point is determined from ambient temperature and relative humidity.

Q. And we're assuming constant ambient temperature, right?

A. Well, in this example we're saying 70 degrees Fahrenheit.

Q. So wouldn't the '181 deactivate then be a function of the humidity level?

A. Function of the humidity --

MR. JONES: Objection, form.

A. Function of the humidity level, relative humidity.
Q. Right.
And '181 deactivate is a linear function of the relative humidity where the ambient temperature is constant, right?
MR. JONES: Objection, form.
A. That seems correct without having that data in front of me.
Q. Well, whether it's a straight line or not, you'd agree with me that for a certain set of relative humidities the '181 deactivate would take place below 70 degrees and then at some point the '181 deactivate would transition to values above 70 degrees; isn't that right?
A. In this example, it does that above 90 percent.
Q. Do you believe the transition points at 90 percent?
A. Well, I'm sorry. Can you repeat the question?
Q. Sure.
For a certain set of relative humidities, your value for the '181 deactivate, this blue dot, is below 70 degrees, and then at some point,

the '181 deactivate value transitions to values above 70 degrees; is that right?

A. Yes.

Q. Because you have on your graph some values that are below 70 degrees and then you have one value that's above 70 degrees, right?

A. Yes.

Q. So there's a point of relative humidity somewhere between 50 percent and 95 percent where your '181 deactivate would be 70 degrees, correct?

A. Well, it would be based off of dew point.

Q. There is a point of relative humidity somewhere between 50 percent and 95 percent where your temperature value for the '181 deactivate would be 70 degrees, correct?

A. Yes.

Q. You didn't show that relative humidity example in your declaration, right?

MR. JONES: Objection, form.

A. Well, if you go to the previous paragraphs, that data -- that can be determined from the dew point data that's provided in that curve.

Q. Okay. How would we do that?

A. So... I'm sorry. Can you restate your question?
Q. Sure.
Where in your declaration do you show the relative humidity at which the value -- the temperature value for '181 deactivate would be 70 degrees?
MR. JONES: Objection, form.
Q. Assuming ambient temperature of 70 degrees?
MR. JONES: Same objection.
A. At what percent relative humidity?
Q. That's my question to you.
MR. JONES: Same objection.
A. I'm not sure it's clearly shown in that graph.
Q. It's not clearly shown in either of your graphs, right?
A. I don't believe so. It's not specifically shown.
Q. Even though you haven't shown the example where with ambient temperature set to 70 degrees or measuring at 70 degrees your proposed '181 deactivate would take place at 70 degrees, there is such a value for relative humidity, right?

A. Can you rephrase that?
Q. Sure.
In your figures and text --
A. Yes.
Q. -- you don't identify the relative humidity level where your proposed deactivate scheme for the '181 patent would occur at an ambient temperature of 70 degrees, right, you don't show that?
MR. JONES: Objection, form, asked and answered.
A. I don't specifically see it.
Q. But you would agree with me, looking at your chart on page 39 of your '181 declaration and 31 of your '847 declaration, that there would be a point not charted here where with an ambient temperature of 70 degrees there is a relative humidity where the '181 deactivate would be 70 degrees, right?
A. I don't know. I'd have to -- I'd have to do that analysis.
Q. You didn't do that as part of preparing your declaration in this case?
MR. JONES: Objection, form.
A. Can you repeat that question? Just want

the make sure it's not here somewhere.
Q. Sure.
In your chart on page 39 of your '181 declaration and 31 of your '847 declaration, there is a point that you have not charted where for this 70-degree ambient temperature there is a relative humidity where your '181 deactivate point would be at 70 degrees, right?
A. It's not specifically shown, no.
Q. But that point is calculable, right?
A. It is calculable.
Q. You have not done that calculation, right?
A. I've not provided it here.
Q. But you agree with me that if we look at your analysis, page 39 of your '181 declaration and 31 of your '847 declaration, and we filled in the data points between the 50 percent relative humidity and the 95 percent relative humidity, we would find a data point where the '181 deactivate would take place at 70 degrees, right?
MR. JONES: Objection, form.
A. Seems reasonable, yes.
Q. And in that example at that relative humidity, do you agree that the '181 deactivate

temperature is the same as your Carter deactivate temperature?

A. I'd have to do that calculation to know specifically.

Q. Well, your Carter deactivate temperature is constant at 70 degrees, right?

A. Yes.

Q. And we've already established that there is a relative humidity at which your '181 deactivate under those same ambient conditions will be 70 degrees, right?

A. Yes, generally.

Q. And at that currently unknown but calculable relative humidity, the Carter deactivate and the '181 deactivate temperatures will be the same, right?

A. Yes, at that point, I think that's correct.

Q. And you have not shown that point in your analysis, right?

MR. JONES: Objection, form.

A. Not specifically.

Q. Instead, your chart, page 39 of the '181 declaration and 31 of the '847 declaration, jumps from 50 percent relative humidity all the way up

to 95 percent relative humidity, right?
A. Yes.
Q. And I want to ask you about that 50 percent relative humidity value. So you said that was -- your '181 deactivate point there was 56.5?
A. Yes.
Q. And that's your recollection of what you charted?
A. Yes, in that example.
(Pollock Exhibit 5, Diagram On/Off Temperatures, marked for identification.)
Q. Okay. I've marked as Exhibit 5, it's a blowup of your chart, and we've added lines corresponding to every degree mark because those aren't present in your declaration.
So if you can just take a minute and confirm that this looks right to you, that we've added the individual degree lines to your chart.
A. Yes. It looks correct.
Q. Okay. Is there a reason you didn't provide these lines in your declaration?
MR. JONES: Object to form.
A. No. Didn't see a need to.
Q. So if I look at the 50 percent relative

humidity, and, again, focusing on that light blue '181 deactivate, now that we have the lines that show the actual degrees, what value have you charted for the '181 deactivate point at the 50 percent relative humidity?

A. I mean, approximately 57 degrees.

Q. Pretty squarely 57.5, right?

A. Okay.

Q. Do you agree with that?

A. Yes.

Q. And if we look at the version that's in your declaration, page 39 of the '181 declaration, 31 of the '847 declaration, at that 50 percent point that blue dot looks pretty square in the center of the 55- and 60-degree mark, right?

A. Yes.

MR. JONES: Objection, form.

Q. So would you agree with me that what you actually plotted here was 57.5 and not 56.5?

A. I don't know. I'd have to see the scaling. I'm not sure how a degree would be different in that context.

Q. Do you have any reason to disagree that what you charted was actually 57.5 and not

56.5 degrees?

MR. JONES: Objection, form.

A. No, I have no reason to believe that.

Q. It looks like it's 57.5, right?

MR. JONES: Objection, form.

A. It could be, sure.

Q. Well, it's your data, Mr. Pollock. What did you chart?

A. It's in the range of 56 to 57 and a half. 56-and-a-half to 57-and-a-half kind of range.

Q. It's right in the middle, isn't it?

MR. JONES: Objection, form.

A. Generally.

Q. It's squarely on 57.5, right?

A. Not based on this.

MR. JONES: Objection to form, asked and answered.

A. I can't specifically determine that from these graphs.

Q. And you haven't given us the actual data used to make any of these plots, right?

MR. JONES: Objection, form.

A. No.

Q. So let's turn back to your declaration. We can look at paragraph 57 of the '181 and

paragraph 39 of the '847. Are these substantively the same?

A. It appears so. Paragraph 57 of '181 and paragraph 39 of '847?

Q. Uh-huh.

A. Yes, they appear similar.

Q. And in this paragraph, you describe that we're using ambient air condition of 70 degrees Fahrenheit and 50 percent relative humidity, right?

A. Yes.

Q. So this corresponds to the chart that you have just above the paragraph, and we're looking at that 50 percent line, right?

A. Correct.

Q. And you have a description of Carter, and then you say in the next sentence that starts with "For comparison under the same conditions."

Do you see that?

A. Yes.

Q. And here you say -- when you say "For comparison under the same conditions of this exemplary showing," you're still referring to 70 degrees Fahrenheit and 50 percent relative humidity, right?

A. Yes.

Q. Okay. And then you say, The '181 patent preselects hysteresis control to target and maintain the door 5 degrees Fahrenheit above the dew point of 50 degrees Fahrenheit, or at 55 degrees Fahrenheit. Under this scenario, the frame heater activates at 52 degrees Fahrenheit (as preselected through dew point plus 2 degrees Fahrenheit) with deactivation of the frame at 56.5 degrees Fahrenheit (as preselected through dew point plus 6.5 degrees Fahrenheit).

Did I read that correctly?

A. Yes.

Q. Okay. And this is what you're purporting to chart at the 50 percent relative humidity line, right?

A. Yes.

Q. Okay. So what you're purporting to chart is a condition where ambient temperature is 70 degrees and dew point is 50 degrees Fahrenheit, right?

A. Yes.

Q. And your indication for dew point is sort of a very dark blue or black dot, as shown in the far left side of the legend at the bottom of your

chart, right?
A. Yes.
Q. And, again, looking either at your version, which doesn't have the specific degree units, or the enlarged version that's Exhibit 5, your dew point marker is actually not at 50 degrees Fahrenheit, is it?
A. It's closer to 45.
Q. It's actually closer to 51, isn't it?
A. I'm sorry. Which was your question?
Q. At the 50 percent relative humidity line the dew point that you've charted is greater than 50 degrees, right?
A. For the '181 deactivate?
Q. The dew point. You see your legend, there's a dew point --
A. Sorry, the colors are a little hard for me to see.
Q. It's your chart, Mr. Pollock.
A. Yes. So if you could just ask the question again, please.
Q. You have a color dot that you've selected to use for dew point, right?
A. Yes.
Q. It's kind of either a dark blue or black,

right?
A. Purple looks like to me, but okay.
Q. Purple. Okay. So we'll call it purple.
You have a purple dot that you are using to chart the dew point, right? Is that right?
A. Yes.
Q. And at the 50 percent relative humidity point you're charting a dew point that is greater than 50 degrees; isn't that correct?
A. Yes.
Q. Which is different from what you describe in the text below which says the dew point is 50 degrees; isn't that right?
A. Yeah. The chart value looks to be 51 degrees.
Q. Yeah. So that's different from your text, right?
A. One degree different, yes.
Q. And then if we look at the activation temperature, this is orange, right, you can agree with me about that?
A. Yes.
Q. Okay. You've used orange dots for activation temperature, right?
A. Yes.

Q. And you describe an activation temperature at 50 percent relative humidity, 70-degree ambient temperature of 52 degrees Fahrenheit; is that right?

A. Yes.

Q. But looking at your chart, you've actually charted an activation temperature closer to 53 degrees Fahrenheit, right?

A. I would say 52 and half just visually.

Q. And, again, if you want to reference Exhibit 5, I think you'll see it lines up exactly with the 53-degree line.

MR. JONES: Object.

Do you have any reason to believe that's inaccurate?

MR. JONES: Objection, form.

A. I don't know the origins of it or the scaling or how this was printed, so I would just use the one that's in my report.

Q. The one that's in your report doesn't show exactly what degrees you're charting, right?

MR. JONES: Objection, form.

A. To me, it looks like 52-and-half degrees, but okay.

Q. Well, we agree that the dew point

temperature is off by at least a degree, right?

MR. JONES: Objection, form.

A. Approximately a half degree.

Q. And we agree that the activation temperature looks off by about a degree, right, relative to what you described in your text?

A. That's reasonable.

Q. And I think we established before that your deactivation temperature at the 50 percent relative humidity mark also doesn't seem to match up with the 56.5 degrees in your text, right?

MR. JONES: Objection, form.

A. It's different by approximately 1 degree.

Q. Right.

So the values that you reference in paragraph 57 as relating to the '181 scenario at 50 degrees or 50 percent relative humidity, ambient temperature 70 degrees don't match up to what's in your graph; isn't that right?

MR. JONES: Objection to form.

A. Visually by the amounts we've talked about, I would generally agree they were off by those amounts.

Q. And nowhere in your report do you give the actual data that you used as the input to

create the charts that we see at page 39 of your '181 declaration and 31 of your '847 declaration, right?

MR. JONES: Objection to form, misstates the report.

A. No. I -- I cited the ASHRAE chart that I used to develop those data points.

Q. But you don't actually give the data in your declaration, right?

A. I did not put a data table in the report.

Q. And the data you did give in your report doesn't match your charts, right?

MR. JONES: Objection, form.

A. By the amounts discussed.

Q. It doesn't match, right?

MR. JONES: Objection, form.

A. Correct.

MS. REICHEL: I have some more questions for you. I know -- I don't know if you guys need to get out of here. I'm happy to keep going. It's been an hour, if you want to take a quick break, but I'm happy to just keep going ahead if you want.

MR. JONES: Nothing. It's your prerogative. We have your time. How much time

do you think you have?

MS. REICHEL: I mean, I don't know that I have a lot left, so I'm happy to just keep going.

MR. JONES: Yeah, keep going.

Are you doing okay, sir?

THE WITNESS: I'm okay.

MS. REICHEL: Okay.

MR. JONES: As long as you're okay, keep going, counsel. I appreciate that.

MS. REICHEL: And I don't know that it will take much longer, but it is just a --

MR. JONES: No, it's your depo. We're not going to run out on you.

MS. REICHEL: All right.

BY MS. REICHEL:

Q. Okay. So I want to still stick with this example for the '181 deactivation process that you've described. Okay?

A. Yes.

Q. You've proposed in your declaration a specific offset relative to the dew point at which you suppose the '181 patent or '847 patent teaches to deactivate, right?

A. Yes.

Q. Okay. And let me actually just ask you

because I just noticed this, in the '847 declaration, your legend refers still to the '181 deactivate, right, in the chart at page 31?

A. Yes. It should read '847 deactivate.

Q. Okay. So you haven't given an '847 deactivation table in here, right, or graph?

MR. JONES: Objection, form.

Q. Right?

A. That sounds correct.

Q. And if we look at page 30 of the '847 declaration, that also references the '181 patent, right?

A. I'm sorry. Where is that reference?

Q. Page 30 you have like an oval, and there's like a label pointing to the oval that says "'181 patent."

A. Oh, yes, so that also reads '181.

Q. So you don't --

A. Should read '847.

Q. -- you don't have a graph in here for the '847 patent that shows these different dew point lines, right?

MR. JONES: Objection, form.

A. There's -- no, that's the only graph. Those are the only graphs on those pages of

those --

Q. Okay.

A. -- values.

Q. All right. So if we go back to this paragraph, it's 57 in your '181 declaration, 39 in your '847 declaration, you're supposing that the offset for the '181 deactivate is dew point plus 6.5 degrees Fahrenheit, right?

A. Yes. '181 deactivates at 56.5.

Q. Your proposed calculation for the deactivation is dew point plus 6.5 degrees Fahrenheit, right?

A. Yes. Dew point plus 6.5 degrees.

Q. There's no cite to the '181 or '847 patent for that selection of the 6.5 degrees Fahrenheit, is there?

A. Just through the reference -- just through the reference as preselected through dew point plus.

Q. You don't have a cite to a specific column or line or figure of the '181 or '847 patents, right?

MR. JONES: Objection, form.

A. Not in this paragraph.

Q. And in fact, the '181 and '847 patents

don't talk about specifically a 6.5 degree Fahrenheit offset, do they?

MR. JONES: Objection to form.

A. Not that I recall.

Q. So you didn't derive that number from any particular paragraph or sentence in the specification of the '181 or '847 patents, right?

A. No.

Q. You made it up?

MR. JONES: Objection, form.

A. I applied the 181's deactivation control algorithm and applied 6.5-degree offset for the deactivation.

Q. And 6.5 degrees is what you picked, right?

A. Correct.

Q. The patent doesn't teach that offset?

A. Well, I preselect --

MR. JONES: Objection, form.

THE WITNESS: Sorry.

MR. JONES: You can go ahead.

A. I preselected based off the language in the '181 patent's ability to preselect a deactivation temperature based off the dew point.

Q. The '181 patent says you can preselect,

it doesn't tell you what to preselect, right?

MR. JONES: Objection, form.

A. Well, it tells you to preselect a deactivation temperature based off of dew point.

Q. It never tells you what the relationship should be in terms of a number of degrees between the dew point and the deactivation temperature, does it?

MR. JONES: Objection, form.

A. I don't have the patent in front of me.

Q. All right. That's something we can fix.

Do you want both patents, or would one be sufficient?

A. Both, I guess, if you're going to have questions on the second.

(Pollock Exhibit 6, U.S. Patent 7,207,181, marked for identification.)

(Pollock Exhibit 7, U.S. Patent 7,421,847, marked for identification.)

Q. So we've marked as Exhibit 6 to your deposition U.S. Patent Number 7,207,181, and we've marked as Exhibit 7 to your deposition U.S. 7,421,847.

And I know we talked about this at the beginning of your deposition, but just to

confirm, Exhibit 6 is what we've been referring to as the '181 patent, right?

A. Yes.

Q. And Exhibit 7 is what we've been referring to as the '847 patent, right?

A. Yes.

Q. All right. So I will reask my question. The '181 patent never tells you what the relationship should be in terms of the number of degrees between the dew point and the deactivation temperature, does it?

MR. JONES: Objection, form.

A. I don't see a specific reference to 6 and a half degrees.

Q. Exhibit 7, the '847 patent, also doesn't have a specific reference to 6 and a half degrees Fahrenheit, does it?

MR. JONES: Objection, form.

A. I don't see a specific reference to 6.5 degrees above dew point for deactivation in '847 either.

Q. So that specific selection of the 6.5 degrees Fahrenheit as that offset is a number that you came up with on your own, right?

A. It was a number I applied based on the

ability to preselect that set point from the teachings of the '181 patent.

Q. It's a number you selected, right?

A. I applied, yes.

Q. The patent doesn't say what number to use?

A. It does not say 6.5 --

Q. And you selected --

A. -- specifically.

Q. I'm sorry. I thought you were done.

Do you want to repeat your answer?

MR. JONES: I don't think it's clear.

Q. The patent doesn't say what number to use, right?

MR. JONES: Objection, form, asked and answered.

A. No. The '181 patent uses preselected set points above the dew point on both activation and deactivation. Doesn't specifically call value out.

Q. The '847 also does not call out any specific values to use as a preselected set point above dew point for activation or deactivation, right?

A. Not that I see currently.

Q. Your choice of the 2 percent preselected set point relative to dew point for activation and the 6.5-degree set point relative to dew point for deactivation are numbers that you picked on your own, right?

MR. JONES: Objection, form.

A. You said percent in that question?

Q. Oh, let me reask. Thank you.

Your choice of the 2 degree Fahrenheit preselected set point relative to dew point for activation and the 6.5 degree Fahrenheit set point relative to dew point for deactivation are numbers that you picked on your own, right?

A. Yes.

MR. JONES: Objection, form.

A. For this --

MR. JONES: Go ahead.

A. Yes, for this example.

Q. When you say "this example," are you referring to the analysis that you did attempting to show a difference in performance and efficiency between the '181 and '847 patents and Carter, right?

A. Yes.

Q. And so you picked a set point to use for

deactivation of the '181 and '847 patents that would show a difference between the Carter deactivate and the '181 deactivate, right?

MR. JONES: Objection, form.

A. Yes. They deactivate at different points.

Q. They deactivate at different points because you picked different deactivation points for the '181 and '847, right?

MR. JONES: Objection, form.

A. No. I just preselected it based off of my industry knowledge of what you would preselect.

Q. Well, nothing in the patent says what set point to preselect, right?

MR. JONES: Objection, form, asked and answered.

A. No, it just says the selection is above dew point.

Q. Right.

Could be a higher set point, right?

A. Whatever you preselect.

Q. Could be a lower set point, right?

A. Yes, whatever you preselect.

Q. Right.

And so one reading the '181 or '847 patents could have selected a higher set point, right?

MR. JONES: Objection, form.

Q. For deactivation?

MR. JONES: Same objection.

A. Yes, you could select a higher deactivation.

Q. If one had selected a higher deactivation set point, the difference between the Carter deactivate and the '181 deactivate or '847 deactivate would become less pronounced; isn't that right?

MR. JONES: Objection, form.

A. The difference would be less.

Q. In fact, one could select a set point for the '181 and '847 patent where the deactivation temperature at a 50 percent relative humidity would be 70 degrees right?

MR. JONES: Same form objection.

A. I just want to look at the patent to make sure there's no reference to that.

Q. Sure.

A. There's no teaching of ambient temperature set point in the '181 or the '847 as

a deactivation point. The '181 patent teaches energy efficiency considerations, so it does teach to use a set point that would conserve energy as your deactivation set point.

Q. The '181 and '847 patents don't teach what the preferred set point is to achieve optimal energy efficiency, right?

MR. JONES: Objection, form.

A. '181 teaches to cycle off for the set point above dew point to save energy, not citing a specific value in the reference of the summary of the invention.

Q. In your opinion, would a set point of 10 degrees for deactivation fall within the scope of the '181 and '847 patents?

MR. JONES: Objection, form.

A. I'd have to speculate to say that would be the set point. I would need to know the exact situation.

Q. Well, the claims don't have a limit on the maximum set point that can be used, right?

MR. JONES: Objection, form.

A. I don't see a limit on the deactivation set point in the claims.

Q. So in your opinion, a POSITA looking to

implement the '181 or '847 patent claims could use a deactivation set point of 10 degrees, right?

MR. JONES: Objection, form.

A. Not if you used the teachings of the '181 patent to conserve energy.

Q. You think that the '181 patent says don't use the 10-degree deactivation set point; is that disclaimed, in your opinion?

MR. JONES: Objection, form.

A. As a POSITA, I would set the deactivation point based on the maximum energy conservation.

Q. Mr. Pollock, that's not my question.

My question is what the patent covers. Is it your opinion that the '181 and '847 patents disclaim using a deactivation set point of 10 degrees?

MR. JONES: Objection, form.

A. I don't specific --

MR. JONES: Hold on. Objection, form. His opinions are in his report.

You can go ahead.

A. Well, that question was as a POSITA.

Q. My question is, Mr. Pollock, is it your opinion that the '181 and '847 patents disclaim

using a deactivation set point of 10 degrees?

MR. JONES: Objection to the form of the question.

You can answer.

A. I don't see that in the claims of the '181 patent.

Q. Is it your opinion that the '181 and '847 patents disclaim using a deactivation set point of 20 degrees?

MR. JONES: Objection to the form of the question, calls for a legal conclusion. That's not the subject matter of his opinions in this case.

But you answer.

A. I wasn't asked to opine on that matter or analyze that point.

Q. So you don't have an opinion one way or the other about whether using a deactivation set point of 20 degrees relative to dew point would be within the scope of the '181 and '847 patent claims?

MR. JONES: Same objections, please, ma'am.

You can answer.

A. I don't have an opinion. My opinions are

in my report regarding set points, deactivation set points of the '181 patent.

Q. And the '847 patent?

A. And the '847 patent. Sorry.

Q. But for your purposes in putting together your declaration, attempting to draw a distinction between Carter and the '181 patent in terms of energy efficiency, you selected to use a deactivation set point of 6.5 degrees Fahrenheit, right?

MR. JONES: Objection to form. Objection to premise. It's argumentative. Objection to soliloquy.

Other than that, you can answer.

A. That that's the exemplary shown that I used as a POSITA in my report in using the teachings of the '181 patent for energy conservation.

Q. And you then took your 6.5-degree deactivation set point and you used that set point as the basis for the figures in your declarations, right?

MR. JONES: Objection, form, asked and answered.

Please go ahead.

A. Yes. And that's an exemplary showing.
Q. Those figures would look different if one used a different set point for the deactivation relative to dew point, right?
MR. JONES: Same objections, please.
You can answer.
A. Yeah, that -- I mean the dew points are not fixed in the '181 patent.
Q. I'm not asking you about the dew points being fixed. I'm asking you about the set point.
You understand that?
A. I'm sorry. The set points above dew point are not fixed in the '181 patent.
MR. JONES: Let her ask it again so we can have a clear record.
A. Sorry. Can you ask the question again?
Q. Sure.
Neither the '181 nor the '847 patents require use of a specific set point relative to dew point for either activation or deactivation, right?
MR. JONES: Objection to form.
A. No.
MR. JONES: Patents speak for themselves.
Go ahead.

A. The set point is above the dew point.
Q. The set point is relative to the dew point.
MR. JONES: Same objections.
A. Is relative to the dew point, is dew point based.
Q. And when you say "set point," what are you referring to exactly?
A. The activation and deactivation set points.
Q. Is that the --
A. For the heater.
Q. When you say "set point," are you referring to the activation and deactivation temperatures?
A. Yes. The set points for those temperatures.
Q. I'm sorry. Are you saying -- when you say "the set points for those temperatures," like is the set point at the 50 percent relative humidity the 56.5-degree value?
MR. JONES: Objection to form.
A. Yes. It's dew point plus a preselected value.
Q. All right. So your understanding is that

in the '181 and '847 patents the set point is the dew point plus a preselected value?

MR. JONES: Objection, form. Patents speak for themselves.

Go ahead.

A. Yes, as the patents describe.

Q. And that's the understanding that you applied in your analysis?

MR. JONES: Same objections and asked and answered.

A. Can you repeat the question?

Q. That's the understanding that you applied in your analysis?

MR. JONES: Same objections.

A. Which understanding?

Q. Your understanding you testified earlier is that the set point for the '181 and the '847 patents is the dew point plus a preselected value, correct?

A. Yes.

MR. JONES: Objection, form, asked and answered.

A. In the context of my report, they're dew point based plus a value.

Q. In the context of your report for the

'181 and '847 patent, the set points are the dew point plus a preselected value?

A. I'm going to have to read it again. It seems like the same question.

MR. JONES: Objection, asked and answered. And the report speaks for itself.

A. Okay. Can you ask the question one more time, please?

Q. Sure.

Your understanding is that in the '181 and '847 patents the set point is the dew point plus a preselected value; is that correct?

MR. JONES: Objection, form, asked and answered. Patents speak for themselves.

A. Yes. I mean, the patents speak for themselves. On the deactivation set point in column 9, "Once the monitored frame temperature rises to a preselected set point above the dew point, the heaters are relayed off." That's my understanding of the deactivation set point based off of dew point for the '181 and '847 patent.

Q. And those set points are selectable, right?

A. Preselected.

Q. Preselected.

And the values that you selected for purposes of the analysis in your report are not found anywhere in the text of the '181 or '847 patents, right?

A. No.

MR. JONES: Objection to form, asked and answered.

You may go ahead.

And also the patents say what they say.

But you can go ahead.

A. I don't see that specific language in the patent in front of me.

MS. REICHEL: All right. I'll pass the witness.

MR. JONES: Okay. I have just a couple of very quick questions.

EXAMINATION

BY MR. JONES:

Q. Exhibit 1 that we looked at earlier, sir --

MR. JONES: Let me strike this.

Q. You know my name is Charlie Jones, and I represent ControlTec in these proceedings, right?

A. Yes.

Q. Your CV, Exhibit 1 there, do you have

that, sir?
A. Yes.
Q. Did you prepare that CV for the purpose of determining whether you are a person of ordinary skill in the art with respect to any United States patent?
MS. REICHEL: Objection, form.
A. No.
Q. Did you prepare your CV, Exhibit 1 in this deposition, for any purpose with respect to this litigation?
A. No.
Q. I think based on your prior testimony you spent about nine or ten years working with refrigerated display cases with DuPont?
A. Yes.
Q. Did your understanding about and learning of refrigerated display cases increase through that entire time with DuPont?
A. Yes.
Q. And in part, was your increased knowledge of refrigerated display cases that come from working with those display cases day in and day out?
MS. REICHEL: Objection to form.

A. Yes. Over a period of time in different scenarios in the field as trained by DuPont.

Q. We looked a lot at the charts -- and the charts we've talked about for quite some time on page 38 and 39 of the -- your '181 report.

Do you have that?

A. Yes.

Q. And then it was pointed out correctly that the labels for those same charts in the '847 report are labeled '181, right?

MS. REICHEL: Objection to form.

A. Do you have a page number?

Q. Sure.

A. I have it.

Q. It's at pages 30 and 31 of your '847 report, right?

A. Yes.

Q. The charts are labeled for the '181 patent in the '847 report, right?

A. Yes. In that one reference in the chart.

Q. And then in the second chart on page 31, the "'181 Deactivate" instead of "'847 Deactivate"?

A. Yes.

Q. Those typographical errors aside, does it

in any way change how these charts on page 30 and 31 of the '847 report apply to the '847 patent?

MS. REICHEL: Objection to form, move to strike, outside the scope of his declaration.

A. No.

Q. Well, counsel asked you a bunch about, well, these charts are mislabeled in the '847 report, right?

MS. REICHEL: Objection to form.

A. Yes.

Q. Is that anything other than a typographical error?

MS. REICHEL: Objection to form, leading.

A. No.

Q. We talked a lot about set points and how you pick the 6.5-degree set point in the '818 and '847 analysis, right?

A. Yes.

Q. Do you understand that patents are supposed to be read and interpreted through the eyes of a person of ordinary skill in the art?

MS. REICHEL: Objection to form, leading.

A. Yes.

Q. And is that what you did when you selected the 6.5-degree set point?

MS. REICHEL: Objection to form, leading.
A. Yes.
Q. So you didn't make anything up, did you?
MS. REICHEL: Objection to form, leading.
A. No.
Q. You used your knowledge, experience, training, and skill in the art of the '818 -- '181 and '847 patents in determining that 6.5 degrees would be a reasonable set point, didn't you?
MS. REICHEL: Objection to form, leading.
A. Yes.
Q. What did you do to determine that a 6.5-degree set point would be a proper exemplary set point for the analysis that we've been discussing all day in your '181 and '847 reports? How did you come about that 6.5?
MS. REICHEL: Objection to form, compound, move to strike as outside the scope of his declaration.
BY MR. JONES:
Q. Do you understand the question, sir?
A. I'm sorry. Can you repeat that?
Q. Sure.
You picked 6.5 degrees as an exemplary

set point for your analysis in your '818 and '847 reports, did you not?

MS. REICHEL: Objection to form, leading.

A. Yes.

MS. REICHEL: I'm sorry, Mr. Pollock, same thing applies, now it's my turn to object. So for the clean record, if you wouldn't mind just giving me a minute to make the objection and then it will be easier for the court reporter to take down your answer. Okay?

THE WITNESS: Okay.

MR. JONES: Are you done?

MS. REICHEL: Uh-huh.

Q. How did you determine that that point would be, as you call it, exemplary for this analysis?

MS. REICHEL: Objection to form --

A. Based on my --

MS. REICHEL: -- outside the scope of his declaration.

Q. How did you determine that?

A. Based on my experience in working with condensate systems, the condensation prevention.

Q. Does that experience include the ten years you spent working with refrigerated display

cases for DuPont, as discussed throughout this deposition?

A. Yes.

MS. REICHEL: Objection to form, outside the scope. Move to strike.

A. Yes.

Q. We talked a lot about the POSITA and we can just -- definition, and we can just look at paragraph 11 of your '181 report. Yeah. Paragraph 11 of the '181.

A. I'm sorry, it's '847.

Okay. I'm on paragraph 11.

Q. And right above paragraph 11 of your '181 report it's entitled "Section VI. Person of Ordinary Skill in the Art (POSITA)," right?

A. Yes.

Q. And we talked a lot, counsel asked you a lot about the last sentence of paragraph 11 in the '181 report, right?

A. Yes.

Q. Is it possible to determine your full understanding and opinion of what a POSITA is for this case without considering the last sentence of paragraph 11 in the context of everything else in paragraph 11?

MS. REICHEL: Objection to form, leading.
Q. Do you understand the question, or do you need me to reask?
A. I understand. I'm just reading it.
MR. JONES: Let me withdraw that and ask it again.
Q. To understand your full understanding of what a POSITA is in this case, do you have to consider everything in paragraph 11 or just the last sentence?
MS. REICHEL: Objection to form, leading.
A. Everything in paragraph 11.
MR. JONES: I don't have any further questions.
MS. REICHEL: Thank you.
We can go off the record.
THE VIDEOGRAPHER: The time is 4:10 p.m. This concludes the deposition. We're off the record.
(Transcript order requested by reporter.)
MS. REICHEL: I think I've been instructed to ask for it within a week or something.
MR. JONES: The same, four days.
MS. REICHEL: Rough.

MR. JONES: Rough, too.

(Whereupon, this deposition was concluded at 4:12 p.m.)

CERTIFICATE

Commonwealth of Massachusetts

Suffolk, ss.

I, Dana Welch, Registered Professional Reporter, Certified Realtime Reporter, do hereby certify that MICHAEL A. POLLOCK, the witness whose 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.

I further certify that the adverse party was represented by counsel at the deposition. I further certify that I have no disqualifying interests, personal or financial, in any party in this action.

I further certify that the deposition of MICHAEL A. POLLOCK, occurred IN PERSON on March 26, 2026 in Boston, Massachusetts, commencing at 9:02 a.m. and concluding at 4:12 p.m.

Dana Welch

Dana Welch, CSR, RPR, CRR
Notary Public
My Commission Expires:
August 21, 2031

DEPOSITION ERRATA SHEET

Assignment No. J14462538

Case Caption: Anthony, Inc. v. ControlTec

DECLARATION UNDER PENALTY OF PERJURY

I, MICHAEL A. POLLOCK, declare under penalty of perjury that I have read the entire transcript of my deposition taken in the captioned matter or the same has been read to me, and the same i true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Signed on the _____ day of _____, 2026.

_____

MICHAEL A. POLLOCK

ERRATA SHEET

Page _____ Line _____ Change to _____

_____

Reason for change: _____

Page _____ Line _____ Change to _____

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