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Transcript of Yan Chen

Date: April 8, 2026
Case: ClearCorrect Operating, LLC -v- Align Technology, Inc. (PTAB)

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CLEARCORRECT – EXHIBIT 1150
ClearCorrect Operating, LLC. v. Align Technology, Inc. IPR2025-00818

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 _____

3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4 _____

5 CLEARCORRECT OPERATING, LLC,

6 Petitioner,

7 v.

8 ALIGN TECHNOLOGY, INC.,

9 Patent Owner.

10 _____

11 Case IPR2025-00818

12 U.S. Patent No. 10,973,613

13 Case IPR2025-00819

14 U.S. Patent No. 11,154,384

15 Case IPR2025-00820

16 U.S. Patent No. 11,648,090

17 Case IPR2025-00821

18 U.S. Patent No. 11,648,091

19 _____

20 CONFIDENTIAL

21 Deposition of YAN CHEN

22 Conducted Virtually

1 Wednesday, April,8, 2024
2 12:16 p.m. EDT
3 Job No.: 628313
4 Pages: 1 - 194
5 Stenographically reported by: Judith E. Bellinger,
6 RPR, CRR, CSR-TX CCR-WA, CCR-NM
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10 Deposition of YAN CHEN, conducted virtually.
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17 Pursuant to notice, before Judith E.
18 Bellinger, Registered Professional Reporter,
19 Certified Realtime Reporter, and Notary Public in
20 and for the State of Maryland.
21
22

1 A P P E A R A N C E S
2
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1 A P P E A R A N C E S C O N T I N U E D
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17 ALSO PRESENT:
18 Philip Astor, Planet Depos Technician
19 Dennis S. Chang, Align Technology, Inc.
20 in-house counsel
21
22

1 C O N T E N T S

2 EXAMINATION OF YAN CHEN PAGE
3 By Mr. Collins-Chase 6

4 E X H I B I T S

5 (Attached to the transcript)

6 Chen Exhibits: PAGE
7 [redacted]
8 [redacted]
9 [redacted]
10 [redacted]
11 [redacted]
12 [redacted]
13 [redacted]

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1 P R O C E E D I N G S
2
3 YAN CHEN,
4 Being first duly sworn, was examined
5 and testified as follows:
6 EXAMINATION BY COUNSEL FOR THE PETITIONER
7 BY MR. COLLINS-CHASE:
8 Q Good morning, Ms. Chen, I think you're
9 allowed to --
10 A I'm okay to hands down?
11 Q I think you are -- yeah? I'm not in
12 charge of that, but it's fine with me.
13 How are you today, Ms. Chen?
14 A I'm good. How are you doing?
15 Q I'm doing well.
16 Could you, please, state your name for
17 the record.
18 A Yan Chen.
19 Q Thank you. And I take it that you can
20 hear me okay? Just, you know, we can have audio
21 or video difficulties, as the technician said. If
22 you're having any trouble hearing me, just let me

1 know. I think my microphone is, like, a very good
2 microphone. But if there's any reason why you
3 can't hear my question, just let me know and we
4 can go off the record and I can fix it, to make
5 sure we're hearing each other.
6 Does that sound good?
7 A Sounds good. Thank you for offering.
8 MR. ARGENTI: That's probably a good
9 point to just jump in and mention that Ms. Chen
10 does have some hearing difficulties, so I think we
11 have her set up with the headphones so she should
12 be able to hear. We just want to make sure that
13 she can hear all the questions.
14 Q Okay. I guess that's an even better
15 reason to tell me if you are having any trouble
16 hearing me. I can talk louder or, you know, we
17 can work around it. So, just, please feel free to
18 let me know. You know, the point of today is not
19 to have audio difficulties, so we can always fix
20 it.
21 Ms. Chen, where are you currently
22 located?

1 A I'm located in San Jose, California,
2 the technical headquarters of Align Technology.
3 Q Technical headquarters of
4 Align Technology; is that correct?
5 A Yes. It's our R&D location. Yeah, I
6 had to come here for R&D, yeah.
7 Q Thank you. Is there anyone in the room
8 with you today?
9 A No. Nobody in the room now with me.
10 Q Okay. Ms. Chen, do you have any papers
11 with you in the room today?
12 A I have a couple paper. This one, on my
13 desk, from our counsel. My declaration and a
14 tissue. That's it.
15 Q Very good. Thank you.
16 You were referring to your declaration
17 that you submitted in the IPRs that we're talking
18 about today; is that correct?
19 A Yeah. That's the copy of the
20 declaration of Yan Chen.
21 Q And so, that is Exhibit 2016 from IPR
22 2025-00818 and --

1 A Yeah. Uh-huh. The number, correct.
2 Q And, Ms. Chen, you submitted the same
3 declaration in four IPR proceedings, correct?
4 A Yes.
5 Q For the record, I'll just read the
6 other numbers, make sure that we're talking about
7 the same thing. Those are -- sorry, I'm going to
8 get a copy of your declaration in front of me too.
9 Those are IPR 2025-00819, 00820, and 00821,
10 correct?
11 A Correct.
12 Q Ms. Chen, have you ever had your
13 deposition taken before today?
14 A I did once.
15 Q Was that in connection with the
16 litigation between Align and ClearCorrect?
17 A Correct. It was that one.
18 Q Do you understand that you're here
19 today to provide testimony under oath and that
20 you're expected to tell the truth?
21 A I understand.
22 Q Is there anything that would prevent

1 you from giving truthful testimony today?
2 A I don't think so.
3 Q Ms. Chen, we talked a little bit about
4 audio issues. The other thing to mention is that
5 if you ever don't understand my question, you
6 should let me know, if you don't tell me that you
7 don't understand, I will assume that you
8 understood my question; is that okay?
9 A It's okay. I appreciate the offer.
10 Q Ms. Chen, is it your understanding that
11 you're here today to testify regarding the subject
12 matter of your declaration in the IPRs that we
13 talked about just a moment ago?
14 A I understand my role today.
15 Q If you look at the cover page of your
16 declaration, Exhibit 2016, do you see that there
17 are four patent numbers listed in the middle of
18 the page?
19 A Yes, I saw those patent numbers.
20 Q And those are, I'll read them in,
21 10,973,613, 11,154,384, 11,648,090, and
22 11,648,091.

1 Do you see that?
2 A I saw them.
3 Q Are you a named inventor on those four
4 patents that are listed on your Exhibit 2016?
5 A Yes.
6 Q Ms. Chen, would you turn to the last
7 page, which is page 20 of Exhibit 2016.
8 A Yes, I'm on page 20.
9 Q Is that your signature in the line
10 above your name?
11 A Yes.
12 Q Did you add that signature yourself to
13 this document?
14 A I didn't. I signed off that one.
15 Q Ms. Chen, who wrote this document,
16 Exhibit 2016?
17 A I -- the persons we had, we had a
18 couple meetings, at least, with lawyer and
19 external counsel to talk about the declaration,
20 certainly, ideal. And they wrote the first draft.
21 I did all -- I did, from page 1, every sentence.
22 So I did consider, yeah, I wrote this one because

1 of the first idea, yeah.
2 Q Ms. Chen, if you would, please, turn to
3 page 12 of your declaration, Exhibit 2016.
4 A I'm on page 12.
5 Q Oh, I'm sorry. I meant paragraph 12,
6 which is actually on page 5. My apologies.
7 A No worries. Paragraph 12. Yes. I'm
8 on page 5.
9 Q Paragraph 12 states that your
10 responsibilities, as a key material engineer of
11 this team, included researching, identifying,
12 obtaining, and testing candidate polymeric
13 materials to determine their suitability to
14 produce an orthodontic appliance with improved
15 performance relative to EX30, as well as recording
16 the results of these tests.
17 Do you see that?
18 A Yeah, I saw that sentence.
19 Q So your responsibilities included
20 assessing candidate polymer materials to determine
21 their performance relative to an EX30 material,
22 correct?

1 A My responsibility, just like written
2 here, was including research. Yeah, I had to
3 establish searching, researching, and identifying
4 and obtaining testing, all the candidate of
5 polymeric material. Then determine the
6 suitability to be producing an orthodontic
7 appliance. And our goal certainly is, at that
8 time, was to improve performance relative to EX30.
9 Then my responsibility definitely to document and
10 recording all the research, as much as possible.
11 Q Okay. I'm just going to drop a
12 document in the chat.
13 With apologies, Ms. Chen, it's taking
14 just a moment for me to pull this up. Give me one
15 second, please.
16 A Sure.
17 MR. COLLINS-CHASE: Counsel, we're
18 having a problem dragging a document from one
19 network folder over to the chat. And if we could
20 just go off the record for a second, I probably
21 will be able to take care of this in about
22 30 seconds.

1 Is that okay?
2 MR. ARGENTI: Yes.
3 THE WITNESS: Yes.
4 MR. COLLINS-CHASE: Dragging and
5 dropping is supposed to be easy, but, you know,
6 we'll see.
7 We'll be right back.
8 MR. ARGENTI: I'm glad I'm not the only
9 one who had technical problems.
10 MR. COLLINS-CHASE: I'm glad to oblige
11 you.
12 All right. See you in just a moment,
13 Ms. Chen, thank you.
14 (Recess taken from 12:29 p.m. to
15 12:32 p.m.)
16 BY MR. COLLINS-CHASE:
17 Q Ms. Chen, I put a couple documents in
18 the chat, and we can have those pulled up for you.
19 We're going to give them exhibit numbers, and I
20 can refer to them by exhibit number.
21 I don't know, are you able to pull that
22 up to look at the document?

1 A So you recommend me to open those two
2 files? That's what you say?
3 Q Yes, please.
4 A Okay. Let me try to. It asks me to
5 save.
6 It's okay to save?
7 Q It's okay with me.
8 A Okay. I save to desktop and to, then,
9 open.
10 MR. ARGENTI: So while we're getting
11 these open, the file names do look familiar to me,
12 but just to preserve our objections, since these
13 at least look like they're in a different format,
14 I'll object on the basis of authentication, scope,
15 relevance.
16 MR. COLLINS-CHASE: And I'll just
17 represent that these are just a PDF thing of the
18 documents that you produced to us, and just for
19 purposes of having them be able to be opened up
20 and loaded.
21 [redacted]
22 [redacted]

1 [redacted]
2 Q If we turn to paragraph 22 of your
3 declaration, you list --
4 A Which page, please?
5 Q Sorry, 20 -- paragraph 22 of your
6 declaration, it's on page 9 of the declaration.
7 A 22, page 9 -- 22, paragraph 22. I'm
8 here.
9 Q In paragraph 22 of your declaration,
10 you mentioned properties that you compared for the
11 materials you were testing to those of EX30,
12 correct?
13 A So in paragraph 22, I further
14 discuss -- as I further discussed above, Align
15 identified and rigorously tested over 269
16 materials, leading to the development of
17 SmartTrack. This is the sentence you said.
18 Q Yes. And then, in the next sentence,
19 you say Align compared measured properties of
20 candidate polymeric materials to EX30 using
21 material, mechanical, and other criteria,
22 including properties, and then you list several

1 properties.
2 Do you see that?
3 A I saw that sentence.
4 [redacted]
5 [redacted]
6 [redacted]
7 [redacted]
8 [redacted]
9 [redacted]
10 [redacted]
11 [redacted]
12 [redacted]
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5 [redacted]
6 [redacted]
7 [redacted]
8 [redacted]
9 [redacted]
10 [redacted]
11 [redacted]
12 [redacted]
13 Q Yeah. And I turned the page and found
14 it so. If you turn to paragraph 23 of your
15 declaration, please?
16 A 22 [sic], yeah. Let me make sure we
17 understand and we are on the same page. Which
18 sentence do you refer to?
19 Q The second sentence of paragraph 23.
20 And I'll just read it. "ST30 exhibited excellent
21 properties, providing similar or superior
22 properties to EX30 in each of the criteria of

1 evaluation."
2 So.
3 Do you see that?
4 A The second sentence in paragraph 22?
5 Q This is paragraph 23 of your
6 declaration.
7 A Oh, paragraph 23, the second sentence.
8 "ST30 exhibited excellent properties, providing
9 similar or superior properties to EX30 in each of
10 the criteria of evaluation."
11 This sentence said, itself, it's
12 similar or superior to EX30; is that right?
13 That's my -- the purpose that I wrote it in this
14 way.
15 [redacted]
16 [redacted]
17 [redacted]
18 [redacted]
19 [redacted]
20 [redacted]
21 [redacted]
22 [redacted]

1 [redacted]
2 [redacted]
3 [redacted]
4 [redacted]
5 [redacted]
6 [redacted]
7 [redacted]
8 [redacted]
9 [redacted]
10 [redacted]
11 [redacted]
12 [redacted]
13 [redacted]
14 [redacted]
15 [redacted]
16 [redacted]
17 Q Ms. Chen, do you have the data in your
18 declaration for the properties where ST30 was
19 superior?
20 MR. ARGENTI: Objection. Form.
21 A What data are you looking for?
22 Q In paragraph 23, the sentence we just

1 were looking at, you state that ST30 exhibited
2 excellent properties, providing similar or
3 superior properties to EX30 in each of the
4 criteria of evaluation.
5 And my question is, whether your
6 declaration includes data showing the criteria
7 where ST30 had superior properties to EX30?
8 A Even though I wrote it, I look through
9 to try to find the page what we are saying here.
10 I do know if I did not see it, and maybe I did not
11 include it. But we said a couple times, you know,
12 what property there may be not distinct value, the
13 data to support where it is.
14 So we did read that part. That's
15 allowed in the properties, we look at it. But not
16 all properties look at either -- I point you to
17 paragraph 12, we read it a few times. And
18 paragraph, even 22, we did quite a few here.
19 So if you are talking about the value,
20 exactly what SmartTrack value on this property,
21 EX30 value on this property, I think it's not in
22 this declaration.

1 Yeah. That will be my comment.
2 Q Ms. Chen, you talk, in your
3 declaration, about clinical trial results
4 comparing ST30 to EX30, correct?
5 A Which part are you refer to now,
6 page 11?
7 Q Yeah, exactly.
8 A Yes. Clinical trial comparing T30 to
9 EX30 was part of my -- yeah, is part of my
10 declaration.
11 Q And if you look, for example, at
12 paragraph 35 --
13 A 35.
14 Q -- you do include data showing the
15 clinical results from ST30, correct?
16 A I'm at this page. Yes, this -- in this
17 section is the clinical data, yeah.
18 [redacted]
19 [redacted]
20 [redacted]
21 [redacted]
22 [redacted]

1 [redacted]
2 [redacted]
3 [redacted]
4 [redacted]
5 [redacted]
6 [redacted]
7 A Some bench performance, we already see
8 from SmartTrack. Some performance, all properties
9 are very good in bench, in vitro, but, how it will
10 be good in clinical. That will be also important
11 part of the environment. And the nice thing we
12 know of the clinical performance is really
13 superior better, yeah. So that was very exciting
14 part of our SmartTrack development.
15 Yeah, so from the good -- the bench
16 data, material data, then they really see the
17 impact performance impact in clinical, and that
18 impact is a huge plus.
19 Q Did Align conduct clinical testing
20 comparing any other materials to EX30, besides
21 ST30?
22 A I'm not sure your question is talking

1 about clinical trial using SmartTrack, ST30 and
2 EX30.
3 Q Yeah, I'll rephrase it so it's clear.
4 So your declaration talks about
5 clinical data comparing ST30 to EX30.
6 Did Align conduct any clinical testing
7 comparing any other materials to EX30?
8 A First of all, I'm material engineer.
9 So I involved the SmartTrack clinical trial study
10 because SmartTrack was my project. I don't
11 have -- I don't know how to answer your question.
12 I don't know if I'll know if I'm not involved
13 because I'm just a material person, yeah.
14 Q You're not aware of any other clinical
15 trial data comparing materials besides ST30 to
16 EX30, sitting here today, are you?
17 A Again, like I said, this what I know in
18 my declaration. I don't have an answer about your
19 question. I don't know from my top of my head at
20 this time what your question means or what it is.
21 But like we provide here, I do know
22 clinical trial was ST30 and EX30 material, aligner

1 material.
2 [redacted]
3 [redacted]
4 [redacted]
5 [redacted]
6 [redacted]
7 [redacted]
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6 [redacted]
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8 [redacted]
9 [redacted]
10 [redacted]
11 MR. COLLINS-CHASE: Counsel, I'm
12 getting the sun shining in my face, which tells me
13 here it's getting late in the day. If we could
14 take about five minutes, I will endeavor to cross
15 some things off the list that, you know, we can
16 try to wrap up. I'm not -- I won't promise I
17 don't have any more questions, but I think we can
18 maybe tidy some things up in our notes and just
19 move forward.
20 So if it's okay to take a five-minute
21 break, we will try to do that and see how little
22 we can come back with.

1 MR. ARGENTI: That's fine here.
2 MR. COLLINS-CHASE: Okay. We'll see
3 you in five minutes, Ms. Chen.
4 (Recess taken from 5:50 p.m. to
5 5:58 p.m.)
6 MR. COLLINS-CHASE: We can go back on
7 the record.
8 Ms. Chen, we have no further questions
9 for you at this time.
10 And I would like to say thank you for
11 your time today. I appreciate you being here by
12 Zoom.
13 MR. ARGENTI: In that case, why don't
14 we take another quick break, and I'll just
15 consider any redirect.
16 MR. COLLINS-CHASE: Sure.
17 MR. ARGENTI: Five minutes, once again?
18 MR. COLLINS-CHASE: Five minutes again.
19 Sounds great.
20 (Recess taken from 5:58 p.m. to
21 6:03 p.m.)
22 MR. ARGENTI: Back on the record. No

1 questions from me for redirect. So I will also
2 thank you for your time, Ms. Chen. Then we can go
3 off the record.
4 (Off the record at 6:04 p.m.)
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1 ACKNOWLEDGMENT OF DEPONENT
2 I, YAN CHEN, do hereby acknowledge that
3 I have read and examined the foregoing testimony,
4 and the same is a true, correct and complete
5 transcription of the testimony given by me and any
6 corrections appear on the attached Errata sheet
7 signed by me.
8
9 _____ _____
10 (DATE) (SIGNATURE)
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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC
2
3 I, Judith E. Bellinger, Certified
4 Stenographer and Notary Public within and for the
5 Commonwealth of Virginia do hereby certify:
6 That YAN CHEN, the witness whose deposition
7 is hereinbefore set forth, was duly sworn by me
8 before the commencement of such deposition and
9 that such deposition was taken before me and is a
10 true record of the testimony given by such
11 witness.
12 I further certify that the adverse party,
13 Align Technology, Inc., was represented by counsel
14 at the deposition.
15 I further certify that the deposition of
16 YAN CHEN, occurred virtually on Wednesday, April
17 8, 2026, commencing at 12:16 p.m. EDT.
18 I further certify that I am not related to
19 any of the parties to this action by blood or
20 marriage, I am not employed by or an attorney to
21 any of the parties to this action, and that I am
22 in no way interested, financially or otherwise, in

1 the outcome of this matter.
2
3 IN WITNESS WHEREOF, I have hereunto set my
4 hand this 13 day of April, 2026.
5
6 My commission expires:
7 September 30, 2028
8 Judith E. Bellinger
9 _____
10 NOTARY PUBLIC IN AND FOR THE
11 Commonwealth of Virginia
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