

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AESTHETIC MANAGEMENT PARTNERS, LLC AND AESTHETIC
MANAGEMENT PARTNERS, INC.,
Petitioner,

v.

HYDRAFACIAL LLC,
Patent Owner.

Case No. IPR2025-01169
Patent No. 9,550,052

DECLARATION OF HAROLD J. WALBRINK

AMP et al. EUNSUNG-1030

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I, Harold Walbrink, of Laguna Niguel, California, declare that:

I. INTRODUCTION

1. I have been retained by Aesthetic Management Partners, LLC and Aesthetic Management Partners, Inc. (collectively “Petitioner”) to provide this declaration concerning the technical subject matter relevant to a petition for inter partes review of U.S. Patent No. 9,550,052 (“’052 patent”).

2. Specifically, I was asked to review the declaration of Eric Simon that was submitted by the petitioner in IPR2025-00445 as Exhibit 1003 and form an opinion of whether I agreed with the facts, analysis, and conclusions in that declaration.

II. QUALIFICATIONS

3. I am the Founder and Chief Executive Officer of Xinetix, Inc. in Laguna Niguel, California. Xinetix is a business and technology development consulting company providing product development services to startup and mid-tier medical device companies. As the Chief Executive Officer, I have provided both technical management and product design services to client companies.

4. I received my Bachelor of Science degree in engineering from California State University, Fullerton, with an emphasis on electrical engineering. I later took coursework towards a certificate in microprocessor systems engineering at the University of California, Irvine.

5. From 2007 to 2010, I served as a senior partner in Business Catalytics, LLC in Laguna Hills, California. In this role, I headed up the research and development and manufacturing process focused activities.

6. I served in a variety of electrical engineering roles from 1971 to 1983. These roles were focused in the areas of communications, control systems, and imaging with several aerospace and commercial companies.

7. From 1983 to 1999, I served as the director of research and development for surgical instrumentation at Alcon Surgical in Irvine, California. In this role I designed and developed innovative ophthalmic surgical instrumentation, devices, and disposable products.

8. From 1990 to 1995, I worked in various roles at Birtcher Medical Systems in Irvine, California. I managed product design activities for a diverse range of product technologies including radiofrequency electrosurgical, video endoscopy, surgical instruments, electrocardiogram, Doppler ultrasound, and physical therapy devices.

9. From 1999 to 2003, I worked as the Chief Operating Officer, Executive Vice President, and General Manager of Newport Medical Instruments in Costa Mesa, California. In this role I developed an advanced generation critical care ventilator product platform.

10. I have also served in a variety of interim management positions between 1995 and 2016. These included several research and development roles and senior leadership roles for a variety of medical technology companies.

11. I have over 40 years of product design and development within the healthcare, commercial, and aerospace industries. My experience ranges from company chairman to hands-on engineering. I am a recognized authority on medical device design in the areas of ophthalmology, electrosurgery, and respiratory care.

12. In the past 30 years, I have completed over one hundred new product design and development projects. I am a named inventor on nine U.S. medical device patents.

13. Additional information regarding my education and technical experience is included in my Curriculum Vitae, which is attached to this Report as Exhibit A.

14. I am being compensated at my usual consulting rate of \$585 per hour for my consulting services in consulting on this matter. I am also being reimbursed for all reasonable expenses incurred due to this matter. No part of my compensation is contingent upon the nature of my findings, the presentation of my findings in testimony, or the outcome of this matter, and I have no interest in the matter or with either party.

III. MATERIALS AND OTHER INFORMATION CONSIDERED

15. In drafting this declaration and forming the opinions herein, I relied on my years of education, research, and industry and academic experience. I also relied on the materials listed in Appendix B.

16. I reserve the right to rely upon these materials and other materials to rebut arguments raised by the Patent Owner.

17. I reserve the right to supplement this declaration in response to additional evidence that may become known.

18. In connection with any testimony I may be asked to give to the Patent Trial and Appeal Board, I may use as exhibits various documents that relate to matters set forth in this declaration.

IV. SUMMARY OF MY OPINION

19. After considering the Simon declaration and the other materials listed in Appendix B, I agree with the facts, analysis, and conclusions in the Simon declaration, and I adopt the testimony in Sections III–XVII of the Simon declaration as my own for purposes of this proceeding.

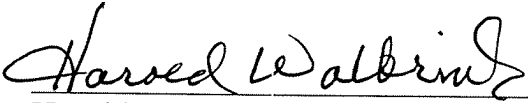
V. CONCLUSION

20. I declare all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both,
under Section 1001 of Title 18 of the United States Code.

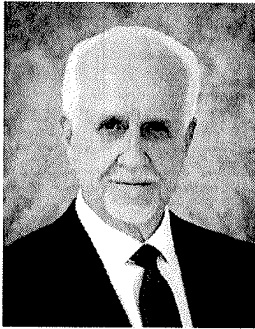
I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 20, 2025


Harold Walbrink

APPENDIX A

Expert Witness / Consultant Curriculum Vitae



Harold J. Walbrink

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Laguna Niguel, California 92677

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Web: www.xinetix.com

Expertise

- Medical Device development
- Product Commercialization
- Technology-based Business Strategies
- Device Design
- Project Management
- Regulatory Affairs
- Intellectual Property
- Executive Management
- Human Factors / User Experience
- Regulatory Submissions

Professional Summary

Mr. Walbrink is a high-tech entrepreneur with 49 years product, technology, and business development experience within healthcare (41 years), commercial, and aerospace industries. Expert at delivering significant revenue and asset growth through identification, development, and execution of innovative technology-based business strategies and plans. Broad leadership experience ranging from company Chairman, CXO, to hands-on engineering for startup to later-stage private and public companies in domestic and international markets. Recognized authority on medical device design in the areas of Ophthalmology, Electrosurgery, Microfluidics, Endoscopic surgery, and Respiratory care.

Mr. Walbrink's career achievements include eight business startups, three business turnarounds, multiple major project turnarounds, over one hundred new product design and development projects, named inventor on ten medical device patents, and served as an expert witness in 37 medical device patent infringement and product liability legal cases.

Expert Witness / Consultant Curriculum Vitae

Employment History

From: **1995** **Xinetix, Inc.,** Laguna Niguel, CA
To: **Present** **CEO/Founder**

Founded Xinetix, a business and technology development company providing turn-key product development and interim management services to startup and mid-tier domestic and international medical device companies. Recognized as a clinical and technical expert in the areas of Ophthalmology, Electrosurgery, Respiratory care, Endoscopic surgery, and thermally induced tissue modification. Xinetix is renowned for blending business acumen with in-depth technical expertise to develop effective, profitable technology-based products and business strategies. Within the last decade Xinetix clients have realized a \$4+ Billion combined exit valuation.

Mr. Walbrink has an established reputation for selection and development of appropriate technologies and processes to meet the unique market and business needs. Management assignments have included strategic business planning, fundraising, intellectual property development, product development, operations management, regulatory affairs, and manufacturing startup. Assumed Board level and interim executive level positions as Chairman, CEO, COO, and Executive Vice President while providing general business, technical management, and product design services to over eighty client companies. Served as an expert witness on thirty-two product liability and patent infringement legal cases. A 2005 ophthalmic device patent infringement case resulted in a \$242 million award for the client.

From: **2007** **Business Catalytics, LLC,** Laguna Hills, CA
To: **2010** **Founding Partner / Senior Partner**

Founding partner of this business process re-engineering and optimization consulting firm serving clients in the healthcare and medical device industry. Headed up the research and development and manufacturing process focused activities for the firm. Responsible for business strategy, new business development, and implementation team management. Employed Design For Six Sigma tool sets and techniques for analysis, process reengineering and optimization. Assignments included assessment of organizational and employee capabilities resulting in reorganization and realignment of personnel to meet operational objectives, implementation of R&D product development process, product development, and process evaluation and reengineering.

Expert Witness / Consultant Curriculum Vitae

From: 2007 **Apieron, Inc., Menlo Park, CA**
To: 2009 ***Vice President of Research and Development***

Contracted through Xinetix to lead research and development efforts to develop a novel respiratory diagnostic device to detect early onset of respiratory infections in asthmatic patients before physical symptoms could be detected.

From: 1999 **Newport Medical Instruments, Costa Mesa, CA**
To: 2003 ***COO/Executive Vice President/General Manager***

Contracted through Xinetix to implement a turnaround of financially troubled privately held Japanese critical care ventilator manufacturer. The company was losing \$2 mil on \$15 mil annual international. Revitalized this 20-year-old company through new product introductions, company restructuring and product / process improvements. Increased company profitability from \$2 mil loss to \$200 K annual profit within two years Implemented formal strategic planning processes and established formal corporate technology development planning processes. Successfully completed development and launch of the e500 world-class critical care ventilator. Served as primary liaison in acquisition of the HT50 ambulatory critical care ventilator from Flight Medical, an Israeli OEM homecare and transport ventilator supplier contributing over \$7 mil in annual revenue.

From: 2005 **Sarah Green Enterprises, Irvine, CA**
To: 2019 ***President***

Music Recording and Entertainment executive responsible for artist development, contract negotiation, and overseeing recording and production at Capital Records. The artist gained a substantial fan base in the Los Angeles market and has released three albums and several original singles as downloads on Spotify.

From: 2005 **Glaukos Corporation, Laguna Hills, CA**
To: 2007 ***Acting Vice President of Research and Development***

Contracted through Xinetix as interim executive management to lead early-stage development efforts to commercialize the pioneering Micro Invasive Glaucoma Management (MIGS) device to treat glaucoma. Glaukos was the first to market and has maintained its leadership position in this field culminating in a successful venture capital exit via initial public offering in 2018

Expert Witness / Consultant Curriculum Vitae

From: 2004 **Emergent Respiratory Products, Irvine, CA**
To: 2008 ***Vice President of Research and Development***

Contracted through Xinetix provide technical leadership of this ambulatory CPAP respiratory ventilation company after the product was recalled following initial launch. Initiated product redesign implemented manufacturing process improvements, resulting in successful product relaunch. Positioned the company for acquisition by respiratory care distributor Bound Tree.

From: 2000 **The Source, LLC, Capistrano Beach, CA**
To: 2001 ***Chief Executive Officer Chairman of the Board***

Founding team member of this health and wellness company. Developed company vision and strategic plan, established brand identity, and instrumental in development of a personal wellness coaching product line.

From: 1999 **Visionary Medical Technologies Poway, CA**
To: 2000 ***Vice President Engineering***

Contracted through Xinetix to develop an internet-based telehealth diagnostic otological device for in-home diagnosis of pediatric ear infections.

From: 1996 **MicroDexterity Systems, Inc., Memphis, TN**
To: 1997 ***President***

Contracted through Xinetix to work with Cal Tech, the Jet Propulsion Laboratory, and Sandia Labs to develop a Dexterity Enhanced Surgical Robotic system for use in ophthalmic surgery. Responsible for executive leadership and regulatory direction.

From: 1995 **Ixion Corporation, Seattle, WA**
To: 1997 ***Vice President of Operations***

Contracted through Xinetix to develop manufacturing processes and build manufacturing infrastructure for commercialization of a gastrointestinal diagnostic procedure simulator.

Expert Witness / Consultant Curriculum Vitae

From: 1990 **Birtcher Medical Systems, Irvine, CA**
To: 1995 **1994-1995 Senior Vice President, Operations and Technology**
 1991-1995 Vice President, General Manager
 1990-1994 Vice President, Research and Development

Assumed broad cross-functional responsibility for General Management, Operations, Research and Development and Regulatory Affairs as a Senior Executive Officer for this public company. Administered a \$21 million operating budget for three US manufacturing facilities with 145 direct employees and a 130-man Maquiladora operation in Juarez, Mexico. Revenues grew from \$6 to \$56 million by negotiating domestic and international OEM supply agreements and acquisition/consolidation of three healthcare businesses. Realized major profitability improvements through product refinement / repositioning, new product introductions, and manufacturing process improvements.

Developed corporate technology strategy and managing product design activities for a diverse range of product technologies including RF electrosurgical, video endoscopy, surgical instruments, ECG, doppler ultrasound, and physical therapy devices. Responsible for all patent and trademark activities including infringement litigation oversight. Inventor on five U.S. patent applications for medical devices resulting in issuance of three patents. Key contributor in corporate financing activities which including private placement, secondary, and regulation S stock offerings as well as venture capital funding. As Corporate Regulatory Officer, I was responsible for Quality Systems Regulation implementation, FDA 510(k) submissions, Engineering Change Control and Documentation Systems, and Quality Assurance programs. Led FDA GMP audits and successfully cleared an FDA 483 Warning Letter well ahead of the three-month deadline.

From: 1983 **Alcon Surgical (Formerly CooperVision Surgical), Irvine, CA**
To: 1990 **Director of Research and Development, Surgical Instrumentation**

Responsible for identification, conceptualization, design, development, and technical support of ophthalmic surgical instrumentation, devices, and disposable products totaling \$79 M annual sales. Provided long-range strategic direction and daily administration for five ophthalmic business segments in a department with 64 technical personnel and annual budget of \$5.9 M. Recognized for the ability to develop well-targeted, innovative products and bring them to market on schedule and within budget. Chosen as team leader for a company-wide effort to improve quality of existing products. Product technologies included surgical and diagnostic ultrasound, fluidics, microsurgical instruments, ophthalmic lasers, and micro-endoscopy. Authored the CooperVision Product Introduction Protocol and was co-inventor on five US patents.

Expert Witness / Consultant Curriculum Vitae

From: 1980 **Applied Technology Associates (ATA), Corona, CA**
To: 1983 ***Systems Engineer/Electrical Engineering Consultant***

From: 1981 **Telease Technologies, Inc., Brea, CA**
To: 1983 ***Project Manager/ Video Processing Engineer***

Contracted through ATA as project manager and systems engineer for development of a secure video subscription cable television system project funded by Select TV in Los Angeles, CA.

From: 1980 **General Atomics, San Diego, CA**
To: 1981 ***Control Systems Engineer***

Subcontracted through ATA to design and implement a control system for Doublet Fusion Reactor project. Tasked with system level electronic design, fabrication, and test of the forty-megawatt DC power supply for the Neutral Plasma Beam Injector control and safety interlock system.

From: 1978 **Eocom Corporations, Tustin, CA**
To: 1979 ***Systems Engineer/Sr. Electrical Engineer***

Project manager responsible for design and implementation of a Time-Division Multiple Access, satellite linked video archiving system for scanned digital video streams multiplexed between several remote locations

From: 1977 **General Dynamics Corporation, Pomona, Ca**
To: 1978 ***Electrical Engineer – Missile Guidance Systems***

Responsible for analog/digital design of RADAR missile guidance receiver and warhead safe and arming circuits.

From: 1974 **Hughes Aircraft Company, Fullerton, CA**
To: 1977 ***1975 - Member of Technical Staff –
Secure Communications/RADAR Signal Processing***

Responsible for digital design of Universal Message Encoder to convert analog and digital end user inputs into digital TDMA data streams for the Secure Data Encoder as part of the military AWACS communication system.

From: 1971 **C.E. Cox Company, Santa Ana, CA**
To: 1974 ***1972 - Orthopedic Device Engineer – External Fixation of Femoral Fractures
1971 - Telecommunications Technician -- Telco Test Equipment***

Expert Witness / Consultant Curriculum Vitae

Patents

<u>Number</u>	<u>Issue Date</u>	<u>Title</u>
U.S.12,167,979	2024	Phacomachine Irrigation and Aspiration Integration For Capsulotomy Device
W.O. 20/033736 A1	2020	Apparatus and Methods to Adjust Ocular Blood Flow
W.O. 01/08578 A1	2001	Device & Method for Location and Marking of a Cavity and Sentinel Lymph Nodes PTC
U.S. 5,499,969	1996	Microsurgical Cassette
U.S.5,514,089	1996	Irrigator/Aspirator Surgical Probe and Valve Assembly
U.S. 5,261,883	1993	Portable Device Controlling Fluid Flow to Surgical Site
U.S. 5,554,112.	1996	Minimally Invasive Irrigator/Aspirator Surgical Probe and Method of Using the Same
U.S. 5449356	1992	Multifunction Probe for Minimally Invasive Surgery
AU 658042	1992	Surgical Cassette
U.S. 5,041,096	1991	Fluid Handling Method, System, and Apparatus
U.S. 5,364,342	1987	Microsurgical Cassette

Education

<u>Year</u>	<u>College/University</u>	<u>Degree</u>
1975	California State University Fullerton, Fullerton, CA	B.S. Engineering, Electrical Engineering emphasis
1972	Fullerton College, Fullerton, CA	AA, Liberal Arts

Expert Witness / Consultant Curriculum Vitae

Continuing Education

- 1985 BUSINESS KINETICS, IRVINE, CA
Certificate, Operations Planning and Cost Control
- 1982 UNIVERSITY OF CALIFORNIA, IRVINE, IRVINE, CA.
Certificate, Microprocessor Systems Engineering
- 1981 HEWLETT PACKARD, CONOGA PARK, CA.
H.P. Model 1000 & 9000 Computer Operations and Programming

Board Activities

Board Member VP / Secretary	Coronado Pointe Homeowners Association Laguna Niguel, California	2019-2024
Board Member	Enlighten Technologies, Inc. Laguna Hills, CA Ophthalmic Medical Device Developer	2006-2012
Board Member	Scieran Technologies, Inc. Laguna Hills, CA Ophthalmic Surgical Systems Developer	1998-2004
Chairman	The Source, LLC, San Juan Capistrano, CA Personal Health and Wellness Company	2000-2002
Board Member	Refractec, Inc., Irvine, CA Conductive Keratoplasty – Vision Correction	1995-1997

Awards and Honors

- 2014 - Excellence In Entrepreneurship Award -Orange County Business Journal
- 2013 – Xinetix, 10th Fastest Growing Privately Held Company – Orange County Business Journal

Conferences / Speaking Engagements

- Panelist / Speaker, Pasadena Bar Association – “The Interplay Between Patent Re-examination and Patent Litigation” Pasadena, CA, 2015
- Speaker, Pacific Design Conference, “Partnering Effectively with Outside Consultants”, Long Beach, CA, 1995.
- Speaker, Asian / American Engineering Society Conference, “Imaging and Virtual Reality Meet Medicine”, Los Angeles, CA, 1995.
- Speaker, Medical Data International Conference on Healthcare Reform, American College of Surgeons, San Francisco, CA, 1993.

Expert Witness / Consultant Curriculum Vitae

Professional Associations and Achievements

2021 – 2025	Mentor / Consultant, University Lab Partners, Irvine California
2018 – 2020	Mentor, Bridge to Connect, University of California, Irvine
2014 – 2018	Member, College Leadership Council, School of Engineering and Computer Science, California State University, Fullerton
2007 – 2009	Church Elder, Jubilee South Coast Church, San Juan Capistrano, CA
2004 - 2009	Baseball Coach, Rancho Niguel Little League, Laguna Niguel, CA
2007	Leader, Missions Outreach, ZOE International Orphanage, Chiang Mai, Thailand
2006	Executive Producer, Sarah Green, Emergency Album Capital Records, Hollywood, CA
1995	Speaker, Pacific Design Conference, “Partnering Effectively with Outside Consultants”, Long Beach, CA
1995	Speaker, Asian / American Engineering Society Conference, “Imaging and Virtual Reality Meet Medicine”, Los Angeles, CA
1993	Speaker, Medical Data International Conference on Healthcare Reform, American College of Surgeons, San Francisco, CA

Legal Case Work and Experience

Served as technical, engineering, and business expert witness in numerous patent infringement, patient injury, and business-related legal matters for both plaintiffs and defendants. All cases involved medical devices or the medical device industry in general.

In the course of my legal work, I have participated in a total of 37 cases resulting in:

Expert reports	34 reports
Testimony at deposition	18 times
Testimony in court / ITC	7 times

The following pages summarize my legal case work

Expert Witness / Consultant Curriculum Vitae

Summary of Legal Case Work

Date	Action Parties	Venue Case Attorney Firm	Assignment Patents Work Product Outcome
February 2021 to December 2024	Patent Infringement Puff Corp v SHO Products and MasterMinded Inc.	United States District Court Central District of California Case 2:22-cv-02008 Daniel A. Crowe Bryan Cave Leighton Paisner, St Louis, Missouri	Plaintiff's Technical Expert Witness Re: infringement of U.S. Patent No. 10,517,334 Performed functional testing of patented and accused devices. Generated claim construction and expert report regarding infringing elements of accused products. Case settled prior to trial
August 2021 to Present	Patent infringement Jonathan Berall, M.D., M.P.H. v Verathon., Inc. et al.	United States District Court, Southern District of New York C.A. No.: 1:10-cv-05777-LAP-DCF Jonathan Wise GreenbergTraurig Philadelphia, Pennsylvania	Defendant's Expert Witness Re: certain features of endoscopes as applied to Laryngoscopes Patent No. US5,827,178 Opined on history of medical endoscopy and endoscope features and construction as in '178 patent. Claim construction declaration Case is on-going
August 2021 to Present	Patient injury Ramirez v. Providence Health Services	Circuit Court of the Stat of Oregon for the County of Multnomah Case No: 21CV0473 Chad Stavley Law Office of Chad Stavley, P.C. Portland, Oregon	Plaintiff's Expert Witness Re: electrosurgery and operating room thermal injury. Performed forensic investigation regarding possible sources of injury. Consulted with Plaintiff's attorneys. Case was abandoned for lack of evidence
October 2020 to Present	Patent Infringement RAI Strategic Partners & R.J. Reynolds Vapor Company v. Altria Client Services LLC; Philip Morris USA, Inc.	United States District Court Eastern District of Virginia Alexandria Division Cas No: 1:20-cv-00393-LO-TCB Thomas Yeh, Latham & Watkins Los Angeles, California	Defendant's Expert Technical Witness for Philip Morris Re: certain electronic vapor and heated tobacco products Patent No 9,814,265 Technical / engineering analysis and testing of Vuse Altos vaping products. Produced two expert reports Testified at deposition and jury trial Damages awarded to Philip Morris

Resume of Harold J. Walbrink

Printed: 01/28/25

Expert Witness / Consultant Curriculum Vitae

Date	Action Parties	Venue Case Attorney Firm	Assignment Patents Work Product Outcome
July 2020 to June 2021	Patent Infringement Fisher & Paykel Healthcare v Flexicare Incorporated	United States District Court Central District of California Southern Division Case No: 8:19-cv-00835 Peter Sauer, Jeff Mills King & Spalding Austin, Texas	Defendant's Expert Re: transmembrane diffusion of certain exhaled gases in respiratory care patient circuits used for critical care ventilation Multiple patents Performed forensic testing of products Work completed, Defendant was found not to infringe
December 2019 to 2021	Patent Infringement Glaukos Corporation v. Ivantis, Inc.	United States District Court Central District of California Southern Division Case No. 8:18-cv-00620 Ajay Krishnan, Kristen Lovin Keker, Van Nest & Peters San Francisco, California	Defendant's Expert Witness Re: Flow characteristics and testing of Minimally Invasive Glaucoma Stent devices (MIGS). U.S. Patents 6,626,858, 9,827,143 Produced an expert technical report and testified at deposition Contentions regarding expert subject matter dropped just before trial
April 2019 to January 2020	Patent Infringement Intuitive Surgical, Inc. v. Auris Health, Inc.	United States District Court District of Delaware Case No. 18-1359-MN Sorin Zaharia, Diek Van Nort Morrison & Foerster LLP San Francisco, California	Defendant's Technical Expert Re: robotic surgical systems and devices US Patents 9452276 & 8620473 General technical consulting Case transferred to alternate law firm; assignment completed
July 2018 to May 2019	Patent Infringement Styku, LLC v. Fit3D, Inc	California Central District Court Case No. 2-17-cv-01882 Peter DeJonge, Kurt Hendricks Thorpe, North, & Western Salt Lake City, Utah	Defendant's Technical Expert Re: computer digital imaging and processor architecture U.S. Patent 9526442 Produced declarations Re: Computer architecture used to make body measurements from digital image capture data Case settled out of court

Expert Witness / Consultant Curriculum Vitae

Date	Action Parties	Venue Case Attorney Firm	Assignment Patents Work Product Outcome
October 2017 to February 2019	Patent Infringement Karl Storz Endoscopy- America, Inc. v. Stryker Corporation and Stryker Communications, Inc.	United States District Court Northern District of California Case No. C 14-00876 RS Robert A. Surette, Scott McBride, Carey Prill McAndrews, Held & Malloy, Ltd Chicago, IL	Defendant's Technical Expert Re: medical multi-controller networks integrated operating room control U.S. Patent Nos.: 8,069,420; and 8,439,821 Produced Non-infringement and Invalidity Expert Reports Testimony at deposition Case settled February 21, 2019
October 2016 to May 2017	Patent Infringement ResMed v. Fisher Paykel	U.S. International Trade Commission Washington D.C. Inv. No. 337-TA-1022 William Adams Knobbe Martens, Irvine, Ca	Defendant's Technical Expert Re: Domestic Industry – opined regarding the extent to which ResMed's US distributed products incorporate claim elements of U.S. Patents Nos. 9,119,931, & 8,960,196. Produced Expert Report, testified at video deposition, produced direct testimony document to be read into ITC transcript at hearing. Complainant withdrawn.
August 2016	Misappropriation of Trade Secrets Masimo v. Sotera Wireless	California Central Bankruptcy Court 8:16-ap-01255 Perry Oldham Knobbe Martens, Irvine, Ca	Plaintiff's Technical Expert Re: examined and compared Sotera product features with those of Masimo to determine similarities, including software code and architecture reviews. Generated an expert report and testified at video deposition and US Bankruptcy Court. Case settled 2019
February 2016 to April 2016	Patent Infringement Orthophoenix v. DFine	United States District Court District of Delaware C.A. No.13-1003 (LPS) (D. Del.) Mathew Lehr Davis Polk & Wardwell, LLC Menlo Park, Ca	Defendant's Technical Expert Re: design and use of Kyphoplasty devices U.S. Patent Nos. 6,248,110; 6,981,981; 6,663,647; 7,044,954; 6,280,456; 6,623,505; 6,440,138; 6,863,672; 7,153,307; 6,241,734 Consulted with defense attorney Complaint withdrawn

Expert Witness / Consultant Curriculum Vitae

Date	Action Parties	Venue Case Attorney Firm	Assignment Patents Work Product Outcome
December 2014 November 2015	Patent Infringement Transcend Medical, Inc. v. Glaukos Corporation	United States District Court For the District of Delaware C.A. NO. 13-830 (MSG) Mathew Lehr Davis Polk & Wardwell, LLC Menlo Park, Ca	Plaintiffs' Technical Expert Re: design of ophthalmic intraocular stents and delivery devices used to treat glaucoma. U.S. Patent Nos. 7,857,782, 8,075,511, & 8,579,846 Produced Expert Report - non-infringement Produced IPR's, Testimony at deposition Case settled in November 2015
November 2014 March 2015	Patent Infringement Karl Storz Endoscopy- America, Inc. v. Stryker Corporation and Stryker Communications, Inc.	United States District Court Northern District of California Case No. C 14-00876 RS Robert A. Surrette, Merle S. Elliott, Caroline A. Teichner McAndrews, Held & Malloy, Ltd Chicago, IL	Defendant's Technical Expert Re: medical multi- controller networks used in the hospital operating room U.S. Patent Nos. 7,844,657; 8,069,420; and 8,439,821 Produced Expert Report Produced IPR's for 7,844,657; 8,069,420; and 8,439,821 Testimony at deposition Case settled out of court
December 2013 May 2014	Business Dissolution Armand Maaskamp, Trustee of the Maaskamp Family Trust v. Theodore Wortrich, Trustee of the Wortrich Family Trust	Superior Court of The State of California County of Orange, Central Justice Center No. 30-2012-00566392 Natu Patel The Patel Law Firm, P.C., Laguna Hills, CA	Complainant's Technical Expert Re: fluid surge restrictors used in ophthalmic surgical procedures U.S. Patent Nos. 8,475,402 and 8,092,427, U.S. Patent Nos. 7,914,482 and 8,372,038 Generated Expert Report Testified at deposition and bench trial Plaintiff granted business dissolution
May 2011 December 2011	Patent Infringement Stryker Corp. et al., v. Zimmer, Inc. and Zimmer Surgical, Inc.	United States District Court for the Western District of Michigan Case No. 1-10-cv-1223 Adam Brausa Kirkland & Ellis, LLP Chicago, IL	Defendant's Technical Expert Re: endoscopy companies, doctors, and industry leaders circa 1990 to 1995. Conducted research and provided list of requested information. Assignment was subsequently terminated.

Expert Witness / Consultant Curriculum Vitae

Date	Action Parties	Venue Case Attorney Firm	Assignment Patents Work Product Outcome
March 2011 December 2011	Patent Infringement King Pharmaceuticals, Inc. et al. v. Intelliject, Inc.	United States District Court For the District of Delaware Civil Action No.11-065 (GMS) James McCarthy McDonnell, Boehnen, Hullbert, & Bergoff, LLP Chicago, IL	Defendant's Technical Consultant Re: non- infringement of US Patent No. 7,794,432 Consulted with attorneys on a proposed claim construction that was never finalized. Assignment terminated with no further contact.
December 2010	Patent Infringement Smith & Nephew, Inc., v. Interlace Medical, Inc., and Hologic, Inc.	United States District Court For the District of Massachusetts Civil Action No. 10-10951-RWZ Civil Action No. 11-120064-RWZ Marc Cohn	Defendant's Technical Expert Re: surgical resection handpieces used in women's healthcare IPR of US Patent No. 8,061,359 Expert report Testimony at deposition and trial Case decided against Plaintiff
December 2009	Patent Infringement Allstar Tire & Wheel, Inc. v. Wheel Pros, Inc. Allstar Tire & Wheel, Inc. v. Savini Styling Group, Inc.	United States District Court, Central District of California, Southern Division Case No. SACV-08-00563 United States District Court, Eastern District of Texas, Marshall Division Case No. 2:07-cv-448 David Jafari Jafari Law Group, Inc. Santa Ana, CA	Plaintiff's Technical Expert Patent D503,369 Generated Expert Report Testimony at Deposition Judge ruled against Plaintiff
March 2007	Patent Infringement ConMed Corporation v. Cannady et al. (ERBE)	United States District Court, Pennsylvania John Powers Hancock Law Offices 1500 Tower I P.O. Box 4976 Syracuse, New York 13221	Technical expert for the plaintiff ConMed. Produced expert report and testified at deposition. Case settled on courthouse steps prior to trial.

Expert Witness / Consultant Curriculum Vitae

Date	Action Parties	Venue Case Attorney Firm	Assignment Patents Work Product Outcome
March 2009	Infringement Research Consulting	Intellectual Ventures Seattle, Washington Reporting to Eric Brown	Hired as a consultant researching use of Bluetooth communication in implantable devices, Chip stacking as a packaging means to reduce implantable device package size, and certain assembly methods used in the packaging of implantable devices, specifically heart pacemakers.
December 2006	Patent Infringement ConMed Corporation v. Cannady	International Trade Commission, Washington D.C. Philip Hampton, II Dickstein & Shapiro, LLP 1825 Eye Street NW Washington, DC 20006	Technical expert for the Plaintiff. Infringement of ConMed's flexible endoscopic Argon Beam Coagulation catheter for use in gastroenterology. Provided two expert reports, testimony at two depositions, and testimony at hearing before the International Trade Commission. ConMed lost petition to bar sale of the device manufactured by ERBE / Martin in Germany.
June 2005	Patent Infringement Advanced Med. Optics v. Alcon Inc., et al	U.S. District Court for the District of Delaware. case number 1:03-cv-01095-KAJ Jamie Isbester Jamie Isbester & Associates	Technical expert for the plaintiff. Infringement of AMO U.S. patents 5,700,240 and 6,059,765. Generated expert report, testified at deposition and trial. A portion of my testimony was limited in a Daubert action AMO was awarded \$213million due to a verdict of willful infringement
February 2005	Unfair Business Practices Point Financial v. Thomas Griner	No Court Action Taken Russell Rappaport, Esq. Plotkin, Rappaport & Nahmias Encino, California ForensisGroup	Hired to evaluate performance of the BioPulsar (original Griner design) device for relief of muscle spasm against units currently produced by New Health to determine if the current units perform to the original design specification. Griner is suing for false advertising and asking for a cease-and-desist restraint against New Health.

Expert Witness / Consultant Curriculum Vitae

Date	Action Parties	Venue Case Attorney Firm	Assignment Patents Work Product Outcome
September 2004	Wrongful Death Product Liability Rein v. Respironics, Inc.	Mario Iorillo, esq. Tuverson & Hillyard Los Angeles, California	Hired by Respironics to defend product liability claim involving a Respironics ventilator claimed to have malfunctioned. Performed on-site and laboratory evaluation of ventilator and found it to function properly. Wrote technical report and provided testimony at deposition. Determined that victim had modified ventilator performance against manufacturer's recommendations. Case was settled out of court.
February 2004	Product Liability Onei Keenan v Leo Plouffe, M.D.	Superior Court of Columbia County, Georgia Civil Action No CV-95-601 Charles Beans Hawkins & Parnell, LLP 4000 SunTrust Plaza 303 Peachtree Street, N.E. Atlanta, Georgia 30308	Hired as expert for Conmed Corporation. Provided written report, testified at deposition and trial. Patient was permanently disabled following a hysterectomy where the Argon Beam Coagulator was misused and caused an embolism. Jury determined Conmed should pay \$1 million to reimburse MAG Mutual insurance company for earlier payout. Jury felt Conmed admitted guilt as a result of a \$75K payout to settle the earlier action.
February 2004	Product Liability / Patient Injury Clara Beth Stubbs v. Craig Fisher, M.D.	District Court of Harris County Texas. Case No. 2002-65977 Frank Luccia Luccia & Evans, LLP 8 Greenway Plaza, Suite 1450 Houston, Texas 77046	Case settled out of court. Expert for ConMed Corp. named as a co-defendant. Bend-a-Beam electrode became dislodged from the device and a needle electrode was left inside of the patient which later had to be removed after causing an infection. Provided expert opinion regarding manufacturing processes and product design compliance to good design practices.

Expert Witness / Consultant Curriculum Vitae

Date	Action Parties	Venue Case Attorney Firm	Assignment Patents Work Product Outcome
August 2003	Product Liability / Patient Injury Boyd, et al v. Advanced Medical Optics, et al.	State of North Carolina, County of Mecklenburg, General Court of Justice, Superior Court Division Case No. 02-CVS-18380 Jonathan Buchan Helms, Mulliss & Wicker, PLLC P.O. Box 31247 Charlotte, North Carolina 28231	Technical expert for defendant Advanced Medical Optics. Provided technical report regarding probable cause of infection. Seven out of eleven patients in one day had endophthalmitis in the right eye only. Diplomate phacoemulsifier blamed, determined OR staff did not sterilize microscope handle covers between cases. First right eye patient was diabetic and had a particularly virulent bacteria that was verified to be transmitted to all subsequent right eye surgical patients. Case settled out of court based upon my analysis.
July 1999	Patent Infringement Alcon Laboratories, Inc. v. Surgin surgical Instrumentation, Inc.	United States District Court Central District of California Case No. SACV-98-1098 AHS (EEx) David Shukan, Esq. Kirkland & Ellis 300 South Grand Ave., Suite 3000 Los Angeles, California 90071	Hired as technical expert for the plaintiff Alcon. Surgin was found to infringe on Alcon's Flluidic Cassette patent. Provided claim construction/expert report and testified at deposition. Case settled out of court.
July 1998	Patent Infringement Surgin Surgical Instruments, Inc. v. Chiron vision Corporation, a Delaware Corporation.	Superior Court of California, County of Orange Case No. 777-110 Lisa Baker, Esq. Mitchell, Silberberg & Knupp, LLP 11377 West Olympic Blvd. Los Angeles, California 90064	Technical expert for the plaintiff. Surgin claimed that Chiron's high-performance ultrasonic tips used for phacoemulsification infringed Surgin's patents. Provided expert report did not testify. Case was settled out of court.

Expert Witness / Consultant Curriculum Vitae

Date	Action Parties	Venue Case Attorney Firm	Assignment Patents Work Product Outcome
February 1996	Patient Injury / Product Liability Birtcher Medical Systems, Inc. ads Ambrosini	Middlesex County Court, New Brunswick, New Jersey Case file 140.10329 Kieran Hughes Bumgardner, Hardin & Ellis Springfield New Jersey	Call as an expert and fact witness for St. Paul Insurance Company, insurer of Birtcher (on behalf of ConMed Corp.) regarding return electrode burn. Case settled out of court. Provided expert consulting regarding electrosurgery and proper use of return electrodes.

APPENDIX B - MATERIALS REVIEWED

1. EUNSUNG-1001 U.S. Pat. No. 9,550,052 to Ignon (“the ’052 patent”);
2. EUNSUNG-1002 Excerpts from the Prosecution History of the ’052patent (“the Prosecution History”)
3. EUNSUNG-1003 Declaration of Mr. Eric Simon
4. EUNSUNG-1004 U.S. Patent Publication No. 2003/0212415 (“Karasiuk”)
5. EUNSUNG-1005 U.S. Patent No. 5,199,604 (“Palmer”)
6. EUNSUNG-1006 U.S. Patent Publication No. 2003/0093089 (“Greenberg”)
7. EUNSUNG-1007 U.S. Patent No. 6,390,815 (“Pond”)
8. EUNSUNG-1008 U.S. Patent No. 6,684,880 (“Trueba”)
9. EUNSUNG-1009 U.S. Patent No. 4,512,764 (“Wunsch 1982”)
10. EUNSUNG-1010 U.S. Patent Publication No. 2003/0018252 (“Duchon”)
11. EUNSUNG-1011 U.S. Patent No. 4,215,476 (“Armstrong”)
12. EUNSUNG-1012 Friedman, et al., Chemical peels, dermabrasion, and laser therapy, Disease-a-Month 55.4 (2009): 223-235 (“Friedman”)

13. EUNSUNG-1013 Burgess, Cheryl M., Cosmetic dermatology, Heidelberg, Germany: Springer, 2005 ("Burgess")
14. EUNSUNG-1014 Pickering, J. A., Touch-sensitive screens: the technologies and their application, International Journal of Man-Machine Studies 25.3 (1986): 249-269 ("Pickering");
15. EUNSUNG-1015 Friedman, Mark J. et al., The AMSA injection: A new concept for local anesthesia of maxillary teeth using a computer controlled injection system. Quintessence Int 29 (1998): 297-303 ("Friedman 1998")
16. EUNSUNG-1016 Lee, Woan-Ruoh, et al., Lasers and microdermabrasion enhance and control topical delivery of vitamin C, Journal of investigative dermatology 121.5 (2003): 1118-1125 ("Lee")
17. EUNSUNG-1017 U.S. Patent No. 6,511,486 ("Mercier")
18. EUNSUNG-1018 U.S. Patent Publication No. 2001/0049511 ("Coleman")
19. EUNSUNG-1019 U.S. Patent No. 6,428,518 ("Brengele")
20. EUNSUNG-1020 U.S. Patent No. 4,559,036 ("Wunsch")
21. EUNSUNG-1021 U.S. Patent No. 6,099,511 ("Devos")
22. EUNSUNG-1022 U.S. Patent No. 5,163,902 ("Lynn")
23. EUNSUNG-1023 U.S. Patent No. 5,190,525 ("Oswald")
24. EUNSUNG-1024 U.S. Patent No. 6,673,082 ("Mallett")

25. EUNSUNG-1025 Rajan, Poonam, et al., Skin barrier changes induced by aluminum oxide and sodium chloride microdermabrasion, *Dermatologic surgery* 28.5 (2002): 390-393 (“Rajan”)
26. EUNSUNG-1026 Karimipour, Darius J., et al., Molecular analysis of aggressive microdermabrasion in photoaged skin, *Archives of dermatology* 145.10 (2009): 1114-1122 (“Karimipour”)
27. EUNSUNG-1027 U.S. Patent No. 6,241,739 (“Waldron”)
28. EUNSUNG-1028 U.S. Patent No. 3,865,352 (“Nelson”)
29. EUNSUNG-1029 Nayler, Gordon. *Dictionary of mechanical engineering*. SAE International, 1996 (“Nayler”)