

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARLA FOODS AMBA,

Petitioner

v.

LEPRINO FOODS COMPANY,

Patent Owner

IPR2025-01199

Patent 11,825,860

VIDEOTAPED and VIDEOCONFERENCE DEPOSITION OF

TANJA CHRISTINE JAEGER

1:04 p.m. (Denmark local)

March 4, 2026

Bideback, Denmark

Annette Pacheco, RPR, RMR, CCR-B-2153

1 APPEARANCES OF COUNSEL

2 On behalf of the Petitioner:

3 JESSICA C. KAISER, Esq. (By videoconference)
4 PERKINS COIE
5 1900 16th Street
6 Suite 1400
7 Denver, Colorado 80202-5255
8 303-454-2907
9 JKaiser@perkinscoie.com

7 YUANFENG GAO, Ph.D. (By videoconference)
8 PERKINS COIE
9 700 13th Street NW
10 Suite 800
11 Washington, D.C. 20005-3960
12 202-654-6396
13 YGao@perkinscoie.com

11 On behalf of the Patent Owner:

12 MEGAN E. SAIA, Esq. (By videoconference)
13 KILPATRICK TOWNSEND & STOCKTON
14 1100 Peachtree Street NE
15 Suite 2800
16 Atlanta, Georgia 30309
17 404-815-6134
18 Msaia@ktslaw.com

16 JUSTIN L. KRIEGER, Esq. (By videoconference)
17 KILPATRICK TOWNSEND & STOCKTON
18 1400 Wewatta Street
19 Suite 600
20 Denver, Colorado 80202
21 303-405-1486
22 jkrieger@@ktslaw.com

20 ALEXA J. HUNTER, Esq. (By videoconference)
21 KILPATRICK TOWNSEND & STOCKTON
22 1400 Wewatta Street
23 Suite 600
24 Denver, Colorado 80202
25 303-607-3218
ajhunter@ktslaw.com

1 APPEARANCES OF COUNSEL (Cont'd)

2 On behalf of the Patent Owner:

3 NICOLETTA M. KENNEDY, Esq. (By videoconference)
4 KILPATRICK TOWNSEND & STOCKTON
5 701 Pennsylvania Avenue NW
6 Suite 200
7 Washington, D.C. 20004
8 202-639-4711
9 nkennedy@ktslaw.com

10 Also Present: Ryan Heathcock, Videographer

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1 (Reporter disclosure made pursuant to
2 Article 10.B of the Rules and Regulations of the
3 Board of Court Reporting of the Judicial Council of
4 Georgia.)

5 THE VIDEOGRAPHER: This is media unit No.
6 1 of the videotaped deposition of
7 Ms. Tanja Christine Jaeger. This deposition is
8 being taken by the petitioner in the matter of
9 Arla Foods Amba versus Leprino Foods Company.
10 This case is being heard in the United States
11 Patent Trademark Office before the Patent Trial
12 and Appeal Board. The patent number is
13 11,825,860. This deposition is being held
14 remotely.

15 Today's date is March the 4th, 2026. The
16 time on the video screen is 1:04 p.m. Denmark
17 local.

18 My name is Ryan Heathcock, and I am the
19 legal videographer from Digital Evidence Group.
20 Our court reporter today is Ms. Annette Pacheco,
21 also in association with the Digital Evidence
22 Group.

23 At this time, counsel, would you please
24 state your appearances and affiliations for the
25 record beginning with the noticing attorney.

1 MS. SAIA: I am Megan Saia, and I'm with
2 Kilpatrick Townsend & Stockton, and I'm with
3 Leprino. And my colleagues here are
4 Justin Krieger, Alexa Hunter and Nikki Kennedy.

5 MS. KAISER: Jessica Kaiser from Perkins
6 Coie on behalf of petitioner, Arla Foods, as
7 well as the witness. Also, on the line with me
8 is Yuanfeng Gao, also from Perkins Coie.

9 And I believe during the read-on, it was
10 said that this deposition was being taken by the
11 petitioner. I just want to clarify that the
12 deposition is being taken by the patent owner.

13 THE VIDEOGRAPHER: Thank you for that,
14 counsel. My apologies. If there are no more
15 introductions at this time from counsel, will
16 the court reporter please swear in the
17 translator and the witness.

18 (YINGUE ROENNIKE was duly sworn as the translator.)

19 TANJA CHRISTINE JAEGER,
20 having been first duly sworn, was examined and
21 testified through the translator as follows:

22 THE VIDEOGRAPHER: Counsel, you may
23 proceed.

24 MS. KAISER: And Ms. Saia, maybe just
25 before we get started, just to clarify, the

1 translator is here to offer clarifications if
2 Ms. Jaeger needs them, but we do not intend to
3 have him translate every question and answer.

4 THE INTERPRETER: May I insert a little
5 note here. We used to refer to ourselves not as
6 translators but as interpreters. Just a little
7 quirk. Okay?

8 MS. SAIA: Thank you.

9 MS. KAISER: Absolutely. Thank you.

10 MS. SAIA: Thank you, Jessica, for that
11 clarification.

12 EXAMINATION

13 BY MS. SAIA:

14 Q. Ms. Jaeger, good morning. Or afternoon
15 for you. I'm just going to ask you a few background
16 questions before we jump into the subject matter of
17 your declaration.

18 Have you ever been deposed before?

19 A. No.

20 Q. Okay. And have you ever been involved in
21 an inter partes review before in any capacity?

22 A. I'm not sure what that is. Sorry.

23 Q. That's the proceeding.

24 MS. KAISER: If you could speak up.

25 A. I'm not sure what -- can you ask the

1 question again.

2 Q. (By Ms. Saia) Have you ever been involved
3 in an inter partes review before?

4 A. No.

5 Q. Okay. Is there anything today impacting
6 your ability to understand and answer questions?

7 A. No.

8 Q. All right. If you don't understand the
9 question, just let me know as we have and I'll
10 rephrase it. Please try to speak slowly and clearly
11 and wait until my questions are completed before
12 answering.

13 This deposition constitutes your formal
14 IPR testimony. Do you understand that?

15 MS. KAISER: Objection to form.

16 A. Sure. Can you clarify the question?

17 Q. (By Ms. Saia) This deposition constitutes
18 your formal inter partes review testimony. Do you
19 understand that?

20 A. Maybe I need translation.

21 (The interpreter translated.)

22 MS. KAISER: Megan, maybe could you just
23 clarify inter partes review for Ms. Jaeger. And
24 I apologize. I'm not trying to make speaking
25 objections. I'm trying to help.

1 Q. (By Ms. Saia) Inter partes review is the
2 type of proceeding we're here for today that's in
3 front of --

4 A. Okay. Okay. That's fine.

5 Q. Okay. You understand this deposition is
6 your formal inter partes review testimony?

7 A. Yes.

8 Q. Okay. Great.

9 THE INTERPRETER: Can I -- I actually have
10 a long explanation in Danish what an inter
11 partes review is yesterday. Can I read that to
12 the witness or no?

13 MS. SAIA: I don't think it's necessary
14 for this purpose. Thank you.

15 Q. (By Ms. Saia) Okay. And this deposition
16 is being videotaped and it is possible that portions
17 of the video might be used for testimonial purposes
18 at trial. Do you understand that?

19 A. Yes.

20 MS. KAISER: I would object to form.

21 Q. (By Ms. Saia) All right. Your counsel
22 might object from time to time, and unless you're
23 instructed to not answer, please answer the question.
24 Okay?

25 A. Yes.

1 Q. Okay. And during this deposition today,
2 I'll refer to U.S. Patent 11,825,860 as the 860
3 patent. Do you understand that?

4 A. Yes.

5 Q. How did you prepare for the deposition
6 today?

7 A. I got the document, this, yeah, inter
8 parte review and the patent, the pH neutral BLG
9 patent.

10 THE COURT REPORTER: I'm sorry. The PS?

11 A. The patent, pH neutral BLG beverage
12 preparation patent.

13 (Exhibit 1007 was marked for
14 identification.)

15 Q. (By Ms. Saia) Is it the 860 patent
16 labeled at the top? Okay. Is it Exhibit 1007?

17 A. Yes.

18 Q. Okay. And is that the only document you
19 reviewed besides your declaration, you said?

20 A. Yes.

21 Q. Okay. No other documents? No other
22 online searches you reviewed?

23 MS. KAISER: Just caution the witness not
24 to reveal the contents of any communications
25 with attorneys.

1 Q. (By Ms. Saia) To be clear, we're not --
2 we're not asking for any privileged communications.
3 I just would like to know which documents you
4 reviewed in entirety and if you performed any online
5 searches.

6 A. Not for this part.

7 Q. Okay. What did you review in preparing
8 your declaration?

9 A. Sorry?

10 Q. Which -- which documents did you review in
11 preparing your declaration?

12 MS. KAISER: Counsel, to be clear, when
13 you say "your declaration," you're referring to
14 Exhibit 1021?

15 MS. SAIA: Yes. Exhibit 1021.

16 A. Okay. Can --

17 MS. KAISER: And maybe just for the
18 record, I'm sorry, I just want to be clear for
19 the record that Ms. Jaeger does have with her
20 clean copies of both Exhibit 1021 and Exhibit
21 1007 in front of her.

22 MS. SAIA: Okay. I will refer to both by
23 the exhibit number if she understands it that
24 way.

25 (Exhibit 1021 was marked for

1 identification.)

2 A. Yeah. Yeah.

3 Q. (By Ms. Saia) I'll ask the question
4 again. Which documents did you review in preparing
5 Exhibit 1021?

6 A. Which documents. Yeah. Yeah. Can you
7 please clarify the question.

8 Q. To prepare Exhibit 1021, your declaration,
9 what documents did you read or consult?

10 A. That -- that -- that we used the document
11 ARLA 1007.

12 Q. Okay. And is that the only document you
13 reviewed to prepare your declaration, Exhibit 1021?

14 A. Yes, as I remember.

15 Q. You did not consult any other documents to
16 prepare Exhibit 1021?

17 A. Yeah. I looked into -- over the
18 laboratory documents to -- to write the experiment
19 descriptions.

20 Q. Are these the laboratory records you
21 referred to in Exhibit 1021?

22 A. Yes.

23 Q. Are these provided with Exhibit 1021?

24 A. No. That was the old laboratory
25 experiments and descriptions we used in seven years

1 ago.

2 Ms. SAIA: Jessica, are you going to
3 provide those laboratory records?

4 MS. KAISER: I'll take it under
5 advisement.

6 MS. SAIA: Okay.

7 Q. (By Ms. Saia) Did you do any internet
8 research in preparing your declaration, Exhibit 1021?

9 A. I can't remember.

10 Q. Okay. Did you speak with anyone besides
11 Ms. Kaiser in preparing your declaration, Exhibit
12 1021?

13 A. It was prepared together with some lawyers
14 a year ago.

15 Q. Okay. You didn't speak to any other
16 employees at Arla?

17 A. Maybe.

18 Q. Whom did you speak to at Arla?

19 A. I remember.

20 Q. I'm sorry. Which employees did you speak
21 to at Arla?

22 A. Together with some of the laboratory
23 technicians.

24 THE COURT REPORTER: I'm sorry. I'm
25 sorry. Could you repeat that.

1 A. Maybe I need the question again. Could
2 you please ask me again. If I understand it correct.

3 Q. (By Ms. Saia) Did you speak with any
4 employees at Arla to prepare Exhibit 1021?

5 A. Yeah. I think I talked with some of the
6 lab technicians. And I can't really remember. Yeah.

7 Q. What were the names of the laboratory
8 technicians?

9 A. Oh, it's -- one is called
10 Charlotte Kloster.

11 Q. Could you spell that, please, for the
12 court reporter.

13 A. Charlotte is C-h-r -- a-r-l-o-t-t-e.
14 Kloster.

15 Q. Charlotte Kloster?

16 A. Yeah.

17 Q. Anybody else at Arla that you spoke to to
18 prepare this declaration?

19 A. I can't remember exactly. It's, yeah, a
20 year ago.

21 Q. You can't remember anybody you spoke with?

22 A. I think it was laboratory technicians.

23 Q. And it was just this one person,
24 Ms. Kloster, or were there any others?

25 A. I just thinking. Let's see.

1 THE COURT REPORTER: I'm sorry, ma'am.

2 I'm sorry, ma'am. I couldn't hear you.

3 A. I'm sorry. I'm just thinking. I really
4 can't remember if I talk with more people.

5 Q. (By Ms. Saia) How about Mr. Nielsen, the
6 main inventor of Exhibit 1007? Did you speak with
7 him to prepare your declaration?

8 A. Not much.

9 Q. So you did speak with him?

10 A. Maybe. I can't --

11 Q. It's a yes or no question. Did you speak
12 with Mr. Nielsen to prepare your declaration, yes or
13 no?

14 A. No. No. I don't think so.

15 Q. You didn't speak with him at all to
16 prepare your declaration?

17 A. Not to write the -- not to write the
18 document, if that mean with preparing.

19 Q. Did you speak with Mr. Nielsen to get any
20 of the information that you wrote about in your
21 document, Exhibit 1021?

22 MS. KAISER: Objection to form.

23 A. I don't remember. I don't think so.

24 Q. (By Ms. Saia) Are you saying that you did
25 not speak with Mr. Nielsen to gather any of the

1 background information in Exhibit 1021?

2 A. Oh, I really can't remember. Maybe --
3 maybe we have talked about it, but it's a year ago.
4 So I can't really remember if we talked about it.

5 Q. Who prepared the laboratory records that
6 you discussed in your declaration?

7 A. It was me.

8 Q. Anybody else?

9 A. It was me together with some --

10 MS. KAISER: Ms. Saia, if you could let
11 the witness finish her --

12 MS. SAIA: Yeah. Sorry.

13 MS. KAISER: -- answer before you start
14 another question. I think that'll help some.

15 MS. SAIA: Understood.

16 Q. (By Ms. Saia) I asked who prepared the
17 laboratory records that you discuss in your
18 declaration.

19 A. I did together with Soren.

20 Q. With Mr. Nielsen?

21 A. Oh, sorry. Yeah. The laboratory records
22 we prepared seven years ago, that was me together
23 with Soren Nielsen.

24 Q. And what do these records describe?

25 A. That describing how we did the experiment

1 in Example 11 and 12.

2 Q. Was there any reason that you chose not to
3 include these laboratory records with your
4 declaration?

5 A. No.

6 Q. Were you asked to include these laboratory
7 records?

8 A. No.

9 Q. So would you object to us asking for and
10 receiving these records?

11 MS. KAISER: Objection to form.

12 Q. (By Ms. Saia) Do you have any objection
13 to producing those records for us?

14 A. I don't think so.

15 Q. So you would be comfortable with producing
16 those records for us and giving them to us so we
17 could look at them?

18 MS. KAISER: Objection to form.

19 A. Maybe I need to check if there's any
20 confidential information in the (unintelligible).

21 Q. (By Ms. Saia) Okay. That's fine. We're
22 happy to receive a redacted version.

23 Let's circle back to your discussions with
24 Ms. Kloster and potentially any others in preparing
25 your declaration. What did you discuss with

1 Ms. Kloster?

2 MS. KAISER: Objection to form.

3 A. It was more the procedure in the -- in the
4 laboratory.

5 Q. (By Ms. Saia) The procedure for what?

6 A. For example, homogenization.

7 Q. I'm sorry. Could you repeat that.

8 A. Oh, sorry. The homogenizator. It's an
9 instrument called the homogenizator.

10 Q. Oh, homogenization? Okay.

11 A. Yeah. I'm sorry.

12 THE COURT REPORTER: Okay. Can somebody
13 interpret for me because I didn't understand.

14 MS. SAIA: Homogenization.

15 A. Yes. It's an instrument we have in the
16 laboratory.

17 THE COURT REPORTER: So that was the
18 organization?

19 MS. SAIA: Homogenization.

20 THE COURT REPORTER: Oh, okay. Thank you.

21 MS. SAIA: Sure.

22 Q. (By Ms. Saia) Is that all you discussed
23 with Ms. Kloster?

24 A. I can't remember all she said. It was
25 more the procedures in the laboratory.

1 Q. And you didn't discuss any of the material
2 in your declaration with anyone else at Arla; is that
3 correct?

4 MS. KAISER: Objection. Asked and
5 answered.

6 A. Can you say the question again.

7 Q. (By Ms. Saia) Is Ms. Kloster the only
8 employee at Arla that you discussed the subject
9 matter of your declaration with?

10 MS. KAISER: Same objection.

11 A. Yeah. Of course, we also talked with
12 Dr. Etzel.

13 Q. (By Ms. Saia) Dr. Etzel is not an
14 employee at Arla; correct?

15 A. No. Sorry. No. No. Yeah, I cannot
16 remember exactly.

17 Q. Okay. Why did you feel the need to ask
18 Ms. Kloster about the homogenization procedure?

19 A. It's because it's -- let me think. It was
20 more to discuss the procedure.

21 THE COURT REPORTER: Discuss the?

22 A. Procedure.

23 Q. (By Ms. Saia) Procedure.

24 A. Procedure to -- what do you call it? --
25 how to run the instrument. Run the, yeah,

1 instrument.

2 Q. Was the homogenization procedure written
3 down in these laboratory records that you discussed
4 in your declaration?

5 A. Sorry. Can you say that question again.

6 Q. Was the homogenization procedure written
7 in the laboratory records that you discussed in your
8 declaration?

9 A. Described? Yes.

10 Q. So why did you consult Ms. Kloster if the
11 laboratory records described the homogenization
12 procedure?

13 A. It was more a hands-on, how to do the
14 process with the hands-on because I'm not a lab
15 technician. So I don't know how to explain it.
16 Sorry.

17 Q. Are you familiar with the homogenization
18 procedure that you use in the lab at Arla?

19 A. Yes.

20 Q. Have you run the homogenization process
21 before?

22 A. Yes.

23 Q. So why did you need to consult with
24 Ms. Kloster if you're familiar with the process?

25 A. It's because it's -- it's a new, a new

1 homogenizator. It's a new instrument. We bought a
2 new instrument.

3 Q. You bought a new instrument when?

4 A. Yes. As described in the -- in this
5 review, we had bought a new homogenizator.

6 Q. When did you purchase the new instrument?

7 A. In August 2020. We replaced the
8 homogenizator.

9 THE COURT REPORTER: We replaced?

10 A. We bought a new homogenizator in the
11 laboratory in August 2020.

12 Q. (By Ms. Saia) This is not the homogenizer
13 that you used to prepare Examples 11 and 12 in
14 Exhibit 1007, is it?

15 MS. KAISER: Object to the form.

16 A. No. As described, it's a new, a new
17 homogenizator.

18 Q. (By Ms. Saia) You testified that it has
19 the same function as the prior homogenizer; is that
20 correct?

21 A. Yes.

22 Q. Is the procedure for homogenization
23 different than the previous machine?

24 A. There -- there's some difference, but the
25 function is the same.

1 Q. What are the differences?

2 A. How to do the settings in the instrument
3 because it has -- yeah. How to set up the settings
4 is a bit different.

5 Q. And is this what you consulted Ms. Kloster
6 about?

7 A. Yes.

8 Q. Did you discuss anything else with
9 Ms. Kloster?

10 A. No, I don't remember.

11 Q. You don't remember if you discussed
12 anything else with Ms. Kloster?

13 A. Yeah.

14 Q. Did Ms. Kloster perform the homogenization
15 experiments?

16 MS. KAISER: Objection to form.

17 A. No.

18 Q. (By Ms. Saia) I'm sorry. Could you
19 repeat your answer.

20 A. In this experiment -- can you rephrase?

21 Q. Did Ms. Kloster perform the homogenization
22 experiments you describe in Exhibit 1021?

23 A. No.

24 Q. Who performed them?

25 A. I did.

1 Q. Did Ms. Kloster perform any other
2 experiments described in Exhibit 1021?

3 A. No.

4 Q. Who performed them?

5 A. I did.

6 Q. Okay. Did anyone else help you with the
7 experiments you describe in Exhibit 1021?

8 A. Yeah. Dr. Etzel.

9 Q. How did he help you?

10 A. He was helping me planning which
11 experiment we should repeat.

12 Q. Did you help design any of the
13 experiments?

14 MS. KAISER: Objection to form.

15 A. Yes.

16 Q. (By Ms. Saia) How did you help design the
17 experiments described in Exhibit 1021?

18 MS. KAISER: Same objection.

19 A. To make the description of the experiment.

20 Q. (By Ms. Saia) What do you mean by that?

21 A. How to do the procedure, to repeat the
22 procedure.

23 THE COURT REPORTER: I'm sorry. How to do
24 the?

25 A. How to repeat the experiment with it in

1 the patent.

2 Q. (By Ms. Saia) Did Dr. Etzel tell you what
3 results he wanted the experiments that you performed
4 to show?

5 A. No.

6 Q. Did Dr. Etzel tell you what he expected
7 the experiments to show?

8 A. Yes.

9 Q. What do you mean by that?

10 A. That we would like to measure the
11 denaturation of the proteins.

12 THE COURT REPORTER: I'm sorry. Could you
13 repeat that. I'm sorry.

14 A. That we would like to repeat the
15 experiment of the patent to measure the protein
16 denaturation during a heat treatment.

17 THE COURT REPORTER: Okay. Protein?

18 MS. SAIA: Protein denaturation during a
19 heat treatment.

20 THE COURT REPORTER: Thank you.

21 Q. (By Ms. Saia) Is there anything else that
22 Dr. Etzel told you he would like to assess with the
23 experiments that you performed?

24 A. Repeat the question.

25 Q. Besides the protein denaturation, did

1 Dr. Etzel tell you he wanted to assess any other
2 features using the experiments that you performed?

3 A. We also measured turbidity.

4 Q. Turbidity?

5 A. Turbidity.

6 Q. Why did you measure turbidity?

7 A. Because that we did in the patent.

8 Q. What is the purpose of measuring
9 turbidity?

10 MS. KAISER: Objection to form.

11 A. The purpose is to see that solution is
12 clear or unclear.

13 Q. (By Ms. Saia) Okay. In Exhibit 1021, is
14 there anything incorrect?

15 A. 1021. Can you clarify what you mean by
16 "incorrect"?

17 Q. Is there anything that is not accurate in
18 Exhibit 1021?

19 A. There's a small typing error.

20 Q. Where?

21 A. At page 3.

22 Q. What is the error?

23 A. It was that instead of 27 percent of
24 charcoal in BLG, it was 27 percent protein in dry
25 matter.

1 Q. I'm not following you. Could you --

2 A. I'm sorry. Page 3, one, two, three, four,
3 five, six, seven, line seven, there was a small
4 typing error. So it say -- it say two protein, it's
5 BLG, but it should be two protein of dry matter. So
6 it's --

7 THE COURT REPORTER: Could you repeat what
8 it should be.

9 A. 97 percent of -- 97 percent protein of
10 total dry matter.

11 MS. SAIA: She's saying "dry matter."

12 THE COURT REPORTER: Okay. I'll be
13 getting a copy of that document; is that
14 correct?

15 MS. SAIA: Yes.

16 THE COURT REPORTER: Okay. Thank you.

17 Q. (By Ms. Saia) So 97 percent of total
18 protein?

19 A. So 97 percent of dry matter is protein.

20 Q. Understood. Okay.

21 A. Yeah. Sorry.

22 Q. Is that the only portion of Exhibit 1021
23 that is inaccurate?

24 A. Yes.

25 Q. Okay. What is your current professional

1 title?

2 A. I'm a scientist.

3 Q. Who are you employed by?

4 A. Arla Food Ingredients.

5 Q. How long have you worked for Arla?

6 A. For around 14 years.

7 Q. How long have you been working in the
8 dairy processing industry?

9 A. 14 years.

10 Q. So is your only professional experience at
11 Arla?

12 A. Yes.

13 Q. Are you familiar with whey protein isolate
14 or WPI?

15 A. Yes.

16 Q. What is it?

17 A. It's a whey protein powder that is more
18 without fat. So it's a higher protein content.

19 Q. How much protein content does WPI have?

20 A. Approximately 90 percent.

21 Q. And how much fat does WPI have?

22 MS. KAISER: Objection to form.

23 A. Low. A low content.

24 THE COURT REPORTER: No content?

25 A. A low, low content.

1 THE COURT REPORTER: Thank you.

2 Q. (By Ms. Saia) What is a low content in
3 numbers approximately?

4 MS. KAISER: Objection to form.

5 A. I can't remember. But a low one
6 approximate.

7 Q. (By Ms. Saia) A low one percent?

8 A. Yeah. Approximate.

9 Q. Okay. WPI could be a commercial product
10 that you sell to other companies; right?

11 MS. KAISER: Objection to form.

12 A. Yes.

13 Q. (By Ms. Saia) WPI could be used in
14 manufacturing other products; correct?

15 MS. KAISER: Counsel, where does she
16 discuss this in her declaration that she's here
17 to testify about?

18 MS. SAIA: She discusses Exhibit 1007
19 which discusses WPI.

20 Q. (By Ms. Saia) Ms. Jaeger, you can answer
21 my question, please.

22 A. Please say the question again.

23 Q. Can WPI be used to manufacturer other
24 products?

25 MS. KAISER: Objection to form and outside

1 the scope.

2 A. Yes.

3 Q. (By Ms. Saia) What kinds of products?

4 MS. KAISER: Same objections.

5 A. I'm not sure I can tell you. It may -- I
6 think it's confidential.

7 Q. (By Ms. Saia) The products that WPI can
8 be used to make are confidential?

9 A. I'm not sure that I can tell what the
10 company is making.

11 Q. I'm not asking about Arla. To be clear,
12 I'm asking generally what products can you make using
13 WPI.

14 MS. KAISER: Objection to form and outside
15 the scope. Where does she talk in her
16 declaration about what commercial products you
17 can make using WPI? Or about commercial
18 products at all?

19 Q. (By Ms. Saia) Are you going to answer the
20 question, Ms. Jaeger?

21 MS. KAISER: I'm going to instruct the
22 witness not to answer. She's clearly
23 uncomfortable because her experience with
24 commercial products is in the context of her
25 employment, and she doesn't want to disclose

1 commercial products of her employer, of which
2 your client is a competitor. And, also,
3 commercial products are not what's within the
4 scope of her declaration.

5 MS. SAIA: I'm not asking about which
6 commercial products Arla makes. I'm asking
7 about which commercial products generally,
8 without a brand, WPI can be used for.

9 MS. KAISER: Outside the scope of your
10 employment, do you have an understanding of what
11 commercial products WPI can be used for?

12 A. What they can be used for at the
13 customers? Is that the question?

14 Q. (By Ms. Saia) That is the question.

15 A. Oh, I'm sorry. Okay. Yes. You can use
16 it for, like, simple protein beverages.

17 Q. Okay.

18 THE COURT REPORTER: Like, simple?

19 A. Protein beverages.

20 THE COURT REPORTER: Thank you.

21 Q. (By Ms. Saia) So if a company was using
22 WPI for making a protein beverage, they might be
23 shipped a supply of WPI, is that right, from another
24 manufacturer?

25 MS. KAISER: Objection to form and outside

1 the scope.

2 A. Can you clarify the question?

3 Q. (By Ms. Saia) One company might ship
4 another company WPI to make a product such as
5 beverages; is that correct?

6 MS. KAISER: Objection to form and outside
7 the scope.

8 A. I don't know.

9 Q. (By Ms. Saia) Does WPI have a change over
10 time when you store it?

11 MS. KAISER: Objection to form.

12 A. It depends a lot.

13 Q. (By Ms. Saia) On what does it depend?

14 A. Of the composition of your product.

15 Q. How would the composition affect any
16 changes in the WPI over time?

17 MS. KAISER: Object to form.

18 A. It depends on how much, example, how much
19 lactose you have in your product.

20 Q. (By Ms. Saia) How much lactose, you said?

21 A. Yeah.

22 Q. What sort of changes could happen over
23 time to WPI?

24 MS. KAISER: Objection to form.

25 A. Only small changes.

1 Q. (By Ms. Saia) Such as?

2 MS. KAISER: Objection to form.

3 A. Some water absorption in the powder.

4 Q. (By Ms. Saia) Is that the only change?

5 MS. KAISER: Objection to form.

6 A. I think so.

7 Q. (By Ms. Saia) Are you certain that's the
8 only change?

9 MS. KAISER: Objection to form.

10 A. If you have no lactose, yeah.

11 Q. (By Ms. Saia) Okay. So beyond moisture
12 absorption, you're not aware of any other changes
13 that could happen to WPI over time?

14 MS. KAISER: Objection to form.

15 A. No.

16 Q. (By Ms. Saia) How long does WPI last when
17 you make it?

18 MS. KAISER: Objection to form and outside
19 the scope.

20 A. I can't remember exactly.

21 Q. (By Ms. Saia) Do you have an approximate
22 estimate of how long WPI lasts when you make it?

23 MS. KAISER: Objection to form.

24 A. We haven't -- around -- if we use the
25 production settings, I think around -- then we say

1 it's around three years when you sell it to the
2 customers.

3 Q. (By Ms. Saia) What happens after three
4 years?

5 MS. KAISER: Objection to form.

6 A. At my knowledge, I don't think it will --
7 much will happen more than water absorption.

8 Q. (By Ms. Saia) So why is three years the
9 time that you store the WPI before selling it to a
10 customer?

11 MS. KAISER: Objection to form and
12 objection lack of foundation.

13 A. Yeah. I don't know.

14 Q. (By Ms. Saia) You stated that you
15 generally store WPI for three years before selling to
16 a customer; is that correct?

17 A. No. No, not before selling it.

18 Q. No more than three years is what you
19 stated?

20 A. No. I think the -- what's -- just have a
21 word translated.

22 THE COURT REPORTER: I'm sorry?

23 THE INTERPRETER: Sustainability, I would
24 say. The sustainability of a product.

25 A. I don't think that is the right word.

1 THE INTERPRETER: The shelf life.

2 A. The shelf life. Sorry. Sorry. I just
3 forgot the English word. But the shelf life of a
4 product, a WPI product will approximate around three
5 year when we sell it to the customers.

6 Q. (By Ms. Saia) Why does WPI have a
7 three-year shelf life?

8 A. I don't know why it has been chosen.

9 Q. What could happen during -- okay.

10 MS. KAISER: Objection.

11 MS. SAIA: Sorry. Strike that last
12 question. Thank you.

13 Q. (By Ms. Saia) Do you often consult the
14 research in the fields of dairy protein or dairy
15 processing?

16 MS. KAISER: Objection to form.

17 A. Please clarify.

18 Q. (By Ms. Saia) How often do you read
19 literature on dairy proteins or dairy processing?

20 A. Oh. Yeah. Maybe -- that is often, maybe
21 one time a month or something.

22 Q. Once a month?

23 A. Yeah. Approximate.

24 Q. Do you have any publications related to
25 dairy proteins or dairy processing?

1 A. No. No. Not pub -- oh, sorry. You mean
2 as a main author or coauthor?

3 THE COURT REPORTER: I'm sorry. Main?

4 MS. SAIA: Author.

5 A. Can you clarify the question again?
6 Sorry.

7 Q. (By Ms. Saia) Are you listed as an author
8 on any publications related to dairy proteins or
9 dairy processing?

10 A. It's coauthors, yeah.

11 Q. You're listed as a coauthor?

12 A. Uh-huh.

13 Q. Do you have any publications where you're
14 listed as a coauthor that are related to reducing GMP
15 in a dairy product?

16 A. No.

17 Q. Okay. Are the publications that you're a
18 coauthor on listed in your curriculum vitae that is
19 Appendix A of Exhibit 1021?

20 A. No.

21 Q. Why not?

22 A. I don't know. I didn't know that I should
23 add them.

24 Q. What are the names of the publications
25 where you're listed as coauthor?

1 A. Yeah, there's a lot of articles. Should I
2 find them now or --

3 Q. No. We can do it afterwards.

4 A. Okay.

5 Q. Okay. Could you please look at Exhibit
6 1007?

7 A. Yeah.

8 Q. Do you recognize this document?

9 A. Yes.

10 Q. What is it?

11 A. It's a patent.

12 Q. And you're listed as an inventor on this
13 patent publication; is that correct?

14 A. Yes.

15 Q. And you discussed this document in Exhibit
16 1021?

17 A. Yes.

18 Q. You reviewed this document before today's
19 deposition; correct?

20 A. Yes.

21 Q. What did you invent in this patent
22 application?

23 MS. KAISER: Objection to form and outside
24 the scope. You can answer if you want.

25 A. Oh. Oh, yeah. It's a pH neutral BLG

1 beverage.

2 Q. (By Ms. Saia) You invented a pH neutral
3 BLG beverage?

4 MS. KAISER: Objection to form.

5 A. Yes.

6 Q. (By Ms. Saia) Which experiments in this
7 patent publication were you involved in?

8 MS. KAISER: Objection to form.

9 A. I think most of them.

10 Q. (By Ms. Saia) Most of them meaning?

11 A. Would you like me to find the examples?

12 Q. I'd like you to be more specific about
13 which experiments you were involved in.

14 A. Okay.

15 MS. KAISER: I'll just object to form.

16 A. Example 7, No. 8, Example 10, Example 11,
17 Example 12, Example 13, yeah.

18 Q. (By Ms. Saia) Looking at the first page
19 of Exhibit 1007 --

20 MS. KAISER: Sorry. I just want to make
21 sure you were done with your answer.

22 A. Yeah. Yeah.

23 MS. KAISER: Okay.

24 Q. (By Ms. Saia) The title as you read is PH
25 Neutral Beta Lactoglobulin Beverage Preparation; is

1 that correct?

2 A. Yes.

3 Q. What is beta lactoglobulin?

4 A. It's a whey protein.

5 Q. How about the term BLG isolate powder?

6 You discussed that in Exhibit 1021; correct?

7 MS. KAISER: Objection to form.

8 A. Yes.

9 Q. (By Ms. Saia) What is a BLG isolate
10 powder?

11 A. It's a beta lactoglobulin. BLG is the
12 same as beta lactoglobulin.

13 Q. And what is a BLG isolate powder?

14 MS. KAISER: Objection to form.

15 A. It's a powder where you have a high
16 concentration of BLG.

17 Q. (By Ms. Saia) How high is the BLG
18 concentration?

19 MS. KAISER: Objection to form.

20 A. Yeah, that is very high. That's the
21 composition. Example on page 98. We have around,
22 example around 98 percent. But I think that is a
23 definition of the description. Yeah. We have -- we
24 need to have --

25 THE COURT REPORTER: We have?

1 A. At least 85 percent of BLG.

2 THE COURT REPORTER: 85 percent of?

3 A. At least 85 percent of protein is BLG.

4 MS. KAISER: You're saying BLG. Yeah.

5 THE COURT REPORTER: Was that protein? 85
6 percent?

7 A. 85 percent of -- of total protein is beta
8 lactoglobulin is the definition.

9 Q. (By Ms. Saia) On which page are you
10 looking at, Ms. Jaeger?

11 A. 76.

12 Q. Would you please point out the line that
13 you're referring to on page 76?

14 A. Line, line 19.

15 Q. Are you familiar with how BLG isolate
16 powder is made?

17 MS. KAISER: Objection to form and outside
18 the scope.

19 A. Not in detail.

20 Q. (By Ms. Saia) Were you involved in making
21 the BLG isolate powder described in Exhibit 1007?

22 A. No.

23 Q. Okay.

24 MS. KAISER: Megan, we've been going for a
25 little over an hour. Would this be a good time

1 for a break?

2 MS. SAIA: I'd like to finish this line of
3 questioning, if that's all right.

4 MS. KAISER: Since we don't have a
5 question pending, I'd appreciate a short break.

6 MS. SAIA: Okay. How long?

7 MS. KAISER: Would you like five minutes
8 or 10?

9 THE WITNESS: Yeah, five minutes.

10 MS. KAISER: Five minutes is fine.

11 MS. SAIA: Okay. We'll take a five-minute
12 break.

13 THE VIDEOGRAPHER: The time is 2:05. We
14 are now off the record.

15 (Recess from 2:05 p.m. to 2:12 p.m.)

16 THE VIDEOGRAPHER: This is the beginning
17 of media unit No. 2 of the video-recorded
18 deposition of Ms. Tanja Christine Jaeger. The
19 time is 2:12 p.m. local in Denmark. We are now
20 back on the record. Counsel, you may proceed.

21 Q. (By Ms. Saia) Thank you. Ms. Jaeger,
22 could you please turn to page 95 of Exhibit 1007.

23 A. Yes.

24 Q. Do you see Example 2 listed on page 95?

25 A. Yes.

1 Q. This example describes Production of a
2 Spray-Dried Acidic BLG Isolate Powder; correct?

3 A. Yes.

4 Q. I want to better understand how this
5 isolate powder is made. So I'm going to ask you to
6 walk me through this example the best you can. And
7 for now we'll just focus on how the feed for the BLG
8 isolate powder is made. Do you understand that?

9 MS. KAISER: Objection to form and outside
10 the scope.

11 A. I'm not a process. I'm not familiar with
12 the process. So it's not me on this -- on this part.

13 Q. That's fine.

14 THE COURT REPORTER: The last sentence,
15 you said it's not?

16 A. I'm not a process expert. So I haven't
17 written this example.

18 THE COURT REPORTER: Thank you.

19 Q. (By Ms. Saia) But you're listed as an
20 inventor on this patent publication; correct?

21 A. Yes.

22 Q. And you reviewed this document before
23 preparing Exhibit 1021; is that correct?

24 A. Yes.

25 Q. Could you please read the first sentence

1 of Example 2 under the heading "Whey protein feed."
2 I'll read it for you actually. "Lactose depleted UF
3 retentate derived from sweet whey from a standard
4 cheese production process was filtered through a 1.2
5 micron filter and had been fat-reduced via a Snyder
6 FR membrane prior to being used as feed for the BLG
7 crystallization process." Do you see that sentence
8 there?

9 A. Yes.

10 Q. The sentence is describing how the feed
11 for the BLG crystallization process is made; correct?

12 MS. KAISER: Objection to form and outside
13 the scope.

14 A. Yes.

15 Q. (By Ms. Saia) Are you familiar with the
16 term "feed" as it is used in this context?

17 A. Please clarify what you mean precise.

18 Q. The sentence I just read discusses a feed
19 for BLG crystallization; is that correct?

20 A. Yes.

21 Q. What is a feed?

22 A. It is the product you use for a process.

23 Q. Is it the product you use to begin a
24 process?

25 MS. KAISER: Objection. Outside the

1 scope.

2 A. I'm not clear about the right definition.

3 Sorry. I don't know the right definition.

4 Q. (By Ms. Saia) Is it fair to say a feed is
5 the starting material for a process?

6 MS. KAISER: Objection to form and outside
7 the scope.

8 A. I'd say it depends on the process. I'm
9 not sure.

10 Q. (By Ms. Saia) In the BLG crystallization
11 process, is the feed a starting material?

12 MS. KAISER: Objection to form and outside
13 the scope.

14 A. As described in this, it says that the
15 feed is used as feed for the process as described
16 here. I can -- again, I'm not a process expert.

17 Q. (By Ms. Saia) So as described here, the
18 feed is what is ultimately used to make the BLG
19 crystals; is that correct?

20 MS. KAISER: Objection to form and outside
21 the scope.

22 A. Sorry. I -- I -- I don't think the
23 question makes sense. So I can't --

24 THE COURT REPORTER: I'm sorry. I don't
25 think?

1 A. Sorry. I don't really understand the
2 questions.

3 Q. (By Ms. Saia) I can rephrase the
4 question. In the sentence that I read to you, is
5 feed what is used to make the BLG crystals?

6 MS. KAISER: Objection to form and outside
7 the scope. I don't think she references Example
8 2 in her declaration that she's here to testify
9 about today.

10 THE INTERPRETER: Could I add that maybe
11 feed in Danish could be other stuff.

12 A. But, yeah, I know the word "feed," but I
13 think it's described here right that feed is used for
14 BLG crystallization. So I don't understand what you
15 would like me to answer. Sorry.

16 Q. (By Ms. Saia) This section also describes
17 sweet whey in the first line of the sentence I read.
18 Do you see that?

19 A. Yeah.

20 Q. Are you familiar with that term "sweet
21 whey"?

22 A. Yes.

23 Q. What is sweet whey?

24 A. It's a whey from the cheese production.

25 Q. Okay. And the first sentence also uses

1 the word "retentate." Are you familiar with that
2 word?

3 A. Yes.

4 Q. What is a retentate?

5 A. It's a -- in a -- the product that is
6 retented in a separation process.

7 Q. So a retentate would be the product
8 retained by a filter in a separation process?

9 MS. KAISER: Objection to form and outside
10 the scope.

11 A. Yes.

12 Q. (By Ms. Saia) What about a "permeate"?
13 Are you familiar with that term?

14 A. Yeah.

15 Q. How is a permeate formed?

16 MS. KAISER: Objection to form and outside
17 the scope.

18 A. That's a part when you separate a product.
19 You have a product, and then you have retentate and
20 then a permeate.

21 Q. (By Ms. Saia) And what is the permeate?

22 A. That's what's going through a membrane.

23 Q. And how about the term "lactose-depleted
24 UF retentate"? Are you familiar with that term?

25 MS. KAISER: Objection to form. Not that.

1 Sorry.

2 A. No. I'm not a process expert.

3 Q. (By Ms. Saia) What is UF?

4 A. It's ultra, sorry, ultra filtration.

5 Q. What is ultra filtration?

6 A. It's a way to emitted to filtrate.

7 Q. So it appears that this lactose-depleted
8 UF or ultra filtration retentate was formed by
9 filtering sweet whey and keeping the retentate or the
10 retained material; is that correct?

11 MS. KAISER: Objection to form and outside
12 the scope.

13 A. I'm not sure.

14 Q. (By Ms. Saia) Well, it says here,
15 "Lactose-depleted UF retentate derived from sweet
16 whey." What does --

17 A. Yes.

18 Q. -- what does that mean to you?

19 MS. KAISER: Objection to form and outside
20 the scope.

21 A. Yeah. That it is derived -- that it comes
22 from sweet whey in cheese production as stated.

23 THE COURT REPORTER: In what production?

24 A. From a cheese production.

25 THE COURT REPORTER: Oh. Thank you.

1 Q. (By Ms. Saia) So lactose-depleted UF
2 retentate was formed by filtering sweet whey and
3 keeping the retentate; correct?

4 MS. KAISER: Objection to form and outside
5 the scope.

6 A. I think that is what you read for me.

7 Q. (By Ms. Saia) Okay. And the material
8 that goes through the filter when making the
9 lactose-depleted UF retentate would be considered a
10 permeate; is that correct?

11 MS. KAISER: Objection to form and outside
12 the scope.

13 A. Yes. Permeate is going through a filter,
14 yes. Or a membrane.

15 Q. (By Ms. Saia) Are you familiar with the
16 term "WPC" or "whey protein concentrate"?

17 A. Yes.

18 Q. What is a WPC?

19 MS. KAISER: Objection to form and outside
20 the scope.

21 A. Whey protein concentrate.

22 Q. (By Ms. Saia) What is whey protein
23 concentrate?

24 MS. KAISER: Same objections.

25 A. It's the whey that is coming from the

1 cheese -- the cheese production. Then you can
2 up-concentrate and then it's a whey protein
3 concentrate when you have up-concentrated.

4 Q. (By Ms. Saia) So if you filter sweet
5 whey, the retentate is a whey protein concentrate; is
6 that correct?

7 MS. KAISER: Objection to form and outside
8 the scope. Counsel, where did she talk about a
9 whey protein concentrate in her declaration?

10 Q. (By Ms. Saia) Ms. Jaeger, you can answer.

11 A. Oh, okay. Can you clarify the question
12 again.

13 Q. So if you filter a sweet whey, the
14 retentate would be a whey protein concentrate;
15 correct?

16 MS. KAISER: Counsel, again, I think this
17 is way outside the scope of her declaration.
18 You're asking her about a whey protein
19 concentrate that is not in the document that
20 you're asking her about. It's not in her
21 declaration as far as I recall.

22 She's here to testify about, in the scope
23 of your cross-examination, is defined by her
24 declaration, which is Exhibit 1021. So if you
25 want to point her to topics that are in Exhibit

1 1021, I'm perfectly happy to let her answer
2 whatever questions those are.

3 But she's not here, No. 1, she's not here
4 as an expert witness. She's here as a fact
5 witness. And No. 2, her, again, her -- the
6 scope of her testimony is confined by her
7 declaration. So I'm not going to allow her to
8 answer this question unless you can tie it to
9 her declaration.

10 MS. SAIA: I understand your objection.
11 Ms. Jaeger testified in her declaration at
12 paragraph 7 about Exhibit 1007. Page 1 of
13 Exhibit 1007 discusses whey protein
14 concentrates. This is what --

15 MS. KAISER: It's not. The fact that she
16 mentions Exhibit 1007 and even if that uses a
17 term which I'm not seeing here, it doesn't give
18 you free reign to ask her anything about that
19 term in any context. That's not within the
20 scope.

21 MS. SAIA: Ms. Jaeger testified about how
22 Powder A was prepared in paragraph 7 of her
23 declaration. I'm entitled to ask her questions
24 about how the powder was prepared.

25 MS. KAISER: She doesn't testify about how

1 powder A was prepared. She testified about what
2 Nielsen '450 says. If you want to ask her about
3 how that powder was prepared and show her a
4 document about it, that's fine. But you're not
5 asking her about powder A. You're asking her
6 generic questions about the protein concentrate.

7 MS. SAIA: Are you instructing Ms. Jaeger
8 not to answer?

9 MS. KAISER: Yes.

10 MS. SAIA: Okay.

11 Q. (By Ms. Saia) Ms. Jaeger, I'll ask you
12 one more time. If you filter a sweet whey feed,
13 would the retentate be a WPC or a whey protein
14 concentrate?

15 MS. KAISER: Objection to form and outside
16 the scope. And it's so far out the scope --
17 outside the scope that I'm going to instruct
18 Ms. Jaeger not to answer.

19 Q. (By Ms. Saia) Ms. Jaeger, will you answer
20 my question?

21 A. No.

22 Q. So are you refusing to answer under the
23 advice of Ms. Kaiser?

24 A. Yes.

25 MS. SAIA: Ms. Kaiser, I'm sure you're

1 aware of the trial practice guide which
2 instructs that you can only advise the witness
3 not to answer for privilege or harassment. This
4 is neither of those instances. So Ms. Jaeger is
5 required to answer this question.

6 MS. KAISER: I don't believe that's true.
7 If you'd like to do a conference call with the
8 board, I'd be happy to get them on the phone and
9 we can talk to them about Ms. Jaeger's five-page
10 declaration where she talks about reviewing
11 laboratory records to identify a sample and then
12 conducting experi -- two experiments from
13 Exhibit 1007 under the supervision of our expert
14 witness.

15 And I'd be happy for you to explain to the
16 board why you think these questions are within
17 the scope of her declaration. But you haven't
18 been able to explain it to me. So it's not a
19 free-for-all for you to ask Ms. Jaeger whatever
20 questions that are outside the scope of her
21 declaration.

22 MS. SAIA: Okay. We'll circle back on
23 that point.

24 Q. (By Ms. Saia) Let's go back to Example --

25 MS. KAISER: Megan, if you would like me

1 to set up a conference call with the board, I'm
2 happy to do that because I want to make sure
3 that we cover whatever topics are within the
4 scope of her -- of your -- of the proper
5 cross-examination here.

6 MS. SAIA: We can revisit that at the end
7 of the deposition, but for now I'd like to move
8 on.

9 MS. KAISER: Okay.

10 Q. (By Ms. Saia) All right. Please look at
11 Example 2 on page 95, Ms. Jaeger.

12 A. Yes.

13 Q. This describes that the lactose-depleted
14 UF retentate was filtered through a 1.2 micron
15 filter; is that correct?

16 A. Yes.

17 Q. Would filtration through a 1.2 micron
18 filter be considered microfiltration?

19 A. I don't know.

20 MS. KAISER: Would you just pause and let
21 me -- let me make my objections.

22 THE WITNESS: Sorry.

23 MS. KAISER: Thank you.

24 Q. (By Ms. Saia) Would 1.2 micron filter
25 filtration be considered ultra filtration?

1 MS. KAISER: Objection to form and outside
2 the scope.

3 Q. (By Ms. Saia) You can answer, Ms. Jaeger.

4 A. I don't know.

5 Q. Filtering the lactose-depleted UF
6 retentate through a 1.2 micron filter would produce a
7 permeate and a retentate; is that correct?

8 MS. KAISER: Objection to form and outside
9 the scope.

10 A. I don't know. I don't know. I don't
11 understand the questions. Sorry.

12 Q. (By Ms. Saia) This sentence describes
13 lactose-depleted UF retentate derived from sweet whey
14 was filtered through a 1.2 micron filter. Do you see
15 that?

16 A. Yeah.

17 Q. Would filtration through a 1.2 micron
18 filter produce a permeate and retentate?

19 MS. KAISER: Objection to form and outside
20 the scope.

21 A. I don't -- I don't know.

22 Q. (By Ms. Saia) You don't know whether
23 filtration through a 1.2 micron filter would produce
24 a permeate and a retentate?

25 MS. KAISER: Objection to form and outside

1 the scope.

2 Q. (By Ms. Saia) Are you going to answer,
3 Ms. Jaeger?

4 A. Maybe it's not clear for me what you want
5 me to say. Sorry. Can you clarify again what is
6 your question.

7 Q. I'm asking if you filter lactose-depleted
8 UF retentate through a 1.2 micron filter, would you
9 produce a permeate and a retentate?

10 MS. KAISER: Objection to form and outside
11 the scope.

12 A. I don't know. It depends on the
13 definitions. I'm not -- I'm not truly sure.

14 Q. (By Ms. Saia) Well, we discussed what a
15 permeate and a retentate was; correct?

16 A. Yeah.

17 Q. What is a retentate?

18 A. Yeah. That is in the -- you have a
19 membrane. That is what's not going into the
20 membrane.

21 Q. A membrane is a filter; is that correct?

22 MS. KAISER: Objection to form.

23 A. I think that is a different issue. It
24 depends on the type of filters.

25 Q. (By Ms. Saia) A 1.2 micron filter would

1 result in a retentate and a permeate; is that
2 correct?

3 MS. KAISER: Objection to form and outside
4 the scope.

5 A. I don't know. I'm sure if you -- when
6 it's a filter, that is the same as a membrane. I'm
7 not a process expert.

8 Q. (By Ms. Saia) Okay. Let's move on to
9 Example 11 of Exhibit 1007. You discussed this
10 example in your declaration; is that correct?

11 A. Sorry. Which number?

12 Q. Example 11. It's on page 109 of Exhibit
13 1007.

14 A. Example 11, yes.

15 Q. And you were personally involved in this
16 experiment described in Example 11; is that correct?

17 A. Yes.

18 Q. Okay. If you can look at page 109, lines
19 29 through 31 state: "Nutritional high protein
20 beverages comprising 6 weight percent, 10 weight
21 percent and 12 weight percent whey protein in which
22 95.9 weight percent is BLG or prepared from BLG
23 powder A shown in Table 9 to evaluate the stability
24 and turbidity of beverages." Do you see that
25 sentence?

1 A. Yes.

2 Q. Are you familiar with the term
3 "nutritional high protein beverages"?

4 A. Yes. It's due to high protein; right? Is
5 that the question?

6 Q. Are you familiar with the term
7 "nutritional high protein beverages"?

8 A. Yes.

9 Q. What is a nutritional high protein
10 beverage?

11 A. It is that we have a high protein content,
12 a high protein content in the beverage.

13 Q. How much protein is required to be high
14 protein?

15 MS. KAISER: Objection to form.

16 A. It depend of the customers.

17 Q. (By Ms. Saia) How about in this example
18 here?

19 A. It can -- only example can be high protein
20 compared to other beverages. Again, it depends on if
21 you compare to other products.

22 Q. How are these nutritional high protein
23 beverages made?

24 MS. KAISER: Objection to form.

25 A. They are made by dissolving BLG powder

1 into water.

2 THE COURT REPORTER: I'm sorry. Would you
3 repeat that sentences.

4 A. Sorry. Dissolving BLG powder into water,
5 and then pH adjusted and heat treated at 90 degrees
6 for five minutes, and then cooled down afterward.

7 Q. (By Ms. Saia) The BLG isolate powder used
8 to prepare these nutritional high protein beverages
9 described in Example 11 were made using BLG powder A;
10 is that correct?

11 A. Yes.

12 Q. So BLG powder A shown in Table 9 was used
13 to prepare the beverages described in Example 11?

14 A. Yes.

15 Q. And could you please take a look at
16 Example 12, which begins on page 111 of Exhibit 1007.

17 A. Yes.

18 Q. You were personally involved in this
19 experiment 2; is that correct?

20 A. Yes.

21 Q. And in this example, nutritional high
22 protein beverages are described prepared from BLG
23 powder A shown in Table 9; is that correct?

24 A. Yes.

25 Q. Would you please turn to page 74 of

1 Exhibit 1007.

2 A. Yes.

3 Q. Please read the entire page and let me
4 know when you're finished.

5 A. Oh.

6 MS. KAISER: Just to be clear, you're not
7 asking her read it out loud.

8 MS. SAIA: No. I'm not asking her to read
9 it out loud.

10 A. Yes.

11 Q. (By Ms. Saia) You've read page 74?

12 A. Yeah, I have read it.

13 Q. Isn't it true that this page does not
14 reference BLG isolate powder A?

15 MS. KAISER: Objection. Form.

16 A. Yes. Sorry. Clarify the question again.
17 Sorry.

18 Q. (By Ms. Saia) Isn't it true that page 74
19 does not reference BLG isolate powder A?

20 MS. KAISER: Objection to form.

21 A. Yeah, it's written BLG isolate.

22 Q. (By Ms. Saia) But not BLG isolate powder
23 A?

24 A. Yes.

25 Q. And this Exhibit 1007 describes multiple

1 methods to make BLG isolate powder; is that correct?

2 MS. KAISER: Objection to form and outside
3 the scope.

4 A. Sorry. Can you repeat the question.

5 Q. (By Ms. Saia) Does this Exhibit 1007
6 describe multiple methods to make BLG isolate
7 powders?

8 MS. KAISER: Objection to form and outside
9 the scope.

10 A. I'm not sure what you mean by different
11 powders. Sorry. Can you clarify the question.

12 Q. (By Ms. Saia) Does this Exhibit 1007
13 describe multiple methods to make BLG isolate
14 powders?

15 MS. KAISER: Objection to form and outside
16 the scope.

17 A. Production. Sorry. I don't think
18 production is -- it's not production of powders, if
19 that is the question.

20 Q. (By Ms. Saia) The question is isn't it
21 true that this Exhibit 1007 describes multiple
22 methods to produce BLG isolate powders?

23 MS. KAISER: Objection to form and outside
24 the scope.

25 A. Sorry. Then I need to read the whole

1 page. I can't remember. I can't remember if it's
2 described.

3 Q. (By Ms. Saia) Would you turn to page 62
4 of this Exhibit 1007.

5 A. Yes.

6 Q. Look at the first paragraph on page 62,
7 please. Go ahead and read it and let me know when
8 you're finished. To be clear, I just wanted you to
9 read the first paragraph, so lines 1 through 5. Have
10 you finished reading that?

11 A. Yes.

12 Q. Isn't it true that BLG isolate powder A
13 used in Examples 11 and 12 could have been made
14 according to the de Jongh or Vyas methods mentioned
15 in this first paragraph?

16 MS. KAISER: Objection to form.

17 A. I don't know. I don't know.

18 Q. (By Ms. Saia) Does paragraph -- sorry.
19 Go ahead.

20 A. I haven't read them. I don't know.

21 Q. This paragraph states: "Preparation of
22 the BLG-enriched composition includes the method
23 described by de Jongh or Vyas." Do you see that?

24 A. Yeah. Yes.

25 Q. And is a BLG isolate powder a BLG-enriched

1 composition?

2 MS. KAISER: Objection to the form.

3 A. You are asking -- can --- repeat the
4 question.

5 Q. (By Ms. Saia) Is a BLG isolate powder a
6 BLG-enriched composition?

7 MS. KAISER: Objection to form.

8 A. Yes.

9 Q. (By Ms. Saia) So according to this
10 paragraph, a BLG isolate powder could have been made
11 by the method described by de Jongh or Vyas; is that
12 correct?

13 MS. KAISER: Objection to form.

14 A. I don't know. I haven't read the -- I
15 don't know these -- I don't know this literature.

16 Q. (By Ms. Saia) I'm asking what the
17 paragraph here says.

18 MS. KAISER: Objection. Asked and
19 answered.

20 A. I don't know.

21 Q. (By Ms. Saia) Does this first paragraph
22 on page 62 of Exhibit 1007 state: "BLG-enriched
23 compositions could have been made by the method
24 described in de Jongh or Vyas"?

25 MS. KAISER: Objection to form.

1 A. I don't know.

2 Q. (By Ms. Saia) Would you please read the
3 paragraph again for me.

4 A. Maybe I need a translator.

5 Q. Okay. You're free to ask for help, yeah.

6 MS. KAISER: Do you want to have him read
7 this paragraph and translate it for you? Is
8 that what you're asking for?

9 THE WITNESS: Yeah.

10 MS. KAISER: Does the translator have
11 access to the shared folder? Or interpreter.
12 I'm sorry, Yingve.

13 MS. SAIA: I don't think so. I didn't
14 receive his email address.

15 MS. KAISER: Do you want to go off the
16 record and we can get him access?

17 MS. SAIA: Sure.

18 THE VIDEOGRAPHER: The time is 2:53.
19 We're now off the record.

20 (Recess from 2:53 p.m. to 3:06 p.m.)

21 THE VIDEOGRAPHER: This is the beginning
22 of media unit No. 3 of the video-recorded
23 deposition of Ms. Tanja Christine Jaeger. The
24 time is 3:06 p.m. local in Denmark. We are now
25 back on the record. Counsel, you may proceed.

1 Q. (By Ms. Saia) Thank you. Jessica, we
2 asked the video -- or, sorry, the interpreter not to
3 worry about translating that paragraph for now.
4 We'll move on.

5 MS. KAISER: Okay. Thank you.

6 MS. SAIA: Sure.

7 Q. (By Ms. Saia) Ms. Jaeger, let's take a
8 look at your declaration again, Exhibit 1021.

9 A. Yes.

10 Q. Could you please turn to paragraph 8 on
11 page 2. The first sentence states: "I reviewed past
12 laboratory records I made when preparing beverages
13 reported in Examples 11 and 12 of Nielsen450 and
14 identified the particular batch of BLG powder used in
15 those experiments as 'Batch N11,28-11-17, week 48.'"
16 Do you see that?

17 A. Yes.

18 Q. And it is correct that you did not provide
19 those records?

20 A. Yes.

21 Q. Did you rely upon these laboratory records
22 in preparing your declaration?

23 MS. KAISER: Objection to form.

24 A. Can you clar -- can you say that again.

25 Q. (By Ms. Saia) Isn't it true that you

1 relied on these laboratory records in preparing your
2 declaration?

3 A. Yes.

4 MS. SAIA: Jessica, we just want to be
5 clear because we discussed this briefly. Are
6 you going to provide these laboratory records or
7 not?

8 MS. KAISER: I'll take it under
9 advisement.

10 MS. SAIA: We want to know your position
11 now on the record, if you have a certain
12 objection.

13 MS. KAISER: She's a fact witness and
14 she's here to provide testimony. If you want to
15 ask for these records, you can ask for them. I
16 need to consider your request and I will get
17 back to you.

18 MS. SAIA: To be clear, since she relied
19 on these records, we're entitled to receive
20 them.

21 MS. KAISER: She's not an expert witness.
22 She's a fact witness.

23 MS. SAIA: She relied on the records in
24 preparing her declaration.

25 MS. KAISER: I've already said I'll take

1 it under advisement. If you would like to take
2 a break and I can consider it, I will. But at
3 this moment, I'm taking it under advisement.

4 MS. SAIA: At the next break, could you
5 please consider it.

6 MS. KAISER: Yes.

7 MS. SAIA: We'll give you additional time
8 if you need. Thank you.

9 Q. (By Ms. Saia) All right. Ms. Jaeger, you
10 provided this BLG isolate powder labeled Batch
11 N11,28-11-17, week 48 to Dr. Etzel; is that correct?

12 MS. KAISER: Objection to form.

13 A. Yes.

14 Q. (By Ms. Saia) And how did you identify
15 the BLG powder that you provided to Dr. Etzel as the
16 BLG isolate powder used in Examples 11 and 12 of
17 Nielsen 450?

18 A. We have named -- we always name our powder
19 batches. And as you can see, this batches had the
20 name N11, and then we also put in the date and the
21 week number it's produced. So we find that powder
22 again.

23 Q. And was this batch number provided in
24 Nielsen 450?

25 MS. KAISER: Objection to form.

1 A. No. The batch number? No.

2 Q. (By Ms. Saia) So how did you know it was
3 the same batch of powder used in Nielsen 450?

4 A. Because we had made the experiments
5 description that we did doing these patent tests.

6 Q. And this description was in the laboratory
7 records; is that correct?

8 A. Yes.

9 Q. So you consulted the laboratory records to
10 determine which powder was used in Examples 11 and
11 12?

12 A. Yes.

13 Q. What does Batch N11 mean?

14 A. It's just a, yeah, a name. It's a coding
15 name.

16 Q. Were there Batches N1 through N10 before
17 this Batch N11?

18 A. I think so but I'm not -- again, I didn't
19 produce the powders.

20 Q. And this BLG powder that you provided
21 Dr. Etzel was made on November 28, 2017; is that
22 correct?

23 A. Yes.

24 Q. And what does week 48 mean?

25 A. That's just the week number.

1 Q. Of the year?

2 A. Of the year, yeah.

3 Q. So it wasn't stored for 48 weeks or
4 anything like that?

5 A. Oh, no. It's just the week number of the
6 year.

7 Q. Okay.

8 A. The calendar week.

9 Q. Understood. And where did you find this
10 BLG powder that you provided to Dr. Etzel?

11 A. We have a powder lab where we have
12 different cupboards where we store different powder
13 samples. So that we have it, as stated in the
14 document, it was in the Inventor Soren Bang Nielsen's
15 cupboard, cupboard.

16 THE COURT REPORTER: I'm sorry. The
17 inventor?

18 A. Inventor Soren Bang Nielsen's.

19 Q. (By Ms. Saia) It's listed on the Exhibit
20 1007, first page, Soren Bang Nielsen?

21 A. Yeah. Yes.

22 Q. Who put the batch of powder in
23 Mr. Nielsen's cupboard?

24 A. I can't remember.

25 Q. Did you put it in there?

1 A. It's seven years ago, so I can't remember.

2 Sorry.

3 Q. Is the powder room locked?

4 A. No.

5 Q. So anybody could access the powders in the
6 powder room?

7 MS. KAISER: Objection to form and
8 found -- lack of foundation.

9 A. Yes.

10 Q. (By Ms. Saia) Do you know whether other
11 people accessed the BLG isolate powder you provided
12 to Dr. Etzel?

13 A. We have used it for -- yeah. It has been
14 used.

15 Q. By who?

16 A. For experiments by Soren Bang Nielsen
17 because it's in his cupboard, cupboard.

18 Q. What experiments did he use the powder
19 for?

20 A. Oh, that I can't tell you.

21 Q. Okay.

22 A. It's company secrets.

23 Q. So he took the powder out of his cupboard
24 before you accessed the cupboard and provided the
25 powder to Dr. Etzel; is that correct?

1 A. He took out --

2 Q. I'll rephrase that.

3 A. Yeah. Yeah. Rephrase it.

4 Q. Isn't it true that Mr. Nielsen removed BLG
5 isolate powder A before you provided BLG isolate
6 powder A to Dr. Etzel?

7 MS. KAISER: Objection to form.

8 A. I don't know exactly.

9 Q. (By Ms. Saia) You stated that Mr. Nielsen
10 performed experiments using the powder; is that
11 correct?

12 A. Yeah. Because we have some -- yeah. But
13 that was when we did these patents six or seven years
14 ago.

15 Q. So after the powder was placed in
16 Mr. Nielsen's cupboard, did Mr. Nielsen remove the
17 powder?

18 A. Sorry. I don't know. But we have
19 research projects. So sometimes we do it. But I
20 don't know.

21 Q. So it's possible that this powder was
22 removed by somebody at Arla and placed back in
23 Mr. Nielsen's cupboard before you provided it to
24 Dr. Etzel?

25 A. Yeah. But in the laboratory we will

1 always keep it in the powder laboratory.

2 Q. What is Mr. Nielsen's relationship with
3 Arla?

4 A. He's a senior scientist.

5 Q. And he's still employed by Arla?

6 A. Yes.

7 Q. Why didn't he testify about Examples 11
8 and 12 if he made the powder that was used in these
9 examples?

10 MS. KAISER: Objection to form and lack of
11 foundation.

12 A. Oh, sorry. He didn't make the powder.

13 Q. (By Ms. Saia) Who made the powder?

14 A. It was from -- that is another colleague.

15 Q. Who?

16 A. Kasper Bungelund Lauridsen. He's also an
17 inventor. He's name No. 3 in the front.

18 Q. Yes. Okay. You stated that you do not
19 know how the powder was made; is that correct?

20 MS. KAISER: Objection to form.

21 A. I say I'm not a process -- I'm not a
22 process expert.

23 Q. (By Ms. Saia) And you didn't prepare the
24 powder; is that correct?

25 A. No. No.

1 Q. Do you know how the powder was made?

2 MS. KAISER: Objection to form.

3 A. Not in detail. I don't know in detail. I
4 didn't because I'm not a process expert. So . . .
5 It's more the laboratory practical I'm an expert in.
6 So . . .

7 Q. (By Ms. Saia) Okay. You state in your
8 declaration at that same paragraph B that we were
9 looking at that the powder was stored at room
10 temperature, approximately 22 degrees Celsius, with
11 humidity maintained between 30 and 50 percent." Do
12 your see that?

13 A. Yeah. Yes.

14 Q. Were there any power outages in the
15 laboratory during the storage of the powder you
16 provided Dr. Etzel?

17 A. Sorry. Can you say that again.

18 MS. SAIA: Interpreter, could you possibly
19 help translate that.

20 THE INTERPRETER: Yes. (The interpreter
21 translated.)

22 A. No, I don't. I don't think so.

23 Q. (By Ms. Saia) What is your basis for
24 knowing the storage temperature and the humidity?

25 A. Because we have an instrument in the lab

1 where you can see the temperature and the humidity,
2 humidity.

3 Q. Is this instrument inside of the cupboard?

4 A. No. It's inside the powder room.

5 Q. So you know the temperature on every
6 single day of storage over the seven-year period?

7 A. No. But it's also approximate
8 temperatures and approximate in an area between. So,
9 of course, we cannot know the exact temperature, but,
10 yeah.

11 Q. And does this instrument also measure the
12 humidity?

13 A. Yes.

14 Q. Why would the humidity fluctuate so much
15 between 30 percent and 50 percent?

16 A. It's -- it's an interval. It also
17 depends.

18 THE COURT REPORTER: I'm sorry. It's?

19 A. It's an interval.

20 THE COURT REPORTER: I'm not understanding
21 that.

22 A. It's from 30 to 50. It's a typical
23 interval.

24 Q. (By Ms. Saia) Interval?

25 A. Yeah, interval. Yeah.

1 THE INTERPRETER: Range.

2 A. Range, yeah, sorry. That was the word.

3 Yeah. Sorry.

4 Q. (By Ms. Saia) Okay. What is the reason
5 for that range?

6 A. Ooh. Yeah. I'm not sure the precise
7 reason why.

8 Q. Does the instrument that measures the
9 humidity and temperature measure the humidity and
10 temperature instantaneously or at a given period?

11 A. It's -- maybe can you translate?

12 THE INTERPRETER: (The interpreter
13 translated.)

14 A. It's always measuring.

15 THE INTERPRETER: Constantly measuring.

16 THE WITNESS: Yeah.

17 Q. (By Ms. Saia) So the temperature that's
18 shown on the instrument is the current temperature
19 and humidity?

20 A. Yes.

21 Q. So the instrument doesn't measure the
22 temperature or humidity over a period of time; is
23 that correct?

24 A. I'm -- I'm a little bit unsure about it.
25 But in the laboratories the temperature is constant

1 around these 20 degrees, yeah.

2 Q. But you're not sure whether the
3 temperature fluctuated on any day during storage?

4 A. But the temperature is controlled in the
5 laboratory for around -- we are in an area around 20
6 degrees.

7 Q. Does the temperature change much at
8 nighttime?

9 A. I don't think so because it's a controlled
10 environment. So it shouldn't.

11 Q. How about in the winter?

12 A. It still -- it should still be controlled
13 the temperature in the room.

14 THE INTERPRETER: Or regulated.

15 Q. (By Ms. Saia) On the weekends?

16 A. Yeah. It's a controlled temperature in
17 our laboratories. A constant, in a constant area.

18 Q. And does the temperature sensor or
19 instrument measure the temperature inside of the
20 cupboards or just around the cupboards?

21 A. Yeah. That's around in the room, yeah.

22 Q. All right. I'm going to ask you to look
23 at page 3 of your declaration, Exhibit 1021. There's
24 a chart shown on this page. Do you see that?

25 A. Yes.

1 Q. You state in your declaration on paragraph
2 9 of this chart that you performed tests on the BLG
3 powder you provided to Dr. Etzel to determine its
4 composition; is that correct?

5 A. Yeah. Yes.

6 Q. And -- sorry. Go ahead.

7 A. Sorry. I just say yes.

8 Q. Okay. Is that chart shown on page 3 here,
9 does that show the results of your measurements?

10 A. Yes.

11 Q. Which column shows the results of your
12 measurements?

13 A. The measure in 2025.

14 Q. You measured the composition in 2025?

15 A. Was that the question? Oh, sorry. When I
16 measured.

17 Q. When you measured the composition?

18 A. Yeah. 2025.

19 Q. And who measured the composition in
20 2018/2019?

21 A. Yes. That was when we did the patent.
22 Then, we also did the same measurement.

23 Q. What was the date of the measurement in
24 2018/2019?

25 A. The date?

1 Q. Yes.

2 A. Oh, I can't remember.

3 Q. Was it performed during 2018 or 2019?

4 A. In this area.

5 Q. So over a two-year span?

6 A. I don't know the correct date. I just
7 know that we measured it when we wrote the patent,
8 and that was in this area of time. And we performed
9 the patent work.

10 Q. The patent was filed June 27, 2018?

11 A. Right. 2019.

12 Q. Why were tests performed in 2019?

13 MS. KAISER: Objection to form and lack of
14 foundation.

15 A. The date was 26 June 2019; right? Isn't
16 that correct? Oh, sorry. The filling date is 26
17 June, 2019.

18 Q. (By Ms. Saia) And you have -- there's
19 multiple priority documents below in Section 30 of
20 1007 that were filed June 27, 2018. Are you an
21 inventor on these applications as well?

22 A. Maybe. I don't know the numbers, which --
23 but maybe some of them.

24 Q. Do you know whether the BLG isolate powder
25 A was described in these applications?

1 MS. KAISER: Objection to form.

2 A. Oh, I can't remember because I need to
3 look into which patent is.

4 Q. (By Ms. Saia) In your declaration under
5 the measure 2018 and 2019 column in the chart on page
6 3, where did you obtain those values?

7 A. Can you say it again.

8 Q. On page 3 of your declaration --

9 A. Yeah.

10 Q. -- the measured 2018/2019 column --

11 A. Yeah.

12 Q. -- where did you obtain those values
13 listed in that column?

14 A. Oh, that is the values we measured in the
15 patent. You can see it in -- if you go to the
16 document 100 -- 1007, and it does say a little -- if
17 you see Table 9, page 108. What initials when they
18 perform the patent.

19 THE COURT REPORTER: Would you repeat
20 that.

21 A. Page 108, Table 9.

22 MS. SAIA: And that's Exhibit 1007,
23 Ms. Pacheco.

24 A. Yes.

25 Q. (By Ms. Saia) Ms. Jaeger, you obtained

1 the values that you list in your declaration from
2 this Table 9; is that correct?

3 A. Yes.

4 Q. Does Table 9 list ALA?

5 A. No.

6 Q. So where did you obtain the ALA value?

7 A. Yeah. It was below detections limit.

8 Q. How do you know it was the below
9 detectable limits?

10 A. Yeah. It's in Table 8. The composition
11 of the powder that's shown to be below 0.05. So it's
12 below the detection limit.

13 Q. I just want to clarify. ALA is shown as
14 less than 0.5 --

15 MS. KAISER: Percent.

16 Q. -- percent.

17 MS. KAISER: Yes, sorry.

18 Q. (By Ms. Saia) Not 0.05.

19 A. It's just state that it's below 0.5.

20 Q. Where does it state that ALA is below
21 detection limit?

22 A. But, yeah, that is why we couldn't -- we
23 say that it's below because they couldn't measure
24 below 0.5. In the figure it's stated that ALA is
25 below 0.5 percent. So they couldn't -- they could

1 not measure it. That is why they stated that it's
2 below.

3 Q. I want to be clear. Table 8 does not say
4 that ALA is below detection limit, does it?

5 A. If it's below 0.5, it's because we
6 wrote -- we had put in that it's below, it was
7 because it was not possible to detect. And that is
8 why we call it below detection limit when you cannot
9 measure below this value. It couldn't write a total
10 amount because it's below the detection limit. So
11 that is why the, at BDL, below detection limit, and
12 that is due to the instrument we use.

13 Q. Table 8 does not state that ALA is below
14 detection limit; correct?

15 MS. KAISER: Objection. Asked and
16 answered.

17 MS. SAIA: I'll rephrase that.

18 Q. (By Ms. Saia) Isn't it true that Table 8
19 does not state ALA is below detection limit?

20 MS. KAISER: Objection. Asked and
21 answered.

22 Q. (By Ms. Saia) Ms. Jaeger, you can answer.

23 A. Yes, but it says that below if you say
24 less than, that is less than the amount. So it's --
25 so you can see in the figure it's saying less than

1 0.5 percent. And that is because we could not
2 measure it because it was below detection limit.

3 Q. Why would Table 8 say BDL for calcium,
4 potassium, sodium and magnesium then?

5 A. It's because --

6 MS. KAISER: Objection to form and lacks
7 foundation. You can answer.

8 A. It's due to they have some other detection
9 limit. It's another method. It's a ICP method to
10 measure calcium.

11 THE COURT REPORTER: I'm sorry. ICP?

12 A. ICP is a method to measure minerals. It's
13 the same -- I think it's the same. It's right below
14 detection limit. Or you make a figure and say less
15 than, it's the same meaning. It's the same
16 definition.

17 Q. (By Ms. Saia) What was the detection
18 limit for ALA?

19 A. I don't know the precise number. That I
20 need to go and talk with the laboratory.

21 Q. But you stated below detection limit in
22 your declaration; correct?

23 MS. KAISER: Objection. Form.

24 A. Yes. I can't remember the precise number.

25 Q. (By Ms. Saia) Would 0.49 percent be below

1 detection limit?

2 A. I can't remember the precise detection
3 limit.

4 Q. Why did you write BDL for ALA in your
5 declaration if Table 8 says it's below 0.5 percent?

6 A. I think it's because we have an external
7 lab doing these tests and they will tell us that they
8 are below when we get the results.

9 Q. You stated that you got the numbers for
10 the chart in your declaration from Table 8; right?

11 A. Oh, yes. Okay. Now I understand the
12 question. Sorry. Yeah. Oh, yeah. I don't know.

13 Q. Why did you write the --

14 A. Maybe it's the definition of the question.
15 If it's --

16 Q. What's the definition?

17 A. Yeah, if it's below or less than. Yeah.

18 Q. So is the detection limit 0.5?

19 A. I need to then ask the people that run the
20 instrument to be sure.

21 Q. How did you come up with BDL for ALA in
22 your declaration?

23 A. Yeah, I can't remember.

24 Q. Did you write this chart?

25 A. Yes.

1 Q. And you don't know why you wrote BDL for
2 2018 and 2019?

3 MS. KAISER: Objection to form.

4 A. Yeah. Again, as I said before, that
5 because it's been -- because I don't have a correct
6 value, it is below a number.

7 Q. (By Ms. Saia) Why didn't you just write
8 below 0.5 percent?

9 A. Yeah. I don't know.

10 Q. Did Dr. Etzel tell you to put BDL for the
11 ALA value?

12 A. No.

13 Q. You're not sure?

14 A. I can't -- I can't remember. It's a long
15 time ago. No.

16 Q. You can't remember whether Dr. Etzel told
17 you to write BDL for ALA?

18 A. I don't think, no, because I -- yeah, I
19 can't remember.

20 Q. You can't remember whether Dr. Etzel told
21 you --

22 A. No, I don't think -- I don't think I
23 talked about it with Dr. Etzel. I don't think so,
24 but he was more -- I can't remember why it was BDL
25 instead of less than. That is what I can't remember.

1 If it was less than or -- it's always the same. It's
2 always the same if it's --

3 Q. But it's not the same, is it?

4 MS. KAISER: Objection to form.

5 A. Yeah. It's less than a value. So I can't
6 get you the right absolute value.

7 Q. (By Ms. Saia) You don't know the
8 detection limit, do you?

9 A. I said I don't know the precise detection
10 limit.

11 Q. So you altered the data that's in Table 8,
12 didn't you?

13 MS. KAISER: Objection to form.

14 Q. (By Ms. Saia) You can answer, Ms. Jaeger.

15 A. Yeah. But definition, if it's below
16 detection limit or if it's below a value, is that
17 because we cannot -- we haven't got the value.

18 Q. Where is the definition?

19 A. It's state that it's below a value.

20 Q. So it could be below 100 percent?

21 A. Below 0.5 percent.

22 Q. Is that the detection limit, 0.5 percent?

23 A. Oh, it's, again, it's seven years ago
24 since we did this, so I cannot remember. But I think
25 maybe because we have put it below. So if it's

1 below, then it's less than the number. So . . .

2 Q. Do you see that BLG isolate powder A was
3 made on November 28th, 2017; is that correct?

4 A. Yeah. November 28th, '17. Yes.

5 Q. Why was the composition of the powder
6 assessed in 2018 or 2019?

7 A. Because that was when we started to do the
8 patent work.

9 Q. So -- sorry. Please repeat that.

10 A. Yeah. Sorry. It was because we did the
11 patent work in that period.

12 Q. Would the measurements in 2018 or 2019
13 have represented the composition when the powder was
14 made in 2017?

15 A. Oh, yes.

16 Q. What's your basis for that?

17 A. Because it's only if you -- it's at the
18 end of two thousand and -- again, it's -- it's the
19 powders. It's very stable.

20 Q. But you said WPI only has a shelf life of
21 three years.

22 MS. KAISER: Objection. Form.

23 Mischaracterizes.

24 A. It's -- it's what is stated for the

25 customers. It doesn't mean that it not can be stored

1 longer time.

2 Q. (By Ms. Saia) Why would the customers
3 have a different shelf life than Arla?

4 MS. KAISER: Objection. Foundation.

5 A. Maybe I'm not the right person to answer
6 that question. I don't think that is more, yeah.

7 Q. (By Ms. Saia) You don't know how long the
8 shelf life for this powder would be?

9 MS. KAISER: Objection. Form.

10 A. There's different type of shelf life.

11 Q. (By Ms. Saia) What do you mean by that?

12 A. That what if you have a customer or if
13 it's -- I cannot explain how we do this shelf life
14 test. I think that it's a company team.

15 Q. I'm not asking you about how you test.
16 I'm asking do you know the shelf life of BLG isolate
17 powder A.

18 MS. KAISER: Objection. Form.

19 A. No.

20 Q. (By Ms. Saia) Okay. Let's take a look at
21 that chart again on page 3. What is CMP?

22 A. It's a casein peptides.

23 Q. That's casein macro peptide; correct?

24 A. Yeah. Yes.

25 Q. Where did you get the BDL measurement for

1 CMP in 2018 or 2019?

2 A. Sorry. I just need some power for the
3 computer.

4 MS. KAISER: Oh.

5 A. Sorry. Yes. Sorry.

6 Q. (By Ms. Saia) I'll reask. That's okay.
7 Where did you get the BDL measurement for CMP in the
8 2018/2019 column?

9 A. No. I can't remember.

10 Q. Did you just make it up?

11 MS. KAISER: Objection. Form.

12 A. No.

13 Q. (By Ms. Saia) So where did you get it?

14 MS. KAISER: Just like the record to
15 reflect that the witness is looking in Exhibit
16 1007 and counsel should give her time to look.

17 MS. SAIA: I'll give her time to look.

18 Q. (By Ms. Saia) Do you have an answer,
19 Ms. Jaeger?

20 MS. KAISER: Counsel, you said you would
21 give her time to look. She's still looking.

22 MS. SAIA: I've given her time. I want to
23 know if she has an answer.

24 MS. KAISER: It's a hundred-page document.
25 She's still looking. If you would like her to

1 answer, give her time to look.

2 MS. SAIA: I'm looking at her declaration,
3 which is a five-page document. I'm asking where
4 she got the CMP value listed in
5 her declaration.

6 MS. KAISER: She's trying to answer your
7 question. Please give her time to look if you
8 want her to answer your question. If you want
9 her to not look and try and answer your
10 question, then you can let her know that.

11 A. In Table 9, we only edit the BLG content.

12 THE COURT REPORTER: I'm sorry. Could you
13 repeat that.

14 A. In Table 9, we only edit the BLG content.

15 Q. (By Ms. Saia) Table 9 in Exhibit 1007?

16 A. Yes. 108 we only edited the BLG content
17 and then we have --

18 Q. Are you saying that CMP is not listed in
19 Table 9?

20 A. Yeah, it's not in Table 9, but if we look
21 at Table 8.

22 Q. What is the value of CMP in Table 8? It's
23 less than one percent; correct?

24 A. Yeah. So CMP, yeah, it's low.

25 Q. What is the BLG concentration of BLG

1 powder A -- sorry. I will rephrase that entire
2 question. You can strike that.

3 What is the BLG concentration and BLG
4 powder A of Table 8?

5 A. Oh, no. No. It's the -- oh, that's Table
6 8? It's in Table 9.

7 Q. I'm asking about Table 8.

8 A. Yeah, Table 9 is powder A and then Table 8
9 is called powder B.

10 Q. So powder B in Table 8 is actually powder
11 A?

12 MS. KAISER: I'm sorry, counsel. I missed
13 that. Can you ask that again. I apologize.

14 Q. (By Ms. Saia) I said -- I'll rephrase.
15 Isn't it true that BLG powder B in Table 8 is
16 actually BLG powder A?

17 MS. KAISER: In Table 9?

18 A. In Table 8.

19 Q. (By Ms. Saia) In Table 9.

20 A. Is B. Yeah. BLG powder B is Table --
21 sorry. Is product A. Yeah. I don't know the
22 answer. I think it's a mixup.

23 Q. (By Ms. Saia) Understood.

24 A. The total BLG is the same and total
25 protein is the same.

1 THE COURT REPORTER: You're tending to
2 talk over one another. Can you repeat that
3 answer.

4 A. That powder A in Table 9 is the same as
5 powder B in Table 8.

6 THE COURT REPORTER: Thank you.

7 MS. KAISER: Megan, would now be okay to
8 take a break?

9 MS. SAIA: Let me finish this line of
10 questioning, if you don't mind. It won't take
11 very much longer.

12 MS. KAISER: Okay.

13 Q. (By Ms. Saia) I just want to take a look
14 at the CMP composition and BLG powder B of Table 8.
15 Could take a look at that, Ms. Jaeger. The CMP
16 composition of powder B in Table 8.

17 A. Yeah.

18 Q. The CMP composition is 1.08; is that
19 correct?

20 A. Yes.

21 Q. You listed in your declaration that CMP
22 was below detection limit; is that correct?

23 A. Yes.

24 Q. Why did you write below detection limit if
25 Table 8 states 1.08?

1 A. Yeah, I can't remember the detection
2 limit, what that is of CMP.

3 Q. Table 8 states that BLG powder B has a CMP
4 concentration of 1.08. This means that CMP was
5 detected; correct?

6 A. Yeah. Yes.

7 Q. So CMP was not below the detection limit;
8 right?

9 A. Yeah. I think so. It seems like.

10 Q. Your declaration is incorrect?

11 A. Yeah. It must be. I don't know. I can't
12 remember why. If it's because we used Table 9 to put
13 in the results. I think we used Table 9.

14 Q. But CMP is not listed in Table 9; right?

15 A. Yeah. Yeah.

16 Q. So your declaration's incorrect?

17 A. Yeah. But the CMP is very -- it's very
18 close to the detection limit.

19 Q. What's the detection limit?

20 A. Again, that's quite simple. We see it's
21 around 1. Okay. It's a 1.08. So, of course, it's
22 very close to the detection limit because if you look
23 at Table 8 --

24 THE COURT REPORTER: I'm sorry. Very
25 close to the?

1 A. If you look at Table 8, you can see that
2 the BLG powder A states that below 1, then it's --
3 you cannot detect it. And the BLG powder B says 0 --
4 1.08. So we are very, very close to the detection
5 limit, yeah. I can see -- yeah.

6 Q. I thought the detection limit was less
7 than 0.5 percent?

8 A. Oh, it depends which protein you're
9 measuring. This is another type of protein. And
10 that say that it's lower than 1, and then it has been
11 because we could not measure lower than 1.

12 Q. But it's above 1, right, for BLG --

13 A. Yes. Sorry. Of course. Of course.

14 Q. So --

15 A. I just said very cross to the detection
16 limit. But, yes, I agree. Yeah.

17 Q. You don't know the actual detection
18 limits, though, right?

19 A. I don't know the correct -- correct value.
20 Yeah.

21 MS. SAIA: All right. We'll take a break,
22 Jessica. 10 minutes?

23 MS. KAISER: Why don't you give me a
24 little bit more time so I can look into the
25 materials that Megan asked me to.

1 MS. SAIA: Okay. How much time do you
2 need?

3 MS. KAISER: Let's say 20.

4 MS. SAIA: Can we do 15? I'm just
5 concerned about the timing of this.

6 MS. KAISER: I'll do my best. I will come
7 back in 15 and tell you I need more time to look
8 into that issue.

9 MS. SAIA: All right. We'll discuss then.
10 Thank you.

11 THE VIDEOGRAPHER: The time is 4:02. We
12 are now off the record.

13 (Recess from 4:02 p.m. to 4:20 p.m.)

14 THE VIDEOGRAPHER: This is the beginning
15 of media unit No. 4 of the video-recorded
16 deposition of Ms. Tanja Christine Jaeger. The
17 time is 4:20 p.m. Denmark local. We are now
18 back on the record. Counsel, you may proceed.

19 MS. SAIA: Thank you.

20 Q. (By Ms. Saia) Ms. Jaeger, I just want to
21 quickly touch base on something you had said before
22 we took a break. We were looking at Exhibit 1007,
23 Table 8, which is on page 104. You stated some of
24 these measurements were performed by an external
25 company; is that correct?

1 A. It's the -- because you have two
2 laboratory in the company. So one of them done at
3 the production laboratory. And some of them done
4 in --

5 THE COURT REPORTER: You'll have to repeat
6 that. I'm sorry.

7 A. It's because we have two laboratory at
8 this site. Where one is production laboratory and
9 one is research laboratory. And these measurement
10 has been done in the production laboratory.

11 Q. All of the measurements listed in Table 8
12 were done in the production laboratory?

13 MS. KAISER: Objection. Foundation.

14 A. Protein, ash and minerals.

15 THE COURT REPORTER: What was the first
16 one?

17 A. Proteins, type of protein, ash content and
18 the minerals content is done at the production
19 laboratory.

20 Q. (By Ms. Saia) Which of these measurements
21 was done at the research laboratory listed in Table
22 8?

23 A. The pH measurements.

24 Q. And in your petition -- or sorry. Excuse
25 me. You can strike that.

1 In your declaration, Exhibit 1021 at page
2 3, which of the measurements listed in the chart were
3 done at the production laboratory?

4 MS. KAISER: I'm sorry. Can you ask that
5 again. I didn't -- I didn't hear you.

6 Q. (By Ms. Saia) On page 3 of your
7 declaration, Exhibit 1021, which of the measurements
8 in the chart were performed at the production
9 laboratory?

10 A. That is all these measurement. That is
11 production laboratory, yeah.

12 Q. Did you perform the measurements?

13 A. No. It's -- it's the production
14 laboratory. Staff equipment.

15 Q. Did they perform the measurements in 2025
16 as well?

17 A. Yes.

18 Q. Where is the production laboratory?

19 A. It's on this side just beside the
20 production. It's very close by. Yeah.

21 Q. All right. In the shared folder, I've
22 uploaded and made visible to you all Exhibit 1003.
23 Could y'all take a look at that, please.

24 MS. KAISER: Yeah, I think you can just
25 click, either close it. Sorry. She was just

1 asking about the cookies thing that came up.

2 MS. SAIA: That's all right.

3 A. I'm sorry. What did you say I need to do
4 in that folder?

5 Q. (By Ms. Saia) Please open Exhibit 1003.

6 A. Yes.

7 Q. Before we look at Exhibit 1003, I just
8 wanted to make clear about the measurements listed in
9 your declaration on page 3, the chart that we were
10 just discussing. I want to make clear that somebody
11 else did the testing reflected in the chart and it
12 wasn't you; is that correct?

13 MS. KAISER: Objection to form and asked
14 and answered.

15 A. It is all production laboratory that do
16 these tests because we don't have these instruments
17 in our own laboratory.

18 Q. (By Ms. Saia) Isn't it true that you
19 didn't do these tests?

20 A. Yeah. We sent the powders for them to
21 measure, yeah.

22 (Exhibit 1003 was marked for
23 identification.)

24 Q. (By Ms. Saia) And let's go to Exhibit
25 1003. Do you have that exhibit pulled up here?

1 A. Yes.

2 Q. Okay. Do you recognize this document?

3 A. Is that the 1003?

4 MS. KAISER: I believe that's what you
5 have up, yes.

6 A. I have to read it.

7 Q. (By Ms. Saia) It's entitled The
8 Declaration of Dr. Mark Etzel.

9 A. No, I haven't read that.

10 Q. Okay. This is Dr. Etzel's declaration.
11 If you could turn, please, to page 82.

12 A. Yes.

13 Q. Paragraph 167 states: "A list of raw
14 ingredients is provided below illustrating the batch
15 number of the BLG powder used which Arla scientists
16 informed me is the same batch of material in Nielsen
17 450." Do you see that paragraph?

18 A. Yeah. Yes.

19 Q. And this is discussing the BLG powder A
20 that you provided to Dr. Etzel; is that correct?

21 A. Yes.

22 Q. Take a look at the protein percent column
23 on the right. Do you see that it says, "Measured
24 2017 equals 93. 7 percent."

25 A. Yeah.

1 Q. Do you list in your declaration the 2017
2 protein composition measurements?

3 A. Yes, but I -- I don't know and I need to
4 go back and see if you need the right year it was
5 measured.

6 Q. I would like the correct year that it's
7 measured. Is your declaration incorrect?

8 A. As I said before, I haven't looked at the
9 precise date when we measured. I just know that we
10 did the patent in '18 and '19. So I need to go back
11 and look, if you would like to me to find the precise
12 date or precise year it was measured.

13 Q. Where would you look for that?

14 A. I will try to go back and find the data,
15 data.

16 Q. Would it be in the laboratory records?

17 MS. KAISER: Objection. Foundation.

18 A. I can't remember where we put it. Again,
19 it's seven years since. So I need to go back and
20 look at the results.

21 Q. (By Ms. Saia) Is Dr. Etzel's statement
22 that the BLG powder A was measured in 2017 incorrect
23 then?

24 MS. KAISER: Objection. Foundation.

25 A. I don't know the precise year. I need to

1 check them.

2 Q. (By Ms. Saia) In your declaration you
3 list 2018 to 2019. Is that incorrect?

4 A. I don't know.

5 Q. You don't know whether that's correct?

6 MS. KAISER: Objection. Asked and
7 answered.

8 A. I need to check the date.

9 Q. (By Ms. Saia) You stated that powder A
10 was made November 28, 2017. When did Dr. Etzel
11 perform his experiments?

12 A. Last year.

13 Q. In 2025?

14 A. Yes.

15 Q. So powder A was stored from 2017 to 2025?

16 A. Yes.

17 Q. Do you generally use eight-year-old
18 samples in your experiments?

19 A. It depends.

20 Q. On what?

21 A. Of your experiments, what you would like
22 to investigate.

23 Q. If a sample was more recent than eight
24 years, would you have preferred to use that sample?

25 MS. KAISER: Objection. Form.

1 A. It depends on the product.

2 Q. (By Ms. Saia) What does it depend on?

3 A. What would you like to use it for, which
4 type of experiments that you want.

5 Q. Are the experiments that Dr. Etzel
6 performed, would you have preferred to use a powder
7 that was stored for less time than eight years?

8 MS. KAISER: Objection. Form.

9 A. Of my knowledge, it doesn't -- will not
10 change so much because we can see that, of course, we
11 knew that BLG crystals are very stable. And so,
12 yeah.

13 Q. (By Ms. Saia) But BLG is not the only
14 component of BLG isolate powder, is it?

15 A. No. But it's very pure.

16 Q. What changes could occur during storage of
17 a BLG isolate powder?

18 MS. KAISER: Objection. Form.

19 A. We have observed some moisture absorption.

20 Q. (By Ms. Saia) Is that all?

21 A. Of my knowledge, because we know BLG
22 crystals are stable and we don't have -- we only have
23 very, very low contain of lactose. I believe it's
24 stable.

25 Q. You see in paragraph 13 of your

1 declaration, Exhibit 1021, that you operated the
2 equipment under instructions of Dr. Etzel. What does
3 this mean?

4 A. This mean that I did the -- the practical
5 work portion of the homogenization did that practical
6 work. Run the instrument.

7 Q. Sorry. Are you finished?

8 A. Yes.

9 Q. Dr. Etzel instructed you what to do and
10 all you did was run the instrument for him; is that
11 correct?

12 MS. KAISER: Objection to form.

13 A. We planned the setup, did the experiments.
14 Then, of course, run a different --

15 THE COURT REPORTER: I'm sorry. Could you
16 repeat that.

17 A. Yeah. Maybe you can -- can you clarify
18 the question. Sorry.

19 Q. (By Ms. Saia) Did you help Dr. Etzel
20 design the experiments?

21 MS. KAISER: Objection to form.

22 A. Sorry. We -- Dr. Etzel came in with a
23 proposal of what experiment we should run or which
24 experiment we should repeat. And then we did that in
25 the laboratory together.

1 Q. (By Ms. Saia) Did you change any planned
2 experiments from his proposal?

3 A. No. We planned it. We just repeated the
4 experiments that was planned. So . . .

5 Q. And what exactly did you measure if most
6 of the testing for BLG isolate powder was done at
7 this production facility?

8 A. Sorry. Can you repeat.

9 Q. You stated that the production laboratory
10 of Arla performs most of the experiments related to
11 the BLG isolate powder; is that correct?

12 MS. KAISER: Objection. Form.

13 A. No. No. I say that the production lab
14 measure the minerals and the ash and total protein.

15 Q. (By Ms. Saia) But the --

16 A. The experiments we did in our laboratory.
17 In the laboratory we did all experiments. Yeah,
18 thank you.

19 Q. All right. I'll turn back to your
20 declaration. If you could look at paragraph 7 with
21 me. It's on page 2.

22 A. Yes.

23 Q. Okay. The second sentence states: "In
24 Nielsen450, we explained that the BLG powder A was
25 prepared using methods described in WO 2018/115520 or

1 ('Bertelsen')." Do you see that sentence?

2 A. Yes.

3 Q. Do you have personal knowledge about how
4 BLG powder A was prepared?

5 A. No.

6 Q. Okay.

7 A. No. And again, I'm not a process expert.

8 Q. What do you mean we explained that the BLG
9 powder A was prepared using the methods in Bertelsen?

10 A. I'd say it's dated in the patent. I think
11 it's described in the patent.

12 Q. You have no personal knowledge of how the
13 powder was prepared?

14 A. Not in detail. I don't know the
15 production in detail.

16 Q. What do you know about the production?

17 A. That the production of the powder?

18 Q. Yes.

19 A. I'm not an expert in the production of the
20 powder. I have worked with the powder in the
21 beverage solution.

22 THE COURT REPORTER: I'm sorry. In the?

23 A. In the beverage, when we produced the
24 beverage in the laboratory. But I didn't produce the
25 BLG powder.

1 Q. (By Ms. Saia) Okay. And let's take a
2 look again at Exhibit 1003, the one that I had asked
3 you to pull up. Page 82, the page we were just
4 looking at, has a drawing at the top of the page. Do
5 you see that?

6 A. Yes.

7 Q. Did you draw this?

8 A. No.

9 Q. Did Dr. Etzel draw this image?

10 A. Yes.

11 Q. What does this drawing describe?

12 A. It describes the test we did in the
13 laboratory.

14 Q. What does photo mean?

15 A. Sorry?

16 Q. Photo is listed.

17 A. Oh, yeah. That would be take -- take
18 pictures of the -- of the solutions before and after
19 heat treatment.

20 Q. Understood. Okay. And what about NTU?

21 A. That is turbidity. Yeah.

22 Q. TKN?

23 A. And that is the denaturation degree, like
24 to measure the penetration of the protein.

25 Q. What does NTU stand for?

1 A. It's a -- it's a -- what you say. It's a
2 value. It's a just a unit.

3 Q. A unit of what?

4 A. Of the -- how, for example, how clear your
5 solution is. If you have a turbid solution, an
6 unclear solution or if you have a clear solution.
7 You have unclear solution, then you have a high NTU
8 value.

9 Q. How does that relate to the denaturation?

10 A. Oh, it doesn't relate to the denaturation.
11 It's just that you can produce different types of
12 beverage.

13 Q. Okay. Then how does the TKN relate to
14 denaturation?

15 A. That is the method where you measure the
16 denaturation.

17 THE COURT REPORTER: Could you repeat
18 that.

19 A. That is the method how to measure the
20 denaturation.

21 THE COURT REPORTER: I'm not
22 understanding.

23 MS. SAIA: It's the method of measuring
24 denaturation.

25 THE COURT REPORTER: Are you saying

1 denetration?

2 MS. SAIA: Denaturation. I can put it in
3 the chat, if you'd like.

4 THE COURT REPORTER: Thank you.

5 Q. (By Ms. Saia) What does TKN stand for?

6 MS. KAISER: Objection. Foundation.

7 A. Oh, I can't remember the right -- it is
8 the measurement where you measure protein before and
9 after you have precipitated -- sorry, precipitated
10 your denaturated protein. But I can't remember the
11 correct TKN.

12 THE COURT REPORTER: Would you repeat
13 that.

14 THE INTERPRETER: I just looked it up on
15 AI. It says total Kjeldahl nature nitrogen.

16 MS. SAIA: I don't think that it's
17 appropriate from an interpreter.

18 MS. KAISER: Yeah, if I could just ask the
19 interpreter, if you could confine to when Tanja
20 asks you to clarify something in Danish. We
21 don't need you to look up terms for her.

22 THE INTERPRETER: No, I won't. I
23 apologize. I should not interject like that.

24 MS. KAISER: Thank you.

25 THE COURT REPORTER: I still haven't

1 gotten the answer. So if you could repeat it.

2 A. Can I have the question again.

3 Q. (By Ms. Saia) I asked what is TKN.

4 A. Sorry.

5 Q. What does TKN stand for?

6 A. Total Kjeldahl protein.

7 Q. And you didn't know that before the
8 interpreter stated it; is that correct?

9 A. I know it but I couldn't remember it.

10 Q. Okay.

11 A. I knew it. Of course, I knew it.

12 Q. Understood. And can you just describe to
13 me how that's related to denaturation?

14 A. Yeah, I can. You have a solution and
15 there you will measure the total Kjeldahl nitrogen.
16 And that is your total protein in the solution. And
17 then you acidify your protein solution to PS4.6. And
18 then your protein that has been denaturated, they
19 will precipitate -- is a very difficult word. And
20 then you can measure how much protein and then the
21 difference between these two values give you the
22 degree of denaturation in the beverage you produce.

23 Q. And that method is the total Kjeldahl
24 nitrogen?

25 A. Yeah. That is to measure the total

1 protein content.

2 Q. Okay. And in this image, I see DWP kind
3 of at the bottom right. Do you know what that means?

4 A. Denaturated --

5 MS. KAISER: I was just going to say
6 objection form and foundation. Go ahead.

7 A. Denaturated whey protein.

8 Q. (By Ms. Saia) And on the bottom right,
9 the far bottom, I see PPT. Is that precipitation?

10 MS. KAISER: Objection. Foundation.

11 A. Maybe.

12 Q. (By Ms. Saia) Do you know what PPT might
13 mean in this context?

14 MS. KAISER: Same objection.

15 A. It could be. I haven't wrote it. I
16 didn't wrote it. So . . .

17 Q. (By Ms. Saia) How did you perform the
18 heat treatment that's described in this drawing?

19 A. We did the heat in our water bath in some
20 whiles. And then we cooled them down afterward.

21 Q. And you said DWP was denaturated whey
22 protein; is that correct?

23 A. Yes.

24 Q. How is that related to the degree of
25 denaturation?

1 MS. KAISER: Objection. Form.

2 A. If your whey protein denaturated -- I'm
3 sorry. Can you say the question again.

4 Q. (By Ms. Saia) Should the DWP value
5 increase as denaturation increases?

6 A. If the denaturation increases, yes, then
7 you will have more denatured protein, yes.

8 Q. What is the Kjeldahl analysis? It's
9 described throughout Dr. Etzel's experiments.

10 MS. KAISER: Objection form and objection
11 foundation.

12 A. Kjeldahl is a method to measure protein.

13 Q. (By Ms. Saia) It's a method to measure
14 protein concentration?

15 A. Yes.

16 Q. How is that method performed?

17 MS. KAISER: Objection foundation and
18 outside the scope.

19 A. I would just look if I can find an example
20 of the method.

21 Q. (By Ms. Saia) Did you perform the
22 Kjeldahl method under Dr. Etzel's instruction?

23 A. This method is, again, at the production
24 laboratory. Because it's Kjeldahl, we only have --
25 we don't have that in the research laboratory.

1 Q. I see. Okay.

2 A. Yeah.

3 Q. Let's look at page 98 of Exhibit 1003. Do
4 you see the two charts on page 98?

5 A. Yes.

6 Q. What do these charts appear to describe to
7 you?

8 MS. KAISER: Objection foundation and
9 objection form.

10 A. Sorry. I just have to read. Let me see.
11 It's just the degree of denaturation of the beverage
12 you produced. It's just the degree of denaturation
13 of the proteins in the heated samples, both in the
14 unheated and heated samples.

15 Q. By Ms. Saia) You stated earlier that DWP
16 or denaturated whey protein should increase as
17 denaturation increases; is that correct?

18 MS. KAISER: Objection form and objection
19 outside the scope.

20 A. The denaturated protein.

21 Q. (By Ms. Saia) Earlier we discussed DWP
22 percent as it related to the drawing that we looked
23 at together. And you stated that DWP percent should
24 increase as the degree of denaturation increases; is
25 that correct?

1 MS. KAISER: Counsel, you asked her a
2 question and then she was reviewing something to
3 answer, and then you asked her a different
4 question. Which question do you want her to
5 answer?

6 MS. SAIA: It's unclear to me when she's
7 reviewing something. She had said an answer.

8 MS. KAISER: She was looking at Exhibit
9 1003 that you pointed her to.

10 Q. (By Ms. Saia) Could you just tell me,
11 Ms. Jaeger, when you need a second to respond?

12 A. Yeah. Yeah. I need a second. I just
13 need to refresh this method. I think it was the --

14 Q. Would you like me to rephrase the question
15 and we can strike those last two?

16 A. I need to refresh this method. I haven't,
17 again, I haven't seen this document. So I need to
18 refresh. It is, like, a calculation. So we need to
19 find, however, calculation, how to calculate this.
20 And I think it's described.

21 Q. Okay. We'll move on.

22 A. Yeah. It's more how to -- yeah, a
23 calculation we need to put the values in to have the
24 right, yeah.

25 Q. The experiments shown on page 98 of

1 Exhibit 1003, those were performed by the production
2 laboratory; is that correct?

3 MS. KAISER: Objection. Form.

4 A. Sorry. Can you say it again.

5 Q. (By Ms. Saia) Were these experiments
6 shown on page 98 and the two charts performed by the
7 production laboratory at Arla?

8 MS. KAISER: Objection. Form.

9 A. This method was conformed in all research
10 laboratories but in the chemical department.

11 Q. (By Ms. Saia) So you --

12 A. That was one of my colleagues. And then
13 my colleague sent the samples to the Kjeldahl because
14 we don't have the Kjeldahl instrument in our
15 laboratory.

16 Q. Which company performed this?

17 A. He's called Peter Paulsen. And then
18 Kirsten Woodall.

19 Q. Okay.

20 A. And the technician.

21 Q. Let's look back at your declaration,
22 Exhibit 1021. On page 3 looking at the chart, why
23 would the total protein decrease from 2018/2019 to
24 2025?

25 A. Oh, yeah. That's due to water absorption

1 in the powder.

2 Q. What does water absorption cause?

3 MS. KAISER: Objection. Form.

4 A. Can you clarify the question.

5 Q. (By Ms. Saia) How do you know that the
6 total protein amount changing was due to water
7 absorption during storage?

8 A. Because you also measure the dry -- the
9 dry matter and you can see the dry matter is also
10 decreasing. And that water has been absorbed in the
11 powder.

12 Q. So the protein as a percent of the dry
13 matter should be the same between 2018 and 2025; is
14 that correct?

15 MS. KAISER: Objection form.

16 A. If the dry matter degrees, then the
17 protein also degrees because they measure it in the
18 powder.

19 Q. (By Ms. Saia) The ratio of the protein
20 over dry matter should be the same?

21 MS. KAISER: Objection. Form.

22 A. Yeah. Approximate, but that's . . .

23 Q. (By Ms. Saia) To be clear, you stated
24 that the protein as a percent of dry matter should be
25 the same in 2018/2019 to 2025; is that correct?

1 MS. KAISER: Objection form and
2 mischaracterizes.

3 A. No. I'm not sure.

4 Q. (By Ms. Saia) You're not sure of what?

5 A. If it can be -- it's -- I don't think it
6 can be totally the same. Of course, it has some
7 variation.

8 Q. Why would it have some variation?

9 A. For example, due to the -- what do you
10 call it? Your analytical methods have some variation
11 when you measure. So that is a variation in your
12 analytical methods. Also your technique to check and
13 count.

14 THE COURT REPORTER: I'm sorry. Variation
15 and?

16 MS. SAIA: In your analytical methods.

17 THE COURT REPORTER: Thank you.

18 Q. (By Ms. Saia) You stated that the total
19 protein change was due to moisture absorption during
20 storage; right?

21 MS. KAISER: Objection to form.

22 A. Yeah. You see a decrease in dry matter
23 and then also in total protein.

24 THE COURT REPORTER: Also in total?

25 A. Total protein.

1 Q. (By Ms. Saia) Couldn't the total protein
2 change have been caused by protein degradation?

3 MS. KAISER: Objection. Form.

4 A. The total protein is measured by Kjeldahl
5 and Kjeldahl is measuring the nitrogen.

6 Q. (By Ms. Saia) It doesn't answer my
7 question. I asked couldn't --

8 A. Yes.

9 Q. -- the total protein change have been due
10 to protein degradation?

11 MS. KAISER: Objection. Form.

12 A. I don't think so.

13 Q. (By Ms. Saia) Why not?

14 A. Because you also see a reduce in the dry
15 matter.

16 Q. The reduction in dry matter caused by
17 moisture absorption would have affected the total
18 protein and the dry matter equally; right?

19 MS. KAISER: Objection form. Objection
20 asked and answered.

21 A. Again, approximate, it will approximate be
22 around the same values. But, again, there is some
23 variation in analytical methods.

24 Q. (By Ms. Saia) Do you know whether the
25 analytical methods used by the production

1 laboratories that our load changed between 2018 or
2 2019 and 2025?

3 MS. KAISER: Objection. Form.

4 A. Ask again.

5 Q. (By Ms. Saia) You stated that these
6 measurements listed on this table here on page 3 of
7 your declaration, Exhibit 1021, were performed by the
8 production laboratories; is that correct?

9 A. Yes.

10 Q. Did they use the same analytical methods
11 and the production laboratories in 2018 and 2025?

12 A. Yes. I haven't heard about this. You
13 have new instrument, but, yeah. But they always use
14 Kjeldahl.

15 Q. So the protein has a percent of dry matter
16 should be approximately the same?

17 MS. KAISER: Objection form and asked and
18 answered.

19 THE WITNESS: Should I answer?

20 MS. KAISER: You can answer.

21 A. Okay. As said before, I approximate the
22 same because there is a variation in the analytical
23 methods.

24 Q. (By Ms. Saia) Okay. I'd like for you --
25 do you have a pen and paper nearby?

1 MS. KAISER: No.

2 A. No.

3 MS. SAIA: Sorry about that.

4 MS. KAISER: Oh, go ahead. I was going to
5 ask if you wanted to take a break. Sorry.

6 MS. SAIA: No.

7 Q. (By Ms. Saia) Do you have a pen and paper
8 nearby, Ms. Jaeger? Could you calculate something
9 for me on paper?

10 MS. KAISER: She doesn't have a pen and
11 paper nearby.

12 MS. SAIA: That would be great.

13 MS. KAISER: We don't have any in this
14 room. So if you wanted to get some, we should
15 take a break and go get some.

16 MS. SAIA: Okay. We can take a
17 five-minute break for that. Thank you.

18 THE VIDEOGRAPHER: The time is 5:05.
19 We're now off the record.

20 (Recess from 5:05 p.m. to 5:10 p.m.)

21 THE VIDEOGRAPHER: This is the beginning
22 of media unit No. 5 of the video-recorded
23 deposition of Ms. Tanja Christine Jaeger. The
24 time is 5:10 p.m. local in Denmark. We are now
25 back on the record. Counsel, you may proceed.

1 MS. KAISER: Yeah. I think we're going to
2 take another break shortly. But before we do, I
3 wanted to address the issue that counsel from
4 Leprino raised previously and asked me to look
5 into at a break.

6 As I mentioned previously, the time for
7 objecting to evidence that was presented at the
8 petition has passed. Nevertheless, we will take
9 the request under advisement. We have not had
10 sufficient time today to locate and review the
11 specific records in a way that would ensure that
12 they don't, for example, contain confidential
13 information that's outside the scope of
14 Ms. Jaeger's testimony.

15 And so I just wanted to confirm,
16 particularly as I understand that the deposition
17 is nearing the end, we will not be producing
18 those today. But I will take it under
19 advisement.

20 MS. SAIA: It's our position that these
21 objections that we did not file at the time that
22 you're describing relate to the ability to file
23 a motion to exclude. We're not going to file a
24 motion to exclude based on this. And these
25 deadlines don't relate to issues raised like

1 this.

2 It wasn't until today that we learned
3 Ms. Jaeger relied on these laboratory records to
4 prepare her declaration.

5 MS. KAISER: Her declaration speaks for
6 itself and, again, I'll take it under
7 advisement.

8 MS. SAIA: Okay. Thank you.

9 THE VIDEOGRAPHER: The time is 5:12 --

10 MS. KAISER: Sorry go ahead.

11 THE VIDEOGRAPHER: The time is 5:12.
12 We're now off the record.

13 (Recess from 5:12 p.m. to 5:23 p.m.)

14 THE VIDEOGRAPHER: The time is 5:23 local
15 Denmark p.m. We're now back on the record.
16 Counsel, you may proceed.

17 MS. SAIA: We have no further questions.
18 Ms. Jaeger. Thank you.

19 MS. KAISER: All right. And then no
20 redirect for me either. We'll reserve signature
21 for the witness.

22 THE VIDEOGRAPHER: Very good. Thank you,
23 counsel. If there are no more questions, this
24 will conclude today's video-recorded deposition
25 testimony as given to us by Ms. Tanja Christine

1 Jaeger. The time is 5:24 p.m. local in Denmark
2 and we are now off the record. Thank you all
3 very much.

4 (Deposition concluded at 5:24 p.m.)

5 (Pursuant to Rule 30(e) of the Federal
6 Rules of Civil Procedure and/or O.C.G.A. 9-11-30(e),
7 signature of the witness has been reserved.)

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1 CERTIFICATE OF COURT REPORTER

2

3 STATE OF GEORGIA:

4 COUNTY OF CHATHAM:

5

6 I hereby certify that the foregoing
7 transcript was reported as stated in the caption and
8 the questions and answers thereto were reduced to
9 writing by me; that the foregoing 119 pages represent
10 a true, correct, and complete transcript of the
11 evidence given on Wednesday, March 4, 2026, by the
12 witness, TANJA CHRISTINE JAEGER, who was first duly
13 sworn by me.

10

11 I certify that I am not disqualified
12 for a relationship of interest under
13 O.C.G.A. 9-11-28(c); I am a Georgia Certified Court
14 Reporter here as an employee of Gilbert & Jones, Inc.
15 who was contacted by Huseby Court Reporting to
16 provide court reporting services for the proceedings;
17 I will not be taking these proceedings under any
18 contract that is prohibited by O.C.G.A. 15-14-37(a)
19 and (b) or Article 7.C. of the Rules and Regulations
20 of the Board; and by the attached disclosure form I
21 confirm that neither I nor Gilbert & Jones, Inc. are
22 a party to a contract prohibited by
23 O.C.G.A. 15-14-37(a) and (b) or Article 7.C. of the
24 Rules and Regulations of the Board.

18 This 10th day of March, 2026.

19

20

21

23

24

25



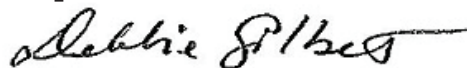
Annette Pacheco, CCR-B-2153

1 DISCLOSURE OF NO CONTRACT

2 I, Debbie Gilbert, do hereby disclose
3 pursuant to Article 10.B of the Rules and Regulations
4 of the Board of Court Reporting of the Judicial
5 Council of Georgia that Gilbert & Jones, Inc. was
6 contacted by Huseby Court Reporting to provide court
7 reporting services for these proceedings and there is
8 no contract that is prohibited by O.C.G.A.
9 15-14-37(a) and (b) or Article 7.C. of the Rules and
10 Regulations of the Board for the taking of these
11 proceedings.

12 There is no contract to provide reporting
13 services between Gilbert & Jones, Inc. or any person
14 with whom Gilbert & Jones, Inc. has a principal and
15 agency relationship nor any attorney at law in this
16 action, party to this action, party having a
17 financial interest in this action, or agent for an
18 attorney at law in this action, party to this action,
19 or party having a financial interest in this action.
20 Any and all financial arrangements beyond our usual
21 and customary rates have been disclosed and offered
22 to all parties.

23 This 10th day of March, 2026.

24 

25 _____
Debbie Gilbert, FIRM
REPRESENTATIVE
Gilbert & Jones, Inc.

1 DEPOSITION OF: TANJA CHRISTINE JAEGER/AP

2 I do hereby certify that I have read all
3 questions propounded to me and all answers given by
4 me on March 4, 2026, taken before Annette Pacheco,
5 and that:

- 6
- 1) There are no changes noted.
 - 2) The following changes are noted:

7 Pursuant to Rule 30(e) of the Federal Rules of
8 Civil Procedure and/or the Official Code of Georgia
9 Annotated 9-11-30(e), both of which read in part:
10 Any changes in form or substance which you desire to
11 make shall be entered upon the deposition...with a
12 statement of the reasons given...for making them.
13 Accordingly, to assist you in effecting corrections,
14 please use the form below:

15 Page No. Line No. should read:

16 Reason for Change_____

17 Page No. Line No. should read:

18 Reason for Change_____

19 Page No. Line No. should read:

20 Reason for Change_____

21 Page No. Line No. should read:

22 Reason for Change_____

23 Page No. Line No. should read:

24 Reason for Change_____

25 Page No. Line No. should read:

Reason for Change_____

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1 DEPOSITION OF: TANJA CHRISTINE JAEGER/AP

2 Page No. Line No. should read:

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7 Reason for Change _____

8 Page No. Line No. should read:

9 Reason for Change _____

10 Page No. Line No. should read:

11 Reason for Change _____

12 Page No. Line No. should read:

13 Reason for Change _____

14 If supplemental or additional pages are necessary,
15 please furnish same in typewriting annexed to this
16 deposition.

17
18 TANJA CHRISTINE JAEGER

19 Sworn to and subscribed before me,
20 This the day of , 20 .

21 Notary Public
22 My commission expires: _____

23 Please forward corrections to:

24 Gilbert & Jones, Inc.
25 P. O. Box 14515
Savannah, GA 31416
(912) 355-0320