

1
2 UNITED STATES PATENT AND TRADEMARK OFFICE
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD
4

5 IMPERATIVE CARE, INC.,)
6)
7 PETITIONER,) CASE NO.
8) IPR2025-00989
9 VS.)
10) PATENT NO.
11 INARI MEDICAL INC.,) 11,865,291
12)
13)
14 PATENT OWNER.)
15 _____)

16 VIDEOTAPED DEPOSITION
17 PAUL ZALESKY
18 TUESDAY, MARCH 24, 2026
19 LOS ANGELES, CALIFORNIA
20
21
22
23

24 PAGES 1 - 73
25 REPORTED BY MICHAEL CAGLIATA
CSR #14491, RPR

Deposition of

PAUL ZALESKY, held in person:

Witness Location:

PERKINS COIE, LLP
1888 CENTURY PARK EAST, SUITE 1700
LOS ANGELES, CALIFORNIA 90067

Pursuant to Notice, before Michael
Cagliata, Registered Professional Reporter, and
Certified Shorthand Reporter No. 14491 in and for the
State of California.

A P P E A R A N C E S

For the Petitioner:

KNOBBE MARTENS
BY: ETHAN KLUESNER, ESQ.
1745 BROADWAY, 21ST FLOOR
NEW YORK, NEW YORK 10019
212-849-3000

FOR THE PATENT OWNER:

PERKINS COIE
BY: JAMES MILLER
1301 SECOND AVENUE, SUITE 4200
SEATTLE, WASHINGTON 98101-3804
206-359-8000

Transcript of Paul Zalesky
Conducted on March 24, 2026

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1 P R O C E E D I N G S

2 * * * *

08:58:34

3 VIDEOGRAPHER: Here begins media number one
4 in the videotaped deposition of Dr. Paul Zalesky in
5 the matter of Imperative Care, Inc., versus Inari
6 Medical, Inc., PTAB, in the United States Patent and
7 Trademark Office before the patent trial and appeal
8 board. Case numbers IPR 2025-00728 and IPR
9 2025-00989. Today's date is March 24th, 2026, and
10 the time on the video monitor is 8:59 A.M., Pacific
11 time. The videographer today is Jerry Butler,
12 representing Planet Depos, which is headquartered at
13 451 Hungerford Drive, Suite 400, Rockville, Maryland
14 20850. This videotaped deposition is taking place at
15 1888 Century Park East, Los Angeles, California
16 90067. Would counsel please voice identify
17 themselves and state whom they represent, beginning
18 with the taking attorney?

08:58:34

08:58:45

08:58:49

08:58:55

08:59:00

08:59:03

08:59:15

08:59:20

08:59:24

08:59:28

08:59:33

08:59:38

08:59:42

08:59:49

08:59:52

08:59:54

19 MR. KLUESNER: Ethan Kluesner on behalf of
20 petitioner, Imperative Care.

08:59:56

08:59:57

21 MR. MILLER: James Miller on behalf of
22 Inari, defendant.

08:59:59

09:00:01

23 VIDEOGRAPHER: Thank you, counsel. The
24 court reporter today is Michael Cagliata,
25 representing Planet Depos. The witness will now be

09:00:06

09:00:08

09:00:10

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1	sworn.	09:00:13
2	(Oath given.)	09:00:13
3	VIDEOGRAPHER: Counsel, I apologize. Can	09:00:24
4	we please go off record for a technical reason?	09:00:25
5	Thank you. We are going off the record at 9:00 A.M.	09:00:28
6	(Recess taken.)	09:00:31
7	VIDEOGRAPHER: We are back on the record.	09:02:10
8	The time is 9:02 A.M.	09:02:24
9	MR. KLUESNER: Ethan Kluesner on behalf of	09:02:29
10	petitioner Imperative Care. Also with me is Brian	09:02:34
11	Barnes.	09:02:37
12	MR. MILLER: James Miller on behalf of	09:02:39
13	Inari.	09:02:41
14	EXAMINATION BY MR. KLUESNER	09:02:44
15	Q. Good morning, Dr. Zalesky. Could you	09:02:44
16	please state your name and spell it for the record?	09:02:47
17	A. Paul Zalesky. Z like zebra, A-L-E-S-K-Y.	09:02:51
18	Q. And what's your home address?	09:02:55
19	A. 124 Gilbert Stuart drive, East Greenwich,	09:02:56
20	Rhode Island.	09:03:02
21	Q. You've been retained to serve as an expert	09:03:02
22	witness on behalf of the patent owner, Inari Medical;	09:03:05
23	correct?	09:03:09
24	A. Yes.	09:03:10
25	Q. And you understand that today's deposition	09:03:10

1	concerns two IPRs filed by imperative care relating	09:03:12
2	to U.S. patent numbers 11,844,921 and 11,865,951?	09:03:13
3	A. Yes.	09:03:19
4	Q. Just to establish some shorthand, and we'll	09:03:20
5	try to keep this as clear as possible, if I refer to	09:03:22
6	the '921 patent will you understand I'm referring to	09:03:25
7	U.S. patent number 11,844,921?	09:03:28
8	A. Yes.	09:03:29
9	Q. And if I refer to the '921 IPR will you	09:03:30
10	understand that I'm referring to IPR number	09:03:33
11	202500728?	09:03:39
12	A. Yes.	09:03:39
13	Q. If I refer to the '291 patent, you'll	09:03:39
14	understand that I'm referring to U.S. patent number	09:03:41
15	11,865,291?	09:03:44
16	A. Yes.	09:03:46
17	Q. And if I refer to the '291 IPR, you'll	09:03:46
18	understand I'm referring to IPR 2025-00989?	09:03:51
19	A. Yes.	09:03:55
20	Q. You've also been deposed in several related	09:03:55
21	IPRs; correct?	09:04:01
22	A. Yes.	09:04:02
23	Q. Have you reviewed the transcripts from any	09:04:02
24	of those prior depositions?	09:04:04
25	A. I believe I saw only one. I can't recall	09:04:06

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1	which one, quite frankly.	09:04:08
2	Q. Do you know if that was the most recent	09:04:10
3	deposition?	09:04:12
4	A. It was not.	09:04:12
5	Q. Do you remember if it was the first	09:04:13
6	deposition?	09:04:15
7	A. You know, I just don't recall. This is the	09:04:15
8	fourth. So I'm not sure.	09:04:18
9	Q. Do you stand by your prior testimony in	09:04:20
10	those depositions?	09:04:23
11	A. Yes.	09:04:24
12	Q. And are there any errors other than errata	09:04:24
13	that you previously identified in those deposition	09:04:28
14	transcripts, or at least the one that you reviewed?	09:04:31
15	A. None that come to mind.	09:04:33
16	Q. Have you been deposed since your last	09:04:35
17	deposition in these IPRs in any other matters?	09:04:39
18	A. I believe the last one was November of last	09:04:47
19	year, so no.	09:04:50
20	Q. And since November 7th of last year, have	09:04:51
21	you given testimony in trial since your last	09:04:54
22	deposition in these IPRs?	09:04:55
23	A. No.	09:04:57
24	Q. I know you've been deposed many times	09:04:58
25	before but we'll still go over some ground rules.	09:05:00

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1	You understand that you're under oath just as if you	09:05:03
2	were in the court of law, and you must tell the	09:05:06
3	truth?	09:05:08
4	A. Yes.	09:05:08
5	Q. You understand that all of your answers	09:05:08
6	need to be verbal so that the court reporter can	09:05:10
7	transcribe them accurately?	09:05:12
8	A. Yes.	09:05:14
9	Q. I'll wait until you're done answering	09:05:15
10	before I ask another question. If you could please	09:05:17
11	wait until I finish asking my questions before you	09:05:20
12	answer so that we don't make the court reporter's	09:05:22
13	life difficult. That would be great. Does that	09:05:24
14	sound good to you?	09:05:27
15	A. Sure.	09:05:28
16	Q. Please let me know at any point if you	09:05:28
17	don't understand a question. If you don't speak up,	09:05:31
18	I will assume you understood the question; is that	09:05:36
19	fair?	09:05:39
20	A. Yes.	09:05:39
21	Q. And your counsel may make objections from	09:05:40
22	time to time. You'll still need to answer my	09:05:41
23	questions unless counsel instructs you not to. Do	09:05:42
24	you understand that?	09:05:45
25	A. I do.	09:05:45

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1	Q.	We'll try to go for about an hour at a	09:05:46
2		time. If you need a break at any point, please just	09:05:50
3		let me know. However, I ask that we finish the	09:05:53
4		question that we're on before we go off the record.	09:05:55
5		Does that sound okay?	09:05:57
6	A.	Yes.	09:05:58
7	Q.	And is there any reason that you can't	09:05:58
8		provide truthful and accurate testimony today?	09:06:01
9	A.	No.	09:06:03
10	Q.	Have you had any food, drink, or medication	09:06:04
11		that would inhibit your ability to testify truthfully	09:06:06
12		and accurately?	09:06:09
13	A.	No.	09:06:11
14	Q.	Just coffee?	09:06:12
15	A.	Yeah.	09:06:13
16	Q.	Have you performed any additional work for	09:06:14
17		Inari since your last deposition in November of 2025	09:06:18
18		other than work related to those IPRs?	09:06:22
19	A.	No.	09:06:24
20	Q.	Have you acquired any stock in Inari since	09:06:25
21		that deposition?	09:06:29
22	A.	No.	09:06:30
23	Q.	Have you spoken to anyone at Inari about	09:06:30
24		this IPR?	09:06:32
25	A.	No.	09:06:34

1	Q.	Have you spoken to anyone at Inari about	09:06:34
2		any of the related IPRs?	09:06:37
3	A.	No.	09:06:39
4	Q.	Has your billing rate changed between the	09:06:39
5		last deposition and now for your work on these IPRs?	09:06:42
6	A.	Yes.	09:06:46
7	Q.	What has it changed to?	09:06:46
8	A.	They had a bargain rate of \$300 an hour	09:06:49
9		that's now 350.	09:06:52
10	Q.	Is that going to remain in effect for all	09:06:53
11		IPRs going forward?	09:06:56
12	A.	Time will tell.	09:06:57
13	Q.	How many total hours have you billed to	09:06:58
14		Inari for the '921 IPR so far?	09:07:04
15	A.	I'm estimating 25.	09:07:08
16	Q.	And how many total hours have you billed to	09:07:12
17		Inari for the '291 IPR?	09:07:15
18	A.	Same number.	09:07:17
19	Q.	How many total hours have you billed to	09:07:19
20		Inari for all of the IPRs that Imperative Care has	09:07:22
21		filed so far?	09:07:25
22	A.	Estimating again. Probably 50 to 60 total.	09:07:26
23	Q.	And do you know about how many of those	09:07:30
24		were at the old rate versus the new rate?	09:07:32
25	A.	They were all at the old rate until	09:07:34

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1	January.	09:07:39
2	Q. And do you know about how many hours you've	09:07:41
3	worked on any of these IPRs since January?	09:07:44
4	A. Less than 12.	09:07:46
5	Q. Have you performed any work for Inari	09:07:51
6	related to district court litigation between Inari	09:07:55
7	and Imperative Care since your last deposition?	09:07:58
8	A. No.	09:08:00
9	Q. Have you performed any additional work for	09:08:00
10	Stryker since your last deposition?	09:08:05
11	A. No.	09:08:08
12	Q. Have you acquired any stock in Stryker	09:08:08
13	since your last deposition?	09:08:11
14	A. No.	09:08:12
15	Q. Have you spoken to anyone at Stryker about	09:08:12
16	this IPR?	09:08:15
17	A. No.	09:08:15
18	Q. Have you spoken to anyone at Stryker about	09:08:15
19	any of the related IPRs?	09:08:17
20	A. No.	09:08:19
21	Q. In your last deposition in November you	09:08:19
22	testified that you hadn't had the opportunity to	09:08:23
23	physically inspect Inari's ClotTrievers or FlowTrievers	09:08:25
24	devices. Do you remember that?	09:08:34
25	A. I do.	09:08:36

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1	Q.	Have you had the opportunity to physically	09:08:37
2		inspect either of those devices since your last	09:08:39
3		deposition?	09:08:42
4	A.	No.	09:08:42
5	Q.	Have you had the chance to virtually	09:08:42
6		inspect either of those devices since your last	09:08:44
7		deposition?	09:08:47
8	A.	Not since my last deposition, no.	09:08:47
9	Q.	And prior to your last deposition you had	09:08:49
10		virtually inspected the ClotTrievers and	09:08:52
11		FlowTrievers devices?	09:08:58
12	A.	Yes, briefly.	09:08:59
13	Q.	Have you inspected any of Imperative Care's	09:09:01
14		products since your last deposition?	09:09:03
15	A.	No.	09:09:05
16	Q.	Have you virtually inspected any of	09:09:05
17		Imperative Care's products since your last	09:09:07
18		deposition?	09:09:11
19	A.	No.	09:09:11
20	Q.	Did you prepare for today's deposition?	09:09:12
21	A.	A bit, yes.	09:09:13
22	Q.	What did you do to prepare for the	09:09:15
23		deposition?	09:09:17
24	MR. MILLER:	Objection to the extent it	09:09:18
25		calls for privileged testimony.	09:09:19

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1	THE WITNESS: A few hours before jumping on	09:09:21
2	a plane, looking at my two declarations that I signed	09:09:23
3	in mid January, and another hour or two yesterday	09:09:26
4	with counsel.	09:09:31
5	Q. Were the couple hours you spent before you	09:09:33
6	hopped on the plane on your own or with counsel?	09:09:36
7	A. On my own.	09:09:38
8	Q. And was there any division of the time	09:09:40
9	between the two IPRs, the '921 and the '291	09:09:42
10	specifically?	09:09:46
11	A. I would say about even.	09:09:51
12	Q. When you met with counsel, was that in	09:09:53
13	person?	09:09:55
14	A. Yes.	09:09:57
15	Q. Where did you meet?	09:09:57
16	A. At a charming hotel in Culver City.	09:09:58
17	Q. And you only met the one time with counsel?	09:10:02
18	A. This trip, yes.	09:10:05
19	Q. In preparation for this deposition you only	09:10:07
20	met the one time?	09:10:09
21	A. Yes.	09:10:10
22	Q. How long did you spend with counsel?	09:10:10
23	A. Counsel eats quickly, so I would say less	09:10:15
24	than two hours.	09:10:18
25	Q. And did you review any other documents	09:10:20

1	beyond your declarations that you signed in January	09:10:23
2	for your preparation today?	09:10:25
3	A. No.	09:10:29
4	Q. Did any of the documents you reviewed	09:10:30
5	refresh your recollection regarding the facts or	09:10:32
6	issues in the '921 IPR?	09:10:35
7	A. Yes.	09:10:38
8	Q. And did your review of documents refresh	09:10:39
9	your recollection regarding any facts or issues in	09:10:45
10	the '291 IPR?	09:10:47
11	A. Yes.	09:10:49
12	Q. Did you review the '921 patent at issue in	09:10:49
13	the '921 IPR?	09:10:54
14	A. Prior to this depo, only very briefly. I	09:10:56
15	had reviewed it last year.	09:10:59
16	Q. And did you review the '291 patent that's	09:11:00
17	the subject of the '291 IPR prior to this deposition?	09:11:03
18	A. The same.	09:11:06
19	Q. Did you review any of Inari's other	09:11:13
20	patents?	09:11:15
21	MR. MILLER: Objection. Scope.	09:11:15
22	THE WITNESS: In the past, yes.	09:11:16
23	Q. Do you recall which patents those were?	09:11:17
24	MR. MILLER: Objection. Scope.	09:11:21
25	THE WITNESS: Primary emphasis was on the	09:11:22

1	'011.	09:11:27
2	Q. Were there any others?	09:11:30
3	A. You know, I don't recall.	09:11:32
4	Q. Did you review any of the prior art	09:11:34
5	asserted by Imperative Care in the IPRs at issue	09:11:38
6	today?	09:11:42
7	A. Yes.	09:11:42
8	Q. Did you review them in preparation for this	09:11:46
9	deposition?	09:11:48
10	A. No.	09:11:48
11	Q. Earlier you stated that your recollection	09:11:48
12	was refreshed; is that correct?	09:11:55
13	A. Yes.	09:11:57
14	Q. Do you recall which documents refreshed	09:11:57
15	your recollection?	09:11:59
16	A. Both of my declarations on the two IPRs in	09:12:00
17	January.	09:12:05
18	Q. Did you review your declarations prior to	09:12:07
19	the ones you signed in January in either of the IPRs	09:12:10
20	at issue today?	09:12:15
21	A. No.	09:12:16
22	Q. You prepared an initial declaration for the	09:12:16
23	'921 IPR; correct?	09:12:19
24	A. Yes.	09:12:22
25	Q. And then, you prepared a supplemental	09:12:22

1	declaration which you signed in January?	09:12:24
2	A. Yes.	09:12:26
3	Q. Handing the witness what has been marked as	09:12:27
4	Exhibit 2024 in the '921 IPR.	09:12:40
5	Do you recognize this document?	09:13:00
6	A. Yes.	09:13:04
7	Q. What is it?	09:13:04
8	A. It's my declaration on the IPR 202500728.	09:13:07
9	Q. And if you flip to page 131 on the exhibit	09:13:16
10	towards the back, is that your signature?	09:13:21
11	A. Yes.	09:13:24
12	Q. Did you sign the declaration on July 15th,	09:13:24
13	2025?	09:13:30
14	A. I did.	09:13:30
15	Q. When you signed this declaration you	09:13:30
16	declared that you believed all of the statements in	09:13:33
17	the declaration were true. Was that an accurate	09:13:36
18	statement when you signed the document?	09:13:38
19	A. Yes.	09:13:40
20	Q. And do you still believe that all of the	09:13:40
21	statements in the document are true?	09:13:42
22	A. Yes.	09:13:44
23	Q. Are you aware of any errors or	09:13:45
24	misstatements in this document?	09:13:47
25	A. There might have been an error in my CV. I	09:13:51

1	haven't re-reviewed that. It was a typo or something	09:13:54
2	at the very end, but that's the only thing I recall.	09:13:57
3	Q. Nothing in the substance of the document or	09:13:59
4	the writing in the document?	09:14:01
5	A. No.	09:14:02
6	Q. If you look, the document skips from	09:14:03
7	page 129 to 131; is that correct?	09:14:07
8	A. Yes.	09:14:12
9	Q. Is there anything that was omitted from	09:14:12
10	this declaration on the missing page?	09:14:14
11	A. Not that I'm aware of, no.	09:14:18
12	Q. How did you create this declaration?	09:14:21
13	MR. MILLER: Objection to the extent it	09:14:23
14	calls for privileged information.	09:14:25
15	THE WITNESS: A collaborative composition	09:14:29
16	with counsel.	09:14:32
17	Q. And what role did you play in that	09:14:33
18	collaborative composition?	09:14:35
19	MR. MILLER: Objection to the extent it	09:14:36
20	calls for privileged information.	09:14:38
21	THE WITNESS: I reviewed counsel's comments	09:14:39
22	or suggestions regarding certain patent issues such	09:14:42
23	as claim language, and I independently suggested	09:14:45
24	certain technical observations or explanations.	09:14:50
25	Q. Did you write the document?	09:14:54

1	MR. MILLER: Objection to the extent it	09:14:56
2	calls for communications between counsel. I instruct	09:14:57
3	you not to answer.	09:15:05
4	Q. Are there any portions of this document	09:15:06
5	that you wrote yourself?	09:15:09
6	MR. MILLER: Same objection and	09:15:10
7	instruction.	09:15:11
8	Q. How many drafts did you review from	09:15:15
9	counsel?	09:15:17
10	MR. MILLER: Objection to the extent it	09:15:18
11	calls for communications or drafts between counsel.	09:15:19
12	To the extent you can answer it without revealing	09:15:21
13	that, that's fine. To the extent you can answer	09:15:24
14	without revealing privileged information, you can.	09:15:33
15	THE WITNESS: I'm estimating three or four	09:15:38
16	drafts.	09:15:40
17	Q. Did you provide an initial draft to	09:15:41
18	counsel?	09:15:44
19	MR. MILLER: Objection to the extent it	09:15:44
20	calls for communications or drafts between counsel.	09:15:46
21	You can answer yes or no.	09:15:49
22	THE WITNESS: Would you repeat?	09:15:52
23	Q. Did you provide an initial draft of this	09:15:53
24	declaration to counsel?	09:15:56
25	A. I provided certain selected portions that	09:15:57

1 were then integrated into a draft prepared by
2 counsel.

3 Q. How much time did you spend on drafting
4 this declaration?

5 A. I'm estimating 15 to 20 hours.

6 Q. And did you work with anybody other than
7 counsel on any portions of this document?

8 A. No.

9 Q. Did you speak with anybody else other than
10 counsel regarding Exhibit 2024?

11 A. No.

12 Q. I'm now handing what has been previously
13 marked as Exhibit 2033 in the '921 IPR to the
14 witness. Do you recognize this document?

15 A. Yes.

16 Q. What is it?

17 A. It's my declaration regarding IPR 202500728
18 as a supplemental.

19 Q. Is this the document that you signed
20 January 15th that you reviewed in anticipation of
21 this deposition?

22 MR. MILLER: Objection. Compound.

23 THE WITNESS: I signed it on January 15th.
24 I wasn't anticipating the deposition.

25 Q. Did you review this document prior to your

1	deposition today?	09:17:21
2	A. As I mentioned earlier briefly, prior to	09:17:24
3	flying out.	09:17:28
4	Q. If you go to page 138, again, near the	09:17:29
5	back, is that your signature?	09:17:33
6	A. Yes.	09:17:34
7	Q. And that's the January 15th, 2026, date	09:17:35
8	that you mentioned?	09:17:39
9	A. Yes.	09:17:40
10	Q. When you signed this declaration you	09:17:41
11	declared that you believed all the statements in this	09:17:44
12	declaration were true. Was that an accurate	09:17:46
13	statement at the time?	09:17:48
14	A. Yes.	09:17:50
15	Q. And do you still believe all of the	09:17:50
16	statements in this declaration are true?	09:17:52
17	A. Yes.	09:17:54
18	Q. Are you aware of any errors or	09:17:54
19	misstatements in this declaration?	09:17:56
20	A. No.	09:17:59
21	Q. Was this declaration created using the same	09:18:00
22	process as your initial declaration?	09:18:04
23	MR. MILLER: Objection to the extent that	09:18:06
24	calls for privileged information. You can answer yes	09:18:09
25	or no.	09:18:13

1	THE WITNESS: It was corroboration very	09:18:13
2	similar in all cases.	09:18:19
3	Q. And did you provide the initial draft of	09:18:21
4	this declaration?	09:18:23
5	MR. MILLER: Same objection and	09:18:23
6	instruction.	09:18:25
7	THE WITNESS: As with the previous	09:18:25
8	declaration, I composed and presented certain	09:18:27
9	specific portions that were integrated into a draft	09:18:31
10	prepared by counsel.	09:18:34
11	Q. Did you review your initial declaration in	09:18:35
12	preparing those drafts of this declaration that you	09:18:40
13	provided?	09:18:42
14	MR. MILLER: Objection. Vague.	09:18:43
15	THE WITNESS: This goes back to spring of	09:18:46
16	last year. So I think so.	09:18:48
17	Q. Approximately how long did you spend	09:18:53
18	preparing this declaration?	09:18:54
19	A. Less than 15 hours.	09:18:59
20	Q. Who did you work with on the document	09:19:01
21	besides counsel?	09:19:07
22	A. Nobody.	09:19:09
23	Q. And did you speak with anybody other than	09:19:10
24	counsel regarding this document?	09:19:12
25	A. No.	09:19:14

1	Q.	Had you conferred with any individuals	09:19:14
2		other than counsel for Inari regarding the '921 IPR	09:19:22
3		that is the subject of today's deposition?	09:19:26
4	A.	No.	09:19:29
5	Q.	And did you ever speak with anyone at Inari	09:19:29
6		regarding the '921 IPR that is the subject of today's	09:19:33
7		deposition?	09:19:36
8	A.	No.	09:19:37
9	Q.	Did you confer with any individuals besides	09:19:38
10		counsel for Inari about the '291 IPR that is the	09:19:43
11		subject of today's deposition?	09:19:47
12	A.	No.	09:19:49
13	Q.	Did you ever speak with anybody at Inari	09:19:49
14		regarding the '291 IPR?	09:19:51
15	A.	No.	09:19:54
16	Q.	If you go to paragraph 26 of Exhibit 2033,	09:19:54
17		your supplemental declaration. You state, "I	09:20:01
18		understand that my opinions regarding patentability	09:20:10
19		are from the viewpoint of a person having ordinary	09:20:13
20		skill in the field of technology of the patent as of	09:20:16
21		the time of the invention"; is that correct?	09:20:18
22	A.	Yes.	09:20:21
23	Q.	What is the field of technology for the	09:20:22
24		'921 patent?	09:20:23
25	MR. MILLER:	Objection. Vague.	09:20:24

1 THE WITNESS: The general area is 09:20:26
2 hemostasis valves used in certain clinical 09:20:30
3 procedures. 09:20:35

4 Q. I'm now handing the witness what has been 09:20:42
5 previously marked as Exhibit 1001 in the '921 IPR. 09:20:45
6 Do you recognize this document? 09:20:54

7 A. Yes. 09:20:58

8 Q. What is this? 09:21:00

9 A. A copy of the '921 patent. 09:21:02

10 Q. Is this the '921 patent that you reviewed 09:21:05
11 in preparing your supplemental declaration? 09:21:07

12 A. I believe so, yes. 09:21:11

13 Q. Go to column 9 on page 25, lines 15 through 09:21:12
14 17. The patent states, "in some embodiments, the 09:21:31
15 filament 150 can comprise one or several threads, 09:21:38
16 lines, cords, rope, ribbon, flat wire, sheet, or 09:21:42
17 tape." 09:21:47

18 Did I read that correctly? 09:21:47

19 A. Yes. 09:21:51

20 Q. Do you believe that to be the plain and 09:21:51
21 ordinary meaning of a filament? 09:21:53

22 MR. MILLER: Objection. Calls for a legal 09:21:55
23 conclusion. Vague. 09:21:56

24 THE WITNESS: Yes. It's not complete but 09:22:04
25 it is a plain and ordinary description. 09:22:05

1 Q. And if we go to paragraph 65 of your
2 supplemental declaration, which is on page 13.
3 Sorry. Page 36.

4 MR. MILLER: What paragraph?

5 Q. Sorry. 64 on page 36. You say, "the '921
6 patent uses the plain and ordinary meaning for the
7 term filament, which is a thin, flexible, length of
8 material formed by one or more strands of material,
9 as would be understood by a person of ordinary skill
10 in the art as of September 6th, 2017"; is that
11 correct?

12 A. Yes.

13 Q. So under the definition you provide, a
14 single thread of material would be a filament?

15 MR. MILLER: Objection. Vague. Misstates
16 the document.

17 THE WITNESS: Yes, that's one version.

18 Q. Would a piece of string be a filament?

19 MR. MILLER: Objection. Calls for a legal
20 conclusion. Vague.

21 THE WITNESS: Not knowing the limitations,
22 in general, yes.

23 Q. Would a string made of several threads
24 twisted together be a filament?

25 MR. MILLER: Objection. Vague. Calls for

1	a legal conclusion.	09:23:38
2	THE WITNESS: Again, depending on the	09:23:39
3	restrictions of its composition, yes.	09:23:40
4	Q. And what restrictions of the composition	09:23:43
5	would you need to know to make that determination?	09:23:45
6	A. There's stiffness and conformability to one	09:23:47
7	another.	09:23:53
8	Q. So if it was a thin, flexible thread that	09:23:54
9	comprised the rope, the string, would that be a	09:23:59
10	filament under your understanding of the term?	09:24:03
11	MR. MILLER: Objection. Scope. Improper	09:24:07
12	hypothetical.	09:24:10
13	THE WITNESS: In general, yeah.	09:24:11
14	Q. If you were to untwist those individual	09:24:12
15	threads, would each be a filament under your	09:24:15
16	definition?	09:24:17
17	MR. MILLER: Objection. Vague. Calls for	09:24:18
18	a legal conclusion.	09:24:20
19	THE WITNESS: In general, yes.	09:24:26
20	Q. And when the string is twisted together,	09:24:27
21	would each of those threads be a filament?	09:24:30
22	MR. MILLER: Objection. Vague. Calls for	09:24:33
23	a legal conclusion.	09:24:35
24	THE WITNESS: Same answer. In general,	09:24:36
25	yes.	09:24:37

1	Q.	So if you had a string that is comprised of	09:24:38
2		multiple threads twisted together, would that	09:24:43
3		comprise multiple filaments?	09:24:47
4	MR. MILLER:	Objection. Vague. Calls for	09:24:50
5		a legal conclusion.	09:24:51
6	THE WITNESS:	Would you repeat your	09:24:51
7		description?	09:24:53
8	Q.	If you had a thread -- a string that was	09:24:54
9		comprised of multiple threads twisted together, would	09:24:58
10		you understand that to be a filament within the	09:25:02
11		meaning of the '921 patent?	09:25:04
12	MR. MILLER:	Objection. Vague. Calls for	09:25:08
13		a legal conclusion.	09:25:11
14	THE WITNESS:	In general, yes.	09:25:11
15	Q.	Is that, as you understand it, a filament	09:25:12
16		under the plain meaning of the term?	09:25:15
17	MR. MILLER:	Objection. Vague. Calls for	09:25:22
18		a legal conclusion.	09:25:23
19	THE WITNESS:	Same answer. In general,	09:25:23
20		yes.	09:25:25
21	Q.	If those threads were thin and flexible as	09:25:26
22		your definition states, would you consider at that	09:25:32
23		point the string a filament?	09:25:37
24	MR. MILLER:	Objection. Vague. Calls for	09:25:39
25		a legal conclusion.	09:25:41

1	THE WITNESS: In general, yes.	09:25:42
2	Q. In what circumstances wouldn't it be a	09:25:43
3	filament?	09:25:46
4	A. As I said earlier, stiffness in particular	09:25:47
5	and conformability.	09:25:52
6	Q. And at what point would it no longer be a	09:25:54
7	filament within the patent, the meaning of the '921	09:25:59
8	patent?	09:26:02
9	A. At a point where with minimal force you	09:26:02
10	cannot create a very small radius of curvature.	09:26:07
11	Q. So if the stiffness and conformity were	09:26:11
12	such that you could create a very small radius of the	09:26:16
13	curvature, and the thread was comprised -- the string	09:26:25
14	was comprised of multiple threads -- let me start	09:26:29
15	that over. If the stiffness and conformity of a	09:26:33
16	string were such that you can create a very small	09:26:38
17	radius of the curvature, would you understand that	09:26:43
18	string comprised of multiple threads to be a filament	09:26:48
19	within the meaning of the '921 patent?	09:26:53
20	A. In general, yes.	09:26:56
21	Q. Are there other considerations for the	09:26:57
22	stiffness and conformity that would affect whether	09:27:03
23	something is a filament beyond the radius of the	09:27:06
24	curvature, as you stated?	09:27:10
25	MR. MILLER: Objection. Vague.	09:27:11

1 THE WITNESS: I think inherent tensile
2 strength or elasticity, those kinds of mechanical
3 aspects would determine.

4 Q. What type of inherent tensile strength
5 would be acceptable for a filament -- would be
6 understood as a filament within the '921 patent in
7 your understanding?

8 MR. MILLER: Objection. Vague.

9 THE WITNESS: Without going into numbers,
10 the ability to withstand a certain pull force.

11 Q. So you stated that an inherent tensile
12 strength that has the ability to withstand force and
13 the ability to create a very small radius of
14 curvature are important in determining whether
15 something is a filament; correct?

16 MR. MILLER: Objection. Misstates
17 testimony. Vague.

18 THE WITNESS: Yes.

19 Q. Are there any other characteristics that
20 one would need to know in order to determine if
21 something was a filament within the meaning of the
22 '921 patent?

23 MR. MILLER: Objection. Vague.

24 THE WITNESS: Dimension would certainly be
25 a key consideration.

1	Q. Any other considerations?	09:28:23
2	A. Not at this time. If I thought more, then	09:28:24
3	maybe.	09:28:29
4	Q. So if you had a string comprised of	09:28:32
5	multiple threads and it had sufficient dimension as	09:28:35
6	you understand it to be a filament, and it had an	09:28:40
7	inherent tensile strength that was the ability to	09:28:43
8	withstand force, and it was able to create a very	09:28:48
9	small radius of curvature, would each of the threads	09:28:51
10	within that string be a filament?	09:28:54
11	MR. MILLER: Objection. Vague. Calls for	09:28:58
12	a legal conclusion.	09:28:59
13	THE WITNESS: Again, based on the	09:29:01
14	restrictions, each thread if it had those	09:29:02
15	characteristics could be an individual filament.	09:29:08
16	Q. If you have two threads within the same	09:29:39
17	string, as we just discussed, would each of those	09:29:43
18	threads be a different or a distinct filament?	09:29:47
19	MR. MILLER: Objection. Vague. Calls for	09:29:51
20	a legal conclusion.	09:29:52
21	THE WITNESS: If they're wound within or	09:29:55
22	around each other, they constitute a single filament	09:29:57
23	in combination.	09:30:00
24	Q. Earlier you testified that if you had	09:30:01
25	multiple threads in a string and those threads were	09:30:13

1	unwound, each would be a filament; correct?	09:30:18
2	MR. MILLER: Objection. Vague. Misstates	09:30:20
3	testimony.	09:30:22
4	THE WITNESS: Each could be a filament on	09:30:23
5	its own, yes.	09:30:25
6	Q. At what point when they are wound together	09:30:26
7	would they be a single filament rather than separate	09:30:29
8	filaments?	09:30:32
9	MR. MILLER: Objection. Vague. Calls for	09:30:33
10	a legal conclusion.	09:30:34
11	THE WITNESS: As soon as they're integrated	09:30:35
12	into a single outside diameter string, that's a	09:30:37
13	single filament.	09:30:44
14	Q. What constitutes an integrated single outer	09:30:44
15	diameter string?	09:30:49
16	MR. MILLER: Objection. Vague. Misstates	09:30:51
17	testimony.	09:30:52
18	THE WITNESS: Two or more threads with the	09:30:53
19	characteristics we just described wound around one	09:30:55
20	another.	09:30:58
21	Q. So multiple threads comprise a single	09:30:58
22	filament when they are integrated into a single	09:31:11
23	outside diameter; correct?	09:31:14
24	A. Yes.	09:31:17
25	Q. And what constitutes integrated is when	09:31:18

1 it's two or more threads that are wound around each
2 other?

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

5 THE WITNESS: Wound or otherwise fashioned
6 in a point so that their constitution leads to a
7 single filament observed with a specific outside
8 diameter.

9 Q. And how would one observe the single
10 outside diameter?

11 A. It's visually and mechanically a single
12 component. Its constitution can involve two or more
13 threads that are counter wound, but its function and
14 form are as a single element.

15 Q. Can we go to paragraph 177 of your
16 supplemental declaration, which is on page 123.
17 Starting on 122. You state, "a POSITA would
18 understand based on that disclosure that the first
19 filament and second filament require separate first
20 and second filaments as shown in figures 7 through 9,
21 rather than a single filament composed of different
22 threads like Figure 6 as the petitioner alleges."

23 Did I read that correctly?

24 A. I'm not seeing that in paragraph 177, no.

25 MR. MILLER: It's the next page over here.

1 THE WITNESS: Yeah. You said starting
2 here. So where are you starting?

3 Q. In paragraph 177, which starts on page 122,
4 starting on page 123 you state, "a POSITA would
5 understand based on that disclosure that the first
6 filament and the second filament require separate
7 first and second filaments as shown in figures 7
8 through 9, rather than a single filament composed of
9 different threads like Figure 6, as petitioner
10 alleges."

11 Did I read that correctly?

12 MR. MILLER: Objection. The document
13 speaks for itself.

14 THE WITNESS: Yes.

15 Q. So is it your understanding that claim 10
16 of the '921 patent does not claim the embodiments of
17 Figure 6?

18 MR. MILLER: Objection.

19 THE WITNESS: I have to look at the claim
20 language of claim 10.

21 Q. If you go back to the '921 patent, column
22 22. Lines 53 to 64. You can repeat that.

23 A. Yes, I see it.

24 Q. Claim 10 reads, "the valve of claim 1
25 wherein the actuator is the first actuator, wherein

1 the filament is a first filament, the biasing member
2 is the first biasing member, and wherein the act of
3 tensioning mechanism further comprises a second
4 actuator --

5 Dr. Zalesky, can you read claim 10 of the
6 '921 patent?

7 A. Yes. You don't need me to read it out
8 loud, do you?

9 Q. No.

10 A. Okay. So would you repeat the question?

11 Q. Is it your understanding that claim 10,
12 which you just reviewed, does not claim the
13 embodiments shown in Figure 6 of the '921 patent?

14 MR. MILLER: Objection. Calls for legal
15 conclusion.

16 THE WITNESS: Figure 6 depicts a single
17 filament, not two filaments.

18 Q. Does claim 10 require two filaments?

19 MR. MILLER: Objection. Calls for a legal
20 conclusion.

21 THE WITNESS: It specifies a second
22 filament consistent with Figure 7.

23 Q. So is it your understanding that claim 10
24 of the '921 patent is referring to Figure 7 of the
25 '921 patent?

1	MR. MILLER: Objection. Misstates the	09:36:45
2	document. Calls for a legal conclusion.	09:36:46
3	THE WITNESS: I think Figure 7 is an	09:36:49
4	embodiment of the description in claim 10.	09:36:51
5	Q. Is Figure 6 an embodiment in the	09:36:55
6	description of claim 10?	09:36:58
7	A. No. As I said earlier, it depicts a single	09:36:59
8	filament.	09:37:02
9	Q. Is it your understanding that claim 10 of	09:37:04
10	the '921 patent requires two separate loops of	09:37:06
11	filaments?	09:37:10
12	MR. MILLER: Objection. Vague. Calls for	09:37:11
13	legal conclusion.	09:37:15
14	THE WITNESS: It doesn't specifically state	09:37:20
15	that in the language, but that is my understanding.	09:37:21
16	Q. And is it your understanding that claim 10	09:37:24
17	would also encompass embodiments with two separate	09:37:27
18	bights?	09:37:35
19	MR. MILLER: Objection. Vague. Calls for	09:37:36
20	a legal conclusion.	09:37:38
21	THE WITNESS: In the definition utilized in	09:37:39
22	the language of this patent, yes.	09:37:46
23	Q. And where in the claim language of claim 10	09:37:52
24	do you see that requirement?	09:37:55
25	A. Honestly, I'd have to go back through the	09:37:57

1	specification written description, but I do recall a	09:38:00
2	line speaking to, if memory serves, an arc as part of	09:38:03
3	the definition for a bight.	09:38:08
4	Q. Do you see any language in the claim 10	09:38:10
5	language regarding the multiple loop embodiment?	09:38:14
6	MR. MILLER: Objection. Vague.	09:38:19
7	THE WITNESS: I don't see a specific	09:38:24
8	citation of loop.	09:38:26
9	Q. Did you include any of the disclosure that	09:38:27
10	you mentioned you would need to review in your	09:38:30
11	declaration?	09:38:33
12	MR. MILLER: Objection. Vague.	09:38:36
13	THE WITNESS: I don't understand the	09:38:37
14	question.	09:38:38
15	Q. Did you discuss the arc language for the	09:38:38
16	bights that you just mentioned in your supplemental	09:38:45
17	declaration regarding the '921 patent?	09:38:48
18	MR. MILLER: Objection. Vague.	09:38:53
19	THE WITNESS: I don't recall if I cite	09:38:54
20	that, but I certainly discussed it with counsel.	09:38:55
21	Q. Going back to the embodiment in Figure 6.	09:38:58
22	You testified that you don't -- your understanding is	09:39:06
23	that claim 6 is a single filament and does not have a	09:39:10
24	first and second filament?	09:39:13
25	MR. MILLER: Objection. Misstates	09:39:14

1 testimony.

2 THE WITNESS: Figure 6 on page 123 depicts
3 a single filament with a single loop.

4 Q. And that would be true even if there were
5 multiple threads comprising the loop of Figure 6?

6 MR. MILLER: Objection. Vague.

7 THE WITNESS: Yes.

8 Q. Moving down to paragraph 178. You testify
9 starting on page 124, "a POSITA would further
10 understand based on the disclosure that the first
11 filament and the second filament require separate
12 first and second filaments, whether formed of
13 multiple strands or a single monofilament, rather
14 than a filament composed of different threads"; is
15 that correct?

16 A. Yes.

17 Q. Is it your understanding that claim 10 of
18 the '921 patent requires a first filament and
19 separate second filament?

20 MR. MILLER: Objection. Vague.

21 THE WITNESS: Yes, it specifically states a
22 first filament and separately a second filament.

23 Q. Is there anywhere in claim 10 that says a
24 separate, second filament?

25 MR. MILLER: Objection. Document speaks

1 for itself.

09:40:48

2 THE WITNESS: The ordinary meaning of the
3 language speaks to a separate filament, has a second
4 filament.

09:40:49

09:40:55

09:41:00

5 Q. Can you point me to where the word separate
6 appears in claim 10?

09:41:00

09:41:03

7 MR. MILLER: Same objection.

09:41:05

8 THE WITNESS: No. I'm saying the ordinary
9 understanding is that it's separate. Otherwise, it
10 wouldn't say second.

09:41:06

09:41:08

09:41:10

11 Q. And is that the plain meaning as you
12 understand it?

09:41:13

09:41:16

13 MR. MILLER: Objection.

09:41:17

14 THE WITNESS: As used here, yes.

09:41:18

15 Q. What does it mean for a filament to be
16 separate from another filament?

09:41:19

09:41:27

17 A. It's an independent element.

09:41:30

18 Q. What does it mean for an element to be
19 independent?

09:41:34

09:41:37

20 A. Not connected or integrated with each
21 other.

09:41:39

09:41:42

22 Q. What do you mean by connected?

09:41:42

23 A. Physically bound.

09:41:47

24 Q. And what do you mean by integrated?

09:41:49

25 A. Physically combined.

09:41:53

1 Q. If multiple threads were interlocking,
2 would they be separate?

3 A. Would they be separate what?

4 Q. Based on your understanding of the word
5 separate, would two interlocking threads be separate
6 threads?

7 MR. MILLER: Objection. Vague.

8 THE WITNESS: They'd be separate threads
9 integrated into a single filament.

10 Q. What's the difference between a separate
11 thread and a separate filament?

12 MR. MILLER: Objection. Vague.

13 THE WITNESS: As discussed earlier, two or
14 more threads intertwined are wound or otherwise
15 integrated constitute a single filament as a single
16 element in a configuration.

17 Q. Would two threads held next to each other
18 be a single filament?

19 MR. MILLER: Objection. Vague.

20 THE WITNESS: If the two threads are
21 physically, distinctly separate, no.

22 Q. Would threads that are wound together be
23 physically distinctly separate threads?

24 MR. MILLER: Objection. Vague.

25 THE WITNESS: Yeah. I mean, as threads

1 they are independent components that are integrated 09:43:14
2 into a single filament, which is the final component. 09:43:19

3 Q. If you were to untwist those threads, at 09:43:22
4 what point would it become multiple filaments as you 09:43:28
5 understand it? 09:43:32

6 MR. MILLER: Objection. Vague. 09:43:33

7 THE WITNESS: When each of those threads 09:43:36
8 acted physically independent of the others. 09:43:38

9 Q. If a portion of the thread acted physically 09:43:40
10 independent from another portion -- from a portion of 09:43:43
11 another thread, that would be separate filaments? 09:43:47

12 MR. MILLER: Objection. Vague. 09:43:52

13 THE WITNESS: It would have to be clearly 09:43:54
14 physically separated from the other threads. 09:43:55

15 Q. What would make something clearly 09:43:59
16 physically separated from another element? 09:44:06

17 A. It's simply a visual observation. 09:44:09

18 Q. Could you have physically separate threads 09:44:12
19 interlocked? 09:44:23

20 MR. MILLER: Objection. Vague. 09:44:25

21 THE WITNESS: I think that's a 09:44:30
22 contradiction. If they're interlocked, they're not 09:44:31
23 physically separate. 09:44:35

24 Q. I'm handing the witness what has been 09:44:42
25 previously marked as Exhibit 1007 in the '921 IPR. 09:44:44

1	Do you recognize this patent?	09:44:54
2	A. I haven't looked at this in quite a while.	09:44:57
3	So yes, I believe so.	09:45:06
4	Q. Did you review this patent in preparing	09:45:08
5	your supplemental declaration?	09:45:11
6	A. I'm sorry. I was looking at the wrong	09:45:14
7	label. Yes, I did review this and yes, I did use it	09:45:22
8	in my preparation.	09:45:28
9	Q. You didn't review this patent prior to your	09:45:29
10	-- in anticipation of this deposition today; correct?	09:45:32
11	A. Not in isolation, no.	09:45:35
12	Q. Did you review this patent within the	09:45:37
13	context of your supplemental declaration that you	09:45:42
14	stated you reviewed?	09:45:45
15	A. Yes, briefly. I had previously reviewed it	09:45:46
16	more significantly prior to deposition last year.	09:45:50
17	Q. If you could flip to page 16 and start at	09:45:56
18	the top of column 5. It states, "figures 1, 2, 3, 4,	09:46:01
19	5, 6, 7, 8A, 8B, 8C, 9A, 9B, 9C, 10A, 10B, and 10C	09:46:12
20	illustrate an embodiment of a selective fluid barrier	09:46:24
21	device 10 that has a lengthwise axis 11, approximal	09:46:29
22	and 12, a distal end 14, a housing 16, an actuator	09:46:32
23	18, a sleeve 20, a first wire member 22, a second	09:46:36
24	wire member 24, a third wire member 26, and a	09:46:40
25	connector 28"; correct?	09:46:44

1	A. Yes.	09:46:46
2	Q. If I refer to Exhibit 1007 as Eller, will	09:46:46
3	you know what I mean?	09:46:58
4	A. Yes.	09:46:59
5	Q. Is Eller's first wire member 22 a filament	09:47:00
6	as you understand it in the terms of the '921 patent?	09:47:05
7	MR. MILLER: Objection. Vague. Calls for	09:47:09
8	legal conclusion.	09:47:11
9	THE WITNESS: Not necessarily, but it could	09:47:12
10	be, depending on its physical characteristics.	09:47:14
11	Q. And assuming Eller's second wire member 24	09:47:17
12	had the physical characteristics we discussed	09:47:27
13	earlier, would you consider it a filament within the	09:47:31
14	meaning of the '921 patent?	09:47:33
15	A. Yes. Same answer.	09:47:34
16	Q. And would Eller's third wire member 26 be a	09:47:35
17	filament under your understanding of the '921 patent?	09:47:42
18	MR. MILLER: Objection. Calls for legal	09:47:44
19	conclusion.	09:47:46
20	THE WITNESS: Yes, but same answer.	09:47:46
21	Q. If Eller used all three wire members in the	09:47:47
22	same valve, would you agree that Eller has multiple	09:47:53
23	filaments within the meaning of the '921 patent?	09:47:56
24	MR. MILLER: Objection. Vague. Calls for	09:47:59
25	legal conclusion.	09:48:00

1	THE WITNESS: If consistent with the	09:48:01
2	physical limitations we mentioned earlier, yes. You	09:48:03
3	could argue those are three separate filaments.	09:48:07
4	Q. And consistent with your testimony earlier,	09:48:10
5	if those three wire members with the physical	09:48:29
6	characteristics mentioned were interlocked, they	09:48:33
7	would not be separate filaments?	09:48:36
8	MR. MILLER: Objection. Vague.	09:48:38
9	THE WITNESS: If the individual filaments	09:48:39
10	were interlocked physically, no. They would not be	09:48:40
11	independent filaments.	09:48:44
12	Q. If you look -- go to column 16, which is on	09:48:49
13	page 21. If you could read lines 7 to 14 and let me	09:48:57
14	know when you're done.	09:49:05
15	A. Okay.	09:49:26
16	Q. Do you agree that skilled artisans would be	09:49:26
17	able to select a suitable number of wire members to	09:49:36
18	include in a valve as disclosed by Eller?	09:49:39
19	MR. MILLER: Objection. Vague. Calls for	09:49:42
20	a legal conclusion.	09:49:44
21	THE WITNESS: Yes. It's very vague	09:49:49
22	language, but yes.	09:49:51
23	Q. What considerations would a person of	09:49:51
24	ordinary skill in the art need to take in order to	09:50:13
25	determine the number of filaments in a valve as	09:50:19

1	disclosed by Eller?	09:50:23
2	MR. MILLER: Objection. Vague.	09:50:25
3	THE WITNESS: Probably the most important	09:50:35
4	consideration would be the device or devices utilized	09:50:37
5	in certain procedures because of their different	09:50:41
6	dimensions and geometry.	09:50:45
7	Q. If Eller used three wire members that had	09:50:54
8	the sufficient physical characteristics you mentioned	09:50:57
9	earlier, would you agree that Eller discloses a	09:51:00
10	hemostasis valve with multiple filaments?	09:51:04
11	MR. MILLER: Objection. Vague. Calls for	09:51:07
12	a legal conclusion.	09:51:08
13	THE WITNESS: I think so, yes.	09:51:09
14	Q. And if Eller disclosed a first wire member	09:51:15
15	and a second wire member, would you agree that it	09:51:20
16	discloses a hemostasis valve with the first filament	09:51:24
17	and a second filament?	09:51:26
18	MR. MILLER: Objection. Vague. Calls for	09:51:29
19	a legal conclusion.	09:51:31
20	THE WITNESS: I'm hesitating because I	09:51:32
21	don't recall anything less than three filaments in	09:51:36
22	his embodiments.	09:51:38
23	Q. But you do agree Eller states a POSITA	09:51:41
24	would know to select the appropriate number of wire	09:51:44
25	members; correct?	09:51:47

Transcript of Paul Zalesky
Conducted on March 24, 2026

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1	MR. MILLER: Objection. Vague.	09:51:49
2	THE WITNESS: As I clarified a minute ago,	09:51:51
3	yes.	09:51:53
4	Q. And even if Eller used a first wire member,	09:51:54
5	a second wire member, and a third wire member, it	09:52:01
6	would disclose a first filament and a second	09:52:06
7	filament; correct?	09:52:09
8	MR. MILLER: Objection. Vague. Calls for	09:52:09
9	a legal conclusion. Asked and answered.	09:52:12
10	THE WITNESS: Yes.	09:52:13
11	MR. KLUESNER: It's been about 50 minutes	09:52:22
12	and I think we're going to go into another block of	09:52:23
13	questioning. Is now a good time for a break for	09:52:26
14	everyone?	09:52:28
15	MR. MILLER: Sure.	09:52:29
16	VIDEOGRAPHER: We're going off the record.	09:52:31
17	The time is 9:52 A.M.	09:52:32
18	(Recess taken.)	09:52:34
19	VIDEOGRAPHER: We're back on the record at	10:10:43
20	10:10 A.M.	10:10:52
21	Q. Welcome back, Dr. Zalesky. Did you speak	10:10:56
22	with anyone other than counsel over the break?	10:11:01
23	A. No.	10:11:03
24	Q. Did you speak with counsel about the	10:11:04
25	substance of your testimony today?	10:11:06

Transcript of Paul Zalesky
Conducted on March 24, 2026

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1	A.	No.	10:11:07
2	Q.	I'm handing the witness what has been	10:11:08
3		marked as Exhibit 2001 in the '291 IPR. Do you	10:11:12
4		recognize this document?	10:11:20
5	A.	Yes.	10:11:23
6	Q.	What is this?	10:11:24
7	A.	It's my declaration on 2025-00989.	10:11:25
8	Q.	If you flip to page 106 near the back, is	10:11:32
9		that your signature?	10:11:35
10	A.	Yes.	10:11:37
11	Q.	Did you sign this on September 15th, 2025?	10:11:37
12	A.	Yes.	10:11:42
13	Q.	When you signed this declaration you	10:11:43
14		declared that you believed all the statements in the	10:11:45
15		declaration were true. Was that an accurate	10:11:47
16		statement at the time?	10:11:49
17	A.	Yes.	10:11:50
18	Q.	Do you still believe all of the statements	10:11:51
19		in the declaration are true?	10:11:53
20	A.	Yes.	10:11:56
21	Q.	And are you aware of any errors or	10:11:56
22		misstatements in the declaration?	10:11:58
23	A.	Not that I'm aware, no.	10:12:02
24	Q.	How was this declaration created?	10:12:03
25	A.	Very similar to others in the sense that I	10:12:08

1 composed some very specific segments that were 10:12:11
2 integrated into a draft put together by counsel. 10:12:16

3 Q. And did you provide those segments to 10:12:21
4 counsel at the outset of the drafting process? 10:12:23

5 MR. MILLER: Objection to the extent it 10:12:25
6 calls for privileged information, and I apologize for 10:12:26
7 not objecting to the first question, but same 10:12:29
8 objection. 10:12:32

9 THE WITNESS: I don't recall if I formally 10:12:33
10 produced those or informally produced them 10:12:34
11 conversationally, but I reviewed materials 10:12:38
12 specifically with the involved patents before 10:12:41
13 composing certain sections. 10:12:43

14 Q. And when you say, "composing certain 10:12:44
15 sections", you mean you wrote certain sections? 10:12:48

16 A. Yes. 10:12:52

17 Q. How many drafts of this declaration do you 10:12:52
18 think you reviewed? 10:12:55

19 MR. MILLER: Objection to the extent it 10:12:56
20 calls for privileged information and drafts exchanged 10:12:58
21 with counsel, I instruct you not to answer. 10:13:01

22 Q. Are you going to follow counsel's 10:13:04
23 instructions? 10:13:06

24 A. Yes. 10:13:06

25 Q. How many hours approximately did you spend 10:13:06

1	on this declaration?	10:13:09
2	MR. MILLER: Objection.	10:13:10
3	THE WITNESS: Less than 20.	10:13:12
4	Q. And did you work on this document with	10:13:15
5	anyone other than counsel?	10:13:17
6	A. No.	10:13:20
7	Q. Did you speak with anyone other than	10:13:20
8	counsel about this document?	10:13:22
9	A. No.	10:13:26
10	Q. I'm now handing the witness what has been	10:13:27
11	previously marked as Exhibit 2009 in the '291 IPR.	10:13:35
12	Do you recognize this document?	10:13:43
13	A. Yes.	10:13:46
14	Q. What is this?	10:13:47
15	A. My supplemental declaration on the previous	10:13:50
16	IPR.	10:13:52
17	Q. If we go to page 112 near the back, is that	10:13:54
18	your signature?	10:14:01
19	A. Yes.	10:14:03
20	Q. And did you sign this document on	10:14:04
21	January 15th, 2026?	10:14:06
22	A. Yes.	10:14:09
23	Q. When you signed this declaration you	10:14:10
24	declared that you believed all the statements in the	10:14:15
25	declaration were true. Is that an accurate statement	10:14:17

1	at the time?	10:14:21
2	A. Yes.	10:14:21
3	Q. And is that still an accurate statement	10:14:22
4	today?	10:14:24
5	A. Yes.	10:14:25
6	Q. Are you aware of any errors or	10:14:26
7	misstatements in this declaration?	10:14:28
8	A. No.	10:14:31
9	Q. And how was this declaration created?	10:14:31
10	A. Essentially the same as the previous in	10:14:36
11	terms of my composing individual portions,	10:14:39
12	integrating those with drafts from counsel.	10:14:44
13	Q. And how many hours did you spend preparing	10:14:47
14	this declaration?	10:14:50
15	A. Approximately 15.	10:14:55
16	Q. Did you write sections of this declaration	10:14:58
17	yourself?	10:15:01
18	MR. MILLER: Objection to the extent it	10:15:02
19	calls for privileged information. You may answer yes	10:15:03
20	or no.	10:15:08
21	THE WITNESS: Yes.	10:15:08
22	Q. Did you work with anyone other than counsel	10:15:08
23	in preparing this document?	10:15:12
24	A. No.	10:15:14
25	Q. And have you spoken with anyone other than	10:15:14

1	counsel regarding this document?	10:15:17
2	A. No.	10:15:18
3	Q. If you go to paragraph 27 in Exhibit 2009	10:15:19
4	you state, "I understand that my opinions regarding	10:15:36
5	patentability are from the viewpoint of a person	10:15:39
6	having ordinary skill in the field of the technology	10:15:41
7	of the patent as of the time of the invention."	10:15:44
8	Did I read that correctly?	10:15:47
9	MR. MILLER: Objection. Vague.	10:15:49
10	THE WITNESS: Yes.	10:15:51
11	Q. What is the field of technology in the '291	10:15:52
12	patent?	10:15:55
13	MR. MILLER: Objection. Vague.	10:15:55
14	THE WITNESS: The general field is	10:15:57
15	hemostasis as utilized in certain medical procedures.	10:15:59
16	Q. I'm now handing the witness what has been	10:16:02
17	previously marked as Exhibit 1001 in the '291 IPR.	10:16:10
18	Do you recognize this document?	10:16:19
19	A. It appears to be the '291 patent.	10:16:23
20	Q. And is this the '291 patent you reviewed in	10:16:25
21	preparing your supplemental declaration for the '291	10:16:29
22	IPR?	10:16:32
23	A. Yes.	10:16:37
24	Q. If you go to column 17, starting at Row 32.	10:16:38
25	Can you review claim 1 for me and let me know when	10:16:55

1	you're done, please?	10:16:57
2	A. Okay.	10:17:17
3	Q. And if you could read claim 8 as well.	10:17:18
4	A. Okay.	10:18:42
5	Q. You're aware that the '291 patent claims an	10:18:42
6	actuator having at least a first member moveably	10:18:50
7	coupled to the support; correct?	10:18:54
8	A. Yes.	10:18:59
9	Q. What does coupled mean in the context of	10:19:01
10	the '291 patent?	10:19:05
11	MR. MILLER: Objection to the extent it	10:19:06
12	calls for a legal conclusion.	10:19:10
13	THE WITNESS: In general, that it is	10:19:11
14	integrated in some form or fashion to the housing or	10:19:13
15	the structure.	10:19:18
16	Q. What do you mean by "integrated"?	10:19:19
17	A. It could be enclosed. It could be	10:19:21
18	attached. It's from the outside visual reference,	10:19:30
19	it's integrated or put together with the housing or	10:19:35
20	structure.	10:19:40
21	Q. What do you mean by "enclosed"?	10:19:43
22	MR. MILLER: Objection. Vague.	10:19:48
23	THE WITNESS: As a separate component, it	10:19:50
24	can be contained inside of a cavity or similar	10:19:53
25	geometry part of the structure.	10:19:59

1	Q.	What does moveably coupled mean in the	10:20:02
2		context of the '921 patent?	10:20:05
3	A.	I don't know if I address that in my	10:20:06
4		declaration. Can you find that spot?	10:20:11
5	Q.	Starting on page 54, section D.	10:20:15
6	A.	I see it.	10:21:16
7	Q.	You state, "independent claim 1 requires a	10:21:19
8		support and an actuator having at least a first	10:21:22
9		member moveably coupled to the support."	10:21:25
10		What does moveably coupled to the support	10:21:29
11		mean in the '291 patent?	10:21:32
12	A.	Moveably, connoting lateral or otherwise	10:21:38
13		motion within a structure or the housing. Coupled,	10:21:43
14		meaning integrated in some fashion so that it's not	10:21:47
15		independently moveable or removable.	10:21:52
16	Q.	If you go back to the '291 patent, could	10:22:01
17		you point to where in the claim you're getting that	10:22:07
18		definition?	10:22:10
19	MR. MILLER:	Objection. Vague.	10:22:15
20	THE WITNESS:	Are you at claim 8 again?	10:22:15
21	Q.	Claim 1, sorry. Independent claim 1.	10:22:17
22	A.	Claim 1 speaks to moveable between a first	10:22:26
23		configuration and second configuration.	10:22:29
24	Q.	And where in that language are you getting,	10:22:32
25		not independently moveable or removable?	10:22:37

1	A.	It's cited in claim 8, not specifically in	10:22:48
2		claim 1 in terms of that particular parameter.	10:22:52
3	Q.	And what language specifically are you	10:22:58
4		relying on?	10:23:02
5	A.	I'm looking for the exact language. The	10:23:08
6		connotation from the terms first position and second	10:23:25
7		position.	10:23:28
8	Q.	Is it possible for something to move	10:23:32
9		between a first position and a second position while	10:23:34
10		being removable?	10:23:38
11	MR. MILLER:	Objection. Vague.	10:23:42
12	THE WITNESS:	Yes, sort of. If it's	10:23:45
13		removable and not constrained, it's hard to know	10:23:52
14		where a second position would be or where	10:23:56
15		specifically a first position would be without a	10:23:58
16		constraint.	10:24:00
17	Q.	What could qualify as a constraint?	10:24:02
18	MR. MILLER:	Objection. Vague.	10:24:11
19	THE WITNESS:	As I recall in the	10:24:12
20		specification, I think the word used was retention	10:24:15
21		component.	10:24:18
22	Q.	So retention component is the part of the	10:24:21
23		specification you're relying on that moveably coupled	10:24:28
24		means not removable?	10:24:35
25	A.	I think the key word of that question being	10:24:37

1	coupled. I infer that from the specification	10:24:40
2	language that I just recited, I don't know exactly	10:24:43
3	where it is, but also from the associated figure.	10:24:47
4	Q. Does claim 1 reference a retention	10:24:53
5	component?	10:24:57
6	MR. MILLER: Objection. Vague.	10:25:00
7	THE WITNESS: As I said earlier, I don't	10:25:04
8	specifically see that language in claim 1.	10:25:06
9	Q. What does it mean for something to be	10:25:24
10	retained?	10:25:26
11	A. Incapable of escape.	10:25:31
12	Q. So a sheep in a pen is retained?	10:25:34
13	MR. MILLER: Objection. Vague. Scope.	10:25:44
14	THE WITNESS: Yes, in a matter of speaking.	10:25:48
15	Q. How many degrees of freedom have to be	10:25:54
16	restricted for something to be retained?	10:25:55
17	MR. MILLER: Objection. Vague. Scope.	10:25:58
18	THE WITNESS: Yeah, that depends on the	10:26:00
19	configuration of what structure you're talking about.	10:26:01
20	Q. What does it mean for something to be	10:26:05
21	incapable of escape?	10:26:08
22	A. It's restricted from moving beyond a	10:26:09
23	certain boundary.	10:26:14
24	Q. Is it possible for something to be unable	10:26:25
25	to move beyond a certain boundary but be able to move	10:26:28

1	beyond other boundaries?	10:26:33
2	MR. MILLER: Objection. Vague. Scope.	10:26:35
3	THE WITNESS: Yeah, I don't really know	10:26:37
4	what that means.	10:26:38
5	Q. Are you familiar with a coordinate plane?	10:26:40
6	A. I'm sorry. What?	10:26:44
7	Q. A coordinate plane. The XY axis.	10:26:45
8	A. Of course, yes.	10:26:49
9	Q. Is it possible for something to be	10:26:50
10	restrained in the X axis but not in the Y axis?	10:26:52
11	MR. MILLER: Objection. Vague. Scope.	10:26:56
12	THE WITNESS: Yes, of course. If there's a	10:26:57
13	structure that has retention in one dimension and not	10:26:59
14	the other, it can escape via the unretained or other	10:27:02
15	retented access.	10:27:07
16	Q. So it's possible for a structure to retain	10:27:09
17	in one direction?	10:27:12
18	A. It's possible, yes.	10:27:14
19	Q. How much movement can be allowed while	10:27:24
20	something is retained?	10:27:25
21	MR. MILLER: Objection. Vague. Scope.	10:27:26
22	THE WITNESS: I can't answer that without	10:27:32
23	looking at a specific configuration.	10:27:34
24	Q. In the context of the '921 patent, what	10:27:36
25	does it mean for something -- scratch that. In the	10:27:39

1 context of the '921 patent, how much movement can be 10:27:44
2 allowed while something is retained? 10:27:47

3 MR. MILLER: Objection. Vague. Do you 10:27:49
4 mean the '291 patent? 10:27:50

5 Q. In the context of the '291 patent, how much 10:27:53
6 movement can be allowed while something is 10:27:58
7 restrained? Thank you. 10:28:01

8 A. I'm referring to Figure 2 in the '291 10:28:04
9 patent and I'm doing that because, specific to this 10:28:14
10 configuration, I don't know that this figure is to 10:28:21
11 scale, but the retaining pin is marked as number 140. 10:28:24
12 So you could measure the amount of displacement or 10:28:35
13 freedom in that plane, the plane of the paper in this 10:28:41
14 case. 10:28:45

15 Q. So your understanding is that the term 10:28:46
16 removably coupled in claim 1 -- moveably coupled in 10:28:49
17 claim 1 requires something be restrained as defined 10:28:54
18 by the pin 140 in Figure 2 of the '291 patent? 10:28:58

19 MR. MILLER: Objection. Vague. Misstates 10:29:02
20 testimony. 10:29:04

21 THE WITNESS: Per this patent, that's what 10:29:06
22 I'm saying. 10:29:08

23 Q. Is there any language in claim 1 that 10:29:08
24 refers to the retention pin 140? 10:29:18

25 A. I think we already addressed that. I don't 10:29:27

1	see that specific language in claim 1.	10:29:29
2	Q. But you interpret claim 1 as requiring	10:29:35
3	retention as shown by the pin 140?	10:29:40
4	A. No. I was speaking to claim 8.	10:29:45
5	Q. In the context of claim 1 of the '291	10:29:58
6	patent, what do you understand moveably coupled to	10:30:02
7	the support means?	10:30:07
8	A. I don't believe moveably coupled is cited	10:30:10
9	in claim 1, is it?	10:30:13
10	Q. Column 22, Row 17.	10:30:15
11	A. Column 22? Sorry. I was on the wrong	10:30:24
12	page. Oh. Okay. Please repeat.	10:30:28
13	Q. In the context of claim 1 of the '291	10:30:35
14	patent, what do you understand moveably coupled to	10:30:39
15	mean?	10:30:42
16	A. As I previously answered in reference to	10:30:46
17	figure -- it's translatable within the restricted	10:30:50
18	space, hence the coupling term.	10:30:56
19	Q. So your interpretation of moveably coupled	10:31:00
20	in claim 1 is limited to Figure 2 of the '291 patent?	10:31:03
21	MR. MILLER: Objection. Vague. Misstates	10:31:09
22	testimony.	10:31:11
23	THE WITNESS: It's not necessarily limited,	10:31:12
24	but that certainly is an embodiment that supports the	10:31:14
25	description of moveable couple.	10:31:17

1 Q. Could you point me to other embodiments
2 that disclose moveably coupled?

3 A. I think I mentioned Figure 2. It's also
4 shown in Figure 3, Figure 4, Figure 5. I would have
5 to go back to the written description to find
6 citations in the actual verbiage.

7 Q. In each of those figures you just cited,
8 are you pointing to retention pin 140?

9 A. Yes.

10 Q. Just to make sure, since we're all on the
11 same claim of the patent, is there any language in
12 claim 1 that refers to that retention pin?

13 MR. MILLER: Objection. Vague. Asked and
14 answered.

15 THE WITNESS: I don't see words specific to
16 retention pin. I should clarify that my
17 understanding as a POSITA is the retention pin
18 construction is one way to effect moveable coupling.

19 Q. Are there any other ways in the patent to
20 effect moveably coupling that you're aware of?

21 A. I don't recall. I would have to go back
22 through the written language.

23 Q. Do you know if you provided any opinion on
24 any other element in the patent that affects
25 removably coupling?

1	A.	I don't believe so.	10:33:16
2	Q.	Is there any language in any of the claims	10:33:26
3		of the '291 patent that require the actuators to be	10:33:29
4		constricted in movement?	10:33:32
5	A.	I'm not sure I understand the question.	10:33:38
6		Are you talking about claims or written description,	10:33:39
7		or what?	10:33:41
8	Q.	Let's start with the claims. Is there any	10:33:42
9		language in any of the claims of the '291 patent that	10:33:44
10		require the actuators to be constricted in movement?	10:33:49
11	MR. MILLER:	Objection. Vague.	10:33:55
12	THE WITNESS:	Without scrutinizing all the	10:33:59
13		claim languages here, my interpretation is that the	10:34:02
14		functional requirements imply that limitation	10:34:08
15		requirement.	10:34:14
16	Q.	What functional limitations -- functional	10:34:15
17		requirements are you referring to?	10:34:20
18	A.	In particular, first position and second	10:34:24
19		position. There's probably other terms as well. The	10:34:27
20		interpretation of that is very specific or discreet	10:34:31
21		positions. That can only be attained with some kind	10:34:35
22		of constraint or retention.	10:34:40
23	Q.	What can define the first position?	10:34:43
24	A.	I don't know what you're asking.	10:34:54
25	Q.	You testified that the first position and	10:34:56

1	second position are the functional requirements that	10:35:06
2	you were referring to that imply the limitation that	10:35:09
3	the actuators be constricted in movement; is that	10:35:16
4	correct?	10:35:23
5	A. Yes.	10:35:23
6	Q. What can -- you also testified that the	10:35:24
7	first position and second position can only be	10:35:28
8	attained with some kind of constraint or retention;	10:35:31
9	correct?	10:35:34
10	A. As used in this context, yes.	10:35:39
11	Q. What type of constraint can define the	10:35:41
12	first position?	10:35:44
13	MR. MILLER: Objection. Scope. Vague.	10:35:45
14	THE WITNESS: Again, I'm not sure what	10:35:47
15	you're really asking when you say, "constraint". You	10:35:48
16	mean physical constraint?	10:35:52
17	Q. What did you mean when you said constraint?	10:35:53
18	A. I meant physical constraint. So a physical	10:35:57
19	constraint would be a wall. You hit a wall, you	10:36:05
20	stop.	10:36:08
21	Q. Can you point in the patent to any claim	10:36:09
22	language requiring a physical restraint?	10:36:12
23	A. Not those specific words, no. But as I	10:36:16
24	said, first position, second position can connote	10:36:22
25	very specific locales or loci.	10:36:26

1	Q.	So if an actuator is moveable from a first	10:36:32
2		position to a second position, it is moveably coupled	10:36:35
3		to the support?	10:36:37
4	MR. MILLER:	Objection. Vague. Calls for	10:36:38
5		a legal conclusion.	10:36:39
6	THE WITNESS:	Not exactly the same, but in	10:36:44
7		this context yes.	10:36:46
8	Q.	How is it different?	10:36:47
9	A.	Just language.	10:36:53
10	Q.	What do you mean by that?	10:36:53
11	A.	You and I might independently define first	10:36:55
12		position as somewhere different. So we wouldn't be	10:37:01
13		referring to the same exact geometric spot.	10:37:06
14	Q.	If you can go back to your initial	10:37:27
15		declaration, Exhibit 2001, and look through the table	10:37:31
16		of contents. It should have Inari 2001 in the bottom	10:37:38
17		right hand corner?	10:37:47
18	A.	I've got it. Okay. Sorry. Go ahead.	10:37:48
19	Q.	If you could look through the table of	10:37:50
20		contents, specifically headings VI through X.	10:37:54
21	A.	Okay.	10:38:44
22	Q.	Did you include any opinion about the	10:38:44
23		moveably coupled to the support limitation in this	10:38:47
24		declaration?	10:38:49
25	MR. MILLER:	Objection. Vague. Misstates	10:38:51

1	the document.	10:38:53
2	THE WITNESS: I would have to go back	10:38:55
3	through it, quite honestly.	10:38:56
4	Q. Do you recall including any opinion	10:38:58
5	discussing the moveably coupled to the support	10:39:06
6	limitation in this declaration?	10:39:08
7	MR. MILLER: Objection. Asked and	10:39:10
8	answered.	10:39:11
9	THE WITNESS: I recall reading it. I don't	10:39:11
10	recall what I did or didn't do about that.	10:39:14
11	Q. If you look at your supplemental	10:39:16
12	declaration, 2009, in the bottom right corner. Then,	10:39:25
13	if you look at the table of contents section VI,	10:39:43
14	subsection D. Do you see that heading?	10:39:49
15	A. Yes.	10:39:52
16	Q. The heading is, "Schaeffer does not	10:39:53
17	disclose the actuator having at least a first member	10:39:57
18	moveably coupled to the support"; is that correct?	10:40:04
19	A. Yes.	10:40:09
20	Q. Is that section included in your initial	10:40:11
21	declaration, Exhibit 2001, in the '291 IPR?	10:40:19
22	A. I don't believe so, but I would have to	10:40:23
23	review it.	10:40:34
24	Q. You can review the headings -- if you want	10:40:40
25	to flip through pages 41 to 52 of your initial	10:40:45

1	declaration to the 2001, you can confirm that,	10:40:50
2	please.	10:40:53
3	A. Which pages?	10:40:53
4	Q. Pages 41 through 52.	10:40:56
5	A. And the question is?	10:41:01
6	Q. Do you see that section in your initial	10:41:02
7	declaration?	10:41:06
8	MR. MILLER: Objection. Scope. Is the	10:41:07
9	point to show whether he had the exact same section	10:41:09
10	in his first declaration?	10:41:12
11	THE WITNESS: I believe you're asking, did	10:41:38
12	I specifically address in these sections moveable	10:41:41
13	coupling; is that correct?	10:41:43
14	Q. Yes. You stated you couldn't remember and	10:41:45
15	you would need to review it. I'm trying to give you	10:41:47
16	the opportunity to review.	10:41:49
17	A. So as I review these pages, I don't see	10:41:50
18	that I specifically addressed it in the document. As	10:41:53
19	I answered earlier, though, I certainly didn't read	10:41:57
20	it, wasn't sure if I specifically addressed it in	10:41:59
21	declaration.	10:42:02
22	Q. Do you know why you didn't address it in	10:42:03
23	your initial declaration?	10:42:05
24	MR. MILLER: Objection. Scope.	10:42:06
25	THE WITNESS: No, I don't recall.	10:42:09

1 Q. Do you know why you included it in your
2 supplemental declaration?

3 MR. MILLER: Objection. Scope. To the
4 extent it calls for privileged information.

5 THE WITNESS: I wish my memory were better,
6 but I'm thinking it popped up in reading either
7 petitioner document or petitioner response or expert
8 declaration. When I say popped up, it may have been
9 indirectly referenced, but something triggered that
10 particular aspect of the patent.

11 Q. So you formed this opinion after you
12 drafted your initial declaration?

13 MR. MILLER: Objection. Misstates
14 testimony.

15 THE WITNESS: That's not what I'm saying.
16 I'm saying I reviewed it earlier. I just didn't
17 recall specifically citing it in the declaration.

18 Q. Why didn't you cite it in your initial
19 declaration?

20 MR. MILLER: Objection. Asked and
21 answered.

22 THE WITNESS: I don't have a good answer
23 for that. There are probably a number of issues I
24 could have addressed but didn't.

25 Q. Why did you include it in your supplemental

1	declaration?	10:43:17
2	MR. MILLER: Objection. Asked and	10:43:21
3	answered.	10:43:23
4	THE WITNESS: As I just said, something	10:43:23
5	triggered it. Probably a document from petitioner or	10:43:26
6	petitioner expert.	10:43:31
7	Q. But sitting here today you can't recall why	10:43:33
8	you included it in your supplemental declaration but	10:43:35
9	not your initial declaration?	10:43:37
10	MR. MILLER: Objection. Asked and	10:43:38
11	answered.	10:43:39
12	THE WITNESS: Yeah, I can't recall the	10:43:42
13	conversation or the editing, frankly.	10:43:43
14	Q. If everyone's ready for another short	10:43:54
15	break, we'll step away and then we should be done	10:43:58
16	shortly.	10:44:00
17	VIDEOGRAPHER: We are going off the record.	10:44:03
18	The time is 10:44 A.M.	10:44:04
19	(Recess taken.)	10:44:07
20	VIDEOGRAPHER: We are back on the record at	10:53:31
21	10:53 A.M.	10:53:42
22	Q. Dr. Zalesky, did you speak with anyone	10:53:45
23	during your break other than counsel?	10:53:48
24	A. No.	10:53:50
25	Q. Did you speak with counsel about the	10:53:50

1	substance of your testimony today?	10:53:52
2	A. Only generalities, not details.	10:53:54
3	Q. Let's go back to the '291 patent briefly.	10:54:02
4	Is it possible for a component to be indirectly	10:54:11
5	coupled under the claims of the '291 patent?	10:54:13
6	MR. MILLER: Objection. Vague. Calls for	10:54:18
7	speculation. Legal conclusion.	10:54:20
8	THE WITNESS: I'm not sure what that means,	10:54:25
9	"indirectly".	10:54:27
10	Q. Does claim 1 of the '291 patent allow for a	10:54:30
11	first member to be indirectly coupled to the support?	10:54:34
12	MR. MILLER: Objection. Vague. Calls for	10:54:38
13	a legal conclusion. Hypothetical.	10:54:39
14	THE WITNESS: I think the term coupled	10:54:42
15	negates the indirect descriptor.	10:54:45
16	Q. So your testimony is that coupled in claim	10:54:52
17	1 of the '291 patent requires direct coupling?	10:54:58
18	MR. MILLER: Objection. Vague.	10:55:01
19	THE WITNESS: Well, without understanding	10:55:03
20	what indirect coupling would mean, that's my	10:55:04
21	interpretation.	10:55:07
22	Q. What do you mean by indirect coupling?	10:55:07
23	A. It's a physical intact configuration of	10:55:10
24	retention, as we discussed earlier.	10:55:15
25	Q. Is there a requirement of a physical intact	10:55:19

1	retention in the claims of the '291 patent?	10:55:35
2	MR. MILLER: Objection. Vague. Calls for	10:55:39
3	a legal conclusion.	10:55:42
4	THE WITNESS: The coupling supported by the	10:55:45
5	-- the coupling term supported by the specification	10:55:48
6	says that to me.	10:55:52
7	Q. I have no further questions. I'll pass the	10:55:54
8	witness.	10:55:57
9	MR. MILLER: Okay.	10:55:59
10	EXAMINATION BY MR. MILLER	10:56:01
11	Q. I'm going to go a little bit out of order.	10:56:01
12	Dr. Zalesky, you were asked a number of questions	10:56:08
13	about the '921 patent IPR; correct?	10:56:10
14	A. Yes.	10:56:12
15	Q. Counsel asked you questions regarding	10:56:13
16	Eller. Do you remember that?	10:56:17
17	A. Yes.	10:56:18
18	Q. And he specifically asked whether it	10:56:19
19	disclosed a first and second filament. Do you	10:56:23
20	remember that?	10:56:25
21	A. Yes.	10:56:26
22	Q. And you agreed that Eller discloses	10:56:27
23	multiple filaments; right?	10:56:30
24	A. I did.	10:56:32
25	Q. But in your opinion, Eller does not	10:56:32

1	disclose, alone or in combination with the other	10:56:35
2	prior art in the IPR, the limitations of the claims	10:56:38
3	in the '921 patent; right?	10:56:42
4	A. He does not.	10:56:47
5	Q. And you explain your reasons for that	10:56:48
6	opinion in your declaration submitted in the '921	10:56:50
7	IPR; right?	10:56:53
8	A. Yes.	10:56:54
9	MR. KLUESNER: Objection. Leading.	10:56:55
10	Q. Do you stand by the opinions set forth in	10:56:56
11	the declarations you submitted in the '921 patent	10:56:59
12	IPR?	10:57:01
13	A. Yes.	10:57:02
14	Q. You stated -- actually, let's look at the	10:57:02
15	'291 patent. Going to column 22, claim 1. You've	10:57:12
16	been asked about this term moveably coupled a few	10:57:34
17	times; right?	10:57:37
18	A. Yes.	10:57:38
19	Q. It's not just that it's moveably coupled,	10:57:39
20	though. The limitation reads in full, "an actuator	10:57:43
21	having at least a first member moveably coupled to	10:57:46
22	the support."	10:57:49
23	Do you see that?	10:57:49
24	A. I do.	10:57:50
25	Q. And the next limitation is "a collapsable	10:57:51

1	tubular side wall defining a lumen carried by the	10:57:56
2	support."	10:58:05
3	Do you see that?	10:58:05
4	A. Yes.	10:58:07
5	Q. Moveably coupled to the support is	10:58:07
6	different than carried by the support; right?	10:58:10
7	MR. KLUESNER: Objection. Scope.	10:58:13
8	THE WITNESS: Yes, that's correct.	10:58:14
9	Q. In your opinion, moveably coupled to the	10:58:15
10	support requires a physical retention or constraint	10:58:32
11	to the actuator; correct?	10:58:36
12	A. Yes, it does.	10:58:39
13	Q. And in your opinion, the prior art cited in	10:58:40
14	the '291 patent IPR does not disclose an actuator	10:58:51
15	having at least the first member moveably coupled to	10:58:57
16	the support; correct?	10:59:01
17	MR. KLUESNER: Objection. Scope.	10:59:02
18	THE WITNESS: The prior art I reviewed does	10:59:03
19	not.	10:59:06
20	Q. And you provided your opinions regarding	10:59:06
21	that in the declaration submitted in the '291 patent	10:59:08
22	IPR; right?	10:59:12
23	A. I believe it was in my supplemental	10:59:13
24	declaration.	10:59:16
25	Q. And you stand by the opinions set forth in	10:59:16

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Conducted on March 24, 2026

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1	your supplemental declaration?	10:59:18
2	A. Yes.	10:59:19
3	Q. No further questions, unless he does	10:59:20
4	recross.	10:59:26
5	EXAMINATION BY MR. KLUESNER	10:59:27
6	Q. One question. Dr. Zalesky, did you discuss	10:59:27
7	the questions that counsel would ask prior to his	10:59:31
8	examination?	10:59:35
9	A. We did not.	10:59:36
10	Q. No further questions.	10:59:38
11	VIDEOGRAPHER: This marks the end of the	10:59:39
12	videotaped deposition of Dr. Paul Zalesky. We are	10:59:43
13	going off the record. The time is 10:59 P.M.	10:59:47
14	MR. KLUESNER: I'll need a rough draft.	11:00:32
15	MR. MILLER: Me as well.	11:00:33
16	(Proceedings concluded at 10:59 A.M.)	
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DECLARATION UNDER PENALTY OF PERJURY

I, PAUL ZALESKY, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken March 24, 2026; that I have made such corrections as appear noted on the Deposition Errata Page attached hereto and signed by me; that my testimony as contained herein, as corrected, is true and correct.

Dated this _____ day of _____,
2026, at _____,
California.

PAUL ZALESKY

1 STATE OF CALIFORNIA)
)
2 COUNTY OF LOS ANGELES)

3
4 I, Michael Cagliata, Certified
5 Shorthand Reporter No. 14491, do hereby
6 Certify:

7 That prior to being examined, the witness
8 named in the foregoing deposition was by me duly
9 sworn to testify the truth, the whole truth, and
10 nothing but the truth;

11 That said deposition was taken down by me
12 in shorthand and thereafter reduced to print by
13 means of computer-aided transcription; and the same
14 is a true, correct, and complete transcript of said
15 proceedings.

16 I further certify that I am not
17 interested in the outcome of the action.

18 Witness my hand this 24th day of March, 2026.

19
20 

21 _____
22 Michael Cagliata, CSR #14491, RPR
23 Certified Shorthand Reporter
24 In and for the State of California
25