

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES PATENT AND TRADEMARK OFFICE
-----X
DESTINATION MATERNITY CORPORATION,
PATENT OWNER,
-against-
TARGET CORPORATION,
PETITIONER,
PLAINTIFF,

Case Nos. IPR2013-00530-533
-----X

HIGHLY CONFIDENTIAL
ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF DR. DAVID BROOKSTEIN
Philadelphia, Pennsylvania
Wednesday, July 16, 2014

Reported by:
Rebecca Schaumloffel, RPR, CLR
Job No: 81712

July 16, 2014
9:04 a.m.

Videotaped deposition of DR. DAVID BROOKSTEIN, held at the offices of DLA PIPER LLP, 1650 Market Street, Philadelphia, Pennsylvania, before Rebecca Schaumloffel, a Registered Professional Reporter, Certified Livenote Reporter and Notary Public of the State of New York and the State of New Jersey.

APPEARANCES:

DLA PIPER
Attorneys for the Plaintiff
1650 Market Street
Philadelphia, PA 19103
BY: MICHAEL BURNS, ESQ.

FAEGRE BAKER DANIELS
Attorneys for the Defendant
300 North Meridian Street
Indianapolis, Indiana 46204
BY: TREVOR CARTER, ESQ.
MATTHEW ENNIS, ESQ.

ALSO PRESENT:

Matthew Smith, videographer

* * *

D. BROOKSTEIN
(Whereupon, Brookstein Exhibit 1060, Petitioner's Notice of David Brookstein was marked for identification as of this date by the Reporter.)
(Whereupon, Brookstein Exhibit 1061, Petitioner's Notice of Deposition was marked for identification as of this date by the Reporter.)
(Whereupon, Brookstein Exhibit 1062, Petitioner's Notice of Deposition was marked for identification as of this date by the Reporter.)
(Whereupon, Brookstein Exhibit 1063, Petitioner's Notice of Deposition was marked for identification as of this date by the Reporter.)
THE VIDEOGRAPHER: This begins tape labeled number 1 of the videotaped deposition of Dr. David Brookstein in the matter of Target

D. BROOKSTEIN
Corporation V Destination Maternity Corporation for the United States Patent and Trademark Office. This deposition is being held at the 1650 Market Street, in Philadelphia, on July 16, 2014, at approximately 9:05 a.m.
My name is Matthew Smith for TSG Reporting Incorporated. I am the legal video specialist. The Court Reporter is Rebecca Schaumloffel in association with TSG Reporting.
Will counsel please introduce yourselves for the record.
MR. CARTER: Trevor Carter from Faegre Baker Daniels for the Petitioner, Target Corporation.
MR. ENNIS: Matthew Ennis from Faegre Baker Daniels, also for Petitioner.
MR. BURNS: Michael Burns from DLA Piper for patent owner Destination Maternity Corporation.
THE VIDEOGRAPHER: Thank you.

1 D. BROOKSTEIN
 2 Will the Court Reporter please swear
 3 in the witness.
 4 D A V I D B R O O K S T E I N, called as a
 5 witness, having been first duly sworn by a
 6 Notary Public of the State of New York, was
 7 examined and testified as follows:
 8 EXAMINATION BY
 9 MR. CARTER:
 10 Q. Please state your name for the
 11 record.
 12 A. My name is David Stuart,
 13 S-T-U-A-R-T, Brookstein.
 14 Q. And what is your address?
 15 A. [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 Q. We have already marked
 19 Exhibits 1060 through 1063 that have been put
 20 in front of you.
 21 A. Yes.
 22 Q. So do you understand that you are
 23 here today in response to a Deposition Notice
 24 for the Patent Trial and Appeal Board
 25 proceedings referenced on those documents?

1 D. BROOKSTEIN
 2 A. I do.
 3 Q. And you have provided expert
 4 declarations on behalf of the patent owner
 5 Destination Maternity Corporation in those
 6 proceedings?
 7 A. I have.
 8 Q. Is there anything that would
 9 prevent you from testifying today, medical
 10 condition?
 11 A. Not that I can --
 12 Q. Illness?
 13 A. Not that I know of right now.
 14 Q. Okay. Have you been deposed
 15 before?
 16 A. Yes.
 17 Q. Okay. So you understand I will
 18 be asking questions and from time to time
 19 your counsel may be objecting and then you
 20 will be answering. In fairness to the Court
 21 Reporter, only one of us should talk and so
 22 we should try to do the best not to interrupt
 23 each other. So I will my best to do that and
 24 I will ask you to do the same.
 25 A. I understand.

1 D. BROOKSTEIN
 2 Q. If you want to take a break, you
 3 can take a break at any time. The only
 4 exception to that rule is not to break during
 5 a pending question.
 6 A. I understand.
 7 Q. So if there is a pending
 8 question, I would like an answer to that
 9 question before we break.
 10 A. I understand.
 11 Q. On how many prior occasions have
 12 you been deposed?
 13 A. I don't know the precise number.
 14 Between 30 and 40 times.
 15 Q. And have those all been in the
 16 capacity as an expert witness?
 17 A. Yes.
 18 Q. In what type of cases?
 19 A. Patent cases, both for the
 20 defense, plaintiff. Product liability cases,
 21 defense, plaintiff, and I work as an expert
 22 for the U.S. Department of Justice Civil
 23 Fraud Division and as a false claim acts case
 24 that I have been working on that I was
 25 deposed.

1 D. BROOKSTEIN
 2 Q. What did the false claims acts
 3 relate to?
 4 A. I can only tell you, of course,
 5 what is public. It relates -- the federal
 6 government is suing a manufacturer of fibers,
 7 international manufacturing alleging that the
 8 fibers are defective.
 9 Q. Any of your prior expert witness
 10 cases involve maternity garments?
 11 A. No, they did not.
 12 Q. Any involve clothing?
 13 A. Yes, they did.
 14 Q. Approximately how many?
 15 A. Four or five.
 16 Q. What were those cases?
 17 A. The subject matter or the actual
 18 parties?
 19 Q. Let's start with the parties.
 20 A. I have done a case for Nike and a
 21 defense case that involves their pro combat
 22 shorts. I have done a case for Cabela's
 23 against -- they were being sued by a company
 24 called Seirus, S-E-I-R-U-S, for ski masks. I
 25 have done a case for a firm that is Ohio

1 D. BROOKSTEIN
 2 Willow Wood that was being sued for
 3 infringement for what they call stump socks
 4 for amputees. I just can't remember -- those
 5 are the three I can remember offhand
 6 right now.
 7 Q. If you remember any of the others
 8 during the deposition, please let me know.
 9 A. I will let you know.
 10 That was patent cases; is that
 11 correct?
 12 Q. Yes.
 13 A. Yes.
 14 Q. I take it those cases are not
 15 listed in your CV that was provided with your
 16 expert report?
 17 A. Yes. And I have an updated CV I
 18 brought.
 19 Q. But those cases are not
 20 included --
 21 A. I don't think they are, no.
 22 Q. What about -- what was at issue
 23 for the Nike pro combat shorts?
 24 A. It was a process -- a method
 25 case. And it was a case that Nike was

1 D. BROOKSTEIN
 2 alleged to have copied a manufacturing
 3 process by a company which -- owned by a
 4 company in Chicago called McDavid and Nike
 5 received a summary judgment in their favor
 6 that they did not copy.
 7 Q. What was the subject matter of
 8 the case, more particular than the combat
 9 shorts?
 10 A. It involved the way the shorts
 11 were manufactured using a series of --
 12 elastic cushions, rubber cushions or, not
 13 rubber, but a cushion, foam cushion.
 14 Q. Is there any overlap in the
 15 subject matter in the Nike case to this case?
 16 A. Other than they are clothing, no.
 17 Q. Anything having to do with the
 18 properties of the shorts as made or was it
 19 all related to the manufacturing of the
 20 shorts?
 21 A. It was a method. Manufacturing.
 22 Q. So nothing to do with the
 23 composition of the shorts?
 24 MR. BURNS: Objection to form.
 25 A. Not that I can recall.

1 D. BROOKSTEIN
 2 Q. Is the Cabela's case, that
 3 related to a ski mask?
 4 A. Yes.
 5 Q. What, in more detail, was that
 6 issue for the ski mask?
 7 A. I don't recall all the details.
 8 But it was the way the ski mask was made and
 9 the elasticity of the ski mask as it went
 10 over the wearer's face.
 11 Q. And you represented Cabela's who
 12 was the opposing party?
 13 A. I didn't represent. I was
 14 working for Cabela's, yes.
 15 Q. Who was the opposing party?
 16 A. A company called Seirus,
 17 S-E-I-R-U-S.
 18 Q. Was Cabela's a defendant or a
 19 plaintiff?
 20 A. They were defendants. Also,
 21 there was a corresponding case for the same
 22 product where Seirus had sued a company in
 23 Canada called Bula, B-U-L-A, essentially the
 24 same case but it settled. The preceding
 25 case, there was a summary judgment motion for

1 D. BROOKSTEIN
 2 Cabela's.
 3 Q. Cabela's won on summary judgment?
 4 A. Yes, they did.
 5 Q. On what issue?
 6 A. I don't recall.
 7 Q. Did you issue any reports in the
 8 Cabela's case?
 9 A. I did.
 10 Q. Were you deposed in that case?
 11 A. I was.
 12 Q. Did you provide any hearing or
 13 trial testimony in that case?
 14 A. It never went to trial.
 15 Q. But was there a hearing at which
 16 you testified, for example, summary judgment
 17 hearing?
 18 A. No. And you asked me earlier if
 19 I thought of any cases. I just thought of
 20 another case that involved clothing. It was
 21 a case where I was working for the counsel
 22 representing a company called Icon Outdoors,
 23 I-C-O-N. It was on hunting gear, and I
 24 testified in a Markman Construction hearing
 25 and then the case was settled.

1 D. BROOKSTEIN
 2 Q. Who was the opposing party in the
 3 Icon case?
 4 A. I don't remember.
 5 Q. Do you know where the case was?
 6 A. Baltimore.
 7 Q. And in what year, approximately,
 8 did you testify?
 9 A. 2010 or 2011; I don't recall.
 10 Q. We were talking about that
 11 case -- what --
 12 A. I thought of another case. I am
 13 sorry.
 14 Q. That's fine.
 15 A. I don't have the list in front of
 16 me. I did a case that involved protective
 17 gloves for a company called Banom
 18 Manufacturing, B-A-N-O-M.
 19 Q. Who was the opposing party in
 20 that case?
 21 A. I don't remember.
 22 Q. Where was that case venued?
 23 A. In Philadelphia.
 24 Q. All right. Let's go back to the
 25 Cabela's case. Your deposition and your

1 D. BROOKSTEIN
 2 report, do you still have those today?
 3 A. Not with me.
 4 Q. But you have them in your
 5 possession?
 6 A. Somewhere, yes.
 7 Q. Is there any kind of
 8 confidentiality order relating to the report
 9 or the deposition?
 10 A. I don't recall.
 11 Q. Where was the Cabela's case
 12 venued?
 13 A. In Illinois. I don't know which
 14 district, but it was in Illinois.
 15 Q. You said that the ski mask case
 16 had dealt with the way it was made and the
 17 elasticity on the wearer?
 18 A. That was part of it.
 19 Q. What were the issues regarding
 20 the elasticity?
 21 A. Mr. Carter, as I sit here, I
 22 don't recall. I haven't looked at that case
 23 in three or so years. I don't recall.
 24 Q. You don't recall anything about
 25 the elasticity issues in the case?

1 D. BROOKSTEIN
 2 A. I don't.
 3 Q. All right. The Ohio Willow Wood
 4 case?
 5 A. Yes.
 6 Q. Who was the opposing party?
 7 A. A company called Thermo-PLY in
 8 Florida.
 9 Q. Where was the case venued?
 10 A. I am not sure if it was in Tampa
 11 or in Ohio because we never went to court on
 12 that.
 13 Q. What, in particular, about the
 14 stump sock was at issue in the case?
 15 A. The elasticity of side pieces to
 16 the stump sock, whether they were elastic
 17 or not.
 18 Q. What were the elasticity issues
 19 in that case?
 20 A. Whether they were elastic or not.
 21 That's as far as -- that's as much as I can
 22 remember.
 23 Q. Do you know how that case ended
 24 or is it still ongoing?
 25 A. It recently settled. It is my

1 D. BROOKSTEIN
 2 understanding it settled in favor of Ohio
 3 Willow Wood.
 4 Q. What do you mean it settled in
 5 favor of Ohio Willow Wood?
 6 A. Well, Ohio Willow Wood was at
 7 suit for infringement. But I haven't seen
 8 the file, the order. That's my
 9 understanding.
 10 Q. Did Ohio Willow Wood pay anything
 11 to Thermo-PLY?
 12 A. I have no idea.
 13 Q. Just curious how you know it
 14 settled in favor of Ohio Willow Wood?
 15 A. Because we were set to go to
 16 trial and the attorney had called had me up
 17 and said we are not going to trial. We got a
 18 favorable settlement. That's as far as I
 19 know.
 20 Q. How long ago was that?
 21 A. The settlement?
 22 Q. Yes.
 23 A. The last three or four months.
 24 Q. So you probably remember what
 25 some of the elasticity issues were in that

1 D. BROOKSTEIN
 2 case?
 3 A. No. Because what had happened
 4 was, that case, actually, the last time I
 5 actively worked on that case was in 2007, and
 6 then, there were a lot of issues that --
 7 legal issues about if it was going to be
 8 continued or what have you, and I thought the
 9 case was over. And then, about a month prior
 10 to going to trial, I was -- a new firm got
 11 the case, a firm called Dinsmore, and I was
 12 told, well, we are going to go to trial so
 13 you better get up to speed on the case. By
 14 the time I was ready to get up to speed, they
 15 called and said it was settled. So this goes
 16 back to 2007. I barely remember.
 17 Q. Did you issue any reports,
 18 declarations, other written product in that
 19 case?
 20 A. I did.
 21 Q. What did you issue in that case?
 22 A. Reports.
 23 Q. How many?
 24 A. I don't recall.
 25 Q. Do you still have them?

1 D. BROOKSTEIN
 2 A. Somewhere, but I don't know where
 3 they are.
 4 Q. Were you deposed in that case?
 5 A. Yes.
 6 Q. Do you still have the deposition
 7 transcript?
 8 A. Somewhere. But I don't recall
 9 where.
 10 Q. Did you provide any testimony at
 11 hearings, any other proceedings?
 12 A. I was asked to go to a Markman
 13 hearing but they never put me up.
 14 Q. In the Icon Outdoors case, do you
 15 recall the name of the adverse party?
 16 A. You asked me that question, I
 17 don't remember.
 18 Q. It was in Baltimore?
 19 A. As best as I know, yes.
 20 Q. What specifically about the
 21 hunting gear was at issue?
 22 A. The location of the sternum; the
 23 top of the sternum.
 24 Q. What is the sternum?
 25 A. The breast bone, as best as I can

1 D. BROOKSTEIN
 2 recall.
 3 Q. The breast bone, can you move
 4 your tie and just kind of point generally to
 5 what it is?
 6 A. Well, it's been awhile since I
 7 looked at that case. I don't remember what I
 8 testified. I remember we got a construction,
 9 whatever I testified was in our favor, but I
 10 remember the breast bone is something in
 11 there, but I am not an anatomist so I am not
 12 going to hold myself to that.
 13 Q. So make sure I understand, did
 14 you provide expert opinion regarding the
 15 location of the sternum?
 16 A. No. Expert location of where the
 17 garment was on the sternum. I was produced a
 18 medical drawing, where does the garment end
 19 up on the sternum. That's as far as I
 20 remember.
 21 Q. So you didn't testify about the
 22 location of a particular body part?
 23 A. I don't recall. I just don't
 24 recall.
 25 Q. Are you qualified to do, to

1 D. BROOKSTEIN
 2 provide testimony regarding the location of
 3 body parts such as sternums?
 4 A. I am.
 5 Q. So where is the sternum?
 6 A. Well, I haven't looked at that
 7 recently so I'm not going to answer that
 8 right now. I'd have to go back and look at
 9 what I said.
 10 Q. Well, the location of the sternum
 11 isn't going to change based on what you said
 12 in your report, is it?
 13 A. No, but I remember when I did my
 14 research. I remember doing research. I
 15 haven't done it recently, so I will not sit
 16 here and do that.
 17 Q. So today, you can't say where the
 18 sternum is located on a person's body?
 19 MR. BURNS: Objection to form.
 20 A. Today, I am going to say without
 21 going back and looking at what I did, I am
 22 not going to testify about it.
 23 Q. Okay. Where is the sternum
 24 relative to a person's abdomen?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. I have to go back and look at
 3 what I said about the sternum. I am not
 4 going to go there.
 5 Q. You can't, in the context of this
 6 case, can you provide testimony about where
 7 the sternum is relative to a person's
 8 abdomen?
 9 MR. BURNS: Objection to form.
 10 A. I never looked at sternums with
 11 respect to abdomen in this case.
 12 Q. Okay. How about the location of
 13 the sternum relative to a woman's breast
 14 area?
 15 MR. BURNS: Objection.
 16 A. I keep coming back, I haven't
 17 done this in awhile. I don't recall what
 18 I did.
 19 Q. Okay. So today you can't provide
 20 any testimony on the location of a sternum
 21 relative to a person's breast area, a woman's
 22 breast area?
 23 MR. BURNS: Objection to form.
 24 A. I am not going to say I can't. I
 25 am saying I haven't done it in awhile. I

1 D. BROOKSTEIN
 2 have to go back and look at what I said. I
 3 don't recall that that was part of the issue
 4 here. In the Icon case.
 5 Q. Okay. Putting the Icon case
 6 aside.
 7 A. Right.
 8 Q. Just talking generally, you are
 9 here as an expert witness here today; is that
 10 correct?
 11 A. That's correct.
 12 Q. Can you or can you not tell us,
 13 in the context of this case, the location of
 14 a sternum relative to a woman's breast area?
 15 MR. BURNS: Objection to form.
 16 Also, outside the scope of his
 17 Declaration.
 18 A. I was only looking at breast
 19 area. And abdomen in this matter.
 20 Q. Are you familiar with the term
 21 thorax?
 22 A. I am.
 23 Q. Where is a person's thorax?
 24 MR. BURNS: Objection to form.
 25 A. Again, that was part of my

1 D. BROOKSTEIN
 2 testimony on the Icon case. Unless I see
 3 what my testimony is, I am not going to talk
 4 about that.
 5 Q. So in the Icon case, you provided
 6 testimony about the location of the thorax
 7 also?
 8 A. I am not sure.
 9 Q. Put the Icon case aside, you are
 10 an expert witness in the present case that
 11 brings us here today, right?
 12 A. That is correct.
 13 Q. Can you tell us where the thorax
 14 is located relative to the abdomen?
 15 MR. BURNS: Objection to form.
 16 Also outside the scope of the
 17 Declaration.
 18 A. I can only -- for this case, I
 19 can talk about the breast area and I can talk
 20 about the abdomen. I can talk about the
 21 waist. That's all I looked at in this case.
 22 Q. Can you talk about the location
 23 of any other body part on a person other than
 24 the abdomen, waist and breast area?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. I can talk about where the arm
 3 is. Where the leg is, yes.
 4 Q. So I would have to go through
 5 body part by body part?
 6 MR. BURNS: Objection to form.
 7 A. Yes. But I haven't prepared to
 8 talk about anatomy except for the areas that
 9 related to this matter.
 10 Q. Just to short circuit this. If I
 11 ask any questions about the thorax and its
 12 location relative to the breast area, the
 13 sternum, the abdomen or the belly, you aren't
 14 going to be able to provide testimony about
 15 those locations; is that correct?
 16 MR. BURNS: Object to form.
 17 A. That is correct.
 18 Q. And the same for the sternum,
 19 today, you aren't going to be able to provide
 20 any testimony about the location of the
 21 sternum relative to the breast area, to the
 22 belly, to the abdomen?
 23 MR. BURNS: Objection to form.
 24 A. That is correct.
 25 Q. Okay. How about the waist, I

1 D. BROOKSTEIN
 2 left that out, can you provide any testimony
 3 about the location of the sternum and/or the
 4 thorax relative to a person's waist?
 5 MR. BURNS: Objection to form.
 6 A. Same situation, no.
 7 Q. If you were able to review your
 8 testimony in the Icon case, would that help
 9 you to be able to provide that testimony
 10 today?
 11 A. I can't answer until I have seen
 12 the testimony. It was three, four years ago.
 13 I don't recall.
 14 Q. So knowing that opinion from
 15 three or four years ago would help you
 16 provide an opinion today?
 17 MR. BURNS: Objection.
 18 A. To what? What question? To
 19 what -- relative to what?
 20 Q. Knowing the location of the
 21 sternum and the thorax.
 22 A. Yes, if I reviewed my
 23 testimony, yes.
 24 Q. So you said you testified at a
 25 Markman hearing. Do you know if a transcript

1 D. BROOKSTEIN
 2 exists for that Markman hearing?
 3 A. It was in court. I would assume
 4 but I have no idea. I didn't get a copy of
 5 the transcript.
 6 Q. Did you provide any reports in
 7 that case?
 8 A. I don't think so.
 9 Q. You didn't put in an expert
 10 report prior to testifying at the Markman
 11 hearing?
 12 A. I don't think so, no, but I am
 13 not 100% sure. I don't think so. I don't
 14 recall.
 15 Q. Were you deposed in that case?
 16 A. I don't think so.
 17 Q. So you were -- you testified at
 18 the Markman hearing without being deposed
 19 beforehand?
 20 A. I am pretty sure I was not
 21 deposed for the Icon case, that's correct.
 22 Q. Who -- what counsel represented
 23 Icon?
 24 A. Ober Kaler.
 25 Q. Can you spell that please?

1 D. BROOKSTEIN
 2 A. O-B-E-R hyphen K-A-L-E-R in
 3 Baltimore.
 4 Q. And do you recall who represented
 5 the opposing party?
 6 A. No. You asked me that question,
 7 I don't know.
 8 Q. Well, not the name of the
 9 opposing party, but the attorneys on the
 10 other side?
 11 A. No, I don't.
 12 Q. So the hunting gear, you were
 13 looking at the location of the hunting gear
 14 relative to the sternum and the thorax in
 15 that case?
 16 A. As best as I can recall.
 17 Q. What was the particular issue of
 18 the location of the hunting gear relative to
 19 those body parts?
 20 A. As I indicated to you, I barely
 21 remember this case. You also remember, I
 22 brought it up afterwards. That's how far
 23 back it was in my mind. I don't remember any
 24 of the details of this case other than it was
 25 for Icon. Other than Icon got the settlement

1 D. BROOKSTEIN
 2 in their favor, to the best of my
 3 understanding. That's as much as I remember
 4 about that case.
 5 Q. Okay. Why do you say Icon
 6 received settlement in its favor?
 7 MR. BURNS: Objection to form.
 8 A. Because the attorneys, again,
 9 told me the case is over and they got what
 10 they wanted. That's as much as I know.
 11 Q. You didn't see the Settlement
 12 Agreement?
 13 A. Oh, absolutely not.
 14 Q. Any other body parts at issue in
 15 the Icon case other than the sternum and
 16 thorax?
 17 A. As I sit here, I don't remember.
 18 Q. What were the properties of the
 19 hunting gear at issue in the case?
 20 A. As I indicated, I told you
 21 everything I know about that case. I don't
 22 remember anything else about that case.
 23 Q. It was elasticity of the hunting
 24 gear at issue?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. As I indicated, I don't remember
 3 any of the issues in that case.
 4 Q. You don't recall what kind of
 5 hunting gear it was, was it a jacket,
 6 camouflage bibs?
 7 A. It was a jacket, that I remember.
 8 Q. What kind of jacket?
 9 A. You need to be more specific.
 10 Q. Do you recall anything more
 11 specific about the jacket?
 12 A. No.
 13 Q. Anything else you can recall
 14 about the Icon case that you haven't already
 15 testified to here today?
 16 A. No.
 17 Q. Then the Banom Manufacturing
 18 case?
 19 A. Yes.
 20 Q. I can't remember if I asked if
 21 you recall the name of the opposing party?
 22 A. You did ask and I don't remember.
 23 Q. It was venued in Philadelphia?
 24 A. It was.
 25 Q. Involved protective gloves?

1 D. BROOKSTEIN
 2 A. Yes.
 3 Q. Did you provide an expert report
 4 or Declaration in that case?
 5 A. I don't recall.
 6 Q. Were you deposed in that case?
 7 A. No.
 8 Q. Did you provide any testimony at
 9 a hearing or trial or any other similar
 10 setting?
 11 A. I seem to remember that I -- it
 12 was an Eastern District of Pennsylvania. I
 13 went to a Markman hearing, but I don't recall
 14 if I testified or not.
 15 Q. About the protective gloves at
 16 issue?
 17 A. The yarn construction.
 18 Q. What about the yarn construction?
 19 A. I don't recall the exact details
 20 other than it involved elasticity of the
 21 yarn.
 22 Q. Anything else?
 23 A. Not as I sit here.
 24 Q. When you said the elasticity of
 25 the yarn was at issue, do you recall the

1 D. BROOKSTEIN
 2 claims in that case?
 3 A. No.
 4 Q. So for your patent cases
 5 involving clothing, you talked about the Nike
 6 case, Cabela's case, Ohio Willow Wood case,
 7 the Icon case and the Banom manufacturing
 8 case?
 9 A. Yes.
 10 Q. Any others that you can recall?
 11 A. Not as I sit here, but as the day
 12 progresses, other cases might come to mind.
 13 Q. Please let me know if something
 14 else comes to mind. For written work product
 15 in those cases, you recall a report, at least
 16 one report in the Ohio Willow Wood case and
 17 at least one report in the Cabela's case?
 18 A. Yes.
 19 Q. Any others?
 20 A. Nike.
 21 Q. So in Nike, you had a report?
 22 A. Yes.
 23 Q. Do you still have that report?
 24 A. No. They asked -- at the end of
 25 the case, I had to return all materials. I

1 D. BROOKSTEIN
 2 do not have that report.
 3 Q. Were you deposed in that case?
 4 A. Yes.
 5 Q. Do you still have the deposition
 6 transcript?
 7 MR. BURNS: Objection.
 8 A. No. I was told to return
 9 everything.
 10 Q. Did you provide any testimony in
 11 that case?
 12 A. In depositions, yes.
 13 Q. Hearing or trial?
 14 A. No.
 15 Q. All right. So any other written
 16 work product that you provided for any of
 17 these cases we have discussed?
 18 A. As I sit here, I can't recall.
 19 Q. Then, I understand that you
 20 testified at a Markman hearing in the Icon
 21 case and you may have testified at a Markman
 22 hearing in the Banom Manufacturing case?
 23 A. I know I was at a Markman
 24 hearing. I don't know if I testified.
 25 Q. In the Banom case?

1 D. BROOKSTEIN
 2 A. In the Banom case.
 3 Q. Any other testimony, hearing,
 4 trial, any other proceedings in any of those
 5 cases?
 6 A. Not as I sit here. I can't
 7 recall.
 8 Q. When you were deposed in the Nike
 9 case, the Cabela's case and the Ohio Willow
 10 Wood case?
 11 A. Yes, and I also said the Bula
 12 case. Remember I said that Seirus sued Bula
 13 and also sued Cabela's. I did -- no, I think
 14 that I did not testify in the Bula case. I
 15 submitted a report, but the case was settled
 16 prior to, as best I can recall the
 17 deposition.
 18 Q. I see. Were you an expert on
 19 behalf of Bula also?
 20 A. Yes.
 21 Q. And the following case?
 22 A. Yes. Bula was the first case.
 23 Cabela's was the follow on.
 24 Q. Did you work with the same
 25 counsel in the Seirus case and the Bula

1 D. BROOKSTEIN
 2 cases?
 3 A. No.
 4 Q. Do you still have the report from
 5 the Bula case?
 6 A. Not that I can recall.
 7 Q. Sorry, you represented Cabela's
 8 and Bula?
 9 A. I didn't represent anybody. I
 10 was an expert for Bula and I was an expert
 11 for Cabela's.
 12 Q. But worked with different
 13 counsel?
 14 A. Yes. Different firms.
 15 Q. Was the same attorneys but just
 16 at different firms?
 17 A. No it was totally different. The
 18 first firm was Pillsbury. The second firm
 19 was Shook Hardy. Not Shook Hardy. I don't
 20 remember. It was Shook Hardy. I don't
 21 remember.
 22 Q. Were you deposed in the Bula
 23 case?
 24 A. I don't recall.
 25 Q. Provide any testimony, hearing,

1 D. BROOKSTEIN
 2 trial, any other proceeding in the Bula case?
 3 A. Not that I can recall.
 4 Q. Were any of these cases you
 5 discussed involved in a Patent Office
 6 proceeding?
 7 A. These litigation cases. I think
 8 they were out of the Patent Office in the
 9 federal courts.
 10 Q. Sorry, you understand that in the
 11 present case, there's also pending litigation
 12 in a U.S. District Court?
 13 A. I do.
 14 Q. And that the same patents are
 15 also involved in the Patent Office
 16 proceedings referenced in Exhibits 1060
 17 through 1063?
 18 A. I understand that.
 19 Q. Any of these cases that you have
 20 discussed so far, Nike case, Cabela's case,
 21 Bula case, Ohio Willow Wood, Icon, Banom,
 22 were any of -- did any of those cases have
 23 related proceedings at the U.S. Patent
 24 Office?
 25 A. They were before IPRs and I do

1 D. BROOKSTEIN
 2 not recall that. I was strictly litigation
 3 in district courts. To the best of my
 4 knowledge.
 5 Q. Have there been re-exams,
 6 re-issues, other Patent Office proceedings
 7 before IPRs?
 8 MR. BURNS: Objection to form.
 9 A. I don't recall.
 10 Q. For example, you mentioned, I
 11 think, it was the, one of the cases, was it
 12 the Ohio Willow Wood case, is that the case
 13 where three or four months ago you found out
 14 that the case settled?
 15 A. Yes.
 16 Q. And that that case had been going
 17 on since 2007?
 18 A. Well, it had -- it started and
 19 then for five or six years there was no
 20 action going on. I don't recall that it was
 21 something that changed and then it reemerged.
 22 Q. So you don't know if the patent
 23 or patents at issue in that case were put
 24 back in front of the Patent Office?
 25 MR. BURNS: Objection.

1 D. BROOKSTEIN
 2 A. I don't know. I have no idea.
 3 Q. What other cases have you been
 4 involved in involving clothing other than the
 5 patent cases you have mentioned?
 6 A. I have been involved in product
 7 liability cases and also the case that -- the
 8 Department of Justice is handling.
 9 Q. Approximately how many product
 10 liability cases have you been involved in?
 11 A. Greater than ten but I don't have
 12 the number in front of me.
 13 Q. Just a general, what have been
 14 the subject matter of those cases?
 15 A. Generally, protective clothing
 16 that either failed or didn't fail.
 17 Q. What do you mean didn't fail?
 18 A. A person may have been burned,
 19 but it wasn't because the clothing failed, or
 20 a person might have been burned and it was
 21 because the clothing failed.
 22 Q. Is it fair to say that all of the
 23 cases involved protective clothing where
 24 there were allegations of failure?
 25 A. I have to go back and look at

1 D. BROOKSTEIN
 2 them all. I don't recall.
 3 Q. Other than the protective
 4 clothing fail issues you mentioned, did the
 5 product liability cases that you have been
 6 involved in related to clothing relate to
 7 anything else?
 8 A. It was one case, it was about
 9 ten years ago, I don't recall the details,
 10 but it involved a jacket and a drawstring
 11 that was alleged to have come undone and hit
 12 someone in the eye.
 13 Q. Anything else?
 14 A. As I sit here, I can't recall.
 15 Q. All right. The work that you
 16 have done in this case, other than counsel,
 17 have you talked to anyone?
 18 A. Only my wife to tell her I was
 19 working on this case, and my daughter when I
 20 asked her if she had a pair of Secret Fit
 21 Belly pants.
 22 Q. What did your daughter say?
 23 A. She said they were the greatest
 24 pants she ever wore.
 25 Q. Had she worn any other maternity

1 D. BROOKSTEIN
 2 type pants?
 3 A. I didn't ask those type of
 4 questions because I didn't want to get into
 5 the details. When I got into this case, I
 6 said, Cara, have you ever work Secret Fit
 7 Belly pants? Yes, they are great pants.
 8 That's as far as I went.
 9 Q. You didn't ask her why she said
 10 that?
 11 A. I didn't ask anything other than
 12 that.
 13 Q. Have you asked her if she's worn
 14 any pants made by J.C. Penney?
 15 A. I didn't ask anything else.
 16 Q. Target?
 17 A. I didn't ask anything else.
 18 Q. You didn't ask her what that was
 19 in comparison to, for example?
 20 MR. BURNS: Objection to form.
 21 A. I didn't ask anything else.
 22 Q. When was she -- when was she
 23 expecting, what timeframe?
 24 A. About three years ago;
 25 four years ago.

1 D. BROOKSTEIN
 2 Q. Any other discuss you had with
 3 your daughter?
 4 MR. BURNS: Objection to form.
 5 A. Yes, I had a discussion with her
 6 this weekend. Don't bother me the next
 7 three days. I was getting ready for a
 8 deposition. That's about it.
 9 Q. How about your wife?
 10 A. I regularly tell my wife, you
 11 know, the cases that I work on. I don't get
 12 into the details because I say I am working
 13 for attorneys that are representing
 14 Destination Maternity and that's about all.
 15 Q. Anyone else other than counsel,
 16 your wife and your daughter that you talked
 17 to about the case?
 18 A. As I sit here, I don't recall.
 19 Q. Do you know a Mr. Green who was
 20 also an expert witness working with counsel
 21 for Destination Maternity?
 22 A. Yes, and I have spoken with him
 23 twice.
 24 Q. What did you discuss with
 25 Mr. Green?

1 D. BROOKSTEIN
 2 A. Mr. Green asked me to tell him
 3 about what my opinions were regarding the
 4 patents and the prior art and that's what I
 5 told him about.
 6 Q. Anything else?
 7 A. Not that I recall.
 8 Q. At the time you spoke with
 9 Mr. Green, had you already reached your
 10 opinions on the patent and prior art?
 11 A. Yes, I did.
 12 Q. Do you recall the dates of the
 13 discussions with Mr. Green?
 14 A. I can recall I spoke to him last
 15 Monday prior to his deposition, and I spoke
 16 to him nearly a month or so prior to that,
 17 but I don't know the exact date.
 18 Q. What did you discuss with him
 19 last Monday before his dep?
 20 A. Is that a question? I didn't
 21 hear you.
 22 Q. Sorry, what did you discuss with
 23 Mr. Green last Monday?
 24 A. The same thing I discussed both
 25 times. That it was my opinion that the prior

1 D. BROOKSTEIN
 2 art did not anticipate the '531 or the
 3 '563 Patent and that the other art was not
 4 the obvious of the '531 or the '563 Patent.
 5 Q. Okay. Anything else?
 6 A. Not that I can recall. It was
 7 short discussions.
 8 Q. Did you talk to him about Target
 9 products?
 10 A. I don't think I did, no.
 11 Q. In either discussion?
 12 A. I did not.
 13 Q. So, for example, you have in your
 14 report claim charts?
 15 A. I have in my -- well, tell me
 16 what report you're talking about.
 17 Q. Strike that. Did you speak with
 18 Mr. Green about Destination Maternity
 19 products?
 20 A. Yes, I did.
 21 Q. What did you discuss with him
 22 about those products?
 23 A. That it was my examination showed
 24 that they met, at the very least, the
 25 independent claim, one for the '531 and the

1 D. BROOKSTEIN
 2 '563 and many of the dependent claims.
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 D. BROOKSTEIN
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 Q. What others did you look at?
 16 A. Well, I went to a DMC store and
 17 went through some of the aisles and looked at
 18 a lot of pants that said Secret Fit Belly. I
 19 looked at my daughter's pants. And I looked
 20 at the website that talks about DMC pants.
 21 Secret Fit Belly pants.
 22 Q. Okay. So you looked at others in
 23 DMC stores?
 24 A. One store.
 25 Q. One store. What store was that?

1 D. BROOKSTEIN
 2 A. A store in Franklin Mills,
 3 Pennsylvania.
 4 Q. And you looked at your daughter's
 5 Secret Fit Belly pants?
 6 A. For a short period of time, yes.
 7 Q. So she still has those?
 8 A. I have no idea. She had them
 9 when I brought this up awhile back. I don't
 10 know now.
 11 Q. Do you remember the style number
 12 of those pants?
 13 A. Not at all.
 14 Q. Did you do anything with those
 15 pants to analyze them in any way?
 16 A. I took the upper panels and
 17 showed it expanded very far, but I didn't put
 18 them on her.
 19 Q. Anything else with those pants,
 20 any measurements?
 21 A. No.
 22 Q. Analyze the type of material?
 23 A. Just that the panel was an
 24 elastic material.
 25 Q. Anything other than that?

1 D. BROOKSTEIN
 2 A. No.
 3 Q. What did you do when you looked
 4 at other Secret Fit Belly products in the
 5 Franklin Mills DMC store?
 6 A. Same thing I just discussed with
 7 my daughter. I would look at the expandable
 8 panel and stretch it both in the up and down
 9 direction and the cross direction and looked
 10 at the fabric of the panel.
 11 Q. What findings, if any, did you
 12 have on those pants?
 13 A. For that area, the same findings
 14 that I found in the ones that I looked at in
 15 great detail, the four exemplars.
 16 Q. Other than just taking the pants
 17 and pulling on them --
 18 A. Yes.
 19 Q. -- in two directions, did you do
 20 anything to take measurements, put them on
 21 people or mannequins?
 22 A. At the store?
 23 Q. Yes.
 24 A. No.
 25 Q. Did you buy any of those pants?

1 D. BROOKSTEIN
 2 A. No.
 3 Q. Were you asked by counsel to go
 4 to the DMC store and do that?
 5 A. No.
 6 Q. Did that on your own?
 7 A. Yes.
 8 Q. You didn't provide any
 9 information about your work in the DMC store
 10 in your reports that have been provided in
 11 this case; is that correct?
 12 A. No. I think I did it after the
 13 report was issued. I just happened to be at
 14 the mall and I saw Destination Maternity
 15 store and I happened to go in and say let me
 16 see these products.
 17 Q. On the website, when did you look
 18 at the website?
 19 A. Before this report was issued. I
 20 can't tell you the exact date. The report
 21 is -- the website is cited in the report. Or
 22 the Declaration.
 23 Q. So the website, obviously, you
 24 weren't able to touch and feel or pull on and
 25 stretch what you saw?

1 D. BROOKSTEIN
 2 A. No, that is correct.
 3 Q. Did you do any analysis on what
 4 it is that you saw on the website?
 5 A. Could you define what you mean by
 6 "analysis"?
 7 Q. Study, analysis.
 8 A. I looked for that it said that
 9 the -- made from elastic. And I looked at
 10 some of the pictures, yes.
 11 Q. Anything else?
 12 A. As I sit here, I don't recall.
 13 Oh, and that the website said that the
 14 products were covered by the two reissued
 15 patents and the two original patents.
 16 Q. What did that mean to you if the
 17 products were marked with any of those patent
 18 numbers?
 19 A. Meant that they met at least some
 20 of the claims. Certainly the independent
 21 claim of those patents.
 22 Q. Have you had any discussions with
 23 anyone regarding those products being marked
 24 and the relationship to the patents?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. It was brought up. I discussed
 3 it with counsel but not in a material way.
 4 Just saying I saw this website and it says
 5 these patents are on it.
 6 MR. CARTER: Just make sure the
 7 record is clear, anything I ask about
 8 discussions with counsel, you will
 9 object to and instruct not to answer?
 10 MR. BURNS: Yes. I was not
 11 aware that that much discussion was
 12 going to happen.
 13 So just be aware that we don't
 14 want to talk about discussions with
 15 counsel.
 16 THE WITNESS: I understand. I
 17 understand.
 18 Q. Did you discuss anything with
 19 Mr. Green about the DMC products that are not
 20 included in your reports or Declarations in
 21 this case?
 22 A. No.
 23 Q. Anything else that you discussed
 24 with Mr. Green that you haven't already
 25 testified to?

1 D. BROOKSTEIN
 2 A. Not as I sit here. I don't
 3 recall.
 4 Q. Did you have any discussions with
 5 any current or former DMC employees?
 6 MR. BURNS: Objection to form.
 7 A. I was at a lunch once where there
 8 was a DMC employee. We discussed when we
 9 were having lunch. I specifically tried not
 10 to have any conversations with clients.
 11 Q. Who was the DMC employee
 12 attending the lunch?
 13 A. I think it was their general
 14 counsel but I don't recall.
 15 Q. Christian Hahn?
 16 A. Sounds familiar.
 17 Q. Female?
 18 A. Yes, it was a female. Just
 19 having lunch.
 20 Q. Did you discuss anything with her
 21 related to this case?
 22 A. No.
 23 Q. Have you ever met
 24 Lisa Hendrickson?
 25 A. No, I have not.

1 D. BROOKSTEIN
 2 Q. You are aware she is a named
 3 inventor on the patents at issue in this
 4 case?
 5 A. I am aware of that.
 6 Q. Are you aware that she has been
 7 deposed in this case?
 8 A. I wasn't aware of that, no.
 9 Q. So I take it you haven't looked
 10 at her transcript?
 11 A. I don't recall seeing her
 12 transcript.
 13 Q. And you are aware that Mr. Green
 14 was deposed in this case?
 15 A. I was aware he was deposed last
 16 week, yes.
 17 Q. Have you seen his transcript?
 18 A. As I testified, no.
 19 Q. Another named inventor is
 20 James H. Gardner. Have you ever communicated
 21 with Mr. Gardener?
 22 A. No.
 23 Q. Another named inventor is
 24 Richard Adelman, A-D-E-L-M-A-N, have you ever
 25 communicated with Mr. Adelman?

1 D. BROOKSTEIN
 2 A. No.
 3 Q. Are you aware that
 4 Ron Masciantonio was deposed in this case?
 5 A. No.
 6 Q. So I take it you have not seen
 7 his deposition transcript?
 8 A. I don't recall seeing it.
 9 Q. Are you aware that the
 10 J.C. Penney employee with knowledge of the
 11 J.C. Penney prior art at issue in this case
 12 was deposed?
 13 A. Yes.
 14 Q. Have you seen that transcript?
 15 A. I have seen pieces of it, yes.
 16 Q. What pieces have you seen?
 17 A. Can I look -- it was not in my
 18 report. It was in a reply. Just where she
 19 was talking about they were trying
 20 themselves -- that their pants only came up
 21 to the abdomen. But I have to look at it to
 22 be more specific. It was awhile ago.
 23 Mr. Carter, in about five
 24 minutes, can we take a nature break?
 25 MR. CARTER: We can take

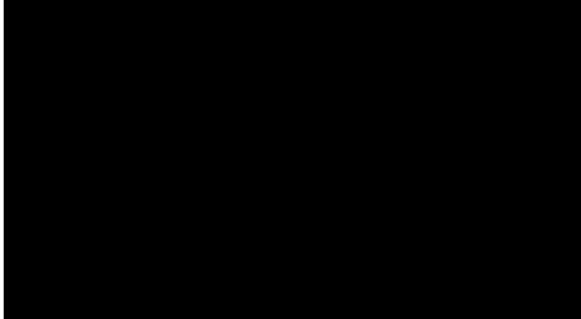
1 D. BROOKSTEIN
 2 one now.
 3 THE VIDEOGRAPHER: The time is
 4 9:52 a.m.; we are off the record.
 5 (Whereupon, a recess was held.)
 6 (Whereupon, Brookstein Exhibit
 7 2026, Declaration of David Brookstein
 8 was marked for identification as of
 9 this date by the Reporter.)
 10 (Whereupon, Brookstein Exhibit
 11 2017, Declaration of David Brookstein
 12 dated May 5, 2014 was marked for
 13 identification as of this date by the
 14 Reporter.)
 15 THE VIDEOGRAPHER: The time is
 16 10:02 a.m.; we are on the record.
 17 BY MR. CARTER:
 18 Q. All right. Dr. Brookstein, if I
 19 have the pronunciation correct?
 20 A. That's correct.
 21 Q. I have handed you exhibits marked
 22 as Exhibit 2017 and 2026. Do you recognize
 23 those exhibits?
 24 A. I would like to just thumb
 25 through them and make sure they are complete.

1 D. BROOKSTEIN
 2 Q. That's fine.
 3 A. I recognize them.
 4 Q. What are Exhibits 2017 and 2026?
 5 A. Exhibit 2017 is the
 6 Declaration -- my Declaration dated May 5th,
 7 and 2026 is my Declaration in support of the
 8 patent owners motion in the alternative to
 9 amend Claim 1 of the '563 Patent.
 10 Q. And your signature is present on
 11 both documents?
 12 A. I will check.
 13 Q. Page 51 of Exhibit 2017.
 14 A. On 2017, that's my signature.
 15 Q. On page 67 of Exhibit 2026.
 16 A. That is my signature.
 17 Q. You had testified that you had
 18 seen snippets of a J.C. Penney employee
 19 deposition?
 20 A. I did.
 21 Q. And to answer the question of
 22 what snippets you saw, you wanted to see your
 23 reports; is that correct?
 24 A. If I said that, that's not what I
 25 meant. I wanted to see -- what I meant was I

1 D. BROOKSTEIN
 2 want to see the transcript.
 3 Q. You wanted to see the J.C. Penney
 4 transcript?
 5 A. I thought that's what I said.
 6 Q. Have you seen the entire
 7 J.C. Penney transcript or just snippets?
 8 Because your testimony that you have provided
 9 before the break was that you had seen
 10 snippets of the transcript.
 11 A. I don't recall to what extent I
 12 read it. That's why I would like to have
 13 this on the record.
 14 Q. Do you have citations to parts of
 15 the J.C. Penney employee transcript in your
 16 report?
 17 A. Which report are we speaking to?
 18 Q. Either one.
 19 A. I am fairly sure it is not in my
 20 Declaration. I want to just look through my
 21 motion -- in support of the patent owners
 22 motion in the alternative. As I sit here, I
 23 don't see the motion -- the Declaration in
 24 motion of support.
 25 Q. I am just reading your earlier

1 D. BROOKSTEIN
 2 testimony. You said "It was not in my
 3 report. It was in a reply." So is that a
 4 reply that was filed with the PTAB?
 5 A. It was -- as best as I can
 6 remember, yes.
 7 Q. And there was a snippet of that
 8 testimony in the reply?
 9 A. As I recall, yes.
 10 Q. Other than that snippet that you
 11 saw in the reply you are speaking of, have
 12 you seen any other portion of this -- of the
 13 J.C. Penney employee deposition?
 14 A. Not that I can recall.
 15 Q. You don't recall having a copy of
 16 the J.C. Penney employee deposition
 17 transcript?
 18 A. I don't recall if one was sent to
 19 me or not.
 20 Q. Or that you have ever seen it?
 21 A. I don't recall. I recall the
 22 snippets that are in the reply.
 23
 24
 25

D. BROOKSTEIN



Q. Did you rely on anything from the Simon or, as I have been calling it, J.C. Penney employee deposition in reaching your opinions in this case?

A. Not in these reports, no.

Q. 2017 and 2016?

A. That is correct.

Q. You haven't issued any other reports or Declarations in this case?

A. No.

Q. To the best of your knowledge, have you seen any deposition transcripts of depositions taken in this case?

A. I have read, I recall the Hotter

D. BROOKSTEIN

deposition. I might have had others. I cited what I have seen in my reports. But as I sit here, I don't recall.

Q. So are you referring to pages 3 through 5 of Exhibit 2017 for the documents considered?

A. Yes.

Q. And, also, pages 1 through 5 of Exhibit 2026?

A. Yes.

Q. And are those complete lists of all of the documents that you reviewed for this case?

A. No.

Q. Sorry?

A. No. These are the documents I reviewed before I wrote this report. I said I have read other documents since then.

Q. Since then, okay. And that would be the Hotter transcript?

A. Yes.

Q. Any others?

A. The DMC replies filed on June 24th, I have looked at.

D. BROOKSTEIN

Q. Okay. Anything else?

A. Not as I recall.

Q. So did you -- strike that.

Do you have any experience with maternity clothing?

MR. BURNS: Objection.

A. What do you mean with experience?

Q. Very broadly, any experience with maternity clothing.

A. I have seen my wife wear it. I have heard what my daughter said. And what I have worked on in this case.

Q. What did your wife wear?

A. What did she wear?

Q. Yes.

A. I don't know. My daughter is 25. I know my wife was pregnant and she wore maternity wear. That's about as far as I remember.

Q. You don't recall anything about it?

A. No.

Q. And the discussion with your daughter was just recently?

D. BROOKSTEIN

A. It was within the year, but I don't remember when.

Q. And you have already provided all the testimony about your discussion with your daughter?

A. Yes.

Q. All right. How about designing clothes, what experience do you have?

A. I have several areas of experience that I can recall right now.

Q. What are those?

A. In 1979 through '80, might start a little earlier than that, when I was a professor at Georgia Tech, I was employed as a technical consultant to Levi Strauss. They were developing performance clothing for the Olympic team in 1980 and I regularly visited the research center in San Francisco and worked with their fashion designers, technical designers in designing performance wear for various athletic applications. That's number one.

Q. So what were you doing for the performance clothing, what was your role in

1 D. BROOKSTEIN
 2 that --
 3 A. I can't say a lot because I do
 4 remember there was a secrecy agreement. We
 5 are talking about 34 years ago. We are also
 6 talking about 34 years ago, but it involved
 7 stretch garments, that I remember. It
 8 involved tops, bottoms. That's as far as I
 9 can remember.
 10 Q. What about the stretch garments?
 11 Was it a new material, for example, that you
 12 were working on for stretch garments?
 13 A. Again, I have a secrecy
 14 agreement, number one, and number two, I
 15 don't remember.
 16 Q. You don't recall if it was a
 17 certain way of manufacturing or a certain
 18 type of material?
 19 MR. BURNS: Objection to form.
 20 A. I remember they were knitted.
 21 That's as far as I can remember.
 22 Q. Okay. So you were working on
 23 knitted stretch garments that could be used
 24 as tops and bottoms in 1979 and 1980?
 25 A. 1978 through 1980, the best I can

1 D. BROOKSTEIN
 2 recall.
 3 Q. Were those products ever put into
 4 the public?
 5 A. I don't recall.
 6 Q. I take it none of those products
 7 were used for maternity applications?
 8 MR. BURNS: Objection to form.
 9 A. I don't recall.
 10 Q. Are you familiar with the term
 11 shape wear?
 12 A. Very familiar with it.
 13 Q. What is shape wear?
 14 A. Shape wear is used to -- it is a
 15 word now used in place of the word girdle.
 16 It is used to define garments that are
 17 constricting and hold a wearer's shape to a
 18 particular pattern and in a non-constricting
 19 fashion.
 20 Q. You said "hold the wearer's shape
 21 to a particular pattern in a non-constricting
 22 fashion"?
 23 A. I don't think I said pattern. I
 24 thought I said configuration. If I did,
 25 that's what I meant.

1 D. BROOKSTEIN
 2 Q. So when you say it holds the
 3 wearer's shape to a configuration, what do
 4 you mean by that?
 5 A. Might restrict the waist. Might
 6 restrict the backside. Can restrict any part
 7 of her body. When I say "her," most shape
 8 wear that I know of for women, I have been
 9 told men wear shape wear, also.
 10 Q. So how does the shape wear hold
 11 the wearer's shape to a particular
 12 configuration?
 13 A. One very simple way to do it is
 14 the way it was discussed in the Browder
 15 patent. So use an alternating tuck stitch,
 16 which is known by those persons state of the
 17 art -- persons of skill -- ordinary skill in
 18 the art to be constricting and not
 19 stretchable or not expansible.
 20 Q. But how -- so how does that
 21 product set the configuration of the wearer's
 22 shape?
 23 A. Which product?
 24 Q. Any shape wear product.
 25 A. Made to a particular dimension

1 D. BROOKSTEIN
 2 and then because the fabric is
 3 non-expansible, the person has to stay within
 4 that dimension and therefore get a certain
 5 shape.
 6 Q. So is the shape of the shape
 7 wear, when the person puts it on, the same as
 8 the shape wear before the person puts it on?
 9 A. To the best of my knowledge, yes.
 10 Q. Is that true in Browder, also?
 11 MR. BURNS: Objection to form.
 12 A. I don't recall Browder saying how
 13 the person puts it on. They only show a
 14 particular figures and then they describe it
 15 being a constricting -- a knit structure that
 16 a person of ordinary skill in the art would
 17 know is non-expansible.
 18 (Whereupon, Brookstein Exhibit
 19 1004, Patent 6,276,175 was marked for
 20 identification as of this date by the
 21 Reporter.)
 22 BY MR. CARTER:
 23 Q. Dr. Brookstein, I have handed you
 24 Exhibit 1004, which is U.S. Patent No.
 25 6,276,175 to Browder Junior. Is this the

1 D. BROOKSTEIN
 2 Browder patent you were referring to?
 3 A. Let me make sure in its entirety.
 4 It is.
 5 Q. So if you look at Figures 3 and
 6 4, do you see that there is an item pointed
 7 to as 35 and 36?
 8 A. I do.
 9 Q. All right. What is that item?
 10 A. One by one alternating tuck
 11 stitch fabric.
 12 Q. That fabric is shown on a person?
 13 A. This is just a drawing. I don't
 14 see a person in here.
 15 Q. Well, the figure shows that
 16 fabric on a person's body.
 17 MR. BURNS: Objection to form.
 18 A. I would like to go to see what it
 19 says in the patent, to what the figure says.
 20 Patent says it is just a frontal
 21 view Figure 3 and Figure 4 says it is a rear
 22 view. It doesn't say it is on the body.
 23 Q. Okay. So is what you see in
 24 Figure 3 and 4 show the shape of Item 35 on a
 25 person's body, off a person's body or both?

1 D. BROOKSTEIN
 2 MR. BURNS: Objection to form.
 3 A. It is not enough information to
 4 say it is on or off. It shows what -- it is
 5 a drawing here and it is not a drawing on a
 6 person. I would say that without having
 7 anymore information it is on a person's body.
 8 Q. You testified just a minute ago
 9 that the shape of the shape wear when a
 10 person puts it on is the same shape as when a
 11 person -- before the person puts it on?
 12 A. Can you repeat that?
 13 Q. I will strike that.
 14 A. Can you repeat that?
 15 Q. You had testified that the shape
 16 of the shape wear before the person puts it
 17 on is the same shape as when the person has
 18 it on?
 19 MR. BURNS: Objection to form.
 20 A. I may have testified to that. I
 21 want to say approximately.
 22 Q. Before you didn't qualify.
 23 A. Well, now I am. I will say
 24 approximately.
 25 Q. Why do you say approximately?

1 D. BROOKSTEIN
 2 A. Because the person has to get it
 3 on themselves.
 4 Q. Once it is on, once it is on the
 5 person, will the shape of the shape wear be
 6 the same as it was before the person puts
 7 it on?
 8 MR. BURNS: Objection to form.
 9 A. If the fabric is
 10 non-expansile, yes.
 11 Q. In Browder, in Figures 3 and 4,
 12 that fabric that is shown, do you believe
 13 that's non-expansile?
 14 A. In the context of the '531 and
 15 the '563, it is non-expansile, definitely.
 16 Q. I am not asking about in the
 17 context of anything. I am just asking,
 18 looking at Figure 3 and Figure 4, that
 19 Fabric 35, before the fabric is put on has a
 20 shape, correct?
 21 A. To the best of my knowledge.
 22 Q. And after it is put on a person,
 23 it will have a shape?
 24 A. To the best of my knowledge.
 25 Q. Will those two shapes be the

1 D. BROOKSTEIN
 2 same?
 3 A. Essentially, yes.
 4 Q. So we can look at Figures 3 and 4
 5 and understand the shape of the Fabric 35
 6 before that fabric is put on a person,
 7 correct?
 8 MR. BURNS: Objection to form.
 9 A. As best as I understand, yes.
 10 Q. Now, you said that the shape will
 11 change as the person puts it on?
 12 A. I think I said approximately. So
 13 they have to be able to get it on.
 14 Q. And what happens to the Fabric 35
 15 when they put it on?
 16 A. It will stretch somewhat. But
 17 not as much as a jersey knit fabric. It is
 18 not known for having a stretchy fabric or an
 19 expansible fabric.
 20 Q. But the Fabric 35, in Figures 3
 21 and 4 will stretch, correct?
 22 A. Somewhat, yes.
 23 Q. Otherwise a person couldn't even
 24 put it on?
 25 A. Right.

1 D. BROOKSTEIN
 2 Q. 35 is not metal armor?
 3 A. That is correct.
 4 Q. It is not rigid?
 5 MR. BURNS: Objection to form.
 6 A. It is not metal armor.
 7 Q. Are you familiar with the term
 8 misstitch or float stitch?
 9 A. I am.
 10 Q. What is a misstitch or float
 11 stitch?
 12 A. As I sit here, I can't recall the
 13 different distinctions. I brought references
 14 from a textile book that I would like to look
 15 at and show to you.
 16 Q. Well, maybe we can short circuit
 17 this. If you look in your report,
 18 Exhibit 2017 --
 19 A. Yes.
 20 Q. -- at the very end of that
 21 report, you get pages from a textiles -- you
 22 were right there. Keep going back. It
 23 doesn't have page numbers. That page there,
 24 I believe.
 25 A. Yes, float stitch.

1 D. BROOKSTEIN
 2 Q. So this is a page you provided in
 3 your report, correct?
 4 A. That is correct.
 5 Q. And at the top, does it show a
 6 tuck stitch on the upper left?
 7 A. Figure 25-H shows a tuck stitch.
 8 Q. That's the kind of stitch you say
 9 is used in Fabric 35 and Browder Figures 3
 10 and 4?
 11 A. That's what I said in my report.
 12 I went back and looked, and I have realized I
 13 put the wrong drawing in for a tuck stitch,
 14 for a one-by-one alternating tuck stitch, and
 15 I brought the correct drawing today if you
 16 would like to see it.
 17 Q. So your report is in error?
 18 A. That drawing is -- does not have
 19 the correct one-by-one alternating tuck
 20 stitch. It's a one-by-one tuck stitch.
 21 Q. So where in your report is the
 22 incorrect drawing?
 23 A. It would be on page 25.
 24 Q. Do you have a pen -- I will hand
 25 you a pen where you can circle the incorrect

1 D. BROOKSTEIN
 2 drawing?
 3 A. In this report?
 4 Q. Yes.
 5 A. Only part of it is incorrect.
 6 Q. Just circle what is incorrect?
 7 A. Right there.
 8 Q. Can you note next to the side of
 9 it that that is incorrect.
 10 A. Can I put what should be there?
 11 Because I brought the actual picture.
 12 Q. We can take a look at it instead,
 13 but right now, if you can show that that is
 14 incorrect and sign and date it, please. Any
 15 other inaccuracies in any of your reports?
 16 A. There is a typo on my report.
 17 Q. Is it just simply a typo?
 18 A. Yes.
 19 Q. If you find it later, we can talk
 20 about it. Any other inaccuracies in either
 21 of your reports?
 22 A. Not as I sit here.
 23 Q. Okay. And my colleague,
 24 Mr. Ennis, has reminded me that we need to
 25 put a new exhibit number on your report now

1 D. BROOKSTEIN
 2 that you have marked on it.
 3 So we will put 1064 is the
 4 exhibit label.
 5 (Whereupon, Brookstein Exhibit
 6 1064, Declaration of David Brookstein
 7 1064 label on 2017 was marked for
 8 identification as of this date by the
 9 Reporter.)
 10 BY MR. CARTER:
 11 Q. So if we look at the page we were
 12 on in your report before you marked the
 13 inaccuracy, it had at the top left a tuck
 14 stitch, in the top right, a floater
 15 misstitch?
 16 A. Yes.
 17 Q. So I want to understand your
 18 testimony. Is what is shown in Browder the
 19 Fabric 35 in Figures 3 and 4, is that a tuck
 20 stitch in your opinion?
 21 A. The picture 25-A?
 22 Q. Figures 3 and 4 in Browder.
 23 A. They are defined in the patent as
 24 being a one-by-one alternating tuck stitch.
 25 Q. Okay. And is that what is shown

1 D. BROOKSTEIN
 2 in the top left of the page, which has a page
 3 number 188 at the bottom of it?
 4 A. As I indicated, that's just a
 5 tuck stitch. It is not a one-by-one
 6 alternating tuck stitch.
 7 Q. To the right, there is a floater
 8 misstitch?
 9 A. Yes.
 10 Q. Is that what is shown in Browder?
 11 A. Not to my knowledge, no. Just a
 12 one-by-one alternating tuck stitch.
 13 Q. What is the expansibility of what
 14 it is that you now say is in Browder compared
 15 to the tuck stitch you originally said was
 16 Browder?
 17 A. It is even less -- it's less
 18 expansible. The one-by-one alternating tuck
 19 stitch is less extensible or expansible than
 20 a conventional tuck stitch. So it is even
 21 less expansible.
 22 Q. And the float or misstitch that's
 23 in 2510 is that also less extensible than the
 24 tuck stitch that you originally said was in
 25 Browder?

1 D. BROOKSTEIN
 2 A. I haven't considered that, and it
 3 is also a function of what the yarn module is
 4 and the -- well, the yarn modules. The yarn
 5 stiffness.
 6 Q. Did you see on the right-hand
 7 side of this page 188, the bottom of the
 8 second paragraph it says, "Misstitches make
 9 fabrics much less extensible"?
 10 A. I see that, yes.
 11 Q. And above in that paragraph
 12 speaking of tuck stitches it refers to that
 13 the fabrics are less extensible?
 14 A. Yes.
 15 Q. So do you agree that a misstitch
 16 makes fabrics less extensible compared to a
 17 tuck stitch?
 18 MR. BURNS: Objection to form.
 19 A. That's not what it says. It just
 20 says they are less extensible. Doesn't say
 21 where it is compared to. That's the way I
 22 read it.
 23 Q. If you read that whole paragraph
 24 in context, isn't it saying that the
 25 misstitch or float stitch is much less

1 D. BROOKSTEIN
 2 extensible compared to the tuck stitches
 3 being less extensible?
 4 MR. BURNS: Objection to form.
 5 A. Can I read it?
 6 Q. Yes.
 7 A. I don't see a part where it says
 8 misstitches are much less extensible compared
 9 to the tuck stitch, unless I am missing
 10 something here. The way this is worded.
 11 Q. But do you know if a misstitch
 12 compared to a tuck stitch is less extensible?
 13 A. As I testified, it is also a
 14 function of the yarn properties. So you are
 15 comparing apples and oranges here.
 16 Q. Assuming the yarn properties are
 17 the same.
 18 A. I haven't really considered the
 19 stitches, no. I can't answer that question.
 20 I have to go back and think about that. I
 21 haven't looked at these stitches. I was
 22 focusing on tuck stitches.
 23 Q. How does the yarn modulus impact
 24 extensibility?
 25 A. Browder actually talks about it

1 D. BROOKSTEIN
 2 in his patent, and I think I have it in my
 3 report, if you would like me to find it.
 4 Q. But just in general, how does
 5 yarn modulus impact extensibility?
 6 MR. BURNS: Objection of form.
 7 A. Modulus which is resistant to
 8 deformation. It is higher modulus building
 9 block, in this case, the yarn, the fabric
 10 will be stiffer.
 11 Q. So is it fair to say there is a
 12 range of extensibility and expansibility of
 13 fabrics, stitching and yarn that are more or
 14 less expansible?
 15 MR. BURNS: Objection to form.
 16 A. It is fair to say.
 17 Q. And something made with a
 18 misstitch is not rigid, correct?
 19 MR. BURNS: Objection to form.
 20 A. Compared to what?
 21 Q. Not rigid, not -- it will still
 22 move?
 23 MR. BURNS: Objection to form.
 24 A. Since you knocked on the table,
 25 it is not as rigid as a table. You have

1 D. BROOKSTEIN
 2 to -- when you are comparing, you have to
 3 tell me what you are comparing it to. You
 4 just compared it to a table.
 5 Q. A misstitch --
 6 A. Yes.
 7 Q. -- can still expand and contract?
 8 MR. BURNS: Objection to form.
 9 A. I testified earlier, all textile
 10 fabrics expand and contract somewhat.
 11 Q. Just a matter of how much?
 12 A. It is a matter of how much. And
 13 what they are being used for.
 14 Q. Is the product that you worked on
 15 with Levi Strauss, was that shape wear?
 16 MR. BURNS: Objection to form.
 17 A. As I testified earlier, it was
 18 35 years ago. I don't recall.
 19 Q. Speaking of shape wear, do you
 20 have any experience with shape wear?
 21 MR. BURNS: Objection to form.
 22 A. No. Excuse me, other than
 23 teaching about the fabrics that are used in.
 24 Q. What is that experience?
 25 A. Well, in my CV, I indicated that

1 D. BROOKSTEIN
 2 I was a dean and a professor at the
 3 Philadelphia University and I had teaching
 4 responsibilities. One of my teaching
 5 responsibilities was to teach a course called
 6 Introduction to Textiles to many types of
 7 students including fashion design students,
 8 and in that course, I taught from one of the
 9 references I have here, this one here, the
 10 textiles edition, fifth edition, and we
 11 covered all different stitches of time with
 12 stitches, tuck stitches and since these
 13 students were fashion design students, we
 14 have to tell -- I would tell them, you know,
 15 what kind of stitches you use depending on
 16 what the function of the garment is.
 17 Q. What was the textbook you used in
 18 that class?
 19 A. I think it was a more modern
 20 version of this. I wouldn't have one that
 21 was prior to the prior art, but they don't
 22 change that much. I've seen a later edition
 23 of this and it's essentially the same.
 24 Q. Do you recall which textbook you
 25 used in your course?

1 D. BROOKSTEIN
 2 A. Well, I have used this one. I
 3 have used the Macmillan book, but I don't
 4 recall which edition.
 5 Q. That's what you have included in
 6 your reference material at the end of your
 7 report?
 8 A. Yes, the fifth edition.
 9 Q. You just don't know whether you
 10 used the fifth edition or another edition --
 11 A. I don't recall.
 12 Q. -- in your classroom?
 13 In your report, you made a
 14 comment that the invention covered in the
 15 '563 Patent fulfills an unmet need for a
 16 garment that adapts to cover and fit a
 17 growing abdomen during pregnancy wherein the
 18 garment stays up when worn.
 19 A. That's not a question. You are
 20 telling me something. What's the question?
 21 Q. So you made that statement in
 22 your report?
 23 A. It is in my report, yes.
 24 Q. What was your background and
 25 basis for making that report, sorry, for

1 D. BROOKSTEIN
 2 making that statement?
 3 MR. BURNS: Objection to form.
 4 A. You are talking about my
 5 Declaration?
 6 Q. In your Declaration, we can look
 7 at it, paragraph 10 of Exhibit 2017.
 8 A. I see it. What's the question?
 9 Q. Let me make sure I have the right
 10 report. Let's look at paragraph 11 of your
 11 report, Exhibit 2026.
 12 A. Excuse me, which paragraph?
 13 Q. Exhibit 11.
 14 A. Exhibit 11?
 15 Q. Sorry, Exhibit 2026,
 16 paragraph 11.
 17 A. Right.
 18 Q. So you have an italicized portion
 19 in that paragraph about halfway through and
 20 then a sentence that starts "The invention."
 21 A. Yes.
 22 Q. It says, "The invention covered
 23 in the '563 Patent fulfills an unmet need for
 24 a garment that adapts to cover and fit a
 25 growing abdomen during pregnancy wherein the

1 D. BROOKSTEIN
 2 garment stays up when worn."
 3 A. I see it.
 4 Q. What is your basis for making
 5 that statement?
 6 A. Columns 151 -- 151 to 53, as I
 7 look at this, I would have italicized to show
 8 it was coming from the patent, but right
 9 afterwards, I cite Column 1, line -- Line 51
 10 through 53.
 11 Q. I just want to make sure that you
 12 don't have any independent basis other than
 13 just reading that in the patent to know
 14 whether that statement is correct?
 15 A. At this place, no.
 16 Q. So that sentence should say the
 17 patent states that it fulfills, et cetera?
 18 MR. BURNS: Objection to form.
 19 A. I think it is implicit when you
 20 put down the line and -- the column and the
 21 lines that that's what -- that you are taking
 22 it from the patent.
 23 Q. Then the next sentence that says
 24 "As discussed in the '563 Patent, this new
 25 garment is a comfortable garment that adapts

1 D. BROOKSTEIN
 2 to cover and fit over a wearer's belly region
 3 during different stages of weight gains
 4 and/or losses and stays up when worn?"
 5 MR. BURNS: Objection to form.
 6 Q. Same thing with that sentence,
 7 other than reading that statement in the
 8 patent, you don't have an independent basis
 9 to know whether that is correct?
 10 A. At this stage, no. I am only --
 11 at this stage, remember this is an overview
 12 of the patent.
 13 Q. Okay. I just want to make sure.
 14 You don't have experience, for example, in
 15 the maternity industry to know what products
 16 were available before the filing of the
 17 patent?
 18 A. Before the filing the patent, no.
 19 Q. Or after the filing of the
 20 patent?
 21 A. My experience with maternity wear
 22 is limited to looking at the Destination
 23 Maternity products and looking at them in
 24 comparison to the claims of the patent.
 25 Q. And when were those Destination

1 D. BROOKSTEIN
 2 Maternity products that you looked at, when
 3 were they first made?
 4 MR. BURNS: Objection to form.
 5 Outside the scope.
 6 A. I don't have the dates when they
 7 were made.
 8 Q. So, for example, the '531 Patent,
 9 and by the way, if I refer to "the patents"
 10 in the case as the '531 and '563 Patents,
 11 will you understand what I am referring to?
 12 A. I will.
 13 Q. The last three numbers.
 14 A. I will.
 15 Q. The '531 Patent has an initial
 16 filing date going back before it was a
 17 reissue of May 31, 2007?
 18 MR. BURNS: Objection to form.
 19 A. That is my understanding.
 20 Q. And the '563 reissue, if you go
 21 back before the reissue, it was filed May 8,
 22 2008?
 23 A. I don't recall that one. I would
 24 like to see the patent just to confirm that.
 25 (Whereupon, Brookstein Exhibit

1 D. BROOKSTEIN
 2 1001, U.S. reissued Patent '563 was
 3 marked for identification as of this
 4 date by the Reporter.)
 5 (Whereupon, Brookstein Exhibit
 6 1018, U.S. reissued Patent '531 was
 7 marked for identification as of this
 8 date by the Reporter.)
 9 A. Oh, you are giving me the '531
 10 and the '563, okay.
 11 BY MR. CARTER:
 12 Q. Dr. Brookstein, I have handed you
 13 the '563 Patent marked as 1001.
 14 A. Let me just make sure it is the
 15 full patent.
 16 Yes.
 17 Q. And I have handed you the '531
 18 Patent marked as Exhibit 1018?
 19 A. Let me make sure it is the full
 20 patent.
 21 Yes.
 22 Q. We were talking about dates for
 23 these patents. You wanted to see at least
 24 one of these patents in the context of our
 25 discussion about dates.

1 D. BROOKSTEIN
 2 A. For the filing of the '563.
 3 Q. The '563, it was a reissue of a
 4 patent that was filed May 8, 2008?
 5 A. That's what it says on the
 6 patent, yes.
 7 Q. It is also then a continuation of
 8 application that was filed May 31, 2007?
 9 A. That's what line 63 says, yes.
 10 Q. For the products, the DMC
 11 products that you reviewed in this case, do
 12 you know when they were made relative to the
 13 May 31, 2007, date referenced on these
 14 patents?
 15 A. No.
 16 Q. You don't know whether they were
 17 made before or after?
 18 MR. BURNS: Objection to form.
 19 A. I know they were made before
 20 October 16, 2013. I don't know the dates
 21 they were made.
 22 Q. Okay. You have no idea of an
 23 earlier date on when they were made?
 24 A. I wasn't told any dates.
 25 Q. How about when the specifications

1 D. BROOKSTEIN
 2 for the products, the DMC products you
 3 reviewed were made, do you know when those
 4 specifications were made?
 5 A. What do you mean the
 6 specifications? The specifications in the
 7 patent?
 8 Q. Not the patent. I'm talking
 9 about the products. You reviewed four DMC
 10 products?
 11 A. Yes.
 12 Q. Correct? Do you know if those
 13 products had any specifications to outline
 14 what their size, shape, properties should be?
 15 A. I have not seen any
 16 specifications.
 17 Q. So you don't know if there were
 18 any specifications for those products?
 19 A. What I testified was I haven't
 20 seen any.
 21 Q. Do you know if there are any?
 22 A. I know it is common practice to
 23 have them, but I haven't seen them.
 24 Q. You would expect specifications
 25 to exist for those products?

1 D. BROOKSTEIN
 2 A. I would expect to see
 3 specifications.
 4 Q. Do you have any knowledge as to
 5 when those specifications for the products
 6 you reviewed were created?
 7 MR. BURNS: Objection to form.
 8 A. No. Not at all.
 9 Q. Did you ask for that information?
 10 A. No, I did not.
 11 Q. You were talking about your
 12 experience designing clothes and you talked
 13 about Levi Strauss work that you did?
 14 A. Yes.
 15 Q. On how many other occasions have
 16 you been involved in designing clothes?
 17 A. I was involved for eight years at
 18 the Philadelphia University. I was in charge
 19 of a project called The Laboratory For
 20 Engineering Human Protection where we were
 21 designing clothes for the U.S. Army. The
 22 U.S. Army.
 23 Q. Okay. And what specifically were
 24 you doing on that project?
 25 A. Well, I was supervising fabric

1 D. BROOKSTEIN
 2 selection, fabric fashion design, all the
 3 testing and analysis and managing the
 4 contract. I was the principal investigator.
 5 Q. What type of clothing were you
 6 working on?
 7 A. Protective clothing for soldiers,
 8 men and women.
 9 Q. Jackets, shirts, shorts, pants,
 10 socks, what were you --
 11 A. Pants and I will say tops. A lot
 12 of this was -- it wasn't military secret. We
 13 do have some confidentiality agreements. We
 14 can't describe everything.
 15 Q. Were you working on new
 16 materials?
 17 A. I was selecting new
 18 materials, yes.
 19 Q. Were these proprietary materials?
 20 A. We signed secrecy agreements with
 21 some of the suppliers of the fabrics, yes.
 22 Q. Were you working with any
 23 products that were expandable in any way for
 24 the military project?
 25 A. Yes. Yes.

D. BROOKSTEIN

Q. What were those fabrics?

A. To the best of -- I haven't worked on this in three or four years, but the best of my recollection, it was the Bakclava, B-A-K-C-L-A-V-A, that went over to soldier's face and neck, down over their shoulders. That had to be expansible and then there were also, if I recall, expansible items underneath the armpits --

Q. So Bakclava was the type fabric that was used?

A. No, that's the type of structure. Bakclava is -- similar to that ski mask. It is a garment that goes over the head that protects against chemical warfare in some cases.

Q. That was an expansible product?

A. As best as I can recall, yes.

Q. Was there something new about that structure that you developed or were you working on the type of fabric that would provide the chemical warfare protection?

A. It was primarily the chemical warfare protection.

D. BROOKSTEIN

Q. How about the expansible product that went around the armpit area? What was that?

A. I don't recall.

Q. How did it go around the armpit area?

A. I don't recall. This was six, seven years ago. I just don't recall. I have been involved in many projects. I don't recall everything.

Q. Do you recall anything even at a high level or general level about this product that went around the armpit area?

A. Not as I sit here.

Q. Was this expansible material part of another clothing item such as a shirt or a jacket, for example?

A. As best I can recall.

Q. Is that a yes?

A. That's as best I can recall. Yes, as best as I can recall. Yes. As best as I can recall.

Q. Was it an expansible portion that went, for example, you know, in the jacket or

D. BROOKSTEIN

the shirt under the armpit?

MR. BURNS: Objection to form.

A. I don't recall.

Q. Do you recall if these products were ever made?

A. When I left Philadelphia University two years ago, they were not in production. I don't know what has happened since then.

Q. So the expansible portions that went around the armpits, sounds like they were integrated into a jacket or a shirt of some kind?

A. That I recall, yes.

Q. Do you recall how they were integrated into those products?

A. I cannot divulge that because there were secret methods that -- one of the problems we have in chemical warfare is chemicals going through the seams. My group developed some confidential ways. I cannot disclose any of that.

Q. For the expansible material that was used for those products, was that

D. BROOKSTEIN

expansible material a known expansible material or was that something new that you developed?

A. We, at Philadelphia University, did not develop any fabrics. We worked with suppliers to give us fabrics. As I sit here, I don't recall if we said to supplier X or Y, we want these particular properties. I don't recall that.

And, Mr. Carter, I am going to need another nature break.

MR. CARTER: Sure. That's fine.

THE WITNESS: I need them every hour.

MR. CARTER: This is not a marathon.

THE VIDEOGRAPHER: The time is 10:55 a.m.; we are off the record. (Whereupon, a recess was held.)

THE VIDEOGRAPHER: The time is 11:04 a.m.; we are on the record.

BY MR. CARTER:

Q. During the break, Dr. Brookstein, you shared you have a medical issue where you

1 D. BROOKSTEIN
 2 need to eat at a certain time.
 3 A. Not all the time. Certain times.
 4 Q. As we discussed, you can break
 5 for lunch whenever you would like. Take a
 6 break whenever you would like.
 7 A. I'd like to add also I eat
 8 breakfast at 6:30 -- 6 o'clock in the
 9 morning, that's more the issue.
 10 Q. Once again, you can break
 11 whenever you like for lunch, including now?
 12 A. I appreciate that.
 13 Q. You were talking about the work
 14 you did with the government and mentioned
 15 two expansible materials, fabrics, pieces of
 16 clothing. One was a portion that went over
 17 the face and another was a portion that went
 18 around the armpits.
 19 A. Is that question here?
 20 Q. Is that a correct summary?
 21 A. Yes.
 22 Q. Any other expansible material,
 23 fabric, et cetera that you recall working on
 24 in that project?
 25 A. Mr. Carter, as I sit here, there

1 D. BROOKSTEIN
 2 were so many fabric elements, I don't
 3 remember them all. It was awhile back.
 4 Q. So for designing clothes you
 5 talked about your experience with Levi
 6 Strauss and the military project. Anything
 7 else?
 8 A. Not as I sit here.
 9 Q. You have patents yourself where
 10 you were the named inventor; is that correct?
 11 A. That is correct.
 12 Q. In general, what is the subject
 13 matter of those patents?
 14 A. I would like to look at my CV so
 15 I can get an exact. Well, I have an updated
 16 CV. Can I look at that?
 17 Q. Yes, if you provide a copy to us?
 18 A. Yes, I will. I think I have
 19 several copies. So if you want more --
 20 MR. BURNS: You can keep a
 21 couple over here.
 22 A. Here is two and I am going to
 23 keep one.
 24 Q. Thank you. Can we go ahead and
 25 mark that as an exhibit, please.

1 D. BROOKSTEIN
 2 (Whereupon, Brookstein Exhibit
 3 1065, Updated CV was marked for
 4 identification as of this date by the
 5 Reporter.)
 6 BY MR. CARTER:
 7 Q. Dr. Brookstein, I am handing you
 8 the CV you just handed me with an exhibit
 9 sticker of Exhibit 1065. What is different
 10 about this CV compared to the CV provided in
 11 your report?
 12 A. Go to page 4 under -- well, I
 13 will tell why you it is different, and I will
 14 tell you why I added this. First off, if you
 15 go to page 4, under Georgia Tech, I added
 16 "Tech assistance to Levi Strauss garment
 17 design, union carbide carbon fiber
 18 manufacturing, carborundum carbon fiber
 19 manufacturing, should be a paren there, and
 20 Eastman Kodak, texture polyester stretch
 21 yarns.
 22 Two weeks ago, I was contacted by
 23 Temple University here in Philadelphia. The
 24 Dean of engineering. And he asked me if I
 25 would consider serving as his associate dean

1 D. BROOKSTEIN
 2 of engineering. And I said, yes. And he
 3 said "Send me your CV and put down all of
 4 your industry experience because we want you
 5 to, also, as part of your job as associate
 6 dean of engineering, is to interact with
 7 industry." So I added this and that's why
 8 the difference.
 9 But starting August 1st, I have
 10 an agreement, verbal agreement, that I will
 11 be associate dean of engineering at Temple
 12 University in Philadelphia. So that's the
 13 change. There is also an omission that I
 14 didn't realize until yesterday on my patents
 15 and patent applications. There is a 14th --
 16 oh, it's -- strike that. It's there. I must
 17 have put it in 14. The compressed gas
 18 cylinder. I didn't realize I put that in.
 19 Okay, so that's complete.
 20 Q. Okay. So now that you have this
 21 in front of you, what is the -- what is the
 22 subject matter of your patents, I guess
 23 patent applications?
 24 A. Patents or patent applications?
 25 Q. Both.

1 D. BROOKSTEIN
 2 A. You have to go through each one
 3 because they are all different.
 4 Q. I will ask is there any overlap
 5 between your patents and patent applications
 6 and the subject matter in the case that
 7 brings us here today?
 8 MR. BURNS: Objection to form.
 9 A. There is no overlap.
 10 Q. Is it fair to say that what it is
 11 that you have disclosed in your patents and
 12 patent applications are more technical in
 13 nature compared to the patents in the case
 14 that brings us here today?
 15 MR. BURNS: Objection to form.
 16 A. First of all, I don't assume with
 17 your assumption that the patents that I am
 18 looking at today aren't technical. But these
 19 are not -- these are technical, also. I
 20 don't agree with your assumptions that '531
 21 and '563 is not technical.
 22 Q. I said more technical in nature.
 23 A. That's an ambiguous term. More.
 24 There's no way to measure how much something
 25 is technical.

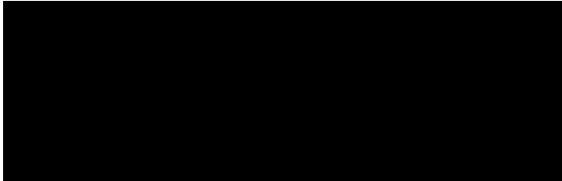
1 D. BROOKSTEIN
 2 Q. Okay. Just so I am clear, your
 3 opinion is that your patents and patent
 4 applications are not more technical in nature
 5 compared to the '563 and '531 patents; is
 6 that correct?
 7 MR. BURNS: Objection to form.
 8 A. That's not what I testified. I
 9 said there is no way of being able to measure
 10 the more technicalness something is. That's
 11 what I -- and then I testified '531 and '563
 12 are technical patents. Okay.
 13 Q. So looking at the '531 and '563.
 14 A. Yes.
 15 Q. Strike that. Let's go to your
 16 inspection that you did of the four DMC
 17 products. So that is included as Exhibit 2
 18 in the 1064 exhibit in front of you.
 19 A. Let me make sure it is all here.
 20 Yes.
 21 Q. So this inspection took place
 22 over two days?
 23 A. It did.
 24 Q. Is that correct?
 25 A. It did.

1 D. BROOKSTEIN
 2 Q. Have you done any inspections of
 3 products since October 16th and 17th other
 4 than what you testified to earlier of looking
 5 at your daughter's pants and going through
 6 the DMC store?
 7 A. Well, in my report there are some
 8 pictures about where you can see the knitted
 9 fabric that was done after October 16th and
 10 17th. So it is not in this report. It is
 11 after that.
 12 Q. So those would be pictures such
 13 as in Figures 12 and 13 in your claim chart?
 14 A. No. That's in addition to that.
 15 It would be -- on page 23 of my Declaration,
 16 these pictures here. These were done after
 17 October 16th and 17th.
 18 Q. I see. Okay. So who was present
 19 at the inspection?
 20 A. With which inspection?
 21 Q. The October 16th and 17th.
 22 A. Basically, just me. There were
 23 people in and out. It was done here.
 24 Q. Done in this building, in this
 25 law firm?

1 D. BROOKSTEIN
 2 A. Yes.
 3 Q. Was counsel for DMC present?
 4 A. No.
 5 Q. In the picture on page 1 of
 6 Exhibit 2, who was holding the piece on the
 7 mannequin?
 8 A. I cited that as that is not taken
 9 from -- a picture was taken. That's from
 10 their website that's cited on the bottom of
 11 one, so I don't know whose hands they are.
 12 Q. I see. And who took the
 13 photographs that we see in the claims chart?
 14 A. I took all the photographs.
 15 Q. Who did the work showing dashed
 16 lines, arrows, solid lines, et cetera?
 17 A. I did all of that work.



D. BROOKSTEIN



Q. Who had the idea to do this inspection, to put the products on the mannequins?

A. I had the idea to put them on mannequins.

Q. And then did you ask for products to put on the mannequins?

MR. BURNS: Objection to form.

A. I had the idea to put on mannequins I would have to ask for products to put on the mannequins.

Q. As I understand it, you used two different mannequins?

A. I used two different styles of mannequins and each style I used two different stages of pregnancy for a total of four different configurations.

Q. So why did you have -- to make

D. BROOKSTEIN

sure I have the terminology right, two styles of mannequins?

A. What is the question?

Q. I want to make sure we are clear here. So Motherhood is one style of mannequin and Mimi is another style of mannequin?

A. Yes.

Q. Why did you have two styles of mannequins?

A. Because somewhere either in the claims specification, I have to go through, it says different body types. So this was in reference to different body types. Not sizes, body types.

Q. Any other reason why you had the two different styles of mannequins?

A. Well, again, remember, it is two different styles and two different stages of pregnancy. So I also had to do my examination, for a given style, either Motherhood or Mimi, I think it was a three month and the six months so I could then show different stages of pregnancy. It

D. BROOKSTEIN

was four different examinations.

Q. I understand. But I want to break these down separately, if possible. For the styles of mannequins, the Motherhood and the Mimi is the only reason you used two different styles of mannequins so you could show different body types?

MR. BURNS: Objection to form.

A. As I sit here, I don't know if I'd say it was the only reason. It was one of the reasons, but as I sit here, I can't recall any other reasons.

Q. So just to make sure we are on the same page, in your claim chart, on page 9 --

A. Yes.

Q. -- that has Claim 2 on the left-hand side?

A. Yes.

Q. And Claim 2 is wherein the second torso encircling circumference is adjustable in girth in conformance with different body types?

A. Yes.

D. BROOKSTEIN

Q. And then, for example, on page 9, you show a photograph of a nine-month Motherhood compared to the nine-month Mimi?

A. I do.

Q. And you are showing those because those two mannequins show different body types?

A. That was the point of those pictures, yes.

Q. You are putting the same style of Secret Fit Belly on those two mannequins to show that point?

A. That's the same exact pair of pants, yes.

Q. And you include a measurement on each [redacted] inch on the nine-month Motherhood and a [redacted] inch on the nine-month Mimi?

A. I did.

Q. And are those measurements to show the different body types?

A. They were both -- well, different body types were defined by names of these devices, the Motherhood and the Mimi. This was to reinforce that. But I also wanted to

1 D. BROOKSTEIN
2 see what the measurement was just beneath the
3 breast. And look at that in comparison to
4 the maximum girth, so you will see these
5 numbers come out later on for the maximum
6 girth.

7 Q. But you are showing these numbers
8 in these photos to show they have different
9 body types; is that correct?

10 MR. BURNS: Objection to form.

11 A. To reinforce what the style says,
12 the Motherhood and Mimi, yes.

13 Q. Do you set out anywhere the
14 difference in the styles between the
15 Motherhood and the Mimi mannequins?

16 A. I do.

17 Q. Where is that?

18 A. If you go to the table, from
19 page 2 of my report, you will see that I have
20 the measurement just beneath the breast and
21 the measurement of maximum girth, so I'm
22 defining these different styles by actual
23 dimensions.

24 Q. Okay. Anything else in your
25 report where you set out the difference in

1 D. BROOKSTEIN
2 styles between the Motherhood and Mimi
3 mannequins?

4 A. I don't think so. Unless -- let
5 me just hold -- let me just look at my
6 Declaration and make sure I didn't -- can you
7 repeat your question, please?

8 Q. Yes. I had asked something along
9 the lines of where do you discuss the
10 difference in styles between the Motherhood
11 and Mimi mannequins, and you pointed to the
12 table on page 2 of Exhibit 2 and then I
13 asked, is there anywhere else where you
14 discussed the difference in styles, I guess
15 while you're looking at expand that to the
16 difference in body types between the Mimi and
17 Motherhood mannequins?

18 A. Unless I read through this entire
19 document, I would say no, it is just the
20 table. But I would like to reserve that
21 maybe it will show up and I missed it.

22 Q. That's fine. So, for example, if
23 we -- then you looked at, for these
24 mannequins, you said different stages of
25 pregnancy?

1 D. BROOKSTEIN

2 A. That is correct.

3 Q. And how many different stages of
4 pregnancy did you look at?

5 A. Two.

6 Q. Did you look at all stages of
7 pregnancy in your analysis?

8 A. Every week of pregnancy?

9 Q. All stages of pregnancy, did you
10 look at that?

11 MR. BURNS: Objection to form.

12 A. I only looked at two and
13 nine months. I looked at the beginning. I
14 looked at the end.

15 Q. So is there a stage of pregnancy
16 earlier than three months?

17 MR. BURNS: Objection to form.

18 A. I know from my wife's experience
19 there is conception, but I remember my wife
20 didn't start to show until about
21 three months.

22 Q. When you think of all stages of
23 pregnancy, when does that begin and end?

24 MR. BURNS: Objection to form.

25 A. I am not a medical doctor, but I

1 D. BROOKSTEIN

2 would say it begins at conception and it ends
3 at partum.

4 Q. At birth?

5 A. At birth.

6 Q. Is postpartum a stage of
7 pregnancy?

8 MR. BURNS: Objection to form.

9 A. I think it is, but I am not a
10 medical doctor.

11 Q. So all stages of pregnancy would
12 start at conception and end at some time at
13 postpartum?

14 A. That would be my interpretation,
15 correct.

16 Q. How many months postpartum would
17 all stages of pregnancy end?

18 MR. BURNS: Objection.

19 A. Greater than delivery, but I
20 can't answer the question.

21 Q. And you didn't analyze all stages
22 of pregnancy, just two different stages of
23 pregnancy, correct?

24 MR. BURNS: Objection.

25 A. I measured the range three months

1 D. BROOKSTEIN
 2 to nine months, yes. I didn't measure every
 3 month.
 4 Q. You agree that two different
 5 stages of pregnancy is not the same as all
 6 stages of pregnancy, conception until
 7 sometime postpartum?
 8 MR. BURNS: Objection.
 9 A. No. I disagree with that.
 10 Q. Why do you disagree with that?
 11 A. Because that's the range. I
 12 think it is widely known that as each month
 13 the woman gets larger and larger. I would
 14 speak that. So at three months when you are
 15 just starting to show, and then you show at
 16 nine months these products being. So if they
 17 meet at three and they meet at nine, they
 18 would be three and a half months, four
 19 months, four and a half months and so on.
 20 So you pick that -- the outer
 21 ranges and then anything between that would
 22 be during all stages of pregnancy. From my
 23 interpretation.
 24 Q. Is a woman's belly and/or abdomen
 25 bigger or smaller at three months compared to

1 D. BROOKSTEIN
 2 conception?
 3 MR. BURNS: Objection.
 4 A. That's my first experience,
 5 looking at my two daughters and my wife, they
 6 start to show at three months.
 7 Q. That means they are bigger in the
 8 belly and abdomen at three months compared to
 9 conception?
 10 A. You can start to see a change in
 11 her body, a physical change that would be a
 12 larger abdomen, yes.
 13 Q. So if we went to the measurements
 14 that you took on page 2, and you have
 15 measurements for both Motherhood and Mimi at
 16 three months?
 17 A. Yes.
 18 Q. If you did measurements for
 19 conception compared to the three-month
 20 measurement, would the measurement at
 21 conception be the same, smaller or larger?
 22 A. I have no way of -- wouldn't
 23 be -- I don't think it would be larger. But
 24 I have no way of knowing if it would be
 25 smaller. The person might have been gaining

1 D. BROOKSTEIN
 2 weight has nothing to do with the pregnancy.
 3 There's no way to tell these things.
 4 Q. So I want to understand your
 5 testimony. Your testimony is that a woman
 6 who is pregnant at three months, the maximum
 7 girth measurement isn't going to be larger
 8 compared to its conception?
 9 MR. BURNS: Objection to form.
 10 A. I didn't say that. I said it is
 11 just -- that's where the -- that's where the
 12 dimensions first start to change, based on
 13 what I have seen. That's also why I have
 14 been told that Alphaform doesn't even make
 15 pregnancy mannequins for less than
 16 three months. You just use regular
 17 mannequins. Their lines starts at
 18 three months and goes up to nine months.
 19 Q. If we look at your three-month
 20 mannequin pictures?
 21 A. Page which?
 22 Q. For example, on page 4 you said
 23 at three months a woman is beginning to show?
 24 A. Yes.
 25 Q. Does that mean her belly or

1 D. BROOKSTEIN
 2 abdomen is beginning to expand because of the
 3 pregnancy?
 4 A. Yes.
 5 Q. That's the only thing that you
 6 meant by showing, is that the belly and
 7 abdomen is getting larger compared to earlier
 8 in the pregnancy?
 9 A. That's based on my
 10 experience, yes.
 11 Q. So I don't think this is
 12 controversial?
 13 A. No.
 14 Q. But if a person at conception, in
 15 general, is going to have a smaller maximum
 16 girth than they will at three months of
 17 pregnancy?
 18 A. I would suspect, yes.
 19 Q. Thank you. Do you know the dates
 20 on the mannequins you used, when they were
 21 made?
 22 A. No.
 23 Q. Do you know how long those
 24 mannequins have been available to be used in
 25 the industry?

1 D. BROOKSTEIN
 2 A. No.
 3 Q. And not just those exact
 4 mannequins but the other mannequins that are
 5 identical?
 6 MR. BURNS: Objection to form.
 7 A. Alphaform mannequins or just
 8 mannequins in general?
 9 Q. These particular mannequins that
 10 you used.
 11 A. I don't know.
 12 Q. So earlier we looked at on the
 13 patents, a date of May 31, 2007, do you know
 14 if mannequins identical to the mannequins
 15 that you used were available to be used
 16 May 31, 2007?
 17 A. I have no way of knowing that.
 18 Q. So I understand, you did not
 19 speak with any of the named inventors or
 20 anybody at DMC at the time you did your
 21 analysis that's documented in Exhibit 2?
 22 MR. BURNS: Objection to form.
 23 A. I testified I have never spoken
 24 to them during any time.
 25 Q. And I understand you haven't

1 D. BROOKSTEIN
 2 received any of the work products that any of
 3 the named inventors or anyone else at DMC
 4 were working on with respect to maternity
 5 pants leading up to May 31, 2007?
 6 A. That is correct.
 7 Q. At times in your report, you used
 8 language such as comparing the Secret Fit
 9 Belly products to something else that is
 10 unnamed. Do you recall that in your report,
 11 you will say that the Secret Fit Belly goes
 12 up higher?
 13 MR. BURNS: Objection.
 14 A. You have to show me on the report
 15 where I said that. I don't recall.
 16 Q. You don't recall talking about
 17 having substantially more coverage or more
 18 frictional force?
 19 A. No, that's not what I said. I
 20 said show me in my report where I said it. I
 21 didn't say I didn't recall. That's what I
 22 said, that's not what I meant. Show me in my
 23 report where it says that.
 24 Q. You don't recall making that
 25 statement?

1 D. BROOKSTEIN
 2 MR. BURNS: Objection to form.
 3 A. That's not what I said. All I
 4 said is show me in the report where it is.
 5 Q. Your report, paragraph 11.
 6 A. Of?
 7 Q. Of your report that's marked
 8 Exhibit 2017 and 1064.
 9 A. Yes.
 10 Q. So at the top of page 8, the
 11 third line you talk about "substantially more
 12 coverage"?
 13 A. Yes.
 14 Q. The fourth line "creates more
 15 frictional force"?
 16 A. Yes.
 17 Q. So there you are comparing the
 18 Secret Fit Belly products to what?
 19 A. Where does it say I am comparing?
 20 Q. Well, I don't know if you aren't
 21 comparing, that's fine, that's your
 22 testimony. But I want to know what is your
 23 baseline for substantially more coverage and
 24 more frictional force.
 25 A. There is no comparison here. So

1 D. BROOKSTEIN
 2 what I am saying is they have more coverage
 3 and more frictional forces than pants that
 4 don't come up to just beneath the breast.
 5 That's my thesis.
 6 Q. So you aren't comparing that to
 7 any other product?
 8 A. Not at that point, a specific
 9 product. I am saying when you have a product
 10 that comes up to just beneath the breast and
 11 it is made from elastic fabric, it is going
 12 to have a more frictional force and more
 13 force to pull it down over the winding girth
 14 than pants or garments that don't have that.
 15 That's what that -- that's what that sentence
 16 means. And that was my -- that's my
 17 testimony.
 18 Q. Okay. So there is no comparison
 19 that you are making to another product or
 20 another patent, for example?
 21 A. At that stage, no. But I recall
 22 I do use this argument again when we start to
 23 talk about JCPA. At this stage I am really
 24 just talking about the Secret Fit Belly
 25 product, if I recall. I am talking about the

1 D. BROOKSTEIN
 2 Patent '531 and I use that same argument
 3 for '563.
 4 Q. So paragraph 11, you aren't
 5 talking about the patent, you're talking
 6 about the Secret Fit Belly product?
 7 A. Correct. I am talking about the
 8 Secret Fit Belly product, but I've already
 9 said that the Secret Fit Belly product meets
 10 certainly the independent Claim 1 and many of
 11 the dependent claims of the '531, so yes, I
 12 am using it interchangeably.
 13 Q. In the '531 or '563 products, is
 14 the Secret Fit Belly product mentioned?
 15 MR. BURNS: Objection to form.
 16 A. The '531, you said products. You
 17 mean patents?
 18 Q. The '531 and '563 Patents.
 19 Sorry. Strike that.
 20 In the '531 and '563 Patents, are
 21 the Secret Fit Belly products mentioned?
 22 A. As Secret Fit Belly products?
 23 Q. Yes.
 24 A. No.
 25 Q. The products you tested you don't

1 D. BROOKSTEIN
 2 even know if they existed at the original
 3 time of filing the '531 and
 4 '563 applications?
 5 MR. BURNS: Objection to form.
 6 A. That's what I have testified. I
 7 don't know when they were made.
 8 Q. In the '531 and '563 Patents,
 9 there is no product shown on the mannequin,
 10 correct?
 11 MR. BURNS: Objection.
 12 A. Not on a mannequin, that is
 13 correct.
 14 Q. Any products shown on a person in
 15 the '531 or '563 products?
 16 MR. BURNS: Objection to form.
 17 Q. Strike that.
 18 In the '531 and '563 Patents, are
 19 there any products shown on a person?
 20 A. I don't see the outline of a
 21 person in any of those drawings.
 22 Q. So nowhere in the '531 or the
 23 '563 Patents do you see a product on any
 24 mannequin or any person?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. I would like to stop a second and
 3 just look and see what the figures say. Can
 4 you repeat your question, please?
 5 Q. Nowhere in the '531 or the '563
 6 Patents do you see a product on any mannequin
 7 or any person?
 8 A. On those drawings, I do not see a
 9 mannequin or a person.
 10 Q. So the photographs that you have
 11 included in your reports, in any of your
 12 claim charts, those photographs aren't
 13 included in the '531 or the '563 Patents,
 14 correct?
 15 A. Photographs are not in the
 16 patent, no.
 17 Q. In the patents, is there any
 18 mention of the term breast?
 19 A. Yes.
 20 Q. Where is that?
 21 A. Certainly in the claim. And --
 22 it is in the claims.
 23 Q. Anywhere else?
 24 A. The breast area is, but I am not
 25 sure about the word breast. I have to review

1 D. BROOKSTEIN
 2 these. I know breast area is in the claims.
 3 Unless you want me to read all of these.
 4 Q. You aren't aware sitting here of
 5 the term breast being used anywhere in the
 6 '531 or the '563 Patents?
 7 A. No, that's not what I said. I
 8 know the word breast area is in the claims of
 9 the '531 and the '563, and I know the words
 10 breast area are not in the specification of
 11 the '531 and the '563. I don't -- I never
 12 really looked for the word breast just by
 13 itself. So I don't recall right now as I sit
 14 here in this specification.
 15 Q. Why didn't you look for the term
 16 breast by itself anywhere in the '531 or the
 17 '563 Patents?
 18 A. Because when I read the PTAB
 19 response, the concern was breast area. So I
 20 was focusing on those two words.
 21 Q. Now, in the claims, you referred
 22 to the term breast area being in claims?
 23 A. That is correct.
 24 Q. Do you know when the term breast
 25 area first appeared in the claims of the '531

1 D. BROOKSTEIN
 2 and '563 Patents?
 3 MR. BURNS: Objection to form.
 4 A. It is my understanding they
 5 appeared prior in the original patents as a
 6 result of Examiner Hale recommending that it
 7 be put in there.
 8 Q. What is the basis of your
 9 understanding?
 10 A. I looked at the file history.
 11 Q. Have you looked at the claims as
 12 originally filed in the original application
 13 for the '531 and the '563 Patents?
 14 A. Awhile back, yes. In the file
 15 history, yes.
 16 Q. And in those original filings,
 17 did the term breast area appear anywhere?
 18 A. I don't recall. She added it.
 19 She didn't add it. She suggested it be
 20 added.
 21 Q. So in the original filings for
 22 the '531 and the '563 Patents, the term
 23 breast or breast area, those terms were not
 24 used, correct?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. I haven't looked back. I mean, I
 3 don't recall that. That's awhile back.
 4 Q. In the figures, in the '531 and
 5 the '563 Patents, is the breast area shown?
 6 A. I think so, yes.
 7 Q. So the breast area on a person is
 8 shown in '531 and '563 Patents?
 9 A. Not on a person but it is shown.
 10 Q. Where is it shown?
 11 A. It is shown in Figure 1A.
 12 Q. Where is that?
 13 A. Well, 1A has two features --
 14 actually, three features that tell me that
 15 breast area is being shown. The first is the
 16 fact that you have -- how do you want to do
 17 this for the Reporter?
 18 Q. Just go ahead.
 19 A. That you have this -- I won't say
 20 broken line but you have this wavy line on
 21 the top indicating that that garment isn't
 22 finished there. It continues to go up. Two,
 23 the shape of the panel is -- goes in and then
 24 comes back out again. This is identical to
 25 the shape that you can see on the mannequins,

1 D. BROOKSTEIN
 2 both at three months and nine months and the
 3 part where it ends is essentially right just
 4 beneath the breast area.
 5 And then lastly, 124, is the
 6 growing abdomen and that's clearly -- that
 7 line that I just said, the top line is
 8 substantially over the growing abdomen.
 9 Q. Okay. So with your pen -- let me
 10 ask you this, is Figure 1A trying to show how
 11 the product will look when placed on someone?
 12 A. We have to look and see what
 13 Figure 1A says. It says that it discloses a
 14 body panel covering a growing abdomen. So if
 15 it's covering a growing abdomen it would be
 16 how it appears on someone.
 17 Q. So they are trying to depict to
 18 how this product is going to look on someone?
 19 A. As best as I can tell, yes.
 20 Q. And can you show in Figure 1A
 21 where the abdomen is located?
 22 A. So, yes, it would be all this
 23 space in here (indicating).
 24 Q. Can you use your pen and mark
 25 where the abdomen is located?

1 D. BROOKSTEIN
 2 A. You want me to date it?
 3 Q. Yes. And where is the breast
 4 area located, if you can mark that?
 5 A. Well, this is the area just
 6 beneath the breast area.
 7 Q. I am asking -- I asked earlier,
 8 my original question was, do the figures show
 9 the breast area?
 10 A. I am showing -- it shows that the
 11 garment ends at the breast area. That's how
 12 I want my testimony to be.
 13 Q. Okay. Here is my question.
 14 A. Okay.
 15 Q. Do any of the figures, including
 16 Figure 1A, show the breast area?
 17 MR. BURNS: Objection to form.
 18 A. No, they don't show the breast
 19 area. They show where the breast area
 20 begins. The end of the breast area begins.
 21 Q. So if it doesn't show the breast
 22 area, can you mark "Does not show breast
 23 area"?
 24 A. Sure.
 25 Q. So when you are pointing --

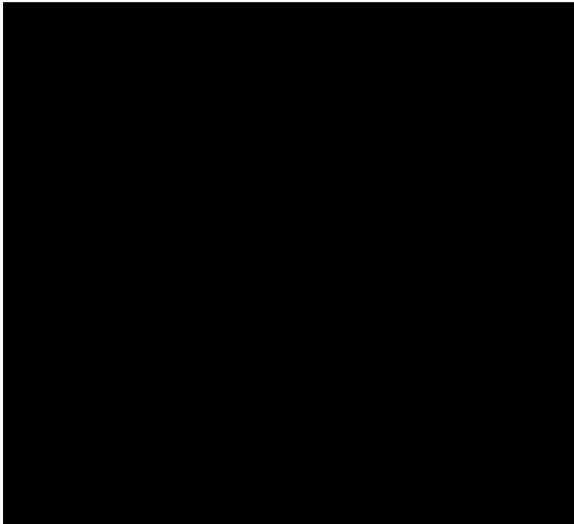
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN

A. But I would also like to mark here breast area begins. Or breast area begins here.

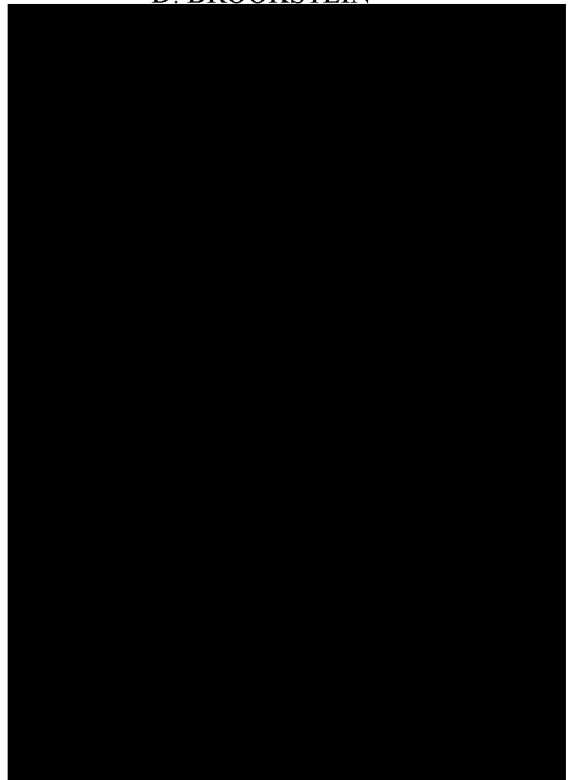
Q. How do you know that from the patent?

A. I know this by this drawing here and the specification. And the description of the drawing.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN



Q. Is the reason why you are reading that language as implicitly relating to the breast area because the belly panel, you believe, covers the entire abdomen?

A. To just beneath the breast --

MR. BURNS: Objection to form.

A. Could you repeat the question?

Q. Is the reason why you are implicitly thinking that the term breast area is in the specification, is because the belly panel is stated as covering the entire abdomen?

MR. BURNS: Objection to form.

A. As I said in my report, is that the term breast area, it's a -- it's part of what I understand and the broadest reasonable interpretation, it is part of the claims, specification, the prior art, and the drawings and then in addition, from what I understand from counsel, can also be a -- as part of definition. There is an authority that says you can do that. So you have to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN

look at the whole picture in general. Not one -- and I don't mean this picture 1A. You have to look at all the elements to be able to define what breast area means and subsequently construe that, which is what I did in my report.

Q. Let's take this in pieces.

A. Okay.

Q. Just looking at the patent.

A. Yes.

Q. Is the reason when you read those portions of the specification, that you think that the term breast area implicitly in the specification is because the belly panel is stated as covering the abdomen?

MR. BURNS: Objection to form.

A. No, because that in comparison to the mannequins and seeing where that taper comes up and it is identical to where the breast area ends.

Q. So you're talking about the mannequins you used in your inspection?

A. That is correct.

Q. Is something like using those

1 D. BROOKSTEIN
 2 mannequins permissible in claim construction?
 3 MR. BURNS: Objection to form.
 4 It is outside the scope.
 5 A. I have no way of knowing that.
 6 Q. But you used those mannequins
 7 that, as part of your understanding of the
 8 term breast area, correct?
 9 A. As part. But I have a whole body
 10 of information that goes beyond just that.
 11 That's just one small element.
 12 Q. I understand. But you used those
 13 mannequins as part of your analysis in the
 14 claim construction, correct?
 15 MR. BURNS: Objection to form.
 16 A. I looked at those mannequins in
 17 helping me understand a picture that shows
 18 that the garment comes up to just beneath the
 19 breast area. The garment that's described in
 20 the '531 and the '563.
 21 Q. Okay. And the mannequins you are
 22 referring to are the mannequins in your
 23 Exhibit 2 analysis?
 24 A. That is correct.
 25 Q. You already said those mannequins

1 D. BROOKSTEIN
 2 aren't referred to in any way in the '531 or
 3 the '563 Patents; is that correct?
 4 A. That is correct. We can go a
 5 question or two, but then I will need a
 6 little break.
 7 Q. Sure. The belly panel. We have
 8 talked about this location of maximum girth
 9 on a person?
 10 A. Yes.
 11 Q. In '531 and the '563 Patents, how
 12 far above the location of maximum girth is
 13 the belly panel?
 14 MR. BURNS: Objection to form.
 15 A. It is my understanding that it is
 16 beneath the breast by a very small margin.
 17 Comes all the way up to just beneath the
 18 breast.
 19 Q. In relation to the maximum girth,
 20 how far above the maximum girth does the
 21 belly panel in the '531 and '563 Patents go?
 22 MR. BURNS: Objection.
 23 A. The patents?
 24 Q. Yes.
 25 A. It goes up to just beneath the

1 D. BROOKSTEIN
 2 breast areas where the minimum girth is.
 3 Q. But how would you quantify the
 4 distance above the maximum girth?
 5 A. Quantify from the distance below
 6 the breasts, not from the maximum girth,
 7 that's the way I see it.
 8 Q. In the '531 and the '563 Patents,
 9 do they define the location of the top of the
 10 belly panel with respect to the maximum
 11 girth?
 12 A. To go back and look at that. I
 13 don't recall seeing that, but I have to go
 14 back and study that.
 15 Q. Sure. You didn't include that as
 16 part of your analysis, correct, if the '531
 17 Patent talked about the location of the top
 18 of the belly panel relative to the maximum
 19 girth?
 20 MR. BURNS: Objection to form.
 21 A. I'd have to go back and look at
 22 the report. As I sit here, I don't recall
 23 that.
 24 Q. Looking at the figures in the
 25 '531 and the '563 Patents, we have been

1 D. BROOKSTEIN
 2 looking at Figure 1A?
 3 A. Um-hum.
 4 Q. Which I understand is the same as
 5 Figure 1.
 6 A. Well, no, it doesn't show -- it
 7 has 124 in there, but it doesn't have that --
 8 those lines that show --
 9 Q. It is the same garment?
 10 MR. BURNS: Objection to form.
 11 A. It is my understanding it is the
 12 same garment. Same depiction of a garment.
 13 Q. You understand that there are
 14 other garments than shown in the '531 and
 15 '563 Patents?
 16 MR. BURNS: Objection to form.
 17 A. I have to go through the figures
 18 to see if they say there are others or just
 19 other views of the same garment. I haven't
 20 done that recently.
 21 Q. So Figure 3, for example, do you
 22 see that there are numbers 308, 310, 312 and
 23 314, 300, 302, 304, 306 pointing to dash
 24 lines?
 25 A. Excuse me, which drawings are you

1 D. BROOKSTEIN
 2 talking about.
 3 Q. Figure 3. It is the same in both
 4 patents?
 5 A. Yes.
 6 Q. Do you know what those dash
 7 lines are?
 8 A. Those dash lines aren't actual --
 9 how do I put it? Just they are not actual
 10 dimension lines. They are just trying to
 11 show, give an idea where something is.
 12 Q. Is it another structure shown in
 13 Figure 3, those particular areas?
 14 MR. BURNS: Objection to form
 15 and scope.
 16 A. It says it is another embodiment
 17 of a garment. So reading that figure, I
 18 would read that as another garment.
 19 Q. Okay. But those numbers I am
 20 pointing to, do you know what those numbers
 21 are pointing out?
 22 MR. BURNS: Objection to form
 23 and scope.
 24 A. I have to go back and look. I
 25 haven't done this recently. You are talking

1 D. BROOKSTEIN
 2 about 308, 310, 312?
 3 Q. Yes. So you don't know sitting
 4 here without looking at the patent what that
 5 refers to?
 6 A. I can't do a memory test here.
 7 It says here that it is a series of sewn
 8 stitches.
 9 Q. Okay. Do you know what those
 10 sewn stitches are in that material?
 11 MR. BURNS: Objection to form
 12 and scope.
 13 A. The yarn there.
 14 Q. Or what kind of stitch.
 15 A. I don't recall.
 16 Q. Putting those stitches in made
 17 that material more or less expandible or have
 18 any impact on expandibility?
 19 MR. BURNS: Objection to form.
 20 A. I'd have to give that some
 21 thought. Need to know what type of yarns it
 22 was or what the stitch pattern was, what the
 23 configuration. Just that picture like that
 24 you can't really tell. At least I can't
 25 tell.

1 D. BROOKSTEIN
 2 Q. To know how expandible something
 3 is, what do you need to know about the
 4 materials?
 5 A. I need to know the yarn
 6 properties and the yarn -- the construction
 7 of the garment, particular if it's knitted,
 8 if it's a tuck stitch, if it is a one-by-one
 9 alternating tuck stitch. If it's woven
 10 structure. If it's a batten weave. A plain
 11 weave. There's a whole range of things that
 12 a technical engineer needs to know to be able
 13 to decide if it's -- to what degree of
 14 expandibility it is.
 15 Q. Anything else that you need to
 16 know?
 17 A. What kind of finish is on the
 18 yarn.
 19 Q. Anything else?
 20 A. Not as I sit here. Can we --
 21 Q. One more question. Any of those
 22 properties that you just mentioned, are any
 23 of those properties discussed anywhere in the
 24 '531 or '563 Patents?
 25 A. The term elastic materials is

1 D. BROOKSTEIN
 2 used, but they don't give you numbers. They
 3 do say elastic materials. I have not seen
 4 numbers.
 5 Q. No yarn properties?
 6 A. I have not seen yarn properties?
 7 Q. No discussion of types of
 8 stitches?
 9 A. I have not seen any.
 10 Q. No discussion on the finish of
 11 yarns?
 12 A. I have not seen that.
 13 Q. Or any of the other properties
 14 you just mentioned when you said you would
 15 want to know before determining the
 16 elasticity of something?
 17 MR. BURNS: Objection to form.
 18 A. Determine the degree of
 19 elasticity of something is what I said. But
 20 they -- it is my understanding that a patent
 21 owner is their own lexicographer and they are
 22 saying it is an elastic fabric. It says we
 23 use the tubular fabric as an elastic fabric.
 24 That tells me it is elastic.
 25 Q. But you don't know the degree of

1 D. BROOKSTEIN
 2 elasticity based on the disclosure in the
 3 '531 and the '563 Patents?
 4 A. I do. I know it is enough to
 5 come up over the maximum girth and then
 6 contract down to the minimum girth. I do
 7 know that.
 8 Q. But you don't know the yarn
 9 properties, type of stitch, finish of the
 10 yarn, et cetera?
 11 A. That I don't know.
 12 Q. For the embodiments in Figures 3,
 13 4, 5, 6 and 7, are those embodiments covered
 14 by the independent claims of the '531 and the
 15 '563 Patents?
 16 MR. BURNS: Objection to form
 17 and scope.
 18 A. I haven't considered that. I
 19 have considered figure -- I have considered
 20 Figure 1 and 1A.
 21 For the independent claim?
 22 Q. Yes.
 23 A. No, I don't think I have -- I
 24 have not considered 3, 4, 5, 6 or 7. 1
 25 through 2 meet the independent Claim 1.

1 D. BROOKSTEIN
 2 Q. So you don't know if -- strike
 3 that.
 4 As far as the height of the belly
 5 panel, do all of the embodiments have the
 6 same height?
 7 MR. BURNS: Objection to form
 8 and scope.
 9 Q. Or do you not know sitting here?
 10 A. All of the figures show that
 11 tapered in the portion that I described
 12 earlier leaving me to conclude that the top
 13 is just beneath the breast area, or beneath
 14 the breast area by a small margin.
 15 Q. Anything else?
 16 A. I thought you -- then we have the
 17 break. Yes.
 18 Q. My question, just answer this
 19 question, we have looked the embodiment in
 20 Figure 1. The same embodiment in Figure 1A,
 21 correct?
 22 A. That's my understanding.
 23 Q. Any of the other embodiments show
 24 a belly panel higher, taller than what is
 25 shown in Figure 1 and 1A?

1 D. BROOKSTEIN
 2 A. Well, 2 is a back view; 3
 3 describes the back view. 6. Let's see, 3, 6
 4 and -- 3 and 6 all show that same
 5 configuration that you see in 1A where it
 6 tapers in and then goes back out again,
 7 indicating to me he and indicating that a
 8 person of ordinary skill in the art would
 9 understand that that is beneath the breast
 10 area by a very small margin.
 11 Q. My question is, compared to what
 12 you see in Figure 1 and 1A, are any of the
 13 other belly panels higher or taller?
 14 MR. BURNS: Objection to form
 15 and scope.
 16 A. There's dimensions on these
 17 drawings. You can't tell.
 18 MR. CARTER: Okay. We can take
 19 a lunch break.
 20 THE VIDEOGRAPHER: The time is
 21 11:59 a.m.; we are off the record.
 22 (Whereupon, a recess was held.)
 23 ***AFTERNOON SESSION***
 24 THE VIDEOGRAPHER: The time is
 25 1:00 p.m.; we are on the record.

1 D. BROOKSTEIN
 2 BY MR. CARTER:
 3 Q. Dr. Brookstein, if you can look
 4 at Exhibit 2017.
 5 A. Yes.
 6 Q. Also marked as Exhibit 1064,
 7 page 7. Sorry, pages 6 and 7.
 8 A. 6 and 7?
 9 Q. Yes.
 10 A. Okay.
 11 Q. For the qualifications of a
 12 person of order skill in the art, you list
 13 out three criteria, A, B and C?
 14 A. Yes. But in or. Not that you
 15 have to have all three.
 16 Q. Do you have the background of A?
 17 A. No.
 18 Q. As I understand it, you don't
 19 have a degree in fashion design, correct?
 20 A. That is correct.
 21 Q. Do you have the background of B?
 22 A. I told you I spent eight years on
 23 that Laboratory For Engineering Human
 24 Protection Project. I would say somewhat.
 25 Q. But that wasn't full-time,

1 D. BROOKSTEIN
 2 correct?
 3 A. It was not full-time.
 4 Q. So you don't have four years of
 5 full-time experience, correct?
 6 A. I would agree with that.
 7 Q. So you don't have the background
 8 to set forth in B?
 9 A. I would agree with that.
 10 Q. And do you have a bachelor degree
 11 in textile engineering?
 12 A. I do.
 13 Q. So you believe a person of
 14 ordinary skill of the art could be someone
 15 just simply with a degree in textile
 16 engineering with no experience in fashion
 17 design?
 18 A. I do.
 19 Q. Or maternity garments?
 20 A. I do.
 21 Q. No experience at all in the
 22 industry?
 23 MR. BURNS: Objection to form.
 24 A. I do.
 25 Q. At the break, we were talking

1 D. BROOKSTEIN
 2 about the '531 and '563 Patents. Anywhere in
 3 those patents is frictional force discussed?
 4 A. Not directly. The word
 5 frictional force is not in there.
 6 Q. Okay. Anything regarding
 7 friction?
 8 A. No --
 9 MR. BURNS: Objection to form.
 10 A. There is no word friction in
 11 there.
 12 Q. Or force?
 13 A. Well, the word force is in there,
 14 but the word hold up is, which is related to
 15 force.
 16 Q. So on hold or holding, do the
 17 patents set forth any kind of test for what
 18 it takes to adequately hold?
 19 MR. BURNS: Objection.
 20 A. They hold up so they don't fall
 21 down while being worn.
 22 Q. Anything else?
 23 A. Not that I can recall.
 24 Q. And for how long do they need to
 25 hold up?

1 D. BROOKSTEIN
 2 MR. BURNS: Objection to form.
 3 A. They are being worn in all stages
 4 of pregnancy.
 5 Q. Okay. But how long somebody
 6 wears them, 15 weeks straight, it is hot and
 7 humid outside?
 8 A. There is no mention of that.
 9 Q. What are factors that could
 10 impact the ability of something to be
 11 held up?
 12 A. In the context of this invention?
 13 Q. In general.
 14 A. As long as they maintain the
 15 elasticity, it would be my opinion they
 16 would -- it would hold up.
 17 Q. Is there any kind of amount of
 18 compression discussed in the patent?
 19 A. Not explicitly.
 20 Q. So is the answer no?
 21 A. The word compression is not in
 22 the patent.
 23 Q. Or the amount of compression?
 24 A. Not explicitly.
 25 Q. Implicitly?

1 D. BROOKSTEIN
 2 A. Implicitly, yes.
 3 Q. In what way?
 4 A. Can I look at my report?
 5 Q. Yes.
 6 A. On page 7, just a few words, and
 7 page 8. Oh, that's the Secret Fit Belly,
 8 excuse me. I would go to the '531 on
 9 Column 1, line 42 to 44, it says, "The
 10 garment adapts to cover and fit a growing
 11 abdomen during pregnancy wherein the garment
 12 stays upward worn -- more not worn."
 13 Q. Anything else that talks about
 14 the amount of compression?
 15 MR. BURNS: Objection to form.
 16 A. When I describe, in Figure 1,
 17 this would be where it says "The belly panel
 18 124 is expansible, for example, made of a
 19 stretchable fabric to cover and fit over a
 20 growing abdomen during various -- during
 21 stages of pregnancy." Column 3, this is the
 22 '531, Column 3, line 45 to 48, "The belly
 23 panel 124 comprises of a portion of the
 24 stretchable fabric. The tubular structure is
 25 adaptable to cover and fit different body

1 D. BROOKSTEIN
 2 types by being elastically expandable and
 3 contractible," and then on lines -- Column 3,
 4 line 53 to 57, "The tubular structure is
 5 elastically expandable to widen tubular girth
 6 at selected locations and amounts where
 7 needed to fit a body type is elastically
 8 contractible to narrow the tubular girth at
 9 selected locations and amounts where needed
 10 to fit the body types."
 11 Q. Okay. Anything else?
 12 A. Well, the columns and line
 13 numbers are not the specs of the '363 -- for
 14 the '563 and the '531 are identical. So
 15 different columns and lines would be the same
 16 in both, yes.
 17 Q. Okay. So there is nothing in
 18 there about an amount of compression? Like a
 19 measurement?
 20 A. There is no measurement, correct.
 21 Q. And there are no measurements of
 22 the circumference of the panel?
 23 A. In dimensions?
 24 Q. Yes.
 25 A. No.

1 D. BROOKSTEIN
 2 Q. Or anything else, any other
 3 measurement?
 4 A. Well, it says "maximum girth."
 5 Again, it is an implicit measurement. It
 6 says maximum girth. It's the largest portion
 7 of the girth. But they don't give you exact
 8 numbers.
 9 Q. How about height of the panel,
 10 any measurement?
 11 A. In dimensions?
 12 Q. Yes.
 13 A. Just that it is right beneath the
 14 breast area. They don't give you a number.
 15 Q. Where does it say that in the
 16 patents?
 17 A. It says that in the claim.
 18 Q. Other than in the claim, where
 19 does it say it in the patent?
 20 MR. BURNS: Objection to form.
 21 A. That's where we want to construe
 22 what breast area means. Just underneath the
 23 breast area means. No, it is not in the
 24 spec, it's in the claim.
 25 Q. In the applications that were

1 D. BROOKSTEIN
 2 originally filed, the applications originally
 3 filed, where does it say that the location is
 4 just beneath the breast area?
 5 MR. BURNS: Objection to form.
 6 A. It is my understanding that it
 7 wasn't in there and then the examiner
 8 requested that it be added.
 9 Q. Other than in the claims, does
 10 the specification anywhere discuss stages of
 11 pregnancy?
 12 A. It says different stages of
 13 pregnancy, but they don't say third month,
 14 fourth month, fifth month. Just says
 15 different stages or during stages of
 16 pregnancy.
 17 Q. And the third month, fourth
 18 month, fifth month, those would all be
 19 examples of a different stage of pregnancy,
 20 correct?
 21 MR. BURNS: Objection to form.
 22 A. That's my opinion, yes.
 23 Q. In the '531 and the '563 Patents,
 24 is there any new or different kind of
 25 material disclosed?

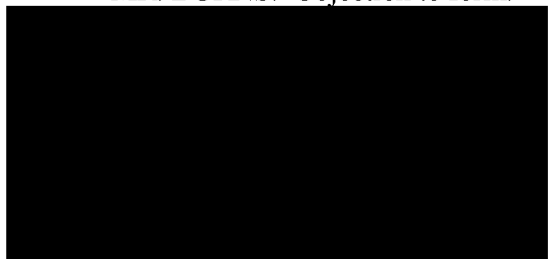
1 D. BROOKSTEIN
 2 A. It is my recollection they
 3 described an elastic fabric and it is the way
 4 the elastic fabric is used, but it is an
 5 elastic fabric.
 6 Q. So isn't a new elastic fabric, it
 7 was a known elastic fabric, correct?
 8 A. To the best of my recollection.
 9 Q. Was it an elastic fabric that
 10 would be quite stretchy?
 11 MR. BURNS: Objection to form.
 12 A. It says an elastic tubular
 13 fabric. It doesn't give you a number, but it
 14 says an elastic tubular fabric that could go
 15 over the girth and then narrow beneath the
 16 breast area.
 17 Q. Is there any new kind of
 18 stitching?
 19 A. In the patent?
 20 Q. Yes.
 21 A. They don't describe the
 22 stitching.
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN
MR. BURNS: Objection to form.

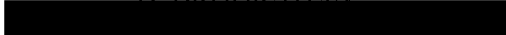


MR. BURNS: Objection to form.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN



MR. BURNS: Objection to form.



Q. So the term just beneath the
wearer's breast area --

A. Yes.

Q. Does that term have the same
meaning in both of the patents, the '531 and
the '563?

A. It does to me.

Q. When you looked for prior art,
did you look for prior art using those or
similar words?

A. I looked for prior art that used
the words breast area, yes.

Q. The word breast area, did you
look for any prior art using the term just
beneath the breast area or something that you
would consider to be similar?

A. I focused only on breast area.

Q. Did you in fact look at any prior
art that used that or similar language?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN

A. Yes, it is in my report.

Q. Not breast area, but just beneath
the wearer's breast area?

A. I don't recall.

Q. So in your report, starting on
about paragraph 19, is that where you start
talking about prior art?

A. Well, what I do first is, I, in
paragraph 26, I say what counsel asked me to
do to propose a construction of just beneath
the breast area, and then it would be based
on what the requirements are that be
interpreted by a POSA, and I said that my
instructions based on the spec, the language
of the claims, examples of prior art, where
it is only in the prior art -- in the
specification and then where breast area is
only in the claims but not in the
specification and then the dictionary
definitions of just and substantially.

Q. Earlier you said you also used
the mannequins as part of your claim
construction analysis?

A. Not at this -- later on I looked

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN

at the mannequins, but no, at this point, I
only looked at this because I would have said
I looked.

Q. But bringing us up to date, you
talked about your claim construction analysis
before lunch and you said you relied on the
mannequins?

A. Not for -- no, not for this.
Then I misspoke. For this part, I looked at
these five items.

Q. Are you retracting your testimony
from earlier today?

A. No.

Q. So that testimony will stand?

A. Let me make it clear. Number
one, the specification, Figure 1A is in the
specification and then I looked at --

Q. I understand. Your testimony and
your report speak for itself. I just wanted
to move on for time. In Item 4 you said,
"Prior art patents, which used the term
breast area only in claims" --

A. Yes.

Q. -- why did you use that

1 D. BROOKSTEIN
 2 determination?
 3 A. Because that's in fact what the
 4 '531 and the '563 has. It is only in the
 5 claims and I was trying to show that there is
 6 other patents out there, and interestingly,
 7 some of the patents for the same exact same
 8 examiner, Examiner Hale, that only mentioned
 9 the breast area was in the claim, but it
 10 wasn't in the specification.
 11 Q. How about the drawings, did those
 12 other patents show a breast area in the
 13 drawings?
 14 A. For Item 4, prior art would show
 15 the breast area, yes.
 16 Q. So if your criteria would have
 17 been prior art patents which do not show or
 18 discuss the term breast area outside the
 19 claims, did you identify any such prior art
 20 patents?
 21 A. Without drawings?
 22 Q. Without showing a breast area in
 23 a drawing.
 24 A. Not that I can recall.
 25 Q. So all the prior art patents that

1 D. BROOKSTEIN
 2 you have, at least show the breast area in
 3 the drawings?
 4 A. I would agree.
 5 Q. Whereas you have already
 6 documented that the '531 and the '563 Patents
 7 don't show the breast area?
 8 A. No. What I -- that's not what I
 9 said.
 10 Q. Okay. Let's look at
 11 Exhibit 10 --
 12 A. -- 18?
 13 Q. Yes.
 14 A. What I did was, you asked me to
 15 put does not show the breast area and then I
 16 put breast area with the arrow there.
 17 Q. So which one is it? It seems
 18 like you have to pick one or the other.
 19 A. I would like to add -- I would
 20 like to add just beneath the breast area
 21 there. I would like to write that in there.
 22 That's what that line, just beneath the
 23 breast area. Can I write that it in there?
 24 Q. You write in what you want to
 25 write in. But the breast area is not shown

1 D. BROOKSTEIN
 2 in Figure 1A, correct?
 3 A. I've already said breast area
 4 isn't. But the area just beneath the breast
 5 area is.
 6 Q. Is that pointing to the blank
 7 area of the page?
 8 A. Yes.
 9 Q. So the blank area of the page is
 10 just beneath the breast area, there are no
 11 lines on the drawings that identify just
 12 beneath the breast area?
 13 A. No. I am saying that this is
 14 just beneath the breast area.
 15 Q. One of the bases for your claim
 16 construction opinion is that blank space that
 17 doesn't have a number pointing to it and
 18 doesn't have any lines outlining it shows
 19 just beneath the breast area?
 20 MR. BURNS: Objection to form.
 21 A. In this case, yes.
 22 Q. Thank you.
 23 A. But given other support for why
 24 that construction would be beneath the breast
 25 by a very small margin.

1 D. BROOKSTEIN
 2 Q. Do you know why these patents
 3 don't show or discuss the breast area?
 4 MR. BURNS: Objection; form.
 5 A. I didn't draft these patents. I
 6 can't answer for how these patents were
 7 prosecuted and drafted.
 8 Q. Do you think that the named
 9 inventors or DMC considered it to be an
 10 unusual feature for the panel to be at some
 11 location relative to the breast area?
 12 MR. BURNS: Objection.
 13 A. I don't know what was in their
 14 mind, but I know what's in the specification
 15 and they were talking about -- they were
 16 trying to solve an unsolved problem of having
 17 a maternity garment that came up that stayed
 18 up while worn and did not have a line across
 19 the front that would show through a clothing.
 20 So I can't read their minds, but when I read
 21 their specifications, it is clear to me what
 22 they were trying to do. And that was to have
 23 a garment that comes up to just beneath the
 24 breast area for holding and getting more
 25 friction.

D. BROOKSTEIN

Q. So you said it's clear to you that's what they were trying to do, but why didn't they use the term breast or breast area or show the breast area in their drawings?

MR. BURNS: Objection to form.

A. I can't answer why they did or did not do something. The only way I can answer is the way I interpret it or the way a POSA would interpret what they specified in the claim.

Q. Do you believe it was an unusual feature for a panel to be at a certain location relative to the breast area at the time the '531 and '563 Patents were filed?

MR. BURNS: Objection to form.

A. I believe it was a novel feature that solved a problem that no one had ever solved that problem before.

Q. And you don't know why the term breast area or breast wasn't used or it was not shown in the figures?

MR. BURNS: Objection to form.

Q. Correct?

D. BROOKSTEIN

A. By the inventors?

Q. Yes.

A. I can't answer for why the inventors did or did not do something. It is not already in the spec or in the claims.

Q. Going back to the prior art we looked at. So we were looking at, starting at paragraph 19.

A. This is in Exhibit 2017?

Q. Yes.

A. Yes.

Q. All right. So in this prior art that you have cited in these sections, did any of these prior art references discuss just beneath the wearer's breast area or something similar?

A. I already testified they say breast area. They showed where it is.

Q. But do they give any guidance on just beneath the breast area or something similar?

MR. BURNS: Objection to form.

A. If they define where the breast area is, then you know what's beneath the

D. BROOKSTEIN

breast area.

Q. But as far as just beneath the breast area or something similar, do any of these references give any guidance on that location on a person's body?

MR. BURNS: Objection to form.

A. I would like to look at my report and see what I have covered.

Prior art 7,089,597. Do you have that patent? On page 14.

Q. Yes, I am with you on page 14.

A. I say, "In describing 2A produced below, the '596 -- the '597 patent states, quote, wide fabrics 14A and 14B are stitched along lines that extend from supporting Point B at the front center of the armpits passing beneath the breast area." So there they are saying beneath.

Q. Okay. Any others?

A. The word beneath?

Q. Anything that is giving guidance on location of just beneath the wearer's breast area?

MR. BURNS: Objection to form.

D. BROOKSTEIN

Q. Is that anything that you considered?

A. I considered prior art, patents that have the word breast area and then knowing that if you define what the breast area is, you knew what was beneath the breast area.

Q. Anything else?

A. Not as I sit here.

(Whereupon, Brookstein Exhibit 2034, Patent No. 4,590,624 was marked for identification as of this date by the Reporter.)

BY MR. CARTER:

Q. I have handed you a document marked as Exhibit 1067.

A. Yes.

MR. BURNS: I will object. This is outside of the scope of Mr. Brookstein's Declaration.

Q. I understand we need to mark this as Exhibit 2034.

Have you seen this patent before?

A. Yes, I talk about it in

1 D. BROOKSTEIN
 2 paragraph 20.
 3 Q. Did you read the '624 Patent,
 4 Exhibit 2034?
 5 A. Awhile back, yes.
 6 Q. Did you read all of this?
 7 A. I read all of it.
 8 Q. Okay. If you could, in the
 9 '624 Patent, go to Column 3.
 10 A. Yes.
 11 Q. There is a paragraph starting on
 12 line 37, starts out, "a major factor"?
 13 A. Yes.
 14 Q. You see starting on line 40 in
 15 that paragraph says "A pregnant woman having
 16 enlarged breasts and stomach has a very
 17 definitive waistline or reduced girth line
 18 just below the breasts"?
 19 A. Yes.
 20 Q. Does that phrase, "Just below the
 21 breasts," do you see that as different in
 22 scope compared to just beneath the wearer's
 23 breast area?
 24 A. Let me read this some more.
 25 Does this refer to a picture or

1 D. BROOKSTEIN
 2 something I can refer to?
 3 Q. You reviewed this patent?
 4 A. Yes.
 5 Q. Correct?
 6 A. But I did it three months ago.
 7 Q. You cited it in your report,
 8 correct?
 9 A. I cited parts of it, yes.
 10 Q. You didn't cite this part,
 11 did you?
 12 MR. BURNS: Objection to form.
 13 A. No, this was one where I was only
 14 reciting in the claims. And the question?
 15 Q. Okay, I will continue reading.
 16 It says, "In designing the breast skirt
 17 panels for the gowns, for the gowns, the
 18 joining edges seams 26 and 28 are provided at
 19 this waistline"?
 20 A. Yes.
 21 Q. So you see that the patent says
 22 that there is a very definitive waistline
 23 just below the breast?
 24 A. Below the breast, yes.
 25 Q. That phrase just below the

1 D. BROOKSTEIN
 2 breast, does it differ in meaning compared to
 3 the phrase just beneath the wearer's breast
 4 area?
 5 A. I would say yes.
 6 Q. And how is that?
 7 A. Just beneath wearer's breast
 8 area, it is more than that. By a very small
 9 margin, very small difference. Her knees are
 10 beneath her breasts. It is not enough there.
 11 But the way we are -- the way I am construing
 12 this is just beneath the breast is beneath --
 13 just beneath the breast area is beneath the
 14 breast area by a very small margin. There's
 15 no discussion of margin in here, the way I
 16 read it.
 17 Q. Is there any discussion of margin
 18 compared to the breast area in the '531 or
 19 the '563 Patents?
 20 A. No. That's why -- that's why we
 21 are construing or I am construing it
 22 that way.
 23 Q. Let's look, I understand how you
 24 are construing it that way.
 25 A. Okay.

1 D. BROOKSTEIN
 2 Q. Let's look at the word just.
 3 A. Yes.
 4 Q. The word just is in both the
 5 statement in the '624 Patent and in the
 6 phrase just beneath the wearer's breast area
 7 in the '531 and '563 Patents.
 8 A. Yes.
 9 Q. All right. The next, in the
 10 '624 Patent is below. So it's just below
 11 compared to just beneath. Do you think there
 12 is a difference between just below and just
 13 beneath?
 14 MR. BURNS: Objection to form.
 15 A. You have to use the whole phrase
 16 by a very small margin. You can't pick out
 17 that little thing. You have to look at the
 18 meaning of the whole term. The small margin.
 19 Q. We will look at the whole term.
 20 The whole term in the patent is just beneath
 21 the wearer's breast area.
 22 A. In the '531 and the '563, yes.
 23 Q. Right. The word margin or very
 24 small margin, that shows up no where in the
 25 patents, correct?

1 D. BROOKSTEIN
2 A. That's why we are construing it
3 that way.
4 Q. By a very small margin, those are
5 your words, not in the patent?
6 MR. BURNS: Objection to form.
7 A. It is my understanding that's
8 what construction is. The broadest
9 reasonable construction in terms of what a
10 POSA would come up with, yes.
11 Q. So when we are comparing the term
12 in the patent just beneath the wearer's
13 breast area and just below the breast, how
14 are those two terms or phrases different?
15 A. I am not sure -- I have to think
16 about that. I can't answer that as I sit
17 here.
18 Q. Do you think there is any
19 difference in scope or meaning for those
20 two phrases?
21 MR. BURNS: Objection to form.
22 A. I said I have got -- this is the
23 first I have looked at that. Yes, I have
24 looked at the whole patent, but I was looking
25 for the words breast area and I don't recall

1 D. BROOKSTEIN
2 that term. Now, if would you like, I can
3 spend time and read the whole patent again to
4 get it in context, but right now I was
5 focusing on the words, when did I my search,
6 I was using the word breast area not breast.
7 So I have not looked at that part of -- or I
8 had not concentrated on that part.
9 Q. So you can't identify any
10 difference in meaning or scope between just
11 beneath the wearer's breast area and just
12 below the breasts?
13 MR. BURNS: Objection to form.
14 A. Unless I have time to go back and
15 review this patent.
16 Q. Which, once again, you reviewed
17 this and cited it in and quoted it in your
18 report?
19 A. I cited part of it.
20 Q. Okay. You are right, you did not
21 cite this part, correct?
22 A. I did not cite that part.
23 Q. Now, if we look at the sentence
24 following, it says, "In designing the breast
25 and skirt panels for the gowns, the joining

1 D. BROOKSTEIN
2 edges seams 26 and 28 are provided at this
3 waistline"?
4 A. Correct.
5 Q. You understand that the patent
6 says that the waistline is just below the
7 breast?
8 A. That's what it says.
9 Q. You look at Figure 2 in the
10 patent?
11 A. Figure 2 of the '624?
12 Q. Yes.
13 A. Yes.
14 Q. You see where Item 26 is
15 pointing?
16 A. I do.
17 Q. Do you agree that that is the
18 waistline?
19 A. Is it defined as the waistline?
20 It says in the waist -- it says at the seam,
21 I don't see where it says waistline.
22 Q. In the area where we are reading,
23 it says, "The joining edges, seams 26 and 28
24 are provided at this waistline."
25 A. The seams are provided. Yes, I

1 D. BROOKSTEIN
2 see that.
3 Q. And do you agree that that
4 location, that 26 is pointing at in Figure 2
5 of the '624 Patent is just below the breast?
6 MR. BURNS: Objection to form.
7 A. I believe it is below the
8 breast, yes.
9 Q. My question was, you understand
10 that the '624 Patent identifies that as just
11 below the breast?
12 A. That's what it says.
13 Q. Do you agree with that?
14 A. Not -- it is below the breast but
15 I wouldn't say it is just below the breast.
16 Q. Now, you elected not to even cite
17 this section?
18 A. Correct.
19 Q. You say you cannot identify any
20 difference of meaning and scope compared to
21 just below the wearer's breast area, correct?
22 MR. BURNS: Objection to form.
23 A. Correct.
24 Q. Do you understand that a person
25 of ordinary skill in the art would have

1 D. BROOKSTEIN
 2 considered this reference and this statement
 3 in determining the meaning of just beneath
 4 the wearer's breast area?
 5 MR. BURNS: Objection to form.
 6 A. I did, yes.
 7 Q. That's why you cited prior art?
 8 A. Right.
 9 Q. Because you believe that is
 10 helpful in claim construction analysis?
 11 A. That is correct.
 12 Q. And don't you agree that in
 13 understanding the meaning of just beneath the
 14 wearer's breast area, that looking at
 15 Column 3, lines 40 to 45, and Figure 2 of the
 16 '624 Patent, are helpful in determining the
 17 meaning of just beneath the wearer's breast
 18 area?
 19 A. No. No. These -- the way I read
 20 this, it is just below the breast, and as I
 21 said, it could be carried to the extreme. It
 22 could be her kneecaps.
 23 Q. There is the word just, right?
 24 A. Yes.
 25 Q. Are the kneecaps just below?

1 D. BROOKSTEIN
 2 A. No.
 3 Q. Okay. But that analogy example
 4 you're giving, keep in mind, it is just below
 5 versus just beneath. I asked you several
 6 times if there is any meaningful difference
 7 in scope. You haven't identified anything.
 8 A. That is correct.
 9 Q. Are there any other instances
 10 you're aware of where a prior art document at
 11 any time talks about the phrase just beneath
 12 the wearer's breast area or a similar phrase?
 13 A. Only what I have here in my
 14 report.
 15 Q. And once again, everything that
 16 you have in your report cites to patents that
 17 at least show a breast area?
 18 A. In this area, yes.
 19 MR. BURNS: Objection to form.
 20 Q. In this area of your report?
 21 A. Yes.
 22 Q. What is your understanding of
 23 broadest reasonable construction?
 24 A. It is my understanding that the
 25 claim construction would be something that --

1 D. BROOKSTEIN
 2 I would like to read directly from my report
 3 because it is very clear terms. For
 4 instance, on paragraph 12, I would just like
 5 to read it, "It is my understanding that in
 6 an interparty's review of an unexpired
 7 patent, PTAB gives the claims the broadest
 8 reasonable construction in light of the
 9 specification as it would be interpreted by
 10 one of ordinary skill in the art."
 11 And then there is more, "Further,
 12 in the USPTO Manual of Patent Examining
 13 Procedure, it is stated at 2111.01,
 14 paragraph 1, that, quote, the ordinary and
 15 customary meaning of a term may be evidenced
 16 by a variety of sources including the words
 17 of the claims themselves, the specifications,
 18 the drawings and the prior art." And then I
 19 have been informed by counsel that we can
 20 also use the dictionary definitions.
 21 Q. Have you engaged in determining
 22 the broadest reasonable construction of claim
 23 terms in the past?
 24 A. Yes, in Markmans hearings. I
 25 don't know if we actually called it -- I have

1 D. BROOKSTEIN
 2 been involved in claim construction. I told
 3 you I was a hearings -- probably have been
 4 involved in claim construction many times.
 5 Q. So you testified in a Markman
 6 hearing in District Court?
 7 A. Correct.
 8 Q. And you have -- have you provided
 9 expert reports on claim construction in
 10 District Courts?
 11 A. I have.
 12 Q. Have you provided deposition
 13 testimony on claim construction in District
 14 Courts?
 15 A. For District Courts, yes.
 16 Q. Have you provided claim
 17 construction analysis in any other context?
 18 A. I am involved in another IPR,
 19 which is long gone. I am not sure if I was
 20 involved in claim construction on that.
 21 Q. Okay. The claim constructions
 22 you were involved in where you testified at
 23 Markman hearing and you provided expert
 24 reports and deposition testimony?
 25 A. Yes.

1 D. BROOKSTEIN
 2 Q. Did you go through the same tests
 3 and analysis in coming up with your claim
 4 construction in those cases?
 5 A. I don't recall, but I do recall
 6 that there is a difference -- there is a
 7 different standard for claim construction in
 8 litigation versus an IPR. As I sit here, I
 9 can't remember what those standards are. I
 10 can only go through the standards because
 11 they are in front of me for an IPR. But as I
 12 recall, there is a difference there, but I
 13 can't tell you what it is.
 14 Q. If you were asked to provide
 15 definitions, so you provided definitions, I
 16 believe, for breast area and just beneath the
 17 wearer's breast area, expansible panel?
 18 A. Not definitions, constructions.
 19 Q. Constructions. You provided
 20 constructions for several terms?
 21 A. Yes.
 22 Q. If you were providing those
 23 constructions for the District Court, would
 24 those constructions be the same?
 25 MR. BURNS: Objection to form

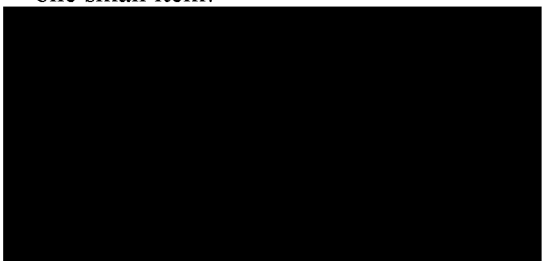
1 D. BROOKSTEIN
 2 and scope.
 3 A. I haven't really thought about
 4 that, so I can't answer that question. I
 5 would have to go back and look at what the
 6 requirements are for claim construction and
 7 litigation.
 8 Q. So you don't know what they are
 9 in litigation?
 10 MR. BURNS: Objection to form.
 11 A. I only know they are different,
 12 but I don't know how -- I only know what's my
 13 report here for an IPR.
 14 Q. But you have done several claim
 15 constructions in the past?
 16 A. I have.
 17 Q. Can you remember looking at these
 18 claim constructions that you are doing in
 19 this case in a different manner, applying a
 20 different test compared to the prior claim
 21 constructions you have done?
 22 MR. BURNS: Objection to form.
 23 A. Tell me -- when you say a
 24 different matter, you have to define what
 25 matter.

1 D. BROOKSTEIN
 2 Q. I am just asking, you have done
 3 claim constructions before, right?
 4 A. Awhile back, yes.
 5 Q. You have done an analysis of
 6 claims, the specification, figures, prior
 7 art, et cetera?
 8 A. That is correct.
 9 Q. And then you reached a
 10 determination of a claim construction?
 11 A. I reached an opinion. It is up
 12 to the court to determine if it is the
 13 construction.
 14 Q. Your opinion. You reached an
 15 opinion on claim construction?
 16 A. Right.
 17 Q. When you reviewed the items that
 18 you have said that you reviewed as part of
 19 your claim construction, when you then came
 20 up with your opinion for your claim
 21 construction in this case, did you
 22 meaningfully recall doing it -- coming up
 23 with something different, opinion wise,
 24 compared to what you would have done if this
 25 was a District Court case?

1 D. BROOKSTEIN
 2 MR. BURNS: Objection to form.
 3 A. No, I didn't -- the last time I
 4 did -- offered an opinion on claim
 5 construction in District Court case was
 6 three, four years ago, and I have not gone
 7 back and looked at how I did that. I had --
 8 I was told by counsel that these are the
 9 criteria and I used this as my benchmark to
 10 make the constructions. I didn't go back and
 11 look at what goes on in litigation. It is a
 12 different matter.
 13 Q. Okay. But you can't recall
 14 applying a different test when reaching your
 15 opinions on the claim construction in this
 16 case compared to prior District Court cases?
 17 MR. BURNS: Objection to form.
 18 A. I can't recall what I did in
 19 claim construction in prior District Court
 20 cases, no. They were awhile back.
 21 Q. Is it fair to say that when you
 22 look at these items, you are determining what
 23 it is that you think the term means?
 24 A. No. I am determining what I
 25 think the broadest reasonable construction is

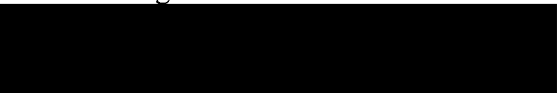
1 D. BROOKSTEIN
 2 by a person of ordinary skill in the art
 3 would interpret it as meaning.
 4 Q. So are there other constructions
 5 for these terms that you believe could be
 6 used?
 7 MR. BURNS: Objection to form.
 8 A. No, these are the ones. These
 9 are the only ones in there.
 10 Q. But to the broadest reasonable
 11 construction. Did you come up with other
 12 constructions that could be used for these
 13 terms?
 14 MR. BURNS: Objection to form.
 15 A. No, I specifically state to that
 16 requirement the broadest reasonable
 17 construction by a person of ordinary skill in
 18 the art.
 19 In five minutes. That's the nice
 20 way of saying it.
 21 Q. Okay. So as we are looking at
 22 broadest reasonable construction, to a person
 23 of ordinary skill in the art, why wouldn't a
 24 person of ordinary skill in the art, who is
 25 aware of the '624 Patent, Exhibit 2034, and

1 D. BROOKSTEIN
 2 looking at the disclosure in Column 3 and in
 3 Figure 2 say that that location identified by
 4 26 in Figure 2, that that is a reasonable
 5 construction for just below the breast?
 6 MR. BURNS: Object to form.
 7 A. If you recall, I read what the
 8 broadest reasonable construction is, it
 9 involved also the specification and the
 10 claims of the patent. So it is my
 11 interpretation that a POSA would look at the
 12 claims and specifications of the '531 in
 13 addition to this other prior art. It is not
 14 just the prior art by itself. To offer a
 15 construction that would be beneath the breast
 16 by various small margin. So it's not just
 17 one small item.



1 D. BROOKSTEIN
 2
 3
 4
 5
 6
 7
 8
 9 MR. BURNS: Objection to form.
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 D. BROOKSTEIN
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11 Q. When I asked you to provide your
 12 support, you have excluded this section. So
 13 do you see the belly panel in 1A, it says,
 14 "It extends at least somewhat above the
 15 maximum girth of the abdomen" --
 16 A. Right.
 17 Q. -- "even during later stage of
 18 pregnancy such that the belly panel 124
 19 positions the torso and circling
 20 circumference at least somewhat of the
 21 location or maximum girth to resist slipping
 22 down over the abdomen"?
 23 A. Right.
 24
 25



D. BROOKSTEIN



Q. So the patent description, looking at the words, they don't have any discussion about any measurement of the top of the panel relative to a breast area, correct?

MR. BURNS: Objection to form.

A. At that place, no.

Q. In anyplace in the patent?

A. And your question?

Q. Anyplace in the patent other than the claims, the claim term that was added after the original filing, is there anyplace

D. BROOKSTEIN

in the '531 or the '563 Patents where there is a discussion about the location of the top of the panel relative to the breast area?

MR. BURNS: Objection to form.

A. In the specifications?

Q. Correct. You have already told me those words aren't in there.

A. Those words aren't in there but there is implicit language in there.

Q. I understand. You have talked about your implicit language. There is nothing where it says the top of the panel is a very small margin below the breast area, correct?

A. That is correct.

Q. There is nothing in there that says the top of the panel is somewhat below the breast area, correct?

A. No.

Q. There is nothing --

A. The figure which is part of the specification is.

Q. We will to get to more of the figure later.

D. BROOKSTEIN

A. Okay.

Q. There is nothing in, written in words, other than in the claim that we have talked about, that says where the top of the panel is relative to the breast area, correct?

A. That's my understanding, yes.

Q. The named inventors did set out the location of the top of the panel relative to the maximum girth, correct?

A. In the specification area you just read?

Q. Yes.

A. Let me read it again. 346? It is above the location of the maximum girth, yes.

Q. Somewhat above the maximum girth, correct? So you agree a person of ordinary skill looking for the broadest, you understand we are looking for the broadest reasonable construction.

A. I understand.

Q. They would see this section of the '531 and the '563 Patents, you understand

D. BROOKSTEIN

they would also have knowledge of the '624 Patent?

A. They could have knowledge.

Q. No, you would?

MR. BURNS: Objection.

Q. You cited this patent in your report --

A. Yes, I did.

Q. -- for support, right?

A. Yes, I did.

Q. So they would have knowledge in your opinion?

A. Yes.

Q. And the person of ordinary skill in the art looking at the patent and looking at the '624 prior art would understand that a reasonable construction, may not even be the broadest, but a reasonable construction would be that the term just beneath the wearer's breast are at the location noted as 26 in Figure 2 of the '624 Patent?

MR. BURNS: Objection to form.

A. As I indicate in my report, it is not just item -- it is not just

1 D. BROOKSTEIN
 2 specifications. It is not just the claims.
 3 It is not just the prior art where it is in
 4 the specification. It is not just the prior
 5 art where it is in the claims. And it is not
 6 just the definition. You have to look at the
 7 entire picture to -- the broadest reasonable
 8 construction, which is what I did to get that
 9 construction.
 10 Q. Do you have any explanation for
 11 why you did not cite this portion of the '563
 12 and '531 Patents we just discussed?
 13 A. I have no explanation.
 14 Q. Do you have any explanation for
 15 why you did not cite or consider the section
 16 in Column 3 of the '624 Patent or Figure 2 of
 17 the '624 Patent when you were, as an unbiased
 18 expert, trying to find the broadest
 19 reasonable construction of just beneath the
 20 wearer's breast area?
 21 MR. BURNS: Object to form.
 22 A. The search I did was based on the
 23 wearer's breast area, so this would have come
 24 up on that.
 25 Q. You read the whole patent, right?

1 D. BROOKSTEIN
 2 A. At one point.
 3 Q. But you still decided not to
 4 discuss or even cite this section of
 5 Column 3, Figure 2 of the '624 Patent,
 6 correct?
 7 MR. BURNS: Objection to form.
 8 A. I didn't do that, that's correct.
 9 MR. CARTER: Thank you. We can
 10 take a break.
 11 THE VIDEOGRAPHER: The time is
 12 1:57 p.m.; we are off the record.
 13 (Whereupon, a recess was held.)
 14 THE VIDEOGRAPHER: The time is
 15 2:08 p.m.; we are on the record.
 16 (Whereupon, Brookstein Exhibit
 17 1068, DMC '0110376 through '377 was
 18 marked for identification as of this
 19 date by the Reporter.)
 20 BY MR. CARTER:
 21 Q. Dr. Brookstein, I'm handing you a
 22 document marked as Exhibit 1068.
 23 A. Yes.
 24 Q. Bates numbers DMC '110376
 25 through '377.

1 D. BROOKSTEIN
 2 A. Sorry, please speak louder. I
 3 can't hear you.
 4 Q. I handed you a document marked as
 5 Exhibit 1068 and Bates number DMC '110376
 6 through '377.
 7 MR. BURNS: Objection to this as
 8 outside the scope of the Declaration.
 9 Q. I take it, based on your earlier
 10 testimony, you did not see any documents
 11 regarding DMC's work on maternity pants
 12 leading up to the filing of its application
 13 in May 2007?
 14 A. That is correct.
 15 Q. Can you read paragraph 2, please.
 16 A. It is -- I am going to have to
 17 read the whole document, if you're going to
 18 ask me to go through it. You will have to
 19 have me read the whole document --
 20 Q. Fine.
 21 A. -- to put it in context here.
 22 Just give me a few minutes.
 23 Where does this document come
 24 from? Whose document is this?
 25 Q. Why does that matter to you?

1 D. BROOKSTEIN
 2 A. I want to know what the context
 3 of what the document is.
 4 Q. It was produced by DMC.
 5 A. Thank you.
 6 I have read it.
 7 Q. Okay. You see the discussion in
 8 paragraph 2 about the Gap All Around Belly?
 9 A. I see the words Gap All Around
 10 Belly, yes.
 11 Q. From reading paragraph 2, do you
 12 understand that Gap All Around Belly is a Gap
 13 product?
 14 A. No. It is not -- it is capital
 15 G-A-P. I don't know what -- this document
 16 doesn't tell me it is a Gap product.
 17 Q. Do you know what Gap is?
 18 A. I know there is a store named
 19 Gap. But that's not how it is spelled.
 20 Q. It isn't spelled G-A-P?
 21 A. It's spelled capital G, capital
 22 A, capital P.
 23 Q. So you don't know whether this is
 24 referring to a product sold by Gap, in that
 25 store?

1 D. BROOKSTEIN
 2 A. Not based on this document, no.
 3 Q. In paragraph 4, it says, "We
 4 tested a Gap career pant"
 5 A. What paragraph?
 6 Q. Paragraph 4.
 7 A. Yes.
 8 Q. You see paragraph 6 "We tested
 9 several pants from the Gap," small A, small P
 10 "and one from Old Navy"
 11 A. Yes.
 12 Q. Does that help you understand
 13 what Gap means in this document?
 14 A. Not necessarily. I mean, I know
 15 capital G, capital A, capital P and Old Navy
 16 are the same company but that's not what this
 17 says. I don't know what they are referring
 18 to here.
 19 Q. Okay. You understand that there
 20 is an All Around Belly maternity product from
 21 a company capital G, small A, small P, is it
 22 okay if we call it the Gap?
 23 A. You can call it the Gap with the
 24 proviso that there is no validation of that
 25 in here.

1 D. BROOKSTEIN
 2 Q. Did you have any discussion with
 3 anyone at DMC regarding this document?
 4 MR. BURNS: Objection to form.
 5 A. One, I have never had any
 6 discussions with people at DMC. Two, I have
 7 never seen any DMC documents other than the
 8 patents.
 9 Q. Did you see that this document
 10 says that [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 A. I see that sentence.
 14 Q. What does that mean to you?
 15 A. It means it comes up over the
 16 belly but doesn't say how far.
 17 Q. It says, [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 A. I have never seen this document.
 23 I don't know what it refers to.
 24 Q. The height of the Gap belly that
 25 they liked is 8 1/2 inches at CF. Do you

1 D. BROOKSTEIN
 2 know what CF is?
 3 MR. BURNS: Objection to form.
 4 A. Not unless there is a definition
 5 on the bottom, no.
 6 Q. Are you aware of industry
 7 terminology of looking at a measurement CF
 8 and sides and CBs?
 9 A. Not in those terms, no.
 10 Q. Could it be center front and
 11 center back?
 12 A. Could be. Not necessarily.
 13 Q. It says "The Gap synthetic belly
 14 fabric is double layered and quite stretchy"
 15 A. I read that sentence.
 16 Q. What does that mean to you?
 17 A. It means it is two layer fabric
 18 that is stretchy. Elastic.
 19 Q. What does it mean that it's quite
 20 stretchy in the context of an All Around
 21 Belly that comes up over the belly?
 22 MR. BURNS: Objection to form.
 23 A. Again, with the proviso I have
 24 never seen this document before, and it is
 25 written in a shorthand, with that proviso, it

1 D. BROOKSTEIN
 2 is stretchy enough to go over the belly.
 3 Q. Okay. Would that expand and
 4 contract?
 5 A. Oh, it just says stretchy.
 6 Doesn't talk about being contractible.
 7 Q. So when something, a fabric is
 8 said to be quite stretchy and is used to come
 9 up over the belly, that doesn't tell you that
 10 it can also contract?
 11 MR. BURNS: Objection to form.
 12 A. This sentence doesn't. There are
 13 fabrics that stretch and they -- there is
 14 like plastic deformation they don't come
 15 back.
 16 Q. Do you think that's what a
 17 maternity pant would do, plastic deformation
 18 so that they don't return?
 19 A. I can't tell based on this. This
 20 doesn't give me enough information to make --
 21 to draw an opinion.
 22 Q. So in paragraph 1, it says, "The
 23 content of the belly fabric is 86 poly, back
 24 slash 14 SP"
 25 A. Yes.

1 D. BROOKSTEIN
 2 Q. What is poly; is that polyester?
 3 A. Poly is generally used as
 4 polyester. But it could be poly and knit.
 5 Q. How about SP, is that Spandex?
 6 A. It probably is.
 7 Q. So something that is 86 polyester
 8 14% Spandex, is that going to expand and
 9 contract?
 10 MR. BURNS: Objection to form.
 11 A. It depends on the polyester. If
 12 the polyester is, this is my doctoral thesis.
 13 If the polyester hasn't been drawn to a
 14 certain amount, it could have plastic
 15 deformation. You need more information here.
 16 Q. So you think that the product --
 17 your opinion is that the product that is
 18 being described here, being a maternity
 19 garment for people who are expecting to
 20 wear -- expecting, that it would expand but
 21 not contract?
 22 MR. BURNS: Objection to form.
 23 Q. Is that your testimony?
 24 A. That's not what my testimony is.
 25 I am saying I don't have enough information

1 D. BROOKSTEIN
 2 here. That's all I am saying. There is not
 3 enough information here to say what this
 4 product is. You are asking me to look at a
 5 paragraph that doesn't have a lot of
 6 explanation in it, and you are asking me to
 7 draw conclusions. I am saying, I would need
 8 more explanation before I could draw
 9 conclusions. I will not make assumptions
 10 based upon an incomplete document.
 11 Q. Do you -- reading the sentence
 12 after quite stretchy, reading in paragraph 2,
 13 it says, "The measurements of our all our All
 14 Around Belly should be in the range of the
 15 Gap measurements, but will vary depending on
 16 stretchiness of the fabric we use."
 17 A. Yes.
 18 Q. Do you know if DMC copied someone
 19 else's product for its Secret Fit Belly
 20 product?
 21 MR. BURNS: Objection to form.
 22 Scope.
 23 A. I have no idea knowing what DMC
 24 did prior to this patent.
 25 Q. Has anybody made you aware of

1 D. BROOKSTEIN
 2 this Gap pant discussed in Exhibit 1068?
 3 MR. BURNS: Objection to form.
 4 Scope.
 5 A. No, I have never seen this
 6 document. I didn't know there was a Gap pair
 7 of pants. This is all new to me.
 8 Q. Did anyone make you available
 9 that one of the named inventors has provided
 10 deposition testimony about this document?
 11 A. I haven't seen any deposition
 12 testimony.
 13 Q. Counsel didn't share that
 14 with you?
 15 A. I don't recall seeing it.
 16 Q. So do you have any knowledge of
 17 the origin of DMC's alleged conception of
 18 what is in the '531 and '563 Patents?
 19 MR. BURNS: Objection to form
 20 and scope.
 21 A. As I indicated, I never talked to
 22 anybody at DMC. I never saw any documents
 23 from DMC. I've never had discussions with
 24 DMC. I started with the patent and moved on
 25 forward.

1 D. BROOKSTEIN
 2 Q. So you had a closed universe?
 3 MR. BURNS: Objection to form.
 4 A. What do you mean by "closed
 5 universe"?
 6 Q. Well, you were provided the
 7 patents?
 8 A. Right.
 9 Q. You were provided by counsel with
 10 four samples of DMC products?
 11 A. Right.
 12 Q. You were provided with certain
 13 prior patents?
 14 A. Yes. Some I found myself.
 15 Q. Other than that?
 16 A. I had the patents. I had the
 17 IPR, I had the decision. I read the
 18 decision, counsel then asked me to offer an
 19 opinion that would include the claim
 20 construction and a review of the prior art
 21 show that it didn't meet what -- it didn't
 22 anticipate what was in the '531 and '563. If
 23 you want to say that's closed, then that was
 24 the closest of it, yes.
 25 Q. No one from DMC or DMC's counsel

1 D. BROOKSTEIN
 2 provided you with any information what DMC
 3 was working on other products they were
 4 reviewing leading up to the filing of the
 5 patent applications in this case?
 6 MR. BURNS: Objection to form
 7 and scope.
 8 A. That's correct. My work started
 9 with the IPR.
 10 Q. All right. Let's look at the
 11 '563 Patent. So why don't we keep the '531
 12 open to the sheet you have been marking up.
 13 A. This?
 14 Q. Yes.
 15 A. Well, you told me to mark some of
 16 it up. So let's do that. You want me to go
 17 to '563?
 18 Q. Yes. Before we do that, Figure A
 19 you have kind of outlined in the bottom, the
 20 bottom most extent of the abdomen. Then do
 21 you have a line that sets out the top most
 22 extent of the abdomen?
 23 A. That's what that line goes --
 24 that line should go all the way out there.
 25 Q. Can you draw where that is?

1 D. BROOKSTEIN
 2 A. Okay. (Indicating).
 3 Q. So that broken line is at what
 4 you consider to be the top of the abdomen?
 5 A. No, no. That -- because it is
 6 broken -- let's do this that way because it
 7 can go up even farther. Because it is a
 8 broken line. Not a solid line. You know, it
 9 is -- it's a line that shows it continues
 10 to go.
 11 Q. Fair. But now I am confused.
 12 Because you now have the upper most part of
 13 the abdomen --
 14 A. Yes.
 15 Q. -- pointing above where you have
 16 just beneath the breast area?
 17 A. No, I don't. It is below it.
 18 And that -- that arrow there for just beneath
 19 the breast area would be right at the end of
 20 where the abdomen was.
 21 Q. So we don't see in the picture,
 22 the top of the abdomen, is that what you are
 23 saying or do we?
 24 A. I am saying -- no, because it is
 25 a -- I don't know what the term for that kind

1 D. BROOKSTEIN
 2 of line is, but it is not a solid line.
 3 Q. A broken line?
 4 A. Okay. We will use the word
 5 broken. We will use the word broken meaning
 6 it continues to go up.
 7 Q. So Figure 1A shows that it can
 8 continue to go up; is that correct?
 9 A. Yes.
 10 Q. So in Figure 1A, is that shown --
 11 is that product shown on a person or
 12 mannequin or not?
 13 MR. BURNS: Objection to form.
 14 A. I believe that it's depicted to
 15 be on a person because as they are
 16 growing out.
 17 Q. Do you know what stage of
 18 pregnancy that is being shown?
 19 A. No.
 20 Q. Doesn't say it, does it?
 21 A. No.
 22 Q. Just so I understand your
 23 testimony, the top of the abdomen, is it
 24 below, at or above that broken line, and
 25 let's not call it broken line. Let's call it

1 D. BROOKSTEIN
 2 a wavy line.
 3 A. The top of the abdomen, you
 4 don't -- it could be because it is wavy, it
 5 could be, but wherever it is, it is just
 6 beneath the breast area. That's what the
 7 second line is supposed to be. That's what I
 8 want to connote.
 9 Q. If we look at that blank page
 10 area just above the wavy line.
 11 A. Yes.
 12 Q. What is that blank page area? Is
 13 that part of the abdomen, is it just below
 14 the breast area or both?
 15 MR. BURNS: Objection to form.
 16 A. Depends on how the wavy line goes
 17 up. Wherever the wavy line ends -- let's
 18 see, wherever the abdomen ends, that's just
 19 beneath the breast area, the way I construe
 20 it, yes. I think we are going around in a
 21 circle.
 22 Q. I just wanted to make sure the
 23 record is clear.
 24 A. I understand.
 25 Q. You can't look at Figure 1A and

1 D. BROOKSTEIN
 2 tell me definitively where the top of the
 3 abdomen is, correct?
 4 MR. BURNS: Objection to form.
 5 A. I can tell you at least -- it's
 6 at least at the wavy line, if it continues to
 7 go up because that indicates that it can go
 8 up even farther. It's at least there.
 9 Q. That's your testimony it has to
 10 be at least there?
 11 A. Yes.
 12 Q. And is it your testimony that the
 13 claims require that the belly panel go above
 14 the abdomen?
 15 A. No. It covers the abdomen. If
 16 it went past the abdomen, it would be -- it
 17 would be over the breast. It covers the
 18 abdomen.
 19 Q. Where on an -- outside of that
 20 drawing, where does the abdomen end, does the
 21 abdomen include the breast area?
 22 A. No. It is separate. There is
 23 breast area, there is the area just beneath
 24 the breast area, and then there is the
 25 abdomen.

1 D. BROOKSTEIN
 2 Q. I see. So there is an area
 3 between the breast area and the abdomen in
 4 your opinion?
 5 A. The very small margin, yes, of
 6 the claim construction. Very small claim
 7 construction.
 8 Q. What on a person's body would be
 9 included in that area or do you know?
 10 A. Let me see what part of a
 11 person's body it would be --
 12 Q. Like rib cage, sternum?
 13 A. I am not going to -- I told you
 14 earlier, I can't opine on what's under the
 15 skin. I can only opine on -- I didn't use
 16 these words, but I can't opine on what's over
 17 the skin. You can see the breast. You can
 18 see the abdomen. You can't see the thorax.
 19 You can't see the sternum.
 20 Q. So we have talked about abdomen.
 21 How about the term belly?
 22 A. Yes.
 23 Q. Is there a difference between
 24 abdomen and belly for these patents?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. I have no thought about that.
 3 Q. Well, those are both words used
 4 in the claim, right?
 5 A. But that's not part of the
 6 construction proposal, so I haven't really
 7 thought about that.
 8 Q. You haven't reached an opinion on
 9 abdomen versus belly?
 10 A. I don't recall as I sit here.
 11 Q. Have you heard of the term empire
 12 waist?
 13 A. Pronounced empire.
 14 Q. What is the empire waist?
 15 A. The empire waist is a waist that
 16 comes up to right beneath the breasts.
 17 Q. Is it at -- sorry, is it above
 18 the abdomen?
 19 A. It would be right at the end of
 20 the abdomen, yes.
 21 Q. Is there a difference between
 22 abdomen and abdomen region?
 23 MR. BURNS: Objection to form.
 24 A. I don't know. I have to think
 25 about the words, how those words are used.

1 D. BROOKSTEIN
 2 Q. So you haven't reached an opinion
 3 on whether the abdomen and abdomen region
 4 have different meanings?
 5 A. Not for the claim construction,
 6 no. I was only looking at --
 7 Q. Or anything else that you
 8 have done.
 9 A. I would only do it for the claim
 10 construction. I will not be construing
 11 things that I don't have to construe.
 12 Q. If you can look back at
 13 Exhibit 2034, the '624 Patent.
 14 A. Yes. Where is that? Yes.
 15 Q. Do you see the empire line in
 16 Figure 2?
 17 A. Yes.
 18 Q. Where is that?
 19 A. It is at 26.
 20 Q. So that amount of distance from
 21 the breast to line 26, is that just beneath
 22 the wearer's breast area?
 23 MR. BURNS: Objection to form.
 24 A. When I look at Figure 22, I see
 25 the breast in that area 14, it comes out and

1 D. BROOKSTEIN
 2 goes down and then it comes to just beneath
 3 the breast, which would be 26, which is the
 4 empire line, and then underneath that is the
 5 maximum girth.
 6 Q. So in relative proportions, you
 7 agree that Figure 2 of the '624 Patent
 8 shows -- 26 shows a location of just beneath
 9 the wearer's breast area, correct?
 10 MR. BURNS: Objection to form.
 11 A. As I look at that, yes. And then
 12 that would be above the maximum girth. So it
 13 comes up and goes in, yes.
 14 Q. So earlier you weren't able to
 15 answer that question for me?
 16 A. No, but I am looking at this
 17 picture again.
 18 Q. You had your recollection
 19 refreshed over the break?
 20 A. No, right before we left I was
 21 looking and saying wait a second, this is not
 22 what I think --
 23 Q. Did you discuss the '624 Patent
 24 with counsel during the break?
 25 A. I thought I can't discussed what

1 D. BROOKSTEIN
 2 I discussed with them.
 3 Q. You can discuss this. He will
 4 instruction you if you cannot answer. You
 5 are under oath.
 6 Did you discuss the '624 Patent
 7 with counsel during the break?
 8 A. Yes, I did.
 9 Q. What did you discuss?
 10 A. I don't remember word for word,
 11 but we discussed that this looked very
 12 similar, if I recall, to the Target pants. I
 13 think that's -- you know, I don't really
 14 remember, to be honest with you.
 15 Q. Is that what you believe? I
 16 didn't think you ever looked at the Target
 17 pants?
 18 A. I have looked at the Target
 19 pants.
 20 Q. So counsel told you during a
 21 break that -- let me back off.
 22 Let me finish. At a break
 23 counsel told you that Figure 2 of the
 24 '624 Patent looks liked the Target pants in
 25 this case; is that correct?

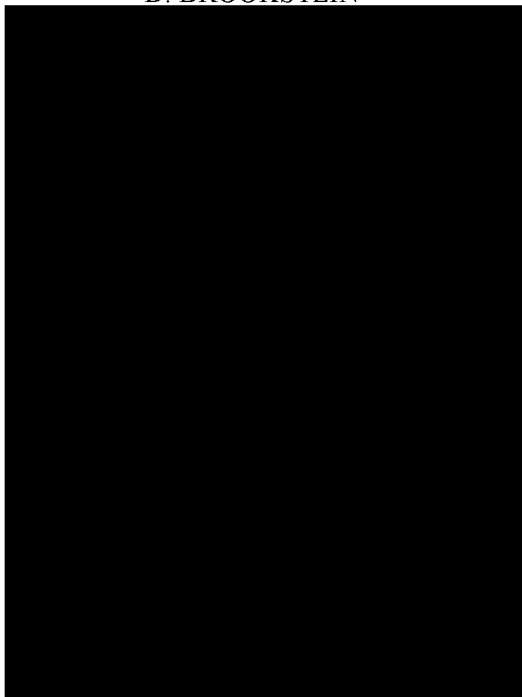
1 D. BROOKSTEIN
 2 A. As best I can recall, yes. I
 3 didn't take notes, yes.
 4 Q. What else did counsel tell you
 5 during the break about the '624 Patent?
 6 A. About the '624, I don't recall
 7 anything else.
 8 Q. So based on counsel telling you
 9 that Figure 2 of the '624 Patent looking just
 10 like Figure 2, you are now able to say the
 11 location of 26 is just beneath the wearer's
 12 breast area?
 13 A. As I said right here before we
 14 took a break, I was staring at this and I was
 15 coming to the same conclusion. But we took a
 16 break.
 17 Q. So once again, did counsel tell
 18 you or discuss with you anything else about
 19 the '624 Patent?
 20 A. I don't recall anything else, no.
 21 I don't.
 22 Q. Going back to Figure 1A?
 23 A. Yes.
 24 Q. So as you look at Figure 1A -- so
 25 Figure 1A, just beneath the breast area is

1 D. BROOKSTEIN
 2 where you have pointed at, correct?
 3 A. Could you repeat that question?
 4 Q. Just beneath the breast area is
 5 accurate where you pointed to it, correct?
 6 A. That's that area, yes.
 7 Q. And the abdomen you have denoted
 8 with an arrow?
 9 A. Yes.
 10 Q. It can go up from that point?
 11 A. Yes.
 12 Q. Let's look at '563, Claim 1.
 13 A. This is --
 14 Q. Yes, if you can leave that --
 15 A. '563, Claim 1. Do I need this
 16 anymore?
 17 Q. You may want to keep that handy.
 18 A. Okay. '563, Claim 1. I don't
 19 have a whole '563 here. Oh, hold on. Okay.
 20 I have it.
 21 Q. If you can go to Claim 1, please.
 22 A. Yes.
 23 Q. I assume you are familiar with
 24 Claim 1?
 25 A. Yes, I am.

1 D. BROOKSTEIN
 2 Q. All right. Do you see that there
 3 is a paragraph starting with "Expansible
 4 belly panel"?
 5 A. I do.
 6 Q. And at the bottom of that
 7 paragraph, it has a comment that says "said
 8 belly panel comprising"?
 9 A. I do.
 10 Q. It says, "Upper edge portion
 11 defining a first encircling circumference
 12 about a wearer's torso that is at or above
 13 the wearer's upper abdomen region."
 14 A. I do.
 15 Q. So you see that the upper edge of
 16 the belly panel is claimed as being at the
 17 upper abdomen region?
 18 A. At or above.
 19 Q. At or above. But at is
 20 contemplated also?
 21 A. At or above, yes.
 22 Q. So going to Figure 1A?
 23 A. Yes, the figures are the same for
 24 both of these.
 25



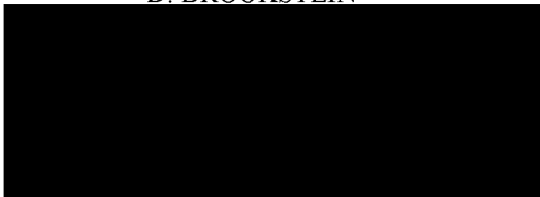
1 D. BROOKSTEIN
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25



MR. BURNS: Objection to form.



1 D. BROOKSTEIN
 2
 3
 4
 5
 6
 7
 8 Q. Then, can you look at Figure 1A
 9 that you have been marking up?
 10 A. The one I have been marking, yes.
 11 Q. Can you identify the upper
 12 abdomen region in Figure 1A?
 13 A. I already have. It is -- oh, the
 14 upper abdomen?
 15 Q. Yes, upper abdomen region.
 16 A. So it would be anything above
 17 that line would be the upper abdomen.
 18 Q. Why did you pick that line?
 19 A. Because that's where the
 20 maximum -- actually, the maximum girth would
 21 actually be in that, all that up to there.
 22 Q. Can you mark that upper abdomen
 23 region and sign and date that, please.
 24 A. (Indicating.) Okay.
 25 Q. Let me see that, please. I want



1 D. BROOKSTEIN
 2 to make -- just so we are clear, I think the
 3 term was upper abdomen region, I don't know
 4 if you wanted to include region on that also?
 5 A. That's fine the way it is.
 6 Q. Okay.
 7 A. Whose is it?
 8 Q. You can keep it for now.
 9 When you look at the claims of
 10 the patents you have analyzed, you agree that
 11 those claims don't speak to the height of the
 12 wearer?
 13 MR. BURNS: Objection to form.
 14 A. The stature of the wearer?
 15 Q. Height, yes.
 16 A. There is no mention of the
 17 stature of the wearer.
 18 Q. Weight?
 19 A. You are talking about for
 20 the '563?
 21 Q. Or the '531, either one.
 22 A. Let's go to the '531 first.
 23 Well, the '531 says it is a growing abdomen
 24 and I think -- it mentions pregnancy, and I
 25 think that is an implicit thing, if you have

1 D. BROOKSTEIN
 2 a growing abdomen and you're pregnant, the
 3 weight is increasing, it doesn't tell you the
 4 number but it is increasing.
 5 Q. But it could be people of
 6 different heights, different weights?
 7 A. It is not -- it is not limited to
 8 a particular height or weight, yes. Or no.
 9 Q. Are you familiar with the term
 10 somebody having a long torso or short torso?
 11 A. I have heard that term.
 12 Q. What does that mean?
 13 A. I have just heard long waisted.
 14 It's a waist that is a little bit lower than
 15 a normal person's waist.
 16 Q. For example, sometime you can
 17 have short and tall sizes; is that right?
 18 A. I am a long waisted person. I
 19 have a -- I have relatively short pants. I
 20 have to wear shorts.
 21 Q. So depending on whether somebody
 22 is long waisted or short waisted, where they
 23 have a long torso or short torso, will that
 24 impact how a pair of maternity pants fits
 25 them?

1 D. BROOKSTEIN
 2 A. Not the ones that are in the '531
 3 and the '563, no. That's the beauty of the
 4 invention.
 5 Q. Why is that?
 6 A. Because you have an expansible
 7 tubular panel that can come up and expand.
 8 It can come up over anybody's size. Not
 9 specific to a particular body size.
 10 Q. But there are no measurements on
 11 how much it can expand?
 12 MR. BURNS: Objection to form.
 13 Q. Correct?
 14 A. It is sold as coming up to just
 15 beneath the breast, and I measured them as
 16 coming up just beneath the breast.
 17 Q. The patents are sold that way?
 18 A. The patents aren't sold. But the
 19 product which it says is covered by the
 20 patent, that's the way the products are. The
 21 patents aren't sold.
 22 Q. But you understand the products
 23 and the patent are different?
 24 A. Not in this particular case. I
 25 have measured the products against the

1 D. BROOKSTEIN
 2 patents and it is in my report that the
 3 products meet the -- at least Claim 1 patent,
 4 both the '531 and the '563.
 5 Q. You understand there is a
 6 difference of having an opinion that a
 7 product is covered by a patent compared to
 8 what is disclosed in the patent?
 9 A. I definitely understand that.
 10 Q. Those are different things,
 11 right?
 12 A. I understand that.
 13 Q. And you aren't trying to
 14 substitute the photographs of the Secret
 15 Belly products as being what the patent
 16 discloses, or are you?
 17 A. No, I am showing that in addition
 18 to everything else, the four exemplars that I
 19 looked at meet the claim -- the Claim 1 and
 20 some pending claims of the patents. That's
 21 all I wanted to show.
 22 Q. I understand. But you understand
 23 that you also used photographs of the Secret
 24 Fit Belly products throughout your report?
 25 A. For demonstrations. Not -- it is

1 D. BROOKSTEIN
 2 to just demonstrate how it looks because I
 3 know that, in these particular IPRs, this is
 4 not going in front of a judge or jury, this
 5 is going to the PTAB, and it is my
 6 understanding that both sides, Petitioner and
 7 patent owners, have to give them information
 8 to make a judgment. That's why I did that.
 9 To give them the information they need to
 10 make a judgment. What they use or don't use
 11 is their business.
 12 Q. Okay. So you aren't trying to
 13 insinuate in any way that these pictures of
 14 the Secret Fit Belly products, whether on a
 15 mannequin or not, that that is part of the
 16 disclosure of the '531 and/or '563 Patents?
 17 MR. BURNS: Objection.
 18 A. Not the disclosure. It is used
 19 to show how the disclosures worked to give
 20 someone an understanding, but no, the
 21 pictures are not -- the patent is the patent.
 22 You can't add photographs to something
 23 already issued.
 24 Q. Did you use the photographs of
 25 the Secret Fit Belly products -- well, let me

1 D. BROOKSTEIN
 2 back up and strike that.
 3 I think we have said you have
 4 photographs of the Secret Fit Belly products
 5 throughout the patent?
 6 A. I don't have anything throughout
 7 the patent. I didn't write the patent.
 8 Q. Sorry, strike that.
 9 You have photographs of the
 10 Secret Fit Belly products throughout your
 11 report?
 12 A. That is correct.
 13 Q. So, for example, in paragraph 42,
 14 page 30?
 15 A. Of which -- okay, paragraph 42.
 16 Q. Um-hum.
 17 A. Page 30. Yes.
 18 Q. So in the middle of paragraph 42,
 19 where you are opining on the broadest
 20 reasonable claim construction for just
 21 beneath the wearer's breast area, you have
 22 four pictures of the Secret Fit Belly on
 23 mannequins?
 24 A. Right, on the next page, that's
 25 correct.

1 D. BROOKSTEIN
 2 Q. It is right in the middle of
 3 paragraph 42?
 4 A. But it is on page 31, that's all
 5 I am saying.
 6 Q. Okay. But you agree that in the
 7 paragraph in which you are setting out your
 8 opinion of the broadest reasonable claim
 9 construction for just beneath the wearer's
 10 breast area, you have photographs of the
 11 Secret Fit Belly product?
 12 A. That's correct.
 13 Q. Why didn't you include drawings
 14 from the '531 or the '563 Patents in this
 15 section on claim construction?
 16 A. Well, if you go to page 31,
 17 even -- I have two phrases there. I have the
 18 construed claim, and I even have the actual
 19 claim that's in the patent where there is no
 20 construction, and in both cases I was showing
 21 either it is just beneath the breast,
 22 wearer's breast area or it is beneath the
 23 location of the breast by a very small
 24 margin. Again, this report was written for
 25 the benefit of the PTAB so they could make a

1 D. BROOKSTEIN
 2 judgment. Now, I wanted to show that one,
 3 the garments were covered by the patent, and
 4 two, this is why they're not affected by the
 5 wearer -- by the wearer's different body
 6 types.
 7 Q. Earlier you said that you used
 8 your study of the products on the mannequins
 9 as part of your claim construction process,
 10 right?
 11 A. I said in looking at Figure 1A,
 12 you can also see on the mannequins where that
 13 shape comes in like that. That's all I said.
 14 I did not have that in the report.
 15 Q. Why didn't you use Figure 1A or
 16 some other figure in your paragraph on
 17 broadest reasonable claim construction
 18 instead of photographs of the Secret Fit
 19 Belly commercial embodiment?
 20 MR. BURNS: Objection to form.
 21 A. Again, because I thought the PTAB
 22 would benefit by actually seeing the patented
 23 product on different mannequins, different
 24 sizes and different stages of pregnancy.
 25 Q. You thinks these four photographs

1 D. BROOKSTEIN
 2 are relevant to the claim construction,
 3 correct?
 4 A. That's why they are in there.
 5 Q. Thank you.
 6 A. So, Mr. Carter, as the day gets
 7 longer the break times get shorter. So
 8 five minutes it is break time.
 9 Q. You are in charge of breaks.
 10 A. Not really, just five minutes.
 11 Then by 7 it will be every three minutes.
 12 Q. On these mannequins --
 13 A. Yes.
 14 Q. -- you have used, so let me use a
 15 runway model.
 16 A. Yes.
 17 Q. As an example. And when I think
 18 of this of a runway model, no, not one here,
 19 you don't need to hurt your neck and get
 20 whiplash, when I think of a runway model, I
 21 don't mean to disparage anybody, but I think
 22 of being real thin, almost unhealthy thin.
 23 A. Yes.
 24 Q. Did you do anything to see how
 25 these products would fit somebody of that

1 D. BROOKSTEIN
 2 stature when they are three months and
 3 nine months pregnant?
 4 MR. BURNS: Objection to form.
 5 A. I only looked at the Mimi and
 6 Motherhood three months and nine months.
 7 That's all I did.
 8 Q. You agree that the -- that this
 9 runway model who is real thin, that these
 10 products are going to fit that runway model
 11 differently than these mannequins you have
 12 selected?
 13 MR. BURNS: Objection to form.
 14 A. No. No. Not at all.
 15 Q. What if you have somebody who is
 16 shorter waisted, as we have been saying,
 17 compared to the Motherhood and Mimi
 18 mannequins, you agree that the product is
 19 going to fit them differently, correct?
 20 MR. BURNS: Objection to form.
 21 A. No. The beauty of this product
 22 is because -- first of all, it is sold in
 23 different sizes. And it is made with stretch
 24 fabric. You make it to different sizes so it
 25 can fit people of different sizes.

1 D. BROOKSTEIN
 2 Q. But no measurements on residual
 3 height or amount that it can stretch included
 4 in the patent, correct?
 5 A. No, the patent says, the
 6 specification says, I will read you what the
 7 patent says.
 8 Q. I understand. You don't need to
 9 read it again. I understand the parts you
 10 have pointed out.
 11 A. Do you?
 12 Q. It says it can go somewhat above
 13 the maximum girth line?
 14 A. That's not what I'm talking
 15 about.
 16 Q. Other than that, you have other
 17 areas where you talk about covering and
 18 fitting?
 19 A. I want to make sure this is in
 20 the record. This is very important. "The
 21 tubular structure is elastically
 22 expandable" -- this is from -- on the '531
 23 Column 3, line 53 to 57, "The tubular
 24 structure is elasticity expandable to widen
 25 the tubular girth at selected locations and

1 D. BROOKSTEIN
 2 amounts where needed to fit a body type and
 3 is elastically contractible to narrow the
 4 tubular girth at selected locations and
 5 amounts where needed to fit the body type."
 6 Q. So you think -- have you seen
 7 the -- I will go to the opposite extreme.
 8 Have you seen the show, the Biggest Loser,
 9 where these people coming in weighing a lot,
 10 have you ever seen that show and the people
 11 on that show?
 12 A. I can honestly tell you no.
 13 Q. But have you heard about the show
 14 of people --
 15 A. I have seen ads for the show and
 16 that's why I haven't watched the show.
 17 Q. Have you seen, you know, examples
 18 of women on the show?
 19 A. I have seen heavy women, if
 20 that's what you are getting at.
 21 Q. So you haven't done anything to
 22 test these products on women of that size
 23 when they are expecting?
 24 A. My testing was limited to the
 25 two size -- mannequin sizes and the

1 D. BROOKSTEIN
 2 two mannequin body types.
 3 Q. So you didn't feel it was
 4 necessary to test extremes, as long as you
 5 tested these body types that was enough for
 6 you to show that the product was covered by
 7 the patents; is that correct?
 8 MR. BURNS: Objection to form.
 9 A. Well, I do know, and I don't have
 10 it in front me, but I do know that the
 11 Destination Maternity sells over a wide range
 12 of sizes. Remember these are only size 8.
 13 If there were mannequins that were a size 12,
 14 I would have gotten a size 12 and looked
 15 at it.
 16 Q. But for size 8, a product that
 17 fits these two mannequins, in your opinion,
 18 meets the limitations of the claim?
 19 A. Yes. Because of the tubular
 20 elastic structure.
 21 MR. CARTER: Okay. No further
 22 questions.
 23 A. No further questions at all?
 24 MR. CARTER: Sorry, we can take
 25 a break.

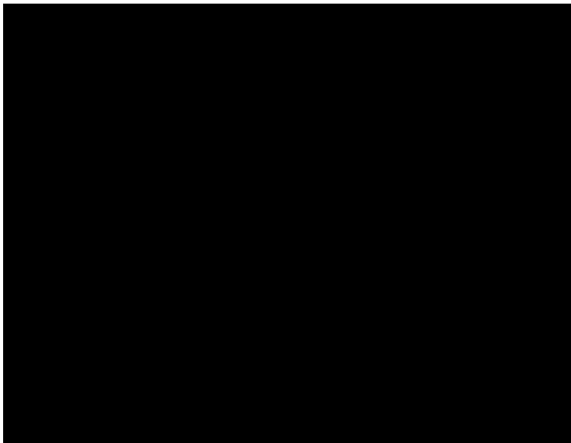
1 D. BROOKSTEIN
 2 THE VIDEOGRAPHER: The time is
 3 2:51; we are off the record.
 4 (Whereupon, a recess was held.)
 5 THE VIDEOGRAPHER: The time is
 6 3:03 p.m.; we are on the record.
 7 BY MR. CARTER:
 8 Q. If you can look at your report
 9 marked 2026.
 10 A. Yes.
 11 Q. You see the word -- sorry, if you
 12 turn to paragraph 49.
 13 A. 49. Yes.
 14 Q. You see that there is a proposed
 15 amended claim for the '563 Patent?
 16 A. I do.
 17 Q. Did you have any involvement in
 18 determining this amendment?
 19 A. No. Counsel wrote the amendment.
 20 Q. Sorry?
 21 A. Counsel wrote the amendment and
 22 then I wrote a Declaration to support the
 23 amendment.
 24 Q. Do you understand that words or
 25 phrases that are in brackets are being

1 D. BROOKSTEIN
 2 removed from the claim?
 3 A. I do.
 4 Q. And words or phrases that are
 5 underlined are being added to the claim?
 6 A. I do.
 7 Q. So this proposed amendment is
 8 removing the word substantially?
 9 A. Correct.
 10 Q. So do you agree that removing the
 11 word "substantially" before "cover a wearer's
 12 entire belly region" changes the scope of
 13 Claim 1 of the '563 Patent?
 14 A. It narrows it. I have a support
 15 for that in here.
 16 Q. So removing the word
 17 "substantially" narrows the scope, you said?
 18 A. That's my -- let me see what I
 19 said, okay. I want to get this right. Give
 20 me a minute to go through this, okay? And
 21 your question is?
 22
 23
 24
 25

1 D. BROOKSTEIN
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 D. BROOKSTEIN
 2
 3
 4
 5
 6
 7
 8 Q. Where in the specification,
 9 outside the claims, is the word entire belly
 10 region used?
 11 A. I think I have cited that.
 12 Again, I have to go through this. Well, for
 13 instance, if you look at line 155 --
 14 Column 1, line 55 to 58, Column 2, line 9
 15 through 11, Column 3, 27 to 31, "The garment
 16 is comfortable and adapts to cover and fit
 17 over a wearer's belly region." It says that
 18 over there.
 19 Q. You said Column 2, 9 through 11?
 20 Are you in the '563 or '531?
 21 A. The '563. This is amendments
 22 only for the '563.
 23 Q. You cited Column 2, 9 through 11?
 24 A. Yes, I did.
 25 Q. So once again, I am saying are

1 D. BROOKSTEIN
2 the words "entire belly region" used in the
3 specification?
4
5
6
7
8
9
10
11
12
13
14
15
16
17



18 MR. BURNS: Objection to form.
19
20
21
22
23
24
25

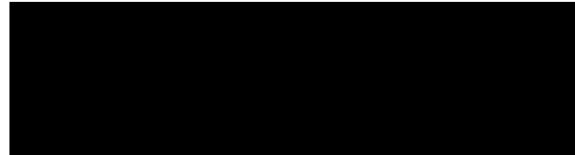
1 D. BROOKSTEIN
2 Q. So it says has alternative
3 functions?
4
5
6
7
8
9
10
11
12
13
14
15
16
17

A. Yes.
Q. Isn't this sentence referring to weight gain and losses not restricted to pregnancy weight gain and loss?

A. It could all be weight gains and losses, yes.

Q. Regardless of pregnancy?

A. The way that part does. The paragraph before specifically deals with pregnancy.



Q. Any -- once again, we are still looking for entire belly region.

A. I would have to read the whole patent again. I don't recall the actual wording. Where the word "entire" is.

Q. So you are -- you had mentioned, I believe, Column 1, 55 through 58. I am

1 D. BROOKSTEIN
2 just wondering if that's what you were
3 pointing to for entire, where it talks about
4 coverage fit?
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. Those three pages were, but I don't have them in front of me. Do you have them down?

Q. I do not.

Is it fair to say in looking back at your report you've have had 5 or so minutes that you haven't found anything where the specification speaks of the entire belly region?

A. It covers the abdomen. Covering, in my mind is entire.

Q. Okay. Earlier you had said you weren't sure about the meaning of belly compared to the term abdomen?

A. That's right.

Q. Have you changed your position on that?

A. I haven't thought about that.

Q. So you weren't sure after your work on this case what the belly region is?

A. No.

1 D. BROOKSTEIN
2 MR. BURNS: Objection to form.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. I know what the belly region is based on the drawings, yes.

Q. So is the belly region the same as the abdomen?

A. The belly region --

Q. Smaller?

A. The belly region is included in the abdomen.

Q. So was it a part of the abdomen so that it is smaller than the abdomen and abdomen region?

MR. BURNS: Objection to form.

A. It is part of the abdomen, yes.

Q. Which means that there is more of the abdomen than just the belly?

A. The way I understand it, yes.

Q. Can the abdomen go above the belly?

MR. BURNS: Objection to form.

A. The abdomen goes up right beneath the breasts, yes.

Q. I'm talking about the abdomen compared to the belly?

1 D. BROOKSTEIN
 2 A. I'm talking about the abdomen and
 3 abdomen region compared to the belly.
 4 Q. Unfortunately, I get to ask the
 5 questions.
 6 A. I understand, but that's what I
 7 am answering.
 8 Q. But abdomen and belly, you
 9 understand both terms are used in the patent?
 10 A. Yes.
 11 Q. They are both used in the patent
 12 claims?
 13 A. Yes.
 14 Q. I want to the understand belly
 15 versus abdomen. You said the belly is part
 16 of the abdomen. Does that mean that there is
 17 part of the abdomen that could be above the
 18 belly?
 19 A. Well, the --
 20 MR. BURNS: Objection to form.
 21 A. The title is belly covering
 22 garment, so obviously, it is talking about
 23 the entire belly, which would include the
 24 abdomen.
 25 Q. Okay. You understand my

1 D. BROOKSTEIN
 2 question, I am looking for a comparison
 3 between the belly and the abdomen.
 4 A. I am not sure I understand your
 5 question. Let me take a minute and read the
 6 claims and see how it comes back to the
 7 claims. I haven't read it in the last couple
 8 of days, so let me do that.
 9 Q. How long have you been working on
 10 this case?
 11 A. On this litigation, since,
 12 essentially, March until my report, May 5th.
 13 Q. And you did a study in your claim
 14 charts, your study was last October?
 15 A. Yes. That was when I did that
 16 and then I stopped, then I picked up after
 17 the institution decision.
 18 Q. When were you retained on the
 19 case?
 20 A. I was -- which case?
 21 Q. This case.
 22 A. The IP?
 23 Q. Or the District Court litigation.
 24 They both involve the same patents, right?
 25 A. Yes. I was retained in August

1 D. BROOKSTEIN
 2 and I stopped because of the stay.
 3 Q. Okay. About 11 months ago you
 4 were retained?
 5 A. Yes.
 6 Q. And up to this point, you haven't
 7 reached a determination of the meaning of
 8 belly compared to abdomen?
 9 MR. BURNS: Objection to form.
 10 A. No. What I said is I don't
 11 remember. That's what I said. That's all.
 12 I just don't remember. There is a lot going
 13 on here. I don't remember.
 14 It would be, the way I understand
 15 it --
 16 Q. Are you waiting on me?
 17 A. Yes. The belly region would be
 18 up there and go all the way down to the
 19 bottom.
 20 Q. Up where?
 21 A. Near this line.
 22 Q. So is the belly region -- I'm
 23 sorry, the belly region and the abdomen, are
 24 those one in the same?
 25 A. The way I understand it, yes.

1 D. BROOKSTEIN
 2 Q. When is the first time you
 3 reached that conclusion, is that sitting here
 4 today?
 5 A. Oh, no, I just didn't remember.
 6 I reached that awhile ago.
 7 Q. So if you testified earlier you
 8 didn't know the meaning of belly or belly
 9 region --
 10 A. I think I testified I didn't
 11 remember.
 12 Q. In the proposed amended claim --
 13 let me back up a second.
 14 Just to summarize the support
 15 that you have for entire belly region,
 16 because you can't find those words in the
 17 patent other than the claim, right?
 18 A. I can't find the word entire.
 19 Q. You point to "cover and fit over
 20 a growing abdomen" in Column 1, line 55
 21 through 58?
 22 A. Hold on. This is for the '563,
 23 right? Mr. Carter, which citation are you
 24 talking about?
 25 Q. I believe you had said Column 1,

1 D. BROOKSTEIN
 2 lines 55 to 58.
 3 A. Hold on. Still looking for the
 4 rest of the -- let me organize this a second
 5 so we don't keep wasting time. Column 1 line
 6 what?
 7 Q. I thought you said 55 to 58.
 8 A. Yes, the garment upper portion
 9 has a belly panel that is expansible and fits
 10 over a growing abdomen and abdomen region
 11 during different stages of pregnancy, yes.
 12 Q. Did you also point to Column 3, I
 13 believe line 27, as support? For the entire
 14 belly region.
 15 A. Yes, we discussed that, yes.
 16 Q. Anything else?
 17 A. There was a third citation.
 18 Q. Was that Column 2, lines 9
 19 through 11?
 20 A. Yes.
 21 Q. Okay. So the use of the word
 22 cover means that it is the entire belly
 23 region, is that what you are relying on?
 24 A. The way I understand it, yes.
 25 (Whereupon, Brookstein Exhibit

1 D. BROOKSTEIN
 2 2037, Asada patent was marked for
 3 identification as of this date by the
 4 Reporter.)
 5 BY MR. CARTER:
 6 Q. I have handed you a document
 7 marked as Exhibit 2037. Do you recognize
 8 this exhibit, the Asada patent?
 9 A. Yes.
 10 Q. And do you see -- if you go to
 11 the last page, there is paragraphs 13 and 14.
 12 A. Yes.
 13 Q. You see that paragraph 13, the
 14 last sentence says, "Furthermore, at a later
 15 period of the pregnancy, near full term, it
 16 can be worn completely to envelop the abdomen
 17 with the entire abdomen covering portion"?
 18 A. Yes.
 19 Q. So do you agree what is shown in
 20 Asada covers the entire belly region?
 21 A. What figure?
 22 Q. Well, just that description,
 23 first of all, talks about covering the entire
 24 belly region?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. No. That's not what it says. It
 3 says, "The entire abdomen covering portion,"
 4 and the way I read it and the POSA would read
 5 it is the abdomen -- not the entire abdomen.
 6 But the abdomen covering portion. The entire
 7 part of that portion. Not the entire
 8 abdomen. It is the way I read it.
 9 Q. So you gave the support for
 10 entire belly region where you didn't find the
 11 word entire?
 12 A. Right.
 13 Q. Correct?
 14 A. Right.
 15 Q. You relied on a word like cover?
 16 A. Yes.
 17 Q. And here, it says it envelops the
 18 abdomen?
 19 A. Yes.
 20 Q. With the entire abdomen covering
 21 portion and your testimony --
 22 A. I understand.
 23 Q. -- is that this sentence in
 24 Asada --
 25 A. Yes.

1 D. BROOKSTEIN
 2 Q. -- does not mean that the Asada
 3 belly panel can cover the entire belly
 4 region?
 5 MR. BURNS: Objection to form.
 6 A. That is correct. It is the
 7 abdomen covering portion, its entire part of
 8 it covering. That's what the figures show.
 9 I mean, you got to look at that in context --
 10 the whole thing, the figures show that.
 11 Q. So Figure 2A, you say, doesn't
 12 show that?
 13 A. That's an example where it folded
 14 down. Asada is made to be a fold down
 15 garment. Not one that goes up to just
 16 beneath the breasts.
 17 Q. Figure 2A, does that show a panel
 18 that would cover an entire belly region?
 19 A. No.
 20 Q. So with that sentence that you
 21 read "completely envelop the abdomen with the
 22 entire abdomen covering portion to, as shown
 23 in Figure 2C"?
 24 A. You were talking about 2A. Now
 25 you are talking about 2C?

1 D. BROOKSTEIN
 2 Q. 2C, that doesn't -- sorry, in 2C,
 3 to you, that doesn't show the panel covering
 4 the entire belly region?
 5 MR. BURNS: Objection to form.
 6 A. No. It shows me that the
 7 covering portion, in its entirety, covers the
 8 abdomen portion. Not the entire abdomen. It
 9 is a distinction, I think a very important
 10 distinction. The pictures justify that.
 11 Q. Okay. If you look at Figure 3 in
 12 Asada.
 13 A. Yes.
 14 Q. Do you see that there are
 15 two different garments shown there?
 16 A. Yes.
 17 Q. So where is the height of those
 18 garments relative to a person using some of
 19 the anatomical terms that we have used today?
 20 MR. BURNS: Objection to form.
 21 A. The patent says the waist.
 22 Q. Is the waist that we have looked
 23 at in the '624 Patent in Figure 2, line 26?
 24 A. I don't recall what it said. I
 25 think we said that, yes.

1 D. BROOKSTEIN
 2 Q. So I just want to make sure I am
 3 clear. In Figure 3, that shows the panel
 4 going up to the waist, correct?
 5 A. That is correct.
 6 Q. And we can look and see an
 7 example of where a waist is in Figure 2 of
 8 the '624 Patent?
 9 MR. BURNS: Objection to form.
 10 Q. It is pointed out by number 26,
 11 right?
 12 A. That is correct.
 13 Q. And you agreed earlier that that
 14 line 26 is just below the wearer's breast
 15 area, correct?
 16 A. That is correct. For that
 17 structure.
 18 Q. You agreed earlier that line 26
 19 is just beneath the wearer's breast area,
 20 correct?
 21 A. Yes.
 22 Q. So once again, does Figure 2A
 23 cover the wearer's entire belly region?
 24 MR. BURNS: Objection to form.
 25 A. No.

1 D. BROOKSTEIN
 2 Q. Based on your expert opinion, you
 3 can read the word cover to mean entire belly
 4 region, right?
 5 MR. BURNS: Objection to form.
 6 A. You have to look at how it is
 7 used in the context.
 8 Q. I agree.
 9 A. If it says cover the abdomen, it
 10 would -- I have to read it in context. I
 11 can't parse the word out.
 12 Q. So -- but the word in Asada of
 13 completely to envelop the abdomen?
 14 A. Where are you reading that from?
 15 Q. Reading from the paragraph 13.
 16 We have been reading it.
 17 A. Yes.
 18 Q. So completely to envelop the
 19 abdomen does not mean entire belly region; is
 20 that fair?
 21 MR. BURNS: Objection to form.
 22 A. Not in the context of the
 23 pictures, no. The picture 2C, no.
 24 Q. How about 2C in combination with
 25 Figure 3 that we just looked at, showing it

1 D. BROOKSTEIN
 2 goes up to the waist?
 3 MR. BURNS: Objection to form.
 4 A. That's what Figure 3 -- 2C is
 5 showing, going up to the waist. That's my --
 6 that's what I think.
 7 Q. Figure 2C shows the belly panel
 8 going up to the waist, correct?
 9 A. Yes.
 10 Q. And we see an example of the
 11 location of a waist in Figure 2 where line 26
 12 is pointing?
 13 MR. BURNS: Objection to form.
 14 A. We don't see any breasts in
 15 Asada. We see breasts in '624.
 16 Q. Right. We don't see any breasts
 17 in the '531 or the '563 Patents either,
 18 do we?
 19 A. We don't see breasts, but we see
 20 where the breasts would be. Can I draw on
 21 here where the breasts would be?
 22 Q. No, because it isn't part of the
 23 patent.
 24 A. It is not part of the patent?
 25 MR. BURNS: I think he can draw

1 D. BROOKSTEIN
 2 if he wants. You had him draw all
 3 over the place.
 4 Q. No, you cannot draw where your
 5 opinion is the breasts are on there.
 6 MR. BURNS: Why not?
 7 MR. CARTER: Because I am taking
 8 the deposition.
 9 MR. BURNS: I thought it --
 10 MR. CARTER: You can instruct
 11 the witness not to answer. You can
 12 object to form, but that's all you
 13 can do.
 14 Q. In Asada, on the first page.
 15 A. Yes.
 16 Q. In the problem they said was to
 17 provide new maternity pants that can be worn
 18 comfortably over a long period of time from
 19 pregnancy to postpartum?
 20 A. Yes.
 21 Q. Is that a similar problem to what
 22 was -- the '531 and '563 Patents were
 23 setting up?
 24 A. Not at all.
 25 Q. And then under the means for

1 D. BROOKSTEIN
 2 solving the problem, it says, "Maternity
 3 wearer characterized in that an abdomen
 4 covering Portion 2" --
 5 A. Mr. Carter, where are you reading
 6 from.
 7 Q. Still the first page.
 8 A. Yes.
 9 Q. "Maternity wearer characterize in
 10 that an abdomen covering Portion 2 that is
 11 expandable" --
 12 A. Okay.
 13 Q. -- "contractible, and foldable
 14 using a stretch knit is disposed at a top of
 15 a pants Portion 1. The stretch knit of the
 16 abdomen covering portion expands and
 17 contracts in response to a change in a size
 18 of an abdomen from during a pregnancy to
 19 postpartum in that it can be worn by freely
 20 folding in an abdominal area in response to a
 21 change in above-the-crotch portion and during
 22 the pregnancy to postpartum."
 23 A. Yes.
 24 Q. So the material in the abdomen
 25 covering Portion 2, you agree it is

1 D. BROOKSTEIN
 2 expandable?
 3 A. That's what it says, yes.
 4 Q. Well, you agree it is expandable,
 5 right?
 6 A. That's what it says, yes.
 7 Q. You agree it is contractible?
 8 A. That's what it says.
 9 Q. You agree that it is foldable?
 10 A. Yes. That's what -- that's what
 11 the whole patent is about, that it is a fold
 12 over garment shown in A, B -- 2A, B and C.
 13 That's what the invention is about.
 14 Q. Does it expand in response to a
 15 change in size of the abdomen during the
 16 pregnancy to postpartum?
 17 A. That's what it says, around the
 18 circumference, yes.
 19 Q. Does it contract in response to a
 20 change in a size of an abdomen during a
 21 pregnancy to a postpartum?
 22 A. It contracts at the abdomen, not
 23 above the abdomen because it doesn't go above
 24 the abdomen. The abdomen -- it stops where
 25 2C is.

1 D. BROOKSTEIN
 2 Q. Okay. Which is at the waist?
 3 A. Which is at the waist.
 4 Q. Thank you. On Figure 1A, have
 5 you drawn in the location of the waist?
 6 A. You didn't ask me to.
 7 Q. Can you do that, please. Or is
 8 the waist shown in Figure 1A?
 9 A. It is not shown in 1A.
 10 Q. It would be above the wavy line
 11 we have been talking about, correct?
 12 A. No, it would be way below the
 13 wavy line. It would be in this region here
 14 (indicating). The waist down here. Not
 15 above the wavy line. Above the wavy line is
 16 the breasts. The breasts will be down in
 17 this region here.
 18 Q. So the waist is below where the
 19 belly is pushing out?
 20 A. No. I did this. It is in here.
 21 It is where the belly is. Again, you look at
 22 my figure -- the mannequin pictures, but no,
 23 the waist is down there. You want me to draw
 24 it in?
 25 Q. How about the empire waist?

1 D. BROOKSTEIN
 2 A. The empire waist. That's the
 3 waist that is specific that goes up to just
 4 beneath the breasts.
 5 Q. Can you draw in where the empire
 6 waist is?
 7 A. In this particular case?
 8 Q. Um-hum.
 9 A. Then I will have to draw the
 10 breasts. I can't draw the empire line if you
 11 don't let me draw the breasts.
 12 Q. So let me ask you this, where the
 13 wavy lines are, is the empire waist above or
 14 below the wavy lines?
 15 A. The empire waist would be right
 16 beneath the breast, and if you don't let me
 17 draw the breasts, I can't draw the empire
 18 line.
 19 Q. I am asking about relative to the
 20 wavy line, where is the empire waist, above
 21 it or below it?
 22 A. Above it.
 23 Q. Above it?
 24 A. Yes.
 25 Q. Can you make a note that the

1 D. BROOKSTEIN
 2 empire waist is above the wavy line?
 3 A. Remember this product doesn't
 4 have an empire waist.
 5 Q. We have just been using that
 6 term, so I want to be sure we're clear.
 7 A. I am not sure I want to draw
 8 that. Because that product doesn't talk
 9 about an empire waist.
 10 Q. The patent doesn't talk about an
 11 empire waist.
 12 A. The patent doesn't talk about the
 13 empire waist.
 14 Q. So for that reason you don't want
 15 to draw it?
 16 A. I am adding something the patent
 17 doesn't have.
 18 Q. Right. The patent doesn't talk
 19 about a breast area either, correct?
 20 A. Yes, but then I gave support of
 21 what the breast area is. I didn't give any
 22 support about the empire.
 23 Q. But how can you give support for
 24 the breast area but not give support for the
 25 empire waist?

1 D. BROOKSTEIN
 2 A. Because I gave the specification,
 3 the claims, the drawings, the prior art.
 4 Q. Earlier, you said the empire
 5 waist is below the breast area and above the
 6 abdomen?
 7 A. Yes.
 8 Q. Correct? So once again, if you
 9 can provide support for the breast area, you
 10 can provide support for the empire line. I
 11 am not saying this patent permits you to do
 12 that. But I don't understand how you can say
 13 you can provide support for one but not the
 14 other?
 15 MR. BURNS: Objection to form.
 16 A. I can do it if you let me draw
 17 the breasts.
 18 Q. No.
 19 A. There you go.
 20 Q. Your testimony is clear. So
 21 line 26 in Figure 52, that's pointing to the
 22 empire waist?
 23 A. They don't call it an empire
 24 waist, but it looks, from what I have seen on
 25 an empire waist, they don't use that word.

1 D. BROOKSTEIN
 2 Q. But is that your understanding
 3 when they say waistline and they point to 26,
 4 that's the empire waistline?
 5 A. My understanding is that empire
 6 waist is right beneath the breasts, yes.
 7 Q. Thank you.
 8 A. We are getting to those shorter
 9 periods. I can go another four or
 10 five minutes, okay.
 11 Q. So looking at Asada, would you
 12 agree is expandable and contractible, and we
 13 are talking about the belly panel?
 14 A. Yes.
 15 Q. It expands and retracts?
 16 A. And foldable.
 17 Q. And it contracts in response to a
 18 change in size of an abdomen by expanding and
 19 contracting?
 20 A. Yes.
 21 Q. What is the amount of expansion
 22 and retraction for that panel?
 23 A. It just says "From pregnancy to
 24 postpartum." Not specifically.
 25 Q. If you were looking at a

1 D. BROOKSTEIN
 2 circumference measurement, how much would
 3 that panel expand and contract?
 4 MR. BURNS: Objection to form.
 5 A. The best way I can tell is by
 6 looking at those mannequins I did in the
 7 three month and the maximum girth of the
 8 three month and the nine month and look at
 9 those numbers. That's the only information I
 10 have.
 11 Q. Well, I'm talking about Asada.
 12 A. Correct.
 13 Q. Looking at Asada and its
 14 description that we just looked at of being
 15 expandable and contractible, it expands and
 16 contracts in response to a change in a size
 17 of an abdomen?
 18 A. Right.
 19 Q. From during a pregnancy to a
 20 postpartum?
 21 A. Right.
 22 Q. So you've provided expert
 23 opinions in this case?
 24 A. Yes.
 25 Q. That material expands and

1 D. BROOKSTEIN
 2 contracts?
 3 A. Right.
 4 Q. From during a pregnancy to
 5 postpartum. I am saying if you could grab
 6 that material and somebody has to go put it
 7 on and take it off, how much could that
 8 material stretch and contract in a
 9 circumference measurement?
 10 MR. BURNS: Objection to form.
 11 A. Are you talking about a number?
 12 Q. Yes.
 13 A. I can't give you a number.
 14 Q. What would you expect looking
 15 at it?
 16 MR. BURNS: Objection to form.
 17 Q. Is it going to expand and
 18 contract 10 inches?
 19 MR. BURNS: Objection to form.
 20 A. I expect -- I would expect it
 21 would contract and expand over the part of
 22 the abdomen of the maximum girth, which is
 23 what the drawing shows. Now, during
 24 pregnancy and postpartum, I don't have the
 25 exact numbers.

1 D. BROOKSTEIN
 2 Q. But reading that, for example,
 3 you can look in 2A and see the size of this,
 4 right?
 5 A. In 2A I see the folded down
 6 product, yes.
 7 Q. You see it in 2C, you can see the
 8 size of how much that product will expand and
 9 contract?
 10 A. These drawings aren't necessarily
 11 to scale. There's scale here. You can't use
 12 that.
 13 Q. I understand that. But either
 14 are the patent drawings, right?
 15 A. That is correct.
 16 Q. And the patent drawings don't
 17 give any measurements?
 18 A. That is correct. Which patent
 19 drawings?
 20 Q. The patent drawings in the '531
 21 and the '563.
 22 A. They give no measurements.
 23 Q. Right. I am asking, and you are
 24 an expert in this case, how much would you
 25 say, in your opinion, does that panel expand

1 D. BROOKSTEIN
 2 and contract in Asada?
 3 MR. BURNS: Objection to form;
 4 scope.
 5 A. I can't give you a number. I
 6 have already testified -- you asked me that
 7 and I answered it. I can just say pregnancy
 8 through postpartum, in that maximum area, it
 9 grows and it gets smaller. I can't give you
 10 the dimensions or the magnitude based on
 11 what's in here.
 12 Q. So in Figure 2C, are you saying
 13 that only goes up to the point of maximum
 14 girth, is that your testimony?
 15 MR. BURNS: Objection to form.
 16 A. No.
 17 Q. It goes above that, correct?
 18 A. Slightly above it. But not
 19 nearly to the breast area.
 20 Q. But you agree that in Figure 2C
 21 that panel at least goes above the breast
 22 area, sorry, at least goes above the maximum
 23 girth?
 24 MR. BURNS: Objection to form.
 25 A. Based on that picture, it goes up

1 D. BROOKSTEIN
 2 slightly above the maximum girth, yes, but
 3 not very far.
 4 Q. That's your testimony?
 5 A. That's my testimony.
 6 Q. And you can look at the
 7 difference between 2A and 2C to see how much
 8 it expands, correct?
 9 A. No, I already said it can't.
 10 Q. Are there any figures in the '531
 11 or '563 Patents to show how much they expand
 12 and contract?
 13 MR. BURNS: Objection to form.
 14 A. How much in a quantitative way?
 15 Q. Yes.
 16 A. No.
 17 Q. And do they show something
 18 similar to Figures 2A through 2C of the
 19 product on a belly at different stages of
 20 pregnancy?
 21 MR. BURNS: Objection to form.
 22 A. No, they show it going up to just
 23 above the breast. Asada don't show that.
 24 Q. So they don't show how much it
 25 will expand and contract in the patents,

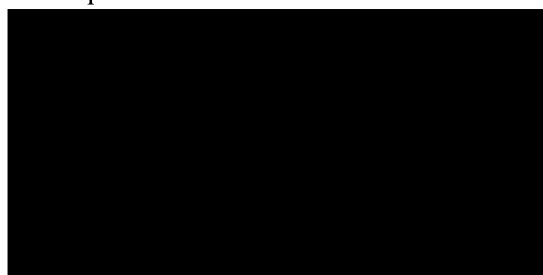
1 D. BROOKSTEIN
 2 correct?
 3 MR. BURNS: Objection.
 4 A. Are you talking about in the
 5 width direction?
 6 Q. Yes.
 7 A. No.
 8 Q. That's shown in Asada, correct?
 9 A. I already said it is not. It is
 10 shown but not in any kind of
 11 quantitative way.
 12 Q. I am going to hand you
 13 Exhibit 1002. Do you recognize this as the
 14 J.C. Penney prior art reference?
 15 MR. BURNS: Did you ask for a
 16 break?
 17 THE WITNESS: Yes, I think I
 18 would like --
 19 Q. Two more questions?
 20 A. That's about it. And then we
 21 will have an accident.
 22 MR. CARTER: Tell you what, we
 23 can take a break.
 24 THE WITNESS: Better for all of
 25 us.

1 D. BROOKSTEIN
 2 THE VIDEOGRAPHER: The time is
 3 3:43 p.m.; we are off the record.
 4 (Whereupon, a recess was held.)
 5 THE VIDEOGRAPHER: The time is
 6 3:53 p.m.; we are on the record.
 7 BY MR. CARTER:
 8 Q. Before our break, I handed you
 9 Exhibit 1002?
 10 A. Yes.
 11 Q. You understand that's the JCPA
 12 prior art reference in this case?
 13 A. That's my understanding, yes.
 14 Q. And you understand that the belly
 15 panel is able to stretch for comfort?
 16 A. That's how it is advertised, yes.
 17 Q. Okay. And do you agree that the
 18 panel can expand?
 19 MR. BURNS: Objection to form.
 20 A. It's made of polyester, cotton,
 21 cotton polyester spandex it would be
 22 expanding, yes.
 23 Q. It would contract?
 24 MR. BURNS: Objection to form.
 25 Q. Talking about the belly panel in

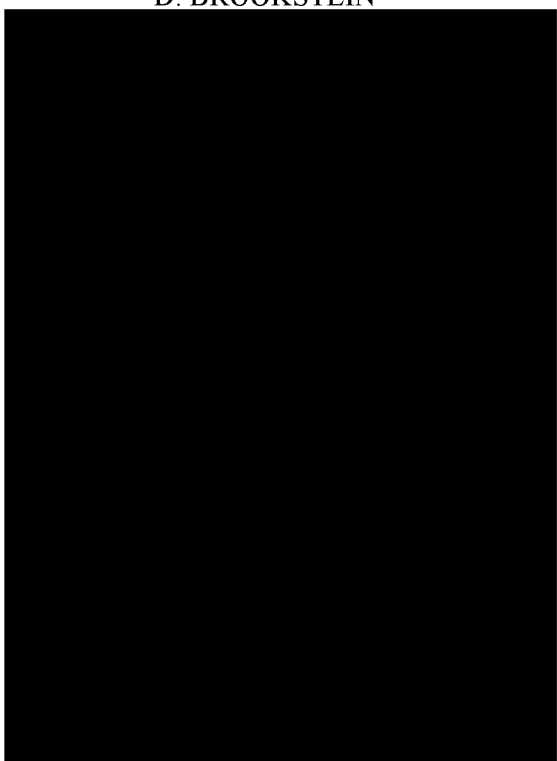
1 D. BROOKSTEIN
 2 JCPA.
 3 A. It doesn't say it would contract,
 4 but I would assume it would be. It would
 5 contract.
 6 Q. Now, looking at -- you have
 7 Asada?
 8 A. Yes. I do have Asada.
 9 Q. Exhibit 2037.
 10 A. Hold on. Here it is, yes, sir.
 11 Q. And JCPA?
 12 A. Yes.
 13 Q. Now, as a person providing
 14 opinions in this case, how would a person of
 15 ordinary skill in the art look at these belly
 16 panels and understand or estimate the amount
 17 they can expand or contract?
 18 MR. BURNS: Objection to form.
 19 A. When I look at Asada and I look
 20 at JCP, I see the same product, what you fold
 21 over to hold up. That's what I see.
 22 Q. My question is, a person of
 23 ordinary skill in the art looking at Asada,
 24 and J.C. Penney, if you take these
 25 separately, I'm really looking at the same

1 D. BROOKSTEIN
 2 thing --
 3 A. Right.
 4 Q. How much can they expand and
 5 contract?
 6 MR. BURNS: Objection to form.
 7 A. When I look at Figure 1 of JCPA,
 8 I see that it goes slightly above the maximum
 9 girth, so it is contracting. And I see the
 10 same thing in 2C of Asada.
 11 Q. So my question is, can you give a
 12 range in amounts that they will expand and
 13 contract?
 14 MR. BURNS: Objection to form.
 15 A. As I testified earlier, I
 16 couldn't give you numbers, no.
 17 Q. Or even estimates or ranges?
 18 MR. BURNS: Objection to form.
 19 A. I can tell you that they expand
 20 over the maximum girth and contract to go
 21 slightly above the maximum girth. That's as
 22 much as I can tell from these pictures.
 23 Q. Okay. So when somebody, for
 24 example, puts these patents -- sorry, puts
 25 these products on, they at least have to

1 D. BROOKSTEIN
 2 expand to get over the maximum girth,
 3 correct?
 4 MR. BURNS: Objection to form.
 5 Q. They have to expand out that far?
 6 A. I would agree with that.
 7 Q. And then as you keep pulling them
 8 up, they are contracting?
 9 A. Slightly, yes, above the maximum
 10 girth.
 11 Q. You can't tell, provide any range
 12 in the amount?
 13 MR. BURNS: Objection to form.
 14 A. Other than they don't go to the
 15 minimum girth, which is beneath the breasts,
 16 no, because they don't show the breasts in
 17 these pictures.



1 D. BROOKSTEIN
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25



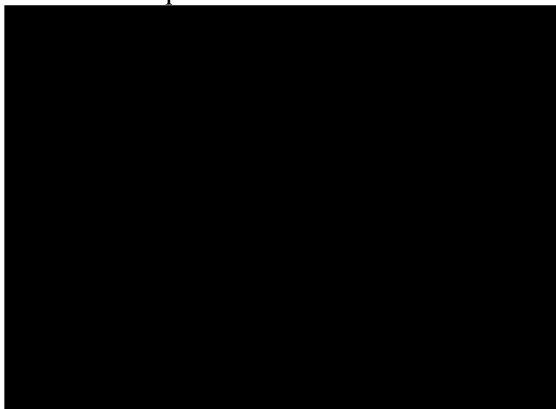
1 D. BROOKSTEIN
 2
 3
 4 MR. BURNS: Objection to form
 5 and scope.
 6 A. The way I read it, as opposed to
 7 the top of the belly, would be much higher
 8 than that.
 9 Q. So your opinions are not
 10 consistent with what Miss Hendrickson noted
 11 on Exhibit 1069?
 12 MR. BURNS: Objection to form.
 13 A. My opinion on the top of the
 14 belly is higher.
 15 Q. So your opinion is not consistent
 16 with Miss Hendrickson's notation on
 17 Exhibit 1069, correct?
 18 MR. BURNS: Objection to form.
 19 A. Her words say approximately. She
 20 doesn't say definitely. It says
 21 approximately.
 22 Q. I am just asking, can you agree
 23 with what Miss Hendrickson wrote or are your
 24 opinions not consistent with what she wrote?
 25 MR. BURNS: Objection to form.
 A. I can say it's approximately,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN



MR. BURNS: Objection to form and scope.



MR. BURNS: I didn't get this on the record earlier. I want to object this is outside the scope of his

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN

designation, but I want to make sure for the exhibit.

(Whereupon, Brookstein Exhibit 1070, DMC '0116314 through '6320 was marked for identification as of this date by the Reporter.)

BY MR. CARTER:

Q. Doctor, I have handed you a document marked as Exhibit 1070.

A. Yes.

Q. It is marked with Bates numbers DMC '116314 through '320. Do you see on the first page of Exhibit 1070 a woman wearing maternity pants?

MR. BURNS: Object. Again, this is outside the scope of the Declaration.

A. That's what it says "maternity pants" and I assume it is a woman.

Q. Have you ever seen this photograph?

A. I have not seen this photograph.

Q. The maternity pants that you see on the first page of Exhibit 1070, are they

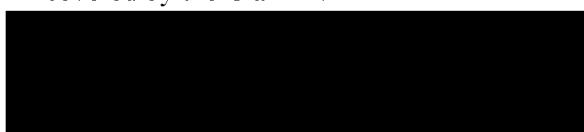
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN

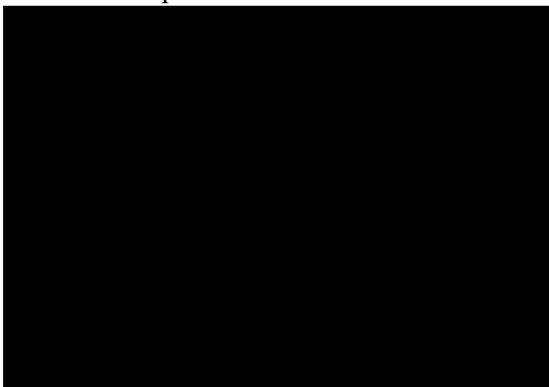
covered by Claim 1 of the '531 Patent?

MR. BURNS: Objection to form and scope.

A. These pants did not come up underneath the breasts, so they would not be covered by the Claim 1.



MR. BURNS: Objection to form and scope.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN



Q. To be covered by Claim 1 of the '531 Patent?

MR. BURNS: Objection to form and scope.

A. Yes.

Q. How about Claim 1 of the '563 Patent?

MR. BURNS: Objection to form and scope.

A. I have to look at the '563 again. I do this all the time. Where is the rest of the '563? I don't have the remainder of the '563.

Q. If you don't mind, I don't mean to get in your space, but I can lean over to help, if you don't mind.

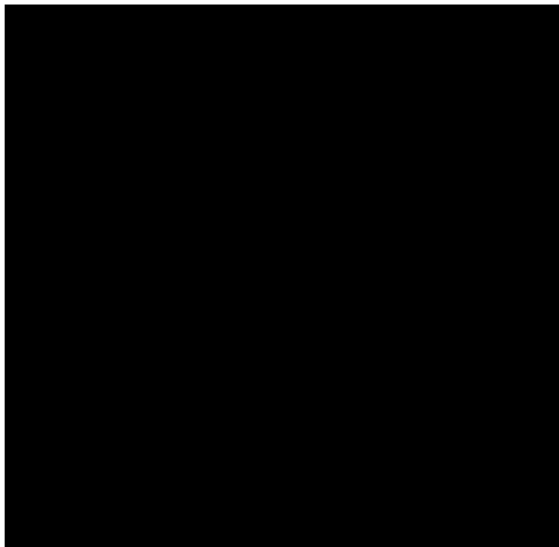
A. If you can do it, yes.

Q. It looks like we shuffled the deck.

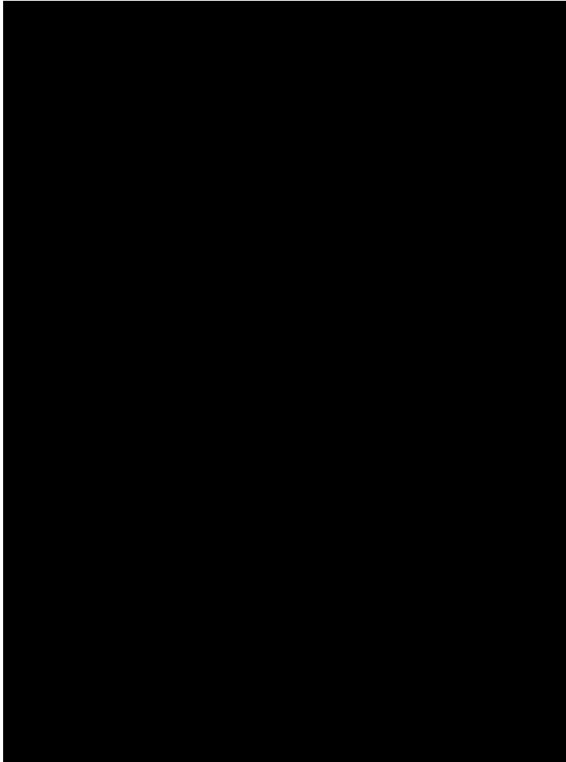
A. That's the problem. Is this the

1 D. BROOKSTEIN
 2 rest of it? Figure 7, let me see.
 3 Can you repeat the question,
 4 please?
 5 Q. You had said that -- I had asked
 6 what the height of the belly panel would need
 7 to be on the first page of 1070 and you drew
 8 the arrow.
 9 A. Yes.
 10 Q. And that was the height it would
 11 need to be to be covered by Claim 1 of the
 12 '531 Patent?
 13 A. Yes.
 14 Q. And then I asked how about to be
 15 covered by Claim 1 of the '563 Patent.
 16 MR. BURNS: Objection to form;
 17 scope.
 18 A. It does not come up to a region
 19 just beneath the wearer's breasts, so it is
 20 not covered by the '563.
 21 Q. To be covered by the '563, is it
 22 the same height?
 23 MR. BURNS: Objection to form.
 24 A. Well, the '563 has other claim
 25 elements. I am just talking about the part

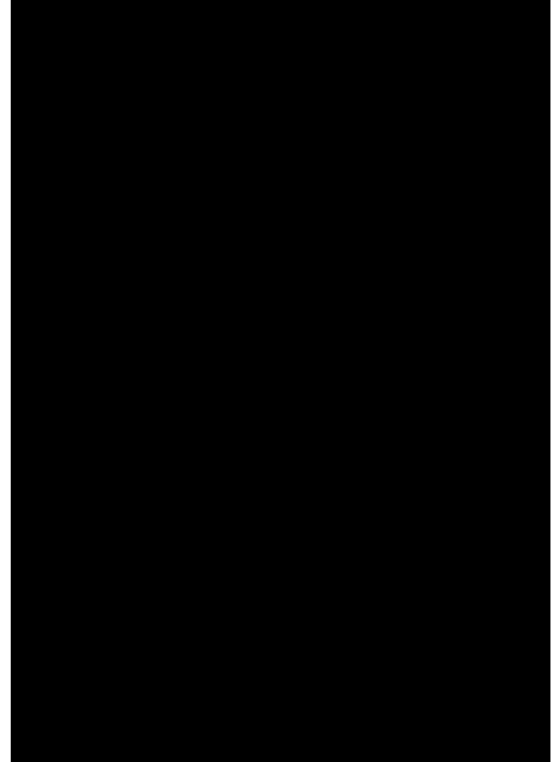
1 D. BROOKSTEIN
 2 about the beneath the breasts. I would have
 3 to look at other elements to make that
 4 determination.
 5 Q. And you had said earlier that
 6 just beneath the breast area has the same
 7 meaning in both patents?
 8 A. Yes.



1 D. BROOKSTEIN
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25



1 D. BROOKSTEIN
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25



D. BROOKSTEIN

D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

D. BROOKSTEIN

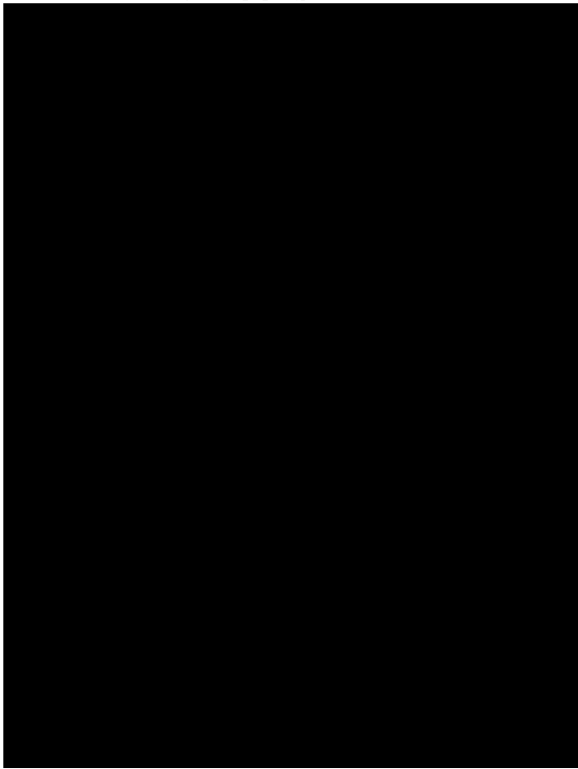
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

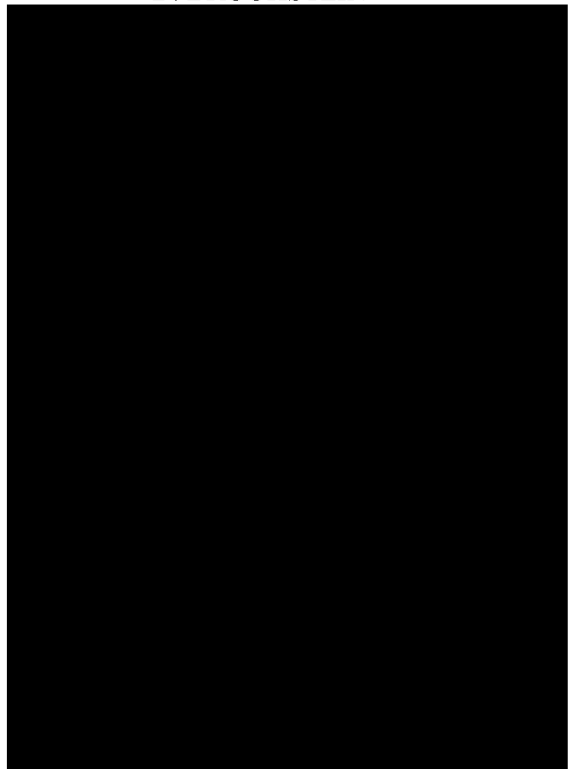
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



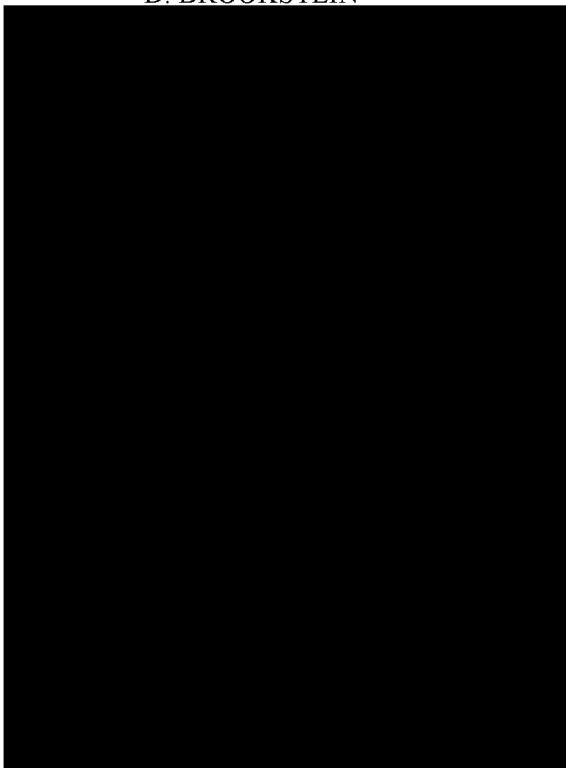
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



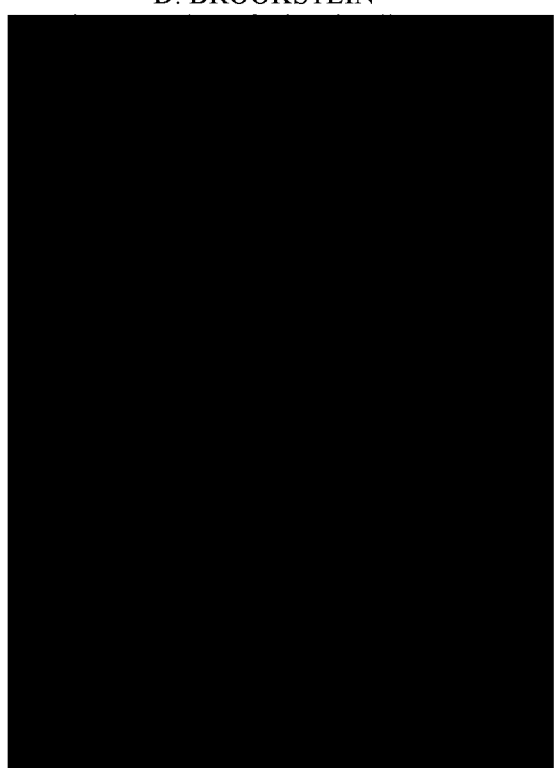
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1 D. BROOKSTEIN
 2 that they are marked with the '531 and
 3 '563 Patents.
 4 A. Okay, yes. I see that.
 5 Q. Have you seen that style of pants
 6 before?
 7 A. What do you mean "that style"?
 8 Q. Well, you had inspected
 9 four styles --
 10 A. Right.
 11 Q. -- of Secret Fit Belly pants.
 12 A. I mean, I have seen -- I have
 13 seen the style that's the expandable top and
 14 the pants. I don't know if it was this
 15 fabric in the bottom, I don't know.
 16 Q. Did you do any measurements on
 17 the styles that you inspected, put on
 18 mannequins?
 19 A. Other than that they met the
 20 mannequin def -- the dimensions, no.
 21 Q. Did you measure them before they
 22 were put on the mannequin to know how high
 23 the panels were?
 24 A. I took pictures of them, but I
 25 didn't measure them.

1 D. BROOKSTEIN
 2 Q. Okay. Can you lay that out on
 3 the table.
 4 A. Yes. Yes.
 5 Q. Can you measure the center front
 6 of the panel?
 7 MR. BURNS: Objection to form
 8 and scope.
 9 A. In the unstretched configuration?
 10 Q. Yes.
 11 A. Approximately 9 inches. 6 to
 12 15, 9.
 13 Q. Well, if you are measuring this
 14 panel here, you have it up on the backside.
 15 You are stretching it?
 16 A. No, I'm not. It was bunched. It
 17 is not stretching it. I will tell what you
 18 happened. Now this is stretched. It comes
 19 back down. So it is 9 inches.
 20 Q. Let's do something where we just
 21 lay it on the table unstretched, all right?
 22 A. But unbunched, too.
 23 Q. You can unbunch it.
 24 A. Okay.
 25 Q. Now lay it down without touching

1 D. BROOKSTEIN
 2 the top end. What does that give you?
 3 A. Approximately 9 inches.
 4 Q. 9 inches is down here. You may
 5 want to stand up and take a look at it.
 6 MR. BURNS: Objection to the
 7 form and scope.
 8 Q. It is a little over 8 1/2 inches?
 9 A. 8 3/4.
 10 Q. Okay. And you don't know the
 11 height of the panels on the styles you
 12 tested?
 13 A. I didn't measure them, no.
 14 Q. Do you recall the document on the
 15 Gap All Around Belly pants that we looked at
 16 earlier?
 17 A. I recall seeing it.
 18 Q. Exhibit 1068 that talked about an
 19 8 1/2 inch at center front measurement?
 20 A. Yes.
 21 Q. And the belly fabric is quite
 22 stretchy?
 23 A. Yes.
 24 Q. So that product that you have in
 25 front of you, center front measurement is

1 D. BROOKSTEIN
 2 8 3/4 inches?
 3 A. Yes.
 4 Q. According to your measurement.
 5 And is that belly panel quite stretchy?
 6 A. Yes.
 7 MR. BURNS: Objection to form
 8 and scope.
 9 Q. Do you know anything about the
 10 relationship of the product that you are
 11 looking at now compared to the Gap All Around
 12 Belly?
 13 MR. BURNS: Objection to form
 14 and scope.
 15 A. No, I have no idea what the
 16 business relationship is.
 17 Q. Did you know that DMC has sold
 18 products they call Secret Fit Belly having
 19 different center front measurements?
 20 MR. BURNS: Objection to form
 21 and scope.
 22 A. I have no idea. The answer
 23 is no.
 24 Q. You didn't know that?
 25 A. No.

1 D. BROOKSTEIN
 2 Q. So you don't know where in the
 3 realm of all the Secret Fit Belly products
 4 what the measurements of the center front are
 5 for what you tested compared to the rest of
 6 the product line; is that correct?
 7 A. That is correct.
 8 Q. Okay. You can put that aside.
 9 One more question.
 10 A. Sure.
 11 Q. Do you agree that the pants that
 12 you are holding are covered by the '531 and
 13 '563 Patents?
 14 MR. BURNS: Objection to form
 15 and scope.
 16 A. I would like to put them on the
 17 mannequin, but based on -- they have the same
 18 configuration as the ones I did put on the
 19 mannequin, you can do that. I would say yes,
 20 the key is to be able to put that, without
 21 putting it on the mannequin.
 22 Q. So just looking at the pants
 23 alone, can you opine that they are covered by
 24 the '531 and '563 Patents?
 25 MR. BURNS: Objection to form

1 D. BROOKSTEIN
 2 and scope.
 3 A. Which claims?
 4 Q. Just Claim 1.
 5 A. Claim 1.
 6 MR. BURNS: Objection to form
 7 and scope.
 8 A. As I sit here, I can say that
 9 they meet the ability to stretch up to the
 10 breast area. But the rest of the claim
 11 elements I would have to look at and study.
 12 Q. Would you have to put it on a
 13 mannequin first?
 14 A. Not necessarily, no.
 15 Q. What would you have to do?
 16 A. I said not necessarily. It would
 17 be better to put it on a mannequin, yes. Or
 18 a fit model but definitely a mannequin.
 19 Q. I am just asking in addition to
 20 just looking at the pants, what else would
 21 you need to do to determine whether they are
 22 covered by Claim 1 of the '531 and
 23 '563 Patents?
 24 A. Can I go to my report?
 25 MR. BURNS: Objection to form

1 D. BROOKSTEIN
 2 and scope.
 3 Q. Sure.
 4 A. In the '531 there are three claim
 5 elements, and in my report, I showed on the
 6 mannequins how the exemplars met each of the
 7 three claim elements. Claim element 1 of the
 8 '531 "Garment upper portion having a belly
 9 panel that is expansible to cover and fit
 10 over a growing abdomen during different
 11 stages of pregnancy." So I put that on
 12 mannequins and I made my arrows.
 13 Second claim element, "A garment
 14 lower portion having a first torso encircling
 15 circumference that recedes downward to make
 16 way for expansion of the belly panel." So I
 17 wanted to see how that happens.
 18 Then the third claim element "The
 19 garment upper portion having a second torso
 20 encircling circumference defining the upper
 21 edge of the belly panel that encircles the
 22 wearer's torso just beneath the wearer's
 23 breast area configured to hold the garment up
 24 in place about the torso in the location of
 25 the -- of maximum girth of the abdomen,

1 D. BROOKSTEIN
 2 thereby substantially covering the wearer's
 3 entire pregnant abdomen during all stages of
 4 pregnancy." So I want to be able to, again,
 5 put them on the mannequin and make those
 6 drawing, arrow drawings. That's for the
 7 '531. If you want, I can go through the
 8 whole thing of '563.
 9 Q. So on '531 you were saying you
 10 would want to put it on the mannequin before
 11 making the infringement determination as
 12 opposed to just looking at it here?
 13 MR. BURNS: Objection to form.
 14 A. DMC is not infringing their own
 15 pants.
 16 Q. To be covered by the patents?
 17 A. Right.
 18 Q. I am asking can you make that
 19 determination just sitting here or do you
 20 want to put it on a mannequin before you make
 21 that determination?
 22 MR. BURNS: Objection to form
 23 and scope.
 24 A. To be certain I would like to put
 25 it on a mannequin, yes.

D. BROOKSTEIN

Q. Can you lay that out again and look at the tubular structure of the belly panel. How is it shaped and formed, does it have a certain shape?

MR. BURNS: Objection. Same objection.

A. Which dimension are you talking about?

Q. You are familiar with the claims with the tubular structure, shape and form as a hyperboloid cylinder to fit a body type having a tapered torso?

A. I am.

Q. And another claim wherein the tubular structure shaped and formed as a straight sided cylinder fit a body type having a corresponding shaped torso?

A. That determination I can make without putting on the mannequin. In fact, I did it in my report. This would be the straight side cylinder.

Q. So can you hold that up? Does it curve inward at the bottom any amount?

A. In here?

D. BROOKSTEIN

Q. Yes.

A. Yes, but that's a result of the way it was cut and sewn into the pants. It was made as a straight cylinder. It wasn't made and curved configuration.

Q. Well, as it's put on the pants, as posed to just the cylinder itself, is that panel straight sided?

MR. BURNS: Objection to form and scope.

A. It is my opinion that this would be -- would be considered a straight sided cylinder, yes.

Q. You agree that it bows out at the bottom, though?

MR. BURNS: Objection to form and scope.

A. Can I look at the claim, please? That's in the '563, that claim.

Q. So without looking at your report you can't tell me whether that is straight sided or not?

A. No, no.

MR. BURNS: Objection.

D. BROOKSTEIN

A. I want to see -- sorry.

MR. BURNS: Objection to form.

A. I want to see if it is made. If it says it is made that way or it is that way. That's all I want to see. Okay. It says it is formed as a straight sided cylinder. This was formed as a straight sided cylinder and then it was sewn and that's why it expands out. That's the key there.

Q. I see. So you are interpreting the claim that has straight sided cylinder as you look at the shape of the straight sided cylinder before it is attached to the pants?

A. Correct. It says it was just -- it was formed as a straight sided cylinder, yes.

Q. After the panel is put on the pants, it now curves outward at the bottom, correct?

MR. BURNS: Objection to form and scope.

A. It appears to slightly, yes.

Q. So it is no longer a straight

D. BROOKSTEIN

sided cylinder?

MR. BURNS: Objection to form and scope.

A. After it's been formed and it's been sewn onto the pants, it is not a straight sided cylinder.

Q. Is it a hyperboloid cylinder?

MR. BURNS: Objection to form and scope.

Q. So, for example, '531 Patent Claim 18.

MR. BURNS: Objection to form and scope.

Q. I don't think you charted that patent, that claim?

A. Let me read '531 claim. It uses the same kind of language as the '563 formed as a hyperboloid. It was my opinion it was not formed as a hyperboloid. It was formed as a straight cylinder.

Q. And do you still have the Asada patent in front of you?

A. Somewhere in here.

Q. I think we are probably finished

1 D. BROOKSTEIN
 2 with those.
 3 A. Who takes them?
 4 Asada? Here you go, yes.
 5 Q. Looking at Asada, for example,
 6 Figure 1, is Asada a straight sided cylinder
 7 as set forth in the claim?
 8 A. Set forth --
 9 MR. BURNS: Objection.
 10 Objection to the scope. I mean object
 11 to form.
 12 A. As set forth in the claim, as was
 13 formed, it doesn't talk about how it was
 14 formed. It shows what was done after it was
 15 sewn on.
 16 Q. After it has been sewn on as
 17 shown in Figures 1A and 1B, you agree Asada
 18 is a straight sided cylinder?
 19 MR. BURNS: Objection to form
 20 and scope.
 21 A. I'd have to get a bigger blowup
 22 of these pictures to tell. It is not as
 23 clear as what you showed me in the actual
 24 exemplar.
 25 Q. So your testimony is looking at

1 D. BROOKSTEIN
 2 Figure 1A and B, you can't tell if that is a
 3 straight sided cylinder once it is put on the
 4 pants?
 5 MR. BURNS: Objection.
 6 A. I can't tell. You're not talking
 7 about form, after it's been put on the pants?
 8 Q. Yes, after.
 9 A. If it is put on the pants, this
 10 has to be blown up more. I can't tell. This
 11 is a bad reproduction. I can't tell.
 12 Q. So your testimony is you can't
 13 opine on whether in Figure 1A and 1B the
 14 belly panel is straight sided after it is put
 15 on the pants?
 16 MR. BURNS: Objection to form
 17 and scope.
 18 A. I am saying based on these
 19 pictures, I can't.
 20 Q. You can also look at Figure 3, as
 21 an example, you see the belly panel there?
 22 A. It is the same as Figure 1. It
 23 is just superposed over Figure 4. Same
 24 thing.
 25 Q. You've been involved in

1 D. BROOKSTEIN
 2 manufacturing?
 3 A. Yes, I have.
 4 Q. How would a person of ordinary
 5 skill in the art looking at Asada think that
 6 it would make that belly panel, isn't it
 7 correct that they would make it as a straight
 8 sided cylinder because that would be one of
 9 the more efficient ways to make it?
 10 MR. BURNS: Objection to form.
 11 A. Most efficient way to make a
 12 tubular circular fabric on circular machine
 13 in a straight sided cylinder. However, we
 14 could adjust the yarn tensions to get
 15 different shapes. So I don't know what they
 16 are doing here. They could do that. They
 17 could not do that.
 18 Q. But the most efficient way would
 19 be as a straight sided cylinder?
 20 A. No. No. If you just increase
 21 the yarn tension on the takeoff, especially
 22 if you are using elastomeric materials like
 23 spandex, you could have it and form it to be
 24 any shape you want. You can have it come in
 25 as a hyperboloid, and the rate that the

1 D. BROOKSTEIN
 2 courses, are you familiar with the term
 3 courses, and on knitted fabric, the rate that
 4 the courses are coming down, it is the same.
 5 So you can't make a judgment on efficiency
 6 that way.
 7 Q. So in your opinion, you can see
 8 for the straight sided cylinder claims, you
 9 know what I am referring to as the straight
 10 sided cylinder claims?
 11 A. I know what it is in the '563. I
 12 don't recall what they are in the '531.
 13 Q. It has the same language,
 14 although that one hasn't even been asserted.
 15 But somebody could form a panel in different
 16 shapes or configurations?
 17 A. Yes.
 18 Q. And then sew it into the pants
 19 such that when on the pants they are straight
 20 sided?
 21 A. Someone could do that, yes.
 22 Q. And that would not meet the
 23 straight sided claims?
 24 A. Would not meet the straight --
 25 no, if it's straight sided, it would meet the

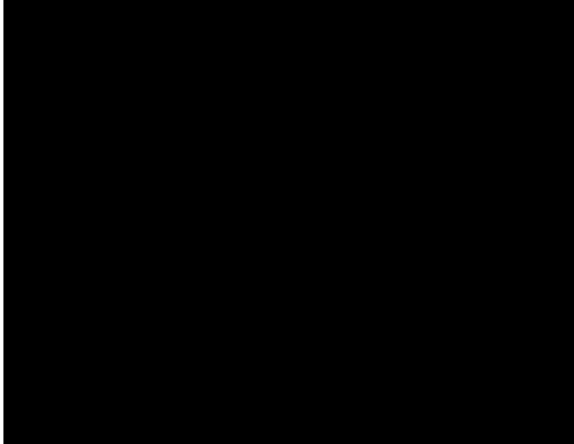
1 D. BROOKSTEIN
 2 straight sided claims.
 3 Q. I am saying before you sewed the
 4 belly panel to the pants?
 5 A. Right.
 6 Q. I want to make sure I understand
 7 your testimony. Somebody could make a panel
 8 so that it isn't straight sided?
 9 A. Right.
 10 Q. But then when they attach the
 11 panel to the pants, then the panel ends up
 12 being straight sided?
 13 A. I can't envision anybody would do
 14 that. I don't think that would be a way a
 15 person of skill in the art would make a pair
 16 of pants like that.
 17 Q. So if someone looks at Figure 1A
 18 and B --
 19 A. Yes.
 20 Q. -- and/or Figure 3 in Asada, and
 21 determines that the belly panel is straight
 22 sided, you can't fathom a reason why anybody
 23 would have formed that panel any way other
 24 than being straight sided?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. I don't think I testified to
 3 that. Depends on what they were trying
 4 to do.
 5 Q. Well, you just told me --
 6 A. Tell me what I said.
 7 Q. I said I want to make sure I
 8 understand your testimony. Somebody could
 9 make a panel so that it isn't straight sided.
 10 You said right.
 11 A. Is not straight sided.
 12 Q. Correct. I said but they
 13 attach -- when they attach the panel to the
 14 pants, the panel ends up being straight
 15 sided? You answered, I can't envision
 16 anybody would do that. I don't think that
 17 would be a way a person of skill in the art
 18 would make a pair of pants like that.
 19 A. I agree. Yes, that's what I
 20 said.
 21 Q. They would just make it straight
 22 sided?
 23 A. Or they can make it a
 24 hyperboloid, but you wouldn't take something
 25 that was -- remember all you have -- can I

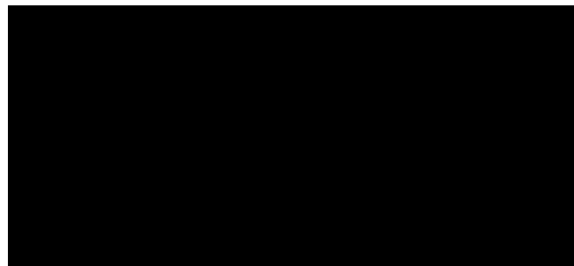
1 D. BROOKSTEIN
 2 have the pair of pants, please, just to show
 3 you exactly what I'm talking about. So no
 4 matter what you did to the area or where it
 5 is sewn in, it will not have any effect up
 6 here. Not have any effect. You can do all
 7 kinds of things down here, but this will
 8 still be straight sided. So I don't know
 9 what you are looking for here. And we are
 10 coming up at 50 minutes.
 11 Believe it or not it is
 12 50 minutes since the last break.
 13 Q. It's been 15 minutes?
 14 A. 50. 5-0.
 15 Q. Do you have five more minutes?
 16 A. Yes.
 17
 18
 19
 20
 21
 22
 23
 24
 25 MR. BURNS: Objection, scope.

1 D. BROOKSTEIN
 2 Seems like outside the scope of the
 3 declarations.
 4
 5
 6 Q. Have you heard of a company
 7 called M'Chic?
 8 A. No.
 9 Q. Would those -- are those pants
 10 covered by Claim 1 of the '531 or
 11 '563 Patents?
 12 MR. BURNS: Objection to form.
 13 A. As I stated earlier, I want to
 14 put them on a mannequin.
 15 Q. Can you just inspect them there
 16 and give any preliminary thoughts?
 17 A. This doesn't stretch very much.
 18 I would say probably not. Probably not.
 19 Because it is not very stretchy in the
 20 longitudinal direction.
 21
 22
 23
 24 MR. BURNS: Objection to form
 25 and scope.

D. BROOKSTEIN



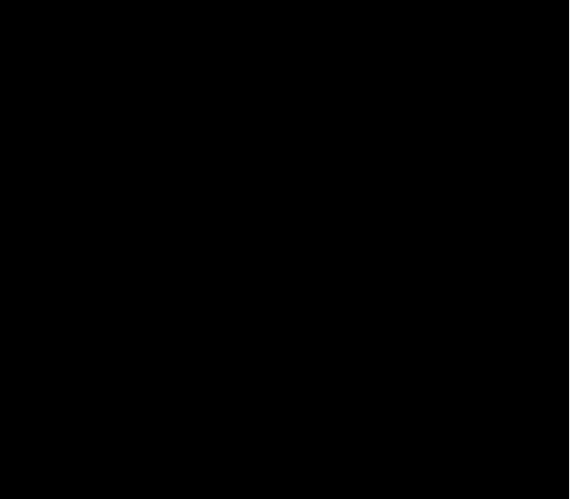
MR. BURNS: Objection to form and scope.



D. BROOKSTEIN



MR. BURNS: Objection to form.



Q. Do you know what kind of

D. BROOKSTEIN

stitching is included in that product?

A. What do you mean stitching?

Q. Like tuck stitches or misstitches?

A. Like this one here that I was talking about? Where you have the one-by-one alternating tuck stitch, this one? Remember I said -- mistaken in my report and I wanted -- this is the actual one-by-one alternating tuck stitch.

Q. Well, we haven't introduced that yet.

A. But since you mentioned stitches, I want to show you this.

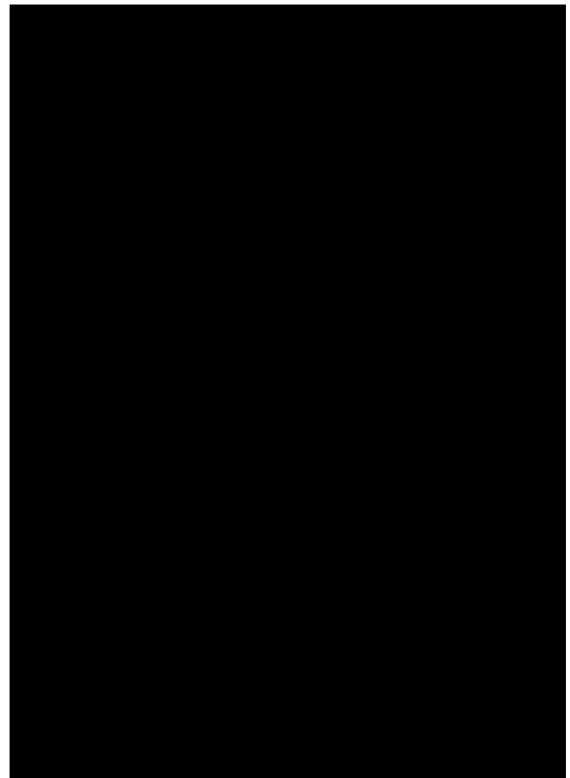
Q. I want to -- I am talking about in your report, you talked about a tuck stitch?

A. Right.

Q. And then in the document that you provided, you also talked about a misstitch. Can you tell what kind of stitch is used in that product?

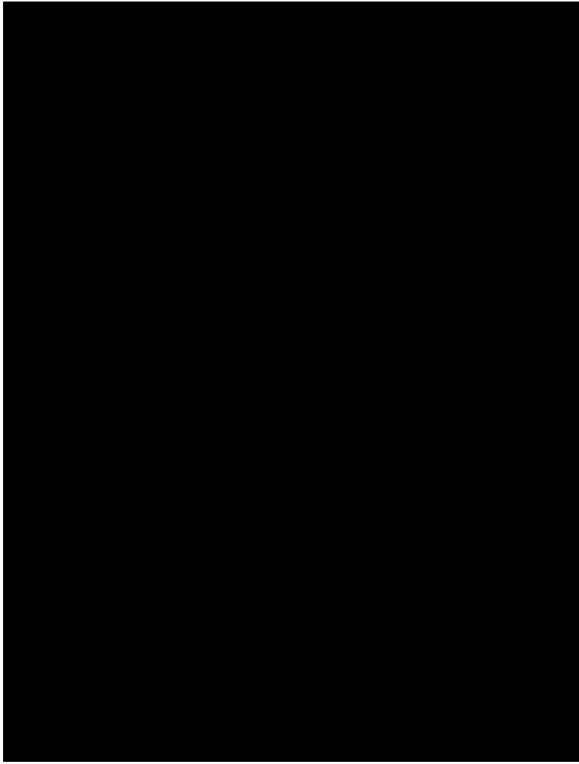
A. The reference I provided, not the document. Can I tell what stitch?

D. BROOKSTEIN



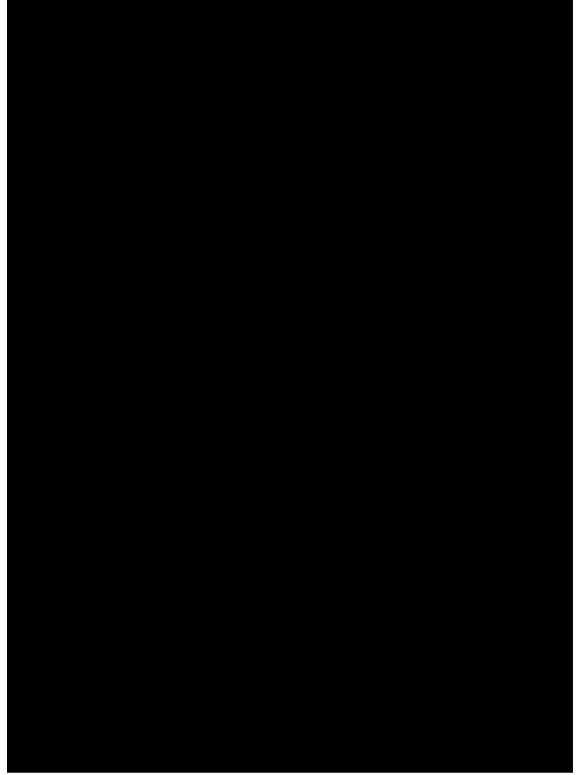
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



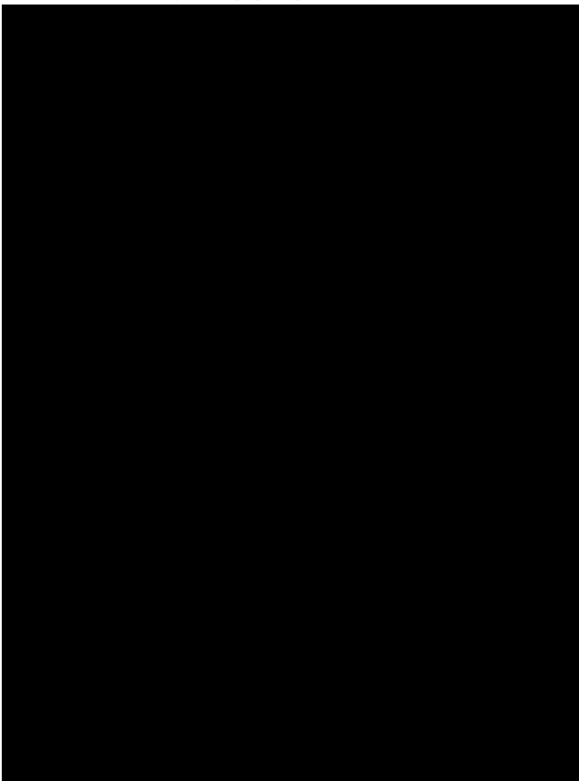
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



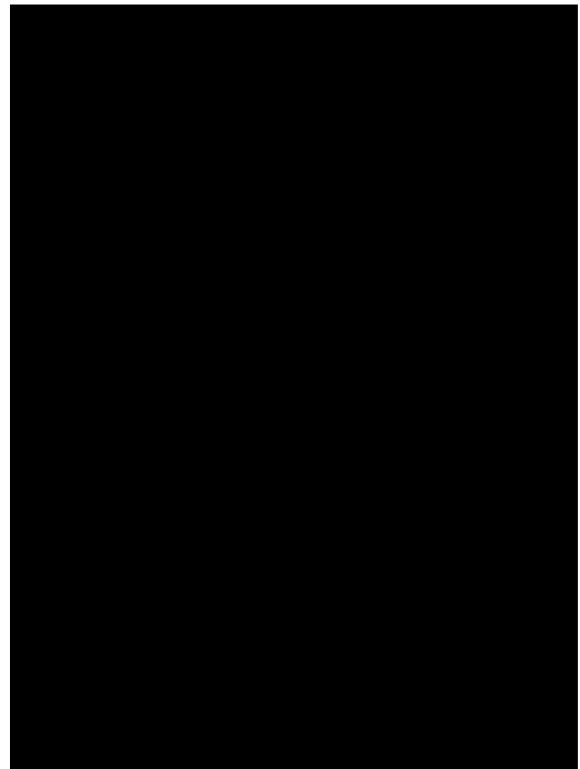
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



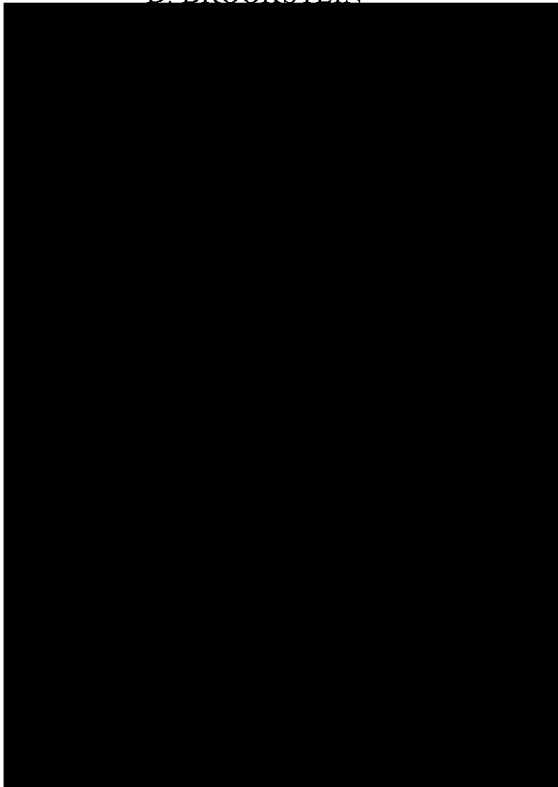
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



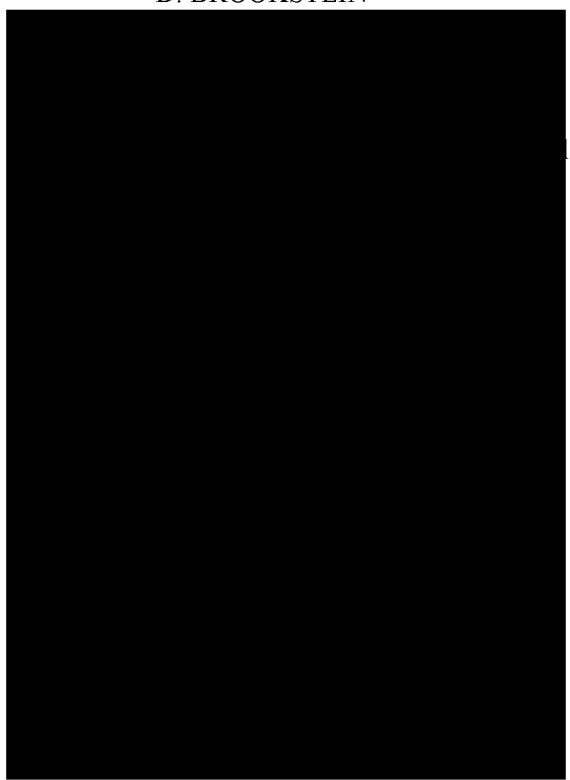
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



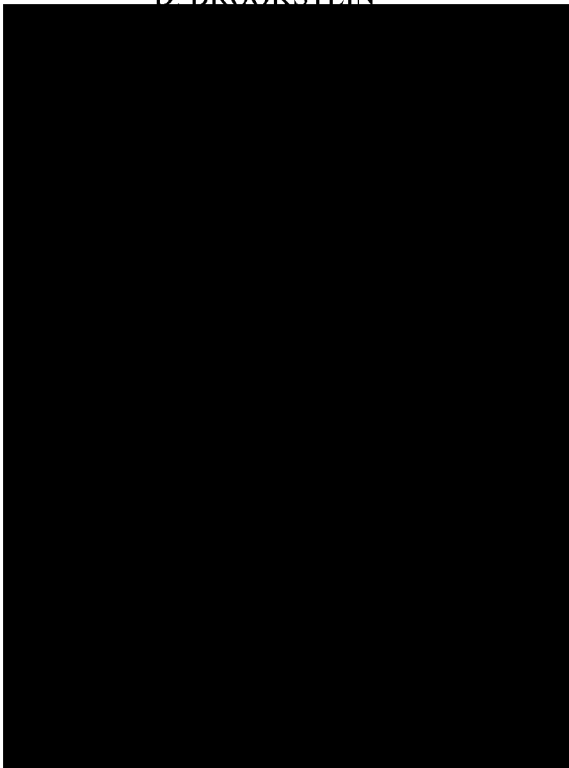
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



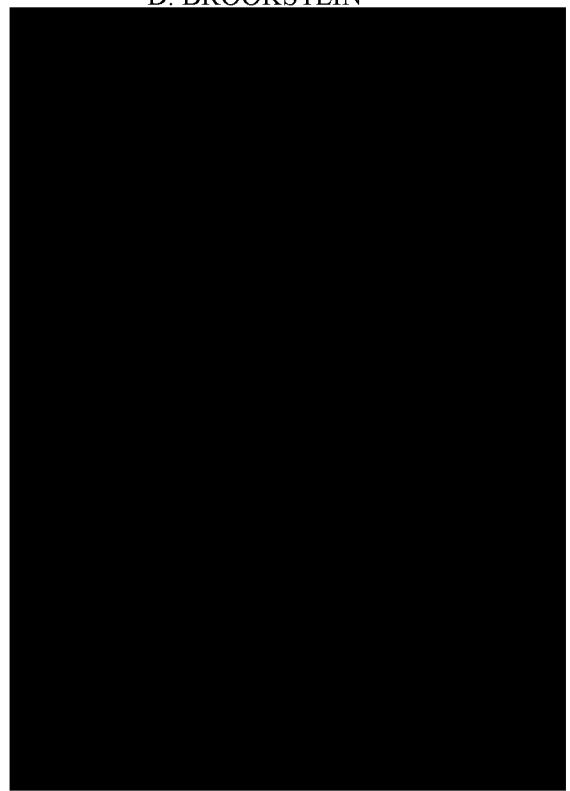
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



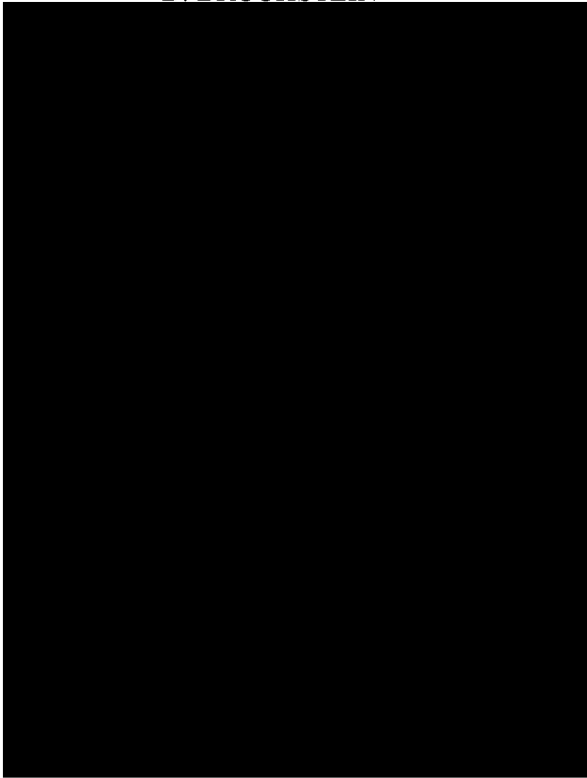
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



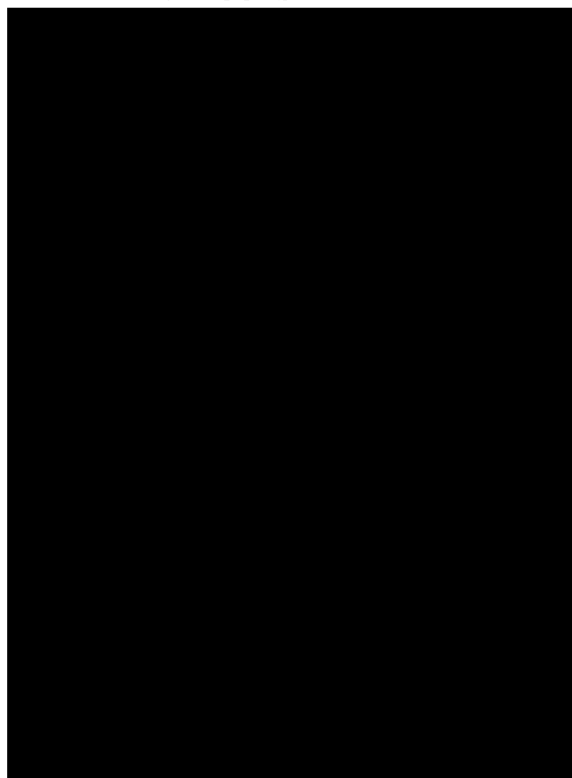
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



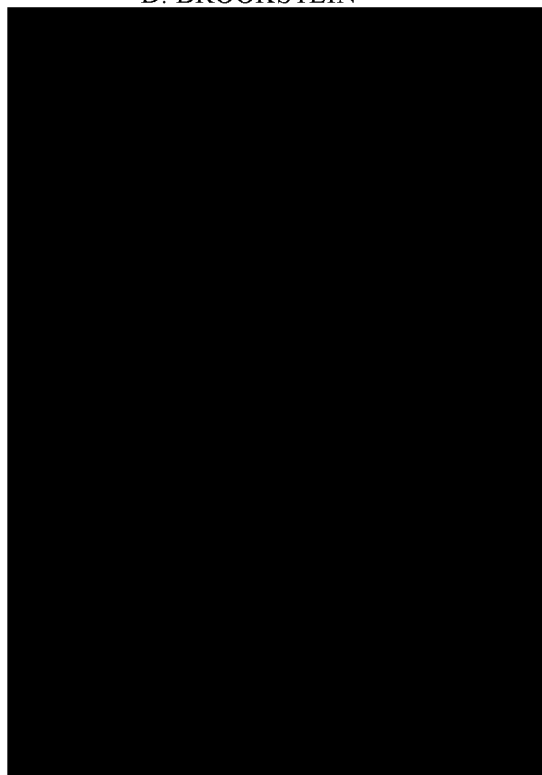
D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

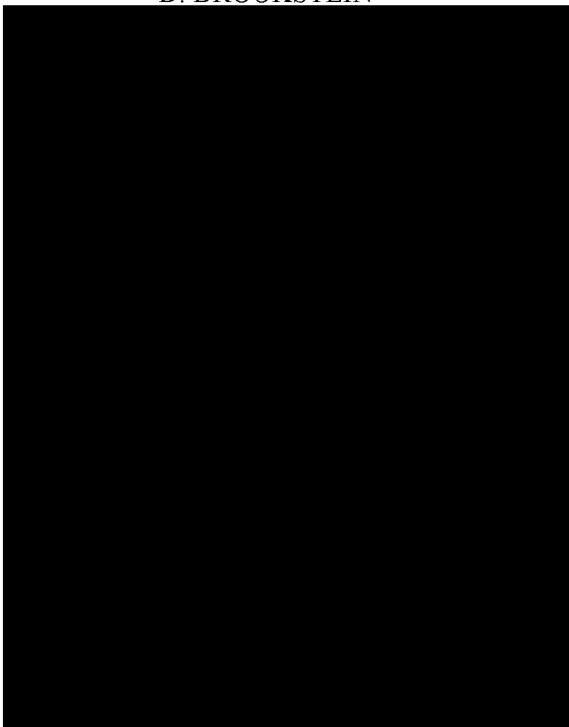


D. BROOKSTEIN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



D. BROOKSTEIN



(Whereupon, Brookstein Exhibit

D. BROOKSTEIN

1037, U.S. Patent 8,185,970 was marked for identification as of this date by the Reporter.)

Q. Doctor, I am going to hand you a document marked as Exhibit 1037. It is a patent, U.S. Patent 8,185,970 to Summers. Have you seen this patent?

A. I don't recall ever seeing this patent, no.

Q. Sorry, you don't recall seeing the patent?

A. I don't recall ever seeing this patent.

MR. BURNS: Objection to form and scope.

Q. Was this patent, Exhibit 1037, included in your analysis or opinions in your Declaration of Exhibit 2026?

A. I already told you I have never seen this patent, so how could -- no.

Q. That's fair. All right. Looking at your claim chart, Exhibit 1 -- sorry, of Exhibit 2017?

A. Yes.

D. BROOKSTEIN

Q. And the claim chart is Exhibit 2 to that Declaration?

A. Yes.

Q. On the third page, you have a summary chart, claim chart for the '531 Patent and another summary claim chart for the '563 Patent?

A. Yes.

Q. Did you chart all of the claims that you thought were covered or were there some claims that you believe were covered that you did not chart?

A. There are some claims that are covered that I forgot to chart.

Q. Which ones are those?

A. For the '531, I think it is number 16, let me look at that.

Q. Why didn't you chart it?

A. Well, I didn't chart it because when I did -- let me see something. I had done 16 and then 15 is -- 15 says -- let me read 15. Not 15. Let me read -- it is 16. I did 15, okay. 15. "The garment of Claim 1 where an edge margin of the garment upper

D. BROOKSTEIN

portion is folded over and knitted to an inside of the fabric provide a perimeter head stitch."

16 says the same thing, sewn or knitted. So I already knew it was knitted. I saw that, so when I saw that it was covered. Hindsight, I could have done that and there are pictures here in my chart that demonstrate that 16 is covered. Whatever the pictures were for 15, they would be in 16.

Q. Any other claims that you believe were covered but you did not chart?

A. In '563, which I have to get here, there are two -- let me -- number 11, the garment portion of Claim 1 where the belly panel was woven or knitted with elastic stretchable strands, I didn't put it in there, but there's support for on page -- bear with me -- on pages 12 and 13 where I have knitted elastic fabric, which is contractible elastically. So it is covered there.

And then there was one more -- the other two -- there was one where it talks

D. BROOKSTEIN

about being a double fabric and the ones I saw were not double fabrics, and there was a Claim 20 that talks about it being hyperboloid and I had opined that it was straight cylinder, clearly you can't have both. It is either hyperboloid or straight cylinder, so 21 was a straight cylinder. Excuse me, 21 -- no, 21 is a double. The straight cylinder is -- which ones are you saying I missed? I know I didn't put the double fabric one because it wasn't. I didn't put the hyperboloid one because it wasn't. I put the -- I didn't put the knitted or sewn because I had already shown that it was knitted and I didn't put knitted elastic fabric because I had it somewhere else.

Q. I want to make sure, in the '531 Patent you meant to -- I'm sorry, the '531 Patent --

A. I am looking at the '531.

Q. You believe that Claim 16 is also covered and the '563 you said Claim 11 was also covered?

D. BROOKSTEIN

A. I was looking at the wrong thing. Claim 11 is --

Q. I didn't catch another number.

A. Claim 11 is covered. Claim 11 covered. Claim 13 is not in there because it is not a double layer tubular structure, and Claim 20 is not in there because 21 is in there, and it says it is straight sided. Formed as a straight sided, so you can't be formed as a straight sided and formed as hyperboloid, it has to be one or the other.

Q. Okay. So which ones do you think are covered but not included, Claim 16 of the '531, Claim 11 of the '563?

A. That is correct.

Q. Do you think somebody making an allegation that a pant is both hyperboloid and straight sided is not a good faith claim?

MR. BURNS: Objection to form and scope.

Q. Let me strike that.

The belly panel that we have been looking at, and we have the straight sided claims and the hyperboloid cylinder claims?

D. BROOKSTEIN

A. Right.

Q. If someone is making an allegation that a pair of pants is both, straight sided and hyperboloid, is that a good faith claim to say that a pair of pants is both?

MR. BURNS: Objection to form and scope.

A. I don't know what you mean good faith. What I will -- my opinion is, it can't be done -- it can't be both. It is either one or the other.

Q. When we look through your Declaration, I will start with 2017.

A. 2017. Yes, sir.

Q. So page 23.

A. Yes.

Q. You have four photographs, you have Secret Fit Belly underneath?

A. Yes.

Q. Those aren't from the patent, correct?

A. No, they are from the exemplars.

Q. Right. From the commercial

D. BROOKSTEIN

products?

A. From the ones that are identified by the SKEs, yes.

Q. You don't know when any of those were made?

A. No, I do not.

Q. On the next page you have a diagram with knitted loop?

A. Yes.

Q. And you have stitch width?

A. Yes.

Q. Any stitch width identified in the '531 and '563 Patents?

A. No, because I was trying to determine -- show how it unbends, how a conventional knit stitch unbends.

Q. That figure is not in the '531 or the '563 Patents?

A. It is not.

Q. And there is nothing in the '531 or the '563 Patents talking about stitch width?

A. Not that I recall.

Q. Or a stitch width becoming

1 D. BROOKSTEIN
 2 narrower or wider?
 3 MR. BURNS: Objection.
 4 A. That is commonly known by people
 5 who are POSA that that's what happens with
 6 the knitted fabric.
 7 Q. Okay. But that's nowhere in the
 8 '531 or the '563?
 9 A. Not that I can recall.
 10 Q. The figure at the bottom of
 11 page 24, that once again is not from the
 12 patent, right?
 13 A. Well, it is not like it is not
 14 from the patent. It is not what the patent
 15 is about. That was for Browder.
 16 Q. Anything on page 25, the figure
 17 that you have of the line of expansibility or
 18 expansibility, is any of that included in the
 19 patent?
 20 A. No.
 21 Q. Any of those particular stitches?
 22 A. Certainly not the already tucked
 23 stitch because that's not what this was
 24 about. But no, the other one is not.
 25 Q. In the '531 or the '563 Patents,

1 D. BROOKSTEIN
 2 do they use the term jersey stitch in it?
 3 A. I don't recall. I don't recall.
 4 Q. What kind of stitches are in the
 5 JCPA reference in Asada?
 6 MR. BURNS: Objection to form
 7 and scope.
 8 A. They don't say.
 9 Q. Would they also have jersey
 10 stitch knits?
 11 MR. BURNS: Objection to form.
 12 A. If they are going to expand, I
 13 think a POSA would understand that they
 14 probably have jersey stitch knits. They
 15 could have rib knits, also which are a form
 16 of jersey knits, there's not enough
 17 information. But it is an expansible knit.
 18 Q. Could the disclosure into the
 19 '531 and the '563 also be for rib knits?
 20 A. Yes.
 21 Q. So based on the disclosure in the
 22 '531, the '563, Asada, and the JCPA
 23 reference, is there any reason to believe
 24 that they would have different knits?
 25 A. There is no reason to believe

1 D. BROOKSTEIN
 2 they would have different knits and no reason
 3 to believe they would have the same knits.
 4 Q. How about the yarn modulus? Yarn
 5 modulus isn't a term used in the '531 or the
 6 '563 Patents, correct?
 7 MR. BURNS: Objection to form.
 8 A. No, it's only used in the Browder
 9 patent.
 10 Q. Any reason to believe that the
 11 yarn modulus would be different for the '531,
 12 '563, Asada or JCPA reference?
 13 A. There is no reason to believe
 14 they would be the same. There is no reason
 15 to believe they would be different. We don't
 16 have enough information.
 17 Q. For any of them?
 18 A. Right.
 19 Q. Earlier did you use a term of
 20 yarn finish?
 21 A. Yes.
 22 Q. And what is the yarn finish,
 23 again?
 24 A. Sometimes yarns have what we call
 25 a spin finish on them. They are done -- put

1 D. BROOKSTEIN
 2 on for two reasons. It could be either to
 3 put on to aid when you're making the fiber or
 4 knitting sometimes there's a lubricant that's
 5 put on or not put on, on a yarn so that when
 6 it goes through the hooks or the needles of
 7 the knitting needle, it minimizes the
 8 friction and it helps in the manufacturing in
 9 such a way that fibers don't break, speeds
 10 can be greater.
 11 Q. So for the yarn finish, any
 12 reason why the yarn finish in the '531, '563,
 13 JCPA or Asada references would be different?
 14 A. No reason to be different and no
 15 reason why they would be the same.
 16 Q. So is the amount that a fabric
 17 can expand or contract is dictated by the
 18 type of knit?
 19 A. Partially.
 20 Q. The yarn modulus?
 21 A. Partially.
 22 Q. And the yarn finish?
 23 A. Secondarily.
 24 Q. Anything else?
 25 A. Well, yes, it could be the gage

1 D. BROOKSTEIN
 2 of the knitting machines. How many whales
 3 there are. What the course of width is.
 4 There are other factors. In textile
 5 engineering, there is a range of factors.
 6 But yarn modulus and knit style are the
 7 primary factors which determine the
 8 stretchability of the knit fabric. Then you
 9 also have yarn denure. I can go on all day.

10 Q. All these other factors you just
 11 listed, I'm not going try to capture and
 12 them and repeat them. For all of those other
 13 factors, there is no disclosure of those
 14 factors in the '531 or the '563 Patents?

15 A. Not that I know of.

16 Q. Is there any reason why in the
 17 '531, the '563, JCPA or Asada those factors
 18 aren't the same?

19 A. There's reason why they are the
 20 same. There is no reason why they are not
 21 the same.

22 Q. A person of ordinary skill in the
 23 art looking at JCPA or Asada, would they
 24 understand that they can look at these
 25 different factors that impact the expansion

1 D. BROOKSTEIN
 2 and contraction through different stages of
 3 pregnancy and pick the yarn modulus and
 4 stitch, yarn finish and other factors to
 5 select the expansion and contraction they
 6 want?

7 MR. BURNS: Objection to form.

8 A. Yes, but what they didn't do is
 9 depict how much it expands so it goes up
 10 underneath the breasts. That's what they did
 11 not.

12 Q. My question was, you listed a lot
 13 of factors that impact expansion and
 14 contraction, primarily yarn modulus and type
 15 of stitch. Then you have listed out a bunch
 16 of others. A person of ordinary skill in the
 17 art, under your definition, is going to be
 18 aware of all those factors that impact
 19 expansion and contraction?

20 A. That is correct.

21 Q. And they can look at JCPA and
 22 Asada and know that they can adjust those
 23 factors to impact expansion and contraction
 24 so that the panel will expand and contract in
 25 conformance with a pregnant belly?

1 D. BROOKSTEIN
 2 A. You are missing a key point.
 3 Expand and contract necessarily conferential
 4 direction. We are not talking about
 5 longitudinal direction. That is a function
 6 more of how long the tubular structure is
 7 knitted. When we talk about expansion and
 8 contraction, we are talking primarily about
 9 radial or circumferential expansion and
 10 contraction.

11 Q. Okay. So the circumferential
 12 expansion and contraction, that is what you
 13 showed on the mannequins?

14 A. Yes.

15 Q. That circumferential expansion,
 16 if you look at JCPA and Asada, how much would
 17 you expect those to expand and contract?

18 MR. BURNS: Objection to form.

19 A. You asked me that. I said I
 20 can't quantify that.

21 Q. A person of ordinary skill in the
 22 art looking at JCPA and Asada, they read
 23 about the, you know, expanding for comfort
 24 expanding, for the disclosure in those
 25 references, they are going to know that they

1 D. BROOKSTEIN
 2 are going to be aware of the yarn modulus and
 3 yarn finish and type of stitches to have a
 4 fabric that already existed at the time the
 5 patent was filed to expand and contract, to
 6 move with a pregnant belly through the
 7 different stages of pregnancy?

8 A. Yes.

9 MR. BURNS: Objection.

10 Q. Now, height wise, you said it
 11 depends on the height of the panel you start
 12 with?

13 A. Yes.

14 Q. Okay. So you measured a panel
 15 marked with the patent number. Do you know
 16 how that panel height compares to the panel
 17 height of the products you were provided by
 18 counsel to put on the mannequins?

19 A. I have to measure that. I
 20 haven't done that. I just put them on the
 21 mannequin.

22 Q. You didn't measure the panel
 23 height of the ones you tested?

24 A. I did not.

25 Q. So if the panel height of the one

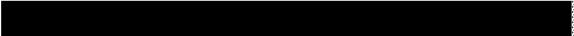

1 D. BROOKSTEIN
 2 you measured is shorter, will that product
 3 perform different -- strike that.
 4 If the panel height of the
 5 product we provided you is shorter than the
 6 panels on the pants you were provided for the
 7 analysis, will that impact the amount that
 8 the panel we provided you can stretch upward?
 9 A. Not necessarily.
 10 Q. Why not?
 11 A. Because you still have to
 12 consider yarn modulus, stitch length, things
 13 of that nature. You have to measure them.
 14 Q. So it is another factor. You can
 15 have a panel that is shorter, but it can
 16 still stretch up as high, is that your
 17 testimony?
 18 A. No. No. It depends on how much
 19 it is knitted, and when you look at JCP and
 20 Asada, they are only disclosing something
 21 that was knitted up to a certain height and
 22 then you fold it over. I never saw anything
 23 like that in JCPA and Asada.
 24 Q. Well, JCPA and Asada, that full
 25 panel that is shown in the Asada patent one






1 D. BROOKSTEIN
 2 and JCPA, the full panel is knitted, correct?
 3 A. But it's not knitted long enough
 4 to go just beneath the breast.
 5 Q. That's your testimony.
 6 A. Yes.
 7 Q. That's your testimony. My
 8 question is, is that we were talking about
 9 the circumferential expansion.
 10 A. Yes.



MR. BURNS: Objection to form.



1 D. BROOKSTEIN
 2 
 3 MR. BURNS: Objection to form.
 4 
 5
 6
 7
 8
 9 Q. As much as the Secret Fit Belly
 10 panels you measured?
 11 MR. BURNS: Objection.
 12 A. I just testified I didn't look at
 13 that.
 14 Q. Let's look at your chart.
 15 A. Which chart?
 16 Q. Page 2 of Exhibit 2 of
 17 Exhibit 2017.
 18 A. Page 2, Exhibit 2, yes.
 19 Q. So let's do a few comparisons
 20 here.
 21 A. Okay.
 22 Q. Let's look at the measurement
 23 just between the breast.
 24 MR. BURNS: Objection to form.
 25 Q. For the two different styles of

1 D. BROOKSTEIN
 2 mannequins, you have the Motherhood on one
 3 hand and the Mimi on the other hand, right?
 4 A. You said just between the
 5 breasts?
 6 Q. Sorry. Let me strike this and
 7 back up.
 8 You had the Motherhood and the
 9 Mimi. You testified earlier to show the
 10 different body types?
 11 A. Yes.
 12 Q. So let's look at the measurements
 13 under the heading measured just beneath the
 14 breasts?
 15 A. Yes.
 16 Q. For the three months, the
 17 Motherhood was  and the Mimi at
 18 three months was  That's a different
 19 of an inch and a half?
 20 A. Yes.
 21 Q. For the nine months you have
 22  on the Motherhood and  for the
 23 Mimi, a different of  inch?
 24 A. Yes.
 25 Q. Wouldn't a person of ordinary

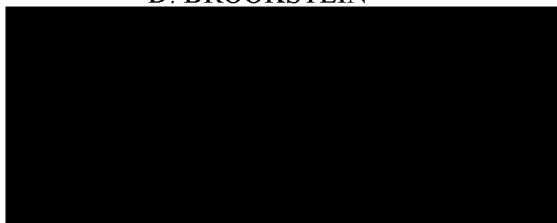
1 D. BROOKSTEIN
 2 skill in the art, looking at JCPA and Asada,
 3 know that based on the disclosure of
 4 expanding and contracting that
 5 circumferentially, those panels would expand
 6 at least the [REDACTED] and [REDACTED] inches?
 7 MR. BURNS: Objection to form.
 8 A. But they wouldn't reach the
 9 top -- to just beneath the breasts.
 10 Q. I'm talking about
 11 circumferentially now.
 12 A. Circumferentially, with the
 13 proviso it is an assumption, I would say yes,
 14 but I would have to know more about it.
 15 Q. A person of ordinary skill in the
 16 art reading those disclosures and with their
 17 knowledge of knowing the yarn modulus,
 18 stitching, yarn finish, everything else, they
 19 would know that you can have a
 20 circumferential frather that existed as of
 21 May 2007 that would expand as much as you
 22 have in your chart on page 2 of Exhibit 2?
 23 MR. BURNS: Objection to form.
 24 A. Yes.
 25 Q. Now, let's turn to vertical. Is

1 D. BROOKSTEIN
 2 your testimony that Asada, J.C. Penney,
 3 neither one of them can be expanded
 4 vertically?
 5 A. They are not shown. So -- they
 6 are not shown as being expanded vertically.
 7 Q. Okay. Based on the disclosure
 8 that you read, could they be pulled up
 9 vertically?
 10 A. To just beneath the breasts.
 11 Q. Forget -- I know -- I don't want
 12 to get hung on just beneath the breasts.
 13 A. That's what it's about.
 14 Q. Just being pulled up?
 15 A. Well, they can be pulled up, yes.
 16 But it is how far.
 17 Q. But they do have expansion in a
 18 vertical direction, they can be pulled up in
 19 the vertical direction?
 20 MR. BURNS: Objection to form.
 21 A. Again, with the proviso that I
 22 don't know the construction, say probably.
 23 Q. Then, it is a matter of how much
 24 they are pulled up, correct?
 25 MR. BURNS: Objection to form.

1 D. BROOKSTEIN
 2 A. How much who pulls them up?
 3 Q. The debate that you have is the
 4 amount that the panels can be pulled up
 5 vertically.
 6 MR. BURNS: Objection to form.
 7 A. When I look at JCPA and Asada,
 8 these -- it is my opinion that a person of
 9 ordinary skill in the art would see these are
 10 designed as fold over products, not pull over
 11 products. That's what all the pictures show.
 12 Q. Wouldn't you agree they have a
 13 knit stitch, they have yarn modulus, they
 14 have yarn finish, the other factors so that
 15 they can expand and contract
 16 circumferentially, we already talked about
 17 that. Then in the vertical direction, you
 18 are still going to be able to stretch that
 19 panel up. You just have an issue with how
 20 far you can stretch the panel?
 21 A. Yes.
 22 Q. Correct?
 23 A. Because they didn't solve the
 24 problem that Destination Maternity did.
 25 Q. But a person of ordinary skill in

1 D. BROOKSTEIN
 2 the art, you would agree, reading Asada,
 3 reading JCPA, in May of 2007, they are aware
 4 of yarn finish, yarn modulus, different types
 5 of stitches, et cetera, so that they can make
 6 that panel as stretchy as they want?
 7 MR. BURNS: Objection to form.
 8 Q. Is that correct?
 9 MR. BURNS: Objection to form.
 10 A. They can make panels
 11 stretchy, yes.
 12 Q. There is nothing in the '531 or
 13 the '563 Patents that have to do with the new
 14 material?
 15 MR. BURNS: Objection to form.
 16 A. There are no new materials.
 17 Q. New yarn modulus?
 18 A. There are no new yarn modulus.
 19 Q. No new stitch?
 20 A. No new stitch.
 21 MR. BURNS: Objection to form.
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

D. BROOKSTEIN



Q. But a person of ordinary skill in the art has the same full set of materials and knowledge available to them as set out in the '531 and '563 Patents because there is no new material disclosed, no new knit, yarn modules, et cetera?

MR. BURNS: Objection to form.

A. I totally disagree. They didn't do it -- they didn't know to make a garment that was wide enough, high enough to get under the breasts. Yes, they could have done it, but no one did it before. I have seen no prior art where anybody has done what the '531 and the '563 have talked about.

Q. Your beef is how high up the panel comes.

A. It is not a beef. It is my

D. BROOKSTEIN

argument.

Q. Your argument is how high the panel comes and that's the crux of the argument that you have on why JCPA and Asada, in your opinion, don't cover any of the claims of these patents?

MR. BURNS: Objection to form.

A. Can I go to my report?

Q. Yes.

A. There are other issues, too. That's true for the '563, but the '531 there is also another issue here.

MR. CARTER: Off the record.

THE VIDEOGRAPHER: The time is 5:40 p.m.; we are off the record.

(Whereupon, a recess was held.)

THE VIDEOGRAPHER: The time is 6:10 p.m.; we are on the record.

BY MR. CARTER:

Q. Doctor, we just have a few more questions here. In the '563 Patent, you should have somewhere in front of you --

A. Yes, I do.

Q. Column 2, lines 9 through 11.

D. BROOKSTEIN

A. Yes.

Q. It says, "According to an embodiment of the invention, an expansible tubular upper portion of the garment is seamless to fit comfortably while being worn." Do you know what that refers to?

A. Yeah, it means that the fabric was made on a circular knitting machine and not made as a flat piece of fabric and then sewn together for the seam.

Q. A vertical seam?

A. A vertical seam.

Q. The DMC products you inspected, did they -- strike that.



A. Yes.

Q. Have you seen advertisements for the DMC Secret Fit Belly?

A. Yes.

Q. Do they talk about it being seamless?

A. I don't recall.

D. BROOKSTEIN

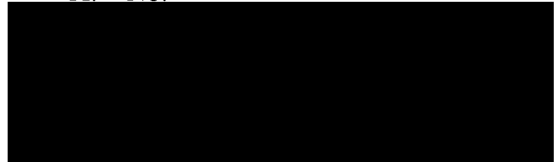
Q. Have you done any surveys or any study to determine how customers, users of the Secret Fit Belly like the seamless nature of the panel?

MR. BURNS: Objection to form and scope.

A. I have already testified I haven't seen any of the Destination Maternity customers, except for my daughters, that said she loved the pants. I don't know if they were seamless or not.

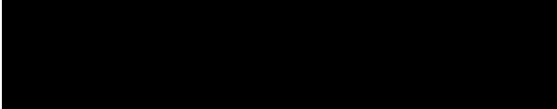
Q. You didn't ask her why?

A. No.



Q. So that is a feature that is not claimed in the '531 or '563 Patents?

MR. BURNS: Objection to form.



1 D. BROOKSTEIN
 2 [REDACTED]
 3 A. I don't recall them being in any
 4 of the claims.
 5 Q. Definitely not in Claim 1 of
 6 either of the '563 or '531 Patents?
 7 A. Definitely not in the claims of
 8 Claim 1 of the '531 or the '563.
 9 MR. CARTER: No further
 10 questions at this time.
 11 EXAMINATION BY
 12 MR. BURNS:
 13 Q. I hope that this will be quick,
 14 Dr. Brookstein.
 15 A. Yes, sir.
 16 Q. Earlier, you mentioned that you
 17 had a correction to your report and that you
 18 brought a corrected piece of paper. Is that
 19 here today?
 20 A. It is.
 21 MR. CARTER: I will object to
 22 this line of questioning and the
 23 introduction of any evidence, either
 24 in a document or through testimony as
 25 being an improper supplementation of

1 D. BROOKSTEIN
 2 the record by DMC.
 3 Q. Where is that paper?
 4 A. It is right here.
 5 MR. BURNS: Can we mark this
 6 as -- I don't have exhibit tabs, but
 7 do you have the stickers? I guess as
 8 3005.
 9 (Whereupon, Brookstein Exhibit
 10 3005, Extensibility or expansibility
 11 document was marked for identification
 12 as of this date by the Reporter.)
 13 A. I have two. I just need one.
 14 Q. Can you explain what this is?
 15 MR. CARTER: Objection.
 16 Improper supplementation.
 17 A. Yes. The picture on the -- the
 18 two on the right is what I did have in my
 19 report. The jersey knits that's showing how
 20 much they -- a graphical explanation of how
 21 it is stretched, and then what I have on the
 22 left is a one-by-one alternating tuck stitch
 23 where the tuck -- on each of the whales,
 24 whales being columns alternates from each
 25 course or each row. So what it demonstrates

1 D. BROOKSTEIN
 2 is more tuck stitches than shown in my
 3 report.
 4 Q. You mentioned that it corrects
 5 part of your report, what part of your report
 6 does it correct?
 7 MR. CARTER: Objection.
 8 Improper supplementation.
 9 A. Well, it corrects -- it is the
 10 right report, but I would like to go also to
 11 say that it makes a structure that has a
 12 one-by-one alternating tuck stitch even less
 13 extensible or less expansible than the
 14 picture that -- actually, the drawing that I
 15 submitted in my report.
 16 Q. Is there a paragraph in your
 17 report that this relates to?
 18 MR. CARTER: Objection.
 19 Improper supplementation.
 20 A. I have to look at my report. The
 21 paragraph would be the same. It would be a
 22 different picture.
 23 Q. What about -- so what would --
 24 what does -- what is the difference between
 25 the two pictures, does one replace the other;

1 D. BROOKSTEIN
 2 is that what you are saying?
 3 A. Yes.
 4 MR. CARTER: Objection.
 5 Improper supplementation.
 6 Q. Can you just explain that?
 7 A. Yes.
 8 MR. CARTER: Objection.
 9 Improper supplementation.
 10 A. If we look at page 25, and by the
 11 way, this same figure is in the support for
 12 patent motion, for patent owner's motion and
 13 it is the same paragraph, so whatever I say
 14 would also be in the support of the patent
 15 owner's motion that is covered both places.
 16 Same argument.
 17 If you look at here these are
 18 called whales, it's common textile terms,
 19 they are the columns in knitting. The
 20 lengthwise direction. And the rows here are
 21 called courses, C-O-U-R-S-E. What I showed
 22 originally was tuck stitches only in one row
 23 of whales and then you just keep on going. I
 24 didn't show 100 whales. But you go jersey
 25 stitch. Tuck stitch. Jersey stitch, tuck

1 D. BROOKSTEIN
 2 stitch. Here what you have here is tuck
 3 stitch and then a tuck stitch -- excuse me, a
 4 tuck stitch, and then a tuck stitch on the
 5 correspond -- the whale next to it but
 6 one course level down and then a tuck stitch
 7 and then a tuck stitch and then a tuck
 8 stitch.
 9 So you have more tuck stitches
 10 than I am showing here, and as such, you
 11 would have even less extensibility because
 12 you would not get the extensibility of the
 13 whale of jersey knit stitches.
 14 Q. Your ultimate opinion, does it --
 15 is it the same even with this correction?
 16 MR. CARTER: Objection.
 17 Improper supplementation.
 18 A. Well, I have used the word it
 19 decreases the expansibility. This would
 20 decrease the expansibility even more. So it
 21 doesn't -- it furthers what I am trying to
 22 say, that the one-by-one alternating tuck
 23 stitch that's disclosed in Browder makes a
 24 fabric that is not very expansible or
 25 ostensible when compared to what the '531 and

1 D. BROOKSTEIN
 2 the '563 talk about.
 3 MR. BURNS: I don't have
 4 anything else.
 5 EXAMINATION BY
 6 MR. CARTER:
 7 Q. This Exhibit 3005, there is
 8 nothing in this exhibit that is shown in the
 9 '531 or '563 Patents; is that correct?
 10 A. That's correct.
 11 Q. The jersey knit stitch, that term
 12 is not used in the '531 or the '563 Patents,
 13 correct?
 14 A. That is correct.
 15 Q. In the figure you have for the
 16 one-by-one alternating tuck stitch, that
 17 figure is not shown in the Browder patent,
 18 correct?
 19 A. It is. If you look at the last
 20 figure, Figure 13. Where it is X, Os.
 21 Q. You didn't include Figure 13 in
 22 Exhibit 3005, correct?
 23 A. Well a textual engineer would
 24 know when one looks at the description of
 25 what Figure 13 is, it says, let me read it,

1 D. BROOKSTEIN
 2 Figure 13 -- Figure 13 is graphic depiction
 3 of the one-by-one alternating tuck stitch.
 4 So when one sees the X O, X O, a textual
 5 engineer, person of ordinary skill in the art
 6 would know when it's called a tuck stitch and
 7 it shows X O, X O, X O, O X, O X, that's what
 8 the figure shows. Textual engineers would
 9 know that.
 10 Q. But it was not so clear that you
 11 didn't get it correct the first time?
 12 MR. BURNS: Objection to form.
 13 A. It is only because I never looked
 14 at Figure 13, and when I was prepping, I
 15 looked at Figure 13 and I realized I didn't
 16 have the alternating tuck. I just had a
 17 regular tuck stitch.
 18 MR. CARTER: Okay. I maintain
 19 my objection to this entire line of
 20 questioning as improper
 21 supplementation. No further
 22 questions.
 23 MR. BURNS: No further
 24 questions.
 25 THE VIDEOGRAPHER: This

1 D. BROOKSTEIN
 2 concludes today's deposition. The
 3 time is 6:21 p.m.; we are off the
 4 record.
 5 (Whereupon, at 6:21 p.m., the
 6 Examination of this Witness was
 7 concluded.)
 8
 9
 10
 11 _____
 12 DAVID BROOKSTEIN
 13
 14 Subscribed and sworn to before me
 15 this ____ day of _____, 2014.
 16
 17 _____
 18 NOTARY PUBLIC
 19
 20
 21
 22
 23
 24
 25

Page 354

1			
2	EXHIBITS		
3			
4			
5	EXHIBIT	EXHIBIT	PAGE
6	NUMBER	DESCRIPTION	
7	Exhibit 1060	Petitioner's Notice of David Brookstein	4
8	Exhibit 1061	Petitioner's Notice of Deposition	4
9	Exhibit 1062	Petitioner's Notice of Deposition	4
10	Exhibit 1063	Petitioner's Notice of Deposition	4
11	Exhibit 2026	Declaration of David Brookstein	54
12	Exhibit 2017	Declaration of David Brookstein dated May 5, 2014	54
13	Exhibit 1004	Patent 6,276,175	65
14	Exhibit 1064	Declaration of David Brookstein 1064 label on 2017	73
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

Page 355

1			
2	EXHIBIT	EXHIBIT	PAGE
3	NUMBER	DESCRIPTION	
4	Exhibit 1001	U.S. reissued Patent '563	85
5	Exhibit 1018	U.S. reissued Patent '531	85
6	Exhibit 1065	Updated CV	96
7	Exhibit 1066	Also Exhibit 1018	126
8	Exhibit 2034	Patent No. 4,590,624	161
9	Exhibit 1068	DMC '0110376 through '377	187
10	Exhibit 1067	'624 Patent, Figure 2 with markings	211
11	Exhibit 2037	Asada patent	239
12	Exhibit 1069	Exhibit from Lisa Hendrickson deposition	263
13	Exhibit 1070	DMC '0116314 through '6320	267
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

Page 356

1			
2	EXHIBIT	EXHIBIT	PAGE
3	NUMBER	DESCRIPTION	
4	Exhibit 1071	DL 1961 Milano boot cut LOS jeans review-find tall maternity jeans	272
5	Exhibit 1072	DMC '0116290 through '6295	279
6	Exhibit 1073	Maternity pants	281
7	Exhibit 1074	Pair of maternity pants	300
8	Exhibit 1075	DMC '0116526 through '27	305
9	Exhibit 1076	DMC '116526 through '27	309
10	Exhibit 1077	DMC '0116949 through '950	315
11	Exhibit 1037	U.S. Patent 8,185,970	319
12	Exhibit 3005	Extensibility or expansibility document	347
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

Page 357

1			
2			
3	INDEX		
4			
5	EXAMINATION BY	PAGE	
6	MR. CARTER	6	
7	MR. BURNS	346	
8	MR. CARTER	351	
9			
10			
11			
12	INFORMATION AND/OR DOCUMENTS REQUESTED		
13	INFORMATION AND/OR DOCUMENTS	PAGE	
14	(NONE)		
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE
STATE OF NEW YORK)
: SS.:
COUNTY OF NASSAU)

I, REBECCA SCHAUMLOFFEL, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of July, 2014.

REBECCA SCHAUMLOFFEL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS ERRATA SHEET
Witness Name: David Brookstein
Case Name: Target v. Destination Maternity
Date Taken: July 16, 2014
Page # _____ Line # _____
Should Read: _____
Reason for Change: _____
Page # _____ Line # _____
Should Read: _____
Reason for Change: _____
Page # _____ Line # _____
Should Read: _____
Reason for Change: _____
Page # _____ Line # _____
Should Read: _____
Reason for Change: _____
Page # _____ Line # _____
Should Read: _____
Reason for Change: _____
Witness Signature: _____

<p style="text-align: center;">A</p> <p>A-D-E-L-M-A-N (1) 52:24</p> <p>A-P-P-O-X (1) 266:17</p> <p>a.m (7) 2:5 5:8 54:4,16 93:19 93:22 140:21</p> <p>abdomen (140) 21:24 22:8,11 23:19 24:14,20,24 25:13 25:22 53:21 80:17 81:25 110:24 111:8 111:12 113:2,7 124:6,8,14,15,21,25 127:6,7,10,12 128:7 128:15 129:16 145:11,20 181:15 181:22 198:20,22 199:4,13,20,22 200:23 201:3,13,18 202:3,14,15,16,18 202:20,21,25 203:3 203:18,20,24 204:9 204:18,20,22,22 205:3,3 209:7 210:13,17 211:7,11 211:21 212:4,12,14 212:15,17,22 213:3 213:23 214:2 230:12 232:14,18 233:6,10,11,12,13 233:15,17,19,22,24 234:2,3,8,15,16,17 234:24 235:3 236:8 236:23 237:20 238:10,10 239:16 239:17 240:3,5,5,6 240:8,18,20 241:7 241:21,22 242:8,8 244:9,13,19 247:3 247:10,16,18,24 248:15,20,22,23,24 248:24 252:6 253:18 254:17 255:22 288:10,25 289:3 311:20</p> <p>abdominal (1) 247:20</p> <p>ability (2) 144:10 287:9</p> <p>able (17) 25:14,19 26:7,9 48:24 69:13 99:9 129:4</p>	<p>136:12 206:14 208:10 260:15 278:21 279:2 286:20 289:4 340:18</p> <p>above-the-crotch (1) 247:21</p> <p>absolutely (2) 29:13 278:10</p> <p>accident (1) 259:21</p> <p>account (3) 317:12 318:2,15</p> <p>accurate (1) 209:5</p> <p>accusations (1) 317:12</p> <p>action (2) 37:20 358:15</p> <p>actively (1) 18:5</p> <p>acts (2) 8:23 9:2</p> <p>actual (10) 9:17 72:11 106:22 134:8,9 219:18 231:22 281:14 294:23 304:10</p> <p>adaptable (2) 127:18 145:25</p> <p>adapts (5) 80:16 81:24 82:25 145:10 229:16</p> <p>add (6) 94:7 122:19 155:19 155:20 217:22 266:19</p> <p>added (9) 96:14,15 97:7 122:18 122:20 148:8 150:19 182:24 227:5</p> <p>adding (3) 149:24 251:16 317:5</p> <p>addition (5) 100:14 128:22 179:13 216:17 287:19</p> <p>address (1) 6:14</p> <p>Adelman (2) 52:24,25</p> <p>adequately (1) 143:18</p> <p>adjust (2)</p>	<p>296:14 331:22</p> <p>adjustable (1) 104:22</p> <p>admit (1) 308:16</p> <p>ads (1) 224:15</p> <p>adverse (1) 19:15</p> <p>advertised (1) 260:16</p> <p>advertisements (1) 344:20</p> <p>advertising (1) 303:19</p> <p>AFTERNOON (1) 140:23</p> <p>ago (20) 17:20 26:12,15 37:13 39:9 40:24,25 53:22 62:5,6 67:8 78:18 91:9 92:8 96:22 163:6 177:6 236:3 237:6 305:7</p> <p>agree (43) 75:15 98:20 110:4 142:6,9 155:4 168:17 169:3,13 170:12 184:19 206:7 213:10 219:6 222:8,18 227:10 239:19 244:8 247:25 248:4,7,9 253:12 257:20 260:17 263:6 264:24 265:21 266:3 271:13 273:5 286:11 291:15 294:17 299:19 302:5 311:11 316:15 340:12 341:2,23 342:4</p> <p>agreed (3) 243:13,18 266:6</p> <p>agreeing (1) 266:13</p> <p>agreement (5) 29:12 62:4,14 97:10 97:10</p> <p>agreements (2) 89:13,20</p> <p>ahead (3) 95:24 123:18 307:19</p> <p>aid (1)</p>	<p>329:3</p> <p>aisles (1) 45:17</p> <p>allegation (2) 323:18 324:4</p> <p>allegations (5) 38:24 318:5,8,11,15</p> <p>alleged (3) 11:2 39:11 196:17</p> <p>alleging (1) 9:7</p> <p>allow (1) 311:20</p> <p>Alphaform (2) 112:14 114:7</p> <p>alternates (1) 347:24</p> <p>alternating (19) 64:15 66:10 71:14,19 73:24 74:6,12,18 136:9 304:8,10 310:16,19 347:22 348:12 350:22 351:16 352:3,16</p> <p>alternative (4) 55:8 56:22 230:11 231:2</p> <p>ambiguous (1) 98:23</p> <p>amend (1) 55:9</p> <p>amended (2) 226:15 237:12</p> <p>amendment (5) 226:18,19,21,23 227:7</p> <p>amendments (1) 229:21</p> <p>amount (14) 144:17,23 145:14 146:18 194:14 205:20 223:3 253:21 261:16 263:12 290:24 329:16 334:7 340:4</p> <p>amounts (5) 146:6,9 224:2,5 262:12</p> <p>amputees (1) 10:4</p> <p>analogy (1) 171:3</p> <p>analysis (19) 49:3,6,7 89:3 108:7</p>	<p>114:21 130:13,23 132:16 150:15 152:24 153:6 170:10 173:17 174:3 176:5 182:7 319:18 334:7</p> <p>analyze (3) 46:15,22 109:21</p> <p>analyzed (5) 44:4,17 45:8 213:10 345:17</p> <p>analyzing (1) 44:10</p> <p>anatomical (1) 242:19</p> <p>anatomist (1) 20:11</p> <p>anatomy (1) 25:8</p> <p>and/or (9) 26:3 83:4 110:24 217:16 298:20 318:11,19 357:12 357:13</p> <p>answer (21) 8:8 21:7 26:11 50:9 55:21 76:19 109:20 139:18 144:20 150:3 157:6 158:8 158:10 159:4 166:16 175:4 206:15 207:4 246:11 285:22 317:18</p> <p>answered (3) 228:5 257:7 299:15</p> <p>answering (2) 7:20 234:7</p> <p>anticipate (2) 43:2 197:22</p> <p>anybody (9) 35:9 114:20 195:25 196:22 221:21 298:13,22 299:16 342:21</p> <p>anybody's (1) 215:8</p> <p>anymore (2) 67:7 209:16</p> <p>anyplace (3) 182:21,23,25</p> <p>Appeal (1) 6:24</p> <p>appear (1)</p>
--	---	---	--	---

122:17 appeared (2) 121:25 122:5 appears (8) 124:16 275:5,8,11 292:24 314:13,25 315:4 apples (2) 76:15 277:9 application (3) 86:8 122:12 188:12 applications (12) 61:22 63:7 97:15,23 97:24 98:5,12 99:4 119:4 147:25 148:2 198:5 applying (2) 175:19 177:14 appreciate (1) 94:12 approximate (5) 264:7,22 266:5,11,14 approximately (13) 5:7 9:14 14:7 38:9 67:21,24,25 69:12 265:18,20,25 283:11 284:3 area (183) 22:14,21,22 23:14,19 24:19,24 25:12,21 47:13 91:3,7,14 120:24 121:2,8,10 121:19,22,25 122:17,23 123:5,7 123:15 124:4 125:4 125:5,6,9,11,16,19 125:19,20,22,23 126:3,3 127:6,22,25 128:3,6,12,18 129:5 129:14,21 130:8,19 139:13,14 140:10 147:14,22,23 148:4 149:16 150:20 151:8,18,19,21,23 152:3,4,12,18 153:23 154:9,12,15 154:18,22 155:2,7 155:15,16,20,23,25 156:3,4,5,7,9,10,12 156:14,19 157:3,11 157:24 158:5,5,15 158:22 159:16,19 159:21,25 160:2,4 160:18,24 161:5,7,8	162:23 164:4,8,13 164:14,18 165:6,21 166:13,25 167:6,11 168:22 169:21 170:4,14,18 171:12 171:17,18,20 174:16,17 182:17 183:4,14,19 184:6 184:12 186:20,23 199:16,19 201:6,10 201:12,14,19 202:21,23,23,24 203:2,3,9 205:22,25 206:9 208:12,25 209:4,6 211:25 218:21 219:10,22 243:15,19 247:20 251:19,21,24 252:5 252:9 257:8,19,22 271:6 287:10 288:23 300:4 308:4 312:12 314:22 areas (5) 25:8 61:10 132:2 134:13 223:17 argument (6) 117:22 118:2 343:2,3 343:5 349:16 arm (1) 25:2 armor (2) 70:2,6 armpit (4) 91:3,6,14 92:2 armpits (4) 90:10 92:12 94:18 160:17 Army (2) 88:21,22 arrow (10) 155:16 199:18 209:8 270:8 271:15,22,23 271:24 272:2 289:6 arrows (2) 101:16 288:12 art (68) 42:4,10 43:2,3 53:11 64:17,18 65:16 79:21 128:21 140:8 141:12 142:14 151:14,15,17,20,25 152:8,16,17 153:22 154:14,17,19,25 159:7,13,15 160:10	161:4 169:25 170:7 171:10 172:10,18 176:7 178:2,18,23 178:24 179:13,14 185:16,17 186:3,5 197:20 252:3 259:14 260:12 261:15,23 296:5 298:15 299:17 330:23 331:17 332:22 335:20,23 338:2,16 340:9 341:2 342:10,21 352:5 artist (1) 268:21 Asada (55) 239:2,8,20 240:24 241:2,14 242:12 244:12 245:15 246:14 253:11 254:11,13 257:2 258:23 259:8 261:7 261:8,19,23 262:10 264:15 273:19 277:19 293:22 294:4,5,6,17 296:5 298:20 312:21 327:5,22 328:12 329:13 330:17,23 331:22 332:16,22 334:20,23,24,25 335:13,24 338:2 339:2 340:7 341:2 341:22 343:5 355:16,17 aside (3) 23:6 24:9 286:8 asked (29) 13:18 19:12,16 28:6 30:20 32:24 39:20 40:13 42:2 48:3 96:24 107:8,13 125:7 152:10 155:14 171:5 174:14 180:14 181:3,11 197:18 257:6 270:5,14 311:25 332:19 345:23,24 asking (17) 7:18 44:14 68:16,17 125:7 176:2 195:4,6 250:19 256:23	265:21 277:23,24 287:19 289:18 336:6 345:25 asserted (3) 297:14 311:6,7 assistance (1) 96:16 associate (3) 96:25 97:5,11 association (1) 5:13 assume (6) 27:3 98:16 209:23 261:4 267:20 308:7 Assuming (2) 76:16 275:2 assumption (4) 98:17 308:13 312:9 338:13 assumptions (3) 98:20 195:9 315:3 athletic (1) 61:22 attach (3) 298:10 299:13,13 attached (2) 292:15 303:15 attending (1) 51:12 attorney (1) 17:16 attorneys (7) 1:12 3:4,9 28:9 29:8 35:15 41:13 August (2) 97:9 235:25 authority (1) 128:24 available (5) 83:16 113:24 114:15 196:8 342:11 aware (20) 45:6 50:11,13 52:2,5 52:6,8,13,15 53:3,9 121:4 171:10 178:25 192:6 195:25 318:10 331:18 333:2 341:3 awhile (13) 20:6 22:17,25 46:9 53:22 95:3 122:14 123:3 162:5 176:4 177:20 237:6 274:17	B
				B (10) 6:4 141:13,21 142:8 160:17 248:12,12 295:2 298:18 354:2 B-A-K-C-L-A-V-A ... 90:6 B-A-N-O-M (1) 14:18 B-U-L-A (1) 12:23 bachelor (1) 142:10 back (55) 14:24 18:16 21:8,21 22:2,16 23:2 28:23 37:24 38:25 46:9 70:22 71:12 76:20 84:16,21 95:3 122:14 123:2,3,24 132:12,14,21 134:24 140:2,3,6 159:7 162:5 167:14 175:5 176:4 177:7 177:10,20 181:8 182:9 192:11 193:15,23 205:12 207:21 208:22 218:2 230:4 232:9 235:6 237:13 272:5 277:6 283:19 308:14 315:9 337:7 background (4) 80:24 141:16,21 142:7 backside (2) 64:6 283:14 bad (1) 295:11 Baklava (3) 90:6,11,14 Baker (3) 3:9 5:17,20 Baltimore (3) 14:6 19:18 28:3 band (3) 307:9,12,22 Banom (7) 14:17 30:17 32:7 33:22,25 34:2 36:21 barely (2) 18:16 28:20 based (26) 21:11 112:12 113:9

<p>138:2 152:12,15 186:22 188:9 190:2 193:19 195:10 208:8 233:4 244:2 257:10,25 274:4 277:10 286:17 295:18 305:22 315:17 327:21 335:19 338:3 339:7</p> <p>baseline (1) 116:23</p> <p>bases (1) 156:15</p> <p>Basically (1) 100:22</p> <p>basis (7) 80:25 82:4,12 83:8 122:8 150:5 317:19</p> <p>Bates (3) 187:24 188:5 267:12</p> <p>batten (1) 136:10</p> <p>bear (1) 321:20</p> <p>beauty (2) 215:3 222:21</p> <p>becoming (1) 325:25</p> <p>beef (2) 342:23,25</p> <p>beginning (3) 108:13 112:23 113:2</p> <p>begins (6) 4:22 109:2 125:20,20 126:3,4</p> <p>behalf (2) 7:4 34:19</p> <p>believe (29) 68:12 70:24 128:7 142:13 158:13,18 169:7 170:9 174:16 178:5 191:18 200:14 207:15 228:5 231:25 237:25 238:13 271:11 300:11 303:6 320:12 321:12 322:23 327:23,25 328:3,10 328:13,15</p> <p>belly (178) 25:13,22 39:21 40:7 45:8,18,21 46:5 47:4 83:2 105:12</p>	<p>110:24 111:8 112:25 113:6 115:9 115:11 116:18 117:24 118:6,8,9,14 118:21,22 127:5,7 127:16 128:6,13 129:15 131:7,13,21 132:10,18 139:4,24 140:13 145:7,17,22 181:13,18,25 189:8 189:10,12 190:20 191:10,11,16,20,24 192:13,21,21 193:2 193:9,23 195:14,19 202:13 203:21,24 204:9 210:4,8,16 216:15,24 217:14 217:25 218:4,10,22 219:11 220:19 227:12,24 228:16 228:23 229:7,9,17 230:2,10 231:20 232:12,17,24 233:3 233:5,7,9,17,20,25 234:3,8,14,15,18,21 234:23 235:3 236:8 236:17,22,23 237:8 237:8,15 238:9,14 238:22 239:20,24 240:10 241:3,3,18 242:4 243:23 244:3 244:19 245:7 249:19,21 253:13 258:19 260:14,25 261:15 264:7,10,13 264:22 265:6,13 268:8,25 270:6 271:10 275:8,15,20 276:6 282:11 284:15,21 285:5,12 285:18 286:3 288:8 288:16,21 290:3 295:14,21 296:6 298:4,21 302:13,15 311:6 321:17 323:23 324:20 331:25 333:6 335:14,22 336:2,9 344:21 345:4</p> <p>Bellys (1) 191:18</p> <p>benchmark (1) 177:9</p> <p>beneath (103)</p>	<p>106:2,20 117:4,10 124:4 125:6 128:8 130:18 131:16,17 131:25 139:13,13 140:9 147:13 148:4 149:15 150:20 151:7,21 152:3,11 155:20,22 156:4,10 156:12,14,19,24 157:23 159:16,21 159:25 160:3,18,19 160:21,23 161:7 162:22 164:3,7,10 164:12,12,13,13 165:6,11,13,20 166:12 167:11 170:3,13,17 171:5 171:11 174:16 179:15 185:20 186:19 199:16,18 201:6,19 202:23 204:16 205:21 206:2,8 208:11,25 209:4 212:7 215:15 215:16 218:21 219:9,21,22 233:22 241:16 243:19 250:4,16 253:6 263:15 268:14 270:19 271:2,6,19 280:17 288:22 302:11 316:6 335:4 337:13 338:9 339:10,12</p> <p>benefit (2) 219:25 220:22</p> <p>best (26) 7:22,23 19:19,25 28:16 29:2 34:16 37:3 57:5 58:22 62:25 65:9 68:21,24 69:9 90:3,5,19 91:19,21,22,22 124:19 149:8 208:2 254:5</p> <p>better (3) 18:13 259:24 287:17</p> <p>beyond (1) 130:10</p> <p>bibs (1) 30:6</p> <p>bigger (3) 110:25 111:7 294:21</p> <p>Biggest (1)</p>	<p>224:8</p> <p>birth (2) 109:4,5</p> <p>bit (1) 214:14</p> <p>blank (5) 156:6,9,16 201:9,12</p> <p>blends (1) 274:21</p> <p>block (1) 77:9</p> <p>blood (1) 358:16</p> <p>blown (1) 295:10</p> <p>blowup (1) 294:21</p> <p>blue (5) 275:3,5,6,14,15</p> <p>Board (1) 6:24</p> <p>body (45) 20:22 21:3,18 24:23 25:5,5 28:19 29:14 64:7 66:16,22,25,25 67:7 103:14,15,16 104:8,23 105:7,21 105:23 106:9 107:16 111:11 124:14 127:19 130:9 145:25 146:7 146:10 160:6 203:8 203:11 215:9 220:5 224:2,5 225:2,5 230:15 290:12,17 309:4 337:10</p> <p>bone (3) 19:25 20:3,10</p> <p>book (2) 70:14 80:3</p> <p>boot (3) 272:12,17 356:4</p> <p>bother (2) 41:6 150:25</p> <p>bottom (18) 74:3 75:7 101:10 192:5 198:19,20 210:6 236:19 274:24 281:7 282:15 290:24 291:16 292:20 303:15 306:18 307:9 326:10</p> <p>bottoms (2)</p>	<p>62:8,24</p> <p>bows (1) 291:15</p> <p>brackets (1) 226:25</p> <p>Brad (1) 273:19</p> <p>break (34) 8:2,3,4,9 53:24 56:9 93:12,24 94:4,6,10 104:4 131:6 139:17 140:19 142:25 187:10 206:19,24 207:7,21,22 208:5 208:14,16 221:7,8 225:25 259:16,23 260:8 300:12 305:9 329:9</p> <p>breakfast (1) 94:8</p> <p>breaks (1) 221:9</p> <p>breast (211) 19:25 20:3,10 22:13 22:21,22 23:14,18 24:19,24 25:12,21 106:3,20 117:4,10 120:18,24,25 121:2 121:5,8,10,12,16,19 121:22,24 122:17 122:23,23 123:5,7 123:15 124:4 125:3 125:6,9,11,16,18,19 125:20,21,22 126:3 126:3,11 127:22,24 127:25 128:2,3,6,8 128:12,18 129:5,14 129:21 130:8,19 131:16,18 132:2 139:13,14 140:9 147:14,22,23 148:4 149:16 150:20 151:8,18,19,21,23 152:3,4,12,18 153:23 154:9,12,15 154:18,22 155:2,7 155:15,16,20,23,25 156:3,4,10,12,14,19 156:24 157:3,11,24 158:4,4,5,15,22,22 159:16,19,21,24 160:2,4,18,24 161:5 161:6,7 162:23 163:16,23,24 164:2</p>
--	--	--	--	--

164:3,7,12,13,14,18 165:6,21 166:13,13 166:25 167:6,6,11 167:24 168:7 169:5 169:8,11,14,15,21 170:4,14,17,20 171:12,17 174:16 174:17 179:5,15 182:17 183:4,14,19 184:6 185:21 186:20,23 199:16 199:19 201:6,14,19 202:17,21,23,24 203:3,17 205:21,22 205:25 206:3,9 208:12,25 209:4 212:7 215:15,16 218:21 219:10,21 219:22,23 243:14 243:19 250:16 251:19,21,24 252:5 252:9 257:19,21 258:23 271:6 287:10 288:23 335:4 336:23	broadest (18) 128:19 166:8 171:23 172:7,22 177:25 178:10,16,22 179:8 184:20,21 185:19 186:7,18 218:19 219:8 220:17 broadly (1) 60:9 broken (9) 123:20 199:3,6,8 200:3,5,5,24,25 Brookstein (399) 1:13 2:10 4:1,2,4,7,12 4:17,25 5:1 6:1,13 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 54:6,7,10,11,18 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1,18 65:23 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1,5,6 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1,25 85:1,5 85:12 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1,24 94:1 95:1 96:1,2,7 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1,17 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1	136:1 137:1 138:1 139:1 140:1 141:1,3 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1,11 162:1 163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1 172:1 173:1 174:1 175:1 176:1 177:1 178:1 179:1 180:1 181:1 182:1 183:1 184:1 185:1 186:1 187:1,16,21 188:1 189:1 190:1 191:1 192:1 193:1 194:1 195:1 196:1 197:1 198:1 199:1 200:1 201:1 202:1 203:1 204:1 205:1 206:1 207:1 208:1 209:1 210:1 211:1 211:16 212:1 213:1 214:1 215:1 216:1 217:1 218:1 219:1 220:1 221:1 222:1 223:1 224:1 225:1 226:1 227:1 228:1 229:1 230:1 231:1 232:1 233:1 234:1 235:1 236:1 237:1 238:1,25 239:1 240:1 241:1 242:1 243:1 244:1 245:1 246:1 247:1 248:1 249:1 250:1 251:1 252:1 253:1 254:1 255:1 256:1 257:1 258:1 259:1 260:1 261:1 262:1 263:1 263:24 264:1 265:1 266:1 267:1,4 268:1 269:1 270:1 271:1 272:1,11 273:1 274:1 275:1 276:1 277:1 278:1 279:1 279:21 280:1 281:1 281:16 282:1 283:1 284:1 285:1 286:1 287:1 288:1 289:1	290:1 291:1 292:1 293:1 294:1 295:1 296:1 297:1 298:1 299:1 300:1,19 301:1 302:1 303:1 304:1 305:1,16 306:1 307:1 308:1 309:1,12 310:1 311:1 312:1 313:1 314:1 315:1,11 316:1 317:1 318:1 318:25 319:1 320:1 321:1 322:1 323:1 324:1 325:1 326:1 327:1 328:1 329:1 330:1 331:1 332:1 333:1 334:1 335:1 336:1 337:1 338:1 339:1 340:1 341:1 342:1 343:1 344:1 345:1 346:1,14 347:1,9 348:1 349:1 350:1 351:1 352:1 353:1,10 354:8,16 354:18,22 359:1 Brookstein's (1) 161:21 brought (8) 10:18 28:22 46:9 50:2 70:13 71:15 72:11 346:18 Browder (23) 64:14 65:10,12,25 66:2 68:11 71:9 73:18,22 74:10,14 74:16,25 76:25 277:19 310:15 311:9,10 312:2 326:15 328:8 350:23 351:17 building (2) 77:8 100:24 Bula (13) 12:23 34:11,12,14,19 34:22,25 35:5,8,10 35:22 36:2,21 bunch (1) 331:15 bunched (1) 283:16 burned (2) 38:18,20 Burns (328) 3:6 5:22,22 11:24	21:19,25 22:9,15,23 23:15,24 24:15,25 25:6,16,23 26:5,17 29:7,25 33:7 37:8 37:25 40:20 41:4 49:25 50:10 51:6 60:7 62:19 63:8 65:11 66:17 67:2,19 68:8 69:8 70:5 75:18 76:4 77:6,15 77:19,23 78:8,16,21 81:3 82:18 83:5 84:4,18 86:18 88:7 92:3 95:20 98:8,15 99:7 102:6,15 104:9 106:10 108:11,17 108:24 109:8,18,24 110:8 111:3 112:9 114:6,22 115:13 116:2 118:15 119:5 119:11,16,25 122:3 122:25 125:17 128:9,16 129:17 130:3,15 131:14,22 132:20 133:10,16 134:14,22 135:11 135:19 137:17 138:16 139:7 140:14 142:23 143:9,19 144:2 145:15 147:20 148:5,21 149:11 150:2,17 151:3 156:20 157:4,12 158:7,17,24 159:23 160:7,25 161:19 163:12 165:14 166:6,21 167:13 169:6,22 170:5 171:19 174:25 175:10,22 177:2,17 178:7,14 179:6 180:9 182:3,19 183:5 185:6,23 186:21 187:7 188:7 191:4 192:3,22 193:11 194:10,22 195:21 196:3,19 197:3 198:6 200:13 201:15 202:4 203:25 204:23 205:23 206:10 211:24 213:13 215:12 217:17
--	---	---	---	--

<p>220:20 222:4,13,20 225:8 230:18 233:2 233:14,21 234:20 236:9 239:25 241:5 242:5,20 243:9,24 244:5,21 245:3,13 245:25 246:6,9 252:15 254:4 255:10,16,19 257:3 257:15,24 258:13 258:21 259:3,15 260:19,24 261:18 262:6,14,18 263:4 263:13 265:3,11,17 265:24 266:8,23 267:16 268:3,12 269:8,13 270:16,23 272:4,20 273:6,15 274:5 275:9,16,22 276:9 277:15 279:14,25 280:14 281:3,20 283:7 284:6 285:7,13,20 286:14,25 287:6,25 289:13,22 290:6 291:10,17,25 292:3 292:22 293:3,9,13 294:9,19 295:5,16 296:10 298:25 300:25 301:12,24 302:16 303:8 306:2 306:22 307:6 308:10 309:7,16 310:12 311:14,16 312:17 313:2,12 314:5,16 315:21 316:25 317:6,17,20 318:22 319:15 323:20 324:8 326:3 327:6,11 328:7 331:7 332:18 333:9 335:16 336:3,11,24 338:7,23 339:20,25 340:6 341:7,9,15,21 342:15 343:8 345:6 345:22 346:12 347:5 351:3 352:12 352:23 357:7</p> <p>business (2) 217:11 285:16</p> <p>buy (1) 47:25</p> <hr/> <p style="text-align: center;">C</p> <hr/>	<p>C (5) 3:2 141:13 248:12 358:2,2</p> <p>C-O-U-R-S-E (1) 349:21</p> <p>Cabela's (18) 9:22 12:2,11,14,18 13:2,3,8 14:25 15:11 32:6,17 34:9 34:13,23 35:7,11 36:20</p> <p>cage (1) 203:12</p> <p>call (9) 10:3 190:22,23 200:25,25 252:23 275:14 285:18 328:24</p> <p>called (19) 6:4 9:24 11:4 12:16 12:23 13:22 14:17 16:7 17:16 18:11,15 45:8 79:5 88:19 172:25 301:7 349:18,21 352:6</p> <p>calling (1) 58:13</p> <p>camouflage (1) 30:6</p> <p>Canada (1) 12:23</p> <p>capacity (1) 8:16</p> <p>capital (8) 189:14,21,21,22 190:15,15,15,21</p> <p>capri (3) 306:4,10 313:6</p> <p>capture (1) 330:11</p> <p>Cara (1) 40:6</p> <p>carbide (1) 96:17</p> <p>carbon (2) 96:17,18</p> <p>carborundum (1) 96:18</p> <p>career (1) 190:4</p> <p>carried (1) 170:21</p> <p>Carter (62) 3:11 5:16,16 6:9</p>	<p>15:21 50:6 53:23,25 54:17 65:22 73:10 85:11 93:11,13,16 93:23 94:25 96:6 140:18 141:2 161:15 182:9 187:9 187:20 211:20 221:6 225:21,24 226:7 237:23 239:5 246:7,10 247:5 259:22 260:7 263:23 264:5 267:8 272:16,21 280:4 281:23 300:23 305:8,20 315:15 317:19 343:14,20 346:9,21 347:15 348:7,18 349:4,8 350:16 351:6 352:18 357:6,8</p> <p>case (162) 1:9 8:23 9:20,21,22 9:25 10:25,25 11:8 11:15,15 12:2,21,24 12:25 13:8,10,13,20 13:21,25 14:3,5,11 14:12,16,20,22,25 15:11,15,22,25 16:4 16:9,14,19,23 18:2 18:4,5,9,11,13,19 18:21 19:4,14 20:7 22:6,11 23:4,5,13 24:2,5,9,10,18,21 26:8 27:7,15,21 28:15,21,24 29:4,9 29:15,19,21,22 30:3 30:14,18 31:4,6 32:2,6,6,6,7,8,16,17 32:25 33:3,11,21,22 33:25 34:2,9,9,10 34:12,14,15,21,22 34:25 35:5,23 36:2 36:11,20,20,21 37:12,12,14,16,23 38:7 39:8,16,19 40:5 41:17 44:8 48:11 50:21 51:21 52:4,7,14 53:4,11 58:10,15,20,24 59:14 60:13 77:9 84:10 86:11 98:6,13 156:21 175:19 176:21,25 177:5,16 198:5 207:25</p>	<p>215:24 232:24 235:10,19,20,21 250:7 254:23 256:24 260:12 261:14 318:9 345:18 359:2</p> <p>cases (33) 8:18,19,20 9:10,16 10:10,14,19 13:19 32:4,12,15 33:17 34:5 35:2 36:4,7,19 36:22 37:11 38:3,5 38:7,10,14,23 39:5 41:11 90:17 174:4 177:16,20 219:20</p> <p>catch (1) 323:4</p> <p>CBs (1) 192:8</p> <p>center (9) 61:19 160:17 192:10 192:11 283:5 284:19,25 285:19 286:4</p> <p>certain (13) 44:10 62:17,17 65:4 94:2,3 149:24 158:14 194:14 197:12 289:24 290:5 334:21</p> <p>certainly (4) 49:20 118:10 120:21 326:22</p> <p>Certified (1) 2:13</p> <p>certify (2) 358:9,14</p> <p>cetera (7) 82:17 94:23 101:16 138:10 176:7 341:5 342:14</p> <p>CF (3) 191:25 192:2,7</p> <p>chance (1) 303:9</p> <p>change (20) 21:11 69:11 79:22 97:13 111:10,11 112:12 247:17,21 248:15,20 253:18 254:16 308:15,23 359:6,9,13,16,20</p> <p>changed (2) 37:21 232:20</p>	<p>changes (2) 227:12,24</p> <p>characterize (2) 180:4 247:9</p> <p>characterized (1) 247:3</p> <p>charge (2) 88:18 221:9</p> <p>chart (18) 100:13 101:13 104:15 319:23 320:2,6,6,7 320:10,13,15,19,20 321:9,13 336:14,15 338:22</p> <p>charted (1) 293:15</p> <p>charts (7) 43:14 44:3,5,7 45:14 120:12 235:14</p> <p>check (1) 55:12</p> <p>chemical (4) 90:16,23,24 92:20</p> <p>chemicals (1) 92:21</p> <p>Chicago (1) 11:4</p> <p>Christian (1) 51:15</p> <p>circle (3) 71:25 72:6 201:21</p> <p>circling (1) 181:19</p> <p>circuit (2) 25:10 70:16</p> <p>circular (3) 296:12,12 344:9</p> <p>circumference (10) 104:22 146:22 181:20 210:11 248:18 254:2 255:9 288:15 288:20 316:5</p> <p>circumferential (6) 332:9,11,15 335:9,12 338:20</p> <p>circumferentially (8) 335:13,25 336:8 338:5,11,12 340:16 342:2</p> <p>citation (2) 237:23 238:17</p> <p>citations (1) 56:14</p> <p>cite (9)</p>
--	---	--	---	---

<p>82:9 163:10 167:21 167:22 169:16 186:11,15 187:4 229:2</p> <p>cited (14) 48:21 59:3 101:8,10 159:14 163:7,9 167:17,19 170:7 181:5 185:7 229:11 229:23</p> <p>cites (1) 171:16</p> <p>Civil (1) 8:22</p> <p>claim (153) 8:23 43:14,25 44:3,5 44:7 45:13 49:21 55:9 100:13 104:15 104:18,21 118:10 120:12,21 130:2,14 138:21,25 147:17 147:18,24 149:25 152:23 153:6 154:9 156:15 158:12 170:10 171:25 172:22 173:2,4,9,13 173:16,20,21 174:3 174:7 175:6,14,18 175:20 176:3,10,15 176:19,20 177:4,15 177:19 181:4 182:7 182:12,24 184:4 197:19 203:6,6 204:4 205:5,9 209:12,15,18,21,24 216:3,19,19 218:20 219:8,15,18,19 220:9,17 221:2 225:18 226:15 227:2,5,13,25 228:6 228:15,25 235:13 237:12,17 268:2,7 268:11 269:6,11 270:11,15,24 273:13 274:10,17 276:8 277:25 278:18 279:12 280:8 287:4,5,10,22 288:4,7,7,13,18 290:15 291:19,20 292:13 293:12,16 293:17 294:7,12 301:10,22 311:12 312:2,15 316:2,20</p>	<p>319:23 320:2,6,7,24 321:16 322:4,23,24 323:3,5,5,6,8,14,15 323:19 324:6 346:5 346:8</p> <p>claimed (2) 210:16 345:21</p> <p>claims (63) 9:2 32:2 44:2 49:20 83:24 101:13 103:13 118:11 120:22 121:2,8,21 121:22,25 122:11 128:20 138:14 148:9 152:16,19 153:23 154:5,19 159:6 163:14 172:7 172:17 176:6 179:10,12 182:24 186:2,5 202:13 213:9,11 216:20 229:9 234:12 235:6 235:7 252:3 274:16 280:11 287:3 290:10 297:8,10,23 298:2 312:20 318:20 320:10,12 320:14 321:12 323:25,25 343:7 345:17,25 346:4,7</p> <p>class (1) 79:18</p> <p>classroom (1) 80:12</p> <p>clear (19) 50:7 99:2 103:5 153:16 157:21 158:2 172:3 201:23 213:2 243:3 251:6 252:20 276:17 279:17 281:6 294:23 314:20 317:8 352:10</p> <p>clearly (2) 124:6 322:6</p> <p>clients (1) 51:10</p> <p>closed (3) 197:2,4,23</p> <p>closest (1) 197:24</p> <p>clothes (5) 61:9 88:12,16,21 95:4</p> <p>clothing (20)</p>	<p>9:12 11:16 13:20 32:5 38:4,15,19,21,23 39:4,6 60:6,10 61:17,25 89:5,7 91:17 94:16 157:19</p> <p>CLR (1) 1:23</p> <p>colleague (1) 72:23</p> <p>color (5) 273:23 275:3,6 307:4 308:24</p> <p>colored (3) 306:20 307:17,20</p> <p>colors (2) 274:20 307:23</p> <p>column (30) 82:9,20 145:9,21,22 146:3 162:9 170:15 179:2 180:19,20 181:2 182:11 186:16 187:5 223:23 229:14,14 229:15,19,23 230:9 231:25 237:20,25 238:5,12,18 343:25 345:16</p> <p>columns (5) 82:6 146:12,15 347:24 349:19</p> <p>combat (3) 9:21 10:23 11:8</p> <p>combination (2) 244:24 312:14</p> <p>come (21) 32:12 39:11 106:5 117:4 138:5 166:10 178:11 186:23 188:23 193:8,14 215:7,8 268:5,23 269:2 270:18 271:18 280:16,20 296:24</p> <p>comes (23) 32:14 117:10 123:24 129:20 130:18 131:17 157:23 191:10,15 192:21 204:16 205:25 206:2,13 220:13 235:6 274:2 277:6 283:18 314:21 316:5 342:24 343:4</p> <p>comfort (2)</p>	<p>260:15 332:23</p> <p>comfortable (2) 82:25 229:16</p> <p>comfortably (2) 246:18 344:6</p> <p>coming (14) 22:16 82:8 174:3 176:22 208:15 215:14,16 224:9 297:4 300:10 303:17 308:8 310:9 313:17</p> <p>comment (2) 80:14 210:7</p> <p>commercial (2) 220:19 324:25</p> <p>common (2) 87:22 349:18</p> <p>commonly (1) 326:4</p> <p>communicated (2) 52:20,25</p> <p>company (11) 9:23 11:3,4 12:16,22 13:22 14:17 16:7 190:16,21 301:6</p> <p>compare (1) 274:15</p> <p>compared (37) 74:14 75:16,21 76:2,8 76:12 77:20 78:4 96:10 98:13 99:5 105:4 110:25 111:8 111:19 112:8 113:7 140:11 162:22 164:2,18 165:11 169:20 175:20 176:24 177:16 179:23 216:7 222:17 232:18 233:25 234:3 236:8 275:3 285:11 286:5 350:25</p> <p>compares (1) 333:16</p> <p>comparing (11) 76:15 78:2,3 115:8 116:17,19,21 117:6 166:11 277:9 312:22</p> <p>comparison (8) 40:19 83:24 106:3 116:25 117:18 129:18 235:2</p>	<p>302:25</p> <p>comparisons (1) 336:19</p> <p>complete (3) 54:25 59:12 97:19</p> <p>completely (5) 239:16 241:21 244:13 244:18 317:21</p> <p>complies (1) 127:16</p> <p>composition (1) 11:23</p> <p>compressed (1) 97:17</p> <p>compressing (1) 314:14</p> <p>compression (5) 144:18,21,23 145:14 146:18</p> <p>comprises (1) 145:23</p> <p>comprising (1) 210:8</p> <p>concentrated (1) 167:8</p> <p>conception (11) 108:19 109:2,12 110:6 111:2,9,19,21 112:8 113:14 196:17</p> <p>concern (1) 121:19</p> <p>concerned (2) 150:24 151:5</p> <p>conclude (1) 139:12</p> <p>concluded (1) 353:7</p> <p>concludes (1) 353:2</p> <p>conclusion (2) 208:15 237:3</p> <p>conclusions (2) 195:7,9</p> <p>condition (1) 7:10</p> <p>confidential (1) 332:3</p> <p>confidential (2) 1:11 92:22</p> <p>confidentiality (2) 15:8 89:13</p> <p>configuration (9) 63:24 64:3,12,21</p>
---	---	--	---	---

135:23 140:5 283:9 286:18 291:6 configurations (2) 102:24 297:16 configured (1) 288:23 confirm (1) 84:24 conformance (2) 104:23 331:25 conforms (1) 275:7 confused (1) 199:11 connected (1) 307:13 connection (1) 317:22 connote (1) 201:8 consider (8) 96:25 151:22 182:5 186:15 199:4 302:10 303:12 334:12 considerations (1) 308:15 considered (13) 59:7 75:2 76:18 138:18,19,19,24 157:9 161:3,4 170:2 291:13 310:10 consistent (3) 265:9,14,23 constricting (8) 63:17 64:18 65:15 302:20 309:3,6 310:8,19 constricts (1) 313:23 construction (67) 13:24 20:8 31:17,18 130:2,14 136:6 152:11,24 153:6 156:16,24 166:8,9 170:10 171:23,25 172:8,22 173:2,4,9 173:13,17,20 174:4 174:7 175:6 176:10 176:13,15,19,21 177:5,15,19,25 178:11,17,22 179:5 179:8,15 181:4 182:7,13 184:22	185:18,19 186:8,9 186:19 197:20 203:6,7 204:6 205:5 205:10 218:20 219:9,15,20 220:9 220:17 221:2 335:18 339:22 constructions (14) 173:21 174:18,19,20 174:23,24 175:15 175:18,21 176:3 177:10 178:4,12 318:23 construe (4) 129:6 147:21 201:19 205:11 construed (2) 219:18 318:20 construing (6) 164:11,21,21,24 166:2 205:10 consultant (1) 61:16 contacted (1) 96:22 contemplated (1) 210:20 content (1) 193:23 context (19) 22:5 23:13 68:14,17 75:24 85:24 144:12 167:4 173:17 188:21 189:2 192:20 230:22 241:9 244:7,10,22 302:8,24 continuation (1) 86:7 continue (2) 163:15 200:8 continued (1) 18:8 continues (4) 123:22 199:9 200:6 202:6 contract (34) 78:7,10 89:4 138:6 193:4,10 194:9,21 248:19 254:3 255:8 255:18,21 256:9 257:2 258:12,25 260:23 261:3,5,17 262:5,13,20 329:17	331:24 332:3,17 333:5 335:22,25 336:7 340:15 341:25 contractible (10) 146:3,8 193:6 224:3 247:13 248:7 253:12 254:15 302:19 321:22 contracting (4) 253:19 262:9 263:8 338:4 contraction (8) 331:2,5,14,19,23 332:8,10,12 contracts (5) 247:17 248:22 253:17 254:16 255:2 contractual (1) 127:20 controversial (1) 113:12 conventional (2) 74:20 325:17 conversations (1) 51:10 copied (2) 11:2 195:18 copies (2) 95:19 281:14 copy (4) 11:6 27:4 57:15 95:17 Corporation (7) 1:3,6 5:2,3,18,24 7:5 correct (157) 10:11 23:10,11 24:12 25:15,17,24 27:21 48:11 49:2 54:19,20 55:23 58:18 68:20 69:7,21 70:3 71:3,4 71:15,19 77:18 82:14 83:9 87:12 94:20 95:10,11 99:6 99:24 101:24 102:2 106:9 108:2 109:15 109:23 115:6 118:7 119:10,13 120:14 121:23 122:24 129:24 130:8,14,24 131:3,4 132:16 139:21 141:19,20 142:2,5 146:20 148:20 149:7 150:12,13 156:2	158:25 163:5,8 165:25 167:21 168:4 169:18,21,23 170:11 171:8 173:7 176:8 181:6 182:2,7 182:18 183:7,15,16 183:19 184:7,11,19 187:6,8 188:14 198:8 200:8 202:3 206:9 207:25 209:2 209:5 212:5 215:13 218:12,25 219:12 221:3 222:19 223:4 225:7 227:9,25 240:13 241:6 243:4 243:5,12,15,16,20 245:8 249:11 251:19 252:8 254:12 256:15,18 257:17 258:8 259:2 259:8 263:3 265:16 271:22 276:24 278:23 286:6,7 292:16,21 296:7 299:12 308:25 318:24 323:16 324:23 328:6 331:20 335:2 339:24 340:22 341:8 342:7,8 348:6 351:9,10,13,14,18 351:22 352:11 corrected (1) 346:18 correction (2) 346:17 350:15 corrects (2) 348:4,9 correspond (1) 350:5 corresponding (2) 12:21 290:18 cotton (2) 260:20,21 counsel (40) 5:14 7:19 13:21 27:22 34:25 35:13 39:16 41:15,20 44:21,25 45:5 48:3 50:3,8,15 51:14 101:3,19 128:23 152:10 172:19 177:8 196:13 197:9,18,25 206:24 207:7,20,23	208:4,8,17 226:19 226:21 278:8 318:11,20 333:18 County (2) 6:16 358:5 couple (3) 95:21 235:7 272:24 course (7) 9:4 79:5,8,25 330:3 347:25 350:6 courses (4) 297:2,3,4 349:21 court (14) 5:11 6:2 7:20 16:11 27:3 36:12 173:6 174:23 176:12,25 177:5,16,19 235:23 courts (5) 36:9 37:3 173:10,14 173:15 cover (24) 80:16 81:24 83:2 127:9,18 145:10,19 145:25 227:11,23 228:16 229:16 230:12 237:19 238:22 240:15 241:3,18 243:23 244:3,9 288:9 302:15 343:6 coverage (7) 115:17 116:12,23 117:2 191:20 232:4 264:19 covered (60) 49:14 79:11 80:14 81:22 138:13 160:9 215:19 216:7 220:3 225:6 229:4 268:2,7 268:11 269:6 270:11,15,20,21 271:12,16,17 273:13 274:10 276:7 277:12 278:17 279:12 280:7,11,22 286:12 286:23 287:22 289:16 301:10,22 302:4 303:7 310:25 312:15 313:7 314:3 314:23 315:25 316:8,20 320:11,12 320:15 321:8,10,13 321:22 322:24,25
---	--	--	--	--

<p>323:5,6,14 349:15 covering (24) 124:14,15 127:6,7 128:14 129:16 223:17 232:14 234:21 239:17,23 240:3,6,20 241:7,8 241:22 242:3,7 247:4,10,16,25 289:2 covers (10) 127:11 128:7 202:15 202:17 228:23 229:6 232:14 239:20 242:7 311:12 created (1) 88:6 creates (1) 116:14 criteria (4) 102:4 141:13 154:16 177:9 cross (1) 47:9 crux (1) 343:4 curious (1) 17:13 current (1) 51:5 curve (1) 290:24 curved (1) 291:6 curves (1) 292:20 cushion (2) 11:13,13 cushions (2) 11:12,12 customary (1) 172:15 customers (2) 345:3,10 cut (4) 272:12,18 291:4 356:5 CV (11) 10:15,17 78:25 95:14 95:16 96:3,8,10,10 97:3 355:8 cylinder (29) 97:18 290:12,17,22</p>	<p>291:5,8,14 292:8,9 292:13,15,18 293:2 293:7,8,21 294:6,18 295:3 296:8,13,19 297:8,10 322:6,8,8 322:10 323:25</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D (353) 4:1 5:1 6:1,4,4 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1 162:1</p>	<p>163:1 164:1 165:1 166:1 167:1 168:1 169:1 170:1 171:1 172:1 173:1 174:1 175:1 176:1 177:1 178:1 179:1 180:1 181:1 182:1 183:1 184:1 185:1 186:1 187:1 188:1 189:1 190:1 191:1 192:1 193:1 194:1 195:1 196:1 197:1 198:1 199:1 200:1 201:1 202:1 203:1 204:1 205:1 206:1 207:1 208:1 209:1 210:1 211:1 212:1 213:1 214:1 215:1 216:1 217:1 218:1 219:1 220:1 221:1 222:1 223:1 224:1 225:1 226:1 227:1 228:1 229:1 230:1 231:1 232:1 233:1 234:1 235:1 236:1 237:1 238:1 239:1 240:1 241:1 242:1 243:1 244:1 245:1 246:1 247:1 248:1 249:1 250:1 251:1 252:1 253:1 254:1 255:1 256:1 257:1 258:1 259:1 260:1 261:1 262:1 263:1 264:1 265:1 266:1 267:1 268:1 269:1 270:1 271:1 272:1 273:1 274:1 275:1 276:1 277:1 278:1 279:1 280:1 281:1 282:1 283:1 284:1 285:1 286:1 287:1 288:1 289:1 290:1 291:1 292:1 293:1 294:1 295:1 296:1 297:1 298:1 299:1 300:1 301:1 302:1 303:1 304:1 305:1 306:1 307:1 308:1 309:1 310:1 311:1 312:1 313:1 314:1 315:1 316:1 317:1 318:1 319:1 320:1 321:1 322:1 323:1 324:1</p>	<p>325:1 326:1 327:1 328:1 329:1 330:1 331:1 332:1 333:1 334:1 335:1 336:1 337:1 338:1 339:1 340:1 341:1 342:1 343:1 344:1 345:1 346:1 347:1 348:1 349:1 350:1 351:1 352:1 353:1 357:3 Daniels (3) 3:9 5:17,20 dark (1) 308:3 darker (1) 307:20 dash (3) 133:23 134:6,8 dashed (1) 101:15 date (40) 4:5,10,15,20 42:17 48:20 54:9,13 65:20 72:14 73:8 84:16 85:4,8 86:13,23 96:4 114:13 125:2 126:19 153:5 161:13 187:19 211:14,19 212:23 239:3 264:3 266:7 267:7 272:15 279:24 281:18 300:22 305:19 309:15 315:14 319:3 347:12 359:3 dated (3) 54:12 55:6 354:19 dates (7) 42:12 84:6 85:22,25 86:20,24 113:19 daughter (9) 39:19,22 41:3,16 47:7 60:12,17,25 61:6 daughter's (3) 45:19 46:4 100:5 daughters (2) 111:5 345:10 David (14) 1:13 2:9 4:3,24 6:12 54:7,11 73:6 353:10 354:8,16,18,22 359:1 day (7) 32:11 221:6 228:12</p>	<p>281:8 330:9 353:12 358:19 days (3) 41:7 99:22 235:8 deal (1) 231:15 deals (1) 231:12 dealt (1) 15:16 dean (5) 79:2 96:24,25 97:6,11 debate (1) 340:3 decide (1) 136:13 decided (1) 187:3 decision (3) 197:17,18 235:17 deck (1) 269:24 Declaration (30) 23:17 24:17 31:4 48:22 54:7,11 55:6 55:6,7 56:20,23 73:6 81:5,6 100:15 107:6 161:21 188:8 226:22 267:18 273:7 280:3 281:22 309:18 319:19 320:3 324:15 354:15,17,21 declarations (7) 7:4 18:18 50:20 58:10 58:20 301:3 318:3 decrease (1) 350:20 decreases (1) 350:19 def (1) 282:20 defective (1) 9:8 defendant (2) 3:9 12:18 defendants (1) 12:20 defense (3) 8:20,21 9:21 define (7) 49:5 63:16 129:5 132:9 159:24 161:6 175:24</p>
--	---	---	--	---

defined (3) 73:23 105:23 168:19	7:14 8:12,25 13:10 19:4 27:15,18,21	40:5 41:12	146:15 148:12,15 148:19,24 162:21	138:2 179:2 217:16 217:18 327:18,21
defining (4) 106:22 181:25 210:11 288:20	31:6 33:3 34:8 35:22 52:7,14,15 53:4,12	determination (18) 154:2 176:10 229:4 236:7 271:4 274:9 278:3,12,20,22 279:2,10,18 289:11 289:19,21 290:19 303:11	166:14 174:7 175:11,19,20,24 176:23 177:12,14 205:4 214:6,6 215:23 216:10 220:5,23,23,24 222:23,24,25 230:10,12,15 238:11 242:15 258:19 277:5 285:19 288:10 296:15 297:15 327:24 328:2,11,15 329:13,14 330:25 331:2 333:7 334:3 336:25 337:10,18 337:23 341:4 348:22	330:13 332:24 335:19 338:3 339:7 disclosures (2) 217:19 338:16 discuss (20) 41:2,24 42:18,22 43:21 50:18 51:20 107:9 127:13,14 148:10 154:18 157:3 159:15 187:4 206:23 207:3,6,9 208:18 discussed (22) 33:17 36:5,20 42:24 47:6 50:2,23 51:8 64:14 82:24 94:4 107:14 136:23 143:3 144:18 186:12 196:2 206:25 207:2,11 238:15 345:15 discussing (1) 344:18 discussion (14) 41:5 43:11 50:11 60:24 61:5 85:25 137:7,10 164:15,17 182:16 183:3 189:7 191:2 discussions (9) 42:13 43:7 49:22 50:8 50:14 51:4 191:6 196:23 317:24 disparage (1) 221:21 disposed (1) 247:14 distance (3) 132:4,5 205:20 distinction (2) 242:9,10 distinctions (1) 70:13 district (14) 15:14 31:12 36:12 37:3 173:6,10,13,15 174:23 176:25 177:5,16,19 235:23 Division (1) 8:23 divulge (1) 92:18
definitely (6) 68:15 216:9 265:19 287:18 346:5,7	deposition (35) 1:13 2:9 4:9,14,19,24 5:5 6:23 10:8 14:25 15:9 19:6 33:5 34:17 41:8 42:15 53:7 55:19 57:13,16 57:24 58:14,23 59:2 173:12,24 196:10 196:11 246:8 264:2 353:2 354:10,12,14 355:20	determine (7) 137:18 176:12 276:23 287:21 325:16 330:7 345:3 determines (1) 298:21 determining (7) 137:15 170:3,16 172:21 177:22,24 226:18 develop (1) 93:6 developed (3) 90:21 92:22 93:4 developing (1) 61:17 devices (1) 105:24 diagram (1) 325:9 dictated (1) 329:17 dictionary (2) 152:20 172:20 differ (1) 164:2 difference (20) 97:8 106:14,25 107:10,14,16 164:9 165:12 166:19 167:10 169:20 171:6 174:6,12 203:23 204:21 216:6 258:7 307:4 348:24 different (90) 35:12,14,16,17 70:13 79:11 83:3 96:9,13 98:3 102:20,21,23 102:24 103:14,15 103:18,20,20,25 104:2,7,8,23 105:7 105:21,22 106:8,22 107:24 108:3 109:22 110:4 127:10,18 145:25	205:4 214:6,6 215:23 216:10 220:5,23,23,24 222:23,24,25 230:10,12,15 238:11 242:15 258:19 277:5 285:19 288:10 296:15 297:15 327:24 328:2,11,15 329:13,14 330:25 331:2 333:7 334:3 336:25 337:10,18 337:23 341:4 348:22 differently (2) 222:11,19 dimension (4) 64:25 65:4 134:10 290:8 dimensions (9) 106:23 112:12 140:16 146:23 147:11 180:5,15 257:10 282:20 Dinsmore (1) 18:11 direction (10) 47:9,9 259:5 301:20 332:4,5 339:18,19 340:17 349:20 directions (1) 47:19 directly (2) 143:4 172:2 disagree (3) 110:9,10 342:16 disagreement (1) 342:6 disclose (1) 92:23 disclosed (5) 98:11 148:25 216:8 342:13 350:23 discloses (3) 124:13 127:4 216:16 disclosing (1) 334:20 disclosure (11)	
definition (6) 128:24 186:6 192:4 302:12,14 331:17	depositions (2) 33:12 58:24 describe (4) 65:14 89:14 145:16 149:21 described (4) 130:19 139:11 149:3 194:18 describes (1) 140:3 describing (2) 127:2 160:13 description (9) 126:8,13 182:14 239:22 254:14 351:24 354:6 355:3 356:3 design (6) 79:7,13 89:2 96:17 141:19 142:17 designation (1) 267:2 designed (1) 340:10 designers (2) 61:20,21 designing (8) 61:8,21 88:12,16,21 95:4 163:16 167:24 Destination (14) 1:3 5:2,23 7:5 41:14 41:21 43:18 48:14 83:22,25 225:11 340:24 345:9 359:2 detail (3) 12:5 47:15 274:15 details (6) 12:7 28:24 31:19 39:9			
definitions (5) 152:21 172:20 174:15 174:15,18	definitive (2) 162:17 163:22 definitively (1) 202:2 deformation (4) 77:8 193:14,17 194:15 degree (6) 136:13 137:18,25 141:19 142:10,15 delivery (1) 109:19 demonstrate (2) 217:2 321:10 demonstrates (1) 347:25 demonstrations (1) 216:25 denoted (1) 209:7 denure (1) 330:9 dep (1) 42:19 Department (2) 8:22 38:8 dependent (2) 44:2 118:11 depending (3) 79:15 195:15 214:21 depends (5) 194:11 201:16 299:3 333:11 334:18 depict (2) 124:17 331:9 depicted (1) 200:14 depiction (2) 133:12 352:2 deposed (17)			

<p>DL (3) 272:12,17 356:4</p> <p>DLA (3) 2:10 3:4 5:23</p> <p>DMC (65) 44:4,11,16,19 45:6,16 45:20,23 47:5 48:4 48:9 50:19 51:5,8 51:11 59:24 86:10 87:2,9 99:16 100:6 101:3 114:20 115:3 157:9 187:17,24 188:5 189:4 191:3,6 191:7 195:18,23 196:22,23,24 197:10,25 198:2 267:5,13 279:22 285:17 289:14 305:17 309:13 315:12,19 316:3 317:13 318:6,8,11 318:19 344:14,16 344:21 347:2 355:12,21 356:8,13 356:15,17</p> <p>DMC's (3) 188:11 196:17 197:25</p> <p>doctor (5) 108:25 109:10 267:9 319:5 343:21</p> <p>doctoral (1) 194:12</p> <p>document (42) 44:13 107:19 161:16 171:10 187:22 188:4,17,19,23,24 189:3,15 190:2,13 191:3,9,22 192:24 195:10 196:6,10 239:6 263:18 267:10 272:9 273:10,18 279:19 284:14 304:20,25 305:21,24,25 309:10 315:16,19 315:20 319:6 346:24 347:11 356:23</p> <p>documented (2) 114:21 155:6</p> <p>documents (12) 6:25 55:11 59:6,13,17 59:19 150:10 188:10 191:7</p>	<p>196:22 357:12,13</p> <p>doing (7) 21:14 44:7 61:24 88:24 175:18 176:22 296:16</p> <p>double (6) 192:14 322:2,3,9,12 323:7</p> <p>downward (1) 288:15</p> <p>Dr (11) 1:13 2:9 4:24 54:18 65:23 85:12 93:24 96:7 141:3 187:21 346:14</p> <p>draft (1) 157:5</p> <p>drafted (1) 157:7</p> <p>draw (19) 193:21 195:7,8 198:25 245:20,25 246:2,4 249:23 250:5,9,10,11,17,17 251:7,15 252:16 271:24</p> <p>drawing (16) 20:18 66:13 67:5,5 71:13,15,18,22 72:2 126:7,9 154:23 202:20 255:23 289:6 348:14</p> <p>drawings (21) 119:21 120:8 128:22 133:25 140:17 154:11,13,21 155:3 156:11 158:6 172:18 219:13 233:4 252:3 256:10 256:14,16,19,20 289:6</p> <p>drawn (4) 194:13 249:5 264:21 271:10</p> <p>drawstring (1) 39:10</p> <p>drew (1) 270:7</p> <p>duly (2) 6:5 358:11</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E (7) 3:2,2 6:4 354:2 357:3</p>	<p>358:2,2</p> <p>earlier (33) 13:18 56:25 61:14 78:9,17 86:23 100:4 108:16 113:7 114:12 125:7 139:12 152:22 153:13 180:14 188:9 203:14 206:14 220:7 232:16 237:7 243:13,18 252:4 262:15 266:24 271:5 284:16 301:13 302:7 328:19 337:9 346:16</p> <p>easier (2) 211:2 280:9</p> <p>Eastern (1) 31:12</p> <p>Eastman (1) 96:20</p> <p>easy (3) 273:23 274:19,21</p> <p>eat (2) 94:2,7</p> <p>edge (4) 210:10,15 288:21 320:25</p> <p>edges (3) 163:18 168:2,23</p> <p>edition (7) 79:10,10,22 80:4,8,10 80:10</p> <p>effect (2) 300:5,6</p> <p>efficiency (1) 297:5</p> <p>efficient (3) 296:9,11,18</p> <p>eight (3) 88:17 141:22 305:7</p> <p>either (18) 38:16 43:11 56:18 72:20 103:12,22 180:19 213:21 219:21 245:17 251:19 256:13 322:7 324:13 329:2 342:3 346:6,23</p> <p>elastic (24) 11:12 16:16,20 46:24 49:9 117:11 136:25</p>	<p>137:3,22,23,24 149:3,4,5,6,7,9,12 149:14 192:18 225:20 321:17,21 322:17</p> <p>elastically (7) 127:19 146:2,5,7 223:21 224:3 321:22</p> <p>elasticity (15) 12:9 15:17,20,25 16:15,18 17:25 29:23 31:20,24 137:16,19 138:2 144:15 223:24</p> <p>elastomeric (1) 296:22</p> <p>elected (1) 169:16</p> <p>element (6) 127:15 130:11 274:18 288:7,13,18</p> <p>elements (7) 95:2 129:4 270:25 271:3 287:11 288:5 288:7</p> <p>else's (1) 195:19</p> <p>embodiment (5) 134:16 139:19,20 220:19 344:4</p> <p>embodiments (4) 138:12,13 139:5,23</p> <p>emphasize (1) 266:11</p> <p>empire (28) 204:11,13,14,15 205:15 206:4 249:25 250:2,5,10 250:13,15,17,20 251:2,4,9,11,13,22 251:25 252:4,10,22 252:23,25 253:4,5</p> <p>employed (1) 61:15</p> <p>employee (9) 51:8,11 53:10 55:18 56:15 57:13,16,23 58:14</p> <p>employees (1) 51:5</p> <p>encircles (1) 288:21</p> <p>encircling (5)</p>	<p>104:22 210:11 288:14 288:20 316:4</p> <p>ended (1) 16:23</p> <p>ends (8) 109:2 124:3 125:11 129:21 201:17,18 298:11 299:14</p> <p>engaged (1) 172:21</p> <p>engineer (3) 136:12 351:23 352:5</p> <p>engineering (9) 88:20 96:24 97:2,6,11 141:23 142:11,16 330:5</p> <p>engineers (1) 352:8</p> <p>enlarged (1) 162:16</p> <p>Ennis (4) 3:11 5:19,19 72:24</p> <p>entire (44) 56:6 107:18 128:7,14 186:7 227:12,24 228:16,23 229:7,9 230:2,22 231:20,23 232:3,12,15 234:23 237:15,18 238:13 238:22 239:17,20 239:23 240:3,5,6,7 240:10,11,20 241:3 241:7,18,22 242:4,8 243:23 244:3,19 289:3 352:19</p> <p>entirety (2) 66:3 242:7</p> <p>envelop (4) 239:16 241:21 244:13 244:18</p> <p>envelops (1) 240:17</p> <p>envision (2) 298:13 299:15</p> <p>ERRATA (1) 359:1</p> <p>error (1) 71:17</p> <p>especially (1) 296:21</p> <p>ESQ (3) 3:6,11,11</p> <p>essentially (5) 12:23 69:3 79:23</p>
--	---	---	--	--

124:3 235:12 estimate (1) 261:16 estimates (1) 262:17 et (7) 82:17 94:23 101:16 138:10 176:7 341:5 342:14 event (1) 309:9 evidence (1) 346:23 evidenced (1) 172:15 exact (11) 31:19 42:17 48:20 95:15 105:14 114:3 147:7 154:7 230:5 255:25 278:14 exactly (2) 126:25 300:3 examination (9) 6:8 43:23 103:22 346:11 351:5 353:6 357:5 358:10,12 examinations (1) 104:2 examined (1) 6:7 examiner (6) 122:6 148:7 149:24 150:4 154:8,8 Examining (1) 172:12 example (31) 13:16 37:10 40:19 43:13 62:11 83:14 84:8 91:18,25 105:2 107:22 112:22 117:20 127:8 133:21 145:18 171:3 214:16 218:13 221:17 230:12 231:16 241:13 243:7 245:10 256:2 262:24 272:23 293:11 294:5 295:21 examples (3) 148:19 152:16 224:17 exception (1) 8:4	excerpts (1) 58:6 excluded (1) 181:12 excuse (7) 78:22 81:12 133:25 145:8 311:5 322:9 350:3 exemplar (1) 294:24 exemplars (4) 47:15 216:18 288:6 324:24 exert (1) 302:19 exhibit (147) 4:2,7,12,17 54:6,10 54:22 55:5,13,15 59:6,10 65:18,24 70:18 72:25 73:4,5 81:7,11,13,14,15 84:25 85:5,18 95:25 96:2,8,9 99:17,18 101:6 107:12 114:21 116:8 126:17,18 130:23 141:4,6 155:11 159:10 161:11,17 161:23 162:4 178:25 187:16,22 188:5 196:2 205:13 211:16 238:25 239:7,8 259:13 260:9 261:9 263:19 263:20,24,25 265:2 265:10,16 267:3,4 267:10,14,25 268:10 272:10,11 272:16 276:7,19 277:3,12 279:11,20 279:21 281:15,16 284:18 300:18,19 305:16,22 309:12 313:25 314:20 315:11,17,23 318:25 319:6,17,19 319:23,24 320:2 336:16,17,18 338:22 347:6,9 351:7,8,22 354:5,5 354:7,9,11,13,15,17 354:20,21 355:2,2,4 355:6,8,9,9,10,12 355:14,16,18,18,21	356:2,2,4,8,10,11 356:13,15,17,19,21 exhibits (7) 6:19 36:16 54:21,23 55:4 312:6 318:4 exist (1) 87:25 existed (3) 119:2 333:4 338:20 exists (1) 27:2 expand (40) 78:7,10 107:15 113:2 193:3 194:8,20 215:7,11 248:14 254:3 255:17,21 256:8,25 258:11,25 260:18 261:17 262:4,12,19 263:2,5 311:2,21 327:12 329:17 331:24 332:3,17 333:5 335:13,21,25 336:7 338:5,21 340:15 341:25 expandability (1) 314:2 expandable (8) 47:7 89:23 247:11 248:2,4 253:12 254:15 282:13 expanded (3) 46:17 339:3,6 expanding (5) 253:18 260:22 332:23 332:24 338:4 expands (7) 247:16 253:15 254:15 254:25 258:8 292:10 331:9 expansibility (10) 74:13 77:12 135:18 136:14 326:17,18 347:10 350:19,20 356:22 expansible (52) 64:19 69:19 74:18,19 74:21 77:14 90:8,9 90:18 91:2,16,24 92:11,24 93:2,2 94:15,22 127:8,19 135:17 136:2 145:18 146:2,5 174:17 210:3 215:6	223:22,24 238:9 288:9 301:21 302:3 302:5,8,10,13,14,15 302:22,23 303:3,5,6 311:3,6,20 327:17 344:4 348:13 350:24 expansion (15) 253:21 288:16 314:2 330:25 331:5,13,19 331:23 332:7,9,12 332:15 335:9,12 339:17 expect (6) 87:24 88:2 255:14,20 255:20 332:17 expecting (4) 40:23 194:19,20 224:23 experience (18) 60:5,8,9 61:9,11 78:20,24 83:14,21 88:12 95:5 97:4 108:18 111:4 113:10 142:5,16,21 expert (21) 7:3 8:16,21 9:9 10:16 20:14,16 23:9 24:10 27:9 31:3 34:18 35:10,10 41:20 173:9,23 186:18 244:2 254:22 256:24 explain (2) 347:14 349:6 explanation (6) 186:10,13,14 195:6,8 347:20 explanations (1) 279:5 explicitly (2) 144:19,24 extend (1) 160:16 extends (4) 181:14 275:13,20,25 extensibility (7) 76:24 77:5,12 347:10 350:11,12 356:21 extensible (11) 74:19,23 75:9,13,16 75:20 76:2,3,8,12 348:13 extent (4)	45:12 56:11 198:20 198:22 extreme (2) 170:21 224:7 extremes (1) 225:4 eye (1) 39:12 EYES (1) 1:12 <hr/> F <hr/> F (1) 358:2 fabric (65) 47:10 65:2 66:11,12 66:16 68:9,12,19,19 69:5,6,14,17,18,19 69:20 71:9 73:19 77:9 88:25 89:2 90:11,22 94:23 95:2 100:9 117:11 127:9 127:17 137:22,23 137:23 145:19,24 149:3,4,5,6,7,9,13 149:14 192:14,17 193:7,23 195:16 222:24 282:15 284:21 296:12 297:3 308:17 321:3 321:21 322:2,12,17 326:6 329:16 330:8 333:4 344:8,10 350:24 fabrics (15) 75:9,13,16 77:13 78:10,23 89:21 90:2 93:6,7 94:15 160:15 193:13 302:7 322:3 face (3) 12:10 90:7 94:17 fact (5) 123:16 151:24 154:3 229:5 290:20 factor (2) 162:12 334:14 factors (14) 144:9 330:4,5,7,10,13 330:14,17,25 331:4 331:13,18,23 340:14 Faegre (3) 3:9 5:17,20 fail (3)
--	---	---	--	--

38:16,17 39:4 failed (3) 38:16,19,21 failure (1) 38:24 fair (12) 38:22 77:11,16 98:10 150:14,18 177:21 199:11 232:9 244:20 279:8 319:22 fairly (1) 56:19 fairness (1) 7:20 faith (3) 323:19 324:6,11 fall (1) 143:20 falling (2) 314:15,18 false (2) 8:23 9:2 familiar (9) 23:20 51:16 63:10,12 70:7 209:23 214:9 290:10 297:2 far (23) 16:21 17:18 20:19 28:22 36:20 40:8 46:17 60:19 62:8,21 131:12,20 139:4 160:3 180:4,17 191:16 258:3 263:5 316:11 339:16 340:20 342:6 farther (2) 199:7 202:8 fashion (8) 61:20 63:19,22 79:7 79:13 89:2 141:19 142:16 fathom (1) 298:22 favor (7) 11:5 17:2,5,14 20:9 29:2,6 favorable (1) 17:18 feature (5) 157:10 158:14,18 345:15,20 features (2) 123:13,14	federal (2) 9:5 36:9 feel (2) 48:24 225:3 feeling (1) 191:11 female (2) 51:17,18 fiber (3) 96:17,18 329:3 fibers (3) 9:6,8 329:9 fifth (5) 79:10 80:8,10 148:14 148:18 figure (112) 66:15,19,21,21,24 68:18,18 71:7 123:11 124:10,13 124:20 125:16 126:13 127:2,4 133:2,5,21 134:3,13 134:17 138:19,20 139:20,20,25 140:12 145:16 153:17 156:2 168:9 168:11 169:4 170:15 179:3,4,18 183:22,25 185:22 186:16 187:5 198:18 200:7,10 201:25 205:16,24 206:7 207:23 208:9 208:10,22,24,25 210:22 211:4,6,17 212:8,12 220:11,15 220:16 239:21 241:11,17,23 242:11,23 243:3,7 243:22 244:25 245:4,7,11 249:4,8 249:22 252:21 257:12,20 262:7 270:2 276:20,23 294:6 295:2,13,20 295:22,23 298:17 298:20 325:18 326:10,16 349:11 351:15,17,20,20,21 351:25 352:2,2,8,14 352:15 355:14 figures (27) 65:14 66:5 68:11 69:4 69:20 71:9 73:19,22	100:13 120:3 123:4 125:8,15 132:24 133:17 138:12 139:10 158:23 176:6 210:23 241:8 241:10 258:10,18 274:4 276:13 294:17 file (9) 17:8 122:10,14 150:7 150:11,15,19,22 151:2 filed (10) 57:4 59:24 84:21 86:4 86:8 122:12 148:2,3 158:16 333:5 filing (9) 83:16,18,19 84:16 86:2 119:3 182:25 188:12 198:4 filings (2) 122:16,21 find (6) 72:19 77:3 186:18 237:16,18 240:10 findings (2) 47:11,13 fine (11) 14:14 55:2 93:13 107:22 116:21 126:16 188:20 213:5 281:12 310:7 311:22 finish (15) 136:17 137:10 138:9 207:22 328:20,22 328:25 329:11,12 329:22 331:4 333:3 338:18 340:14 341:4 finished (2) 123:22 293:25 firm (6) 9:25 18:10,11 35:18 35:18 100:25 firms (2) 35:14,16 first (31) 6:5 34:22 35:18 84:3 96:14 98:16 111:4 112:12 121:25 123:15 152:9 166:23 210:11 213:22 222:22	237:2 239:23 246:14 247:7 267:14,25 268:9,9 270:7 272:17 287:13 288:14 306:3 312:11 315:23 352:11 fit (62) 39:20 40:6 45:8,18,21 46:5 47:4 80:16 81:24 83:2 105:12 115:8,11 116:18 117:24 118:6,8,9,14 118:21,22 127:9,18 145:7,10,19,25 146:7,10 195:19 216:24 217:14,25 218:4,10,22 219:11 220:18 221:25 222:10,19,25 224:2 224:5 229:16 230:14 232:4 237:19 282:11 285:18 286:3 287:18 288:9 290:12,17 324:20 335:14 336:2,9 344:6,21 345:4 fits (4) 127:11 214:24 225:17 238:9 fitting (1) 223:18 five (11) 9:15 37:19 53:23 153:11 178:19 221:8,10 253:10 277:20 300:15 305:6 flat (1) 344:10 float (5) 70:8,10,25 74:22 75:25 floater (2) 73:14 74:7 Florida (1) 16:8 foam (1) 11:13 focused (1) 151:23 focusing (3) 76:22 121:20 167:5	fold (5) 241:14 248:11 261:20 334:22 340:10 foldable (3) 247:13 248:9 253:16 folded (3) 241:13 256:5 321:2 folding (1) 247:20 follow (1) 34:23 following (2) 34:21 167:24 follows (1) 6:7 force (10) 115:18 116:15,24 117:12,13 143:3,5 143:12,13,15 forces (1) 117:3 foreseeable (1) 230:11 Forget (1) 339:11 forgetting (1) 303:2 forgot (1) 320:15 form (279) 11:24 21:19,25 22:9 22:23 23:15,24 24:15,25 25:6,16,23 26:5 29:7,25 37:8 40:20 41:4 49:25 51:6 62:19 63:8 65:11 66:17 67:2,19 68:8 69:8 70:5 75:18 76:4 77:6,15 77:19,23 78:8,16,21 81:3 82:18 83:5 84:4,18 86:18 88:7 92:3 98:8,15 99:7 102:6,15 104:9 106:10 108:11,17 108:24 109:8 112:9 114:6,22 116:2 118:15 119:5,16,25 122:3,25 125:17 128:9,16 129:17 130:3,15 131:14 132:20 133:10,16 134:14,22 135:11 135:19 137:17
--	--	--	---	---

138:16 139:7 140:14 142:23 143:9 144:2 145:15 147:20 148:5,21 149:11 150:2,17 151:3 156:20 157:4 158:7,17,24 159:23 160:7,25 163:12 165:14 166:6,21 167:13 169:6,22 170:5 171:19 174:25 175:10,22 177:2,17 178:7,14 179:6 180:9 182:19 183:5 185:23 186:21 187:7 191:4 192:3,22 193:11 194:10,22 195:21 196:3,19 197:3 198:6 200:13 201:15 202:4 203:25 204:23 205:23 206:10 211:24 213:13 215:12 220:20 222:4,13,20 225:8 230:18 233:2,14,21 234:20 236:9 239:25 241:5 242:5 242:20 243:9,24 244:5,21 245:3,13 246:12 252:15 254:4 255:10,16,19 257:3,15,24 258:13 258:21 260:19,24 261:18 262:6,14,18 263:4,13 265:3,11 265:17,24 266:8 268:3,12 269:8,13 270:16,23 272:4 273:16 275:16,22 276:9 277:15 279:14 280:14 281:4 283:7 284:7 285:7,13,20 286:14 286:25 287:6,25 289:13,22 290:11 291:10,17 292:3,22 293:3,9,13 294:11 294:19 295:7,16 296:10,23 297:15 298:25 301:12,24 302:16 303:8 306:22 307:6	308:10 309:7 310:12 311:16 312:17 313:2,12 314:5,16 317:2,6 318:22 319:15 323:20 324:8 327:6 327:11,15 328:7 331:7 332:18 335:16 336:3,24 338:7,23 339:20,25 340:6 341:7,9,15,21 342:15 343:8 345:6 345:22 352:12 formed (15) 290:4,16 292:7,8,17 293:5,18,20,20 294:13,14 298:23 323:10,11,11 former (1) 51:5 Fort (1) 6:15 forth (6) 142:8 143:17 294:7,8 294:12 358:11 forward (1) 196:25 found (4) 37:13 47:14 197:14 232:11 four (26) 9:15 17:23 26:12,15 37:13 40:25 44:16 45:13 47:15 87:9 90:4 99:16 101:18 102:24 104:2 110:18,19 142:4 177:6 197:10 216:18 218:22 220:25 253:9 282:9 324:19 fourth (3) 116:14 148:14,17 Francisco (1) 61:19 Franklin (2) 46:2 47:5 frather (1) 338:20 Fraud (1) 8:23 freely (1) 247:19 friction (4)	143:7,10 157:25 329:8 frictional (7) 115:18 116:15,24 117:3,12 143:3,5 front (21) 6:20 14:15 37:24 38:12 97:21 99:18 157:19 160:17 174:11 192:10 217:4 225:10 232:6 283:5 284:19,25,25 285:19 286:4 293:23 343:23 frontal (1) 66:20 fulfills (3) 80:15 81:23 82:17 full (8) 85:15,19 211:3 239:15 280:10 334:24 335:2 342:10 full-time (3) 141:25 142:3,5 function (5) 75:3 76:14 79:16 230:11 332:5 functions (1) 231:3 further (7) 172:11 225:21,23 346:9 352:21,23 358:14 Furthermore (1) 239:14 further (1) 350:21 <hr/> G <hr/> G (3) 189:21 190:15,21 G-A-P (2) 189:15,20 gage (1) 329:25 gain (2) 231:6,7 gaining (1) 111:25 gains (4) 83:3 230:13,25 231:8 Gap (21) 189:8,9,12,12,16,17	189:19,24 190:4,9 190:13,22,23 191:10,24 192:13 195:15 196:2,6 284:15 285:11 Gardener (1) 52:21 Gardner (1) 52:20 garment (42) 20:17,18 79:16 80:16 80:18 81:24 82:2,25 82:25 90:15 96:16 123:21 125:11 127:4 130:18,19 133:9,12,12,19 134:17,18 136:7 145:10,11 157:17 157:23 194:19 229:15 234:22 238:8 241:15 248:12 288:8,13,19 288:23 320:24,25 321:16 342:17 344:5 garments (12) 9:10 62:7,10,12,23 63:16 117:14 133:14 142:19 220:3 242:15,18 gas (1) 97:17 gear (8) 13:23 19:21 28:12,13 28:18 29:19,24 30:5 general (9) 38:13 51:13 77:4 91:13 95:12 113:15 114:8 129:2 144:13 generally (5) 20:4 23:8 38:15 44:14 194:3 Georgia (2) 61:15 96:15 getting (7) 41:7 113:7 157:24 224:20 253:8 303:20 315:7 girdle (1) 63:15 girdles (1) 310:24 girth (55) 104:23 106:4,6,21	112:7 113:16 117:13 131:8,12,19 131:20 132:2,4,6,11 132:19 138:5,6 146:5,8 147:4,6,7 149:15 162:17 179:24 180:2,8,16 181:15,21 182:2 184:11,17,18 206:5 206:12 211:22 212:2,20 223:13,25 224:4 254:7 255:22 257:14,23 258:2 262:9,20,21 263:2 263:10,15 288:25 give (30) 93:7 134:11 135:20 137:2 147:7,14 149:13 159:20 160:5 180:15 188:22 193:20 217:7,9,19 227:19 251:21,23,24 255:13 256:17,22 257:5,9 262:11,16 268:18,18 284:2 301:16 given (5) 44:21 103:22 156:23 274:14 358:13 gives (1) 172:7 giving (4) 85:9 160:22 171:4 312:22 gloves (3) 14:17 30:25 31:15 go (90) 14:24 17:15 18:12 19:12 21:8 22:2,4 23:2 25:4 38:25 48:3,15 66:18 76:20 84:20 91:6 95:24 96:12,15 98:2 99:15 103:13 106:18 123:18,22 131:4,21 132:12,13,21 133:17 134:24 145:8 149:14 162:9 167:14 174:2,10 175:5 177:10 181:8 182:9 188:18 193:2 198:16,24 199:7,10 200:6,8 202:7,7,13
---	--	---	--	--

209:10,21 210:25 213:22 219:16 223:12 224:7 227:20 229:12 230:4 233:19 236:18 239:10 248:23 252:19 253:9 255:6 262:20 263:14 268:10 281:5,11 287:24 289:7 294:4 302:10 307:19 308:14 311:15,21,24 312:5 330:9 335:4 343:9 348:10 349:24	good (3) 323:19 324:6,10 gotten (1) 225:14 government (2) 9:6 94:14 gowns (3) 163:17,17 167:25 grab (1) 255:5 graphic (1) 352:2 graphical (1) 347:20 great (3) 40:7 47:15 274:15 greater (3) 38:11 109:19 329:10 greatest (1) 39:23 Green (11) 41:19,25 42:2,9,13,23 43:18 44:22 50:19 50:24 52:13 group (1) 92:21 growing (16) 80:17 81:25 124:6,8 124:14,15 127:10 127:12 145:10,20 200:16 213:23 214:2 237:20 238:10 288:10 grows (1) 257:9 guess (4) 97:22 107:14 305:23 347:7 guidance (3) 159:20 160:5,22	268:20 272:9 279:19 281:13 300:17 305:5 309:10 317:15 319:5 337:3,3 358:19 handed (12) 54:21 65:23 85:12,17 96:8 161:16 188:4 239:6 260:8 267:9 305:21 315:16 handing (2) 96:7 187:21 handling (1) 38:8 hands (2) 101:11 302:23 handwriting (1) 312:10 handy (1) 209:17 happen (1) 50:12 happened (7) 18:3 48:13,15 92:9 150:6,8 283:18 happens (3) 69:14 288:17 326:5 hard (2) 306:25 308:18 Hardy (3) 35:19,19,20 head (2) 90:15 321:3 heading (1) 337:13 hear (2) 42:21 188:3 heard (6) 60:12 204:11 214:11 214:13 224:13 301:6 hearing (19) 13:12,15,17,24 19:13 26:25 27:2,11,18 31:9,13 33:13,20,22 33:24 34:3 35:25 173:6,23 hearings (3) 19:11 172:24 173:3 heavy (1) 224:19 height (31) 139:4,6 147:9 191:18	191:24 213:11,15 214:8 223:3 242:17 270:6,10,22 271:9 271:11,15 276:3 277:23 278:16,16 280:20 284:11 317:9 333:10,11,16 333:17,23,25 334:4 334:21 heights (1) 214:6 held (11) 2:10 5:5 54:5 93:20 140:22 144:11 187:13 226:4 260:4 305:13 343:17 help (5) 26:8,15 190:12 269:21 303:22 helpful (2) 170:10,16 helping (1) 130:17 helps (1) 329:8 Hendrickson (10) 51:24 263:20,25 264:25 265:9,22 266:4 309:21 314:10 355:19 Hendrickson's (2) 265:15 312:10 hereinbefore (1) 358:11 hereunto (1) 358:18 high (21) 91:13 276:7 277:12 278:17 279:12 280:21 282:22 311:15 312:25 313:4,5,7,10 314:23 316:7,8,17 334:16 342:18,23 343:3 higher (7) 77:8 115:12 139:24 140:13 265:6,13 268:8 HIGHLY (1) 1:11 Hindsight (1) 321:8 histories (4) 150:11,15,22 151:2	history (4) 122:10,15 150:7,19 hit (1) 39:11 hold (19) 20:12 63:17,20 64:10 107:5 143:14,16,18 143:20,25 144:16 209:19 230:7 237:22 238:3 261:10,21 288:23 290:23 holding (4) 101:6 143:16 157:24 286:12 holds (1) 64:2 honest (1) 207:14 honestly (1) 224:12 hooks (1) 329:6 hope (1) 346:13 hot (1) 144:6 Hotter (2) 58:25 59:21 hour (1) 93:15 hours (3) 273:19 277:18 312:22 Human (2) 88:20 141:23 humid (1) 144:7 hung (1) 339:12 hunting (8) 13:23 19:21 28:12,13 28:18 29:19,23 30:5 hurt (1) 221:19 hyperboloid (13) 290:12 293:8,19,20 296:25 299:24 322:5,7,13 323:12 323:18,25 324:5 hyphen (1) 28:2
17:17 18:7,10,12 20:12 21:7,11,20,21 21:22 22:4,24 24:3 25:14,19 37:16,20 44:12 50:12 70:22 84:16 92:21 93:11 95:22 100:5 112:7 113:15 117:11 124:18 159:7 188:16,17 194:8 201:20 203:13 208:22 210:22 211:12 217:4,5 222:10,19 236:12 243:4 245:5,8 255:17 258:22 259:12 263:18 272:9 273:20 277:20 281:13 300:17 305:5,11 308:5 312:12 313:17 319:5 327:12 330:11 331:17 332:25 333:2 335:24 340:18 341:23 349:23	<hr/> H <hr/> H (2) 52:20 354:2 Hahn (1) 51:15 Hale (2) 122:6 154:8 half (3) 110:18,19 337:19 halfway (1) 81:19 hand (15) 71:24 259:12 263:18	<hr/> I <hr/> I-C-O-N (1)		

13:23	346:25 347:16 348:8	202:7	102:3 152:15	295:25
Icon (19)	348:19 349:5,9	indicating (13)	integrated (2)	involvement (1)
13:22 14:3 19:14 23:4	350:17 352:20	123:21 124:23 140:7	92:13,17	226:17
23:5 24:2,5,9 26:8	inaccuracies (2)	140:7 199:2 211:11	interact (1)	involves (1)
27:21,23 28:25,25	72:15,20	212:24 249:14	97:6	9:21
29:5,15 30:14 32:7	inaccuracy (1)	266:16,20 272:8	interchangeably (1)	involving (2)
33:20 36:21	73:13	280:24 317:3	118:12	32:5 38:4
idea (14)	inch (5)	industry (6)	interested (1)	inward (1)
17:12 27:4 38:2 44:24	105:17,18 284:19	83:15 97:4,7 113:25	358:17	290:24
46:8 86:22 102:8,11	337:19,23	142:22 192:6	interestingly (1)	IP (1)
102:16 134:11	inches (9)	information (18)	154:6	235:22
195:23 285:15,22	191:25 255:18 283:11	48:9 67:3,7 88:9	international (1)	IPR (9)
313:21	283:19 284:3,4,8	130:10 193:20	9:7	173:18 174:8,11
identical (5)	285:2 338:6	194:15,25 195:3	interparty's (1)	175:13 197:17
114:5,14 123:24	include (9)	198:2 217:7,9 254:9	172:6	198:9 315:6 318:21
129:20 146:14	105:16 132:15 182:6	315:6 327:17	interpret (3)	318:24
identification (27)	197:19 202:21	328:16 357:12,13	158:10,11 178:3	IPR2013-00530-533...
4:5,10,15,20 54:8,13	213:4 219:13	informed (1)	interpretation (4)	1:9
65:20 73:8 85:3,7	234:23 351:21	172:19	109:14 110:23 128:20	IPRs (3)
96:4 126:19 161:13	included (13)	infringement (6)	179:11	36:25 37:7 217:3
187:18 211:18	10:20 50:20 80:5	10:3 17:7 289:11	interpreted (2)	irrelevant (1)
239:3 264:3 267:6	99:17 120:11,13	317:13 318:5,10	152:14 172:9	317:21
272:14 279:23	203:9 223:3 233:9	infringing (1)	interpreting (1)	issue (22)
281:18 300:21	304:2 319:18	289:14	292:12	10:22 12:6 13:5,7
305:18 309:14	323:14 326:18	initial (1)	interrupt (1)	16:14 18:17,21
315:13 319:3	including (4)	84:15	7:22	19:21 23:3 28:17
347:11	79:7 94:11 125:15	input (3)	introduce (1)	29:14,19,24 31:16
identified (4)	172:16	44:22 45:2 101:22	5:14	31:25 37:23 52:3
171:7 179:3 325:3,13	incomplete (1)	inside (2)	introduced (1)	53:11 93:25 94:9
identifies (1)	195:10	281:25 321:3	304:12	340:19 343:13
169:10	Incorporated (1)	insinuate (1)	introduction (2)	issued (4)
identify (6)	5:10	217:13	79:6 346:23	48:13,19 58:19
154:19 156:11 167:9	incorrect (6)	inspect (1)	invention (7)	217:23
169:19 212:11	71:22,25 72:5,6,9,14	301:15	80:14 81:20,22	issues (9)
268:15	increase (1)	inspected (4)	144:12 215:4	15:19,25 16:18 17:25
Illinois (2)	296:20	282:8,17 344:14,17	248:13 344:4	18:6,7 30:3 39:4
15:13,14	increasing (2)	inspection (6)	inventor (5)	343:11
Illness (1)	214:3,4	99:16,21 100:19,20	52:3,19,23 95:10	italicized (2)
7:12	indefinite (2)	102:9 129:23	263:21	81:18 82:7
impact (10)	180:10,13	inspections (1)	inventors (9)	item (10)
76:23 77:5 135:18	independent (8)	100:2	114:19 115:3 157:9	66:6,9,24 91:17
144:10 214:24	43:25 49:20 82:12	instance (2)	159:2,5 184:9 196:9	153:21 154:14
330:25 331:13,18	83:8 118:10 138:14	172:4 229:13	264:25 309:21	168:14 179:17,21
331:23 334:7	138:21,25	instances (1)	investigator (1)	185:25
implicit (5)	Indiana (1)	171:9	89:4	items (4)
82:19 147:5 183:10	3:10	instituted (2)	involve (3)	90:10 153:11 176:17
183:12 213:25	Indianapolis (1)	311:7,8	9:10,12 235:24	177:22
implicitly (6)	3:10	institution (1)	involved (25)	
127:23 128:5,12	indicate (1)	235:17	11:10 13:20 14:16	J
129:14 144:25	185:24	instruct (3)	30:25 31:20 36:5,15	J.C (13)
145:2	indicated (6)	50:9 246:10 317:18	38:4,6,10,23 39:6	40:14 53:10,11 55:18
important (2)	28:20 29:20 30:2 74:4	instruction (1)	39:10 62:6,8 88:16	56:3,7,15 57:13,16
223:20 242:9	78:25 196:21	207:4	88:17 91:10 173:2,4	58:14 259:14
improper (8)	indicates (1)	instructions (2)	173:18,20,22 179:9	261:24 339:2

<p>jacket (8) 30:5,7,8,11 39:10 91:18,25 92:13</p> <p>Jackets (1) 89:9</p> <p>James (1) 52:20</p> <p>JCP (4) 261:20 277:19 312:21 334:19</p> <p>JCPA (26) 117:23 260:11 261:2 261:11 262:7 264:16 273:19 327:5,22 328:12 329:13 330:17,23 331:21 332:16,22 334:23,24 335:2,13 335:24 338:2 340:7 341:3,23 343:5</p> <p>jeans (15) 272:13,13,18,19 274:24 275:4 303:15 306:17,18 306:21 307:13,17 308:8 356:5,7</p> <p>jersey (11) 2:16 69:17 327:2,9,14 327:16 347:19 349:24,25 350:13 351:11</p> <p>job (2) 1:24 97:5</p> <p>joining (3) 163:18 167:25 168:23</p> <p>judge (1) 217:4</p> <p>judgment (8) 11:5 12:25 13:3,16 217:8,10 220:2 297:5</p> <p>July (5) 1:15 2:4 5:7 358:19 359:3</p> <p>June (1) 59:25</p> <p>Junior (1) 65:25</p> <p>jury (1) 217:4</p> <p>Justice (2) 8:22 38:8</p> <p>justify (1) 242:10</p>	<p style="text-align: center;">K</p> <hr/> <p>K (1) 6:4</p> <p>K-A-L-E-R (1) 28:2</p> <p>Kaler (1) 27:24</p> <p>keep (11) 22:16 70:22 95:20,23 171:4 198:11 209:17 213:8 238:5 263:7 349:23</p> <p>key (3) 286:20 292:10 332:2</p> <p>kind (20) 15:7 20:4 30:4,8 71:8 79:15 92:14 135:14 136:17 143:17 144:17 148:24 149:17 198:19 199:25 259:10 293:18 303:25 304:22 327:4</p> <p>kinds (1) 300:7</p> <p>knecaps (2) 170:22,25</p> <p>knees (1) 164:9</p> <p>knew (2) 161:7 321:6</p> <p>knit (14) 65:15 69:17 194:4 247:14,15 325:17 327:17 329:18 330:6,8 340:13 342:13 350:13 351:11</p> <p>knits (9) 327:10,14,15,16,19 327:24 328:2,3 347:19</p> <p>knitted (20) 62:20,23 100:8 136:7 297:3 321:2,6,6,17 321:21 322:15,16 322:16 325:9 326:6 332:7 334:19,21 335:2,3</p> <p>knitting (5) 329:4,7 330:2 344:9 349:19</p> <p>knocked (1) 77:24</p>	<p>know (167) 7:13 8:13 10:8,9 14:5 15:13 16:23 17:13 17:19 19:2,19 26:25 28:7 29:10,21 32:13 33:23,24 37:22 38:2 41:11,19 42:17 46:10 58:3 60:17,18 64:8 65:17 76:11 79:14 80:9 82:13 83:9,15 86:12,16,19 86:20 87:3,12,17,21 87:22 91:25 92:9 101:11 104:10 108:18 113:19,23 114:11,13 116:20 116:22 119:2,7 121:2,8,9,24 126:5 126:7 134:6,20 135:3,9,21 136:2,3 136:5,12,16 137:15 137:25 138:4,7,8,11 139:2,9 157:2,13,14 158:21 159:25 172:25 175:8,11,12 175:12 181:7 189:2 189:15,17,18,23 190:14,17 191:20 191:23 192:2 195:18 196:6 199:8 199:25 200:17 203:9 204:24 207:13 213:3 217:3 224:17 225:9,10 228:11,13,18,19 233:3 237:8 274:2 276:11 278:7,19 282:14,15,22 284:10 285:9,17,24 286:2 296:15 297:9 297:11 300:8 303:14,25 306:14 306:24 310:2,9 313:19 318:19 322:11 324:10 325:5 330:15 331:22 332:23,25 333:15 335:24 336:5,7 338:3,14,19 339:11,22 342:17 344:7 345:11 351:24 352:6,9</p> <p>knowing (10) 26:14,20 111:24</p>	<p>114:17 130:5 161:6 195:23 335:17,20 338:17</p> <p>knowledge (14) 37:4 53:10 58:22 65:9 68:21,24 74:11 88:4 185:2,4,12 196:16 338:17 342:11</p> <p>known (6) 64:16 69:18 93:2 110:12 149:7 326:4</p> <p>Kodak (1) 96:20</p> <p style="text-align: center;">L</p> <hr/> <p>label (3) 73:4,7 354:23</p> <p>labeled (1) 4:23</p> <p>Laboratory (2) 88:19 141:23</p> <p>Lane (1) 6:15</p> <p>language (9) 115:8 128:5 149:25 151:25 152:15 183:10,12 293:18 297:13</p> <p>larger (7) 110:13,13 111:12,21 111:23 112:7 113:7</p> <p>largest (1) 147:6</p> <p>lastly (1) 124:5</p> <p>law (1) 100:25</p> <p>lay (4) 283:2,21,25 290:2</p> <p>layer (2) 192:17 323:7</p> <p>layered (1) 192:14</p> <p>leading (3) 115:5 188:12 198:4</p> <p>lean (1) 269:20</p> <p>leave (1) 209:14</p> <p>leaving (1) 139:12</p> <p>left (8) 26:2 71:6 73:13 74:2 92:7 206:20 309:3</p>	<p>347:22</p> <p>left-hand (3) 104:19 280:19 306:7</p> <p>leg (1) 25:3</p> <p>legal (4) 5:11 18:7 228:19 229:3</p> <p>length (1) 334:12</p> <p>lengthwise (1) 349:20</p> <p>let's (28) 9:19 14:24 81:10 99:15 129:8 140:3 155:10 164:23 165:2 180:18,23 198:10,16 199:6 200:25,25 201:17 209:12 211:3 213:22 230:7 276:3 283:20 336:14,19 336:22 337:12 338:25</p> <p>level (3) 91:13,13 350:6</p> <p>Levi (5) 61:16 78:15 88:13 95:5 96:16</p> <p>lexicographer (1) 137:21</p> <p>liability (4) 8:20 38:7,10 39:5</p> <p>light (5) 172:8 275:14,15 306:20 308:2</p> <p>lighter (4) 275:3,5,6 307:17</p> <p>liked (2) 191:25 207:24</p> <p>limitations (1) 225:18</p> <p>limited (3) 83:22 214:7 224:24</p> <p>line (83) 82:9,9,20 86:9 116:11 116:14 123:20,20 124:7,7 145:9,22 146:4,12 155:22 157:18 162:12,14 162:17 180:23 181:2,3 182:9 198:21,23,24 199:3 199:8,8,9 200:2,2,3</p>
---	--	--	--	--

200:24,25 201:2,7 201:10,16,17 202:6 205:15,21 206:4 212:3,17,18 223:13 223:23 229:13,14 229:14 236:21 237:20 238:5,13 242:23 243:14,18 245:11 249:10,13 249:15,15 250:10 250:18,20 251:2 252:10,21 280:18 281:2 286:6 307:24 307:25 326:17 346:22 352:19 359:4,7,11,14,18	21:2,10 22:12,20 23:13 24:6,22 25:12 25:20 26:3,20 28:13 28:18 131:8,12 132:9,17 148:3 157:11 158:15 160:6,23 169:4 179:3 181:21 183:3 184:10,16 185:21 206:8 208:11 211:23 219:23 245:11 249:5 268:16 276:14,15 276:23 279:9 288:24 308:9	229:13 230:4,8,21 241:9 242:11 243:6 244:6 249:21 254:8 256:3 258:6 261:15 261:19,19 262:7 269:15 271:3 273:23 274:14,17 274:22 276:3,18,18 278:3 281:24 284:5 287:11 290:3 291:19 292:14 295:20 302:21 303:18 306:3 312:19 313:6 320:18 324:14 330:24 331:21 332:16 334:19 335:23 336:12,14 336:22 337:12 340:7 348:20 349:10,17 351:19	185:16 192:7 205:6 206:16,21 208:9 220:11 231:20 232:9 235:2 238:3 253:11,25 254:6,13 255:14 261:6,23,25 264:16 273:20 276:13 277:19 278:15,22 280:5 285:11 286:22 287:20 289:12 291:21 294:5,25 296:5 300:9 306:6 306:15,16 319:22 322:22 323:2,24 330:23 332:22 338:2 341:22	machine (2) 296:12 344:9 machines (1) 330:2 Macmillan (1) 80:3 magnitude (1) 257:10 maintain (2) 144:14 352:18 major (1) 162:12 making (11) 80:25 81:2 82:4 115:24 117:19 191:19 274:8 289:11 323:17 324:3 329:3 mall (1) 48:14 managing (1) 89:3 mannequin (33) 101:7 103:7,8 112:20 119:9,12,24 120:6,9 200:12 217:15 224:25 225:2 249:22 272:25 273:3 282:20,22 286:17,19,21 287:13,17,18 289:5 289:10,20,25 290:20 301:14 302:3 303:10 333:21 mannequins (60) 47:21 102:10,12,14 102:17,18,20,22 103:3,11,18 104:5,7 105:7,12 106:15 107:3,11,17,24 112:15,17 113:20 113:24 114:4,4,7,8 114:9,14,14 123:25 129:19,23 130:2,6 130:13,16,21,22,25 152:23 153:2,8 218:23 220:8,12,23 221:12 222:11,18 225:13,17 254:6 282:18 288:6,12 332:13 333:18 337:2 manner (1)
lines (22) 82:21 101:16,16 107:9 112:17 133:8 133:24 134:7,8,10 146:3,15 156:11,18 160:16 170:15 238:2,18 250:13,14 343:25 345:16	locations (5) 25:15 146:6,9 223:25 224:4 long (19) 17:20 113:23 143:24 144:5,14 173:19 214:10,13,18,22,23 225:4 228:11,12 235:9 246:18 281:8 332:6 335:3 longer (2) 221:7 292:25 longitudinal (2) 301:20 332:5 look (130) 21:8 22:2 23:2 38:25 45:11,15 47:7 48:17 53:17,21 56:20 66:5 69:4 70:14,17 72:12 73:11 81:6,10 82:7 95:14,16 106:3 107:5 108:4,6,10 112:19 120:3 121:15 124:11,12 124:18 129:2,4 132:12,21 134:24 141:3 145:4 151:15 151:20,24 155:10 160:8 164:23 165:2 165:17,19 167:23 168:9 175:5 177:11 177:22 179:11 180:18,19,23 181:8 182:9 186:6 195:4 198:10 201:9,25 205:12,24 206:11 208:24 209:12 211:3 212:6,8 213:9 226:8 228:12	looked (65) 15:22 20:7 21:6 22:10 24:21 45:12,17,19 45:19,22 46:4 47:3 47:9,14 49:8,9 52:9 59:25 71:12 76:21 84:2 107:23 108:12 108:13,14 114:12 121:12 122:10,11 123:2 130:16 139:19 150:20 151:14,17 152:25 153:3,4,10,18 159:8 166:23,24 167:7 177:7 207:11,16,18 216:19 222:5 225:14 228:2 242:22 244:25 254:14 273:18,25 284:15 312:21,21 312:23 318:4 345:24 352:13,15 looking (72) 21:21 23:18 28:13 68:18 83:22,23 98:18 99:13 100:4 107:15 111:5 129:10 132:24 133:2 135:4 159:8 166:24 170:14 175:17 178:21 179:2,18 182:15 184:20,21 185:16	looks (11) 207:24 217:2 252:24 269:23 275:10 298:17 307:24,25 308:3,16 351:24 loop (1) 325:9 LOS (3) 272:12,18 356:5 Loser (1) 224:8 loss (1) 231:7 losses (5) 83:4 230:13,25 231:6 231:9 lost (1) 191:19 lot (8) 18:6 45:18 62:3 89:11 195:5 224:9 236:12 331:12 louder (1) 188:2 loved (1) 345:11 lower (3) 214:14 288:14 316:4 lubricant (1) 329:4 lunch (8) 51:7,9,12,19 94:5,11 140:19 153:7	M M'Chic (4) 301:7 306:4,9 313:6

175:19 Manual (1) 172:12 manufactured (1) 11:11 manufacturer (1) 9:6 manufacturing (13) 9:7 11:2,19,21 14:18 30:17 32:7 33:22 62:17 96:18,19 296:2 329:8 marathon (1) 93:17 March (1) 235:12 margin (18) 131:16 139:14 140:10 156:25 164:9,14,15 164:17 165:16,18 165:23,24 166:4 179:16 183:14 203:5 219:24 320:25 mark (13) 95:25 124:24 125:4 125:22 126:2 161:22 198:15 211:13 212:22 263:23 280:18 316:12 347:5 marked (57) 4:4,9,14,19 6:18 49:17,23 54:8,12,21 65:19 73:2,7,12 85:3,7,13,18 96:3 116:7 126:18 141:6 161:12,17 187:18 187:22 188:4 211:18 226:9 239:2 239:7 263:19 264:2 267:6,10,12 272:10 272:14 279:19,23 281:15,17 282:2 300:18,21 305:18 305:22 309:10,14 313:24 315:13,17 316:17 319:2,6 333:15 347:11 Market (3) 2:11 3:5 5:6 marking (5) 198:12 211:13 212:9 212:10 316:23	markings (2) 211:18 355:15 Markman (12) 13:24 19:12 26:25 27:2,10,18 31:13 33:20,21,23 173:5 173:23 Markmans (1) 172:24 marriage (1) 358:16 Masciantonio (1) 53:4 mask (6) 12:3,6,8,9 15:15 90:14 masks (1) 9:24 material (20) 46:22,24 50:3 62:11 62:18 80:6 91:16 92:24 93:2,3 94:22 135:10,17 148:25 247:24 254:25 255:6,8 341:14 342:13 materials (11) 32:25 89:16,18,19 94:15 136:4,25 137:3 296:22 341:16 342:10 maternity (51) 1:3 5:2,24 7:5 9:10 39:25 41:14,21 43:18 48:14 60:6,10 60:19 63:7 83:15,21 83:23 84:2 115:4 142:19 157:17 188:11 190:20 193:17 194:18 214:24 225:11 246:17 247:2,9 267:15,19,24 268:25 272:13,19 272:24 273:13 274:10 280:7 281:17 300:20 315:22,25 340:24 341:24 345:9 356:7 356:10,11 359:2 matter (22) 4:25 9:17 11:7,15 23:19 25:9 38:14 78:11,12 95:13	97:22 98:6 175:24 175:25 177:12 188:25 300:4 317:15,22 339:23 342:5 358:17 Matthew (4) 3:11,16 5:9,19 maximum (45) 106:4,5,21 112:6 113:15 131:8,12,19 131:20 132:4,6,10 132:18 138:5 147:4 147:6 179:24 180:2 180:8,16 181:15,21 182:2 184:11,16,18 206:5,12 211:22 212:2,20,20 223:13 254:7 255:22 257:8 257:13,22 258:2 262:8,20,21 263:2,9 288:25 McDavid (1) 11:4 mean (32) 17:4 38:17 49:5,16 60:8 64:4 87:5 112:25 118:17 123:2 129:3 190:14 191:14 192:16,19 197:4 214:12 221:21 234:16 241:2,9 244:3,19 269:19 275:2 277:10 282:7,12 294:10 304:3 314:7 324:10 meaning (17) 151:11 164:2 165:18 166:19 167:10 169:20 170:3,13,17 172:15 178:3 200:5 228:19 232:17 236:7 237:8 271:7 meaningful (1) 171:6 meaningfully (1) 176:22 meanings (1) 205:4 means (15) 111:7 117:16 129:5 147:22,23 177:23 190:13 191:15 192:17 233:16	238:22 246:25 271:15 281:2 344:8 meant (7) 49:19 55:25,25 63:25 113:6 115:22 322:20 measure (11) 98:24 99:9 110:2 282:21,25 283:5 284:13 303:9 333:19,22 334:13 measured (8) 109:25 215:15,25 333:14 334:2 336:2 336:10 337:13 measurement (20) 105:16 106:2,20,21 111:20,20 112:7 146:19,20 147:3,5 147:10 182:16 192:7 254:2 255:9 284:19,25 285:4 336:22 measurements (17) 46:20 47:20 105:20 111:13,15,18 146:21 195:13,15 215:10 223:2 256:17,22 282:16 285:19 286:4 337:12 measuring (1) 283:13 medical (5) 7:9 20:18 93:25 108:25 109:10 meet (10) 110:17,17 138:25 197:21 216:3,19 287:9 297:22,24,25 meeting (1) 308:9 meets (2) 118:9 225:18 memory (1) 135:6 men (2) 64:9 89:8 mention (3) 120:18 144:8 213:16 mentioned (13) 37:10 38:5 39:4 94:14 118:14,21 136:22 137:14 154:8	231:24 304:14 346:16 348:4 mentioning (1) 57:25 mentions (1) 213:24 merged (1) 273:24 Meridian (1) 3:10 met (5) 43:24 49:19 51:23 282:19 288:6 metal (2) 70:2,6 method (2) 10:24 11:21 methods (1) 92:19 Michael (2) 3:6 5:22 microscope (1) 305:4 middle (2) 218:18 219:2 Milano (3) 272:12,17 356:4 military (3) 89:12,24 95:6 Mills (2) 46:2 47:5 Mimi (18) 103:7,23 104:6 105:4 105:18,24 106:12 106:15 107:2,11,16 111:15 222:5,17 337:3,9,17,23 mind (9) 28:23 32:12,14 157:14 171:4 232:15 269:19,21 317:5 minds (1) 157:20 Mindy (1) 58:6 minimizes (1) 329:7 minimum (3) 132:2 138:6 263:15 minute (3) 67:8 227:20 235:5 minutes (16) 53:24 178:19 188:22
--	---	---	---	---

221:8,10,11 232:11 253:10 277:20 278:12 300:10,12 300:13,15 305:6,7 missed (2) 107:21 322:11 missing (2) 76:9 332:2 misspoke (1) 153:10 misstitch (11) 70:8,10 73:15 74:8,22 75:15,25 76:11 77:18 78:5 304:21 misstitches (3) 75:8 76:8 304:5 mistaken (1) 304:9 model (6) 221:15,18,20 222:9 222:10 287:18 modern (1) 79:19 module (1) 75:3 modules (2) 75:4 342:14 modulus (18) 76:23 77:5,7,8 328:4 328:5,11 329:20 330:6 331:3,14 333:2 334:12 338:17 340:13 341:4,17,18 Monday (3) 42:15,19,23 Montgomery (1) 6:17 month (14) 18:9 42:16 103:24 110:3,12 148:13,14 148:14,17,18,18 254:7,8,8 months (35) 17:23 37:13 103:24 108:13,16,21 109:16,25 110:2,14 110:16,18,19,19,25 111:6,8,16 112:6,16 112:18,18,23 113:16 124:2,2 163:6 222:2,3,6,6 236:3 337:16,18,21 morning (1)	94:9 Motherhood (18) 103:6,23 104:5 105:4 105:17,24 106:12 106:15 107:2,10,17 111:15 222:6,17 337:2,8,17,22 motion (9) 12:25 55:8 56:21,22 56:23,24 349:12,12 349:15 move (4) 20:3 77:22 153:21 333:6 moved (1) 196:24 muffin (1) 303:20 <hr/> N <hr/> N (3) 3:2 6:4 357:3 name (13) 5:9 6:10,12 19:15 28:8 30:21 57:23,24 309:22 310:3,4 359:1,2 named (13) 52:2,19,23 95:10 114:19 115:3 157:8 184:9 189:18 196:9 263:20 264:25 309:20 names (1) 105:23 narrow (5) 146:8 149:15 224:3 228:13,20 narrower (1) 326:2 narrows (4) 227:14,17 228:6,25 NASSAU (1) 358:5 nature (7) 53:24 93:12 98:13,22 99:4 334:13 345:4 Navy (2) 190:10,15 near (2) 236:21 239:15 nearly (2) 42:16 257:19 necessarily (7)	190:14 192:12 256:10 287:14,16 332:3 334:9 necessary (1) 225:4 neck (2) 90:7 221:19 need (33) 30:9 72:24 80:15 81:23 93:12,14 94:2 126:22 131:5 135:21 136:3,5,15 143:24 161:22 191:17 194:15 195:7 209:15 217:9 221:19 223:8 228:3 268:10,25 270:6,11 273:25 278:5 280:20 287:21 316:7 347:13 needed (4) 146:7,9 224:2,5 needle (1) 329:7 needles (1) 329:6 needs (4) 136:12 271:11,18 316:18 neither (1) 339:3 never (29) 13:14 16:11 19:13 22:10 114:23 121:11 181:5 191:5 191:7,22 192:24 196:5,21,22,23 273:8,9,18 275:18 277:22 279:16 307:10 308:13 312:23 315:3,4 319:20 334:22 352:13 new (28) 2:15,15 6:6 18:10 62:11 72:25 82:24 89:15,17 90:20 93:3 148:24 149:6,17 196:7 246:17 274:14 315:6 341:13,16,17,18,19 341:20 342:13,13 358:4,8 nice (1)	178:19 Nike (10) 9:20 10:23,25 11:4,15 32:5,20,21 34:8 36:20 nine (10) 108:13 110:2,16,17 112:18 124:2 222:3 222:6 254:8 337:21 nine-month (4) 105:3,4,17,18 non-constricting (2) 63:18,21 non-expansible (5) 65:3,17 68:10,13,15 normal (1) 214:15 North (1) 3:10 Nos (1) 1:9 Notary (4) 2:14 6:6 353:13 358:7 notation (6) 264:6,9 265:15 281:2 309:20 316:24 note (4) 72:8 250:25 271:14 316:12 noted (4) 150:19 185:21 265:2 265:9 notes (1) 208:3 Notice (9) 4:3,8,13,18 6:23 354:7,9,11,13 novel (1) 158:18 number (26) 4:23 8:13 38:12 46:11 61:23 62:14,14 72:25 74:3 147:14 149:13 153:16 156:17 188:5 214:4 243:10 255:11,13 257:5 320:18 321:15 323:4 333:15 354:6 355:3 356:3 numbers (18) 49:18 70:23 84:13 106:5,7 133:22 134:19,20 137:2,4	146:13 147:8 187:24 254:9 255:25 262:16 267:12 336:6 <hr/> O <hr/> O (9) 6:4,4 352:4,4,7,7,7 352:7 o'clock (1) 94:8 O-B-E-R (1) 28:2 oath (1) 207:5 Ober (1) 27:24 object (14) 25:16 50:9 161:19 179:6 186:21 246:12 266:24 267:16 279:25 281:20 294:10 309:16 311:16 346:21 objecting (1) 7:19 objection (314) 11:24 21:19,25 22:9 22:15,23 23:15,24 24:15,25 25:6,23 26:5,17 29:7,25 33:7 37:8,25 40:20 41:4 49:25 51:6 60:7 62:19 63:8 65:11 66:17 67:2,19 68:8 69:8 70:5 75:18 76:4 77:6,15 77:19,23 78:8,16,21 81:3 82:18 83:5 84:4,18 86:18 88:7 92:3 98:8,15 99:7 102:6,15 104:9 106:10 108:11,17 108:24 109:8,18,24 110:8 111:3 112:9 114:6,22 115:13 116:2 118:15 119:5 119:11,16,25 122:3 122:25 125:17 128:9,16 129:17 130:3,15 131:14,22 132:20 133:10,16 134:14,22 135:11
---	--	--	---	--

135:19 137:17 138:16 139:7 140:14 142:23 143:9,19 144:2 145:15 147:20 148:5,21 149:11 150:2,17 151:3 156:20 157:4,12 158:7,17,24 159:23 160:7,25 163:12 165:14 166:6,21 167:13 169:6,22 170:5 171:19 174:25 175:10,22 177:2,17 178:7,14 180:9 182:3,19 183:5 185:6,23 187:7 188:7 191:4 192:3,22 193:11 194:10,22 195:21 196:3,19 197:3 198:6 200:13 201:15 202:4 203:25 204:23 205:23 206:10 211:24 213:13 215:12 217:17 220:20 222:4,13,20 225:8 230:18 233:2 233:14,21 234:20 236:9 239:25 241:5 242:5,20 243:9,24 244:5,21 245:3,13 252:15 254:4 255:10,16,19 257:3 257:15,24 258:13 258:21 259:3 260:19,24 261:18 262:6,14,18 263:4 263:13 265:3,11,17 265:24 266:8 268:3 268:12 269:8,13 270:16,23 272:4,20 273:6,15,16 274:5 275:9,16,17,22 276:9 277:15 279:14 280:14 281:3 283:7 284:6 285:7,13,20 286:14 286:25 287:6,25 289:13,22 290:6,7 291:10,17,25 292:3 292:22 293:3,9,13 294:9,10,19 295:5	295:16 296:10 298:25 300:25 301:12,24 302:16 303:8 306:2,22 307:6 308:10 309:7 310:12 311:14 312:17 313:2,12 314:5,16 315:21 316:25 317:6,17 318:22 319:15 323:20 324:8 326:3 327:6,11 328:7 331:7 332:18 333:9 335:16 336:3,11,24 338:7,23 339:20,25 340:6 341:7,9,15,21 342:15 343:8 345:6 345:22 347:15 348:7,18 349:4,8 350:16 352:12,19 obvious (1) 43:4 obviously (2) 48:23 234:22 occasions (2) 8:11 88:15 October (6) 86:20 100:3,9,17,21 235:14 offer (2) 179:14 197:18 offered (1) 177:4 offhand (1) 10:5 Office (8) 1:2 5:4 36:5,8,15,24 37:6,24 offices (1) 2:10 oh (9) 29:13 49:13 85:9 97:16 145:7 193:5 209:19 212:13 237:5 Ohio (13) 9:25 16:3,11 17:2,5,6 17:10,14 32:6,16 34:9 36:21 37:12 okay (108) 7:14,17 21:23 22:12 22:19 23:5 25:25 29:5 43:5 45:22 59:20 60:2 62:22	66:23 72:23 73:25 83:13 85:10 86:22 88:23 97:19,20 99:2 99:12 100:18 106:24 117:18 124:9 125:13,14 126:14 127:20 129:9 130:21 134:19 135:9 140:18 141:10 143:6 144:5 146:11 146:17 155:10 160:20 162:8 163:15 164:25 167:20 171:3 173:21 177:13 178:21 184:2 189:7 190:19,22 193:3 199:2 200:4 209:18 209:19 212:24 213:6 217:12 218:15 219:6 225:21 227:19,20 228:4 230:7 231:14 232:16 234:25 236:3 238:21 242:11 247:12 249:2 253:10 260:17 262:23 266:3,14 268:24 272:3 273:4 276:3,5 276:17 280:25 282:4 283:2,24 284:10 286:8 292:6 305:5 308:4 316:19 320:24 323:13 326:7 332:11 333:14 336:21 339:7 352:18 Old (2) 190:10,15 Olympic (1) 61:18 omission (1) 97:13 once (13) 51:7 68:4,4 94:10 167:16 171:15 208:17 229:25 231:19 243:22 252:8 295:3 326:11 one-by-one (17) 71:14,19,20 73:24 74:5,12,18 136:8	304:7,10 310:16,18 347:22 348:12 350:22 351:16 352:3 ones (12) 45:7 47:14 178:8,9 215:2 286:18 320:16 322:2,10 323:13 325:3 333:23 ongoing (1) 16:24 open (1) 198:12 opine (6) 203:14,15,16 273:21 286:23 295:13 opined (3) 310:17,21 322:5 opining (1) 218:19 opinion (43) 20:14 26:14,16 42:25 73:20 99:3 144:15 148:22 156:16 176:11,14,15,20,23 177:4 185:13 193:21 194:17 197:19 203:4 204:8 205:2 216:6 219:8 225:17 244:2 246:5 256:25 265:12,14 268:24 277:21 278:9 280:21 291:12 293:19 297:7 301:22 310:11 324:11 340:8 343:6 350:14 opinions (14) 42:3,10 58:9,15 177:15 254:23 261:14 265:8,23 277:14 317:11 318:3,16 319:18 opportunity (1) 318:19 opposed (2) 265:5 289:12 opposing (8) 12:12,15 14:2,19 16:6 28:5,9 30:21 opposite (1) 224:7 oranges (2)	76:15 277:9 order (4) 15:8 17:8 141:12 268:10 ordinary (27) 64:17 65:16 140:8 142:14 169:25 172:10,14 178:2,17 178:23,24 184:19 185:15 261:15,23 296:4 330:22 331:16 332:21 335:20,23 337:25 338:15 340:9,25 342:9 352:5 organize (1) 238:4 origin (1) 196:17 original (8) 49:15 119:2 122:5,12 122:16,21 125:8 182:25 originally (6) 74:15,24 122:12 148:2,2 349:22 Os (1) 351:20 ostensible (1) 350:25 outcome (1) 358:17 Outdoors (2) 13:22 19:14 outer (1) 110:20 outline (2) 87:13 119:20 outlined (1) 198:19 outlining (1) 156:18 outside (18) 23:16 24:16 84:5 130:4 144:7 154:18 161:20 188:8 202:19 229:9 266:25 267:17 273:6 280:2 281:21 301:2 309:17 315:5 outward (1) 292:20 over-the-belly (1) 264:19
--	--	---	---	---

<p>overlap (3) 11:14 98:4,9</p> <p>overview (1) 83:11</p> <p>owned (1) 11:3</p> <p>owner (4) 1:4 5:23 7:4 137:21</p> <p>owner's (2) 349:12,15</p> <p>owners (3) 55:8 56:21 217:7</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P (6) 3:2,2 189:22 190:9,15 190:21</p> <p>p.m (12) 140:25 187:12,15 226:6 260:3,6 305:11,15 343:16 343:19 353:3,5</p> <p>PA (1) 3:5</p> <p>page (77) 55:13,15 70:23,23 71:2,23 73:11 74:2 74:2 75:7 96:12,15 100:15 101:5,20 104:15,16 105:2 106:19 107:12 111:14 112:21,22 116:10 127:14 141:7 145:6,7 156:7 156:9 160:11,12 201:9,12 218:14,17 218:24 219:4,16 239:11 246:14 247:7 267:14,25 268:9 270:7 272:17 272:22,23 276:6,19 277:3,11 279:11 280:5 306:3 315:23 320:5 321:19 324:17 325:8 326:11,16 336:16 336:18 338:22 349:10 354:5 355:2 356:2 357:5,13 359:4,7,11,14,18</p> <p>pages (6) 59:5,9 70:21 141:7 232:5 321:20</p> <p>pair (21)</p>	<p>39:20 105:14 196:6 214:24 272:24 273:12 274:9 281:13 298:15 299:18 300:2,18,20 301:4 302:22 303:2 303:12 324:4,6 341:23 356:11</p> <p>panel (136) 46:23 47:8,10 123:23 124:14 127:5,7,16 128:6,14 129:15 131:7,13,21 132:10 132:18 139:5,24 145:17,23 146:22 147:9 157:10 158:14 174:17 181:13,18,25 182:17 183:4,13,18 184:6,10 202:13 210:4,8,16 215:7 230:10 238:9 241:3 241:17 242:3 243:3 245:7 253:13,22 254:3 256:25 257:21 260:15,18 260:25 264:10 268:9,25 270:6 271:10,15,18 275:15,20 276:6 278:16,17 279:11 280:20 283:6,14 285:5 288:9,16,21 290:4 291:9 292:19 295:14,21 296:6 297:15 298:4,7,11 298:11,21,23 299:9 299:13,14 302:14 306:8,13,15,21 307:5 308:8 309:3 309:25 310:7 311:6 312:11,12,14 313:5 313:6,23 314:3,11 314:14,21,23 316:7 316:17 317:5 321:17 323:23 331:24 333:11,14 333:16,16,22,25 334:4,8,15,25 335:2 340:19,20 341:6,24 342:24 343:4 345:5</p> <p>panels (14) 46:16 140:13 163:17 167:25 261:16</p>	<p>282:23 284:11 334:6 336:2,10 338:5 340:4 341:10 342:4</p> <p>pant (11) 190:4 193:17 196:2 306:4,6,10 312:14 313:6 315:23,25 323:18</p> <p>pants (88) 39:21,24 40:2,7,7,14 45:18,19,20,21 46:5 46:12,15,19 47:12 47:16,25 53:20 89:9 89:11 100:5 105:15 115:5 117:3,14 188:11 190:9 196:7 207:12,17,19,24 214:19,24 246:17 247:15 267:15,20 267:24 268:5 272:24 273:13 274:10 280:7 281:14,17,25 282:5 282:11,14 284:15 286:11,22 287:20 289:15 291:4,7 292:15,20 293:6 295:4,7,9,15 297:18 297:19 298:4,11,16 299:14,18 300:2,18 300:20,24 301:5,9 302:22 303:2,13,16 324:4,6 334:6 341:24 345:11 356:10,12</p> <p>paper (2) 346:18 347:3</p> <p>paragraph (47) 75:8,11,23 81:7,10,12 81:16,19 116:5 118:4 126:25 127:14 150:9 151:2 152:7,10 159:9 162:2,11,15 172:4 172:14 188:15 189:8,11 190:3,5,6 190:8 193:22 195:5 195:12 210:3,7 218:13,15,18 219:3 219:7 220:16 226:12 231:12 239:13 244:15 348:16,21 349:13</p>	<p>paragraphs (1) 239:11</p> <p>paren (1) 96:19</p> <p>parse (1) 244:11</p> <p>part (53) 15:18 20:22 23:3,25 24:23 25:5,5 64:6 72:5 76:7 91:16 97:5 124:3 128:18 128:20,24 130:7,9 130:13 132:16 152:23 153:10 163:10 167:7,8,19 167:21,22 176:18 182:6 183:22 199:12 201:13 203:10 204:5 217:15 220:9 231:11 233:11,15 234:15,17 240:7 241:7 245:22,24 255:21 270:25 277:17 306:18 345:16 348:5,5</p> <p>Partially (2) 329:19,21</p> <p>particular (21) 11:8 16:13 20:22 28:17 63:18,21 64:11,25 65:14 93:9 114:9 134:13 136:7 214:8 215:9,24 217:3 230:8 250:7 326:21 336:6</p> <p>parties (3) 9:18,19 358:15</p> <p>parts (6) 21:3 28:19 29:14 56:14 163:9 223:9</p> <p>partum (1) 109:3</p> <p>party (9) 12:12,15 14:2,19 16:6 19:15 28:5,9 30:21</p> <p>passing (1) 160:18</p> <p>patent (216) 1:2,4 5:4,23 6:24 7:4 8:19 10:10 32:4 36:5,8,15,23 37:6 37:22,24 38:5 42:10 43:3,4 49:17 55:8,9</p>	<p>56:21 64:15 65:19 65:24 66:2,19,20 73:23 77:2 80:15 81:23 82:8,13,17,22 82:24 83:8,12,17,18 83:20,24 84:8,15,24 85:2,6,13,15,18,20 86:4,6 87:7,8 97:15 97:23,24 98:5,12 99:3 117:20 118:2,5 120:16 126:6 127:4 129:10 132:17 135:4 137:20 144:18,22 147:19 149:19 160:11,14 161:12,24 162:3,9 163:3,21 165:5,10 165:20 166:5,12,24 167:3,15 168:5,10 169:5,10 170:16 172:7,12 178:25 179:10,19 180:18 181:24 182:14,21 182:23 185:3,7,16 185:22 186:16,17 186:25 187:5 195:24 196:24 198:5,11 205:13 206:7,23 207:6,24 208:5,9,19 211:4,17 215:20,23 216:3,7,8 216:15 217:7,21,21 218:5,7,7 219:19 220:3 223:4,5,7 226:15 227:13 231:22 234:9,11 237:17 239:2,8 242:21,23 243:8 245:23,24 248:11 251:10,12,16,18 252:11 256:14,16 256:18,20 268:2,11 269:7,12 270:12,15 293:11,16,23 311:12 319:2,7,7,8 319:10,12,14,17,21 320:7,8 322:20,21 324:22 326:12,14 326:14,19 328:9 333:5,15 334:25 343:22 349:12,12 349:14 351:17 354:20 355:5,7,10 355:14,16,17</p>
---	--	--	---	--

356:19	pay (1)	299:17 310:8	130:17 135:23	212:25 249:7 266:7
patented (1)	17:10	313:19,22 330:22	162:25 180:16	266:15 270:4
220:22	pen (6)	331:16 332:21	186:7 199:21	291:19 300:2
patents (148)	71:24,25 124:9,24	335:20,23 337:25	206:17 212:6	311:21
36:14 37:23 42:4	268:18,19	338:15 340:8,25	244:23 257:25	point (15)
49:15,15,21,24 50:5	pending (4)	342:9 352:5	264:18 269:5	20:4 105:9,13 117:8
52:3 84:9,10 85:23	8:5,7 36:11 216:20	person's (17)	274:25 275:21,23	153:2 160:17 187:2
85:24 86:14 95:9,13	Penney (13)	21:18,24 22:7,21	276:2,19 277:4,6,8	209:10 229:4 236:6
97:14,22,24 98:5,11	40:14 53:10,11 55:18	23:23 26:4 66:16,25	280:9 306:10,25	237:19 238:12
98:13,17 99:3,5,12	56:3,7,15 57:13,16	66:25 67:7 160:6	308:3,13 314:17	253:3 257:13 332:2
114:13 118:17,18	58:14 259:14	203:8,11 214:15	316:10 347:17	pointed (6)
118:20 119:8,18,23	261:24 339:2	309:4,24 314:11	348:14,22	66:6 107:11 209:2,5
120:6,13,17 121:6	Pennsylvania (5)	persons (2)	pictures (21)	223:10 243:10
121:17 122:2,5,13	1:14 2:12 6:16 31:12	64:16,17	49:10 100:8,12,16	pointing (12)
122:22 123:5,8	46:3	Petitioner (4)	105:10 112:20	125:25 133:23 134:20
131:3,11,21,23	people (11)	1:7 5:18,21 217:6	217:13,21 218:22	134:21 156:6,17
132:8,25 133:15	47:21 100:23 191:6	Petitioner's (8)	242:10 244:23	168:15 169:4
134:4 136:24 138:3	194:19 214:5	4:3 8,13,18 354:7,9	249:22 262:22	199:15 232:3
138:15 143:2,3,17	222:25 224:9,10,14	354:11,13	263:17 282:24	245:12 252:21
147:16 148:23	316:3 326:4	Philadelphia (12)	294:22 295:19	poly (4)
151:11 153:22	Perceived (3)	1:14 2:11 3:5 5:6	321:9,11 340:11	193:23 194:2,3,4
154:6,7,12,17,20,25	309:24 312:10 314:10	14:23 30:23 79:3	348:25	polyester (9)
155:6 157:2,5,6	perform (1)	88:18 92:7 93:5	piece (5)	96:20 194:2,4,7,11,12
158:16 161:4	334:3	96:23 97:12	101:6 277:24 308:16	194:13 260:20,21
164:19 165:7,25	performance (3)	photograph (12)	344:10 346:18	portion (38)
171:16 183:2	61:17,21,25	105:3 267:22,23	pieces (5)	57:12 81:18 91:24
184:25 186:12	perimeter (1)	268:16 269:3,5	16:15 53:15,16 94:15	94:16,17 127:5,16
191:8 196:18 197:7	321:3	277:2 278:23	129:8	139:11 145:23
197:13,16 203:24	period (3)	280:19 308:20,22	pile (1)	147:6 186:11
213:10 215:17,18	46:6 239:15 246:18	314:22	272:6	210:10 238:8
215:21 216:2,20	periods (1)	photographs (16)	Pillsbury (1)	239:17 240:3,6,7,21
217:16 219:14	253:9	101:13,14 120:10,12	35:18	241:7,22 242:7,8
225:7 235:24	permissible (1)	120:15 216:14,23	Piper (3)	247:4,10,15,16,21
245:17 246:22	130:2	217:22,24 218:4,9	2:10 3:4 5:23	247:25 288:8,14,19
258:11,25 262:24	permits (1)	219:10 220:18,25	place (6)	306:7 307:17,20
271:7,12,16 273:14	252:11	316:16 324:19	63:15 82:15 99:21	316:4 321:2,16
274:11 276:8,20	person (73)	photos (1)	182:20 246:3	344:5
277:13 278:18	24:23 38:18,20 65:3,7	106:8	288:24	portions (3)
279:13 280:8,23	65:8,13,16 66:12,14	phrase (7)	placed (1)	92:11 127:21 129:13
282:3 286:13,24	67:6,10,11,11,16,17	162:20 163:25 164:3	124:11	POSA (8)
287:23 289:16	68:2,5,6,22 69:6,11	165:6,15 171:11,12	places (1)	152:14 158:11 166:10
301:11,23 302:4	69:23 111:25	phrases (5)	349:15	179:11 240:4
303:3,7 310:25	113:14 119:14,19	166:14,20 219:17	plain (1)	302:10 326:5
312:16 313:8 314:4	119:21,24 120:7,9	226:25 227:4	136:10	327:13
314:24 316:2,9,21	123:7,9 131:9 140:8	physical (1)	plaintiff (5)	posed (1)
317:14 318:12,21	141:12 142:13	111:11	1:8 3:4 8:20,21 12:19	291:8
325:14,19,22	169:24 178:2,17,22	pick (5)	plastic (3)	position (1)
326:25 328:6	178:24 179:24	110:20 155:18 165:16	193:14,17 194:14	232:20
330:14 341:13	184:19 185:15	212:18 331:3	please (24)	positions (1)
342:12 343:7	200:11,15 214:18	picked (1)	5:14 6:2,10 10:8	181:19
345:21 346:6 351:9	242:18 261:13,14	235:16	27:25 32:13 72:14	possession (1)
351:12	261:22 272:25	picture (37)	95:25 107:7 120:4	15:5
pattern (4)	273:3 280:10,18	72:11 73:21 101:5,9	188:2,15 209:21	possible (1)
63:18,21,23 135:22	296:4 298:15	127:15 129:2,3	211:14,15 212:23	104:4

<p>postpartum (14) 109:6,13,16 110:7 246:19 247:19,22 248:16,21 253:24 254:20 255:5,24 257:8</p> <p>practice (1) 87:22</p> <p>preceding (1) 12:24</p> <p>precise (1) 8:13</p> <p>pregnancy (62) 80:17 81:25 102:23 103:21,25 107:25 108:4,7,8,9,15,23 109:7,11,17,22,23 110:5,6,22 112:2,15 113:3,8,17 127:11 144:4 145:11,21 148:11,13,16,19 181:18 200:18 213:24 220:24 230:17,20,24 231:7 231:10,13,15,17 238:11 239:15 246:19 247:18,22 248:16,21 253:23 254:19 255:4,24 257:7 258:20 288:11 289:4 331:3 333:7</p> <p>pregnant (12) 60:18 112:6 162:15 214:2 222:3 275:8 289:3 302:15 313:20 331:25 333:6 335:22</p> <p>preliminary (1) 301:16</p> <p>prepared (1) 25:7</p> <p>prepping (1) 352:14</p> <p>present (6) 3:15 24:10 36:11 55:10 100:18 101:3</p> <p>pretty (2) 27:20 311:23</p> <p>prevent (1) 7:9</p> <p>previously (1) 263:19</p> <p>primarily (3)</p>	<p>90:24 331:14 332:8</p> <p>primary (1) 330:7</p> <p>principal (1) 89:4</p> <p>prior (55) 8:11 9:9 18:9 27:10 34:16 42:4,10,15,16 42:25 53:11 79:21 79:21 122:5 128:21 151:14,15,17,20,24 152:8,16,17 153:22 154:14,17,19,25 159:7,13,15 160:10 161:4 170:7 171:10 172:18 175:20 176:6 177:16,19 179:13,14 185:17 186:3,4 195:24 197:13,20 252:3 259:14 260:12 273:12 305:22 315:17 342:21</p> <p>Privilege (1) 317:20</p> <p>pro (2) 9:21 10:23</p> <p>probably (8) 17:24 173:3 194:6 293:25 301:18,18 327:14 339:22</p> <p>problem (8) 157:16 158:19,20 246:16,21 247:2 269:25 340:24</p> <p>problems (1) 92:20</p> <p>Procedure (1) 172:13</p> <p>proceeding (2) 36:2,6</p> <p>proceedings (8) 6:25 7:6 19:11 34:4 36:16,23 37:6 318:21</p> <p>process (3) 10:24 11:3 220:9</p> <p>produce (1) 44:12</p> <p>produced (3) 20:17 160:13 189:4</p> <p>product (60) 8:20 12:22 18:18 32:14 33:16 38:6,9</p>	<p>39:5 64:21,23,24 78:14 90:18 91:2,14 117:7,9,9,19,25 118:6,8,9,14 119:9 119:23 120:6 124:11,18 189:13 189:16,24 190:20 194:16,17 195:4,19 195:20 200:11 215:19 216:7 219:11 220:23 222:18,21 225:6,16 251:3,8 256:6,8 258:19 261:20 284:24 285:10 286:6 304:2,23 334:2,5</p> <p>production (1) 92:9</p> <p>products (84) 43:9,19,22 44:4,11,17 44:19,23 45:3,7,9 47:4 48:16 49:14,17 49:23 50:19 63:3,6 83:15,23 84:2 86:10 86:11 87:2,2,9,10 87:13,18,25 88:5 89:23 92:5,17,25 99:17 100:3 101:19 101:20,23 102:4,9 102:13,17 110:16 115:2,9 116:18 118:13,16,21,22,25 119:14,15,19 197:10 198:3 215:20,22,25 216:3 216:15,24 217:14 217:25 218:4,10 220:8 221:25 222:10 224:22 262:25 285:18 286:3 311:13 325:2 333:17 335:14 340:10,11 344:14 344:16</p> <p>Professional (1) 2:13</p> <p>professor (2) 61:15 79:2</p> <p>progresses (1) 32:12</p> <p>project (6) 88:19,24 89:24 94:24 95:6 141:24</p>	<p>projects (1) 91:10</p> <p>Pronounced (1) 204:13</p> <p>pronunciation (1) 54:19</p> <p>properties (13) 11:18 29:18 76:14,16 87:14 93:9 136:6,22 136:23 137:5,6,13 138:9</p> <p>proportions (1) 206:6</p> <p>proposal (1) 204:6</p> <p>propose (1) 152:11</p> <p>proposed (3) 226:14 227:7 237:12</p> <p>proprietary (1) 89:19</p> <p>prosecuted (1) 157:7</p> <p>protection (5) 88:20 90:23,25 141:24 191:12</p> <p>protective (7) 14:16 30:25 31:15 38:15,23 39:3 89:7</p> <p>protects (1) 90:16</p> <p>provide (29) 13:12 19:10 20:14 21:2 22:6,19 25:14 25:19 26:2,9,16 27:6 31:3,8 33:10 35:25 48:8 90:23 95:17 127:6 174:14 181:11 246:17 252:9,10,13 263:11 313:25 321:3</p> <p>provided (34) 7:3 10:15 24:5 33:16 48:10 56:8 61:4 71:2 96:10 101:19 101:23 102:4 163:18 168:2,24,25 173:8,12,16,23 174:15,19 196:9 197:6,9,12 198:2 254:22 304:21,24 333:17 334:5,6,8</p> <p>providing (2) 174:22 261:13</p>	<p>proviso (7) 190:24 192:23,25 308:12 315:2 338:13 339:21</p> <p>PTAB (8) 57:4 58:7 121:18 172:7 217:5 219:25 220:21 311:6</p> <p>public (6) 2:14 6:6 9:5 63:4 353:13 358:8</p> <p>pull (3) 48:24 117:13 340:10</p> <p>pulled (8) 339:8,14,15,18,24 340:4 342:5,6</p> <p>pulling (3) 47:17 263:7 310:8</p> <p>pulls (1) 340:2</p> <p>pushed (2) 313:24 314:7</p> <p>pushing (1) 249:19</p> <p>put (66) 6:19 19:13 24:9 27:9 37:23 46:17 47:20 63:3 68:19,22 69:6 69:15,24 71:13 72:10,25 73:3 82:20 97:3,17,18 102:9,11 102:14,16,18 122:7 134:9 155:15,16 188:21 211:8 255:6 272:6 282:17,22 286:8,16,18,20 287:12,17 288:11 289:5,10,20,24 291:7 292:19 295:3 295:7,9,14 301:14 321:18 322:11,13 322:14,14,16 328:25 329:3,5,5 333:18,20</p> <p>puts (10) 65:7,8,13 67:10,11,16 68:6 69:11 262:24 262:24</p> <p>putting (6) 23:5 105:11 135:16 286:21 290:20 302:2</p> <hr/> <p style="text-align: center;">Q</p>
---	--	---	---	---

qualifications (1) 141:11	336:8 342:2	18:14 41:7	49:12 51:3,14 52:11	343:16,19 347:2
qualified (1) 20:25	range (9) 77:12 109:25 110:11	real (3) 221:22 222:9 303:16	53:8 56:11 57:9,14	353:4 358:12
qualify (1) 67:22	136:11 195:14	realize (2) 97:14,18	57:15,18,21,21 58:4	red (2) 307:24,25
quantify (3) 132:3,5 332:20	225:11 262:12	realized (2) 71:12 352:15	58:5,25 59:4 60:3	reduced (1) 162:17
quantitative (2) 258:14 259:11	263:11 330:5	really (13) 76:18 117:23 121:12	60:21 61:11 62:16	reemerged (1) 37:21
question (45) 8:5,8,9 19:16 26:18	ranges (2) 110:21 262:17	135:24 175:3 204:6	63:2,5,9 65:12	refer (3) 84:9 162:25 163:2
28:6 42:20 55:21	rate (2) 296:25 297:3	207:13 221:10	70:12 78:18 79:24	reference (11) 80:6 103:15 127:22
76:19 80:19,20 81:8	re-exams (1) 37:5	261:25 273:24	80:4,11 84:23 90:9	170:2 259:14
94:19 103:4 107:7	re-issues (1) 37:6	274:24 303:24	90:19 91:5,8,9,11	260:12 304:24
109:20 120:4 125:8	reach (2) 278:9 338:8	310:5	91:12,19,21,22,23	308:5 327:5,23
125:13 128:10	reached (9) 42:9 176:9,11,14	realm (1) 286:3	92:4,5,15,16 93:8	328:12
131:5 136:21	204:8 205:2 236:7	rear (1) 66:21	93:10 94:23 102:7	referenced (3) 6:25 36:16 86:13
139:18,19 140:11	237:3,6	reason (28) 103:17 104:6,11	104:13 115:10,15	references (6) 70:13 79:9 159:15
163:14 169:9 175:4	reaching (6) 58:9,14 177:14	128:4,11 129:12	115:16,21,24	160:5 329:13
182:22 206:15	317:11 318:3,15	228:14,21 251:14	117:21,25 121:13	332:25
209:3 227:21,22	read (67) 56:12 58:25 59:19	298:22 327:23,25	122:18 123:3	referred (3) 121:21 131:2 307:21
235:2,5 261:22	75:22,23 76:5	328:2,10,13,14	132:13,22 135:15	referring (8) 59:5 66:2 84:11
262:11 270:3	107:18 121:3,18	329:12,14,15	143:23 152:5	130:22 189:24
273:11 278:15	126:12,14,22,23	330:16,19,20	154:24 166:25	190:17 231:5 297:9
286:9 311:25 312:4	127:21 129:12	335:11 359:6,9,13	174:5,5,12 176:22	refers (6) 75:12 127:15 135:5
331:12 335:8	134:18 157:20,20	359:16,20	177:13,18 179:7	191:21,23 344:7
questioning (2) 346:22 352:20	162:3,6,7,24 164:16	reasonable (19) 128:19 166:9 171:23	182:8 196:15	refreshed (1) 206:19
questions (13) 7:18 25:11 40:4	167:3 170:19 172:2	172:8,22 177:25	204:10 207:12	regarding (8) 15:19 20:14 21:2 42:3
225:22,23 234:5	172:5 179:7 181:5	178:10,16,22 179:4	208:2,6,20 231:22	49:23 143:6 188:11
259:19 278:14	184:13,15 186:25	179:8 184:22	242:24 284:14,17	191:3
310:3 343:22	188:15,17,19 189:6	185:18,19 186:7,19	297:12 301:4	Regardless (1) 231:10
346:10 352:22,24	192:15 197:17	218:20 219:8	318:23 319:9,11,13	region (52) 83:2 204:22 205:3
quick (2) 303:16 346:13	199:15 197:17	220:17	325:24 326:9 327:3	210:13,17 211:7,10
quite (7) 149:10 192:14,19	223:6,9 230:7,9,16	reasons (3) 104:12,13 329:2	327:3 344:25 346:3	211:21 212:5,12,15
193:8 195:12	231:21 235:5,7	Rebecca (5) 1:23 2:12 5:12 358:7	recedes (1) 288:15	212:23 213:3,4
284:21 285:5	240:4,4,8 241:21	358:21	received (4) 11:5 29:6 45:4 115:2	227:12,24 228:16
quote (2) 160:15 172:14	244:3,10 265:5	recall (147) 11:25 12:7 13:6 14:9	recess (8) 54:5 93:20 140:22	228:23 229:7,10,17
quoted (1) 167:17	272:7 274:21 279:4	15:10,22,23,24	recess (8) 187:13 226:4 260:4	230:2 231:20
	293:17 320:23,23	18:24 19:8,15 20:2	reciting (1) 163:14	232:13,24 233:3,5,7
R	332:22 339:8	20:23,24 22:17 23:3	recognition (4) 54:22 55:3 239:7	233:9,13 234:3
R (4) 3:2 6:4 266:19 358:2	351:25 359:5,8,12	26:13 27:14 28:4,16	259:13	236:17,22,23 237:9
R-O-X (1) 266:18	359:15,19	30:4,10,13,21 31:5	recollect (4) 90:5 149:2,8 206:18	237:15 238:10,14
radial (1) 332:9	reading (21) 56:25 58:5,6 82:13	31:13,19,25 32:10	recommending (1) 122:6	238:23 239:20,24
radially (2)	83:7 128:4 134:17	32:15 33:18 34:7,16	record (27) 5:15 6:11 50:7 54:4	240:10 241:4,18
	163:15 168:22	35:6,24 36:3 37:2,9	54:16 56:13 93:19	242:4 243:23 244:4
	189:11 195:11,12	37:20 39:2,9,14	93:22 140:21,25	
	244:14,15,16 247:5	41:18 42:7,12,14	187:12,15 201:23	
	256:2 335:21	43:6 44:7,10,16	223:20 226:3,6	
	338:16 341:2,3		260:3,6 266:24	
	ready (2)		305:12,15 343:14	

<p>244:19 249:13,17 268:22 270:18</p> <p>Registered (1) 2:13</p> <p>regular (2) 112:16 352:17</p> <p>regularly (2) 41:10 61:18</p> <p>reinforce (2) 105:25 106:11</p> <p>reissue (4) 84:17,20,21 86:3</p> <p>reissued (5) 49:14 85:2,6 355:4,6</p> <p>relate (2) 9:3 39:6</p> <p>related (9) 11:19 12:3 25:9 36:23 39:6 51:21 143:14 317:24 358:15</p> <p>relates (2) 9:5 348:17</p> <p>relating (2) 15:8 128:5</p> <p>relation (1) 131:19</p> <p>relationship (3) 49:24 285:10,16</p> <p>relative (25) 21:24 22:7,13,21 23:14 24:14 25:12 25:21 26:4,19 28:14 28:18 86:12 132:18 157:11 158:15 181:25 182:17 183:4 184:6,10 206:6 242:18 250:19 264:10</p> <p>relatively (1) 214:19</p> <p>relevance (1) 317:23</p> <p>relevant (1) 221:2</p> <p>relied (2) 153:7 240:15</p> <p>rely (2) 58:12 150:16</p> <p>relying (1) 238:23</p> <p>remainder (1) 269:17</p> <p>remember (58) 10:4,5,7 14:4,21</p>	<p>16:22 17:24 18:16 19:17 20:7,8,10,20 21:13,14 28:21,21 28:23 29:3,17,22 30:2,7,20,22 31:11 34:12 35:20,21 46:11 57:6 60:20 61:3 62:4,7,9,15,20 62:21 83:11 95:3 103:19 108:19 174:9 175:17 207:10,14 225:12 229:2,3 236:11,12 236:13 237:5,11 251:3 299:25 304:8</p> <p>reminded (1) 72:24</p> <p>removed (1) 227:2</p> <p>removing (3) 227:8,10,16</p> <p>repeat (8) 67:12,14 107:7 120:4 128:10 209:3 270:3 330:12</p> <p>replace (1) 348:25</p> <p>replies (1) 59:24</p> <p>reply (9) 53:18 57:3,4,8,11,22 58:6,8,9</p> <p>report (109) 10:16 15:2,8 21:12 27:10 31:3 32:15,16 32:17,21,23 33:2 34:15 35:4 43:14,16 48:13,19,20,21 53:18 56:16,17 57:3 59:18 70:17,21 71:3 71:11,17,21 72:3,16 72:25 73:12 77:3 80:7,13,22,23,25 81:10,11 96:11 100:7,10 106:19,25 115:7,10,14,20,23 116:4,5,7 126:13,25 128:17 129:7 132:22 145:4 150:10 152:2,6 153:20 160:8 163:7 167:18 171:14,16 171:20 172:2 175:13 181:8 182:6</p>	<p>185:8,24 216:2,24 218:11 219:24 220:14 226:8 228:9 228:11 232:10 235:12 287:24 288:5 290:21 291:21 304:9,17 310:14 311:21,25 312:3,5 343:9 346:17 347:19 348:3,5,5,10,15,17 348:20</p> <p>Reported (1) 1:22</p> <p>Reporter (33) 2:13,14 4:6,11,16,21 5:12 6:2 7:21 54:9 54:14 65:21 73:9 85:4,8 96:5 123:17 126:20 161:14 187:19 211:19 239:4 264:4 267:7 272:15 279:24 281:19 300:22 305:19 309:15 315:14 319:4 347:12</p> <p>Reporting (2) 5:10,13</p> <p>reports (15) 13:7 18:17,22 27:6 48:10 50:20 55:23 58:16,20 59:3 72:15 72:21 120:11 173:9 173:24</p> <p>represent (3) 12:13 35:9 309:23</p> <p>represented (4) 12:11 27:22 28:4 35:7</p> <p>representing (2) 13:22 41:13</p> <p>reproduction (1) 295:11</p> <p>requested (2) 148:8 357:12</p> <p>require (2) 202:13 231:16</p> <p>requirement (1) 178:16</p> <p>requirements (2) 152:13 175:6</p> <p>requires (1) 302:14</p> <p>research (3)</p>	<p>21:14,14 61:19</p> <p>reservation (1) 275:18</p> <p>reserve (2) 107:20 308:14</p> <p>residual (1) 223:2</p> <p>resist (1) 181:21</p> <p>resistant (1) 77:7</p> <p>respect (3) 22:11 115:4 132:10</p> <p>response (8) 6:23 121:19 247:17 247:20 248:14,19 253:17 254:16</p> <p>responsibilities (2) 79:4,5</p> <p>rest (5) 238:4 269:16 270:2 286:5 287:10</p> <p>restrict (3) 64:5,6,6</p> <p>restricted (1) 231:6</p> <p>result (2) 122:6 291:3</p> <p>retained (3) 235:18,25 236:4</p> <p>retracting (1) 153:12</p> <p>retraction (1) 253:22</p> <p>retracts (1) 253:15</p> <p>return (3) 32:25 33:8 193:18</p> <p>review (7) 26:7 120:25 167:15 172:6 191:17 197:20 228:4</p> <p>review-find (3) 272:13,18 356:6</p> <p>reviewed (13) 26:22 59:13,18 86:11 87:3,9 88:6 150:10 150:15 163:3 167:16 176:17,18</p> <p>reviewing (1) 198:4</p> <p>rib (3) 203:12 327:15,19</p> <p>Richard (1)</p>	<p>52:24</p> <p>rid (1) 303:20</p> <p>right (103) 7:13 10:6 14:24 16:3 21:8 23:7 24:11 33:15 39:15 54:18 61:8,11 66:9 69:25 70:22 72:7,13 73:14 74:7 81:9,17 82:8 103:2 121:13 124:3 147:13 159:13 165:9,23 167:4,20 170:8,23 176:3,16 181:16,23 185:10 186:25 197:8,11 198:10 199:19 204:4,16,19 206:20 208:13 210:2 214:17 216:11 218:24 219:2 220:10 227:19 228:8 231:18 232:19 233:22 235:24 237:17,23 240:12,14 243:11 244:4 245:16 248:5 250:15 251:18 253:6 254:18,21 255:3 256:4,14,23 262:3 266:22 279:2 281:25 282:10 283:21 289:17 298:5,9 299:10 302:11,12,23 304:19 308:5,14 314:12 319:22 324:2,25 326:12 328:18 337:3 347:4 347:18 348:10</p> <p>right-hand (1) 75:6</p> <p>rigid (4) 70:4 77:18,21,25</p> <p>role (1) 61:25</p> <p>Ron (1) 53:4</p> <p>row (2) 347:25 349:22</p> <p>rows (1) 349:20</p> <p>RPR (1) 1:23</p>
---	---	---	--	--

rubber (2) 11:12,13	184:5 190:3,17 191:10,17 192:13	324:9 327:7 345:7	140:3,5,12 160:9 162:14,21 163:21	300:24 305:23,25 307:10 308:13
rule (1) 8:4	193:5,22 195:13 210:7,10 213:23	scam (4) 168:20 344:11,12,13	168:14,21 169:2 181:13 184:24	315:4,19,20,22 319:8,21 342:20
runway (5) 221:15,18,20 222:9 222:10	215:19 223:5,6,7,12 229:17 231:2	seamless (6) 344:6,17,24 345:4,12 345:15	188:10 189:7,9 190:8 191:9,13	344:20 345:9
S	239:14 240:2,3,17 242:21 244:9 247:2	seams (5) 92:21 163:18 168:2 168:23,25	199:21 201:18 203:2,10,17,18,18	sees (1) 352:4
S (3) 3:2 6:4 354:2	248:3,6,8,17 253:23 264:12,18,21,23	search (2) 167:5 186:22	203:19 205:15,24 210:2,15 211:12	Seirus (5) 9:24 12:16,22 34:12 34:25
S-E-I-R-U-S (2) 9:24 12:17	265:19 266:12,14 267:19 272:17	second (10) 35:18 75:8 104:21 120:2 201:7 206:21	212:25 220:12 221:24 226:11,14	select (1) 331:5
S-I-M-O-N (1) 57:25	292:5,7,16 302:9 306:5 309:24 312:2	237:13 238:4 288:13,19	227:18 235:6 239:10,13 242:14	selected (6) 44:20 146:6,9 222:12 223:25 224:4
S-T-U-A-R-T (1) 6:13	312:2,3 320:22 321:5 323:9 344:3 351:25	Secondarily (1) 329:23	243:6 245:10,14,15 245:16,19,19 256:3	selecting (1) 89:17
samples (1) 197:10	scale (2) 256:11,11	secret (40) 62:4,13 89:20 39:20 40:6 45:8,18,21	256:5,7,7 258:7 261:20,21 262:8,9	selection (3) 44:23 45:3 89:2
San (1) 61:19	Schaumloffel (5) 1:23 2:12 5:12 358:7 358:21	secret (40) 46:5 47:4 89:12 92:19 105:12 115:8	264:6,9 266:15 267:13,24 270:2	sells (1) 225:11
saw (12) 48:14,25 49:4 50:4 55:22 57:11 150:7 196:22 321:7,7 322:3 334:22	scope (88) 23:16 24:16 84:5 130:4 134:15,23 135:12 138:17	115:11 116:18 117:24 118:6,8,9,14 118:21,22 145:7	274:18,23 275:2,7 275:13 277:5,7,7 279:9 280:10,25	Send (1) 97:3
saying (30) 22:25 50:4 65:12 75:24 117:2,9 137:22 156:13 160:19 178:20 194:25 195:2,7 199:23,24 206:21 219:5 222:16 229:6 229:25 252:11 255:5 257:12 273:25 274:13 289:9 295:18 298:3 322:11 349:2	139:8 140:15 161:20 162:22 166:19 167:10 169:20 171:7 175:2 188:8 195:22 196:4 196:20 198:7 227:12,17,25 228:6 257:4 265:4 266:9 266:25 267:17 268:4,13 269:9,14 270:17 273:7,16 274:6 275:17 276:10 277:16 279:15 280:2,15 281:4,21 283:8 284:7 285:8,14,21 286:15 287:2,7 288:2 289:23 291:11,18 292:23 293:4,10,14 294:10 294:20 295:17 300:25 301:2,25 302:17 306:2,23 307:7 308:11 309:8 310:13 312:18 313:3,13 314:6 315:21 317:2,7 319:16 323:21	324:20 40:6 45:8,18,21 46:5 47:4 89:12 92:19 105:12 115:8 115:11 116:18 117:24 118:6,8,9,14 118:21,22 145:7 195:19 216:14,23 217:14,25 218:4,10 218:22 219:11 220:18 282:11 285:18 286:3 324:20 335:14 336:2,9 344:21 345:4	281:25 282:4 288:17 292:2,4,6,12 295:21 297:7 303:16,19 306:4,7 306:13,17,19 307:3 307:8,11,16,23,23 307:25 308:2,4 309:2 312:3 313:14 313:16,17 314:9,13 314:20 316:5 317:4 320:21 340:9 341:23	separate (1) 202:22
says (100) 50:4 66:19,19,20,21 75:8,19,20 76:7 81:22 82:23 86:5,9 103:14 106:11 115:23 124:13,13 128:25 134:16 135:7 137:22 145:9 145:17 147:4,6,17 148:12,14 149:12 149:14 162:15 163:16,21 167:24 168:6,8,20,20,21,23 169:12 181:13 182:4 183:13,18		section (8) 169:17 181:3,5,12 184:24 186:15 187:4 219:15	309:2 312:3 313:14 313:16,17 314:9,13 314:20 316:5 317:4 320:21 340:9 341:23	separately (2) 104:4 261:25
		sections (2) 159:14 231:14	307:8,11,16,23,23 307:25 308:2,4 309:2 312:3 313:14 313:16,17 314:9,13 314:20 316:5 317:4 320:21 340:9 341:23	series (2) 11:11 135:7
		see (153) 24:2 29:11 34:18 48:16 55:22,25 56:2 56:3,23 58:2 66:6 66:14,18,23 71:16 75:6,10 76:7 81:8 82:3 84:24 85:23 88:2 100:8,18 101:12,13 106:2,4 106:19 111:10 119:20,23 120:3,6,8 123:25 124:12 132:7 133:18,22	320:21 340:9 341:23	servicing (1) 96:25
		seeing (11) 52:11 53:8 129:19 132:13 196:15 220:22 284:17 301:4 319:9,11,13	320:21 340:9 341:23	SESSION (1) 140:23
		seen (64) 17:7 26:11 52:17 53:6 53:14,15,16 55:18 56:6,9 57:12,20 58:2,23 59:3 60:11 79:22 87:15,20,23 112:13 137:3,6,9,12 161:24 191:7,22 192:24 196:5,11 224:6,8,10,15,17,19 252:24 267:21,23 273:8,10,18,21 275:19 277:22 279:16 282:5,12,13	320:21 340:9 341:23	set (15) 17:15 64:21 106:13 106:25 142:8 143:17 184:9 266:21 294:7,8,12 342:10,11 358:11 358:19
			320:21 340:9 341:23	sets (1) 198:21
			320:21 340:9 341:23	setting (3)

31:10 219:7 246:23 settled (9) 12:24 13:25 16:25 17:2,4,14 18:15 34:15 37:14 settlement (5) 17:18,21 28:25 29:6 29:11 seven (1) 91:9 sew (1) 297:18 sewed (1) 298:3 sewn (11) 135:7,10 291:4 292:9 293:6 294:15,16 300:5 321:5 322:15 344:11 shape (50) 63:11,13,14,17,20 64:3,7,9,10,11,22 64:24 65:5,6,6,8 66:24 67:9,9,10,15 67:16,17 68:5,5,20 68:23 69:5,10 78:15 78:19,20 87:14 123:23,25 220:13 275:7 290:5,11 292:14 296:24 303:13,14,23 310:10,14,17,21,24 311:12 shaped (3) 290:4,16,18 shapes (3) 68:25 296:15 297:16 share (1) 196:13 shared (1) 93:25 sheet (2) 198:12 359:1 shirt (3) 91:17 92:2,13 shirts (1) 89:9 Shook (3) 35:19,19,20 short (10) 25:10 43:7 46:6 70:16 191:19 214:10,17 214:19,22,23 shorter (6)	221:7 222:16 253:8 334:2,5,15 shorthand (1) 192:25 shorts (9) 9:22 10:23 11:9,10,18 11:20,23 89:9 214:20 shoulders (1) 90:8 show (78) 65:13 66:24 70:15 71:5 72:13 82:7 103:25 104:8 105:3 105:7,13,21 106:8 107:21 108:20 110:15,15 111:6 112:23 115:14,20 115:22 116:4 124:10,20 125:8,16 125:18,19,21,22 133:6,8 134:11 139:10,23 140:4 154:5,12,14,17 155:2,7,15 157:3,19 158:5 171:17 197:21 216:21 217:19 220:2 224:8 224:10,11,13,15,16 224:18 225:6 241:8 241:10,12,17 242:3 258:11,17,22,23,24 263:16 280:20 300:2 304:15 325:16 337:9 340:11 349:24 showed (7) 43:23 46:17 159:19 288:5 294:23 332:13 349:21 showing (13) 101:15 105:6 106:7 113:6 125:10 154:22 216:17 219:20 244:25 245:5 271:21 347:19 350:10 shown (43) 66:12 68:12 73:18,25 74:10 119:9,14,19 123:5,8,9,10,11,15 133:14 134:12 139:25 155:25 158:23 200:10,11	200:18 239:19 241:22 242:15 248:12 249:8,9 259:8,10 268:9 271:22,25 277:11 279:11 294:17 322:15 334:25 339:5,6 348:2 351:8 351:17 shows (19) 66:15 67:4 71:7 125:10 130:17 156:18 165:24 199:9 200:7 206:8,8 242:6 243:3 245:7 255:23 277:6 294:14 352:7,8 shuffled (1) 269:23 sic (1) 305:15 side (11) 16:15 28:10 72:8 75:7 104:19 179:25 275:10,12 277:6 280:19 290:22 sided (39) 290:17 291:9,13,23 292:7,9,13,14,17 293:2,7 294:6,18 295:3,14 296:8,13 296:19 297:8,10,20 297:23,25 298:2,8 298:12,22,24 299:9 299:11,15,22 300:8 323:9,10,11,19,24 324:5 sides (2) 192:8 217:6 sign (5) 72:14 211:14 212:23 271:19,24 signature (5) 55:10,14,16 266:7 359:22 signed (1) 89:20 similar (12) 31:9 90:14 151:16,22 151:25 159:17,22 160:4 171:12 207:12 246:21 258:18 Simon (5)	57:25 58:2,5,6,13 simple (2) 64:13 311:23 simply (2) 72:17 142:15 sir (4) 261:10 280:6 324:16 346:15 sit (33) 15:21 21:15 29:17 31:23 32:11 33:18 34:6 39:14 41:18 49:12 51:2 56:22 59:4 70:12 72:22 91:15 93:7 94:25 95:8 104:10,12 121:13 132:22 136:20 161:10 166:16 174:8 204:10 273:20 277:20 278:11 287:8 312:19 sitting (6) 121:4 135:3 139:9 228:10 237:3 289:19 situation (1) 26:6 six (3) 37:19 91:8 103:24 size (16) 87:14 215:8,9 224:22 224:25 225:12,13 225:14,16 247:17 248:15,20 253:18 254:16 256:3,8 sizes (8) 103:16 214:17 220:24 222:23,24,25 224:25 225:12 SKEs (1) 325:4 ski (7) 9:24 12:3,6,8,9 15:15 90:14 skill (30) 64:17,17 65:16 140:8 141:12 142:14 169:25 172:10 178:2,17,23,24 184:20 185:15 261:15,23 296:5 298:15 299:17 330:22 331:16	332:21 335:20,23 338:2,15 340:9,25 342:9 352:5 skin (15) 203:15,17 306:15,25 307:5,9 308:9 310:9 312:12 313:24 314:7,14,14,18,22 skirt (2) 163:16 167:25 slash (1) 193:24 slightly (7) 257:18 258:2 262:8 262:21 263:9 292:24 313:16 slipping (1) 181:21 small (22) 130:11 131:16 139:14 140:10 156:25 164:8,9,14 165:16 165:18,24 166:4 179:16,17 183:14 190:9,9,21,21 203:5 203:6 219:23 smaller (7) 110:25 111:21,25 113:15 233:8,12 257:9 Smith (2) 3:16 5:9 snippet (3) 57:7,10 58:9 snippets (5) 55:18,22 56:7,10 57:22 sock (2) 16:14,16 socks (2) 10:3 89:10 sold (7) 189:24 215:14,17,18 215:21 222:22 285:17 soldier's (1) 90:7 soldiers (1) 89:7 solid (3) 101:16 199:8 200:2 solve (2) 157:16 340:23 solved (2)
--	--	--	---	--

158:19,20 solving (1) 247:2 somebody (12) 144:5 214:10,21 221:25 222:15 255:6 262:23 297:15 298:7 299:8 323:17 341:22 somewhat (14) 69:16,22 78:10 141:24 180:7,10,12 181:14,20 182:4 183:18 184:18 211:22 223:12 sorry (29) 14:13 35:7 36:10 42:22 59:16 80:25 81:15 118:19 141:7 180:23 188:2 204:17 218:8 225:24 226:11,20 236:23 242:2 257:22 262:24 264:14 279:18 292:2 302:13 307:19 319:11,23 322:20 337:6 sounds (2) 51:16 92:12 sources (1) 172:16 SP (2) 193:24 194:5 space (3) 124:23 156:16 269:20 spandex (4) 194:5,8 260:21 296:23 speak (6) 43:17 110:14 114:19 153:20 188:2 213:11 speaking (4) 56:17 57:11 75:12 78:19 speaks (1) 232:12 spec (4) 127:3 147:24 152:15 159:6 specialist (1) 5:11 specific (6)	30:9,11 53:22 117:8 215:9 250:3 specifically (7) 19:20 51:9 88:23 178:15 231:12 253:24 310:15 specification (35) 103:13 121:10,14 126:8,10 127:3 128:13,21 129:13 129:15 148:10 152:18,20 153:17 153:18 154:10 157:14 172:9 176:6 179:9 183:23 184:12 186:4 223:6 228:17,22 229:5,6,8 230:3,5,19,22 232:12 252:2 specifications (15) 86:25 87:4,6,6,13,16 87:18,24 88:3,5 157:21 172:17 179:12 183:6 186:2 specified (1) 158:11 specs (1) 146:13 speculative (1) 230:14 speed (2) 18:13,14 speeds (1) 329:9 spell (1) 27:25 spelled (3) 189:19,20,21 spend (2) 167:3 273:17 Spending (1) 278:25 spent (4) 141:22 273:19 277:18 312:21 spin (1) 328:25 spoke (3) 42:8,14,15 spoken (2) 41:22 114:23 SS (1) 358:4 stage (9)	83:10,11 108:15 109:6 117:21,23 148:19 181:17 200:17 stages (32) 83:3 102:23 103:20 103:25 107:24 108:3,6,9,22 109:11 109:17,21,22 110:5 110:6,22 127:10 144:3 145:21 148:10,12,15,15 220:24 230:10,13 238:11 258:19 288:11 289:3 331:2 333:7 stand (2) 153:15 284:5 standard (1) 174:7 standards (2) 174:9,10 standing (1) 230:23 staring (1) 208:14 start (11) 9:19 61:13 108:20 109:12 111:6,10 112:12 117:22 152:7 324:15 333:11 started (3) 37:18 196:24 198:8 starting (8) 97:9 110:15 152:6 159:8 162:11,14 182:11 210:3 starts (3) 81:20 112:17 162:12 state (8) 2:15,15 6:6,10 64:16 178:15 358:4,8 stated (4) 128:14 129:16 172:13 301:13 statement (8) 80:21 81:2 82:5,14 83:7 115:25 165:5 170:2 states (4) 1:2 5:3 82:17 160:14 stature (3) 213:14,17 222:2	stay (2) 65:3 236:2 stayed (1) 157:17 stays (4) 80:18 82:2 83:4 145:12 sternum (24) 19:22,23,24 20:15,17 20:19 21:5,10,18,23 22:3,7,13,20 23:14 25:13,18,21 26:3,21 28:14 29:15 203:12 203:19 sternums (2) 21:3 22:10 sticker (1) 96:9 stickers (1) 347:7 stiffer (1) 77:10 stiffness (1) 75:5 stitch (73) 64:15 66:11 70:8,11 70:25 71:6,7,8,13 71:14,20,20 73:14 73:20,24 74:5,6,12 74:15,19,20,24 75:17,25 76:9,12 135:14,22 136:8,9 138:9 304:8,11,18 304:22,25 310:16 310:19 321:4 325:11,13,17,22,25 326:23 327:2,10,14 331:4,15 334:12 340:13 341:19,20 347:22 348:12 349:25,25,25 350:2 350:3,3,4,4,6,7,8,23 351:11,16 352:3,6 352:17 stitched (1) 160:15 stitches (23) 75:12 76:2,19,21,22 79:11,12,12,15 135:8,10,16 137:8 304:4,14 326:21 327:4 333:3 341:5 348:2 349:22 350:9 350:13	stitching (6) 77:13 149:18,22 304:2,3 338:18 stomach (1) 162:16 stop (1) 120:2 stopped (2) 235:16 236:2 stops (1) 248:24 store (13) 45:16,24,25,25 46:2 47:5,22 48:4,9,15 100:6 189:18,25 stores (1) 45:23 straight (48) 144:6 290:17,22 291:5,9,13,22 292:7 292:8,13,14,17,25 293:7,21 294:6,18 295:3,14 296:7,13 296:19 297:8,9,19 297:23,24,25 298:2 298:8,12,21,24 299:9,11,14,21 300:8 322:6,7,8,10 323:9,10,11,19,24 324:5 strands (1) 321:18 Strauss (5) 61:16 78:15 88:13 95:6 96:16 Street (4) 2:11 3:5,10 5:6 stretch (23) 47:8 48:25 62:7,10,12 62:23 69:16,21 96:20 193:13 222:23 223:3 247:14,15 255:8 260:15 287:9 301:17 310:20 334:8,16 340:18,20 stretchability (1) 330:8 stretchable (6) 64:19 127:9,17 145:19,24 321:18 stretched (2) 283:18 347:21 stretchiness (1)
---	--	--	---	--

195:16 stretching (2) 283:15,17 stretchy (14) 69:18 149:10 192:14 192:18,20 193:2,5,8 195:12 284:22 285:5 301:19 341:6 341:11 strictly (1) 37:2 strike (14) 43:17 60:4 67:13 97:16 99:15 118:19 119:17 139:2 218:2 218:8 323:22 334:3 337:6 344:15 structure (19) 65:15 90:13,21 127:17 134:12 136:10 145:24 146:4 223:21,24 225:20 243:17 290:3,11,16 310:20 323:7 332:6 348:11 Stuart (1) 6:12 students (4) 79:7,7,13,13 studied (2) 315:3,7 study (8) 49:7 132:14 220:8 235:13,14 273:9 287:11 345:3 stuff (1) 271:20 stump (3) 10:3 16:14,16 style (11) 46:11 102:22 103:6,7 103:22 105:11 106:11 282:5,7,13 330:6 styles (16) 102:21 103:2,10,18 103:20 104:5,7 106:14,22 107:2,10 107:14 282:9,17 284:11 336:25 subject (7) 9:17 11:7,15 38:14 95:12 97:22 98:6 submitted (2)	34:15 348:15 Subscribed (1) 353:11 subsequently (1) 129:6 substantially (10) 115:17 116:11,23 124:8 152:21 227:8 227:11,17,23 289:2 substitute (1) 216:14 sued (5) 9:23 10:2 12:22 34:12 34:13 suggested (1) 122:19 suggesting (1) 149:24 suing (1) 9:6 suit (1) 17:7 summarize (1) 237:14 summary (7) 11:5 12:25 13:3,16 94:20 320:6,7 Summers (1) 319:7 superposed (1) 295:23 supervising (1) 88:25 supplementation (8) 346:25 347:16 348:8 348:19 349:5,9 350:17 352:21 supplier (1) 93:8 suppliers (2) 89:21 93:7 support (24) 55:7 56:21,24 156:23 181:4,12 185:10 191:12 226:22 227:14 228:21 237:14 238:13 240:9 251:20,22,23 251:24 252:9,10,13 321:19 349:11,14 supported (1) 228:17 supporting (1) 160:16	supposed (1) 201:7 sure (47) 16:10 20:13 24:8 27:13,20 50:6 54:25 56:19 66:3 81:9 82:11 83:13 85:14 85:19 93:13 99:19 103:2,5 104:14 107:6 120:25 125:24 131:7 132:15 166:15 173:19 201:22 223:19 228:7,8,10 228:24 232:17,23 235:4 243:2 251:6,7 267:2 279:4 286:10 288:3 298:6 299:7 314:19 316:16 322:19 surveys (1) 345:2 suspect (1) 113:18 swear (1) 6:2 sworn (3) 6:5 353:11 358:11 synthetic (1) 192:13 <hr/> T <hr/> T (4) 6:4 354:2 358:2,2 table (8) 77:24,25 78:4 106:18 107:12,20 283:3,21 tabs (1) 347:6 tag (2) 281:24 303:18 take (30) 8:2,3 10:14 47:20 52:9 53:6,24,25 63:6 72:12 94:5 129:8 140:18 187:10 188:9 208:3 225:24 235:5 255:7 259:23 261:24 271:9 274:16 284:5 299:24 303:18 305:8 317:12 318:2 318:14 taken (6)	57:24 58:24 101:8,9 228:14 359:3 takeoff (1) 296:21 takes (2) 143:18 294:3 talk (26) 7:21 24:3,19,19,20,22 25:2,8 43:8 50:14 72:19 116:11 117:23 161:25 193:6 223:17 251:8 251:10,12,18 278:8 294:13 313:18 332:7 344:23 351:2 talked (17) 32:5 39:17 41:16 88:12 95:5 131:8 132:17 153:6 183:11 184:5 196:21 203:20 284:18 304:17,21 340:16 342:22 talking (52) 14:10 23:8 43:16 44:6 53:19 62:5,6 81:4 85:22 87:8 88:11 94:13 115:16 117:24,25 118:5,5,7 129:22 134:2,25 142:25 152:8 157:15 182:10 213:19 223:14 233:24 234:2,22 237:24 241:24,25 249:11 253:13 254:11 255:11 259:4 260:25 270:25 290:8 295:6 300:3 304:7,16 306:9 315:5 325:22 332:4,8 335:8 338:10 talks (12) 45:20 76:25 145:13 171:11 181:24 230:24 232:3 239:23 303:20 310:14 321:25 322:4 tall (4) 214:17 272:13,18 356:6 taller (2)	139:24 140:13 Tampa (1) 16:10 tan (2) 308:2,3 tape (1) 4:23 taper (1) 129:19 tapered (2) 139:11 290:13 tapers (1) 140:6 Target (14) 1:6 4:25 5:18 40:16 43:8 207:12,16,18 207:24 273:22 274:20 279:17 318:9 359:2 taught (1) 79:8 teach (1) 79:5 teaching (3) 78:23 79:3,4 team (1) 61:18 Tech (3) 61:15 96:15,16 technical (11) 61:16,21 98:12,18,19 98:21,22,25 99:4,12 136:12 technicalness (1) 99:10 tell (63) 9:4 23:12 24:13 39:18 41:10 42:2 43:15 44:5 48:20 78:3 79:14,14 96:13,14 112:3 123:14 124:19 135:24,25 140:17 174:13 175:23 189:16 193:9,19 202:2,5 208:4,17 211:2 214:3 224:12 254:5 259:22 262:19,22 263:11 273:24 274:22,24 275:11 276:12,14,15 278:13 283:17 291:22 294:22 295:2,6,10,11 299:6
---	--	---	--	---

304:22,25 306:14 306:15,24 307:2 308:18 309:5 314:17 316:11	26:24 27:17 30:15 31:14 33:20,21,24 50:25 52:18 55:17 67:8,15,20 76:13 78:9,17 87:19 99:8 99:11 100:4 101:21 101:25 114:23 119:6 159:18 173:5 173:22 237:7,10 257:6 262:15 299:2 302:7 336:12 337:9 345:8	thank (12) 5:25 95:24 113:19 156:22 187:9 189:5 221:5 249:4 253:7 266:21 281:10,12	220:25	333:4 343:15,18 346:10 352:11 353:3
telling (2) 80:20 208:8	testify (4) 14:8 20:21 21:22 34:14	Thermo-PLY (2) 16:7 17:11	third (8) 116:11 148:13,17 238:17 272:22,23 288:18 320:5	timeframe (1) 40:23
tells (1) 137:24	testifying (2) 7:9 27:10	thesis (2) 117:5 194:12	thorax (10) 23:21,23 24:6,13 25:11 26:4,21 28:14 29:16 203:18	times (7) 8:14 42:25 94:3 115:7 171:6 173:4 221:7
Temple (2) 96:23 97:11	testimony (61) 13:13 19:10 21:2 22:6 22:20 24:2,3,6 25:14,20 26:2,8,9 26:12,23 31:8 33:10 34:3 35:25 56:8 57:2,8 61:5 73:18 112:5,5 116:22 117:17 125:12 153:12,15,19 173:13,24 188:10 194:23,24 196:10 196:12 200:23 202:9,12 240:21 252:20 257:14 258:4,5 276:22 294:25 295:12 298:7 299:8 305:23 310:5 315:18 334:17 335:5,7 339:2 346:24 358:13	thin (3) 221:22,22 222:9	thought (17) 13:19,19 14:12 18:8 56:5 63:24 135:21 139:16 175:3 204:2 204:7 206:25 220:21 232:22 238:7 246:9 320:11	title (1) 234:21
ten (4) 38:11 39:9 277:20 278:11	testimony (61) 13:13 19:10 21:2 22:6 22:20 24:2,3,6 25:14,20 26:2,8,9 26:12,23 31:8 33:10 34:3 35:25 56:8 57:2,8 61:5 73:18 112:5,5 116:22 117:17 125:12 153:12,15,19 173:13,24 188:10 194:23,24 196:10 196:12 200:23 202:9,12 240:21 252:20 257:14 258:4,5 276:22 294:25 295:12 298:7 299:8 305:23 310:5 315:18 334:17 335:5,7 339:2 346:24 358:13	thing (16) 42:24 47:6 83:6 113:5 150:23 165:17 213:25 228:3,8 241:10 262:2,10 289:8 295:24 321:5 323:2	thoughts (1) 301:16	today (21) 6:23 7:9 15:2 21:17 21:20 22:19 23:9 24:11 25:19 26:10 26:16 30:15 71:15 98:7,14,18 153:13 180:14 237:4 242:19 346:19
term (48) 23:20 63:10 70:7 98:23 120:18 121:5 121:15,22,24 122:17,22 126:11 128:12,18 129:14 130:8 136:25 151:7 151:10,20 153:22 154:18 158:4,21 165:18,19,20 166:11 167:2 172:15 177:23 182:24 185:20 199:25 203:21 204:11 213:3 214:9 214:11 232:18 239:15 251:6 297:2 302:21 327:2 328:5 328:19 351:11	testimony (61) 13:13 19:10 21:2 22:6 22:20 24:2,3,6 25:14,20 26:2,8,9 26:12,23 31:8 33:10 34:3 35:25 56:8 57:2,8 61:5 73:18 112:5,5 116:22 117:17 125:12 153:12,15,19 173:13,24 188:10 194:23,24 196:10 196:12 200:23 202:9,12 240:21 252:20 257:14 258:4,5 276:22 294:25 295:12 298:7 299:8 305:23 310:5 315:18 334:17 335:5,7 339:2 346:24 358:13	things (8) 112:3 136:11 205:11 216:10 279:3 300:7 302:18 334:12	three (43) 10:5 15:23 17:23 26:12,15 37:13 40:24 41:7 84:13 90:4 103:24 108:16 108:21 109:25 110:14,17,18,25 111:6,8,16 112:6,16 112:18,23 113:16 123:14 124:2 141:13,15 163:6 177:6 221:11 222:2 222:6 232:5 254:7,8 288:4,7 307:23 337:16,18	today's (1) 353:2
terminology (2) 103:2 192:7	testing (2) 89:3 224:24	think (77) 10:21 27:8,12,13,16 34:13 36:7 37:11 43:10 48:12 51:13 63:23 69:12 76:20 77:2 79:19 82:19 95:18 103:23 107:4 108:22 109:9 110:12 111:23 113:11 123:6 129:13 138:23 157:8 165:11 166:15,18 177:23 177:25 193:16 194:16 201:20 204:24 206:22 207:13,16 213:2,24 213:25 218:3 221:17,20,21 224:6 229:11 237:10 242:9,25 245:6,25 259:17 279:6 293:15,25 296:5 298:14 299:2,16 302:3 307:21 311:4 311:5,22 313:9,10 316:17 320:17 323:13,17 327:13 335:12 345:19	three-month (2) 111:19 112:19	told (18) 18:12 29:9,20 33:8 42:5 64:9 86:24 112:14 141:22 173:2 177:8 183:7 198:15 203:13 207:20,23 299:5 319:20
terms (14) 122:23 127:24 128:2 166:9,14 172:3,23 174:20 178:5,13 192:9 234:9 242:19 349:18	tests (1) 174:2	think (77) 10:21 27:8,12,13,16 34:13 36:7 37:11 43:10 48:12 51:13 63:23 69:12 76:20 77:2 79:19 82:19 95:18 103:23 107:4 108:22 109:9 110:12 111:23 113:11 123:6 129:13 138:23 157:8 165:11 166:15,18 177:23 177:25 193:16 194:16 201:20 204:24 206:22 207:13,16 213:2,24 213:25 218:3 221:17,20,21 224:6 229:11 237:10 242:9,25 245:6,25 259:17 279:6 293:15,25 296:5 298:14 299:2,16 302:3 307:21 311:4 311:5,22 313:9,10 316:17 320:17 323:13,17 327:13 335:12 345:19	thumb (1) 54:24	top (64) 19:23 71:5 73:13,14 74:2 116:10 123:21 124:7 132:9,17 139:12 181:25 182:16 183:3,13,18 184:5,10 198:21 199:4,22 200:23 201:3 202:2 212:4 247:14 264:7,22 265:6,12 266:2 269:2,4 274:23,25 275:2,3,11,21,23,25 276:18,18 277:2 282:13 284:2 303:20 306:8,13 307:4,9,12 308:2,17 308:19,21 309:2,25 310:10 312:11 314:11,15,18 338:9
test (6) 135:6 143:17 175:20 177:14 224:22 225:4	textbook (2) 79:17,24	thinking (2) 128:12 264:14	tie (1) 20:4	torso (18) 104:22 181:19 210:12 214:10,10,23,23 230:13 288:14,19
tested (8) 118:25 190:4,8 225:5 284:12 286:5 333:23 335:15	textile (6) 70:14 78:9 142:11,15 330:4 349:18	thinks (1)	time (51) 7:18,18 8:3 18:4,14 42:8 46:6 54:3,15 79:11 93:18,21 94:2 94:3 109:12 114:20 114:24 119:3 140:20,24 153:21 158:16 167:3,14 171:11 177:3 187:11,14 221:8 226:2,5 228:3 237:2 238:5 246:18 260:2 260:5 269:16 273:17 278:3,5,25 305:10,14 312:6	
testified (41) 6:7 13:16,24 20:8,9	textiles (3) 70:21 79:6,10			
	textual (3) 351:23 352:4,8			
	texture (1) 96:20			

288:22,24 290:13 290:18 309:25 312:11 314:11 316:4 torsos (1) 230:14 total (1) 102:23 totally (2) 35:17 342:16 touch (1) 48:24 touching (1) 283:25 Trademark (2) 1:2 5:4 transcript (18) 19:7 26:25 27:5 33:6 52:10,12,17 53:7,14 56:2,4,7,10,15 57:17 58:2,5 59:21 transcripts (1) 58:23 Trevor (2) 3:11 5:16 trial (11) 6:24 13:13,14 17:16 17:17 18:10,12 31:9 33:13 34:4 36:2 tried (1) 51:9 trouble (1) 274:13 troubles (1) 274:8 true (3) 65:10 343:12 358:12 try (4) 7:22 278:13,14 330:11 trying (14) 53:19 124:10,17 134:10 154:5 157:16,22 158:3 186:18 216:13 217:12 299:3 325:15 350:21 TSG (2) 5:9,13 tubular (21) 127:17 137:23 145:24 146:4,5,8 149:12,14 215:7 223:21,23,25 224:4 225:19 290:3	290:11,16 296:12 323:7 332:6 344:5 tuck (54) 64:15 66:10 71:6,7,13 71:14,19,20 73:13 73:19,24 74:5,6,12 74:15,18,20,24 75:12,17 76:2,9,12 76:22 79:12 136:8,9 304:4,8,11,17 310:16,19 347:22 347:23 348:2,12 349:22,25,25 350:2 350:3,4,4,6,7,7,9,22 351:16 352:3,6,16 352:17 tucked (1) 326:22 turn (2) 226:12 338:25 turns (1) 310:4 twice (1) 41:23 two (49) 47:19 49:14,15 62:14 68:25 92:8 94:15 95:22 96:22 99:22 102:20,21,23 103:2 103:10,18,20,20 104:7 105:7,12 108:5,12 109:22 110:4 111:5 121:20 123:13,22 131:5 166:14,20 191:6 192:17 219:17 220:4 224:25 225:2 225:17 242:15 259:19 274:4 321:15,25 329:2 336:25 347:13,18 348:25 type (19) 8:18 40:2,3 46:22 62:18 89:5 90:11,13 90:22 135:21 138:9 146:7 224:2,5 290:12,17 329:18 331:14 333:3 types (22) 79:6 103:14,15,16 104:8,24 105:8,21 105:23 106:9 107:16 127:19	137:7 146:2,10 220:6 225:2,5 230:15 310:24 337:10 341:4 typo (2) 72:16,17 <hr/> U <hr/> U.S (13) 8:22 36:12,23 65:24 85:2,6 88:21,22 319:2,7 355:4,6 356:19 ultimate (1) 350:14 Um-hum (4) 133:3 218:16 250:8 305:2 unbends (2) 325:16,17 unbiased (1) 186:17 unbunch (1) 283:23 unbunched (1) 283:22 underlined (1) 227:5 underneath (6) 90:10 147:22 206:4 268:6 324:20 331:10 understand (75) 6:22 7:17,25 8:6,10 20:13 33:19 36:10 36:18 50:16,17 69:5 69:9 73:17 84:11 101:18 102:19 104:3 112:4 114:18 114:25 128:19,23 130:12,17 133:4,13 140:9 141:18 153:19 161:22 164:23 168:5 169:9 169:24 183:11 184:21,23,25 185:17 189:12 190:12,19 200:22 201:24 215:22 216:5,9,12,22,22 223:8,9 226:24 233:18 234:6,9,14 234:25 235:4 236:14,25 238:24	240:22 252:12 256:13 260:11,14 261:16 298:6 299:8 310:23 315:18 327:13 330:24 understanding (27) 17:2,9 29:3 84:19 122:4,9 130:7 131:15 133:11 137:20 139:22 148:6 149:23 150:6 166:7 170:13 171:22,24 172:5 184:8 217:6,20 228:21 253:2,5 260:13 303:23 undone (1) 39:11 unexpired (1) 172:6 Unfortunately (1) 234:4 unhealthy (1) 221:22 union (1) 96:17 United (2) 1:2 5:3 universe (2) 197:2,5 University (6) 79:3 88:18 92:8 93:5 96:23 97:12 unmet (2) 80:15 81:23 unnamed (1) 115:10 unsolved (1) 157:16 unstretched (2) 283:9,21 unusual (2) 157:10 158:13 updated (4) 10:17 95:15 96:3 355:8 upper (25) 46:16 71:6 127:5 199:12 210:10,13 210:15,17 211:6,10 211:21 212:4,11,14 212:15,17,22 213:3 238:8 288:8,19,20 306:7 320:25 344:5	upward (2) 145:12 334:8 use (32) 64:15 79:15 112:16 117:22 118:2 124:24 126:11 127:24 128:2 137:23 153:25 158:4 165:15 172:20 182:12 195:16 200:4,5 203:15 217:10,10 217:24 220:15 221:14 228:13,18 238:21 252:25 256:11 272:22 327:2 328:19 users (1) 345:3 uses (1) 293:17 USPTO (1) 172:12 usually (1) 303:15 <hr/> V <hr/> v (3) 5:2 6:4 359:2 validation (1) 190:24 value (1) 310:6 variety (1) 172:16 various (3) 61:22 145:20 179:16 vary (1) 195:15 venued (4) 14:22 15:12 16:9 30:23 verbal (1) 97:10 version (1) 79:20 versus (4) 171:5 174:8 204:9 234:15 vertical (7) 271:25 338:25 339:18 339:19 340:17 344:12,13 vertically (4)
---	--	---	---	---

339:4,6,9 340:5 Victor (1) 6:15 video (1) 5:11 videographer (20) 3:16 4:22 5:25 54:3 54:15 93:18,21 140:20,24 187:11 187:14 226:2,5 260:2,5 305:10,14 343:15,18 352:25 videotaped (3) 1:13 2:9 4:24 view (11) 66:21,22 140:2,3 179:25 275:10,11 275:12 310:15,15 312:6 views (2) 133:19 272:24 visited (1) 61:18	121:3 123:16 125:2 125:12 126:21 137:15 147:21 155:24 189:2 197:23 198:16 201:8 209:17 211:8 212:25 223:19 227:19 228:7,8,13 228:18,20 234:14 243:2 249:23 251:6 251:7,14 266:10,24 267:2 272:5 278:14 281:6 284:5 289:4,7 289:10,20 292:2,4,6 296:24 298:6 299:7 301:13 304:15,16 314:19 315:9,10 316:14 322:19 331:6 335:21 336:4 339:11 341:6 wanted (13) 29:10 55:22,25 56:3 85:23 105:25 153:20 201:22 213:4 216:21 220:2 288:17 304:9 wants (3) 228:15,15 246:2 warfare (4) 90:16,23,25 92:20 Washington (1) 6:16 wasn't (13) 38:19 52:8 86:24 89:12 141:25 148:7 154:10 158:22 291:5 310:4 317:22 322:12,14 wasting (1) 238:5 watched (1) 224:16 wavy (15) 123:20 201:2,4,10,16 201:17 202:6 249:10,13,15,15 250:13,14,20 251:2 way (74) 11:10 12:8 15:16 46:15 50:3 58:8 62:17 64:13,14 75:21 76:10 84:9 89:23 98:24 99:9 111:22,24 112:3	114:17 127:22 130:5 131:2,17 132:7 145:3 149:3 158:9,10,10 164:11 164:11,15,22,24 166:3 170:19 178:20 198:24 199:6 201:19 212:6 213:5 215:17,20 217:13 231:11 233:18 236:14,18 236:25 238:24 240:4,8 249:12 254:5 258:14 259:11 265:5 274:22 288:16 291:4 292:5,6 296:11,18 297:6 298:14,23 299:17 309:5 316:13 329:9 349:11 358:17 ways (2) 92:22 296:9 we're (1) 251:6 wear (33) 60:11,14,15,19 61:22 63:11,13,14 64:8,9 64:9,10,24 65:7,8 67:9,16 68:5 78:15 78:19,20 83:21 194:20 214:20 303:13,14,23 310:10,14,18,22,24 311:12 wearer (7) 15:17 213:12,14,17 220:5 247:3,9 wearer's (48) 12:10 63:17,20 64:3 64:11,21 83:2 151:8 152:4 159:16 160:23 162:22 164:3,7 165:6,21 166:12 167:11 169:21 170:4,14,17 171:12 174:17 185:20 186:20,23 205:22 206:9 208:11 210:12,13 218:21 219:9,22 220:5 227:11,24 228:23 229:7,17 243:14,19,23	270:19 288:22,22 289:2 wearing (2) 179:24 267:14 wears (1) 144:6 weave (2) 136:10,11 website (9) 45:20 48:17,18,21,23 49:4,13 50:4 101:10 Wednesday (1) 1:15 week (2) 52:16 108:8 weekend (1) 41:6 weeks (2) 96:22 144:6 weighing (1) 224:9 weight (10) 83:3 112:2 213:18 214:3,8 230:13,25 231:6,7,8 weights (1) 214:6 went (17) 12:9 13:14 16:11 31:13 40:8 45:16,17 71:12 90:6 91:3,14 91:25 92:12 94:16 94:17 111:13 202:16 weren't (5) 48:24 206:14 228:24 232:17,23 whale (2) 350:5,13 whales (6) 330:2 347:23,24 349:18,23,24 WHEREOF (1) 358:18 whiplash (1) 221:20 white (1) 307:24 wide (3) 160:15 225:11 342:18 widely (1) 110:12 widen (2) 146:5 223:24	wider (1) 326:2 width (6) 259:5 325:11,13,23 325:25 330:3 wife (9) 39:18 41:9,10,16 60:11,14,18 108:19 111:5 wife's (1) 108:18 Willow (12) 10:2 16:3 17:3,5,6,10 17:14 32:6,16 34:9 36:21 37:12 winding (1) 117:13 wise (2) 176:23 333:10 witness (20) 6:3,5 8:16 9:9 23:9 24:10 41:20 50:16 93:14 246:11 259:17,24 317:18 353:6 358:10,13,18 359:1,1,22 woman (6) 110:13 112:5,23 162:15 267:14,20 woman's (4) 22:13,21 23:14 110:24 women (5) 64:8 89:8 224:18,19 224:22 won (1) 13:3 wondering (1) 232:2 Wood (12) 10:2 16:3 17:3,5,6,10 17:14 32:6,16 34:10 36:21 37:12 word (42) 63:15,15 120:25 121:8,12 143:4,10 143:13,14 144:21 151:19 160:21 161:5 165:2,4,23 167:6 170:23 200:4 200:5 207:10,10 226:11 227:8,11,16 227:23 228:13,18 228:19 229:9
---	---	--	---	---

231:23 237:18 238:21 240:11,15 244:3,11,12 252:25 266:11 350:18 worded (1) 76:10 wording (1) 231:23 words (25) 121:9,20 126:24 145:6 151:16,18 166:5,25 167:5 172:16 182:15 183:8,9 184:4 189:9 203:16 204:3,25,25 226:24 227:4 230:2 230:5 237:16 265:18 wore (2) 39:24 60:18 work (16) 8:21 32:14 33:16 34:24 39:15 40:6 41:11 48:9 88:13 94:13 101:15,17 115:2 188:11 198:8 232:24 worked (8) 18:5 35:12 60:13 61:20 78:14 90:4 93:6 217:19 working (16) 8:24 12:14 13:21 39:19 41:12,20 62:12,22 89:6,15,22 90:22 94:23 115:4 198:3 235:9 worn (14) 39:25 40:13 80:18 82:2 83:4 143:21 144:3 145:12,12 157:18 239:16 246:17 247:19 344:7 wouldn't (11) 79:20 111:22 169:15 178:23 278:21 299:24 317:23 335:22 337:25 338:8 340:12 woven (2) 136:9 321:17 write (8) 155:21,23,24,25	218:7 266:6,10 316:14 written (6) 18:18 32:14 33:15 184:3 192:25 219:24 wrong (3) 71:13 228:3 323:2 wrote (10) 59:18 226:19,21,22 265:22,23 266:15 272:7 314:10 317:4 <hr/> X <hr/> X (13) 1:2,10 93:8 351:20 352:4,4,7,7,7,7 354:2 357:3 <hr/> Y <hr/> Y (1) 93:8 yarn (50) 31:17,18,21,25 75:3,4 75:4 76:14,16,23 77:5,9,13 135:13 136:5,6,18 137:5,6 138:8,10 296:14,21 328:4,4,11,20,22 329:5,11,12,20,22 330:6,9 331:3,4,14 333:2,3 334:12 338:17,18 340:13 340:14 341:4,4,17 341:18 342:13 yarns (4) 96:21 135:21 137:11 328:24 Yeah (2) 228:2 344:8 year (2) 14:7 61:2 years (17) 15:23 26:12,15 37:19 39:9 40:24,25 62:5 62:6 78:18 88:17 90:4 91:9 92:8 141:22 142:4 177:6 yesterday (1) 97:14 York (4) 2:15 6:6 358:4,8 <hr/> Z <hr/>	<hr/> 0 <hr/> 0110376 (2) 187:17 355:12 0116290 (2) 279:22 356:8 0116314 (2) 267:5 355:21 0116526 (2) 305:17 356:13 0116949 (2) 315:12 356:17 <hr/> 1 <hr/> 1 (69) 4:23 55:9 59:9 82:9 101:5,20 118:10 127:2,4 133:5 138:20,24,25 139:20,25 140:12 145:9,16 172:14 193:22 209:12,15 209:18,21,24 216:3 216:19 227:13 229:14 231:25 237:20,25 238:5 247:15 262:7 264:18 268:2,7,11 269:6,11 270:11,15 273:13 274:10 276:8 278:18 279:12 280:8 287:4 287:5,22 288:7 294:6 295:22 301:10,22 311:12 312:15 316:2,20 319:23 320:24 321:16 337:23 338:6,6 346:5,8 1/2 (4) 191:25 284:8,19 338:6 1/4 (2) 105:17 337:22 1/8 (5) 105:18 337:18,22,23 338:6 1:00 (1) 140:25 1:57 (1) 187:12 10 (3) 81:7 155:11 255:18 10:02 (1) 54:16	10:55 (1) 93:19 100 (1) 349:24 100% (1) 27:13 1001 (3) 85:2,13 355:4 1002 (2) 259:13 260:9 1004 (3) 65:19,24 354:20 1018 (5) 85:6,18 126:18 355:6 355:9 1037 (4) 319:2,6,17 356:19 1060 (4) 4:3 6:19 36:16 354:7 1061 (2) 4:8 354:9 1062 (2) 4:13 354:11 1063 (4) 4:18 6:19 36:17 354:13 1064 (8) 73:3,6,7 99:18 116:8 141:6 354:21,23 1065 (3) 96:3,9 355:8 1066 (2) 126:18 355:9 1067 (4) 161:17 211:13,17 355:14 1068 (6) 187:17,22 188:5 196:2 284:18 355:12 1069 (6) 263:23,25 265:2,10 265:16 355:18 1070 (7) 267:5,10,14,25 268:10 270:7 355:21 1071 (9) 272:10,12,16 276:7 276:19 277:3,12 279:11 356:4 1072 (3) 279:20,22 356:8 1073 (3)	281:15,17 356:10 1074 (3) 300:18,20 356:11 1075 (5) 305:17,22 309:19 312:6 356:13 1076 (6) 309:11,13,19 312:7 313:25 356:15 1077 (4) 315:12,17,23 356:17 11 (19) 81:10,13,14,16 116:5 118:4 229:15,19,23 236:3 238:19 321:15 322:24 323:3,5,5,15 343:25 345:16 11:04 (1) 93:22 11:59 (1) 140:21 110376 (2) 187:24 188:5 1150 (1) 6:15 116314 (1) 267:13 116526 (2) 309:13 356:15 116949 (1) 315:19 12 (5) 100:13 172:4 225:13 225:14 321:20 124 (8) 124:5 127:5,15 133:7 145:18,23 181:18 230:10 126 (1) 355:9 13 (13) 100:13 239:11,13 244:15 321:20 323:6 351:20,21,25 352:2,2,14,15 14 (6) 97:17 160:11,12 193:24 205:25 239:11 14% (1) 194:8 14A (1) 160:15
--	--	--	--	---

<p>14B (1) 160:15 14th (1) 97:15 15 (11) 126:25 144:6 283:12 300:13 320:22,22 320:23,23,24,24 321:11 151 (2) 82:6,6 155 (1) 229:13 16 (13) 1:15 2:4 5:7 86:20 320:18,22,23 321:5 321:10,11 322:23 323:14 359:3 161 (1) 355:10 1650 (3) 2:11 3:5 5:6 16th (4) 100:3,9,17,21 17 (1) 127:14 17th (4) 100:3,10,17,21 18 (2) 155:12 293:12 187 (1) 355:12 188 (2) 74:3 75:7 18th (1) 358:19 19 (2) 152:7 159:9 19034 (1) 6:17 19103 (1) 3:5 1961 (3) 272:12,17 356:4 1978 (1) 62:25 1979 (2) 61:13 62:24 1980 (3) 61:18 62:24,25 1A (42) 123:11,13 124:10,13 124:20 125:16 126:14 127:2 129:3</p>	<p>133:2 138:20 139:20,25 140:5,12 153:17 156:2 181:13 200:7,10 201:25 208:22,24 208:25 210:22 212:8,12 220:11,15 249:4,8,9 264:11 276:20,23 277:4,6 294:17 295:2,13 298:17 313:18 1B (2) 294:17 295:13 1st (1) 97:9 <hr/>2<hr/>2 (55) 99:17 101:6 104:18 104:21 106:19 107:12,12 111:14 114:21 130:23 138:25 140:2 168:9 168:11 169:4 170:15 179:3,4,18 185:22 186:16 187:5 188:15 189:8 189:11 195:12 205:16 206:7 207:23 208:9,10 211:4,6,17 229:14 229:19,23 238:18 242:23 243:7 245:11 247:4,10,25 280:5 320:2 336:16 336:16,18,18 338:22,22 343:25 345:16 355:15 2:08 (1) 187:15 2:51 (1) 226:3 20 (3) 162:2 322:4 323:8 2007 (12) 18:5,16 37:17 84:17 86:8,13 114:13,16 115:5 188:13 338:21 341:3 2008 (2) 84:22 86:4 2010 (1) 14:9 2011 (1)</p>	<p>14:9 2013 (1) 86:20 2014 (8) 1:15 2:4 5:7 54:12 353:12 354:19 358:19 359:3 2016 (1) 58:17 2017 (22) 54:11,22 55:4,5,13,14 58:17 59:6 70:18 73:7 81:7 116:8 126:25 141:4 159:10 318:4 319:24 324:15,16 336:17 354:17,23 2026 (12) 54:7,22 55:4,7,15 59:10 81:11,15 226:9 318:5 319:19 354:15 2034 (6) 161:12,23 162:4 178:25 205:13 355:10 2037 (4) 239:2,7 261:9 355:16 21 (4) 322:8,9,9 323:8 211 (1) 355:14 2111.01 (1) 172:13 2131 (1) 230:9 22 (1) 205:24 23 (2) 100:15 324:17 239 (2) 355:16,17 24 (1) 326:11 24th (1) 59:25 25 (4) 60:17 71:23 326:16 349:10 25-A (1) 73:21 25-H (1) 71:7 2510 (1)</p>	<p>74:23 26 (22) 152:10 163:18 168:2 168:14,23 169:4 179:4,21 185:21 205:19,21 206:3,8 208:11 212:3 242:23 243:10,14 243:18 245:11 252:21 253:3 263 (1) 355:18 267 (1) 355:21 27 (6) 229:15 238:13 305:17 309:13 356:14,16 272 (1) 356:4 279 (1) 356:8 28 (3) 163:18 168:2,23 281 (1) 356:10 2A (10) 160:13 241:11,17,24 243:22 248:12 256:3,5 258:7,18 2C (15) 241:23,25 242:2,2 244:23,24 245:4,7 248:25 256:7 257:12,20 258:7,18 262:10 <hr/>3<hr/>3 (46) 59:5 66:5,21,24 68:11 68:18 69:4,20 71:9 73:19,22 133:21 134:3,13 138:12,24 140:2,3,4 145:21,22 146:3 162:9 170:15 179:2 180:19,20 181:2 182:11 186:16 187:5 223:23 229:15 230:9 238:12 242:11 243:3 244:25 245:4 276:6 276:19 277:3,11 279:11 295:20 298:20</p>	<p>3/4 (2) 284:9 285:2 3:03 (1) 226:6 3:43 (1) 260:3 3:53 (1) 260:6 30 (4) 8:14 218:14,17 337:18 300 (3) 3:10 133:23 356:11 3005 (5) 347:8,10 351:7,22 356:21 302 (1) 133:23 304 (1) 133:23 305 (1) 356:13 306 (1) 133:23 308 (2) 133:22 135:2 309 (1) 356:15 31 (12) 84:17 86:8,13 105:18 114:13,16 115:5 219:4,16 229:15 337:17,22 310 (2) 133:22 135:2 312 (2) 133:22 135:2 314 (1) 133:23 315 (1) 356:17 319 (1) 356:19 32 (2) 105:17 337:22 320 (1) 267:13 34 (2) 62:5,6 346 (2) 184:15 357:7 347 (1) 356:21 35 (10)</p>
---	--	---	---	--

66:7,24 68:19 69:5 69:14,20 70:2 71:9 73:19 78:18 351 (1) 357:8 36 (1) 66:7 363 (1) 146:13 37 (1) 162:12 377 (4) 187:17,25 188:6 355:13 <hr/> 4 <hr/>	5 (7) 54:12 59:6,9 138:13 138:24 232:10 354:19 5-0 (1) 300:14 5/8 (1) 337:17 5:40 (1) 343:16 50 (4) 300:10,12,14 315:19 51 (3) 55:13 82:9 181:3 52 (1) 252:21 53 (4) 82:6,10 146:4 223:23 531 (156) 43:2,4,25 68:14 84:8 84:10,15 85:6,9,17 98:20 99:5,11,13 118:2,11,13,16,18 118:20 119:3,8,15 119:18,22 120:5,13 121:6,9,11,16,25 122:13,22 123:4,8 127:3,3 130:20 131:2,11,21 132:8 132:16,25 133:14 136:24 138:3,14 143:2 145:8,22 146:14 148:23 151:11 154:4 155:6 158:16 164:18 165:7,22 179:12 180:19,24 183:2 184:25 186:12 196:18 197:22 198:11 213:21,22 213:23 215:2 216:4 217:16 219:14 223:22 229:20 230:6 245:17 246:22 256:20 258:10 268:2,11 269:7 270:12 271:16,18 273:14 274:11 276:8 277:13 278:18 279:13 280:8,12,22 281:8 282:2 286:12 286:24 287:22 288:4,8 289:7,9	293:11,17 297:12 301:10,23 302:8 303:7 310:25 311:23 312:15 313:7 314:3,24 316:2,9,21 317:13 318:12,20 320:7,17 322:20,21,22 323:15 325:14,18 325:21 326:8,25 327:19,22 328:5,11 329:12 330:14,17 341:12 342:12,22 343:12 345:21 346:6,8 350:25 351:9,12 355:7 54 (2) 354:15,17 55 (5) 229:14 231:25 237:20 238:2,7 563 (167) 43:3,4 44:2 55:9 68:15 80:15 81:23 82:24 84:10,20 85:2 85:10,13 86:2,3 98:21 99:5,11,13 118:3,13,18,20 119:4,8,15,18,23 120:5,13 121:6,9,11 121:17 122:2,13,22 123:5,8 130:20 131:3,11,21 132:8 132:25 133:15 136:24 138:3,15 143:2 146:14 148:23 151:12 154:4 155:6 158:16 164:19 165:7,22 180:18,24,25 181:2 183:2 184:25 186:11 196:18 197:22 198:11,17 209:12,15,18,19 213:20 215:3 216:4 217:16 219:14 226:15 227:13 229:20,21,22 230:6 230:6 237:22 245:17 246:22 256:21 258:11 269:12,15,17,18 270:15,20,21,24 271:16,18 273:14	274:11 276:8 277:13 278:18 279:13 280:8,12,22 281:7,8 282:3 286:13,24 287:23 289:8 291:20 293:18 297:11 301:11,23 302:9 303:7 310:25 311:5 311:7,8,12 312:16 313:8 314:4,24 316:2,9,21 317:14 318:12,21 320:8 321:14 322:24 323:15 325:14,19 325:22 326:8,25 327:19,22 328:6,12 329:12 330:14,17 341:13 342:12,22 343:12,22 345:21 346:6,8 351:2,9,12 355:5 57 (2) 146:4 223:23 58 (5) 229:14 231:25 237:21 238:2,7 596 (1) 160:14 597 (1) 160:14 5th (2) 55:6 235:12 <hr/> 6 <hr/> 6 (12) 94:8 138:13,24 140:3 140:3,4 141:7,8 190:8 280:5 283:11 357:6 6,276,175 (3) 65:19,25 354:20 6:10 (1) 343:19 6:21 (2) 353:3,5 6:30 (1) 94:8 624 (31) 162:3,9 165:5,10 168:11 169:5,10 170:16 178:25 179:19 185:3,17,22 186:16,17 187:5	205:13 206:7,23 207:6,24 208:5,6,9 208:19 211:4,17 242:23 243:8 245:15 355:14 6295 (2) 279:22 356:9 63 (1) 86:9 6320 (2) 267:5 355:22 65 (1) 354:20 67 (1) 55:15 <hr/> 7 <hr/> 7 (10) 138:13,24 141:7,7,8 145:6 150:9 151:2 221:11 270:2 7,089,597 (1) 160:10 73 (1) 354:21 <hr/> 8 <hr/> 8 (11) 84:21 86:4 116:10 145:7 191:25 225:12,16 284:8,9 284:19 285:2 8,185,970 (3) 319:2,7 356:20 80 (1) 61:13 81712 (1) 1:24 85 (2) 355:4,6 86 (2) 193:23 194:7 <hr/> 9 <hr/> 9 (18) 104:16 105:2 229:14 229:19,23 238:18 276:7,19 277:3,11 279:11 283:11,12 283:19 284:3,4 343:25 345:16 9:04 (1) 2:5 9:05 (1)
<hr/> 5 <hr/>				

5:8 9:52 (1) 54:4 950 (2) 315:12 356:18 96 (1) 355:8				
---	--	--	--	--