

11:09:15 1 to on this.

11:09:15 2 Q. And when they say a one-by-one tuck stitch,
11:09:18 3 what does that refer to?

11:09:19 4 A. One by one is usually referring to a knit.
11:09:22 5 So I'm not sure if they're talking about a knit.
11:09:25 6 Maybe the tuck stitch has got elasticity in it so it
11:09:29 7 would stretch. We don't know that.

11:09:31 8 Q. What do you mean by -- what does it mean by
11:09:34 9 "1 by 1"? What does that refer to?

11:09:36 10 A. Well, a knitted garment, like a T-shirt, is
11:09:40 11 usually referred to as a one-by-one knit. You can
11:09:43 12 have -- a rib would probably be two by two. So
11:09:46 13 you've got different types of terminology depending
11:09:49 14 on what kind of knit the woven fabric is made from.

11:09:53 15 Q. For the ignorant, what is it about the knit
11:09:56 16 that makes it one by one instead of two by one or
11:10:00 17 three by one?

11:10:01 18 A. Well, you've probably -- you've seen
11:10:02 19 yourself when you wear T-shirts, some of them
11:10:04 20 stretch more than others. And I'm sure you've got a
11:10:09 21 sweater that's made with a ribbing on the bottom,
11:10:09 22 and you'll find that the ribbing holds better than
11:10:10 23 the actual upper part, so the ribbing is a different
11:10:14 24 type of knit. So you will find that, you know,
11:10:19 25 there are different terminologies when it comes to

11:10:22 1 whether it's woven or knits.

11:10:25 2 Q. Let's go back to Column 3 that -- where we
11:10:29 3 were just reading about the tuck stitch because
11:10:33 4 maybe we can understand some more. Actually, before
11:10:35 5 I do that, this -- this exhibit here, Harder
11:10:40 6 Deposition Exhibit 4, this is one of the documents
11:10:42 7 that you reviewed in -- in preparing your
11:10:46 8 declaration; correct?

11:10:47 9 A. Correct.

11:10:48 10 Q. Okay. That's one of the documents you
11:10:51 11 reviewed in preparing to give your opinion in this
11:10:54 12 case?

11:10:54 13 A. Correct.

11:10:55 14 Q. Okay. How much time did you spend
11:10:56 15 reviewing this --

11:10:58 16 MR. LECHLEITER: Objection. Form.

11:10:59 17 Q. BY MR. POLLACK: -- this particular
11:11:00 18 exhibit, Deposition 4?

11:11:01 19 A. I can't recall.

11:11:04 20 Q. More than an hour?

11:11:07 21 A. I -- I don't know. I mean, we've had a
11:11:09 22 number of conversations. I can't add it up.

11:11:12 23 Q. Okay. It could be less than an hour?

11:11:14 24 MR. LECHLEITER: Objection. Form.

11:11:15 25 THE WITNESS: I don't know at this stage. I'm

11:11:17 1 not prepared to give you an estimate of how long I
11:11:19 2 reviewed it for.

11:11:21 3 Q. BY MR. POLLACK: More or less than 30
11:11:23 4 minutes?

11:11:23 5 MR. LECHLEITER: Objection. Form.

11:11:26 6 Q. BY MR. POLLACK: You don't know?

11:11:27 7 A. I -- to give you an estimate, I would say
11:11:30 8 yes. But...

11:11:33 9 Q. That's all I'm asking for is an estimate.

11:11:33 10 A. Yeah.

11:11:33 11 Q. I don't know --

11:11:33 12 A. Okay.

11:11:36 13 Q. More than 30 minutes?

11:11:37 14 A. Yeah.

11:11:37 15 Q. Okay.

11:11:38 16 A. I would think so.

11:11:39 17 Q. Is it more than an hour that you spent on
11:11:42 18 Deposition Exhibit 4?

11:11:42 19 A. Maybe if you add up the five minutes here
11:11:45 20 and five minutes there, then maybe, yes, it's over
11:11:48 21 an hour.

11:11:48 22 Q. Okay. But not much over an hour?

11:11:51 23 MR. LECHLEITER: Objection. Form. Asked and
11:11:52 24 answered.

11:11:52 25 THE WITNESS: I wouldn't -- I think that's as

11:11:54 1 far as I'm going to go with that. I don't know.

11:11:56 2 Q. BY MR. POLLACK: Okay. Going to Column 3
11:12:00 3 in Deposition Exhibit 4, line 38, it says there,
11:12:08 4 "Thus, the 1x1 alternating tuck stitch pattern
11:12:12 5 increases the modulus of the fabric. By increasing
11:12:16 6 the modulus of the fabric, the fabric stretches less
11:12:20 7 and controls more. Preferably, the modulus of the
11:12:25 8 fabric is increased between about 6% and about 10%,
11:12:30 9 more preferably about 8%. Increasing the modulus by
11:12:36 10 about 8% provides a desirable compromise between
11:12:40 11 control and comfort."

11:12:41 12 Did I -- did I read that correctly?

11:12:42 13 A. Correct.

11:12:43 14 Q. Okay. Having now read that section,
11:12:46 15 does -- does that give you the information you need
11:12:50 16 to understand whether or not the control area is
11:12:54 17 expansible?

11:12:56 18 A. I would say that the control area is
11:12:58 19 expandible. I think it said it earlier on it would
11:13:03 20 expand with the wearer.

11:13:04 21 Q. Uh-huh. Okay.

11:13:06 22 And let me ask you a further question,
11:13:09 23 then. Is the control area expansible to cover and
11:13:18 24 fit over a growing abdomen during different stages
11:13:23 25 of pregnancy?

11:13:24 1 A. I think it states in here that it would.

11:13:28 2 But let me -- where are you referring back to?

11:13:30 3 Q. Column 3. This is the control area in the
11:13:39 4 high-waist brief.

11:15:33 5 A. Okay. Can you tell me what your question
11:15:35 6 is again?

11:15:36 7 MR. POLLACK: Court reporter, if you could
11:15:39 8 repeat the question.

11:15:54 9 (Record was read by the Deposition
11:15:54 10 Officer as follows:

11:13:13 11 "Q. Is the control area
11:13:16 12 expansible to cover and fit over a
11:13:19 13 growing abdomen during different
11:15:52 14 stages of pregnancy?")

11:15:54 15 THE WITNESS: I couldn't tell you unless I saw
11:15:56 16 it.

11:15:56 17 Q. BY MR. POLLACK: Okay. If you could turn
11:15:58 18 to Column 2 of Deposition Exhibit 4, the Browder
11:16:07 19 patent. Do you see where it says, "BRIEF SUMMARY OF
11:16:12 20 THE INVENTION"?

11:16:12 21 A. Yes.

11:16:13 22 Q. Okay. Under that, it says -- I'm going to
11:16:15 23 read it into the record. "It is the object of the
11:16:17 24 present invention to provide an improved seamless
11:16:21 25 garment having areas of additional control that are

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.