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A P P E A R A N C E S

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Also Present: None

PURSUANT TO NOTICE AND AGREEMENT, the deposition of WILLIAM CIMINO, M.D., VOLUME II, was taken on behalf of the Patent Owner at 1800 Broadway, Suite 300, Boulder, Colorado, on August 1, 2019, at 9:55 a.m., before Carrie A. Arnold, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public within Colorado.

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I N D E X

| | PAGE |
|---|-------------------|
| EXAMINATION OF WILLIAM CIMINO, M.D.: | |
| August 1, 2019 | |
| By Mr. O'Connor: | 137 |
| By Mr. Magee: | 228 |
| | |
| | INITIAL REFERENCE |
| DEPOSITION EXHIBITS | |
| (None) | |
| | |
| | INITIAL REFERENCE |
| PREVIOUSLY MARKED DEPOSITION EXHIBITS: | |
| Exhibit 1005 U.S. Patent Application Publication No. US 2005/0131390 | 178 |
| Exhibit 1011 U.S. Patent No. 9,084,601 | 150 |
| Exhibit 1031 U.S. Patent Number 5,954,259 | 201 |
| Exhibit 1032 U.S. Patent Number 5,653,374 | 210 |
| Exhibit 2014 Supplemental Declaration of Dr. William Cimino | 137 |
| Exhibit 2015 American Heritage College Dictionary, Third Edition, excerpt | 142 |
| | |
| INFORMATION REQUESTED: | |
| (None) | |
| | |
| QUESTIONS INSTRUCTED NOT TO ANSWER: | |
| (None) | |

1 WHEREUPON, the following proceedings were
2 taken pursuant to the Federal Rules of Civil Procedure.

3 WILLIAM CIMINO, M.D.,
4 having been first duly sworn to state the whole truth,
5 testified as follows:

6 EXAMINATION

7 BY MR. O'CONNOR:

8 Q. Welcome back.

9 A. Thank you.

10 Q. We kind of went through the rules, you know,
11 last time, so I won't repeat all of them. The only
12 question I'll repeat from that is just to make sure
13 that there's no reason why you can't give truthful and
14 accurate testimony today.

15 A. There's no reason.

16 Q. Hand you a copy of a document that's been
17 marked Ethicon Exhibit 2014, titled Supplemental
18 Declaration of Dr. William Cimino. Do you recognize
19 that document?

20 A. Yes.

21 Q. Okay. If you could turn to paragraph 11 --
22 excuse me -- paragraph 9, it says, "Petitioner and
23 Dr. Fischer argue that removing the term 'arrangement'
24 expands the claim scope of the 601 Patent because the
25 term 'arrangement' requires that the claimed actuator

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