

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

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUITIVE SURGICAL, INC.,)	
)	
Petitioner,)	IPR No.
)	
vs.)	2018-00936
)	
ETHICON, LLC.,)	
)	
Patent Owner.)	
)	

DEPOSITION OF FRANK FRONCZAK, Ph. D.
Washington, D. C.
June 6, 2019

REPORTED BY: Tina Alfaro, RPR, CRR, RMR

1 Deposition of FRANK FRONCZAK, Ph.D., held
2 at the offices of:

3
4 Weil Gotshal & Manges, LLP
5 2001 M Street, NW, Suite 600
6 Washington, D.C. 20036

7
8 Taken pursuant to notice before Tina M.
9 Alfaro, a Notary Public within and for the District
10 of Columbia.

11
12
13
14
15
16
17
18
19
20
21
22

1 APPEARANCES:

2 ON BEHALF OF THE PETITIONER:

3 FISH & RICHARDSON

4 BY: STEVEN KATZ, ESQ.

5 One Marina Park Drive

6 Boston, Massachusetts 02210

7 (617) 542-5070

8 ON BEHALF OF THE PATENT OWNER:

9 WEIL GOTSHAL & MANGES

10 BY: CHRISTOPHER PEPE, ESQ.

11 2001 M Street, NW, Suite 600

12 Washington, D. C. 20036

13 (202) 682-7000

14

15

16

17

18

19

20

21

22

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

I N D E X

EXAMINATION

WITNESS	PAGE
FRANK FRONCZAK, Ph.D.	
By Mr. Katz	5

PREVIOUSLY MARKED EXHIBITS

PETITIONER EXHIBITS	DESCRIPTION	PAGE
Exhibit 1001	'658 Patent	41
Exhibit 1003	Knodel declaration	88
Exhibit 1004	Wales reference	180
Exhibit 1006	Tierney patent application publication	72

PATENT OWNER EXHIBITS	DESCRIPTION	PAGE
Exhibit 2005	Fronczak declaration	6
Exhibit 2008	Article	127
Exhibit 2013	'320 Patent	121

1 (Witness sworn.)

2 WHEREUPON:

3 FRANK FRONCZAK, Ph.D.,

4 called as a witness herein, having been first duly
5 sworn, was examined and testified as follows:

6 EXAMINATION

7 BY MR. KATZ:

8 Q. Welcome, Dr. Fronczak. Could you spell
9 your name for the record.

10 A. Sure. F-R-O-N-C-Z-A-K.

11 Q. And do you understand that you're here to
12 testify regarding IPR 2018-00936?

13 A. I -- the numbers don't ring a bell, but I
14 presume that you've got it correct.

15 Q. Okay. Well, do you understand that you're
16 here to testify about an IPR concerning the
17 '658 Patent?

18 A. Yes, I do.

19 Q. Okay. Great. And you believe you're an
20 expert in the relevant field of the '658 Patent?

21 A. I believe I am, yes.

22 Q. And what do you generally view that field

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.