

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

3 MEDTRONIC, INC., AND MEDTRONIC  
4 VASCULAR, INC.,

5 Petitioners,

6 vs.

7 TELEFLEX INNOVATIONS S.A.R.L.,

8 Patent Owner.

9 IPR2020-00126 (Patent 8,048,032 B2)  
10 IPR2020-00127 (Patent 8,048,032 B2)  
11 IPR2020-00128 (Patent RE45,380 E)  
12 IPR2020-00129 (Patent RE45,380 E)  
13 IPR2020-00130 (Patent RE45,380 E)  
14 IPR2020-00132 (Patent RE45,760 E)  
15 IPR2020-00134 (Patent RE45,760 E)  
16 IPR2020-00135 (Patent RE45,776 E)  
17 IPR2020-00136 (Patent RE45,776 E)  
18 IPR2020-00137 (Patent RE47,379 E)  
19 IPR2020-00138 (Patent RE47,379 E)

20 VIDEOTAPED DEPOSITION OF  
21 STEVEN ERB

22 DATE: October 29, 2020

23 TIME: 9:06 a.m. Central Time

24 PLACE: Veritext Virtual Videoconference

25 REPORTED BY: PAULA K. RICHTER, RMR, CRR, CRC  
(By videoconference)

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Page 2	<p>1 APPEARANCES</p> <p>2 ON BEHALF OF THE PETITIONERS (By videoconference):</p> <p>3 Ms. Sharon Roberg-Perez, Esq.</p> <p>4 Mr. Cyrus A. Morton, Esq.</p> <p>5 Ms. Emily J. Tremblay, Esq.</p> <p>6 ROBINS KAPLAN, LLP</p> <p>7 800 LaSalle Avenue, Suite 2800</p> <p>8 Minneapolis, Minnesota 55401</p> <p>9 (612) 349-8500</p> <p>10 sroberg-perez@robinskaplan.com</p> <p>11 cmorton@robinskaplan.com</p> <p>12 etremblay@robinskaplan.com</p> <p>13</p> <p>14 ON BEHALF OF THE PATENT OWNER (By videoconference):</p> <p>15 Mr. Joseph W. Winkels, Esq.</p> <p>16 Mr. J. Derek Vandenburg, Esq.</p> <p>17 Ms. Tara C. Norgard, Esq.</p> <p>18 CARLSON, CASPERS, VANDENBURGH &amp; LINDQUIST</p> <p>19 225 South Sixth Street, Suite 4200</p> <p>20 Minneapolis, Minnesota 55402</p> <p>21 (612) 436-9600</p> <p>22 jwinkels@carlsoncaspers.com</p> <p>23 dvandenburg@carlsoncaspers.com</p> <p>24 tnorgard@carlsoncaspers.com</p> <p>25 (APPEARANCES continued on next page)</p>	Page 4
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Page 3	<p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: We are going on</p> <p>3 the record at 9:06 a.m. Today's date is October</p> <p>4 29th, 2020.</p> <p>5 This is Media Unit 1 of the</p> <p>6 video-recorded deposition of Stephen J. Erb, being</p> <p>7 taken via Zoom and taken by counsel for the</p> <p>8 Petitioner in the matter of Medtronic,</p> <p>9 Incorporated and Medtronic Vascular, Incorporated</p> <p>10 versus Teleflex Innovations, S.A.R.L., in the</p> <p>11 United States Patent and Trademark Office before</p> <p>12 the Patent Trial and Appeal Board; Case Number</p> <p>13 IPR2020-00128.</p> <p>14 My name is Adam Wallin, from the</p> <p>15 firm Veritext, and I am the videographer. The</p> <p>16 court reporter is Paula Richter, from the firm</p> <p>17 Veritext.</p> <p>18 Will counsel please identify</p> <p>19 themselves for the record.</p> <p>20 MS. ROBERG-PEREZ: Sharon</p> <p>21 Roberg-Perez, on behalf of Petitioner Medtronic,</p> <p>22 Robins Kaplan. With me are my colleagues, Cy</p> <p>23 Morton and Emily Tremblay. And on the phone we</p> <p>24 also have Dr. Paul Zalesky.</p> <p>25 MR. WINKELS: And on behalf of</p>	Page 5

<p style="text-align: right;">Page 6</p> <p>1 Patent Owner, Joe Winkels with Carlson Caspers.  2 With me from my firm are Derek Vandenburg and  3 Tara Norgard. And also on the line is Greg Smock  4 with Teleflex.  5 THE VIDEOGRAPHER: Will the court  6 reporter please swear in the witness.  7 STEVEN J. ERB,  8 duly sworn, was examined and testified as follows:  9 EXAMINATION  10 BY MS. ROBERG-PEREZ:  11 Q. Good morning, Mr. Erb. How are you?  12 A. Good. Good morning to you.  13 Q. Have you ever been deposed before?  14 A. I have not.  15 Q. Have you ever given any testimony under oath?  16 A. No.  17 Q. Okay. So you understand that today, you're  18 under oath and that you're required to answer  19 truthfully?  20 A. Yes.  21 Q. Okay. There are some ground rules for every  22 deposition. It's important that the court  23 reporter hear any answers to questions you give,  24 so you have to answer audibly and not nod or shake  25 your head in response.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Nothing today that would impair your memory?  2 A. No.  3 Q. Did you prepare for your deposition today?  4 A. Yes.  5 Q. How did you prepare?  6 A. Had conversations with my lawyer group, and  7 they wrote down what I said, and then we went over  8 that. And that's -- I guess that's about it.  9 Q. And so my question is a little more specific.  10 You mentioned that you met with your lawyer group  11 and they wrote down what you said.  12 A. Yes.  13 Q. Setting apart them writing down what you  14 said, did you prepare today specifically -- or did  15 you prepare specifically for this deposition  16 today?  17 A. Yes.  18 Q. And how did you prepare for this deposition?  19 A. They went over my declaration, talked about  20 the timeline. I seen a bunch of documents that  21 pertained to that timeline. And I guess -- I  22 think that's about it.  23 Q. So you said you've seen a bunch of documents.  24 What documents did you see?  25 A. I really don't remember. There were so many</p>
<p style="text-align: right;">Page 7</p> <p>1 Is that -- is that understood?  2 A. Yes.  3 Q. And it's important that you and I don't talk  4 over each other, which is a little hard to manage  5 on Zoom, but I will do -- so -- so please wait  6 until I finish my question before you answer, and  7 I'll do my best to wait until you've finished your  8 answer before I ask my next question.  9 Is that clear?  10 A. Yes.  11 Q. And if I ask a question that you don't  12 understand, please let me know, and I'll do my  13 best to rephrase.  14 Is that understood?  15 A. Yes.  16 Q. We will take breaks during the day. If you  17 need a break, just let me know. But before we  18 take a break, I'm going to ask that you answer any  19 question that's pending.  20 Is that understood?  21 A. Yes.  22 Q. Is there any reason today, such as illness or  23 medication, that you're not able to testify fully  24 and accurately?  25 A. No.</p>	<p style="text-align: right;">Page 9</p> <p>1 of them, I really couldn't say.  2 Q. When did you see these documents?  3 A. It could have been last week.  4 Q. And you said you really can't remember  5 because there were so many of them. Do you  6 remember -- do you remember what types of  7 documents you saw?  8 A. Yes. Some were prints. Most of them were  9 purchase orders.  10 Q. When you say "prints," prints of what?  11 A. Parts of the GuideLiner.  12 Q. So anything -- did you see any documents  13 besides invoices and prints that were parts of the  14 GuideLiner?  15 A. No.  16 Q. Okay. Aside from discussions with counsel,  17 have you discussed with anyone your deposition?  18 A. No.  19 Q. Okay. I understand that currently, you're a  20 technologist?  21 MS. ROBERG-PEREZ: I'm sorry. Did  22 someone say something?  23 MR. WINKELS: Derek, I think you  24 came off mute somehow.  25 MS. ROBERG-PEREZ: Okay.</p>

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<p style="text-align: right;">Page 10</p> <p>1 MR. WINKELS: Sorry.  2 MS. ROBERG-PEREZ: No worries.  3 BY MS. ROBERG-PEREZ:  4 Q. Mr. Erb, currently, you're a technologist in  5 the R&amp;D group in Teleflex's interventional  6 business unit, right?  7 A. Correct.  8 Q. And you've held that position since Teleflex  9 acquired Vascular Solutions in 2016?  10 A. Yes.  11 Q. And before that, I understand that you were a  12 technician at Vascular Solutions?  13 A. Yes.  14 Q. And is it correct that you started there in  15 2005?  16 A. Late 2004.  17 Q. Now, before you started working at Teleflex,  18 did you know anybody there?  19 A. No.  20 Q. Okay. And before you worked at Teleflex,  21 where did you work?  22 A. I worked at a company called Raymedica.  23 Q. How long had you worked there?  24 A. Seven years.  25 Q. And before Raymedica, where did you work?</p>	<p style="text-align: right;">Page 12</p> <p>1 Solutions --  2 A. Yes.  3 Q. -- besides -- what titles were those?  4 A. That was same thing, senior technologist.  5 Q. Okay. Any other positions besides senior  6 technologist and technician?  7 A. No.  8 Q. When you started at Vascular Solutions in  9 late 2004, who -- to whom did you report?  10 A. Jeff Welch.  11 Q. Anybody besides Jeff Welch?  12 A. Above him was Gregg Sutton.  13 Q. Anybody besides Mr. Welch and Mr. Sutton?  14 A. No.  15 Q. And during your time at Vascular Solutions,  16 did you report to anybody else besides Mr. Welch  17 and Mr. Sutton?  18 A. My whole time at Vascular Solutions?  19 Q. Yes.  20 A. Yes. We had management change, so John  21 Bridgeman would have been later.  22 Q. Anybody else besides John Bridgeman?  23 A. Not under Vascular Solutions.  24 Q. Okay. And during your time at Vascular  25 Solutions, was there anybody who reported to you?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I worked at Lake Region.  2 Q. Can you spell that?  3 A. Lake Region is L-A-K-E, R-E-G-I-O-N.  4 Q. And before Lake Region, where did you work?  5 A. That's going back quite a ways. I think it  6 was Robbins Myers.  7 Q. So going back to your work at Vascular  8 Solutions, at the time that it was acquired, you  9 were -- by Teleflex, you were a technician, right?  10 A. Correct.  11 Q. Was the technician position the most recent  12 position -- sorry, strike that.  13 Did you hold any other position at  14 Vascular Solutions besides technician?  15 A. In case -- what time -- what time frame?  16 Q. Any time frame at all.  17 A. Yeah. I became -- right now, I'm a senior  18 technologist, R&amp;D technologist.  19 Q. And that's at Teleflex, right?  20 A. Correct.  21 Q. So when you were at Vascular Solutions, your  22 title was a little different. It was technician,  23 right?  24 A. Yes.  25 Q. And did you hold any other title at Vascular</p>	<p style="text-align: right;">Page 13</p> <p>1 A. No.  2 Q. I'd like to understand your education  3 background. When did you graduate from high  4 school?  5 A. 1972.  6 Q. Did you earn a degree after high school?  7 A. Yes. A vocational college degree in  8 toolmaking.  9 Q. And when did you earn that degree?  10 A. 1974, I believe.  11 Q. Okay. Apart from that degree, any other  12 degree -- any other degrees?  13 A. No.  14 Q. Have you had any specialized training related  15 to your work at Vascular Solutions?  16 A. No.  17 Q. So when you -- as a technologist at Teleflex,  18 what did you do?  19 A. The -- well, I do machining parts,  20 prototyping, tool and fixture, and when I first  21 started, some assembly of -- of prototypes and --  22 and lab work, testing.  23 Q. So you said when you first started. Do you  24 mean when you first started at Teleflex or when  25 you first started at Vascular Solutions?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. First started at Vascular.  2 Q. Do you -- did you also machine parts when you  3 started at Vascular?  4 A. Yes.  5 Q. Okay. What's the first step that you take  6 when machining a new part?  7 A. Well, a -- usually, a sketch or a print is  8 done or maybe a verbal instruction. And then I  9 would procure the material to make the part or --  10 or fixture and then look at it and see what kind  11 of tooling I would need, cutters and machine that  12 would be required to finish that part.  13 Q. So you said "usually a sketch or print." Is  14 this a sketch or print that is provided to you?  15 A. Yes.  16 Q. And you said sometimes verbal instructions.  17 A. Yes.  18 Q. What percentage of the time are you given a  19 sketch or print?  20 A. Are you talking present tense or past tense?  21 Q. Let's start now, today, present tense. About  22 what percentage of the time do you start or  23 machine a part with a -- with a sketch or print?  24 A. Probably 90 percent of the time.  25 Q. So let's -- now I'd like to ask about the</p>	<p style="text-align: right;">Page 16</p> <p>1 would you do with that part next?  2 A. I would bring it, show it to the person  3 that -- that had asked for that.  4 Q. Would you inspect it yourself?  5 A. Yes.  6 Q. Would you ever take measurements of the part  7 you machined?  8 A. Yes.  9 Q. Would you ever write those measurements down  10 anywhere?  11 A. No.  12 Q. So you would take measurements. What was the  13 purpose of taking measurements?  14 A. To be sure that it had met the print or  15 specifications that were required.  16 Q. Did you ever take photographs of any of the  17 parts that you machined?  18 A. No.  19 Q. So in your declaration, you stated that you  20 assist engineers with projects. What types of  21 projects?  22 A. Whatever is required. Whatever the  23 engineer -- there might be some tooling or, you  24 know, machining a piece or a part that is  25 necessary for -- for a project.</p>
<p style="text-align: right;">Page 15</p> <p>1 practice at Vascular Solutions when you started.  2 When you went to machine a new part, about what  3 percentage of the time would you start with the  4 sketch or print?  5 A. When I started, yeah, probably more --  6 probably 75/25 maybe, I would say.  7 Q. Does that mean 75 percent of the time you  8 would start with a sketch or print and 25 percent  9 of the time you would not?  10 A. Yes.  11 Q. And when you started with a sketch or print,  12 were those sketches or prints something -- things  13 that you would keep?  14 A. Please repeat that.  15 Q. Are sketches and prints that you were given  16 to machine a part from, are those documents that  17 you would keep?  18 A. Probably for a period of time, until I no  19 longer needed them.  20 Q. What period of time?  21 A. As long as I was working on it, I would keep  22 that print. I may keep it for a short time  23 afterwards, and then I would usually just dispose  24 of it.  25 Q. And once a new part had been machined, what</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. What is tooling?  2 A. Tooling would be something to -- you know,  3 maybe for assembly to hold something or to process  4 something.  5 Q. Okay. What do you mean by "to hold  6 something"?  7 A. You know, maybe an example would be to hold  8 like two parts in alignment for bonding or a mold  9 to melt something together or something --  10 something to further a process, I would say.  11 Something that would . . .  12 Q. Okay. And when you would be asked to do  13 tooling, is there anything about that that you  14 would write down?  15 A. Yes.  16 Q. What would you write down?  17 A. That might be something that would be a  18 verbal instruction I need. An engineer would ask,  19 I need something that would do this, or help me do  20 this, and so I would write that down  21 dimension-wise what -- what would -- would do  22 that, what would -- would fill that need. And  23 then I would --  24 Q. Where -- I'm sorry. I interrupted you.  25 A. Yeah. And then I would make that part.</p>

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