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1 UNITED STATES PATENT AND TRADEMARK OFFICE  
 2 \_\_\_\_\_  
 3 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
 4 \_\_\_\_\_  
 5 MEDTRONIC, INC., AND, MEDTRONIC VASCULAR, INC.,  
 6 Petitioner,  
 7 v.  
 8 TELEFLEX LIFE SCIENCES LIMITED,  
 9 Patent Owner.  
 10 \_\_\_\_\_  
 11 Case No. IPR2020-01341  
 12 Case No. IPR2020-01342  
 13 Case No. IPR2020-01343  
 14 Case No. IPR2020-01344  
 15 U.S. Patent No. 8,142,413  
 16 \_\_\_\_\_  
 17 DEPOSITION OF STEVEN J. ERB  
 18 VOLUME I, PAGES 1 - 43  
 19 JULY 22, 2021  
 20  
 21 (The following is the deposition of STEVEN  
 22 J. ERB, taken pursuant to Notice of Taking  
 23 Deposition, conducted remotely and via videotape,  
 24 commencing at approximately 8:55 o'clock a.m., July  
 25 22, 2021.)  
 26  
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 16 ALSO PRESENT:  
 17 Jacob A. Arvold, Videographer  
 18 Greg Smock, Teleflex  
 19  
 20 EXAMINATION INDEX  
 21 WITNESS EXAMINED BY PAGE  
 22 Mr. Erb Ms. Tremblay 3,39  
 23 Mr. Rinn 35,40  
 24  
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08:55:56 1 PROCEEDINGS  
 08:55:56 2 THE VIDEOGRAPHER: We are on video.  
 08:56:08 3 THE REPORTER: We are on the record.  
 4 Before I swear the witness I would like to state for  
 5 the record it is my understanding there is no  
 6 objection to swearing the witness remotely. Please  
 7 speak up only if you have an objection.  
 8 Hearing none; Mr. Erb, would you raise your  
 9 right hand to be sworn?  
 10 (Witness sworn.)  
 11 STEVEN J. ERB,  
 12 Called as a witness, being first  
 13 duly sworn, was examined and  
 14 testified as follows:  
 15 EXAMINATION  
 16 BY MS. TREMBLAY:  
 08:56:38 17 Q. Good morning, Mr. Erb. My name is Emily  
 08:56:42 18 Tremblay. I'm an attorney with Robins Kaplan, and I'm  
 08:56:45 19 here on behalf of Medtronic, Inc., and Medtronic  
 08:56:49 20 Vascular, Inc.  
 08:56:49 21 You've given a deposition before; is that  
 08:56:52 22 correct, Mr. Erb?  
 08:56:53 23 A. Correct.  
 08:56:55 24 Q. And actually the deposition that you've  
 08:56:57 25 given before, it was for a related proceeding  
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08:57:00 1 involving Medtronic and Teleflex; is that correct?  
 08:57:03 2 A. That's correct.  
 08:57:05 3 Q. And involving, in particular, the GuideLiner  
 08:57:08 4 invention which we're going to discuss today; correct?  
 08:57:11 5 A. Correct.  
 08:57:14 6 Q. So given that we've been here before, I'm  
 08:57:16 7 going to skip some of the introductory deposition  
 08:57:19 8 rules, but please speak up if you have any questions  
 08:57:22 9 as we go. If you don't understand my question, please  
 08:57:25 10 ask me to rephrase. We will be taking breaks, but if  
 08:57:30 11 you'd like one before I call for one, please speak up  
 08:57:33 12 and we'll accommodate.  
 08:57:36 13 Now is there any reason that you will not be  
 08:57:38 14 able to understand my questions and answer truthfully  
 08:57:41 15 and completely today?  
 08:57:43 16 A. No.  
 08:57:45 17 Q. Great.  
 08:57:46 18 Any questions before we begin?  
 08:57:48 19 A. No.  
 08:57:50 20 Q. Okay. So what did you do to prepare for  
 08:57:54 21 your deposition today? And before you answer, I'm not  
 08:57:57 22 interested in any advice that you may have received  
 08:57:59 23 from your attorneys, I'm just interested in what you  
 08:58:02 24 did to prepare for today.  
 08:58:04 25 A. Well I studied and read my declaration, and  
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08:58:10 **1** I did read over the -- the last deposition, too. I  
 08:58:15 **2** read that over.  
 08:58:18 **3** **Q.** The "last deposition" that one of my  
 08:58:20 **4** colleagues took in the related proceedings, that's  
 08:58:23 **5** what you're referring to?  
 08:58:24 **6** **A.** Correct, yeah. I think it was back in May.  
 08:58:29 **7** **Q.** Did you review any documents other than your  
 08:58:32 **8** declaration to prepare for today, and other than the  
 08:58:35 **9** deposition transcript that you referenced?  
 08:58:37 **10** **A.** Yes, there were a few prints and a -- a few  
 08:58:41 **11** POs.  
 08:58:43 **12** **Q.** Just for the record, by "prints" are you  
 08:58:46 **13** referring to engineering drawings, or something else?  
 08:58:49 **14** **A.** Yeah, maybe engineering drawings,  
 08:58:53 **15** blueprints.  
 08:58:53 **16** **Q.** And by "POs," are you referring to purchase  
 08:58:56 **17** orders?  
 08:58:58 **18** **A.** Okay. Excuse me. I got a --  
 08:59:01 **19** Can you hear that? I don't know what that  
 08:59:03 **20** is. I'm sorry.  
 08:59:07 **21** **Q.** Debby or Jacob, are you getting background  
 08:59:09 **22** interference? Or Mr. Erb, are you getting background  
 08:59:12 **23** interference?  
 08:59:13 **24** **A.** Yeah, I was, okay. So I -- I -- I shut it  
 08:59:14 **25** off so it's -- It's fine, I guess.

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08:59:14 **1** **Q.** Okay.  
 08:59:16 **2** **A.** Sorry about that.  
 08:59:17 **3** **Q.** And so --  
 08:59:18 **4** No problem. I'm just going to clarify one  
 08:59:20 **5** more time. So when you reference "POs," are you  
 08:59:22 **6** referring to purchase orders?  
 08:59:24 **7** **A.** Yes.  
 08:59:27 **8** **Q.** Okay. So you reviewed some prints and some  
 08:59:32 **9** purchase orders; any other documents that you reviewed  
 08:59:35 **10** to prepare for today?  
 08:59:37 **11** **A.** No.  
 08:59:39 **12** **Q.** Okay. So Mr. Erb, did you receive a packet  
 08:59:43 **13** of documents for this deposition?  
 08:59:46 **14** **A.** Yes, I did. I have it here.  
 08:59:49 **15** **Q.** Okay. Great.  
 08:59:50 **16** Could you please take out what's already  
 08:59:52 **17** been marked as Exhibit 2122?  
 09:00:04 **18** **A.** Yeah. Can you please -- please repeat that?  
 09:00:06 **19** Twenty --  
 09:00:06 **20** **Q.** Sure. It should be marked in the lower  
 09:00:08 **21** right-hand corner, Exhibit 2122.  
 09:00:12 **22** **A.** Twenty-one -- Okay. Okay. I have that,  
 09:00:23 **23** yep.  
 09:00:24 **24** **Q.** Okay. Great.  
 09:00:25 **25** So what is Exhibit 2122?

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09:00:28 **1** **A.** It's the Declaration of Steven Erb.  
 09:00:32 **2** **Q.** So this is your declaration; is that  
 09:00:34 **3** correct?  
 09:00:35 **4** **A.** That is correct.  
 09:00:38 **5** **Q.** Did you speak with anyone, other than your  
 09:00:40 **6** attorneys, to prepare Exhibit 2122?  
 09:00:45 **7** **A.** No, I did not.  
 09:00:49 **8** **Q.** And Mr. Erb, you submitted a previous  
 09:00:52 **9** declaration in the related proceedings involving  
 09:00:56 **10** Medtronic and Teleflex and GuideLiner; is that  
 09:00:59 **11** correct?  
 09:01:00 **12** **A.** Correct.  
 09:01:03 **13** **Q.** And you gave a deposition related to that  
 09:01:05 **14** first declaration; true?  
 09:01:07 **15** **A.** Correct.  
 09:01:10 **16** **Q.** So is Exhibit 2122 that you have in front of  
 09:01:13 **17** you now, is that the same as your first declaration?  
 09:01:19 **18** **A.** It's very similar. I think we did change a  
 09:01:24 **19** few -- or clarify a few sentences.  
 09:01:31 **20** **Q.** Okay. Do you remember which portions of  
 09:01:34 **21** this declaration were clarified or changed compared to  
 09:01:40 **22** your first declaration?  
 09:01:42 **23** **A.** No, I did -- I do not. I did -- did not  
 09:01:44 **24** compare.  
 09:01:45 **25** **Q.** Okay. That's fine. As we walk through it,

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09:01:48 **1** I -- I'm -- I'll be in a position to represent to you  
 09:01:51 **2** what's been changed from your first declaration.  
 09:01:53 **3** **A.** Okay.  
 09:01:57 **4** **Q.** Do you know --  
 09:01:58 **5** So the changes that you made, do you know  
 09:02:00 **6** why you changed material between your first  
 09:02:03 **7** declaration and this declaration?  
 09:02:06 **8** **A.** I think it was just to -- to make everything  
 09:02:08 **9** more complete, more understandable.  
 09:02:14 **10** **Q.** To make it more complete. So did you speak  
 09:02:17 **11** with anyone to refresh your recolle -- your  
 09:02:21 **12** recollection, excuse me, as to any material that you  
 09:02:23 **13** added for completeness?  
 09:02:26 **14** **A.** Well I think we just went over with -- with  
 09:02:30 **15** my attorneys and just, you know, as we went -- went  
 09:02:32 **16** through it, my memory was -- you know, had been  
 09:02:34 **17** jogged, so maybe I remembered a few more details.  
 09:02:38 **18** **Q.** Okay. So in these conversations where your  
 09:02:43 **19** memory was jogged, were you reviewing any additional  
 09:02:47 **20** documents that helped to jog your memory, do you  
 09:02:50 **21** remember?  
 09:02:51 **22** **A.** No, I do not remember.  
 09:02:53 **23** **Q.** Okay. So Mr. Erb, you know, you've given a  
 09:02:58 **24** deposition before, I don't want to spend too much time  
 09:03:00 **25** on your background, we've already covered that, but

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09:03:03 **1** just briefly, you began working for Vascular  
09:03:08 **2** Solutions, Inc. or VSI in 2005; is that correct?  
09:03:11 **3** **A.** Correct.  
09:03:13 **4** **Q.** And you began working for VSI as a  
09:03:16 **5** technician in the Research and Development Group;  
09:03:19 **6** correct?  
09:03:20 **7** **A.** Yes.  
09:03:22 **8** **Q.** I believe your declaration set forth that  
09:03:25 **9** some of your responsibilities included machining  
09:03:28 **10** parts; is that correct?  
09:03:29 **11** **A.** Yes.  
09:03:31 **12** **Q.** And I believe it also included designing  
09:03:33 **13** tools; true?  
09:03:35 **14** **A.** Yes.  
09:03:37 **15** **Q.** And I believe that in your declaration you  
09:03:39 **16** referenced assisting engineers; is that correct?  
09:03:43 **17** **A.** Repeat that.  
09:03:45 **18** **Q.** I believe you also referenced that your job  
09:03:48 **19** in 2005 at VSI involved assisting engineers; is that  
09:03:52 **20** correct?  
09:03:53 **21** **A.** That's correct.  
09:03:55 **22** **Q.** Anything else that would have been part of  
09:03:57 **23** your job as a technician in 2005/2006 that you'd like  
09:04:02 **24** to add for completeness?  
09:04:05 **25** **A.** Yeah, I also procured materials or bought  
  
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09:04:09 **1** materials for prototype projects or, yeah, whatever we  
09:04:15 **2** were working on.  
09:04:19 **3** **Q.** Anything else?  
09:04:20 **4** **A.** That would probably be about it.  
09:04:25 **5** **Q.** So Mr. Erb, what is GuideLiner?  
09:04:30 **6** **A.** It's a catheter, or it -- it's used as a  
09:04:37 **7** launching pad to launch a catheter further into the  
09:04:40 **8** body to, you know, get purchase so I can move a  
09:04:45 **9** catheter further -- further out to deliver another  
09:04:49 **10** product.  
09:04:52 **11** **Q.** And you worked on the GuideLiner project; is  
09:04:56 **12** that correct?  
09:04:57 **13** **A.** Yes.  
09:04:58 **14** **Q.** When did you begin working on GuideLiner?  
09:05:03 **15** **A.** It would have been early 2005.  
09:05:07 **16** **Q.** Do you remember who else was working on the  
09:05:10 **17** project in 2005?  
09:05:13 **18** **A.** Yeah, there was Jim Kauphusman, Jeff Welch,  
09:05:20 **19** and from above it would have been Gregg Sutton and  
09:05:24 **20** Howard Root was -- was directing the project. I --  
09:05:28 **21** And I suppose various technicians, too, for doing  
09:05:31 **22** testing.  
09:05:35 **23** **Q.** Were you one of the technicians involved in  
09:05:37 **24** testing, or did you have a separate role?  
09:05:41 **25** **A.** My main role was making prototypes, but I --  
  
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09:05:44 **1** I also did some testing.  
09:05:48 **2** **Q.** And I believe when you mentioned Mr. Sutton  
09:05:50 **3** and Mr. Root, I believe you said "from above." Are  
09:05:54 **4** you referring to their involvement as in a supervisory  
09:05:58 **5** capacity, or could you -- could you clarify what you  
09:06:00 **6** mean by Sutton and Root were involved from above?  
09:06:04 **7** **A.** Well they -- yeah, they were involved in  
09:06:06 **8** testing or, you know, of the prototypes but, you know,  
09:06:11 **9** they would be the ones that, I guess, and I don't know  
09:06:15 **10** what the correct term is, but would be directing, you  
09:06:18 **11** know, they were always, you know, asking where --  
09:06:20 **12** where we are with that project. So I would call that  
09:06:26 **13** directing, or -- or you could call it supervising.  
09:06:32 **14** **Q.** Do you know what I mean if I refer to an  
09:06:35 **15** "over-the-wire" version of GuideLiner?  
09:06:40 **16** **A.** I'm familiar with the term, but I never  
09:06:44 **17** really worked on that.  
09:06:48 **18** **Q.** So the individuals that you just identified,  
09:06:51 **19** Mr. Kauphusman, Mr. Welch, Mr. Sutton and Mr. Root,  
09:06:55 **20** they were -- you weren't speaking about work on an  
09:06:59 **21** over-the-wire version; is that correct? You were  
09:07:02 **22** speaking --  
09:07:02 **23** **A.** No.  
09:07:03 **24** **Q.** -- about an --  
09:07:05 **25** Okay.  
  
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09:07:05 **1** **A.** Yes. Yeah, rapid exchange.  
09:07:07 **2** **Q.** So -- So what --  
09:07:09 **3** Okay. Thank you.  
09:07:09 **4** So we're talking -- when we're talking about  
09:07:13 **5** the GuideLiner project, from your perspective you're  
09:07:15 **6** only talking about rapid exchange; is that -- is that  
09:07:19 **7** correct?  
09:07:19 **8** **A.** Correct.  
09:07:25 **9** **Q.** Sorry, I'm not sure that I heard an answer  
09:07:26 **10** to that. Is that correct, Mr. --  
09:07:28 **11** **A.** Yes.  
09:07:29 **12** **Q.** -- Erb, --  
09:07:29 **13** **A.** Yes, it is.  
09:07:31 **14** **Q.** -- when we're talking about the GuideLiner  
09:07:31 **15** project?  
09:07:32 **16** **A.** Yes, that is correct, rapid exchange.  
09:07:37 **17** **Q.** Okay. I'd like to refer to paragraph 7 of  
09:07:40 **18** your declaration, still Exhibit 2122 that you should  
09:07:44 **19** have in front of you.  
09:07:46 **20** **A.** All right.  
09:07:46 **21** **Q.** So here you're referring to ordering  
09:07:51 **22** stainless steel and nitinol hypotubes for GuideLiner;  
09:07:56 **23** correct?  
09:07:57 **24** **A.** Correct.  
09:08:00 **25** **Q.** And when you mention "hypotube" here, are  
  
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09:08:04 **1** you talking about stock hypotube, or hypotube that has  
 09:08:09 **2** not been machined; is that correct?  
 09:08:12 **3** **A.** Correct.  
 09:08:14 **4** **Q.** What did VSI do with those hypotube orders  
 09:08:19 **5** after they received them?  
 09:08:24 **6** **A.** What timeframe we talking? We talking  
 09:08:26 **7** about, okay, that -- the purchase order...  
 09:08:31 **8** **Q.** Let's say we're talking about 2005.  
 09:08:33 **9** **A.** Okay.  
 09:08:34 **10** **Q.** Early 2005.  
 09:08:35 **11** **A.** Yeah. I believe I would have machined some  
 09:08:38 **12** of those to whatever -- wherever the print was at that  
 09:08:43 **13** time or at whatever stage we were at. Other ones  
 09:08:46 **14** might have been sent to Spectralytics or LSA to be --  
 09:08:50 **15** to be laser cut.  
 09:08:52 **16** **Q.** Okay. So we're talking about ordering stock  
 09:08:57 **17** hypotube, not machined hypotube --  
 09:08:59 **18** **A.** Correct.  
 09:09:00 **19** **Q.** -- that you would then machine in-house; is  
 09:09:02 **20** that correct?  
 09:09:02 **21** **A.** Correct. Correct.  
 09:09:07 **22** **Q.** So in paragraph 8 of your declaration,  
 09:09:10 **23** Exhibit 2122, you -- you're talking about what you  
 09:09:14 **24** call "early GuideLiner prototypes"; is that correct?  
 09:09:18 **25** **A.** Yes.

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09:10:42 **1** prototypes; is that correct?  
 09:10:44 **2** **A.** Yes.  
 09:10:47 **3** **Q.** And also in paragraph 11 you're talking  
 09:10:49 **4** about attaching proximal and distal components; is  
 09:10:54 **5** that correct?  
 09:10:55 **6** **A.** Correct.  
 09:10:58 **7** **Q.** Who performed that attachment work?  
 09:11:02 **8** **A.** I would have done --  
 09:11:03 **9** I would have done some of it, and then  
 09:11:06 **10** probably Jeff Welch.  
 09:11:10 **11** **Q.** Do you remember what Mr. Welch's position in  
 09:11:13 **12** the company was at the time?  
 09:11:15 **13** **A.** Yes, he was R&D director.  
 09:11:24 **14** **Q.** Was that different from Mr. Sutton's role at  
 09:11:26 **15** the time?  
 09:11:26 **16** **A.** Yes, he was the vice president.  
 09:11:30 **17** **Q.** Okay. So in paragraph 11, I just want to  
 09:11:39 **18** make sure I'm clear, we're talking about early  
 09:11:41 **19** GuideLiner prototypes for which you machined hypotube;  
 09:11:46 **20** correct?  
 09:11:47 **21** **A.** Correct.  
 09:11:49 **22** **Q.** And you and Mr. Welch were responsible for  
 09:11:53 **23** the attachment work that you describe here.  
 09:11:56 **24** **A.** Yes.  
 09:12:00 **25** **Q.** Anyone else involved?

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09:09:21 **1** **Q.** So what are these early GuideLiner  
 09:09:23 **2** prototypes?  
 09:09:26 **3** **A.** Yeah, the proximal end would have been a  
 09:09:29 **4** hypotube that I cut down using the -- like using a  
 09:09:33 **5** milling machine, cut down a portion of it to make it  
 09:09:38 **6** more flexible and then leaving a -- a distal end that  
 09:09:41 **7** we could attach -- attach the polymer -- polymer end  
 09:09:44 **8** to it.  
 09:09:47 **9** **Q.** So the early GuideLiner prototype that you  
 09:09:50 **10** discuss in your declaration, these are prototypes for  
 09:09:53 **11** which you are machining hypotubes that we were just  
 09:09:57 **12** discussing; is that correct?  
 09:09:58 **13** **A.** Correct.  
 09:10:02 **14** **Q.** Were you also responsible for making the  
 09:10:05 **15** distal end, or was your focus primarily machining  
 09:10:09 **16** hypotube for the proximal end?  
 09:10:11 **17** **A.** Yeah, the distal end would have been sent  
 09:10:13 **18** out, so, yeah, I was -- I was more responsible for the  
 09:10:17 **19** -- the metal part of the -- the proximal end of the  
 09:10:25 **20** GuideLiner.  
 09:10:25 **21** **Q.** I'd like to move to paragraph 11, where  
 09:10:29 **22** again in the first sentence of paragraph 11 you're  
 09:10:32 **23** referring to machining down hypotube. We've been  
 09:10:35 **24** discussing machining hypotube, so in paragraph 11  
 09:10:38 **25** you're still talking about these early GuideLiner

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09:12:02 **1** **A.** Yes, there could have been other technicians  
 09:12:04 **2** involved, too, but I just -- I don't remember who they  
 09:12:07 **3** would be at this time.  
 09:12:14 **4** **Q.** Moving to paragraph 12, so are -- we're  
 09:12:19 **5** still talking about these same "early GuideLiner  
 09:12:22 **6** prototypes" in paragraph 12; is that correct?  
 09:12:25 **7** **A.** Correct.  
 09:12:29 **8** **Q.** At this time we're discussing testing those  
 09:12:31 **9** same prototypes; is that correct?  
 09:12:34 **10** **A.** Correct.  
 09:12:36 **11** **Q.** Who performed the testing that you describe  
 09:12:38 **12** in paragraph 12?  
 09:12:39 **13** **A.** I would have done some of it. We did, like,  
 09:12:44 **14** basic pull testing to test the integrity of the bond,  
 09:12:47 **15** of the polymer end to the -- the metal end, the  
 09:12:51 **16** proximal end. And then --  
 09:12:53 **17** **Q.** What's involved --  
 09:12:54 **18** Oh, I'm sorry.  
 09:12:54 **19** **A.** Okay.  
 09:12:55 **20** **Q.** Please complete your answer, I'm sorry, I  
 09:12:57 **21** didn't mean to talk over you.  
 09:12:59 **22** **A.** Yeah, I was going to say, and -- and the  
 09:13:00 **23** testing in the benchtop models.  
 09:13:03 **24** **Q.** Could you describe what a pull test is for  
 09:13:06 **25** me, what do you mean by "pull test"?

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09:13:09 **1** **A.** Well since we -- since we bonded the -- the  
 09:13:12 **2** two dissimilar materials, we would just test the  
 09:13:16 **3** integrity of the bond, so we would do a pull test to  
 09:13:19 **4** make sure that -- that they were tightly bonded  
 09:13:22 **5** together so that that wouldn't come apart.  
 09:13:26 **6** **Q.** So I'm not an engineer, so you'll have to  
 09:13:28 **7** excuse me, as --  
 09:13:29 **8** **A.** Okay.  
 09:13:30 **9** **Q.** -- if I --  
 09:13:31 **10** **A.** Sure.  
 09:13:31 **11** **Q.** -- if I'm misunderstanding what a pull test  
 09:13:33 **12** is. So is it just -- is it really just pulling on the  
 09:13:36 **13** two components --  
 09:13:37 **14** **A.** Yes, pretty much.  
 09:13:39 **15** **Q.** -- to make sure that they're not coming  
 09:13:40 **16** apart? Okay.  
 09:13:41 **17** **A.** Yes, pretty much.  
 09:13:42 **18** And then we would have a basic -- maybe a  
 09:13:46 **19** basic test instrument that would give us a -- a  
 09:13:48 **20** number, a pound pull --  
 09:13:54 **21** (Interruption by the reporter.)  
 09:13:55 **22** **A.** I guess, yeah, like, I guess a, you know, I  
 09:13:58 **23** would call it, yeah, a -- a pound -- you know, a  
 09:14:03 **24** number the -- whatever the -- whatever the number  
 09:14:05 **25** would be to, you know. So, like, a comparative

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09:14:10 **1** number.  
 09:14:12 **2** **Q.** Comparative number. What would it be  
 09:14:15 **3** compared to?  
 09:14:16 **4** **A.** To the -- To --  
 09:14:17 **5** To the other parts. Okay, let's say I  
 09:14:20 **6** tested 20 parts; so I would test 20 parts and compare  
 09:14:23 **7** the -- the number that I received on each -- on each  
 09:14:28 **8** pull test, to make sure that they were in a consistent  
 09:14:30 **9** range.  
 09:14:32 **10** **Q.** Okay. So we're talking about a number that  
 09:14:36 **11** maybe represents the force involved in pulling on the  
 09:14:39 **12** two components, is that what we're talking about?  
 09:14:42 **13** **A.** Yes. Correct.  
 09:14:43 **14** **Q.** Okay. Thank you for that clarification.  
 09:14:55 **15** So you -- you said that you were involved in  
 09:14:59 **16** some of the testing that you describe in paragraph 12,  
 09:15:04 **17** and you were describing the pull test. Anyone else  
 09:15:07 **18** involved in the testing that you describe in paragraph  
 09:15:10 **19** 12?  
 09:15:11 **20** **A.** Yeah, I don't remember at this time.  
 09:15:19 **21** **Q.** So just you.  
 09:15:20 **22** **A.** It would have been Jeff Welch too, I do  
 09:15:23 **23** remember Jeff Welch.  
 09:15:28 **24** **Q.** And I believe you mentioned, just a moment  
 09:15:30 **25** ago, testing involving a model; is that correct?

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09:15:34 **1** **A.** Yes. A heart model, benchtop model.  
 09:15:38 **2** **Q.** Benchtop model. So who would have been  
 09:15:40 **3** involved in benchtop model testing?  
 09:15:45 **4** **A.** I would have been a small bit, just to see,  
 09:15:48 **5** more for my own use, but more -- more of -- it would  
 09:15:51 **6** have been more of Jeff Welch and -- and Gregg Sutton,  
 09:15:55 **7** and Howard.  
 09:15:59 **8** **Q.** And by "Howard" you mean "Howard Root," --  
 09:15:59 **9** **A.** Howard Root, yes, --  
 09:16:02 **10** **Q.** -- is that correct?  
 09:16:03 **11** **A.** -- correct.  
 09:16:04 **12** **Q.** Thanks.  
 09:16:06 **13** I'm sorry. Could you clarify once more,  
 09:16:09 **14** what was your involvement in the benchtop testing?  
 09:16:12 **15** **A.** I would have done that too, but more as a --  
 09:16:16 **16** like I said I guess just more for my own use, my own  
 09:16:22 **17** feeling about the parts, to see how it worked, since,  
 09:16:27 **18** you know, --  
 09:16:27 **19** **Q.** Okay.  
 09:16:27 **20** **A.** -- just to be involved.  
 09:16:32 **21** **Q.** But the primary testers were Welch, Sutton  
 09:16:36 **22** and Root; is that correct?  
 09:16:37 **23** **A.** Correct.  
 09:16:42 **24** **Q.** And again we're still talking about those  
 09:16:44 **25** early prototypes for which you had machined hypotube

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09:16:48 **1** parts; is that correct?  
 09:16:50 **2** **A.** Correct.  
 09:16:56 **3** **Q.** Okay. Moving to paragraph 13, there's  
 09:17:00 **4** now -- in paragraph 13 you're no longer talking about  
 09:17:03 **5** these early GuideLiner prototypes; is that correct?  
 09:17:08 **6** **A.** No, I would say it'd still be some of the  
 09:17:11 **7** earlier ones because we kind of did concurrent  
 09:17:15 **8** engineering too, even though we sent parts out to  
 09:17:19 **9** laser cutting, I -- I would have still been machining  
 09:17:21 **10** parts in-house, too.  
 09:17:23 **11** **Q.** Okay. So now in paragraph 13 we've  
 09:17:25 **12** identified kind of two sets of prototypes; is that  
 09:17:29 **13** fair?  
 09:17:30 **14** **A.** That's fair. Sure.  
 09:17:32 **15** **Q.** On one end you're machining hypotube  
 09:17:35 **16** in-house; is that correct?  
 09:17:36 **17** **A.** Correct.  
 09:17:38 **18** **Q.** And then there's also a set of prototypes  
 09:17:42 **19** for which VSI is -- is sending out parts to be laser  
 09:17:47 **20** cut; is that correct?  
 09:17:48 **21** **A.** Correct.  
 09:17:53 **22** **Q.** Okay. So Mr. Erb, earlier we discussed how  
 09:17:57 **23** this declaration that we're talking about had  
 09:18:00 **24** additional information for completeness. I'm going to  
 09:18:04 **25** represent to you that paragraphs 14 through 18 are new

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