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2	UNITED STATES INTERNATIONAL TRADE COMMISSION	
3	Washington, D.C.	
4	Investigation NO. 337-TA-1199	
5		
6	In the Matter of.	
7		
8	CERTAIN TOBACCO HEATING ARTICLES	
9	and COMPONENTS THEREOF	
10	/	
11		
12	REMOTE VIDEOTAPED DEPOSITION	
13	OF	
14	STEWART M. FOX	
15	Friday, November 6, 2020	
16		
17		
18		
19		
20		
21		
22		
23		
24 25	Reported by: ANNETTE ARLEQUIN, CCR, RPR, CRR, CLR JOB NO. 186003	

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RAI Strategic Holdings, Inc. Exhibit 2007 Philip Morris Products, S.A. v. RAI Strategic Holdings, Inc. IPR2020-01602

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1	Page 118	1	Page 119
	S. Fox		S. Fox
2	says that "the aerosol-forming material can	2	heater, right?
3	be wicked into contact with the electrical	3	A. In proximity to at least one
4	resistance heater."	4	resistance heater, yes.
5	Do you see that?	5	Q. So your opinion, Mr. Fox, is that
6	A. Yes.	6	because the metal mesh of the Reynolds
7	Q. And if you go to paragraph 418,	7	Ruyan device is in proximity to the heater,
8	you reproduce the language of some of the	8	it therefore must wick liquid into contact
9	dependent claims.	9	with the heater, right?
10	Do you see that?	10	A. In the context of the claims of
11	A. Yes.	11	the patent '123.
12	Q. If I understand what you're	12	Q. Yes?
13	saying here in 418, I believe your opinion	13	A. Yes. In context of the claims of
14	is that as long as the absorbent material	14	the patent '123.
15	is in proximity with the heater, the claim	15	Q. In paragraph 422 of your report,
16	limitation "wick into contact" is	16	you describe your belief as to how the
17	necessarily met; is that right?	17	liquid in the RJR Ruyan device would flow,
18	A. Yes.	18	correct?
19	Q. And then you go on to explain	19	A. Yes.
20	your opinion why you believe that the RJR	20	Q. And you note underneath the
21	Ruyan product has the heater withdraw	21	picture in paragraph 422 that "this is not
22	that.	22	described in detail in the RJR Ruyan
23	You go on to explain your opinion	23	report," right?
24	why the RJR Ruyan device has a an	24	A. Yes, correct.
25	absorbent material in proximity to the	25	Q. You're providing your
1	Page 120	1	Page 121
1	Page 120 S. Fox	1	Page 121 S. Fox
1 2 2	Page 120 S. Fox interpretation of how a POSA would	1 2 2	Page 121 S. Fox right-hand view on page 105.
1 2 3	Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater	1 2 3	Page 121 S. Fox right-hand view on page 105. Q. And then right under the picture,
1 2 3 4	Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right?	1 2 3 4	Page 121 S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that is in the mesh is
1 2 3 4 5	Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these	1 2 3 4 5	Page 121 S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is
1 2 3 4 5 6 7	Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater	1 2 3 4 5 6 7	Page 121 S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the hostor right?
1 2 3 4 5 6 7	Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater abamber through squared holes in the	1 2 3 4 5 6 7	Page 121 S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right?
1 2 3 4 5 6 7 8 9	Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater chamber through several holes in the cavity	1 2 3 4 5 6 7 8 9	Page 121 S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right? A. Carried partly by the airflow, party by other means such as gravity but
1 2 3 4 5 6 7 8 9	Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater chamber through several holes in the cavity. Q. So if you turn to the next page	1 2 3 4 5 6 7 8 9	S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right? A. Carried partly by the airflow, party by other means such as gravity, but yes, carried to the heater.
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1 2 3 4 5 6 7 8 9 10 11 12 13	<pre>Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater chamber through several holes in the cavity. Q. So if you turn to the next page 185 of your report, there is two more pictures at the top of the page? A Yes</pre>	1 2 3 4 5 6 7 8 9 10 11 12 13	S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right? A. Carried partly by the airflow, party by other means such as gravity, but yes, carried to the heater. Q. Mr. Fox, what is the temperature inside that heater chamber during operation of the Reynolds Ruyan device?
1 2 3 4 5 6 7 8 9 10 11 12 13 14	 Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater chamber through several holes in the cavity. Q. So if you turn to the next page 185 of your report, there is two more pictures at the top of the page? A. Yes. Q. And you have on the right-hand 	1 2 3 4 5 6 7 8 9 10 11 12 13 14	S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right? A. Carried partly by the airflow, party by other means such as gravity, but yes, carried to the heater. Q. Mr. Fox, what is the temperature inside that heater chamber during operation of the Reynolds Ruyan device? A. I do not know that information
1 2 3 4 5 6 7 8 9 10 11 12 13 14	 Page 120 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater chamber through several holes in the cavity. Q. So if you turn to the next page 185 of your report, there is two more pictures at the top of the page? A. Yes. Q. And you have on the right-hand picture there is a white I think what you 	1 2 3 4 5 6 7 8 9 10 11 12 13 14	S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right? A. Carried partly by the airflow, party by other means such as gravity, but yes, carried to the heater. Q. Mr. Fox, what is the temperature inside that heater chamber during operation of the Reynolds Ruyan device? A. I do not know that information. Q. Do you know what the area is
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater chamber through several holes in the cavity. Q. So if you turn to the next page 185 of your report, there is two more pictures at the top of the page? A. Yes. Q. And you have on the right-hand picture, there is a white, I think what you described as a shell with a hole in with a red arrow pointing to it. Do you see that? A. Yes. Q. And that is your belief as to where the liquid would enter the heater chamber in this RJR Ruvan device? 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right? A. Carried partly by the airflow, party by other means such as gravity, but yes, carried to the heater. Q. Mr. Fox, what is the temperature inside that heater chamber during operation of the Reynolds Ruyan device? A. I do not know that information. Q. Do you know what the area isI'm sorry. Withdraw that. What is the volume of that heater chamber in the RJR Ruyan device? A. I do not have an exact figure. I can make an approximation. Would that be useful? O. Sure.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater chamber through several holes in the cavity. Q. So if you turn to the next page 185 of your report, there is two more pictures at the top of the page? A. Yes. Q. And you have on the right-hand picture, there is a white, I think what you described as a shell with a hole in with a red arrow pointing to it. Do you see that? A. Yes. Q. And that is your belief as to where the liquid would enter the heater chamber in this RJR Ruyan device? A. It would enter through holes in 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right? A. Carried partly by the airflow, party by other means such as gravity, but yes, carried to the heater. Q. Mr. Fox, what is the temperature inside that heater chamber during operation of the Reynolds Ruyan device? A. I do not know that information. Q. Do you know what the area is I'm sorry. Withdraw that. What is the volume of that heater chamber in the RJR Ruyan device? A. I do not have an exact figure. I can make an approximation. Would that be useful? Q. Sure. A. Approximately one centimeter
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater chamber through several holes in the cavity. Q. So if you turn to the next page 185 of your report, there is two more pictures at the top of the page? A. Yes. Q. And you have on the right-hand picture, there is a white, I think what you described as a shell with a hole in with a red arrow pointing to it. Do you see that? A. Yes. Q. And that is your belief as to where the liquid would enter the heater chamber in this RJR Ruyan device? A. It would enter through holes in that white compartment and in the mesh. 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right? A. Carried partly by the airflow, party by other means such as gravity, but yes, carried to the heater. Q. Mr. Fox, what is the temperature inside that heater chamber during operation of the Reynolds Ruyan device? A. I do not know that information. Q. Do you know what the area is I'm sorry. Withdraw that. Mhat is the volume of that heater chamber in the RJR Ruyan device? A. I do not have an exact figure. I can make an approximation. Would that be useful? Q. Sure. A. Approximately one centimeter cubed.
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	 S. Fox interpretation of how a POSA would understand how the liquid enters the heater chamber, right? A. Yes. A POSA studying these documents, the RJR report, they would understand liquid entered the heater chamber through several holes in the cavity. Q. So if you turn to the next page 185 of your report, there is two more pictures at the top of the page? A. Yes. Q. And you have on the right-hand picture, there is a white, I think what you described as a shell with a hole in with a red arrow pointing to it. Do you see that? A. Yes. Q. And that is your belief as to where the liquid would enter the heater chamber in this RJR Ruyan device? A. It would enter through holes in that white compartment and in the mesh. That's one of the holes shown on the 	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	S. Fox right-hand view on page 105. Q. And then right under the picture, you note that when the user draws on the device, the liquid that's in the mesh is carried by the airflow through the holes and to the heater, right? A. Carried partly by the airflow, party by other means such as gravity, but yes, carried to the heater. Q. Mr. Fox, what is the temperature inside that heater chamber during operation of the Reynolds Ruyan device? A. I do not know that information. Q. Do you know what the area is I'm sorry. Withdraw that. Mhat is the volume of that heater chamber in the RJR Ruyan device? A. I do not have an exact figure. I can make an approximation. Would that be useful? Q. Sure. A. Approximately one centimeter cubed. Q. When the user draws on the

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1	Page 122	1	Page 123
	S. FOX		S. FOX
2	device, in your opinion, the liquid		A. Liquid must come into contact
3	contained in the metal mesh is carried by	3	with the heater in the Reynolds device to
4	airflow and you said by gravity into the	4	produce an aerosol, which we have observed
5	neating chamber, right?	5	being formed on the device we examined.
6	A. Yes.	6	Q. Depending on the temperature of
/	Q. So do you know what the		the heater coll, the temperature of the
8	vaporization temperature is in the liquid	8	heating chamber, the volume of the heating
9	in the Reynolds Ruyan device?	9	chamber and the vaporization temperature of
10	A. Not exactly, no.	10	the liquid, it's entirely possible that no
	Q. Have you seen a phase diagram for		liquid ever makes it to the heating coll,
	the liquid that is contained in the		it gets instantly vaporized within the
13	Reynolds Ruyan device?	13	heating chamber, right?
14	A. l've seen a phase diagram of	14	MR. O'DONOHUE: Objection.
15	similar liquids, propylene glycol, for	15	Mischaracterizes prior testimony.
16	example.	16	A. Given the power in the battery,
17	Q. But you haven't seen a phase	17	in the RJR report of the number of putts
18	diagram of the exact mixture that you	18	that the battery lasts given the power
19	believe was contained in the Reynolds Ruyan	19	stored in the battery, the size of the
20	device, right?	20	battery used in the Ruyan device, the
21	A. I have not.		number of pulls that a battery lasts
22	Q. You don't have any evidence,	22	written in the RJR report, it is extremely
23	Mr. Fox, that any material in liquid phase	23	unlikely that the heater, the atomized
24	makes it in contact with the heater in the	24	te reperies a significant emerge of exerci-
25	Reynolds Ruyan device, correct?	25	to vaporize a significant amount of aerosol
1	Page 124	1	Page 125
1	Page 124 S. Fox	1	Page 125 S. Fox
1 2 3	S. Fox without physical contact between the liquid and the heater	1 2 3	Page 125 S. Fox energy to a liquid is to vaporize it through conduction And based on the
1 2 3 4	Page 124 S. Fox without physical contact between the liquid and the heater.	1 2 3 4	Page 125 S. Fox energy to a liquid is to vaporize it through conduction. And based on the construction that I mentioned of the heat
1 2 3 4 5	S. Fox without physical contact between the liquid and the heater. Q. That statement you just made is speculation right Mr Fox?	1 2 3 4 5	Page 125 S. Fox energy to a liquid is to vaporize it through conduction. And based on the construction that I mentioned of the heat chamber a person skilled in the art would
1 2 3 4 5 6	Page 124 S. Fox without physical contact between the liquid and the heater. Q. That statement you just made is speculation, right, Mr. Fox? A. It's based on engineering	1 2 3 4 5 6	Page 125 S. Fox energy to a liquid is to vaporize it through conduction. And based on the construction that I mentioned of the heat chamber, a person skilled in the art would understand that as shown in the RJR
1 2 3 4 5 6 7	Page 124 S. Fox without physical contact between the liquid and the heater. Q. That statement you just made is speculation, right, Mr. Fox? A. It's based on engineering judgment and many years of engineering	1 2 3 4 5 6 7	S. Fox energy to a liquid is to vaporize it through conduction. And based on the construction that I mentioned of the heat chamber, a person skilled in the art would understand that as shown in the RJR documents, the Ruyan e-cigar uses
1 2 3 4 5 6 7 8	S. Fox without physical contact between the liquid and the heater. Q. That statement you just made is speculation, right, Mr. Fox? A. It's based on engineering judgment and many years of engineering knowledge.	1 2 3 4 5 6 7 8	S. Fox energy to a liquid is to vaporize it through conduction. And based on the construction that I mentioned of the heat chamber, a person skilled in the art would understand that as shown in the RJR documents, the Ruyan e-cigar uses conductive heat to vaporize the liquid.
1 2 3 4 5 6 7 8 9	Page 124 S. Fox without physical contact between the liquid and the heater. Q. That statement you just made is speculation, right, Mr. Fox? A. It's based on engineering judgment and many years of engineering knowledge. O. You don't even know the	1 2 3 4 5 6 7 8 9	S. Fox energy to a liquid is to vaporize it through conduction. And based on the construction that I mentioned of the heat chamber, a person skilled in the art would understand that as shown in the RJR documents, the Ruyan e-cigar uses conductive heat to vaporize the liquid. 0. You didn't do any testing of the
1 2 3 4 5 6 7 8 9	Page 124 S. Fox without physical contact between the liquid and the heater. Q. That statement you just made is speculation, right, Mr. Fox? A. It's based on engineering judgment and many years of engineering knowledge. Q. You don't even know the temperature that the heater runs at.	1 2 3 4 5 6 7 8 9	S. Fox energy to a liquid is to vaporize it through conduction. And based on the construction that I mentioned of the heat chamber, a person skilled in the art would understand that as shown in the RJR documents, the Ruyan e-cigar uses conductive heat to vaporize the liquid. Q. You didn't do any testing of the operation of the Reynolds Ruyan e-cigar to
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