

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

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of Investigation No.  
337-TA-1266

CERTAIN WEARABLE ELECTRONIC  
DEVICES WITH ECG FUNCTIONALITY  
AND COMPONENTS THEREOF

---

ZOOM DEPOSITION OF COLLIN STULTZ, M.D., Ph.D.,  
(Reported Remotely via Video & Web Videoconference)  
Boston, Massachusetts (Deponent's location)  
Thursday, February 3, 2022  
Volume I

STENOGRAPHICALLY REPORTED BY:  
REBECCA L. ROMANO, RPR, CSR, CCR  
California CSR No. 12546  
Nevada CCR No. 827  
Oregon CSR No. 20-0466  
Washington CCR No. 3491  
JOB NO. 5038471  
PAGES 1 - 312

<p>1 UNITED STATES INTERNATIONAL TRADE COMMISSION  2 Washington, D.C.  3  4 In the Matter of Investigation No.  337-TA-1266  5 CERTAIN WEARABLE ELECTRONIC  DEVICES WITH ECG FUNCTIONALITY  6 AND COMPONENTS THEREOF  7 _____  8  9  10  11  12  13  14 DEPOSITION OF COLLIN STULTZ, M.D., Ph.D.,  15 taken on behalf of the Claimant - AliveCor, with  16 the deponent located in Boston, Massachusetts,  17 commencing at 9:10 a.m., Thursday,  18 February 3, 2022, remotely reported via Video  19 &amp; Web videoconference before REBECCA L. ROMANO,  20 a Certified Shorthand Reporter, Certified  21 Court Reporter, Registered Professional Reporter  22  23  24  25</p> <p style="text-align: right;">Page 2</p>	<p>1 APPEARANCES(cont'd)  2 (All parties appearing via Web videoconference)  3  4 UNITED STATES INTERNATIONAL TRADE COMMISSION  5 BY: R. WHITNEY WINSTON  6 Attorney at law  7 500 E Street, SW  8 Washington, D.C. 20436  9 (202) 205-2000  10 whitney.winston@usitc.gov  11  12  13  14  15 ALSO PRESENT:  16 Ramon Peraza, Videographer  17  18  19  20  21  22  23  24  25 ////</p> <p style="text-align: right;">Page 4</p>
<p>1 APPEARANCES OF COUNSEL  2 (All parties appearing via Web videoconference)  3  4 For the Claimant - AliveCor, Inc.:  5 QUINN EMANUEL URQUHART &amp; SULLIVAN LLP  6 BY: SEAN S. PAK  7 BY: KEVIN GU  8 Attorneys at Law  9 50 California Street  10 22nd Floor  11 San Francisco, California 94111  12 (415) 875-6600  13 seanpak@quinnemanuel.com  14 kevingu@quinnemanuel.com  15  16 For the Respondents - Apple Inc.:  17 FISH &amp; RICHARDSON, P.C.  18 BY: KATHERINE REARDON  19 Attorneys at Law  20 7 Times Square  21 20th Floor  22 New York, New York 10036  23 (212) 765-5070  24 kreardon@fr.com  25 ////</p> <p style="text-align: right;">Page 3</p>	<p>1 I N D E X  2 DEPONENT EXAMINATION  3 COLLIN STULTZ, M.D., PH.D. PAGE  VOLUME I  4  5 BY MR. PAK 12  6 BY MS. REARDON 295  7 BY MR. PAK 306  8  9  10 E X H I B I T S  11 NUMBER DESCRIPTION PAGE  12  13 Exhibit 1 Rebuttal Report of Collin 38  14 Stultz, M.D., Ph.D.;  15  16 Exhibit 2 Article: Identifying 69  17 Clinical and Medical  18 Solutions at the MEDRC  19 Workshop for Medical  20 Electronic Devices and  21 Systems - IEEE Life ...;  22  23  24  25 ////</p> <p style="text-align: right;">Page 5</p>

1	E X H I B I T S(cont'd)		1	E X H I B I T S	
2	NUMBER	PAGE	2	NUMBER	PAGE
3	DESCRIPTION		3	DESCRIPTION	
4	Exhibit 3	Expert Report of Collin 82	4	Exhibit 12	United States Patent 246
5		Stultz, M.D., Ph.D.,	5		7,460,899 B2;
6		Regarding Invalidity of U.S.	6		
7		Patent Nos. 9,572,499,	7	Exhibit 13	International Publication 254
8		10,595,731 and 10,638,941;	8		Number WO 2004/012033 A2;
9			9		
10	Exhibit 4	Ordering No. 12: Construing 88	10	Exhibit 14	Pub. No.: US 2008/0004904 263
11		the Terms of the Asserted	11		A1;
12		Claims of the Patents at	12		
13		Issue dated November 4, 2021;	13	Exhibit 15	Pub. No.: US 2013/0030259 276
14			14		A1;
15	Exhibit 5	U.S. Patent 10,595,731; 97	15		
16			16	Exhibit 16	Pub No.: US 2009/0234410 A1. 282
17	Exhibit 6	Using Apple Watch for 104	17		
18		Arrhythmia Detection December	18		
19		2020;	19		
20			20		
21			21		
22			22		
23			23		
24			24		
25	/////		25	/////	
		Page 6			Page 8
1	E X H I B I T S(cont'd)		1	Boston, Massachusetts; Thursday, February 3, 2022	
2	NUMBER	PAGE	2	9:10 a.m.	
3	DESCRIPTION		3	---000---	
4	Exhibit 7	Article: A comparison of 146	4		
5		manual electrocardiographic	5	THE VIDEOGRAPHER:	Good morning. We are 09:10:52
6		interval and waveform	6		on the record at 9:10 a.m. on February 3rd, 2022.
7		analysis in lead 1 of 12-lead	7		This is the video-recorded deposition of
8		ECG and Apple Watch ECG: A	8		Dr. Collin Stultz in Re Certain Wearable Electronic
9		validation study;	9		Devices with ECG Functionality and Components
10			10		Thereof. This case was filed in the United States 09:11:04
11	Exhibit 8	U.S. Paten 10,638,941; 187	11		International Trade Commission in Washington, DC,
12			12		Case No. 337-TA-1266.
13	Exhibit 9	U.S. Patent 9,572,499; 198	13		This deposition is being recorded
14			14		remotely by Veritext. My name is Ramon Peraza,
15	Exhibit 10	Article - AMON: A Wearable 204	15		here with our court reporter, Rebecca Romano. We 09:11:25
16		Multiparameter Medical	16		are here from Veritext Legal Solutions at the
17		Monitoring and Alert System,	17		request of counsel for the complainant.
18		APL-ALIVE_00082371 -	18		Please note that audio and video
19		APL-ALIVE_00082383;	19		recording will take place unless all parties have
20			20		agreed to go off the record. 09:11:38
21	Exhibit 11	Article: The Advent of 212	21		At this time, Counsel, please identify
22		Clinically Useful Deep	22		yourselves for the record and state whom you
23		Learning;	23		represent.
24			24		MR. PAK: Good morning. This is Sean Pak
25	/////		25		of Quinn Emanuel representing AliveCor, and with me 09:11:47
		Page 7			Page 9

<p>1 is Kevin Gu. 09:11:50  2 MS. REARDON: And Katherine Reardon from  3 Fish &amp; Richardson on behalf of respondent, Apple.  4 MR. WINSTON: Good morning. This is  5 Whitney Winston on behalf of the Commission 09:12:04  6 investigative staff.  7 THE VIDEOGRAPHER: The court reporter may  8 now swear in the witness.  9 THE COURT REPORTER: At this time, I will  10 ask counsel to agree on the record that there is no 09:12:10  11 objection to this deposition officer administering  12 a binding oath to the deponent via remote  13 videoconference, starting with the noticing  14 attorney, please.  15 MR. PAK: No objection. 09:12:26  16 MS. REARDON: No objection.  17 MR. WINSTON: No objection.  18 THE COURT REPORTER: If you could raise  19 your right hand for me, please.  20 THE DEPONENT: (Complies.) 09:12:29  21 THE COURT REPORTER: You do solemnly  22 state, under penalty of perjury, that the testimony  23 you are about to give in this deposition shall be  24 the truth, the whole truth and nothing but the  25 truth? 09:12:29</p> <p style="text-align: right;">Page 10</p>	<p>1 COLLIN STULTZ, M.D., Ph.D.,  2 having been administered an oath, was examined and  3 testified as follows:  4  5 EXAMINATION  6 BY MR. PAK:  7 Q. Good morning, Doctor.  8 A. Good morning.  9 Q. Can you please --  10 MS. REARDON: Mr. Pak, let me make one 09:12:55  11 quick statement.  12 I just wanted to alert you that  13 Dr. Stultz has his pager with him because he is a  14 practicing doctor. So if for some reason that goes  15 off or if he receives some sort of phone call, we 09:13:07  16 would just ask that we can break so he can attend  17 to that and then we can come back to the session.  18 MR. PAK: Yeah, that's not a problem.  19 MS. REARDON: Thank you.  20 Q. (By Mr. Pak) Good morning, Doctor. 09:13:18  21 Can you please state your name for the  22 record.  23 A. My name is Collin, C-O-L-L-I-N, Stultz,  24 S-T-U-L-T-Z.  25 Q. And who is your current employer? 09:13:26</p> <p style="text-align: right;">Page 12</p>
<p>1 THE DEPONENT: I do. 09:12:30  2  3  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25 ////</p> <p style="text-align: right;">Page 11</p>	<p>1 A. I am currently employed by the 09:13:29  2 Massachusetts Institute of Technology and the  3 Massachusetts General Hospital.  4 Q. And what roles do you currently serve for  5 MIT? 09:13:40  6 A. At MIT, I'm a professor of electrical  7 engineering and computer science. Professor in  8 medical engineering and sciences, the faculty  9 member in health sciences and technology. It's  10 actually at Harvard and MIT division. 09:13:54  11 Q. And what role do you play or serve for  12 the Massachusetts General Hospital?  13 A. I am a cardiologist.  14 Q. And how long have you been a practicing  15 cardiologist? 09:14:09  16 A. So I began my fellowship, I think it was  17 in -- dating me now. My fellowship was finished  18 about -- about 2000 is when I began. And it was  19 finished about 2003. I became board certified in  20 about 2004. That's my recollection. 09:14:29  21 Q. Doctor, have you ever consulted and  22 worked for -- worked for a technology company,  23 besides MIT and the Mass General Hospital?  24 A. I -- I've served on the scientific  25 advisory board for a few companies. I think 09:14:47</p> <p style="text-align: right;">Page 13</p>

<p>1 several of those are listed in my curriculum vitae. 09:14:50</p> <p>2 Q. Setting aside your role on scientific</p> <p>3 advisory boards, have you actually been employed by</p> <p>4 a technology company?</p> <p>5 A. Employed by -- no. No, I -- I can't say 09:15:04</p> <p>6 that I have. No, I have not.</p> <p>7 MR. PAK: Okay.</p> <p>8 MS. REARDON: And -- and Mr. Pak, can --</p> <p>9 can we take one minute because -- and go off the</p> <p>10 record? 09:15:13</p> <p>11 MR. PAK: Sure. I apologize.</p> <p>12 THE VIDEOGRAPHER: We are off the record</p> <p>13 at 9:15 a.m.</p> <p>14 (Recess taken.)</p> <p>15 THE VIDEOGRAPHER: We are back on the 09:24:02</p> <p>16 record at 9:24 a.m.</p> <p>17 Q. (By Mr. Pak) Welcome back, Doctor.</p> <p>18 Have you been deposed before?</p> <p>19 A. I have never been deposed before.</p> <p>20 Q. Have you ever testified in a court of 09:24:14</p> <p>21 law?</p> <p>22 A. I have never testified in a court of law,</p> <p>23 no.</p> <p>24 Q. Okay. Just to remind you today, it's</p> <p>25 very important, Dr. Stultz, that you allow me to 09:24:23</p> <p style="text-align: right;">Page 14</p>	<p>1 with respect to these issues. 09:25:21</p> <p>2 Q. And did you have a full opportunity to</p> <p>3 consider all of the evidence in forming those</p> <p>4 opinions?</p> <p>5 A. Yes, I did. 09:25:30</p> <p>6 Q. And did you include all the opinions that</p> <p>7 you have formed in this investigation in the two</p> <p>8 reports that you submitted?</p> <p>9 A. Given the data I had up and to the</p> <p>10 submission of these reports, I looked at all of 09:25:42</p> <p>11 those data, and they informed my opinions</p> <p>12 that are -- that are present in these reports.</p> <p>13 Q. And sitting here today, are you -- have</p> <p>14 you formed any opinions with respect to this</p> <p>15 investigation that you have not included in the 09:25:53</p> <p>16 expert reports that you have submitted?</p> <p>17 A. I have not.</p> <p>18 Q. Okay. Doctor, have you reviewed the</p> <p>19 expert reports of any other experts from Apple in</p> <p>20 this investigation? 09:26:09</p> <p>21 A. From Apple, no, I have not.</p> <p>22 Q. Have you spoken to any of the Apple</p> <p>23 experts in connection with this investigation?</p> <p>24 A. Myself and Dr. Picard, and I -- I think</p> <p>25 it was counsel from Fish several weeks ago -- spoke 09:26:25</p> <p style="text-align: right;">Page 16</p>
<p>1 finish my questions, and I will do the same with 09:24:26</p> <p>2 respect to your answers.</p> <p>3 Is that understood?</p> <p>4 A. Absolutely.</p> <p>5 Q. And we have a videographer here who -- 09:24:32</p> <p>6 court reporter who's transcribing all the words</p> <p>7 that are spoken during today's deposition, so it's</p> <p>8 very important that you provide audible responses</p> <p>9 to my questions.</p> <p>10 Is that understood? 09:24:47</p> <p>11 A. Yes, it is.</p> <p>12 Q. And is there any reason why you cannot</p> <p>13 testify truthfully and accurately to my questions</p> <p>14 today?</p> <p>15 A. None whatsoever. 09:24:55</p> <p>16 Q. And you understand, sir, that you</p> <p>17 provided expert reports in this investigation?</p> <p>18 A. Yes.</p> <p>19 Q. You understand that those expert reports</p> <p>20 were to contain a complete and accurate record of 09:25:07</p> <p>21 all the expert opinions that you have formulated in</p> <p>22 this investigation.</p> <p>23 Do you understand that?</p> <p>24 A. That -- that's -- that is correct. They</p> <p>25 are the accurate reflection of my -- of my opinions 09:25:18</p> <p style="text-align: right;">Page 15</p>	<p>1 on the phone for maybe about 30 or 40 minutes, 09:26:30</p> <p>2 because Dr. Picard had some questions that were of</p> <p>3 a medical nature. And so my purpose there were to</p> <p>4 answer her inquiries.</p> <p>5 Q. What did Dr. Picard ask you? 09:26:40</p> <p>6 A. She asked me about some of the things</p> <p>7 that later appeared in my rebuttal report. I can't</p> <p>8 recall if my rebuttal report had been submitted at</p> <p>9 the time. But they were about arrhythmias, the</p> <p>10 causes of the arrhythmias, the definition of 09:26:53</p> <p>11 arrhythmias.</p> <p>12 Q. What did you tell Dr. Picard in response</p> <p>13 to her questions during that conversation?</p> <p>14 A. My recollection is she asked me about</p> <p>15 tachycardia, what tachycardia is, and what 09:27:08</p> <p>16 circumstances one can have tachycardia and how</p> <p>17 tachycardia is diagnosed.</p> <p>18 Q. Anything --</p> <p>19 A. Oh, I'm -- I'm sorry to interrupt. I</p> <p>20 was -- and arrhythmia is like tachycardia, just to 09:27:21</p> <p>21 be precise.</p> <p>22 Q. And what did you tell her in response to</p> <p>23 those questions?</p> <p>24 A. I -- I defined tachycardia. I gave her</p> <p>25 my definition, which I believe is the standard 09:27:36</p> <p style="text-align: right;">Page 17</p>

# 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.