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Transcript of Peter Kazanzides, Ph.D (271) and Peter Kazanzides, Ph.D (807)

Date: June 22, 2023

Case: Medivis, Inc. -v- Novarad Corp. (PTAB)

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Transcript of Peter Kazanzides, Ph.D (271) and Peter Kazanzides, Ph.D (807)¹ (1 to 4)
 Conducted on June 22, 2023

<p style="text-align: center;">1</p> <p>1 UNITED STATES PATENT AND TRADEMARK OFFICE</p> <p>2 -----</p> <p>3 BEFORE THE PATENT TRIAL AND APPEAL BOARD</p> <p>4 -----</p> <p style="text-align: center;">5 MEDIVIS, INC.,</p> <p style="text-align: center;">6 Petitioner,</p> <p style="text-align: center;">7 v.</p> <p style="text-align: center;">8 NOVARAD CORP.,</p> <p style="text-align: center;">9 Patent Owner.</p> <p>10 -----</p> <p style="text-align: center;">11 U.S. PATENT 11,004,271</p> <p>12 -----</p> <p style="text-align: center;">13 IPR2023-00042</p> <p>14 -----</p> <p style="text-align: center;">15 U.S. PATENT 10,945,807 B2</p> <p>16 -----</p> <p style="text-align: center;">17 IPR2023-00045</p> <p>18 -----</p> <p style="text-align: center;">19 Deposition of PETER KAZANZIDES</p> <p style="text-align: center;">20 CONDUCTED VIRTUALLY</p> <p style="text-align: center;">21 Thursday, June 22, 2023</p> <p style="text-align: center;">22 9:59 a.m. EST</p> <p>23 Job No.: 496331</p> <p>24 Pages: 1 - 134</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">1 A P P E A R A N C E S</p> <p>2 ON BEHALF OF THE PETITIONER:</p> <p>3 KIA L. FREEMAN, ESQUIRE</p> <p>4 McCARTER & ENGLISH, LLP</p> <p>5 265 Franklin Street</p> <p>6 Boston, Massachusetts 02110</p> <p>7 617-449-6549</p> <p>8</p> <p>9 ON BEHALF OF THE PATENT OWNER:</p> <p>10 JOSEPH HARMER, ESQUIRE</p> <p>11 JED HANSEN, ESQUIRE</p> <p>12 THORPE NORTH & WESTERN LLP</p> <p>13 175 South Main, Suite 900</p> <p>14 Salt Lake City, Utah 84111</p> <p>15 801-566-6633</p> <p>16</p> <p>17</p> <p>18 Also Present: William Pantoja, Technician</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>																																										
<p style="text-align: center;">2</p> <p>1 Reported By: Brooklyn E. Schweitzer, RPR, CRR</p> <p>2 Deposition of PETER KAZANZIDES, conducted</p> <p>3 virtually.</p> <p>4</p> <p>5</p> <p style="text-align: center;">6 ** ALL PARTIES ATTENDED REMOTELY. **</p> <p>7</p> <p>8</p> <p>9 Pursuant to Notice, before Brooklyn E.</p> <p>10 Schweitzer, Registered Professional Reporter,</p> <p>11 Certified Realtime Reporter, and Notary Public in</p> <p>12 and for the Commonwealth of Pennsylvania.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">1 C O N T E N T S</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">2 EXAMINATION</td> <td style="width: 20%; text-align: right;">PAGE</td> </tr> <tr> <td>3 By Mr. Harmer</td> <td style="text-align: right;">5,69</td> </tr> <tr> <td>4</td> <td></td> </tr> <tr> <td>5</td> <td></td> </tr> <tr> <td style="text-align: center;">6 E X H I B I T S</td> <td></td> </tr> <tr> <td>7 EXHIBIT</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>8 Exhibit '807 1010</td> <td style="text-align: right;">16,80</td> </tr> <tr> <td>9 Exhibit '807 1009</td> <td style="text-align: right;">41,105</td> </tr> <tr> <td>10 Exhibit '271 1012</td> <td style="text-align: right;">53,117</td> </tr> <tr> <td>11</td> <td></td> </tr> <tr> <td>12</td> <td></td> </tr> <tr> <td>13</td> <td></td> </tr> <tr> <td>14</td> <td></td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>16</td> <td></td> </tr> <tr> <td>17</td> <td></td> </tr> <tr> <td>18</td> <td></td> </tr> <tr> <td>19</td> <td></td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> </table>	2 EXAMINATION	PAGE	3 By Mr. Harmer	5,69	4		5		6 E X H I B I T S		7 EXHIBIT	PAGE	8 Exhibit '807 1010	16,80	9 Exhibit '807 1009	41,105	10 Exhibit '271 1012	53,117	11		12		13		14		15		16		17		18		19		20		21		22	
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<p>5</p> <p>1 PROCEEDINGS</p> <p>2 PETER KAZANZIDES,</p> <p>3 was called, and having been duly sworn,</p> <p>4 testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. HARMER:</p> <p>7 Q Good morning, Dr. Kazanzides.</p> <p>8 A Good morning.</p> <p>9 Q Can you please state your full name and</p> <p>10 address for the record?</p> <p>11 A Peter Kazanzides, 10 Forest Ridge Ct,</p> <p>12 Lutherville, Maryland 21093.</p> <p>13 Q Thank you. My name is Joseph Harmer. I'm</p> <p>14 an attorney for Novarad Corporation, and I want to</p> <p>15 thank you for your time this morning.</p> <p>16 Have you ever had your deposition taken</p> <p>17 before?</p> <p>18 A No, I have not.</p> <p>19 Q One of the objectives of a deposition is</p> <p>20 to create a clean record. If we all talk at the</p> <p>21 same time, we make it difficult for our court</p> <p>22 reporter. It may seem like a small thing, but if</p>	<p>7</p> <p>1 courtroom?</p> <p>2 A Yes.</p> <p>3 Q Are there any reasons why you can't give</p> <p>4 truthful testimony today?</p> <p>5 A No.</p> <p>6 Q And you're not aware of any illness or</p> <p>7 medication that can affect your ability to provide</p> <p>8 truthful testimony?</p> <p>9 A That's correct.</p> <p>10 Q Is there anybody in the room with you</p> <p>11 today?</p> <p>12 A No.</p> <p>13 Q Do you understand that no one can assist</p> <p>14 you in answering questions?</p> <p>15 A Yes.</p> <p>16 Q Are you using any device or software to</p> <p>17 receive assistance answering questions?</p> <p>18 A No.</p> <p>19 Q And you agree not to accept any</p> <p>20 assistance --</p> <p>21 A Excuse me. I want to exit my email.</p> <p>22 Sorry for interrupting. I forgot to do that.</p>
<p>6</p> <p>1 we can all try not to talk at the same time, it</p> <p>2 will really help.</p> <p>3 Will you try to wait and respond until</p> <p>4 after I'm done asking a question?</p> <p>5 A Yes.</p> <p>6 Q Thank you. And I will try not to ask</p> <p>7 another question until you've finished answering.</p> <p>8 It's also important to provide verbal</p> <p>9 responses. Other responses including a head nod</p> <p>10 or other gestures are more difficult to record, as</p> <p>11 you can imagine. Does that make sense?</p> <p>12 A Yes.</p> <p>13 Q And there may be times when Ms. Freeman,</p> <p>14 Medivis' counsel, might make an objection. If</p> <p>15 that happens, please wait until the objection is</p> <p>16 made, and then go ahead and answer to the best of</p> <p>17 your ability unless you are specifically</p> <p>18 instructed not to answer. Can you do that?</p> <p>19 A Yes.</p> <p>20 Q Thank you. And you understand that you</p> <p>21 are under oath today to tell the truth the same as</p> <p>22 if you were in front of a judge and a jury in a</p>	<p>8</p> <p>1 In fact, I'll close everything on this</p> <p>2 computer except for Zoom. Sorry. I meant to do</p> <p>3 that beforehand.</p> <p>4 Okay. There we go.</p> <p>5 Q Thank you.</p> <p>6 A Nothing running.</p> <p>7 Q And you agree not to accept any assistance</p> <p>8 answering questions today?</p> <p>9 A Yes.</p> <p>10 Q If you don't understand a question, please</p> <p>11 let me know. Otherwise I will assume that you</p> <p>12 understood the question. Is that fair?</p> <p>13 A Yes.</p> <p>14 Q Have you ever given testimony at trial</p> <p>15 before?</p> <p>16 A No.</p> <p>17 Q Have you ever provided a declaration in an</p> <p>18 inter partes proceeding other than the two IPR</p> <p>19 proceedings we're currently involved in?</p> <p>20 A No.</p> <p>21 Q Rather than say inter partes review, I may</p> <p>22 use IPR. Do you understand that IPR stands for</p>

<p>9</p> <p>1 inter partes review?</p> <p>2 A Yes.</p> <p>3 Q You've been retained by Medivis, Inc., to</p> <p>4 provide expert testimony in connection with two</p> <p>5 IPR proceedings; correct?</p> <p>6 A Yes.</p> <p>7 Q One is related to U.S. Patent No.</p> <p>8 10,945,807; is that right?</p> <p>9 A Yes.</p> <p>10 Q For clarification, is it okay if we refer</p> <p>11 to that patent as the '807 patent?</p> <p>12 A Yes.</p> <p>13 Q And is it okay if we refer to that IPR</p> <p>14 proceeding as the '807 IPR?</p> <p>15 A Yes.</p> <p>16 Q The other IPR proceeding is U.S. -- pardon</p> <p>17 me. Yes, the other IPR proceeding is related to</p> <p>18 U.S. Patent No. 11,004,271; is that right?</p> <p>19 A That's right.</p> <p>20 Q And may we refer to that patent as the</p> <p>21 '271 patent and that IPR proceeding as the '271</p> <p>22 IPR?</p>	<p>11</p> <p>1 Q Do you remember who at Medivis reached out</p> <p>2 to you?</p> <p>3 A I'm not certain of who it was, but I</p> <p>4 believe it would have been -- I don't recall his</p> <p>5 full name, but one of -- one of the founders of</p> <p>6 the company.</p> <p>7 Q Have you provided any other expert</p> <p>8 services to Medivis?</p> <p>9 A No.</p> <p>10 Q Do you have any prior relationship with</p> <p>11 the founders of Medivis?</p> <p>12 A I've spoken to them, but I don't have any</p> <p>13 prior relationship with them.</p> <p>14 Q Have you spoken to them about either of</p> <p>15 the '807 and '271 IPRs?</p> <p>16 A Prior to when they contacted me about it,</p> <p>17 no.</p> <p>18 Q Have you had any business dealings at all</p> <p>19 with Medivis?</p> <p>20 A I am not clear what you mean by business</p> <p>21 dealings.</p> <p>22 Q Have you conducted business with Medivis</p>
<p>10</p> <p>1 A Yes.</p> <p>2 Q You've provided a declaration in each of</p> <p>3 the '807 and '271 IPR proceedings. Can we refer</p> <p>4 to those as the '807 and '271 declarations</p> <p>5 respectively?</p> <p>6 A Yes.</p> <p>7 Q Do you understand that you're here today</p> <p>8 to provide testimony with respect to each of the</p> <p>9 '807 and '271 declarations?</p> <p>10 A Yes.</p> <p>11 Q Thank you. When were you first engaged to</p> <p>12 provide services in connection with the '807 and</p> <p>13 '271 IPR proceedings?</p> <p>14 A I don't recall the exact date, but it was</p> <p>15 sometime in late 2022. I'm guessing somewhere</p> <p>16 August -- between August and October.</p> <p>17 Q And who engaged you to perform those</p> <p>18 services?</p> <p>19 A Who engaged me? The company Medivis in</p> <p>20 conjunction with McCarter & English.</p> <p>21 Q Did Medivis reach out to you directly?</p> <p>22 A Yes, that's my recollection.</p>	<p>12</p> <p>1 in any way?</p> <p>2 A I would say no. Clarify: I did once</p> <p>3 contact them about possibly partnering with a</p> <p>4 grant proposal, but they declined, so I would not</p> <p>5 consider that a business dealing.</p> <p>6 Q And what was the subject of the grant?</p> <p>7 A It was -- it was a DOD solicitation on,</p> <p>8 like, 5D for telemedicine, along those lines.</p> <p>9 Q Thank you. Did it have anything to do</p> <p>10 with augmented reality?</p> <p>11 A The grant?</p> <p>12 Q Yes.</p> <p>13 A So the -- the DOD grant would have</p> <p>14 involved augmented reality.</p> <p>15 Q In what way?</p> <p>16 A My best recollection is that it involved</p> <p>17 telementoring of having a -- basically remote</p> <p>18 assistance.</p> <p>19 Q Can you explain to me what that is? I'm</p> <p>20 sorry. I didn't understand.</p> <p>21 A It's hard for me to say because I did go</p> <p>22 ahead with another entity and we did refine the</p>

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<p style="text-align: right;">13</p> <p>1 grant further. So really at the time I approached</p> <p>2 Medivis, it was rather vague. The DOD was just</p> <p>3 looking for ways to use 5G to enable long-distance</p> <p>4 sort of telemedicine.</p> <p>5 So there weren't really any specific plans</p> <p>6 at the time at which I contacted Medivis, and as I</p> <p>7 said, they have declined to participate.</p> <p>8 Q When was the first time you reached out to</p> <p>9 Medivis about the grant proposal?</p> <p>10 A It was a couple years ago. I don't</p> <p>11 recall.</p> <p>12 Q Can you approximate? A couple years, you</p> <p>13 said?</p> <p>14 A Yeah. Right. I can't really pin it down.</p> <p>15 Within the last five years, anyway.</p> <p>16 Q And when was the last time you spoke to</p> <p>17 them about the proposal?</p> <p>18 A About the same time. It really was a very</p> <p>19 brief "are you interested or no," that kind of</p> <p>20 thing.</p> <p>21 Q Why did you reach out to them in the first</p> <p>22 place? How did you know about them? Sorry.</p>	<p style="text-align: right;">15</p> <p>1 with anyone at Medivis?</p> <p>2 A Not since beginning this process, no.</p> <p>3 Q When was the last time you spoke with them</p> <p>4 before this process began?</p> <p>5 MS. FREEMAN: Objection.</p> <p>6 THE WITNESS: Okay. Could you --</p> <p>7 Q Yes, I'll rephrase the question.</p> <p>8 A Yeah.</p> <p>9 Q When was the last time you spoke to anyone</p> <p>10 at Medivis prior to being retained as an expert in</p> <p>11 these IPR proceedings, the '271 and '807 IPRs?</p> <p>12 A It was probably in May of 2021.</p> <p>13 Q And what was the purpose of that contact</p> <p>14 with Medivis in May of 2021?</p> <p>15 A Yeah. My student attended the graduation</p> <p>16 ceremony to receive his PhD, the one who's</p> <p>17 employed at Medivis.</p> <p>18 Q This is Long Qian?</p> <p>19 A Yes.</p> <p>20 MR. HARMER: William, can you please put</p> <p>21 up Exhibit '807 1010?</p> <p>22 TECHNICIAN: Sure. One moment.</p>
<p style="text-align: right;">14</p> <p>1 Those are two questions. Let me ask it --</p> <p>2 A Thank you -- thank you for clarifying.</p> <p>3 Q How did you know about Medivis before you</p> <p>4 reached out to them?</p> <p>5 A One of my students who graduated is</p> <p>6 employed there.</p> <p>7 Q Is he still your student?</p> <p>8 A No, no. He had graduated.</p> <p>9 Q At the time. I see.</p> <p>10 A He graduated, and then he -- yeah, he took</p> <p>11 a position there at some point after he graduated.</p> <p>12 It was not his first position after graduation.</p> <p>13 Q Does that student still work for Medivis?</p> <p>14 A To the best of my knowledge, yes.</p> <p>15 Q What is that student's name?</p> <p>16 A Long Qian. Long --</p> <p>17 Q Spell that. Thank you.</p> <p>18 A L-O-N-G Q-I-A-N.</p> <p>19 Q Have you spoken with anyone at Medivis</p> <p>20 specifically about your deposition today?</p> <p>21 A No.</p> <p>22 Q And have you had any other conversations</p>	<p style="text-align: right;">16</p> <p>1 (Exhibit '807 1010 was marked for</p> <p>2 identification and is attached to the transcript.)</p> <p>3 BY MR. HARMER:</p> <p>4 Q Dr. Kazanzides, is this a copy of the</p> <p>5 curriculum vitae or CV that you attached to your</p> <p>6 '807 declaration?</p> <p>7 A Yes. At least the first one or two pages</p> <p>8 that you've shown, yes.</p> <p>9 MR. HARMER: William, can you give</p> <p>10 Dr. Kazanzides control so he can scroll through</p> <p>11 it real quick?</p> <p>12 TECHNICIAN: No problem.</p> <p>13 THE WITNESS: All right.</p> <p>14 TECHNICIAN: You now have control.</p> <p>15 THE WITNESS: Okay. Okay, this works.</p> <p>16 Yes, this is my entire CV.</p> <p>17 BY MR. HARMER:</p> <p>18 Q Did you attach the same document to your</p> <p>19 '271 declaration as Exhibit 1013?</p> <p>20 A Let me check the exhibit number. Which --</p> <p>21 which -- I'm sorry, which did you ask about? Was</p> <p>22 it attached to which one?</p>

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