EXHIBIT 2

	TES DISTRICT COURT DISTRICT OF VIRGINIA)	For the Defendants:	Michael Shamus Quinlan, Es Jones Day (OH-NA) 901 Lakeside Avenue Cleveland, OH 44114-1190 216-586-3939	iq.
Counterclaim Plaintiff,)) Civil Action) No. 1:20-cv-00393-LMB/TCB		Fax: 216-579-0212 Email: Msquinlan@jonesday.co	m
v. R.J. REYNOLDS VAPOR COMPANY, Counterclaim Defendant.) June 9, 2022) 9:20 a.m.		Jason Todd Burnette, Esq. Jones Day (GA) 1420 Peachtree Street, NE Suite 800 Atlanta, GA 30309 404-521-3939 Email: Jburnette@jonesday.cor	m
TRANSCRIPT OF J BEFORE THE HONORAN	- MORNING SESSION URY TRIAL PROCEEDINGS SLE LEONIE M. BRINKEMA, DISTRICT COURT JUDGE		David Michael Maiorana, Esc Jones Day (OH) 901 Lakeside Ave Cleveland, OH 44114 216-586-3939 Email: Dmaiorana@jonesday.cr	
Lat 555 Sui Was 202 Ema Lat 855 New 212 Ema Gre Lat 505 Sui San 202	<pre>imilian Antony Grant, Esq. ham & Watkins LLP (DC) llh Street, NW te 1000 hington, DC 20004-1304 -637-2200 il: Max.grant@lw.com ment Joseph Naples, Esq. ham & Watkins, LLP Third Avenue 25th Floor York, NY 10022 -906-1200 il: Dement.naples@lw.com goory K. Sobolski, Esq. ham & Watkins, LLP Montgomery Street te 2000 Francisco, CA 94111-6538 -637-2267 il: Max.grant@lw.com</pre>	Court Reporter: Proceedings reported by by computer-aided transe	William Edward Devitt, Esq. Jones Day (IL) 77 West Wacker Suite 3500 Chicago, IL 60601 312-269-4240 Email: Wdevitt@jonesday.com Scott L. Wallace, RDR, RMR, Official Court Reporter United States District Court 401 Courthouse Square Alexandria, VA 2231-5798 202-277-3739 scottwallace.edva@gmail.com machine shorthand, transcript prod cription.	, CRR
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213-	Angeles, CA 90071-1560 891-8050 I: Thomas.yeh@lw.com	EXAMINATIONS	Page EXAMINATION OF HAROLD WALBF	RINK 3:
Latha	t hew John Moore, Esq. am & Watkins LLP (DC) 11th Street, NW	BY MR. YEH CROSS-EXAMINATIC BY MR. DEVITT	ON OF HAROLD WALBRINK	33
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Document 138 393-LMB-TCB iled 07/13/22 Page 3 of 10 PageID# 318 1 MORNING SESSION, JUNE 9, 2022 09:21AM 1 we had just finished talking about the heating device configured 09:20AM 2 2 (9:20 a.m.) to be connected limitation, right? 09:20AM 09:21AM 3 3 Α. THE COURTROOM CLERK: Civil Action 20-393, Philip Morris 09:21AM Yes. 09:20AN Δ Products, S.A. versus R.J. Reynolds Vapor Company. 4 Q. And what were your opinions with respect to that opinion? 09:21AM 09:20AM 5 5 Would counsel please note their appearances for the Α. I found that this plain limitation was also met. 09:20AM 09:21AM 6 6 Q. Now, turning to the next limitation, this one's a bit 09:20AM record. 09·22AM 09:22AM 7 7 MR. GRANT: Good morning, Your Honor. Your prediction longer, so we'll break it up. 09:20AN 8 8 about the traffic turned out to be a little bit correct. What is the first requirement of this limitation? 09:20AM 09:22AM 9 9 THE COURT: Yeah. Well, first of all, it requires a thermal resistor, which Α. 09:20AM 09:22AM 10 MR. GRANT: Max Grant, Thomas Yeh, Matt Moore, and Brett 09:22AM 10 is basically a heater. And so I looked at the Reynolds 09:20AM 11 09:22AM 11 09:20AM Sandford will be the attorneys speaking in court today. document, the PMTA, which we talked about yesterday, and it 12 09:22AM 12 THE COURT: Very good. Good morning. describes the heater as having a resistive heating element, 09:20AM

09:22AM 13

09:22AM 14

09:22AM 15

09:22AM 16

09:22AM 17

09:22AM 18

up.

Q.

resistor is made of?

which is a thermal resistor. If you recall, when you pass

electricity across it, a current runs through it and it heats

the requirements with respect to the materials that the thermal

And turning to the next part of this limitation, what are

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MS. PARKER: Good morning, Your Honor. Stephanie Parker;

remember Dave Maiorana from yesterday, and Ron McCrum is going to

THE COURT: All right. Good morning. The jury is now

Bill Devitt; Dr. Figlar, our client representative; Ms. Emily

Baker. She'll be handling one of the witnesses today. You

be handling a witness today also.

00.20/ 00		00.2E/ un	
09:20AM 19	here. There are really no preliminary matters we need to	09:22AM 19	A. Yes. It requires the resistor to be of a metallic foil
09:20AM 20	address. We need to have Mr. Walbrink, who is back on the stand	09:23AM 20	or a thin sheet.
09:20AM 21	and still under oath.	09:23AM 21	Q. And if we look at the bottom half of this slide, the
09:20AM 22	We'll bring the jury in, all right?	09:23AM 22	excerpt from PX O28, the PMTA, what does that tell us about the
09:20AM 23	THE COURT SECURITY OFFICER: Yes, Judge.	09:23AM 23	materials that the resistive heating element of the Alto is made
09:20AM 24	THE COURT: Good morning, ladies and gentlemen. Thank you	09:23AM 24	of?
09:20AM 25	for being here. I note traffic is rough and at least one of you	09:23AM 25	A. Well, the Reynolds' document describes the heater as
	Scott L. Wallace, RDR, CRR, Official Court Reporter		Scott L. Wallace, RDR, CRR, Official Court Reporter
	317		319
09:20AM 1	comes from Leesburg, which is a really long trip out from here,	09:23AM 1	being made of low chromium nickel iron alloy, which are all
09:20AM 2	so we really do appreciate you being here, and we're going to be	09:23AM 2	metals.
09:20AM 3	able to get started with the continued testimony of Mr. Walbrink.	09:23AM 3	Q. And what significance is that to have the claim materials
09:20AM 4	I just want to make sure. I'm assuming none of you bumped	09:23AM 4	of a metallic foil or thin sheet?
09:20AM 5	into any problems last night. You followed my instructions, and	09:23AM 5	A. Well, it says that the thermal resistor is, in fact, a
09:20AM 6	you didn't do any investigation, correct? Everybody is still	09:23AM 6	metallic foil.
09:20AM 7	nice and healthy, and hopefully your families are as well. Very	09:23AM 7	Q. And I'm pulling up Slide Number 19. Can you explain to
09:20AM 8	good.	09:23AM 8	the jury what this picture, PX 082, is showing?
09:20AM 9	You should have plenty of water with you. If you start to	09:23AM 9	A. Yes. This is as I mentioned the other day, I took
09:20AM 10	run out, we'll make sure you get some, so raise your hand if you	09:24AM 10	some photographs when I tore the Alto device apart. On the
09:20AM 11	need anything, all right?	09:24AM 11	left-hand side is an exploded view of the heater assembly. You
09:21AM 12	(Brief pause in proceedings.)	09:24AM 12	can see the heater S-shape, sinuous shape, and then I cut that
09:21AM 13	THE COURT: All right. We can now continue.	09:24AM 13	heater assembly in half, turned it on its side in the upper
09:21AM 14	MR. YEH: Good morning. May I proceed?	09:24AM 14	right-hand illustration of that particular slide or diagram, and
09:21AM 15	THE COURT: Yes, sir.	09:24AM 15	I measured the thickness of the resistor heating element. And I
09:21AM 16	MR. YEH: Thank you.	09:24AM 16	measured it to be about .14 millimeters, which is about the
09:20AM 17	CONTINUED DIRECT EXAMINATION OF HAROLD WALBRINK	09:24AM 17	thickness of a sheet of paper. It's very thin.
09:21AM 18	BY MR. YEH:	09:24AM 18	Q. And just to orient ourselves, is this image that you took
09:21AM 19	Q. Welcome back, Mr. Walbrink.	09:24AM 19	showing the pictures we had the same thing as the pictures
09:21AM 20	A. Good morning, Mr. Yeh.	09:24AM 20	we've been looking at of that structure from the PMTA?
09:21AM 21	Q. So let's pick up where we left off and just keep on	09:24AM 21	A. Yes, in the PMTA, the diagram on the right is there
09:21AM 22	trucking.	09:24AM 22	are two views in three dimensions. This is the assembly that ${\bf I}$
09:21AM 23	MR. YEH: Can we please turn to Slide 16?	09:25AM 23	sectioned and measured the thickness of the thermal resistor.
09:21AM 24	BY MR. YEH:	09:25AM 24	Q. And so have you reached an opinion as to whether the

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The second problem is a second problem in the problem is proper problem in the problem is problem in the problem in the problem is problem in the problem in the problem is problem in the problem in the problem in the problem is problem in the problem in t		tse 1:20-cv-00393-LMB-TCB Document <u>1387</u>	-2 File	d 07/13/22 Page 4 of 10 PageID# 34580
above 2 A Yes, I find that limitation is met. above 2 A Yes, I find that limitation is met. above 4 A Ferginer that the thermal residers is a particular above 6 ends. Adv s sinusos line is a 1 collineary setteday, vary, above 7 curvy figure. above 8 above 1 above 7 curvy figure. above above 7 A Yes, Ferdina above above above 7 A Yes, Ferdina above above above 1 above a		320		
Line30.What does the next part of Dis daim require?LineA. It requires that the thermal resistor is in a particularLineDis ALineA. It requires that the thermal resistor is in a particularLineDis ALineC. And os invoss fine is, as 1 capilined yesterday, waveLineDis ALineD. And can yuu ful us on the form huld if the disd, areaLineDis ALineD. And can yuu ful us on the form huld if the disd, areaLineLineLineD. And can yuu ful us on the form huld if the disd, areaLineLineLineD. And wave ful us on the form huld if the disd, areaLineLineLineLineD. And wave ful us on the form huld if the disd, areaLineLineLineLineLineD. And wave ful us on the form huld if the disd, areaLineLineLineLineLineD. And wave ful us on the form huld if the disd, areaLineLineLineLineLineD. And wave ful us on the form huld if the disd, areaLineLineLineLineLineD. And wave ful us on the form huld if the disd, yuuLineLineLineLineLineLineD. And wave ful us disd.LineLineLineLineLineLineLineLineD. And wave ful us disd.LineLineLineLineLineLineLineLineD. And wave ful us disd.LineLineLineLineLine <th>09:25AM 1</th> <th>materials, a metal foil or a thin sheet?</th> <th></th> <th>MR. YEH: And, Mr. Smith, if you could put up PDX 3.043,</th>	09:25AM 1	materials, a metal foil or a thin sheet?		MR. YEH: And, Mr. Smith, if you could put up PDX 3.043,
 Loss 4 A. It requires that the thermal resistor is in a particular taxes 5 shape, the shape of a dual coil or ainuous line having two different of the shape of a dual coil or ainuous line having two different of the shape of a dual coil or ainuous line having two different of the shape of a dual coil or ainuous line having the start of a shape section were setting the analysis of the transmerer - the shape requirement of the shape of a dual what does the there are an in the market place. And you'll notice that the transmerer - the shape requirement of the shape of a dual what does the shape requirement of the shape of a dual what does the shape requirement of the shape of a dual what does the shape requirement of the shape of a dual what does the shape of a dual what	-		_	and place the PPX 019 sort of above, under where it says 10.
start start start start start start start start start sta				
 Lusson 6 ends. And so sinuous line is, as I explained yesterday, wavy, Cartor figura. Cartor figura. Cartor figura. And any you till us on the lottom haf of this side, Wester 10 Alta and any current is end, and you train to the and, and you train to the and, and you train to the and, and you train to send, and you train to send. And any you train the setter that is a baby on science in the marketplace. And you'll notice that Cartor 11 Binitizitor? A Yes. From the reatal – Reynolds documents, the PTTA, Cartor 12 A. Yes. From the reatal – Reynolds documents, the PTTA, Cartor 13 they describe the resistive heating a ensemption to the lottom of this finalization? Cartor 14 trace or a situation that does the final part – an we put talked share Cartor 14 trace or a situation in the baby marking and space the the situation? Cartor 14 trace or a situation of a dgarette or a cigar. Cartor 14 well, it requires dimensions substantially, the same Cartor 14 well, it requires dimensions substantially, the same Cartor 24 A. Well, it requires dimensions substantially, the same Cartor 24 A. Well, it requires dimensions substantially, the same Cartor 24 A. Well, it requires dimensions a daparet to the dimension of the parter at the relater to the dimension of the parter at up a same field of the same requirement. The dimensions accord the providal accord Reporter Cartor 24 A. Well, it requires dimensions diapertation or a digarette. Cartor 24 A. Well, it requires dimensions diapertation or a digarette. Cartor 24 A. Well, it requires at motion of the difficult curr Reporter Cartor 24 A. Well, it requires at motion dimensions diapertation accord and part of the dimensions diapertation or a same field of the same requirement. The dimensions diapertation or a same field of discording or dignet the trespores some demonstratity ore	09.2040			
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accord 8 C. And can you tell as on the builtom haif of this dide, which shows PA 028 at 34, what does that tell as about the vice what shows PA 028 at 34, what does that tell as about the vice what shows PA 028 at 34, what does that tell as about the vice what shows PA 028 at 34, what does that tell as about the vice what shows PA 028 at 34, what does that tell as about the vice what shows PA 028 at 34, what does the final part - 5 we plast tailed about what field about the size of a sinusci line. is a mape of size of what shows PA 028 at 34, what does the final part - 5 we plast tailed about what field about the size of a sinusci line. is a mape of size of what field about the size of a sinusci line. about field about the size of a digarcet or a cigar: a weak the final part - 5 we plast tailed about what field about the size of a digarcet or a cigar: is a mape of size of what field about the size of a digarcet or a cigar: about field babe the final part of this silled, you what or hours's permission to about the vice what what does that cell us about the goals of this paters and how the relates to the soord 2 is about the goals of this paters and how the relates to the soord 2 is about the goals of this paters and how the relates to the soord 2 is about the goals again, is to come up with an soord 2 is about the goals again, is to come up with an soord 2 is about the goals again, singer sand smoke it like a soord 1 what you can hold babween your fingers and smoke it like a soord 1 what you can hold babween your fingers and smoke it like a soord 1 what you can hold babween your fingers and smoke it like a soord 1 what you can hold babween your fingers and smoke it like a soord 1 what you can hold babween your fingers and smoke it like a soord 1 what you can hold babween your fingers and smoket it like	_		_	
user 9 which shows PX 028 at 34, what does that tell us about the Vuse user 10 Allo and the requirement - the shape requirement of this user 11 introton? user 10 looking at the end of the cigarettes, this is a range of sizes of user user 12 A. Yes, From the rental Reynolds documents, the PMTA, user 10 looking at the end of the cigarettes, this user on the back of users user 15 0. And while does the final part of this limitation user 15 and market gives, and the size of these cigarettes, at user of the limitation user 16 shape. New, what does the final part of this limitation user 16 and shade till the a conventional tobacc cigarette, and user and the primary permission to also thand up. user 10 A. Well, it trajures dimensions substantially, the same 16 MR. VFH: New, at the time, I may going to ask with Your user 11 that you can hold by the primer and that markets to the market tiller, and up, the same original to the solide, you user 14 that you can hold by the thet markets to the market tiller, and up, the same original to the the solide, you user 1 that you can hold by the primer and wowe the primer a				. 2
uses 10 Alto and the requirement - the shape requirement of this uses 10 tooking at the end of the cigarette, this is a range of sizes of uses 11 Immittion? uses 11 cigarette that are in the manifequence, that is invocational to one that of uses 12 A. Ves. From the retail - Reynolds documents, the PMTA, uses 11 the restative heating element, that sinuces line on the bock of uses 12 Tack or a cinuous line. uses 12 the instative financi general, this sized about the size of these cigarettes. It would enable making a cigarette that you can hold in your hand uses 12 and make the maining a cigarette and of this side, you uses 16 M. Weil, Krequires dimensions substantially, the same uses 12 about the gois of this goart and how the restates to the uses 11 demosfrative that 1 understate making a cigarette to, but maxes uses 23 about the disk of this goart and how thar restates to the uses 12 Here courser, and the cigarette, M. Walbrink, con you uses 24 A. Weil, Krequires dimential difficulties dide, you uses 12 M. W. Thit with wore courser, and the cigarette to, but wou				
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usew 12 A. Yes. From the rental - Reynolds documents, the PHTA, usew 13 the describe the resistive heating element as being an S-shape usew 14 trace or a sinuous line. usew 15 usew 16 usew 16 usew 17 usew 15 Q. And what does the final part - so we just talked about usew 16 usew 17 usew 16 usew 17 usew 16 usew 17 usew 16 usew 16 usew 17 usew 16 usew 17 usew 16 usew 17 usew 17 usew 16 usew 17 usew 16 usew 17 usew 17 usew 17 usew 16 usew 17 usew 17				
arrow 13 they describe the resistive heating element as being an S-shape arrow 14 trace or a sinuous line. arrow 15 arrow 16 arrow 17				
maxw 14 trace or a sinuous line. maxw 15 G. And what does the final part - so we just talked about maxw 16 diagram and smole if like a conventional tobacco cigarette. maxw 17 require? and smole if like a conventional tobacco cigarette. maxw 18 A. Well, it requires dimensions substantially, the same and smole if like a conventional tobacco cigarette. maxw 20 Q. And, Mr. Wabfink, on the bottom half of this side, you maxw 16 MR.YEH: Now, at this time, rou option to also hand up. maxw 24 A. Well, it talls us the goal, again, is to come up with an maxw 28 maxw 24 A. Well, it talls us the goal of this simulation maxw 26 maxw 24 A. Well, it talls us the goal, again, is to come up with an maxw 28 maxw 2 MR.YEH: Now, athis time, can you maxw 28 maxw 2 Gar, and in orde to retain the consumer apprince, you know, maxw 28 maxw 3 6 A. Yes. Yell Maxword does that the Maxword does that the maxww 2 A. Yes. Tidd. Maxword		······································		
usew 15 Q. And what does the final part - so we just takked about usew 15 and smoke it like a conventional tobacco cigarette. usew 16 shape. Now, what does the final part of this limitation usew 16 MK, YEH: Now, at this time. I'm going to ask with Your usew 19 creas-section of a cigarette or a cigar. MK, YEH: Now, at the use denotestand Reynolds has not objected to, but usew 22 Q. And, Mr. Walbrink, on the bottom hair of this slide, you usew 15 admonstratives tot 1 Understand Reynolds has not objected to, but usew 22 about the goals of this patent and how that relates to the usew 21 MK, YEH: All right. Thank you. usew 24 about the goals of this patent and how that relates to the usew 22 User 24 Gar, and in order to retain the consumer experience, you know, 227 usew 24 Could L Wallace, RDR, CRR, Official Court Reporter Sort L. Wallace, RDR, CRR, Official Court Reporter usew 3 a chard, the dwine were switching to the ELMO, Mr. Walbrink, do the target methespecifically. And to would is important, that the usew 4 the target methespecifically. And to would is important, that the usew 4				
16 shape. Now, what does the final part of this limitation 10 accur 16 shape. Now, what does the final part of this limitation 10 accur 17 require? 10 accur 16 shape. Now, what does the final part of this limitation? 10 accur 22 shout the goals of this patent and how that relates to the 10 about the goals of this patent and how that relates to the 10 about the goals of this patent and how that relates to the 10 about the goals of this patent and how that relates to the 10 about the goals of this patent and how that relates to the 10 about the goals of this patent and how that relates to the 10 about the goals of this patent and how that relates to the 10 accur 21 BY MR. YEH: All right. Think you. 11 accur 21 BY MR. YEH: All right. Think you. 11 the patent south relates to the accur 22 12 accur 21 BY MR. YEH: All right. Think you. 12 accur 21 BY MR. YEH: All right. Think you. 12 accur 21 A. Yes, Yell. Count analysis of this size requirement. 12 accur 21 A. Yes, Yell.		_		
 Hour's permission, that the courtroom security officer hand up Hour's permission, that the courtroom security officer hand up Hour's permission, that the courtroom security officer hand up PRX 10 to the Winess. And Have another physical Cosaw 20 Q. And, Mr. Wabink, on the bottom hilf of this side, you Hour's permission to also hand up. PRX 10 to the Winess. And Have another physical Cosaw 21 Hour's permission to also hand up. PRX 10 to the Winess. And Have another physical Cosaw 21 Hour's permission to also hand up. PRX 10 to the Winess. And Have another physical Cosaw 22 A and Mr. Wabink, on the bottom hilf of this side, you Sout L Walkace, RDR, CRR, Official Court Reporter Sout L Walkace, RDR,				-
 In a constraint with grant sector for a cigar: In a constraint with grant sector for MR volup in the bottom half of this silde, you with Your Honor's permission to also hand up. In a constraint with with with a constraint with a constrai				
reserve 19 cross-section of a cigarette or a cigar. reserve 12 abut the you of the bottom half of this side, you with you fhord's permission to also hand up. reserve 12 about the goals of this patent. What does that tell us the you with you fhord's permission to also hand up. reserve 12 about the goals of this patent. What does that tell us the you with you fhord's permission to also hand up. reserve 12 about the goals of this patent. What does that tell us the you with an resistor size? MR. YEH: All right. Thank you. reserve 12 about the goals of the goals of the solution of core up with an reserve 19 reserve 12 reserve 11 that you can hold between your fingers and smoke it like a requirement, the dimensions scott L. Walkee, RDR, CRR, Official Court Reporter Soctt L. Walkee, RDR, CRR, Official Court Reporter Soct L. Walkee, RDR, CRR, Official Court Reporte Soct L. Walkee, RDR, CRR, Official Court Rep				
waw 20 Q. And, Mr. Walbrink, on the bottom half of this side, you waw 20 with Your Honor's permission to also hand up. waw 21 have an except from PX 002, the patent. What does that tell us waw 22 with Your Honor's permission to also hand up. waw 22 about the goals of this patent and how that relates to the waw 24 A. Well, it tells us the goal, again, is to come up with an waw 24 A. Well, it tells us the goal, again, is to come up with an waw 24 C. So using those demonstratives, Mr. Walbrink, con you waw 24 A. Well, it tells us the goal, again, its to come up with an waw 24 Q. So using those demonstratives, Mr. Walbrink, con you waw 24 A. Well, it tells us the goal, again, its the consumer experience, you know, cost L. Wallace, RDR, CRR, Official Court Reporter 227 waw 24 Q. And did you prepare some demonstratives, to show us your analysis of this limitation? warm 4 A. Yes, Tidi. MR. YEH: At this time, con 1 please switch to the ELMO warm 4 G. and with we're switching to the ELMO, Wr. Walbrink, do warm 15 the dains require any specific dimensions? warm 4 A. Well, as I showed in the diagram, it's the end, the warm 14 the dains require any specific dimensions? cross-section, so that you could anow e hok at the cross-section, this				
 avex 11 have an excerpt from FX 002, the patent. What does that tell us the scale of this patent and how that relates to the exam 22 about the goals of this patent and how that relates to the exam 23 thermal resistor size? avex 24 A. Well, it tells us the goal, again, is to come up with an exam 25 explain your analysis of this size requirement, the dimensions Scott L. Wallace, RDR, CRR, Official Court Reporter Scott L. Wallace, RDR, CRR, Official Court Reporter Court and the target as a substitute for a conventional cigarette Scott L. Wallace, RDR, CRR, Official Court Reporter Scott L. Wallace, RDR, CRR, Official Court Reporter Court and the target as a substitute for a conventional cigarette as a substitute for a conventional cigarette as a substitute of the consumer experience, you know, and the adding a cigarette, smoking a cigarette. actual 2 d. And did you prepare some demonstratives to show us your analysis of this limitation? actual 3 of handling a cigarette, smoking a cigarette. actual 4 C. And did you prepare some demonstratives to show us your analysis of this limitation? actual 5 or MR. YEH: At his time, can I please switch to the ELMO area in an divertion of the switching to the ELMO, Mr. Walbrink, do actual 10 W MR. YEH: actual 11 Q. And while we're switching to the ELMO, Mr. Walbrink, do actual 12 the claims require any specific dimensions? actual 14 and this - you know, cigarettes come in various shapes - or sward 15 warious sizes, and the - all that's required is that the actual 15 work we're looking at what Mr. Smith has actual 15 warious sizes, and the - all that's required is that the actual 16 thermal resistor is about the is to or a jou tell us what this is showing? And, and while we're looking at what Mr. Smith has actual 11 de All right. Si be actual heater assembly from the - out wards, the falter assembly from the - out wards, and the tray wards? All right. All r				
 about the goals of this patent and how that relates to the about the goals of this patent and how that relates to the about the goals of this patent and how that relates to the about the relation size? about the goals of this patent and how that relates to the about 24 A. Well, it tells us the goal, again, is to come up with an about 24 A. Well, it tells us the goal, again, is to come up with an about 24 A. Well, it tells us the goal, again, is to come up with an about 24 A. Well, it tells us the goal, again, is to come up with an about 24 A. Well, at lineations about 24 C. So using those demonstratives, Mr. Walbrink, can you about 24 A. Yees. Well, as I mentioned, there's no numbers given in about 4 C. And did you prepare some demonstratives to show us your about 4 C. And did you prepare some demonstratives to show us your about 4 C. And did you prepare some demonstratives to show us your about 4 C. A. Yees. Well, as I mentioned, there's no numbers given in about 4 C. An well, with 1 fylue could provide the vapor in an e-cig. about 4 C. And with we're switching to the ELMO. about 4 C. An well, with 1 fylue could provide the vapor in an e-cig. about 4 B. Specifically numerically, about 4 B. Specifical and smoke and this - you know, cigarette some in various shapes - or about 4 B. Specifical 4 bits instance come in various shapes - or about 4 B. Specifical 4 bits instance come in various shapes - or about 4 B. Specifical 4 bits instance come in various shapes - or about 4 B. Specifical 4 bits instance assembly from the - woll and the capse sender of the cross-section and well is the action scaparet to anable a about 4 B. Specifical 4 bits instance				
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321 323 922004 1 that you can hold between your fingers and smoke it like a 922044 2 cigar, and in order to retain the consumer experience, you know, 922044 3 of handling a cigarette, smoking a cigarette. 922044 Q. And id you prepare some demonstratives to show us your 922045 A. Yes. Well, as I mentioned, there's no numbers given in 922046 A. Yes. Well, as I mentioned, there's no numbers given in 922047 A. Yes. Well, as I mentioned, there's no numbers given in 922048 A. Yes. Well, as I mentioned, there's no numbers given in 922049 A. Yes. Well, as I should have you'd end up making a 922041 A. Yes. Yell: Heater is about the size of a cigarette dimension, the 922041 B. A. Yes. Yell: Heater is about the size of a cigarette in a ne-cig. 922041 D. MR. YEH: Well have resistive heating element, or what is the correct comparison 922041 D. A. Not, the yrequire no dimensions? 922041 A. Not, the yrequire no dimensions? Yes. Yes. 922041 S. Now,	09.20AW 20		09.30AW 20	
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0027/M5analysis of this limitation?0030/M5cross-section, so that you could have you'd end up making a cigarette that you could smoke between your fingers, put it up0027/M6A. Yes, I did.0030/M6cigarette that you could smoke between your fingers, put it up0027/M7MR. YEH: At this time, can I please switch to the ELMO0030/M7to your lips, and it would provide the vapor in an e-cig.0027/M8and, Mr. Smith if you could put up PPX 019, which I understand is0030/M8Q.Now, Mr. Walbrink, to be clear, are you comparing the0027/M9not objected to.0030/M9size of the entire cigarette, looking at its length, to the0027/M10BY MR. YEH:0031/M10resistive heating element, or what is the correct comparison0027/M11Q.And while we're switching to the ELMO, Mr. Walbrink, do0031/M110027/M12the claims require any specific dimensions?0031/M120027/M13A.No, they require no dimensions, specifically numerically,0031/M140027/M14and this you know, cigarettes come in various shapes or0031/M140027/M16thermal resistor is about the size of a cigarette to enable a0031/M160027/M16thermal resistor is about the size of a cigarette and smoke0031/M160027/M16thermal resistor is about the size of a cigarette and smoke0031/M160027/M16thermal resist			-	
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0927/M7MR. YEH: At this time, can I please switch to the ELMO0930/M7to your lips, and it would provide the vapor in an e-cig.0927/M8and, Mr. Smith if you could put up PPX O19, which I understand is0930/M7to your lips, and it would provide the vapor in an e-cig.0927/M9not objected to.0930/M7to your lips, and it would provide the vapor in an e-cig.0927/M10BY MR. YEH:0931/M10resistive heating element, or what is the correct comparison0927/M11Q. And while we're switching to the ELMO, Mr. Walbrink, do0931/M11here?0927/M13A. No, they require no dimensions, specifically numerically,0931/M13cross-section. In other words, the heater would go in into0927/M14and this you know, cigarettes come in various shapes or0931/M13cross-section. In other words, the heater assembly. And it0927/M15various sizes, and the all that's required is that the0931/M14the device like this, and so we look at the cross-section and we0927/M16thermal resistor is about the size of a cigarette to enable a0931/M17cigarette. This is a Reynolds cigarette, by the way.0927/M18it like a conventional combustible cigarette.0931/M18MR. YEH: And with Your Honor's permission, we'd like to0927/M19Q. All right. So now we're looking at what Mr. Smith has0931/M19have Mr. Walbrink, but the exhibit and demonstrative in the tray0928/M20placed	09:26AM 3	cigar, and in order to retain the consumer experience, you know, of handling a cigarette, smoking a cigarette.	09:30AM 2 09:30AM 3	A. Yes. Well, as I mentioned, there's no numbers given in the patent specifically. And so what is important, that the
0027AM 8 and, Mr. Smith if you could put up PPX 019, which I understand is 0030AM 8 Q. Now, Mr. Walbrink, to be clear, are you comparing the 0027AM 9 not objected to. 9 size of the entire cigarette, looking at its length, to the 0027AM 10 BY MR. YEH: 0030AM 8 Q. Now, Mr. Walbrink, to be clear, are you comparing the 0027AM 10 BY MR. YEH: 0030AM 8 Q. Now, Mr. Walbrink, to be clear, are you comparing the 0027AM 11 Q. And while we're switching to the ELMO, Mr. Walbrink, do 0030AM 8 Q. Now, Mr. Walbrink, to be clear, are you comparing the 0027AM 12 the claims require any specific dimensions? 0030AM 1 resistive heating element, or what is the correct comparison 0027AM 14 and this you know, cigarettes come in various shapes or 0031AM 11 the device like this, and so we look at the cross-section and we 0027AM 15 various sizes, and the all that's required is that the 0031AM 15 look at the resistive element on the heater assembly. And it 0027AM 16 thermal resistor is about the size of a cigarette to enable a 0031AM	09:26AM 3 09:27AM 4	cigar, and in order to retain the consumer experience, you know, of handling a cigarette, smoking a cigarette. Q. And did you prepare some demonstratives to show us your	09:30AM 2 09:30AM 3 09:30AM 4	A. Yes. Well, as I mentioned, there's no numbers given in the patent specifically. And so what is important, that the heater is about the size of a cigarette dimension, the
00:27AM 9 not objected to. 00:27AM 10 BY MR. YEH: 00:37AM 9 size of the entire cigarette, looking at its length, to the 00:27AM 10 BY MR. YEH: 00:37AM 9 size of the entire cigarette, looking at its length, to the 00:27AM 11 Q. And while we're switching to the ELMO, Mr. Walbrink, do 00:37AM 11 here? 09:27AM 13 A. No, they require no dimensions, specifically numerically, 00:37AM 12 A. Well, as I showed in the diagram, it's the end, the 09:27AM 13 A. No, they require no dimensions, specifically numerically, 00:37AM 14 the device like this, and so we look at the cross-section and we 09:27AM 14 and this you know, cigarettes come in various shapes or 00:37AM 14 the device like this, and so we look at the cross-section and we 09:27AM 16 thermal resistor is about the size of a cigarette to enable a 00:37AM 16 would enable it's about the size of the cross-section, this 09:27AM 18 it like a conventional combustible cigarette. 09:37AM 18 MR. YEH: And with Your Honor's permission, we'd like to 09:22AM	09:26AM 3 09:27AM 4 09:27AM 5	cigar, and in order to retain the consumer experience, you know, of handling a cigarette, smoking a cigarette.Q. And did you prepare some demonstratives to show us your analysis of this limitation?	09:30AM 2 09:30AM 3 09:30AM 4 09:30AM 5	A. Yes. Well, as I mentioned, there's no numbers given in the patent specifically. And so what is important, that the heater is about the size of a cigarette dimension, the cross-section, so that you could have you'd end up making a
09:27AM10BY MR. YEH:09:37AM10resistive heating element, or what is the correct comparison09:27AM11Q.And while we're switching to the ELMO, Mr. Walbrink, do09:37AM10resistive heating element, or what is the correct comparison09:27AM12the claims require any specific dimensions?09:37AM12A.Well, as I showed in the diagram, it's the end, the09:27AM13A.No, they require no dimensions, specifically numerically,09:37AM13cross-section. In other words, the heater would go in into09:27AM14and this you know, cigarettes come in various shapes or09:37AM14the device like this, and so we look at the cross-section and we09:27AM15various sizes, and the all that's required is that the09:37AM15look at the resistive element on the heater assembly. And it09:27AM16thermal resistor is about the size of a cigarette to enable a09:37AM16would enable it's about the size of the cross-section, this09:27AM17device to be made that you can handle like a cigarette.09:37AM18MR. YEH: And with Your Honor's permission, we'd like to09:27AM19Q.All right. So now we're looking at what Mr. Smith has09:37AM19have Mr. Walbrink put the exhibit and demonstrative in the tray09:28AM20placed on the ELMO. Can you tell us what this is showing? And,09:37AM21THE COURT: All right. All right.09:28AM22A.Yes. This is the actual heater assembly from the out	09:26AM 3 09:27AM 4 09:27AM 5 09:27AM 6	 cigar, and in order to retain the consumer experience, you know, of handling a cigarette, smoking a cigarette. Q. And did you prepare some demonstratives to show us your analysis of this limitation? A. Yes, I did. 	09:30AM 2 09:30AM 3 09:30AM 4 09:30AM 5 09:30AM 6	A. Yes. Well, as I mentioned, there's no numbers given in the patent specifically. And so what is important, that the heater is about the size of a cigarette dimension, the cross-section, so that you could have you'd end up making a cigarette that you could smoke between your fingers, put it up
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09:28AM 24 resistive element there, thermal resistor on the back of it 09:33AM 24 Q. And so, Mr. Walbrink, after conducting your analysis,	09:26AM 3 09:27AM 4 09:27AM 5 09:27AM 6 09:27AM 7 09:27AM 7 09:27AM 8 09:27AM 9 09:27AM 10 09:27AM 11 09:27AM 12 09:27AM 13 09:27AM 14 09:27AM 15 09:27AM 16 09:27AM 17 09:27AM 18 09:27AM 19 09:28AM 20 09:28AM 21 09:28AM 22	 cigar, and in order to retain the consumer experience, you know, of handling a cigarette, smoking a cigarette. Q. And did you prepare some demonstratives to show us your analysis of this limitation? A. Yes, I did. MR. YEH: At this time, can I please switch to the ELMO and, Mr. Smith if you could put up PPX 019, which I understand is not objected to. BY MR. YEH: Q. And while we're switching to the ELMO, Mr. Walbrink, do the claims require any specific dimensions? A. No, they require no dimensions, specifically numerically, and this you know, cigarettes come in various shapes or various sizes, and the all that's required is that the thermal resistor is about the size of a cigarette to enable a device to be made that you can handle like a cigarette and smoke it like a conventional combustible cigarette. Q. All right. So now we're looking at what Mr. Smith has placed on the ELMO. Can you tell us what this is showing? And, again, it's PPX 019. 	09:30AM 2 09:30AM 3 09:30AM 4 09:30AM 5 09:30AM 6 09:30AM 6 09:30AM 7 09:30AM 7 09:30AM 8 09:30AM 9 09:31AM 10 09:31AM 12 09:31AM 13 09:31AM 14 09:31AM 15 09:31AM 16 09:31AM 17 09:31AM 18 09:31AM 19 09:31AM 20 09:31AM 21 09:31AM 21 09:31AM 22	 A. Yes. Well, as I mentioned, there's no numbers given in the patent specifically. And so what is important, that the heater is about the size of a cigarette dimension, the cross-section, so that you could have you'd end up making a cigarette that you could smoke between your fingers, put it up to your lips, and it would provide the vapor in an e-cig. Q. Now, Mr. Walbrink, to be clear, are you comparing the size of the entire cigarette, looking at its length, to the resistive heating element, or what is the correct comparison here? A. Well, as I showed in the diagram, it's the end, the cross-section. In other words, the heater assembly. And it would enable it's about the size of the cross-section and we look at the resistive element on the heater assembly. And it would enable it's about the size of the cross-section, this cigarette. This is a Reynolds cigarette, by the way. MR. YEH: And with Your Honor's permission, we'd like to have Mr. Walbrink put the exhibit and demonstrative in the tray so the jury can inspect it. It's quite small. THE COURT: All right. All right.
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		-	ase 1:20-cv-00393-LMB-TCB Document 1387	2 [عمان	+ 07/13/22 Page 5 of 10 PageID# 34581
	C	a	324 324	2 1	iict	$\frac{326}{326}$
09:33	ам 1	I	resistive heating element of the Alto meets the limitation	09:37AM	1	limitation requires?
09:33	ам 2	2	dimension, substantially the same as a cross-section of a	09:37AM	2	A. It requires that the first contact tab and the second
09:33	ам 3	3	cigarette or cigar?	09:37AM	3	contact tab not being in direct contact with each other.
09:33	ам 4	ŀ	A. I find this limitation is met as well.	09:37AM	4	Q. And can you explain how what is shown in the Alto PMTA
09:33	ам 5	5	Q. And have you reached any opinions as to the entire longer	09:37AM	5	PX 028 at the bottom half?
09:33	ам 6	5	limitation we've just been talking about that starts a thermal	09:37AM	6	A. Again, referring to the same diagram with the blue
09:33	ам 7	7	resistor?	09:37AM	7	contact tabs highlighted in blue, you can see they clearly do
09:33	ам 8	3	A. Yes, I find all the elements of this limitation met as	09:37AM	8	not come in contact with one another.
09:34	ам 9)	well.	09:37AM	9	Q. And so have you reached any opinions with respect to the
09:34	ам 10)	Q. What does the next limitation of the '265 Patent Claim 1	09:37AM	10	limitation that starts "a contact tab"?
09:34	IAM 11		require?	09:37AM	11	A. Yes. I find all of the elements of this limitation met
09:34	ам 12	2	A. It requires wherein in the inner spaces of the shape are	09:37AM	12	as well.
09:34	ам 13	3	configured to allow fluid the flow of fluid throughout.	09:37AM	13	Q. And the next limitation is fairly long as well, so we'll
09:34	IAM 14	ŀ	Q. And, Mr. Walbrink, what shape is it referring to when the	09:37AM	14	go step-by-step through that one.
	ам 15		limitation says "the shape"?	09:37AM	15	A. All right.
09:34	ам 16	5	A. It's referring to the thermal resistor, that sinuous	09:37AM	16	Q. What does the first part of the next limitation require?
	IAM 17		line, that shape.	09:37AM	17	A. It requires at least one vaporizer membrane.
	IAM 18		Q. And I'm going to pull up the next slide, 23. Can you	09:38AM	18	Q. And can you explain to the jury what a vaporizer membrane
	ам 19		explain what we're seeing on the bottom half of this slide,	09:38AM		is?
	ам 20		which is PX 084?	09:38AM		A. Yes. Essentially it's a barrier that controls the flow
	IAM 21		A. Yes. This is a photograph of the teardown that I did,	09:38AM		of fluid through it.
	IAM 22		and on the left-hand side is a magnified view of the heater you	09:38AM		Q. And what is shown on the bottom half of the slide, the
	ам 23	_	just looked at. And clearly there are inner spaces within the	09:38AM		excerpt from PX 028?
	AM 24		S-shaped curve that allow the fluid to flow through.	09:38AM		A. Yes. This is, again, a three-dimensional view of the
09:35	бам 25)	Q. And so have you reached any opinions on whether the	09:38AM	25	heater assembly, and the vaporizer membrane has been highlighted
			Scott L. Wallace, RDR, CRR, Official Court Reporter			Scott L. Wallace, RDR, CRR, Official Court Reporter
	1		325		4	Scott L. Wallace, RDR, CRR, Official Court Reporter 327
09:35	_		325 limitation wherein inter spaces of the shape are configured to	09:38AM	1	Scott L. Wallace, RDR, CRR, Official Court Reporter 327 in green.
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09:38 09:38 09:38 09:38 09:38 09:38 09:38	бам 2 бам 3 бам 4 бам 5 бам 6 бам 7 бам 8 бам 9	 2 3 4 5 5 7 3 9	325 limitation wherein inter spaces of the shape are configured to allow a flow of fluid there through is met? A. Yes, I find this limitation is met as well. Q. So the next limitation is fairly long as well, and so we'll break it down. And can you tell us what the first part of this limitation requires? A. Yes. It requires at least one contact tab. Q. And on the bottom of this slide, you have PX 028. Can	09:38AM 09:38AM 09:38AM 09:38AM 09:38AM 09:38AM 09:39AM	3 4 5 6 7 8 9	Scott L. Wallace, RDR, CRR, Official Court Reporter 327 in green. Q. And I'm going to put up Slide Number 28. First, on the bottom half is another image, Figure H-13 from PX 028. Can you tell us what this is showing with respect to the vaporizer membrane? A. Sure. So this is a cross-section of this device, the cartridge, so it's sliced lengthways, like this, and it's an exploded view on the right-hand side, and it shows the pink is the solution, the e-liquid, and the green, again, is the
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09:38 09:38 09:38 09:38 09:38 09:38 09:38 09:38 09:38	SAM 2 SAM 3 SAM 4 SAM 4 SAM 5 SAM 5 SAM 6 SAM 7 SAM 9 SAM 9 SAM 10 SAM 11	 2 3 4 5 5 6 7 3 9 9 9	325 limitation wherein inter spaces of the shape are configured to allow a flow of fluid there through is met? A. Yes, I find this limitation is met as well. Q. So the next limitation is fairly long as well, and so we'll break it down. And can you tell us what the first part of this limitation requires? A. Yes. It requires at least one contact tab. Q. And on the bottom of this slide, you have PX 028. Can you show us where the contact tabs are? A. Yes. The contact tabs are highlighted in blue.	09:38AM 09:38AM 09:38AM 09:38AM 09:38AM 09:38AM 09:39AM 09:39AM	3 4 5 6 7 8 9 10 11	Scott L. Wallace, RDR, CRR, Official Court Reporter 327 in green. Q. And I'm going to put up Slide Number 28. First, on the bottom half is another image, Figure H-13 from PX 028. Can you tell us what this is showing with respect to the vaporizer membrane? A. Sure. So this is a cross-section of this device, the cartridge, so it's sliced lengthways, like this, and it's an exploded view on the right-hand side, and it shows the pink is the solution, the e-liquid, and the green, again, is the vaporizer membrane, and the dark pink arrows show the flow of the e-liquid through the membrane, and there's an arrow here on the bottom of the membrane. That's pointing to the resistive
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