

EXHIBIT 3

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

X

RAI STRATEGIC HOLDINGS, INC. and :

R.J. REYNOLDS VAPOR COMPANY, :

Plaintiffs and :

Counterclaim Defendants, : Case No.

v. : 1:20 cv 00393 LO TCB

ALTRIA CLIENT SERVICES LLC; PHILIP:

MORRIS USA INC.; and PHILIP MORRIS:

PRODUCTS S.A., :

Defendants and :

Counterclaim Plaintiffs. :

X

 

REMOTE VIDEOTAPED STENOGRAPHIC DEPOSITION OF

TRAVIS BLALOCK

Thursday, May 13, 2021

9:07 a.m.

Job No.: 371411

Pages: 1 292

STENOGRAPHICALLY REPORTED BY:

GISELLE MITCHELL MARGERUM, RPR, CRI, CCR, LCR, CSR



Transcript of Travis Blalock
Conducted on May 13, 2021

1 THE WITNESS: No, I don't I mean, as 01:51:16
2 I as I explained in my report, this text was not 01:51:18
3 present in the application in 2009. 01:51:21
4 BY MR. NAPLES: 01:51:23
5 Q. Right. So my question is 01:51:23
6 A. So why would I 01:51:25
7 Q. My question is 01:51:27
8 A. I can't conclude if PPS was available in 01:51:28
9 2009. 01:51:31
10 Q. My question is, do you think that metal 01:51:32
11 coated PPS was not known to one of ordinary skill in 01:51:34
12 the art in 2009? 01:51:39
13 A. I certainly don't think it was common. 01:51:46
14 I've never you know, I've never encountered a PPS 01:51:47
15 capacitor in the systems I designed. 01:51:52
16 Q. Okay. So as of 2009, is it your opinion 01:51:54
17 that PPS coated with metal was not something that 01:51:58
18 would have been known to one of ordinary skill in 01:52:03
19 the art? 01:52:06
20 A. Well, I haven't I haven't really formed 01:52:09
21 an opinion on that. My opinion is whether or not 01:52:11
22 the disclosure the original disclosure covered 01:52:14

PLANET DEPOS

Transcript of Travis Blalock
Conducted on May 13, 2021

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1	flexible conductive membranes; PPS or otherwise.	01:52:20
2	Q. Okay. Perfect. So let's talk a little	01:52:23
3	bit about that document. And let's bring up as	01:52:31
4	Exhibit 12, PCT patent application. I'll read the	01:52:34
5	number. It's WO WO 2011/033396 A2.	01:52:44
6	TECHNICIAN: Stand by.	01:52:54
7	(Exhibit 12 marked for identification)	01:53:16
8	TECHNICIAN: Exhibit 12 is on the screen.	01:53:18
9	BY MR. NAPLES:	01:53:27
10	Q. Now, Dr. Blalock, you agree that a	01:53:27
11	metallic sheet can be flexible. Correct?	01:53:29
12	A. I never said that.	01:53:37
13	Q. Do you agree with that or no?	01:53:38
14	A. Well, the I guess it depends on how	01:53:44
15	how it's constructed.	01:53:59
16	Q. Right. You could construct the metallic	01:54:01
17	sheet so it's flexible. Right?	01:54:04
18	A. Well, let's look at the language.	01:54:08
19	Q. I'm not talking about in the patent,	01:54:09
20	Dr. Blalock. I'm just asking you your own opinion.	01:54:12
21	You agree that you can construct the metallic sheet	01:54:15
22	to be flexible. Correct?	01:54:21

PLANET DEPOS



Transcript of Travis Blalock
Conducted on May 13, 2021

1 A. Those are some reasons. I'm sure there 02:27:04
2 are lots of others. 02:27:06

3 Q. Okay. Do you know if flexible membranes 02:27:07
4 were used in capacitors, at the time of the '396 02:27:10
5 application? 02:27:13

6 MR. LAUD: Objection. Vague. 02:27:16

7 A. I haven't I haven't explored I 02:27:21
8 haven't form an opinion on that. I you know, I'm 02:27:23
9 just trying to interpret the text of the '396. 02:27:28

10 Q. So you my question is, do you know if 02:27:33
11 people used flexible membranes in capacitors, at the 02:27:36
12 time of the '396 application. 02:27:39

13 A. I haven't 02:27:44

14 MR. LAUD: Same objection. 02:27:45

15 A. I haven't I haven't tried to you 02:27:46
16 know, I haven't investigated that or formed an 02:27:48
17 opinion. 02:27:51

18 What I will say, if it was common, then it 02:27:51
19 seems like that would have been called out. A 02:27:54
20 flexible membrane would have been called out in the 02:27:57
21 '396. But I don't I don't see it called out. 02:28:04

22   02:28:09

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