

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

PAUL MORINVILLE et al.,

Plaintiffs,

v.

UNITED STATES PATENT AND  
TRADEMARK OFFICE

Defendant.

Civil Action No. 1:19-cv-01779-CKK

**JOINT STATUS REPORT**

The parties—Plaintiffs Paul Morinville and Gilbert Hyatt, and Defendant United States Patent and Trademark Office (“PTO”)—respectfully submit this joint status report. On March 17, 2026, this Court issued an Order reopening discovery for the purpose of allowing Plaintiffs to conduct an additional deposition of Dr. Kathleen Bragdon. ECF No. 82. Plaintiffs deposed Dr. Bragdon on April 13, 2026.<sup>1</sup> This Court’s Order further provided that within ten days of Dr. Bragdon’s deposition, the parties should file a joint status report “setting forth their respective positions on whether any additional discovery may be appropriate and on precisely what terms.” *Id.* at 11.

The parties have conferred regarding their positions on additional discovery. Their separate positions are set forth below.

**Plaintiffs’ Position**

In light of Dr. Bragdon’s April 13 deposition, Plaintiffs’ position is that additional discovery is necessary. Before the deposition, the parties discussed whether Dr. Bragdon had sufficient personal knowledge to testify about the matters subject to the Court’s order, including the program referenced in (a) the letter from the then-DOJ Weaponization Director, Edward

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<sup>1</sup> The transcript of Dr. Bragdon’s 2026 deposition is attached as Exhibit A. Both parties consent to its public filing.

Martin, (b) the Large Patent Family Review Program described in Dr. Bragdon's declaration, and (c) closely related subjects. Plaintiffs specifically broached with the PTO the possibility of preparing Dr. Bragdon to testify on these subjects and pre-deposition disclosure of documents relied upon by Dr. Bragdon in preparing her deposition. And Plaintiffs explained at the time that their goal with these requests was to try to avoid the need for additional discovery following Dr. Bragdon's deposition. The PTO's response at that time was that Plaintiffs were strictly limited to the discovery set forth in the Order, notwithstanding the considerations Plaintiffs raised.

Having now deposed Dr. Bragdon, it is clear that the declaration she offered in opposition to reopening discovery was based almost entirely on information provided to her in her "official capacity," of which she has little personal knowledge and poor recollection. For example, Dr. Bragdon testified that she has very limited personal knowledge of the Large Patent Family Review Program. *See* Dr. Bragdon April 13, 2026 Tr. ("2026 Tr.") 35:4-37:5. Therefore, when queried about details of the Program and her communications about it, she regularly testified that she had no recollection. *See, e.g.,* 2026 Tr. 26:18-27:4, 34:6-35:12, 35:22-36:4, 36:7-37:5, 38:4-9, 40:22-41:2, 41:10-15, 44:2-9, 45:15-46:4, 46:9-13, 52:2-10, 53:1-12, 55:5-19, 56:17-19, 58:1-8, 66:14-19, 71:6-22, 80:6-81:8, 89:10-90:21, 91:15-92:12, 95:9-97:2, 97:17-22, 99:4-11, 102:17-103:11, 104:19-105:3, 108:18-109:11, 114:2-9. This testimony refutes the PTO's position that Dr. Bragdon was very familiar with the Large Patent Family Review Program.

Furthermore, while the PTO relied on Dr. Bragdon's declaration to argue in its motion papers that the Large Patent Family Review Program is the same program referenced in Mr. Martin's letter, Dr. Bragdon could not substantiate that assertion, *see* 2026 Tr., 23:7-25:9, and in fact had never seen Mr. Martin's letter at the time she offered her declaration, *see* 2026 Tr., 23:3-6. In correspondence with PTO regarding additional discovery, PTO acknowledged Dr. Bragdon was unable to speak to the program referenced in the Martin letter. As a result, Dr. Bragdon had no percipient testimony to offer about the review program referred to in the Martin letter and little about the Large Patent Family Review Program.

For these reasons above and those reasons discussed below, Plaintiffs need additional discovery to fairly determine, among other things, the following:

1. the parameters of the program referred to in Mr. Martin's letter,
2. whether the program referred to in Mr. Martin's letter is in fact the same as the Large Patent Family Review Program,
3. whether the Large Patent Family Review Program is *de facto* or *de jure* a continuation of the SAWS program,
4. how the Large Patent Family Review Program actually operated, and
5. identification of the patent applications that are or were included in the Large Patent Family Review Program and applicable information about those patent applications that is germane under the Privacy Act, such as the identity of the patent applicants.

Discovery of this information is necessary for the Plaintiffs to fairly determine whether to maintain a claim that operation of the program referred to in Mr. Martin's letter or the Large Patent Family Review program violates the Privacy Act in a manner germane to the claims in this case and, if so, whether Plaintiffs have a legal basis to seek leave to join one or more additional class representative whose patent applications were included in the program referred to in Mr. Martin's letter or the Large Patent Family Review Program.

In light of Dr. Bragdon's identification of other individuals at the PTO that have the personal knowledge she lacks, Plaintiffs contacted PTO to determine whether it would agree to additional discovery. The PTO informed Mr. Hyatt that it opposed that discovery for three general reasons: (a) the PTO's position that that Mr. Hyatt did not satisfy the standard for reopening discovery; (b) its position that Dr. Bragdon offered sufficient percipient testimony; and (c) based on the number of interrogatories and depositions that previously occurred in this litigation.

First, the Court already found in its Order that Plaintiffs acted diligently in this matter and met the legal standard for reopening discovery. The open question remaining was what specific discovery should be allowed. At the time Plaintiffs filed their motion to reopen discovery they had little information by which to formulate specific discovery requests. As a result of their

deposition of Dr. Bragdon, they have now identified specific requests (outlined below) directed to the subject of the Court's Order that Dr. Bragdon was unable to testify about from her personal knowledge.

Second, the PTO's position does not fairly reflect the transcript. Dr. Bragdon knew far less and with a far weaker foundation than Plaintiffs (and the Court) reasonably expected given the PTO's decision to rely exclusively on her declaration in opposing the reopening of discovery. Furthermore, the PTO refused Plaintiff's request to make available the type of information now sought before her deposition and chose not to prepare her in the nature of a corporate representative. Simply put, it was the PTO's decision to put all its eggs in Dr. Bragdon's basket rather than to identify officials who had meaningful involvement in the Large Family Review Program, the program identified in Mr. Martin's letter, and closely related matters. The PTO should not now be able to benefit from that decision.

Third, the Court should not limit Plaintiffs' discovery at this juncture due to the prior discovery in this case. As the Court has already found, Plaintiffs have proceeded diligently. Had they been aware of the facts that were found in the reopened discovery during the initial discovery period, they would have had the opportunity to conform their discovery requests across all subjects of the litigation to the presumptive limits in the Federal Rules, or to seek relief at that time from those presumptive limits. They were deprived of the opportunity to do so by the PTO's failure to appropriately disclose the program that is the subject of Mr. Martin's letter and the Large Patent Family Review Program, and the PTO should not now be permitted to benefit from that inadequate disclosure.

### **Depositions**

- 1) **V.C. Liang**. Dr. Bragdon testified that she lacked personal knowledge concerning the statistical matters set forth in her declaration. *See* 2026 Tr. 27:11-15. Furthermore, Dr. Bragdon testified that V.C. Liang, a managing quality assurance specialist at the Office of Patent Quality Assurance ("OPQA") who reports directly to Director Spyrou, maintains statistics and databases central to the Large Patent Family Review Program. *See* 2026 Tr.

30:22-31:6. Plaintiffs request that the PTO make Mr. Liang available for a deposition on those subjects.

- 2) **Traci Casler**. Dr. Bragdon testified that she lacked personal knowledge concerning the flagging and the timeliness of the Large Patent Family Review Program. *See* 2026 Tr., 28:13-29:19. Ms. Casler is a review quality specialist in the Office of Quality Assurance and, based on Dr. Bragdon's testimony, oversaw much of the Large Patent Family Review Program. *See* 2026 Tr., 30:6-17; 36:19-37:5. Plaintiffs request that the PTO make Ms. Casler available for a deposition on those subjects.
- 3) **30(b)(6) Concerning Martin Letter**. Dr. Bragdon testified that she lacked personal knowledge of Mr. Martin's letter and the program discussed in that letter. *See* 2026 Tr., 19:1-21:18; 23:3-25:9; 117:16-118:13. A deposition on the subject of Mr. Martin's letter, the program referred to in Mr. Martin's letter, and the PTO's response to Mr. Martin's letter is appropriate under the Order. Given Plaintiffs' intention to avoid unduly disrupting the operations of the DOJ and PTO and the high-level positions of Mr. Martin and Deputy Director Stewart, Plaintiffs have not suggested a specific deponent. Instead, Plaintiffs request that the PTO determine the appropriate 30(b)(6) designee or designees for these subjects.

#### **Interrogatories**

- 1) Identification of patent applications (by serial number, title of the invention, classification of invention, patent applicant's full name, and Art Unit(s) to which it was assigned) that are or were subject to the Large Patent Family Review Program.
- 2) A description of the algorithms, queries, scripts, or other procedures used by the PTO to:
  - a. Identify large patent families. *See* 2026 Tr. 97:3-22.
  - b. Randomly select patent applications. *See* 2026 Tr. 97:7-22.
- 3) Identification of relevant Large Patent Family Review Program statistics, including:

- a. The number of patent applications subject to the Large Patent Family Review Program. *See* 2026 Tr., 94:13-97:2.
  - b. The number of patent applications identified as having issues by the Large Patent Family Review Program. *See* 2026 Tr. 105:14-109:11.
  - c. The dispositions of patent applications that were subject to the Large Patent Family Review Program. *See* 2026 Tr. 104:1-107:10.
- 4) Identification of any patent applications that were previously identified by the PTO in discovery in this case as being subject to the SAWS program that are or were also subject to the Large Patent Family Review Program. *See* 2026 Tr., 102:17-103:22.
  - 5) Identification of PALM Groupings that OPQA used to flag patent applications designated for the Large Patent Family Review Program and the applicable characteristics of those Groupings, such as those Groupings' switches and the identity of the Grouping creator. *See* 2026 Tr. 65:9-67:11.
  - 6) Identification of PALM Groupings that the TCs used to subsequently flag those patent applications after they were relayed from OPQA and the applicable characteristics of those Groupings, such as those Groupings' switches and the identity of the Grouping creator. *See* 2026 Tr. 106:22-107:10.

### **Document Requests**

- 1) All documents; including without limitation, lists, spreadsheets, databases, and reports; identifying:
  - a. Patent applications included in the Large Patent Family Review Program. *See* 2026 Tr. 41:10-15.
  - b. Review outcomes for individual patent application in the Large Patent Family Review Program. *See* 2026 Tr. 107:11-109:11.
  - c. Statistics maintained about the Large Patent Family Review Program. *See* 2026 Tr. 109:8-11.

- 2) All documents memorializing Large Patent Family Review Program and its procedures. *See* 2026 Tr. 36:15-18.
- 3) All documents included in the Large Patent Family Review Program SharePoint, including the file structure of the SharePoint. *See* 2026 Tr. 41:10-20.
- 4) All documents provided by the PTO in response to the request for documents in Mr. Martin's letter, to the extent not otherwise provided in discovery in this case. *See* 2026 Tr., 24:13-25:2.
- 5) All documents that Dr. Bragdon considered in preparing her January 28, 2026 declaration. *See* 2026 Tr. 27:5-28:3.
- 6) All documents concerning Coke Stewart's communications with the DOJ's Weaponization Office, including communications with Mr. Martin.
- 7) All documents concerning the termination of the Large Patent Family Review Program.

### **Defendant's Position**

PTO opposes Plaintiffs' request to broadly reopen discovery. Plaintiffs seek judicial permission to go on a fishing expedition on topics unrelated to their claims two-and-a-half years after the close of discovery. *See* Notice of Completion of Discovery, ECF No. 54 (Sept. 11, 2023). There is no good cause to further reopen discovery. *See* Fed. R. Civ. Pro. 16(b)(4) ("A schedule may be modified only for good cause and with the judge's consent."); *Lopez v. Timeco Inc.*, 291 F. Supp. 3d 1, 3 (D.D.C. 2017) ("The party seeking to reopen discovery bears the burden of showing good cause.").

In this Court's March 17 Order, it stated "Plaintiffs should at least have an opportunity to probe the newly proffered details in Dr. Bragdon's supplemental declaration through a follow-up deposition." Memorandum Order, ECF No. 82 ("Order") at 10. The Court further stated, "[i]f, as PTO and Dr. Bragdon proffer, the DOJ letter was simply wrong in its representations, that ought to be the end of the matter." *Id.* On April 13, Plaintiffs took their second deposition of Dr. Bragdon. In that follow-up deposition, Plaintiffs' counsel had "an opportunity to probe" the details

of Dr. Bragdon's supplemental declaration, and Dr. Bragdon provided testimony showing that the DOJ letter was wrong in its representations. Thus, the follow-up deposition "ought to be the end of the matter" and Plaintiffs' requests for extensive further discovery should be denied.

In the follow-up deposition, Dr. Bragdon testified in detail about the functioning of the Large Patent Family Review program, explained how that program differed from SAWS, and stated that the Large Patent Family Review program did not remind her of SAWS in any way. Bragdon April 13, 2026, Tr. ("2026 Tr.") at 34:19-22 (Dr. Bragdon testifying as to her personal knowledge of the Large Patent Family Review program); 2026 Tr. at 40:3-20 (explaining how office actions were assigned to the Large Patent Family Review program); 2026 Tr. at 48:16-49:6 (explaining criteria for inclusion in the Large Patent Family Review program); 2026 Tr. at 54:2-56:4 (further explaining criteria for inclusion in the Large Patent Family Review program); 2026 Tr. 65:9-67:8 (explaining how patent applications included in the Large Patent Family Review program were flagged in the PALM system and how that process differed from SAWS); 2026 Tr. at 100:10-102:7 (explaining how OPQA reviewers reviewed applications included in the Large Patent Family Review program); 2026 Tr. at 50:8-52:22 (explaining how OPQA communicated issues identified in the Large Patent Family Review program to Technology Centers and what Technology Centers did with that information); 2026 Tr. 42:1-12 (explaining that the Large Patent Family Review program was not SAWS). Plaintiffs' assertion that Dr. Bragdon "has little personal knowledge and poor recollection" of the Large Patent Family Review program and SAWS is belied by the transcript. Dr. Bragdon provided extensive testimony about both the Large Patent Family Review program (which ran from 2021 to 2025) and SAWS (which ended over a decade ago), despite the time that has passed since those programs were in effect. Based on her familiarity with both SAWS and the Large Patent Family Review program, Dr. Bragdon was able to testify unequivocally that Large Patent Family Review was not SAWS. 2026 Tr. at 42:1-12; *see also* Decl. of Dr. Bragdon, ECF 79-1 at ¶¶ 19-25.

Plaintiffs now attempt to sow doubt that the Martin letter refers to the Large Patent Family Review program in an effort to broadly reopen discovery in this matter. But Plaintiffs never

identify what review program they think the Martin letter might refer to, if not the Large Patent Family Review program. Reporting on the Martin letter states that “Martin’s investigation was prompted by an agency presentation earlier in June about a four-year study of ‘patent thickets,’ a term used to describe big families of related patents covering variations on an original invention, according to a source familiar with the letter.” Ex. E to Pls.’ Mot. to Reopen Discovery, ECF No 77-1 at 1-2. That presentation reported on the Large Patent Family Review program and was presented to the public on June 4, 2025. U.S. Patent & Trademark Off., *Studying Applications with Large Patent Families* 6–7 (June 2025) (“Large Family Slide Deck”), <https://perma.cc/66WC-292U>; U.S. Patent & Trademark Off., *USPTO Hour: Studying Applications with Large Patent Families*, <https://perma.cc/XT5H-HBQ6>. Mr. Martin’s letter was sent on June 25, 2025. Ex. G to Pls.’ Mot. to Reopen Discovery, ECF No. 77-1. Plaintiffs’ hypothesis that the Martin letter refers to some program other than the Large Patent Family Review program is unfounded and Plaintiffs have offered no evidence, or even conjectures, to support this idea.

Moreover, even if the Martin letter referred to some other program, Dr. Bragdon testified in her follow-up deposition that she has broad knowledge of all quality review programs administered by OPQA. 2026 Tr. at 13:19-14:1. Although SAWS was not run by OPQA and it is possible that there might be other PTO quality review programs administered by departments other than OPQA, Dr. Bragdon explained that OPQA “is often consulted as the cornerstone quality group,” and, “[i]f there was an office-wide quality program, [she] is confident [her] office would be consulted, [and] if there was a [Technology Center] specific . . . quality program [her office] is often consulted as well . . . .” 2026 Tr. at 14:16-15:11. She explained that OPQA has grown since 2015, when SAWS was ended, and has become the “cornerstone of quality” at PTO, giving the Office greater insight into office-wide quality programs than it may have had during SAWS. 2026 Tr. at 17:1-18:6. Indeed, given Dr. Bragdon’s prior history with SAWS, i.e., operating as the program manager for SAWS during the later years it was in operation, Bragdon July 20, 2022, Tr. (“2022 Tr.”) at 57:5-58:3, 63:20-65:3, it would be puzzling not to seek out her input if the PTO

wanted to restart or create some sort of analogous program to SAWS. Thus, if there were a PTO-wide restarted SAWS program, as Plaintiffs hypothesize based on the Martin letter, Dr. Bragdon would know about it. Dr. Bragdon has testified twice now that SAWS ended in 2015. And she would know—she played “a significant role with the SAWS program in the period before 2015.” 2026 Tr. at 15:17-20.

As PTO has explained, Mr. Martin’s letter appears “to be based on a misapprehension of how patents quality review programs work.” Ex. C to Pls.’ Motion to Reopen Discovery, Dec. 8, 2025, Letter from M. Gerardi to A. Grossman, ECF No. 77-1 at 1. Thus, it is no surprise that Dr. Bragdon testified consistently with that understanding that she had no “personal knowledge of the circumstances referred to in the Martin letter” or of a “Biden-era directive to secretly flag pending and allowable patent applications and claims to prevent them from issuing” referred to in that letter, as the circumstances referred to in the Martin letter are based on a misapprehension of what the Large Patent Family Review program was and how it was administered. 2026 Tr. at 23:12-24:12. Dr. Bragdon testified at length, over the course of two depositions now, about the details of SAWS, the Large Patent Family Review program, and other review programs. She has stated that SAWS ended in 2015. No further discovery into the Martin letter is justified, nor will any further PTO questioning shed light on Mr. Martin’s thought process in drafting the letter.

In short, Dr. Bragdon’s follow-up deposition was more than enough to provide Plaintiffs with an opportunity to probe the details of her supplemental declaration and more than enough to show that the Martin letter was based on a misapprehension of how patents quality review programs work. As the Court aptly stated, that “ought to be the end of the matter.”

Plaintiffs have had fulsome discovery, spanning more than three years, in this case. They took 10 depositions, exhausted their opportunity for a 30(b)(6) witness, received nearly a half-million pages in discovery, and served 26 requests for production and 38 interrogatories—well over the 25 interrogatory limit permitted by Fed. R. Civ. Pro. 33(a)(1)—during the discovery period that ended over two-and-a-half years ago. They then were permitted a follow-up deposition with Dr. Bragdon. They now seek additional discovery—6 additional interrogatories, 7 additional

requests for production, and 3 additional depositions—to determine “whether to maintain a claim” pertaining to the Large Patent Family Review program—a program that did not touch applications filed by either named Plaintiff, Decl. of Dr. Bragdon, ECF 79-1 at ¶ 18—and whether they “have a legal basis to seek leave to join” a new class representative with patents included in the program.

Plaintiffs’ request for extensive additional discovery would only serve to delay resolution of this case, to no end. For these reasons, PTO respectfully asks this Court to deny Plaintiffs’ request to reopen discovery. If this Court is inclined to grant additional discovery, PTO asks for an opportunity to fully brief the issue before this Court makes a decision.

DATED: April 23, 2026

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# **EXHIBIT A**



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**CONFIDENTIAL**

# Transcript of Kathleen Bragdon, Ph.D.

**Date:** April 13, 2026

**Case:** Morinville, et al. -v- United States Patent and Trademark Office

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

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PAUL MORINVILLE and GILBERT P. :  
HYATT, :  
Plaintiffs, :  
v. : Civil Action No.  
UNITED STATES PATENT AND : 1:19-cv-01779  
TRADEMARK OFFICE, :  
Defendant. :

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CONFIDENTIAL

Videotaped Deposition of KATHLEEN BRAGDON, PH.D.

Washington, D.C.

Monday, April 13, 2026

1:11 p.m.

Job No. 627508

Pages 1 - 121

Reported by: Karen Young

CONFIDENTIAL  
Transcript of Kathleen Bragdon, Ph.D.  
Conducted on April 13, 2026

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1 Videotaped Deposition of KATHLEEN BRAGDON,  
2 PH.D., held at the offices of:

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5 BAKER & HOSTETLER, LLP

6 1050 Connecticut Avenue, Northwest

7 Washington, D.C. 20036-5503

8 (202) 861-1500

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13 Pursuant to notice, before Karen Young,

14 Notary Public of the District of Columbia.

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1                   A P P E A R A N C E S

2       ON BEHALF OF THE PLAINTIFFS:

3               MARK W. DELAQUIL, ESQUIRE

4               BENJAMIN D. JANACEK, ESQUIRE

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9

10       ON BEHALF OF THE UNITED STATES PATENT AND

11       TRADEMARK OFFICE:

12               BRITTANY BRUNS, ESQUIRE

13               U.S. DEPARTMENT OF JUSTICE

14               CIVIL DIVISION

15               FEDERAL PROGRAMS BRANCH

16               1100 L Street, Northwest, Room 12002

17               Washington, D.C. 20530

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19

20

21

22

1 ALSO PRESENT:

2 Shegaw Mekonen, Videographer

3 Gilbert P. Hyatt (remote)

4 Ezequiel Berdichevsky, Esquire, U.S. PTO

5 Jamie Boston, Esquire, U.S. PTO (remote)

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C O N T E N T S

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E X H I B I T S

(Attached to Transcript)

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CONFIDENTIAL  
Transcript of Kathleen Bragdon, Ph.D.  
Conducted on April 13, 2026

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1	P R O C E E D I N G S	
2	THE VIDEOGRAPHER: Here begins Media Number	13:08:26
3	1 in the videotaped deposition of Dr. Kathleen	13:10:48
4	Bragdon, in the matter of Morinville et al. V United	13:11:19
5	States Patent and Trademark Office in the United	13:11:24
6	States District Court for the District of Columbia,	13:11:26
7	Case Number 1:19-cv-01779. Today's date, April 13th,	13:11:29
8	2026. The time on the video monitor is 1:11 eastern	13:11:42
9	standard time.	13:11:45
10	The videographer today is Shegaw Mekonen,	13:11:46
11	representing Planet Depos, headquartered, 451	13:11:48
12	Hungerford Drive, Suite 400, Rockville, Maryland	13:11:52
13	20850. This video deposition is taking place at 1050	13:11:56
14	Connecticut Avenue, Suite 1100, Northwest,	13:12:01
15	Washington, D.C. 20036. Would counsel please voice-	13:12:05
16	identify themselves and state whom they represent.	13:12:10
17	MR. DELAQUIL: On behalf of the plaintiffs,	13:12:13
18	Mark Delaquil from the Baker & Hostetler law firm,	13:12:15
19	and my colleague, Ben Janacek, is attending as well.	13:12:19
20	MS. BRUNS: Brittany Bruns from the	13:12:24
21	Department of Justice on behalf of the United States	13:12:27
22	Patent and Trademark Office and the witness,	13:12:31

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Transcript of Kathleen Bragdon, Ph.D.  
Conducted on April 13, 2026

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1	Dr. Kathleen Bragdon. With me is Ezequiel	13:12:32
2	Berdichevsky from the United States Patent and	13:12:39
3	Trademark Office.	13:12:41
4	THE VIDEOGRAPHER: The court reporter today	13:12:42
5	is Karen Young, representing Planet Depos. The	13:12:43
6	witness will now be sworn or affirmed, and then we	13:12:46
7	may proceed.	13:12:49
8	KATHLEEN BRAGDON, PH.D.,	13:12:57
9	having been duly sworn, testified as follows:	13:12:57
10	EXAMINATION BY COUNSEL FOR THE PLAINTIFFS	13:12:57
11	- - -	13:12:57
12	BY MR. DELAQUIL:	13:12:59
13	Q Just for the record, Mr. Hyatt, one of the	13:12:59
14	plaintiffs in this case, is attending the deposition	13:13:03
15	remotely as well. Good afternoon, Dr. Bragdon.	13:13:07
16	A Good afternoon.	13:13:13
17	Q You were deposed previously in this case on	13:13:15
18	July 20th, 2022. Do you remember that?	13:13:19
19	A I do.	13:13:23
20	Q And do you remember that we went over the	13:13:23
21	general basics of how a deposition works at the	13:13:27
22	beginning of that deposition?	13:13:30

CONFIDENTIAL  
Transcript of Kathleen Bragdon, Ph.D.  
Conducted on April 13, 2026

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1	A	I do.	13:13:32
2	Q	Do you remember that or would you like me	13:13:33
3		to go over that again?	13:13:35
4	A	You don't need to go over it again.	13:13:37
5	Q	Thank you. The last time I deposed you,	13:13:39
6		your title was quality assurance specialist in the	13:13:45
7		Office of Patent Quality Assurance. Is that right?	13:13:50
8	A	Correct.	13:13:53
9	Q	Has your title since changed?	13:13:54
10	A	It has.	13:13:58
11	Q	What's your current title?	13:13:58
12	A	I am the deputy director of that same	13:14:00
13		office, the Office of Patent Quality Assurance.	13:14:03
14	Q	And you became deputy director on or around	13:14:06
15		August 27th, 2023; is that correct?	13:14:14
16	A	Yes, that's correct.	13:14:17
17	Q	What are your responsibilities as deputy	13:14:18
18		director of the Office of Patent Quality Assurance?	13:14:23
19	A	I assist the director in running the office	13:14:26
20		and all of the quality review programs that we	13:14:30
21		manage, and in connecting with the upper executives	13:14:33
22		at the U.S. PTO.	13:14:37

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1	Q	Okay, so I have two things, assist the	13:14:39
2		director and connect with other upper executives at	13:14:43
3		the PTO; is that correct?	13:14:49
4	A	That's correct.	13:14:51
5	Q	Who have the director or directors of the	13:14:51
6		Office of Patent Quality Assurance been during your	13:15:06
7		tenure as deputy director?	13:15:08
8	A	Only the current director. Her name is	13:15:10
9		Cassandra Spyrou.	13:15:14
10	Q	Do you have any direct reports?	13:15:16
11	A	I do.	13:15:26
12	Q	Who are they?	13:15:27
13	A	They are our supervisory quality --	13:15:28
14		supervisory quality -- review quality assurance	13:15:33
15		specialists. Apologies. There are nine of them in	13:15:37
16		the Office of Patent Quality Assurance.	13:15:40
17	Q	Did any of those individuals have any role	13:15:47
18		with the large family review program?	13:15:49
19	A	They would have had a role. I'm not sure	13:15:51
20		how direct the role would have been.	13:15:58
21	Q	Would you please name them?	13:16:00
22	A	Patrick Nolan, Shawn Decenzo,	13:16:05

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1	D-E-C-E-N-Z-O, Andrew Koenig, K-O-E-N-I-G, Sudhanshu,	13:16:13
2	S-U-D-H-A-N-S-H-U, Pathak, P-A-T-H-A-K, Allison	13:16:25
3	Lauritzen, L-A-U-R-I-T-Z-E-N, Alejandro Rivero. I'm	13:16:38
4	not sure how to spell that one.	13:16:47
5	Q That's fine.	13:16:49
6	A Then I have Amanda Abrahamson and David	13:16:50
7	Eastwood and Michael Schapper, S-C-H-A-P-P-E-R. That	13:16:58
8	should be nine.	13:17:10
9	Q Are there any individuals who previously	13:17:11
10	served as supervisory review quality assurance	13:17:18
11	specialists who had a role with the large family	13:17:21
12	review program?	13:17:25
13	A We had two retire, so one was Diana Dudash,	13:17:26
14	and one was Larry Helms.	13:17:38
15	Q And we'll get more into the program, the	13:17:44
16	large family review program as we get into this	13:17:51
17	deposition, but I believe in your declaration, you	13:17:55
18	said that it was launched in or around January of	13:17:58
19	2022; is that correct?	13:18:01
20	A That's correct.	13:18:02
21	Q Who was the deputy director at that time?	13:18:03
22	A My office did not have a deputy director at	13:18:06



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1 Kim weekly, and we discuss whatever my Office of 13:19:28

2 Patent Quality Assurance is working on at the time. 13:19:32

3 Q Did you discuss the large family review 13:19:35

4 program with him? 13:19:40

5 A While it was pending, yes, we did. 13:19:41

6 Q And what are the -- strike that. New line. 13:19:43

7 In your time as deputy director, did you interact 13:19:53

8 with any previous deputy commissioner before Mr. Kim? 13:19:57

9 A No. 13:20:02

10 Q And what was the subject of your 13:20:04

11 interactions with Acting Commissioner Valencia 13:20:11

12 Martin-Wallace? 13:20:17

13 MS. BRUNS: I'm going to give you the same 13:20:17

14 caution. To the extent you can answer without 13:20:20

15 revealing pre-decisional deliberative processes, you 13:20:23

16 can go ahead and answer. 13:20:26

17 A I'm often invited to typical commissioner, 13:20:28

18 deputy commissioner meetings as a representative of 13:20:32

19 my Office of Patent Quality Assurance, particularly 13:20:34

20 if my director can't be there, so whatever is on 13:20:37

21 their agenda is what we would discuss. 13:20:41

22 Q Is that what's sometimes called the Tuesday 13:20:44

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13

1	meeting or the Thursday meeting?	13:20:47
2	A I don't believe so.	13:20:48
3	Q Okay. Did you ever discuss the large	13:20:50
4	family review program in a meeting with Ms. Martin-	13:20:53
5	Wallace?	13:21:01
6	A I don't recall any specific time, no.	13:21:01
7	Q Do you have visibility into programs	13:21:03
8	administered by other parts of the Patent and	13:21:16
9	Trademark Office in your role as deputy director of	13:21:19
10	the Office of Patent Quality Assurance?	13:21:22
11	MS. BRUNS: Objection, vague.	13:21:24
12	A Can I ask what you mean by visibility?	13:21:26
13	Q Yes, you may. Are you aware of programs	13:21:29
14	that are administered by other parts of the Patent	13:21:36
15	and Trademark Office? Let me ask a different	13:21:41
16	question. In your capacity as deputy director for	13:21:44
17	the Office of Patent Quality Assurance, do you have	13:21:50
18	visibility into -- strike that. New line.	13:21:53
19	In your capacity as deputy director for the	13:21:58
20	Office of Patent Quality Assurance, are you aware of	13:22:02
21	all quality review programs administered by the	13:22:04
22	Office of Patent Quality Assurance?	13:22:09

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1	A	Yes.	13:22:10
2	Q	Do you know if there are other patent	13:22:11
3		quality review programs administered by other parts	13:22:17
4		of the Patent and Trademark Office during the 2021 to	13:22:21
5		2026 time frame?	13:22:27
6	A	Yes.	13:22:28
7	Q	Which programs are those?	13:22:29
8	A	I would not be able to name them	13:22:33
9		specifically, as they are not in my office, so I	13:22:38
10		don't recall any specific ones, but quality is the	13:22:41
11		responsibility of many organizations throughout the	13:22:44
12		examining corps, and my office is a general place	13:22:48
13		that helps across the different technology centers,	13:22:53
14		but the technology centers often run their own	13:22:56
15		quality assurance programs.	13:22:59
16	Q	And we don't have to debate whether SAWS	13:23:00
17		was a quality assurance program, but we can agree	13:23:03
18		that it was not run by the Office of Patent Quality	13:23:06
19		Assurance, correct?	13:23:10
20		MS. BRUNS: Objection, argumentative.	13:23:10
21		BY MR. DELAQUIL:	13:23:13
22	Q	You can answer.	13:23:13

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1	MS. BRUNS: And compound.	13:23:14
2	A It was -- SAWS was not run by the Office of	13:23:16
3	Patent Quality Assurance.	13:23:20
4	Q Okay. Is it possible there are other	13:23:21
5	quality review programs administered by the Patent	13:23:24
6	and Trademark Office that you are not familiar with?	13:23:28
7	A While it's possible, the Office of Patent	13:23:30
8	Quality Assurance is often consulted as the	13:23:38
9	cornerstone quality group, but it is possible a	13:23:40
10	technology center could do a quality program without	13:23:44
11	my OPQA discussion.	13:23:48
12	Q And you had an important role with the SAWS	13:23:51
13	program in the period before 2015, correct?	13:23:57
14	MS. BRUNS: Objection, vague.	13:24:02
15	A I would call it significant. Not	13:24:04
16	necessarily important.	13:24:08
17	Q Okay, so you agree you had a significant	13:24:08
18	role with the SAWS program in the period before 2015,	13:24:11
19	correct?	13:24:14
20	A Correct.	13:24:14
21	Q And OPQA was not consulted as part of the	13:24:15
22	SAWS program, correct?	13:24:19

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1	MS. BRUNS: Objection, calls for	13:24:20
2	speculation.	13:24:21
3	A To my knowledge, OPQA was not consulted.	13:24:22
4	Q So you would agree with me that you do not	13:24:27
5	know for sure whether there are patent quality	13:24:32
6	programs administered by other parts of the patent	13:24:37
7	office that you aren't aware of, right?	13:24:40
8	MS. BRUNS: I'm sorry, could you repeat	13:24:43
9	that question? I couldn't follow it.	13:24:47
10	BY MR. DELAQUIL:	13:24:49
11	Q You would agree with me that you do not	13:24:49
12	know for sure whether there are patent quality	13:24:51
13	programs administered by other parts of the patent	13:24:53
14	office, correct?	13:24:56
15	MS. BRUNS: Objection, vague and	13:25:00
16	argumentative.	13:25:02
17	A If there was an office-wide quality	13:25:04
18	program, I am confident my office would be consulted.	13:25:09
19	If there was a TC specific, that's technology	13:25:15
20	center-specific quality program, we are often	13:25:19
21	consulted as well, but it's quite possible we would	13:25:23
22	not be.	13:25:26

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1           Q     Why are you confident that your office           13:25:26  
2     would be consulted on an office-wide quality program     13:25:29  
3     when you weren't consulted on the SAWS program?         13:25:34

4           MS. BRUNS:  Objection, assumes facts not in         13:25:37  
5     evidence.   13:25:42

6           A     At the time of the SAWS program, the Office     13:25:43  
7     of Patent Quality Assurance played a different role       13:25:48  
8     in the agency.  It was much smaller.  It has grown       13:25:49  
9     since and has become the cornerstone of quality at         13:25:55  
10    the U.S. PTO, and I am confident that quality             13:25:59  
11    programs that are office wide, we would at least be       13:26:03  
12    consulted.   13:26:08

13          Q     What different role does the Office of         13:26:09  
14    Patent Quality Assurance play today than it did in         13:26:14  
15    the period before 2015?                                       13:26:17

16          A     I was not in the Office of Patent Quality     13:26:20  
17    Assurance at that time.  My understanding was their       13:26:23  
18    purview was specific to reviewing examiner work and       13:26:29  
19    giving feedback to examiners, or managers of those         13:26:34  
20    examiners, and it was very small.  The office, when I     13:26:40  
21    joined in 2016, has grown from 50 employees to our         13:26:44  
22    max was around a hundred, so we are able to play a         13:26:49

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1 bigger role in quality across the agency, and that 13:26:52

2 was deliberative. 13:26:55

3 Q When did that change occur? 13:26:56

4 A About when I joined the Office of Patent 13:26:59

5 Quality Assurance in 2016, we started to grow the 13:27:02

6 organization. 13:27:06

7 Q Is that change in the Office of Patent 13:27:06

8 Quality Assurance's role that you just testified to 13:27:10

9 memorialized in any document? 13:27:13

10 A On our U.S. PTO dot GOV web site, there is 13:27:16

11 a historical accounting of the Office of Patent 13:27:22

12 Quality Assurance. 13:27:25

13 Q Anywhere else? 13:27:26

14 A Not that I'm aware. 13:27:27

15 Q What did you do to prepare for this 13:27:31

16 deposition? 13:27:48

17 A I met with my attorneys. 13:27:48

18 Q Anything else? 13:27:52

19 A I reviewed documents with them. 13:27:53

20 Q Did those documents refresh your 13:27:58

21 recollection in any respect? 13:28:00

22 A Yes. 13:28:02

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1	Q	What documents did you review?	13:28:02
2		MS. BRUNS: To the extent that they	13:28:05
3		refreshed your recollection, you can go ahead and	13:28:07
4		answer, and to the extent that you remember.	13:28:10
5	A	My declaration that I provided earlier in	13:28:12
6		2026, and we reviewed a letter that -- we reviewed a	13:28:16
7		letter together that was not a review for me, so it	13:28:29
8		was an initial look.	13:28:32
9	Q	Okay. Was that letter written by -- or	13:28:34
10		strike that. New line.	13:28:41
11		Was that letter signed by Edward Martin of	13:28:43
12		the U.S. Department of Justice?	13:28:46
13	A	I believe so, yes.	13:28:48
14	Q	Were you familiar with who Mr. Martin was	13:28:51
15		before you saw that letter?	13:28:56
16	A	I am still not familiar with who Mr. Martin	13:28:58
17		is, so no.	13:29:01
18	Q	Have you discussed this deposition with	13:29:04
19		anyone?	13:29:07
20		MS. BRUNS: Objection. I don't want you to	13:29:10
21		reveal anything that's been told to you by your	13:29:12
22		attorneys. I'm sorry, I'm not entirely sure what	13:29:15

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1       this question is, but you can answer to the extent       13:29:19

2       that you're not revealing any privileged information.       13:29:22

3             A       My supervisor knows that I'm here, so I       13:29:23

4       spoke about it with her.       13:29:26

5             Q       Is that Assistant Director Spyrou?       13:29:27

6             A       She's director.       13:29:30

7             Q       Ah, Director Spyrou.       13:29:31

8             A       She is director of the Office of Patent       13:29:33

9       Quality Assurance.       13:29:35

10            Q       And what did you discuss about this       13:29:35

11       deposition with Director Spyrou?       13:29:45

12            A       That I would be attending today so she knew       13:29:47

13       about my absence.       13:29:50

14            Q       Why don't we take a look at the letter that       13:29:51

15       you referenced. Dr. Bragdon, I'm going to hand the       13:30:06

16       court reporter a document dated June 23rd, 2025 in       13:30:21

17       the form of a letter from Mr. Martin to Acting Under       13:30:27

18       Secretary of Commerce for Intellectual Property, Coke       13:30:33

19       Morgan Stewart, and I'll ask her to mark this as       13:30:36

20       Exhibit Bragdon A.       13:30:41

21                    (Deposition Exhibit A was marked for       13:30:50

22       identification.)       13:30:50

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1	BY MR. DELAQUIL:	13:30:50
2	Q And for the record, I'm going to be asking	13:30:50
3	the court reporter to mark exhibits beginning with A	13:30:59
4	and continuing alphabetically. The last time I	13:31:05
5	deposed you, we marked them beginning 1 and	13:31:11
6	continuing numerically, and I don't want two Exhibit	13:31:14
7	Bragdon 1s in this case. Dr. Bragdon, are you	13:31:18
8	familiar with Exhibit Bragdon A?	13:31:28
9	A I have read the letter, yes.	13:31:29
10	Q Is this the letter that you referred to in	13:31:33
11	your testimony a few minutes ago as refreshing your	13:31:35
12	recollection?	13:31:37
13	A Yes.	13:31:39
14	Q When was the first time you saw Exhibit	13:31:40
15	Bragdon A, which I may also call the Martin letter?	13:31:45
16	A After -- I'm not sure exact date. After I	13:31:49
17	knew this deposition was going to happen but before I	13:31:55
18	met with attorneys, I received a copy.	13:31:58
19	Q And you offered a declaration in this case	13:32:01
20	that I am going to hand to the court reporter to ask	13:32:09
21	her to mark as Exhibit Bragdon B.	13:32:13
22	(Deposition Exhibit B was marked for	13:32:29

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1	identification.)	13:32:29
2	BY MR. DELAQUIL:	13:32:29
3	Q Are you familiar with Exhibit Bragdon B?	13:32:29
4	A Yes.	13:32:43
5	Q I want to clear something up on the record.	13:32:44
6	Would you please turn to page 9 of Exhibit Bragdon B?	13:32:49
7	Are you there?	13:33:01
8	A Yes.	13:33:02
9	Q The date on this exhibit is January 28th,	13:33:03
10	2025. Do you see that?	13:33:09
11	A I do.	13:33:10
12	Q And if you look over just a little bit to	13:33:11
13	the right, it's electronically signed. Do you also	13:33:14
14	see that?	13:33:18
15	A I do.	13:33:19
16	Q And it says January 28th, 2026, correct?	13:33:19
17	A Correct.	13:33:25
18	Q Can we agree that this declaration was	13:33:26
19	signed by you on January 28th, 2026, and that the	13:33:29
20	2025 was the type of typo that sometimes happens at	13:33:36
21	the beginning of the new year?	13:33:38
22	A It's correct.	13:33:40

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1	Q	Okay. So at the time that I am -- strike	13:33:41
2		that. New line.	13:33:48
3		At the time that you executed your	13:33:50
4		declaration in this case, you had not seen the Martin	13:33:53
5		letter, correct?	13:33:57
6	A	That's my recollection, yes.	13:33:58
7	Q	And nothing in your declaration says that	13:34:00
8		the large family review program is in fact the	13:34:05
9		program referenced in the Martin letter, right?	13:34:09
10	A	I didn't see the Martin letter, so I	13:34:13
11		couldn't -- yes, that's my recollection.	13:34:18
12	Q	I don't want to spend a lot of time on	13:34:20
13		documents that you don't have personal knowledge of,	13:34:26
14		Dr. Bragdon. Do you have any personal knowledge of	13:34:29
15		the circumstances referred to in the Martin letter?	13:34:36
16		MS. BRUNS: Objection, vague.	13:34:42
17		BY MR. DELAQUIL:	13:34:45
18	Q	You can answer.	13:34:45
19	A	No.	13:34:46
20	Q	So you don't have any personal knowledge of	13:34:47
21		what is referred to on page 1 as, quote, "A Biden-era	13:34:55
22		directive to secretly flag pending patents and	13:35:01

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1	allowable patent applications and claims to prevent	13:35:04
2	them from issuing. You acted swiftly to end this	13:35:08
3	unlawful activity," end quote.	13:35:13
4	A    Repeat the question with the sentence?	13:35:18
5	Q    You don't have any personal knowledge of	13:35:21
6	what is referred to on page 1 of the Martin letter	13:35:24
7	as, quote, "A Biden-era directive to secretly flag	13:35:28
8	pending and allowable patent applications and claims	13:35:32
9	to prevent them from issuing. You acted swiftly to	13:35:39
10	end this illegal activity," end quote, correct?	13:35:43
11	A    No personal knowledge what they're	13:35:47
12	referring to.	13:35:50
13	Q    And if you go down to the first bullet	13:35:50
14	point at the bottom of page 1 of the Martin letter,	13:36:01
15	continuing on to page 2 of the Martin letter, there	13:36:04
16	is a request for internal and external e-mails and	13:36:08
17	other documentation. Do you see that?	13:36:11
18	A    I do.	13:36:14
19	Q    Do you know anything about whether	13:36:16
20	documents were provided to the Department of Justice	13:36:19
21	pursuant to this request?	13:36:23
22	A    No.	13:36:25

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1	Q	No, they weren't, or no, you don't know?	13:36:25
2	A	I'm sorry. No, I don't know.	13:36:29
3	Q	Are you aware of anything that occurred at	13:36:30
4		the patent office upon receipt of the Martin letter?	13:36:54
5	A	I am unaware of anything -- I did not know	13:37:00
6		about the letter, so I'm unaware.	13:37:03
7	Q	Do you know who would know what occurred at	13:37:06
8		the patent office upon receipt of the Martin letter?	13:37:14
9	A	No.	13:37:18
10	Q	Let's put the Martin letter away and head	13:37:21
11		back to your declaration. Who prepared this	13:37:36
12		declaration?	13:37:43
13		MS. BRUNS: I'm going to object to the	13:37:44
14		extent that I'm going to ask the witness not to	13:37:48
15		reveal anything that's protected by the	13:37:52
16		attorney-client privilege. However, to the extent	13:37:54
17		that you can answer Mr. Delaquil's question without	13:37:55
18		revealing attorney-client privileged information, you	13:37:57
19		can go ahead and do so.	13:38:00
20	A	The declaration was prepared with the U.S.	13:38:02
21		PTO attorneys, and I read everything and agreed -- I	13:38:04
22		edited before signing.	13:38:09

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1	Q	Okay. Did you review any documents to	13:38:11
2		assist you in editing the declaration we have as	13:38:27
3		Exhibit Bragdon B, which I'll call the Bragdon	13:38:35
4		declaration?	13:38:38
5	A	I don't recall.	13:38:39
6	Q	Were you personally familiar with all the	13:38:43
7		material in the Bragdon declaration at the time you	13:38:56
8		signed it?	13:38:59
9	A	Yes, that's what I remember.	13:38:59
10	Q	Are you still?	13:39:02
11		MS. BRUNS: Objection, vague.	13:39:06
12		BY MR. DELAQUIL:	13:39:08
13	Q	You can answer.	13:39:08
14	A	To the extent -- I mean, the program was a	13:39:09
15		while ago, so --	13:39:14
16	Q	What was the duration -- strike that. New	13:39:15
17		line.	13:39:19
18		What were the start and end points of the	13:39:20
19		large family review program?	13:39:22
20	A	Can I review the declaration to find the	13:39:23
21		dates?	13:39:27
22	Q	You can review the declaration. Whether	13:39:29



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1	Q	Okay.	13:42:11
2	A	It was an employee of the Office of Patent	13:42:12
3		Quality Assurance.	13:42:14
4	Q	And that was until you became deputy	13:42:14
5		director in 2023; is that right?	13:42:17
6		MS. BRUNS: Objection. I don't understand	13:42:19
7		the question.	13:42:23
8		BY MR. DELAQUIL:	13:42:24
9	Q	Okay, so let's go back. I think somehow	13:42:24
10		we've lost each other, and I'm not sure even there	13:42:29
11		was a question pending, so let me go back to the last	13:42:32
12		question that I had pending. Would you go back up?	13:42:35
13		Okay, so I asked you what was based upon your --	13:42:46
14		based upon information provided to you in your	13:42:50
15		official capacity, not your personal knowledge. You	13:42:52
16		said the statistics. I said anything else, and then	13:42:57
17		I didn't understand your answer. What was that	13:42:59
18		anything else?	13:43:01
19	A	Some of the details of the procedure that	13:43:03
20		happened during the program, and the person who gave	13:43:08
21		me those procedures is -- was not my direct report as	13:43:12
22		the deputy director.	13:43:15

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1           Q     Okay.  Who was the person who gave you           13:43:16

2     those procedures?   13:43:18

3           A     Her name is Traci Casler.  She is a review           13:43:19

4     quality assurance specialist at the Office of Patent           13:43:24

5     Quality Assurance.   13:43:26

6           Q     Is that Sadler, Traci Sadler?                     13:43:27

7           A     Casler, C-A-S-L-E-R, and at the time, she           13:43:31

8     helped with the program, she was a managing quality           13:43:39

9     assurance specialist, and she was my direct report           13:43:41

10    then.   13:43:44

11          Q     All right, and which paragraphs of the           13:43:44

12    Bragdon declaration are the information -- based on           13:43:56

13    the information that Ms. Casler provided to you?           13:44:00

14           MS. BRUNS:  I'm going to object that that's           13:44:03

15    compound because there's multiple paragraphs in here.       13:44:07

16    To the extent that you can identify that --                   13:44:10

17          A     There was no one full paragraph.  I mostly       13:44:15

18    asked her about the flagging and the timeliness of           13:44:18

19    the program.   13:44:22

20          Q     Okay, and apologies as I'm still not           13:44:23

21    totally understanding the relationship between you           13:44:31

22    and Ms. Casler.  Is Ms. Casler currently your direct       13:44:34

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1	report?	13:44:37
2	A No.	13:44:37
3	Q Was she at any point in the past your	13:44:38
4	direct report?	13:44:41
5	A Yes.	13:44:42
6	Q When was Ms. Casler your direct report?	13:44:42
7	A From when I became deputy director until	13:44:47
8	March of 2025.	13:44:56
9	Q Is Ms. Casler currently employed by the	13:44:58
10	Patent and Trademark Office?	13:45:05
11	A She is. She is a review quality specialist	13:45:05
12	in the Office of Quality Assurance.	13:45:08
13	Q Who does she report to directly?	13:45:08
14	A Amanda Abrahamson, who is my direct report.	13:45:10
15	Q So she previously was your direct report	13:45:15
16	and is now your indirect report.	13:45:17
17	A Correct.	13:45:19
18	Q Did Ms. Casler provide you any documents as	13:45:21
19	part of providing information to you in your official	13:45:32
20	capacity?	13:45:37
21	A No.	13:45:37
22	Q Who provided the statistics concerning the	13:45:38

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1	program to you?	13:45:42
2	A His name is -- we call him V.C. Liang.	13:45:43
3	It's V-E-I dash C-H-U-N-G, and his last name is	13:45:49
4	Liang, L-I-A-N-G. He is a managing quality assurance	13:45:55
5	specialist at the Office of Patent Quality Assurance,	13:45:59
6	and he currently reports to the director.	13:46:04
7	Q Do you know why he reports to the director	13:46:08
8	instead of to you?	13:46:12
9	MS. BRUNS: Objection, calls for	13:46:14
10	speculation.	13:46:16
11	A Because my director needs someone to report	13:46:16
12	to him, and he plays a very different role than the	13:46:20
13	supervisors that I manage now. Initially she had all	13:46:24
14	the supervisors, but when she got a deputy, she	13:46:28
15	handed off some of those supervisors.	13:46:31
16	Q Okay. In many offices, the only direct	13:46:34
17	report a director has is the deputy director.	13:46:39
18	A Exactly.	13:46:42
19	Q How many direct reports does your director	13:46:43
20	have?	13:46:45
21	A I directly report to her, and V.C.	13:46:46
22	Q So only two.	13:46:49

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1	A	Correct.	13:46:51
2	Q	Did V.C. give you the statistics you're	13:46:51
3		referring to in writing?	13:47:01
4	A	I don't recall.	13:47:02
5	Q	If you reviewed your e-mail box, would you	13:47:08
6		be able to determine whether he provided them to you	13:47:15
7		by e-mail?	13:47:18
8		MS. BRUNS: Objection. It's a deposition.	13:47:19
9		You can ask her about her personal knowledge, but	13:47:23
10		there's been no document production ordered by the	13:47:26
11		court.	13:47:29
12		BY MR. DELAQUIL:	13:47:29
13	Q	You can answer the question unless your	13:47:29
14		attorney's instructing you not to answer.	13:47:31
15	A	I could search. I don't know if I would	13:47:33
16		find.	13:47:37
17	Q	But you don't remember if it was provided	13:47:37
18		in e-mail or not, correct?	13:47:39
19	A	Correct.	13:47:41
20	Q	Do you regularly receive documents from	13:47:42
21		others in the Office of Patent Quality Assurance in a	13:47:48
22		manner other than by e-mail?	13:47:50

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1	MS. BRUNS: Objection. This is outside the	13:47:52
2	scope of what the court has ordered, which is the	13:47:57
3	topics of her declaration and the letter. I'm going	13:48:00
4	to say that you can answer this, but this is getting	13:48:07
5	pretty far afield.	13:48:10
6	BY MR. DELAQUIL:	13:48:12
7	Q We can disagree on that point, but if	13:48:12
8	you're not instructing her not to answer, then she	13:48:14
9	can answer.	13:48:17
10	A I receive information from my direct	13:48:18
11	reports and others through various means, e-mail,	13:48:21
12	phone calls and IMs, instant messaging.	13:48:26
13	Q Is that through Teams?	13:48:31
14	A It is.	13:48:33
15	Q In your declaration, you say that the large	13:48:34
16	family -- Large Patent Family Review Program began in	13:49:11
17	or around January 2022; is that correct?	13:49:15
18	A Yes.	13:49:21
19	Q Who made the decision to begin the Large	13:49:21
20	Patent Family Review Program?	13:49:27
21	MS. BRUNS: To the extent that you would	13:49:28
22	have to reveal anything that goes into the	13:49:30

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1	deliberative process, I'm going to instruct you not	13:49:32
2	to answer. However, you can answer this question	13:49:35
3	without delving into pre-decisional deliberations,	13:49:37
4	you can go ahead and do so.	13:49:41
5	A Can you repeat the question?	13:49:42
6	Q Who made the decision to begin the Large	13:49:44
7	Patent Family Review Program?	13:49:54
8	A I don't know.	13:49:55
9	Q Did you have any personal involvement in	13:49:56
10	the decision to begin the Large Patent Family Review	13:50:02
11	Program?	13:50:05
12	MS. BRUNS: And again, the same caution,	13:50:06
13	don't reveal anything that is deliberative process	13:50:08
14	privileged, but you can answer.	13:50:10
15	A No.	13:50:12
16	Q When did you first become personally aware	13:50:12
17	of the Large Patent Family Review Program?	13:50:23
18	A I don't recall.	13:50:27
19	Q Were you personally aware of the Large	13:50:28
20	Patent Family Review Program during the time between	13:50:36
21	2022 and 2025 when it was in force?	13:50:40
22	A I was aware when it was running, yes.	13:50:47

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1	Q	How did you become aware of the Large	13:50:49
2		Patent Family Review Program?	13:50:54
3	A	I don't recall.	13:50:55
4	Q	Did you have any personal involvement in	13:50:59
5		the operation of the Large Patent Family Review	13:51:02
6		Program?	13:51:05
7	A	Not directly, but I would have consulted.	13:51:06
8		I was a managing quality assurance specialist at the	13:51:12
9		time. Traci Casler was a colleague, another managing	13:51:15
10		quality assurance specialist at the time. She ran	13:51:19
11		the program, and we discussed it often at our staff	13:51:22
12		meetings.	13:51:26
13	Q	Okay, so what do you mean when you say you	13:51:26
14		would have consulted concerning the Large Patent	13:51:30
15		Family Review Program?	13:51:34
16	A	We worked as a team when we were all	13:51:35
17		quality assurance specialists. If there was process	13:51:39
18		that I could have helped with, I would have been	13:51:43
19		consulted. If she was out for a week, I would have	13:51:46
20		backed her up, things like that. We worked as a	13:51:51
21		team.	13:51:54
22	Q	I'm hearing a lot of would have type	13:51:54

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1	language in your answer. Do you remember any actual	13:51:57
2	consultation concerning the Large Patent Family	13:52:02
3	Review Program?	13:52:08
4	A No, it was a long time ago.	13:52:10
5	Q You also a few minutes ago said that this	13:52:11
6	is -- strike that. New line.	13:52:19
7	You also said a few minutes ago that you	13:52:23
8	would have discussed at meetings the Large Patent	13:52:25
9	Family Review Program, correct?	13:52:30
10	A Yes.	13:52:32
11	Q Do you recall any specific discussions	13:52:33
12	about the Large Patent Family Review Program at your	13:52:36
13	meetings?	13:52:40
14	A No.	13:52:41
15	Q Do you know if the procedures for the Large	13:52:41
16	Patent Family Review Program were memorialized in any	13:52:52
17	documents?	13:52:56
18	A No.	13:52:58
19	Q Do you know who at the patent office was	13:52:59
20	personally involved in the operation of the Large	13:53:08
21	Patent Family Review Program when it was in	13:53:12
22	operation?	13:53:14

1           A     As I mentioned before, Traci Casler as the           13:53:14  
2     managing quality assurance specialist at the time           13:53:22  
3     oversaw much of it. She would have had assistance           13:53:24  
4     from reviewers that were reviewing the work. I don't       13:53:28  
5     know who else might have been.                               13:53:36

6           Q     When you say reviewers, can you tell me           13:53:40  
7     what you mean?   13:53:44

8           A     The Office of Patent Quality Assurance is       13:53:46  
9     made up of managers and reviewers. We have nine           13:53:48  
10    managers currently. We have about 60 reviewers, and       13:53:52  
11    they assist us in the day-to-day reviewing that we       13:53:57  
12    are tasked with doing.   13:54:02

13          Q     Okay. Is there a title or titles that           13:54:03  
14    reviewers have?   13:54:07

15          A     Review quality assurance specialist or           13:54:13  
16    RQAS.   13:54:17

17          Q     RQAS, got it.                                       13:54:17

18          A     RM -- the -- the management -- the manager     13:54:21  
19    QAS, the review QAS and then the supervisors are       13:54:25  
20    SRQAS.   13:54:29

21          Q     Okay.   13:54:31

22          A     Sensing a theme.                                     13:54:31

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1	Q	I've been struggling with this agency's	13:54:34
2		acronyms for a decade, Dr. Bragdon. I do my best.	13:54:37
3		Some of my witnesses have struggled with them too.	13:54:42
4		You seem to have a pretty good handle on them. Do	13:54:45
5		you know whether all or only some of the reviewers	13:54:51
6		had personal involvement with the Large Patent Family	13:54:57
7		Review Program?	13:55:01
8	A	I'm not sure. Many. I don't know if it	13:55:03
9		was all.	13:55:06
10	Q	And what's the basis for your view that	13:55:07
11		many had involvement with the Large Patent Family	13:55:12
12		Review Program?	13:55:15
13	A	It involved a lot of work, a lot of	13:55:16
14		reviewer time, and it would have taken multiple	13:55:19
15		reviewers, not just one or two.	13:55:22
16	Q	Do you know what portion of the workload of	13:55:25
17		the reviewers in the Office of Patent Quality	13:55:30
18		Assurance was devoted to the Large Patent Family	13:55:33
19		Review Program when it was in force?	13:55:38
20		MS. BRUNS: Objection, vague.	13:55:40
21	A	I don't know exactly what portion. I would	13:55:42
22		estimate around 20 percent.	13:55:47

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1	Q	So it would be fair to say that this was a	13:55:49
2		substantial responsibility of a reviewer then, right?	13:55:53
3		MS. BRUNS: Objection, vague.	13:55:57
4	A	It took a great deal of their time, yes.	13:55:59
5	Q	Do you know if -- strike that. New line.	13:56:03
6		Have you -- let me try that again for a third time.	13:56:07
7		Are you familiar with the criteria by which reviewers	13:56:14
8		in OPQA were themselves reviewed during the time the	13:56:23
9		Large Patent Family Review Program was in force?	13:56:31
10	A	Yes.	13:56:33
11	Q	If I call that the grading criteria, will	13:56:34
12		you know what I mean?	13:56:39
13	A	Yes. We don't use that, grading, but yes.	13:56:40
14	Q	What do you use?	13:56:44
15	A	We have a performance appraisal plan or a	13:56:45
16		PAP that they are rated under.	13:56:49
17	Q	Perfect. I'll call it the PAP. Did the	13:56:53
18		PAP for OPQA reviewers during the time the Large	13:56:55
19		Patent Family Review Program was in effect consider	13:57:02
20		their performance executing duties under the Large	13:57:04
21		Patent Family Review Program?	13:57:07
22	A	It did not name the Large Patent Family	13:57:09

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1	Review Program, but it does name other reviews as	13:57:12
2	assigned, which would have been encompassed.	13:57:15
3	Q Do you know how applications were assigned	13:57:17
4	to individual reviewers under the Large Patent Family	13:57:26
5	Review Program?	13:57:30
6	A Yes.	13:57:31
7	Q And how did you learn that?	13:57:33
8	A I don't recall.	13:57:35
9	Q Okay. How were they assigned?	13:57:39
10	A A reviewer in an appropriate technology	13:57:41
11	would be assigned a review that had been sampled --	13:57:48
12	I'm sorry, an application -- again, an office action	13:57:53
13	that had been sampled and would be assigned to them	13:57:57
14	if they were in that area.	13:58:01
15	Q So if you had a reviewer who had a	13:58:03
16	background in the electrical arts, they would get an	13:58:10
17	office action that was written in an application in	13:58:13
18	the electrical arts, the same with the mechanical	13:58:16
19	arts? Is that the idea?	13:58:19
20	A That's correct.	13:58:21
21	Q Do you know who assigned applications to	13:58:22
22	reviewers under the Large Patent Family Review	13:58:27

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1	Program?	13:58:31
2	A I don't recall.	13:58:32
3	Q Did the Large Patent Family Review Program	13:58:32
4	always have that name when it was in force?	13:58:44
5	A It goes by another name. In house we	13:58:47
6	called it the robust patent family. It was also	13:58:54
7	called large patent family. It may have had other	13:58:58
8	names. Those are the two that I recall. Typically	13:59:01
9	around our office, we called it robust.	13:59:06
10	Q Is there a list of all applications that	13:59:08
11	were included in the Large Patent Family Review	13:59:24
12	Program?	13:59:26
13	A I don't have personal knowledge of the	13:59:27
14	list, but I'm confident there is. We keep good	13:59:31
15	records in OPQA.	13:59:35
16	Q Do you know who is responsible for keeping	13:59:38
17	that type of record at OPQA?	13:59:41
18	A We have a SharePoint site where materials	13:59:44
19	are housed so that we can keep them for as long as we	13:59:48
20	need.	13:59:53
21	Q SAWS had a SharePoint site too, didn't it?	13:59:53
22	A Yes, yes.	13:59:57

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1	Q	In your time at OPQA, have you ever heard	13:59:58
2		anyone compare the Large Patent Family Review Program	14:00:13
3		to SAWS?	14:00:18
4	A	No.	14:00:19
5	Q	Have you ever heard anyone use the term	14:00:22
6		"SAWS" in conjunction with the Large Patent Family	14:00:26
7		Review Program?	14:00:29
8	A	No.	14:00:30
9	Q	When you learned about the Large Patent	14:00:31
10		Family Review Program, did it remind you of SAWS in	14:00:39
11		any way?	14:00:41
12	A	Not at all.	14:00:42
13	Q	You said that the Large Patent Family	14:00:45
14		Review Program ended in 2025. Do you know who made	14:00:52
15		the decision to end the Large Patent Family Review	14:00:57
16		Program?	14:01:01
17		MS. BRUNS: I'm going to caution you not to	14:01:01
18		reveal anything that would be protected by the	14:01:04
19		deliberative process privilege, but to the extent you	14:01:07
20		can answer without doing so, go ahead.	14:01:10
21	A	Based on information from my director, it	14:01:13
22		was the Acting Director Stewart, Coke Stewart.	14:01:16

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1	Q	Do you know why Director Stewart -- Acting	14:01:19
2		Director Stewart made the decision to terminate the	14:01:22
3		Large Patent Family Review Program?	14:01:26
4	A	No.	14:01:26
5		MS. BRUNS: Objection, calls for	14:01:26
6		speculation. Just give me --	14:01:27
7		THE WITNESS: Sorry.	14:01:29
8		MS. BRUNS: -- a minute to make my	14:01:30
9		objections.	14:01:32
10		THE WITNESS: Sorry. No.	14:01:32
11		BY MR. DELAQUIL:	14:01:33
12	Q	Was the decision to terminate the Large	14:01:33
13		Patent Family Review Program memorialized in any	14:01:37
14		documents?	14:01:40
15	A	Not that I'm aware of.	14:01:41
16	Q	As deputy director, did you have any role	14:01:46
17		in discontinuing the Large Patent Family Review	14:01:50
18		Program within OPQA?	14:01:54
19	A	I don't recall, no, not a specific role.	14:01:56
20	Q	Do you know who would have had the	14:02:01
21		responsibility for discontinuing the Large Patent	14:02:06
22		Family Review Program within OPQA?	14:02:09

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1	A	It would have fallen to the director.	14:02:11
2	Q	Do you know if the director of OPQA and	14:02:15
3		Acting Director Stewart had any discussions	14:02:25
4		concerning the Large Patent Family Review Program	14:02:30
5		around the time that the decision to discontinue it	14:02:35
6		was made?	14:02:38
7		MS. BRUNS: Objection, calls for	14:02:39
8		speculation.	14:02:40
9	A	I don't know.	14:02:41
10	Q	Have you ever discussed the decision to	14:02:41
11		discontinue the Large Patent Family Review Program	14:02:45
12		with anyone else at the patent office?	14:02:49
13		MS. BRUNS: I just want to caution you not	14:02:51
14		to include conversations with attorneys in your	14:02:55
15		response, but to the extent that you can answer	14:02:58
16		without revealing any attorney-client privileged	14:03:00
17		information, you can go ahead and do so.	14:03:02
18	A	You said anyone else?	14:03:04
19	Q	Anyone at the patent office other than your	14:03:07
20		attorneys.	14:03:11
21	A	Yes.	14:03:13
22	Q	Who?	14:03:13

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1	A	The director.	14:03:14
2	Q	Describe that conversation for me please.	14:03:16
3	A	I don't recall an exact conversation, but	14:03:19
4		we discuss all programming in OPQA, so we would have	14:03:22
5		had a conversation about the program ending.	14:03:26
6	Q	Did you agree with the decision to	14:03:29
7		terminate the Large Patent Family Review Program?	14:03:32
8		MS. BRUNS: I'm going to -- if there's	14:03:36
9		anything that would reveal deliberative process,	14:03:40
10		please don't answer, but to the extent that you can	14:03:43
11		answer without revealing any deliberative process	14:03:46
12		information, you can go ahead and do so.	14:03:49
13	A	There was no agree or disagree. We were	14:03:51
14		told to end the program.	14:03:54
15	Q	Do you know whether the patent office	14:03:56
16		considered the lawfulness of the Large Patent Family	14:04:08
17		Review Program before it began?	14:04:13
18		MS. BRUNS: I am going to object on the	14:04:17
19		ground of attorney-client privilege and give my same	14:04:21
20		standard caveat here, that you can answer to the	14:04:23
21		extent that your information doesn't come from	14:04:26
22		conversations with attorneys.	14:04:30

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1	THE WITNESS: I don't recall any specific	14:04:31
2	discussion, but that is a typical part of our process	14:04:35
3	setting up a quality review program, would be	14:04:40
4	considering all aspects.	14:04:43
5	MR. DELAQUIL: Sounds like Mr. Boston may	14:04:57
6	be live on the Zoom.	14:04:59
7	MR. BOSTON: My apologies.	14:05:05
8	BY MR. DELAQUIL:	14:05:06
9	Q Thank you, Jamie. Do you know if the	14:05:06
10	patent office publicly announced that it was	14:05:17
11	beginning the Large Patent Family Review Program	14:05:21
12	around the time the program began in 2022?	14:05:26
13	A I don't recall an announcement.	14:05:28
14	Q Does OPQA ever receive inquiries directly	14:05:32
15	from patent applicants?	14:05:42
16	A Yes.	14:05:44
17	Q Did you -- strike that. To your knowledge,	14:05:45
18	did OPQA ever receive an inquiry about the Large	14:05:51
19	Patent Family Review Program from an applicant?	14:05:57
20	A To my knowledge, no.	14:05:59
21	Q To your knowledge, were any patent	14:06:02
22	applicants aware of the Large Patent Family Review	14:06:05

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1	Program during the time it was in force between 2022	14:06:09
2	and 2025?	14:06:12
3	MS. BRUNS: Objection, calls for	14:06:13
4	speculation.	14:06:15
5	A I don't know how I would possibly know what	14:06:16
6	an applicant knew.	14:06:19
7	Q There could certainly be circumstances	14:06:21
8	where you would have information about what	14:06:26
9	applicants knew. Let's go back to SAWS. I mean,	14:06:29
10	during your time as a SAWS administrator, you were	14:06:33
11	occasionally informed that applicants were inquiring	14:06:39
12	about the status of their applications. Do you	14:06:45
13	remember that?	14:06:47
14	MS. BRUNS: Objection, assumes facts not in	14:06:49
15	evidence.	14:06:51
16	A I would have been informed about an	14:06:54
17	applicant calling about an application that would	14:06:56
18	have been in the SAWS program, yes.	14:07:01
19	Q And you in fact directed PTO officials to	14:07:03
20	deny that applications were going -- undergoing	14:07:08
21	secondary review in SAWS, correct?	14:07:13
22	MS. BRUNS: Objection, assumes facts not in	14:07:15

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1	evidence, and if you have a document to point to --	14:07:17
2	MR. DELAQUIL: We had an entire other	14:07:21
3	deposition on this, Brittany.	14:07:25
4	THE WITNESS: We didn't share with the	14:07:27
5	public that their application was delayed because it	14:07:28
6	was in the SAWS program. I don't -- so if I directed	14:07:30
7	anyone, it was not to deny anything because an	14:07:35
8	applicant wasn't asking was my application in SAWS.	14:07:39
9	They were asking why my application was delayed, and	14:07:42
10	we would tell them that it was taking longer than	14:07:45
11	usual to process.	14:07:48
12	BY MR. DELAQUIL:	14:07:49
13	Q Did you receive any similar inquiries	14:07:49
14	concerning the Large Patent Family Review Program?	14:07:52
15	A No.	14:07:55
16	Q What was the criteria for inclusion of a	14:07:55
17	patent application in the Large Patent Family Review	14:08:12
18	Program?	14:08:16
19	A So inclusion in the program was for office	14:08:17
20	actions, actually allowances specifically where the	14:08:22
21	allowance was in an application having a lot of	14:08:27
22	family members, a lot of related applications, and	14:08:32

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1     that number of how many related applications changed     14:08:36  
2     during the program, so it was anywhere from 15 family     14:08:39  
3     members, large families, I think we got down to ten     14:08:43  
4     family members of the application that was allowed,     14:08:47  
5     and we were reviewing the office action that was     14:08:51  
6     allowed.     14:08:53

7           Q     Do you know why the number of family     14:08:54  
8     members changed over time?     14:08:59

9           A     As OPQA identified the usefulness of the     14:09:00  
10    information, the reviews that we were performing, we     14:09:09  
11    tried to expand the program, and when you go down to     14:09:13  
12    14 family members from 15, you included more     14:09:18  
13    allowances, and so if you could help the quality and     14:09:21  
14    more allowances and you had the resources to do that,     14:09:25  
15    then that's why we kept inching down as our resource     14:09:28  
16    -- we made resources available to do it because of     14:09:31  
17    the effectiveness of the program.     14:09:34

18          Q     And what do you mean when you say     14:09:36  
19    effectiveness of the program?     14:09:39

20          A     The program identified issues of     14:09:40  
21    patentability before an allowed application issued,     14:09:45  
22    and we were able to correct those before an     14:09:50

1 application issued into a patent. 14:09:53

2 Q So what you're calling effectiveness was an 14:09:55

3 action by OPQA that led to the office action being 14:10:09

4 what? Revised, withdrawn? What happened in this 14:10:17

5 situation of effectiveness? 14:10:22

6 MS. BRUNS: Objection, misstates prior 14:10:23

7 testimony. You can go ahead and answer. 14:10:26

8 A In the program when OPQA identified a 14:10:28

9 patentability issue in a case in the large patent 14:10:32

10 family -- undergoing large patent family review, we 14:10:36

11 would reach out to the supervisor of the examiner 14:10:39

12 that allowed the application, and we would discuss 14:10:43

13 what we identified, and that supervisor and examiner 14:10:49

14 would decide on the appropriate corrective action. 14:10:52

15 Q Did OPQA track the actions that were taken 14:10:56

16 by the examiner following OPQA identifying issues 14:11:03

17 with the notice of allowance? 14:11:10

18 A We tried. Oftentimes that corrective 14:11:13

19 action took a while, and the examiner and their 14:11:18

20 manager were under no obligation to tell us, so we 14:11:24

21 had to investigate that, and we needed resources to 14:11:26

22 do that, so where we had resources, we would try to 14:11:31

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1 identify what happened to anything we had noted in -- 14:11:34

2 any applications where we had noted an issue. 14:11:38

3 Q And how did you do that? 14:11:41

4 A We had a list of cases that -- other 14:11:43

5 allowances that had been raised to the TC as having 14:11:51

6 an issue, and we would look in those applications to 14:11:54

7 see if there was any adjustment to the record after 14:11:57

8 we had commented -- or not commented. Reported to 14:12:01

9 the supervisor. 14:12:04

10 Q And what form would those adjustments to 14:12:06

11 the record take? 14:12:08

12 A Whatever the supervisor and examiner deemed 14:12:09

13 reasonable. It could be a phone call to that -- if 14:12:15

14 they agreed that there was an issue particularly in 14:12:20

15 double-patenting, which was the focus of the program, 14:12:22

16 it would be a simple phone call from the examiner to 14:12:26

17 the attorney to get a terminal disclaimer filed with 14:12:29

18 the conflicting patent. If there were larger issues, 14:12:32

19 the examiner and supervisor would perhaps reopen the 14:12:37

20 application to address them. They might do an 14:12:44

21 examiner's amendment with that attorney to address 14:12:47

22 the issue if it was agreed to. There were many 14:12:50

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1	possible outcomes.	14:12:54
2	Q Were there any applications where OPQA	14:12:55
3	identified what it believed was an issue with the	14:13:00
4	notice of allowance where the examining corps did not	14:13:03
5	accept OPQA's issue and ultimately issued the	14:13:07
6	application as originally allowed?	14:13:13
7	A Yes.	14:13:15
8	Q How frequently did that occur?	14:13:18
9	MS. BRUNS: Objection, vague.	14:13:21
10	A I'm not sure.	14:13:23
11	Q Once?	14:13:24
12	A More than once.	14:13:27
13	Q More than five times?	14:13:29
14	A Yes, more than five times. There were	14:13:30
15	2,500 allowances reviewed. The decision-maker was	14:13:33
16	the supervisor and their manager, and they were	14:13:39
17	specialists in the technology of that application.	14:13:41
18	My staff at OPQA are generalists, so there would be	14:13:45
19	times when we identify an issue and perhaps we got it	14:13:50
20	wrong, so we left the decision to the quality of that	14:13:54
21	application with the supervisor and the examiner that	14:13:57
22	originally examined the case.	14:13:59

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1	Q	Does OPQA maintain records of how many	14:14:01
2		patent applications were ultimately issued as allowed	14:14:05
3		even where OPQA identified what it believed to be a	14:14:09
4		problem with the notice of allowance?	14:14:14
5		MS. BRUNS: Objection, asked and answered.	14:14:16
6	A	That would have been in the tracking that	14:14:18
7		you asked about that we -- I explained we tried to	14:14:20
8		keep up with the tracking, but it all depended on our	14:14:22
9		resources.	14:14:26
10	Q	So that's a question with an answer, but	14:14:27
11		you don't know the answer, right?	14:14:37
12	A	Correct.	14:14:38
13	Q	We've been going about an hour. Do you	14:14:48
14		want a break?	14:14:50
15		MS. BRUNS: Would you like a break or you	14:14:52
16		want to push through a little bit further?	14:14:54
17		THE WITNESS: I'm okay.	14:14:55
18		MS. BRUNS: Let's -- can we do like another	14:14:57
19		15 minutes --	14:15:00
20		MR. DELAQUIL: That's fine.	14:15:01
21		MS. BRUNS: -- so we can try to wrap this	14:15:02
22		up?	14:15:03

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1	BY MR. DELAQUIL:	14:15:04
2	Q You mentioned earlier in this deposition	14:15:04
3	that the criteria for inclusion in the Large Patent	14:15:07
4	Family Review Program was between ten to 15 family	14:15:11
5	members; is that correct? Do I have that right?	14:15:17
6	A Yes.	14:15:21
7	Q Okay. What do you mean when you say family	14:15:22
8	members?	14:15:24
9	A A patent application can be filed claiming	14:15:24
10	domestic benefit of prior U.S. cases. Sometimes	14:15:31
11	those cases claim to prior U.S. cases, and so if	14:15:36
12	there was a web of 15 family members, they're all	14:15:40
13	related. It would hit our -- the program at the	14:15:47
14	time.	14:15:50
15	Q Sure, and if I use the term "parent	14:15:50
16	applications" and "grandparent applications," will	14:15:55
17	you know what I mean?	14:15:58
18	A Yes.	14:15:59
19	Q Okay, so parent applications would count as	14:15:59
20	family members for this ten to 15 count, correct?	14:16:04
21	A Yes.	14:16:08
22	Q And so would grandparents, correct?	14:16:08

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1	A	Yes.	14:16:10
2	Q	Do you know what I mean when I say a sister	14:16:10
3		application?	14:16:14
4	A	Yes.	14:16:16
5	Q	Would sister applications count towards the	14:16:16
6		ten to 15?	14:16:20
7	A	I'm not sure.	14:16:21
8	Q	Who would know the answer?	14:16:23
9	A	V.C. Liang, who ran the -- he asked for the	14:16:24
10		lists of allowed cases with certain criteria, so he	14:16:30
11		would know.	14:16:34
12	Q	Okay. Do you know if aunt or uncle	14:16:34
13		applications would count towards the ten to 15?	14:16:40
14	A	I'm trying to think of the relationship of	14:16:44
15		an aunt, so we're saying the -- a sibling of a parent	14:16:47
16		case.	14:16:52
17	Q	Correct.	14:16:53
18	A	That should be included, yes, I would	14:16:54
19		think.	14:16:56
20	Q	Okay. Are child applications of the	14:16:56
21		application in the Large Patent Family Review Program	14:17:00
22		included in the count to get to ten to 15?	14:17:03



1 activities to make sure the patent prosecution as 14:19:00  
2 delineated by examiner office actions, both 14:19:03  
3 rejections and allowances, complies with all 14:19:06  
4 appropriate statutory requirements." Do you see 14:19:09  
5 that? 14:19:13

6 A I do. 14:19:14

7 Q What are those activities? 14:19:15

8 A The biggest one we call random reviews. 14:19:26  
9 Our office -- OPQA randomly selects both rejections 14:19:31  
10 and allowances throughout the fiscal year based on 14:19:35  
11 how many of those get mailed out. We take a 14:19:40  
12 statistical sample and we review those in depth, our 14:19:44  
13 reviewers, the RQAS review them in depth so that we 14:19:49  
14 can review patent quality metrics, and so that we can 14:19:52  
15 give feedback to the technology centers. 14:19:55

16 Q When a patent application is randomly 14:19:58  
17 reviewed by OPQA, and OPQA notes an issue with that 14:20:01  
18 and believes that it was incorrect in some respect, 14:20:07  
19 what does OPQA do? 14:20:10

20 A We would send the issue to the technology 14:20:12  
21 center, and the issue would either be accepted or 14:20:17  
22 rebutted by the technology center. 14:20:24



1 result of the -- when the error was considered 14:21:29  
2 complete, our system automatically would pull that 14:21:32  
3 allowance flag off of the case. 14:21:35  
4 Q And when you say the allowance flag, it 14:21:36  
5 would be a flag that prevented the application from 14:21:41  
6 issuing, correct? 14:21:44  
7 A Right. 14:21:45  
8 Q Prevented mailing I think is -- at least 14:21:47  
9 that's the way that it used to work. 14:21:50  
10 A It only prevents issue. 14:21:53  
11 Q Okay. 14:21:54  
12 A In fact, everything that OPQA -- I 14:21:54  
13 shouldn't say everything. Random reviews that OPQA 14:21:57  
14 reviews are mailed. 14:22:03  
15 Q Okay. Mailed to who? 14:22:04  
16 A The applicant. 14:22:06  
17 Q Were the results of the Large Patent Family 14:22:07  
18 Review Program mailed to applicants? 14:22:14  
19 A No results of reviews are mailed to 14:22:18  
20 applicants. 14:22:22  
21 Q Okay, now I'm confused. I thought you said 14:22:22  
22 that when OPQA conducts a random review, that the 14:22:26

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1	results of that are mailed to the applicant.	14:22:30
2	A No. If I said that, that was in error.	14:22:32
3	Q Okay. That's how I remember it, but maybe	14:22:35
4	I misunderstood the answer.	14:22:37
5	A We sent it to the technology center.	14:22:41
6	Q Okay.	14:22:43
7	A And we would discuss with the technology	14:22:43
8	center. The allowance had been mailed to applicant	14:22:45
9	before OPQA ever reviewed.	14:22:49
10	Q Sure.	14:22:51
11	A OPQA reviewed the mailed office action, and	14:22:51
12	then anything we identified in that office action	14:22:55
13	would be discussed with the technology center to	14:22:58
14	decide if it was an error or not.	14:23:01
15	Q Okay, so back to paragraph 4 and the	14:23:03
16	several activities, we have random reviews. What	14:23:12
17	other activities are referenced here?	14:23:15
18	A I think that sentence refers specifically	14:23:17
19	to random reviews.	14:23:27
20	Q Okay. So if we go to the next paragraph,	14:23:28
21	paragraph 5, they talk about strategic reviews, in-	14:23:36
22	depth studies on issues affecting quality. Do you	14:23:42

1 see that? 14:23:45

2 A I do. 14:23:46

3 Q What's a strategic review? 14:23:47

4 A Currently the Strategic Review Program, 14:23:49

5 that's what we call it internally, it is a 14:23:56

6 data-driven initiative identifying outliers that have 14:23:59

7 high allowance rates or low allowance rate so that 14:24:05

8 OPQA can use our resources wisely and investigate 14:24:10

9 outliers with the assumption that normal activities 14:24:15

10 in the norm and outliers may or may not be doing 14:24:19

11 something that needs correction. 14:24:24

12 Q Do you consider the Large Patent Family 14:24:25

13 Review Program to be a strategic review? 14:24:32

14 A Strategic in the little S term, because it 14:24:34

15 was directed where we saw a great need, so in that 14:24:42

16 respect, it was strategically using our resources to 14:24:48

17 only review the largest patent families because 14:24:52

18 that's where you would more likely have a concern, an 14:24:55

19 issue arise. The Strategic Review Program that's 14:24:58

20 mentioned in here is a more of a capital S right now, 14:25:01

21 and it's more of OPQA's review programs that we are 14:25:04

22 currently working on. 14:25:08

1 Q And I want to know whether you consider it 14:25:09  
2 a strategic review as used in paragraph 5 of your 14:25:12  
3 declaration. 14:25:15

4 A No. 14:25:16

5 Q Okay. Do you consider the Large Patent 14:25:16  
6 Family Review Program to be an in-depth study on 14:25:25  
7 issues affecting quality as used in paragraph 5 of 14:25:29  
8 your declaration? 14:25:34

9 A No. 14:25:34

10 Q We've talked some about random review under 14:25:36  
11 OPQA. You would agree with me, wouldn't you, that 14:25:57  
12 the Large Family Patent Review Program was not a 14:26:01  
13 random review in the same way that what you were 14:26:05  
14 previously describing as random reviews are, right? 14:26:10

15 MS. BRUNS: Objection, compound. 14:26:13

16 A Correct. 14:26:16

17 Q And that's because there is a objective 14:26:17  
18 criteria to inclusion based on these family 14:26:21  
19 relationships, right? 14:26:26

20 A Correct, it's each application has a 14:26:28  
21 defined lineage, and that defined its inclusion or 14:26:31  
22 not. 14:26:35

1 Q When you considered the benefit claims for 14:26:35  
2 inclusion in the Large Patent Family Review Program, 14:26:38  
3 did you consider what the applicant set forth in the 14:26:43  
4 declaration to the application? How was that 14:26:48  
5 determined? 14:26:51

6 MS. BRUNS: Objection, compound. 14:26:51

7 A I don't know what you mean by the 14:26:53  
8 declaration to the application. 14:26:56

9 Q Okay. You -- do you understand, or strike 14:26:57  
10 that. New line. 14:27:09

11 There is a portion of a patent application 14:27:12  
12 that an applicant may claim benefit under section 120 14:27:16  
13 of the patent application to earlier filed 14:27:22  
14 applications, right? 14:27:26

15 A I understand 120 benefit, yes. 14:27:27

16 Q And do you have a name for that portion of 14:27:30  
17 a patent application? 14:27:32

18 A So that declaration you're referring to we 14:27:33  
19 call a Rule 53 oath/dec that comes in with the filing 14:27:37  
20 of a patent application. There's other types of 14:27:43  
21 declarations, so I just want to be clear. 14:27:45

22 Q Sure. So if I say a Rule 53 declaration, 14:27:47

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1	you'll understand what I mean.	14:27:51
2	A Correct.	14:27:52
3	Q Was determining the family relationship	14:27:53
4	done based on what the applicant put in the Rule 53	14:27:56
5	declaration or what the examiner ultimately	14:27:59
6	determined was the appropriate benefit claim?	14:28:02
7	A I don't know.	14:28:05
8	Q Do you understand how those could be	14:28:08
9	different?	14:28:10
10	A I do, and I would hope at time of	14:28:10
11	allowance, which is when we were reviewing, they	14:28:13
12	would agree.	14:28:15
13	Q If you turn to paragraph 6 of your	14:28:16
14	declaration, you have a portion of the annual patent	14:28:32
15	examination procedure included in a block quote, do	14:28:41
16	you see there?	14:28:44
17	A Yes.	14:28:44
18	Q And you'd agree that the Large Patent	14:28:45
19	Family Review Program was not what's being described	14:28:48
20	in this block quote, correct?	14:28:50
21	A Correct, this specifically talks about our	14:28:52
22	random reviewing.	14:28:55

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1	MR. DELAQUIL: Okay. Let's take a break.	14:29:01
2	THE VIDEOGRAPHER: We are going off the	14:29:03
3	record. The time is 2:28.	14:29:04
4	(Recessed at 2:28 p.m.)	14:29:08
5	(Reconvened at 2:40 p.m.)	14:29:08
6	THE VIDEOGRAPHER: We are back on the	14:40:36
7	record. The time is 2:40.	14:41:14
8	BY MR. DELAQUIL:	14:41:17
9	Q Welcome back, Dr. Bragdon. Would you turn	14:41:17
10	to paragraph 8 of your declaration please? Paragraph	14:41:32
11	8 discusses the PALM system. Do you see that?	14:41:43
12	A Yes.	14:41:47
13	Q What flag was placed in the PALM system for	14:41:49
14	patent applications that were undergoing review under	14:42:00
15	the Large Patent Family Review Program?	14:42:03
16	MS. BRUNS: Objection, asked and answered.	14:42:05
17	A Any allowance was flagged in the PALM	14:42:09
18	system with an OPQA flag to prohibit issuance.	14:42:14
19	Q And is prohibiting issuance the same as	14:42:19
20	prohibiting mailing of a notice of issuance?	14:42:23
21	A No.	14:42:26
22	Q What's the difference?	14:42:26

1           A     One prohibits mailing, and one prohibits           14:42:27  
2     the patent proceeding through to the issuant process           14:42:31  
3     where it actually turns into a patent with a patent           14:42:35  
4     number.   14:42:38

5           Q     Okay. Now, you say an OPQA flag. What is           14:42:38  
6     an OPQA flag as compared to other types of flags?           14:42:43

7           A     All PALM flags work in the same way. They           14:42:47  
8     create -- a user would create a grouping to keep all           14:42:54  
9     of their flagged applications in one grouping so that           14:42:59  
10    they can find them again, and you would name that           14:43:06  
11    group, and so we would have named the PALM grouping           14:43:08  
12    for the large patent family with something we                14:43:12  
13    understood to be those applications.                           14:43:15

14          Q     Do you know what the actual PALM grouping           14:43:18  
15    for applications that were included in a Large Patent           14:43:21  
16    Family Review Program was?                                       14:43:26

17           MS. BRUNS: Asked and answered several                14:43:27  
18    times now.   14:43:28

19          A     I don't know the name of the grouping.           14:43:29

20          Q     Okay. That's also how SAWS worked with           14:43:32  
21    regard to PALM groupings, correct?                           14:43:44

22          A     SAWS was probably more complicated than the           14:43:47

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1	simple process I just talked about.	14:43:52
2	Q There were SAWS groupings created in	14:43:54
3	different TCs for applications that were flagged	14:43:58
4	under SAWS, right?	14:44:01
5	MS. BRUNS: Objection, calls for	14:44:02
6	speculation.	14:44:05
7	A The agreed-to process was that TCs would	14:44:05
8	flag their own SAWS applications to not issue, yes.	14:44:11
9	Q So you could have a SAWS 2400 grouping, for	14:44:16
10	example, right?	14:44:21
11	A That's correct.	14:44:22
12	Q Okay, and are applications in the PALM	14:44:22
13	groupings searchable by inventor name?	14:44:29
14	A No.	14:44:34
15	Q How are they searchable?	14:44:36
16	A Application number if you're just looking	14:44:38
17	for an application. You can also, if you know the	14:44:42
18	name of a group, you can pull up the group. If you	14:44:46
19	know who created the group, the actual person, you	14:44:52
20	can search for a PALM flag grouping by creator.	14:44:55
21	Q If you search a PALM -- strike that. New	14:44:59
22	line.	14:45:04

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1           If you searched for an application that was           14:45:06  
2 included in the Large Patent Family Review Program           14:45:09  
3 grouping, could you bring that application up in the           14:45:13  
4 PALM system by that individual inventor's name?           14:45:18  
5           A     I'm trying to understand the question.           14:45:22  
6 It's not linked to the inventor's name in any way.           14:45:27  
7 It's linked through the application number. I could           14:45:29  
8 then determine who the inventor was through a           14:45:32  
9 different system, not the PALM -- well, it is through           14:45:36  
10 the PALM system, but in a different interface.           14:45:39  
11           Q     So I think we're kind of where I'm getting           14:45:41  
12 at, and you'll have to bear with me. Even after all           14:45:47  
13 these years, the specific terminology in PALM remains           14:45:53  
14 a little mysterious to me. There's an interface with           14:45:56  
15 PALM where you could enter an individual's name, and           14:45:59  
16 you would get the location and status of that           14:46:02  
17 application, correct?           14:46:08  
18           A     Correct.           14:46:10  
19           Q     And if you did that, you would see --           14:46:12  
20           A     I'm sorry, I need to correct that answer.           14:46:16  
21           Q     Okay.           14:46:18  
22           A     There's an inventor name search --           14:46:19

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1	Q	Yes.	14:46:22
2	A	-- in PALM. I'm not sure that it -- you	14:46:23
3		would then -- it would link to application numbers	14:46:27
4		that then you could open individual application	14:46:30
5		numbers and find out where those individual	14:46:33
6		applications were and their status individually, so	14:46:35
7		it's application by application.	14:46:39
8	Q	And in those individual applications after	14:46:41
9		you searched by applicant's name and clicked through,	14:46:44
10		would you then see that that application was included	14:46:49
11		in the Large Patent Family Review Program grouping if	14:46:52
12		it had been flagged there?	14:46:56
13	A	It is definitely two different interfaces,	14:46:58
14		so you could search by an inventor name, not an	14:47:04
15		applicant name, an inventor name.	14:47:07
16	Q	Uh-huh.	14:47:09
17	A	Identify all applications by an inventor,	14:47:09
18		have application numbers, and then change your	14:47:14
19		interface, use the application number in the flagging	14:47:18
20		interface and find out then if it was flagged in any	14:47:21
21		way. It would bring up the -- the PALM system brings	14:47:26
22		up any flags that have been put on that application	14:47:30

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1	by application number.	14:47:33
2	Q Got it. Let's turn to paragraph 10 of your	14:47:35
3	application -- of your declaration. Did you write	14:47:48
4	paragraph 10?	14:47:54
5	A I don't recall if I wrote it or edited it.	14:47:55
6	Q I'm going to hand the court reporter a	14:48:01
7	document entitled "Studying Applications With Large	14:48:16
8	Patent Families" from the Office of Patent Quality	14:48:21
9	Assurance, OPQA, dated June 2025, and ask her to mark	14:48:25
10	it as Exhibit Bragdon C.	14:48:31
11	(Deposition Exhibit C was marked for	14:48:40
12	identification.)	14:48:40
13	MS. BRUNS: Thank you.	14:48:40
14	BY MR. DELAQUIL:	14:48:40
15	Q Are you familiar with the document marked	14:48:40
16	as Exhibit Bragdon C?	14:48:57
17	A Yes.	14:48:59
18	Q What is it?	14:49:01
19	A It is a slide set that the director used to	14:49:02
20	present the study to the public.	14:49:10
21	Q Who prepared this slide set?	14:49:13
22	MS. BRUNS: Objection, calls for	14:49:17

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1	speculation.	14:49:23
2	A I don't recall who drafted it, but as	14:49:23
3	typical with presentations for the director, I would	14:49:29
4	have edited heavily. It was part of my job with her,	14:49:33
5	the director.	14:49:40
6	Q Okay, so just so the record's clear, what	14:49:41
7	was your role with regard to the preparation of	14:49:47
8	Exhibit Bragdon C?	14:49:51
9	A I don't recall if I wrote it or edited or	14:49:53
10	helped finalize. I certainly participated in its	14:49:58
11	construction.	14:50:02
12	Q Who else participated in its construction?	14:50:03
13	A Other than the director, I don't recall.	14:50:07
14	Q Do you recall what the director did with	14:50:11
15	regard to the preparation of Exhibit Bragdon C?	14:50:17
16	A I don't know what she did.	14:50:22
17	Q Okay, Exhibit Bragdon C was prepared before	14:50:25
18	you signed your declaration, correct?	14:50:52
19	A Yes.	14:50:57
20	Q Did you review Exhibit Bragdon C in	14:50:57
21	preparing your declaration?	14:51:03
22	A I don't recall.	14:51:04

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1	Q	Let's go to the paragraph 10. Let's go	14:51:06
2		back to your declaration, and I'm going to read the	14:51:12
3		passage in paragraph 10, the bottom of page 4 on to	14:51:18
4		page 5. Quote, "To explore resources and tools that	14:51:24
5		could assist in the examination of these complex	14:51:29
6		large patent family applications," end quote. Do you	14:51:32
7		see that?	14:51:38
8	A	I do.	14:51:39
9	Q	Okay. Would you turn to page 3 of Exhibit	14:51:39
10		Bragdon C, and if you go to the second bullet, it	14:51:43
11		says, quote, "Explore resources and tools to assist	14:51:59
12		in the examination of large patent family	14:52:03
13		applications." Do you see that?	14:52:08
14	A	I do.	14:52:10
15	Q	It's almost identical, isn't it?	14:52:11
16	A	It is identical.	14:52:13
17	Q	I think --	14:52:16
18	A	Little bit --	14:52:17
19	Q	These complex in the declaration, but other	14:52:18
20		than that, it's identical, right?	14:52:20
21	A	Yes.	14:52:22
22	Q	So let's go to the next bullet in page 3 of	14:52:23

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1	Exhibit Bragdon C. It says, quote, "Identify	14:52:29
2	prosecution characteristics and best practices to	14:52:36
3	ensure compliance with the doctrine of	14:52:38
4	double-patenting," end quote. Do you see that?	14:52:43
5	A    I do.	14:52:46
6	Q    Let's go back to your declaration,	14:52:46
7	paragraph 10 at the top of page 5. Beginning on the	14:52:51
8	first line, there's a passage that says, quote,	14:52:56
9	"Identify patent prosecution characteristics and best	14:53:01
10	practices to help ensure compliance with the doctrine	14:53:05
11	of double-patenting." Do you see that?	14:53:10
12	A    I do.	14:53:12
13	Q    And again, we have another near verbatim	14:53:12
14	passage, correct?	14:53:16
15	A    Correct.	14:53:17
16	Q    Okay. Why are there near verbatim passages	14:53:17
17	between your declaration and the Studying	14:53:34
18	Applications With Large Patent Families slide deck?	14:53:37
19	A    It would be typical practice after a slide	14:53:42
20	deck, it went to the public, was completed and our	14:53:48
21	office felt it did a good job representing a program,	14:53:53
22	to leverage the same language any time we were asked	14:53:57



1 says, "Feedback to TCs/SPEs/examiners where OPQA 14:55:30  
2 identified a potential error." Do you see that? 14:55:36  
3 A I do. 14:55:39  
4 Q And if we go to the second bullet, it says, 14:55:40  
5 quote, "For example, of the applications with 14:55:46  
6 identified omitted double-patenting rejections, 14:55:49  
7 approximately 60 percent resulted in at least one 14:55:53  
8 terminal disclaimer filed, and appropriately 30 14:55:56  
9 percent resulted in amendment filed." 14:56:00  
10 MS. BRUNS: Objection, misstates the 14:56:04  
11 document. 14:56:06  
12 BY MR. DELAQUIL: 14:56:06  
13 Q Do you see that? 14:56:06  
14 A It says approximately 30 percent. 14:56:08  
15 Q Okay. 14:56:12  
16 A That was the mistake. 14:56:12  
17 Q Approximately 30 percent resulted in 14:56:13  
18 amendment filed. 14:56:15  
19 A Yes. 14:56:17  
20 Q Okay, so I understand this, that means 14:56:17  
21 approximately 90 percent of applications with an 14:56:24  
22 identified omitted double-patenting rejection had a 14:56:30

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1	change to the allowance status following large patent	14:56:36
2	family review. Is that right?	14:56:40
3	MS. BRUNS: Objection, misstates the	14:56:43
4	document.	14:56:44
5	A That's not right.	14:56:45
6	Q Okay. What's wrong with it?	14:56:47
7	A The status of the allowed application might	14:56:49
8	not change in order to achieve a terminal disclaimer	14:56:53
9	or an amendment.	14:56:58
10	Q Okay, so where I had it wrong was with the	14:56:59
11	word "status."	14:57:02
12	A Correct.	14:57:04
13	Q So let me try to ask this differently to	14:57:04
14	see if we can get to agreement. What this slide is	14:57:07
15	saying is that in approximately 90 percent of the	14:57:11
16	patent applications reviewed in part of the Large	14:57:17
17	Patent Family Review Program, there was a change to	14:57:22
18	the application that was being allowed with regard to	14:57:28
19	the scope of the claims. Is that right?	14:57:33
20	A No.	14:57:37
21	MS. BRUNS: Objection, misstates the	14:57:37
22	document.	14:57:38

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1	BY MR. DELAQUIL:	14:57:39
2	Q No, okay. Well, what's wrong with that	14:57:39
3	one?	14:57:42
4	A That indicates that the claims were	14:57:42
5	changed. If a terminal disclaimer was filed, no	14:57:44
6	claims would be changed. With the amendment being	14:57:47
7	filed, it may or may not have been in the claims. I	14:57:51
8	would say it's likely it's in the claims, but it	14:57:55
9	might not have been.	14:57:58
10	Q Okay, so how would you -- you would agree	14:57:59
11	that 90 percent of -- that something happened in 90	14:58:02
12	percent of the applications where there was an	14:58:06
13	identified omitted double-patenting rejection as part	14:58:09
14	of the Large Patent Family Review Program, right?	14:58:12
15	MS. BRUNS: Objection, misstates the	14:58:15
16	document.	14:58:17
17	A In 90 percent of what was reviewed in large	14:58:18
18	patent family, there was a change in the application	14:58:23
19	before it issued as a patent.	14:58:29
20	Q Okay, and that change was adverse to the	14:58:31
21	applicant, right?	14:58:36
22	MS. BRUNS: Objection, speculative.	14:58:37

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1	A	No.	14:58:43
2	Q	Why not?	14:58:45
3	A	If there was a quality issue with what was	14:58:45
4		allowed by the examiner, and by virtue of the large	14:58:53
5		patent family review, it gets corrected, I think that	14:58:58
6		would be a benefit to the applicant.	14:59:01
7	Q	Do you know if the applicants saw it that	14:59:04
8		way?	14:59:06
9		MS. BRUNS: Objection, calls for	14:59:07
10		speculation.	14:59:08
11	A	I have no idea.	14:59:08
12	Q	You began your career as an examiner at the	14:59:10
13		PTO, right?	14:59:14
14	A	That's correct.	14:59:15
15	Q	And how long did you spend as an examiner?	14:59:16
16	A	Six years I believe.	14:59:18
17	Q	And does that six years include time as a	14:59:21
18		primary examiner or do you view that as a different	14:59:25
19		period of time?	14:59:28
20	A	It would include primary examiner.	14:59:29
21	Q	Did you during your time as an examiner	14:59:31
22		interact with patent applications in situations where	14:59:37

1 the office was requiring a terminal disclaimer? 14:59:39

2 A Yes. 14:59:42

3 Q Were you able to generalize about whether 14:59:43

4 the applicants were happy about that terminal 14:59:47

5 disclaimer in those circumstances? 14:59:50

6 MS. BRUNS: Objection, calls for 14:59:52

7 speculation. 14:59:53

8 A I wouldn't know if they were happy about a 14:59:54

9 terminal disclaimer or not. They were happy that 14:59:59

10 their patent was getting allowed. 15:00:02

11 Q Did any of those applicants ever express 15:00:03

12 dissatisfaction to you about the office's requirement 15:00:07

13 that they execute a terminal disclaimer? 15:00:11

14 A I don't recall. It's a long time ago. 15:00:13

15 Q And what is a terminal disclaimer? 15:00:21

16 A A terminal disclaimer links two related 15:00:35

17 patents, much like in the large patent family 15:00:39

18 relation, that have nonobvious claim variation, and 15:00:43

19 it links them so that they must be sold together and 15:00:49

20 so that if there's any difference in patent term, 15:00:53

21 that the one with longer patent term would be 15:00:56

22 terminally disclaimed, hence the name. 15:01:01

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1	Q	And by terminally disclaimed, that aspect	15:01:02
2		of the application would have a term that ended when	15:01:05
3		the application that it was reading on ended,	15:01:09
4		correct? Strike that. Don't answer that. The	15:01:14
5		terminology was not right there. I think it's clear	15:01:17
6		enough. If you go back to slide 11, there's a bullet	15:01:23
7		for double-patenting refresher training. Do you see	15:01:37
8		that?	15:01:39
9	A	I do.	15:01:39
10	Q	What does that refer to?	15:01:41
11	A	It would refer to giving double-patenting	15:01:43
12		training to people who had already learned it, so	15:01:53
13		examiners.	15:01:56
14	Q	Is there a specific document that	15:01:56
15		memorializes that training?	15:02:00
16	A	I don't recall.	15:02:02
17	Q	Do you know if that training was ever	15:02:05
18		provided to examiners?	15:02:06
19	A	I don't recall.	15:02:08
20	Q	Do you know who would know the answer to	15:02:11
21		that?	15:02:15
22	A	The Office of Patent Training.	15:02:15

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1	Q	Did you ever speak with anyone in the	15:02:21
2		Office of Patent Training about the Large Patent	15:02:27
3		Family Review Program?	15:02:28
4	A	Not that I recall.	15:02:29
5	Q	Do you know if anyone at OPQA ever spoke	15:02:33
6		with anyone in the Office of Patent Training about	15:02:35
7		the Large Patent Family Review Program?	15:02:37
8	A	I don't know.	15:02:40
9	Q	There's another bullet here that says,	15:02:41
10		"Development of improved tools." Do you see that?	15:02:47
11	A	I do.	15:02:49
12	Q	Do you know what improved tools that is	15:02:50
13		referring to?	15:02:52
14	A	There's a tool that helps identify in the	15:02:53
15		claims of related cases where there's a higher	15:03:04
16		likelihood of a double-patenting rejection based on	15:03:08
17		the language. It was a tool developed by one of our	15:03:11
18		OPQA staff, and we used it in OPQA alone. It was a	15:03:15
19		tool that required a lot of manual assistance to it.	15:03:23
20		It did not -- it was not automated, and I believe	15:03:25
21		it's in another slide in this set.	15:03:28
22	Q	Okay. Is that what you would see in slide	15:03:32

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1	13 or slide 14?	15:03:41
2	A Yes.	15:03:44
3	Q Does OPQA continue to use that tool as part	15:03:49
4	of its quality reviews?	15:03:58
5	A No, not that I know of.	15:04:00
6	Q Why not?	15:04:03
7	A Because the majority of our random reviews	15:04:05
8	and other reviews that we would do don't have large	15:04:10
9	patent families associated with the application, so	15:04:14
10	there would be no need to use the tool.	15:04:19
11	Q Being part of a large patent family was one	15:04:21
12	of the criteria that TCs could use to include an	15:04:34
13	application in SAWS, right?	15:04:38
14	MS. BRUNS: Objection, calls for	15:04:40
15	speculation.	15:04:42
16	A I don't recall the SAWS criteria from a	15:04:45
17	decade ago.	15:04:47
18	Q All right, Dr. Bragdon, I just handed the	15:05:13
19	court reporter an e-mail marked Bragdon Exhibit	15:05:23
20	Number 8 that I'm going to ask her to mark in this	15:05:25
21	deposition as Bragdon Exhibit D.	15:05:29
22	(Deposition Exhibit D was marked for	15:05:38

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1	identification.)	15:05:38
2	BY MR. DELAQUIL:	15:05:38
3	Q This is a document that you --	15:05:38
4	MS. BRUNS: Excuse me. Could I get a copy	15:05:45
5	of that?	15:05:47
6	MR. DELAQUIL: Oh, did you not get a copy	15:05:47
7	of that? My apologies.	15:05:49
8	MS. BRUNS: Thank you.	15:05:52
9	BY MR. DELAQUIL:	15:05:52
10	Q Dr. Bragdon, this is a document that you	15:05:52
11	testified about the last time that you were deposed	15:05:55
12	in this case, correct?	15:05:57
13	A Yes, your documentation.	15:05:58
14	Q And this is a document that you testified	15:06:05
15	back in June of -- strike that. New line.	15:06:07
16	This is a document that you testified back	15:06:12
17	in July of 2022 that you edited, correct?	15:06:14
18	A I don't recall.	15:06:20
19	Q Do you know what this document is?	15:06:25
20	A Based on the e-mail header, it's slides for	15:06:29
21	students in PTA about patents in the news or SAWS.	15:06:39
22	Q And you taught on more than one occasion	15:06:45

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1	patents in the news or SAWS as part of PTA, correct?	15:06:50
2	A I don't recall how many times. I know I	15:06:54
3	taught it at least once, but I don't know how many	15:06:56
4	times.	15:06:59
5	Q Do you have any recollection of Bragdon	15:06:59
6	Exhibit Number 8, also Bragdon Exhibit D in this	15:07:05
7	deposition?	15:07:10
8	A What do you mean by recollection?	15:07:12
9	Q Do you recall editing this document on or	15:07:14
10	around May 24th, 2012, which is the date of the cover	15:07:20
11	e-mail?	15:07:24
12	A No.	15:07:25
13	Q Do you recall ever seeing this document?	15:07:28
14	A No.	15:07:30
15	Q Okay. Would you turn to page 16 of the	15:07:32
16	slides in Exhibit Bragdon D, and the title is "SAWS	15:07:48
17	Process Continued," and just let me know when you're	15:07:54
18	there.	15:07:58
19	A I'm there.	15:07:59
20	Q There's a series of bullets here. Do you	15:08:05
21	see that?	15:08:11
22	A Yes.	15:08:11

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1           Q     The first is the SAWS process is strictly           15:08:12

2     internal to U.S. PTO. Do you see that?                   15:08:15

3           A     Yes.   15:08:18

4           Q     The Large Patent Family Review Program was     15:08:18

5     strictly internal to the PTO as well, correct?           15:08:23

6           A     I recall -- I'm not sure if I would           15:08:26

7     characterize it as strictly internal since we           15:08:34

8     discussed it in these slides that are Exhibit C, and     15:08:37

9     we -- I know there was a Federal Register notice       15:08:43

10    prior to the program beginning.                           15:08:46

11           Q     So let's look at that Federal Register       15:08:49

12    notice, and I'll hand the court reporter a document,     15:08:53

13    87 Federal Register 60130, dated October 4th, 2022,     15:09:22

14    and ask her to mark it as Exhibit Bragdon E.           15:09:31

15                   (Deposition Exhibit E was marked for       15:09:41

16    identification.)   15:09:41

17    BY MR. DELAQUIL:   15:09:41

18           Q     Dr. Bragdon, is this the Federal Register     15:09:41

19    notice you were referring to in your testimony a few     15:09:49

20    minutes ago?   15:09:56

21           A     Yes.   15:09:57

22           Q     Would you turn to page 60131, second column   15:09:58

1 by little letter E halfway down the page? Do you see 15:10:07

2 that? 15:10:15

3 A I do. 15:10:15

4 Q There's a passage there that says, 15:10:16

5 "Consider applying greater scrutiny to continuation 15:10:18

6 applications in large families and/or the use of 15:10:22

7 declaratory evidence to overcome rejections. The 15:10:26

8 U.S. PTO is considering additional guidance for 15:10:31

9 examiners and quality reviews by the Office of Patent 15:10:35

10 Quality Assurance when continuation applications in 15:10:39

11 large families are filed or when applicants submit 15:10:43

12 declaratory evidence to rebut an examiner's 15:10:48

13 determination of unpatentability." Do you see that? 15:10:51

14 A Yes. 15:10:55

15 Q Is this the passage that you testified to 15:10:55

16 earlier provided the public notice of the Large 15:11:02

17 Patent Family Review Program? 15:11:06

18 A I don't know that it's the only place it's 15:11:07

19 mentioned, but the whole Federal Register notice is 15:11:13

20 talking about -- 15:11:15

21 Q Can you point me specifically to anything 15:11:16

22 else in this Federal Register notice that you believe 15:11:18

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1	put the patent community on public notice of the	15:11:22
2	Large Patent Family Review Program?	15:11:27
3	A It's a request for comments on U.S. PTO	15:11:28
4	initiatives to ensure robustness and reliability of	15:11:34
5	patent rights. I'd have to read through the whole	15:11:37
6	thing to identify --	15:11:42
7	MS. BRUNS: You can feel free to read	15:11:44
8	whatever you need to read to answer.	15:11:46
9	BY MR. DELAQUIL:	15:11:47
10	Q Before you do that, you put in your	15:11:47
11	declaration that this -- that the Large Patent Family	15:11:51
12	Review Program was identified in this Federal	15:11:54
13	Register notice, correct?	15:11:57
14	MS. BRUNS: So you handed her a document	15:11:59
15	and asked her to answer a question based on the	15:12:01
16	document.	15:12:03
17	MR. DELAQUIL: No speaking objections,	15:12:03
18	Counsel.	15:12:05
19	MS. BRUNS: And now you're not --	15:12:05
20	MR. DELAQUIL: No speaking objections,	
21	Counsel.	
22	MS. BRUNS: -- permitting her to read it?	15:12:07

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1	BY MR. DELAQUIL:	15:12:08
2	Q I asked her a different question, Counsel.	15:12:08
3	Dr. Bragdon, this is the Federal Register notice that	15:12:13
4	you referred to in your declaration, correct?	15:12:16
5	A Yes.	15:12:19
6	Q And sitting here today, you're not sure	15:12:21
7	what part of this Federal Register notice would put	15:12:26
8	the patent community on notice of the Large Patent	15:12:29
9	Family Review Program without reviewing it again. Is	15:12:33
10	that what you're telling me?	15:12:38
11	A Yes.	15:12:39
12	Q Okay. Why don't you review it and then let	15:12:40
13	me know which passage or passages you are relying on	15:12:43
14	when you told the court in your declaration that this	15:12:47
15	Federal Register notice put the patent community on	15:12:50
16	notice of the Large Patent Family Review Program.	15:12:53
17	A Can you remind me of the paragraph in the	15:12:57
18	declaration you're talking about?	15:13:00
19	Q It must have been in the brief. Okay, so	15:14:15
20	would you take your time and let me know which part	15:14:20
21	of the Federal Register notice put the patent	15:14:23
22	community on notice of the Large Patent Family Review	15:14:29

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1	Program?	15:14:32
2	A I would be speculating because I don't	15:14:36
3	think I made that statement. It looks like paragraph	15:14:37
4	E, perhaps paragraph F also talks about	15:14:44
5	double-patenting.	15:14:48
6	Q Okay, paragraph E says, "Consider applying	15:14:54
7	greater scrutiny to continuation applications in	15:14:58
8	large families." Do you see that?	15:15:01
9	A Yes.	15:15:02
10	Q Do you know if the PTO ever told the public	15:15:02
11	that it would be applying greater scrutiny to	15:15:09
12	continuation applications in large families after	15:15:14
13	receiving comment on this Federal Register notice?	15:15:18
14	A I don't know what happened in response to	15:15:21
15	the comments. The Federal Register notices don't	15:15:26
16	come through my office, nor did I write it.	15:15:31
17	Q So you don't know if the PTO issued a	15:15:36
18	subsequent notice saying that it had decided to apply	15:15:41
19	greater scrutiny to continuation applications in	15:15:45
20	large families, right?	15:15:47
21	A I don't know, right.	15:15:49
22	Q Do you know how the term "large families"	15:15:51

1 would be understood by the patent community as used 15:15:56

2 in this notice? 15:16:01

3 MS. BRUNS: Objection, calls for 15:16:02

4 speculation. 15:16:04

5 A I don't know what applicants appreciate as 15:16:04

6 large. 15:16:08

7 Q Okay. When you read "large families" as 15:16:08

8 used in this notice, how large is large? 15:16:11

9 MS. BRUNS: Objection, vague. 15:16:17

10 A I would say it's impossible for me to 15:16:18

11 divide what I know to be large patent family and the 15:16:25

12 program we did from the term used in this paragraph, 15:16:29

13 so large in my mind would be 15 family members. 15:16:32

14 Q It says here that the U.S. PTO's 15:16:37

15 considering additional guidance for examiners. Do 15:16:41

16 you see that? 15:16:45

17 A I do. 15:16:45

18 Q Was that ever provided as part of the Large 15:16:46

19 Patent Family Review Program? 15:16:51

20 A As I answered from the slides, I don't 15:16:51

21 recall. 15:16:56

22 Q Do you agree that the Large Patent Family 15:16:57

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1	Review Program constituted greater scrutiny?	15:17:13
2	A I would not characterize it as scrutiny in	15:17:16
3	a negative way, so I think the term "scrutiny" has a	15:17:22
4	negative connotation. There was an extra review of	15:17:27
5	large patent -- of the large patent family cases.	15:17:30
6	Q An extra review of the large patent family	15:17:33
7	cases selected under the program, right?	15:17:36
8	A Yes.	15:17:38
9	Q There wasn't an extra review of all large	15:17:38
10	family cases, correct?	15:17:42
11	A Only under the OPQA program, yes.	15:17:44
12	Q And SAWS was an extra review of flagged	15:17:49
13	applications as well, correct?	15:17:54
14	A Generically, yes.	15:17:56
15	Q With the Studying Applications With Large	15:18:00
16	Patent Families slide deck, was that presented to the	15:18:19
17	public after or before the large patent family	15:18:23
18	program was discontinued in 2025?	15:18:27
19	A I'm not sure.	15:18:32
20	Q Who would know the answer to that?	15:18:33
21	A I don't know exactly when the -- we stopped	15:18:35
22	reviewing large patent family applications. I don't	15:18:42

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1	know the date.	15:18:45
2	Q It couldn't have been more than roughly six	15:18:46
3	months after this presentation though, right?	15:18:49
4	A I'm sure it was closer than that, within	15:18:51
5	plus or minus -- my guess would be plus or minus	15:18:54
6	three months of this statement.	15:18:59
7	Q And if you think back to SAWS, SAWS was	15:19:00
8	publicly disclosed several months before the PTO	15:19:03
9	announced its discontinuation in or around March	15:19:09
10	2015, correct?	15:19:14
11	A I don't recall the ways that SAWS was	15:19:17
12	disclosed to the public.	15:19:19
13	Q Let's go back to slide 16 in Exhibit	15:19:20
14	Bragdon D. That's the PTA slides, right there.	15:19:31
15	A Thank you.	15:19:40
16	Q If you go to the second bullet, it says,	15:19:41
17	"The files shall not indicate it has been identified	15:19:49
18	as a SAWS application." Do you see that?	15:19:52
19	A I do.	15:19:55
20	Q And the file in an application that's part	15:19:56
21	of the Large Patent Family Review Program did not	15:20:01
22	indicate that it was identified as a participant in	15:20:04

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1	the Large Patent Family Review Program, correct?	15:20:08
2	A Correct, that's a standard review practice.	15:20:11
3	Q Okay, and if we go to SAWS bullet 3, slide	15:20:14
4	16, it says, "The office shall not notify applicant	15:20:20
5	or any other party that any particular application	15:20:23
6	has been identified as a SAWS application." Do you	15:20:27
7	see that?	15:20:30
8	A I do.	15:20:30
9	Q And it was -- it's true, isn't it, that for	15:20:32
10	the Large Patent Family Review Program, the office	15:20:37
11	did not notify applicant or any other party that that	15:20:41
12	application had been identified as part of the Large	15:20:45
13	Patent Family Review Program, correct?	15:20:50
14	A That's true.	15:20:51
15	Q And if we go down to the next bullet on	15:20:53
16	slide 16, it says, "Examiners may not communicate	15:20:56
17	with the press or public on any applications, SAWS or	15:21:00
18	not." Is that correct?	15:21:05
19	A Yes.	15:21:06
20	Q And we would have the same for the Large	15:21:06
21	Patent Family Review Program, correct?	15:21:09
22	A You're mischaracterizing the bullet. It	15:21:11

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1	tells examiners to not communicate with the press	15:21:14
2	about any application.	15:21:17
3	Q SAWS or not, correct?	15:21:18
4	A Yes, but any application encompasses large	15:21:20
5	patent applications, any application.	15:21:23
6	Q And the last would be true, any public or	15:21:26
7	press questions would need to be forwarded to the	15:21:30
8	Office of Public Affairs for response, correct?	15:21:32
9	A Correct.	15:21:36
10	Q And that would be the same with SAWS or the	15:21:36
11	Large Patent Family Review Program, right?	15:21:41
12	A Any application, yes.	15:21:42
13	Q Any application. Let's go to paragraph 11	15:21:43
14	of your declaration. That's Exhibit B I believe.	15:22:02
15	Earlier in your deposition today, you said that over	15:22:22
16	time, the number of family members for an application	15:22:26
17	to be included in the Large Patent Family Review	15:22:30
18	Program was between ten and 15, and here, it is nine	15:22:33
19	and 11 in paragraph 11 of your declaration. Do you	15:22:41
20	see that?	15:22:45
21	A I see 11. Oh, nine there, yes.	15:22:45
22	Q And then it says 11 plus if we go down	15:22:52

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1	another couple of lines. Do you see that?	15:22:57
2	A Yes.	15:22:59
3	Q Is nine family members sufficient at	15:22:59
4	certain points -- strike that. New line.	15:23:10
5	When you said ten to 15 earlier, were you	15:23:15
6	going specifically or were you going off memory?	15:23:21
7	MS. BRUNS: Objection.	15:23:24
8	BY MR. DELAQUIL:	15:23:27
9	Q Yeah, let me withdraw that question. When	15:23:27
10	you said ten to 15 family members were the criteria	15:23:30
11	for inclusion in the program earlier, did you recall	15:23:35
12	specifically how many patent family members were	15:23:38
13	required for inclusion, or were you speaking more	15:23:43
14	generally about the change in time?	15:23:47
15	A I was speaking more generally, that we went	15:23:49
16	from 15 or more, and we kept going downward.	15:23:53
17	Q Okay, but here it says, "So as not to	15:23:56
18	overwhelm OPQA's reviewing resources, the study began	15:24:05
19	by limiting the reviews to allowances randomly	15:24:07
20	selected from allowed applications with 11 or more	15:24:10
21	applications." Do you see that?	15:24:13
22	A I do.	15:24:15

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1	Q	That's not 15, right?	15:24:15
2	A	Eleven is not 15.	15:24:18
3	Q	So what explains the different numbers?	15:24:20
4	A	I'm not sure why I remember 15, but perhaps	15:24:23
5		we did a pilot study at a higher number. Eleven	15:24:28
6		includes 15, so it's 11 or more is what that's -- I'm	15:24:34
7		not sure if it expressly said -- yeah, 11 or more, so	15:24:38
8		it includes 15, and so maybe I'm remembering 15	15:24:41
9		because we did a pilot to see if there was anything	15:24:45
10		worth investigating further.	15:24:49
11	Q	Eleven or more would include 15, but it	15:24:51
12		would also include numbers below 15, right?	15:24:54
13	A	No.	15:24:58
14	Q	Eleven or more would include 12, right?	15:25:00
15	A	Yes.	15:25:03
16	Q	And that would not be encompassed if the	15:25:04
17		criteria was 15, right?	15:25:07
18	A	Correct.	15:25:09
19	Q	And is this discrepancy potentially the	15:25:10
20		lack of your personal involvement with the Large	15:25:16
21		Patent Family Review Program?	15:25:19
22	A	It would be a result of the fact that it	15:25:20

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1 ended a long time ago, and I don't recall the exact 15:25:23

2 parameters. 15:25:27

3 Q Here it says that applications were 15:25:28

4 identified in a biweekly allowance report. Who did 15:25:42

5 the identifying? 15:25:46

6 A V.C. Liang. 15:25:47

7 Q And then it says OPQA randomly selected 15:25:53

8 them. How did that random selection occur? 15:25:57

9 A V.C. runs algorithms to randomly select 15:25:59

10 from the list that had been mailed that biweek. 15:26:04

11 Q Do you know what algorithms those are? 15:26:07

12 A No, and I misspoke. He doesn't run them 15:26:08

13 now. He ran. I said runs. He doesn't do it today. 15:26:13

14 Q So V.C. ran those algorithms during the 15:26:17

15 time the large family review program was in force. 15:26:21

16 A Correct. 15:26:25

17 Q Are those the same algorithms used to 15:26:26

18 randomly select in the random review program that we 15:26:28

19 discussed earlier? 15:26:31

20 MS. BRUNS: Objection, calls for 15:26:33

21 speculation. 15:26:34

22 A I don't believe they're the same, no. 15:26:34

1 Q If you turn to page 13 of your 15:26:36  
2 declaration -- 15:27:20  
3 MS. BRUNS: Do you mean paragraph? 15:27:23  
4 BY MR. DELAQUIL: 15:27:24  
5 Q Paragraph 13, correct. Thank you. 15:27:24  
6 Paragraph 13 of your declaration, there's something 15:27:26  
7 called the Integrated Quality System. Do you see 15:27:29  
8 that? 15:27:31  
9 A I do. 15:27:32  
10 Q Also called IQS; is that right? 15:27:32  
11 A Yes. 15:27:35  
12 Q What is the Integrated Quality System? 15:27:36  
13 A So we always call it IQS. It is the system 15:27:38  
14 in which our random reviews function -- function's 15:27:43  
15 not maybe the right word. It's an automated system 15:27:48  
16 that allows our reviewers to say they're ready to 15:27:52  
17 review a case. It automatically identifies a pull 15:27:57  
18 list for lack of a better word from recently mailed 15:28:04  
19 office actions, and it has an algorithm to select 15:28:07  
20 from that list when a reviewer is ready to review it 15:28:12  
21 so that applications don't sit waiting for review. 15:28:16  
22 In other words, the reviewer's ready to work on a new 15:28:20

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1 case, they click a button, and IQS does that magic 15:28:23  
2 algorithm stuff in the background and pulls a case 15:28:28  
3 for them to review. 15:28:30  
4 Q Is IQS integrated with PALM? 15:28:32  
5 A I don't know. 15:28:37  
6 Q Is IQS part of PALM? 15:28:38  
7 A I don't think so. It's created after. 15:28:41  
8 Q Who manages IQS? 15:28:47  
9 A There's a product owner in our I.T. 15:28:49  
10 systems, and V.C. in our office liaisons with those 15:28:52  
11 people. 15:28:57  
12 Q Does any part of the patent office other 15:28:57  
13 than OPQA use IQS? 15:29:00  
14 MS. BRUNS: Objection, calls for 15:29:03  
15 speculation. 15:29:04  
16 A The -- so managers have access to IQS. 15:29:04  
17 Since it does our random reviews, when we send them 15:29:11  
18 to the TCs, they read it in IQS, they rebut in IQS, 15:29:15  
19 they send it back to OPQA in IQS. 15:29:20  
20 Q Let's go to paragraph 15. "As part of 15:29:26  
21 their allowance review in large patent family review, 15:29:38  
22 the OPQA reviewer would check for examination errors, 15:29:41

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1	such as omitted rejections, including rejections	15:29:45
2	under 35 USC 102, 35 USC 112 and double-patenting."	15:29:48
3	Do you see that?	15:29:55
4	A I do.	15:29:56
5	Q Now, that's the same type of scrutiny that	15:29:57
6	OPLA gave to applications that were flagged under the	15:30:02
7	SAWS program and elevated to OPLA, correct?	15:30:07
8	A I don't know what OPLA's process was when	15:30:12
9	they reviewed SAWS.	15:30:16
10	Q In the Large Patent Family Review Program,	15:30:18
11	what materials did OPQA reviewers look at to	15:30:25
12	determine whether there were omitted rejections?	15:30:29
13	A I've never done the review, but a reviewer	15:30:32
14	should be looking at the allowed claims and any	15:30:38
15	family member claims, the specification of the	15:30:42
16	application, just as you would for any assessment of	15:30:45
17	-- under these statutes.	15:30:49
18	Q To make a rejection under 35 USC 102,	15:30:51
19	they'd need to look at prior art as well, wouldn't	15:31:01
20	they?	15:31:03
21	A Yes.	15:31:04
22	Q Do you know if OPQA examiners actually	15:31:04

1 reviewed prior art as part of the large family review 15:31:08

2 program? 15:31:11

3 A So OPQA has reviewers, not examiners. I 15:31:12

4 mean, they are former examiners. When they review, 15:31:17

5 they will consider -- so these are allowed cases, so 15:31:20

6 prior art would be in the file, the patent 15:31:24

7 application file. They would often look at the 15:31:26

8 prosecution history to identify if they should look 15:31:32

9 any further. So they would review prior art, 15:31:35

10 absolutely. They may also search again to see if 15:31:40

11 prior art was missed. Those I think would be rare, 15:31:43

12 but our reviewers are pretty diligent, so -- 15:31:47

13 Q Okay, so on the first instance, you'd 15:31:51

14 expect them to review the patent history to see if 15:31:56

15 there was art that was identified as material, and 15:31:59

16 then in certain rare cases, you'd expect them to do a 15:32:03

17 search; is that correct? 15:32:07

18 A The general focus of large patent family 15:32:09

19 was looking at -- for double-patenting. 15:32:11

20 Q Okay. 15:32:13

21 A If -- and they often reviewed the 15:32:14

22 prosecution, so if something indicated to them that 15:32:17

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1     it needed further scrutiny, they would go and look     15:32:22  
2     for that, and if they -- but I would say it would be     15:32:24  
3     rare that they would do an extra search. They tried     15:32:27  
4     to use everything that was in the file already. The     15:32:30  
5     examiner had a search. They didn't want to duplicate     15:32:33  
6     it, so they would look at the examiner's search. If     15:32:36  
7     it was complete, they may or may not research again.     15:32:38  
8             Q     Go to paragraph 18 in the declaration. It     15:32:47  
9     says, "Neither Gilbert Hyatt nor Paul Morinville had     15:32:52  
10    any of their patent applications included in large     15:32:57  
11    patent family review. The program only considered     15:33:00  
12    allowances mailed from 2022 to 2025, and neither Mr.     15:33:04  
13    Hyatt nor Mr. Morinville had an application that was     15:33:09  
14    both allowed and that met the study criteria during     15:33:12  
15    that time frame." Do you see that?     15:33:15  
16             A     I do.     15:33:17  
17             Q     Did you verify that neither Mr. Hyatt nor     15:33:17  
18    Mr. Morinville had an application in the Large Patent     15:33:23  
19    Family Review Program by going through the lists of     15:33:26  
20    applications that were considered as part of the     15:33:29  
21    Large Patent Family Review Program?     15:33:35  
22             A     Personally, no, I did not.     15:33:36

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1	Q	Did anyone else, to your knowledge?	15:33:38
2	A	V.C. Liang went through the list.	15:33:40
3	Q	When V.C. Liang went through the list, did	15:33:45
4		he look for Mr. Hyatt and Morinville's applications?	15:33:48
5		MS. BRUNS: Objection, calls for	15:33:53
6		speculation.	15:33:56
7	A	I don't know how he looked for it.	15:33:56
8	Q	Okay. Were there any applications that	15:33:58
9		were in the Large Patent Family Review Program that	15:34:03
10		had previously been flagged under SAWS?	15:34:06
11	A	I have no idea.	15:34:09
12	Q	That's a search that could be conducted,	15:34:11
13		right?	15:34:17
14	A	If you had all the application numbers that	15:34:17
15		were ever in SAWS, we could compare them to all the	15:34:25
16		application numbers that were considered under large	15:34:28
17		patent family and find overlap, yes.	15:34:32
18	Q	Or if you had a subset of patent	15:34:34
19		applications that were included in SAWS, you could	15:34:37
20		check that subset against all those that were in	15:34:40
21		large family, correct?	15:34:43
22	A	Yes.	15:34:44

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1	Q	Let's go to paragraph 23 in your	15:34:44
2		declaration. The first sentence, "For SAWS, the	15:35:03
3		amount of time that an application was flagged in	15:35:13
4		PALM was highly variable and could extend for weeks,	15:35:16
5		months or in some extreme cases even years because	15:35:19
6		flags were applied early on in prosecution." Do you	15:35:23
7		see that?	15:35:26
8	A	I do.	15:35:27
9	Q	And that led to delays in applications	15:35:28
10		under SAWS, right?	15:35:31
11	A	In particular circumstances, it could lead	15:35:32
12		to delays, yes.	15:35:35
13	Q	Okay. In the Large Patent Family Review	15:35:36
14		Programs, it says below, quote, "If no concerns were	15:35:39
15		noted, OPQA generally removed the flag" -- "generally	15:35:44
16		removed the PALM flag within two weeks," end of	15:35:49
17		quote. Do you see that?	15:35:52
18	A	Yes.	15:35:53
19	Q	In what percentage of cases that were	15:35:54
20		flagged as part of the Large Patent Family Review	15:36:01
21		Program were the PALM flags removed within two weeks?	15:36:04
22	A	I don't know. There might be data in the	15:36:08

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1 study slides about how many issues we found. Ones 15:36:12  
2 that didn't have an issue would have been removed 15:36:17  
3 within the two weeks. 15:36:19

4 Q Well, how long -- strike that. New 15:36:20  
5 question. Does the PTO have data on how long the 15:36:25  
6 applications that were flagged as part of the Large 15:36:30  
7 Patent Family Review Program stayed in that program? 15:36:34

8 A As I said, in the slides that describe the 15:36:37  
9 program, it would have explained -- I believe it 15:36:45  
10 explained how many cases had issue out of a 15:36:48  
11 percentage of the cases looked at. So the rest of 15:36:52  
12 the hundred percent would have been ones that were in 15:36:55  
13 this category that you're talking about. 15:36:58

14 Q Okay. Let's see if we can go to those 15:37:00  
15 slides, and that's the Studying Applications With 15:37:03  
16 Large Patent Family slides, and I think if we go -- I 15:37:06  
17 think I know which slide you're referring to. Would 15:37:15  
18 it be slide 10 possibly? 15:37:24

19 A Slide 10 would help us. I thought there 15:37:30  
20 was more of a summary slide at the end that I was 15:37:41  
21 thinking of, because it doesn't sum it up, so slide 15:37:44  
22 10 explains on the right side any large patent family 15:37:48

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1	review that turned up an issue of an omitted	15:37:53
2	rejection. I'm sure it's not summative to the ones	15:37:57
3	that had an issue because some might have had two.	15:38:01
4	Q I understand what you're saying. So we can	15:38:04
5	look at slide 10 and say at least 21.7 percent of	15:38:06
6	cases had a problem.	15:38:10
7	A Yes.	15:38:12
8	Q And that -- but you can't tell what the	15:38:12
9	maximum is. If you summed them, it would be unlikely	15:38:17
10	to be correct because some cases -- at least some	15:38:21
11	cases would be likely to have two problems, is that	15:38:23
12	right, or more?	15:38:26
13	A If we summed them, it would be the maximum.	15:38:27
14	Q Right.	15:38:29
15	A Can't possibly surpass that.	15:38:30
16	Q Where an issue was identified, do you know	15:38:33
17	generally how long the application remained from	15:38:49
18	issuing? Strike that. New line.	15:38:53
19	When an issue was identified, do you know	15:38:57
20	the bounds of how long it took for the application to	15:39:00
21	have the OPQA flag lifted?	15:39:08
22	A The process for large patent family was as	15:39:14

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1 soon as OPQA identified an issue and discussed it 15:39:19  
2 with the technology center, the technology center 15:39:23  
3 would put their own flag on the case so that OPQA 15:39:26  
4 flag could be removed, and then the TC could further 15:39:29  
5 investigate, make any changes they needed to and 15:39:35  
6 remove their own flag. So the OPQA flag would have 15:39:37  
7 been removed as soon as we discussed it with the TC. 15:39:40  
8 Q But that didn't mean the application issued 15:39:44  
9 at that point, correct? 15:39:47  
10 A Correct. 15:39:48  
11 Q Let's go back to your declaration, 15:39:48  
12 paragraph 17, and that has a number of 37 percent of 15:39:53  
13 applications as being identified as having issues 15:40:04  
14 raised for consideration to the TC. Do you see that? 15:40:08  
15 A Yes. 15:40:10  
16 Q Okay, so if we add the numbers on slide 10, 15:40:11  
17 we're really less than 37 percent, right? 15:40:20  
18 A Anybody do the math? It looked like 34 15:40:23  
19 percent to me. 15:40:47  
20 Q I got 34.9 percent. 15:40:48  
21 A Okay. 15:40:50  
22 Q But I went to law school because I'm not 15:40:50

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1 any good at doing math, Dr. Bragdon. I would not 15:40:54  
2 have made it through your Ph.D. science program. So 15:40:55  
3 what explains the discrepancy between 37 percent in 15:40:59  
4 your declaration and a max of 34.9 percent in the 15:41:02  
5 slides where you thought 34.9 percent was too high? 15:41:07  
6 A I'm not sure how many were -- how much of 15:41:13  
7 the program was included in this slide 10 from June 15:41:16  
8 of 2025 where we likely produced the data for the 15:41:23  
9 slides well in advance of June 2025, because the 15:41:29  
10 slide deck would have gone through clearances and 15:41:33  
11 approvals and such, so it could have been as the 15:41:35  
12 program continued, there would have been more -- this 15:41:39  
13 number, the 37 percent, was calculated after the 15:41:44  
14 program had long been completed and we had the 15:41:48  
15 finalized view of the whole program. The slides were 15:41:53  
16 the program -- they were certainly created during the 15:41:58  
17 program's existence. 15:42:01  
18 Q And did V.C. Liang provide the numbers in 15:42:02  
19 paragraph 17? 15:42:07  
20 A That's my recollection, yes. 15:42:08  
21 Q Do you know if V.C. Liang provided the data 15:42:09  
22 for slide 10 in the Studying Applications With Large 15:42:16

1 Patent Families? 15:42:21

2 A That would be an appropriate assumption 15:42:22

3 since he was our data man for -- he is our data man 15:42:25

4 for OPQA, so yes. 15:42:29

5 Q So you would expect him to have, but you're 15:42:31

6 not sure, correct? 15:42:33

7 A Correct. 15:42:34

8 Q Do you know what statistics V.C. Liang 15:42:35

9 maintained about the Large Patent Family Review 15:42:43

10 Program? 15:42:47

11 A No. 15:42:48

12 Q Let's go to paragraph 25 in your 15:42:48

13 declaration. It says, "SAWS in large patent family 15:43:07

14 review did rely in part on having flags placed on 15:43:14

15 certain applications in PALM, but so do many other 15:43:18

16 quality review programs at the U.S. PTO, such as the 15:43:21

17 Signatory Authority Program." What other review 15:43:25

18 programs are you referring to here? 15:43:29

19 A Any quality review program that reviews 15:43:31

20 allowances would employ flags if it was well set out 15:43:36

21 so that -- the point of the flag is so that any 15:43:42

22 allowed application does not issue to a patent before 15:43:46

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1 the review has time to be completed. 15:43:50

2 Q So can you name any other quality review 15:43:52

3 programs where there was a flag placed on certain 15:43:59

4 applications in PALM other than SAWS, the Large 15:44:03

5 Patent Family Review Program, and the Signatory 15:44:08

6 Authority Program? 15:44:11

7 A Our current Strategic Review Program 15:44:11

8 reviews allowances in part, and those allowances are 15:44:15

9 flagged. Many of our other review programs review 15:44:18

10 in-process, not allowances, so those wouldn't need a 15:44:26

11 flag. It was specifically reserved for allowances. 15:44:31

12 Q So -- but of the many other quality review 15:44:35

13 programs that aren't mentioned in paragraph 25, you 15:44:42

14 can only think of one, the Strategic Review Program, 15:44:48

15 sitting here today; is that right? 15:44:52

16 A Correct, but the Signatory Authority 15:44:54

17 Program is an enormous review program reviewing for 15:44:56

18 all primary examiners before they become a primary. 15:45:00

19 It embodies well many more applications than anything 15:45:04

20 listed there. It's a standard practice to flag 15:45:08

21 allowed cases set for review. 15:45:11

22 Q In paragraph 26, you say, "At this time, I 15:45:13

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1	am not aware of any outside inquiry by DOJ into any	15:45:27
2	program operated by OPQA." Do you see that?	15:45:31
3	A Yes.	15:45:34
4	Q Do you -- strike that. You don't know	15:45:35
5	whether there is any outside inquiry by DOJ into any	15:45:39
6	program not operated by OPQA at the PTO, correct?	15:45:43
7	A Correct.	15:45:49
8	MR. DELAQUIL: Let's take a break.	15:46:11
9	THE VIDEOGRAPHER: We are going off the	15:46:13
10	record. The time is 3:45.	15:46:14
11	(Recessed at 3:45 p.m.)	15:46:18
12	(Reconvened at 3:57 p.m.)	15:46:18
13	THE VIDEOGRAPHER: We are back on the	15:57:20
14	record. The time is 3:57.	15:57:43
15	BY MR. DELAQUIL:	15:57:46
16	Q Welcome back, Dr. Bragdon. Did the PTO	15:57:46
17	maintain reports concerning the review of	15:57:53
18	applications under the Large Patent Family Review	15:57:55
19	Program?	15:57:57
20	A Not sure what you mean by reports.	15:57:58
21	Q Let's go to paragraph 14 in your	15:58:02
22	declaration, Exhibit Bragdon B. It says there that,	15:58:06

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1	quote, "Once any errors were communicated to the TC,"	15:58:18
2	end quote. Do you see that?	15:58:24
3	A Yes.	15:58:25
4	Q Were the errors identified as part of the	15:58:33
5	Large Patent Family Review Program memorialized in	15:58:38
6	any way?	15:58:40
7	A We had a database that took care of the ins	15:58:41
8	and outs of like which cases were selected for	15:58:49
9	review, if anything was found, yes, so there was a	15:58:51
10	database that had --	15:58:56
11	Q Does that database still exist?	15:58:58
12	A I'm sure it's memorialized in our	15:59:00
13	SharePoint site. I haven't looked for it, so --	15:59:03
14	Q So you're not sure, but you expect that it	15:59:07
15	would continue to exist; is that correct?	15:59:12
16	A I apologize. Yes, I expect that it's	15:59:13
17	there.	15:59:16
18	Q What information from the -- from the large	15:59:16
19	patent family review was included in that database,	15:59:25
20	if you know?	15:59:29
21	A We in the database tracked when an	15:59:29
22	application was selected for review, when a flag was	15:59:37

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1	put on, when a flag was taken off so that we	15:59:40
2	confirmed all flags were taken off. I don't recall	15:59:43
3	if it tracked issues in that database. They would	15:59:51
4	have been tracked somewhere, because we obviously	15:59:55
5	know we have the data which -- or the amount of	15:59:57
6	issues that were raised in these cases, so --	16:00:02
7	Q So I understand, what you're saying is	16:00:05
8	you're not certain if the issues identified in an	16:00:09
9	application through the large family review program	16:00:12
10	were included in the database, but you would expect	16:00:15
11	that they are memorialized somewhere. Is that -- am	16:00:19
12	I understanding that right?	16:00:23
13	A Yes, that's my understanding of the program	16:00:24
14	and the capturing it.	16:00:26
15	Q Who was responsible for entering	16:00:29
16	information into the database that you referred to?	16:00:31
17	A It would have been a variety of people that	16:00:33
18	participated in managing the in and out of large	16:00:36
19	patent family. Traci Casler, who I had mentioned	16:00:42
20	before, V.C. Liang might have inputted data, if there	16:00:45
21	was an RQAS that was tasked with assisting or another	16:00:50
22	backup for Traci Casler. I know I've inputted data.	16:00:53

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1	Anyone who had a hand in the process.	16:00:58
2	Q Was there an individual who was in charge	16:01:00
3	of owning that database, if you understand what I	16:01:06
4	mean?	16:01:09
5	A I don't recall where it was housed, if	16:01:10
6	that's what you mean, like on whose computer. I do	16:01:17
7	know that Director Spyrou of OPQA created the	16:01:21
8	database. It's an Access database, so it needed to	16:01:25
9	sit somewhere, and people worked from there.	16:01:28
10	Q Okay, so the database was actually	16:01:32
11	corrected -- strike that. New line.	16:01:38
12	The database was actually created by the	16:01:40
13	director.	16:01:43
14	A Yes, the -- the shell of the -- not the	16:01:44
15	data.	16:01:46
16	Q Yes.	16:01:47
17	A The shell --	16:01:47
18	Q The shell.	16:01:48
19	A -- it works in, yes.	16:01:49
20	Q The shell, and it resided in her part of	16:01:50
21	the file structure.	16:01:53
22	A I'm not sure where she would have posted it	16:01:54

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1	for everyone, but I know she created it. She --	16:01:57
2	Q Okay.	16:02:00
3	A -- liked that kind of thing.	16:02:00
4	Q So then she could make sure it had the	16:02:01
5	information inputted into it that she wanted inputted	16:02:05
6	into it, correct?	16:02:06
7	A She was fluent in Access. She liked to use	16:02:06
8	Access more than other databases, so that's why it	16:02:09
9	was created, and she knew its capabilities.	16:02:11
10	Q You agree with me that the Patent Act	16:02:16
11	permits applications to allow that are part of large	16:02:21
12	patent families, right?	16:02:24
13	A The Patent Act? I'm sorry.	16:02:26
14	MS. BRUNS: Objection to the extent you're	16:02:30
15	calling for a legal conclusion.	16:02:32
16	BY MR. DELAQUIL:	16:02:33
17	Q Well, let me ask that a different way. I	16:02:33
18	think perhaps we didn't have a meeting of the minds	16:02:39
19	on that question. The Patent Act allows for benefit	16:02:42
20	claims in section 120. You agree with that, right?	16:02:48
21	A I know there's a legal basis for the	16:02:52
22	benefit claims in 120. I don't know if it's called	16:02:57

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1	the Patent Act, and without a year on it, there's	16:03:00
2	been a few of them, so --	16:03:03
3	Q Okay. Is there anything that you're aware	16:03:06
4	of in the patent law administered by the PTO during	16:03:08
5	the term of the Large Patent Family Review Program	16:03:13
6	that precluded applications from issuing that were	16:03:17
7	part of large families?	16:03:21
8	A No.	16:03:23
9	Q Is there anything in the act as	16:03:25
10	administered by the PTO during the time of the Large	16:03:29
11	Patent Family Review Program that disfavored patents	16:03:34
12	from issuing out of applications that were part of	16:03:38
13	large families?	16:03:41
14	A I don't know how a law would disfavor, but	16:03:42
15	not that I know of.	16:03:45
16	Q Is there anything in the patent law as	16:03:46
17	administered by the PTO during the pendency of the	16:03:52
18	Large Patent Family Review Program that required the	16:03:58
19	PTO to maintain something like the Large Patent	16:04:01
20	Family Review Program?	16:04:06
21	MS. BRUNS: I'm going to object to the	16:04:07
22	extent that you're asking for a legal conclusion.	16:04:09

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1           A     My understanding was that large patent           16:04:14

2 family didn't come out of a law.           16:04:18

3           Q     Is there anything in the patent law that           16:04:23

4 you're aware of that prohibits so-called patent           16:04:33

5 thickets?           16:04:38

6           MS. BRUNS:   Again, I am objecting to the           16:04:39

7 extent that you're asking for a legal conclusion.           16:04:41

8           THE WITNESS:   My understanding is           16:04:45

9 applicants can file as many related family of cases           16:04:48

10 as they would like.           16:04:52

11           MR. DELAQUIL:   I don't have anything else.           16:04:58

12 Pass the witness.           16:04:59

13                         EXAMINATION BY COUNSEL FOR THE

14                         UNITED STATES PATENT AND TRADEMARK OFFICE           16:05:00

15 BY MS. BRUNS:           16:05:00

16           Q     Okay, I just have a few short questions for           16:05:00

17 you. If we could look back at Exhibit A, which is           16:05:03

18 the Martin letter, in the second paragraph, earlier,           16:05:10

19 Mr. Delaquil was asking you about the sentence that           16:05:22

20 says, "I'm particularly interested that you recently           16:05:26

21 discovered a Biden-era directive to secretly flag           16:05:29

22 pending patents and allowable patent applications and           16:05:33

1 claims to prevent them from issuing." Do you see 16:05:35  
2 that sentence? 16:05:38  
3 A I do. 16:05:38  
4 Q Now, if such a directive existed, do you 16:05:39  
5 believe that you likely would have known about it? 16:05:46  
6 MR. DELAQUIL: Objection, foundation. 16:05:48  
7 A That sentence doesn't talk about quality at 16:05:50  
8 all, so I can't really draw a conclusion if I would 16:06:00  
9 have known about it. I know about quality programs 16:06:03  
10 -- 16:06:06  
11 Q Okay. 16:06:06  
12 A -- in my position. That sentence doesn't 16:06:07  
13 talk about that, so -- 16:06:10  
14 Q Okay. You earlier discussed that it is 16:06:12  
15 standard practice not to indicate that an application 16:06:18  
16 or a patent has undergone any additional quality 16:06:22  
17 review. Do I have that right? 16:06:25  
18 A Patent application, so yeah, right. 16:06:27  
19 Q Can you explain why, to the extent that you 16:06:31  
20 know, that is the case? 16:06:35  
21 A So quality review has always been reserved 16:06:37  
22 as a work product, if you will, in large part to keep 16:06:43

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1 all issued patents on a level playing field. If 16:06:50  
2 there was a patent application that was known to have 16:06:54  
3 -- if it was marked in the record that multiple 16:06:59  
4 people had reviewed the case, that could be construed 16:07:02  
5 as a stronger patent than another application that 16:07:06  
6 was not reviewed multiple times. Perhaps it just had 16:07:10  
7 a primary examiner's eyes on it, and the office makes 16:07:14  
8 a point to not put their finger on the scale of one 16:07:18  
9 patent or another. 16:07:21

10 So it's routine that we would not talk 16:07:23  
11 about any one given patent compared to the others as 16:07:27  
12 how much review it had. 16:07:30

13 MS. BRUNS: Okay, that is all I have. 16:07:32

14 MR. DELAQUIL: No --

15 MS. BRUNS: Anything else? 16:07:35

16 MR. DELAQUIL: Nothing. Read and sign on 16:07:35  
17 the record? 16:07:38

18 MS. BRUNS: Yes, please. 16:07:39

19 THE VIDEOGRAPHER: This marks the end of 16:07:40  
20 today's deposition of Dr. Kathleen Bragdon. We are 16:07:42  
21 going off the record. The time is 4:07. 16:07:44

22 (Off the record at 4:07 p.m.)

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ACKNOWLEDGMENT OF DEPONENT

I, Kathleen Bragdon, Ph.D., do hereby  
acknowledge that I have read and examined the  
foregoing testimony, and the same is a true, correct  
and complete transcription of the testimony given by  
me, and any corrections appear on the attached errata  
sheet signed by me.

\_\_\_\_\_

(DATE)

\_\_\_\_\_

(SIGNATURE)

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Karen Young, the officer before whom the  
3 foregoing deposition was taken, do hereby certify  
4 that the foregoing transcript is a true and correct  
5 record of the testimony given; that said testimony  
6 was taken by me stenographically and thereafter  
7 reduced to typewriting under my direction; that  
8 reading and signing was requested, and that I am  
9 neither counsel for or related to, nor employed by  
10 any of the parties to this case and have no interest,  
11 financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my  
13 hand and affixed my notarial seal this 14th day of  
14 April, 2026.

15   
16 \_\_\_\_\_

17 NOTARY PUBLIC IN AND FOR

18 THE DISTRICT OF COLUMBIA

19  
20 My commission expires:

21 September 14, 2029  
22

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A			
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14:8, 17:22,	120:1	13:8, 13:14,	82:17, 85:20,
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79:3	38:2	15:5, 16:6,	<b>agree</b>
<b>about</b>	<b>across</b>	16:13, 116:4,	14:17, 15:17,
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20:10, 20:13,	<b>act</b>	<b>administrator</b>	22:18, 45:6,
24:19, 25:6,	115:10, 115:13,	47:10	45:13, 62:11,
29:18, 32:9,	115:19, 116:1,	<b>advance</b>	64:12, 64:18,
36:12, 37:10,	116:9	108:9	77:10, 90:22,
42:9, 45:5,	<b>acted</b>	<b>adverse</b>	115:10, 115:20
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CONFIDENTIAL

Transcript of Kathleen Bragdon, Ph.D.

Conducted on April 13, 2026

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