

## **Gary D. Fletcher, Ph.D. -- Expert Witness Case List**

I have testified as an expert in the following case(s) during the previous four years:

- Deposition testimony: In the Matter of Certain Blood Separation and Cell Separation Devices, Inv. No. 337-TA-1147, U.S. International Trade Commission, 2019.
- Deposition testimony: Patent infringement complaint, re: declaration supporting defendant's responsive claim construction brief, 2021.

More detail on previous and current cases:

- I served (2019) as Expert Witness for the respondent in a successfully concluded Section 337 investigation before the US International Trade Commission, Inv. No. 337-TA-1147. I provided expert opinion for the respondent on the infringement, validity, and enforceability of the complainant's US patent, in blood collection and preparation for therapy. I prepared and submitted two declarations for the Markman hearing, including my declaration supporting claims construction, and a rebuttal declaration. I prepared and submitted my Expert Witness Report and a rebuttal expert report. I was deposed for 8 hours by complainant's counsel and 1 hour by the Investigative Attorney for the Office of Unfair Import Investigations. I prepared and submitted my Expert Witness Statement and my rebuttal witness statement. One week before the scheduled ITC Hearing, in part because of the strength of my declarations and statements, the complainant withdrew the complaint and filed a motion to stay the hearing.
- I was retained (2020) as Expert Witness for the defendant in a patent dispute before the USDC in Delaware, involving four patents in the area of blood collection and processing. I reviewed drafts of the Petition for IPR, involving two of the four patents, informing defendant's counsel that I believed the arguments presented in the draft IPR Petition were not strong. I was not asked to prepare an IPR Expert Declaration, nor did I review the final IPR Petition. I have not been asked to prepare other expert witness documents.
- I was retained (2020) as Expert Witness for the defendant in a patent infringement case before USDC in Delaware, involving two patents in the area of medical diagnostic testing fluidic systems and methods of sample processing, and point-of-care diagnostic fluidic systems and uses. I reviewed prior art, and on June 29, 2020, the plaintiff dismissed their suit.
- I am currently (2021) retained as Expert Witness for the defendant in a patent infringement case before USDC in Western District of Texas, involving two patents in the area of preparing blood samples for analysis of circulating nucleic acids using chemical agents that inhibit blood cell lysis. I prepared a declaration supporting defendant's responsive claim construction brief, and I was deposed by plaintiff regarding the declaration.
- I am currently (2021) retained as Expert Consultant for counsel developing patent litigation strategy for client in glucose monitoring space, assisting in preparation of five (5) IPR Petitions.

### **In summary:**

Number of IP matters supported – 5

Number of IPR matters supported – 6

Number of depositions in IP matters – 2

Number of testimonies in IP matters – 0

I confirm that I have never had a Daubert motion filed against me.