

GERALD H. BJORGE EXPERT REPORT

1. Neville v. Resinall (D. Conn. 1989) (J. Daly)
2. Ortho v. American Home Products (E.D. Pa. 1990) (J. Newcomer)
3. Andrew Corn. v. Gabriel (D. Me. 1991)
4. Texas Instruments v. ITC (ITC 1991) (J. Harris)
5. Filmtech v. Hydranautics (S.D. Cal. 1991) (J. Thompson)
6. Joy Technologies v. Flakt (D. Del. 1991) (J. Farnan)
7. Allied-Signal v. Allegheny Ludlum (1992)
8. Amarillo Cell Culture Co. v. Wyatt (N.D. Tex. 1992)
9. Arnott v. Alcon Laboratory (E. D. Va. 1992) (J. Ellis)
10. Biorad v. Pharmacia (N.D. Cal. 1992) (J. Jensen)
11. Dell Computer v. Texas Instruments (N.D. Tex. 1992)
12. Dupont-Merck v. RCT (D. Del. 1992)
13. Pillco v. Advanced Interventional Systems (E.D. Va. 1992) (J. Bryan)
14. Svensson & Co. v. Cooper Industries (E.D. Va. 1992)
15. Texas Instruments v. Analog Devices (N.D. Tex. 1992)
16. Depaul v. Toshiba Corp. (S.D.N.Y. 1993) (J. Katz)
17. Carbo Ceramics v. Norton Alcoa (N.D. Tex. 1993)
18. Concept Design v. Duplitronics (D.N.C. 1993) (J. Potter)
19. Keptel v. GTE (D.N.J. 1993)
20. Schneider v. Scimed (D. Minn. 1993) (J. Alsop)
21. BFG v. Allied-Signal (D. Del. 1993) (J. Robinson)
22. Thorn EMI v. Micron Technology (D. Del. 1993)
23. American Home Products v. Ortho Pharmaceutical (E.D. Pa. 1993) (J. Buckwalter)
24. THK v. NSK (N.D. 111. 1993)
25. CVI/BETA v. Customs Optical (D. Md. 1994) (J. Messitte)
26. Gen-Probe v. U. Cal. Regents (S.D. Cal. 1994, 1996) (J. Jones)
27. Schneider v. Cordis (D. Minn. 1994)
28. Richardson-Vicks v. Upjohn (D. Del. 1995)
29. Eisenberg v. Alimed (D. Mass. 1995) (J. Gertner)
30. Gen-Probe v. Microprobe (S.D. Cal. 1995)

31. Lifescan v. Polymer Technology (D. Wash. 1995) (J. Rothstein)
32. Marion Merrell Dow, Inc. v. Baker Norton (S.D. Fla. 1995)
33. Viskase v. ANC (N.D. 111. 1995, 1996) (J. Bucklo)
34. Marion Merrell Dow, Inc. v. Geneva (D. Col. 1995)
35. Armament Systems v. Monadnock, (E.D. Wis. 1995) (J. Reynolds)
36. Schneider v. Boston Scientific (D. Mass. 1995)
37. Paragon Electric v. Aspen (D.N.J. 1995) (J. Parell)
38. System Evergreen v. Concrete Systems (D.N.H. 1995)
39. Hoffman LaRoche v. Promega (N.D. Cal. 1996, 1999) (J. Walker)
40. Albest v. Oshkosh B'Gösh (S.D.N.Y. 1996) (C.J. Griesa)
41. Allied Signal v. Park (E.D. Va. 1996) (J. Payne)
42. Elan v. Biovail (D.N.J. 1996)
43. Bayer A.G. v. Barr (S.D.N.Y. 1996)
44. Mobil Oil Corporation v. Intoplast (D. Del. 1997) (J. Farnan)
45. General Signal v. Applied Materials (D. Del. 1997)
46. Key Pharmaceuticals v. Upsher-Smith (D.N.J. 1997)
47. Key Pharmaceuticals v. ESI-Lederle (E.D. Pa. 1997)
48. Durel v. Osram Sylvania (D. Ariz. 1997, 1999)
49. Upjohn v. Mova (D. Puerto Rico 1997) (J. Perez-Gimenez)
50. Rival v. Sunbeam (D. Kan. 1997)
51. Mycogen v. Monsanto (D. Del. 1997, 1998)
52. Plant Genetic Systems v. Ciba Geigy & Mycogen (D. N.Car. 1997)
53. Evans Medical Ltd. v. American Cyanamid et al. (S.D.N.Y. 1998)
54. Monsanto v. Mycogen (D. Del. 1998) (J. McKelvie)
55. Intermatic Inc. v. Lamson & Sessions Co., (N.D. 111. 1998)
56. S.C. Johnson v. B.F. Goodrich (W.D. Wis. 1998)
57. Pioneer Hi-Bred v. Lubrizol (S.D. Iowa 1998) (J. Pratt)
58. Pall Corp. v. Cuno, Inc. (E.D.N.Y. 1999)
59. DeKalb Genetics v. Ciba Geigy & Mycogen (N.D. Ill. 1999)
60. Infigen v. Advanced Cell Technology (W.D. Wis. 1999)
61. In re Certain Semiconductor Memory Devices (ITC 1999)

62. In re Research Corp. Technologies Patent Litigation (D.N.J. 1999) (J. Brown)
63. Tee-Lok Corp. v. Mitek Ind., Inc. (E.D. Mo. 1999) (J. Medler)
64. Aearo Co. v. 3M (S.D. Ind. 1999, 2000) (J. Dillin)
65. Amersham Pharmacia Biotech, Inc. v. Perkin-Elmer Corp. (N.D. Cal. 1999, 2000)
66. Regents, U. Cal. v. Genentech (N.D. Cal. 1999)
67. L'Oreal v. Revlon (D. Del. 1999)
68. Air Liquide v. MGI Nitrogen (D.N. Mex. 1999)
69. Sonus Pharmaceuticals v. Molecular Biosystems (W.D. Wash. 2000)
70. ACLARA Biosciences v. Caliper Technologies (N.D. Cal. 2000)
71. Thomas & Betts v. Panduit (N.D. Ill. 2000)
72. Union Carbide v. Shell Oil (D. Del. 2000, 2001) (J. Robinson)
73. Glaxo SmithKline v. Genentech (D. Del. 2001)
74. Pfizer v. Zenith (D. NJ 2001)
75. PE Corp. v. Amersham Pharmacia Biotech Inc. (N.D. Cal. 2001)
76. Evident Corp. v. Colgate-Palmolive et al. (D.N.J. 2001) (J. Cooper)
77. Ingersoll-Rand Co. v. Wilden Pump Co. (D.N.J. 2001)
78. ARM. Ltd. v. picoTurbo (N.D. Cal. 2001)
79. Arlington Industries v. Bridgeport (M.D. Pa. 2001, 2002) (J. Caputo)
80. Applera Corp. v. Micromass (D. Del. 2002)
81. Ciena Corp. v. Corvis Corp. (D. Del. 2002)
82. British Telecommunications v. Prodigy Communications (S.D.N.Y. 2002)
83. Chiron v. Genentech (E.D. Cal. 2002) (J. Shubb)
84. Borgwarner, Inc. v. New Venture Gear (N.D. Ill. 2002)
85. Schering Corp. v. Andrx Co (D.N.J. 2003)
86. Purdue Pharma et al. v. Endo Pharmaceuticals et al. (S.D.N.Y. 2003) (J. Stein)
87. Star Scientific, Inc. v. R.J. Reynolds Tobacco Co. (D.Md. 2003, 2005) (J. Garbis)
88. Grayzel v. St. Jude Medical (D.N.J. 2003)
89. Pharmastem v. Viacell et al. (D. Del. 2003) (J. Sleet)
90. In re Relafen Antitrust Litigation (D. Mass. 2003)
91. Luma Corp. v. Karl Storz Endoscopy et al. (D.W.Va. 2004)
92. Syngenta Seeds (NVS) v. Pioneer Hi-Bred (DuPont) et al. (D. Del. 2004)

93. St. Clair v. Canon Inc. et al. (D. Del. 2004)
94. Astrazeneca Pharm. v. Mayne Pharm. (S.D.N.Y. 2004, 2005) (J. Pauley)
95. Nichols Institute v. Scantibodies (S.D. Cal. 2005) (J. Brewster)
96. Advanced Technology Materials v. Praxair (S.D.N.Y. 2005)
97. Carnegie Mellon U. v. Hoffmann-LaRoche (N.D. Cal. 2005) (J. Illston)
98. Warrior Lacrosse, Inc. v. STX, LLC (E.D. Mich. 2005)
99. Martek Biosciences Corp. v. Nutrinova Inc. et al. (D. Del. 2006)
100. Autobytel, Inc. v. Dealix Corp. (E.D. Tex. 2006)
101. Syngenta Seeds v. Monsanto Co. (D. Del. 2006)
102. STX, LLC v. Warrior Lacrosse, Inc. (D. Md. 2006)
103. CHX Gas Corp. v. CDX Gas Co. (W.D. Pa. 2007)
104. Wachtell v. Capital One Financial Corp. et al. (D. Idaho 2007)
105. Baden Sports, Inc. v. Molten et al. (D. Wash. 2007)
106. Innovate Solutions and Support v. JR Inc. and Kollsman (D. Tenn. 2007)
107. Bard v. W.L. Gore (D. Ariz. 2007) (J. Murguia)
108. Sears Petroleum v. Archer Daniels Midland (N.D. N.Y. 2008)
109. DeKalb Genetics v. Syngenta Seeds (E.D. Mo. 2008)
110. Molecular Diagnostics v. Hoffman LaRoche (D. D.C. 2008)
111. Zymogenetics v. Bristol-Myers Squibb (D. Del. 2008)
112. American Chemical Society v. Leadscape (State Court Ohio 2008)
113. Merck v. Ranbaxy (D. N.J. 2008)
114. General Electric v. Mitsubishi (US ITC 2009)
115. Novartis v. Teva (D. N.J. 2009)
116. Intellect v. Kyocera and Sprint (N.D. Ill. 2009)
117. Network Appliances v. Sun (Oracle) (N.D. Cal. 2009)
118. Star Scientific v. Reynolds (D. Md. 2009) (consultant)
119. Eli Lilly v. Actavis (D. N.J. 2010)
120. Bendix v. Haldex Brake (N.D. Ohio 2010)
121. Intellivision v. Microsoft (S.D. N.Y. 2010)
122. ATI v. Sharp (E.D. Texas 2010)
123. Palomar v. Candela (D. Mass. 2010)

In each of the above cases, testimony was given concerning, *inter alia* 1) Patent and Trademark Office examining procedures and practices in general, and 2) prosecution history of the particular patents in suit including what the record demonstrated the Examiner did, or did not, consider.