

EXHIBIT 6

**TO THE SUPPLEMENTAL DECLARATION OF
MICHELLE M. UMBERGER IN SUPPORT
OF SUMMARY JUDGMENT OF
UNENFORCEABILITY OF THE PATENTS-IN-
SUIT DUE TO INEQUITABLE CONDUCT**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BOSTON SCIENTIFIC CORPORATION)
and TARGET THERAPEUTICS, INC.,)
Plaintiffs,)
vs) Civil No.
CORDIS CORPORATION,) C 02 1474 JW
Defendant.)

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Videotaped
Deposition of Guido Guglielmi, M.D.
taken on
Thursday, July 8, 2004

Reported by: Shelle Higgins
CSR NO. 10455

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1 electrolysis as already mentioned the
2 same phenomenon was observed during the
3 in-vitro experiments."

4 And is that a correct summary of what is
11:16 5 described in the 1983 paper, that is that the tip of
6 the wire detached within the clotted aneurysm by
7 electrolysis?

8 A. You know, look, when did I write this grant?

9 Q. May of 1990.

11:16 10 A. May of 1990. So I had already -- May of
11 1990, I had already treated patients with the coils.
12 So I was -- I was so familiar with the wording
13 detaching that I wrote detached. That's the answer.

14 Q. Well, is that an accurate description of
11:17 15 what's described in the 1983 paper where you use the
16 term as you say "rottura"?

17 A. Rottura.

18 Q. R-O-T-T-U-R-A.

19 A. No, I don't think now that it was accurate.

11:17 20 Q. You don't believe that what's in the NIH
21 grant is accurate?

22 A. No, I believe that I used the word because I
23 wrote the grant in 1990 and the other paper in 1983.
24 So I was so familiar with the word detached in 1990
11:17 25 because I had already treated patients with detachable

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1 wrong word. I mean this can happen.

2 Q. But you choose the word "detached;" isn't
3 that correct?

4 A. Yeah, because in those, in that period of
11:18 5 time I would use always the word "detached" because of
6 the GDC coils.

7 Q. And as of May of 1990 you considered what you
8 wrote in this NIH grant to be a correct and accurate
9 statement.

11:19 10 A. Could you say it again?

11 Q. When you wrote this NIH grant paper in May of
12 1990, you considered the use of the term "detached" in
13 this description to be true and accurate?

14 (The question was translated.)

11:19 15 A. I don't know. I don't know. I don't
16 remember. It was so difficult for me to write this
17 NIH grant that I selected probably the, you know, a
18 word that at that time was very familiar to me.

19 Q. Well, you had selected a word that you
11:19 20 thought was accurate; didn't you? You certainly
21 didn't want -- when you submit something to the
22 government, you understood that it had to be true and
23 accurate; isn't that right?

24 MR. SHUSTER: Objection, asked and answered.

11:19 25 THE WITNESS: What do I --

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1 (The question was translated.)
2 THE WITNESS: I mean I did my best to write
3 this grant, of course. Because some, some
4 incorrect -- do you say it in English -- (speaks
11:20 5 Italian) -- some.
6 THE INTERPRETER: Do I respond?
7 MR. SHUSTER: Yes, please.
8 THE INTERPRETER: Inaccuracy.
9 THE WITNESS: Some inaccurate word, wording
11:20 10 may happen. I mean there is nothing wrong with that.
11 BY MR. ABRAMS:
12 Q. Correct. And you used to the best of your
13 ability in May of 1990, you used the words that you
14 understood in order to describe what you considered to
11:20 15 be the results in what's shown in the 1983 paper;
16 isn't that correct?
17 (The question was translated.)
18 MR. SHUSTER: Objection. Mischaracterizes
19 the witness' testimony.
11:20 20 THE WITNESS: Really. I don't understand
21 what you are asking me?
22 BY MR. ABRAMS:
23 Q. In 1990 when you submitted the NIH grant, to
24 the best of your ability you attempted to describe as
11:20 25 truthfully and accurately as possible what you

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1 considered to be what is shown in the 1983 paper;
2 isn't that correct?

3 (The question was translated.)

4 A. Probably I didn't use the right word. I mean
11:21 5 it's so simple.

6 Q. That's not my question.

7 A. It's that simple because what I observed in
8 1993 is what is written in 1993 -- in 1983. It's
9 obvious. That's what is written in 1983.

11:21 10 Q. That's not my question. My question is, when
11 you wrote this in 1990, in May of 1990, am I correct
12 that you to the best of your ability at the time,
13 using the best English words you knew, you attempted
14 to describe what was, what the results were of the
11:21 15 1983 paper; isn't that correct?

16 A. I don't know. I don't remember. I mean --

17 Q. But when you were writing a grant for NIH,
18 weren't you doing the best you could to describe
19 accurately as everything that you could, even if
11:21 20 perhaps you used inaccurate words?

21 A. I don't remember when I wrote this grant how
22 important to me was to use the, the so accurate words
23 in these 20-years before experiments. I mean. What,
24 when you write a grant, an NIH grant you, you -- when
11:22 25 you write a grant -- how do you say in English? You

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1 get to the beef. How do you say in English? I mean,
2 the important thing was not this. Come on attorney.

3 Q. When you get to the beef though the important
4 thing is that it's correct and accurate and true;
11:22 5 isn't it?

6 A. Yeah, but this is not the beef.

7 Q. But you wrote this and you believed that it
8 was correct and accurate and true at the time --

9 A. I don't remember. I don't remember.

11:22 10 Q. Well, do you believe that it was inaccurate
11 and false at the time that you wrote this?

12 A. It was not so important to me this part of
13 the grant. It's obvious. It was not important. This
14 is previous study of 20-years before. How can it be
11:23 15 important? I choose a word --

16 Q. Well --

17 A. -- which I was very familiar in that time.
18 It's so simple.

19 Q. Well, you told me that it's not important but
11:23 20 don't you say at the beginning of this sentence:

21 "It is also very important to notice."

22 I mean not just important but very important.

23 A. Yeah, probably to impress the, the, the
24 referee.

11:23 25 Q. And so you thought it was very important at

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1 the time?

2 A. No, it's just you say something in a part of
3 the grant that is not the beef. So it's not -- all
4 the documents are very, you know, you write every
11:23 5 single document in the same way for the entire
6 document. To me the important part was, was, were,
7 was to describe the beef.

8 Q. And so it's your testimony then that when you
9 wrote the words "it's also very important," that it
11:23 10 wasn't important? In other words, that was false; is
11 that what you're saying?

12 MR. SHUSTER: Objection, argumentative.
13 Objection, asked and answered. And objection,
14 mischaracterizes the witness' testimony.

11:24 15 THE WITNESS: I'm not saying that it was not
16 important. I'm not saying that. I'm saying that my,
17 my -- how do you say? My, my percentage of effort,
18 percentage of attention in writing a portion of the
19 grant that is not so important, was not the same of
11:24 20 the attention I paid to the famous beef. I mean so
21 whatever word, I mean it doesn't matter. You know.

22 BY MR. ABRAMS:

23 Q. At the time you wrote this grant in May of
24 1990, had you ever submitted a grant to the NIH before
11:24 25 this time?

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C E R T I F I C A T E

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Shelle Higgins, Certified Shorthand Reporter qualified in and for the State of California do hereby certify there came before me the deponent herein, namely Guido Guglielmi, who was by me duly sworn to testify to the truth and nothing but the truth concerning the matters in this cause.

I further certify that the foregoing transcript is a true and correct transcript of my original stenographic notes.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken; and furthermore, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of July, 2004.

Shelle Higgins
CERTIFIED SHORTHAND REPORTER
NO. 10455