

2 Q. My question though is, did he explain to them what
3 was relevant and material prior art with regard to
4 this invention?

5 A. I can't give you the exact language, but he listed
6 the types of things that would be pertinent and
7 relevant, which included prior uses, um, that sort of
8 thing.

9 Q. Do you know if Heartland ever received that letter?

10 A. I have no reason to doubt that they didn't.

11 Q. Well, you read Scott Tuttle's deposition transcript,
12 right?

13 A. I -- yes, I have.

14 Q. Scott said he didn't get that, didn't he?

15 A. Well, I don't think Mr. Tuttle is recalling
16 correctly, because clearly the correspondence was
17 sent. There is no indication that it was not
18 received. They clearly received, um, had to have
19 received it, because the application was part of what
20 was sent out. The application was received and
21 executed, so for Mr. Tuttle to say he didn't receive
22 it, he's just in error.