

EXHIBIT B

1 THE WITNESS: Probably just from past
2 experience.

3 BY MR. OVERHOLTZ:

4 Q. And this says approximately -- at the bottom
5 of this note, approximately 75 percent of the
6 respondents indicated device longevity should be six
7 years or greater. Does that seem reasonable for you
8 that Guidant's research showed that 75 percent of the
9 respondents told them that device longevity ought to be
10 six years or more?

11 MR. PRICE: Object to form.

12 THE WITNESS: Probably so.

13 BY MR. OVERHOLTZ:

14 Q. Do you know if the Prizm 2 had a warranty?

15 A. I believe it did.

16 Q. And do you know if it had a six-year warranty?

17 A. It's possible.

18 Q. Do you know if this warranty was -- was the
19 warranty for the Prizm 2 any different than the warranty
20 for the Prizm?

21 A. I don't recall.

22 Q. If you could turn with me over to the next
23 page. It says down -- it says unmatched longevity at
24 the top.

25 MR. PRICE: 63526 page 20.

1 MR. OVERHOLTZ: That's the Bates number on
2 this page.

3 BY MR. OVERHOLTZ:

4 Q. Unmatched longevity. Do you see that at the
5 top?

6 A. Yes.

7 Q. It says backed by a six-year warranty.

8 A. Correct.

9 Q. Do you recall what -- does that help you
10 recall whether or not the Prizm or the Prizm 2 had a
11 six-year warranty?

12 A. I believe that Prizm 2 did. I can't speak for
13 the Prizm. I don't recall on the Prizm.

14 Q. Okay. If you could turn with me over to the
15 page 22. It's 63528 at the bottom for the Bates number.
16 This at the top has the Prizm 2 logo. Do you recall
17 that being the logo for the Ventak Prizm 2 device?

18 A. I do.

19 Q. That's the 1861 that we have been talking
20 about?

21 A. Correct.

22 Q. Okay. It says unmatched longevity again. It
23 says backed by six year warranty. So you do believe
24 that the Prizm 2 had a six-year warranty, correct?

25 A. I believe so.

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1 Q. How did that warranty work with respect to the
2 implantation of the device? Did you have some type of
3 forms that you had to fill out when a device was
4 implanted?

5 A. When a device was implanted we used our
6 laptops to fill out a patient registration form and then
7 that automatically got mailed into Guidant when we got

8 home.

9 Q. It was an electronic transmission of the form?

10 A. Correct.

11 Q. Was that something you filled out on your --
12 on your laptop?

13 A. Correct.

14 Q. I'll show you what we will mark as Exhibit
15 No. 4.

16 MR. PRICE: Can we put three away here?

17 MR. OVERHOLTZ: No. We are still using it.

18 MR. PRICE: Okay.

19 BY MR. OVERHOLTZ:

20 Q. This has a Bates number on it of
21 CPI1760002960. At the top it says Guidant and then it
22 says AICD warranty validation and lead registration.

23 Is this what the form looked like on your
24 computer when you would fill it out?

25 A. I believe so.

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1 Q. Okay. And then that information you would
2 basically log on -- would you log on to Pipeline or
3 would you log on to something else or how did that work
4 for transmitting the warranty registration information
5 to Guidant?

6 A. I believe it was automatic. We didn't have to
7 log on to anything else. Once we finished the form we
8 would hit send when we were done and then when we would
9 log on it would just automatically send.

10 Q. Was there another one of those icons on your

11 laptop that you would click on for warranty registration
12 that brought up this form or how did you get into the
13 form?

14 A. I think it was -- was not warranty
15 registration. It was just like -- I don't remember what
16 it was called, but I don't think it was warranty
17 registration.

18 Q. Would you open some type of program on your
19 laptop that had a send function?

20 A. Yeah, but we have a different program now and
21 it was a long time ago that I used this so.

22 Q. So maybe your recollection you don't remember
23 exactly how you did it but you know it was transmitted
24 electronically?

25 A. Correct.

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1 Q. Okay. And what type of information were
2 you -- and was this done at the time of the implant?

3 A. Correct.

4 Q. And what type of information was -- did you
5 have to type into the program on your computer to submit
6 electronically this warranty registration information?

7 A. Everything that you see on this 2960.

8 Q. Okay.

9 A. The fields were unpopulated so the patient's
10 name, address, phone number and so on.

11 Q. Would you provide the model of the device and
12 the serial number?

13 A. Yes.

14 Q. Indicate whether or not there were any new

15 leads were used and what those leads were?

16 A. Correct.

17 Q. If there were existing leads because the
18 patient had had a previous device, would you list those
19 leads in the warranty registration or was this only for
20 new leads?

21 A. I personally would list them and it would be
22 standard practice to list them. That doesn't mean that
23 they couldn't have inadvertently been left off. But it
24 would be standard practice to list them, yes.

25 Q. Okay. And from your laptop besides
1 transmitting electronically would you print a copy of
2 the form?

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3 A. In general, yes.

4 Q. And what happened -- what did you do with that
5 printed copy of the form?

6 A. One copy I would give to the physician so he
7 could dictate. Another copy I would put in the
8 patient's medical record that stayed with the patient in
9 the hospital. So it would be part of the patient's
10 permanent medical record in the hospital.

11 Q. And as part was there any -- besides the
12 registration form that I've showed you as Exhibit 4,
13 were there any other documentations that would go along
14 with that form with respect to the warranty?

15 A. Not with respect to the warranty.

16 Q. Was?

17 MR. PRICE: Just for the record, Counsel,

18 Exhibit 4 again is a composite exhibit because it
19 contains warranty information unrelated to the
20 implantation, I believe. It's not just related to the
21 implantation process you are talking to the witness
22 about. But go ahead.

23 BY MR. OVERHOLTZ:

24 Q. I can tell you this is the warranty and lead
25 registration form at least on the first page of this
1 Exhibit 2960 that is for the plaintiff in this case
2 Leopoldo Duron device that -- is there a date on here
3 when this device was implanted?

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4 A. There would be, 3/9/2002.

5 Q. And that would have been when you were with
6 the company, correct?

7 A. Correct.

8 Q. And if you can look down with me at the bottom
9 of the page there is an indication for it's the
10 next-to-the-last line across for an FCR to -- to have --
11 to have checked the box. Do you see that?

12 A. Correct.

13 Q. And does that have your name there beside it?

14 A. It does.

15 Q. Does that indicate that you would have been
16 the one who would have filled out this registration,
17 warranty registration form at the time of patient
18 Leopoldo Duron's implant on March 9, 2002?

19 A. Most likely likely but not necessarily so.

20 Q. And it does indicate that you're the one that
21 filled out this form though, correct?

22 A. Not necessarily but most likely.

23 Q. But not necessarily, tell me what you mean by
24 that?

25 A. If there was two of us working together and we
1 happened to be using my laptop. Someone else may have
2 filled out the form and just put my name because it was
3 my happen top and I was the person there but they may
4 have been helping me.

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5 Q. Okay. Would your laptop pre populate this
6 field as being the one filling out the form?

7 A. No, it would not.

8 Q. You'd have to type in your name?

9 A. Correct.

10 Q. You mentioned that the device came pre
11 packaged. Was this any documentation in the packaging
12 of the device that would go with the patient?

13 A. In general a patient handbook comes with the
14 device and that generally goes the patient.

15 Q. Okay. Is that something you would provide to
16 the patient or the patient's family?

17 A. Again, patients -- or physician specific.
18 Some accounts you give it to the physician at the end of
19 the case when he goes and speaks to the family he gives
20 it to the family. Other times it gets put in the
21 patient medical record and the nurse that's going to
22 send the patient home prior to procedure she may give it
23 to the patient and talk about some things. But in
24 general I do not give it to the patient, no.

25 Q. You don't give it to the patient directly, he
1 is under sedation, correct?

2 A. Correct.

3 Q. Is that correct?

4 A. Correct.

5 Q. It's your understanding when that information
6 is provided to the physician that the physician is going
7 to then provide that patient handbook information to the
8 patient?

9 A. In general, yes.

10 Q. Okay. The printout of the warranty was it
11 your understanding the physician or the physician's
12 staff would provide a copy of the warranty registration
13 information to the patient?

14 A. I don't believe the patient would get this,
15 no.

16 Q. Okay. Once you submitted this information
17 would Guidant send anything out to the patient?

18 A. I believe that they would get a patient I.D.
19 card in the mail about six to eight weeks post implant
20 that would have the type of device and the leads and
21 they can carry that in their wallet.

22 Q. Besides the form that we looked at on Exhibit
23 No. 4, this one page form, was there any other
24 information you had to fill out with respect to the
25 warranty registration?

1 A. Not that I recall.

2 Q. Okay. If you can go back with me over to
3 Exhibit 3. We are looking at this Bates No. 63528,

4 Prizm 2 unmatched longevity. If you read with me the
5 paragraph below, it says, Prizm 2, 6 year unmatched
6 longevity includes all of its time saving diagnostic
7 features enabled and is backed by a six-year warranty.
8 No competitively sized dual-chamber device will last as
9 long regardless of the patient's therapy needs.

10 Is that information you would have shared with
11 doctors when they asked you questions regarding the
12 Prizm 2's longevity back in 2002.

13 MR. PRICE: Object to the form.

14 THE WITNESS: I probably would not necessarily
15 have shared that, no.

16 BY MR. OVERHOLTZ:

17 Q. Was that your understanding is the Prizm 2 had
18 six years unmatched longevity that would mean that it
19 would last as long regardless of the patient's therapy
20 needs?

21 MR. PRICE: Object to the form.

22 THE WITNESS: I believe that on a mean average
23 that the -- that the device probably would last six
24 years.

25 BY MR. OVERHOLTZ: