

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CALMEDICA LLC,	)	
	)	Civil Action 1:04-CV-2646-RWS
Plaintiff/Counter-	)	
Defendant,	)	Judge Richard W. Story
	)	
v.	)	
	)	
NOVOSTE CORPORATION,	)	
	)	
Defendant/	)	
Counterclaimant.	)	

**RULE 30(B)(6) DEPOSITION NOTICE**

**PLEASE TAKE NOTICE** that pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant Novoste Corporation (“Novoste”) will take the deposition of Plaintiff Calmedica LLC (“Calmedica”) under oath before a duly qualified court reporter, at the offices of Dorsey & Whitney, 1717 Embarcadero Road, Palo Alto, California 94303, on \_\_\_\_\_, at 9:00 a.m. Testimony by Calmedica will be recorded by stenographic and videographic means. The deposition will begin on the date indicated above and will continue pursuant to Rule 30(d).

Pursuant to Rule 30(b)(6), Calmedica is required to:

1. Designate in advance of the deposition one or more officers, directors, managing agents, or other persons who consent to testify on its behalf regarding the matters listed below:

2. Set forth, for each person designated, the matters on which the person will testify; and

3. Provide the designated person or persons with all information reasonably available to Calmedica concerning each matter identified.

As to each matter, the designated witness will be examined under oath concerning, without limitation:

1. His or her knowledge about the matter and the information of Calmedica concerning it;

2. Whether there is any other person available to Calmedica who has more knowledge concerning the matter; and

3. Whether Calmedica has conducted a diligent search and provided the witness with all information reasonably available to Calmedica concerning the matter.

### **DEFINITIONS**

1. “Calmedica” mean and refer to Calmedica LLC, as well as their affiliates, agents, employees, officers, directors, representatives, attorneys, and all other persons or entities acting on their behalf.

2. “Hess” means and refers to Robert L. Hess and all agents, attorneys, and all other persons or entities acting on his behalf.

### **MATTERS**

The matters on which testimony is required are:

1. The identity of all documents that refer or relate to the development of the subject matter described and claimed in U.S. Patent No. 5,302,168.

2. The dates of conception and reduction to practice for the invention described and claimed in U.S. Patent No. 5,302,168.

3. The work performed by Hess or others between the dates of conception and reduction to practice in an attempt to reduce to practice the invention described and claimed in U.S. Patent No. 5,302,168.

4. Prior to September 5, 1991, that which was known by persons of ordinary skill in the art to which U.S. Patent No. 5,302,168 pertains.

5. Disclosures of the claimed invention to third parties prior to September 5, 1991.

6. Knowledge Calmedica had prior to April 12, 1994, of the following references: U.S. Patent No. 5,199,939; Am J Cardiol 1987;60:5B-9B; Arch Path—Vol 30, Sept 1965, at 285-90; Journal of Clinical Investigation, Vol. 43, No. 2, 1964, at 185-92; Weshler, “Inhibition by irradiation of smooth muscle cell proliferation in the de-endothelized rat aorta,” *Frontiers in Radiation Biology*, 1990.

7. Prior to April 12, 1994, Calmedica’s knowledge of the work by Dake et. al. that led to U.S. Patent No. 5,199,939.

8. Interpretation of the terms contained in the claims of U.S. Patent No. 5,302,168.

9. The identity of all individuals who have knowledge of, or documents pertaining to, any of the topics listed in this notice of deposition.

Dated: \_\_\_\_\_

DORSEY & WHITNEY LLP

By \_\_\_\_\_

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