

# EXHIBIT V



US District Court - New Jersey  
Novo v. Sanofi-Aventis

FINAL - October 25, 2007  
Charles E. Clemens

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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NOVO NORDISK A/S,

Plaintiff,

v.

SANOFI-AVENTIS U.S. LLC AND  
SANOFI-AVENTIS,

Defendants.

No. 3:07-cv-03206-MLC-JJH  
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VIDEO DEPOSITION

Charles E. Clemens

October 25, 2007

New York, New York

Lead: James M. McCarthy, Esquire

Firm: McDonnell Boehnen

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1       **disclosed in the '278 patent about how to**  
2       **connect the tubular part to the nut?**

3       A. I am pretty sure I answered it  
4       already, but, no, not really. I don't think the  
5       specification goes into other embodiments in  
6       that area.

7       **Q. By saying no, not really, what you are**  
8       **saying is there might be other ways that that**  
9       **can be solved, it is just not shown in the '278**  
10       **patent?**

11       A. Yes.

12       **Q. How else would an engineer connect or**  
13       **one of ordinary skill in the art -- I'll**  
14       **rephrase.**

15       How else would an engineer or one of  
16       ordinary skill in the art connect the tubular  
17       part to the nut?

18       A. You are asking me from an engineering  
19       standpoint what might be some other approaches  
20       that --

21       **Q. That's my understanding what you meant**  
22       **by --**

23       A. That would have taken place during  
24       this timeframe? So general speaking, what's  
25       happening in this device is we are rotating a

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1 part in one instance and then trying to  
2 translate kind of linear motion through that  
3 coupling, whatever that connection means is,  
4 back down into, you know, a plunger.

5 So there may be at least a few more  
6 approaches that you might take to translate, you  
7 know, linear to rotational to linear or  
8 rotational to linear motion.

9 You can do that through gearing, you  
10 can do that through threads, I mean, these are,  
11 you know, basic, typically basic machines that  
12 mechanical engineers use to do this kind of  
13 thing.

14 **Q. So so far what I have heard you say**  
15 **is -- and correct me if this is wrong, please --**  
16 **but the ways that you can connect the tubular**  
17 **part to the nut are a gearbox, which is shown in**  
18 **the '278 patent, or gearing or threads.**

19 **Are there any other ways?**

20 A. Well, I mean, yes, there are other  
21 ways of converting rotational motion into linear  
22 motion. You might use cams with springs. You  
23 might -- you know, so all I'm saying is is  
24 that -- and typically what is done in these  
25 instances of design is that you know -- you have

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1 a particular motion or event or change in  
2 relationship of parts, you know, you have to  
3 achieve that in some way and there is almost  
4 always several approaches to that.

5 What I have described, gears, threads,  
6 cams, I mean, you could even -- well, there are  
7 other ways of translating rotational and linear  
8 motion. They may not be optimum for this  
9 particular design, but all I am saying is that  
10 engineers take these basic mechanisms and they  
11 apply it to whatever the product or whatever  
12 they are trying to achieve in a product.

13 **Q. The basic mechanism that's shown in**  
14 **the '278 patent is the gearbox, correct?**

15 A. Correct.

16 **Q. Earlier you also mentioned that -- I**  
17 **think we were interrupting each other and you**  
18 **mentioned that gearing in general is shown in**  
19 **the '278 patent.**

20 **Can you tell me where gearing is**  
21 **described in the '278 patent as a way to connect**  
22 **the tubular part to the nut?**

23 A. All the description in the  
24 specification -- let me -- I'm going to just ask  
25 a clarification question back to you.

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1 Are you, by that question, making a  
2 distinction between the gearbox separate and  
3 other kinds of gearing or just in general?  
4 Because the specification relates to gearing in  
5 several areas.

6 **Q. I'm just trying to get to the bottom**  
7 **of your opinion, Mr. Clemens, which I believe**  
8 **when I asked how the tubular part could be**  
9 **connected to the nut and what was shown about**  
10 **that connection in the '278 patent, I believe**  
11 **that your answer was both the gearbox, and then**  
12 **I believe you also said gearing.**

13 **So I am wondering if you are making a**  
14 **distinction, actually, between gearbox and**  
15 **gearing?**

16 A. Well, what I meant by that is there is  
17 lots of different ways of doing gearing. You  
18 might try a rack and pinion which this describes  
19 or you might try more direct gearing, or you  
20 might try a worm gear on a thread.

21 **Q. Is rack and pinion the type of**  
22 **gearing that's shown in the '278 patent?**

23 A. Yes, in figure 1 and 2.

24 **Q. Is direct gearing or worm gear on a**  
25 **thread described in the '278 patent as a way to**

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1 **connect the tubular part to the nut?**

2 A. No, not really. I would say rack and  
3 pinion is probably a better characterization.

4 **Q. What is gearing?**

5 A. Well, you know what a gear is? You  
6 want me to describe a gear?

7 **Q. Pretend I am a layperson and you want**  
8 **to describe what gearing is.**

9 MR. DE LEEUW: Does he have to  
10 pretend?

11 A. Well, actually gears can take lots of  
12 different shapes, but in general, and very  
13 quickly, usually a round disk-shaped element  
14 that has teeth of some shape and the teeth are  
15 of a certain number and generally you have more  
16 than one that are interacting. The teeth are  
17 interacting with one another as they are  
18 turning, and you are transmitting force in  
19 motion through them. That's kind of a quick  
20 description.

21 **Q. Is gearing the same as a gear or a**  
22 **gear wheel?**

23 A. Sure.

24 **Q. Those are interchangeable terms?**

25 A. Well, they are specific to whatever

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