

ESTTA Tracking number: **ESTTA676543**

Filing date: **06/05/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91194218
Party	Defendant Meridian Bioscience, Inc.
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Date	06/05/2015
Attachments	Young, Stephen 2015-05-14 (Full).pdf(104720 bytes)

Dr. Stephen Young
5/14/2015

ILLUMINA, INC. vs.
MERIDIAN BIOSCIENCE, INC.

TRADEMARK TRIAL AND APPEAL BOARD

Case No. 91194218

ILLUMINA, INC.,

vs.

MERIDIAN BIOSCIENCE, INC.

DEPOSITION OF DR. STEPHEN YOUNG

May 14, 2015

10:00 a.m.

At the Offices of

PEACOCK MYERS

201 Third Street, Northwest, Suite 1340
Albuquerque, New Mexico

PURSUANT TO THE APPLICABLE RULES OF CIVIL

PROCEDURE this deposition was:

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A P P E A R A N C E S

For Illumina, Inc.:

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BY: THOMAS F. HANKINSON (By Telephone)

Also present:

Janeen Vilven-Doggett
William Noon (By Telephone)

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DR. STEPHEN YOUNG

after having been first duly sworn, under oath, was questioned and testified as follows:

EXAMINATION

BY MR. HANKINSON:

Q Good morning, Dr. Young. For the record, would you mind, please, stating your full name and spelling your last name.

A Stephen, S-t-e-p-h-e-n, Alden, A-l-d-e-n, last name is Young, Y-o-u-n-g.

Q Thank you. And thank you for coming in today. Is this --

MR. HORNE: There was a phone ringing on the other line. I wasn't sure if that was ours or yours or what.

MR. HANKINSON: Not me.

MR. HORNE: All right.

MR. HANKINSON: My name is Thomas Hankinson and I represent Meridian Bioscience. Would the other people in the room please state their presences for the record.

MR. HORNE: This is Brian Horne from Knobbe Martens --

MS. DOGGETT: There's a problem here.

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1 (Discussion off the record.)

2 MR. HANKINSON: All right. Well, it sounds
3 like the conference is still going strong, so we can
4 probably continue.

5 MR. HORNE: Okay. Brian Horne from Knobbe
6 Martens for Illumina. I just want to make a quick
7 statement on the record that Illumina objects to the
8 deposition as procedurally improper. Dr. Young was
9 identified in Dr. Alogin's testimony declaration in
10 this case before Ms. O'Grady identified Mr. Young in
11 her declaration, so we believe the deposition is
12 procedurally improper. Obviously, we're appearing,
13 but by appearing we do not intend to waive any rights.

14 MR. HANKINSON: Okay. Mr. Horne, you're
15 referring to actually a document that was attached,
16 not a statement in a declaration, correct?

17 MR. HORNE: No, he mentioned Dr. Young in
18 the body of the declaration.

19 MR. HANKINSON: As the person who gave the
20 presentation, right?

21 MR. HORNE: Yes.

22 MR. HANKINSON: And then, Janeen, do you
23 want to state your presence?

24 MR. HORNE: She stepped out.

25 MR. HANKINSON: Okay. Who's on first?

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1 MR. NOON: This is William Noon from
2 Illumina. I'm on the call as well.

3 MR. HANKINSON: All right.

4 Q Dr. Young, sorry for the delay in getting
5 started this morning. Have you ever given a
6 deposition before?

7 A I believe I have, yes.

8 Q If you don't mind, I'll just go over a few
9 sort of guidelines that will make this run smoothly.
10 Is that okay with you?

11 A Yes.

12 Q I'm going to try to not talk over you. I'd
13 appreciate it if you can try to let me finish each
14 question and then answer it afterwards so that it's
15 easier for the stenographer to get down each of our
16 complete thoughts. Is that okay with you?

17 A Yes.

18 Q Very good. And you're doing a great job so
19 far, but please also try to answer "yes" or "no" as
20 opposed to shaking your head or nodding your head or
21 saying "uh-huh" or "huh-uh" so that it's clear when
22 it's taken down. Is that okay?

23 A Yes.

24 Q Thanks. And if you want to take a break at
25 any time after answering whatever question is pending,

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1 feel free to do so. Just say that you'd like to take
2 a break and we will. Okay?

3 A Yes.

4 Q First, would you mind taking us through your
5 education after high school?

6 A I received a Bachelor of Science degree in
7 Biological Sciences from Wright State University in
8 Dayton, Ohio. I received a Master's of Science degree
9 in Biological Sciences from Wright State University in
10 Dayton, Ohio. I received a Ph.D. in Medical Sciences
11 from the University of New Mexico Health Science
12 Center. I did postdoctoral training at the University
13 of Washington in Laboratory Medicine and completed
14 that program. Completion of that program allowed me
15 to sit for a board exam and I am a Diplomate of the
16 American Board of Medical Microbiology.

17 Q Thank you. Would you now run us through,
18 for background purposes, your work experience in your
19 field after you graduated from college?

20 A Holy smoke. During my graduate education at
21 the University of New Mexico, it was interrupted due
22 to some funding issues. I worked for a year and a
23 half at what is called the Scientific Laboratory
24 Division which in most states would be referred to as
25 the State Health Lab. I worked there for a year and a

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1 half. I continued to work part time as I finished my
2 graduate degree. I subsequently left the University
3 of New Mexico. Went on for my postdoctoral
4 fellowship. My first faculty position was at West
5 Virginia University where I ran the Clinical Virology
6 Lab at West Virginia University Hospitals. In 1990 I
7 left West Virginia University to return to the
8 University of New Mexico.

9 For my first eight years I ran an
10 independent lab, the Clinical Virology Lab which was
11 in the Department of Microbiology and Immunology.
12 After -- in 1998, the University and Presbyterian
13 Healthcare Services got -- formed an agreement and
14 sponsored an independent laboratory called TriCore
15 Reference Laboratories. I subsequently, along with my
16 staff, joined TriCore Reference Laboratories where I
17 have been since 1998. Although, my employer is
18 actually the University of New Mexico through a
19 contractual arrangement with TriCore Reference
20 Laboratories.

21 Q In what capacity or what role do you serve
22 at TriCore?

23 A I am currently the Scientific Director of
24 Infectious Disease.

25 Q To help me understand, how is TriCore

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1 organized in terms of departments or areas of
2 supervision or however it would be best to describe
3 it?

4 A TriCore is organized based on diagnostic
5 disciplines. Basically, where the lab is automated in
6 areas like chemistry and hematology, urinalysis, those
7 are downstairs in an area that's described as
8 automation. The rest of the lab is divided up by
9 disciplines; Infectious Disease, Molecular Genetics,
10 HLA or Human Genetics, and then Molecular Diagnostics
11 and Toxicology.

12 Q Okay. Let me make sure I understood. So
13 you talked about three disciplines that are, in a
14 sense, grouped together physically downstairs and
15 generally referred to as automation. Do I have that
16 right?

17 A That's correct.

18 Q And that included chemistry, hematology and
19 urinalysis?

20 A Yes.

21 Q And then you discussed four other
22 disciplines, did you call them?

23 A Yes.

24 Q And each of those has its own physical
25 space?

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1 A Yes.

2 Q And those four were Infectious Disease,
3 Molecular -- was it Genetics?

4 A Yes.

5 Q And then HLA which you said is also referred
6 to as Human Genetics?

7 A Correct.

8 Q And then the fourth was Molecular
9 Diagnostics?

10 A Right.

11 Q And, I'm sorry, there were five. The fifth
12 was Toxicology?

13 A Correct.

14 Q In your capacity as the Scientific Director
15 of Infectious Disease, are you then the head of the
16 Infectious Disease discipline within TriCore?

17 A Currently, I share that position with
18 another colleague.

19 Q And who is that?

20 A Dr. Karissa Culbreath.

21 Q Is there someone at TriCore who either
22 administratively or from a science perspective or both
23 oversees all of those disciplines?

24 A Yes. There's a Chief Medical Officer.

25 Q And who is that?

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1 A Dr. Michael Crossey.

2 Q So now I'd like to ask you about the manner
3 in which equipment and consumables are purchased at
4 TriCore. Okay?

5 A Yes.

6 Q Do you have a role in making decisions about
7 purchases of equipment and consumables?

8 A Yes.

9 Q In what parts of TriCore do you have a role
10 such as that?

11 A Infectious Disease.

12 Q Is that the only part of TriCore in which
13 you have that role?

14 A Yes.

15 Q Who else has a role in making decisions
16 about purchases of equipment and consumables in
17 Infectious Disease at TriCore?

18 A TriCore works on a diad system which means
19 there are Technical Officers that oversee portions of
20 the laboratory, and so the Scientific Directors or
21 Medical Directors will make recommendations about the
22 purchase of equipment and/or supplies, and
23 subsequently the Technical Officers will be -- also be
24 involved in those decisions in terms of negotiating
25 with the manufacturers, doing what is necessary or at

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1 least what their responsibilities would be in terms of
2 making those decisions. Generally, it's looking at
3 the contracts, evaluating the contracts, looking at
4 the pricing agreements, the length of the pricing
5 agreements.

6 Q Is your answer complete?

7 A Yes.

8 Q So I should refer to those as "Technical
9 Officers"?

10 A Correct.

11 Q Are there other job responsibilities of the
12 Technical Officers other than what you just described?

13 A Well, they are managers in the sense that
14 they oversee managers, technical supervisors, and
15 handle the daily operations of the laboratory in terms
16 of personnel.

17 Q Okay. Other than the Scientific Directors
18 and Medical Directors who recommend potential
19 purchases and the Technical Officers who have the role
20 in decision making for purchases that you just
21 described, does anyone else at TriCore have a stake or
22 a role in deciding what purchases to make?

23 A I don't know if it's a decision, but
24 ultimately the Chief Executive Officer or his
25 designee, which could be the Chief Financial Officer,

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1 Chief Information Officer, ultimately somebody on the
2 Executive Council has to sign off on purchase --
3 purchase requisitions.

4 Q Do the Scientific Directors and Medical
5 Directors at TriCore all hold advanced degrees in
6 science and medicine?

7 A They do.

8 Q Are several of them F.E. Ph.D.'s?

9 A Yes.

10 Q The Technical Officers at TriCore, do you
11 have knowledge of what kind of educational background
12 they have?

13 A Most of them have what are called "medical
14 technology degrees," so they initiated their careers
15 in the testing part of the laboratory. Several of
16 them have gone on for training in business, so I'm
17 not -- I believe several of them have MBA's.

18 Q Do the Technical Officers have work
19 experience in purchasing and/or supply chain
20 management, to your knowledge?

21 A Yes.

22 Q In making decisions about purchases and
23 recommendations of purchases for Infectious Disease at
24 TriCore, do you pay more attention when making those
25 decisions than a common consumer situation, like

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1 buying groceries or household goods, or less attention
2 or the same amount?

3 A More attention.

4 Q Why do you pay more attention?

5 A Because ultimately it affects a patient or
6 could affect the outcome of a patient's health care.

7 Q You were first introduced to the case that
8 this deposition is for when I called you last month,
9 right?

10 A Yes.

11 Q And at that time I informed you that an
12 Illumina employee named Ms. O'Grady had named you and
13 your lab in a statement that she made, right?

14 A Correct.

15 Q Was that the first time that you had heard
16 about this controversy?

17 A Yes.

18 Q In this matter, Meridian Bioscience is
19 seeking to register its trademark for Illumigene and
20 Illumipro. Illumina is opposing that at the trademark
21 office. Illumina says that customers in the market
22 for these goods are likely to be confused by the names
23 and mistakenly think that Meridian's Illumigene and
24 Illumipro come from the company Illumina instead of
25 Meridian. Do you have any general reaction to that

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1 basic dispute?

2 MR. HORNE: Lacks foundation, incomplete
3 hypothetical, calls for a legal conclusion. You can
4 answer.

5 Q That's called an objection. And if you
6 understand the question, you can answer it.

7 A And I am to answer it based on my personal
8 opinion?

9 Q Yes.

10 A Personally, being familiar with both
11 companies, I would not be confused by that.

12 Q In her statement, Ms. O'Grady said that you
13 purchased an Illumina BeadArray Reader specifically
14 for cytogenetics use. Is me telling you that the
15 first time that you've heard of that statement?

16 MR. HORNE: I just want to object on the
17 basis that Ms. O'Grady has corrected that statement
18 since. You can answer.

19 A Yes, it's the first time I've heard that
20 statement.

21 Q And Mr. Horne is correct. It ends up that
22 that statement was not true and she has told us that
23 now. You looked at the BeadArray Reader, but you did
24 not actually purchase it; is that correct?

25 A I can't answer that question because I don't

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1 have complete knowledge of that. I assume if Illumina
2 told you that, that that is the correct -- that's what
3 happened. I was not involved in that particular
4 aspect. It's in a different department.

5 Q I'm sorry for the misunderstanding. So
6 could you explain that? You were not involved in ever
7 even looking at a BeadArray Reader?

8 A I was not. That is correct.

9 Q And so if anyone said that you were involved
10 in looking at a BeadArray Reader, that would be an
11 untrue statement?

12 A Yes.

13 Q Do you know what department did look at that
14 or do you not know?

15 A Well, based on the information, yes, I now
16 know the department that did that.

17 Q You can guess which department just based on
18 the product?

19 A Yes.

20 Q Okay. Could you tell me what that
21 conclusion is and how you made it?

22 A Well, you told me it was a BeadArray for
23 cytogenetics, and we have a Cytogenetics as a
24 component of our Human Genetics Department.

25 Q I see. So you being the head -- the co-head

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1 of the Infectious Disease Department would have no
2 involvement in that?

3 A I -- in this case, I did not. It could be
4 possible if a platform crossed departmental lines,
5 i.e., had applications in both, Cytogenetics and in
6 Infectious Disease.

7 Q When I asked questions of Naomi O'Grady, she
8 mentioned a Dr. Hoshier. Is that someone you know?

9 A Yes, it is.

10 Q Who is Dr. Hoshier?

11 A Dr. Hoshier was the Scientific Director for
12 Cytogenetics.

13 Q Is Cytogenetics the same as or within HLA?

14 A No, it's a little different than HLA.
15 Although, both are involved in analyzing human cells.

16 Q Is Cytogenetics one of the five we talked
17 about before?

18 A It would be in the Human Genetics arena.

19 Q As opposed to Infectious Disease?

20 A Correct.

21 Q In your experience, do medical products from
22 different companies and research products, diagnostic
23 products, sometimes share the same or similar prefixes
24 in their names?

25 MR. HORNE: Lacks foundation. Totally

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1 outside the scope of Ms. O'Grady's declaration as well
2 which was the purpose for bringing Dr. Young here.

3 You can answer.

4 A Yes.

5 Q Nevertheless, are you able to understand
6 what products come from what sources?

7 A Yes.

8 MR. HORNE: Vague, incomplete hypothetical.

9 Q I'm going to ask you about a different time
10 period from today. If you don't remember, that's
11 fine. You can tell me you don't remember. Or if you
12 do remember, you can tell me what you remember. I
13 want to go back to the year 2007 and ask you, in 2007,
14 did you have an impression of the kinds of goods and
15 services that were offered by Illumina, who Mr. Horne
16 represents?

17 A Yes.

18 Q Do you remember what your impression of
19 those goods and services was in 2007?

20 A They were primarily focused on analysis
21 involving human genetics.

22 Q Did you have the same impression of
23 Illumina's goods and services in 2008?

24 A Yes.

25 MR. HANKINSON: That's all the questions I

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1 have for you pending -- Mr. Horne may have some
2 questions and it's possible I'd have some more after
3 that.

4 MR. HORNE: Okay.

5 EXAMINATION

6 BY MR. HORNE:

7 Q You said in 2007 you had an impression of
8 Illumina's goods and services?

9 A Correct.

10 Q How were you aware of Illumina as a company?

11 A As most manufacturers, they attend
12 conferences that I attend. One of the purposes of
13 going to conferences, besides presentations and talks
14 that you may listen to or give, is to interact with
15 the vendors and find out what goods and services they
16 have to offer so that you can be forward-thinking
17 about how you're going to move your laboratory in
18 terms of the diagnostic capacity of the lab.

19 Q I'm sorry, go ahead.

20 A I'm done.

21 Q For how long before 2007 had you been aware
22 of Illumina?

23 A Probably -- it was -- my recollection is
24 that it was in that time frame that I became aware of
25 Illumina.

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1 Q Okay. And you said that your impression was
2 that Illumina was primarily focused on genetics?

3 A Correct.

4 Q Did you think that Illumina might be focused
5 or involved or potentially involved in any other areas
6 besides genetics?

7 A My hope was yes.

8 Q And why do you say "your hope was yes"?

9 A Well, subsequent to 2008, I had discussions
10 with individuals at Siemens who had acquired Bayer who
11 had acquired a company called Visible Genetics that
12 had a sequencing platform for detecting mutations in
13 HIV. Those mutations indicate whether an individual
14 has developed resistant virus. This is rather old
15 technology. And I in about 2012, in discussions with
16 Siemens, because they sell a broad range of products
17 for the microbiology lab through acquisitions,
18 basically was told that an agreement had been
19 initiated between Siemens and Illumina to move this
20 Trugene platform onto a MiSeq, an Illumina sequencing
21 platform.

22 Q And did I understand that even back in 2007
23 you were hoping that Illumina may move beyond just
24 genetics?

25 A Yes.

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1 Q Okay. You thought Illumina might actually
2 be moving into something besides genetics even as far
3 back as 2007?

4 A Yes. I mean, I was interested in Illumina's
5 sequencing platforms which were, basically, in their
6 infancy, but I was familiar that they were developing
7 platforms. At that point, the capacity of the
8 platforms that were in development were beyond the
9 scope of our laboratory. So you follow things that
10 you think will eventually evolve and be available to
11 you in terms of a platform.

12 Q Okay. So as far back as 2007 you thought
13 that Illumina's platforms and products might be
14 something that would be relevant to you as an
15 infectious disease -- someone in the infectious
16 disease field; is that correct?

17 A Yes.

18 Q Before this case and before Mr. Hankinson
19 contacted you, had you heard of Illumina's BeadArray
20 product?

21 A To the best of my recollection, no.

22 Q Okay. Is it possible that you had come
23 across Illumina's BeadArray product?

24 A Yes.

25 Q Okay. Is it possible that you had come

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1 across Illumina's BeadArray product back in the 2009
2 time frame?

3 A Yes.

4 Q So you couldn't rule out that Illumina spoke
5 to you about their BeadArray product back as early as
6 2009; is that correct?

7 MR. HANKINSON: Objection.

8 Q You can answer. It's for the record.

9 A Yes.

10 Q Do you recall whether Illumina ever provided
11 cytogenetic software to you?

12 A No.

13 Q You don't recall?

14 A No.

15 Q Is it possible that Illumina provided
16 cytogenetic software to you?

17 A Yes.

18 MR. HANKINSON: Objection to form.

19 Q And you can't rule out whether Illumina
20 provided cytogenetic software to you back in the 2009
21 time frame?

22 MR. HANKINSON: Objection to form.

23 Q You can answer.

24 A No.

25 Q Have you ever attended any talks given by

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1 Illumina?

2 A Yes.

3 Q When?

4 A Approximate -- my recollection is in 2012.

5 Q Okay. Any talks given by Illumina before
6 2012?

7 A Not that I am -- that I can recall.

8 Q Okay. What was the talk in 2012 that you
9 attended by Illumina?

10 A It was a presentation to all of the
11 Scientific and Medical Directors interested in
12 Next-Gen sequencing platforms as our cancer genetics
13 group was trying to determine what Next-Gen sequencing
14 platform they would use or at least consider buying.

15 Q Why did you attend this talk?

16 A Out of interest to see where each company
17 who gave a presentation -- where they thought -- at
18 least what they could divulge in terms of where their
19 efforts in Next-Gen sequencing would be, would proceed
20 in the future.

21 Q Now, I'm a little confused. If you were
22 working -- and you were working in the Infectious
23 Disease Department at TriCore in 2012?

24 A Yes.

25 Q If you were working in the Infectious

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1 Disease Department at TriCore in 2012, why would you
2 attend a talk about cancer genetics?

3 A Because I wanted to see how far the
4 platforms had progressed and provide some input into
5 which system TriCore would ultimately make a decision,
6 although the primary decision would be based on the
7 individuals in cancer genetics. Because at that point
8 in time the field had moved far enough along that
9 Next-Gen sequencing would be and will be a primary
10 tool for the diagnosis and prognosis for cancer.

11 Q Do you have any thoughts on whether
12 Next-Generation sequencing could be applicable to
13 infectious disease?

14 A Absolutely.

15 Q Meaning not absolutely you have thoughts.
16 You absolutely believe that Next-Generation --

17 A I absolutely believe Next-Generation
18 sequencing will constitute an important component of
19 an infectious disease, both diagnostic and
20 prognostically.

21 Q Do you know somebody named Amanda Castle?

22 A Yes.

23 Q How do you know Amanda Castle?

24 A How far back do you want me to go?

25 Q As far back as you remember her.

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1 A I met Amanda Castle because she was the
2 Roche Applied Scientist representative for the
3 Western -- in the Western U.S. I can't remember her
4 exact geographical -- what she covered, but ultimately
5 she was in New Mexico. She primarily in the Applied
6 Science portion of Roche covered the University, but I
7 met her with the Roche Molecular Diagnostic
8 salesperson. Subsequently, we purchased several
9 instruments from Ms. Castle. She left Roche to join
10 Illumina and talked to me quite a bit about the
11 Illumina products; typically, HiSeq and MiSeq.

12 Q So Ms. Castle spoke to you about purchasing
13 Illumina products?

14 A Yes.

15 Q Okay. How far back --

16 MR. HANKINSON: Vague.

17 Q How far back do you remember Ms. Castle
18 speaking to you on behalf of Illumina?

19 A Probably the 2011, 2012 time frame.

20 Q Have you ever evaluated Illumina products to
21 consider purchasing Illumina products?

22 A We have not had -- physically had Illumina
23 products in the laboratory; i.e., a HiSeq or a MiSeq,
24 but Ms. Castle was involved with bringing in the
25 individuals when we were making a decision about

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1 Next-Gen sequencing platforms. So she was
2 representing -- was the salesperson or the -- however
3 that term today -- representative for Illumina and she
4 talked to me. I got the rest of my colleagues
5 involved. And Illumina made a presentation along with
6 other providers of Next-Gen sequencing.

7 Q And when you say "the rest of your
8 colleagues," are you referring to colleagues from
9 other departments at TriCore?

10 A Correct. Right.

11 Q What --

12 A Cancer.

13 Q Cancer?

14 A Right. So the Human Genetics, cancer, all
15 of them listened to the presentation to see if --
16 well, is there anything today that we could use?

17 Q And did TriCore end up purchasing
18 Next-Generation sequencing equipment from anybody?

19 A Yes.

20 Q Would it surprise you if Ms. Castle spoke
21 with you back in 2009?

22 A On behalf of Illumina or --

23 Q Yeah. Yeah, I apologize.

24 A I can't remember exactly when she made the
25 transition from Roche to Illumina. I think 2009 is a

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1 little early --

2 Q Uh-huh.

3 A -- but I could be wrong.

4 Q Okay.

5 A Okay? I just -- I can't -- my recollection

6 was she transitioned after 2009 from Roche to

7 Illumina.

8 Q But it could be 2009?

9 A It could be. It absolutely could be.

10 Q You mentioned an Illumina talk in 2012 about
11 cancer genetics?

12 A Yes.

13 Q And so do you work with or advise other
14 groups within TriCore and discuss types of products
15 that TriCore may want to purchase besides just
16 Infectious Disease products?

17 A When there is a product that -- or platform
18 that could cross between Infectious Disease and other
19 disciplines, yes.

20 Q Is your lab a high-complexity lab?

21 A Yes.

22 Q Does your lab use Meridian's Illumigene and
23 Illumipro pods?

24 A No.

25 Q Why not?

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1 A We -- our evaluation of -- we evaluated one
2 product and decided that with consultation with the
3 technologists and with the Medical Director looked at
4 the performance characteristics and the logistics of
5 performing the testing and also how quickly results
6 could be generated to influence positive patient
7 outcome and decided not to use that product.

8 Q Okay. Did you give a presentation at a
9 Meridian-sponsored workshop held at the Association
10 for Molecular Pathology annual meeting in
11 November 2010 in San Jose, California?

12 A That's going back. Honestly, I can't
13 remember.

14 Q And for how long have you been familiar with
15 Meridian?

16 A I would say since, roughly, between 1998 and
17 2000.

18 Q From 1992 to 2005, did you work at the
19 University of New Mexico Health Sciences Center?

20 A Yes.

21 Q And did you work in the Department of
22 Molecular Genetics and Microbiology?

23 A Yes.

24 Q That was one department?

25 A Yes.

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1 Q Okay. And similarly in 1990 through 1991,
2 did you work in the Department of Molecular Genetics
3 and Microbiology at the University of New Mexico
4 Health Sciences Center?

5 A Yes.

6 Q And the Department of Molecular Genetics and
7 Microbiology again was one department?

8 A Yes.

9 Q I'm close to being done. I apologize. You
10 brought a paper with you, sir. May I take a look at
11 that?

12 MR. HANKINSON: Mr. Horne, I couldn't hear
13 the last couple of sentences.

14 MR. HORNE: Oh, I apologize. He brought a
15 paper with him. I just asked if I could take a look
16 at it. I have no more questions.

17 MR. HANKINSON: I have a few more based on
18 what Mr. Horne asked, Dr. Young. And I am sorry for
19 taking your time.

20 EXAMINATION

21 BY MR. HANKINSON:

22 Q You said -- I couldn't quite hear you. Did
23 you say that you were aware of Meridian since sometime
24 in the 1998 to 2000 time period?

25 A Yes.

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1 Q Did you ever become aware of Meridian
2 products called Tru Flu or Tru HSD?

3 A Yes.

4 MR. HORNE: Outside the scope.

5 Q And during your question and answer period
6 with Mr. Horne, the Illumina product TruSeq came up,
7 right?

8 A No.

9 MR. HORNE: Objection; lacks foundation.

10 A No.

11 Q Did you have -- I'm sorry, was it the MiSeq?

12 A MiSeq came up, yes.

13 Q Did you have an awareness of an Illumina
14 product called TruSeq at any point?

15 MR. HORNE: Outside the scope.

16 A No.

17 Q Going back to the time period we both asked
18 you about in 2007, part of it I could hear and part of
19 it I couldn't. I want to make sure I understand
20 exactly what your impressions were of Illumina's
21 products and services in 2007. Did you say that you
22 in 2007 hoped that the development program would take
23 Illumina products in a direction where they could be
24 relevant to your field?

25 MR. HORNE: Asked and answered;

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1 mischaracterizes the testimony.

2 A Yes.

3 Q And at that time, 2007, even the development
4 programs were outside the scope of what you can use in
5 your field. Did I get that right?

6 MR. HORNE: Asked and answered;

7 mischaracterizes the testimony.

8 A Yes, in the diagnostic laboratory.

9 Q And you were hoping that eventually Illumina
10 or other sequencing technology providers would move
11 into something that might be useful in the diagnostic
12 field?

13 MR. HORNE: Vague. You're talking about
14 infectious disease diagnostics?

15 Q So do you understand my question, Dr. Young?

16 A It was clear that it would certainly
17 revolutionize human genetics and my hope was that
18 products would be developed for infectious disease
19 diagnostics.

20 Q So it wasn't an impression you were getting
21 from how those products were being marketed and
22 presented, but rather your understanding of the
23 evolution of technology, the revolution in human
24 genetics, and then hoping for a possible continuing
25 revolution that would carry it into diagnostics?

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1 A Yes.

2 MR. HORNE: Vague. Last question was vague.

3 Sorry.

4 Q And even if -- or pardon me. When you
5 discussed Next-Generation sequencing with Mr. Horne,
6 you were giving him your current impression of that
7 technology as of 2015, right?

8 MR. HORNE: Vague; asked and answered.

9 A Yes.

10 MR. HORNE: Also mischaracterizes the
11 testimony.

12 MR. HANKINSON: Okay. That's all my
13 questions.

14 MR. HORNE: One thing to clear up.

15 EXAMINATION

16 BY MR. HORNE:

17 Q Back in 2007 when you said that you believed
18 Illumina's technology could potentially revolutionize
19 human genetics, would that include from a diagnostic
20 standpoint?

21 A Yes.

22 MR. HANKINSON: Did you say just one
23 question?

24 MR. HORNE: I may have another one. Sorry.
25 I have nothing more.

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1 MR. HANKINSON: Dr. Young, I really
2 appreciate the time that you took to be with us. I
3 know it was an inconvenience, so thank you very much,
4 and I'm sorry for that. I hope you have a great rest
5 of your week.

6 THE WITNESS: Thank you.

7 MR. HANKINSON: I'm going to hang up the
8 conference call now if there's nothing further.

9 MR. HORNE: Nothing further.

10 (Deposition concluded at 11:05 a.m.)

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TRADEMARK TRIAL AND APPEAL BOARD

Case No. 91194218

ILLUMINA, INC.,

vs.

MERIDIAN BIOSCIENCE, INC.

REPORTER'S CERTIFICATE

I, Terri D. Walters, CCR #228, DO HEREBY CERTIFY that
on May 14, 2015, the Deposition of DR. STEPHEN YOUNG was
taken before me at the request of, and sealed original
thereof retained by:

FOR MERIDIAN BIOSCIENCE, INC.
THOMAS F. HANKINSON
KEATING, MUETHING & KLEKAMP
One East 4th Street, Suite 1400
Cincinnati, Ohio 45202

I FURTHER CERTIFY that copies of this Certificate have
been mailed or delivered to all Counsel, and parties to the
proceedings not represented by counsel, appearing at the
taking of the deposition.

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1 I FURTHER CERTIFY that examination of this transcript
2 and signature of the witness was not requested by
3 the witness and all parties present.

4 I FURTHER CERTIFY that the recoverable cost of the
5 original and one copy of the Deposition, including exhibits,
6 to THOMAS F. HANKINSON is \$_____ .

7 I FURTHER CERTIFY that I did administer the oath to the
8 witness herein prior to the taking of this Deposition; that
9 I did thereafter report in stenographic shorthand the
10 questions and answers set forth herein, and the foregoing is
11 a true and correct transcript of the proceeding to the best
12 of my ability.

13 I FURTHER CERTIFY that I am neither employed by nor
14 related to nor contracted with (unless excepted by the
15 rules) any of the parties or attorneys in this case, and
16 that I have no interest whatsoever in the final
17 disposition of this in any court.

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TERRI D. WALTERS, CCR
New Mexico CCR #228
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