

R. McGann-direct/by Ms. McLaughlin	Page 6	R. McGann-direct/by Ms. McLaughlin	Page 8
<p>1 Spinology is?</p> <p>2 A We are a developer, manufacturer of medical instruments, implantable surgical devices.</p> <p>4 Q Are you familiar with a device called OptiMesh?</p> <p>5 A Yes.</p> <p>7 Q Can you describe in laymen's terms what OptiMesh is?</p> <p>9 A OptiMesh is a containment device, an implantable containment device. It was originally developed by Dr. Stephen Kosselich (phonetic), he was an orthopedic spine surgeon, as a device to be used in a minimally invasive approach to lumbar interbody fusion and its primary purpose is to contain material that is inserted into it.</p> <p>16 Q Do you know when OptiMesh was first introduced into the marketplace?</p> <p>18 A It was FDA approved in 2003 and approved in the European Union about the same time.</p> <p>20 Q Is OptiMesh sold by Spinology?</p> <p>21 A Yes.</p> <p>22 Q In your role with Spinology as senior territory manager, is that something that you sell?</p> <p>24 A Yes, I also work with a group of distributors who are independent business people who have</p>		<p>1 Q So perhaps fifty?</p> <p>2 A That would be a reasonable approximation.</p> <p>3 Q And geographically where is your sales territory?</p> <p>5 A I go from Washington D.C up the East Coast to the Canadian border, essentially New Jersey, New York, half of Pennsylvania, out to Harrisburg.</p> <p>8 Q And are you familiar with Dr. Richard Kaul?</p> <p>10 A Yes.</p> <p>11 Q How do you know Dr. Kaul?</p> <p>12 A I met Dr. Kaul after, shortly after I went through training at the company and was provided with a variety of lists of leads that were generated as a result of our participation in trade shows, I guess, for lack of a better term, like the North American Spine Society meeting, College of Neurosurgeons, Congress of Neurosurgeons, et cetera, and one of the lead sheets that I was provided was from the 2004 North American Spine Society meeting. Dr. Kaul was one of the number of physicians who stopped by our booth and expressed interest in the product.</p> <p>24 THE COURT: What was the year?</p> <p>25 THE WITNESS: I got the listing in</p>	
R. McGann-direct/by Ms. McLaughlin	Page 7	R. McGann-direct/by Ms. McLaughlin	Page 9
<p>1 anywhere from one to two, up to twenty salespeople that act as our agents within my defined territory.</p> <p>3 So I manage them and I also work directly with physicians as well.</p> <p>5 Q Who is your client base?</p> <p>6 A My client base is primarily neurosurgeons, orthopedic spine surgeons, we also work with interventional radiology people, interventional spine people, but primary neuro and orthopedic spine.</p> <p>11 Q And can you tell me how many OptiMesh you sell in an average month?</p> <p>13 A Probably sixty to seventy.</p> <p>14 Q How many clients would you say that you have had over your eight and-a-half year period with Spinology?</p> <p>17 A If I define a client as somebody who has used it at least once clinically, over two hundred in my region.</p> <p>20 Q Out of those over two hundred doctors who purchased OptiMesh from you at least once, what percentage of those have purchased it more than once?</p> <p>24 A On an ongoing basis, I think twenty-five percent.</p>		<p>1 January 2005, shortly after I got out in the field.</p> <p>2 THE COURT: That's when you met Dr. Kaul for the first time?</p> <p>4 THE WITNESS: Yes.</p> <p>5 Q Did you meet him at that convention, or did you meet him at his office?</p> <p>7 A I did not meet him at the convention, it was at the office.</p> <p>9 Q And what was your purpose for meeting Dr. Kaul?</p> <p>11 A To gauge interest in the product.</p> <p>12 Q Do you recall what facility Dr. Kaul was operating out of when you first say met him?</p> <p>14 A Market Street Surgical Center in Saddle Brook, New Jersey.</p> <p>16 Q Is that where you met him for the first time?</p> <p>18 A Yes.</p> <p>19 Q Did you ever sell any OptiMesh devices to Dr. Kaul?</p> <p>21 A Well, Dr. Kaul requested the use of the product, the actual purchase is typically done by the facility, so it would be Market Street Surgical, or it would be this hospital or that hospital, the physicians don't actually buy it themselves, they</p>	