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1 Spinology is?
2 A We are a developer, manufacturer of medical
3 instruments, implantable surgical devices.
4 Q Are you familiar with a device called
5 OptiMesh?
6 A Yes.
7 Q Can you describe in laymen's terms what
8 OptiMesh is?
9 A OptiMesh is a containment device, an
10 implantable containment device. It was originally
11 developed by Dr. Stephen Kosselich (phonetic), he
12 was an orthopedic spine surgeon, as a device to be
13 used in a minimally invasive approach to lumbar
14 interbody fusion and its primary purpose is to
15 contain material that is inserted into it.
16 Q Do you know when OptiMesh was first
17 introduced into the marketplace?
18 A It was FDA approved in 2003 and approved in the
19 European Union about the same time.
20 Q Is OptiMesh sold by Spinology?
21 A Yes.
22 Q In your role with Spinology as senior
23 territory manager, is that something that you sell?
24 A Yes, I also work with a group of distributors
25 who are independent business people who have

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1 anywhere from one to two, up to twenty salespeople
2 that act as our agents within my defined territory.
3 So I manage them and I also work directly
4 with physicians as well.
5 Q Who is your client base?
6 A My client base is primarily neurosurgeons,
7 orthopedic spine surgeons, we also work with
8 interventional radiology people, interventional
9 spine people, but primary neuro and orthopedic
10 spine.
11 Q And can you tell me how many OptiMesh you
12 sell in an average month?
13 A Probably sixty to seventy.
14 Q How many clients would you say that you
15 have had over your eight and-a-half year period with
16 Spinology?
17 A If I define a client as somebody who has used
18 it at least once clinically, over two hundred in my
19 region.
20 Q Out of those over two hundred doctors who
21 purchased OptiMesh from you at least once, what
22 percentage of those have purchased it more than
23 once?
24 A On an ongoing basis, I think twenty-five
25 percent.

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1 Q So perhaps fifty?
2 A That would be a reasonable approximation.
3 Q And geographically where is your sales
4 territory?
5 A I go from Washington D.C up the East Coast to
6 the Canadian border, essentially New Jersey, New
7 York, half of Pennsylvania, out to Harrisburg.
8 Q And are you familiar with Dr. Richard
9 Kaul?
10 A Yes.
11 Q How do you know Dr. Kaul?
12 A I met Dr. Kaul after, shortly after I went
13 through training at the company and was provided
14 with a variety of lists of leads that were generated
15 as a result of our participation in trade shows, I
16 guess, for lack of a better term, like the North
17 American Spine Society meeting, College of
18 Neurosurgeons, Congress of Neurosurgeons, et cetera,
19 and one of the lead sheets that I was provided was
20 from the 2004 North American Spine Society meeting.
21 Dr. Kaul was one of the number of physicians who
22 stopped by our booth and expressed interest in the
23 product.
24 THE COURT: What was the year?
25 THE WITNESS: I got the listing in

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1 January 2005, shortly after I got out in the field.
2 THE COURT: That's when you met Dr. Kaul
3 for the first time?
4 THE WITNESS: Yes.
5 Q Did you meet him at that convention, or
6 did you meet him at his office?
7 A I did not meet him at the convention, it was at
8 the office.
9 Q And what was your purpose for meeting Dr.
10 Kaul?
11 A To gauge interest in the product.
12 Q Do you recall what facility Dr. Kaul was
13 operating out of when you first say met him?
14 A Market Street Surgical Center in Saddle Brook,
15 New Jersey.
16 Q Is that where you met him for the first
17 time?
18 A Yes.
19 Q Did you ever sell any OptiMesh devices to
20 Dr. Kaul?
21 A Well, Dr. Kaul requested the use of the
22 product, the actual purchase is typically done by
23 the facility, so it would be Market Street Surgical,
24 or it would be this hospital or that hospital, the
25 physicians don't actually buy it themselves, they