

1 UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

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4 HUNTER'S MANUFACTURING )  
5 COMPANY, INC. d/b/a ) IPR2023-00407  
6 TENPOINT CROSSBOW )  
7 TECHNOLOGIES, ) U.S. Patent No.  
8 Petitioner, ) 9,354,015  
9 vs. )  
10 RAVIN CROSSBOWS, LLC, ) Volume I  
11 Patent Owner. )

12 - - -

13 Videotaped deposition of STEPHEN A.  
14 BATZER, Ph.D, P.E., a witness herein, called by  
15 the Patent Owner for Cross-Examination pursuant  
16 to 37 CFR Section 42.53, taken before me, the  
17 undersigned, Binnie Denise Purser, a Registered  
18 Diplomate Reporter, Certified Realtime Reporter  
19 and Notary Public in and for the State of Ohio,  
20 pursuant to Notice and agreement of counsel at  
21 the law offices of Roetzel & Andress, 222 South  
22 Main Street, Suite 400, Akron, Ohio, on  
23 Thursday, the 24th day of August, 2023,  
24 commencing at 9:04 o'clock a.m.

25 - - -

**HUNTER'S MANUFACTURING, ET AL. vs RAVIN CROSSBOWS. LLC**  
**Stephen A. Batzer, Ph.D., P.E. on 08/24/2023**

Pages 2..5

| Page 2 |                                          | Page 4 |                                                  |
|--------|------------------------------------------|--------|--------------------------------------------------|
| 1      | APPEARANCES:                             | 1      | P R O C E E D I N G S                            |
| 2      |                                          | 2      | - - -                                            |
| 3      | On Behalf of the Petitioner:             | 3      | THE VIDEOGRAPHER: We are on the                  |
| 4      | EMERSON THOMSON BENNETT                  | 4      | record. This is media number 1 in the            |
| 5      | BY: John M. Skeriotis, Attorney at Law   | 5      | deposition of Stephen Batzer, Ph.D., in the case |
| 6      | 1914 Akron-Peninsula Road                | 6      | of Hunter's Manufacturing Company, Inc., versus  |
| 7      | Akron, Ohio 44313                        | 7      | Ravin Crossbows, LLC, Case Number IPR2023-00407. |
| 8      | 330/870-9333                             | 8      | Today's date is August 24th. The                 |
| 9      | jms@etblaw.com                           | 9      | time is approximately 9:04 a.m.                  |
| 10     |                                          | 10     | My name is Jim Torok. I am the                   |
| 11     | On Behalf of the Patent Owner:           | 11     | videographer.                                    |
| 12     | FOLEY & LARDNER LLP                      | 12     | If counsel will please state their               |
| 13     | BY: Kadie M. Jelenchick, Attorney at Law | 13     | appearance for the record.                       |
| 14     | Sarah E. Rieger, Attorney at Law         | 14     | MS. JELENCHICK: Kadie Jelenchick of              |
| 15     | 777 East Wisconsin Avenue                | 15     | Foley & Lardner LLP. Here with me is my          |
| 16     | Milwaukee, Wisconsin 53202               | 16     | colleague, Sarah Rieger, and also as a           |
| 17     | 414/319-7324                             | 17     | representative of Ravin, the Patent Owner, Barry |
| 18     | kjelenchick@foley.com                    | 18     | Sutton.                                          |
| 19     | srieger@foley.com                        | 19     | MR. SKERIOTIS: This is John -- and               |
| 20     |                                          | 20     | I am John Skeriotis, on behalf of the            |
| 21     | Also Present:                            | 21     | Petitioner, Hunter's Manufacturing Company,      |
| 22     | Barry B. Sutton                          | 22     | Inc., representing Hunter's, as well as          |
| 23     | Jim Torok, Videographer                  | 23     | Dr. Batzer here today.                           |
| 24     |                                          | 24     | THE VIDEOGRAPHER: Please swear the               |
| 25     | - - -                                    | 25     | witness.                                         |

| Page 3 |                                       | Page 5 |                                               |
|--------|---------------------------------------|--------|-----------------------------------------------|
| 1      | I N D E X                             | 1      | STEPHEN A. BATZER, Ph.D, P.E.,                |
| 2      |                                       | 2      | of lawful age, a witness herein, having been  |
| 3      | CROSS-EXAMINATION BY MS. JELENCHICK 5 | 3      | first duly sworn, as hereinafter certified,   |
| 4      |                                       | 4      | deposed and said as follows:                  |
| 5      |                                       | 5      | CROSS-EXAMINATION                             |
| 6      | Patent Owner Exhibit 2021 8           | 6      | BY MS. JELENCHICK:                            |
| 7      | Patent Owner Exhibit 2022 78          | 7      | Q. Mr. Batzer, Dr. Batzer, which is your      |
| 8      | Patent Owner Exhibit 2023 118         | 8      | preference?                                   |
| 9      | Patent Owner Exhibit 2024 224         | 9      | A. Well, Dr. Batzer, because I went to        |
| 10     |                                       | 10     | school for so long. But whatever you are more |
| 11     | - - -                                 | 11     | comfortable with.                             |
| 12     |                                       | 12     | Q. Good morning. As I just said before we     |
| 13     |                                       | 13     | started, I introduced myself, I am Kadie      |
| 14     |                                       | 14     | Jelenchick, and I represent the Patent Owner, |
| 15     |                                       | 15     | Ravin Crossbows, LLC, in this matter.         |
| 16     |                                       | 16     | If I refer to the Patent Owner as             |
| 17     |                                       | 17     | Ravin, do you understand what I am talking    |
| 18     |                                       | 18     | about?                                        |
| 19     |                                       | 19     | A. Yes, ma'am.                                |
| 20     |                                       | 20     | Q. And will you similarly refer to Patent     |
| 21     |                                       | 21     | Owner or Ravin when you are speaking of Ravin |
| 22     |                                       | 22     | Crossbows, LLC?                               |
| 23     |                                       | 23     | A. Yes.                                       |
| 24     |                                       | 24     | Q. Do you have a concealed firearm with       |
| 25     |                                       | 25     | you today?                                    |

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| <p style="text-align: right;">Page 230</p> <p>1 So you have just, by making a fastener<br/>2 that doesn't break, that you paid when it broke,<br/>3 you have made your overall product worse.<br/>4 So you could imagine how increasing the<br/>5 power stroke could increase the energy and<br/>6 decrease the accuracy because you didn't make a<br/>7 compensatory change.<br/>8 <b>Q. When you are referring to the</b><br/>9 <b>Darlington reference, you identified it as a</b><br/>10 <b>shoot-through configuration. What does that</b><br/>11 <b>mean?</b><br/>12 A. Shoot-through? One power cable is<br/>13 above it and one power cable is below.<br/>14 <b>Q. Above and below what?</b><br/>15 A. The draw string and the arrow.<br/>16 <b>Q. With Norkus, in paragraph 101 of your</b><br/>17 <b>declaration, you referenced the abstract. In</b><br/>18 <b>particular, you refer to Norkus as being an</b><br/>19 <b>inverted compound archery bow.</b><br/>20 <b>What does that mean?</b><br/>21 A. Of the -- let me get Norkus out. I<br/>22 believe -- Norkus shows a bow in which the<br/>23 strings are forward of the grip, and this is --<br/>24 this is an unusual configuration.<br/>25 But the patent best speaks for what it</p> | <p style="text-align: right;">Page 232</p> <p>1 Because he has got to go, because I want to say<br/>2 something on the record. Do you need anything<br/>3 from him? No? Okay.<br/>4 Go ahead and go, Steve.<br/>5 THE WITNESS: Yeah, good deal.<br/>6 Thank you.<br/>7 MR. SKERIOTIS: All right. See<br/>8 you. Good luck on your flight.<br/>9 (Thereupon, Dr. Batzer exited the<br/>10 deposition suite.)<br/>11 MR. SKERIOTIS: So far as the<br/>12 record goes, we had a break and came back on<br/>13 4:15 p.m. Eastern Standard Time. It is now<br/>14 about 4:30. Pursuant to that break, or during<br/>15 that break, before we got back on the record,<br/>16 about 4:17 or so, my time, at least what I had,<br/>17 Ms. Jelenchick raised to me for the first time<br/>18 today and the first time I ever heard that she<br/>19 would like to continue the deposition because<br/>20 she needed more time.<br/>21 So I just want the record to be<br/>22 clear, on Wednesday, August 23rd, 2023 at 10:10<br/>23 a.m., which would be 9:10 a.m. her time, I sent<br/>24 her an e-mail and informed her that Dr. Batzer<br/>25 had a hard stop at 4:30 because of a flight. He</p>                                                                            |
| <p style="text-align: right;">Page 231</p> <p>1 is.<br/>2 <b>Q. So Norkus is Exhibit 1010, right?</b><br/>3 A. Yes, ma'am.<br/>4 <b>Q. So what about this configuration is</b><br/>5 <b>unusual?</b><br/>6 A. I have never seen one like this, other<br/>7 than this one. I have never seen one<br/>8 commercially manufactured like this. It is -- I<br/>9 mean, I am not sure how else to describe it.<br/>10 They are just not laid out that way.<br/>11 The string doesn't -- when drawn, goes<br/>12 towards the riser rather than away from it.<br/>13 That is, I guess, the best description.<br/>14 And, ma'am, it is 4:30. I have to go<br/>15 now.<br/>16 MS. JELENCHICK: Based on that, we<br/>17 are agreeing to continue the deposition. I<br/>18 understand from counsel that you will not be<br/>19 produced again, absent a motion and order from<br/>20 the Board to do so, which is disappointing that<br/>21 we have to go to those efforts, given that this<br/>22 deposition has been noticed for several weeks.<br/>23 But thank you for your time.<br/>24 MR. SKERIOTIS: Binnie, stay on for<br/>25 a minute. Do you need anything from him?</p>                                                                                    | <p style="text-align: right;">Page 233</p> <p>1 has a deposition scheduled tomorrow. His flight<br/>2 leaves today. My understanding is it is at<br/>3 6:00.<br/>4 So I gave her notice early morning,<br/>5 her time, 9:10 a.m. She came back with an<br/>6 e-mail that said, "The Notice for Deposition is<br/>7 at 9 a.m. I thought it was at 9:30." And she<br/>8 states, "We will try our best to accommodate the<br/>9 witness's travel schedule."<br/>10 Pursuant to that, if you take a look<br/>11 at the deposition transcript, I also informed<br/>12 her this morning he had a hard stop. She never<br/>13 made a mention of needing more time. Never said<br/>14 anything about needing more time. Didn't say<br/>15 anything about at lunchtime, "Hey, listen, let's<br/>16 skip lunch because we are going to need more<br/>17 time." She didn't do any of that.<br/>18 My position is, is that she decided<br/>19 that around 4:15, that she wasn't going to get<br/>20 done. Realized that. And then raised the<br/>21 first -- objection for the first time on the<br/>22 record and to me -- or not -- off the record, I<br/>23 should say. First time to me, and never<br/>24 disclosed that beforehand.<br/>25 Otherwise, we would have made</p> |

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| <p style="text-align: right;">Page 234</p> <p>1 arrangements. We would have skipped lunch. We<br/> 2 would have decided not to have any breaks if we<br/> 3 didn't have to, so that we could get seven hours<br/> 4 in. We would have started a half an hour early,<br/> 5 15 minutes early, whatever -- an hour early,<br/> 6 whatever it took.</p> <p>7 That was the first time, at 4:15 p.m.<br/> 8 of this deposition, that she first raised an<br/> 9 objection about needing more time and continuing<br/> 10 the deposition, which I believe is improper.</p> <p>11 There are other objections I have<br/> 12 that I will note to the Board, regarding the<br/> 13 manner in which she was taking these depositions<br/> 14 and the questions she asked.</p> <p>15 At the same time, I wanted to note<br/> 16 that for the record because that is not in the<br/> 17 record. Thank you.</p> <p>18 MS. JELENCHICK: I will ask that<br/> 19 when you calculate the amount of time I have on<br/> 20 the record, it excludes Mr. Skeriotis's comments<br/> 21 here at the end.</p> <p>22 But for the purposes of completion,<br/> 23 we are entitled to seven hours on the record.<br/> 24 It is our cross-examination that we can conduct<br/> 25 as we see fit. We are not obligated,</p> | <p style="text-align: right;">Page 236</p> <p>1 that we will follow the PTAB rules regarding<br/> 2 payment of court reporters for depositions.</p> <p>3 I informed her, Ms. Jelenchick, at a<br/> 4 break that typically it is done differently in<br/> 5 Federal Court litigation, and that in this case,<br/> 6 since the deponent is my expert witness in this<br/> 7 case, the Petitioners, we typically pay for the<br/> 8 court reporter's fees, not a video, but a court<br/> 9 reporter's fees, and she has agreed to follow<br/> 10 that.</p> <p>11 So I will pay for this one. If she<br/> 12 wants it expedited, she will have to pay those<br/> 13 fees.</p> <p>14 And then when we -- which they<br/> 15 have -- if Ravin were to have an expert and they<br/> 16 offer him for cross-examination, Ravin will pay<br/> 17 those fees of the court reporter as well,<br/> 18 likewise.</p> <p>19 Is that an agreement?</p> <p>20 MS. JELENCHICK: That is agreed as<br/> 21 it relates to the payment of deposition costs.</p> <p>22 Just one final note. That this<br/> 23 deposition was scheduled in advance of any CMC<br/> 24 being scheduled, and we would have accommodated.<br/> 25 While I appreciate the courtesies</p> |
| <p style="text-align: right;">Page 235</p> <p>1 particularly in view of the notice that was<br/> 2 issued at the location of your choosing, here in<br/> 3 Akron, Ohio, when we offered to take this<br/> 4 deposition in Michigan, in Dr. Batzer's home<br/> 5 forum, that at the last minute, changes needed<br/> 6 to be made.</p> <p>7 So we will raise the issue with the<br/> 8 Board and we will proceed as they see fit.</p> <p>9 MR. SKERIOTIS: However, pursuant<br/> 10 to the fact that we have a case management<br/> 11 conference in the Federal District Court<br/> 12 litigation tomorrow at 1:00, this was the most<br/> 13 convenient forum to hold this deposition.</p> <p>14 So in other words, I saved her a<br/> 15 travel day. She would have had to travel to<br/> 16 Michigan, come back to Ohio for the case<br/> 17 management conference tomorrow morning, tomorrow<br/> 18 early afternoon.</p> <p>19 And so this was a most convenient<br/> 20 forum, and however it worked out, it worked out<br/> 21 to her benefit.</p> <p>22 Now, let's talk about, on the record,<br/> 23 about payment of court reporter fees and<br/> 24 ordering of copies. We have decided,<br/> 25 Ms. Jelenchick and I, or Ravin and TenPoint,</p>                                    | <p style="text-align: right;">Page 237</p> <p>1 that you are purporting to offer me in my<br/> 2 travel, you know, we intended to take this<br/> 3 deposition at the convenience of the witness to<br/> 4 accommodate issues like this when things come<br/> 5 up. And to hear about it the day before, simply<br/> 6 because your expert told you the day before, is<br/> 7 not satisfactory to us or to Ravin.</p> <p>8 So thank you for your time. Off the<br/> 9 record.</p> <p>10 THE VIDEOGRAPHER: We are off the<br/> 11 record, 4:34.</p> <p>12 THE REPORTER: Did you want a copy<br/> 13 of this then?</p> <p>14 MS. JELENCHICK: Yes.</p> <p>15 THE REPORTER: And you are getting<br/> 16 the original?</p> <p>17 MR. SKERIOTIS: Yes. The least<br/> 18 expensive way possible, Binnie. I am kidding,<br/> 19 of course. But I do want it.</p> <p>20 (Thereupon, the S.A. Batzer, Ph.D.,<br/> 21 P.E., deposition was adjourned at<br/> 22 4:36 o'clock p.m.)<br/> 23 - - -<br/> 24<br/> 25</p>                                                                                                                                                                                                                                      |

## C E R T I F I C A T E

STATE OF OHIO, )  
 ) SS:  
 SUMMIT COUNTY, )

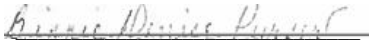
I, Binnie Denise Purser, a Registered Diplomat Reporter, Certified Realtime Reporter and Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named witness, STEPHEN A. BATZER, Ph.D., P.E., was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by him was by me reduced to Stenotypy in the presence of said witness, afterwards prepared and produced by means of Computer-Aided Transcription and that the foregoing is a true and correct transcript of the testimony so given by him as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified, and was adjourned.

I do further certify that I am not a relative, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Akron, Ohio on this 25th day of August, 2023.



Binnie Denise Purser, RDR, CRR  
 My commission expires June 27, 2024.